

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Parker Tirrell, by her parents and next friends Sara Tirrell and Zachary Tirrell, *and*

Iris Turmelle, by her parents and next friends, Amy Manzelli and Chad Turmelle,

Plaintiffs,

v.

Frank Edelblut, *in his official capacity as Commissioner of the New Hampshire Department of Education;*

Andrew Cline, Kate Cassady, Ann Lane, Philip Nazzaro, Rajesh Nair, James Fricchione, and James Leboe, *in their official capacities as members of the New Hampshire State Board of Education;*

Pemi-Baker Regional School District;

Pembroke School District;

Donald J. Trump, *in his official capacity as President of the United States,*
1600 Pennsylvania Avenue NW,
Washington, DC 20220;

U.S. Department of Justice,
950 Pennsylvania Avenue NW,
Washington, DC 20530;

Pamela Bondi, *in her official capacity as Attorney General of the United States,*
950 Pennsylvania Avenue NW,
Washington, DC 20530;

Civil Case No. 1:24-cv-00251-LM-TSM

U.S. Department of Education,
400 Maryland Avenue SW,
Washington, DC 20202; and

Denise L. Carter, *in her official
capacity as Acting Secretary of the
United States Department of Education,*
400 Maryland Avenue SW,
Washington, DC 20202.

Defendants,

and

Female Athletes United,
Proposed Intervenor-Defendant.

DECLARATION OF A.C. IN SUPPORT OF MOTION TO INTERVENE

I, A.C., under penalty of perjury, declare as follows:

1. I am a 16-year-old resident of Bridgeport, West Virginia, in Harrison County, and have personal knowledge of the information below.
2. I am a female tenth-grade student at Bridgeport High School (“BHS”), where I have competed on the girls’ track and field team. I have competed in discus, shot put, and the 4 x 100 relay. I fully expect to continue attending BHS throughout high school. I do not plan to compete on the track and field team this year mostly due to the involvement of a male athlete on the girls’ track and field team.
3. It is my understanding that, as a public school, my high school is bound by the requirements of Title IX.
4. I am also a member of Female Athletes United. I joined FAU because I believe that girls’ sports and private spaces should be spaces for women only. I wanted to become a member of an organization that aligns with those beliefs.

5. I started playing sports when I was two or three years old. I have competed in different club, youth, and school sports since that time, including soccer, gymnastics, swimming, and Brazilian jiu-jitsu.

6. I was good at Brazilian jiu-jitsu. I started training when I was eight years old and from early on was at the top of my class. Sometimes, I even threw boys around. But I quickly learned that there is a stark difference in strength and stamina between boys and girls. I eventually quit jiu-jitsu because even though I was good with the technical elements, I was competing against boys who were bigger and stronger than me, and I could not win. It was no longer fun.

7. I started playing sports because sports and physical health are important to my family. I enjoy the camaraderie and competitiveness of it.

Competing against a male athlete in girls' sports

8. In sixth through eighth grade, I attended Bridgeport Middle School ("BMS"). In seventh grade (the 2021–22 school year), I joined the girls' track and field team. I competed in the 100-meter dash, pole vault, shot put, and discus. Sometimes, I filled in for my teammates in other events, too, like the 200-meter dash and relay events.

9. To my surprise, another BMS student named B.P.J. joined the girls' track and field team. B.P.J. is almost two years younger than me, and one year behind me in school. Because I know B.P.J.'s older brother from school, I knew at the beginning of the 2021–22 school year that B.P.J. is a male who identifies as a girl.

10. During those two years in middle school, I competed against B.P.J. in both shot put and discus, and I saw B.P.J. almost every weekday at practices and meets during the outdoor season.

11. When I first competed against B.P.J., I typically beat B.P.J. in shot put and discus. At the beginning of the season, B.P.J. was not throwing very well. It

was B.P.J.'s first year trying these sports, and it can take a while to learn the skills needed to excel in throwing events. I had also just started throwing shot put and discus, and was learning the skills, but I was almost two years older. By the end of my seventh-grade season, B.P.J. threw about the same distance as I did in shot put—around 18–20 feet.

12. In discus, I typically beat B.P.J.: I threw around 40 feet while B.P.J. threw closer to 30 feet. But in the last meet of the 2021–22 season, B.P.J. suddenly threw almost 20 feet farther: 49' 7".

13. By the next school year (2022–23), I could tell that B.P.J. had grown a lot. B.P.J. got taller and threw farther. B.P.J. got a deeper and more masculine voice.

14. Before the 2022–23 school year, B.P.J. was never one of the top athletes at BMS. But during the 2022–23 school year, B.P.J. suddenly became one of the top three throwers in shot put and discus at BMS. On May 13, 2023, B.P.J. threw 16 feet farther in discus than B.P.J. had thrown at the beginning of the season. It is incredibly rare to see that big of an increase in throwing distance in such a short time.

15. There are usually ten meets in discus and shot put each season. The meets earlier in the season allow more athletes: a school can send several athletes from their team to each event. But as the year goes on, the events become more restricted, and often only the top three or four ranked athletes from a school in each event compete.

16. Rankings depend on an athlete's personal record in each event. At the beginning of each school year, we have a scrimmage to establish baseline times and distances in each event, and the coach uses those times to establish each athlete's ranking. Rankings can change during the season if a student sets a new personal record better than someone else's. And sometimes, if a coach sees that an athlete is

working really hard in practice and improving, then that athlete might move up in the rankings.

17. Until April 2023, I was in the top three on my team for discus in both seventh and eighth grade. I was usually in the top three or four for shot put as well.

18. But that changed as B.P.J. started beating me.

a. In March 2023, B.P.J. beat me at the Connect Bridgeport Invitational in shot put and in discus.

b. Then in April, B.P.J. beat me at the Pioneer MS Invitational in discus.

c. Later in April, B.P.J. beat me at the Bobcat MS meet in shot put and discus.

19. When I lost to B.P.J., B.P.J. would sometimes say to me, “you just need to get stronger,” A.C. Or B.P.J. would say, “you have more testosterone than I do, and I am still beating you.” I find it offensive for a male to say that to a girl. The one bright spot was the Harrison County Championships girls’ discus event in April 2023, where I threw farther and earned a higher placement than B.P.J.

20. One of the biggest meets of the season is the Mid Mountain 10 MS Championships. It is a conference meet, and only the top three ranked athletes from our school in each event get to compete. In the past, I got to compete at this event.

21. But after practice the night before our conference championship meet, my coach pulled me aside and said that I had been “knocked out” of the conference meet. I was upset.

22. At that point, B.P.J.—a male almost two years younger than me—had passed my personal record in shot put (24’ 1”) by almost three feet (27”). And B.P.J. had passed my personal record in discus (55’ 2”) by more than 10 feet (66’ 0”).

23. Because B.P.J. now ranked in the top three in shot put and discus, I was pushed out of the top three to fourth place at BMS in those events. And it meant

that I did not get to compete in shot put or discus in the Mid Mountain 10 MS Championships on April 29, 2023.

24. It felt strange to be kicked out of my events, because I had always gotten to compete before. I felt angry and discouraged that B.P.J. took my spot. But I also felt like I couldn't say anything about it. If I complained, I would be unfairly labeled as "transphobic," even though that is not true. It felt unfair. I felt like I had to suck it up and live with it. I felt unheard and unseen.

25. Other girls on my team were upset, too. They were shocked to hear that I didn't get to compete in shot put and discus.

26. At the conference championships on April 29, 2023, B.P.J. ultimately took fourth overall in girls' discus and sixth overall in girls' shot put. A lot of girls placed lower than they should have because B.P.J. participated in the girls' events.

27. After I missed out on competing in discus and shot put in the conference championship, one of my coaches pulled me aside and tried to encourage me. My coach agreed that what happened to me was unfair, and I felt a little better having my coach's support.

28. Because B.P.J. pushed me down in the rankings, I did not get to compete in discus or shot put for the rest of the season, except for an eighth grade-only invitational that B.P.J. (as a seventh grader) was not eligible to compete in.

29. It is not fair to force me and other girls to compete against males in sports. As I have experienced with B.P.J., it is extremely frustrating to know that no matter how hard I work, I will not be able to throw farther than B.P.J.

30. Being excluded from the competition before it even begins is discouraging because I am not as strong and athletic as boys my age. It makes me so angry that I do not have a chance to even win. It makes me want to scream, "Why am I even here?"

31. I want girls to have an opportunity to compete on a level and safe playing field, and I know that will never happen if boys are allowed to compete on girls' sports teams.

32. B.P.J.'s athletic records show that B.P.J. beat over 50 different female athletes in the 2021–22 school year, displacing several of the female athletes more than once.

33. These records show that B.P.J. beat over 100 different female athletes in the 2022–23 school year, displacing them almost 300 times. I also lost to B.P.J. on four separate occasions that school year. For example, on April 20, 2023, I would have been third place at BMS in the one kg discus. Instead, I received fourth place, while B.P.J. took second place.

34. The same thing happened in shot put on April 20, 2023. I took fifth place at BMS, while B.P.J. received fourth place.

35. I did not compete against B.P.J. during my freshman year of high school (2023-24) as B.P.J. was still in middle school. But based on publicly available information, during the 2023–24 school year, B.P.J. beat almost 100 female athletes, displacing them over 250 times.

36. It is my understanding that, during the three years B.P.J. competed in women's sports, B.P.J. has displaced almost 300 different female athletes over 700 times.

37. These records about B.P.J.'s athletic competitions are available at <https://www.athletic.net/>.

38. Not only did I miss out on opportunities to compete, but I also did not attend my eighth-grade award night. At the end of each year in middle school, the track and field team holds a banquet to celebrate the accomplishments of the team for the past year.

39. Eighth grade was the year that I lost out on the opportunity to compete in the Mid Mountain Championship, and I was subjected to sexually–harassing comments.

40. I had felt frustrated and uncomfortable all year in track and field because of B.P.J.’s involvement, and I didn’t want to face another situation that could cause me any awkwardness or stress. I decided not to attend the banquet because of these circumstances.

41. Because I did not attend, I did not receive my ribbons when the other members of my team did. I received my ribbons in an envelope at school after the event.

42. My eighth-grade banquet is just another example of the opportunities I missed out on because a male was allowed on the girls’ team.

Privacy concerns when male athletes compete in girls’ sports and male students use girls’ facilities

43. B.P.J. was not just another girl on our team. B.P.J. was very open about being on puberty blockers. I and other girls on the BMS girls’ track and field team have always known that B.P.J. is male.

44. This whole experience of having B.P.J. on the girls’ team in middle school was very hard for me, and my teammates told me that they found it hard, too.

45. When B.P.J. was first put on the girls’ team, I decided to change clothes in the girls’ restroom instead of the locker room to have more privacy. But when my school closed the gym locker rooms, the entire girls’ team had to change in the girls’ bathrooms.

46. During that first practice, when the girls’ locker rooms were closed, I didn’t want to change with a male in the bathroom, so I decided to practice in the clothes I was wearing to school that day.

47. I usually change into shorts for our outdoor track and field practice because it is so warm outside. But that day, I wore my leggings to practice because I felt so uncomfortable changing with a male in the girls' restroom.

48. Other girls had similar concerns. One of my other teammates routinely wore her practice clothes to school because she did not want to share a locker room with a male.

49. Throughout the season, our coaches and administrators acted like the situation was normal, even though it was not. Although I still felt uncomfortable changing with a male in the girls' restroom and locker room, I couldn't continue wearing my school clothes to practice.

50. I was forced to change with a male in the girls' restroom because there was no other option for me.

51. Even when we were not changing, but simply using the restroom, I still did not feel right about a male sharing the restroom with me.

52. I have never minded changing clothes in front of other girls. We are the same. But when B.P.J. started changing clothes with us girls in the girls' bathroom, I felt uncomfortable and decided that I should change in the bathroom stall whenever I could for more privacy.

53. In my high school, we change in the locker room by the field for track and field practice. The locker room has three private stalls and some showers with curtains. Most of the locker room area is an open space with lockers where girls can change.

54. Before practice or a track and field meet, we only have so much time to change before we need to begin warming up. There is not enough time for all the girls to change in a private space, and many girls change in the open area of the locker room.

55. I also had to change in the girls' locker room for physical education class. Last year as a Bridgeport High School freshman, I had to participate in P.E. class every other day for the whole year. We changed clothes before we began every P.E. class. We used the locker room inside the gymnasium for P.E. and all of the indoor sports.

56. Like the outdoor locker room, the indoor locker room is mainly just a wide-open area in a room where we change in front of lockers. There are three bathroom stalls, and three showers with curtain areas.

57. There is not enough time for every girl to change in a private area for P.E. class. I would not want to change for P.E. class if there was a boy in our locker room even if that boy identified as a girl. When we were in P.E. class, we played some sports with the boys. But girls and boys play separate games whenever we play any contact sports. We played volleyball, basketball, and football in P.E. but each time, we only played with the girls.

58. I don't want to use a restroom or locker room to change, or use a restroom generally, with a boy in there. When I use a restroom or when I change my clothes in the locker room for a meet, I don't want to be seen by a person of the opposite sex. I don't want to change in front of a boy or want a boy to change in front of me.

59. I also do not want to shower in a locker room with a male nearby. It would make me feel extremely unsafe, anxious, and embarrassed to shower in the girls' locker room if males are allowed in.

60. Track and field practices and meets are not the only school-sponsored events where I need to change my clothes. I also have to change my clothes for the band when I go to practice and when I travel to other schools to compete. I am on the Frontline with my band and also play the trumpet. Frontline is similar to color guard. We travel with the band and perform routines while the band plays. There

are times in the year when I perform with Frontline and other times when I just play the trumpet.

61. When I perform with Frontline, I wear a different uniform than the band. The Frontline uniform is a skin-tight outfit that requires us girls to change most of our clothes. The band's uniform is loosely fit and can be worn over a pair of shorts and a T-shirt.

62. When the band travels to other schools to compete, sometimes we have to change on the bus. The rest of the band will leave the bus, leaving just the girls on the bus to change into our uniforms for Frontline.

63. Other times, the school we are visiting will provide a classroom for the band to change in. When that happens, the band will leave the room, giving the girls more privacy to change into our uniforms. When we change on the bus or in a classroom, we all change in one room in front of each other because we are all girls and it is not uncomfortable.

64. I would not want to change on the bus or in a separate classroom if there was a boy identifying as a girl in the room with us. Because our uniforms are tighter than the bands' uniforms and we have to change most of our clothing, I would not feel safe with changing in front of a boy.

65. Last year, the band traveled to Disney World for a week-long trip. When we were on the trip, four of us girls shared one hotel room. There were two queen beds, and two girls slept in each bed. No adult was in the room with us, and we all shared the bathroom. When we changed, we just changed in the hotel room and did not go into the restroom to change our clothes.

66. The band goes on an overnight trip once a year, and the band is going on another trip in a few weeks to Chicago. I will not be attending this trip. One reason I am not attending the trip is because I am worried that B.P.J. will be going on the

trip. I do not feel comfortable sharing a room, a bed, or a restroom with a male who identifies as a female.

67. Last year, I also traveled to Charleston, West Virginia, with the student government. My school selected two girls and two boys to travel to Charleston for three days. I was selected as one of the girls to participate in this program through a competitive process of tests and essays. We had the opportunity to tour the capitol, speak to senators, and learn more about the West Virginia government.

68. When I was on the trip, the other girl from my school and I shared a hotel room with two girls from another school in West Virginia. We shared two queen beds and the restroom with the other two girls in our room. There was no adult to supervise us in the room.

69. I would have felt uncomfortable if I was forced to share the hotel room with a male identifying as a female.

70. I will not be competing on the track and field team this year (my sophomore year in high school) because of B.P.J.'s participation. It is frustrating that I was forced to endure uncomfortable situations and be displaced by a male who was allowed onto the girls' track and field team, in the girls' locker room, restrooms, and showers. I do not want to experience those embarrassing and frustrating circumstances again, where I have to change in front of a boy or have a boy change in front of me. If not for B.P.J.'s participation, I would compete again on the track and field team.

71. I have been training and participating in a private sports training program to improve in throwing discus and shot put and for my general health. I think remaining active is important for staying healthy. But I do not want to have to compete on the same team as B.P.J. like I have in the past.

Enduring inappropriate sexual comments

72. While B.P.J. was on my track and field team in middle school, B.P.J. made several offensive and inappropriate sexual comments to me. At first, it did not occur often, and I tried my best to ignore it.

73. But during my final year of middle school, B.P.J. made inappropriate sexual comments a lot more often; it increased throughout that year; and the comments became much more aggressive, vile, and disturbing.

74. Sometimes B.P.J.'s comments were just annoying, like commenting that I have a "nice butt."

75. But other times, I felt really embarrassed, and I didn't want to repeat the gross things B.P.J. said to me.

76. During the end of that year, about two to three times per week, B.P.J. would look at me and say "suck my d***." There were usually other girls around who heard this. I heard B.P.J. say the same thing to my other teammates, too.

77. B.P.J. made other more explicit sexual statements that felt threatening to me. At times, B.P.J. told me quietly "I'm gonna stick my d*** into your pu***." And B.P.J. sometimes added "and in your a***" as well." These comments were disturbing and caused me deep distress.

78. B.P.J. made these vulgar comments towards me in the locker room, on the track, and in the throwing pit for discus and shot put.

79. I felt confused and disgusted when I heard these vulgar and aggressive comments. It was especially confusing because I was told that B.P.J. was on the girls' team because B.P.J. identifies as a girl, but the girls on the team never talked like that.

80. Most of the time, B.P.J. made these sexual comments at girls' track practice. Our team walked from Bridgeport Middle School to the High School for track practice, where we would train on the high school track. B.P.J. often popped up beside me as we walked and said these things. Other times, B.P.J. made

comments as our team was sitting in the endzone waiting for coaches to get practice going. At least one time, it happened in the girls' locker room.

81. Middle school kids can have foul mouths. The kids at my middle school sometimes said raunchy things, but they were not as explicit or aggressive as the things B.P.J. said.

82. I reported B.P.J.'s sexual comments to my coach and middle school administrators. Initially, the administrators told me that they were investigating, but nothing changed. From what I saw, B.P.J. got very little or no punishment for saying things that no other student would get away with.

83. I was glad to move into high school in the Fall of 2023 so that I would not have to deal with B.P.J.'s harassment since B.P.J. was still in middle school. But now B.P.J. is enrolled at my high school and even participated in the band at my school this year.

Future concerns

84. As I mentioned earlier, I do not plan to participate in girls' track and field because B.P.J. will likely join the team. I do not want to have to interact with B.P.J. regularly in small groups if I can avoid those interactions and I don't want to compete against a male in women's sports.

85. I find physical activity very beneficial, so I am continuing to exercise and improve my athletic skills through a private program. But I am sad to be missing out on the team experience with my peers at school.

86. B.P.J. participated in the band with me this year. However, the band is rather large, so I was able to avoid many interactions with B.P.J. and any uncomfortable comments.

87. It is frustrating that I must make difficult decisions of whether I will continue participating in the activities I love because a male has been allowed access to my most private spaces.

88. I also worry about other girls who may be forced to compete on the same team as a male athlete. My younger sister will be a freshman in high school when B.P.J is a senior. She is a good athlete, but she is very shy, and I can't imagine how she would feel if B.P.J. said those sexual comments to her while they were competing in sports or changing in the locker room. I do not want that to happen.

89. I believe that girls' sports should be for girls only. Males, even those who identify as girls, do not belong on girls' sports teams or in girls' locker rooms.

90. I learned that earlier this year, President Trump issued executive orders that protected girls' sports and private spaces at school. I was grateful for this step to protect women and girls at school and am hopeful that this will prevent other girls from having to experience losing opportunities in sports and not being able to feel comfortable and enjoy privacy in their restrooms and locker rooms.

91. I think it is important that other states try to do what my state of West Virginia did by passing laws to protect girls' sports. Currently, the law protects girls' sports from participation by males except for B.P.J. While I am grateful that other girls in the state are protected, I know from experience that having even one male student in a private space or on the girls' team can take opportunities from girls like me.

92. This is extremely discouraging, and I hope that in the future, girls like my younger sister will not have to go through what I have gone through.

DECLARATION UNDER PENALTY OF PERJURY

I, A.C., a citizen of the United States and a resident of the State of West Virginia, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 20 day of February, 2025 at Bridgeport, West Virginia.

A.C.
A.C.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Parker Tirrell, by her parents and next friends Sara Tirrell and Zachary Tirrell, *and*

Iris Turmelle, by her parents and next friends, Amy Manzelli and Chad Turmelle,

Plaintiffs,

v.

Frank Edelblut, *in his official capacity as Commissioner of the New Hampshire Department of Education;*

Andrew Cline, Kate Cassady, Ann Lane, Philip Nazzaro, Rajesh Nair, James Fricchione, and James Leboe, *in their official capacities as members of the New Hampshire State Board of Education;*

Pemi-Baker Regional School District;

Pembroke School District;

Donald J. Trump, *in his official capacity as President of the United States,*
1600 Pennsylvania Avenue NW,
Washington, DC 20220;

U.S. Department of Justice,
950 Pennsylvania Avenue NW,
Washington, DC 20530;

Pamela Bondi, *in her official capacity as Attorney General of the United States,*
950 Pennsylvania Avenue NW,
Washington, DC 20530;

Civil Case No. 1:24-cv-0025-LM-TSM

U.S. Department of Education,
400 Maryland Avenue SW,
Washington, DC 20202; and

Denise L. Carter, *in her official
capacity as Acting Secretary of the
United States Department of Education,*
400 Maryland Avenue SW,
Washington, DC 20202.

Defendants,

and

Female Athletes United,

Proposed Intervenor-Defendant.

DECLARATION OF A.K. IN SUPPORT OF MOTION TO INTERVENE

I, A.K., under penalty of perjury, declare as follows:

1. I am a 17-year-old resident of Colville, Washington, in Stevens County, and I have personal knowledge of the information below.
2. I am an 11th-grade student at Colville High School where I compete on my school's varsity basketball, cross-country, soccer, and track teams.
3. Colville High School is a public school governed by Title IX.
4. I am a member of Female Athletes United ("FAU").
5. Having experienced the unfairness that results from male athletes competing against women, I want to advocate for fairness in women's sports. I believe in FAU's mission, which promotes equal opportunities for women in sports.

Sports Involvement

6. I have competed in sports for as long as I can remember.
7. I enjoy playing on a team with others, competing, and winning.

8. In the future, I hope to be awarded an athletic scholarship and to compete at the collegiate level.

9. Last year, I was forced to compete against male athletes who identify as female in cross country and track. These male athletes go to other public schools and compete on the girls' cross-country and track teams for their schools.

10. This track season, I am also slated to compete against schools that have male athletes on their girls' track team. I anticipate that I will race against these male athletes, as I have in the past.

11. One of these males competes for another school at several of our track meets, including the state championship last spring season. The other male athlete competed for a different Washington high school team in my school's division in cross country.

12. I finished behind one of the males who competed against me in the cross-country state championship meet in the fall of 2023. I was aware that the student was male due to marked physiological differences. Public sports records of the student's race times confirmed that the student had competed on the boys' team the prior year. It was also reported in the news that this person was a male. An article about this student's participation in the state championship meet can be found here: <https://perma.cc/DY87-WL3E>.

13. A different male student competed against me in track and field. In one competition, that male athlete received first place in every women's event in which the student competed.

14. It was incredibly frustrating for me to be forced to compete against a male. I watched this male easily dominate the 4x200 relay and the 4x400 relay. Girls did not stand a chance at victory against this male athlete.

15. The male, who had previously competed on the high school boys' cross country and track teams, placed in the top three in nearly every event in which the

student competed. And this student competed in an unusual number of events. In the last year alone, the male student competed in the 400-meter, 800-meter, 1600-meter, 3200-meter, 300-meter hurdles, 4x200-meter relay, 4x400-meter relay, and 1600-meter sprint medley relay.

16. Runners do not typically dominate both short and distance track events, but this athlete competed in and often came in first in nearly all of these races.

17. In the last season alone, the male athlete placed first 19 times, displacing girls over 470 times.

18. I competed directly against this male athlete in two different events, a 400-meter race and a 4x400-meter relay.

19. Just as I got to the starting blocks, I saw that a male was competing against me. It was demoralizing. I felt like the competition wouldn't be fair, and it wasn't.

20. This student placed first and I placed third in the 400-meter race.

21. I was upset that the girl who should have placed first got displaced by a male. And I was discouraged to have placed third because a male student competed in the girls' division.

22. We also competed in the 4x400-meter relay. The male student's relay team came in first, and my team came in fourth. This was extremely frustrating and disappointing for me and my teammates.

23. That male student went on to place first in the girls' 400-meter race at the state championship. An article discussing the male taking first in this event at the state championship can be accessed here: <https://perma.cc/YHP4-E5FZ>.

24. The male I competed against in track will be a senior this year, and the male athlete I competed against in cross country will be a junior. I anticipate competing against both of these male students again this track season. I anticipate

competing against at least one of these students again in a state championship meet.

25. It is not fair to force girls to compete against males even if the male students identify as girls. Males are bigger, faster, and stronger than women. It is frustrating to lose out on opportunities to be a champion in my own sports because a male is allowed to compete on the girls' team.

26. Thankfully, my school has not had males compete on girls' sports teams. And it is my understanding that my school will not allow males who identify as females onto women's sports teams unless the school is required to do so.

27. I submitted a declaration in a challenge to the Biden administration's Title IX rule, which would allow male students to compete in girls' sports. It is my understanding that the court in that case issued a ruling protecting my school from having to enforce the rule.

28. I am grateful that the rule was struck down so that not all schools have to allow males to compete on the girls' teams if they identify as girls.

29. It is my understanding that there is now an executive order which clarifies that Title IX protects women's sports. This is a relief for me because I sometimes travel to compete so it is important that I know that the players I compete against are women and that private spaces will be reserved for females.

30. I hope that my state will follow this executive order, so that in the future, I will not have to compete against male athletes. I also hope that other states comply with this order, because I travel to other states to compete.

31. My competitions are at different schools across the state and in several other states, including Idaho, Montana, and Oregon.

32. I am hopeful that the executive order will help protect me and girls like me nationwide, especially because I hope to play women's sports for many more years.

33. I would love to play at the collegiate level, but I do not want to compete against male athletes. And it is disheartening to think that a female athletic scholarship could be given to a male instead of to me, no matter how hard I work.

34. Based on my personal experience, competing against men in women's sports is unfair because they are built differently.

35. In running, you can clearly see that males have athletic advantages over girls—their muscles are bigger, and they run much faster than girls.

36. I would be nervous to compete against a male in basketball. I would be afraid that I could be seriously injured. Basketball involves a lot of physical contact. Getting fouled by a girl hurts badly, but getting fouled by a male could be dangerous.

Fairness

37. My teammates and I have spoken about how unfair it is for males to compete in girls' sports.

38. We have talked about this on multiple occasions, and I have shared that I believe it is wrong and unfair for males to compete against girls because boys cannot become girls, boys and girls are different, and boys have athletic advantages.

39. Several students at my school identify as transgender or non-binary, so if schools are required to allow students to play on sports teams or to use facilities that don't align with their sex, I could have a male student on a team or in an intimate space with me at my school.

Privacy

40. I also believe that it is important for safety and privacy that girls are not forced to share restrooms and locker rooms with males.

41. So far, I have never been forced to share these spaces with a male at my school.

42. My teammates and I change in our school's locker rooms before track and cross-country practice and weekday meets.

43. Like most locker rooms, my teammates and I all change together in the open space between the lockers. The locker room setup at my school does not allow for much privacy because there are only a few private stalls, so the main changing area is in this open space.

44. For basketball, we use our school's locker room to change before practices and home games.

45. For away games in basketball, we use the locker rooms of the hosting school to change.

46. For all the sports I am involved in, we use the restroom facilities at the site of the meet or game. These facilities rarely allow for much privacy. In my experience, most school locker rooms are open spaces with few if any private stalls, and girls have little choice but to change in front of each other.

47. Sometimes, when we travel to competitions across the state or in other states, including Idaho and Montana, we spend the night in a hotel.

48. On these trips, we share a room and usually a bed with one of our teammates.

49. I would be very uncomfortable if I were forced to share a room or a bed with a male student.

50. If I were forced to do that, I would not go to the competition.

51. I believe it is inappropriate and unsafe for girls to be forced to share private spaces like restrooms, locker rooms, and showers with males. Girls and boys are not the same. They are meaningfully different, and these differences need to be recognized in situations where they are relevant for safety, privacy, and fairness.

The Future

52. It has been frustrating to compete against and finish behind male athletes on multiple occasions when competing on the girls' team at my school.

53. In the future, I hope that girls' will have their teams and private spaces at school protected.

54. I am optimistic that because the President has recognized that Title IX protects fairness for female athletes that states will respect our rights under the law too and that girls' teams can be just for girls.

55. I am also thankful that the President has said that restrooms and locker rooms at school can be separate for boys and girls. This is so important for safety and privacy.

56. As long as girls have to fight for fairness and privacy, I am committed to doing my part to advocate for female students and athletes.

57. I know what it is like to place behind a male and the frustration and discouragement this causes, and I don't want other girls to have this experience.

DECLARATION UNDER PENALTY OF PERJURY

I, A.K., a citizen of the United States and a resident of the State of Washington, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 20 day of February, 2025 at Colville, Washington.



A.K.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Parker Tirrell, by her parents and next friends Sara Tirrell and Zachary Tirrell, *and*

Iris Turmelle, by her parents and next friends, Amy Manzelli and Chad Turmelle,

Plaintiffs,

v.

Frank Edelblut, *in his official capacity as Commissioner of the New Hampshire Department of Education;*

Andrew Cline, Kate Cassady, Ann Lane, Philip Nazzaro, Rajesh Nair, James Fricchione, and James Leboe, *in their official capacities as members of the New Hampshire State Board of Education;*

Pemi-Baker Regional School District;

Pembroke School District;

Donald J. Trump, *in his official capacity as President of the United States,*
1600 Pennsylvania Avenue NW,
Washington, DC 20220;

U.S. Department of Justice,
950 Pennsylvania Avenue NW,
Washington, DC 20530;

Pamela Bondi, *in her official capacity as Attorney General of the United States,*
950 Pennsylvania Avenue NW,
Washington, DC 20530;

Civil Case No. 1:24-cv-0025-LM-TSM

U.S. Department of Education,
400 Maryland Avenue SW,
Washington, DC 20202; and

Denise L. Carter, *in her official
capacity as Acting Secretary of the
United States Department of Education,*
400 Maryland Avenue SW,
Washington, DC 20202.

Defendants,

and

Female Athletes United,

Proposed Intervenor-Defendant.

DECLARATION OF B.W. IN SUPPORT OF MOTION TO INTERVENE

I, B.W., under penalty of perjury, declare as follows:

1. I am a 15-year-old resident of Gilmanton, New Hampshire, in Belknap County, and I have personal knowledge of the information below.
2. This past fall, I started high school at a public school in Belknap County New Hampshire. I am currently a freshman.
3. It is my understanding that, as a public school, my high school is bound by the requirements of Title IX.
4. I am also a member of Female Athletes United (“FAU”). I joined FAU because I believe that girls’ sports and private spaces should be protected. As a female athlete, I want to advocate to protect the rights of female athletes like myself, both now and in future generations.

Playing sports

5. Sports have been a part of my life since I was a little girl.

6. I began playing soccer when I was four and have learned so much from playing and training about working hard and being part of a team.

7. Being an athlete has taught me life lessons about how to be perseverant and disciplined in order to achieve goals. This mindset has helped me grow as a person in other aspects of life as well.

8. I played both soccer and softball in elementary and middle school. Now that I am in high school, I am also playing school soccer and will play school softball in the spring.

9. In the fall of my freshman year, I played both junior varsity and varsity soccer for my school.

10. Being on the team was a great way to integrate into high school life, get to know other freshman, and meet upperclassmen.

11. I look forward to continuing to play on both the soccer and softball teams throughout my time in high school.

12. Playing soccer has been one of the highlights of my time in high school so far and I am excited for the softball season to start in March.

13. I come from a family of athletes. Growing up I would play with my brother. Playing with him when I was younger challenged me physically and helped me to develop a strong sense of competition.

14. Since we have gotten older, it is no longer fun to play against him. My brother's physiological advantages as a man prevent me from even being competitive against him. It's not fun to play when I don't have a fair chance to win.

15. I am grateful that there are dedicated girls' teams at my school, so that I can continue to develop my skills as an athlete, knowing that if my teammates and I work our hardest, we have a shot to win.

16. Playing on the high school soccer team in the fall season challenged me to excel and sharpened my skills as a player.

17. My teammates and I work and train really hard so that we have the best chance to win.

18. But some schools in New Hampshire have allowed males to play on the girls' team.

19. This fall, my team played against a team whose starting goalie was male.

20. We played against this team for our Homecoming game, which is an important game for the team and the school community.

21. It is a game that especially draws fans to come and cheer the team on.

22. Having a male, who is well above the average height of the girls on my team, on the opposing team made me nervous for the game.

23. Although we won, it still felt like a violation of the rights of female athletes to have a sports team designated for girls. Especially, because as the male student is the starting goalie, that student was taking a place on the field that would otherwise have gone to a female athlete.

24. If a male student joined my team, I would strongly consider no longer playing for my school.

25. I think it is unsafe and unfair for a male to take a girl's spot on the girls' team.

26. When it comes to playing women's sports, competing against and losing to a male athlete would make me feel defeated and incredibly frustrated. It would be degrading to work so hard to be the best female athlete I can be and then have a male ruin that hard work because he has physical differences that give him the advantage. Women's sports are supposed to be for women and provide women a fair opportunity to compete and win. By allowing men to compete in women's sports, officials would be communicating to me that they don't care about women, that

males and females are interchangeable and their differences don't matter, and that my right to compete fairly and safely doesn't matter.

27. I believe it is important for women and girls to feel safe in their sports and to have a fair chance to win.

Privacy

28. Another area of concern for me as an athlete and student is privacy.

29. As a female athlete, I change for practice in either the school restroom or locker room.

30. I had to change at school for soccer practice and will need to change on campus again for softball. I anticipate that I will be using the locker room to change nearly every day of the season for softball.

31. The locker room is often very crowded before practice.

32. It affords minimal privacy and girls change in the open spaces between lockers in order to be ready in time for practice. I can't imagine myself or one of my teammates needing to change, let alone shower, in front of a man. We are minors and shouldn't be seeing a naked man's body or having a man see ours.

33. If a male student were to change in the locker room, I would no longer feel comfortable changing there.

34. It would feel awkward, uncomfortable, and undignified for me to undress in front of a male.

35. I would feel embarrassed, humiliated, and even unsafe if a male was in the room while I changed or if a male was changing in front of me.

36. If this happened, I would not use the locker room to change. I would try to find a restroom with a private stall to change in.

37. I also use the restroom at school. Like most schools, my school has restrooms with multiple stalls that give only a low level of privacy.

38. I would be intensely uncomfortable and humiliated if a male student used the girls' restroom, while I was present. I would be afraid to go to the restroom at school if males were allowed to enter, because it would seem inappropriate and unsafe for me to use the restroom with a male student.

39. I also sometimes use the restroom at schools that host our soccer and softball competitions. Sometimes these restrooms are multi-stall restrooms. I would be afraid and uncomfortable to use the restroom at other schools if I knew that a male student could come into the restroom with me.

40. It is critical that girls have private spaces to change and use the restroom in so we can enjoy time at school and extracurriculars.

The Executive Orders and New Hampshire law

41. It is my understanding that currently, New Hampshire law protects the rights of female athletes to only compete against other females on girls' sports teams.

42. I also understand that an executive order put out by President Trump takes the position that Title IX protects girls' locker rooms and sports teams, by generally designating them for females.

43. Another executive order by President Trump, as I understand it, takes the position that school restrooms should generally be designated for males or females. So, under the order, only females can enter the girls' restroom and only male students can use the boys' restroom.

44. I am grateful to my state government and to the federal government for standing up for girls and women and protecting our sports and private spaces.

45. But I am worried that if the state law and executive orders are struck down, then my school and other schools in the state will continue to allow men in women's sports and women's private spaces. If that happened, I could be forced to

have males on my team and to share locker rooms and restrooms with male students.

46. If a male student joined my sports team at school, I am not sure that I would continue to play on the school team. I would be really sad to stop participating, but I do not think it would be safe or fair to give a girl's spot to a male.

47. And if males were allowed in the girls' restroom and locker room at school, I would no longer feel safe using them. I would stop changing in the locker room and I would not use the restroom if a male student was present.

48. This would be unfair, frustrating, and discouraging.

DECLARATION UNDER PENALTY OF PERJURY

I, B.W., a citizen of the United States and a resident of the State of New Hampshire, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 20th day of February, 2025 at Gilmanston, New Hampshire.

BW
B.W.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Parker Tirrell, by her parents and next friends Sara Tirrell and Zachary Tirrell, *and*

Iris Turmelle, by her parents and next friends, Amy Manzelli and Chad Turmelle,

Plaintiffs,

v.

Frank Edelblut, *in his official capacity as Commissioner of the New Hampshire Department of Education;*

Andrew Cline, Kate Cassady, Ann Lane, Philip Nazzaro, Rajesh Nair, James Fricchione, and James Leboe, *in their official capacities as members of the New Hampshire State Board of Education;*

Pemi-Baker Regional School District;

Pembroke School District;

Donald J. Trump, *in his official capacity as President of the United States,*
1600 Pennsylvania Avenue NW,
Washington, DC 20220;

U.S. Department of Justice,
950 Pennsylvania Avenue NW,
Washington, DC 20530;

Pamela Bondi, *in her official capacity as Attorney General of the United States,*
950 Pennsylvania Avenue NW,
Washington, DC 20530;

Civil Case No. 1:24-cv-00251-LM-TSM

U.S. Department of Education,
400 Maryland Avenue SW,
Washington, DC 20202; and

Denise L. Carter, *in her official
capacity as Acting Secretary of the
United States Department of Education,*
400 Maryland Avenue SW,
Washington, DC 20202.

Defendants,

and

Female Athletes United,

Proposed Intervenor-Defendant.

DECLARATION OF K.D. IN SUPPORT OF MOTION TO INTERVENE

I, K.D., under penalty of perjury, declare as follows:

1. I am a 16-year-old resident of Bow, New Hampshire, in Merrimack County, and I have personal knowledge of the information below.
2. I am a junior in high school at a public school in Merrimack County and it is my understanding that my high school is bound by the requirements of Title IX.
3. Women's sports are very important to me, and I am committed to advocating for the fairness and safety of female athletes.
4. I joined Female Athletes United because I care about fairness for women and girls in sports. Being part of an organization that believes in protecting opportunities for women helps me to participate in the larger effort to preserve safety and fairness for female athletes.

Playing sports

5. Being an athlete is a big part of who I am and impacts me in so many ways. For as long as I can remember, sports have been a part of my life.

6. My mom is a great multi-sport athlete. She still holds three records for women's high school basketball in New Hampshire. She teaches and encourages me as an athlete, helping me to become the best I can be.

7. Sports have helped me to be a better person and teammate. They help me to persevere to achieve goals and cultivate the discipline required to excel in school and in life.

8. I began playing soccer when I was three and have been playing ever since. It is a way for me to be active, spend time with friends, and build social connections.

9. My family moved to a new town just before I started high school. Joining sports teams at school helped me to make friends and integrate in a new setting.

10. Like my mom, I am a multi-sport athlete. I play soccer, basketball, and softball at my high school.

11. Sports bring me enjoyment. They help me to develop greater self-confidence and to stay healthy and in shape.

12. Being on three school sports teams is a significant commitment and can be exhausting at times, but I would not trade the experiences it has given me or the lessons it has taught me.

13. Working hard and improving my skills feels amazing. There is nothing like celebrating a big victory with my team after sacrificing and training day in and day out to achieve it.

14. Because I work so hard, it is frustrating and disheartening when it feels like the rights of female athletes are being sidelined or ignored.

15. This is how I felt the first time I played a male athlete.

16. During my sophomore year of high school, my school team played another high school girls' soccer team. We noticed that one of the players had a deeper voice and a distinctly different physique and stride than the other players. When I was on the field with this player, I noticed that the player was stronger and built differently than the female players.

17. I later learned that this player was Parker Tirrell, a male athlete, who is a Plaintiff in this case.

18. Even though our team won the game, it was upsetting and confusing to play against a male. I felt uncomfortable and taken advantage of, especially because neither my teammates and I nor our parents had any idea that we would be competing against a male.

19. After soccer season, I joined an indoor futsal league to continue keeping my soccer skills sharp. Some of the girls on my team played in the league with me. Some of the members of Parker's team, including Parker, also joined the league.

20. In this league, I played against Parker on multiple occasions. Because I was scoring a lot, Parker was assigned to defend me, so we often came into physical contact with one another while playing.

21. On several occasions, Parker knocked me down. It felt noticeably different than when I have run into a female when playing. Parker is sturdier, more muscular, and overall just built differently than a female.

22. I was angry and upset that a male was playing against me and knocking me down. It felt inappropriate and unfair that something like this was happening and that no one in charge seemed to recognize what I and the other girls were going through in having to play against a male.

23. It has been hard to see opportunities taken away from my friends by male athletes. I had a friend who was working hard and trying to place first at a state championship meet, only to have a male student take first place in the New Hampshire girls' high jump.

24. After that happened, my friend no longer felt motivated to strive for what she had trained for so many years to achieve. It was very difficult to see her in such an unfair and discouraging situation.

25. I have felt this way too, because I have worked hard since I was young to be the best I can be in order to excel as an athlete. After years of dedication and training, being forced to compete against male athletes, who have distinct physiological advantages, is upsetting.

26. It is so hard to see a male athlete take a spot on a team away from a girl who has worked so hard for so long, or to watch a male take a place on a podium, win an award, or break a record that would have gone or belonged to a girl. This is unfair and makes me feel like my rights to a level playing field are not important.

27. In contact sports like soccer and basketball, playing competitively against male players often feels unsafe. Girls and boys are just different physiologically. This is especially clear in high school, where boys are on average taller and stronger than girls.

28. In soccer, this means that males can often run faster and kick harder than girls. Soccer players frequently run into one another as they fight for the ball. When playing against girls this is no problem, but if I ran into a boy, I would likely fall down because boys are more muscularly dense. I would also be afraid that if a male athlete accidentally kicked me, I could get seriously hurt.

29. Basketball presents similar concerns. Players from opposite teams often make contact with each other when trying to make a shot or defend the

basket. Sometimes when a player goes up for a shot, they will hit another player as they come back down. Because boys are heavier and often jump higher, getting hit by a boy in this or a similar situation could be very dangerous for girls.

30. The differences between girls and boys are why we have separate sports teams. These physiological differences require separate teams in order for real, fair, and balanced competition to take place.

31. That's why it's so frustrating to lose to male athletes, because for girls, hard work and talent often won't be enough. We have a physical disadvantage when competing against males. As someone who has worked hard for over a decade to be the best athlete that I can be, I know that losing opportunities to a male would be deeply discouraging. I feel like school officials, politicians, and other leaders who allow males to play on girls' teams are saying that girls don't matter and that our rights to play sports fairly and safely are unimportant.

Privacy

32. Another place where it seems like the rights of female students and athletes are silenced is privacy.

33. When using the restroom or when changing in a locker room, it is critical for me to feel safe.

34. Having a male present in the restroom or a locker room feels undignified, uncomfortable, and vulnerable.

35. I would not use the restroom if there was a male present. School restroom stalls often have large gaps between the metal panels, and this does not give adequate privacy. If it is just girls using the restroom, it is no problem, because we are the same, but it is uncomfortable to have a male in the room.

36. Changing or showering in the locker room with a male would make me feel humiliated and vulnerable.

37. I would not change if a male were present, and if a male were changing or showering in the locker room, I would leave.

38. As an athlete who plays three different sports for my school, I am in the locker room nearly every day for the entire school year.

39. The locker room is not a private place. The main changing area is open, and the girls change quickly between school and practice in front of each other.

40. The locker room's showers only afford minimal privacy, but if only girls are present, it would not be uncomfortable to shower.

41. In basketball, my teammates and I use a locker room and restroom at the school of the opposing teams to change. For home games, the other team uses a restroom and locker room at our school. Schools usually have two locker rooms, so we are not in the locker room with the other teams.

The Executive Orders and New Hampshire law

42. My state of New Hampshire passed a law that protects girls' sports, by designating girls' teams for females.

43. It is my understanding that the President signed an executive order that protects girls' sports and locker rooms by clarifying that under Title IX they should be reserved for females.

44. And I learned that President Trump also put out an executive order saying that separate private spaces at school should be designated for boys and girls.

45. Two male athletes in my state, who identify as girls, have challenged these rules. I understand that there is currently an injunction allowing these two athletes to compete on girls' teams at school, and as mentioned earlier, I competed against one of these students in soccer and in a futsal league.

46. I am grateful to know that my state's law otherwise protects me from competing against other male athletes or having a male athlete join one of my girls' sports teams at school.

47. And I am thankful that the federal government is taking steps to also protect the sports and private spaces for female students.

48. I am worried that the law and executive orders protecting fairness and privacy for women and girls will be struck down.

49. If this happens, I will be concerned that I will have to compete against more male students. I am also afraid that male students will be allowed in the restrooms and locker rooms at school.

50. If a male athlete joined my team, I am not sure if I would continue to play on that team, because I would think it was unfair that a spot was being taken from a girl.


51. And if a male student came into the locker room or restroom, I would not change or use the restroom. I would try to exit as soon as I could, because I would feel vulnerable and unsafe.

52. As a teenage girl, I fear that if this is allowed to continue males could for malicious reasons demand to play on girls' teams and enter girls' private spaces to seek attention, win awards, or harm girls.

DECLARATION UNDER PENALTY OF PERJURY

I, K.D., a citizen of the United States and a resident of the State of New Hampshire, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 21 day of February, 2025 at Concord, New Hampshire.


K.D.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Parker Tirrell, by her parents and next friends Sara Tirrell and Zachary Tirrell, *and*

Iris Turmelle, by her parents and next friends, Amy Manzelli and Chad Turmelle,

Plaintiffs,

v.

Frank Edelblut, *in his official capacity as Commissioner of the New Hampshire Department of Education;*

Andrew Cline, Kate Cassady, Ann Lane, Philip Nazzaro, Rajesh Nair, James Fricchione, and James Leboe, *in their official capacities as members of the New Hampshire State Board of Education;*

Pemi-Baker Regional School District;

Pembroke School District;

Donald J. Trump, *in his official capacity as President of the United States,*
1600 Pennsylvania Avenue NW,
Washington, DC 20220;

U.S. Department of Justice,
950 Pennsylvania Avenue NW,
Washington, DC 20530;

Pamela Bondi, *in her official capacity as Attorney General of the United States,*
950 Pennsylvania Avenue NW,
Washington, DC 20530;

Civil Case No. 1:24-cv-00251-LM-TSM

U.S. Department of Education,
400 Maryland Avenue SW,
Washington, DC 20202; and

Denise L. Carter, *in her official
capacity as Acting Secretary of the
United States Department of Education,*
400 Maryland Avenue SW,
Washington, DC 20202.

Defendants,

and

Female Athletes United,

Proposed Intervenor-Defendant.

**DECLARATION OF KRISTI BURTON BROWN
IN SUPPORT OF MOTION TO INTERVENE**

I, Kristi Burton Brown, under penalty of perjury, declare as follows:

1. I am over the age of 18, of sound mind, and otherwise competent to sign this declaration. I have personal knowledge of the information below.

2. I am the Chairman of the Board of Directors of Female Athletes United, also known as FAU.

Female Athletes United Background

3. Female Athletes United is an Internal Revenue Code Section 501(c)(3), membership organization incorporated in Texas and formed for the purpose of defending women's sports, ensuring that women and girls have equal opportunities, and guaranteeing that women compete on a fair and safe playing field. Simply put, FAU promotes girls' and women's right to not compete against males who identify as females on girls' and women's sports teams. FAU also upholds the rights of women and girls to privacy in their locker rooms, restrooms, and other intimate spaces, as these protections are integral to their ability to participate in athletics.

4. FAU was founded in November 2023 to respond to the growing trend of males who identify as females entering women's sports. The founding officials of FAU watched as males identifying as females stole women's opportunities to advance, earn scholarships, be champions in their own sports, and in some cases, watched female athletes get injured by competing against male athletes.

5. At FAU, we publicly advocate for women's sports and seek to ensure women's sports remain or return to being women-only. FAU is a coalition of prospective, current, and former female athletes and also coaches, family members, and others who want to ensure that women's and girls' sports remain a place for only women and girls. Many of FAU's members are female athletes who currently compete on their girls' sports teams at public schools that receive Title IX funding.

6. The prospective and current athlete members do not want to be forced to compete against male athletes, because male athletes have a physical advantage over female athletes.

7. FAU also has male and female members who care about the existence of female sports. They want to make sure that women's sports teams are not eliminated as men are being permitted to play on women's and girls' sports teams.

8. Several FAU members are parents of current and former female athletes. These members supported their daughters throughout their athletic careers. They saw the benefits women's sports had on their daughters and they want to ensure that future generations of women and girls will have the same equal opportunities their own daughters experienced in sports.

9. When FAU members sign up as members, they can input their background information about why they feel passionate about women's sports. Board members review this information when they check FAU's membership.

FAU's Founding Board Members

10. I am the Chairman of the Board, and I founded FAU to protect women's sports. As the Board Chairman, I am familiar with the biographies of the other FAU board members.

11. I have spent time and effort in my professional life working to protect women's sports.

12. From childhood through junior high, I competed in figure skating. Figure skating shaped my childhood, and I learned many valuable lessons from competing in such an intense sport.

13. I am a constitutional law attorney, focusing on First Amendment and equal-protection issues. I am admitted to the Bar of the U.S. Supreme Court. I was honored to submit an amicus brief to the U.S. Supreme Court on behalf of dozens of female athletes to defend women's rights in sports in *West Virginia, et al. v. B.P.J.*

14. I want to protect women's sports for the next generation, specifically for my daughter who is involved in dance.

15. The other two founding members of the board are invested in protecting women's sports. Michele Hadley is the President and Treasurer of FAU and grew up in a family that was very involved in soccer.

16. She competed in travel soccer and on softball teams for many years. She was a four-sport varsity athlete in soccer, softball, cross country, and track. Michele chose soccer as her one love and received a scholarship to play soccer at the University of Central Arkansas. Michele led the school's Division 1 women's soccer team as its captain, won a championship ring her senior year, and helped the team secure an undefeated record in the regular season.

17. As a former college athlete, Michele is passionate about protecting girls who seek to compete fairly in their sport. Michele's family is deeply involved in

female sports: her dad and brother coach girls' softball teams, her mother is a sports-recruiting consultant, and her sister is a college softball coach.

18. Sandra Bucha is the Secretary for FAU. She was a nationally and world-ranked age group swimmer during her swimming career. She became an American record holder and national champion. Sandra was allowed to train with the boys' swim team at Hinsdale Central High School during the 1968–1972 high school seasons as there were no organized sporting activities for girls during that time.

19. Sandra recognized the discrimination all female athletes in high school faced because she lacked opportunities during those years. With the assistance and encouragement of her parents and coach, Sandra filed suit against the Illinois High School Association in federal court. The court's opinion in *Sandra Lynn Bucha, et al. v. Illinois High School Association, et al., United States District Court, N.D. Illinois, E.D. 72 C 378 (Opinion issued November 15, 1972)* was a precursor of things to come as Title IX of the Civil Rights Act, and several amendments were soon thereafter enacted. Although Sandra did not personally prevail in her independent action, the case was cited often in subsequent legal cases.

20. Sandra was a finalist in the 1972 Olympic trials and narrowly missed making the 1972 Olympic team. While attending Stanford University, Sandra embarked on her professional marathon swimming career. She joined the professional marathon swimming circuit in the summer of 1973 and for the next three years, competed in nine marathon swims.

21. She was undefeated as the first female in all her marathon swims, consistently placing second overall to International Swimming Hall of Fame (ISHOF), John Kinsella, earning her a place in the ISHOF, class of 2014.

22. Her accomplishments in the water and as a women's advocate helped pave the way for thousands of girls and women to participate in sports, the

acceptance of women in the male-dominated sport of marathon swimming, and for marathon swimming to become an Olympic sport.

23. The FAU board members founded FAU to respond to the growing number of males participating in women's sports. In reaction to these numerous instances and given our background in advocating for female athletes, we decided to start an organization that would address these concerns.

24. When we started our organization, we expended time and resources, and we had a website created for members to join and to share our purpose. Our website can be found at <https://www.femaleathletesunited.org/>.

Organizational structure and purpose of FAU

25. One purpose of FAU, and one reason members join FAU, is FAU provides legal cover for its members to speak about the issues mentioned above. FAU speaks on behalf of its members and provides anonymity for some female athletes.

26. I have active and general supervision over FAU. I have knowledge of the operations and circumstances of FAU's members with respect to their commitment to FAU's values, and to the impact of the laws and policies challenged in this case by FAU's members.

27. The board is responsible for increasing FAU membership and advocating for FAU's positions. In my experience, members join FAU because they share FAU's positions.

28. FAU is a membership organization formed to defend equal opportunity, fairness, and safety in women's and girls' sports. FAU members oppose allowing males to compete in female sports because males have inherent physical advantages that make competing against females unfair and often unsafe. They also advocate for privacy in women's intimate spaces as this is an essential aspect of athletic participation.

29. Part of the FAU advocacy and educational mission includes taking action against the major developments that will affect our members' educational opportunities.

30. Some of our members are female athletes at public schools who have been forced to compete against males in their events.

31. Thankfully, other FAU members have been protected from unfair competition against males.

32. As an organization, FAU exists to protect women and women's sports by ensuring that only women compete in women's sports.

33. FAU was a plaintiff in a case challenging the Biden Administration's Title IX rule, which would allow males who identify as girls or women to be on girls' sports teams and use their intimate facilities at school. FAU was successful at helping the plaintiffs win an injunction, which protected the schools of FAU members from the mandates of the rule. *See Kansas v. United States Dep't of Educ.*, 739 F. Supp. 3d 902, 918–19 (D. Kan. 2024) (“FAU is concerned that its members will lose their scholarships, privacy, and freedom of speech. Based on this review, the court finds that the interests at stake are relevant to the Plaintiff Organizations' purposes.”)

FAU's Members

34. FAU has members in states across the country, including members located and competing on girls' sports teams for their public schools in New Hampshire.

35. We also have members in numerous other states including: Arizona, California, Colorado, Connecticut, Georgia, Idaho, Illinois, Kansas, Maine, Maryland, Michigan, Minnesota, Missouri, Nevada, New York, North Carolina, Oregon, Pennsylvania, Texas, Utah, Virginia, Washington, West Virginia,

Wisconsin, and Wyoming. Many of these members attend public schools in their state and some compete in girls' sports through their schools.

36. I can confirm that B.W., K.D., A.C., and A.K., identified in the Motion to Intervene, are members of FAU and that based on their membership forms, they are female athletes who attend public schools.

37. And based on the information B.W. and K.D. submitted to FAU, they are female athletes who compete on girls' sports teams for their public schools in New Hampshire.

Women's Private Spaces

38. Not only does FAU support women's equality in sports, but FAU also wants to ensure that women and girls have access to sex-specific private spaces like locker rooms, showers, restrooms, and hotel rooms on overnight trips.

39. Having safe access to locker rooms, showers, and overnight trips is an essential part of playing athletics and participating on sports teams. Athletes need to be able to change in locker rooms and travel with their sports team in order to play on their sports team.

40. Likewise, having safe access to restrooms is essential to enjoying the benefits of school.

41. FAU leadership has seen reports that an increasing number of individuals who identify as transgender are seeking access to sex-specific spaces like locker rooms, showers, and restrooms belonging to the opposite sex.

42. Ensuring privacy in women's restrooms and locker rooms is a paramount concern for female athletes and therefore for FAU. In many cases, women's restrooms and locker rooms do not provide privacy. Women's restroom stalls often have wide gaps between the stall doors, exposing women and girls to other

individuals in the restroom. Also, women's locker rooms tend to have wide open spaces for women and girls to change in front of lockers.

43. At FAU, we want to ensure that women have the right to private spaces. We believe that many of our members do not want to share their private spaces with biological males, whether that be a restroom, locker room, shower area, or overnight accommodation.

The New Hampshire laws and the Executive Orders

44. FAU is committed to promoting laws and policies that protect fairness in women's sports and privacy in their intimate facilities, as guaranteed by Title IX.

45. Currently, New Hampshire's Fairness in Women's Sports Law (HB 1205) protects fairness in women's athletics across the state. While this Court enjoined that law already to allow the plaintiffs to participate in women's sports, that law still applies elsewhere across New Hampshire, protecting female athletes across New Hampshire.

46. And earlier this year, President Trump signed two executive orders protecting female students' privacy and athletic opportunity: *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government* and *Keeping Men Out of Women's Sports*.

47. The executive orders take positions that protect FAU members, like B.W., K.D., A.C., and A.K. from being forced to share private spaces like restrooms and locker rooms with males and from having males on their girls' teams at their own public schools and also on other public-school teams they compete against.

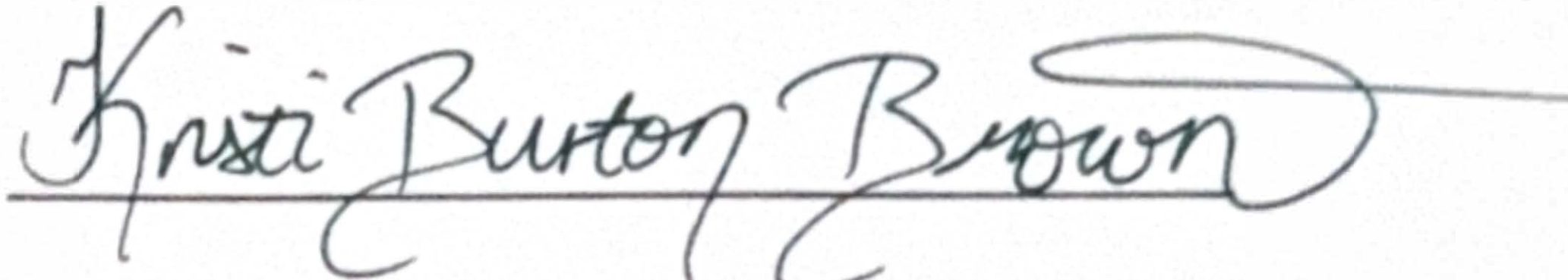
48. New Hampshire's Sports Law and the Trump executive orders help protect some FAU members, like B.W. and K.D. If those protections go away, FAU members who are female athletes in school would be more likely to lose their privacy in restrooms and locker rooms and their equal opportunities in sports.

49. FAU wants to ensure that women and girls have access to safe, sex-specific private spaces like restrooms, showers, locker rooms, and hotels on overnight stays and to fair athletic opportunities.

DECLARATION UNDER PENALTY OF PERJURY

I, Kristi Burton Brown, a citizen of the United States and a resident of the State of Colorado, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 20th day of February, 2025 at Douglas County, Colorado.


Kristi Burton Brown