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CLERK OF THE DOUGLAS COUNTY DISTRICT COURT
CASE NUMBER: DG-2025-CV-000241
PII COMPLIANT
IN THE SEVENTH JUDICIAL DISTRICT
DOUGLAS COUNTY DISTRICT COURT
CIVIL DEPARTMENT

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,

Defendants.

Case No. DG-2025-CV-000241
Div. No. 7

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

Plaintiffs file this Response to "Defendant's Notice of Supplemental Evidence in Support of its Response in Opposition to Plaintiffs' Motion for Temporary Injunction" (the "Notice.")¹

First, Defendant cites no authority permitting the submission of supplemental evidence after the conclusion of the evidentiary hearing. Both parties had ample opportunity to present evidence via affidavit and live testimony. Defendant's attempt to re-open the record is improper and should not delay the Court's resolution of Plaintiffs' Temporary Injunction Motion.

Second, Defendant's Notice does not provide any new evidence relevant to the Court's resolution of Plaintiffs' Temporary Injunction Motion. This Court already heard evidence regarding the HHS Report that purportedly prompted the proposed rulemaking described in Defendant's Notice. *See, e.g.*, Temporary Injunction Hearing Tr. 132:15-133:12 (Dr. Jack Turban),

¹ While the Notice's certificate of service states that Plaintiffs were served by e-mail, they were not. Plaintiffs only discovered the Notice through a manual check of the docket.

490:14-495:16 (Dr. Farr Curlin); Temporary Injunction Hearing Exhibit 6 at ¶ 55, 69-70 (Dr. Armand Antommaria); Exhibit 10 at ¶ 43-44 (Dr. Armand Antommaria); Exhibit 11 at ¶ 12-13 (Dr. Jack Turban). That evidence included that the HHS report has “substantial political underpinnings and was commissioned as a result of Executive Order 14168, which made the predetermined conclusion (without citing evidence) that gender-affirming medical care is ‘maiming and sterilizing a growing number of impressionable children...’ while directing multiple agencies to work to end provision of this care.” Exhibit 11 at ¶ 13. This Court also heard evidence regarding the substance of the Assistant Secretary for Health’s “public health message” cited in Defendant’s Notice, including extensive testimony regarding the availability of care internationally and the Endocrine Society Clinical Practice Guideline. *See, e.g.*, Plaintiffs’ Proposed Findings of Fact ¶ 304-319 (international landscape); *id.* at ¶ 180-201, 240, 245-246, 264-275 (Endocrine Society Guideline). Defendant’s Notice contains no new information regarding gender affirming medical care for transgender adolescents or bearing on the unconstitutionality of Kansas S.B. 63.

Third, proposed rulemaking is not probative of the underlying science and clinical experience supporting the provision of puberty blockers and hormone therapy for the treatment of gender dysphoria in adolescents. Proposed rulemaking is the first step in a longer administrative process, which is subject to notice and comment, further revisions thereafter, and subsequent legal challenges. At most, given the full context of this proposed rulemaking as noted above and below, Defendant’s Notice would be relevant to demonstrate that transgender people are a quasi-suspect class. *See, e.g., Grimm v. Gloucester Cty. Sch. Bd.*, 972 F.3d 586, 610-13 (4th Cir. 2020) (holding, *inter alia*, that transgender people have been historically subject to discrimination and are a minority group lacking political power)

Fourth, to the extent that this Court does consider the proposed rulemaking, the Court must also consider the entire course of conduct leading to it. *See, e.g.*, Plaintiffs’ Proposed Conclusions of Law at ¶ 398 (collecting cases). At a minimum, that would include remarks at the press conference announcing the proposed rulemaking. *See, e.g.*, Remarks of Jim O’Neill, Deputy Secretary of the Department of Health and Human Services, beginning at timestamp 36:00, available at <https://www.youtube.com/live/IwMye2mQ0U4> (“Men are men. Men can never become women. Women are women. Women can never become men ... The denial of fundamental truths can destroy nations from within. At the root of the evils we face, such as the blurring of the lines between sexes and radical social agendas, is a hatred for nature as God designed it and for life as it was meant to be lived.”). That course of conduct also includes the White House’s targeting of transgender people across multiple domains of their lives and denial of their existence throughout society, including in the workplace, schools, restrooms, the military, prisons, research, and the arts. *See, e.g.*, Exec. Order No. 14,168, 90 Fed. Reg. 8615 (Jan. 20, 2025) (stating that gender identity is a “false claim,” “a stain on our Nation’s history,” and has a “corrosive impact” on “the entire American system”); *see also* Exec. Order. 14,187, 90 Fed. Reg. 8771 (Jan. 28, 2025) (healthcare); Exec. Order No. 14,190, 90 Fed. Reg. 8853 (Jan. 29, 2025) (schools), Exec. Order No. 14,183, 90 Fed. Reg. 8757 (Jan. 27, 2025) (military). It further includes findings from federal judges regarding the Department of Justice’s motivations for issuing subpoenas to providers of gender affirming medical care. *See, e.g.*, *In re Admin. Subpoena No. 25-1431-019*, No. 1:25-MC-91324-MJJ, 2025 WL 2607784, at *7 (D. Mass. Sept. 9, 2025) (“The Administration has been explicit about its disapproval of the transgender community and its aim to end [gender affirming care].”); *QueerDoc, PLLC v. U.S. Dep’t of Just.*, No. 2:25-MC-00042-JNW, 2025 WL 3013568, at *5 (W.D. Wash. Oct. 27, 2025) (“The timeline tells the story here...This is not speculation about

hidden motives—it is the Administration’s explicit agenda.”); *In re Subpoena No. 25-1431-014*, No. MC 25-39, 2025 WL 3252648, at *3-4, *29-30 (E.D. Pa. Nov. 21, 2025) (explaining the U.S. Government’s decision in January 2025 to end gender-affirming medical care and observing the “public shaming” and “condemnation” espoused by the Attorney General); *see also In re: Subpoena Duces Tecum No. 25-1431-016*, No. 2:25-MC-00041-JHC, 2025 WL 3562151, at *12 (W.D. Wash. Sept. 3, 2025). At a bare minimum, this Court should be skeptical regarding Defendant’s representations about the U.S. Government’s motives for the proposed rulemaking.

Plaintiffs respectfully request that this Court expeditiously grant Plaintiffs’ Motion for Temporary Injunction and further deny Defendant’s Motion to Dismiss.

Respectfully submitted, this 23rd day of December, 2025.

By: 

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CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2025, the above Plaintiffs' Response to Defendant's Notice of Supplemental Evidence was electronically filed with the Clerk of the Court using the Court's electronic filing system, which will send a notice of electronic filing to registered participants. A copy will also be provided to counsel of record by PDF attachment to email:

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