

Paul Carlos Southwick (ISB No. 12439)
Emily Myrei Croston (ISB No. 12389)
ACLU of Idaho Foundation
P.O. Box 1897
Boise, ID 83701
Tel: (208) 344-9750
psouthwick@acluidaho.org
ecroston@acluidaho.org

Chase B. Strangio*
Malita Picasso*
Leslie Cooper*
Alexandra R. Johnson*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad St.
New York, NY 10004
Tel: (212) 549-2584
cstrangio@aclu.org
mpicasso@aclu.org
lcooper@aclu.org

*Admitted *pro hac vice*

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

KATIE ROBINSON, et al.,
Plaintiffs,

v.

RAÚL LABRADOR, et al.,
Defendants.

Case No. 1:24-cv-00306-DCN
**REPLY ISO MOTION FOR
THIRD PRELIMINARY
INJUNCTION**

The Court is authorized to issue a third preliminary injunction that parallels the injunctions it issued on September 3, 2024, Dkt. 58, and December 3, 2024, Dkt. 96. As was true when the

Court issued the second preliminary injunction, none of the material facts have changed for purposes of determining whether another preliminary injunction is warranted.

Defendants' only response to Plaintiffs' motion for a third preliminary injunction is to argue that enjoining HB 668 causes "irreparable injury" to the State.¹ Dkt. 116 at 2. Opposition on these grounds is unconvincing. As this Court noted when granting Plaintiffs' first motion for a preliminary injunction, while "[t]he public certainly has an interest in the enforcement of duly enacted laws . . . it also has an interest in preventing constitutional violations." Dkt. 58 at 11; *see also* Dkt. 96 at 12 ("[T]he Court remains obligated to protect the public's interest in preventing constitutional violations.").

Moreover, the irreparable harm here falls on Plaintiffs, not the State. In response to the Court's request for "testimony from a medical expert who had evaluated [the named plaintiffs] individually," Dkt. 96 at 10, Plaintiffs introduced the testimony of Dr. Misty Wall, who personally evaluated each named plaintiff. *See* Dkt. 114-6, Dkt. 114-7. Dr. Wall concluded that withdrawal of hormone therapy from Plaintiffs would result in severe harm to them. *See* Dkt. 114-3 at 5-8. Defendants offer no response to this additional evidence of irreparable harm, which only strengthens Plaintiffs' basis for requesting another preliminary injunction.

CONCLUSION

Plaintiffs respectfully request that the Court issue a third preliminary injunction prior to the second preliminary injunction's expiration on March 3, 2025.

Dated: February 24, 2025

Respectfully submitted,

/s/ Emily Myrei Croston
Emily Myrei Croston (ISB No. 12389)
ACLU of Idaho Foundation

¹ Defendants also "incorporate here their arguments opposing previous injunctions." Dkt. 116 at 2. Plaintiffs thus incorporate their responses to said arguments. *See* Dkt. 25, Dkt. 90.