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L&A
LOWELL AND ASSOCIATES, PLLC

February 9, 2026

By Email and Hand Delivery

April J. Tabor
Secretary
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, D.C. 20580
atabor@ftc.gov

Re: FTC File No. P264800

Dear Madam Secretary:

Pursuant to 16 C.F.R. § 2.10, enclosed please find World Professional Association for Transgender Health ("WPATH")'s Petition to Quash the United States Federal Trade Commission's Civil Investigative Demand, dated January 15, 2026, in the above-referenced matter.

Respectfully Submitted,

Abbe David Lowell

cc via email service: Office of the Secretary (electronicfilings@ftc.gov)
Katherine White
Jonathan Cohen
Gregory Ashe
Jenny Hitchcock
Hans Clausen
Annie Chiang

Federal Trade Commission

PUBLIC

BEFORE THE UNITED STATES
FEDERAL TRADE COMMISSION

In the Matter of The Civil Investigative Demand dated January 15, 2026, to the World Professional Association for Transgender Health	**FTC File No. P264800**

PETITION TO QUASH CIVIL INVESTIGATIVE DEMAND

Pursuant to 16 C.F.R. § 2.10(a), Petitioner World Professional Association for Transgender Health ("WPATH") respectfully requests that the United States Federal Trade Commission quash the Civil Investigative Demand dated January 15, 2026, ("CID"). *See* Exhibit 1. The CID should be quashed in its entirety because the FTC lacks authority to issue investigative demands against nonprofits like WPATH, because this investigation violates WPATH's constitutional rights, and because the CID is overly broad, unduly burdensome, vague, and ambiguous.

BACKGROUND AND PROCEDURAL HISTORY

The World Professional Association for Transgender Health is a 501(c)(3) non-profit membership organization that has been devoted to transgender health for decades. *See* Exhibit 3 ¶ 3. Founded in 1979, WPATH's mission is to promote evidence-based care, education, research, public policy and respect in transgender health.[1] *Id.* ¶¶ 3–4; *see also*, Exhibit 4. WPATH is an international membership organization, with regional affiliate organizations in Europe and the United States, and for this reason, provides guidance and content for professionals operating in locations with different cultures, governance, and laws. Exhibit 3 ¶¶ 5, 7.

[1] *See also*, WPATH Mission and Vision, *available at* https://www.wpath.org/about/mission-and-vision.

WPATH's over 3,000 members work together to increase access to competent care and address the needs and concerns of transgender people through collaboration of their expertise across disciplines and specialties. *Id.* ¶ 6. WPATH engages in a number of activities, including offering access to the *International Journal of Transgender Health*, which is an independently owned, peer-reviewed medical journal. *Id.* ¶ 8. WPATH has also hosted educational events which provided members and others working in transgender and gender diverse health the opportunity to interact, collaborate, and learn from their colleagues who are leading authors, clinicians, and expert researchers in this issue area. *Id.* ¶ 9. WPATH held educational and research symposia, courses, and workshops to improve access to accurate and up-to-date information and research in the field of transgender health. *Id.* WPATH provides a certification program and courses to members through its Global Education Institute ("GEI"), but has recently discontinued certain education and mentorship programs as a result of receiving this CID. *Id.* ¶ 34. As WPATH is an organization dedicated to transparency, information regarding its organizational structure, membership benefits and requirements, courses, educational and research symposia, certifications, public statements, and research are all available on its website. *Id.* ¶ 10.

In support of its mission, WPATH commissions, provides, and periodically updates its Standards of Care, which articulate a professional consensus about the psychiatric, psychological, medical, and surgical management of transgender and gender diverse people. *Id.* ¶ 11. In September 2022, the International Journal of Transgender Health published the Standards of Care, Version 8 ("SOC8").[2] *Id.* ¶ 12. WPATH has provided an in-depth overview of its methodology for the development of the standards. *Id.* ¶ 13. The evidence and materials relied upon in drafting

[2] Coleman et al., *Standards of Care for the Health of Transgender and Gender Diverse People, Version 8*, International Journal of Transgender Health (Sept. 2022), available at https://www.tandfonline.com/doi/pdf/10.1080/26895269.2022.2100644.

and finalizing SOC8 can be found in its References section. *Id.* ¶ 14. It has also provided a list of the SOC8 contributors, organized by chapter, and disclosed non-member financing. *Id.* ¶ 15.

WPATH does not advertise goods or services to consumers. *Id.* ¶ 20. It does not provide licenses or set requirements for clinicians, researchers, or other professionals to engage in their respective professions. *Id.* ¶ 22. Outside of the benefits set forth on its website, WPATH does not provide discounts, products, or services to its members. *Id.* ¶ 23. WPATH provides resources and guidance on healthcare for transgender and gender diverse individuals of all ages and nationalities and a forum for discussion and learning, so that its members and professionals worldwide can use its guidance, in their independent judgment, to provide respectful and ethical treatment for patients worldwide. *Id.* ¶¶ 6–7.

WPATH and its members have been targeted, harassed, and retaliated against by federal and state government entities for the content of their speech and advocacy regarding healthcare for transgender and gender diverse individuals. *Id.* ¶ 30. Over the last year, as the current administration has taken a clear, public stance against gender-affirming care and WPATH itself, WPATH and its members have been subjects of conspiracy theories, politicized attacks, and harassment. *Id.* ¶ 31.

On January 16, 2026, WPATH received a CID that contained fifteen interrogatories and thirteen document requests, broadly calling for WPATH to produce records relating to all aspects of its work and operations since its founding. *See id.* ¶ 23; Exhibit 1. It stated that the subject of the investigation as:

> Whether the Organization or any other Person . . . have made, or assisted others in making, false or unsubstantiated representations or engaged in unfair practices in connection with the marketing and advertising of Pediatric Gender Dysphoria Treatment . . . which, according to the Organization, purports to treat gender dysphoric or gender diverse minors, to consumers in violation of

> Sections 5 and 12 of the FTC Act . . . and whether FTC action to obtain monetary relief would be in the public interest.

See Exhibit 1.

Since the issuance of the CID, WPATH has conferred with Commission Staff on January 30 and February 3, to discuss the scope, burden, and unconstitutionality of the CID, as required by 16 C.F.R. § 2.10(a)(2). *See* Exhibit 2. Despite the continuing nature of the negotiations, Commission Staff refused to provide an extension of the deadline for this petition, nor have they retracted this CID or even removed or narrowed requests that WPATH identified as offending its First Amendment rights.

During these correspondences, WPATH explained its position that the FTC lacks jurisdiction to pursue these requests against WPATH, that the First Amendment's speech and associational protections prohibit many of the CID's requests, and that the CID is overbroad, irrelevant to the investigative priorities, and disproportionately burdensome on WPATH. *Id.* Notwithstanding its concerns about the enforceability or constitutionality of the CID, WPATH proposed narrowing the scope of the CID's requests and limiting the burden on WPATH by agreeing to provide the FTC with publicly available documents, as well as certain financial information. Commission Staff declined this proposal. Accordingly, the parties' good faith discussions were unable to resolve the parties' disagreements, resulting in the instant Petition.

ARGUMENT

Pursuant to 16 C.F.R. § 2.10(a), Petitioner WPATH requests that the Commission quash the subpoena, for four reasons. First, the FTC does not have jurisdiction over WPATH—either to investigate WPATH itself under 15 U.S.C. § 46(a) or to request third-party information under 15 U.S.C. § 57b-1. Second, the issuance of the CID violates WPATH's First Amendment rights and its requests seek disclosure of information that would further intrude upon WPATH's constitutional

rights. Third, the CID is unduly burdensome and overly broad. Fourth, WPATH has not received proper notice of the true scope of its expected response, as the terms and definitions used in the CID are vague, ambiguous, and subjective.

I. The FTC Does Not Have Jurisdiction to Issue this CID to WPATH

WPATH requests that the Commission quash the CID in its entirety, as it is predicated on an investigation of WPATH, an entity that does not fall within its jurisdiction for investigation or enforcement, *see* 15 U.S.C. §§ 44–46. To the minimal extent that the underlying investigation is of *other* persons or entities, *see* 15 U.S.C. § 57b-1, it seeks information that is not relevant to the investigation. The CID was therefore issued outside of the FTC's jurisdiction and should be quashed.

The FTC "has only such jurisdiction as Congress has conferred upon it by the Federal Trade Commission Act." *Cmty. Blood Bank of Kansas City Area, Inc. v. F.T.C.*, 405 F.2d 1011, 1015 (8th Cir. 1969). It may only investigate persons, partnerships, or "corporations," meaning entities "organized to carry on business for [its] own profit or that of [its] members." 15 U.S.C. §§ 44–46. While it may issue CIDs to any "person," meaning "any natural person, partnership, corporation, association, or other legal entity," that "may be in possession, custody, or control of any documentary material or tangible things, or may have any information, relevant to unfair or deceptive acts or practices," 15 U.S.C. 57b-1, each CID must be predicated on a lawful investigation, and seek only information that is relevant to that investigation. To read Section 57b-1 as authorizing dragnet fishing expeditions requiring production of information and documentation, under threat of civil penalties and court enforcement, would create a backdoor investigatory power that renders Section 46's limitation on FTC's investigatory jurisdiction entirely superfluous.

A. The FTC Lacks Investigatory Jurisdiction Over WPATH.

"Non-profit organizations" like WPATH "fall outside the scope of the agency's jurisdiction." *Nat'l Fed'n of the Blind v. FTC*, 420 F.3d 331, 334 (4th Cir. 2005). WPATH is not a person or a partnership under Section 46. Nor is it "corporation," because it is not "organized to carry on business for [its] own profit or that of [its] members." 15 U.S.C. § 44. While the FTC has, on rare occasions, exercised its jurisdiction to investigate nonprofits, it is well established that "Congress did not intend to bring within the reach of the Commission any and all nonprofit corporations regardless of their purposes and activities." *Cmty. Blood Bank*, 405 F.2d at 1018.

In the rare cases where a court or the Commission has found that a nonprofit entity is a "corporation" within the meaning of Section 44, the entity at issue either included, as part of its mission, that it would safeguard the profession or livelihood of its members or took actions intentionally to create or safeguard its members' profits. *See Am. Med. Ass'n v. F.T.C.*, 638 F.2d 443, 448 (2d Cir. 1980), *aff'd*, 455 U.S. 676 (1982) (finding that the American Medical Association was a corporation because it had an objective to "safeguard the material interests of the medical profession," "actively lobbie[d] for legislation that it believe[d] may be for the profit of its members," and "render[ed] business advice to its members."); *F.T.C. v. Nat'l Comm'n on Egg Nutrition*, 517 F.2d 485, 487 (7th Cir. 1975) (finding that a nonprofit that was formed to protect "'the general interests of the egg industry,' according to its articles of incorporation and bylaws" was a "corporation").

WPATH does not operate for its own profit or for the profit of its members, *see* Exhibit 3 ¶¶ 17, 19, and meets all requirements of a "true" nonprofit. *FTC v. AmeriDebt, Inc.*, 343 F. Supp. 2d 451, 460 (D. Md. 2004) (listing "whether the entity is organized as a non-profit; the manner in which it uses and distributes realized profit; its provision of charitable purposes as a primary or

secondary goal; and its use of non-profit status as an instrumentality of individuals or others seeking monetary gain."). It is a 501(c)(3) with the mission of promoting evidence-based care, education, research, public policy and respect in transgender healthcare. Exhibit 3 ¶ 3. Its directors and committee members are all volunteers, and its revenue is used "to perpetuate or expand itself as part of its nonprofit mission." *Fed. Trade Comm'n v. Grand Canyon Educ., Inc.*, 745 F. Supp. 3d 803, 825 (D. Ariz. 2024); Exhibit 3 ¶¶ 3, 18, 19. Moreover, WPATH has not, and frankly could not, operate to further the profit of its members. Exhibit 3 ¶ 17. WPATH's members are not limited to a single profession, trade, practice, or even country. Members with voting rights in the organization include professionals in a variety of disciplines, such as medicine, social work, education, and law, actively working or retired from their fields. Exhibit 4 at 10. WPATH's members on its Executive Committee and Board of Directors reflect these diverse specialties and professions. It is not an association that advocates on behalf of a profession or profit-making enterprise, but rather for ethical, evidence-based, and accessible healthcare for transgender individuals. While WPATH endeavors to provide resources, education, and guidance to its members that are useful in their professional capacities, these resources and guidance are compiled and provided for the sole purpose of promoting its mission, rather than generating or increasing any of its members' profit. For these reasons, WPATH is not a "corporation," and cannot be the subject of an FTC investigation.

B. The CID is Predicated on an Unlawful Investigation Into WPATH.

"Agencies are also not afforded 'unfettered authority to cast about for potential wrongdoing,'" so a CID is not valid or enforceable "when the investigation's subject matter is outside the agency's jurisdiction." *Consumer Fin. Prot. Bureau v. Accrediting Council for Indep.*

Colleges & Schs., 854 F.3d 683, 689 (D.C. Cir. 2017) (quoting *In re Sealed Case (Admin. Subpoena)*, 42 F.3d 1412, 1418 (D.C. Cir. 1994)).

The Commission has the option to define the contours of an investigation "quite generally," *F.T.C. v. Invention Submission Corp.*, 965 F.2d 1086, 1090 (D.C. Cir. 1992), but it did not do so here. The "subject of investigation" here is "whether the Organization"—defined as WPATH—"or any other Person" has violated Sections 5 and 12 of the FTC Act "in connection with the marketing and advertising of Pediatric Gender Dysphoria Treatment, which, according to [WPATH], purports to treat gender dysphoric or gender diverse minors[.]" Exhibit 1 at 3. The FTC is therefore investigating WPATH in two respects, as both a specific target of its investigation and as an underlying source or cause of an alleged false or misleading dissemination, even if made by another "Person." In either sense, the CID is being used to "gather and compile information concerning, and to investigate" WPATH. 15 U.S.C. § 46. The requests themselves confirm this interpretation, as they solely concern *WPATH*'s organization, operations, statements, programs, opinions, and positions, not those of other "Persons." As the FTC does not have jurisdiction to investigate WPATH, the issuance of the CID pursuant to such an investigation is unlawful.

II. The Issuance of the Subpoena Violates WPATH's First Amendment Rights, and Any Compliance Would Do the Same.

The First Amendment protects WPATH's right to freely speak, associate, and petition. It protects the rights of its members and donors to contribute, speak, and associate anonymously and without fear of retaliation from the federal government. The Commission should quash the CID because it was issued in violation of WPATH's First Amendment rights and seeks disclosure of information that would further infringe on WPATH's First Amendment rights, as well as those of its members, donors, listeners, and associates.

A. The Issuance of the CID Violates WPATH's First Amendment Rights

The Commission should quash this CID in its entirety, as its issuance has violated WPATH's First Amendment rights. *See Media Matters for Am. v. Fed. Trade Comm'n*, No. 25-cv-1959, 2025 WL 2378009, at *15 (D.D.C. Aug. 15, 2025).

The administration has made its stance on the rights of transgender and gender diverse individuals clear, going so far as to deny their existence.[3] It has targeted WPATH in particular with vitriol.[4] The FTC itself has hosted events and made statements aligning itself with the administration's viewpoint.[5] In this context, the issuance of this CID, which exceeds FTC's jurisdiction and seeks information solely regarding WPATH's speech and membership that is offensive to the current administration, is improper viewpoint discrimination and retaliation in violation of the First Amendment.

"[T]he law is settled that ... the First Amendment prohibits government officials from subjecting an individual to retaliatory actions ... for speaking out." *Hartman v. Moore*, 547 U.S. 250, 256 (2006). "When it comes to 'a person's beliefs and associations,' '[b]road and sweeping state inquiries into these protected areas ... discourage citizens from exercising rights protected by the Constitution.'" *Americans for Prosperity Found. v. Bonta*, 594 U.S. 595, 610 (2021) (quoting *Baird v. State Bar of Ariz.*, 401 U.S. 1, 6 (1971) (plurality opinion)). The issuance of agency compulsory process in response to those activities can have a severe chilling effect on such

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[3] *See* Executive Order: Defending Women from Gender Ideology Extremism and Restoring Biological Truth to The Federal Government, January 20, 2025, available at: https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government.

[4] *See* Executive Order 14187, Protecting Children from Chemical and Surgical Mutilation, January 28, 2025, available at: https://www.whitehouse.gov/presidential-actions/2025/01/protecting-children-from-chemical-and-surgical-mutilation.

[5] *See Transcript of July 9, 2025 Workshop: The Dangers of "Gender-Affirming Care" for Minors*, Federal Trade Commission, available at: https://www.ftc.gov/news-events/events/2025/07/dangers-gender-affirming-care-minors.

activities, as these investigations and demands are conducted on the background of threatened court enforcement and penalties for noncompliance. Issuance of a "a sweeping and burdensome CID calling for sensitive materials" can be "a retaliatory action sufficient to deter a person of ordinary firmness . . . from speaking again." *Media Matters*, 2025 WL 2378009, at *15.

Here, WPATH and its members have engaged in activities protected by the First Amendment, including association, speech, and advocacy for the rights and healthcare of transgender and gender diverse individuals. The issuance of the CID has forced WPATH to retain counsel in response, to alert its members and staff of a litigation hold, and to spend time and resources negotiating with the Commission and drafting this Petition. The CID has already had a chilling effect on WPATH's ability to effectuate its mission, as well as its speech and association. Exhibit 3 ¶ 34. WPATH has engaged in this process in good faith, despite the Commission's refusal to consider alternative proposals or extensions of the timeline for this Petition. Now, the very mechanism by which the Commission has forced WPATH to articulate the violations of its First Amendment rights will alert the public to this investigation, and further subject WPATH to harassment, and deter its members or future associates from engaging with WPATH, from fear of disclosure of their activities, affiliations, and speech to a government that has articulated its intent to punish them for their viewpoint. As the CID retaliates against WPATH for its speech, constitutes viewpoint discrimination, and has had a chilling effect on WPATH's First Amendment rights, the Commission should quash it before it causes further harm.

B. Disclosure of Non-Public Member Information, Communications, and Donor Information

Outside of its general violations of WPATH's First Amendment rights, the CID seeks specific information that, if disclosed, would violate the First Amendment rights of WPATH and its members. *See NAACP v. State of Ala. ex rel. Patterson*, 357 U.S. 449, 462 (1958) (holding that

First Amendment protects information that would "adversely affect [] members' ability to pursue their collective effort to foster beliefs by either inducing them to withdraw from the organization or dissuading others from joining it."). This provides an additional reason for quashing the CID. Compelled disclosure of the requested information would chill WPATH's activities significantly. Exhibit 3 ¶¶ 26–35. As stated above, these requests are content-based and rooted in viewpoint discrimination.

"It is hardly a novel perception that compelled disclosure of affiliation with groups engaged in advocacy may constitute as effective a restraint on freedom of association as [other] forms of governmental action." *NAACP*, 357 U.S. at 462–63. "[C]ompelled disclosure of an individual's affiliation with an organization may, standing alone, constitute a serious intrusion on the first amendment right to privacy of association and belief," because, particularly where "an organization can demonstrate a pattern of harassment resulting from prior revelations of its membership, anonymity of membership is often essential[.]" *Jones v. Unknown Agents of Fed. Election Comm'n*, 613 F.2d 864, 874 (D.C. Cir. 1979). Compelled disclosures that would "induce members to withdraw … and dissuade others from joining it because of fear of exposure" are improper, *NAACP*, 357 U.S. at 463, absent compliance with "exacting scrutiny." *Americans for Prosperity*, 594 U.S. at 607–08, 613.

Here, this information requested by the CID falls squarely within the First Amendment's protection of the freedom to associate, speak, and petition. *See Perry v. Schwarzenegger*, 591 F.3d 1147, 1160 (9th Cir. 2010). The CID seeks a copy or description of every instance of WPATH's speech regarding transgender healthcare and compels it to state its subjective beliefs before the FTC. *See* Interrogatories 4, 5, 6, 7, 11, 12; Document Requests 2, 3, 4, 5, 7, 8, 9, 10, 13. It additionally seeks First Amendment-protected information of WPATH's members, associates,

donors, and participants. *See* Interrogatories 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13; Document Requests 2, 3, 4, 5, 6, 8, 9, 10, 11, 13. The CID further seeks information that would infringe on WPATH's First Amendment right to petition, *see* Interrogatories 7, 11, Document Request 8. WPATH recognizes that the FTC has an important interest in protecting consumers, but where so much of the responsive information sought by the CID is publicly available, where the FTC does not have investigative or enforcement jurisdiction over WPATH, and Commission Staff are unable to articulate the need for non-public information from WPATH in the context of this investigation, the FTC's interest in such information is minimal, and cannot meet the heavy burden of exacting scrutiny.

Disclosure of the above information has a high "probability that disclosure will lead to reprisal or harassment." *Black Panther Party v. Smith*, 661 F.2d 1243, 1267–68 (D.C. Cir. 1981). Many of WPATH's members, as well as their statements, points of view, research, and participation, are public and on WPATH's website. But, as the Commission Staff has stated that it does not seek publicly available information, the CID seeks confidential, non-public information about WPATH, its members, stakeholders, and others that support its work, such as records of donations, identifying information regarding members, internal communications between WPATH staff, members' internal discussions, conversations, and detailed records or information on every single statement that WPATH has made, to whom, and when, regarding gender-affirming care for minors. WPATH effectuates its mission in part by providing a forum for the free exchange of ideas, knowledge, and experience for its members. Disclosure of these exchanges, as well as the identities of the members engaging in them, would have an insurmountable chilling effect on the internal exchange of ideas among WPATH members, stakeholders and supporters. Exhibit 3 ¶¶ 26–35. Disclosure would also discourage individuals (especially medical, healthcare, and

academic professionals), from participating in WPATH activities and events, such as educational and research symposia, academic conferences, research surveys, book projects, and WPATH meetings, out of fear of harassment and reprisal. *Id.* Even if the Commission kept this information confidential, something that has not occurred in this administration, fear of retaliation, harassment, and targeting by the Commission and the federal government has the same effect as fear of harassment and harm by the public. *Id.* The attached declaration from Leo Lewis, WPATH's executive director, provides further detail regarding how disclosure of the information sought by the CID would chill the associational rights of WPATH's members, donors, stakeholders, associates, and supporters. *See id.*

In light of the significant First Amendment interests at stake through the disclosure of the information requested by the CID, and the comparatively minimal interests of the Commission in such information, the CID should be quashed in its entirety.

III. The CID Is Overbroad, Unduly Burdensome and Vague.

A CID's "nature, purposes, and scope of [] inquiry" must be reasonable. *Okla. Press Pub. Co. v. Walling*, 327 U.S. 186, 209 (1946). A CID that is "unduly burdensome or unreasonably broad" is not enforceable, particularly where "compliance threatens to unduly disrupt or seriously hinder normal operations of business." *FTC v. Texaco, Inc.*, 555 F.2d 862, 882 (D.C. Cir. 1977).

As explained above, compliance with the CID threatens WPATH's very existence through the impacts of disclosure on its members, affiliates, donors, and stakeholders. Moreover, the CID is also unreasonably broad. It seeks information dating back to WPATH's founding in 1979 regarding any statement or reference to transgender healthcare—not just pediatric healthcare, as the investigation claims. A substantial number of requests seek information far beyond the realm of the current standards of healthcare for adolescents or children. For example, Document Requests 4, 5, and 6 seek vast quantities of information regarding SOC8, *regardless of time period*

or subject matter. But only two of SOC8's eighteen chapters are directly related to treatment of adolescents or children, and a substantial amount of SOC8 discusses nonmedical interventions and issues. Other requests seek unlimited information about WPATH's trainings, educational and research symposia, meetings, and internal processes that have little to no relationship to the core subject matter of the investigation: advertisement and promotion of gender affirming medical care for *minors*. Only a fraction of WPATH's work is related to gender affirming care for minors.

The CID suffers from an additional severe flaw, impacting not only WPATH's ability to comply with the Commission's requests but its ability to understand the CID's actual scope and breadth in the first place: the persistent use of vague and subjective terms and definitions. For example, the definition of "Covered Statements" includes "implied" representations. Whether one of WPATH's statements implies something is entirely subjective and has no possible, useable definition. Similar issues arise when the CID requests that WPATH provide documents that "question" or "disprove" its statements, as responsiveness to this inquiry are also subjective and turn on an individual's background and training. Additional vague and subjective terminology include, but are not limited to:

- The definition of the term "Covered Statement" includes vague and subjective terminology, such as "safe," "few side effects," "proven effective," and "life-saving." Each of these terms means something different depending on the listener, whether that listener is a consumer, a lawyer, a medical doctor, or an FTC commissioner, and in order to comply with this request, WPATH would have to hypothesize the FTC's understanding of these subjective terms.
- The term "substantiated" is vague in the context of this CID. Commission staff clarified that "substantiated" is a term of art used in the advertising and consumer

protection context. But that is not the context of this CID's requests, as WPATH does not advertise or promote services or goods to consumers. Instead, much of WPATH's work is providing information on the amount and quality of evidence supporting different types of gender-affirming care. For example, SOC8 uses defined, specific language relating to the degree and quality of evidence, and the consensus and acceptance of certain information. *See* SOC8 at 252. In this context, the term "substantiated" lacks sufficient specificity for consistent application.

- The term "member," in the definition of Organization, differs from the usage of "member" throughout the CID, but the CID provides no definition of "member" for each different context.
- The definition of "Pediatric Gender Dysphoria Treatment" is defined as "any medical intervention which, according to the Organization, purports to treat gender dysphoric or gender diverse minors, including but not limited to pubertal suppression, hormone therapy, and surgery . . . ." This definition makes little sense. The term "gender diverse" describes people with gender identities and/or expressions that are different from social and cultural expectations attributed to their sex assigned at birth. What would be treated is not specified by this definition. In contrast, the term "gender dysphoria" is highly-specific and means a state of distress or discomfort that may be experienced because a person's gender identity differs from that which is physically and/or socially attributed to their sex assigned at birth. It is unclear based on the definition as a whole whether the CID seeks information on all medical treatments received by gender diverse minors—from band-aids for scraped knees to pubertal suppression, or whether it seeks information

specifically for treatment of gender dysphoria alone. Finally, this definition is entirely based on WPATH's opinion and is circular.

In light of these vague, subjective, and ambiguous terms, WPATH lacks sufficient notice of how it can comply with the CID.

RESERVATION OF RIGHTS

By submitting this Petition to Quash, WPATH does not waive any rights to make additional arguments against the FTC's investigation of WPATH, the CID, or both, under the FTC Act, the United States Constitution, or any other statute or rule.

CONCLUSION

For the reasons set for above, WPATH respectfully requests that the Commission quash the CID in its entirety. In the alternative, WPATH requests that the Commission modify or narrow the CID, despite the fact that such modifications would not cure its jurisdictional defects or the intrusions upon WPATH's constitutional rights.

Respectfully submitted by:

/s/ Abbe David Lowell

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February 9, 2026

CERTIFICATE OF SERVICE

I hereby certify that, on February 9, 2026, the foregoing Petition to Quash Civil Investigative Demand was served:

By Electronic Mail and Hand Delivery:

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By: /s/ Abbe David Lowell

Abbe David Lowell
LOWELL & ASSOCIATES, PLLC

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Exhibit 1

United States of America
Federal Trade Commission

PUBLIC

Civil Investigative Demand

1. TO	1a. MATTER NUMBER
World Professional Association for Transgender Health, Inc. c/o Northwest Registered Agent Service, Inc. 2501 Chatham Road, Suite N Springfield, IL 62704	P264800

This demand is issued pursuant to Section 20 of the Federal Trade Commission Act, 15 U.S.C. § 57b-1, in the course of an investigation to determine whether there is, has been, or may be a violation of any laws administered by the Federal Trade Commission by conduct, activities or proposed action as described in Item 3.

2. ACTION REQUIRED

☐ You are required to appear and testify.

LOCATION OF HEARING	YOUR APPEARANCE WILL BE BEFORE
	DATE AND TIME OF HEARING OR DEPOSITION

☒ You are required to produce all documents described in the attached schedule that are in your possession, custody, or control, and to make them available at your address indicated above for inspection and copying or reproduction at the date and time specified below.

☒ You are required to answer the interrogatories or provide the written report described on the attached schedule. Answer each interrogatory or report separately and fully in writing. Submit your answers or report to the Records Custodian named in Item 4 on or before the date specified below.

☐ You are required to produce the tangible things described on the attached schedule. Produce such things to the Records Custodian named in Item 4 on or before the date specified below.

DATE AND TIME THE DOCUMENTS, ANSWERS TO INTERROGATORIES, REPORTS, AND/OR TANGIBLE THINGS MUST BE AVAILABLE

February 16, 2026 by 5:00pm ET

3. SUBJECT OF INVESTIGATION

Whether the Organization or any other Person, as those terms are defined in the enclosed CID Schedule, have made, or assisted others in making, false or unsubstantiated representations or engaged in unfair practices in connection with the marketing and advertising of Pediatric Gender Dysphoria Treatment (as defined in the enclosed CID Schedule) which, according to the Organization, purports to treat gender dysphoric or gender diverse minors, to consumers in violation of Sections 5 and 12 of the FTC Act, 15 U.S.C. §§ 45, 52, and whether FTC action to obtain monetary relief would be in the public interest. See also attached schedule and attached resolutions.

4. RECORDS CUSTODIAN/DEPUTY RECORDS CUSTODIAN	5. COMMISSION COUNSEL
Gregory Ashe Federal Trade Commission 600 Pennsylvania Ave., NW Washington, DC 20580 202-326-3719	Gregory Ashe Federal Trade Commission 600 Pennsylvania Ave., NW Washington, DC 20580 202-326-3719

DATE ISSUED	COMMISSIONER'S SIGNATURE
1/15/26	Ach N. Fyr

INSTRUCTIONS AND NOTICES

The delivery of this demand to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply. The production of documents or the submission of answers and report in response to this demand must be made under a sworn certificate, in the form printed on the second page of this demand, by the person to whom this demand is directed or, if not a natural person, by a person or persons having knowledge of the facts and circumstances of such production or responsible for answering each interrogatory or report question. This demand does not require approval by OMB under the Paperwork Reduction Act of 1980.

PETITION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any petition to limit or quash this demand be filed within 20 days after service, or, if the return date is less than 20 days after service, prior to the return date. The original and twelve copies of the petition must be filed with the Secretary of the Federal Trade Commission, and one copy should be sent to the Commission Counsel named in Item 5.

YOUR RIGHTS TO REGULATORY ENFORCEMENT FAIRNESS

The FTC has a longstanding commitment to a fair regulatory enforcement environment. If you are a small business (under Small Business Administration standards), you have a right to contact the Small Business Administration's National Ombudsman at 1-888-REGFAIR (1-888-734-3247) or www.sba.gov/ombudsman regarding the fairness of the compliance and enforcement activities of the agency. You should understand, however, that the National Ombudsman cannot change, stop, or delay a federal agency enforcement action.

The FTC strictly forbids retaliatory acts by its employees, and you will not be penalized for expressing a concern about these activities.

TRAVEL EXPENSES

Use the enclosed travel voucher to claim compensation to which you are entitled as a witness for the Commission. The completed travel voucher and this demand should be presented to Commission Counsel for payment. If you are permanently or temporarily living somewhere other than the address on this demand and it would require excessive travel for you to appear, you must get prior approval from Commission Counsel.

A copy of the Commission's Rules of Practice is available online at http://bit.ly/FTCSRulesofPractice. Paper copies are available upon request.

FEDERAL TRADE COMMISSION ("FTC")
CIVIL INVESTIGATIVE DEMAND ("CID") SCHEDULE
FTC File No. P264800

Meet and Confer: You must contact FTC counsel Gregory Ashe (202-326-3719; gashe@ftc.gov), as soon as possible to schedule a telephonic meeting to be held within fourteen (14) days after You receive this CID. At the meeting, You must discuss with FTC counsel any questions You have regarding this CID or any possible CID modifications that could reduce Your cost, burden, or response time yet still provide the FTC with the information it needs to pursue its investigation. The meeting also will address how to assert any claims of protected status (*e.g.*, privilege, work-product, etc.) and the production of electronically stored information. You must make available at the meeting personnel knowledgeable about Your information or records management systems, Your systems for electronically stored information, custodians likely to have information responsive to this CID, and any other issues relevant to compliance with this CID.

Document Retention: You must retain all Documents used in preparing responses to this CID. The FTC may require the submission of additional Documents later during this investigation. **Accordingly, You must preserve, and immediately stop any deletion or destruction of, Documents in Your possession, custody, or control** that are in any way relevant to this investigation, even if those Documents are being retained by a third party or You believe those Documents are protected from discovery. *See* 15 U.S.C. § 50; *see also* 18 U.S.C. §§ 1505, 1519. In addition, You must disable auto-delete for, or suspend, restrict, or limit use of, any messaging applications or Collaborative Work Environments that automatically delete messages or information that may be relevant to this investigation.

Sharing of Information: The FTC will use information You provide in response to the CID for the purpose of investigating violations of the laws the FTC enforces. We will not disclose such information under the Freedom of Information Act, 5 U.S.C. § 552. We also will not disclose such information, except as allowed under the FTC Act (15 U.S.C. § 57b-2), the Commission's Rules of Practice (16 C.F.R. §§ 4.10 & 4.11), or if required by a legal obligation. Under the FTC Act, we may provide Your information in response to a request from Congress or a proper request from another law enforcement agency. However, we will not publicly disclose such information without giving You prior notice.

Manner of Production: Contact **FTC counsel Gregory Ashe (202-326-3719; gashe@ftc.gov)** by email or telephone at least five days before the return date for instructions on how to produce information responsive to this CID.

Certification of Compliance: You or any person with knowledge of the facts and circumstances relating to the responses to this CID must certify that such responses are complete by signing the "Certification of Compliance" attached to this CID.

Certification of Records of Regularly Conducted Activity: Attached is a Certification of Records of Regularly Conducted Activity. Please execute and return this Certification with Your response. Completing this certification may reduce the need to subpoena You to testify at future proceedings to establish the admissibility of Documents produced in response to this CID.

Definitions and Instructions: Please review carefully the Definitions and Instructions that appear after the Specifications and provide important information regarding compliance with this CID.

I. SUBJECT OF INVESTIGATION

Whether the Organization or any other Person, as those terms are defined herein, have made, or assisted others in making, false or unsubstantiated representations or engaged in unfair practices in connection with the marketing and advertising of Pediatric Gender Dysphoria Treatment (as defined herein), which, according to the Organization, purports to treat gender dysphoric or gender diverse minors, to consumers in violation of Sections 5 and 12 of the FTC Act, 15 U.S.C. §§ 45, 52, and whether FTC action to obtain monetary relief would be in the public interest. See also attached resolutions.

II. SPECIFICATIONS

Applicable Time Period: Unless otherwise directed, the applicable time period for the requests set forth below is from January 1, 2021, **until the date of full and complete compliance with this CID.**

A. Interrogatories. Please describe in detail:

1. All requirements for membership in Your Organization.

2. The extent to which your Organization's membership includes members organized for profit, or that provide goods or services for profit.

3. All benefits and services You offer or provide to Your members, including but not limited to any (a) discounts or advantageous access to any products and services, such as insurance or financing, (b) legal advocacy or litigation, (c) lobbying services, (d) marketing or lead generation of any type, (e) public relations, and (f) education and training.

4. Each training or certification program offered by You, including but not limited to (a) the cost of each training or certification program, (b) the requirements (*e.g.*, membership requirements, course titles, hours, testing) for completing the program, (c) the requirements for maintaining the certification, (d) the number of individuals that hold a current certification, and (e) the number of individuals that have completed the training or certification program.

5. Each workshop, townhall or other formal or informal session, and conference You hosted and that relates to PGDT in any way, including but not limited to the cost to attend and education or trainings offered at those workshops, townhalls, sessions, and conferences.

6. Each type of PGDT You advertised, marketed, promoted, addressed, or referred to in any Document You disseminated. Your response should include descriptions of any

pamphlets, posters, or other materials concerning PGDT that You disseminated to healthcare professionals, patients, and their families, to whom those materials were disseminated, for what purpose they were disseminated, and the dates when You disseminated the materials.

7. Any Covered Statements You have made, including but not limited to the exact wording, its location and context, the means of communication, and when dissemination occurred.

8. Regardless of time period, the process for developing and issuing SOC 8, including every individual or entity that participated in development and issuance, and any funding sources.

9. Any payments, grants, consulting, or financial relationships, or partnerships relating to PGDT between You and any (a) pharmaceutical company, (b) medical device manufacturer, and/or (c) clinic, hospital system, or individual clinician.

10. All formal or informal complaints, questions, or inquiries You received related to concerns that the Covered Statements lack substantiation or do not adequately disclose risks associated with PGDTs.

11. All investigations and lawsuits involving You and either the Covered Statements or PGDTs, including but not limited to any lawsuit in which You are amicus.

12. Your views regarding whether the Covered Statements are substantiated, and the reasoning therefor.

13. Regardless of time period, identify each Person with responsibility for developing, reviewing, or evaluating substantiation, scientific or otherwise, for each Covered Statement, including the qualifications of each such Person, and describe the functions performed by each.

14. Describe Your record retention policies, including the manner and duration of preservation of email.

15. Identify all Persons who participated in preparing responses to this CID.

B. Document Requests:

1. Regardless of time period, and whether or not You believe a Covered Statement was made in Your advertising or other promotional materials, all Documents (including tests, reports, studies, scientific literature, and written opinions) upon which You have relied to substantiate each Covered Statement.

2. Regardless of time period, all Documents relating to substantiation for the Covered Statements, that question or disprove any of the Covered Statements or their substantiation.

3. Regardless of time period, all Documents relating to any study You sponsored, conducted, or contributed to that involved PGDT.

4. Regardless of time period, all Communications with Professional Medical Organizations related to SOC 8.

5. Regardless of time period, all Documents reflecting or constituting Communications with other organizations, institutions, or individuals regarding the development and publication of SOC 8.

6. Regardless of time period, all Documents and all Communications related to any review or research You commissioned or requested from the Johns Hopkins University Evidence-Based Practice Center.

7. All materials used in any education, training, or certification program You offer, or used to promote such programs.

8. All testimony, advocacy, or other information provided to any legislature or regulator related to PGDTs.

9. With respect to any workshop, townhall or other formal or informal session, or conference You hosted or organized related in any way to PGDTs: (a) all recordings and transcripts; (b) all Documents distributed to attendees or participants; and (c) Documents required to be signed by any attendee, participant, or speaker.

10. All Documents You disseminated referencing the Covered Statements.

11. All Documents related to payments, grants, consulting or financial relationships, or partnerships between You and any (a) pharmaceutical company, (b) medical device manufacturer, or (c) clinic, hospital system, or individual clinician.

12. Your Financial Statements for each year.

13. All Documents referenced in, or relied upon, in answering any Interrogatory.

III. DEFINITIONS

The following definitions apply to this CID:

D-1. "**Collaborative Work Environment**" means any platform, application, product, or system used to communicate, or to create, edit, review, approve, store, organize, share, and access Documents, Communications, and information by and among users, including Microsoft

SharePoint sites, cloud storage systems (*e.g.*, Google Drive, OneDrive, Dropbox), eRooms, document management systems (*e.g.*, iManage), intranets, chat (*e.g.*, Slack), web content management systems (*e.g.*, Drupal), wikis (*e.g.*, Confluence), work tracking software (*e.g.*, Jira), version control systems (*e.g.*, Github), and blogs.

D-2. "**Communication**" means the transmittal of information by any means.

D-3. "**Covered Statement**" means any representation, whether express or implied, that:

a. PGDTs are safe, including without limitation the representation that a treatment is safe for muscle, bone, or brain development;
b. PGDTs are proven effective, including without limitation the representation that PGDTs are supported by evidence-based science;
c. PGDTs improve mental health;
d. PGDTs reduce the incidence of suicide, including without limitation the representation that PGDTs are life-saving;
e. PGDTs are fully or partly reversible, including without limitation the representation that a treatment is only a pause or otherwise do not cause permanent physical changes; and
f. PGDTs have few side effects.

D-4. "**Document**" means the complete original, including all attachments and copies of all hyperlinked materials (other than hyperlinks to publicly accessible websites), all drafts or prior versions, and any non-identical copy, whether different from the original because of notations on the copy, different metadata, or otherwise, of any item covered by 15 U.S.C. § 57b-1(a)(5), 16 C.F.R. § 2.7(a)(2), or Federal Rule of Civil Procedure 34(a)(1)(A), including chats, instant messages, text messages, direct messages, information stored on or sent through social media accounts or messaging or other applications (*e.g.*, Microsoft Teams, Slack), information contained in, hyperlinked to, or sent through Collaborative Work Environments, and information on all devices (including employee-owned devices) used for Organization-related activity.

D-5. "**Financial Statements**" means balance sheets, statements of financial position, profit and loss statements, income statements, statements of activities, statement of cash flows, and statements of functional expenses.

D-6. "**Organization**," "**You**," or "**Your**" means or refers to **The World Professional Association for Transgender Health, Inc.**, its wholly or partially owned subsidiaries, unincorporated divisions, joint ventures, operations under assumed names, and affiliates, and all directors, officers, members, employees, agents, consultants, and other Persons working for or on behalf of the foregoing.

D-7. "**Pediatric Gender Dysphoria Treatment**" or ("**PGDT**") means any medical intervention which, according to the Organization, purports to treat gender dysphoric or gender diverse minors, including but not limited to pubertal suppression, hormone therapy, and surgery (*e.g.*, subcutaneous mastectomy, vaginoplasty, metoidioplasty, and phalloplasty).

D-8. **"Person"** means any natural person, an organization or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.

D-9. **"Professional Medical Organizations"** means, including, but not limited to, the American Academy of Pediatrics, The Endocrine Society, American College of Obstetrics and Gynecology, American Medical Association (AMA), and its Surgical Groups (American Society of Plastic Surgery, American Academy of Cosmetic Surgery, International Society of Aesthetic Plastic Surgery, American Board of Plastic Surgery, American Association of Plastic Surgery, and the American College of Surgeons).

D-10. **"SOC 8"** means Your 2022 publication entitled "Standards of Care for the Health of Transgender and Gender Diverse People, Version 8."

IV. INSTRUCTIONS

I-1. **Petitions to Limit or Quash**: You must file any petition to limit or quash this CID with the Secretary of the FTC no later than twenty (20) days after service of the CID, or, if the return date is less than twenty (20) days after service, prior to the return date. Such petition must set forth all assertions of protected status or other factual and legal objections to the CID and comply with the requirements set forth in 16 C.F.R. § 2.10(a)(1) – (2). **The FTC will not consider petitions to quash or limit if You have not previously met and conferred with FTC staff and, absent extraordinary circumstances, will consider only issues raised during the meet and confer process.** 16 C.F.R. § 2.7(k); *see also* § 2.11(b). **If You file a petition to limit or quash, You must still timely respond to all requests that You do not seek to modify or set aside in Your petition.** 15 U.S.C. § 57b-1(f); 16 C.F.R. § 2.10(b).

I-2. **Withholding Requested Material / Privilege Claims**: For specifications requesting production of Documents or answers to written interrogatories, if You withhold from production any material responsive to this CID based on a claim of privilege, work product protection, statutory exemption, or any similar claim, You must assert the claim no later than the return date of this CID, and You must submit a detailed log, in a searchable electronic format, of the items withheld that identifies the basis for withholding the material and meets all the requirements set forth in 16 C.F.R. § 2.11(a) – (c). The information in the log must be of sufficient detail to enable FTC staff to assess the validity of the claim for each Document, including attachments, without disclosing the protected information. If only some portion of any responsive material is privileged, You must submit all non-privileged portions of the material. Otherwise, produce all responsive information and material without redaction. 16 C.F.R. § 2.11(c). The failure to provide information sufficient to support a claim of protected status may result in denial of the claim. 16 C.F.R. § 2.11(a)(1).

I-3. **Modification of Specifications**: The Bureau Director, a Deputy Bureau Director, Associate Director, Regional Director, or Assistant Regional Director must agree in writing to any modifications of this CID. 16 C.F.R. § 2.7(l).

I-4. Scope of Search: This CID covers Documents and information in Your possession or under Your actual or constructive custody or control, including Documents and information in the possession, custody, or control of Your attorneys, accountants, directors, officers, employees, service providers, and other agents and consultants, whether or not such Documents or information were received from or disseminated to any person or entity.

I-5. Identification of Responsive Documents: For specifications requesting production of Documents, You must identify in writing the Documents that are responsive to the specification. Documents that may be responsive to more than one specification of this CID need not be produced more than once. If any Documents responsive to this CID have been previously supplied to the FTC, You may identify the Documents previously provided and the date of submission.

I-6. Maintain Document Order: For specifications requesting production of Documents, You must produce Documents in the order in which they appear in Your files or as electronically stored. If Documents are removed from their original folders, binders, covers, containers, or electronic source, You must specify the folder, binder, cover, container, or electronic media or file paths from which such Documents came.

I-7. Numbering of Documents: For specifications requesting production of Documents, You must number all Documents in Your submission with a unique identifier such as a Bates number or a Document ID.

I-8. Production of Copies: For specifications requesting production of Documents, unless otherwise stated, You may submit copies in lieu of original Documents if they are true, correct, and complete copies of the originals and You preserve and retain the originals in their same state as of the time You received this CID. Submission of copies constitutes a waiver of any claim as to the authenticity of the copies should the FTC introduce such copies as evidence in any legal proceeding.

I-9. Production in Color: For specifications requesting production of Documents, You must produce copies of advertisements in color, and You must produce copies of other materials in color if necessary to interpret them or render them intelligible.

I-10. Electronically Stored Information: For specifications requesting production of Documents, see the attached FTC Bureau of Consumer Protection Production Requirements ("Production Requirements"), which detail all requirements for the production of electronically stored information to the FTC. You must discuss issues relating to the production of electronically stored information with FTC staff **prior to** production.

I-11. Sensitive Personally Identifiable Information ("Sensitive PII") or Sensitive Health Information ("SHI"): For specifications requesting production of Documents or answers to written interrogatories, if any responsive materials contain Sensitive PII or SHI, please contact FTC counsel before producing those materials to discuss whether there are steps You can take to minimize the amount of Sensitive PII or SHI You produce, and how to securely transmit such information to the FTC.

Sensitive PII includes an individual's Social Security number; an individual's biometric data; and an individual's name, address, or phone number in combination with one or more of the following: date of birth, driver's license or state identification number (or foreign country equivalent), military identification number, passport number, financial account number, credit card number, or debit card number. Biometric data includes biometric identifiers, such as fingerprints or retina scans, but does not include photographs (with the exception of photographs and corresponding analyses used or maintained in connection with facial recognition software) or voice recordings and signatures (with the exception of those stored in a database and used to verify a person's identity). SHI includes medical records and other individually identifiable health information relating to the past, present, or future physical or mental health or conditions of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

I-12. Interrogatory Responses: For specifications requesting answers to written interrogatories: (a) answer each interrogatory and each interrogatory subpart separately, fully, and in writing; and (b) verify that Your answers are true and correct by signing Your answers under the following statement: "I verify under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)." The verification must be submitted contemporaneously with Your interrogatory responses.

I-13. Submission of Documents in Lieu of Interrogatory Answers: You may answer any written interrogatory by submitting previously existing Documents that contain the information requested in the interrogatory so long as You clearly indicate in each written interrogatory response which Documents contain the responsive information. For any interrogatory that asks You to identify Documents, You may, at Your option, produce the Documents responsive to the interrogatory so long as You clearly indicate the specific interrogatory to which such Documents are responsive.

CERTIFICATION OF COMPLIANCE
Pursuant to 28 U.S.C. § 1746

I, _____, certify the following with respect to the Federal Trade Commission's ("FTC") Civil Investigative Demand directed to World Professional Association for Transgender Health, Inc. (the "Organization") (FTC File No. P264800) (the "CID"):

1. The Organization has identified all documents, information, and/or tangible things ("responsive information") in the Organization's possession, custody, or control responsive to the CID and either:

   (a) provided such responsive information to the FTC; or

   (b) for any responsive information not provided, given the FTC written objections setting forth the basis for withholding the responsive information.

2. I verify that the responses to the CID are complete and true and correct to my knowledge.

I certify under penalty of perjury that the foregoing is true and correct.

Date: _____

_____
Signature

_____
Printed Name

_____
Title

CERTIFICATION OF RECORDS OF REGULARLY CONDUCTED ACTIVITY
Pursuant to 28 U.S.C. § 1746

1. I, _____, have personal knowledge of the facts set forth below and am competent to testify as follows:

2. I have authority to certify the authenticity of the records produced by World Professional Association for Transgender Health, Inc. (the "Organization") and attached hereto.

3. The documents produced and attached hereto by the Organization are originals or true copies of records of regularly conducted activity that:

   a) Were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;

   b) Were kept in the course of the regularly conducted activity of the Organization; and

   c) Were made by the regularly conducted activity as a regular practice of the Organization.

I certify under penalty of perjury that the foregoing is true and correct.

Date: _____ _____
Signature

Federal Trade Commission - Bureau of Consumer Protection
Production Requirements
Revised January 2024

In producing information to the FTC, comply with the following requirements, unless the FTC agrees otherwise. If you have questions about these requirements, please contact FTC counsel.

Production Format

1. **General Format**: Provide load-ready electronic productions with:

    a. A delimited data load file (.DAT) containing a line for every document, unique id number for every document (DocID), metadata fields, and native file links where applicable; and

    b. A document level text file, named for the DocID, containing the text of each produced document.

    Do not produce corresponding image renderings (e.g., TIFF or JPEG) for files in native format unless the FTC requests them. If the FTC requests corresponding image renderings, provide an Opticon image load file (.OPT) containing a line for every image file.

2. **Electronically Stored Information (ESI)**: Documents stored in electronic format in the ordinary course of business must be produced in the following format:

    a. For ESI other than the categories below, submit in native format with all metadata and either document level extracted text or Optical Character Recognition (OCR). Do not produce corresponding image renderings (e.g., TIFF or JPEG) for files in native format unless the FTC requests them. If the FTC requests corresponding image renderings, they should be converted to Group IV, 300 DPI, single-page TIFF (or color JPEG images when necessary to interpret the contents or render them intelligible.)

    b. For Microsoft Excel, Access, or PowerPoint files, submit in native format with extracted text and metadata. Data compilations in Excel spreadsheets or delimited text formats must contain all underlying data, formulas, and algorithms without redaction.

    c. For other spreadsheet, database, presentation, or multimedia formats; messaging applications and platforms (e.g., Microsoft Teams, Slack); or proprietary applications, discuss the production format with FTC counsel.

3. **Hard Copy Documents**: Documents stored in hard copy in the ordinary course of business must be scanned and submitted as either one multi-page pdf per document or as 300 DPI single page TIFFs (or color JPEGs when necessary to interpret the contents or render them intelligible), with corresponding document-level OCR text and logical document determination in an accompanying load file.

4. **Document Identification**: Provide a unique DocID for each hard copy or electronic document, consisting of a prefix and a consistent number of numerals using leading zeros. Do not use a space to separate the prefix from numbers.

5. **Attachments**: Preserve the parent/child relationship by producing attachments as separate documents, numbering them consecutively to the parent email, and including a reference to all attachments.

6. **Metadata Production**: For each document submitted electronically, include the standard metadata fields listed below in a standard delimited data load file. The first line of the data load file shall include the field names. Submit date and time data in separate fields. Use these standard Concordance delimiters in delimited data load files:

Description	Symbol	ASCII Character
Field Separator	¶	20
Quote Character	þ	254
Multi Entry delimiter	®	174
<Return> Value in data	~	126

7. **De-duplication**: Do not use de-duplication or email threading software without FTC approval.

8. **Password-Protected Files**: Remove passwords prior to production. If password removal is not possible, provide the original and production filenames and the passwords, under separate cover.

Producing Data to the FTC

1. Prior to production, scan all data and media for viruses and confirm they are virus-free.

2. For productions smaller than 50 GB, submit data electronically using the FTC's secure file transfer protocol. Contact FTC counsel for instructions. **The FTC cannot accept files via Dropbox, Google Drive, OneDrive, or other third-party file transfer sites.**

3. If you submit data using physical media:

   a. Use only CDs, DVDs, flash drives, or hard drives. Format the media for use with Windows;

   b. Use data encryption to protect any Sensitive Personally Identifiable Information or Sensitive Health Information (as defined in the instructions), and provide passwords in advance of delivery, under separate cover; and

   c. Use a courier service (e.g., Federal Express, UPS) because heightened security measures delay postal delivery.

4. Provide a transmittal letter with each production that includes:

   a. Production volume name (e.g., Volume 1) and date of production;

   b. Numeric DocID range of all documents in the production, and any gaps in the DocID range; and

   c. List of custodians and the DocID range for each custodian.

Standard Metadata Fields

PUBLIC

DAT FILE FIELDS	DEFINITIONS	POPULATE FIELD FOR:
DocID	Unique ID number for each document	All Documents
FamilyID	Unique ID for all documents in a family including parent and all child documents	All Documents
ParentID	Document ID of the parent document. This field will only be populated on child items	All Documents
File Path	Path to produced native file	All Documents
TextPath	Path to document level text or OCR file	All Documents
Custodian	Name of the record owner/holder	All Documents
AllCustodians	Names of all custodians that had copy of this record (populate if data was deduplicated or email threading was used)	All Documents
Source	Source of documents: CID, Subpoena, Third Party Data, etc.	All Documents
Filename	Original file name	All Documents
File Size	Size of documents	All Documents
File Extensions	Extension of file type	All Documents
MD5 Hash	Unique identifier for electronic data used in de-duplication	All Documents
PRODUCTION_VOLUME	Production Volume	All Documents
HASREDACTIONS	Redacted document	All Documents
Exception Reason	Reason for exception encountered during processing (e.g., empty file, source file, password-protected file, virus)	All Documents
PRODBEG	Beginning production bates number	Documents with Produced Images
PRODEND	Ending production bates number	Documents with Produced Images
PRODBEG_ATTACH	Beginning production family bates number	Documents with Produced Images
PRODEND_ATTACH	Ending production family bates number	Documents with Produced Images
Page Count	The number of pages the document contains	Documents with Produced Images
From	Names retrieved from the FROM field in a message	Emails
To	Names retrieved from the TO field in a message; the recipient(s)	Emails
CC	Names retrieved from the CC field in a message; the copied recipient(s)	Emails
BCC	Names retrieved from the BCC field in a message; the blind copied recipient(s)	Emails
EmailSubject	Email subject line	Emails
Date Sent	The date an email message was sent	Emails
Time Sent	The time an email message was sent	Emails
Date Received	The date an email message was received	Emails
Time Received	The time an email message was received	Emails
Author	File Author	Loose Native Files and Email Attachments
Title	File Title	Loose Native Files and Email Attachments
Subject	File Subject	Loose Native Files and Email Attachments
Date Created	Date a document was created by the file system	Loose Native Files and Email Attachments
Time Created	Time a document was created by the file system	Loose Native Files and Email Attachments
Date Modified	Last date a document was modified and recorded by the file system	Loose Native Files and Email Attachments
Time Modified	Last time a document was modified and recorded by the file system	Loose Native Files and Email Attachments
Date Printed	Last date a document was printed and recorded by the file system	Loose Native Files and Email Attachments
Time Printed	Last time a document was printed and recorded by the file system	Loose Native Files and Email Attachments

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Joseph J. Simons, Chairman
Noah Joshua Phillips
Rohit Chopra
Rebecca Kelly Slaughter
Christine S. Wilson

RESOLUTION DIRECTING USE OF COMPULSORY PROCESS IN A NON-PUBLIC INVESTIGATION OF DIETARY SUPPLEMENTS, FOODS, DRUGS, DEVICES, OR ANY OTHER PRODUCT OR SERVICE INTENDED TO PROVIDE A HEALTH BENEFIT OR TO AFFECT THE STRUCTURE OR FUNCTION OF THE BODY

File No. 002 3191

Nature and Scope of Investigation:

To investigate whether unnamed persons, partnerships, or corporations, or others have engaged or are engaging in deceptive or unfair acts or practices in or affecting commerce in the advertising, marketing, or sale of dietary supplements, foods, drugs, devices, or any other product or service intended to provide a health benefit or to affect the structure or function of the body; have misrepresented or are misrepresenting the safety or efficacy of such products or services; or otherwise have engaged or are engaging in unfair or deceptive acts or practices or in the making of false advertisements, in or affecting commerce, in violation of Sections 5 or 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45 and 52, as amended. The investigation is also to determine whether Commission action to obtain monetary relief would be in the public interest.

The Federal Trade Commission hereby resolves and directs that any and all compulsory processes available to it be used in connection with this investigation for a period not to exceed ten (10) years from the date of issuance of this resolution. The expiration of this ten-year period shall not limit or terminate the investigation or the legal effect of any compulsory process issued during the ten-year period. The Federal Trade Commission specifically authorizes the filing or continuation of actions to enforce any such compulsory process after the expiration of the ten-year period.

Authority to Conduct Investigation:

Sections 6, 9, 10, and 20 of the Federal Trade Commission Act, 15 U.S.C. §§ 46, 49, 50, and 57b-1, as amended; and FTC Procedures and Rules of Practice, 16 C.F.R. § 1.1 *et seq.*, and supplements thereto.

By direction of the Commission.

APRIL TABOR
Digitally signed by APRIL TABOR
Date: 2019.08.12 12:09:40 -04'00'

April J. Tabor
Acting Secretary

Issued: August 9, 2019

PUBLIC

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: **Lina M. Khan, Chair**
Noah Joshua Phillips
Rohit Chopra
Rebecca Kelly Slaughter
Christine S. Wilson

RESOLUTION DIRECTING USE OF COMPULSORY PROCESS REGARDING ACTS OR PRACTICES AFFECTING CHILDREN

File No. 212 3123

Nature and Scope of Investigation:

To investigate whether any persons, partnerships, corporations, or others have engaged or are engaging in unfair, deceptive, anticompetitive, collusive, coercive, predatory, exploitative, or exclusionary acts or practices, in or affecting commerce, related to goods or services marketed, in whole or in part, to children under 18, in violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, as amended or any statutes or rules enforced by the Commission; and to determine the appropriate action or remedy, including whether injunctive and monetary relief would be in the public interest.

The Federal Trade Commission hereby resolves and directs that any and all compulsory processes available to it be used in connection with any inquiry within the nature and scope of this resolution for a period not to exceed ten years. The expiration of this ten-year period shall not limit or terminate the investigation or the legal effect of any compulsory process issued during the ten-year period. The Federal Trade Commission specifically authorizes the filing or continuation of actions to enforce any such compulsory process after the expiration of the ten-year period.

Authority to Conduct Investigation:

Sections 6, 9, 10, and 20 of the Federal Trade Commission Act, 15 U.S.C. §§ 46, 49, 50.and 57b-1, as amended; and FTC Procedures and Rules of Practice, 16 C.F.R. § 1.1 *et seq.*, and supplements thereto.

By direction of the Commission.

April J. Tabor
Secretary

Issued: September 2, 2021
Expires: September 2, 2031

Exhibit 2

PUBLIC

BEFORE THE UNITED STATES
FEDERAL TRADE COMMISSION

In the Matter of The Civil Investigative Demand dated January 15, 2026, to the World Professional Association for Transgender Health	**FTC File No. P264800**

STATEMENT OF COUNSEL PURSUANT TO 16 C.F.R. § 2.10(a)(2) IN SUPPORT OF PETITION TO QUASH CIVIL INVESTIGATIVE DEMAND

1. Counsel for Petitioner World Professional Organization for Transgender Health ("WPATH") respectfully submits this Statement of Counsel pursuant to 16 C.F.R. § 2.10(a)(2) in support of the Petition to Quash the Civil Investigative Demand filed by WPATH on February 9, 2026, in this Matter.

2. On January 15, 2026, the FTC issued a Civil Investigative Demand ("CID") to WPATH containing 28 Specifications.

3. WPATH received the CID on Friday, January 16, 2026. It retained outside counsel to respond to this investigation, including Abbe David Lowell, Isabella Oishi, and Schuyler Standley, (hereinafter, "WPATH's counsel").

4. On January 28, WPATH's counsel requested a preliminary meet-and-confer with the FTC Commission Counsel listed on the CID, Gregory Ashe, as well as a longer, more substantial second meet-and-confer at a later date.

5. On January 30, 2026 at 1:00 p.m. EST, WPATH's counsel Abbe David Lowell and Schuyler Standley and FTC representatives, including Jonathan Cohen, Gregory Ashe, Hans Clausen, and Annie Chiang (hereinafter, "Commission Staff"), held a meet-and-confer to discuss

the CID. WPATH's counsel described its preliminary objections to the CID, including but not limited to:

a. That, as a nonprofit that does not engage in commerce, does not engage with consumers, and does not treat patients, WPATH falls outside of the FTC's investigative and enforcement jurisdiction, and that the CID is therefore invalid and unlawful;

b. That the broad scope of the CID went beyond FTC's authority;

c. That the CID requests sought information irrelevant to commerce.

WPATH's counsel reserved their right to raise further objections to the CID in the second meet-and-confer.

6. During this January 30 meet-and-confer, Commission Staff provided a verbal proposed production schedule. They additionally asked WPATH's counsel questions regarding WPATH's search methodology and tools, custodians and locations of information, privilege logs, and the imposition of the litigation hold. WPATH's counsel confirmed the litigation hold and they would endeavor to have additional answers to the Commission Staff's questions at the requested time as well, but may not be able to do so. Commission Staff provided that they would provide WPATH with a proposed production schedule in writing.

7. On February 2, 2026, WPATH's counsel reached out to schedule a second meet-and-confer to continue discussing its objections, for the following day, February 3, 2026. Later that day, Commission Staff responded confirming the meet-and-confer, and provided a proposed production schedule: (1) By February 16, respond fully to Document Request Nos. 10 and 12; (2) by March 16, respond fully to five Document Requests and five Interrogatories (excluding Interrogatory 15 or Request 13); (3) by April 16, respond fully to all remaining Document

Requests and Interrogatories. *See* Exhibit 5. It provided that this production schedule would be permitted on the condition that WPATH agree to accept service, forgo any petition to quash, and continue to engage in good faith.

8. On February 3, 2026 at 12:00 p.m. EST, WPATH's counsel (Abbe Lowell, Schuyler Standley, Isabella Oishi) engaged in a second meet-and-confer with Commission Staff (Jonathan Cohen, Annie Chiang). During this call, Commission Staff concurred that the proper date for the petition to quash was February 9, 2026. WPATH's counsel raised the following issues:

a. That WPATH does not fall within FTC's investigative or enforcement jurisdiction, even under 15 U.S.C. § 57b-1, and that this investigation appears directed at WPATH;

b. That the issuance of the CID and the FTC's investigation violated WPATH's First Amendment rights, as it arose out of the current administration's animus towards WPATH and its members' speech and advocacy supporting rights and healthcare for transgender and gender diverse individuals, and that it was intended to intimidate and chill WPATH's exercise of its First Amendment rights;

c. That the CID sought information, such as member and donor information, that was protected by the First Amendment, through its interrogatories and document requests;

d. That the CID appeared to request substantial information that was publicly available and that applied beyond the relevant terms of the investigation, for example, relating to healthcare for adults, rather than minors;

e. That the CID was vague, ambiguous, and subjective, including, but not limited to the terms "members," "substantiated," "complaint," "disprove," "question," as well as the definitions of the terms "Covered Statements," and "Pediatric Gender Dysphoria Treatment."

9. During this same meeting, WPATH's counsel noted that they could be receptive to proposals by Commission Staff for production of information regarding jurisdiction alone. WPATH's counsel additionally stated they would continue to confer in good faith to attempt to resolve these issues, but that if Commission Staff could not resolve its objections, that it would be forced to petition to quash this CID, but that an extension on the petition to quash and production deadlines would enable WPATH's counsel to engage in further meet-and-confers to better understand the scope of the subpoena. Commission staff asked the same questions regarding search and production methodology and logistics, such as custodians, privilege logs, and the use of certain tools, like artificial intelligence, in the search process. WPATH's counsel stated that they did not have answers to these questions at that time, as the scope of the CID was not yet clear.

10. On February 5, 2026, Commission Staff sent WPATH a memorandum summarizing some of WPATH's objections and responding to certain issues, such as responding to WPATH's counsel's questions regarding the terms "substantiated," "members," "safe," and "medical intervention." *See* Exhibit 6. It additionally stated that the CID did not require production of information available to the public on WPATH's website.

11. On February 6, 2026, WPATH sent Commission Staff a counterproposal that it believed would provide the Commission with at least some responsive information without further infringement on WPATH's First Amendment rights. Although this consists of publicly available information, WPATH offered to provide guidance on which information on WPATH's website is

responsive to the requests, as well as to provide certain financial documents that it believed would help the Commission determine its jurisdiction over WPATH. WPATH indicated that it would answer further questions regarding search and production methodology and logistics once the scope of the CID was more settled, but provided that they did not anticipate using artificial intelligence to conduct its searches. Finally, WPATH's counsel reiterated their intention to continue to engage in good faith discussions with the Commission Staff, and requested a seven-day extension for the petition to quash and production date.

12. On February 7, 2026, Commission Staff declined the counterproposal, stating that WPATH's guidance on relevant, publicly available information was not needed, declining WPATH's offer of certain financial statements, and stating that it did not need to "bargain" for the responses to its questions regarding search methodology, custodians, document storage, and privilege assertions. It stated its disagreement with WPATH's characterizations of its objections. It did not respond to WPATH's request for a seven-day extension for the petition to quash and the production schedule.

13. On February 9, 2026, WPATH's counsel responded to Commission Staff in an email, explaining that it provided the counterproposal in good faith. WPATH's counsel notified Commission Staff that WPATH would file this Petition to Quash, as it had not received resolution of its objections by its due date.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Washington, D.C. on February 9, 2026.

/s/ Schuyler J. Standley
Schuyler J. Standley

LOWELL & ASSOCIATES, PLLC

PUBLIC

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Exhibit 3

PUBLIC

BEFORE THE UNITED STATES
FEDERAL TRADE COMMISSION

In the Matter of The Civil Investigative Demand dated January 15, 2026, to the World Professional Association for Transgender Health	**FTC File No. P264800**

DECLARATION OF WORLD PROFESSIONAL ASSOCIATION FOR TRANSGENDER HEALTH IN SUPPORT OF PETITION TO QUASH CIVIL INVESTIGATIVE DEMAND

I, Leo Lewis, declare as follows:

1. I am the Executive Director of the World Professional Association for Transgender Health ("WPATH"). If called upon to testify as to the facts set forth herein, I could and would testify competently thereto.

2. I have been the Executive Director of WPATH since February 24, 2025. As Executive Director my work involves, among other things, overseeing the internal and external operations of the WPATH; developing board policies and systems to ensure the effectiveness of the organization; supporting the organization's mission and strategies; improving processes for the organization to meet both long- and short-term objectives; setting standards and expectations for governing the organization; understanding and overseeing the current and future financial resources and expenditures of the organization; and working directly with the organization's board members, stakeholders, consultants, and members to advance WPATH's mission.

3. WPATH, then the Harry Benjamin International Gender Dysphoria Association, was founded in 1979. It is a 501(c)(3) non-profit interdisciplinary professional and educational organization devoted to transgender health.

4. WPATH's mission is to promote evidence-based care, education, research, public policy, and respect in transgender health.

5. WPATH is an international membership organization, and it has regional affiliated organizations in Europe and the United States. We also work collaboratively with unaffiliated membership organizations globally. These organizations and WPATH members work collaboratively to help ensure safe, competent, and available healthcare for transgender and gender diverse people around the world. WPATH members work together to increase access to competent care and address the needs and concerns of transgender people through collaboration of their expertise in education, public policy, clinical medicine, research, and communication.

6. At this time, WPATH has over 3,000 members. Many WPATH members engage in clinical and academic research to develop evidence-based medicine. Others are legal professionals, social workers, psychologists, or medical providers. As part of its mission to encourage evidence-based medicine and a high quality of care for transgender and gender diverse individuals, WPATH's core purpose is to provide a professional environment for its members to engage in free and open discussion, debate, and research.

7. Consistent with WPATH's position as an international organization, WPATH's statements, standards of care, and publications have global applicability, are translated into many languages, and are not written to adhere to any one country's specific health care system or regulations. For these reasons, WPATH has not issued specific recommendations for compliance with the specific laws or regulations in any individual country.

8. WPATH engages in a number of activities, including offering access to the *International Journal of Transgender Health*, which is an independently owned peer-reviewed medical journal.

9. WPATH also hosts educational events which provide members and others working in transgender health the opportunity to interact, collaborate, and learn from their colleagues who are leading authors, clinicians, and expert researchers in transgender health. WPATH holds educational symposia, courses, and workshops to improve access to accurate and up-to-date information and research in the field of transgender health. Further information about these symposia, courses, and workshops are available on our website.

10. Transparency is important to WPATH. Detailed information regarding our organizational structure, membership benefits and requirements, courses, certifications, public statements, symposia, workshops, and research are all available on our website.

11. WPATH's mission is also served by issuing clinical guidelines. WPATH is internationally recognized for establishing and updating the WPATH Standards of Care ("SOC") for the treatment and health of transgender and gender diverse people globally. These SOC articulate a professional consensus about the psychiatric, psychological, medical, and surgical management of transgender and gender diverse people.

12. In September 2022, the International Journal of Transgender Health published the Standards of Care, Version 8 ("SOC8"). SOC8 were written to be flexible and adaptable to meet the diverse needs of transgender and gender diverse individuals globally. The criteria in the standards of care are clinical guidelines written to promote informed, doctor-patient decision making on optimal care, which may include varying interventions based on individual patient needs.

13. The process and methodology for developing SOC8 is set forth in detail in Appendix A of SOC8, and also are explained on the WPATH website.

14. The evidence and materials considered and relied upon in drafting and finalizing SOC8 can be found in the References section of SOC8.

15. The names and titles of the contributors can be found on the title pages of SOC8, as well as on WPATH's website, including descriptions of their contributions to SOC8.

16. As a non-profit organization, WPATH operates on a modest budget and has limited financial resources.

17. WPATH does not operate or aim to increase the profit of any of its members.

18. WPATH's board of directors and executive committee are volunteers. They come from a variety of backgrounds and specialties, including surgeons, medical professionals, pediatricians, mental health professionals, and public policy.

19. WPATH generates revenue primarily through membership dues, education, and its scientific symposium, and reinvests those funds into the organization, including its standards of care, education, global engagement, and long-term organizational stability.

20. WPATH does not advertise products or services to consumers.

21. Outside of the benefits set forth on its website, WPATH does not provide discounts, products, or services to its members.

22. WPATH does not provide licenses or set requirements for clinicians, researchers, or other professionals to engage in their respective fields or professions.

23. I have reviewed the CID issued on January 15, 2026, which covers a broad range of topics and issues that relate to many different aspects of WPATH's work. WPATH received the CID on January 16, 2026.

24. Responding to the CID would require WPATH to expend time and resources to provide the documents sought in the CID. The scope of these requests, in their current state, would

mean that I could no longer dedicate all my time to completing the daily tasks necessary to manage the important work of the association. The scope of this search would also unduly burden my staff, in that it would require the assistance of other team members, who would then be unable to function in their roles at WPATH.

25. In my view, the work I have described that would be required to respond to the CID as drafted would distract my team from the critically important, time-sensitive work we do advancing and improving healthcare for transgender individuals.

26. I also view this CID, which requests our private, confidential internal communications, as exceedingly intrusive. It requests the production of internal communications with our members and partners, including internal chats, emails, notes, and drafts. Our members use all of these channels to communicate with each other and engage in open discussions.

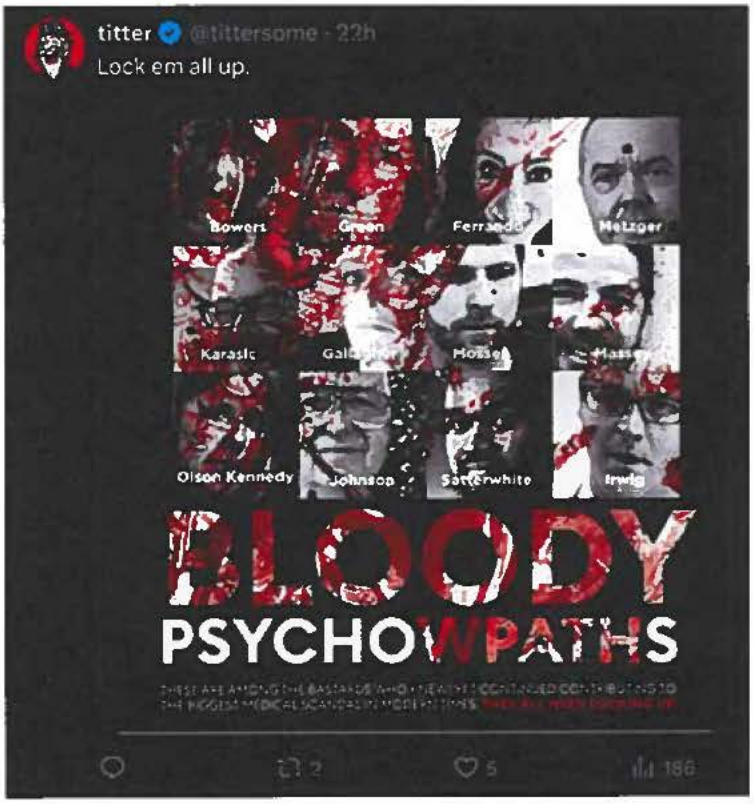
27. Many of our members have requested that their contributions, participation, and affiliation with WPATH remain confidential and anonymous.

28. Based on my experience with WPATH staff, members, and partners, I believe that our staff, members and partners will communicate less (and less openly) if WPATH is forced to disclose their documents, identities, and communications to the FTC. Our staff is already more cautious in its communications for fear that they will be produced and taken out of context in an attempt to misuse and harm the persons we are trying to help.

29. I am also concerned that new members will fear joining WPATH if they know their membership information, private emails, and comments shared with us and each other could subject them to harassment arising from this litigation or other similar litigation, even when they specifically request anonymity.

30. Over the last several years as transgender health has become the subject of charged rhetoric, WPATH's work has been considered controversial in some corners. Our members and staff have been increasingly harassed, intimidated, and subjected to threats of harm.

31. Our staff and members have experienced attacks via email, phone calls and threatening voicemails, and social media messages and posts threatening and harassing them by name. Our members are frequent targets of similar attacks. For example, recent posts on the social media platform X have displayed our members covered in blood, and demanding they be locked up:



32. Members have been illegally videotaped during educational presentations and had their intellectual property misused and edited in a manner that has led to threats of violence.

33. Members and staff have been required to implement serious security measures in response to these threats and harassment, such as installing panic buttons and conducting security audits.

34. As a result of receiving the CID, WPATH decided to temporarily cease offering certain educational programs. This includes the Global Education Institute ("GEI") activities, such as online and in-person courses, mentorship programs, and certification examination–related functions, as well as closing the member-to-member message board, Journal Club, and the California Health Provider Program ("HPP").

35. Open, honest dialogue is also essential to the accuracy of our work and practice recommendations, which medical professionals across many specialties use and rely on to inform their medical decision-making. We work with thousands of medical experts every year to understand the latest science, and to review and edit our publications, educational materials, curriculum, and public statements. These experts are volunteers and do this work out of a need to help improve care for transgender and gender diverse individuals. Having personally discussed these issues with many of them for years, I know that many would think twice before volunteering their expertise if their confidential feedback could be shared with the world. Our ability to receive candid feedback depends on the confidence that peer reviews and communications within WPATH will not be publicly disclosed. Based on my experience, I believe enforcement of this subpoena will greatly hinder the quality and accuracy of our work product, which in turn will worsen the care that our members provide to their patients across all health domains.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Silver Spring, Maryland on February 9, 2026.

Leo Lewis
EXECUTIVE DIRECTOR, WPATH

Exhibit 4

THE WORLD PROFESSIONAL ASSOCIATION FOR TRANSGENDER HEALTH, INC. A NONPROFIT EDUCATIONAL ORGANIZATION

BYLAWS

ARTICLE I. NAME

The name of this organization shall be the World Professional Association for Transgender Health, Inc. (WPATH), formerly known as the Harry Benjamin International Gender Dysphoria Association, Incorporated (HBIGDA), hereinafter referred to as "the Association."

ARTICLE II. PURPOSE

The Association's stated purpose is to provide a mechanism whereby professionals from various subspecialties of such disciplines as medicine, psychology, and the law may interact and communicate with each other to share research and clinical practice experience affecting the health and well-being of transsexual, transgender, and gender-nonconforming people.

The Association will promote meetings of interested professionals from a variety of professions and will encourage the dissemination of knowledge and best practice guidelines regarding gender dysphoria, transsexualism, and transgender health and well-being in general, to the professions and to the general public.

ARTICLE III. OFFICES

Section One. Incorporation. The Association is incorporated in the State of Texas.

Section Two. Principal Office. The Association will have a legal office ("WPATH Office") associated with the business address of the Executive Director and /or the location where the day-to-day business functions of the Association are conducted.

ARTICLE IV. GOVERNMENT

Section One. Voting Membership. The Full, Honorary, and Emeritus members of this Association shall be the voting membership.

Section Two. Board of Directors. The administrative body of this Association shall be the Board of Directors, which includes seven (7) at large members, one (1) student liaison (non-voting), and the five (5) Officers of the Association. One (1) additional voting Board member shall represent each duly authorized Regional Affiliate of the Association. All members of the Board of Directors must also be members in good standing of the voting membership.

ARTICLE V-A. BOARD OF DIRECTORS AND OFFICERS

Section One. General Powers. The affairs of the Association shall be managed by its Board of Directors, who will be elected by the membership, except as noted below,

Section Two. Number, Tenure, and Qualifications. The number of At-large Directors shall be seven (7). Each At-large Director shall serve for a term of four (4) years or until a successor has qualified. At-large Directors may succeed themselves without limitation for one term, for a total of eight (8) years. However, an At-large Director is not prohibited from serving as an Officer or as a Regional Affiliate Organization Director after eight years of Board service. Similarly, after eight years on the Board and two years off the board, any former Director is again eligible to be nominated and elected to another Board term. At-large Directors serve the entire Association, and may not represent regional or other member blocks. At-large Directors may not serve as Regional Directors simultaneously while serving as an At-large Director. No person may hold or run for two or more positions on the Board at the same time.

Section Three: Regional Directors. Regional Affiliate Organizations of the Association may be formed to further professional communication, education and training, and policy efforts within a specific geographic region or country to provide greater attention to local members and local issues than is possible or practical to be tended to by the entire

WPATH Membership. Regional Affiliates may elect one (1) representative Director to the WPATH Board for a term of two (2) years in elections that are conducted within the specific region, such that only voting members from that region shall elect the Regional Director. Regional Directors may be re-elected for two (2) subsequent consecutive terms for the total service duration of six (6) years, after which they are not precluded from running for an At-large Director position or an Officer position with the Association. They may also run for election again as a Regional Director after standing down for at least one two (2) year term.

Section Four: Regional Affiliate Leadership. Regional Affiliate Organizations shall be constituted by a local leadership. Each Regional Affiliate Organization shall have its own operating agreement with WPATH. Regional Affiliate Organizations must be approved by the WPATH Board of Directors. Upon the chartering of the Regional Affiliate Organization, such entity must be re-approved every two (2) years by the WPATH Board of Directors to remain recognized as an Affiliate Organization. It is recommended that Regional Organizations be led by at least two Co-chairs from the region. Directors and Co-chairs may be volunteers from the time of Affiliate establishment to the time of the next regular Regional election, as determined by the Regional leadership. Thenceforward, Regional Officers and Directors shall be elected by the Regional Membership every two (2) years thereafter. Regional Affiliate Co-chairs may also establish other supporting positions as needed to operate the Organization. Regional Affiliate Organizations are responsible for conforming to the relevant laws governing professional educational associations in the country where they are constituted, and may establish their internal governance entirely according to local law or custom, including the capacity to refer to themselves as a WPATH Region, Regional Affiliate, or Regional Chapter, or other

appropriate nomenclature in conformance with local law or custom governing non-governmental organizations (NGOs).

Section Five. Regular meetings. Biennial meetings of the full Board of Directors shall be held with prior notice to the membership, usually at the time of the meeting of the membership at the biennial international symposium.

Section Six. Special meetings. Special meetings of the full Board of Directors may be called by or at the request of the Association President or any four (4) Directors. Meetings of the Board may be conducted by long-distance conference telephone or any electronic media conferencing including the Internet or Intranet, or by any other meeting method as may be available and practical. The meeting at the time and place of the biennial meeting of the membership shall be held with the physical presence at the meeting site of a majority of the full Board of Directors.

Section Seven. Notice. Notice of any special meeting of the Board of Directors shall be given at least seven days previously thereto by written notice delivered personally by mail, fax or E-mail to each Director at their address as shown by the records of the Association. Any Director may waive notice of any meeting. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. An initial agenda for the meeting shall be provided in the notice.

Section Eight. Quorum. A majority of the duly elected Board of Directors shall constitute a quorum for the transaction of business of any meeting other than Executive Committee meetings.

Section Nine. Manner of Acting. The act of the majority of Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors unless the act of a greater number is required by law or by these bylaws.

Section Ten. Compensation. Directors, or Regional Co-chairs, as such, shall not receive any stated salaries for their services, but by resolution of the Board of Directors, any Director may be indemnified for expenses and costs, including attorney's fees actually and necessarily incurred by them in connection with a claim asserted against them by action in court or otherwise by reason of their being or having been such Director or Co-chair, except in relation to matters as to which they shall have been guilty of negligence or misconduct in respect of the matter in which indemnity is sought.

Section Eleven. Term of Office. The term of office (inauguration and termination) is roughly four (4) years for the at-large Directors and roughly two (2) years for Officers and for Regional Affiliate Directors or Regional Affiliate Co-chairs. Terms for Officers and all Directors or Co-chairs shall be fixed to the time of the biennial international meeting. In the event that no such meeting occurs within 30 months of the previous such meeting, the existing Board of Directors will set the time for the inauguration of the new term for new Directors.

Section Twelve. Removal. Any Director or Officer elected or appointed by the membership may be removed by the Board of Directors whenever, in their judgment, the best interests of the Association would be served thereby. Removal of a Director or Officer requires a two-thirds majority vote of the full Board of Directors (including all At-large and Regional Directors seated on the Board).

Section Thirteen. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by the Board of Directors for the unexpired portion of the term except in the case of a vacancy in the Presidency, in which case, the President-Elect will become President, and the then vacant position of President-Elect will remain vacant until an election is authorized by the Board. In the case of the simultaneous vacancy of the President and President-Elect positions, the Board of Directors may appoint an interim President to complete the unexpired portion of the term.

Section Fourteen. Executive Committee. The Executive Committee composed of the Association Officers and Executive Director may meet to conduct the routine business of the Association when the Association and the Board of Directors are not meeting as a whole. The Executive Director serves as an ex-officio member of the Executive Committee. Substantive business, such as any major restructuring or dissolution of the Association, as decided by the Board of Directors, will be brought for a vote of the entire Board of Directors or the entire Association, as appropriate. Decisions affecting any particular geographic region in which a Regional Affiliate Organization is constituted shall not be made by the Directors without participation in the decision by the Regional Affiliate's elected or appointed Director.

ARTICLE V-B. OFFICERS

Section One. Officers. The Officers of the Association shall be a President, President-Elect, Past President, a Treasurer, and a Secretary. The President, Past President, and President-Elect cannot succeed themselves, but there is no limit as to the number of times

an individual may hold these offices. No person may hold or run for two or more positions on the Board at the same time.

Section Two. President. The President shall be the principal Executive Officer of the Association and shall, in general, supervise and control all of the business and affairs of the Association. They shall preside at all meetings of the members, Executive Committee, and Board of Directors. They may sign, with the Treasurer and/or Executive Director or any other proper Officer of the Association authorized by the Board of Directors, any deeds, mortgages, bonds, contract, or other instruments that the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these bylaws, or by statute to some other Officer or agent of the Association; and, in general, they shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time. They will serve a term of office of roughly two (2) years (as described above).

Section Three. President-Elect. In the absence of the President, or in the event of their inability or refusal to act, the President-Elect, shall perform the duties of the President, and when so acting shall have all the powers of and shall be subject to all the restrictions on the President. The President-Elect shall perform such other duties as from time to time may be assigned to them by the President or Directors. They will automatically assume the Presidency for roughly a two-year term upon completion of their term as President-Elect (as described above).

Section Four. Treasurer. The Treasurer shall have general oversight responsibility of the financial matters executed by the Executive Director of the Association. They will, in conjunction with the Executive Director, be responsible for the preparation of the budget

and financial reports to the Board of Directors on an annual basis. They will have signature authority on all financial accounts of the Association. In addition, the Treasurer will, in consultation with the Board, order an audit of the financial records of the Association at any time. Overall, the Treasurer will insure the fiscal responsibility of the Association. They will serve a term of roughly two (2) years and may succeed themselves only once for a total term of four (4) consecutive years.

Section Five. Secretary. The Secretary will monitor the activity of Committees, and, in general, perform such other duties as from time to time may be assigned to them by the President or by the Board of Directors. They will serve a term of roughly two (2) years (as described above) and may succeed themselves only once for a total of four (4) consecutive years.

Section Six. Past President. When the President's term expires, they will become the immediate Past President for a term of roughly two (2) years.

ARTICLE V-C: EXECUTIVE DIRECTOR

The Executive Director serves as the operating officer of the Association and carries out or oversees the day- to-day work of the Association. The Executive Director is selected by the Board of Directors and may be paid a professional fee negotiated by them. Under the broad approval of the Board of Directors, the Executive Director implements the policies and plans of the Association and serves as an information representative to external and internal sources. The Executive Director maintains a working relationship with the President to whom they are directly responsible. The Executive Director works closely with the Board of Directors and with the Committee Chairs and Regional Co-Chairs in such a way as to develop the services of the

Association. The Executive Director must provide effective and efficient management resulting in productive performance and constructive growth of the Association. The Executive Director is responsible for the management and administration of the budget, and collects dues from the membership. They will have signature authority on all financial accounts of the Association. The Executive Director will also perform certain duties of Secretary of the Association by ensuring that records of the meetings of the Board of Directors and Officers, as well as the minutes of the biennial general membership meetings, are properly taken and maintained by office staff, and by ensuring that notices are duly given in accordance with the provisions of these bylaws or as required by law. The Executive Director is responsible for overseeing the web site of the Association, production and distribution of correspondence or newsletters to the membership as determined by the Board of Directors, as well as the updating and maintaining of the membership list. The Executive Director shall attend all meetings of the Executive Committee and Board of Directors (unless excused), and shall both inform and advise the Board on all business matters of the Association; however, as an employee of the Association, they are not entitled to a vote in any matters considered for decision by the Board.

ARTICLE VI. MEMBERSHIP

Section One. Honorary Members. The Board of Directors may, from time to time, designate persons as honorary members of the Association. Such persons will have full voting rights in the Association and the requirement to pay dues to the Association will be waived.

Section Two. Full Membership.

a. Persons may apply or be nominated for membership in the Association.

b. A person who is nominated must also complete an application form and meet all of the requirements contained in points c and d below.

c. Applicants must be able to demonstrate a relevant professional qualification in any discipline of:

- Medicine
- Law
- Marriage and Family Therapy
- Psychology
- Psychotherapy
- Speech/ Voice Therapy
- Sexology
- Social Work
- Sociology
- Education
- or other relevant discipline in the field of transsexual, transgender, or gender-nonconforming people's health, well-being and care,

or, experience and background in these disciplines or any other related profession or discipline which contributes to the well-being of transsexual, transgender, and/or gender-nonconforming people,

d. Applicants must also include a payment of their annual membership fee as prescribed by the Board of Directors with their application. On approval of their membership such payment will be transferred into the hands of the Association.

e. Approval for membership may be given by the Executive Director or any designated member of the Board as proposed by the Executive Committee.

f. Persons approved will be regarded as full members with full voting rights.

g. If a person wishes to appeal a membership decision, they should contact the office of the Executive Director.

Section Three. Emeritus Membership. Persons who are retired may become Emeritus members and be eligible for a reduced membership fee upon providing evidence of retirement. Emeritus members must have been full members of the Association before retirement for at least five consecutive years immediately before applying for Emeritus membership. Emeritus members have full voting rights.

Section Four. Student Members. Persons applying for membership in this Association, and proving status as a registered student in a terminal degree program pertaining to transgender health, upon nomination by a full member of the Association, and upon payment of student dues as set by the Board of Directors, will be regarded as student members of the Association. Student members do not have voting rights unless they have attained approved status as a Full member and therefore qualify to vote.

Section Five. Supporting Members. Other persons applying for membership in the Association who do not have any relevant professional connection with the field, yet pay dues as prescribed by the Board of Directors, will be regarded as supporting members of the Association without voting rights. Group memberships, if approved, will also be classified as supporting members.

Section Six. Regional Affiliate members. Regional Affiliate members automatically become members of WPATH, and WPATH members automatically become members of any Regional Affiliate that is duly constituted in their home region. Regional Affiliate membership criteria is the same as that for WPATH membership, as described in this Article (Article VI. MEMBERSHIP). Regional Affiliate members shall pay membership dues to WPATH in an amount established by the Board of Directors. In some cases, depending on the Regional Affiliate operating agreement with WPATH, certain funds may be remitted to the Regional Affiliate to assist in supporting the Affiliate's work on

behalf of its members. Such funds may not accrue to Affiliate leadership as income or unauthorized expense reimbursement, but should be maintained in a bank account for the purpose of supporting the business interests of the Affiliate, as determined by its members. Full records of expenses and membership income must be available to the WPATH Office upon request, within three (3) weeks of such request.

Section Seven. Membership Committee. The Board of Directors may appoint a membership committee that may have the duty to recommend to the Board of Directors criteria for membership, membership categories, dues, and the mechanism whereby members may be suspended or expelled.

ARTICLE VII. EXECUTION OF INSTRUMENTS

Section One. Payments. Orders for payment of money shall be signed in the name of the Association and an authorization for payment must be signed by the President, Treasurer, or Executive Director. All payments in excess of $3,000 (U.S.) or the equivalent must be signed or approved in writing by two of the above.

Section Two. Contracts, conveyances, and other instruments. The Board of Directors shall have power to designate the Officers and agents who shall have authority to execute any instrument on behalf of this Association. When the execution of any contract, conveyance or other instrument has been authorized by the Board of Directors without specification of the executing officer, the President, Treasurer or Executive Director may execute the same in the name and behalf of the Association, and may affix the corporate seal thereto.

ARTICLE VIII. DUES

Section One. Annual dues. The annual dues for honorary members will be waived; the annual dues for all membership categories will be determined by the Board of Directors. Dues must be paid by the renewal date specified or the member will be dropped from membership.

ARTICLE IX. MISCELLANEOUS

Section One. Books and records. The Association shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its Board of Directors and committees having any of the authority of the Board of Directors. Regional Affiliate Co-chairs shall maintain records of Affiliate business meetings, and any Director elected by a Regional Affiliate shall document all joint business of the Affiliate and of the Association in which they participate in memoranda that shall become the property of the Affiliate Office, with copies delivered promptly to the WPATH Office.

Section Two. Fiscal year. The fiscal year of the Association shall be determined based on good accounting and bookkeeping practices.

Section Three. Corporate seal. The Board of Directors shall provide a corporate seal with the name of the Association thereon.

Section Four. Waiver of Notice. Whenever any notice is required to be given under the provision of the Texas Non-Profit Corporation Act, or under the provisions of The Articles of Incorporation or the Bylaws of the Association, a waiver thereof, in writing, signed by the person or persons entitled to such notice whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE X. ENACTMENT OF THESE BYLAWS

These Bylaws shall take effect upon approval of the majority vote of eligible voting members.

ARTICLE XI. AMENDMENTS

Section One. Amendment to Bylaws. The current Bylaws shall be posted on the Association's web site for members. These Bylaws may be altered, amended or appealed by vote of the voting membership at such time, place, and by such methods as directed by the Board of Directors. Any proposed alterations, amendments, or suggested repeals of the Bylaws must be approved by majority vote of the membership's eligible votes cast, upon recommendation by the Board of Directors. Members may submit suggested amendments to the Board of Directors for consideration.

ARTICLE XII. VOTING

Section One. Vote required. All votes taken by the Board of Directors and by the voting membership shall require a majority of votes cast unless otherwise specified by these Bylaws. In the case of votes taken by the Board of Directors, a quorum of directors must be present before the vote is taken, except as specified as above. However, in the case of a vote by the Board of Directors to remove an officer, a two-thirds vote of the directors is required. All votes taken by the membership shall be conducted by electronic ballot using either email or the Association web site or another web site approved by the Executive Director and Executive Committee. A majority of ballots cast determines the outcome.

ARTICLE XIII. COMMITTEES

Section One. Appointment. Committees may be established by the Board of Directors. Committees should include at least three (3) persons, including, if possible, one (1)

member of the Board of Directors. Other committee members, including the Chair, must be members of the voting membership of the Association. Committees may invite, as non-voting committee members, consultants who may or may not be members of the voting membership of the Association. The President and Secretary shall serve as ex-officio members of all committees. The recommendation to the Board of Directors to appoint a committee, and its members, may be made by any voting member of the Association and may be submitted to any Director to be brought to the attention of the full Board of Directors.

Section Two. Powers. Committees established by the Board of Directors may not act for, on behalf of, or instead of, the Board of Directors, or voting membership of the Association. Committees should make every effort to keep the membership informed concerning their activities. Committees' recommendations will be presented to the Secretary, who will present them to the Board of Directors. The Board of Directors, where empowered to do so by these Bylaws, may act on the Committee recommendations. The Committee membership, recommendations, and the acts of the Board of Directors must be reported to the voting membership of the Association at the time of, or before, the next scheduled general membership voting occasion. Committee recommendations approved by the Board of Directors, and requiring a vote by the voting membership of the Association, shall be sent to the voting membership of the Association at the time of the next scheduled voting. A special voting occasion may be called for earlier by the Board of Directors.

ARTICLE XIV. MEMBERSHIP LISTS

The Executive Director will maintain a complete mailing list of the membership of the Association, which is also capable of being sorted to separately identify members of each Regional Affiliate Organization. Except where a member has specifically asked for exclusion of their name and/or address, the contact list will be available to any member of the Association.

PUBLIC

Exhibit 5

PUBLIC

Schuyler Standley

From: Cohen, Jonathan <jcohen2@ftc.gov>
Sent: Monday, February 2, 2026 5:26 PM
To: Schuyler Standley; Abbe David Lowell; David Dale; Bella Oishi
Cc: Chiang, Annie; Clausen, Hans
Subject: FTC CID to WPATH - Friday's Meet & Confer

Counsel,

Thank you for meeting with us last Friday, January 30, about the Commission's Civil Investigative Demand (CID) to your client World Professional Association for Transgender Health (WPATH). During that meet and confer, we each raised several matters, and we offered you an extended production schedule. Those issues are outlined in more detail below. Additionally, we are available tomorrow at noon for a further meet-and-confer and will circulate an invitation.

I. Document Retention and Production

During our meeting, you confirmed that you have either asked WPATH to impose a litigation hold, or that it has, at your direction, already imposed a litigation hold, which we appreciate. We also requested information concerning, but you were not yet prepared to discuss, the following: (1) where or how your client's documents relevant to the requests in the Commission's CID are stored, (2) details on the number or identity of any custodians with relevant documents responsive to the CID in their possession, (3) your process for reviewing those documents, to determine responsiveness as well as your privilege review and how or when you would assert protected status claims, and (4) whether you plan to use Technology-Assisted Review (TAR) or Artificial Intelligence (AI) as part of your compliance with our CID requests. We explained that if you plan to use any AI-assisted program or tool in connection with your response, you must disclose this to us. You may not use TAR or AI without our consent, although we would work with you in good faith to attempt to reach an agreement should you propose to use TAR or AI.

With respect to privilege logs, we explained that WPATH must comply with Commission rules, and it must produce logs contemporaneously with the associated production. You asked to discuss the process for privilege review at a later time, and we are always willing to discuss this, or anything else, with you.

II. Issues You Raised

At last week's meet-and-confer, you sought to clarify two points: (1) whether the FTC has authority to issue the CID; and (2) that your client's documents or responses may implicate confidences or privileges given their relation to medicine or the medical field. First, although we

do not necessarily agree that WPATH is not engaged in "commerce," as you appeared to understand that term, we explained that the Commission's authority to issue CIDs is broader than its authority to institute litigation; WPATH need only possess information "relevant to" unfair or deceptive acts in or that affect commercial activity. *See* 15 U.S.C. 57b-1(c)(1). Second, we appreciate your client's concerns regarding privacy. Privacy concerns are important to us as well. Notably, as we explained, the FTC has very strict statutory and regulatory requirements regarding use and disclosure of data that you produce. These protections are more than ample and, in any event, we have no ability to agree to something different than what the law expressly provides. Beyond those points, you did not raise other issues.

III. Proposal for Production Schedule

We proposed a production schedule, which is reflected below. Assuming WPATH agrees to accept service, forgo any petition to quash, and continue engaging with us in good faith (all standard requirements), we will extend the CID's return date as follows:

a. By February 16, you will respond fully to Document Request Nos. 10 and 12;
b. By March 16, you will respond fully to five Document Requests of your choosing and five Interrogatories of your choosing (except that you may not select Interrogatory 15 or Request 13 (those logically come last));
c. By April 16, you will respond fully to all remaining Document Requests and Interrogatories.

For all production deadlines, you will produce the related privilege log simultaneously with your production. Our proposed production schedule affords you ninety days to complete your response, which is eminently reasonable, and triple what the CID currently permits. Moreover, it provides WPATH extensive discretion over the order in which it produces material.

As a formal matter, and in conformance with the applicable rules, we note that Deputy Director Kate White has endorsed the CID modifications this correspondence contains. We look forward to talking again tomorrow.

Thanks,

Jonathan Cohen
Chief Litigation Counsel
Bureau of Consumer Protection | Federal Trade Commission
600 Pennsylvania Avenue, N.W., HQ-462 Washington, D.C. 20580
(202) 326-2551 | jcohen2@ftc.gov

PUBLIC

Exhibit 6

PUBLIC

United States of America
FEDERAL TRADE COMMISSION
600 PENNSYLVANIA AVE. NW, CC-9528
WASHINGTON, DC 20580

Bureau of Consumer Protection
Chief Litigation Counsel

Jonathan Cohen
(202) 326-2551; jcohen2@ftc.gov

February 5, 2026

VIA EMAIL

Abbe David Lowell, Esq. (adlowell@lowellandassociates.com)
Isabella Oishi, Esq. (ioishi@lowellandassocaites.com)
Schuyler Standley, Esq. (sstandley@lowellandassociates.com)
Lowell & Associates, PLLC
1250 H Street NW, Second Floor
Washington, DC 20005
(202) 964-6110

Re: Civil Investigative Demand to WPATH

Counsel,

Thank you for meeting with us again earlier this week (February 3) regarding the Commission's CID. We discussed several matters, some of which we outline below. We also respond to certain requests for modifications or clarifications that you made for the first time on February 3, and we will continue to consider any such requests you make.

I: Scope of the CID—Definition of "WPATH" and Related Issues

To begin, you raised concerns about the First Amendment including, in particular, your hypothesis that the CID will have a "chilling effect" on WPATH's speech or associational rights. To the extent this sort of First Amendment analysis applies at all, we agreed with you that it would be your burden to prove any alleged "chill"—a burden you expressed confidence (if not certainty) that you could meet. To the extent you have evidence you would like us to consider, or even argument more specific than simply a general, unsupported "chill" claim, we would welcome the opportunity to evaluate it and advise our client accordingly.

To the extent your argument turns on the CID's definition of WPATH, we encourage you to reconsider. The definition includes standard language encompassing "subsidiaries, unincorporated divisions, joint ventures, operations under assumed names, and affiliates, and all directors, officers,

members, employees, agents, consultants, and other persons working for or on behalf of the foregoing." In this context, "members" refers to LLC members; please do not overread the word to support a First Amendment argument where none exists. In any event, and as we explained yesterday, you should construe "members" in the definition to include only "LLC members," to the extent any exist. This CID does not seek a response on behalf of thousands of individual WPATH members, nor is that our intent.

Finally, we asked you whether, in your view, any particular requests or interrogatories were somehow unconstitutionally intrusive. You did not identify specific examples during our meeting, but you offered to provide them to us, and we agreed to consider whatever perspective or particular arguments you share. If there is a way that we can address your concerns, meritorious or otherwise, and still obtain the information our investigation requires, we would agree to further limitations. Whatever the outcome, we welcome the dialogue, and we appreciate your commitment to identify any potentially problematic specifications so that we can at least attempt to resolve your concerns.

II. Scope of the CID—Other Definitions

You also asked us to clarify what "substantiation" means, and we explained that "substantiation" is a term-of-art in consumer protection jurisprudence. To the extent useful, we can direct you to potentially applicable caselaw establishing basic substantiation principles in consumer protection matters.

You also argued that "safe" is vague as applied to the procedures at issue. We disagree. As we explained, "safe" means what consumers (in this case, parents or minors) would understand it to mean in the context at hand. The fact that a CID does not define every word therein does not render the undefined words necessarily ambiguous. However, if you would like to propose a specific, more detailed definition of "safe," we would consider it as long as the proposal maintains fidelity to the word's common meaning to consumers in this context.

Finally, you asked whether we viewed social transition as a "medical intervention." Although the CID nowhere references "social transition," we confirm that a treatment exclusively involving social transition is not a "medical intervention" within the CID's scope.

III. Scope of the CID—Other Issues

At your request, we clarified that WPATH does not need to produce information publicly available on its website.

Also at your request, we reiterated that the focus of this investigation is treatment provided to minors (indeed, various requests refer specifically or "PGDT," or "Pediatric Gender Dysphoria Treatment"). Other information not expressly limited to minors is or reasonably could be probative, however, with respect to communications made to minors and/or their parents, or other associated issues. If this is an area that warrants further discussion, please advise.

Separately, you indicated that WPATH sometimes receives what you termed "hate mail," and you asked us about that in light of our request seeking, among other things, "complaints." Requests for complaints are standard in FTC investigations and consumers sometimes react with anger when services do not produce the claimed results. We reiterate that we need all responsive complaints.

Other than those issues identified above, you confirmed that there were no other matters you wanted to raise during our call.

III. Document Retention and Production

As with our prior meet-and-confer, we again raised the following issues: (i) how documents responsive to the requests in the Commission's CID are stored or maintained and what records management systems contain such material; (ii) the custodians that would have responsive documents in their possession, custody, or control; (iii) your process for reviewing those documents to determine responsiveness as well as your privilege review and how or when you would assert protected status claims; and (iv) whether you plan to use certain tools, like AI or Technology Assisted Review (TAR), to review and identify responsive documents. However, you indicated that you were not prepared yet to discuss these issues. Rather, you characterized them all as "for a later time."

IV. Production Schedule

You further indicated that WPATH was not prepared to discuss the production schedule we proposed on January 30 during our initial meet-and-confer and that we subsequently provided to you in writing.

As a formal matter, and in conformance with the applicable rules, we note that Deputy Director Kate White has endorsed the CID modifications this correspondence contains. We look forward to hearing from you.

Very truly yours,

Chief Litigation Counsel
Bureau of Consumer Protection

CC: Via Email

Kate White, Deputy Director
Annie Chaing
Jennie Hitchcock
Hans Clausen
Bureau of Consumer Protection
Federal Trade Commission

David J. Dale (ddale@staubanderson.com)
Staub Anderson LLC