

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

August Dekker, et al.,

Plaintiffs, Case No. 4:22-cv-00325

v.

Jason Weida, et al.,

Defendants

**UNOPPOSED MOTION TO FILE AMICUS BRIEF OF
CALIFORNIA, DELAWARE, DISTRICT OF COLUMBIA,
ILLINOIS, MARYLAND, MASSACHUSETTS, NEW YORK,
OREGON AND RHODE ISLAND AS *AMICI CURIAE* IN
SUPPORT OF PLAINTIFFS' OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT**

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Amici curiae hereby respectfully move this Honorable Court, under its inherent authority and based on the fact that all parties consent, for leave to file the attached brief of *amici curiae*. In support of this motion, *amici curiae* state:

1. *Amici curiae* are the States of California, Delaware, District of Columbia, Illinois, Maryland, Massachusetts, New York, Oregon, and Rhode Island (collectively, “*amici*”).

2. Amici respectfully move for leave to file the attached amicus brief to support the Plaintiffs’ challenge to the adoption of the Rule 59G-1.050(7), to support the Plaintiffs’ request for declaratory and injunctive relief, and to oppose Defendants’ motion for summary judgment. Amici have met and conferred with the parties in good faith as required by the Local Rules and understand that both Plaintiffs and Defendants consent to the filing of amici’s brief.

3. Amici States strongly support transgender people’s right to live with dignity, be free from discrimination, and have equal access to healthcare. The pervasive discrimination against transgender people within the healthcare system nationwide is well-documented, as are the tangible economic, emotional, and health consequences suffered as a result. Discrimination, exclusion, and denial of care on the basis of transgender status cause direct economic, emotional, and health harms including an increased risk of depression, anxiety, substance abuse, and suicide. To support the health and

dignity of transgender people and prevent these injuries, amici States have adopted laws and policies, including through their Medicaid programs, to ensure access to gender-affirming healthcare and combat discrimination.

Accordingly, *amici* respectfully request an order granting leave to file the attached brief of *amici curiae*.

MEMORANDUM OF LAW IN SUPPORT OF MOTION

Amici seek to assist this Court in an area that is within their expertise. District courts have the discretion to accept *amicus* briefs. *Bayshore Ford Trucks Sales, Inc. v. Ford Motor Co. (In re Ford Motor Co.)*, 471 F.3d 1233, 1249 n.34 (11th Cir. 2006). “Courts have recognized that permitting friends of the court may be advisable where the third parties can contribute to the court’s understanding of the matter in question.” *Conservancy of Sw. Fla. v. United States Fish & Wildlife Serv.*, 2010 U.S. Dist. LEXIS 94003 at *3 (M.D. Fla. Sept. 9, 2010).

Amici seek to fulfill the important role of *amicus curiae* by assisting in a case of public interest, supplementing the efforts of counsel, and drawing the Court’s attention to information that may have escaped consideration. *See United States v State of Michigan*, 940 F.2d 143, 164-65 (6th Cir. 1991) (“[The] purpose [of an *amicus* brief is] to provide impartial information on matters of law about which there was doubt, especially in matters of public interest.”); *Miller-Wohl Co., Inc. v. Comm’r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982) (“[A]mici fulfill[] the classic

role of amicus curiae by assisting in a case of general public interest, supplementing the efforts of counsel, and drawing the court's attention to law that escaped consideration.”).

Due to the nature of the issues in the instant case, the special interest of the *amici*, the consent of all parties, and the relevance of the proposed amicus brief, we respectfully request the Court grant *amici*’s motion for leave to file the amicus brief.

CONCLUSION

For the foregoing reasons, *amici* respectfully request that this Court grant their motion for leave to file their proposed amicus curiae brief (attached hereto) to support the Plaintiffs’ challenge to the adoption of the Rule 59G-1.050(7), to support the Plaintiffs’ request for declaratory and injunctive relief, and to oppose Defendants’ motion for summary judgment.

Dated: April 28, 2023

Respectfully submitted,

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/s/ KATHLEEN BOERGERS

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CERTIFICATE OF WORD COUNT

According to the word processing system used to prepare this brief, Microsoft Word, there are 263 total words contained within the Motion, and there are 326 words contained within the Memorandum of Law.

/s/ Kathleen Boergers
Kathleen Boergers

CERTIFICATE OF SATISFACTION OF ATTORNEY-CONFERENCE REQUIREMENT

Pursuant to Local Rule 7.1(B), counsel for *amici* conferred with counsel for the parties on April 28, 2023. Plaintiffs and Defendants consented to the filing of *amici*'s brief.

/s/ Kathleen Boergers
Kathleen Boergers

CERTIFICATE OF SERVICE

I hereby certify that, on April 28, 2023, this motion was filed through the Court's CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Kathleen Boergers
Kathleen Boergers