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

ROBINSON, *et al.*

Plaintiffs,

v.

RAÚL LABRADOR, in his official
capacity as Attorney General of the
State of Idaho; *et al.*,

Defendant.

Case No. 1:24-cv-00306-DCN

**STATE DEFENDANTS' ANSWER TO
SECOND AMENDED CLASS ACTION
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF [DKT. 209]**

Defendants Raúl Labrador, in his official capacity as Attorney General of the State of Idaho, and Bree Derrick, in her official Capacity as the Director of the Idaho Department of Correction (together, “State Defendants”),¹ Answer and respond to the Second Amended Class Action Complaint for Declaratory and Injunctive Relief (Dkt. 209) (“SAC”) as follows:

GENERAL RESPONSE

State Defendants deny all allegations, claims, and requests for relief contained in the SAC except where specifically admitted.

SPECIFIC RESPONSES

Regarding the specific allegations, claims, and requests for relief contained in the specific paragraphs in the SAC, State Defendants respond as follows:

INTRODUCTION²

1. State Defendants deny that Plaintiff Singer is currently incarcerated; Plaintiff Singer was released on parole on May 12, 2026. Plaintiffs admit that Plaintiffs Robinson and Singer have been diagnosed with gender dysphoria but deny Plaintiffs’ definition of that diagnosis and deny that Idaho state law bans necessary medical treatment.

2. State Defendants admit that gender dysphoria is a serious medical need but deny that the treatments sought by Plaintiffs are medically necessary under the Eighth Amendment.

¹ Former Director of the Idaho Department of Correction (IDOC), Josh Tewalt—who was sued in his official capacity only—is no longer a party to this case. By operation of law, Bree Derrick was automatically substituted for Josh Tewalt when she became the new IDOC Director on or about March 19, 2025. Fed. R. Civ. P. 25(d). Governor Brad Little has been dismissed from the case. Dkt. 205 at 13–14, 25.

² State Defendants are using Plaintiffs’ headings for ease of reference; this use should not be construed as an admission of any allegations in the headings.

3. State Defendants admit that the language of IDOC’s Standard Operating Procedure “Gender Dysphoria: Healthcare for Inmates with” speaks for itself. State Defendants deny the remaining allegations in paragraph 3.

4. State Defendants admit the allegations in paragraph 4.

5. State Defendants deny the allegations in paragraph 5.

6. State Defendants deny the allegations in paragraph 6.

7. State Defendants admit that H.B. 668 became effective July 1, 2024, and that H.B. 668’s language speaks for itself. State Defendants deny the remaining allegations in paragraph 7.

8. State Defendants admit the allegations in paragraph 8.

9. State Defendants admit the allegations in paragraph 9.

10. State Defendants deny the allegations in paragraph 10.

11. State Defendants deny that Plaintiffs are entitled to any form of relief.

JURISDICTION AND VENUE

12. State Defendants deny that this Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1341. The remaining statements in this paragraph are not factual allegations to which State Defendants are obligated to respond. To the extent they are construed as such, State Defendants deny.

13. State Defendants admit the allegations in paragraph 13.

PARTIES

I. Class of Incarcerated Persons

14. State Defendants admit the language of Rule 23 speaks for itself. State Defendants deny the remaining allegations in paragraph 14.

15. State Defendants deny that class action relief is appropriate.

16. State Defendants deny the allegations in paragraph 16.

17. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 17 and therefore deny.

18. State Defendants admit that there are ten in-state prisons and five re-entry centers but lack information sufficient to form a belief about the truth of the remaining allegations in paragraph 18 and therefore deny.

19. State Defendants admit that the language of H.B. 668 speaks for itself. State Defendants deny the remaining allegations in paragraph 19. State Defendants affirmatively allege that H.B. 668 is not a “blanket ban on treatment” for gender dysphoria, but only bans using public funds to pay for specified treatments due to the known harmful effects and serious risks of harm posed by the prohibited treatments.

20. State Defendants deny the allegations in paragraph 20.

21. State Defendants deny the allegations in paragraph 21, including because Plaintiff Singer is no longer incarcerated and therefore is not a member of the class.

22. State Defendants deny the allegations in paragraph 22, including because Plaintiff Singer is no longer incarcerated and therefore is not a member of the class.

23. State Defendants admit the allegations in paragraph 23.

24. State Defendants admit that the language of Rule 23, H.B. 668, and the Idaho Code speaks for itself. State Defendants deny the remaining allegations in paragraph 24.

II. Named Plaintiffs

25. State Defendants admit that Plaintiff Heredia is currently incarcerated at ISCC, has been incarcerated since 2014, has been incarcerated with IDOC since 2015, and will be until March

2033. State Defendants lack information sufficient to form a belief about the truth of the remaining allegations in paragraph 25 and therefore deny.

26. State Defendants deny that Plaintiff Heredia arrived at an IDOC facility for the first time in 2014. Plaintiff Heredia was sentenced in February 2014, was then housed in county jails, and did not arrive in an IDOC facility until June 2015.

27. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 27 and therefore deny.

28. State Defendants admit Plaintiff was diagnosed with gender dysphoria. State Defendants deny the remaining allegations in paragraph 28.

29. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 29 and therefore deny.

30. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 30 and therefore deny.

31. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 31 and therefore deny.

32. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 32 and therefore deny.

33. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 33 and therefore deny.

34. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 34 and therefore deny.

35. State Defendants admit that H.B. 668 went into effect on July 1, 2024. State Defendants deny the remaining allegations in paragraph 35, including that medical staff would not

be able to provide Plaintiff Heredia with any medical treatment for her gender dysphoria under H.B. 668.

36. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 36 and therefore deny.

37. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 37 and therefore deny.

38. State Defendants deny the allegations in paragraph 38.

39. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 39 and therefore deny.

40. State Defendants admit that Plaintiff is biologically female and self-reported a transgender identification but otherwise lack information sufficient to form a belief about the truth of the allegations in paragraph 40 and therefore deny.

41. State Defendants admit that Plaintiff is biologically female and self-reported a transgender identification but otherwise lack information sufficient to form a belief about the truth of the allegations in paragraph 41 and therefore deny.

42. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 42 and therefore deny.

43. State Defendants deny that Plaintiff Singer is currently incarcerated; Plaintiff Singer was released on parole on May 12, 2026.

44. State Defendants admit that clinician Venegas conducted a gender dysphoria evaluation of Plaintiff Singer on January 20, 2024, but deny any remaining allegations in paragraph 44.

45. State Defendants admit that clinician Venegas's evaluation was submitted to the MTC for review with a recommendation to diagnose gender dysphoria, and that the MTC affirmed the diagnosis in February of 2024, but deny any remaining allegations in paragraph 45.

46. State Defendants admit that Dr. Alviso assessed Plaintiff Singer and prescribed hormone therapy in February 2024. Any remaining allegations in paragraph 46 are denied.

47. State Defendants admit that Plaintiff Singer received the first testosterone injection on March 14, 2024, and weekly thereafter. Any remaining allegations in paragraph 47 are denied.

48. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 48 and therefore deny.

49. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 49 and therefore deny.

50. State Defendants admit the allegations in paragraph 50.

51. State Defendants admit the allegations in paragraph 51.

52. State Defendants admit the allegations in paragraph 52.

53. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 53 and therefore deny.

III. Defendants

54. State Defendants deny the allegations in this paragraph, except that Defendant Raúl Labrador is the current Attorney General of the State of Idaho and that the language of H.B. 668 and the Idaho Code speaks for itself.

55. Governor Little has been dismissed from this case. Dkt. 205 at 13–14, 25.

56. State Defendants deny that Josh Tewalt is the current Director of IDOC; admit that the Director is the highest-level official in IDOC; and admit that IDOC is the State agency

responsible for incarceration of adult inmates sentenced by the courts. State Defendants deny the remaining allegations in this paragraph.

57. State Defendants deny that Defendant Bree Derrick is the current Deputy Director of IDOC because she is now the Director. State Defendants deny the remaining allegations in this paragraph.

58. State Defendants admit the allegations in paragraph 58, except that Defendant Centurion of Idaho, LLC has no longer contracted to provide services to Plaintiff Singer, who is no longer an inmate.

59. State Defendants admit the allegations in paragraph 59, except that Defendant Centurion of Idaho, LLC has no longer contracted to provide services to Plaintiff Singer, who is no longer an inmate.

60. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 60 and therefore deny.

FACTUAL ALLEGATIONS

Gender Dysphoria is a Serious Medical Condition Requiring Treatment

61. The allegations in this paragraph properly will be the subject of expert testimony and therefore no response is required. To the extent a response is required, State Defendants deny the allegations of paragraph 61.

62. The allegations in this paragraph properly will be the subject of expert testimony and therefore no response is required. To the extent a response is required, State Defendants deny the allegations of paragraph 62.

63. The allegations in this paragraph properly will be the subject of expert testimony and therefore no response is required. To the extent a response is required, State Defendants deny

the allegations of paragraph 63. State Defendants also assert this same response to the unnumbered paragraph following paragraph 63.

Treatment for Gender Dysphoria

64. State Defendants deny the allegations of the first sentence in this paragraph; lack information sufficient to form a belief about the truth of the allegations in the second sentence and therefore deny them; admit the allegations in the third and fourth sentences; and deny the allegations in the final sentence.

65. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 65 and therefore deny.

66. State Defendants deny that the WPATH SOC or the Endocrine Society Guidelines are “authoritative clinical practice guidelines for the treatment of gender dysphoria” or are “accepted medical protocols.” State Defendants lack information sufficient to form a belief about the truth of the remaining allegations in paragraph 66 and the unnumbered paragraph following paragraph 66 and therefore deny.

67. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 67 and therefore deny.

68. State Defendants deny the allegations of paragraph 68.

69. State Defendants deny that hormone therapy is medically necessary treatment for gender dysphoria and lack information sufficient to form a belief about the truth of the remaining allegations in paragraph 69 and therefore deny.

70. State Defendants deny that hormone therapy is medically necessary treatment for gender dysphoria and lack information sufficient to form a belief about the truth of the remaining allegations in paragraph 70 and therefore deny.

71. The allegations in this paragraph properly will be the subject of expert testimony and therefore no response is required. To the extent a response is required, State Defendants deny the allegations of paragraph 71.

72. State Defendants deny the allegations in paragraph 72.

73. The allegations in this paragraph properly will be the subject of expert testimony and therefore no response is required. To the extent a response is required, State Defendants deny the allegations of paragraph 73.

Incarcerated People with Gender Dysphoria are Entitled to Access Medically Necessary Treatment for their Dysphoria, Including Hormone Therapy

74. State Defendants admit that the language of IDOC's Policy 401, "Clinical Services and Treatment," speaks for itself. State Defendants deny the remaining allegations in paragraph 74.

75. State Defendants admit that the language of IDOC's Standard Operating Procedure, "Gender Dysphoria: Healthcare for Inmates with," speaks for itself and deny that hormone therapy is medically necessary treatment for gender dysphoria,

76. State Defendants deny the allegations in paragraph 76.

77. State Defendants admit that the language of the WPATH SOC and the Endocrine Society Guidelines speaks for itself; deny that either the WPATH SOC or the Endocrine Society Guidelines are authoritative guidelines or accepted medical protocols, much less set the appropriate standard of care; and deny the remaining allegations of paragraph 77.

78. The allegations in this paragraph properly will be the subject of expert testimony and therefore no response is required. To the extent a response is required, State Defendants deny the allegations of paragraph 78.

79. The allegations in this paragraph properly will be the subject of expert testimony and therefore no response is required. To the extent a response is required, State Defendants deny the allegations of paragraph 79.

The Idaho State Legislature Passed H.B. 668

80. State Defendants admit that the language of H.B. 668 speaks for itself and that Governor Little signed H.B. 668 into law on March 27, 2024. State Defendants deny the remaining allegations in paragraph 80.

81. State Defendants deny the allegations in paragraph 81.

82. State Defendants admit that the language of H.B. 668 and the Idaho Code speaks for itself. State Defendants deny the remaining allegations in paragraph 82.

83. State Defendants deny the allegations in paragraph 83.

84. State Defendants admit that the language of Plaintiffs' counsel's demand letter speaks for itself. State Defendants deny the remaining allegations in paragraph 84.

85. State Defendants admit that the language of IDOC's reply speaks for itself. State Defendants deny the remaining allegations in paragraph 85.

86. State Defendants admit that the language of Plaintiffs' June 17, 2024, correspondence speaks for itself. State Defendants deny the remaining allegations in paragraph 86.

87. State Defendants admit that the June 21, 2024, video call occurred. State Defendants admit that State Defendants would not agree to suspend enforcement of the law. State Defendants deny all other allegations in this paragraph.

CLAIMS FOR RELIEF

Denial of Necessary Medical Treatment (8th Amendment; 42 U.S.C. § 1983)

Against ALL Defendant

88. Paragraph 88 contains no factual assertions to admit or deny and no response is required. To the extent a response is required, State Defendants deny.

89. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 89 and therefore deny.

90. State Defendants lack information sufficient to form a belief about the truth of the allegations in paragraph 90 and therefore deny.

91. State Defendants admit that they are responsible for providing medical care to Plaintiffs sufficient to comply with obligations under the Eighth Amendment. State Defendants deny the remaining allegations in paragraph 91.

92. State Defendants admit that the language of H.B. 668 speaks for itself. State Defendants deny the remaining allegations in paragraph 92, including that H.B. 668 denies necessary medical treatment and that it violates the Eighth Amendment.

93. State Defendant's admit that H.B. 668 went into effect on July 1, 2024, and that the language of H.B. 668 speaks for itself. State Defendants deny the remaining allegations in paragraph 93.

94. State Defendants deny the allegations in paragraph 94.

95. State Defendants deny the allegations in paragraph 95.

96. State Defendants deny the allegations in paragraph 96.

97. State Defendants deny the allegations in paragraph 97.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiffs' SAC and each allegation contained therein fails to state a claim against State Defendants upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The allegations contained in Plaintiffs' SAC do not rise to the level of a deprivation of rights protected by the Constitution or any of the legal provisions referred to in the SAC.

THIRD AFFIRMATIVE DEFENSE

State Defendants are immune, or have qualified immunity, from the claims contained in Plaintiffs' SAC, including immunity under the 11th Amendment of the U.S. Constitution, which is not waived.

FOURTH AFFIRMATIVE DEFENSE

State Defendants are not liable under 42 U.S.C. § 1983 for any injury caused by the act or omission of another person under the theory of respondeat superior and because State Defendants are not "persons" under 42 U.S.C. § 1983.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because Plaintiffs have failed to exhaust all administrative remedies.

SIXTH AFFIRMATIVE DEFENSE

State Defendants' conduct was justifiable, reasonable, authorized by law, and performed in good faith with the belief that such acts were proper, legal, and appropriate.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' request for injunctive relief does not show or sufficiently allege the likelihood of future injury or irreparable harm.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' request for injunctive relief does not show or sufficiently allege the existence of a reasonable likelihood of success.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs lack standing to bring the claims in Plaintiffs' SAC.

RESERVATION OF DEFENSES

State Defendants reserve the right to supplement these defenses with any additional defenses that subsequently become available during discovery or trial.

WHEREFORE, having fully answered the Second Amended Complaint, State Defendants request that the Court enter an order and judgment that:

1. Dismisses the Second Amended Complaint with prejudice;
2. Dissolves and dismisses all preliminary injunctions;
3. Enters judgment in favor of State Defendants and against Plaintiffs;
4. Awards State Defendants their costs and attorney's fees; and
5. Provides all other relief that is just.

DATED: July 29, 2026

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By: /s/ James J. Simeri
JAMES J. SIMERI
Deputy Attorney General

Attorney for State Defendants

CERTIFICATE OF SERVICE

I certify that on July 29, 2026, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which sent a Notice of Electronic Filing to the following persons:

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