



# Lawsuit Looks to Ban Male Player From Female Volleyball Tournament

Several female volleyball players have [brought a lawsuit](#) against the Mountain West Conference and the National Collegiate Athletics Association (NCAA). They claim their rights are being trampled since a biological male is being allowed to compete as a female in the sport.

Five teams have forfeited matches rather than compete against Brayden “Blaire” Fleming, a transgender person who grew up as a male but has since “transitioned” into female. An emergency hearing was held on Thursday in hopes that the matter might be resolved prior to the start of the Mountain West Conference tournament next week.

Plaintiffs believe Fleming has an advantage over female players, and are concerned that he shares a locker room with females.

## The Hearing

Judge S. Kato Crews, a Biden appointee, assured the litigants that he would attempt to rule in a “timely fashion.” The judge heard three hours of oral arguments on Thursday. However, he denied witness testimony, even though several plaintiffs had already made plans to attend the hearing for that purpose.

When Crews began the hearing he stated that he would be referring to Fleming with the pronouns “she/her,” but didn’t demand that all litigants do so. An attorney for the California State University system, one of the defendants, argued that Fleming’s name shouldn’t be used and that he should be given a pseudonym, but the judge denied that request.

Utah State University joined the lawsuit on behalf of Kaylie Ray, one of their players. The school was among the five teams that [forfeited](#) to San Jose State during the season,

“Female athletes deserve the right to a safe playing field, fair competition and equal opportunities,” Utah’s Governor Spencer Cox, House Speaker Mike Schultz, and Senate President Stuart Adams said in a joint statement Monday urging Utah State to get involved in the lawsuit.

## Plaintiffs’ Concerns

Plaintiffs are seeking an injunction that would prohibit Fleming from participating in the tournament. They also seek a removal of the defeats schools suffered when they forfeited matches to San Jose State, Fleming’s team. And they would like to see those San Jose State victories vacated.

Among the plaintiffs’ chief concerns are that the conference violated its own bylaws when it enacted its Transgender Participation Policy (TPP) in September without having a formal vote by conference board members. In other words, conference bureaucrats enacted a policy basically in secret.



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Written by [James Murphy](#) on November 23, 2024

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“Our clients should not be bound by a rule that was hidden from them,” an attorney for Utah State argued.

Defense attorneys admitted that there was no vote on the addition of the TPP. They maintain that the Mountain West Conference staff added it because of “public interest.”

The lawsuit as a whole centers on whether defendants ran afoul of Title IX and the First Amendment. However, the emergency hearing was focused on whether Fleming would be allowed to play in the upcoming conference tournament.

Do females deserve their own athletic competitions or not? Fleming may dress as a woman. He may have been surgically altered to look like a woman. However, his DNA has not been changed, and, biologically speaking, he’s still a man.

The Mountain West Conference tournament is scheduled to begin on Wednesday.



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