FILED

AUG 25 2023

COLE COUNTY
CIRCUIT COURT

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

EMILY NOE, individually and as next friend and on behalf of her minor child NICHOLAS NOE, et al,

Plaintiffs,

v.

MICHAEL L. PARSON, in his official capacity as Governor for the State of Missouri, et al.,

Defendants.

Case No. 23AC-CC04530

Order

The Court has before it Petitioner's Motion for Preliminary Injunction. Parties appear by and through attorneys. Evidence adduced. Cause heard and submitted.

The Court after due consideration of the pleadings, evidence and argument presented now rules as follows:

1. Petitioners are three Missouri families and their transgender children; PFLAG, Inc., a non-profit medical practice in Missouri; Medical providers, Southampton Community Healthcare -Michael Donovan, MD, and Nicole Carr, FNP-C, providing gender-affirming medical care in Missouri; and GLMA: Health Professionals Advancing LGBTQ + Equality.

2. This action challenges the constitutionality of §§191.1720 and 208.152.15 of the Missouri Revised Statutes which were adopted by the Missouri General Assembly in 2023 as part of Senate Substitute No. 2 to Senate Bills Nos. 49, 236 and 164.

3. Petitioners request the Court issue a preliminary injunction preventing Defendants from enforcing the provisions of this law.

4. This Court maintains original subject- matter jurisdiction pursuant to law and venue is proper.

5. The Court heard evidence from the Plaintiffs' witnesses; a)Dr Aron Janssen; b) Dr Daniel Shumer; c) Dr. Johannan Olson- Kennedy; d) Plaintiff S.M.; e) Plaintiff J.K.; f) Plaintiff Emily Noe and g) Brian Bond. The Court received Plaintiffs exhibits 1-17.

6. The Court further heard evidence from Defendants' witnesses; a) Dr. James Cantor; b) Dr. Soen Roman; c) Caroline Ruth Miller; d) Dr. Stephen Levine; e) Jamie Reed; f) Zoey Hawes; and g) Chloe Cole. The Court received Defendants exhibits A-R.

7. A Court, in weighing a Motion for a Preliminary Injunction, should weigh the petitioner's probability of success on the merits, the threat of irreparable harm absent the injunction, the balance between such harm and the injury inflicted by the injunction on other interested parties, and the public interest. State ex rel. Director of Revenue V. Gabbert, 900 S.W. 2d 642,647(MO. App. W.D. 1995). Trial Courts are allowed broad discretion as to preliminary injunctive relief. Furniture Mfg. Corp. V Joseph, 900 S.W. 2d 642, 647 (MO. App. W.D. 1995).

8. Petitioner has not shown probable success on its Constitutional challenges of the law. The Court has examined the Missouri law §§191.1720 and 208.152.15 of the Missouri Revised Statutes, the evidence, legal briefs and arguments of counsel and finds that Petitioners' position in regard to constitutional violations unpersuasive and not likely to succeed.

9. The Court further finds that Petitioners have not clearly shown a sufficient probability of success on the merits to justify the grant of a preliminary injunction. Petitioners have not clearly shown a sufficient threat of irreparable injury absent injunctive relief. The balance between the harm to Petitioners and injury to others does not clearly weigh in favor of granting a preliminary injunction. Finally, a clear public interest would not be furthered by granting a preliminary injunction in this matter.

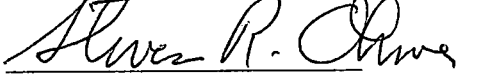
10. The science and medical evidence is conflicting and unclear. Accordingly, the evidence raises more questions than answers. As a result, it has not clearly been shown with sufficient possibility of success on the merits to justify the grant of a preliminary injunction. Gonzalez V. Carhart, 550 U.S. 124,163 (2007).

Wherefore, it is Ordered, Adjudged and Decreed that Petitioners' Motion for Preliminary Injunction is hereby Denied.

It is further Ordered that the Matter be set for status hearing on September 22, 2023 at 9:00 am, in Courtroom 1 of the Juvenile Court in the City of St. Louis. Counsel for the parties must appear.

So Ordered:

August 25, 2023



Steven R. Ohmer
Judge #28239