

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JULIET EVANCHO; *et al.*,

Plaintiffs,

v.

PINE-RICHLAND SCHOOL DISTRICT; *et al.*,

Defendants.

PITTSBURGH DIVISION

Civil Action No. 2:16-cv-01537-MRH

JOINT MOTION FOR ENTRY OF CONSENT JUDGMENT

In light of the parties having reached a settlement agreement regarding the above-captioned matter, Plaintiffs Juliet Evancho, Elissa Ridenour, and A.S. (collectively “Plaintiffs”), by and through their attorneys, and Defendants, by and through their attorneys, (collectively “Parties”) respectfully move this Court to enter the proposed Consent Judgment (attached hereto as an Exhibit), and in support thereof, state as follows:

1. On October 6, 2016, Plaintiffs filed a Complaint for Declaratory, Injunctive, and Other Relief against Defendants in the above-captioned matter (ECF 1).
2. On February 27, 2017, this Court issued an Order Granting in Part Plaintiffs’ Motion for Preliminary Injunction and Denying Without Prejudice the Defendants’ Motion to Dismiss (ECF #77).
3. The Parties desire to settle the issues raised by Plaintiffs’ Complaint and subsequent proceedings without the necessity of further litigation.
4. The Parties have reached a settlement agreement and consent to entry of the attached proposed Consent Judgment as dispositive of all issues raised in the above-captioned matter.

5. The Parties intend the proposed Consent Judgment to benefit all students, including transgender students, within the Pine-Richland School District and to be binding on the District unless and until modified by the Court on motion with proper cause shown under Federal Rule of Civil Procedure 60.

WHEREFORE, in light of the Parties' settlement agreement regarding the above-captioned matter, the Parties hereby jointly move this Court to enter the attached Consent Judgment.

Dated on this 1st day of August, 2017.

Respectfully,

/s/ Roger W. Foley, Jr.

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Counsel for Plaintiffs Juliet Evancho, Elissa Ridenour, and A.S.

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2017, I electronically filed the foregoing with the Clerk of the Court for the for the U.S. District Court for the Western District of Pennsylvania using the CM/ECF system and a copy was made available electronically to all electronic filing participants.

/s/ Omar Gonzalez-Pagan
Omar Gonzalez-Pagan

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CONSENT JUDGMENT

1. *Whereas*, on September 12, 2016, the Board of School Directors of Pine-Richland School District passed a resolution (“Resolution 2”) which reads in its entirety as follows:

This resolution agreed to by a majority of the Board of Directors of the Pine-Richland School District indicates our support to return to the long-standing practice of providing sex specific facility usage. All students will have the choice of using either the facilities that correspond to their biological sex or unisex facilities. This practice will remain in place until such time that a policy may be developed and approved;

2. *Whereas*, on October 6, 2016, Plaintiffs Juliet Evancho, Elissa Ridenour, and A.S. filed a Complaint for Declaratory, Injunctive, and Other Relief against Defendants in the above-captioned matter (ECF 1);

3. *Whereas*, on February 27, 2017, this Court issued an Order Granting in Part Plaintiffs’ Motion for Preliminary Injunction and Denying Without Prejudice the Defendants’ Motion to Dismiss (ECF #77);

4. *Whereas*, the parties to this litigation desire to settle the issues raised by Plaintiffs’ Complaint and subsequent proceedings without the necessity of further litigation;

5. *Whereas*, the parties have reached a settlement agreement and consent to entry of the following final and binding consent judgment as dispositive of all issues raised in the above-captioned matter; and

6. *Whereas*, the parties intend this Consent Judgment to benefit all students, including transgender students, within the Pine-Richland School District and to be binding on the District unless and until modified by the Court on motion with proper cause shown under Federal Rule of Civil Procedure 60.

Accordingly, it is hereby ordered, adjudged, and decreed:

1. Defendants, their officers, employees, and agents; all persons acting in active concert or participation with any Defendant, or under any Defendant's supervision, direction, or control; and all other persons within the scope of Federal Rule of Civil Procedure 65, are enjoined from enforcing Resolution 2 or any policy, practice, or custom of the Pine-Richland School District and/or Pine-Richland High School that denies transgender students the access and use of restrooms that match a student's consistently and uniformly asserted gender identity; and taking any formal or informal disciplinary action against transgender students for using the restrooms that match a student's consistently and uniformly asserted gender identity.

2. This Consent Judgment shall remain binding on the District unless and until modified by the Court on motion with proper cause shown under Federal Rule of Civil Procedure 60.

Dated on this _____th day of _____, 2017.

SO ORDERED:

Hon. Mark R. Hornak
United States District Court Judge