

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JULIET EVANCHO; *et al.*,

Plaintiffs,

v.

PINE-RICHLAND SCHOOL DISTRICT; *et al.*,

Defendants.

PITTSBURGH DIVISION

Civil Action No. 2:16-cv-01537-MRH

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

NOW COME Plaintiffs Juliet Evancho; Elissa Ridenour; and A.S., a minor, by and through his parent and next friend (collectively, "Plaintiffs"), by and through their attorneys, and hereby, pursuant to Rule 65 of the Federal Rules of Civil Procedure, respectfully move the Court to enter a preliminary injunction against Defendants Pine-Richland School District; DR. Brian R. Miller, in his official capacity as Superintendent of the Pine-Richland School District; and Nancy Bowman, in her official capacity as Principal of Pine-Richland High School. In support thereof, Plaintiffs state as follows:

1. On October 6, 2016, Plaintiffs filed their Complaint for Declaratory, Injunctive, and Other Relief Plaintiff (Docket No. 1), alleging that Plaintiffs are entitled to relief from this Court for violations of their rights under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*; and for violations of their rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, pursuant to 42 U.S.C. § 1983.

2. On September 12, 2016, the Board of School Directors of Pine-Richland School District ("PRSD") passed a resolution, known as Resolution 2, barring Plaintiffs and other

transgender students from using the restrooms and other sex-designated facilities that match their gender identity. On September 13, 2016, Defendants implemented Resolution 2 and barred transgender students, including Plaintiffs, from using the restrooms and other sex-designated spaces that match their gender identity, and mandated that transgender students may not utilize restrooms consistent with their gender identity, but rather must use restrooms *inconsistent* with their gender identity or alternative single-stall unisex facilities.

3. Plaintiffs, who are transgender, are students in their senior year at Pine-Richland High School. Plaintiffs have suffered and continue to suffer irreparable harm based on Defendants' discriminatory refusal to permit them to use restrooms and other sex-designated facilities at school that match their gender identity.

4. Accordingly, Plaintiffs seek a preliminary injunction enjoining Defendants, their officers, employees, and agents; all persons acting in active concert or participation with any Defendant, or under any Defendant's supervision, direction, or control; and all other persons within the scope of Federal Rule of Civil Procedure 65, from (1) enforcing Resolution 2 or any policy, practice, or custom of the Pine-Richland School District and/or Pine-Richland High School that denies Plaintiffs the access and use of the restrooms and other sex-designated facilities that match their gender identity; (2) taking any formal or informal disciplinary action against Plaintiffs for using the restrooms and other sex-designated facilities consistent with their gender identity; and (3) refusing to treat Plaintiffs consistent with their gender identity in any respect.

5. Federal Rule of Civil Procedure 65 provides for the issuance of a preliminary injunction under circumstances such as those that exist in the present case.

6. In support of this motion, Plaintiffs submit a Memorandum of Law addressing all necessary elements for the entry of a preliminary injunction; declarations from Plaintiffs Juliet

Evancho, Elissa Ridenour, and A.S.; declarations of Michael J. Evancho and Glenn Ridenour; an expert declaration of Diane Ehrensaft, Ph.D.; a declaration of Omar Gonzalez-Pagan; and exhibits to these declarations.

7. As Plaintiffs are students in their senior year of high school, and in order to avoid the significant educational, psychological, and physical harms to Plaintiffs that they suffer and will continue to suffer if they cannot obtain relief from Resolution 2 and PRSD's discriminatory policies, practices, or customs, as specified above, Plaintiffs request that the Court enter the requested preliminary injunction as soon as possible. Therefore, Plaintiffs request an expedited briefing schedule and hearing on this motion.

8. In accordance with Federal Rule of Civil Procedure 65(a)(1), the undersigned certifies that he gave notice to defendants of this Motion by e-mail and via the Court's CM/ECF system.

Based on the foregoing, Plaintiffs respectfully move this Court to grant this motion and enter the requested preliminary injunction.

Dated on this 20th day of October, 2016.

Respectfully submitted,

Tracie L. Palmer
(PA 312098)
David C. Williams*
(PA 308745)
KLINE AND SPECTER, P.C.
1525 Locust Street
Philadelphia, Pennsylvania 19102
t: (215) 772-1000 | f: (215) 772-1359
Tracie.Palmer@KlineSpecter.com
David.Williams@KlineSpecter.com

/s/ Omar Gonzalez-Pagan
Omar Gonzalez-Pagan*
(NY 5294616)
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
120 Wall Street, 19th Floor
New York, New York 10005
t: (212) 809-8585 | f: (212) 809-0055
ogonzalez-pagan@lambdalegal.org

Christopher R. Clark*
(IL 6236859)
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
105 West Adams Street, Suite 2600
Chicago, Illinois 60603
t: (312) 663-4413 | f: (312) 663-4307
cclark@lambdalegal.org

Attorneys for Plaintiffs

* Admitted *pro hac vice*.

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2016, I electronically filed the foregoing with the Clerk of the Court for the for the U.S. District Court for the Western District of Pennsylvania using the CM/ECF system and a copy was made available electronically to all electronic filing participants.

/s/ Omar Gonzalez-Pagan
Omar Gonzalez-Pagan

October 20, 2016