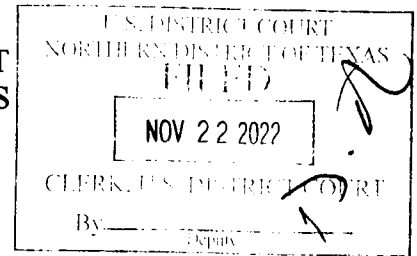


IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF TEXAS  
 AMARILLO DIVISION



SUSAN NEESE, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, in his official  
 capacity as the Secretary of the United  
 States Department of Health and Human  
 Services, *et al.*,

Defendants.

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**FINAL JUDGMENT**

On November 11, 2022, the Court issued an Opinion and Order (ECF No. 66) **GRANTING IN PART** Plaintiffs’ Motion for Summary Judgment and **GRANTING IN PART** Defendants’ Motion for Summary Judgment. The Court issues the following relief consistent with that Opinion and Order.

1. The Court awards Plaintiffs and the certified class relief under 5 U.S.C. § 706(2). The Court **HOLDS UNLAWFUL** and **SETS ASIDE** Defendant Becerra’s Notification of Interpretation and Enforcement of May 10, 2021.
2. The Court awards Plaintiffs and the certified class declaratory relief under 28 U.S.C. § 2201. The Court **DECLARES**:
  - Plaintiffs and members of the certified class need not comply with the interpretation of “sex” discrimination adopted by Defendant Becerra in his Notification of Interpretation and Enforcement of May 10, 2021; and
  - Section 1557 of the ACA does not prohibit discrimination on account of sexual orientation and gender identity, and the interpretation of “sex” discrimination that the Supreme Court of the United States adopted in *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020), is inapplicable to the prohibitions on “sex” discrimination in Title IX of the Education Amendments of 1972 and in Section 1557 of the ACA.
3. The Court **GRANTS** summary judgment for Defendants insofar as Plaintiffs and the certified class seek injunctive relief on any claim.

This final judgment fully and finally resolves all remaining claims in this suit and is appealable. The Court **DENIES** all other relief not expressly granted herein.

Judgment is rendered accordingly.

November 22, 2022

A handwritten signature in black ink, appearing to read "Matthew J. Kacsmark", written over a horizontal line.

MATTHEW J. KACSMARYK  
UNITED STATES DISTRICT JUDGE