

## **Summary of Case Progress**

Tingley's initial appellate brief was filed in December 2021. NCLR filed its brief on behalf of Equal Rights Washington on January 14, 2022, and the State of Washington defendants filed their brief on the same day. NCLR and the Washington State parties argue that two earlier Ninth Circuit cases require the Court to uphold the Washington law. They also argue that the subsequent decision of the U.S. Supreme Court in *NIFLA v. Becerra* further demonstrates that states may protect youth from harm by regulating treatment provided by licensed professionals.

On January 21, five amicus curiae parties, including leading national mental health and civil rights organizations, filed briefs asking the Ninth Circuit to uphold the Washington law. Organizations filing briefs included the American Psychological Association; the Trevor Project; the American Civil Liberties Union of Washington; a group of constitutional scholars including Alan E. Brownstein, Erwin Chemerinsky, and Brian Soucek; and the Fred T. Korematsu Center for Law and Equality.

## **Significant Decisions**

Order Granting Defendants' Motion to Dismiss and Denying Plaintiff's Motion for a Preliminary Injunction, United States District Court for the Western District of Washington, August 30, 2021.

## **Progress Anticipated in the Next Six Months**

The Ninth Circuit has scheduled oral argument for May 17, 2022, in Seattle. The Court will likely issue its decision on the appeal within a few months after oral argument.

It is likely that the non-prevailing party in the appeal will either seek rehearing en banc before a larger panel of the Ninth Circuit or petition the Supreme Court of the United States to review the case.

### **Media Coverage**

Cammy Pedroja, *Therapist Must Stop 'Ex-Gay' Conversion Therapy After Losing Lawsuit to Overturn Ban*, Newsweek (Sept. 3, 2021).

<https://www.newsweek.com/therapist-must-stop-ex-gay-conversion-therapy-after-losing-lawsuit-overtorn-ban-1626088>

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