IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

PFLAG, INC., et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as President of the United States, et al.,

Civil Action No. BAH-25-337

Defendants.

PLAINTIFFS' EMERGENCY MOTION FOR A <u>TEMPORARY RESTRAINING ORDER</u>

Plaintiffs PFLAG, Inc. and GLMA: Health Professionals Advancing LGBTQ+ Equality ("GLMA") (collectively, the "Member Organization Plaintiffs"); Gabe Goe, by and through his parent and next friend George Goe; George Goe; Bella Boe, by and through her parent and next friend Bruce Boe; Bruce Boe; Cameron Coe, by and through their parent and next friend Claire Coe; Claire Coe; Robert Roe, by and through his parent and next friend Rachel Roe; Rachel Roe; W.G., by and through her parent and next friend Kristen Chapman; Kristen Chapman; Lawrence Loe; and Dylan Doe (collectively, the "Individual Plaintiffs") hereby move the Court, pursuant to Federal Rule of Civil Procedure 65, for the issuance of an order temporarily restraining Defendants U.S. Department of Health and Human Services ("HHS"); Dorothy A. Fink, in her official capacity as Acting Secretary of HHS; the Health Resources and Services Administration ("HRSA"); Diana Espinosa, in her official capacity as Principal Deputy Administrator of HRSA; the National Institutes of Health ("NIH"); Matthew J. Memoli, in his official capacity as Acting NIH Director, any subagencies of Defendant HHS, their officers, agents, successors, servants, employees, and attorneys, and any other persons who are in active concert or participation with them, from implementing, enforcing, or applying the directive in Section 3(g) of Executive Order 14,168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government, 90 Fed. Reg. 8,615 (Jan. 20, 2025), that "[f]ederal funds shall not be used to promote gender ideology" and directing all federal agencies to "assess grant conditions and grantee preferences and ensure grant funds do not promote gender ideology" (the "Gender Identity Order"); from implementing, enforcing, or applying Section 4 of Executive Order 14,187, Protecting Children from Chemical and Surgical Mutilation, 90 Fed. Reg. 8,771 (Jan. 28, 2025), that all federal agencies "immediately take appropriate steps to ensure that institutions receiving Federal research or education grants end" gender affirming medical care for people under nineteen (the "Denial of Care Order"); or otherwise conditioning or withholding federal funding based on the fact that a healthcare entity or health professional provides gender affirming medical care to a patient under nineteen, including any healthcare institution from which the Individual Plaintiffs, members of Plaintiff PFLAG, and patients of health professional members of GLMA receive gender affirming medical care, or at which health professional members of Plaintiff GLMA conduct federally-funded work.

As Plaintiffs discuss in greater detail in their Memorandum in Support of Plaintiffs' Emergency Motion for a Temporary Restraining Order, the Denial of Care and Gender Identity Orders are unconstitutional and unlawful.

The grounds for this motion are set forth in the attached memorandum of law and accompanying exhibits.

Date: February 5, 2025

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Attorneys for Plaintiffs

*Application for admission pro hac vice granted.

** Application for admission pro hac vice pending.

***Application for admission or admission pro hac vice forthcoming.

****Application for admission pro hac vice pending and admitted only in D.C. Supervised by principals of the firm admitted in Massachusetts.

CERTIFICATE OF SERVICE

I hereby certify that this motion, the attached memorandum of law, attached exhibits, and

proposed order will be served concurrently with the service of the Summonses and Complaint in this

matter upon the following defendants by certified mail, return receipt requested:

DONALD J. TRUMP, in his official capacity as President of the United States 1600 Pennsylvania Ave. NW Washington, DC 20220

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES 200 Independence Ave. SW Washington, DC 20201

DOROTHY A. FINK, in her official capacity as Acting Secretary of the U.S. Department of Health and Human Services 200 Independence Ave. SW Washington, DC 20201

HEALTH RESOURCES AND SERVICES ADMINISTRATION 5600 Fishers Lane Rockville, MD 20857 (Montgomery County)

DIANA ESPINOSA, in her official capacity as Principal Deputy Administrator of the Health Resources and Services Administration 5600 Fishers Lane Rockville, MD 20857 (Montgomery County)

NATIONAL INSTITUTES OF HEALTH 9000 Rockville Pike Bethesda, MD 20892 (Montgomery County)

MATTHEW J. MEMOLI, in his official capacity as Acting NIH Director 9000 Rockville Pike Bethesda, MD 20892 (Montgomery County)

Dated: February 5, 2025

/s/ Zachary B. Cohen Zachary B. Cohen