

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

REIYN KEOHANE,

Plaintiff,

V.

RICKY D. DIXON, *et al.*,

Defendants.

Case No. 4:24-cv-00434-AW-MAF

THE FDC OFFICIALS' ANSWER TO THE AMENDED COMPLAINT

Defendants Ricky D. Dixon (“Secretary Dixon”), in his official capacity as Secretary of the Florida Department of Corrections (“FDC”), Clayton Weiss, in his official capacity as Health Services Director of the Florida Department of Corrections (“Weiss”), Gary Hewett, in his official capacity as Warden of Wakulla Correctional Institution (“Hewett”), Nan Jeffcoat, in her official capacity as Warden of Florida Women’s Reception Center (“Jeffcoat”), and Alonzo Horner, in his official capacity as Warden of Homestead Correctional Institution (“Horner” and, together with Secretary Dixon, Weiss, Hewett, and Jeffcoat, the “FDC Officials”), submit this Answer to Plaintiffs’ Amended Complaint for Declaratory and Injunctive Relief. (Doc. 66, the “Amended Complaint”). The responses set forth below are based upon readily, reasonably ascertainable and verifiable information available to

the FDC Officials within the timeframe permitted for this responsive pleading. The FDC Officials reserve the right to alter, amend, or supplement this Answer.

To the corresponding paragraphs of the Complaint, the FDC Officials answer as follows:

In response to the unnumbered paragraphs on pages one through four of the Amended Complaint, the FDC Officials Admit that FDC implemented Health Services Bulletin 15.05.23, “Mental Health Treatment of Inmates with Gender Dysphoria” (“HSB 15.05.23”) on September 30, 2024. Additionally, to the extent the allegations in the unnumbered paragraphs one pages on through four reference or quote from documents, including HSB 15.05.23, those documents speak for themselves, and the FDC Officials object to any misquotation, mischaracterization, or misdescription of those documents. Except as expressly admitted hereinabove, the FDC Officials deny all remaining allegations in the unnumbered paragraphs.

JURISDICTION AND VENUE¹

1. The FDC Officials lack sufficient knowledge concerning Plaintiffs’ allegation regarding “all times relevant herein.” The FDC Officials admit that while carrying out their duties and responsibilities in service of FDC, the FDC Officials

¹ The FDC Officials’ Answer uses the section headings from the Amended Complaint as a matter of convenience, and the use of those headings shall not be construed as an admission by the FDC Officials or a waiver of any objection or denial that the FDC Officials may have to Plaintiffs’ allegations.

acted in the course and scope of their employment and under the color of state law.

2. The FDC Officials deny that this Court possesses subject-matter jurisdiction over the claims asserted by Plaintiffs Keohane, Mendoza, Jackson, and Boothe as Plaintiffs lack standing to raise allegations regarding the cessation of hormone therapy or to serve as a class representative regarding Plaintiffs' claims related to the provision of hormone therapy for treatment of gender dysphoria within FDC. Moreover, the FDC Officials deny this Court possesses subject-matter jurisdiction over Plaintiffs' claims due to the existence of sovereign and/or qualified immunity shielding them from liability in this action.

3. The FDC Officials admit that venue is proper in the United States District Court for the Northern District of Florida.

PARTIES

I. Named Plaintiffs

4. The FDC Officials admit that Keohane is in the custody of FDC, that Keohane has been in FDC custody since 2014, and that Keohane is currently incarcerated at the Wakulla Annex. The FDC admit Keohane continues to receive hormone therapy. The FDC Officials admit Keohane received limited access to cross-sex grooming and clothing standards under former Procedure 403.012. Except as expressly admitted hereinabove, the FDC Officials deny the remaining allegations in Paragraph 4.

5. The FDC Officials admit that Mendoza is in the custody of FDC, that Mendoza has been in the custody of FDC since 1985, and that Mendoza is currently incarcerated at the Wakulla Annex. The FDC Officials admit Mendoza continues to receive hormone therapy. Further, the FDC Officials admit Mendoza received limited access to cross-sex grooming and clothing standards under prior Procedure 403.012. Except as expressly admitted hereinabove, the FDC Officials deny the remaining allegations in Paragraph 5.

6. The FDC Officials admit that Diamond is in the custody of FDC, that Diamond has been in the custody of FDC since 2017, and that Diamond is currently incarcerated at the Wakulla Annex. Except as expressly admitted hereinabove, the FDC Officials deny the remaining allegations in Paragraph 6.

7. The FDC Officials admit that Jackson is in the custody of FDC. The FDC admit Jackson continues to receive hormone therapy. Further, the FDC Officials admit Jackson received limited access to cross-sex grooming and clothing standards under prior Procedure 403.012. Except as expressly admitted hereinabove, the FDC Officials deny the remaining allegations in Paragraph 7.

8. The FDC Officials admit that Boothe is in the custody of FDC. The FDC admit Boothe continues to receive hormone therapy. Further, the FDC Officials admit Boothe received limited access to cross-sex grooming and clothing standards under prior Procedure 403.012. The FDC Officials lack sufficient information to

admit or deny the allegations related to any care Boothe received prior to incarceration. The FDC Officials deny the remaining allegations in Paragraph 8.

II. Class of Incarcerated Persons

9. The FDC Officials admit that Plaintiffs purport to bring this action on Plaintiffs' behalf and on behalf of those similarly situated but deny that Plaintiffs meet the requirements to maintain this action as a class action under Rules 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure.

10. The FDC Officials admit that Plaintiffs purport to bring this action on behalf of a class, as defined by Plaintiffs in Paragraph 10, but deny that Plaintiffs may maintain this action as a class action.

11. The FDC Officials deny the allegations in Paragraph 11.

12. The FDC Officials deny the allegations in Paragraph 12.

13. The FDC Officials deny the allegations in Paragraph 13.

14. The FDC Officials admit that Plaintiffs seek an injunction regarding enforcement of HSB 15.03.23. The FDC Officials deny HSB 15.05.23 constitutes a "blanket ban" and further deny FDC inmates will be denied medically necessary care. Moreover, the FDC Officials expressly deny they violated Plaintiffs', or any other inmate diagnosed with gender dysphoria rights secured by the Constitution, or any federal or state law in any way whatsoever. Except as expressly admitted hereinabove, the FDC Officials deny the remaining allegations in Paragraph 14.

15. The FDC Officials deny the allegations in Paragraph 15.

16. The FDC Officials deny Plaintiffs serve as adequate class representatives. Further, the FDC Officials lack sufficient knowledge or information to form a belief concerning any conflicts Plaintiffs may have with members of the purported class and therefore deny Plaintiffs' allegations in Paragraph 16. The FDC Officials deny all remaining allegations in Paragraph 16.

17. The FDC Officials lack sufficient knowledge or information to form a basis to either admit or deny the allegations in Paragraph 17 and therefore deny the allegations.

18. The FDC Officials admit that HSB 15.05.23 does not include access to grooming and clothing standards. The FDC Officials deny that FDC inmates will be denied medically necessary care. Except as expressly admitted hereinabove, the FDC Officials deny the remaining allegations in Paragraph 18.

III. Defendants

19. The FDC Officials admit Ricky D. Dixon serves as the Secretary of FDC. The FDC Officials assert that Fla. Stat. § 20.315(3) speaks for itself. To the extent Paragraph 19 purports to characterize the contents of the statute, the FDC Officials deny any mischaracterization, misdescription, or misquotation. Except as expressly admitted hereinabove, the FDC Officials deny the remaining allegations in Paragraph 19.

20. The FDC Officials admit Clayton Weiss serves as the Health Services Director of FDC. The FDC Officials assert that Fla. Stat. § 20.315(3)2 speaks for itself. To the extent Paragraph 20 purports to characterize the contents of the statute, the FDC Officials deny any mischaracterization, misdescription, or misquotation. Further, the FDC Officials deny that the FDC Officials or the FDC denied Plaintiffs medically necessary treatment and deny that Weiss possesses knowledge of the denial of medically necessary treatment to inmates with gender dysphoria. The FDC Officials expressly deny that they violated Plaintiffs', or any inmate diagnosed with gender dysphoria's rights secured by the Constitution, or any federal or state law in any way whatsoever. The FDC Officials deny the remaining allegations in Paragraph 20.

21. The FDC Officials admit Gary Hewett serves as the warden of the Wakulla Correctional Institution. The FDC Officials assert that Fla. Stat. § 944(2) speaks for itself. To the extent Paragraph 21 purports to characterize the contents of the statute, the FDC Officials deny any mischaracterization, misdescription, or misquotation.

22. The FDC Officials admit Nan Jeffcoat serves as the Warden of the Florida Women's Reception Center. The FDC Officials assert that Fla. Stat. § 944.09(2) speaks for itself. To the extent Paragraph 22 purports to characterize the contents of the statute, the FDC Officials deny any mischaracterization,

misdescription, or misquotation. Except as expressly admitted hereinabove, the FDC Officials deny the remaining allegations in Paragraph 22.

23. The FDC Officials admit Alonzo Horner serves as the Warden of the Homestead Correctional Institution. The FDC Officials assert that Fla. Stat. § 944.09(2) speaks for itself. To the extent Paragraph 23 purports to characterize the contents of the statute, the FDC Officials deny any mischaracterization, misdescription, or misquotation. Except as expressly admitted hereinabove, the FDC Officials deny the remaining allegations in Paragraph 23.

24. Paragraph 24 contains vague and ambiguous allegations relating to “all times relevant herein” without specifying the period of time Plaintiffs intend. Therefore, the FDC Officials lack sufficient knowledge or information concerning Plaintiffs’ allegations regarding “all times relevant herein” to form a basis or belief to either admit or deny the allegations. The FDC Officials admit that while carrying out their duties and responsibilities in service of FDC, the FDC Officials acted in the course and scope of their employment and under the color of state law.

FACTUAL ALLEGATIONS

Gender Dysphoria is a Serious Medical Condition Requiring Treatment

25. The FDC Officials admit that gender dysphoria is a serious medical condition. To the extent Plaintiffs purport to quote from or refer to a document or documents, the FDC Officials’ assert the document speaks for itself, and the FDC

Officials deny any mischaracterization, misdescription, or misquotation. Except as expressly admitted hereinabove, the FDC Officials deny any remaining allegations in Paragraph 25.

26. The FDC Officials admit that gender dysphoria is a serious medical condition that requires treatment. However, Paragraph 26 contains vague and ambiguous allegations without specifying the source or basis for the information. Therefore, the FDC Officials lack sufficient knowledge or information to form a basis to either admit or deny the allegations and, therefore, deny the allegations.

27. The FDC Officials deny the standards published by the World Professional Association for Transgender Health and the Endocrine Society (“WPATH”) are widely accepted for treating gender dysphoria. Paragraph 27 contains vague and ambiguous allegations without specifying the source or basis for the information. Therefore, the FDC Officials lack sufficient knowledge or information to form a basis to either admit or deny the allegations and, therefore, deny the allegations.

28. Paragraph 28 contains no factual allegations, and, as such, no response is required. To the extent a response is required, Paragraph 28 contains vague and ambiguous allegations without identifying the source or basis for the information. Therefore, the FDC Officials lack sufficient knowledge or information to form a basis to either admit or deny the allegations and, therefore, deny the allegations in

Paragraph 28. To the extent the allegations in Paragraph 28 purport to quote from or refer to a document or documents, the FDC Officials assert the document, or documents speak for themselves and, the FDC Officials deny any mischaracterization, misquotation, or misdescription.

29. Paragraph 29 contains no factual allegations, and, as such, no response is required. To the extent a response is required, Paragraph 29 contains vague and ambiguous allegations without identifying the source or basis for the information. Therefore, the FDC Officials lack sufficient knowledge or information to form a basis to either admit or deny the allegations and, therefore, deny the allegations in Paragraph 29. To the extent the allegations in Paragraph 29 purport to quote from or refer to a document or documents, the FDC Officials assert the document, or documents speak for themselves and, the FDC Officials deny any mischaracterization, misquotation, or misdescription.

FDC's Procedure 403.012

30. The FDC Officials admit the allegations in Paragraph 30.

31. To the extent the allegations in Paragraph 31 purport to quote from or refer to a document or documents, the FDC Officials assert that former Procedure 403.012 speaks for itself and the FDC Officials deny any mischaracterization, misdescription, or misquotation.

32. To the extent the allegations in Paragraph 32 purport to quote from or

refer to a document or documents, the FDC Officials assert that former Procedure 403.012 speaks for itself and, therefore, the FDC Officials deny any mischaracterization, misdescription, or misquotation.

33. To the extent the allegations in Paragraph 33 purport to quote from or refer to a document or documents, the FDC Officials assert that former Procedure 403.012 speaks for itself and, therefore, the FDC Officials deny any mischaracterization, misdescription, or misquotation.

34. The FDC Officials admit FDC adhered to Procedure 403.012 prior to its rescission. The FDC Officials expressly deny that cross-sex clothing and grooming standards constituted medical treatment or “appropriate treatment for gender dysphoria.” Except as expressly admitted hereinabove, the FDC Officials deny all remaining allegations in Paragraph 34.

FDC’s Health Services Bulletin 15.05.23

35. The FDC Officials admit that HSB 15.05.23 serves as FDC’s current standard for treating gender dysphoria. The FDC Officials further admit that Procedure 403.12 is no longer in effect. To the extent the allegations in Paragraph 35 purport to quote from or refer to the contents of a document or documents, including HSB 15.05.23, the FDC Officials assert that HSB 15.05.23 speaks for itself, and the FDC Officials deny any mischaracterization, misdescription, or misquotation.

36. To the extent the allegations in Paragraph 36 purport to quote from or refer to document or documents, the FDC Officials assert HSB 15.05.23 speaks for itself, and the FDC Officials deny any mischaracterization, misdescription, or misquotation. The FDC Officials admit that HSB 15.05.23 provides for individualized treatment of inmates diagnosed with gender dysphoria, including psychotherapy, and psychotropic medications as indicated by a medical or mental health professional. Except as expressly admitted hereinabove, the FDC Officials deny any remaining allegations in Paragraph 36.

37. To the extent the allegations in Paragraph 37 purport to quote from or refer to the contents of a document or documents, the FDC Officials assert that the document or documents speak for themselves, and the FDC Officials deny any mischaracterization, misdescription, or misquotation. The FDC Officials admit that Florida Statute Section 286.311, prohibits use of state funds for the treatment of gender dysphoria, unless; compliance with the statute violates the Constitution or a court order. Except as expressly admitted hereinabove, the FDC Officials deny any remaining allegations in Paragraph 37.

38. To the extent the allegations in Paragraph 38 purport to quote from or refer to a document or documents, the FDC Officials assert that HSB 15.05.23 speaks for itself, and the FDC Officials deny any mischaracterization, misdescription, or misquotation. The FDC Officials admit that HSB 15.05.23 allows

inmates the ability to receive a variance for the use of cross-sex hormones pursuant to an individualized medical and mental health assessment, and determination that such cross-sex hormone treatment remains medically necessary treatment for the individual inmate. Except as expressly admitted hereinabove, the FDC Officials deny any remaining allegations in Paragraph 38.

39. The FDC Officials deny the allegations in Paragraph 39. Additionally, to the extent the allegations in Paragraph 39 purport to quote from or refer to a document or documents, the FDC Officials assert that the documents speak for themselves, and the FDC Officials deny any mischaracterization, misdescription, or misquotation of those documents.

40. To the extent the allegations in Paragraph 40 purport to quote from or refer to a document or documents, including HSB 15.05.23, the FDC Officials assert that HSB 15.05.23 speaks for itself, and the FDC Officials deny any mischaracterization, misdescription, or misquotation. The FDC Officials admit that HSB 15.05.23 allows inmates the ability to receive variances for the use of cross-sex hormones pursuant to an individualized medical and mental health assessment, and determination that such cross-sex hormone treatment remains medically necessary treatment for the individual inmate. Except as expressly admitted hereinabove, the FDC Officials deny any remaining allegations in Paragraph 40.

41. To the extent the allegations in Paragraph 41 purport to quote from or

refer to a document or documents, including HSB 15.05.23, the FDC Officials assert that HSB 15.05.23 speaks for itself, and the FDC Officials deny any mischaracterization, misdescription, or misquotation. The FDC Officials admit that Centurion Health is FDC's healthcare contractor, and that Centurion Health pays for hormone therapy for inmates in FDC custody receiving it. Except as expressly admitted hereinabove, the FDC Officials deny the allegations in Paragraph 41.

42. To the extent the allegations in Paragraph 42 purport to quote from or refer to a document or documents, including HSB 15.05.23, the FDC Officials assert that HSB 15.05.23 speaks for itself, and the FDC Officials deny any mischaracterization, misdescription, or misquotation.

43. The FDC Officials admit that HSB 15.05.23 does not provide access to clothing and grooming standards. To the extent the allegations in Paragraph 43 purport to quote from or refer to a document or documents, including HSB 15.05.23, the FDC Officials assert that HSB 15.05.23 speaks for itself, and the FDC Officials deny any mischaracterization, misdescription, or misquotation.

44. To the extent the allegations in Paragraph 44 purport to quote from or refer to a document or documents, including HSB 15.05.23, the FDC Officials assert that HSB 15.05.23 speaks for itself, and the FDC Officials deny any mischaracterization, misdescription, or misquotation. Moreover, the FDC Officials deny that inmates' mental health scores "limit opportunities for housing and

programming.”

45. The FDC Officials deny the allegations in Paragraph 45.

The Announcement of the New Policy to Inmates with Gender Dysphoria

46. The FDC Officials admit that FDC informed inmates at Wakulla Correctional Institution of HSB 15.05.23 on September 30, 2024. The FDC Officials deny the remaining allegations in Paragraph 46.

47. The FDC Officials lack sufficient knowledge or information to admit or deny what Keohane has witnessed during Keohane’s incarceration. The FDC Officials deny the allegations in Paragraph 47.

48. Paragraph 48 contains vague and ambiguous allegations without identifying the source or basis for the information. Thus, the FDC Officials lack sufficient knowledge or information to either admit or deny Plaintiffs’ allegations in Paragraph 48 and therefore the FDC Officials deny Plaintiffs’ allegations in Paragraph 48.

49. The FDC Officials admit that inmates receiving cross-sex hormones received medical evaluations to determine the medical necessity for bras. The FDC Officials lack sufficient knowledge or information to either admit or deny the remaining vague and ambiguous allegations in Paragraph 49 and therefore deny any remaining allegations in Paragraph 49.

50. The FDC Officials admit that FDC informed inmates at Lake

Correctional Institution of HSB 15.05.23 on September 30, 2024. The FDC Officials deny the remaining allegations in Paragraph 50.

51. The FDC Officials admit that FDC informed inmates of HSB 15.05.23 on September 30, 2024. The FDC Officials deny the remaining allegations in Paragraph 51.

52. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 52 and therefore deny the allegations.

53. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 53 and therefore deny the allegations.

54. The FDC Officials admit that FDC informed inmates at Florida Women's Reception Center of HSB 15.05.23 on September 30, 2024. The FDC Officials deny the remaining allegations in Paragraph 54.

55. The FDC Officials admit that FDC informed inmates of HSB 15.05.23 on September 30, 2024. The FDC Officials deny the remaining allegations in Paragraph 55.

Treatment for Plaintiffs' Gender Dysphoria

Plaintiff Keohane

56. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 56 and therefore deny the allegations.

57. The FDC Officials lack sufficient knowledge or information to either

admit or deny the allegations in Paragraph 57 and therefore deny these allegations.

58. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 58 and therefore deny the allegations.

59. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 59 and therefore deny the allegations.

60. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 60 and therefore deny the allegations.

61. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 61 and therefore deny these allegations.

62. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 62 and therefore deny these allegations

63. The FDC Officials admit that Keohane entered FDC custody on or about July 17, 2014, and that FDC currently houses Keohane at Wakulla Correctional Institution. Except as expressly admitted hereinabove, the FDC Officials deny all remaining allegations in Paragraph 63.

64. Paragraph 64 contains vague and ambiguous allegations without identifying the source or basis for the information. Therefore, the FDC Officials lack sufficient knowledge or information to either admit or deny the allegations and, therefore, deny the allegations. The FDC Officials admit that Keohane filed a lawsuit in 2016 alleging she requested hormone therapy and access to grooming and

clothing standards from FDC. The FDC Officials further admit that the Eleventh Circuit Court of Appeals confirmed FDC did not act with deliberate indifference in denying Keohane access to grooming and clothing standards. Keohane v. Fla. Dep't of Corr. Sec'y, 952 F.3d 1257, 1272-79 (11th Cir. 2020).

65. The FDC Officials admit that FDC provided, and continues to provide, Keohane with mental-health counseling and access to mental health treatment. However, Paragraph 65 contains vague, and ambiguous allegations without identifying the source or basis of the information. Moreover, the allegations in Paragraph 65 refer to “Keohane,” “her,” and “my” treatment for gender dysphoria further confusing whether the allegations relate to Keohane alone or Keohane and another unidentified individual. Regardless, the FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 65 and, therefore, deny the allegations.

66. Paragraph 66 contains vague and ambiguous allegations without identifying the basis or source for the information. Moreover, the allegations in Paragraph 36 fail to identify the time to which Keohane refers. Thus, the FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 66 and therefore deny the allegations in Paragraph 66.

67. Paragraph 67 contains vague and ambiguous allegations without specifying the source or basis for the information. Thus, FDC Officials lack

sufficient knowledge or information to either admit or deny the allegations in Paragraph 67 and therefore deny the allegations in Paragraph 67.

68. Paragraph 68 contains vague and ambiguous allegations without identifying the source or basis for the information. Thus, the FDC Officials lack sufficient knowledge or information to either admit or deny the allegations and therefore deny the allegations in Paragraph 68.

69. The FDC Officials admit that Keohane initiated the lawsuit identified in Paragraph 69. The FDC Officials lack sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 69 and therefore deny the remaining allegations

70. The FDC Officials admit that Keohane began receiving hormone treatment in 2016, and that Procedure 403.012 became effective in July 2017. The FDC Officials lack sufficient knowledge or information to either admit or deny the remaining vague and ambiguous allegations in Paragraph 70 and therefore deny the remaining allegations.

71. The FDC Officials admit that Keohane had access to cross-sex items in accordance with Procedure 403.012. The FDC Officials lack sufficient knowledge or information to either admit or deny the remaining vague and ambiguous allegations in Paragraph 71 and therefore deny the allegations.

72. Paragraph 72 contains vague and ambiguous allegations that seem to

consist solely of Keohane's thoughts and opinions. Additionally, Paragraph 72 contains no allegations related to the FDC Officials and, therefore, requires no further response. To the extent a response is required, the FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 72 and therefore deny the allegations.

73. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 73 and therefore deny the allegations.

74. The FDC Officials admit that Keohane received a re-evaluation from a psychologist on October 31, 2024, and that that evaluation confirmed Keohane's diagnosis of gender dysphoria. The FDC Officials further admit that the determination of whether Keohane will receive a variance pursuant to HSB 15.05.23 remains pending as of the date of this Answer. Except as expressly admitted hereinabove, the FDC Officials deny the allegations in Paragraph 74.

75. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 75 and, therefore, deny the allegations.

Plaintiff Mendoza

76. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 76 and therefore deny the allegations.

77. The FDC Officials admit that Mendoza entered FDC custody during 1985, and that FDC currently houses Mendoza at Wakulla Correctional Institution.

Except as expressly admitted hereinabove, the FDC Officials deny all remaining allegations in Paragraph 77.

78. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 78 and therefore deny the allegations.

79. The FDC Officials admit Mendoza has been diagnosed with gender dysphoria and that Mendoza previously had access to clothing and grooming accommodations, as well as female canteen items. The FDC Officials deny that Mendoza's access to clothing and grooming accommodations constituted "treatment" for Mendoza's gender dysphoria. The FDC Officials deny the remaining allegations in Paragraph 79.

80. The FDC Officials admit that FDC provided, and continues to provide, Mendoza with cross-sex hormones. The FDC Officials deny the remaining allegations in Paragraph 80.

81. The FDC Officials admit that FDC provided, and continues to provide, Mendoza with cross-sex hormones. The FDC Officials deny the remaining allegations in Paragraph 81.

82. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 82 and therefore deny the allegations.

83. The FDC Officials admit that FDC informed inmates at Lake Correctional Institution of HSB 15.05.23 on September 30, 2024. The FDC Officials

deny the remaining allegations in Paragraph 83.

84. The FDC Officials admit the allegations in Paragraph 84.

85. The FDC Officials admit that FDC staff confiscated Mendoza's female clothing and grooming items and that Mendoza must now comply with male clothing and grooming standards. The FDC Officials deny that Mendoza's female clothing and grooming items constituted "treatment" for Mendoza's gender dysphoria.

86. The FDC Officials admit the allegations in Paragraph 86.

87. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 87 and therefore deny the allegations.

Plaintiff Diamond

88. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 88 and therefore deny the allegations.

89. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 89 and therefore deny the allegations.

90. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 90 and therefore deny the allegations.

91. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 91 and therefore deny the allegations.

92. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 92 and therefore deny the allegations.

93. The FDC Officials admit that Diamond has been in custody since 2017.

94. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 94 and therefore deny the allegations.

95. The FDC Officials admit that Diamond received a provisional diagnosis of gender dysphoria while in FDC custody. The FDC Officials lack sufficient knowledge or information to either admit or deny the remaining allegations in Paragraph 95 and therefore deny the allegations.

96. The FDC Officials admit Diamond was previously recommend for cross-sex hormones, and that FDC inmates diagnosed with gender dysphoria previously had access to clothing and grooming accommodations. The FDC Officials deny that clothing and grooming accommodations constitute “treatment” for Diamond’s gender dysphoria.

97. The FDC Officials lack sufficient knowledge or information to either admit or deny the vague and ambiguous allegations in Paragraph 97 that fail to specify the source of, or basis for, the allegations and therefore deny the allegations.

98. The FDC Officials lack sufficient knowledge or information to either admit or deny the vague and ambiguous allegations in Paragraph 98 that fail to specify the source of, or basis for, the allegations and therefore deny the allegations.

99. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 99 and therefore deny the allegations.

The FDC Officials deny that access to female clothing and grooming accommodations did or could constitute “treatment” for Diamond’s gender dysphoria.

100. The FDC Officials admit that FDC informed inmates of HSB 15.05.23 on September 30, 2024. The FDC Officials admit that Diamond must comply with male clothing and grooming standards. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations relating to Diamond’s motive for coming into compliance with male clothing and grooming standards and therefore deny the allegations.

101. The FDC Officials admit that Diamond must comply with male clothing and grooming standards and lacks access to female clothing and grooming items. The FDC Officials lack sufficient knowledge or information to either admit or deny the remaining allegations in Paragraph 101, and therefore deny the remaining allegations.

102. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 101 and therefore deny the allegations. The FDC Officials further deny that access to female clothing and grooming accommodations did or could constitute “treatment” for Diamond’s gender dysphoria.

Plaintiff Jackson

103. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 103 and therefore deny the allegations.

104. The FDC Officials admit that Jackson entered FDC custody in or around 2014.

105. The FDC Officials lack sufficient knowledge or information to either admit or deny the vague, ambiguous allegations in Paragraph 105 and therefore deny the allegations.

106. The FDC Officials admit that FDC provided, and continues to provide, cross-sex hormones to Jackson and that Jackson previously had access to male clothing and grooming accommodations. The FDC Officials deny that Jackson's access to male clothing and grooming accommodations constituted "treatment" for Jackson's gender dysphoria.

107. The FDC Officials admit that FDC provided, and continues to provide, Jackson with cross-sex hormones. The remainder of Paragraph 107 contains vague and ambiguous allegations without specifying the source or basis for the information. Therefore, the FDC Officials lack sufficient knowledge or information to form a basis to either admit or deny the allegations and therefore deny the allegations.

108. The FDC Officials admit that FDC informed inmates at the Florida

Women's Reception Center of HSB 15.05.23 on September 30, 2024. The FDC Officials deny the remaining allegations in Paragraph 108.

109. The FDC Officials admit that Jackson no longer has access to male clothing and grooming accommodations.

110. The FDC Officials admit that Jackson continues to receive cross-sex hormones. The remaining allegations in Paragraph 110 are vague, ambiguous, and fail to specify the source of or basis for the information. Therefore, the FDC Officials lack sufficient knowledge or information to form a basis to either admit or deny the allegations excepted as stated herein, and therefore deny the allegations.

111. The FDC Officials admit that Jackson continues to receive cross-sex hormones. The FDC Officials admit that the determination of whether Jackson will receive a variance pursuant to HSB 15.05.23 remains pending as of the date of this Answer. Except as expressly provided hereinabove, the FDC Officials deny the allegations in Paragraph 111.

112. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 112 and therefore deny the allegations.

113. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 113 and, therefore, deny the allegations. The FDC Officials further deny that Jackson's access to male clothing and grooming accommodations constituted "treatment" for Jackson's gender dysphoria.

Plaintiff Boothe

114. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 114 and, therefore, deny the allegations.

115. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 115 and, therefore, deny the allegations.

116. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 116 and therefore deny the allegations.

117. The FDC Officials admit that Boothe entered FDC custody on or around September 18, 2024, and is currently house at Florida Women's Reception Center.

118. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 118 and therefore deny the allegations.

119. The FDC Officials deny that they failed to provide any medically necessary care to Boothe. The FDC Officials lack sufficient knowledge or information to either admit or deny the remaining allegations in Paragraph 119 and therefore deny the allegations.

120. The FDC Officials deny that they failed to provide any medically necessary care to Boothe. The FDC Officials lack sufficient knowledge or information to either admit or deny the remaining allegations in Paragraph 120 and therefore deny the allegations.

121. The FDC Officials admit that Boothe lacks access to male clothing and

grooming accommodations.

122. The FDC Officials lack sufficient knowledge or information to either admit or deny the vague, ambiguous allegations in Paragraph 122 that fail to specify the source of, or basis for, the allegations and therefore deny the allegations.

123. The FDC Officials admit that Boothe received a re-evaluation and a diagnosis of gender dysphoria pursuant to HSB 15.05.25. The FDC Officials admit that Boothe continues to receive cross-sex hormones. The FDC Officials admit that the determination of whether Boothe will receive a variance pursuant to HSB 15.05.23 remains pending as of the date of this answer. The FDC Officials deny the remaining allegations of Paragraph 123 unless expressly admitted herein.

124. The FDC Officials lack sufficient knowledge or information to either admit or deny the allegations in Paragraph 124 and therefore deny the allegations.

125. The FDC Officials admit that Boothe continues to receive cross-sex hormones. The FDC Officials lack sufficient knowledge or information to either admit or deny the remaining allegations in Paragraph 125 and therefore deny the allegations.

CLAIM FOR RELIEF

Count I

Denial of Medically Necessary Treatment in Violation of the Eighth Amendment to the United States Constitution (42 U.S.C. § 1983)

126. The FDC Officials adopt and assert as if set forth at length their answers

to allegations in Paragraphs 1 through 125.

127. The FDC Officials admit Plaintiffs have been diagnosed with gender dysphoria and receives treatment for gender dysphoria. The FDC Officials deny the remaining allegations in Paragraph 127.

128. Paragraph 128 contains vague and ambiguous allegations seemingly based on nothing more than mere speculation, without identifying the source or basis for the information. Thus, the FDC Officials lack sufficient knowledge or information to either admit or deny the factual allegations in Paragraph 128 and therefore deny the allegations.

129. The FDC Officials admit Plaintiffs have been diagnosed with gender dysphoria. The FDC Officials deny the remaining allegations in Paragraph 129.

130. The FDC Officials admit that FDC provides treatment to Plaintiffs for gender dysphoria. Paragraph 130 contains vague and ambiguous allegations seemingly based on nothing more than sheer speculation, without identifying the basis or source for the information. Thus, the FDC Officials lack sufficient knowledge or information to either admit or deny the remaining vague and ambiguous allegations and, therefore, deny the allegations.

131. The FDC Officials deny the allegations in Paragraph 131.

132. The FDC Officials deny the allegations in Paragraph 132.

133. Paragraph 133 contains vague and ambiguous allegations seemingly

based on nothing more than mere speculation, without identifying a source or basis for the information. Thus, the FDC Officials lack sufficient knowledge or information to either admit or deny the remaining allegations in Paragraph 133 and therefore deny the remaining allegations.

134. The FDC Officials deny the allegations in Paragraph 134.

135. The FDC Officials deny the allegations in Paragraph 135.

136. The FDC Officials deny the allegations in Paragraph 136.

137. The FDC Officials deny the allegations in Paragraph 137.

138. The FDC Officials lack sufficient knowledge concerning Plaintiffs' allegation regarding "all times relevant herein." The FDC Officials admit that while carrying out their duties and responsibilities in service of FDC, the FDC Officials acted in the course and scope of their employment and under the color of state law.

PRAYER FOR RELIEF

In response to Paragraphs (a) through (e) in Plaintiffs' Prayer for Relief, the FDC Officials deny Plaintiffs are entitled to the relief requested, or any relief, based on the Complaint.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

Plaintiffs' Amended Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

Plaintiffs are not entitled to any of the relief requested in the Amended Complaint.

THIRD DEFENSE

Plaintiffs are not entitled to any relief under 42 U.S.C. §§ 1983 and/or 1988.

FOURTH DEFENSE

Plaintiffs lack standing to bring claims on behalf of the putative class.

FIFTH DEFENSE

Plaintiffs failed to allege a violation of the Eighth and Fourteenth Amendments to the United States Constitution.

SIXTH DEFENSE

The Amended Complaint fails to plausibly allege that the FDC Officials subject individuals residing in or confined to an institution to “egregious or flagrant conditions which deprive such persons of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States causing such persons to suffer grievous harm.” 42 U.S.C. § 1997a(a).

SEVENTH DEFENSE

The Amended Complaint fails to plausibly allege that any alleged deprivation “is pursuant to a pattern or practice of resistance to the full enjoyment of such rights, privileges, or immunities.” 42 U.S.C. § 1997a(a).

EIGHTH DEFENSE

The Amended Complaint fails to allege any showing of physical injury or the commission of a sexual act. 42 U.S.C. § 1997e(e).

NINTH DEFENSE

Plaintiffs' claims are barred because the FDC Officials did not breach any duty allegedly owed to Plaintiffs.

TENTH DEFENSE

Plaintiffs' claims are barred because the action asserted is "frivolous, malicious, and fails to state a claim upon which relief can be granted." 42 U.S.C. § 1997e(c)(1)(2005).

ELEVENTH DEFENSE

Plaintiffs' claims are barred because Plaintiffs' civil or constitutional rights have not been violated.

TWELFTH DEFENSE

Plaintiffs are unable to establish any causal connection between any action or inaction of the FDC Officials and any purported injury alleged in the Amended Complaint or for which relief is sought.

THIRTEENTH DEFENSE

The FDC Officials are entitled to Eleventh Amendment immunity from the claims asserted against them. Plaintiffs' claims are barred by the Eleventh

Amendment to the United States Constitution. Plaintiffs' claims do not fall within any judicially-recognized exception to the doctrine of Eleventh Amendment immunity.

FOURTEENTH DEFENSE

The FDC Officials plead all immunities provided to them as state officials, employees, and/or actors, including, but not limited to, qualified immunity, absolute immunity, and discretionary function immunity.

FIFTEENTH DEFENSE

Plaintiffs are not entitled to injunctive relief related to the provision of medical and mental health care for gender dysphoria in the FDC pursuant to HSB 15.05.23.

SIXTEENTH DEFENSE

The FDC Officials cannot be held liable under 42 U.S.C. § 1983 based on a theory of *respondeat superior* for the acts and/or omissions of others.

SEVENTEENTH DEFENSE

Some or all of Plaintiffs' claims are barred by one or more of the doctrines of laches, waiver, unclean hands, estoppel, res judicata, claim preclusion, collateral estoppel, or issue preclusion.

EIGHTEENTH DEFENSE

Plaintiffs Keohane, Mendoza, Jackson, and Boothe lack standing to pursue the claims asserted in the Complaint and are not entitled to relief because those Plaintiffs continue to receive cross-sex hormones.

NINETEENTH DEFENSE

The FDC Officials claim any and all protections of the Prison Litigation Reform Act (the “PLRA”) of 1995, as amended. See 42 U.S.C. § 1997e.

TWENTIETH DEFENSE

Plaintiffs requested relief is inappropriate pursuant to the provisions of the PLRA. See 42 U.S.C. § 1997e.

TWENTY-FIRST DEFENSE

Plaintiffs’ claims are barred because the injunctive relief Plaintiffs seek is not sufficiently narrowly drawn as required by the PLRA. 18 U.S.C. § 3626(a)(1)(A); 42 U.S.C. § 1997e.

TWENTY-SECOND DEFENSE

Plaintiffs’ claims are barred because the injunctive relief they seek extends further than is necessary to correct any alleged violation of any Plaintiffs’ constitutional rights. 18 U.S.C. § 3626(a)(1)(A); 42 U.S.C. § 1997e.

TWENTY-THIRD DEFENSE

Plaintiffs' claims are barred because the injunctive relief Plaintiffs seek is not the least intrusive means necessary to correct any alleged violation of any Plaintiffs' constitutional rights. 18 U.S.C. § 3626(a)(1)(A); 42 U.S.C. § 1997e.

TWENTY-FOURTH DEFENSE

Plaintiffs fail to allege a personal, physical injury as required by the PLRA. 42 U.S.C. § 1997e(e).

TWENTY-FIFTH DEFENSE

Plaintiffs failed to exhaust all administrative remedies as required by the PLRA. 42 U.S.C. § 1997e(a). Therefore, Plaintiffs' claims are barred in whole or in part.²

TWENTY-SIXTH DEFENSE

Plaintiffs' claims fail under the PLRA because the requested relief would adversely impact public safety and the operation of the criminal justice system. 42 U.S.C. § 1997e.

² The FDC Officials assert the affirmative defense of failure to exhaust administrative remedies under the PLRA regarding some or all additional Plaintiffs. Based upon the doctrine of vicarious exhaustion, the FDC Officials reserve the right to assert failure to exhaust against some or all added plaintiffs upon the denial of class certification. See Chandler v. Crosby, 379 F.3d 1278, 1287 (11th Cir. 2004) (PLRA's exhaustion requirement is satisfied when one or more class members have exhausted administrative remedies with respect to each claim).

TWENTY-SEVENTH DEFENSE

Plaintiffs' claims fail under the PLRA because the requested relief would require a government official to exceed his or her authority under state law. 42 U.S.C. § 1997e.

TWENTY-EIGHTH DEFENSE

Plaintiffs' claims fail under the PLRA because the requested relief would effectively repeal or detract from otherwise applicable limitations on the remedial powers of the courts. 42 U.S.C. § 1997e.

TWENTY-NINTH DEFENSE

Plaintiffs' claims are barred because the FDC Officials did not act with deliberate indifference. Estelle v Gamble, 429 U.S. 97 (1976).

THIRTIETH DEFENSE

To the extent Plaintiffs seek to recover attorneys' fees, the FDC Officials object to any and such requests for attorneys' fees that are not asserted in the Complaint or are not approved by Court order.

THIRTY-FIRST DEFENSE

Plaintiffs' claims are barred, in whole or in part, because this action is not properly maintainable as a class action.

THIRTY-SECOND DEFENSE

Plaintiffs' claims are barred, in whole or in part, because maintenance of this lawsuit as a class action violates due process under the laws and Constitution of the United States or the laws and Constitution of the State of Florida.

THIRTY-THIRD DEFENSE

Plaintiffs failed to satisfy the prerequisites of a class action as required by Rule 23 of the Federal Rules of Civil Procedure.

THIRTY-FOURTH DEFENSE

The Amended Complaint fails to adequately define any class of persons who could properly maintain this action as a class action.

THIRTY-FIFTH DEFENSE

Plaintiffs' proposed class does not meet the Rule 23 standards set forth in Wal-Mart Stores, Inc. v. Dukes, 131 S. Ct. 2541 (2011).

THIRTY-SIXTH DEFENSE

Plaintiffs failed to establish numerosity as required for class certification. Fed. R. Civ. P. 23(a)(1).

THIRTY-SEVENTH DEFENSE

Plaintiffs failed to establish commonality as required for class certification. Fed. R. Civ. P. 23(a)(2).

THIRTY-EIGHTH DEFENSE

Plaintiffs failed to establish typicality as required for class certification. Fed. R. Civ. P. 23(a)(3).

THIRTY-NINTH DEFENSE

Plaintiffs failed to establish adequacy of representation as required for class certification. Fed. R. Civ. P. 23(a)(4).

FORTIETH DEFENSE

The named Plaintiffs are not proper class representatives.

FORTY-FIRST DEFENSE

Because the FDC Officials have not acted or refused to act on grounds that apply generally to the class such that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole, Plaintiffs' claims fail as a class action.

FORTY-SECOND DEFENSE

A class action is not superior to other available methods for the fair and efficient adjudication of this controversy.

FORTY-THIRD DEFENSE

Individualized determinations for each purported class member preclude class certification.

FORTY-FOURTH DEFENSE

Conflicts exist among the proposed class members.

FORTY-FIFTH DEFENSE

Plaintiffs' claims are due to be dismissed on grounds that Plaintiffs Keohane, Mendoza, Jackson, and Boothe lacks standing.

FORTY-SIXTH DEFENSE

Plaintiffs' claims are due to be dismissed on grounds that they lack a justiciable controversy.

FORTY-SEVENTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the doctrine of laches.

FORTY-EIGHTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the doctrines of waiver and consent.

FORTY-NINTH DEFENSE

The policies, practices, and procedures implemented or imposed by the FDC Officials and/or FDC are reasonably related to legitimate penological interests.

FIFTIETH DEFENSE

The policies, practices, and procedures implemented or imposed by the FDC Officials and/or FDC are lawful and justified.

FIFTY-FIRST DEFENSE

All actions by the FDC Officials with regard to the Plaintiffs and putative class members were made in good faith compliance with applicable provisions of law, rules, and regulations.

FIFTY-SECOND DEFENSE

Plaintiffs have not been injured and will continue to not suffer injury as a result of the matters alleged in the Amended Complaint.

FIFTY-THIRD DEFENSE

The FDC Officials' actions were objectively reasonable under the circumstances.

FIFTY-FOURTH DEFENSE

The FDC Officials acted in good faith, without malice and without the requisite state of mind necessary for Plaintiffs to establish a constitutional violation.

FIFTY-FIFTH DEFENSE

The FDC Officials' conduct was not motivated by an evil motive or intent and did not involve reckless or callous indifference to Plaintiffs' rights.

FIFTY-SIXTH DEFENSE

Plaintiffs' claims of unconstitutional customs, policies, or practices cannot be predicated upon isolated or sporadic instances of conduct.

FIFTY-SEVENTH DEFENSE

The FDC Officials did not authorize, condone, or ratify any alleged unlawful conduct or statements.

FIFTY-EIGHTH DEFENSE

Some or all of the putative class members lack standing because they cannot demonstrate an actual or imminent injury.

FIFTY-NINTH DEFENSE

The FDC Officials reserve the right to supplement and/or amend this Answer as additional information responsive to the allegations or defenses become known.

SIXTIETH DEFENSE

Plaintiffs and the putative class members are not entitled to declaratory relief related to the provision of medical and mental health care for gender dysphoria in the FDC.

SIXTY-FIRST DEFENSE

Any allegation, contention, or request for relief or for damages of any type or nature not expressly admitted is denied and strict poof thereof is demanded.

Respectfully submitted this the 4th day of April 2025.

/s/ Kenneth S. Steely

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon all attorneys of record in this matter, including without limitation the following, by the Court's CM/ECF system on this 4th day of April, 2025:

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