

STATE OF TENNESSEE

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June 23, 2023

Deborah S. Hunt, Clerk  
United States Court of Appeals for the Sixth Circuit  
540 Potter Stewart U.S. Courthouse  
100 East Fifth Street  
Cincinnati, Ohio 45202-3988

**Re: *State of Tennessee, et al. v. Department of Education, et al.*, No. 22-5807**

Dear Ms. Hunt:

Plaintiffs-Appellees, other than Arizona, respectfully submit this Rule 28(j) letter further updating the Court about the status of two pieces of legislation previously identified as arguably conflicting with the challenged documents. *See* Doc. 84-1, Plaintiffs-Appellees' April 21, 2023 Letter; Doc. 87, Plaintiffs-Appellees' June 2, 2023 Letter.

In Missouri, Governor Parson signed into law Senate Bill 39 on June 7, 2023. That bill prohibits schools from "allow[ing] any student to compete in an athletics competition that is designated for the biological sex opposite to the student's biological sex" with an exception for females "if no corresponding athletics competition designated for female students is offered or available."

In Ohio, the "Save Women's Sports Act," 2023 Ohio H.B. 6, was incorporated into the "Saving Adolescents from Experimentation (SAFE) Act," 2023 Ohio H.B. 68. The Ohio House of Representatives then passed House Bill 68 with a 64–28 vote on June 21, 2023. *See* Ohio Legislature, 135th Gen. Assem., House Bill 68,

<https://legislature.ohio.gov/legislation/135/hb68>. (For context, the Ohio Constitution requires only a three-fifths majority to override vetoes. Ohio Const. art. II, § 16.) The legislation now moves to the Ohio Senate for consideration.

Appellants' earlier response opposing consideration of this legislation is available at Doc. 85, Appellants' April 24, 2023 Letter.

Respectfully submitted,

/s/ Clark Lassiter Hildabrand

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### **CERTIFICATE OF SERVICE**

I, Clark Hildabrand, counsel for Plaintiffs-Appellees other than the State of Arizona and a member of the Bar of this Court, certify that, on June 23, 2023, a copy of the foregoing Rule 28(j) letter was filed electronically through the appellate CM/ECF system with the Clerk of the Court. I further certify that all parties required to be served have been served.

*/s/ Clark Lassiter Hildabrand*

Clark Lassiter Hildabrand

Senior Counsel