

No. 26A458

IN THE SUPREME COURT OF THE UNITED STATES

K.M.K., by and through her mother and next friend, STEPHANIE LYNNE
BROWN, and STEPHANIE LYNNE BROWN,
Applicants,

v.

WASHINGTON INTERSCHOLASTIC ACTIVITIES ASSOCIATION, et al.,
Respondents.

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the
United States and Circuit Justice for the Ninth Circuit

OPPOSITION OF RESPONDENT WASHINGTON INTERSCHOLASTIC
ACTIVITIES ASSOCIATION TO EMERGENCY APPLICATION FOR AN
INJUNCTION PENDING APPEAL

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, Respondent Washington Interscholastic Activities Association states that it is a private, non-profit 501(c)(3) service organization organized under the laws of the State of Washington. It has no parent corporation, and no publicly held company owns 10% or more of its stock.

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Applicants’ appendix (“App.”) reproduces only three orders: the district court’s order denying a preliminary injunction (App. 1a–62a), its order denying an injunction pending appeal (App. 63a–67a), and the Ninth Circuit’s order (App. 68a–78a). This response cites those orders to App. and does not reproduce them. The WIAA’s supplemental appendix (“WIAA Supp. App.”) reproduces only the additional record materials cited in this response that Applicants’ appendix omits. The supplemental appendix will open with this table of contents, describing each document. *See* Sup. Ct. R. 22.2, 33.2(a), 34.4; *cf.* Sup. Ct. R. 12.7, 26.1.

Document	Record Reference	WIAA Supp. App.
Declaration of Mick Hoffman ISO WIAA’s Response to Motion for Preliminary Injunction (July 31, 2026)	D. Ct. Dkt. 48	1a–5a
Exhibit A to Hoffman Declaration: WIAA Annual Budget, FY 2025–26	D. Ct. Dkt. 48-1	6a–8a
WIAA Handbook appendix reproducing Wash. Rev. Code § 28A.600.200	D. Ct. Dkt. 36-6 at 128	9a
WIAA’s response to the motion for injunction pending appeal (Aug. 28, 2026)	D. Ct. Dkt. 66	10a–15a
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WIAA's joinder in the opposition briefs (Sept. 17, 2026)	CA9 Dkt. 40.1	69a–70a

INTRODUCTION

Applicants ask this Court to do something no court below would do. They want this Court to enter, in the first instance, a mandatory injunction against a private, non-profit association.¹ The order would require the Washington Interscholastic Activities Association (“WIAA”) to (1) ignore a participation rule that its member schools adopted nearly two decades ago to comply with Washington’s civil rights statutes and (2) restructure how interscholastic wrestling is administered to identify and track the sex or gender identity of other minor student-athletes, and (3) to excuse K.M.K. from bracketed competition on demand. 2-ER-293–95. Two district court orders and a unanimous, published Ninth Circuit order have already denied that relief. App. 1a–78a. This Court should do the same.

The Application fails at every step, and each failure is independently sufficient to deny it. *First*, Applicants’ Title IX claim against the WIAA is not likely to succeed, much less in an “indisputably clear” way. *Lux v. Rodrigues*, 561 U.S. 1306, 1307 (2010) (Roberts, C.J., in chambers). The WIAA receives no federal funds, WIAA Supp. App. 2a, and this Court has already held that dues paid by federally funded members

¹Citations to “Appl.” are to the Application in No. 26A458. Citations to “App.” are to Applicants’ appendix, which reproduces only the three orders below (App. 1a–78a). Every other record item cited in this response is reproduced in the WIAA’s supplemental appendix (“WIAA Supp. App.”). “D. Ct. Dkt.” refers to the docket in No. 3:26-cv-05616-DGE (W.D. Wash.), and “CA9 Dkt.” refers to the docket in No. 26-5488 (9th Cir.); pin cites are to the internal page or paragraph of the cited docket entry. “[Vol.]-ER-[page]” refers to the five-volume excerpts of record Applicants filed with their opening brief in the Ninth Circuit on September 22, 2026, CA9 Dkt. 44, which are the excerpts the Application cites. This response is prepared under Supreme Court Rules 22.2, 33.2, and 34. Consistent with the privacy interests of the minors involved, this response refers to the other student in the December 2025 match only as “the other student.”

do not make an athletic association a Title IX recipient. *Nat’l Collegiate Athletic Ass’n v. Smith*, 525 U.S. 459, 468 (1999). Even if Title IX reached the WIAA, *Pennhurst* bars liability for good-faith compliance with Washington’s civil rights statutes, and *West Virginia v. B.P.J.* expressly reserved the very question Applicants claim it answered: whether schools may allow transgender girls to compete on girls’ teams. 146 S. Ct. 2356, 2367 n.1 (2026). Applicants’ competitive-disadvantage theory is a disparate-impact claim Title IX does not recognize, and the WIAA had neither knowledge of nor control over the December 2025 match.

Second, Applicants cannot carry the extraordinary burden for an injunction from this Court, and their circuit-disagreement argument changes nothing. Applicants invoked the Ninth Circuit’s heightened standard below without objection; the Ninth Circuit rested on independent grounds unrelated to the mandatory-prohibitory label; and any applicant for an injunction from this Court must show an indisputably clear right regardless of how the relief is labeled. App. 72a–73a, 76a–77a; WIAA Supp. App. 61a–62a.

Third, there is no emergency. Girls’ wrestling “does not begin until mid-November,” and the Ninth Circuit found that Applicants made no “showing of what, if any, harm will befall them” before then. App. 72a–73a. K.M.K. already holds the very choice Applicants say she lacks: the District has confirmed that she may decline any match against a transgender opponent without District-imposed penalty. App. 75a. And the Ninth Circuit—where Applicants’ merits appeal is already briefed—is poised to decide it.

Fourth, Applicants' claims against the WIAA are unripe. K.M.K. has not signed up for wrestling, no school has deemed her ineligible, and she has never asked any WIAA body for the hardship waiver its rules provide. WIAA Supp. App. 13a, 73a–74a. Applicants cannot call futile an individualized process they have never invoked.

Fifth, the Section 1983 claim fails because Applicants identify no constitutional right the WIAA violated. No precedent gives a parent the right to dictate which opponents her child faces or to compel disclosure of other children's private information, and following state anti-discrimination law is not an unconstitutional custom. App. 25a–30a; WIAA Supp. App. 76a.

Sixth, the order Applicants seek is unworkable. It cannot be carried out without collecting “new, invasive information from an unknown number of students” and identifying non-party minors to their competitors' parents. App. 77a. Applicants have never explained how K.M.K. could be withheld from “a weight- and seed-based tournament-bracket system . . . without negatively impacting other competitors or identifying those competitors.” *Id.*; see WIAA Supp. App. 65a–66a. And the order would force the WIAA to violate binding Washington law. 2-ER-302, 318–19.

Seventh, the equities and the public interest weigh decisively against disrupting, on an emergency docket, a statewide framework that has governed Washington interscholastic athletics since 2007. The burden of that disruption would fall on hundreds of member schools and on non-party student-athletes who have had no opportunity to be heard. 2-ER-319; WIAA Supp. App. 78a.

Eighth, certiorari before judgment is unwarranted. This is an interlocutory appeal on a preliminary record with no answers or discovery, the questions presented are poor vehicles, and a decision this Term would arrive after the 2026–27 wrestling season ends.

Ninth, no injunction should issue against any Respondent, and under no circumstances could one properly run against the WIAA. The WIAA receives no federal funds, has made no decision affecting K.M.K., and controls none of the eligibility, pairing, or penalty decisions Applicants currently challenge. WIAA Supp. App. 2a–3a, 65a–66a. An order against the WIAA would reach every one of its nearly 800 member schools, making it the least justified and most prejudicial relief Applicants could obtain. WIAA Supp. App. 2a.

The Application should be denied.

STATEMENT OF THE CASE

A. Background on the WIAA.

The WIAA is a private, non-profit 501(c)(3) service organization and rulemaking body formed in 1905 to create equitable playing conditions among Washington high school teams. WIAA Supp. App. 2a. It comprises nearly 800 public and private member high schools and middle and junior high schools, organized into nine geographic service districts. *Id.* Its Representative Assembly consists of 35 high school delegates and 18 middle school delegates, who are typically athletic directors at member schools. *Id.*

The WIAA’s staff do not make its rules. Only the Representative Assembly and the Executive Board may approve rules for the WIAA Handbook. *Id.* Staff “simply help[] member schools understand and enforce the school’s adopted rules.” *Id.*

The majority of the WIAA’s revenue comes from hosting state championships and from member-school fees. The WIAA “does not receive any federal funding.” *WIAA Supp. App. 2a.* Its 2025–26 budget projects total revenues of \$6,474,600. Of that, \$3,505,000 is state tournament income and \$903,000 is member-school fees. *WIAA Supp. App. 6a-8a.*

B. The WIAA’s Participation and Eligibility Rules.

The WIAA’s participation rules do not reflect any ideology of the WIAA staff, board, or members, but rather reflects Washington law. In 2006, the Washington Legislature expanded the Washington Law Against Discrimination to prohibit discrimination based on gender expression and gender identity. 2-ER-294–95. In direct response, the WIAA’s *member schools* adopted in 2007 the rule now codified as WIAA Rule 18.16.0.² That rule provides that students may participate “consistent with their gender identity.” 2-ER-295. The rule also aligns with the Equal Educational Opportunity Law, Wash. Rev. Code § 28A.642.010, and with OSPI’s implementing regulations. 2-ER-295.

²The WIAA’s Gender Identity Participation policy, historically designated as Rule 18.15.0, was renumbered as Rule 18.16.0 in the 2025–2026 WIAA Handbook after the 2025 insertion of the Transfer Amendment (Rule 18.12.0). 2-ER-295 n.3 (citing 4-ER-782; 4-ER-715). Both designations in the record refer to the same substantive policy. *Id.*

As the WIAA has stated throughout this case, it “is required to follow state law and will continue to do so unless and until that law changes.” 2-ER-293.

Those rules leave eligibility decisions to the schools themselves. Eligibility is decided at the school level. When a student transfers, the receiving school’s athletic director determines her eligibility under Rule 18.0.0 et seq. WIAA Supp. App. 13a. A transferring student who is determined to be ineligible and wants to compete “must apply to the WIAA District Eligibility Committee for a waiver,” and the application “shall be processed under the appeal provisions contained in Rule 19.” WIAA Handbook R. 18.14.0, 4-ER-714. The WIAA District Eligibility Committee and the Executive Director may grant hardship exceptions based on unique circumstances concerning “the student’s physical or emotional status.” *Id.* R. 18.27.0, 18.27.1.1, 4-ER-719. Rule 18.27.3 directs that the Committee “shall waive the varsity status rule” for a transfer student who meets specified criteria. *Id.* R. 18.27.3, 4-ER-719.

C. The December 2025 Tournament and the District's Response.

Applicants allege that during a December 2025 junior-varsity girls' wrestling tournament, K.M.K.'s opponent—a transgender student from another high school within the Puyallup School District—sexually assaulted K.M.K. during the match. App. 6a–8a; 5-ER-809–10. WIAA does not minimize the seriousness of those allegations. But Plaintiff inaccurately claims that the tournament was “sanctioned” by the WIAA and overseen by a “WIAA tournament official,” (Appl. 6) neither of which are true. The WIAA was not at the event, did not employ the coaches or the event

staff involved, did not conduct or control the local school investigation, and has no authority to conduct local Title IX investigations.

D. K.M.K's Transfer to Puyallup.

K.M.K. has not been deemed ineligible to compete and, thefereo, her request for a hardship waiver of her ineligibility is premature. Her transfer to Puyallup High School was approved on an expedited timeline outside this litigation. App. 63a–67a; WIAA Supp. App. 71a. As of September 17, 2026, she had not signed up for wrestling, been deemed ineligible, or applied for the hardship waiver the WIAA's rules provide. WIAA Supp. App. 73a. Before suit, the WIAA's counsel had encouraged Applicants' counsel to begin that process, explaining that “there are options for Plaintiff to seek a hardship exception and obtain full varsity eligibility at a new school.” 2-ER-300. Applicants “never contacted the WIAA to request any relief either before the lawsuit was filed or after.” 2-ER-299. Indeed, as of this filing, K.M.K has not even signed up for varsity wrestling, so her school has not deemed her eligible or ineligible yet. Without her school determining her eligibility status, there is no underlying eligibility decision from which the WIAA can provide her relief.

E. Proceedings Below.

Against this backdrop, Applicants sued on June 9, 2026. D. Ct. Dkt. 1. They then moved for a preliminary injunction. Among other things, they asked for notice and an opportunity to opt K.M.K. out of any match against a transgender athlete without adverse consequence. App. 69a. Chief Judge Estudillo denied the motion on

August 23, 2026, App. 1a–62a, and denied an injunction pending appeal on August 31, 2026, App. 63a–67a.

The Ninth Circuit (Hawkins, W. Fletcher, and Mendoza, JJ.) denied Applicants’ emergency motion on September 25, 2026, in a published order. App. 68a–78a; CA9 Dkt. 53.1. The panel held that Applicants “failed to demonstrate that there was a genuine emergency necessitating urgent relief.” App. 69a. It held that they lacked standing to seek relief tied to soccer. App. 73a n.3. And it held that the relief sought “would amount to a mandatory injunction” that failed the “doubly demanding” standard applicable in the Ninth Circuit. App. 77a (quoting *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (en banc)).

ARGUMENT

I. APPLICANTS’ TITLE IX CLAIM AGAINST THE WIAA IS NOT LIKELY TO SUCCEED, MUCH LESS IN AN “INDISPUTABLY CLEAR” WAY.

An applicant for an injunction from this Court must show that its right to relief is “indisputably clear.” *Lux v. Rodrigues*, 561 U.S. 1306, 1307 (2010) (Roberts, C.J., in chambers). On the merits, that means Applicants must show that the district court likely abused its discretion, a standard that is “limited and deferential.” App. 73a–74a (quoting *Feldman v. Ariz. Sec’y of State’s Off.*, 843 F.3d 366, 374 (9th Cir. 2016) (en banc)). The district court rejected the Title IX theory on several independent grounds: no evidence of intentional discrimination, no regulatory violation, no known or obvious risk on this record, and no clear notice. App. 30a–55a. As to the WIAA, there are additional, threshold defects.

The first such defect is that Title IX does not reach the WIAA at all. Title IX applies only to an “education program or activity receiving Federal financial assistance.” 20 U.S.C. § 1681(a). The WIAA receives none. WIAA Supp. App. 2a. Its revenue comes from state championships, member-school fees, sponsorships, and similar sources. WIAA Supp. App. 6a-8a.

This Court has already rejected the theory that an athletic association becomes a Title IX recipient because its federally funded members pay it dues. In *National Collegiate Athletic Ass’n v. Smith*, 525 U.S. 459, 468 (1999), the Court held that such dues show “at most” that the association “indirectly benefits” from federal assistance. That is insufficient. *Id.* Applicants’ complaint pleads only that the WIAA is “an indirect recipient of federal funds.” Compl. ¶ 214, 5-ER-833. That allegation is exactly what *Smith* held does not suffice.

Recognizing as much, Applicants pivot to a “controlling authority” theory. They argue that school boards delegate their authority to the WIAA under Wash. Rev. Code § 28A.600.200 and that the WIAA’s rules bind recipients’ athletic programs. WIAA Supp. App. 60a. That theory does not make Applicants’ right to relief “indisputably clear.”

The delegation statute itself confirms that authority stays with member school boards. The statute grants each school board authority that it “shall exercise” to control interschool activities. A board “may delegate” that control to the WIAA “or any other voluntary nonprofit entity,” subject to statutory conditions. Wash. Rev. Code § 28A.600.200; WIAA Supp. App. 9a. A permissive delegation of that kind

leaves the authority, and the federal funds, with the boards. That is the arrangement *Smith* held insufficient to make an association a recipient.

The record likewise shows that eligibility is initially decided by schools, not by the WIAA. Each receiving school’s athletic director determines a student’s eligibility. WIAA Supp. App. 13a. The WIAA Handbook provides that gender identity determinations are resolved “solely at the member school level” during registration. 2-ER-302. The WIAA has no apparatus to police the sex of individual athletes statewide. *Id.* And to the extent *Smith* left any broader theory open, its resolution requires a developed record. *Smith* declined to reach alternative theories of Title IX coverage that the lower courts had not addressed. 525 U.S. at 469–70. Whether a permissive statutory delegation makes a private association a recipient turns on the scope and exercise of the delegation. On this record, without an answer or discovery, that question is not resolved. A contested, record-dependent theory cannot be “indisputably clear.” *Lux*, 561 U.S. at 1307.

Even if Title IX reached the WIAA, *Pennhurst’s* clear-notice rule would independently bar relief against an association that follows state civil rights law. Clear notice governs claims for injunctive relief. Spending Clause legislation operates “much in the nature of a contract.” A condition on federal funds binds a recipient only if Congress imposed it “unambiguously.” *Pennhurst State Sch. & Hosp. v. Halderman*, 451 U.S. 1, 17 (1981); 2-ER-306. Recipients cannot be surprised with conditions imposed after the fact. *Id.* at 25; *Cummings v. Premier Rehab Keller, P.L.L.C.*, 596 U.S. 212, 220 (2022). In the Ninth Circuit that requirement “applies to

claims for injunctive relief as well as money damages.” *Roe v. Critchfield*, 137 F.4th 912, 929–30 (9th Cir. 2025); 2-ER-306; WIAA Supp. App. 71a-72a.

Nothing in Title IX gave the WIAA clear notice that following state law is unlawful. Title IX’s text does not unambiguously require the categorical exclusion of transgender student-athletes from girls’ sports. 2-ER-306. The implementing regulation is permissive. A recipient “may operate or sponsor separate teams for members of each sex.” 34 C.F.R. § 106.41(b). It does not require separate teams, much less specify how a student’s sex is to be determined for athletic placement. 2-ER-309.

The Ninth Circuit has rejected the inference Applicants draw from that permission. It explained that “just because Title IX authorizes sex-segregated facilities does not mean that they are required, let alone that they must be segregated based only on biological sex and cannot accommodate gender identity.” *Parents for Privacy v. Barr*, 949 F.3d 1210, 1227 (9th Cir. 2020); 2-ER-309. A recipient does not violate Title IX by engaging in conduct that the statute and its regulations “appear to affirmatively authorize” or leave to the recipient’s discretion. *Roe*, 137 F.4th at 929; 2-ER-310. And binding circuit law holds that discrimination based on gender identity is itself sex discrimination under Title IX. *Doe v. Snyder*, 28 F.4th 103, 114 (9th Cir. 2022); *see Bostock v. Clayton County*, 590 U.S. 644, 660 (2020); 2-ER-306.

Nor is good-faith compliance with state law an intentional violation. Applicants invoke *Mansourian v. Regents of University of California*, 602 F.3d 957, 967 (9th Cir. 2010), to argue that clear notice does not apply when an entity adopts

an official policy. *Mansourian* is readily distinguishable. There, a university intentionally eliminated women’s varsity wrestling in direct violation of established Title IX regulations. WIAA Supp. App. 75a-76a. Here, Rule 18.16.0 was adopted to comply with mandatory state civil rights statutes. *Id.* at 10. Enforcing a *facially neutral* state anti-discrimination rule in good faith is not an intentional violation of a clear statutory condition. *Id.* (citing *Roe*, 137 F.4th at 929–30).

B.P.J. does not supply the missing notice, because it expressly reserved the question Applicants say it answered. The Application’s lead merits argument is that *B.P.J.* shows that allowing transgender girls to compete on girls’ teams “treats females worse than males.” Appl. 2, 18–21. *B.P.J.* held no such thing. It held that Title IX *permits* States to limit girls’ teams to biological females. It did not hold that Title IX *requires* them to. *See* 146 S. Ct. at 2367 n.1

The Court said so in its first footnote. The cases there “do not present the distinct question of whether, under Title IX and the Equal Protection Clause, schools may allow biological males who identify as female to participate on girls’ and women’s sports teams,” and “[n]othing in this opinion is intended to decide that question.” 146 S. Ct. at 2367 n.1 (emphasis omitted); App. 38a, 54a, 75a. The Ninth Circuit recognized that *B.P.J.* “expressly left open the relevant question in this case.” App. 75a. A question this Court reserved less than four months ago cannot be one on which Applicants’ right to relief is “indisputably clear.” *Lux*, 561 U.S. at 1307. *B.P.J.* points the other way on the relief requested. The Court described the issue as “a debated policy question,” cautioned against “swooping in and invalidating laws,” and warned

that “the Judiciary is not the proper institution to make what would often be arbitrary and highly intrusive athlete-by-athlete assessments.” 146 S. Ct. at 2372, 2378–79; App. 39a. Applicants ask for precisely those assessments. *See* Part VI, *infra*.

Applicants also say that *B.P.J.*’s statements about the “reality of sports” are binding legislative facts. Appl. 22–24. They are not findings that every gender-inclusive policy violates Title IX, that K.M.K. faces a heightened risk in any match, or that any Respondent intended to disadvantage girls. The district court weighed competing expert evidence. That evidence included the concession that cisgender female athletes “already have higher rates of concussive injury than males” even when competing against other females. App. 15a, 40a–41a, 56a–57a. That task was committed to its discretion.

Applicants’ competitive-disadvantage theory fares no better, because it is a disparate-impact claim that Title IX does not recognize. Title IX prohibits only intentional discrimination. Private litigants cannot sue to enforce regulations that proscribe disparate-impact effects. *Alexander v. Sandoval*, 532 U.S. 275, 280 (2001); 2-ER-308. Rule 18.16.0 is facially sex-neutral. 2-ER-311. Applicants’ theory is that transgender girls, on average, possess physiological advantages. If true, that would at most show that a neutral policy has a disparate impact on cisgender female competitors. 2-ER-311–12.

Applicants offer no evidence that the WIAA or OSPI adopted inclusive policies because of a desire to disadvantage female athletes. 2-ER-312. The Eighth Circuit rejected materially identical claims, supported by the same expert, on that ground.

Female Athletes United v. Ellison, 805 F. Supp. 3d 977 (D. Minn. 2025), *aff'd*, 172 F.4th 1019, 1027–29 (8th Cir. 2026); 2-ER-308, 311–12 & n.10.

The theory also ignores that Title IX guarantees opportunity, not outcomes. Athletic compliance is evaluated across the entire athletic program, not match by match. *Ollier v. Sweetwater Union High Sch. Dist.*, 768 F.3d 843, 855–59 (9th Cir. 2014); 2-ER-307. K.M.K. was never excluded from the girls’ wrestling team. She was permitted to join, train, and compete in her chosen 190-pound weight class. 2-ER-310. Her objection is that she was required to compete against a transgender girl from another school. 2-ER-307. Applicants allege no program-wide disparity in participation opportunities. Nor do they allege any disparity in equipment, coaching, or scheduling. 2-ER-307, 311.

Even on its own terms, the relief does not fit the theory. Applicants contend that Washington’s policies deprive girls, as a class, of “a forum of their own.” Appl. 20. But individualized avoidance of a particular opponent would not restore any such forum. It is a personal accommodation untethered to the alleged violation, the “mismatch” the Ninth Circuit identified. App. 76a (quoting *Garcia*, 786 F.3d at 744). Finally, the WIAA had neither knowledge of nor control over the December 2025 match. A Title IX deliberate-indifference claim requires actual knowledge and “substantial control over both the harasser and the context in which the known harassment occurs.” *Davis ex rel. LaShonda D. v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 645 (1999). Applicants cannot show either as to the WIAA.

The tournament at which the December 6, 2025 match occurred was a local event hosted by Emerald Ridge High School. It was not a WIAA event. WIAA Supp. App. 3a. WIAA staff were not present. *Id.* The WIAA learned of K.M.K.’s claims only weeks later, through media reports. *Id.* The WIAA has no operational authority over local school district investigations or student discipline. WIAA Supp. App. 76a-77a. The Application, moreover, does not renew the district-level response theory.

II. APPLICANTS CANNOT CARRY THE EXTRAORDINARY BURDEN FOR AN INJUNCTION FROM THIS COURT, AND THEIR CIRCUIT-DISAGREEMENT ARGUMENT IS A DISTRACTION THAT CHANGES NOTHING.

Applicants invoke this Court’s authority under the All Writs Act, 28 U.S.C. § 1651(a). Unlike a stay, which “simply suspend[s] judicial alteration of the status quo,” an injunction pending appeal “grants judicially what the lower courts have denied.” *Ohio Citizens for Responsible Energy, Inc. v. NRC*, 479 U.S. 1312, 1313 (1986) (Scalia, J., in chambers). That authority is used “sparingly and only in the most critical and exigent circumstances.” *Id.* The standard is demanding because the remedy is unusual. An applicant therefore must show that “the legal rights at issue are indisputably clear.” *Lux v. Rodrigues*, 561 U.S. 1306, 1307 (2010) (Roberts, C.J., in chambers) (quoting *Turner Broad. Sys., Inc. v. FCC*, 507 U.S. 1301, 1303 (1993) (Rehnquist, C.J., in chambers)).

Nor do *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14 (2020) (per curiam), and *Tandon v. Newsom*, 593 U.S. 61 (2021) (per curiam), relax that showing. Appl. 13. Each involved a restriction already operating on the applicants’ own worship, in an area where this Court found its free-exercise precedent settled. *Roman*

Catholic Diocese involved fixed numerical caps that directly limited attendance at the applicants' own worship services: 10 persons in red zones and 25 persons in orange zones, even for churches and synagogues capable of seating hundreds or more, while secular businesses were treated more favorably. 592 U.S. 14, 17-19. Neither decision purported to alter what an applicant must prove to obtain an injunction, as opposed to a stay. Applicants press no religious claim. App. 74a. And their merits theories turn on contested facts and on a question this Court has expressly reserved. *See* Part I, *supra*; Part V, *infra*.

Unable to meet that standard, Applicants lead with the argument that the Ninth Circuit erred by treating the requested relief as mandatory and therefore subject to a “doubly demanding” standard. Appl. 1–2, 12–17. The WIAA need not dispute that the circuits use different formulations, because it does not matter. The question is whether that disagreement supplies any reason to grant emergency relief here. It does not.

To begin, Applicants invoked the Ninth Circuit’s standard themselves: they never asked either court below to depart from the en banc standard. They argued instead, in the alternative, that “mandatory relief would be appropriate here because ‘the facts and law clearly favor’ relief.” WIAA Supp. App. 61a; WIAA Supp. App. 62a. Having accepted the heightened standard below and lost under it, Applicants cannot recast it here as the source of an emergency. This Court is “a court of review, not of first view.” *Cutter v. Wilkinson*, 544 U.S. 709, 718 n.7 (2005).

Nor is the disagreement outcome-determinative, because the Ninth Circuit rested on grounds that have nothing to do with the mandatory-prohibitory label. It found no emergency and said that finding “alone would be sufficient to deny the request.” App. 72a–73a. It found that the relief was infeasible, overbroad, and invasive of non-party students’ privacy. App. 76a–77a. The district court likewise held that “the first *Winter* factor is dispositive.” It also held in the alternative that even under the sliding-scale approach, the balance of hardships did not tip sharply enough to warrant relief. App. 55a, 60a–61a n.11. Applicants do not identify which of these findings a different standard would overturn.

The question is, moreover, academic in this Court. Regardless of how the lower courts label the relief, an applicant for an injunction from this Court bears the heightened burden of proving an indisputably clear right. *See Lux*, 561 U.S. at 1307. The very concept Applicants disparage, that relief altering the status quo requires more, is built into this Court’s own rule. *Ohio Citizens*, 479 U.S. at 1313.

The asserted split also makes this a weak vehicle on its own terms. Applicants themselves describe the competing tests as “slightly different formulations” of a “muddled” conflict. Appl. 14–16. No formulation would change the outcome here, because the baseline is not in doubt. K.M.K. competed for years under Washington’s anti-discrimination framework and the national wrestling rules, including in December 2025. App. 60a. Every form of relief Applicants seek would require Respondents to take affirmative steps to depart from that framework. *Id.*

III. THERE IS NO EMERGENCY: THE SEASON HAS NOT STARTED, K.M.K. MAY ALREADY DECLINE ANY MATCH, AND THE NINTH CIRCUIT IS POISED TO DECIDE THE APPEAL.

Irreparable harm must be likely, not merely possible. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). The injury must be “actual or imminent, not conjectural or hypothetical.” *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992); App. 73a n.3. Speculative injury does not suffice. *Caribbean Marine Servs. Co. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988).

The calendar alone refutes the claimed emergency. Applicants demanded relief by September 25, 2026, on the ground that “[w]restling season opens this fall.” App. 72a. But “the record indicates that wrestling season does not begin until mid-November.” *Id.* The Ninth Circuit found that Applicants “have not made any showing of what, if any, harm will befall them” in the interim. It held that this failure “alone would be sufficient to deny the request.” *Id.* at 72a–73a. Applicants’ merits appeal is already under way: they filed their opening brief on September 22, 2026, before filing here. CA9 Dkt. 45. Appellees’ answering briefs are due in the coming weeks. The real question is whether this Court must act before the court in which the appeal is pending can. It need not.

Even setting the calendar aside, the injury is speculative and the alleged harms have largely been addressed. To that latter point, the District approved K.M.K.’s transfer to Puyallup High School on an expedited basis, which the district court found “weakens Plaintiffs’ claims of irreparable harm.” App. 67a. The District has stated that K.M.K. may forfeit any match against a transgender opponent without district-imposed consequences, and Applicants have identified two athletes

of concern, so that K.M.K. "is able to forfeit a match against them even absent court-ordered notice." App. 75a–76a. The harm Applicants allege is speculative because it depends on a chain of contingencies. A transgender student must compete in 2026–27, enter the same tournament or dual meet as K.M.K., wrestle in K.M.K.'s weight class, and be paired with her. *See* WIAA Supp. App. 65a-66a (tournament directors set multi-school brackets, the league schedules dual meets, and coaches seed post-season brackets by record). The district court found that "much of the future harm alleged by Plaintiffs is speculative." It also found that "it is speculative to assume K.M.K. will necessarily suffer a competitive disadvantage or injury when competing against a transgender opponent." App. 24a, 56a.

The WIAA's weight classifications reinforce that finding. K.M.K. competed in the 190-pound class against an opponent who had to weigh in for that same class. 2-ER-313. Applicants' own expert relies on a mass variable that the WIAA's own rules equalize. *Id.*

Applicants respond that the District's offer does not bind the WIAA, pointing to WIAA Rules 25.2.5 and 25.2.6. Appl. 8–9 (citing 4-ER-735). Those rules do not create the threat Applicants describe. By their terms, they govern only *postseason* competition: a member school entering participants in the postseason certifies that, barring "injury, illness, religious observance or unforeseen events," its entrants will compete through the State Championship, and a withdrawal or intentional forfeiture for another reason is "subject to penalties as determined by the WIAA Executive Board." WIAA Handbook R. 25.2.5–25.2.6, 4-ER-735. They say nothing about the

regular-season dual meets and invitational tournaments where K.M.K. would most likely encounter any particular opponent. And even in the postseason, any consequence is discretionary with the Executive Board, which has imposed none and has never been asked to consider K.M.K.'s circumstances. *Id.* A speculative, discretionary consequence that no one has requested relief from, in a postseason K.M.K. has not yet qualified for, is not imminent irreparable harm.

Applicants fare no better with soccer, a theory that fails for want of standing. They say K.M.K. is “already missing soccer.” Appl. 37. But the Ninth Circuit held that Applicants have not alleged “that there is any transgender soccer student against whom she may compete, so she lacks standing to pursue relief premised on that injury.” App. 73a n.3. To the extent soccer depends on varsity eligibility after her transfer, the WIAA’s hardship process has not been invoked. WIAA Supp. App. 73a.

What remains is disagreement with an inclusive policy, which is not irreparable injury. Stripped of the speculative chain, what remains is Applicants’ objection to Washington’s inclusive participation framework itself. A student or parent’s objection to sharing an activity with transgender classmates does not establish a cognizable injury. *See Parents for Privacy v. Barr*, 949 F.3d 1210, 1227–29 (9th Cir. 2020); App. 28a. Nor does the principle that constitutional violations are irreparable help Applicants. That principle “presupposes a likely violation,” and where the claim is “tenuous,” irreparable harm cannot be found. App. 55a.

Finally, relief tied to past events is not interim relief. Much of the Application recounts the December 2025 match and the related Title IX investigation. But a

preliminary injunction addresses ongoing or threatened harm, and the district court correctly ruled that relief tied to a past event is “ill-suited” to injunctive relief. App. 59a. So too with Applicants’ demand that historical records be rewritten. Wrestling turns on interdependent one-on-one bracket pairings, and no court can rewrite a completed bracket without speculating about matches that were never wrestled. The only thing such an order would deliver is “psychic satisfaction,” which “is not an acceptable Article III remedy.” *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 107 (1998).

IV. APPLICANTS' CLAIMS AGAINST WIAA ARE UNRIPE BECAUSE K.M.K. HAS NEVER SOUGHT OR BEEN DENIED RELIEF UNDER WIAA'S RULES.

In the Courts below Applicants sought an order granting K.M.K. varsity eligibility at a new school. WIAA Supp. App. 13a. In this Court they do not appear to renew that request. To the extent they do, it is premature.

At the threshold, no eligibility determination exists to review. A claim is not ripe when it “rests upon contingent future events that may not occur as anticipated, or indeed may not occur at all.” *Texas v. United States*, 523 U.S. 296, 300 (1998) (citation omitted); *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1122 (9th Cir. 2009). No school has deemed K.M.K. ineligible, and no WIAA body has then been asked to waive that ineligibility finding by granting a hardship waiver. WIAA Supp. App. 13a; WIAA Supp. App. 73a-74a. A court asked to enjoin an eligibility decision that has never been made would be evaluating a hypothetical dispute. WIAA Supp. App. 13a.

The WIAA’s rules, moreover, already provide the relief Applicants want. Transferring students who are determined to be ineligible by their school “must

apply” to the District Eligibility Committee if they want the decision reviewed. WIAA Handbook R. 18.14.0, 4-ER-714. The District Eligibility Committee may grant a hardship waiver based on different personal circumstances enumerated under WIAA rules. *Id.* R. 18.27.0. The Committee “shall waive the varsity status rule” for a transfer student who satisfies Rule 18.27.3’s criteria. *Id.* R. 18.27.3. If the District Eligibility Committee denies the hardship waiver request, the student can appeal to the WIAA’s Executive Director. *Id.* R. 19.0.0, 4-ER-719. Washington law itself requires that the eligibility rules must “provide for notice of the reasons and a fair opportunity to contest such reasons prior to a final determination.” Wash. Rev. Code § 28A.600.200(2)(b); WIAA Supp. App. 9a. Here, K.M.K. has not even passed through the first door—she has not sought eligibility to compete in wrestling, much less been deemed ineligible by her school or been denied by the District Eligibility Committee or by the WIAA’s Executive Director.

Nor have Applicants shown futility. Below, Applicants asked the district court to order WIAA to grant K.M.K. “a hardship waiver as described in its current policies or otherwise approve her immediate varsity eligibility,” citing WIAA Rule 18.12.2.9. WIAA Supp. App. 57a. But Rule 18.12.2.9 states only the general transfer rule. WIAA Handbook R. 18.12.2.9, 4-ER-[] . Rules 18.14.0 and 18.27.0 exist precisely to address the circumstances Applicants describe. *Id.* R. 18.14.0, 4-ER-714; *id.* R. 18.27.0, 4-ER-719. Applicants cannot call futile a process they asked the court to bypass but never invoked. *See Stormans*, 586 F.3d at 1122.

The hardship rules are also individualized by design. The Committee examines the reasons for each transfer, and a hardship exception “shall not be granted if there is sufficient evidence to make it reasonable to believe that the non-compliance to the eligibility rule in question was motivated or caused by efforts of the student, parents or school to gain a desired athletic outcome or to intentionally circumvent a rule.” WIAA Handbook R. 18.27.2.2, 4-ER-719. That provision bars no category of student. It calls for an evidentiary judgment about *why* a particular transfer occurred, and it permits denial only when “sufficient evidence” makes an improper athletic motive “reasonable to believe.” *Id.* That is precisely the kind of fact-bound determination that the District Eligibility Committee is charged with making in the first instance, on a record the student herself compiles. *Id.* R. 18.27.0, 18.27.1.4. A process that turns on the evidence the student submits cannot be pronounced futile before any evidence is submitted. Futility requires a showing that the outcome is foreordained. *See Stormans*, 586 F.3d at 1122; WIAA Supp. App. 74a.

V. THE SECTION 1983 CLAIM FAILS BECAUSE APPLICANTS IDENTIFY NO CONSTITUTIONAL RIGHT THE WIAA VIOLATED.

Applicants’ § 1983 theory against the WIAA fails at the threshold because they identify no underlying constitutional violation. WIAA Supp. App. 76a. The WIAA preserves its position that it is a private association, not a state actor. But the Court need not reach that question.

To start, no precedent recognizes the parental right Applicants assert. As the district court held, substantive due process does not grant parents a right to dictate extracurricular athletic policies or to compel disclosure of private gender identity

information about other minor students. WIAA Supp. App. 76a; App. 25a–30a. Parents “lack constitutionally protected rights to direct school administration more generally.” *Parents for Privacy*, 949 F.3d at 1229–33; App. 27a. And an unenumerated right must be carefully described and “deeply rooted in this Nation’s history and tradition.” *Washington v. Glucksberg*, 521 U.S. 702, 720–21 (1997). Applicants make no attempt to show that a right to direct which opponents a child encounters is so rooted.

Nor do *Mirabelli* and *Mahmoud* help Applicants. *Mirabelli* concerned policies that concealed information about the parents’ *own* children’s mental health. *Mirabelli v. Bonta*, 607 U.S. 497.. The only information Applicants seek concerns *other* children. See Appl. 40. *Mahmoud v. Taylor*, 606 U.S. 522 (2025), arose under the Free Exercise Clause and concerned compulsory instruction. *Id.* at 568. Applicants assert no religious claim, and interscholastic wrestling is voluntary. App. 74a. The Ninth Circuit held that Applicants had not shown a likelihood of success on either theory. App. 74a–75a.

Brown’s parental authority is, at most, a shield, not a sword. Brown remains free to remove her child from scenarios she deems inappropriate. She may not dictate the conduct of the school or the participation of other families’ children. App. 28a. A parent’s right to guide her own child’s upbringing does not include authority to override the statutory rights of other children. 2-ER-304.

Finally, following state law is not an unconstitutional custom. Rule 18.16.0 was adopted to comply with binding Washington statutes that prohibit discrimination

based on gender identity and expression. WIAA Supp. App. 75a-76a. Applying those statutes deprives Applicants of no federal right. *Id.*

VI. THE REQUESTED ORDER IS UNWORKABLE, WOULD OUST NON-PARTY MINORS, AND WOULD FORCE THE WIAA TO VIOLATE STATE LAW.

To begin, the relief is undefined, and every version requires affirmative action. The Application proposes no specific order. Below, Applicants sought to bar Defendants from “matching K.M.K. against a biological male” and from “allowing any biological male to compete with or against K.M.K.” in wrestling, soccer, “or other contact sports.” They also sought to forbid “posting a loss or forfeit for K.M.K. or her team.” WIAA Supp. App. 57a. Their complaint went further still. It asked that the WIAA be required “to declare ineligible any male athletes competing or seeking to compete with or against K.M.K.” Compl. at 70, 5-ER-868. Each version “orders a responsible party to take action.” It is therefore mandatory. *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 879 (9th Cir. 2009).

Compounding the problem, neither the WIAA nor the schools possess the information the order requires. Eligibility and gender identity determinations are resolved at the member-school level. The WIAA “is not in possession of the information Plaintiffs are asking to be turned over.” 2-ER-302. The District records only a self-reported “Legal gender,” verified by no physician’s note or exam. It “does not have access to information about athletes in other districts.” App. 76a. Washington also permits a parent to change a minor’s legal sex designation. *Id.* at 76a n.4 (citing Wash. Rev. Code § 70.58A.500). To comply, “Defendants would have to collect new, invasive information from an unknown number of students.” App. 77a.

Statewide sex verification is a practice the WIAA’s toolkit forbids as “arbitrary and discriminatory,” and it lies beyond the WIAA’s regulatory scope. 2-ER-296, 302.

Nor does any defendant control who wrestles whom. Tournament directors set brackets for multi-school tournaments. The league sets dual-meet schedules with twelve schools’ approval. Coaches seed post-season brackets. WIAA Supp. App. 65a-66a. Under national rules, a wrestler who does not appear forfeits, the forfeit is recorded as a loss, and the opponent advances. *Id.* ¶¶ 9–10 (quoting NFHS Wrestling R. 5-13). The record does not show how K.M.K. could be withheld from “a weight- and seed-based tournament-bracket system . . . without negatively impacting other competitors or identifying those competitors.” App. 77a.

Worse still, notice would out non-party minors. Applicants say notice need only convey “that a scheduled match falls outside Brown’s permission.” Appl. 40. But in a single weight class at a single tournament, that notice would necessarily identify the student. Federal law generally prohibits schools from releasing education records. 20 U.S.C. § 1232g; App. 76a. The Ninth Circuit credited the finding that the relief “could compromise other students’ privacy rights.” App. 76a–77a. Disclosing a minor’s gender identity history to an opposing parent without consent would be a serious privacy violation. 2-ER-304. One parent cannot use the federal courts to strip other families’ children of their statutory privacy protections. *Id.*

Finally, Applicants request would force the WIAA to violate binding state law. Categorically barring transgender girls from girls’ sports would directly violate the Washington Law Against Discrimination and Wash. Rev. Code § 28A.642.010. 2-ER-

302, 318–19. It would expose member districts to enforcement actions and funding penalties under Wash. Rev. Code § 28A.642.050. WIAA Supp. App. 79a. Applicants have not asked any court to invalidate those statutes or to hold them preempted. A federal court should not use its equitable powers to command a private association to violate state law and trigger civil rights claims by non-party students. 2-ER-319.

VII. THE EQUITIES AND THE PUBLIC INTEREST WEIGH DECISIVELY AGAINST DISRUPTING A NEARLY TWENTY-YEAR-OLD STATEWIDE FRAMEWORK ON AN EMERGENCY DOCKET.

In Washington, the status quo is long-settled. WIAA’s Rule 18.16.0 has governed since 2007, and OSPI’s gender-inclusive guidelines have operated uniformly in Washington public schools since December 19, 2014. 2-ER-319 & n.11. Compelling the WIAA to modify its participation rules mid-season would disrupt eligibility expectations for hundreds of member schools and thousands of student-athletes. WIAA Supp. App. 78a. It would also disrupt weight-management protocols and tournament brackets statewide. 2-ER-319.

Non-party children would bear the burden of disrupting it. “[C]hildren’s safety is the overriding equity.” *Mirabelli*, 607 U.S. at 497. That principle applies with added force to non-party student-athletes. Their status, privacy, and place on a team would be affected by the order, and they have had no opportunity to be heard. Courts must also account for the practical consequences an injunction would impose beyond the applicant. A preliminary injunction “is an extraordinary remedy never awarded as of right,” and courts must “balance the competing claims of injury” while giving “particular regard for the public consequences” of equitable relief. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). Here, those public consequences fall directly

on non-party minor student-athletes whose privacy, eligibility, brackets, and team placements would be altered without notice or an opportunity to be heard. Transgender athletes participate in conformity with existing rules. An injunction stripping them of eligibility or achievements would impair their protectable interests. 2-ER-319.

Washington's sovereign interest weighs heavily as well. The State has a sovereign interest in administering its schools and enforcing anti-discrimination statutes enacted by its Legislature. The WIAA has said repeatedly that if Washington law changes, it will conform its rules accordingly. 2-ER-293–94. The proper forum for that policy debate is the Legislature, not an emergency application. *See B.P.J.*, 146 S. Ct. at 2372; App. 39a.

VIII. CERTIORARI BEFORE JUDGMENT IS UNWARRANTED ON THIS INTERLOCUTORY, UNDEVELOPED RECORD.

Review before judgment is reserved for cases “of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court.” Sup. Ct. R. 11; *see* 28 U.S.C. § 2101(e). This case is nothing of the kind.

The record is preliminary. This is an interlocutory appeal from the denial of a preliminary injunction, on a record developed over weeks. App. 1a–62a. The merits appeal is pending in the Ninth Circuit. CA9 Dkt. 44; CA9 Dkt. 45. No answers have been filed, and no discovery has occurred. *See* 5-ER-[] (district court docket report).

The questions presented are also poor vehicles. The injunction-standard question was not pressed below and is not outcome-determinative. *See* Part II, *supra*.

The Title IX question as to the WIAA is entangled with funding, delegation, intent, clear notice, state-law compliance, and disputed expert evidence. *See* Part I, *supra*. Any eligibility question is not even ripe, because no school or WIAA body has made an eligibility decision for this Court to review. *See* Part IV, *supra*. The notice-and-opt-out question depends on feasibility findings and on relief Applicants have not defined. It also faces standing and mootness problems as to soccer and the transfer. *See* App. 73a n.3.

And percolation is warranted. This Court reserved the Title IX question less than four months ago, and the lower courts are only now addressing it. *See* App. 75a. And argument “this Term” would yield a decision after the 2026–27 wrestling season ends. Certiorari before judgment thus would not even address the urgency Applicants assert.

IX. NO INJUNCTION SHOULD ISSUE AGAINST ANY RESPONDENT, AND UNDER NO CIRCUMSTANCES COULD ONE PROPERLY RUN AGAINST THE WIAA.

The preceding Parts show why the Application fails as to every Respondent. Applicants cannot show an emergency, an indisputably clear right, or an order that can be carried out without harming non-party children. *See* Parts I–VII, *supra*. Those defects are not party-specific, and they require denial across the board. But Applicants’ strategy of treating three very different entities as interchangeable calls for a separate answer, because an order directed at the WIAA would be the least justified and the most prejudicial form of relief Applicants could obtain. Equitable relief must be tailored to the party whose conduct causes the claimed injury, and it should be “no more burdensome to the defendant than necessary to provide complete

relief to the plaintiffs.” *Califano v. Yamasaki*, 442 U.S. 682, 702 (1979); *see Trump v. CASA, Inc.*, 606 U.S. 831 (2025). Measured against that principle, every form of relief Applicants seek either belongs to another Respondent or lies beyond the WIAA’s power.

The merits gap is widest as to the WIAA. Title IX reaches only recipients of federal financial assistance, and the WIAA receives none. WIAA Supp. App. 2a. Whatever Title IX might be argued to require of a federally funded school district, it requires nothing of an association that this Court’s precedent places outside the statute. *Smith*, 525 U.S. at 468; *see* Part I, *supra*. Applicants’ own complaint concedes the point by alleging only that the WIAA is “an indirect recipient of federal funds.” Compl. ¶ 214, 5-ER-833. A ruling adverse to the District or OSPI would therefore supply no basis for relief against the WIAA, which stands outside the statute altogether. Applicants cannot show that their right to relief against the WIAA is clear at all, much less “indisputably clear.” *Lux*, 561 U.S. at 1307.

The functional relief Applicants seek is likewise not the WIAA’s to give. Eligibility for a transferring student is evaluated first by the receiving school’s athletic director, and no WIAA committee or official has ever ruled on K.M.K.’s eligibility. WIAA Supp. App. 74a. Gender identity determinations occur at the member-school level, and the WIAA “is not in possession of the information Plaintiffs are asking to be turned over.” 2-ER-302. Tournament directors, leagues, and coaches set the brackets and schedules that determine who wrestles whom. WIAA Supp. App. 65a-66a. Only the District decides whether to impose any consequence of its own

when K.M.K. declines a match, and it has already said it will not. Appl. 8; App. 75a. An order commanding the WIAA to give notice, arrange opt-outs, or withhold pairings would command it to do things it has no means to do. An injunction a defendant cannot obey is not a remedy; it is a contempt trap.

The prejudice of an order against the WIAA would also be uniquely severe. Relief against a school district operates on that district's own students and schedule. Relief against the WIAA operates on a statewide rule. Rule 18.16.0 governs nearly 800 member schools. WIAA Supp. App. 2a. Any order requiring the WIAA to amend, suspend, or decline to enforce that rule would reach every school, student, and family at those 800 schools. It would disrupt eligibility and brackets statewide mid-season, WIAA Supp. App. 78a, strip non-party transgender athletes of eligibility without a hearing, 2-ER-319, and place the WIAA in direct conflict with the Washington statutes it is bound to follow, 2-ER-302, 318–19. That is the kind of nonparty relief equity disfavors. *See CASA*, 606 U.S. at [pin]. And it would be wholly unnecessary: whatever Applicants could obtain would be complete as to K.M.K. through the Respondents who actually control her school and her schedule.

The WIAA does not suggest that relief against any other Respondent would be proper. It would not, for every reason given above and in the other Respondents' oppositions. The point is narrower and independent. Applicants have made no showing specific to the WIAA, and the WIAA is the Respondent least able to comply and most likely to cause statewide harm by complying. Should the Court be inclined to grant any relief at all, the WIAA respectfully asks that the order expressly exclude

it. At a minimum, any order should not require the WIAA to amend, suspend, or decline to enforce Rule 18.16.0.

X. THE WIAA JOINS THE OTHER RESPONDENTS.

The WIAA joins the oppositions filed in this Court by the Puyallup School District and Dr. Brobbey, and by OSPI and Superintendent Reykdal. The WIAA likewise joined their oppositions below. WIAA Supp. App. 69a-70a.

CONCLUSION

The Application for an injunction pending appeal should be denied. Applicants' alternative request that the Application be treated as a petition for certiorari before judgment should also be denied.

Respectfully submitted,

DATED October 13, 2026.

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CERTIFICATE OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that on October 13, 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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Executed on October 13, 2026, at Seattle, Washington.

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