

CASE NO. 24-11618

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

IN RE JAMES D. ESSEKS, CARL CHARLES, LATISHA FAULKS,
MILO INGLEHART, AND KATHLEEN HARTNETT,

Petitioners.

v.

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA,

Respondent.

BRIANNA BOE, MEGAN POE, ALLISON POE, KATHY NOE,
CHRISTOPHER NOE, RACHEL KOE, REBECCA ROE, *individually and on
behalf of* MELISSA ROE, HEATHER AUSTIN, ROBERT MOE, AND APRIL
MOE,

Real Parties in Interest-Plaintiffs.

UNITED STATES OF AMERICA,

Real Party in Interest-Intervenor-Plaintiff.

STEVE MARSHALL, DARYL D. BAILEY, JESSICA VENTIERE, DANNY
CARR, CHAMP CROCKER, AND JAMES H. TARBOX,

Real Party in Interest-Defendants.

On Petition for a Writ of Mandamus from the United States District
Court for the Middle District of Alabama, Northern Division
No. 2:22-cv-00184-LCB-CWB

**PETITIONERS' MOTION TO DISMISS PETITION FOR A WRIT OF
MANDAMUS AND EMERGENCY MOTION FOR STAY**

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Counsel for Hartnett

**CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 to 26.1-3, counsel certifies that the following persons and entities may have an interest in the outcome of this case:

1. Academic Pediatric Association, Amicus in *Boe*;
2. Adair, Robert Brett, Adair Law Firm, LLC, counsel for non-party movant in *Boe*;
3. Aderholt, Caroline M., Amicus in *Boe*;
4. Aderholt, Robert B., Amicus in *Boe*;
5. Advancing American Freedom, Inc., Amicus in *Boe*;
6. Agricola, Algert Swanson, Agricola Law, counsel for Amicus in *Boe*;
7. Alabama Center for Law and Liberty, Amicus in *Boe*;
8. Alabama Chapter of the American Academy of Pediatrics, Amicus in *Boe*;
9. Alabama Citizen's Action Program, Non-Party Movant in *Boe*;
10. American Academy of Child and Adolescent Psychiatry, Amicus in *Boe*;
11. American Academy of Family Physicians, Amicus in *Boe*;
12. American Academy of Nursing, Amicus in *Boe*;
13. American Academy of Pediatrics, Amicus in *Boe*;
14. American Association of Physicians for Human Rights, Inc., d/b/a GLMA:

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- Health Professionals Advancing LGBTQ Equality, Amicus in *Boe*;;
15. America First Legal Foundation, Amicus in *Boe*;
 16. American Civil Liberties Union Foundation;
 17. American Civil Liberties Union of Alabama Foundation;
 18. American College of Obstetricians and Gynecologists, Amicus in *Boe*;
 19. American College of Osteopathic Pediatricians, Amicus in *Boe*;
 20. American College of Physicians, Amicus in *Boe*;
 21. American Family Association, Inc., Amicus in *Boe*;
 22. American Medical Association, Amicus in *Boe*;
 23. American Pediatric Society, Amicus in *Boe*;
 24. American Psychiatric Association, Amicus in *Boe*;
 25. Americans United for Life, Amicus in *Boe*;
 26. Association of American Medical Colleges, Amicus in *Boe*;
 27. Association of Medical School Pediatric Department Chairs, Amicus in *Boe*;
 28. Austin, Heather, Plaintiff in *Boe*;
 29. Baia, Elizabeth, Covington & Burlin, LLP, counsel for Amicus in *Boe*;
 30. Bailey, Daryl D., Defendant in *Boe*;
 31. Bainbridge Mims Rogers & Smith, LLP, Counsel for *Ladinsky* Counsel;
 32. Balkoski, Katherine, Farella Braun & Martel LLP, Counsel for *Ladinsky* Counsel;

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33. Barr, Andrew Daniel, *Walker* Counsel;
34. Barnes, Brian, defense counsel in *Boe*;
35. Beaverstock, Jeffrey Uhlman, U.S. Judge for the Southern District of Alabama;
36. Boe, Brianna, Plaintiff in *Boe*;
37. Bokhan, Kristen, of Kirkland & Ellis LLP, Counsel for Petitioners;
38. Borelli, Tara Lynn, *Walker* Counsel;
39. Bowdre, Alexander, defense counsel in *Boe*;
40. Brooks, Mo, Amicus in *Boe*;
41. Brooks, Roger, defense counsel in *Boe*;
42. Broyles, Vernadette, defense counsel in *Boe*;
43. Brown, Chip, Amicus in *Boe*;
44. Buck, Brannon Jeffrey, Badham and Buck, LLC, counsel for Kathleen Hartnett;
45. Burke, Liles C., U.S. Judge for the Northern District of Alabama;
46. Cantrell, Michael A., Office of the Arkansas Attorney General, counsel for Amicus in *Boe*;
47. Capone, Russell, of Cooley LLP, Counsel for *Walker* Counsel;
48. Cardinal Institute for West Virginia Policy, Amicus in *Boe*;
49. Carl, Jerry L., Amicus in *Boe*;

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50. Carr, Danny, Defendant in *Boe*;
51. Center for Arizona Policy, Amicus in *Boe*;
52. Center for Family and Human Rights, Amicus in *Boe*;
53. Charles, Carl Solomon, Petitioner and *Walker* Counsel;
54. Citizens United, Amicus in *Boe*;
55. Citizens United Foundation, Amicus in *Boe*;
56. Cooley LLP, Counsel for *Walker* Counsel;
57. Concerned Women for America, Amicus in *Boe*;
58. Copeland Franco Screws & Gill, P.A., Counsel for *Ladinsky* Counsel;
59. Crocker, Champ, Defendant in *Boe*;
60. Davis, James, defense counsel in *Boe*;
61. Dominick Feld Hyde, P.C., Counsel for Petitioners;
62. Doss, Jeffrey P., *Ladinsky* Counsel;
63. Driver, Christopher B., Badham and Buck, LLC, counsel for Kathleen Hartnett;
64. Eagan, Melody H., *Ladinsky* Counsel;
65. Eagle Forum of Alabama, Non-Party Movant in *Boe*;
66. Eggleston, Warren Neil, of Kirkland & Ellis LLP, Counsel for James Esseks, Carl Charles, and LaTisha Faulks;
67. Egyes, Lynly Serena, *Walker* Counsel;

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68. Elliot, T. Christopher, Amicus in *Boe*;
69. Esseks, James D., Petitioner and *Walker* Counsel;
70. Faith & Freedom Coalition, Amicus in *Boe*;
71. Faulks, LaTisha Gotell, Petitioner and *Walker* Counsel;
72. Foundation for Moral Law, Amicus in *Boe*;
73. Frampton, Henry, defense counsel in *Boe*;
74. Franklin, Samuel Holley, of Lightfoot Franklin & White LLC, Counsel for *Ladinsky* Counsel;
75. Free Speech Coalition, Amicus in *Boe*;
76. Frontline Policy Council, Amicus in *Boe*;
77. Gardner, Christopher J., The Hilbert Law firm, LLC, counsel for Amicus in *Boe*;
78. GLBTQ Legal Advocates & Defenders;
79. Goldberg, Noah Shea, Covington & Burlin, LLP, counsel for Amicus in *Boe*;
80. Graham, John Mark, Phelps Dunbar, LLP, counsel for Amicus in *Boe*;
81. Gray, C. Boyden, Boyden Gray & Associates, counsel for Amicus in *Boe*;
82. Hartnett, Kathleen Roberta, Petitioner and *Walker* Counsel;
83. Helstrom, Zoe Wynne, *Walker* Counsel;
84. Hilbert, Kurt R., The Hilbert Law firm, LLC, counsel for Amicus in *Boe*;
85. Holliday, Shannon L., Copeland Franco Screws & Gill, PA, Counsel for

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Ladinsky Counsel;

86.Human Rights Campaign Foundation;

87.Independent Women’s Forum, Amicus in *Boe*;

88.Inglehart, Milo Rohr, Petitioner and *Walker* Counsel;

89.Isasi, William, Covington & Burlin, LLP, counsel for Amicus in *Boe*;

90.Jauregui, Phillip Leo, Jauregui, LLC, counsel for Amicus in *Boe*;

91.John Locke Foundation, Amicus in *Boe*;

92.Johnston, Alan Eric, Attorney at Law, counsel for non-party movant in *Boe*;

93.Jordan, Albert Linch, Wallace Jordan Ratliff & Brandt LLC, counsel for
Amicus in *Boe*;

94.Judicial Watch, Inc., Amicus in *Boe*;

95.Kang, Katelyn, *Walker* Counsel;

96.Katz, Adam Menke, *Walker* Counsel;

97.King & Spalding LLP, *Ladinsky* Counsel;

98.King, Mark Christian, of Lightfoot Franklin & White LLC, Counsel for
Ladinsky Counsel;

99.Kirkland & Ellis LLP, Counsel for Petitioners;

100. Koe, Rachel, Plaintiff in *Boe*;

101. Kutcher, Matthew L., of Cooley LLP, Counsel for *Walker* Counsel;

102. LaCour, Edmund, defense counsel in *Boe*;

In re James D. Esseks, et al. v. United States District Court for the Middle District of Alabama, et al.

103. Lambda Legal;
104. Lannin, Cortlin Hall, Covington & Burlin, LLP, counsel for Amicus in *Boe*;
105. Lanosa, Michael J., Covington & Burlin, LLP, counsel for Amicus in *Boe*;
106. Lee, Bethany, defense counsel in *Boe*;
107. Levi, Jennifer L., *Ladinsky* Counsel;
108. Lightfoot Franklin & White LLC, Counsel for *Ladinsky* Counsel;
109. Louisiana Family Forum, Amicus in *Boe*;
110. Madden, Wendy, *amici* counsel in *Boe*;
111. Manhattan Institute, Amicus in *Boe*;
112. Marshall, Steve, Defendant in *Boe*;
113. Mauldin, Dylan, defense counsel in *Boe*;
114. McCotter, Trent R., Boyden Gray & Associates, counsel for Amicus in *Boe*;
115. McKay, Charles, defense counsel in *Boe*;
116. McCoy, Scott D., *Ladinsky* Counsel;
117. Melchert, Dale, *Walker* Counsel;
118. Mendenhall, Allen, Amicus in *Boe*;
119. Michigan Family Forum, Amicus in *Boe*;

In re James D. Esseks, et al. v. United States District Court for the Middle District of Alabama, et al.

120. Mills, Christopher, defense counsel in *Boe*;
121. Minter, Shannon, *Ladinsky* Counsel;
122. Moe, April, Plaintiff in *Boe*;
123. Moe, Robert, Plaintiff in *Boe*;
124. Mooney, Arnold, Amicus in *Boe*;
125. Moore, Barry, Amicus in *Boe*;
126. Mor, Yuval, Covington & Burlin, LLP, counsel for Amicus in *Boe*;
127. Mountain States Legal Foundation, Amicus in *Boe*;
128. Munger, Tolles & Olson LLP, Counsel for Petitioners;
129. National Association of Pediatric Nurse Practitioners, Amicus in *Boe*;
130. National Center for Lesbian Rights;
131. National Republican Redistricting Trust, Amicus in *Boe*;
132. Noe, Christopher, Plaintiff in *Boe*;
133. Noe, Kathy, Plaintiff in *Boe*;
134. Nowlin-Sohl, Lisa, *Walker* Counsel;
135. Oklahoma Council of Public Affairs, Amicus in *Boe*;
136. Oladeinbo, Gilbert, *Ladinsky* Counsel;
137. Olson, William J., William J. Olson, PC, counsel for Amicus in *Boe*;
138. Orr, Asaf, *Ladinsky* Counsel;
139. Otterberg, April A., Jenner & Block, LLP, Counsel for *Ladinsky*

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Counsel;

140. Pacheco, Byron, of Kirkland & Ellis LLP, Counsel for James Esseks, Carl Charles, and LaTisha Faulks;
141. Palmer, Gary, Amicus in *Boe*;
142. Parental Rights Foundation, Amicus in *Boe*;
143. Patterson, Peter, defense counsel in *Boe*;
144. Pediatric Endocrine Society, Amicus in *Boe*;
145. Pelet Del Toro, Valeria Marie, *Walker* Counsel;
146. Pennsylvania Family Council, Amicus in *Boe*;
147. Peterson, Misty L., *Ladinsky* Counsel;
148. Picasso, Malita Vencienzo, *Walker* Counsel;
149. Poe, Allison, Plaintiff in *Boe*;
150. Poe, Megan, Plaintiff in *Boe*;
151. Prater, Harlan I., Lightfoot Franklin & White LLC, Counsel for *Ladinsky* Counsel;
152. Pratt, J. Andrew, *Ladinsky* Counsel;
153. Private Citizen, Amicus in *Boe*;
154. Proctor, R. David, U.S. Judge for the Northern District of Alabama;
155. Protect Our Kids, Amicus in *Boe*;
156. Public Interest Legal Foundation, Amicus in *Boe*;

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157. Ragsdale, Barry Alan, of Dominick Feld Hyde, P.C., Counsel for James Esseks, Carl Charles, and LaTisha Faulks;
158. Ramer, John, defense counsel in *Boe*;
159. Ray, Brent P., *Ladinsky* Counsel;
160. Reinhardt, Elizabeth Fri, *Walker* Counsel;
161. Reinke, Adam, *Ladinsky* Counsel;
162. Roe, Melissa, Plaintiff in *Boe*;
163. Roe, Rebecca, Plaintiff in *Boe*;
164. Rogers, Bruce Frederick, of Bainbridge Mims Rogers & Smith, LLP, Counsel for *Ladinsky* Counsel;
165. Rogers, Mike, Amicus in *Boe*;
166. Saldana, Robby L.R., *Walker* Counsel;
167. Schoenberg, Anthony Paul, Farella Braun & Martel LLP, Counsel for *Ladinsky* Counsel;
168. Sechler, Philip, defense counsel in *Boe*;
169. Segall, Robert David, of Copeland Franco Screws & Gill, Counsel for *Ladinsky* Counsel;
170. Seiss, Benjamin, defense counsel in *Boe*;
171. Shortnacy, Michael B., *Ladinsky* Counsel;
172. Silva, Dylan M., Covington & Burlin, LLP, counsel for Amicus in *Boe*;

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173. Simpson, Matt, Amicus in *Boe*;
174. Society for Adolescent Health and Medicine, Amicus in *Boe*;
175. Society for Pediatric Research, Amicus in *Boe*;
176. Society for Pediatric Urology, Amicus in *Boe*;
177. Society of Pediatric Nurses, Amicus in *Boe*;
178. Soto, Diego Armando, *Ladinsky* Counsel;
179. Southeast Law Institute, Non-Party Movant in *Boe*;
180. Southern Poverty Law Center;
181. State of Alaska, Amicus in *Boe*;
182. State of Arizona, Amicus in *Boe*;
183. State of Arkansas, Amicus in *Boe*;
184. State of Georgia, Amicus in *Boe*;
185. State of Indiana, Amicus in *Boe*;
186. State of Louisiana, Amicus in *Boe*;
187. State of Mississippi, Amicus in *Boe*;
188. State of Missouri, Amicus in *Boe*;
189. State of Montana, Amicus in *Boe*;
190. State of Nebraska, Amicus in *Boe*;
191. State of Oklahoma, Amicus in *Boe*;
192. State of South Carolina, Amicus in *Boe*;

In re James D. Esseks, et al. v. United States District Court for the Middle District of Alabama, et al.

193. State of Texas, Amicus in *Boe*;
194. State of Utah, Amicus in *Boe*;
195. State of West Virginia, Amicus in *Boe*;
196. Stone, Jessica L., *Ladinsky* Counsel;
197. Strangio, Chase, *Walker* Counsel;
198. Susan B. Anthony Pro-Life America, Amicus in *Boe*;
199. Swaminathan, Sruti J., *Walker* Counsel;
200. Tarbox, James H., Defendant in *Boe*;
201. Tea Party Patriots Action, Inc., Amicus in *Boe*;
202. Tea Party Patriots Foundation, Inc., Amicus in *Boe*;
203. Tennessee Eagle Forum, Amicus in *Boe*;
204. Terenzi, Elizabeth N., Bainbridge Mims Rogers & Smith LLP, Counsel
for *Ladinsky* Counsel;
205. Texas Public Policy Foundation, Amicus in *Boe*;
206. Terry, Abigail Hoverman, *Ladinsky* Counsel;
207. The Buckeye Institute, Amicus in *Boe*;
208. The Commonwealth Foundation for Public Policy Alternative, Amicus
in *Boe*;
209. The Endocrine Society, Amicus in *Boe*;
210. The Family Action Council of Tennessee, Inc., Amicus in *Boe*;

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211. The Foundation for Governmental Accountability, Amicus in *Boe*;
212. The Liberty Justice Center, Amicus in *Boe*;
213. The National Right to Work Committee, Amicus in *Boe*;
214. The Religious RoundTable, Inc., Amicus in *Boe*;
215. Thompson, David, defense counsel in *Boe*;
216. Transgender Law Center;
217. Ugai, John Michael, Farella Braun & Martel LLP, Counsel for *Ladinsky Counsel*;
218. Unikowsky, Adam Granich, Jenner & Block, LLP, Counsel for *Ladinsky Counsel*;
219. United States of America, Intervenor-Plaintiff in *Boe*;
220. Vague, Amie Adelia, *Ladinsky Counsel*;
221. Vance, Robert Smith, III, of Dominick Feld Hyde, P.C., Counsel for James Esseks, Carl Charles, and LaTisha Faulks;
222. Ventire, Jessica, Defendant in *Boe*;
223. Veroff, Julie Michelle, *Walker Counsel*;
224. Verrilli, Donald B., Jr., of Munger Tolles & Olson LLP, Counsel for Petitioners;
225. Veta, D. Jean, Covington & Burlin, LLP, counsel for Amicus in *Boe*;
226. Von Spakovsky, Hans, Amicus in *Boe*;

In re James D. Esseks, et al. v. United States District Court for the Middle District of Alabama, et al.

- 227. Wadsworth, Tim R., Amicus in *Boe*;
- 228. Waggoner, J.T., Amicus in *Boe*;
- 229. Warbelow, Sarah, *Ladinsky* Counsel;
- 230. Watkins, William Keith, U.S. Judge for the Middle District of Alabama;
- 231. Weaver, Cynthia, *Ladinsky* Counsel;
- 232. Welborn, Kaitlin, *Walker* Counsel;
- 233. Wheeler, Jennifer Hanson, of Bainbridge Mims Rogers & Smith, LLP, Counsel for *Ladinsky* Counsel;
- 234. Wilkerson, Mark D., Wilkerson & Bryan, P.C., counsel for Amicus in *Boe*;
- 235. Wilson, Thomas, defense counsel in *Boe*;
- 236. World Professional Association for Transgender Health, Amicus in *Boe*;

Date: May 20, 2024

Respectfully Submitted,
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**MOTION TO DISMISS PETITION FOR A WRIT OF MANDAMUS AND
EMERGENCY MOTION FOR STAY**

Petitioners hereby move to dismiss their Petition for a Writ of Mandamus and Emergency Stay Motion. As a result of developments in the District Court in this matter, the requested emergency relief is no longer necessary at this time.

Date: May 20, 2024

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Counsel for Petitioners

CERTIFICATE OF COMPLIANCE

1. This document complies with the word limit of Fed. R. App. P. 27(d)(2)(A), because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 39 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(5) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14 point, Times New Roman.

Date: May 20, 2024

Respectfully Submitted,
s/ Donald B. Verrilli, Jr.
Donald B. Verrilli, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit using the CM/ECF system. All participants in the case who are registered CM/ECF users will be served by the CM/ECF system. I also served via e-mail a copy of this motion on all counsel of record.

Date: May 20, 2024

Respectfully Submitted,
s/ Donald B. Verrilli, Jr.
Donald B. Verrilli, Jr.