

JURY, REMAND, STAYED

**U.S. District Court
Eastern District of Virginia – (Newport News)
CIVIL DOCKET FOR CASE #: 4:15-cv-00054-AWA-DEM**

Grimm v. Gloucester County School Board
Assigned to: District Judge Arenda L. Wright Allen
Referred to: Magistrate Judge Douglas E. Miller
Case in other court: 4CCA Case Manager Jennifer Rice,
15-02056
4CCA – Case Manager Jennifer Rice,
16-01733

Date Filed: 06/11/2015
Jury Demand: Defendant
Nature of Suit: 448 Civil Rights:
Education
Jurisdiction: Federal Question

Cause: 20:1681 Civil Rights Education Amendments Act 1972

Plaintiff

Gavin Grimm

represented by **Gail Marie Deady**
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TERMINATED: 05/16/2017

Defendant

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Interested Party

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Date Filed	#	Docket Text
06/11/2015	<u>2</u>	Sealed Complaint per <u>1</u> Order entered on 6.16.15. (Attachments: # <u>1</u> Exhibit A) # <u>2</u> Civil Cover Sheet, # <u>3</u> Letter, # <u>4</u> Receipt) (epri). (Entered: 06/16/2015)

06/11/2015	<u>3</u>	Sealed Declaration of G.G. Document re <u>2</u> Sealed Complaint. (Attachments: # <u>1</u> Exhibit A)(epri) (Entered: 06/16/2015)
06/11/2015	<u>4</u>	Sealed Expert Declaration of Randi Ettner, Ph.D. re <u>2</u> Sealed Complaint. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(epri) (Entered: 06/16/2015)
06/11/2015	<u>5</u>	SEALED PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION, by G. G. (epri) (Entered: 06/16/2015)
06/11/2015	<u>6</u>	SEALED PLAINTIFF'S MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF THIRTY PAGES by G. G. (epri) (Entered: 06/16/2015)
06/11/2015	<u>7</u>	Sealed Memorandum in Support of Plaintiff's Motion for Leave to File a Brief in Excess of Thirty Pages re <u>5</u> SEALED PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION, by G. G <u>6</u> SEALED PLAINTIFF'S MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF THIRTY PAGES by G. G. (Attachments: # <u>1</u> Proposed Memorandum of law in support of Plaintiff's Motion for Preliminary Injunction)(epri) (Entered: 06/16/2015)
06/11/2015	<u>8</u>	COMPLAINT (Redacted) against Gloucester County School Board (Filing fee \$ 400, receipt number 24683027454.), filed by G. G. (Attachments: # <u>1</u> Civil Cover Sheet (Redacted), # <u>2</u> Letter (Redacted), # <u>3</u> Receipt)(epri) (Entered: 06/16/2015)
06/11/2015	<u>9</u>	Declaration of G. G. re <u>8</u> Complaint (epri) (Entered: 06/16/2015)
06/11/2015	<u>10</u>	Expert Declaration of Randi Ettner, Ph.D Preliminary Statement re <u>8</u> Complaint (epri) (Entered: 06/16/2015)
06/11/2015	<u>11</u>	PLAINTIFF'S MOTION for Preliminary Injunction by G. G. (epri) (Entered: 06/16/2015)
06/11/2015	<u>12</u>	PLAINTIFF'S MOTION for Leave to File Brief in excess of thirty pages by G. G. (epri) (Entered: 06/16/2015)
06/11/2015	<u>13</u>	Memorandum in Support of Plaintiff's Motion for Leave to File a Brief in Excess of Thirty Pages re <u>11</u> PLAINTIFF'S MOTION for Preliminary Injunction <u>12</u> PLAINTIFF'S MOTION for Leave to File Brief in excess of thirty pages filed by G. G. (Attachments: # <u>1</u> Proposed Memorandum of law in support of Plaintiff's Motion for Preliminary Injunction)(epri) (Entered: 06/16/2015)
06/16/2015	<u>1</u>	Sealed ORDER Signed by District Judge Robert G. Doumar on 6/15/2015. (epri) (Entered: 06/16/2015)
06/16/2015	<u>14</u>	One Summons, with service copy, Issued as to Gloucester County School Board. (Attachments: # <u>1</u> Civil Motions Procedures)(epri) (Entered: 06/16/2015)
06/17/2015	<u>15</u>	Motion to appear Pro Hac Vice by Joshua Abraham Block and Certification of Local Counsel Rebecca Kim Glenberg Filing fee \$ 75, receipt number 0422-4501488. by G. G.. (Glenberg, Rebecca) (Entered: 06/17/2015)
06/17/2015	<u>16</u>	Motion to appear Pro Hac Vice by Leslie Jill Cooper and Certification of Local Counsel Rebecca Kim Glenberg Filing fee \$ 75, receipt number 0422-4501506. by G. G.. (Glenberg, Rebecca) (Entered: 06/17/2015)
06/17/2015	<u>17</u>	ORDER granting <u>12</u> Motion for Leave to File a brief in excess of thirty pages in support of the plaintiff's motion for a preliminary injunction.. Signed by Magistrate Judge Tommy E. Miller on 6/17/2015. (Miller, Tommy) (Entered: 06/17/2015)
06/18/2015	<u>18</u>	Memorandum in Support re <u>11</u> MOTION for Preliminary Injunction filed by G. G.. (Deady, Gail) (Entered: 06/18/2015)
06/18/2015	<u>19</u>	Request for Hearing by G. G. re <u>11</u> MOTION for Preliminary Injunction (Deady, Gail) (Entered: 06/18/2015)
06/23/2015	<u>20</u>	ORDER granting <u>15</u> Motion for Pro hac vice for Joshua Abraham Block as to G. G.. Signed by District Judge Robert G. Doumar on 6/23/15. (tlev,) (Entered: 06/24/2015)
06/23/2015	<u>21</u>	ORDER granting <u>16</u> Motion for Pro hac vice for Leslie Jill Cooper as to G. G.. Signed by District Judge Robert G. Doumar on 6/23/15. (tlev,) (Entered: 06/24/2015)

06/29/2015	<u>22</u>	AFFIDAVIT of Service by G. G. (bgra,). (Entered: 06/29/2015)
06/29/2015	<u>23</u>	NOTICE of Appearance by David P. Corrigan on behalf of Gloucester County School Board (Corrigan, David) (Entered: 06/29/2015)
06/29/2015	<u>24</u>	NOTICE of Appearance by Jeremy David Capps on behalf of Gloucester County School Board (Capps, Jeremy) (Entered: 06/29/2015)
06/29/2015	<u>25</u>	NOTICE of Appearance by Maurice Scott Fisher, Jr on behalf of Gloucester County School Board (Fisher, Maurice) (Entered: 06/29/2015)
06/29/2015	<u>26</u>	MOTION for Extension of Time to File Response/Reply to <i>Motion for Preliminary Injunction</i> by Gloucester County School Board. (Fisher, Maurice) (Entered: 06/29/2015)
06/29/2015	<u>27</u>	RESPONSE to Motion re <u>26</u> MOTION for Extension of Time to File Response/Reply to <i>Motion for Preliminary Injunction</i> filed by G. G.. (Glenberg, Rebecca) (Entered: 06/29/2015)
06/29/2015	<u>28</u>	Statement of Interest of The United States by The United States. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(bgra) (Entered: 06/29/2015)
06/30/2015		Motion Hearing as to <u>11</u> MOTION for Preliminary Injunction set for 7/20/2015 at 02:30 PM in Norfolk Mag Courtroom 1 before District Judge Robert G. Doumar. (lbax,) (Entered: 06/30/2015)
06/30/2015		MOTIONS REFERRED to Magistrate Judge: Tommy E. Miller. <u>26</u> MOTION for Extension of Time to File Response/Reply to <i>Motion for Preliminary Injunction</i> (bgra) (Entered: 06/30/2015)
06/30/2015	<u>29</u>	ORDER granting <u>26</u> Motion for Extension of Time to File Response/Reply re <u>11</u> MOTION for Preliminary Injunction. Response due July 7, 2015.Signed by Magistrate Judge Tommy E. Miller on 6/30/2015. (bgra) (Entered: 06/30/2015)
07/07/2015	<u>30</u>	Opposition to <u>11</u> MOTION for Preliminary Injunction filed by Gloucester County School Board. (Attachments: # <u>1</u> Exhibit Exhibit A -, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C)(Corrigan, David) (Entered: 07/07/2015)
07/07/2015	<u>31</u>	MOTION to Dismiss for Failure to State a Claim by Gloucester County School Board. (Corrigan, David) (Entered: 07/07/2015)
07/07/2015	<u>32</u>	Brief in Support to <u>31</u> MOTION to Dismiss for Failure to State a Claim filed by Gloucester County School Board. (Attachments: # <u>1</u> Exhibit Exhibit 1)(Corrigan, David) (Entered: 07/07/2015)
07/07/2015	<u>33</u>	CERTIFICATE of Service re <u>30</u> Opposition by David P. Corrigan on behalf of Gloucester County School Board (Corrigan, David) (Entered: 07/07/2015)
07/07/2015	<u>34</u>	CERTIFICATE of Service re <u>31</u> MOTION to Dismiss for Failure to State a Claim by David P. Corrigan on behalf of Gloucester County School Board (Corrigan, David) (Entered: 07/07/2015)
07/07/2015	<u>35</u>	CERTIFICATE of Service re <u>32</u> Brief in Support by David P. Corrigan on behalf of Gloucester County School Board (Corrigan, David) (Entered: 07/07/2015)
07/08/2015	<u>36</u>	MOTION for Hearing re <u>31</u> MOTION to Dismiss for Failure to State a Claim by Gloucester County School Board. (Corrigan, David) Mo (Entered: 07/08/2015)
07/08/2015	<u>37</u>	Brief in Support to <u>36</u> MOTION for Hearing (Corrigan, David) Modified docket text on 7/8/2015 (ccol); Modified docket text to correct linkage to motion on 7/10/2015 (bgra). (Entered: 07/08/2015)
07/08/2015	<u>38</u>	RESPONSE in Opposition re <u>36</u> MOTION for Hearing re <u>31</u> MOTION to Dismiss for Failure to State a Claim filed by G. G.. (Glenberg, Rebecca) (Entered: 07/08/2015)
07/10/2015	<u>39</u>	Motion to appear Pro Hac Vice by Victoria Lill and Certification of Local Counsel Clare P. Wuerker by The United States. (Attachments: # <u>1</u> Exhibit Pro Hac Vice Application)(Wuerker, Clare) (Entered: 07/10/2015)

07/10/2015	<u>40</u>	Reply to Motion re <u>36</u> MOTION for Hearing re <u>31</u> MOTION to Dismiss for Failure to State a Claim filed by Gloucester County School Board. (Corrigan, David) (Entered: 07/10/2015)
07/13/2015	<u>41</u>	REPLY to Response to Motion re <u>11</u> MOTION for Preliminary Injunction filed by G. G.. (Attachments: # <u>1</u> Exhibit A)(Deady, Gail) (Entered: 07/13/2015)
07/13/2015		Notice of Correction: The filing user has been notified to file a separate Certificate of Service. re <u>41</u> Reply to Response to Motion (bgra) (Entered: 07/16/2015)
07/16/2015	<u>42</u>	ORDER granting <u>39</u> Motion for Pro hac vice for Victoria Lill as to The United States. Signed by District Judge Robert G. Doumar on 7/15/15. (tlev,) (Entered: 07/16/2015)
07/16/2015	<u>43</u>	CERTIFICATE of Service re <u>41</u> Reply, Reply to Response to Motion by Gail Marie Deady on behalf of G. G. (Deady, Gail) (Entered: 07/16/2015)
07/16/2015	<u>44</u>	RESPONSE in Opposition re <u>31</u> MOTION to Dismiss for Failure to State a Claim filed by G. G.. (Attachments: # <u>1</u> Exhibit A – Tudor Opinion, # <u>2</u> Exhibit B – Tudor Intervenor Complaint)(Glenberg, Rebecca) (Entered: 07/16/2015)
07/17/2015	<u>45</u>	ORDER: This Court will hear the fully briefed Motion to Dismiss before it will consider any other motions. The hearing set on July 20, 2015, is hereby VACATED, and no motions will be heard at that time. Instead, all motions then pending and responded to will be heard on July 27, 2015 at 11:00 a.m. in this Court. Copies distributed to all counsel of record. re <u>36</u> Motion for Hearing. Signed by District Judge Robert G. Doumar on 7/16/2015. (bgra) (Entered: 07/17/2015)
07/17/2015		Reset Hearing as to <u>31</u> MOTION to Dismiss for Failure to State a Claim , and Motions :. Motion Hearing reset for 7/27/2015 at 11:00 AM in Norfolk Grand Jury Courtroom before District Judge Robert G. Doumar. (ptom,) (Entered: 07/17/2015)
07/17/2015		Reset Hearing as to <u>31</u> MOTION to Dismiss for Failure to State a Claim , and Motions. Motion Hearing set for 7/27/2015 at 11:00 AM in Norfolk Mag Courtroom 1 before District Judge Robert G. Doumar. (Courtroom change from Grand Jury Room to Mag Courtroom 1) (ptom,) (Entered: 07/17/2015)
07/22/2015	<u>46</u>	Reply to Motion re <u>31</u> MOTION to Dismiss for Failure to State a Claim , REPLY to Response to Motion , Reply filed by Gloucester County School Board. (Corrigan, David) (Entered: 07/22/2015)
07/27/2015	<u>47</u>	Motion Hearing before District Judge Robert G. Doumar held on 7/27/2015 re <u>11</u> MOTION for Preliminary Injunction filed by G.G., <u>31</u> MOTION to Dismiss for Failure to State a Claim filed by Gloucester County School Board. Appearances: Rebecca K. Glenberg, Gail Deady, Leslie J. Cooper and Joshua A. Block appeared for the Plaintiff. David P. Corrigan and Jeremy D. Capps appeared for the Defendant. Clare P. Wuerker and Victoria Lill appeared on behalf of the Interested Party, The United States. Arguments of counsel. Comments of Court. The Court DISMISSED the Title IX claim but takes the remainder of the motions under advisement. The Court will issue a written opinion as to its findings. The Defendants will have 21 days from the filing of the Court's opinion to file an answer. The case will be referred for scheduling at that time. Court adjourned. (Court Reporter Heidi Jeffreys, OCR.)(lbax,) (Entered: 07/28/2015)
07/30/2015	<u>49</u>	Transcript Redaction Request re 48 Transcript,,, by attorney Rebecca Kim Glenberg. (Glenberg, Rebecca) (Entered: 07/30/2015)
07/31/2015	<u>50</u>	Redacted Version of 48 Transcript (afar) (Entered: 07/31/2015)
07/31/2015	<u>51</u>	ORDER: The Court ORDERS that G.G.'s identifying information, as shown on page fifteen (15) of the transcript of the June 27, 2015 hearing, lines fourteen (14), fifteen (15), sixteen (16), and eighteen (18), shall be under seal. The Court further ORDERS that this identifying information shall not be released by the Clerk or any party or individual without a specific order of the Court. Copy of Order provided to all counsel of record. Signed by District Judge Robert G. Doumar on 7/31/2015. (bgra) (Entered: 07/31/2015)
09/03/2015		Case Reassigned to Magistrate Judge Douglas E. Miller. Magistrate Judge Tommy E. Miller no longer assigned to the case. (afar) (Entered: 09/03/2015)

09/04/2015	<u>53</u>	ORDER – DENIES <u>11</u> Plaintiff's Motion for Preliminary Injunction. Signed by District Judge Robert G. Doumar on 9/4/15. (afar) (Entered: 09/04/2015)
09/08/2015	<u>54</u>	NOTICE OF APPEAL as to <u>53</u> Order on Motion for Preliminary Injunction by G. G.. Filing fee \$ 505, receipt number 0422-4626161. (Glenberg, Rebecca) (Entered: 09/08/2015)
09/09/2015	<u>55</u>	Transmission of Notice of Appeal to US Court of Appeals re <u>54</u> Notice of Appeal (All case opening forms, plus the transcript guidelines, may be obtained from the Fourth Circuit's website at www.ca4.uscourts.gov) (Attachments: # <u>1</u> Notice of Appeal)(bgra) (Entered: 09/09/2015)
09/10/2015	<u>56</u>	USCA Case Number 15-2056 4CCA Case Manager Jennifer Rice for <u>54</u> Notice of Appeal filed by G. G. (15-2056) (bgra) (Entered: 09/10/2015)
09/17/2015	<u>57</u>	MEMORANDUM OPINION – the Court GRANTED the Motion to Dismiss as to Count II, Plaintiff's claim under Title IX, and DENIED the Plaintiff's Motion for Preliminary Injunction. Signed by District Judge Robert G. Doumar on 9/17/15. (afar) (Entered: 09/17/2015)
09/22/2015	<u>58</u>	Consent MOTION for Leave to File <i>Corrected Copies of Redacted Documents</i> by G. G.. (Attachments: # <u>1</u> Corrected Decl. of G.G., # <u>2</u> Corrected Decl. of Dr. Ettner)(Deady, Gail) (Entered: 09/22/2015)
09/23/2015		MOTIONS REFERRED to Magistrate Judge: Douglas E. Miller. <u>58</u> Consent MOTION for Leave to File <i>Corrected Copies of Redacted Documents</i> (bgra) (Entered: 09/24/2015)
10/01/2015	<u>59</u>	ORDER granting <u>58</u> Motion for Leave to File Corrected Copies of Redacted Exhibits. The corrected copies attached to the Motion (ECF Nos. 58-1 and 58-2) may be filed as substitutes for the redacted Declarations of G.G. and Dr. Randi Ettner originally filed in support of the Motion for Preliminary Injunction (ECF Nos. 9 and 10). Signed by Magistrate Judge Douglas E. Miller on October 1, 2015. (Miller, Douglas) (Entered: 10/01/2015)
10/05/2015	<u>60</u>	Declaration re <u>9</u> Declaration – <i>Corrected</i> by G. G.. (Deady, Gail) (Entered: 10/05/2015)
10/05/2015	<u>61</u>	Declaration re <u>10</u> Declaration – <i>Corrected</i> by G. G.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Deady, Gail) (Entered: 10/05/2015)
04/19/2016	<u>62</u>	Published Opinion of USCA (Copy): Reversed in part, Vacated in part, and Remanded. re <u>54</u> Notice of Appeal attached copy of judgment will not take effect until issuance of the mandate. (15-2056) (bgra) (Entered: 04/19/2016)
04/19/2016	<u>63</u>	USCA JUDGMENT as to <u>54</u> Notice of Appeal filed by G. G.: In accordance with the decision of this court, the judgment of the district court is reversed in part and vacated in part. This case is remanded to the district court for further proceedings consistent with the court's decision. This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41. (15-2056) (bgra) (Entered: 04/19/2016)
05/03/2016	<u>64</u>	STAY OF MANDATE: Under Fed. R. App. P. 41(d)(1), the timely filing of a petition for rehearing or rehearing en banc or the timely filing of a motion to stay the mandate stays the mandate until the court has ruled on the petition for rehearing or rehearing en banc or motion to stay. In accordance with Rule 41(d)(1), the mandate is stayed pending further order of this court. as to <u>54</u> Notice of Appeal filed by G.G. (cchr) (Entered: 05/03/2016)
05/31/2016	<u>65</u>	PUBLISHED ORDER of USCA : denying Motion for rehearing en banc <u>54</u> Notice of Appeal filed by G. G. (15-2056) (bgra) (Entered: 06/01/2016)
06/07/2016	<u>66</u>	STAY OF MANDATE re <u>54</u> Notice of Appeal : Under Fed. R. App. P. 41(d)(1), the timely filing of a petition for rehearing or rehearing en banc or the timely filing of a motion to stay the mandate stays the mandate until the court has ruled on the petition for rehearing or rehearing en banc or motion to stay. In accordance with Rule 41(d)(1), the mandate is stayed pending further order of this court. (15-2056) (bgra) (Entered: 06/08/2016)

06/09/2016	<u>67</u>	ORDER of USCA as to <u>54</u> Notice of Appeal filed by G. G. Upon consideration of the motion to stay mandate pending filing of petition for writ of certiorari, the court denies the motion. Judge Floyd and Senior Judge Davis voted to deny the motion. Judge Niemeyer voted to grant the motion. (15-2056) (bgra) (Entered: 06/09/2016)
06/17/2016	<u>68</u>	USCA Mandate re <u>54</u> Notice of Appeal. The judgment of this court, entered 4/19/2016, takes effect today. This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. (15-2056) (bgra) (Entered: 06/17/2016)
06/23/2016		Rule 16(b) Scheduling Conference set for 6/29/2016 at 10:00 AM in Norfolk Grand Jury Courtroom before District Judge Robert G. Doumar. (lbax,) (Entered: 06/23/2016)
06/23/2016	<u>69</u>	ORDER: Based on the evidence submitted through declarations previously proffered for the purpose of the hearing on the Preliminary Injunction, this Court, pursuant to Title IX, hereby ORDERS that Gloucester County School Board permit the plaintiff, G.G., to use the boys' restroom at Gloucester High School until further order of this Court. Copy of Order delivered to all counsel of record. Signed by District Judge Robert G. Doumar on 6/23/2016. (bgra) (Entered: 06/23/2016)
06/27/2016	<u>70</u>	NOTICE OF APPEAL as to <u>69</u> Order, by Gloucester County School Board. Filing fee \$ 505, receipt number 0422-5050850. (Corrigan, David) (Entered: 06/27/2016)
06/28/2016		Transmission of Notice of Appeal to US Court of Appeals re <u>70</u> Notice of Appeal (All case opening forms, plus the transcript guidelines, may be obtained from the Fourth Circuit's website at www.ca4.uscourts.gov) (bgra) (Entered: 06/28/2016)
06/28/2016	<u>71</u>	MOTION to Stay re <u>69</u> Order, <i>Pending Appeal</i> by Gloucester County School Board. (Corrigan, David) (Entered: 06/28/2016)
06/28/2016	<u>72</u>	Memorandum in Support re <u>71</u> MOTION to Stay re <u>69</u> Order, <i>Pending Appeal</i> filed by Gloucester County School Board. (Corrigan, David) (Entered: 06/28/2016)
06/29/2016		Scheduling Conference – Rule 16b held on 6/29/2016 before District Judge Robert G. Doumar: Rebecca Glenberg and Joshua block present on behalf of the plaintiff; David Corrigan and Jeremy Capps present on behalf of the defendant; Comments of Court and Counsel; Court directed counsel to file a response to motion by 7/1/16. Trial date selected; Discovery schedule reviewed. Order to follow. Court adjourned. (Court Reporter Heidi Jeffreys.)(lhow,) (Entered: 06/30/2016)
06/30/2016	<u>73</u>	Rule 16(b) Scheduling Order – Pursuant to the Rule 16(b) Conference it is ordered that the Final Pretrial Conference set for 1/19/2017 at 10:00 AM in Norfolk. Bench Trial set for 1/31/2017 at 10:00 AM in Newport News. Signed by District Judge Robert G. Doumar & filed on 6/30/16. (ptom,) (Entered: 06/30/2016)
06/30/2016	<u>74</u>	USCA Case Number 16-1733 4CCA – Case Manager Jennifer Rice for <u>70</u> Notice of Appeal filed by Gloucester County School Board. [16-1733] (cchr) (Entered: 06/30/2016)
07/01/2016	<u>75</u>	RESPONSE to Motion re <u>71</u> MOTION to Stay re <u>69</u> Order, <i>Pending Appeal</i> filed by G. G.. (Glenberg, Rebecca) (Entered: 07/01/2016)
07/06/2016	<u>76</u>	ORDER denying <u>71</u> Motion to Stay. This Court is bound by the Judgment of the Court of Appeals. The Court of Appeals' actions in denying a rehearing en banc and a stay of its mandate indicate that it desires that its Judgment take effect immediately. The Court of Appeals itself is bound by its own prior precedents. Although Defendant has filed an appeal of the Preliminary Injunction, the Court of Appeals' prior opinion in this case will control in that appeal. This Court believes that based on the law as laid out in that opinion and the evidence submitted by declarations in this case, the Preliminary Injunction was warranted. There are no grounds for a stay. Accordingly, the Court DENIES the Motion for Stay Pending Appeal. ECF No. 71. Signed by District Judge Robert G. Doumar on 7/6/2016. (bgra) (Entered: 07/06/2016)
07/06/2016	<u>77</u>	ANSWER to <u>8</u> Complaint by Gloucester County School Board.(Corrigan, David) (Entered: 07/06/2016)

07/07/2016		Jury Trial set for 1/31/2017 at 10:00 AM in Newport News Courtroom 1 before District Judge Robert G. Doumar. (lbax,) (Entered: 07/07/2016)
07/12/2016	<u>78</u>	ORDER of USCA as to <u>70</u> : Upon consideration of submissions relative to the motion of appellant for stay pending appeal, the court denies the motion. Entered at the direction of Judge Floyd. Senior Judge Davis wrote an opinion concurring in the denial of a stay pending the filing of, and action on, a petition for certiorari. Judge Niemeyer wrote an opinion dissenting from the denial of a stay pending appeal. Notice of Appeal filed by Gloucester County School Board (16-1733) (bgra) (Entered: 07/14/2016)
08/03/2016	<u>79</u>	SUPREME COURT REMARK: The application to recall and stay the mandate of the United States Court of Appeals for the Fourth Circuit in case No. 152056, presented to THE CHIEF JUSTICE and by him referred to the Court, is granted and the preliminary injunction entered by the United States District Court for the Eastern District of Virginia on June 23, 2016, is hereby stayed pending the timely filing and disposition of a petition for a writ of certiorari. Should the petition for a writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for a writ of certiorari is granted, the stay shall terminate upon the issuance of the judgment of this Court. (15-2056)(bgra) (Entered: 08/04/2016)
08/18/2016	<u>80</u>	MOTION to Stay by Gloucester County School Board. (Corrigan, David) (Entered: 08/18/2016)
08/18/2016	<u>81</u>	Brief in Support to <u>80</u> MOTION to Stay filed by Gloucester County School Board. (Corrigan, David) (Entered: 08/18/2016)
08/19/2016	<u>82</u>	ORDER of USCA as to <u>70</u> Notice of Appeal filed by Gloucester County School Board : Upon consideration of the joint motion to hold appeal in abeyance pending disposition of certiorari petition, the court grants the motion. (16-1733) (bgra) (Entered: 08/19/2016)
08/23/2016	<u>83</u>	Joint MOTION for Protective Order by G. G.. (Deady, Gail) (Entered: 08/23/2016)
08/23/2016	<u>84</u>	Memorandum in Support re <u>83</u> Joint MOTION for Protective Order filed by G. G.. (Attachments: # <u>1</u> Proposed Order Protective Order)(Deady, Gail) (Entered: 08/23/2016)
08/23/2016		MOTIONS REFERRED to Magistrate Judge: Douglas E. Miller. <u>83</u> Joint MOTION for Protective Order (bgra) (Entered: 08/23/2016)
08/24/2016	<u>85</u>	AGREED CONFIDENTIALITY PROTECTIVE ORDER: granting <u>83</u> Joint MOTION for Protective Order by G. G. Signed by Magistrate Judge Douglas E. Miller on 8/24/2016. (bgra) (Entered: 08/24/2016)
08/31/2016	<u>86</u>	ORDER granting <u>80</u> Motion to Stay. The Court hereby GRANTS the Motion to Stay and STAYS this matter pending the disposition of the School Board's petition for a writ of certiorari with the United States Supreme Court. ECF No. 80. Copy of Order provided to all Counsel of Record. Signed by District Judge Robert G. Doumar on 8/31/2016. (bgra) (Entered: 08/31/2016)
09/02/2016	<u>87</u>	SUPREME COURT REMARK: The petition for a writ of certiorari in the above entitled case was filed on August 29, 2016 and placed on the docket September 1, 2016 as No. 16-273. re <u>54</u> Notice of Appeal. [15-2056] (ldab,) (Entered: 09/02/2016)
10/31/2016	<u>88</u>	Supreme Court Remark re <u>54</u> Notice of Appeal : The petition for a writ of certiorari is granted limited to Questions 2 and 3 presented by the petition. (bgra) (Entered: 11/02/2016)
02/07/2017	<u>89</u>	Appeal Remark re <u>70</u> Notice of Appeal : RECORD requested by Supreme Court from court of appeals and district court/agency. Supreme Court Docket No.: 16-273 (15-2056)(bgra) (Entered: 02/08/2017)
02/07/2017	<u>90</u>	Appeal Remark re <u>70</u> Notice of Appeal : RECORD (4CCA) transmitted to Supreme Court. Supreme Court Docket No.: 16-273 (15-2056) (bgra) (Entered: 02/08/2017)
03/06/2017	<u>91</u>	SUPREME COURT REMARK--order remanding case received. 03/06/2017, REMANDED vacated. re <u>70</u> Notice of Appeal, <u>54</u> Notice of Appeal : [15-2056, 16-1733] (bgra) (Entered: 03/07/2017)

04/07/2017	<u>92</u>	SUPREME COURT REMARK—judgment remanding case received. REMANDED vacated, 04/07/2017. <u>70</u> Notice of Appeal, <u>54</u> Notice of Appeal. (15-2056) (16-1733) (bgra) (Entered: 04/11/2017)
04/07/2017	<u>93</u>	PUBLISHED OPINION of USCA (Copy): Upon consideration of the unopposed motion to vacate preliminary injunction, the court vacates the preliminary injunction entered by the district court on June 23, 2016. Senior Judge Davis wrote a concurring opinion in which Judge Floyd joined. Entered at the direction of Judge Floyd with the concurrence of Judge Niemeyer and Senior Judge Davis. re <u>70</u> Notice of Appeal attached copy of judgment will not take effect until issuance of the mandate. (16-1733) (bgra) (Entered: 04/11/2017)
04/07/2017	<u>94</u>	USCA JUDGMENT as to <u>70</u> Notice of Appeal: In accordance with the decision of this court, the district court preliminary injunction entered June 23, 2016 is vacated. This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41. (16-1733) (bgra) (Entered: 04/11/2017)
04/13/2017	<u>95</u>	MOTION to Continue <i>Stay, Unopposed</i> by Gloucester County School Board. (Corrigan, David) (Entered: 04/13/2017)
04/13/2017	<u>96</u>	Brief in Support to <u>95</u> MOTION to Continue <i>Stay, Unopposed</i> filed by Gloucester County School Board. (Corrigan, David) (Entered: 04/13/2017)
04/13/2017	<u>97</u>	ORDER granting <u>95</u> Motion to Continue. The Court hereby GRANTS the Motion to Continue Stay and STAYS this matter pending the Fourth Circuit's ruling on the preliminary injunction and the dismissal of the Title IX claim. ECF No. 95. Copy of Order provided all counsel of record. Signed by District Judge Robert G. Doumar on 4/13/2017. (bgra) (Entered: 04/13/2017)
04/18/2017	<u>98</u>	AMENDED ORDER of USCA as to <u>70</u> Notice of Appeal filed by Gloucester County School Board. The Court amends its order filed April 7, 2017, as follows: On page 4, line 12, Shehab is corrected to read Shihab. [16-1733] (bgra) (Entered: 04/19/2017)
04/18/2017	<u>99</u>	AMENDED PUBLISHED ORDER of USCA (Copy) re <u>70</u> Notice of Appeal attached copy of judgment will not take effect until issuance of the mandate. Upon consideration of the unopposed motion to vacate preliminary injunction, the court vacates the preliminary injunction entered by the district court on June 23, 2016. Senior Judge Davis wrote a concurring opinion in which Judge Floyd joined. Entered at the direction of Judge Floyd with the concurrence of Judge Niemeyer and Senior Judge Davis. [16-1733] (bgra) (Entered: 04/19/2017)
05/01/2017	<u>100</u>	USCA Mandate: The judgment of this court, entered 4/7/2017, takes effect today. This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. re <u>70</u> Notice of Appeal. (16-1733) (bgra) (Entered: 05/01/2017)
05/03/2017	<u>101</u>	MOTION to Withdraw as Attorney by G. G.. (Attachments: # <u>1</u> Proposed Order)(Glenberg, Rebecca) (Entered: 05/03/2017)
05/03/2017	<u>102</u>	ORDER of USCA as to <u>54</u> Notice of Appeal filed by G. G. The court grants the motion to withdraw from further representation on appeal. (15-2056) (bgra) (Entered: 05/04/2017)
05/04/2017	<u>103</u>	MOTION to Amend/Correct <u>8</u> Complaint by G. G.. (Attachments: # <u>1</u> Memorandum of Law In Support of Plaintiff's Unopposed Motion to Amend Case Caption)(Deady, Gail) (Entered: 05/04/2017)
05/04/2017		Notice of Correction: The filing user is requested to refile the Memorandum in Support as a separate pleading, linking same back to Motion to Amend/Correct. re <u>103</u> MOTION to Amend/Correct <u>8</u> Complaint (bgra) (Entered: 05/04/2017)
05/04/2017	<u>104</u>	Memorandum in Support re <u>103</u> MOTION to Amend/Correct <u>8</u> Complaint <i>Caption</i> filed by G. G.. (Deady, Gail) (Entered: 05/04/2017)
05/16/2017	<u>105</u>	ORDER granting <u>101</u> Motion to Withdraw as Attorney. Upon consideration of Rebecca K. Glenberg's motion to withdraw as attorney in this case, it is hereby ORDERED that the motion to withdraw is GRANTED. Signed by District Judge Robert G. Doumar on 5/16/2017. (bgra) (Entered: 05/16/2017)

05/16/2017	<u>106</u>	ORDER granting <u>103</u> Motion to Amend/Correct. The Court finds that Plaintiff has reached the legal age of majority in Virginia. Accordingly, the Court hereby GRANTS Plaintiffs Motion. ECF No. 103. The Court ORDERS the Clerk of the Court to amend the docket by substituting "Gavin Grimm" as Plaintiff for "G.G., by his next friend and mother, Deirdre Grimm" in the case caption, and further ORDERS that all future filings in this matter employ this case styling. Signed by District Judge Robert G. Doumar on 5/16/2017. (bgra) (Entered: 05/16/2017)
06/06/2017		Case Reassigned to District Judge Arenda L. Wright Allen. District Judge Robert G. Doumar no longer assigned to the case. (afar) (Entered: 06/06/2017)
08/02/2017	<u>107</u>	Published Opinion and Order DIRECTING LIMITED REMAND [4CCA retains jurisdiction] re <u>54</u> Notice of Appeal attached copy of judgment will not take effect until issuance of the mandate. 15-2056 (ldab,) (Entered: 08/02/2017)
08/04/2017	<u>108</u>	ORDER re <u>107</u> Published Opinion and Order DIRECTING LIMITED REMAND [4CCA retains jurisdiction]. On August 25, 2017, each party shall submit a Response to the Position Statements. SEE ORDER FOR DETAILS. Signed by District Judge Arenda L. Wright Allen and filed on 8/4/17. Copies distributed to all parties 8/4/17.(ldab,) (Entered: 08/04/2017)
08/11/2017	<u>109</u>	Consent MOTION to Amend/Correct § Complaint by Gavin Grimm. (Attachments: # <u>1</u> Exhibit A)(Deady, Gail) (Entered: 08/11/2017)
08/17/2017	<u>110</u>	ORDER of USCA as to <u>54</u> Notice of Appeal filed by Gavin Grimm. The court grants the motion to withdraw from further representation on appeal. (15-2056) (epri) (Entered: 08/18/2017)
08/18/2017	<u>111</u>	STATUS REPORT <i>Joint Position Statement</i> by Gavin Grimm. (Deady, Gail) (Entered: 08/18/2017)
08/22/2017	<u>112</u>	ORDER granting <u>109</u> , the Consent Motion to Amend/Correct the Complaint, as follows: the Clerk is DIRECTED to lodge the Plaintiff's Amended Complaint; the Defendant shall file a responsive pleading or motion on or before September 15, 2017. If Defendant files a motion to dismiss, the parties' respective memoranda in support and opposition shall not exceed forty-five pages, exclusive of affidavits and supporting documentation. All briefs shall otherwise comply with the requirements of this Court's Local Rules. Signed by District Judge Arenda L. Wright Allen on 8/22/2017. (Allen, Arenda) (Entered: 08/22/2017)
08/22/2017	<u>113</u>	AMENDED COMPLAINT FILED AS DIRECTED against Gloucester County School Board, filed by Gavin Grimm.(ecav,) (Entered: 08/22/2017)
08/30/2017	<u>114</u>	ORDER of USCA as to <u>54</u> Notice of Appeal filed by Gavin Grimm Upon consideration of the motion to dismiss this appeal pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, and there appearing no opposition, the court grants the motion. Entered at the direction of Judge Niemeyer with the concurrence of Judge Duncan and Judge Floyd. 15-2056(ldab,) (Entered: 08/30/2017)
08/30/2017	<u>115</u>	USCA Rule 42(b) Mandate re <u>54</u> Notice of Appeal. This court's order dismissing this appeal pursuant to Local Rule 42(b) takes effect today. This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. 15-2056 (ldab,) (Entered: 08/30/2017)
08/30/2017	<u>116</u>	MOTION for Extension of <i>Time to File Motion to Dismiss the Amended Complaint</i> by Gloucester County School Board. (Attachments: # <u>1</u> Proposed Order Agreed)(Corrigan, David) (Entered: 08/30/2017)
08/31/2017	<u>117</u>	ORDER granting <u>116</u> Defendant's agreed Motion for Extension of Time to File a Motion to Dismiss the Amended Complaint as follows: Defendant's Motion shall be filed on or before September 22, 2017. Signed by District Judge Arenda L. Wright Allen on 08/31/2017. (Allen, Arenda) (Entered: 08/31/2017)
09/22/2017	<u>118</u>	MOTION to Dismiss for Failure to State a Claim by Gloucester County School Board. (Corrigan, David) (Entered: 09/22/2017)
09/22/2017	<u>119</u>	Brief in Support to <u>118</u> MOTION to Dismiss for Failure to State a Claim filed by Gloucester County School Board. (Corrigan, David) (Entered: 09/22/2017)

09/29/2017	<u>120</u>	Memorandum in Opposition re <u>118</u> MOTION to Dismiss for Failure to State a Claim filed by Gavin Grimm. (Deady, Gail) (Entered: 09/29/2017)
10/02/2017	<u>121</u>	ORDER deferring ruling on <u>118</u> , the Motion to Dismiss for Failure to State a Claim; under the circumstances presented by counsel jointly in a communication to the Court, the Court shall permit Defendant to file its Reply brief on or before Wednesday, October 11, 2017. The motion will be taken under advisement as of that date. If a hearing is deemed warranted by the Court, the Court will notify counsel for purposes of scheduling the hearing after October 11, 2017. Signed by District Judge Arenda L. Wright Allen on 10/2/2017. (Allen, Arenda) (Entered: 10/02/2017)
10/11/2017	<u>122</u>	RESPONSE in Support re <u>118</u> MOTION to Dismiss for Failure to State a Claim filed by Gloucester County School Board. (Attachments: # <u>1</u> Exhibit A)(Corrigan, David) (Entered: 10/11/2017)
10/26/2017	<u>123</u>	ORDER – The parties are ORDERED to file supplemental briefing on mootness pursuant to the directives herein. A ruling on Defendant's Motion to Dismiss for Failure to State a Claim <u>118</u> is DEFERRED pending resolution of the mootness issue. Before undertaking any jurisdictional discovery, the party seeking to undertake discovery is ORDERED to file a motion for jurisdictional discovery no later than 14 calendar days after the date of the entry of this Order. Defendant shall file its Supplemental Memorandum no later than 60 calendar days after the date of the entry of this Order. Plaintiff shall file its Response no later than 21 calendar days after service of the Defendant's Memorandum. Defendant may file a Reply no later than 7 calendar days after the service of the Response. Briefs shall not exceed 35 pages, excluding exhibits. Signed by District Judge Arenda L. Wright Allen on 10/26/17. (bpet,) (Entered: 10/26/2017)
11/01/2017	<u>124</u>	NOTICE by Gavin Grimm <i>Supplemental Authority in Opposition to Defendant's Motion to Dismiss</i> (Attachments: # <u>1</u> Exhibit A)(Deady, Gail) (Entered: 11/01/2017)
11/02/2017	<u>125</u>	NOTICE by Gavin Grimm <i>Consent to Dismissal of Requests for Relief (C) and (D)</i> (Deady, Gail) (Entered: 11/02/2017)
11/02/2017	<u>126</u>	MOTION to Vacate <u>123</u> Order,,, by Gavin Grimm. (Deady, Gail) (Entered: 11/02/2017)
11/02/2017	<u>127</u>	ORDER of USCA as to <u>54</u> Notice of Appeal filed by Gavin Grimm. The court grants the motion to withdraw from further representation on appeal. (15–2056) (bpet,) (Entered: 11/03/2017)
11/16/2017	<u>128</u>	Opposition to <u>126</u> MOTION to Vacate <u>123</u> Order,,, filed by Gloucester County School Board. (Corrigan, David) (Entered: 11/16/2017)
11/17/2017	<u>129</u>	REPLY to Response to Motion re <u>126</u> MOTION to Vacate <u>123</u> Order,,, filed by Gavin Grimm. (Deady, Gail) (Entered: 11/17/2017)
11/20/2017	<u>130</u>	NOTICE by Gavin Grimm re <u>126</u> MOTION to Vacate <u>123</u> Order,,, <i>Oral Argument</i> (Deady, Gail) (Entered: 11/20/2017)
11/28/2017	<u>131</u>	NOTICE by Gavin Grimm re <u>118</u> MOTION to Dismiss for Failure to State a Claim <i>Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit A)(Deady, Gail) (Entered: 11/28/2017)
12/12/2017	<u>132</u>	ORDER GRANTING <u>126</u> Motion to Vacate, DISMISSING Requests for Relief (C) and (D). Defendant shall file an amended Motion to Dismiss within 45 days of this Order. Plaintiff shall file a Response to same within 21 days, and Defendant may file a Reply 7 days thereafter. Signed by District Judge Arenda L. Wright Allen on 12/12/17. (bpet,) (Entered: 12/13/2017)
01/05/2018	<u>133</u>	NOTICE of Appearance by David P. Corrigan on behalf of Gloucester County School Board (Corrigan, David) (Entered: 01/05/2018)
01/05/2018	<u>134</u>	NOTICE of Appearance by Douglas Edward Pittman on behalf of Gloucester County School Board (Pittman, Douglas) (Entered: 01/05/2018)
01/05/2018	<u>135</u>	Amended MOTION to Dismiss for Failure to State a Claim <i>Amended Complaint</i> by Gloucester County School Board. (Pittman, Douglas) (Entered: 01/05/2018)

01/05/2018	<u>136</u>	Brief in Support to <u>135</u> Amended MOTION to Dismiss for Failure to State a Claim <i>Amended Complaint</i> filed by Gloucester County School Board. (Pittman, Douglas) (Entered: 01/05/2018)
01/09/2018	<u>137</u>	MOTION to Withdraw , MOTION to Withdraw as Attorney by Gloucester County School Board. (Attachments: # <u>1</u> Exhibit A)(Fisher, Maurice) (Entered: 01/09/2018)
01/09/2018	<u>138</u>	Brief in Support of <i>Motion to Withdraw as Attorney</i> filed by Gloucester County School Board. (Fisher, Maurice) (Entered: 01/09/2018)
01/10/2018	<u>139</u>	Memorandum in Opposition re <u>135</u> Amended MOTION to Dismiss for Failure to State a Claim <i>Amended Complaint</i> filed by Gavin Grimm. (Deady, Gail) (Entered: 01/10/2018)
01/16/2018	<u>140</u>	REPLY to Response to Motion re <u>135</u> Amended MOTION to Dismiss for Failure to State a Claim <i>Amended Complaint</i> filed by Gloucester County School Board. (Attachments: # <u>1</u> Exhibit A)(Corrigan, David) (Entered: 01/16/2018)
03/02/2018	<u>141</u>	ORDER of USCA as to <u>54</u> Notice of Appeal filed by Gavin Grimm. The court grants the motion to withdraw from further representation on appeal. [15-2056] (bpet) (Entered: 03/05/2018)
03/06/2018	<u>142</u>	NOTICE of Supplemental Authority by Gavin Grimm re <u>135</u> Amended MOTION to Dismiss for Failure to State a Claim <i>Amended Complaint</i> (Attachments: # <u>1</u> Exhibit A) (Deady, Gail) Dkt text modified on 3/6/2018 (bpet). (Entered: 03/06/2018)
03/09/2018	<u>143</u>	ORDER granting <u>137</u> , the Motion to Withdraw as Attorney filed by M. Scott Fisher, as follows: Mr. Fisher, counsel of record for Defendant Gloucester County School Board, is granted permission to withdraw from this matter as counsel. Defendant will continue to be represented in this matter by Harman Claytor Corrigan & Wellman and David Corrigan, Jeremy Capps, and Douglas Pittman of that firm, who are also counsel of record. Signed by District Judge Arenda L. Wright Allen on 3/9/2018. (Allen, Arenda) (Entered: 03/09/2018)
03/13/2018	<u>144</u>	NOTICE of Supplemental Authority by Gavin Grimm re <u>135</u> Amended MOTION to Dismiss for Failure to State a Claim <i>Amended Complaint</i> (Attachments: # <u>1</u> Exhibit A)(Deady, Gail) Dkt text modified on 3/13/2018 (bpet). (Entered: 03/13/2018)