



April 13, 2026

Honorable Scott S. Harris  
Clerk of the Court  
Supreme Court of the United States  
One First Street, NE  
Washington, DC 20543-0001

Re: *E.D., et al. v. Noblesville School District, et al.*  
Case No. 25-906

Dear Mr. Harris,

Petitioners submit this notice to inform the Court of a new court-of-appeals decision that deepens the 3–1–2 circuit split Petitioners raised in their petition, making it a 3–1–3 split.

In *Penguin Random House, LLC v. Robbins*, the Eighth Circuit Court of Appeals joined the Sixth and Eleventh Circuits in holding that the analysis in *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988), controls expression that “bears the imprimatur of the school *and* is properly characterized as part of the school’s curriculum.” No. 25-1819, 2026 WL 924132, at \*3 (8th Cir. Apr. 6, 2026) (emphasis added). Accord Reply.Br.3–7.

Respectfully Submitted,

*s/John J. Bursch*  
John J. Bursch  
Counsel for Petitioners

cc: Liberty Lee Roberts, lroberts@cchalaw.com  
Counsel for Respondents