

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION**

SUZANNE JAMISON-BRUDE,)	
as special administrator of)	
the estate of Terri Bruce)	
)	
<i>Plaintiff,</i>)	
v.)	Case No. 17-5080
)	
STATE OF SOUTH DAKOTA; LAURIE GILL,)	
in her official capacity as Commissioner of the)	
South Dakota Bureau of Human Resources,)	
)	
<i>Defendants.</i>)	

PLAINTIFF’S MOTION TO VOLUNTARILY DISMISS CASE

Per Federal Rule of Civil Procedure 41(a)(2), the Plaintiff moves for an Order of the Court dismissing this case with prejudice. Fed. R. Civ. P. 41 (a) (2) (providing for plaintiff’s dismissal by court order “on terms the court considers proper”). As grounds, the Plaintiff states as follows:

On Sunday, December 2, 2018, Plaintiff Terri Bruce took his own life. Terri was a gifted archeologist, a passionate activist, and a warm and caring friend. He was also one of over 1.4 million American adults who identify as transgender.¹ In moving to dismiss this suit, Terri’s family and counsel would like to raise

¹Andrew R. Flores, Jody L. Herman, Gary J. Gates, and Taylor N.T. Brown, *How Many Adults Identify as Transgender in the United States?* The Williams Institute, June 2016, <https://williamsinstitute.law.ucla.edu/research/how-many-adults-identify-as-transgender-in-the-united-states/>.

awareness of the high rate of suicide among transgender individuals as well as the obstacles transgender citizens must constantly overcome to feel safe and respected within their communities.

Transgender individuals begin experiencing discrimination at an early age and continue to experience it throughout their lives. This discrimination impacts their educations, hinders their careers, and colors a host of their other everyday interactions.²

While the scope of these challenges can seem insurmountable, Terri was experienced at meeting such biases head on. When he faced discrimination during his education, he overcame it and became an accomplished archaeologist. When he saw a hateful bill gaining support in the Legislature, he tried to defeat it. And when he was denied coverage under the state healthcare plan because of his gender identity, he filed this lawsuit.

In contrast to this exceptional life, his death was depressingly common for a transgender person in this country. 41% of transgender citizens report having attempted suicide at some point in their lives, a rate an alarming 25 times higher

²See Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, *Injustice at Every Turn: A report of the National Transgender Discrimination Survey*, Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf.

than the general population.³ Statistics such as these serve as a stark reminder of the life and death consequences of laws and policies which demean the transgender community and seek to deprive them of basic dignity and respect. While this lawsuit is now coming to an end, these important issues will survive this case.

Because this suit was seeking injunctive and declaratory relief, any judgment the court could award in this matter would not provide relief to the Estate. *See Estate of Stoick ex rel. Spry v. McCorvey*, 2011 WL 3419939, at *3-4 (D. Minn. July 29, 2011) (holding that in light of the plaintiff’s death “a declaratory judgment would necessarily be based upon a hypothetical set of facts, speculating about future plaintiffs or others similarly-situated[.]” and therefore would be an impermissible advisory opinion). The Defendants do not object to this dismissal. The executor of his estate has been substituted as the party in this case in order to proceed with the dismissal. For these reasons, the Plaintiff requests an Order dismissing this case with prejudice and any other relief the court deems just and necessary.

Respectfully submitted this 14th day of January, 2019.

Counsel for Plaintiff:

/s/ James D. Leach
James D. Leach
Attorney at Law

³ *Id.* at 2.

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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2019, I electronically filed the foregoing document with this court by using the CM/ECF system. I certify that all counsel of record are registered as ECF Filers and that they will be served by the CM/ECF system.

/s/ James D. Leach, Esq.