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CLERK OF THE DOUGLAS COUNTY DISTRICT COURT
CASE NUMBER: DG-2026-CV-000112
PII COMPLIANT

IN THE SEVENTH JUDICIAL DISTRICT
DOUGLAS COUNTY DISTRICT COURT
CIVIL DEPARTMENT

DANIEL DOE, et al.,

Plaintiffs,

v.

STATE OF KANSAS, *ex rel* KRIS KOBACH, Attorney General, et al.,

Defendants.

Case No. DG-2026-CV-000112
Div. No. 4

PLAINTIFFS' PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW ON PLAINTIFFS' RENEWED MOTION FOR TEMPORARY INJUNCTION

TABLE OF CONTENTS

Page

FINDINGS OF FACT 1

Status Quo Before SB 244 1

SB 180 and Related Litigation 2

SB 244's Enactment 4

Procedural History 8

PLAINTIFFS' WITNESSES 9

Plaintiff Nicholas Noe 9

Plaintiff Cameron Broyles 19

Plaintiff Kyle Koe 31

Plaintiff Dakota West 38

Plaintiff Daniel Doe 43

Plaintiff Matthew Moe 48

Dr. Angela Turpin 53

Dr. Ayden Scheim 62

Dr. Cynthia Calkins 67

DEFENDANTS' WITNESSES 71

Sally Soe 71

Tim Tanner 71

Bailey Boe 72

Jane Doe 72

Bryan Stammer 73

Brian Hill 75

Robert Jacobs 76

Dr. James Cantor 77

Dr. Alyson McGregor 82

THE TEMPORARY INJUNCTION RECORD DOES NOT SUPPORT DEFENDANT'S ASSERTION THAT SB 244 SERVES THE STATE'S INTEREST IN PRESERVING PRIVACY, SAFETY, AND DIGNITY OF WOMEN AND GIRLS IN SEX-SEPARATED RESTROOMS. 84

THE TEMPORARY INJUNCTION RECORD DOES NOT SUPPORT DEFENDANT'S ASSERTION THAT SB 244 SERVES THE STATE'S INTEREST IN FACILITATING IDENTIFICATION BY LAW ENFORCEMENT. 88

THE TEMPORARY INJUNCTION RECORD DOES NOT SUPPORT DEFENDANT'S ASSERTION THAT SB 244 SERVES THE STATE'S INTEREST IN PROVIDING CLINICALLY RELEVANT INFORMATION TO DOCTORS. 91

CONCLUSIONS OF LAW 93

Declaratory Judgment With Respect to SB 244 as Applied to Intersex Individuals 93

Standard for a Temporary Injunction 95

Likelihood of Success on the Merits 95

Plaintiffs Have Established A Substantial Likelihood of Eventual Success on the Merits of Their Claim that SB 244's Restroom Ban and License Restriction Violate Their Fundamental Right to Personal Autonomy 96

Plaintiffs' Fundamental Right to Personal Autonomy Includes Their Right to Live In Accordance With Their Gender Identity. 96

SB 244's Restroom Ban and Driver's License Restriction Infringe Plaintiffs' Fundamental Right to Personal Autonomy. 107

Plaintiffs Have Established A Substantial Likelihood of Eventual Success on the Merits of Their Claim that SB 244's Restroom Ban and License Restriction Violate Plaintiffs' Fundamental Rights to Privacy 111

Plaintiffs Have Established A Substantial Likelihood of Eventual Success on the Merits of Their Claim that SB 244's License Restriction Violates Plaintiffs' Right to Freedom from Compelled Speech 117

Plaintiffs Have Established A Substantial Likelihood of Eventual Success on the Merits of Their Claim that SB 244's Restroom Ban and License Restriction Violate the Kansas Constitution's Equal Protection Guarantee 121

Plaintiffs Have Established a Substantial Likelihood of Eventual Success on the Merits of Their Claim that SB 244 Violates the Kansas Constitution's Single-Subject and Clear-Title Rule 128

Plaintiffs Have Demonstrated a Substantial Likelihood of Eventual Success on the Merits of Their Claims Even Under Rational Basis Review 131

Plaintiffs Satisfy the Remaining Factors for a Temporary Injunction 133

Risk of Irreparable Harm 133

Lack of Adequate Legal Remedy 134

Balancing of the Equities 135

Public Interest 137

SCOPE OF RELIEF 139

Scope of Plaintiffs' Challenge 139

[PROPOSED] ORDER GRANTING TEMPORARY INJUNCTION 142

TABLE OF AUTHORITIES

Page(s)

Federal Cases

ACLU v. Johnson,
194 F.3d 1149 (10th Cir. 1999) 137

Bd. of Trs. of Univ. of Ala. v. Garrett,
531 U.S. 356 (2001).....132, 133

CCA Recordings 2255 Litig. v. United States,
No. 19-CV-2491-JAR, 2021 WL 63281 (D. Kan. Jan. 6, 2021) 1

Craig v. Boren,
429 U.S. 190 (1976).....123

Cressman v. Thompson,
798 F.3d 938 (10th Cir. 2015) 120

D.H. v. City of New York,
No. 16CV7698PKCKNF, 2017 WL 6887792 (S.D.N.Y. Nov. 28, 2017).....11, 44

Doe 1 v. Marshall,
367 F. Supp. 3d 1310 (M.D. Ala. 2019) 119, 120, 121

Doe v. Progressive Cas. Ins. Co.,
No. 21-CV-02602-BLF, 2023 WL 5960772 (N.D. Cal. Aug. 21, 2023).....11, 44

Gray v. Jennings,
145 S. Ct. 1049, 2024 WL 4556639 (Amicus Brief).....134

Grimm v. Gloucester County School Board,
972 F.3d 586 (4th Cir. 2020) 100, 123

Love v. Johnson,
146 F. Supp. 3d 848 (E.D. Mich. 2015).....113

McGuire v. Marshall,
741 F. Supp. 3d 1112 (M.D. Ala. 2024) 119

Melius v. Nat'l Indian Gaming Comm'n,
No. CIVA98-2210(TFH/JMF), 2000 WL 1174994 (D.D.C. July 21, 2000).....1

Nelson v. Landry,
714 F. Supp. 3d 790 (M.D. La. 2024).....119

Obergefell v. Hodges,
576 U.S. 644 (2015).....105

Pers. Adm'r of Massachusetts v. Feeney,
442 U.S. 256 (1979).....124, 127

Powell v. Schriver,
175 F.3d 107 (2d Cir. 1999).....113

Ray v. McCloud,
507 F. Supp. 3d 925 (S.D. Ohio 2020) 113, 117, 123

Rigoberto S. J. v. Bondi,
No. 26-CV-957, 2026 WL 490104 (D. Minn. Feb. 20, 2026).....108

Riley v. National Federation of the Blind,
487 U.S. 781 (1988).....120

Roe v. Critchfield,
137 F.4th 912 (9th Cir. 2025) 123, 125

Romer v. Evans,
517 U.S. 620 (1996).....132

Trump v. Boyle,
145 S. Ct. 2653 (2025).....126

Trump v. CASA,
145 S. Ct. 2540 (2025).....141

United States v. Rogers,
960 F.2d 1501 (10th Cir.1992) 2

United States v. Skrmetti,
605 U.S. 495 (2025).....121, 122

United States v. Windsor,
570 U.S. 744 (2013).....109

Walker v. Texas Div., Sons of Confederate Veterans, Inc.,
576 U.S. 200 (2015).....120

West Virginia v. B. P. J. by Jackson,
146 S. Ct. 2356 (2026).....121, 122, 124

Wooley v. Maynard,
430 U.S. 705 (1977).....118, 119, 120, 121

State Cases

Allegheny Reprod. Health Ctr. v. Pennsylvania Dep't of Hum. Servs.,
309 A.3d 808 (Pa. 2024) 113

Alpha Med. Clinic v. Anderson,
280 Kan. 903 (2006) 112

Baker v. Tucker,
227 Kan. 86 (1980) 139

Bd. of Cnty. Comm'rs of Leavenworth Cnty. v. Whitson,
281 Kan. 678 (2006) 133

Cashin v. State Highway Commission,
22 P.2d 939 (Kan. 1933) 128, 129

City of Manhattan v. Eriksen,
204 Kan. 150 (1969) 124, 128

Commonwealth v. Wasson,
842 S.W.2d 487 (Ky. 1992) 105

Dissmeyer v. State,
292 Kan. 37 (2011) 141

Downtown Bar and Grill v. State,
294 Kan. 188 (2012) 95

Gerawan Farming, Inc. v. Lyons,
12 P.3d 720 (Cal. 2000) 118

Gryczan v. State,
283 Mont. 433 (1997) 113

Hodes & Nauser, MDs, P.A. v. Kobach,
318 Kan. 940 (2024) 111

Hodes & Nauser, MDs, P.A. v. Schmidt,
309 Kan. 610 (2019) (*Hodes I*) ..... *passim*

Hodes & Nauser, MDs, P.A. v. Schmidt,
No. 2015CV000490, 2015 WL 13065200 (Kan. Dist. Ct. June 30, 2015)
(*Hodes Temp. Inj.*) ..... *passim*

Hodes & Nauser, MDs, P.A. v. Stanek,
318 Kan. 995 (2024) (*Hodes II*) ..... *passim*

Idbeis v. Wichita Surgical Specialists, P.A.,
285 Kan. 485 (2007) 96

Jegley v. Picado,
349 Ark. 600 (2002).....105, 113

K.L. v. State, Dep't of Admin., Div. of Motor Vehicles,
No. 3AN–11–05431 CI, 2012 WL 2685183 (Alaska Super. Ct. Mar. 12, 2012) 113

Kalarchik v. State,
427 Mont. 333 (2026) 106, 107, 108, 127

Kansas One-Call Sys., Inc. v. State,
294 Kan. 220 (2012) 128

State ex rel. Kobach v. Harper,
65 Kan. App. 2d 680 (2025), *review denied* (Sept. 29, 2025) 2, 3, 4, 88

Kunz v. Allen,
102 Kan. 883 (1918) 112

League of Women Voters of Kan. v. Schwab,
318 Kan. 777 (2024) 118, 140

League of Women Voters of Kan. v. Schwab,
317 Kan. 805 (2023) 94

Lily Loe v. State of Kansas ex rel. Kobach,
Case No. DG-2025-CV-000241 (Kan. Dist. Ct. May 15, 2026) 78, 141

In re M.T.,
106 Cal. App. 5th 322 (2024) 113

Mudd v. Neosho Mem'l Reg'l Med. Ctr.,
275 Kan. 187 (2003) 132

People v. Jennings,
No. 165764, 2026 WL 2140256 (Mich. July 24, 2026).....122

Planned Parenthood of the Heartland v. Reynolds ex rel. State of Iowa,
915 N.W.2d 206 (Iowa 2018) 105

Powell v. State,
510 S.E.2d 18 (Ga. 1998).....113

Pro-Choice Miss. v. Fordice,
716 So.2d 645 (Miss. 1998).....106

Raven Dev. Co., LLC v. Bd. of Cnty. Comm'rs,
No. 01C 1306, 2002 WL 32136265 (Kan. Dist. Ct. Apr. 30, 2002) 140

Raven Dev. Co. v. Bd. of Cnty. Comm'rs of Shawnee Cnty.,
No. 01C 1306, 2001 WL 34117820 (Kan. Dist. Ct. Nov. 1, 2001) 137

Rivera v. Schwab,
315 Kan. 877 (2022) 121, 122

Sinclair v. Kuhn,
No. 73,683, 1996 WL 35069639 (Kan. Ct. App. Feb. 9, 1996) 139

Stady v. The Texas Company,
150 Kan. 420 (1939) 139

State v. Alston,
256 Kan. 571 (1994) 136

State v. Hill,
341 So.3d 539 (La. 2020) 119, 120

State v. Lawson,
296 Kan. 1084 (2013) 122

State v. Limon,
280 Kan. 275 (2005) ..... *passim*

State v. Ryce,
303 Kan. 899 (2016) 141

State v. Sholl,
49 P. 668 (Kan. 1897) 130

Steffes v. City of Lawrence,
284 Kan. 380 (2007) 96, 133

State ex rel. Stephan v. Thiessen,
228 Kan. 136 (1980) 128, 129, 130, 131

Stephenson v. Sugar Creek Packing,
250 Kan. 768 (1992) 122

Trust Women Found., Inc. v. Bennett,
509 P.3d 599 (Kan. Ct. App. May 20, 2022) 141

Unified Sch. Dist. No. 503 v. McKinney,
236 Kan. 224 (1984) 136

Wing v. City of Edwardsville,
51 Kan. App. 2d 58 (2014) 135

Women's Health Center of West Virginia, Inc. v. Panepinto,
191 W. Va. 436 (1993) 106

Federal Statutes

18 U.S.C. § 2721(b)(1) 75

18 U.S.C. § 2725(3) 75

Americans with Disabilities Act 4, 95

Judiciary Act of 1789 141

State Statutes

K.S.A. 8-235, 8-262 6

K.S.A. 8-240(c), 8-243(a) 5

K.S.A. 8-243(a) 75

K.S.A. 21-6602 5

K.S.A. 60-233(c) 1

K.S.A. 60-409 6

K.S.A. 60-437 116

K.S.A. 60-460 1

K.S.A. 60-901—60-910 141

K.S.A. 60-902 49

K.S.A. 60-905(b) 143

K.S.A. 60-1701 95

K.S.A. 65-1,110 108

K.S.A. 77-207 ..... *passim*

Rules

Fed. R. Evid. 801(d)(2) 1

Regulations

45 Kan. Reg. No. 244 (Kan. Sec'y of State Feb. 26, 2026) 7

Constitutional Provisions

U.S. Const. amend. I 118, 120

Kansas Bill of Rights ..... *passim*

Kansas Constitution ..... *passim*

U.S. Const. amend. XIV 112, 121, 122

Other Authorities

2025 Leg. Sess. (Kan. 2025) 6, 130, 131

2026 Leg. Reg. Sess. (Kan. 2026) 7

2026 Leg. Sess. (Kan. 2026) 6, 130

27 Am. Jur. 2d, § 249 Equity 139

Brianne Felsher, *"Sex Changed by a Court's Decree": The History and Tradition of Gender Transitions in the United States*, 114 Geo. L.J. 911 (2026) 104

8B Fed. Prac. & Proc. Civ. § 2180 (3d ed.) 1

G. Calabresi & Sofía M. Vickery, *On Liberty and the Fourteenth Amendment: The Original Understanding of the Lockean Natural Rights Guarantees*, 93 Tex. L. Rev. 1299, 1440 (2015) 97

Senate Bill 180 2

FINDINGS OF FACT

Status Quo Before SB 244

1. Before SB 244's effective date of February 26, 2026, Kansas had no pre-existing law prohibiting transgender men or intersex men from using men's restrooms or prohibiting transgender women or intersex women from using women's restrooms in government buildings. As far as the temporary injunction record reveals, transgender and intersex men and women appear to have gone about their business using the restrooms matching their gender identity discreetly and without incident. The record reflects that the Kansas Department of Administration (KDOA) has never received a complaint regarding transgender or intersex people using the restrooms in government owned buildings. *See* KDOA Rog. Resp. 8–9 (Pls.' Hearing Ex. 49). KDOA is not aware of any incident in which a transgender or intersex person using a government restroom abused, assaulted, harassed or committed a violent act against another occupant or engaged in any other type of misconduct in a government restroom. KDOA Rog. Resp. 12–13 (Pls.' Hearing Ex. 49).[1]

[1] Defendants KDOA and KDOR stipulated to the admission of the interrogatories in lieu of testimony from those defendants. Tr. 149:21–152:4; 153:9–154:12 (Vol. 2, part 2). Defendant AG objected, but the parties' interrogatory responses are admissible and appropriate for consideration in this temporary injunction proceeding as admissions by a party opponent. *See* K.S.A. 60-233(c) ("An answer to an interrogatory may be used to the extent allowed by the rules of evidence."); K.S.A. 60-460(g) (hearsay exception for admissions by parties). "[I]nterrogatories serve not only as a discovery device but as a means of producing admissible evidence; there is no better example of an admission of a party opponent, . . . than an answer to an interrogatory." *Melius v. Nat'l Indian Gaming Comm'n*, No. CIVA98-2210(TFH/JMF), 2000 WL 1174994, at *1 (D.D.C. July 21, 2000); *accord CCA Recordings 2255 Litig. v. United States*, No. 19-CV-2491-JAR, 2021 WL 63281, at *2 (D. Kan. Jan. 6, 2021) (quoting *Melius*).

To be sure, an interrogatory response by one co-defendant may constitute hearsay when used against a *different* co-defendant unless admissible under a different hearsay exception. *See* 8B Fed. Prac. & Proc. Civ. § 2180 (3d ed.). But that rule does not apply here because the Attorney General, KDOR, and KDOA are all in legal privity with each other as components of the same state government, so the interrogatory responses of KDOR and KDOA are admissible against the Defendant Attorney General as "vicarious admissions" under K.S.A. 60-460(i). *See also* Fed. R. Evid. 801(d)(2) (explaining under analogous federal rule that "[i]f a party's claim, defense, or

2. Since 2007, the Kansas Division of Vehicles has permitted an applicant to request a gender marker change on a driver's license or state identification based on either a court order or a medical declaration from a licensed physician. In May 2011, KDOR formalized this procedure in a written policy allowing applicants to request a marker change based on either a court order or a medical declaration from a licensed physician. In 2019, the process changed to require proof of lawful presence, a court order, or a letter from licensing management, which required three supporting documents: (1) proof of lawful presence, (2) a written request from the applicant, and (3) a physician letter confirming the applicant had undergone clinical treatment for a gender change. KDOR Rog. Resp. 11 (Pls.' Hearing Ex. 65).

3. Since then, approximately 380 transgender or intersex men and women successfully changed the gender marker on their driver's licenses. *See State ex rel. Kobach v. Harper*, 65 Kan. App. 2d 680, 696 (2025), *review denied* (Sept. 29, 2025). As far as the record reveals—and as discussed more fully below—no one has identified a single example in which a Kansas driver's license reflecting a recipient's gender identity (instead of their sex assigned at birth) has impeded law enforcement, interfered with the provision of proper health care, or led to any other type of harm. KDOR Rog. Resp. 8 (Pls.' Hearing Ex. 65).

SB 180 and Related Litigation

4. In 2023, the Kansas Legislature passed Senate Bill 180, which is now codified as K.S.A. 2024 Supp. 77-207. *See* L. 2023, ch. 84, § 1. "The law became effective on July 1, 2023,

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potential liability is directly derived from a declarant or the declarant's principal, a statement that would be admissible against the declarant or the principal under this rule is also admissible against the party."); *United States v. Rogers*, 960 F.2d 1501, 1509 (10th Cir. 1992) ("There is privity between officers of the same government so that a judgment in a suit between a party and a representative of the [government] is res judicata in relitigation of the same issue between that party and another officer of the government.").

and generally directs Kansas agencies and subdivisions of government to define a person's biological sex for purposes of vital statistic record-keeping" based on a person's sex assigned at birth. *See Harper*, 65 Kan. App. 2d at 684. "After the law was enacted but before it became effective, a legislator sought an advisory opinion from the AG about the law's application to driver's licenses because the law does not specifically mention driver's licenses." *Id.* "Attorney General Kris Kobach issued an advisory opinion that K.S.A. 2024 Supp. 77-207 applied to driver's licenses and required the KDOR to record the sex of the driver as defined in K.S.A. 2024 Supp. 77-207(a) on the front of the driver's license." *Id.* "Disagreeing with the AG's interpretation, the KDOR announced its intent to continue allowing for gender reclassifications of the listed sex on the front of the license." *Id.*

5. "The AG, on behalf of the State of Kansas, sued the KDOR for a writ of mandamus and an injunction to enforce his interpretation of the statute" and "moved for a temporary injunction while the suit was pending." *Id.* at 684–85. After significant discovery, the district court held an evidentiary hearing and granted the temporary injunction, but the Kansas Court of Appeals reversed. *See id.* at 685. The Kansas Court of Appeals held that the AG was unlikely to succeed because SB 180's definition of "sex" did not apply to the relevant statutes governing the issuance of driver's licenses, which—unlike SB 180—referred to "gender." These textual differences, along with other Kansas statutes distinguishing between the terms "sex" and "gender" indicated that the legislature likely "knew the two words were not synonymous and chose not to legislatively make them so." *Id.* at 722.

6. The Court of Appeals also concluded that the AG had failed to establish irreparable harm. As relevant here, the Court of Appeals conducted a lengthy review of the evidence submitted by the AG in support of the contention that KDOR's gender reclassification policy could impair

law enforcement identification of suspects or allow potential suspects to evade arrest and found that the AG had "presented *no* evidence to support this claimed injury beyond unsubstantiated speculation." *Id.* at 695–96. The Court of Appeals explained "[t]he AG was not able to come up with a single incident in which a person who had the sex designation on their physical driver's license changed evaded arrest, posed a danger to a law enforcement officer, or was not housed appropriately in jail" and "no law enforcement officer complained to the KDOR about any problems that have resulted from the changing of the sex designation." *Id.* at 696–97.

SB 244's Enactment

7. SB 244 responded to the Court of Appeals' decision by amending the definition of "gender" in the relevant provisions of the statutes governing issuance of driver's licenses, and by pairing these amendments with a new prohibition on transgender people using facilities that match their gender identity instead of their sex assigned at birth. *See* SB 244 (attached as Exhibit 1 to Pls.' Amended Complaint).

8. SB 244 amended K.S.A. 77-207 such that both "sex" and "gender" "means such individual's biological sex, either male or female, at birth." K.S.A. 77-207(a)(1). Under the law, a "'female' is an individual whose biological reproductive system is developed to produce ova, and a 'male' is an individual whose biological reproductive system is developed to fertilize the ova of a female." K.S.A. 77-207(a)(2). The terms "woman" and "girl" refer "to human females," and the terms "man" and "boy" refer "to human males." K.S.A. 77-207(a)(3).

9. K.S.A. 77-207(a)(7) provides that "an individual born with a medically verifiable diagnosis of 'disorder/differences in sex development' shall be provided legal protections and accommodations afforded under the Americans with disabilities act and applicable Kansas statutes." The statute does not provide any procedure by which an intersex person can obtain such accommodations.

10. The two provisions relevant to Plaintiffs' Renewed Motion for Temporary Injunction are SB 244 § 1 (what Plaintiffs refer to as the Restroom Ban) and § 4 (what Plaintiffs refer to as the License Restriction).

11. The Restroom Ban in § 1 applies to "multiple-occupancy" restrooms and other "private space[s]" in nearly all buildings owned or leased by a government entity. SB 244, § 1(a)(4), (a)(5). Even if they contain "curtains or partial walls," such spaces must be designated "for use only by individuals of one sex," *id.* § 1(a)(4), (b)(1), meaning "biological sex, either male or female, at birth." *Id.* § 1(a)(6) (cross referencing K.S.A. 77-207 as amended); *see also id.* § 5(b)(8) (defining "sex" as "the biological indication of male and female in the context of reproductive potential or capacity"); *id.* § 6(a)(2) (defining "male" and "female" with reference to whether one's "biological reproductive system" has developed to "produce" or "fertilize" ova). Failure to comply with the Ban results in fines, criminal penalties, and potential civil liability. SB 244 imposes $1,000 civil penalties for second violations, and each subsequent violation is a class B misdemeanor, which carries up to six months of jail time. *Id.* § 1(g)(2)-(3); *see* K.S.A. 21-6602. KDOA Rog. Resp. No. 15 (Pls.' Hearing Ex. 49). Anyone "aggrieved" by a violation can sue the individual transgender or intersex person for actual damages or $1,000 liquidated damages and seek declaratory and injunctive relief, attorney's fees, and costs. SB 244, § 1(h)(1), (3).

12. The License Restriction in § 4 requires that Kansas driver's licenses must reflect the holder's "biological sex." SB 244 § 4(g)(2); *see also* K.S.A. 8-240(c), 8-243(a) (providing that all Kansas driver's licenses "shall bear" the "full legal name, date of birth, gender and address of [the licensee's] principal residence," among other information). SB 244 requires KDOR to "correct" any existing license records that "identify the gender" of an individual "in a manner that

is contrary" to the state's definition of "gender." SB 244, § 4(g)(2). Non-compliant licenses are "invalid." *Id.* § 4(g)(1), (2). It is a crime to drive without a valid license. K.S.A. 8-235, 8-262.

13. The License Restriction in SB 244 was first presented as HB 2426 at a public hearing of the House Judiciary Committee. As first introduced, HB 2426, titled "AN ACT amending the women's bill of rights," dealt only with the definition of gender, driver's licenses, and birth certificates. H.B. 2426, 2026 Leg. Sess. (Kan. 2026) (Pls.' Hearing Ex. 9A).[2]

14. Later, the House Judiciary Committee added the Restroom Ban, along with its criminal and civil penalties and a private enforcement scheme, to HB 2426. Minutes of the House Judiciary Committee, KAN. LEG. (Mar. 2, 2026) (Pls.' Hearing Ex. 9D).

15. The Committee then exported the text of HB 2426 into a bill called SB 244, which was originally passed in February 2025 and regulated bail bond companies; this allowed the Senate to simply concur with the overwritten bill. Minutes of the House Judiciary Committee, KAN. LEG. (Mar. 2, 2026) (Pls.' Hearing Ex. 9D); SB 244, 2025 Leg. Sess. (Kan. 2025) (bail bonds version) (Pls.' Hearing Ex. 9E); Journal of the Senate – Day 26, KAN. LEG. (Feb. 19, 2025) (recording of bail bonds version) (Pls.' Hearing Ex. 9F). The House then passed the bill via final emergency action. Journal of the House – Day 12, KAN. LEG. (Jan. 28, 2026) (Pls.' Hearing Ex. 9G). That same evening, the Senate concurred with the bill. Journal of the Senate – Day 12, KAN. LEG. (Jan. 28, 2026) (Pls.' Hearing Ex. 9H).

[2] Pursuant to K.S.A. 60-409(b), the Court takes judicial notice of the legislative history of SB 244, which is both within "(1) private acts and resolutions…of the legislature of this state" and "(4) specific facts and propositions of generalized knowledge which are capable of immediate and accurate determination by resort to easily accessible sources of indisputable accuracy." Plaintiffs satisfied K.S.A. 60-409(c) by attaching the legislative history to their Renewed Motion for Temporary Injunction and including it on their list of exhibits at the evidentiary hearing.

16. SB 244 was then enrolled and presented to the Governor; the Governor vetoed SB 244 and it returned to the Senate. SB 244 became law on February 26, 2026. SB 244, 2026 Leg. Reg. Sess. (Kan. 2026). Certification of House Substitute for Senate Bill No. 244, 45 Kan. Reg. (Kan. Sec'y of State Feb. 26, 2026) (Pls.' Hearing Ex. 9I).

17. The Kansas Legislature made no legislative findings of fact in SB 244. *See* Journal of the House – Day 12, KAN. LEG. (Jan. 28, 2026) (Pls.' Hearing Ex. 9G); Journal of the Senate – Day 12, KAN. LEG. (Jan. 28, 2026) (Pls.' Hearing Ex. 9H).

18. However, KDOR was required to provide a fiscal analysis of the impact of SB 244. On February 3, 2026, KDOR responded that if the state did not cover the cost of reissuing licenses, the bill would cost Kansas about $3,390. If the state decided to cover the costs, instead of forcing the transgender and intersex individuals impacted by the law to pay for the new compliant licenses, the total impact would be $47,590. KDOR Rog. Resp. 31 (Pls.' Hearing Ex. 65).

19. Upon passage of SB 244, KDOR identified impacted credential holders by reviewing Division of Vehicles records in its license database DRIVS for prior sex or gender marker changes indicating that the current gender marker may not match the holder's sex assigned at birth. Those individuals were sent notices that their identification was invalid. KDOR Rog. Resp. 14–15 (Pls.' Hearing Ex. 65). Those notices explained only that "appeal rights may be available." KDOR Rog. Resp. 18 (Pls.' Hearing Ex. 65). Affected recipients were required to pay the full cost of a new license as mandated by SB 244. *See, e.g.*, Tr. 128:2–4; 264:7–10 (Vol. 1) (Sept. 29, 2026).

20. As of June 2026, KDOR was not aware of any "separate SB244-specific driver's license accommodation process for intersex persons..." KDOR Rog. Resp. 26 (Pls.' Hearing Ex. 65). Similarly, KDOA was not aware of any "exceptions, waivers, discretionary accommodations,

or case-by-case deviations" from the standards for government restroom use imposed by SB 244, including specifically for intersex people. KDOA Rog. Resp. 25–26 (Pls.' Hearing Ex. 49).

Procedural History

21. On February 26, 2026, Plaintiffs filed a Petition and Motion for Temporary Restraining Order and Motion for Plaintiffs Daniel Doe and Matthew Moe to Proceed Under Pseudonyms.

22. On March 5, 2026, Defendant filed a Response in Opposition to Plaintiffs' Motion for Temporary Restraining Order.

23. On March 6, 2026, Plaintiffs filed a Reply in Support of their Motion for Temporary Restraining Order.

24. On March 6, 2026, the Court heard argument on Plaintiffs' Motion for Temporary Restraining Order and granted Plaintiffs Doe's and Moe's Motion to Proceed Under Pseudonyms.

25. On March 10, 2026, the Court issued its Order denying Plaintiffs' Motion for Temporary Restraining Order.

26. On March 24, 2026, the Court entered its Scheduling Order for the Temporary Injunction phase of the case.

27. From March 2026 to July 3, 2026, the parties exchanged initial expedited discovery in accordance with the March 24, 2026 Scheduling Order. The parties engaged in supplemental exchanges of discovery and related motions practice until the September 29, 2026 Temporary Injunction evidentiary hearing commenced.

28. On April 3, 2026, Plaintiffs filed a Motion for Plaintiffs Kyle Koe and Nicholas Noe to Proceed Under Pseudonyms.

29. On April 6, 2026, the Court granted Plaintiffs' Motion for Plaintiffs Koe and Noe to Proceed Under Pseudonyms.

30. On July 17, 2026, Plaintiffs filed a Renewed Motion for Temporary Injunction and Defendant State of Kansas *ex rel.* Kris Kobach filed a Motion to Dismiss.

31. On August 14, 2026, Plaintiffs filed an Opposition to Defendant State of Kansas' Motion to Dismiss and Defendant filed an Opposition to Plaintiffs' Renewed Motion for Temporary Injunction.

32. On September 4, 2026, Plaintiffs filed a Reply in Support of the Renewed Motion for Temporary Injunction and Defendant filed a Reply in Support of its Motion to Dismiss.

33. On September 29–October 2, 2026, the Court held an evidentiary hearing on Plaintiffs' Renewed Motion for Temporary Injunction.

34. On October 7, 2026, the Court held oral argument on Plaintiffs' Renewed Motion for Temporary Injunction and Defendant's Motion to Dismiss.

PLAINTIFFS' WITNESSES

Plaintiff Nicholas Noe[3]

35. Plaintiff Nicholas Noe provided testimony via affidavit (Pls.' Hearing Ex. 5), testified at the evidentiary hearing, and was subject to cross-examination. The Court finds Nicholas Noe's testimony to be credible.

36. Plaintiff Nicholas Noe is 23 years old and lives in Olathe, Kansas. Tr. 30:23–24; 34:24–25.

37. Nicholas Noe is a transgender man. His sex assigned at birth was female, but his gender identity is male, and he lives his life as a man. *Id.* at 32:1–5. He has known that he was transgender since he was in kindergarten. *Id.* at 64:11–16.

[3] All transcript citations to Nicholas Noe's testimony are to Vol. 1 (Sept. 29, 2026) of the hearing transcript.

38. Nicholas is in school to become an Emergency Medical Technician. *Id.* at 31:2–4. Nicholas wanted to become an EMT because he feels it gives him the opportunity to make people feel heard. "[His] entire life, [he has] never really been listened to until [he] got older." *Id.* at 64:9–10. "[W]hen [he] was five, six years old in kindergarten, [he] told [his] mom . . . 'I want to play football, I want to be in Boy Scouts, I want to be a boy and I want to shop in the boys' section,' and that was never really listened to." *Id.* at 64:11–16. "[S]omething [he] think[s] that [he] find[s] beautiful and . . . why [he] want[s] to [be] an EMT is [his] ability to listen and [his] ability to understand will never change in the way of [his] quality of care would never change for the people who are on [his] direct [examination], versus the people who are on [his] cross [examination]. It doesn't matter who you are. To [him], [he] will always be there to listen whether [he's] taking you to the hospital" or he's providing some other kind of care for someone. *Id.* at 64:17–25. "[He] will be one of those individuals that will be willing to listen and [he] will treat you and help you to the fullest extent that [he is] possibly trained to do." *Id.* at 65:1–4.

39. Nicholas started living his life as a man during his junior year of high school when he was around sixteen or seventeen. "[He] socially started to transition," meaning "[he] went by the name [he goes] by now and [he] changed [his] pronouns." *Id.* at 32:6–17. He also "told the people that [he] was closest to," including "[his] mom and . . . some of [his] family members," and "a smaller group of people around [him]." *Id.* at 33:3–11. He then medically transitioned in 2021 when "[he] started testosterone and [he underwent] gender-affirming surgeries." *Id.* at 32:22–25.

40. Nicholas is "very selective with who [he] disclose[s]" his transgender status. *Id.* at 35:5–23.

41. Nicholas does not have transgender friends or a transgender community in his daily life. When he was a teenager, he sought out a transgender community on the Internet by posting

on social media. *Id.* at 36:1–17. "[He has] gone through [his] entire transition . . . alone." *Id.* at 93:13–19. He has only "known a couple people within the school district [he has] been in that have transitioned as well but [he has] never spoken to them in the flesh. [He does not] go to very many queer spaces or . . . knowingly run into any transgender individuals [himself]." *Id.* at 93:14–19. He was "seeking a community that [he] still very much struggle[s] to find on [his] day-to-day basis." *Id.* at 93:21–23. As he got older, he became aware that "the way that trans individuals are viewed now, compared to how they were six years ago, is a little different. [He] is more worried about violence against [himself] or violence against people in [his] community now, than [he] was back then." *Id.* at 94:10–15. He feels "the negative rhetoric that is being spread about transgender individuals just keeps piling on, just keeps getting worse and worse." *Id.* at 94:19–21. He is now involved in this lawsuit due to laws about transgender people, "and this would be a prime example of why [he doesn't] disclose [his] transgender status anymore." *Id.* at 94:22–24. He testified that his prior social media posts about his transgender status are set to a privacy setting such that he is the only one who can view them. *Id.* at 95:10–15.[4]

[4] Defendant moved for Nicholas Noe's social media posts to be de-designated as confidential during the hearing. Tr. 79:18–82:11. The Court finds that the existing redactions are necessary to preserve Nicholas Noe's privacy and are sufficient for the public record. Although there is a strong presumption of access to judicial records and documents, that presumption can be overcome with compelling reasons. *See Doe v. Progressive Cas. Ins. Co.*, No. 21-CV-02602-BLF, 2023 WL 5960772, at *2 (N.D. Cal. Aug. 21, 2023); *D.H. v. City of New York*, No. 16CV7698PKCKNF, 2017 WL 6887792, at *8 (S.D.N.Y. Nov. 28, 2017). The Court finds that there are compelling reasons to use the redacted exhibits because Nicholas Noe's need for anonymity outweighs the public's interest in knowing his identity. Nicholas Noe articulated at the hearing his reasons for avoiding public disclosure of his transgender status as well as his identity as a plaintiff in this case. Tr. 35:5–23; 44:21–25; 46:14–20; 51:21–52:16; 61:25–63:10; 94:7–24. Nicholas Noe readily identified the social media posts in question as his own, even with the redactions to his face and username. Nicholas Noe also sufficiently articulated the privacy settings he has enabled to prevent the public from accessing his prior social media posts. *Id*. at 95:3–18. The Court did not and does not rely on the unredacted versions of the social media posts in this decision.

42. Nicholas began using the men's restroom shortly after he began socially transitioning to live as a man. *Id.* at 33:12–19. He testified that close to the start of his transition, before he began hormone replacement therapy, he was at the airport with his mother and was forced to decide which restroom to use. "[He] was very new into [his] transition. [He] really didn't know what restroom to use that would be the most socially acceptable, and so [he] just went where [he] felt safe, and it wasn't to the women's restroom because it was a women's restroom," but "because [he] felt safe because [his] mom was there." *Id.* at 52:20–53:5. While he was in the women's restroom, "as [he] was washing [his] hands, there was a woman and her child in the restroom as well. They were sharing a stall and they came out. And the child very loudly asked their mother, 'why is there a man,' or 'why is there a boy in the girls' bathroom.' And the mom, [he] could tell she got upset, and she tried to hush her child as much as possible, and they went out of the bathroom . . . without even washing their hands. They didn't really share a sink with [him] or anything." *Id.* at 53:6–16. Nicholas encountered them again outside the restroom. "As [he] was walking out, she was talking to whom [he] presume[d] was her husband, who was watching over their bags, and when [he] was walking out, [he] didn't hear the full conversation, but [he] was in earshot for a sentence or two, and it was something along the lines of, 'I just wish those people would find another place to do their business or go to the restroom.'" *Id.* at 53:17–25. Nicholas felt "[l]ike a fish out of water" in that moment. *Id.* at 54:1–2. "[He] felt like [he] was trying [his] hardest to . . . make [himself] comfortable, but also other people comfortable. . . Not only that, [he] felt bad for the child because she was just confused and asking a question. She didn't know any better. And now she has to deal with a mom who is [dysregulated] and upset. And [he] felt responsible for causing that child to be in a position where she felt like she maybe could not ask her mom certain questions." *Id.* at 54:2–12. "[S]he was just confused, but [he] can only imagine

how much more she's confused after her confusion led her mom to becoming angry . . . and [he] had caused that, and that wasn't [his] intention." *Id.* at 54:13–18. Nicholas has "never been questioned in a restroom" or had any negative reactions when he has used a men's restroom—no one ever had a "single thought in anybody's mind that [he] was assigned female at birth." *Id.* at 63:1–2; 63:16–19.

43. During his senior year of high school, Nicholas updated his driver's license to have a male gender marker. He also changed the gender marker on his passport to reflect that he is a man. *Id.* at 34:1–15. Nicholas has plans to change the gender marker on his birth certificate, but believes given SB 244 the process would be pointless, because "it would just get taken away from [him]." *Id.* at 34:16–23; 96:1–9. "Why at least at this point in [his] life would [he] go and go through all of that work and all that documentation just to wake up one day out of the blue and have it discredited again?" *Id.* at 96:9–13. In any event, his birth certificate resides in a fire safe in his mother's closet and he cannot recall the last time he used it. *Id.* at 96:16–22. Nicholas also plans to change his legal name in the future, but he has not encountered any instances where his legal name has disclosed his transgender status because his name is fairly gender neutral. *Id.* at 97:3–18.

44. Nicholas has experienced harm due to SB 244's restroom provision. Shortly after SB 244 was passed, Nicholas was forced to disclose that he was transgender to his community college class. Nicholas's lab instructor made an announcement about SB 244 and asked the entire class if anyone needed restroom accommodations, requiring Nicholas to disclose to the class that he was in need of accommodations. *Id.* at 38:22–39:18. "[He] felt like [he] had no choice other than to publicly declare that [he] needed those accommodations," because he did not know what bathrooms he was legally allowed to use under SB 244 and he needed that information. *Id.* at

42:23–43:5. After he made that disclosure, his classmates were confused—they had not previously known he was transgender. *Id.* at 39:19–40:4; 44:18–25. Nicholas's instructor then assigned his classmate to conduct a pelvic examination on Nicholas, which required a classmate, whom he did not know well, to touch him in his pelvic region directly after he had revealed that he was transgender. *Id.* at 40:11–42:20. The class had not previously been working on pelvic assessments, and this was not in line with the work they had been doing in lab before his transgender status was exposed. *Id.* at 41:11–21. Nicholas "[would] like to give [his] instructor at the time the benefit of the doubt, but it was really hard for [him] not to think that" a classmate being unexpectedly assigned to examine his groin region directly after he had revealed to the class that he was a transgender man "was targeted in some way, shape or form," on the instructor's behalf, "considering [a pelvic assessment] had not been something that had even crossed [his] mind that [they] would be going over that day." *Id.* at 43:6–14.

45. Nicholas's bad experience continued beyond just the incident with the lab instructor. Following his lab, in which he was forced to reveal to several people that he was transgender, he felt obligated to ask his classmate not to tell anyone else that he was transgender because it was not something he had disclosed to his classmates and instructors. "[He] didn't know for sure if he had come to the conclusion of why [Nicholas] needed those accommodations, so [he] tried to keep it as vague as possible, and [he] just politely asked him, 'If you connected the dots in any way on why [he] said yes, and you guys said no, could you please keep it between us and not tell anybody.'" *Id.* at 43:23–44:13. Nicholas's "intention throughout [his] entire time being in the emergency medical field was to never disclose [his] transgender status to anybody." *Id.* at 44:21–25. Nicholas was then forced to reveal the fact that he was transgender to his next instructor to simply ask where he was legally allowed to use the restroom now that SB 244 was in effect. *Id.* at

45:1–21. He then had to trek across campus. "[He] had to walk out, [he] walked across the business building, [he] walked outside into . . . a paved path, and then [he] would have to walk into the library, up two flights of stairs, across the library to the two single-user restrooms that were there." *Id.* at 45:22–46:6. His walk to the restroom was excruciating— "it felt like one of [his] biggest fears was coming true" having been exposed as transgender to people with whom he did not feel comfortable sharing that information. *Id.* at 46:7–10. He testified that the "only thing that [he] can compare it to" is "it almost feels like a ball of barbed wire that was sitting in [his] stomach" as he traversed campus. *Id.* at 46:11–13.

46. Nicholas then encountered a group of classmates as he walked to the restroom who demanded to know where he was going. Nicholas felt panic, as he did not know if anyone else had received the same announcement about SB 244 and would be suspicious of him for using a different restroom than usual. To avoid risking further revealing his transgender status, he felt compelled to tell his classmates that he was looking for one of his instructors instead of explaining that he was looking for a single-user restroom. *Id.* at 46:23–47:24.

47. Once he returned to class, the instructor Nicholas had told the other students he was looking for pulled him out of class. She asked Nicholas if he was okay, which led to him crying in the hallway dealing with the emotions from the day. *Id.* at 48:7–49:8. "[He] could feel . . . the ball of barbed wire spiraling. And so [he] started crying, which [he] had not done in a long time. And [he] was becoming inconsolable because of how, just how upset and frustrated [he] was about how everything played out." *Id.* at 49:3–8. After she pulled him into her office, he explained to two of his instructors what had happened to him. "One of [his] home instructors actually got so upset, she began to cry. And the other one was clearly, incredibly angry." *Id.* at 49:9–50:18. Neither of these instructors had known he was transgender prior to SB 244. *Id.* at 50:19–21.

48. SB 244's Restroom Ban caused Nicholas Noe to disclose to at least six—possibly more—people that he was transgender in a single day. *Id.* at 51:2–17. He did not wish to share this information with anyone at his college. *Id.* at 51:18–20. "Everybody has their own fears, the fear of dying, the fear of heights and things like that, but everyone has their own personal ones. And [Nicholas] really thought that [he] was turning over a new leaf keeping [his] transgender status to [himself] and [he] was going to give [himself] a fair shot at succeeding and feel safe while doing so." *Id.* at 46:14–20. "[He] feel[s] like [he's] really at the will of [others'] power in any way. When it comes to [his] lab instructors . . . [he] would always like to give people the benefit of the doubt, but [he doesn't] know if disclosing [his] transgender status would cause [his] scenarios in lab to become more difficult or if [he] were to be graded harder on [his]" assignments. "But even when it came to [his] classmates, it's very much a team, almost like a team-building exercise every time [they] do scenarios, and labs, and things like that. And . . . they can easily fail [him] on [his] own lab even if [he's] leading it by purposefully doing something wrong. [He] would like to think that nobody that does know would do something like that, but that's why [he] keep[s] [his transgender status] to [himself] now because [he does] know it could be a possibility." *Id.* at 51:21–52:16.

49. Nicholas has continued to experience harm as a result of the Restroom Ban into his new semester. He has frequently attempted to use the gender neutral restroom and been told they were being cleaned or out of order, which causes him to travel even further to find a restroom available to him. *Id.* at 54:23–56:6. He has missed instructional time as a result of this, including time he should be able to learn how to use important equipment needed for his future job as an EMT in the same way that his classmates are able to spend breaks. *Id.* at 56:7–57:9. Nicholas has also been rained on while he walks across campus to find a restroom, causing him to come back to class soaking wet. *Id.* at 57:25–58:7. This entire process has caused him many complications,

leading him to "try to almost time and limit [his] fluid intake while in class, because [he doesn't] want to miss any more lecture than [he] already [has] to." *Id.* at 58:8–12. "It's a little worrisome though, there's been several times that [he] thought maybe [he has] cut it a little too close" in his search for restrooms, leading him to fear he may not make it to another restroom if the one he initially tries to use is occupied or unavailable. *Id.* at 58:13–20. Being forced to use separate restrooms "causes a lot of anxiety" and makes it "really hard for [him] when [he does] really, really need to go, [to] fully focus on the lecture at hand, because [he is] so worried, honestly, . . . if [he were to] have an accident." *Id.* at 58:21–59:8. He avoids the public library and does not go to his college's campus to study unless he is required to be there for school. *Id.* at 59:19–25.

50. Nicholas Noe has also been harmed by the License Restriction. He wanted to make a lamp as a gift for his girlfriend for their two-year anniversary that required a specific bottle of wine shaped like a cat. *Id.* at 60:5–16. When he arrived at the liquor store, he "pulled [his] ID out to make sure [he] had it. [He] realized that picture had been changed and [he] quickly realized that so had [his] gender marker." *Id.* at 60:17–22. Nicholas "tried to go in, [he] tried to kind of get [himself] the courage to, but then the ball of barbed wire came back, and the sinking gut feeling of having something happen . . . in the same way of [his] instructor incident" would happen with the clerk at the liquor store. *Id.* at 60:23–61:3. He waited in the parking lot for fifteen minutes, trying to motivate himself to go in and buy the simple bottle of wine because "[i]t's just a bottle of wine." *Id.* at 61:3–7. Nicholas was "too fearful of the treatment [he] could possibly endure" if someone noticed the gender marker on his license did not match his presentation, and he drove away. *Id.* at 61:8–11. Prior to SB 244, Nicholas had never been questioned about his identification. *Id.* at 63:1–4.

51. Nicholas's declaration also includes additional examples of how SB 244 has negatively affected his life: In the process of complying with SB 244, Nicholas was forced to self-report to the Kansas Department of Revenue and explain he was there to comply with SB 244, which outed him as transgender to anyone he was around at the Department of Motor Vehicles that day. Pls.' Hearing Ex. 5 ¶ 20. Once he becomes an EMT, Nicholas will need his driver's license to operate the ambulance, which causes him to worry that his future employer will learn he is transgender if his license has an "F" on it. *Id.* ¶ 24.

52. These experiences Nicholas has endured as a result of SB 244 have exacerbated his anxiety and depression. Tr. at 91:13–16. He feels that "[he's] almost . . . defective, in a way." *Id.* at 61:17. "[He] used to go into the liquor stores and not have a problem, [he] used to go into the men's restroom and [he] never had a problem. And now, all of a sudden, it feels like [he is] the problem. [He has] never done anything so hard and so bad in [his] life to become this problem all of a sudden." *Id.* at 61:18–24. Nicholas fears that "the ball of barbed wire in [his] stomach, the ball will get bigger and the barbs will get sharper . . .every time the bathroom is closed, every time it's raining, every time [he wants] to . . . go to the liquor store, or [has] to show [his] ID or anything like that." *Id.* at 61:25–62:13.

53. Nicholas is "finally at a place in [his] life . . . where [he] can confidently say that [he] want[s] to live", but just as he has reached that point he is "reminded that [he is] a problem in some way, and [he doesn't] deserve to have the same . . . freedoms, that [he] took for granted when [he] was able to have them." *Id.* at 62:14–20. Nicholas worries for the rest of the transgender community. He is "very concerned for people who are not as lucky to pass [as cisgender] as much as [he does]. And [he] worr[ies] for them and their treatment that they would endure every single day, and how their safety can be at the hands and at the will of other people in how they choose to

perceive those individuals." *Id.* at 63:5–10. Nicholas wants to start his career, wants to start a family, and wants to live his life. As Nicholas said in his own words, "I would like to be able to do things that I had taken for granted, because of this, and had been taken away from me because of" SB 244. "I also would like to stay in the state that I love." Kansas is "everything that I've ever created, everything good that I have ever done has been here, everybody I love is here. And though I don't feel like I deserve this treatment necessarily, I stay and I want to stay for the next however long, hopefully my entire life for everything that I love and all the good that I've done." *Id.* at 65:8–66:4.

Plaintiff Cameron Broyles[5]

54. Plaintiff Cameron Broyles provided testimony via affidavit (Pls.' Hearing Ex. 1), testified at the evidentiary hearing, and was subject to cross-examination. The Court finds Cameron Broyles's testimony to be credible.

55. Plaintiff Cameron Broyles is 37 years old and lives in a small rural town in northeast Kansas. Tr. 100:19–24.

56. Cameron Broyles is a transgender man. His sex assigned at birth was female, but his gender identity is male, and he lives his life as a man. *Id.* at 105:5–11.

57. Cameron is a nurse. He cares for patients on twelve-hour shifts and supervises other nurses and hospital staff in his role as a charge nurse. He has received several awards for his work as a nurse, including the Servant's Heart Award for making a substantial difference in the way his hospital provides care by starting a program assisting patients who are homeless. *Id.* at 102:20–105:4.

[5] All citations to Cameron Broyles's testimony are from Vol. 1 (Sept. 29, 2026) of the hearing transcript.

58. Cameron is also a father. He has twin girls who are eight years old and a four-year-old son. *Id*. at 101:13–17. He does countless activities with them throughout the year. *Id.* at 102:1–19. Cameron "was very intentional [about] becoming a dad." *Id.* at 140:22. He knows his children "didn't choose for [him] to be their dad, [but] [he] chose for them to be [his] kids." *Id.* at 140:24–25. His children are "very healthy, they're very happy. They are well-rounded, they are very active." *Id.* at 140:8–10. Cameron "show[s] up to every event" and serves as a "classroom parent, so [he] help[s] with all the parties" at his children's schools. *Id.* at 140:12; 141:7–8. "[He] want[s] to make sure [his] kids have somebody there at every event," including "holiday parties," "volleyball camp," "parent/teacher conference," and many more. *Id.* at 141:15–142:6. As Cameron said in his own words, "I know every scratch that is on all three of those kids. I can tell you where every freckle is." *Id.* at 140:12–14. "[A]ny time that my kids need me there, I'm going to be there." *Id.* at 142:3–4.

59. Cameron strives to be the kind of dad whose kids know "there is not a bridge [he] wouldn't [cross]" for them, even if it is "on fire." *Id.* at 154:13–15. As Cameron said in his own words, "I'm just there and I'm consistent. Things don't change over time. I think just, I have a very good model to model my dad behavior over. I didn't have a dad until I was about five or six and then my step-dad came into the picture, and he changed our lives. We were struggling with housing. We slept anywhere that we could. We had food insecurity, not a lot of real direction. There was addiction issues in my family and my dad really turned all of that around for us. And he unfortunately passed a couple years ago from cancer, but he was so proud of the dad that I was and I think that is so confirming for me, too, that he – he bragged about me all the time. He bragged about my kids all the time. I think I just want to keep showing up in a way that I show up, and always, you know, make my kids proud to say . . . that's my dad." *Id.* at 154:18–155:11.

60. Cameron grew up in a rural area in Arkansas and knew from a young age that he was very different from the people around him. As a young child, he protested using the girls' restroom and wearing girls' clothing. He knew that he did not fit into the female norm he was constantly being pushed into. Despite this conflict in childhood, he did not learn what being transgender was until early adulthood. When he learned about the concept of being transgender, he "felt most at home" and like he had finally figured out who he was. *Id.* at 105:12–106:13.

61. Cameron was diagnosed with gender dysphoria in 2015, around the age of 22 or 23. *Id.* at 106:14–18. He began hormone replacement therapy at age 23 and had gender-affirming surgery around 24 or 25. *Id.* at 106:19–107:1.

62. At the beginning of Cameron's transition process—before all the physical changes from medical transition—he continued to use women's restrooms, because "[he didn't] think people knew exactly where [he] was supposed to be." *Id.* at 107:2–7. He had multiple encounters during this period with women while he was using women's restrooms. In one instance, he was using a restroom at a truck stop "and a woman was at the sink, and she was very upset that [Cameron] was in there, told [him] that [he] was in the wrong restroom. And [he] tried to very calmly explain the situation and [he] was even apologetic about it, even though [he] was in there for the same reason, and she didn't accept that and went out and got the woman that was working behind the counter" to confront him. *Id.* at 107:17–108:5. In another instance, he was "at a mall, [he] was in [the restroom] and a woman had confronted [him] that [he] was in the wrong restroom and that [he] shouldn't be in here. And again, [he] tried to explain, and she was very, very angry about that." *Id.* at 108:10–14. In both of those situations, the women he encountered believed he was a man. *Id.* at 108:19–109:1.

63. Cameron began using the men's restroom at around 24 or 25, when he felt comfortable enough in his transition to do so. In all the years since he began using the men's restroom, no one ever questioned his presence there. *Id.* at 109:2–22.

64. Cameron changed the gender marker on his driver's license to an "M" and changed his name legally in 2016. *Id.* at 109:23–110:2. Before he changed his license from "F" to "M," he was pulled over by the police on a traffic stop, and when he handed over his license, the officer "was questioning [Cameron's] driver's license about . . . [the fact that he was] male presenting, [he] had facial hair, [he] had a deep voice, and then [he] gave him [his] license that said [he] was a female." *Id.* at 110:3–23. It was "almost like [the officer] was more upset at [Cameron] having to defend [his] gender . . . [H]e was more mad about that than he was about [Cameron] saying [he] wasn't the one speeding." *Id.* at 111:3–8. Cameron felt the officer was "definitely questioning why [Cameron's] license said female." *Id.* at 111:11–16. Cameron was afraid in that moment. "[He] didn't know what was going to happen, if he was going to . . . pull [Cameron] out to figure out who was telling the truth, if he needed to call dispatch, and things like that, how long it was going to take." *Id.* at 112:2–6. Cameron had two minor relatives in the car with him. *Id.* at 112:6–7.

65. Cameron had another incident related to his driver's license before he changed the gender marker to "M." He was at a bar in rural Nebraska, not far from the town he lives in, and presented his driver's license to the bartender. "It said female, and the bartender looked at it, looked at [him] and did a couple double takes. And asked [him] about it. And [Cameron] said, well, it says female because I haven't changed it yet, and she made the comment in a very negative context of, 'It would be very unfortunate if there was another Brandon Teena case.'" *Id.* at 112:13–113:2. Brandon Teena was a transgender man who lived in the same town as the bar, and was murdered for being transgender after he was outed against his will. *Id.* at 113:3–6. Cameron was familiar

with Mr. Teena's story and was very taken aback and scared at that moment. As he testified, "It definitely took me off guard because if I would have known that's where [the Brandon Teena incident] happened, I don't know that I would have put myself in that position. And also knowing that I live very close to that area as well and I did know what happened . . . [s]o I was very taken aback and . . . was scared. . . . I'm not, at the time, not a very large person and it was a group of people that I didn't feel safe around." *Id.* at 113:14–23. That comment made him afraid for his physical safety. *Id.* at 113:24–25.

66. After Cameron changed his gender marker to "M" on his license in 2016, no one questioned him about his license at any point, all the way until he changed his license in 2026 to comply with SB 244. *Id.* at 114:16–18.

67. Having a driver's license that reflects his status as male is important to Cameron "because [he is] a man." *Id.* at 114:19–21. Having a gender marker that matches his physical appearance is an "accurate depiction of who [he is] as a person." *Id.* at 114:22–23.

68. Cameron is private about his transgender status. He shares that information with "[his] family, some close friends, and then if [he is] getting medical care that is based around [his] transgender status" (such as "getting [his] testosterone levels drawn"). *Id.* at 115:10–16. He has also shared that information with individuals he knows are struggling with similar experiences to help them with whatever they are struggling with. *Id.* at 115:6–21. He is a man to the point he forgets about being transgender more often than not, and he does not want to have to discuss his identity in everyday conversation. *Id.* at 116:20–23. He is also concerned "[f]or [his] safety also, [as] the current administration is making it a little bit more difficult for [transgender people] to be open about things." *Id.* at 116:24–117:1. Cameron is also a father to three young children who go to a rural school. As Cameron said in his own words, he fears "negative backlash to them if

somebody were to learn about it and cause a scene in front of them or ask them about it. My main priority in life is that I'm a dad first and if me being openly transgender is going to affect that in some way, I couldn't live with myself if I hurt them with something like that." *Id.* at 117:3–11.

69. When Cameron first transitioned, before he had children, he was excited to share about being transgender. He was "finally able to live this authentic life, and [he] finally figured out who [he] was and how to live with who [he is] and so [he] wanted to share that victory and that success with the people that were close with [him]." *Id.* at 117:12–118:4. Cameron also wanted to "get ahead of the narrative to show [he is] just a normal person and [he] live[s] a normal life" in his small town. *Id.* at 118:5–9. He wanted to "be able to get ahead of the rumors and kind of create [his] own path there." *Id.* at 118:13–15. He previously posted on social media about being transgender, mostly about a decade ago. *Id.* at 123:2–17. He also felt more comfortable sharing posts about being transgender "when [he] first transition[ed]" because "the support around [his] community was a little bit louder and a little bit safer. The administration was different. The climate was different. [He] feel[s] like it was more celebrated and there [were] . . . more resources that were coming available, and it was more normalized. And same sex marriage was legalized, we were making leaps and bounds in that area." *Id.* at 123:19–124:5. But that changed more recently, with transgender people facing more "demoniz[ation]" than support, and Cameron has not shared his transgender status publicly on social media recently. *Id.* at 124:5–11. Becoming a parent contributed to him being less open about being transgender. *Id.* at 118:18–20. He now regularly goes through his social media followers to make sure only people he knows are his friends or followers on his accounts. *Id.* at 121:1–12. His social media accounts are set to be as private as he can make them. *Id.* at 120:1–22. Today, he primarily uses social media to post pictures and videos of his children. *Id.* at 122:22–123:1.

70. Despite his privacy around his transgender status, Cameron decided to become a named plaintiff in this lawsuit and chose not to use a pseudonym. He struggled with the decision at first, but, as he testified, "felt that if I were to go in as my real name, my real life, my real face, that it would be easier for people to connect a person with a story, and maybe people would be a little more empathetic about things and just really see that I'm just like everybody else, trying to raise three upstanding citizens, hopefully one day, and live my life as a normal person just like everybody else." *Id.* at 119:3–19.

71. Cameron has never told his coworkers that he is transgender, but he was nevertheless questioned by fellow nurses and a patient in May or June of 2026 about SB 244, being transgender, and how that law affects him. *Id.* at 115:22–116:16. The patient was someone from his area, and she had somehow learned that he was transgender and felt it was appropriate to raise SB 244 with him at his place of work. *Id.* at 144:11–145:9.

72. Two days after SB 244 was passed, Cameron received a letter from the Kansas Department of Revenue, informing him that he needed to surrender his driver's license and receive a new one with a gender marker reflecting his sex assigned at birth. *Id.* at 125:5–14. The letter mentioned an appeals process. Cameron tried to research the appeal process but did not understand how to go about filing an appeal under the new system. *Id.* at 125:15–126:1. Cameron complied with SB 244 and got a new license. When he went to change his license, "[his] appointment took a little over an hour" because "nobody knew what was going on" with respect to SB 244. The workers in his small town "knew [him] as a man. . . [so] they were a little confused why [he] was changing [his] gender marker." The process involved a worker "yelling across the other cubicles to have somebody walk her through [the process], but the help she was asking also didn't know how to do any of it. . . So it was like every time one person didn't know, they ask the other person,

well that person didn't know, so they had to bring another person in. And every single time, the story was getting told over and over again, very loudly, there was nothing discreet about it, and they did call the larger DMV on speakerphone to get walked through the process." Cameron was revealed to be transgender in front of everyone in the DMV that day. *Id.* at 126:5–128:1. Cameron was also required to pay for the new license. *Id.* at 128:2–4.

73. Cameron has been harmed by the License Restriction. Cameron travels with his children often. He enjoys taking them on vacations that he was unable to experience as a kid. *Id.* at 193:13–24. His children like to stay at hotels so they can swim, which requires him to show his license every time they check into a hotel. *Id.* at 128:8–16. Prior to SB 244, his children would stand with him while they would check in to a hotel, which minimized fighting and arguing among the children, and maximized his ability to monitor their behavior and whereabouts. *Id.* at 130:7–131:5. Since SB 244 was enacted, Cameron has his children wait a few feet away from check-in in case there is some confrontation about his license. This makes him anxious that his small children might be kidnapped or run away. *Id.* at 131:6–132:3. Cameron avoided taking his kids to Florida recently because they would have needed to fly and the booking process asked for his gender for the airline ticket. Cameron was concerned that he would either have to put female, when he is not female, or put male and then, in either case, explain the discrepancy between his appearance and his driver's license. *Id.* at 192:14–193:12.

74. Cameron has also had to show his new license for background checks when he applies for new jobs, including contract nurse positions. Because of his position as a nurse, Cameron is subject to routine background checks, which require copies of his photo identification. Cameron was recently required to provide his SB 244-compliant license to human resources at his current job, who had known him prior to SB 244. The HR employee was confused because his

former license had not expired. This interaction resulted in Cameron having to disclose that he was transgender to his human resources department. This is concerning for him, because there is always a chance that such disclosure could have employment consequences, such as different treatment. *Id.* at 128:16–130:2.

75. Cameron was also forced to forgo rental applications as a result of SB 244's driver's license provision. Cameron currently commutes to his job from home, an hour away each way. He was hoping to find a house closer to his job that still allowed him to stay close to where his children's mother lives. He was told to submit his driver's license with his rental application and could not bring himself to do it. *Id.* at 136:1–18.

76. Cameron tries to avoid anywhere that requires his license to enter. That includes forgoing social outings at places like a casino, where his friends like to go. He also has stopped ordering alcohol at restaurants because it is not worth being outed as transgender. *Id.* at 136:19–137:4. He has declined to book airplane trips with his children, even though he would love to take them to new places, because he does not know how to navigate the discrepancy between his driver's license and his appearance, and does not want the airlines to list his sex as "female." *Id.* at 192:14–193:24.

77. Cameron's declaration also includes additional examples of how SB 244 has negatively affected his life: Cameron was questioned at a hotel when he presented his ID to the front desk and he had to explain that Kansas had passed SB 244 and he was required to switch his gender marker. He had his youngest child with him during this interaction. Pls.' Hearing Ex. 1 ¶ 24. SB 244 has also caused Cameron confusion as to how he should enroll in medical insurance, because his prior insurance records, and medical records, reflect that he is male. *Id.* ¶ 33.

78. Cameron's children do not know he is transgender. He is not afraid to tell them, as he knows they will not care. He worries, however, about the timing and manner in which they find out. Cameron wants to be able to tell them on his terms, in a comfortable situation, and in an environment where they can ask questions. He prefers to tell them when they are a bit older, so that they do not inadvertently share the information with classmates and end up getting bullied or have negative consequences as a result of sharing that information. Tr. at 151:10–152:20.

79. Prior to SB 244, Cameron was able to stop at gas stations with his children, take them all into a large stall in the men's room together, and could supervise to make sure his children behave well and to ensure their safety. Since SB 244 passed, in Kansas he asks if his children can wait to use the restroom until they make it to Missouri or Nebraska. This has upset his children, who can see gas stations pass by and don't understand why their father can't stop at one in Kansas. He doesn't feel comfortable sending his eight-year-old daughters to the restroom on their own, and his four-year-old son still needs assistance in the restroom, including to open the door to get out of the restroom itself. *Id.* at 145:21–146:15. Cameron is not aware of which buildings are covered by SB 244, and he is not certain where he is and is not allowed to use a restroom. He fears that any random person could report him for using any restroom, even if it was not a restroom in a government building. *Id.* at 147:16–149:12.

80. Since SB 244, Cameron is not able to use the restroom at his children's school. He now has to take his children to a pool in Nebraska, rather than one a mile from his house. *Id.* at 145:10–20. Just recently, Cameron was unable to take his children to a local festival because the only options for restrooms were in City Hall and the courthouse. He did not think he could use either of those restrooms safely, so he did not take his children to the festival. *Id.* at 149:11–150:15. Cameron finds the law confusing and is concerned that even if he chooses to use a public restroom

that is not subject to SB 244, other people may not know who owns the building any more than he does and could report him under the law. *Id.* at 147:16–149:10.

81. As Cameron testified in his own words, SB 244 "really mutes me as a trans person. I'm not allowed to know myself in safe spaces or voice my concern about why I should be in that space that I feel like I should be in, which is the men's restroom. It's very limiting." *Id.* at 135:1–7. His personal autonomy has been limited, because SB 244 is "forcing me to go into spaces that not only makes myself uncomfortable but would make other people uncomfortable as well. I'm not able to choose . . . where I can use the restroom or where I need to be even able to stop to let my kids use the restroom because my kids also need my assistance with the restroom." *Id.* at 135:8–16. He worries that SB 244 empowers people with the ability to make a legal issue out of his restroom use simply because they disagree with his gender identity. "There is plenty of people in my hometown and surrounding areas that make it very clear that they don't appreciate my gender identity. So I'm more worried, you know, using a restroom in my town, somebody would call, because they know who I am, and now they feel this sense of security that they could make a legal issue out of it versus if I'm 10 hours away or something like that, because I present very male." *Id.* at 139:13–21. SB 244 also violates Cameron's right to privacy. "It's forcing me to out myself to people and invite people into my private areas of my life that I don't really get to vet them before they get involved." *Id.* at 135:21–25. "There's been plenty of people who have made it very clear that they don't agree with my life choices. They don't see me as a father. . . There is plenty of people in my hometown and surrounding areas that make it very clear that they don't appreciate my gender identity." *Id.* at 139:7–15.

82. SB 244 has had negative consequences for Cameron's mental health. *Id.* at 137:5–139:21. He is very anxious taking his children out of state, because his Kansas "license follows

[him] everywhere that [they] go." He is nervous to hand over his license in some states they have visited. He has a contingency plan with his mother and his children's mother for one of them to retrieve his children in the event he is pulled over or detained in Kansas because of his identification or restroom use. But he does not have that option out of state, which makes him anxious. *Id.* at 137:23–138:4. SB 244 has caused his anxiety and other mental health issues and physical symptoms to worsen. *Id.* at 142:7–21.

83. SB 244 forces Cameron to be overly "proactive, rather than reactive." In a world absent SB 244, "[his] biggest inconvenience" when pulled over is maybe being late to work or having a headlight out. In a post-SB 244 world, "[he has] to be proactive and make a plan for what [he is] going to do with [his] kids if something happens. And [he is] much more . . . worried about [] something happening, rather than . . . just going to be late for work." *Id.* at 138:5–17. Cameron has encountered people over the past decade of being transgender who do not approve of his lifestyle. He worries that SB 244 enables those people and others like them to make a legal problem for him on the basis of his transgender status. *Id.* at 138:18–139:21.

84. Cameron's biggest fear of SB 244 is his "kids and that something is going to happen in front of them." He has never used a women's restroom in front of them, and doing so now would confuse them. He is scared his children will see him pulled out of a vehicle by a police officer. He is scared that his children may be bullied because of who he is. In his own words, "I'm their safe space absolutely, and it doesn't matter if I was born a female, if I was born a male, they're safest with me. So if I'm removed from that situation based off of something that I can't control, and I did nothing wrong for, my kids are going to be very scared. They're not going to know what's going on and they're not going to have anybody to ask what's going on." He fears his children

being harmed mentally by this or even physically by bullying. *Id.* at 152:21–153:25. He just wants his "kids [to be] proud to say [that he is their] dad." *Id.* at 155:9–11.

Plaintiff Kyle Koe[6]

85. Plaintiff Kyle Koe provided testimony via affidavit (Pls.' Hearing Ex. 3), testified at the evidentiary hearing, and was subject to cross-examination. The Court finds Kyle Koe's testimony to be credible.

86. Plaintiff Kyle Koe is 32 years old and lives in Lawrence, Kansas. Tr. 197:6–7; 197:18–19. He is a fifth-generation Kansan. *Id*. at 197:10–11.

87. Kyle Koe is a transgender man. His sex assigned at birth was female, but his gender identity is male, and he lives his life as a man. *Id*. at 197:12–17.

88. Kyle began transitioning when he was 22 years old. *Id*. at 197:20–22. Before transitioning, Kyle had been "fading out of [his] own life," including isolating himself from friends and family and dropping out of school. *Id*. at 198:1–4. Overall, he felt a "sense of numbness all the time." *Id*. at 198:6.

89. Kyle's life changed drastically and immediately after he began transitioning. He re-enrolled in school, reconnected with his family, and began making new friends. *Id*. at 198:16–24. As part of his transition, Kyle first began socially presenting as a man, then began hormone treatment, and began living as a man full-time. *Id*. at 198:25–199:5. Later, Kyle eventually had chest reconstruction surgery and a hysterectomy. *Id*. at 199:6–8.

90. Early in his transition, Kyle used Facebook to communicate with seventeen people whom he met at a transgender support group, and his posts were only visible to that small group.

[6] All citations to Kyle Koe's testimony are from Vol. 1 (Sept. 29, 2026) of the hearing transcript.

Id. at 219:25–220:18. Kyle also posted to a Twitter account where he never used his name, and his profile picture did not show his face. *Id*. at 220:19–221:3.

91. During his transition, Kyle experienced several instances of outing due to discrepancies between his physical presentation and the sex marker on his driver's license. Kyle had been outed to an employer the year before he updated his license because of the female gender marker on his driver's license and wanted to avoid potentially being outed again. *Id*. at 199:24–200:3.

92. Kyle also experienced being outed to a member of law enforcement due to the discrepancy between his physical presentation and the sex marker on his driver's license. In late 2016, after driving home from a shift at the post office, Kyle was pulled over by an officer. *Id*. at 200:4–18. At first, when the officer approached the car, he was very friendly. *Id*. at 200:16–18. He joked around with Kyle, asking whether Kyle knew why he was pulled over. When Kyle said he did not, the officer said something to the effect of, "are you sure . . . dude or bro." *Id*. at 200:19–22. Eventually, the officer revealed he had pulled Kyle over for expired tags and took Kyle's license and registration and said, "let me see if I can get this back to you quickly, get you on your way, dude, bro." *Id*. at 200:23–25; 201:8–13. In his testimony, Kyle notes that the officer reapproached the car with a pensive look on his face. *Id*. at 201:16–19. As the officer returned Kyle's license to him, he said, "here's your license, ma'am." *Id*. at 201:23–24. After giving Kyle his ticket, the officer said, "have a nice day, ma'am." *Id*. at 202:4–9.

93. Those two experiences, particularly his interaction with the officer, made Kyle feel disrespected. *Id*. at 202:11–23. It also made him realize that he needed to update the gender marker on his driver's license to avoid being outed or discriminated against while hunting for a job due to the discrepancy between his physical presentation and his driver's license. *Id*. at 202:23–24;

199:14–23. After socially and medically transitioning, Kyle received a letter from KDOR confirming that he could change the sex marker on his driver's license. *Id*. at 204:4–11; 204:18–20. Kyle brought a binder containing all the documentation he needed to prove his identity and encountered a "really stern older gentleman," whom he assumed would make the process difficult. *Id*. at 204:23–205:9. Kyle gave the man his letter from KDOR and, as the man read it, Kyle became so nervous that he began pulling out all the documents he had brought with him. *Id*. at 205:10–19. The man completed the sex marker change without issue. Kyle took a photo and attested that everything was accurate and true. *Id*. at 205:21–23. The man congratulated Kyle on his new license. *Id*. at 205:24–25. Kyle "knew in that moment that [he] got that guy all wrong. He was probably like [his] best friend at that point." *Id*. at 205:25–206:2.

94. When SB 244 first took effect, Kyle received an email from the Kansas Department of Administration (KDOA), indicating the location of single-user restrooms in the Capitol Complex, where Kyle works. *Id*. at 207:15–19. Per the email, there were no single-user restrooms in Kyle's building. *Id*. at 207:20–22.

95. Kyle first walked to the judicial building across the street after reviewing the list of available single-user restrooms. Kyle asked the security guards to direct him to the restrooms, and they directed him to multiple-occupancy restrooms. Kyle could not find the single-user restroom on his own, and after repeated back-and-forth with the security guards, they remained confused and told Kyle he could use the men's restroom. Kyle eventually had to explain that, pursuant to SB 244, he needed to use the women's restroom. Eventually, Kyle used the women's restroom while one of the security guards guarded the entrance for him. Kyle found the experience of needing "someone [] to hold [his] hand while [he used] the restroom" both embarrassing and infantilizing. *Id*. at 208:23–211:7.

96. The closest single-user restroom that Kyle has actually been able to locate is in the Docking building. *Id*. at 208:4–9. Traveling to the Docking building requires Kyle to "walk down two floors . . . go out the front doors ... go across two streets, go take the walking path past the capit[o]l, over across one more street." *Id*. at 208:13–16. Once in the building, Kyle walks past security to "two single-user restrooms there that are hopefully available." *Id*. at 208:16–19. In total, Kyle's one-way journey to the Docking building takes "around seven minutes." *Id*. at 208:20–22.

97. When Kyle is unable to make the seven-minute walk to the Docking building, he needs to make a decision about how urgent his need to use the restroom is. If he gets up and determines he "wouldn't be able to make it that distance, [he] then either travel[s] one floor down or one floor up, or multiple if there's cleanings happening to a women's restroom." *Id*. at 211:13–22. Kyle leaves the floor he works on because it "reduces the likelihood of one of [his] direct coworkers seeing [him]." *Id*. at 211:2–212:1.

98. Kyle has had negative experiences encountering colleagues while using the restroom, which has impacted some of his working relationships. Kyle once decided to risk using the restroom on his floor after work. Kyle testified, "[m]y coworker, the one responsible for issuing my permits, sees me as I'm flying into the bathroom, and she at first is really concerned. She goes, 'Kyle, are you okay in there.' You know, because talking to someone with all this is the worst thing ever. I go, 'yes, I'm fine.' And she's like, okay, well, have a nice night." *Id*. at 212:13–19. Before that evening, Kyle and this colleague "almost had kind of a friendship. She would come to [his] desk . . . multiple times a week, ask [him] for food recommendations, bring [him] little toys that she makes, . . . or [they] would sit and talk about . . . [their] weekends together." *Id*. at 212:22–213:2. After that evening, however, this colleague "completely started avoiding [his] desk. She hasn't come around since." *Id*. at 213:3–4.

99. Kyle has also had encounters with women while using the women's restroom that have been "pretty much bad every time." *Id*. at 213:5–10. In his own words, when using women's restrooms, he "feels like everyone is staring at me when I'm in there" and women are "clearly talking about me, pointing at me to each other at the sinks." *Id*. at 213:11–14. On one occasion, a woman was so shocked seeing him in the women's restroom that "she stood in the doorway and basically made it so I couldn't get out." *Id*. at 213:15–18. He has also experienced "another woman shout[ing] out to [him] to stop," but Kyle just continued walking away. *Id*. at 213:19–21. On another occasion, upon seeing him exiting the women's restroom, a man "turn[ed] and start[ed] watching [him] run back up to [his] floor, seemingly very angry." *Id*. at 213:22–214:2.

100. Since SB 244, Kyle has lost control of his bladder at work. As Kyle said in his own words, sometimes he has "this point of no return. Once I cross the street, I have to keep going for the docking bathroom. I can't sit long enough to wait for the lights again. So when it happens that the urge is just too strong, and a little leaks out, I just – I just keep moving, I keep moving forward. I go, and I hold whatever left I can." *Id*. at 214:7–15. Kyle has learned that hand dryers can help him dry his pants and "hand sanitizer is really good for neutralizing smell," so he can "clean up best I can and then I get back to work." *Id*. at 214:16–22.

101. In one instance, Kyle was unable to return to work after losing control of his bladder. There is a McDonald's near his office and Kyle "decided to give it a try, see if that would shave off a little time for me." *Id*. at 214:23–215:10. Kyle testified, "I start walking down and then all of sudden, the urge hits me really hard. And there is somebody walking behind, and I'm, like, I don't think I can make it. So I decide to do a ditch and run, I'm going to try to get back to my building and try to use the restroom." *Id*. at 215:14–19. Kyle made it to the parking garage and "tried to enter the parking garage doors, it gets stuck. And, you know, at this point, I'm full

panicking because I can feel that it's coming." *Id*. at 215:20–23. "So I get out, I start walking around the corner, just trying to get out of the eyesight of this one dude who was behind me. And it just starts coming, and I – I try my best and I'm really trying to hold it, and it's just coming in waves." *Id*. at 216:2–4. At the time, Kyle was wearing gray pants, and "if you've worked out in gray pants, you know, the moment liquid hits it, it just turns black." *Id*. at 216:5–8. Kyle sat on a ledge, with his visibly stained pants, called his husband and said, "I'm really sorry, I know you have a lunch today or a game or something, but you need to come get me because I've had an accident." *Id*. at 216:9–15. Kyle continued that he had "to just sit there and wait for him…and I just started crying." *Id*. at 216:16–18. As Kyle testified, when his husband arrived, he "walk[ed] over to his car, and I can't sit down because…I don't want to get your seat dirty." *Id.* at 216:18–21. Kyle's husband returned to Kyle's office for him, told his boss that Kyle had gotten ill over lunch, and brought Kyle's belongings to the car so that they could make the 45 minute drive home together and Kyle could continue working. *Id*. at 216:22–217:24.

102. In addition to missing work to take Kyle home, Kyle's husband has also left a networking event early because there was no restroom Kyle could use, and he accompanied Kyle to vote in case there was a problem at the polls. *Id*. at 217:25–219:7.

103. Kyle's declaration also includes additional examples of how SB 244 has negatively affected his life. He has stopped attending conferences because they take place in government-owned buildings. Pls.' Hearing Ex. 3 ¶ 37.

104. In contrast to Kyle's experience changing his driver's license to "M", when Kyle went to get an SB 244-compliant license, "it was pretty hard this time." Tr. at 221:6–13. The very first clerk Kyle saw at the DMV was the same man who had congratulated Kyle when he originally got the "M" on his license: "when I looked at him, I could see the recognition in his eyes

immediately. We saw each other." *Id*. at 225:12–17. As Kyle said in his own words, he could not "bear to say I needed to change it in front of this guy, because . . . he was the one who helped me last time." *Id*. at 221:19–23. The man was "very soft and gentle" with Kyle. *Id*. at 222:1. Kyle continued testifying that he "really wanted to walk out because I really didn't want to exchange my license this time around…because I was scared that I never may see this again." *Id*. at 222:3–7. Kyle wanted to take a good photo and forgot to explicitly tell the next clerk that he needed a new gender marker. *Id*. at 222:8–18. When Kyle asked if he understood why Kyle needed a new license, the clerk said, "I know and I've got you," and Kyle "really appreciated that because . . . the whole process just felt so isolating and lonely. And so someone saying that they had your back just meant a whole lot." *Id*. at 222:19–223:2. Kyle then had to attest to the accuracy of everything on his license, including the "F" gender marker, and as he testified, "I know that the stuff on my license wasn't true, and by saying that, I was lying. And I was saying that the doctors who had helped me, who got me documents saying that I was . . . male and even . . .the Missouri court system who had reassigned my sex on my birth certificate, I was basically saying that they were lying too." *Id*. at 223:3–12. After getting his photo taken and license changed, Kyle cried so hard that KDOR was forced to "pause the whole eye exam" for approximately ten minutes until Kyle could see well enough to take the test. *Id*. at 224:1–5.

105. Some of Kyle's cousins have encouraged him to move away from Kansas to somewhere that is "safer" for a "trans person to live." *Id*. at 225:3–7. But he's lived in Kansas his whole life, and in his own words, Kyle fundamentally believes that "the people here are really good. They are hard-working, they really believe in the idea that, like, if you work hard and…try to do right by the people in your community, that . . . it doesn't matter what else about you…I try all the time to live by the same principles, . . . the whole state motto…ad astra per aspera, to stars

through adversity. And I always saw my own transition as something like it…move through the bad and the pain, and if I work hard and really try to be good, I could also land on my own kind of, like, happy life here in Kansas. That's why I became a civil servant." *Id*. at 224:22–225:24. But because of SB 244, Kyle now sometimes wonders "why am I not considered one of the good people of Kansas?" *Id*. at 226:1–2.

Plaintiff Dakota West[7]

106. Plaintiff Dakota West provided testimony via affidavit (Pls.' Hearing Ex. 8), testified at the evidentiary hearing, and was subject to cross-examination. The Court finds Dakota West's testimony to be credible.

107. Plaintiff Dakota West is 21 years old and lived in Reno County, Kansas until June 2026 and is now residing in Knoxville, Tennessee, though she has not yet established domicile. Tr. 253:9–11; 253:14–15; 266:13–22; 271:22–272:12.

108. Dakota West is an intersex woman: her gender identity is female, and she lives her life as a woman. *Id*. at 253:25–254:7. Dakota was born with partial androgen insensitivity syndrome: her body does not respond to male hormones like testosterone. *Id*. at 257:1–19; 277:8–12.

109. Before she was born, Dakota's parents were informed that her mother was carrying a girl and they decorated her nursery in pink and bought girls' toys. *Id*. at 255:23–256:7. But when she was born, her sex assigned at birth was male. *Id*. at 253:25–254:7.

110. Dakota first recognized she was different from her peers around age 12 or 13 and has "felt like the gray in a black and white world." *Id*. at 254:15–21. At about that time, Dakota

[7] All citations to Dakota West's testimony are from Vol. 1 (Sept. 29, 2026) of the hearing transcript.

was not experiencing a typical male puberty, and her dad had a conversation with her family physician who recommended starting testosterone replacement therapy. Dakota's dad told the doctor that he thought she "should develop the way God intended and that it was [her] choice to make later on." *Id*. at 256:8–16. As a result, Dakota never experienced normal puberty or masculinization growing up. *Id*. at 254:10–14. Dakota was not aware of these conversations for years. *Id*. at 256:17–19.

111. Later when Dakota was about 18, she began seeing an endocrinologist who put her on hormone replacement therapy, and Dakota started going through female puberty. *Id*. at 255:8–12. After visiting the endocrinologist, Dakota had a conversation with her father in which she learned about the conversations her parents had had with medical providers when her mother was pregnant and Dakota was in her early teens. *Id*. at 255:16–256:19.

112. Following that conversation, Dakota sought a geneticist and learned that she has partial androgen insensitivity syndrome, a difference of sex development (DSD). *Id*. at 257:1–9. That means that her body "doesn't process or respond to male hormones . . . [s]o even if the doctor had put [her] on testosterone replacement therapy, it wouldn't have done anything." *Id*. at 257:11–19. Learning the information from her parents and her doctor felt like "a relief," "[i]t felt like a missing puzzle piece" and Dakota "didn't feel like [she] was crazy anymore for always feeling so different from everyone." *Id*. at 256:20–23; 257:20–24.

113. Dakota began presenting as a woman around 12 or 13 years old and has exclusively used a women's restroom since that time without incident. *Id*. at 257:25–258:15. Dakota sought a female gender marker when she got a license in 2021, before the process was enjoined due to the SB 180 litigation, but her letter to KDOR never garnered a response. *Id*. at 258:24–259:11. While she was forced to carry identification with a male gender marker, Dakota encountered

discrimination when she visited the bank and at a medical office. *Id*. at 259:12–260:2; 288:2–9. The bank teller turned from "bubbly and kind" to cold and distant upon viewing Dakota's gender marker. *Id*. at 259:12–260:2. Similarly, the receptionist at the medical office became cold after reviewing Dakota's gender marker on her driver's license during check-in. *Id*. at 288:6–9.

114. Dakota's life prior to SB 244 was "peaceful, normal . . . happy." *Id*. at 261:18–22. She was with her friends and family, and everyone that loved her. *Id.* Prior to SB 244, Dakota worked and went to college to study nursing. *Id*. at 261:23–262:3.

115. Dakota changed her name and gender marker when she was 20 years old, in the brief period between the injunction issued in the SB 180 litigation being reversed and SB 244 passing. *Id*. at 258:16–23. In her own words, Dakota testified that the experience "was one of the happiest days of my life. The DMV lady that helped me that day was actually my first grade teacher, and she had been there with me through this entire journey. Back in '21 when she was upset we couldn't get it changed. She was so proud of me that I could finally do it. You know, she watched me grow up to a young woman. So she understood that I was different. It was, it was perfect." *Id*. at 261:3–15.

116. When SB 244 first passed, Dakota got a letter from the Kansas Department of Revenue stating that her driver's license was invalid and voided overnight, and she was required to surrender her license for a new one. The letter also indicated that there was an appeal process. Dakota mailed an appeal letter to Kansas Department of Revenue, Legal Services Bureau, and sent an electronic copy to them which was delivered. *Id*. at 262:25–263:16. Dakota has never received a response from the Kansas Department of Revenue. *Id*. at 263:24–264:3.

117. Dakota complied with SB 244 and obtained a new license. The process was "devastating, heartbreaking." *Id*. at 264:4–17. Dakota saw the same DMV employee, her first-

grade teacher, and they were both upset and crying as Dakota paid for and obtained her new license. *Id*. at 264:17–23. After SB 244 passed, Dakota began driving less and traveling less for fear of harm or discrimination. *Id*. at 267:18–268:7.

118. Dakota's declaration also includes additional examples of how SB 244 has negatively affected her life. In one instance, she had to leave a public campus because she did not know whether there was a single-user restroom and "using the men's restroom is a terrifying prospect." Pls.' Hearing Ex. 8 ¶¶ 42, 45.

119. SB 244 had a drastic impact on her mental and physical health. Dakota's depression, anxiety, and CPTSD have worsened, and she has experienced a flare up of her Crohn's disease. Tr. at 268:8–18; 283:13–16. It is "dehumanizing, embarrassing, shocking" for Dakota to be questioned about her body. *Id*. at 294:4–9. Dakota does not feel safe living under a law that would force her into men's restrooms. *Id*. at 267:12–17.

120. While Dakota's license had a male gender marker, Dakota was outed at work when she had to provide her driver's license to her employer's human resources department. She was harassed about it and fired from her job. *Id*. at 260:7–14. In the aftermath, rumors spread through her small town, making her feel like she had "a target on [her] back." *Id*. at 260:7–261:2. She was scared and embarrassed, and felt like she could not escape it. *Id*. at 260:18–261:2. The place she grew up in didn't feel like home anymore. *Id*. at 267:6–11.

121. After SB 244, facing the prospect of returning to a male license and the legal requirement to use male restrooms, which she feared would ensure continued harassment, Dakota dropped out of college and moved from Kansas to Tennessee because she "didn't feel safe." *Id*. at 264:24–267:17. Dakota had to leave behind her ailing grandfather, her father, her brother, her pregnant best friend, and her cat Cheddar. *Id*. at 265:17–266:9.

122. Even since moving, Dakota's Kansas license has outed her. During a recent shopping trip, her then-boyfriend's sister saw the "M" marker on her driver's license and asked about it, forcing her to explain that she is intersex to someone she had not known long. *Id*. at 268:19–269:5. The choice of whether, when, and how to disclose that private information was taken away from her. *Id*. at 269:1–4.

123. Dakota was somewhat private about her intersex status before SB 244. But since the law passed, she has been active on social media and has revealed her intersex status online, hoping to make an impact by letting others like her know that it is okay to exist and to be different. *Id*. at 269:6–21. Despite her current public profile and large number of followers, no one who follows her on social media has ever approached her in real life. *Id*. at 269:22–23. Dakota also recognizes the "situational difference" between being online and seeing someone in person. *Id*. at 280:17–23. She thinks of her followers as "just numbers on a page even though I know it's people" because seeing someone face to face is very different than being online. *Id*. at 280:20–23. For Dakota, it is important that people understand that SB 244 is not just affecting transgender people, it is also affecting intersex people, like her, "people that are different, that are often misunderstood." *Id*. at 269:25–270:7. She hopes to inspire and advocate for others that "are scared and feel lost." *Id*. at 270:8–9.

124. Dakota still has family and friends in Kansas, *id*. at 265:17–266:9, and she would consider returning to Kansas if it "felt safe again and SB 244 didn't exist," *id*. at 270:10–13.

125. During oral argument on October 7, 2026, Defendant conceded that Ms. West falls within K.S.A. 77-207(a)(7)'s exception for intersex individuals; that, should she return to Kansas, she would be able to obtain a driver's license with an "F" marker on it; and that she is permitted

to use women's restrooms in facilities governed by SB 244. Hearing Tr. (Oct. 7, 2026) at 84:22–85:15; 140:12–141:10.

Plaintiff Daniel Doe[8]

126. Plaintiff Daniel Doe provided testimony via affidavit (Pls.' Hearing Ex. 2), testified at the evidentiary hearing, and was subject to cross-examination. The Court finds Daniel Doe's testimony to be credible.

127. Plaintiff Daniel Doe is 30 years old. Tr. 300:1–2. He lives in Lawrence, Kansas. *Id*. at 298:4–5.

128. Daniel is a transgender man. His sex assigned at birth was female, but his gender identity is male, and he lives his life as a man. *Id*. at 300:3–11. Daniel is "perceived and addressed as male in public consistently." *Id*. at 302:21–22. Even when attempting to participate in events for transgender men, people have failed to recognize that he is transgender, because he is indistinguishable from non-transgender men. *Id*. at 344:24–345:11.

129. Daniel was born and raised in Southern California. *Id*. at 298:23–24.

130. Daniel knew that he was transgender "from [his] earliest memories" which he communicated to his family at the age of five by saying "I want to be a boy, I wish I was a boy, I don't want to be a girl." *Id*. at 301:5–12.

131. Daniel left California for Lawrence in 2014 to attend the University of Kansas, making him "the 12th person in [his] family to attend KU." *Id*. at 298:25–299:6; 299:19–20.

132. Daniel started living his life as a man in 2018 by socially transitioning. *Id*. at 300:12–16. Daniel suffered social consequences for coming out as a transgender man. *Id*. at 303:8–24. His friends in the University of Kansas campus ministry did not support his male identity,

[8] All citations to Daniel Doe's testimony are from Vol. 1 (Sept. 29, 2026) of the hearing transcript.

saying that he was living "a very sinful lifestyle, that [he] was playing with fire[, and] questioning god." *Id*. at 303:17–19. His family struggled to accept his identity, particularly his father. *Id*. at 303:21–23. Despite the negative reactions of some in his social circle, Daniel testified that transitioning to align his "internal sense of self" as a man with his "external sense of self" "is the greatest thing [he has] ever done in [his] life." *Id.* at 303:1–7.

133. During his social transition, he "informed [his] friends, family members, and [friends] on Facebook" through a social media post "that [he] would be using a new name, [he] would be using he/him pronouns, and that [he] would be starting [] social, medical, and legal transition." *Id*. at 304:3–10. Daniel made this post visible only to his followers, which included friends from high school and college. *Id*. at 303:25–305:6. His "father essentially begged [him] not to make that [the social media] post" announcing his social transition, saying that it "was a private matter." *Id*. at 305:7–12. Daniel Doe made the post despite his father's objections because he "didn't understand how [he] was supposed to ask people to use a new name and pronouns for [him] and keep [his identity as a man] a secret at the same time." *Id*. at 305:13–15. And Daniel wanted to make a disclosure of his transgender identity "on [his] own terms." *Id*. at 333:24–25. He has since archived this post and any other posts discussing his transgender identity on social media, so "they are no longer visible to [his] social media followers." *Id*. at 332:23–25.[9]

[9] Defendant moved for Daniel Doe's social media posts to be de-designated as confidential during the hearing. Tr. 341:14–342:9. The Court finds that the existing redactions are necessary to preserve Daniel Doe's privacy and are sufficient for the public record. Although there is a strong presumption of access to judicial records and documents, that presumption can be overcome with compelling reasons. *See Doe v. Progressive Cas. Ins. Co.*, No. 21-CV-02602-BLF, 2023 WL 5960772, at *2 (N.D. Cal. Aug. 21, 2023); *D.H. v. City of New York*, No. 16CV7698PKCKNF, 2017 WL 6887792, at *8 (S.D.N.Y. Nov. 28, 2017). The Court finds that there are compelling reasons to use the redacted exhibits because Daniel Doe's need for anonymity outweighs the public's interest in knowing his identity. Daniel Doe articulated at the hearing his reasons for avoiding public disclosure of his transgender status as well as his identity as a plaintiff in this case. Tr. 303:8–23; 307:12–308:3; 316:5–25. Daniel Doe readily identified the social media posts in

134. After socially transitioning in 2018, Daniel medically transitioned to male by undergoing hormone replacement therapy. *Id*. at 302:1–3.

135. During his medical transition, Daniel began using men's restrooms. *Id*. at 302:17–25. From 2018 until SB 244 went into effect, Daniel exclusively used men's restrooms without issue. *Id*. at 302:17–25; 309:12–16.

136. In 2020, Daniel legally transitioned from female to male by changing his legal name by court order and updating his California birth certificate to reflect his new name and a male gender marker. *Id*. at 302:3–13. He then updated his Kansas driver's license to reflect his legal name and a male gender marker. *Id*. at 302:13–16. He also updated his other identity documents so they no longer listed his sex as female. *Id*. at 306:16–20.

137. It is important to Daniel to have a male sex marker on his driver's license because it "is the most accurate representation of who [he] truly [is]." *Id*. at 315:15–18. He feels his identity as a man deeply and profoundly, testifying in his own words, "even if I had never come out as transgender, even if I had never revealed that part of my identity to anyone, if I never socially, legally, or medically transitioned, I still would have been a transgender man, I would have died a transgender man." *Id*. at 315:18–24.

138. From 2020 to the time SB 244 went into effect Daniel had a Kansas driver's license with a male gender marker. *Id*. at 305:18–19; 315:11–12.

139. When SB 244 went into effect, Daniel's license with a male gender marker was invalidated "when the clock struck midnight." *Id*. at 315:10–14. Daniel Doe testified that SB 244 made him feel like he is "doing something wrong" like "[he is] the problem" and like "[he is] the

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question as his own, even with the redactions to his face and username. The Court did not and does not rely on the unredacted versions of the social media posts in this decision.

criminal" for having a driver's license that reflects who he truly is because the law gave him no time to comply. *Id*. at 315:6–8.

140. When SB 244 went into effect, Daniel's job at the University of Kansas required him to drive campus vehicles twice a day, so he had to obtain an SB 244-compliant license. *Id*. at 298:7; 298:18–21; 306:4–8. When Daniel had to turn in his license with an "M" on it for one that said "F," as he said in his own words, it "was infuriating because I had done everything that was legally required of me to obtain that license, and that license was supposed to remain valid until 2029. So having to surrender that license was extremely frustrating and angering." *Id*. at 306:9–15.

141. Daniel's SB 244 compliant license is his only identity document listing his sex as female. *Id*. at 306:16–20. The female gender marker on Daniel Doe's driver's license, as he said, "may have represented a fact that the doctor witnessed at my birth, but that female marker was still not an accurate representation of who I was from my earliest sense of self." *Id*. at 315:25–316:4.

142. Prior to SB 244, Daniel used men's restrooms at his workplace. *Id*. at 307:1–4. Daniel has not told anyone at work that he is transgender. *Id*. at 307:12–16. Daniel does not want to share his transgender identity with his colleagues because he "do[es] [not] think that [his] transgender identity is relevant to the work that [he] do[es], and it doesn't affect the job that [he] do[es]." *Id*. at 308:1–3.

143. Since SB 244 went into effect, Daniel uses only single-user restrooms at his workplace. *Id*. at 307:5–9; 308:4–9. The closest single-user restrooms to his primary workspace are located "immediately next to the men's restroom" he used to use. *Id*. at 308:7–9. These restrooms are typically occupied, especially when school is in session, so Daniel frequently must wait several minutes for one to be available. *Id*. at 308:14–309:5. Daniel is occasionally required

to work in other buildings around the University of Kansas campus. *Id*. at 310:20–25. Not all of these buildings have single-user restrooms. *Id*. at 311:1–15.

144. Waiting for a single-user restroom when he can see the men's restroom that he used prior to SB 244 makes Daniel "really feel like a second class citizen, especially when I'm out searching for a restroom that is acceptable for me to use. I feel like I'm being separated from being able to use the restrooms that any other cisgender person would, and in my case, cisgender man…this bill has made me feel like a criminal, even when I'm attempting to comply." *Id*. at 314:6–17.

145. Daniel Doe believes that waiting outside of these single-user restrooms at his workplace can disclose his transgender status to colleagues who see him because there is no reason other than his transgender status that he would be waiting for a single occupancy restroom when the men's restroom is available directly next to him. *Id*. at 309:10–310:19. To avoid interactions with or questions from colleagues related to his use of single-user restrooms at work, Daniel Doe has claimed to "have an errand" to explain being in that part of the building and then "circled the floor" before entering the restroom. *Id*. at 309:24–310:19.

146. Daniel Doe is "more hesitant to go out in the community" after SB 244. *Id*. at 312:18–22. He has changed how he uses the Lawrence Public Library, including leaving "earlier than [he] had intended" to on one occasion because the building did not have a single-user restroom that he felt comfortable using. *Id*. at 312:20–313:7. Daniel Doe also has "ceased purchasing" alcohol and other age-restricted items such as cold and flu medicine at the grocery store because his local grocery store "requires the employees to take [his] license, examine it, and scan it" before finalizing the transaction. *Id*. at 313:11–17.

147. SB 244 has affected Daniel Doe's mental and physical health. *Id*. at 313:18–314:5. He has experienced physical "symptoms related to anxiety" such as "excessive sweating, increased heart rate," "trouble sleeping," nausea, and sometimes he is "unable to eat" due to the nausea. *Id*. at 313:19–24. He has experienced mental health harms because of SB 244 including "increase[d] stress and anxiety," fear, and "negative emotions that make [him] feel very volatile at times." *Id*. at 313:25–314:5.

148. Kansas is a very special place to Daniel Doe because he became his "authentic self here." *Id*. at 299:12–18. When Daniel moved to Lawrence in 2014 for college, he did not intend to stay after graduation, but he has since "built a life of [his] own here in Kansas that [he] is very proud of", and he considers it his "second home." *Id*. at 299:7–18. However, because of SB 244, Daniel Doe "just do[es not] feel safe" in Kansas. *Id*. at 311:23–24. The negative mental and physical health impacts of SB 244 as well as the daily struggle to comply with the law have forced Daniel Doe to consider moving his family to California. *Id*. at 311:16–24. This move would be especially agonizing to Daniel Doe because he recently received a promotion at work which resulted in a "life-altering" salary increase from $38,000 to $60,000 per year. *Id*. at 312:3–12.

149. Daniel is a "very shy, quiet, reserved" person. *Id*. at 316:12–13. He is a "person of few words" and found testifying in court "mortifying." *Id*. at 316:13–15. Nonetheless, he appeared in court to challenge SB 244 which he feels is unjust. *Id*. at 315:5–6.

Plaintiff Matthew Moe

150. Plaintiff Matthew Moe provided testimony via affidavit (Pls.' Renewed Mot. for Temporary Injunction Br. Ex. 4) and was deposed, but he did not testify at the evidentiary hearing

and was not subject to cross-examination in court. The Court finds Matthew Moe's affidavit to be credible.[10]

151. Matthew Moe is over 18 years old and lives in Lawrence, Kansas. Pls.' Renewed Mot. for Temporary Injunction, Ex. 4 ¶¶ 1, 5.

152. Matthew Moe is a transgender man. His sex assigned at birth was female, but his gender identity is male, and he lives his life as a man. *Id.* at ¶¶ 7–8.

153. Matthew has known that he is male since he was a young teenager. *Id.* at ¶ 10.

154. In 2019, Matthew started college, came out as transgender, and began living openly as a man. That same year, he was diagnosed with gender dysphoria and began receiving gender-affirming medical treatment. *Id.* at ¶¶ 14–15.

155. In 2020, Matthew changed his legal name and the gender markers on his passport, Social Security records, South Carolina driver's license, and birth certificate to reflect that he is male. *Id.* at ¶ 16.

156. Matthew traveled to Lawrence for work in 2023 and "fell in love" with the city. He moved to Lawrence shortly thereafter. *Id.* at ¶ 12.

157. In 2023, Matthew applied to and was accepted into a Ph.D. program at a public university in Kansas, fulfilling what he described as a "longtime dream." He expects to remain in Kansas for at least five to six years while completing his doctoral program. *Id.* at ¶¶ 6, 12.

[10] Although Matthew Moe did not testify at the evidentiary hearing and the Court did not admit his affidavit as a hearing exhibit, Matthew's declaration was submitted in support of Plaintiffs' Renewed Motion for Temporary Injunction and remains part of the record before the Court. *See* Pls.' Renewed Mot. for Temporary Injunction, Ex. 4. Kansas law expressly contemplates consideration of affidavits in proceedings seeking provisional injunctive relief. *See* K.S.A. 60-902 (authorizing injunctive relief based on a "verified pleading or affidavit").

158. Matthew considers his transgender status private. He does not disclose that he is transgender to colleagues or acquaintances. *Id.* at ¶ 21.

159. Matthew is perceived by others as male in his daily life. *Id.* at ¶ 21. Being recognized as male is important to Matthew. He described his maleness as a "core part" of his identity and has a tattoo of the male symbol on his body. *Id.* at ¶ 25.

160. For approximately seven years, Matthew has exclusively used men's restrooms in public. During that time, he has experienced almost no negative incidents while using men's restrooms. *Id.* at ¶¶ 39, 42.

161. Matthew has lived in South Carolina, Louisiana, and Kansas while possessing a driver's license identifying him as male. Before the implementation of SB 244, he did not experience misgendering, harassment, or invasive questioning when presenting his driver's license. *Id.* at ¶¶ 16–18. Having a driver's license that identified Matthew as male allowed him to feel "safe and comfortable" when presenting his identification to others. *Id.* at ¶ 24.

162. Matthew believes that using women's restrooms would be harmful to his mental health and could place him in unsafe situations. *Id.* at ¶¶ 43, 52. He explains, "Using women's restrooms would cause all of the negative thoughts and feelings that I have not experienced since 2019 to come rushing back. Being forced to return to the woman's restroom now after nearly seven years of using the men's restroom would be horrible for my mental health and is untenable for me." *Id.* at ¶ 43.

163. Because Matthew is perceived as male, he is also concerned that his presence in a women's restroom could frighten or anger women and girls using the restroom. *Id.* at ¶ 52.

164. Matthew therefore seeks out single-occupancy restrooms when using public buildings. Locating and using single-occupancy restrooms has been "difficult, time consuming, and stressful" for him and has increased his symptoms of anxiety and depression. *Id.* at ¶ 45.

165. Matthew works and studies at a public university in Kansas and ordinarily spends approximately 40 to 60 hours per week on campus. *Id.* at ¶ 46.

166. In the building where Matthew works, the single-occupancy restrooms are located three floors away from his workspace and are frequently occupied for extended periods. *Id.* at ¶ 48.

167. Matthew also works as a teaching assistant. In the building where he teaches, the single-occupancy restroom is located on the opposite side of the building and is too far from his classroom for him to use while class is in session. *Id.* at ¶ 48.

168. As a result, Matthew does not have convenient access to a restroom he feels he can safely use during substantial portions of the time he spends working, studying, and teaching on campus. *Id.* at ¶¶ 45–48.

169. After SB 244 took effect, Matthew surrendered his Kansas driver's license and received a new Kansas driver's license identifying his sex as female. *Id.* at ¶ 19. His new driver's license conflicts with his passport and other identity documents that identify him as male. *Id.* at ¶¶ 16, 20.

170. Matthew must present his driver's license in numerous circumstances, including in connection with driving, travel, concerts, and other social activities. *Id.* at ¶ 38.

171. Matthew describes having a female designation on his driver's license as "humiliating, inaccurate, stigmatizing, [and] disrespectful" and as something that undermines his masculinity. *Id.* at ¶ 24.

172. Because Matthew is otherwise perceived as male and generally does not disclose that he is transgender, he fears that presenting a driver's license identifying him as female will disclose his transgender status to others. *Id.* at ¶¶ 21, 38.

173. Matthew is personally aware of transgender people who have experienced harassment, threats, and physical assault because they are transgender. Those experiences contribute to his fear that disclosure of his transgender status may expose him to harassment, discrimination, or violence. *Id.* at ¶¶ 21, 28.

174. In April 2026, a colleague saw Matthew's driver's license while Matthew was attending a work conference. After seeing the license, the colleague's demeanor toward Matthew changed. Matthew understood the interaction as disclosing his transgender status to his colleague. *Id.* at ¶ 36.

175. Since receiving a Kansas driver's license identifying him as female, Matthew has avoided driving and reduced his social activities, particularly activities at bars, restaurants, and concerts where he may be required to present identification. *Id.* at ¶ 38.

176. Matthew also experiences anxiety when traveling because he fears having to present his Kansas driver's license. Since SB 244 took effect, Matthew has traveled four times and has used his passport as identification because his passport identifies him as male. *Id.* at ¶ 34. Matthew fears that presenting his Kansas driver's license could lead to additional security screening and disclosure of his transgender status, including through screening by security personnel who perceive him to be female based on his identification. *Id.* at ¶ 35.

177. Matthew describes these circumstances as placing him in an impossible position: He must either present identification that identifies him as female and risks disclosing his

transgender status or avoid situations in which he must present his Kansas driver's license. *Id.* at ¶ 53.

178. The mismatch between Matthew's driver's license and his identity has impaired his ability to participate fully in work, travel, and social activities without fear or significant stress. *Id.* at ¶ 38. This fear has been "incredibly alienating and isolating" for Matthew and has exacerbated his symptoms of anxiety and depression. *Id.* at ¶ 29.

Dr. Angela Turpin[11]

179. Dr. Angela Turpin is a pediatric endocrinologist licensed in Kansas (since 2002) and Missouri (since 2001). Tr. 8:2–5; Pls.' Hearing Ex. 6 (Amended Expert Declaration of Angela L. Turpin, MD), CV. Dr. Turpin was, until her very recent retirement in September 2026, an attending physician at Children's Mercy Hospital – Kansas City in pediatric endocrinology, an assistant professor of pediatrics at the University of Missouri – Kansas City School of Medicine, and the medical director for the Gender Pathways Services Clinic at Children's Mercy Hospital – Kansas City. Pls.' Hearing Ex. 6, ¶ 4 & CV.

180. Dr. Turpin received her combined BA and MD through the medical school at the University of Missouri-Kansas City, after which she completed a pediatric residency followed by a fellowship in pediatric endocrinology at Children's Mercy Hospital in Kansas City. Tr. 8:14–23. Dr. Turpin stayed on as an attending at Children's Mercy and was employed there as a pediatric endocrinologist until she retired in September 2026. *Id.* at 8:20–9:8. While working as an attending at Children's Mercy, she was also involved in the Gender Pathways Clinic since its inception in 2014, and its medical director for the past five years. *Id.* at 9:9–20. The Gender Pathways Clinic

[11] All citations to Dr. Angela Turpin's testimony are to Vol. 2, part 1 (Sept. 30, 2026) of the hearing transcript.

was a multidisciplinary clinic including pediatric endocrinology, adolescent medicine, clinical psychology, social work, a clinical nurse coordinator, and a chaplain who all helped provide multidisciplinary care to children and adolescents and young adults with gender dysphoria. *Id.* at 9:21–10:3. As the medical director, Dr. Turpin supervised medication administration of puberty blockers and hormone therapy (testosterone and estrogen) and taught medical students, residents, and fellows. *Id.* at 10:4–12.

181. Dr. Turpin has been treating patients in Kansas as a pediatric endocrinologist since 2005. *Id.* at 157:1–8. In the past 12–13 years of her career, Dr. Turpin has treated approximately 350 adolescents or young adults with gender dysphoria. *Id.* at 10:13–18. Pediatric patients often stay in clinic through young adulthood, and so she typically saw patients through the age of 22. *Id.* at 8:6–13. About 25% of Dr. Turpin's patient load is individuals with gender dysphoria, which is an unusually high percentage for a pediatric endocrinologist: to become an expert in such a small patient population such as transgender individuals requires concentrating the relatively small number of individuals in just a few providers. *Id.* at 36:11–37:14.

182. As part of her work as a pediatric endocrinologist, Dr. Turpin assists her patients in managing chronic conditions, which include conditions such as diabetes and gender dysphoria. Managing a chronic condition requires treating the whole person, including screening for and treating comorbidities, meaning co-occurring conditions, such as depression and anxiety, as well as assessing how they are functioning in society. *Id.* at 31:18–33:12. This includes asking patients at every routine visit about school functioning, employment function, mental health, how they are handling their chronic condition in their daily lives, and other matters. *Id.* at 33:13–34:2.

183. As a pediatric endocrinologist, Dr. Turpin has also treated over 100 intersex individuals. *Id.* at 11:3–8. Within the field of medicine, pediatric endocrinologists are the specialty

involved in diagnosing intersex conditions, also known as differences or disorders of sex development (DSDs). *Id*. at 41:4–10.

184. A difference of sex development, or DSD, also known as an intersex condition, arises when an individual's determinants of sex, such as sex chromosomes, internal gonads or sex organs, external genitalia, hormonal milieu, and gender identity do not fully align as traditionally male or female. *Id.* at 11:19–12:21. About 2% of the population is intersex. *Id.* at 108:25–109:2.

185. Dr. Turpin's role in treating intersex individuals includes assigning sex at birth when infants are born with ambiguous genitalia or external genitals that are not quickly identifiable as male or female. Dr. Turpin will be called to speak with parents about the various traits she and other physicians will assess to determine sex, will participate as one of the physicians making that assessment, and will also consult with parents about how gender identity may or may not align with the sex assigned at birth or sex of rearing selected for the infant. *Id.* at 37:15–40:17. Dr. Turpin is directly involved in assessing an infant's chromosomes, internal and external anatomy, hormone response, and evaluating what is known about likely gender identity when helping parents make a decision about sex assigned at birth. *Id.* at 41:11–18. Dr. Turpin also treated such individuals as part of Children's Mercy's dedicated DSD clinic. *Id.* at 40:11–24.

186. Dr. Turpin has published peer-reviewed articles about undiagnosed differences in sex developments, also known as DSDs or intersex conditions, in the transgender population, as well as access to gender-affirming medical care in rural areas. *Id*. at 11:9–18.

187. Plaintiffs tendered Dr. Turpin as an expert in endocrinology, the treatment of gender dysphoria, the provision of gender-affirming medical care to adolescents and young adults, the management of gender dysphoria as a chronic condition, and the diagnosis and treatment of differences of sex development (DSDs). *Id.* at 14:23–15:8; 41:19–42:7.

188. Based on her education, training, and clinical experience, Dr. Turpin is qualified to offer testimony as an expert in the fields of endocrinology, the treatment of gender dysphoria, the provision of gender-affirming medical care to adolescents and young adults, and the diagnosis and treatment of differences of sex development.

189. The Court finds Dr. Turpin's testimony credible. She testified within the scope of her expertise, appropriately acknowledged the limitations of that expertise, and provided opinions grounded in her education, training, review of relevant literature, and clinical experience. The Court therefore gives substantial weight to her opinions within her areas of expertise.

190. Dr. Turpin testified that sex is a constellation of traits, including sex chromosomes, internal sex organs, external genitalia, hormonal milieu, secondary sex characteristics, and gender identity. *Id.* at 44:8–18.

191. Dr. Turpin testified that sex assigned at birth is the sex designation based on the appearance of an infant's external genitals at birth, when they look typically male or female. *Id.* at 55:14–25. Humans are sexually dimorphic – meaning they typically develop down a female path or a male path – but not everyone follows down that path in their development. *Id.* at 107:16–108:9. Sex assigned at birth does not always fully or accurately reflect someone's sex, as some intersex conditions or differences of sex development may not become apparent until later childhood or adolescence. *Id.* at 55:25–57:16.

192. Gender identity is someone's deeply felt, inherent sense of their gender, and a core aspect of human development. Pls.' Hearing Ex. 6 ¶ 26. Gender identity is someone's internal sense of belonging to a particular gender, or being masculine or feminine. Tr. 47:6–10. Because we live in a binary society, infants are assigned a sex at birth, and parents of intersex children typically raise their child in a sex of rearing that matches their sex assigned at birth. *Id.* at 79:3–

12. Parents of intersex children are told that while sex assigned at birth is based on doctors' analysis of their infant's bodies and chromosomes, their child's gender identity ultimately may not align with that sex, because the child may feel internally that they belong to a different gender. *Id.* at 38:24–40:17.

193. To illustrate how gender identity is innate even though it cannot be ascertained at birth, Dr. Turpin discussed a variety of intersex conditions in which some percentage of children ultimately go on to identify as women while another percentage of children go on to identify as men. For example, Dr. Turpin discussed congenital adrenal hyperplasia, a condition where an infant has XX chromosomes (typically female) but an enzyme defect that exposes them to high levels of testosterone in utero. About 5% to 20% of these individuals will experience gender dysphoria—meaning they will be distressed because their sex assigned at birth doesn't match their gender identity—which is a far higher rate than the general incidence of being transgender, 0.5% to 1%. While such individuals may appear more female in their physical sex characteristics, if they have a male gender identity, they would be given testosterone—not estrogen—as medical treatment to go through puberty. *Id.* at 48:14–49:13; 119:3–25. As another example, individuals with an intersex condition known as androgen insensitivity syndrome do not respond to testosterone. Individuals with complete androgen insensitivity syndrome do not respond at all and typically appear completely feminine. Individuals with partial androgen insensitivity syndrome may have more ambiguous physical appearances. *Id.* at 73:10–74:13. Although it was previously believed that all of those individuals should be raised as girls, up to 10% may have male gender identities. *Id.* at 49:14–22; 74:14–19.

194. Similarly, Turner syndrome is a condition where someone has, instead of XX or XY chromosomes, only a single X chromosome. Although such individuals typically have indicia

of female sex—such as female internal and external reproductive organs—they typically have non-functional ovaries, so they cannot go through puberty without medical assistance. For Turner syndrome patients whose gender identity is female, they are given estrogen; but if a patient has a male gender identity, they would be given testosterone to start puberty. *Id.* at 75:11–76:22.

195. In each of these circumstances, when treating intersex individuals or individuals with DSDs, Dr. Turpin testified that medical providers align medical treatment with the gender identity articulated by the individual. *Id.* at 119:3–25. Dr. Turpin's expert opinion that gender identity is innate and immutable, even if not apparent at birth, is informed by her work with intersex individuals. *Id.* at 78:14–79:2.

196. Intersex individuals are not the only people whose gender identity—their internal sense of being male or female—may differ from their sex assigned at birth.

197. A transgender individual is a person whose gender identity does not align with their sex assigned at birth. *Id.* at 57:25–58:10. About .5 to 1% of the general population is transgender. *Id.* at 74:24–75:1.

198. A binary transgender man is an individual whose sex assigned at birth is female, whose gender identity is male, and who in every way, shape, or form possible in their lives, would like to be seen and present as masculine. *Id.* at 81:18–25.

199. A binary transgender woman is an individual whose sex assigned at birth is male, whose gender identity is female, and who in every way, shape, or form in their lives, would like to be seen as female. *Id.* at 82:1–5.

200. In Dr. Turpin's clinical experience with intersex and transgender patients, gender identity cannot be changed. *Id.* at 119:3–25. Infants cannot express gender identity, but as children grow up, they typically express a gender identity. *Id.* at 121:16–122:5.

201. Dr. Turpin summarized evidence indicating that a transgender person's gender identity (like an intersex person's gender identity) likely has biological underpinnings. *Id.* at 48:1–49:13; 49:23–50:22.

202. Transgender is not a medical diagnosis, but gender dysphoria is. *Id.* at 58:11–14. Gender dysphoria is a medical condition marked by severe distress and difficulty functioning in everyday life because of the incongruence between birth sex and gender identity. *Id.* at 51:5–14. Gender dysphoria is recognized within the medical field, including within the Endocrine Society Guideline used to assess whether medical treatment is appropriate and then to provide practice guidelines for providing that treatment. *Id*. at 51:15–52:4. A gender dysphoria diagnosis is made through clinical evaluation of a patient's report about their feelings about their gender and their functioning in society, similarly to how migraines, irritable bowel syndrome, and chronic fatigue are also diagnosed through patient report. *Id.* at 55:2–13.

203. Endocrinologists treating transgender individuals with gender dysphoria will provide estrogen or testosterone depending on the patient's gender identity. *Id.* at 60:5–13. Providing sex hormones to induce either feminine secondary sex traits (using estrogen) or masculine secondary sex traits (using testosterone) treats gender dysphoria by "aligning the individual's body with the way that their brain is wired. It can alleviate those feelings of distress and allow them to go th[r]ough their lives in society presenting and appearing as the gender that their brain is wired to be." *Id.* at 61:23–62:6.

204. The efficacy of hormonal treatment for gender dysphoria is assessed through patient report about their well-being, including mental health and functioning in society, as well as reports of satisfaction with physical changes such as hair growth for transgender men. *Id.* at 62:9–63:19; 64:23–65:14.

205. Endocrinologists provide similar treatments for intersex individuals. All individuals need to go through puberty to develop adult bodies with secondary sex characteristics like breasts or facial hair. *Id.* at 58:16–59:17. Intersex individuals may need medical assistance to go through puberty, and endocrinologists will provide either estrogen or testosterone depending on the patient's gender identity. *Id*. at 59:18–60:4.

206. Endocrinologists treating patients with chronic conditions evaluate how their patients are functioning in society both to understand if their medical treatments are working and also to identify impediments to managing their chronic conditions, e.g., ensuring that patients with diabetes continue to take their insulin at mealtimes even if they are experiencing bullying or stigma as a result. *Id.* at 65:15–67:2. Endocrinologists are similarly concerned about their transgender patients with gender dysphoria who may encounter touch points in their daily lives where they are confronted with their transgender identity or experience gender dysphoria. *Id.* at 67:3–21. For transgender individuals, one such daily point of friction may be the restroom, which on average a person needs 3–5 times a day. *Id.* at 68:7–69:10. Restroom use is relevant for the treatment of gender dysphoria because patients who reduce fluid intake to avoid using the restroom may experience negative medical consequences such as dehydration, fainting, or constipation. *Id.* at 69:13–71:6; 72:14–73:5.

207. In Dr. Turpin's practice treating adolescents and young adults in Kansas with gender dysphoria, 95% of her patients are either binary transgender men or binary transgender women. *Id.* at 82:6–15.

208. Binary transgender men who seek to live in all aspects of their lives as men will typically socially transition, meaning changing their hairstyle, clothing, name, and pronouns to be more masculine, and using men's restrooms, as well as medically transition, meaning taking

testosterone to make their bodies more masculine in terms of facial hair and a deeper voice, among other traits. *Id.* at 84:5–85:8. They will also legally transition by updating the gender markers on their identity documents. *Id.* at 85:16–86:2.

209. Prior to SB 244, Dr. Turpin would write letters for patients to verify that they had had appropriate medical intervention, typically hormone treatment or surgery, to warrant changing the gender markers on their driver's licenses. *Id.* at 86:3–11. Letters were not written for individuals who had not had appropriate clinical treatment. *Id.* at 86:12–17. Individuals typically wait until they "pass in the community as the gender that they identify with" or "were able to fully pass as much as possible in society" before seeking to change their licenses, usually after a few years of hormone therapy. *Id.* at 86:18–87:15. Dr. Turpin has not had an individual change the sex marker on their driver's license to reflect their gender identity and then want to change it back to reflect their birth sex. *Id.* at 122:21–123:3.

210. Dr. Turpin considers the gender markers on a driver's license to provide very minimal clinically relevant information, given the number of her patients with differences of sex development or who are transgender. *Id.* at 124:7–21; 125:3–19.

211. The 5% of Dr. Turpin's patients who did not identify as binary transgender men or binary transgender women did not seek letters to change the gender markers on their identity documents and Dr. Turpin did not provide them. *Id.* at 87:16–21; 88:22–89:5. Nonbinary individuals typically use the restroom of their sex assigned at birth because they look most congruent with that, and in Dr. Turpin's experience, her patients use the restroom that they look most congruent with. *Id.* at 88:7–21.

212. Dr. Turpin's patients who are binary transgender men or binary transgender women report improved wellbeing after changing their driver's licenses to match their gender identity,

including fewer concerns about interactions with law enforcement and better employment and education prospects: "They definitely feel like, . . . more doors have opened for [them], for the vast majority of patients." *Id.* at 89:6–90:6.

213. Since SB 244 went into effect, Dr. Turpin has discussed driver's licenses and restroom use with her transgender patients as part of her routine appointments in the management of their gender dysphoria. They report being "very disappointed that their identification had to be changed," and that "it makes their worlds smaller," when "they are not able to fully live in society as the gender they identify with." *Id.* at 90:7–91:4; 91:17–93:15. As an endocrinologist who is "taking care of the whole person…it's important that those individuals are able to live fully as the gender they identify with to avoid some of those comorbidities" such as depression and anxiety. *Id.* at 92:21–93:15.

214. Based on her education and clinical experience, Dr. Turpin is certain that restrictions on restroom use and driver's licenses will negatively affect her transgender patients: "I've absolutely seen it in my practice. Limiting restroom use, not allowing for proper identification has and will continue to make the lives of my patients worse." *Id.* at 157:9–21.

Dr. Ayden Scheim[12]

215. Dr. Ayden Scheim is a social epidemiologist and Senior Scholar of Public Policy at the Williams Institute at the University of California, Los Angeles School of Law. Tr. 7:18–23; 8:12–14; *see also* Pls.' Hearing Ex. 11 (Expert Declaration of Ayden Scheim, PhD) ¶ 7. He earned a Ph.D. in epidemiology and biostatistics from Western University in London, Canada, and completed postdoctoral training in the division of Global Public Health at the University of

[12] All citations to Dr. Scheim's testimony are to Vol. 2, part 2 (Sept. 30, 2026) of the hearing transcript.

California, San Diego. Tr. at 8:1–5. Before joining the Williams Institute, he was an assistant, and then an associate professor in the Department of Epidemiology and Biostatistics at Drexel University in Philadelphia. *Id.* at 8:8–10.

216. Dr. Scheim has received research grants from the U.S. National Institutes of Health and from the Canadian Institutes of Health Research. *Id.* at 8:21–23. He has authored approximately 130 peer-reviewed publications, including approximately 67 focused on transgender populations. *Id.* at 9:1–7.

217. Plaintiffs proffered Dr. Scheim as an expert in the field of social epidemiology. *Id.* at 18:23–25. Based on his education, academic appointments, research and publications, the Court finds that Dr. Scheim is qualified to offer expert testimony in the field of social epidemiology. The Court finds Dr. Scheim's testimony credible. He testified within the scope of his expertise, appropriately acknowledged the limitations of that expertise, and provided opinions grounded in the relevant empirical literature. The Court therefore gives substantial weight to his opinions within his areas of expertise.

218. Dr. Scheim testified that he was in the courtroom when Nicholas Noe and Kyle Koe testified about the steps they took to avoid having to use restrooms inconsistent with their gender identity, and he explained that such experiences were a common phenomenon according to multiple sources of data. *Id.* at 19:13–20:8. For example, according to the 2015 US Transgender Survey, which surveyed approximately 27,000 respondents, 59% of respondents reported that they had avoided restrooms in the prior year because they were concerned about how they would be treated. *Id.* at 19:9–15.

219. In addition, Dr. Scheim testified that he had personally conducted two studies regarding restroom avoidance. In the first study, which was conducted in the province of Ontario

using a method called respondent-driven sampling, Dr. Scheim and his co-authors found that 57% of respondents had avoided restrooms due to fears of being outed as transgender or mistreated. *Id.* at 20:23–21:9. In a subsequent study of transgender people throughout Canada, Dr. Scheim and his co-authors found that 84% of respondents had avoided a range of public spaces in the past five years, including restrooms, because of fear of being outed or mistreated. *Id.* at 21:10–14.

220. Dr. Scheim testified that restroom avoidance is frequently tied to experiences of actual mistreatment when using restrooms inconsistent with a person's gender identity. For example, according to the 2022 U.S. Transgender Survey, which had over 92,000 respondents, one in twenty respondents had been denied access to a restroom in the prior year. One in twenty respondents had also experienced harassment or violence in a restroom in the prior year and they were more likely to have that experience if they were using a restroom consistent with their sex assigned at birth instead of their gender identity. *Id.* at 22:21–23:10. Dr. Scheim further testified that because experiences of actual discrimination are relatively common in the transgender population, most transgender people would know somebody who has experienced that kind of discrimination, even if it hasn't happened to them directly. *Id.* at 29:10–15.

221. Dr. Scheim also discussed qualitative data from studies in which transgender people reported going to great lengths to plan their days around bathroom access—including when deciding whether to go to social outings, to go to a particular place of work, to go to a particular school—to ensure they have restrooms that they feel safe and comfortable using and other people feel safe and comfortable with them using. *Id.* at 24:8–20.

222. Dr. Scheim further testified about the scientific literature indicating the effects that fear of anticipated discrimination can have on people's mental health, even when no discrimination actually occurs. Dr. Scheim discussed the findings of a systematic review and meta-analysis

demonstrating that both experiences of discrimination, as well as anticipation of discrimination, had negative effects on both depression and suicide ideation, with the effects being slightly stronger for anticipated discrimination. *Id.* at 27:22–28:17. Dr. Scheim testified that those findings are consistent with broader research on the particularly negative health effects of chronic stressors that are repeated and unrelenting, as opposed to stressors that are one-time events. *Id.* at 28:18–21.

223. As a result, Dr. Scheim testified, just looking at how often transgender people experience actual discrimination, without including the effects of anticipated discrimination and restroom avoidance does not provide a full picture of the effects that SB 244's Restroom Ban has on transgender people's mental health. *Id.* at 28:22–29:9.

224. With respect to driver's licenses, Dr. Scheim testified that in the 2015 US Transgender Survey, of the respondents who had presented an identity document that didn't match their gender presentation, one-third had had a negative experience when presenting that ID document, most often verbal harassment, and approximately 12% were denied services or benefits, or experienced violence related to that ID presentation. *Id.* at 31:15–32:3.

225. Dr. Scheim also testified that he had co-authored a systematic review and meta-analysis for the World Health Organization's forthcoming health guideline regarding the mental health impacts of laws and policies preventing transgender people from receiving ID documents consistent with their gender identity. The meta-analysis found that having identity documents consistent with one's gender was associated with a 25% reduction in the odds of suicide ideation and a 47% reduction in the odds of serious psychological distress. *Id.* at 32:16–33:5.

226. Dr. Scheim further explained that the World Health Organization requires that all systematic reviews conducted for the organization rate evidence according to the GRADE system for developing clinical guidelines for medical treatments. *Id.* at 34:11–21. Under the GRADE

system, Dr. Scheim's study rated the available evidence as "low certainty" or "very low certainty," but Dr. Scheim explained that "low certainty" is the highest possible rating that observational studies can receive under the GRADE system. *Id.* at 35:18–36:12. Dr. Scheim testified that the GRADE system is appropriate for clinical epidemiology but not for social epidemiology because very few questions in social epidemiology can ethically or feasibly be answered using a randomized controlled trial. *Id.* at 34:22–35:13.

227. Dr. Scheim explained how social epidemiologists draw causal inferences from observational studies by examining the considerations such as: Is a relationship that we see between two factors consistent across studies, across different populations, and across time? How strong is that relationship? Is that relationship explained by biological or psychological mechanisms that are plausible based on what we know about human biology and psychology? Is there any experimental evidence directly or indirectly from animals or humans that would support that relationship? *Id.* at 18:1–22.

228. Based on his professional training, experience, and the relevant literature, Dr. Scheim provided the expert opinion that SB 244 will lead to increased incidences of discrimination as well as increased anticipated discrimination for the transgender population overall. That, in turn, will lead to negative mental health consequences, specifically related to psychological distress, suicide ideation, as well as to avoidance of situations in which restrooms or identity documents are required. Such avoidance, in turn, will lead to limited social participation, which will also have negative health consequences. *Id.* at 39:16–40:9.

Dr. Cynthia Calkins[13]

229. Dr. Calkins is a clinical forensic psychologist and a tenured professor of psychology at John Jay College of Criminal Justice. Tr. 91:5–13; *see also* Pls.' Hearing Ex. 17 (Expert Declaration of Dr. Cynthia Calkins, PhD). At John Jay College, Dr. Calkins co-founded and co-directs the Sex Offender Research Lab, where she supervises undergraduate and graduate research concerning sexual offending. Tr. at 93:23–94:14. She regularly teaches courses on sex crimes and the evaluation of individuals who have committed sexual offenses. *Id.* at 93:5–10.

230. Dr. Calkins's research focuses on the prevention of sexual violence, including the development and effectiveness of policies addressing sexual offenses. *Id.* at 94:17–21. She has published approximately 100 articles, approximately 50 of which are peer-reviewed, and approximately 90% of her published articles concern sexual offenses and sexual offenders. *Id.* at 95:3–19. Dr. Calkins also participates in the peer-review process for scholarship in her field. She serves on the editorial boards of *Psychology, Crime & Law* and the *Judicial Notebook* and serves as an ad hoc reviewer for other journals. *Id.* at 95:20–96:1.

231. Dr. Calkins has authored four books, including *Sexual Violence: Evidence-Based Policy and Prevention* and works concerning the prevention of child sexual abuse, criminal-justice reform, and offender treatment. *Id*. at 96:2–11.

232. In addition to her academic work, Dr. Calkins maintains a private clinical practice in which she conducts forensic evaluations of individuals charged with or convicted of sexual offenses. In those evaluations, she assesses matters including diagnosis, the context and motivations surrounding an offense, amenability to treatment, and risk of reoffending. *Id.* at 96:12–

[13] All citations to Dr. Calkins's testimony are to Vol. 2, part 2 (Sept. 30, 2026) of the hearing transcript.

97:2. Dr. Calkins has also worked with individuals who have committed sexual offenses in treatment settings in Nebraska, Australia, and Nevada. *Id.* at 97:3–6. Her expertise therefore rests on both extensive academic research concerning sexual offending and direct clinical experience evaluating and treating individuals who have committed sexual offenses.

233. Prior to this case, Dr. Calkins had been qualified as an expert witness in approximately 15 cases concerning sexual violence and risk assessments. *Id.* at 98:17–25.

234. Plaintiffs proffered Dr. Calkins as an expert in the fields of forensic psychology, sexual offenses, sexual offenders, sex crime policy and prevention, and psychosexual evaluation risk assessments. *Id.* at 99:1–9.

235. Based on her education, academic appointments, research and publications, teaching experience, and clinical forensic practice, Dr. Calkins is qualified to offer testimony in the field of forensic psychology, sexual offenses, sexual offenders, sex crime policy and prevention, and psychosexual evaluation risk assessments.

236. The Court finds Dr. Calkins's testimony credible. She testified within the scope of her expertise, appropriately acknowledged the limitations of that expertise, and provided opinions grounded in her clinical experience and her review of the relevant empirical literature. The Court therefore gives substantial weight to her opinions within her areas of expertise.

237. Dr. Calkins testified that public restrooms are not a common site of sexual offenses; transgender and intersex people are not more likely to commit sexual offenses; transgender and intersex people are more likely to be victims of sexual offenses; and SB 244 will not increase the safety of women and girls in public restrooms or reduce rates of sexual crime in Kansas. *Id.* at 99:16–101:13; 116:10–117:12.

238. Dr. Calkins has conducted approximately five studies concerning the locations where sexual offenses occur. Her research employs multiple methodologies, including archival studies of criminal-justice records. *Id*. at 100:16–102:16.

239. In two archival studies examining approximately 2,000 cases involving convicted sex offenders, Dr. Calkins found that only 4% to 7% of offenses occurred in public locations. The overwhelming majority occurred in private residences, frequently involving perpetrators known to their victims. None of the approximately 2,000 offenses occurred in a public restroom. *Id.* at 102:17–105:7. A subsequent analysis found that only 0.5% of the cases involved an offense committed by a stranger against a child in a public place. Dr. Calkins testified that public restrooms are not a typical site of sexual offenses and that she was unaware of any reputable scholar in her field who disagrees with that conclusion. *Id.* at 105:8–106:18.

240. Dr. Calkins testified that she would not expect materially different results in Kansas. Research from different jurisdictions, time periods, and methodologies reflects consistent patterns concerning where sexual offenses occur, and those patterns have remained generally consistent over time and across locations. *Id.* at 141:15–142:23.

241. Dr. Calkins testified that there is no empirical evidence that transgender people are more likely to commit sexual offenses, and she sees "no relationship" between transgender identity and sexual offending. *Id.* at 106:19–108:3. In her own clinical practice, Dr. Calkins has evaluated approximately 500 sexual offenders, none of whom identified as transgender. *Id.* at 107:11–23.

242. Dr. Calkins also testified that she has never observed a pattern of men pretending to be women to perpetrate sexual offenses in public restrooms and that such a pattern would be inconsistent with what is known about how sexual offenses are committed. *Id*. at 109:3–9.

243. Empirical research likewise does not support the proposition that allowing transgender people to use restrooms consistent with their gender identity increases criminal activity. A 2019 study comparing Massachusetts jurisdictions with and without transgender-inclusive restroom policies found no difference in rates of sexual offenses or other criminal incidents in restrooms. *Id.* at 108:4–109:2.

244. In contrast, research demonstrates that transgender and intersex people experience elevated rates of sexual victimization. *Id.* at 109:15–110:23.

245. Dr. Calkins testified that effective sex-crime policy should be grounded in empirical evidence and directed toward the circumstances in which sexual offenses actually occur. Policies based on unsupported assumptions can divert resources from effective prevention measures and produce unintended consequences. *Id.* at 111:17–113:16.

246. Dr. Calkins identified situational crime prevention as an evidence-based approach that modifies the physical environment to deter crime. If policymakers sought to reduce sexual offenses in public restrooms, effective interventions could include improved lighting, increased surveillance or staffing, open sightlines, alarm buttons, and multiple exits. *Id.* at 113:17–116:9.

247. Based on the empirical research and her expertise in sexual offending and sex-crime policy, Dr. Calkins concluded that there is no evidence that restricting transgender people's restroom access will reduce sexual offending and that SB 244 will neither increase the safety of women and girls in public restrooms nor lower rates of sexual crime in Kansas. *Id.* at 116:10–117:12.

DEFENDANTS' WITNESSES[14]

248. Defendant presented testimony from four fact witnesses to support SB 244's Restroom Ban.

Sally Soe

249. Sally Soe (a pseudonym) testified via affidavit (Pls.' Hearing Ex. 19) and at the hearing, where she was subject to cross-examination.

250. Although Sally Soe's two daughters have not used a restroom with a transgender person at their school, Sally Soe was sufficiently concerned about the possibility that after her older daughter graduated, she transferred her daughter to another school. Tr. 20:18–21:5; 8:13–19; 9:15–19; 11:13–19; 12:12–24.

251. When asked if she would be uncomfortable sharing a restroom with either a transgender man or transgender woman, Sally Soe testified, "I don't want men in my bathroom or in the bathroom with my daughters." *Id*. at 21:18–19.

Tim Tanner

252. Tim Tanner (a pseudonym) testified via affidavit (Pls.' Hearing Ex. 20) and at the hearing, where he was subject to cross-examination.

253. Tim Tanner testified that his daughter went to school with a transgender girl, though they were never in the restroom at the same time. Tr. 24:22–25:8; 29:20–23. Mr. Tanner did not witness any interaction between his daughter and the other student. *Id*. at 30:5–8. Mr. Tanner has since transferred his daughters to a private school. *Id*. at 28:21–29:4.

[14] All citations to Sally Soe's, Tim Tanner's, and Bailey Boe's testimony are to Vol. 3 (Oct. 1, 2026) of the hearing transcript. All citations to Jane Doe's testimony are to Vol. 4 (Oct. 2, 2026) of the hearing transcript.

Bailey Boe

254. Bailey Boe (a pseudonym) testified via affidavit (Pls.' Hearing Ex. 21) and at the hearing, where she was subject to cross-examination.

255. Bailey Boe testified that for two weeks during her sophomore year of high school, a transgender girl used the girls' locker room prior to a yoga class. Neither Bailey Boe nor the student changed in front of each other. Tr. 33:19–34:2; 34:8–18; 35:14–21; 41:20–25.

256. After Bailey Boe complained to the principal, the student no longer used the girls' locker room. *Id*. at 36:1–23; 38:18–24.

257. Bailey Boe has previously used a men's restroom at a public school because the line for the women's restroom was long and she really "had to go." *Id*. at 43:8–21.

258. Bailey Boe would be "unsettl[ed]" by sharing a restroom with a transgender man. *Id*. at 42:11–25.

Jane Doe

259. Jane Doe (a pseudonym) testified via affidavit (Pls.' Hearing Ex. 22) and at the hearing, where she was subject to cross-examination.

260. Approximately 5 years ago, as an intern at the State Capitol, Jane Doe once used a restroom stall in the women's restroom next to an elected official whom Jane Doe knew to be transgender. Tr. 5:6–7; 5:19–6:23; 12:13–16. Jane Doe did not have any interaction with the elected official, and she was not physically harmed. *Id.* at 13:3–8.

261. About a year ago, while working as a lobbyist at the State Capitol, Jane Doe entered a women's restroom at the same time that another elected official, who is transgender, was exiting. *Id*. at 8:6–18; 12:10–12. They were not in the restroom at the same time. *Id.* at 8:6–18.

Bryan Stammer

262. Defendants presented testimony from three law-enforcement officials to support SB 244's Driver's License Restriction. [15]

263. Sergeant Bryan Stammer is employed by the Ford County Sheriff's Office in Dodge City, Kansas. His responsibilities include enforcing traffic laws, training deputies, and supervising four deputies. He testified as a fact witness. Tr. 45:9–11; 46:13–19; 47:2–6.

264. During traffic stops, Sergeant Stammer uses a driver's license to verify an individual's driving status and check for outstanding wants and warrants. He accomplishes this by providing dispatch with the individual's driver's license number or, if the individual does not possess a license, their name and date of birth. Sergeant Stammer did not identify the sex marker on a driver's license as information he uses to verify an individual's identity or driving status during a traffic stop. *Id*. at 49:12–50:5.

265. Sergeant Stammer testified that Ford County Sheriff's Office policy requires officers to conduct same-sex searches when possible and prescribes different search techniques depending on the sex of the person searching and being searched. When searching a male suspect, male officers use the palms of their hands; when searching a female suspect, male officers use the backs of their hands and the blades of their thumbs. *Id*. at 50:8–52:21; 53:12–55:24.

266. Although Sergeant Stammer attempts to obtain a female officer to search female suspects, the Ford County Sheriff's Office employs only two female officers. Consequently, male officers frequently conduct searches of female suspects. *Id*. at 67:6–24.

[15] All citations to the testimony of Bryan Stammer, Brian Hill, and Robert Jacobs are from Vol. 3 (Oct. 1, 2026) of the hearing transcript.

267. Sergeant Stammer acknowledged that, under Ford County's policy, if he were to encounter an individual who presented as female but whose driver's license designated them as male pursuant to SB 244, he would conduct the more intrusive search prescribed for male suspects. *Id.* at 68:14–73:15.

268. Sergeant Stammer recounted an incident reported to him by another deputy involving an individual arrested during a traffic stop who allegedly presented as male but was identified as female during a search incident to arrest. Sergeant Stammer did not witness the incident and had no personal knowledge of what occurred. *Id*. at 57:17–59:9; 65:12–66:5. The State acknowledged that this testimony was hearsay and was not offered for the truth of the matter asserted. *Id*. at 59:10–61:9. Accordingly, the Court does not credit the account as evidence that the incident occurred as described. Sergeant Stammer further acknowledged that, even according to the account relayed to him, neither the deputy nor the Sheriff's Office suffered any consequences from the incident. *Id*. at 62:5–25.

269. Sergeant Stammer testified that Ford County's sex-specific search procedures are intended to protect officer safety and limit departmental liability. However, he could identify no instance in which misidentifying an individual's sex endangered him, nor any complaint or legal liability arising from a failure to comply with the department's search policy. *Id*. at 74:9–75:16.

270. Sergeant Stammer further testified that he had never encountered a problem involving a transgender individual and a driver's license, and that the sex marker on a driver's license had never prevented him from performing his duties as a law enforcement officer. *Id.* at 64:16–65:8; 76:24–77:5.

Brian Hill

271. Brian Hill has served as a law enforcement officer since 1991 and as Sheriff of Shawnee County for the past eight years. He oversees 118 deputies and has conducted thousands of traffic stops during his career. Tr. 84:18–85:17; 86:13–17; 89:16–18; 90:18–24.

272. Sheriff Hill testified that law enforcement officers routinely examine driver's licenses during traffic stops and typically run the licenses through their in-car computers. Sheriff Hill follows a different procedure because he is a member of the command staff. *Id*. at 94:6–96:11.

273. Sheriff Hill testified that an unchanging identifier on a driver's license is useful for law enforcement identification purposes. He acknowledged that the Kansas driver's license number, or K-number 16, remains constant. *Id*. at 118:12–119:15; 120:19–22. The K-number is also included in the National Crime Information Center (NCIC) database, which contains information about wanted individuals, when the individual has a driver's license. *Id*. at 91:4–9; 105:13–22.

274. Sheriff Hill testified that searching for an individual under an incorrect sex designation could potentially cause an officer to miss an outstanding warrant. *Id*. at 101:1–10. However, he identified no instance in which a transgender person's driver's license prevented law enforcement from identifying or apprehending that individual. *Id*. at 116:2–24.

[16] When KDOR issues an identification card, a K-number is assigned, which is unique and distinguishes each individual licensee. K.S.A. 8-243(a). That K-number permits KDOR and law enforcement personnel to access the holder's historical records, including name and address changes and gender marker changes. *See, e.g.*, https://www.ksrevenue.gov/dovgender.html ("KDOR's system indicates when a customer previously requested a gender marker change."); *see also* 18 U.S.C. § 2721(b)(1) (permitting use of a driver's personal information by law enforcement) and 18 U.S.C. § 2725(3) (defining that personal information as "information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5 digit zip code), telephone number, and medical or disability information . . .").

275. Sheriff Hill described an incident in which he initially failed to receive an individual's criminal history because he searched the database using the sex the individual provided, rather than their sex assigned at birth. After arresting the individual and transporting them to jail, Sheriff Hill learned their sex assigned at birth and found the criminal history through a subsequent search. Sheriff Hill never examined the individual's driver's license during the encounter. *Id*. at 106:2–25; 107:24–108:3. The discrepancy did not prevent Sheriff Hill from arresting, identifying, or incarcerating the individual. *Id*. at 122:11–123:17.

276. Sheriff Hill described one other incident involving an individual who was transgender. He acknowledged that the situation "wasn't so much a problem" and that law enforcement was always able to locate the individual. *Id*. at 109:23–110:11.

277. Sheriff Hill could identify no instance in which an individual obtained multiple driver's licenses to establish an alternate identity or in which multiple driver's licenses prevented law enforcement from identifying an individual. *Id*. at 124:18–125:20. Nor could he identify any instance in which a transgender person changed the sex marker on their driver's license to frustrate law enforcement or evade arrest. *Id*. at 125:22–126:7.

Robert Jacobs

278. Robert Jacobs is the Acting Director of the Kansas Bureau of Investigation (KBI). He has approximately 30 years of law enforcement experience, has worked on hundreds of criminal cases, and currently supervises approximately 415 employees. Tr. 129:19–130:6; 157:6–15.

279. Director Jacobs testified that KBI maintains several databases containing identifying information about individuals. Some of the databases contain information regarding an individual's sex, which is entered by the officer responsible for creating the record. *Id.* at 136:18–139:16; 145:25–146:14.

280. Director Jacobs testified that an identifying characteristic on a driver's license that cannot change "is ideal." *Id.* at 149:25–150:2. However, he acknowledged that several identifying characteristics on driver's licenses, including name, address, and weight, can change, and that KBI is adept at accommodating such changes. *Id.* at 154:6–22.

281. Director Jacobs testified that KBI uses numerous sources of identifying information, including immutable biometric identifiers such as fingerprints and retina scans. He acknowledged that KBI does not rely on driver's licenses to conduct criminal investigations. *Id.* at 153:2–4; 155:20–156:16.

282. Director Jacobs stated that he was unfamiliar with the history of changes to sex designations on Kansas driver's licenses and was unaware of any problems experienced by KDOR arising from those designations. *Id.* at 154:23–155:15.

283. Director Jacobs could identify no instance in his 30-year law enforcement career in which a transgender person's change to the sex marker on their driver's license impeded a criminal investigation or caused problems for KBI or its databases. *Id.* at 158:15–159:11.

Dr. James Cantor[17]

284. Dr. James Cantor has a Ph.D. in clinical psychology and describes himself as a sexual behavioral scientist who studies atypical sexualities, which, according to Dr. Cantor, include "plain-vanilla homosexuality," "various gender identities," and "paraphilias" that "can range from exhibitionism and voyeurism to paraphilic rape or sexual sadism" and "the many different types in between such as cross-dressing or a desire to either be, for example, an animal

[17] All citations to Dr. James Cantor's testimony are from Vol. 3 (Oct. 1, 2026) of the hearing transcript.

in a community who call themselves the Furries or the people who want to have sexual interaction with an animal." Tr. 165:4–166:12.

285. When asked where he currently works, Dr. Cantor testified: "I am the director of and founder of the Toronto Sexuality Center, where we [perform] both sex and couples therapy." *Id.* at 169:15–17. But Dr. Cantor admitted on cross examination that the "Toronto Sexuality Center" is just Dr. Cantor's personal therapy practice and that, despite referring to himself as the "director," he currently has no employees to direct. *Id.* at 234:14–24.

286. For about the past three years, 20% of Dr. Cantor's paid work is from his clinical practice where he sees only six patients a week and provides counseling for sex and couple's therapy. *Id.* at 234:25–235:6. None of Dr. Cantor's current patients is transgender. The last time Dr. Cantor worked with a transgender patient was two or three years ago, and that patient received counseling for issues unrelated to their gender identity. *Id.* at 235:7–16.

287. The other 80% of Dr. Cantor's paid work for the past three years comes from his work as an expert witness on transgender-related cases. *Id.* at 234:2–10.

288. The Court gives Dr. Cantor's testimony little to no weight. This Court's decision not to credit Dr. Cantor's testimony is consistent with the May 15, 2026 Order Granting Temporary Injunction in *Lily Loe v. State of Kansas ex rel. Kobach*, Case No. DG-2025-CV-000241 at ¶¶ 128–135 (Kan. Dist. Ct. May 15, 2026) (finding Dr. Cantor lacked relevant experience or qualifications and did not accurately or reliably report or summarize the state of the research).

289. As an initial matter, the Court gives little weight to Dr. Cantor's criticisms of testimony offered by Plaintiffs' expert witnesses, Dr. Turpin and Dr. Scheim. Although Dr. Cantor purported to offer criticisms of their testimony, Dr. Cantor admitted during cross examination that

he had not listened to Dr. Turpin and Dr. Scheim's oral testimony on the stand and that his criticisms were based exclusively on their written reports. Tr. 259:14–260:2.

290. With respect to Dr. Scheim's testimony in particular, Dr. Cantor testified that it is improper to draw causal inferences from observational studies with "low certainty" evidence, but his criticisms were directed at the field of social epidemiology in general, which, according to Dr. Cantor "can't be used as the basis for very much -- well, certainly medical policy or other policy." *Id.* at 181:22–25; 184:8–16.

291. For his own affirmative testimony, Dr. Cantor focused primarily on his criticisms of the World Professional Association for Transgender Health's ("WPATH's") changes to the Standards of Care for the Treatment of Transgender and Gender Diverse Persons (the "WPATH Standards") that occurred around 2011. Dr. Cantor testified that the version of the WPATH Standards issued in 2001 (at a time when the organization was known as the Harry Benjamin International Gender Dysphoria Association) recommended surgical gender transition only after a patient completed a period of "real life" experience under the supervision of a mental health professional. *See id.* at 199:19–202:5; 203:8–11; 238:2–239:15. Dr. Cantor expressed his belief that the scientific research at the time demonstrated that gender transition in accordance with those gatekeeping procedures was associated with positive outcomes. *See id.* at 239:5–15. By contrast, Dr. Cantor criticized WPATH for changing its Standards of Care in 2011 to replace the "gatekeeping" model with an "informed consent" model. Dr. Cantor expressed his belief that the medical community does not yet have sufficient evidence to know whether the "informed consent" model is associated with the same positive outcomes as the "gatekeeping" model. *See id.* at 243:9–13.

292. Dr. Cantor also criticized WPATH's use of the term "transgender," which refers to a person's internal sense of belonging to a particular gender. According to Dr. Cantor, the term allows people to assert they are transgender based solely on their internal sense of self unaccompanied by any gender transition. *See id.* at 199:3–203:11. By contrast, Dr. Cantor testified that he accepts the older terms "MTF transsexual" and "FTM transsexual," which were used around 2001 to refer to people who were born as one sex and "did everything they could to medically transition and live" their lives as the other sex. *See id.* at 235:17–236:18.

293. Dr. Cantor has written a document titled "A Bill of Transsexual Rights," in which he stated:

- "Transsexual individuals have the right to be recognized in their new gender by their employers and local and federal governments."
- "There are only very few instances wherein a person's physical gender is relevant to a government or employer."
- "Transsexual individuals have the right to be recognized as their new sex in all situations except for those with a compelling need."
- "Transsexual individuals have the right, during transition, to access sex-specific public facilities in which their contrary genital status would not be evident."
- "For example, for the great majority of instances, a presurgical male-to-female transsexual presenting as female can use a female-designated restroom unobtrusively."
- "Only in few instances, such as public showers, would a mismatch between the sex-designation of the facility and person's preoperative status be an issue."

See id. at 240:1–242:19.

294. Dr. Cantor testified that he stands by everything he wrote in the Bill of Transsexual Rights. *Id.* at 221:12–17. According to Dr. Cantor, "I supported, and still do, support the rights of transsexual people who fit the criteria for which we have evidence of actual success of [their] being able to live healthy and independent lives integrated into society." *Id.* at 220:22–221:1.

295. The Court concludes that Dr. Cantor's criticisms of WPATH's alleged switch from a "gatekeeping" model to an "informed consent" model and his criticisms of the use of the term

"transgender" instead of "transsexual" are not relevant to the issues in this case. SB 244 does not purport to regulate the availability of gender-affirming healthcare for adults, and all of the transgender plaintiffs in this case are "binary identified" individuals who would appear to fall within the definition of the term "FTM transsexual" as used by Dr. Cantor. Thus, under the principles articulated by Dr. Cantor in his "Bill of Rights for Transsexuals," it would seem that the transgender Plaintiffs should be recognized consistent with their male gender identity by the Kansas government and be allowed to use men's restrooms.

296. The asserted connection between Dr. Cantor's opinions and the defense of SB 244 is that Dr. Cantor believes that—in light of the current "informed consent" model and the use of the term "transgender"—policies allowing transgender women to use women's restrooms could be misused by cisgender men who are not themselves transgender but who claim to be transgender in order to satisfy paraphilias such as voyeurism and exhibitionism. According to Dr. Cantor: "A male exhibitionist, exploiting the opportunity to access female-designated privacy areas by declaring that he identifies as female, would be able to act out his paraphilia and display himself nude to females." *Id.* at 251:15–22. Dr. Cantor's hypothetical appears to be rank speculation and cannot be credited as proper expert testimony. Elsewhere in Dr. Cantor's report, Dr. Cantor testifies about the importance of relying on "high quality" scientific evidence in the form of randomized controlled trials, and he criticizes the field of social epidemiology for drawing causal inferences and predictions based only on observational studies. Yet, Dr. Cantor admits that his speculation about people with paraphilias using restrooms is not supported by any form of scientific research studying whether allowing transgender people to use restrooms consistent with their identity actually leads to an increase of voyeurism or exhibitionism in women's facilities. *Id.* at 251:7–14.

297. The Court also finds Dr. Cantor's hypothetical irrelevant to the issues in this case at the temporary injunction stage, which concern the use of restrooms, not locker rooms. Dr. Cantor admits that there are no public displays of genitals in women's restrooms, whether by cisgender women or transgender women. *See id.* at 252:8–15. Indeed, his Bill of Rights for Transsexuals states (in the language used at that time) that "for the great majority of instances, a presurgical male-to-female transsexual presenting as female can use a female-designated restroom unobtrusively." Dr. Cantor also testified that his concern about hypothetical cisgender men with paraphilias does not apply when transgender men—such as the transgender Plaintiffs in this case—use men's restrooms. *Id.* at 256:8–257:11. And, because SB 244 requires transgender men to use women's restrooms, Dr. Cantor admitted on cross-examination that the hypothetical cisgender man with paraphilias who claims he belongs in the women's restroom because he is a transgender woman could still gain access to a women's restroom under SB 244 by claiming he belongs in the restroom because he is a transgender man. *Id.* at 257:22–259:13.

Dr. Alyson McGregor[18]

298. Dr. Alyson McGregor is an emergency medicine physician and an associate dean of faculty affairs and development at the University of South Carolina School of Medicine – Greenville. Tr. 269:18–23. Dr. McGregor graduated from the Boston University School of Medicine and did her residency in emergency medicine at Brown University. *Id.* at 270:1–7. Dr. McGregor has spent 23 years in clinical practice, primarily in level one trauma centers. *Id.* at 270:8–15. As an academic researcher, she has studied biological sex and gender identity as it

[18] All citations to Dr. Alyson McGregor's testimony are from Vol. 3 (Oct. 1, 2026) of the hearing transcript.

impacts health and disease, especially women's health. *Id.* at 270:23–271:4. She has published peer reviewed articles and books on those topics. *Id.* at 271:5–18.

299. Defendant AG proffered Dr. McGregor as an expert in emergency medicine and sex and gender medicine. *Id.* at 272:7–15.

300. The Court holds that Dr. McGregor is qualified to offer expert testimony in the field of emergency medicine and sex and gender medicine. The Court therefore gives appropriate weight to her opinions within her areas of expertise.

301. In the context of medical research, Dr. McGregor testified that sex and gender should not be used interchangeably, because they are different things. *Id.* at 276:21–277:7; 273:15–25. But "both are important." *Id.* at 284:15–24; 286:22–24. Dr. McGregor acknowledged that "biological sex and gender identity are interrelated," and that there is scientific literature regarding the biological basis for gender identity, but that she has no opinion on what causes gender identity. *Id.* at 294:13–295:6. Dr. McGregor also testified that for transgender people, it is still an ongoing area of research as to what sex-specific reference ranges for certain laboratory tests are appropriate, given that hormone therapy can cause biological changes. *Id.* at 295:14–296:10.

302. Dr. McGregor offered no opinion about what driver's licenses should say as a matter of public policy with respect to sex or gender identity. *Id.* at 296:21–25. She offered no opinion on the potential negative consequences of including "biological sex" on a driver's license. *Id.* at 297:1–5. Dr. McGregor testified that the source of information about a person's sex or gender identity does not matter to her, so long as it is reliable. *Id.* at 296:16–20.

303. In the context of practicing medicine, Dr. McGregor testified that someone's "biological sex" is a clinically valuable piece of information. *Id.* at 277:8–12. But Dr. McGregor explained that a person's sex assigned at birth is not their "biological sex," but instead just "a proxy

for sex" because biological sex "is a multidimensional companion [sic] of biological variables . . . [including] sex chromosomes within the cells, XX versus XY, sex hormones, estrogen versus testosterone, internal and external reproductive organs, as well as secondary sex characteristics like hair growth and breast development," which may or may not be present in any particular individual. *Id.* at 273:17–25. As a result, Dr. McGregor explained that regardless of whether a person's gender marker on their driver's license lists their sex assigned at birth or their gender identity, the gender marker would still convey only an incomplete piece of information that does not tell her all the clinical information she would need to know about someone's biological sex. *Id*. at 287:17–290:22. For any patient, whether transgender or not, a doctor could not make assumptions based only on a driver's license but would have to also check to see what organs and hormone levels a person actually has. For example, in her teaching cases, Dr. McGregor emphasizes the importance of talking to the patient about things like what organs they have, not just checking driver's licenses. *Id.* at 299:6–10.

304. Importantly, Dr. McGregor could not recall, in her 23 years of practicing as an emergency medicine doctor and seeing 40,000 to 50,000 patients, a single instance where a driver's license that reflected someone's gender identity instead of their sex interfered with that patient's treatment. *Id.* at 291:9–17; 292:1–24. Her one specific recollection of treating a transgender patient is a teaching case that she uses to demonstrate why it is important to do an organ inventory—to ask what organs someone has—and to talk to the patient; she does not use it as an example of the importance of checking a driver's license for a sex marker because the driver's license played no role at all. *Id.* at 291:18–24; 292:25–293:15; 293:24–294:7; 299:6–10.

THE TEMPORARY INJUNCTION RECORD DOES NOT SUPPORT DEFENDANT'S ASSERTION THAT SB 244 SERVES THE STATE'S INTEREST IN PRESERVING

PRIVACY, SAFETY, AND DIGNITY OF WOMEN AND GIRLS IN SEX-SEPARATED RESTROOMS.

305. The Court finds that the temporary injunction record does not support Defendant's assertion that SB 244's Restroom Ban serves the State's asserted interest in preserving privacy, safety, and dignity of women in sex-separated restrooms.

306. As an initial matter, the Court notes that all of Defendant's evidence and argument with respect to these interests related to concerns about transgender women using women's restrooms. Defendant did not provide any evidence or argument that the government's interest in privacy, safety, and dignity are advanced by excluding transgender men from men's restrooms. Defendant's expert Dr. Cantor also admitted that his hypothetical concerns about cisgender men with paraphilias have no application to transgender men, except to the extent that such a hypothetical cisgender man would now have an easier time accessing a women's restroom under SB 244 because he could pretend to be a transgender man. Tr. 257:22–259:13 (Vol. 3). The Court thus finds, based on the temporary injunction record, that Defendants have not identified any rationale for excluding transgender men, including the five transgender men who are plaintiffs in this case, from men's restrooms.

307. In addition, during closing arguments following the temporary injunction hearing, the AG conceded that Ms. West falls within K.S.A. 77-207(a)(7)'s exception for intersex individuals and that she is permitted to use women's restrooms in facilities governed by SB 244. Hearing Tr. (Oct. 7, 2026) at 84:22–85:15; 140:12–141:10.

308. With respect to the asserted interest in protecting the safety of women, the Court credits the testimony of Plaintiffs' expert witness, Dr. Calkins, who testified that public restrooms are not a common site of sexual offenses; transgender and intersex people are not more likely to commit sexual offenses; transgender and intersex people are more likely to be victims of sexual

offenses; and SB 244 will not increase the safety of women and girls in public restrooms or reduce rates of sexual crime in Kansas. Tr. 99:16–101:13; 116:10–117:12 (Vol. 2, part 2).

309. Defendant did not present any admissible evidence to support the claim that allowing transgender people to use restrooms in government buildings consistent with their gender identity as lived and expressed in their everyday lives is a threat to safety. The Court finds it noteworthy that, although Defendant presented multiple law enforcement witnesses to speak to the asserted governmental interest in SB 244's License Restriction, none of those witnesses provided any testimony with respect to a safety interest in excluding transgender people from restrooms. Moreover, the record reflects that KDOA is not aware of any incident in which a transgender or intersex person using a government restroom abused, assaulted, harassed or committed a violent act against another occupant or engaged in any other type of misconduct in a government restroom. KDOA Rog. Resp. 12–13 (Pls.' Hearing Ex. 49).

310. With respect to the asserted interest in privacy and dignity, Defendant presented testimony from witnesses who expressed discomfort with the idea of transgender girls and women using girls' and women's restrooms, but none of the witnesses identified any instance in which a transgender person engaged in conduct that invaded another restroom user's privacy, threatened their safety, or otherwise interfered with their use of the facility.

311. Even Defendant's expert witness, Dr. Cantor, testified that transgender individuals can use restrooms "unobtrusively" in the great majority of instances. Tr. 221:12–17; 240:1–242:19 (Vol. 3).

312. Dr. Cantor speculated that allowing transgender women to use women's restrooms could enable cisgender men with paraphilias to enter women's restrooms for improper purposes by claiming to be transgender women. But Dr. Cantor presented no evidence of this actually

occurring. Dr. Calkins, by contrast, testified that she has never observed a pattern of men pretending to be women to perpetrate sexual offenses in public restrooms and that such a pattern would be inconsistent with what is known about how sexual offenses are committed. Tr. 109:3–9 (Vol. 2, part 2).

313. Moreover, the Court finds based on the temporary injunction record, that SB 244's Restroom Ban likely *undermines* Defendant's asserted interests in protecting privacy and dignity in women's restrooms by forcing transgender men to use women's restrooms when no single-user restroom is available. As Kyle Koe testified, women who encounter him in the women's restroom at work are alarmed at his presence, including staring, pointing, exclaiming, asking him to stop, or blocking his exit. Tr. 213:5–214:2 (Vol. 1). At least one female colleague has become distant and avoided Kyle Koe since encountering him in the women's restroom. *Id*. at 211:23–213:4 (Vol. 1). And Dr. Cantor conceded that under SB 244, a hypothetical cisgender male who seeks to enter women's restrooms for improper purposes could claim he belongs there by claiming to be a transgender man. Tr. 257:22–259:13 (Vol. 3).

314. In addition, the Court finds that even if the Restroom Ban did advance the government's interest, it is not sufficiently tailored to that goal. As Dr. Calkins testified, there are plenty of less discriminatory and more effective methods of protecting safety in restrooms, such as more lighting, better surveillance, staffing, open sightlines, or multiple exits. Tr. 113:17–114:11 (Vol. 2, part 2). And there are additional ways to enhance privacy for all restroom users, such as fully enclosed stalls with partitions that run from the floor to the ceiling. The record reflects that KDOA was not aware of any instance in which the presence of a transgender or intersex person in a government building restroom adversely impacted personal safety or presented any danger to other occupants, or any instance in which existing civil and criminal laws were insufficient to

address misconduct in a restroom within the purview of KDOA. KDOA Rog. Resp. 10–11 (Pls.' Hearing Ex. 49).

THE TEMPORARY INJUNCTION RECORD DOES NOT SUPPORT DEFENDANT'S ASSERTION THAT SB 244 SERVES THE STATE'S INTEREST IN FACILITATING IDENTIFICATION BY LAW ENFORCEMENT.

315. The Court finds that Defendant has failed to establish that permitting transgender and intersex individuals to possess driver's licenses reflecting their gender identity interferes with law enforcement's ability to identify individuals, investigate crimes, or protect public safety.

316. The temporary injunction record in this case is not materially different, in this respect, from the temporary injunction record in *State ex rel. Kobach v. Harper*, 65 Kan. App. 2d 680, 696 (2025). As previously noted, the Court of Appeals in *Kobach v. Harper* conducted a lengthy review of the evidence submitted by the AG in support of the contention that KDOR's gender reclassification policy impaired law enforcement identification of suspects or allowed potential suspects to evade arrest. The court found that the AG had "presented *no* evidence to support this claimed injury beyond unsubstantiated speculation." *Id.* at 695–96. The Court of Appeals explained "[t]he AG was not able to come up with a single incident in which a person who had the sex designation on their physical driver's license changed evaded arrest, posed a danger to a law enforcement officer, or was not housed appropriately in jail" and "no law enforcement officer complained to the KDOR about any problems that have resulted from the changing of the sex designation." *Id*. at 696-97.

317. Despite another opportunity to substantiate these same concerns, Defendant has again failed to identify any concrete law enforcement problem resulting from KDOR's longstanding practice of permitting changes to driver's license sex markers. Defendant AG's repeated failure to identify any evidence of a problem raises the strong inference that no such evidence exists. While they speculated about hypothetical scenarios in which driver's licenses

reflecting a person's gender identity could theoretically create complications, Defendant's own law enforcement witnesses confirmed the absence of any demonstrated problem actually existing in all the time in which KDOR's policy had been in effect. Acting KBI Director Robert Jacobs, who has approximately 30 years of law enforcement experience, could identify no instance in which a transgender person's change to the sex marker on their driver's license obstructed a criminal investigation or caused problems for KBI or its databases. Tr. 158:15–159:11 (Vol. 3). Shawnee County Sheriff Brian Hill, who has conducted thousands of traffic stops, likewise could identify no instance in which a transgender person changed their driver's license sex marker to evade arrest or frustrate law enforcement. Tr. 125:22–126:7 (Vol. 3). And Ford County Sheriff's Sergeant Bryan Stammer testified that he had never encountered a problem involving a transgender person and a driver's license, and that the sex marker on a driver's license had never prevented him from performing his law enforcement duties. Tr. 64:16–65:8; 76:24–77:5 (Vol. 3).

318. Although Defendant's witnesses raised hypothetical concerns about the possibility that changes to sex markers could complicate identification, the incidents they described did not substantiate those concerns. Sheriff Hill recounted an incident in which he initially failed to find an individual's criminal history because he searched using the sex the individual reported rather than their sex assigned at birth. But the incident did not involve a driver's license, and the discrepancy did not prevent Sheriff Hill from arresting, identifying, or incarcerating the individual. Tr. 106:2–25; 122:11–123:17 (Vol. 3). Sheriff Hill also described another incident involving a transgender individual, but acknowledged that it "wasn't so much a problem" and that law enforcement could always locate the individual. *Id.* at 109:23–110:11 (Vol. 3). Sergeant Stammer recounted an incident involving another deputy's encounter with an individual whose sex marker differed from their appearance. But Sergeant Stammer could not identify any resulting failure to

identify the individual and testified that no complaint or adverse consequence resulted from the incident. Tr. 65:9–23; 75:10–16 (Vol. 3).

319. The evidence further establishes that law enforcement has reliable ways of identifying individuals that do not depend on the sex marker on a driver's license. Director Jacobs testified that KBI uses multiple sources of identifying information, including fingerprints and retina scans, and does not rely on driver's licenses to conduct criminal investigations. Tr. 153:2–4; 155:20–156:16 (Vol. 3). Sergeant Stammer testified that he verifies driving status and checks for outstanding warrants using an individual's driver's license number or, when a license is unavailable, their name and date of birth. Tr. 49:14–50:5 (Vol. 3). Sheriff Hill testified that officers routinely verify driver's licenses and check for outstanding warrants using computerized databases, which officers can access through in-car computers. Tr. 95:9–96:11 (Vol. 3). He further acknowledged that every Kansas driver's license contains a unique identifying number, known as a K-number, that remains unchanged even when the license holder's appearance, address, or other identifying information changes. *Id*. at 118:19–119:15; 120:16–22 (Vol. 3).

320. The evidence further establishes that law enforcement routinely accommodates changes in identifying information without compromising its ability to identify individuals or maintain accurate records. Sheriff Hill acknowledged that law enforcement routinely encounters changes in individuals' identifying information, including changes in names and addresses, and has experience addressing discrepancies in those records. *Id*. at 121:12–122:10 (Vol. 3). Director Jacobs likewise acknowledged that names, addresses, and weights can change and that KBI is adept at accommodating those changes. Tr. 154:6–22 (Vol. 3). Director Jacobs further testified that KBI and the FBI have established procedures for reconciling discrepancies in criminal history records. *Id*. at 147:10–148:13 (Vol. 3). Changes to identifying information are neither unusual nor

insurmountable for law enforcement. The State has not demonstrated why changes to sex markers, unlike changes to other identifying characteristics, would prevent law enforcement from maintaining accurate records or identifying individuals, particularly given the availability of permanent identifying numbers and established procedures for reconciling discrepancies.

321. In addition, the Court finds that even if the License Restriction did advance the government's interest, it is not sufficiently tailored to that goal. To the extent information concerning an individual's sex assigned at birth is relevant to law enforcement, the State could make that information available through law enforcement databases without requiring it to appear on the face of every driver's license. The State has not demonstrated why officers could not obtain such information through existing identification systems while permitting transgender individuals to maintain driver's licenses that accurately reflect their gender identity and appearance. This alternative would serve the State's asserted law enforcement interest without imposing the burdens associated with the License Restriction. Driver's licenses are routinely used for purposes wholly unrelated to law enforcement, including opening bank accounts, renting apartments, and purchasing age-restricted products. Moreover, requiring a sex designation that conflicts with an individual's gender identity and appearance may undermine, rather than facilitate, visual identification. The State has offered no evidence establishing that its asserted law enforcement interest requires this categorical restriction rather than a less burdensome means of making relevant identifying information available to officers.

THE TEMPORARY INJUNCTION RECORD DOES NOT SUPPORT DEFENDANT'S ASSERTION THAT SB 244 SERVES THE STATE'S INTEREST IN PROVIDING CLINICALLY RELEVANT INFORMATION TO DOCTORS.

322. The temporary injunction record does not support Defendant AG's assertion that SB 244 serves the State's interest in providing clinically relevant information to doctors.

323. Defendant's sole witness on this state interest was Dr. McGregor, who did not have an opinion on whether driver's licenses should reflect gender identity or sex; she testified that both are important to know. She also testified that it does not matter how she obtains that information, but that it is most important to talk to patients.

324. The Court notes that Dr. McGregor and Dr. Turpin had different definitions of "sex": while Dr. Turpin included gender identity in her definition of sex, Dr. McGregor did not. *See* Tr. 44:8–15 (Vol. 2, part 1); Tr. 273:15–25 (Vol. 3). This difference is explicable in the context of their different fields: Dr. Turpin's practice as a pediatric endocrinologist includes a focus on the nuances of sex and gender identity with respect to the diagnosis and treatment of intersex conditions or differences of sex development in individual patients, while Dr. McGregor is focused on emergency medicine and research about sex and gender medicine more broadly. However, both experts acknowledged that sex and gender identity are interrelated in important ways and that there is evidence of a biological basis for gender identity, even if the precise mechanisms are not yet known to science. Tr. 119:3–25 (Vol. 2, part 1); Tr. 284:15–285:3; 294:13-296:6 (Vol. 3). The Court need not resolve whether the definition of "biological sex" does include or should include gender identity, or to what extent there is a biological basis for gender identity, to render its decision.

325. Dr. McGregor's own testimony demonstrates that SB 244's License Restriction does not advance the asserted interest in providing relevant clinical information. Dr. McGregor testified that in her 23 years of practice treating as many as 50,000 patients, she does not ever recall the presence of gender identity on a driver's license (instead of sex assigned at birth) interfering with a patient's treatment. Tr. 291:9–17; 292:1–24 (Vol. 3). She also testified that even when a driver's license reflects sex assigned at birth, doctors must double-check any assumptions they

make about a patient, whether the patient is cisgender or transgender, because sex assigned at birth is just a proxy for biological sex and does not convey the relevant clinical information about a person's anatomy and hormone levels. *Id*. at 273:17–25; 287:17–290:22. Thus, the License Restriction does not advance the asserted governmental interest because, regardless of whether a driver's license reflects a transgender person's sex or gender identity, medical professionals cannot make treatment decisions based solely on the driver's license.

326. In addition, the Court finds that even if the License Restriction did advance the government's interest, it is not sufficiently tailored to that goal. Driver's licenses are routinely used for purposes wholly unrelated to health care, including opening bank accounts, renting apartments, and purchasing age-restricted products. The State has not demonstrated why clinical information about a person's sex assigned at birth must be conveyed on the face of a driver's license instead of through other means.

CONCLUSIONS OF LAW

Declaratory Judgment With Respect to SB 244 as Applied to Intersex Individuals

327. During closing arguments following the temporary injunction hearing, the AG conceded that Ms. West falls within K.S.A. 77-207(a)(7)'s exception for intersex individuals; that, should she return to Kansas, she would be able to obtain a driver's license with an "F" marker on it; and that she is permitted to use women's restrooms in facilities governed by SB 244. Hearing Tr. (Oct. 7, 2026) at 84:22–85:15; 140:12–141:10.

328. In light of the AG's concession and the lack of any established process for intersex men and women to request an "accommodation" exempting them from SB 244's Restroom Ban and License Restriction, the Court will issue a declaratory judgment that SB 244's Restroom Ban and License Restriction do not apply to individuals who fall within K.S.A. 77-207(a)(7)'s

definition of "an individual born with a medically verifiable diagnosis of 'disorder/differences in sex development,'" including Ms. Dakota West.

329. "Under Kansas' traditional, two-part standing test, a party must demonstrate they have 'suffered a cognizable injury' and that there is 'a causal connection between the injury and the challenged conduct.'" *League of Women Voters of Kan. v. Schwab*, 317 Kan. 805, 813 (2023).

330. Ms. West has standing to challenge SB 244's application to her because she has suffered a cognizable injury and there is a causal connection between her injuries and both the License Restriction and the Restroom Ban.

331. As Ms. West testified, KDOR sent her a letter invalidating her driver's license under SB 244 because she had previously updated the sex marker from her sex assigned at birth to her gender identity. Tr. 258:21–23; 262:25–263:8 (Vol. 1). Although she attempted to avail herself of the appeal mechanisms, she received no response. *Id.* at 263:9–264:3. The invalidation of her driver's license prior to its expiration date, the cost of obtaining her SB 244-compliant license, and having her intersex status revealed against her will are all cognizable injuries for purposes of standing. *Id*. at 263:5–8; 264:7–10; 268:2–4. In addition, Ms. West's inability to use restrooms in government buildings has caused her to avoid locations that she previously frequented and to temporarily leave the State of Kansas, both of which are injuries from SB 244 that confer standing. *Id.* at 274:25–275:1; 275:6–9; 265:3–6. Although Ms. West testified that she has been staying in Tennessee since June 2026, the Court credits her testimony that, absent SB 244, she would return to Kansas on either a temporary or more permanent basis. *Id*. at 270:10–13; 272:10–12.

332. Defendant failed to provide any defense of SB 244 as applied to individuals like Ms. West who are intersex or who have medically verifiable diagnoses of "disorder/differences in sex development." K.S.A. 77-207(a)(7). Defendant conceded that Ms. West falls within the

statutory exception to SB 244 that allows such individuals "legal protections and accommodations afforded under the Americans with disabilities act and applicable Kansas statutes." K.S.A. 77-207(a)(7).

333. The Court will therefore enter a Declaratory Judgment under K.S.A. 60-1701 that SB 244's Restroom Ban and License Restriction do not apply to individuals who fall within K.S.A. 77-207(a)(7)'s definition of "an individual born with a medically verifiable diagnosis of 'disorder/differences in sex development,'" including Ms. Dakota West.

Standard for a Temporary Injunction

334. A party seeking a temporary injunction must demonstrate: "(1) The plaintiff has a substantial likelihood of eventually prevailing on the merits; (2) a reasonable probability exists that the plaintiff will suffer irreparable injury without an injunction; (3) the plaintiff lacks an adequate legal remedy, such as damages; (4) the threat of injury to the plaintiff outweighs whatever harm the injunction may cause the opposing party; and (5) the injunction will not be against the public interest." *Hodes & Nauser, MDs, P.A. v. Schmidt*, 309 Kan. 610, 619 (2019) (*Hodes I*) (citing *Downtown Bar and Grill v. State*, 294 Kan. 188, 191 (2012)).

335. Plaintiffs have made a successful showing on all five prongs of the test for a temporary injunction.

Likelihood of Success on the Merits

336. A plaintiff seeking a temporary injunction must show "a substantial likelihood of eventually prevailing on the merits." *Hodes I*, 309 Kan. at 619.

337. Plaintiffs seeking a temporary injunction "are not required to establish to a certainty that they will prevail on the merits . . . but only that they are substantially likely to prevail . . . ." *Hodes & Nauser, MDs, P.A. v. Schmidt*, No. 2015CV000490, 2015 WL 13065200, at *2 (Kan. Dist. Ct. June 30, 2015) (*Hodes Temp. Inj.*). "[T]he purpose of a temporary or preliminary

injunction is not to determine any controverted right, but to prevent injury to a claimed right pending a final determination of the controversy on its merits." *Idbeis v. Wichita Surgical Specialists, P.A.*, 285 Kan. 485, 492 (2007) (cleaned up). "Indeed, a reasonable probability of success is a much lower hurdle than meeting the applicable burden of proof at trial," *id.*, i.e., "actual success on the merits." *Steffes v. City of Lawrence*, 284 Kan. 380, 396 (2007).

338. Plaintiffs have demonstrated a substantial likelihood of eventually prevailing on the merits of their constitutional claims.

339. Plaintiffs are only required to demonstrate a substantial likelihood of eventually prevailing on the merits of one of their claims to satisfy the first prong of the five-part test for a temporary injunction.

340. Plaintiffs have demonstrated a substantial likelihood of eventually prevailing on the merits of at least one of their claims.

341. As discussed below, Plaintiffs have demonstrated a substantial likelihood of success on the merits of their claims for violations of their fundamental rights under the Kansas Bill of Rights to personal autonomy, to informational privacy, to freedom from compelled speech, and to equal protection, as well as to violations of Article II, Section 16 of the Kansas Constitution.

Plaintiffs Have Established A Substantial Likelihood of Eventual Success on the Merits of Their Claim that SB 244's Restroom Ban and License Restriction Violate Their Fundamental Right to Personal Autonomy

Plaintiffs' Fundamental Right to Personal Autonomy Includes Their Right to Live In Accordance With Their Gender Identity.

342. The Court holds that Plaintiffs are substantially likely to eventually succeed on the merits of their claim that SB 244's Restroom Ban and License Restriction violate their fundamental right to personal autonomy under Section 1 of the Kansas Bill of Rights.

343. Section 1 of the Kansas Bill of Rights provides: "All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness."

344. Section 1 is the Kansas Constitution's Lockean natural rights guarantee. *See Hodes I*, 309 Kan. at 626. This provision protects a "nonexhaustive list" of "substantive rights," *id.* at 626–27. Lockean natural rights guarantees in other state constitutions have been "applied with varying degrees of judicial vigor to decide some of the most challenging and controversial issues of the day," *id.* at 632 (quoting G. Calabresi & Sofía M. Vickery, *On Liberty and the Fourteenth Amendment: The Original Understanding of the Lockean Natural Rights Guarantees*, 93 Tex. L. Rev. 1299, 1440 (2015)), and are invoked "in cases dealing with a number of civil and political rights . . . for a very broad range of fact patterns." *Id.* (quoting 93 Tex. L. Rev. at 1364–82). The Kansas Supreme Court has held that Section 1 can "be enforced in the courts as a protection against legislation that impede[s] the exercise of individual rights." *Id.* at 635.

345. Among the rights protected by Section 1 is the "right of personal autonomy," which is "[a]t the core of the natural rights of liberty and the pursuit of happiness" embodied in a Lockean natural rights guarantee. *Id*. at 646. The fundamental right to personal autonomy "includes the ability to control one's own body, to assert bodily integrity, and to exercise self-determination," *Hodes I*, 309 Kan. at 646, and to "shape, for oneself, without unwarranted governmental intrusion, one's own identity, destiny, and place in the world." *Id.* at 649 (internal quotation marks and citations omitted).

346. In *Hodes I*, the Kansas Supreme Court held that the fundamental right to personal autonomy encompasses the choice of whether to have an abortion. *Id*. at 613. In reaching that conclusion, the Court recognized that "control over one's own person" has long been understood to "stand[] at the heart of the concept of liberty," *id.* at 640, and that the abortion restriction would

have "severely limit[ed]" a pregnant woman's autonomy by forcing her to "carry out a long-term course of conduct that [would] impact her health and alter her life," *id.* at 646.

347. In concluding that the fundamental right to personal autonomy encompasses the decision whether to have an abortion, the Kansas Supreme Court examined "natural rights, Lockean principles, the caselaw of Kansas, the rationale and holdings of court decisions from other jurisdictions reviewing broad constitutional natural rights provisions or other provisions similar to ours, and the history of early statutes limiting abortion in Kansas." *Id.* at 660.

348. More recently, in *Hodes II*, the Kansas Supreme Court reaffirmed its earlier rationale in *Hodes I* and upheld a declaration of the law's invalidity. *See Hodes & Nauser, MDs, P.A. v. Stanek*, 318 Kan. 995, 1034 (2024) (*Hodes II*). In response to a series of hypotheticals by the dissent, the majority in *Hodes II* rejected the notion that "all activities related, however tangentially, to personal autonomy are protected under section 1." *Id.* at 1012. The Court emphasized that *Hodes I* arose "in the specific context of deeply personal reproductive health decisions, the profound significance of which directly affects a woman's entire lifespan." *Id.* And the Court explained that "[b]ecause of the unique and profound attributes of the right to abortion and because denying this right 'would severely limit' a woman's inalienable natural right to personal autonomy protected under section 1 of the Kansas Constitution Bill of Rights," the law was unconstitutional. *Id.* at 1013–14. The Court instructed that courts considering whether the autonomy right applies in other contexts should "carefully examine[] and evaluate[] independently" any asserted application "in the context of its own unique implications." *Id.* at 1013.

349. Defendant AG argues that *Hodes II* effectively limited the fundamental right to personal autonomy protected by Section 1 to abortion and to nothing else. The Court disagrees.

Rather, *Hodes II* clarified that, to fall within the scope of the fundamental right of personal autonomy, the relevant conduct must have a profound impact on a person's life such that it is similar to the impact of the decision whether to have an abortion. In making that determination "each asserted right must be carefully examined and evaluated independently in the context of its own unique implications," *id.* at 1013, to determine "whether, like abortion, that interest has profound and unique attributes that bring it within section 1's meaning of personal autonomy," *id.* at 1035 (Rosen, J., concurring).

350. Applying the same analysis used in *Hodes I* and *II*, the Court concludes that, if presented with the question, the Kansas Supreme Court is substantially likely to conclude that Section 1 of the Kansas Bill of Rights protects a fundamental right to personal autonomy with respect to self-determination of one's gender, e.g., whether one lives as a man or a woman.

351. *Hodes I* recognized that "Anglo-American law starts with the premise of thorough-going self determination." *Hodes I*, 309 Kan. at 643 (internal quotation marks and citations omitted). "At the heart of a natural rights philosophy is the principle that individuals should be free to make choices about how to conduct their own lives, or, in other words, to exercise personal autonomy." *Id.* at 645. "Locke observed that 'every Man has a *Property* in his own *Person.*'" *Id.* at 640. This includes rights of autonomy, bodily integrity, and self-determination: "control over one's own person stands at the heart of the concept of liberty, one of the enumerated natural rights in section 1." *Id.* At common law, ordinances violating this guarantee included "requirements on the clothes that certain merchants could wear." *Id.* at 640 (citing Sir Edward Coke's 1642 Second Institute, Commentary on the Magna Carta). Lockean rights to personal autonomy thus protect the ability of the individual to engage in "self-determination," *id.* at 646, and to "shape, for oneself,

without unwarranted governmental intrusion, one's own identity, destiny, and place in the world," *id.* at 649 (internal quotation marks and citations omitted).

352. The Kansas Supreme Court is substantially likely to conclude that the Lockean natural rights guarantee includes the personal autonomy to express one's gender. Both men and women existed in the state of nature prior to the formation of governments, including in the State of Kansas. A person's identity as a man or a woman is a core aspect of personality and essential part of their identity that cannot be controlled or dictated by the State.

> [H]istorical experience and decades of scientific inquiry have established that transgender individuals have an innate conception of themselves as belonging to one gender. A transgender person's awareness of themselves as male or female is no less foundational to their essential personhood and sense of self than it is for those born with female genitals to identify as female, or for those born with male genitals to identify as male. History demonstrates that this self-conception is unshakeable indeed. Transgender individuals have persisted despite the significant harms that arose from living in societies that did not recognize them: cultural marginalization and disregard at best, and horrific oppression and lethal violence at worst.

Grimm v. Gloucester County School Board, 972 F.3d 586, 624 (4th Cir. 2020) (Wynn, J., concurring).

353. The evidence presented at the temporary injunction hearing powerfully illustrates the centrality of Plaintiffs' gender identity to their sense of self. The evidence presented at the temporary injunction hearing also reflects that—like the decision whether to have an abortion—the decision to transition to live one's life in accordance with one's gender identity is also a deeply personal characteristic with profound significance that may affect a person over their entire lifespan.

354. The evidence presented at the hearing included:

a. Nicholas Noe tried to communicate "I want to be a boy" from the age of five or six. Tr. 64:11–16 (Vol. 1). Now that he has transitioned to live as a man, Nicholas Noe

is “finally at a place in my life . . . where I can confidently say that I want to live.” *Id. at* 62:14–16.

b. Cameron Broyles “always knew that I was very different from a young age,” and had “a lot of tantrums, behavioral issues” when forced to abide by female norms as a child. Tr. 105:15–106:1 (Vol. 1). “It wasn’t until early adulthood when I was able to kind of venture out on my own, and explore that I even learned what transgender was, A, a term and B, a possibility. And so whenever I researched that, that felt most at home. And it was like, finally, I figured out what that was.” *Id*. at 106:8–13.

c. For Cameron Broyles, transitioning meant “I was finally able to live this authentic life, and I finally figured out who I was and how to live with who I am and so I wanted to share that victory and that success with the people that were close with me.” *Id. at* 117:15–118:4. Part of Cameron’s identity as a man is being “a very committed dad” and he was “very intentional of becoming a dad.” *Id.* at 140:14–22.

d. Before transitioning to living as a man, Kyle Koe “had started the process of what I’d call, like, fading out of my own life . . . I kind of went through my life in kind of, like, a sense of numbness all the time . . . it kind of felt like there was something wrong with me because everyone else seemed to be able to just walk through their lives and be okay, and for some reason I couldn’t do that.” Tr. 198:1–12 (Vol. 1). After transitioning to living as a man, “that sense of numbness went away pretty much immediately. And I was essentially able to kind of rebuild my life because my – I attribute it to my transition.” *Id.* at 198:21–24.

e. Kyle Koe celebrated at dinner with his husband once he received a driver's license with an "M" on it. *Id.* at 204:23–206:10. "I always saw my own transition as something like [the Kansas state motto, to stars through adversity]. You know, move through – move through the bad and the pain, and if I work hard and really try to be good, I could also land on my own kind of, like, happy life here in Kansas." *Id.* at 225:16–24.

f. Dakota West has been living as a woman since she was 12 or 13 years old, and after she learned she was an intersex woman, she was "[r]elieved that I finally understood myself. I didn't feel like I was crazy anymore for always feeling so different from everyone." Tr. 257:22–258:3 (Vol. 1).

g. When Dakota West learned that she was intersex and that her father had declined to put her on testosterone treatment in adolescence because he thought she "should develop the way that God intended and that it was my choice to make later on," she felt "[i]t was a relief that I never understood myself. It felt like a missing puzzle piece." *Id.* at 255:21–256:23.

h. Daniel Doe has "been telling my family from my earliest memories . . . from five years old" that "I want to be a boy, I wish I was a boy, I don't want to be a girl." Tr. 301:3–12 (Vol. 1). When he started being seen as a man in public, "It felt like my internal sense of self and external sense of self were finally aligned and that was one of the best feelings in my life. And transitioning is the greatest thing that I've ever done in my life." *Id.* at 303:1–7.

i. It is important to Daniel Doe to have an "M" on his license because "That is the most accurate representation of who I truly am. And even if I had never come out

as transgender, even if I had never revealed that part of my identity to anyone, if I never socially, legally or medically transitioned, I still would have been a transgender man, I would have died a transgender man, whether or not there was an M on my gender marker. So when there was a female gender marker on my license, that may have represented a fact that the doctor witnessed at my birth, but that female marker was still not an accurate representation of who I was from my earliest sense of self." *Id*. at 315:15–316:4 (Vol. 1).

j. Matthew Moe is perceived by others as male in his daily life. Pls.' Renewed Mot. for Temporary Injunction, Ex. 4 ¶ 21. Being recognized as male is important to Matthew. In his declaration, Matthew described his maleness as a "core part" of his identity and has a tattoo of the male symbol on his body. *Id*. at ¶ 25.

k. As Dr. Turpin opined, individuals have a definite sense of their gender identity that may not be apparent at birth, but will emerge later, and cannot be changed. Tr. 40:2–17 (Vol. 2, part 1). "[T]here are definitely biological underpinnings for gender identity," "gender identity is real," "gender dysphoria is real," and "ultimately, when we are making clinical decisions regarding sex hormones, that we need to rely on gender identity." *Id.* at 119:3–25.

355. In reaching this conclusion that the right to personal autonomy includes the right to live in accordance with one's gender identity, the Court is mindful of the Kansas Supreme Court's admonition that, in interpreting the scope of Section 1, courts should not "rely on historical prejudices in [their] analysis" and must instead "look to natural rights and apply them equally to protect all individuals." *Hodes I*, 309 Kan. at 659–60. Thus, in *Hodes I*, the Kansas Supreme Court found that Section 1 protected the right to decide whether to have an abortion despite the historical

fact that the early Kansas statutes prohibited abortion. The court explained that these laws were shaped by the "prevailing views justifying widespread legal differentiation between the sexes during territorial times," which were "reflected in policies impacting women's ability to exercise their rights of personal autonomy, including their right to decide whether to continue a pregnancy." *Id.* at 659. But "[w]e no longer live in a world of separate spheres for men and women," and "[t]rue equality of opportunity in the full range of human endeavor is a Kansas constitutional value, and it cannot be met if the ability to seize and maximize opportunity is tethered to prejudices from two centuries ago." *Id.*

356. The Court concludes that these principles from *Hodes I* apply with equal force to Plaintiffs' claims of personal autonomy with respect to the ability to live in accordance with their gender identity. Instead of asking whether the autonomy of transgender people was recognized at the time the Kansas Constitution was drafted, the Court must look to the underlying principles of natural rights and personal autonomy and apply those principles "equally to all individuals." *Id.* at 659–60. Moreover, although there is a historical record of discrimination against people who departed from traditional gender roles, there is also a history of transgender people in the United States invoking Lockean principles of autonomy to advocate for their freedom to legally and socially transition—sometimes with success. *See* Brianne Felsher, *"Sex Changed by a Court's Decree": The History and Tradition of Gender Transitions in the United States*, 114 Geo. L.J. 911 (2026) (discussing examples of transgender people receiving legal recognition for living consistent with their identity in the 1800s).

357. While not controlled by federal case law, the analysis in *Hodes I* is consistent with the United States Supreme Court's recognition in *Obergefell v. Hodges*, 576 U.S. 644 (2015), that "[t]he nature of injustice is that we may not always see it in our own times." *Id.* at 664. Thus, when

protecting fundamental rights "courts [must] exercise reasoned judgment in identifying interests of the person so fundamental that the State must accord them its respect." *Id.* "That method respects our history and learns from it without allowing the past alone to rule the present." *Id.* "If rights were defined by who exercised them in the past, then received practices could serve as their own continued justification and new groups could not invoke rights once denied." *Id.* at 671. The Court in *Obergefell* ultimately concluded that the U.S. Constitution protects all individuals' ability "to define and express their identity," which includes the ability of gay people to "marry[] someone of the same sex." *Id.* at 652.

358. In accordance with *Hodes I*, the Court is also guided by decisions of other state supreme courts interpreting Lockean rights provisions under their own constitutions. Several other states have interpreted their constitutional Lockean Rights provisions to protect autonomy and privacy in matters of sexuality. *See Jegley v. Picado*, 349 Ark. 600, 632 (2002) (holding that state "sodomy" statute violated Lockean Rights provision of Arkansas constitution); *Commonwealth v. Wasson*, 842 S.W.2d 487, 502 (Ky. 1992) (holding that state "sodomy" statute violated Lockean Rights provision of Kentucky constitution).

359. Significantly, *Hodes I* did not limit its review of other state constitutions to states with constitutions that mirror the precise phrasing of Kansas' Lockean Rights provision. The Court examined a wide array of state supreme court decisions protecting the right to personal autonomy even when those rights were derived from constitutional provisions that used other language. *See Planned Parenthood of the Heartland v. Reynolds ex rel. State of Iowa*, 915 N.W.2d 206, 232, 237 (Iowa 2018) (interpreting provision of Iowa constitution providing that "no person shall be deprived of life, liberty, or property, without due process of law"); *Pro-Choice Miss. v. Fordice*, 716 So.2d 645, 652–53 (Miss. 1998) (interpreting provision of Mississippi constitution stating that

"The enumeration of rights in this constitution shall not be construed to deny and impair others retained by, and inherent in, the people"); *Women's Health Center of West Virginia, Inc. v. Panepinto*, 191 W. Va. 436, 441–42 (1993) (interpreting provision of West Virginia constitution providing that "[g]overnment is instituted for the common benefit").

360. Applying the same methodology here, the Court finds the Montana Supreme Court's decision in *Kalarchik v. State*, 427 Mont. 333 (2026), to be particularly noteworthy. In *Kalarchik*, the Montana Supreme Court held that a law barring transgender Montanans from obtaining driver's licenses consistent with their gender identity violated the state constitution's protections for "individual dignity." The court explained that "[g]overnment issued identification documents are necessary to access public life. When they do not accurately reflect a person's sexual identity, the transgender Montanan is prevented, based on their sex, from obtaining the same attributes of public life that a cisgender Montanan may obtain." *Id.* at 348. In a concurring opinion, Justice Baker emphasized the law's impact on the right to personal autonomy.

> At its core, 'dignity' connotes persons' 'capacity to live self-directed and responsible lives.' . . . When a person is forced to carry and display a government identification document that does not match who they look like or how they present themselves, this dishonors their dignity. When a person looks like and comports themselves as a male and is required by the State to carry identification identifying them as a female, the person is treated differently—and disrespectfully—from a person carrying female identification who looks and acts like a female.
>
> This is not a trifling indignity. Plaintiffs are adult citizens who have an uncontested right to maintain their own identity. They have a right of personal autonomy privacy to live as transgender individuals. . . . Government-issued identification is a necessity for the exercise of numerous civil and political rights, as well as for many ordinary functions of daily life in an ordered society. . . . [T]he inability to obtain a government identification document that reflects who she is infringes on Plaintiff's capacity to protect her privacy and live a self-directed life in the same fashion as a cisgender female.
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> *Id.* at 356–57 (Baker, J., concurring) (citations omitted).

361. The Court concludes that, if presented with the question, the Kansas Supreme Court is substantially likely to conclude that the Lockean natural rights guarantee contained in Section 1

of the Kansas Bill of Rights includes the fundamental personal autonomy right to live in accordance with one's gender identity.

SB 244's Restroom Ban and Driver's License Restriction Infringe Plaintiffs' Fundamental Right to Personal Autonomy.

362. The Court also concludes that the Kansas Supreme Court is substantially likely to find that SB 244's Restroom Ban and License Restriction "actually impairs" Plaintiffs' autonomy to live and express their gender identity as part of their daily life. *Hodes II*, 318 Kan. at 1008.

363. Based on the evidence presented at the temporary injunction hearing, and consistent with the Montana Supreme Court's decision in *Kalarchik*, the Court concludes that SB 244's prohibition against transgender people using restrooms and obtaining driver's licenses consistent with their gender identity prevents them "from obtaining the same attributes of public life that a cisgender [Kansan] may obtain," *Kalarchik*, 427 Mont. at 348, and "infringes on [their] capacity to protect [their] privacy and live a self-directed life in the same fashion as a cisgender" person, *id.* at 357 (Baker, J., specially concurring).

364. The Court disagrees with Defendant AG's assertion that Plaintiffs are asserting a "positive" right to use government documents and resources as opposed to a "negative" right to be free from governmental restraint. "Government issued identification documents are necessary to access public life." *Id*. at 348; *accord Rigoberto S. J. v. Bondi*, No. 26-CV-957, 2026 WL 490104, at *4 (D. Minn. Feb. 20, 2026) ("[I]dentification documents are not trivial pieces of paper, but instruments of liberty and personhood."). Restroom access is also a basic necessity. Urination and bowel movements are not optional, and people cannot stay long in spaces where they cannot use the restroom. The Kansas Legislature has already recognized as much: restrooms must be "available without cost or charge" in any private or public establishment open to the public and containing such facilities. K.S.A. 65-1,110.

365. The evidence presented at the temporary injunction hearing demonstrated SB 244's Restroom Ban and License Restriction—like restrictions on the ability to decide whether to have an abortion—"have an impact on [transgender individuals'] ability to control [their] own bod[ies] and the course of [their] life," *Hodes I*, 309 Kan. at 647, and their ability to participate "in the full range of human endeavor," *id.* at 659.

366. With respect to SB 244's Restroom Ban, the evidence shows that SB 244 has materially impaired Nicholas Noe's ability to fully participate in his EMT education, Kyle Koe's ability to work as a civil servant, Daniel Doe's ability to work at a public university, Matthew Moe's ability to work and study at a public university, Ms. West's ability to feel safe living and studying in Kansas, and Mr. Broyles's ability to protect his children while taking them on social outings.

367. With respect to SB 244's License Restriction, the evidence shows that SB 244 has prevented Nicholas Noe from engaging in routine commercial transactions, such as purchasing a bottle of wine. It has deterred Mr. Broyles from applying to rent a new apartment. It required Kyle Koe to obtain protective assistance from his husband, a poll worker, to ensure that the presence of a "female" marker on his driver's license did not impede his ability to vote. It has limited Matthew Moe's ability to drive and curtailed his social activities. It has pushed Dakota West out of the State of Kansas and made her afraid to drive.

368. Plaintiffs' individual experiences are also bolstered by expert testimony. As Dr. Turpin explained, not being able to live in accordance with the gender identity "makes their worlds smaller. . . Ultimately, those things will drive people to drop out of school or, you know, quit their jobs, or live smaller lives that [are] isolated. They tend to become more depressed, more anxious, is what I've seen when they are not able to fully live in society as the gender they identify with."

Tr. 91:25–92:20 (Vol. 2, part 1). Dr. Scheim explained that restrictions on the ability to use restrooms or possess identity documents consistent with a person's gender identity contribute to social isolation, as transgender people commonly respond to such restrictions by avoiding public spaces out of fear of being outed or mistreated. Tr. 19:1–20:8; 20:23–21:14; 24:8–20; 32:16–33:5; 39:16–40:9 (Vol. 2, part 2).

369. This Court also cannot ignore the powerful stigma that SB 244 inflicts on Plaintiffs in their daily lives, communicating a message to Plaintiffs and "all the world" that their identity as men and women is "unworthy of . . . recognition." *United States v. Windsor*, 570 U.S. 744, 772 (2013). Daniel Doe feels

> like a second-class citizen, especially when I'm out searching for a restroom that is acceptable for me to use. I feel like I'm being separated from being able to use the restrooms that any other cisgender person would, and in my case, cisgender man. In a way, this bill has made me feel like a criminal, even when I'm attempting to comply. . . So although I'm a plaintiff in this case and challenging this law that I feel is unjust, I still can't shake the feeling that I'm doing something wrong, I'm the problem, I'm the criminal.
>
> Tr. 314:6–315:8 (Vol. 1).

As Kyle Koe testified, after urinating on himself in public while trying to locate a single-user restroom, and waiting for his husband to speak with Kyle's supervisor about him working from home the rest of the day,

> And so he does that and the entire time – when he's gone, I just basically start breaking down because I'm – it feels like, when I was out there, it felt like I was relegated to this position of, like, I wouldn't even be trusted around normal people. And I was basically being forced to, like, pee outside like a dog . . .
> But lately, because of this bill, it feels like I, I – I sometimes wonder if, like, why am I not considered one of the good people of Kansas? Why do I, why do they assume that I am going to, that if I step into a restroom, I'm going to – they have to make laws – they have to protect people from me.
>
> *Id.* at 217:9–15; 225:25–226:6.

And as Nicholas Noe explained,

> It's just one of those things, it's the same thing, you know, having to choose the restroom or especially like when one of them is being closed or I have to walk out in the rain or anything like that, that I'm almost, like, defective, in a way, that I don't – I used to go into the liquor stores and not have a problem, I used to go into the men's restroom and I never had a problem. And now, all of a sudden, it feels like I am the problem. I have never done anything so hard and so bad in my life to become this problem all of a sudden.
>
> *Id.* at 61:12–24.

Application of Strict Scrutiny

370. Because SB 244 infringes on a fundamental right, it must be tested under strict scrutiny. "Under strict scrutiny, the initial burden is on the plaintiff to prove a challenged law actually infringes on a constitutionally protected fundamental right under section 1. Any degree of actual infringement—however slight—triggers strict scrutiny. Once a plaintiff proves a statute infringes on a constitutionally protected fundamental right under section 1, the court presumes the law is unconstitutional and the burden shifts to the State to defend the law under strict scrutiny. Strict scrutiny requires the State to prove (a) the existence of a compelling government interest, (b) its actions further that compelling interest, and (c) its actions do so in a way that is narrowly tailored." *Hodes II*, 318 Kan. at 1005 (citing *Hodes I*, 309 Kan. at 669).

371. For purposes of strict scrutiny, a compelling interest is "not only extremely weighty, possibly urgent, but also rare—much rarer than merely legitimate interests and rarer too than important interests." *Id.* at 1015. It must be "concrete and exhibit some level of specificity, rather than broad and open to wide interpretation and inclusion of a great array of concerns," because to determine whether a law is narrowly tailored, it is "difficult, if not impossible, to effectively regulate in the interest of something that is amorphous or capable of encompassing countless sub-interests." *Hodes & Nauser, MDs, P.A. v. Kobach*, 318 Kan. 940, 952–53 (2024).

372. The Court disagrees with the Defendant AG's argument that SB 244 does not trigger strict scrutiny because it does not directly prohibit Plaintiffs from identifying as men or

presenting consistently with their male identity. As discussed above, the temporary injunction record amply reflects the myriad ways in which SB 244 has impaired Plaintiffs' ability to exercise self-determination and participate in public life consistent with their gender identity. *See supra* ¶¶ 35–178. *Hodes II* instructs that "once a plaintiff proves an actual infringement—regardless of degree and even if the infringement is slight—the government's action is presumed unconstitutional, and the burden shifts to the government to establish the requisite compelling interest and narrow tailoring of the law to serve it." *Hodes II*, 318 Kan. at 1009. Thus, as in *Hodes II*, because the government has burdened Kansans' fundamental right to personal autonomy (even if it has not issued an outright ban) it must justify that burden under strict scrutiny.

373. Defendant has failed to carry its burden to demonstrate that SB 244 satisfies strict scrutiny. As discussed above, the Court finds that the temporary injunction record does not support Defendant's assertion that SB 244's Restroom Ban and License Restriction serve any of the asserted state interests. The Court also finds that even if SB 244 did serve Defendants' asserted interests, it would still not be sufficiently tailored to those goals. *See supra* ¶¶ 305–326.

Plaintiffs Have Established A Substantial Likelihood of Eventual Success on the Merits of Their Claim that SB 244's Restroom Ban and License Restriction Violate Plaintiffs' Fundamental Rights to Privacy

374. The Court holds that Plaintiffs are substantially likely to eventually succeed on the merits of their claim that SB 244's Restroom Ban and License Restriction violate their fundamental right to informational privacy under Section 1 of the Kansas Bill of Rights.

375. The Court concludes that, if presented with the question, the Kansas Supreme Court is substantially likely to conclude that Section 1 of the Kansas Bill of Rights protects a fundamental right to informational privacy.

376. Although the Kansas Supreme Court has not yet explicitly held that Section 1 of the Kansas Bill of Rights protects a right to informational privacy, the Court has recognized that

the Fourteenth Amendment of the United States Constitution protects a fundamental right to informational privacy and that the Kansas Supreme Court customarily interprets the Kansas Bill of Rights to at least "echo federal standards." *Alpha Med. Clinic v. Anderson*, 280 Kan. 903, 920 (2006).

377. The Kansas Supreme Court also noted in *Hodes I* that "this court has recognized privacy as a natural right." *Hodes I*, 309 Kan. at 650 (citing *Kunz v. Allen*, 102 Kan. 883, 884 (1918)).

378. In other states with "Lockean rights" provisions similar to Section 1 of the Kansas Bill of Rights, state supreme courts have recognized that Lockean natural rights include the right to privacy. *See, e.g.*, *Allegheny Reprod. Health Ctr. v. Pennsylvania Dep't of Hum. Servs.*, 309 A.3d 808, 906, 913 (Pa. 2024) (interpreting similar rights clause to protect "the inherent right of an individual . . . to live a private life, . . . and to make important decisions free of government intrusion" and citing *Hodes I* for support); *Jegley*, 349 Ark. at 627–32 (holding that state constitution protected "a fundamental right to privacy" flowing from the state's inalienable rights of "life and liberty" and "pursuing . . . happiness"); *Powell v. State*, 510 S.E.2d 18, 21 (Ga. 1998) (recognizing a right to privacy stemming from the state constitution's due process guarantee); *Gryczan v. State*, 283 Mont. 433, 445 (1997) (recognizing that protecting privacy is understood in the context of exercising personal autonomy).

379. The Court concludes that, if presented with the question, the Kansas Supreme Court is substantially likely to conclude that the fundamental right to informational privacy under Section 1 of the Kansas Bill of Rights provides protection from unwanted disclosure of a person's transgender status (or intersex status), consistent with federal courts' interpretation of the right to informational privacy under the federal Constitution, and with state courts' interpretation of the

right to informational privacy under other states' constitutions. *See, e.g.*, *Powell v. Schriver*, 175 F.3d 107, 111 (2d Cir. 1999) (holding that "[t]he excruciatingly private and intimate nature of transsexualism, for persons who wish to preserve privacy in the matter, is really beyond debate"); *In re M.T.*, 106 Cal. App. 5th 322, 341 (2024) (explaining that transgender status is "intimate personal information entitled to protection under the right to privacy"); *Ray v. McCloud*, 507 F. Supp. 3d 925, 934 (S.D. Ohio 2020) (holding that requiring Ohioans to display birth certificates disclosing transgender status violates privacy right in federal constitution); *Love v. Johnson*, 146 F. Supp. 3d 848, 855 (E.D. Mich. 2015) (holding that requiring Michiganders to display driver's license disclosing transgender status violates privacy right in federal constitution); *K.L. v. State, Dep't of Admin., Div. of Motor Vehicles*, No. 3AN–11–05431 CI, 2012 WL 2685183, at *6 (Alaska Super. Ct. Mar. 12, 2012) (holding that requiring Alaskans to carry licenses disclosing transgender status violates privacy rights in Alaska Constitution).

380. The Court concludes, based on the evidentiary record at the temporary injunction hearing, that SB 244's Restroom Ban infringes the right to informational privacy by forcing Plaintiffs to disclose their transgender status:

a. Nicholas Noe had to disclose his transgender status to around six people as a result of revealing that he required an accommodation under SB 244 at his community college and then attempting to locate a single-user restroom on campus. Tr. 51:2–20 (Vol. 1).

b. Kyle Koe was forced to disclose his transgender status to security guards at the State Capitol complex while attempting to locate a single-user restroom. Tr. 209:2–211:7 (Vol. 1). He has been implicitly outed as transgender after being forced to use women's restrooms at his job. *Id.* at 211:23–214:4.

c. Daniel Doe has been questioned about his presence near single-user restrooms that are away from his regular workspace. Tr. 309:24–310:19 (Vol. 1).

381. The Court concludes, based on the evidentiary record at the temporary injunction hearing, that SB 244's License Restriction infringes the right to informational privacy by forcing Plaintiffs to disclose their transgender status. This conclusion is consistent with the holdings of other federal and state courts that forcing transgender individuals to display identification documents with gender markers based on their sex assigned at birth violates their right to privacy:

a. Nicholas Noe has been unable to complete commercial transactions that require a driver's license because doing so would jeopardize his ability to keep his transgender status private. Tr. 60:5–61:11 (Vol. 1).

b. Cameron Broyles has been unable to complete rental applications for fear of having his transgender status further disclosed in his small town, has been questioned at work about being transgender because of his SB 244-compliant license, and has had to present his license while traveling or applying for new jobs. Tr. 128:8–130:2; 136:1–13; 142:22–143:9; 144:11–145:9 (Vol. 1).

c. Kyle Koe has required assistance from his husband, a poll worker, with attempting to vote because Kansas requires photo identification at the polls and he was concerned that he might be unable to vote or questioned because of the gender marker on his license. Tr. 218:17–219:7 (Vol. 1).

d. Dakota West has been treated differently by a bank teller because of the sex marker on her license, and been forced to explain her intersex status against her will to friends who saw her license. Tr. 259:12–260:2; 268:19–269:5 (Vol. 1).

e. Daniel Doe has had to present his driver's license while purchasing a new vehicle and purchasing alcohol, revealing his transgender status. Tr. 323:4–324:6 (Vol. 1).

f. Matthew Moe's transgender status was involuntarily disclosed to a colleague who saw his driver's license at a work conference. Pls.' Renewed Mot. for Temporary Injunction, Ex. 4 ¶ 36. Matthew has also been forced to use his passport instead of his driver's license for domestic travel, out of fear that presenting a license with an "F" would lead to additional security screenings and disclosure of his transgender status. *Id.* at ¶ 35.

382. The Court concludes, based on the evidentiary record at the temporary injunction hearing, that Plaintiffs' previous social media posts regarding their gender transition did not negate their continued right to informational privacy with respect to involuntary disclosure of their transgender status when using the restroom or displaying photo identification. The Court reaches this conclusion for the following reasons:

383. The transgender Plaintiffs' social media posts occurred years ago and are, to the best of the Plaintiffs' ability and knowledge, no longer publicly available.

384. The transgender Plaintiffs credibly testified that they posted to social media when they were teenagers or at early stages of their gender transition, and that they are much more careful about sharing their transgender status now that they have either entered the workforce or have children.

385. The transgender Plaintiffs credibly testified that as political rhetoric regarding transgender people has become more hostile, they have grown more fearful of disclosing their transgender status.

386. The transgender Plaintiffs credibly testified that revealing their transgender status in face-to-face interactions exposes them to embarrassment, discrimination, and potential harm.

387. Dakota West, the sole intersex plaintiff, has been more public about being intersex; however, she testified that she has never been approached in public as a result of her social media presence, and that disclosure of being intersex in face-to-face interactions puts her at greater risk, regardless of her online presence. Tr. 269:6–24; 268:2–7 (Vol. 1).

388. The Court concludes that the right to informational privacy is not analogous to the attorney-client privilege for which disclosure of privileged information to any person at any time forever waives the right to invoke attorney-client privilege in any context. *Cf.* K.S.A. 60-437 (codifying that privilege is waived by previous disclosure). Rather, the Court agrees with the federal court in *Ray v. McCloud*, 507 F. Supp. 3d 925, 934 (S.D. Ohio 2020), that "[t]he fact that Plaintiffs are proud of their transgender status and have shared such information on their personal social media accounts or with friends and family in no way negates their right to not be forced to disclose such private and personal information except on their own terms and in environments they chose." Under the Defendant AG's theory, if a person has written on social media that they have had an abortion or that they are living with HIV, then the government would be free to put that information on their driver's license. The Kansas Bill of Rights does not condone that kind of government intrusion on personal privacy.

389. The Court concludes that, if presented with the question, the Kansas Supreme Court is substantially likely to hold that infringements on the fundamental right to privacy in Section 1 of the Kansas Bill of Rights are unconstitutional unless the State can survive strict scrutiny by proving "(a) the existence of a compelling government interest, (b) its actions further that

compelling interest, and (c) its actions do so in a way that is narrowly tailored." *Hodes II*, 318 Kan. at 1005 (citing *Hodes I*, 309 Kan. at 669).

390. Defendant has failed to carry its burden to demonstrate that SB 244 satisfies strict scrutiny. As discussed above, the Court finds that the temporary injunction record does not support Defendant's assertion that SB 244 serves the State's asserted interest in preserving privacy, safety, and dignity of women in sex-separated restrooms or in identification of individuals. The Court also finds that even if SB 244 did serve Defendants' asserted interest it would still not be sufficiently tailored to that goal. *See supra* ¶¶ 305–314.

Plaintiffs Have Established A Substantial Likelihood of Eventual Success on the Merits of Their Claim that SB 244's License Restriction Violates Plaintiffs' Right to Freedom from Compelled Speech

391. The Court concludes that Plaintiffs are substantially likely to eventually succeed on their claim that SB 244's License Restriction unconstitutionally compels Plaintiffs to convey the government's ideology, in violation of Section 11 of the Kansas Bill of Rights.

392. Section 11 protects the right of Kansans to "freely speak, write or publish their sentiments on all subjects, being responsible for the abuse of such rights." Kan. Const. Bill of Rights, § 11.

393. Section 11's protections are, "at a minimum, coextensive with the First Amendment." *League of Women Voters of Kan. v. Schwab*, 318 Kan. 777, 787 (2024). As with the First Amendment, Section 11 thus protects both the right to speech and the right *not* to speak.

394. If presented with the question, the Kansas Supreme Court is substantially likely to conclude that the text of Section 11 provides even broader protection from compelled speech. *See Gerawan Farming, Inc. v. Lyons*, 12 P.3d 720, 750–52 (Cal. 2000) (concluding that similar language in California constitution provides broader protections from compelled speech than those

provided by the First Amendment and addressing implications for this same language on compelled speech doctrine).

395. The Supreme Court held in *Wooley v. Maynard*, 430 U.S. 705, 715 (1977), that New Hampshire had unconstitutionally compelled speech by requiring drivers to display a license plate that included the state motto, "Live Free or Die." The Court explained that the law unconstitutionally compelled New Hampshire drivers to "use their private property as a 'mobile billboard' for the State's ideological message" with which they disagreed. *Id.*

396. Other federal and state courts have held that the inclusion of an unwanted message on driver's licenses compels speech in the same way as the license plates at issue in *Wooley*. *See McGuire v. Marshall*, 741 F. Supp. 3d 1112, 1199 (M.D. Ala. 2024); *Nelson v. Landry*, 714 F. Supp. 3d 790, 809 (M.D. La. 2024); *State v. Hill*, 341 So.3d 539, 549 (La. 2020); *Doe 1 v. Marshall*, 367 F. Supp. 3d 1310, 1326 (M.D. Ala. 2019).

397. Plaintiffs are five transgender men who live their lives as men and an intersex woman who lives her life as a woman. They vehemently disagree with the State's message that their identity as men and women or males and females is defined exclusively based on their sex assigned at birth. But SB 244 forces Plaintiffs to carry and display driver's licenses that negate their identities and declare them to be male or female based on their sex assigned at birth. Thus, like the law struck down in *Wooley*, SB 244 unconstitutionally "forces an individual, as part of his daily life . . . to be an instrument for fostering public adherence to an ideological point of view he finds unacceptable." 430 U.S. at 715 (internal quotation marks omitted).

398. The Court disagrees with the Defendant AG's argument that driver's licenses are internal governmental documents. The evidence presented at the temporary injunction hearing demonstrates that Plaintiffs are forced, not only to carry driver's licenses, but to display them to

others when they are stopped by law enforcement, attempting to vote, seeking to buy age-restricted products, going to the bank, filling out a rental application, or completing paperwork for a new job. *See* Tr. 240:20–25; Tr. 241:1–8 (Vol. 1) (describing Kyle Koe's experience with law enforcement); Tr. 218:17–219:7 (Vol. 1) (describing Kyle Koe's experience voting); Tr. 60:5–61:11 (Vol. 1) (describing Nicholas Noe being unable to complete a routine commercial transaction); Tr. 136:1–18 (Vol. 1) (describing Cameron Broyles's forgone rental application); Tr. 128:15–130:2 (Vol. 1) (describing Cameron Broyles's experience with HR at his new job); Tr. 259:12–260:6 (Vol. 1) (describing Dakota West's experience at a bank); Tr. 313:11–17 (Vol. 1) (describing Daniel Doe's experience with age-restricted products). The communicative nature of the driver's license is confirmed by the fact that two of the asserted state interests—providing identification to law enforcement and providing clinically relevant information to health providers—both depend on the driver's license being shown to a third party.

399. The Court disagrees with the Defendant AG's assertion that the License Restriction does not violate the First Amendment because driver's licenses are "government speech." The license plates in *Wooley v. Maynard* were also "government speech," but the First Amendment still protected individuals' right not to convey that governmental message. *See Walker v. Texas Div., Sons of Confederate Veterans, Inc.*, 576 U.S. 200, 219 (2015) (explaining that characterizing license plate designs as "government speech does not mean that the designs do not also implicate the free speech rights of private persons"); *Cressman v. Thompson*, 798 F.3d 938, 961 (10th Cir. 2015) (explaining that "government speech, if foisted upon an unwilling private party, still implicates compelled-speech concerns").

400. The Court disagrees with the AG's comparison of driver's licenses to currency bearing the U.S. motto. "[C]urrency is not personalized; it says not a word about the person who

holds it . . . Identification cards, by contrast, are personalized. They are meant to convey substantive personal information about their holders." *Doe 1*, 367 F. Supp. 3d at 1326; *accord Hill*, 341 So. 3d at 550.

401. The Court disagrees with the Defendant AG's assertion that forced display of a person's sex assigned at birth on a driver's license does not trigger strict scrutiny because it is a statement of fact. The evidence presented at the temporary injunction hearing demonstrates that the driver's license conveys an ideological message with which Plaintiffs vigorously disagree. But even if the information were treated as a statement of fact, compelled statements of fact still trigger strict scrutiny. As the Supreme Court explained in *Riley v. National Federation of the Blind*, "cases cannot be distinguished simply because they involve compelled statements of opinion while here we deal with compelled statements of 'fact': either form of compulsion burdens protected speech." 487 U.S. 781, 797–98 (1988); *see Doe 1*, 367 F. Supp. 3d at 1324.

402. Because SB 244's License Restriction compels Plaintiffs to transmit the government's speech, it is subject to strict scrutiny and is unconstitutional unless it is narrowly tailored to serve a compelling governmental interest. *See Wooley*, 430 U.S. at 715–16.

403. Defendant has failed to carry its burden to demonstrate that SB 244 satisfies strict scrutiny. As discussed above, the Court finds that the temporary injunction record does not support Defendant's assertion that SB 244's License Restriction serves the State's asserted interest in law enforcement and medical care. The Court also finds that even if SB 244 did serve Defendants' asserted interests it would still not be sufficiently tailored to that goal. *See supra* ¶¶ 315–326.

Plaintiffs Have Established A Substantial Likelihood of Eventual Success on the Merits of Their Claim that SB 244's Restroom Ban and License Restriction Violate the Kansas Constitution's Equal Protection Guarantee

404. The Court holds that Plaintiffs are likely to eventually succeed on the merits of their claim that SB 244's Restroom Ban and License Restriction violate the equal protection guarantees under Sections 1 and 2 of the Kansas Bill of Rights.

405. If presented with the question, the Kansas Supreme Court is substantially likely to hold that the Kansas Bill of Rights provides broader protection than the Equal Protection Clause, as interpreted by *Skrmetti*, *Orr*, and *B.P.J.*. The Kansas Supreme Court stated in *Rivera v. Schwab*, 315 Kan. 877, 894 (2022), that Kansas's equal protection guarantees are coextensive with the Equal Protection Clause of the Fourteenth Amendment. But that dicta arose in the context of gerrymandering claims. And even if *Rivera*'s dicta extended beyond gerrymandering, that dicta at most reflects the respective scopes of Section 2 and the Fourteenth Amendment at the time *Rivera* was decided in 2022. *Rivera* did not prospectively pre-commit Kansas courts to follow in lockstep with however the U.S. Supreme Court interprets the Fourteenth Amendment in the future. *Cf. People v. Jennings*, No. 165764, 2026 WL 2140256, at *20 (Mich. July 24, 2026) (explaining that "an intent to incorporate some then-existing federal protections into" interpretation of a state constitutional provision does not "translate[] to eternal 'lockstepping' with federal jurisprudence, no matter the novelty or unforeseeable nature of subsequent federal interpretations"). That is particularly true here, where the recent U.S. Supreme Court decisions post-dating *Rivera* were sharply divided and departed from preexisting federal precedent. *See West Virginia v. B. P. J. by Jackson*, 146 S. Ct. 2356, 2395 (2026) (Sotomayor, J., dissenting) (explaining that the majority opinion "elevates the reasoning of earlier dissents and lowers the State's burden for justifying the use of sex classifications in potentially all cases"); *United States v. Skrmetti*, 605 U.S. 495, 598 (2025) (Sotomayor, J., dissenting) (explaining that majority opinion "runs counter to decades of

equal protection precedents"). Indeed, the Kansas Supreme Court has recognized that "wholesale, automatic adoption of federal constitutional jurisprudence" does not provide stability because "[t]he federal jurisprudence appears to ebb and flow on the tide of political influence." *State v. Lawson*, 296 Kan. 1084, 1091 (2013).

406. The Court also concludes that Plaintiffs are substantially likely to prevail on their equal protection claims even if the Kansas Supreme Court interprets the Kansas Bill of Rights in accordance with the Supreme Court's interpretation of the Fourteenth Amendment in *Skrmetti*, *Orr*, and *B.P.J.*.

407. Under both the federal Equal Protection Clause and Sections 1 and 2 of the Kansas Bill of Rights, classifications based on sex are subject to "intermediate scrutiny" to determine whether they are substantially related to an important governmental interest. *See, e.g.*, *Stephenson v. Sugar Creek Packing*, 250 Kan. 768, 775–77 (1992) (quoting *Craig v. Boren*, 429 U.S. 190, 197 (1976)).

408. The United States Supreme Court has not yet decided whether classifications based on transgender status are also subject to intermediate scrutiny. The Court concludes that, if presented with the question, the Kansas Supreme Court is substantially likely to conclude that classifications based on transgender status are subject to intermediate scrutiny under Sections 1 and 2 of the Kansas Bill of Rights. *See Grimm*, 972 F.3d at 610–11 (concluding that classifications based on transgender status are subject to intermediate scrutiny under the Equal Protection Clause); *McCloud*, 507 F. Supp. 3d at 934 (same).

SB 244's Restroom Ban

409. The Court concludes that SB 244's Restroom Ban facially classifies based on sex. The law draws a sex-based line by excluding people with a male sex assigned at birth from

women's restrooms and by excluding people with a female sex assigned at birth from men's restrooms.

410. The Court concludes that SB 244's Restroom Ban also facially classifies based on transgender status. Under SB 244, cisgender Kansans may continue to use restrooms that align with the gender identity that they adhere to in all other aspects of daily life, but transgender Kansans may not. *See Roe v. Critchfield*, 137 F.4th 912, 922–23 (9th Cir. 2025) (holding that intermediate scrutiny applied because the law classified based on sex and transgender status because the law "only changed the status quo for transgender students . . . it bars only transgender students from using facilities that align with their gender identity").

411. The Court disagrees with the Defendant AG's assertion that the Restroom Ban does not classify based on transgender status simply because SB 244 does not use the term "transgender." *See State v. Limon*, 280 Kan. 275, 284–85 (2005) (explaining that although "there is no per se classification of homosexuals, bisexuals, or heterosexuals in the statute," the criminalization of "the conduct that defines the class" is a stigmatizing classification).

412. The Court also concludes that even if SB 244's Restroom Ban did not facially classify based on transgender status, it would still have to be analyzed as discrimination against transgender people because the Restroom Ban was based "because of, not merely in spite of," its effect on transgender people. *Pers. Adm'r of Massachusetts v. Feeney*, 442 U.S. 256, 279 (1979) (internal quotation marks omitted). The "historical background, legislative proceedings, and changes made in a proposed law during the course of its enactment may properly be considered by this court in determining legislative intent." *City of Manhattan v. Eriksen*, 204 Kan. 150, 154 (1969). The Restroom Ban was combined with the License Restriction, thereby creating a law that changed the status quo only for transgender individuals in two unrelated domains of their lives.

413. The Court disagrees with the Defendant AG's assertion that this case is controlled by *B.P.J.* or that privacy interests related to restrooms are based solely on "biological differences" associated with a person's sex assigned at birth. In *B.P.J.* all the parties agreed that sex separation in athletics was based on real biological differences. By contrast, the evidence presented at the temporary injunction hearing demonstrates that—as a practical matter—the privacy interests related to sex-separated restrooms are based on outward expression of gender identity:

a. Nicholas Noe, Cameron Broyles, Kyle Koe, and Daniel Doe provided credible testimony that when they previously used men's restrooms, they never encountered problems because they were perceived as being men even though their sex assigned at birth was female. Tr. 63:11–24; 109:2–22; 207:1–10; 302:17–25; 309:10–23 (Vol. 1); *see also* Pls.' Renewed Mot. for Temporary Injunction, Ex. 4 ¶¶ 39, 42.

b. Nicholas Noe, Cameron Broyles, and Kyle Koe provided credible testimony that when they have attempted to use women's restrooms, they caused disruption and discomfort because they are perceived as being men even though their sex assigned at birth is female. Tr. 52:17–54:18; 107:17–108:14; 213:5–214:2 (Vol. 1). Matthew Moe is also concerned that his presence in women's restrooms could frighten or anger women and girls using the restroom at the same time. Pls.' Renewed Mot. for Temporary Injunction, Ex. 4 ¶ 52.

c. Plaintiff Dakota West testified that she's never had any trouble using a women's restroom since she was 12 or 13 years old. Tr. 257:25–258:15 (Vol. 1).

414. The Court concludes that Plaintiffs' challenge to SB 244's Restroom Ban is distinguishable from the facial challenge to an Idaho statute that was rejected in *Critchfield*:

a. The plaintiffs in *Critchfield* brought a facial challenge to the Idaho statute's restrictions on both restrooms and locker rooms. *See Critchfield*, 137 F.4th at 922–23. In holding that plaintiffs were unlikely to succeed on that facial challenge, the Ninth Circuit emphasized that privacy interests related to exposure to nudity are relevant to locker rooms but not implicated by restrooms. *Id*. at 925.

b. The Idaho law at issue in *Critchfield* was limited to schools. *Id*. at 919–20. SB 244's Restroom Ban applies more broadly to restrooms in government buildings, which people encounter in all aspects of life.

c. The Idaho law at issue in *Critchfield* required schools to provide alternative single-user accommodations for students. *Id*. at 926. SB 244 does not. As a result, the evidence showed that Nicholas Noe and Kyle Koe frequently have to travel to other buildings to use the restroom because there are no convenient single-user facilities in the buildings they use.

415. Because the evidentiary record presented at the temporary injunction hearing does not support the State's argument that SB 244's Restroom Ban advances any of the asserted state interests, Plaintiffs are substantially likely to ultimately succeed on their claim that the Ban violates the equal protection guarantee of Sections 1 and 2 of the Kansas Bill of Rights. *See supra* ¶¶ 305–314.

SB 244's License Restriction

416. The Court concludes that SB 244's License Restriction facially classifies based on sex. The law draws a sex-based line by requiring that individuals with a female sex assigned at birth carry a driver's license displaying "F" and that individuals with a male sex assigned at birth carry a driver's license displaying "M."

417. The Court disagrees with the AG's argument that SB 244's License Restriction does not facially classify based on sex because all individuals—both men and women—must carry driver's licenses based on their sex assigned at birth. The Defendant AG relies on the United States Supreme Court's emergency stay order in *Trump v. Orr*, 146 S. Ct. 44 (2025), regarding gender markers on passports, but the Court concludes that *Orr* is inapposite. First, the emergency order in *Orr* was "not conclusive as to the merits" of a federal legal issue, *Trump v. Boyle*, 145 S. Ct. 2653, 2654 (2025), much less controlling authority on the scope of the Kansas Constitution. Second, the Court's reasoning in *Orr* was based on the premise that the gender marker on a passport—like the indication of a person's place of birth on a passport—simply reflects a historical fact. By contrast, the information on a person's driver's license generally reflects *current* identifying information such as their current name, residence, and physical description—not the historical facts of their name, residence, and physical description at birth. In context, the driver's license thus contains a classification of a person's current sex, not a statement of historical fact about what their birth-assigned sex used to be.

418. The Court concludes that SB 244's License Restriction also facially classifies based on transgender status. This Court agrees with the reasoning of the Supreme Court of Montana in *Kalarchik v. State*, 427 Mont. 333 (2026), which similarly concluded that a law requiring Montanans to carry driver's licenses based on their sex assigned at birth discriminated against transgender Montanans. All Kansans are similarly situated in their need for identity documents that match their gender identity and presentation, but under SB 244 only non-transgender Kansans can obtain such licenses. *See Kalarchik*, 427 Mont. at 349.

419. The Court disagrees with the Defendant AG's assertion that the License Restriction does not classify based on transgender status simply because SB 244 does not use the term

"transgender." The Kansas Supreme Court rejected a similar argument in *Limon*, 280 Kan. at 284–86, which held that a law prohibiting sexual activity between two people of the same sex was not a "per se classification of homosexuals, bisexuals, or heterosexuals" but nevertheless imposed a "discriminatory classification" against such individuals for purposes of equal protection. As in *Limon*, while SB 244 may not explicitly refer to transgender individuals, the law targets conduct so closely related to transgender status that it functions as a facial classification of transgender people.

420. The Court also concludes that even if SB 244's License Restriction did not facially classify based on transgender status, it would still have to be analyzed as discrimination against transgender people because it was enacted "because of, not merely in spite of," its effect on transgender people. *Feeney*, 442 U.S. at 279 (internal quotation marks omitted). The "historical background, legislative proceedings, and changes made in a proposed law during the course of its enactment may properly be considered by this court in determining legislative intent." *Eriksen*, 204 Kan. at 154. The License Restriction was enacted after the Defendant AG's ultimately unsuccessful litigation under SB 180 to prohibit KDOR from allowing gender reclassifications on driver's licenses for transgender individuals. The License Restriction was also combined with the Restroom Ban, thus changing the status quo only for transgender people in two unrelated domains of their lives. Although SB 244 does not use the word "transgender," like the law in *State v. Limon*, it targets conduct that defines the class of persons who are transgender, e.g., those who live and present in society as a gender that is different from their sex assigned at birth. 280 Kan. at 284–86.

421. Because the evidentiary record presented at the temporary injunction hearing does not support the State's argument that SB 244's Restroom Ban or License Restriction advance any of the asserted state interests, Plaintiffs are substantially likely to ultimately succeed on their claim

that SB 244's Restroom Ban and License Restriction violate the equal protection guarantee of Sections 1 and 2 of the Kansas Bill of Rights. *See supra* ¶¶ 305–326.

Plaintiffs Have Established a Substantial Likelihood of Eventual Success on the Merits of Their Claim that SB 244 Violates the Kansas Constitution's Single-Subject and Clear-Title Rule

422. The Court concludes that Plaintiffs are substantially likely to succeed on their claim that SB 244 violates Article II, § 16 of the Kansas Constitution. Section 16 imposes two related requirements: "No bill shall contain more than one subject," and "[t]he subject of each bill shall be expressed in its title." Kan. Const. Art. II, § 16. These requirements protect the integrity of the legislative process by preventing the combination of unrelated measures in a single bill and ensuring that legislators and the public receive adequate notice of proposed legislation. *State ex rel. Stephan v. Thiessen*, 228 Kan. 136, 142–44 (1980).

423. A bill violates Article II, § 16 when its provisions address different subjects lacking a "legitimate connection" to one another. *Kansas One-Call Sys., Inc. v. State*, 294 Kan. 220, 226–28 (2012). The Legislature cannot skirt this limitation by selecting a title so broad that it encompasses otherwise unrelated legislation. *Thiessen*, 228 Kan. at 143–44.

424. SB 244 regulates two distinct subjects: (1) the designation of sex on government-issued identification documents; and (2) the use and regulation of sex-segregated restrooms, locker rooms, and other private spaces in government buildings. These provisions regulate different activities, impose obligations on different actors, involve different government agencies, and establish separate enforcement mechanisms. The use of a shared definition of sex does not transform these separate regulatory schemes into a single subject.

425. Kansas precedent confirms that a broad descriptive label cannot be sufficient to establish the requisite constitutional connection. In *Thiessen*, the Kansas Supreme Court held that legislation concerning criminal procedure could not be combined with legislation establishing a

law enforcement training center under the broad subject of "crimes." 228 Kan. at 143–44. Similarly, in *Cashin v. State Highway Commission*, the Court rejected the combination of motor vehicle licensing provisions with provisions addressing liability for negligence in operating motor vehicles. 22 P.2d 939, 939–41 (Kan. 1933).

426. The same reasoning applies here. Defining sex for purposes of identification documents and restricting access to restrooms in public buildings are not parts of a single regulatory scheme merely because both use the same definition of sex. Accepting that connection as sufficient would permit the Legislature to combine virtually any provisions employing a common statutory definition, defeating the purpose of Section 16.

427. Nor can SB 244's provisions be harmonized simply by describing their common purpose as regulating transgender people. Such a formulation identifies a population affected by the legislation rather than a coherent legislative subject. Moreover, Defendants maintain that SB 244 is facially neutral and does not classify based on transgender status. Hearing Tr. (Oct. 7, 2026) 105:17–23. The Court need not resolve that inconsistency to conclude that the provisions lack the legitimate connection required by Section 16.

428. SB 244 also presents a substantial question under Section 16's independent requirement that the subject of legislation be expressed in its title. SB 244's introductory clause describes it as an act "concerning identification of biological sex." Defendants likewise cite "identification of biological sex" as the bill's unifying subject. Hearing Tr. (Oct. 7, 2026) 109:7–8. But that description has no relationship to the restroom provisions, which regulate which individuals may enter sex-segregated spaces and authorize penalties and private civil actions for violations.

429. The legislative history reinforces the conclusion that SB 244 combined separate legislative subjects. Kansas courts have considered legislative history and the way provisions were combined when evaluating compliance with Section 16. *See Thiessen*, 228 Kan. at 140–42; *Cashin*, 22 P.2d at 940–41; *State v. Sholl*, 49 P. 668, 668–69 (Kan. 1897).

430. The identification document provisions originated in HB 2426, which addressed sex designations on driver's licenses and birth certificates. H.B. 2426, 2026 Leg. Sess. (Kan. 2026). The restroom restrictions were added during the legislative process through a separate amendment. Minutes of the House Judiciary Committee, KAN. LEG. (Mar. 2, 2026). The House Judiciary Committee then exported the text of HB 2426 into SB 244, which originally passed in February 2025 and regulated bail bond companies. Minutes of the House Judiciary Committee, KAN. LEG. (Mar. 2, 2026); SB 244, 2025 Leg. Sess. (Kan. 2025) (bail bonds version); Journal of the Senate – Day 26, KAN. LEG. (Feb. 19, 2025) (recording of bail bonds version). The Legislature did not develop the identification document and restroom provisions as interdependent components of one regulatory program.

431. The record further reflects that the restroom amendment was introduced on an expedited schedule and received no separate public committee hearing after its incorporation into SB 244. Journal of the House – Day 12, KAN. LEG. (Jan. 28, 2026).

432. In *Thiessen*, the Kansas Supreme Court considered the legislative history of a bill combining criminal procedure provisions with provisions establishing a law enforcement training center. 228 Kan. at 140–42. The Court discussed the dangers of legislative procedures that restrict legislators' voting options and reduce opportunities for consideration of separate proposals. *Id.* Those concerns are implicated here.

433. The Court rejects Defendants' suggestion that the Legislature's supermajority approval insulates SB 244 from constitutional review. *See* Hearing Tr. (Oct. 7, 2026) 119:13–21. Section 16 imposes a constitutional limitation on the process by which legislation may be enacted, regardless of the number of legislators voting in favor of a bill.

434. The Court concludes that Plaintiffs have demonstrated a substantial likelihood of success on their claim that SB 244 violates Article II, § 16. Because the bill combines distinct subjects lacking the constitutionally required connection, SB 244 is likely invalid in its entirety. *See Thiessen*, 228 Kan. at 144.

Plaintiffs Have Demonstrated a Substantial Likelihood of Eventual Success on the Merits of Their Claims Even Under Rational Basis Review

435. Even if SB 244 did not trigger heightened or strict scrutiny, Plaintiffs still have a substantial likelihood of succeeding on the merits of their individual rights claims because SB 244 cannot survive even rational basis review.

436. Under the rational basis standard, a statute (1) "must implicate legitimate goals" and (2) "the means chosen by the legislature must bear a rational relationship to those goals." *Limon*, 280 Kan. at 288 (quoting *Mudd v. Neosho Mem'l Reg'l Med. Ctr.*, 275 Kan. 187, 198 (2003)). This ensures that "classifications are not drawn for the purpose of disadvantaging the group burdened by the law." *Id*. at 288 (quoting *Romer v. Evans*, 517 U.S. 620, 632 (1996)).

437. A law may fail rational basis review if it is over-inclusive: courts examine "the scope of the classification" because "[o]ver-inclusiveness, where the legislation burdens a wider range of individuals than necessary given the State's interest, may be particularly invidious and unconstitutional." *Id*.

438. A law may fail rational basis review if it is under-inclusive: "a failure to create a classification which is sufficiently broad to effectively accommodate the State's interest, i.e., the

creation of an under-inclusive class, may evidence an animus toward those burdened." *Id.* (internal citations omitted).

439. When a law "has the peculiar property of imposing a broad and undifferentiated disability on a single named group," or imposes a "disqualification of a class of persons from the right to seek specific protection from the law," it fails even rational basis review. *Romer*, 517 U.S. at 632–33. "These are protections taken for granted by most people either because they already have them or do not need them…" *Id*. at 631.

440. A law may fail rational basis review because it singles out a specific group for differential treatment, even if the reason for that singling out is not "malice or hostile animus." *Bd. of Trs. of Univ. of Ala. v. Garrett*, 531 U.S. 356, 374 (2001) (Kennedy, J., concurring). "Prejudice . . . may result as well from insensitivity caused by simple want of careful, rational reflection or from some instinctive mechanism to guard against people who appear to be different in some respects from ourselves." *Id*. at 374 (Kennedy, J., concurring). SB 244 is not a "failure to act or the omission to remedy," *id*. at 375, but rather a specific change in the status quo regarding transgender people, and applicable solely to a discrete group.

441. Over-inclusiveness and under-inclusiveness are both indicative of "invidious and unconstitutional" discrimination and may "evidence an animus toward those burdened." *Limon*, 280 Kan. at 288. SB 244 creates that "[p]aradoxically" under- and over-inclusive class. *Id.*

442. SB 244 is over-inclusive and under-inclusive in ways that demonstrate it is drawn specifically to disadvantage the group burdened by the law, e.g. transgender people.

443. For example, Defendant AG claims that SB 244's Restroom Ban furthers the privacy and safety of women and girls by excluding males or men from women's restrooms. But SB 244 forces transgender men like Cameron Broyles, Nicholas Noe, Kyle Koe, and Daniel Doe

into women's restrooms, where their presence as men is both unwelcome and alarming. At the same time, SB 244 also prohibits these transgender men from using men's restrooms, where they are highly unlikely to cause any alarm to anyone, and where they are much less likely to experience harm or harassment.

444. Because SB 244 is not rationally related to a legitimate state objective, it is unconstitutional.

Plaintiffs Satisfy the Remaining Factors for a Temporary Injunction

Risk of Irreparable Harm

445. Plaintiffs seeking a temporary injunction need only demonstrate a "'reasonable probability of irreparable future injury' or harm." *Bd. of Cnty. Comm'rs of Leavenworth Cnty. v. Whitson*, 281 Kan. 678, 684 (2006); *see also Steffes*, 284 Kan. at 395; *Hodes I*, 309 Kan. at 619.

446. The Court holds that Plaintiffs have shown a reasonable probability of irreparable future injury or harm.

447. Once a plaintiff shows that "a constitutional right will be abridged, no further showing of irreparable harm is required; a deprivation of a constitutional right is in and of itself irreparable harm." *Hodes Temp. Inj.*, 2015 WL 13065200, at *5. *See also* Brief of Amici Curiae State of West Virginia and 17 Other States in Support of Petitioners at 2–3, *Gray v. Jennings*, 145 S. Ct. 1049 (No. 24-309), 2024 WL 4556639 (Kansas, along with other amici states, arguing that "[h]arms that deprive individuals of their constitutional rights are necessarily irreparable.").

448. Because Plaintiffs have demonstrated a reasonable likelihood of success on the merits of their claims for violations of their individual rights to personal autonomy, informational privacy, freedom from compelled speech, and equal protection under the Kansas Bill of Rights, they have demonstrated sufficient irreparable harm for entry of a temporary injunction against SB 244's Restroom Ban and License Restriction.

449. Because Plaintiffs have demonstrated a reasonable likelihood of success on the merits of their claim that SB 244 violates Article II, Section 16 of the Kansas Constitution, they have demonstrated sufficient irreparable injury for entry of a temporary injunction against SB 244 in its entirety.

450. In addition to the presumption of irreparable harm that flows from constitutional injuries, Plaintiffs have demonstrated a reasonable probability of irreparable future injury or harm based on their testimony at the evidentiary hearing and via affidavit.

451. Plaintiffs provided credible, unrebutted evidence that as a result of SB 244, they are suffering irreparable harm and will continue to suffer irreparable harm absent an injunction. These harms include having their transgender or intersex status revealed against their will in ordinary commercial transactions, at work, in pursuit of higher education, and in the process of complying with SB 244 itself; being unable to engage in ordinary commercial transactions, apply for new jobs, or fill out rental applications for fear of having their transgender or intersex status revealed against their will; being unable to remain in public spaces, such as libraries and state universities for extended periods of time, for want of a useable restroom; being unable to work as civil servants or public employees without access to useable restrooms; being forced to convey the government's message regarding sex and gender identity, both generally and specifically as to them; suffering mental health and physical health deterioration as a result of chronic stress, anxiety, and attempts to avoid restroom use; and suffering the dignitary harms of bearing a state-imposed stigma due to the difference between their sex assigned at birth and their gender identity. These are individually and collectively irreparable harms.

Lack of Adequate Legal Remedy

452. Plaintiffs have demonstrated the lack of an adequate legal remedy, such as damages. *Hodes I*, 309 Kan. at 619.

453. Once a plaintiff demonstrates a substantial likelihood of success on their constitutional claims, "they have demonstrated a reasonable probability of irreparable future harm without adequate remedy at law." *Hodes Temp. Inj.*, 2015 WL 13065200, at *5.

454. There is no adequate remedy at law where plaintiffs seek only injunctive and declaratory relief, and as here, "damages would be speculative . . . the violation to be addressed is continuous or ongoing, and . . . damages can't provide adequate compensation" for Plaintiffs' injuries. *Wing v. City of Edwardsville*, 51 Kan. App. 2d 58, 64 (2014).

455. There is no adequate remedy at law for the irreparable injuries imposed by SB 244.

456. Plaintiffs provided unrebutted and credible evidence that the ongoing harms inflicted by the Restroom Ban and License Restriction can only be remedied by a temporary injunction against those portions of SB 244.

457. Only equitable relief can address the constitutional injuries and other risks of irreparable harm that flow from the Restroom Ban and License Restriction within SB 244.

Balancing of the Equities

458. Plaintiffs have demonstrated that the threat of injury to them from the continued operation of Sections 1 and 4 of SB 244 outweighs whatever harm the injunction may cause Defendant. *Hodes I*, 309 Kan. at 619.

459. The threat of injury to Plaintiffs includes irreparable harm flowing from constitutional injuries, from being required to carry driver's licenses that reveal their transgender or intersex status, and from being excluded from restrooms in government buildings.

460. The threat of injury to Defendant is limited to being unable to enforce a portion of SB 244, a law which was passed by a supermajority of the Kansas Legislature over Governor Kelly's veto.

461. But Defendant will "face little, if any, injury from issuance of an injunction, which will impose no affirmative obligations and will preserve the status quo." *Hodes Temp. Inj.*, 2015 WL 13065200, at *5.

462. For purposes of a temporary injunction, the status quo is "the last actual, peaceable, noncontested position of the parties which preceded the pending controversy." *State v. Alston*, 256 Kan. 571, 579 (1994) (citing *Unified Sch. Dist. No. 503 v. McKinney*, 236 Kan. 224, 227 (1984)).

463. The relevant status quo for purposes of this temporary injunction motion is prior to SB 244's effective date of February 26, 2026.

464. Prior to SB 244's effective date, the status quo for Plaintiffs was that they had, pursuant to KDOR's gender reclassification policy, undertaken all of the necessary steps to be permitted to carry driver's licenses that reflected their gender identity, e.g. that Cameron Broyles, Daniel Doe, Matthew Moe, Nicholas Noe, and Kyle Koe had driver's licenses reflecting an "M," and Dakota West had a driver's license that reflected "F."

465. Prior to SB 244's effective date, the status quo for Plaintiffs was that there was no legal impediment to their use of restrooms consistent with their gender identity in government buildings, e.g. that Cameron Broyles, Daniel Doe, Matthew Moe, Nicholas Noe, and Kyle Koe were permitted to use multi-user men's restrooms and Dakota West was permitted to use multi-user women's restrooms.

466. Defendant will face little, if any, injury from a temporary injunction against SB 244, which does not impose any affirmative obligation on Defendant and will preserve the pre-enactment status quo prior to February 26, 2026.

467. Defendant has no equitable interest in enforcing a law or a portion thereof that is likely unconstitutional.

468. Here, "[t]he balance of hardships in this case is in lockstep with irreparable harm." *Hodes Temp. Inj.*, 2015 WL 13065200, at *5. The ongoing injury to Plaintiffs "outweighs whatever damage the preliminary injunction may cause defendants' inability to enforce what appears to be an unconstitutional statute." *Raven Dev. Co. v. Bd. of Cnty. Comm'rs of Shawnee Cnty.*, No. 01C 1306, 2001 WL 34117820, at *5 (Kan. Dist. Ct. Nov. 1, 2001) (quoting *ACLU v. Johnson*, 194 F.3d 1149, 1163 (10th Cir. 1999)).

Public Interest

469. The "public's interest in not suffering a potential constitutional limitation is served more by maintaining the status quo than by permitting a law which may be unconstitutional to go into effect." *Hodes Temp. Inj.*, 2015 WL 13065200, at *5.

470. It is not in the public interest to allow the License Restriction or Restroom Ban within SB 244 to remain in effect during the pendency of these proceedings.

471. It is in the public interest to maintain the status quo that existed prior to the enactment of SB 244, i.e., prior to February 26, 2026.

472. As demonstrated by the testimony at the evidentiary hearing, there is no evidence that permitting transgender and intersex individuals to use restrooms in government buildings consistent with their gender identity will compromise public safety. Sexual offenses are rare to nonexistent in such locations, and transgender individuals are not more likely to commit sexual offenses. There is, however, evidence that it is disruptive to require individuals who live and present as men to use women's restrooms, which is the effect of SB 244.

473. As demonstrated by the testimony at the evidentiary hearing, there is no evidence that permitting transgender and intersex individuals to use restrooms in government buildings

consistent with their gender identity will compromise the safety or privacy of women and girls. The Court acknowledges that while some individuals may prefer not to use restrooms at the same time as individuals whom they know or believe to be transgender, it is not in the public interest to impose civil or criminal penalties on transgender individuals who are present in public restrooms in government buildings for their intended use, or to exclude transgender individuals from those facilities. It also violates the privacy of transgender individuals to be forced to use restrooms that reveal their transgender status.

474. As demonstrated by the testimony at the evidentiary hearing, there is no evidence that requiring sex assigned at birth to appear on driver's licenses aids law enforcement, or that permitting gender identity to appear on the driver's licenses of individuals who are in fact living consistently as the listed gender identity will impede law enforcement. The Court acknowledges that while law enforcement may prefer to have consistent, unchanging information about individuals, administrative convenience is not a sufficient reason alone to prohibit individuals from updating their license, in the same way that we permit individuals to change their legal names or move residences, even though that may cause administrative inconvenience.

475. As demonstrated by the testimony at the evidentiary hearing, there is no evidence that requiring sex assigned at birth to appear on driver's licenses will assist emergency medical personnel, or that permitting gender identity to appear on the driver's licenses of individuals who are in fact living consistently as the listed gender identity will impede medical personnel. The Court acknowledges that while driver's licenses may assist doctors in identifying individuals who are incapacitated, the nature of medicine as currently practiced requires knowledge of both sex and gender identity, and information about an individual's sex assigned at birth need not be conveyed through a driver's license.

476. It is in the public interest to temporarily enjoin SB 244's Restroom Ban and License Restriction.

SCOPE OF RELIEF

Scope of Plaintiffs' Challenge

477. In issuing a temporary injunction, the courts have broad discretion to "mold decree so as to do equity between the parties." *Stady v. The Texas Company*, 150 Kan. 420, 425 (1939). "[A]s a general rule, equity will administer such relief as the nature, rights, facts, and exigencies of the case demand at the close of the trial or at the time of the making of the decree." *Baker v. Tucker*, 227 Kan. 86, 91 (1980) (quoting 27 Am. Jur. 2d, § 249 Equity). "A court can design an equitable remedy to meet exigencies and is vested with power to adequately protect the interests of all concerned under the existing circumstances." *Sinclair v. Kuhn*, No. 73,683, 1996 WL 35069639, at *3 (Kan. Ct. App. Feb. 9, 1996).

478. For violations of the single-subject rule, the appropriate relief is a facial, statewide injunction against SB 244 in its entirety.

479. For Plaintiffs' claims under the Kansas Bill of Rights, Plaintiffs do not request a temporary injunction with respect to SB 244's application to locker rooms, changing rooms, or shower facilities. Plaintiffs also do not request a temporary injunction with respect to SB 244's application to K-12 school policies for students. In addition, Plaintiffs have focused their challenge specifically on SB 244's application to "binary identified" individuals who consistently identify as men or women and have not presented any evidence or argument with respect to SB 244's application to individuals who identify as non-binary or gender fluid.

480. Accordingly, based on the evidence presented in support of Plaintiffs' Renewed Motion for Temporary Injunction, the Court determines that SB 244's Restroom Ban and License Restriction are likely unconstitutional as applied to transgender men, intersex men, transgender

women, and intersex women's use of restrooms in government buildings consistent with their gender identity, and with respect to the driver's licenses of transgender men, intersex men, transgender women, and intersex women who were eligible under the KDOR's gender reclassification policy prior to SB 244 to obtain driver's licenses with gender markers consistent with their gender identity.

481. The Court further concludes that the temporary injunction should apply statewide. It is well-settled that Kansas district courts have the equitable authority to issue statewide injunctions of unconstitutional state laws. *See, e.g.*, *Hodes Temp. Inj.*, 2015 WL 13065200, at *5 (enjoining all enforcement of S.B. 95 abortion ban based on violation of Kansas State Constitution); *Raven Dev. Co., LLC v. Bd. of Cnty. Comm'rs*, No. 01C 1306, 2002 WL 32136265, at *3–4 (Kan. Dist. Ct. Apr. 30, 2002) (enjoining state from enforcing statute that defined "adult entertainment business" for unconstitutional overbreadth); *see also League of Women Voters of Kan.*, 318 Kan. at 780 (holding that district court's denial of injunction prohibiting statewide enforcement of election law was in error based on constitutional infirmity); *Dissmeyer v. State*, 292 Kan. 37, 43 (2011) (reversing lower court's denial of statewide injunctive relief that would prevent enforcement of anti-lottery machine statute, based on the law's unconstitutional overbreadth); *Trust Women Found., Inc. v. Bennett*, 509 P.3d 599, at *1 (Kan. Ct. App. May 20, 2022) (holding that district court erred in denying plaintiffs' request for statewide injunction against a statute that would prevent abortion providers from providing services via telehealth). *See also* Order Granting Temporary Injunction, *Lily Loe v. State of Kansas ex rel. Kobach*, Case No. DG-2025-CV-000241 at 114–16 (Kan. Dist. Ct. May 15, 2026).[19]

[19] Recent jurisprudence from the United States Supreme Court, including *Trump v. CASA*, 145 S. Ct. 2540 (2025), is limited to federal courts and does not constrain a Kansas state trial court's equitable authority to issue a statewide injunction against an unconstitutional state

482. The Court disagrees that the statewide injunction would improperly enjoin constitutional applications of the statute. In crafting injunctions, Kansas courts consider not "the entire universe of possible scenarios," but rather "the circumstances actually affected by the challenged statute." *State v. Ryce*, 303 Kan. 899, 915, Syl. ¶ 4 (2016). "[T]he proper focus of the constitutional inquiry is the group for whom the law is a restriction, not the group for whom the law is irrelevant." *Id.* The Defendant AG argues that there may be hypothetical instances in which a transgender individual might choose to use a single-user restroom regardless of whether SB 244 requires them to do so. But that hypothetical is not a true "application" of SB 244 because SB 244 has had no effect on the hypothetical person's conduct. Such an individual was free to use a single-user restroom before SB 244 and they remain free to do so with an injunction in place.

483. The Court grants Plaintiffs' renewed motion for temporary injunction and will enter a separate order regarding the temporary injunction consistent with Plaintiffs' proposed order.

statute. Kansas courts' equitable authority derives from a different statute passed at a different time than the Judiciary Act of 1789 at issue in *Trump v. CASA*. *See* K.S.A. 60-901—60-910.

[PROPOSED] ORDER GRANTING TEMPORARY INJUNCTION

And now, on this _____ day of _____, 2026, for the reasons set forth in the accompanying opinion, the Court hereby **GRANTS** Plaintiffs' Renewed Motion for Temporary Injunction.

IT IS THEREFORE ORDERED that:

1. On the basis of Plaintiffs' likelihood of success on the merits of their Fifth Claim (Article II, Section 16 of the Kansas Constitution), as well as their satisfaction of the other factors for a temporary injunction, Defendants, their officers, agents, servants, employees, and attorneys, and those persons in concert or participation with them with actual notice by personal service or otherwise, **are hereby temporarily enjoined from enforcing SB 244 in its entirety**, absent further order of this Court.

2. On the basis of Plaintiffs' likelihood of success on the merits of their First Claim (Personal Autonomy under Section 1 of the Kansas Bill of Rights), Second Claim (Informational Privacy under Section 1 of the Kansas Bill of Rights), Third Claim (Right to Free Expression under Section 11 of the Kansas Bill of Rights), and Fourth Claim (Right to Equal Protection under Sections 1–2 of the Kansas Bill of Rights), as well as their satisfaction of the other factors for a temporary injunction, Defendants, their officers, agents, servants, employees, and attorneys, and those persons in concert or participation with them with actual notice by personal service or otherwise, **are hereby temporarily enjoined from implementing or enforcing SB 244's driver's license provisions, §§ 4(g)(1), (g)(2) with respect to transgender men and transgender women who have fulfilled or can fulfill the requirements of Defendant Kansas Department of Revenue's gender reclassification policy in effect prior to February 26, 2026**, absent further order of this Court. This includes but is not limited to Plaintiffs Cameron Broyles, Daniel Doe, Kyle Koe, Matthew Moe, and Nicholas Noe.

3. On the basis of Plaintiffs' likelihood of success on the merits of their First Claim (Personal Autonomy under Section 1 of the Kansas Bill of Rights), Second Claim (Informational Privacy under Section 1 of the Kansas Bill of Rights), and Fourth Claim (Right to Equal Protection under Sections 1–2 of the Kansas Bill of Rights), Defendants, their officers, agents, servants, employees, and attorneys, and those persons in concert or participation with them with actual notice by personal service or otherwise, **are hereby temporarily enjoined from implementing or enforcing SB 244's restroom provisions, §§ 1(b)(1), (g)(1) with respect to the use of restrooms by transgender men and transgender women**, except with respect to school policies governing the restroom use of K-12

students, absent further order of this Court. This includes but is not limited to Plaintiffs Cameron Broyles, Daniel Doe, Kyle Koe, Matthew Moe, and Nicholas Noe.

4. Based on Defendant State of Kansas's concession, as well as Plaintiff Dakota West's satisfaction of the factors for a temporary injunction, the Court **hereby declares that SB 244's driver's license restriction, §§ 4(g)(1), (g)(2) does not apply to any individual who falls within K.S.A. 77-207(a)(7)'s exception for "an individual born with a medically verifiable diagnosis of 'disorder/differences in sex development,'"** absent further order of this Court. This includes but is not limited to Plaintiff Dakota West.

5. Based on Defendant State of Kansas's concession, as well as Plaintiff Dakota West's satisfaction of the factors for a temporary injunction, the Court **hereby declares that SB 244's restroom ban, SB 244 §§ 1(b)(1), (g)(1), does not apply to any individual who falls within K.S.A. 77-207(a)(7)'s exception for "an individual born with a medically verifiable diagnosis of 'disorder/differences in sex development,'"** absent further order of this Court. This includes but is not limited to Plaintiff Dakota West.

IT IS FURTHER ORDERED that the bond requirement under K.S.A. 60-905(b) is waived.

IT IS SO ORDERED.

_____

THE HON. JAMES R. MCCABRIA
DOUGLAS COUNTY DISTRICT COURT

Respectfully submitted, this 21st day of October, 2026

By: *<u>/s/ Douglas R. Dalgleish</u>*

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CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2026, the above Plaintiffs' Proposed Findings of Fact and Conclusions of Law 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.

/s/ Douglas R. Dalgleish
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