

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

WORLD PROFESSIONAL ASSOCIATION FOR
TRANSGENDER HEALTH, INC., a Texas
corporation, *et al.*,

Defendants

Case No. 4:26-cv-00748-O

**MOTION FOR A TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

**MOTION FOR A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Plaintiffs the Federal Trade Commission, Texas, and Iowa hereby move this Court for a Temporary Restraining Order and Preliminary Injunction to restrain and enjoin Defendants from seeking relief in this matter from courts other than this Court, the United States Court of Appeals for the Fifth Circuit, and the United States Supreme Court.

Dated: July 2, 2026

Of Counsel

Jonathan Cohen

Chief Litigation Counsel

District of Columbia Bar No. 483454*

Respectfully submitted,

/s/ Michael Dingman

Michael Dingman

Senior Counsel to the Director

District of Columbia Bar No. 90001474*

R. Cooper Vaughan

Senior Counsel to the Director

Virginia State Bar No. 92580

Glenna Goldis

Assistant Director for Special Projects

New York Reg. No. 4868600*

Hans Clausen

Attorney

Georgia Bar No. 153250*

Federal Trade Commission

Bureau of Consumer Protection

600 Pennsylvania Avenue, NW

Washington, DC 20580

Fax: (214) 953-3079

E-mail: MDingman@FTC.gov

*Admitted *pro hac vice*

FOR THE STATE OF TEXAS:

Ken Paxton

Attorney General of Texas

Brent Webster

First Assistant Attorney General

Ralph Molina

Deputy First Assistant Attorney General

Austin Kinghorn

Deputy Attorney General for Civil Litigation

Johnathan Stone

Chief, Consumer Protection Division



David Bizar

Assistant Attorney General

Texas State Bar No.: 24110737

Office Of The Attorney General Of Texas

Consumer Protection Division

P.O. Box 12548

Austin, Texas 78711-2548

Tel: (512) 463-2185

Fax: (512) 473-8301

David.Bizar@oag.texas.gov

FOR THE STATE OF IOWA:

BRENNA BIRD

Attorney General of Iowa



Eric H. Wessan

Solicitor General

1305 E. Walnut Street

Des Moines, Iowa 50319

(515) 823-9117

(515) 281-4209 (fax)

eric.wessan@ag.iowa.gov

Counsel for State of Iowa

CERTIFICATE OF SERVICE

I, Michael Dingman, hereby certify that on July 2, 2026, I electronically filed this motion with the Court using the CM/ECF system, a copy of which will be mailed and emailed to Defendants' counsel.

/s/ Michael Dingman
Michael Dingman

CERTIFICATE OF CONFERENCE

Due to the substantial urgency of the matter, Plaintiffs the Federal Trade Commission, Texas, and Iowa did not have an opportunity to schedule a conference. Additionally, in light of Defendant WPATH-TX's opposing request for relief in a different court, such a conference is almost certainly futile and this Motion should be deemed opposed. The Federal Trade Commission, Texas, and Iowa will nevertheless endeavor to confer with Defendants as soon as possible.

/s/ Michael Dingman
Michael Dingman

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**MEMORANDUM IN SUPPORT OF
MOTION FOR A TEMPORARY
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INTRODUCTION

The Federal Trade Commission—along with Alaska, Iowa, Nebraska, and Texas—has brought this suit against certain organizations for prolifically violating federal and state consumer-protection laws in promoting medical-transition services to minors. One of those organizations—the Texas-incorporated World Professional Association for Transgender Health, Inc. (“WPATH-TX”)—has now run to a federal district court in Washington, D.C., asking it to effectively strip this Court of jurisdiction, and pretermitt this action. That is lawless: A district judge in Washington, D.C. has no power to commandeer a district judge’s courthouse in Texas. Nor is this Court powerless to do anything about it: As this Court has recognized before, it may take action to safeguard its jurisdiction against such brazen gamesmanship. It should do the same here, and do so immediately.

WPATH-TX has asked D.D.C. to issue an injunction barring the FTC and Plaintiff States from “pursuing the Texas litigation.” That request is as remarkable as it is indefensible. WPATH-TX’s main argument is that this enforcement action overlaps with a prior suit that it filed in D.D.C., where WPATH-TX obtained a limited¹ preliminary injunction barring the FTC from enforcing one specific administrative subpoena (known as a Civil Investigative Demand (“CID”)). But that makes no sense, in no small part because the FTC has *withdrawn* that CID, and it was never enforced at all. WPATH-TX’s suit involved a challenge to an FTC administrative *investigation*. This suit, by contrast, is a totally separate *enforcement* action by multiple governments—including four States enforcing their own state laws—that has been properly filed before this Court. To the

¹ As discussed further below, the District of Columbia court did not enjoin the FTC from continuing its investigation into WPATH-TX or bringing this action. *See World Pro. Ass’n for Transgender Health v. FTC*, No. 1:26-cv-532, 2026 WL 1257321, at *5, *10–*11 (D.D.C. May 7, 2026).

extent WPATH-TX has any legal gripe with this enforcement action, it is free to raise it before this forum. And should it disagree with this Court's resolution of those gripes, the proper course is an appeal to the Fifth Circuit or the Supreme Court. What it cannot do is what it has tried to do here: ask a district judge across the country to superintend this Court's proceedings.

WPATH-TX has made no secret about why it is attempting this gambit—and it is not because it thinks its far-fetched (and in fact, oft-rejected) legal theories have any merit. It is because it does not trust the Northern District of Texas to handle this matter fairly. In its D.D.C. filing, WPATH-TX made the extraordinary claim that this District is an outlier on these issues and mischaracterized it as essentially a rubber-stamp for the government, unbounded by law. This Court should not countenance an effort premised on that offensive and baseless theory. There is no doubt that district judges in the Northern District of Texas will apply the law as fairly and impartially as district judges anywhere else.

Accordingly, this Court should protect its own jurisdiction and enjoin WPATH-TX's attempt to "circumvent the authority of this Court and the Fifth Circuit" through collateral proceedings. *In re Admin. Subpoena 25-1431-032*, No. 4:26-mc-0006 (N.D. Tex. May 18, 2026), ECF No. 26 at 6. This Court should grant the Federal Trade Commission, Texas, and Iowa's ("Movants'") Motion as swiftly as practicable.² Given this highly irregular and improper course of action by WPATH-TX, this Court should take steps to protect its jurisdiction by enjoining the Defendants in this case from seeking relief regarding this proceeding in any court other than this Court, the Fifth Circuit or the Supreme Court. Such injunctions are appropriate when a party seeks

² As explained herein, the District Court in the District of Columbia has set a hearing on WPATH-TX's improper motion for this Thursday, July 9. Accordingly, the FTC requests that this Court order WPATH-TX to oppose this motion no later than 3 PM CST on Monday, July 6, and hear argument, if appropriate, on Tuesday, July 7, in Fort Worth. The FTC will waive any reply brief, but asks for leave to address WPATH-TX's arguments during the hearing.

to “circumvent the authority of this Court and the Fifth Circuit” through collateral proceedings. *Id.* (ordering similar relief). This is such a case, and this Court should accordingly grant the Motion.³

BACKGROUND

This case is an enforcement action by the FTC and the States of Alaska, Iowa, Nebraska, and Texas. In their 123-page complaint—along with 16 attached sworn declarations from victims and witnesses—Plaintiffs detail Defendants’ serial violations of the FTC Act and of several state consumer protection statutes. In brief, the complaint alleges that WPATH-TX and two of its affiliates (collectively, “WPATH”) provide the means for medical practitioners to make false and unsubstantiated claims to sell pediatric transition services to consumers whose children express dissatisfaction with, or distress about, their sex-linked biological characteristics. ECF No. 1 ¶¶ 6–26. WPATH’s statements mislead parents and children about the medical consensus and medical necessity, as well as the safety and effectiveness of those services, which include drugs, surgeries, and other medical interventions. *Id.* As detailed in the complaint, venue is appropriate in this District and WPATH-TX is incorporated in Texas. ECF No. 1 ¶¶ 6, 28. The State of Texas is also a Plaintiff, enforcing Texas law against a Texas corporation.

Prior to bringing this case, the FTC investigated potential violations of the FTC Act by WPATH and others. The investigation involved numerous steps, including a public workshop, a public comment period, and the issuance of several civil investigative demands (CIDs)—that is,

³ As this Court has explained, “[a] TRO is simply a highly accelerated and temporary form of preliminary injunctive relief, which requires that the party seeking such relief establish the same four elements for obtaining a preliminary injunction.” *Weatherford Indep. Sch. Dist. v. K.L. by & through S.H.*, No. 4:26-CV-00108-O, 2026 WL 710176, at *1 (N.D. Tex. Mar. 13, 2026). Thus, although the FTC is seeking both a TRO and a preliminary injunction, it will refer to the preliminary injunction factors as such throughout.

administrative subpoenas issued pursuant to 15 U.S.C. § 57b-1. One of those CIDs was directed to WPATH-TX.

On February 18, 2026, WPATH-TX filed suit in the U.S. District Court for the District of Columbia, claiming that the FTC’s investigation constituted retaliation in violation of its First Amendment rights. See *World Pro. Ass’n for Transgender Health v. FTC*, No. 1:26-cv-0532 (D.D.C. Feb. 18, 2026), ECF No.1 (“CID Action”). The focus of the complaint was the CID. *E.g.*, *id.* ¶¶ 3–4, 113–26, 132, 139, 147, 152.

WPATH-TX then moved for a preliminary injunction, again focusing on the CID. *E.g.*, CID Action, ECF No. 3 at 7–8, 20–23. The district court granted the request only in part. *World Pro. Ass’n for Transgender Health*, 2026 WL 1257321, at *5. Importantly, although the court enjoined the FTC from “implementing or enforcing its issued CID,” it “den[ied] the Motion to the extent it seeks further relief.” *Id.* In particular, the court did not otherwise enjoin the Commission from investigating WPATH-TX—despite that organization requesting “a broader injunction.” *Id.* Indeed, the court explicitly noted that the FTC “remains free to deploy other investigative tools.” *Id.* Accordingly, the district court made pellucid that, notwithstanding WPATH-TX’s contrary request, the Commission remained free to continue investigating WPATH-TX—and to pursue relief against WPATH-TX under the FTC Act if appropriate.

And that it did. After the Commission tabled efforts to enforce the CID, the FTC was nevertheless able to gather sufficient information to bring this enforcement action. It did so, along with the State Plaintiffs, on June 17, 2026. Shortly thereafter, the FTC withdrew the WPATH CID, explaining that, in light of the filing of this suit, “the Commission no longer regards compliance with the CID issued to WPATH as necessary to its investigation.” See CID Action, ECF No. 43 at 1 (notice of withdrawal of CID); ECF 43-1 (letter formally withdrawing CID). As a result, the

object of the D.D.C.’s preliminary injunction—the CID—no longer exists; the Commission has withdrawn it and no longer seeks to obtain information by means of the CID, or to enforce it.

Two weeks after this action was filed, on June 30, and despite ignoring the FTC’s multiple requests to confer on other issues, see ECF No. 29 at 2–3, WPATH-TX sought a temporary restraining order and an antisuit injunction in the CID Action in D.D.C., which it filed after giving the FTC only minutes of notice. See CID Action, ECF No. 45.⁴ The motion seeks a TRO and a preliminary injunction “barring the FTC and anyone in active concert with it from pursuing the Texas litigation.” Attachment 2 at 13. Although that motion’s request may be styled as an injunction against the FTC and perhaps the State Plaintiffs (who are not a party to the CID action, and whom WPATH-TX has not tried to serve or implead), it “in effect [seeks] to restrain [this Court] and therefore represents an interference with the jurisdiction of [this] tribunal.” *Air Line Pilots Ass’n, Int’l v. Dep’t of Transp.*, 880 F.2d 491, 503 n.8 (D.C. Cir. 1989) (Silberman, J.) (quoting 11 C. Wright & A. Miller, *Federal Practice & Procedure* § 2942 at 377–78 (1973)).

ARGUMENT

A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The Motion satisfies all four factors.

⁴ The FTC has attached as Exhibit 1 the Declaration of R. Cooper Vaughan, which includes WPATH-TX’s motion for a TRO and antisuit injunction and its memorandum of law in support of that motion in the CID Action as Attachments 1 and 2, respectively. The FTC will cite these documents as “Attachment 1” and “Attachment 2.”

I. The Movants Are Likely to Succeed on the Merits.

The FTC and multiple States (including Texas and Iowa) have sued WPATH-TX in the Northern District of Texas (the State where WPATH-TX is incorporated). These Plaintiffs are entitled to litigate that case in this Court. And whether its suit succeeds depends on the orders of this Court, the Fifth Circuit, and the Supreme Court. WPATH-TX’s effort to circumvent that chain of command and have the D.D.C. oversee this Court’s proceedings is lawless.

A. One federal district court lacks the power to superintend the proceedings of another federal district court. The federal judiciary exists in a “vertical hierarchy,” *United States v. Glaser*, 14 F.3d 1213, 1216 (7th Cir. 1994) (Easterbrook, J.), and only courts of appeals exercise “general supervisory authority” over the district courts in their respective regions, *Air Line Pilots*, 880 F.2d at 503. Thus, “the structure of the federal courts does not allow one judge of a district court to rule directly on the legality of another district judge’s judicial acts or to deny another district judge his or her lawful jurisdiction.” *In re McBryde*, 117 F.3d 208, 225 (5th Cir. 1997); *see W. Gulf Mar. Ass’n v. ILA Deep Sea Loc. 24, S. Atl. & Gulf Coast Dist. of ILA, AFL-CIO*, 751 F.2d 721, 728 (5th Cir. 1985) (“[F]ederal courts long have recognized that the principle of comity requires federal district courts—courts of coordinate jurisdiction and equal rank—to exercise care to avoid interference with each other’s affairs.”); Wright & Miller, *Federal Practice & Procedure*, § 2942 n.44 (3d ed.) (similar); *see also Verogna v. Johnstone*, 583 F. Supp. 3d 331, 336–37 (D.N.H. 2022).

WPATH-TX is seeking just that. It has filed an action in D.D.C. to restrain the Commission and perhaps the State Plaintiffs in this suit from “pursuing the Texas litigation”—an effective command to either dismiss this action or simply muzzle Plaintiffs in this forum. That effort is nothing but an attempt to have “another district judge” effectively “deny” this Court its “lawful jurisdiction.” *McBryde*, 117 F.3d at 225.

As this Court has recognized before, it is not powerless in the face of such a collateral attack and has the authority to defend its jurisdiction. *In re Admin. Subpoena 25-1431-032*, No. 4:26-mc-0006, ECF No. 26 at 6. It should do so here.⁵ To the extent there is any legal defect in this suit, WPATH-TX should raise its arguments to this Court—and if needed, the Fifth Circuit or Supreme Court. But WPATH-TX cannot just run to another court across the country to command

⁵ In analogous contexts, the Fifth Circuit has held that federal courts have authority to enjoin parties from pursuing parallel litigation that would undermine or divest the jurisdiction of a federal court over a case properly before it. *E.g., Kaepa Inc. v. Achilles Corp.*, 76 F.3d 624 (5th Cir. 1996) (addressing foreign jurisdictions). The Fifth Circuit's analysis in these limited circumstances turns on considerations unique to antisuit relief, which focus on the harms arising from the parallel foreign proceeding itself. In such cases, an anti-suit injunction is proper “(1) that the parties be the same and that the U.S. action dispose of the relevant issues in the foreign litigation; (2) that at least one harm from the foreign litigation—referred to as *Unterweser* threats—be identified; and (3) that any *Unterweser* threats found be weighed against the need to defer to principles of international comity.” *Bayerische Motoren Werke Aktiengesellschaft v. Onesta, LLC*, 821 F. Supp. 3d 686, 690 (W.D. Tex. 2026) (citing *Kaepa*, 76 F.3d at 626–28). It has articulated the following four “disjunctive factors” to inform this analysis: “An injunction against the prosecution of a foreign lawsuit may be appropriate when the foreign litigation would: (1) frustrate a policy of the forum issuing the injunction; (2) be vexatious or oppressive; (3) threaten the issuing court’s in rem or quasi in rem jurisdiction; or (4) cause prejudice or offend other equitable principles.” *Id.*

In the event this Court applies a similar test, each of these requirements is satisfied here. *First*, each of the parties in the CID Action is also a party before this court. To the extent there are any remaining issues in the CID Action following the FTC’s withdrawal of its CID (and other than WPATH-TX’s request to interfere with this Court’s jurisdiction over federal and state enforcement actions and the related and newly filed discovery motion, there are not, *infra*), this Court can resolve those issues. *Second*, were the CID Action to move forward and WPATH-TX to obtain the relief requested, it would not only unlawfully strip this Court of its rightful jurisdiction but also prevent plaintiffs here from litigating in their selected forum—one in which WPATH-TX chose to be incorporated—prejudicing the FTC. The existence of the State Plaintiffs further counsels in favor of an injunction under this standard; without it, under WPATH-TX’s theory, the State Plaintiffs would not get their day in court to bring an enforcement action under laws wholly unrelated to those involved in the CID Action. And under that same theory, Texas would apparently be barred from bringing an action to enforce its own laws in this District. Each plaintiff would suffer substantial prejudice. *Third*, these cognizable harms to both this Court and plaintiffs here greatly outweigh any interest in allowing the CID Action to proceed; WPATH-TX has had its day in D.D.C., obtained a narrow injunction inapplicable to any other investigation or enforcement action against them, including this one, and that litigation is now moot due to the FTC’s withdrawal of that CID. Thus, there is no issue of “comity” that outweighs the harms described above.

this suit be effectively dismissed or transferred. That is, if WPATH-TX really thinks D.D.C. is the correct forum for this action, it must file a motion to transfer with this Court under 28 U.S.C. § 1404; it cannot seek to conscript another district judge to direct that this Court halt its proceedings so that WPATH-TX can litigate its arguments in the other district.

B. Before D.D.C., WPATH-TX's main argument is that this suit overlaps with the CID Action in which the district court enjoined the use of only one particular investigative tool. *See* Attachment 2 at 15–20. But again, for starters, if there is any issue with the federal and state enforcement action currently pending before this Court, the first forum in which to raise that issue is this Court—not another district court hundreds of miles away. At any rate, WPATH-TX's arguments are baseless. This is a naked attempt to have another district court in D.C. superintend this one.

1. In D.D.C., WPATH-TX has claimed that this enforcement action is “duplicative” of the CID Action, such that the court there should issue an injunction to prevent the same claim from being litigated in two forums. *See* Attachment 2 at 15. That argument is laughable. The CID Action concerned a single CID issued by the FTC that the Commission has since withdrawn. This suit is an entirely distinct governmental enforcement action, brought by not only the FTC but also a number of separate sovereigns pursuing claims under their own laws. The dispute in the CID Action was whether the FTC's investigation into WPATH (primarily the CID directed to WPATH) was proper. Meanwhile, the dispute in this case is whether WPATH violated the FTC Act and several State consumer protection statutes by making false, misleading, or unsubstantiated representations that it knew would provide medical practitioners with the means to mislead consumers. ECF No. 1 ¶¶ 378–79. Those issues are fundamentally different.

Realizing this, WPATH-TX has argued that this enforcement action should have been filed as a *compulsory counterclaim* to the CID Action per Federal Rule of Civil Procedure 13(a)—*i.e.*, that the FTC was required to bring an entire enforcement action as a *counterclaim* to a separate proceeding challenging a pre-enforcement investigative tool. *See* Attachment 2 at 15. This argument is somehow worse than the first. Multiple courts—including the D.C. Circuit and two D.C. district courts—have declared the notion that the FTC “was required to file [an] enforcement proceeding as a counterclaim to [a] preenforcement action” to be “totally without merit.” *FTC v. Carter*, 464 F. Supp. 633, 639 (D.D.C. 1979), *aff’d*, 636 F.2d 781 (D.C. Cir. 1980); *see, e.g., A. O. Smith v. FTC*, 417 F. Supp. 1068, 1088 (D. Del. 1976) (same); *In re FTC Corp. Patterns Rep. Litig.*, 432 F. Supp. 274, 284 (D.D.C. 1977) (noting that movant cited “no cases in which a court has treated an enforcement action as a compulsory counterclaim”), *aff’d*, 595 F.2d 685 (D.C. Cir. 1978). And of course that is right: a pre-enforcement suit challenging one of the FTC’s investigative tools cannot cabin the available fora (or timing) for any downstream enforcement action carried out by the agency.⁶

Especially so here, for at least three reasons. *First*, the Plaintiffs in this suit include four separate States that are each enforcing their own consumer-protection law. It is impossible to say that *nonparties* to the CID Action—to say nothing of *States* looking to enforce *State law*—were

⁶ Indeed, Congress has given the agency considerable discretion regarding where to file such enforcement actions. *See* 28 U.S.C. § 1391(c)(2) (providing that entities are deemed to “reside” in any judicial district in which they are subject to personal jurisdiction); 15 U.S.C. § 53(b)(2) (providing that the FTC can sue entities anywhere that they “reside”). If WPATH-TX is correct, then almost any FTC defendant could try to perform an end run around those provisions by filing an independent action to contest some aspect of the FTC’s investigation in the venue of its choice, and then later demand that the FTC bring any subsequent enforcement action in that defendant-chosen forum as a purported compulsory counterclaim. This is not the law. *See A. O. Smith*, 417 F. Supp. at 1088 (rejecting the argument “that any enforcement proceeding must be asserted as a compulsory counterclaim under Fed. R. Civ. P. 13(a)” in part because it “would invariably guarantee . . . the complainant’s choice of forum”).

required to file their enforcement actions as *counterclaims* in a case challenging one of the FTC’s CIDs, issued to investigate potential violations of the FTC Act. And even limiting that argument to the FTC, an examination of the complaint makes crystal clear that this suit is not duplicative of WPATH’s challenge to the CID.⁷ The enforcement actions before this Court include three counts raising claims under the FTC Act and four counts raising claims under four separate state consumer protection statutes. ECF No. 1 ¶¶ 409–53. But WPATH-TX’s CID Action complaint does not address the FTC Act or state law claims at issue here at all. *See* CID Action, ECF No. 1. Unsurprisingly, then, the parties’ allegations and arguments in the CID Action, as well as that court’s preliminary injunction decision, did not address the merits of the claims raised in *this* litigation in any way. And to gild the lily, as the FTC intends to argue in a motion to dismiss the CID Action, that case became moot when the Commission withdrew the CID that prompted the suit in the first place, particularly because the Commission has no intention of obtaining information pursuant to the CID or enforcing it going forward.

Second, WPATH’s argument would lead to absurd results. The FTC has authority to issue a CID when it has “reason to believe” that the recipient “may be in possession, custody, or control of any documentary material or tangible things, or may have any information, relevant to” a violation of the laws that the FTC enforces. 15 U.S.C. § 57b-1(c). By contrast, the FTC cannot bring an enforcement action unless it has “reason to believe that” a defendant has in fact *violated a law* that the FTC enforces. 15 U.S.C. § 45(a). The FTC therefore typically must investigate potential misconduct before filing a claim—as the district court in the CID Action recognized in

⁷ Notably, counterclaims are only compulsory when they involve the same “transaction or occurrence.” Fed. R. Civ. P. 13(a). The relevant “transaction or occurrence” is “the one circumstance without which neither party would have found it necessary to seek relief.” *Moore v. New York Cotton Exch.*, 270 U.S. 593, 610 (1926). In the CID Action, that circumstance is the since-withdrawn CID.

its opinion enjoining enforcement of the CID. See *World Pro. Ass'n for Transgender Health*, 2026 WL 1257321, at *5 (explaining that the FTC “remains free to deploy other investigative tools” notwithstanding the injunction). WPATH’s claims in D.D.C. could not have triggered an obligation to file an enforcement action because the FTC would not necessarily have had the required “reason to believe” that the law had been violated during a challenge to the CID. Indeed, a CID is one of the most important tools for determining whether the FTC has reason to believe that the law has been violated. If WPATH were correct, then federal law-enforcement agencies would have a mandatory obligation to file enforcement actions every single time a party challenged a subpoena. And if they lacked the necessary evidence to do so, then those agencies would be estopped from ever bringing those claims. *McDaniel v. Anheuser-Busch, Inc.*, 987 F.2d 298, 304 (5th Cir. 1993) (“A counterclaim which is compulsory but is not brought is thereafter barred.” (quotation omitted)). This cannot be the law.

Third, on WPATH’s theory, every *State* in the Union which could bring an enforcement action even related to information that could have been obtained through a challenged *federal* CID would be required to file those actions as counterclaims to a private party’s challenge to a federal administrative subpoena. This absurd rule is not the law; Congress did not make targets of investigation the decision maker over whether, when, and where the federal and State governments file enforcement actions.

2. Relatedly, WPATH-TX also contends that this litigation somehow evades the D.D.C.’s preliminary injunction. Attachment 2 at 21–23. That is not a good argument. As noted, the D.D.C. order was expressly limited to “further action regarding the CID.” *World Pro. Ass'n for Transgender Health*, 2026 WL 1257321, at *5. And it expressly *denied* WPATH-TX’s request for further relief, including an injunction on the FTC continuing to investigate that organization

through other means. *Compare* CID Action, ECF No. 3-39 (proposed order seeking a broad injunction against multiple investigative tools, including “another CID” or “a voluntary access letter”) *with* CID Action, ECF No. 40 at 1 (court order only enjoining the FTC “from implementing or enforcing its previously issued [CID]”). In that court’s words, the FTC “remains free to deploy other investigative tools.” *World Pro. Ass’n for Transgender Health*, 2026 WL 1257321, at *5.

Nothing about this suit conflicts with that order. As for enforcing the CID—the one action that the order enjoins—WPATH-TX has received all it wanted and more. Beyond simply declining to implement or enforce the CID during the pendency of D.D.C. litigation, the FTC has withdrawn it entirely. Far from evading the D.D.C.’s preliminary injunction, the FTC has exceeded its single command. And aside from that, the FTC has acted consistently with the preliminary injunction’s declaration that the FTC is free to continue its investigations and use the tools it otherwise has at its disposal to enforce the FTC Act as it deems appropriate.

WPATH-TX seems to argue that because the preliminary injunction stalled a specific CID, the FTC is somehow barred from doing anything that might ever uncover the information that was sought by that CID (such as through discovery in this suit). But again, that just goes beyond what the D.D.C. order actually says: that court enjoined the enforcement of a discrete governmental action; it expressly declined to go any further; and indeed, it reaffirmed that the FTC could employ its other investigative tools—unbounded by any subject-matter limitations. The fact that this suit might concern similar subject matter as the CID is routine in enforcement actions, not remarkable. And the notion that the FTC is violating the D.D.C. order by doing exactly what that order allows for is baseless. To the extent WPATH-TX has an issue with any discovery requested in this case, it may file a motion with this Court (or appeal); it may not seek to upend the ordinary course of litigation by seeking relief in a court more than a thousand miles away.

3. WPATH-TX is candid about why it is attempting this far-fetched gambit: It does not trust this Court to apply the law faithfully. In its filing in D.D.C., WPATH-TX essentially accused this Court of being a reflexive vote for the government when it comes to these issues, echoing a New York judge in claiming that this Court is the “only jurisdiction” in the country that would ever indulge the notion WPATH-TX has done anything wrong. Attachment 2 at 1, 17. Indeed, with little subtlety, WPATH-TX critiqued this Court’s conduct in a separate case involving DOJ, as part of arguing that D.D.C. must strip this Court of jurisdiction, because it could not be entrusted with fairly resolving the case and controversy lawfully before it. *See, e.g., id.* at 22 (“When DOJ sought to enforce an administrative subpoena in the Northern District of Texas—the same administrative subpoena that *eight* other courts had refused to enforce. . .—that court enforced the subpoena *ex parte*, without hearing from the hospital that had received the subpoena, and subsequently denied the hospital’s request for a stay.”); *id.* at 5 (“The only court to permit DOJ to enforce a subpoena, the Northern District of Texas, did so within only “a few hours” of receiving DOJ’s motion, without any response from the targeted entity.”). Indeed, WPATH goes so far as to question whether this Court will even apply the First Amendment faithfully. *See id.* at 22 (“And there is no guarantee that the Northern District of Texas will apply the First Amendment to the FTC’s requests in the same manner that [D.D.C.] has.”).

That argument is insulting—both to this Court, and to the structure of our judicial system more broadly. Each federal judge has sworn an oath to apply the law without fear or favor and do their level best to resolve the case before them as the law neutrally dictates. To the extent a judge makes a mistake, or commits an error, the proper course is an appeal. What is improper is to rush across the country to obtain an injunction from a forum in Washington, D.C. they believe will be

more favorable to their interests, commanding a court in Texas effectively to stop its work. This Court should not countenance that tactic.

C. For many of the same reasons, the Motion satisfies the requirements for enjoining WPATH-TX from litigating in D.D.C. pursuant to the first-filed rule, which allows district courts to prevent subsequent filings of related lawsuits in other federal courts.

“A United States District Court hearing a particular case may, in its discretion, enjoin the filing of related lawsuits in other federal courts.” *Schauss v. Metals Depository Corp.*, 757 F.2d 649, 654 (5th Cir. 1985) (citing *Kerotest Mfg. Co. v. C-O-Two Fire Equipment Co.*, 342 U.S. 180, ___ (1952)); see also *id.* at 654 (noting that the Fifth Circuit *favours* district courts’ exercise of “their discretion to avoid duplication of proceedings”). That authority is “designed to prevent” the “abuse[.]” that occurs when one district court “act[s] as a super appellate court” over another. *Cadle Co. v. Whataburger of Alice, Inc.*, 174 F.3d 599, 606 (5th Cir. 1999).

Plainly, Plaintiffs’ enforcement action in this Court is the first-filed suit. “The relevant benchmark for determining which suit was first filed is the date of filing.” *Waguespack v. Medtronic, Inc.*, 185 F. Supp. 3d 916, 923 n.7 (M.D. La. 2016). This case is the first suit filed as to *this* enforcement action. WPATH’s motion for an antisuit injunction in D.D.C. to stop this enforcement action came nearly two weeks later. See Attachment 1. This Court therefore may properly determine whether WPATH-TX may proceed on its attempt to undercut this Court’s jurisdiction.

In determining whether to apply the first-filed rule, the “crucial inquiry is one of ‘substantial overlap.’” *Save Power Ltd. v. Syntek Fin. Corp.*, 121 F.3d 947, 950 (5th Cir. 1997) (citation omitted). As explained *infra*, the substance of WPATH-TX’s D.D.C. lawsuit, which presents only questions about the Commission’s exercise of its *investigative* authority, does not

substantially overlap with the federal and State *enforcement* action filed in this Court. Nevertheless, WPATH-TX's request for a preliminary injunction in D.D.C. improperly smuggles in a challenge to Plaintiffs' enforcement action in this Court by asking D.D.C. to interfere with this Court's proceedings. That motion—unrelated as it is to the complaint that launched the underlying action—generates substantial overlap for purposes of the first-filed rule.

In cases like this one, where “the overlap between two suits is less than complete,” the decision whether to enjoin the prosecution of the second-filed case turns on “such factors as the extent of the overlap, the likelihood of the conflict, the comparative advantage and the interest of each forum in resolving the dispute.” *Save Power*, 121 F.3d at 951. Here, the FTC and States' requested injunction would enjoin only those aspects of WPATH-TX's litigation that overlap with this Court's jurisdiction over the enforcement action—those aspects for which conflict is certain unless this Court issues the requested injunction.

Furthermore, this Court has both the comparative advantage and a significant interest in resolving the dispute. WPATH-TX has been incorporated in Texas for nearly five decades. The State of Texas is a plaintiff to this action, enforcing its laws against injuries inflicted by a Texas corporation against Texas citizens. Two of the witnesses on which the FTC and States rely are residents of Texas. The FTC maintains a major regional office in Texas. And the FTC enjoys statutory authority to choose among multiple proper venues for an enforcement action, 15 U.S.C. § 53(b), reinforcing the well-established principle that “the plaintiff's choice of forum should rarely be disturbed.” *Schexnider v. McDermott Int'l, Inc.*, 817 F.2d 1159, 1163 (5th Cir. 1987).

Enjoining WPATH-TX from litigating in D.D.C. would manifestly serve the purposes of the first-filed rule. As the Fifth Circuit has explained, the objectives of the rule are “to avoid the waste of duplication, to avoid rulings which may encroach upon the authority of sister courts, and

to avoid piecemeal resolution of issues that call for a uniform result.” *W. Gulf Maritime Ass’n*, 751 F.2d at 728. All of those objectives favor issuing an injunction here. Litigating the merits of the FTC’s and States’ enforcement actions in this Court and only this Court avoids wasting judicial or party resources on duplicative litigation. The requested injunction is tailored specifically to “avoid rulings which may trench upon the authority of sister courts,” *ibid.*—that is, it would prevent WPATH-TX from seeking relief that would preclude this Court from resolving claims over which it has acquired jurisdiction, while preserving WPATH-TX’s ability to litigate questions relating to the claims it filed in D.D.C., including compliance with the injunction. And proceeding in this Court in the normal course—motions practice, discovery, and ultimately a trial, if necessary—“avoid[s] piecemeal resolution” of the issues relevant to the merits of the FTC’s and States’ enforcement actions. *Ibid.*

The propriety of an injunction here is only strengthened by the All Writs Act, which empowers district courts to “issue all writs necessary or appropriate in aid of their respective jurisdictions.” 28 U.S.C. § 1651(a). Given that WPATH-TX’s primary request in their otherwise moot D.D.C. litigation over the FTC’s investigative authority asks that court to interfere with this Court’s jurisdiction over federal and state enforcement actions, Plaintiffs’ requested injunction is necessary and appropriate to protect this Court’s jurisdiction.

That WPATH has styled its request for an antisuit injunction as a “motion” in an existing case does not make it the first-filed suit for purposes of the Fifth Circuit’s rule. WPATH’s original suit was all but concluded when WPATH filed its motion. It had no pending motion for relief (and since then it has added only a newly filed request for discovery regarding compliance with the preliminary injunction, which the FTC and State Plaintiffs do not ask this Court to enjoin). The subject matter of WPATH-TX’s complaint ceased to exist nearly two weeks before they filed their

“motion” because the Commission has withdrawn the CID and has no plans to enforce it. See *supra*, Background. Thus, although its antisuit “motion” bears the same docket number as its challenge to the CID, it is in fact a new lawsuit wearing the skin of a now-mooted lawsuit for an injunction against a nonexistent CID.

WPATH’s own antisuit injunction papers confirm this. The D.C. Circuit also applies a first-filed rule to determine whether one district court may enjoin the ongoing proceedings of another. See *UtahAmerican Energy, Inc. v. Dep’t of Labor*, 685 F.3d 1118, 1124 (D.C. Cir. 2012) (per curiam) (“The usual rule in this circuit has been that where two cases between the same parties on the same cause of action are commenced in two different Federal courts, the one which is commenced first is to be allowed to proceed to its conclusion first.” (cleaned up)). Tellingly, however, WPATH does not invoke this rule in its motion for an antisuit injunction, nor could it have. The D.C. Circuit’s first-filed rule applies “only when ‘two cases between the same parties [and] on the same cause of action are commenced in two different Federal courts.’” *Nat’l Indus. for the Blind v. Dep’t of Veterans Affairs*, 296 F. Supp. 3d 131, 138 (D.D.C. 2017) (Jackson, J.) (quoting *Wash. Metro. Area Transit Auth. v. Ragonese*, 617 F.2d 828, 830 (D.C. Cir. 1980)). The point of the rule is to prevent “the same plaintiff” from getting “multiple bites at the apple.” *En Fuego Tobacco Shop LLC v. U.S. Food & Drug Admin.*, 356 F. Supp. 3d 1, 7 (D.D.C. 2019) (quoting *Ragonese*, 617 F.2d at 830).

The FTC and Plaintiff States have never gotten a bite at the apple until they filed their enforcement actions in this Court. WPATH-TX’s original suit in D.D.C. and Plaintiffs’ suit before this Court do not involve the same cause of action, nor do they substantially overlap. The CID Action raised a First Amendment challenge to a single CID. Plaintiffs’ enforcement actions in this Court allege years-long violations of federal and state consumer protection laws. The Fifth

Circuit's first-filed rule applies to whichever court obtains "jurisdiction over the *common subject matter*" of both suits. *Mann Mfg., Inc. v. Hortex, Inc.*, 439 F.2d 403, 408 (5th Cir. 1971) (emphasis added). D.D.C. has never obtained jurisdiction over the subject matter of this enforcement action: violations of federal and State consumer-protection laws. WPATH tries to evade this incongruity by arguing that Plaintiffs should have filed its enforcement actions as counterclaims to WPATH's challenge to the CID. Attachment 2 at 17. But as we explain above, the federal and state enforcement actions before this Court could not have been counterclaims to WPATH's constitutional challenge in D.D.C. See *supra* I.B.1.

To be sure, WPATH's motion for an antisuit injunction substantially overlaps with the enforcement action before this Court. But WPATH's shoehorning of a new lawsuit onto an existing docket by means of artful pleading does not make its lawsuit the "first-filed" lawsuit for purposes of this rule. The complaint and preliminary-injunction motion that commenced WPATH's suit in D.D.C. do not involve the same issues as Plaintiffs' enforcement actions in this Court. This Court should therefore apply the first-filed rule to enjoin WPATH's attempt to file a new claim for an antisuit injunction and require WPATH to litigate its defenses in the forum that Plaintiffs have properly chosen.

II. The Movants Will Suffer Irreparable Harm Absent Relief.

The FTC and the State Plaintiffs will suffer irreparable harm unless this Court acts. The Plaintiffs have chosen this forum to litigate their claims that WPATH is engaged in serious violations of both federal and state consumer protection laws. Those violations, as alleged in the 123-page complaint and demonstrated by 16 attached sworn declarations from victims and witnesses, have caused significant and irreparable harm to children throughout the United States and especially in the States that have filed this action, including Texas. WPATH-TX's transparent

attempt to stall the Plaintiffs from pursuing these claims would cause irreparable harm by depriving the Plaintiffs of their properly chosen forum without litigating that issue in this Court. *See Nippon Shinyaku Co. v. Sarepta Therapeutics, Inc.*, 25 F.4th 998, 1008 (Fed. Cir. 2022) (concluding that a party suffers “irreparable harm” when it is “deprived of its bargained-for choice of forum”). That harm is compounded by the fact Congress afforded the FTC broad discretion in selecting a forum for its enforcement actions—discretion that WPATH-TX seeks to commandeer. 15 U.S.C. § 53(b)(2).⁸

WPATH-TX’s maneuver will also cause irreparable harm to the State Plaintiffs. WPATH-TX’s motion seeks a TRO and a preliminary injunction “barring the FTC and anyone in active concert with it from pursuing the Texas litigation.” Attachment 2 at 25. In other words, WPATH-TX apparently seeks to bar the State Plaintiffs from pursuing their State-law claims even though the States are not parties and their claims are not at issue in the CID Action. On WPATH-TX’s apparent theory, even Texas would be prohibited from litigating in a Texas district court against a Texas-incorporated party for injuries inflicted on Texas citizens.⁹ When a State is forestalled from enforcing its own law, that is a quintessential form of irreparable harm. *Maryland v. King*, 567 U.S. 1301, 1303 (2012) (Roberts, J., in chambers) (“[A]ny time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury.”). The same is true for the FTC: when the Federal Government is impaired in enforcing its

⁸ In general, agencies suffer irreparable harm when denied the ability to exercise a statutory prerogative. *Cf. Coleman v. Paccar, Inc.*, 424 U.S. 1301, 1307 (1976) (Rehnquist, J., in chambers) (explaining that “the Government will suffer irreparable harm if [a motor vehicle safety regulation] is not permitted to remain in effect during the pendency of the litigation on the merits,” because “the goals of the federal motor vehicle safety program will have been dealt a serious setback”).

⁹ The FTC and States do not concede that an injunction against the FTC and anyone acting “in concert” with the FTC would apply to the Plaintiff States.

own law, that too is classic irreparable harm. *Trump v. CASA, Inc.*, 606 U.S. 831, 860 (2025) (“[T]he Government is likely to suffer irreparable harm from the District Courts’ entry of injunctions that likely exceed the [courts’] authority.”); *Trump v. Slaughter*, 609 U. S. ____, slip op. at 26–27 (2026) (explaining that the FTC’s “‘discretionary power to seek judicial relief’ lies at the very core of executive authority” (quoting *Buckley v. Valeo*, 424 U.S. 1, 138 (1976))).

WPATH-TX’s maneuver here is nothing but a delay tactic, designed to stall the enforcement of federal and state law in the forum that those sovereigns have properly selected. This Court should act immediately to prevent a cloud of procedural uncertainty from forming over this case, causing further (and unnecessary) motions practice and protracted litigation. So long as that delay endures, and resources are expended combatting it, the FTC, the States, and the victims of WPATH-TX’s deception whom Plaintiffs are acting to protect, will suffer harms they could not redress later—as WPATH-TX continues to violate the law.

III. The Equities Favor Relief.

The remaining preliminary injunction factors favor granting the Motion. First, the balance of the equities tips strongly in the FTC’s favor. The FTC and the State Plaintiffs are entrusted with enforcing federal and state consumer-protection laws on behalf of the American people. *Slaughter*, 609 U. S. ____, slip op. at 26–27; *United States v. Texas*, 599 U.S. 670, 684 (2023) (explaining that “the Executive’s Article II authority to enforce federal law [is] deeply rooted history of enforcement discretion in American law.”). They have filed this suit to redress WPATH-TX’s prolific violations of those laws. And they have properly selected Texas as the forum within which to do so. The equities compel this enforcement action to proceed in the ordinary course, consistent with the constitutional structure of our judicial system. Granting the FTC’s motion will accomplish that, protecting the rule of law and the reliance interests of all parties by reinforcing “the principle

of comity” between “courts of coordinate jurisdiction and equal rank.” *W. Gulf Mar. Ass’n*, 751 F.2d at 728.

On the other side of the ledger, WPATH-TX’s core claim to harm is that it prefers how (it assumes) D.D.C. will review this case, as opposed to how this Court (it assumes) will approach these issues. As we explain above, that is an illegitimate consideration. Federal fora exist on equal footing; each district judge is equally capable of resolving the case before him. WPATH-TX’s claim that it will suffer harm by having to litigate in Texas—the State of its incorporation for nearly fifty years—is based purely on its prediction about how this Court will resolve the merits of the Plaintiffs’ claims and WPATH-TX’s defenses. That is obviously deficient; were it legitimate, Congress’s design of 93 equal judicial districts would collapse overnight.

Second, an injunction is in the public interest. “As a practical matter, if a plaintiff demonstrates both likelihood of success on the merits and irreparable injury,” as the Movants have done above, “it almost always will be the case that the public interest will favor the plaintiff.” *Chappell*, 107 F.4th at 139 (quotation omitted). Further, the public interest lies in allowing this matter to proceed by enjoining WPATH-TX’s collateral efforts to defeat it. The FTC Act and the State Plaintiffs’ consumer protection laws require that entities like WPATH do not mislead consumers, including by making statements which lack adequate substantiation. “Facilitating the proper enforcement of” such laws by allowing the Plaintiffs to litigate their claims on the merits, rather than permitting WPATH to block those claims in unrelated proceedings, “is all to the good.” *Id.*

CONCLUSION

The United States District Court for the District of Columbia has scheduled a hearing on WPATH-TX’s meritless request to enjoin this Court’s proceedings for Thursday, July 9. The

government is available to argue this urgent motion on Tuesday, July 7, in Fort Worth. Accordingly, the government asks that this Court to set an argument, if appropriate, on July 7 and request that WPATH-TX provide any opposition by 3 PM CST on Monday, July 6. The government will waive any reply but asks for leave to address issues WPATH-TX raises orally.

Subsequently, for the reasons stated herein, this Court should grant the Motion and enjoin the Defendants in this case from seeking relief regarding this proceeding in any court other than this Court, the Fifth Circuit, or the Supreme Court. *See In re Admin. Subpoena 25-1431-032*, No. 4:26-mc-0006, ECF No. 26 at 6.

Dated: July 2, 2026

Respectfully submitted,

Of Counsel

Jonathan Cohen
Chief Litigation Counsel
District of Columbia Bar No. 483454*

/s/ Michael Dingman
Senior Counsel to the Director
District of Columbia Bar No. 90001474*
R. Cooper Vaughan
Senior Counsel to the Director
Virginia State Bar No. 92580
Glenna Goldis
Assistant Director for Special Projects
New York Reg. No. 4868600*
Hans Clausen
Attorney
Georgia Bar No. 153250*

Federal Trade Commission
Bureau of Consumer Protection
600 Pennsylvania Avenue, NW
Washington, DC 20580
Fax: (214) 953-3079
E-mail: MDingman@FTC.gov

*Admitted *pro hac vice*

FOR THE STATE OF TEXAS:

Ken Paxton

Attorney General of Texas

Brent Webster

First Assistant Attorney General

Ralph Molina

Deputy First Assistant Attorney General

Austin Kinghorn

Deputy Attorney General for Civil Litigation

Johnathan Stone

Chief, Consumer Protection Division



David Bizar

Assistant Attorney General

Texas State Bar No.: 24110737

Office Of The Attorney General Of Texas

Consumer Protection Division

P.O. Box 12548

Austin, Texas 78711-2548

Tel: (512) 463-2185

Fax: (512) 473-8301

David.Bizar@oag.texas.gov

FOR THE STATE OF IOWA:

BRENNA BIRD

Attorney General of Iowa



Eric H. Wessan

Solicitor General

1305 E. Walnut Street

Des Moines, Iowa 50319

(515) 823-9117

(515) 281-4209 (fax)

eric.wessan@ag.iowa.gov

Counsel for State of Iowa

CERTIFICATE OF SERVICE

I, Michael Dingman, hereby certify that on July 2, 2026, I electronically filed this motion with the Court using the CM/ECF system, a copy of which will be mailed and emailed to Defendants' counsel.

/s/ Michael Dingman

Michael Dingman

EXHIBIT 1

**DECLARATION OF R. COOPER VAUGHAN
PURSUANT TO 28 U.S.C. § 1746**

I have personal knowledge of the facts stated below and am competent to testify about them:

1. I am a United States citizen over the age of 18. I am an attorney for the Bureau of Consumer Protection at the Federal Trade Commission.
2. Attached as Attachment 1 is a true and correct copy of the World Professional Association for Transgender Health's Motion for a Temporary Restraining Order and Antisuit Injunction, *World Professional Association for Transgender Health v. Federal Trade Commission, et al.*, Case No. 1:26-cv-00532-JEB, ECF No. 45 (D.D.C. June 30, 2026).
3. Attached as Attachment 2 is a true and correct copy of the World Professional Association for Transgender Health's Memorandum of Law in Support of Plaintiff's Motion for a Temporary Restraining Order and Antisuit Injunction, *World Professional Association for Transgender Health v. Federal Trade Commission, et al.*, Case No. 1:26-cv-00532-JEB, ECF No. 45-1 (D.D.C. June 30, 2026).

I declare under penalty of perjury that the foregoing is true and correct. Executed within the United States on this 2nd day of July, 2026.



R. Cooper Vaughan
Senior Counsel to the Director
Federal Trade Commission

Attachment 1

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE WORLD PROFESSIONAL
ASSOCIATION FOR TRANSGENDER
HEALTH,

Plaintiff,

v.

FEDERAL TRADE COMMISSION;
ANDREW N. FERGUSON, in his official
capacity as Chairman of the Federal Trade
Commission; MARK R. MEADOR, in his
official capacity as Commissioner of the
Federal Trade Commission; and JOHN DOES
1–3, in their official capacities as
Commissioners of the Federal Trade
Commission,

Defendants.

Case No. 26-cv-00532-JEB

**PLAINTIFF’S MOTION FOR A TEMPORARY RESTRAINING ORDER AND
ANTISUIT INJUNCTION**

Pursuant to Fed. R. Civ. P. 65 and Local Civil Rule 65.1, Plaintiff the World Professional Association for Transgender Health (“WPATH”) respectfully moves for a temporary restraining order and an antisuit injunction barring Defendant the Federal Trade Commission (“FTC”), and others in active concert or participation therewith, from litigating the claims asserted in *FTC v. WPATH*, 4:26-cv-748-O (N.D. Tex.), except as mandatory counterclaims brought before this Court. For the reasons set forth in the accompanying memorandum of law, the Court should grant this motion for a temporary restraining order and, after hearing from both parties, further grant the

motion for an antisuit injunction. A proposed order is attached hereto. WPATH respectfully requests that the Court schedule a hearing no later than July 13, 2026.

Date: June 30, 2026
Washington, D.C.

/s/ Caleb Hayes-Deats
Abbe David Lowell [Bar No. 358651]
Caleb Hayes-Deats [Bar No. 1643213]
Schuyler J. Standley [*admitted pro hac vice*]
LOWELL & ASSOCIATES, PLLC
1250 H Street, N.W., Suite 250
Washington, DC 20005
T: (202) 964-6110
F: (202) 964-6116
ALowellpublicoutreach@lowellandassociates.com
CHayes-Deats@lowellandassociates.com
SStandley@lowellandassociates.com

Attorneys for WPATH

Attachment 2

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE WORLD PROFESSIONAL
ASSOCIATION FOR TRANSGENDER
HEALTH,

Plaintiff,

v.

FEDERAL TRADE COMMISSION;
ANDREW N. FERGUSON, in his official
capacity as Chairman of the Federal Trade
Commission; MARK R. MEADOR, in his
official capacity as Commissioner of the
Federal Trade Commission; and JOHN DOES
1–3, in their official capacities as
Commissioners of the Federal Trade
Commission,

Defendants.

Civil Action No. 1:26-cv-00532-JEB

Expedited Relief Requested

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF’S MOTION FOR A
TEMPORARY RESTRAINING ORDER AND ANTISUIT INJUNCTION**

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INTRODUCTION

Since 2025, the Federal Trade Commission (“FTC”) has been investigating the World Professional Association for Transgender Health (“WPATH”), supposedly for a baseless allegation that WPATH has been making deceptive statements regarding transgender healthcare for minors. WPATH filed this case to prevent that investigation from violating its First Amendment rights. After considering the parties’ briefs and hearing oral argument, on May 7, 2026, this Court entered a preliminary injunction barring the FTC from enforcing or implementing a civil investigative demand (“CID”) it had served on WPATH. In doing so, it found the CID had a “chilling effect” on WPATH’s protected speech on transgender health, that WPATH had presented “extensive evidence of [the FTC’s] animus,” and that the FTC had responded with only “wafer-thin justifications lacking evidentiary support” for the CID’s requests. ECF 41 at 6-9.

Rather than continue to defend its actions and motives in this District, the FTC responded to the Court’s injunction by filing its own new suit in the Northern District of Texas. That suit names WPATH and two affiliated entities as defendants. It challenges the same statements by WPATH as allegedly deceptive. And it also requires consideration of the same First Amendment rights this Court has already adjudicated in its prior ruling. The FTC will inevitably seek through discovery in the Texas litigation many if not all of the documents this Court found it could not obtain through the CID.

The FTC’s transition to Texas is part of a broader pattern for the federal government. The U.S. Department of Justice (“DOJ”) has recently claimed to concentrate its actions relating to transgender healthcare in the Northern District of Texas after no fewer than eight other district courts declined to enforce administrative subpoenas DOJ had issued. The Southern District of New York recently found that DOJ had done so because the Northern District of Texas was the “only jurisdiction” receptive to DOJ’s arguments. And DOJ’s effort has resulted in issuance of at

least one grand jury subpoena seeking records from a WPATH member that would have fallen within the scope of the FTC's CID.

This Court should not permit the FTC, or others acting in concert with it, to evade the Court's jurisdiction over WPATH's remaining causes of action or attempt an end-run around this Court's preliminary injunction by initiating duplicative litigation in another district. The claims that the FTC has filed in Texas arise from the same investigation and challenge the same statements at issue in this case. The FTC has an obligation to pursue those claims here under Federal Rule of Civil Procedure 13(a).

Proceeding elsewhere wastes resources and creates a risk of conflicting rulings. That appears to be the FTC's goal. By proceeding in the only district that has granted the federal government the full discovery it sought from providers of transgender healthcare, the FTC attempts to obtain the same documents and information that this Court, after hearing the FTC's best case, previously denied it. Antisuit injunctions are made for these circumstances. The need for such relief here is pressing. Absent this Court's intervention, WPATH will need to respond to the FTC's complaint on July 14, 2026.

BACKGROUND

I. WPATH Engages in First Amendment-Protected Activities on Matters of Public Concern

WPATH is a 501(c)(3) nonprofit organization dedicated to promoting science-based guidance, education, research, public policy, and respect in transgender health. *See* ECF 3-2 ¶¶ 3, 7. With more than 3,000 members in diverse fields—including medicine, mental health, research, law, and public policy—WPATH serves as a hub for professionals committed to transgender healthcare and an internationally-recognized authority on ethical, well-established, and science-based healthcare for transgender individuals. *See id.* ¶¶ 6, 8, 10.

As part of its educational and academic activities, WPATH publishes and updates standards of care on transgender healthcare, which “articulate a professional consensus about the psychiatric, psychological, medical, and surgical management of transgender people.” ECF 3-2 ¶ 9; ECF 41 at 1. Those standards reflect and express WPATH’s science-based belief that people can have “gender identities or expressions that differ” from the “sex assigned to them at birth.” *See* E. Coleman et al., *Standards of Care for the Health of Transgender and Gender Diverse People, Version 8*, 23 *International Journal of Transgender Health* 51, (Sept. 15, 2022); ECF 32-1. Most recently, WPATH oversaw the compilation and publication of Standards of Care, Version 8 (“SOC8”) in the *International Journal of Transgender Health* in September 2022. ECF 32-1. SOC8 is free to the public and provides detailed descriptions of sources, evidence, and methodologies used to create the publication. *See id.* at 178, 247. It is intended to be used as clinical guidance for informed, doctor-patient decision making on transgender healthcare, which may include varying interventions based on individual patient needs. *See id.* at 5.

WPATH is a non-profit, volunteer-run, charitable organization that uses its revenue (generated through membership dues, donations, and grants, not commercial transactions) to promote evidence-based healthcare for transgender individuals. *See* ECF 3-2 ¶ 15. None of its activities are undertaken for the profit of its governing body or members. *See id.* ¶ 16. And it does not provide any medical or other care directly to patients. *Id.* ¶ 17.

II. The Federal Government Targets WPATH Because of Its Protected Speech

The Trump Administration disagrees with the guidance provided in SOC8 and with WPATH’s view that individuals can have gender identities that differ from the sex assigned to them at birth. On January 20, 2025, President Trump’s first day in office, he issued Executive Order No. 14168, titled “Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.” Exec. Order No. 14,168, 90 Fed. Reg. 8,615 (Jan.

20, 2025). That Order announced a “policy of the United States to recognize two sexes, male and female,” which “are not changeable and are grounded in fundamental and incontrovertible reality.” *Id.* at 8615. Eight days later, the President issued another Executive Order, titled “Protecting Children from Chemical and Surgical Mutilation.” Exec. Order No. 14,187, 90 Fed. Reg. 8,771 (Jan. 28, 2025). That Order specifically targeted WPATH, calling SOC8 “junk science” that “lacks scientific integrity,” and directing executive agencies to rescind and amend all policies that rely on WPATH’s guidance. *Id.* It called on executive agencies to end “gender-affirming care,” and referred to well-established and medically necessary medical treatments as “chemical and surgical mutilation,” “maiming and sterilizing” children, and a “stain on our Nation’s history.” *Id.*; *see also* Ex. 3-12.

Following President Trump’s Executive Orders, the federal government has launched a sustained assault on transgender healthcare. ECF 1 (“Compl.”) ¶¶ 82-87. In May 2025, the Department of Health and Human Services (“HHS”) issued “Treatment for Pediatric Gender Dysphoria, Review of Evidence and Best Practices” (“HHS Report”), a 400-page literature review that has been criticized for misrepresenting available research and relying on studies with flawed methodologies. *See Treatment for Pediatric Gender Dysphoria: Review of Evidence and Best Practices*, U.S. Dep’t of Health and Human Servs. (May 2025) (revised ed. November 2025), <https://opa.hhs.gov/gender-dysphoria-report> (“HHS Report”); *see also* ECF 3-15. The HHS Report contains an entire chapter largely dedicated to repeating misinformation about WPATH, including its allegedly “political” ideology. *See* HHS Report at 14, 157-87.

In April 2025, DOJ issued a memorandum directing prosecutors to “investigate and hold accountable medical providers” who offer transgender healthcare to minors. ECF 3-16 at 4. That memorandum again attacked WPATH and directed DOJ personnel to “identify and purge all

Department policies, memoranda, publications, and court filings based on WPATH’s guidelines.”
Id. at 5.

In July 2025, DOJ issued more than 20 administrative subpoenas to organizations, doctors, and healthcare facilities promoting and/or providing healthcare for transgender minors. ECF 3-17. Eight courts have since quashed those subpoenas, finding they issued for the “improper purpose” of seeking “to end the very practice [DOJ] claims to be merely investigating.” *QueerDoc, PLLC v. U.S. Dep’t of Just.*, 2025 WL 3013568, at *5 (W.D. Wash. Oct. 27, 2025); *see also In re Subpoena*, No. 1:26-mc-0007, 2026 WL 1392565, at *8-10 (D.R.I. May 14, 2026); *In re 2025 UPMC Subpoena*, No. 25-mc-01069, 2025 WL 3724705 (W.D. Pa. Dec. 24, 2025); *In re Dep’t of Just. Admin. Subpoena No. 25-1431-030*, No. 25-mc-00063-SKC-CYC, 2026 WL 33398 (D. Colo. Jan. 5, 2026); *In re 2025 Subpoena to Children’s National Hospital*, No. 25-cv-03780, 2026 WL 160792 (D. Md. Jan. 21, 2026); *In re Admin. Subpoena No. 25-1431-019*, 800 F. Supp. 3d 229, 236-39 (D. Mass. 2025); *In re Subpoena No. 25-1431-014*, 810 F.Supp.3d 555 (E.D. Pa. Nov. 21, 2025); *In re Subpoena Duces Tecum No. 25-1431-016*, No. 2:25-mc-00041, 2025 WL 3562151, at *13 (W.D. Wash. Sept. 3, 2025). The only court to permit DOJ to enforce a subpoena, the Northern District of Texas, did so within only “a few hours” of receiving DOJ’s motion, without any response from the targeted entity. *In re Admin. Subpoena*, 2026 WL 1392565, at *2; *In re Admin. Subpoena, 25-1431-032*, No. 26-mc-6, ECF No. 2 (N.D. Tex. Apr. 30, 2026).

III. The FTC Targets WPATH with a Broad Civil Investigative Demand

The FTC has also targeted WPATH for investigation because of its views on transgender healthcare. Even before his appointment as the FTC’s Chairman, Andrew Ferguson expressed his commitment to “[f]ight back against the trans agenda” and “[i]nvestigate” organizations and individuals who “pushed gender confusion.” ECF 3-19. In May 2025, the FTC proposed a workshop entitled “The Big Lie: The Dangers of Gender-Affirming Care for Minors” to further

build on President Trump's executive orders. ECF 3-21. Over 140 FTC employees sent an anonymous Statement of Concern to Congress questioning whether the FTC had jurisdiction over these issues and asserting that FTC officials' "use of charged language suggest the Commission has already taken a position opposing gender-affirming care for minors." ECF 3-23. It noted that the "FTC has not historically intervened in the confidential, individualized advice given across a series of professional, consent-based appointments protected by the doctor-patient relationship." *Id.* FTC Director of Public Affairs and Senior Policy Advisor Joe Simonson responded that no "sane person" could endorse transgender healthcare for children and that "staff who oppose" the workshop are "free to resign." *Id.*

On July 9, 2025, the FTC held the invitation-only workshop, which it retitled, "The Dangers of 'Gender-Affirming Care' for Minors." ECF 3-29. That workshop occurred in Washington, D.C. *See* <https://www.ftc.gov/news-events/events/2025/07/dangers-gender-affirming-care-minors>. No legitimate medical experts in transgender health, medical organizations supporting transgender healthcare, or even transgender individuals spoke at the workshop. *See* ECF 3-29; ECF 3-6 ¶ 36. Instead, the FTC provided a platform solely to opponents of transgender healthcare, ECF 3-29, who accused WPATH of engaging in "fraud," ECF 3-28 at 20-21. During the workshop, then-New York State Assistant Attorney General Glenna Goldis recommended using FTC investigations as a mechanism to pressure medical associations, stating that:

Just the act of conducting thorough investigations in the course of pursuing a prosecution and making that public will be really helpful in exposing the medical associations to the public and to themselves so that they see the road back because they're at the point where they're going to start losing members. Pediatricians are going to think, "You know what? This is not representing me well, this group. They're actually making me look bad. I don't like what they're doing. I'm not going to pay dues anymore." They could lose other revenue streams as well.

Id. at 81. The FTC later hired Ms. Goldis as a senior litigator to lead FTC investigations related to pediatric transgender healthcare. *See* ECF 3-27. DOJ representatives attended the workshop and stated that DOJ worked “very, very closely” with the FTC on issues relating to transgender healthcare for minors. ECF 3-28 at 50.

On January 16, 2026, the FTC served a CID on WPATH. The CID contained fifteen interrogatories and thirteen document requests, broadly calling for WPATH to produce records relating to all aspects of its work and operations. *See* ECF 3-8. It described the subject of the investigation as:

Whether the Organization or any other Person . . . have made, or assisted others in making, false or unsubstantiated representations or engaged in unfair practices in connection with the marketing and advertising of Pediatric Gender Dysphoria Treatment . . . which, according to the Organization, purports to treat gender dysphoric or gender diverse minors, to consumers in violation of Sections 5 and 12 of the FTC Act . . . and whether FTC action to obtain monetary relief would be in the public interest.

See Ex. ECF 3-8 at 4.

The CID sought production of every single “Covered Statement” that WPATH has made about “Pediatric Gender Dysphoria Treatment” (“PGDT”). *See, e.g.*, Ex. ECF 3-8 at 5. Its definition of “Covered Statement” included “any representation, whether express or implied,” that: (1) “PGDTs are safe, including without limitation the representation that a treatment is safe for muscle, bone, or brain development; (2) “PGDTs are proven effective, including without limitation the representation that PGDTs are supported by *evidence-based science*,” (3) “PGDTs improve mental health;” (4) “PGDTs reduce the incidence of suicide, including without limitation the representation that PGDTs are life-saving;” (5) “PGDTs are fully or partly reversible, including without limitation the representation that a treatment is only a pause or otherwise do not cause permanent physical changes;” and (6) “PGDTs have few side effects.” *Id.* at 7 (emphasis added). The CID also sought the names, statements, and descriptions of WPATH’s associates. *See, e.g.*,

id. at 5. It envisioned production of not only information from the past, but also documents generated “until the date of full and complete compliance with this CID.” *Id.* at 4.

WPATH attempted in good faith to negotiate with FTC staff to narrow the CID. ECF 3-7. The FTC refused. *See id.*

IV. WPATH Files This Lawsuit and Obtains a Preliminary Injunction

On February 18, 2026, WPATH sued the FTC, Chairman Ferguson in his official capacity, and Commissioner Mark Meador in his official capacity, alleging that the investigation they had initiated (1) retaliated against WPATH for exercising its First Amendment rights; (2) discriminated against WPATH based on its viewpoint on transgender healthcare; (3) violated WPATH’s First Amendment right to associate with its members; and (4) exceeded the FTC’s investigatory power in violation of the Fourth Amendment. Compl. ¶¶ 131-53. WPATH’s claims arose from its protected speech on transgender healthcare, including the publication of SOC8, *id.* ¶¶ 30-57, the Trump Administration’s whole-of-government effort to deny the existence of transgender individuals and target WPATH for criticism, *id.* ¶¶ 70-87, the FTC’s workshop on gender-affirming care and its proposal to investigate WPATH to deprive it of members, *id.* ¶¶ 88-112, and the exceptionally broad CID the FTC issued to WPATH seeking its every communication on pediatric transgender healthcare, *id.* ¶¶ 113-130.

On February 25, WPATH moved for a preliminary injunction barring the FTC from implementing or enforcing the CID it had issued and from taking any further actions to interfere with or retaliate against WPATH’s exercise of First Amendment rights. ECF 3. WPATH explained that the FTC’s CID, and its investigation more broadly, retaliated against WPATH for expressing its protected view on transgender healthcare. ECF 3-1 at 19-31. The FTC’s violation of WPATH’s constitutional rights irreparably harmed WPATH, and no governmental or public interest outweighed those harms. *Id.* at 36-39. The FTC challenged the Court’s authority to hear

pre-enforcement challenges to its CIDs, urged that WPATH had no cause of action, and contended that its investigation had no more effect on WPATH's First Amendment rights than any other investigation of potentially misleading statements. ECF 32 at 17-40.

On May 7, 2026, the Court granted WPATH's motion "in large part and preliminarily enjoin[ed] the FTC from implementing or enforcing its issued CID." ECF 41 at 11. It found WPATH likely to succeed on its First Amendment retaliation claim. It found that the FTC did not contest that WPATH had engaged in protected speech, that the CID had a "chilling effect" on that protected speech, and that the FTC's "articulated hostility towards proponents of gender-affirming care" established a causal link between WPATH's protected speech and the CID. *Id.* at 6-7. The Court went on to explain that the FTC's "attempted demonstration of a legitimate purpose" for the CID fell "flat." *Id.* at 8. The FTC "failed to offer a logical justification connecting WPATH to commercial representations and . . . supposed violators" of laws the FTC has authority to enforce. *Id.* The Court then concluded that the "extensive evidence of animus" outweighed the FTC's "wafer-thin justifications lacking evidentiary support" and established WPATH's entitlement to a preliminary injunction. *Id.* at 9.

V. The DOJ Issues Grand Jury Subpoenas from the Northern District of Texas

Following setbacks before this Court and other district courts, the federal government has moved its investigations of transgender healthcare to the Northern District of Texas. On May 6, 2026, one day before this Court entered its injunction, DOJ caused an unknown number of grand jury subpoenas to be issued from the Northern District of Texas. *See* Decl. of Caleb Hayes-Deats dated June 30, 2026 ("Hayes-Deats Decl.") ¶¶ 3, 7, 10 & Ex.1.¹ At least one hospital receiving a grand jury subpoena has described it as "substantially similar" to the administrative subpoenas

¹ Unless otherwise noted, exhibits cited in this motion are attached to the Hayes-Deats Declaration.

DOJ issued in July 2025, Ex. 2, which at least eight district courts around the country had declined to enforce on the basis that DOJ had issued them for an “improper purpose,” *see* p. 5, *supra*. The grand jury subpoenas, however, contain one notable difference. Whereas the administrative subpoenas contained no mention of WPATH, Ex. 3, the grand jury subpoenas seek all “communications” with WPATH relating to “Sex-Rejecting Procedures,” SOC8, and “billing guidance,” *id.* Ex. 1 at 8.

The U.S. District Court for the Southern District of New York has already entered a temporary restraining order barring DOJ from enforcing one of the grand jury subpoenas it issued insofar as it seeks information concerning minor patients. *Coe v. Blanche*, No. 26-cv-4641 (KPF), ECF 65 (S.D.N.Y. June 24, 2026); Ex. 4. It found that DOJ’s conduct “shocks the conscience and rises to the level of the most egregious official conduct,” because the “context surrounding this subpoena, including the various statements made by executive officers, the recent spate of similar and failed administrative subpoenas, the timeline that is before me, leaves me at pains to understand . . . how any legitimate government interest would be served by the disclosure now sought.” Ex. 5 at 22:1-23:4. The District Judge, who served as a federal prosecutor for over a decade, could not “conceive of a crime that would require the breadth of disclosure sought in the subpoena.” *Id.* at 22:12-14. She also found that DOJ had “strategized to concentrate legal actions related to gender-affirming medical care” in the “only jurisdiction” that was “receptive to its arguments,” the “Northern District of Texas.” *Id.* at 10:19-23.

On June 16, over a month after the Court issued its injunction, DOJ caused a grand jury subpoena from the Northern District of Texas to be served on a WPATH member. Hayes-Deats Decl. ¶ 10, Ex. 6. That subpoena seeks “all communications with any WPATH member,” all “communications related to any WPATH publication,” including SOC8, and other documents

concerning transgender healthcare from “January 1, 2020, through the present.” Ex. 6 at 3. Those requests seek many of the same documents as the FTC’s CID, but cover a broader time period. *Compare* ECF 3-8.

VI. The FTC Files Suit in the Northern District of Texas

On June 17, 2026, the FTC, together with Alaska, Iowa, Nebraska, and Texas, sued WPATH in the Northern District of Texas. *See FTC v. WPATH*, 4:26-cv-748, ECF 1 (N.D. Tex. June 17, 2026); Ex. 7. The FTC alleges that WPATH’s statements in SOC8 have “deceived many consumers into believing that its treatment guidelines are based on strong evidence derived from scientific methods.” *Id.* ¶¶ 8-10. According to the FTC, “[m]edical professionals have also been duped.” *Id.* ¶ 11. The FTC alleges that it received hundreds of consumer complaints in response to the request for public comment it issued following its 2025 workshop. *Id.* ¶ 22; *but see* Compl. ¶ 111. It also attaches to its complaint declarations from Soren Aldaco, Claire Abernathy, Vanessa Sivadge, Beth Bourne, and Gwen Turecki, *FTC v. WPATH*, 4:26-cv-748-O, ECF 1-1, 1-2, 1-3, 1-5, 1-11 (N.D. Tex. June 17, 2026), five of the speakers at the FTC’s 2025 workshop, ECF 3-28 at 8, 51, 57, 61, 63.

Ultimately, the FTC’s suit challenges ten alleged “core deceptive statements.” Ex. 7 ¶ 378. As shown in the table below, the FTC’s “core deceptive statements” are the same “Covered Statements” about which its CID sought information:

“Core Deceptive Statement,” Ex. 7 ¶ 378	“Covered Statement,” ECF 3-8
Transition “medically necessary to prevent suicide” (¶ 378(1))	“PGDTs reduce incidence of suicide” D-3(d)
Transition “effective at preventing suicide” (¶ 378(2))	“PGDTs reduce incidence of suicide” D-3(d)
“Puberty blockers are fully reversible” (¶ 378(3))	“PGDTs are fully or partly reversible” D-3(e)
“Cross-sex hormones improve mental health” (¶ 378(4))	“PGDTs improve mental health” D-3(c)
Mastectomy “safe, effective” (¶ 378(5))	“PGDTs are safe,” “proven effective” D-3(a)-(b)
SOC8 “result of unbiased, evidence-based expert conclusions” (¶ 378(6))	“PGDTs are supported by evidence-based science” D-3(b)
Transition is “standard of care” (¶ 378(7))	“PGDTs are supported by evidence-based science” D-3(b)
SOC8 does not disclose “side effects of puberty blockers” (¶ 378(8))	“PGDTs have few side effects” D-3(f)
SOC8 does not disclose “side effects of cross-sex hormones” (¶ 378(9))	“PGDTs have few side effects” D-3(f)
SOC8 does not disclose “side effects” of mastectomy (¶ 378(10))	“PGDTs have few side effects” D-3(f)

Glenna Goldis, the attorney who recommended that the FTC investigate medical associations supporting transgender healthcare, ECF 3-28 at 81, was subsequently hired by the FTC and is one of the attorneys representing the FTC in its suit against WPATH, Ex. 7 at 119. The FTC lists her as the “Assistant Director for Special Projects (Children and Adolescents).” Bureau of Consumer Protection Organization Chart, Federal Trade Commission, <https://www.ftc.gov/about-ftc/bureaus-offices/bureau-consumer-protection/organization-chart> (last visited June 30, 2026).

Revealing the motive behind the CID and the real purpose behind the Texas lawsuit, the

same day the FTC filed suit in the Northern District of Texas, it notified WPATH of its intention to withdraw the CID. ECF 43-1. The FTC stated that, “[d]ue to the filing of [its] complaint, the Commission no longer views compliance with the CID as necessary to its investigation.” *Id.* The FTC simultaneously withdrew CIDs it had served on the Endocrine Society and the American Academy of Pediatrics (“AAP”). See *Endocrine Soc’y v. Federal Trade Commission*, No. 1:26-cv-00512-JEB, ECF 40 (D.D.C. June 22, 2026); *American Academy of Pediatrics v. Federal Trade Commission*, No. 1:26-cv-00508-CRC, ECF 40 (D.D.C. June 22, 2026). On June 30, 2026, counsel for WPATH met and conferred with the FTC regarding the withdrawal of the CID. Hayes-Deats Decl. ¶ 18. Counsel for WPATH asked the FTC whether it intended to seek the same information requested by the CID through discovery in the Northern District of Texas. *Id.* The FTC declined to offer any assurances that it would not do so. *Id.*

The FTC asserts that it served WPATH on June 23, 2026. Hayes-Deats Decl. ¶ 16. WPATH’s answer is thus due on July 14, 2026. *Id.*

ARGUMENT

This Court should issue a temporary restraining order (“TRO”) barring the FTC and anyone in active concert with it from pursuing the Texas litigation. It should do so for two independent reasons. First, the Texas litigation raises the same issues as this case, involves the same parties, and implicates the same First Amendment rights that WPATH’s complaint seeks to protect. Allowing the FTC to file duplicative litigation in another district will “waste” judicial resources and create a risk of “inconsistent adjudications.” *Rich v. Butowsky*, No. 18-cv-681 (RJL), 2020 WL 7016436, at *2 (D.D.C. Mar. 31, 2020). Second, an antisuit injunction is necessary to “prevent the frustration” of the preliminary injunction the Court has already issued. *United States v. N.Y. Tel. Co.*, 434 U.S. 159, 172 (1977). The FTC could use discovery in the Northern District of Texas action to seek the same documents, and impose the same chilling effect, that this Court found

would likely violate WPATH's First Amendment rights. ECF 41 at 6-11. DOJ, acting in concert with the FTC, may already have done so.

A preliminary injunction is proper where a plaintiff (1) "is likely to succeed on the merits"; (2) "is likely to suffer irreparable harm in the absence of preliminary relief"; (3) where "the balance of equities tips in [a plaintiff's] favor"; and (4) where the issuance of a preliminary injunction "is in the public interest." *Winter v. NRDC, Inc.*, 555 U.S. 7, 20 (2008). The final two factors "merge when the Government is the opposing party." *Nken v. Holder*, 556 U.S. 418, 435 (2009). "[A] plaintiff 'need only establish a likelihood of success on the merits of one claim to obtain . . . injunctive relief.'" *Media Matters for Am. v. Fed. Trade Comm'n*, 805 F. Supp. 3d 105, 119 (D.D.C. 2025) ("*Media Matters IP*") (quoting *A.B.B. v. Morgan*, 548 F. Supp. 3d 209, 218 (D.D.C. 2020)). The "same standard applies to both temporary restraining orders and to preliminary injunctions," *Am. Libr. Ass'n v. Sonderling*, 783 F. Supp. 3d 57, 59 (D.D.C. 2025) (quoting *Sterling Commer. Credit, LLC v. Phoenix Indus. I, LLC*, 762 F. Supp. 2d 8, 12 (D.D.C. 2011)), except that a TRO may issue "without written or oral notice to the adverse party," Fed. R. Civ. P. 65(b)(1). Every injunction and TRO binds not just the parties named, but also anyone working in "active concert" with those parties who has notice of the order's prohibitions. Fed. R. Civ. P. 65(d)(2).

I. WPATH Is Likely to Succeed on the Merits

WPATH is likely to prove its entitlement to an antisuit injunction on two separate bases. First, the Court should enjoin the FTC from initiating duplicative litigation and instead require it to present its claims in this case as mandatory counterclaims. Second, the Court should enjoin the FTC from using the Texas litigation to frustrate the preliminary injunction entered in this case.

A. An Injunction Is Necessary to Prevent Duplicative Proceedings

“It is clear that a federal court can enjoin the prosecution of an action where the same issues are presented in another federal court.” *Am. Horse Prot. Ass’n v. Lyng*, 690 F. Supp. 40, 42 (D.D.C. 1988); see *Kerotest Mfg. Co. v. C-O-Two Fire Equip. Co.*, 342 U.S. 180, 185 (1952) (“[S]ubsequent suits . . . can within the trial court’s discretion be enjoined pending determination of the declaratory judgment suit.”). The D.C. Circuit permits issuance of antisuit injunctions to prevent duplicative litigation in two separate districts. *Columbia Plaza Corp. v. Sec. Nat’l Bank*, 525 F.2d 620, 628 (D.C. Cir. 1975). *Columbia Plaza* involved financing to construct a commercial office building. *Id.* at 622. The property owner sued the financiers in D.D.C., alleging that they had diverted loan proceeds to other projects. *Id.* at 623. The financiers filed a separate suit in New York to recover on debt notes the property owner had issued. *Id.* Although the D.C. District Court initially denied the property owner’s motion to enjoin the financier from proceeding in New York, the D.C. Circuit reversed. *Id.* at 629. Because the financier’s claims were mandatory counterclaims under Federal Rule of Civil Procedure 13(a), the “two actions [we]re parts of a single controversy” and should “both” be resolved “in a single forum.” *Id.* at 626. The D.C. Circuit evaluated “equitable considerations genuinely relevant to the ends of justice” and concluded that the litigation in D.D.C. should proceed, and the financier should be enjoined from further litigation in New York. *Id.* at 627-28.

Following *Columbia Plaza*, courts deciding whether to issue an antisuit injunction barring duplicative litigation consider the following factors: “the identity of the parties; the risk of inconsistent adjudications; the location of counsel familiar with the litigation; how far advanced each action is; and, ‘equitable considerations genuinely relevant to the ends of justice, relating to the expeditious determination of the case without unnecessary multiplication of litigation.’”

Butowsky, 2020 WL 7016436, at *1 (quoting *Am. Horse*, 690 F. Supp. at 42). Each factor weighs in favor of an antisuit injunction barring the FTC from litigating in Texas.

1. *Identity of the Parties*. “The parties are substantially identical when subsequent claims are filed against the same individuals . . . involved in the initial litigation.” *Id.* at *2. Here, the FTC, a defendant in this case, filed suit in the Northern District of Texas against WPATH, the plaintiff in this case. While the FTC named three separate entities affiliated with WPATH in the Texas litigation, it alleges that all three “have operated as a common enterprise” and refers to them collectively as “WPATH.” Ex. 7 ¶¶ 38-49. That four States have joined the FTC’s Texas litigation does not alter the identity of the parties in the two suits. The FTC frequently “partner[s] with state Attorneys General” to file lawsuits. *See Congressional Budget Justification Fiscal Year 2027*, Federal Trade Commission (Apr. 3, 2026),¹⁵ https://www.ftc.gov/system/files/ftc_gov/pdf/ftc-fy-2027-congressional-budget-justification.pdf; *see also, e.g., FTC v. Mallinckrodt*, 1:17-cv-120-EGS (D.D.C. Jan. 18, 2017) (suit by FTC, Alaska, and Texas, among others). The FTC cannot evade restrictions on its actions simply by taking joint action with historical partners. This factor thus “tips in favor of enjoining the later-in-time suit.” *Butowsky*, 2020 WL 7016436, at *2.

2. *Risk of Inconsistent Adjudications*. The Texas litigation also creates a significant risk of inconsistent adjudications. The “issues in this suit and the Texas Litigation are ‘inextricably intertwined’ and derive from a ‘common origin,’ which ‘weighs in favor of the comprehensive resolution of this case in one forum.’” *Id.* at *2 (quoting *Am. Horse*, 690 F. Supp. at 43). This case and Texas litigation arise from a “common origin,” *i.e.*, the FTC’s investigation of WPATH. *Id.* They also present issues that are “inextricably intertwined.” *Id.* The Texas litigation challenges the same statements identified in the CID the Court previously enjoined. *Compare* ECF 1 ¶ 121 (listing the “Covered Statements”), *with* Ex. 7 ¶ 378 (listing the “Core Deceptive

Statements”). The FTC’s jurisdiction to investigate WPATH and its jurisdiction to bring the lawsuit in Texas both revolve around the same question of whether WPATH is a “corporation” or engages in commerce. *See* ECF 1 at 44; Ex. 7 ¶ 50. And WPATH will raise the same First Amendment rights it presented to this Court as a limitation on the FTC’s investigative power as a defense to the FTC’s claims in the Texas litigation. *See* ECF 1 at 44. These overlapping issues could easily result in inconsistent adjudications. As one example, the Northern District of Texas could allow the FTC to pursue in discovery the same requests that this Court previously found violated WPATH’s First Amendment rights. ECF 41. That outcome appears likely. The Southern District of New York recently observed that the “Northern District of Texas” was the “only jurisdiction” that had been “receptive to [DOJ’s] arguments” regarding administrative subpoenas, enforcing an administrative subpoena after eight other district courts around the country had refused. Ex. 5 at 10:19-23.

The FTC’s claims in Texas are also mandatory counterclaims that it should have presented in this Court. Fed. R. Civ. P. 13(a); *Columbia Plaza*, 525 F.2d at 626. The FTC’s claims arise out of the same “transaction or occurrence that is the subject matter” of WPATH’s claims in this Court, and do not require adding another party over whom the Court cannot acquire jurisdiction. Fed. R. Civ. P. 13(a).² “‘Transaction’ is a word of flexible meaning,” and “may comprehend a series of many occurrences, depending not so much upon the immediateness of their connection as upon their logical relationship.” *Columbia Plaza*, 525 F.2d at 625 (quoting *Moore v. N.Y. Cotton Exch.*, 270 U.S. 593, 610 (1926)). The allegations in a mandatory counterclaim need not be “precisely

² The States of Alaska, Iowa, Nebraska, and Texas could each have joined the FTC’s counterclaims in this Court. Each has joined suits filed by the FTC in this District before. *See Mallinckrodt*, 1:17-cv-120-EGS (suit by FTC, Alaska, and Texas, among others); *FTC v. Sysco Corp.*, 1:15-cv-256-APM (D.D.C. Feb. 20, 2015) (suit by FTC, Iowa, and Nebraska, among others).

identical,” and should instead be “construed generously to avoid the unnecessary expense inherent in multiplicitous litigation.” *Id.* Any reasonable construction of FTC’s counterclaims shows their “logical relationship” to WPATH’s claims. All claims arise from the same FTC investigation, concern the same statements in SOC8, and require consideration of WPATH’s First Amendment rights. *See* pp. 16-17, *supra*. The Court should thus enjoin the “wasteful expenditure of energy and money incidental to separate litigation of identical issues.” *Columbia Plaza*, 525 F.2d at 626.

3. *Location of Counsel Familiar with the Litigation.* The “location of counsel weighs in favor of enjoining the Texas Litigation.” *Butowsky*, 2020 WL 7016436, at *2. WPATH’s attorneys are located in D.C. Four of the five attorneys representing the FTC in Texas are also based in Washington, D.C., with the fifth providing an address from Atlanta, Georgia. Ex. 8. Not one attorney appearing in the Texas litigation on behalf of the FTC is located in Texas. *Id.*³ All five FTC attorneys filed more than a thousand miles away from their offices, rather than proceed in this District with what should have been mandatory counterclaims.

4. *How Far Advanced Each Action Is.* The relative stages of the two cases also weigh in favor of an antisuit injunction. *Butowsky*, 2020 WL 7016436, at *2. This Court has already heard a motion for a preliminary injunction, determined that “WPATH is likely to demonstrate a causal link between its protected speech and the FTC’s issuance of the CID,” and barred the FTC from “implementing or enforcing its issued CID.” ECF 41 at 9-11. Nothing happened in Texas until over a month after the Court issued its injunction. *See* Ex. 8. The D.C. Circuit has required an antisuit injunction when foreign litigation has “advanced no further than removal and

³ Only one attorney appearing on behalf of plaintiffs in the Texas litigation lists an address in Texas, and that attorney, representing the State of Texas, works in the *Western* District of Texas, not the *Northern* District, where the case was filed. Ex. 8.

consideration of a motion for stay.” *Columbia Plaza*, 525 F.2d at 628. The Texas litigation has not advanced even that far.

5. *Equitable Considerations*. Finally, “equitable considerations, such as the conservation of judicial resources and deterrence of forum shopping, weigh in favor of enjoining the Texas Litigation.” *Butowsky*, 2020 WL 7016436, at *2. It “would be a complete waste of judicial resources to allow two cases confronting the same exact issues to proceed simultaneously.” *Id.* It would also be “unfair to force [WPATH] to engage [Texas] counsel additional to retained local counsel already familiar with the controversy.” *Columbia Plaza*, 525 F.2d at 628.

The location of “witnesses” also weighs in favor of enjoining the Texas litigation. *Columbia Plaza*, 525 F.2d at 628. WPATH’s principal witnesses are also located in Washington, D.C.; Columbus, OH; and Chicago, IL. ECF 3-4 to 3-6; Hayes-Deats Decl. ¶ 20. The declarations filed with the FTC’s complaint are from individuals who reside or received treatment in Massachusetts, Missouri, California, Michigan, Arizona, Minnesota, Maryland, and Florida. *See FTC v. WPATH*, No. 4:26-cv-748-O ECF 1-2 to 1-16 (N.D. Tex. June 17, 2026). None of those individuals will benefit significantly from proceeding in Texas. Only two declarants in the Texas litigation reside in Texas, *FTC v. WPATH*, No. 4:26-cv-748-O, ECF 1-1, 1-3, and both have already traveled to Washington, D.C. to participate in the FTC’s 2025 workshop, ECF 3-28 at 51, 61.

Finally, the FTC’s “Texas Litigation ‘has more than a faint semblance of forum shopping aimed at evading’ this Court’s adjudication” of WPATH’s claims. *Butowsky*, 2020 WL 7016436, at *2 (quoting *Am. Horse*, 690 F. Supp. at 43). The Southern District of New York recently found that DOJ, after repeatedly losing challenges to its administrative subpoenas, “strategized to concentrate legal actions related to gender-affirming medical care” in the “Northern District of

Texas” because that was the “only jurisdiction” that was “receptive to its arguments.” Ex. 5 at 10:19-23. It is surely no coincidence that the FTC, after losing WPATH’s challenge to the CID, filed a duplicative lawsuit in the Northern District of Texas. The FTC did not even purport to serve WPATH in the Northern District of Texas, but instead in Illinois and Austin, which is in the Western District of Texas. *See FTC v. WPATH*, 4:26-cv-00748-O, ECF No. 25-26 (N.D. Tex. June 29, 2026). The FTC’s forum shopping threatens not just duplicative litigation, but also comity between federal district courts. *See League of Women Voters v. Dep’t Homeland Security*, No. 25-cv-3501 (SLS), 2026 WL 1784297, at *34 (D.D.C. June 22, 2026) (explaining “doctrine of federal comity” seeks to avoid “unnecessarily burdening the federal judiciary and delivering conflicting judgments”). If the FTC can circumvent unfavorable decisions by filing separate cases in a district it regards as favorable, different districts will repeatedly find themselves in irreconcilable conflicts. DOJ’s transfer of its investigation to the Northern District of Texas has already produced one example. *In re Rhode Island Hosp.*, 177 F.4th 21, 23 (1st Cir. 2026) (describing competing orders from the District of Rhode Island and the Northern District of Texas).

* * *

Not one factor weighs in favor of allowing the FTC to prosecute duplicative claims in Texas, rather than before this Court. The FTC’s claims involve the same parties, raise the same issues, and have far less connection to Texas than Washington, D.C., where the FTC conducted its investigation and where its attorneys reside. Permitting the FTC to proceed in Texas would waste the parties’ resources and the Court’s, for no purpose other than allowing the FTC to proceed before a district court that it regards as favorable to its claims. Such cynical evasion of this Court’s review threatens the “overall interests of justice.” *Columbia Plaza*, 525 F.2d at 627.

B. An Injunction Is Necessary to Prevent Evasion of This Court's Injunction

The Court should also issue an antisuit injunction to prevent frustration of its prior orders. The All Writs Act authorizes federal courts to issue “all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a). The Supreme Court has “repeatedly recognized the power of a federal court to issue such commands under the All Writs Act as may be necessary or appropriate to effectuate and prevent the frustration of orders it has previously issued.” *N.Y. Tel. Co.*, 434 U.S. at 172; *see also Laker Airways Ltd. v. Sabena*, 731 F.2d 909, 927 (D.C. Cir. 1984) (“Courts have a duty to protect their legitimately conferred jurisdiction to the extent necessary to provide full justice to litigants.”). “If courts lacked the ability to enforce their judgments, ‘the judicial power would be incomplete and entirely inadequate to the purposes for which it was conferred by the Constitution.’” *SAS Inst., Inc. v. World Programming Ltd.*, 952 F.3d 513, 521 (4th Cir. 2020) (quoting *Peacock v. Thomas*, 516 U.S. 349, 356 (1996)).

The FTC and DOJ are using proceedings in the Northern District of Texas to circumvent this Court's holding that the First Amendment limits what information they can obtain from WPATH. DOJ previously announced that it would work “very, very closely” with the FTC on issues relating to transgender healthcare for minors. ECF 3-28 at 50. Following the entry of this Court's injunction, DOJ issued a grand jury subpoena from the Northern District of Texas to at least one WPATH member (and potentially more) seeking “all communications with any WPATH member” and all “communications related to any WPATH publication,” including SOC8, from a period of over six years. Ex. 6. This Court held that those same requests, in the FTC's CID, have a “chilling effect on [WPATH's] protected speech,” and “predictably stifl[e] future speech.” ECF 41 at 6-7. DOJ is thus doing exactly what this Court found would likely violate the First

Amendment, even though neither the “extensive evidence of animus” nor the “wafer-thin justifications” for such broad requests have changed. *Id.* at 9.

The FTC’s lawsuit also threatens to circumvent this Court’s injunction. Every discovery request the FTC serves in the Texas litigation will likely fall within the “vast swath” of documents covered by the CID. ECF 41 at 6-7. The FTC’s pursuit of those documents in the Texas litigation threatens the same “chilling effect” this Court found “readily discernible.” *Id.* And there is no guarantee that the Northern District of Texas will apply the First Amendment to the FTC’s requests in the same manner that this Court has. When DOJ sought to enforce an administrative subpoena in the Northern District of Texas—the same administrative subpoena that *eight* other courts had refused to enforce, *see p. 5, supra*—that court enforced the subpoena *ex parte*, without hearing from the hospital that had received the subpoena, and subsequently denied the hospital’s request for a stay. *In re Rhode Island Hosp.*, 177 F.4th at 23. FTC has given WPATH no assurances that it will not simply reissue its CID as a set of document requests under Federal Rules of Civil Procedure 34 in the Northern District of Texas. Hayes Deats Decl. ¶ 18. Such discovery would deprive this Court’s injunction of any effect. The FTC would chill the same protected speech, based on the same “wafer-thin justifications,” causing the same irreparable harm to WPATH. ECF 41 at 9-11. The All Writs Act authorizes this Court to prevent that result.

This Court has a “duty to protect [its] legitimately conferred jurisdiction to the extent necessary to provide full justice to litigants.” *Laker Airways*, 731 F.2d at 927. In *SAS Institute*, the Fourth Circuit affirmed an antisuit injunction that barred a foreign defendant from initiating foreign suits to “clawback” damages awarded in the United States. 952 F.3d at 523-26. The All Writs Act authorized the district court to “protect its outstanding judgment” from a “sustained collateral attack” that was “effectively lowering” the judgment’s amount. *Id.* at 524. This Court’s

preliminary injunction faces an almost identical threat. The FTC, through discovery in Texas, threatens to seek the exact documents from WPATH, and impose the exact chilling effect, that this Court held would likely violate the First Amendment. ECF 41 at 9-11. The Court should thus “protect its outstanding” injunction. *SAS Inst.*, 952 F.3d at 524; *see also Am. Horse*, 690 F. Supp. at 44 (finding litigation in another district attempts “to divest this Court of the jurisdiction that it clearly has over the issues raised”).

II. WPATH Has Been, and Will Continue to Be, Irreparably Harmed by the FTC’s Actions

WPATH faces two forms of irreparable harm, each of which independently supports an antisuit injunction. First, the FTC’s initiation of the Texas litigation threatens to irreparably harm WPATH by violating its First Amendment rights. This Court previously found that “WPATH has made it apparent that its constitutional rights are violated” and thus “has easily cleared the irreparable harm requirement to warrant preliminary relief.” ECF 41 at 10 (cleaned up); *see Mills v. District of Columbia*, 571 F.3d 1304, 1312 (D.C. Cir. 2009). WPATH has already documented “interruptions to its educational programs, mentorship programs, and the closing of an online meeting for discussion of transgender-health topics.” ECF 41 at 10 (cleaned up). The Texas litigation threatens to cause those same interruptions and more.

Second, WPATH will be irreparably harmed because it will be “forced to devote resources” to litigating two separate cases. *Butowsky*, 2020 WL 7016436, at *2; *see Columbia Plaza*, 525 F.2d at 628 (noting unfairness of requiring plaintiff to litigate in two districts). WPATH is a nonprofit that “operates on a modest budget.” ECF 3-2 ¶¶ 3, 15. Its financial disclosures from 2024 show that, even before the federal government began to target it, it operated at a loss and had only \$1.2 million in net assets. Hayes-Deats Decl. Ex. 9. WPATH simply does not have the resources to engage multidistrict litigation with an agency of the federal government that has an

annual budget of more than \$400 million. ECF 34-8. It should not have to face “an expensive, time-consuming action, as well as a vexatious attempt to relitigate issues already decided and to raise issues that more properly can be determined by this Court.” *Am. Horse*, 690 F. Supp. at 44. That threatened harm is “immediate.” Fed. R. Civ. P. 65(b)(1). WPATH’s response to the FTC’s complaint in Texas is due July 14, 2026. Hayes-Deats Decl. ¶ 16.

III. The Balance of the Equities and Public Interest Favor WPATH

Finally, both the balance of the equities and the public interest support issuance of an antisuit injunction. An injunction will not harm the FTC, or the other plaintiffs in the Texas litigation, because all claims asserted in the Texas litigation can be pursued as mandatory counterclaims that “can appropriately be heard by this Court.” *Am. Horse*, 690 F. Supp. at 44. Requiring the FTC to litigate here “cannot be construed as injury.” *Id.*; *see also Butowsky*, 2020 WL 7016436, at *2.

The public interest also favors an antisuit injunction. An injunction will promote the “public interest in the conservation of judicial resources and comprehensive disposition of litigation,” as well as the “interests of avoiding inconsistent results and conflicting decisions.” *Am. Horse*, 690 F. Supp. at 45; *see also Butowsky*, 2020 WL 7016436, at *2. And “there is always a strong public interest in the exercise of free speech rights otherwise abridged by an unconstitutional regulation.” *Pursuing Am.’s Greatness v. Fed. Election Comm’n*, 831 F.3d 500, 511 (D.C. Cir. 2016). No countervailing interest weighs against an injunction, because the FTC will remain free to litigate any legitimate claim it has before this Court. *Am. Horse*, 690 F. Supp. at 44.

CONCLUSION

For the foregoing reasons, WPATH respectfully requests that this Court issue a temporary restraining order barring the FTC, and anyone acting in concert with it, from litigating the claims asserted in *FTC v. WPATH*, 4:26-cv-748-O (N.D. Tex.), except as mandatory counterclaims brought before this Court.

Dated: June 30, 2026

Respectfully Submitted,

/s/ Caleb Hayes-Deats

Abbe David Lowell [Bar No. 358651]

Caleb Hayes-Deats [Bar No. 1643213]

Schuyler J. Standley [*admitted pro hac vice*]

LOWELL & ASSOCIATES, PLLC

1250 H Street, N.W., Suite 250

Washington, DC 20005

T: (202) 964-6110

F: (202) 964-6116

ALowellpublicoutreach@lowellandassociates.com

CHayes-Deats@lowellandassociates.com

SStandley@lowellandassociates.com

Attorneys for WPATH