

March 3, 2017

Steven T. Marshall
Alabama Attorney General



For More Information, contact:

Mike Lewis (334) 353-2199

Joy Patterson (334) 242-7491

Page 1 of 1

**ATTORNEY GENERAL STEVEN T. MARSHALL:
STATES DECLARE VICTORY IN BATTLE TO PROTECT STUDENT PRIVACY IN
SCHOOL RESTROOMS AND LOCKER ROOMS**

(MONTGOMERY) – Alabama Attorney General Steven T. Marshall announced today that Alabama and 12 other states have won the battle to protect student privacy after the Trump administration recently rescinded a federal directive that schools must allow student access to restrooms and locker rooms regardless of students’ gender, and the U.S. Justice Department dropped its appeal of a nationwide injunction blocking enforcement of the now rescinded federal directive.

“I am pleased to announce that Alabama has officially won the battle in protecting the privacy of our students and upholding the rights of our local schools to oversee student safety,” said Attorney General Steven T. Marshall.

“Alabama was one of 13 states to successfully challenge the unlawful federal student privacy directive last year, ultimately securing a nationwide injunction against the directive. School administrators, teachers and parents should hold the right to determine policies governing student access to intimate areas like restrooms and locker rooms, not federal bureaucrats who seek to rewrite the law,” Attorney General Marshall added.

On February 22, the Trump administration rescinded the Obama administration’s “significant guidance letter” on school restroom and locker room access and on Thursday the U.S. Justice Department announced its decision to drop its appeal of the August 22, 2016, nationwide injunction of the federal directive. As a result of the federal actions, today Alabama and the 12 other states dismissed their lawsuit against the federal government.

A copy of the dismissal is attached

--30--



**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

STATE OF TEXAS; §
HARROLD INDEPENDENT §
SCHOOL DISTRICT (TX); §
STATE OF ALABAMA; §
STATE OF WISCONSIN; §
STATE OF WEST VIRGINIA; §
STATE OF TENNESSEE; §
ARIZONA DEPARTMENT §
OF EDUCATION; §
HEBER-OVERGAARD §
UNIFIED SCHOOL DISTRICT (AZ); §
PAUL LePAGE, Governor of the §
State of Maine; §
STATE OF OKLAHOMA; §
STATE OF LOUISIANA; §
STATE OF UTAH; §
STATE OF GEORGIA; §
STATE OF MISSISSIPPI, §
by and through Governor Phil Bryant; §
COMMONWEALTH OF KENTUCKY, §
by and through §
Governor Matthew G. Bevin, §

Plaintiffs, §

v. §

CIVIL ACTION NO. 7:16-cv-00054-O §

UNITED STATES OF AMERICA; §
UNITED STATES DEPARTMENT §
OF EDUCATION; BETSY DEVOS, §
in her Official Capacity as United §
States Secretary of Education; UNITED §
STATES DEPARTMENT OF JUSTICE; §
JEFFERSON BEAUREGARD “JEFF” §
SESSIONS, III, in his Official Capacity §
as Attorney General of the United §
States; THOMAS E. WHEELER, II, in §
his Official Capacity as Acting Principal §
Deputy Assistant Attorney General; §
UNITED STATES EQUAL §

EMPLOYMENT OPPORTUNITY §
COMMISSION; VICTORIA A. LIPNIC, §
in her Official Capacity as the Acting §
Chair of the United States Equal §
Employment Opportunity Commission; §
UNITED STATES DEPARTMENT OF §
LABOR; EDWARD HUGLER, in his §
Official Capacity as Acting United §
States Secretary of Labor; and §
DOROTHY DOUGHERTY, in her §
Official Capacity as the Deputy §
Assistant Secretary of Labor for §
the Occupational Safety and Health §
Administration, §
§
§
Defendants. §

**PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL
PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(i)**

In a Dear Colleague letter dated February 22, 2017, the U.S. Department of Justice and U.S. Department of Education jointly withdrew the statements of policy and guidance reflected in:

- Letter to Emily Prince from James A. Ferg-Cadima, Acting Deputy Assistant Secretary for Policy, Office for Civil Rights at the Department of Education dated January 7, 2015; and
- Dear Colleague Letter on Transgender Students jointly issued by the Civil Rights Division of the Department of Justice and the Department of Education dated May 13, 2016.

The U.S. Department of Justice and U.S. Department of Education also made clear that “[t]he Departments thus will not rely on the views expressed within them.”

Therefore, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiffs hereby give notice that the above-captioned action is voluntarily dismissed, against the Defendants, without prejudice. Plaintiffs reserve the right to reinstitute their claims against Defendants to preserve and defend their sovereign power, authority, and rights, as well as defend the rule of law.

The Court's Preliminary Injunction Order (ECF No. 58) is necessarily dissolved by this dismissal. *See Francis v. Johnson*, 129 F.3d 610 (5th Cir. 1997) (unpublished) (citing 11A Charles Alan Wright et al., *Federal Practice & Procedure* § 2947 at 126 n.19 (2d ed. 1995); *Venezia v. Robinson*, 16 F.3d 209, 211 (7th Cir. 1994)).

Each party will bear its own fees and costs associated with the district-court litigation.

Respectfully submitted this the 3rd day of March, 2017,

STEVE MARSHALL Attorney General of Alabama	KEN PAXTON Attorney General of Texas
BRAD D. SCHIMEL Attorney General of Wisconsin	JEFFREY C. MATEER First Assistant Attorney General
PATRICK MORRISEY Attorney General of West Virginia	BRANTLEY D. STARR Deputy First Assistant Attorney General
HERBERT SLATERY, III Attorney General of Tennessee	MICHAEL C. TOTH Senior Counsel to the Attorney General
MARK BRNOVICH Attorney General of Arizona	ANDREW D. LEONIE Associate Deputy Attorney General
MIKE HUNTER Attorney General of Oklahoma	AUSTIN R. NIMOCKS Associate Deputy Attorney General
JEFF LANDRY Attorney General of Louisiana	<u>/s/ Austin R. Nimocks</u> AUSTIN R. NIMOCKS Texas Bar No. 24002695 austin.nimocks@oag.texas.gov
SEAN REYES Attorney General of Utah	DAVID J. HACKER Senior Counsel
CHRISTOPHER M. CARR Attorney General of Georgia	JOEL STONEDALE Counsel Office of Special Litigation ATTORNEY GENERAL OF TEXAS P.O. Box 12548, Mail Code 009 Austin, Texas 78711-2548 Tel: 512-936-1414 <i>Attorneys for Plaintiffs</i>

CERTIFICATE OF SERVICE

I, Austin R. Nimocks, hereby certify that on this the 3rd day of March, 2017, a true and correct copy of the foregoing document was transmitted via using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

/s/ Austin R. Nimocks
Austin R. Nimocks