

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**B.P.J., by her next friend and mother,  
HEATHER JACKSON,**

**Plaintiff,**

**v.**

**Civil Action No. 2:21-cv-00316  
Honorable Joseph R. Goodwin, Judge**

**WEST VIRGINIA STATE BOARD OF EDUCATION,  
HARRISON COUNTY BOARD OF EDUCATION,  
WEST VIRGINIA SECONDARY SCHOOL  
ACTIVITIES COMMISSION, W. CLAYTON BURCH  
in his official capacity as State Superintendent,  
DORA STUTLER in her official capacity as  
Harrison County Superintendent, and THE  
STATE OF WEST VIRGINIA,**

**Defendants,**

**and**

**LAINY ARMISTEAD,**

**Defendant-Intervenor.**

**WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION'S  
MOTION TO STAY EXECUTION OF PAYMENT OF MONETARY AWARD  
PENDING APPEAL AND TO WAIVE BOND**

Now comes West Virginia Secondary School Activities Commission (WVSSAC), by counsel, Roberta F. Green, Kimberly M. Bandy and Shuman McCuskey Slicer PLLC, and moves to stay execution of payment of the monetary award entered in the Court's Order of May 16, 2024, to the extent that it awards B.P.J. the amount of \$1.00 as nominal damages with respect to her Title IX claim, payable by the WVSSAC. WVSSAC seeks this relief pending resolution of Defendant's anticipated Petition for Writ of Certiorari in the Supreme Court of the United States relative to the Judgment of the United States Court of Appeals for the Fourth Circuit in case Nos. 23-1078 and

23-1130. Because of the nominal amount of damages awarded, WVSSAC further requests that the Court waive bond. WVSSAC is advised that Plaintiff does not oppose the motion to stay payment of monetary damages and to waive bond.

In support of its Motion, WVSSAC incorporates its Memorandum of Law in Support of Motion to Stay Execution of Judgment Pending Appeal and to Waive Bond. WVSSAC requests this Honorable Court for an order staying execution of the monetary award to B.P.J. in the amount of \$1.00 as nominal damages with respect to her Title IX claim, payable by the WVSSAC. WVSSAC seeks this relief pending resolution of Defendant's anticipated Petition for Writ of Certiorari in the Supreme Court of the United States. WVSSAC further requests that the Court waive bond.

**WEST VIRGINIA SECONDARY SCHOOL  
ACTIVITIES COMMISSION,  
By Counsel.**

**/s/ Roberta F. Green**

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**CERTIFICATE OF SERVICE**

I hereby certify that I, Roberta F. Green, have this day, the 22<sup>nd</sup> day of May, 2024, served a true and exact copy of the foregoing “**WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION’S MOTION TO STAY EXECUTION OF PAYMENT OF MONETARY AWARD PENDING APPEAL AND TO WAIVE BOND**” with the Clerk of Court using the CM/ECF System, which will send notification of such filing to the following counsel of record:

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