

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

BRIANNA BOE *et al.*,)
)
Plaintiffs,)
)
and)
)
UNITED STATES OF AMERICA,)
)
Plaintiff-Intervenor,)
)
v.) No. 2:22-cv-00184-LCB-CWB
) Hon. Liles C. Burke
STEVE MARSHALL, in his official)
capacity as Attorney General of the)
State of Alabama, *et al.*,)
)
Defendants.)

**DEFENDANTS' REDACTED RESPONSE TO
PRIVATE PLAINTIFFS' MOTION TO STAY (DOC. 489)**

TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES	ii
INTRODUCTION	1
LEGAL STANDARD.....	4
ARGUMENT	6
I. Plaintiffs Show No Likelihood of Success	6
II. Plaintiffs’ Indefinite Stay Will Impede Judicial Economy.....	8
III. A Stay Will Severely Prejudice Defendants And The Public, While Plaintiffs Point To Scant Harm From Continuing Proceedings.....	11
IV. Proceeding To Final Judgment Would Assist Appellate Courts	13
CONCLUSION.....	20
CERTIFICATE OF SERVICE	22

TABLE OF AUTHORITIES

Cases

Arkin v. Innocutis Holdings, LLC,
 176 F. Supp. 3d 1313 (M.D. Fla. 2016).....8

Crimson Yachts v. M/Y Betty Lyn II,
 No. 08-cv-0334-WS-C, 2010 WL 2683341 (S.D. Ala. July 1, 2010).....5, 13

CTI-Container Leasing Corp. v. Uiterwyk Corp.,
 685 F.2d 1284 (11th Cir. 1982)10

Democratic Exec. Comm. v. Lee,
 915 F.3d 1312 (11th Cir. 2019)6

E.I. du Pont de Nemours & Co. v. Train,
 430 U.S. 112 (1977).....7

Gissendaner v. Comm’r, Ga. Dep’t of Corr.,
 779 F.3d 1275 (11th Cir. 2015)7, 8

Kadel v. Folwell,
 No. 22-1721, 2024 WL 1846802 (4th Cir. Apr. 29, 2024).....6

Landis v. North Am. Co.,
 299 U.S. 248 (1936)..... 4, 10, 13

Marti v. Iberostar Hoteles y Apartamentos S.L.,
 54 F.4th 641 (11th Cir. 2022)12

Martin v. Singletary,
 965 F.2d 944 (11th Cir. 1992)8

Mims v. Wal-Mart Stores, Inc.,
 No. 1:12-cv-244-VEH, 2012 WL 12893691 (N.D. Ala. Apr. 13, 2012)4

Nat’l Football League v. Ninth Inning, Inc.,
 141 S. Ct. 56 (2020).....7

Ortega Trujillo v. Conover & Co. Commc 'ns,
221 F.3d 1262 (11th Cir. 2000)10

Rescue Army v. Mun. Ct. of City of Los Angeles,
331 U.S. 549 (1947).....7

Rutherford v. McDonough,
466 F.3d 970 (11th Cir. 2006)7

Sanders v. Wal-Mart Stores E., LP,
No. 2:16-cv-637-WKW-GMB, 2017 WL 11747471
(M.D. Ala. May 18, 2017).....13

Schwab v. Sec'y, Dep't of Corr.,
507 F.3d 1297 (11th Cir. 2007)8

SEC v. Spinosa,
No. 13-62066-cv, 2015 WL 11181929 (S.D. Fla. Jan. 8, 2015)4

Taylor v. Illinois,
484 U.S. 400 (1988).....20

Tollefson v. Bergaila & Assocs., Inc.,
No. 21-CV-171-DC-RCG, 2022 WL 2782809
(W.D. Tex. Jan. 19, 2022)..... 5, 8, 10, 12

United States v. Skrmetti,
No. 23-477 (U.S. Feb. 2, 2024)3

W. Virginia by & through Morrissey v. U.S. Dep't of the Treasury,
82 F.4th 1068 (11th Cir. 2023)9

Waithaka v. Amazon.com, Inc.,
No. C19-01320-RSM, 2020 WL 7028945
(W.D. Wash. Nov. 30, 2020).....5

Wyatt ex rel. Rawlins v. Sawyer,
190 F.R.D. 685 (M.D. Ala. 1999).....5

Rules

11th Cir. R. 35-6.6

INTRODUCTION

A few months ago, this Court rejected a stay of litigation sought by the United States. The Court said that “if the Eleventh Circuit grants the Private Plaintiffs’ petition for a rehearing en banc or the Supreme Court grants certiorari in *L.W. v. Skrmetti* or *Doe v. Kentucky*, then a stay may well be appropriate. But as long as those petitions remain pending, this case will move forward.” Doc. 399 at 1-2. Thus, the Court denied the United States’ motion to stay “without prejudice to re-urging” if any of those events happened. *Id.* at 2.

Those events have not happened, but Private Plaintiffs re-urge a stay all the same. What justifies their renewed demand? That “the parties are nearing the end of discovery” and “the dispositive motions deadline and trial-related deadlines” “are now becoming imminent.” Doc. 489 at 4. What that has to do with a stay is left unexplained, and was inevitable when the Court denied the last stay motion (and when all parties jointly proposed the deadlines). If anything, that discovery is concluding suggests that the Court should proceed, at least with dispositive motions.

The Court should once again deny a stay. As Plaintiffs point out (at 2), binding Eleventh Circuit precedent sets the standard of review, so there is even less potential legal uncertainty here than in an ordinary case. That standard—rational basis—also makes it likely that the case can be resolved without trial. Proceeding on dispositive motions also resolves Plaintiffs’ primary concerns: Getting the case to final

judgment quickly and efficiency is in the interest of judicial economy and efficiency and will allow the parties to seek appellate review should they so desire.

Plaintiffs note that higher courts may already be considering the issue. But the Eleventh Circuit's rehearing timeline suggests no grant is forthcoming, but at most non-binding separate writings. And if the appellate court did want to reconsider its recent decision, it could grant initial hearing en banc from an appeal of final judgment. That is no reason to pause these proceedings indefinitely.

As for the Supreme Court, it is true that there are currently petitions pending from appeals of preliminary injunctions. The Court has not acted on those petitions. It is also true that more petitions are likely to follow, perhaps for years to come. Is it Plaintiffs' position that this case must be stayed until all of them have been resolved? Such an indefinite stay would clearly violate Eleventh Circuit precedent. The same is true of an indefinite stay dependent on current petitions. And the Court may even be waiting for a case that has proceeded to final judgment, meaning that a stay here could contribute to delays in hearing from the Supreme Court.

Moreover, even if the Supreme Court were to grant certiorari soon in a similar case, it almost certainly would not issue a decision before next summer. If that happens, discovery in this case would need to be reopened; Private Plaintiffs may have aged out or otherwise encountered changed circumstances, and the science in this area will continue to evolve. Yet even Plaintiffs do not contend that it is *likely* that

the Supreme Court would change the applicable standards. A stay would not be in the interest of judicial economy and efficiency, and it would harm Defendants.

A stay could also hinder development of the law. Alabama has urged the Supreme Court to deny review in the cases pending before it precisely because those cases arise from preliminary injunctions with scant factual records. *See* Br. of Alabama as Amicus Curiae, *United States v. Skrmetti*, No. 23-477 (U.S. Feb. 2, 2024). The defendants in those cases did not receive discovery from WPATH that reveals just how untrustworthy their standards are. They did not depose the President of WPATH, who when asked [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]¹ Indeed, it appears that the *lack* of a factual record in the Sixth Circuit cases is just what makes them so attractive to the United States and other plaintiffs seeking review. But as the State told the Supreme Court, “if and when the Court decides one of these cases, it shouldn’t do so based on euphemisms about ‘affirming care’ and unsupported appeals to ‘expert’ organizations.” Amicus Br. 2. It should do so only once it has a full evidentiary record before it.

That record could be from this case. Plaintiffs brought their case over two years ago, casting uncertainty over Alabama’s law while Plaintiffs and the United

¹ Ex. 3, Bowers Depo. 252:9-19.

States publicly accused the State of putting children's lives at risk. Now that it's time to support their claims with evidence, Plaintiffs seek an indefinite time-out. It would be easy to view the request as an attempt to hide evidence they don't like from prompt judicial airing. The Court should deny the request. The parties are rounding third base; discovery has finally finished. It is time to end the case.

LEGAL STANDARD

Like the United States' motion before it, Plaintiffs' motion misstates the legal standard, omitting the relevant stay factors. Though a court has power to stay a case "pending resolution of other litigation," "the suppliant for a stay must make out a clear case of hardship or inequity in being required to go forward, if there is even a fair possibility that the stay for which he prays will work damage to some one else." *Mims v. Wal-Mart Stores, Inc.*, No. 1:12-cv-244-VEH, 2012 WL 12893691, at *2 (N.D. Ala. Apr. 13, 2012) (quoting *Landis v. North Am. Co.*, 299 U.S. 248, 255 (1936)). "Only in rare circumstances will a litigant in one cause be compelled to stand aside while a litigant in another settles the rule of law that will define the rights of both." *Id.* (quoting *Landis*, 299 U.S. at 255). "The right to proceed in court should not be denied except under the most extreme circumstances." *SEC v. Spinosa*, No. 13-62066-cv, 2015 WL 11181929, at *1 (S.D. Fla. Jan. 8, 2015) (cleaned up).

"Because a stay pending appeal would interrupt the ordinary process of judicial review and postpone even further the final resolution of this litigation, it is

considered extraordinary relief for which the moving party bears a heavy burden.” *Wyatt ex rel. Rawlins v. Sawyer*, 190 F.R.D. 685, 689 (M.D. Ala. 1999) (cleaned up). To the extent Plaintiffs base their motion to stay on the Eleventh Circuit’s consideration of the petition for rehearing, courts consider four factors: “(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Id.* (cleaned up).

To the extent Plaintiffs’ motion is based on petitions in other cases, courts “determining whether a stay is proper pending the outcome of a separate, unrelated case weigh”: “(1) the potentiality of another case having a dispositive effect on the case to be stayed; (2) the judicial economy to be saved by waiting on a dispositive decision; (3) the public welfare; and (4) the hardship/prejudice to the party opposing the stay, given its duration.” *Tollefson v. Bergaila & Assocs., Inc.*, No. 21-CV-171-DC-RCG, 2022 WL 2782809, at *1 (W.D. Tex. Jan. 19, 2022) (cleaned up) (collecting cases).² None of these factors support Plaintiffs’ demanded stay of litigation.

² Still other courts apply the Supreme Court’s stay factors when a party “seeks a stay pending the U.S. Supreme Court’s decision on its petitions for writ of certiorari”: “(1) a reasonable probability that four Justices would vote to grant certiorari; (2) a significant possibility that the [Supreme] Court would reverse the judgment below; and (3) a likelihood of irreparable harm, assuming the correctness of the applicant’s position, if the judgment is not stayed.” *Waithaka v. Amazon.com, Inc.*, No. C19-01320-RSM, 2020 WL 7028945, at *2 (W.D. Wash. Nov. 30, 2020); see *Crimson Yachts v. M/Y Betty Lyn II*, No. 08-cv-0334-WS-C, 2010 WL 2683341, at *1 (S.D. Ala. July 1, 2010). These too are addressed in Defendants’ discussion below.

ARGUMENT

I. Plaintiffs Show No Likelihood of Success.

To begin, Plaintiffs do not even attempt to show a likelihood that the Eleventh Circuit or the Supreme Court would change the applicable standard. Given that they have the burden of proving the stay factors, that failure is disqualifying. *See Democratic Exec. Comm. v. Lee*, 915 F.3d 1312, 1317 (11th Cir. 2019) (“the party seeking the stay must show more than the mere possibility of success on the merits”).

Plaintiffs have no such likelihood. The Eleventh Circuit’s decision was issued in August 2023; Plaintiffs’ petition for rehearing has been pending for over eight months. The Eleventh Circuit has not even called for a response. *See* 11th Cir. R. 35-6. Instead, the Court granted Defendants’ request for a stay of the preliminary injunction. *See* Doc. 147. Given this timeframe, it is highly unlikely that the Eleventh Circuit will grant the petition for rehearing and far more likely that a denial will be accompanied by non-binding separate writings.

As for the pending Supreme Court petitions from other cases, Plaintiffs do not show that it is likely either that the Court will grant any petition *or* that the Court will depart from the Eleventh Circuit’s analysis. Plaintiffs allude to a recent Fourth Circuit decision about state health insurance plan coverage, arguing that it shows a “conflict[.]” Doc. 489 at 2 (citing *Kadel v. Folwell*, No. 22-1721, 2024 WL 1846802 (4th Cir. Apr. 29, 2024)). But the majority opinion in that case did not even *cite* any

of the cases involving laws like Alabama’s. And the Eighth Circuit is rehearing en banc its decision cited by Plaintiffs as the other case giving rise to a conflict. In any event, the Supreme Court has long recognized “the wisdom of allowing difficult issues to mature through full consideration by the courts of appeals.” *E.I. du Pont de Nemours & Co. v. Train*, 430 U.S. 112, 135 n.26 (1977).

The Supreme Court’s inaction on the pending petitions makes sense in light of its preference to consider cases after final adjudication—like this one would soon be. Without a developed record, the Court would not have the “benefit of the precision which would be afforded by proof ... made upon trial” or summary judgment. *Rescue Army v. Mun. Ct. of City of Los Angeles*, 331 U.S. 549, 575 (1947); see *Nat’l Football League v. Ninth Inning, Inc.*, 141 S. Ct. 56, 57 (2020) (Kavanaugh, J., statement respecting the denial of certiorari) (“[T]he interlocutory posture is a factor counseling against this Court’s review at this time.”). As discussed below, Plaintiffs’ stay gambit looks like an effort to *deprive* the Supreme Court of a robust record.

Even if the Court did grant certiorari, that action by itself would not warrant a stay. Rather, under Eleventh Circuit precedent, “[u]ntil the Supreme Court issues a decision that actually changes the law,” courts “are duty-bound to apply [the Eleventh Circuit’s] precedent and to use it and any existing decisions of the Supreme Court.” *Gissendaner v. Comm’r, Ga. Dep’t of Corr.*, 779 F.3d 1275, 1284 (11th Cir. 2015); see *Rutherford v. McDonough*, 466 F.3d 970, 977 (11th Cir. 2006) (a “grant

of certiorari does not change the law”). So long as “the law in this circuit” rejects Plaintiffs’ position, they cannot show a likelihood of success. *Martin v. Singletary*, 965 F.2d 944, 945 n.1 (11th Cir. 1992); *see also Schwab v. Sec’y, Dep’t of Corr.*, 507 F.3d 1297, 1299 (11th Cir. 2007) (“a grant of certiorari is not authority to the contrary of binding circuit precedent”). The Eleventh Circuit thus “disfavors the granting of a stay based on the Supreme Court’s grant of certiorari.” *Arkin v. Innocutis Holdings, LLC*, 176 F. Supp. 3d 1313, 1314 (M.D. Fla. 2016) (citing *Gissendaner*, 779 F.3d at 1284). As the Eleventh Circuit explained, “it is not our role to preempt Supreme Court action on motions requesting stays pending decisions that Court will make in the future.” *Schwab*, 507 F.3d at 1301.

In sum, and especially since Plaintiffs “ha[ve] not articulated what the likelihood is that the Supreme Court grants certiorari, or that the Supreme Court will rule in [their theories’] favor if certiorari is granted,” “judicial economy will not be served by waiting an indeterminate amount of time for the Supreme Court to make a decision regarding [the] petition[s]”—or for the Eleventh Circuit to issue what will likely be a denial of rehearing. *Tollefson*, 2022 WL 2782809, at *2.

II. Plaintiffs’ Indefinite Stay Will Impede Judicial Economy.

Rather than address any of the stay factors specifically, Plaintiffs focus generally on “efficiency and judicial economy.” Doc. 489 at 5. But a stay would *threaten* those objectives. If Plaintiffs’ stay were granted, consider these scenarios:

- 1) The Eleventh Circuit takes months—perhaps years—to deny the petition for rehearing en banc. *See W. Virginia by & through Morrissey v. U.S. Dep’t of the Treasury*, 82 F.4th 1068, 1072 n.3 (11th Cir. 2023) (Rosenbaum, J., dissenting from the denial of rehearing en banc). No change in the law would occur. Most likely, discovery would have to be reopened to address changes in the scientific literature and in Private Plaintiffs’ circumstances. Plaintiffs may continue to exit the lawsuit, perhaps threatening the case itself. *See* Doc. 474. Witnesses or counsel may become unavailable. The only result would be inefficiency, more backlog in the federal judicial system, and continued uncertainty about Alabama’s law. And if Plaintiffs would then demand that the stay continue until the Supreme Court considered a petition for certiorari from *Eknes-Tucker*, these inefficiencies could mount for years.
- 2) The Eleventh Circuit grants the petition for hearing and eventually agrees with the panel decision. (Again, Plaintiffs do not even suggest that *disagreement* is likely.) Once again, no change in the law would result, but a practical restart of this case in several years with no “efficiency” benefit at all.
- 3) Similarly, the Supreme Court grants some pending petition and decides next summer that it agrees with the Eleventh Circuit. Again, no legal change, but years of backtracking and inefficiencies.
- 4) The Supreme Court denies the pending petitions eventually. A stay here would impose a pointless delay for no reason—and, depending on the timing of the denial, could still require new discovery and motions practice. Perhaps Plaintiffs would then demand a stay each time some case from one of the other 24 states to have passed a similar law involves a petition to the Supreme Court—underscoring the absurdity of their request to subordinate this case at its final stages to other cases still in their infancy.

As these scenarios show, Plaintiffs are wrong to claim without elaboration that “once these petitions are resolved,” “the parties will be able to proceed expeditiously with

briefing summary judgment and preparing for trial.” Doc. 489 at 7. In reality, a stay would postpone this case and likely send it backwards many months once it restarts.

It is likely for reasons like these that the Eleventh Circuit has expressly admonished that “the interests of judicial economy alone are insufficient to justify” “an indefinite stay.” *Ortega Trujillo v. Conover & Co. Commc’ns*, 221 F.3d 1262, 1265 (11th Cir. 2000). And a stay is “indefinite or immoderate,” *CTI-Container Leasing Corp. v. Uiterwyk Corp.*, 685 F.2d 1284, 1288 (11th Cir. 1982), unless it is “so framed in its inception that its force will be spent within reasonable limits” that are known at the time the stay is entered. *Ortega Trujillo*, 221 F.3d at 1264; *see Landis*, 299 U.S. at 256-57 (holding that a stay into “a second year or even more” is “so drastic and unusual” that it “overpasses the limits of any reasonable need”); *Tollefson*, 2022 WL 2782809, at *3 (finding that “the requested stay would be ‘immoderate or of an indefinite duration’ because there is no guaranteed estimate of how long the [party’s] appeal to the Supreme Court will take”).

Plaintiffs also warn that “the Court would need to decide summary judgment under a standard of review that is subject to potential change.” Doc. 489 at 6. But that is always true. Every case this Court adjudicates is subject to review. If courts routinely paused cases because of “the possibility of a change” in law, *id.*, the judicial system would grind to a halt. Plaintiffs fail to—do not even *try* to—meet their burden of distinguishing this case from the mine run of cases that are decided in the

shadow of “potential” decisions elsewhere. Nor can they show that any change of law is *likely*, so their concerns about judicial economy tied to such a change are unfounded. And again, judicial economy is likely to be *disserved* by a stay that would send this case backwards into repeat discovery and motions practice.

At a minimum, the Court should proceed with dispositive motions, which are due in just weeks. Defendants recently emphasized that the case should proceed at least through summary judgment motions, and this Court agreed: “Right ... I don’t want to change one thing about our trial track. I still want us to be done on the schedule we are ... with the knowledge that ... it may be futile and impractical to actually have that trial in August.” Doc. 460 at 81 (Mar. 19, 2024 hearing). (Plaintiffs leave out that context from their quotation. Doc. 489 at 5.) Considering summary judgment motions on the standard required by circuit precedent would be straightforward. And moving forward with at least those motions would permit continued assessment of any need to stay trial in light of any actions by the appellate courts, without triggering a premature stay that would disserve judicial economy.

III. A Stay Will Severely Prejudice Defendants And The Public, While Plaintiffs Point To Scant Harm From Continuing Proceedings.

The balance of harms and public interest also weigh strongly against an immediate stay of litigation. First, Defendants would be harmed by Plaintiffs’ desired indefinite stay. “When evaluating stays, courts must also consider ‘the danger of denying justice by delay.’” *Marti v. Iberostar Hoteles y Apartamentos S.L.*, 54 F.4th

641, 651 (11th Cir. 2022). Defendants would “suffer[] an ever-mounting harm from each passing month without an opportunity to present [their] arguments in court.” *Id.* There is also a significant danger of mootness from a years-long delay in this case involving minors, risking a restart of the entire case. Witnesses (and knowledgeable counsel) may depart, and the underlying scientific literature will continue to evolve—requiring reconsideration and likely more discovery if the case were stayed. Moreover, the case’s very existence casts doubt on the State’s enforcement powers and its ability to enact and enforce related legislation. Defendants are already briefing dispositive motions, an effort that would be nullified if the case must restart with discovery and motions practice months or years from now. Defendants deserve their day in court to defend this important law.

Second, for similar reasons, the public interest is in clarity in the law—and prompt federal adjudication. “[S]tay[ing] proceedings every time there is a relevant case pending before the Supreme Court or the [Eleventh] Circuit would not benefit the public welfare.” *Tollefson*, 2022 WL 2782809, at *3. “Rather, litigation would often be delayed months or even years, resulting in prejudice to litigants and a significant backlog in the federal docket.” *Id.* (cleaned up).

Third, Plaintiffs point to hardly any harm of their own from proceeding. They “chose to bring this lawsuit, and it is [their] responsibility to prosecute [their] claims.” *Sanders v. Wal-Mart Stores E., LP*, No. 2:16-cv-637-WKW-GMB, 2017

WL 11747471, at *2 (M.D. Ala. May 18, 2017). Briefing dispositive motions and going to trial *on a schedule they agreed to after their petition for rehearing and the pending Supreme Court petitions were filed* is not clear hardship. See *Crimson Yachts*, 2010 WL 2683341, at *3 (“Mere litigation expense, even substantial and unrecoverable cost, does not constitute irreparable injury.” (cleaned up)). Though Plaintiffs assert that “trial presentations will differ” “depending on” the “standard of review,” Doc. 489 at 6, they do not articulate how or why that would matter, or why, if the case does proceed to trial, the same record could not be used to decide the case under any standard of review. And, of course, Plaintiffs conveniently leave out the fact that the current standard mandated by precedent—rational basis review—makes this case easy for the Court to dispose of at summary judgment.

In short, Plaintiffs do not show “a clear case of hardship or inequity in being required to go forward.” *Landis*, 299 U.S. at 255. They cannot identify any hardship that would be resolved by a stay, much less one that outweighs the prejudice to Defendants and the public or the judicial inefficiencies entailed by an indefinite stay.

IV. Proceeding To Final Judgment Would Assist Appellate Courts.

It is hard to see the United States’ and now the Plaintiffs’ stay requests as anything other than an effort to deprive the appellate courts of the ample evidence that accumulated against their positions in discovery in this case. See Doc. 393 at 25-26. Discovery has severely undermined Plaintiffs’ reliance on the purported

expertise of American medical organizations like WPATH. That body of evidence, unavailable in any other case so far, is critical to proper development of the law in this area. If the Supreme Court decides one of these cases, it should at least have the option to do so on a fulsome record following final judgment.

From the start, Defendants were concerned that the supposed consensus Plaintiffs painted at the preliminary injunction hearing was not as it seemed. Defendants thus sought discovery from WPATH and others, seeking to answer this key question: “Is there evidence indicating that the alleged ‘consensus’ is not actually based on best scientific practices but, at least in part, on ideology, self-interest, organizational politicking, or other considerations?” Doc. 219 at 10. As Defendants said at the time, “[b]ased on public reporting, there *is* such evidence—or at the very least, there is enough smoke to raise the serious prospect of fire.” *Id.* at 11. Granting this discovery, the Court agreed that this evidence “will likely have an immensely important effect on resolution of th[e] central issues” in this case. Doc. 263 at 8.

From discovery, we now know there *was* a fire, at WPATH and elsewhere. The extensive evidence that the positions of WPATH and the others are not based on the best science and warrant no deference will be detailed in Defendants’ forthcoming summary judgment motion. For now, Defendants highlight just some of the evidence obtained through discovery proving the point—evidence that is critical to a full airing of the legal issues in any court considering those issues.

From the start, the development of WPATH’s vaunted Standards of Care 8 (SOC8) was infected with political and ideological pressures. The scientific evidence played second-fiddle to those pressures. For instance, WPATH engaged a Johns Hopkins evidence team to do a systematic review of the literature for SOC8. The results were poor. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]⁴ Days earlier, WPATH had rejected the team’s request to publish two manuscripts based on systematic reviews it had conducted for SOC8 for failing to comply with WPATH’s policy.⁵ Among other things, that policy required the Johns Hopkins team to seek “final approval” of the proposed article from an SOC8 leader and “at least one member of the transgender community.”⁶ According to the WPATH executive council, it was of “paramount” importance “that any publication based on WPATH SOC8 data ... not negatively affect the provision of transgender healthcare in the broadest sense”—as defined by WPATH.⁷ [REDACTED]

³ Ex. 2 at 3, 5.

⁴ Ex. 2 at 5.

⁵ Ex. 1 at 1-2.

⁶ Ex. 1 at 6.

⁷ Ex. 1 at 13.

[REDACTED]

[REDACTED]⁸

[REDACTED]

[REDACTED]⁹

[REDACTED]

[REDACTED]

[REDACTED]¹⁰

[REDACTED]

[REDACTED]

[REDACTED]¹¹

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]¹²

[REDACTED]

⁸ Ex. 2 at 10.

⁹ Ex. 2 at 14.

¹⁰ Ex. 2 at 17.

¹¹ *Id.*

¹² Ex. 2 at 33 (emphasis added).

[REDACTED] 13 [REDACTED]

[REDACTED] 14

[REDACTED]

[REDACTED] 15 [REDACTED]

[REDACTED]

[REDACTED] 16 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 17 [REDACTED]

[REDACTED]

[REDACTED] 18

[REDACTED]

[REDACTED]

[REDACTED] 19 [REDACTED]

[REDACTED]

[REDACTED]

¹³ *Id.*
¹⁴ Ex. 2 at 34.
¹⁵ Ex. 2 at 37; *see id.* at 39.
¹⁶ Ex. 2 at 39.
¹⁷ *Id.*
¹⁸ Ex. 2 at 43.
¹⁹ Ex. 2 at 46.

[REDACTED] 20 [REDACTED]

[REDACTED] 21

[REDACTED]

[REDACTED] 22 [REDACTED]

[REDACTED] 23 [REDACTED]

[REDACTED]

[REDACTED] 24

[REDACTED]

[REDACTED] 25 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 26 [REDACTED]

[REDACTED] 27

[REDACTED]

[REDACTED]

[REDACTED]

²⁰ Ex. 2 at 52.
²¹ Ex. 2 at 54.
²² Ex. 2 at 59.
²³ Ex. 2 at 72.
²⁴ Ex. 2 at 98.
²⁵ Ex. 2 at 62.
²⁶ Ex. 2 at 76.
²⁷ Ex. 2 at 100.

[REDACTED] 28 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 29 [REDACTED]

[REDACTED]

Much else obtained in discovery is troubling. Well after this case was filed,

[REDACTED]

[REDACTED] 30 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 32 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 33 [REDACTED]

[REDACTED]

²⁸ See Ex. 2 at 102.
²⁹ Ex. 2 at 105.
³⁰ Ex. 2 at 111.
³¹ Ex. 2 at 162.
³² Ex. 2 at 165.
³³ Ex. 2 at 169-170.

[REDACTED]

[REDACTED]³⁴

There is much more to say. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] And on and on, in one shocking episode after another that reveals just

how empty are WPATH’s—and Plaintiffs’—promise that transitioning treatments for minors are safe and effective.

The point now is that the evident reason for these stay requests is that Plaintiffs and the United States do not want this information to come to light. They appear to *want* to shut down their own case so that other courts will adjudicate these issues in the dark. That is contrary to our system of justice, which depends on “full and truthful disclosure of critical facts.” *Taylor v. Illinois*, 484 U.S. 400, 411-12 (1988). It is time to proceed so that this case can progress onto the appellate track and contribute to the full consideration of these issues implicating laws in half the States.

CONCLUSION

The Court should deny Plaintiffs’ motion to stay.

³⁴ *Id.*

Dated: May 16, 2024

Christopher Mills (*pro hac vice*)
SPERO LAW LLC
557 East Bay Street, #22251
Charleston, South Carolina
29413
(843) 606-0640
CMills@Spero.law

David H. Thompson (*pro hac vice*)
Peter A. Patterson (*pro hac vice*)
Brian W. Barnes (*pro hac vice*)
John D. Ramer (*pro hac vice*)
COOPER & KIRK, PLLC
1523 New Hampshire Ave., NW
Washington, D.C. 20036
(202) 220-9600
dthompson@cooperkirk.com
ppatterson@cooperkirk.com
bbarnes@cooperkirk.com
jrager@cooperkirk.com

Roger G. Brooks (*pro hac vice*)
Henry W. Frampton, IV (*pro hac vice*)
Philip A. Sechler (*pro hac vice*)
Alliance Defending Freedom
15100 N. 90th Street
Scottsdale, AZ 85260
(480) 444-0200
rbrooks@adflegal.org
hframpton@adflegal.org
psechler@adflegal.org

Respectfully submitted,

Steve Marshall
Attorney General

s/ Edmund G. LaCour Jr.
Edmund G. LaCour Jr. (ASB-9182-
U81L)
Solicitor General

A. Barrett Bowdre (ASB-2087-K29V)
Principal Deputy Solicitor General

James W. Davis (ASB-4063-I58J)
Deputy Attorney General

Benjamin M. Seiss (ASB-2110-
O00W)

Charles A. McKay (ASB-7256-K18K)
Assistant Attorneys General

OFFICE OF THE ATTORNEY GENERAL
STATE OF ALABAMA
501 Washington Avenue
Post Office Box 300152
Montgomery, Alabama 36130-0152
Telephone: (334) 242-7300
Facsimile: (334) 353-8400
Edmund.LaCour@AlabamaAG.gov
Barrett.Bowdre@AlabamaAG.gov
Jim.Davis@AlabamaAG.gov
Ben.Seiss@AlabamaAG.gov
Charles.McKay@AlabamaAG.gov

CERTIFICATE OF SERVICE

I certify that I electronically filed this document using the Court's CM/ECF system on May 16, 2024, which will serve all counsel of record.

s/ Edmund G. LaCour Jr.
Edmund G. LaCour Jr.
Counsel for Defendants

EXHIBIT 1



www.wpath.org
wpath@wpath.org

phone: 1+(847) 752-5328
fax: 1+(224) 633-2166

1061 E Main Street Ste 300
East Dundee, IL 60118

STAFF

Executive Director
Sue O'Sullivan
sue@wpath.org

**Executive Director of Global
Education & Development**
Donna Kelly
donna@wpath.org

Deputy Executive Director
Blaine Vella
blaine@wpath.org

Educational Program Coordinator
Taylor O'Sullivan
taylor@wpath.org

Assistant Associate Director
Jamie Hicks
jamie@wpath.org

EXECUTIVE COMMITTEE

President
Vin Tangpricha, MD, PhD

President-Elect
Walter Pierre Bouman, MD, PhD

Secretary
Randi Ettner, PhD

Treasurer
Baudewijntje Kreukels, PhD

Past-President
Gail Knudson, MD, MEd, FRCPC

August 26, 2020

Dear Karen:

We hope this email finds you well.

On behalf of the Executive Committee, the SOCV8 Chair and Co-Chairs of WPATH, we wanted to be sure to respond to you in writing prior to the 30 days deadline of the current 2 submitted manuscripts to WPATH.

In addition, we want to set out in writing to you how we would like you and your team at JHU to proceed with writing and publishing future manuscripts from the WPATH SOCV8 data.

The last 2 manuscripts were submitted for review on 27 July 2020. While the manuscripts have been under review, there have been many concerns noted regarding these papers by our Board of Directors and SOCV8 Chair and Co-Chairs.

In essence, the 2 manuscripts were evaluated on as per our Policy & Procedures Regarding the Use of WPATH SOC8 Data and the outcome of this evaluation was that the 2 manuscripts do not adhere to our Policy & Procedures Regarding the Use of WPATH SOC8 Data. This was due to point c of the Aim section: *"involves the Work Group Leader of the Chapter or, alternatively, a designated representative of that specific SOC8 Chapter, or alternatively the Chair or Co-Chairs of the SOC8 in the design, drafting of the article, and the final approval of the article"*.

We have discussed as a group how we can help you and your team addressing these issues in order for the two papers to be ready for submission.

As per the Policy & Procedures Regarding the Use of WPATH SOC8 Data you will need to reach out to the Work Group Leader of the Chapters related to the 2 manuscripts and ask him/her/they to identify one person within the chapter group to work with your team in order for the manuscripts to be finalised. Should you have difficulties getting into contact with a Work Group Leader, the SOCV8 Chair or Co-Chairs will be available to assist. This will ensure that the quality of the manuscripts fulfils adequate standards of form and content in trans health care; and is conform our Policy. It would be reasonable for this expert to be listed as a co-author of the manuscript.

In order to guaranty a quicker process for the development of future publications that use the WPATH SOCV8 data, the Policy has been adapted in order to include an approval process at an earlier stage. If anyone involved in the SOCV8 process, including yourself, would like to write a publication using the

JHU_000003732

WPATH

WORLD PROFESSIONAL ASSOCIATION FOR TRANSGENDER HEALTH

www.wpath.org
wpath@wpath.org

phone: 1+(847) 752-5328
fax: 1+(224) 633-2166

1061 E Main Street Ste 300
East Dundee, IL 60118

STAFF

Executive Director
Sue O'Sullivan
sue@wpath.org

**Executive Director of Global
Education & Development**
Donna Kelly
donna@wpath.org

Deputy Executive Director
Blaine Vella
blaine@wpath.org

Educational Program Coordinator
Taylor O'Sullivan
taylor@wpath.org

Assistant Associate Director
Jamie Hicks
jamie@wpath.org

EXECUTIVE COMMITTEE

President
Vin Tangpricha, MD, PhD
President-Elect
Walter Pierre Bouman, MD, PhD
Secretary
Randi Ettner, PhD
Treasurer
Baudewijntje Kreukels, PhD
Past-President
Gail Knudson, MD, MEd, FRCPC

SOCv8 data they should follow a designated approval process (please see Figure 1 below).

We have revised our Policy & Procedures Regarding the Use of WPATH SOCv8 Data to ensure that further publication of WPATH SOCv8 is carried out in an orderly fashion; and that the Policy & Procedures are adhered to in full. We do hope that this process would encourage collaboration between your team and members of the SOCv8, who are the experts in their field, as this will be of benefit to everyone.

We would like to organise a Zoom meeting between us and yourself so the content of this letter can be discussed. Therefore, we would like to request that the 2 manuscripts are put "on hold" for submission, until we are able to meet with you (via ZOOM video call).

Please let Blaine know of your availability for the next two weeks, August 31 – September 4, between 10am ET – 4pm ET, and September 7 – 11, between 10am ET – 4pm ET, so that we can send a doodle to the EC and co-chairs to participate in our discussion.

We appreciate your understanding that these papers have a significant impact on JHU, WPATH, the work completed so far, and the eventual completion and release of the SOCv8. Great time, expertise, and care has been spent and we want to ensure that all our combined work is duly recognized, applied, and captured effectively.

Please confirm that you have received this email in good order and will defer the submission until our call and the subsequent outcome of such call.

Thank you and best regards,

WPATH EXECUTIVE COMMITTEE
Vin Tangpricha, MD, PhD – President
Walter Pierre Bouman, MD, PhD – President Elect
Randi Ettner, PhD – Secretary
Baudewijntje Kreukels, PhD – Treasurer
Gail Knudson, MD, MEd, FRCPC – Immediate Past President

Enc. *Policy & Procedures Regarding the Use of WPATH SOC8 Data
(version 2)*

Designated approval process for publication of Data (Figure 1)

JHU_000003733



www.wpath.org
wpath@wpath.org

phone: 1+(847) 752-5328
fax: 1+(224) 633-2166

1061 E Main Street Ste 300
East Dundee, IL 60118

STAFF

Executive Director
Sue O'Sullivan
sue@wpath.org

**Executive Director of Global
Education & Development**
Donna Kelly
donna@wpath.org

Deputy Executive Director
Blaine Vella
blaine@wpath.org

Educational Program Coordinator
Taylor O'Sullivan
taylor@wpath.org

Assistant Associate Director
Jamie Hicks
jamie@wpath.org

EXECUTIVE COMMITTEE

President
Vin Tangpricha, MD, PhD

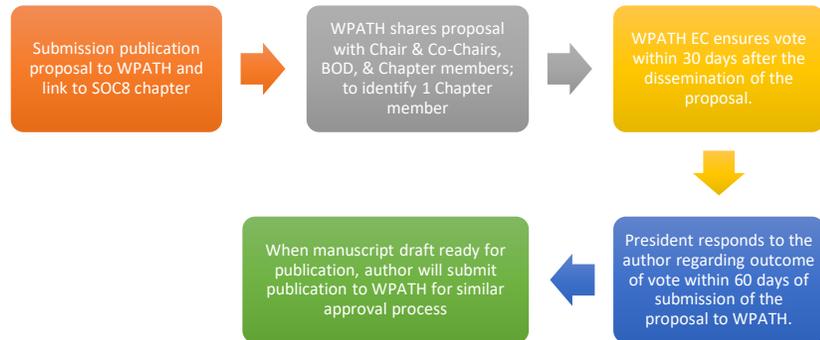
President-Elect
Walter Pierre Bouman, MD, PhD

Secretary
Randi Etner, PhD

Treasurer
Baudewijntje Kreukels, PhD

Past-President
Gail Knudson, MD, MEd, FRCPC

Figure 1 - Designated approval process for publication of Data





Policy & Procedures Regarding the Use of WPATH SOC8 Data
Revised August 2020

This policy will be shared with every SOC8 member in order to inform them of the process of SOC8 Data Use and to allow each SOC8 member to apply to access the existing SOC8 data as described below

Background to the Policy

In April 2018 WPATH commissioned John Hopkins University (JHU) to support the development of the 8th edition of the Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People (SOC8). WPATH entered into a Sponsored Research Agreement with John Hopkins University on behalf of its School of Medicine with Dr Karen A. Robinson, Director at JHU Evidence-based Practice Center as principal investigator in conducting the research for WPATH. WPATH contracted Dr Robinson and her team to perform systematic literature reviews and other activities to support the development of the 8th edition of SOC.

The contract between WPATH and JHU states the following regarding Data use and Publications: “the term "Data" principally includes raw data, research data, records, reports, notes, tables, writing, sound recordings, pictorial reproduction, drawings or other graphical representations, and works of any similar nature (whether or not copyrighted) which are generated or specified to be delivered by Dr Robinson and her team in connection with the update and development of the SOC8”.

“Notwithstanding anything to the contrary contained in the contract between WPATH and JHU, WPATH shall retain the unrestricted right to use the Data, or any part thereof at any time, in any manner and for any purpose, including the publication of the Data and the communication of Data to third parties. No other parties other than Dr Robinson and her team will have any

WPATH Policy Use of Data for SOC8 – Version 2
Approved by WPATH Board of Directors – August 2020

JHU_000003195

access to the Data without written permission by WPATH. Prior to the publication of the Data or any part thereof by Dr Robinson and her team, WPATH shall have thirty (30) days in which to review and comment on the proposed publication. Dr Robinson and her team will give due regard to WPATH's comments. WPATH has the right to request the deletion of any content within materials intended for publication by Dr Robinson and her team”.

Since the start of the contract between WPATH and JHU Dr Robinson and her team have provided systematic literature reviews for the development of statements of the following chapters: Assessment, Primary Care, Endocrinology, Surgery, Reproductive Medicine, and Voice Therapy. Dr Robinson and team have also provided guidance regarding the methodology of the SOC8 and feedback for some of the statements.

Aim of the Policy

WPATH commissioned and financed an update and the development of the SOC8 for the benefit of transgender healthcare in order to promote health, research, education, respect, dignity, and equality for trans people globally.

Therefore, the aim of this policy is to develop and to describe a process to ensure that any manuscripts developed from the systematic literature reviews commissioned by WPATH benefit transgender healthcare and promote health, research, education, respect, dignity, and equality for transgender people globally.

A decision-making process to give access to the Data should be underpinned by a number of good practice directives. Hence, WPATH grants access to the data to any interested party, which:

- a. has the intention to use the Data for the benefit of advancing transgender health in a positive manner and;
- b. has the intention to publish the Data in reputable, academic, peer-reviewed journals and;
- c. involves the Work Group Leader of the Chapter or, alternatively, a designated representative of that specific SOC8 Chapter, or alternatively the Chair or Co-Chairs of the SOC8 in the design, drafting of the article, and the final approval of the article and;

WPATH Policy Use of Data for SOC8 – Version 2
Approved by WPATH Board of Directors – August 2020

JHU_000003196

- d. involves at least one member of the transgender community in the design, drafting of the article, and the final approval of the article and**;
- e. adheres to the WPATH Language Policy and/or similar publications***.

WPATH Policy Use of Data for SOC8 – Version 2
Approved by WPATH Board of Directors – August 2020

Pathway to approval for use of WPATH Data

WPATH grants approval to use the Data for publication to any interested party, when:

- a. the directives outlined under the aim of this policy have been fulfilled and;
- b. the author(s) have acknowledged that WPATH has sponsored the acquisition of the data in the publication and;
- c. the author(s) have acknowledged that the authors are solely responsible for the content of the manuscript, and the manuscript does not necessarily reflect the view of WPATH in the publication and;
- d. The publication (“manuscript”) has been approved by WPATH via a designated approval process.

Designated approval process for publication of Data (see Figure 1)

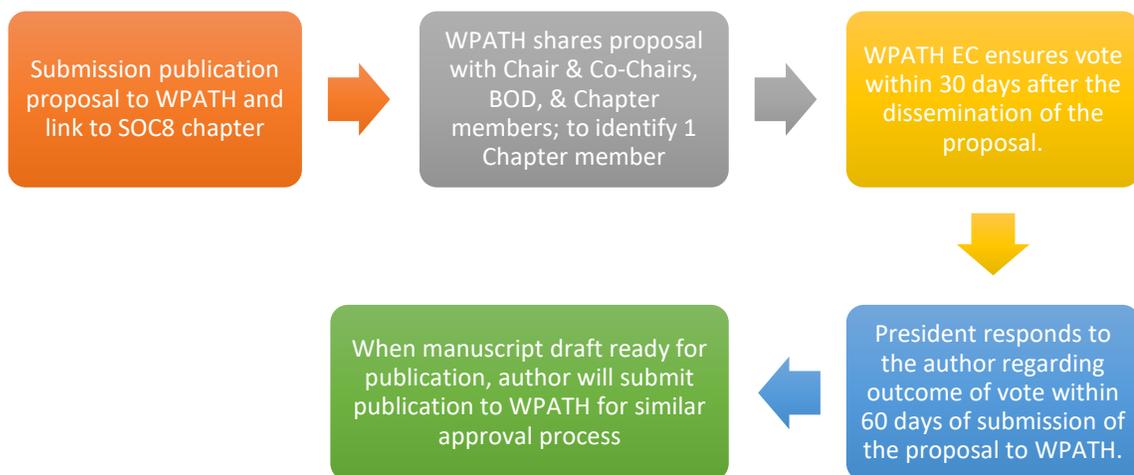


Figure 1 - Designated approval process for publication of Data

1. The lead author submits a proposal of the publication to WPATH with the following headings: Background; Aim(s); Method; Results;

*WPATH Policy Use of Data for SOC8 – Version 2
Approved by WPATH Board of Directors – August 2020*

JHU_000003198

- Conclusion (Maximum 1 page and states which SOC8 chapter the publication is linked to);
2. It is WPATH's responsibility that the proposal is shared with the Chair and Co-Chairs of the SOC8, the members of the WPATH Board of Directors and all members of the SOC8 chapter linked to the proposed publication within 14 days after receipt of the proposal. The aim will be to identify an individual (s) from the chapter (maximum 2 individuals if a publication concerns more than one chapter) who will work with the lead author(s) of the proposed publication (unless the lead author is already working with one or more Working Group members); it is the responsibility of the Working Group as a whole to identify and to nominate one of their members, either by vote or general consensus within the Working Group.
 3. WPATH will keep a record of the possible proposals with deadlines for draft submissions - in order to avoid the development of multiple papers with the same aims using the same data;
 4. It is WPATH Executive Committee's responsibility to ensure that a vote is held within 30 days after the dissemination of the proposal.
 5. It will be a blind vote and approval to write the paper is granted to the author(s) by majority vote. In case of a tie, the WPATH President will have the deciding vote.
 6. It is the President's responsibility to respond to the author(s) with approval or disapproval within fifty-six (56) days of submission of the proposal to WPATH.
 7. Once the manuscript draft is ready for publication, the lead author will submit the publication to WPATH
 8. It is WPATH Executive Committee's responsibility to ensure that the manuscript is disseminated to the Chair of the SOC8, the Co-Chairs of the SOC8, and the members of the WPATH Board of Directors within 7 days after receipt of the manuscript.
 9. It is WPATH Executive Committee's responsibility to ensure that a vote is held within 14 days after the dissemination of the manuscript to the Chair and Co-Chairs of the SOC8 and Board members.
 10. It will be a blind vote and approval is granted to author(s) for publication by majority vote. The Chair and Co-Chairs of the SOC8 and Board members all have one equal vote. In case of a tie, the WPATH President will have the deciding vote.

WPATH Policy Use of Data for SOC8 – Version 2
Approved by WPATH Board of Directors – August 2020

11. It is the President's responsibility to respond to the author(s) with approval or disapproval within thirty (30) days of submission of the manuscript to WPATH.
12. In case of disapproval, the President may decide to hold a special meeting with the Chair and Co-Chairs of the SOC8 and Board members to discuss the manuscript and the reasons for not approving publication.
13. There may be cases where it will be in the benefit of the SOC8 development process to publish the manuscript before the SOC8 has been completed, but there may be cases when the manuscript will only be approved for submission after the SOC8 has been published, acknowledging that the data for the manuscript may need to be refreshed.

- * This will be referred to as “Confidential Information”, which means all non-public, confidential, and/or proprietary information that is marked as “Confidential Information” as described below and which is disclosed by one party to the other, including but not limited to software, inventions (whether patentable or not), algorithms, diagrams, drawings, processes, research, product or strategic plans or collaborations or partnerships, financial information, or business models. Confidential Information, if in tangible or readable form, shall be marked as such at the time of disclosure and if disclosed orally, shall be reduced to writing, marked confidential, and addressed to the other party within ten (10) days after disclosure.
- ** See T’Sjoen, G., Motmans, J., Arcelus, J., & Bouman, W. P. (2017). The need of patient involvement in transgender healthcare research. *Journal of Sexual Medicine*, 14(12), 1494-1495.
Bouman, W. P., Arcelus, J., T’Sjoen, G., De Cuypere, G., Galupo, M. P., Kreukels, B. P. C., Leibowitz, S., Riggs, D. W., Schechter, L. S., & Veale, J. (2018). Transgender and gender diverse people’s involvement in transgender health research. *International Journal of Transgenderism*, 19(4), 357-358 or <https://www.tandfonline.com/doi/full/10.1080/15532739.2018.1543066>
- *** See Bouman, W. P., Suess, A., Motmans, J., Green, J., Deutch, M., Adams, N., Safer, J., Smiley, A., and Winter, S. (2017). Language and transgender health. *International Journal of Transgenderism*, 18(1), 1-6 or <https://www.tandfonline.com/doi/full/10.1080/15532739.2016.1262127>
See T’Sjoen, G., Radix, A., Motmans, J. (2020). Language & Ethics in Transgender Health. *Journal of Sexual Medicine*. Advanced online publication. doi.org/10.1016/j.jsxm.2020.05.017

From: [Karen Robinson](#)
To: [Lisa Wilson](#); [Kellan Baker](#); [Kristen McArthur](#); [Vaadeem Dukhanin](#)
Subject: FYI FW: Letter from Your WPATH EC and SOC8 Co-Chairs - re: SOC8 Data
Date: Wednesday, October 21, 2020 8:44:39 AM
Attachments: image003.png
Policy & Procedures Regarding the Use of WPATH SOC8 Data Final Approved Aug 2020.pdf

All –

I think some of you know but, with this last message from WPATH and a canceled call, I wanted to be sure you were all aware of the situation.

Please work diligently to get manuscripts (re)submitted and let me know if you receive messages from members of WPATH or journal editorial boards.

I am happy to have a Zoom call to talk through any concerns or questions you may have – just let me know and we will get something in the calendar.

Thanks for all of your hard work on this project!

Thanks,
Karen

From: Karen Robinson
Sent: October 20, 2020 8:23 PM
To: WPATH EC <wpathec@wpath.org>; Jon Arcelus <Jon.Arcelus@nottingham.ac.uk>; Eli Coleman <dreli@umn.edu>; Asa Radix <asa.radix@gmail.com>; Blaine Vella <blaine@wpath.org>
Cc: Stephen Fisher REDACTED ; Stefanie Gregory REDACTED
Subject: FW: Letter from Your WPATH EC and SOC8 Co-Chairs - re: SOC8 Data
Importance: High

All –

I am concerned about this message sent to the members of SOC8 Working Group Members as it suggests that there continues to be incorrect interpretation regarding data ownership and publications. WPATH approval for our publications is not required under the terms of the agreement, the WPATH policy was not incorporated into the executed agreement so it is not binding on us, and the JHU institution policies on academic freedom and intellectual property prohibit such restrictions/approvals regarding publication.

It seems as though the misunderstanding may be based on the sentence in section 7 of contract that states that WPATH “retains the unrestricted right to use to Project Data ... including the publication of the Project Data and the communication of Project Data to third parties.” Retains the right is not the same as ownership, and it also does not preclude JHU from also having those same rights in the Project Data.

JHU_000012044

We have the right to publish and any JHU publications arising out of the work conducted as part of this contract are not subject to approval by WPATH nor subject to any policy of WPATH. We will continue to send draft manuscripts to WPATH for review and will give any comments received due regard.

I feel like I have made these statements several times in email and phone conversations, beginning when the contract was being negotiated in 2018. I suggest that a call might be useful and I have copied in individuals from our Office of Research Administration and Office of General Counsel.

Thanks,
Karen

Karen A. Robinson, PhD

Professor of Medicine, Epidemiology, and Health Policy & Management

Director, Johns Hopkins University Evidence-based Practice Center

Johns Hopkins University

REDACTED

REDACTED

REDACTED

REDACTED



From: Jamie Hicks <jamie@wpath.org>

Sent: October 20, 2020 11:39 AM

To: Blaine Vella <blaine@wpath.org>

Cc: WPATH EC <wpathec@wpath.org>; Jon Arcelus <jon.arcelus@nottingham.ac.uk>; Eli Coleman <dreli@umn.edu>; asa.radix@gmail.com

Subject: Letter from Your WPATH EC and SOC8 Co-Chairs - re: SOC8 Data

Importance: High

External Email - Use Caution



Dear SOC8 Working Group Members,

Thank you very much for your hard work on the SOC8. Many of the chapters are going through Delphi at present whilst many chapters also are finalizing the text of their chapters and/or recommendation statements. This is an exciting accomplishment! We are hoping to see completed chapters in early 2021.

We are writing you today to inform you of an update of our Policies & Procedures regarding the WPATH SOC8 Data. As you know, WPATH commissioned a number of systematic reviews to be conducted by John Hopkins University. These systematic reviews are the property of WPATH. We would like to see as many systematic review manuscripts as possible to be published (ideally in our official journal, International Journal of Transgender Health). We want to let you know that if you or any other of your chapter members are interested in contributing a manuscript based on one of the systematic reviews, there is a policy on how to request a copy of the reviews and permission to publish these reviews. Please see the attached policy approved by the WPATH board that provides the details on how to initiate this process.

As a final note, we offer our apologies regarding the tardiness of this message and the recently developed Policy & Procedures Regarding the Use of WPATH SOC8 Data. We were caught on the wrong foot when the John Hopkins University Team informed us of wanting to publish 3 papers based on the SOC8 data.

Subsequently, we developed the attached Policy, which was ratified by the Board of Directors and the SOC8 Chair and Co-Chairs.

One paper from the John Hopkins University Team has recently been published online in the International Journal of Transgender Health, whilst two papers have not received the green light to be published. It is paramount that any publication based on the WPATH SOC8 data is thoroughly scrutinized and reviewed to ensure that publication does not negatively affect the provision of transgender healthcare in the broadest sense.

We hope that you find the Policy & Procedures Regarding the Use of WPATH SOC8 Data helpful. We thank you very much again for your support of the SOC8 revision.

Sincerely,

Vin Tangpricha
Gail Knudson
Randi Ettner

Baudewijntje Kreukels
Walter Bouman
On behalf of WPATH

Enc. *Policy & Procedures Regarding the Use of WPATH SOC8 Data*

Jamie

Jamie Hicks
She/her/hers
Assistant Associate Director
[1061 East Main Street](#)
[Suite 300](#)
[East Dundee, IL 60118](#)



JHU_000012047