No. 23-5080

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

ROWAN FOWLER; ALLISTER HALL; and CARTER RAY,

Plaintiffs-Appellants,

v.

KEVIN STITT, in his official capacity as Governor of the State of Oklahoma; KEITH REED, in his official capacity as Commissioner of Health for the Oklahoma State Department of Health; and KELLY BAKER, in her official capacity as State Registrar of Vital Records,

Defendants-Appellees.

On Appeal from the United States District Court
for the Northern District of Oklahoma
No. 4:22-cv-00115-JWB-MTS (Judge John W. Broomes)

PLAINTIFFS-APPELLANTS' REPLY BRIEF IN RESPONSE TO FEBRUARY 3, 2026 ORDER

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ARGUMENT

I. Nothing Has Changed the Correctness of this Court's Conclusion that the Complaint Plausibly Alleged that the Governor Created the Policy.

Both sides agree that the Governor's actions are squarely at issue in Plaintiffs' equal protection challenge; the only disagreement concerns what role Oklahoma's statutes play, if any. Defs. Br. 2 (arguing that "both" the Governor's policy and Oklahoma's statutes are at issue in the lawsuit). From the outset of this litigation, Plaintiffs have consistently argued that the Policy arises from the Governor's actions rather than Oklahoma's statutes. Accepting that factual allegation as true—as this Court did in its opinion—is sufficient to resolve the matter at this stage of the proceedings. However, Plaintiffs also pled that *to the extent* Oklahoma statutes are construed to also bar the amended certificates at issue, they also fall within the scope of the constitutional challenge, and they similarly fail constitutional scrutiny. A.23, 25.

There is nothing inconsistent between those arguments. Defendants cannot manufacture inconsistency by selectively quoting Plaintiffs' arguments. Defs. Br. 2-3 (quoting Plaintiffs' brief that the complaint "put Defendants on notice that Plaintiffs' challenge encompassed state statutes" while omitting the rest of the sentence: "to the extent that Defendants argued that they precluded the relief sought by Plaintiffs"). It is hardly uncommon for a plaintiff to argue that a statute means X while a defendant insists that it means Y—and for the plaintiff to argue that she prevails either way.[1]

[1] Indeed, a plaintiff is "entitled under Federal Rule of Civil Procedure 8(d) to plead

The question of what motivated the Governor at the time he made the relevant decision is not, as Defendants claim, a legal conclusion; it is an issue of fact. Defendants' insistence that the Governor was motivated *not* by what he said but, rather, by his purported views about the proper interpretation of a vital records statute is fanciful at best and beside the point at the pleading stage. It is also not surprising that the Governor's candid explanation of his motivation was not recited in drafting the Executive Order implementing the decision that he had already made. The best evidence of what motivated a decisionmaker does not typically come from the carefully crafted words of lawyers after-the-fact. Here, it comes straight from the horse's mouth.

Defendants' reliance on *Poe v. Drummond*, 149 F.4th 1107 (10th Cir. 2025), is misplaced. Only a state statute was at issue there, making statements from a "few" legislators far less significant than here, where there is a statement from the only decisionmaker for an executive order. And the Governor's statement was astonishingly candid in explaining that disapproval was the basis for his action. No amount of fixation on the text of the Executive Order drafted afterwards can obscure that. *Cf.* Defs. Br. 5.

The Governor's actions have also erected a barrier that inflicts an equal protection injury regardless of whether other barriers purportedly exist. Defendants first question "whether a barrier even exists." Defs. Br. at 7. But that barrier does not only exist—it is

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inconsistent legal theories and inconsistent facts." *Cline v. Clinical Perfusion Sys., Inc.*, 92 F.4th 926, 935 (10th Cir. 2024). Thus, a plaintiff's allegation that he was terminated because of his disability does not preclude him from alternatively alleging that was terminated because of his age. *Id.* Here, there is not even any inconsistency between alleging that (a) the Policy was motivated by the Governor's actions and (b) to the extent state statutes are construed to bar relief, they similarly fail constitutional scrutiny.

insurmountable. The Oklahoma State Department of Health (OSDH) has no latitude whatsoever under the Governor's instructions to provide the amended certificates at issue. A.22. Defendants claim no barrier exists because "no one" can have a birth certificate consistent with their gender identity, but that does not disclaim its existence so much as claim that the barrier is supposedly applied to everyone. But the equal application of a discriminatory rule (e.g., no one can marry a person of the same sex) does not erase the existence of discrimination. Dkt. 66 at 6-7. Defendants also claim "it is the Legislature's barrier, not the Governor's." Defs. Br. 7. But that conflates the purported *explanation* for the executive order with its *mandate*. Even if that explanation is incorrect, OSDH still has no discretion to deviate from the Governor's command.

Defendants fail in their attempt to distinguish precedent holding that, when it comes to constitutional injuries, equal protection is unique. That is because unequal treatment itself can constitute a redressable injury, even if other barriers stand in the way of what a plaintiff ultimately hopes to attain. Defendants claim that this rule only applies in a "competitive environment" but they do not offer any principled reason for why it should be limited to that context. Why would discrimination be any less constitutionally significant outside the narrow context of bidding for government contracts and the like? And, in fact, this Court and others have applied this rule outside a competitive context. *See, e.g.*, *Petrella v. Brownback*, 697 F.3d 1285, 1294 (10th Cir. 2012) (holding that a statute capping property taxes inflicted redressable injury regardless of whether voters would approve higher taxes); *Hile v. Michigan*, 86 F.4th 269, 274-75 (6th Cir. 2023) (holding that, even though state constitutional and statutory obstacles both barred public

funding for private schools, a challenge to only the state constitutional barrier nonetheless satisfied redressability); *Mathis v. United States Parole Comm'n*, 749 F. Supp. 3d 8, 25 (D.D.C. 2024) (holding that unequal treatment in parole supervision itself constituted injury and that "no further downstream harms" are required).

Haaland v. Brackeen, 599 U.S. 255 (2023), does not help Defendants. There, the plaintiffs had not included the proper defendants, naming only federal officials but not state officials. *Id.* at 292-93. But there is only one set of officials holding the relevant cards here: the OSDH officials standing at the printer who exercise dominion over whether amended birth certificates are provided and the Governor whose instructions they must follow. Indeed, *Haaland* reaffirmed that "the Equal Protection Clause secures the right of individuals 'to be considered for government [] benefits 'without the burden of invidiously discriminatory disqualifications.'" *Id.* at 292. The Governor's actions here have categorically disqualified Plaintiffs from the amended certificates at issue.

Defendants' belated waiver argument (which is itself, ironically, untimely) is both puzzling and meritless. Defs. Br. 9. From the outset of this litigation, Plaintiffs have argued that there is no statutory prohibition against the amendments at issue, as reinforced by the state courts that issued their orders for amendment. A.21. The parties' repeated clashes over the meaning of SB1100 provide a visible example of that. Dkt. 66 at 10. And Plaintiffs also alleged that OSDH officials agreed that the amendments at issue furthered the statutory touchstone—the "integrity and accuracy of Oklahoma's vital records"—a point reinforced by the Supreme Courts of Utah and Wyoming and others. Dkt. 18 at 46-49. But as Plaintiffs have also consistently argued, the level of

constitutional scrutiny does not vary depending on whether the Policy arose from an executive order or statute, and both sides have thus understandably focused their attention on the material issue of whether the Policy survives constitutional review.

II. Oklahoma Law Does Not Bar Plaintiffs' Amended Certificates.

Defendants' statutory arguments fail to grapple with the crux of the issue presented here: how a statutory scheme that permits amendments to promote "accuracy" and "integrity" achieves those general objectives in the particular context of transgender people, who were assigned one sex at birth but who live in accordance with their gender identity. All of the guideposts for understanding how Oklahoma's general statute applies in this specific factual context—from its text, to how courts have interpreted that text, to principles of statutory interpretation—point in the direction of allowing amendment here.

As Defendants acknowledge, the relevant question here is not what information must be recorded on an original certificate. Defs. Br. 10-11 (asserting that one's sex assigned at birth has been long recorded on original certificates but admitting that "this is only half the story"). Rather, the question is what can appear on an amended certificate.

Contrary to Defendants' argument, there is no fact-at-birth litmus test for amendments. Oklahoma's statutes make clear that amendments are permitted even where a fact was recorded correctly at birth. A name change presents one example among many: a person can change the name reflected on their birth certificate from "Eloise" to "Jennifer" even though the former accurately reflected the name they were assigned at birth. That amendment helps Jennifer to prove that she is the same individual reflected on the birth certificate that she presents to others. And that amendment necessarily

furthers the objective of protecting the accuracy and integrity of vital statistics, which the statute regards as the North Star for permissible amendments. 63 Okla. Stat. § 1-321.

Providing transgender people like Plaintiffs with amended birth certificates consistent with their identity follows that North Star in the same way. If it frustrates the statutory objective of "accuracy" to block Jennifer from amending a certificate that indicates its holder is someone named Eloise, it is orders of magnitude more difficult for Jennifer to prove that she is the same person listed as Michael on the certificate. A large swath of courts has agreed in analogous birth certificate cases. Pls. Br. 8-10. And the complaint alleges that OSDH officials agreed that the amendments at issue furthered the accuracy and integrity of vital statistics. A.21. Even half a century ago in 1977, when the understanding of transgender people was far more limited, the CDC recognized in its Model Vital Statistics Act that categorically barring such amendments for transgender people would not serve the interests of vital statistics. Dkt. 18 at 48 n.14.

Defendants concede, as they must, that Oklahoma statutes do not provide an exhaustive list of the circumstances when a birth certificate may be amended. Defs. Br. 15. But Defendants wrongly suggest that the regulations impose additional limits that effectively forsake the authority already conferred by the statute. They assume that the specific factual circumstance triggering an amendment must be specifically enumerated in a regulation. But that replicates—at the regulatory level—the same fallacy of assuming that the statute contains an exhaustive list of permissible amendments.

The regulations Defendants cite do not contain any such limitation, nor could they forbid what the statutes already authorize. They cite one regulatory provision that limits

changes on the "face" of the certificate—but that refers to the original certificate, not an amended certificate. Defs. Br. 12 (citing Okla. Admin. Code § 310:105-3-3(a), which prohibits changes on the face of a certificate except for adding a registrant's name within twelve months after birth where it was left blank). Otherwise, that provision would bar an amendment even for garden-variety name changes, for instance, which are authorized.

Defendants also cite another regulatory provision to support their exhaustive-list argument, but that provision, if anything, provides an example to the contrary, given that it recognizes a pathway for making "a change, alteration, or amendment not provided for." Okla. Admin. Code § 310:105-3-3(e). Defendants argue that this regulation merely complies with the statutory requirement that the agency must issue regulations for "minor corrections." 63 Okla. Stat. § 1-321(B). But the existence of a regulation permitting minor corrections does not demonstrate that other amendments are thereby prohibited.

Assuming that amending the sex designation on a birth certificate constitutes a major correction, there is no regulatory text that forbids the agency from changing it, and Defendants have certainly not identified any. Tellingly, they do not claim that the agency is forbidden from amending an erroneously recorded sex designation for a person who is not transgender, even without a regulation expressly permitting that specific change.[2]

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[2] Indeed, an earlier version of OSDH's Vital Records FAQs on its website confirmed the permissibility of such a correction to sex. Additional examples in those FAQs of major corrections that the agency has permitted—even without any on-point regulation—include correcting a mother's name from Emily to Jackie or completely changing multiple elements of a parent's birth date. *Cf.* Okla. Admin. Code 310:105-3-3(c) (addressing only amendments to the registrant's erroneously entered name). The FAQs also noted that these types of amendments can be made with a court order.

The only textual basis for that amendment is the statutory authority directly conferred by Section 1-321 on the agency to protect the "accuracy" and "integrity" of vital statistics. No separate regulation exists nor is required. It is also unsurprising that the agency would not attempt to issue regulations for every idiosyncratic factual scenario that could conceivably arise warranting an amendment to protect accuracy and integrity.

Defendants fail to distinguish the many other cases that have ruled in favor of transgender people seeking to amend the sex designations on their birth certificates. Pls. Br. 9-10 (collecting cases). They only address *MH* and discount its import as dicta, based solely on a single-justice concurrence that no other justice joined. *MH v. First Judicial Dist. Ct. of Laramie Cnty.*, 465 P.3d 405 (Wyo. 2020). Reading *MH* as nothing more than a jurisdictional decision misses the forest for the trees. It ignores the Wyoming Supreme Court's core recognition that denying the transgender woman relief would *undermine* the statute's goal of permitting amendments to further the "accuracy" of vital records. *Id.* at 410. The fact that Wyoming had a formal regulation addressing changes to sex only confirms that the statute's directive to allow amendments where they promote accuracy—the exact same statutory language that appears in Oklahoma's Section 1-321—imbued the agency with authority to make such changes. But even the absence of an on-point regulation does not narrow the scope of authority already vested in the agency by the statute itself. None of that means that OSDH here has *carte blanche* to change anything on a birth certificate for any reason, regardless of whether it serves accuracy. *Cf.* Defs. Br. 17. And the fact that OSDH required a court order to amend sex designations further belies any imagined slippery slope.

Defendants also fail to distinguish Oklahoma case law repeatedly finding legislative acquiescence to administrative action. Section 1-321 has been repeatedly amended, including in 2021, without any relevant change for purposes here. Defendants assert that OSDH has never "issued" an interpretation of that statute, Defs. Br. 18, but the case law has never required such formality. How the agency has behaved over time is sufficient. That includes, for example, what types of entities were historically granted a tax exemption, *Oral Roberts Univ. v. Oklahoma Tax Comm'n*, 714 P.2d 1013 (Okla. 1985), and the term lengths that state officials have served, *Cox v. Dawson*, 911 P.2d 272, 279 (Okla. 1996). Indeed, the Oklahoma Supreme Court has specifically rejected Defendants' argument. It explained that it is immaterial whether an agency's actions are "viewed as an interpretation of the [statute]" or, alternately, "an interpretation by default" because "the end result" is the same: "a settled policy that cannot now be reversed absent legislative action or a cogent reason by the [agency]." *Branch Trucking Co. v. State*, 801 P.2d 686, 690 (Okla. 1990). There is no denying here that OSDH repeatedly provided the amended certificates at issue for many years. Actions can speak louder than words.

Agency action over time can also give rise to expectation interests as much as any formal regulation. That is particularly true where the agency action involves concrete law-to-fact application, thereby removing any guesswork about how the law applies in a given context. Either way, those expectations can only be set aside under Oklahoma law for "cogent reasons"—a high bar that Defendants do not deny and that they fail to show has been satisfied here. *Oral Roberts Univ.*, 714 P.2d at 1015.

The Legislature knows how to ban a particular birth certificate amendment where

it wishes to do so—and it did not do so here. SB1100 addresses both what a birth certificate "shall" say (male or female) and also what it "shall not" say (anything nonbinary); but neither its prescriptive nor proscriptive elements cover the amendments at issue. 63 Okla. Stat. § 1-321(H). Ms. Fowler's amended certificate, for instance, would list "female" (satisfying SB1100's prescription) and would not list a "nonbinary" designation (satisfying SB1100's proscription). None of Defendants' cited sources of various reactions to SB1100 establishes anything to the contrary, even if they were considered. Defs. Br. 19. That SB1100 codifies the Executive Order's ban on *nonbinary* designations—which proponents predictably cheered and opponents predictably jeered—does not establish that it does more than that. If Oklahoma lawmakers wanted to do more—as other proposed legislation has sought to do without success—they would need to pass another statute that uses language that owns such a change and makes it over the finish line of the political process. Judges cannot do that work for them.

To the extent there is any lingering doubt about what Oklahoma's statutes ultimately mean here, Oklahoma's constitutional avoidance doctrine dictates how the issue must be resolved: in favor of the interpretation that minimizes constitutional infirmity. *Fent v. Oklahoma Capitol Imp. Auth.*, 984 P.2d 200, 204 (Okla. 1999). Only Plaintiffs' interpretation of Oklahoma's statutes does that. Defendants' interpretation steers into a needless collision between a state statute and the federal constitution.

III. The Level of Scrutiny Remains the Same Regardless of How the Policy Is Characterized, and the Policy Fails Any Level of Scrutiny.

"[T]he State tentatively agrees" with Plaintiffs that the level of constitutional

scrutiny does not differ between executive orders versus statutes. Defs. Br. 20. After all, they are both forms of government action subject to the same Equal Protection Clause. But Defendants hedge that there "could" be less intense review for Oklahoma statutes as compared to the Governor's actions. Defs. Br. 20. There is no basis for that laxity.

Assuming that Oklahoma statutes bar transgender people from amending their birth certificates as Defendants claim, they intentionally discriminate based on sex and transgender status, whether viewed through the lens of facial discrimination or a totality-of-the-circumstances inquiry. Defendants cannot handwave past *Griffith v. El Paso Cnty., Colo.*, 129 F.4th 790 (10th Cir. 2025), which shows that the discrimination here is "facially apparent." *Griffith* remains binding circuit precedent unless and until the Supreme Court has "indisputably and pellucidly abrogated" it. *Vincent v. Bondi*, 127 F.4th 1263, 1265 (10th Cir. 2025). The GVR order in this case, Defendants' predictions about how the Supreme Court will rule in other cases, and the stay decision in *Trump v. Orr*, 146 S. Ct. 44 (2025), do not cut it. And with respect to the latter, even assuming the passport policy did nothing more than "merely attest to a historical fact," the same cannot be said for Oklahoma's *amended* birth certificates, which indisputably do far more than that. At a minimum, even if *Griffith* were merely persuasive authority, Defendants fail to offer any substantive reason to reject its facial discrimination analysis. If a policy invariably discriminates by operation of its terms, the hunt for intent is over.

The conclusion is the same under a totality-of-the-circumstances inquiry. Defendants claim that the "decades-old" origin of a statute insulates it from any discriminatory intent. Defs. Br. 20. But discriminatory intent can be established either

when the government "select[s] or reaffirm[s] a particular course of action." *Pers. Adm'r of Mass. v. Feeney*, 442 U.S. 256, 279 (1979). If there was any doubt about whether the Legislature intended to target transgender people, SB1100 erases it: according to the government, the law's sole purpose was to make crystal clear that they could not amend their birth certificates. Defs. Br. 20-21. Thus, even if Oklahoma statutes mean precisely what Defendants say they mean, it would not change the result here.

Defendants also cannot firewall off the Governor's intent from the Legislature when they are the ones *arguing* that SB1100 was simply "codifying the [executive] order into law." Defs. Br. 19. Again, assuming SB1100 bars the amended certificates sought by Plaintiffs as Defendants claim, the Governor's intent has now been preserved in statutory amber. After all, it was his actions that brought SB1100 into existence; he did so in response to OSDH providing an amended birth certificate to a person whose gender identity did not match their assigned sex; and he explained that the motivation for state action was disapproval of transgender people. If the totality of those facts do not even plausibly show an intent to discriminate, it is difficult to imagine what would.

The parties' respective briefs on why the Policy does or does not survive constitutional scrutiny confirm that the arguments on both sides are the same regardless of whether the Policy is viewed as an executive or legislative creature. Because those arguments have been fully aired in prior briefing, Plaintiffs incorporate them here.

Finally, expanding the scope of discrimination from birth certificates to driver's licenses does not make it more defensible. Defs. Br. 23. Defendants' argument is premised on the assumption that its new driver's license policy is itself constitutional,

which is not before this Court. And uniformity is not a freestanding justification. For instance, "a rule restricting marriage to those with one-syllable names promotes consistency, uniformity, and predictability"—but it would plainly fail even rational basis review. *Lawson v. Kelly*, 58 F. Supp. 3d 923, 933 (W.D. Mo. 2014). Likewise, the Supreme Court struck down the so-called Defense of Marriage Act, notwithstanding the law's uniform definition of marriage excluding same-sex couples across "'various administrative bureaus and agencies.'" *United States v. Windsor*, 570 U.S. 744, 752 (2013). And *Romer v. Evans*, 517 U.S. 620 (1996), similarly invalidated a statewide ban on nondiscrimination protections for sexual orientation that sought to preempt differing local policies. In other words, any justification for the Policy must be sufficient in its own right; it cannot rest on mere purported consistency with other policies, which would otherwise justify any government action through mere tautology. *Cf. Kitchen v. Herbert*, 755 F.3d 1193, 1216 (10th Cir. 2014) (holding that consistency across time for the sake of tradition does not insulate a policy from constitutional attack).

IV. The Scope of the Remand is Limited by *Skrmetti*, Which Does Not Change This Court's Prior Analysis.

The GVR order does not permit relitigating this case from scratch. The Supreme Court remanded only for further consideration "in light of" *Skrmetti*.

Defendants first take the view that anything simply "discussed" in the "majority, concurrences, and dissents" opens the door for this Court to revisit its prior opinion. Defs. Br. 23. It does not. A GVR order promotes efficiency by affording the lower court—who is far closer to appeal at hand, having had the benefit of merits briefing and

argument—the opportunity to analyze whether new precedent affects its reasoning. Concurrences and dissents cannot do that, because they do not change the law. The question is whether what was actually *decided* has changed anything for this Court.

The answer here is no. Defendants argue that simply because *Skrmetti* involved one state's law, that is close enough for this Court to revisit anything related to another state's law. But nothing about *Skrmetti*'s analysis for why the Tennessee law at issue did not discriminate based on sex or transgender status has any bearing on whether Oklahoma's vital records statute permits amendments to sex designations, for instance.[3]

Defendants nitpick at cases holding that the scope of remand is limited, but the larger takeaway remains: the lower court's task following a GVR order is to analyze its opinion "in light of" the new authority, which necessarily circumscribes its inquiry. Defendants urge this Court to disregard that required nexus and, in doing so, its own circuit precedent and the views of sister courts. They argue that the statement in *United States v. Smith*, 82 F.3d 1564, 1566 n.1 (10th Cir. 1996), that this Court "may not" reconsider issues outside the scope of the GVR order can be discounted as mere dicta. But this Court's rejection of the defendant's renewed arguments challenging his cocaine conviction rested solely on the fact that it exceeded the scope of the remand, which was limited to a new case bearing on his firearms conviction. That is not dicta. And there is a

[3] Even if Oklahoma's statute were properly at issue, and Defendants' statutory interpretation were adopted, that still would not help them in the final analysis. *Skrmetti* indicates that if changing only a plaintiff's assigned sex is sufficient to change the outcome, the law discriminates based on sex and transgender status. Dkt. 126 at 11-13. That would still be the case here, even under Defendants' statutory interpretation.

similar dichotomy here between the issue that *Skrmetti* decided—testing whether a law discriminates based on sex or transgender status by changing only the plaintiff's assigned sex to see if the outcome changes—and the other issues that Defendants try to relitigate.

Defendants' authorities are plainly distinguishable. In *Sanders v. John Nuveen & Co.*, 554 F.2d 790, 794 (7th Cir. 1977), the Supreme Court authority prompting the GVR order had eliminated the basis for one claim. The Seventh Circuit then had to consider whether the judgment could be sustained on alternate claims not previously considered. The GVR order did not, of course, prevent that analysis; but that does not help Defendants here, who seek to relitigate issues already presented and rejected. In *United States v. Johnson*, 899 F.3d 191 (3d Cir. 2018), the Third Circuit merely recognized that a party was not precluded from making arguments based on *additional* intervening Supreme Court cases, beyond the one on which the GVR order was granted "in light of." There is nothing like that here for the statutory issues that Defendants seek to relitigate.

Defendants observe that the First Circuit has held that there are "sound prudential considerations" against exceeding a GVR order's scope but that there can be exceptions for a "truly egregious error," which Defendants accuse this Court of committing by not adopting their interpretation of Oklahoma statutes. *Kotler v. Am. Tobacco Co.*, 981 F.2d 7, 13 (1st Cir. 1992). If that is an egregious error, then the Oklahoma state courts that issued Plaintiffs' orders to amend their birth certificates committed it too, as did all the judges of this Court who declined to grant Defendants' petition for en banc review, which recited the exact same arguments they have repeated here. But this Court did not actually get it wrong—much less egregiously so. It is time to move on.

Dated: March 26, 2026

Respectfully submitted,

/s/ Peter C. Renn

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CERTIFICATE OF COMPLIANCE

This brief complies with the Court's February 3, 2026 Order, because it is no longer than 15 pages.

This brief also complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5)-(6) and 10th Cir. R. 32 because it was prepared using Microsoft Word 2016 in Times New Roman 13-point font, a proportionally spaced typeface.

/s/ Peter C. Renn
Counsel for Plaintiffs-Appellants

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Tenth Circuit by using the appellate CM/ECF system on March 26, 2026. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Peter C. Renn
Counsel for Plaintiffs-Appellants

CERTIFICATE OF DIGITAL SUBMISSION

I hereby certify that (1) all required privacy redactions have been made; (2) no paper copies of this document are required per the Court's February 3, 2026 Order; and (3) the electronic submission was scanned this document for viruses using Microsoft Defender and, according to that program, this document is virus free.

/s/ Peter C. Renn
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