

**U.S. District Court
District of Connecticut (New Haven)
CIVIL DOCKET FOR CASE #: 3:20-cv-00201-RNC**

Soule et al v. Connecticut Association of Schools, Inc. et al
Assigned to: Judge Robert N. Chatigny
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 02/12/2020
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Selina Soule
a minor, by Bianca Stanescu, her mother

represented by **Howard M. Wood , III**
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Plaintiff

Chelsea Mitchell

*a minor, by Christina Mitchell, her
mother*

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Plaintiff

Alanna Smith

*a minor, by Cheryl Radachowsky, her
mother*

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Plaintiff

Ashley Nicoletti

a minor, by Jennifer Nicoletti, her mother

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V.

Defendant

**Connecticut Association of Schools,
Inc.**
doing business as
Connecticut Interscholastic Athletic
Conference

represented by **Linda L. Yoder**
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Defendant

**Bloomfield Public Schools Board of
Education**

represented by **Elizabeth Mott Smith**
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Defendant

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Johanna G. Zelman
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Defendant

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Defendant

Canton Public Schools Board of Education

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Defendant

Danbury Public Schools Board of Education

represented by **Linda L. Yoder**
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Peter Joseph Murphy
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V.

Intervenor Defendant

Andraya Yearwood

represented by **Dan Barrett**
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Intervenor Defendant

Thania Edwards

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Chase Strangio
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Lindsey Kaley
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Intervenor Defendant

Commission on Human Rights and Opportunities

represented by **Michael Roberts**
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Interested Party

U.S. Department of Education

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Interested Party

Betsy DeVos

represented by **Joshua E Gardner**
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Interested Party

U.S. Department of Education Office for Civil Rights

represented by **Joshua E Gardner**
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V.

Amicus

United States

represented by **Matthew Donnelly**

DOJ-Crt

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/12/2020	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$400 receipt number ACTDC-5691204.), filed by Selina Soule, Alanna Smith, Chelsea Mitchell. (Attachments: # <u>1</u> Civil Cover Sheet)(Wood, Howard) (Entered: 02/12/2020)
02/12/2020		Request for Clerk to issue summons as to All Defendants. (Wood, Howard) (Entered: 02/12/2020)
02/12/2020	<u>2</u>	MOTION for Attorney(s) Roger G. Brooks to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5691797) by Chelsea Mitchell, Alanna Smith, Selina Soule. (Attachments: # <u>1</u> Affidavit of Roger G. Brooks, # <u>2</u> Text of Proposed Order)(Wood, Howard) (Entered: 02/12/2020)
02/12/2020		Judge Robert N. Chatigny added. (Nuzzi, Tiffany) (Entered: 02/12/2020)
02/12/2020	<u>3</u>	MOTION for Attorney(s) Jeffrey A. Shafer to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5691855) by Chelsea Mitchell, Alanna Smith, Selina Soule. (Attachments: # <u>1</u> Affidavit of Jeffrey A. Shaffer, # <u>2</u> Text of Proposed Order)(Wood, Howard) (Entered: 02/12/2020)
02/12/2020	<u>4</u>	MOTION for Attorney(s) Christiana M. Holcomb to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5691868) by Chelsea Mitchell, Alanna Smith, Selina Soule. (Attachments: # <u>1</u> Affidavit of Christiana M. Holcomb, # <u>2</u> Text of Proposed Order)(Wood, Howard) (Entered: 02/12/2020)
02/12/2020	<u>5</u>	Order on Pretrial Deadlines: Amended Pleadings due by 4/12/2020. Discovery due by 8/13/2020. Dispositive Motions due by 9/17/2020. Signed by Clerk on 02/12/2020.(Murphy, Tatihana) (Entered: 02/12/2020)
02/12/2020	<u>6</u>	ELECTRONIC FILING ORDER FOR COUNSEL – PLEASE ENSURE COMPLIANCE WITH COURTESY COPY REQUIREMENTS IN THIS ORDER Signed by Judge Robert N. Chatigny on 02/12/2020.(Murphy, Tatihana) (Entered: 02/12/2020)
02/12/2020	<u>7</u>	STANDING PROTECTIVE ORDER Signed by Judge Robert N. Chatigny on 02/12/2020.(Murphy, Tatihana) (Entered: 02/12/2020)
02/12/2020	<u>8</u>	MOTION for Attorney(s) Kristen K. Waggoner to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5692198) by Chelsea Mitchell, Alanna Smith, Selina Soule. (Attachments: # <u>1</u> Affidavit of Kristen K. Waggoner, # <u>2</u> Text of Proposed Order)(Wood, Howard) (Entered: 02/12/2020)
02/12/2020	<u>9</u>	NOTICE TO COUNSEL/SELF-REPRESENTED PARTIES : Counsel or self-represented parties initiating or removing this action are responsible for serving all parties with attached documents and copies of <u>5</u> Order on Pretrial Deadlines, <u>3</u> MOTION for Attorney(s) Jeffrey A. Shafer to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5691855) filed by Chelsea Mitchell, Alanna Smith, Selina Soule, <u>6</u> Electronic Filing Order, <u>4</u> MOTION for Attorney(s) Christiana M. Holcomb to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5691868) filed by Chelsea Mitchell, Alanna Smith, Selina Soule, <u>2</u>

		MOTION for Attorney(s) Roger G. Brooks to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5691797) filed by Chelsea Mitchell, Alanna Smith, Selina Soule, <u>8</u> MOTION for Attorney(s) Kristen K. Waggoner to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5692198) filed by Chelsea Mitchell, Alanna Smith, Selina Soule, <u>7</u> Standing Protective Order, <u>1</u> Complaint filed by Chelsea Mitchell, Alanna Smith, Selina Soule Signed by Clerk on 02/12/2020.(Murphy, Tatihana) (Entered: 02/12/2020)
02/12/2020	10	ORDER granting <u>2</u> Motion to Appear Pro Hac Vice as to Roger G. Brooks. Certificate of Good Standing due by 4/12/2020. Signed by Clerk on 02/12/2020. (Murphy, Tatihana) (Entered: 02/12/2020)
02/12/2020	11	ORDER granting <u>3</u> Motion to Appear Pro Hac Vice as to Jeffrey A. Shafer. Certificate of Good Standing due by 4/12/2020.. Signed by Clerk on 02/12/2020. (Murphy, Tatihana) (Entered: 02/12/2020)
02/12/2020	<u>12</u>	MOTION for Preliminary Injunction by Chelsea Mitchell, Alanna Smith, Selina Soule.Responses due by 3/4/2020 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Text of Proposed Order)(Wood, Howard) (Entered: 02/12/2020)
02/12/2020	13	ORDER granting <u>4</u> Motion to Appear Pro Hac Vice as to Christiana M. Holcomb. Certificate of Good Standing due by 4/12/2020. Signed by Clerk on 02/12/2020. (Murphy, Tatihana) (Entered: 02/12/2020)
02/12/2020	<u>14</u>	ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *Bloomfield Public Schools Board of Education, Canton Public Schools Board of Education, Connecticut Association of Schools, Inc., Cromwell Public Schools Board of Education, Danbury Public Schools Board of Education, Glastonbury Public Schools Board of Education* with answer to complaint due within *21* days. Attorney *Howard M. Wood, III* *Phelon, Fitzgerald & Wood* *773 Main St.* *Manchester, CT 06040*. (Murphy, Tatihana) (Entered: 02/12/2020)
02/12/2020	<u>15</u>	MOTION to Expedite <i>Hearing to Show Cause and Briefing Schedule</i> by Chelsea Mitchell, Alanna Smith, Selina Soule. (Attachments: # <u>1</u> Text of Proposed Order)(Wood, Howard) (Entered: 02/12/2020)
02/13/2020	<u>16</u>	MOTION for Attorney(s) Kristen K. Waggoner to be Admitted Pro Hac Vice by Chelsea Mitchell, Alanna Smith, Selina Soule. (Attachments: # <u>1</u> Affidavit of Kristen Waggoner, # <u>2</u> Text of Proposed Order)(Wood, Howard) (Entered: 02/13/2020)
02/14/2020	17	ORDER granting <u>16</u> Motion to Appear Pro Hac Vice Certificate of Good Standing due by 4/14/2020. Signed by Clerk on 2/14/2020. (Murphy, Tatihana) (Entered: 02/14/2020)
02/14/2020	18	ORDER denying as moot <u>8</u> Motion to Appear pro hac vice in light of ECF No.17. Signed by Judge Robert N. Chatigny on 2/14/2020. (Rickevicius, L.) (Entered: 02/14/2020)
02/14/2020	<u>19</u>	NOTICE of Appearance by Dan Barrett on behalf of Andraya Yearwood, Thania Edwards (Barrett, Dan) (Entered: 02/14/2020)
02/14/2020	<u>20</u>	OBJECTION re <u>15</u> MOTION to Expedite <i>Hearing to Show Cause and Briefing Schedule</i> filed by Thania Edwards, Andraya Yearwood. (Barrett, Dan) (Entered: 02/14/2020)
02/14/2020	<u>21</u>	NOTICE of Appearance by Jeff Shafer on behalf of Chelsea Mitchell, Alanna Smith, Selina Soule (Shafer, Jeff) (Entered: 02/14/2020)
02/14/2020	<u>22</u>	NOTICE of Appearance by Roger Greenwood Brooks on behalf of Chelsea Mitchell, Alanna Smith, Selina Soule (Brooks, Roger) (Entered: 02/14/2020)
02/14/2020	<u>23</u>	NOTICE of Appearance by Christiana M. Holcomb on behalf of Chelsea Mitchell, Alanna Smith, Selina Soule (Holcomb, Christiana) (Entered: 02/14/2020)
02/18/2020	<u>24</u>	REPLY to Response to <u>15</u> MOTION to Expedite <i>Hearing to Show Cause and Briefing Schedule</i> filed by Chelsea Mitchell, Alanna Smith, Selina Soule. (Howard, James) (Entered: 02/18/2020)

02/19/2020	<u>25</u>	NOTICE of Appearance by Kristen Waggoner on behalf of Chelsea Mitchell, Alanna Smith, Selina Soule (Waggoner, Kristen) (Entered: 02/19/2020)
02/20/2020	<u>26</u>	SUMMONS Returned Executed by Alanna Smith, Chelsea Mitchell, Selina Soule. Bloomfield Public Schools Board of Education served on 2/18/2020, answer due 3/10/2020; Canton Public Schools Board of Education served on 2/18/2020, answer due 3/10/2020; Connecticut Association of Schools, Inc. served on 2/19/2020, answer due 3/11/2020; Cromwell Public Schools Board of Education served on 2/19/2020, answer due 3/11/2020; Danbury Public Schools Board of Education served on 2/19/2020, answer due 3/11/2020; Glastonbury Public Schools Board of Education served on 2/18/2020, answer due 3/10/2020. (Howard, James) (Entered: 02/20/2020)
02/20/2020	27	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Telephone Conference Re: Next Steps set for 2/27/2020 at 2:00 PM before Judge Robert N. Chatigny. Plaintiffs' counsel will initiate the call to chambers at 860-240-2629 (conference line only) with all counsel on the line. (Rickevicius, L.) (Entered: 02/20/2020)
02/20/2020	<u>28</u>	CERTIFICATE OF GOOD STANDING re <u>4</u> MOTION for Attorney(s) Christiana M. Holcomb to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5691868) by Chelsea Mitchell, Alanna Smith, Selina Soule. (Holcomb, Christiana) (Entered: 02/20/2020)
02/20/2020	<u>29</u>	CERTIFICATE OF GOOD STANDING re <u>3</u> MOTION for Attorney(s) Jeffrey A. Shafer to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5691855) by Chelsea Mitchell, Alanna Smith, Selina Soule. (Shafer, Jeff) (Entered: 02/20/2020)
02/20/2020	<u>30</u>	CERTIFICATE OF GOOD STANDING re <u>16</u> MOTION for Attorney(s) Kristen K. Waggoner to be Admitted Pro Hac Vice by Chelsea Mitchell, Alanna Smith, Selina Soule. (Waggoner, Kristen) (Entered: 02/20/2020)
02/20/2020	<u>31</u>	NOTICE of Appearance by Peter Joseph Murphy on behalf of Connecticut Association of Schools, Inc. (Murphy, Peter) (Entered: 02/20/2020)
02/20/2020	<u>32</u>	NOTICE of Appearance by Linda L. Yoder on behalf of Connecticut Association of Schools, Inc. (Yoder, Linda) (Entered: 02/20/2020)
02/21/2020	<u>33</u>	NOTICE of Appearance by Johanna G. Zelman on behalf of Bloomfield Public Schools Board of Education, Cromwell Public Schools Board of Education (Zelman, Johanna) (Entered: 02/21/2020)
02/21/2020	<u>34</u>	NOTICE of Appearance by Elizabeth Mott Smith on behalf of Bloomfield Public Schools Board of Education, Cromwell Public Schools Board of Education (Smith, Elizabeth) (Entered: 02/21/2020)
02/21/2020	<u>35</u>	MOTION for Attorney(s) Chase Strangio, Joshua Block, James Esseks, Lindsey Kaley, and Galen Sherwin to be Admitted Pro Hac Vice (paid \$375 PHV fee; receipt number ACTDC-5707968) by Thania Edwards, Andraya Yearwood. (Barrett, Dan) (Entered: 02/21/2020)
02/21/2020	<u>36</u>	MOTION to Intervene <i>as Defendants</i> by Thania Edwards, Andraya Yearwood. Responses due by 3/13/2020 (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Barrett, Dan) (Entered: 02/21/2020)
02/21/2020	<u>37</u>	NOTICE of Appearance by David S. Monastersky on behalf of Canton Public Schools Board of Education, Glastonbury Public Schools Board of Education (Monastersky, David) (Entered: 02/21/2020)
02/25/2020	38	ORDER granting <u>35</u> Motion to Appear Pro Hac Vice as to Chase Strangio, Joshua Block, James Esseks, Lindsey Kaley, and Galen Sherwin, Certificate of Good Standing due by 4/25/2020. Signed by Clerk on 2/25/2020. (Murphy, Tatihana) (Entered: 02/25/2020)
02/25/2020	<u>39</u>	CERTIFICATE OF GOOD STANDING re <u>2</u> MOTION for Attorney(s) Roger G. Brooks to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5691797) by Chelsea Mitchell, Alanna Smith, Selina Soule. (Brooks, Roger) (Entered: 02/25/2020)

02/26/2020	<u>40</u>	NOTICE of Appearance by Galen Sherwin on behalf of Thania Edwards, Andraya Yearwood (Sherwin, Galen) (Entered: 02/26/2020)
02/26/2020	<u>41</u>	NOTICE of Appearance by Michael Roberts on behalf of Commission on Human Rights and Opportunities (Roberts, Michael) (Entered: 02/26/2020)
02/26/2020	<u>42</u>	NOTICE of Appearance by Joshua A. Block on behalf of Thania Edwards, Andraya Yearwood (Block, Joshua) (Entered: 02/26/2020)
02/26/2020	<u>43</u>	MOTION to Intervene by Commission on Human Rights and Opportunities. Responses due by 3/18/2020 (Attachments: # <u>1</u> Memorandum in Support of Motion to Intervene, # <u>2</u> Exhibit)(Roberts, Michael) (Entered: 02/26/2020)
02/26/2020	<u>44</u>	NOTICE of Appearance by Chase Strangio on behalf of Thania Edwards, Andraya Yearwood (Strangio, Chase) (Entered: 02/26/2020)
02/26/2020	<u>45</u>	NOTICE of Appearance by James D. Esseks on behalf of Thania Edwards, Andraya Yearwood (Esseks, James) (Entered: 02/26/2020)
02/26/2020	<u>46</u>	NOTICE of Appearance by Lindsey Kaley on behalf of Thania Edwards, Andraya Yearwood (Kaley, Lindsey) (Entered: 02/26/2020)
02/26/2020	<u>47</u>	Memorandum in Opposition re <u>36</u> MOTION to Intervene <i>as Defendants</i> filed by Chelsea Mitchell, Alanna Smith, Selina Soule. (Attachments: # <u>1</u> Exhibit A)(Wood, Howard) (Entered: 02/26/2020)
02/27/2020	<u>48</u>	NOTICE of Appearance by Peter Joseph Murphy on behalf of Danbury Public Schools Board of Education (Murphy, Peter) (Entered: 02/27/2020)
02/27/2020	<u>49</u>	NOTICE of Appearance by Linda L. Yoder on behalf of Danbury Public Schools Board of Education (Yoder, Linda) (Entered: 02/27/2020)
02/27/2020	<u>50</u>	EXHIBIT A – <i>CORRECTED</i> by Chelsea Mitchell, Alanna Smith, Selina Soule re <u>47</u> Memorandum in Opposition to Motion. (Wood, Howard) (Entered: 02/27/2020)
02/27/2020	<u>51</u>	ORDER: As discussed on the telephonic status conference, the preliminary schedule is as follows. The individual proposed intervenors will file a reply brief in support of their motion to intervene on or before March 2, 2020. The CHRO will file a supplemental brief in support of its motion to intervene on or before March 2, 2020; plaintiffs will file an opposition brief on or before March 6, 2020; and the CHRO will file a reply brief on or before March 9, 2020. Defendants will file a brief outlining their positions on the issues of the case on or before March 13, 2020. The parties will then meet and confer in person at the offices of Shipman & Goodwin LLP on March 19, 2020 at 2:00 PM to discuss the needs of the case and propose a schedule. Signed by Judge Robert N. Chatigny on 2/27/2020.(Gazzola, Mario) (Entered: 02/27/2020)
02/27/2020	<u>52</u>	Minute Entry for proceedings held before Judge Robert N. Chatigny: Telephone Status Conference re Preliminary Schedule held on 2/27/2020. Total Time: 1 hour and 9 minutes. (Court Reporter Warner, D.) (Pipech, L.) (Entered: 02/28/2020)
02/28/2020	<u>53</u>	REPLY to Response to <u>36</u> MOTION to Intervene <i>as Defendants</i> filed by Thania Edwards, Andraya Yearwood. (Strangio, Chase) (Entered: 02/28/2020)
03/02/2020	<u>54</u>	Supplemental EXHIBIT by Commission on Human Rights and Opportunities re <u>43</u> MOTION to Intervene . (Roberts, Michael) (Entered: 03/02/2020)
03/02/2020	<u>55</u>	Memorandum in Support re <u>36</u> MOTION to Intervene <i>as Defendants</i> filed by Connecticut Association of Schools, Inc.. (Murphy, Peter) (Entered: 03/02/2020)
03/03/2020	<u>56</u>	Memorandum in Support re <u>36</u> MOTION to Intervene <i>as Defendants</i> filed by Bloomfield Public Schools Board of Education, Cromwell Public Schools Board of Education. (Zelman, Johanna) (Entered: 03/03/2020)
03/04/2020	<u>57</u>	RESPONSE re <u>56</u> Memorandum in Support of Motion, <u>55</u> Memorandum in Support of Motion by Chelsea Mitchell, Alanna Smith, Selina Soule. (Wood, Howard) (Entered: 03/04/2020)
03/05/2020	<u>58</u>	MOTION for Extension of Time until April 20, 2020 to file an answer or otherwise respond to Complaint <u>1</u> Complaint by Bloomfield Public Schools Board of Education,

		Canton Public Schools Board of Education, Connecticut Association of Schools, Inc., Cromwell Public Schools Board of Education, Danbury Public Schools Board of Education, Glastonbury Public Schools Board of Education. (Zelman, Johanna) (Entered: 03/05/2020)
03/06/2020	<u>59</u>	Memorandum in Opposition re <u>58</u> MOTION for Extension of Time until April 20, 2020 to file an answer or otherwise respond to Complaint <u>1</u> Complaint filed by Chelsea Mitchell, Alanna Smith, Selina Soule. (Wood, Howard) (Entered: 03/06/2020)
03/06/2020	<u>60</u>	Memorandum in Opposition to <i>Motion of the CHRO</i> re <u>43</u> MOTION to Intervene filed by Chelsea Mitchell, Alanna Smith, Selina Soule. (Wood, Howard) (Entered: 03/06/2020)
03/09/2020	<u>61</u>	REPLY to Response to <u>43</u> MOTION to Intervene filed by Commission on Human Rights and Opportunities. (Roberts, Michael) (Entered: 03/09/2020)
03/11/2020	<u>62</u>	ORDER granting <u>58</u> Motion for Extension of Time to 4/20/2020 to file an answer or otherwise respond to the lawsuit filed by Plaintiffs. Signed by Judge Robert N. Chatigny on 3/11/2020. (Rickevicius, L.) (Entered: 03/11/2020)
03/11/2020		Answer deadline updated for Bloomfield Public Schools Board of Education to 4/20/2020; Canton Public Schools Board of Education to 4/20/2020; Connecticut Association of Schools, Inc. to 4/20/2020; Cromwell Public Schools Board of Education to 4/20/2020; Danbury Public Schools Board of Education to 4/20/2020; Glastonbury Public Schools Board of Education to 4/20/2020. (Rickevicius, L.) (Entered: 03/11/2020)
03/13/2020	<u>63</u>	Joint NOTICE by Bloomfield Public Schools Board of Education, Canton Public Schools Board of Education, Connecticut Association of Schools, Inc., Cromwell Public Schools Board of Education, Danbury Public Schools Board of Education, Glastonbury Public Schools Board of Education (Murphy, Peter) (Entered: 03/13/2020)
03/17/2020	<u>64</u>	NOTICE by Chelsea Mitchell, Alanna Smith, Selina Soule <i>Position Re: Anonymity of minor</i> (Howard, James) (Entered: 03/17/2020)
03/17/2020	<u>65</u>	Joint MOTION clarification on Proposed Intervenors' participation in meet and confer on 3/19/2020 by Bloomfield Public Schools Board of Education, Canton Public Schools Board of Education, Connecticut Association of Schools, Inc., Cromwell Public Schools Board of Education, Danbury Public Schools Board of Education, Thania Edwards, Glastonbury Public Schools Board of Education, Andraya Yearwood. Responses due by 4/7/2020 (Zelman, Johanna) (Entered: 03/17/2020)
03/18/2020	<u>66</u>	Joint MOTION for Clarification <i>CORRECTED</i> by Bloomfield Public Schools Board of Education, Canton Public Schools Board of Education, Commission on Human Rights and Opportunities, Connecticut Association of Schools, Inc., Cromwell Public Schools Board of Education, Danbury Public Schools Board of Education, Thania Edwards, Glastonbury Public Schools Board of Education, Andraya Yearwood. (Zelman, Johanna) (Entered: 03/18/2020)
03/18/2020	<u>67</u>	Memorandum in Opposition re <u>65</u> Joint MOTION clarification on Proposed Intervenors' participation in meet and confer on 3/19/2020 filed by Chelsea Mitchell, Alanna Smith, Selina Soule. (Brooks, Roger) (Entered: 03/18/2020)
03/18/2020	<u>68</u>	ORDER granting in part and denying in part <u>65</u> Motion. Insofar as the motion seeks clarification of the right of proposed intervenor-defendants Yearwood and Edwards to participate in tomorrow's conference, it is granted; insofar as it seeks an order permitting their counsel to actively participate in the conference in the same manner and to the same extent as counsel for the existing parties (i.e. as if their motion to intervene had already been granted unconditionally), it is denied. At this preliminary stage, and for purposes of this conference, the proposed intervenors' legal interests are more than adequately represented by counsel for the defendants, whose position on the matters to be discussed appears to closely align with that of the proposed intervenors in all material respects. This order does not exclude counsel from attending the conference. Proposed intervenors' counsel may attend by telephone as observers, just as counsel would be able to do if the conference were conducted in open court. Of course, proposed intervenors' counsel is free to speak with defendants' counsel during

		any breaks, again just as counsel would be able to do if the conference were in open court. The same is true of counsel for proposed intervenor–defendant CHRO. At the outset of the conference, CIAC should provide as much information as possible about the possibility that spring athletics will have to be cancelled due to the novel coronavirus pandemic, and the parties should then discuss what the impact of that would be on this case. So ordered. Signed by Judge Robert N. Chatigny on 3/18/20. (Chatigny, Robert) (Entered: 03/18/2020)
03/18/2020	<u>69</u>	EXHIBIT by Chelsea Mitchell, Alanna Smith, Selina Soule re <u>64</u> Notice (Other). (Brooks, Roger) (Entered: 03/18/2020)
03/19/2020	<u>70</u>	NOTICE of Appearance by James H. Howard on behalf of Chelsea Mitchell, Alanna Smith, Selina Soule (Howard, James) (Entered: 03/19/2020)
03/19/2020	<u>71</u>	MOTION for Extension of Time until March 27, 2020 to file report concerning results of meet and confer by Chelsea Mitchell, Alanna Smith, Selina Soule. (Brooks, Roger) (Entered: 03/19/2020)
03/20/2020	72	ORDER granting <u>71</u> Consent Motion for Extension of Time to 3/27/2020 to report to the Court concerning the results of discussions between the parties. Signed by Judge Robert N. Chatigny on 3/20/2020. (Rickevicus, L.) (Entered: 03/20/2020)
03/20/2020	73	ORDER finding as moot <u>66</u> Motion for Clarification. Signed by Judge Robert N. Chatigny on 3/20/20. (Chatigny, Robert) (Entered: 03/20/2020)
03/24/2020	<u>74</u>	NOTICE of Appearance by Matthew Donnelly on behalf of United States (Donnelly, Matthew) (Entered: 03/24/2020)
03/24/2020	<u>75</u>	NOTICE by United States of <i>Statement of Interest</i> (Donnelly, Matthew) (Entered: 03/24/2020)
03/26/2020	<u>76</u>	CERTIFICATE OF GOOD STANDING re <u>35</u> MOTION for Attorney(s) Chase Strangio, Joshua Block, James Esseks, Lindsey Kaley, and Galen Sherwin to be Admitted Pro Hac Vice (paid \$375 PHV fee; receipt number ACTDC–5707968) by Thania Edwards, Andraya Yearwood. (Kaley, Lindsey) (Entered: 03/26/2020)
03/27/2020	<u>77</u>	Joint RESPONSE by Chelsea Mitchell, Alanna Smith, Selina Soule (<i>From Meet–and–Confer Conference</i>). (Brooks, Roger) (Entered: 03/27/2020)
03/27/2020	<u>78</u>	Joint RESPONSE by Thania Edwards, Andraya Yearwood <i>and all parties regarding conference on conditions of intervention</i> . (Barrett, Dan) (Entered: 03/27/2020)
03/28/2020	79	CASE MANAGEMENT ORDER: The Court thanks counsel for the Parties' Joint Response From Meet–And–Confer Conference. The parties' respective proposals reflect due consideration of numerous issues in a compressed timeframe, which is appreciated. Based on the latest available information concerning the current status of the pandemic in Connecticut, and its probable future course, it seems all but certain that school will not resume before the fall term. Accordingly, having had the benefit of the parties' joint report, and mindful of the proposals it contains, I think it will be most helpful if counsel confer and submit a supplemental Joint Response, on or before April 6, 2020, with regard to the following: assuming CIAC will soon be forced to cancel spring athletics due to the pandemic, what issues will still need to be adjudicated in this case, in what order should the issues be taken up, and what schedule should be adopted for adjudicating the issues? For example, what impact will cancellation of the spring season have on the plaintiffs' claims for declaratory and injunctive relief? If plaintiffs intend to press claims for declaratory and injunctive relief notwithstanding cancellation of the spring season, what steps will be required to adjudicate the claims, what would be the best sequence for those steps, and what schedule should be adopted for completing them? If, as has been reported, plaintiffs intend to seek damages in any event, what steps will be required to adjudicate any such claims, what would be the optimal sequence for those steps, and what schedule should be adopted for completing them? For example, would defendants seek to file a pre–discovery motion to dismiss? Assuming such a motion were to be filed, what schedule would counsel suggest for briefing and arguing the motion. Counsel should note that the Court is in the process of making arrangements to conduct proceedings remotely during the lockdown, which is now expected to last some months. If counsel need more time to confer and submit the Supplemental Joint Response, they may request an extension of the April 6 deadline

		by calling chambers (i.e. without the need for filing a formal motion). So ordered. Signed by Judge Robert N. Chatigny on 3/28/20.(Chatigny, Robert) (Entered: 03/28/2020)
04/06/2020	<u>80</u>	MOTION to Expedite <i>Order to Show Cause Hearing</i> by Chelsea Mitchell, Alanna Smith, Selina Soule. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Brooks, Roger) (Entered: 04/06/2020)
04/06/2020	<u>81</u>	Joint RESPONSE <i>From Meet-and-Confer Concerning Case Scheduling in the Event of Complete Cancellation of Spring Season</i> filed by Chelsea Mitchell, Alanna Smith, Selina Soule. (Brooks, Roger) (Entered: 04/06/2020)
04/08/2020	82	ORDER denying <u>80</u> Motion to Expedite. Plaintiffs' motion to expedite asks the Court to proceed with their motion for a preliminary injunction as though high school track meets, which have been indefinitely suspended due to the coronavirus pandemic, will be conducted before the fall. The motion relies on CIAC's decision to "hold off as long as possible before cancelling all spring sport experiences." Plaintiffs' desire to run track this spring is perfectly understandable, as is CIAC's wish to avoid disappointing student athletes like the plaintiffs until it has no alternative. Realistically, however, the possibility that track meets will be held this spring (or even this summer) appears to be remote at best, unfortunately. The coronavirus pandemic has created a national emergency and resulted in a lockdown across Connecticut with all schools and nonessential businesses closed. People are expected to remain in their homes and are prohibited from gathering in public. How long these extraordinary and unprecedented measures will have to remain in place in order to protect public health is unknown and unknowable. However, it would be very surprising to me if responsible public officials in Connecticut were to reopen schools and conduct sporting events this spring when the highly contagious, potentially lethal coronavirus is expected to continue to be present throughout the state. If spring sports must be cancelled because of the ongoing pandemic, which is by far the most likely outcome at this point, expedited treatment of the plaintiffs' motion for preliminary injunction is unwarranted. The motion for a preliminary injunction is predicated on the plaintiffs' claim that they have a legal right to run in track events for girls this spring without having to compete against transgender girls. If no track events can be held this spring due to the pandemic, plaintiffs have no need for such a preliminary injunction. Any claims for other injunctive relief or damages that plaintiffs wish to press in this litigation can be taken up in accordance with a schedule that gives all concerned adequate time to address the various issues of law and fact discussed in the parties' submissions concerning scheduling. A tailored scheduling order that aims to achieve that objective will be entered today. Accordingly, the motion to expedite is hereby denied. So ordered. Signed by Judge Robert N. Chatigny on 4/8/20. (Chatigny, Robert) (Entered: 04/08/2020)
04/08/2020	<u>83</u>	SCHEDULING ORDER: Please read full text of attached Order for details. Answer due 4/27/2020; Discovery due by 12/31/2020; Initial Status Report due by 5/8/2020; Prefiling Conference Request Re: Rule 12 motions due by 4/20/2020; Prefiling Conference Request Re: Dispositive motions due 11/16/2020; Settlement Conference 1/2021; Trial Ready Date 4/30/2021; Trial Brief due by 3/20/2021. Signed by Judge Robert N. Chatigny on 4/8/2020. (Rickevicus, L.) (Entered: 04/08/2020)
04/08/2020	84	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Telephone Status Conference set for 5/14/2020 at 10:00 AM before Judge Robert N. Chatigny. Please use the following dial in information for the call. Call in- 866-434-5269; Access Code: 8189198# (Rickevicus, L.) (Entered: 04/08/2020)
04/10/2020	<u>85</u>	MOTION for Extension of Time until July 1, 2020 to file certificates of good standing by Thania Edwards, Andraya Yearwood. (Barrett, Dan) (Entered: 04/10/2020)
04/11/2020	86	ORDER granting <u>85</u> Motion for Extension of Time. Signed by Judge Robert N. Chatigny on 4/11/20. (Chatigny, Robert) (Entered: 04/11/2020)
04/13/2020	<u>87</u>	MOTION for intervention Order by Thania Edwards, Andraya Yearwood. (Barrett, Dan) (Entered: 04/13/2020)

04/14/2020	88	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Telephone Conference Re: <u>36</u> Motion to Intervene and <u>43</u> Motion to Intervene set for 4/16/2020 at 10:00 AM before Judge Robert N. Chatigny. Please use the following call in information: Call in 866-434-5269; access code 8189198#. (Rickevicus, L.) (Entered: 04/14/2020)
04/16/2020	<u>90</u>	Minute Entry. Proceedings held before Judge Robert N. Chatigny: taking under advisement <u>36</u> Motion to Intervene; taking under advisement <u>43</u> Motion to Intervene; Motion Hearing held on 4/16/2020 re <u>43</u> MOTION to Intervene filed by Commission on Human Rights and Opportunities, <u>36</u> MOTION to Intervene <i>as Defendants</i> filed by Thania Edwards, Andraya Yearwood. Total Time: 1 hour and 30 minutes(Court Reporter Darlene Warner.) (Bozek, M.) (Entered: 04/17/2020)
04/17/2020	<u>89</u>	AMENDED COMPLAINT against Bloomfield Public Schools Board of Education, Canton Public Schools Board of Education, Connecticut Association of Schools, Inc., Cromwell Public Schools Board of Education, Danbury Public Schools Board of Education, Glastonbury Public Schools Board of Education, filed by Alanna Smith, Chelsea Mitchell, Selina Soule.(Brooks, Roger) (Entered: 04/17/2020)
04/20/2020	<u>91</u>	Joint MOTION for Joinder of <i>U.S. Department of Education</i> by Bloomfield Public Schools Board of Education, Canton Public Schools Board of Education, Connecticut Association of Schools, Inc., Cromwell Public Schools Board of Education, Danbury Public Schools Board of Education, Glastonbury Public Schools Board of Education. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F)(Murphy, Peter) (Entered: 04/20/2020)
04/22/2020	92	ORDER granting <u>36</u> Motion to Intervene; finding as moot <u>87</u> Motion for Order. The only seriously contested issue with regard to the proposed intervenors (PIs) motion to intervene as of right under Fed. R. Civ. P. 24(a) is whether they have overcome the presumption that their interests are adequately represented by the existing defendants. I conclude that the presumption has been overcome. Inadequacy of representation may be established when a would-be defendant seeks to raise a defense that will not be raised otherwise. See <i>Meriwether v. Trustees of Shawnee State Univ.</i> , No. 1:18-cv-753, 2019 WL 2052110, *12 (S.D. Ohio May 9, 2010) (in suit by professor challenging colleges antidiscrimination policy, intervention granted to transgender student and LBTG student advocacy group because they intended to assert arguments based on the Equal Protection Clause, Title IX and the ADA that the college was required to treat transgender students in accordance with their gender identity, an argument the college had not made in its motion to dismiss and was unlikely to make, thus overcoming the presumption of adequacy of representation). Here, the PIs seek to raise a defense that the relief sought by the complaint would constitute impermissible discrimination against them in violation of Title IX and the Equal Protection Clause. Based on the defendants written submissions and the comments of defense counsel during the recent telephone conference, none of the defendants adequately represents the interests of the PIs in defending the action on this basis. CIAC intends to defend on the ground that it is not subject to suit under Title IX, that state law controls, and that the definition of sex in Title IX is ambiguous. Bloomfield and Cromwell intend to defend on the ground that they owe no Title IX obligations to students, like the plaintiffs, who do not attend their schools. The remaining defendants, Danbury, Glastonbury and Canton, have disclaimed any interest in advocating for the rights of students, like the PIs, who do not attend their schools. Bloomfield and Cromwell may argue that the relief sought would violate Title IX but they will not argue that it would violate the Equal Protection Clause. Nor will any of the other defendants. Accordingly, I find that the interests of the PIs are not so similar to those of the existing defendants that adequate representation of their interests is assured. See <i>id.</i> ; cf. <i>Christa McAuliffe Intermediate School PTO v. de Blasio</i> , No. 18 Civ. 11657(ER), 2020 WL 1432213, *5 (S.D.N.Y. March 24, 2020) (in action by Asian-American groups challenging changes to program governing admission to City's selective high schools, intervention as of right granted to students seeking to defend changes based on the programs history of discrimination, a defense the existing defendants would not make). Permissive intervention is proper in any event because the PIs have a strong personal interest in the subject matter of the case and they are in a position to make a valuable contribution to the Courts understanding of the case. See <i>New York v. U.S. Dept. of Health and Human Services</i> , 2019 WL 3531960, *4 (S.D.N.Y. Aug. 2, 2019) (in action by states challenging HHS rule allowing medical personnel to abstain from providing services due to religious beliefs, motion for intervention as of right by medical personnel

		<p>seeking to defend the rule denied but permissive intervention granted); United States v. New York City Housing Authority, 326 F.R.D. 411, 417–18 (S.D.N.Y. 2018) (in action against to redress health and safety violations by Housing Authority, motion to intervene as of right by tenant organizations denied but permissive intervention granted). Moreover, they have expressed a willingness to accept conditions on their participation that will avoid unduly burdening the existing the parties or the Court. Accordingly, the motion is hereby granted. So ordered. Signed by Judge Robert N. Chatigny on 4/22/2020. (Gazzola, Mario) (Entered: 04/22/2020)</p>
04/22/2020	93	<p>ORDER [CORRECTED TEXT ORDER 92] Granting (36) Motion to Intervene, finding as moot (87) Motion For Order. The only seriously contested issue with regard to the proposed intervenors' (PIs) motion to intervene as of right under Fed. R. Civ. P. 24(a) is whether they have overcome the presumption that their interests are adequately represented by the existing defendants. I conclude that the presumption has been overcome. Inadequacy of representation may be established when a would-be defendant seeks to raise a defense that will not be raised otherwise. See Meriwether v. Trustees of Shawnee State Univ., No. 1:18-cv-753, 2019 WL 2052110, *12 (S.D. Ohio May 9, 2010)(in suit by professor challenging college's antidiscrimination policy, intervention granted to transgender student and LGBT student advocacy group because they intended to assert arguments based on the Equal Protection Clause, Title IX and the ADA that the college was required to treat transgender students in accordance with their gender identity, an argument the college had not made in its motion to dismiss and was unlikely to make, thus overcoming the presumption of adequacy of representation). Here, the PIs seek to raise a defense that granting the relief sought by the complaint would constitute impermissible discrimination against them in violation of Title IX and the Equal Protection Clause. Based on the defendants' written submissions and the comments of defense counsel during the recent telephone conference, none of the defendants adequately represents the interests of the PIs in defending the action on this basis. CIAC intends to defend on the ground that it is not subject to suit under Title IX, state law controls, and the term "sex" in Title IX is ambiguous. Bloomfield and Cromwell intend to defend on the ground that they owe no Title IX obligations to students, like the plaintiffs, who do not attend their schools. The remaining defendants, Danbury, Glastonbury and Canton, have disclaimed any interest in advocating for the rights of students, like the PIs, who do not attend their schools. Bloomfield and Cromwell may argue that granting the relief sought would violate Title IX but they will not argue that it would violate the Equal Protection Clause. Nor will any of the other defendants. Accordingly, I find that the interests of the PIs are not so similar to those of the existing defendants that adequate representation of their interests is assured. See id.; cf. Christa McAuliffe Intermediate School PTO v. de Blasio, No. 18 Civ. 11657(ER), 2020 WL 1432213, *5 (S.D.N.Y. March 24, 2020)(in action by Asian-American groups challenging changes to program governing admission to City's selective high schools, intervention as of right granted to students seeking to defend changes based on the program's history of discrimination, a defense the existing defendants would not make). Permissive intervention is proper in any event because the PIs have a strong personal interest in the subject matter of the case and they are in a position to make a valuable contribution to the Court's understanding of the case. See New York v. U.S. Dept. of Health and Human Services, 2019 WL 3531960, *4 (S.D.N.Y. Aug. 2, 2019)(in action by states challenging HHS rule allowing medical personnel to abstain from providing services that conflicted with their beliefs, motion for intervention as of right by medical personnel seeking to defend the rule denied but permissive intervention granted); United States v. New York City Housing Authority, 326 F.R.D. 411, 417–18 (S.D.N.Y. 2018)(in action to redress health and safety violations by Housing Authority, motion to intervene as of right by tenant organizations denied but permissive intervention granted). Moreover, the PIs have expressed a willingness to accept conditions on their participation that will avoid unduly burdening the existing parties or the Court. Accordingly, the motion is hereby granted. So ordered. Signed by Judge Robert N. Chatigny on 4/22/2020.(Chatigny, Robert) (Entered: 04/22/2020)</p>
04/22/2020	94	<p>TRANSCRIPT of Proceedings: Telephone Conference held on 04.16.20 before Judge Robert N. Chatigny. Court Reporter: Darlene A. Warner. IMPORTANT NOTICE – REDACTION OF TRANSCRIPTS: To remove personal identifier information from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within seven (7) calendar days of this date. If no such Notice is</p>

		filed, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available through PACER without redaction 90 days from today's date. The transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. The policy governing the redaction of personal information is located on the court website at www.ctd.uscourts.gov. Redaction Request due 5/13/2020. Redacted Transcript Deadline set for 5/23/2020. Release of Transcript Restriction set for 7/21/2020. (Warner, D.) (Entered: 04/22/2020)
04/22/2020	<u>95</u>	ORDER granting <u>43</u> Motion to Intervene with regard to alternative request for permissive intervention. Fed.R.Civ.P. 24(b) provides that a state agency may be permitted to intervene when a party's claim or defense is based on a statute or executive order administered by the agency. See generally Wright & Miller, 7C Fed. Prac. & Proc. Civ. § 1912 (2020 Update). That is the situation here: in defending against the plaintiffs' claims, at least some of the defendants (if not all) can be expected to rely on the antidiscrimination provisions in Conn. Gen. Stat. § 10–15c(a) and Conn. Exec. Order 56 (Feb. 23, 2017), which are enforced by CHRO. CHRO has a particular interest in intervening in this case because the plaintiffs are expected to argue that Title IX renders § 10–15c(a) and Exec. Order 56 invalid and unenforceable. See ECF No. 60 at 5–6 (citing U.S. Const. art. VI, cl. 2). As the state agency charged with enforcing the statute and Executive Order, CHRO has a strong interest in obtaining a judicial determination that neither measure is preempted by Title IX, and it is also uniquely situated to assist the Court in resolving the issue. During the recent telephone conference, CHRO's counsel explained that the agency seeks intervenor status rather than amicus status because of its experience in other cases when its participation was limited to that of an amicus. I credit the statements of CHRO's counsel that as an intervenor–defendant, CHRO will be better able to contribute to development of the issues. There is no basis for a finding that intervention by CHRO will unduly delay or prejudice adjudication of the plaintiffs' rights. Permissive intervention by CHRO is therefore appropriate in this instance. Whether the agency is entitled to intervene as of right need not be decided and I express no opinion on that matter. Accordingly, the motion to intervene is hereby granted with regard to the alternative request for permissive intervention. So ordered. Signed by Judge Robert N. Chatigny on 4/22/20. (Chatigny, Robert) (Entered: 04/22/2020)
04/24/2020	<u>96</u>	NOTICE by Chelsea Mitchell, Ashley Nicoletti, Alanna Smith, Selina Soule (<i>Preliminary Statement of Relief Sought</i>) (Brooks, Roger) (Entered: 04/24/2020)
04/24/2020	<u>97</u>	Joint NOTICE by Bloomfield Public Schools Board of Education, Canton Public Schools Board of Education, Commission on Human Rights and Opportunities, Connecticut Association of Schools, Inc., Cromwell Public Schools Board of Education, Danbury Public Schools Board of Education, Thania Edwards, Glastonbury Public Schools Board of Education, Andraya Yearwood <i>Request for Pre–Filing Conference</i> (Zelman, Johanna) (Entered: 04/24/2020)
04/27/2020	<u>98</u>	NOTICE OF E–FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Telephone Pre–Filing Conference set for 5/4/2020 at 2:00 PM before Judge Robert N. Chatigny. Please use the following call in information. Call in–866–434–5269, Access Code– 8189198#. (Rickevicus, L.) (Entered: 04/27/2020)
05/01/2020	<u>99</u>	Second MOTION for Extension of Time until June 4, 2020 to File Rule 12 Motions by Bloomfield Public Schools Board of Education, Canton Public Schools Board of Education, Commission on Human Rights and Opportunities, Connecticut Association of Schools, Inc., Cromwell Public Schools Board of Education, Danbury Public Schools Board of Education, Thania Edwards, Glastonbury Public Schools Board of Education, Andraya Yearwood. (Zelman, Johanna) (Entered: 05/01/2020)
05/04/2020	<u>100</u>	NOTICE of Appearance by Joshua E Gardner on behalf of U.S. Department of Education, Betsy DeVos, U.S. Department of Education Office for Civil Rights (Gardner, Joshua) (Entered: 05/04/2020)
05/04/2020	<u>101</u>	Minute Entry for proceedings held before Judge Robert N. Chatigny: Telephonic Pre–Filing Conference held on 5/4/2020. 11 minutes(Court Reporter Darlene Warner.) (Bozek, M.) (Entered: 05/05/2020)

05/08/2020	<u>102</u>	CERTIFICATE OF GOOD STANDING re <u>35</u> MOTION for Attorney(s) Chase Strangio, Joshua Block, James Esseks, Lindsey Kaley, and Galen Sherwin to be Admitted Pro Hac Vice (paid \$375 PHV fee; receipt number ACTDC-5707968) by Thania Edwards, Andraya Yearwood. (Strangio, Chase) (Entered: 05/08/2020)
05/08/2020	<u>103</u>	MOTION to Transfer/Disqualify/Recuse Judge by Chelsea Mitchell, Ashley Nicoletti, Alanna Smith, Selina Soule. (Attachments: # <u>1</u> Memorandum in Support of Plaintiffs' Motion to Disqualify, # <u>2</u> Exhibit A)(Brooks, Roger) (Entered: 05/08/2020)
05/08/2020	<u>104</u>	Joint STATUS REPORT by Chelsea Mitchell, Ashley Nicoletti, Alanna Smith, Selina Soule. (Brooks, Roger) (Entered: 05/08/2020)
05/11/2020	105	CANCELLATION NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Telephone Status Conference set for 5/14/2020 at 10:00 AM before Judge Robert N. Chatigny is cancelled. (Rickevicius, L.) (Entered: 05/11/2020)
05/11/2020	<u>106</u>	Memorandum in Opposition re <u>91</u> Joint MOTION for Joinder of <i>U.S. Department of Education</i> filed by Betsy DeVos, U.S. Department of Education, U.S. Department of Education Office for Civil Rights. (Attachments: # <u>1</u> Affidavit of Randolph Wills)(Gardner, Joshua) (Entered: 05/11/2020)
05/19/2020	<u>107</u>	Consent MOTION for Extension of Time until June 8, 2020 to Respond to U.S. Department of Education's Opposition to Defendants' Motion to Join the Department of Education As A Party To This Action <u>106</u> Memorandum in Opposition to Motion, by Bloomfield Public Schools Board of Education, Canton Public Schools Board of Education, Connecticut Association of Schools, Inc., Cromwell Public Schools Board of Education, Danbury Public Schools Board of Education, Glastonbury Public Schools Board of Education. (Murphy, Peter) (Entered: 05/19/2020)
05/20/2020	108	ORDER granting <u>107</u> Consent Motion for Extension of Time to 6/8/2020 to Respond to U.S. Department of Education's Opposition to Defendants' Motion to Join the Department of Education As A Party To This Action <u>106</u> Memorandum in Opposition to Motion. Signed by Judge Robert N. Chatigny on 5/20/2020. (Rickevicius, L.) (Entered: 05/20/2020)
05/20/2020	<u>109</u>	Consent MOTION for Extension of Time until June 5, 2020 to Respond to Plaintiffs' First Requests for Production of Documents by Bloomfield Public Schools Board of Education, Canton Public Schools Board of Education, Connecticut Association of Schools, Inc., Cromwell Public Schools Board of Education, Danbury Public Schools Board of Education, Glastonbury Public Schools Board of Education. (Murphy, Peter) (Entered: 05/20/2020)
05/21/2020	110	ORDER granting <u>109</u> Consent Motion for Extension of Time to 6/5/2020 to Respond to Plaintiffs' First Requests for Production of Documents. Signed by Judge Robert N. Chatigny on 5/21/2020. (Rickevicius, L.) (Entered: 05/21/2020)
05/27/2020	<u>111</u>	MOTION for Attorney(s) Mohammad B. Shihabi to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number ACTDC-5880231) by Bloomfield Public Schools Board of Education, Cromwell Public Schools Board of Education. (Zelman, Johanna) (Entered: 05/27/2020)
05/29/2020	<u>112</u>	CERTIFICATE OF GOOD STANDING re <u>35</u> MOTION for Attorney(s) Chase Strangio, Joshua Block, James Esseks, Lindsey Kaley, and Galen Sherwin to be Admitted Pro Hac Vice (paid \$375 PHV fee; receipt number ACTDC-5707968) by Thania Edwards, Andraya Yearwood. (Block, Joshua) (Entered: 05/29/2020)
05/29/2020	<u>113</u>	Memorandum in Opposition re <u>103</u> MOTION to Transfer/Disqualify/Recuse Judge filed by Bloomfield Public Schools Board of Education, Canton Public Schools Board of Education, Commission on Human Rights and Opportunities, Connecticut Association of Schools, Inc., Cromwell Public Schools Board of Education, Danbury Public Schools Board of Education, Thania Edwards, Glastonbury Public Schools Board of Education, Andraya Yearwood. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Strangio, Chase) (Entered: 05/29/2020)
06/03/2020	<u>114</u>	MOTION for Attorney(s) Mohammad B. Shihabi to be Admitted Pro Hac Vice by Bloomfield Public Schools Board of Education, Cromwell Public Schools Board of Education. (Zelman, Johanna) (Entered: 06/03/2020)

06/04/2020	115	ORDER granting <u>114</u> Motion to Appear for Attorney Mohammad B. Shihabi to be Admitted Pro Hac Vice. Certificate of Good Standing due by 8/3/2020. Signed by Clerk on 6/4/2020. (Agati, Kathryn) (Entered: 06/04/2020)
06/04/2020	116	ORDER finding as moot <u>111</u> Motion to Appear for Attorney Mohammad B. Shihabi to be Admitted Pro Hac Vice. Signed by Clerk on 6/4/2020. (Agati, Kathryn) (Entered: 06/04/2020)
06/08/2020	<u>117</u>	REPLY to Response to <u>91</u> Joint MOTION for Joinder of <i>U.S. Department of Education</i> filed by Bloomfield Public Schools Board of Education, Canton Public Schools Board of Education, Connecticut Association of Schools, Inc., Cromwell Public Schools Board of Education, Danbury Public Schools Board of Education, Glastonbury Public Schools Board of Education. (Attachments: # <u>1</u> Exhibit A)(Murphy, Peter) (Entered: 06/08/2020)
06/12/2020	<u>118</u>	NOTICE of Appearance by Mohammad Shihabi on behalf of Bloomfield Public Schools Board of Education, Cromwell Public Schools Board of Education (Shihabi, Mohammad) (Entered: 06/12/2020)
06/12/2020	<u>119</u>	REPLY to Response to <u>103</u> MOTION to Transfer/Disqualify/Recuse Judge filed by Chelsea Mitchell, Ashley Nicoletti, Alanna Smith, Selina Soule. (Attachments: # <u>1</u> Exhibit A)(Brooks, Roger) (Entered: 06/12/2020)
06/15/2020	<u>120</u>	NOTICE of Appearance by Tyler Bischoff on behalf of Connecticut Association of Schools, Inc., Danbury Public Schools Board of Education (Bischoff, Tyler) (Entered: 06/15/2020)
06/16/2020	121	ORDER denying <u>103</u> Motion to Transfer/Disqualify/Recuse Judge. Plaintiffs have moved for my recusal pursuant to 28 U.S.C. s 455(a) because during a telephone conference I informed plaintiffs' counsel that I wanted them to refrain from continuing to refer to the transgender females involved in this case as "males." In calling on plaintiffs' counsel to accept that limitation going forward, I explained that for plaintiffs' counsel to continue to call these transgender youth "males" would be needlessly provocative, and inconsistent with norms of civility in judicial proceedings, which I want to be careful to maintain. As I further explained, for plaintiffs' counsel to refer to these young people as "transgender females" in accordance with their gender identity would entail no concession whatsoever relating to the merits of the case; plaintiffs' counsel would still be able to refer to them as "biologically male" with "male bodies." They just couldn't refer to them as "males, period." Plaintiffs assert that as a result of my statement the public might reasonably believe that I am partial or biased. Plaintiffs have clarified that what troubles them in particular is my statement that for plaintiffs' counsel to refer to the transgender students involved in this case as "transgender females" rather than "males" would be consistent with "science." Plaintiffs argue that "the public might reasonably conclude that the Court has bias in [this] case where [plaintiffs'] arguments, claims, and expert testimony are based on the assertion that athletes born male remain male as a matter of scientific fact no matter their gender identity, and that as a result those athletes have 'an unfair competitive advantage to competition' in women's and girls' sports." ECF No. 199, at 3–4. I do not agree that the public might reasonably construe my reference to "science" as a comment on the merits of the issue whether transgender athletes have an unfair competitive advantage in girls' sports. In the telephone conference, I stated that referring to the transgender youth involved in this case as "transgender females" would be consistent with "science, common practice, and perhaps human decency." That statement does not reflect a preconceived conclusion on the issue of unfair competitive advantage presented by this case. In fact, and as I think objective members of the public would readily understand, the "science" I referred to is not the science relating to the issue of unfair competitive advantage but the science that tells us calling transgender girls "males" can cause significant mental and emotional distress. The insight provided by this science has led to a "common practice" of referring to transgender persons by their gender identity, which is viewed by many as a matter of "human decency." Thus, as I said, referring to these transgender youth as "transgender females" would be consistent with "science, common practice, and perhaps human decency." By referring to science in this way, in this context, and for this purpose, I did not state or imply anything about whether the transgender youth in this case do or do not enjoy an unfair competitive advantage when they compete in girls' track. To the extent plaintiffs' counsel argue that they must be able to refer to the transgender girls

in this case as "males, period" in order to fulfill their responsibilities as zealous advocates, and that they have an absolute Constitutional right to do so, the argument is unpersuasive. The issue of unfair competitive advantage can be fully and fairly litigated consistent with professional ethics and constitutional protections without referring to the transgender females involved in this case as "males, period." I think objective members of the public would agree. I also think objective members of the public would understand that just because I want plaintiffs' counsel to avoid needlessly calling the transgender females in this case "males, period" does not mean I am partial or biased with regard to any issue in the case. Accordingly, the motion is hereby denied. Signed by Judge Robert N. Chatigny on 6/16/20. (Chatigny, Robert) (Entered: 06/16/2020)