

TLDEF Urged Eleventh Circuit to Affirm Lower Court Ruling that Georgia County Denying Transgender Health Care Violates Federal Law



Today, the U.S. Court of Appeals for the Eleventh Circuit heard oral argument in an appeal brought by Houston County, Georgia seeking to reverse a district court decision that the Sheriff's Office violated federal law when it denied transgender-related health care to Transgender Legal Defense and Education Fund (TLDEF) client, Anna Lange.

"Houston County's choice to waste time and resources on this appeal with the hope of continuing a blatantly unequal policy is shameful," said **plaintiff Anna Lange**. "Their persistence is a slap in the face to my decades of public service, however I'm not just standing up for me, but for all transgender Southerners who deserve equal access to life-saving transition-related care."

"Today we asked the Eleventh Circuit to uphold the well-reasoned ruling of the U.S. District Court that treating Sergeant Anna Lange differently because she is transgender is discriminatory and unconstitutional," said **TLDEF Legal Director David Brown**. "After spending well over a million dollars on lawyers to try to deprive Sgt. Lange of medically necessary care that costs orders of magnitude less, we're back in court because Houston County officials would rather continue to waste taxpayer money to double down on discrimination and keep up their losing fight to ban transgender health care."

Sergeant Anna Lange has worked in law enforcement for over 25 years, with 17 of those years serving as a Sheriff's Deputy in Houston County, Georgia. In 2017, Sgt. Lange came out to her employer as a transgender woman and began living openly as her authentic self both at her workplace and community. Sgt. Lange was diagnosed with gender dysphoria by her healthcare provider and was prescribed transition-related care as recommended by the World Professional Association for Transgender Health (WPATH). In her attempts to seek out this care, she learned that Houston County unlawfully excluded transgender health care from coverage under its employee health plan. Sgt. Lange and her attorneys repeatedly attempted to persuade her employer to reconsider its decision, testifying before the Houston County Board of Commissioners and filing charges with the Equal Employment Opportunity Commission.

In October 2019, TLDEF filed a lawsuit on Sgt. Lange's behalf in the United States District Court for the Middle District of Georgia in Macon. In June 2022, relying on the U.S. Supreme Court's 2020 ruling in *Bostock v. Clayton County, Georgia*, which held that transgender people are protected from discrimination under Title VII of the Civil Rights Act of 1964, the Georgia federal district court issued a landmark ruling holding that an employer cannot exclude or deny coverage for transition-related medical treatments from its employee health insurance plan. This was the first such ruling in the South. Houston County appealed the decision to the Eleventh Circuit despite having by then incurred legal expenses many times the cost of Sgt. Lange's surgery. In March 2023, the Civil Rights Division of the Justice Department joined the case, filing a friend-of-the-court brief saying the United States of America agrees that any employer health plan with a trans health exclusion is always illegal under Title VII.

It's disappointing that Houston County is appealing the district court's legally sound decision, but we are hopeful the Eleventh Circuit will come to the same conclusion and affirm the ruling in Sgt. Lange's favor," said **Wesley Powell, partner at Wilkie Farr & Gallagher LLP**, who serves as co-counsel.

Anna Lange is one of more than 500,000 transgender people who live in the South according to population studies conducted by the Williams Institute at the UCLA School of Law. One quarter of transgender people who live in the United States were denied insurance

coverage for gender affirming care according to the most recent United States Transgender Survey. Additionally, 55% percent of survey respondents were denied coverage for surgical procedures.

Last month, TLDEF won a settlement in *Rich v Georgia*, their lawsuit against the State of Georgia for denying coverage of transgender-related health care in the Georgia State Health Benefit Plan (SHBP), which covers more than half a million Georgians, including employees of state agencies and public school districts, and their family members.

The case is *Lange v. Houston County*.

TLDEF attorneys David Brown and Gabriel Arkles represent the plaintiff, along with the law firm Willkie Farr & Gallagher LLP in New York City (led by attorneys Wesley Powell, Jill Grant, and Catherine Fata); the law firm Cooper, Barton & Cooper in Macon, Georgia (attorneys Ken Barton and Devlin Cooper); and Professor Kevin Barry of the Quinnipiac University School of Law Legal Clinic in North Haven, Connecticut. Former TLDEF attorneys Alejandra Caraballo and Noah Lewis also worked on the lawsuit.

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