

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

DAVID SPRING, Director, Washington
Parents Network,

BOB RUNNELS, Director, Informed
Choice Washington,

WILLIAM M. SULLIVAN, Parent of S. D.
S.

Plaintiff(s),

v.

MIGUEL CARDONA, Secretary, U.S.
Department of Education,

Defendant(s).

CASE NO. _____
[to be filled in by Clerk's Office]

DECLARATION OF WILLIAM M. SULLIVAN

I hereby declare as follows:

1. I, William M. Sullivan, am a citizen of the State of Washington.

2. I am the the parent of S. D. S.

3. S. D. S. is age 16. Last year, she was a Sophomore at a public high school in Washington State. She is a student-athlete and multi-season sport State Championship competitor, meaning she spends more time in the locker room changing than the average student.

1 She is raised in a modest home and, appropriate with her age, not overly exposed to
2 issues of a sexual nature. As a result of her upbringing, she felt particularly threatened
3 during multiple locker room encounters with a biological male operating under the
4 pretext of “transgender” .

4. These encounters occurred on:

5 * July 3, 2023 (City Pool women’s locker room). Confirmed biological male socializing
6 with girls in the locker room.

7 * October 17, 2023 (Public High School girls locker room). Confirmed biological male
8 changing.

9 * And one or two other occasions at the Public High School girls locker room*

10 *Note that we are trying to be as accurate as possible. She knows that she has had one or
11 two additional encounters with trans males at her public high school girls locker room but
12 does not recall the exact dates. The dates provided above were obtained from text
13 message records (we have these texts and also one relating to one of her friends
14 encountering a trans changing) in their public high school girls locker room.

14 5. These encounters disturbed her greatly and made her feel unsafe and uncomfortable in
15 a place where she should be afforded a reasonable expectation of privacy. She has felt
16 unsafe in the locker room ever since knowing that a biological male could be present at
17 any given time.

18 6. On October 18, 2023 following the first incident at her high school, I emailed the
19 Schools Superintendent and High School Principal to report the October 17 incident and
20 place them on notice that the District’s policy allowing biological males in the girls
21 locker room is not lawful and does not trump other long standing state and federal laws to
protect women and girls from sex crimes.

1 7. Here are quotes from my October 18 email to the School District administrators:

2 *“Yesterday our daughter encountered a male socializing with female students in the girl’s*
3 *locker room. This situation disturbed her and caused her to feel uncomfortable in a*
4 *place where there should be a reasonable expectation of privacy. I’m writing to stand up*
5 *for my daughter’s safety, her right to privacy, and her innocence. This email is notice to*
6 *the District that it could be held liable for incidents where the District fails to protect*
7 *students by allowing males into female restrooms and locker rooms. To be clear, there is*
8 *no law allowing males to use female restrooms and locker rooms, especially when it*
9 *presents harm to others. And there is no law requiring school districts to do this. I*
10 *understand that the District is trying to balance the many voices conveying contradicting*
11 *messages. But the reality is that voyeurism remains a crime in Washington as do other*
12 *sex crimes that can result from allowing males into female facilities. These laws trump*
13 *state agency administrative codes and school district policies.*

14 *(School Policy statement 3211) appears to be a value statement that invites gender*
15 *confused males to use female restrooms and locker rooms. This policy is flawed. First, it*
16 *fails to establish a procedure for vetting which students qualify for “protection” under*
17 *WAC 162-32-060 and which ones are fraudulent. Second, it presumably is based on*
18 *WAC 162-32-060 that does not actually permit males to use female facilities, and*
19 *therefore cannot protect the District or the Offender when harm is committed onto others,*
20 *whether that harm is criminal or civil. If the District is concerned about potential*
21 *liability over discrimination under WAC 162-32-060, then I will point out this recent case*
 *that also seems relevant: **Virginia Family Sues School System for \$30 Million Over***
 Student's Sexual Assault in Bathroom (usnews.com).

1 *I don't envy your positions. This looks like a lose-lose situation where some school*
2 *district somewhere in Washington is going to go to court to sort it all out. I hope it's not*
3 *ours. Meanwhile for her safety, I've instructed my daughter to immediately depart the*
4 *area and call 911 should she encounter another male in the girl's restrooms or locker*
5 *rooms. Thank you and Sincerely,*
6 *Bill Sullivan"*

8. Here is a quote from the School Districts response email the next day:

Dear Bill,

8 *"Thank you for your email and your advocacy for your daughter's safety. The Wenatchee*
9 *School District wants each student to experience a thriving environment where they feel*
10 *safe to be who they are as an individual. Unfortunately, It sounds as if that did not*
11 *happen on Tuesday with regard to your daughter. Eric and I will continue to work*
12 *collaboratively to ensure safety for all our high school and in our school district. Thank*
13 *you"*

14 9. In a graphic, but unrelated encounter that an example of how far this issue has
15 devolved, my daughter encountered a naked 'trans' at a swim meet at a High School
16 locker room in California. Parents were alerted and investigated only to discover that
17 apparently the individual was indeed a girl who was transitioning complete with breasts
18 removed and a surgically-constructed 'penis', which was the 'penis' the girls saw.
19 Needless to say, this event also caused a good deal of harm to my daughter and the other
20 girls. Our children, and our girls in particular, are under siege. We have to stand up for
21 those who don't have a voice.

10. If a temporary injunction against the 2024 Title IX Final Rule is not granted, my
daughter will be irreparably harmed because she will be increasingly exposed to trans

males in the girls locker room at our public high school. This is a clear violation to her right to privacy under Title IX and other laws.

11. In addition, I am concerned that if my daughter expresses her true feelings about trans males in the girls locker room, she will be accused of sexual harassment under the new File Rule and this charge could wind up on her permanent record adversely affecting her future in college and in a career. I content that the new Final Rule is a violation of my daughter's First Amendment right of free speech.

I declare under penalty of perjury that the foregoing is true and correct.

Date of signing: _____

Signature _____

Printed Name _____