

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STACIE RAY, et al.)	CASE NO.: 2:18-cv-00272-MHW-CMV
)	
Plaintiffs,)	JUDGE MICHAEL H. WATSON
)	
vs.)	MAGISTRATE JUDGE CHELSEY
)	VASCURA
DIRECTOR, OHIO DEPARTMENT OF HEALTH, et al.)	
)	
Defendants.)	

**DEFENDANTS’ RESPONSE TO PLAINTIFFS’ NOTICE
OF SUPPLEMENTAL INFORMATION**

Defendants Amy Acton, in her official capacity as Director of the Ohio Department of Health, Karen Sorrell, in her official capacity as Chief of the Office of Vital Statistics, and Judith Nagy, in her official capacity as State Registrar of the Office of Vital Statistics (collectively “Defendants”), hereby file their response to Plaintiffs’ notice of supplemental information (the “Notice”). (Doc. 40.) The Notice is irrelevant and improper.

Plaintiffs’ Notice attaches a consent judgment in a case from the District of Kansas, which appears to involve a dispute between, among others, the Kansas Department of Health and Environment and certain transgender plaintiffs. (Doc. 40-1.) Very little information is provided regarding the specific law in Kansas, the legal questions at issue in the Kansas case, or any facts regarding the various defendants’ motivations to enter the consent judgment.

Notwithstanding the utter lack of context, the consent judgment filed in the Kansas court is entirely irrelevant to the issues before this Court. As the Court is well aware, consent judgments only have *res judicata* effect on claims between the parties to the consent judgment and do not impact the rights of non-parties. *Static Control Components, Inc. v. Lexmark Int’l,*

Inc., 2007 U.S. Dist. LEXIS 104348, at *16–17 (E.D. Ky. May 11, 2007) (citing cases). Indeed, “the central characteristic of a consent judgment is that the court has not actually resolved the substance of the issues presented” 18A Charles Alan Wright, Arthur R. Million & Edward H. Cooper, *Federal Practice and Procedure*, §4443 (3rd ed. 1998 & West Supp. 2007).

By entering the consent judgment, the court in Kansas did not reach any conclusion on the specific constitutional questions at issue. Nor did the court in Kansas make any ruling that is relevant to any party in this litigation. Thus, Plaintiffs’ Notice has no bearing on this case, is not of any precedential value, and does not “supplement” any brief or argument currently pending before this Court.

Dated: July 2, 2019

Respectfully submitted,

/s/ Albert J. Lucas

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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2019, a copy of the foregoing was filed with the Clerk of Courts using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Albert J. Lucas

One of the Attorneys for Defendants