ALLIANCE DEFENDING FREEDOM

November 3, 2026

Hon. Scott S. Harris
Clerk of the Court
Supreme Court of the United States
1 First Street N.E.
Washington, D.C. 20543

Re: *K.M.K. v. Washington Interscholastic Activities Association*, No. 26A458

Dear Mr. Harris,

I write with an update regarding K.M.K.'s pending application for an injunction pending appeal under Title IX so that she can wrestle this season without being matched against a male. A recent event has strengthened the certworthiness of the underlying question and the public interest in immediate relief from this Court.

This past Saturday, a girls' 4A varsity cross-country regionals race took place in Washington State. The results determined qualifiers for the state championship meet this coming Saturday—November 7, 2026. Only the top 49 individual runners and the top seven teams advanced. Sofia Schwarzwalder, *Camas cross-country team, transgender girl qualify for state*, Seattle Times (Oct. 31, 2026), perma.cc/795S-D44V.

A male athlete who now identifies as a female competed in that race for Camas High School. The male athlete finished seventh overall, *Camas cross-country team*, *supra*, and Camas finished fourth as a team, Athletic.net, *Womens 5,000 Meters Women's 4A Varsity Team Scores*, perma.cc/XSS9-62G9 ("*Team Scores*").

Just as this Court predicted in *West Virginia* v. *B.P.J.*, "specific individual female athletes" suffered the consequences of the male's "significant" athletic advantages. 609 U.S. 958, 981 (2026). But for the male athlete's participation, a female runner for Puyallup High School's girls' cross-country team—who finished 50th overall—would have advanced to the state tournament. Athletic.net, *Womens 5,000 Meters Women's 4A Varsity Results*, perma.cc/8FXE-FYK7. And Puyallup's team would have qualified for the championship, too. *Team Scores*, *supra*; see Matt Calkins, *Biological male competing in girls' cross-country race denies another runner and her team a trip to state*, Fox News (Nov. 1, 2026), perma.cc/3D3B-CJ7Z. Even if Washington voters pass the protect-girls-sports initiative today, the earliest it will be effective is 30 days later, Wash Const. art. II, § 1(d), too late for the female to compete this Saturday.

This additional example demonstrates that WIAA's gender-identity participation policy—and others like it—continues to deprive girls of once-in-a-lifetime athletic opportunities. There is "a strong public interest in ensuring that students and schools do not lose out on valuable athletic opportunities." *Mid Vt. Christian Sch.* v. *Saunders*, 151 F.4th 86, 96 (2d Cir. 2025). Yet the WIAA is so hostile to women and girls that it chooses not to investigate how many male athletes are participating in Washington women's sports—though reporting suggests it close to 30 at minimum. Ari Hoffman (@thehoffather), X (Nov. 2, 2026), perma.cc/6GBT-GL5D. The public interest—and the need for this Court's intervention—grows stronger every day.

This unfortunate but entirely predictable development also underscores the difficulty of obtaining timely relief. The Puyallup runner and her team have just one week to seek relief before this year's state-championship opportunity is gone forever. While she could still sue after the fact to correct the athletic records or seek damages, see, *e.g.*, *Soule* v. *Connecticut Ass'n of Schs.*, Compl., No. 3:20-cv-00201 (D. Conn. Feb. 12, 2020) (in discovery regarding 2019 high-school races), that's a long path few will take. One "hard reality of sports"—and litigation—is that although a male may be "replacing her on the roster, knocking her out of the starting lineup, reducing her playing time, depriving her of a medal, and the like," *B.P.J.*, 609 U.S. at 977, a girl might not get relief in time to compete.

Accordingly, this Court should grant K.M.K.'s motion for an injunction pending appeal forthwith. That injunction would protect K.M.K. during the impending wrestling season. Others who suffer similar injuries, like the Puyallup High School girls' cross-country runner and her team, could rely on the Court's decision to seek the emergency relief they likewise need.

Respectfully submitted,

s/*John J. Bursch*
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