

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

In the Matter of the Application of,

LONG ISLAND ROLLER REBELS,

Petitioner,

-against-

BRUCE BLAKEMAN, in his official capacity as
NASSAU COUNTY EXECUTIVE, and COUNTY
OF NASSAU,

Respondents.

For a Judgment Pursuant to Article 78 of the Civil
Practice Law and Rules

INDEX NO: _____
(NYSCEF Filed)

**VERIFIED PETITION FOR A
JUDGMENT PURSUANT TO
ARTICLE 78 AND FOR A
PRELIMINARY INJUNCTION**

PRELIMINARY STATEMENT

1. This civil rights action challenges an unlawful and discriminatory Nassau County Executive Order that prohibits transgender women and girls from participating in women’s and girls’ sporting events at Nassau County facilities.

2. This sweeping Order affects approximately 100 athletic facilities across Nassau County and applies with equal force to a breathtakingly wide set of groups ranging from public and private school sports teams, to recreational leagues, to competitive leagues with their own nationally- or internationally- applicable rules regarding inclusion of transgender participants, to casual sports clubs, to groups organizing a one-off charity tournament, to teams traveling to Nassau County for competitions, and everything in between.

3. To comply with the Order, these groups—and the people who participate in and run them—will be forced to make invasive inquiries about people’s gender identity, intrude upon their privacy and bodily autonomy, and “out” people as transgender. If these groups want

to continue using Nassau County facilities, they will have to expel transgender women and girls from their teams or leagues based solely on their gender identity. All of this is prohibited by clear New York State antidiscrimination law.

4. The Long Island Roller Rebels, a Nassau County-based women's roller derby league, bring this action to ensure they can use county athletic facilities in a manner that is inclusive of all people, including transgender women and girls.

5. All people who use public Nassau County facilities—including transgender women and girls—should have equal access to the transformative power of sports and recreation. The New York State Human Rights Law and the New York State Civil Rights Law give them that right.

6. The Long Island Roller Rebels seek declaratory and injunctive relief declaring the Order unlawful and enjoining it in full.

PARTIES

7. Petitioner Long Island Roller Rebels (the "Roller Rebels") is a women's Long Island-based flat track roller derby league whose mission is to educate about, promote and foster involvement in the sport of flat track roller derby through competition on Long Island and abroad, while also giving back to their local community. Their membership includes skaters, referees, non-skating officials, and volunteers. The Roller Rebels are based in North Massapequa, New York, in Nassau County.

8. Respondent Bruce Blakeman is sued in his official capacity as the County Executive of Nassau County. Under the Nassau County Charter, Executive Blakeman is charged with supervising, directing, and controlling the administration of all departments, offices, and functions of the county government, including the Nassau County Department of Parks,

Recreation, & Museums. He was personally involved in creating, issuing, and authorizing the Order.

9. Respondent County of Nassau is a county in the State of New York.

JURISDICTION AND VENUE

10. Pursuant to CPLR 7804(b) and 506(b), venue in this proceeding lies in Nassau County, in the judicial district in which the respondents took the action challenged here and where the office of the respondents is located.

11. Pursuant to CPLR 7803, this proceeding raises questions of whether the respondents' determinations and actions in enacting and enforcing the Order are affected by an error of law and whether the respondents are proceeding in excess of jurisdiction.

STATEMENT OF FACTS

Gender Identity and Gender Dysphoria

12. Gender identity is a deep-seated understanding everyone possesses about their own gender.¹

13. The term "biological sex" is imprecise. A person's sex encompasses several different biological attributes, including certain chromosomes, certain genes, gonads, the body's production of and response to certain hormones, internal and external genitalia, secondary sex characteristics, and gender identity. Those attributes are not always aligned in typical ways.²

¹ See NYSED, *Creating a Safe, Supportive, and Affirming School Environment for Transgender and Gender Expansive Students: 2023 Legal Update and Best Practices* ("NYSED Guidance") at 10, 14 (June 2023), attached as Exhibit 16 to the affirmation of Gabriella Larios ("Larios Affirmation"), available at <https://www.nysed.gov/sites/default/files/programs/student-support-services/creating-a-safe-supportive-and-affirming-school-environment-for-transgender-and-gender-expansive-students.pdf>.

² See Hembree WC, et al., *Endocrine treatment of gender-dysphoria/gender incongruent persons: An Endocrine Society clinical practice guideline*, *Journal of Clinical Endocrinology*, 102: 3869–3903, 3875 (2017), Larios Affirmation Exhibit 1, available at <https://academic.oup.com/jcem/article/102/11/3869/4157558>.

14. When a child is born, a sex designation usually occurs at birth based on the infant child’s genitals. This designation is then recorded and usually becomes the designation listed on the infant’s birth certificate.³

15. Most people have a gender identity that aligns with the sex they are assigned at birth. People whose assigned sex at birth corresponds to their gender identity are cisgender.⁴

16. Transgender people are people with a gender identity that differs from their assigned sex at birth.⁵

17. According to the American Psychiatric Association’s Diagnostic & Statistical Manual (“DSM-5”), “gender dysphoria” is the diagnostic term for the condition where clinically significant distress results from the lack of congruence between a person’s gender identity and the sex they are designated at birth. Individuals living with gender dysphoria often experience severe psychological harm and suffering, including anxiety, depression, and/or thoughts of suicide—and this distress can be exacerbated by stigmatization, discrimination, and victimization.

18. For transgender people of all ages, a critical part of treatment is affirming “social transition”: the process by which a person expresses themselves consistently with gender identity.⁶

19. Forcing a person with gender dysphoria to live in a manner that does not align with the person’s gender identity undermines their “social transition.”⁷ For example, requiring a

³ See NYSED Guidance at 9-10.

⁴ *Id.*

⁵ *Id.*

⁶ See *id.* at 14.

⁷ *Id.*

girl who is transgender to use facilities or participate in single-sex activities for boys can be deeply harmful and disruptive to treatment.

Participation in Athletics

20. Participation in sports, at any age or any level, offers people a range of physical and emotional health benefits and is related to better mental health, including improved psychological well-being, such as higher self-esteem and life satisfaction, and lower psychological ill-being, such as reduced levels of depression, anxiety, and stress.⁸

21. Participation in team sports in particular also leads to improved social outcomes, such as better self-control, pro-social behavior, interpersonal communication, and fostering a sense of belonging.⁹ By contrast, when people are excluded from participating in sports, or do not feel accepted or respected, they do not have the opportunity to reap these benefits.

22. For youth, participation in sports has a documented positive effect on academic achievement, with student athletes generally experiencing better academic achievement than students who are not athletes.¹⁰ Students who participate in high school sports are more likely to finish college and more likely to be actively engaged in planning for their future after their athletic career ends.

23. Through participation in sports, people learn to better manage academic and social pressures. Participation in sports provides people the opportunity to make friends and become part of a supportive community of teammates and peers, easing social pressures to “fit

⁸ See Eather, N., Wade, L., Pankowiak, A. et al., *The impact of sports participation on mental health and social outcomes in adults: a systematic review and the ‘Mental Health through Sport’ conceptual model*, Syst Rev 12, 102 (2023), Larios Affirmation Exhibit 7, available at <https://doi.org/10.1186/s13643-023-02264-8>.

⁹ *Id.*

¹⁰ See e.g. Angela Lumpkin & Judy Favor, *Comparing the Academic Performance of High School Athletes and Non-Athletes in Kansas in 2008-2009*, 4 J. Sport Admin & Supervision 41 (2012), Larios Affirmation Exhibit 2, available at <http://hdl.handle.net/2027/spo.6776111.0004.108>.

in.”¹¹ It also reduces the effects of risk factors, such as stressful life events, that lead to increases in depression.¹² Learning how to manage these pressures at a young age provides benefits that continue throughout a person’s life—even after their participation in sports has ended.

24. Through sports, people develop social skills and an emotional maturity that allow them to create and sustain life-long friendships. Athletes spend considerable time with their teammates, often experiencing high-pressure situations together that lead to deeper and more meaningful social bonds and friendships. These sports experiences in turn result in reduced anxiety and higher self-esteem.¹³

25. Policies that exclude women and girls who are transgender from athletic competition for women and girls limit the benefits of athletics for *all* women and girls and discourage, rather than encourage, participation in athletics. Such policies also interfere with treatment for gender dysphoria, increase shame and stigma, and contribute to negative physical and emotional health outcomes.

Nassau County Executive Order Banning Transgender Women and Girls from Sports Participation at County Facilities

26. On February 22, 2024, Nassau County Executive Bruce Blakeman issued Executive Order No. 2-2024, which prohibits transgender women and girls, and teams or leagues that include or welcome transgender women and girls, from participating in women’s

¹¹ See Erin M. Boone & Bonnie J. Leadbeater, *Game On: Diminishing Risks for Depressive Symptoms in Early Adolescence Through Positive Involvement in Team Sports*, 16 J. Res. Adolesc. 79 (2006), Larios Affirmation Exhibit 3, available at <https://doi.org/10.1111/j.1532-7795.2006.00122.x>.

¹² See *id.* at 79, 88.

¹³ See Leanne C. Findlay, & Robert J. Coplan, *Come Out and Play: Shyness in Childhood and the Benefits of Organized Sports Participation*, 40 Canadian J. Behavioural Science / Revue Canadienne des sciences du comportement 153 (2008), Larios Affirmation Exhibit 4, available at <https://doi.org/10.1037/0008-400X.40.3.153>.

and girls' sporting events at Nassau County facilities.¹⁴ The Order became effective immediately upon its signing.

27. Specifically, the Order requires that any league, team, organization, program, or other sports entity seeking to use a Nassau County facility for the purpose of organizing a sporting event or competition must "expressly designate" itself as "male," "female," or "coed," "based on [participants'] biological sex at birth."¹⁵

28. The Order prohibits the Nassau County Department of Parks, Recreation & Museums from issuing any permit for a sporting event or competition by an entity designated for "females, women, or girls" that allows "biological males" to participate.¹⁶

29. The Order defines gender as "the individual's biological sex at birth," as stated on an "official birth certificate . . . filed at or near the time of . . . birth," and does not allow for consideration of any changes to the sex designation on an individual's birth certificate.¹⁷ Executive Blakeman's office has specified that the onus falls on the sports organization to determine each player's sex assigned at birth.¹⁸

30. In New York State, individuals can legally change the gender marker on their birth certificate.¹⁹ When a gender marker is amended on a birth certificate, the original birth

¹⁴ See Nassau County Executive Order 2-2024, Larios Affirmation Exhibit 6, *available at* <https://www.nassaucountyny.gov/DocumentCenter/View/43897/EXEC-ORDER-2-24?bidId=>.

¹⁵ *Id.* at 1.

¹⁶ *Id.* at 2.

¹⁷ *Id.*

¹⁸ Rebecca C. Lewis, *Does Bruce Blakeman's ban on trans players on girls' teams violate state law?*, City & State (Feb. 23, 2024), Larios Affirmation Exhibit 5, *available at* <https://www.cityandstateny.com/policy/2024/02/does-bruce-blakemans-ban-trans-players-girls-teams-violate-state-law/394419/>.

¹⁹ See e.g. Civil Rights Law §§ 67, 67-B (permitting the amendment of a "sex designation" on a birth certificate, regardless of sex assigned at birth, and ordering the "records of such change of sex designation proceeding to be sealed"); Public Health Law §§ 4132, 4138[f] (same).

certificate and all other documents relating to the gender marker are considered confidential and retained in a sealed file.²⁰

31. The Order's requirement for teams to ask for confirmation of—and only consider—"the individual's biological sex at birth" would require ignoring legal gender marker amendments on an individual's birth certificate made pursuant to state law *and* ignoring statutory protections guaranteeing confidentiality in that information.

32. The Order broadly applies to approximately 100 different facilities used by the public for sports activities, including, among others, swimming pools, ice rinks, soccer fields, baseball fields, basketball courts, and golf courses.²¹

33. Eisenhower Park, for example, is one of the largest public spaces in the New York metropolitan area. It serves as a hub for community gatherings and athletic activities due to its large collection of tennis courts, indoor and outdoor ice-skating rinks, outdoor athletic fields of various kinds, golf courses, a world-class Aquatic Center, and more.²² Reserving these athletic facilities for certain sporting events and competitions requires a permit issued by the Parks Department,²³ and permit approval is now contingent on compliance with the Order.

²⁰ New York State Department of Health, *Gender Designation Amendments*, Larios Affirmation Exhibit 10, available at https://www.health.ny.gov/vital_records/gender_designation_corrections.htm; see also Civil Rights Law §§ 67, 67-B.

²¹ Eyewitness News ABC7NY, *Press Conference - Nassau County announces ban on transgender athletes competing at county-run facilities*, YouTube (Feb. 22, 2024), available at <https://www.youtube.com/watch?v=vo7INqiM1X4> (last accessed Mar. 8, 2024); see also Nassau County, *Active Parks*, Larios Affirmation Exhibit 8, available at <https://www.nassaucountyny.gov/1797/Active-Parks>.

²² Nassau County, *Eisenhower Park*, Larios Affirmation Exhibit 11, available at <https://www.nassaucountyny.gov/2797/Eisenhower-Park>.

²³ Nassau County, *Park Permits*, Larios Affirmation Exhibit 12, available at <https://www.nassaucountyny.gov/1794/Park-Permits>.

34. The Order sweeps so broadly that it applies to any sporting event whatsoever without limitation—no matter what level or skill is needed to participate in a game or event.²⁴ It will affect a wide range of groups from public and private school sports teams,²⁵ to recreational leagues, to competitive leagues with their own nationally- or internationally- applicable rules regarding inclusion of transgender participants, to casual sports clubs, to groups organizing a one-off tournament, and everything in between.

35. And it is not just limited to local teams or leagues—it would also affect any organization that travels to use Nassau County’s wide array of athletic facilities for any sporting event. The Order applies equally to a recreational adult women’s golf league as it does to a charity field day organized by a youth organization for girls.

36. Enforcement of the Order will result in invasive policing of gender identity and expression that will intrude upon the privacy and bodily autonomy of women and girls, both cisgender and transgender.

37. The requirement that an individual’s gender identity must match their “biological sex at birth” means women’s and girls’ teams will have to subject all their players to intrusive and inappropriate questioning, tests, or verification requirements to comply with permitting policies, and then “out” any transgender women or girls and expel them from the team in order to

²⁴ Groups can request a permit for use of Nassau County athletic facilities for a range of sporting activities, including league play, tournaments, practices, showcases, professional sports, and collegiate sports. *See Nassau County, 2020 Event Checklist – Athletic Fields*, Larios Affirmation Exhibit 13, available at <https://www.nassaucountyny.gov/DocumentCenter/View/30806/2020-Athletic-Field-Check-List-final-11-12-20?bidId=>.

²⁵ The Mitchel Athletic Complex, for example, hosts a variety of local high school sporting events. *See Nassau County, Mitchel Athletic Complex*, Larios Affirmation Exhibit 9, available at <https://www.nassaucountyny.gov/2642/Mitchel-Athletic-Complex>; *see also Nassau County, Aquatics Center Events and Daily Schedules*, Larios Affirmation Exhibit 19, available at <https://www.nassaucountyny.gov/2628/Events-and-Daily-Schedules> (confirming the Nassau County Aquatic Center regularly hosts swimming events including high school meets).

obtain a permit. Any cisgender or transgender woman may face accusations of being “too masculine” to participate in a women’s sports team.

38. For example, to comply with the Order, a public school teacher who coaches a middle school girls’ softball team that attends games or tournaments on Nassau-run fields will now be in the position of having to certify the “biological sex” of all of her team’s members. This teacher may need to ask students what genitals they have, or require copies of every team member’s birth certificate, or collect doctor’s notes attempting to verify a participant’s “biological sex.” If the teacher identifies that any team member is transgender, even if the student’s status is confidential, the teacher would then be forced to choose between adhering to state law that requires her to treat transgender girls consistent with their gender identity or removing transgender girls from the team in order to use county facilities. A local women’s advocacy organization organizing a charity tennis tournament would similarly be forced to comply with these “biological sex” verification requirements.

39. Executive Blakeman has stated that the County’s purpose in issuing the Order is to “protect women from bullying by transgender females who want to compete against biological females.”²⁶ This justification for the Order is premised on the idea that the mere existence of transgender women and girls is a threat to cisgender women and girls.

40. In discussing the Order, Executive Blakeman has repeatedly characterized transgender girls who play on girls’ sports teams as lying about their gender identity and trying to “inject themselves” into girls’ sports while referring to them as “males”—perpetuating dangerous stereotypes that transgender girls are not real girls.

²⁶ Michael Malaszczyk, *AG Calls Transgender Sports Ban Illegal, Nassau Exec Hits Back*, Long Island Press (Mar. 1, 2024), Larios Affirmation Exhibit 14, available at <https://www.longislandpress.com/2024/03/01/nassau-county-transgender-ban-update/>.

41. The Order is a solution to a problem that does not exist in Nassau County. Executive Blakeman could not identify any specific examples of this so-called “bullying” of cisgender girls by transgender girls in Nassau County.²⁷ Indeed, on March 6, 2024, Executive Blakeman confirmed that he was personally not aware of any examples of complaints about transgender athletes in female sports in Nassau County.²⁸

42. Executive Blakeman has repeatedly stated that the Order is not anti-transgender because transgender women and girls can compete on co-ed or men’s teams. However, on its face, the Order subjects transgender women and girls to differential treatment on the basis of their gender identity. It denies them the opportunity to participate in sporting events at public facilities that align with their gender identity if their gender identity does not match their sex assigned at birth.

New York State Law Explicitly Prohibits Discrimination on the Basis of Gender Identity

43. Prior to the Order, participation in sports at public facilities in Nassau County had for years been governed by the same New York State antidiscrimination laws and regulations that apply throughout the state.

44. The Order was issued against a backdrop of clear statutory protections, regulations, and guidance that prohibit discrimination on the basis of gender identity in public accommodations—like publicly-run athletic facilities—and in programs run by schools that use such facilities.

²⁷ Eyewitness News ABC7NY, *Press Conference - Nassau County announces ban on transgender athletes competing at county-run facilities*, YouTube (Feb. 22, 2024), available at <https://www.youtube.com/watch?v=vo7INqiM1X4> (last accessed Mar. 8, 2024).

²⁸ Philip Marcelo, *County exec sues New York over an order to rescind his ban on transgender female athletes*, Associated Press (Mar. 6, 2024) (quoting him as stating that “[i]t hasn’t happened yet, but do we need something to happen before we take action?”), Larios Affirmation Exhibit 20, available at <https://www.nbcnews.com/news/us-news/county-exec-sues-new-york-order-rescind-ban-trans-female-athletes-rcna142120>.

45. In 2019, the New York State Legislature passed the Gender Expression Non-Discrimination Act (“GENDA”), which added explicit protections for transgender and gender-nonconforming New Yorkers, including by explicitly adding gender identity and expression to the list of categories protected by the New York State Human Rights Law (“NYSHRL”), the Civil Rights Law section 40-c, and the Education Law section 313. (Executive Law §§ 291, 296, 296-a & 296-b; Civil Rights Law § 40-c; Education Law § 313.) GENDA defines “gender identity or expression” as “a person’s actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.” (Executive Law § 292 [35]).

46. Following the passage of GENDA, the New York State Division of Human Rights issued guidance on protections from gender identity discrimination under the NYSHRL to explain the various ways in which gender identity discrimination can occur. The guidance provides that “[a]ll . . . places of public accommodation . . . must offer terms, conditions and benefits equally, regardless of gender identity or expression” and that a “place of public accommodation. . . must permit a person to participate in [] sex-segregated services or programs consistent with their gender identity or expression.”²⁹

47. The New York State Department of Education (“NYSED”) has also issued guidance regarding transgender and gender expansive students to facilitate compliance with state and federal laws, including the New York State Dignity for All Students Act and federal Title IX

²⁹ New York State Division of Human Rights, *Guidance on Protections from Gender Identity Discrimination Under the New York State Human Rights Law* at 9 (Jan. 29, 2020), Larios Affirmation Exhibit 15, available at <https://dhr.ny.gov/system/files/documents/2022/04/nysdhr-genda-guidance-2020.pdf>.

requirements. NYSED’s June 2023 Legal Update states that, in athletics, “. . . students should be allowed to participate in a manner most consistent with their gender identity without penalty.”³⁰

48. The New York State Public High School Athletic Association, the governing body for interscholastic sports in public schools, is also “committed to providing all students with the opportunity to participate . . . in a manner consistent with their gender identity and the New York State Commissioner of Education’s Regulations.”³¹

49. On March 1, 2024, New York Attorney General Letitia James sent a cease-and-desist letter to Executive Blakeman finding that the Order is “in clear violation of New York State anti-discrimination laws” and demanding that he immediately rescind it within five business days or else face additional legal action.³²

50. Executive Blakeman has indicated he does not intend to rescind the Order.³³

51. The Order remains in effect during the main time of the year for sports activity in Nassau County. The Parks Department largely issues licenses and use permits for athletic facilities during the spring and summer.³⁴

The Petitioner: The Long Island Roller Rebels

52. The Long Island Roller Rebels, a women’s roller derby league based in Nassau County, were founded in 2005.

³⁰ NYSED Guidance at 25.

³¹ New York State Public High School Athletic Association, *NYSPHSAA Handbook* at 51, Larios Affirmation Exhibit 17, available at https://nysphsaa.org/documents/2023/8/21/NYSPHSAA_Handbook_082123.pdf.

³² State of New York, Office of the Attorney General, *Cease and Desist Notification Letter* (Mar. 1, 2024), Larios Affirmation Exhibit 18, available at <https://ag.ny.gov/sites/default/files/letters/2024.3.1-cess-and-desist-nassau.pdf>.

³³ Nassau County Executive, *Press Conference in Response to Attorney General Letitia James*, YouTube (Mar. 1, 2024), <https://www.youtube.com/watch?v=hFRC6BgZsQ4> (last accessed Mar. 8, 2024).

³⁴ Eyewitness News ABC7NY, *Press Conference - Nassau County announces ban on transgender athletes competing at county-run facilities*, YouTube (Feb. 22, 2024), available at <https://www.youtube.com/watch?v=vo7INqiM1X4> (last accessed Mar. 8, 2024).

53. The mission and goal of the Roller Rebels is to educate about, promote and foster involvement in the sport of flat track roller derby through competition on Long Island and abroad, while also giving back to their local community.

54. Flat track roller derby is a fast-paced contact team sport that requires speed, strategy, and athleticism. Flat track roller derby events require certain types of flat surfaces suitable for skating, such as skating rinks and basketball courts.

55. The Roller Rebels are comprised of skaters, referees, and non-skating league members, including non-skating officials and volunteers. They currently have approximately 50 members.

56. The Roller Rebels are committed to inclusive policies and antidiscrimination principles, and they welcome all transgender women, intersex women, and gender-expansive women to participate.

57. The Roller Rebels are a women's league. They do not inquire about the sex assigned at birth of their players because they aim to ensure that all skaters' and volunteers' rights are respected and protected. Their league is built upon strong individuals of every background, career, family/marital status, fitness level, and personality.

58. The Roller Rebels currently have at least one league member who would be prohibited from participating in their league under the clear language of the Order. In the past, they have also had at least one league member who would be prohibited under the clear language of the Order.

59. The Roller Rebels are concerned that the Order will also hurt their ability to recruit new members moving forward since they welcome transgender women. The Order will also make it difficult to compete against other roller derby leagues that are also inclusive of

transgender women because it will restrict the available venues for scheduled games and sporting events.

60. The Roller Rebels are a member of the Women's Flat Track Roller Derby Association ("WFTDA"), the sport's foremost governing body with more than 400 member leagues who compete, collaborate, and network with each other. The WFTDA welcomes all transgender women, intersex women, and gender-expansive women to participate in its member leagues. The gender identity of any and all WFTDA participants is considered confidential and private.

61. The Roller Rebels have previously used outdoor skating rinks at Nassau County parks, including Eisenhower Park and Cedar Creek Park, for team practice and events.

62. Recently, the Roller Rebels have been searching for additional facilities to use for team practices, games, and events.

63. The Roller Rebels are organizing a series of upcoming women's roller derby expo games at Nassau County Parks athletic facilities.

64. The Roller Rebels also host an annual roller derby event in November, which they want and intend to host at a Nassau County Parks athletic facility.

65. On March 11, 2024, the Roller Rebels submitted a request for a permit to host their upcoming series of quarterly games at Nassau County Parks athletic facilities suitable for skating beginning on April 13, 2024. The Roller Rebels specifically requested to use the roller rink at Cedar Creek Park with the roller rink at Eisenhower Park as an alternative, or the basketball courts at Cedar Creek Park, Eisenhower Park, or Wantagh Park as other alternatives.

66. Under the Order, the Roller Rebels will have to expressly designate themselves as a league for “females, women, or girls.” The Roller Rebels are not a co-ed league and would not designate themselves as such.

67. Because the Roller Rebels allow transgender women to participate on their team, their permit request violates the terms of the Order, and the Parks Department will be required to deny their request to access Nassau County facilities.

68. To comply with the Order, the Roller Rebels would either have to exclude transgender women from their league—in direct contradiction to their internal values and the WFTDA’s participation policies—or forego equal access to Nassau County facilities.

FIRST CAUSE OF ACTION

Violation of New York State Human Rights Law, Executive Law § 296

(For Judgment Pursuant to CPLR 7803 and 7806)

69. The Roller Rebels re-allege all preceding paragraphs as if fully set forth herein.

70. The Order violates New York Executive Law section 296 because it denies access to public accommodations on the basis of gender identity, sex, and disability, and it further requires other covered entities, including public accommodations and educational institutions, to discriminate on the basis of gender identity, sex, and disability.

71. The respondents’ obligations to comply with New York Executive Law section 296 are mandatory.

72. In enacting and enforcing the Order in violation of New York Executive Law section 296, the respondents have made a “determination . . . affected by an error of law” (CPLR 7803 [2]) and are “proceeding . . . in excess of jurisdiction” (CPLR 7803 [2]).

73. The Roller Rebels are therefore entitled to a judgment under CPLR 7806 enjoining and vacating the Order and declaring it unlawful.

SECOND CAUSE OF ACTION**New York Civil Rights Law § 40-c**

(For Judgment Pursuant to CPLR 7803 and 7806)

74. The Roller Rebels re-allege all preceding paragraphs as if fully set forth herein.

75. The Order violates New York Civil Rights Law section 40-c because it denies access to public accommodations on the basis of gender identity, sex, and disability, and it further requires other covered entities, including public accommodations and educational institutions, to discriminate on the basis of gender identity, sex, and disability.

76. The respondents' obligations to comply with New York Civil Rights Law section 40-c are mandatory.

77. In enacting and enforcing the Order in violation of New York Civil Rights Law section 40-c, the respondents have made a "determination . . . affected by an error of law" (CPLR 7803 [2]) and are "proceeding . . . in excess of jurisdiction" (CPLR 7803 [2]).

78. The Roller Rebels are therefore entitled to a judgment under CPLR 7806 enjoining and vacating the Order and declaring it unlawful.

79. The Roller Rebels have complied with the requirements of New York Civil Rights Law section 40-d by serving notice on the state Attorney General.

PRAYER FOR RELIEF

WHEREFORE, the Roller Rebels respectfully request judgment as follows:

- A. Issue preliminary relief enjoining enforcement of the Order during the pendency of this proceeding;
- B. Declare that the respondents' actions violate the New York State Human Rights Law, Executive Law § 296, and the New York Civil Rights Law § 40-c;
- C. Issue injunctive relief permanently enjoining and vacating the Order;
- D. Award the Roller Rebels reasonable attorneys' fees and costs; and
- E. Grant any other relief the Court deems just and proper.

Dated: March 11, 2024
New York, New York

Respectfully submitted,

NEW YORK CIVIL LIBERTIES UNION
FOUNDATION

/s/ Gabriella Larios_____

Gabriella Larios

Robert Hodgson

Molly K. Biklen

125 Broad Street, 19th Floor

New York, New York 10004

Tel: (212) 607-3300

glarios@nyclu.org

rhodgson@nyclu.org

mbiklen@nyclu.org

Counsel for Petitioner

VERIFICATION

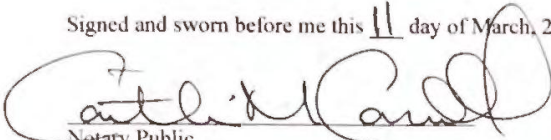
STATE OF NEW YORK)
) ss.
COUNTY OF NASSAU)

MEGAN DONATO, being duly sworn, deposes and says:

I am the President of Long Island Roller Rebels, the petitioner in this special proceeding, and I have read and know the contents of the foregoing petition. The petition is true to my own knowledge, except as to portions alleged upon information and belief or alleging matters of law, and as to those allegations I believe them to be true.


MEGAN DONATO

Signed and sworn before me this 11 day of March, 2024.


Notary Public

CAITLIN M CARROLL
Notary Public - State of New York
No. 01CA8124508
Qualified in Suffolk County
My Commission Expires March 28, 20

CAITLIN M CARROLL
Notary Public - State of New York
No. 01CA8124508
Qualified in Suffolk County
My Commission Expires March 28, 2025