IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

WASHINGTON EDUCATION ASSOCIATION, et al., *Plaintiffs*, vs. STATE OF WASHINGTON, *Defendant*, and FEMALE ATHLETES UNITED, *Proposed Intervenor-Defendant*.	CASE NO. 26-2-36880-5 SEA DECLARATION OF KRISTINE L. BROWN IN SUPPORT OF PROPOSED INTERVENOR-DEFENDANT FEMALE ATHLETES UNITED'S MOTION TO INTERVENE

I, Kristine L. Brown, 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.

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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.

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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.* 609 U.S. 958 (2026).

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.

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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 Education Amendments of 1972 , 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.

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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. While competing against men and women, she was undefeated as the first female in all her marathon swims, consistently placing second overall to male International Swimming Hall of Fame (ISHOF) inductee 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 that FAU provides legal advocacy for its members and 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.

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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. 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.").

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34. FAU also successfully intervened to defend a New Hampshire law that limits women's sports to biological females. *See Tirrell v. Edelblut*, 2025 WL 1939965 (D.N.H. July 15, 2025). The parties challenging the law dismissed their case with prejudice, leaving the law in effect and protecting FAU members.

35. FAU also has Minnesota members who are accomplished softball athletes who lost to a mixed-sex team with a dominant male pitcher. FAU sued under Title IX, arguing that Minnesota violated Title IX by effectively eliminating all-female sports like softball—even though baseball remains effectively all male. *Female Athletes United v. Ellison*, No. 25-cv-2151 (D. Minn. May 19, 2025).

FAU's Members

36. FAU has members in states across the country, including members located and competing on girls' sports teams for their public schools in Washington state.

37. We also have members in numerous other states. Many of these members attend public schools in their state and some compete in girls' sports through their schools.

38. FAU has members located in Washington who attend public schools and compete on girls' sports teams for their schools, including Ahnaleigh Wilson, Elise Bierer, Charlie Garrett, and Sierra Retzlaff, identified in the Motion to Intervene. Based on their membership forms and the information they submitted to FAU, they are female athletes who attend public schools in Washington and compete on girls' sports teams for those schools.

39. FAU also has members who publicly advocated for Washington Initiative 638, like Ahnaleigh Wilson, or voted for it, like Soleil Hoefer, as described in their declarations.

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Women's Private Spaces

40. 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.

41. 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.

42. At FAU, we want to ensure that women have the right to private spaces. 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.

Washington Initiative 638

43. 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.

44. While FAU does not engage in election campaigning, it believes that Initiative 638, which seeks to restore Washington sports to the promise of Title IX, is a legally valid and appropriate measure that should be implemented on schedule on December 3, 2026.

45. Washington girls want—and deserve—a fair and safe place to play the sports they love.

46. Voters in Washington State spoke loud and clear by overwhelmingly passing Initiative 638 (subject to final vote-tallying and official certification).

47. This case challenging Initiative 638 seeks to overturn the will of the voters.

48. FAU represents several female athlete members taking action to intervene and protect this commonsense law.

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

50. Initiative 638 protects fairness in girls' athletics across the state by ensuring only biological females compete with and against other girls.

51. Initiative 638 protects FAU members from having males on their girls' teams at their own public schools and also on other public-school teams they compete against.

52. Initiative 638 protects FAU members in the privacy of their spaces because it ensures that male athletes are not on girls' teams when they are in these spaces.

53. If Washington Initiative 638 is declared unconstitutional and enjoined, as Plaintiffs request, FAU members who are female athletes in Washington schools will lose their equal opportunities in sports.

54. But no girl should be sidelined in her own sport by a male.

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DECLARATION UNDER PENALTY OF PERJURY

I, Kristine L. Brown, declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed on November 13, 2026, at Douglas County, Colorado.

Kristine L. Brown

KRISTINE L. BROWN

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