

1 Colin M. Proksel  
OSBORN MALEDON, P.A.  
2 2929 North Central Avenue, 21st Floor  
Phoenix, Arizona 85012-2793  
3 State Bar No. 034133  
Telephone: (602) 640-9000  
4 Facsimile: (602) 640-9050  
Email: cproksel@omlaw.com  
5

6 *Attorney for Plaintiffs*

7 *Additional counsel listed on following page*

8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF ARIZONA**  
**TUCSON DIVISION**

10 Jane Doe, by her next friend and parents  
Helen Doe and James Doe, and Megan  
11 Roe, by her next friend and parents, Kate  
Roe and Robert Roe,  
12

13 Plaintiffs,

14 v.

15 Thomas C. Horne in his official capacity  
as State Superintendent of Public  
Instruction; Laura Toenjes, in her official  
16 capacity as Superintendent of the Kyrene  
School District; Kyrene School District;  
17 The Gregory School; and Arizona  
Interscholastic Association Inc.,  
18

19 Defendants.

Case No. 4:23-cv-00185-JGZ

**SECOND DECLARATION OF HELEN DOE  
IN SUPPORT OF JANE DOE'S MOTION  
FOR A PRELIMINARY INJUNCTION**

20  
21  
22  
23  
24  
25  
26  
27  
28

1 Jyotin Hamid\*  
Justin R. Rassi\*  
2 Amy C. Zimmerman\*  
DEBEVOISE & PLIMPTON LLP  
3 66 Hudson Boulevard  
New York, New York 10001  
4 Telephone: (212) 909-6000  
Facsimile: (212) 909-6836  
5 Email: jhamid@debevoise.com  
Email: jrassi@debevoise.com  
6 Email: azimmerman@debevoise.com

7 Amy Whelan\*  
Rachel Berg\*  
8 NATIONAL CENTER FOR LESBIAN RIGHTS  
870 Market Street, Suite 370  
9 San Francisco, California 94102  
Telephone: (415) 343-7679  
10 Facsimile: (415) 392-8442  
Email: awhelan@nclrights.org  
11 Email: rberg@nclrights.org

12 *\*Admitted pro hac vice.*

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 I, Helen Doe, declare as follows:

2 1. I make this declaration of my own personal knowledge, and, if called as a  
3 witness, I could and would testify competently to the matters stated here.

4 2. I am the mother of Jane Doe, one of the plaintiffs in this case. My husband,  
5 James Doe, is Jane's father.

6 3. Jane's first day of school at Kyrene Aprende Middle School is July 19,  
7 2023.

8 4. As I previously stated, Jane wishes to participate and compete on the girls'  
9 cross-country, soccer, and basketball teams this year at her school. Of these sports, the  
10 cross-country team starts the earliest in the school year.

11 5. The dates for registering, practicing, and competing on Jane's school's  
12 cross-country team were only recently finalized on or around June 8 or 9, 2023.

13 6. Registration for cross-country opens online on July 1, 2023. Jane must  
14 register before she can practice and compete in cross-country. Registration is handled  
15 through an online system and involves the submission of registration forms and  
16 supporting documents, such as a physical report signed by a doctor and an initialed  
17 sportsmanship agreement. Typically, a student's registration takes at least 2-3 days to  
18 process after it is submitted.

19 7. The first practice for cross-country is on July 31, 2023. The first cross-  
20 country competitive meet will occur the week of August 14, 2023.

21  
22 This declaration was executed this 10th day of June, 2023, in Maricopa County,  
23 Arizona.

24 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing  
25 is true and correct.

26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

By: Helen Doe

Helen Doe