

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

Dr. Tinsley Ariana Taylor Makayla Saramosing,)

Plaintiff,)

Vs.)

Kevin Corbett,)

**As Cabinet Secretary of the Oklahoma State
Department of Health,**)

Defendant,)

&)

Keith Reed,)

**In His Capacity as Interim Commissioner of Health
of the Oklahoma State Department of Health,**)

Defendant,)

Kelly Baker “Baker”,)

**Deputy Registrar of Vital Records,
Oklahoma State Health Department,**)

Defendant,)

&)

Tim Tipton,)

**In His Capacity of Commissioner of Public Safety of
the Oklahoma Department of Public Safety,**)

Defendant)

Case #: _____

)

**AMENDED MOTION FOR PRELIMINARY INJUNCTION &
RESTRAINING ORDER:**

To obtain a temporary restraining order, the plaintiffs must prove four elements: (1) likelihood of success on the merits; (2) irreparable harm; (3) that less harm will result to the Defendant if the TRO is issued than to the Plaintiff if the TRO is not issued; and (4) that the public interest, if any, weighs in favor of Plaintiff. See Drysdale v. Woerth, 1998 WL 647281, (E.D. Pa.) (citing Pappan Enterprises, Inc. v. Hardees's Food Systems, Inc., 143 F.3d 800, 803 (3d Cir. 1998)). The plaintiffs need not prove their whole case to show a likelihood of success on the merits. If the balance of hardships tips in favor of plaintiffs, then the plaintiffs must only raise "questions going to the merits so serious, substantial, difficult and doubtful, as to make them fair ground for litigation and thus for more deliberative investigation." ACLU v. Reno I, 1996 WL 65464, *2 (E.D. Pa.) (quoting Hamilton Watch Co. v. Benrus Watch Co., 206 F.2d 738, 740 (2d Cir. 1953)).

Plaintiff is proposing that this Court enact a Preliminary Injunction & Restraining Order upon Defendants which contain the following elements:

1. That this Court immediately and temporarily prohibit all Defendants and other governmental agencies from requiring hormones,

surgery or anything that might otherwise harm or permanently and irreversibly sterilize an individual who is transgender, nonbinary, gender-fluid, etc., as a part of its requirements for a legal gender marker and name change(s) on any individual's government documents.

2. That this Court immediately and temporarily orders Defendants Kevin Corbett, in his capacity of Board Chair of the Oklahoma State Department of Health and Keith Reed, as Commissioner of Health of the Oklahoma State Department of Health, Kelly Baker "Baker", in her capacity of Deputy Registrar of Vital Records for the Oklahoma State Department of Health, to immediately remove the notations of the amendments to the Plaintiff's name and gender marker changes, which are presently located at the bottom of her birth certificate and for all other people who are transgender/non-binary, gender-fluid, gender non-conforming, etc., individuals who have had such notations placed upon their birth certificates.

3. That this Court immediately and temporarily prohibits governmental agencies from refusing to make amendments to the birth/death certificates/drivers' licenses of individuals who are transgender, as well as to prevent Defendants Kevin Corbett, in his capacity of Board Chair of the Oklahoma State Department of Health and Keith Reed, as Commissioner of Health of the Oklahoma State Department of Health, Kelly Baker "Baker", in

her capacity of Deputy Registrar of Vital Records for the Oklahoma State Department of Health, from making such notations of any amendments to the birth/death certificates of individuals who are transgender/non-binary, gender fluid, gender non-conforming, etc.

4. That this Court and temporarily suspend Oklahoma Title 63 O.S. § 1-321 only insofar as it pertains to the adding of notations of amendments regarding the names and gender changes to birth and death certificates of individuals who are transgender/non-binary/gender-fluid/gender non-conforming/gender fluid.

5. Preferably and in order to avoid further discrimination by any transgender/non-binary/gender-fluid, gender non-conforming individual, that this Court, upon the advice of the American Medical Association (AMA) (*Plaintiff's Exhibit 18*) immediately and temporarily remove all mention of gender/sex from all past birth certificates, drivers' licenses, and other state and federal government documents for those who want any mention of their gender/sex removed, as well as to permanently prevent Defendants and other governmental agencies from making any kind of note of it in the future just like it has done for any statistical notations of race.

Plaintiff's stated laws, constitutional provisions, case law, etc., which are briefly mentioned below and elucidated in her Petition, are all clearly in Plaintiff's favour:

United States Supreme Court Cases:

Adarand Constructors, Inc. v. Peña, 515 U.S. 200 (1995)

Bolling v. Sharpe, 347 U.S. 497 (1954)

Bostock v. Clayton Cty., 140 S. Ct. 1731 (2020)

Brown v. Bd. of Educ., 347 U.S. 483 (1954)

Craig v. Boren, 429 U.S. 190

Evancho v. Pine-Richland Sch. Dist. Civil No. 2:16-01537

Frontiero v. Richardson, 411 U.S. 677 (1973)

Highmark Inc. v. Allocate Health Mgmt. Syst., Inc., 572 U.S. 559 (2014)

Lawrence v. Texas, 539 U.S. 558 (2003)

Levy v. Louisiana, 391 U.S. 68 (1968)

Lorelied v. Lance Frye, M.D. et. al (2020)

Michael H. v. Gerald D., 491 U.S. 110 (1989)

Miller v. Johnson, 515 U.S. 900 (1995)

Obergefell v. Hodges, 576 U.S. 644 (2015)

Planned Parenthood v. Casey, 505 U.S. 833 (1992)

San Antonio Indep. Sch. Dist. v. Rodriguez, 411 U.S. 1 (1973)

United States v. Virginia, 518 U.S. 515 (1996)

Weinberger v. Weisenfeld, 420 U.S. 636 (1975)

Skinner v. Oklahoma, 316 U.S. 535 (1942)

United States Court of Appeals Cases:

Doe v. Boyertown Area School District, 897 F.3d 518 (3d Cir. 2018)

Donatelli v. Mitchell, 2 F.3d 508 (3d Cir. 1983)

Grimm v. Gloucester Cty. Sch. Bd., -- F.3d -- 2020 WL 5034430

Ray v. Himes, 2:18-cv-00272-MHW-CMV (2020)

Zzyym v. Blinkin (formerly *Zzyym v. Pompeo*, *Zzyym v. Tillerson* & *Zzyym v. Kerry*, 1:15-cv-02362-RBJ, (2018).

Constitutional & Other Legal Provisions:

U.S. Const. Amendment. XIV, Right to Informational Privacy, Due Process

Americans With Disabilities Act (ADA)

Civil Rights Act of 1964

1976 Civil Rights Attorney's Fees Awards Act, 42 U.S.C.A. §1988

Title 18, U.S.C., Section 245 – Federally-Protected Activities

Title 18, U.S.C. 242 – Deprivation of Rights Under Color of Law

Title 18 U.S.C., Section 241 – Conspiracy Against Rights

In addition to the extensive case law, constitutional provisions, federal and state laws, etc., evidence in support of this motion is also cited in the form of 54 different exhibits, which are mentioned throughout Plaintiff's petition and are attached separately. These should all be considered for this motion.

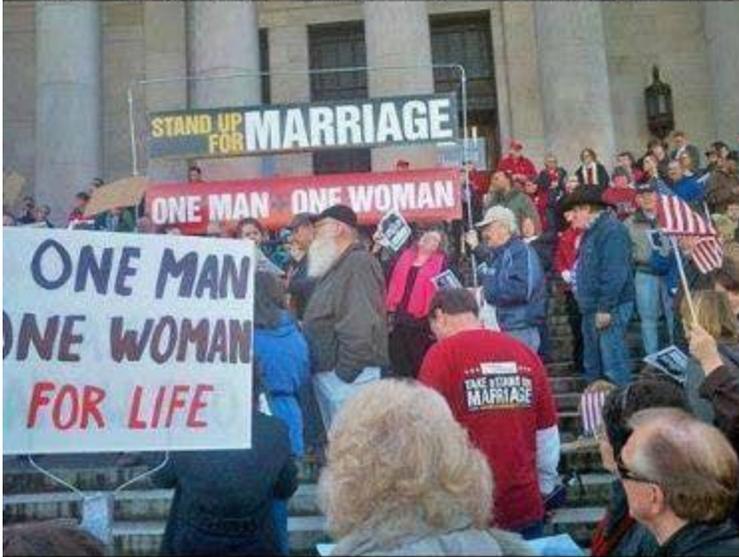
Plaintiff further sayeth the following:

Referencing Provision (1) Likelihood of Success on the Merits:

All of the aforementioned laws, constitutional provisions and case law weigh heavily in favour of Plaintiff. The 14th Amendment alone, notwithstanding all of the other items above, is clearly enough for Plaintiff to succeed. Defendants are on the losing side of history, and people like Defendants are griping and complaining about wanting to ban equal access for people who are transgender for everything from “bathroom bills” to sports teams and more. Their hatred, bigotry, superstition, and lack of education. The Supreme Court has already ruled in favour of the LGBTQIA+ community multiple times in recent years, and it has signaled that it will continue to do so.

From racism to bans on same-sex marriage to, yes, equal rights for people who are transgender, Defendants and their legal counsel sadly look like this:

IMAGINE HOW STUPID



YOU ARE GOING TO LOOK



IN 40 YEARS

WeKnowMemes

Referencing Provision (2) Irreparable Harm:

What harm are Defendants going to really suffer, should Plaintiff's Motion for Preliminary Injunction & Restraining Order be granted? What harm? Will they

have to find someone else new to hate and discriminate against? Defendants suffer no harm whatsoever. Their claims are as silly and bigoted as those who wished to deny same-sex couples the right to marry for so many years, and Defendants need to stop taking away the rights of others as an excuse to exalt themselves and feel they are “better” and “more important” than their fellow humans who are transgender. Defendants need to stop acting like pricks and should become decent human beings.

On the other hand, Plaintiff and other people who are transgender/non-binary/gender fluid, gender non-conforming, etc., have suffered enormously and will continue to suffer a tremendous amount of irreparable harm, should this Court not grant its motion for this Preliminary Injunction & Restraining Order. People who are transgender get/face:

- A) murdered, sexually and physically assaulted at much higher rates than their cisgender (non-transgender) counterparts**
- B) kicked out of their homes and schools by parents and administrators**
- C) beaten up in bathrooms**
- D) mocked, teased and harassed at much higher rates than their cisgender (non-transgender) peers**
- E) denied the right to wear the clothing of the gender they are in at some schools and workplaces**

- F) discriminated against in employment, school admissions, social interactions**
- G) forced to use bathrooms that are not their gender**
- H) often get forced into jails and prisons that do not match their gender, and thus get repeatedly raped, beaten up and murdered**
- I) forced to play on sports teams that are not of their gender or not play at all**
- J) have much higher suicide rates than their non-transgender peers**
- K) discriminated against when visiting medical doctors who do not understand anything about the transgender community, their health needs, etc.**
- L) continue being outed against their will at schools, employments, etc., because Defendants at the OKSDH continue to force notations onto their birth certificates.**
- M) forcibly, irreversibly and permanently sterilized by Defendants, just to have legal documents which appropriately match their real gender. This means they can no longer produce biological offspring. It means Defendants are forcibly exterminating Plaintiff and people like her, just because Defendants lack adequate understanding and awareness. When pray tell, throughout history has *that* ever happened before?**

- 1) Jews**
- 2) Non-whites**
- 3) Women**
- 4) Native Americans**
- 5) Gays/Lesbians**
- 6) Criminals**
- 7) “Feeble-minded”**
- 8) “Promiscuous persons”**

N) have noticeably higher attempted suicide and suicide rates, compared to their cisgender peers.

O) forced to spend holidays without many of their “family” and “friends” who used to claim they “loved” and “cared” about them/people who are transgender.

P) Have to spend countless hours, just like Plaintiff is doing now, and much money trying to advocate for her own rights and the rights of her fellow LGBTQIA+ community members. Do Defendants have to go through this, just to have a correct birth certificate and be able to reproduce offspring? Defendants are already depriving Plaintiff of her right to life, liberty and the pursuit of happiness, because she could be spending her

time doing something she enjoys like playing with her cats or going to the park with her human family, rather than fighting to stay alive.

Shame on Defendants for even trying to waste taxpayers' and Plaintiff's time and money fighting this, when Defendants could instead be focusing their efforts on improving our state's education, keeping our environment clean, improving our healthcare system, reforming our prisons and the way our society cares for and treats the elderly, etc.

Referencing Provision (3) That Less Harm Will Result to the Defendant if the TRO is Issued Than to the Plaintiffs if the TRO is Not Issued:

Should the Court grant this Motion for Preliminary Injunction & Restraining Order, Defendants will suffer no harm; Plaintiff and those like her will suffer harm as noted in **A-P** in (3) above.

Referencing Provision (4) That the Public Interest, if any, Weighs in Favor of Plaintiff:

Defendants have absolutely no ethical public interest whatsoever in depriving people who are transgender, non-binary, gender non-conforming, gender fluid, etc., from being able to produce offspring and to have legal documents which adequately reflect their true gender and name without unnecessarily and illegally outing them against their will. That is, of course, unless the public interest standard

now includes, bigotry, hatred, ignorance, superstition, and sheer hatred for one's fellow human beings.

On the other hand, Plaintiff and fellow humans like her benefit from being able to reproduce offspring so they can have families and enjoy their other basic civil rights without, facing harsh, hateful, cruel impediments from Defendants. It is clearly in the public interest to have a society which chooses not to maliciously and cruelly harm and exterminate one of its most vulnerable populations. It is in the public interest for this Court to unfortunately have to force Defendants to have to be kinder, more loving, civilized population. It is just sad that Defendants will not make these changes voluntarily.

It would be an interesting day, were Defendants to go to get a copy of their birth certificates only to find that there were notations of a completely different gender and names located at the bottom of it. There is so much that cisgender/non-transgender individuals have absolutely no experience with in terms of the transgender community, unless and until they have a friend or family member turn out to be transgender or unless they themselves come out as transgender. It changes a person's whole perspective, but Defendants would rather turn to judgment, hatred, intolerance and bigotry, rather than understanding and compassion.

RESPECTFULLY SUBMITTED this 13th day of December, 2021.

s/Dr. Tinsley Ariana Taylor Makayla Saramosing

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