

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.

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.

Civil Action No. 2:21-cv-00316

Hon. Joseph R. Goodwin

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56(a), Plaintiff B.P.J., by her next friend and mother, Heather Jackson, respectfully moves this Court for summary judgment on her Equal Protection Clause claim and Title IX claim, seeking declaratory and permanent injunctive relief and nominal damages in the amount of \$1.00.

Plaintiff's motion seeks a judgment as to liability on her claim that Defendants' enforcement of H.B. 3293, a law that categorically excludes Plaintiff B.P.J. and other women and girls who are transgender from women's and girls' sports, is in violation of the Equal Protection Clause of the Fourteenth Amendment and Title IX of the Education Amendment of 1972, 20 U.S.C. §1681, *et seq.* Each named Defendant is a proper subject of injunctive relief because each

Defendant is obliged to enforce H.B. 3293 against B.P.J. Plaintiff respectfully requests that this Court issue a declaratory judgment finding that Defendants' enforcement of the categorical ban violates Plaintiff's rights under the Equal Protection Clause and Title IX; permanently enjoin Defendants, their agents, employees, successors, and all others acting in concert with them, from enforcing the law against her; and award her nominal damages in the amount of \$1.00.

Dated: April 21, 2022

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Respectfully submitted,
/s/ Loree Stark

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CERTIFICATE OF SERVICE

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I, Loree Stark, do hereby certify that on this 21st day of April, 2022, I electronically filed a true and exact copy of *Plaintiff's Motion for Summary Judgment* with the Clerk of Court and all parties using the CM/ECF System.

/s/ Loree Stark

Loree Stark

West Virginia Bar No. 12936