

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
Nashville Division**

L.W., by and through her parents and next friends, Samantha Williams and Brian Williams, et al.,

Plaintiffs,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

JONATHAN SKRMETTI, in his official capacity as the Tennessee Attorney General and Reporter, et al.,

Defendants.

Civil No. 3:23-cv-00376

Judge Richardson

Judge Newbern

JOINT STATUS REPORT

Pursuant to the Court’s order, issued on October 30, 2023 [ECF No. 186], the Private Plaintiffs, Plaintiff-Intervenor the United States (together with Private Plaintiffs, the “Plaintiffs”), and Defendants (collectively, the “Parties”) hereby submit this joint statement, updating the Court as to the status of the case and determining when Plaintiffs’ appellate remedies will be considered finally resolved.

STATUS OF APPELLATE REMEDIES

On September 28, 2023, the Sixth Circuit Court of Appeals issued an opinion and order reversing and remanding the preliminary injunction previously granted by this Court [Case No. 23-5600, ECF No. 166].

On November 1, 2023, the Private Plaintiffs filed a petition for a writ of certiorari to the Supreme Court of the United States on the following questions: (1) whether Tennessee’s SB1,

which categorically bans gender-affirming healthcare for transgender adolescents, triggers heightened scrutiny and likely violates the Fourteenth Amendment’s Equal Protection Clause; and (2) whether Tennessee’s SB1 likely violates the fundamental right of parents to make decisions concerning the medical care of their children guaranteed by the Fourteenth Amendment’s Due Process Clause [Pet. No. 23-466, Nov. 1, 2023].

On November 6, 2023, the United States filed a separate petition for a writ of certiorari to the Supreme Court of the United States on the question of whether Tennessee’s SB1, which prohibits all medical treatments intended to allow “a minor to identify with, or live as, a purported identity inconsistent with the minor’s sex” or to treat “purported discomfort or distress from a discordance between the minor’s sex and asserted identity,” Tenn. Code Ann. § 68-33-103(a)(1), violates the Equal Protection Clause of the Fourteenth Amendment [Pet. No. 23-477, Nov. 6, 2023].

Defendants’ deadline for filing a brief in opposition to the Private Plaintiffs’ petition is currently set for February 2, 2024 [Pet. No. 23-466, Dec. 11, 2023]. Defendants’ deadline for filing a brief in opposition to the United States’ petition is currently set for February 5, 2024 [Pet. No. 23-477, Dec. 11, 2023].

RESOLUTION OF APPELLATE REMEDIES

The Parties agree that Plaintiffs’ appellate remedies will be considered finally resolved upon the occurrence of: (1) an order from the Supreme Court of the United States denying the pending petitions for a writ of certiorari; or (2) the publication of an opinion from the Supreme Court of the United States resolving any or all questions presented in the Plaintiffs’ petitions.

Dated: December 14, 2023

Respectfully submitted,

/s/ Stella Yarbrough

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CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2023, the undersigned filed the foregoing Joint Status Report via this Court’s electronic filing system, which sent notice of such filing to the following counsel of record:

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