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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JANE DOE as Guardian of J. DOE, a  
minor, and in her individual capacity,  
  
Plaintiffs,

vs.

WASHOE COUNTY SCHOOL  
DISTRICT, a political subdivision of  
the State of Nevada, its BOARD OF  
TRUSTEES, and its  
SUPERINTENDENT, DR. SUSAN  
ENFELD, DOES I-XX and ROE  
entities I-XX.

Defendants.

Case No.:

**COMPLAINT**  
**JURY DEMAND**

**COMPLAINT FOR TEMPORARY  
RESTRAINING ORDER, DECLARATORY JUDGMENT, AND PRELIMINARY AND  
PERMANENT INJUNCTIVE RELIEF**

1 COME NOW, Plaintiffs, Jane Doe, parent and guardian of minor J. Doe, who bring this  
2 action on behalf of themselves (collectively “PLAINTIFFS”) by and through the undersigned  
3 attorneys of record SIGAL CHATTAH, ESQ. of CHATTAH LAW GROUP and JOSEPH S.  
4 GILBERT, ESQ. of JOEY GILBERT LAW, respectfully request this Court to issue a Temporary  
5 Restraining Order, Declaratory Judgment, and Preliminary and Permanent Injunctive Relief and  
6 Damages. In support thereof, Plaintiff alleges against named and unnamed Defendants as  
7 follows:  
8

9 **PRELIMINARY STATEMENT**

10 1. Plaintiffs bring this action to invalidate and enjoin Washoe County School  
11 District and collectively Defendants, from enforcing Regulation 5161 entitled **GENDER**  
12 **IDENTITY AND GENDER NON-CONFORMITY – STUDENTS**. This regulation  
13 establishes protocols and informs staff regarding transgender and gender non-conforming  
14 students in the Washoe County School District (hereinafter the “District” or “WCSD” *inter alia*).  
15

16 2. Plaintiffs bring this action to invalidate and enjoin Washoe County School  
17 District and collectively Defendants, from enforcing Regulation 9200 entitled **HARASSMENT**  
18 **AND DISCRIMINATION PROHIBITED**, as applied to the terms and conditions stated in  
19 Regulation 5161.

20 3. Defendants have exceeded the bounds of legitimate pedagogical concerns and  
21 usurped the role of Plaintiffs, and other parents in Washoe County to direct the education and  
22 upbringing of their children, make medical and mental health decisions for their children, and to  
23 promote and preserve family privacy and integrity.  
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1 4. Defendants’ protocol and practice of concealing from parents information related  
2 to their children’s gender identity and efforts to affirm a discordant student gender identity at  
3 school violates parents’ fundamental rights under the United States and Nevada constitutions and  
4 violates children’s reciprocal rights to the care and custody of their parents, familial privacy, and  
5 integrity. It also violates their fundamental right to free exercise of religion under the United  
6 States and Nevada constitutions.

7 5. Plaintiffs are seeking injunctive and declaratory relief and damages under 42  
8 U.S.C. §1983 on behalf of themselves and their minor children, for violation of their  
9 constitutional rights. Plaintiffs are seeking injunctive and declaratory relief and damages under  
10 42 U.S.C. §1983 for violation of their constitutional rights.

11 6. Plaintiffs also seek costs and attorneys’ fees pursuant to 42 U.S.C. §1988.  
12

13 **I. The Growing Movement to Exclude Parents from Decisions Concerning Gender**  
14 **Identity**

15 7. “[T]he interest of parents in the care, custody, and control of their children[] is  
16 perhaps the oldest of the fundamental liberty interests recognized by [the Supreme] Court.”  
17 *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (plurality). Children are “not the mere creature of the  
18 state,” *Pierce v. Soc’y of the Sisters of the Holy Names of Jesus & Mary*, 268 U.S. 510, 535  
19 (1925), and the “right[] ... to raise one’s children ha[s] been deemed ‘essential’” and one of the  
20 “‘basic civil rights of man,’” *Stanley v. Illinois*, 405 U.S. 645, 651 (1972). These parental rights  
21 are rooted in the “historical[] ... recogni[tion] that natural bonds of affection lead parents to act  
22 in the best interests of their children.” *Parham v. J. R.*, 442 U.S. 584, 602 (1979) (citing 1 W.  
23 Blackstone, Commentaries, 447; 2 J. Kent, Commentaries on American Law, 190).  
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1           8.       Thus, “[i]t is cardinal” that “the custody, care and nurture of the child reside  
2 first in the parents, whose primary function and freedom include preparation for obligations the  
3 state can neither supply nor hinder.” *Troxel*, 530 U.S. at 65-66 (quoting *Prince v.*  
4 *Massachusetts*, 321 U.S. 158, 166 (1944)). “This primary role of the parents in the upbringing of  
5 their children is now established beyond debate as an enduring American tradition.” *Wisconsin v.*  
6 *Yoder*, 406 U.S. 205, 232 (1972).

7           9.       The right of parental control is particularly strong in circumstances involving  
8 “fundamental values” and “intimate decision[s].” *Arnold v. Bd. of Educ. of Escambia Cnty. Ala.*,  
9 880 F.2d 305, 313 (11th Cir. 1989) (parents’ rights protect “the opportunity to counter influences  
10 on the child the parents find inimical to their religious beliefs or the values they wish instilled in  
11 their children”); *see also H. L. v. Matheson*, 450 U.S. 398, 410 (1981) (parents’ rights  
12 “presumptively include[ ] counseling [their children] on important decisions”). In such  
13 circumstances, parents are presumed to be fit to make decisions for their children absent strong  
14 evidence to the contrary. *See Parham*, 442 U.S. at 602- 03.

15           10.      The Supreme Court has paid special attention to the rights of parents “in cases  
16 involving parent-state conflicts in the areas of medical care and education.” *Arnold*, 880 F.2d at  
17 312-13. Indeed, “[i]t is not educators, but parents who have primary rights in the upbringing of  
18 children. School officials have only a secondary responsibility and must respect these rights.”  
19 *Gruenke v. Seip*, 225 F.3d 290, 307 (3d Cir. 2000). “Public schools must not forget that ‘*in loco*  
20 *parentis*’ does not mean displace parents.” *Id.*

21           11.      A child’s gender identity implicates the most fundamental issues concerning the  
22 child, including the child’s religion, medical care, mental health, sense of self, and more. Yet  
23 despite “extensive precedent” that parents must be involved in decisions concerning these types  
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1 of issues, *Troxel*, 530 U.S. at 66 (listing cases), school districts across the country are  
2 increasingly excluding parents from decision making when gender identity is involved. “In the  
3 past few years, school districts nationwide have quietly adopted policies requiring staff to  
4 facilitate and ‘affirm’ gender identity transitions at school without parental notice or consent—  
5 and even in secret from parents.” Luke Berg, *How Schools’ Transgender Policies Are Eroding*  
6 *Parents’ Rights*, 1, American Enterprise Institute, (Mar. 2022), <https://bit.ly/39s1GQF>.

7 12. Under parental exclusion policies, “[e]ducators and staff,” not parents, “work  
8 closely with the student to determine what changes are necessary . . . to ensure their safety and  
9 well-being.” GLSEN & National Center for Transgender Equality, *Model Local Education*  
10 *Policy on Transgender and Non-Binary Students*, 7-8 (Sept. 2018), <https://bit.ly/3PHTyv9>.

11 Often, that process is formalized in a “Gender Support Plan” created by the school for the child.

12 13. These exclusionary policies are not just unconstitutional; they are harmful to both  
13 parents and children. “Parents across many political beliefs argue that they can’t be supportive if  
14 no one tells them that their child came out.” St. George, *supra*. According to Erica Anderson, a  
15 clinical psychologist who identifies as a transgender woman and is the former president of the  
16 U.S. Professional Association for Transgender Health, “leaving parents in the dark is not the  
17 answer.” *Id.* “If there are issues between parents and children, they need to be addressed.” *Id.*  
18 Such secrecy “only postpones . . . and aggravates any conflict that may exist.” *Id.* In a world in  
19 which schools “routinely send notes home to parents about lesser matters,” such as “playground  
20 tussles, missing homework, and social events,” there is absolutely no justification for  
21 withholding such fundamentally important information from their parents. *Id.*  
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1           14. Parental exclusion policies pose significant risks for parents of children on the  
2 autism spectrum in particular. Children on the spectrum are far likelier to identify as transgender  
3 or nonbinary than other children. *See, e.g.,* Varun Warriar, et al., *Elevated Rates of Autism, Other*  
4 *Neurodevelopmental and Psychiatric Diagnoses, and Autistic Traits in Transgender and*  
5 *Gender-Diverse Individuals*, (Aug. 2020), <https://bit.ly/3QUc3Oa>. Strong parent-child  
6 relationships are critical for their development.

7           15. Parental exclusion policies “run[] directly against a strong body of case law  
8 recognizing parents’ constitutional rights to raise their children.” Berg, *supra*, at 2. Nevertheless,  
9 they have proliferated to school districts across the country, including Washoe County.

## 10 **II. The First Amendment Rights of Students in Public Schools**

11           16. Public-school students have First Amendment rights, and those rights do not  
12 disappear “at the schoolhouse gate.” *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503,  
13 506 (1969). Because “America’s public schools are the nurseries of democracy,” students must  
14 be free to express their opinions, even if their views are “unpopular.” *Mahanoy Area Sch. Dist. v.*  
15 *B.L. by and through Levy*, 141 S. Ct. 2038, 2046 (2021). Protecting unpopular speech in public  
16 schools “ensur[es] that future generations understand the workings in practice of the well-known  
17 aphorism, ‘I disapprove of what you say, but I will defend to the death your right to say it.’” *Id.*

18           17. Despite these well-established rights, schools often seek to stamp out  
19 controversial student expression. Speech codes are the tried-and-true method of suppressing  
20 unpopular student speech. They prohibit expression that would otherwise be constitutionally  
21 protected. *See* Foundation for Individual Rights in Education, *Spotlight on Speech Codes 2021*,  
22 10, <https://bit.ly/3pdQ09E>. Speech codes punish students for undesirable categories of speech  
23 such as “harassment,” “bullying,” “hate speech,” and “incivility.” *Id.* Because these policies  
24  
25

1 impose vague, overbroad, content-based (and sometimes viewpoint-based) restrictions on  
2 speech, federal courts regularly strike them down. *Id.* at 10, 24; *Speech First v. Fenves*, 979 F.3d  
3 319, 338-39 n.17 (5th Cir. 2020) (collecting “a consistent line of cases that have uniformly found  
4 campus speech codes unconstitutionally overbroad or vague”).

5 18. Schools are increasingly adopting speech codes regarding gender identity to  
6 compel students to affirm beliefs they do not hold and that are incompatible with their deeply  
7 held convictions. So-called “preferred pronouns policies” are an increasingly used method of  
8 compelling student speech. “Preferred pronoun policies” subject students to formal discipline for  
9 referring to other students according to the pronouns that are consistent with their biological sex  
10 rather than their gender identity. Under these types of policies, a student who uses “he” or “him”  
11 when referring to a biological male who identifies as a female will be punished for “misgendering”  
12 that student. *See, e.g.*, Rick Esenberg & Luke Berg, *The Progressive Pronoun Police Come for Middle*  
13 *Schoolers*, *The Wall Street Journal*, (May 23, 2022), <https://on.wsj.com/3NTV50b>.

14  
15 1. Plaintiff JANE DOE is a resident of Washoe County, Nevada and is the legal  
16 guardian and custodian of minor, J. Doe.

17 2. Nearly a century of Supreme Court precedent makes two things clear: parents  
18 have a constitutional liberty interest in the care, custody, and control of their children, and  
19 students do not abandon their First Amendment rights at the schoolhouse gate.

20 3. The Washoe County School District is flouting both of these constitutional  
21 guarantees through its recent adoption of Administrative Regulation 5161 GENDER IDENTITY  
22 AND GENDER NON-CONFORMITY – STUDENTS (hereinafter “The Regulation” and  
23 “5161” *inter alia*)  
24  
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1 4. This Regulation authorizes children to make fundamentally important decisions  
2 concerning their gender identity without any parental involvement and to then hide these  
3 decisions from their parents.

4 5. Per the Policy, Transgender and gender non-conforming students have a right to  
5 privacy, including keeping private their sexual orientation, gender identity, transgender status, or  
6 gender non-conforming presentation at school.

7 6. Transgender and gender non-conforming students have the right to discuss and  
8 express their gender identity and expression openly and to decide when, with whom, and how  
9 much to share their private information.

10 7. Reg 5151 provides that “[S]taff **shall not disclose information** that may reveal a  
11 student’s transgender or gender non-conforming status to others, **including parents/guardians**  
12 or other staff members, unless there is a specific ‘need to know,’ they are legally required to do  
13 so, or the student has authorized such disclosure.” *[Emphasis added]*

14 8. Reg 5161 provides “[S]taff must be mindful of the confidentiality and privacy  
15 rights of students when **contacting parents/guardians so as to not reveal, imply or refer to a**  
16 **student’s** actual or perceived sexual orientation, gender identity, or gender expression.”  
17 *[Emphasis added]*

18 9. Reg 5161 provides “[S]tudents have the right to be addressed by the names and  
19 pronouns that correspond **to their gender identity.**” *[Emphasis added]*

20 10. Reg 5161 provides “[U]sing the student’s declared name and pronoun promotes  
21 the safety and wellbeing of the student.”

22 11. Reg 5161 provides “[W]hen possible, the requested name shall be included in the  
23 District’s electronic database in addition to the student’s legal name, in order to inform faculty  
24  
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1 and staff, to include substitute teachers and classroom volunteers, of the name and pronoun to  
2 use when addressing the student.”

3 12. Reg 5161 provides “[A] student is not required to change his/her official school  
4 record or obtain a court-ordered name or gender change in order to be addressed at school by the  
5 name and pronoun which corresponds to their gender identity. Such a request may be made by  
6 the student or by the student’s parent/guardian.”

7 13. Reg 5161 provides “[S]tudents shall **have access to the restroom that**  
8 **corresponds to their gender identity** as expressed by the student and asserted at school.”

9 [*Emphasis added*]

10 14. Reg 5161 provides “[T]ransgender and gender non-conforming students **shall not**  
11 **be forced to use the restroom corresponding to their physiological or biological sex at birth,**  
12 nor an alternative restroom such as in the health clinic.” [*Emphasis added*]

13 15. Reg 5161 provides “[S]tudents shall have access to use facilities that **correspond**  
14 **to their gender identity** as expressed by the student and asserted at school, irrespective of the  
15 gender listed on the student’s records, including but not limited to locker rooms.” [*Emphasis*  
16 *added*]

17 16. Reg 5161 provides “[T]ransgender and gender non-conforming students **shall not**  
18 **be forced to use the locker room corresponding to their physiological or biological sex at**  
19 **birth.**” [*Emphasis added*]

20 17. Reg 5161 provides “[T]ransgender and gender non-conforming students shall be  
21 permitted to participate in **physical education classes** and intramural sports in a manner that is  
22 **consistent with their gender identity.**” [*Emphasis added*]

1 18. Reg 5161 provides “[T]he District shall not implement a dress code that is  
2 gender-based.”

3 19. Reg 5161 provides “[T]ransgender and/or gender non-conforming students have  
4 the right to dress in accordance with the gender identity or gender expression that they  
5 consistently assert at school and within the requirements of the school’s dress code or site-based  
6 school uniform policy.”

7 20. Reg 5161 provides Yearbook Photos -Schools shall offer one of two alternatives  
8 in order to accommodate the needs of transgender and gender non-conforming students: (1)  
9 Allow students the option to select their preferred picture attire or “uniform”, regardless of their  
10 biological sex and which is consistent with the student’s asserted gender identity; or (2) Adopt a  
11 standardized, gender neutral picture “uniform” such as a cap and gown.  
12

13 21. These actions under the Regulation can happen without **any knowledge or input**  
14 from the child’s parents.

15 22. Instead, these decisions will be made solely by the child and “school  
16 administrators and/or school counselors.”

17 23. And it is not just secrecy through silence; the District will withhold this  
18 information even if it is specifically requested by parents.

19 24. Under the Regulation, the District will not tell parents whether their child is  
20 accommodated under the regulation, whether the child has made requests concerning their  
21 gender identity, or any other information that would reveal the child’s “transgender status.”

22 25. Parents are completely and purposely left in the dark. The Regulation plainly  
23 violates parents’ rights under the Fourteenth Amendment.  
24  
25

1 25. Washoe County School District has displayed a similar disregard for students’  
2 First Amendment rights. The Policy punishes students for expressing their sincerely held beliefs  
3 about biological sex and compels them to affirm the beliefs of administrators and their fellow  
4 students.

5 26. Specifically, the Regulation prohibits speech that doesn’t “respect a student’s  
6 gender identity” and “misgendering,” which is defined as “intentionally or accidentally us[ing]  
7 the incorrect name or pronouns to refer to a person.”.

8 27. The Regulation further states “[T]he intentional or persistent refusal to respect a  
9 student’s gender identity, such as by referring to the student by a name or pronoun that does not  
10 correspond to the student’s gender identity, may be considered a violation of Board Policy 9200,  
11 Harassment and Discrimination Prohibited, as well as this administrative regulation.”.

12 28. Any individual’s failure to adhere to Reg 5161, submits them to punitive action  
13 under Washoe County School Board Policy 9200 entitled “Harassment and Discrimination  
14 Prohibited”.

15 29. This speech code blatantly violates the First and Fourteenth Amendments.  
16

17 30. Plaintiffs bring this action to protect parents’ rights to raise their children and  
18 students’ rights to freedom of expression.

19 **PARTIES**

20 1. Plaintiff JANE DOE is a resident of Washoe County, with her minor child J. Doe  
21 attending Washoe School District.

22 2. Defendant WASHOE COUNTY SCHOOL DISTRICT is the public school  
23 district for Washoe County, Nevada. Washoe County School District manages 112 public  
24 schools serving 64,584 students.  
25

1 3. Defendant SUSAN ENFELD is the Superintendent of WASHOE COUNTY School  
2 District. In that role, ENFELD is responsible for the oversight and enforcement of all WCSD  
3 policies, including the Regulation challenged here. ENFELD is sued in her official capacity.

4 4. Defendants BOARD OF TRUSTEES are responsible for the enactment and  
5 oversight of all WCSD policies, including the Regulation challenged here. The Board  
6 Defendants are sued in their official capacities.

7  
8 **NATURE OF ACTION AND JURSDICTION**

9 1. This is a civil action under 42 U.S.C § 1983 seeking damages and injunctive relief  
10 against Defendants for committing acts, under color of law, with the intent and for the purpose of  
11 depriving Plaintiffs of rights secured under the Constitution and laws of the United States;  
12 retaliating against Plaintiffs; and for refusing or neglecting to prevent such deprivations and  
13 denials to Plaintiff.

14  
15 2. This action arises under 42 U.S.C. § 1983 in relation to Defendants’  
16 deprivation of Plaintiffs’ Constitutional rights to Due Process and Equal Protection under  
17 the Fifth and Fourteenth Amendments, and their rights against Free Speech and Free Exercise  
18 under the First Amendment to the U.S. Constitution. Accordingly, this Court has  
19 Federal Question Jurisdiction under 28 U.S.C. §§ 1331 and 1343.

20 3. This Court has authority to award the requested declaratory relief under 28 U.S.C.  
21 § 2201; the requested injunctive relief and damages under 28 U.S.C. § 1343(a); and attorneys’  
22 fees and costs under 42 U.S.C. § 1988. Plaintiffs seek damages and declaratory and injunctive  
23 relief accordingly.

24 4. The District of Nevada is the appropriate venue for this action  
25

1 pursuant to 28 U.S.C. §§ 1391(b)(1) and (2) because it is the District in which Defendants  
2 either maintain offices or do substantial official government work in, exercise their  
3 authority in their official capacities, and will continue to enforce the Orders; and it is the  
4 District in which substantially all of the events giving rise to the claims occurred.

5 5. At all times pertinent herein, Defendants were agents, servants, employees, or  
6 joint venturers of every other Defendant, and at all times mentioned herein were acting  
7 within the scope and course of said agency, employment, or joint venture, with knowledge  
8 and permission and consent of all other named Defendants. Whenever and wherever  
9 reference is made in this Complaint to any acts by Defendants, such allegations and  
10 references shall also be deemed to mean the acts of each Defendant acting individually,  
11 jointly or severally.

12 6. All of the actions taken by Defendants and/or those acting on behalf of  
13 Defendants and referred to herein, were done by Defendants while acting under color or state of  
14 law and had the effect of depriving Plaintiffs of rights secured by the Constitution and laws of  
15 the United States .

16 7. The true names and capacities, whether individual, corporate, associate, or  
17 otherwise, of Defendants DOES 1 through 100, are unknown to Plaintiffs, who therefore sue  
18 said Defendants by such fictitious names. Plaintiffs are informed and believe and thereon  
19 allege that each of the Defendants designated herein as a DOE is responsible in some  
20 manner for the events and happenings herein referred to. As such, Plaintiffs will seek leave  
21 of Court to amend this Complaint to insert the true names and capacities of said Defendant  
22 as they become identified.

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**SUMMARY OF FACTS**

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2  
3 1. Plaintiff Minor J. Doe is a student at Depoali Middle School, located in the  
4 Washoe County School District

5 2. On or about January 17, 2023, *J. Doe* texted his mother from school, advising her  
6 that his teacher had hung a lesbian flag in the classroom and sent a photograph of same.

7 3. Plaintiff, Jane Doe, herein mother of minor J. Doe, immediately inquired of the  
8 school principal whether a Lesbian Flag was allowed to be hung in the classroom per WCSD  
9 policy and was advised hanging the flag was prohibited, but using students “preferred pronouns”  
10 was in accordance to the “gender policy” in place through Washoe County School District.

11 4. Plaintiff was further advised that these teachers were known as “Brave Space”  
12 teachers and that under Reg 5161, said information will be kept private from students’ parents.

13 5. WCSD District policy 5161 Gender Identity and Gender Non-conformity-  
14 Students, passed in 2015 and revised in 2019. (passed through Board Policy 9070 giving  
15 discretion to the Superintendent to pass administrative regulation policies).

16 6. This WCSD policy was in place to help support these students while maintaining  
17 confidentiality away from the parents/or legal guardians.

18 7. Plaintiff was further advised that “brave Space” teachers receive special training  
19 as indicated in the material provided by Washoe County School District to teachers in a brave  
20 space power-point entitled LGBTQ Education Presentation for Brave Space.

21 8. Plaintiff was also provided a copy of Brave Space training flyer for a 3-part  
22 seminar instruction to teachers stating “[D]on’t miss your chance to help the students of Washoe  
23 County School District, by being someone they can come to with concerns. There is a new  
24 program in collaboration with Civil Rights Compliance, Counseling, and Equity and Diversity.  
25 This three-part course covers an introduction to the Brave Space program, a training segment on

1 offering support to LGBTQ+ students, and a training segment focused on the collective pursuit  
2 of cultural proficiency for all students, families and employees. Upon completion of all three  
3 courses, participants will be issued a Brave Space placard to display, indicating to students that  
4 you are a safe staff member to discuss matters pertaining to sensitive topics.” *See My PGS.*

5  
6 9. Following Plaintiffs’ investigation into the school’s policies, it became clear that  
7 Minor J. Doe was being retaliated against and isolated in disciplinary proceedings and  
8 reprimanded individually, even though engaging in behavior with a group of students.

9 10. Minor Doe, having no previous disciplinary issues prior to these incidents, now  
10 seemingly, having disciplinary issues at school and being sent to the principal’s office  
11 repeatedly.

12 11. It is clear that there has been retaliatory behavior towards minor J. Doe.

13 12. The overreach of Washoe County School District has made it abundantly clear,  
14 that they are seeking to fracture the parent-child relationship, by inserting themselves into gender  
15 identity matters that are a gross violation of parental rights.

16 13. Students seeking assistance and guidance at schools should be directed by that of  
17 parents/legal guardians and trained counselors who are licensed clinicians. No teacher should be  
18 able to go through a basic "training" and be deemed a "BRAVE Space" teacher.

19 14. Unless and until Defendants, *inter alia*, a) publicly rescind the 5161, b) cease  
20 communicating to Washoe County School staff that parents are not to be notified and punishing  
21 staff who notify parents, c) publicly establish a policy that parents will be notified when children  
22 raise issues related to their mental health and discordant gender identity, d) cease meeting with  
23 children to provide counsel, advice and advocacy related to mental health and discordant gender  
24 identity without parental notice and consent, and e) cease deceiving parents by using one set of  
25

1 names and pronouns when communicating with them and another at school, Plaintiffs'  
2 fundamental rights to direct the upbringing of their children, to make decisions regarding their  
3 children's medical and mental health, and right of familial privacy will continue to be violated.

4 15. Defendants' ongoing violations of Plaintiffs' fundamental parental rights have  
5 caused and will continue to cause irreparable harm unless and until discontinued.

6 **CLAIMS FOR RELIEF**

7 **I.**

8 **FIRST CLAIM FOR RELIEF**

9 **VIOLATION OF CIVIL RIGHTS, 42 U.S.C. § 1983**

10 **(Violation of Plaintiffs' Substantive Due Process Fundamental Parental Right to Direct the**  
11 **Education and Upbringing of Their Children under the U.S. Constitution**  
12 **(Against all Defendants)**

13 16. Plaintiffs incorporate by reference the allegations of all paragraphs above as  
14 though fully set forth herein.

15 17. The Due Process Clause in the 14th Amendment to the United States Constitution  
16 protects the fundamental right of parents to direct the education, upbringing and the care,  
17 custody, and control of their children. *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Troxel v.*  
18 *Granville*, 530 U.S. 57, 68 (2000).

19 18. Defendants have violated and are violating Plaintiffs' fundamental right to make  
20 decisions regarding the upbringing, education, custody, care, and control of their children in  
21 establishing and implementing the Protocol that prohibits informing parents regarding their  
22 children's assertions regarding gender non-conformity, transgender status and attendant requests  
23 to affirm alternate identities unless their minor children of any age consent.

24 19. Defendants have acted and are acting with reckless disregard for Plaintiffs'  
25 fundamental parental rights by purposefully and intentionally concealing critical information  
regarding the upbringing and care of their children, *i.e.*, that the children are asserting a

1 discordant gender identity, that the children have requested to be addressed by an opposite sex  
2 name and pronouns and other information associated with affirming the child's assertions.

3 20. Defendants have acted and are acting with reckless disregard for Plaintiffs'  
4 fundamental parental rights by continuing to implement the Protocol, *i.e.*, a *de facto* school  
5 district policy of undermining parental authority based on an unsubstantiated assertion that state  
6 law and Washoe County School District Regulation provides that children of any age have the  
7 authority to determine whether their parents will be informed when they raise issues of gender  
8 non-conformity or transgender status, request to be called by an alternative name or pronouns  
9 and even use privacy facilities designated for the opposite sex. In so doing, Defendants are  
10 explicitly and intentionally excluding Plaintiffs from significant decision-making directly related  
11 to their children's care.

12 21. Defendants' reckless disregard for Plaintiffs' rights has resulted in and is resulting  
13 in deprivation of their fundamental constitutional rights.

14 22. Plaintiffs' constitutionally protected right to direct the upbringing and education  
15 of their children was violated as the plainly obvious consequence of Defendants' actions in  
16 intentionally and explicitly withholding information in accordance with the Protocol, *i.e.*, a *de*  
17 *facto* school policy that parents were not to be notified when their children raise issues of gender  
18 non-conformity or transgender status, request to be called by an alternative name or pronouns  
19 and even use privacy facilities designated for the opposite sex.

20 23. Plaintiffs' constitutionally protected right to direct the upbringing and education  
21 of their children was violated as the plainly obvious consequence of Defendants' actions in, *inter*  
22 *alia*, a) meeting secretly with their children to engage in counseling and advocacy related to  
23 mental health and discordant gender identity without parental notice and consent, b) deceiving  
24 parents by using one set of names and pronouns when communicating with them and another at  
25 school, c) directing children to speak untruthfully by instructing them to use alternate gender

1 pronouns and names for their peers and d) nurturing distrust for parents through secret meetings  
2 in which parents' decisions and ability to provide for their children are questioned.

3 24. Defendants cannot assert a compelling interest for disregarding Plaintiffs' long-  
4 established fundamental constitutional right to direct the upbringing, care, and education of their  
5 children, and Defendants' prohibition against parental notification is not narrowly tailored.

6 25. Defendants' violation of Plaintiffs' fundamental constitutional rights has caused  
7 and continues to cause Plaintiffs undue hardship and irreparable harm.

8 26. Plaintiffs have no adequate remedy at law to correct the continuing deprivation of  
9 their fundamental rights.

10 **II.**

11 **SECOND CLAIM FOR RELIEF**  
12 **VIOLATION OF CIVIL RIGHTS 42 U.S.C. § 1983**  
13 **(Parental Exclusion)**  
14 **(Against All Defendants)**

15 27. Plaintiff incorporates by reference the allegations of all paragraphs above as  
16 though fully set forth herein.

17 28. The Fourteenth Amendment provides that no State shall "deprive any person of  
18 life, liberty, or property, without due process of law."

19 29. Under binding precedent, the Amendment "includes a substantive component that  
20 'provides heightened protection against government interference with certain fundamental rights  
21 and liberty interests.'" *Troxel*, 530 U.S. at 65 (quoting *Washington v. Glucksberg*, 521 U.S. 702,  
22 720 (1997)). Among these unenumerated rights are those that are "'deeply rooted in this Nation's  
23 history and tradition'" and "'implicit in the concept of ordered liberty.'" *Dobbs v. Jackson*  
*Women's Health Org.*, 142 S. Ct. 2228, 2257-58 (2022) (quoting *Glucksburg*, 521 U.S. at 721).

24 30. The "liberty interest . . . of parents in the care, custody, and control of their  
25 children[] is perhaps the oldest of the fundamental liberty interests recognized by [the Supreme]

1 Court.” *Troxel*, 530 U.S. at 65. Nearly 100 years ago, the Supreme Court held that the “liberty”  
2 protected by the Fourteenth Amendment includes the right of parents to “establish a home and  
3 bring up children” and “to control the education of their own.” *Meyer v. Nebraska*, 262 U.S. 390,  
4 399 (1923).

5 31. Two years later, the Court held that the “liberty of parents and guardian” includes  
6 the right “to direct the upbringing and education of children under their control.” *Pierce*, 268  
7 U.S. at 534- 35 (1925). As the Court explained, “[t]he child is not the mere creature of the State;  
8 those who nurture him and direct his destiny have the right, coupled with the high duty, to  
9 recognize and prepare him for additional obligations.” *Id.* at 535.

10 32. Again and again, the Supreme Court has affirmed the “fundamental right of  
11 parents to make decisions concerning the care, custody, and control of their children.” *Troxel*,  
12 530 U.S. at 66 (listing cases). Simply put, “[t]he history and culture of Western civilization  
13 reflect a strong tradition of parental concern for the nurture and upbringing of their children.”  
14 *Yoder*, 406 U.S. at 232. “This primary role of the parents in the upbringing of their children is  
15 now established beyond debate as an enduring American tradition.” *Id.*

16 33. Reg 5161 violates parents’ constitutional rights and deprives parents of their right  
17 to know what actions WCSD is taking with regards to fundamentally important decisions about  
18 their children.

19 34. Parents are entitled to ask on a regular basis whether their children have requested  
20 or have engaged in “Brave Space” advice, whether their children have made requests or actions  
21 have been taken concerning their children’s gender identity, and whether the WCSD has any  
22 other information that would reveal their children’s “transgender status.” Yet under the Reg  
23 5161, the School District *will not tell them* any of this information. It is impossible for parents to  
24 direct the “care, custody, and control of their children” when the government and Washoe  
25 County School District withholds critical information from them.

1           35. Regulation 5161 also deprives parents of the right to have any input or control  
2 over fundamental decisions concerning gender identity. Under the Regulation, the parent has no  
3 control over how WCSD treats their child.

4           36. Without *any* parental input, the District can (1) require all employees and students  
5 to address the child by a new name; (2) require all employees and students to address the child  
6 through a new pronoun; (3) have the child’s name changed on numerous government documents,  
7 including identification cards, yearbooks, and diplomas; (4) allow the child to use the restrooms,  
8 locker rooms, and changing facilities that correspond with the child’s gender identity; (5) allow  
9 the child to participate in physical education classes, intramural sports, clubs, and other events  
10 that correspond with the child’s gender identity; and (6) allow the child to room with other  
11 students who share the child’s gender identity. These are *fundamental decisions* implementing  
12 the most basic questions about a child’s life, including issues of religion, medical care, mental  
13 and emotional well-being, the child’s sense of self, and more.

14           37. A recent decision from the District of Kansas is directly on point. There, a local  
15 school board policy prohibited teachers from “revealing to a student’s parents a preferred name  
16 or pronouns the student is using at school if the student has not authorized the parents to know.”  
17 *Ricard v. USD 475 Geary County, KS*, 2022 WL 1471372, at \*4-5 (D. Kan. May 9, 2022).  
18 Discussing the “constitutional right [of parents] to control the upbringing of their children,” the  
19 court found it inconceivable that a school district could constitutionally “withhold[] or conceal[]  
20 from the parents of minor children information fundamental to a child’s identity, personhood,  
21 and mental and emotional well-being such as their preferred name and pronouns.” *Id.* at \*8.  
22 Whether “the District likes it or not,” the constitutional right of parents “includes the right of a  
23 parent to have an opinion and to have a say in what a minor child is called and by what pronouns  
24 they are referred.” *Id.*

1           38. Washoe County School District may be concerned that some parents are  
2           unsupportive of their child’s desire to be referred to by a name other than their legal name, to use  
3           different pronouns, or to implement other decisions involving gender identity. But this “merely  
4           proves the point that the District’s claimed interest is an impermissible one because it is intended  
5           to interfere with the parents’ exercise of a constitutional right to raise their children as they see  
6           fit.” *Id.*

7           39. The government must afford a “presumption of validity” to parental decisions  
8           unless there is clear evidence to the contrary. *Troxel, 530 U.S. at 67.* As “long as a parent  
9           adequately cares for his or her children (*i.e.*, is fit), there will normally be no reason for the State  
10          to inject itself into the private realm of the family to further question the ability of that parent to  
11          make the best decisions concerning the rearing of that parent’s children.” *Id. at 68-69; see*  
12          *Ricard, 2022 WL 1471372, at \*8* (envisioning a “particularized and substantiated concern that  
13          disclosure to a parent could lead to child abuse, neglect, or other *illegal* conduct”). But “[s]imply  
14          because the decision of a parent is not agreeable to a child ... does not automatically transfer the  
15          power to make that decision from the parents to some agency or officer of the state.” *Parham,*  
16          *442 U.S. at 60.*

17  
18          40. Here, the District “not only fail[s] to presume” that parents will “act in the best  
19          interest of their children, [it] assume[s] the exact opposite.” *Doe v. Heck, 327 F.3d 492, 521 (7th*  
20          *Cir. 2003).* The District has *no right* to deprive parents of this critical information and control  
21          concerning their child. The Policy plainly violates the Fourteenth Amendment.

22          41. Washoe County School District adopted this policy “under color of state law”  
23          within the meaning of Section 1983.  
24  
25



1           49. Defendants have violated and are violating Plaintiffs' fundamental right to make  
2 decisions regarding the mental health of their children by adopting the Regulation providing that  
3 a) parents are not to be notified if their children express a discordant gender identity; b) parents  
4 are presumed to pose a danger to their child's health and well-being if notified of their child's  
5 gender confusion or discordant gender identity; c) parents are not to be included in meetings with  
6 their children to discuss changes to be made in response to the children's assertion of a  
7 discordant gender identity unless the child consents; d) parents are to be intentionally misled and  
8 lied to when school staff discuss their children, in that staff are to use the children's legal name  
9 and biologically accurate pronouns when talking to parents but not in other circumstances; e)  
10 children are to be permitted to decide which privacy facilities they will use without the  
11 involvement of their parents.

12           50. Affirming a child's discordant gender identity involves significant mental health  
13 and medical decisions affecting the well-being of children with potentially life-long  
14 consequences. Therefore, by excluding parents from discussions regarding their children's  
15 assertion of a discordant gender identity and adopting the Protocol aimed at secretly affirming  
16 the discordant gender identity, Defendants are making, and have made decisions that affect the  
17 mental health of Plaintiffs' children in contravention of Plaintiffs' fundamental rights as  
18 enumerated in the U.S. Constitution and Nevada law.

19           51. Defendants have acted and are acting with reckless disregard for Plaintiffs'  
20 fundamental parental rights by withholding information regarding their children's mental health  
21 based on an unsubstantiated assertion that state law, regulations grant children rights of  
22 confidentiality that prohibit disclosing information regarding gender identity to their own  
23 parents, thereby explicitly and intentionally excluding Plaintiffs from making the mental health  
24 decisions for their children that are exclusively their right to make.

25

1           52. Defendants' reckless disregard for Plaintiffs' rights has resulted in and continues  
2 to result in deprivation of their fundamental constitutional rights.

3           53. Plaintiffs' constitutionally and statutorily protected rights to make decisions  
4 regarding the mental health of their children was violated as the plainly obvious consequence of  
5 Defendants' actions in intentionally and explicitly withholding information in accordance with  
6 the Protocol, *i.e.*, a *de facto* school policy that parents were not to be notified when their children  
7 raise issues of gender non-conformity or transgender status, request to be called by an alternative  
8 name or pronouns and even use privacy facilities designated for the opposite sex.

9           54. Plaintiffs' constitutionally and statutorily protected rights to make decisions  
10 regarding the mental health of their children was violated as the plainly obvious consequence of  
11 Defendants' actions in, *inter alia*, a) meeting secretly with their children to engage in counseling  
12 and advocacy related to mental health and discordant gender identity without parental notice and  
13 consent, b) deceiving parents by using one set of names and pronouns when communicating with  
14 them and another at school, c) directing children to speak untruthfully by instructing them to use  
15 alternate gender pronouns and names for their peers, and d) nurturing distrust for parents through  
16 secret meetings in which parents' decisions and ability to provide for their children are  
17 questioned.

18           55. Defendants cannot assert a compelling interest for disregarding Plaintiffs' long-  
19 established fundamental constitutional right to direct the medical and mental health care for their  
20 child, and Defendants' prohibition against parental notification is not narrowly tailored.

21           56. Defendants' violation of Plaintiffs' fundamental constitutional rights has caused  
22 and continues to cause Plaintiffs undue hardship and irreparable harm.

23           57. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable  
24 harm to their constitutional rights unless Defendants are enjoined from implementing and  
25 arbitrarily enforcing Reg 5161.



1           63.     The Policy is no different from the policy requiring schoolchildren to pledge  
2 alliance to the flag in *Barnette*. Like the West Virginia State Board of Education in *Barnette*, *cf.*  
3 319 U.S. at 631, 633, Washoe County School District is requiring students to affirmatively  
4 declare statements that they believe to be false and affirm ideologies with which they deeply  
5 disagree or otherwise face discipline under Administrative Regulation 9200.

6           64.     *Meriwether v. Hartop*, 992 F.3d 492 (6<sup>th</sup> Cir. 2021), is directly on point. There,  
7 the Sixth Circuit held that a similar “preferred pronoun” requirement was “anathema to the  
8 principles underlying the First Amendment.” *Id.* at 510. “Indeed, the premise that gender identity  
9 is an idea ‘embraced and advocated by increasing numbers of people is all the more reason to  
10 protect the First Amendment rights of those who wish to voice a different view.’” *Id.* (quoting  
11 *Boy Scouts of Am. V. Dale*, was a content-based regulation subject to strict scrutiny).

12           65.     In addition, “the First Amendment’s hostility to content-based regulation extends”  
13 to “restrictions on particular viewpoints.” *Reed v. Town of Gilbert*, 135 S. Ct. 2218, 2230 (2015).  
14 Viewpoint discrimination is flatly prohibited. *See Iancu v. Brunetti*, 139 S. Ct. 2294, 2302  
15 (2019); *Mahanoy*, 141 S. Ct. at 2046 (schools cannot “suppress speech simply because it is  
16 unpopular”).

17           66.     Here, Washoe County School District has adopted a policy that disciplines  
18 students for the content and viewpoint of their speech. Specifically, Reg 5161 prohibits “an  
19 intentional and/or persistent refusal to respect a student’s gender identity.” Reg 5161 also  
20 prohibits “misgendering,” which it defines as instances “[w]hen a person accidentally or  
21 intentionally uses the incorrect name or pronouns to refer to a person.” This is a classic content-  
22 based and viewpoint-based regulation of speech. *See, e.g., Saxe v. State College Area School*  
23 *District*, 240 F.3d 200, 206 (3d Cir. 2001) (bans on “harassment” covering speech impose  
24 “content-based” and often “viewpoint-discriminatory” restrictions on that speech).

25



1 students that are “so broad as to chill the exercise of free speech and expression.” *Dambrot v.*  
2 *Cent. Michigan Univ.*, 55 F.3d 1177, 1182 (6th Cir. 1995). “Because First Amendment freedoms  
3 need breathing space to survive, a state may regulate in the area only with narrow specificity.”  
4 *Gooding v. Wilson*, 405 U.S. 518, 522 (1972). Schools must carefully craft their regulations “to  
5 punish only unprotected speech and not be susceptible of application to protected expression.”  
6 *Id.*

7 74. Reg 5161 and 9200 are unconstitutionally overbroad. By its terms, the Regs apply  
8 to protected speech and virtually any opinion or political belief—as well as any use of humor,  
9 satire, or parody— could be perceived as “a refusal ... to respect a student’s gender identity.”

10 75. Regs 5161 and 9200 also do not differentiate between “on campus” and “off  
11 campus” speech, even though the District’s ability to punish off-campus speech is extremely  
12 limited. *See Mahanoy*, 141 S. Ct. at 2046. Courts regularly find these types of far-reaching  
13 school policies to be unconstitutionally overbroad. *See, e.g., Saxe*, 240 F.3d at 215-16 (high  
14 school speech policy punishing “harassment” was overbroad because it “prohibit[ed] a  
15 substantial amount of non-vulgar, non-sponsored student speech”); *Flaherty v. Keystone Oaks*  
16 *School Dist.*, 247 F. Supp. 2d 698, 701-02 (W.D. Penn. 2003) (speech policy prohibiting  
17 “abusive,” “inappropriate,” and “offen[sive]” language was overbroad).

18 76. All of the actions taken by Defendants and/or those acting on behalf of  
19 Defendants and referred to herein, were done by Defendants while acting under color or state of  
20 law and had the effect of depriving Plaintiffs of rights secured by the Constitution and laws of  
21 the United States.  
22  
23  
24  
25

1 77. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable  
2 harm to their constitutional rights unless Defendants are enjoined from implementing and  
3 arbitrarily enforcing Reg 5161.

4 78. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to declaratory  
5 relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining  
6 enforcement of the Reg 5161.

7 79. Plaintiffs found it necessary to engage the services of private counsel to vindicate  
8 their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant  
9 to 42 U.S.C. § 1988.

10 **VI.**  
11 **SIXTH CLAIM FOR RELIEF**  
12 **VIOLATION OF CIVIL RIGHTS, 42 U.S.C. § 1983**  
13 **Violation of the First and Fourteenth Amendments**  
14 **(Void for Vagueness)**  
15 **(Against All Defendants)**

16 80. Plaintiff incorporates by reference the allegations of all paragraphs above as  
17 though fully set forth herein.

18 81. “It is a basic principle of due process that an enactment is void for vagueness if its  
19 prohibitions are not clearly defined.” *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972).  
20 “[T]he vagueness doctrine has two primary goals: (1) to ensure fair notice to the citizenry and (2)  
21 to provide standards for enforcement [by officials].” *Ass’n of Cleveland Fire Fighters v. City of*  
22 *Cleveland*, 502 F.3d 545, 551 (6th Cir. 2007); *see also Stephenson v. Davenport Cmty. Sch.*  
23 *Dist.*, 110 F.3d 1303, 1311 (8th Cir. 1997) (“a central purpose of the vagueness doctrine” is to  
24 prevent “arbitrary and discriminatory enforcement”).

25 82. “With respect to the first goal, ... ‘[a] statute which either forbids or requires the  
doing of an act in terms so vague that [individuals] of common intelligence must necessarily

1 guess at its meaning and differ as to its application, violates the first essential of due process of  
2 law.” *Ass’n of Cleveland Fire Fighters*, 502 F.3d at 551 (quoting *Connally v. Gen. Constr. Co.*,  
3 269 U.S. 385, 391 (1925)). “With respect to the second goal, ... ‘if arbitrary and discriminatory  
4 enforcement is to be prevented, laws must provide explicit standards for those who apply them.  
5 A vague law impermissibly delegates basic policy matters to [officials] for resolution on an ad  
6 hoc and subjective basis.” *Id.* (quoting *Grayned*, 408 U.S. at 108-09).

7 83. This principle of clarity is especially demanding when First Amendment freedoms  
8 are at stake. If the challenged law “interferes with the right of free speech or of association, a  
9 more stringent vagueness test should apply.” *Village of Hoffman Estates v. Flipside, Hoffman*  
10 *Estates, Inc.*, 455 U.S. 489, 499 (1982). “Certainty is all the more essential when vagueness  
11 might induce individuals to forego their rights of speech, press, and association for fear of  
12 violating an unclear law.” *Scull v. Va. ex rel. Comm. on Law Reform & Racial Activities*, 359  
13 U.S. 344, 353 (1959).

14 84. The Policy, among other things, lacks any definitions, detail, context, or notice to  
15 students about what sorts of statements WCSD views as “an intentional or persistent refusal ...  
16 to respect a student’s gender identity.” This provision guarantees arbitrary enforcement and is  
17 therefore unconstitutional.

18 85. All of the actions taken by Defendants and/or those acting on behalf of  
19 Defendants and referred to herein, were done by Defendants while acting under color or state of  
20 law and had the effect of depriving Plaintiffs of rights secured by the Constitution and laws of  
21 the United States.  
22  
23  
24  
25



1           92.     In substituting their judgment for the judgment of parents by refusing to inform  
2 parents when their children disclose a discordant gender identity and seek affirmation of the  
3 identity at school without notifying the parents, Defendants have impermissibly inserted  
4 themselves into the private realm of Plaintiffs' families by depriving Plaintiff, and other minor  
5 Washoe County Schools students of their right to have decisions regarding their upbringing,  
6 mental health and well-being made by their parents.

7           93.     Defendants have infringed Plaintiffs' right to family privacy by implicitly  
8 informing children that their parents cannot be trusted to be informed of or involved in decision-  
9 making related to their children's assertion of a discordant gender identity. Defendants have  
10 explicitly evidenced their hostility and intent to infringe upon family privacy through public  
11 statements that Defendants' schools are the only safe space for many children and that parental  
12 concerns about children's assertions of discordant gender identities are rooted in bigotry.

13           94.     Through their implementation of Reg 5161 and 9200, punishment of teachers who  
14 do not comply with it, and public statements denigrating parents who disagree with Regs 5161  
15 and 9200, Defendants are nurturing significant seeds of doubt within children's minds about  
16 whether their parents are acting in their best interests. In so doing, Defendants are sowing  
17 discord and division in the parent-child relationships and violating Plaintiffs' rights to family  
18 privacy.

19           95.     Defendants have acted and are acting with reckless disregard for Plaintiffs' rights  
20 to family privacy by their actions in intentionally casting doubt on parents' support and ability to  
21 respond appropriately to their children's expression of discordant gender identities and excluding  
22 parents from decision-making related to their children's questions regarding their sex and gender  
23 identity.

24           96.     Defendants' deliberate indifference to Plaintiffs' rights has resulted in and  
25 continues to result in deprivation of their constitutional rights to family privacy.

1           97. Plaintiffs' constitutionally protected rights to familial privacy were violated as the  
2 plainly obvious consequence of Defendants' actions in intentionally and explicitly withholding  
3 information in accordance with the Protocol, *i.e.*, a *de facto* school policy that parents were not to  
4 be notified when their children raise issues of gender non-conformity or transgender status,  
5 request to be called by an alternative name or pronouns and even use privacy facilities  
6 designated for the opposite sex.

7           98. Plaintiffs' constitutionally protected right to family privacy was violated as the  
8 plainly obvious consequence of Defendants' actions in, *inter alia*, a) meeting secretly with their  
9 children to engage in counseling and advocacy related to mental health and discordant gender  
10 identity without parental notice and consent, b) deceiving parents by using one set of names and  
11 pronouns when communicating with them and another at school, c) directing children to speak  
12 untruthfully by instructing them to use alternate gender pronouns and names for their peers, and  
13 d) nurturing distrust for parents through secret meetings in which parents' decisions and ability  
14 to provide for their children are questioned.

15           99. Defendants cannot assert a compelling state interest for recklessly disregarding  
16 Plaintiffs' constitutional rights to familial privacy, and Defendants' prohibitions against parental  
17 notification and involvement in children's mental health decisions related to gender identity are  
18 not narrowly tailored.

19           100. Defendants' violation of Plaintiffs' constitutional rights has caused and continues  
20 to cause Plaintiffs undue hardship and irreparable harm in that Plaintiffs have been and are being  
21 denied their right to direct decisions concerning the upbringing and mental health care for their  
22 children without interference from the state, and their children are denied the right to have  
23 upbringing and mental health decisions made by their parents in keeping with their family values  
24 and sincerely held religious beliefs.

25



1           108.     Plaintiffs have sincerely held religious beliefs that human beings are created male  
2 or female and that the natural created order regarding human sexuality cannot be changed  
3 regardless of individual feelings, beliefs, or discomfort with one’s identity, and biological reality,  
4 as either male or female.

5           109.     Plaintiffs have sincerely held religious beliefs that parents have the non-delegable  
6 duty to direct the upbringing and beliefs, religious training, and medical and mental health care  
7 of their children and any intrusion of the government into that realm infringes upon the free  
8 exercise of their religion.

9           110.     Plaintiffs have sincerely held religious beliefs that all people are to be treated with  
10 respect and compassion, and that respect and compassion do not include misrepresenting an  
11 individual’s natural created identity as either a male or a female.

12           111.     Plaintiffs have sincerely held religious beliefs that individuals are to speak the  
13 truth, including speaking the truth regarding matters of sexual identity as a male or female.

14           112.     Defendants’ actions in excluding Plaintiffs from decision making regarding their  
15 children’s sexual and gender identity target the Plaintiffs’ beliefs regarding the created order,  
16 human nature, sexuality, gender, ethics, and morality which constitute central components of  
17 their sincerely held religious beliefs.

18           113.     Defendants’ actions have caused a direct and immediate conflict with Plaintiffs’  
19 religious beliefs by prohibiting them from being informed of mental health issues their children  
20 are or might be undergoing and denying them the opportunity to seek counseling and guidance  
21 for their children in a manner that is consistent with the beliefs sincerely held by their family  
22 instead of the government.

23           114.     Defendants’ actions are coercive in that they deliberately supplant Plaintiffs’ role  
24 as advisors of the moral and religious development of their children so that they are not able to  
25 direct their children’s mental health care and counseling regarding sex and gender identity in

1 accordance with their values because Defendants have substituted the state's perspective on the  
2 issues of sex and gender identity for the perspective of Plaintiffs in violation of Plaintiffs' free  
3 exercise rights.

4 115. Defendants' actions are neither neutral nor generally applicable, but rather,  
5 specifically and discriminatorily target the religious speech, beliefs, and viewpoint of Plaintiffs  
6 and thus expressly constitute a substantial burden on sincerely held religious beliefs that are  
7 contrary to Defendants' viewpoint regarding gender identity and affirmation of a discordant  
8 gender identity.

9 116. No compelling state interest justifies the burdens Defendants have imposed and  
10 are imposing on Plaintiffs' rights to the free exercise of religion.

11 117. Defendants' actions are not the least restrictive means to accomplish any  
12 permissible government purpose Defendants seek to serve.

13 118. Defendants' violation of Plaintiffs' rights to free exercise of religion has caused,  
14 is causing, and will continue to cause Plaintiffs to suffer undue and actual hardships.

15 119. Defendants' violation of Plaintiffs' rights to free exercise of religion has caused,  
16 is causing, and will continue to cause Plaintiffs to suffer irreparable

17 120. Plaintiffs have sincerely held religious beliefs that individuals are to speak the  
18 truth, including speaking the truth regarding matters of sexual identity as a male or female.

19 121. Defendants' actions in excluding Plaintiffs from decision making regarding their  
20 children's sexual and gender identity target the Plaintiffs' beliefs regarding the created order,  
21 human nature, sexuality, gender, ethics, and morality which constitute central components of  
22 their sincerely held religious beliefs.

23 122. Defendants' actions have caused a direct and immediate conflict with Plaintiffs'  
24 religious beliefs by prohibiting them from being informed of mental health issues their children  
25

1 are or might be undergoing and seeking counseling and guidance for their children in a manner  
2 that is consistent with the beliefs held by their family instead of the government.

3 123. Defendants' actions are coercive in that they deliberately usurp and supplant  
4 Plaintiffs' role as advisors of the moral and religious development of their children so that they  
5 are not able to instruct their children regarding sex and gender identity in accordance with their  
6 values because Defendants have substituted the state's perspective on the issues of sex and  
7 gender identity for the perspective of Plaintiffs in violation of Plaintiffs' free exercise rights.

8 124. Defendants' actions are neither neutral nor generally applicable, but rather  
9 specifically and discriminatorily target the religious speech, beliefs, and viewpoint of Plaintiffs  
10 and thus expressly constitute a substantial burden on sincerely held religious beliefs that are  
11 contrary to Defendants' viewpoint regarding gender identity and affirmation of a discordant  
12 gender identity.

13 125. No compelling state interest justifies the burdens Defendants have imposed and  
14 are imposing on Plaintiffs' rights to the free exercise of religion.

15 126. Defendants' actions are not the least restrictive means to accomplish any  
16 permissible government purpose Defendants seek to serve.

17 127. Defendants' violation of Plaintiffs' rights to free exercise of religion has caused,  
18 is causing, and will continue to cause Plaintiffs to suffer undue and actual hardships.

19 128. Defendants' violation of Plaintiffs' rights to free exercise of religion has caused,  
20 is causing, and will continue to cause Plaintiffs to suffer irreparable injury. Plaintiffs have no  
21 adequate remedy at law to correct the continuing deprivation of their most cherished  
22 constitutional liberties.

23 129. All of the actions taken by Defendants and/or those acting on behalf of  
24 Defendants and referred to herein, were done by Defendants while acting under color or state of  
25

1 law and had the effect of depriving Plaintiffs of rights secured by the Constitution and laws of  
2 the United States .

3 130. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable  
4 harm to their constitutional rights unless Defendants are enjoined from implementing and  
5 arbitrarily enforcing Reg 5161.

6 131. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to declaratory  
7 relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining  
8 enforcement of the Reg 5161.

9 132. Plaintiffs found it necessary to engage the services of private counsel to vindicate  
10 their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant  
11 to 42 U.S.C. § 1988.

12 **DEMAND FOR RELIEF**

13 **WHEREFORE**, Plaintiff respectfully requests that this Court enter judgment in favor of  
14 Plaintiff and against Defendants and provide the following relief:

15 A. A declaratory judgment that Defendants' Regulations 5161 and 9200 violate the  
16 First, Fifth and Fourteenth Amendments;

17 B. A preliminary injunction barring Defendants from enforcing Regulations 5161  
18 and 9200;

19 C. A permanent injunction barring Defendants from enforcing the Regulations 5161  
20 and 9200;

21 D. Plaintiff's reasonable costs and expenses of this action, including attorneys' fees,  
22 per 42 U.S.C. §1988 and all other applicable laws;

23 E. Award Plaintiffs damages arising out of their Section 1983 Claims, and

24 F. For an award of reasonable attorney's fees and his costs on his behalf  
25

1 expended as to such Defendants pursuant to the Civil Rights Act of 1871, 42 U.S.C.  
2 Section 1988.

3 G. Such other relief as the Court deems just and proper.

4 **JURY TRIAL DEMAND**

5 Plaintiffs hereby demand a trial by jury on all counts so triable.

6 Dated this 27th day of March, 2023

7 **CHATTAH LAW GROUP**

8 */s/ Sigal Chattah*

9  
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