

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

AUGUST DEKKER et al.,

Plaintiffs,

v.

CASE NO. 4:22cv325-RH-MAF

SIMONE MARSTILLER et al.,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE
THE MOTION FOR RULE 35 EXAMINATIONS**

The defendants have moved to compel two plaintiffs to submit to Federal Rule of Civil Procedure 35 examinations by Dr. Geeta Nangia. The motion sets out Dr. Nangia’s qualifications—she is a well-qualified child and adolescent psychiatrist—but does not address her experience treating transgender children and adolescents. Her expert report—not mentioned in the motion—says she has treated over a thousand patients with gender dysphoria. But the report does not indicate how many of those patients, if any, she supported in their identified gender. *See* ECF No. 49-4 at 58.

As the November 15, 2022 scheduling order indicated, it is likely an appropriate Rule 35 examination will be required, but “no individual will be required to submit to an examination by a transgender denier or skeptic.” ECF No. 67 at 2. Because the current motion does not address whether Dr. Nangia is a transgender denier or skeptic, this order denies the motion. Any renewed motion should address how many patients Dr. Nangia has supported in their identified gender. Any renewed motion should also address how any finding from an examination might affect a ruling on the controlling substantive issue of whether treatments at issue are experimental.

IT IS ORDERED:

The motion for Rule 35 examinations, ECF No. 79, is denied without prejudice.

SO ORDERED on January 17, 2023.

s/Robert L. Hinkle
United States District Judge