

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

McComb Children’s Clinic, LTD.,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 5:24-cv-00048-LG-ASH
)	
Dorothy Fink, et al.,)	
)	
<i>Defendants.</i>)	

PLAINTIFF’S NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiff respectfully submits this notice of authority that was issued after the briefing concluded in the case, and which apparently contradicts the briefing submitted by Defendants opposing Plaintiff’s motion for partial summary judgment.

On January 20, 2025, President Trump issued an executive order entitled “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.” Pres. Trump (Jan. 20, 2025), perma.cc/U3NM-XY2A. The order rescinds five of President Biden’s executive orders concerning gender identity, including Executive Order 13,988 (Jan. 20, 2021). § 7(b). It states instead that “[i]t is the policy of the United States to recognize two sexes, male and female. These sexes are not changeable and are grounded in fundamental and incontrovertible reality. Under my direction, the Executive Branch will enforce all sex-protective laws to promote this reality.” § 2. It orders the lead Defendant in this case, “the Secretary of Health and Human Services,” to reiterate this view to all agencies by February 19, 2025. § 3(a). It rejects as the position of the United States what it calls the “legally untenable” view that “the Supreme Court’s decision in *Bostock v. Clayton County*” requires “gender identity-based access to single-sex spaces,” including under Title IX. § 3(f). And it orders counsel for Defendants in this

case, “the Attorney General,” to “immediately issue guidance to agencies to correct the misapplication of the Supreme Court’s decision in *Bostock*.” *Id.*

As a result, Plaintiff respectfully suggests that this supplemental authority requires Defendants to withdraw their opposition to Plaintiff’s motion for partial summary judgment, and that the Court may grant Plaintiff’s motion.

Respectfully submitted this 29th day of January, 2025.

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