



**NATIONAL
WOMEN'S
LAW CENTER**

Justice for Her. Justice for All.

DECEMBER 2025

National Women's Law Center Litigation Highlights – 2025

Introduction and Summary

At the National Women's Law Center (NWLC) this year, we deployed the power of the law by challenging attacks on gender justice in the courts, while laying the groundwork to build a future in which all women, girls, LGBTQI+ people, and families can thrive. In 2025, we went to court in eight new cases, while continuing our advocacy in 12 ongoing lawsuits, administrative complaints, and demand letters. We also led 11 amicus briefs to courts across the country, and we joined five amicus briefs led by our coalition partners to the U.S. Supreme Court and 11 amicus briefs in state and federal appellate and trial-level courts.

Specifically, we filed [multiple new](#) lawsuits challenging harmful Trump administration policies that severely restrict and chill diversity, equity, and inclusion initiatives. We have also gone to court to challenge the Trump administration's refusal to enforce federal laws that protect patients from denials of emergency abortion care and [students](#) and [workers](#) from discrimination. At the same time, we have continued to litigate strategic claims under state laws that [protect pregnant patients](#) and [prohibit unequal pay for women workers](#).

Despite trying circumstances, we have achieved significant, groundbreaking victories. We have celebrated [many positive court rulings](#)—including injunctions that have allowed women to continue to receive job training and domestic violence and sexual assault organizations to continue to receive crucial funding—and we [settled multiple cases](#) in our clients' favor—achieving greater access to insurance coverage for reproductive health care and accommodations for pregnant workers. Throughout, we have amplified the [real impacts](#) of [the radical right's laws](#) and [policies](#) across NWLC's platforms.

NWLC CASES

EDUCATION

- [*Carroll Independent School District v. U.S. Department of Education \(N.D. Tex.\) and Tennessee v. McMahon \(E.D. Ky.\)*](#) (Defending Title IX)

On behalf of our clients—the Victim Rights Law Center (VRLC) and Jane Doe—NWLC and co-counsel Mehri & Skalet, Gatlin Voelker PLLC, and Carter Law Group filed motions to intervene in two federal lawsuits to defend Title IX: [*Carroll Independent School District v. U.S. Department of Education*](#) and [*Tennessee v. McMahon*](#).

Carroll and *Tennessee* are two of nine lawsuits filed in 2024 by 26 conservative states, several far-right organizations, and individuals, all seeking to vacate the [Biden administration's Title IX rule](#). These lawsuits largely focused on the rule's explicit protection of transgender students from discrimination. NWLC had been a leader in advocating for the Biden rule, which also restored protections for student survivors and clarified protections for pregnant and parenting students.

The district courts in *Carroll* and *Tennessee* vacated the Biden administration's Title IX rule in its entirety, nationwide—even though the lawsuits had challenged only the portions of the rule that were aimed at protecting LGBTQI+ students. Following these rulings, the new Trump Department of Education [announced](#) that it would no longer follow the Biden rule and would instead revert to enforcing the [DeVos-era 2020 Title IX rule](#). This about-face reinstated harmful policies that dismiss and mistreat survivors of sexual assault, including by giving schools permission to resume ignoring sexual harassment claims and requiring student survivors to undergo unfair and traumatic grievance procedures.

In *Tennessee*, after the district court refused to take action on any of NWLC's motions before the time to appeal lapsed, we filed [a protective notice of appeal](#) of the vacatur order. On October 10, the U.S. Court of Appeals for the Sixth Circuit [ruled](#) that we had properly protected our right to appeal the injunction, and it remanded the case to the U.S. District Court for the Eastern District of Kentucky for the limited purpose of permitting the district court to rule on our motion to intervene, which remains pending.

In *Carroll*, the district court [denied our intervention motion](#) on May 15. We have appealed this decision to U.S. Court of Appeals for the Fifth Circuit.

- The Education team also continues its representation in [*Victim Rights Law Center v. Cardona \(D. Mass.\)*](#) (Challenging Trump's 2020 Title IX Sexual Harassment Rules), which has been held in abeyance, but there are no updates to report.

REPRODUCTIVE RIGHTS & HEALTH

- [*Berton v. Aetna Inc. \(N.D. Cal.\)*](#) (Advocating for Equitable Access to Insurance Coverage for Fertility Treatments)

In early 2025, NWLC, alongside co-counsel Katz Banks Kumin LLP and Altshuler Berzon LLP, engaged in mediation with Aetna on behalf of our client Mara Berton, along with a California-based damages class and a nationwide injunctive class, in [our lawsuit](#) challenging Aetna's standard infertility coverage policy. In our complaint, filed in 2023, we alleged that Aetna's definition of infertility discriminated against LGBTQI+ couples by requiring them to incur significantly more out-of-pocket costs than non-LGBTQI+ couples in order to access the care covered by their health plans.

In March 2025, the parties reached an agreement in principle to settle the matter. On September 30, NWLC [filed a motion](#) seeking the court's preliminary approval of our class settlement.

- [California v. Providence Saint Joseph and Nusslock v. Providence St. Joseph Health \(Humboldt Cnty. Cal. Sup. Ct.\)](#) (Fighting Denials of Emergency Abortion Care at Religiously Affiliated Hospitals)

In April 2025, NWLC, with co-counsel, filed [a lawsuit](#) on behalf of Dr. Anna Nusslock against Providence St. Joseph Health, one of the nation’s largest health systems. Dr. Nusslock sought care for a life-threatening pregnancy complication at St. Joseph Hospital–Eureka on February 23, 2024, after her water broke fifteen weeks into her high-risk pregnancy with twins. St. Joseph providers diagnosed Dr. Nusslock with previable preterm premature rupture of membranes (previable PPRM). But they informed her that the Catholic hospital system’s religious directives prohibited the attending physician from providing her with the required emergency care because she was not “sufficiently close to death.” St. Joseph improperly discharged Dr. Nusslock, directing her to drive to a small community hospital in another town and offering her a bucket and towels “in case something happens in the car.” By the time Dr. Nusslock was able to obtain care at the second hospital, she was actively hemorrhaging and needed immediate surgery.

Our lawsuit asserts that Providence’s policy violates California’s Emergency Services Law and the state’s Unruh Act, which prohibits discrimination based on sex—including pregnancy and pregnancy-related medical conditions. We are seeking an injunction to prohibit Providence from denying emergency treatment to other pregnant patients under similar circumstances. We also seek monetary damages to hold Providence accountable for the harm Dr. Nusslock suffered.

This case highlights the severe healthcare limitations many pregnant patients face in emergency situations, particularly in rural areas or remote regions like Humboldt County, California, where religiously affiliated hospitals dominate the healthcare system. After Dr. Nusslock’s ordeal, the small community hospital where she ultimately obtained care closed its Labor & Delivery ward, making St. Joseph Hospital–Eureka the only hospital with a Labor & Delivery ward in the area.

NWLC also represents Dr. Nusslock as a complaining witness in the State of California’s action against St. Joseph Health of Northern California, LLC, which manages St. Joseph Hospital–Eureka. California seeks a permanent injunction ordering the hospital to follow state law. In that case, the superior court issued an order in May denying St. Joseph’s motion to dismiss the action, determining that the lawsuit properly stated claims for sex discrimination, unlawful denials of emergency medical services, and unfair business practices, and that enforcing the state’s emergency medical care law would not violate federal refusal of care statutes or the Defendants’ constitutional rights to free exercise and free expression.

On June 5, California filed [a motion to enforce](#) a court ordered stipulation in which St. Joseph Hospital–Eureka had agreed to “fully comply with California’s Emergency Services Law (ESL) ... with respect to pregnant patients experiencing emergency medical conditions,” because the hospital subsequently decided that it could avoid following the law whenever the law conflicts with its interpretation of religious doctrine. In response, on July 22, the hospital filed a motion to [modify or dissolve the stipulation](#). The court held a hearing on August 29 on both motions, and it ruled to enforce the stipulation until a full evidentiary hearing could be held on the State’s original preliminary injunction motion. That hearing is set for December 10, 2025.

- [Catholic Medical Association v. HHS \(M.D. Tenn.\)](#) (Defending Access to Emergency Abortion Care)

In May 2025, NWLC, alongside the American Civil Liberties Union Foundation (ACLU), ACLU of Tennessee, and Democracy Forward, filed a [motion to intervene](#) as a defendant in *Catholic Medical Association v. HHS* on behalf of Doctors for America. In this case, the plaintiff Catholic Medical Association—a group of doctors from around the country who object to providing abortion care, even in emergency situations where a pregnant person’s life or health is at risk—sought to vacate the Biden administration’s 2022 guidance on the federal Emergency Medical Treatment and Labor Act (EMTALA), which was issued in the wake of the U.S. Supreme Court’s lawless decision overturning *Roe v. Wade* in *Dobbs v. Jackson Women’s Health Organization*. The

2022 Guidance made clear that EMTALA requires federally-funded hospitals with emergency departments to provide stabilizing treatment, including emergency abortions, to patients experiencing emergency medical conditions—even when state laws attempt to ban this necessary care.

Through this intervention, Doctors for America sought to ensure that the right to emergency abortion care under EMTALA is vigorously defended. The Catholic Medical Association not only asked that its member doctors be able to refuse to provide emergency abortion care; it also argued that EMTALA can never preempt state laws and that EMTALA imposes a duty to stabilize fetuses that takes precedence over the duty to stabilize the pregnant person—an argument that, if accepted, could potentially prohibit *all hospitals nationwide* from providing certain types of emergency abortion care. And in a subsequent filing, the Trump Department of Justice said that it was looking at the possibility of settling the case, rather than defending EMTALA.

Just four days after we sought to intervene, the Catholic Medical Association [moved to voluntarily dismiss](#) its case. That same day, the Trump administration [rescinded the 2022 guidance](#) that reaffirmed hospitals' obligations under EMTALA. Neither action changed hospitals' obligations under EMTALA, however.

- [Costales v. CVS Health \(Cal.\)](#) (Addressing Pharmacy Refusals)

NWLC submitted a legal demand letter to CVS Health in June 2024 after a pharmacy in San Diego [denied](#) our client, Angela Costales, the medication she needed after experiencing a miscarriage. In March, NWLC reached a settlement with CVS. The terms of the agreement are confidential, but NWLC issued a [public statement](#) about the resolution.

- [Farmer v. University of Kansas Hospital Authority \(D. Kan.\)](#) (Fighting Denials of Emergency Abortion Care)

In 2024, NWLC, alongside Cohen Milstein Sellers & Toll PLLC and Dugan Schlozman LLC, [filed a first-of-its-kind federal lawsuit](#) against the University of Kansas Hospital Authority on behalf of Mylissa Farmer, a Missouri woman who was denied the emergency abortion care that she needed after experiencing life-threatening pregnancy complications that made pregnancy loss inevitable in August 2022. (In 2023, NWLC filed successful complaints with the Centers for Medicare and Medicaid Services asserting that the two hospitals that refused to treat her previsible premature rupture of membranes (PPROM) had violated EMTALA.) With this lawsuit, we asked the federal court to declare that the Kansas hospital violated EMTALA and Kansas nondiscrimination law by turning Ms. Farmer away when her life and health were put at risk by her pregnancy.

On January 13, the U.S. District Court for the District of Kansas [denied a motion to dismiss](#) our lawsuit. The court applied the plain language of EMTALA and determined that Ms. Farmer had stated claims that the Kansas hospital had not appropriately screened nor stabilized her emergency medical condition and that it had discriminated based on sex in violation of state law.

In March, Ms. Farmer voluntarily dismissed her lawsuit.

- [Goidel v. Aetna Life Insurance Co. \(S.D.N.Y.\)](#) (Advocating for Equitable Access to Insurance Coverage for Fertility Treatments)

In this class action lawsuit filed in September 2021 alongside Emery Celli Abady Brinckerhoff Ward & Maazel LLP, NWLC represented four named plaintiffs—Emma Goidel, Ilana Lee, Madeleine Lee, and Lesley Brown—along with a New York State-based damages and injunctive class in challenging Aetna Life Insurance Company's definition of infertility as discriminating on the basis of sex, including sexual orientation and gender identity, by denying women in same sex relationships equitable access to coverage for fertility treatments as women in heterosexual relationships.

On September 25, NWLC and co-counsel filed [a motion for final approval](#) of our settlement agreement in

this case. As part of the settlement, Aetna agreed to change its definition of infertility and make artificial insemination procedures (i.e., intrauterine insemination and intracervical insemination) standard medical benefits—meaning, there is no need to undergo costly, time consuming, and onerous prerequisites before obtaining coverage of those procedures. The settlement also ensures that, for those whose plans cover IVF, queer couples are not required to undergo unnecessary artificial insemination cycles before qualifying for IVF coverage. Additionally, Aetna created a \$2 million settlement fund from which class members will receive more than \$10,000 each in compensation for damages caused by this policy.

The U.S. District Court for the Southern District of New York held a Final Fairness Hearing on October 10, and, on October 14, the court entered [final approval](#) of the class settlement.

WORKPLACE JUSTICE

- [Chicago Women in Trades v. Trump \(N.D. Ill.\)](#) (Defending Diversity, Equity, and Inclusion Initiatives)

On February 26, NWLC, alongside the Lawyers' Committee for Civil Rights Under Law, LatinoJustice PRLDEF, Chicago Lawyers' Committee for Civil Rights, and pro bono counsel Crowell & Moring LLP, filed [a lawsuit](#) on behalf of Chicago-based nonprofit Chicago Women in Trades (CWIT) challenging provisions of President Trump's January 2025 executive orders that severely restrict and chill diversity, equity, and inclusion initiatives.

The executive orders call for the termination of "equity-related" federal grants and contracts, which nonprofits like CWIT rely on to provide life-changing services to women in non-traditional occupations. CWIT prepares women across the country to enter and build careers in the high-wage skilled trades. Approximately 70 percent of CWIT's participants identify as Black and Latina women. Women in general and Black and Latina women especially remain severely underrepresented in this sector due to racial- and gender-based structural barriers, making CWIT's work vital for opening doors to economic opportunity. As named in the complaint, CWIT lost a total of 5 federal grants due to the Trump EOs.

The district court [issued a preliminary injunction](#) on April 15, enjoining the Department of Labor from (1) requiring grantees and contractors nationwide to certify that they do not operate DEI programs as a condition of receiving funding and (2) cancelling CWIT's Women in Apprenticeship and Nontraditional Occupations (WANTO) grant.

The federal defendants appealed, and we filed [our appellate brief](#) on September 17, arguing that the district court was correct to enjoin the Trump Administration from enforcing parts of its anti-DEI Executive Orders against CWIT.

Meanwhile, on July 7, the federal defendants [moved to dismiss](#) our complaint, and the next day [they requested](#) that the district court stay or limit the scope of the preliminary injunction in light of the U.S. Supreme Court's decision in *Trump v. CASA*. On October 30, the district court [denied](#) the federal defendants' motion to limit the preliminary injunction, a first-of-its-kind ruling after *CASA* that has allowed CWIT to actually continue functioning and has provided real relief to every recipient of the grants at issue in our case.

- [FreeState Justice v. Equal Employment Opportunity Commission \(D. Md.\)](#) (Challenging the EEOC's Unlawful Policy of Refusing to Enforce Federal Workplace Protections for Transgender Workers)

NWLC, together with Democracy Forward, is representing Maryland legal services provider FreeState Justice in challenging the Equal Employment Opportunity Commission (EEOC) and its then-Acting Chair Andrea Lucas's unlawful policy of refusing to enforce federal workplace protections for transgender workers. [We filed suit](#) in the U.S. District Court for the District of Maryland in July 2025.

[Our complaint](#) challenges the EEOC’s sweeping nonenforcement policy that denies many transgender workers access to the agency’s investigation process, dismisses ongoing cases brought on their behalf, and halts payments to state and local civil rights agencies for investigating claims tied to discrimination on the basis of gender identity. Since January, the EEOC has moved to dismiss seven active lawsuits involving transgender and non-binary workers, stopped processing many discrimination complaints involving gender identity, and instructed staff to classify such complaints as meritless. This policy follows Trump administration directives, including Executive Order 14168, which redefine federal policy to recognize only two sexes and strip away protections for transgender people across the federal government.

As our complaint explains, the EEOC’s actions violate the Fifth Amendment’s Equal Protection guarantee, the Administrative Procedure Act, and Title VII of the Civil Rights Act of 1964.

On October 15, the federal defendants [moved to dismiss](#) our suit. We responded [in opposition](#) on November 10.

- [Hernandez v. Walmart \(EEOC\)](#) (Defending Pregnant Workers’ Rights)

In late 2024, we filed an EEOC charge on behalf of a former Walmart cashier who requested accommodations for her high-risk pregnancy (a stool to sit on while working and to change from a full-time schedule to part-time). On the same day she made the request, Walmart fired her and told her to reapply when she was no longer pregnant.

In July, NWLC executed a settlement on behalf of Ms. Hernandez with Walmart.

- [Schulman v. Zoetis, Inc. \(D.N.J.\)](#) (Challenging Unequal Pay)

In this federal and state-law pay-discrimination case, NWLC represents plaintiff Dr. Yvonne Schulman, who alleges that her employer, Zoetis, Inc., a large international animal health company, significantly underpaid her for her work as a veterinary pathologist compared to at least two of her male colleagues who performed the same job but had far less experience.

On May 6, the district court [denied both parties’ motions for summary judgment](#). The court held that, on the record before it, neither party was entitled to judgment as a matter of law on the question of whether Dr. Schulman did equal work to the male comparators she named. The parties filed cross-motions for reconsideration, which are pending.

- The Workplace Justice Litigation team also continues its representations in [REAL Women in Trucking et al. v. Stevens Transport \(EEOC\)](#) (Fighting Obstacles to Women Working in Male-Dominated Fields), but there are no updates to report.

ADDITIONAL MATTERS

- [Rhode Island Coalition Against Domestic Violence v. Bondi and Rhode Island Coalition Against Domestic Violence v. Kennedy \(D.R.I.\)](#) (Challenging Trump Administration’s Attempts to Impose Unlawful Restrictions on Grant Funding for Domestic and Sexual Assault Organizations)

On June 16, NWLC, alongside co-counsel at Democracy Forward, Jacobson Lawyers Group, DeLuca, Weizenbaum, Barry & Revens, and Lynette Labinger, [filed a lawsuit](#) on behalf of 17 state domestic violence and sexual assault organizations, seeking immediate relief to stop the Trump administration from imposing unlawful restrictions on grants issued by the Department of Justice’s Office on Violence Against Women (OVW). The Trump administration demanded that, in order to receive OVW funding, organizations certify that they won’t engage in “out-of-scope” activities, including programs centered on “gender ideology” or “illegal

DEI,” that promote “the violation of federal immigration law,” or that “frame domestic violence or sexual assault as systemic social justice issues rather than criminal offenses.” These new, vague restrictions would make it impossible for many of the service providers to operate programs effectively, threatening to eliminate services that victims of violence rely on in neighborhoods throughout the country.

On August 8, we obtained a [preliminary injunction](#) barring the administration from enforcing these restrictions. On November 19, we [amended our complaint](#) to add eight additional state anti-domestic and sexual violence plaintiffs, and we [moved for partial summary judgment](#), seeking to make the injunction permanent.

Additionally, on July 21, when the U.S. Departments of Health and Human Services and Housing and Urban Development adopted similar, illegal conditions on grant recipients, NWLC, alongside co-counsel above and Blish & Cavanagh, filed [another lawsuit](#) in the District of Rhode Island on behalf of the same 17 state domestic and sexual assault organizations as well as 5 housing, youth, and homelessness organizations. The district court entered a [preliminary injunction](#) on October 10, which forbids the Trump administration’s HHS and HUD from implementing all of the challenged certification provisions attached to funding for domestic violence and sexual assault grants.

AMICUS BRIEFS

U.S. Supreme Court

- [Ames v. Ohio Dep’t of Youth Servs. \(SCOTUS\)](#) (Protecting Title VII)

On January 24, NWLC joined an [amicus brief](#) led by the NAACP Legal Defense & Education Fund to the U.S. Supreme Court in *Ames v. Ohio Department of Youth Services*. In this case, the plaintiff claimed that her employer denied her a promotion for being heterosexual. She asked the Court to interpret federal employment-discrimination law—Title VII of the Civil Rights Act of 1964—in a way that ignores the realities of this country’s persisting legacy of discrimination.

Our brief explained that while the lower court made an error when addressing certain legal principles in the case, it reached the correct result in ruling that the plaintiff had not presented sufficient evidence of discrimination to support a Title VII claim. We urged the court to reaffirm the importance of Title VII’s protections for all employees and reject any rule that would prevent courts from considering the realities of how discrimination tends to operate in our society.

On June 5, the U.S. Supreme Court issued a [unanimous decision](#) holding that the legal standard under Title VII is the same for all plaintiffs bringing workplace discrimination suits, regardless of whether or not they are a member of an historically disadvantaged group. Justice Jackson, writing for the court, held that there is no basis in Title VII itself or in the U.S. Supreme Court cases construing it for requiring majority-group members to make an additional evidentiary showing of “background circumstances to support the suspicion that the defendant is that unusual employer who discriminates against the majority.” The court’s decision harmonizes varying standards in federal courts across the country.

- [B.P.J. v. West Virginia and Little v. Hecox \(SCOTUS\)](#) (Supporting Trans Athletes)

On November 17, NWLC, represented by Democracy Forward and Professor Deborah Brake, filed an [amicus brief](#) with the U.S. Supreme Court in *B.P.J. v. West Virginia* and *Little v. Hecox*. These cases challenge state laws from West Virginia and Idaho that categorically ban transgender girls and women from playing on girls’ and women’s school sports teams. Idaho was the first state to pass a sports ban law in 2020, which also requires a student to verify her gender if challenged. Since then, 27 additional states have enacted anti trans sports bans, including West Virginia.

Both lawsuits allege that the sports bans violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. The *B.P.J.* case also argues that the West Virginia law violates Title IX. Federal courts have blocked enforcement of these bans in both lawsuits.

Our [amicus brief](#) explained that Title IX's text and legislative history make clear that the law was always meant to protect students broadly from sex discrimination, including discrimination rooted in sex stereotypes. Title IX's allowance for sex-separated sports was designed to ensure women and girls—who had been excluded or otherwise treated unfairly on mixed-gender teams—had equal opportunities to play and develop their skills. It was not based on presumed sex-based “biological differences” in athletic ability. Our brief showed how sports bans reinforce the very stereotypes Title IX was enacted to eradicate: stereotypes of cis- women and girls being inherently weaker or athletically inferior. Rather than expanding opportunities, these bans amplify bias and subject girls and women to intrusive scrutiny based on others' views of their femininity. These are precisely the harms Congress sought to prevent through Title IX.

- **[Braidwood Management, Inc. v. Kennedy \(SCOTUS\)](#)** (Standing Up for the ACA)

On February 25, NWLC, alongside 47 other healthcare advocacy organizations, joined an [amicus brief](#) to the U.S. Supreme Court in *Braidwood Management, Inc. v. Kennedy*. Our brief supported the federal government in its defense of the expert agency, U.S. Preventive Services Task Force (USPSTF), that recommends most of the 100 preventive health services that the Affordable Care Act (ACA) requires insurers to cover without cost-sharing. The U.S. Court of Appeals for the Fifth Circuit held that USPSTF's role violated the Appointments Clause of the U.S. Constitution because its members are not confirmed by Congress but their recommendations are treated as if they have the force of law. Our brief explained that if the court of appeals' decision were allowed to stand (and if the case was ultimately resolved by rescinding the requirement that services recommended by USPSTF post-2010 be covered with no cost-sharing, consistent with the ruling of the district court in this case), our nation's health will be put at risk. Expanding access to preventive care, with the health and cost benefits that flow from this access, was one of Congress's primary purposes in enacting the ACA, and we urged the Supreme Court to again uphold this important health care coverage law against attacks from conservative legal extremists.

On June 27, the U.S. Supreme Court [issued a decision](#) leaving intact the ACA provision requiring coverage of preventive health care services without cost sharing. However, the court's opinion made clear that the Secretary of the U.S. Department of Health and Human Services—[currently RFK Jr.](#)—has the authority to fire at-will members of the team that provides recommendations about preventive care and to overrule their expert recommendations. [NWLC has warned the public](#) that this means the Trump administration could undermine the scientific integrity and independence of this team by vetoing new recommendations to cover or expand coverage of some kinds of preventive care, or by filling it with individuals who oppose evidence-based medicine, like vaccines. And [we know](#) that when costs for preventive services are high, patients, particularly those who are the most marginalized, forgo care. Thus, the advances for health equity obtained under the ACA remain at risk.

Since the decision, the U.S. Court of Appeals for the Fifth Circuit has [remanded the case](#) to the district court to address the questions raised on cross-appeal about two of the other expert teams that provide coverage recommendations, Health Resources and Services Administration (HRSA) and Advisory Committee on Immunization Practices (ACIP). On September 16, the parties filed [a joint status report](#) in the district court, in which they agreed that “the Supreme Court's opinion ... forecloses any Appointments Clause challenge to the makeup of ACIP or the appointment of the HRSA director.” The report further represents, however, that the plaintiff intends to move for leave to amend their pleadings in response to the U.S. Supreme Court's ruling and the federal government expressed its intent to oppose their motion.

- [Louisiana v. Callais \(SCOTUS\)](#) (Supporting Voting Rights)

On September 3, NWLC joined the League of Women Voters, Lawyers' Committee for Civil Rights Under Law, Asian Americans Advancing Justice | AAJC, Asian American Legal Defense and Education Fund (AALDEF), National Urban League, and Leadership Conference on Civil and Human Rights in filing an [amicus brief](#) in the U.S. Supreme Court case *Louisiana v. Callais* in support of fair representation for Black voters in Louisiana.

After assigning the case to be argued again last term, the court ordered the parties to submit briefing this term considering a new question: whether creating a majority-Black district under Section 2 of the Voting Rights Act (VRA) violated the Fourteenth or Fifteenth Amendments of the United States Constitution. Currently, Section 2 of the VRA requires lawmakers to draw maps that do not dilute the political power of voters of color and prohibits voting practices that deprive voters of color the right to vote based on race. The plaintiffs in *Louisiana v. Callais* now request the court to eliminate the protections provided by Section 2, using a twisted interpretation of the Fourteenth and Fifteenth Amendments—which address equal protection under the law and prohibition of racial voting discrimination—to make it impossible to enforce the protections of Section 2 in redistricting, claiming remedial districts ensuring equitable representation for voters of color are unconstitutional.

Our brief argued that the government has a compelling interest in protecting voting rights through Section 2 of the Voting Rights Act of 1965 and that application of Section 2 to require voting district maps that prevent dilution of Black citizens' votes is constitutional. We issued [a joint press release](#) with our partners regarding this historic brief.

- [Mahmoud v. Taylor \(SCOTUS\)](#) (Supporting Inclusive Curricula in Public Schools)

On April 9, NWLC, along with the Leadership Conference on Civil and Human Rights and PFLAG, joined Lambda Legal's [amicus brief](#) to the U.S. Supreme Court in *Mahmoud v. Taylor*. The brief urged the court to reject a free exercise challenge brought by a group of parents claiming that their religious exercise rights were unconstitutionally burdened by a Montgomery County Public Schools (MCPS) policy barring opt-outs from children's storybooks featuring LGBTQI+ characters in its English Language Arts (ELA) curriculum.

The brief outlined the importance of MCPS's ELA curriculum in ensuring that young people have access to stories that reflect their experiences and their families, as well as their peers to ensure students can develop empathy and tolerance for those different than them. It also explained that an opt-out policy permitting parents to object for any reason to certain stories because of the identities or lived experiences of the characters in them sends a message that hostility towards people like those characters is acceptable. In short, when students watch their peers leave the room because a book features an LGBTQI+ character, it worsens stigma-driven harassment and bullying of LGBTQI+ students—or of any other student group featured in such materials from which students are opted out.

The brief further explained that MCPS's opt-out policy did not burden the free exercise rights of the parents challenging the policy, because it is neutral with respect to religion and bars opt-outs for any reason, whether religious or secular. And, even if the policy did burden their free exercise rights, MCPS had a compelling interest in ensuring the well-being of all its students that warranted upholding the policy—an interest that can only be achieved by ensuring all students have access to a curriculum that is inclusive of them and their families and promotes tolerance.

On June 27, the U.S. Supreme Court [held that parents claiming religious objections have a right to pull their kids out of classrooms](#) when teachers read books with LGBTQI+ characters—a dangerous win for far-right extremists who want to remove marginalized groups from public conversation, prevent the next generation from understanding and valuing the true diversity of this country, and undermine public education. NWLC has [warned the public that this harmful decision will likely worsen stigma-driven harassment and bullying of LGBTQI+ students and families.](#)

- [**Medina v. Planned Parenthood South Atlantic \(SCOTUS\)**](#) (Protecting Medicaid Recipients' Free Choice of Provider)

On March 12, NWLC, alongside 17 other organizations dedicated to advancing reproductive rights, health, and justice, [joined an amicus brief](#) to the U.S. Supreme Court in *Medina v. Planned Parenthood South Atlantic*. Our brief supported Planned Parenthood and their patients in their challenge to South Carolina's attempt to exclude Planned Parenthood from the state Medicaid program and deny Medicaid beneficiaries the right to choose their own provider. We highlighted that for Medicaid recipients—as for all individuals and communities—the right to receive care from a qualified medical provider with whom one is comfortable is vital to health, dignity, and self-determination—especially when seeking sexual and reproductive health care. Because Medicaid beneficiaries frequently experience discrimination and mistreatment in health care settings, it is particularly essential that they have the freedom to choose a provider offering high-quality care that meets their individual needs. And because there is a limited pool of trusted providers who accept Medicaid patients, excluding Planned Parenthood from the Medicaid program would leave many without meaningful choices for providers, if they can access care at all. For Medicaid recipients from communities of color, with disabilities, who identify as LGBTQI+, and from other groups that experience systemic discrimination in health care, terminating Planned Parenthood from South Carolina's Medicaid program would impose particularly significant barriers. Finally, we emphasized that Medicaid beneficiaries must retain the ability to enforce their rights under the Medicaid statute—another right at risk in this case—to ensure that those rights are meaningful and that they can have access to justice when those rights are violated.

On June 26, the U.S. Supreme Court [closed the courthouse doors](#) to Medicaid enrollees seeking to vindicate their right to choose their providers when it sided with South Carolina in its attempt to exclude Planned Parenthood from the state Medicaid program. As a result of the Court's decision, South Carolina has [effectively been able to strip tens of thousands of low-income residents from access to essential health care services](#), including wellness exams, birth control, cancer screenings, testing and treatment for sexually transmitted infections (STIs), and more.

- [**United States v. Skrametti \(SCOTUS\)**](#) (Minors' Access to Gender-Affirming Care)

On June 18, the U.S. Supreme Court issued [an opinion upholding](#) Tennessee's ban on gender-affirming care for transgender minors. This means doctors in the state are prohibited from providing care that has been proven critical for transgender people to thrive and determined to be safe, appropriate, and effective [by all major medical associations](#).

During the summer of 2024, NWLC joined over a dozen legal scholars on an [amicus brief](#) in support of the Biden administration, the transgender youth, and their supporters, arguing that the ban, which conditions people's access to care on their sex, discriminates on the basis of sex and so is subject to heightened scrutiny under the Equal Protection Clause. Yet, as we warned [in our brief](#), in this decision the U.S. Supreme Court has once again abandoned sound legal analysis to advance a regressive agenda, just as it did three years ago when it overturned the constitutional right to abortion.

State and Federal Lower Courts

EDUCATION

- [**House v. NCAA \(9th Cir.\)**](#) (Fighting for Equal Opportunities in Collegiate Sports)

On November 5, NWLC and our law firm partner Simpson Thatcher & Bartlett [filed an amicus brief](#) in the U.S. Court of Appeals for the Ninth Circuit in *House v. NCAA*. Our brief supports 10 women athletes appealing a settlement agreement approved by the district court that pays out damages to athletes for misuse of their Name, Image, and Likeness (NIL) on the basis that the agreement violates Title IX.

This settlement came from a class action lawsuit filed by several NCAA athletes to challenge the NCAA's rules restricting student athletes from receiving compensation for the use of their NIL (meaning their right to control their image, allowing them to get paid for sponsorships or appearing in ads). On June 6, 2025, a federal district court approved a landmark settlement agreement to pay college athletes for the money they would have made for use of their NIL. However, this settlement egregiously undercompensates women athletes by basing damages on how much money an athlete's sport makes for a school—resulting in men football and basketball players receiving approximately 90% of the \$2.8 billion dollar award, with the remainder for other men athletes and all women athletes. This means that while men may receive tens of thousands of dollars, women might get as little as \$125 for each year they played.

Our brief urges the Ninth Circuit to reject this settlement because it fails to apply Title IX to decide how much athletes should be paid. We explain there is no legal justification *not* to apply Title IX; indeed, the law's history shows Congress repeatedly rejected efforts to exempt specific men's sports from Title IX just because they were more profitable for a school. It also explains that the settlement undermines women's opportunities to access the many crucial benefits of playing sports. This is because, in using the settlement's discriminatory formula, schools have already cut women's sports to afford enormous payments to their men athletes, which undermines Title IX's purpose.

- [*Local 8027, AFT-N.H., AFL-CIO v. New Hampshire Dep't of Educ. \(1st Cir.\)*](#) (Combating State Censorship of Teaching and Talking about Race, Gender, Sexual Orientation, and Gender Identity)

On January 17, NWLC and Public Justice, joined by 24 civil rights organizations along with Hogan Lovells US LLP, filed an amicus [brief](#) in the U.S. Court of Appeals for the First Circuit in *Local 8027, AFT-New Hampshire v. Edelblut*. In this case, public school educators and their union sued to challenge a New Hampshire law that bans teaching about several concepts, including race- and sex-based discrimination. The district court agreed with the plaintiffs, holding that this law is an impermissible viewpoint-based restriction on speech that does not provide fair warning to educators of what it prohibits and allows for discriminatory enforcement. New Hampshire has now appealed to the First Circuit.

Our amicus brief explains that the district court was right to say this censorship law is unconstitutional, and that the First Circuit should uphold that decision. We argue that the law has caused profound harms to teachers and students, including stopping teachers from teaching about race and LGBTQI+ issues or assigning works by Black authors and about Black people. It has made teachers afraid to allow classroom discussion of discrimination or to intervene in race-, sex-, and sexual-orientation-based bullying incidents. It has, in short, made New Hampshire schools more hostile environments for students of color and LGBTQI+ students.

- [*Metropolitan Sch. Dist. of Martinsville v. A.C. \(7th Cir.\)*](#) (Protecting Transgender Students' Equal Access to School Facilities)

On September 10, NWLC filed an [amicus brief](#) in the Seventh Circuit Court of Appeals in *A.C. v. Metropolitan School District of Martinsville*. The brief, filed on behalf of NWLC and 17 organizational partners, urged the Seventh Circuit to affirm its earlier decisions that found exclusionary school bathroom policies likely violate the Equal Protection Clause and Title IX. In the brief, we explained that the U.S. Supreme Court's decision in *United States v. Skrametti* did not disturb existing Seventh Circuit precedent on bathroom access because the *Skrametti* majority had expressly limited its ruling to the context of medical treatments. We also argued that the Equal Protection Clause and Title IX's broad command to dismantle sex-based discrimination in schools compel affirmance because exclusionary bathroom policies exacerbate adverse conditions and gender policing for transgender students as well as cisgender girls who do not conform to inappropriate gender stereotypes.

- [Ventura v. Todaro \(N.Y. App. Div., 2nd Dep’t\)](#) (Protecting Student Survivors from Defamation Suits)

On March 31, NWLC and co-counsel at Steptoe LLP filed an [amicus brief](#) on behalf of 36 gender justice organizations with a New York appellate court in *Ventura v. Todaro* in support of Jessica Todaro, a college student who was sued for defamation after posting publicly on social media that she had been raped.

A Strategic Lawsuit Against Public Participation (SLAPP) is a meritless lawsuit filed to intimidate someone from speaking out against misconduct or to retaliate against them for having spoken out. New York’s anti-SLAPP law protects people from liability when they speak about any issue that is not a “purely private” matter, including public allegations of sexual assault. But a New York trial court held that Ms. Todaro’s public-facing social media posts were “private allegations” that did not fall within the scope of the state’s anti-SLAPP law.

NWLC’s amicus brief explained that sexual assault is widely prevalent yet vastly underreported, and that survivors commonly face retaliation when they come forward. Perpetrators of sexual violence are increasingly using defamation suits and other SLAPPs to silence their victims and coerce them into withdrawing their claims. New York’s anti-SLAPP law clearly protects public allegations of sexual assault from liability, and numerous courts have recognized this. Furthermore, state lawmakers explicitly stated that they amended the law in 2020 to protect survivors. Our brief therefore urged the appellate court to reverse the lower court’s decision and dismiss the SLAPP against Jessica.

In August, the parties settled the lawsuit.

REPRODUCTIVE RIGHTS & HEALTH

- [Edwards v. Witherspoon \(4th Cir.\)](#) (Protecting the Rights of Pregnant Prisoners)

On March 7, NWLC and co-counsel Gibson Dunn led an amicus brief on behalf of the Law Center, Disability Rights North Carolina, Legal Action Center, and Pregnancy Justice to the U.S. Court of Appeals for the Fourth Circuit in *Edwards v. Witherspoon*. Our brief urged the court to clarify two important rights for prisoners: First, to shackle a pregnant person before, during, and immediately after childbirth violates a constitutional right to be free from cruel and unusual punishment. And second, that it violates the Americans with Disabilities Act to withhold medication for opioid use disorder (MOUD) from prisoners with diagnosed opioid addiction—especially when, as here, the prison permits only pregnant prisoners to access this care based on the prison’s asserted interest in the prisoner’s fetus.

Tracey Edwards, the plaintiff-appellant in this case, first learned that she was pregnant when she was required to take a pregnancy test upon beginning her sentence at the North Carolina Correctional Institution for Women (NCCIW). Because she was pregnant, NCCIW permitted Ms. Edwards to continue her MOUD treatment plan. MOUD was generally barred from people incarcerated at NCCIW, but the prison made an exception for those with opioid use disorder (OUD) while those prisoners were pregnant—based on the prison’s purported interest in protecting the fetus.

Contrary to that stated interest, however, and in violation of the prison’s own policies, NCCIW later shackled Ms. Edwards while she was in transit to the hospital to give birth her daughter, putting her at well-known risk of falling and injuring herself and her fetus. Ms. Edwards was also shackled by one arm and one leg to her hospital bed during the first twelve hours of labor; the prison guard removed Ms. Edwards’ shackles only after she was instructed to push. Soon after Ms. Edwards delivered her daughter, she was again chained to her bed, which constricted Ms. Edwards’ ability to care for her newborn. Finally, while in transit back to the prison just two days after giving birth, while Ms. Edwards was still vulnerable and swollen postpartum, the prison again put her in jeopardy by shackling her.

Once Ms. Edwards returned to NCCIW, she faced a new ordeal: The prison immediately ceased her MOUD, requiring her to “taper off” her medication by using oxycodone. With her OUD insufficiently treated, Ms. Edwards suffered extreme physical symptoms, including pain—which Ms. Edwards described as greater than giving birth—diarrhea, insomnia, vomiting, and anxiety that she might relapse.

Our brief explained that the risks and harms of the prison’s treatment of Ms. Edwards were obvious and predictable, and the prison lacked penological justification for restraining Ms. Edwards or for refusing to provide her with an adequate accommodation for her OUD. We asked the court of appeals to confirm that shackling pregnant people is unconstitutional, regardless of whether Defendants are entitled to qualified immunity on the issue, to ensure that the practice ceases. And we explained that the prison’s policy decision to only consider the needs of the fetus (and not the pregnant or postpartum prisoner with OUD) in determining whether to provide health care is not only disability discrimination, but it also follows a dangerous and demeaning trend of granting embryos and fetuses’ legal rights that outweigh the rights of the pregnant person.

- **[Hickson v. St. David’s Health Care \(5th Cir.\)](#)** (Ensuring Full Protections under Section 1557)

On April 7, NWLC joined an amicus brief led by Disability Rights Education & Defense Fund (DREDF) in *Hickson v. St. David’s Health Care* before the U.S. Court of Appeals for the Fifth Circuit. The amicus brief supports the Section 504 and 1557 claims brought by the family of Michael Hickson, a 46-year-old Black man with disabilities who [died a preventable death in 2020](#) when his doctors abruptly withdrew life-sustaining care for COVID-19, asserting that, due to his disabilities, Hickson’s anticipated quality of life was too low to justify continued treatment.

The district court dismissed these claims, asserting that medical treatment decisions related to disability can never be actionable as disability discrimination. Our amicus brief urged the Fifth Circuit to overturn this erroneous decision. We detailed the pervasive discrimination in health care faced by disabled people and Black people, including Black disabled people, and we explained that Section 504 (which provides the civil rights framework for Section 1557) was enacted to ameliorate this widespread discrimination, including in medical decision making.

- **[Family Planning Association of Maine v. Kennedy and Planned Parenthood Federation of America v. Kennedy \(1st Cir.\)](#)** (Defending Reproductive Health Clinics’ Ability to Provide Covered Care to Medicaid Recipients)

Despite the importance of Planned Parenthood and other reproductive health clinics to ensuring availability of and access to health care for Medicaid beneficiaries, Congress enacted a law prohibiting Planned Parenthood and other clinics that provide abortion care from receiving federal Medicaid funding. In two cases, NWLC, alongside our colleagues at the National Health Law Program (NHELP), filed amicus briefs in support of the reproductive health care providers.

We filed our first [amicus brief](#) on October 15, before the U.S. Court of Appeals for the First Circuit in *Planned Parenthood Federation of America v. Kennedy*. We filed our second [amicus brief](#) on October 29, again before the U.S. Court of Appeals for the First Circuit, in *Family Planning Association of Maine v. Kennedy*.

Our briefs argued that this unprecedented targeting and punishment of Planned Parenthood and other abortion clinics subverts decades of congressional action designed to increase Medicaid eligibility among women of reproductive age, enhance coverage of reproductive health services, and ensure that beneficiaries have access to the same providers as individuals with private insurance. We likewise pointed out that this new law undercuts consistent congressional efforts, beginning in 1972, to improve Medicaid beneficiaries’ access to family planning services.

- [*Tennessee v. U.S. Department of Health & Human Services \(M.D. Tenn.\)*](#) (Protecting the Privacy of Reproductive Health Care Patients)

On March 20, NWLC joined the National Partnership for Women & Families and 21 other organizations in [an amicus brief](#) opposing Tennessee and other anti-abortion states' challenge to the Biden administration's rule under the Health Insurance Portability and Accountability Act (HIPAA) outlining the federal privacy protections for reproductive health care patients. Multiple states challenged the rule, which "prohibits regulated entities from using or disclosing protected health information (PHI) for the purposes of conducting a criminal, civil, or administrative investigation into, imposing liability on, or identifying anyone for the mere act of seeking, obtaining, providing, or facilitating lawful reproductive health care." Our brief argued that the Biden Rule falls squarely within the powers delegated to the Department of Health and Human Services (HHS) by Congress, and that HHS adequately explained its decision making.

On September 30, the parties jointly stipulated to a dismissal without prejudice of Tennessee and other anti-abortion states' challenge. In a related case, *Purl v. HHS*, the U.S. District Court for the Northern District of Texas vacated nearly the entire rule, and the federal government chose not to appeal that decision. While a group of proposed intervenors appealed the denial of their intervention in that case, they ultimately decided to dismiss their appeal. Thus, the HIPAA rules remain vacated, mooting Tennessee's case.

WORKPLACE JUSTICE

- [*Bolina v. AssureCare Adult Home, LLC \(Wash.\)*](#) (Protecting Live-In Domestic Workers' Rights to Minimum Wage and Overtime Pay)

On July 31, NWLC joined [an amicus brief](#) led by the ACLU of Washington and the Center for Civil Rights and Critical Justice to the Supreme Court of the State of Washington in *AssureCare Adult Home v. Bolina*. The brief urges the court to strike down the exclusion of live-in caregivers from the protections of Washington State's Minimum Wage Act (MWA). The National Domestic Workers Alliance, Pilipino Workers Center, and National Employment Law Project also joined the amicus brief.

Our brief argues that the exclusion of live-in care workers from the MWA replicates not only the text but also the racist and sexist history of the identical provision enacted at the federal level in 1938. In the federal law, Congress excluded agricultural and domestic workers—two industries that primarily employed Black people—from minimum wage and overtime protections established by the Fair Labor Standards Act (FLSA). We also argue that no reasonable grounds exist for excluding in-home caregivers from these protections, and that this exclusion warrants heightened scrutiny under Washington's constitution because it disparately impacts politically powerless and marginalized groups.

- [*Branson et al. v. Washington Fine Wines & Spirits \(Wash.\)*](#) (Supporting Job Applicants' Right to Pay Range Transparency)

On December 30, 2024, after we published our 2024 Litigation Highlights report, NWLC and the Washington Employment Lawyers Association (WELA) submitted an amicus [brief](#) on behalf of themselves and three other organizations to the Washington (State) Supreme Court in *Branson et al. v. Washington Fine Wines & Spirits*. The state of Washington has a pay range transparency law that requires employers to include pay information in job postings and gives job applicants the right to file an administrative complaint with a state agency or a lawsuit in court if an employer fails to comply. In *Branson*, the U.S. District Court for the Western District of Washington asked the Washington Supreme Court to answer the following question: "What must a Plaintiff prove to be deemed a 'job applicant' within the meaning of [Washington's pay transparency law]? For example, must they prove that they are a 'bona fide' applicant?" Our amicus brief argues that the Washington Supreme Court should reject the defendant's attempt to

deviate from the statute by requiring plaintiffs to prove that they are a “bona fide applicant” before they can seek relief.

As the brief describes, the Washington legislature enacted its pay range transparency law to help address gender and racial pay inequities by correcting the imbalance in information and bargaining power between employers and job applicants and by prompting employers to examine their compensation practices to ensure fair pay. We argue that the defendant’s proposed “bona fide applicant” requirement contravenes not only the statute’s language but its broader purpose, which fits comfortably within Washington’s history of liberal interpretation of labor and employment statutes. The brief also explains the ways in which pay range transparency helps counteract biases that disadvantage women and people of color in the job market. Finally, the brief notes, the proposed “bona fide applicant” requirement would introduce potential loopholes and compliance disincentives for employers, which was not the legislature’s intent in crafting and passing a broadly worded pay transparency law.

On September 4, 2025, the Washington Supreme Court rejected this industry-side attempt to add hurdles for jobseekers who were denied pay transparency. The court [held](#), as NWLC had urged it to, that a “job applicant” under the statute is, simply, “any person who applies to a job posting.”

- [Diaz-Roa v. Hermes Law, P.C., Newton v. LVMH Moet Hennessey Louis Vuitton Inc., and TikTok Inc. v. Puris \(2d Cir.\)](#) (Defending the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Claims Act)

On July 7, NWLC, Public Justice, American Association for Justice, and the National Employment Lawyers Association filed an [amicus brief](#) in the Second Circuit Court of Appeals in *Diaz-Roa v. Hermes Law, P.C.* The brief argues that the Second Circuit should affirm the district court’s ruling that the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021 (EFAA) permits the plaintiff, Silvia Diaz-Roa, to bring her entire case in court because it includes sex harassment claims.

Similarly, on September 2, NWLC filed an [amicus brief](#) in the U.S. Court of Appeals for the Second Circuit in *Puris v. TikTok* in support of Katie Ellen Puris. Ms. Puris experienced workplace sex-based harassment and retaliation. NWLC led the brief along with the American Association for Justice and the National Employment Lawyers Association.

And on October 9, NWLC and the American Association for Justice, joined by Public Justice, Equal Rights Advocates, and the National Employment Lawyers Association, filed an [amicus brief](#) in the U.S. Court of Appeals for the Second Circuit in *Newton v. LVMH Moet Hennessey Louis Vuitton Inc.* Our brief argues that the appellate court should reverse the district court’s ruling that the EFAA does not apply to some of Plaintiff Andowah Newton’s claims that her employer retaliated against her for reporting sexual harassment. We also argue that the district court’s dismissal of Ms. Newton’s case should be reversed because she plausibly alleged that her employer engaged in a pattern of retaliation that continued after the EFAA’s enactment.

As all three briefs described, Congress passed the EFAA in 2022 to provide survivors of sexual assault and sex-based harassment with the right to seek justice in court instead of being forced into arbitration proceedings. The briefs argued that the EFAA’s plain text and its legislative history both confirm that the EFAA invalidates arbitration agreements as to entire cases that contain a sex harassment claim, not just the harassment claim itself. The briefs also explained that keeping entire cases together protects survivors, promotes efficiency, and accords with the realities of how survivors experience assault and harassment. Thus, the briefs argued, the district courts were required to permit the plaintiffs’ entire cases to proceed in court.

- [*Sanchez v. El Milagro, Inc. \(7th Cir.\)*](#) (Resisting Heightened Legal Standard for Victims of Workplace Sexual Harassment)

On May 9, NWLC and six other amici curiae joined Equal Rights Advocates, Outten & Golden, and Mehri & Skalet in submitting [an amicus](#) brief to the U.S. Court of Appeals for the Seventh Circuit in *Sanchez v. El Milagro*. The brief argues that the Seventh Circuit should overturn the district court's ruling that plaintiff Alma Sanchez failed to show enough evidence of "severe or pervasive" workplace harassment to go to trial on her claims under Title VII and the Illinois Human Rights Act.

Ms. Sanchez worked in one of several Chicago-area tortilla factories owned by El Milagro, where there had been numerous complaints of sexual harassment. She alleged three incidents of offensive, intimate touching (including her harasser intentionally rubbing his genitals against her and grabbing her buttocks), physically threatening or humiliating taunts, "near daily" sexist comments, and an overall environment where harassment was tolerated. Ms. Sanchez reported the harassment to her supervisor after each physical incident, but he (who himself had been accused of sexual harassment of a subordinate) did nothing until another employee saw Ms. Sanchez crying after the third incident and spoke to him about it. At that point the supervisor finally reported the issue to H.R., which did a perfunctory investigation and took no further action. Ms. Sanchez suffered significant anxiety and other harm due to the harassment and had to seek counseling. But the district court wrongly concluded that none of this was enough to support her federal or state sex-discrimination claims.

The brief explained that, in minimizing Ms. Sanchez's experience, the district court failed to account for a significant body of social-science research demonstrating that her allegations were more than enough to create a hostile work environment for her—or, indeed, for any reasonable worker in her position. The court also made several all-too-common legal errors, including failing to view Ms. Sanchez's allegations in light of the totality of the circumstances, imposing heightened burdens with no basis in law, and substituting its judgment for that of a jury. Finally, the brief noted, the district court erred in treating Ms. Sanchez's state-law claim under the same standard as her federal Title VII claim because the Illinois legislature intentionally enacted an anti-harassment law that is broader in scope than federal law.

- [*WiCare v. Dep't of Labor \(3d Cir.\)*](#) (Defending regulations requiring home-care companies to provide minimum wage and pay overtime to their employees)

On January 21, NWLC joined an [amicus brief](#) led by the National Employment Law Project to the U.S. Court of Appeals for the Third Circuit in *Walsh v. WiCare Home Agency, LLC*, defending home care workers' rights to receive the minimum wage and overtime protections established in the Fair Labor Standards Act (FLSA).

WiCare, a Pennsylvania home care agency, was prosecuted by the Department of Labor (DOL) for failing to pay 88 of its employees the \$7.25 minimum wage and 181 of its employees overtime in violation of DOL's 2015 rule interpreting the FLSA to include home care workers. Before 2015, home care workers were excluded from the FLSA's minimum wage and overtime pay protections under an outdated, overbroad reading of the "companionship exemption." WiCare subsequently challenged the 2015 rule in federal court. In the amicus brief, we asked the Third Circuit to uphold the 2015 rule. We explained that the 2015 rule rightly recognized that home care workers are professionals providing essential care for disabled people and older adults, and that enabling a decrease in already-low wages will harm the women of color who make up the majority of the home care workforce. We also argued that low wages have driven many people out of the home care industry, causing a workforce shortage that prevents disabled people and older adults from accessing the quality care they critically need.

ADDITIONAL MATTERS

- [*Perkins v. Montana \(Mont.\)*](#) (Defending Transgender Survivors’ Access to Domestic Violence Shelters)

On October 15, the National Women’s Law Center, alongside 16 other Montana-based and national organizations working to support survivors of domestic violence, sexual assault, and gender-based violence, filed an [amicus brief](#) before the Montana Supreme Court in *Perkins v. State of Montana*. The case challenges H.B. 121, a comprehensive facilities ban passed by the Montana Legislature in March 2025 that would deny transgender people access to restrooms, changing facilities, and sleeping quarters that are consistent with their gender identity.

NWLC’s brief highlights the specific impacts of H.B. 121 on access to domestic violence shelters and safe houses. We explain that exclusionary policies chill access to life-saving services for transgender people—who are at disproportionate risk of facing gender-based violence—while exacerbating gender policing that also harms cisgender women and girls who do not conform to gender stereotypes. H.B. 121’s sweeping provisions—including creating a private cause of action that allows anyone to sue a domestic violence shelter for a failure of monitoring bathroom use—creates new and burdensome liabilities that could reduce access to services for the general population.

- [*Perkins Coie LLP v. U.S. Department of Justice, Jenner & Block v. U.S. Department of Justice, Susman Godfrey LLP v. Executive Office of the President and WilmerHale v. U.S. Department of Justice \(D.D.C.\)*](#) (Standing Up for the Legal Profession and the Rule of Law)

This April, NWLC joined other coalition partners in filing amicus briefs in support of [Perkins Coie LLP](#), [Wilmer Cutler Pickering Hale and Dorr LLP](#), [Jenner & Block LLP](#), and [Susman Godfrey LLP](#) in their challenges to Trump’s retaliatory executive orders (EOs) in the U.S. District Court for the District of Columbia. All four amicus briefs argued that Trump’s EOs targeting these law firms are profoundly unconstitutional because they violate the First Amendment rights of both the firms and NGOs like NWLC. The briefs also explained that these EOs, and others like them, are blatant affronts to the rule of law that undergirds the entire American legal system.

On May 2, U.S. District Court Judge Howell [denied](#) the federal government’s motion to dismiss Perkins Coie’s suit and granted the law firm’s motion for summary judgment. The court held that Trump’s EO targeting the law firm constituted unconstitutional retaliation and viewpoint discrimination and compelled disclosure of information, all in violation of the First Amendment; denied equal protection of the laws in violation of the Equal Protection Clause; denied the right of counsel to plaintiff’s clients, in violation of the Sixth Amendment; and denied due process and was unconstitutionally vague, in violation of the Fifth Amendment. The court granted Perkins Coie permanent injunctive relief against the EO.

On May 23, U.S. District Court Judge Bates [denied](#) the federal government’s motion to dismiss Jenner & Block’s suit and granted the law firm’s motion for summary judgment. Like Judge Howell in the Perkins Coie lawsuit, Judge Bates determined that the Trump EO unconstitutionally retaliated against the law firm and sought to silence its protected speech. The court also granted a permanent injunction barring the federal government from enforcing its EO against Jenner.

On May 27, U.S. District Court Judge Leon joined his colleagues in also denying the federal government’s motion to dismiss WilmerHale’s suit and granting the law firm’s motion for summary judgment. Judge Leon determined that Trump’s EO targeting WilmerHale violated the law firm’s First, Fifth, and Sixth Amendment rights, as well as its clients’ First and Sixth Amendment rights, and granted the firm a permanent injunction.

Finally, on June 27, U.S. District Court Judge Alikhan [joined her colleagues](#) in denying the federal government’s motion to dismiss in Susman Godfrey’s case and in granting the law firm’s motion for summary judgment.

All four suits are now on appeal before the U.S. Court of Appeals for the D.C. Circuit.

VICTORIES AND OTHER UPDATES FROM EARLIER AMICUS CASES

In addition to the wins noted above in our 2025 amicus cases, this year we also learned of important wins and other decisions in cases in which we filed amicus briefs in 2024 and earlier.

WORKPLACE JUSTICE

- [*Banks v. Hoffman* \(D.C. Ct. App.\)](#) (Supporting D.C.’s Anti-SLAPP Law)

On November 13, the D.C. Court of Appeals (*en banc*) issued a decision upholding D.C.’s anti-SLAPP law. The court held that the D.C. Council did not exceed its authority under the Home Rule Act when it passed this law, and it recognized the important First Amendment interests served by D.C.’s Anti-SLAPP statute. In April 2024, NWLC, D.C. Coalition Against Domestic Violence, and Network for Victim Recovery of D.C. led an [amicus brief](#) on behalf of 13 individual and organizational survivor advocates based in D.C. urging the court to uphold D.C.’s anti-SLAPP law. While the underlying facts of the case did not relate to gender-based violence, our amicus brief explains the importance of anti-SLAPP protections for survivors of gender-based violence. We are thrilled that these important protections will remain in place for survivors in D.C.

- [*Sabatini v. Knouse* \(Mass. Ct. App.\)](#) (Supporting Survivors Against Retaliatory Defamation Suits)

On January 14, the Massachusetts Court of Appeals [held](#) that this defamation suit could go forward. The court recognized that the defendant had reported the plaintiff’s sexual harassment of her to colleagues, the director of the institute where she worked, and investigators hired by the institute (who found sexual harassment had occurred). But it held she “does not point us to any objective indicia suggesting that her reports were ‘reasonably geared to reaching [the government],’ let alone ‘inten[ded] to influence a governmental proceeding.’”

This is disappointing because, as our [brief](#) explained, the law generally requires employees and students to report harassment to their employer or school before seeking relief in court—so reports like the defendant’s here are reasonably geared to reaching the government. This outcome is also disappointing because—as our brief explained—harassers are increasingly weaponizing defamation lawsuits to retaliate against their victims and chill reporting.

REPRODUCTIVE RIGHTS & HEALTH

- [*C.P. By and Through His Parents, Pritchard v. Blue Cross Blue Shield of Illinois* \(9th Cir.\)](#) (Defining the Scope of the Affordable Care Act’s Section 1557)

In this case, Lambda Legal represents C.P., a transgender young man seeking gender-affirming health care. However, C.P.’s parents’ employee health benefits plan contains a categorical exclusion of coverage for any care related to the treatment of gender dysphoria. Blue Cross Blue Shield of Illinois, a nonprofit health insurance company that serves as a third-party administrator for the parents’ employer’s health benefit plan, accepts federal funds, but it argued that it should be allowed to administer health plans that contain discriminatory terms, despite the nondiscrimination requirements of Section 1557 of the Affordable Care Act.

NWLC and co-counsel Altshuler Berzon LLP filed [an amicus brief](#) in 2024 on behalf of the Law Center and ten other organizations, clarifying that Section 1557 prohibits discrimination in all health programs and activities—including in activities related to employee health benefit plans, regardless of whether the health insurance company underwrites the plan itself or administers it for a self-funded plan sponsor.

Our brief also highlighted the dramatic implications for hundreds of millions of people in the United States that would result if Blue Cross Blue Shield were permitted to continue flouting its obligations under Section 1557.

On November 17, 2025, the U.S. Court of Appeals for the Ninth Circuit issued an opinion agreeing with our amicus brief's arguments about the scope of Section 1557 but vacating the district court's decision as to whether the gender dysphoria exclusion constituted sex discrimination in light of the Supreme Court's decision in *Skrmetti*.

- [***Missouri v. FDA \(formerly Alliance for Hippocratic Medicine v. FDA\) \(N.D. Tex.\)***](#) (Protecting Access to Mifepristone)

Although the U.S. Supreme Court ruled in June 2024 that the Alliance for Hippocratic Medicine (AHM) did not have standing to challenge the Food and Drug Administration (FDA)'s approval of mifepristone, leaving access to this medication unchanged—for now—the States of Missouri, Kansas, and Idaho attempted to keep this attack on medication abortion ongoing by filing an amended intervenor suit against the FDA in late 2024 in the U.S. District Court for the Northern District of Texas—even though none of these States are located in Texas. These States hoped to continue this attack in this court because in 2023, U.S. District Court Judge Matthew Kacsmaryk, the presiding judge in this matter, issued an unprecedented and dangerous initial decision attempting to overturn the FDA's expertise and nearly 25-year-long approval of mifepristone, one of the medications in a two-drug protocol that is now used in over half of the abortions in this country.

In January 2025, Judge Kacsmaryk kept the case alive by granting the States leave to file yet another amended complaint, allowing the case to continue on during the new Trump administration. Outgoing FDA-representing lawyers filed a motion to dismiss the States' amended complaint on January 18, just prior to Inauguration Day.

In May 2025, the Trump administration filed a reply in support of the Biden administration's motion to dismiss, surprising many commentators. However, this filing merely argued that the States' case should be dismissed based on a lack of standing and procedural defects or transferred to another court because the States have no connection to the Texas district court; it does not substantively defend the FDA's approval of medication abortion or other merits issues in the case.

In August, Florida and Texas filed [a motion to intervene](#) as well. Louisiana filed [an additional motion to intervene](#) in September. The district court rejected these three states' motions and ordered that the case be transferred to the Eastern District of Missouri, moving it out of the hands of Judge Kacsmaryk.

NWLC has been involved in this case [at multiple stages](#), joining two amicus briefs to the U.S. Court of Appeals for the Fifth Circuit and two briefs to the U.S. Supreme Court opposing earlier decisions in the case that would have severely restricted access to mifepristone. The earlier decisions were overturned, allowing mifepristone to remain accessible—but threats remain. For example, the U.S. Department of Health and Human Services Secretary Robert F. Kennedy Jr. [announced](#) at a U.S. Senate committee hearing that, in response to a sham anti-abortion study, he has directed the FDA to conduct a comprehensive review of its regulations on mifepristone. This litigation's threat to mifepristone access remains crucially important because medication abortions guided by telehealth providers made up 25% of all abortions in the U.S. at the end of 2024, [according to](#) the Society of Family Planning.

- [***Pennsylvania v. Trump \(E.D. Pa.\)***](#) (Protecting ACA Coverage of Contraceptives Without Cost-Sharing)

On August 13, the U.S. District Court of the Eastern District of Pennsylvania granted summary judgment to the states of Pennsylvania and New Jersey in their nearly-decade-old challenge to the religious and moral

exemptions from the ACA's contraceptive coverage requirement, promulgated during the first Trump administration. In *Little Sisters of the Poor v. Pennsylvania*, in 2020, the U.S. Supreme Court allowed these rules to be in effect while litigation continued in the lower courts, which jeopardized access to birth control nationwide. [In its recent ruling](#), the district court determined that the Trump rules were unjustified, irrational, and violated the Administrative Procedure Act.

NWLC participated in this matter at multiple stages, including filing amicus briefs to the U.S. Supreme Court [in 2020](#), the U.S. Court of Appeals for the Third Circuit [in 2019](#), and the U.S. District Court for the Eastern District of Pennsylvania [in 2019](#). Further, NWLC [filed amicus briefs](#) in multiple related matters, and NWLC similarly [challenged the exemptions](#) on behalf of students at the University of Notre Dame.

- [United States v. Idaho \(D. Idaho & 9th Cir.\)](#) (Protecting Access to Emergency Abortion Care)

In March 2025, the Trump administration stipulated to a voluntary dismissal of the federal government's challenge to Idaho's abortion ban—which prohibits all abortions except those necessary to preserve a pregnant person's *life*. The Biden administration had challenged Idaho's ban under the Supremacy Clause, asserting that the state law conflicted with and was therefore preempted by EMTALA, the federal law requiring Medicare-recipient hospitals to provide health- and life-saving care to all patients seeking emergency services, including when that care is an abortion. NWLC [issued a statement](#) deploring this Administration's decision to effectively abandon the fight to enforce health- and life-saving federal laws.

These dismissals dissolved the preliminary injunction that had blocked Idaho's abortion ban since the U.S. Supreme Court dismissed this matter in June 2024. However, on March 4, St. Luke's Health System, the largest non-profit hospital system in Idaho, filed [a motion for a temporary restraining order](#) (TRO) to keep the ban blocked in a separate matter, *St. Luke's Health System v. Idaho*, No. 1:25-cv-00015-BLW (D. Idaho). St. Luke's had sought to intervene in *United States v. Idaho*, and on March 3 the health system was notified by counsel for the United States of the Trump administration's intent to withdraw that case. The district court entered [a TRO](#) that same day, blocking Idaho from enforcing its abortion ban as to care required by EMTALA. On March 20, the court entered [a preliminary injunction](#) that modified the scope of relief, blocking Idaho from enforcing its abortion ban as to care required by EMTALA *only as to St. Luke's Health System and its providers*. Idaho did not appeal this order, and the case is now proceeding to discovery, with dispositive motions due in 2026.

NWLC, alongside Cohen Milstein Sellers & Toll PLLC and Democracy Forward, coordinated amicus briefs in *United States v. Idaho*—both when the matter was before the U.S. Supreme Court and when it was pending before an *en banc* panel of the U.S. Court of Appeals for the Ninth Circuit this past fall. Additionally, NWLC with co-counsel Cohen Milsten led amicus briefs before [both courts](#) on behalf of In Our Own Voice: National Black Women's Reproductive Justice Agenda, Indigenous Women Rising, National Asian Pacific American Women's Forum, National Latina Institute for Reproductive Justice, and dozens of additional organizations.

WORKPLACE JUSTICE

- [Lange v. Houston County, Ga. \(11th Cir. en banc\)](#) (Protecting Trans Employees' Access to Insurance Coverage for Gender-Affirming Care)

Houston County's employee health insurance plan generally covers medically necessary procedures, but it excludes coverage for "sex change surgery" and drugs for such surgeries. Plaintiff Anna Lange, a transgender Houston County employee, successfully challenged this exclusion, arguing, among other things, that the exclusion facially violates Title VII. NWLC [joined an amicus brief](#) in support of the district court's decision, which an Eleventh Circuit [panel affirmed](#) over a dissent.

The Eleventh Circuit then decided to rehear the case *en banc*. In October 2024, NWLC, together with the ACLU and Pride at Work, filed an [amicus brief](#) with the *en banc* Eleventh Circuit. On September 9, 2025, in a [split decision](#), the *en banc* court reversed, holding that pursuant to the U.S. Supreme Court's *Skrametti* decision, an employer-provided health plan can exclude gender-affirming surgery without violating Title VII. As a concurring judge noted, the decision tees up the brewing conflict between *Skrametti* and *Bostock* as applied to workplace discrimination claims.

- [Louisiana v. EEOC \(W.D. La.\) and Tennessee v. EEOC \(E.D. Ark. & 8th Cir.\)](#) (Defending EEOC's PWFA Rule)

In 2024, NWLC filed amicus briefs—in [Louisiana v. EEOC](#) and *Tennessee v. EEOC*, at the [district](#) and [appellate](#) courts—defending newly promulgated regulations from the EEOC under the PWFA that make clear that employers have to reasonably accommodate employees for their pregnancy-related needs, including the need to access abortion care. Congress enacted the PWFA to fill gaps in federal law protecting pregnant workers and provide an explicit right to reasonable accommodations for workers affected by “pregnancy, childbirth, and related medical conditions,” a term taken directly from the Pregnancy Discrimination Act of 1978 (PDA). The EEOC's regulations, which carry out Congress's intent in passing the PWFA, recognize that abortion—which has long been covered under the PDA—is also covered under the PWFA. The law therefore requires employers to provide reasonable abortion-related accommodations to workers who need them.

On February 20, 2025, the U.S. Court of Appeals for the Eighth Circuit [held](#) that the states in *Tennessee v. EEOC* have standing to sue, allowing the states' challenge to the abortion-related provisions of the PWFA rule to go forward. The court took no position on the merits of the states' arguments challenging the EEOC's interpretation that the PWFA requires employers to reasonably accommodate employees who need abortion care. The case is now pending in district court.

On May 21, the federal district court in Louisiana vacated the portions of the EEOC's Pregnant Workers Fairness Act (PWFA) rule that explain workers' rights to reasonable accommodations related to abortion, and the court directed the EEOC to rewrite the rule to remove that language.

Unfortunately, other district courts have also issued decisions that prevent the EEOC from enforcing the PWFA rule against certain employers with respect to accommodations for abortion, and in one case, fertility care. See *Stanley M. Herzog Foundation v. EEOC*, No. 4:24-cv-651 (W.D. Mo. Mar. 18, 2025); *Catholic Benefits Ass'n v. Lucas*, No. 1:24-cv-142, 2025 WL 1144768, at *3 (D.N.D. Apr. 28, 2025). Further, EEOC Chair Lucas expressed an intent to revisit the PWFA regulations once the Commission regains a quorum, which it did in November.

- [Scoggins v. Menard, Inc. \(6th Cir.\)](#) (Protecting Victims of Workplace Harassment from Forced Arbitration)

On December 19, 2024, NWLC, Public Justice, and the National Employment Lawyers Association (NELA) submitted [an amicus brief](#) to the U.S. Court of Appeals for the Sixth Circuit in *Scoggins v. Menard, Inc.* The brief argued that the Sixth Circuit should affirm the district court's ruling that the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021 (EFAA) permitted the plaintiff, Michelle Scoggins, to bring her entire case in court because it included sexual harassment claims.

On May 12, 2025, the Sixth Circuit disappointingly held that Ms. Scoggins had waived the argument that the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act applied to her case. It therefore ordered the case stayed so the parties' dispute could go to arbitration.

- [Texas and the Heritage Foundation v. EEOC \(N.D. Tex.\)](#) (Defending Enforcement Guidance on Workplace Harassment)

On May 15, the U.S. District Court for the Northern District of Texas struck down portions of the EEOC's updated Enforcement Guidance on Workplace Harassment explaining that federal law prohibits workplace harassment based on gender identity and sexual orientation. The EEOC Guidance is an important resource on how to recognize and prevent all forms of illegal harassment in the workplace. And the district court's decision is blatantly at odds with precedent.

In 2024, NWLC and 15 other organizations dedicated to workers' rights and gender justice filed an [amicus brief](#) defending the EEOC's Guidance. In this case, the State of Texas and the Heritage Foundation sued the EEOC, seeking to block the Guidance in its entirety because of its recognition (as necessitated by the U.S. Supreme Court's *Bostock* decision) that Title VII's prohibition against sex discrimination includes discrimination on the basis of gender identity. Our brief emphasized that the Guidance—and specifically its recognition that harassment based on gender identity is unlawful under Title VII—is critically important to protect transgender and nonbinary workers in light of the severe and widespread unlawful harassment they experience in the workplace.

NWLC [issued a public statement](#) emphasizing that the district court's decision does not change the law, even though it will make it harder for LGBTQI+ workers to enforce their rights and experience a workplace free from unlawful harassment.

ADDITIONAL MATTERS

- [Cooper v. USA Powerlifting \(Minn.\)](#) (Supporting State Human Rights Law)

On October 22, the Minnesota Supreme Court unanimously ruled in favor of JayCee Cooper, a transgender powerlifter, in [Cooper v. USA Powerlifting](#). This holding affirmed the rights of transgender athletes to compete in sports consistent with their affirmed gender under the Minnesota Human Rights Act (MHRA).

JayCee, represented by our partner organization, GenderJustice, sued in 2019 when she was denied the right to compete in powerlifting events, challenging this restriction under the MHRA's prohibitions on discrimination in business and public accommodations. In 2023, the district court ruled in her favor on summary judgment. USA Powerlifting appealed to the Minnesota Court of Appeals, which reversed the district court in 2024.

Reversing the court of appeals' holding, the Minnesota Supreme Court agreed with the district court that USA Powerlifting's ban was discriminatory on its face. The court did not affirm the district court's finding for JayCee on her business accommodations claim because it found there was an issue of fact as to whether USA Powerlifting invoked the MHRA's defense. But, the court held that USA Powerlifting did not argue any defenses that applied to JayCee's public accommodations claim—and it ruled in JayCee's favor on this claim.

NWLC, along with our law firm partners Nigh, Goldenberg, Raso & Vaughn and Covington & Burling LLP, submitted [our amicus brief](#) to the Minnesota Supreme Court on August 30, 2024. Our brief, which was joined by 20 state and national gender justice orgs, explained that strong enforcement of state nondiscrimination laws makes sports and public spaces safer for all women. It explained that nondiscrimination laws like MHRA's exist to combat the long history of sex stereotyping used to oppress women, and that anti-trans bans undo this progress by reinforcing these very stereotypes. It pushed back against the harmful myth that trans women are a danger to cis women. In reality, anti-trans policies force conformity with standards of femininity that are based in sexist and racist stereotypes—which harm all girls and women, especially Black and brown girls and women and intersex women. Our brief uplifted several women powerlifters' stories, who explained that sports are about joy, safety, inclusion, and empowerment, but USA Powerlifting's ban was repugnant to these values, and that they refused to compete in a sport that excludes trans women. These narratives were crucial to show the Minnesota Supreme Court that enforcing sex stereotypes endangers everyone and that gender justice means protecting the rights of all women.

- [**Taking Offense v. State of California \(Cal.\)**](#) (Defending State Anti-Discrimination Protections for LGBTQI+ Seniors)

On November 6, the Supreme Court of California issued its opinion in *Taking Offense v. State of California*, a challenge to the state’s Lesbian, Gay, Bisexual, and Transgender Long-Term Care Facility Residents’ Bill of Rights protection against long-term care facilities and staff willfully and repeatedly misusing a resident’s name and pronouns because of the resident’s sexual orientation, gender identity, or gender expression. NWLC joined the ACLU of Southern California, Lambda Legal, National Center for Lesbian Rights, and 20 other organizations dedicated to gender justice and LGBTQI+ rights in [an amicus brief](#) in this appeal in July 2022. And in 2021, NWLC joined [a letter](#) asking the Supreme Court of California to take this case.

Taking Offense (plaintiff), an organization that describes itself as dedicated to opposing efforts “to coerce society to accept [the] transgender fiction that a person can be whatever sex/gender s/he thinks s/he is, or chooses to be,” challenged this particular part of the larger Bill of Rights, asserting that the challenged provision violates the Free Speech Clause of First Amendment of the U.S. Constitution. The trial court denied their petition, but the California Court of Appeals reversed in part, holding that the challenged provision was insufficiently tailored to addressing the state’s interest in eliminating discrimination.

The Supreme Court of California determined that the challenged provision is a lawful regulation of discriminatory conduct that only incidentally affects speech and, even assuming that it was subject to First Amendment scrutiny as an abridgment of free speech and thus subject to intermediate scrutiny, it would easily satisfy that test. The court held that the challenged provision is “carefully calibrated” to ensure that long-term care residents can access treatment and care without experiencing willful, repeated, and knowing acts of misgendering, while permitting staff to express their views about gender in an otherwise lawful manner. And the court emphasized the hyper-specific government interest at issue: “protect[ing] long-term care residents’ right to be free from discrimination in a setting in which they constitute a ‘captive audience’ in what has become, in effect, each resident’s home” and where residents must have “an environment conducive to ... treatment and care.”