

**IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

T.D., by and through his parents, Devon Dolney and Robert Dolney, DEVON DOLNEY, an individual, ROBERT DOLNEY, an individual, PAMELA ROE, by and through her parents, Peter Roe and Paula Roe, PETER ROE, an individual, PAULA ROE, an individual, JAMES DOE, by and through his parents, John Doe and Jane Doe, JOHN DOE, an individual, JANE DOE, an individual, and DR. LUIS CASAS, an individual, on behalf of himself and his patients,

Plaintiffs/Appellants,

vs.

DREW H. WRIGLEY, in his official capacity as Attorney General for the State of North Dakota, KIMBERLEE JO HEGVIK, in her official capacity as the State's Attorney for Cass County, JULIE LAWYER, in her official capacity as the State's Attorney for Burleigh County, and AMANDA ENGELSTAD, in her official capacity as the State's Attorney for Stark County,

Defendants/Appellees.

**Supreme Court. No. 2026 \_\_\_\_\_**

**District Court No. 08-2023-CV-02189**

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**Appeal from Amended Judgment Dated December 19, 2025  
Burleigh County District Court, South Central Judicial District  
Hon. Jackson J. Lofgren, District Court Judge**

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**NOTICE OF APPEAL**

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**TO:** Clerk of the North Dakota Supreme Court at [supclerkofcourt@ndcourts.gov](mailto:supclerkofcourt@ndcourts.gov)  
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[¶1] Pursuant to N.D. Rules of Appellate Procedure 3 and 4(a), notice is hereby provided that Dr. Luis Casas, on behalf of himself and his patients, appeals to the North Dakota Supreme Court from the Burleigh County District Court’s Amended Judgment, dated December 19, 2025 (R812), notice of entry of which was submitted December 29, 2025, (R813), and from each and every part thereof, including but not limited to the District Court’s Finding of Facts, Conclusions of Law, and Order for Judgment issued on October 8, 2025. (R785).

[¶2] In its Amended Judgment, the District Court:

- a) Denied Plaintiff’s request for a declaratory judgment that the “Health Care Ban,” N.D.C.C. chapter 12.1-36.1, violates the North Dakota Constitution; and
- b) Denied Plaintiff’s request that a permanent injunction be ordered restraining enforcement of the “Health Care Ban,” N.D.C.C. chapter 12.1-36.1.

(R812:1-2:¶5).

### **PRELIMINARY STATEMENT OF ISSUES**

[¶3] In accordance with N.D. Rule of Appellate Procedure 3(c)(4), the Appellant submits the following preliminary statement of issues to be raised on appeal:

1. Did the District Court err in subjecting the Health Care Ban to only rational basis review?
  - a. Did the District Court err in finding that the Health Care Ban does not implicate the right to life, liberty, reputation, safety, happiness and self-determination guaranteed by Article I, Section I, of the North Dakota Constitution?

- b. Did the District Court err in deciding that the Health Care Ban does not implicate the right to Equal Protection guaranteed by Article I, Sections 1, 21, and 22 of the North Dakota Constitution?
2. Assuming rational basis review is the proper standard of review, did the District Court err in finding that the Health Care Ban is rationally related to a legitimate government interest?
- a. Did the District Court err in disregarding all evidence of the harm the Health Care Ban inflicts on the population of adolescents it targets when analyzing the constitutionality of the law?
  - b. Did the District Court err in disregarding substantial evidence of animus on the part of lawmakers in passing the Health Care Ban?

**TRANSCRIPT TO BE ORDERED**

[¶4] The District Court held a Bench Trial from January 27, 2025, through February 4, 2025.

An Order for Transcript of that trial is being filed with this Notice of Appeal.

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Dated: February 25, 2026

/s/ Christina A. Sambor

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