NOS. 24-1075, 24-1082

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

GLBT YOUTH IN IA SCHOOLS, ETC., ET AL.
Plaintiffs - Appellees,

v.

KIMBERLY REYNOLDS, ET AL.,
Defendants - Appellants.

PENGUIN RANDOM HOUSE, LLC., ET AL.,
Plaintiffs - Appellees,

v.

JOHN ROBBINS, ET AL.,
Defendants - Appellants.

On Appeal From The United States District Court for the
Southern District Of Iowa
Case Nos. 4:23-cv-474, 4:23-cv-478
Honorable Stephen H. Locher, District Judge

BRIEF AMICI CURIAE OF AMERICAN BOOKSELLERS FOR FREE EXPRESSION; ASSOCIATION OF AMERICAN PUBLISHERS, INC.; AUTHORS GUILD, INC.; COMIC BOOK LEGAL DEFENSE FUND; EDUCATIONAL BOOK AND MEDIA ASSOCIATION; FREEDOM TO LEARN ADVOCATES; HALF PRICE BOOKS, RECORDS, MAGAZINES, INC.; INDEPENDENT BOOK PUBLISHERS ASSOCIATION; NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION; NATIONAL WRITERS UNION; AND SISTERS IN CRIME IN SUPPORT OF APPELLEES AND AFFIRMANCE

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Civil Procedure, *Amici Curiae ("Amici")* American Booksellers for Free Expression; Association of American Publishers, Inc.; Authors Guild, Inc.; Comic Book Legal Defense Fund; Educational Book and Media Association; Freedom to Learn Advocates; Half Price Books, Records, Magazines, Inc.; Independent Book Publishers Association; National Press Photographers Association; National Writers Union; and Sisters in Crime state that none of the *Amici* have a parent corporation and that no publicly held company owns 10% or more of the stock of any *Amicus*.

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STATEMENT

Amici submit this *amicus curiae* brief in support of Plaintiffs-Appellees, urging this Court to affirm the decision of the court below preliminarily enjoining Senate File 496's Age-Appropriate Standard and Identity and Orientation Prohibition as violating Plaintiffs' First and Fourteenth Amendment Rights.[1] [2]

The *amici* are:

American Booksellers Association ("ABFE"). ABFE is the free speech initiative of the American Booksellers Association ("ABA"). ABA was founded in 1900 and is a national not-for-profit trade organization that works to help independently owned bookstores grow and succeed. ABA represents 2,178 bookstore companies operating in 2,593 locations. ABA's members are key participants in their communities' local economy and culture. ABFE was founded in 1990 to be the bookseller's

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[1] All parties have consented to the filing of this *amicus curiae* brief.

[2] No counsel for a party authored this brief, in whole or in part, and no counsel or party made a monetary contribution intended to fund preparing or submitting this brief. No person other than *amici* curiae and Media Coalition, Inc. (a 50 year-old trade association of which *amici* are members) made a monetary contribution that was intended to fund preparing or submitting this brief. Plaintiff-Appellee Penguin Random House LLC is a member of the AAP.

voice in the fight against censorship. ABFE's mission is to promote and protect free expression, particularly expression within books and in literary culture, through legal advocacy, education, and collaboration with other groups with an interest in free speech.

Association of American Publishers, Inc. ("AAP"). AAP is a not-for-profit organization that represents the leading book, journal, and education publishers in the United States on matters of law and policy, advocating for outcomes that incentivize the publication of creative expression, professional content, and learning solutions. AAP's members includes approximately 130 individual members, who range from major commercial book and journal publishers to small, nonprofit, university, and scholarly presses, as well as leading publishers of educational materials and digital learning platforms. AAP's members publish a substantial portion of the general, educational, and religious books produced in the United States in print and digital formats, including critically acclaimed, award-winning literature for adults, young adults, and children. AAP represents an industry that not only depends upon the free exercise of rights guaranteed by the First

Amendment, but also exists in service to our Constitutional democracy, including the unequivocal freedoms to publish, read, and inform oneself.

Authors Guild, Inc. ("Guild"). Guild was founded in 1912 and is a national non-profit association of more than 10,000 professional, published writers of all genres. The Guild counts historians, biographers, academicians, journalists, and other writers of non-fiction and fiction as members. The Guild works to promote the rights and professional interest of authors in various areas, including copyright, freedom of expression, and taxation. Many Guild members earn their livelihoods through their writing. Their work covers important issues in history, biography, science, politics, medicine, business, and other areas; they are frequent contributors to the most influential and well-respected publications in every field. The ability to write on topics of their choosing and to have their work available through bookstores and libraries is vital to their ability to make a living in their chosen profession.

Comic Book Legal Defense Fund ("CBLDF"). CBLDF is a nonprofit organization dedicated to protecting the legal rights of the comic arts community. With a membership that includes creators,

publishers, retailers, educators, librarians, and fans, the CBLDF has defended dozens of First Amendment cases in courts across the United States and let important educational initiatives promoting comics literacy and free expression.

Educational Book and Media Association ("EBMA"). EBMA is a nonprofit organization whose mission is to foster a unique community that brings together a wide range of wholesalers and publishers in order to address the ever-changing book and media buying needs of the educational marketplace.

Freedom to Learn Advocates ("FTLA"). FTLA was founded to promote universal access to books and educational resources for all communities regardless of race, economic status, religion, sexual orientation, gender identity, or political affiliation. Its mission is to resist initiatives that aim to limit access to books and information, often in the form of book banning policies.

Half Price Books, Records, Magazines, Inc. ("Half Price Books"). Half Price Books is America's largest family-owned retailer for new and used books with a bustling website and more than 100 brick-and-mortar stores nationwide. With a foundation of keeping books in

circulation and helping make the world a little better, Half Price Books has a long history of partnering with literacy programs and charity organizations nationwide.

The Independent Book Publishers Association ("IBPA"). IBPA is the largest publishing trade association in the United States, with over 3,500 members. IBPA connects its members to the publishing industry and provides a forum for publishers to voice their concerns. IBPA's mission is to lead and serve the independent publishing community through advocacy, education, and tools for success.

National Press Photographers Association ("NPPA"). NPAA was founded in 1946, is a 501(c)(6) non-profit professional organization dedicated to the advancement of photojournalism, its creation, editing and distribution in all news media. NPPA encourages photojournalists to reflect the highest standards of quality in their professional performance, in their business practices and in their personal code of ethics. NPPA vigorously promotes freedom of the press in all its forms. Its members include still and television photographers, editors, students and representatives of businesses that serve the photojournalism industry

National Writers Union ("NWU"). The NWU is an independent national labor union that advocates for freelance and contract writers and media workers. The NWU works to advance the economic and labor conditions of writers and media workers in all genres, media, and formats. NWU membership includes, among others, journalists, fiction and nonfiction book authors, poets, novelists, playwrights, editors, academic writers, business and technical writers, website and email newsletter content providers, bloggers, social media producers, podcasters, videographers, illustrators, photographers, graphic artists, and other digital media workers. The NWU includes geographic chapters as well as at-large members nationwide and abroad.

Sisters in Crime. Sisters in Crime is the premier crime writing association focused on equity and inclusion in its community and in publishing. Founded in 1986 to represent and advocate for women crime writers, Sisters in Crime celebrates and honors this history with its name while it continues to work for all who share a commitment to and love for a vibrant, inclusive community. Sisters in Crime's 4,000+ members enjoy access to tools to help them learn, grow, improve, thrive, and reinvent if necessary.

INTEREST OF THE *AMICI* AND INTRODUCTION

Amici's members, as more fully described above, are authors, publishers and booksellers – creators and disseminators of First Amendment-protected speech. They publish, produce, distribute and sell books, magazines, videos, works of art and printed materials of all types, including works that are scholarly, literary, artistic, scientific and entertaining.

This case is not just about school libraries in Iowa, but potentially has ramifications far beyond, particularly as to the rights of minors to receive constitutionally protected speech. Among other things, Senate File 496 ("SF 496") prohibits any K-12 public school in Iowa from maintaining a "library program" containing "any material with descriptions or visual depictions" of a "sex act," as defined in the state's criminal code.[3] *Id.* §§ 256.11(9)(a)(1), (19)(1). The law contains no variation for the age of the minor or consideration of the value of the work as a whole. Thus, even for a high school senior, SF 496 requires schools to remove materials containing only one description of an

[3] The criminal code's definition of "sex act" is contained in Iowa Code § 702.17.

enumerated sex act, no matter how innocuous or brief. "The level of discourse reaching a mailbox simply cannot be limited to that which would be suitable for a sandbox." *Bolger v. Youngs Drug Prods. Corp.*, 463 U.S. 60, 71, 74 (1983) (holding unconstitutional a ban on mail advertisements that would expose children to "sensitive and important subjects such as birth control"). "[A] restriction of this scope is more extensive than the Constitution permits," because the government "may not reduce the adult population to reading only what is fit for children." *Id.* at 73 (internal citation and quotation omitted); *Erznoznik v. City of Jacksonville* (1975), 422 U.S. 205, 213–14 ("Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable for them.").

As stated by the court in *Fayetteville Public Library v. Crawford County,* Case No. 5:23-CV-05086, 2023 WL 4845636, at *1 (W.D. Ark, July 29, 2023):

> The Bill of Rights to the United States Constitution guarantees the right of every American to speak freely and to receive speech. This freedom of speech, codified in the First Amendment, is enjoyed by everyone – even children. However, by virtue of the fact that minors are "not possessed of that full capacity for individual choice which is the presupposition of First Amendment

> guarantees," *Ginsberg v. New York,* 390 U.S. 629, 649–50 (1968) (Stewart, J., concurring), the rights of persons under the age of 18 to speak and receive speech are not "co-extensive with those of adults," *Tinker v. Des Moines School Dist.,* 393 U.S. 503, 515 (1969) (Stewart, J., concurring). In other words, minors' First Amendment rights are limited in some way. While those boundaries are not clearly defined in law, common sense tells us that "[i]n assessing whether a minor has the requisite capacity for individual choice[,] the age of the minor is a significant factor." *Erznoznik v. City of Jacksonville,* 422 U.S. 205, 214 n.11 (1975). Obviously, a seven-year-old's capacity is far different from that of a seventeen-year-old.

The blunderbuss approach of SF 496 – restricting access by students aged 5 to 18 from their school library of any work which even just describes a single sex act – does not meet the constitutional requisite. While protection of children is a high priority, it should not be achieved by cutting constitutional corners.

ARGUMENT

I. The Law Has Far Reaching Impact

The reach of SF 496's unconstitutional restriction of books extends further than just school libraries. The law will have a direct impact on the ability of the wide range of writers, artists, publishers, distributors, new organizations, and retailers that *amici* represent to write, create, publish, produce, distribute, and sell books and literary works of all types, including materials that are scholarly, journalistic, educational,

artistic, scientific, and entertaining. This will be felt certainly within the state of Iowa and with potential nationwide ramifications if this law is upheld.

For authors, represented by *amici* Authors Guild, NWU, and Sisters in Crime, creators in the comic book arts, represented by the CBLDF, and photographers represented by NPPA, SF 496 would substantially limit their ability to write or create on topics of their choosing. A book stigmatized as pornography can be seen as too risky to sell, especially for an independent local bookstore or comic shop that relies on strong community goodwill, which can in turn affect the choices that publishers make in acquiring or editing new books.

Further, booksellers, represented by the ABFE and Half Price Books, cannot fulfill their mission if their books are not purchased by school libraries; nor can publishers, represented by the AAP and IBPA, commercially succeed if their customers (such as school libraries) are unable to stock and lend a large amount of constitutionally protected books.

The immediate aftermath of the passage of the law demonstrates that SF 496 represents a broad threat to free speech. As detailed by

Plaintiffs-Appellees' Addendum, hundreds of books were removed from the shelves in response to the implementation of SF 496. *See* Plaintiffs' Add. 1-8; App. 769-776; R. Doc. 34-15 (No. 24-1082). These books include:

- Barbara Hollander's *Marriage Rights and Gay Rights: Understanding the Constitution*, a book aimed at grades 7 and up that contains case documents and analysis pertaining to recent Supreme Court precedent;
- *I Know Why the Caged Bird Sings* by Maya Angelou, a book used in teaching training on race *issues that* has also been recognized for its value in teaching students resilience;
- *Endometriosis* by Stephanie Watson, *Urinary Tract Infection* by Krista West, and other medical books on the human body and sexual health;
- Art Spiegelman's *Maus*, the Pulitzer Prize-winning autobiographical graphic novel renowned for its examination of the Holocaust and its impact on the author's family;
- *The Handmaid's Tale* by Margaret Atwood, the iconic reflection on freedom, values, and the treatment of women

that schools across the country are making accessible to students through both the original novel and a graphic novel adaptation;[4]

- *Saga* by Brian K. Vaughn and Fiona Staples, the award-winning graphic novel series on family, friendship, and prejudice in a war-torn universe;
- *The Fault in Our Stars* by John Green, a profound reflection on love, meaning, and mortality as two teens find each other while dealing with cancer;
- *Forever* by Judy Blume, a young adult book that initially sparked controversy when first published in 1975 but has gone on to become a widely recognized classic, inspiring multiple study guides;
- *#famous* by Jilly Gagnon and *Going Viral: A Socially Distant Love Story* by Katie Cicatelli-Kuc, young adult novels that explore the complexities of life in the age of social media;

[4] https://www.salempress.com/critical_insights_handmaids_tale

- Laurie Halse Anderson's *Speak*, which has helped countless teens work through the trauma of sexual assault;
- *The Magic Fish* by Trung Le Nguyen, a widely celebrated graphic novel that explores the immigrant experience, fairy tales, and personal identity;
- *Ulysses* by James Joyce, a modernist take on Homer's *Odyssey* that was once ruled obscene but is now considered to be one of the most important and influential works of twentieth-century literature;
- Beloved, *Song of Solomon*, *Sula*, and *The Bluest Eye*, globally recognized classics on the Black experience by Toni Morrison, winner of the Nobel Prize for Literature.

Moreover, as has long been acknowledged in art history scholarship, there are many canonically classic works of art with images that technically fit within the visual depiction of a sex act under SF 496 such as Michelangelo's *The Last Temptation of Adam and Eve*; *The Garden of Earthly Delights* by Hieronymous Bosch; Henri Toulouse-Latrec's *In Bed, the Kiss*; Rembrandt's *The French Bed*; Egon Schiele's Two Women. As written, SF 496 provides a legal basis for eliminating a

substantial portion of the history of human creativity from school library shelves.

II. SF 496 Restricts Constitutionally Protected Speech

A. This Is Not a Case About Government Speech

First Amendment rights extend to library patrons, including school library patrons, contrary to Defendants/Appellees' argument. This is not a case about government speech; it is a case about the restriction of information available in libraries, a vastly important part of our society which are not "simply an arm of the state." *Fayetteville Pub. Library,* 2023 WL 4845636, at *5. "By virtue of its mission to provide the citizenry with access to a wide array of information, viewpoints, and content, the public library is decidedly not the state's creature; it is the people's." *Id.* SF 496 will significantly hamper the important role of school libraries, which function as a proxy for public libraries for students who do not have ready access to a public library.

B. The Law Does Not Consider the Works as a Whole or their Serious Value, as Required

To avoid repetition, *amici* adopt the Plaintiff-Appellees' arguments regarding Defendants' erroneous claim that the government

speech doctrine applies to school libraries. Appellees' Br., 14-19 (No. 24-1082).

Since the government speech doctrine does not apply, SF 496 regulates protected speech. However it does so without using the three-pronged test the Supreme Court set out in *Miller/Ginsberg*. *See Ginsberg v. State of N. Y.*, 390 U.S. 629 (1968), *modified by Miller v. California,* 413 U.S. 15, 24 (1973). The *Miller* test contains the following elements: "(a) whether 'the average person, applying contemporary community standards' would find that the work, taken as a whole, appeals to the prurient interest, (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value." 413 U.S. at 24 (citation omitted).

SF 496 does not take into account the work as a whole, a fatal flaw in the law. *See BookPeople, Inc. v. Wong*, No. 1:23-CV-00858-ADA, 2023 WL 6060045, at *3 (W.D. Tex. Sept. 18, 2023), *aff'd in part, vacated in part, remanded,* 91 F.4th 318 (5th Cir. 2024) ("Notably, this definition of 'sexually explicit' material does not follow the definition of

obscenity approved by the Supreme Court in *Miller*…Because of this, there is the potential that the designation of a book as 'sexually explicit' would violate the First Amendment."). In *Ashcroft v. Free Speech Coalition*, the Supreme Court found a law proscribing "[a]ny depiction of sexually explicit activity, no matter how it is presented," and establishing "severe punishment" on the basis of a single graphic depiction of sexual activity "without inquiry into the work's literary value" to be "inconsistent with an essential First Amendment rule: A work's artistic merit does not depend on the presence of a single explicit scene." 535 U.S. 234, 246, 248 (2002). This applies to the school setting too. While "the state may have a greater responsibility to protect youth from obscenity than from materials merely deemed objectionable on vocabular grounds… the state may not impede individual expression even on obscenity grounds except in accordance with judicially-supervised standards requiring a showing that the challenged expression, taken as a whole, lacks 'serious literary, artistic, political, or scientific value' and 'appeal(s) to the prurient interest in sex.'" *Sheck v. Baileyville Sch. Comm.*, 530 F. Supp. 679, 687 (D. Me. 1982) (citation omitted).

C. Even Without Applying the *Miller/Ginsberg* Test, SF 496 Is Unconstitutional

SF 496 fails even without applying the three-pronged test. *Board of Educ. v. Pico*, 457 U.S. 853 (1982), which dealt with removal of nine books from a school district's libraries (a far cry, of course, from the hundreds removed in the instant case), has been read by some to hold that removal of a book from a school library may be appropriate if the book contains "pervasive vulgarity." *Id.* at 871. SF 496 does not pass this bar either – the text does not distinguish vulgar descriptions from other descriptions of sex acts, nor does it require pervasiveness. *See* Iowa Code §§ 256.11 19(a)(1); 702.17. Of course, disagreement with viewpoints espoused in the removed materials is clearly not enough to justify removal in a school setting, no matter how distasteful some may think the book is. *See, e.g., Case v. Unified Sch. Dist. No. 233*, 908 F. Supp. 864 (D. Kan. 1995) (restoring removed book to school library, citing improper motivation by the school board and noting that the availability of the book from other sources does not cure Defendants' improper motivation for removing the book); *Counts v. Cedarville Sch. Dist.*, 295 F. Supp. 2d 996, 1004 (W.D. Ark. 2003) (holding that getting parental consent to check out a book constitutes restriction on access

and stating that "[r]egardless of the personal distaste with which these individuals regard 'witchcraft,' it is not properly within their power and authority as members of defendant's school board to prevent the students at Cedarville from reading about it.")

III. The Law Is Vague and Overbroad

SF 496 is unconstitutionally vague and overbroad because, among other things, it does not adequately indicate what constitutes a "description or visual depiction of a sex act" that would trigger the material as inappropriate for a minor ranging in age from 5 to 18.

The overbreadth doctrine prohibits the Government from restricting even unprotected speech where "a substantial amount of protected speech is prohibited or chilled in the process." *Ashcroft v. Free Speech Coal.,* 535 U.S. at 237. An overbreadth analysis often engages in the same questions as the narrow tailoring prong of a strict scrutiny analysis. *See ACLU v. Ashcroft,* 322 F.3d at 266 ("Overbreadth analysis—like the question whether a statute is narrowly tailored to serve a compelling governmental interest—examines whether a statute encroaches upon speech in a constitutionally overinclusive manner.").

Overbreadth challenges may overlap substantially with Fourteenth Amendment void-for-vagueness challenges. *See Kolender v. Lawson,* 461 U.S. 352, 358 n. 8 (1983) ("[W]e have traditionally viewed vagueness and overbreadth as logically related and similar doctrines."). A regulatory scheme is void for vagueness if it "forbids or requires the doing of an act in terms so vague that persons of common intelligence must necessarily guess at its meaning and differ as to its application," or if it enables "arbitrary and discriminatory enforcement" by "impermissibly delegat[ing] basic policy matters to [government officials] for resolution on an ad hoc and subjective basis." *Stephenson v. Davenport Cmty. School Dist.,* 110 F.3d 1303, 1308 (8th Cir. 1997) (internal citations and quotations omitted). For example, in *United States v. Stevens*, 559 U.S. 460, (2010), the Supreme Court upheld a ruling that a ban on videos of animal cruelty was unconstitutionally overbroad, noting that the goodwill of the government cannot be relied on to use an overbroad law responsibly.

Regulations must define their prohibitions and requirements "with sufficient definiteness that ordinary people can understand" what is required, and "establish standards to permit [government officials] to

enforce the law in a non-arbitrary, non-discriminatory manner." *Woodis v. Westark Cmty. Coll.,* 160 F.3d 435, 438 (8th Cir. 1998) (citations omitted). Where "the literal scope of the [] regulation is capable of reaching expression sheltered by the First Amendment, the [vagueness] doctrine demands a greater degree of specificity than in other contexts." *Stephenson,* 110 F.3d at 1308-09 (internal quotations and citations omitted); *see also Reno v. ACLU,* 521 U.S. at 871-72 (1997) (where the vagueness arises amidst a "content-based regulation of speech[,] the vagueness of such a regulation raises special First Amendment concerns because of its obvious chilling effect on free speech").

Terms such as those in SF 496 that leave "grave uncertainty" about how to understand their scope are void for vagueness, even if some parts of what the terms encompass might be "straightforward" exercises of government power. *Johnson v. United States,* 576 U.S. 591, 597, 602 (2015). "[T]he failure to define the pivotal term of a regulation can render it fatally vague," particularly where common tools courts use to interpret imprecise terms, such as "the common usage of statutory language, judicial explanations of its meaning, and previous applications of the

statute to the same or similar conduct," fail to provide necessary clarity. *Stephenson,* 110 F.3d at 1309 (internal quotations and citations omitted).

SF 496 clearly fails to provide the necessary clarity, leaving open many questions as to what constitutes a description or visual depiction of a sex act, and is so broad that it could include images that illustrate sensitive, historical, political, or health-related topics in a news article. As the court below noted:

> In the Court's view, for example, a statement that two characters "made passionate love," "had sex on the bed," or even just "had sex" is a "description" of a "sex act," albeit not a terribly detailed one. Accordingly, reasonable school districts could decide to remove books with such language. Reasonable school districts also could decide not to do so, however, concluding that such language does not contain sufficient visual imagery to constitute a "description."

GLBT Youth in Iowa Schools Task Force v. Kimberly Reynolds, Case No. 4:23-cv-00474, 4:23-cv-004787, 82023 WL 9052113 at *22 (S.D. Iowa Dec. 29, 2023). Given the array of penalties, such vagueness is unacceptable and unconstitutional.

CONCLUSION

For the reasons set forth above, Amici urge that the order of the District Court be affirmed.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH TYPE VOLUME LIMITATION AND TYPEFACE AND TYPESTYLE REQUIREMENTS

This brief complies with the type-volume limitation of Federal Rules of Appellate Procedure 29(a)(5) and 32(a)(7)(B) because it contains 3928 words from the Statement through the Conclusion, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f).

This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the typestyle requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally space typeface using Microsoft Word with Century Schoolbook 14-point font.

/s/ Rebecca Hughes Parker

April 18, 2024

CERTIFICATE OF COMPLIANCE WITH EIGHTH CIRCUIT RULE 28A(h)

Pursuant to this Court's Rule 28A(h), I hereby certify that the electronic version of this Brief of Amicus Curiae American Booksellers for Free Expression; Association of American Publishers, Inc.; Authors Guild, Inc.; Comic Book Legal Defense Fund; Educational Book and Media Association; Freedom To Learn Advocates; Half Price Books, Records, Magazines, Inc.; Independent Book Publishers Association; National Press Photographers Association; National Writers Union; and Sisters in Crime has been scanned for viruses and is virus-free.

/s/ Rebecca Hughes Parker

April 18, 2024

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2024, the foregoing document was served on all parties or their counsel of record through the CM/ECF system.

/s/ Rebecca Hughes Parker

April 18, 2024