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April 19, 2022

VIA CM/ECF

Mr. Michael E. Gans
Clerk of Court
U.S. Court of Appeals for the Eighth Circuit
Thomas F. Eagleton Courthouse
111 South 10th Street
St. Louis, MO 63102

Re: Response to FRAP 28(j) letter in *Brandt v. Rutledge* (No. 21-2875)

Dear Mr. Gans:

For the second time in as many months, non-party Family Research Council (“FRC”) has improperly attempted to invoke FRAP 28(j) to introduce new material into the record. In a letter dated April 12, 2022, FRC purports to identify “authorities” that, according to FRC, “bely American Academy of Pediatrics’ [(“AAP”)] claims” regarding the scientific evidence supporting gender-affirming medical treatments for adolescents with gender dysphoria. AAP submits this letter in response.

As explained in AAP’s March 11, 2022 response to FRC’s first letter, FRAP 28(j) provides that only “a party” may submit “pertinent and significant authorities.” FRC is not a party to this action, and its cited “authorities” are not legal authorities. Rather, they consist of an article written by Appellants’ expert in this case and two publications from foreign public health groups.

In any event, FRC’s “authorities” do not support Appellants’ position. Appellants ask this Court to reverse the District Court’s preliminary injunction against the enforcement of an Arkansas law that bans the use of any gender-affirming medical treatments to treat patients under age 18. Yet, the first paper cited by FRC concludes that the “risks of gender-affirmative care are ethically managed through a properly conducted informed consent process,” which “does not preclude transition.”¹ The other two papers acknowledge that gender-affirming medical treatments may be appropriate for some adolescents with gender dysphoria.² None of FRC’s “authorities” supports banning the use of gender-affirming medical treatments to treat adolescents with gender dysphoria.

¹ April 12, 2020 FRC Letter, Ex. 1, at 1-2.

² See *id.*, Ex. 2 at 4; *id.*, Ex. 3 at 1.

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For at least the foregoing reasons, the Court should disregard FRC's letter.

Sincerely,

A handwritten signature in blue ink that reads "D. Jean Veta". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

D. Jean Veta
Counsel for AAP