

493-08026-2024

CAUSE NO. _____

THE STATE OF TEXAS,
Plaintiff,

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IN THE DISTRICT COURT OF

v.

COLLIN COUNTY, TEXAS

M. BRETT COOPER, M.D.,
Defendant.

_____ JUDICIAL DISTRICT

**PLAINTIFF’S VERIFIED ORIGINAL PETITION AND
REQUEST FOR TEMPORARY AND PERMANENT INJUNCTIONS¹**

Defendant, M. BRETT COOPER, M.D. , is a scofflaw who is harming the health and safety of Texas children by providing cross-sex hormones to children for the purpose of transitioning their biological sex or affirming their belief that their gender identity or sex is inconsistent with their biological sex in violation of Tex. Health & Safety Code § 161.702(3), and falsifying medical records, prescriptions, and billing records to intentionally conceal the unlawful conduct in violation of Tex. Bus. & Com. Code §§ 17.46(a), (b)(5).²

Cross-sex hormones, when used for the purpose of transitioning a child’s biological sex or affirming their belief that their gender identity or sex is inconsistent with their biological sex, interfere with a child’s normal physical development and result in long-term harm to the child, including *inter alia*, sterilization, loss of bone density, and the development of irreversible secondary opposite sex characteristics. Children, by definition, lack the cognitive maturity to

¹ Pursuant to Local Rule 2.3, the State hereby notifies the district clerk that this litigation involves claims and parties related to the pending litigation, *State of Texas v. Lau*, Case No. 493-07676-2024 (493rd Dist. Ct., Collin County); therefore, the State requests that this matter be assigned and/or transferred to that court for future proceedings.

² Each prescription for cross-sex hormones for the purpose of transitioning a child’s biological sex or affirming their belief that their gender identity or sex is inconsistent with their biological sex also serves as an independent ground for the Texas Medical Board to revoke Cooper’s medical license under Tex. Occ. Code §§ 164.052(a)(24), .0552.

provide informed consent/assent to these harmful and irreversible, life-altering decisions. Therefore, the Texas legislature chose to prohibit physicians and health care providers from providing, prescribing, administering, or dispensing puberty blockers and cross-sex hormones to children for the purpose of transitioning their biological sex or affirming their belief that their gender identity or sex is inconsistent with their biological sex. By banning these dangerous and experimental treatments for minors, Texas is ensuring that children receive the opportunity to resolve temporary feelings of discomfort and confusion about their biological sex with time and therapeutic support—without being pressured by radical gender activists to undergo irreversible medical procedures before they are capable of comprehending the significant life-long consequences. The prohibition took effect on September 1, 2023.

Despite the enactment of the law, Cooper continues to prescribe and distribute cross-sex hormones to his minor patients for the purposes of transitioning their biological sex or affirming their belief that their gender identity or sex is inconsistent with their biological sex—writing unlawful prescriptions for the drugs as recently as **September 25, 2024**, with patients filling those unlawful prescriptions as recently as **October 8, 2024**.

Cooper, additionally, engaged in false, misleading, and deceptive acts and practices to mislead pharmacies, insurance providers, and/or patients by falsifying medical records, prescriptions, and billing records to conceal that his treatments and prescriptions were for the purposes of transitioning a child's biological sex or affirming a child's belief that their gender identity is inconsistent with their biological sex in violation of Tex. Bus. & Com. Code §§ 17. 46(a), (b)(5).

Plaintiff, STATE OF TEXAS, by and through the Attorney General of Texas, KEN PAXTON, has a vested interest in ensuring that medical treatments provided to minors are safe, evidence-based, and in the best interest of the child’s physical and emotional development. Texas is prioritizing the safety and well-being of children by holding Cooper accountable for violating state laws prohibiting deceptive trade practices and providing cross-sex hormones to minors for the purpose of transitioning their biological sex or affirming their belief that their gender identity or sex is inconsistent with their biological sex.

I. PARTIES

1. Defendant is M. BRETT COOPER, M.D. (NPI# 1477819241; TX Lic.# Q4928), an employee of the University of Texas Southwestern Medical Center (“UT Southwestern”) in Dallas, Texas. He has hospital privileges at Children’s Medical Center Dallas and is an Associate Professor at UT Southwestern Medical Center. Cooper may be served with process at Children’s Health Specialty Center, 7609 Preston Road, 3rd Floor, Plano, Texas 75024, or wherever he may be found.

II. DISCOVERY CONTROL PLAN

2. Discovery in this case should be conducted under Level 3 pursuant to Tex. R. Civ. P. 190.4. This case is not subject to the restrictions of expedited discovery under Tex. R. Civ. P. 169 because Texas seeks nonmonetary injunctive relief.

3. Additionally, Texas claims entitlement to monetary relief in an amount greater than **\$1,000,000**, including civil penalties, reasonable attorney’s fees, litigation expenses, restitution, and costs.

III. JURISDICTION AND VENUE

4. Texas Occ. Code § 161.706(b) provides that venue is proper in “the county where the violation occurred or is about to occur.”

5. Venue of this suit lies in Collin County, Texas pursuant to Texas Bus. & Com. Code § 17.47(b), because transactions forming the basis of this suit occurred in Collin County, Texas. Also, Cooper practices at UT Southwestern Pediatric Group at Plano in Collin County and Cooper’s unlawful conduct occurred in Collin County, Texas.

IV. PUBLIC INTEREST

6. Cooper violated Tex. Health & Safety Code § 161.702, Tex. Bus. & Com. Code § 17.46(a) and is engaged in unlawful practices, as set forth in this petition.

7. Texas has reason to believe that Cooper is engaging in, has engaged in or is about to engage in, the unlawful acts or practices set forth below. Texas has further reason to believe Cooper has caused injury, loss, and damage to Texas by endangering the health of its citizens. Therefore, the Consumer Protection Division of the Office of the Attorney General of the State of Texas is of the opinion that these proceedings are in the public interest.

V. TRADE AND COMMERCE

8. At all times described below, Cooper engaged in conduct, the purported practice of medicine, which constitutes “trade” and “commerce” as defined in Tex. Bus. & Com. Code § 17.45(6).

VI. NO NOTICE BEFORE SUIT

9. The Consumer Protection Division has reason to believe that Cooper “is engaging in, has engaged in, or is about to engage in any act or practice declared to be unlawful ... and that proceedings would be in the public interest....” Tex. Bus. & Com. Code § 17.47(a).

10. The Consumer Protection Division did not contact Cooper before filing suit to notify him “in general of the alleged unlawful conduct” because it is the opinion of the Consumer Protection Division that Cooper likely “would destroy” or alter “relevant records if prior contact were made.” *Id.*

VII. APPLICABLE LAW

11. Texas Bus. & Com. Code § 17.46(a) prohibits “false, misleading, or deceptive acts or practices in the conduct of any trade or commerce.”

12. Texas Bus. & Com. Code § 17.47 authorizes the Consumer Protection Division to bring an action for temporary and permanent injunction whenever it has reason to believe that any person is engaged in, has engaged in, or is about to engage in any act or practice declared unlawful under Chapter 17 of the Business and Commerce Code.

VIII. FACTUAL BACKGROUND

A. *Texas Prohibits the Provision of Puberty Blockers and Cross-Sex Hormones to Minors for the Treatment of Gender Dysphoria.*

13. On May 17, 2023, the Legislature added Subchapter X to the Health and Safety Code, entitled “Gender Transitioning and Gender Reassignment Procedures and Treatments for Certain Children (SB 14).” Act of May 17, 2023, 88th Leg., R.S., ch. 335; *State v. Loe*, 692 S.W.3d 223 (Tex. 2024).

14. Senate Bill 14 prohibits physicians and health care providers from performing certain procedures or treatments when performed to (1) “transition[] a child’s biological sex as determined by the sex organs, chromosomes, and endogenous profiles of the child”; or (2) “affirm[] the child’s perception of the child’s sex if that perception is inconsistent with the child’s biological sex.” Tex. Health & Safety Code § 161.702.

15. The effective date for SB 14 was September 1, 2023.

16. Senate Bill 14 added Tex. Health & Safety Code § 161.702(3), which prohibits physicians from knowingly prescribing the following to transition a child’s biological sex or affirm a child’s perception of their sex if it is different from their biological sex: “(A) puberty suppression or blocking prescription drugs to stop or delay normal puberty; (B) supraphysiologic doses of testosterone to females; or (C) supraphysiologic doses of estrogen to males.”

17. Physicians were permitted to prescribe to patients already subject to a continuing course of treatment that began prior to June 1, 2023, and who attended at least 12 mental health counseling or psychotherapy sessions over a period of at least six months prior to starting treatment, provided that the prescriptions were for the purpose of “wean[ing] off the prescription drug over a period of time and in a manner that is safe and medically appropriate and that minimizes the risk of complications.” Tex. Health & Safety Code § 161.703(b)-(c).

18. Senate Bill 14 also added Tex. Occ. Code § 164.052(a)(24), which proscribed physicians from “perform[ing] a gender transitioning or gender reassignment procedure or treatment in violation of [Tex. Health & Safety Code § 161.702].”

19. Finally, SB 14 added Tex. Occ. Code § 164.0552, which commands that the Texas Medical Board “*shall revoke* the license or other authorization to practice medicine of a physician who violates [Tex. Health & Safety Code § 161.702].” (emphasis added).

B. *The Texas Supreme Court Held That SB 14 is Constitutional.*

20. Before SB 14 took effect several minors, parents of minors, and physicians brought suit in Travis County, TX, alleging a variety of constitutional challenges to the law. *Loe*, 692 S.W.3d at 222.

21. On August 25, 2023, a Travis County District Court entered a temporary injunction enjoining enforcement of SB 14. *Id.*

22. Texas appealed directly to the Texas Supreme Court, thereby dissolving the temporary injunction. *Id.*

23. On September 1, 2023, the Texas Supreme Court allowed SB 14 to take effect during the pendency of the appeal. *Id.*

24. On June 28, 2024, the Supreme Court of Texas reversed and vacated the trial court’s Temporary Injunction Order after rejecting each of the plaintiffs’ constitutional challenges to SB 14. *Id.* at 239.

C. *Cooper is a Radical Gender Activist.*

25. In his own words, Cooper makes clear that he is an advocate for transitioning the biological sex or affirming their belief that children’s gender identities are inconsistent with their biological sex.

26. Cooper said, in a Physicians for Reproductive Health *Meet Our Advocates* article: “I try to actively encourage all of our [physician] trainees to find some way to incorporate advocacy

into their professional careers.” Cooper added that the most important policy issue for him is “[l]egislators trying to criminalize the provision of gender affirming medical care for patients under 18.” <https://tinyurl.com/4bj646e6>, last updated December 22, 2020.

27. Here, Cooper’s following contributions align with his call for activism:

- i. M. Brett Cooper, Resources for LGBTQ youth during challenging times, (Feb. 14, 2023), <https://tinyurl.com/yck9f2y7>;
- ii. M. Brett Cooper, *Incorporating LGBT Health in an Undergraduate Medical Education Curriculum Through the Construct of Social Determinants of Health*, 14 MedEdPORTAL (Dec. 7, 2018) (power point presentation slides include statements that “our internal gender identity is essentially formed and stays consistent by the age of 7,” and falsely claiming that Texas physicians “are required to notify CPS for all minors who have sex with someone of the same gender.”), <https://tinyurl.com/3a7c8nrs>;
- iii. Laura E. Kuper, *Supporting and Advocating for Transgender and Gender Diverse Youth and their Families Within the Sociopolitical Context of Widespread Discriminatory Legislation and Politics*, Clinical Practice in Pediatric Psychology 3, 336 (2022), <https://tinyurl.com/bdabj3ra>;
- iv. Lauren T. Roth, *Developing an Entrustable Professional Activity to Improve the Care of LGBTQ+ Youth* 23 Academic Pediatrics. 4, 697 (May 1, 2023), <https://tinyurl.com/56bk9hdz>;
- v. M. Brett Cooper, *Welcoming LGBTQ Patients*, Pediatric News (Apr. 17, 2024), <https://tinyurl.com/3vyxr9ae>;
- vi. M. Brett Cooper, *LGBTQ+ Youth Consult Questions remain over use of sex hormone therapy*, Pediatric News (Apr. 13, 2023), <https://tinyurl.com/54yecjdd>;
- vii. M. Brett Cooper, *The WPATH guidelines for treatment of adolescents with gender dysphoria have changed*, Pediatric News (Oct. 17, 2022), <https://tinyurl.com/53txa22h>;
- viii. M. Brett Cooper, *How gender-affirming care is provided to adolescents in the United States*, Pediatric News (Apr. 22, 2022), <https://tinyurl.com/3yv3n6nj>;

- ix. M. Brett Cooper, *Call them by their names in your office*, Pediatric News (Oct. 14, 2021), <https://tinyurl.com/2swpe6vf>;
- x. M. Brett Cooper, *Advocate for legislation to improve, protect LGBTQ lives*, Pediatric News (Dec. 11, 2020), <https://tinyurl.com/zruxkhmf>;
- xi. M. Brett Cooper, *Back to school: How pediatricians can help LGBTQ youth*, Pediatric News (Aug. 11, 2020), <https://tinyurl.com/36wf2xyy>;
- xii. Cooper submitted a sworn affidavit on behalf of the Plaintiffs in the *Loe* suit wherein he stated that “SB 14 thus not only endangers the health and wellbeing of my patients, but also places me in the unsustainable position of having to choose between providing my patients with the medical care that they need and deserve and having to comply with a discriminatory law like SB 14. I have an ethical duty to provide my patients with the best medical care for their conditions, if it is medically indicated for them. I consider the provision of gender-affirming medical care to treat a transgender adolescent’s gender dysphoria to be the best medical care for my patients when medically indicated”; and,
- xiii. Cooper is also prolific on X under the handle “TeenDocMBC.” His presence on X reveals that he infuses his medical practice with radical gender activism and exercises poor judgment, as exemplified by the following set of representative tweets:

This Post was deleted by the Post author. [Learn more](#)



M. Brett Cooper, MD, M.Ed.
@teendocmbc



As a resident, I had a 17 yo masturbating in her ER room. Kept setting off alarm for bradycardia

12:41 PM · Sep 1, 2024 · 143 Views



M. Brett Cooper, MD, M.Ed.
@teendocmbc



She may be the second patient I urge to get emancipated. One of my trans guys I actually encouraged to move out of his mom's house at 17 and just get declared emancipated.

12:57 PM · Dec 3, 2020



M. Brett Cooper, MD, M.Ed.
@teendocmbc



Today is a sad day for transgender Texans. Yet again, the #txlege inserts themselves in the doctor-patient relationship, not because of science, but because of political ideology. This is despite testimony of physicians and major medical organizations.
[cnn.com/2023/08/31/pol...](https://www.cnn.com/2023/08/31/pol...)

2:25 PM · Sep 1, 2023 · 201 Views



M. Brett Cooper, MD, M.Ed.
@teendocmbc



Perhaps Ken Paxton needs to worry about his own problems in Texas and stop trying to patrol people's bodies and healthcare across the country....

	<p>dallasnews.com</p> <p>Texas AG Ken Paxton seeks gender-affirming care records fr In the complaint, the Seattle hospital argues Texas authorities don't have jurisdiction over these Washington ...</p>
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12:39 PM · Dec 22, 2023 · 72 Views



M. Brett Cooper, MD, M.Ed.
@teendocmbc



Honored to be a part of this story. TX is losing doctors each year (and having trouble recruiting new ones) due to the regressive policies of our state government. The Lege doesn't belong in the doctor-patient relationship [#patientsoverpolitics](#) [@texmed](#)



From [texastribune.org](https://www.texastribune.org)

8:24 PM · Jul 18, 2023 · 519 Views

28. Cooper's practices, publications, and social media presence reveal an entrenched commitment to a gender ideology advocacy that desires to medically transition the biological sex of children or affirm the belief that a child's gender identity is inconsistent with their biological sex.

IX. VIOLATIONS OF SB 14.

29. Cooper has knowingly violated Tex. Health & Safety Code § 161.702(3).

A. *Cross-Sex Hormones to Transition Biological Sex or Affirm a Child's Belief that their Gender Identity is Inconsistent with their Biological Sex.*

30. High dose cross-sex hormones are commonly used by certain gender activists to transition the biological sex of children or affirm a child's belief that their gender identity is inconsistent with their biological sex.

31. Cross-sex hormones induce a supraphysiologic state where the hormone levels are greater than would otherwise normally be present in the child's body.

32. As a result of the cross-sex hormones, the child will develop secondary sex characteristics.

33. Testosterone is a cross-sex hormone that is used to induce irreversible male secondary sex characteristics in biological females.

34. Testosterone is a Schedule III controlled substance.

35. Radical gender activists within the medical profession rely on the so-called "Standards of Care" promulgated by the WPATH as guidelines for transitioning the biological sex of children or affirming a child's belief that their gender identity is inconsistent with their biological sex. *See e.g. Selena Simmons-Duffin, Rachel Levine calls state anti-LGBTQ bills disturbing and*

dangerous to trans youth, NPR (Apr. 29, 2022) (claiming that the standard for treating gender dysphoria is set by the WPATH), <https://tinyurl.com/3jxymtum>.

36. WPATH recommends transitioning the biological sex of a child or affirming a child's belief that their gender identity is inconsistent with their biological sex by prescribing injectable testosterone cypionate to induce a state of male puberty in a biological female such that she will develop irreversible male secondary sex characteristics, WPATH SOC at App'x C.

37. WPATH and the Endocrine Society Guidelines recommends "induction of male puberty" in a biological female minor by prescribing "25mg/m²/2 weeks (or alternatively half this dose weekly) [of testosterone]. Increase by 25mg/m²/2 weeks every 6 months until adult dose and target testosterone levels achieved." *Id.*; Endocrine Society Guidelines at 3884, Tbl. 8 (same).

38. WPATH and the Endocrine Society Guidelines alternatively recommend the following testosterone regime for biological females to induce male secondary sex characteristics, "testosterone enanthate/cypionate 50-100 IM/SQ weekly or 100-200 IM every 2 weeks." WPATH SOC at App'x C; Endocrine Society Guidelines at 3887, Tbl. 11 (same).

B. *Testosterone is not FDA approved for biological females.*

39. The FDA has *not approved* testosterone for the treatment of any medical conditions in biological females.

40. Indeed, the FDA warns that testosterone cypionate "**is contraindicated in pregnant women and not indicated for use in females.**" TESTOSTERONE CYPIONATE INJECTION, FDA (June 2022) (emphasis added), <https://tinyurl.com/4psvbdeb>.

41. Under appropriate medical practices, testosterone is, instead, "use[d] to treat **males** whose bodies do not make enough natural testosterone, a condition called hypogonadism.

Testosterone is a male hormone responsible for the growth and development of the male sex organs and maintenance of secondary sex characteristics. **This medicine is not for use in female patients.**” TESTOSTERONE CYPIONATE, Mayo Clinic (accessed October 15, 2024) (emphasis added), <https://tinyurl.com/558b8fcv>.

42. **There is no valid medical reason within the standard of care to prescribe testosterone to a minor biological female.** See e.g., Gary Donovitz, *et.al.*, *Testosterone Insufficiency and Treatment in Women: International Expert Consensus*, *Medicina y Salud Pública* (Sept. 4, 2019) (noting that some physicians use *low-dose* testosterone off-label to treat certain conditions in *adult* females associated with menopause), <https://tinyurl.com/2ay9wsav>.

43. **The only reasons to prescribe testosterone to a minor biological female is for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.**

C. *Cooper’s Testosterone Prescribing*

44. Radical gender activists in the medical profession, like Cooper, habitually alter the biological sex of their transgender patients in their medical records. See e.g., May C. Lau, M.D., *Transgender Care of Adolescents and Adults*, Youtube 20:59-22:40 (Jan. 8, 2020), <https://tinyurl.com/mkt4pzs3> (Cooper’s hospital colleague doctor May C. Lau admitting that she alters patient’s medical records to reflect their preferred name, sex, and pronouns, which can change on a visit-to-visit basis, something that is apparently “fairly typical [and] kind of persists into adulthood” for her minor transgender patients).

45. Cooper has violated the law by providing, prescribing, administering, or dispensing testosterone to minor patients for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex:

Patient One³

46. Patient One resides in Collin County, TX.

47. Patient One was 17 years old during the relevant time.

48. Cooper's records identify Patient One as a biological female.

49. On September 25, 2024, over a year after SB 14 went into effect, Cooper wrote Patient One a prescription for a 28-day supply of 200 mg/ml of testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

50. The same day, Patient One filled the prescription at a pharmacy located in Collin County, TX.

Patient Two

55. Patient Two resides in Dallas County, TX.

56. Patient Two was approximately 16 years old at the relevant time.

57. Cooper's records identify Patient Two as a biological female.

58. On October 11, 2023, after SB 14 went into effect, Cooper wrote Patient Two a prescription for a 7-day supply of 200 mg/ml of testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

³ Pseudonyms are used throughout to protect the identity of the victim minor patients.

59. On the same day, Patient Two filled the prescription at a pharmacy located in Dallas County, TX.

60. On December 16, 2023, Cooper wrote Patient Two a prescription for a 30-day supply of 200 mg/ml of testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

61. On December 16, 2023, Patient Two filled the prescription at a pharmacy located in Dallas County, TX.

62. On February 20, 2024, Patient Two refilled the prescription at a pharmacy located in Dallas County, TX.

63. On March 26, 2024, Patient Two refilled the prescription at a pharmacy located in Dallas County, TX.

64. On June 1, 2024, Patient Two refilled the prescription at a pharmacy located in Dallas County, TX.

Patient Three

65. Patient Three resides in Tarrant County, TX.

66. Patient Three was 16 years old at the relevant time.

67. Cooper's records identify Patient Three as a biological female.

68. On August 6, 2024, after SB 14 went into effect, Cooper wrote Patient Three a prescription for a 42-day supply of 200 mg/ml of testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

69. On August 8, 2024, Patient Three filled the prescription at a pharmacy located in Tarrant County, TX.

70. On September 18, 2024, Patient Three refilled the prescription at a pharmacy located in Tarrant County, TX.

Patient Four

71. Patient Four resides in Dallas County, TX.

72. Patient Four was 16 years old at the relevant time.

73. Cooper's records identify Patient Four as a biological female.

74. On February 12, 2024, after SB 14 went into effect, Cooper wrote Patient Four a prescription for a 28-day supply of 200 mg/ml of testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

75. On the same day, Patient Four filled the prescription at a pharmacy located in Dallas County, TX.

76. On August 7, 2024, Cooper wrote Patient Four a prescription for an 84-day supply of 200 mg/ml of testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

77. On August 7, 2024, Patient Four filled the prescription at a pharmacy located in Dallas County, TX.

Patient Five

78. Patient Five resides in Denton County, TX.

79. Patient Five was approximately 15 years old at the relevant time.

80. Cooper's records identify Patient Five as a biological female.

81. On November 20, 2023, Cooper wrote Patient Five a prescription for a 24-day supply of 200 mg/ml of testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

82. On December 13, 2023, Patient Five filled the prescription at a pharmacy located in Denton County, TX.

83. On January 25, 2024, Patient Five refilled the prescription at a pharmacy located in Denton County, TX.

84. On February 29, 2024, Patient Five refilled the prescription at a pharmacy located in Denton County, TX.

85. On May 5, 2024, Patient Five refilled the prescription at a pharmacy located in Denton County, TX.

86. On May 20, 2024, Cooper wrote Patient Five a 90-day supply of 1,000 mg/5 ml testosterone enanthate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

87. On May 22, 2024, Patient Five filled the prescription at a pharmacy in Denton County, TX.

Patient Six

88. Patient Six resides in Nueces County, TX.

89. Patient Six was 14 years old at the relevant time.

90. Cooper's records identify Patient Six as a biological female.

91. On September 25, 2023, after SB 14 went into effect, Cooper wrote Patient Six a prescription for an 84-day supply of 200 mg/ml testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

92. On the same day, Patient Six filled the prescription at a pharmacy located in Johnson County, TX.

93. On January 12, 2024, Patient Six refilled the prescription at a pharmacy located in Johnson County, TX.

Patient Seven

94. Patient Seven resides in Collin County, TX.

95. Patient Seven was 17 during the relevant time.

96. Some of Cooper's records identify Patient Seven's gender as "unknown."

97. Some of Cooper's records identify Patient Seven as a biological female.

98. On September 25, 2023, after SB 14 went into effect, Cooper wrote Patient Seven a prescription for a 21-day supply of 200 mg/ml of testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

99. On September 26, 2023, Patient Seven filled the prescription at a pharmacy located in Illinois.

100. On January 29, 2024, Cooper wrote Patient Seven a prescription for an 87-day supply of 200 mg/ml testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

101. On the same day, Patient Seven filled the prescription at a pharmacy located in Collin County, TX.

Patient Eight

102. Patient Eight resides in Dallas County, TX.

103. Patient Eight was approximately 17 years old during the relevant time.

104. Some of Cooper's record's identify Patient Eight as a biological female.

105. Later, Cooper's records change Patient Eight's sex to biological male, but upon information and belief, Patient Eight is a biological female.

106. On January 10, 2024, after SB 14 went into effect, Cooper wrote Patient Eight two prescriptions, each for a 14-day supply of 200 mg/ml of testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

107. On January 10, 2024, Patient Eight filled the first prescription at a pharmacy located in Dallas County, TX.

108. On March 6, 2024, after SB 14 went into effect, Patient Eight filled the second prescription at a pharmacy located in Dallas County, TX.

109. On August 31, 2024, Cooper wrote Patient Eight a prescription for a 42-day supply of 200 mg/ml testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

110. On the same day, Patient Eight filled the prescription at a pharmacy located in Dallas County, TX.

Patient Nine

111. Patient Nine resides in Collin County, TX.
112. Patient Nine was approximately 16 years old at the relevant time.
113. Some of Cooper's record's identify Patient Nine as a biological female.
114. Later, Cooper's records change Patient Nine's sex to biological male, but upon information and belief, Patient Eight is a biological female.
115. On December 22, 2023, after SB 14 went into effect, Cooper wrote Patient Nine two prescriptions, each for an 84-day supply of 200 mg/ml testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.
116. On the same day, Patient Nine filled the first prescription at a pharmacy located in Collin County, TX.
117. On May 7, 2024, Patient Nine filled the second prescription at a pharmacy located in Collin County, TX.
118. On July 3, 2024, Cooper wrote Patient Nine two prescriptions, each for an 84 and 63-day supply of 200 mg/ml testosterone cypionate, respectively, for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.
119. On August 3, 2024, Patient Nine filled the first prescription at a pharmacy in Collin County, TX.
120. On August 5, 2024, Patient Nine filled the second prescription at a pharmacy in Collin County, TX.

Patient Ten

120. Patient Ten resides in Collin County, TX.

121. Patient Ten was 16 years old at the relevant time.

122. Cooper's records identify Patient Ten as a biological male, but upon information and belief, Patient Ten is a biological female.

123. On September 6, 2023, after SB 14 went into effect, Cooper wrote Patient Ten a prescription for a 30-day supply of 1,000 mg/5ml of testosterone enanthate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

124. On September 7, 2023 Patient Ten filled the prescription at a pharmacy located in Collin County, TX.

125. On December 15, 2023, after SB 14 went into effect, Cooper wrote Patient Ten a prescription for a 90-day supply of 200 mg/ml testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

126. On the same day, Patient Ten filled the prescription at a pharmacy in Collin County, TX.

127. On June 7, 2024, Cooper wrote Patient Ten a prescription for a supply of 200 mg/ml testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

128. On the same day, Patient Ten filled an 84-day supply of the prescription at a pharmacy in Collin County, TX.

129. On October 8, 2024, Patient Ten refilled a 28-day supply of the prescription at a pharmacy in Collin County, TX.

Patient Eleven

130. Patient Eleven resides in Tarrant County, TX.

131. Patient Eleven was 17 years old during the relevant time.

132. Cooper's records identify Patient Eleven as a biological male, but upon information and belief, Patient Eleven is a biological female.

133. On December 18, 2023, after SB 14 went into effect, Cooper wrote Patient Eleven a prescription for a 28-day supply of XYOSTED 50 mg/0.5 ml Auto-Injection of testosterone enanthate, an alternative to testosterone cypionate, for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

134. On December 20, 2023, Patient Eleven filled the prescription at a pharmacy located in Tarrant County, TX.

135. On January 19, 2024, Patient Eleven refilled the prescription at a pharmacy located in Tarrant County, TX.

136. On February 20, 2024, Patient Eleven refilled the prescription at a pharmacy located in Tarrant County, TX.

137. On March 20, 2024, Patient Eleven refilled the prescription at a pharmacy located in Tarrant County, TX.

138. On April 22, 2024, Patient Eleven refilled the prescription at a pharmacy located in Tarrant County, TX.

139. On May 24, 2024, Patient Eleven refilled the prescription at a pharmacy located in Tarrant County, TX.

Patient Twelve

140. Patient Twelve resides in Tarrant County, TX.

141. Patient Twelve was 16 years old at the relevant time.

142. Cooper's records identify Patient Twelve as a biological male, but upon information and belief, Patient Twelve is a biological female.

143. On February 26, 2024, after SB 14 went into effect, Cooper wrote Patient Twelve a prescription for a 28-day supply of 200 mg/ml testosterone for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

144. On February 26, 2024, Patient Twelve filled the prescription at a pharmacy in Tarrant County, TX.

145. On April 17, 2024, Patient Twelve refilled the prescription at a pharmacy in Tarrant County, TX.

146. On May 29, 2024, Patient Twelve refilled the prescription at a pharmacy in Tarrant County, TX.

147. On July 15, 2024, Patient Twelve refilled the prescription at a pharmacy in Tarrant County, TX.

148. On August 7, 2024, Cooper wrote Patient Twelve a prescription for a 28-day supply of 200 mg/ml of testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

149. On the same day, Patient Twelve filled the prescription at a pharmacy located in Tarrant County, TX.

Patient Thirteen

150. Patient Thirteen resides in Denton County, TX.

151. Patient Thirteen was 17 years old at the relevant time.

152. Cooper's records identify Patient Thirteen as a biological male, but upon information and belief, Patient Thirteen is a biological female.

153. On March 19, 2024, after SB 14 went into effect, Cooper wrote Patient Thirteen a prescription for a 28-day supply of 200 mg/ml of testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

154. On the same day, Patient Thirteen filled the prescription at a pharmacy located in Denton County, TX.

155. On April 19, 2024, Patient Thirteen refilled the prescription at a pharmacy located in Denton County, TX.

156. On May 14, 2024, Patient Thirteen refilled the prescription at a pharmacy located in Denton County, TX.

157. On July 10, 2024, Patient Thirteen refilled the prescription at a pharmacy located in Denton County, TX.

158. On August 11, 2024, Patient Thirteen refilled the prescription at a pharmacy located in Denton County, TX.

Patient Fourteen

159. Patient Fourteen resides in Collin County, TX.

160. Patient Fourteen was approximately 15 years old at the relevant time.

161. Cooper's records identify Patient Fourteen as a biological male, but upon information and belief, Patient Fourteen is a biological female.

162. On October 11, 2023, after SB 14 went into effect, Cooper wrote Patient Fourteen two prescriptions, each for a 30-day supply of 200 mg/ml of testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

163. On the same day, Patient Fourteen filled the first prescription at a pharmacy located in Collin County, TX.

164. On November 17, 2023, Patient Fourteen refilled the first prescription at a pharmacy located in Collin County, TX.

165. On December 28, 2023, Patient Fourteen filled the second prescription at a pharmacy located in Collin County, TX.

166. On January 28, 2024, Patient Fourteen refilled the second prescription at a pharmacy located in Collin County, TX.

167. On February 28, 2024, Patient Fourteen refilled the second prescription at a pharmacy located in Collin County, TX.

168. On April 8, 2024, Cooper wrote Patient Fourteen three prescriptions, the first was for a 30-day supply and the second and third were for a 7-day supply of 200 mg/ml of testosterone

cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

169. On the same day, Patient Fourteen filled the first prescription at a pharmacy located in Collin County, TX.

170. On May 24, 2024, Patient Fourteen refilled the first prescription at a pharmacy located in Collin County, TX.

171. On June 29, 2024, Patient Fourteen filled the second prescription at a pharmacy located in Collin County, TX.

172. On August 2, 2024, Patient Fourteen refilled the second prescription at a pharmacy located in Collin County, TX.

173. On September 1, 2024, Patient Fourteen filled the third prescription at a pharmacy located in Collin County, TX.

174. On October 2, 2024, Patient Fourteen refilled the third prescription at a pharmacy located in Collin County, TX.

Patient Fifteen

175. Patient Fifteen resides in Collin County, TX.

176. Patient Fifteen was approximately 16 years old at the relevant time.

177. Cooper's records identify Patient Fifteen as a biological male, but upon information and belief, Patient Fifteen is a biological female.

178. On October 22, 2023, after SB 14 went into effect, Cooper wrote Patient Fifteen a prescription for an 84-day supply of 200 mg/ml testosterone cypionate for the purposes of

transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

179. On October 23, 2023, Patient Fifteen filled the prescription at a pharmacy in Collin County, TX.

180. On January 14, 2024, Patient Fifteen refilled the prescription at a pharmacy in Collin County, TX.

181. On April 9, 2024, Cooper wrote Patient Fifteen a 30-day supply of 200 mg/ml of testosterone cypionate for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

182. On the same day, Patient Fifteen filled the prescription at a pharmacy in Collin County, TX.

* * *

183. Paragraphs 46-182 describe 15 minor patients who Cooper has unlawfully treated with testosterone for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex in violation of SB 14.

184. Some of Cooper's medical records for the patients identified in the preceding paragraphs indicate that the patients are male, but upon information and belief, all of these patients are biological females and some of Cooper's medical records indicate that the patient's sex has been recorded first as female and then as male. The result is a clear indication that Cooper is prescribing testosterone to them for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

185. Each of Cooper’s prescriptions above were written and filled after SB 14 went into effect. Even so, for any prescriptions that were written prior to SB 14, Cooper cannot circumvent the law by writing prescriptions to his patients *prior* to the SB 14 taking effect with orders to fill or refill the prescriptions *after* it takes effect, *see* 22 Tex. Admin. Code § 315.3(b)(2) (Schedule III Controlled Substances can be refilled up to five times within six months of the date of issuance), because a “prescription” order is not a singular discrete act, but a continuing act of treatment that begins with the prescription being written and continues through the pharmacist filling the prescription and the drug being used as directed by the patient, or until the written prescription expires or is cancelled, and *alternatively*, because by issuing prescriptions with orders to fill them after the effective date of SB 14 Cooper is “providing” the prescribed medication to the patient at the time they fill and use the prescription as directed, which they could not do otherwise without the prescription.

186. Each and every prescription written by Cooper after September 1, 2023, or filled or taken as directed by a patient after September 1, 2023, for the purpose of transitioning the minor’s biological sex or affirming their belief that their gender identity is inconsistent with their biological sex violates Tex. Health & Safety Code § 161.702(3).

X. FALSE, MISLEADING, OR DECEPTIVE ACTS

187. Texas incorporates and adopts by reference the allegations contained in each and every preceding paragraph of this Petition.

188. According to gender dysphoria providers, many insurance companies will not accept transgender related billing codes when coupled with prescriptions for testosterone because testosterone is not Federal and Drug Administration (“FDA”) approved for use in the treatment

of gender dysphoria for minors. See e.g., Stephen Rosenthal, *Insurance Coverage and Coding Considerations in Gender Affirming Hormonal Care for Adolescents & Young Adults*, WPATH ppt 12 (Jul. 28, 2021), <https://tinyurl.com/4vycb29r>.

189. Upon information and belief, Cooper regarded Patients One through Fifteen as transgender patients and he evaluated, diagnosed, and treated them for gender dysphoria, while falsely, misleadingly, and deceptively, diagnosing, billing, and prescribing testosterone for something other than the purpose of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

190. Cooper is engaging in false, misleading, or deceptive practices, by falsely diagnosing and billing patients using precocious puberty or endocrine disorder, undefined codes, or similarly false codes, instead of gender dysphoria, or other gender related diagnosis codes,⁴ to conceal that he is prescribing testosterone and treating the patient for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex in violation of Tex. Bus. & Com. Code §§ 17.46(a), (b)(5).

191. Cooper, as alleged herein, has in the course of trade and commerce engaged in false, misleading, and deceptive acts and practices declared unlawful in violation of Tex. Bus. & Com. Code §§ 17.46(a), (b)(5).

192. Texas Bus. & Com. Code § 17.46(a) prohibits “false, misleading, or deceptive acts or practices in the conduct of any trade or commerce.”

⁴ The *International Classification of Diseases, 10th Revision*’s medical classification for gender identity disorders includes the following diagnosis codes: F64.0 Transsexualism, including other gender identity disorder and gender dysphoria in adolescents and adults; F64.1 Dual role transvestism; F64.2 Gender identity disorder of childhood; F64.8 Other gender identity disorders; and F64.9 Gender identity disorder, unspecified.

193. Cooper deceptively misleads pharmacies, insurance providers, and/or the patients by falsifying patient medical records, prescriptions, and billing records to indicate that office visits and prescriptions written to minor patients are for something other than the purpose of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

194. Texas Bus. & Com. Code § 17.46(b)(5) prohibits “representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which the person does not.”

195. Cooper deceptively misleads pharmacies, insurance providers and/or the patients by falsifying patient medical records, prescriptions, and billing records to indicate the use of testosterone are for the treatment of medical conditions the patient does not have when, in fact, the drugs are for the purposes of transitioning the minor patient’s biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

196. Cooper deceptively induces pharmacies, insurance providers, and/or the patients into entering into transactions by falsifying patient medical records, prescriptions, and billing records to conceal that the treatments and prescriptions are for the unlawful purposes of transitioning a child’s biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

197. Upon information in belief, Roberts is falsely diagnosing children with precocious puberty and/or other medical conditions to prescribe them puberty blockers and cross-sex

hormones for the purpose of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

XI. APPLICATION FOR TEMPORARY AND PERMANENT INJUNCTIONS

197. Texas incorporates and adopts by reference the allegations contained in each and every preceding paragraph of this Petition.

198. Texas has reason to believe that Cooper is engaging in, has engaged in, or is about to engage in acts and practices declared to be unlawful under Tex. Health & Safety Code § 161.702(3) and Tex. Bus. & Com. Code §§ 17.46(a), (b)(5), and believes these proceedings to be in the public interest.

199. Texas is entitled to, and seeks, temporary and permanent injunctions pursuant to Tex. Health and Safety Code § 161.702 as well as Tex. Bus. & Com. Code § 17.47.

200. Cessation of unlawful conduct by Cooper shall not render such court action moot under any circumstances. *Id.*

201. Immediate injunctive relief is necessary to prevent continuing harm prior to trial.

202. In addition to the above-requested relief, pursuant to Tex. Civ. Prac. Rem. Code § 65.011 *et seq.* and Tex. R. Civ. P. 680 *et seq.*, to preserve the status quo pending a full trial on the merits, *see Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002), the Texas Attorney General's Office request a temporary injunction against Cooper that enjoins him from the following until final resolution of this matter:

- i. Prescribing puberty blockers and testosterone or estrogen to minors for the purposes of transitioning the minor's biological sex or affirming their belief that their gender identity or sex is inconsistent with their biological sex; and
- ii. Deceptively misleading pharmacies, insurance providers, and/or the patients as to the correct medical diagnosis by writing prescriptions and billing for the purposes of transitioning the minor's biological sex or

affirming their belief that their gender identity or sex is inconsistent with their biological sex under false diagnoses, such as precocious puberty or endocrine disorder, undefined, rather than gender dysphoria (or other similarly related diagnosis).

XII. PRAYER FOR RELIEF

203. THEREFORE Texas prays that Cooper be cited to appear and that after due notice and hearing, a temporary injunction be issued, and that upon final hearing a permanent injunction be issued, restraining and enjoining Cooper and all persons in active concert or participation with him, who receive actual notice of the injunction by personal service or otherwise from engaging in false, misleading or deceptive acts and practices declared to be unlawful by Tex. Health and Safety Code § 161.702 and Tex. Bus. & Com. Code § 17. 46(a), (b)(5), including but not limited to:

- i. Prescribing puberty blockers and testosterone or estrogen to minors for the purpose of transitioning the minor's biological sex or affirming their belief that their gender identity or sex is inconsistent with their biological sex; and
- ii. Deceptively misleading pharmacies, insurance providers, and/or the patients as to the correct medical diagnosis by writing prescriptions and billing for the purposes of transitioning the minor's biological sex or affirming their belief that their gender identity or sex is inconsistent with their biological sex under false diagnoses, such as precocious puberty or endocrine disorder, undefined, rather than gender dysphoria (or other similarly related diagnosis).

204. TEXAS FURTHER PRAYS that upon final hearing, this Court order:

- i. Adjudge against Cooper civil penalties in favor of the State in the amount of not more than \$10,000 per violation of Tex. Bus. & Com. Code § 17.46(a), (b)(5);
- ii. Order Cooper to pay Texas's attorneys' fees and costs of court pursuant to Tex. Gov't Code § 402.006(c);
- iii. Order Cooper to pay both pre-judgment and post-judgment interest on all money awards as provided by law; and
- iv. Grant all other and further relief Texas may show itself entitled to.

Respectfully submitted,

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Attorney General of Texas

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/s/ Johnathan Stone
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ATTORNEYS FOR TEXAS

DECLARATION

Pursuant to Tex. Civ. Rem. & Prac. Code § 132.001(f), JOHNATHAN STONE submit this unsworn declaration in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by Tex. R. Civ. P. 682. I am an employee of the following governmental agency: Texas Office of the Attorney General. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the factual statements in the foregoing are true and correct.

Executed in Travis County, State of Texas, on the 4th day of November 2024.

/s/ Johnathan Stone
JOHNATHAN STONE
Chief, Consumer Protection Division
State Bar No. 24071779