

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

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KYLE FELLERS, ANTHONY FOOTE,  
NICOLE FOOTE, and ELDON RASH,

Plaintiffs,

v.

MARCY KELLEY, Superintendent of  
Schools, State Administrative Unit 67, in  
her official and individual capacities;  
MICHAEL DESILETS, Athletic Director,  
Bow High School, in his official and  
individual capacities; MATT FISK,  
Principal, Bow High School, in his official  
and individual capacities; PHILLIP  
LAMY, Lieutenant, Bow Police  
Department, in his individual capacity;  
STEVE ROSSETTI, referee, New  
Hampshire Interscholastic Athletic  
Association, in his individual capacity;  
and BOW SCHOOL DISTRICT;

Defendants.

Case No. 1:24-cv-311

DECLARATION OF ELDON L. RASH

I, Eldon Rash, declare the following based on my personal knowledge:

1. I live in Bedford, New Hampshire. I am 80 years old, and my granddaughter is a senior at Bow High School, where she plays on the varsity girls' soccer team and swims for the varsity girls' swim team.

2. I believe that girls' and women's sports teams should be restricted to people who were born female. I believe that allowing males to play women's sports undermines fair competition and puts female athletes at risk for physical and mental injury. I support the recently enacted state law that limits participation in interscholastic girls' sports teams to females.

3. On September 17, I attended Bow High School's varsity girls' soccer game with my wife. The soccer game occurred at the Bow High School soccer field, which is public property and part of the public high school's campus. I sat down close to mid-field and watched the first half of the game with the other attendees.

4. At the time, I was not aware of the controversy over Bow School District forbidding people who attend the game from protesting in support of girls' and women's sports. Nor was I aware that some parents had purchased pink wristbands to wear at the game to protest the decision to allow males to play against females.

5. During the second half of the game, I heard commotion behind me. I turned around and saw Kyle Fellers, who is my granddaughter's father. I asked him what was going on, and he explained that some people were harassing him about his pink wristband, which he had taken off when I turned around.

6. There was no commotion or disruption of the game until people began confronting Fellers and other spectators about wearing wristbands. Most people at the game would probably not have noticed the wristbands—just as I did not notice them—if school officials had simply ignored the wristbands.

7. I asked Kyle what the issue with the wristband was about, and he explained that he was wearing it to demonstrate against boys and men playing in girls' and women's sports. Although I did not know anything about the protest before hearing Kyle explain it to me at the soccer field, I agreed with Kyle and the other parents that men should not be playing in women's sports. I also did not like that people were harassing Kyle for expressing his views by wearing a pink wristband. I told Kyle to give me his wristband, and I put it on.

8. I wore the pink wristband because I agreed with Kyle's view about girls' and women's sports. But I also wore it to protest against the people intimidating and harassing others for simply wearing a wristband and expressing their beliefs.

9. I continued watching the soccer game while wearing the pink wristband. At the time, I did not even realize the wristband had two Xs on it, and I'm not sure how visible those Xs were. It looked just like a breast cancer awareness band to me. I did not shout or chant about biological men playing in women's sports or do anything else to disrupt the game while wearing the wristband.

10. After several minutes, Principal Matt Fisk came over and told me to take the wristband off. Fisk did not introduce himself, and I did not know that he was the principal or anyone associated with the school. I told him I would not take the wristband off. He said this was private property, and he told me to take it off three or four more times. Each time I said no.

11. Athletic Director Mike Desilets then came over. He also did not introduce himself, and I did not know who he was. He did not speak to me but stood with Fisk.

12. Fisk told me they were shutting the game down. I do not like people trying to intimidate me, so I told him to go ahead. The game then stopped for several minutes. During this time, Fisk continued to tell me to take the wristband off and I refused. The referee, Steve Rossetti, also told me to take the wristband off. After a while, they threatened to cancel the game for good.

13. Several people in the crowd yelled at me while the game had stopped, telling me to take the wristband off. My wife, who was not involved in any of this but was sitting next to me, started to get upset. I could tell this was traumatic for her, as well as potentially for my granddaughter, so I decided to take the wristband off and set it in my lap. The two Xs were not visible, but the wristband remained visible in my lap. The game started back again.

14. My wife and I eventually left. Before doing so, several other individuals came up to us and said they respected what we were doing. I had no altercations with anyone who had a different viewpoint, other than having had some people yelling at me to take the wristband off so the game could start back.

15. I am aware that after the game, Kyle and another parent, Anthony Foote, received a No Trespass Order banning them from school property because they wore pink wristbands to the soccer game.

16. I attend soccer games and other extracurricular events at Bow High School regularly. I intend to attend several of the remaining soccer games on the schedule, as well as swim meets, cross country meets, and other events for the foreseeable future during this year and in future years. I am against the decision to allow boys and men to play girls' and women's sports, and I am also against how Bow School District has prohibited parents and others from protesting against this decision on school property. I would like to silently protest these decisions at future extracurricular events by wearing a pink wristband on the sidelines. I believe, however, that doing so would violate Bow School District policy, and I worry that Defendants would take out a No Trespass Order against me as well.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 2, 2024.

  
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Eldon L. Rash