

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

B.E. and S.E., minor children by their)
mother, legal guardian, and next friend, L.E.,)
)
Plaintiffs,)
)
v.)
)
VIGO COUNTY SCHOOL CORPORATION;)
PRINCIPAL, TERRE HAUTE NORTH VIGO)
HIGH SCHOOL, in his official capacity,)
)
Defendants.)

No. 2:21-cv-415-JRS-MG

Motion for Mother, Legal Guardian, and Next Friend to Proceed by Pseudonym

L.E., who is the mother of the plaintiffs in this case and who are representing them as their mother, next friend, and legal guardian, files this motion pursuant to Local Rule 10-1 and requests that she be allowed to proceed in this action by her initials as a pseudonym. In support of this motion, she says that:

1. The plaintiff-children in this action are automatically proceeding by their initials pursuant to Federal Rule of Civil Procedure 5.2(a)(3).
2. To protect the privacy and safety of her minor children, who are transgender males challenging the denial of their right to use male restrooms in their high school and the failure of the school system to recognized them as male, she desires to proceed anonymously as the identity of the children could easily be determined if her actual name was publicly disclosed.

3. In further support of this motion she attaches her declaration and separately files her memorandum of law, both of which are incorporated by reference and set demonstration her justification for proceeding anonymously.

WHEREFORE, plaintiffs' mother, legal guardian, and next friend requests that she be allowed to proceed under the pseudonym of L.E., and for all other proper relief.

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Attorneys for Plaintiffs

Certificate of Service

I certify that on this 8th day of November 2021, a copy of the foregoing was filed electronically with the Clerk of this Court and was served on the below-named parties by first class U.S. Postage, pre-paid.

Vigo County School Corporation
PO Box 3703
Terre Haute, IN 47803

Principal
Terre Haute North Vigo High School
3434 Maple Avenue
Terre Haute, IN 47804

Kenneth J. Falk
Attorney at Law

STATE OF INDIANA)
)ss:
COUNTY OF VIGO)

Declaration of L.E.

L.E., being duly sworn, says that:

1. I am the mother of S.E. and B.E., who are 15 years of age. I am their legal guardian.
2. My children are transgender, and I have filed this case for them as their mother and next friend, seeking to force the Vigo County School Corporation to allow my sons to use the male restrooms in their high school specifically, and to require that the school system treat them as male generally.
3. I understand that my sons will be known by initials in this case, but absent an order of the Court, my actual name will be used in the case.
4. This case concerns the very private matter of my sons' gender identities, and I would like to protect their privacy and safety to the greatest extent possible.
5. I understand that issues concerning bathroom access sometimes provoke hostile responses by members of the public who are opposed to transgender youth being treated in a manner consistent with their gender identities.
6. I want to avoid to the greatest extent possible anything negative being directed toward my children.

7. If my actual name is used, it will be easy to determine the identities of my sons.

We have the same last name. Our address can easily be found on the internet by searching my name.

8. I understand that my actual name and the names of my sons will be disclosed to opposing counsel when opposing counsel enter their appearances. However, to protect my children, I would like to publicly be known by my initials, L.E.

Verification

I verify under penalty of perjury that the foregoing is true and correct.

Executed on: 11-4-21

LE
L.E.

Prepared by:

Kenneth J. Falk
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

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Order

L.E., the mother, legal guardian, and next friend of plaintiffs in this case, having filed her motion to proceed by a pseudonym, and Notice in compliance with Local Rule 10-1, and the Court being duly advised, finds that good cause exists to grant the motion, and,

IT IS THEREFORE ORDERED that the Motion for Mother, Legal Guardian, and Next Friend to Proceed by Pseudonym is GRANTED, and the mother of the plaintiffs shall proceed in this case as L.E. and defendants shall not publicly disclose her true name.

Date

Judge, United States District Court

cc: All ECF-registered counsel of record