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November 9, 2022

VIA UPS NEXT DAY AIR

Office of the Clerk
United States Court of Appeals for the Seventh Circuit
Everett McKinley Dirksen United States Courthouse
219 South Dearborn Street
Room 2722
Chicago, Illinois 60604

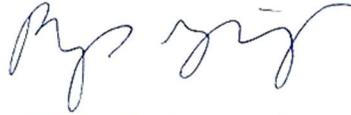
RE: Supplemental Authority pursuant to Fed. R. Civ. P. 28(j)
B.E., et al. v. Vigo County Sch. Corp., et al., No. 22-2318, and
A.C., et al. v. Metro. Sch. Dist. of Martinsville, et al., No. 22-1786

Dear Clerk:

Pursuant to Fed. R. App. P. 28(j) and Cir. R. 28(e), Appellants cite to *D.H. v. Williamson County Board of Education, et al.*, No. 3:22-CV-00570, 2022 WL 16639994 (M.D. Tenn. Nov. 2, 2022), as additional authority in this consolidated appeal. The *D.H.* decision is offered to supplement pages 16-32 of the Brief of Appellants and pages 1-5 and 7-8 of the Reply Brief. In *D.H.*, the court denied a preliminary injunction requested by a student who sought access to the multi-occupancy girls' restroom based upon gender identity. 2022 WL 16639994, at *1. Considering the plaintiff's likelihood of success under the Equal Protection Clause and Title IX, the district court found plaintiff was unlikely to succeed on either claim. *Id.* at *5-9. The court's analysis fully supports the position advanced by Appellants in this case, including the court's discussion of the Equal Protection Clause and 20 U.S.C. § 1686's interpretive directive allowing educational institutions to maintain separate living facilities for the different sexes.

I hereby certify that the body of this letter does not exceed 350 words as allowed by FRAP 28(j).

Sincerely,



Philip R. Zimmerly

PRZ

cc: Kenneth J. Falk, Esq.
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