

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

JANE DOE et al.,

Plaintiffs,

v.

JOSEPH A. LADAPO et al.,

Defendants.

Civil No. 4:23-cv-00114-RH-MAF

**PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND
APPOINTMENT OF CLASS COUNSEL**

Plaintiffs Jane Doe, individually and on behalf of her minor daughter Susan Doe, Brenda Boe, individually and on behalf of her minor son Bennett Boe, Carla Coe, individually and on behalf of her minor daughter Christina Coe, Fiona Foe, individually and on behalf of her minor daughter Freya Foe, Gloria Goe, individually and on behalf of her minor son Gavin Goe, Linda Loe, individually and on behalf of her minor daughter Lisa Loe, Patricia Poe, individually and on behalf of her minor son Paul Poe, and Adult Plaintiffs Lucien Hamel, Olivia Noel, Rebecca Cruz Evia, and Kai Pope (collectively, "Plaintiffs") respectfully move for class certification and appointment of class counsel pursuant to Rules 23(a), 23(b)(2) and 23(g) of the Federal Rules of Civil Procedure.

As set forth in their Third Amended Complaint (Dkt. 118), Plaintiffs are

pursuing a constitutional challenge to Florida Senate Bill 254 (“SB 254”), its related emergency rules and regulations and the Florida Boards of Medicine and Osteopathic Medicine (the “Boards”) rules 64B9-9.019 and 64B15014.014, Fla. Admin. Code (collectively, the “Transgender Medical Restrictions”) that single out transgender minors and adults in order to severely limit, and in the case of minors, completely ban their ability to obtain established, medically necessary transition-related care. Because these legal obstacles affect all transgender persons in Florida in similar ways, Plaintiffs seek a class-wide declaratory judgment that the Transgender Medical Restrictions violate the Fourteenth Amendment to the United States Constitution, as well as a class-wide injunction against their enforcement. Plaintiffs request certification of three plaintiff Classes, along with appointment of representatives and counsel for each class.

- **Class 1:** All transgender minors in the State of Florida who are prohibited from initiating treatment with puberty blockers and/or hormone therapy as a result of the Treatment Bans (as defined in the Memorandum of Law filed simultaneously with this Motion), and the parents of all such minors.
- **Class 2:** All transgender minors in the State of Florida who were being actively treated with puberty blockers and/or hormone therapies as of May 17, 2023, and since that date have attempted, are attempting or

will attempt to obtain access to such treatments that are subject to the Transgender Medical Restrictions applicable to minors, and the parents of all such minors.

- **Class 3:** All transgender adults in the State of Florida who have attempted, are attempting or will attempt to obtain access to transition-related medications or surgeries that are subject to the Transgender Medical Restrictions applicable to transgender adults.

All of the requirements for class certification are met here. The named class representatives have Article III standing; the proposed classes are ascertainable and satisfy Rule 23(a)'s numerosity, commonality, typicality and adequacy requirements; and certification is appropriate under Rule 23(b)(2), which was specifically intended to facilitate the provision of class-wide non-monetary relief in civil rights actions like this one where governmental defendants are enforcing common, unconstitutional legal restrictions against an identifiable group of persons.

Finally, the undersigned counsel are well-qualified to represent the proposed Classes and satisfy the standards for appointment as class counsel under Rule 23(g).

WHEREFORE, Plaintiffs respectfully request an order certifying the proposed Classes and appointing the undersigned as class counsel under Rule 23 of the Federal Rules of Civil Procedure.

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CERTIFICATE OF SERVICE

I hereby certify that, on July 31, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

/s/ Thomas E. Redburn, Jr.
Thomas E. Redburn, Jr.