

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TAMER MAHMOUD, et al.,

Plaintiffs,

v.

MONIFA B. MCKNIGHT, in her official
capacity as Superintendent of the
Montgomery Board of Education, et al.,

Defendants.

Case No. 8:23-cv-01380-TJS

**THIRD DECLARATION OF
ERIC BAXTER IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

I, Eric Baxter, declare as follows:

1. I am Vice President and Senior Counsel at the Becket Fund for Religious Liberty. I represent Plaintiffs in this matter.

2. On June 8, 2023, Robert Stephen McCaw submitted an open records request to the Montgomery County Public Schools (MCPS) regarding its no-opt-out policy regarding newly introduced reading materials and teacher-led discussions about issues involving gender, family life, and other related topics. McCaw Decl. at 1.

3. On July 17, 2023, MCPS responded to McCaw's request by sending documents that included, inter alia, a letter written by MCPS principals to the School Board. McCaw Decl. Exs. A, B.

4. In the MCPS principals' letter to the School Board, the principals refer to three "Supporting Documents" that the School Board provided as part of the "distribution, communication, and messaging around the LGBTQ+ supplemental books and materials." McCaw Decl. Ex. B at 8, 10.

5. The July 17, 2023 response by MCPS to McCaw's request included the second of the three "Supporting Documents" referenced by the principles. *See* Second Baxter Decl., Ex. 1.

6. On August 16, 2023, in response to a July 27, 2023 request by Robert Stephen McCaw to secure the documents that should have—but were not—provided by MCPS in response to the July 17, 2023 request, MCPS responded by sending the first and third “Supporting Documents” referenced by the principles.

7. Attached as **Exhibit 1** is a true and accurate copy of Mr. McCaw’s July 27, 2023 letter seeking to secure the unprovided documents from MCPS.

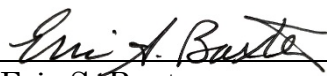
8. Attached as **Exhibit 2** is a true and accurate copy of MCPS’s August 16, 2023 response letter to Mr. McCaw.

9. Attached as **Exhibit 3** is a true and accurate copy of the first of the three documents referred to by the MCPS elementary school principals as the “Sample Student Call-Ins” document. *See* McCaw Decl. Ex. B at 10 ¶ 8(a).

10. Attached as **Exhibit 4** is a true and accurate copy of the third of the three documents referred to by the MCPS elementary school principals as the “Responding to Caregivers / Community Questions” document. *See id.* at 10 ¶ 8(c).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 16th day of August, 2023.


Eric S. Baxter