

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

REV. PAUL A. EKNES-TUCKER;
BRIANNA BOE, individually and on
behalf of her minor son, MICHAEL BOE;
JAMES ZOE, individually and on behalf
of his minor son, ZACHARY ZOE;
MEGAN POE, individually and on behalf
of her minor daughter, ALLISON POE;
KATHY NOE, individually and on behalf
of her minor son, CHRISTOPHER NOE;
JANE MOE, Ph.D.; and RACHEL KOE,
M.D.

Plaintiffs,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

STATE OF ALABAMA; KAY IVEY, in
her official capacity as Governor of the
State of Alabama; STEVE MARSHALL,
in his official capacity as Attorney General
of the State of Alabama; DARYL D.
BAILEY, in his official capacity as
District Attorney for Montgomery County;
C. WILSON BAYLOCK, in his official
capacity as District Attorney for Cullman
County; JESSICA VENTIERE, in her
official capacity as District Attorney for
Lee County; TOM ANDERSON, in his
official capacity as District Attorney for

Case No.

2:22-cv-184-LCB-SRW

Honorable Liles C. Burke

the 12th Judicial Circuit; and DANNY CARR, in his official capacity as District Attorney for Jefferson County.

Defendants.

UNITED STATES' MOTION TO INTERVENE

The United States, under Federal Rule of Civil Procedure (“Rule”) 24, respectfully moves the Court for leave to intervene in this action and for permission to file the attached complaint in intervention. Counsel for the United States has spoken to counsel in the Alabama Attorney General’s Office, who indicated that the Defendants would reserve taking a position on the relief requested in this Motion until they have had an opportunity to review it.

As grounds for its motion to intervene, the United States asserts the following facts, which are more fully set forth in the accompanying memorandum of law:

1. On April 19, 2022, the *Eknes-Tucker* Plaintiffs filed this lawsuit challenging Act No. 2022-289, Senate Bill (“S.B.”) 184, the “Alabama Vulnerable Child Compassion and Protection Act.” Section 4 of S.B. 184 is a felony ban on providing medical care to transgender minors to affirm their gender identity. S.B. 184 goes into effect on May 8, 2022.

2. The *Eknes-Tucker* Plaintiffs are four Alabama transgender minors and their parents, a pediatrician, child psychologist, and a pastor. The *Eknes-Tucker*

Plaintiffs assert that S.B. 184, *inter alia*, discriminates on the basis of sex and transgender status in violation of the Equal Protection Clause of the Fourteenth Amendment.

3. The United States seeks to intervene in this lawsuit against the Defendants and the State of Alabama under Rule 24.

4. Rule 24(a)(1) provides that, on timely motion, a court must permit anyone to intervene who “is given an unconditional right to intervene by a federal statute.”

5. Section 902 of the Civil Rights Act of 1964, as amended, grants the United States an unconditional right to intervene in cases seeking relief from the alleged denial of equal protection of the laws under the Fourteenth Amendment to the United States Constitution on account of sex, if the Attorney General certifies that the case is of general public importance. 42 U.S.C. § 2000h-2. The United States’ complaint in intervention alleges that S.B. 184 violates the Equal Protection Clause of the Fourteenth Amendment on account of sex and transgender status.

6. The Attorney General certifies that this is a case of public importance. A Certificate of Public Importance is attached hereto as Exhibit 1.

7. Alternatively, Rule 24(b) provides for permissive intervention upon a timely motion when a potential party has a claim or defense that shares with the main action a common question of law or fact, and when intervention will not

unduly delay or prejudice the adjudication of the original parties' rights. The United States has satisfied the requirements for permissive intervention here.

8. A complaint in intervention is attached hereto as Exhibit 2.

WHEREFORE, the United States respectfully requests that this Court grant its motion to intervene in this action.

Dated: April 29, 2022

Respectfully submitted,

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*Attorneys for Plaintiff-Intervenor United
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CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record, in accordance with Rules 24(c) and 5(b)(2)(E).

Respectfully submitted,

s/ Jason R. Cheek

Jason R. Cheek

Assistant U.S. Attorney