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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO

MH, TB, KB, SG, AC, BM, individually, and
G Doe, by and through her parents and next
friends, JANE Doe and JOHN Doe,

Plaintiffs,

vs.

ALEX ADAMS, in his official capacity as the
Director of the Idaho Department of Health
and Welfare; Dr. MAGNI HAMSO, in her
official capacity as the Medical Director of the
Idaho Division of Medicaid and individually;
and the IDAHO DEPARTMENT OF
HEALTH AND WELFARE,

Defendants.

CASE NO. 1:22-CV-409-REP

MOTION FOR PARTIAL SUMMARY
JUDGMENT AND FOR A
PERMANENT INJUNCTION

COME NOW Plaintiffs, by and through their counsels, Howard A. Belodoff, Idaho Legal Aid Services, Inc. and Jane Gordon, Jane Gordon Law, pursuant to Rule 56(a)-(b) and Rule 65(d) of the Federal Rules of Civil Procedure and Idaho Local Rule 7.1, to hereby move for a Partial Summary Judgment and Permanent Injunction under the Amended Complaint's Second

Claim for Relief for violation of the Medicaid Act’s Availability Requirements, 42 U.S.C. § 1396a(a)(10)(A) and 42 U.S.C. § 1396a(a)(19), and the Third Claim for Relief for violation of the Medicaid Act’s Comparability Requirements, 42 U.S.C. § 1396a(a)(10)(B) and 42 U.S.C. § 1396a(a)(19). This Motion requests the Court issue a permanent injunction enjoining the enforcement of the Medicaid Exclusion and Idaho Code §18-8901 and Idaho Code § 56-270 (“HB 668”) prior to the new statutes becoming effective July 1, 2024. A permanent injunction is necessary to prevent Plaintiffs from suffering irreparable harm because their gender-affirming care, that is being reimbursed and covered by Medicaid, from being discontinued, delayed, and denied in violation of the Medicaid Act. The Medicaid Exclusion and HB 668 prohibit transgender Medicaid participants diagnosed with gender dysphoria from receiving gender-affirming care while exempting cisgender Medicaid participants who can receive the same or similar medical treatment for other medical conditions.

A Memorandum in Support of Plaintiffs’ Motion for Partial Summary Judgment, a Statement of Material Facts, and Declarations are being filed in support of the Motion. Based upon the undisputed material facts Plaintiffs are entitled to a Partial Judgment as a matter of law and a Permanent Injunction.

DATED: June 12, 2024.

IDAHO LEGAL AID SERVICES, INC.

/s/ Howard A. Belodoff
Howard A. Belodoff

JANE GORDON LAW

/s/ Jane Gordon
Jane Gordon
Attorneys for Plaintiffs