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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9 **TACOMA DIVISION**

10 K.M.K., by and through her mother  
11 and legal guardian, STEPHANIE  
12 LYNNE BROWN; STEPHANIE  
13 LYNNE BROWN,  
14 *Plaintiffs,*

15 v.

16 WASHINGTON INTERSCHOLASTIC  
17 ACTIVITIES ASSOCIATION, et al.,  
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26

*Defendants.*

No.: 3:26-cv-05616-DGE

The Honorable David G. Estudillo

**PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

**NOTE ON MOTION CALENDAR:**

August 7, 2026

Oral Argument Requested

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## INTRODUCTION

Parents—not school officials—should decide what’s safe for their kids. But that doesn’t work when schools hide key information. Plaintiff Stephanie Brown saw that firsthand: officials matched her daughter, Plaintiff K.M.K., against a male in a “girls” wrestling match without telling her. And then the worst happened: the male sexually assaulted K.M.K. during the match.

Washington officials are responsible for that. Their policies allow female-identifying males to wrestle girls in the female category of WIAA-sponsored wrestling—without giving parents notice or a chance to opt girls out of matches with males. These policies put K.M.K. at risk of unknowingly wrestling a male again—unless K.M.K. leaves the sport she loves.

Plaintiffs thus move for a preliminary injunction. Washington officials should respect Ms. Brown’s right to direct K.M.K.’s upbringing by not matching K.M.K. against a male where feasible, and if not feasible, giving her notice and the right to opt out without penalty. It’s her fundamental right to decide whether K.M.K. should wrestle a male and risk harm. *See Mirabelli v. Bonta*, 607 U.S. 492 (2026) (per curiam).

Allowing males to compete in women’s sports also violates Title IX, so the Court should enjoin Defendants from allowing males in any matches in which K.M.K. participates. Wrestling is the ultimate contact sport with close, intimate physical contact. So “allowing biological males to play on women’s and girls’ sports teams can put female athletes at a serious disadvantage.” *West Virginia v. B.P.J.*, No. 24–38, 2026 WL 1868739, at \*8 (June 30, 2026). This “hard reality ... cannot be ignored or swept under the rug.” *Id.* And given the hostile environment caused by officials’ failure to respond appropriately to K.M.K.’s sexual assault, K.M.K. seeks transfer and transportation to another high school without losing athletic eligibility.

## STATEMENT OF FACTS

### I. **Allowing biological males to secretly compete in girls' wrestling harms girls.**

If girls' sports involve competing with males, parents need to know—regardless of the male athlete's gender identity—because males have inherent athletic advantages. But Washington's policies shut parents out.

#### A. **Males have an athletic advantage over females in wrestling, even in the same weight class.**

Males have stronger bones, greater blood oxygenation efficiency, taller height, broader wingspan, and more lean body mass. Ex. 1, Brown Expert Decl. ¶¶ 86–125. This translates to greater speed, strength, and overall athletic advantage. *B.P.J.*, 2026 WL 1868739, at \*10. According to the International Olympic Committee, “male sex ... confers performance advantage in *all* sports and events that rely on strength, power, and/or endurance,” so eligibility must be sex-based “[t]o protect fairness in such sports.”<sup>1</sup> See *B.P.J.*, 2026 WL 1868739, at \*4–\*5.

The physical characteristics “most strongly associated with competitive success” in wrestling are “isometric strength, dynamic strength, anaerobic power, muscular endurance, aerobic endurance, and body composition.” Ex. 1, Brown Expert Decl. ¶ 128. For each, males have a substantial advantage over females. *Id.* ¶ 130. These advantages enhance males’ “ability to execute takedowns, maintain control positions, perform lifts and mat returns, resist an opponent’s attacks, recover from repeated high-intensity efforts, and sustain performance throughout a match and tournament.” *Id.* ¶ 167.

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<sup>1</sup> See International Olympic Committee, *Policy on the Protection of the Female (Women's) Category in Olympic Sport* (March 2026) (emphasis added), <https://perma.cc/D9RR-63RS>.

1 Males have a large strength advantage, even when expressed relative to  
 2 body mass. *Id.* ¶¶ 132–40. For example, “males exhibit approximately 54% greater  
 3 relative upper-body strength” and “39% greater relative lower-body strength.” *Id.*  
 4 ¶ 133. Similarly, when normalized to body mass after puberty, males have 25–30%  
 5 stronger grip strength, *id.* ¶ 141, can perform about 600% more pull-ups, *id.* ¶ 144,  
 6 and generate greater anaerobic power than females, *id.* ¶ 154. These advantages  
 7 exist to some degree at all ages. *E.g., id.* ¶¶ 145, 168. And for competitive athletes,  
 8 the discrepancies are even larger. *Id.* ¶ 134.

9 Weight categories and body composition rules don’t erase the advantage:  
 10 “even when differences in body composition are accounted for, male performance  
 11 advantages persist.” *Id.* ¶ 153. For example, when lean body mass proportion is  
 12 controlled, males still have a 9.46% stronger handgrip, 15.7% greater back  
 13 strength, and 11.7% better jump performance. *Id.*

14 In addition to undermining fairness, male participation in women’s wrest-  
 15 ling is unsafe. Ex. 2, Carlson Expert Decl. at 2–3. Males’ greater speed and  
 16 strength “can result in greater risk of injury to females when males compete  
 17 against them.” *Id.* ¶ 57; *see also id.* ¶¶ 42–55. At the same time, “the female body  
 18 appears more vulnerable than the male body to certain types of injury.” *Id.* ¶ 57.  
 19 In particular, females are prone to more frequent, more severe, and longer-lasting  
 20 concussions. *Id.* ¶¶ 62–73. Likewise, females are “far more vulnerable to ACL  
 21 injuries.” *Id.* ¶¶ 74–82.

22 Given males’ greater strength and females’ greater susceptibility to injury,  
 23 sex differences matter in wrestling. Plus, wrestling involves close physical contact  
 24 that can make students uncomfortable wrestling against members of the opposite  
 25  
 26

sex.<sup>2</sup> For all these reasons, as WIAA’s assistant executive director acknowledged in 2011, “We need to have girls wrestling girls and guys wrestling guys.”<sup>3</sup> But Washington’s rules ignore this need.

**B. Washington policies allow biological males who identify as female to join “girls” wrestling.**

1. The Washington Office of Superintendent of Public Instruction (OSPI) requires schools to adopt policies that elevate the interests of males who identify as female over girls’ interests. That means males can compete in girls’ wrestling and girls’ soccer—K.M.K.’s two sports. Verified Complaint (Compl.) ¶¶ 14, 45, 173, Dkt. 1.

OSPI regulations prohibit schools from, based on “gender expression” or “gender identity,” “exclud[ing] any person from participation in, deny[ing] any person the benefits of, or otherwise discriminat[ing] against any person in any interscholastic, club, or intramural athletics or recreational activity.” WAC 392-190-025(1); *see also* RCW 28A.642.020; WAC 392-190-005. And mandatory OSPI guidance requires school districts to let students play on sports teams “consistent with their gender identity.” Ex. 3, OSPI 2012 Guidelines, p.30. Gender identity refers to the student’s “deeply felt internal sense of being male or female,” Ex. 3, p.28, and schools cannot require “proof of medical treatments,” Ex. 3, p.30.

School districts must adopt OSPI’s “model transgender student policy and procedure.” RCW 28A.642.080(1), (3). OSPI enforces school districts’ compliance. RCW 28A.642.030. It can terminate funding or programs, institute corrective action, and place districts on probation. RCW 28A.642.050.

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<sup>2</sup> John Boyle, *Washington Isn’t Iowa*, HeraldNet.com (Feb. 19, 2011, at 21:58 PT), <https://perma.cc/7JBM-WER5> (relating one student’s discomfort).

<sup>3</sup> *Id.*

OSPI hasn't been shy about enforcing these demands. Last year, OSPI investigated every school district in the state to make sure each had adopted OSPI's gender-identity policies. Compl. ¶ 278.<sup>4</sup> For the 92 districts not in compliance, OSPI issued letters demanding "corrective actions" and threatening enforcement action. Compl. ¶¶ 279–90. Most districts adopted OSPI's policy, and OSPI reported the rest to the legislature and threatened them with losing all state funding. *Id.* ¶¶ 280–87.

OSPI isn't naïve to the harm these policies cause to girls. School districts have filed complaints explaining that allowing males to participate in girls' sports denies girls equal opportunities. *See id.* ¶¶ 265–67. Likewise, female athletes have filed complaints against OSPI and even met with Superintendent Reykdal to share how these policies harm girls. *Id.* ¶¶ 268–72. Despite knowing these problems, *id.* ¶¶ 273–74, OSPI refuses to change course.

2. WIAA is Washington's regulatory body for interscholastic sports. RCW 28A.600.200. Puyallup School District, like other municipalities, has delegated control over its interscholastic athletics programs to WIAA. *See id.* WIAA's rules bind the District and other member schools. Ex. 4, Handbook 3.3.0, pp.6–7. Because WIAA controls its recipient-members' athletics programs, it must comply with Title IX's funding conditions. *Horner v. Ky. High Sch. Athletic Ass'n*, 43 F.3d 265, 272 (6th Cir. 1994); *see also, e.g., A.B. v. Haw. State Dep't of Educ.*, 386 F. Supp. 3d 1352, 1357–58 (D. Haw. 2019), *aff'd*, 30 F.4th 828 (9th Cir. 2022). It also must respect the Constitution's limitations on state action. *See Clark ex rel. Clark v. Ariz. Interscholastic Ass'n*, 695 F.2d 1126, 1128 (9th Cir. 1982) ("associations like [this] are so intertwined with the state that their actions are considered state

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<sup>4</sup> Darryl Colman, OSPI, *Report to the Legislature: 2024–25 Statewide Civil Rights Review* 11–12 (2025), <https://perma.cc/W6HP-YW5Y>.

1 action”); *e.g.*, *Kanongata’a v. WIAA*, No. C05-1956C, 2006 WL 1727891, at \*16 n.9  
 2 (W.D. Wash. June 20, 2006).

3 WIAA policy, too, says that athletes “participate in programs consistent  
 4 with their gender identity.” Ex. 4, Handbook 18.16.0, p.41; *see also id.*, Handbook  
 5 19.6.2, p.46 (gender-identity eligibility policy), App. 3, p.91 (Gender Identity—  
 6 Definitions). To that end, WIAA prohibits schools from asking students for “proof  
 7 of gender, like a birth certificate or doctor’s statement.” Ex. 5, Gender Diverse  
 8 Inclusivity Toolkit p.11. Indeed, it says a student’s gender identity—and thus  
 9 athletic participation—can change from season to season, and that an athlete who  
 10 identifies as “nonbinary” is free to “select the gendered team on which they feel  
 11 most comfortable participating.” Ex. 5, Toolkit p.16.

12 WIAA recognizes boys’ wrestling and girls’ wrestling as independent sports,  
 13 and its weight-management program—designed to protect athletes’ health and  
 14 prevent unhealthy weight-loss efforts—mandates sex-differentiated body-fat  
 15 percentage limits. Ex. 6, Washington Wrestling Weight Management Program p.2.  
 16 But the policy exempts athletes if a physician certifies that “the athlete is  
 17 naturally” below the minimum. *Id.* Since males naturally have a lower body-fat  
 18 percentage than females, Brown Expert Decl. ¶¶ 109–15, a male could easily  
 19 satisfy that standard and avoid the girls’ body-fat minimum.

20 When school districts petitioned to change WIAA’s policies, WIAA refused to  
 21 hold a binding vote. *See* Compl. ¶¶ 307–18. And when school districts, parents,  
 22 and girls protested, WIAA suggested that they stop “complaining.”<sup>5</sup>

23 **3.** The District’s policies also discriminate against girls. Its rules say  
 24 students will “participate in ... athletic programs/opportunities in a manner that is

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25 <sup>5</sup> Denise Whitaker, *Proposals to Ban Transgender Student-Athletes from Girls’*  
 26 *Sports in Washington Fail*, KOMO News (Apr. 22, 2025), <https://perma.cc/V47V-AN6Y?type=image>; *see* Compl. ¶¶ 301–18.

consistent with their gender identity.” Ex. 7, Policy 3211R, p. 3; *see also* Ex. 8, Policy 3211 p.1; Ex. 9, 2151 p.1; Compl. ¶¶ 192–96.

## **II. Defendants put K.M.K. in harm’s way.**

Loss of fair competition isn’t the only harm caused by allowing males to compete in girls’ sports—as K.M.K. learned.

### **A. K.M.K. was sexually assaulted by a male competitor during a girls’ wrestling tournament.**

In a match for third place at the WIAA Lady Jags Kickoff Tournament, District officials instructed K.M.K. to wrestle an opponent, who, unknown to her, was a male who identifies as a girl. Compl. ¶¶ 58, 89. During the match, the male sexually assaulted her; the athlete’s fingers pushed hard through K.M.K.’s singlet, her spandex shorts, and her underwear, and penetrated her vagina for several seconds. *Id.* ¶¶ 67–68. K.M.K. felt violated and was in incredible pain. *Id.* ¶¶ 68–69.

After being sexually assaulted, K.M.K. tried to lose the match. *Id.* ¶ 73. But before she could, the male again groped forcefully around her vagina. *Id.* Seconds later, K.M.K. allowed herself to be pinned to end the match. *Id.*

After the match, K.M.K. ran to her mother. *Id.* ¶ 81. While she was sobbing, another team’s coach told her that her opponent was male. *Id.* ¶ 89. This deepened her feeling of violation and shock. *Id.* ¶ 90. Neither she, nor her mother, had any idea. *Id.* ¶¶ 58, 90. K.M.K. felt betrayed that she’d been told to wrestle a male without her (or her mother’s) knowledge or consent. *Id.* ¶ 90.

Because of the sexual assault, K.M.K. suffered pain and emotional distress, as well as ongoing anxiety that (among other harms) has caused her to miss school. *Id.* ¶¶ 97–100; Stephanie Brown Decl. ¶¶ 20–35.

**B. Defendants’ policies and actions have excluded K.M.K. from participating in wrestling at Rogers High School.**

The following Monday, Ms. Brown notified the school that K.M.K. had been sexually assaulted by the male competitor during the match. Ex. 10. Because “professional school personnel” must report a sexual assault to law enforcement within 48 hours, Ms. Brown and K.M.K. relied on the District to report it right away. Compl. ¶¶ 93–94; RCW 26.44.030 (a) & (h); Stephanie Brown Decl. ¶¶ 14–15; Ex. 3, OSPI 2012 Guidelines pp.62–66; *see also* Ex. 11, Policy 3210 p.1. But that did not happen.

By January 2, 2026, the District had still taken no action. Compl. ¶¶ 102–03. So K.M.K. made the difficult decision to withdraw from wrestling until she was no longer in danger of wrestling a male—potentially the same male. *Id.* ¶ 104. She likewise could not compete in soccer, where the same safety concerns apply. *Id.* ¶ 173; *see also* Stephanie Brown Decl. ¶¶ 16–19.

On January 25, K.M.K. saw a video reporting that 13 girls from Emerald Ridge High School had complained to District officials that two males on the girls’ wrestling team made them uncomfortable in their locker room. Compl. ¶ 109. According to the reporter, school officials dismissed the girls’ complaints and gave them OSPI handouts on inclusivity. *Id.* ¶ 113. K.M.K. made the connection: One of these males was likely the person she wrestled, other girls were at risk, and the District would do nothing. *Id.* ¶ 110. So K.M.K. shared her story with that reporter. *Id.* ¶ 116.

On January 30, 2026—just one day after the outlet contacted the District for comment about K.M.K.’s assault—the District reported it to the Pierce County

1 Sheriff's Office.<sup>6</sup> Compl. ¶ 135. A detective found probable cause for felony third-  
 2 degree rape and referred charges to the prosecutor.<sup>7</sup> The District delayed its  
 3 investigation until 10 days later, after K.M.K.'s story became public and the U.S.  
 4 Department of Education also opened an investigation. Compl. ¶¶ 139–41.

5 After going public about the sexual assault, K.M.K. encountered a  
 6 worsening hostile environment at school. *Id.* ¶¶ 153–64. School officials,  
 7 classmates, teammates, and even the wrestling coaches have mistreated her. *Id.*  
 8 The District has done nothing to remedy this treatment or the sexual assault.  
 9 Stephanie Brown Decl. ¶¶ 16–23. Its investigation has yet to conclude over four  
 10 months after it began. Compl. ¶¶ 165–72.

11 And even worse, four days before K.M.K. brought this case, the elected  
 12 Pierce County District Attorney declined to bring charges—based on the startling  
 13 theory that K.M.K. *consented* to being sexually assaulted. Ex. 13, pp.7–8.

14 **III. Defendants refuse to protect K.M.K. from having to compete against**  
 15 **males—or to notify her mother beforehand.**

16 Despite the harm their policies have caused K.M.K., neither WIAA, OSPI,  
 17 nor the District will protect her from being matched to wrestle a male again. They  
 18 will not notify parents upon matching their daughters against males, or let  
 19 parents opt their daughters out of these matches without penalty. *See supra*  
 20 Pt.I.B. Even after the Supreme Court's order in *Mirabelli*, no Defendant will  
 21 change its policies—not OSPI,<sup>8</sup> not WIAA, Compl. ¶¶ 314–20, and not the District.  
 22 *Id.* ¶ 183.

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23 <sup>6</sup> See Ex. 12, Conner Board, *Investigations Underway After Alleged Sexual*  
 24 *Assault During Wrestling Match*, King5 (Feb. 13, 2026, at 20:49 PT) (quoting a  
 statement from the Sheriff's Office).

25 <sup>7</sup> See *supra* n.6.

26 <sup>8</sup> Inside Olympia, *Inside Olympia—Chris Reykdal*, OSPI, YouTube, at 42:00 to  
 50:00 (Apr. 9, 2026), <https://youtu.be/em-Nn5SjBDM?si=j8bgnasWufoR9qsD>; see  
 Compl. ¶¶ 291–94.

On March 27, 2026, Ms. Brown sent Dr. Brobbey a request for supportive measures. Ex. 14 (Brobbey email April 3, 2026). Among other things, she requested assurance that her daughter would “not have to compete against any biological males.” *Id.* at 5. Dr. Brobbey refused because “WIAA rule (18.15.0-18.15.5), state law (WAC 392-190-025), OSPI rules, and district policy allow students to participate in and compete in sports in alignment with their gender identity.” *Id.* at 2. Ms. Brown asked alternatively that she and K.M.K. receive notice and a chance to opt out “before any biological male participate[d] on [K.M.K.’s] wrestling team or an opposing wrestling team in her weight category.” *Id.* at 2–3. But Dr. Brobbey again refused, claiming, “WIAA rules[] and district policies” prohibit notice. *Id.* at 3. So even though District records show students’ legal sex, Ex. 7, Policy 3211R p.2, it refuses to use this information to let girls discreetly avoid wrestling males.

All this excludes K.M.K. from wrestling and soccer. Stephanie Brown Decl. ¶¶ 10, 16–24, 36–41. While K.M.K.’s male opponent advanced to the state tournament, Defendants have made K.M.K. a spectator in her own sport. Compl. ¶¶ 77–78, 104, 143.

### STANDARD FOR GRANTING THE MOTION

A plaintiff is entitled to a preliminary injunction when she shows a likelihood of success on the merits; irreparable harm; that the balance of equities tips in her favor; and that an injunction is in the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). These factors are analyzed on a “sliding scale,” *Fellowship of Christian Athletes v. San Jose Unified Sch. Dist. Bd. of Educ.*, 82 F.4th 664, 684 (9th Cir. 2023) (citation modified), so “a stronger showing of one element may offset a weaker showing of another,” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131–32 (9th Cir. 2011). A preliminary injunction is also

proper when the plaintiff shows “serious questions going to the merits” and a balance of hardships that “tips sharply” in her favor. *All. for the Wild Rockies*, 632 F.3d at 1135.

## ARGUMENT

### I. Plaintiffs are likely to succeed on the merits.

Ms. Brown and K.M.K. are likely to succeed on their claims that Defendants’ policies violate Ms. Brown’s fundamental parental rights and K.M.K.’s Title IX protections.

#### A. Ms. Brown’s fundamental parental rights entitle her to notice and an opportunity to opt out of K.M.K. wrestling a male.

Parents shouldn’t be kept in the dark and misled when their child’s safety is at risk. But even now, school officials refuse to protect K.M.K. from wrestling a male again, or even to give Ms. Brown notice and an opportunity to opt her out of matches with males. Compl. ¶¶ 359–61; Ex. 14 (Brobey email April 3, 2026).

Ms. Brown is likely to succeed in her claim against Superintendent Reykdal, WIAA, and the District that these policies violate her fundamental parental rights. To ensure that Ms. Brown can exercise her parental rights without penalty, she needs injunctive relief that prohibits Defendants from matching her daughter against a male. Stephanie Brown Decl. ¶¶ 36–40. If impossible—say, because of a bracket matchup—Defendants must at least give Ms. Brown notice before the match and the chance to opt K.M.K. out of the match without athletic penalty (without posting a loss or forfeit) in that or future competition. *Id.*

“[T]he custody, care and nurture of the child reside first in the parents.” *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944). That right “is perhaps the oldest of the fundamental liberty interests recognized by th[e Supreme] Court.” *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (plurality); *see, e.g., Meyer v. Nebraska*,

1 262 U.S. 390, 401 (1923). Under this “long-established precedent, parents—not the  
 2 State—have primary authority with respect to ‘the upbringing and education of  
 3 children.’” *Mirabelli*, 607 U.S. at 497 (quoting *Pierce v. Soc’y of Sisters*, 268 U.S.  
 4 510, 534–35 (1925)). A parent has authority to direct the conditions under which  
 5 her child interacts with others, even at school—especially when physical safety  
 6 and bodily privacy are at issue. *See id.*; *cf. Troxel*, 530 U.S. at 70 (plurality). If the  
 7 state infringes on this fundamental right, it must show that its policy is narrowly  
 8 tailored to a compelling state interest. *See Washington v. Glucksberg*, 521 U.S.  
 9 702, 720 (1997).

10 In *Mirabelli*, the Court approved an injunction that forbids California school  
 11 officials from withholding information about children’s gender-dysphoria  
 12 symptoms from their parents. 607 U.S. at 496–97. Under a long line of precedent,  
 13 the Fourteenth Amendment protects parents’ “right not to be shut out of  
 14 participation in decisions regarding their children’s mental health.” *Id.* at 496  
 15 (citing *Pierce*, 268 U.S. at 534–35; *Meyer*, 262 U.S. at 400; *Parham v. J.R.*,  
 16 442 U.S. 584, 602 (1979)). So the Supreme Court held that schools cannot conceal  
 17 information like this with “an important bearing on a child’s mental health”—  
 18 much less “facilitate a degree of gender transitioning” without consent. *Id.* at 497.

19 After all, a parent has the right to make “consequential decisions” about her  
 20 child’s well-being, including her safety. *See id.* at 497. Parents “can and must  
 21 make those judgments” about the “*physical* or mental health” of their child “even  
 22 in adolescence.” *Parham*, 442 U.S. at 603 (emphasis added). Here, the  
 23 consequential decision that belongs to Ms. Brown is whether her daughter will  
 24 wrestle competitively against males. Just as California shut parents out of a  
 25 mental-health decision in *Mirabelli* by concealing gender-dysphoria information  
 26 and facilitating social transitions, Defendants shut Ms. Brown out of a physical-

1 health decision by concealing whether K.M.K. will wrestle a male and facilitating  
 2 those matches without parental consent. Stephanie Brown Decl. ¶¶ 36–40. But the  
 3 Constitution does not carve out physical safety from parents’ fundamental right to  
 4 direct their children’s care. *Parham*, 442 U.S. at 602.

5 The District has the information to give Ms. Brown notice, and it knows how  
 6 to accommodate parents’ choices—it already requires parental permission for  
 7 extracurricular or off-campus activities, including girls’ wrestling. Ex. 9, Policy  
 8 2151 p.2; Ex. 15, Student Athletic Handbook 2025–2026 p.5. Ms. Brown consented  
 9 to K.M.K.’s participation in “girls’ wrestling”; she never consented to K.M.K.  
 10 wrestling a male. Compl. ¶ 371. Nor did she receive notice that “girls’ wrestling”  
 11 meant wrestling males. Compl. ¶ 359.

12 That violates Ms. Brown’s “right not to be shut out of participation in  
 13 [consequential] decisions.” *Mirabelli*, 607 U.S. at 497. Whether to engage in a  
 14 high-contact, physically demanding sport is consequential to any child’s well-  
 15 being, and competitors’ sex is a crucial factor. Title IX regulations have long  
 16 recognized the need for “separate teams for members of each sex” in “contact  
 17 sport[s]” like “wrestling.” *B.P.J.*, 2026 WL 1868739, at \*7. Male participation on  
 18 female wrestling teams is based solely on the male’s “deeply felt internal sense of  
 19 being ... female,” regardless of *any* inherent physical risks from their participation.  
 20 Ex. 3, p.28. A league that includes both biological male and female athletes  
 21 deviates from longstanding safety practices and requires parental consent. But  
 22 Ms. Brown cannot make that decision if Defendants hide the male’s participation.  
 23 Stephanie Brown Decl. ¶¶ 36–40.

24 The District represented that K.M.K. “would be able to forfeit any such  
 25 matches [with a biological male] without any adverse consequences *imposed by the*  
 26 *district.*” Ex. 14 (Brobbeey email April 3, 2026) (emphasis added). But that’s not a

1 meaningful option—if she doesn’t know which matches have males, she’s essentially  
 2 excluded from wrestling to preserve her safety. And the consequences don’t come  
 3 mainly from the district, but from WIAA counting a forfeit against her record.<sup>9</sup>

4 Without specific notice when K.M.K. is set to wrestle a male, Ms. Brown  
 5 must either cede decision-making to the government or pull her daughter from the  
 6 sports she loves. Stephanie Brown Decl. ¶ 37. Such a penalty independently  
 7 violates Ms. Brown’s parental rights. “[W]hen the government chooses to provide  
 8 public benefits, it may not condition the availability of those benefits upon a  
 9 recipient’s willingness to surrender” her fundamental constitutional rights.

10 *Mahmoud v. Taylor*, 606 U.S. 522, 561 (2025) (citation modified); *see also*  
 11 *Mirabelli*, 607 U.S. at 496–97. Just as general notice that LGBTQ books would be  
 12 taught was not enough in *Mahmoud*, general notice that males compete in girls’  
 13 sports is not enough here. *See* 606 U.S. at 560. Specific notice before matches is  
 14 necessary to ensure K.M.K.’s full participation in a public benefit—school sports.

15 Defendants lack any compelling interest in withholding notice from Ms.  
 16 Brown. The District claims that “FERPA requirements, WIAA rules, and district  
 17 policies require districts to maintain confidentiality of a student’s gender identity  
 18 information.” Ex. 14 (Brobbeey email April 3, 2026). But privacy interests don’t  
 19 justify “cut[ting] out the primary protectors of children’s best interests: their  
 20 parents.” *Mirabelli*, 607 U.S. at 496–97. And because “allowing biological males to  
 21 play on women’s and girls’ sports teams can put women and girls at significant risk  
 22 of injuries,” giving notice of that risk is paramount—especially for the “particularly  
 23 severe” safety risk “in contact sports” like wrestling. *B.P.J.*, 2026 WL 1868739, at  
 24 \*8.

25  
 26 <sup>9</sup> *See NFHS, Wrestling Points of Emphasis—2024–25* (Sept. 24, 2024),  
<https://perma.cc/4U8A-CK4H>.

1 In any event, refusing Ms. Brown’s request is not narrowly tailored to the  
 2 interests asserted. Ms. Brown asks Defendants not to match her daughter against a  
 3 male and, at minimum, to give notice. If Defendants honor that request, it’s  
 4 unlikely anyone’s confidentiality interests are implicated. Notice could be discreet  
 5 and handled with compassion and appropriate confidentiality safeguards. Indeed,  
 6 the male wrestlers’ sex was no secret—K.M.K. learned her opponent’s sex from a  
 7 coach at another District school, and Emerald Ridge students evidently know that  
 8 two of the girls’ wrestling team members are male. Compl. ¶¶ 89, 109. But  
 9 Defendants refuse notice regardless of whether the information is publicly known.

10 An in-the-moment forfeiture would also require K.M.K. to make a snap  
 11 judgment in the heat of competition. All this is avoidable. Defendants could avoid  
 12 matching her with male wrestlers. Compl. ¶ 49. If that’s ever impossible, advance  
 13 notice would draw *less* attention to a competitor’s gender identity than an on-the-  
 14 mat forfeit. Ms. Brown requests the most narrowly tailored option—an injunction  
 15 that prohibits Defendants from (1) assigning K.M.K. to compete against a male, and  
 16 (2) making such an assignment without notice and the chance to opt out without  
 17 penalty if the match-up can’t be avoided. Stephanie Brown Decl. ¶¶ 36–40.

#### 18 **B. Gender-identity-based athletics policies violate Title IX.**

19 Title IX demands similar relief. Defendants made two decisions that together  
 20 constitute intentional discrimination under Title IX. First, they created separate  
 21 girls’ sports teams. That deliberate, sex-based choice recognized “the inherent  
 22 physical differences between biological men and biological women—as well as the  
 23 safety and competitive fairness concerns that would arise if males were allowed to  
 24 compete in female sports.” *B.P.J.*, 2026 WL 1868739, at \*8. That’s why the Title IX  
 25 regulations expressly bless this approach, and why nearly every athletics authority  
 26 subject to Title IX has used it for decades. 34 C.F.R. § 106.41(b)(2) & (c).

1 But then, WIAA, the District, and OSPI adopted policies that put some males  
 2 into the previously protected girls' category, pulling themselves out of compliance  
 3 with the separate-teams safe harbor. That is also a sex-conscious decision, and it's  
 4 intentional discrimination because it represents a choice to take the benefit of  
 5 female-only sports away from girls and instead to elevate the interests of males who  
 6 identify as girls. At the least, it's deliberate indifference—Defendants know that  
 7 male participation harms girls, yet they “disregarded a strong likelihood that [their  
 8 policies] would result in a violation of federally protected rights.” *A.J.T. ex rel. A.T.*  
 9 *v. Osseo Area Schs., Indep. Sch. Dist. No. 279*, 605 U.S. 335, 345 (2025) (citation  
 10 modified). This violates Title IX in at least four independent ways.

11 1. Defendants intentionally discriminate based on sex in their athletics  
 12 programs. Title IX prohibits sex-based discrimination, which occurs when “there is  
 13 no justification for the difference in treatment.” *CSX Transp., Inc. v. Ala. Dep’t of*  
 14 *Revenue*, 562 U.S. 277, 287 (2011). But in sports, there is justification for treating  
 15 the sexes differently—“namely, the inherent physical differences between biological  
 16 women and biological men.” *See B.P.J.*, 2026 WL 1868739, at \*8. So regulations  
 17 have long recognized that recipients’ athletics “programs” must provide equal  
 18 “participation” and “benefits” to both sexes, and cannot “discriminat[e]” based on  
 19 sex. 34 C.F.R. § 106.41(a). Defendants’ failure to provide equal treatment for girls’  
 20 sports violates Title IX.

21 In determining equal treatment, practicalities like “the nature of particular  
 22 sports” matter. Educ. Amends. of 1974, Pub. L. No. 93-380, § 844, 88 Stat. 484, 612  
 23 (1974) (“Javits Amend.”). For decades, Title IX has recognized that males’ inherent  
 24 athletic advantage justifies “[sex] conscious allocation of [athletic] opportunities.”  
 25 *Neal v. Bd. of Trs. of Cal. State Univs.*, 198 F.3d 763, 772 n.8 (9th Cir. 1999); *accord*  
 26 *Mercer v. Duke Univ.*, 190 F.3d 643, 646 (4th Cir. 1999). That is why schools can

1 have “separate teams for members of each sex where selection for such teams is  
 2 based upon competitive skill or the activity involved is a contact sport.” 34 C.F.R.  
 3 § 106.41(b). Without girls’ teams, “boys would dominate the girls’ programs and  
 4 deny them an equal opportunity to compete in interscholastic events.” *B.P.J.*, 2026  
 5 WL 1868739, at \*8 (quoting *O’Connor v. Bd. of Educ. of Sch. Dist. 23*, 449 U.S. 1301,  
 6 1307 (1980) (Stevens, J., in chambers)). So when Title IX took effect, WIAA, OSPI,  
 7 and the District—like school authorities around the country—chose sex-based  
 8 separation for most sports.

9 Creating separate teams, rather than making all sports co-ed, was an  
 10 intentional choice made for sex-based reasons. Inherent male advantage means that  
 11 co-ed teams exclude girls from competition, denying them meaningful athletic  
 12 opportunity. Wrestling’s development highlights the problem. Before girls’ wrestling  
 13 existed as a separate sport, some girls competed on boys’ teams because that was  
 14 their only option. Females have no physiological advantage, so the co-ed sport  
 15 remained fair and safe for the boys. But as girls’ interest in wrestling grew, WIAA  
 16 sanctioned and promoted girls’ wrestling as its own sport to extend wrestling’s  
 17 benefits to girls. That was because of inherent male advantage—girls-only sports  
 18 create a level playing field that doesn’t exist in co-ed competitions. Defendants can  
 19 offer no other rationale for creating girls’ wrestling instead of leaving it a co-ed  
 20 sport.

21 But Defendants’ gender-identity policies upended all that. They intentionally  
 22 elevate the interests of males identifying as female over the interests of girls in  
 23 previously protected, girls-only sports. That intentional discrimination against girls  
 24 violates Title IX. *See Pederson v. La. State Univ.*, 213 F.3d 858, 881 (5th Cir. 2000).  
 25 Motive doesn’t matter, *id.* at 880, and a school “need not have intended to violate  
 26 Title IX, but need only have intended to treat women differently.” *Id.* at 881 (finding

1 LSU liable under Title IX for intentionally treating women differently by providing  
 2 larger budgets for male sports, even though LSU claimed it neither intended to  
 3 harm females nor knew it was violating Title IX); *see also Mansourian v. Regents of*  
 4 *Univ. of Cal.*, 602 F.3d 957, 968 (9th Cir. 2010) (citation modified) (official decisions  
 5 “to add or decrease roster slots for male or female athletes” are “always—by  
 6 definition—intentional”). Defendants treated women differently here—their policies  
 7 expanded athletic opportunities for males by contracting those of women.

8       **2.** Defendants also violate Title IX through deliberate indifference to their  
 9 failure to provide equal athletic opportunity for girls. *See* 34 C.F.R. § 106.41(c).  
 10 When a heightened *risk* of injury is “obvious,” a recipient’s “failure to remedy that  
 11 risk constitute[s] an official policy of deliberate indifference that violate[s] Title IX.”  
 12 *Karasek v. Regents of Univ. of Cal.*, 956 F.3d 1093, 1113 (9th Cir. 2020) (quoting  
 13 *Simpson v. Univ. of Colo. Boulder*, 500 F.3d 1170, 1178, 1180 (10th Cir. 2007)).  
 14 “Allowing a biological male athlete to compete on a girls’ team *necessarily* displaces  
 15 or disadvantages a female athlete—replacing her on the roster, knocking her out of  
 16 the starting lineup, reducing her playing time, depriving her of a medal, and the  
 17 like.” *B.P.J.*, 2026 WL 1868739, at \*8.

18 Defendants’ own statements about the importance of sex designation in  
 19 wrestling reveal their deliberate indifference to the risk to girls. Males weren’t  
 20 harmed when a female athlete’s only opportunity in wrestling was on the boys’  
 21 team, but the unfairness to *girls* led WIAA to establish girls’ wrestling as its own  
 22 sport. *See* Compl. ¶¶ 36–38.

23 Although boys’ teams are theoretically also subject to gender-identity policies,  
 24 that doesn’t make these policies sex-neutral. The whole system is sex-based, not  
 25 sex-neutral. For example, under WIAA policy (followed by the District), girls and  
 26 boys are treated differently when a team exists for one sex, but not the other.

1 Females generally can try out for such a team; males cannot. Ex. 4, Handbook App'x  
2 2, p.90–91. The reason for the distinction is male athletic advantage.

3 And Defendants know their policies harm females, not males. After all, it's  
4 “undisputed” that “biological males generally possess inherent physical advantages  
5 in sports—in height, weight, strength, speed, endurance, jumping ability, and the  
6 like.” *B.P.J.*, 2026 WL 1868739, at \*10. If an exceptional female succeeds in boys'  
7 athletics, that's no harm to the boys. *Cf. O'Connor*, 449 U.S. at 1306 n.4 (“The fact  
8 that an eighth grader must face competition from talented seventh graders without  
9 reciprocal rights,” because his “participation [on seventh-grade teams] would be  
10 unfair to the younger students,” shows “there is no necessary reason why boys may  
11 not be required to compete with talented girls without reciprocal rights.”). A female  
12 lacks athletic advantage regardless of gender identity, so gender-identity policies  
13 don't create competitive injury or loss of opportunity for boys.

14 But for girls, gender-identity participation eliminates the competitive fairness  
15 and safety that justified the separate teams. As one school predicted over four  
16 decades ago, if males could try out for girls' teams, “the boys would dominate the  
17 girls' programs and ultimately deprive girls of a fair opportunity to engage in  
18 competitive athletics.” *Id.* at 1303; *see id.* at 1307 (crediting this argument). The  
19 Ninth Circuit has recognized this, too. *See Clark ex rel. Clark v. Ariz. Interscholastic*  
20 *Association*, 886 F.2d 1191, 1193 (9th Cir. 1989). Gender identity doesn't affect  
21 males' athletic advantage because the latter is based in physiology, not internal  
22 sense of self. *See supra* at 6. Under a gender-identity policy, a program cannot  
23 “provide equal athletic opportunity” for females. 34 C.F.R. § 106.41(c).

24 Defendants have seen the results in real time. For example, a male runner  
25 recently won back-to-back WIAA girls' track-and-field championships, and a male  
26 basketball player sidelined girls who reasonably feared for their safety (and

evidently injured one teammate who played anyway). *See* Compl. ¶¶ 301–06. That’s not to mention other high-profile incidents across the nation—from the NCAA D-1 women’s swimming championship in 2022<sup>10</sup> to recent California Interscholastic Federation track-and-field finals.<sup>11</sup>

Defendants have also heard the objections. Compl. ¶¶ 255–325. Parents and school boards have filed Title IX complaints. Compl. ¶¶ 266–69. The U.S. Department of Education has launched Title IX investigations. Compl. ¶¶ 140, 287. Two Washington female athletes met with OSPI Superintendent Reykdal to share the harms they endured.<sup>12</sup> WIAA has acknowledged girls’ protests and knows about the discrimination its policies cause. Compl. ¶¶ 301–21. Superintendent Reykdal acknowledged that this is “a big issue.”<sup>13</sup> But he declares that he is “absolutely committed” to gender-identity participation. Compl. ¶ 276.

*B.P.J.* held that Title IX’s meaning and regulations reflect a “hard reality” that “cannot be ignored or swept under the rug”: “allowing biological males to play on women’s and girls’ sports teams can put female athletes at a serious disadvantage.” 2026 WL 1868739, at \*8. Yet Superintendent Reykdal replied that OSPI’s position hasn’t changed.<sup>14</sup>

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<sup>10</sup> Karie Barnes, *Amid protests, Penn swimmer Lia Thomas Becomes First Known Transgender Athlete to Win Division I National Championship*, ESPN (March 17, 2022, at 19:23 ET), <https://perma.cc/KP6F-TV5R?type=image>.

<sup>11</sup> *See* Kerry Mannix, *Tensions Continue at CIF Track and Field Championships Over Competing Transgender Athlete*, ABC 30 News (May 30, 2026), <https://perma.cc/AKP8-4VK8>; Jackson Thompson, *LGBTQ Press Conference at Track Meet Involving Trans Athlete Descends into Chaos, Police Summoned*, Fox News:OutKick (May 30, 2026, at 22:14 ET), <https://perma.cc/YE5D-QAFZ>.

<sup>12</sup> Brandi Kruse, *Another Meaningless EO?*, at 3:13–18:00 (YouTube, Apr. 1, 2026), <https://www.youtube.com/watch?v=DL7HF0StVo>; *see* Compl. ¶¶ 271–75.

<sup>13</sup> Inside Olympia, *Inside Olympia—May 22, 2025*, YouTube, at 12:00 to 22:00 (May 22, 2025), <https://youtu.be/PCzL1Ak5-LY?si=VZWnp-aY0U1SC706>.

<sup>14</sup> Press Release, OSPI, *SCOTUS Decisions Uphold Longstanding Civil Rights Protections and States’ Rights* (June 30, 2026), <https://perma.cc/8TWS-D73B>.

1 Defendants' combination of actual knowledge and continued inaction is a  
 2 hallmark of deliberate indifference, a form of "intentional discrimination," and it  
 3 requires no "showing of... ill will or animosity." *A.J.T.*, 605 U.S. at 344–45 & n.4.  
 4 When the harm resulted from an "official policy," actual knowledge is not required.  
 5 *Mansourian*, 602 F.3d at 967.

6 **3.** Washington's policies also do not comply with Title IX's longstanding  
 7 athletics regulations, which were "'issued contemporaneously with the statute,'"  
 8 have "'remained consistent over time,'" and are "'especially useful in determining  
 9 the statute's meaning.'" *B.P.J.*, 2026 WL 1868739, at \*7 (quoting *Loper Bright*  
 10 *Enterprises v. Raimondo*, 603 U.S. 369, 394 (2024)).

11 Under these longstanding regulations, 34 C.F.R. § 106.41 sets up two  
 12 compliance pathways for athletics programs. Section 106.41(a) "establishes a  
 13 baseline prohibition against sex discrimination in intercollegiate [and  
 14 interscholastic] athletics." *Mercer*, 190 F.3d at 646. That could have "require[d]  
 15 covered institutions to integrate all of their sports teams." *Id.* But recognizing male  
 16 athletic advantage in contact and competitive sports, § 106.41(b) allows "separate  
 17 teams" for each sex. And whether the school complies with (a) or with (b), it must  
 18 provide "equal athletic opportunity for members of both sexes" under § 106.41(c).

19 Here, wrestling doesn't comply with either (a) or (b), much less (c). It violates  
 20 subsection (a)'s general antidiscrimination rule because wrestling teams aren't open  
 21 to all, regardless of sex. For example, girls' wrestling teams exclude boys unless  
 22 they identify as female. But neither are there "separate teams for the members of  
 23 each sex" under § 106.41(b). "[I]n the 1972 Title IX statute, the 1974 Javits  
 24 Amendment, and the 1975 Title IX regulations," sex means "biological sex and not  
 25 gender identity, particularly in the sports context." *B.P.J.*, 2026 WL 1868739, at \*7.  
 26 Yet under Defendants' policies, students "whose gender identity differs from their

1 assigned sex,” Ex. 5, Toolkit p.6, have access to teams designated for the other sex.  
 2 Because of these policies, the Emerald Ridge girls’ wrestling team—and thus the  
 3 Lady Jags Tournament—included both males and females. This means girls’  
 4 wrestling doesn’t qualify for the § 106.41(b) “separate teams” safe harbor either.

5 The result is an incomplete sex-designation that falls outside the bounds of  
 6 § 106.41(a) and (b). That, too, is intentional discrimination against girls because  
 7 Washington intentionally stepped outside the safe harbor that it knew protected  
 8 girls. Plus, it’s not “equal athletic opportunity” under 34 C.F.R. § 106.41(c) because  
 9 it removes the female-only teams that Defendants created for that purpose.

10 4. Agency guidance confirms this understanding of § 106.41(c) and brings  
 11 the violation into sharper relief: that this is an instance where separate teams are  
 12 required, not just permitted. As regulators explained decades ago, effectively  
 13 accommodating girls “means that if an institution sponsors a team for members of  
 14 one sex in a contact sport, it must do so for members of the other sex,” provided  
 15 (1) opportunities for the excluded sex were historically limited and (2) there’s  
 16 sufficient interest for a viable team and interschool competition. Policy Interpreta-  
 17 tion: Title IX and Intercollegiate Athletics, 44 Fed. Reg. 71,413, 71,418 (Dec. 11,  
 18 1979). Failing to do so violates Title IX under § 106.41(c) and the “Selection of  
 19 Sports” portion of the Policy Interpretation, which is subject to *Auer* deference.  
 20 *Berndsen v. N.D. Univ. Sys.*, 7 F.4th 782, 787 (8th Cir. 2021) (holding failure to  
 21 provide women’s ice hockey stated plausible claim and deferring to “Selection of  
 22 Sports” portion of Policy Interpretation).<sup>15</sup>

23 It’s indisputable that girls’ opportunities were historically limited. And  
 24 because the District’s (and the state’s) female athletes have shown interest and

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25 <sup>15</sup> The Ninth Circuit has long afforded deference to the Policy Interpretation, *see*  
 26 *Mansourian*, 594 F.3d at 965 & n.9, and that remains proper today, *see B.P.J.*, 2026  
 WL 1868739, at \*7.

ability in wrestling today, Defendants must provide that opportunity. *See* 34 C.F.R. § 106.41(c). In 2007, WIAA complied with this obligation by sanctioning girls' wrestling as a separate sport, and schools like the District promoted and expanded girls' teams. The rules now generally exclude girls from boys' wrestling—unless they assert a male gender identity, they cannot participate. *See supra* at 6. So, to accommodate girls' interests and abilities and provide equal opportunity, WIAA and the District *must* “sponsor a separate team” for girls. 44 Fed. Reg. at 71,418. They haven't done that, though, because girls' wrestling teams include boys. *See supra* at 6. By intentionally opening girls' wrestling up to boys—particularly in the face of the Policy Interpretation—they violate Title IX.

**C. The District violated Title IX through deliberate indifference to the sexual assault K.M.K. suffered and the hostile environment she continues to endure.**

The District's response to Ms. Brown's report also violated Title IX. Its deliberate indifference to the sexual assault and its ongoing failure to protect K.M.K. from sex-based harassment excludes her from educational opportunities and creates a hostile environment. Stephanie Brown Decl. ¶¶ 16–23. She needs the chance to play safe girls' sports, as well as a transfer to a safer school. *Id.* ¶¶ 24–34; Ex. 19 at 2 (District email).

A recipient violates Title IX when it acts with deliberate indifference to known acts of employee-on-student or student-on-student sexual harassment, including sexual assault. *Davis ex rel. LaShonda D. v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 633 (1999). A plaintiff must show that (1) the recipient exercised substantial control over both the harasser and the context in which the harassment occurred; (2) the harassment was so severe, pervasive, and objectively offensive that it effectively barred the victim's access to an educational opportunity or benefit; (3) a person with authority to address the harassment and take corrective measures

1 had actual knowledge; (4) the recipient’s response (or lack thereof) was deliberately  
 2 indifferent; and (5) that deliberate indifference caused or made students vulnerable  
 3 to harassment. *Brown v. Arizona*, 82 F.4th 863, 874 (9th Cir. 2023); *Gebser v. Lago*  
 4 *Vista Indep. Sch. Dist.*, 524 U.S. 274, 290 (1998). Failing to investigate or take any  
 5 corrective action is a violation. *See Karasek*, 956 F.3d at 1105; *Oden v. N. Marianas*  
 6 *Coll.*, 440 F.3d 1085, 1089 (9th Cir. 2006).

7 K.M.K. meets all five requirements. *First*, the District exercised substantial  
 8 control over the context in which the sexual assault occurred and the perpetrator.  
 9 The entire competitive context—scheduling, match assignments, officiating, and  
 10 supervision—is within the District’s control. Compl. ¶¶ 54–60, 297–99; *e.g.*, Ex. 15,  
 11 Student Handbook p.5–6. So too is the campus environment where K.M.K. has  
 12 suffered hostility from coaches and students over reporting the sexual assault.  
 13 Compl. ¶¶ 153–64.

14 *Second*, the harassment was so severe and pervasive that it denied K.M.K.  
 15 access to educational opportunities. To end the match, she let herself be pinned,  
 16 losing third place. Compl. ¶¶ 4, 73–78. Following the sexual assault, District  
 17 officials first took no action and then tolerated hostility towards K.M.K. from other  
 18 students and even coaches. Compl. ¶¶ 105–91, 326–35. That, too, violates Title IX.  
 19 *See, e.g., Williams v. Bd. of Regents of Univ. Sys. of Ga.*, 477 F.3d 1282, 1296 (11th  
 20 Cir. 2007) (victim’s withdrawal from university “was reasonable and expected,” and  
 21 then the school “failed to take any precautions that would prevent future attacks”).  
 22 And the District refuses to protect her in the future. Compl. ¶¶ 175–84. K.M.K. thus  
 23 cannot participate in WIAA or District sports. *Id.*; Stephanie Brown Decl. ¶¶ 16–23,  
 24 36–41. The resulting anxiety causes her to miss school, too. *Id.* ¶¶ 97–100;  
 25 Stephanie Brown Decl. ¶¶ 20–35. That denial of educational benefits is  
 26 discrimination.

1        *Third*, the District had actual knowledge of the sexual assault and the  
 2 resulting hostile environment. Stephanie Brown Decl. ¶¶ 14–15. District employees  
 3 witnessed the match. Compl. ¶¶ 54–96, 105. Ms. Brown wrote a complaint to Coach  
 4 Scott on December 8, 2025—the Monday after the sexual assault. Ex. 10; *see* Compl.  
 5 ¶¶ 92–96. She even sent the video. Compl. Exs. 1–2, Dkt. 1-10 and Dkt. 1-11.  
 6 Coaches Scott and Carlson, as well as Principal Smith—officials with authority to  
 7 take corrective measures—had actual knowledge of the facts. Compl. ¶¶ 92–105,  
 8 114–20, 133. By at least February 17, the school board did, too. *Id.* ¶¶ 148–152. And  
 9 Coach Scott (and other officials) know about the hostile environment K.M.K. has  
 10 suffered at school—they created it. *See* Compl. ¶¶ 153–161; Ex. 19 at 1–2 (District  
 11 email).

12        *Fourth*, the District’s response was deliberately indifferent. Stephanie Brown  
 13 Decl. ¶¶ 14–23. The District did not report the sexual assault to law enforcement  
 14 until January 30, 2026—only after a journalist’s questions made concealment  
 15 impossible—in violation of the 48-hour mandatory reporting requirement. Compl.  
 16 ¶¶ 132–137. It did not open a Title IX investigation until February 20, 2026—more  
 17 than two and a half months after the sexual assault—and that investigation  
 18 remains incomplete. Compl. ¶¶ 165–74. This is a far cry from remedial action.  
 19 *Vance ex rel. Vance v. Spencer Cnty. Pub. Sch. Dist.*, 231 F.3d 253, 259–61 (6th Cir.  
 20 2000). Meanwhile, school officials “minim[ized] ... the discriminatory import of ...  
 21 [the] assault.” *S.S. v. Alexander*, 177 P.3d 724, 739 (Wash. Ct. App. 2008). That, too,  
 22 is evidence of deliberate indifference. *Id.* (collecting cases). The same is true for  
 23 treating the abuser and the abused equally—let alone for treating the abuser better.  
 24 *Seiwert v. Spencer-Owen Cmty. Sch. Corp.*, 497 F. Supp. 2d 942, 954 (S.D. Ind.  
 25 2007). The District has also taken no meaningful steps to remedy the hostile  
 26 environment, protect K.M.K., or facilitate her safe return to school sports. Compl.

¶¶ 175–84; *see Williams*, 477 F.3d at 1296–97. Instead, it refused to let her transfer schools. Ex. 19 at 1 (District email).

*Fifth*, the District’s response has caused sex-based harassment—and it makes K.M.K. vulnerable to more. Compl. ¶¶ 175–84; Stephanie Brown Decl. ¶¶ 14–23, 36–41. Its policies have created “a sexually hostile environment in which female students are more prone to [sexual] assault.” *Doe v. Univ. of Tenn.*, 186 F. Supp. 3d 788, 812–14 (M.D. Tenn. 2016). By taking no corrective action (to the reported assault or to Emerald Ridge girls’ concerns, Compl. ¶¶ 109–10), the District seems to condone the sexual assault and harassment. That has led to a further hostile environment from students and employees. Compl. ¶¶ 105–91. Without relief, K.M.K. cannot participate in wrestling for fear of wrestling a male again—including the one who sexually assaulted her. *Id.* ¶¶ 104, 173.

The District’s conduct here—inaction and ongoing hostility from school personnel—establishes a strong likelihood of success. *All. for the Wild Rockies*, 632 F.3d at 1135. The remedy is to allow K.M.K. to avoid wrestling males and to facilitate transfer to a safer school, such as Puyallup High School, without athletic penalties. Stephanie Brown Decl. ¶¶ 20–35.

## **II. K.M.K. and Ms. Brown will suffer irreparable harm unless the Court issues injunctive relief.**

Ms. Brown will suffer irreparable harm without injunctive relief. When constitutional rights are at stake, “likelihood of success on the merits ... is the most important (and usually decisive)” factor. *Baird v. Bonta*, 81 F.4th 1036, 1041 (9th Cir. 2023). Here, “denial of [Ms. Brown’s] constitutional rights during the potentially protracted [litigation] process constitutes irreparable harm,” *Mirabelli*, 607 U.S. at 497. As long as Ms. Brown cannot ensure that K.M.K. will not wrestle a male, Defendants force Ms. Brown either to cede her parental decision-making

1 rights or to let K.M.K. be excluded from wrestling—potentially for the rest of her  
2 high school career. Stephanie Brown Decl. ¶¶ 36–39.

3 In the Title IX context, deprivation of educational opportunities and athletic  
4 participation constitutes irreparable harm because such losses—training,  
5 competition, ranking, and personal development—cannot be remedied by money  
6 damages. *Mansourian*, 602 F.3d at 971 (loss of opportunity to compete in athletics  
7 cannot be undone); *McCormick ex rel. McCormick v. Sch. Dist. of Mamaroneck*, 370  
8 F.3d 275, 302 (2d Cir. 2004) (same); Stephanie Brown Decl. ¶41.

9 K.M.K. will also suffer irreparable harm without injunctive relief. She has  
10 two years of high school remaining. Stephanie Brown Decl. ¶¶ 4–9. She wants to  
11 compete in soccer and wrestling, Compl. ¶ 174, but she “understandabl[y]” cannot  
12 do so because Defendants make it unsafe and unfair. *See B.P.J.*, 2026 WL  
13 1868739, at \*11. She will continue to lose competitive experience, opportunities to  
14 advance, recognition, and educational opportunities—as well as the benefits of  
15 teamwork and coaching. Stephanie Brown Decl. ¶ 41.

16 The girls’ soccer season starts August 24, 2026, and wrestling starts  
17 November 16. Ex. 4, Handbook pp.88, 95. Unless this Court intervenes, K.M.K.’s  
18 exclusion from athletics will continue because she cannot risk unknowing  
19 competition with males. Stephanie Brown Decl. ¶¶ 39–40. She also needs to escape  
20 the hostile environment at Rogers High, without losing varsity eligibility under  
21 WIAA rules. Ex. 4, Handbook 18.12.2.9, p.37–40; Stephanie Brown Decl. ¶¶ 24–34.  
22 The District and WIAA should be ordered to facilitate a transfer and  
23 transportation to Puyallup High School with a hardship waiver allowing her to  
24 remain varsity eligible. *Id.*; Ex. 16, Policy 2151R p.2.  
25  
26

1 **III. The balance of equities and public interest favor Plaintiffs.**

2 “[C]hildren’s safety is the overriding equity.” *Mirabelli*, 607 U.S. at 497. And  
 3 where injunctive relief compels compliance with federal law, the balance of equities  
 4 favors plaintiffs. *Chalk v. U.S. Dist. Ct. Cent. Dist. of Cal.*, 840 F.2d 701, 710–11  
 5 (9th Cir. 1988). The public interest always favors preventing constitutional,  
 6 *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (citation modified), or  
 7 statutory civil rights violations. *Scelsa v. City Univ. of N.Y.*, 76 F.3d 37, 41 (2d Cir.  
 8 1996).

9 Defendants lack any interest in interfering with Ms. Brown’s right to direct  
 10 K.M.K.’s education and upbringing. Respecting Ms. Brown’s right to notice and opt-  
 11 out does not require barring any student from wrestling or disclosing that a  
 12 particular individual identifies as female—officials can manage match assignments  
 13 and eligibility behind the scenes. *Supra* Pt.I.A.

14 Congress enacted Title IX to protect students from sex discrimination. The  
 15 public has a strong interest in ensuring that athletic opportunities are safe, that  
 16 young female student-athletes need not fear sex-based violence, and that officials  
 17 respond promptly to harassment. Permitting Defendants to ignore a reported  
 18 sexual assault, delay investigations for months, and allow hostile environments to  
 19 persist undermines Title IX.

20 **CONCLUSION**

21 K.M.K. needs protection from competing against males and a transfer to  
 22 another school by soccer’s start on August 24, 2026. *See* Proposed Order.

Respectfully submitted this 10th day of July, 2026.

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**CERTIFICATE OF COMPLIANCE**

I certify that the motion contains 8,383 words, in compliance with Local Civil Rule 7(e)(4).

s/ Katherine L. Anderson  
Katherine L. Anderson  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 10th day of July, 2026, I electronically filed the foregoing document with the Clerk of Court using the ECF system, which will send a notification to all counsel of record.

s/ Katherine L. Anderson  
Katherine L. Anderson  
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