

No. 23-16026

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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HELEN DOE, parent and next friend of Jane Does, *et al.*,

*Plaintiffs-Appellees*

v.

THOMAS C. HORNE, in his official capacity as  
State Superintendent of Public Instruction, *et al.*,

*Defendant-Appellant,*

and

WARREN PETERSEN, Senator, President of the Arizona State Senate;  
BEN TOMA, Representative, Speaker of the Arizona House of Representatives,

*Intervenors-Defendants-Appellants.*

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Appeal from the United States District Court  
District of Arizona

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**MOTION BY *AMICUS* INTERNATIONAL CONSORTIUM  
ON FEMALE SPORT TO DELETE AND WITHDRAW PORTION  
OF PREVIOUSLY FILED *AMICUS BRIEF***

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Counsel for *Amici Curiae*

*Amicus* International Consortium for Female Sport (“ICFS”), by counsel, respectfully moves the Court pursuant to Federal Rule of Appellate Procedure 27 for an Order permitting ICFS to withdraw all references to “Linda Blade” in the *amicus brief* filed by ICFS on September 15, 2023. In support of this motion, the undersigned would show the Court as follows:

1. The undersigned counsel for ICFS was contacted on September 18, 2023, by counsel for Appellant Thomas Horne, who advised that Linda Blade, identified as an *amici* in ICFS’ *amicus brief*, is also serving as an expert witness for Appellant Horne in the district court proceedings.

2. The *amicus brief* filed by ICFS in this case is substantially similar to an *amicus brief* filed on May 3, 2023 by ICFS in the U.S. Court of Appeals for the Fourth Circuit in the case of *B.P.J. v. West Virginia State Board of Education et al.* Case No. 23-1078 (“the *B.P.J.* case”) and was prepared before Ms. Blade’s service as an expert witness in the district court proceedings in this case.

3. Ms. Blade gave approval to ICFS for its *amicus brief* filed in the *B.P.J.* case in the Fourth Circuit and statements about her made therein to be submitted by ICFS in future *amicus* briefs.

4. ICFS was unaware that Ms. Blade had served as an expert witness in the lower court proceedings in this case.

5. Therefore, ICFS wishes to withdraw that portion of its *amicus brief*

which refers to Ms. Blade so as not to conflict with her service as an expert witness in the lower court proceedings.

WHEREFORE, ICFS respectfully moves the Court for an order:

a. Authorizing ICFS to withdraw all references to Linda Blade in its previously filed *amicus brief*;

b. Authorizing ICFS to submit the revised *amicus brief* attached hereto as **Exhibit A** which includes as the only revisions from its brief filed September 15, 2023, excising references to Ms. Blade on p. 5/37 in the Table of Contents, in text on p. 6/37 and eliminating the portion of the “Experience of *Amici*” section at pp. 10/37-13/37 setting forth Ms. Blade’s background and experiences; and

c. Accepting the Revised *Amicus Brief* submitted by ICFS in place of the ICFS *amicus brief* filed on September 15, 2023.

Respectfully Submitted,

/s/ William Bock, III

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 20, 2023, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the CM/ECF system. Participants in this case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ William Bock, III

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**CERTIFICATE OF COMPLIANCE**

1. This Motion complies with the type-volume limit of Circuit Rule 35-4 because it contains 378 words, excluding the portions exempted by Fed. R. App. P. 32(f), according to Microsoft Word.

2. This brief also complies with the typeface requirements of Fed. R. App. P. 32 (a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

/s/ William Bock, III

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