

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

Case No. 4:23-cv-4139

S.A. AND L.A., BY THEIR NEXT )  
FRIEND ANGI ALLEN; H.B., BY HER )  
NEXT FRIEND JULIE BEANER; Ad.S. )  
AND A.I.S., BY THEIR NEXT FRIENDS )  
BRYAN SCHAVE AND BRANDI )  
SCHAVE; S.D., BY HER NEXT FRIENDS )  
JENNIFER DEGROOT AND PHILIP )  
DEGROOT; A.L., BY HER NEXT )  
FRIEND NATHAN LEUNING; M.B., BY )  
HER NEXT FRIEND JOSEPH )  
BILDERBACK; M.D., BY HER NEXT )  
FRIEND DAVID DENSON; M.W., BY )  
HER NEXT FRIENDS EUGENE WARE )  
AND MARSHA WARE; KA, BY HER )  
NEXT FRIEND CATHY ANDERSON, and )  
R.T., BY HER NEXT FRIENDS LUKE )  
AND BOBBIE TIBBETTS )

C O M P L A I N T

Plaintiffs,

v.

SIOUX FALLS SCHOOL DISTRICT 49-5; )  
JANE STAVEM, in her official capacity as )  
Superintendent, and CASEY MEILE, in his )  
official capacity as Coordinator of Athletics )  
for the Sioux Falls School District No. 49-5 )

Defendants.

The above-named Plaintiffs, by and for their Complaint, state and allege as follows:

**NATURE OF THE ACTION**

1. The Sioux Falls School District (the “District”) adopted a budget on July 10, 2023, that eliminated all funding for gymnastics as a school sport in the District.
2. If permitted to implement this decision, the District will deny female students the same level of opportunity and benefits that it is affording to male students and thereby fail to comply with its legal obligations under Title IX of the Education Amendments of 1972 (“Title IX”).
3. Plaintiffs are among the approximately four dozen female student athletes who have been or will be deprived of the opportunity to participate in school-sponsored gymnastics as a result of the decision to eliminate all funding for gymnastics as part of the 2023-2024 budget.
4. The District has violated federal law by failing to provide female students with equitable and fair athletic opportunities and athletic benefits and by providing male students with substantially greater access and opportunity to participate in athletics than are provided to female students.
5. Defendants’ conduct constitutes unlawful sex discrimination under Title IX of the Education Amendments of 1972 and the Equal Protection Clause of the Fourteenth Amendment to United States Constitution.
6. Plaintiffs have suffered, and will continue to suffer, irreparable harm unless and until the District is enjoined from proceeding with its unlawful action.
7. Plaintiffs bring this action (a) to obtain a temporary restraining order to prevent the sale of gymnastics equipment that was previously used by the District as part of the school-sponsored and –funded gymnastics program; (b) to obtain preliminary and permanent injunctive relief to prevent the District from eliminating gymnastics and thereby violating its obligations under federal law and to remedy the unlawful sex discrimination by the District against present

and future student athletes who are or will be participants in gymnastics program; and (c) to enjoin further discriminatory and unlawful action in violation of the civil rights of Plaintiffs and similarly situated students.

### **JURISDICTION, VENUE, AND PARTIES**

8. Plaintiffs bring this action under 20 U.S.C. §1681 et seq, the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, and 42 U.S.C. § 1983.

9. This Court has jurisdiction under 28 U.S.C. § 1331 and §§ 1343(3) and (4).

10. Venue is proper in the Southern Division of the District of South Dakota under 28 U.S.C. § 1391 because events giving rise to Plaintiffs' claims occurred therein.

11. The District is an educational institution comprised of elementary, middle, and secondary schools in Sioux Falls, South Dakota.

12. Defendant Jane Stavem is the Superintendent of the District and is named in her official capacity.

13. Defendant Casey Meile is the Coordinator of Athletics of the District and is named in his official capacity.

14. Plaintiff S.A. is aged 11 and enrolled in the District as a 6<sup>th</sup> grader.

15. Plaintiff L.A. is 7 years old and enrolled in the District as a 2<sup>nd</sup> grader.

16. Plaintiff H.B. is 14 years old and enrolled in the District as an 8<sup>th</sup> grader.

17. Plaintiff A.L. is 17 years old and enrolled in the District as 12<sup>th</sup> grader.

18. Plaintiff Ad. S. is 9 years old and enrolled in the District as a 4<sup>th</sup> grader.

19. Plaintiff Al. S. is 6 years old and enrolled in the District as a kindergartener.

20. Plaintiff S.D. is 14 years old and enrolled in the District as an 8<sup>th</sup> grader.

21. Plaintiff M.B. is 16 years old and enrolled in the District as an 11<sup>th</sup> grader.

22. Plaintiff M.B. is 14 years old and enrolled in the District as a 9<sup>th</sup> grader.

23. Plaintiff R.T. is 12 years old and enrolled in the District as a 7<sup>th</sup> grader.

**FACTS COMMON TO ALL COUNTS**

24. The District receives federal funding and is obligated to comply with Title IX.

25. Each of the above-named Plaintiffs actively participated in, or has an interest and intent to actively participate in, the sport of gymnastics that was previously sponsored and funded by the District.

26. Each of the above-named Plaintiffs will suffer an injury in the event that the District is permitted to eliminate gymnastics as a school-sponsored and school-funded sport.

27. Before the District eliminated the gymnastics program, it made a series of decisions that undermined the program and discouraged participation therein.

28. Previous actions taken by the District diminished the interest and overall participation in gymnastics by, among other things, limiting the number of locations where gymnastics was held, decreasing the number of busing opportunities and thereby making it more difficult for interested athletes to attend practices, cutting the middle school gymnastics program, and consolidating the number of qualified coaches hired by the District to coach young gymnasts.

29. These actions were not undertaken in response to reduced participation, but rather caused reduced participation that would eventually be cited to justify the District's unlawful action.

30. The prevailing standard to assess compliance with Title IX is set forth in a 1979 agency interpretation issued by the Department of Health, Education, and Welfare.

31. This 1979 agency interpretation (hereafter, the "Interpretation") identifies three prongs that guide an assessment of whether an educational institution has complied with the requirements of Title IX.

32. The three prongs are as follows:

(1) Whether intercollegiate level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments; or

(2) Where the members of one sex have been and are underrepresented among intercollegiate athletes, whether the institution can show a history and continuing practice of program expansion which is demonstrably responsive to the developing interest[s] and abilities of the members of that sex; or

(3) Where the members of one sex are underrepresented among intercollegiate athletes, and the institution cannot show a continuing practice of program expansion such as that cited above, whether it can be demonstrated that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program.

1979 Policy Interpretation, 44 Fed. Reg. at 71,418.

33. These standards apply with equal force to collegiate and high school athletic programs.

34. As of April 2023 – the time when the initial proposed budget was approved – the District had sufficient interest to field competitive gymnastics teams, as demand and interest for participation in gymnastics remained high and other schools throughout the state continue to offer gymnastics at the high school level.

35. The unlawful and unjustified decision to terminate gymnastics has deepened the disproportionate participation opportunities that the District provides to male students, on the one hand, and female students on the other.

36. Publicly-available data confirms that the District has failed to maintain sufficient gender parity with respect to athletic opportunities afforded to male and female students.

37. Based on publicly-available data, the total number of students enrolled in the District's high schools in 2022-2023 was 7,256, of which 3,550 were female and 3706 were male:

TABLE 1: ENROLLMENT NUMBERS AT SFSD BY GENDER (HS)

<b>YEAR</b>	<b>Girls</b>	<b>Percentage Girls</b>	<b>Boys</b>	<b>Percentage Boys</b>	<b>Total</b>
2022-23	3,550	48.9%	3706	51.1%	7,256

38. In 2022-2023, approximately 1,920 high school students participated in a school-sponsored athletic program, of which 799 were female and 1,121 were male.

TABLE 2A: ATHLETIC PARTICIPATION AT SFSD BY GENDER (HS - DUPLICATED)

<b>YEAR</b>	<b>Girls</b>	<b>Percentage Girls</b>	<b>Boys</b>	<b>Percentage Boys</b>	<b>Total</b>
2022-23	799	41.6%	1,121	58.4%	1,920

39. Although female students comprise approximately 48.9% of the District’s student body, female student athletes comprise only 41.6% of the students who participate in school-sponsored athletic programs.

40. The difference between the total percentage of female students and the total percentage of female student athletes is 7.3%.

TABLE 3A: DIFFERENCE BETWEEN GIRLS’ ENROLLMENT & PARTICIPATION

<b>YEAR</b>	<b>Difference between Girls’ Enrollment % &amp; Girls’ Athletic Participation %</b>
2022-23	7.3%

41. Eliminating gymnastics will mean that the total number of female student athletes will decrease, with a conservative estimate of 32 fewer female student athletes. Assuming that total enrollment and the percentage of students who participate in school-sponsored athletics remains relatively constant in 2023-2024, that will increase the disparity between rates of participation in athletics in female students and male students.

TABLE 2B: ATHLETIC PARTICIPATION AT SFSD BY GENDER (HS - DUPLICATED)

<b>YEAR</b>	<b>Girls</b>	<b>Percentage Girls</b>	<b>Boys</b>	<b>Percentage Boys</b>	<b>Total</b>
2023-24	767	40.6%	1,121	59.4%	1,888

42. Under the same assumptions, the elimination of the gymnastics program will also increase difference between the total percentage of female students and the total percentage of female student athletes to approximately 8.3%.

TABLE 3B: DIFFERENCE BETWEEN GIRLS' ENROLLMENT & PARTICIPATION

<b>YEAR</b>	<b>Difference between Girls' Enrollment % &amp; Girls' Athletic Participation %</b>
2023-24	8.3%

43. The decision to eliminate gymnastics will increase the level of gender disparity in athletic participation as between female and male students in the District and bring the District further out of compliance with Title IX's substantial proportionality requirements.

44. On information and belief, before adopting the April 2023 preliminary budget including elimination of the gymnastics program, members of the Sioux Falls School Board were erroneously informed that the District could permissibly eliminate gymnastics because the District had added softball and girls' wrestling before eliminating gymnastics.

45. The standards that govern compliance with Title IX's compliance do not assess proportionality of opportunity based on the number of school-sponsored sports that are offered to individuals of each gender.

46. Instead, those standards focus on the overall number of participants of each gender as against the overall makeup of the relevant student body.

47. Stated differently, the District cannot excuse its elimination of one school-sponsored sport (gymnastics) based on earlier decision to add one or more sports (girls' wrestling

and softball), if the net effect is to exacerbate the underlying inequitable opportunity that is provided to female students as compared to their male counterparts.

48. The overall level of each gender's participation, not the number of sports available to each gender, is what matters.

49. The disproportionate level of opportunity and gender disparity in the District has increased as a result of the decision to eliminate the school-sponsored gymnastics program.

50. The addition of opportunities to participate in wrestling and softball does not excuse or mitigate the failure to provide proportionate numbers of athletic opportunities to female athletes.

51. A synopsis of this publicly-available data was included in a letter that was sent on to general counsel for the District on August 23, 2023.

52. The letter offered the District the opportunity to provide historical data that was not publicly available regarding female student athlete participation, as such data would directly bear on the question of whether the District has a "history and continuing practice of program expansion" for girls.

53. The District was given until August 31, 2023 to respond.

54. As of this filing, the District has not provided the requested data, but has indicated it will do so.

55. Even before the District eliminated gymnastics program, the level of participation opportunities provided to male and female student athletes are not substantially proportionate to the enrollment numbers of male and female students, respectively.

56. The move to cut gymnastics brings the District further out of compliance with compliance standards governing participation opportunities under Title IX.



57. The District cannot cure its lack of compliance under the second prong of the Interpretation because it does not have a history and practice of expanding its athletic programs in response to the developing interests and abilities of students.

58. The District cannot cure its lack of compliance under the third prong of the Interpretation because it cannot demonstrate that the interests and abilities of female student athletes have been fully and effectively accommodated by the present program.

59. In the wake of its decision to eliminate the gymnastics program, the District has disclosed an intent to sell the gymnastics equipment that was previously used.

60. The deadline for interested buyers to submit bids on the equipment was September 11, 2023.

61. Plaintiffs seek to enjoin the District from taking any action to sell, dispose, or relinquish possession of the gymnastics equipment until such time as they have been afforded the opportunity to be heard.

#### **COUNT 1: VIOLATIONS OF TITLE IX**

62. Plaintiffs incorporate by reference each and every previous allegation, as if fully stated herein.

63. Female students in the District have been and are underrepresented among the overall student athlete population in the District.

64. By eliminating the gymnastics program, the District has increased the scope and extent of this underrepresentation and increased the scope and extent of gender disparity in its athletic programs.

65. The District has failed to comply with federal law requiring that female students be afforded participation opportunities in numbers that are substantially proportionate to the

overall number of students enrolled in the District and that are also substantially proportionate to participation opportunities that are afforded to male students.

66. The District cannot invoke other safety-valve assessments (the second and third prong of the Interpretation) which conceivably cure this violation of federal law.

67. Separate and apart from its violations of Title XI requirements regarding participation opportunities, the District has also failed to provide female students with treatment and benefits that are comparable to the treatment and benefits afforded to male student athletes, including with respect to the number and quality of practice and competitive facilities, locker rooms, coaches and coaching facilities, and funding.

68. The inequitable treatment of female students enrolled in the District constitutes a fundamental failing by the District to comply with the requirements of Title IX and its implementing regulations (including but not limited to 34 CFR §§ 106.31 and 106.41).

**COUNT 2: VIOLATIONS OF 42 U.S.C. § 1983**

69. Plaintiffs incorporate by reference each and every previous allegation, as if fully stated herein.

70. Defendants' violations of federal law also constitute a violation of Plaintiffs' right to equal protection under the law, as guaranteed by the Fourteenth Amendment of the United States Constitution.

71. By and through this misconduct, Defendants have unlawfully deprived Plaintiffs of rights, privileges, and immunities secured by the Constitution and thereby violated 42 U.S.C. § 1983.

**COUNT 3: PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF**

72. Plaintiffs incorporate by reference each and every previous allegation, as if fully stated herein.

73. Plaintiffs and similarly situated female students who have participated or would like to participate in gymnastics will suffer irreparable harm as a result of Defendants' unlawful misconduct, absent intervention from the Court to enforce federal law and enjoin Defendants from violating federal law.

74. Plaintiffs are entitled to a temporary restraining order barring the District from selling or transferring ownership of any equipment used by the District as part of the gymnastics program.

75. Plaintiffs are entitled to entry of a preliminary and permanent injunction enjoining the District and Defendants from eliminating the gymnastics program and taking any other action in violation of the requirements of Title IX and Plaintiffs' constitutional and civil rights.

WHEREFORE, Plaintiffs respectfully request that the Court grant relief as follows:

1. Entry of a temporary restraining order barring the District from taking any action to accept any bid for the purchase of, or to otherwise sell, dispose of, or transfer possession or ownership of gymnastics equipment previously used by participants in the gymnastics program;
2. Entry of a preliminary injunction barring the District from eliminating the gymnastics program on the grounds that the intended action would violate federal law, including Title IX and the implementing regulations thereof, and violate Plaintiffs' civil rights.
3. An Order directing the District to develop and implement measures necessary to bring its athletic program into compliance with Title IX.
4. An Order granting Plaintiffs' reasonable attorneys fees incurred in pursuing this action; and
5. Such further and additional equitable relief as necessary and appropriate.

Date: September 12, 2023.

CADWELL SANFORD DEIBERT & GARRY LLP

By /s/ Alex M. Hagen

Alex M. Hagen  
Claire Wilka  
200 East 10<sup>th</sup> St., Suite 200  
Sioux Falls SD 57104  
ahagen@cadlaw.com  
cwilka@cadlaw.com  
(605) 336-0828  
Attorneys for Plaintiffs  
*Electronically Filed*

**VERIFICATION**

Angi Allen, as next friend of Plaintiffs S.A. and L.A., being first duly sworn on her oath, states and attests that she have reviewed the Complaint, that she believes that all of the allegations regarding which she has personal knowledge are true, and that she believes that all of the allegations of which she does not have personal knowledge are based on specified information and documents she has been provided, including the exhibits included as part of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunctive Relief, and which she also believes to be true to the best of her knowledge and understanding.

\_\_\_\_\_  
Angi Allen



to accept any bid for the purchase of, or to otherwise sell, dispose of, or transfer possession or ownership of gymnastics equipment previously used by participants in the gymnastics program;

2. Entry of a preliminary injunction barring the District from eliminating the gymnastics program on the grounds that the intended action would violate federal law, including Title IX and the implementing regulations thereof, and violate Plaintiffs' civil rights.
3. An Order directing the District to develop and implement measures necessary to bring its athletic program into compliance with Title IX.
4. An Order granting Plaintiffs' reasonable attorneys fees incurred in pursuing this action; and
5. Such further and additional equitable relief as necessary and appropriate.

Date: September 12, 2023.

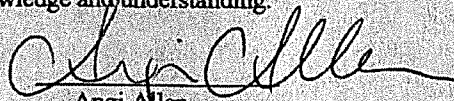
CADWELL SANFORD DEIBERT & GARRY LLP

By /s/ Alex M. Hagen

Alex M. Hagen  
Claire Wilka  
200 East 10<sup>th</sup> St., Suite 200  
Sioux Falls SD 57104  
ahagen@cadlaw.com  
cwilka@cadlaw.com  
(605) 336-0828  
Attorneys for Plaintiffs  
*Electronically Filed*

**VERIFICATION**

Angi Allen, as next friend of Plaintiffs S.A. and L.A., being first duly sworn on her oath, states and attests that she have reviewed the Complaint, that she believes that all of the allegations regarding which she has personal knowledge are true, and that she believes that all of the allegations of which she does not have personal knowledge are based on specified information and documents she has been provided, including the exhibits included as part of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunctive Relief, and which she also believes to be true to the best of her knowledge and understanding.

  
Angi Allen



JS 44 (Rev. 04/21)

### CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p><b>I. (a) PLAINTIFFS</b>                  S.A. AND L.A., BY THEIR NEXT FRIEND ANGI ALLEN;                  H.B., BY HER NEXT FRIEND JULIE BEANER; Ad.S. <span style="float:right">+</span></p> <p><b>(b)</b> County of Residence of First Listed Plaintiff <u>Minnehaha</u>                  (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p><b>(c)</b> Attorneys (Firm Name, Address, and Telephone Number)                  Claire Wilka                  Alex Hagen                  Cadwell Sanford Deibert &amp; Garv LLP <span style="float:right">+</span></p>	<p><b>DEFENDANTS</b>                  Sioux Falls School District 49-5; Jane Stavem; Casey Meile</p> <p>County of Residence of First Listed Defendant <u>Minnehaha</u>                  (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)                  Reece Almond                  Davenport Evans Hurwitz &amp; Smith LLP <span style="float:right">+</span>                  206 W 14th Street</p>
--	--

<p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. NATURE OF SUIT** (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p><b>PERSONAL PROPERTY</b></p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <p><b>LABOR</b></p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <p><b>IMMIGRATION</b></p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p><b>INTELLECTUAL PROPERTY RIGHTS</b></p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <p><b>SOCIAL SECURITY</b></p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p><b>FEDERAL TAX SUITS</b></p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from Another District (specify)  6 Multidistrict Litigation - Transfer  8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 20 USC 1681; 42 USC 1983

Brief description of cause:  
 Title IX gender discrimination

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** \_\_\_\_\_ **CHECK YES only if demanded in complaint:** **JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 9/12/2023 SIGNATURE OF ATTORNEY OF RECORD: /s/ Alex M. Hagen

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_