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November 10, 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. Wash. Interscholastic Activities Ass'n*, No. 26A458

Dear Mr. Harris:

This letter responds to Applicants' letter dated November 3, 2026, and also apprises the Court of certain developments that affect the propriety of the injunctive relief Applicants request.

First, Applicants argue that a transgender student's participation in certain cross-country races supplies an additional basis for injunctive relief pending appeal. The injunction that Applicants request would, of course, have no bearing on parties not before the Court. *See Trump v. CASA, Inc.*, 606 U.S. 831, 842 (2025). Further, the cross-country races to which Applicants refer are the subject of separate litigation, and a temporary restraining order was recently denied. *See* Order Den. Pls.' Am. Mot. for TRO, *K.L. v. Wash. Interscholastic Activities Ass'n*, No. 3:26-cv-06353-DGE (W.D. Wash. Nov. 6, 2026), Dkt. No. 21. The state championship race was held on Saturday, November 7, 2026, and any dispute concerning the appropriate competitors for that race is moot.

Second, Initiative 638, which requires participants in public school girls' sports to prove their biological sex, appears to have been passed by Washington voters in the November 3, 2026, general election. The initiative, which is the subject of a legal challenge raising claims under the Washington State Constitution,[1] is expected to go into effect on December 3, 2026, absent a court order to the contrary. While the wrestling season begins later this month (meaning the formation of teams, practices, and the like), wrestling competitions begin in December, after the initiative is

[1] *See* Compl. for Declaratory J. & Inj. Relief, *J. Doe A v. State of Washington*, No. 26-2-36880-5-SEA (King Cnty. Super. Ct. Nov. 9, 2026).

scheduled to go into effect. *See* Pls.' Reply in Supp. of Mot. for Prelim. Inj., *K.M.K. v. Wash. Interscholastic Activities Ass'n*, (W.D. Wash. Aug. 7, 2026), Dkt. No. 53-10 (showing first tournament for the 2025–26 season in late December).[2]

Below, Applicants argued that injunctive relief was necessary because two athletes that K.M.K. might compete against were transgender. *See* Dkt. No. 1 ¶¶ 109–11, 43–44 (W.D. Wash. June 9, 2026) (allegations in Applicants' complaint). But K.M.K. could not establish that she would likely wrestle either of them: the first stopped wrestling last season, and the second competes in a different weight class. Dkt. No. 1 ¶¶ 143–44; *see also* Appl. App. 22a (Respondents argued below that "Plaintiffs have not demonstrated anything more than a possibility that K.M.K. may encounter a transgender female competitor in a future athletic competition."). Now, whatever likelihood she has of facing a transgender wrestling opponent is significantly lessened due to the new law, and her risk of alleged injury turns on a "speculative chain of possibilities" insufficient to establish standing, including a showing that I-638 is likely to be enjoined by a Washington state court. *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 410 (2013). Even if this does not create an insuperable bar to Article III standing, it, at the very least, counsels against the extraordinary remedy of an injunction pending appeal under the All Writs Act, 28 U.S.C. § 1651.

Respectfully submitted,

s/Noah G. Purcell
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Mary Catherine Butler, *Counsel for Respondents Wash. Interscholastic Activities Ass'n*

Gregory Mann Miller, *Counsel for Respondents Puyallup Sch. Dist. & Dr. Gordon Brobbey*

[2] District court filings in *K.M.K.*, No. 3:26-cv-05616-DGE (W.D. Wash.), will be short cited as Dkt. No. __.