

CAUSE NO. D-1-GN-24-001276

PFLAG, INC.,

Plaintiff,

v.

OFFICE OF THE ATTORNEY GENERAL  
OF THE STATE OF TEXAS; and  
WARREN KENNETH PAXTON, JR.,  
In his official capacity as Attorney General  
Of Texas,

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

261<sup>ST</sup> JUDICIAL DISTRICT

**THE OFFICE OF THE ATTORNEY GENERAL’S RESPONSE TO PLAINTIFF’S  
APPLICATION FOR TEMPORARY RESTRAINING ORDER**

Pursuant to the Court’s instruction by e-mail at 10:36AM on February 29, 2024, the Office of the Attorney General of the State of Texas (“Attorney General”) files this response to Plaintiff’s Application for Temporary Restraining Order. The Attorney General reserves all rights and is not waiving any arguments, or bases for dismissal, that he may assert in later proceedings. In support thereof, the Attorney General states as follows:

**I. INTRODUCTION**

1. PFLAG’s application for temporary restraining order is fatally flawed for multiple reasons.

2. *First*, it is untimely, PFLAG was required to file its challenge on or before **February 26, 2024**. It failed to do so. That deadline was jurisdictional or otherwise mandatory, and there is no basis to excuse PFLAG’s dilatory filing here. That is not to say PFLAG lacks a remedy—if Defendants ever seek to *enforce* the investigatory demands against PFLAG, then PFLAG can, in that posture, seek redress in Court before being forced to make any productions. It will not experience *any* harm before then.

3. **Second**, Defendants enjoy sovereign immunity and PFLAG cannot overcome that immunity, such as by arguing that Defendants' issuance of the investigatory demands was *ultra vires*. The Attorney General can "investigate merely on suspicion that the law is being violated, or even just because [he] wants assurance that it is not." *United States v. Morton Salt*, 338 U.S. 632, 642-43 (1950). And here, as described below, the Attorney General has much more than mere "suspicion." The Deceptive Trade Practices Act squarely authorized the investigatory demands made here. Tex. Bus. & Com. Code § 17.61(a).

4. All of Plaintiff's arguments lack merit. There is no prohibition on Defendant serving these investigatory demands merely because PFLAG is in litigation against the State in other matters. To be perfectly clear, Defendants' investigation at issue here is analytically distinct from the matters that PFLAG is already litigating. And, regardless, PFLAG does not obtain an immunity from investigation merely because it is in litigation against the State. And Plaintiff's Constitutional arguments for withholding material are radically premature, lack merit, and appear to have been made in bad faith. Namely, while *certain* of Plaintiff's documents *may* enjoy constitutional protection, it is inconceivable that all of them do. And regardless, Defendants offer to withdraw the investigatory demands if Plaintiff would put a representative up for an Examination Under Oath. In that context (the functional equivalent of a deposition), with the ability to make objections and assert privilege, there is no risk that constitutionally protected material will be revealed. But Plaintiff inexplicably rejected that offer and then filed this suit. That was baseless.

5. The Court should deny Plaintiff's application for temporary injunction.

## II. BACKGROUND

6. On June 2, 2023, SB-14 was signed into law (effective September 1, 2023). Broadly speaking, SB-14 prohibits certain medical procedures and treatments when performed “[f]or the purpose of transitioning a child’s biological sex” including through surgery and by drugs. Tex. Health & Safety Code § 161.702.

7. SB-14’s constitutionality is currently pending before the Supreme Court of Texas in *Texas v. Loe*, 23-0697. In the meantime, however, the Consumer Protection Division of the Attorney General’s office has become aware of information suggesting that medical providers and other persons are evading SB-14’s strictures by committing various forms of fraud, including insurance fraud. Declaration of Sam Weeks ¶ 5. Specifically, in order to avoid SB-14’s prohibition on drug-induced gender transitions, the Attorney General is aware of information showing that providers may be fraudulently prescribing hormones under the guise of treating an “endocrine disorder,” or something else separate from gender dysphoria.

8. For example, a group of medical providers known as “QueerDoc” has admitted that some insurers “automatically reject payment for ‘gender-incongruent’ treatments.” Weeks Decl., Ex 1. QueerDoc, however, “do[es] [not] agree with this.” *Id.* Therefore, QueerDoc issues “prescriptions under the diagnosis of ‘endocrine disorder’” instead of “gender dysphoria.” *Id.* Other investigative reporting appears to indicate that at least some medical providers are misrepresenting their own patients’ statuses in order to prescribe a gender-transition related treatment. For example, one medical provider known as “Plume” allegedly met with a patient who denied he had been “experiencing gender dysphoria for six months or more,” but Plume nevertheless “falsely claim[ed] [in a letter] that [he] was experiencing significant and ongoing gender dysphoria” and recommended “testicle removal.” Weeks Decl., Ex. 2.

9. It is squarely within the Consumer Protection Division’s authority to police this activity. Namely, the Consumer Protection Division is charged with enforcing against “[f]alse, misleading, or deceptive acts or practice in the conduct of any trade or commerce” under the Texas Deceptive Trade Practices Act (DTPA). Tex. Bus. & Com. Code § 17.46(a). If medical providers are providing fraudulent information to either consumers or insurers about why they are prescribing certain treatments, such as hormones, that is classic false, misleading, or deceptive behavior actionable under the DTPA.<sup>1</sup> Accordingly, the Consumer Protection Division has already commenced investigations into various medical providers who may be committing these kinds of acts. Weeks Decl. ¶ 3.

10. On or around January 30, 2024, the Consumer Protection Division became aware that Plaintiff PFLAG likely had information relevant to whether specific providers were in fact engaged in this false, misleading, or deceptive activity. Namely, in litigation challenging SB-14, PFLAG’s CEO Brian K. Bond provided an affidavit dated July 11, 2023, stating that he has spoken to parties about “contingency plans,” “alternative avenues to maintain care in Texas,” and “affirming general practitioners.” The relevant text of Mr. Bond’s affidavit is reproduced in Plaintiff’s petition at page 18. (The Consumer Protection Division was not involved in defending the suit where Mr. Bond’s affidavit was submitted which is at least in part why the Consumer Protection Division did not become aware of the affidavit earlier.).

11. Mr. Bond’s statements appear to indicate that PFLAG has knowledge of various entities seeking to use subterfuge to evade SB-14 (*i.e.*, through a “contingency plan” or “alternative

---

<sup>1</sup> Plaintiff is correct (Application at 31-32) that the DTPA provides a carveout for “professional service[s]” where “the essence” of the service is the “providing of advice, judgment, opinion, or similar professional skill.” Tex. Bus. & Com. Code § 17.49(c). But there is no “advice, judgment, opinion” or anything similar at issue when a provider issues a knowingly false diagnosis in order to avoid a legal prohibition. Indeed, “an express misrepresentation of a material fact that cannot be characterized as advice, judgment, or opinion” *is not* protected. *Id.* § 17.49(c)(1). And, in any event, the carveout only protects these services from a claim for “damages.” *Id.* The Attorney General, however, may seek other remedies in addition to damages, such as an injunction. *Id.* § 17.47.



avenue” for treatment). Accordingly, on February 5, 2024, the Consumer Protection Division issued a Civil Investigative Demand (CID) under DTPA Section 17.61 to PFLAG demanding documents relevant to Mr. Bond’s statements. Although the Consumer Protection Division does not currently believe that PFLAG *itself* is violating the DTPA, the Division nevertheless had the authority to issue the CID because the Division can demand documents from “**any** person”—not just those suspected of a violation. Tex. Bus. & Com. Code § 17.61(a). The CID is attached as Exhibit A to Plaintiff’s Petition filed February 28, 2024.

12. On the same day, the Consumer Protection Division also issued a Demand for Sworn Written Statement (DSWS) under DTPA Section 17.60(1). The DSWS demands that PFLAG provide written answers to certain questions, much like response to interrogatories. The DSWS is attached as Exhibit B to Plaintiff’s Petition filed February 28, 2024. Collectively, the CID and DSWS are referred to as “the Demands.”

13. When the Consumer Protection Division issues a CID, it must “prescribe a return date within which the documentary material is to be produced.” Tex. Bus. & Com. Code 17.61(3). The “return date” for the CID issued to PFLAG is **February 26, 2024**. *See* Exhibit A to Plaintiff’s Petition (first page). The DSWS likewise contained a deadline of February 26, 2024.

14. On February 19, Plaintiff’s counsel sought an “extension of both response dates until at least Monday, March 4, 2024.” *See* Plaintiff’s Application, Ex. C (email dated February 19, 2024). Out of professional courtesy, Defendants’ counsel granted a “one-week extension.” *Id.* (email dated February 20, 2024). Importantly, however, and as described below, this extension did not **and could not** extend the deadline that Plaintiff was under to file suit (which has now lapsed).

15. On February 27, 2024, PFLAG indicated it was considering filing suit unless the Consumer Protection Division “withdr[e]w the requests” at issue. *Id.* (email dated February 27,

2024 at 3:32 PM) After conferring telephonically and expressing disagreement with PFLAG’s legal positions, Defendants—in an interest of seeking compromise—*did* offer to “withdraw” the requests provided that Plaintiff produced Mr. Bond for an Examination Under Oath on the topics he discussed in the affidavit discussed *supra*. *Id.* (email dated February 28, 2024 at 1:03 PM). Remarkably, Plaintiff rejected this compromise and simply filed suit.

### III. ARGUMENT

16. Plaintiff’s application for temporary restraining order fails for at least two reasons.

#### A. PFLAG’s Suit is Jurisdictionally Time-Barred

17. *First*, Plaintiff’s suit is jurisdictionally time-barred. Under the DTPA, Plaintiff had to file this petition “before the return date specified in the demand, or within 20 days after the demand has been served, *whichever period is shorter*.” Tex. Bus. & Com. Code § 17.61. Plaintiff does not dispute that the demands, dated February 5, 2024, contained a return date of February 26, 2024. *See* Plaintiff’s Application ¶ 62 (“The Demands require PFLAG to provide information, documents, communications, and statements in response on or before Monday, February 26, 2024.”). But PFLAG did not file this suit until February 28. That is too late. “When the defendant is a governmental entity, the failure to timely file is a jurisdictional bar to suit.” *Texas A & M Univ. v. Starks*, 500 S.W.3d 560, 568 (Tex.App.—Houston, 2016); Tex. Gov’t Code § 311.034 (“Statutory prerequisites to a suit . . . are jurisdictional requirements in all suits against a governmental entity.”).

18. PFLAG will presumably respond that Defendants gave them an extension until March 4. But that would fail for two reasons. (1) Defendants *did not* give Plaintiff an extension *on the time to file suit*. Instead, Defendants gave Plaintiff an extension on the time to produce documents and responses. The extension was in effect a representation that *Defendants* would not

sue *Plaintiff* so long as Plaintiff provided documents and a response by March 4, 2024. *Cf.* Tex. Bus. & Com. Code § 17.62(b) (if person fails to respond to demands, Consumer Protection Division “may file in the district court . . . a petition for an order of the court for enforcement”). Moreover, (2) Defendants ***could not*** give Plaintiff an extension on the time to file suit because the statute says that the deadline for suit is “before the return date *specified in the demand.*” *Id.* § 17.61(g). Defendants’ courtesy-email extension is completely separate from the date “specified in the demand.” Instead, if PFLAG wanted relief, such as an extension, that would give it more time to file suit, its remedy was to “petition to extend the return date” with this Court before the return date of February 26 lapsed. *Id.*

19. None of this is to say that PFLAG now lacks any remedy. Importantly, the Consumer Protection Division’s discovery demands under the DTPA are not “self-enforcing.” *Twitter, Inc. v. Paxton*, 56 F.4th 1170, 1174 (9th Cir. 2022) (addressing materially similar factual scenario regarding the Consumer Protection Division’s DTPA demands). If the Consumer Protection Division wants to enforce the investigative demands and actually obtain the information at issue, it must petition in court to do so—and when it does so, PFLAG can raise any available defenses. Tex. Bus. & Com. Code § 17.62(b). That is in part why federal courts refuse to hear pre-enforcement challenges to a CID *at all*. “If OAG seeks to enforce the CID, it must serve the recipient with the petition, the state court can conduct hearings to determine whether to order enforcement, and the recipient may appeal to the Texas Supreme Court. So to complain about the CID in this posture is to speculate about injuries that have not and may never occur.” *Twitter, Inc. v. Paxton*, 56 F.4th 1170, 1176 (9th Cir. 2022).

## B. PFLAG Cannot Overcome Defendants' Sovereign Immunity

20. *Second*, PFLAG cannot establish an exception to, or otherwise overcome, Defendants' sovereign immunity.

21. In any suit against "the state or its officers" the plaintiff must "plead facts . . . affirmatively demonstrat[ing] that sovereign immunity either does not apply or has been waived." *Matzen v. McLane*, 659 S.W.3d 381, 388 (Tex. 2021).

22. Plaintiff has not—and cannot—plead that any exception to sovereign immunity applies. Plaintiff did not plead such an exception but presumably will try to invoke the "*ultra vires*" exception. "To fall within this *ultra vires* exception, a suit . . . must allege, and ultimately prove, that the officer acted without legal authority or failed to perform a purely ministerial act." *Schroeder v. Escalera Ranch Owners' Ass'n, Inc.*, 646 S.W.3d 329, 332 (Tex. 2022). PFLAG will presumably try to invoke this exception because its core argument is that the investigatory demands "exceed the authority granted to the [Office of the Attorney General] under the DTPA." Plaintiff's Application at 24.

23. The problem for Plaintiff, however, is that Defendants have crystal clear authority to issue the Demands. Under the Constitution, the Attorney General can "investigate merely on suspicion that the law is being violated, or even just because [he] wants assurance that it is not." *United States v. Morton Salt*, 338 U.S. 632, 642-43 (1950). And here, of course, the Attorney General has much more than mere suspicion for the reasons discussed *supra*. In addition, multiple statutory authorities give the Attorney General complete authority to issue the demands at issue. A CID, for example, can be issued to "*any* person" who may have information "relevant to the subject matter of an investigation of a possible violation of" the DTPA. Tex. Bus. & Com. Code § 17.61(a). Mr. Bond's sworn affidavit discussed *supra* at ¶ 10 clearly indicates that PFLAG has

such information. Moreover, under the Texas Business Organizations Code, *any* “entity” doing business in Texas “*shall* permit the attorney general to inspect, examine, and makes copies, as the attorney general considers necessary in the performance of a power or duty of the attorney general, of any record of the entity.” Tex. Bus. Orgs. Code § 12.151 (emphasis added). This authority is “full and unlimited and unrestricted,” authorizing the Attorney General to examine records “at any time and as often as it may deem necessary.” *Humble Oil & Refining Co. v. Daniel*, 259 S.W.2d 580, 587-88 (Tex.App.—Beaumont 1953).

24. Plaintiff makes a number of mis-steps in attempting to argue that Defendants lacked authority to issue the relevant demands. For example, PFLAG spends significant space arguing that it is not subject to the DTPA because it “does not sell goods or services.” Application at 26. But that is irrelevant here; if true, all it means is that the Consumer Protection Division cannot enforce the *substantive* prohibitions of the DTPA against PFLAG. The Consumer Protection Division is not attempting to do that. Instead, the Consumer Protection Division is seeking information that PFLAG likely possesses about other potential violators. The Consumer Protection Division—like almost all other regulators—is plainly permitted to demand this kind of third-party material. *See* Tex. Bus. & Com. Code § 17.61(a) (discovery may be had against “any person” with relevant information, not merely violators).

25. PFLAG also makes the mistaken claim that the Attorney General’s office is using the “Demands to Seek Discovery in a Stayed Civil Matter”—namely, PFLAG’s pending suits against the State regarding SB-14 and a Department of Family and Protective Services policy. Plaintiff’s Application at 27. But PFLAG is badly confused about the facts here. The Consumer Protection Division, as discussed, is investigating independent violations *of the DTPA*, by parties *other than PFLAG*—namely for committing false, misleading, or deceptive acts. *See supra* ¶¶ 7-

9. Precedent is quite clear that this is permissible. The Attorney General has “lawful powers” to demand documents from a company even when he is adverse to that company in pending litigation. *Humble Oil & Refining Co. v. Daniel*, 259 S.W.2d 580, 591 (Tex.App—Beaumont 1953). What he (arguably) cannot do is *use* the documents obtained in a “suit [currently] pending.” But the Consumer Protection Division has no intention to use any documents obtained from PFLAG here in the currently pending lawsuits to which PFLAG is a party. And, if it did make such an attempt, then PFLAG could seek a remedy at that point.

26. Moreover, of the suits that PFLAG refers to, only *one* was stayed pursuant to an actual agreement between the parties—the others were just stayed automatically by virtue of appeal. That one case is *PFLAG, Inc. v. Abbott*, D-1-GN-22-0002569 (Travis County), and was filed with the Court on May 3, 2023. But there are multiple reasons why the agreement in that case is irrelevant to the Consumer Protection Division’s investigation. For one, the affidavit of Mr. Bond that the Consumer Protection Division attached to its Demands was not from that case. Second, the agreement in that case provides only an “Informal Stay of Trial Court Proceedings”—not a stay that could plausibly reach to an independent investigation (Agreement Term 2). Third, the Attorney General’s office is not a *party* to that litigation—only the Governor, Department of Family and Protective Services, (DFPS), and DFPS’s Commissioner are named as defendants. Fourth, the agreement provides that a party’s remedy if it thinks the other is in violation is to seek redress in *that court*—not this one.

27. Finally, PFLAG argues (at 33-46) that the demands violate its constitutional rights. Defendants take this charge seriously, and for that very reason offered to “confer about [PFLAG’s] constitutional arguments and potentially narrow the scope of our demands.” Plaintiff’s

Application, Ex. C (email dated February 28, 2024 at 1:03 PM). PFLAG did not take up the Consumer Protection Division on this offer, and instead just sued.

28. Defendants' offer to confer and potentially narrow the demands was made for a very good practical reason: it is very hard to evaluate these constitutional arguments *in the abstract*, without reference to any *specific* document. It is possible that certain material in PFLAG's protection does warrant constitutional protection. But it is implausible that all of it is constitutionally protected. For example, the CID sought the "governing documents and bylaws of PFLAG's Texas chapters and national chapter." Plaintiff's Application, Exhibit A. How could that possibly be constitutionally protected? Likewise, it is hard to understand how there could be any constitutional protection for the "referrals" to "health care providers" that PFLAG has issued. *See id.* (demanding this information). Most entities in the medical industry are required to maintain this information as a matter of course, and regularly are asked by regulators to produce it.

29. And some of Plaintiff's constitutional arguments are also frivolous. PFLAG, for example, claims a Fourth Amendment protection from producing the documents. *See* Application at 45-46. The Supreme Court has said the exact opposite. "[T]he Fifth Amendment affords no protection" to "corporate records and papers in response to a subpoena" and the "Fourth, if applicable, at the most guards against abuse only by way of too much indefiniteness or breadth in the things required to be" produced. *Oklahoma Press Pub. Co. v. Walling*, 327 U.S. 186, 208 (1946). Moreover, "[i]t is not necessary . . . that a specific charge or complaint of violation of law be pending." *Id.* at 208-09; *see also Schade v. Texas Workers' Compensation Com'n*, 150 S.W.3d 542, 550 (Tex.App.—Austin 2004) ("[W]e find that the Fourth Amendment and its Texas counterpart at most guard against abuse only by way of too much indefiniteness or breadth in the things required" to be produced).

30. And in any event, even if *some* subset of PFLAG’s documents were constitutionally protected (that remains to be seen), it would not support an *ultra vires* exception to sovereign immunity. That is because an official who acts pursuant to clear statutory authority—as the Consumer Protection Division did here—does not act *ultra vires* merely because some application of that statutory authority may give rise to a legal problem. *See, e.g., Schroeder*, 646 S.W.3d at 335 (“Even if incorrect in their conclusion, the Commissioners did not exceed the scope of their authority.”); *Hall v. McRaven*, 508 S.W.3d 232, 243 (Tex. 2017) (“McRaven—whether right or wrong—was not without legal authority in making that determination.”); *Creed-moor-Maha Water Supply Corp. v. TCEQ*, 307 S.W.3d 505, 517–18 (Tex. App.—Austin 2010, no pet.) (“These are allegations that TCEQ reached an incorrect or wrong result when exercising its delegated authority, not facts that would demonstrate TCEQ exceeded that authority.”). After all, “an *ultra vires* doctrine that requires nothing more than an identifiable mistake would not be a narrow exception to immunity: it would swallow immunity.” *Hall*, 508 S.W.3d at 242–43.

31. Again, PFLAG will have a remedy if some its documents are indeed constitutionally protected. Namely, if the Consumer Protection Division ever seeks an order enforcing its Demands, PFLAG will then have every opportunity to make its constitutional arguments. But the *potential* viability of those arguments as to *certain* documents does not present a basis for invoking the *ultra vires* exception to sovereign immunity here.

32. Therefore, the Attorney General respectfully prays that the Court deny PFLAG’s application for temporary restraining order. Because both of the arguments asserted here are threshold grounds that would support dismissal, the Court should also dismiss Plaintiff’s petition in its entirety. If necessary, Defendants will file a plea to the jurisdiction in due course formally seeking such relief.



Respectfully submitted,

KEN PAXTON  
Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

JAMES LLOYD  
Deputy Attorney General for Civil Litigation

RYAN S. BAASCH  
Chief, Consumer Protection Division

/s/ David G. Shatto  
DAVID G. SHATTO  
State Bar No. 24104114  
Assistant Attorney General  
Consumer Protection Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711  
David.Shatto@oag.texas.gov  
Tel: 512-475-4656  
Fax: 512-473-8301

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29<sup>th</sup> day of February 2024, a copy of the foregoing document was served via the Court's electronic filing system to all counsel of record.

/s/ David G. Shatto  
DAVID G. SHATTO  
Assistant Attorney General

CAUSE NO. D-1-GN-24-001276

**PFLAG, INC.,**

**Plaintiff,**

v.

**OFFICE OF THE ATTORNEY GENERAL  
OF THE STATE OF TEXAS; and  
WARREN KENNETH PAXTON, JR.,  
In his official capacity as Attorney General  
Of Texas,**

**Defendants.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**IN THE DISTRICT COURT OF**

**TRAVIS COUNTY, TEXAS**

**261<sup>ST</sup> JUDICIAL DISTRICT**

**AFFIDAVIT OF SAM WEEKS**

I, Sam Weeks, declare:

1. I am an investigator in the Consumer Protection Division (“CPD”) of the Texas Office of the Attorney General (“OAG”). I make this my declaration in this case from personal knowledge of this case and can competently attest to the facts of this declaration.
2. On or around July 7, 2023, the Consumer Protection Division became aware that medical providers may have chosen to use various false, misleading, or deceptive acts to treat children for gender dysphoria.
3. Since August 8, 2023, I have been involved, as an investigator, in an investigation of whether various medical clinics are committing fraud or other false, misleading, or deceptive acts in their treatment of gender dysphoria.
4. As part of my investigation, I have reviewed multiple public-facing pieces of information that suggest that various medical providers are in fact engaged in this conduct. I have also reviewed the secretary of state filings for each of the various medical providers.

5. Attached here, as Exhibit 1, is a true and correct copy of QueerDoc’s website “Pharmacy-options” page where QueerDoc states the following: “We usually order prescriptions under the diagnosis of “endocrine disorder” not “gender disorder”, but some plans may require paperwork which requires us to disclose gender related treatments.” (<https://queerdoc.com/pharmacy-options/>).

6. Attached hereto, as Exhibit 2, is a true and correct copy of PJ Media’s article headlined “Undercover Investigation Reveals How Shockingly Easy It is to Get Transgender Surgeries Approved.” (<https://pjmedia.com/matt-margolis/2023/06/07/undercover-investigation-reveals-how-shockingly-easy-it-is-to-get-transgender-surgeries-approved-n1701317>).

7. On or around November 17, 2023, the Office of the Attorney General issued Demands for Sworn Written Statement and Civil Investigative Demands to various medical providers pursuant to Tex. Bus. & Com. Code §§ 17.60 and 17.61, respectively.

8. Since those demands were issued, our office has since been involved in various discussions with those providers about document production. Certain providers have responded with documents and affidavits, and our office has granted extensions to those providers and negotiated the scope of the demands.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 29, 2024, at Austin, Texas.

2/29/2024 | 4:35 PM CST

DocuSigned by:  
*Sam Weeks*  
16705E00B280451...  
SAM WEEKS

STATE OF TEXAS

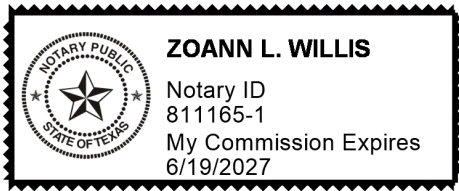
§  
§  
§

COUNTY OF DALLAS /ROCKWALL

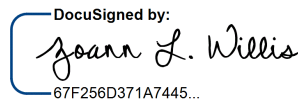
SUBSCRIBED AND SWORN to before me by means of an interactive two-way audio and video communication on February 29, 2024, by Sam Weeks This notarial act was an online notarization.

2/29/2024 | 4:38 PM CST

**Notary Seal**



**Digital Certificate**



w/o bond

# EXHIBIT 1



REQUEST APPOINTMENT



MENU

## Pharmacies

QueerDoc prescribes certain therapies which require the use of a pharmacy. Please check with your insurance plan to learn if you are required to use a specific pharmacy. We usually order prescriptions under the diagnosis of "endocrine disorder" not "gender dysphoria"; but some plans may require paperwork which requires us to disclose gender related treatments. Some plans automatically reject payment for "gender-incongruent" treatments. We don't agree with this, we just want to help you feel as prepared and knowledgeable as possible.

Sometimes local pharmacies don't carry the medications and/or needles and syringes in their regular stock, so they will have to order them which can cause a few days of delay. They also might lack cultural sensitivity around gender diversity. The pharmacies below still aren't as affirming as we want in their paperwork and websites, but they have all worked with QueerDoc and gender diverse people. They all agree to address you and ship meds to the name you chose (although they will still have to confirm your legal name and put that on your prescription bottles).



- [Honeybee Health](#) is a cash only, mail order pharmacy and our preferred pharmacy partner. Read more about how [Honeybee Health works with us](#).
- [New Era Pharmacy](#) does mail order hormones, including injectables, for a ton of gender diverse people if you want to avoid some



# EXHIBIT 2



Advertisement

### Need Implants? New 24 hr Teeth

Find out if you're eligible for dental implants with our 1-minute quiz

Nuvia

Open >

# Undercover Investigation Reveals How Shockingly Easy It Is to Get Transgender Surgeries Approved

MATT MARGOLIS | 3:05 PM ON JUNE 07, 2023



AP Photo/Armando Franca

The powerful transgender industry has turned our nation's healthcare system into an assembly line of genital mutilation. This is the shocking reality that has been made abundantly clear by an undercover investigation by the Daily Wire.



Advertisement

### Need Implants? New 24 hr Teeth

Nuvia



#### TRENDING

##### The Biden Conundrum

Was the Judge Who Booted Trump off the Illinois Ballot a Traffic Court Judge?

Poll: You Won't Believe Which Group Just Jumped on the Trump Train



#### EDITOR'S CHOICE

##### Yeah, Biden Has a Michigan Problem

The New Narrative: Illegal Migration Hurts Wages but Helps Federal Revenue

NGO Groomer Arranges to Send 13-Year-Old Girl 'Chest Binder' Behind Parents' Back

Advertisement



### Need Implants? New 24 hr Teeth

Nuvia

Open

Advertisement



### Need Implants? New 24 hr Teeth

Nuvia



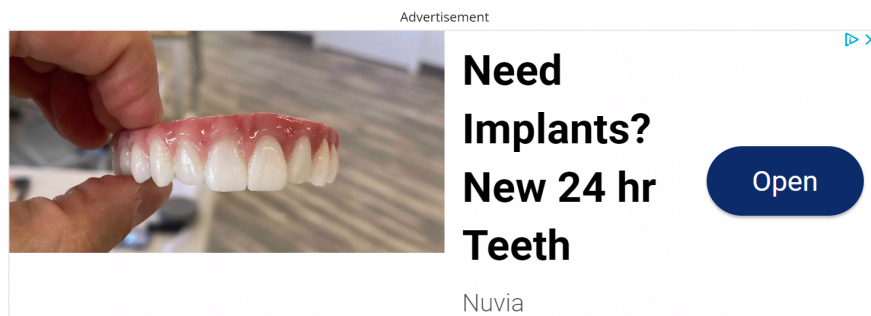
According to the investigation, some of the country's prominent transgender healthcare



providers have been hastily approving life-altering “sex-change” procedures. In some cases, they even falsify health information to ensure insurance coverage for these medical expenses. Matt Walsh of The Daily Wire shared these findings in a series of tweets.

During the undercover investigation, Walsh and his team exposed how easily one can obtain approval for sex-change surgery. Remarkably, Gregg Re, Walsh’s producer, received a green light for an orchiectomy (a testicle removal procedure) after a mere 22-minute virtual consultation with Plume — the largest transgender healthcare provider in the United States.

Re succeeded in securing a video call appointment with Plume by using a fake name on the intake form. During the call, Re openly admitted that he had not been experiencing gender dysphoria for six months or more, which is technically required for approval. Additionally, he mispronounced the name of the desired surgery and expressed uncertainty about its potential effects on him. While these should have been treated as red flags and grounds for rejection, Plume’s nurse practitioner astonishingly expressed her intention to craft the most convincing letter possible to justify Re’s surgery.

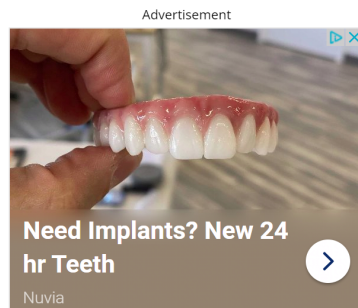


**Related:** [The Gruesome ‘Gender Affirmation’ Surgery Photos Proponents of Child Genital Mutilation Should Be Made to See](#)

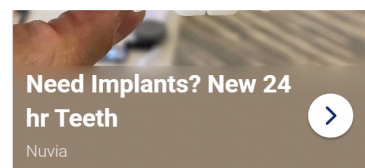
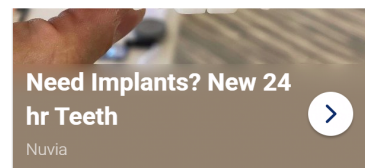
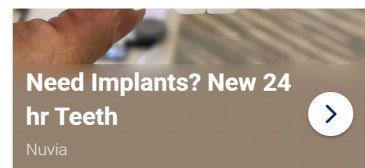
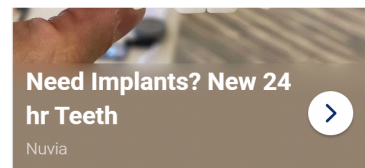
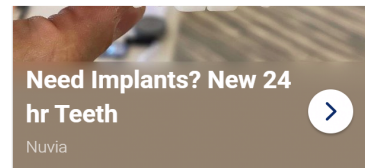
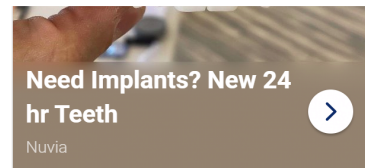
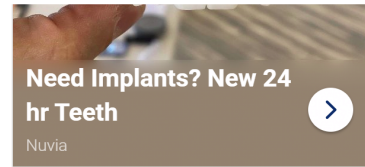
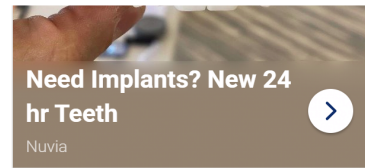
Three days later, Plume sent a letter to Re (posing as “Chelsea Bussey”) falsely claiming that Re was experiencing significant and ongoing gender dysphoria, despite Re explicitly stating otherwise. The letter recommended Re for testicle removal. According to Walsh, Plume admitted via text message that the letters of recommendation are generated using a template based on the standards provided by the World Professional Association for Transgender Health (WPATH). Shockingly, Plume charges \$150 for selling these letters of recommendation to individuals seeking transgender surgeries.

According to Walsh, another well-known transgender telehealth service, Folx, also grants approval for sex-change procedures to patients who are not diagnosed with “gender dysphoria.” In fact, Folx openly acknowledges that patients may receive a letter indicating a diagnosis of gender dysphoria, even if they do not genuinely experience it.

Given the extensive operations of Plume and Folx, Walsh raised concerns about whether medical insurance companies were aware that these corrupt transgender medical providers were issuing letters of recommendation based on blatantly false information. Walsh believes that his investigation exposed yet another dark secret within the “corrupt and fraudulent” transgender medical industry.



“[Trans activists] are furious because they know the ‘gender transition’ industry is corrupt and fraudulent from the ground up,” [Walsh said](#). “Protecting kids is just one piece of the



puzzle. The fight begins there, but it doesn't end there. The whole industry needs to be shut down."

**Editor's Note:** The destructive transgender ideology is at war with reality. Support PJ Media's conservative reporting.

Join [PJ Media VIP](#) and use the promo code **TRANSANITY** to [get a 50% discount on VIP membership!](#)

 Share  Post



Matt Margolis is the author of *Airborne: How The Liberal Media Weaponized The Coronavirus Against Donald Trump*, the bestselling book *The Worst President in History: The Legacy of Barack Obama*, and *The Scandalous Presidency of Barack Obama*.

News tips, praise, hate mail, and media inquiries can be sent to [mattm@pjmedia.com](mailto:mattm@pjmedia.com).

You can follow Matt on [Twitter](#), [GETTR](#), [Truth Social](#), [Facebook](#), [MeWe](#), and [Rumble](#).

[Read more by Matt Margolis](#)

Category: NEWS & POLITICS

Tags: TRANSGENDER

### PROMOTED CONTENT



Classmates

Look For Any High School Yearbook, It's Free



Smart Asset

7 Mistakes You'll Make Hiring A Financial Advisor



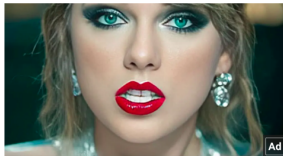
Search Ads

Early Signs Of Tardive Dyskinesia Many Wish They Saw Sooner



Pjmedia.Com

It Looks Like Biden's Goose Is Cooked



Mybestyears

Taylor Swift, 34, Takes Off Makeup, Leaves Us With No Words



Pjmedia.Com

Haley's Last Stand: A View From Her Campaign Rally

### Recommended



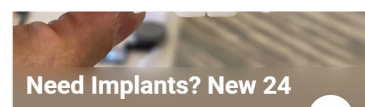
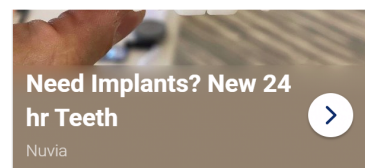
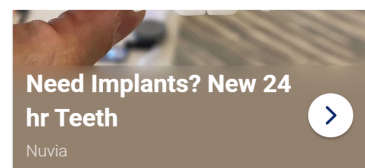
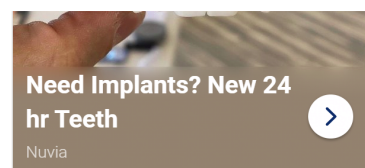
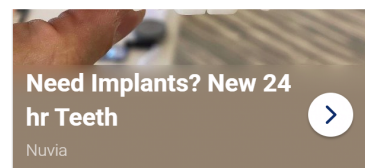
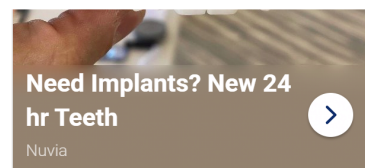
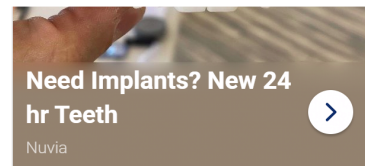
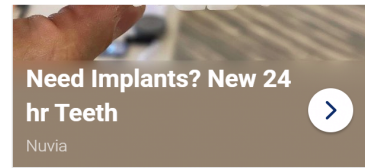
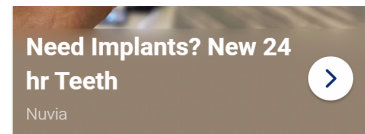
**The Biden Conundrum**  
STEPHEN GREEN



**Was the Judge Who Booted Trump off the Illinois Ballot a Traffic Court Judge?**  
MATT MARGOLIS



**Poll: You Won't Believe Which Group Just Jumped on the Trump Train**  
KEVIN DOWNEY JR.





Could Biden's Love of Ice Cream Be Linked to Alzheimer's?  
MATT MARGOLIS

The Morning Briefing: Mitch McConnell Needs to Go Away Harder  
STEPHEN KRUISER

I Know How to Fix Our Political System. Hear Me Out.  
STEPHEN GREEN

Trending on PJ Media Videos

6 TikTok Weirdos Who Need Their Phones Taken Away



THE WORST PEOPLE ON TikTok



hr Teeth  
Nuvia

Need Implants? New 24 hr Teeth  
Nuvia

Need Implants? New 24 hr Teeth  
Nuvia

Need Implants? New 24 hr Teeth  
Nuvia

Need Implants? New 24 hr Teeth  
Nuvia

Need Implants? New 24 hr Teeth  
Nuvia

Need Implants? New 24 hr Teeth  
Nuvia

Join the conversation as a VIP Member

LOGIN TO LEAVE A COMMENT

Should Joe Biden be investigated for corruption?

PJ Media POLL

Enter Your Email Address

Vote

By entering your email and voting in our poll, you are also subscribing to PJ Media Newsletters. You can unsubscribe at any time.

PJ Media

Copyright PJMedia.com/Salem Media. All Rights Reserved. Terms under which this service is provided to you.

Townhall RedState PJ Media twitchy HOTAIR

BEARING ARMS

Contact Us Newsletters About Us Careers Advertise With Us Terms & Condi... Privacy Policy California - Do N... California - CCP...