

ELECTRONICALLY FILED
2025 Dec 19 PM 4:04
CLERK OF THE DOUGLAS COUNTY DISTRICT COURT
CASE NUMBER: DG-2025-CV-000241
PII COMPLIANT
IN THE SEVENTH JUDICIAL DISTRICT
DOUGLAS COUNTY, KANSAS

LILY LOE, by and through her parent and
next friend Lisa Loe; LISA LOE; RYAN
ROE, by and through his parent and next
friend Rebecca Roe; REBECCA ROE,

Plaintiffs,

v.

STATE OF KANSAS, *ex rel.* KRIS
KOBACH, Attorney General of the State
of Kansas,

Defendants.

Case No. DG-2025-CV-000241

Division No. 7

**DEFENDANT'S NOTICE OF SUPPLEMENTAL EVIDENCE IN SUPPORT
OF ITS RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION FOR
TEMPORARY INJUNCTION**

Defendant files this notice to inform the Court of legal developments relevant to the Plaintiffs' Motion for Temporary Injunction and the recent hearing on that motion.

On December 18, 2025, the United States Department of Health and Human Services announced a proposed rulemaking from the Centers for Medicare & Medicaid Services that will disallow hospitals in the United States that participate in Medicare and Medicaid from administering puberty blockers or cross-sex hormones to children. *See* UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, *HHS*

Acts to Bar Hospitals from Performing Sex-Rejecting Procedures on Children (December 18, 2025), <https://www.hhs.gov/press-room/hhs-acts-bar-hospitals-performing-sex-rejecting-procedures-children.html>. The proposed rule was published on December 19, 2025. *See* Medicare and Medicaid Programs; Hospital Condition of Participation: Prohibiting Sex-Rejecting Procedures for Children, 90 Fed. Reg. 59463 (proposed December 19, 2025) (to be codified at 42 C.F.R. pt. 482). Under the proposed rule, any hospital that provides puberty blockers or cross-sex hormones to children to treat gender dysphoria would be disallowed from participating in Medicare or Medicaid. The proposed rules states that this change is necessary “to protect the health and safety of children and reflect HHS' review of recent information on the safety and efficacy [puberty blockers and cross-sex hormones] on children.” *Id.*

The Assistant Secretary for Health issued a contemporaneous public health message under his statutory authority in 42 U.S.C. § 300u *et seq.* *See* Admiral Brian Christine, *RE: Evidence-Based Care for Children and Adolescents with Gender Dysphoria* (December 18, 2025). That message states that puberty blockers and cross-sex hormones have “an unfavorable risk-benefit profile” when used to treat gender dysphoria in children and recommends that healthcare providers in the United States refuse to provide them.

These authorities are relevant to the proceedings before the Court as evidence of the United States Department of Health and Human Services’ evaluation of puberty blockers and cross-sex hormones. They also demonstrate the action spurred

by the Health and Human Services systematic review referenced throughout the temporary injunction record.

Respectfully submitted,

FIRST & FOURTEENTH PLLC

/s/ Chad E. Blomberg

Chad E. Blomberg (23533)
6400 Glenwood St., Suite 201
Overland Park, KS 66202
Phone: (816) 600-0604
Fax: (719) 399-5054
Email: chad@first-fourteenth.com

Andrew M. Nussbaum*
2 N. Cascade Ave., Suite 1430
Colorado Springs, CO 80903
Phone: (719) 428-2386
Fax: (719) 399-5054
Email: andrew@first-fourteenth.com

Michael L. Francisco*
James A. Compton*
800 Connecticut Avenue, Suite 300
Washington, D.C. 20006
Phone: (202) 998-1978
Fax: (719) 399-5054
E-mail: michael@first-fourteenth.com
E-mail: james@first-fourteenth.com

* *Admitted pro hac vice*

OFFICE OF KANSAS ATTORNEY GENERAL KRIS W. KOBACH

/s/ Anthony J. Powell

Anthony J. Powell (14981)
Solicitor General

120 SW 10th Ave., Room 200
Topeka, KS 66612-1597
Phone: (785) 368-8539
Fax: (785) 296-6296
E-mail: anthony.powell@ag.ks.gov

Attorneys for Defendants Kris Kobach, Attorney General of the State of Kansas, Richard Bradbury, D.P.M., President of the Kansas State Board of Healing Arts, and Dakota Loomis, District Attorney of Douglas County.

CERTIFICATE OF SERVICE

I certify that the foregoing was filed via the Kansas Courts eFiling system, which will automatically serve an electronic copy upon Plaintiffs Lily Loe, Lisa Loe, Ryan Roe, and Rebecca Roe, via their attorneys of record who have registered with that system. In addition, the foregoing was e-mailed to the following attorneys for Plaintiffs:

Monica Bennett (KS #30497)
mbennett@aclukansas.org

Harper Seldin*
hseldin@aclu.org

Shana Knizhnik*
sknizhnik@aclu.org

Alexandra R. Johnson*
a.johnson@aclu.org

Kristen Broz*
brozk@ballardspahr.com

Elizabeth V. Wingfield*
wingfielde@ballardspahr.com

Alexia Chapman*
chapmana@ballardspahr.com

Helen Hitz*
hitzh@ballardspahr.com

Ryan Sullivan*
sullivanr@ballardspahr.com

*Admitted *pro hac vice*

/s/ Chad E. Blomberg
An Attorney for Defendant