

## Table of Federal Cases on Transgender Students' Access to Restrooms/Locker Rooms

Kasha Roseta, J.D. | Washington State OSPI  
Prepared for Gender Odyssey | August 10, 2018

<b>UNITED STATES SUPREME COURT</b>			
Mar 6, 2017	U.S. Supreme Court	<b><i>Gloucester Cnty. School Board v. G.G. ex rel. Grimm</i></b> , -- U.S. --, 137 S. Ct. 1239 (2017).	Certiorari granted, but SCOTUS vacates 4th Circuit's judgment and remands case for further consideration by 4th Circuit in light of the Trump Administration's Guidance.
<b>FEDERAL COURTS OF APPEAL</b>			
Apr 19, 2016	4th Circuit	<b><i>G.G. ex rel. Grimm v. Gloucester Cnty. Sch. Bd.</i></b> , 822 F.3d 709 (4th Cir. 2016).	Reverses trial court's dismissal of transgender student's Title IX claim. Relies on Obama Administration's Guidance to vacate trial court's denial of student's request for preliminary injunction (allowing him to use boys' bathroom) because wrong evidentiary standard was used. Remands case back to trial court for consideration under the correct evidentiary standard. Denies request to assign case to different trial court judge. <i>Vacated by SCOTUS in Gloucester Cnty. Sch. Bd. v. G.G. ex rel. Grimm</i> , -- U.S. --, 137 S. Ct 1239 (2017).
Dec 15, 2016	6th Circuit	<b><i>Dodds v. U.S. Dept. of Educ.</i></b> , 845 F.3d 217 (6th Cir. 2016).	Denies district's request to stay the trial court's grant of a preliminary injunction allowing transgender student to use girls' restroom.
Apr 18, 2017	4th Circuit	<b><i>G.G. ex rel. Grimm v. Gloucester Cnty. Sch. Bd.</i></b> , 853 F.3d 729 (4th Cir. 2017).	Grants transgender student's (unopposed) motion to vacate preliminary injunction.
May 30, 2017	7th Circuit	<b><i>Whitaker v. Kenosha Unified Sch. Dist. No. 1</i></b> , 858 F.3d 1034 (7th Cir. 2017).	Affirms trial court's grant of a preliminary injunction allowing transgender student to use boys' restroom. <i>Update: Case settled in favor of transgender student in January, 2018.</i>
Aug 2, 2017	4th Circuit	<b><i>Grimm v. Gloucester Cnty. Sch. Bd.</i></b> , 869 F.3d 286 (4th Cir. 2017).	Oral arguments on the merits were scheduled to occur Sep 12, 2017, but the 4th Circuit remanded the case back to trial court to consider whether case has become moot (due to transgender student having graduated from high school).
Jun 18, 2018	3d Circuit	<b><i>Doe v. Boyertown Area Sch. Dist.</i></b> , No. 17-3113 (3d Cir. 2018).	Affirms district court's decision to deny plaintiffs' motion for a preliminary injunction, agreeing that plaintiffs (cisgender students) could not demonstrate a likelihood of success on the merits and failed to establish irreparable harm. Transgender students permitted to use school facilities consistent with their gender identities.

## Table of Federal Cases on Transgender Students' Access to Restrooms/Locker Rooms

Kasha Roseta, J.D. | Washington State OSPI  
Prepared for Gender Odyssey | August 10, 2018

<b>FEDERAL DISTRICT COURTS</b>			
Sep 17, 2015	E.D. Va.	<b><i>G.G. ex rel. Grimm v. Gloucester Cnty. Sch. Bd.</i></b> , 132 F. Supp.3d 736 (E.D. Va. 2015).	Dismisses transgender student's Title IX claim and denies his request for preliminary injunction, which would have allowed him to use boys' restroom.
Aug 21, 2016	N.D. Tex.	<b><i>Texas v. U.S.</i></b> , 201 F. Supp.3d 810 (N.D. Tex. Aug. 21, 2016).	Orders federal government not to rely on the Obama Administration's Guidance, which required schools to treat transgender students consistent with their gender identity. Creates exception for cases currently in litigation.
Aug 26, 2016	M.D. N.C.	<b><i>Carcaño v. McCrory</i></b> , 203 F. Supp.3d 615 (M.D. N.C. Aug. 26, 2016).	Grants preliminary injunction to transgender students allowing them to continue using restrooms consistent with gender identity.
Sep 22, 2016	E.D. Wisc.	<b><i>Whitaker v. Kenosha Unified Sch. Dist. No. 1</i></b> , No. 16-CV-943-PP (E.D. Wisc. Sep. 22, 2016).	Grants preliminary injunction to transgender student allowing him to use restroom consistent with gender identity. Enjoins district from enforcing any policy preventing such use, disciplining student from such use, denying student access to boys' restroom, and monitoring/surveilling student's restroom use.
Sep 26, 2016	S.D. Ohio	<b><i>Bd. of Educ. of the Highland Local Sch. Dist. v. U.S. Dept. of Educ.</i></b> , 208 F. Supp.3d 850 (S.D. Ohio Sept. 26, 2016).	Grants transgender student's motion for a preliminary injunction and orders district to allow student to use restroom consistent with gender identity.
Feb 27, 2017	W.D. Pa.	<b><i>Evancho v. Pine-Richland Sch. Dist.</i></b> , 237 F. Supp.3d 267 (W.D. Pa. 2017).	Grants transgender students' motion for preliminary injunction, allowing them to continue using restrooms consistent with gender identity. <i>Update: Case settled in favor of transgender students on July 21, 2017.</i>
Aug 10, 2017	M.D. Fla.	<b><i>Adams v. Sch. Bd. of St. John's Cnty., Fla.</i></b> , No. 3:17-CV-00739 (M.D. Fla. Jun. 28, 2017).	Denies transgender student's request for injunctive relief allowing him to use boys' restroom.
Aug 25, 2017	E.D. Pa.	<b><i>Doe v. Boyertown Area Sch. Dist.</i></b> , 276 F. Supp.3d 324 (E.D. Pa. 2017).	Denies plaintiffs' (cisgender students) motion for preliminary injunction (which would have prevented transgender students from using restrooms consistent with their gender identities) because they were unable to show likelihood of success on the merits or irreparable harm.
Nov 11, 2017	M.D. Pa.	<b><i>A.H. ex rel. Handling v. Minersville Area Sch. Dist.</i></b> , 290 F. Supp.3d 321 (M.D. Pa. 2017)	Denies school district's motion to dismiss, holding that transgender student had pled facts sufficient to allow his Title IX and Equal Protection claims to proceed.

## Table of Federal Cases on Transgender Students' Access to Restrooms/Locker Rooms

Kasha Roseta, J.D. | Washington State OSPI  
Prepared for Gender Odyssey | August 10, 2018

Dec. 29, 2017	N.D. Ill.	<b><i>Students &amp; Parents for Privacy v. U.S. Dep't. of Educ.</i></b> , No. 16-cv-4945 (N.D. Ill. 2017)	Affirms magistrate judge's report and recommendation to deny plaintiffs' request for a preliminary injunction (which would have prevented transgender students from using the restrooms consistent with their gender identities) because plaintiffs (cisgender students) could not show likelihood of success on the merits or likelihood of irreparable harm.
Mar 12, 2018	D. Md.	<b><i>M.A.B. v. Bd. of Educ. of Talbot Cty.</i></b> , 286 F. Supp.3d 704 (D. Md. 2018).	Denies school district's motion to dismiss transgender student's Title IX and Equal Protection claims stemming from his school's policy of barring him from using boys' locker room. Also denies without prejudice student's motion for preliminary injunction (i.e., because he is not currently enrolled in PE, he is not suffering "actual and imminent" harm).
May 22, 2018	E.D. Va.	<b><i>Grimm v. Gloucester Cnty. Sch. Bd.</i></b> , 302 F.Supp.3d 730 (E.D. Va. 2018).	Denies school district's motion to dismiss, concluding that student has sufficiently pled his Title IX and Equal Protection claims.
July 24, 2018	D. Or.	<b><i>Parents for Privacy v. Dallas Sch. Dist. No. 2 et al.</i></b> , No. 3:17-cv-01813-HZ (D. Or. 2018)	Court dismisses (with prejudice) cisgender students' and their parents' claims that a district policy allowing students to use school facilities that correspond to their gender identity violates: 1) the Administrative Procedure Act; 2) their fundamental right to privacy; 3) their fundamental right to direct the education and upbringing of their children; 4) Title IX, 5) the Religious Freedom Restoration Act; 6) their First Amendment right to exercise their religion; and 7) two Oregon state nondiscrimination laws.
July 26, 2018	M.D. Fla.	<b><i>Adams v. The School Bd. of St. Johns Cnty.</i></b> , No. 3:17-cv-739-J-32JBT (M.D. Fla. 2018)	Holds that school board policy requiring transgender student to use restroom according to his 'biological sex' was sex-based discrimination under the Equal Protection Clause (applying intermediate scrutiny) and under Title IX (applying sex-stereotyping theory). Holds: transgender student permitted to use restroom aligning with his gender identity at school and awards him \$1,000 in compensatory emotional distress damages. Remedy limited to this student only.