

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Parker Tirrell, by her parents and next friends Sara Tirrell and Zachary Tirrell, *and*

Iris Turmelle, by her parents and next friends, Amy Manzelli and Chad Turmelle,

Plaintiffs,

v.

Frank Edelblut, *in his official capacity as Commissioner of the New Hampshire Department of Education;*

Andrew Cline, Kate Cassady, Ann Lane, Philip Nazzaro, Rajesh Nair, James Fricchione, and James Leboe, *in their official capacities as members of the New Hampshire State Board of Education;*

Pemi-Baker Regional School District;

Pembroke School District;

Donald J. Trump, *in his official capacity as President of the United States,*
1600 Pennsylvania Avenue NW,
Washington, DC 20220;

U.S. Department of Justice,
950 Pennsylvania Avenue NW,
Washington, DC 20530;

Pamela Bondi, *in her official capacity as Attorney General of the United States,*
950 Pennsylvania Avenue NW,
Washington, DC 20530;

Civil Case No. 1:24-cv-0025-LM-TSM

U.S. Department of Education,
400 Maryland Avenue SW,
Washington, DC 20202; and

Denise L. Carter, *in her official
capacity as Acting Secretary of the
United States Department of Education,*
400 Maryland Avenue SW,
Washington, DC 20202.

Defendants,

and

Female Athletes United,

Proposed Intervenor-Defendant.

DECLARATION OF B.W. IN SUPPORT OF MOTION TO INTERVENE

I, B.W., under penalty of perjury, declare as follows:

1. I am a 15-year-old resident of Gilmanton, New Hampshire, in Belknap County, and I have personal knowledge of the information below.

2. This past fall, I started high school at a public school in Belknap County New Hampshire. I am currently a freshman.

3. It is my understanding that, as a public school, my high school is bound by the requirements of Title IX.

4. I am also a member of Female Athletes United (“FAU”). I joined FAU because I believe that girls’ sports and private spaces should be protected. As a female athlete, I want to advocate to protect the rights of female athletes like myself, both now and in future generations.

Playing sports

5. Sports have been a part of my life since I was a little girl.

6. I began playing soccer when I was four and have learned so much from playing and training about working hard and being part of a team.

7. Being an athlete has taught me life lessons about how to be perseverant and disciplined in order to achieve goals. This mindset has helped me grow as a person in other aspects of life as well.

8. I played both soccer and softball in elementary and middle school. Now that I am in high school, I am also playing school soccer and will play school softball in the spring.

9. In the fall of my freshman year, I played both junior varsity and varsity soccer for my school.

10. Being on the team was a great way to integrate into high school life, get to know other freshman, and meet upperclassmen.

11. I look forward to continuing to play on both the soccer and softball teams throughout my time in high school.

12. Playing soccer has been one of the highlights of my time in high school so far and I am excited for the softball season to start in March.

13. I come from a family of athletes. Growing up I would play with my brother. Playing with him when I was younger challenged me physically and helped me to develop a strong sense of competition.

14. Since we have gotten older, it is no longer fun to play against him. My brother's physiological advantages as a man prevent me from even being competitive against him. It's not fun to play when I don't have a fair chance to win.

15. I am grateful that there are dedicated girls' teams at my school, so that I can continue to develop my skills as an athlete, knowing that if my teammates and I work our hardest, we have a shot to win.

16. Playing on the high school soccer team in the fall season challenged me to excel and sharpened my skills as a player.

17. My teammates and I work and train really hard so that we have the best chance to win.

18. But some schools in New Hampshire have allowed males to play on the girls' team.

19. This fall, my team played against a team whose starting goalie was male.

20. We played against this team for our Homecoming game, which is an important game for the team and the school community.

21. It is a game that especially draws fans to come and cheer the team on.

22. Having a male, who is well above the average height of the girls on my team, on the opposing team made me nervous for the game.

23. Although we won, it still felt like a violation of the rights of female athletes to have a sports team designated for girls. Especially, because as the male student is the starting goalie, that student was taking a place on the field that would otherwise have gone to a female athlete.

24. If a male student joined my team, I would strongly consider no longer playing for my school.

25. I think it is unsafe and unfair for a male to take a girl's spot on the girls' team.

26. When it comes to playing women's sports, competing against and losing to a male athlete would make me feel defeated and incredibly frustrated. It would be degrading to work so hard to be the best female athlete I can be and then have a male ruin that hard work because he has physical differences that give him the advantage. Women's sports are supposed to be for women and provide women a fair opportunity to compete and win. By allowing men to compete in women's sports, officials would be communicating to me that they don't care about women, that

males and females are interchangeable and their differences don't matter, and that my right to compete fairly and safely doesn't matter.

27. I believe it is important for women and girls to feel safe in their sports and to have a fair chance to win.

Privacy

28. Another area of concern for me as an athlete and student is privacy.

29. As a female athlete, I change for practice in either the school restroom or locker room.

30. I had to change at school for soccer practice and will need to change on campus again for softball. I anticipate that I will be using the locker room to change nearly every day of the season for softball.

31. The locker room is often very crowded before practice.

32. It affords minimal privacy and girls change in the open spaces between lockers in order to be ready in time for practice. I can't imagine myself or one of my teammates needing to change, let alone shower, in front of a man. We are minors and shouldn't be seeing a naked man's body or having a man see ours.

33. If a male student were to change in the locker room, I would no longer feel comfortable changing there.

34. It would feel awkward, uncomfortable, and undignified for me to undress in front of a male.

35. I would feel embarrassed, humiliated, and even unsafe if a male was in the room while I changed or if a male was changing in front of me.

36. If this happened, I would not use the locker room to change. I would try to find a restroom with a private stall to change in.

37. I also use the restroom at school. Like most schools, my school has restrooms with multiple stalls that give only a low level of privacy.

38. I would be intensely uncomfortable and humiliated if a male student used the girls' restroom, while I was present. I would be afraid to go to the restroom at school if males were allowed to enter, because it would seem inappropriate and unsafe for me to use the restroom with a male student.

39. I also sometimes use the restroom at schools that host our soccer and softball competitions. Sometimes these restrooms are multi-stall restrooms. I would be afraid and uncomfortable to use the restroom at other schools if I knew that a male student could come into the restroom with me.

40. It is critical that girls have private spaces to change and use the restroom in so we can enjoy time at school and extracurriculars.

The Executive Orders and New Hampshire law

41. It is my understanding that currently, New Hampshire law protects the rights of female athletes to only compete against other females on girls' sports teams.

42. I also understand that an executive order put out by President Trump takes the position that Title IX protects girls' locker rooms and sports teams, by generally designating them for females.

43. Another executive order by President Trump, as I understand it, takes the position that school restrooms should generally be designated for males or females. So, under the order, only females can enter the girls' restroom and only male students can use the boys' restroom.

44. I am grateful to my state government and to the federal government for standing up for girls and women and protecting our sports and private spaces.

45. But I am worried that if the state law and executive orders are struck down, then my school and other schools in the state will continue to allow men in women's sports and women's private spaces. If that happened, I could be forced to

have males on my team and to share locker rooms and restrooms with male students.

46. If a male student joined my sports team at school, I am not sure that I would continue to play on the school team. I would be really sad to stop participating, but I do not think it would be safe or fair to give a girl's spot to a male.

47. And if males were allowed in the girls' restroom and locker room at school, I would no longer feel safe using them. I would stop changing in the locker room and I would not use the restroom if a male student was present.

48. This would be unfair, frustrating, and discouraging.

DECLARATION UNDER PENALTY OF PERJURY

I, B.W., a citizen of the United States and a resident of the State of New Hampshire, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 20th day of February, 2025 at Gilmanston, New Hampshire.

BW
B.W.