

# **EXHIBIT B**

**Declaration of Mary Marshall  
In Support of Intervention**

**UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO**

LINDSAY HECOX, and JANE DOE with her  
next friends JEAN DOE and JOHN DOE,

*Plaintiffs,*

v.

BRADLEY LITTLE, in his official capacity  
as Governor of the State of Idaho; SHERRI  
YBARRA, in her official capacity as the  
Superintendent of Public Instruction of the  
State of Idaho and as a member of the Idaho  
State Board of Education; THE  
INDIVIDUAL MEMBERS OF THE STATE  
BOARD OF EDUCATION, in their official  
capacities; BOISE STATE UNIVERSITY;  
MARLENE TROMP, in her official capacity  
as President of Boise State University;  
INDEPENDENT SCHOOL DISTRICT OF  
BOISE CITY #1; COBY DENNIS, in his  
official capacity as superintendent of the  
Independent School District of Boise City #1;  
THE INDIVIDUAL MEMBERS OF THE  
BOARD OF TRUSTEES OF THE  
INDEPENDENT SCHOOL DISTRICT OF  
BOISE CITY #1, in their official capacities;  
THE INDIVIDUAL MEMBERS OF THE  
IDAHO CODE COMMISSION, in their  
official capacities,

*Defendants.*

Case No. 1:20-cv-00184-DCN

**DECLARATION OF MARY MARSHALL  
IN SUPPORT OF INTERVENTION**

I, Mary Marshall, declare as follows:

1. I am a twenty-year old resident of Twin Falls, Idaho.
2. I am a rising junior and female athlete at Idaho State University in Pocatello,

Idaho, where I compete in cross-country and track and field athletic competitions.

### ***Athletics Background***

3. I first started playing basketball at seven or eight years old, and I continued through my sophomore year of high school. I enjoyed the competition, the adrenaline rush, and the sheer fun of the game.

4. In 8th grade, I started running track. And in my sophomore year of high school, I also took up cross-country to get in shape for basketball. But to my surprise, I realized that I loved running *more* than playing basketball! So, I kept running cross-country and track, and dropped basketball my junior year.

5. I discovered that I am good at running. In two back-to-back years, my high school medley relay team won the State championship in our division. And in my senior year of high school, I won the State championship in the 800-meter for my division.

6. I love to run. It gives me confidence, improves my mood, and allows me to better myself while also taking in the sights of our beautiful state. But being a competitive female athlete is about more than just running long distances. It is about community. My teammates have become my closest friends. We push each other to be our best, help one another through disappointments and losses, and cheer one another on as we celebrate victories. We travel together for sporting events and share hotel rooms. It's like a sisterhood! We enjoy one another so much that we even spend our free time together. Through running competitively, I have made some of my closest friends.

### ***Competing in Women's Collegiate Athletics***

7. I chose to attend college at Idaho State University (ISU) because it is close to home and I really liked my track coaches. I am grateful to be one of the lucky ones to benefit from a women's track scholarship.

8. In college, I am primarily a mid-distance track athlete, focusing on shorter distances like the 800-meter and the mile. But I also compete in cross-country to stay in shape. In cross-country, I generally compete in the 5k.

9. Training is hard work. On Tuesdays and Thursday, I usually have a two-hour workout with my team. On the alternate days, my teammates and I get together for a five-to-six mile run. Additionally, we have an hour-long weightlifting session on Mondays and Wednesdays.

10. But in the fall of my sophomore year of college, I learned that I would be racing against a male who identifies as female, who was competing on the University of Montana women's team. I was appalled. I do not know how anyone could think this is fair to female athletes. Male runners are naturally faster than females.

11. I raced against male athlete June Eastwood not once, but twice. The first was in the Montana State Cross-Country Classic 3-mile event in the fall of 2019. The second was in January 2020 at the Stacy Dragila Indoor mile event. I lost both times.

12. When I lose to another woman, I assume that she must train harder than I do and it drives me to work harder. If I lose to a man, it feels completely different. It's deflating. I wonder whether he has to work as hard as I do, whether he was even trying, or was that an easy race for him. It makes me think that no matter how hard I try, my hard work and effort will not matter.

13. Members of the men's track team sometimes do easy runs with me and my teammates on the women's track team. But we women are under no illusion that we would be competitive in a race against these men. Even our easy runs are at different paces. For example, an easy run for women is usually at an 8:30 pace, while an easy pace for men is around 7:30.

14. I have previously competed against Boise State University's women's track team. I now understand through this litigation that male athlete Lindsay Hecox intends to try out for the Boise State women's track team this fall. Without legal protections for the female category, I fear this will continue.

15. I have three more years of track and cross country NCAA eligibility, and I intend to compete in cross-country during fall 2020, and track during winter and spring 2021. I plan to use all remaining years of my NCAA eligibility.

*Fairness in Women's Sports*

16. I first heard about Idaho's H.B. 500 Fairness in Women's Sports Act over Christmas break in 2019. I was really excited and wanted it to pass.

17. I have personally seen the negative impact on women when Eastwood was allowed to compete against them, and I fear that if men only need to "identify" as women in order to compete in the women's category, it will have many harmful effects on women's sports, and on women in general. I want to stop this before it becomes popular. I enthusiastically support Idaho's Fairness in Women's Sport Act.


18. I want to preserve the camaraderie and sisterhood that comes from competing with and against females only. I want to see our sports hold on to the real category of girls and women, and to specially protect those who are in that group. Having males in our teams and competitions will change the whole experience and meaning of women's sports.

19. I want other young women to benefit from sports as I did. I did well in high school sports. But if a boy had decided to compete against me in basketball, or track, or cross-country, I am not sure that I would have kept on competing. The hope for success drives effort. If

I knew that I could not win, or would have to compete against boys, I might have dropped out of sports altogether. I'm certain that many female athletes would feel the same.

20. That idea concerns me. Sports have played such an important role in my life. It taught me how to work in groups and as a team. It taught me how to persist through disappointment. It taught me that if I put in the work, I will get the results. It taught me to respect rules and see the importance of them. It has taught me how to interact with people I do not know, and how to respond to those in authority over me. It has given me the confidence to pursue business and economics studies at ISU, to think I can succeed as an entrepreneur and business owner someday, and to make plans to do so. These are the benefits that I want to preserve for the next generation of women. These are the benefits that I think will not be available in the way they were for me if females are demoralized by having their sports altered by opening them to male athletes.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

  
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Mary Marshall  
Signed May 20, 2020