

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
Tallahassee Division**

JANE DOE, individually and on behalf
of her minor daughter, SUSAN DOE,
et al.,

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

Plaintiffs,

v.

JOSEPH A. LADAPO, *in his official capacity
as Florida's Surgeon General
of the Florida Department of Health,*
et al.,

Defendants.

**PLAINTIFFS' MOTION FOR LEAVE
TO FILE A SECOND AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 15(a)(2), 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, and Linda Loe, individually and on behalf of her minor daughter Lisa Loe, and Patricia Poe, individually and on behalf of her minor son Paul Poe, hereby move for leave to file the Second Amended Complaint ("SAC"), attached hereto as Exhibit A, respectfully showing the Court as follows:

1. Plaintiffs Jane Doe, Susan Doe, Brenda Boe, Bennett Boe, Carla Coe, Christina Coe, Fiona Foe, and Freya Foe filed the original complaint on March 23, 2023, asserting federal constitutional claims challenging the Florida Boards of Medicine and Osteopathic Medicine rules prohibiting Parent Plaintiffs from seeking and obtaining effective medical treatment for gender dysphoria in Florida for their adolescent children and prohibiting Minor Plaintiffs from accessing established medical care that is medically necessary for the treatment of their gender dysphoria. (the “Bans”).

2. On April 24, 2023, Plaintiffs filed a First Amended Complaint (Dkt. 29) (the “FAC”), adding Gloria Goe, Gavin Goe, Linda Loe, Lisa Loe, Patricia Poe, and Paul Poe as additional plaintiffs. Plaintiffs also filed a Motion for a Preliminary Injunction, seeking to enjoin the Bans (Dkt. 30).

3. This Court held a scheduling conference on May 1, 2023 with counsel for the parties whereby it set May 15, 2023 as the deadline for Defendants’ response to Plaintiffs’ preliminary injunction motion; Plaintiffs may file a reply memorandum in support of their motion by May 17, 2023, or 24 hours before the oral argument to be scheduled. (Dkt. Nos. 49, 50).

4. On May 4, 2023, the Florida legislature passed Florida Senate Bill 254, “An act relating to treatments for sex reassignment” (“SB 254”), which codifies the Bans into state law, imposes felony penalties and civil penalties for medical

providers, and creates additional barriers for families with transgender adolescents.

5. Plaintiffs now seek leave to amend its FAC to challenge Sections 4 through 7 of SB 254 and to add the following individuals as defendants: Ashley Moody, in her official capacity as the Attorney General for the State of Florida; Ginger Bowen Madden, in her official capacity as State Attorney for the First Judicial Circuit of Florida; Jack Campbell, in his official capacity as State Attorney for the Second Judicial Circuit of Florida; John Durrett, in his official capacity as State Attorney for the Third Judicial Circuit of Florida; Melissa Nelson, in her official capacity as State Attorney for the Fourth Judicial Circuit of Florida; William Gladson, in his official capacity as State Attorney for the Fifth Judicial Circuit of Florida; Bruce Bartlett, in his official capacity as State Attorney for the Sixth Judicial Circuit of Florida; R.J. Larizza, in his official capacity as State Attorney for the Seventh Judicial Circuit of Florida; Brian S. Kramer, in his official capacity as State Attorney for the Eighth Judicial Circuit of Florida; Monique H. Worrell, in her official capacity as State Attorney for the Ninth Judicial Circuit of Florida; Brian Haas, in his official capacity as State Attorney for the Tenth Judicial Circuit of Florida; Katherine Fernandez Rundle, in her official capacity as State Attorney for the Eleventh Judicial Circuit of Florida; Ed Brodsky, in his official capacity as State Attorney for the Twelfth Judicial Circuit of Florida; Susan S. Lopez, in her official capacity as State Attorney for the Thirteenth Judicial Circuit of Florida; Larry

Basford, in his official capacity as State Attorney for the Fourteenth Judicial Circuit of Florida; Dave Aronberg, in his official capacity as State Attorney for the Fifteenth Judicial Circuit of Florida; Dennis Ward, in his official capacity as State Attorney for the Sixteenth Judicial Circuit of Florida; Harold F. Pryor, in his official capacity as State Attorney for the Seventeenth Judicial Circuit of Florida; Phil Archer, in his official capacity as State Attorney for the Eighteenth Judicial Circuit of Florida; Thomas Bakkedahl, in his official capacity as State Attorney for the Nineteenth Judicial Circuit of Florida; and Amira D. Fox, in her official capacity as State Attorney for the Twentieth Judicial Circuit of Florida.

6. Florida Governor Ron DeSantis signed SB 254 into law today, May 17, 2023. Plaintiffs have acted diligently in seeking to amend its FAC within the same day and have not unduly delayed this matter.

7. The proposed SAC does not prejudice Defendants. Defendants are aware of the claims and allegations asserted in the original complaint and counsel for Defendants stated at the May 1, 2023 Scheduling Conference that they were aware that SB 254 would likely be enacted into law.

8. Plaintiffs have conferred with counsel for Defendants regarding their position on this matter on May 4, 2023 and again on May 17, 2023. Defendants do not oppose the filing of the SAC attached hereto as Exhibit A.

9. Plaintiffs believe the proposed SAC will better serve the interests of

justice and the efficient resolution of this matter.

10. Wherefore, Plaintiffs respectfully request that the Court grant their motion for leave to amend and permit Plaintiffs to file the SAC attached hereto as Exhibit A.

Respectfully submitted this 17th day of May, 2023

SOUTHERN LEGAL COUNSEL

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CERTIFICATE OF WORD COUNT

Pursuant to Local Rule 7.1(F), the undersigned counsel certifies that, according to Microsoft Word, the word-processing system used to prepare this Motion, there are 910 total words contained within the Motion.

/s/ Simone Chriss
Simone Chriss

**CERTIFICATE OF SATISFATION OF
ATTORNEY CONFERENCE REQUIREMENT**

Pursuant to Local Rule 7.1(B), counsel for the Plaintiffs conferred with counsel for the Defendants on May 4, 2023 and again on May 17, 2023. Counsel for Defendants indicated that Defendants do not oppose the relief sought.

CERTIFICATE OF SERVICE

I hereby certify that, on May 17, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

/s/ Simone Chriss
Simone Chriss