IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

DYLAN BRANDT, by and through his mother, Joanna Brandt, *et al.*,

PLAINTIFFS,

v. **No. 4:21-CV-00450-JM**

LESLIE RUTLEDGE, in her official capacity as the Arkansas Attorney General, *et al.*,

DEFENDANTS.

ANSWER

Defendants submit this answer to Plaintiffs' Complaint (Doc. No. 1). Except as otherwise specifically admitted in this Answer, Defendants deny every allegation in the Complaint, including any allegations in the Complaint's headings. Defendants respond to the numbered paragraphs in the Complaint with the following correspondingly numbered paragraphs:

1. Defendants admit that the Arkansas General Assembly approved the Save Adolescents from Experimentation (SAFE) Act, Arkansas Act 626 of 2021, on April 6, 2021, and that its effective date was July 28, 2021. Defendants deny all other allegations contained in paragraph 1. Defendants admit the allegations contained in footnote 1.

2. Defendants deny paragraph 2.

3. Defendants deny paragraph 3.

4. Defendants deny paragraph 4.

5. Defendants admit that Governor Hutchinson exercised his veto power. Defendants lack information sufficient to form a belief regarding the truth or falsity of the other allegations in paragraph 5 and deny the same.

6. Defendants deny paragraph 6.

7. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 7 and deny the same.

8. Paragraph 8 contains legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

9. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 9 and deny the same. Footnote 2 contains legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

10. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 10 and deny the same.

11. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 11 and deny the same.

12. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 12 and deny the same.

13. The last sentence of paragraph 13 speaks for itself and does not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein. Defendants deny that granting any Plaintiff third-party standing is appropriate. Defendants lack information sufficient to form a belief regarding the truth or falsity of the remainder of this paragraph and deny the same.

14. The last sentence of paragraph 14 speaks for itself and does not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained

therein. Defendants deny that granting any Plaintiff third-party standing is appropriate. Defendants lack information sufficient to form a belief regarding the truth or falsity of the remainder of paragraph 14 and deny the same.

15. Defendants admit the first and second sentences of paragraph 15. Defendants deny the third sentence of this paragraph. The last sentence speaks for itself and does not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

16. Defendants admit the first, second, and fourth sentences of paragraph 16. Defendants deny the third sentence of this paragraph. The last sentence speaks for itself and does not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

17. Defendants admit the first sentence of paragraph 17. The last sentence speaks for itself and does not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

18. Paragraph 18 states legal conclusions and does not call for a response.

19. Paragraph 19 states legal conclusions and does not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein. Defendants specifically deny that the Complaint presents a justiciable case or controversy.

20. Paragraph 20 states legal conclusions and does not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein. Defendants specifically deny that the Complaint presents a justiciable case or controversy.

21. Defendants admit that venue is proper. Defendant denies all other allegations contained in paragraph 21.

22. Defendants deny paragraph 22.

23. Defendants deny paragraph 23.

24. Defendants deny paragraph 24.

25. Defendants deny paragraph 25.

26. Defendants deny paragraph 26.

27. Defendants deny paragraph 27.

28. Defendants deny paragraph 28.

29. Defendants deny paragraph 29.

30. The DSM-5 speaks for itself. Defendants deny all other allegations contained in paragraph 30.

31. Defendants deny paragraph 31.

32. Defendants deny paragraph 32.

33. Defendants deny paragraph 33.

34. Defendants deny paragraph 34.

35. The WPATH guidelines speak for themselves. Defendants deny all other allegations contained in paragraph 35.

36. Defendants deny paragraph 36.

37. The Endocrine Society guidelines speak for themselves. Defendants deny all other allegations contained in paragraph 37.

38. Defendants deny paragraph 38.

39. Defendants deny paragraph 39.

40. The Endocrine Society guidelines speak for themselves. Defendants deny all other allegations contained in paragraph 40.

41. Defendants deny paragraph 41.

42. Defendants deny paragraph 42.

43. Defendants deny paragraph 43.

44. Defendants deny paragraph 44.

45. The WPATH guidelines speak for themselves. Defendants deny all other allegations contained in paragraph 45.

46. Defendants deny paragraph 46.

47. Defendants deny paragraph 47.

48. The SAFE Act speaks for itself. Defendants admit that the Arkansas General Assembly approved the SAFE Act on March 29, 2021. Defendants deny all other allegations contained in paragraph 48.

49. Defendants deny paragraph 49.

50. Defendants deny paragraph 50.

51. Defendants deny paragraph 51.

52. Defendants deny paragraph 52.

53. Defendants deny paragraph 53.

54. HR 1018 and SR 7 speak for themselves. Defendants admit that the Arkansas General Assembly passed these resolutions. Defendants deny all other allegations contained in paragraph 54.

55. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 55 and deny the same.

56. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations purporting to quote Governor's Hutchinson's comments. In any event,

those comments speak for themselves. Defendants admit that Governor Hutchinson exercised his veto power. Defendants deny all other allegations contained in paragraph 56.

57. Defendants admit that the Arkansas General Assembly approved the SAFE Act and it became law. Defendants deny all other allegations contained in paragraph 57.

58. Defendants deny paragraph 58.

59. SB 347 speaks for itself. Defendants deny all other allegations contained in paragraph 59.

60. Act 461 and Act 953 speak for themselves. Defendants admit that the Arkansas General Assembly passed these laws. Defendants deny all other allegations contained in paragraph 60.

61. HB 1749 speaks for itself. Defendants deny all other allegations contained in paragraph 61.

62. Act 552 and SR 7 speak for themselves. Defendants admit that the Arkansas General Assembly passed Act 552 and SR 7. Defendants deny all other allegations contained in paragraph 62.

63. HB 1882, HB 1905, and HB 1951 speak for themselves. Defendants deny all other allegations contained in paragraph 63.

64. Defendants deny paragraph 64.

65. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 65 and deny the same.

66. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 66 and deny the same.

67. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 67 and deny the same.

68. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 68 and deny the same.

69. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 69 and deny the same.

70. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 70 and deny the same.

71. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 71 and deny the same.

72. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 72 and deny the same.

73. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 73 and deny the same.

74. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 74 and deny the same.

75. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 75 and deny the same.

76. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 76 and deny the same.

77. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 77 and deny the same.

78. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 78 and deny the same.

79. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 79 and deny the same.

80. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 80 and deny the same.

81. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 81 and deny the same.

82. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 82 and deny the same.

83. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 83 and deny the same.

84. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 84 and deny the same.

85. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 85 and deny the same.

86. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 86 and deny the same.

87. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 87 and deny the same.

88. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 88 and deny the same.

89. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 89 and deny the same.

90. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 90 and deny the same.

91. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 91 and deny the same.

92. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 92 and deny the same.

93. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 93 and deny the same.

94. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 94 and deny the same.

95. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 95 and deny the same.

96. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 96 and deny the same.

97. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 97 and deny the same.

98. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 98 and deny the same.

99. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 99 and deny the same.

100. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 100 and deny the same.

101. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 101 and deny the same.

102. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 102 and deny the same.

103. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 103 and deny the same.

104. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 104 and deny the same.

105. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 105 and deny the same.

106. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 106 and deny the same.

107. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 107 and deny the same.

108. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 108 and deny the same.

109. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 109 and deny the same.

110. Defendants deny the second and third sentences of paragraph 110. Defendants otherwise lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in this paragraph and deny the same.

111. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 111 and deny the same.

112. Paragraph 112 contains legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all such allegations. Defendants lack information sufficient to form a belief regarding the truth or falsity of the remaining allegations contained in this paragraph and deny the same.

113. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 113 and deny the same.

114. Paragraph 114 contains legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all such allegations. Defendants lack information sufficient to form a belief regarding the truth or falsity of the remaining allegations contained in this paragraph and deny the same.

115. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 115 and deny the same.

116. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 116 and deny the same.

117. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 117 and deny the same.

118. Paragraph 118 speaks for itself and does not call for a response, but to the extent that a response is called for, Defendant denies all allegations contained therein. Defendants deny that granting any Plaintiff third-party standing is appropriate.

119. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 119 and deny the same.

120. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 120 and deny the same.

121. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 121 and deny the same.

122. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 122 and deny the same.

123. Paragraph 123 contains legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all such allegations. Defendants lack information sufficient to form a belief regarding the truth or falsity of the remaining allegations contained in this paragraph and deny the same.

124. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 124 and deny the same.

125. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 125 and deny the same.

126. Paragraph 118 speaks for itself and does not call for a response, but to the extent that a response is called for, Defendant denies all allegations contained therein. Defendants deny that granting any Plaintiff third-party standing is appropriate.

127. Defendants deny paragraph 127.

128. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 128.

129. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 129.

130. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 130.

131. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 131.

132. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 132.

133. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 133.

134. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 134.

135. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 135.

136. Defendants deny paragraph 136.

137. Defendants deny paragraph 137.

138. Defendants deny paragraph 138.

139. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 139.

140. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 140.

141. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 141.

142. The Endocrine Society guidelines speaks for itself. Defendants deny all other allegations contained in paragraph 142.

143. Defendants deny paragraph 143.

144. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 144.

145. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 145.

146. Defendants deny paragraph 146.

147. Defendants deny paragraph 147.

148. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 148 and deny the same.

149. Defendants deny paragraph 149.

150. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 150 and deny the same.

151. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 151 and deny the same.

152. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 152 and deny the same.

153. Defendants lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 153 and deny the same.

154. The referenced statements speak for themselves. Defendants otherwise lack information sufficient to form a belief regarding the truth or falsity of the allegations contained in paragraph 154 and deny the same. Footnotes 3 through 11 do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

155. Paragraph 155 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

156. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 156.

157. Paragraph 157 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

158. Paragraph 158 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

159. Defendants deny paragraph 159.

160. Defendants deny paragraph 160.

161. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 161.

162. Defendants deny paragraph 162.

163. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 163.

164. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 164.

165. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 165.

166. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 156.

167. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 167.

168. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 168.

169. Paragraph 169 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

170. Defendants deny paragraph 170.

171. Paragraph 171 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

172. Paragraph 172 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

173. Paragraph 173 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

174. Paragraph 174 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

175. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 175.

176. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 176.

177. The SAFE Act speaks for itself. Paragraph 177 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendant denies all such allegations. Defendant denies all other allegations contained in this paragraph.

178. Paragraph 178 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

179. Paragraph 179 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

180. The SAFE Act speaks for itself. Paragraph 180 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

181. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 181.

182. The SAFE Act speaks for itself. Defendants deny all other allegations contained in paragraph 182.

183. Paragraph 183 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

184. The SAFE Act speaks for itself. Paragraph 184 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

185. The SAFE Act speaks for itself. Paragraph 185 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

186. Paragraph 186 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

187. Paragraph 187 states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny all allegations contained therein.

188. Defendants deny that Plaintiffs are entitled to any relief, including but not limited to the relief requested in the "Prayer for Relief."

189. Defendants deny all allegations not specifically admitted.

DEFENSES

190. The Constitution, including the Eleventh Amendment, bars Plaintiffs' claims.

191. Plaintiffs lack standing.

192. Plaintiffs fail to state a claim upon which relief can be granted.

193. Defendants reserve the right to assert additional defenses.

Dated: September 14, 2021

Respectfully submitted,

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