IN THE COURT OF COMMON PLEAS
FOR FRANKLIN COUNTY, OHIO

MADELINE MOE, *et al.*,	
Plaintiffs,	
	Case No. 24 CV 002481
v.	
	Judge Michael J. Holbrook
DAVE YOST, *et al.*,	
Defendants.	

ANSWER OF DEFENDANTS OHIO ATTORNEY GENERAL DAVE YOST, STATE MENDICAL BOARD OF OHIO, AND THE STATE OF OHIO TO PLAINTIFFS' COMPLAINT

By and though counsel, Defendants Ohio Attorney General Dave Yost, State Medical Board of Ohio, and the State of Ohio, (together, the "State") answer the Plaintiffs' Complaint (the "Complaint") as follows:

1. In response to paragraph 1 of the Complaint, the State admits that on December 13, 2023, the General Assembly passed H.B. 68. The language in the statute speaks for itself. Any allegation asserting any description, summary, or characterization of the statute beyond its express language is a legal conclusion to which no response is required at this stage in the litigation.

2. In response to paragraph 2 of the Complaint, any allegation asserting any description, summary, or characterization of H.B. 68 beyond its express language is a legal conclusion to which no response is required at this stage in the litigation.

3. In response to paragraph 3 of the Complaint, the text of H.B. 68 speaks for itself. By way of further response, the allegations are vague and to the extent an answer is required, the State denies the allegations.

4. In response to paragraph 4 of the Complaint, the State admits that on December 29, 2023, Governor Mike DeWine vetoed H.B. 68 and admits that the quotations in the paragraph accurately quote Governor DeWine.

5. In response to paragraph 5 of the Complaint, the State admits the quotations in this paragraph accurately quote Governor DeWine. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

6. In response to paragraph 6 of the Complaint, the State admits that on January 24, 2024, the General Assembly overrode Governor DeWine's veto. Any allegation asserting any description, summary, or characterization of H.B. 68 beyond its express language is a legal conclusion to which no response is required at this stage in the litigation.

7. In response to paragraph 7 of the Complaint, the State denies the allegations.

8. In response to paragraph 8 of the Complaint, the State denies the allegations for lack of knowledge.

9. In response to paragraph 9 of the Complaint, the State admits that H.B. 68 was scheduled to take effect on April 24, 2024 prior to the grant of a temporary restraining order by this Court.

BACKGROUND

10. In response to paragraph 10 of the Complaint, the State denies the allegations for lack of knowledge.

11. In response to paragraph 11 of the Complaint, the State denies the allegations for lack of knowledge.

12. In response to paragraph 12 of the Complaint, the State admits that the Plaintiffs Grace Goe and Madeline Moe are collectively referred to as "Minor Plaintiffs" and their parents

are collectively referred to as the "Parent Plaintiffs."

13. In response to paragraph 13 of the Complaint, the State admits that Dave Yost is the Attorney General of the State of Ohio and is sued in his official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

14. In response to paragraph 14 of the Complaint, H.B. 68 speaks for itself. The remainder of the paragraph asserts legal conclusions to which no response is required.

15. In response to paragraph 15 of the Complaint, the State admits the allegations.

JURISDICTION AND VENUE

16. Paragraph 16 asserts a legal conclusion to which no response is required at this state in the litigation.

17. In response to paragraph 17 of the Complaint, the State admits that venue is proper in Franklin County.

FACTUAL ALLEGATIONS

18. In response to paragraph 18 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague generalizations related to the nature of gender dysphoria.

19. In response to paragraph 19 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain generalizations, characterizations, or conclusions related to the terms listed.

20. In response to paragraph 20 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain alleged facts known only to third parties and generalizations, characterizations, or conclusions unsupported by more specific allegations.

21. In response to paragraph 21 of the Complaint, the State lacks first-hand knowledge

at this stage of the litigation to admit the factual allegations therein, which contain alleged vague and undefined assertions related to gender identity and gender expression and generalizations, characterizations, or conclusions unsupported by more specific allegations.

22. In response to paragraph 22 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain alleged vague and undefined assertions related to gender identity.

23. In response to paragraph 23 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague and undefined assertions and generalizations, characterizations, or conclusions unsupported by more specific allegations.

24. In response to paragraph 24 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contains a vague and undefined assertion.

25. In response to paragraph 25 of the Complaint, the State admits that gender dysphoria is recognized in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, 5th Ed., and lacks knowledge to admit the remaining factual allegations which are vague and contain generalizations, characterizations, or conclusions unsupported by more specific allegations.

26. In response to paragraph 26 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague and undefined assertions related to the nature and quality of gender dysphoria and contain generalizations, characterizations, or conclusions unsupported by more specific allegations.

27. In response to paragraph 27 of the Complaint, the State lacks first-hand knowledge

at this state of the litigation to admit the factual allegations therein, which contain vague and undefined assertions and generalizations, characterizations, or conclusions unsupported by more specific allegations.

28. In response to paragraph 28 of the Complaint, the State admits that WPATH has published guidelines endorsed by other medical organizations but denies that these guidelines are widely accepted.

29. In response to paragraph 29 of the Complaint, the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders ("DSM V") speaks for itself, and the State denies any generalizations or characterizations of the same.

30. In response to paragraph 30 of the Complaint, the State admits that the World Professional Association for Transgender Health ("WPATH") has published purported "Standards of Care" for transgender people and that the most recent version, Standards of Care Version 8 ("SOC-8") was published in 2022. The document speaks for itself, and the State denies any generalizations or characterizations of the same.

31. In response to paragraph 31 of the Complaint, SOC-8 speaks for itself and the State denies any generalizations or characterizations of the same.

32. In response to paragraph 32 of the Complaint, the text of H.B. 68 speaks for itself and the State admits that these services are sometimes referred to as "gender-affirming care."

33. In response to paragraph 33 of the Complaint, the State admits that WPATH has published guidelines endorsed by other medical organizations.

34. In response to paragraph 34 of the Complaint, the State admits that the Endocrine Society has promulgated a guideline for the provision of hormone therapy as a treatment of gender dysphoria in minors and adults and denies any generalizations or characterizations of the same.

35. In response to paragraph 35 of the Complaint, the State denies that the SOC-8 and Endocrine Society guidelines are comparable to the support for guidelines for other conditions, denies that the guidelines are widely accepted. The remaining factual allegations are vague and contain generalizations, characterizations, or conclusions unsupported by more specific allegations.

36. In response to paragraph 36 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain alleged facts known only to third parties and generalizations, characterizations, or conclusions unsupported by more specific allegations.

37. In response to paragraph 37 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain alleged facts known only to third parties and generalizations, characterizations, or conclusions unsupported by more specific allegations.

38. In response to paragraph 38 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain alleged facts known only to third parties and generalizations, characterizations, or conclusions unsupported by more specific allegations.

39. In response to paragraph 39 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit to the factual allegations therein.

40. In response to paragraph 40 of the Complaint, the SOC-8 and the Endocrine Society Guideline speak for themselves.

41. In response to paragraph 41 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain alleged facts

known only to third parties and generalizations, characterizations, or conclusions unsupported by more specific allegations.

42. In response to paragraph 42 of the Complaint, SOC-8 and the Endocrine Society Guideline speak for themselves, but the State denies any generalization of the same. The State lacks first-hand knowledge to admit to the remaining factual allegations.

43. In response to paragraph 43 of the Complaint, the State lacks first-hand knowledge to admit the factual allegations therein.

44. In response to paragraph 44 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain alleged facts known only to third parties and generalization, characterization, or conclusions unsupported by more specific allegations.

45. In response to paragraph 45 of the Complaint, the State denies that providing puberty blocking drugs is "the standard of care".

46. In response to paragraph 46 of the Complaint, the Endocrine Society Guideline speaks for itself.

47. In response to paragraph 47 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague and undefined assertations about puberty-blocking drugs and generalizations, characterizations, or conclusions unsupported by more specific allegations.

48. In response to paragraph 48 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague and undefined assertation and generalizations, characterizations, or conclusions unsupported by more specific allegations.

49. In response to paragraph 49 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague and undefined assertation and generalizations, characterizations, or conclusions unsupported by more specific allegations.

50. In response to paragraph 50 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague and undefined assertation and generalizations, characterizations, or conclusions unsupported by more specific allegations.

51. In response to paragraph 51 of the Complaint, the State denies the allegations.

52. In response to paragraph 52 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain alleged facts known only to third parties and generalizations, characterizations, or conclusions unsupported by more specific allegations.

53. In response to paragraph 53 of the Complaint, the State denies the allegations.

54. In response to paragraph 54 of the Complaint, the State denies the allegations in the first sentence. For the remainder of the paragraph, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague and undefined assertions and generalizations, characterizations, or conclusions unsupported by more specific allegations.

55. In response to paragraph 55 of the Complaint, the State denies for lack of knowledge.

56. In response to paragraph 56 of the Complaint, the State denies for lack of knowledge.

57. In response to paragraph 57 of the Complaint, the Endocrine Society Guideline speaks for itself.

58. In response to paragraph 58 of the Complaint, the State denies the allegations.

59. In response to paragraph 59 of the Complaint, the State denies the allegations.

60. In response to paragraph 60 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague and undefined assertions and generalizations, characterizations, or conclusions unsupported by more specific allegations.

61. In response to paragraph 61 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague and undefined assertions and generalizations, characterizations, or conclusions unsupported by more specific allegations.

62. In response to paragraph 62 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague and undefined assertions and generalizations, characterizations, or conclusions unsupported by more specific allegations.

63. In response to paragraph 63 of the Complaint, the State denies for lack of knowledge.

64. In response to paragraph 64 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague and undefined assertions and generalizations, characterizations, or conclusions unsupported by more specific allegations.

65. In response to paragraph 65 of the Complaint, the State denies the allegations.

66. In response to paragraph 66 of the Complaint, the State denies the allegations.

67. In response to paragraph 67 of the Complaint, the State admits that on February 27, 2023, Representative Gary Click introduced the "Saving Ohio Adolescents from Experimentation" or SAFE Act in the House of Representatives.

68. In response to paragraph 68 of the Complaint, H.B. 68 speaks for itself.

69. In response to paragraph 69 of the Complaint, R.C. 3129.02(A)(2)-(3), R.C. 3129.05(C), and R.C. 3129.05(A) speak for themselves.

70. In response to paragraph 70 of the Complaint, H.B. 68 speaks for itself.

71. In response to paragraph 71 of the Complaint, the State admits that H.B. 68 does not restrict the use of puberty blocking drugs for purposes other than gender transition but denies the remaining allegations for lack of first-hand knowledge.

72. In response to paragraph 72 of the Complaint, the State admits that on February 15, 2023, Representative Jena Powell introduced the "the Save Women's Sports Act" but the bill speaks for itself.

73. In response to paragraph 73 of the Complaint, the bill speaks for itself.

74. In response to paragraph 74 of the Complaint, the State admits that H.B. 68 and H.B. 6 were initially two separate bills but the text of those bills speak for themselves.

75. In response to paragraph 75 of the Complaint, the State admits that a previous version of H.B. 68 and H.B. 6 failed to pass the Ohio General Assembly. The State admits that a separate bill, S.B. 132 also failed to progress in the Ohio Senate. The State further admits that another bill, H.B. 454 also failed to progress out of the Ohio House. The text of each bill speaks for themselves.

76. Paragraph 76 of the Complaint states legal conclusions to which no response is

required at this stage of the litigation.

77. In response to paragraph 77 of the Complaint, the State asserts that the article from the Ohio Capital Journal cited in the Complaint and the quote from Representative Antonio speak for themselves. By way of further response, the State denies the General Assembly's passage of HB 68 violated the single-subject rule.

78. In response to paragraph 78 of the Complaint, the State admits that the Ohio House passed H.B. 68 on June 21, 2023, but the remainder of the paragraph is a legal conclusion to which no response is required.

79. Paragraph 79 of the Complaint is a legal conclusion to which no response is required.

80. In response to paragraph 80 of the Complaint, the State admits that the Ohio Senate passed H.B. 68 on December 13, 2023 and that the text of H.B. 68 speaks for itself.

81. In response to paragraph 81 of the Complaint, R.C. 3129.02(B) speaks for itself.

82. In response to paragraph 82 of the Complaint, the State admits that the Ohio Senate passed H.B. 68, as amended and on the same day the Ohio House concurred in the Senate amendments.

83. In response to paragraph 83 of the Complaint, the State admits that on December 29, 2023, Governor DeWine vetoed H.B. 68, and the Governor's quote speaks for itself.

84. In response to paragraph 84 of the Complaint, the State admits that the General Assembly overrode Governor DeWine's veto by a House vote on January 10, 2024 and a Senate vote on January 24, 2024.

85. In response to paragraph 85 of the Complaint, the State admits that H.B. 68 was scheduled to go into effect on April 24, 2024.

86. In response to paragraph 86 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain alleged facts known only to third parties and generalizations, characterizations, or conclusions unsupported by more specific allegations.

87. In response to paragraph 87 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain alleged facts known only to third parties and generalizations, characterizations, or conclusions unsupported by more specific allegations.

88. In response to paragraph 88 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain alleged facts known only to third parties and generalizations, characterizations, or conclusions unsupported by more specific allegations.

89. In response to paragraph 89 of the Complaint, the text of R.C. 3129.02(A)(2) speaks for itself and the State denies the remaining allegations.

90. In response to paragraph 90 of the Complaint, the text of H.B. 68 speaks for itself. By way of further response, the remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

91. In response to paragraph 91 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague and undefined assertions related to side effects of puberty blocking treatment and contain generalizations, characterizations, or conclusions unsupported by more specific allegations.

92. In response to paragraph 92 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague

generalizations related to the nature of gender dysphoria and treatment related to the same.

93. In response to paragraph 93 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague generalizations related to the nature of gender dysphoria and treatment related to the same.

94. In response to paragraph 94 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague generalizations related to the nature of gender dysphoria and treatment related to the same.

95. In response to paragraph 95 of the Complaint, the State denies for lack of knowledge.

96. In response to paragraph 96 of the Complaint, the State denies for lack of knowledge.

97. In response to paragraph 97 of the Complaint, the State denies for lack of knowledge.

98. In response to paragraph 98 of the Complaint, the State denies for lack of knowledge.

99. In response to paragraph 99 of the Complaint, the State denies for lack of knowledge.

100. In response to paragraph 100 of the Complaint, the State denies for lack of knowledge.

101. In response to paragraph 101 of the Complaint, the State denies for lack of knowledge.

102. In response to paragraph 102 of the Complaint, the State denies for lack of knowledge.

103. In response to paragraph 103 of the Complaint, the State denies for lack of knowledge.

104. In response to paragraph 104 of the Complaint, the State denies for lack of knowledge.

105. In response to paragraph 105 of the Complaint, the State denies for lack of knowledge.

106. In response to paragraph 106 of the Complaint, the State denies for lack of knowledge.

107. In response to paragraph 107 of the Complaint, the State denies for lack of knowledge.

108. In response to paragraph 108 of the Complaint, the State denies for lack of knowledge.

109. In response to paragraph 109 of the Complaint, the State denies for lack of knowledge.

110. In response to paragraph 110 of the Complaint, the State denies for lack of knowledge.

111. In response to paragraph 111 of the Complaint, the State denies for lack of knowledge.

112. In response to paragraph 112 of the Complaint, the State denies for lack of knowledge.

113. In response to paragraph 113 of the Complaint, the State denies for lack of knowledge.

CLAIMS FOR RELIEF

COUNT I—Declaratory Judgment and Injunctive Relief for Violation of the Single-Subject Rule Contained in Article II, Section 15(D) of the Ohio Constitution

114. The State realleges and incorporates by reference all answers to preceding paragraphs as if fully written here.

115. Paragraph 115 of the Complaint states a legal conclusion to which no response is required at this stage of the litigation. By way of further response, Article II, Section 15(D) of the Ohio Constitution speaks for itself.

116. Paragraph 116 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, *Rumpke* and *Nowak* speak for themselves.

117. Paragraph 117 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response *Celeste* speaks for itself.

118. Paragraph 118 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, the State denies the General Assembly's passage of HB 68 violated the single-subject rule.

119. Paragraph 119 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

120. Paragraph 120 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, the State denies the General Assembly's passage of HB 68 violated the single-subject rule.

121. Paragraph 121 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, the State denies the General Assembly's passage of HB 68 violated the single-subject rule and the State lacks firsthand

knowledge regarding the alleged harm of the Plaintiffs.

122. Paragraph 122 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

123. Paragraph 123 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

124. Paragraph 124 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, the State denies that Plaintiff is entitled to the declaratory and/or injunctive relief specified therein.

125. Paragraph 125 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, the State denies Plaintiffs are entitled to the declaratory relief specified therein.

COUNT II—Declaratory Judgment and Injunctive Relief for Violation of the Freedom to Choose Health Care Under Article I, Section 21 of the Ohio Constitution

126. The State realleges and incorporates by reference all answers to preceding paragraphs as if fully written here.

127. Paragraph 127 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, Article I Section 21 of the Ohio Constitution speaks for itself.

128. Paragraph 128 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, Article I, Section 21(C) of the Ohio Constitution speaks for itself.

129. Paragraph 129 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, Article I, Section 21 of the Ohio Constitution speaks for itself.

130. Paragraph 130 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, Article I, Section 21(B) of the Ohio Constitution speaks for itself.

131. Paragraph 131 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, Article I, Section 21(C) of the Ohio Constitution speaks for itself.

132. Paragraph 132 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, the State denies that HB 68 is unconstitutional.

133. Paragraph 133 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

134. Paragraph 134 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

135. Paragraph 135 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, the State denies that Plaintiff is entitled to the declaratory and/or injunctive relief specified therein.

136. The State denies the allegations in paragraph 136.

COUNT III—Declaratory Judgment and Injunctive Relief for Violation of the Equal Protection Clause Contained in Article I, Section 2 of the Ohio Constitution

137. The State realleges and incorporates by reference all answers to preceding paragraphs as if fully written here.

138. Paragraph 138 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, Article I, Section 2 of the Ohio Constitution speaks for itself.

139. Paragraph 139 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

140. Paragraph 140 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

141. Paragraph 141 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

142. Paragraph 142 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

143. Paragraph 143 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

144. Paragraph 144 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

145. Paragraph 145 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, the State denies HB 68 is un-constitutional.

146. Paragraph 146 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

147. Paragraph 147 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

148. Paragraph 148 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, the State denies that Plaintiff is entitled to the declaratory and/or injunctive relief specified therein.

COUNT IV—Declaratory Judgment and Injunctive Relief for Violation of the Due Course of Law Provision Contained in Article I, Section 16 of the Ohio Constitution

149. The State realleges and incorporates by reference all answers to preceding paragraphs as if fully written here.

150. Paragraph 150 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, Article I, Section 16 of the Ohio Constitution speaks for itself.

151. Paragraph 151 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

152. Paragraph 152 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

153. Paragraph 153 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

154. Paragraph 154 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

155. Paragraph 155 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

156. Paragraph 156 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, the State denies HB 68 is unconstitutional.

157. Paragraph 157 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

158. Paragraph 158 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

159. Paragraph 159 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, the State denies that Plaintiffs are entitled to the declaratory and/or injunctive relief specified therein.

160. The State denies any allegations in the Complaint not expressly admitted herein.

FIRST DEFENSE

Plaintiffs fail to state any claim upon which relief can be granted, because the various challenged provisions of Ohio statutory law do not violate the Ohio or U.S. Constitutions, and/or because Plaintiffs seek relief broader than any relief to which Plaintiffs would be entitled even if narrower relief were warranted by any of their claims.

SECOND DEFENSE

Plaintiffs do not show a live justiciable controversy, for lack of standing and other reasons, especially as to distinct provisions of the bill that would not affect them.

THIRD DEFENSE

Plaintiffs do not allege a cognizable injury.

FOURTH DEFENSE

Plaintiffs are unable to establish the elements required for injunctive relief.

FIFTH DEFENSE

Plaintiffs are unable to establish the elements required for declaratory relief.

SIXTH DEFENSE

To the extent that Plaintiffs' claims for relief could be construed as claims for money damages, those must be dismissed because such claims cannot be asserted against the State of Ohio outside of the Ohio Court of Claims.

RESERVATION OF ADDITIONAL DEFENSES

The State Defendants reserve the right to supplement their Answer with additional

defenses, including affirmative defenses, as litigation in this matter proceeds.

Thus, having fully answered Plaintiffs' Complaint, the State requests that the Court dismiss Plaintiffs' Complaint, with prejudice, and that the State receive reasonable costs and fees in defending this suit, and all other relief the Court deems just and equitable.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Erik Clark
ERIK CLARK* (0078732)
Deputy Attorney General
**Counsel of Record*
AMANDA NAROG (0093954)
Assistant Attorney General
30 East Broad Street, 17th Floor
Columbus, Ohio 43215
(t) 614-466-4320
(f) 614-466-5087
Erik.Clark@OhioAGO.gov
Amanda.Narog@OhioAGO.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

Pursuant to Civ.R. 5(B)(2)(f), I certify that, on May 16, 2024, a copy of the Answer was electronically filed and served via email upon the following:

Freda J. Levenson (45916)
Trial Attorney
Amy Gilbert (100887)
ACLU OF OHIO FOUNDATION, INC.
4506 Chester Avenue
Cleveland, Ohio 44103
Levenson: (216) 541-1376
Office: (614) 586-1972
flevenson@acluohio.org
agilbert@acluohio.org

Miranda Hooker**
Kathleen McGuinness**
Jordan Bock**
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
(617) 570-1000
mhooker@goodwinlaw.com
kmcguinness@goodwinlaw.com
jbock@goodwinlaw.com

David J. Carey (88787)
ACLU OF OHIO FOUNDATION, INC.
1108 City Park Ave., Ste. 203
Columbus, Ohio 43206
(614) 586-1972
dcarey@acluohio.org

Chase Strangio*
Harper Seldin (PHV 27516-2024)
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
125 Broad Street, Floor 18
New York, NY 10004
(212) 549-2500
cstrangio@aclu.org
hseldin@aclu.org

Allison DeLaurentis*
GOODWIN PROCTER LLP
One Commerce Square
2005 Market Street, 32nd Floor
Philadelphia, PA 19103
(445) 207-7800
adelaurentis@goodwinlaw.com

Lora Krsulich (PHV 27558-2024)
GOODWIN PROCTER LLP
601 S Figueroa St., 41st Floor
Los Angeles, CA 90017
(213) 426-2500
lkrsulich@goodwinlaw.com

**PHV motion forthcoming*
***PHV motion pending*

Counsel for Plaintiffs Madeline Moe, by and through her parents and next friends, Michael Moe and Michelle Moe; Michael Moe; Michelle Moe; Grace Goe, by and through her parents and next friends, Garrett Goe and Gina Goe; Garrett Goe; and Gina Goe

/s/ Erik Clark
Erik Clark