

No. 23-5609

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**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

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JANE DOE, et al.,  
*Plaintiffs/Appellees,*

v.

WILLIAM C. THORNBURY, JR., et al.,  
*Defendants,*

&

COMMONWEALTH OF KENTUCKY, ex rel. Attorney General Daniel Cameron,  
*Intervenor-Defendant/Appellant.*

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On Appeal from the U.S. District Court for the Western District of Kentucky  
Case No. 3:23-cv-230

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**MOTION FOR LEAVE TO FILE *AMICUS* BRIEF IN SUPPORT OF KENTUCKY'S  
MOTION TO STAY INJUNCTION PENDING APPEAL BY ALABAMA, ARKANSAS,  
ALASKA, FLORIDA, GEORGIA, IDAHO, INDIANA, IOWA, LOUISIANA, MISSISSIPPI,  
MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, OHIO, SOUTH CAROLINA,  
TEXAS, UTAH, SOUTH DAKOTA, AND WEST VIRGINIA**

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Steve Marshall  
*Attorney General*  
Edmund G. LaCour Jr.  
*Solicitor General*  
A. Barrett Bowdre  
*Principal Deputy Solicitor General*  
OFFICE OF THE ATTORNEY GENERAL  
STATE OF ALABAMA  
501 Washington Avenue  
Montgomery, AL 36130-0152  
(334) 242-7300  
Edmund.LaCour@AlabamaAG.gov

Tim Griffin  
*Attorney General*  
Nicholas J. Bronni  
*Solicitor General*  
Dylan L. Jacobs  
*Deputy Solicitor General*  
OFFICE OF THE ARKANSAS ATTORNEY  
GENERAL  
323 Center Street, Suite 200  
Little Rock, AR 72201  
(501) 682-6302  
Dylan.Jacobs@ArkansasAG.gov

*Additional Counsel Listed on Signature Page*

## **CORPORATE DISCLOSURE STATEMENT**

As governmental parties, amici are not required to file a certificate of interested persons. Fed. R. App. P. 26.1(a).

## MOTION

Proposed amici curiae are the States of Alabama, Arkansas, Alaska, Florida, Georgia, Idaho, Indiana, Iowa, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, South Carolina, South Dakota, Texas, Utah, and West Virginia.

As sovereign states, proposed amici ordinarily need not move for leave to file an amicus brief in this Court. *See* Fed. R. App. P. 29(a)(2). However, given the procedural posture, out of an abundance of caution proposed amici seek the Court's leave to file the attached amicus brief. The Court should grant the motion for three reasons.

First, proposed amici offer a unique perspective in this case. Like Kentucky, proposed amici are concerned by the recent surge of children suffering from gender dysphoria and other forms of gender-related psychological distress. And like Kentucky, proposed amici are concerned because these vulnerable children are suffering greatly and need help. The question is how to help them. The district court found that "the puberty-blockers and hormones barred by SB 150 are established medical treatments." *Op.*, R.61, PageID#2309. The evidence says otherwise. That's why healthcare authorities in several European countries have moved away from offering sex modification procedures to minors. And that's why a growing number of States,

including some of the proposed amici, have done the same. Proposed amici thus write in support of Kentucky's law.

Second, no party will be prejudiced by the participation of proposed amici. Kentucky filed its emergency motion for stay just earlier today—Friday, July 7. There is no delay. And yesterday, July 6, proposed amici sought consent from the parties to file their brief; Kentucky consents to the filing, the original Defendants state that they are “leaving the Court’s ruling regarding the motion within the discretion of the Court,” and the proposed amici have not heard back from Plaintiffs.

Third, there is no good reason *not* to allow the proposed amici to file their brief. Indeed, courts generally “err on the side of granting leave” because “[i]f an amicus brief that turns out to be unhelpful is filed, the [court], after studying the case, will often be able to make that determination without much trouble and can then simply disregard the amicus brief. On the other hand, if a good brief is rejected, the [court] will be deprived of a resource that might have been of assistance.” *Neonatology Assocs., P.A. v. Comm’r*, 293 F.3d 128, 133 (3d Cir. 2002) (Alito, J.).

For these reasons, proposed amici respectfully request leave to file the attached amicus brief.

Dated: July 7, 2023

Steve Marshall

*Attorney General*

s/ Edmund G. LaCour Jr.

Edmund G. LaCour Jr.

*Solicitor General*

A. Barrett Bowdre

*Principal Deputy Solicitor General*

OFFICE OF THE ATTORNEY GENERAL

STATE OF ALABAMA

501 Washington Avenue

P.O. Box 300152

Montgomery, AL 36130-0152

(334) 242-7300

Edmund.LaCour@AlabamaAG.gov

Respectfully submitted,

Tim Griffin

*Attorney General*

Nicholas J. Bronni

*Solicitor General*

Dylan L. Jacobs

*Deputy Solicitor General*

OFFICE OF THE ARKANSAS ATTORNEY

GENERAL

323 Center Street, Suite 200

Little Rock, AR 72201

(501) 682-6302

Dylan.Jacobs@ArkansasAG.gov

*Counsel for Amici Curiae*

**ADDITIONAL COUNSEL**

TREG TAYLOR  
Attorney General  
State of Alaska

AUSTIN KNUDSEN  
Attorney General  
State of Montana

ASHLEY MOODY  
Attorney General  
State of Florida

MICHAEL T. HILGERS  
Attorney General  
State of Nebraska

CHRIS CARR  
Attorney General  
State of Georgia

DREW H. WRIGLEY  
Attorney General  
State of North Dakota

RAÚL R. LABRADOR  
Attorney General  
State of Idaho

DAVE YOST  
Attorney General  
State of Ohio

THEODORE E. ROKITA  
Attorney General  
State of Indiana

ALAN WILSON  
Attorney General  
State of South Carolina

BRENNA BIRD  
Attorney General  
State of Iowa

MARTY JACKLEY  
Attorney General  
State of South Dakota

JEFF LANDRY  
Attorney General  
State of Louisiana

JOHN SCOTT  
Provisional Attorney General  
State of Texas

LYNN FITCH  
Attorney General  
State of Mississippi

SEAN REYES  
Attorney General  
State of Utah

ANDREW BAILEY  
Attorney General  
State of Missouri

PATRICK MORRISEY  
Attorney General  
State of West Virginia

## CERTIFICATE OF COMPLIANCE

1. I certify that this brief complies with the type-volume limitations set forth in Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 411 words.

2. In addition, pursuant to Fed. R. App. P. 32(g)(1), this brief complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5) and (6) because it has been prepared in a proportionally spaced typeface using Microsoft Word for Office 365 in 14-point Times New Roman font.

Dated: July 7, 2023

s/ Edmund G. LaCour Jr.  
Edmund G. LaCour Jr.  
*Counsel for Amici Curiae*

## CERTIFICATE OF SERVICE

I certify that on July 7, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to any CM/ECF participants.

s/ Edmund G. LaCour Jr.  
Edmund G. LaCour Jr.  
*Counsel for Amici Curiae*