

No. 03-24-00241-CV

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IN THE COURT OF APPEALS FOR THE  
THIRD DISTRICT OF TEXAS AT AUSTIN

OFFICE OF THE ATTORNEY GENERAL  
OF THE STATE OF TEXAS, et al.,

*Appellant,*

v.

PFLAG, INC.

*Appellee.*

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On Appeal from the 261<sup>st</sup> Judicial District of Travis County, Texas  
Cause No. D-1-GN-24-001276, Hon. Amy Clark Meachum

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**APPELLANT'S RESPONSE TO APPELLEE'S EMERGENCY MOTION  
FOR TEMPORARY INJUNCTIVE RELIEF PURSUANT TO RULE 29.3**

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## **To the Honorable Justices of the Third Court of Appeals:**

There is no emergency in this case. The Office of the Attorney General (OAG) is statutorily incapable of obtaining a single document from Appellee PFLAG without a Court order affirmatively compelling such production. Tex. Bus. & Com. Code 17.62(b). That is true irrespective of whether a temporary injunction barring OAG from taking enforcement action is in place. A temporary injunction simply does not offer PFLAG any relief above and beyond what the statute provides. That is at least one reason why federal courts have refused to even hear claims for a preliminary injunction against this same investigative tool; there is no possibility that a recipient will experience imminent harm absent the relief. *Twitter v. Paxton*, 56 F.4<sup>th</sup> 1170, 1176 (9<sup>th</sup> Cir. 2022) (“[T]o complain about the [document demand] in this posture is to speculate about injuries that have not and may never occur.”). For that reason, among others, this Court should deny PFLAG’s motion.

PFLAG’s emergency motion, however, appears to ask this Court for something quite a bit more extraordinary; namely, it invites this Court to *create* an emergency. Specifically, PFLAG appears to ask this Court to enjoin OAG from *filing pleadings* in the ongoing case below. For example, PFLAG says (wrongly) that the “trial court sought to enjoin” OAG from even filing a “*Counterclaim*,” and it wants this Court to enter an injunction to that effect. PFLAG Emergency Motion at 32. PFLAG also seems to believe that OAG should be enjoined from “seek[ing]

reconsideration of the” order that the trial court entered below. *Id.* at 24. It would be extraordinary, unprecedented, and unconstitutional for *any* court to grant that relief. Outside of the vexatious litigant statute, it is unheard of for a court to bar any party—much less the Office of the Attorney General—from filing pleadings in an ongoing court case.

Moreover, PFLAG’s emergency filing is of a piece with multiple other aspects of its litigation conduct where it has acted to create emergencies rather than extinguish them. For example, before initially seeking relief below, PFLAG demanded that OAG withdraw its investigative demands for documents, and explained that absent a withdrawal, PFLAG would seek a Temporary Restraining Order. App’x D.<sup>1</sup> OAG actually offered to fully withdraw the demands, provided that PFLAG allowed OAG to conduct a deposition of a PFLAG representative. *Id.* This mechanism would have permitted PFLAG to fully vindicate its alleged right to withhold protected information from OAG—its deponent could simply be instructed not to answer any questions implicating protected information. But PFLAG sought emergency relief below anyway. Then, OAG sought to narrow the scope of information sought in the investigative demands, specifically to make crystal clear that it was *not* seeking a single piece of information that would identify a PFLAG

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<sup>1</sup> Citations to the “App’x” herein are to the Appendix provided as an attachment to PFLAG’s emergency motion. Citations to “Supp. Appx” are to the Supplemental Appendix attached to this response.

member. *Compare* PFLAG’s Emergency Motion at 2 (claiming OAG seeks “information that would reveal members’ identities”) *with* App’x M ¶ 24 (“For the avoidance of any plausible doubt, the Attorney General’s office does hereby acknowledge that its Demands do not seek, and therefore is not entitled to, information that would reveal the identities of PFLAG members.”). PFLAG has bizarrely rejected this concession because, in PFLAG’s words, the concession would “disrupt the status quo.” *Id.* ¶ 27. And now, PFLAG comes to this Court in an “emergency” posture ostensibly seeking protection over those same documents!

PFLAG’s emergency motion should be denied.

### **BACKGROUND**

The Consumer Protection Division of the OAG is currently investigating various forms of insurance fraud related to the provision of certain medical treatment. Supp. App’x A ¶ 5 (OAG affiant). Specifically, OAG is aware of information showing that medical providers may be fraudulently prescribing hormones under the guise of treating an “endocrine disorder” when in fact the hormones are for a different condition. *Id.* As just one example, one specific medical provider acknowledges on its website that some insurers “automatically reject payments for ‘gender-incongruent’ treatments.” *Id.* at Ex. 1. That medical provider self-avowedly “do[es] [not] agree with this,” and so it issues “prescriptions under the diagnosis of ‘endocrine disorder’” as a loophole to get insurer approvals. *Id.* It is



squarely within the Consumer Protection Division’s authority under the Deceptive Trade Practices Act (DTPA) to police this activity because the Division is statutorily charged with enforcing against any “[f]alse, misleading, or deceptive acts or practices in the conduct of any trade or commerce.” Tex. Bus. & Com. Code § 17.46(a).

The Consumer Protection Division believes that PFLAG has information that is highly relevant to these fraud investigations. Namely, PFLAG’s CEO submitted an affidavit in unrelated litigation challenging Texas law on gender transitioning, and that affidavit contains peculiar language suggestive that PFLAG is aware of entities who are engaged in the aforementioned insurance fraud, or other highly similar conduct. That affidavit discusses the concepts of “contingency plans” for people having trouble obtaining this treatment, “alternative avenues” to obtaining the treatment, and specific kinds of “practitioners” who would ostensibly facilitate the “contingency plans” or “alternative avenues.” *See* PFLAG Emergency Motion at 12 (reproducing the critical section of this affidavit).

Accordingly, on February 5, 2024, the Consumer Protection Division issued a Civil Investigative Demand (CID) under DTPA Section 17.61 to PFLAG demanding documents relevant to Mr. Bond’s statements. App’x A. Although the Consumer Protection Division does not currently believe that PFLAG *itself* is violating the DTPA, the CID is a proper investigative tool to gain information from

“*any* person” with relevant material. Tex. Bus. & Com. Code § 17.61(a). The Consumer Protection Division also issued a Demand for Sworn Written Statement (DSWS) under DTPA Section 17.60(1). App’x B. The DSWS demands that PFLAG provide written answers to certain questions, much like responses to interrogatories. Collectively the CID and DSWS are referred to as “the Demands.”

Importantly, *the Demands are not self-enforcing*. If a recipient refuses to produce documents, and OAG wishes to compel production, the DTPA “requir[es] OAG to petition for an order of the court to enforce.” *Twitter*, 56 F.4th at 1176 (addressing this exact statute); Tex. Bus. & Com. Code § 17.62(b). Until after such an order issues, a party in receipt of OAG’s demands “never face[s] any penalties for [a] refusal to comply.” *Twitter*, 56 F.4th at 1176. “And enforcement is no rubber stamp: If OAG seeks to enforce the [demands], it must serve the recipient with the petition, the state court can conduct hearings to determine whether to order enforcement, and the recipient may appeal to the Texas Supreme Court.” *Id.* “So to complain about” OAG’s investigative demands before an adverse ruling issues “is to speculate about injuries that have not and may never occur.” *Id.*

Nevertheless, on February 28, PFLAG indicated its intention to seek emergency relief in the form of a TRO against enforcement of the Demands. App’x D. That is where OAG made its first of many attempts to defuse the ostensible “emergency.” Specifically, OAG represented that it would “withdraw our CID and

demand for sworn statement if PFLAG will put up [CEO] Bond for an Examination under Oath.” *Id.* (February 28, 2024 1:03PM email). PFLAG rejected that offer, declined to continue meeting and conferring, and immediately filed its application for a TRO. *Id.* (February 28, 2024 5:01PM email).

On March 1, 2024, the District Court entered a TRO. PFLAG’s application for TRO, however, was highly informative to OAG on the nature of PFLAG’s substantive objections to the Demands. Namely, PFLAG’s TRO application emphasized the principal problem with the Demands was that they “require the disclosure of the identifies of PFLAG’s members” and so allegedly “violate PFLAG and its members’ right to freedom of association and assembly.” App’x E at 34.<sup>2</sup> Based on this information, OAG then made a second attempt to defuse the situation and prevent further unnecessary proceedings. Namely, OAG repeatedly clarified—and indeed, conceded—that the Demands do not in any way seek for PFLAG to identify any members. *See Word of Faith World Outreach Center v. Morales*, 986 F.2d 962, 968-69 (5th Cir. 1993) (Attorney General’s stipulation “that he no longer

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<sup>2</sup> *See also* App’x E at 33 (“Because the Demands explicitly target the PFLAG member families with transgender adolescents, and the instructions to the Demands do not permit any redactions, requiring PFLAG to provide that information or communications with those members will chill Texas families from becoming members of PFLAG.”); *id.* at 35 (“The Demands require PFLAG to ‘Identify’ its members”); *id.* at 36 (“Forcing PFLAG to disclose its members to the OAG . . . will have a chilling effect on PFLAG’s membership.”); *id.* at 37 (contending “PFLAG’s members have factual, non-speculative evidence that disclosure of their identities will subject them to political reprisal”); *id.* at 38 (contending the “Demands are a continuation of the OAG’s systematic efforts to identify and isolate transgender individuals and their families”).

seeks to discover the [opponent’s] membership or list of contributors” served to “materially alter[] or even eliminate[] the” First Amendment concern). It first did so through a “Motion to Modify” the TRO, informing the Court and PFLAG that OAG did not seek information identifying PFLAG members. Supp. App’x B.<sup>3</sup> The Court never ruled on the Motion to Modify, and the TRO eventually lapsed. Then, as part of a counterclaim for enforcement of the Demands, OAG again emphasized that “[f]or the avoidance of any plausible doubt, the Attorney General’s office does hereby acknowledge that its Demands do not seek, and therefore is not entitled to, information that would reveal the identities of PFLAG members.” App’x M ¶ 24. PFLAG bizarrely refused this concession because, in PFLAG’s words, the concession would “disrupt the status quo.” *Id.* ¶ 27.

On March 25, 2024, the District Court issued a temporary injunction that, among other things, enjoined OAG “from demanding information or documents from PFLAG that would reveal the identities or private communications of PFLAG, its officers, members, chapters, agents, servants, employees, attorneys, and associated persons, including but, not limited to, volunteers and donors.” App’x C.

On April 12, OAG filed a notice of appeal of the temporary injunction. App’x K. That had the effect of automatically superseding the temporary injunction. *In re*

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<sup>3</sup> Mechanically, out of an extreme abundance of caution, the Motion to Modify functionally sought the Court’s blessing to that concession.

*Texas Educ. Agency*, 619 S.W.3d 679, 680 (Tex. 2021). On that same day, OAG also filed a counterclaim under Section 17.62(b) of the Business and Commerce Code. App’x L, M.<sup>4</sup> The counterclaim recognized that “the rationale underlying the Court’s entry of a temporary injunction equally serves as a basis to deny this [counterclaim].” App’x M ¶ 25. But the counterclaim was compulsory and necessary to preserve all of OAG’s rights now and in further appellate proceedings. On April 17, this Court “reinstate[d] the trial court’s March 25” temporary injunction “[t]o preserve the status quo while the Court considers” PFLAG’s emergency motion.

### ARGUMENT

PFLAG’s emergency motion should be denied for three reasons.

*First*, there is no emergency; indeed, there is no possibility of harm warranting relief at all. The status quo is that PFLAG has not given OAG any documents or information, and it is not under any order to give OAG documents or information. Under the Business and Commerce Code, that status quo cannot change absent an intervening court order. There is no indication that such order is forthcoming below; indeed, the District Court’s temporary injunction order strongly suggests that it will *never* enter such an order.

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<sup>4</sup> The counterclaim was re-filed on April 15 after the District Court indicated that it was first filed in a procedurally defective way on April 12.

*Second*, PFLAG’s emergency motion paradoxically invites this Court to *create* an emergency. Namely, PFLAG indicates that it wants an injunction *preventing OAG from even filing certain pleadings in the litigation below*, such as OAG’s counterclaim or a motion to reconsider. Such an injunction is unheard of, and would be constitutionally impermissible.

*Third*, PFLAG’s merits arguments for withholding information from OAG are all wrong. The reasons why are explained in brief below, and OAG will further develop those arguments at the merits stage in this proceeding.

**A. No relief is necessary to preserve the status quo.**

PFLAG recognizes (at 20) that an injunction would be warranted here only if “necessary to preserve the status quo.” It is, however, impossible for PFLAG to make that showing, because PFLAG is at no risk of surrendering its documents or suffering any other adverse harm in the absence of the relief it requests.

The DTPA’s provisions governing judicial review, and the conditions under which OAG may require a party to hand over information, show conclusively that PFLAG is under no threat of injury right now—much less is there any emergency. Specifically, the Consumer Protection Division’s investigative demands under the DTPA are “not self-enforcing.” *Twitter*, 56 F.4th at 1174. Instead, the DTPA sets up a bifurcated process by which (A) recipients of an investigative demand can challenge that demand in Court, Tex. Bus. & Com. Code § 17.61(g), or (B) OAG

can petition a Court to enforce its demands, *id.* § 17.62(b). When recipients of an investigative demand affirmatively challenge the demand, a court has the option to “set aside” the demand if the court finds the demand to be unlawful—such as if it seeks constitutionally protected information. *Id.* § 17.61(g). If a recipient obtains such a “set aside” order, it is as if the demand never existed, and so the recipient is subject to no penalties for having never complied. But even a recipient who fails to obtain such a “set aside” order is still not under a judicially enforceable obligation to produce information to OAG. That obligation arises only if OAG petitions a court to enforce its investigative demands. *Id.* § 17.62(b). And in that instance, the Court will “hear and determine” all arguments that the recipient may make for why it should not have to comply with the investigative demands. Only at the conclusion of this judicial process—after a “final order” is “entered”—would the recipient be under a judicially enforceable obligation to produce documents or information to OAG. *Id.* § 17.62(c).

This framework is exactly why the Ninth Circuit Court of Appeals concluded that a federal challenge to one of the Consumer Protection Division’s CIDs was *not even justiciable*. *Twitter*, 56 F.4th at 1170. In that case, Twitter attempted to have the federal courts enjoin enforcement of one of the Division’s CIDs. Much like PFLAG here, Twitter there argued that the CID “violated its First Amendment rights.” *Id.* at 1172. But the Ninth Circuit concluded the case was not even ripe

because “Twitter faces no [legal] consequence” warranting preliminary relief “because it can raise its First Amendment defense if Paxton moves to enforce the CID.” *Id.* at 1177.

The same reasoning controls here as in *Twitter*. No order has been entered compelling PFLAG to produce documents. Indeed, the *opposite* occurred—the District Court’s temporary injunction order indicates it will *not* order PFLAG to produce documents. PFLAG is accordingly suffering no injury, no injury is even plausibly imminent, and no emergency relief here is warranted.

Moreover, for essentially all of these reasons, it is nonsensical to speak of a “temporary injunction” in the context of a dispute about DTPA investigative demands. The DTPA provides a full suite of court proceedings and remedies when the parties are at loggerheads on the legality of OAG’s demands. *See* Tex. Bus. & Com. Code §§ 17.61(g), 17.62. A private party can never experience any harm until a court has reviewed the demands and has issued an order upholding their legality. *Id.* § 17.62(c). Under that framework, there is never a necessity for an injunction, much less emergency judicial proceedings.

**B. An injunction preventing OAG from making court filings in the proceedings below would be unlawful.**

PFLAG’s brief does not dispute any of the statutory realities set forth above; nor does it even mention the *Twitter* case. But PFLAG appears to say that relief is warranted *in order to enjoin OAG from filing pleadings in the proceedings below*.



Namely, PFLAG contends that OAG’s “counterclaim” “utterly disregards” the District Court’s temporary injunction, and that this was the exact “action against PFLAG that the trial court sought to enjoin.” PFLAG’s Emergency Motion at 32. PFLAG also indicates that OAG should be enjoined from “seek[ing] reconsideration of the temporary injunctive” order below. *Id.* at 24. Those are remarkable statements, and they indicate that PFLAG is seeking remarkable, unprecedented, and indeed unconstitutional relief.

To begin, the temporary injunction below did not enjoin OAG from filing pleadings, including a counterclaim or a motion to reconsider. All injunctions must “be specific in terms” and “describe in reasonable detail . . . the act or acts sought to be restrained.” Tex. R. Civ. P. 683. Nothing in the District Court’s injunction specifically nor reasonably describes that OAG is enjoined from filing pleadings. App’x C. Instead, the District Court’s order “enjoin[s] and restrain[s]” OAG “from taking any adverse action” in relation to the Demands. *Id.* A court pleading is not “adverse action.” Instead, and at most, OAG’s pleadings constitute a plea to the court that “adverse action” (such as an order for PFLAG to produce documents) be ordered. Moreover, the District Court’s injunction was “not specific enough” to preclude OAG’s filing of pleadings. *Whinstone US Inc. v. Rhodium 30MW*, 2024 WL 1301203, at \*4 (Tex.App.—Austin Mar. 27, 2024). It did not “define” the proscription on adverse action in a way that could reasonably put OAG on notice

that *pleadings* are enjoined. *Ramirez v. Ignite Holdings*, 2013 WL 4568365, at \*3-4 (Tex.App.—Dallas Aug. 26, 2013) (temporary injunction did not adequately “define” key term “with enough specificity” to give enjoined party “adequate notice of the acts they are restrained from doing”). Additionally, after the District Court indicated it would enter the temporary injunction below, it *specifically invited OAG to “file their petition to enforce.”* App’x J at 76:13-15.

An injunction preventing OAG from even filing pleadings would also be unlawful for at least the following four reasons.

*First*, “[r]estricting access to the courts is . . . a serious matter.” *Ringgold-Lockhart v. Cnty. of Los Angeles*, 761 F.3d 1057, 1061 (9th Cir. 2014). That is so even when the courts restrict the access of private parties, such as vexatious litigants (described more below). To OAG’s knowledge, there is no precedent for an injunction restricting an Attorney General’s authority to even file pleadings in ongoing litigation initiated by a counter-party.

*Second*, an injunction against OAG can generally enjoin only *ultra vires* actions. *Houston Belt & Terminal Ry. Co. v. City of Houston*, 487 S.W.3d 154, 161 (Tex. 2016). There is nothing *ultra vires* about the mere filing of pleadings. An *ultra vires* act, by contrast, is where an officer acts “without legal authority.” *Id.* But the DTPA specifically provides OAG with legal authority to file a counterclaim such as a petition to enforce investigative demands. Tex. Bus. & Com. Code § 17.62. There

is no plausible argument that such a statutorily authorized filing could also be *ultra vires*. See *Hall v. McRaven*, 508 S.W.3d 232, 242 (Tex. 2017).

*Third*, the counterclaim that PFLAG ostensibly claims was, or should be, enjoined is likely a compulsory counterclaim. It is a petition to enforce the Demands, and so necessarily “arises out of the transaction or occurrence that is the subject matter of” PFLAG’s underlying suit. Tex. R. Civ. P. 97. If OAG could not file that counterclaim now, then it would likely be precluded from ever filing it later. *Id.* And so, if an injunction did bar OAG from filing such a pleading now, it would work an irreversible loss of OAG’s clear rights and authorities.

*Fourth*, even if a court could ever constitutionally enjoin OAG from filing pleadings in an ongoing suit, such power would have to be specified by the Legislature. Take, for example, the vexatious litigant statutes. There, the Legislature “struck a balance between Texans’ right of access to their courts and the public interest in protecting defendants from those who abuse our civil justice system.” *Leonard v. Abbott*, 171 S.W.3d 451, 455 (Tex.App.—Austin 2005). Although those statutes impair a vexatious litigant’s access to court, they are constitutional because they are narrowly tailored to prevent “repeated filings of frivolous and malicious litigation by litigants.” *In re Potts*, 357 S.W.3d 766, 768 (Tex.App.—Houston [14th Dist.] 2011, orig. proceeding). There is nothing like that at issue here, but if the courts were to claim power to preclude OAG’s ability to file pleadings in ongoing

litigation, one would expect crystal clear guidance from the Legislature on the conditions where that is allowed. Here, there is no such guidance from the Legislature.

**C. PFLAG’s merits arguments for refusing to comply with the Demands all fail.**

PFLAG’s merits arguments for refusing to comply with the Demands all fail. OAG extensively briefed these arguments below and will further develop them at the merits stage of this appeal. The lack of emergency—indeed, lack of any injury—here is ample grounds for the Court to deny PFLAG’s emergency motion. But for the sake of completeness, OAG provides the following summary explanations why PFLAG’s merits arguments are flawed.

1. PFLAG argues (at 27) that “[a]bsent relief from this Court, nothing precludes the Defendants from demanding that PFLAG reveal the identities of its members or their private communications.” PFLAG claims (at 27) that is a problem because these communications are protected by “freedom of speech, association, and assembly.” But PFLAG is wrong factually and legally. Factually it is wrong because, as noted above, OAG has already specifically disavowed that its Demands seek the identities of PFLAG’s members. *Word of Faith*, 986 F.2d at 968-69 (Attorney General “materially alter[ed] or even eliminate[d] the federal constitutional” problem by stipulating “that he no longer seeks to discover the [party’s] membership or list of contributors”). And it is wrong legally because there is no First Amendment

privilege to shield “private communications” beyond those that would identify members. “Membership lists have a long and unique history in our constitutional jurisprudence.” *Anderson v. United States*, 298 F.3d 804, 811 (9th Cir. 2002) (Reinhardt, J., dissenting). That is why OAG is not seeking membership lists. But “private communications” enjoy no such protection. *See* Supp. App’x C at 15-17. Moreover, to assert additional First Amendment arguments, PFLAG must show “that disclosure will deter members of the association from *maintaining membership*,” a showing PFLAG cannot make now that OAG has expressly conceded that it does not seek membership information. *Wal-mart Stores, Inc. v. Texas Alcoholic Beverage Comm’n*, 2016 WL 5922315, at \*6 (W.D. Tex. Oct. 11, 2016) (emphasis added); *Gueye v. Mike Bloomberg 2020*, 2021 WL 3910341, at \*2 (N.D. Tex. Mar. 12, 2021).

In any event, Courts have upheld compelled disclosures that tread far more deeply into associational, or related, concerns. For example, in *John Doe No. 1 v. Reed*, the Supreme Court upheld that a Washington law exposing the identities of persons who “sign[ed] a petition to place” a “referendum on the ballot” regarding “benefits to same-sex couples.” 561 U.S. 186, 190 (2010). And in *In re Grand Jury 87-3 Subpoena Duces Tecum*, the Fourth Circuit concluded that “First Amendment rights” were not even “implicated” in a subpoena seeking a pornography distributor’s “customer lists.” 955 F.2d 229, 232 (4th Cir. 1992). These compelled

disclosure examples go beyond what occurred here, particularly given that OAG has broadly conceded that it is not seeking information that could identify members. Therefore, PFLAG cannot make a showing that their First Amendment rights are implicated.

2. PFLAG also argues (at 29) that “[a]bsent relief from this Court, PFLAG and its members will suffer irreparable injury to their right[]” to be “free from unreasonable searches.” That is not a serious argument. The Fourth Amendment and associated protections against unreasonable searches “at the most guard[] against abuse only by way of too much indefiniteness or breadth in the things required to be” produced to a subpoena. *Oklahoma Press Pub. Co. v. Walling*, 327 U.S. 186, 208 (1946); *Schade v. Texas Workers’ Compensation Com’n*, 150 S.W.3d 542, 550 (Tex.App.—Austin 2004) (“We find that the Fourth Amendment and its Texas counterpart at most guard against abuse by way of too much indefiniteness or breadth in the things required” to be produced). There is no plausible argument that the Demands suffer from this degree of indefiniteness. Indeed, they are unusually *narrowly* tailored, largely just seeking documentation and information underlying specific statements that PFLAG’s CEO made in a specific court filing. App’x A, B. If *that* is too indefinite, then it would doom the vast majority of the discovery mechanisms prevalent in civil litigation.

3. PFLAG then argues (at 31) that OAG is improperly “investigating PFLAG based on its participation in” other litigation. But that is a naked and fact-free assertion. To the contrary, this is not even an investigation *of* PFLAG—rather, PFLAG just appears to have relevant information to *other* investigations. And, as OAG’s declarant explained below, the Demands at issue here are based specifically on PFLAG’s CEO’s sworn statement in other litigation that he appears to be aware of information relevant to OAG’s other investigations. Supp. App’x A.

4. Finally, PFLAG argues (at 33) that the Demands violate “the existing stays on discovery” in PFLAG’s other litigations against the State. That argument has no basis in law or logic. The only Texas authority that appears to address this question provides that there is no problem with OAG investigating an entity that it is separately in litigation against. *Humble Oil & Ref. Co. v. Daniel*, 259 S.W.2d 580 (Tex.App.—Beaumont 1953, writ ref’d n.r.e.). The only limitation is that OAG cannot use information obtained in the investigation in the other litigation. *Id.* at 591.

### CONCLUSION

As no emergencies exist in this case and each of PFLAG’s arguments fail, the Court should deny Appellee’s Emergency Motion for Temporary Injunctive Relief Pursuant to Rule 29.3.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on the 25th day of April 2024, Appellant’s Brief was served on Appellee PFLAG, Inc., by and through its attorneys via e-service as indicated below:

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ATTORNEYS FOR APPELLEES

*/s/ Ryan S. Baasch* \_\_\_\_\_  
RYAN S. BAASCH

**CERTIFICATE OF COMPLIANCE**

Microsoft Word reports that this brief contains \_\_\_\_\_ words, excluding the portions of the brief exempted by Rule 9.4(i)(1).

*/s/ Ryan S. Baasch* \_\_\_\_\_  
RYAN S. BAASCH

No. 03-24-00241-CV

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IN THE COURT OF APPEALS FOR THE  
THIRD DISTRICT OF TEXAS AT AUSTIN

---

OFFICE OF THE ATTORNEY GENERAL  
OF THE STATE OF TEXAS, et al.,

*Appellant,*

v.

PFLAG, INC.

*Appellee.*

---

On Appeal from the 261<sup>st</sup> Judicial District of Travis County, Texas  
Cause No. D-1-GN-24-001276, Hon. Amy Clark Meachum

---

**SUPPLEMENTAL APPENDIX**

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Appendix A    Affidavit of Sam Weeks.

Appendix B    OAG's Motion to Modify and Clarify the Court's March 1, 2024,  
Temporary Restraining Order, filed March 19, 2024.

Appendix C    OAG's Plea to the Jurisdiction, filed March 22, 2024.

# APPENDIX A

CAUSE NO. D-1-GN-24-001276

**PFLAG, INC.,**

**Plaintiff,**

**v.**

**OFFICE OF THE ATTORNEY GENERAL  
OF THE STATE OF TEXAS; and  
WARREN KENNETH PAXTON, JR.,  
In his official capacity as Attorney General  
Of Texas,**

**Defendants.**

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**IN THE DISTRICT COURT OF**

**TRAVIS COUNTY, TEXAS**

**261<sup>ST</sup> JUDICIAL DISTRICT**

**AFFIDAVIT OF SAM WEEKS**

I, Sam Weeks, declare:

1. I am an investigator in the Consumer Protection Division (“CPD”) of the Texas Office of the Attorney General (“OAG”). I make this my declaration in this case from personal knowledge of this case and can competently attest to the facts of this declaration.
2. On or around July 7, 2023, the Consumer Protection Division became aware that medical providers may have chosen to use various false, misleading, or deceptive acts to treat children for gender dysphoria.
3. Since August 8, 2023, I have been involved, as an investigator, in an investigation of whether various medical clinics are committing fraud or other false, misleading, or deceptive acts in their treatment of gender dysphoria.
4. As part of my investigation, I have reviewed multiple public-facing pieces of information that suggest that various medical providers are in fact engaged in this conduct. I have also reviewed the secretary of state filings for each of the various medical providers.

5. Attached here, as Exhibit 1, is a true and correct copy of QueerDoc’s website “Pharmacy-options” page where QueerDoc states the following: “We usually order prescriptions under the diagnosis of “endocrine disorder” not “gender disorder”, but some plans may require paperwork which requires us to disclose gender related treatments.” (<https://queerdoc.com/pharmacy-options/>).

6. Attached hereto, as Exhibit 2, is a true and correct copy of PJ Media’s article headlined “Undercover Investigation Reveals How Shockingly Easy It is to Get Transgender Surgeries Approved.” (<https://pjmedia.com/matt-margolis/2023/06/07/undercover-investigation-reveals-how-shockingly-easy-it-is-to-get-transgender-surgeries-approved-n1701317>).

7. On or around November 17, 2023, the Office of the Attorney General issued Demands for Sworn Written Statement and Civil Investigative Demands to various medical providers pursuant to Tex. Bus. & Com. Code §§ 17.60 and 17.61, respectively.

8. Since those demands were issued, our office has since been involved in various discussions with those providers about document production. Certain providers have responded with documents and affidavits, and our office has granted extensions to those providers and negotiated the scope of the demands.

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

Executed on February 29, 2024, at Austin, Texas.

2/29/2024 | 4:35 PM CST

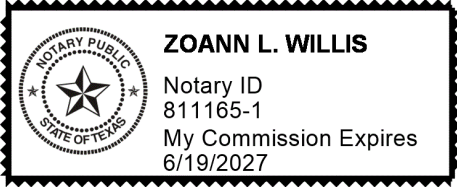
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*Sam Weeks*  
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SAM WEEKS

STATE OF TEXAS §  
COUNTY OF DALLAS /ROCKWALL §

SUBSCRIBED AND SWORN to before me by means of an interactive two-way audio and video communication on February 29, 2024, by Sam Weeks This notarial act was an online notarization.

2/29/2024 | 4:38 PM CST

Notary Seal



Digital Certificate

DocuSigned by:  
*Zoann L. Willis*  
67F256D371A7445...

w/o bond

# EXHIBIT 1





REQUEST APPOINTMENT



MENU

## Pharmacies



QueerDoc prescribes certain therapies which require the use of a pharmacy. Please check with your insurance plan to learn if you are required to use a specific pharmacy. We usually order prescriptions under the diagnosis of “endocrine disorder” not “gender dysphoria”, but some plans may require paperwork which requires us to disclose gender related treatments. Some plans automatically reject payment for “gender-incongruent” treatments. We don’t agree with this, we just want to help you feel as prepared and knowledgeable as possible.

Sometimes local pharmacies don’t carry the medications and/or needles and syringes in their regular stock, so they will have to order them which can cause a a few days of delay. They also might lack cultural sensitivity around gender diversity. The pharmacies below still aren’t as affirming as we want in their paperwork and websites, but they have all worked with QueerDoc and gender diverse people a fair bit. They all agree to address you and ship meds to the name you chose (although they will still have to confirm your legal name and put that on your prescription bottles).



- [Honeybee Health](#) is a cash only, mail order pharmacy and our preferred pharmacy partner. Read more about how [Honeybee Health works with us](#).
- [New Era Pharmacy](#) does mail order hormones, including injectables, for a ton of gender diverse people if you want to avoid some

# EXHIBIT 2

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# Undercover Investigation Reveals How Shockingly Easy It Is to Get Transgender Surgeries Approved

MATT MARGOLIS | 3:05 PM ON JUNE 07, 2023



AP Photo/Armando Franca

The powerful transgender industry has turned our nation's healthcare system into an assembly line of genital mutilation. This is the shocking reality that has been made abundantly clear by an undercover investigation by the Daily Wire.

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According to the investigation, some of the country's prominent transgender healthcare

providers have been hastily approving life-altering “sex-change” procedures. In some cases, they even falsify health information to ensure insurance coverage for these medical expenses. Matt Walsh of The Daily Wire shared these findings in a series of tweets.

During the undercover investigation, Walsh and his team exposed how easily one can obtain approval for sex-change surgery. Remarkably, Gregg Re, Walsh’s producer, received a green light for an orchiectomy (a testicle removal procedure) after a mere 22-minute virtual consultation with Plume — the largest transgender healthcare provider in the United States.

Re succeeded in securing a video call appointment with Plume by using a fake name on the intake form. During the call, Re openly admitted that he had not been experiencing gender dysphoria for six months or more, which is technically required for approval. Additionally, he mispronounced the name of the desired surgery and expressed uncertainty about its potential effects on him. While these should have been treated as red flags and grounds for rejection, Plume’s nurse practitioner astonishingly expressed her intention to craft the most convincing letter possible to justify Re’s surgery.

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**Related:** [The Gruesome ‘Gender Affirmation’ Surgery Photos Proponents of Child Genital Mutilation Should Be Made to See](#)

Three days later, Plume sent a letter to Re (posing as “Chelsea Bussey”) falsely claiming that Re was experiencing significant and ongoing gender dysphoria, despite Re explicitly stating otherwise. The letter recommended Re for testicle removal. According to Walsh, Plume admitted via text message that the letters of recommendation are generated using a template based on the standards provided by the World Professional Association for Transgender Health (WPATH). Shockingly, Plume charges \$150 for selling these letters of recommendation to individuals seeking transgender surgeries.

According to Walsh, another well-known transgender telehealth service, Folx, also grants approval for sex-change procedures to patients who are not diagnosed with “gender dysphoria.” In fact, Folx openly acknowledges that patients may receive a letter indicating a diagnosis of gender dysphoria, even if they do not genuinely experience it.

Given the extensive operations of Plume and Folx, Walsh raised concerns about whether medical insurance companies were aware that these corrupt transgender medical providers were issuing letters of recommendation based on blatantly false information. Walsh believes that his investigation exposed yet another dark secret within the “corrupt and fraudulent” transgender medical industry.

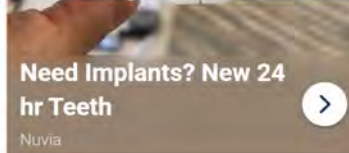
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“[Trans activists] are furious because they know the ‘gender transition’ industry is corrupt and fraudulent from the ground up,” [Walsh said](#). “Protecting kids is just one piece of the



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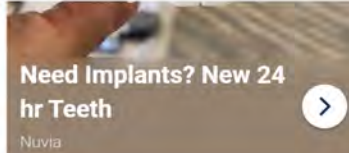
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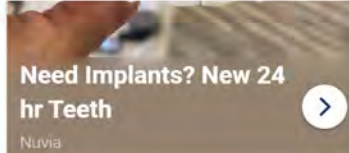
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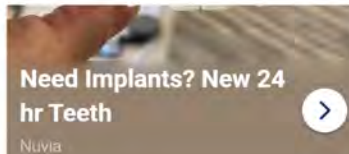
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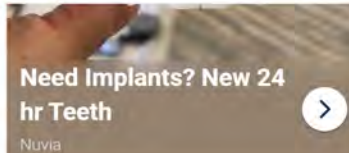
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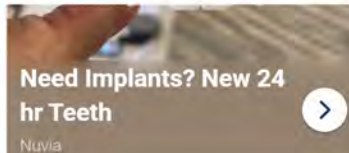
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puzzle. The fight begins there, but it doesn't end there. The whole industry needs to be shut down."

**Editor's Note:** The destructive transgender ideology is at war with reality. Support PJ Media's conservative reporting.

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Matt Margolis is the author of [Airborne: How The Liberal Media Weaponized The Coronavirus Against Donald Trump](#), the bestselling book [The Worst President in History: The Legacy of Barack Obama](#), and [The Scandalous Presidency of Barack Obama](#).

News tips, praise, hate mail, and media inquiries can be sent to [mattm@pjmedia.com](mailto:mattm@pjmedia.com).

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# APPENDIX B

CAUSE NO. D-1-GN-24-001276

PFLAG, INC.,

Plaintiff,

v.

OFFICE OF THE ATTORNEY GENERAL  
OF THE STATE OF TEXAS; and  
WARREN KENNETH PAXTON, JR.,  
in his official capacity as Attorney General  
of Texas,

Defendants.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

261<sup>ST</sup> JUDICIAL DISTRICT

**THE OFFICE OF THE ATTORNEY GENERAL’S MOTION TO MODIFY AND CLARIFY THE COURT’S MARCH 1, 2024, TEMPORARY RESTRAINING ORDER**

**I. INTRODUCTION**

The Office of the Attorney General of the State of Texas and Warren Kenneth Paxton, Jr., in his capacity as the Attorney General of Texas (collectively, the “Attorney General”) files the instant Motion to Modify and Clarify the Court’s March 1, 2024, Temporary Restraining Order (the “Motion,” in reference to the “Order”). The Attorney General respectfully requests that the Court modify the Order to address concerns over overbreadth and ambiguities and to confirm that the Attorney General is permitted (1) to withdraw the original investigative demands challenged by PFLAG, Inc. (“PFLAG”) in its application for a temporary restraining order (“TRO”) and (2) to serve in their place a new and substantively different Civil Investigative Demand (“CID”) and Notice of Demand for Sworn Written Statement (“NDSWS,” and collectively with the CID, the “Demands”). *Compare* Exs. 1-2 (proposed new Demands) *with* Exs. 3-4 (showing redlines against original investigative demands).

The Attorney General intends to serve these new and substantively different Demands on PFLAG should the Court provide the requested relief and find they are not subject to the March 1



Order. Indeed, the Attorney General deliberately crafted the Demands to overcome or mitigate the concerns PFLAG raised in the TRO phase in order to demonstrate changed circumstances and that they fall beyond the Order’s force and effect. For these reasons and the others explained below, the Court should grant the Motion, clarify the scope of its March 1 Order, and find that the original investigative demands may be withdrawn, and that the proposed Demands may be issued.

## II. LEGAL ARGUMENT

A party can move for modification of an injunction order on the ground that the order is *overbroad* and “grants more relief than a plaintiff is entitled to by enjoining a defendant from conducting lawful activities or from exercising legal rights.” *Harbor Perfusion, Inc. v. Floyd*, 45 S.W.3d 713, 718 (Tex. App.—Corpus Christi 2001, no pet) (holding that trial court abused its discretion by entering an “overly-broad injunction” that included “prohibitions [that] go beyond preventing Harbor from enforcing the covenant not to compete”). In addition, “decrees of injunction . . . may be reviewed, opened, vacated or modified by the trial court upon a showing of *changed circumstances*.” *Chase Manhattan Bank v. Bowles*, 52 S.W.3d 871, 878-79 (Tex. App.—Waco 2001, no pet.) (citing *Smith v. O’Neill*, 813 S.W.2d 501, 502 (Tex. 1991) (emphasis added)). Courts have determined that changed circumstances have occurred where conditions have altered the status quo existing after entry of the injunction or that made the injunction unnecessary or improper. *Kubala Pub. Adjusters, Inc. v. Unauthorized Prac. of L. Comm. for Supreme Ct. of Texas*, 133 S.W.3d 790, 794-95 (Tex. App.—Texarkana 2004, no pet.) (“In other words, the trial court has authority to amend, alter, or dissolve the injunction if either the factual situation or the controlling law has changed since its entry.”)

Moreover, a party may seek clarification of an injunction order issued by the presiding court when it contains substantiative ambiguities that creates material risk and uncertainty

concerning its scope and potential application to future conduct. *Thomas v. A\*Med Mgmt, Inc.*, No. 01-19-00564-CV, 2020 WL 5269412 (Tex. App.—Houston [1st Dist.] Sept. 3, 2020, no pet.) (discussing how motion to clarify resulted in modifications to the trial court’s temporary injunction order that removed from its scope conduct not directly related to enforcement of non-compete agreement at issue); *see generally Sunbeam Prods, Inc. v. W. Bend Co.*, 123 F.3d 246, 249 (5th Cir. 1997) (discussing motion to clarify whether accused infringers new products would violate the court’s preliminary injunction order).

Indeed, judicial decrees imposing temporary injunctions often meet the above criteria, warranting modification and clarification. Motions seeking non-final injunction relief are typically litigated in an accelerated fashion and on a limited record, with the resulting judicial relief inherently transient, retrospective in nature, and ill-suited to account for and handle future case developments. *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002) (“A temporary injunction’s purpose is to preserve the status quo of the litigation’s subject matter pending a trial on the merits.”). Therefore, is not uncommon for a non-prevailing party to seek and obtain modification or clarification of its legal rights after entry of an injunction order with potentially broad implications. *See generally Trans World Airlines, Inc. v. Mattox*, 897 F.2d 773, 784-85 (5th Cir. 1990).

The Court should modify and clarify the March 1 Order on the grounds that it is overbroad, ambiguous, and does not account for the change in circumstances presented by the Attorney General’s decision to withdraw the original investigatory demands and to issue and serve the new Demands. *See Exs. 1-4* (providing evidence of new Demands and redlines showing changes to originals). The March 1 Order is overbroad insofar as the order can be reasonably construed as barring the Attorney General from issuing the new and distinct Demands (in tandem with

withdrawing original investigatory demands). The Attorney General possesses the statutory authority to issue CIDs and NDSWS and routinely uses these fundamental investigatory tools in performing its duties. Tex. Bus. Com. Code §§ 17.60, 17.61. However, the March 1 Order can be plausibly interpreted to bar the Attorney General from taking conduct potentially unrelated to the enforcement of the original investigative demands, which the Court enjoined. *See id.* at 1 (loosely describing the prohibited conduct as “the facts set forth in Plaintiff’s Petition”). Further, the Order explicitly prohibits “taking *any adverse action in relation to*” the original demands—an inherently ambiguous phrase with potential application far beyond their actual enforcement through formal judicial process. *Id.* at 2 (emphasis added).

Amplifying overbreadth concerns, the March 1 Order provides only one example of conduct falling within that phrase’s scope—that is “any affirmative step . . . to revoke” PFLAG and its chapters’ registrations to transact business in Texas. *Id.* at 2-3 (“such restraint encompasses but is not limited to restraining Defendants from taking any affirmative steps to revoke . . . the ability of PFLAG or any of its chapters to operate in Texas during the pendency of this case.”). However, the law provides the Attorney General other legal pathways that could result in revocation of PFLAG’s and its chapters’ registrations to transact business in Texas without reference to or reliance on the types of investigative demands at issue. Tex. Bus. Org. Code § 12.151, *et seq* (statutory scheme granting the Attorney General the power to revoke registrations of registered entities that fail to comply with the process for written requests for examination and inspection).

In sum, the breadth and ambiguity present in Court’s Order has the effect of foreclosing the Attorney General from pursuing legitimate investigatory and enforcement activities against PFLAG beyond the formal enforcement of the original investigatory demands, including issuing

the new Demands in tandem with withdrawing the demands restrained by the March 1 Order. For this reason alone, the Order should be modified and clarified to permit the Attorney General to withdraw the originals and issue the new Demands. *Fairfield Ests. L.P. v. Griffin*, 986 S.W.2d 719, 723-24 (Tex. App.—Eastland 1999) (narrowing injunction on such grounds); *Trans World Airlines*, 897 F.2d. at 784-85 (trial court entered “Substituted Order” clarifying that the Attorney General of Kansas was not subject to the preliminary injunction prohibiting other law enforcement authorities from initiating certain enforcement actions against airline companies).

The Court should also modify the March 1 Order on the grounds that the new Demands represent changed circumstances that have occurred after the issuance of the Order and that render it unnecessary and improper. *Bowles*, 52 S.W.3d at 879. The Attorney General submits true and correct copies of the Demands that it seeks to issue, Exs. 1 & 2, as well as exhibits depicting the differences between the new Demands and the originals in redline, Exs. 3 & 4, as factual support for its claims. The new Demands reflect adjustments designed to alleviate PFLAG and the Court’s concerns with the original investigatory demands, including: (1) harm to PFLAG and its members’ ability to exercise their rights to free speech and association under the First Amendment; (2) harm to their ability to be secure against unreasonable searches under the Fourth Amendment; (3) harm to their ability to avail themselves of the courts when their constitutional rights are threatened; and (4) gross invasions of both PFLAG’s and its members’ privacy in an attempt to bypass certain discovery stays. Order at 2.

Broadly speaking, the Demand’s substantive adjustments accomplish the following objectives in response to PFLAG’s previously stated concerns:

- Expressly allows for redaction and anonymization of information that would otherwise identify PFLAG’s members, thereby eliminating concerns that disclosing

member-identifying information or producing documents containing the same, such as membership lists, would threaten First Amendment rights. Plf.'s Orig. Ver. Pet. at 35, 57, 73-4; Ex. 3 at 4, 7-8; Ex. 4 at 3-5.

- Makes clear in the instruction for “redactions” that because “the Division does not seek PFLAG’s membership list, either full or partial, in any form. Therefore, at PFLAG’s election, information that identifies a member may be redacted or otherwise anonymized.” Plf.’s Orig. Ver. Pet. at 47, 57; Ex. 4 at 5; *see also* Ex. 3 at 4.
- Completely omits the previous definition of “identify,” thereby eliminating any conceivable concern that the Attorney General intrusively seeks personally identifiable information on extraneous topics, such as social security numbers, occupation, job titles and responsibilities, home and business addresses, and various telephone numbers and email addresses. Plf.’s Orig. Ver. Pet. at 35, 59, 73; Ex. 3 at 7-8; Ex. 4 at 3-6.
- Instructs that “At PFLAG’s election, information that identifies a member may be redacted or otherwise anonymized.” Ex. 4 at 5; *see also* Ex. 3 at 4.
- The original CID sought information concerning certain individuals that encompassed PFLAG members, thus implicating PFLAG’s First Amendment concerns. In contrast, the Attorney General crafted the Demands more narrowly to limit the amount member-specific information potentially within their scope. The Demands defines “members” as “includ[ing] individuals who pay members’ dues to one of PFLAG’s local chapters or its national chapter and those who PFLAG serves through its programs, events, and services. ‘Members’ does not include

PFLAG professional staff or entities that PFLAG associate with.” Ex. 3 at 8; Ex. 4 at 4-5.

- In tandem, limits certain requests to communications to, or from, any PFLAG professional staff, non-member, or affiliate. Plf.’s Orig. Ver. Pet. at 6; Ex. 3 at 9.
- More narrowly tailor the scope of the demands, thereby alleviating any possible concern that the Demands would fall outside the Consumer Protection Division’s legitimate investigatory objectives or raise Fourth Amendment concerns. *See* Plf.’s Orig. Ver. Pet. at 45-46. To this end, the Demands omitted various definitions, instructions, and requests and narrowed others, as described in part immediately above. Ex. 3 at 3, 5, 6-9; Ex. 4 at 3-4, 6. In particular, the new Demands request a substantially smaller set of documents relating to the affidavit of Mr. Brian K. Bond, including removing request number four in original CID entirely. Plf.’s Orig. Ver. Pet at 60; Ex. 3 at 9.
- Taken in their totality, the new Demands in no way interfere with PFLAG and its members access to courts. Plf.’s Orig. Ver. Pet. at 42.

In short, there can be no dispute that the Demands are substantively distinct from and narrower in scope than the previous investigatory tools enjoined by the Court. As demonstrated above, the Attorney General drafted them in a manner that alleviates concerns raised by PFLAG and reflected in the Court’s Order. Indeed, the withdrawal of the original investigatory demands and issuance of the Demands would fundamentally alter the factual landscape of this dispute and represents that exact type of “changed circumstances” that warrants modification of the March 1 Order. *Henke v. Peoples State Bank*, 6 S.W.3d 717, 721 (Tex. App.—Corpus Christi 1999, pet. dismiss. w.o.j.) (“Changed circumstances are conditions that altered the status quo existing after the

temporary injunction was granted or that made the temporary injunction unnecessary or improper.”); *Kubala Pub. Adjusters*, 133 S.W.3d at 794 (granting modification of injunction order where, as here, “the factual situation or the controlling law has changed since its entry”).

### III. CONCLUSION

For the foregoing reasons, the Court should grant the motion to modify and amend the March 1 Order to clarify that the Attorney General may withdraw the original investigatory demands and issue the new Demands in a form substantially similar to the evidentiary exhibits attached hereto.

Respectfully submitted,

KEN PAXTON  
Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

JAMES LLOYD  
Deputy Attorney General for Civil Litigation

RYAN S. BAASCH  
Chief, Consumer Protection Division

/s/ David G. Shatto  
DAVID G. SHATTO  
State Bar No. 24104114  
Assistant Attorney General  
Consumer Protection Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711  
David.Shatto@oag.texas.gov  
Tel: 512-475-4656  
Fax: 512-473-8301

**CERTIFICATE OF SERVICE**

I hereby certify that on the 19<sup>th</sup> day of March 2024, a copy of the foregoing document was served via the Court's electronic filing system to all counsel of record.

/s/ David G. Shatto  
DAVID G. SHATTO  
Assistant Attorney General



# EXHIBIT 1



STATE OF TEXAS  
OFFICE OF THE ATTORNEY GENERAL  
CONSUMER PROTECTION DIVISION

**CIVIL INVESTIGATIVE DEMAND**

**TO:** Susan Thronson  
*President*  
Brian K. Bond  
*Chief Executive Officer*  
PFLAG, Inc.  
1625 K Street NW #700  
Washington, DC 20006

*via CMRRR:* [to be completed]  
*via First Class Mail*

Registered Agents Inc.  
1401 21st Street, Suite R  
Sacramento, CA 95811

*via CMRRR:* [to be completed]  
*via First Class Mail*

Pursuant to this Office’s specific authority under section 17.61 of the Texas Deceptive Trade Practices—Consumer Protection Act, Texas Business & Commerce Code §§ 17.41–17.63 (“DTPA”), PFLAG, Inc. (“PFLAG”), a nonprofit corporation, is hereby directed to produce the items listed in Exhibit “B” attached hereto. Such production is governed by the Instructions and Definitions set forth in Exhibit “A” on this page and subsequent pages.

You are to make available the documentary material described in Exhibit “B” to the undersigned Assistant Attorney General or other authorized agent(s) identified by the Consumer Protection Division (“Division”). This documentary material shall be produced for inspection and copying during normal business hours at your principal office or place of business, or may be sent electronically or by certified mail to the Office of the Attorney General, 300 W. 15<sup>th</sup> Street, 9<sup>th</sup> Floor, Austin, TX 78701 and is due on April \_\_, 2024. If providing documents electronically, please provide them to Sam Weeks at [Samuel.Weeks@oag.texas.gov](mailto:Samuel.Weeks@oag.texas.gov).

The Division believes that you are in possession, custody, or control of documentary material relevant to the subject matter of an investigation of actual or possible violations of DTPA section 17.46 involving potential misrepresentations regarding Gender Transitioning and Reassignment Treatments and Procedures and Texas law.

This Civil Investigative Demand (“CID”) shall formally supersede the CID previously issued on February 5, 2024, by the Division. The original February 5, 2024 CID is officially withdrawn, and the Division waives and relinquishes any and all rights thereunder, including the right of enforcement. The sole CID issued to PFLAG with the force and effect of law is the foregoing.

**TAKE NOTICE THAT pursuant to section 17.62, Texas Business and Commerce Code, any person who attempts to avoid, evade, or prevent compliance, in whole or in part, with this directive by removing, concealing, withholding, destroying, mutilating, altering, or by any other means falsifying any documentary material may be guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$5,000.00 or by confinement in the county jail for not more than one year, or both.**

**ISSUED THIS** \_\_\_th day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
DAVID SHATTO, Assistant Attorney General  
Consumer Protection Division, OAG  
T: (512) 463.2185 | F: (512) 370.9125  
David.Shatto@oag.texas.gov

Other Authorized Agent:  
Sam Weeks, Investigator  
Consumer Protection Division, OAG  
T: (512) 936.0501 | F: (512) 370.9125  
Samuel.Weeks@oag.texas.gov

## **EXHIBIT A: INSTRUCTIONS**

1. **Read These Instructions and Definitions Carefully.** Your production must comply with these instructions and definitions.
2. Unless the context clearly indicates otherwise, words used in the singular include the plural, the plural includes the singular, and the neutral includes the masculine and feminine.
3. **Duty to Preserve Documents.** All documents and/or other data which relate to the subject matter or requests of this CID must be preserved. *Any ongoing, scheduled, or other process of document or data destruction involving such documents or data must cease, even if it is your normal or routine course of business to delete or destroy such documents or data or even if you believe such documents or data are privileged or otherwise protected from disclosure.* Failure to preserve such documents or data may result in legal action and may be regarded as spoliation of evidence under applicable law.
4. **Relevant Time Period.** Unless otherwise noted, the requests herein require production of documents from March 8, 2023, to the date of the last production of documents in made response to this CID.
5. **Custody and Control.** In responding to the CID, you are required to produce all responsive documents in your possession, custody, or control. A document is within your custody or control if it is in the possession of another person and you have a right to possess that document that is equal or superior to that other person's right of possession.
6. **Non-Identical Copies or Drafts.** Any copy or draft of a document that differs in any manner, including the presence of handwritten notations, different senders or recipients, etc., from the original version shall be considered a distinct document and produced.
7. **Permitted Redactions for Member Identifying Information.** In general, all materials or documents responsive to this CID shall be produced in complete unabridged, unedited, and unredacted form, even if portions may contain information not explicitly requested or may reflect interim or final portions of documents or materials.

Unlike the February 5, 2024 CID, the foregoing, operative CID does *not* request that PFLAG produce documents and information disclosing the identify of its Members and/or actual membership lists, either in whole or in part, in any form. For this reason, PFLAG may elect to redact or anonymize any portion of a document otherwise within the scope of the CID that contains information disclosing or providing the identity of any Member. Any questions related to the precise information that PFLAG may redact at its own election should be directed the Office of the Attorney General representatives above.

8. **Document Organization.** Each document and other tangible thing produced shall be clearly designated as to which request, and each sub-part of a request, that it satisfies. The documents produced shall be identified and segregated to correspond with the number and

subsection of the request.

9. **Production Format.** You may submit photocopies (with color photocopies where necessary to interpret the document) in lieu of original hard-copy documents if the photocopies provided are true, correct, and complete copies of the original documents. If the requested information is electronically stored information, it shall be produced in electronic form. Electronically stored information shall be produced with the accompanying metadata, TIFF images, native files, load files, and programs necessary for processing into a usable form. For any questions related to the production of documents you may consult with the Office of the Attorney General representatives above.

10. **Privilege Log.** For each document or other requested information that you assert is privileged or otherwise protected from disclosure, please provide a privilege log with a numerical list of the document(s), thing(s), or information for which privilege or protection from disclosure is claimed is claim, and for each item detailed and non-conclusory information that demonstrates a prima facie claim for privilege and protection, including but not limited to, the following:

- a. The name of the custodian of the withheld materials;
- b. The name of each author, writer, sender, and creator of the materials;
- c. The name of each recipient, addressee, and copyee for whom the materials were intended, if any;
- d. The date the materials were created;
- e. The general subject matter of the materials; and
- f. The factual and legal bases for the claim.

## DEFINITIONS

1. **“You,” “your,” and “PFLAG”** means the entity named on page one of this CID, with an address of 1625 K Street NW #700, Washington, DC 20006, and a registered agent at Registered Agents Inc., at 1401 21st Street, Suite R, Sacramento, CA 95811, and includes its past and present directors, officers, employees, agents and representatives, parents and predecessors, divisions, subsidiaries, affiliates, partnerships and joint ventures, and all persons and entities acting or purporting to act under the control of or on behalf of any of the above. The terms “subsidiary,” “affiliate,” and “joint venture” refer to any entity in which there is total or partial ownership (25 percent or more) or control between PFLAG and any other person or entity.
2. The terms **“and/or,” “and,”** and **“or”** refer to all listed categories inclusively, not exclusively (i.e., not the option of producing one group of documents, or another, nor of producing documents for one group of the listed persons, but not others). The conjunctive “and” shall be deemed to include the disjunctive “or” and vice versa.
3. **“Affiliate(s)”** includes, but is not limited to, PFLAG Tyler/ East Texas; PFLAG Houston; PFLAG Dallas, Inc.; PFLAG Fort Worth, Inc.; PFLAG San Antonio; PFLAG Odessa; PFLAG Denton; PFLAG Seguin; PFLAG Longview; PFLAG Boerne; PFLAG Corpus Christi; PFLAG Midland-Odessa; PFLAG Georgetown; PFLAG Amarillo; PFLAG Mesquite; PFLAG of the Big Country; PFLAG-Kerr County; PFLAG Brownsville Chapter; PFLAG Beaumont Chapter; PFLAG San Marcos, Inc.; PFLAG Brenham Chapter; PFLAG San Angelo; PFLAG Huntsville TX; PFLAG Corpus Christi, Texas, Chapter; PFLAG/HATCH YOUR SCHOLARSHIP FOUNDATION; PFLAG San Juan, Chapter of PFLAG; PFLAG of Montgomery (Parents, Families and Friends of Lesbians and Gays); and any other similarly related entity registered in Texas, either domestic or foreign.
4. **“Communication”** means any conversation, discussion, letter, email, correspondence, memorandum, meeting, note, or other transmittal of information or message, whether transmitted in writing, orally, electronically, or by any other means.
5. **“Document”** shall be construed in the broadest sense possible and encompasses any electronically stored information, writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by PFLAG into a reasonably usable form. Although it does not limit the scope of this CID, the definition and interpretation of “document” under the Texas Rules of Civil Procedural provides a useful reference point.
6. **“Gender Transitioning and Reassignment Treatments and Procedures”** means any and all procedures or treatments for the purpose of “transitioning” a child’s biological sex as determined by the sex organs, chromosomes, and endogenous profiles of the child or affirming the child’s perception of the child’s sex if that perception is inconsistent with the child’s biological sex. This definition includes, but is not limited to, surgeries or procedures that result in sterilization, mastectomy, or other removal of otherwise healthy or non-diseased tissue, the provision of medications that induce transient or permanent infertility (such as puberty suppressing and blocking drugs or supraphysiologic doses of testosterone to females and estrogen to males),

and any other treatments, therapies, or procedures provided to address gender identity disorder, gender dysphoria, and any other similar or related conditions.

7. **“Members”** includes individuals who pay dues for purposes of joining or associating with PFLAG’s national chapter or any local chapter. For purposes of this CID, the term shall be broadly construed to encompass donors to PFLAG and individuals who directly participated in PFLAG’s official programs, events, and services. However, “Members” does not include PFLAG’s professional staff and non-PFLAG entities with whom the organization associates.

8. **“Person”** includes you and encompasses an entity or natural person.

**EXHIBIT B:  
DOCUMENTS TO BE PRODUCED**

In accordance with the requirements set forth above and provided for under Texas law, PFLAG must respond in writing and produce documents responsive to the following Requests within twenty (20) days.

1. All documents and communications that form the basis of, or otherwise relate to, Brian K. Bond's personal knowledge of the information stated in paragraphs 7 and 13 of the affidavit attached hereto as "EXHIBIT B1."
2. All communications to, or from, PFLAG's professional staff, non-members, or Affiliates regarding, relating to, or referencing, "contingency plans" and/or "alternative avenues to maintain care," as those phrases are used in the affidavit attached hereto as "EXHIBIT B1."
3. All recommendations, referrals, and/or lists of pediatric and/or adolescent health care providers in Texas that PFLAG (or any of its professional staff or affiliates) has created, maintained, received, or distributed since March 8, 2023.
4. In reference to the affidavit attached hereto as "EXHIBIT B1," produce documents, meeting minutes, and communications sufficient to show the factual basis for the statement that "PFLAG families with transgender and nonbinary adolescents ... have been asking chapters for alternative avenues to maintain care in Texas" (with PFLAG having the option to redact identifying member information in the manner described in Instruction No. 7).
5. All communications to, or from, PFLAG's professional staff, non-members, or Affiliates regarding, relating to, or referencing any of the individuals or entities identified in the document attached hereto as "EXHIBIT B2" since March 8, 2023.
6. All contractual and charter agreements between PFLAG's Texas chapters and national chapter.
7. The governing documents and bylaws of PFLAG's Texas chapters and national chapter.



EXHIBIT B1

**LAZARO LOE, et al.**

**Plaintiffs**

**v.**

**STATE OF TEXAS, et. al,**

**Defendants.**

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**IN THE DISTRICT COURT OF**

**TRAVIS COUNTY, TEXAS  
\_\_\_\_ JUDICIAL DISTRICT**

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**AFFIDAVIT OF BRIAN K. BOND**

---

I, Brian K. Bond, hereby declare and state as follows:

1. I am over 18 years of age, of sound mind, and fully capable of making this declaration. I have personal knowledge of the facts set forth in this declaration, they are true and correct, and I would testify competently to those facts if called to do so.

2. I am the Executive Director of PFLAG, Inc. (“PFLAG”). Founded in 1973, PFLAG is the first and largest organization for lesbian, gay, bisexual, transgender, and queer (“LGBTQ+”) people, their parents and families, and allies. We are a 501(c)(3) non-profit organization.

3. PFLAG has over 350 chapters across the country and approximately 325,000 members and supporters nationwide. Our members and supporters cross multiple generations of families in major urban centers, small cities, and rural areas across America. PFLAG envisions an equitable and inclusive world where every LGBTQ+ person is safe, celebrated, empowered, and loved. Our mission is to create a caring, just, and affirming world for LGBTQ+ people and those who love them.

4. Our founder, Jeanne Manford, marched with her son Morty in the 1972 Christopher Street Liberation Day March in New York City and created the very first support group for parents and families of LGBTQ+ people in 1973. Supporting LGBTQ+ young people by supporting and strengthening their families has been a core part of our work ever since. Today, the gold-standard advocated by PFLAG parents and families—and set forth by pediatricians and therapists—is to accept, support, and affirm LGBTQ+ people’s sexual orientation and/or gender identity and expression; parental rejection is widely understood to be abusive and damaging.

5. We know, too, that LGBTQ+ youth thrive when supported in their schools and community. So, our work also includes ending bullying, discrimination, and harassment in educational settings by providing training for teachers, administrators, and district leaders, and advocating in the public square to ensure LGBTQ+ people are treated fairly and equally when accessing public accommodations and health care.

6. We know that change happens and support grows one interaction at a time, one family at a time.

7. PFLAG is a national membership organization and we have local chapters in 49 states and the District of Columbia. Our chapters in Texas include PFLAG Amarillo, PFLAG Austin, PFLAG Beaumont, PFLAG Boerne, PFLAG Brenham, PFLAG Dallas, PFLAG El Paso, PFLAG Fort Worth, PFLAG Georgetown, PFLAG Houston, PFLAG Lubbock, PFLAG Mesquite, PFLAG Midland/Odessa, PFLAG Montgomery, PFLAG San Antonio, PFLAG San Marcos, PFLAG Seguin, and PFLAG Tyler/East Texas.

8. PFLAG’s membership is comprised of chapter members and national members. Individuals can become a PFLAG member by joining the national organization directly or by

joining their local chapter, which sends a portion of the member's dues to PFLAG National, also making them national members. In addition to our formal members, PFLAG serves thousands of community members through our programs, events, and services every year.

9. PFLAG's members play a central role in electing our organizational leadership. Of the 21 members of the PFLAG National Board of Directors, seven are elected directly by our membership. Seven more are elected by the Regional Directors Council, a body of 13 volunteers who are themselves each elected by the members of one of PFLAG's thirteen regions to work with PFLAG National staff to provide support, resources, training, and help to start new affiliates, and to share the perspectives and activities of members with PFLAG National staff. The remaining seven are elected by the Board itself.

10. As Executive Director, I am the leader of the professional staff who carry out the work of the PFLAG National office, including supporting the development and work of the PFLAG Chapter Network and promoting PFLAG's presence in the national arena, including through policy advocacy, coalitions with organizations who share our goals, developing trainings and educational materials, and engaging with the media. Supporting the PFLAG Chapter Network is PFLAG National's largest program and our national staff works closely with chapter leaders and members across the country to reinforce their efforts to establish and grow their chapters, providing them with infrastructure, publications, online learning tools, advocacy support, media training, and countless other services and supports.

11. Because promoting the wellbeing of LGBTQ+ youth through encouraging and supporting love and affirmation by their families is a core part of our mission and because we have an extensive network of chapters and nearly 1500 members who live in Texas, we have been actively involved in supporting and providing resources to our members and constituents in

light of the increasingly hostile climate for transgender youth and their families in the state over the last few years. This includes PFLAG joining litigation on behalf of our members in order to protect them from Governor Abbott's directive deeming all affirming health care for transgender adolescents, regardless of medical necessity, to be "child abuse" and the Texas Department of Family and Protective Services' ("DFPS") subsequent adoption and implementation of that directive to investigate parents alleged to be helping their children access such care. Suddenly the very thing we know to be good for LGBTQ+ children—supporting and loving your child for who they are and ensuring they receive care they need to thrive—was a reason to be reported and subjected to an intrusive and traumatic investigation.

12. In September 2022, the Travis County District Court issued an injunction blocking DFPS from carrying out this directive, protecting PFLAG member families from investigation. Although the State appealed that injunction, the Court of Appeals reinstated its protections shortly thereafter. That case is still pending, but at least PFLAG families are presently protected from being investigated for child abuse based solely on allegations they sought medically necessary care for their transgender or nonbinary child.

13. This brief sigh of relief we felt from the DFPS Rule being enjoined ended when SB 14 was signed into law on June 2, 2023. PFLAG members had been actively engaged in fighting against SB14's passage, voicing their opposition regularly at the statehouse. Given the hostility of the climate in Texas towards transgender people in general, and toward youth in particular, its passage was met with both resignation at its predictability and tremendous fear. New families showed up in droves for chapter meetings and support groups, seeking information and support. Chapters planned and participated in events to provide comfort to and celebrate the unbreakable joy of the gender diverse community. PFLAG families with transgender and

nonbinary adolescents shared their contingency plans—those with the resources to move or seek care out of state have begun firming up their plans to do so, while the vast majority without those resources have been asking chapters for alternative avenues to maintain care in Texas. Families were not just seeking health care providers who specialize in medical care for gender dysphoria but leads on affirming general practitioners as well so that their adolescents would have access to multiple providers in the event that their primary providers stop providing gender-affirming medical care or leave the state as a result of SB14. Requests for mental health care providers have skyrocketed, as the fear, distress, and anxiety at the prospect of losing access to medically necessary care has exacerbated adolescents' existing mental health issues connected to their gender dysphoria. Parents and families are scrambling as their children's providers have cancelled appointments and begun winding down medical care for gender dysphoria because of SB14's imminent effective date. And chapter leaders have heard concerns about the impacts on transgender and non-binary youth in the foster care system, who receive health care coverage through Medicaid and will lose coverage for their medical care for gender dysphoria if SB14 goes into effect.

14. SB 14 subjects PFLAG's Texas members with a transgender or nonbinary child in need of gender-affirming medical care to a substantial risk of harm. PFLAG has members in Texas whose children are being or will be monitored for the appropriate time to begin puberty blockers, are currently or soon will be on puberty blockers, and are currently or soon will be on hormone therapy, all as part of a medically prescribed course of care for gender dysphoria. Some of those families are being harmed right now by SB 14's passage, whether because they have had appointments for scheduled care cancelled, are losing access to healthcare providers who are moving their practice out of state or ending their provisions of gender-affirming care for fear of

losing their medical licenses or state funding, or have otherwise had their imminent plans to obtain the established course of medically necessary care for their transgender or nonbinary children disrupted or foreclosed.

15. Other current and future PFLAG members with transgender or nonbinary children face a substantial risk of being harmed if SB 14 goes into effect, including being denied the right to make medical decisions for their child because the care their child's healthcare providers have declared medically necessary for them has been deemed unlawful, being prevented from obtaining the puberty blockers or hormone therapy their child needs solely because they are treatment for gender dysphoria, or losing coverage for care that has previously been covered under state funded health plans. SB 14 will force PFLAG families who have seen their children thrive as a result of medical care to treat their gender dysphoria to stop providing that care, putting those children at risk of serious mental and physical harm—the very reasons those families sought medical care in the first place.

16. While SB 14 has caused or will cause some PFLAG families to leave Texas entirely or to have to access the medically necessary care their transgender or nonbinary child needs in another state, the logistical and financial costs of doing so are incredibly high. No family should be forced to leave their home, jobs, or community or to split up their family to access the established course of medical care for their child's health condition, but SB14 is putting Texas PFLAG families in exactly that position. For countless others, those costs are simply too high; thus SB 14 leaves those transgender and nonbinary Texas youth and their families with no way to access the medically necessary care they need. Parents are prioritizing their children's mental and physical health, but SB14 will strip them of the ability to make the

decisions that they, their children, and their children's medical providers know are in their best interests. SB14 will put these adolescents' lives at risk.

17. Although these members could challenge SB 14 in their own right—as the other Plaintiff families are doing—PFLAG brings claims on behalf of its members to represent their interests to shield them from harm, to vindicate their rights to make the medical decisions they, their child, and their medical providers know to be in their child's best interests, and to allow them to maintain their focus on their child's health and wellbeing rather than litigation.

18. Representing the interests of these members in challenging SB 14 is directly connected to PFLAG's mission in two ways. First, that mission includes encouraging and supporting parents and families of transgender and gender non-conforming people in affirming their children and helping them access the social, psychological, and medical supports they need. We work with our families to encourage love and support of their transgender and gender non-conforming children and to help them ensure that the children's needs are met. The provisions of SB 14 send the opposite message and prevent families from meeting their child's needs. SB 14 bars families from supporting their child's affirmation of their gender identity by seeking the established medically necessary care that has been prescribed for them, depriving youth of medically necessary gender-affirming care, resulting in anxiety, depression, and other negative health outcomes associated with denying or cutting off medically necessary care. In order to fulfill our mission to our members, we must fight back against a law that prevents them from doing the very thing we encourage because we know it is in the best interests of the children.

19. Second, we teach our members to advocate for a caring, just, and affirming world where LGBTQ+ people are safe, celebrated, empowered, and loved, and to advocate for equitable laws and policies that protect them. We have spoken out against bans on medically

necessary care for youth with gender dysphoria such as SB 14 because they directly conflict with parents' abilities to act in their children's best interest and do nothing to protect the health and well-being of youth or anyone who needs access to medical care. SB 14 is the antithesis of an equitable law, interfering with and obstructing decisions made between PFLAG parents, their child, and their child's provider to deprive that child of care that is proven to be safe, medically sound, and necessary for treating gender dysphoria. As an organization dedicated to parents and families of LGBTQ+ youth, we cannot in good faith sit back as our members' fundamental rights to make decisions about their child's medical care are infringed solely because their child is transgender or nonbinary.

20. PFLAG exists to foster a world where LGBTQ+ children can become thriving, healthy, and happy LGBTQ+ adults. Our members depend on us to provide support and community for them in a society that often still treats their children as second-class citizens, attempts to silence them, or denies their very existence. For our members who have transgender and nonbinary children and are doing nothing more than loving them and following the advice of qualified medical professionals, PFLAG is here to do all we can to support them in those efforts and protect them from harmful, invasive laws like SB 14.



Brian K. Bond  
Executive Director, PFLAG, Inc.

**Notary Verification**

District of Columbia



Brian K. Bond personally appeared before me, and being first duly sworn declared that he signed this declaration in the capacity designated, if any, and further states that he has read the above declaration and the statements therein contained are true.

Sworn to and subscribed before me on the 11<sup>th</sup> day of July 2023, by Brian K. Bond.

(Personalized Seal)



  
Notary Public's Signature

## **EXHIBIT B2**

Texas Children's Hospital  
Baylor College of Medicine  
Seattle Children's Hospital  
QMed/QueerMed  
QueerDoc  
Plume Health, P.C.

# EXHIBIT 2



STATE OF TEXAS  
OFFICE OF THE ATTORNEY GENERAL  
CONSUMER PROTECTION DIVISION

**NOTICE OF DEMAND FOR SWORN WRITTEN STATEMENT**

**TO:** Susan Thronson  
*President*  
Brian K. Bond  
*Chief Executive Officer*  
PFLAG, Inc.  
1625 K Street NW #700  
Washington, DC 20006

*via CMRRR: [to be completed]*  
*via First Class Mail*

Registered Agents Inc.  
1401 21st Street, Suite R  
Sacramento, CA 95811

*via CMRRR: [to be completed]*  
*via First Class Mail*

The Consumer Protection Division has reason to believe that a “person,” as defined by the DTPA, is engaging in, has engaged in, or is about to engage in an act or practice declared unlawful by the DTPA. Pursuant to section 17.60 of the Texas Deceptive Trade Practices—Consumer Protection Act, §§ 17.41 *et seq.*, Tex. Bus. & Com. Code (“DTPA”), PFLAG, Inc. (“PFLAG”) is hereby directed to file on the prescribed form provided herein written answers under oath to the requests found in Exhibit “B.”

The information requests must be answered fully, correctly, and under oath, in accordance with the “Definitions and Instructions” set forth in Exhibit “A.” Your sworn written answers must be returned to the undersigned attorney general on or before April \_\_, 2024. You may change the terms of this notice of demand for sworn written statement only by written agreement with an authorized Texas assistant attorney general or by court order. If providing documents electronically, please provide them to Sam Weeks at [Samuel.Weeks@oag.texas.gov](mailto:Samuel.Weeks@oag.texas.gov).

This demand for sworn written statement is relevant to the subject matter of an investigation regarding possible violations of DTPA section 17.46 for issues related to misrepresentations regarding Gender Transitioning and Reassignment Treatments and Procedures.

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**TAKE NOTICE THAT pursuant to § 17.62, Texas Business & Commerce Code, any person who with intent to avoid, evade, or prevent compliance, in whole or in part, with this examination under oath, removes from any place, conceals, withholds, or destroys, mutilates, alters, or by any other means falsifies any relevant documentary material may be guilty of a misdemeanor that, upon conviction, is punishable by a fine of not more than \$5,000.00 or by confinement in the county jail for not more than one year, or both.**

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This Demand for Sworn Written Statement (“DSWS”) formally supersedes the DSWS issued by the Division on February 5, 2024. The Division officially withdraws the February 5, 2024 DSWS and waives any and all rights thereunder, including enforcement. The sole DSWS issued to PFLAG with the current force and effect of law is the following.

**ISSUED THIS** \_\_th day of \_\_\_\_ 2024.

---

DAVID SHATTO, Assistant Attorney General  
Consumer Protection Division, OAG  
T: (512) 463.2185 | F: (512) 370.9125  
David.Shatto@oag.texas.gov

Other Authorized Agent:  
Sam Weeks, Investigator  
Consumer Protection Division, OAG  
T: (512) 936.0501 | F: (512) 370.9125  
Samuel.Weeks@oag.texas.gov

**EXHIBIT A:  
DEFINITIONS AND INSTRUCTIONS**

1. **“You,” “Your,” and “PFLAG”** means the entity named on page one of this Demand for Sworn Written Statement, with an address at 1625 K Street NW #700, Washington, DC 20006, and a registered agent at Registered Agents Inc., at 1401 21st Street, Suite R, Sacramento, CA 95811, and includes its past and present officers, employees, agents and representatives, parents and predecessors, divisions, subsidiaries, affiliates, partnerships and joint ventures, and all persons and entities acting or purporting to act under the guidance or on behalf of any of the above. The terms “subsidiary,” “affiliate,” and “joint venture” refer to any firm in which there is total or partial ownership (25 percent or more) or control between the Company and any other person or entity.
2. The terms **“and/or,” “and,”** and **“or”** refer to all listed categories inclusively, not exclusively (i.e., not the option of producing one group of documents, or another, nor of producing documents for one group of the listed persons, but not others). The conjunctive “and” shall be deemed to include the disjunctive “or” and vice versa.
3. **“Affiliate(s)”** includes, but is not limited to, PFLAG Tyler/ East Texas; PFLAG Houston; PFLAG Dallas, Inc.; PFLAG Fort Worth, Inc.; PFLAG San Antonio; PFLAG Odessa; PFLAG Denton; PFLAG Seguin; PFLAG Longview; PFLAG Boerne; PFLAG Corpus Christi; PFLAG Midland-Odessa; PFLAG Georgetown; PFLAG Amarillo; PFLAG Mesquite; PFLAG of the Big Country; PFLAG-Kerr County; PFLAG Brownsville Chapter; PFLAG Beaumont Chapter; PFLAG San Marcos, Inc.; PFLAG Brenham Chapter; PFLAG San Angelo; PFLAG Huntsville TX; PFLAG Corpus Christi, Texas, Chapter; PFLAG/HATCH YOUR SCHOLARSHIP FOUNDATION; PFLAG San Juan, Chapter of PFLAG; PFLAG of Montgomery (Parents, Families and Friends of Lesbians and Gays; and any other similarly related entity registered in Texas, either domestic or foreign.
4. **“Gender Transitioning and Reassignment Treatments and Procedures”** means any and all procedures or treatments for the purpose of “transitioning” a Child’s biological sex as determined by the sex organs, chromosomes, and endogenous profiles of the child or affirming the child’s perception of the child’s sex if that perception is inconsistent with the child’s biological sex. This definition includes, but is not limited to, surgeries or procedures that result in sterilization, mastectomy, or other removal of otherwise healthy or non-diseased tissue, the provision of medications that induce transient or permanent infertility (including puberty suppressing and blocking drugs or supraphysiologic doses of testosterone to females and estrogen to males), and any other treatments, therapies, or procedures that are provided to address gender identity disorder, gender dysphoria, and any other similar or related conditions.
5. **“Including”** means including, but not limited to.
6. **“Person”** includes you and means any entity or natural person.
7. **“Relevant Time Period”** Unless otherwise noted, the requests in this Civil Investigative Demand require production of documents from March 8, 2023, to the date of the production of documents in response to this Sworn Written Statement, herein called the “Relevant Time Period.”

8. Unless the context otherwise clearly indicates, words used in the singular include the plural, the plural includes the singular, and the neuter gender includes the masculine and the feminine.
9. In answering the information requests contained in Exhibit B, you shall furnish such information as is available to you, not merely such information within your officers' or employees' personal knowledge. You are to furnish any and all responsive information to each information request in Exhibit B after diligent inquiry into all sources of information available to you.
10. In the event any matter in Exhibit B cannot be fully or precisely answered after the exercise of reasonable diligence, you shall furnish as complete and precise an answer as you can and explain in detail the reasons why you cannot give a full or precise answer, what is needed to be done in order to be in a position to fully and precisely provide the answer, and a time estimate as to when you will be able to provide a full and precise answer.
11. Each response in this sworn written statement must include all relevant information from the Relevant Time Period. If changes in the relevant information, including processes, procedures, or policies, occurred during the Relevant Time Period, describe the manner and timeframe in which the relevant information changed.
12. **“Members”** includes individuals who pay dues or purposes of joining or associating with PFLAG’s national chapter or any local chapter. For purposes of this Demand for Sworn Written Statement, the term shall be broadly construed to encompass donors to PFLAG and individuals who directly participated in PFLAG’s official programs, events and services.
13. The Division does not seek PFLAG’s membership list, either full or partial, in any form. Therefore, at PFLAG’s election, information that identifies a member may be redacted or otherwise anonymized.
14. At the end of your answers, you are required, under oath, to make and sign the following statement before a licensed notary:

STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_

My name is [FULL NAME]. I am over the age of 18 and capable of making this sworn statement. The preceding answers are within my personal knowledge and are true and correct.

\_\_\_\_\_  
 [FULL NAME]

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

[NOTARY STAMP AND NOTARY’S DATED SIGNATURE]

**EXHIBIT B**  
**INFORMATION REQUESTS TO BE ANSWERED UNDER OATH**

1. In reference to the affidavit attached hereto as “EXHIBIT B1,” identify any "contingency plans" or “alternative avenues” that PFLAG identified, created, or shared with its members relating to obtaining and/or maintaining “gender-affirming medical care” in Texas.
2. In reference to the affidavit attached hereto as “EXHIBIT B1,” identify any "contingency plans" or “alternative avenues” that PFLAG has discovered or learned about relating to “gender-affirming medical care” in Texas.
3. Identify every health care provider and/or facility, in Texas, to whom PFLAG has referred members since March 8, 2023.
4. Identify every health care provider and/or facility, in Texas, from whom PFLAG has been referred members since March 8, 2023.



EXHIBIT B1

**LAZARO LOE, et al.**

**Plaintiffs**

**v.**

**STATE OF TEXAS, et. al,**

**Defendants.**

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**IN THE DISTRICT COURT OF**

**TRAVIS COUNTY, TEXAS  
\_\_\_\_ JUDICIAL DISTRICT**

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**AFFIDAVIT OF BRIAN K. BOND**

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I, Brian K. Bond, hereby declare and state as follows:

1. I am over 18 years of age, of sound mind, and fully capable of making this declaration. I have personal knowledge of the facts set forth in this declaration, they are true and correct, and I would testify competently to those facts if called to do so.

2. I am the Executive Director of PFLAG, Inc. (“PFLAG”). Founded in 1973, PFLAG is the first and largest organization for lesbian, gay, bisexual, transgender, and queer (“LGBTQ+”) people, their parents and families, and allies. We are a 501(c)(3) non-profit organization.

3. PFLAG has over 350 chapters across the country and approximately 325,000 members and supporters nationwide. Our members and supporters cross multiple generations of families in major urban centers, small cities, and rural areas across America. PFLAG envisions an equitable and inclusive world where every LGBTQ+ person is safe, celebrated, empowered, and loved. Our mission is to create a caring, just, and affirming world for LGBTQ+ people and those who love them.

4. Our founder, Jeanne Manford, marched with her son Morty in the 1972 Christopher Street Liberation Day March in New York City and created the very first support group for parents and families of LGBTQ+ people in 1973. Supporting LGBTQ+ young people by supporting and strengthening their families has been a core part of our work ever since. Today, the gold-standard advocated by PFLAG parents and families—and set forth by pediatricians and therapists—is to accept, support, and affirm LGBTQ+ people’s sexual orientation and/or gender identity and expression; parental rejection is widely understood to be abusive and damaging.

5. We know, too, that LGBTQ+ youth thrive when supported in their schools and community. So, our work also includes ending bullying, discrimination, and harassment in educational settings by providing training for teachers, administrators, and district leaders, and advocating in the public square to ensure LGBTQ+ people are treated fairly and equally when accessing public accommodations and health care.

6. We know that change happens and support grows one interaction at a time, one family at a time.

7. PFLAG is a national membership organization and we have local chapters in 49 states and the District of Columbia. Our chapters in Texas include PFLAG Amarillo, PFLAG Austin, PFLAG Beaumont, PFLAG Boerne, PFLAG Brenham, PFLAG Dallas, PFLAG El Paso, PFLAG Fort Worth, PFLAG Georgetown, PFLAG Houston, PFLAG Lubbock, PFLAG Mesquite, PFLAG Midland/Odessa, PFLAG Montgomery, PFLAG San Antonio, PFLAG San Marcos, PFLAG Seguin, and PFLAG Tyler/East Texas.

8. PFLAG’s membership is comprised of chapter members and national members. Individuals can become a PFLAG member by joining the national organization directly or by

joining their local chapter, which sends a portion of the member's dues to PFLAG National, also making them national members. In addition to our formal members, PFLAG serves thousands of community members through our programs, events, and services every year.

9. PFLAG's members play a central role in electing our organizational leadership. Of the 21 members of the PFLAG National Board of Directors, seven are elected directly by our membership. Seven more are elected by the Regional Directors Council, a body of 13 volunteers who are themselves each elected by the members of one of PFLAG's thirteen regions to work with PFLAG National staff to provide support, resources, training, and help to start new affiliates, and to share the perspectives and activities of members with PFLAG National staff. The remaining seven are elected by the Board itself.

10. As Executive Director, I am the leader of the professional staff who carry out the work of the PFLAG National office, including supporting the development and work of the PFLAG Chapter Network and promoting PFLAG's presence in the national arena, including through policy advocacy, coalitions with organizations who share our goals, developing trainings and educational materials, and engaging with the media. Supporting the PFLAG Chapter Network is PFLAG National's largest program and our national staff works closely with chapter leaders and members across the country to reinforce their efforts to establish and grow their chapters, providing them with infrastructure, publications, online learning tools, advocacy support, media training, and countless other services and supports.

11. Because promoting the wellbeing of LGBTQ+ youth through encouraging and supporting love and affirmation by their families is a core part of our mission and because we have an extensive network of chapters and nearly 1500 members who live in Texas, we have been actively involved in supporting and providing resources to our members and constituents in

light of the increasingly hostile climate for transgender youth and their families in the state over the last few years. This includes PFLAG joining litigation on behalf of our members in order to protect them from Governor Abbott’s directive deeming all affirming health care for transgender adolescents, regardless of medical necessity, to be “child abuse” and the Texas Department of Family and Protective Services’ (“DFPS”) subsequent adoption and implementation of that directive to investigate parents alleged to be helping their children access such care. Suddenly the very thing we know to be good for LGBTQ+ children—supporting and loving your child for who they are and ensuring they receive care they need to thrive—was a reason to be reported and subjected to an intrusive and traumatic investigation.

12. In September 2022, the Travis County District Court issued an injunction blocking DFPS from carrying out this directive, protecting PFLAG member families from investigation. Although the State appealed that injunction, the Court of Appeals reinstated its protections shortly thereafter. That case is still pending, but at least PFLAG families are presently protected from being investigated for child abuse based solely on allegations they sought medically necessary care for their transgender or nonbinary child.

13. This brief sigh of relief we felt from the DFPS Rule being enjoined ended when SB 14 was signed into law on June 2, 2023. PFLAG members had been actively engaged in fighting against SB14’s passage, voicing their opposition regularly at the statehouse. Given the hostility of the climate in Texas towards transgender people in general, and toward youth in particular, its passage was met with both resignation at its predictability and tremendous fear. New families showed up in droves for chapter meetings and support groups, seeking information and support. Chapters planned and participated in events to provide comfort to and celebrate the unbreakable joy of the gender diverse community. PFLAG families with transgender and

nonbinary adolescents shared their contingency plans—those with the resources to move or seek care out of state have begun firming up their plans to do so, while the vast majority without those resources have been asking chapters for alternative avenues to maintain care in Texas. Families were not just seeking health care providers who specialize in medical care for gender dysphoria but leads on affirming general practitioners as well so that their adolescents would have access to multiple providers in the event that their primary providers stop providing gender-affirming medical care or leave the state as a result of SB14. Requests for mental health care providers have skyrocketed, as the fear, distress, and anxiety at the prospect of losing access to medically necessary care has exacerbated adolescents' existing mental health issues connected to their gender dysphoria. Parents and families are scrambling as their children's providers have cancelled appointments and begun winding down medical care for gender dysphoria because of SB14's imminent effective date. And chapter leaders have heard concerns about the impacts on transgender and non-binary youth in the foster care system, who receive health care coverage through Medicaid and will lose coverage for their medical care for gender dysphoria if SB14 goes into effect.

14. SB 14 subjects PFLAG's Texas members with a transgender or nonbinary child in need of gender-affirming medical care to a substantial risk of harm. PFLAG has members in Texas whose children are being or will be monitored for the appropriate time to begin puberty blockers, are currently or soon will be on puberty blockers, and are currently or soon will be on hormone therapy, all as part of a medically prescribed course of care for gender dysphoria. Some of those families are being harmed right now by SB 14's passage, whether because they have had appointments for scheduled care cancelled, are losing access to healthcare providers who are moving their practice out of state or ending their provisions of gender-affirming care for fear of

losing their medical licenses or state funding, or have otherwise had their imminent plans to obtain the established course of medically necessary care for their transgender or nonbinary children disrupted or foreclosed.

15. Other current and future PFLAG members with transgender or nonbinary children face a substantial risk of being harmed if SB 14 goes into effect, including being denied the right to make medical decisions for their child because the care their child's healthcare providers have declared medically necessary for them has been deemed unlawful, being prevented from obtaining the puberty blockers or hormone therapy their child needs solely because they are treatment for gender dysphoria, or losing coverage for care that has previously been covered under state funded health plans. SB 14 will force PFLAG families who have seen their children thrive as a result of medical care to treat their gender dysphoria to stop providing that care, putting those children at risk of serious mental and physical harm—the very reasons those families sought medical care in the first place.

16. While SB 14 has caused or will cause some PFLAG families to leave Texas entirely or to have to access the medically necessary care their transgender or nonbinary child needs in another state, the logistical and financial costs of doing so are incredibly high. No family should be forced to leave their home, jobs, or community or to split up their family to access the established course of medical care for their child's health condition, but SB14 is putting Texas PFLAG families in exactly that position. For countless others, those costs are simply too high; thus SB 14 leaves those transgender and nonbinary Texas youth and their families with no way to access the medically necessary care they need. Parents are prioritizing their children's mental and physical health, but SB14 will strip them of the ability to make the

decisions that they, their children, and their children's medical providers know are in their best interests. SB14 will put these adolescents' lives at risk.

17. Although these members could challenge SB 14 in their own right—as the other Plaintiff families are doing—PFLAG brings claims on behalf of its members to represent their interests to shield them from harm, to vindicate their rights to make the medical decisions they, their child, and their medical providers know to be in their child's best interests, and to allow them to maintain their focus on their child's health and wellbeing rather than litigation.

18. Representing the interests of these members in challenging SB 14 is directly connected to PFLAG's mission in two ways. First, that mission includes encouraging and supporting parents and families of transgender and gender non-conforming people in affirming their children and helping them access the social, psychological, and medical supports they need. We work with our families to encourage love and support of their transgender and gender non-conforming children and to help them ensure that the children's needs are met. The provisions of SB 14 send the opposite message and prevent families from meeting their child's needs. SB 14 bars families from supporting their child's affirmation of their gender identity by seeking the established medically necessary care that has been prescribed for them, depriving youth of medically necessary gender-affirming care, resulting in anxiety, depression, and other negative health outcomes associated with denying or cutting off medically necessary care. In order to fulfill our mission to our members, we must fight back against a law that prevents them from doing the very thing we encourage because we know it is in the best interests of the children.

19. Second, we teach our members to advocate for a caring, just, and affirming world where LGBTQ+ people are safe, celebrated, empowered, and loved, and to advocate for equitable laws and policies that protect them. We have spoken out against bans on medically

necessary care for youth with gender dysphoria such as SB 14 because they directly conflict with parents' abilities to act in their children's best interest and do nothing to protect the health and well-being of youth or anyone who needs access to medical care. SB 14 is the antithesis of an equitable law, interfering with and obstructing decisions made between PFLAG parents, their child, and their child's provider to deprive that child of care that is proven to be safe, medically sound, and necessary for treating gender dysphoria. As an organization dedicated to parents and families of LGBTQ+ youth, we cannot in good faith sit back as our members' fundamental rights to make decisions about their child's medical care are infringed solely because their child is transgender or nonbinary.

20. PFLAG exists to foster a world where LGBTQ+ children can become thriving, healthy, and happy LGBTQ+ adults. Our members depend on us to provide support and community for them in a society that often still treats their children as second-class citizens, attempts to silence them, or denies their very existence. For our members who have transgender and nonbinary children and are doing nothing more than loving them and following the advice of qualified medical professionals, PFLAG is here to do all we can to support them in those efforts and protect them from harmful, invasive laws like SB 14.



Brian K. Bond  
Executive Director, PFLAG, Inc.

**Notary Verification**

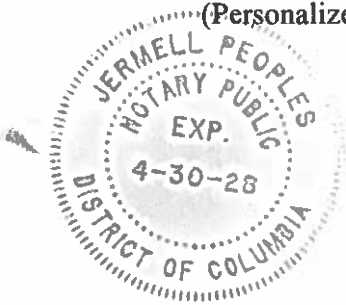
District of Columbia



Brian K. Bond personally appeared before me, and being first duly sworn declared that he signed this declaration in the capacity designated, if any, and further states that he has read the above declaration and the statements therein contained are true.

Sworn to and subscribed before me on the 11<sup>th</sup> day of July 2023, by Brian K. Bond.

(Personalized Seal)



  
Notary Public's Signature

# EXHIBIT 3



STATE OF TEXAS  
OFFICE OF THE ATTORNEY GENERAL  
CONSUMER PROTECTION DIVISION

**CIVIL INVESTIGATIVE DEMAND**

**TO:** Susan Thronson  
*President*  
Brian K. Bond  
*Chief Executive Officer*  
PFLAG, Inc.  
1625 K Street NW #700  
Washington, DC 20006

*via CMRRR:* ~~[ADD HERE]~~ [to be completed]  
*via First Class Mail*

Registered Agents Inc.  
1401 21st Street, Suite R  
Sacramento, CA 95811

*via CMRRR:* ~~[ADD HERE]~~ [to be completed]  
*via First Class Mail*

Pursuant to this Office’s specific authority under section 17.61 of the Texas Deceptive Trade Practices—Consumer Protection Act, Texas Business & Commerce Code §§ 17.41–17.63 (“DTPA”), PFLAG, Inc. (“PFLAG”), a ~~Nonprofit Corporation~~ nonprofit corporation, is hereby directed to produce the items listed in Exhibit “B” attached hereto. Such production is governed by the Instructions and Definitions set forth in Exhibit “A” on this page and subsequent pages.

You are to make available the documentary material described in Exhibit “B” to the undersigned Assistant Attorney General or other authorized agent(s) identified by the Consumer Protection Division (“Division”). This documentary material shall be produced for inspection and copying during normal business hours at your principal office or place of business, or may be sent electronically or by certified mail to the Office of the Attorney General, 300 W. 15<sup>th</sup> Street, 9<sup>th</sup> Floor, Austin, TX 78701 and is due on Monday, February 26, April, 2024. If providing documents electronically, please provide them to Sam Weeks at Samuel.Weeks@oag.texas.gov.

The Division believes that you are in possession, custody, or control of documentary material relevant to the subject matter of an investigation of actual or possible violations of DTPA section 17.46 ~~for issues related to~~ involving potential misrepresentations regarding Gender Transitioning and Reassignment Treatments and Procedures and Texas law.

**TAKE NOTICE THAT pursuant to section 17.62, Texas Business and Commerce Code, any person who attempts to evade, resist, or obstruct compliance with this Civil Investigative Demand (“CID”) shall formally supersede this CID previously issued on February 5, 2024, by the Division. Destroying, mutilating, altering, or concealing any documentary material iniquitously and with intent to obstruct or evade compliance is punishable by a fine of not more than \$5,000 or 90 days’ confinement in the county jail for not more than one year, or both.**

TAKE NOTICE THAT pursuant to section 17.62, Texas Business and Commerce Code, any person who attempts to avoid, evade, or prevent compliance, in whole or in part, with this directive by removing, concealing, withholding, destroying, mutilating, altering, or by any other means falsifying any documentary material may be guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$5,000.00 or by confinement in the county jail for not more than one year, or both.

ISSUED THIS 5<sup>th</sup> day of February 2024.

/s/ David Shatto

DAVID SHATTO, Assistant Attorney General  
Consumer Protection Division, OAG  
T: (512) 463.2185 | F: (512) 370.9125  
David.Shatto@oag.texas.gov

Other Authorized Agent:  
Sam Weeks, Investigator  
Consumer Protection Division, OAG  
T: (512) 936.0501 | F: (512) 370.9125  
Samuel.Weeks@oag.texas.gov

## EXHIBIT A: INSTRUCTIONS

1. **Read These Instructions/ and Definitions Carefully.** Your production must comply with these instructions and definitions.
  
2. Unless the context clearly indicates otherwise, words used in the singular include the plural, the plural includes the singular, and the neutral includes the masculine and feminine.
  
3. **Duty to Preserve Documents.** All documents and/or other data which relate to the subject matter or requests of this ~~Civil Investigative Demand~~CID must be preserved. *Any ongoing, scheduled, or other process of document or data destruction involving such documents or data must cease, even if it is your normal or routine course of business ~~for you~~ to delete or destroy such documents or data and/or even if you believe such documents or data are privileged or otherwise protected from discovery by privilege or otherwise disclosure.* Failure to preserve such documents or data may result in legal action and may be regarded as spoliation of evidence under applicable law.
  
4. **Relevant Time Period.** Unless otherwise noted, the requests ~~in this Civil Investigative Demand~~herein require production of documents from March 8, 2023, to the date of the last production of documents in made response to this ~~Civil Investigative Demand, herein called the “Relevant Time Period.”~~CID.
  
5. **Custody and Control.** In responding to ~~this Civil Investigative Demand~~the CID, you are required to produce ~~not only~~ all requested responsive documents in your ~~physical~~ possession, ~~but also all requested documents within your custody and~~custody, or control. A document is ~~in~~within your custody and/or control if it is in the possession of another person and you have a right to possess that document that is equal or superior to that other person’s right of possession. ~~On the rare occasion that you cannot obtain the document, you must provide an explanation as to why you cannot obtain the document which includes the following information:~~
  - a. ~~the name of each author, sender, creator, and initiator of such document;~~
  - b. ~~the name of each recipient, addressee, or party for whom such document was intended;~~
  - c. ~~the date the document was created;~~
  - d. ~~the date(s) the document was in use;~~
  - e. ~~a detailed description of the content of the document;~~
  - f. ~~the reason it is no longer in your possession, custody, or control; and~~

~~g. the document's present whereabouts.~~

~~If the document is no longer in existence, in addition to providing the information indicated above, state on whose instructions the document was destroyed or otherwise disposed of, and the date and manner of the destruction or disposal.~~

6. ~~Non-identical~~**Identical Copies to be Produced, or Drafts.** Any copy or draft of a document that differs in any manner, including the presence of handwritten notations, different senders or recipients, etc. ~~must be,~~ from the original version shall be considered a distinct document and produced.

7. ~~No Redaction. All~~**Permitted Redactions for Member Identifying Information.** In general, all materials or documents ~~produced in response~~responsive to this ~~Civil Investigative Demand~~CID shall be produced in complete unabridged, unedited, and unredacted form, even if portions may contain information not explicitly requested; ~~or might include~~may reflect interim or final ~~editions~~portions of ~~a document.~~documents or materials.

Unlike the February 5, 2024 CID, the foregoing, operative CID does *not* request that PFLAG produce documents and information disclosing the identify of its Members and/or actual membership lists, either in whole or in part, in any form. For this reason, PFLAG may elect to redact or anonymize any portion of a document otherwise within the scope of the CID that contains information disclosing or providing the identity of any Member. Any questions related to the precise information that PFLAG may redact at its own election should be directed the Office of the Attorney General representatives above.

8. **Document Organization.**– Each document and other tangible thing produced shall be clearly designated as to which request, and each sub-part of a request, that it satisfies. The documents produced shall be identified and segregated to correspond with the number and subsection of the request.

9. **Production of Documents. Format.** You may submit photocopies (with color photocopies where necessary to interpret the document) in lieu of original hard-copy documents if the photocopies provided are true, correct, and complete copies of the original documents. If the requested information is electronically stored information, it shall be produced in electronic form. Electronically stored information shall be produced with the accompanying metadata, ~~codes~~TIFF images, native files, load files, and programs necessary for ~~translating it~~processing into ~~usable form,~~ or the information shall be produced in a finished usable form. For any questions related to the production of documents you may consult with the Office of the Attorney General representatives above.

~~10.~~ **Privilege Log.** For each ~~Document and any document or~~ other requested information that you assert is privileged or ~~for any other reason excludable otherwise protected~~ from ~~production disclosure~~, please provide a privilege log, ~~wherein you:~~

- ~~a. Identify that Document and other requested~~ with a numerical list of the document(s), thing(s), or information;
- ~~b. State each specific ground for the claim of which~~ privilege or other ground for exclusion and the facts supporting each claim of privilege or other ground for exclusion;

~~11.10.~~ State the date of the Document or other requested protection from disclosure is claimed is claim, and for each item detailed and non-conclusory information; the name, job title, and address (that demonstrates a prima facie claim for privilege and protection, including city, state and ZIP Code) of the person who prepared it; the name, address (including city, state, and ZIP Code), and job title of the person to whom it was addressed or circulated or who saw it; and the name, job title, and address (including city, state, and ZIP Code) of the person now in possession of it; and but not limited to, the following:

- a. Describe The name of the type custodian of the withheld materials;
- b. The name of each author, writer, sender, and creator of the materials;
- c. The name of each recipient, addressee, and copyee for whom the materials were intended, if any;
- d. The date the materials were created;
- e. The general subject matter of the Document or other requested information materials; and
- a.f. The factual and legal bases for the claim.

## DEFINITIONS

1. ~~“You,” “your,” and “Your,” “PFLAG, Inc.,” (also referred to herein as the “Company”)~~ means the entity named on page one of this ~~Civil Investigative Demand~~CID, with an address of 1625 K Street NW #700, Washington, DC 20006, and a registered agent at Registered Agents Inc., at 1401 21st Street, Suite R, Sacramento, CA 95811, and includes its past and present directors, officers, employees, agents and representatives, parents and predecessors, divisions, subsidiaries, ~~Affiliates~~affiliates, partnerships and joint ventures, and all persons and entities acting or purporting to act under the ~~guidance~~control of or on behalf of any of the above. The terms “subsidiary,” ~~Affiliate~~affiliate,” and “joint venture” refer to any ~~firm~~entity in which there is total or partial ownership (25 percent or more) or control between ~~the Company~~PFLAG and any other person or entity.

~~2. The words “and” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of the request, any document(s) that might be deemed outside its scope by another construction.~~

~~2. The terms “and/or,” “and,” and “or” refer to all listed categories inclusively, not exclusively (i.e., not the option of producing one group of documents, or another, nor of producing documents for one group of the listed persons, but not others). The conjunctive “and” shall be deemed to include the disjunctive “or” and vice versa.~~

3. **“Affiliate(s)”** includes, but is not limited to, PFLAG Tyler/ East Texas; PFLAG Houston; PFLAG Dallas, Inc.; PFLAG Fort Worth, Inc.; PFLAG San Antonio; PFLAG Odessa; PFLAG Denton; PFLAG Seguin; PFLAG Longview; PFLAG Boerne; PFLAG Corpus Christi; PFLAG Midland-Odessa; PFLAG Georgetown; PFLAG Amarillo; PFLAG Mesquite; PFLAG of the Big Country; PFLAG-Kerr County; PFLAG Brownsville Chapter; PFLAG Beaumont Chapter; PFLAG San Marcos, Inc.; PFLAG Brenham Chapter; PFLAG San Angelo; PFLAG Huntsville TX; PFLAG Corpus Christi, Texas, Chapter; PFLAG/HATCH YOUR SCHOLARSHIP FOUNDATION; PFLAG San Juan, Chapter of PFLAG; PFLAG of Montgomery (Parents, Families and Friends of Lesbians and Gays); and any other similarly related entity registered in Texas, either domestic or foreign.

4. **“Communication”** means any conversation, discussion, letter, email, correspondence, memorandum, meeting, note, or other transmittal of information or message, whether transmitted in writing, orally, electronically, or by any other means.

~~5. “Document” is used herein in the broadest sense of the term and means all records and other tangible media of expression of whatever nature however and wherever created, produced, or stored (manually, mechanically, electronically, or otherwise), including without limitation all versions whether draft or final, all annotated or nonconforming or other copies, electronic mail (e-~~



mail), instant messages, text messages or other wireless device messages, voicemail, calendars, date books, appointment books, diaries, books, papers, files, notes, confirmations, accounts statements, correspondence, memoranda, reports, records, journals, registers, analyses, plans, manuals, policies, telegrams, faxes, telexes, wires, telephone logs, telephone messages, message slips, minutes, notes or records or transcriptions of conversations or Communications or meetings, tape recordings, videotapes, disks, and other electronic media, microfilm, microfiche, storage devices, press releases, contracts, agreements, notices, and summaries. Any non-identical version of a Document constitutes a separate Document within this definition, including without limitation drafts or copies bearing any notation, edit, comment, marginalia, underscoring, highlighting, marking, or any other alteration of any kind resulting in any difference between two or more otherwise identical Documents. In the case of Documents bearing any notation or other marking made by highlighting ink, the term Document means the original version bearing the highlighting ink, which original must be produced as opposed to any copy thereof.

5. “Document” shall be construed in the broadest sense possible and encompasses any electronically stored information, writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by PFLAG into a reasonably usable form. Although it does not limit the scope of this CID, the definition and interpretation of “document” under the Texas Rules of Civil Procedural provides a useful reference point.

6. **“Gender Transitioning and Reassignment Treatments and Procedures”** means any and all procedures or treatments for the purpose of “transitioning” a ~~Child’s~~child’s biological sex as determined by the sex organs, chromosomes, and endogenous profiles of the child or affirming the child’s perception of the child’s sex if that perception is inconsistent with the child’s biological sex, ~~including. This definition includes,~~ but is not limited to, surgeries or procedures that result in sterilization, mastectomy, or other removal of otherwise healthy or non-diseased tissue, the provision of medications that induce transient or permanent infertility (~~includingsuch as~~ puberty suppressing and blocking drugs or supraphysiologic doses of testosterone to females and estrogen to males), and any other treatments, therapies, or procedures ~~that are~~ provided to address gender identity disorder, gender dysphoria, and any other similar or related conditions.

7. ~~“Identify” means the following:~~

- a. ~~With respect to a natural Person, the complete name, any alias(es), social security number, date of birth, occupation, title(s), job responsibilities, street and mailing address for both home and business at the time in question and at the time of responding (if different), home, cellular, and business telephone numbers, and personal and business email addresses;~~
- b. ~~With respect to a business or an entity, its name(s), business address(es), legal address(es), state(s) of incorporation, registered or unregistered tradename(s), name(s) under which it does business, or any other associated name(s), electronic email domains and websites operated by the entity, tax identification number(s), and the identity of its agent(s) for the service of process; and~~

e. ~~With respect to a Document, its Bates or other sequential notation, title, date, location, author(s), signatory(ies), recipient(s), description (e.g., memorandum, letter, contract, form), the number of pages, and a summary of the contents.~~

8. ~~“Person” includes You and means any entity or natural person.~~

7. “Members” includes individuals who pay dues for purposes of joining or associating with PFLAG’s national chapter or any local chapter. For purposes of this CID, the term shall be broadly construed to encompass donors to PFLAG and individuals who directly participated in PFLAG’s official programs, events, and services. However, “Members” does not include PFLAG’s professional staff and non-PFLAG entities with whom the organization associates.

8. “Person” includes you and encompasses an entity or natural person.

## EXHIBIT B: DOCUMENTS TO BE PRODUCED

In accordance with the requirements set forth ~~in the “Definitions” above and “Instructions” sections of this Civil Investigative Demand, You are specifically required to~~ provided for under Texas law, PFLAG must respond in writing ~~to each of and~~ produce documents responsive the following Requests within ~~the time frame set forth below:~~ twenty (20) days.

### Produce within 20 days:

1. ~~All Documents~~ documents and ~~Communications~~ communications that form the basis of, or otherwise relate to, Brian K. Bond’s personal knowledge of the information ~~contained in~~ stated in paragraphs 7 and 13 of the affidavit attached hereto as “EXHIBIT B1.”
2. All ~~Communications~~ communications to, or from, ~~any PFLAG representative~~ PFLAG’s professional staff, non-members, or Affiliates regarding, relating to, or referencing, “contingency plans” and/or “alternative avenues to maintain care,” as those phrases are used in the affidavit attached hereto as “EXHIBIT B1.”
3. All recommendations, referrals, and/or lists of pediatric and/or adolescent ~~“health care providers” (as that term is used in paragraph 13 of the affidavit attached hereto as “EXHIBIT B1”)~~ in Texas; that PFLAG (or any of its representatives professional staff or affiliates) has created, maintained, received, or distributed since March 8, 2023.
4. ~~All Communications to, or from, Brian K. Bond regarding, or relating to, the contents and preparation of the affidavit attached hereto as “EXHIBIT B1.”~~
5. ~~4.~~ In reference to the affidavit attached hereto as “EXHIBIT B1,” produce ~~all Documents~~ documents, meeting minutes, and ~~Communications that support Brian K. Bond’s sworn~~ communications sufficient to show the factual basis for the statement that “PFLAG families with transgender and nonbinary adolescents ... have been asking chapters for alternative avenues to maintain care in Texas.” (with PFLAG having the option to redact identifying member information in the manner described in Instruction No. 7).
6. ~~5.~~ All ~~Communications~~ communications to, or from, ~~any PFLAG representative~~ PFLAG’s professional staff, non-members, or Affiliates regarding, relating to, or referencing any of the individuals or entities identified in the document attached ~~here to~~ hereto as “EXHIBIT B2” since March 8, 2023.
7. ~~6.~~ Any and all All contractual and charter agreements between PFLAG’s Texas chapters and national chapter.
8. ~~7.~~ The governing documents and bylaws of PFLAG’s Texas chapters and national chapter.

EXHIBIT B1

**LAZARO LOE, et al.**

**Plaintiffs**

**v.**

**STATE OF TEXAS, et. al,**

**Defendants.**

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**IN THE DISTRICT COURT OF**

**TRAVIS COUNTY, TEXAS  
\_\_\_\_ JUDICIAL DISTRICT**

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**AFFIDAVIT OF BRIAN K. BOND**

---

I, Brian K. Bond, hereby declare and state as follows:

1. I am over 18 years of age, of sound mind, and fully capable of making this declaration. I have personal knowledge of the facts set forth in this declaration, they are true and correct, and I would testify competently to those facts if called to do so.

2. I am the Executive Director of PFLAG, Inc. (“PFLAG”). Founded in 1973, PFLAG is the first and largest organization for lesbian, gay, bisexual, transgender, and queer (“LGBTQ+”) people, their parents and families, and allies. We are a 501(c)(3) non-profit organization.

3. PFLAG has over 350 chapters across the country and approximately 325,000 members and supporters nationwide. Our members and supporters cross multiple generations of families in major urban centers, small cities, and rural areas across America. PFLAG envisions an equitable and inclusive world where every LGBTQ+ person is safe, celebrated, empowered, and loved. Our mission is to create a caring, just, and affirming world for LGBTQ+ people and those who love them.

4. Our founder, Jeanne Manford, marched with her son Morty in the 1972 Christopher Street Liberation Day March in New York City and created the very first support group for parents and families of LGBTQ+ people in 1973. Supporting LGBTQ+ young people by supporting and strengthening their families has been a core part of our work ever since. Today, the gold-standard advocated by PFLAG parents and families—and set forth by pediatricians and therapists—is to accept, support, and affirm LGBTQ+ people’s sexual orientation and/or gender identity and expression; parental rejection is widely understood to be abusive and damaging.

5. We know, too, that LGBTQ+ youth thrive when supported in their schools and community. So, our work also includes ending bullying, discrimination, and harassment in educational settings by providing training for teachers, administrators, and district leaders, and advocating in the public square to ensure LGBTQ+ people are treated fairly and equally when accessing public accommodations and health care.

6. We know that change happens and support grows one interaction at a time, one family at a time.

7. PFLAG is a national membership organization and we have local chapters in 49 states and the District of Columbia. Our chapters in Texas include PFLAG Amarillo, PFLAG Austin, PFLAG Beaumont, PFLAG Boerne, PFLAG Brenham, PFLAG Dallas, PFLAG El Paso, PFLAG Fort Worth, PFLAG Georgetown, PFLAG Houston, PFLAG Lubbock, PFLAG Mesquite, PFLAG Midland/Odessa, PFLAG Montgomery, PFLAG San Antonio, PFLAG San Marcos, PFLAG Seguin, and PFLAG Tyler/East Texas.

8. PFLAG’s membership is comprised of chapter members and national members. Individuals can become a PFLAG member by joining the national organization directly or by

joining their local chapter, which sends a portion of the member's dues to PFLAG National, also making them national members. In addition to our formal members, PFLAG serves thousands of community members through our programs, events, and services every year.

9. PFLAG's members play a central role in electing our organizational leadership. Of the 21 members of the PFLAG National Board of Directors, seven are elected directly by our membership. Seven more are elected by the Regional Directors Council, a body of 13 volunteers who are themselves each elected by the members of one of PFLAG's thirteen regions to work with PFLAG National staff to provide support, resources, training, and help to start new affiliates, and to share the perspectives and activities of members with PFLAG National staff. The remaining seven are elected by the Board itself.

10. As Executive Director, I am the leader of the professional staff who carry out the work of the PFLAG National office, including supporting the development and work of the PFLAG Chapter Network and promoting PFLAG's presence in the national arena, including through policy advocacy, coalitions with organizations who share our goals, developing trainings and educational materials, and engaging with the media. Supporting the PFLAG Chapter Network is PFLAG National's largest program and our national staff works closely with chapter leaders and members across the country to reinforce their efforts to establish and grow their chapters, providing them with infrastructure, publications, online learning tools, advocacy support, media training, and countless other services and supports.

11. Because promoting the wellbeing of LGBTQ+ youth through encouraging and supporting love and affirmation by their families is a core part of our mission and because we have an extensive network of chapters and nearly 1500 members who live in Texas, we have been actively involved in supporting and providing resources to our members and constituents in

light of the increasingly hostile climate for transgender youth and their families in the state over the last few years. This includes PFLAG joining litigation on behalf of our members in order to protect them from Governor Abbott’s directive deeming all affirming health care for transgender adolescents, regardless of medical necessity, to be “child abuse” and the Texas Department of Family and Protective Services’ (“DFPS”) subsequent adoption and implementation of that directive to investigate parents alleged to be helping their children access such care. Suddenly the very thing we know to be good for LGBTQ+ children—supporting and loving your child for who they are and ensuring they receive care they need to thrive—was a reason to be reported and subjected to an intrusive and traumatic investigation.

12. In September 2022, the Travis County District Court issued an injunction blocking DFPS from carrying out this directive, protecting PFLAG member families from investigation. Although the State appealed that injunction, the Court of Appeals reinstated its protections shortly thereafter. That case is still pending, but at least PFLAG families are presently protected from being investigated for child abuse based solely on allegations they sought medically necessary care for their transgender or nonbinary child.

13. This brief sigh of relief we felt from the DFPS Rule being enjoined ended when SB 14 was signed into law on June 2, 2023. PFLAG members had been actively engaged in fighting against SB14’s passage, voicing their opposition regularly at the statehouse. Given the hostility of the climate in Texas towards transgender people in general, and toward youth in particular, its passage was met with both resignation at its predictability and tremendous fear. New families showed up in droves for chapter meetings and support groups, seeking information and support. Chapters planned and participated in events to provide comfort to and celebrate the unbreakable joy of the gender diverse community. PFLAG families with transgender and

nonbinary adolescents shared their contingency plans—those with the resources to move or seek care out of state have begun firming up their plans to do so, while the vast majority without those resources have been asking chapters for alternative avenues to maintain care in Texas. Families were not just seeking health care providers who specialize in medical care for gender dysphoria but leads on affirming general practitioners as well so that their adolescents would have access to multiple providers in the event that their primary providers stop providing gender-affirming medical care or leave the state as a result of SB14. Requests for mental health care providers have skyrocketed, as the fear, distress, and anxiety at the prospect of losing access to medically necessary care has exacerbated adolescents' existing mental health issues connected to their gender dysphoria. Parents and families are scrambling as their children's providers have cancelled appointments and begun winding down medical care for gender dysphoria because of SB14's imminent effective date. And chapter leaders have heard concerns about the impacts on transgender and non-binary youth in the foster care system, who receive health care coverage through Medicaid and will lose coverage for their medical care for gender dysphoria if SB14 goes into effect.

14. SB 14 subjects PFLAG's Texas members with a transgender or nonbinary child in need of gender-affirming medical care to a substantial risk of harm. PFLAG has members in Texas whose children are being or will be monitored for the appropriate time to begin puberty blockers, are currently or soon will be on puberty blockers, and are currently or soon will be on hormone therapy, all as part of a medically prescribed course of care for gender dysphoria. Some of those families are being harmed right now by SB 14's passage, whether because they have had appointments for scheduled care cancelled, are losing access to healthcare providers who are moving their practice out of state or ending their provisions of gender-affirming care for fear of



losing their medical licenses or state funding, or have otherwise had their imminent plans to obtain the established course of medically necessary care for their transgender or nonbinary children disrupted or foreclosed.

15. Other current and future PFLAG members with transgender or nonbinary children face a substantial risk of being harmed if SB 14 goes into effect, including being denied the right to make medical decisions for their child because the care their child's healthcare providers have declared medically necessary for them has been deemed unlawful, being prevented from obtaining the puberty blockers or hormone therapy their child needs solely because they are treatment for gender dysphoria, or losing coverage for care that has previously been covered under state funded health plans. SB 14 will force PFLAG families who have seen their children thrive as a result of medical care to treat their gender dysphoria to stop providing that care, putting those children at risk of serious mental and physical harm—the very reasons those families sought medical care in the first place.

16. While SB 14 has caused or will cause some PFLAG families to leave Texas entirely or to have to access the medically necessary care their transgender or nonbinary child needs in another state, the logistical and financial costs of doing so are incredibly high. No family should be forced to leave their home, jobs, or community or to split up their family to access the established course of medical care for their child's health condition, but SB14 is putting Texas PFLAG families in exactly that position. For countless others, those costs are simply too high; thus SB 14 leaves those transgender and nonbinary Texas youth and their families with no way to access the medically necessary care they need. Parents are prioritizing their children's mental and physical health, but SB14 will strip them of the ability to make the

decisions that they, their children, and their children's medical providers know are in their best interests. SB14 will put these adolescents' lives at risk.

17. Although these members could challenge SB 14 in their own right—as the other Plaintiff families are doing—PFLAG brings claims on behalf of its members to represent their interests to shield them from harm, to vindicate their rights to make the medical decisions they, their child, and their medical providers know to be in their child's best interests, and to allow them to maintain their focus on their child's health and wellbeing rather than litigation.

18. Representing the interests of these members in challenging SB 14 is directly connected to PFLAG's mission in two ways. First, that mission includes encouraging and supporting parents and families of transgender and gender non-conforming people in affirming their children and helping them access the social, psychological, and medical supports they need. We work with our families to encourage love and support of their transgender and gender non-conforming children and to help them ensure that the children's needs are met. The provisions of SB 14 send the opposite message and prevent families from meeting their child's needs. SB 14 bars families from supporting their child's affirmation of their gender identity by seeking the established medically necessary care that has been prescribed for them, depriving youth of medically necessary gender-affirming care, resulting in anxiety, depression, and other negative health outcomes associated with denying or cutting off medically necessary care. In order to fulfill our mission to our members, we must fight back against a law that prevents them from doing the very thing we encourage because we know it is in the best interests of the children.

19. Second, we teach our members to advocate for a caring, just, and affirming world where LGBTQ+ people are safe, celebrated, empowered, and loved, and to advocate for equitable laws and policies that protect them. We have spoken out against bans on medically

necessary care for youth with gender dysphoria such as SB 14 because they directly conflict with parents' abilities to act in their children's best interest and do nothing to protect the health and well-being of youth or anyone who needs access to medical care. SB 14 is the antithesis of an equitable law, interfering with and obstructing decisions made between PFLAG parents, their child, and their child's provider to deprive that child of care that is proven to be safe, medically sound, and necessary for treating gender dysphoria. As an organization dedicated to parents and families of LGBTQ+ youth, we cannot in good faith sit back as our members' fundamental rights to make decisions about their child's medical care are infringed solely because their child is transgender or nonbinary.

20. PFLAG exists to foster a world where LGBTQ+ children can become thriving, healthy, and happy LGBTQ+ adults. Our members depend on us to provide support and community for them in a society that often still treats their children as second-class citizens, attempts to silence them, or denies their very existence. For our members who have transgender and nonbinary children and are doing nothing more than loving them and following the advice of qualified medical professionals, PFLAG is here to do all we can to support them in those efforts and protect them from harmful, invasive laws like SB 14.

A handwritten signature in black ink, appearing to read "Brian K. Bond", written over a horizontal line.

Brian K. Bond  
Executive Director, PFLAG, Inc.

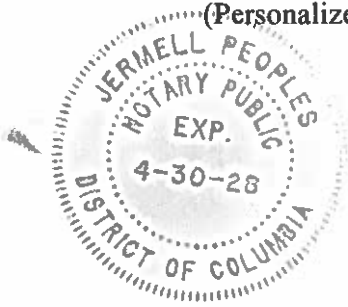
**Notary Verification**

District of Columbia

Brian K. Bond personally appeared before me, and being first duly sworn declared that he signed this declaration in the capacity designated, if any, and further states that he has read the above declaration and the statements therein contained are true.

Sworn to and subscribed before me on the 11<sup>th</sup> day of July 2023, by Brian K. Bond.

(Personalized Seal)



  
Notary Public's Signature

## **EXHIBIT B2**

Texas Children's Hospital  
Baylor College of Medicine  
Seattle Children's Hospital  
QMed/QueerMed  
QueerDoc  
Plume Health, P.C.

# EXHIBIT 4



STATE OF TEXAS  
OFFICE OF THE ATTORNEY GENERAL  
CONSUMER PROTECTION DIVISION

**NOTICE OF DEMAND FOR SWORN WRITTEN STATEMENT**

**TO:** Susan Thronson  
*President*  
Brian K. Bond  
*Chief Executive Officer*  
PFLAG, Inc.  
1625 K Street NW #700  
Washington, DC 20006

via CMRRR: **[ADD HERE to be completed]**  
via First Class Mail

Registered Agents Inc.  
1401 21st Street, Suite R  
Sacramento, CA 95811

via CMRRR: **[ADD HERE to be completed]**  
via First Class Mail

The Consumer Protection Division has reason to believe that a “person,” as defined by the DTPA, is engaging in, has engaged in, or is about to engage in an act or practice declared unlawful by the DTPA. Pursuant to section 17.60 of the Texas Deceptive Trade Practices—Consumer Protection Act, §§ 17.41 *et seq.*, Tex. Bus. & Com. Code (“DTPA”), PFLAG, Inc. (“PFLAG”) is hereby directed to file on the prescribed form provided herein written answers under oath to the requests found in Exhibit “B.”

The information requests must be answered fully, correctly, and under oath, in accordance with the “Definitions and Instructions” set forth in Exhibit “A.” Your sworn written answers must be returned to the undersigned attorney general on or before **Monday, February 26, April**, 2024. You may change the terms of this notice of demand for sworn written statement only by written agreement with an authorized Texas assistant attorney general or by court order. If providing documents electronically, please provide them to Sam Weeks at [Samuel.Weeks@oag.texas.gov](mailto:Samuel.Weeks@oag.texas.gov).

This demand for sworn written statement is relevant to the subject matter of an investigation regarding possible violations of DTPA section 17.46 for issues related to misrepresentations regarding Gender Transitioning and Reassignment Treatments and Procedures.

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**TAKE NOTICE THAT pursuant to § 17.62, Texas Business & Commerce Code, any person who with intent to avoid, evade, or prevent compliance, in whole or in part, with this examination under oath, removes from any place, conceals, withholds, or destroys, mutilates, alters, or by any other means falsifies any relevant documentary material may be guilty of a misdemeanor that, upon conviction, is punishable by a fine of not more than \$5,000.00 or by confinement in the county jail for not more than one year, or both.**

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This Demand for Sworn Written Statement (“DSWS”) formally supersedes the DSWS issued by the Division on February 5, 2024. The Division officially withdraws the February 5, 2024 DSWS and waives any and all rights thereunder, including enforcement. The sole DSWS issued to PFLAG with the current force and effect of law is the following.

ISSUED THIS 5<sup>th</sup> th day of February      2024.

~~/s/ David Shatto~~

DAVID SHATTO, Assistant Attorney General  
Consumer Protection Division, OAG  
T: (512) 463.2185 | F: (512) 370.9125  
David.Shatto@oag.texas.gov

Other Authorized Agent:  
Sam Weeks, Investigator  
Consumer Protection Division, OAG  
T: (512) 936.0501 | F: (512) 370.9125  
Samuel.Weeks@oag.texas.gov



## EXHIBIT A: DEFINITIONS AND INSTRUCTIONS

1. **“You,” “Your,” ~~“PFLAG, Inc.,” and/or “PFLAG,” (also referred to herein as the “Company”)~~ and “PFLAG”** means the entity named on page one of this Demand for Sworn Written Statement, with an address at 1625 K Street NW #700, Washington, DC 20006, and a registered agent at Registered Agents Inc., at 1401 21st Street, Suite R, Sacramento, CA 95811, and includes its past and present officers, employees, agents and representatives, parents and predecessors, divisions, subsidiaries, ~~Affiliates~~affiliates, partnerships and joint ventures, and all persons and entities acting or purporting to act under the guidance or on behalf of any of the above. The terms “subsidiary,” ~~“Affiliate~~affiliate,” and “joint venture” refer to any firm in which there is total or partial ownership (25 percent or more) or control between the Company and any other person or entity.
- ~~2. The words **“and”** and **“or”** shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of the request, any document(s) that might be deemed outside its scope by another construction.~~
- ~~2. The terms **“and/or,” “and,”** and **“or”** refer to all listed categories inclusively, not exclusively (i.e., not the option of producing one group of documents, or another, nor of producing documents for one group of the listed persons, but not others). The conjunctive **“and”** shall be deemed to include the disjunctive **“or”** and vice versa.~~
3. **“Affiliate(s)”** includes, but is not limited to, PFLAG Tyler/ East Texas; PFLAG Houston; PFLAG Dallas, Inc.; PFLAG Fort Worth, Inc.; PFLAG San Antonio; PFLAG Odessa; PFLAG Denton; PFLAG Seguin; PFLAG Longview; PFLAG Boerne; PFLAG Corpus Christi; PFLAG Midland-Odessa; PFLAG Georgetown; PFLAG Amarillo; PFLAG Mesquite; PFLAG of the Big Country; PFLAG-Kerr County; PFLAG Brownsville Chapter; PFLAG Beaumont Chapter; PFLAG San Marcos, Inc.; PFLAG Brenham Chapter; PFLAG San Angelo; PFLAG Huntsville TX; PFLAG Corpus Christi, Texas, Chapter; PFLAG/HATCH YOUR SCHOLARSHIP FOUNDATION; PFLAG San Juan, Chapter of PFLAG; PFLAG of Montgomery (Parents, Families and Friends of Lesbians and Gays; and any other similarly related entity registered in Texas, either domestic or foreign.
4. **“Gender Transitioning and Reassignment Treatments and Procedures”** means any and all procedures or treatments for the purpose of “transitioning” a Child’s biological sex as determined by the sex organs, chromosomes, and endogenous profiles of the child or affirming the child’s perception of the child’s sex if that perception is inconsistent with the child’s biological sex, ~~including. This definition includes,~~ but is not limited to, surgeries or procedures that result in sterilization, mastectomy, or other removal of otherwise healthy or non-diseased tissue, the provision of medications that induce transient or permanent infertility (including puberty suppressing and blocking drugs or supraphysiologic doses of testosterone to females and estrogen to males), and any other treatments, therapies, or procedures that are provided to address gender identity disorder, gender dysphoria, and any other similar or related conditions.
5. ~~“Identify” means the following:~~
  - a. ~~With respect to a natural Person, the complete name, any alias(es), social security number, date of birth, occupation, title(s), job responsibilities, street and mailing address for both~~

- ~~home and business at the time in question and at the time of responding (if different), home, cellular, and business telephone numbers, and personal and business email addresses;~~
- ~~b. With respect to an entity, its name(s), business address(es), legal address(es), state(s) of incorporation, registered or unregistered tradename(s), name(s) under which it does business, or any other associated name(s), electronic email domains and websites operated by the entity, tax identification number(s), and the identity of its agent(s) for the service of process;~~
  - ~~c. With respect to a Document, its Bates or other sequential notation, title, date, location, author(s), signatory(ies), recipient(s), description (e.g., memorandum, letter, contract, form), the number of pages, and a summary of the contents;~~
  - ~~d. With respect to a Communication, the persons participating in the Communication, state the date, time, manner, place, means and substance of the Communication, and also the Document or Documents which refer to the Communication; and~~
  - ~~e. With respect to an event or sequence of events, the date, place, and time of the event or sequence of events, the persons involved, and the facts related to the substance of the particular interrogatory.~~

6.5. **“Including”** means including, but not limited to.

7.6. **“Person”** includes ~~You~~you and means any entity or natural person.

8.7. **“Relevant Time Period”** Unless otherwise noted, the requests in this Civil Investigative Demand require production of documents from March 8, 2023, to the date of the production of documents in response to this Sworn Written Statement, herein called the “Relevant Time Period.”

9.8. Unless the context otherwise clearly indicates, words used in the singular include the plural, the plural includes the singular, and the neuter gender includes the masculine and the feminine.

10.9. In answering the information requests contained in Exhibit B, you shall furnish such information as is available to you, not merely such information within your officers’ or employees’ personal knowledge. You are to furnish any and all responsive information to each information request in Exhibit B after diligent inquiry into all sources of information available to you.

11.10. In the event any matter in Exhibit B cannot be fully or precisely answered after the exercise of reasonable diligence, you shall furnish as complete and precise an answer as you can and explain in detail the reasons why you cannot give a full or precise answer, what is needed to be done in order to be in a position to fully and precisely provide the answer, and a time estimate as to when you will be able to provide a full and precise answer.

12.11. Each response in this sworn written statement must include all relevant information from the Relevant Time Period. If changes in the relevant information, Including processes, procedures, or policies, occurred during the Relevant Time Period, describe the manner and timeframe in which the relevant information changed.

12. **“Members”** includes individuals who pay dues or purposes of joining or associating with PFLAG’s national chapter or any local chapter. For purposes of this Demand for Sworn Written Statement, the

term shall be broadly construed to encompass donors to PFLAG and individuals who directly participated in PFLAG's official programs, events and services.

13. The Division does not seek PFLAG's membership list, either full or partial, in any form. Therefore, at PFLAG's election, information that identifies a member may be redacted or otherwise anonymized.

13.14. At the end of your answers, you are required, under oath, to make and sign the following statement before a licensed notary:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

My name is [FULL NAME]. I am over the age of 18 and capable of making this sworn statement. The preceding answers are within my personal knowledge and are true and correct.

\_\_\_\_\_  
[FULL NAME]

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

[NOTARY STAMP AND NOTARY'S DATED SIGNATURE]

**EXHIBIT B**  
**INFORMATION REQUESTS TO BE ANSWERED UNDER OATH**

- ~~1. Define the meaning of “gender affirming medical care” as that phrase is used in the affidavit attached hereto as “EXHIBIT B1.”~~
- ~~2. Define the meaning of “affirming general practitioners” as that phrase is used in the affidavit attached hereto as “EXHIBIT B1.”~~
- 3.1. In reference to the affidavit attached hereto as “EXHIBIT B1,” ~~Identify~~identify any "contingency plans" or "alternative avenues" that PFLAG identified, created, or shared with its members relating to obtaining and/or maintaining “gender-affirming medical care” in Texas.
- ~~4. In reference to Your response to Information Request No. 3 above, and separately for each “contingency plan” or “alternative avenue,” Identify from whom PFLAG learned about such “contingency plans” or “alternative avenues.”~~
- ~~5.2. In reference to the affidavit attached hereto as “EXHIBIT B1,” Identify~~identify any "contingency plans" or "alternative avenues" that PFLAG has discovered or learned about relating to “gender-affirming medical care” in Texas.
- ~~6. In reference to the affidavit attached hereto as “EXHIBIT B1,” Identify all factual bases upon which Brian K. Bond made the sworn statement that he had personal knowledge that “PFLAG families with transgender and nonbinary adolescents shared their contingency plans—those with the resources to move or seek care out of state have begun firming up their plans to do so, while the vast majority without those resources have been asking chapters for alternative avenues to maintain care in Texas.”~~

~~In reference to the affidavit attached hereto as “EXHIBIT B1,” Identify all factual bases upon which Brian K. Bond made the sworn statement that he had personal knowledge that “Families were not just seeking health care providers who specialize in medical care for gender dysphoria but leads on affirming general practitioners...”~~
- 8.3. Identify every health care provider and/or facility, in Texas, to whom PFLAG has referred members since March 8, 2023.
- 9.4. Identify every health care provider and/or facility, in Texas, from whom PFLAG has been referred members since March 8, 2023.

EXHIBIT B1

**LAZARO LOE, et al.**

**Plaintiffs**

**v.**

**STATE OF TEXAS, et al.,**

**Defendants.**

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**IN THE DISTRICT COURT OF**

**TRAVIS COUNTY, TEXAS**  
**\_\_\_\_\_ JUDICIAL DISTRICT**

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**AFFIDAVIT OF BRIAN K. BOND**

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I, Brian K. Bond, hereby declare and state as follows:

1. I am over 18 years of age, of sound mind, and fully capable of making this declaration. I have personal knowledge of the facts set forth in this declaration, they are true and correct, and I would testify competently to those facts if called to do so.

2. I am the Executive Director of PFLAG, Inc. (“PFLAG”). Founded in 1973, PFLAG is the first and largest organization for lesbian, gay, bisexual, transgender, and queer (“LGBTQ+”) people, their parents and families, and allies. We are a 501(c)(3) non-profit organization.

3. PFLAG has over 350 chapters across the country and approximately 325,000 members and supporters nationwide. Our members and supporters cross multiple generations of families in major urban centers, small cities, and rural areas across America. PFLAG envisions an equitable and inclusive world where every LGBTQ+ person is safe, celebrated, empowered, and loved. Our mission is to create a caring, just, and affirming world for LGBTQ+ people and those who love them.

4. Our founder, Jeanne Manford, marched with her son Morty in the 1972 Christopher Street Liberation Day March in New York City and created the very first support group for parents and families of LGBTQ+ people in 1973. Supporting LGBTQ+ young people by supporting and strengthening their families has been a core part of our work ever since. Today, the gold-standard advocated by PFLAG parents and families—and set forth by pediatricians and therapists—is to accept, support, and affirm LGBTQ+ people’s sexual orientation and/or gender identity and expression; parental rejection is widely understood to be abusive and damaging.

5. We know, too, that LGBTQ+ youth thrive when supported in their schools and community. So, our work also includes ending bullying, discrimination, and harassment in educational settings by providing training for teachers, administrators, and district leaders, and advocating in the public square to ensure LGBTQ+ people are treated fairly and equally when accessing public accommodations and health care.

6. We know that change happens and support grows one interaction at a time, one family at a time.

7. PFLAG is a national membership organization and we have local chapters in 49 states and the District of Columbia. Our chapters in Texas include PFLAG Amarillo, PFLAG Austin, PFLAG Beaumont, PFLAG Boerne, PFLAG Brenham, PFLAG Dallas, PFLAG El Paso, PFLAG Fort Worth, PFLAG Georgetown, PFLAG Houston, PFLAG Lubbock, PFLAG Mesquite, PFLAG Midland/Odessa, PFLAG Montgomery, PFLAG San Antonio, PFLAG San Marcos, PFLAG Seguin, and PFLAG Tyler/East Texas.

8. PFLAG’s membership is comprised of chapter members and national members. Individuals can become a PFLAG member by joining the national organization directly or by

joining their local chapter, which sends a portion of the member's dues to PFLAG National, also making them national members. In addition to our formal members, PFLAG serves thousands of community members through our programs, events, and services every year.

9. PFLAG's members play a central role in electing our organizational leadership. Of the 21 members of the PFLAG National Board of Directors, seven are elected directly by our membership. Seven more are elected by the Regional Directors Council, a body of 13 volunteers who are themselves each elected by the members of one of PFLAG's thirteen regions to work with PFLAG National staff to provide support, resources, training, and help to start new affiliates, and to share the perspectives and activities of members with PFLAG National staff. The remaining seven are elected by the Board itself.

10. As Executive Director, I am the leader of the professional staff who carry out the work of the PFLAG National office, including supporting the development and work of the PFLAG Chapter Network and promoting PFLAG's presence in the national arena, including through policy advocacy, coalitions with organizations who share our goals, developing trainings and educational materials, and engaging with the media. Supporting the PFLAG Chapter Network is PFLAG National's largest program and our national staff works closely with chapter leaders and members across the country to reinforce their efforts to establish and grow their chapters, providing them with infrastructure, publications, online learning tools, advocacy support, media training, and countless other services and supports.

11. Because promoting the wellbeing of LGBTQ+ youth through encouraging and supporting love and affirmation by their families is a core part of our mission and because we have an extensive network of chapters and nearly 1500 members who live in Texas, we have been actively involved in supporting and providing resources to our members and constituents in

light of the increasingly hostile climate for transgender youth and their families in the state over the last few years. This includes PFLAG joining litigation on behalf of our members in order to protect them from Governor Abbott’s directive deeming all affirming health care for transgender adolescents, regardless of medical necessity, to be “child abuse” and the Texas Department of Family and Protective Services’ (“DFPS”) subsequent adoption and implementation of that directive to investigate parents alleged to be helping their children access such care. Suddenly the very thing we know to be good for LGBTQ+ children—supporting and loving your child for who they are and ensuring they receive care they need to thrive—was a reason to be reported and subjected to an intrusive and traumatic investigation.

12. In September 2022, the Travis County District Court issued an injunction blocking DFPS from carrying out this directive, protecting PFLAG member families from investigation. Although the State appealed that injunction, the Court of Appeals reinstated its protections shortly thereafter. That case is still pending, but at least PFLAG families are presently protected from being investigated for child abuse based solely on allegations they sought medically necessary care for their transgender or nonbinary child.

13. This brief sigh of relief we felt from the DFPS Rule being enjoined ended when SB 14 was signed into law on June 2, 2023. PFLAG members had been actively engaged in fighting against SB14’s passage, voicing their opposition regularly at the statehouse. Given the hostility of the climate in Texas towards transgender people in general, and toward youth in particular, its passage was met with both resignation at its predictability and tremendous fear. New families showed up in droves for chapter meetings and support groups, seeking information and support. Chapters planned and participated in events to provide comfort to and celebrate the unbreakable joy of the gender diverse community. PFLAG families with transgender and



nonbinary adolescents shared their contingency plans—those with the resources to move or seek care out of state have begun firming up their plans to do so, while the vast majority without those resources have been asking chapters for alternative avenues to maintain care in Texas. Families were not just seeking health care providers who specialize in medical care for gender dysphoria but leads on affirming general practitioners as well so that their adolescents would have access to multiple providers in the event that their primary providers stop providing gender-affirming medical care or leave the state as a result of SB14. Requests for mental health care providers have skyrocketed, as the fear, distress, and anxiety at the prospect of losing access to medically necessary care has exacerbated adolescents' existing mental health issues connected to their gender dysphoria. Parents and families are scrambling as their children's providers have cancelled appointments and begun winding down medical care for gender dysphoria because of SB14's imminent effective date. And chapter leaders have heard concerns about the impacts on transgender and non-binary youth in the foster care system, who receive health care coverage through Medicaid and will lose coverage for their medical care for gender dysphoria if SB14 goes into effect.

14. SB 14 subjects PFLAG's Texas members with a transgender or nonbinary child in need of gender-affirming medical care to a substantial risk of harm. PFLAG has members in Texas whose children are being or will be monitored for the appropriate time to begin puberty blockers, are currently or soon will be on puberty blockers, and are currently or soon will be on hormone therapy, all as part of a medically prescribed course of care for gender dysphoria. Some of those families are being harmed right now by SB 14's passage, whether because they have had appointments for scheduled care cancelled, are losing access to healthcare providers who are moving their practice out of state or ending their provisions of gender-affirming care for fear of

losing their medical licenses or state funding, or have otherwise had their imminent plans to obtain the established course of medically necessary care for their transgender or nonbinary children disrupted or foreclosed.

15. Other current and future PFLAG members with transgender or nonbinary children face a substantial risk of being harmed if SB 14 goes into effect, including being denied the right to make medical decisions for their child because the care their child's healthcare providers have declared medically necessary for them has been deemed unlawful, being prevented from obtaining the puberty blockers or hormone therapy their child needs solely because they are treatment for gender dysphoria, or losing coverage for care that has previously been covered under state funded health plans. SB 14 will force PFLAG families who have seen their children thrive as a result of medical care to treat their gender dysphoria to stop providing that care, putting those children at risk of serious mental and physical harm—the very reasons those families sought medical care in the first place.

16. While SB 14 has caused or will cause some PFLAG families to leave Texas entirely or to have to access the medically necessary care their transgender or nonbinary child needs in another state, the logistical and financial costs of doing so are incredibly high. No family should be forced to leave their home, jobs, or community or to split up their family to access the established course of medical care for their child's health condition, but SB14 is putting Texas PFLAG families in exactly that position. For countless others, those costs are simply too high; thus SB 14 leaves those transgender and nonbinary Texas youth and their families with no way to access the medically necessary care they need. Parents are prioritizing their children's mental and physical health, but SB14 will strip them of the ability to make the

decisions that they, their children, and their children's medical providers know are in their best interests. SB14 will put these adolescents' lives at risk.

17. Although these members could challenge SB 14 in their own right—as the other Plaintiff families are doing—PFLAG brings claims on behalf of its members to represent their interests to shield them from harm, to vindicate their rights to make the medical decisions they, their child, and their medical providers know to be in their child's best interests, and to allow them to maintain their focus on their child's health and wellbeing rather than litigation.

18. Representing the interests of these members in challenging SB 14 is directly connected to PFLAG's mission in two ways. First, that mission includes encouraging and supporting parents and families of transgender and gender non-conforming people in affirming their children and helping them access the social, psychological, and medical supports they need. We work with our families to encourage love and support of their transgender and gender non-conforming children and to help them ensure that the children's needs are met. The provisions of SB 14 send the opposite message and prevent families from meeting their child's needs. SB 14 bars families from supporting their child's affirmation of their gender identity by seeking the established medically necessary care that has been prescribed for them, depriving youth of medically necessary gender-affirming care, resulting in anxiety, depression, and other negative health outcomes associated with denying or cutting off medically necessary care. In order to fulfill our mission to our members, we must fight back against a law that prevents them from doing the very thing we encourage because we know it is in the best interests of the children.

19. Second, we teach our members to advocate for a caring, just, and affirming world where LGBTQ+ people are safe, celebrated, empowered, and loved, and to advocate for equitable laws and policies that protect them. We have spoken out against bans on medically

necessary care for youth with gender dysphoria such as SB 14 because they directly conflict with parents' abilities to act in their children's best interest and do nothing to protect the health and well-being of youth or anyone who needs access to medical care. SB 14 is the antithesis of an equitable law, interfering with and obstructing decisions made between PFLAG parents, their child, and their child's provider to deprive that child of care that is proven to be safe, medically sound, and necessary for treating gender dysphoria. As an organization dedicated to parents and families of LGBTQ+ youth, we cannot in good faith sit back as our members' fundamental rights to make decisions about their child's medical care are infringed solely because their child is transgender or nonbinary.

20. PFLAG exists to foster a world where LGBTQ+ children can become thriving, healthy, and happy LGBTQ+ adults. Our members depend on us to provide support and community for them in a society that often still treats their children as second-class citizens, attempts to silence them, or denies their very existence. For our members who have transgender and nonbinary children and are doing nothing more than loving them and following the advice of qualified medical professionals, PFLAG is here to do all we can to support them in those efforts and protect them from harmful, invasive laws like SB 14.



Brian K. Bond  
Executive Director, PFLAG, Inc.

**Notary Verification**

District of Columbia

Brian K. Bond personally appeared before me, and being first duly sworn declared that he signed this declaration in the capacity designated, if any, and further states that he has read the above declaration and the statements therein contained are true.

Sworn to and subscribed before me on the 11<sup>th</sup> day of July 2023, by Brian K. Bond.

(Personalized Seal)



  
Notary Public's Signature

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David Shatto on behalf of David Shatto

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Envelope ID: 85735730

Filing Code Description: Motion to Modify

Filing Description: THE OFFICE OF THE ATTORNEY GENERAL'S MOTION TO MODIFY AND CLARIFY THE COURT'S MARCH 1, 2024, TEMPORARY RESTRAINING ORDER

Status as of 3/20/2024 1:50 PM CST

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# APPENDIX C



**CAUSE NO. D-1-GN-24-001276**

**PFLAG, INC.,  
Plaintiff,**

v.

**OFFICE OF THE ATTORNEY  
GENERAL OF THE STATE OF  
TEXAS; and WARREN KENNETH  
PAXTON, JR., In his official capacity as  
Attorney General of Texas,  
Defendants.**

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**IN THE DISTRICT COURT OF**

**TRAVIS COUNTY, TEXAS**

**261<sup>ST</sup> JUDICIAL DISTRICT**

**THE OFFICE OF THE ATTORNEY GENERAL'S  
PLEA TO THE JURISDICTION**

The Office of the Attorney General files this Plea to the Jurisdiction and Supplemental Response to Plaintiff's Application for Temporary Restraining Order

**I. INTRODUCTION**

1. PFLAG's application for temporary injunction is barred by sovereign immunity, and is fatally flawed for multiple reasons.

2. As background, PFLAG likely contains information that is relevant to the Office of the Attorney General's Consumer Protection Division's investigations into false, misleading, or deceptive acts under the Deceptive Trade Practices Act (DTPA). One potentially fraudulent practice that the Consumer Protection Division is investigating is whether medical providers are prescribing hormones under the pretext of treating an "endocrine disorder" rather than "gender dysphoria." The incentive for this fraud is that some insurers automatically reject payment for gender-incongruent treatments, and marking the treatment as "endocrine disorder" is a way to get around that. During this investigation, the Consumer Protection Division learned that PFLAG may have information about this particular fraudulent practice or perhaps other, related fraudulent practices. Namely, its CEO filed an affidavit in separate litigation indicating that he has awareness

of certain “contingency plans” or “alternative avenues” to gender dysphoria care that seem to contemplate the exact practice that the Consumer Protection Division is looking at. PFLAG has no valid basis to withhold information relevant to the Consumer Protection Division’s investigations into other parties’ fraudulent practices.

3. In addition, although this Court on March 1 entered a Temporary Restraining Order against the investigatory demands that the Consumer Protection Division served on PFLAG, the following changed circumstances fundamentally alter the factual landscape of this dispute and categorically show that PFLAG is not entitled to withhold the information the Consumer Protection Division is seeking. Through its Motion to Modify and Clarify filed on March 19, the Consumer Protection Division is seeking to withdraw the Civil Investigative Demand and Demand for Sworn Written Statement (the Original Demands) that PFLAG contended were unlawful. And, pursuant to that Motion to Modify and Clarify, the Consumer Protection Division seeks to issue “New Demands” that are substantively distinct from the Original Demands and significantly narrower in scope. That narrowness was deliberately crafted to respond to and alleviate PFLAG’s concerns that it raised in its application for Temporary Restraining Order. Notably, whereas the lion’s share of PFLAG’s complaints about the Original Demands were that they would force PFLAG to disclose sensitive information that would identify individual members, the New Demands clarify that PFLAG *is not required* to provide any such information.

4. Against this backdrop, PFLAG cannot overcome the Attorney General’s sovereign immunity.

5. *First*, the Original Demands are now moot. In addition, PFLAG is time-barred from complaining about those Demands because it failed to timely file its Petition. The statutorily mandated timeline to file is at any time “before the return date *specified in the demand*, or within

20 days after the demand has been served.” Tex. Bus. & Com. § Code 17.61(g). The specified return date in the Original Demands was February 26, 2024, but PFLAG filed suit on February 28, 2024—two days too late. Although PFLAG contends that the Consumer Protection Division gave it an extension within which to file its petition, that is a legal impossibility—the deadline is jurisdictional, and under well-established case law could not be waived or modified by the Consumer Protection Division.

6. **Second**, PFLAGs’ complaint that the State is powerless to investigate it because it is already in litigation against the State is meritless. The State’s power to investigate an entity, even when the State is actively involved in litigation with that entity, is quite clear. At most the State may not be able to use the information gathered from an investigation in that specific ongoing litigation. However, the Consumer Protection Division is not involved in any of PFLAG’s other ongoing litigation against the State and will not use the material obtained as part of its New Demands in that other litigation.

7. **Finally**, as explained in more detail below, the New Demands do not plausibly infringe upon any of PFLAG’s constitutional rights. To the contrary, the New Demands were deliberately crafted to address the specific problems that PFLAG identified with the Original Demands in its application for Temporary Restraining Order.

8. For these reasons, the Court should deny Plaintiff’s application for temporary injunction.

## II. BACKGROUND

9. On June 2, 2023, SB-14 was signed into law (effective September 1, 2023). Broadly speaking, SB-14 prohibits certain medical procedures and treatments when performed “[f]or the

purpose of transitioning a child’s biological sex” including through surgery and by drugs. Tex. Health & Safety Code § 161.702.

10. SB-14’s constitutionality is currently pending before the Supreme Court of Texas in *Texas v. Loe*, 23-0697. In the meantime, however, the Consumer Protection Division of the Attorney General’s office has become aware of information suggesting that medical providers and other persons are evading SB-14’s strictures by committing various forms of fraud, including insurance fraud. Declaration of Sam Weeks ¶ 5.<sup>1</sup> Specifically, in order to avoid SB-14’s prohibition on drug-induced gender transitions, the Attorney General is aware of information showing that providers may be fraudulently prescribing hormones under the guise of treating an “endocrine disorder,” or something else separate from gender dysphoria. *Id.*

11. For example, a group of medical providers known as “QueerDoc” has admitted that some insurers “automatically reject payment for ‘gender-incongruent’ treatments.” *Id.*, Ex 1. QueerDoc, however, “do[es] [not] agree with this.” *Id.* Therefore, QueerDoc issues “prescriptions under the diagnosis of ‘endocrine disorder’” instead of “gender dysphoria.” *Id.* Other investigative reporting appears to indicate that at least some medical providers are misrepresenting their own patients’ statuses in order to prescribe a gender-transition related treatment. For example, one medical provider known as “Plume” allegedly met with a patient who denied he had been “experiencing gender dysphoria for six months or more,” but Plume nevertheless “falsely claim[ed] [in a letter] that [he] was experiencing significant and ongoing gender dysphoria” and recommended “testicle removal.” *Id.*, Ex. 2.

12. It is squarely within the Consumer Protection Division’s (the “Division”) authority to police this activity. Namely, the Division is charged with enforcing against “[f]alse, misleading,

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<sup>1</sup> The Weeks Declaration and accompanying exhibits were filed as part of the Attorney General’s February 29, 2024 Response to Plaintiff’s Application for Temporary Restraining Order and are incorporated by reference here.

or deceptive acts or practice in the conduct of any trade or commerce” under the DTPA. Tex. Bus. & Com. Code § 17.46(a). If medical providers are providing fraudulent information to either consumers or insurers about why they are prescribing certain treatments, such as hormones, that is classic false, misleading, or deceptive behavior actionable under the DTPA. Accordingly, the Consumer Protection Division has already commenced investigations into various medical providers who may be committing these kinds of acts. *Id.* ¶ 3.

13. On or around January 30, 2024, the Consumer Protection Division became aware that Plaintiff PFLAG likely had information relevant to whether specific providers were in fact engaged in this false, misleading, or deceptive activity. Namely, in litigation challenging SB-14, PFLAG’s CEO Brian K. Bond provided an affidavit dated July 11, 2023, stating that he has spoken to parties about “contingency plans,” “alternative avenues to maintain care in Texas,” and “affirming general practitioners.” (The Consumer Protection Division was not involved in defending the suit where Mr. Bond’s affidavit was submitted which is at least in part why the Consumer Protection Division did not become aware of the affidavit earlier.) The relevant text of Mr. Bond’s affidavit is reproduced in Plaintiff’s Original Verified Petition To Set Aside Civil Investigative Demands, For Declaratory Judgment, and Application For A Temporary Restraining Order and Temporary And Permanent Injunctive Relief (“Petition”) at page 18.

14. Mr. Bond’s statements appear to indicate that PFLAG has knowledge of various entities seeking to use subterfuge to evade SB-14 (*i.e.*, through a “contingency plan” or “alternative avenue” for treatment). Accordingly, on February 5, 2024, the Consumer Protection Division issued a Civil Investigative Demand (CID) under DTPA Section 17.61 to PFLAG demanding documents relevant to Mr. Bond’s statements. Although the Consumer Protection Division does not currently believe that PFLAG *itself* is violating the DTPA, the Division nevertheless had the

authority to issue the CID because the Division can demand documents from “*any* person”—not just those suspected of a violation. Tex. Bus. & Com. Code § 17.61(a). The CID is attached as Exhibit A to Plaintiff’s Petition filed February 28, 2024.

15. On the same day, the Consumer Protection Division also issued a Demand for Sworn Written Statement (DSWS) under DTPA Section 17.60(1). The DSWS demands that PFLAG provide written answers to certain questions, much like response to interrogatories. The DSWS is attached as Exhibit B to Plaintiff’s Petition filed February 28, 2024. Collectively, the CID and DSWS are referred to as “the Original Demands.”

16. When the Consumer Protection Division issues a CID, it must “prescribe a return date within which the documentary material is to be produced.” Tex. Bus. & Com. Code 17.61(3). The “return date” for the CID issued to PFLAG is **February 26, 2024**. *See* Exhibit A to Plaintiff’s Petition (first page). The DSWS likewise contained a deadline of February 26, 2024.

17. On February 19, Plaintiff’s counsel sought an “extension of both response dates until at least Monday, March 4, 2024.” *See* Petition, Ex. C (email dated February 19, 2024). Out of professional courtesy, Defendants’ counsel granted a “one-week extension.” *Id.* (email dated February 20, 2024). Importantly, however, and as described below, this extension did not ***and could not*** extend the deadline that Plaintiff was under to file suit (which has now lapsed).

18. On February 28, 2024, PFLAG filed its Original Verified Petition to Set Aside Civil Investigative Demands, for Declaratory Judgment, and Application for Temporary Restraining Order and Temporary and Permanent Injunctive Relief. That filing alleged four core bases for the requested relief.

19. ***First***, and most prominently, PFLAG’s filing claimed that the Original Demands “violate[d] PFLAG and its members’ rights to freedom of association and speech.” PFLAG’s

Petition at 33. This theory occupied 15 pages of (pages 33-45) of the 22 pages of argument (pages 24-46) in PFLAG’s Petition.

20. **Second**, PFLAG contended that the Original Demands were “not authorized” under the DTPA. Petition at 25-27; 29-32.

21. **Third**, PFLAG contended that the Original Demands were an impermissible attempt to “seek discovery” in separate, stayed litigation. Petition at 27-29.

22. **Fourth**, PFLAG contended that the Original Demands “violate the freedom from unlawful search and seizure.” Petition at 45-46.

23. On March 1, the Court heard arguments from counsel and later that afternoon, issued its Order Granting Plaintiff’s Application For A Temporary Restraining Order (“Order”).

24. On March 20, the Consumer Protection Division filed The Office of The Attorney General’s Motion To Modify And Clarify The Court’s March 1, 2024, Temporary Restraining Order (“Motion to Modify and Clarify”). This motion included a proposed new Civil Investigative Demand and a new Demand for Sworn Written Statement (collectively, “New Demands”) which are substantively distinct from and narrower in scope than the Original Demands.<sup>2</sup> The New Demands were deliberately crafted to resolve PFLAG’s free speech and free association concerns, and the Motion to Modify and Clarify requests the court clarify that the Attorney General may withdraw the Original Demands and issue the New Demands.

25. Broadly speaking, and as explained in further detail in the Motion to Modify and Clarify (at 5-7 of that filing), the New Demands’ substantive adjustments completely moot PFLAG’s free speech and free association concerns because they expressly permit PFLAG to redact and anonymize information that would otherwise identify PFLAG members. That was the

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<sup>2</sup> The New Demands and redlines of those Demands against the Original Demands are attached for the Court’s convenience. See Attachments 1-4.

thrust of PFLAG’s entire free speech and free association objections in its Petition. *See, e.g.*, Petition at 33 (“Because the Demands explicitly target the PFLAG member families with transgender adolescents, and the instructions to the Demands do not permit any redactions, requiring PFLAG to provide that information or communications with those members will chill Texas families from becoming members of PFLAG.”); *id.* at 34 (“The Demands violate PFLAG and its members’ right to freedom of association and assembly because they require the disclosure of the identifies of PFLAG’s members.”); *id.* at 35 (“The Demands require PFLAG to ‘Identify’ its members”); *id.* at 36 (“Forcing PFLAG to disclose its members to the OAG . . . will have a chilling effect on PFLAG’s membership.”); *id.* at 37 (contending “PFLAG’s members have factual, non-speculative evidence that disclosure of their identities will subject them to political reprisal”); *Id.* at 38 (contending the Original “Demands are a continuation of the OAG’s systematic efforts to identify and isolate transgender individuals and their families”).

### **III. PFLAG’S APPLICATION FOR TEMPORARY INJUNCTION IS BARRED BY SOVEREIGN IMMUNITY**

26. PFLAG’s application for a temporary injunction cannot proceed because it is barred by sovereign immunity.

27. “Absent the State’s consent to suit, a trial court has no jurisdiction over claims against the State.” *Texas A&M Univ. Sys. v. Koseoglu*, 233 S.W.3d 835, 840 (Tex. 2007). The only plausible exception that could permit PFLAG to proceed with its application for a temporary injunction is the “*ultra vires* exception,” which requires PFLAG to “ultimately prove[] that [an] officer acted without legal authority, or failed to perform a purely ministerial act.” *Houston Belt & Terminal Ry. Co. v. City of Houston*, 487 S.W.3d 154, 161 (Tex. 2016). As explained below, PFLAG cannot make that showing.



**A. The court should limit its consideration to only the New Demands.**

28. The Court should only consider the New Demands, and not the Original Demands, as part of its analysis whether PFLAG is entitled to a temporary injunction. That is because, first, the New Demands submitted in the Motion to Modify and Clarify moot the Original Demands. And second, PFLAG's challenge to the Original Demands is jurisdictionally time-barred.

**i. The OAG offered to withdraw its Original Demands and reissue the New Demands.**

29. PFLAG's challenge to the Original Demands is moot. Pending the Court's leave, the Consumer Protection Division has attempted to withdraw the Original Demands and replace them with only the substantively narrowed New Demands. There is, accordingly, no longer a live controversy as to the Original Demands. Moreover, as of this filing PFLAG has not objected to the withdrawal of the Original Demands and replacement with the New Demands. PFLAG also would have no basis to make that particular objection, because the New Demands only *narrow* the scope of information that the Consumer Protection Division requests.

**ii. PFLAG's challenge to the Original Demands is jurisdictionally time-barred.**

30. **Second**, Plaintiff's challenge to the Original Demands is jurisdictionally time-barred. For this reason, the court lacks subject matter jurisdiction. PFLAG failed to invoke the jurisdiction of the court by failing to meet the prerequisite of filing suit within the prescribed timeframe.

31. Tex. Bus. & Com. Code § 17.61(g) is clear:

At any time before the return date specified in the demand, or within 20 days after the demand has been served, whichever period is shorter, a petition to extend the return date for, or to modify or set aside the demand, stating good cause, may be filed in the district court in the county where the parties reside, or a district court of Travis County.

The return date on the demand, February 26, 2024, is undisputed. *See* PFLAG’s Petition, Ex. A at 1 (return date specifying response due on or before “February 26, 2024”). Additionally, PFLAG received the Demands on February 9, 2024. Petition at ¶ 52. Therefore, the earlier of the return date (February 26, 2024) or 20 days after the demand has been served (February 29, 2024) is February 26, 2024. But PFLAG filed its Petition on February 28, 2024 – two days too late.

32. The Consumer Protection Division’s grant of a “one-week extension for PFLAG to provide information, documents, communications, and statements” (*see* Petition at ¶ 63) changes nothing. “When the defendant is a governmental entity, the failure to timely file is a jurisdictional bar to suit.” *Texas A&M Univ. v. Starks*, 500 S.W.3d 560, 568 (Tex. App.—Houston, 2016); Tex. Gov’t Code § 311.034 (“Statutory prerequisites to suit . . . are jurisdictional requirements in all suits against a governmental entity.”). PFLAG’s position on timing is apparently that the Consumer Protection Division granted PFLAG a one-week extension of the time to file suit. But that is a legal impossibility; “[a] jurisdictional prerequisite to judicial review by the district court . . . **cannot be waived** by action of the parties.” *Lindsay v. Sterling*, 690 S.W.2d 560, 563 (Tex. 1985). And the “court is completely without power to hear the case, even by agreement of the parties.” *Gamblin v. Town of Ponder*, 494 S.W.2d 808, 810 (Tex. 1973). Therefore, the return date was not and could not be extended.

33. Moreover, the Consumer Protection Division as a matter of fact ***did not*** give PFLAG an extension *on the time to file suit*. Rather, the Division gave PFLAG an extension on the time to produce documents and responses. *See* Petition at ¶ 63. The extension was in effect a representation that the *Division* would not sue *PFLAG* so long as Plaintiff provided documents and a response by March 4, 2024. *Cf.* Tex. Bus. & Com. Code § 17.62(b) (if person fails to respond

to demands, Consumer Protection Division “may file in the district court . . . a petition for an order of the court for enforcement”).

34. Moreover, the Division *could not* give Plaintiff an extension on time to file suit because the statute says that the deadline for suit is “before the return date *specified in the demand.*” *Id.* § 17.61(g). The Division’s courtesy-email extension is completely separate from the date “specified in the demand.” Instead, if PFLAG wanted relief, such as an extension, that would give it more time to file suit, its remedy was to “petition to extend the return date” with this Court before the return date of February 26 lapsed. *Id.*

**B. The New Demands are not *Ultra Vires*.**

35. PFLAG cannot show that the New Demands are *ultra vires* so as to come within the exception to sovereign immunity.

36. To make out the *ultra vires* showing, PFLAG would need to show that the Consumer Protection Division issued the Demands “without legal authority.” *Hall v. McRaven*, 508 S.W.3d 232, 241 (Tex. 2017) (that, and failure to “perform a purely ministerial act” are the only two bases for the *ultra vires* exception). But it cannot do that.

37. The Consumer Protection Division had plain—indeed, absolute—authority to issue both the Original Demands and the New Demands. “Whenever the consumer protection division believes that any person may be in possession, custody, or control of the original copy of any documentary material relevant to the subject matter of an investigation or a possible violation” of the DTPA, it may issue a “civil investigative demand requiring the person to produce the documentary material.” Tex. Bus. & Com. Code § 17.61. So too, each corporate entity that does business in Texas “shall permit the attorney general to inspect, examine, and makes copies, as the attorney general considers necessary . . . any record of the entity.” Tex. Bus. Org. Code § 12.151;

*Humble Oil & Ref. Co. v. Daniel*, 259 S.W.2d 580, 589 (Tex.App.—Beaumont 1953) (Attorney General has “full and unlimited and unrestricted right to examination of the corporation’s books”).

38. At most, PFLAG argues that some collateral law—such as the First Amendment, or the stay of litigation in other matters—restricted the Consumer Protection Division’s authority to issue the Demands. But that does not work either. When a government actor makes a “misinterpretation” of some “collateral law” that limits his authority, that misinterpretation is not an “overstepping” of his original authority. *McRaven*, 508 S.W.3d at 242. His action is “compliant . . . even if ultimately erroneous.” *Id.* And this does not give rise to the *ultra vires* exception. *Id.*

39. Against this backdrop, it is impossible for PFLAG to show *ultra vires* conduct, and so its application for temporary injunction is barred by sovereign immunity. In addition, as set forth below, PFLAG is also wrong on the merits.

**i. The State’s investigatory power is not diminished by ongoing litigation matters.**

**a. The State may investigate an entity while the State and that entity are elsewhere engaged in litigation.**

40. PFLAG’s Petition asserted that the Division may not utilize its investigatory demands with PFLAG because PFLAG is currently engaged in litigation against other governmental entities. Petition at 27 (citing *Loe v. Texas* and *PFLAG v. Abbott*). That is wrong.

41. **First**, the Attorney General’s authority to investigate entities is broad, he can “investigate merely on suspicion that the law is being violated, or even just because [he] wants assurance that it is not.” *United States v. Morton Salt*, 338 U.S. 632, 642-43 (1950). Moreover, the DTPA is to be liberally construed. Tex. Bus. & Com. Code § 17.44. To that end, the Division may examine **any person**. Tex. Bus. & Com. Code §§ 17.60 & 17.61. Additionally, under the Texas

Business Organizations code, *any* “entity” doing business in Texas “*shall* permit the attorney general to inspect, examine, and make copies, as the attorney general considers necessary in the performance of a power or duty of the attorney general, of any record of the entity.” Tex. Bus. Org. Code § 12.151 (emphasis added). Nothing about this broad authority suddenly comes to an end simply based on the happenstance that an investigatory target has sued the State.

42. The court’s decision in *Humble Oil & Ref. Co. v. Daniel*, directly addresses this circumstance and establishes beyond dispute that PFLAG’s litigation against the State elsewhere has no effect on its investigatory authority here. 259 S.W.2d 580 (Tex. App.—Beaumont 1953, writ ref’d n.r.e.). In that case, the Attorney General intervened in tax litigation between Humble Oil and the County of Montgomery, Texas. *Id.* at 581. After intervening, the Attorney General separately demanded an inspection of Humble Oil’s books and records pursuant to its investigative powers. *Id.* Humble Oil sued the Attorney General, alleging, among other things, that the “demand by the Attorney General was for the sole purpose of obtaining evidence to be used against Humble in the tax suit pending between Montgomery County, its officers, and the State of Texas on the one hand, and Humble Oil & Refining Company on the other.” *Id.* at 583.

43. But the appeals court concluded that “[t]he State, by its authorized officers, has the undoubted right to require full information as to all of the business of a private corporation created by it or which it has permitted to come into the State”. *Id.* at 589. Ultimately, the court held the Attorney General to be acting beyond the scope of his lawful powers *only* in “taking such copies of such books, records and files” when it was “*for use* in the tax suit *now pending*” *Id.* at 591 (emphasis added). But the court made clear that the Attorney General “was acting within the scope of his lawful powers in making the demand for inspection and making the inspection of the records, books and files of the appellant Humble Oil.” *Id.*

44. *Humble Oil* is clear. The Attorney General has the right “to make an unlimited and unrestricted examination of” an entities books and records. *Id.* at 590. And at most, the Attorney General’s power is limited only when attempting to use those books and records for use in a pending case, an event that – despite Plaintiff’s assertions – has not arisen here. *Id.*

45. **Second**, PFLAG’s argument is based on a flawed premise. It claims that the Attorney General’s office is using the “Demands to Seek Discovery in a Stayed Civil Matter”—namely, PFLAG’s pending suits against the State regarding SB-14’s constitutionality and a Department of Family and Protective Services policy about child abuse. Petition at 27. But neither the Original Demands nor the New Demands seek “discovery” related to those issues. Rather, the Division is investigating independent violations *of the DTPA*, by parties *other than PFLAG*—namely for committing false, misleading, or deceptive acts. PFLAG simply holds the distinction of potentially having information relevant to those potential violations.

**b. No agreement by the parties to PFLAG's other litigations precluded issuance of the Demands.**

46. PFLAG’s Petition also contended that the Original Demands were barred by a Rule 11 agreement in one of those cases: *PFLAG, Inc. v. Abbott*, D-1-GN-22-0002569 (Travis County). Petition at 27. But that Rule 11 had no effect on the Consumer Protection Division’s investigative authority.

47. The Rule 11 agreement in *PFLAG, Inc. v. Abbott* provides only an “Informal Stay of Trial Court Proceedings” *in that case*—not a stay that could plausibly reach to an independent investigation of the Division. Attachment 5 at 1.

48. Moreover, the Attorney General’s office is not a party to the *PFLAG v. Abbott* litigation—only the Governor, Department of Family and Protective Services (“DFPS”), and DFPS’s Commissioner are named defendants. And, although certain Office of the Attorney

General attorneys are counsel for Defendants in that case, they are not employed with the Consumer Protection Division.

49. Finally, if PFLAG believes that the Rule 11 agreement in *PFLAG v. Abbott* has been breached (it has not), this is not the proper venue to hear that dispute. Instead, breaches of the agreement are to be heard by “the [*PFLAG, Inc. v. Abbott*] trial court.” *Id.* at 2. Therefore, the Divisions investigation is separate and wholly unaffected.

**ii. The New Demands do not infringe upon PFLAG’s constitutional rights.**

50. The New Demands do not plausibly violate PFLAG’s constitutional rights.

**a. The New Demands remedy PFLAG’s concerns over member identification.**

51. PFLAG’s petition asserted that the Original Demands violated its constitutional rights of freedom of association and speech. Petition at 33-45. As explained *supra* at ¶ 25, that argument is premised on the idea that the Original Demands sought information that would reveal PFLAG’s members’ identities.

52. Following the Court’s March 1 Temporary Restraining Order, the Consumer Protection Division filed a Motion to Modify and Clarify seeking to withdraw the Original Demands and issue New Demands. As noted *supra* at ¶¶ 25 & 29, the New Demands completely moot PFLAG’s concern about identifying its members. To avoid even the semblance of any remaining doubt: the New Demands ***do not require PFLAG to identify a single member.***

53. The changes reflected in the New Demands remedy PFLAG’s First Amendment concerns because, to the extent the First Amendment impacts any part of the Demands, it is only insofar as they would have required the identification of specific members. Namely, the expressive First Amendment right to withhold documents that PFLAG asserts is derived from *NAACP v. Alabama*, 357 U.S. 449 (1958), and a host of other precedents from the Jim Crow south.

*Ambassador Coll. v. Geotzke*, 675 F.2d 662, 665 (5th Cir. 1982). These cases originated with governmental investigation into the NAACP, “the goal of which was to obtain **membership lists**.” *Id.* (emphasis added). In sum, “[m]embership lists have a long and unique history in our constitutional jurisprudence.” *Anderson v. United States*, 298 F.3d 804, 811 (9th Cir. 2002) (Reinhardt, J., dissenting).

54. But the Division has offered to withdraw the Original Demands to moot the concern about membership or identities. The Division has now, in its Motion to Modify and Clarify, provided New Demands that have clear instructions that the Division does not seek membership lists, full or partial, in any context and allows for the redaction or anonymization of any member. PFLAG’s First Amendment argument is accordingly moot.

55. Moreover, even if PFLAG wanted to continue asserting First Amendment arguments, it could not do so without “show[ing] that disclosure will deter members of the association from **maintaining membership**.” *Wal-Mart Stores, Inc. v. Texas Alcoholic Beverage Comm’n*, 2016 WL 5922315, at \*6 (W.D. Tex. Oct. 11, 2016) (emphasis added); *Gueye v. Mike Bloomberg 2020*, 2021 WL 3910341, at \*2 (N.D. Tex. Mar. 12, 2021). And PFLAG has not summoned any evidence necessary to make that showing (nor could it now that the New Demands no longer seek membership information).

56. In any event, Courts have upheld compelled disclosures that tread far more deeply into associational, or related, concerns in a way that shows that PFLAG’s argument must fail here. For example, in *John Doe No. 1 v. Reed*, the Supreme Court upheld a Washington law exposing the identities of persons who “sign[ed] a petition to place” a “referendum on the ballot” regarding “benefits to same-sex couples.” 561 U.S. 186, 190 (2010). And in *In re Grand Jury 87-3 Subpoena*, the Fourth Circuit concluded that “First Amendment rights” were not even “implicated” in



subpoena seeking pornography distributor's "customer lists," 955 F.2d 229, 232 (4th Cir. 1992). Each of these intrude far deeper than the New Demands currently at issue.

**b. Investigatory Demands are not retaliation.**

57. PFLAG also contended that the Demands were a form of proscribed "retaliation." Petition at 41-45. That is meritless.

58. As PFLAG recognizes (Petition at 42), to prevail on its retaliation claim it must show it "engaged in constitutionally protected activity" and that the Attorney General's office took "adverse actions [that] were substantially motivated against" PFLAG's "exercise of constitutionally protected conduct." *Keenan v. Tejada*, 290 F.3d 252, 258 (5th Cir. 2002).

59. PFLAG cannot make this showing because, as explained *supra* at ¶ 13, the Attorney General's Demands were served to learn more about the statements made by PFLAG's CEO (Mr. Bond), where he appeared to indicate in a sworn court filing that he had knowledge of persons who were attempting to use fraud to violate Texas law. That is not "constitutionally protected activity," *contra Keenan*, 290 F.3d at 258, and the Demands were quite plainly not "substantially motivated against" constitutionally protected activity, *contra id.* at 258.

60. PFLAG seems to recognize this, because it sidesteps Mr. Bond's peculiar statements and instead focuses the Court on the fact that, shortly before it received the Original Demands, certain actions had occurred in the Texas appellate courts regarding PFLAG's *Loe v. Texas* and *PFLAG v. Abbott* cases. Petition at 44. Namely, PFLAG notes that the Consumer Protection Division issued the Original Demands "**less than a week** after the Texas Supreme Court heard argument in *Loe*," Petition at 44 (emphasis in original), and "the **first business day after** the briefs in *PFLAG v. Abbott* were set for submission . . . to the Third Court of Appeals," Petition at

44 (emphasis in original). PFLAG claims that the Original Demands were thus “causally linked to PFLAG’s participation as plaintiffs” in these cases.

61. PFLAG’s theory is flawed—indeed, it is frankly schizophrenic—multiple times over. As noted, in order to succeed, PFLAG’s retaliation theory needs to show that the Consumer Protection Division issued the Demands as retaliation for *PFLAG’s* constitutionally protected conduct. *Keenan*, 290 F.3d at 258. But here, PFLAG claims that the Demands were “causally linked” to actions taken *by the Texas court system* (namely, the Texas Supreme Court’s hearing of oral argument, and the Third Court’s setting of briefing deadlines). In other words, PFLAG’s theory is that the Consumer Protection Division retaliated against PFLAG for actions that the *courts* took. That entire concept is hard to fathom.

62. Instead, the Division issued the Demands shortly after it became aware of Mr. Bond’s affidavit in late January 2024. The only reason that the Division did not issue the Demands earlier is because the Division had no knowledge of Mr. Bond’s affidavit—after all, it is not involved in the case where Mr. Bond’s affidavit was submitted.

63. Moreover, it is not clear that PFLAG could maintain a retaliation claim where, as here, the government is not investigating *PFLAG* but is instead merely seeking information in PFLAG’s possession that would show legal violations by other actors. To the contrary, all of PFLAG’s case law involves instances where the plaintiff was the subject of the investigation or otherwise targeted. *See, e.g., Hartman v. Moore*, 547 U.S. 250, 252 (2006) (“This is a *Bivens* action against criminal investigators for inducing prosecution in retaliation for speech.”); *Keenan v. Tejada*, 290 F.3d 252, 256, 258 (5th Cir. 2002) (Two deputy constables filed a first amendment action after they alerted the local district attorney and television station to possible wrongdoing by another constable and then, following the media coverage, were subject to a “felony” traffic stop

where one of the constables was unsuccessfully prosecuted.); *Sure-Tan, Inc. v. NLRB*, 467 U.S. 883, 886 (1984) (Where the National Labor Relations Board investigated an employer for “unfair labor practice by reporting to the Immigration and Naturalization Service certain employees known to be undocumented aliens in retaliation for their engaging in union activity”).

64. Finally, the Demands do not constitute retaliation as no harm has occurred. The United States Court of Appeals, Ninth Circuit, recently dealt with a similar issue in *Twitter, Inc. v. Paxton*, where Twitter filed suit against the Texas Attorney General. 56 F.4th 1170, 1172 (9th Cir. 2022). Soon after Twitter banned President Trump, the Texas Attorney General served Twitter with a Civil Investigative Demand. *Id.* Twitter claimed this was government retaliation for speech protected by the First Amendment. *Id.* Without responding to the CID or waiting for the Attorney General to enforce that demand, Twitter sued the Attorney General in the Northern District of California alleging that both the act of sending the CID and the entire investigation were unlawful retaliation that would chill Twitter’s protected speech (i.e., content moderation decisions). *Id.* at 1172-73. Twitter requested the Court to enjoin the Attorney General and to declare the investigation unlawful. *Id.* Ultimately the Court dismissed the case because Twitter failed to show that the issuance of the CID chilled its speech or caused other cognizable injury. *Id.* at 1179. The court found that both Twitter’s allegations and declarations were too indefinite to show chilled speech. *Id.* at 1175. The Court also specifically focused on the fact that the CID is not self-enforcing. *Id.* at 1176. In fact, the Court found that

pre-enforcement, Twitter never faced any penalties for its refusal to comply with the CID. And enforcement is no rubber stamp: If OAG seeks to enforce the CID, it must serve the recipient with the petition, the state court can conduct hearings to determine whether to order enforcement, and the recipient may appeal to the Texas Supreme Court.

*Id.* at 1176. The Court continued

So to complain about the CID in this posture is to speculate about injuries that have not and may never occur. And to the extent Twitter argues that any actions it has taken in response to the CID create an . . . injury, those injuries are self-inflicted because the actions were voluntary.

*Id.* The reasoning is the same here. The Division issued Demands. But rather than negotiate regarding scope, PFLAG chose to seek an order to temporarily restrain the Division. That was premature; PFLAG would always have had the opportunity to raise any objections to the Demands if the Division had ever filed suit to enforce them.

**c. The Division Demands do not violate the Fourth Amendment.**

65. PFLAG claims a Fourth Amendment protection from producing the documents. *See* Petition at 45-46. The Supreme Court has said the exact opposite. “[T]he Fifth Amendment affords no protection” to “corporate records and papers in response to a subpoena” and the “Fourth, if applicable, at the most guards against abuse only by way of too much indefiniteness or breadth in the things required to be” produced. *Oklahoma Press Pub. Co. v. Walling*, 327 U.S. 186, 208 (1946). Moreover, “[i]t is not necessary . . . that a specific charge or complaint of violation of law be pending.” *Id.* at 208-09; *see also Schade v. Texas Workers’ Compensation Com’n*, 150 SW. 3d 542, 550 (Tex. App.—Austin 2004) (“[W]e find that the Fourth Amendment and its Texas counterpart at most guard against abuse only by way of too much indefiniteness or breadth in the things required” to be produced).

**IV. PRAYER**

For the reasons stated above, the Office of the Attorney General of the State of Texas prays that the Court deny PFLAG’s application for temporary injunction.

Dated: March 22, 2024

Respectfully submitted,

KEN PAXTON  
Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

JAMES LLOYD  
Deputy Attorney General for Civil Litigation

RYAN S. BAASCH  
Chief, Consumer Protection Division

/s/ David G. Shatto  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 22<sup>nd</sup> day of March 2024, a copy of the foregoing document was served via the Court's electronic filing system to all counsel of record.

/s/ David G. Shatto  
DAVID G. SHATTO  
Assistant Attorney General

# ATTACHMENT 1



STATE OF TEXAS  
OFFICE OF THE ATTORNEY GENERAL  
CONSUMER PROTECTION DIVISION

**CIVIL INVESTIGATIVE DEMAND**

**TO:** Susan Thronson  
*President*  
Brian K. Bond  
*Chief Executive Officer*  
PFLAG, Inc.  
1625 K Street NW #700  
Washington, DC 20006

*via CMRRR:* [to be completed]  
*via First Class Mail*

Registered Agents Inc.  
1401 21st Street, Suite R  
Sacramento, CA 95811

*via CMRRR:* [to be completed]  
*via First Class Mail*

Pursuant to this Office’s specific authority under section 17.61 of the Texas Deceptive Trade Practices—Consumer Protection Act, Texas Business & Commerce Code §§ 17.41–17.63 (“DTPA”), PFLAG, Inc. (“PFLAG”), a nonprofit corporation, is hereby directed to produce the items listed in Exhibit “B” attached hereto. Such production is governed by the Instructions and Definitions set forth in Exhibit “A” on this page and subsequent pages.

You are to make available the documentary material described in Exhibit “B” to the undersigned Assistant Attorney General or other authorized agent(s) identified by the Consumer Protection Division (“Division”). This documentary material shall be produced for inspection and copying during normal business hours at your principal office or place of business, or may be sent electronically or by certified mail to the Office of the Attorney General, 300 W. 15<sup>th</sup> Street, 9<sup>th</sup> Floor, Austin, TX 78701 and is due on April \_\_, 2024. If providing documents electronically, please provide them to Sam Weeks at [Samuel.Weeks@oag.texas.gov](mailto:Samuel.Weeks@oag.texas.gov).

The Division believes that you are in possession, custody, or control of documentary material relevant to the subject matter of an investigation of actual or possible violations of DTPA section 17.46 involving potential misrepresentations regarding Gender Transitioning and Reassignment Treatments and Procedures and Texas law.

This Civil Investigative Demand (“CID”) shall formally supersede the CID previously issued on February 5, 2024, by the Division. The original February 5, 2024 CID is officially withdrawn, and the Division waives and relinquishes any and all rights thereunder, including the right of enforcement. The sole CID issued to PFLAG with the force and effect of law is the foregoing.

**TAKE NOTICE THAT pursuant to section 17.62, Texas Business and Commerce Code, any person who attempts to avoid, evade, or prevent compliance, in whole or in part, with this directive by removing, concealing, withholding, destroying, mutilating, altering, or by any other means falsifying any documentary material may be guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$5,000.00 or by confinement in the county jail for not more than one year, or both.**

**ISSUED THIS** \_\_\_th day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
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Consumer Protection Division, OAG  
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David.Shatto@oag.texas.gov

Other Authorized Agent:  
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Consumer Protection Division, OAG  
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## **EXHIBIT A: INSTRUCTIONS**

1. **Read These Instructions and Definitions Carefully.** Your production must comply with these instructions and definitions.
2. Unless the context clearly indicates otherwise, words used in the singular include the plural, the plural includes the singular, and the neutral includes the masculine and feminine.
3. **Duty to Preserve Documents.** All documents and/or other data which relate to the subject matter or requests of this CID must be preserved. *Any ongoing, scheduled, or other process of document or data destruction involving such documents or data must cease, even if it is your normal or routine course of business to delete or destroy such documents or data or even if you believe such documents or data are privileged or otherwise protected from disclosure.* Failure to preserve such documents or data may result in legal action and may be regarded as spoliation of evidence under applicable law.
4. **Relevant Time Period.** Unless otherwise noted, the requests herein require production of documents from March 8, 2023, to the date of the last production of documents in made response to this CID.
5. **Custody and Control.** In responding to the CID, you are required to produce all responsive documents in your possession, custody, or control. A document is within your custody or control if it is in the possession of another person and you have a right to possess that document that is equal or superior to that other person's right of possession.
6. **Non-Identical Copies or Drafts.** Any copy or draft of a document that differs in any manner, including the presence of handwritten notations, different senders or recipients, etc., from the original version shall be considered a distinct document and produced.
7. **Permitted Redactions for Member Identifying Information.** In general, all materials or documents responsive to this CID shall be produced in complete unabridged, unedited, and unredacted form, even if portions may contain information not explicitly requested or may reflect interim or final portions of documents or materials.

Unlike the February 5, 2024 CID, the foregoing, operative CID does *not* request that PFLAG produce documents and information disclosing the identify of its Members and/or actual membership lists, either in whole or in part, in any form. For this reason, PFLAG may elect to redact or anonymize any portion of a document otherwise within the scope of the CID that contains information disclosing or providing the identity of any Member. Any questions related to the precise information that PFLAG may redact at its own election should be directed the Office of the Attorney General representatives above.

8. **Document Organization.** Each document and other tangible thing produced shall be clearly designated as to which request, and each sub-part of a request, that it satisfies. The documents produced shall be identified and segregated to correspond with the number and

subsection of the request.

9. **Production Format.** You may submit photocopies (with color photocopies where necessary to interpret the document) in lieu of original hard-copy documents if the photocopies provided are true, correct, and complete copies of the original documents. If the requested information is electronically stored information, it shall be produced in electronic form. Electronically stored information shall be produced with the accompanying metadata, TIFF images, native files, load files, and programs necessary for processing into a usable form. For any questions related to the production of documents you may consult with the Office of the Attorney General representatives above.

10. **Privilege Log.** For each document or other requested information that you assert is privileged or otherwise protected from disclosure, please provide a privilege log with a numerical list of the document(s), thing(s), or information for which privilege or protection from disclosure is claimed is claim, and for each item detailed and non-conclusory information that demonstrates a prima facie claim for privilege and protection, including but not limited to, the following:

- a. The name of the custodian of the withheld materials;
- b. The name of each author, writer, sender, and creator of the materials;
- c. The name of each recipient, addressee, and copyee for whom the materials were intended, if any;
- d. The date the materials were created;
- e. The general subject matter of the materials; and
- f. The factual and legal bases for the claim.

## DEFINITIONS

1. **“You,” “your,” and “PFLAG”** means the entity named on page one of this CID, with an address of 1625 K Street NW #700, Washington, DC 20006, and a registered agent at Registered Agents Inc., at 1401 21st Street, Suite R, Sacramento, CA 95811, and includes its past and present directors, officers, employees, agents and representatives, parents and predecessors, divisions, subsidiaries, affiliates, partnerships and joint ventures, and all persons and entities acting or purporting to act under the control of or on behalf of any of the above. The terms “subsidiary,” “affiliate,” and “joint venture” refer to any entity in which there is total or partial ownership (25 percent or more) or control between PFLAG and any other person or entity.
2. The terms **“and/or,” “and,”** and **“or”** refer to all listed categories inclusively, not exclusively (i.e., not the option of producing one group of documents, or another, nor of producing documents for one group of the listed persons, but not others). The conjunctive “and” shall be deemed to include the disjunctive “or” and vice versa.
3. **“Affiliate(s)”** includes, but is not limited to, PFLAG Tyler/ East Texas; PFLAG Houston; PFLAG Dallas, Inc.; PFLAG Fort Worth, Inc.; PFLAG San Antonio; PFLAG Odessa; PFLAG Denton; PFLAG Seguin; PFLAG Longview; PFLAG Boerne; PFLAG Corpus Christi; PFLAG Midland-Odessa; PFLAG Georgetown; PFLAG Amarillo; PFLAG Mesquite; PFLAG of the Big Country; PFLAG-Kerr County; PFLAG Brownsville Chapter; PFLAG Beaumont Chapter; PFLAG San Marcos, Inc.; PFLAG Brenham Chapter; PFLAG San Angelo; PFLAG Huntsville TX; PFLAG Corpus Christi, Texas, Chapter; PFLAG/HATCH YOUR SCHOLARSHIP FOUNDATION; PFLAG San Juan, Chapter of PFLAG; PFLAG of Montgomery (Parents, Families and Friends of Lesbians and Gays); and any other similarly related entity registered in Texas, either domestic or foreign.
4. **“Communication”** means any conversation, discussion, letter, email, correspondence, memorandum, meeting, note, or other transmittal of information or message, whether transmitted in writing, orally, electronically, or by any other means.
5. **“Document”** shall be construed in the broadest sense possible and encompasses any electronically stored information, writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by PFLAG into a reasonably usable form. Although it does not limit the scope of this CID, the definition and interpretation of “document” under the Texas Rules of Civil Procedural provides a useful reference point.
6. **“Gender Transitioning and Reassignment Treatments and Procedures”** means any and all procedures or treatments for the purpose of “transitioning” a child’s biological sex as determined by the sex organs, chromosomes, and endogenous profiles of the child or affirming the child’s perception of the child’s sex if that perception is inconsistent with the child’s biological sex. This definition includes, but is not limited to, surgeries or procedures that result in sterilization, mastectomy, or other removal of otherwise healthy or non-diseased tissue, the provision of medications that induce transient or permanent infertility (such as puberty suppressing and blocking drugs or supraphysiologic doses of testosterone to females and estrogen to males),

and any other treatments, therapies, or procedures provided to address gender identity disorder, gender dysphoria, and any other similar or related conditions.

7. **“Members”** includes individuals who pay dues for purposes of joining or associating with PFLAG’s national chapter or any local chapter. For purposes of this CID, the term shall be broadly construed to encompass donors to PFLAG and individuals who directly participated in PFLAG’s official programs, events, and services. However, “Members” does not include PFLAG’s professional staff and non-PFLAG entities with whom the organization associates.

8. **“Person”** includes you and encompasses an entity or natural person.

**EXHIBIT B:  
DOCUMENTS TO BE PRODUCED**

In accordance with the requirements set forth above and provided for under Texas law, PFLAG must respond in writing and produce documents responsive to the following Requests within twenty (20) days.

1. All documents and communications that form the basis of, or otherwise relate to, Brian K. Bond's personal knowledge of the information stated in paragraphs 7 and 13 of the affidavit attached hereto as "EXHIBIT B1."
2. All communications to, or from, PFLAG's professional staff, non-members, or Affiliates regarding, relating to, or referencing, "contingency plans" and/or "alternative avenues to maintain care," as those phrases are used in the affidavit attached hereto as "EXHIBIT B1."
3. All recommendations, referrals, and/or lists of pediatric and/or adolescent health care providers in Texas that PFLAG (or any of its professional staff or affiliates) has created, maintained, received, or distributed since March 8, 2023.
4. In reference to the affidavit attached hereto as "EXHIBIT B1," produce documents, meeting minutes, and communications sufficient to show the factual basis for the statement that "PFLAG families with transgender and nonbinary adolescents ... have been asking chapters for alternative avenues to maintain care in Texas" (with PFLAG having the option to redact identifying member information in the manner described in Instruction No. 7).
5. All communications to, or from, PFLAG's professional staff, non-members, or Affiliates regarding, relating to, or referencing any of the individuals or entities identified in the document attached hereto as "EXHIBIT B2" since March 8, 2023.
6. All contractual and charter agreements between PFLAG's Texas chapters and national chapter.
7. The governing documents and bylaws of PFLAG's Texas chapters and national chapter.

EXHIBIT B1

**LAZARO LOE, et al.**

**Plaintiffs**

**v.**

**STATE OF TEXAS, et al.,**

**Defendants.**

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**IN THE DISTRICT COURT OF**

**TRAVIS COUNTY, TEXAS**  
**\_\_\_\_ JUDICIAL DISTRICT**

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**AFFIDAVIT OF BRIAN K. BOND**

---

I, Brian K. Bond, hereby declare and state as follows:

1. I am over 18 years of age, of sound mind, and fully capable of making this declaration. I have personal knowledge of the facts set forth in this declaration, they are true and correct, and I would testify competently to those facts if called to do so.

2. I am the Executive Director of PFLAG, Inc. (“PFLAG”). Founded in 1973, PFLAG is the first and largest organization for lesbian, gay, bisexual, transgender, and queer (“LGBTQ+”) people, their parents and families, and allies. We are a 501(c)(3) non-profit organization.

3. PFLAG has over 350 chapters across the country and approximately 325,000 members and supporters nationwide. Our members and supporters cross multiple generations of families in major urban centers, small cities, and rural areas across America. PFLAG envisions an equitable and inclusive world where every LGBTQ+ person is safe, celebrated, empowered, and loved. Our mission is to create a caring, just, and affirming world for LGBTQ+ people and those who love them.

4. Our founder, Jeanne Manford, marched with her son Morty in the 1972 Christopher Street Liberation Day March in New York City and created the very first support group for parents and families of LGBTQ+ people in 1973. Supporting LGBTQ+ young people by supporting and strengthening their families has been a core part of our work ever since. Today, the gold-standard advocated by PFLAG parents and families—and set forth by pediatricians and therapists—is to accept, support, and affirm LGBTQ+ people’s sexual orientation and/or gender identity and expression; parental rejection is widely understood to be abusive and damaging.

5. We know, too, that LGBTQ+ youth thrive when supported in their schools and community. So, our work also includes ending bullying, discrimination, and harassment in educational settings by providing training for teachers, administrators, and district leaders, and advocating in the public square to ensure LGBTQ+ people are treated fairly and equally when accessing public accommodations and health care.

6. We know that change happens and support grows one interaction at a time, one family at a time.

7. PFLAG is a national membership organization and we have local chapters in 49 states and the District of Columbia. Our chapters in Texas include PFLAG Amarillo, PFLAG Austin, PFLAG Beaumont, PFLAG Boerne, PFLAG Brenham, PFLAG Dallas, PFLAG El Paso, PFLAG Fort Worth, PFLAG Georgetown, PFLAG Houston, PFLAG Lubbock, PFLAG Mesquite, PFLAG Midland/Odessa, PFLAG Montgomery, PFLAG San Antonio, PFLAG San Marcos, PFLAG Seguin, and PFLAG Tyler/East Texas.

8. PFLAG’s membership is comprised of chapter members and national members. Individuals can become a PFLAG member by joining the national organization directly or by

joining their local chapter, which sends a portion of the member's dues to PFLAG National, also making them national members. In addition to our formal members, PFLAG serves thousands of community members through our programs, events, and services every year.

9. PFLAG's members play a central role in electing our organizational leadership. Of the 21 members of the PFLAG National Board of Directors, seven are elected directly by our membership. Seven more are elected by the Regional Directors Council, a body of 13 volunteers who are themselves each elected by the members of one of PFLAG's thirteen regions to work with PFLAG National staff to provide support, resources, training, and help to start new affiliates, and to share the perspectives and activities of members with PFLAG National staff. The remaining seven are elected by the Board itself.

10. As Executive Director, I am the leader of the professional staff who carry out the work of the PFLAG National office, including supporting the development and work of the PFLAG Chapter Network and promoting PFLAG's presence in the national arena, including through policy advocacy, coalitions with organizations who share our goals, developing trainings and educational materials, and engaging with the media. Supporting the PFLAG Chapter Network is PFLAG National's largest program and our national staff works closely with chapter leaders and members across the country to reinforce their efforts to establish and grow their chapters, providing them with infrastructure, publications, online learning tools, advocacy support, media training, and countless other services and supports.

11. Because promoting the wellbeing of LGBTQ+ youth through encouraging and supporting love and affirmation by their families is a core part of our mission and because we have an extensive network of chapters and nearly 1500 members who live in Texas, we have been actively involved in supporting and providing resources to our members and constituents in



light of the increasingly hostile climate for transgender youth and their families in the state over the last few years. This includes PFLAG joining litigation on behalf of our members in order to protect them from Governor Abbott’s directive deeming all affirming health care for transgender adolescents, regardless of medical necessity, to be “child abuse” and the Texas Department of Family and Protective Services’ (“DFPS”) subsequent adoption and implementation of that directive to investigate parents alleged to be helping their children access such care. Suddenly the very thing we know to be good for LGBTQ+ children—supporting and loving your child for who they are and ensuring they receive care they need to thrive—was a reason to be reported and subjected to an intrusive and traumatic investigation.

12. In September 2022, the Travis County District Court issued an injunction blocking DFPS from carrying out this directive, protecting PFLAG member families from investigation. Although the State appealed that injunction, the Court of Appeals reinstated its protections shortly thereafter. That case is still pending, but at least PFLAG families are presently protected from being investigated for child abuse based solely on allegations they sought medically necessary care for their transgender or nonbinary child.

13. This brief sigh of relief we felt from the DFPS Rule being enjoined ended when SB 14 was signed into law on June 2, 2023. PFLAG members had been actively engaged in fighting against SB14’s passage, voicing their opposition regularly at the statehouse. Given the hostility of the climate in Texas towards transgender people in general, and toward youth in particular, its passage was met with both resignation at its predictability and tremendous fear. New families showed up in droves for chapter meetings and support groups, seeking information and support. Chapters planned and participated in events to provide comfort to and celebrate the unbreakable joy of the gender diverse community. PFLAG families with transgender and

nonbinary adolescents shared their contingency plans—those with the resources to move or seek care out of state have begun firming up their plans to do so, while the vast majority without those resources have been asking chapters for alternative avenues to maintain care in Texas. Families were not just seeking health care providers who specialize in medical care for gender dysphoria but leads on affirming general practitioners as well so that their adolescents would have access to multiple providers in the event that their primary providers stop providing gender-affirming medical care or leave the state as a result of SB14. Requests for mental health care providers have skyrocketed, as the fear, distress, and anxiety at the prospect of losing access to medically necessary care has exacerbated adolescents' existing mental health issues connected to their gender dysphoria. Parents and families are scrambling as their children's providers have cancelled appointments and begun winding down medical care for gender dysphoria because of SB14's imminent effective date. And chapter leaders have heard concerns about the impacts on transgender and non-binary youth in the foster care system, who receive health care coverage through Medicaid and will lose coverage for their medical care for gender dysphoria if SB14 goes into effect.

14. SB 14 subjects PFLAG's Texas members with a transgender or nonbinary child in need of gender-affirming medical care to a substantial risk of harm. PFLAG has members in Texas whose children are being or will be monitored for the appropriate time to begin puberty blockers, are currently or soon will be on puberty blockers, and are currently or soon will be on hormone therapy, all as part of a medically prescribed course of care for gender dysphoria. Some of those families are being harmed right now by SB 14's passage, whether because they have had appointments for scheduled care cancelled, are losing access to healthcare providers who are moving their practice out of state or ending their provisions of gender-affirming care for fear of

losing their medical licenses or state funding, or have otherwise had their imminent plans to obtain the established course of medically necessary care for their transgender or nonbinary children disrupted or foreclosed.

15. Other current and future PFLAG members with transgender or nonbinary children face a substantial risk of being harmed if SB 14 goes into effect, including being denied the right to make medical decisions for their child because the care their child's healthcare providers have declared medically necessary for them has been deemed unlawful, being prevented from obtaining the puberty blockers or hormone therapy their child needs solely because they are treatment for gender dysphoria, or losing coverage for care that has previously been covered under state funded health plans. SB 14 will force PFLAG families who have seen their children thrive as a result of medical care to treat their gender dysphoria to stop providing that care, putting those children at risk of serious mental and physical harm—the very reasons those families sought medical care in the first place.

16. While SB 14 has caused or will cause some PFLAG families to leave Texas entirely or to have to access the medically necessary care their transgender or nonbinary child needs in another state, the logistical and financial costs of doing so are incredibly high. No family should be forced to leave their home, jobs, or community or to split up their family to access the established course of medical care for their child's health condition, but SB14 is putting Texas PFLAG families in exactly that position. For countless others, those costs are simply too high; thus SB 14 leaves those transgender and nonbinary Texas youth and their families with no way to access the medically necessary care they need. Parents are prioritizing their children's mental and physical health, but SB14 will strip them of the ability to make the

decisions that they, their children, and their children's medical providers know are in their best interests. SB14 will put these adolescents' lives at risk.

17. Although these members could challenge SB 14 in their own right—as the other Plaintiff families are doing—PFLAG brings claims on behalf of its members to represent their interests to shield them from harm, to vindicate their rights to make the medical decisions they, their child, and their medical providers know to be in their child's best interests, and to allow them to maintain their focus on their child's health and wellbeing rather than litigation.

18. Representing the interests of these members in challenging SB 14 is directly connected to PFLAG's mission in two ways. First, that mission includes encouraging and supporting parents and families of transgender and gender non-conforming people in affirming their children and helping them access the social, psychological, and medical supports they need. We work with our families to encourage love and support of their transgender and gender non-conforming children and to help them ensure that the children's needs are met. The provisions of SB 14 send the opposite message and prevent families from meeting their child's needs. SB 14 bars families from supporting their child's affirmation of their gender identity by seeking the established medically necessary care that has been prescribed for them, depriving youth of medically necessary gender-affirming care, resulting in anxiety, depression, and other negative health outcomes associated with denying or cutting off medically necessary care. In order to fulfill our mission to our members, we must fight back against a law that prevents them from doing the very thing we encourage because we know it is in the best interests of the children.

19. Second, we teach our members to advocate for a caring, just, and affirming world where LGBTQ+ people are safe, celebrated, empowered, and loved, and to advocate for equitable laws and policies that protect them. We have spoken out against bans on medically

necessary care for youth with gender dysphoria such as SB 14 because they directly conflict with parents' abilities to act in their children's best interest and do nothing to protect the health and well-being of youth or anyone who needs access to medical care. SB 14 is the antithesis of an equitable law, interfering with and obstructing decisions made between PFLAG parents, their child, and their child's provider to deprive that child of care that is proven to be safe, medically sound, and necessary for treating gender dysphoria. As an organization dedicated to parents and families of LGBTQ+ youth, we cannot in good faith sit back as our members' fundamental rights to make decisions about their child's medical care are infringed solely because their child is transgender or nonbinary.

20. PFLAG exists to foster a world where LGBTQ+ children can become thriving, healthy, and happy LGBTQ+ adults. Our members depend on us to provide support and community for them in a society that often still treats their children as second-class citizens, attempts to silence them, or denies their very existence. For our members who have transgender and nonbinary children and are doing nothing more than loving them and following the advice of qualified medical professionals, PFLAG is here to do all we can to support them in those efforts and protect them from harmful, invasive laws like SB 14.



Brian K. Bond  
Executive Director, PFLAG, Inc.

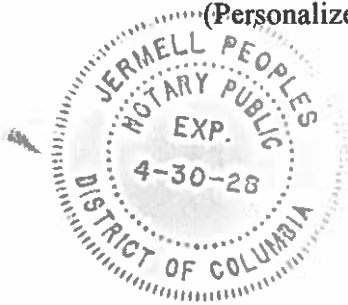
**Notary Verification**

District of Columbia

Brian K. Bond personally appeared before me, and being first duly sworn declared that he signed this declaration in the capacity designated, if any, and further states that he has read the above declaration and the statements therein contained are true.

Sworn to and subscribed before me on the 11<sup>th</sup> day of July 2023, by Brian K. Bond.

(Personalized Seal)



  
Notary Public's Signature

## **EXHIBIT B2**

Texas Children's Hospital  
Baylor College of Medicine  
Seattle Children's Hospital  
QMed/QueerMed  
QueerDoc  
Plume Health, P.C.

# ATTACHMENT 2





STATE OF TEXAS  
OFFICE OF THE ATTORNEY GENERAL  
CONSUMER PROTECTION DIVISION

**NOTICE OF DEMAND FOR SWORN WRITTEN STATEMENT**

**TO:** Susan Thronson  
*President*  
Brian K. Bond  
*Chief Executive Officer*  
PFLAG, Inc.  
1625 K Street NW #700  
Washington, DC 20006

*via CMRRR: [to be completed]*  
*via First Class Mail*

Registered Agents Inc.  
1401 21st Street, Suite R  
Sacramento, CA 95811

*via CMRRR: [to be completed]*  
*via First Class Mail*

The Consumer Protection Division has reason to believe that a “person,” as defined by the DTPA, is engaging in, has engaged in, or is about to engage in an act or practice declared unlawful by the DTPA. Pursuant to section 17.60 of the Texas Deceptive Trade Practices—Consumer Protection Act, §§ 17.41 *et seq.*, Tex. Bus. & Com. Code (“DTPA”), PFLAG, Inc. (“PFLAG”) is hereby directed to file on the prescribed form provided herein written answers under oath to the requests found in Exhibit “B.”

The information requests must be answered fully, correctly, and under oath, in accordance with the “Definitions and Instructions” set forth in Exhibit “A.” Your sworn written answers must be returned to the undersigned attorney general on or before April \_\_, 2024. You may change the terms of this notice of demand for sworn written statement only by written agreement with an authorized Texas assistant attorney general or by court order. If providing documents electronically, please provide them to Sam Weeks at [Samuel.Weeks@oag.texas.gov](mailto:Samuel.Weeks@oag.texas.gov).

This demand for sworn written statement is relevant to the subject matter of an investigation regarding possible violations of DTPA section 17.46 for issues related to misrepresentations regarding Gender Transitioning and Reassignment Treatments and Procedures.

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**TAKE NOTICE THAT pursuant to § 17.62, Texas Business & Commerce Code, any person who with intent to avoid, evade, or prevent compliance, in whole or in part, with this examination under oath, removes from any place, conceals, withholds, or destroys, mutilates, alters, or by any other means falsifies any relevant documentary material may be guilty of a misdemeanor that, upon conviction, is punishable by a fine of not more than \$5,000.00 or by confinement in the county jail for not more than one year, or both.**

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This Demand for Sworn Written Statement (“DSWS”) formally supersedes the DSWS issued by the Division on February 5, 2024. The Division officially withdraws the February 5, 2024 DSWS and waives any and all rights thereunder, including enforcement. The sole DSWS issued to PFLAG with the current force and effect of law is the following.

**ISSUED THIS** \_\_th day of \_\_\_\_ 2024.

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DAVID SHATTO, Assistant Attorney General  
Consumer Protection Division, OAG  
T: (512) 463.2185 | F: (512) 370.9125  
David.Shatto@oag.texas.gov

Other Authorized Agent:  
Sam Weeks, Investigator  
Consumer Protection Division, OAG  
T: (512) 936.0501 | F: (512) 370.9125  
Samuel.Weeks@oag.texas.gov

**EXHIBIT A:  
DEFINITIONS AND INSTRUCTIONS**

1. **“You,” “Your,” and “PFLAG”** means the entity named on page one of this Demand for Sworn Written Statement, with an address at 1625 K Street NW #700, Washington, DC 20006, and a registered agent at Registered Agents Inc., at 1401 21st Street, Suite R, Sacramento, CA 95811, and includes its past and present officers, employees, agents and representatives, parents and predecessors, divisions, subsidiaries, affiliates, partnerships and joint ventures, and all persons and entities acting or purporting to act under the guidance or on behalf of any of the above. The terms “subsidiary,” “affiliate,” and “joint venture” refer to any firm in which there is total or partial ownership (25 percent or more) or control between the Company and any other person or entity.
2. The terms **“and/or,” “and,”** and **“or”** refer to all listed categories inclusively, not exclusively (i.e., not the option of producing one group of documents, or another, nor of producing documents for one group of the listed persons, but not others). The conjunctive “and” shall be deemed to include the disjunctive “or” and vice versa.
3. **“Affiliate(s)”** includes, but is not limited to, PFLAG Tyler/ East Texas; PFLAG Houston; PFLAG Dallas, Inc.; PFLAG Fort Worth, Inc.; PFLAG San Antonio; PFLAG Odessa; PFLAG Denton; PFLAG Seguin; PFLAG Longview; PFLAG Boerne; PFLAG Corpus Christi; PFLAG Midland-Odessa; PFLAG Georgetown; PFLAG Amarillo; PFLAG Mesquite; PFLAG of the Big Country; PFLAG-Kerr County; PFLAG Brownsville Chapter; PFLAG Beaumont Chapter; PFLAG San Marcos, Inc.; PFLAG Brenham Chapter; PFLAG San Angelo; PFLAG Huntsville TX; PFLAG Corpus Christi, Texas, Chapter; PFLAG/HATCH YOUR SCHOLARSHIP FOUNDATION; PFLAG San Juan, Chapter of PFLAG; PFLAG of Montgomery (Parents, Families and Friends of Lesbians and Gays; and any other similarly related entity registered in Texas, either domestic or foreign.
4. **“Gender Transitioning and Reassignment Treatments and Procedures”** means any and all procedures or treatments for the purpose of “transitioning” a Child’s biological sex as determined by the sex organs, chromosomes, and endogenous profiles of the child or affirming the child’s perception of the child’s sex if that perception is inconsistent with the child’s biological sex. This definition includes, but is not limited to, surgeries or procedures that result in sterilization, mastectomy, or other removal of otherwise healthy or non-diseased tissue, the provision of medications that induce transient or permanent infertility (including puberty suppressing and blocking drugs or supraphysiologic doses of testosterone to females and estrogen to males), and any other treatments, therapies, or procedures that are provided to address gender identity disorder, gender dysphoria, and any other similar or related conditions.
5. **“Including”** means including, but not limited to.
6. **“Person”** includes you and means any entity or natural person.
7. **“Relevant Time Period”** Unless otherwise noted, the requests in this Civil Investigative Demand require production of documents from March 8, 2023, to the date of the production of documents in response to this Sworn Written Statement, herein called the “Relevant Time Period.”

8. Unless the context otherwise clearly indicates, words used in the singular include the plural, the plural includes the singular, and the neuter gender includes the masculine and the feminine.
9. In answering the information requests contained in Exhibit B, you shall furnish such information as is available to you, not merely such information within your officers' or employees' personal knowledge. You are to furnish any and all responsive information to each information request in Exhibit B after diligent inquiry into all sources of information available to you.
10. In the event any matter in Exhibit B cannot be fully or precisely answered after the exercise of reasonable diligence, you shall furnish as complete and precise an answer as you can and explain in detail the reasons why you cannot give a full or precise answer, what is needed to be done in order to be in a position to fully and precisely provide the answer, and a time estimate as to when you will be able to provide a full and precise answer.
11. Each response in this sworn written statement must include all relevant information from the Relevant Time Period. If changes in the relevant information, including processes, procedures, or policies, occurred during the Relevant Time Period, describe the manner and timeframe in which the relevant information changed.
12. **“Members”** includes individuals who pay dues or purposes of joining or associating with PFLAG’s national chapter or any local chapter. For purposes of this Demand for Sworn Written Statement, the term shall be broadly construed to encompass donors to PFLAG and individuals who directly participated in PFLAG’s official programs, events and services.
13. The Division does not seek PFLAG’s membership list, either full or partial, in any form. Therefore, at PFLAG’s election, information that identifies a member may be redacted or otherwise anonymized.
14. At the end of your answers, you are required, under oath, to make and sign the following statement before a licensed notary:

STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_

My name is [FULL NAME]. I am over the age of 18 and capable of making this sworn statement. The preceding answers are within my personal knowledge and are true and correct.

\_\_\_\_\_  
 [FULL NAME]

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

[NOTARY STAMP AND NOTARY’S DATED SIGNATURE]

**EXHIBIT B**  
**INFORMATION REQUESTS TO BE ANSWERED UNDER OATH**

1. In reference to the affidavit attached hereto as “EXHIBIT B1,” identify any "contingency plans" or “alternative avenues” that PFLAG identified, created, or shared with its members relating to obtaining and/or maintaining “gender-affirming medical care” in Texas.
2. In reference to the affidavit attached hereto as “EXHIBIT B1,” identify any "contingency plans" or “alternative avenues” that PFLAG has discovered or learned about relating to “gender-affirming medical care” in Texas.
3. Identify every health care provider and/or facility, in Texas, to whom PFLAG has referred members since March 8, 2023.
4. Identify every health care provider and/or facility, in Texas, from whom PFLAG has been referred members since March 8, 2023.

EXHIBIT B1

**LAZARO LOE, et al.**

**Plaintiffs**

**v.**

**STATE OF TEXAS, et. al,**

**Defendants.**

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**IN THE DISTRICT COURT OF**

**TRAVIS COUNTY, TEXAS  
\_\_\_\_ JUDICIAL DISTRICT**

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**AFFIDAVIT OF BRIAN K. BOND**

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I, Brian K. Bond, hereby declare and state as follows:

1. I am over 18 years of age, of sound mind, and fully capable of making this declaration. I have personal knowledge of the facts set forth in this declaration, they are true and correct, and I would testify competently to those facts if called to do so.

2. I am the Executive Director of PFLAG, Inc. (“PFLAG”). Founded in 1973, PFLAG is the first and largest organization for lesbian, gay, bisexual, transgender, and queer (“LGBTQ+”) people, their parents and families, and allies. We are a 501(c)(3) non-profit organization.

3. PFLAG has over 350 chapters across the country and approximately 325,000 members and supporters nationwide. Our members and supporters cross multiple generations of families in major urban centers, small cities, and rural areas across America. PFLAG envisions an equitable and inclusive world where every LGBTQ+ person is safe, celebrated, empowered, and loved. Our mission is to create a caring, just, and affirming world for LGBTQ+ people and those who love them.

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light of the increasingly hostile climate for transgender youth and their families in the state over the last few years. This includes PFLAG joining litigation on behalf of our members in order to protect them from Governor Abbott's directive deeming all affirming health care for transgender adolescents, regardless of medical necessity, to be "child abuse" and the Texas Department of Family and Protective Services' ("DFPS") subsequent adoption and implementation of that directive to investigate parents alleged to be helping their children access such care. Suddenly the very thing we know to be good for LGBTQ+ children—supporting and loving your child for who they are and ensuring they receive care they need to thrive—was a reason to be reported and subjected to an intrusive and traumatic investigation.

12. In September 2022, the Travis County District Court issued an injunction blocking DFPS from carrying out this directive, protecting PFLAG member families from investigation. Although the State appealed that injunction, the Court of Appeals reinstated its protections shortly thereafter. That case is still pending, but at least PFLAG families are presently protected from being investigated for child abuse based solely on allegations they sought medically necessary care for their transgender or nonbinary child.

13. This brief sigh of relief we felt from the DFPS Rule being enjoined ended when SB 14 was signed into law on June 2, 2023. PFLAG members had been actively engaged in fighting against SB14's passage, voicing their opposition regularly at the statehouse. Given the hostility of the climate in Texas towards transgender people in general, and toward youth in particular, its passage was met with both resignation at its predictability and tremendous fear. New families showed up in droves for chapter meetings and support groups, seeking information and support. Chapters planned and participated in events to provide comfort to and celebrate the unbreakable joy of the gender diverse community. PFLAG families with transgender and

nonbinary adolescents shared their contingency plans—those with the resources to move or seek care out of state have begun firming up their plans to do so, while the vast majority without those resources have been asking chapters for alternative avenues to maintain care in Texas. Families were not just seeking health care providers who specialize in medical care for gender dysphoria but leads on affirming general practitioners as well so that their adolescents would have access to multiple providers in the event that their primary providers stop providing gender-affirming medical care or leave the state as a result of SB14. Requests for mental health care providers have skyrocketed, as the fear, distress, and anxiety at the prospect of losing access to medically necessary care has exacerbated adolescents' existing mental health issues connected to their gender dysphoria. Parents and families are scrambling as their children's providers have cancelled appointments and begun winding down medical care for gender dysphoria because of SB14's imminent effective date. And chapter leaders have heard concerns about the impacts on transgender and non-binary youth in the foster care system, who receive health care coverage through Medicaid and will lose coverage for their medical care for gender dysphoria if SB14 goes into effect.

14. SB 14 subjects PFLAG's Texas members with a transgender or nonbinary child in need of gender-affirming medical care to a substantial risk of harm. PFLAG has members in Texas whose children are being or will be monitored for the appropriate time to begin puberty blockers, are currently or soon will be on puberty blockers, and are currently or soon will be on hormone therapy, all as part of a medically prescribed course of care for gender dysphoria. Some of those families are being harmed right now by SB 14's passage, whether because they have had appointments for scheduled care cancelled, are losing access to healthcare providers who are moving their practice out of state or ending their provisions of gender-affirming care for fear of

losing their medical licenses or state funding, or have otherwise had their imminent plans to obtain the established course of medically necessary care for their transgender or nonbinary children disrupted or foreclosed.

15. Other current and future PFLAG members with transgender or nonbinary children face a substantial risk of being harmed if SB 14 goes into effect, including being denied the right to make medical decisions for their child because the care their child's healthcare providers have declared medically necessary for them has been deemed unlawful, being prevented from obtaining the puberty blockers or hormone therapy their child needs solely because they are treatment for gender dysphoria, or losing coverage for care that has previously been covered under state funded health plans. SB 14 will force PFLAG families who have seen their children thrive as a result of medical care to treat their gender dysphoria to stop providing that care, putting those children at risk of serious mental and physical harm—the very reasons those families sought medical care in the first place.

16. While SB 14 has caused or will cause some PFLAG families to leave Texas entirely or to have to access the medically necessary care their transgender or nonbinary child needs in another state, the logistical and financial costs of doing so are incredibly high. No family should be forced to leave their home, jobs, or community or to split up their family to access the established course of medical care for their child's health condition, but SB14 is putting Texas PFLAG families in exactly that position. For countless others, those costs are simply too high; thus SB 14 leaves those transgender and nonbinary Texas youth and their families with no way to access the medically necessary care they need. Parents are prioritizing their children's mental and physical health, but SB14 will strip them of the ability to make the

decisions that they, their children, and their children's medical providers know are in their best interests. SB14 will put these adolescents' lives at risk.

17. Although these members could challenge SB 14 in their own right—as the other Plaintiff families are doing—PFLAG brings claims on behalf of its members to represent their interests to shield them from harm, to vindicate their rights to make the medical decisions they, their child, and their medical providers know to be in their child's best interests, and to allow them to maintain their focus on their child's health and wellbeing rather than litigation.

18. Representing the interests of these members in challenging SB 14 is directly connected to PFLAG's mission in two ways. First, that mission includes encouraging and supporting parents and families of transgender and gender non-conforming people in affirming their children and helping them access the social, psychological, and medical supports they need. We work with our families to encourage love and support of their transgender and gender non-conforming children and to help them ensure that the children's needs are met. The provisions of SB 14 send the opposite message and prevent families from meeting their child's needs. SB 14 bars families from supporting their child's affirmation of their gender identity by seeking the established medically necessary care that has been prescribed for them, depriving youth of medically necessary gender-affirming care, resulting in anxiety, depression, and other negative health outcomes associated with denying or cutting off medically necessary care. In order to fulfill our mission to our members, we must fight back against a law that prevents them from doing the very thing we encourage because we know it is in the best interests of the children.

19. Second, we teach our members to advocate for a caring, just, and affirming world where LGBTQ+ people are safe, celebrated, empowered, and loved, and to advocate for equitable laws and policies that protect them. We have spoken out against bans on medically

necessary care for youth with gender dysphoria such as SB 14 because they directly conflict with parents' abilities to act in their children's best interest and do nothing to protect the health and well-being of youth or anyone who needs access to medical care. SB 14 is the antithesis of an equitable law, interfering with and obstructing decisions made between PFLAG parents, their child, and their child's provider to deprive that child of care that is proven to be safe, medically sound, and necessary for treating gender dysphoria. As an organization dedicated to parents and families of LGBTQ+ youth, we cannot in good faith sit back as our members' fundamental rights to make decisions about their child's medical care are infringed solely because their child is transgender or nonbinary.

20. PFLAG exists to foster a world where LGBTQ+ children can become thriving, healthy, and happy LGBTQ+ adults. Our members depend on us to provide support and community for them in a society that often still treats their children as second-class citizens, attempts to silence them, or denies their very existence. For our members who have transgender and nonbinary children and are doing nothing more than loving them and following the advice of qualified medical professionals, PFLAG is here to do all we can to support them in those efforts and protect them from harmful, invasive laws like SB 14.

A handwritten signature in black ink, appearing to read "Brian K. Bond", written over a horizontal line.

Brian K. Bond  
Executive Director, PFLAG, Inc.

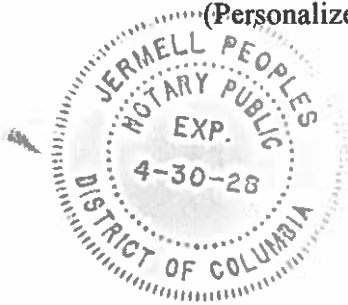
**Notary Verification**

District of Columbia

Brian K. Bond personally appeared before me, and being first duly sworn declared that he signed this declaration in the capacity designated, if any, and further states that he has read the above declaration and the statements therein contained are true.

Sworn to and subscribed before me on the 11<sup>th</sup> day of July 2023, by Brian K. Bond.

(Personalized Seal)



  
Notary Public's Signature

# ATTACHMENT 3



STATE OF TEXAS  
OFFICE OF THE ATTORNEY GENERAL  
CONSUMER PROTECTION DIVISION

**CIVIL INVESTIGATIVE DEMAND**

**TO:** Susan Thronson  
*President*  
Brian K. Bond  
*Chief Executive Officer*  
PFLAG, Inc.  
1625 K Street NW #700  
Washington, DC 20006

*via CMRRR:* ~~[ADD HERE]~~ [to be completed]  
*via First Class Mail*

Registered Agents Inc.  
1401 21st Street, Suite R  
Sacramento, CA 95811

*via CMRRR:* ~~[ADD HERE]~~ [to be completed]  
*via First Class Mail*

Pursuant to this Office’s specific authority under section 17.61 of the Texas Deceptive Trade Practices—Consumer Protection Act, Texas Business & Commerce Code §§ 17.41–17.63 (“DTPA”), PFLAG, Inc. (“PFLAG”), a ~~Nonprofit Corporation~~ nonprofit corporation, is hereby directed to produce the items listed in Exhibit “B” attached hereto. Such production is governed by the Instructions and Definitions set forth in Exhibit “A” on this page and subsequent pages.

You are to make available the documentary material described in Exhibit “B” to the undersigned Assistant Attorney General or other authorized agent(s) identified by the Consumer Protection Division (“Division”). This documentary material shall be produced for inspection and copying during normal business hours at your principal office or place of business, or may be sent electronically or by certified mail to the Office of the Attorney General, 300 W. 15<sup>th</sup> Street, 9<sup>th</sup> Floor, Austin, TX 78701 and is due on Monday, February 26, April, 2024. If providing documents electronically, please provide them to Sam Weeks at Samuel.Weeks@oag.texas.gov.

The Division believes that you are in possession, custody, or control of documentary material relevant to the subject matter of an investigation of actual or possible violations of DTPA section 17.46 ~~for issues related to~~ involving potential misrepresentations regarding Gender Transitioning and Reassignment Treatments and Procedures and Texas law.

**TAKE NOTICE THAT pursuant to section 17.62, Texas Business and Commerce Code, any person who attempts to evade, evade, or circumvent this Civil Investigative Demand (“CID”) shall formally supersede this CID previously issued on February 5, 2024, by the Division. Destroying, mutilating, altering, or concealing any documentary material in inquiry of a misdemeanor and/or conviction is punishable by a fine of not more than \$5,000 or 90 days’ confinement in the county jail for not more than one year, or both.**



TAKE NOTICE THAT pursuant to section 17.62, Texas Business and Commerce Code, any person who attempts to avoid, evade, or prevent compliance, in whole or in part, with this directive by removing, concealing, withholding, destroying, mutilating, altering, or by any other means falsifying any documentary material may be guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$5,000.00 or by confinement in the county jail for not more than one year, or both.

ISSUED THIS 5<sup>th</sup> th day of ~~February~~ \_\_\_\_\_ 2024.

*/s/ David Shatto*

\_\_\_\_\_  
DAVID SHATTO, Assistant Attorney General  
Consumer Protection Division, OAG  
T: (512) 463.2185 | F: (512) 370.9125  
David.Shatto@oag.texas.gov

Other Authorized Agent:  
Sam Weeks, Investigator  
Consumer Protection Division, OAG  
T: (512) 936.0501 | F: (512) 370.9125  
Samuel.Weeks@oag.texas.gov

## EXHIBIT A: INSTRUCTIONS

1. **Read These Instructions/ and Definitions Carefully.** Your production must comply with these instructions and definitions.
  
2. Unless the context clearly indicates otherwise, words used in the singular include the plural, the plural includes the singular, and the neutral includes the masculine and feminine.
  
3. **Duty to Preserve Documents.** All documents and/or other data which relate to the subject matter or requests of this ~~Civil Investigative Demand~~CID must be preserved. *Any ongoing, scheduled, or other process of document or data destruction involving such documents or data must cease, even if it is your normal or routine course of business ~~for you~~ to delete or destroy such documents or data and/or even if you believe such documents or data are privileged or otherwise protected from discovery by privilege or otherwise disclosure.* Failure to preserve such documents or data may result in legal action and may be regarded as spoliation of evidence under applicable law.
  
4. **Relevant Time Period.** Unless otherwise noted, the requests ~~in this Civil Investigative Demand~~herein require production of documents from March 8, 2023, to the date of the last production of documents in made response to this ~~Civil Investigative Demand, herein called the "Relevant Time Period."~~CID.
  
5. **Custody and Control.** In responding to ~~this Civil Investigative Demand~~the CID, you are required to produce ~~not only~~ all requested responsive documents in your ~~physical~~ possession, ~~but also all requested documents within your custody and~~custody, or control. A document is ~~in~~within your custody and/or control if it is in the possession of another person and you have a right to possess that document that is equal or superior to that other person's right of possession. ~~On the rare occasion that you cannot obtain the document, you must provide an explanation as to why you cannot obtain the document which includes the following information:~~
  - a. ~~the name of each author, sender, creator, and initiator of such document;~~
  - b. ~~the name of each recipient, addressee, or party for whom such document was intended;~~
  - c. ~~the date the document was created;~~
  - d. ~~the date(s) the document was in use;~~
  - e. ~~a detailed description of the content of the document;~~
  - f. ~~the reason it is no longer in your possession, custody, or control; and~~

~~g. the document's present whereabouts.~~

~~If the document is no longer in existence, in addition to providing the information indicated above, state on whose instructions the document was destroyed or otherwise disposed of, and the date and manner of the destruction or disposal.~~

6. ~~Non-identical~~**Identical Copies to be Produced, or Drafts.** Any copy or draft of a document that differs in any manner, including the presence of handwritten notations, different senders or recipients, etc. ~~must be., from the original version shall be considered a distinct document and~~ produced.

7. ~~No Redaction. All~~**Permitted Redactions for Member Identifying Information.** In general, all materials or documents ~~produced in response~~responsive to this ~~Civil Investigative Demand~~CID shall be produced in complete unabridged, unedited, and unredacted form, even if portions may contain information not explicitly requested; ~~or might include~~may reflect interim or final ~~editions~~portions of ~~a document.~~documents or materials.

Unlike the February 5, 2024 CID, the foregoing, operative CID does *not* request that PFLAG produce documents and information disclosing the identify of its Members and/or actual membership lists, either in whole or in part, in any form. For this reason, PFLAG may elect to redact or anonymize any portion of a document otherwise within the scope of the CID that contains information disclosing or providing the identity of any Member. Any questions related to the precise information that PFLAG may redact at its own election should be directed the Office of the Attorney General representatives above.

8. **Document Organization.**– Each document and other tangible thing produced shall be clearly designated as to which request, and each sub-part of a request, that it satisfies. The documents produced shall be identified and segregated to correspond with the number and subsection of the request.

9. **Production of Documents. Format.** You may submit photocopies (with color photocopies where necessary to interpret the document) in lieu of original hard-copy documents if the photocopies provided are true, correct, and complete copies of the original documents. If the requested information is electronically stored information, it shall be produced in electronic form. Electronically stored information shall be produced with the accompanying metadata, ~~codes~~TIFF images, native files, load files, and programs necessary for ~~translating it~~processing into ~~usable form, or the information shall be produced in a finished~~ usable form. For any questions related to the production of documents you may consult with the Office of the Attorney General representatives above.

10. — **Privilege Log.** For each ~~Document and any document or~~ other requested information that you assert is privileged or ~~for any other reason excludable otherwise protected~~ from ~~production disclosure~~, please provide a privilege log, ~~wherein you:~~

- a. ~~Identify that Document and other requested~~ with a numerical list of the document(s), ~~thing(s), or~~ information;
- b. ~~State each specific ground for the claim of which~~ privilege or ~~other ground for exclusion~~ and the facts supporting each claim of privilege or other ground for exclusion;

~~11.10. State the date of the Document or other requested~~ protection from disclosure is claimed is claim, and for each item detailed and non-conclusory information; ~~the name, job title, and address ( that demonstrates a prima facie claim for privilege and protection, including city, state and ZIP Code) of the person who prepared it; the name, address (including city, state, and ZIP Code), and job title of the person to whom it was addressed or circulated or who saw it; and the name, job title, and address (including city, state, and ZIP Code) of the person now in possession of it; and but~~ not limited to, the following:

- a. Describe ~~The name of the type~~ custodian of the withheld materials;
- b. The name of each author, writer, sender, and creator of the materials;
- c. The name of each recipient, addressee, and copyee for whom the materials were intended, if any;
- d. The date the materials were created;
- e. The general subject matter of the Document or other requested information materials; and
- a.f. The factual and legal bases for the claim.

## DEFINITIONS

1. ~~“You,” “your,” and “Your,” “PFLAG, Inc.,” (also referred to herein as the “Company”)~~ means the entity named on page one of this ~~Civil Investigative Demand~~ CID, with an address of 1625 K Street NW #700, Washington, DC 20006, and a registered agent at Registered Agents Inc., at 1401 21st Street, Suite R, Sacramento, CA 95811, and includes its past and present directors, officers, employees, agents and representatives, parents and predecessors, divisions, subsidiaries, ~~Affiliates~~ affiliates, partnerships and joint ventures, and all persons and entities acting or purporting to act under the ~~guidance~~ control of or on behalf of any of the above. The terms “subsidiary,” ~~Affiliate~~ affiliate,” and “joint venture” refer to any ~~firm~~ entity in which there is total or partial ownership (25 percent or more) or control between ~~the Company~~ PFLAG and any other person or entity.

~~2. The words “and” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of the request, any document(s) that might be deemed outside its scope by another construction.~~

~~2. The terms “and/or,” “and,” and “or” refer to all listed categories inclusively, not exclusively (i.e., not the option of producing one group of documents, or another, nor of producing documents for one group of the listed persons, but not others). The conjunctive “and” shall be deemed to include the disjunctive “or” and vice versa.~~

3. **“Affiliate(s)”** includes, but is not limited to, PFLAG Tyler/ East Texas; PFLAG Houston; PFLAG Dallas, Inc.; PFLAG Fort Worth, Inc.; PFLAG San Antonio; PFLAG Odessa; PFLAG Denton; PFLAG Seguin; PFLAG Longview; PFLAG Boerne; PFLAG Corpus Christi; PFLAG Midland-Odessa; PFLAG Georgetown; PFLAG Amarillo; PFLAG Mesquite; PFLAG of the Big Country; PFLAG-Kerr County; PFLAG Brownsville Chapter; PFLAG Beaumont Chapter; PFLAG San Marcos, Inc.; PFLAG Brenham Chapter; PFLAG San Angelo; PFLAG Huntsville TX; PFLAG Corpus Christi, Texas, Chapter; PFLAG/HATCH YOUR SCHOLARSHIP FOUNDATION; PFLAG San Juan, Chapter of PFLAG; PFLAG of Montgomery (Parents, Families and Friends of Lesbians and Gays); and any other similarly related entity registered in Texas, either domestic or foreign.

4. **“Communication”** means any conversation, discussion, letter, email, correspondence, memorandum, meeting, note, or other transmittal of information or message, whether transmitted in writing, orally, electronically, or by any other means.

~~5. “Document” is used herein in the broadest sense of the term and means all records and other tangible media of expression of whatever nature however and wherever created, produced, or stored (manually, mechanically, electronically, or otherwise), including without limitation all versions whether draft or final, all annotated or nonconforming or other copies, electronic mail (e-~~

mail), instant messages, text messages or other wireless device messages, voicemail, calendars, date books, appointment books, diaries, books, papers, files, notes, confirmations, accounts statements, correspondence, memoranda, reports, records, journals, registers, analyses, plans, manuals, policies, telegrams, faxes, telexes, wires, telephone logs, telephone messages, message slips, minutes, notes or records or transcriptions of conversations or Communications or meetings, tape recordings, videotapes, disks, and other electronic media, microfilm, microfiche, storage devices, press releases, contracts, agreements, notices, and summaries. Any non-identical version of a Document constitutes a separate Document within this definition, including without limitation drafts or copies bearing any notation, edit, comment, marginalia, underscoring, highlighting, marking, or any other alteration of any kind resulting in any difference between two or more otherwise identical Documents. In the case of Documents bearing any notation or other marking made by highlighting ink, the term Document means the original version bearing the highlighting ink, which original must be produced as opposed to any copy thereof.

5. “Document” shall be construed in the broadest sense possible and encompasses any electronically stored information, writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by PFLAG into a reasonably usable form. Although it does not limit the scope of this CID, the definition and interpretation of “document” under the Texas Rules of Civil Procedural provides a useful reference point.

6. **“Gender Transitioning and Reassignment Treatments and Procedures”** means any and all procedures or treatments for the purpose of “transitioning” a ~~Child’s~~child’s biological sex as determined by the sex organs, chromosomes, and endogenous profiles of the child or affirming the child’s perception of the child’s sex if that perception is inconsistent with the child’s biological sex, ~~including. This definition includes,~~ but is not limited to, surgeries or procedures that result in sterilization, mastectomy, or other removal of otherwise healthy or non-diseased tissue, the provision of medications that induce transient or permanent infertility (~~includingsuch as~~ puberty suppressing and blocking drugs or supraphysiologic doses of testosterone to females and estrogen to males), and any other treatments, therapies, or procedures ~~that are~~ provided to address gender identity disorder, gender dysphoria, and any other similar or related conditions.

7. ~~“Identify” means the following:~~

- a. ~~With respect to a natural Person, the complete name, any alias(es), social security number, date of birth, occupation, title(s), job responsibilities, street and mailing address for both home and business at the time in question and at the time of responding (if different), home, cellular, and business telephone numbers, and personal and business email addresses;~~
- b. ~~With respect to a business or an entity, its name(s), business address(es), legal address(es), state(s) of incorporation, registered or unregistered tradename(s), name(s) under which it does business, or any other associated name(s), electronic email domains and websites operated by the entity, tax identification number(s), and the identity of its agent(s) for the service of process; and~~

e. ~~With respect to a Document, its Bates or other sequential notation, title, date, location, author(s), signatory(ies), recipient(s), description (e.g., memorandum, letter, contract, form), the number of pages, and a summary of the contents.~~

8. ~~“Person” includes You and means any entity or natural person.~~

7. “Members” includes individuals who pay dues for purposes of joining or associating with PFLAG’s national chapter or any local chapter. For purposes of this CID, the term shall be broadly construed to encompass donors to PFLAG and individuals who directly participated in PFLAG’s official programs, events, and services. However, “Members” does not include PFLAG’s professional staff and non-PFLAG entities with whom the organization associates.

8. “Person” includes you and encompasses an entity or natural person.

## EXHIBIT B: DOCUMENTS TO BE PRODUCED

In accordance with the requirements set forth ~~in the “Definitions” above and “Instructions” sections of this Civil Investigative Demand, You are specifically required to~~ provided for under Texas law, PFLAG must respond in writing ~~to each of and~~ produce documents responsive the following Requests within ~~the time frame set forth below:~~ twenty (20) days.

### Produce within 20 days:

1. ~~All Documents~~ documents and ~~Communications~~ communications that form the basis of, or otherwise relate to, Brian K. Bond’s personal knowledge of the information ~~contained in~~ stated in paragraphs 7 and 13 of the affidavit attached hereto as “EXHIBIT B1.”
2. All ~~Communications~~ communications to, or from, ~~any PFLAG representative~~ PFLAG’s professional staff, non-members, or Affiliates regarding, relating to, or referencing, “contingency plans” and/or “alternative avenues to maintain care,” as those phrases are used in the affidavit attached hereto as “EXHIBIT B1.”
3. All recommendations, referrals, and/or lists of pediatric and/or adolescent “health care providers” ~~(as that term is used in paragraph 13 of the affidavit attached hereto as “EXHIBIT B1”)~~ in Texas; that PFLAG (or any of its representatives professional staff or affiliates) has created, maintained, received, or distributed since March 8, 2023.
4. ~~All Communications to, or from, Brian K. Bond regarding, or relating to, the contents and preparation of the affidavit attached hereto as “EXHIBIT B1.”~~
5. ~~4.~~ In reference to the affidavit attached hereto as “EXHIBIT B1,” produce ~~all Documents~~ documents, meeting minutes, and ~~Communications that support Brian K. Bond’s sworn~~ communications sufficient to show the factual basis for the statement that “PFLAG families with transgender and nonbinary adolescents ... have been asking chapters for alternative avenues to maintain care in Texas.” (with PFLAG having the option to redact identifying member information in the manner described in Instruction No. 7).
6. ~~5.~~ All ~~Communications~~ communications to, or from, ~~any PFLAG representative~~ PFLAG’s professional staff, non-members, or Affiliates regarding, relating to, or referencing any of the individuals or entities identified in the document attached ~~here to~~ hereto as “EXHIBIT B2” since March 8, 2023.
7. ~~6.~~ Any and all All contractual and charter agreements between PFLAG’s Texas chapters and national chapter.
8. ~~7.~~ The governing documents and bylaws of PFLAG’s Texas chapters and national chapter.



EXHIBIT B1

**LAZARO LOE, et al.**

**Plaintiffs**

**v.**

**STATE OF TEXAS, et. al,**

**Defendants.**

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**IN THE DISTRICT COURT OF**

**TRAVIS COUNTY, TEXAS  
\_\_\_\_ JUDICIAL DISTRICT**

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**AFFIDAVIT OF BRIAN K. BOND**

---

I, Brian K. Bond, hereby declare and state as follows:

1. I am over 18 years of age, of sound mind, and fully capable of making this declaration. I have personal knowledge of the facts set forth in this declaration, they are true and correct, and I would testify competently to those facts if called to do so.

2. I am the Executive Director of PFLAG, Inc. (“PFLAG”). Founded in 1973, PFLAG is the first and largest organization for lesbian, gay, bisexual, transgender, and queer (“LGBTQ+”) people, their parents and families, and allies. We are a 501(c)(3) non-profit organization.

3. PFLAG has over 350 chapters across the country and approximately 325,000 members and supporters nationwide. Our members and supporters cross multiple generations of families in major urban centers, small cities, and rural areas across America. PFLAG envisions an equitable and inclusive world where every LGBTQ+ person is safe, celebrated, empowered, and loved. Our mission is to create a caring, just, and affirming world for LGBTQ+ people and those who love them.

4. Our founder, Jeanne Manford, marched with her son Morty in the 1972 Christopher Street Liberation Day March in New York City and created the very first support group for parents and families of LGBTQ+ people in 1973. Supporting LGBTQ+ young people by supporting and strengthening their families has been a core part of our work ever since. Today, the gold-standard advocated by PFLAG parents and families—and set forth by pediatricians and therapists—is to accept, support, and affirm LGBTQ+ people’s sexual orientation and/or gender identity and expression; parental rejection is widely understood to be abusive and damaging.

5. We know, too, that LGBTQ+ youth thrive when supported in their schools and community. So, our work also includes ending bullying, discrimination, and harassment in educational settings by providing training for teachers, administrators, and district leaders, and advocating in the public square to ensure LGBTQ+ people are treated fairly and equally when accessing public accommodations and health care.

6. We know that change happens and support grows one interaction at a time, one family at a time.

7. PFLAG is a national membership organization and we have local chapters in 49 states and the District of Columbia. Our chapters in Texas include PFLAG Amarillo, PFLAG Austin, PFLAG Beaumont, PFLAG Boerne, PFLAG Brenham, PFLAG Dallas, PFLAG El Paso, PFLAG Fort Worth, PFLAG Georgetown, PFLAG Houston, PFLAG Lubbock, PFLAG Mesquite, PFLAG Midland/Odessa, PFLAG Montgomery, PFLAG San Antonio, PFLAG San Marcos, PFLAG Seguin, and PFLAG Tyler/East Texas.

8. PFLAG’s membership is comprised of chapter members and national members. Individuals can become a PFLAG member by joining the national organization directly or by

joining their local chapter, which sends a portion of the member's dues to PFLAG National, also making them national members. In addition to our formal members, PFLAG serves thousands of community members through our programs, events, and services every year.

9. PFLAG's members play a central role in electing our organizational leadership. Of the 21 members of the PFLAG National Board of Directors, seven are elected directly by our membership. Seven more are elected by the Regional Directors Council, a body of 13 volunteers who are themselves each elected by the members of one of PFLAG's thirteen regions to work with PFLAG National staff to provide support, resources, training, and help to start new affiliates, and to share the perspectives and activities of members with PFLAG National staff. The remaining seven are elected by the Board itself.

10. As Executive Director, I am the leader of the professional staff who carry out the work of the PFLAG National office, including supporting the development and work of the PFLAG Chapter Network and promoting PFLAG's presence in the national arena, including through policy advocacy, coalitions with organizations who share our goals, developing trainings and educational materials, and engaging with the media. Supporting the PFLAG Chapter Network is PFLAG National's largest program and our national staff works closely with chapter leaders and members across the country to reinforce their efforts to establish and grow their chapters, providing them with infrastructure, publications, online learning tools, advocacy support, media training, and countless other services and supports.

11. Because promoting the wellbeing of LGBTQ+ youth through encouraging and supporting love and affirmation by their families is a core part of our mission and because we have an extensive network of chapters and nearly 1500 members who live in Texas, we have been actively involved in supporting and providing resources to our members and constituents in

light of the increasingly hostile climate for transgender youth and their families in the state over the last few years. This includes PFLAG joining litigation on behalf of our members in order to protect them from Governor Abbott’s directive deeming all affirming health care for transgender adolescents, regardless of medical necessity, to be “child abuse” and the Texas Department of Family and Protective Services’ (“DFPS”) subsequent adoption and implementation of that directive to investigate parents alleged to be helping their children access such care. Suddenly the very thing we know to be good for LGBTQ+ children—supporting and loving your child for who they are and ensuring they receive care they need to thrive—was a reason to be reported and subjected to an intrusive and traumatic investigation.

12. In September 2022, the Travis County District Court issued an injunction blocking DFPS from carrying out this directive, protecting PFLAG member families from investigation. Although the State appealed that injunction, the Court of Appeals reinstated its protections shortly thereafter. That case is still pending, but at least PFLAG families are presently protected from being investigated for child abuse based solely on allegations they sought medically necessary care for their transgender or nonbinary child.

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nonbinary adolescents shared their contingency plans—those with the resources to move or seek care out of state have begun firming up their plans to do so, while the vast majority without those resources have been asking chapters for alternative avenues to maintain care in Texas. Families were not just seeking health care providers who specialize in medical care for gender dysphoria but leads on affirming general practitioners as well so that their adolescents would have access to multiple providers in the event that their primary providers stop providing gender-affirming medical care or leave the state as a result of SB14. Requests for mental health care providers have skyrocketed, as the fear, distress, and anxiety at the prospect of losing access to medically necessary care has exacerbated adolescents' existing mental health issues connected to their gender dysphoria. Parents and families are scrambling as their children's providers have cancelled appointments and begun winding down medical care for gender dysphoria because of SB14's imminent effective date. And chapter leaders have heard concerns about the impacts on transgender and non-binary youth in the foster care system, who receive health care coverage through Medicaid and will lose coverage for their medical care for gender dysphoria if SB14 goes into effect.

14. SB 14 subjects PFLAG's Texas members with a transgender or nonbinary child in need of gender-affirming medical care to a substantial risk of harm. PFLAG has members in Texas whose children are being or will be monitored for the appropriate time to begin puberty blockers, are currently or soon will be on puberty blockers, and are currently or soon will be on hormone therapy, all as part of a medically prescribed course of care for gender dysphoria. Some of those families are being harmed right now by SB 14's passage, whether because they have had appointments for scheduled care cancelled, are losing access to healthcare providers who are moving their practice out of state or ending their provisions of gender-affirming care for fear of

losing their medical licenses or state funding, or have otherwise had their imminent plans to obtain the established course of medically necessary care for their transgender or nonbinary children disrupted or foreclosed.

15. Other current and future PFLAG members with transgender or nonbinary children face a substantial risk of being harmed if SB 14 goes into effect, including being denied the right to make medical decisions for their child because the care their child's healthcare providers have declared medically necessary for them has been deemed unlawful, being prevented from obtaining the puberty blockers or hormone therapy their child needs solely because they are treatment for gender dysphoria, or losing coverage for care that has previously been covered under state funded health plans. SB 14 will force PFLAG families who have seen their children thrive as a result of medical care to treat their gender dysphoria to stop providing that care, putting those children at risk of serious mental and physical harm—the very reasons those families sought medical care in the first place.

16. While SB 14 has caused or will cause some PFLAG families to leave Texas entirely or to have to access the medically necessary care their transgender or nonbinary child needs in another state, the logistical and financial costs of doing so are incredibly high. No family should be forced to leave their home, jobs, or community or to split up their family to access the established course of medical care for their child's health condition, but SB14 is putting Texas PFLAG families in exactly that position. For countless others, those costs are simply too high; thus SB 14 leaves those transgender and nonbinary Texas youth and their families with no way to access the medically necessary care they need. Parents are prioritizing their children's mental and physical health, but SB14 will strip them of the ability to make the

decisions that they, their children, and their children's medical providers know are in their best interests. SB14 will put these adolescents' lives at risk.

17. Although these members could challenge SB 14 in their own right—as the other Plaintiff families are doing—PFLAG brings claims on behalf of its members to represent their interests to shield them from harm, to vindicate their rights to make the medical decisions they, their child, and their medical providers know to be in their child's best interests, and to allow them to maintain their focus on their child's health and wellbeing rather than litigation.

18. Representing the interests of these members in challenging SB 14 is directly connected to PFLAG's mission in two ways. First, that mission includes encouraging and supporting parents and families of transgender and gender non-conforming people in affirming their children and helping them access the social, psychological, and medical supports they need. We work with our families to encourage love and support of their transgender and gender non-conforming children and to help them ensure that the children's needs are met. The provisions of SB 14 send the opposite message and prevent families from meeting their child's needs. SB 14 bars families from supporting their child's affirmation of their gender identity by seeking the established medically necessary care that has been prescribed for them, depriving youth of medically necessary gender-affirming care, resulting in anxiety, depression, and other negative health outcomes associated with denying or cutting off medically necessary care. In order to fulfill our mission to our members, we must fight back against a law that prevents them from doing the very thing we encourage because we know it is in the best interests of the children.

19. Second, we teach our members to advocate for a caring, just, and affirming world where LGBTQ+ people are safe, celebrated, empowered, and loved, and to advocate for equitable laws and policies that protect them. We have spoken out against bans on medically

necessary care for youth with gender dysphoria such as SB 14 because they directly conflict with parents' abilities to act in their children's best interest and do nothing to protect the health and well-being of youth or anyone who needs access to medical care. SB 14 is the antithesis of an equitable law, interfering with and obstructing decisions made between PFLAG parents, their child, and their child's provider to deprive that child of care that is proven to be safe, medically sound, and necessary for treating gender dysphoria. As an organization dedicated to parents and families of LGBTQ+ youth, we cannot in good faith sit back as our members' fundamental rights to make decisions about their child's medical care are infringed solely because their child is transgender or nonbinary.

20. PFLAG exists to foster a world where LGBTQ+ children can become thriving, healthy, and happy LGBTQ+ adults. Our members depend on us to provide support and community for them in a society that often still treats their children as second-class citizens, attempts to silence them, or denies their very existence. For our members who have transgender and nonbinary children and are doing nothing more than loving them and following the advice of qualified medical professionals, PFLAG is here to do all we can to support them in those efforts and protect them from harmful, invasive laws like SB 14.



Brian K. Bond  
Executive Director, PFLAG, Inc.

**Notary Verification**

District of Columbia



Brian K. Bond personally appeared before me, and being first duly sworn declared that he signed this declaration in the capacity designated, if any, and further states that he has read the above declaration and the statements therein contained are true.

Sworn to and subscribed before me on the 11<sup>th</sup> day of July 2023, by Brian K. Bond.

(Personalized Seal)



  
Notary Public's Signature

## **EXHIBIT B2**

Texas Children's Hospital  
Baylor College of Medicine  
Seattle Children's Hospital  
QMed/QueerMed  
QueerDoc  
Plume Health, P.C.

# ATTACHMENT 4



STATE OF TEXAS  
OFFICE OF THE ATTORNEY GENERAL  
CONSUMER PROTECTION DIVISION

**NOTICE OF DEMAND FOR SWORN WRITTEN STATEMENT**

**TO:** Susan Thronson  
*President*  
Brian K. Bond  
*Chief Executive Officer*  
PFLAG, Inc.  
1625 K Street NW #700  
Washington, DC 20006

via CMRRR: **[ADD HERE to be completed]**  
via First Class Mail

Registered Agents Inc.  
1401 21st Street, Suite R  
Sacramento, CA 95811

via CMRRR: **[ADD HERE to be completed]**  
via First Class Mail

The Consumer Protection Division has reason to believe that a “person,” as defined by the DTPA, is engaging in, has engaged in, or is about to engage in an act or practice declared unlawful by the DTPA. Pursuant to section 17.60 of the Texas Deceptive Trade Practices—Consumer Protection Act, §§ 17.41 *et seq.*, Tex. Bus. & Com. Code (“DTPA”), PFLAG, Inc. (“PFLAG”) is hereby directed to file on the prescribed form provided herein written answers under oath to the requests found in Exhibit “B.”

The information requests must be answered fully, correctly, and under oath, in accordance with the “Definitions and Instructions” set forth in Exhibit “A.” Your sworn written answers must be returned to the undersigned attorney general on or before **Monday, February 26, April**, 2024. You may change the terms of this notice of demand for sworn written statement only by written agreement with an authorized Texas assistant attorney general or by court order. If providing documents electronically, please provide them to Sam Weeks at [Samuel.Weeks@oag.texas.gov](mailto:Samuel.Weeks@oag.texas.gov).

This demand for sworn written statement is relevant to the subject matter of an investigation regarding possible violations of DTPA section 17.46 for issues related to misrepresentations regarding Gender Transitioning and Reassignment Treatments and Procedures.

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**TAKE NOTICE THAT pursuant to § 17.62, Texas Business & Commerce Code, any person who with intent to avoid, evade, or prevent compliance, in whole or in part, with this examination under oath, removes from any place, conceals, withholds, or destroys, mutilates, alters, or by any other means falsifies any relevant documentary material may be guilty of a misdemeanor that, upon conviction, is punishable by a fine of not more than \$5,000.00 or by confinement in the county jail for not more than one year, or both.**

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This Demand for Sworn Written Statement (“DSWS”) formally supersedes the DSWS issued by the Division on February 5, 2024. The Division officially withdraws the February 5, 2024 DSWS and waives any and all rights thereunder, including enforcement. The sole DSWS issued to PFLAG with the current force and effect of law is the following.

ISSUED THIS 5<sup>th</sup> th day of February      2024.

~~/s/ David Shatto~~

DAVID SHATTO, Assistant Attorney General  
Consumer Protection Division, OAG  
T: (512) 463.2185 | F: (512) 370.9125  
David.Shatto@oag.texas.gov

Other Authorized Agent:  
Sam Weeks, Investigator  
Consumer Protection Division, OAG  
T: (512) 936.0501 | F: (512) 370.9125  
Samuel.Weeks@oag.texas.gov

## EXHIBIT A: DEFINITIONS AND INSTRUCTIONS

1. **“You,” “Your,” “PFLAG, Inc.,” and/or “PFLAG,” (also referred to herein as the “Company”) and “PFLAG”** means the entity named on page one of this Demand for Sworn Written Statement, with an address at 1625 K Street NW #700, Washington, DC 20006, and a registered agent at Registered Agents Inc., at 1401 21st Street, Suite R, Sacramento, CA 95811, and includes its past and present officers, employees, agents and representatives, parents and predecessors, divisions, subsidiaries, ~~Affiliates~~affiliates, partnerships and joint ventures, and all persons and entities acting or purporting to act under the guidance or on behalf of any of the above. The terms “subsidiary,” ~~“Affiliate~~affiliate,” and “joint venture” refer to any firm in which there is total or partial ownership (25 percent or more) or control between the Company and any other person or entity.
- ~~2. The words “and” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of the request, any document(s) that might be deemed outside its scope by another construction.~~
- ~~2. The terms “and/or,” “and,” and “or” refer to all listed categories inclusively, not exclusively (i.e., not the option of producing one group of documents, or another, nor of producing documents for one group of the listed persons, but not others). The conjunctive “and” shall be deemed to include the disjunctive “or” and vice versa.~~
3. **“Affiliate(s)”** includes, but is not limited to, PFLAG Tyler/ East Texas; PFLAG Houston; PFLAG Dallas, Inc.; PFLAG Fort Worth, Inc.; PFLAG San Antonio; PFLAG Odessa; PFLAG Denton; PFLAG Seguin; PFLAG Longview; PFLAG Boerne; PFLAG Corpus Christi; PFLAG Midland-Odessa; PFLAG Georgetown; PFLAG Amarillo; PFLAG Mesquite; PFLAG of the Big Country; PFLAG-Kerr County; PFLAG Brownsville Chapter; PFLAG Beaumont Chapter; PFLAG San Marcos, Inc.; PFLAG Brenham Chapter; PFLAG San Angelo; PFLAG Huntsville TX; PFLAG Corpus Christi, Texas, Chapter; PFLAG/HATCH YOUR SCHOLARSHIP FOUNDATION; PFLAG San Juan, Chapter of PFLAG; PFLAG of Montgomery (Parents, Families and Friends of Lesbians and Gays; and any other similarly related entity registered in Texas, either domestic or foreign.
4. **“Gender Transitioning and Reassignment Treatments and Procedures”** means any and all procedures or treatments for the purpose of “transitioning” a Child’s biological sex as determined by the sex organs, chromosomes, and endogenous profiles of the child or affirming the child’s perception of the child’s sex if that perception is inconsistent with the child’s biological sex, ~~including. This definition includes,~~ but is not limited to, surgeries or procedures that result in sterilization, mastectomy, or other removal of otherwise healthy or non-diseased tissue, the provision of medications that induce transient or permanent infertility (including puberty suppressing and blocking drugs or supraphysiologic doses of testosterone to females and estrogen to males), and any other treatments, therapies, or procedures that are provided to address gender identity disorder, gender dysphoria, and any other similar or related conditions.
5. ~~“Identify” means the following:~~
  - ~~a. With respect to a natural Person, the complete name, any alias(es), social security number, date of birth, occupation, title(s), job responsibilities, street and mailing address for both~~

- ~~home and business at the time in question and at the time of responding (if different), home, cellular, and business telephone numbers, and personal and business email addresses;~~
- ~~b. With respect to an entity, its name(s), business address(es), legal address(es), state(s) of incorporation, registered or unregistered tradename(s), name(s) under which it does business, or any other associated name(s), electronic email domains and websites operated by the entity, tax identification number(s), and the identity of its agent(s) for the service of process;~~
  - ~~c. With respect to a Document, its Bates or other sequential notation, title, date, location, author(s), signatory(ies), recipient(s), description (e.g., memorandum, letter, contract, form), the number of pages, and a summary of the contents;~~
  - ~~d. With respect to a Communication, the persons participating in the Communication, state the date, time, manner, place, means and substance of the Communication, and also the Document or Documents which refer to the Communication; and~~
  - ~~e. With respect to an event or sequence of events, the date, place, and time of the event or sequence of events, the persons involved, and the facts related to the substance of the particular interrogatory.~~

6.5. **“Including”** means including, but not limited to.

7.6. **“Person”** includes ~~You~~you and means any entity or natural person.

8.7. **“Relevant Time Period”** Unless otherwise noted, the requests in this Civil Investigative Demand require production of documents from March 8, 2023, to the date of the production of documents in response to this Sworn Written Statement, herein called the “Relevant Time Period.”

9.8. Unless the context otherwise clearly indicates, words used in the singular include the plural, the plural includes the singular, and the neuter gender includes the masculine and the feminine.

10.9. In answering the information requests contained in Exhibit B, you shall furnish such information as is available to you, not merely such information within your officers’ or employees’ personal knowledge. You are to furnish any and all responsive information to each information request in Exhibit B after diligent inquiry into all sources of information available to you.

11.10. In the event any matter in Exhibit B cannot be fully or precisely answered after the exercise of reasonable diligence, you shall furnish as complete and precise an answer as you can and explain in detail the reasons why you cannot give a full or precise answer, what is needed to be done in order to be in a position to fully and precisely provide the answer, and a time estimate as to when you will be able to provide a full and precise answer.

12.11. Each response in this sworn written statement must include all relevant information from the Relevant Time Period. If changes in the relevant information, Including processes, procedures, or policies, occurred during the Relevant Time Period, describe the manner and timeframe in which the relevant information changed.

12. **“Members”** includes individuals who pay dues or purposes of joining or associating with PFLAG’s national chapter or any local chapter. For purposes of this Demand for Sworn Written Statement, the

term shall be broadly construed to encompass donors to PFLAG and individuals who directly participated in PFLAG's official programs, events and services.

13. The Division does not seek PFLAG's membership list, either full or partial, in any form. Therefore, at PFLAG's election, information that identifies a member may be redacted or otherwise anonymized.

13.14. At the end of your answers, you are required, under oath, to make and sign the following statement before a licensed notary:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

My name is [FULL NAME]. I am over the age of 18 and capable of making this sworn statement. The preceding answers are within my personal knowledge and are true and correct.

\_\_\_\_\_  
[FULL NAME]

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

[NOTARY STAMP AND NOTARY'S DATED SIGNATURE]



**EXHIBIT B**  
**INFORMATION REQUESTS TO BE ANSWERED UNDER OATH**

- ~~1. Define the meaning of “gender affirming medical care” as that phrase is used in the affidavit attached hereto as “EXHIBIT B1.”~~
- ~~2. Define the meaning of “affirming general practitioners” as that phrase is used in the affidavit attached hereto as “EXHIBIT B1.”~~
- 3.1. In reference to the affidavit attached hereto as “EXHIBIT B1,” ~~Identify~~identify any "contingency plans" or “alternative avenues” that PFLAG identified, created, or shared with its members relating to obtaining and/or maintaining “gender-affirming medical care” in Texas.
- ~~4. In reference to Your response to Information Request No. 3 above, and separately for each “contingency plan” or “alternative avenue,” Identify from whom PFLAG learned about such “contingency plans” or “alternative avenues.”~~
- ~~5.2.~~5.2. ~~In reference to~~ the affidavit attached hereto as “EXHIBIT B1,” ~~Identify~~identify any "contingency plans" or “alternative avenues” that PFLAG has discovered or learned about relating to “gender-affirming medical care” in Texas.
- ~~6. In reference to the affidavit attached hereto as “EXHIBIT B1,” Identify all factual bases upon which Brian K. Bond made the sworn statement that he had personal knowledge that “PFLAG families with transgender and nonbinary adolescents shared their contingency plans—those with the resources to move or seek care out of state have begun firming up their plans to do so, while the vast majority without those resources have been asking chapters for alternative avenues to maintain care in Texas.”~~  
~~In reference to the affidavit attached hereto as “EXHIBIT B1,” Identify all factual bases upon which Brian K. Bond made the sworn statement that he had personal knowledge that “Families were not just seeking health care providers who specialize in medical care for gender dysphoria but leads on affirming general practitioners...”~~
- 8.3. Identify every health care provider and/or facility, in Texas, to whom PFLAG has referred members since March 8, 2023.
- 9.4. Identify every health care provider and/or facility, in Texas, from whom PFLAG has been referred members since March 8, 2023.

EXHIBIT B1

**LAZARO LOE, et al.**

**Plaintiffs**

**v.**

**STATE OF TEXAS, et al.,**

**Defendants.**

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**IN THE DISTRICT COURT OF**

**TRAVIS COUNTY, TEXAS  
\_\_\_\_ JUDICIAL DISTRICT**

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**AFFIDAVIT OF BRIAN K. BOND**

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I, Brian K. Bond, hereby declare and state as follows:

1. I am over 18 years of age, of sound mind, and fully capable of making this declaration. I have personal knowledge of the facts set forth in this declaration, they are true and correct, and I would testify competently to those facts if called to do so.

2. I am the Executive Director of PFLAG, Inc. (“PFLAG”). Founded in 1973, PFLAG is the first and largest organization for lesbian, gay, bisexual, transgender, and queer (“LGBTQ+”) people, their parents and families, and allies. We are a 501(c)(3) non-profit organization.

3. PFLAG has over 350 chapters across the country and approximately 325,000 members and supporters nationwide. Our members and supporters cross multiple generations of families in major urban centers, small cities, and rural areas across America. PFLAG envisions an equitable and inclusive world where every LGBTQ+ person is safe, celebrated, empowered, and loved. Our mission is to create a caring, just, and affirming world for LGBTQ+ people and those who love them.

4. Our founder, Jeanne Manford, marched with her son Morty in the 1972 Christopher Street Liberation Day March in New York City and created the very first support group for parents and families of LGBTQ+ people in 1973. Supporting LGBTQ+ young people by supporting and strengthening their families has been a core part of our work ever since. Today, the gold-standard advocated by PFLAG parents and families—and set forth by pediatricians and therapists—is to accept, support, and affirm LGBTQ+ people’s sexual orientation and/or gender identity and expression; parental rejection is widely understood to be abusive and damaging.

5. We know, too, that LGBTQ+ youth thrive when supported in their schools and community. So, our work also includes ending bullying, discrimination, and harassment in educational settings by providing training for teachers, administrators, and district leaders, and advocating in the public square to ensure LGBTQ+ people are treated fairly and equally when accessing public accommodations and health care.

6. We know that change happens and support grows one interaction at a time, one family at a time.

7. PFLAG is a national membership organization and we have local chapters in 49 states and the District of Columbia. Our chapters in Texas include PFLAG Amarillo, PFLAG Austin, PFLAG Beaumont, PFLAG Boerne, PFLAG Brenham, PFLAG Dallas, PFLAG El Paso, PFLAG Fort Worth, PFLAG Georgetown, PFLAG Houston, PFLAG Lubbock, PFLAG Mesquite, PFLAG Midland/Odessa, PFLAG Montgomery, PFLAG San Antonio, PFLAG San Marcos, PFLAG Seguin, and PFLAG Tyler/East Texas.

8. PFLAG’s membership is comprised of chapter members and national members. Individuals can become a PFLAG member by joining the national organization directly or by

joining their local chapter, which sends a portion of the member's dues to PFLAG National, also making them national members. In addition to our formal members, PFLAG serves thousands of community members through our programs, events, and services every year.

9. PFLAG's members play a central role in electing our organizational leadership. Of the 21 members of the PFLAG National Board of Directors, seven are elected directly by our membership. Seven more are elected by the Regional Directors Council, a body of 13 volunteers who are themselves each elected by the members of one of PFLAG's thirteen regions to work with PFLAG National staff to provide support, resources, training, and help to start new affiliates, and to share the perspectives and activities of members with PFLAG National staff. The remaining seven are elected by the Board itself.

10. As Executive Director, I am the leader of the professional staff who carry out the work of the PFLAG National office, including supporting the development and work of the PFLAG Chapter Network and promoting PFLAG's presence in the national arena, including through policy advocacy, coalitions with organizations who share our goals, developing trainings and educational materials, and engaging with the media. Supporting the PFLAG Chapter Network is PFLAG National's largest program and our national staff works closely with chapter leaders and members across the country to reinforce their efforts to establish and grow their chapters, providing them with infrastructure, publications, online learning tools, advocacy support, media training, and countless other services and supports.

11. Because promoting the wellbeing of LGBTQ+ youth through encouraging and supporting love and affirmation by their families is a core part of our mission and because we have an extensive network of chapters and nearly 1500 members who live in Texas, we have been actively involved in supporting and providing resources to our members and constituents in

light of the increasingly hostile climate for transgender youth and their families in the state over the last few years. This includes PFLAG joining litigation on behalf of our members in order to protect them from Governor Abbott's directive deeming all affirming health care for transgender adolescents, regardless of medical necessity, to be "child abuse" and the Texas Department of Family and Protective Services' ("DFPS") subsequent adoption and implementation of that directive to investigate parents alleged to be helping their children access such care. Suddenly the very thing we know to be good for LGBTQ+ children—supporting and loving your child for who they are and ensuring they receive care they need to thrive—was a reason to be reported and subjected to an intrusive and traumatic investigation.

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19. Second, we teach our members to advocate for a caring, just, and affirming world where LGBTQ+ people are safe, celebrated, empowered, and loved, and to advocate for equitable laws and policies that protect them. We have spoken out against bans on medically



necessary care for youth with gender dysphoria such as SB 14 because they directly conflict with parents' abilities to act in their children's best interest and do nothing to protect the health and well-being of youth or anyone who needs access to medical care. SB 14 is the antithesis of an equitable law, interfering with and obstructing decisions made between PFLAG parents, their child, and their child's provider to deprive that child of care that is proven to be safe, medically sound, and necessary for treating gender dysphoria. As an organization dedicated to parents and families of LGBTQ+ youth, we cannot in good faith sit back as our members' fundamental rights to make decisions about their child's medical care are infringed solely because their child is transgender or nonbinary.

20. PFLAG exists to foster a world where LGBTQ+ children can become thriving, healthy, and happy LGBTQ+ adults. Our members depend on us to provide support and community for them in a society that often still treats their children as second-class citizens, attempts to silence them, or denies their very existence. For our members who have transgender and nonbinary children and are doing nothing more than loving them and following the advice of qualified medical professionals, PFLAG is here to do all we can to support them in those efforts and protect them from harmful, invasive laws like SB 14.



Brian K. Bond  
Executive Director, PFLAG, Inc.

**Notary Verification**

District of Columbia

Brian K. Bond personally appeared before me, and being first duly sworn declared that he signed this declaration in the capacity designated, if any, and further states that he has read the above declaration and the statements therein contained are true.

Sworn to and subscribed before me on the 11<sup>th</sup> day of July 2023, by Brian K. Bond.

(Personalized Seal)



  
Notary Public's Signature

# ATTACHMENT 5

May 1, 2023

**Sent Via Email at [Johnathan.Stone@oag.texas.gov](mailto:Johnathan.Stone@oag.texas.gov), [Heather.Dyer@oag.texas.gov](mailto:Heather.Dyer@oag.texas.gov)**

Johnathan Stone  
Heather Dyer  
Office of the Texas Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

**RE:** Rule 11 Agreement and Informal Stay of Trial Court Proceedings in *PFLAG, Inc., et al. v. Abbott, et al.*, D-1-GN-22-0002569, In the 459<sup>th</sup> District Court, Travis County

Dear Johnathan and Heather:

This letter memorializes the following Rule 11 agreement between all Plaintiffs and their counsel of record in this cause, Defendant the Texas Department of Family and Protective Services (“DFPS”), Defendant DFPS Commissioner Stephanie Muth (the “Commissioner”)<sup>1</sup> and all of Defendants’ counsel of record in this cause<sup>2</sup>:

- 1. First Amended Agreed Level 3 Scheduling Order Preempted:** All settings, deadlines, and the October 23, 2023 trial date in the First Amended Agreed Level 3 Scheduling Order, signed and entered February 14, 2023, and all deadlines in the Rule 11 Agreement entered April 10, 2023 are lifted.<sup>3</sup> The limitations on time for oral depositions and number of interrogatories remain in effect.
- 2. Informal Stay of Trial Court Proceedings:** The Parties and their counsel agree they will not seek an order to stay this cause from the trial court, unless and until this Rule 11 agreement is terminated in accordance with Term 4 below. The Parties agree they will not file any substantive motions, notices, pleadings or other documents with the trial court, serve any additional discovery requests, make demands for responses to outstanding discovery requests, serve any deposition notices (on each other, other parties to the suit or nonparties), serve any discovery

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<sup>1</sup> Jamie Masters was the Commissioner of the DFPS at the time this suit was filed and was named as a Defendant in her official capacity. Masters has since been replaced in the role of DFPS Commissioner by Stephanie Muth, who, in her official capacity, is now the appropriate Defendant.

<sup>2</sup> Plaintiffs and Defendants DFPS and the Commissioner shall collectively be referred to as the “Parties” herein.

<sup>3</sup> This Rule 11 agreement shall not affect any hearing or correspondence with the Court regarding Plaintiffs’ Motion for Entry of a Confidentiality and Protective Order.





on nonparties, or otherwise proceed with the development of the case in the trial court, and all counsel agree they will not take any such actions on behalf of the Parties to this agreement or any other party to the suit. This does not preclude the Parties or counsel from filing notices of appearances, changes of counsel, *pro hac vice* motions, status reports or other filings that do not require responses from the Parties, other parties to the suit or nonparties, and do not implicate either directly or indirectly the substance of the dispute, particularly for the purpose of avoiding dismissal for want of prosecution. However, the Parties and their counsel may notify the trial court that deadlines have been lifted and settings have been passed, or urge the trial court to rule on motions it has already heard. This informal stay of the trial court proceedings does not apply to or affect any proceedings in any appellate court or the Texas Supreme Court.

- 3. Stay of Investigations:** During the pendency of this Rule 11 agreement, Defendants DFPS and the Commissioner will comply with the July 8, 2022 and September 16, 2022 injunctions in this cause, attached hereto as Exhibits A and B.
  
- 4. Duration/Termination:** This Rule 11 agreement shall remain in effect until:
  - a. all Parties through their counsel of record agree in writing that this Rule 11 agreement is terminated; or
  - b. fourteen days after a Party provides written notice to the opposing Parties that it intends to terminate this agreement; or
  - c. a court orders the termination of this agreement; or
  - d. both:
    - i. a final opinion has been issued in the appeal in Case No. 03-22-00587-CV (into which Case No. 03-22-00420 has been consolidated) in the Third Court of Appeals and any associated proceedings in the Texas Supreme Court that may occur, and
    - ii. the trial court has ruled on Defendants' Plea to the Jurisdiction.
  
- 5. Breach and Enforcement:** If any Party believes another Party has materially breached this agreement and the Parties are unable to remedy the breach, the nonbreaching Party may ask the Court to enforce this agreement or seek sanctions from the trial court as appropriate.
  
- 6. Court Orders:** Nothing in this Rule 11 agreement supersedes any relief, including but not limited to temporary injunctive relief, that has been or may be granted in




this lawsuit or any appeals therefrom by the trial court, the Third Court of Appeals, the Texas Supreme Court, or any other court. The termination of this agreement shall have no impact on the validity or enforceability of any court order entered in this lawsuit or any appeal therefrom.

If this letter accurately reflects the terms of our Rule 11 agreement, please sign below.

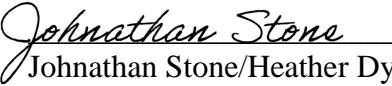
Very truly yours,

LAMBDA LEGAL DEFENSE AND  
EDUCATION FUND, INC.

 Agreed: May 3, 2023

Shelly L. Skeen  
Senior Attorney  
Pronouns: she/her/hers

AGREED:

  
Johnathan Stone/Heather Dyer  
Attorneys for Defendants  
Date: May 3, 2023



Declaratory Relief (“Petition”) filed against Defendants Greg Abbott, in his official capacity as Governor of the State of Texas; Jaime Masters, in her official capacity as Commissioner of the Texas Department of Family and Protective Services (“Commissioner Masters”); and the Texas Department of Family and Protective Services (“DFPS”) (collectively, “Defendants”).

Based on the facts set forth in Plaintiffs’ Petition, the declarations attached thereto, the testimony, the evidence, and the argument of counsel presented during the July 6, 2022, hearing on Plaintiffs’ Application, this Court finds sufficient cause to enter a Temporary Injunction against Commissioner Masters and DFPS on behalf of MIRABEL VOE, individually and as parent and next friend of ANTONIO VOE, a minor and WANDA ROE, individually and as parent and next friend of TOMMY ROE, a minor. The applications for Temporary Injunction on behalf of PFLAG, Inc. and ADAM BRIGGLE and AMBER BRIGGLE, individually and as parents and next friends of M.B., a minor, remain under advisement by the Court and no ruling is issued in this Order.

Plaintiffs VOE and ROE state a valid cause of action against Commissioner Masters and DFPS and have a probable right to the declaratory and permanent injunctive relief they seek. For the reasons detailed in Plaintiffs’ Application and accompanying evidence, there is a substantial likelihood that Plaintiffs will prevail after a trial on the merits. Commissioner Masters and DFPS implemented a new rule expanding the definition of “child abuse” to presumptively treat the provision of gender-affirming medical care, including puberty blockers and hormone therapy, as necessitating an investigation (“DFPS Rule”). The DFPS Rule operationalized Governor Abbott’s February 22, 2022, letter to Commissioner Masters (“Governor Abbott’s Directive”) and Attorney General Paxton’s Opinion No. KP-0401 (“Attorney General Paxton’s Opinion”), which DFPS announced in its statement on February 22, 2022. The DFPS Rule was adopted without following



the necessary procedures under the APA, is contrary to DFPS's enabling statute, is beyond the authority provided to the Commissioner and DFPS, and is otherwise contrary to law, as alleged in Plaintiffs' Petition.

The Court further finds that an allegation about the provision of gender-affirming medical care, such as puberty blockers and hormone therapy, without more, was not investigated as child abuse by DFPS until after February 22, 2022. The DFPS Rule changed the *status quo* for transgender children and their families. The DFPS Rule was given the effect of a new law or new agency rule, despite no new legislation, regulation, or even valid agency policy.

It clearly appears to the Court that unless Commissioner Masters and DFPS are immediately enjoined from enforcing the DFPS Rule operationalizing Governor Abbott's Directive and Attorney General Paxton's Opinion, against the VOE and ROE Plaintiffs, who will suffer probable, imminent, and irreparable injury in the interim. Such injury, which cannot be remedied by an award of damages or other adequate remedy at law, includes, but is not limited to: being subjected to an unlawful and unwarranted child abuse investigation; intrusion and interference with parental decision-making; the deprivation or disruption of medically necessary care for the parents' adolescent children; the chilling of the exercise of the right of Texas parents to make medical decisions for their children relying upon the advice and recommendation of their health care providers acting consistent with prevailing medical guidelines; intrusion into the relationship between patients and their health care providers; gross invasions of privacy in the home and school, and the resulting trauma felt by parents, siblings, and other household members; outing an adolescent as transgender; adverse effects on grades and participation in school activities; fear and anxiety associated with the threat of having a child removed from the home; increased incidence of depression and risk of self-harm or suicide; having to uproot their lives and

their families to seek medically necessary care in another state; being placed on the child abuse registry and the consequences that result therefrom; and criminal prosecution and the threat thereof.

The Temporary Injunction being entered by the Court today maintains the status quo prior to February 22, 2022, and should remain in effect until final trial. The PFLAG and BRIGGLE Plaintiffs' Applications for Temporary Relief remain pending before this Court, and the Court will rule as soon as possible after it has had adequate time to consider legal and factual consideration of the record before it.

IT IS THEREFORE ORDERED that, until all issues in this lawsuit are finally and fully determined, Defendants Commissioner Masters and DFPS *are immediately enjoined and restrained from* implementing or enforcing the DFPS Rule, and from implementing Governor Abbott's Directive and the Attorney General's Opinion in the following manners:

(1) investigating MIRABEL VOE or WANDA ROE, individually or as next friends of ANTONIO VOE or TOMMY ROE, for possible child abuse or neglect *solely* based on allegations that they have a minor child or are a minor child who is gender transitioning or alleged to be receiving or being prescribed medical treatment for gender dysphoria, and

(2) taking any actions, including investigatory or adverse actions, against Plaintiffs VOE and ROE and their minor children, with open investigations solely based on allegations that they have a child who is transgender, gender nonconforming, gender transitioning, or receiving or being prescribed medical treatment for gender dysphoria, except that DFPS shall have the ability to administratively close or issue a "ruled out" disposition in any of these open investigations based on the information DFPS has to date – if this action requires no additional contact with members of the VOE or ROE families.

IT IS FURTHER ORDERED that a trial on the merits of this case is preferentially set before the Honorable Amy Clark Meachum, Judge of the 201st Judicial District Court of Travis County, Texas, on December 5, 2022, at 9 a.m. in the courtroom of the 201st Judicial District of Travis County, Texas, or in the 201<sup>st</sup> District Court Virtual/Zoom courtroom under the Texas Supreme Court Emergency Orders related to COVID-19. The Clerk of the Court is hereby directed to issue a show cause notice to Defendants to appear at the trial.

The Clerk of the Court shall forthwith issue a temporary injunction in conformity with the laws and terms of this Order.

Plaintiffs have previously executed with the Clerk a bond in conformity with the law in the amount of \$100 dollars, and that bond amount will remain adequate and effective for this Temporary Injunction.

IT IS FURTHER ORDERED that this Order shall not expire until judgment in this case is entered or this Case is otherwise dismissed by the Court.

Signed on July 8, 2022, at 4:55 p.m. in Travis County, Texas.

  
\_\_\_\_\_  
JUDGE AMY CLARK MEACHUM

PFLAG, INC.; MIRABEL VOE, individually	§	
and as parent and next friend of ANTONIO	§	
VOE, a minor; WANDA ROE, individually and	§	
as parent and next friend of TOMMY ROE, a	§	
minor; ADAM BRIGGLE and AMBER	§	
BRIGGLE, individually and as parents and next	§	
friends of M.B., a minor,	§	
	§	
Plaintiffs,	§	
	§	IN THE DISTRICT COURT OF
	§	TRAVIS COUNTY, TEXAS
v.	§	459th JUDICIAL DISTRICT
	§	
GREG ABBOTT, sued in his official capacity as	§	
Governor of the State of Texas; JAIME	§	
MASTERS, sued in her official capacity as	§	
Commissioner of the Texas Department of	§	
Family and Protective Services; and the TEXAS	§	
DEPARTMENT OF FAMILY AND	§	
PROTECTIVE SERVICES	§	
	§	
Defendants.	§	

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**ORDER GRANTING PFLAG, INC.’S AND THE BRIGGLE PLAINTIFFS’  
APPLICATION FOR TEMPORARY INJUNCTION**

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On July 6, 2022, the Court considered the application by Plaintiffs PFLAG, Inc. (“PFLAG”); Mirabel Voe, individually and as parent and next friend of Antonio Voe, a minor; Wanda Roe, individually and as parent and next friend of Tommy Roe; and, Adam Briggle and Amber Briggle, individually and as parents and next friends of M.B., a minor, (collectively, “Plaintiffs”) for a Temporary Injunction (the “Application”), as found in Plaintiffs’ Original Petition, Application for Temporary Restraining Order, Temporary and Permanent Injunction, and Request for Declaratory Relief (“Petition”) filed against Defendants Greg Abbott, in his official capacity as Governor of the State of Texas; Jaime Masters, in her official capacity as



Commissioner of the Texas Department of Family and Protective Services (“Commissioner Masters”); and the Texas Department of Family and Protective Services (“DFPS”) (collectively, “Defendants”).

Based on the facts set forth in Plaintiffs’ Petition, the declarations attached thereto, the testimony, the evidence, and the argument of counsel presented during the July 6, 2022 hearing on Plaintiffs’ Application, this Court previously found sufficient cause to enter a Temporary Injunction against Commissioner Masters and DFPS on behalf of the Voe and Roe Plaintiffs.

During the last two months, the Court has considered the associational standing of PFLAG, as well as the ripeness of the Briggles’ claims. Having now considered the applicable law, as well as the testimony, the evidence, and the arguments and briefing of counsel, this Court finds that PFLAG has standing, and the Briggles Plaintiffs claims’ are ripe, in order to pursue this matter to final trial. The Court further finds sufficient cause to enter a Temporary Injunction against Commissioner Masters and DFPS on behalf of PFLAG and the Briggles Plaintiffs.

All Plaintiffs state a valid cause of action against Commissioner Masters and DFPS and have a probable right to the declaratory and permanent injunctive relief they seek. For the reasons detailed in Plaintiffs’ Application and accompanying evidence, there is a substantial likelihood that Plaintiffs will prevail after a trial on the merits. Commissioner Masters and DFPS implemented a new rule expanding the definition of “child abuse” to presumptively treat the provision of gender-affirming medical care, including puberty blockers and hormone therapy, as necessitating an investigation (“DFPS Rule”). The DFPS Rule operationalized Governor Abbott’s February 22, 2022, letter to Commissioner Masters (“Governor Abbott’s Directive”) and Attorney General Paxton’s Opinion No. KP-0401 (“Attorney General Paxton’s Opinion”), which DFPS announced in its statement on February 22, 2022. The DFPS Rule was adopted without following

the necessary procedures under the APA, is contrary to DFPS's enabling statute, is beyond the authority provided to the Commissioner and DFPS, and is otherwise contrary to law, as alleged in Plaintiffs' Petition.

The Court finds this new rule was improperly promulgated by Defendants and interferes with or impairs – or threatens to interfere with or impair – the legal rights and privileges of PFLAG members and their families, as well as the legal rights and privileges of the Briggie Plaintiffs, as well as the other Plaintiffs in this case. *See* Tex. Gov't Code sec. 2001.038(a).

The Court further finds that an allegation about the provision of gender-affirming medical care, such as puberty blockers and hormone therapy, without more, was not investigated as child abuse by DFPS until after February 22, 2022. The DFPS Rule changed the *status quo* for transgender children and their families. The DFPS Rule was given the effect of a new law or new agency rule, despite no new legislation, regulation, or even valid agency policy.

It clearly appears to the Court that unless Commissioner Masters and DFPS are immediately enjoined from enforcing the DFPS Rule operationalizing Governor Abbott's Directive and Attorney General Paxton's Opinion, members of Plaintiff PFLAG, including the Voe, Roe, and Briggie families (collectively, "Plaintiff Families"), will suffer probable, imminent, and irreparable injury in the interim. Such injury, which cannot be remedied by an award of damages or other adequate remedy at law, includes, but is not limited to: being subjected to an unlawful and unwarranted child abuse investigation; intrusion and interference with parental decision-making; the deprivation or disruption of medically necessary care for the parents' adolescent children; the chilling of the exercise of the right of Texas parents to make medical decisions for their children relying upon the advice and recommendation of their health care providers acting consistent with prevailing medical guidelines; intrusion into the relationship

between patients and their health care providers; gross invasions of privacy in the home and school, and the resulting trauma felt by parents, siblings, and other household members; outing an adolescent as transgender; adverse effects on grades and participation in school activities; fear and anxiety associated with the threat of having a child removed from the home; increased incidence of depression and risk of self-harm or suicide; having to uproot their lives and their families to seek medically necessary care in another state; being placed on the child abuse registry and the consequences that result therefrom; and criminal prosecution and the threat thereof.

The Temporary Injunction being entered by the Court today maintains the status quo prior to February 22, 2022, and should remain in effect while this Court, and potentially the Court of Appeals, and the Supreme Court of Texas, examine the parties' merits and jurisdictional arguments.

IT IS THEREFORE ORDERED that, until all issues in this lawsuit are finally and fully determined, Defendants Commissioner Masters and DFPS are immediately enjoined and restrained from implementing or enforcing the DFPS Rule, and from implementing Governor Abbott's Directive and the Attorney General's Opinion, with regard to members of Plaintiff PFLAG, including but not limited to Plaintiff Families, and that such restraint encompasses but is not limited to:

(1) investigating members of PFLAG, including but not limited to Plaintiff Families, for possible child abuse or neglect *solely* based on allegations that they have a minor child who is gender transitioning or alleged to be receiving or being prescribed medical treatment for gender dysphoria, and

(2) taking any actions, including investigatory or adverse actions, against Plaintiff Families and other members of PFLAG with open investigations solely based on allegations that they have

a child who is transgender, gender nonconforming, gender transitioning, or receiving or being prescribed medical treatment for gender dysphoria, except that DFPS shall have the ability to administratively close or issue a “ruled out” disposition in any of these open investigations based on the information DFPS has to date.

IT IS FURTHER ORDERED that in furtherance of the above, Defendants Commissioner Masters, DFPS and its employees, agents, contractors, and attorneys, as well as any individuals or entities in active concert with them, directly or indirectly under their control, or participating with them, who receive actual notice of the Order by personal service or otherwise, and who also receive actual notice that the person(s) reported for suspected child abuse or neglect solely based on allegations that the person(s) have a minor child who is gender transitioning, or receiving or being prescribed gender-affirming medical treatment, including puberty blockers and/or hormone therapy, is a member of Plaintiff PFLAG, shall immediately cease any intake, investigation, or assessment, including ceasing any further contact, communications, or other action related to processing such allegations. As specified above, DFPS shall have the ability to administratively close or issue a “ruled out” disposition in any of these open investigations based on the information DFPS has to date.

IT IS FURTHER ORDERED that a trial on the merits of this case is preferentially set before the Honorable Amy Clark Meachum, Judge of the 201<sup>st</sup> Judicial District Court of Travis County, Texas on June 12, 2023, at 9:00 a.m. o’clock in the courtroom of the 201<sup>st</sup> Judicial District of Travis County, Texas. The Clerk of the Court is hereby directed to issue a show cause notice to Defendants to appear at the trial.

The Clerk of the Court shall forthwith issue a temporary injunction in conformity with the laws and terms of this Order.



Plaintiffs have previously executed with the Clerk a bond in conformity with the law in the amount of \$100 dollars, and that bond amount will remain adequate and effective for this Temporary Injunction.

IT IS FURTHER ORDERED that this Order shall not expire until judgment in this case is entered or this Case is otherwise dismissed by the Court.

Signed on September 16th, 2022, at 3:00 p.m. in Travis County, Texas.

  
\_\_\_\_\_  
JUDGE AMY CLARK MEACHUM

## Automated Certificate of eService

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Shelly Skeen

Bar No. 24010511

sskeenlaw@gmail.com

Envelope ID: 75286123

Filing Code Description: No Fee Documents

Filing Description: LETTER REGARDING RULE 11 AGREEMENT

Status as of 5/4/2023 2:42 PM CST

Associated Case Party: ADAM BRIGGLE

Name	BarNumber	Email	TimestampSubmitted	Status
Clohe Kempf		ckempf@aclutx.org	5/3/2023 3:56:39 PM	SENT

### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Ian Pittman		ian@jptexaslaw.com	5/3/2023 3:56:39 PM	SENT
Johnathan Stone		Johnathan.Stone@texasattorneygeneral.gov	5/3/2023 3:56:39 PM	SENT
Paul Castillo	24049461	pcastillo@lambdalegal.org	5/3/2023 3:56:39 PM	SENT
Maddy Dwertman		maddy.dwertman@bakerbotts.com	5/3/2023 3:56:39 PM	SENT
Brian Klosterboer	24107833	bklosterboer@aclutx.org	5/3/2023 3:56:39 PM	SENT
Savannah Kumar	24120098	skumar@aclutx.org	5/3/2023 3:56:39 PM	SENT
Shelly L.Skeen		ssskeen@lambdalegal.org	5/3/2023 3:56:39 PM	SENT
Nischay Bhan		nischay.bhan@bakerbotts.com	5/3/2023 3:56:39 PM	SENT
Brandt Roessler		brandt.roessler@bakerbotts.com	5/3/2023 3:56:39 PM	SENT
Sean King		sean@jptexaslaw.com	5/3/2023 3:56:39 PM	SENT
John Ormiston		john.ormiston@bakerbotts.com	5/3/2023 3:56:39 PM	SENT
Derek McDonald		derek.mcdonald@bakerbotts.com	5/3/2023 3:56:39 PM	SENT
David B.Goode		david.goode@bakerbotts.com	5/3/2023 3:56:39 PM	ERROR
Chase Strangio		cstrangio@aclu.org	5/3/2023 3:56:39 PM	SENT
James Esseks		jesseks@aclu.org	5/3/2023 3:56:39 PM	SENT
Anjana Samant		asamant@aclu.org	5/3/2023 3:56:39 PM	SENT
Kath Xu		kxu@aclu.org	5/3/2023 3:56:39 PM	SENT
Shelly L.Skeen		sskeen@lambdalegal.org	5/3/2023 3:56:39 PM	SENT

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Shelly Skeen

Bar No. 24010511

sskeenlaw@gmail.com

Envelope ID: 75286123

Filing Code Description: No Fee Documents

Filing Description: LETTER REGARDING RULE 11 AGREEMENT

Status as of 5/4/2023 2:42 PM CST

#### Case Contacts

Nicholas "Gully"Guillory		nguillory@lambdalegal.org	5/3/2023 3:56:39 PM	SENT
Omar Gonzalez-Pagan		ogonzalez-pagan@lambdalegal.org	5/3/2023 3:56:39 PM	SENT
M. Currey Cook		ccook@lambdalegal.org	5/3/2023 3:56:39 PM	SENT
Karen L.Loewy		kloewy@lambdalegal.org	5/3/2023 3:56:39 PM	SENT
Camilla B.Taylor		ctaylor@lambdalegal.org	5/3/2023 3:56:39 PM	SENT
Nick Palmieri		nick.palmieri@bakerbotts.com	5/3/2023 3:56:39 PM	SENT
Elizabeth Gill		egill@aclunc.org	5/3/2023 3:56:39 PM	SENT
Maia Zelkind		mzelkind@lambdalegal.org	5/3/2023 3:56:39 PM	SENT
Christopher Clay		cclay@aclutx.org	5/3/2023 3:56:39 PM	SENT

Associated Case Party: GREG ABBOTT THE GOVERNOR OF THE STATE OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
Courtney Corbello	24097533	courtney.corbello@oag.texas.gov	5/3/2023 3:56:39 PM	SENT
LASHANDA GREEN		lashanda.green@oag.texas.gov	5/3/2023 3:56:39 PM	SENT
karel macias		karel.macias@oag.texas.gov	5/3/2023 3:56:39 PM	SENT
Thomas Ray		thomas.ray@oag.texas.gov	5/3/2023 3:56:39 PM	SENT
Johnathan Stone		johnathan.stone@oag.texas.gov	5/3/2023 3:56:39 PM	SENT
Heather Dyer		heather.dyer@oag.texas.gov	5/3/2023 3:56:39 PM	SENT

Associated Case Party: PFLAGI NC

Name	BarNumber	Email	TimestampSubmitted	Status
David Goode	24106014	david.goode@usdoj.gov	5/3/2023 3:56:39 PM	SENT

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Shelly Skeen

Bar No. 24010511

sskeenlaw@gmail.com

Envelope ID: 75286123

Filing Code Description: No Fee Documents

Filing Description: LETTER REGARDING RULE 11 AGREEMENT

Status as of 5/4/2023 2:42 PM CST

Associated Case Party: PFLAGI NC

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Adriana Pinon	24089768	apinon@aclutx.org	5/3/2023 3:56:39 PM	SENT
John Ormiston	24121040	john.ormiston@bakerbotts.com	5/3/2023 3:56:39 PM	SENT
Michele Clanton		mclanton@lambdalegal.org	5/3/2023 3:56:39 PM	SENT
Karen Loewy		kloewy@lambdalegal.org	5/3/2023 3:56:39 PM	SENT
Nicholas Guillory		nguillory@lambdalegal.org	5/3/2023 3:56:39 PM	SENT
Brian Klosterboer		bklosterboer@aclutx.org	5/3/2023 3:56:39 PM	SENT
Maddy Dwertman		maddy.dwertman@bakerbotts.com	5/3/2023 3:56:39 PM	SENT
Currey Cook		ccook@lambdalegal.org	5/3/2023 3:56:39 PM	SENT
Chase Strangio		cstrangio@aclu.org	5/3/2023 3:56:39 PM	SENT
James Esseks		jesseks@aclu.org	5/3/2023 3:56:39 PM	SENT
Kath Xu		kxu@aclu.org	5/3/2023 3:56:39 PM	SENT
Savannah Kumar		skumar@aclutx.org	5/3/2023 3:56:39 PM	SENT
Brandt Roessler		brandt.roessler@bakerbotts.com	5/3/2023 3:56:39 PM	SENT
Christine Choi		cchoi@aclu.org	5/3/2023 3:56:39 PM	SENT
Carolina Caicedo		ccaicedo@aclu.org	5/3/2023 3:56:39 PM	SENT
Maia Zelkind		mzelkind@lambdalegal.org	5/3/2023 3:56:39 PM	SENT
Shelly Skeen		slskeen@gmail.com	5/3/2023 3:56:39 PM	SENT
Elizabeth Gill		egill@aclunc.org	5/3/2023 3:56:39 PM	SENT
Nick Palmieri		nick.palmieri@bakerbotts.com	5/3/2023 3:56:39 PM	SENT
Nischay Bhan		nischay.bhan@bakerbotts.com	5/3/2023 3:56:39 PM	SENT
Susan Kennedy		Susan.Kennedy@bakerbotts.com	5/3/2023 3:56:39 PM	SENT

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Pauline Sisson on behalf of David Shatto  
Bar No. 24104114  
pauline.sisson@oag.texas.gov  
Envelope ID: 85861232  
Filing Code Description: Answer/Response  
Filing Description: THE OFFICE OF THE ATTORNEY GENERAL'S PLEA TO THE JURISDICTION  
Status as of 3/22/2024 4:30 PM CST

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Associated Case Party: OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF TEXAS

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Pauline Sisson on behalf of David Shatto  
Bar No. 24104114  
pauline.sisson@oag.texas.gov  
Envelope ID: 87049853  
Filing Code Description: Response  
Filing Description: 20240425\_Appellants Resp to Appellees Emerg Mtn Inj Relief  
Status as of 4/25/2024 10:24 AM CST

Associated Case Party: PFLAG, Inc.

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Associated Case Party: Office of the Attorney General of the State of Texas, et al.

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Pauline Sisson on behalf of David Shatto  
Bar No. 24104114  
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Associated Case Party: Office of the Attorney General of the State of Texas, et al.

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