Case No. 23-3630

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

PARENTS DEFENDING EDUCATION,
Plaintiff – Appellant,

v.

OLENTANGY LOCAL SCHOOL DISTRICT BOARD OF EDUCATION, ET AL.,
Defendants – Appellees.

On Appeal from the United States District Court
for the Southern District of Ohio

EN BANC BRIEF OF AMICI CURIAE SOUTHEASTERN LEGAL FOUNDATION AND MOUNTAIN STATES LEGAL FOUNDATION IN SUPPORT OF PLAINTIFF-APPELLANT AND REVERSAL

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IDENTITY OF AMICI CURIAE[1]

Southeastern Legal Foundation (SLF), founded in 1976, is a national, nonprofit legal organization dedicated to defending liberty and Rebuilding the American Republic. This case concerns SLF because it has an abiding interest in the protection of our constitutional freedoms and civil liberties. This is especially true when the government suppresses free speech on public issues in our nation's schools. SLF educates and advocates on behalf of parents and students across the country and is committed to defending their freedom of speech.

Mountain States Legal Foundation (MSLF) is a nonprofit public interest law firm organized under the laws of the State of Colorado. MSLF is dedicated to bringing before the courts issues that are vital to the defense and preservation of individual liberties: the right to speak freely, the right to equal protection of the laws, and the need for limited and ethical government. Since its creation in 1977, MSLF attorneys have been active in litigation regarding the proper interpretation and application of statutory, regulatory, and constitutional provisions.

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[1] No counsel for a party has authored this brief in whole or in part, and no person other than Amici, their members, and their counsel has made a monetary contribution to the preparation or submission of this brief. *See* Fed. R. App. P. 29(a)(4)(E).

SUMMARY OF ARGUMENT

More than fifty years ago, the Supreme Court explained that public school students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969). What the Court now calls *Tinker*'s "demanding standard" is what schools must meet before restricting student speech to prevent disruption. *Mahanoy Area Sch. Dist. v. B.L. by & through Levy*, 594 U.S. 180, 193 (2021). Before a school can suppress dissenting views, it bears the heavy burden of showing that it is motivated by "something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint." *Id.* (quoting *Tinker*, 393 U.S. at 509).

The Olentangy Local School District Board of Education's (District) three challenged policies—all of which the District has acknowledged would be violated by a refusal to use a student's "preferred pronouns"—cannot meet this standard. *See* Appellant's Suppl. Br. at 11. All three policies suppress dissenting views and compel preferred views merely to avoid discomfort. Policy 5517 prohibits "harassment," defined broadly by the District to include any "insulting" or "dehumanizing" speech that "has the effect of substantially interfering with a student's educational performance." Policy 5517, R.7-1, PageID#121–23. This requires students to walk on the thinnest of eggshells.

Even a single instance of accidentally offending another student can lead to discipline if the offended student reacts strongly enough. The second challenged policy, the Code of Conduct, prohibits "discriminatory language," including "jokes" that are "derogatory towards an individual or group based on" membership in one or more classes. Code of Conduct, R.7-1, PageID#150. It is difficult to imagine a plainer case of prohibiting speech to avoid "discomfort and unpleasantness" than prohibitions on off-color jokes. No one can seriously doubt that the First Amendment protects the right of students to engage each other in jovial banter about, for example, a provocative comedian. The opposite result would mean every student constantly fearing discipline for their speech, with school administrators having unfettered discretion to discipline any student that they wanted.

The third challenged policy, Policy 5136, sweeps furthest, gathering swaths of on- and off-campus speech. It permits the District to punish even the most innocuous speech based merely on the hypothetical perception of others. It prohibits using electronic devices "in any way that *might reasonably* create in the mind of another person *an impression* of being threatened, humiliated, harassed, embarrassed, or intimidated." Policy 5136, R.7-1, PageID#134 (emphases added). It also bars using devices to send any material "that *can be construed* as harassment or disparagement of others based upon their [membership in various classes, including] political beliefs." *Id.* (emphasis added). Among many other problems, Policy 5136

does not give students clear notice of what exactly is prohibited. No student can know what "might reasonably create" "an impression of being humiliated [or] embarrassed" "in the mind of another person."

Indeed, Policy 5136 prohibits a broad swath of speech that reaches all the way from singing the songs from the Broadway musical *Book of Mormon*, to sharing a meme about a political candidate's unfitness for office, to telling a joke about the difficulties of navigating romantic relationships that might appear in a 90s-era sitcom. And while those innocuous topics are clearly off-limits, the broad language of Policy 5136 places a wide range of speech in question and subjects students to the arbitrary disciplinary decisions of the District. All the District must do to punish speech under Policy 5136 is imagine a hypothetical person who could be embarrassed by the message. As Parents Defending Education's supplemental brief demonstrates, the challenged policies possess many constitutional infirmities. *See* Appellant's Suppl. Br. at 11–23. They compel speech. *Id.* at 18–19. They discriminate based on viewpoint. *Id.* at 16–18. They fail to satisfy *Tinker*'s demanding standard requiring material and substantial disruption. *Id.* at 12–15. And they are overbroad. *Id.* at 19–23.

The now-vacated majority opinion erred by focusing on outlier situations where school districts occasionally have authority to suppress speech. For instance, it discussed transmitting sexually explicit materials about minor students and

extreme instances of repeated, severe, and incessant bullying through racial slurs. *See Parents Defending Educ. v. Olentangy Loc. Sch. Dist. Bd. of Educ.*, 109 F.4th 453, 472–73 (6th Cir. 2024) (*PDE*). No party questions the District's ability to prevent those situations. But the District could either use other policies designed to address those extreme and specific situations or modify the challenged policies to ensure that they do not stifle ordinary speech. Plaintiffs are not before this Court because they intend to bully, threaten, or assault people. They are before this Court because they want to speak their consciences on one of the most salient and discussed issued of the day. *Cf. L.W. v. Skrmetti*, 73 F.4th 408 (6th Cir. 2023) (upholding Tennessee law that limited minor access to hormones and puberty blockers), *cert. granted sub nom. United States v. Skrmetti*, 144 S. Ct. 2679 (June 24, 2024).

In its compelled speech analysis, the majority opinion held that Plaintiffs' speech was not compelled because they could opt to avoid pronouns altogether and address their classmates by their first names or no pronouns at all. *PDE*, 109 F.4th at 466–67. When it considered the viewpoint discrimination claim, the majority opinion recognized that the District permitted so-called "preferred pronouns" while it prohibited biological pronouns. *Id*. at 469. But it concluded that the District may "constitutionally distinguish" between the two because they are not "analogously divisive." *Id*.

Beyond the problems rejected by the majority opinion, the three challenged policies restrict and compel speech for exactly the reasons that the Supreme Court in *Tinker* held (and *Mahanoy* recently reaffirmed) impermissible: the District's "undifferentiated fear or apprehension of disturbance." *Tinker*, 393 U.S. at 506. Such unsubstantiated fear "is not enough to overcome the right to freedom of expression." *Id.* After all, "[a]ny departure from absolute regimentation may cause trouble. Any variation from the majority's opinion may inspire fear. Any word spoken, in class, in the lunchroom, or on the campus, that deviates from the views of another person may start an argument or cause a disturbance." *Id.*; *see also Texas v. Johnson*, 491 U.S. 397, 408–09 (1989) ("[A] principal 'function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger.'" (quoting *Terminiello v. Chicago*¸ 337 U.S. 1, 4 (1949))).

The First Amendment does not allow the government to compel one person to use another's preferred pronouns. Far too often, governmental entities, schools in particular, misperceive their role in the contentious topics of the day. One of America's foundations is that citizens, not the government, decide for themselves what is true and correct. "Our history says that it is this sort of hazardous freedom—this kind of openness—that is the basis of our national strength and of the independence and vigor of Americans who grow up and live in this relatively

permissive, often disputatious, society." *Tinker*, 393 U.S. at 506. To protect this essential component of the First Amendment and American society, the district court must be reversed, and the now-vacated majority opinion must be rebuked.

ARGUMENT

I. Public school students retain their First Amendment rights subject only to limited, essential restrictions.

The right to freely speak one's mind conferred by the First Amendment applies fully to everyone regardless of age. Children are no exception. Schools may only restrict speech when their core purpose—pedagogy—*requires* that the government do so. *See Mahanoy*, 594 U.S. at 192–93. The restrictions contained in the challenged policies are not required to fulfill the purpose of the school. They are thus impermissible.

Schools may only restrict student speech when that speech fits into one of four narrow categories: lewdness, illegal drug use, school-sponsored activities, or material disruptions. *See Kutchinski ex rel. H.K. v. Freeland Cmty. Sch. Dist.*, 69 F.4th 350, 356–57 (6th Cir. 2023); Op., R.28, PageID#826. The majority opinion correctly found that the speech at issue did not fall into the first three categories. *PDE*, 109 F.4th at 462. But it determined, despite the sweeping prohibitions that the policies embrace, that the policies punished only speech that could have negative effects because some students "[e]xperience the use of non-preferred pronouns as dehumanizing . . . ." *Id*. at 464. To reach this conclusion, the majority misapplied the

Tinker standard. *See Mahanoy*, 594 U.S. at 193 (explaining that *Tinker* requires material and substantial disruption more than that caused by the discomfort of an unpopular opinion).

When examining a school's claim that a policy is necessary to prevent material disruptions, the Supreme Court has focused its inquiry on the actual classroom and has looked for more than disagreement or discomfort. *See Mahanoy*, 594 U.S. at 192–93. School-sponsored extracurriculars are secondary. *Id.* In *Mahanoy*, a student who was rejected from the varsity cheerleading squad posted a vulgar message on social media, visible to hundreds of fellow students. *Id.* at 191. The message was offensive and upset members of the school community. *Id.* at 185. But the Court noted that even though "discussion of the matter took . . . 5 to 10 minutes of an Algebra class 'for just a couple of days,'" and members of the cheerleading squad were upset by the message, it did not meet "*Tinker*'s demanding standard." *Id.* at 192–93.

Tinker itself also provides a close analogy. There, students wore black armbands to protest the Vietnam War. *Tinker*, 393 U.S. at 504. The school, concerned with the disruptive potential of protest on such a serious and sensitive national topic, sent the students home unless they removed their armbands. *Id.* The Court held that this was impermissible because the school needed substantially more reason for preventing student speech on an important topic than just an

"undifferentiated fear or apprehension of disturbance." *Id.* at 506. The District's behavior here is no different. It fears that dissent on this topic will cause some mild disturbance but has no specific fear it can identify. *See* Appellant's Suppl. Br. at 13–15 (noting District's failure to present any specific feared disruption). That "is not enough to overcome the right to freedom of expression." *Tinker*, 393 U.S. at 506.

Here, the majority opinion reframed the challenged policies as only preventing certain conduct (bullying and creating hostile environments) so that they satisfied *Tinker*. *PDE*, 109 F.4th at 471–73. But the policies punish *speech*, not conduct. And they punish many forms of speech that fall far short of bullying or creating a hostile environment. *See* Policy 5517, R.7-1, PageID#123 ("Harassment means any [speech] that . . . has the effect of substantially interfering with a student's educational performance . . . ."). The vacated majority opinion incorrectly sidestepped First Amendment scrutiny by reframing speech (using non-preferred pronouns) as conduct (bullying). *See Parents Defending Educ. v. Linn Mar Cmty. Sch. Dist.*, 283 F.4th 658, 667 (8th Cir. 2023) ("A school district cannot avoid the strictures of the First Amendment simply by defining certain speech as 'bullying' or 'harassment.'"); *Telescope Media Grp. v. Lucero*, 936 F.3d 740, 752 (8th Cir. 2019) ("Speech is not conduct just because the government says it is."); *Chelsey Nelson Photography, LLC v. Louisville/Jefferson Cnty. Metro. Gov't*, 624 F. Supp. 3d 761, 786 (W.D. Ky. 2022) ("The government may not distill a person's expression to its

basest components and then siphon that essential conduct."), *vacated on other grounds*, Nos. 22-5884, 22-5912, 2024 U.S. App. LEXIS 9407 (6th Cir. April 16, 2024).

Imagine a kindergarten student who, upon meeting a biologically male student who prefers the pronoun "they," uses the pronoun "he" when offhandedly referring to the student. Or imagine an overheard cafeteria conversation between two students agreeing among themselves that, based on what they have learned in Biology and English classes, "he" is the proper word for someone who is biologically male. In either case, imagine that the student who prefers "they" becomes upset and reports the speakers to administrators. Policy 5517, as the school has interpreted it, permits the school to discipline the students who used "he" in those scenarios. The school also reads the Code of Conduct policy as permitting it to punish the students who used "he." *See* R.7-1, PageID#157. The vacated majority opinion agreed. *PDE*, 109 F.4th at 468 ("The challenged Policies here proscribe harassment, misconduct, and other disruptive speech across a variety of categories."). Imagine that these statements instead took place in a private text message conversation between parent and child or between two students. The school believes that Policy 5136 permits it to punish the students for that private conversation—even if the student who prefers "they" never found out about the statements. *See* R.7-1, PageID#134 (prohibiting communications with electronic devices that "might reasonably create" an

impression of being humiliated or could "be reasonably construed" as humiliating and containing no requirement of any level of harm or disruption).

In each of these situations, the school's interest in restricting student speech falls well short of "*Tinker*'s demanding standard." *Mahanoy*, 594 U.S. at 193. A communication that "might reasonably create" an impression of being humiliated, *see* Policy 5136, R.7-1, PageID#134, falls beneath the degree of disruption present in *Mahanoy*—a communication that actually *did* disrupt a class for 10 minutes over the course of several days and which was characterized as upsetting various members of the school community. *Id.*

As the Supreme Court has made clear for centuries, and reiterated often, the government does not get to decide for the people what is right or true. *Cf. Chelsey Nelson Photography,* 624 F. Supp. 3d at 786 (explaining that the business of courts is the "mundane task of reading and interpreting law," not "the business of deciding which businesses are sufficiently artistic to warrant exemptions from antidiscrimination laws" (quotation marks omitted)). The District here cannot require that students abandon their beliefs by forcing them to contradict those beliefs through speech.

Plaintiffs desire merely the freedom to "speak [their] mind[s] regardless of whether the government considers [their] speech sensible and well intentioned or deeply misguided . . . ." *303 Creative, LLC v. Elenis*, 600 U.S. 570, 571–72 (2023)

(internal citations and quotations omitted). That freedom is guaranteed to them because "the government may not compel a person to speak its own preferred messages." *Id.* at 572 (citing *Tinker*, 393 U.S. at 505–06). "Whether the First Amendment to the Constitution will permit officials to [compel speech] does not depend upon whether as a voluntary exercise we would think it to be good, bad or merely innocuous." *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 634 (1943). To hold otherwise would crash the one "fixed star in our constitutional constellation" down to earth. *Id.* That is impermissible. The district court should be reversed and the vacated majority opinion rebuked.

II. The government may never compel speech on matters of serious social or political concern.

The government violates the First Amendment any time it "tries" to "compel affirmance of a belief with which the speaker disagrees[.]" *Meriwether v. Hartop*, 992 F.3d 492, 503 (6th Cir. 2021) (quoting *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Bos.*, 515 U.S. 557, 573 (1995)); *accord Barnette*, 319 U.S. at 642; *303 Creative*, 600 U.S. at 586. "[W]here the State's interest is to disseminate an ideology, no matter how acceptable to some, such interest *cannot outweigh* an individual's First Amendment right to avoid becoming the courier for such message." *Wooley v. Maynard*, 430 U.S. 705, 717 (1976) (emphasis added). This remains true in the public school context, even for ideas as foundational to our country as the Pledge of Allegiance. *Barnette*, 319 U.S. at 634.

A. The majority opinion incorrectly held that Plaintiffs' speech was not compelled.

As the district court found (and the District all but admitted), the effect of the policies is to compel student speech. Op., R.28, PageID#837. The policies do this by providing students with two permissible choices: speak the District's preferred message or remain silent on the question and engage in verbal acrobatics to speak without using pronouns.[2] A policy that compels students to speak the District's preferred message, or compels students to remain silent, is equally violative of the First Amendment. *See Janus v. Am. Fed'n of State, Cnty., & Mun. Emps., Council 31*, 138 S. Ct. 2448, 2463 (2018) ("We have held time and again that freedom of speech 'includes both the right to speak freely and the right to refrain from speaking at all.'" (quoting *Wooley*, 430 U.S. at 714)).

For its part, the majority opinion correctly recognized that requiring preferred pronouns implicates the First Amendment. *PDE*, 109 F.4th at 466. But it concluded

[2] To be clear, many individuals argue that even this neutral-seeming choice—not using any pronouns at all—is both offensive and itself discriminatory: "Abstention from pronoun use represents a specific form of misgendering known as degendering and has been conceptualised as discriminatory when employed in descriptions of transgender but not cisgender individuals." Kristina Howansky et al., *Him, Her, Them, or Neither: Misgendering and Degendering of Transgender Individuals*, 13 PSYCHOLOGY AND SEXUALITY 1026, 1027 (2022). Not only does this highlight the problem with banning so-called offensive or insulting speech because such standards will constantly change, but it also paves the way for the District to move from enforcing quiet self-censorship—which is *already* unconstitutional—to requiring students to verbally use and affirm classmates' pronouns.

that the students' speech was not compelled because they had the choice to use "no pronouns at all, [or to] refer to their classmates using their first names." *Id*. at 467. That is anything but a "win-win" proposal, *id*. (quoting *Meriwether*, 992 F.3d at 510), because it still involves compelling students to utter speech they would otherwise not.

First Amendment interests are especially strong where speech "relates to core religious and philosophical beliefs." *Meriwether*, 992 F.3d at 509. "Pronouns can and do convey a powerful message implicating a sensitive topic of public concern." *Id.* at 508. The speech "concerns a struggle over the social control of language in a crucial debate about the nature and foundation, or indeed real existence, of the sexes." *Id.* When it comes to debate over pronouns, the mode of address used for a person is not merely a formality; the "mode of address [*is*] the message." *Id.*

Plaintiffs have made clear that they wish to use biological pronouns precisely because of the message it conveys about biological sex being immutable. *Id.* at 467. Seen in the correct light, the majority opinion was wrong to conclude that Plaintiffs were offered options that were not "illusory." *Id*. at 466 (citing *Wooley v. Maynard*, 430 U.S. 705, 715 (1977)). By requiring Plaintiffs to address other students without using pronouns that reflect their views on sex, the District is silencing the message altogether.

Rather than conclude otherwise, the majority opinion praised this as an acceptable "compromise," and a "means of respecting both sides' deeply held beliefs concerning gender identity." *Id*. at 467. First, this outcome does *not* permit Plaintiffs to express their beliefs. Second, compelled speech analysis has never worked this way, with each side being expected to give a little to get along. In fact, the Supreme Court has consistently refused to engage in any kind of balancing test at all when analyzing a compelled speech claim. *See 303 Creative*, 600 U.S. at 590–92 (explaining that when a government's interests "and the Constitution collide, there can be no question which must prevail").

Even if it were true that "students may communicate their belief that sex is immutable through means other than the use of non-preferred pronouns,"[3] *PDE*, 109 F.4th at 468, it would not cure the constitutional defects of the policies, *see Hurley*, 515 U.S. at 576 (recognizing that "protection of a speaker's freedom would be empty" if "the government could require speakers to affirm in one breath what they

[3] With due respect to the vacated majority opinion, Amici disagree that this would be allowed. Indeed, the school believes all three policies permit it to punish a student who says, "I will call you 'she' only because the school requires me to, but it is my firm internal belief that you are male." *See* Policy 5517, R.7-1, PageID#123; Code of Conduct, R.7-1, PageID#150; Policy 5136, R.7-1, PageID#134. Similarly, the school believes all three policies permit it to punish a student who says to a transgender swimmer, "I believe in my heart that transgender athletes should compete in sports against students of their biological sex." *See* Policy 5517, R.7-1, PageID#123; Code of Conduct, R.7-1, PageID#150; Policy 5136, R.7-1, PageID#134.

deny in the next"); *Telescope Media*, 936 F.3d at 756 (same). The suggestion that students could be required to use preferred pronouns and still maintain their objections to the idea that sex can be changed defies a long and continuous line of Supreme Court jurisprudence. The government cannot "force an individual to include other ideas with his own speech that he would prefer not to include." *303 Creative*, 600 U.S. at 586.

B. The majority opinion incorrectly held that the District could engage in viewpoint discrimination.

The District's policies are also impermissible under a viewpoint discrimination framework. *See Matal v. Tam*, 582 U.S. 218, 243 (2017). The Supreme Court has spoken directly and without compromise: "Giving offense is a viewpoint." *Id.* The force of the policies is to prevent students from merely giving offense. The policies are, therefore, viewpoint discriminatory. And viewpoint discrimination is flatly prohibited. *Minn. Voters All. v. Mansky*, 585 U.S. 1, 11 (2018). Public schools are no exception to this rule. *See, e.g.*, *Barr v. Lafon*, 538 F.3d 554, 571 (6th Cir. 2008); *Defoe ex rel. Defoe v. Spiva*, 625 F.3d 324, 336 (6th Cir. 2010).

The majority opinion concluded that the District could discriminate between preferred and biological pronouns because it believed addressing a transgender student with a pronoun they do not prefer is insulting to the transgender student. *See PDE*, 109 F.4th at 469. This conflicts with long-established First Amendment case

law. The Court's seminal free speech case in schools involved students who refused to pledge allegiance to the flag during the struggle to overcome fascism and Nazism in the most violent conflict in human history. *See Barnette*, 319 U.S. at 634. Surely, the speech of students who wished to pledge allegiance was not "analogously divisive," *PDE*, 109 F.4th at 469, to the speech of those students who did not wish to engage in such speech. Yet if the school district had permitted the first and punished the second, it would have been prescribing "what shall be orthodox in . . . matters of opinion" exactly as if it had required all students to recite the pledge. *Barnette*, 319 U.S. at 642. And surely there were students with fathers and brothers who died on the battlefield protecting the flag who had every reason to find the dissenters' speech highly upsetting, even "debilitat[ing]." *PDE*, 109 F.4th at 469. But if the school district had been free to fashion "compromise[s]," *id.* at 467 (quoting *Meriwether*, 992 F.3d at 510), by requiring dissenting students to recite the pledge only once a week, that solution would not "respect[] both sides' deeply held beliefs," *id*. It would be a "mere shadow of freedom." *Barnette*, 319 U.S. at 642.

Although biological pronoun usage is considered divisive by some in this present moment, it is not more controversial than an unpatriotic gesture during World War II. And the controversial and upsetting nature of it does not matter for First Amendment purposes. *See Barnette*, 319 U.S. at 638 ("The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political

controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts."). The state simply has no interest sufficiently important to discriminate against viewpoints. If the First Amendment is capacious enough to accommodate the views of those who dissent from patriotic gestures in 1943, it is capacious enough to accommodate the views of those today who dissent from a novel ideology that breaks with views on sex and biology that were universally held for nearly all human history.

At root, the District forces speakers to abandon their intended use of pronouns—something even the majority opinion recognized as protected First Amendment speech because it communicates a belief about whether sex can be changed, *see PDE*, 109 F.4th at 466—in favor of other words just to avoid another student having to consider a contrary, perhaps subjectively offensive, viewpoint.

CONCLUSION

For all these reasons, and those stated by Plaintiff-Appellant in its briefs, Amici ask this Court to reverse the district court, rebuke the now-vacated majority opinion, and enter a preliminary injunction.

Respectfully submitted,

/s/ Benjamin Isgur

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CERTIFICATE OF COMPLIANCE

Under Fed. R. App. P. 29(a)(4) and (b), I certify the following:

This brief complies with the type-volume limitation of Fed. R. App. P. 29(a)(5) and 32(a)(7) because it contains 4,372 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).

This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it was prepared using Word 2016 and uses a proportionally spaced typeface, Times New Roman, in 14-point type with case names italicized.

Respectfully submitted,

/s/ Benjamin Isgur
Benjamin Isgur

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was electronically filed on December 18, 2024, with the Clerk of the Court using the CM/ECF system, which will send a notification to the attorneys of record in this matter, who are registered with the CM/ECF system.

Respectfully submitted,

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