

IN THE SUPREME COURT OF THE UNITED STATES

No. 23-477

UNITED STATES OF AMERICA, PETITIONER

v.

JONATHAN THOMAS SKRMETTI, ATTORNEY GENERAL AND
REPORTER FOR TENNESSEE, ET AL., RESPONDENTS

and

L.W., BY AND THROUGH HER PARENTS AND NEXT FRIENDS,
SAMANTHA WILLIAMS AND BRIAN WILLIAMS, ET AL.,
RESPONDENTS IN SUPPORT OF PETITIONER

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MOTION OF PETITIONER AND
RESPONDENTS IN SUPPORT OF PETITIONER
FOR DIVIDED ARGUMENT

Pursuant to Rule 28.4 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves for divided argument in this case. The United States requests that the argument time for petitioner be divided as follows: 15 minutes for petitioner and 15 minutes for respondents in support of petitioner. Counsel for respondents in support of petitioner have authorized us to state that they join in this motion.

This case concerns Tennessee Senate Bill 1 (SB1), which categorically prohibits medical treatments intended to allow "a minor to identify with, or live as, a purported identity inconsistent with the minor's sex" or to treat "purported discomfort or distress from a discordance between the minor's sex and asserted identity." Tenn. Code Ann. § 68-33-103(a)(1). Private plaintiffs (now respondents in support of petitioner) are three transgender adolescents who live in Tennessee, their parents, and a Tennessee doctor who treats adolescents with gender dysphoria. Private plaintiffs filed this suit against respondents, Tennessee officials responsible for enforcing SB1, alleging (as relevant here) that SB1 violates the Equal Protection Clause. The United States intervened under 42 U.S.C. 2000h-2. The district court granted private plaintiffs' motion for a preliminary injunction, but a divided panel of the Sixth Circuit reversed.

Private plaintiffs and the United States filed petitions for writs of certiorari seeking review of the court of appeals' judgment. This Court granted the United States' petition, and private plaintiffs have now filed a brief as respondents in support of the United States.

Divided argument would be of material assistance to this Court. The United States has a substantial interest in this Court's resolution of the question presented; indeed, it intervened in this suit based on the Attorney General's certification

that private plaintiffs' equal-protection challenge to SB1 "is of general public importance," 42 U.S.C. 2000h-2. Private plaintiffs likewise have a direct and substantial interest in the Court's resolution of this case. They are the original plaintiffs in this suit, which they brought because SB1 prohibits them from making important and intensely personal decisions about the appropriate medical treatment for a serious medical condition. This Court's resolution of the question presented will determine whether the plaintiff adolescents have access to essential medical care in Tennessee and whether the plaintiff parents face the choice of relocating to a different State or forgoing essential medical care for their children. Having both of those distinct and substantial interests represented at argument would be of material assistance to the Court.

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General
Counsel of Record

September 2024