

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

2022 APR 12 P 5:41

JEFFREY WALKER, LISA WALKER, H.W.,  
JEFFREY WHITE, CHRISTA WHITE, and  
C.W.,

*Plaintiffs,*

v.

STEVE MARSHALL, in his official capacity  
as Attorney General of the State of Alabama,  
BRIAN C.T. JONES, in his official capacity as  
District Attorney for Limestone County, and  
JESSICA VENTIERE, in her official capacity  
as District Attorney for Lee County,

*Defendants.*

Civil Action No. 2:22-cv-00167

**PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER AND/OR  
PRELIMINARY INJUNCTION**

Plaintiffs Jeffrey Walker, Lisa Walker, H.W., Jeffrey White, Christa White, and C.W. hereby move the Court pursuant to Rule 65 of the Federal Rules of Civil Procedure for preliminary injunctive relief and/or a temporary restraining order blocking the enforcement of Alabama Senate Bill 184 (“S.B. 184” or the “felony health care ban”), prior to its May 8, 2022 effective date. In addition, Plaintiffs respectfully request this Court exercise its discretion to waive the Federal Rule of Civil Procedure 65(c) security requirement. *See Bell S. Telecomm., Inc. v. MCIMetro Access Transmission Servs., LLC*, 425 F.3d 964, 971 (11th Cir. 2005).

S.B. 184 makes it a Class C felony for any “person” to “engage in or cause” the performance of certain medical treatments on any minor, “if the practice is performed for the purpose of attempting to alter the appearance of or affirm the minor’s perception of his or her gender or sex, if that appearance or perception is inconsistent with the minor’s sex as defined by [the] act[.]” By criminalizing medically necessary care to treat gender dysphoria while permitting non-transgender youth to receive comparable medical care, S.B. 184 violates the Equal Protection Clause of the Fourteenth Amendment by discriminating on the basis of transgender status and sex. The felony health care ban also violates Plaintiffs’ fundamental right to parental autonomy under the Due Process Clause of the Fourteenth Amendment, because it interferes with Parent Plaintiffs’ exercise of their fundamental rights to seek medical care for their transgender children by categorically prohibiting them from seeking medically necessary care that is safe, effective, and well-accepted by major medical associations. Finally, S.B. 184 violates the Due Process Clause of the Fourteenth Amendment, because it fails to provide sufficient notice of the specific conduct that is subject to criminal penalties under the law.

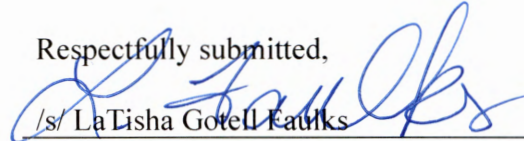
As detailed more fully in the accompanying Memorandum of Law, Plaintiffs

satisfy the requirements for preliminary injunctive relief and/or a temporary restraining order. *See McDonald's Corp. v. Robertson*, 147 F.3d 1301, 1306 (11th Cir. 1998). If S.B. 184 is not enjoined, Plaintiffs will suffer immediate and irreparable constitutional, medical, emotional, psychological, and other harm for which there is no adequate remedy at law. The balance of hardships also favors Plaintiffs, because a preliminary injunction and/or temporary restraining order would preserve the status quo and the harm imposed through enforcement of the felony health care ban is far greater than any harm that could result from the preliminary injunction and/or temporary restraining order. In addition, the entry of a preliminary injunction and/or temporary restraining order is in the public interest. Finally, Plaintiffs respectfully request this Court exercise its discretion to waive the Federal Rule of Civil Procedure 65(c) security requirement.

Accordingly, and for the reasons set forth in the accompanying Memorandum of Law, this Motion for a Temporary Restraining Order and/or Preliminary Injunction should be granted without security. *See City of Atlanta v. Metropolitan Atlanta Rapid Transit Authority*, 636 F.2d 1084, 1094 (5th Cir. Unit B 1981) (recognizing “an exception to the Rule 65 security requirement” for “public-interest litigation”); *Bell S. Telecomm.*, 425 F.3d at 971 (citing *City of Atlanta* approvingly).

Dated: April 12, 2022

Respectfully submitted,

  
/s/ LaTisha Gotell Faulks

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 12th day of April 2022, I served the foregoing to the below parties via Fedex overnight mail, thereby serving all counsel of record.

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