



January 18, 2017

Denise McNerney
Office of the Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington, DC 20543

Via UPS and email

RE: Gloucester County School Board v G.G., No. 16-273

Dear Ms. McNerney,

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
LBGT AND HIV PROJECT
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2627
F/212.549.2650
WWW.ACLU.ORG/LGBT

Pursuant to Supreme Court Rule 32.3, Respondent respectfully requests permission to lodge redacted copies of (a) a September 9, 2016, order from the Gloucester County Circuit Court directing the State Registrar to issue an amended birth certificate listing Mr. Grimm's sex as "male," and (b) the amended birth certificate issued to Mr. Grimm on October 27, 2016.

The court order and birth certificate are relevant to Respondent's claims for prospective relief and for damages from the date the birth certificate was provided to the Gloucester County School Board. As public records, these documents may be considered on review of a motion to dismiss. *See Papasan v. Allain*, 478 U.S. 265, 268 n.1 (1986); *Wright & Miller, et al.*, 5B Fed. Prac. & Proc. Civ. § 1357 (3d ed.).

Although the court order and birth certificate were issued after the Fourth Circuit and district court issued their rulings, this Court may take judicial notice of the documents as public records. *See S. Shapiro, K. Geller, T. Bishop, E. Hartnett, & D. Himmelfarb*, *Supreme Court Practice* § 13.11(k), p. 744 (10th ed. 2013) ("The taking of judicial notice of facts outside the record is part of the inherent power and function of every court, whether a trial or appellate tribunal." (footnote omitted)).

Please let me know if there is any additional information I should provide in connection with this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joshua A. Block". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Joshua A. Block

Counsel of Record for Respondent

Cc: Kyle Duncan

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AMERICAN CIVIL LIBERTIES
UNION FOUNDATION