

STATE OF TENNESSEE

Office of the Attorney General



**JONATHAN SKRMETTI**  
ATTORNEY GENERAL AND REPORTER

P.O. BOX 20207, NASHVILLE, TN 37202  
TELEPHONE (615)741-3491  
FACSIMILE (615)741-2009

January 29, 2024

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.***  
**Case No. 22-5807**

Dear Ms. Hunt:

Plaintiffs-Appellees, other than Arizona, respectfully submit this Rule 28(j) letter further updating the Court regarding legislation previously identified as arguably conflicting with the challenged documents. *See* Plaintiffs’ April 21, 2023 Letter (Doc. 84-1); Plaintiffs’ June 2, 2023 Letter (Doc. 87); Plaintiffs’ June 28, 2023 Letter (Doc. 88).

The Ohio legislature has voted to override Governor DeWine’s veto of House Bill 68, which, among other things, prohibits “individuals of the male sex [from] participat[ing] on athletic teams or in athletic competitions designated only for participants of the female sex.” *See* Ohio Legislature, 135th Gen. Assem., House Bill 68, <https://legislature.ohio.gov/legislation/135/hb68>. The Ohio House of Representatives approved the measure with a 65-28 vote on January 10, 2024, and the Ohio Senate did the same with a 24-8 vote on January 24, 2024. *Id.* The new law takes effect 90 days from filing with the Ohio Secretary of State’s Office.

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

Respectfully submitted,

/s/ Steven J. Griffin

Steven J. Griffin  
*Senior Counsel for Strategic Litigation  
and Assistant Solicitor General*  
Office of the Tennessee Attorney  
General  
P.O. Box 20207  
Nashville, TN 37202  
(615) 741-9598  
steven.griffin@ag.tn.gov

**CERTIFICATE OF SERVICE**

I, Steven J. Griffin, counsel for Plaintiffs-Appellees other than the State of Arizona and a member of the Bar of this Court, certify that, on January 29, 2024, 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/ Steven J. Griffin* \_\_\_\_\_  
Steven J. Griffin  
*Senior Counsel for Strategic Litigation  
and Assistant Solicitor General*