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14
15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF ARIZONA**

17 Helen Roe, a minor, by and through her parent
and next friend Megan Roe, James Poe, a
18 minor, by and through his parent and next
friend Laura Poe, and Carl Voe, a minor, by
19 and through his parent and next friend Rachel
Voe,

20
21 Plaintiffs,

22 v.

23 Don Herrington, in his official capacity as
Interim State Registrar of Vital Records and
24 Interim Director of the Arizona Department of
Health Services,

25 Defendant.
26

NO. 4:20-cv-00484-JAS

**DEFENDANT'S NOTICE OF
FILING AMENDED ANSWER**

27 Pursuant to Federal Rule of Civil Procedure 15(a)(2) and LRCiv 15.1(b), notice is
28 hereby given that Defendant, through counsel, filed an Amended Answer to Plaintiffs'

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CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2021, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Asaf Orr	aorr@nclrights.org
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I hereby certify that on this same date, I served the attached document by U.S. Mail, postage prepaid, on the following, who is not a registered participant of the CM/ECF System:

N/A

/s/ Nicholas D. Acedo

EXHIBIT A

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13 *Attorneys for Defendant*

14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE DISTRICT OF ARIZONA**

16 D.T., a minor, by and through his parent and
17 next friend Lizette Trujillo; et al. Helen Roe,
18 a minor, by and through her parent and next
19 friend Megan Roe; James Poe, a minor, by
20 and through his parent and next friend Laura
21 Poe; and Carl Voe, a minor, by and through
22 his parent and next friend Rachel Voe,

23 Plaintiffs,

24 v.

25 Dr. Cara Christ, M.D., et al. Don Herrington,
26 in his official capacity as Interim State
27 Registrar of Vital Records and Interim
28 Director of the Arizona Department of Health
Services,

Defendants.

No. 4:20-cv-00484-JAS

DEFENDANT'S AMENDED
ANSWER TO AMENDED
COMPLAINT

1 For ~~her-his~~ Answer to the Amended Complaint ~~of Plaintiffs~~, Defendant Dr. Cara
2 ChristDon Herrington, in ~~her-his~~ official capacity as Interim Director of the Arizona
3 Department of Health Services (“ADHS”) and Interim State Registrar of Vital Records,
4 hereby admits, denies, and avers as follows. Defendant denies every allegation in the
5 Amended Complaint that is not specifically admitted below.

6 **INTRODUCTION**

7 1. Answering Paragraph 1, ~~Defendant states that the allegations are not~~
8 ~~directed at Defendant such that no response is required, and none is given. To the~~
9 ~~extent a response is required~~, Defendant lacks sufficient information or knowledge to
10 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
11 ~~basis~~ therefore denies them.

12 2. Answering Paragraph 2, Defendant admits that former Plaintiff Jane
13 Doe’s birth certificate was amended pursuant to terms agreed upon by the parties
14 following Plaintiffs’ motion for preliminary injunction (Docs. 3, 41).- Defendant lacks
15 sufficient information or knowledge to form a belief as to the truth of the remaining
16 allegations and ~~on that basis~~ therefore denies them.

17 3. Answering Paragraph 3, Defendant admits that birth certificates may be
18 needed for obtaining certain documents or for other purposes. ~~states that the allegations~~
19 ~~are not directed at Defendant such that no response is required, and none is given. To~~
20 ~~the extent a response is required~~, Defendant lacks sufficient information or knowledge
21 to form a belief as to the truth of the remaining allegations and, therefore, denies them.

22 4. Answering Paragraph 4, ~~Defendant states that the allegations are not~~
23 ~~directed at Defendant such that no response is required, and none is given. To the~~
24 ~~extent a response is required~~, Defendant lacks sufficient information or knowledge to
25 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
26 ~~basis~~ therefore denies them.

27 5. Answering Paragraph 5 ~~of the Complaint~~, Defendant affirmatively asserts
28 that A.R.S. § 36-337(A)(3) requires the State Registrar to amend an Arizona birth

1 certificate if it receives “[f]or a person who has undergone a sex change operation or has
2 a chromosomal count that establishes the sex of the person as different than in the
3 registered birth certificate, both ... [a] written request for an amended birth certificate
4 from the person or, if the person is a child, from the child’s parent or legal guardian, and
5 [a] written statement by a physician that verifies the sex change operation or
6 chromosomal count.” Defendant further asserts that A.R.S. § 36-337(A)(3) is codified
7 in administrative rule A.A.C. R9-19-208(O), which outlines steps to apply to amend the
8 sex/gender field on an Arizona birth certificate “when the individual has undergone a
9 sex change operation or has had a chromosomal count that establishes the sex of the
10 individual as different than in the individual’s registered birth record,” including
11 submitting a written request/application to amend, an affidavit attesting to the validity
12 of the submitted amendment, “a written statement on a physician’s letterhead paper,
13 signed and dated by the physician, that the individual has undergone a sex change
14 operation,” and the required fee. Defendant further asserts that the applicability of
15 A.R.S. § 36-337(A)(3) is limited to persons who have undergone a “sex change
16 operation” or who have a chromosomal count that establishes their sex as different than
17 in the registered birth record, but any person who does not satisfy those criteria may
18 pursue an amendment of their birth certificate under A.R.S. § 36-337(A)(4). Defendant
19 denies that “Arizona prevents transgender minors from changing their sex marker
20 through the A.R.S. § 36-337(A)(3) process.” As to the remaining allegations in
21 Paragraph 5, states that the allegations are not directed at Defendant, call for legal
22 conclusions such that no response is required, and none is given. To the extent a
23 response is required, Defendant asserts that the statute and rule speak for themselves.
24 Further answering Paragraph 5, Defendant disagrees with Plaintiffs’ characterization of
25 A.R.S. § 36-337(A)(3) and A.A.C. R9-19-208(O) and/or lacks sufficient information or
26 knowledge to form a belief as to their truth ~~of the allegations and on that basis~~ therefore
27 denies them.
28

1 6. Answering Paragraph 6, ~~Defendant states that the allegations are not~~
 2 ~~directed at Defendant and call for legal conclusions such that no response is required,~~
 3 ~~and none is given. To the extent a response is required,~~ Defendant affirmatively asserts
 4 that A.R.S. § 36-337(A)(4) authorizes Arizona superior courts to order Defendant to
 5 amend the sex/gender field on an Arizona birth certificate for a person born in Arizona.
 6 Defendant denies that “Arizonans who move out of state ~~and~~ are no longer under the
 7 jurisdiction of Arizona courts” for the purpose of amending their Arizona birth
 8 certificates. ~~Further answering As to the remaining allegations in~~ Paragraph 6,
 9 Defendant lacks sufficient information or knowledge to form a belief as to the ir truth ~~of~~
 10 ~~the remaining allegations~~ and ~~on that basis~~ therefore denies them.

11 7. Answering Paragraph 7, ~~Defendant states that the allegations are not~~
 12 ~~directed at Defendant and call for legal conclusions such that no response is required,~~
 13 ~~and none is given. To the extent a response is required,~~ Defendant lacks sufficient
 14 information or knowledge to form a belief as to the truth of the allegation that
 15 “transgender young people must too often navigate the world with a birth certificate that
 16 does not match their sex” and ~~on that basis~~ therefore denies it. ~~Further answering As to~~
 17 ~~the remaining allegations in~~ Paragraph 7, Defendant denies the m ~~remaining allegations~~.

18 8. Defendant denies the allegations in ~~Answering~~ Paragraph 8, ~~Defendant~~
 19 ~~states that the allegations are not directed at Defendant and calls for a legal conclusion~~
 20 ~~such that no response is required, and none is given. To the extent a response is~~
 21 ~~required, Defendant denies the allegations in~~ Paragraph 8.

JURISDICTION AND VENUE

22
 23 9. Answering Paragraph 9, ~~Defendant states that the allegations are not~~
 24 ~~directed at Defendant such that no response is required, and none is given. To the~~
 25 ~~extent a response is required,~~ Defendant admits that Plaintiffs have alleged their cause
 26 of action arises under 42 U.S.C. § 1983 and § 1988 ~~and that § 1983 and § 1988 are~~
 27 ~~statutory vehicles to pursue the redress of constitutional violations. Defendant denies~~
 28

1 that Plaintiffs have been deprived of any rights secured by the United States
2 Constitution.

3 10. Answering Paragraph 10, Defendant ~~states-asserts~~ that the allegations ~~are~~
4 ~~not directed at Defendant and~~ calls for a legal conclusion such that no response is
5 required, ~~and none is given.~~ To the extent a response is required, Defendant admits that
6 a district court has original jurisdiction under 28 U.S.C. §§ 1331 and 1343 if the matters
7 in controversy arise under the laws or the Constitution of the United States. Defendant
8 further admits that Plaintiffs bring claims alleging violations of the United States
9 Constitution. Defendant denies that this Court has subject-matter jurisdiction because
10 the named Plaintiffs lack Article III standing, *Cetacean Cmty. v. Bush*, 386 F.3d 1169,
11 1174 (9th Cir. 2004), and their federal claims are inextricably intertwined with state
12 court decisions such that the adjudication of their federal claims will undercut the state
13 court rulings or require the district court to interpret the application of state laws or
14 procedural rules, *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *Dist. of Columbia*
15 *Court of Appeals v. Feldman*, 460 U.S. 462 (1983). ~~denies the allegations in Paragraph~~
16 10.

17 11. Answering Paragraph 11, Defendant asserts that the allegations call for a
18 legal conclusion such that no response is required. To the extent a response is required,
19 Defendant admits that venue is proper in the District of Arizona, however, states that the
20 allegations are not directed at Defendant and calls for a legal conclusion such that no
21 response is required, and none is given. To the extent a response is required, Defendant
22 denies that venue is proper in the Tucson Division. -Defendant affirmatively asserts that
23 venue is proper in the Phoenix Division.

24 12. Answering Paragraph 12, Defendant asserts that the allegations call for a
25 legal conclusion such that no response is required. To the extent a response is required,
26 Defendant admits that Federal Rules of Civil Procedure 57 and 65 and 28 U.S.C. §§
27 2201 and 2202 authorize a district court to order declaratory and injunctive relief, but
28 Defendant denies that this Court may grant the relief requested in this case.~~states that~~

1 ~~the allegations are not directed at Defendant and calls for a legal conclusion such that no~~
 2 ~~response is required, and none is given. To the extent a response is required, Defendant~~
 3 ~~asserts that the referenced statutes and rules speak for themselves. Defendant further~~
 4 ~~asserts that this Court lacks the authority to grant the requested relief under those~~
 5 ~~statutes and rules.~~

6 13. Answering Paragraph 13, Defendant ~~states asserts~~ that the allegations ~~are~~
 7 ~~not directed at Defendant and calls~~ for a legal conclusion such that no response is
 8 required, ~~and none is given.~~ To the extent a response is required, Defendant admits ~~that~~
 9 ~~this Court has personal jurisdiction over the allegation as to Dr. Cara Christ~~ Defendant in
 10 ~~his~~ official capacity as Interim Director of ADHS.

11 PARTIES

12 14. Answering Paragraph 14, ~~Defendant states that the allegations are not~~
 13 ~~directed at Defendant such that no response is required, and none is given. To the~~
 14 ~~extent a response is required,~~ Defendant asserts that Plaintiff D.T. has been voluntarily
 15 dismissed as a Plaintiff in this matter (Docs. 56 and 78).- Defendant admits that Lizette
 16 Trujillo brought D.T.'s claims on D.T.'s behalf. Defendant lacks sufficient information
 17 or knowledge to form a belief as to the truth of the remaining allegations and ~~on that~~
 18 ~~basis~~ therefore denies them.

19 15. Answering Paragraph 15, ~~Defendant states that the allegations are not~~
 20 ~~directed at Defendant such that no response is required, and none is given. To the~~
 21 ~~extent a response is required,~~ Defendant asserts that Plaintiff Jane Doe has been
 22 voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78). Defendant admits
 23 that Susan Doe brought Jane Doe's claims on Jane Doe's behalf. To the extent a
 24 ~~response is required,~~ Defendant lacks sufficient information or knowledge to form a
 25 belief as to the truth of the remaining allegations and ~~on that basis~~ therefore denies them.

26 16. Answering Paragraph 16, ~~Defendant states that the allegations are not~~
 27 ~~directed at Defendant such that no response is required, and none is given. To the~~
 28 ~~extent a response is required, Defendant admits that Helen Roe, by way of next friend~~

1 ~~Megan Roe, is a named Plaintiff in the Complaint. Defendant admits that Megan Roe~~
 2 ~~brings Helen Roe's claims on Helen Roe's behalf.~~ Defendant lacks sufficient
 3 information ~~and~~ knowledge to form a belief as to the truth of the remaining
 4 allegations and ~~on that basis therefore~~ denies them.

5 17. Answering Paragraph 17, ~~Defendant states that the allegations are not~~
 6 ~~directed at Defendant such that no response is required, and none is given. To the~~
 7 ~~extent a response is required, Defendant admits that James Poe, by way of next friend~~
 8 ~~Laura Poe, is a named Plaintiff in the Complaint. Defendant admits that Laura Poe~~
 9 ~~brings James Poe's claims on James Poe's behalf.~~ Defendant lacks sufficient
 10 information ~~and~~ knowledge to form a belief as to the truth of the remaining
 11 allegations and therefore denies them.

12 18. Answering Paragraph 18, ~~Defendant states that the allegations are not~~
 13 ~~directed at Defendant such that no response is required, and none is given. To the~~
 14 ~~extent a response is required, Defendant admits that Carl Voe, by way of next friend~~
 15 ~~Rachel Voe, is a named Plaintiff in the Complaint. Defendant admits that Rachel Voe~~
 16 ~~brings Carl Voe's claims on Carl Voe's behalf.~~ Defendant lacks sufficient information
 17 ~~and~~ knowledge to form a belief as to the truth of the remaining allegations and
 18 therefore denies them.

19 19. Answering Paragraph 19, Defendant ~~asserts that Don Herrington, in his~~
 20 ~~official capacity as the Interim Director of ADHS and Interim State Registrar of Vital~~
 21 ~~Records, has been substituted in as a Defendant for admits that~~ Dr. Cara Christ.
 22 ~~Defendant admits that~~ in ~~her~~ his capacity as the Interim State Registrar he has “general
 23 supervision of vital statistics in the state and is charged with the execution of the vital
 24 statistics laws of Arizona, including the provision of the necessary instructions and
 25 forms for obtaining and preserving records of births.” ~~Dr.~~ Defendant also admits that ~~Dr.~~
 26 ~~Christhe~~ “has supervisory authority over the assistant state registrars and deputy local
 27 registrars throughout Arizona” pursuant to Arizona statute. ~~Dr.~~ Defendant denies the
 28 remaining allegations in Paragraph 19.

1 20. Answering Paragraph 20-, Defendant ~~states asserts~~ that ~~the allegations are~~
 2 ~~not directed at Defendant and that~~ Thomas Salow has been dismissed as a Defendant in
 3 this matter (Docs. 56 and 78) ~~and therefore such that~~ no response is required, ~~and none~~
 4 ~~is given. To the extent a response is required, Defendant admits that Thomas Salow is~~
 5 ~~the Branch Chief of the Division of Public Health Licensing Services for ADHS.~~
 6 ~~Defendant denies the remaining allegations in Paragraph 20.~~

7 21. Answering Paragraph 21, Defendant ~~states asserts~~ that ~~the allegations are~~
 8 ~~not directed at Defendant and that~~ Krystal Colburn has been dismissed as a Defendant in
 9 this matter (Docs. 56 and 78) ~~such that and therefore~~ no response is required, ~~and none is~~
 10 ~~given. To the extent a response is required, Defendant admits that Krystal Colburn is~~
 11 ~~the Assistant State Registrar and Bureau Chief of the Bureau of Vital Records for~~
 12 ~~ADHS. Defendant denies the remaining allegations in Paragraph 21.~~

STATEMENT OF FACTS

13
 14 22. Answering Paragraphs 22, ~~Defendant states that the allegations are not~~
 15 ~~directed at Defendant such that no response is required, and none is given. To the~~
 16 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
 17 form a belief as to the truth of the allegations ~~contained therein and on that~~
 18 ~~basis~~ therefore denies them.

19 23. Answering Paragraph 23, ~~Defendant states that the allegations are not~~
 20 ~~directed at Defendant such that no response is required, and none is given. To the~~
 21 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
 22 form a belief as to the truth of the allegations ~~contained therein and on that~~
 23 ~~basis~~ therefore denies them.

24 24. Answering Paragraph 24, ~~Defendant states that the allegations are not~~
 25 ~~directed at Defendant such that no response is required, and none is given. To the~~
 26 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
 27 form a belief as to the truth of the allegations ~~contained therein, and on that~~
 28 ~~basis~~ therefore denies them.

1 25. Answering Paragraph 25, ~~Defendant states that the allegations are not~~
2 ~~directed at Defendant such that no response is required, and none is given. To the~~
3 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
4 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
5 ~~basis~~ therefore denies them.

6 26. Answering Paragraph 26, ~~Defendant states that the allegations are not~~
7 ~~directed at Defendant such that no response is required, and none is given. To the~~
8 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
9 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
10 ~~basis~~ therefore denies them.

11 27. Answering Paragraph 27, ~~Defendant states that the allegations are not~~
12 ~~directed at Defendant such that no response is required, and none is given. To the~~
13 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
14 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
15 ~~basis~~ therefore denies them.

16 28. Answering Paragraph 28, ~~Defendant states that the allegations are not~~
17 ~~directed at Defendant such that no response is required, and none is given. To the~~
18 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
19 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
20 ~~basis~~ therefore denies them.

21 29. Answering Paragraph 29, ~~Defendant states that the allegations are not~~
22 ~~directed at Defendant such that no response is required, and none is given. To the~~
23 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
24 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
25 ~~basis~~ therefore denies them.

26 30. Answering Paragraph 30, ~~Defendant states that the allegations are not~~
27 ~~directed at Defendant such that no response is required, and none is given. To the~~
28 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to

1 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
2 ~~basis~~therefore denies them.

3 31. Answering Paragraph 31, ~~Defendant states that the allegations are not~~
4 ~~directed at Defendant such that no response is required, and none is given. To the~~
5 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
6 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
7 ~~basis~~therefore denies them.

8 32. Answering Paragraph 32, ~~Defendant states that the allegations are not~~
9 ~~directed at Defendant such that no response is required, and none is given. To the~~
10 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
11 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
12 ~~basis~~therefore denies them.

13 33. Answering Paragraph 33, ~~Defendant states that the allegations are not~~
14 ~~directed at Defendant such that no response is required, and none is given. To the~~
15 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
16 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
17 ~~basis~~therefore denies them.

18 34. Answering Paragraph 34, ~~Defendant states that the allegations are not~~
19 ~~directed at Defendant such that no response is required, and none is given. To the~~
20 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
21 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
22 ~~basis~~therefore denies them.

23 35. Answering Paragraph 35, ~~Defendant states that the allegations are not~~
24 ~~directed at Defendant such that no response is required, and none is given. To the~~
25 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
26 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
27 ~~basis~~therefore denies them.

1 36. Answering Paragraph 36, ~~Defendant states that the allegations are not~~
2 ~~directed at Defendant such that no response is required, and none is given. To the~~
3 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
4 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
5 ~~basis~~ therefore denies them.

6 37. Answering Paragraph 37, ~~Defendant states that the allegations are not~~
7 ~~directed at Defendant such that no response is required, and none is given. To the~~
8 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
9 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
10 ~~basis~~ therefore denies them.

11 38. Answering Paragraph 38, ~~Defendant states that the allegations are not~~
12 ~~directed at Defendant such that no response is required, and none is given. To the~~
13 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
14 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
15 ~~basis~~ therefore denies them.

16 39. Answering Paragraph 39, ~~Defendant states that the allegations are not~~
17 ~~directed at Defendant such that no response is required, and none is given. To the~~
18 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
19 form a belief as to the truth of the allegations ~~contained therein,~~ and ~~on that~~
20 ~~basis~~ therefore denies them.

21 40. Answering Paragraph 40, ~~Defendant states that the allegations are not~~
22 ~~directed at Defendant such that no response is required, and none is given. To the~~
23 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
24 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
25 ~~basis~~ therefore denies them.

26 41. Answering Paragraph 41, ~~Defendant states that the allegations are not~~
27 ~~directed at Defendant such that no response is required, and none is given. To the~~
28 ~~extent a response is required,~~ Defendant admits that a birth certificate is a trusted

1 government-issued document that includes an individual's sex. Defendant lacks
2 sufficient information or knowledge to form a belief as to the truth of the remaining
3 allegations and therefore denies them.~~Defendant denies the remaining allegations in~~
4 ~~Paragraph 41.~~

5 42. Answering Paragraph 42, ~~Defendant states that the allegations are not~~
6 ~~directed at Defendant such that no response is required, and none is given. To the~~
7 ~~extent a response is required,~~ Defendant admits that birth certificates may be accepted
8 as government-issued identification in some circumstances. -Defendant lacks sufficient
9 information or knowledge to form a belief as to the truth of the remaining allegations
10 contained in Paragraph 42 and on that basis therefore denies them.

11 43. Answering Paragraph 43, ~~Defendant states that the allegations are not~~
12 ~~directed at Defendant such that no response is required, and none is given. To the~~
13 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
14 form a belief as to the truth of the allegations ~~contained therein and on that~~
15 ~~basis therefore~~ denies them.

16 44. Answering Paragraph 44, ~~Defendant states that the allegations are not~~
17 ~~directed at Defendant such that no response is required, and none is given. To the~~
18 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
19 form a belief as to the truth of the allegations ~~contained therein and on that~~
20 ~~basis therefore~~ denies them.

21 45. Answering Paragraph 45, ~~Defendant states that the allegations are not~~
22 ~~directed at Defendant such that no response is required, and none is given. To the~~
23 ~~extent a response is required,~~ Defendant lacks sufficient information or knowledge to
24 form a belief as to the truth of the allegations ~~contained therein and on that~~
25 ~~basis therefore~~ denies them.

26 46. ~~Answering Paragraph 46,~~ Defendant affirmatively asserts that A.R.S. §
27 36-302(B) obligates ADHS, via the Bureau of Vital Records, to “[o]rganize, operate and
28 maintain the only system of vital records in [Arizona]”; “[d]irect and supervise the

1 creation and registration of vital records, electronically and physically, and be the
2 custodian of vital records”; “[p]repare and issue copies of vital records”; and
3 “[d]etermine acceptability and completeness of a certificate, evidentiary document or
4 form submitted” to ADHS. Defendant further asserts that A.R.S. § 36-323(C) grants
5 ADHS authority to make and adopt rules to make corrections to vital records, which are
6 defined as any “change made to a registered certificate because of a typographical error,
7 including misspelling and missing or transposed letters or numbers.” A.R.S. § 36-
8 301(6). Plaintiffs’ characterization of A.R.S. § 36-302 is incomplete and therefore
9 Defendant denies the allegation in Paragraph 46. ~~states that the allegations call for legal~~
10 ~~conclusions such that no response is required, and none is given. To the extent a~~
11 ~~response is required, Defendant admits the allegations and asserts that the cited statute~~
12 ~~speaks for itself.~~

13 47. Answering Paragraph 47, Defendant affirmatively asserts that A.R.S. §
14 36-337(A) provides ADHS the authority to amend a birth certificate when it receives an
15 adoption certificate or court order for adoption; a voluntary acknowledgement of
16 paternity; “[f]or a person who has undergone a sex change operation or has a
17 chromosomal count that establishes the sex of the person as different than in the
18 registered birth certificate, both ... [a] written request for an amended birth certificate
19 from the person or, if the person is a child, from the child’s parent or legal guardian, and
20 [a] written statement by a physician that verifies the sex change operation or
21 chromosomal count;” or a court order. ~~states that the allegations are not directed at~~
22 ~~Defendant and call for legal conclusions such that no response is required, and none is~~
23 ~~given. —Plaintiffs’ characterization of A.R.S. § 36-337(A) is incomplete and/or~~
24 ~~inaccurate and therefore Defendant denies the allegation in Paragraph 47. To the extent~~
25 ~~a response is required, Defendant affirmatively asserts that the statute speaks for itself.~~

26 48. Answering Paragraph 48, Defendant affirmatively asserts that a person
27 who has undergone a sex change operation or has a chromosomal count that establishes
28 the sex of the person as different than in the registered certificate may pursue an

1 amendment of the sex listed on their Arizona birth certificate under A.R.S. § 36-
2 337(A)(3). Defendant also asserts that A.A.C. R9-19-208(O) is the administrative rule
3 that details the information necessary for a person who meets the requirements of
4 A.R.S. § 36-337(A)(3) to apply to amend the sex on their Arizona birth certificate.
5 Defendant disagrees with Plaintiffs' characterization of the statute and regulation and
6 therefore denies the allegations in Paragraph 48, states that the allegations call for legal
7 conclusions such that no response is required, and none is given. To the extent a
8 response is required, Defendant asserts that the statute and rule, in their entirety, speak
9 for themselves.

10 49. Defendant denies the allegations in Answering Paragraph 49, Defendant
11 states that the allegations call for legal conclusions such that no response is required,
12 and none is given. To the extent a response is required, Defendant denies the
13 allegations in Paragraph 49 and asserts that the statute speaks for itself.

14 50. Answering Paragraph 50, Defendant asserts that A.R.S. § 36-337(A)(4)
15 requires ADHS to amend an Arizona birth certificate when it receives "a court order
16 ordering an amendment to a birth certificate." Defendant disagrees with Plaintiffs'
17 characterization of A.R.S. § 36-337(A)(4) and therefore denies all remaining
18 allegations, states that the allegations call for legal conclusions such that no response is
19 required, and none is given. To the extent a response is required, Defendant asserts that
20 the statute speaks for itself.

21 51. Answering Paragraph 51, Defendant states that the allegations are not
22 directed at Defendant such that no response is required, and none is given. To the
23 extent a response is required, Defendant cannot answer for the Arizona courts;
24 Defendant lacks sufficient information or knowledge to form a belief as to the truth of
25 the allegations and on that basis therefore denies them.

26 52. Answering Paragraph 52, Defendant denies that "Arizona courts are not
27 available to transgender young people who were born in Arizona but have since moved
28 to another state." states that the allegations are not directed at Defendant and call for

1 ~~legal conclusions such that no response is required, and none is given. To the extent a~~
2 ~~response is required,~~ Defendant lacks sufficient information or knowledge to form a
3 belief as to the truth of the remaining allegations ~~in Paragraph 52~~ and ~~on that~~
4 ~~basis~~ therefore denies them.

5 53. Answering Paragraph 53, Defendant ~~denies the allegations, states that the~~
6 ~~allegations are not directed at Defendant and call for a legal conclusion such that no~~
7 ~~response is required, and none is given. To the extent a response is required, Defendant~~
8 ~~denies the allegations in Paragraph 53.~~

9 54. Answering Paragraph 54, Defendant ~~denies that any person faces a~~
10 ~~“significant hurdle” in seeking to amend their birth certificate.”~~ states that the
11 ~~allegations are not directed at Defendant such that no response is required, and none is~~
12 ~~given. To the extent a response is required, Defendant cannot answer on behalf of the~~
13 ~~Arizona courts;~~ Defendant disagrees with Plaintiffs’ characterization of the process to
14 amend a birth certificate under A.R.S. § 36-337(A)(4) and/or lacks sufficient
15 information or knowledge to form a belief as to the truth of the remaining allegations in
16 Paragraph 54 and ~~on that basis~~ therefore denies them.

17 55. Answering Paragraph 55, Defendant affirmatively asserts that when a
18 person meets the requirements in A.A.C. R9-19-208(O), their Arizona birth certificate
19 (or that of their child) will be amended pursuant to A.R.S. § 36-337(A)(3). Defendant
20 also asserts that, pursuant to A.R.S. § 36-322, ADHS is required to seal the original vital
21 record before amendment(s) and the evidence provided to support the amendment(s),
22 and ADHS “shall not issue a copy of a certificate or other record sealed” after
23 amendment(s). ~~states that the allegations call for legal conclusions such that no~~
24 ~~response is required, and none is given. To the extent a response is required, Defendant~~
25 ~~affirmatively asserts that the statute and rule speak for themselves.~~ Defendant denies
26 the remaining allegations ~~in Paragraph 55.~~

27 56. Answering Paragraph 56, Defendant denies the allegations in Paragraph
28 56.

1 57. ~~Answering Paragraph 57,~~ Defendant denies the allegations in Paragraph
2 57.

3 58. Answering Paragraph 58, Defendant asserts that Plaintiff D.T. has been
4 voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78). ~~states that the~~
5 ~~allegations are not directed at Defendant such that no response is required, and none is~~
6 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
7 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
8 ~~that basis~~ therefore denies them.⁺

9 59. Answering Paragraph 59, Defendant asserts that Plaintiff D.T. has been
10 voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78). ~~states that the~~
11 ~~allegations are not directed at Defendant such that no response is required, and none is~~
12 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
13 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
14 ~~that basis~~ therefore denies them.

15 60. Answering Paragraph 60, Defendant asserts that Plaintiff D.T. has been
16 voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78). ~~states that the~~
17 ~~allegations are not directed at Defendant such that no response is required, and none is~~
18 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
19 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
20 ~~that basis~~ therefore denies them.

21 61. Answering Paragraph 61, Defendant asserts that Plaintiff D.T. has been
22 voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78). ~~states that the~~
23 ~~allegations are not directed at Defendant such that no response is required, and none is~~
24 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
25

26
27 ⁺ ~~Further answering Paragraphs 58 to 72, Defendant states that the allegations are~~
28 ~~irrelevant because Plaintiffs have voluntarily dismissed D.T. as a Plaintiff, and the~~
~~Court has thus ordered D.T.'s claims dismissed. (Docs. 56 and 78).~~

1 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
2 ~~that basis~~therefore denies them.

3 62. Answering Paragraph 62, Defendant asserts that Plaintiff D.T. has been
4 voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78),~~states that the~~
5 ~~allegations are not directed at Defendant such that no response is required, and none is~~
6 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
7 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
8 ~~that basis~~therefore denies them.

9 63. Answering Paragraph 63, Defendant asserts that Plaintiff D.T. has been
10 voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78),~~states that the~~
11 ~~allegations are not directed at Defendant such that no response is required, and none is~~
12 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
13 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
14 ~~that basis~~therefore denies them.

15 64. Answering Paragraph 64, Defendant asserts that Plaintiff D.T. has been
16 voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78),~~states that the~~
17 ~~allegations are not directed at Defendant such that no response is required, and none is~~
18 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
19 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
20 ~~that basis~~therefore denies them.

21 65. Answering Paragraph 65, Defendant asserts that Plaintiff D.T. has been
22 voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78),~~states that the~~
23 ~~allegations are not directed at Defendant such that no response is required, and none is~~
24 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
25 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
26 ~~that basis~~therefore denies them.

27 66. Answering Paragraph 66, Defendant asserts that Plaintiff D.T. has been
28 voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78),~~states that the~~

1 ~~allegations are not directed at Defendant such that no response is required, and none is~~
2 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
3 knowledge to form a belief as to the truth of the allegations ~~contained therein and on~~
4 ~~that basis~~ therefore denies them.

5 67. Answering Paragraph 67, Defendant asserts that Plaintiff D.T. has been
6 voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78),~~states that the~~
7 ~~allegations are not directed at Defendant such that no response is required, and none is~~
8 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
9 knowledge to form a belief as to the truth of the allegations ~~contained therein and on~~
10 ~~that basis~~ therefore denies them.

11 68. Answering Paragraph 68, Defendant asserts that Plaintiff D.T. has been
12 voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78),~~states that the~~
13 ~~allegations are not directed at Defendant such that no response is required, and none is~~
14 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
15 knowledge to form a belief as to the truth of the allegations ~~contained therein and on~~
16 ~~that basis~~ therefore denies them.

17 69. Answering Paragraph 69, Defendant asserts that Plaintiff D.T. has been
18 voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78),~~states that the~~
19 ~~allegations are not directed at Defendant such that no response is required, and none is~~
20 ~~given.~~ To the extent ~~that~~ a response is required, Defendant lacks sufficient information
21 or knowledge to form a belief as to the truth of the allegations and therefore denies
22 them. process that D.T.'s parents and the court took to obtain and issue a court order.
23 ~~Defendant denies the remaining allegations in Paragraph 69.~~

24 70. Answering Paragraph 70, Defendant asserts that Plaintiff D.T. has been
25 voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78),~~states that the~~
26 ~~allegations are not directed at Defendant such that no response is required, and none is~~
27 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
28

1 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
2 ~~that basis~~ therefore denies them.

3 71. Answering Paragraph 71, Defendant asserts that Plaintiff D.T. has been
4 voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78). ~~states that the~~
5 ~~allegations are not directed at Defendant such that no response is required, and none is~~
6 ~~given.~~ To the extent a response is required, Defendant denies the allegations in
7 paragraph 71.

8 72. Answering Paragraph 72, Defendant asserts that Plaintiff D.T. has been
9 voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78). To the extent a
10 response is required, ~~lacks sufficient information or knowledge to form a belief as to the~~
11 ~~truth of the allegation that the judge made a statement in court to D.T.'s parents.~~
12 Defendant admits that the court order that D.T. obtained was sufficient to amend D.T.'s
13 birth certificate.- Defendant also admits that Lizette Trujillo submitted an application to
14 ADHS to change the sex listed on D.T.'s birth certificate. ~~Further answering Paragraph~~
15 ~~72, Defendant denies the allegations remaining therein.~~ Defendant lacks sufficient
16 information or knowledge to form a belief as to the truth of the remaining allegations
17 and therefore denies them.

18 73. Answering Paragraph 73, Defendant asserts that Plaintiff Jane Doe has
19 been voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78). ~~states that the~~
20 ~~allegations are not directed at Defendant such that no response is required, and none is~~
21 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
22 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
23 ~~that basis~~ therefore denies them.²

24 74. Answering Paragraph 74, Defendant asserts that Plaintiff Jane Doe has
25 been voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78). ~~states that the~~
26

27 ² ~~Further answering Paragraphs 73 to 85, Defendant states that the allegations are~~
28 ~~irrelevant because Plaintiffs have voluntarily dismissed Jane Doe as a Plaintiff, and the~~
~~Court has thus ordered Jane Doe's claims dismissed (Docs. 56 and 78).~~

1 ~~allegations are not directed at Defendant such that no response is required, and none is~~
2 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
3 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
4 ~~that basis~~therefore denies them.

5 75. Answering Paragraph 75, Defendant asserts that Plaintiff Jane Doe has
6 been voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78).~~states that the~~
7 ~~allegations are not directed at Defendant such that no response is required, and none is~~
8 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
9 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
10 ~~that basis~~therefore denies them.

11 76. Answering Paragraph 76, Defendant asserts that Plaintiff Jane Doe has
12 been voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78).~~states that the~~
13 ~~allegations are not directed at Defendant such that no response is required, and none is~~
14 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
15 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
16 ~~that basis~~therefore denies them.

17 77. Answering Paragraph 77, Defendant asserts that Plaintiff Jane Doe has
18 been voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78).~~states that the~~
19 ~~allegations are not directed at Defendant such that no response is required, and none is~~
20 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
21 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
22 ~~that basis~~therefore denies them.

23 78. Answering Paragraph 78, Defendant asserts that Plaintiff Jane Doe has
24 been voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78).~~states that the~~
25 ~~allegations are not directed at Defendant such that no response is required, and none is~~
26 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
27 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
28 ~~that basis~~therefore denies them.

1 79. Answering Paragraph 79, Defendant asserts that Plaintiff Jane Doe has
2 been voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78).~~states that the~~
3 ~~allegations are not directed at Defendant such that no response is required, and none is~~
4 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
5 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
6 ~~that basis~~therefore denies them.

7 80. Answering Paragraph 80, Defendant asserts that Plaintiff Jane Doe has
8 been voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78).~~states that the~~
9 ~~allegations are not directed at Defendant such that no response is required, and none is~~
10 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
11 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
12 ~~that basis~~therefore denies them.

13 81. Answering Paragraph 81, Defendant asserts that Plaintiff Jane Doe has
14 been voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78).~~states that the~~
15 ~~allegations are not directed at Defendant such that no response is required, and none is~~
16 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
17 knowledge to form a belief as to the truth of the allegations ~~contained therein~~ and ~~on~~
18 ~~that basis~~therefore denies them.

19 82. Answering Paragraph 82, Defendant asserts that Plaintiff Jane Doe has
20 been voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78).~~states that the~~
21 ~~allegations are not directed at Defendant such that no response is required, and none is~~
22 ~~given.~~ To the extent a response is required, Defendant denies that “proof of surgery” is
23 required to amend the sex on a transgender person’s birth certificate. As to the
24 remaining allegations in Paragraph 82, Defendant lacks sufficient information or
25 knowledge to form a belief as to their truth ~~of the allegations contained therein~~ and ~~on~~
26 ~~that basis~~therefore denies them.

27 83. Answering Paragraph 83, Defendant asserts that Plaintiff Jane Doe has
28 been voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78).~~states that the~~

1 ~~allegations are not directed at Defendant such that no response is required, and none is~~
2 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
3 knowledge to form a belief as to the truth of the allegations ~~contained therein and on~~
4 ~~that basis~~ therefore denies them.

5 84. Answering Paragraph 84, Defendant asserts that Plaintiff Jane Doe has
6 been voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78). To the extent a
7 response is required, Defendant admits that Defendant and Plaintiff Jane Doe entered a
8 joint stipulation resulting in an order from this Court instructing ADHS to amend the
9 sex listed on her birth certificate to female (Doc. 39, 40) which ADHS processed under
10 Subsection (A)(4) in accordance with the parties' agreement ~~of the parties.~~ Defendant
11 denies ~~the remainder of the~~ remaining allegations ~~in Paragraph 84.~~

12 85. Answering Paragraph 85, Defendant asserts that Plaintiff Jane Doe has
13 been voluntarily dismissed as a Plaintiff in this matter (Docs. 56 and 78), ~~states that the~~
14 ~~allegations are not directed at Defendant such that no response is required, and none is~~
15 ~~given.~~ To the extent a response is required, Defendant lacks sufficient information or
16 knowledge to form a belief as to the truth of the allegations ~~contained therein and on~~
17 ~~that basis~~ therefore denies them.

18 86. Answering Paragraph 86, Defendant ~~states that the allegations are not~~
19 ~~directed at Defendant such that no response is required, and none is given. To the~~
20 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
21 form a belief as to the truth of the allegations ~~contained therein and on that~~
22 ~~basis~~ therefore denies them.

23 87. Answering Paragraph 87, Defendant ~~states that the allegations are not~~
24 ~~directed at Defendant such that no response is required, and none is given. To the~~
25 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
26 form a belief as to the truth of the allegations ~~contained therein and on that~~
27 ~~basis~~ therefore denies them.

1 88. Answering Paragraph 88, Defendant ~~states that the allegations are not~~
2 ~~directed at Defendant such that no response is required, and none is given. To the~~
3 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
4 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
5 ~~basis~~therefore denies them.

6 89. Answering Paragraph 89, Defendant ~~states that the allegations are not~~
7 ~~directed at Defendant such that no response is required, and none is given. To the~~
8 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
9 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
10 ~~basis~~therefore denies them.

11 90. Answering Paragraph 90, Defendant ~~states that the allegations are not~~
12 ~~directed at Defendant such that no response is required, and none is given. To the~~
13 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
14 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
15 ~~basis~~therefore denies them.

16 91. Answering Paragraph 91, Defendant ~~states that the allegations are not~~
17 ~~directed at Defendant such that no response is required, and none is given. To the~~
18 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
19 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
20 ~~basis~~therefore denies them.

21 92. Answering Paragraph 92, Defendant ~~states that the allegations are not~~
22 ~~directed at Defendant such that no response is required, and none is given. To the~~
23 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
24 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
25 ~~basis~~therefore denies them.

26 93. Answering Paragraph 93, Defendant ~~states that the allegations are not~~
27 ~~directed at Defendant such that no response is required, and none is given. To the~~
28 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to

1 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
2 ~~basis~~therefore denies them.

3 94. Answering Paragraph 94, Defendant ~~states that the allegations are not~~
4 ~~directed at Defendant such that no response is required, and none is given. To the~~
5 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
6 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
7 ~~basis~~therefore denies them.

8 95. Answering Paragraph 95, Defendant ~~states that the allegations are not~~
9 ~~directed at Defendant such that no response is required, and none is given. To the~~
10 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
11 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
12 ~~basis~~therefore denies them.

13 96. Answering Paragraph 96, Defendant ~~states that the allegations are not~~
14 ~~directed at Defendant such that no response is required, and none is given. To the~~
15 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
16 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
17 ~~basis~~therefore denies them.

18 97. Answering Paragraph 97, Defendant ~~states that the allegations are not~~
19 ~~directed at Defendant such that no response is required, and none is given. To the~~
20 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
21 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
22 ~~basis~~therefore denies them.

23 98. Answering Paragraph 98, Defendant ~~states that the allegations are not~~
24 ~~directed at Defendant such that no response is required, and none is given. To the~~
25 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
26 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
27 ~~basis~~therefore denies them.

1 99. Answering Paragraph 99, Defendant ~~states that the allegations are not~~
2 ~~directed at Defendant such that no response is required, and none is given. To the~~
3 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
4 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
5 ~~basis~~ therefore denies them.

6 100. Answering Paragraph 100, Defendant ~~states that the allegations are not~~
7 ~~directed at Defendant such that no response is required, and none is given. To the~~
8 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
9 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
10 ~~basis~~ therefore denies them.

11 101. Answering Paragraph 101, Defendant ~~states that the allegations are not~~
12 ~~directed at Defendant such that no response is required, and none is given. To the~~
13 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
14 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
15 ~~basis~~ therefore denies them.

16 102. Answering Paragraph 102, Defendant ~~states that the allegations are not~~
17 ~~directed at Defendant such that no response is required, and none is given. To the~~
18 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
19 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
20 ~~basis~~ therefore denies them.

21 103. Answering Paragraph 103, Defendant ~~states that the allegations are not~~
22 ~~directed at Defendant such that no response is required, and none is given. To the~~
23 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
24 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
25 ~~basis~~ therefore denies them.

26 104. Answering Paragraph 104, Defendant ~~states that the allegations are not~~
27 ~~directed at Defendant such that no response is required, and none is given. To the~~
28 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to

1 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
2 ~~basis~~ therefore denies them.

3 105. Answering Paragraph 105, Defendant ~~states that the allegations are not~~
4 ~~directed at Defendant such that no response is required, and none is given. To the~~
5 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
6 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that basis~~
7 ~~therefore~~ denies them.

8 106. Answering Paragraph 106, Defendant ~~states that the allegations are not~~
9 ~~directed at Defendant such that no response is required, and none is given. To the~~
10 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
11 form a belief as to the truth of the allegations ~~contained therein~~, and ~~on that~~
12 ~~basis~~ therefore denies them.

13 107. Answering Paragraph 107, Defendant ~~states that the allegations are not~~
14 ~~directed at Defendant such that no response is required, and none is given. To the~~
15 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
16 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
17 ~~basis~~ therefore denies them.

18 108. Answering Paragraph 108, Defendant ~~states that the allegations are not~~
19 ~~directed at Defendant such that no response is required, and none is given. To the~~
20 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
21 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
22 ~~basis~~ therefore denies them.

23 109. Answering Paragraph 109, Defendant ~~states that the allegations are not~~
24 ~~directed at Defendant such that no response is required, and none is given. To the~~
25 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
26 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
27 ~~basis~~ therefore denies them.

1 110. Answering Paragraph 110, Defendant ~~states that the allegations are not~~
2 ~~directed at Defendant such that no response is required, and none is given. To the~~
3 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
4 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
5 ~~basis~~ therefore denies them.

6 111. Answering Paragraph 111, Defendant ~~states that the allegations are not~~
7 ~~directed at Defendant such that no response is required, and none is given. To the~~
8 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
9 form a belief as to the truth of the allegations ~~contained therein~~ and ~~on that~~
10 ~~basis~~ therefore denies them.

11 CLASS ACTION ALLEGATIONS

12 112. Answering Paragraph 112, Defendant ~~states that the allegations are not~~
13 ~~directed at Defendant such that no response is required, and none is given. To the~~
14 ~~extent a response is required, Defendant~~ admits that Plaintiffs purport to bring their
15 claims under Federal Rules of Civil Procedure 23(a) and (b)(2) on behalf of themselves
16 and other similarly situated individuals.- Defendant denies that their claims meet these
17 requirements for class certification or that they (or the putative class) are entitled to the
18 relief they request.

19 113. Answering Paragraph 113, Defendant ~~states that the allegations are not~~
20 ~~directed at Defendant such that no response is required, and none is given. To the~~
21 ~~extent a response is required, Defendant~~ admits that Plaintiffs are requesting
22 certification of the proposed class definition in Paragraph 113, but denies that Plaintiffs'
23 claims meet the requirements for class certification or that they (or the putative class)
24 are entitled to the relief they request.

25 114. Answering Paragraph 114, Defendant ~~states~~ asserts that the allegations ~~are~~
26 ~~not directed at Defendant~~ call for a legal conclusion such that no response is required,
27 ~~and none is given.~~ To the extent a response is required, Defendant denies that Plaintiffs
28 are adequate class representatives. -Defendant lacks sufficient information or knowledge

1 to form a belief as to the truth of the remaining allegations ~~in Paragraph 114~~ and ~~on that~~
2 ~~basis~~therefore denies them.

3 115. Answering Paragraph 115, Defendant ~~asserts~~ states that the allegations ~~are~~
4 ~~not directed at Defendant and~~ call for a legal conclusion such that no response is
5 required, ~~and none is given.~~ To the extent a response is required, Defendant denies that
6 Plaintiffs' claims meet the numerosity requirements of Rule 23(a)(1).- Defendant lacks
7 sufficient information or knowledge to form a belief as to the truth of the remaining
8 allegations ~~in Paragraph 115~~ and ~~on that basis~~therefore denies them.

9 116. Answering Paragraph 116, Defendant ~~states~~ asserts that the allegations ~~are~~
10 ~~not directed at Defendant and~~ call for a legal conclusion such that no response is
11 required, ~~and none is given.~~ To the extent a response is required, Defendant denies that
12 Plaintiffs' claims meet the commonality requirements of Rule 23(a)(2).-~~Defendant~~
13 ~~further denies the remaining allegations in Paragraph 116.~~

14 117. Answering Paragraph 117, Defendant ~~states~~ asserts that the allegations ~~are~~
15 ~~not directed at Defendant and~~ call for a legal conclusion such that no response is
16 required, ~~and none is given.~~ To the extent a response is required, Defendant denies that
17 Plaintiffs' claims meet the typicality requirements of Rule 23(a)(3).- Defendant lacks
18 sufficient information or knowledge to form a belief as to the truth of the remaining
19 allegations ~~in Paragraph 117~~ and ~~on that basis~~therefore denies them.

20 118. Answering Paragraph 118, Defendant ~~states~~ asserts that the allegations ~~are~~
21 ~~not directed at Defendant and~~ call for a legal conclusion such that no response is
22 required, ~~and none is given.~~ To the extent a response is required, Defendant denies that
23 Plaintiffs meet the adequacy requirements of Rule 23(a)(4).- Defendant lacks sufficient
24 information or knowledge to form a belief as to the truth of the remaining allegations ~~in~~
25 ~~Paragraph 118~~ and ~~on that basis~~therefore denies them.

26 119. Answering Paragraph 119, Defendant ~~states~~ asserts that the allegations ~~are~~
27 ~~not directed at Defendant and~~ call for a legal conclusion such that no response is
28 required, ~~and none is given.~~ To the extent a response is required, Defendant denies that

1 Plaintiffs' counsel meet the adequacy requirements of Rule 23(a)(4).- Defendant lacks
 2 sufficient information or knowledge to form a belief as to the truth of the remaining
 3 allegations ~~in Paragraph 119~~ and ~~on that basis~~therefore denies them.

4 120. Answering Paragraph 120, Defendant ~~states-asserts~~ that the allegations
 5 call for a legal conclusion such that no response is required,~~and none is given.~~- To the
 6 extent a response is required, Defendant denies that Plaintiffs' ~~elaims~~-meet the
 7 requirements of Rule 23(b)(2) ~~and-or~~ that "Defendants have acted or refused to act on
 8 grounds that apply generally to the Class."- Defendant lacks sufficient information or
 9 knowledge to form a belief as to the truth of the remaining allegations ~~in Paragraph 120~~
 10 and ~~on that basis~~therefore denies them.

11 COUNT I

12 (Alleged Violation of the Equal Protection Clause 13 of the Fourteenth Amendment of the United States Constitution)

14 121. Answering Paragraph 121, Defendant restates and incorporates by
 15 reference the responses set forth in the above paragraphs.

16 122. Answering Paragraph 122, Defendant admits that the Fourteenth
 17 Amendment to the United States Constitutes states, in relevant part, that no state shall
 18 "deny to any person within its jurisdiction the equal protection of the laws," and that 42
 19 U.S.C. § 1983 is the statutory vehicle by which a plaintiff may assert a civil rights
 20 lawsuit against a state actor for an alleged constitutional violation. Defendant denies
 21 that Plaintiffs' Fourteenth Amendment rights were violated or that Defendant caused
 22 these alleged violations. -states that the allegations are not directed at Defendant such
 23 that no response is required, and none is given. To the extent a response is required,
 24 Defendant asserts that the constitutional provision and statute speak for themselves.

25 123. Answering Paragraph 123, Defendant ~~states-asserts~~ that the allegations
 26 call~~s~~ for a legal conclusions such that no response is required,~~and none is given.~~- To the
 27 extent a response is required, Defendant denies the allegations ~~in Paragraph 123~~.
 28

1 124. Answering Paragraph 124, Defendant ~~states-asserts~~ that the allegations
2 ~~calls~~ for ~~a~~ legal conclusions such that no response is required, ~~and none is given.~~ To the
3 extent a response is required, Defendant denies the allegations ~~in Paragraph 124.~~

4 125. ~~Answering Paragraph 125,~~ Defendant denies the allegations in Paragraph
5 125.

6 126. ~~Answering Paragraph 126, Defendant states that the allegations are not~~
7 ~~directed at Defendant and call for a legal conclusion such that no response is required,~~
8 ~~and none is given. To the extent a response is required,~~ Defendant denies the
9 allegations in Paragraph 126.

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1 **COUNT II**
2 **(Alleged Violation of the Substantive Due Process Right**
3 **to Privacy under the United States Constitution)**

4 127. Answering Paragraph 127, Defendant restates and incorporates by
5 reference the responses set forth in the above paragraphs.

6 128. Answering Paragraph 128, Defendant admits that the Fourteenth
7 Amendment to the United States Constitution states, in relevant part, that no state shall
8 “deprive any person of life, liberty, or property, without due process of law,” and that
9 42 U.S.C. § 1983 is the statutory vehicle by which Plaintiffs may assert a civil rights
10 lawsuit against a state actor for an alleged constitutional violation. Defendant denies
11 that Plaintiffs’ substantive due process rights were violated or that Defendant caused
12 these alleged violations—states that the allegations are not directed at Defendant such
13 that no response is required, and none is given. To the extent a response is required,
14 Defendant asserts that the constitutional provision and statute speak for themselves.

15 129. Answering Paragraph 129, Defendant asserts that the allegation calls for a
16 legal conclusion such that no response is required. To the extent a response is required,
17 Defendant admits that the United States Supreme Court has recognized a constitutional
18 “right to privacy” founded in the Fourteenth Amendment Due Process Clause.
19 Defendant denies all other allegations within this paragraph, particularly to the extent
20 that they allude and/or infer that Plaintiffs’ constitutional rights to privacy have been
21 implicated in this lawsuit. Defendant denies that they have been implicated and further
22 denies that Plaintiffs’ substantive due process rights were violated or that Defendant
23 caused these alleged violations. states that the allegations are not directed at Defendant
24 such that no response is required, and none is given. To the extent a response is
25 required, Defendant asserts that the constitutional provision and statute speak for
26 themselves.

27 130. Answering Paragraph 130, Defendant asserts that the allegation calls for a
28 legal conclusion such that no response is required. To the extent a response is required,
Defendant denies that involuntary disclosure of a person’s transgender status violates

1 ~~that person's fundamental right to privacy. Defendant lacks sufficient information or~~
2 ~~knowledge to form a belief as to the truth of the remaining allegations and therefore~~
3 ~~denies them. states that the allegations are not directed at Defendant and call for a legal~~
4 ~~conclusion such that no response is required, and none is given. To the extent a~~
5 ~~response is required, Defendant denies the allegations in Paragraph 130.~~

6 131. Answering Paragraph 131, Defendant ~~states that the allegations are not~~
7 ~~directed at Defendant such that no response is required, and none is given. To the~~
8 ~~extent a response is required, Defendant~~ lacks sufficient information or knowledge to
9 form a belief as to the truth of the allegations and ~~on that basis~~ therefore denies them.

10 132. ~~Answering Paragraph 132, Defendant states that the allegations are not~~
11 ~~directed at Defendant and call for legal conclusions such that no response is required,~~
12 ~~and none is given. To the extent a response is required, Defendant denies the~~
13 allegations in Paragraph 132.

14 133. ~~Answering Paragraph 133, Defendant states that the allegations are not~~
15 ~~directed at Defendant and call for legal conclusions such that no response is required,~~
16 ~~and none is given. To the extent a response is required, Defendant denies the~~
17 allegations in Paragraph 133.

18 134. ~~Answering Paragraph 134, Defendant states asserts that the allegations are~~
19 ~~not directed at Defendant and call for a legal conclusion such that no response is~~
20 ~~required, and none is given. To the extent a response is required, Defendant denies the~~
21 allegations in Paragraph 134.

22 **COUNT III**

23 **(Alleged Violation of the Substantive Due Process Right to Individual Liberty and**
24 **Autonomy under the United States Constitution)**

25 135. Answering Paragraph 135, Defendant restates and incorporates by
26 reference the responses set forth in the above paragraphs.

27 136. Answering Paragraph 136, Defendant admits that the Fourteenth
28 Amendment to the United States Constitution states, in relevant part, that no state shall

1 “deprive any person of life, liberty, or property, without due process of law.” Defendant
2 also admits that *Obergefell v. Hodges*, 135 S. Ct. 2584, 2593 (2015), states: “The
3 Constitution promises liberty to all within its reach, a liberty that includes certain
4 specific rights that allow persons, within a lawful realm, to define and express their
5 identity.” Defendant denies all other allegations within this paragraph, particularly to
6 the extent that they allude and/or infer that Plaintiffs’ constitutional rights have been
7 violated. Defendant denies that Plaintiffs’ substantive due process rights were violated
8 or that Defendant caused these alleged violations—, states that the allegations are not
9 directed at Defendant and call for a legal conclusion such that no response is required,
10 and none is given. To the extent a response is required, Defendant asserts that the
11 constitutional provision and quoted case speak for themselves.

12 137. Answering Paragraph 137, Defendant asserts states that the allegations are
13 not directed at Defendant and call for legal conclusions such that no response is
14 required, and none is given. To the extent a response is required, Defendant admits that
15 a birth certificate is sometimes required in certain circumstances. Defendant denies the
16 remaining allegations in Paragraph 137.

17 138. ~~Answering Paragraph 138, Defendant states that the allegations are not~~
18 ~~directed at Defendant and call for legal conclusions such that no response is required,~~
19 ~~and none is given. To the extent a response is required, Defendant denies the~~
20 ~~allegations in Paragraph 138.~~

21 139. ~~Answering Defendant denies the allegations in Paragraph 139, Defendant~~
22 ~~states that the allegations are not directed at Defendant and call for a legal conclusion~~
23 ~~such that no response is required, and none is given. To the extent a response is~~
24 ~~required, Defendant denies the allegations.~~

25
26 ~~///~~

27 ~~///~~

COUNT IV

(Alleged Violation of the Substantive Due Process Right to choose whether to undergo a particular medical treatment under the United States Constitution)

140. Answering Paragraph 140, Defendant restates and incorporates by reference the responses set forth in the above paragraphs.

141. Answering Paragraph 141, Defendant ~~states admits that some courts have recognized a right to bodily integrity that is grounded in the Due Process Clause. See, e.g., P.B. v. Koch, 96 F.3d 1298 (9th Cir. 1996) that the allegations are not directed at Defendant and call for legal conclusions such that no response is required, and none is given. To the extent a response is required, the constitutional provision and cited cases speak for themselves. Defendant denies that the cases cited in Paragraph 141 have any application to this case and further denies that Plaintiffs' substantive due process rights were violated or that Defendant caused these alleged violations. Defendant denies the remaining allegations.~~

142. ~~Answering Defendant denies the allegations in Paragraph 142, Defendant states that the allegations are not directed at Defendant and call for legal conclusions such that no response is required, and none is given. To the extent a response is required, Defendant denies the allegations in Paragraph 142.~~

143. ~~Answering Defendant denies the allegations in Paragraph 143, Defendant states that the allegations are not directed at Defendant and call for legal conclusions such that no response is required, and none is given. To the extent a response is required, Defendant denies the allegations in Paragraph 143.~~

144. ~~Answering Defendant denies the allegations in Paragraph 144, Defendant states that the allegations are not directed at Defendant and call for a legal conclusion such that no response is required, and none is given. To the extent a response is required, Defendant denies the allegations in Paragraph 144.~~

Answering Plaintiffs' Prayer for Relief

1 _____The remainder of the Amended Complaint consists of
2 Plaintiff's prayer for relief to which no response is required. To the extent a response
3 is required, Defendant ~~generally and specifically~~ denies all allegations that Plaintiff is
4 entitled to any requested relief.

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General Denial of Allegations Except Those Specifically Admitted

~~Unless specifically admitted above, Defendant denies each and every allegation contained in the Complaint.~~

Affirmative Defenses

~~1. As a separate defense and in the alternative, Plaintiffs fail to state a claim against Defendant upon which relief may be granted.~~

2.1. As a separate defense and in the alternative, this Court lacks subject matter jurisdiction over Plaintiffs’ claims under 28 U.S.C. § 1331, ~~where no constitutional violation has occurred.~~

3.2. As a separate defense and in the alternative, Plaintiffs lack Article III and prudential standing.

4.3. As a separate defense and in the alternative, Plaintiffs lack standing to seek declaratory judgment and/or injunctive relief on behalf of themselves or the putative class where they have not suffered actual injury.

~~5. As a separate defense and in the alternative, Defendant did not cause Plaintiffs injury.~~

6.4. As a separate defense and in the alternative, neither Plaintiffs’ claims nor the putative class’s claims can ~~not~~ be redressed by the Court where it lacks the authority to rewrite or amend the challenged statute and regulation in order to grant declaratory and/or injunctive relief.

7.5. As a separate defense and in the alternative, ~~Defendant did not violate Plaintiffs’ constitutional rights and cannot be enjoined to grant relief where~~ Defendant lacks authority to promulgate a process for amending birth certificates that exceeds the authority already granted by A.R.S. § 36-337, or to allow Plaintiffs to participate in the administrative process afforded to individuals who have already undergone a sex-change operation or who have a chromosomal count that establishes the sex of the person as different than in the registered birth certificate.

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1 ~~8-6.~~ As a separate defense and in the alternative, this Court lacks jurisdiction
2 under the *Rooker-Feldman* Doctrine factors, including but not limited to, the fact that
3 Plaintiffs' claims are inextricably intertwined with the petitions Plaintiffs filed in state
4 court to amend their birth certificates such that adjudication of their claims would
5 undercut the state ruling and/or require this Court to interpret the application of state
6 laws or procedural rules. *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *District of*
7 *Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983).

8 ~~9-7.~~ As a separate defense and in the alternative, this Court should abstain
9 from exercising jurisdiction under the *Younger* Doctrine factors, including but not
10 limited to, the fact Plaintiffs have filed state-court petitions to amend their birth
11 certificates, Arizona has an important interest in processing and maintaining adequate
12 birth certificates, Plaintiffs' claims implicate the enforceability of Arizona statutes and
13 regulations, Plaintiffs had an adequate opportunity to raise their claims in their state
14 proceedings, and Plaintiffs seek declaratory and injunctive relief that interferes with the
15 state-court proceedings. *Younger v. Harris*, 401 U.S. 37 (1971).

16 ~~10-8.~~ As a separate defense and in the alternative, this Court should abstain
17 from exercising jurisdiction under the *Brillhart* Doctrine and/or the *Colorado River*
18 Doctrine factors, including but not limited to, the fact that Plaintiffs filed a state-court
19 petition to amend their birth certificates before filing their claims in this Court,
20 proceeding with their claims will likely result in piecemeal litigation, the state-court
21 proceedings could moot Plaintiffs' claims and render this Court's intervention
22 unnecessary, state law provides the rule of decision, the state-court proceedings raise the
23 same or substantially similar issues and are adequate to protect Plaintiffs' federal rights,
24 Plaintiffs filed this lawsuit after experiencing a setback in state court, and resolution of
25 the state-court petitions will fully resolve Plaintiffs claims. *Brillhart v. Excess Ins. Co.*
26 *of Am.*, 316 U.S. 491 (1942); *Colorado River Water Conservation Dist. v. United States*,
27 424 U.S. 800 (1976).
28

1 ~~11.9.~~ As a separate defense and in the alternative, this Court should abstain
2 from exercising jurisdiction until Plaintiffs' state court petitions have concluded under
3 the *Pullman* Doctrine factors, including but not limited to, the fact that Plaintiffs' claims
4 touch upon a sensitive area of social policy exclusively reserved to Arizona, the claims
5 can be mooted by a state-court order on Plaintiffs' petitions to amend their birth
6 certificates, and Plaintiffs' claims turn on the interpretation of Arizona statutes and
7 regulations. *R.R. Comm'n of Texas v. Pullman Co.*, 312 U.S. 496 (1941).

8 ~~12.—~~

9 ~~13.— As a separate defense and in the alternative, the Arizona statute and~~
10 ~~regulation, A.R.S. § 36-337 and A.A.C. § R9-19-208, do not deny any individual due~~
11 ~~process of law.~~

12 ~~14.— As a separate defense and in the alternative, neither A.R.S. § 36-337 nor~~
13 ~~A.A.C. § R9-19-208 deprives or otherwise unconstitutionally interferes with any~~
14 ~~individual's constitutionally protected interests.~~

15 ~~15.— As a separate defense and in the alternative, A.R.S. § 36-337 and A.A.C. §~~
16 ~~R9-19-208 do not deny any individual equal protection under the law.~~

17 ~~16.— As a separate defense and in the alternative, A.R.S. § 36-337 and A.A.C. §~~
18 ~~R9-19-208 are facially neutral because they apply to all persons seeking to amend their~~
19 ~~birth certificates, including those wishing to amend their gender/sex markers—and do~~
20 ~~not intentionally discriminate against Plaintiffs or any transgender person.~~

21 ~~17.— As a separate defense, and in the alternative, Defendant alleges that this~~
22 ~~case is not certifiable as a class action pursuant to Fed. R. Civ. P. 23, et seq.~~

23 ~~18.— As a separate defense, and in the alternative, Defendant alleges that~~
24 ~~Plaintiffs lack standing to maintain this action as a class action.~~

25 ~~19.— As a separate defense, and in the alternative, Defendant alleges that~~
26 ~~Plaintiffs lack standing to assert claims on behalf of other individuals.~~

27 ~~20.— As a separate defense, and in the alternative, Defendant alleges that~~
28 ~~Plaintiffs and putative class members have not suffered actual injury.~~

1 ~~21. As a separate defense, and in the alternative, Defendant alleges that~~
2 ~~Plaintiffs are not proper class representatives.~~

3 ~~22. As a separate defense and in the alternative, Plaintiffs are unable to~~
4 ~~establish that Defendant caused all putative class members' alleged constitutional~~
5 ~~violations.~~

6 ~~23. As a separate defense and in the alternative, Plaintiffs are unable to~~
7 ~~establish that their and putative class members' claims can be redressed through the~~
8 ~~declaratory and/or injunctive relief requested.~~

9 24.10. As a separate defense, and in the alternative, Defendant alleges that
10 Plaintiffs' and the putative class members' own conduct caused or contributed to the
11 alleged harm, thus diminishing or eliminating their right to relief.

12 25.11. As a separate defense, and in the alternative, Defendant alleges that ~~she~~
13 has acted reasonably ~~and~~, lawfully, and in good faith under the circumstances.

14 26.12. As a separate defense, and in the alternative, Defendant alleges that ~~her~~
15 his actions and inactions have been made pursuant to a legitimate government purpose.

16 27.13. As a separate defense, and in the alternative, Defendant alleges that ~~she~~
17 has no authority over the Arizona Superior Court and its actions, which are the bases for
18 Plaintiffs' claims.

19 28.14. As a separate defense, and in the alternative, Plaintiffs have failed to
20 comply with Federal Rule of Civil Procedure 5.1 and Arizona's notice of claim of
21 unconstitutionality statute for a declaratory judgment, A.R.S. § 12-1841.

22 ~~29. As a separate defense, and in the alternative, to the extent that any~~
23 ~~monetary claim is asserted, Plaintiffs have failed to comply with Arizona's notice of~~
24 ~~claim statute.~~

25 30.15. As a separate defense, and in the alternative, Defendant has sovereign
26 absolute and/or qualified immunity.

27 31.16. Although Defendant does not have specific facts in support of ~~her~~ his
28 remaining defenses at this time, Defendant reserves the right to assert the following

1 affirmative defenses pursuant to ~~Federal Rules of Civil Procedure~~ 8 and 12 should
2 subsequent discovery disclose facts in support of them, including, but not limited to,
3 waiver, estoppel, release, laches, and res judicata.

4 **WHEREFORE**, Defendant ~~requests that the Court enter judgment against any~~
5 or all Plaintiffs and in favor of Defendant ~~on all claims in the Amended Complaint as~~
6 follows:

- 7 1. Dismissing Plaintiffs' claims with prejudice;
- 8 2. Denying Plaintiffs any relief;
- 9 3. Awarding Defendant taxable costs from the earliest date and from the
10 highest rate allowed by law;
- 11 4. Awarding Defendant costs, expenses, and attorneys' fees; and
- 12 5. Awarding Defendant any other and further relief that the Court deems just
13 and equitable.

14 **REQUEST FOR A JURY TRIAL**

15 Plaintiffs do not seek any damages, including nominal damages (Doc. 79). To
16 the extent Plaintiffs seek any non-equitable relief, Defendant requests a jury trial on all
17 triable issues raised in the Amended Complaint.

18 Respectfully submitted this 1~~3~~⁹th day of ~~August~~October, 2021.

19 STRUCK LOVE BOJANOWSKI & ACEDO, PLC

20
21 By /s/ Daniel P. Struck

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CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2021, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

- Asaf Orr aorr@nclrights.org
- Barrett J. Anderson banderson@cooley.com
- Colin M. Proksel cproksel@omlaw.com
- Mary R. O’Grady mogradey@omlaw.com
- Patrick P. Gunn pgunn@cooley.com
- Payslie M. Bowman pbowman@omlaw.com

I hereby certify that on this same date, I served the attached document by U.S. Mail, postage prepaid, on the following, who is not a registered participant of the CM/ECF System:

N/A

/s/ Daniel P. Struck