

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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MINX GOTTI,

Plaintiff,

v.

Case No. \_\_\_\_\_

RICK RAEMISCH, Secretary of the  
Wisconsin Department of Corrections;  
CATHY JESS, Warden of the Dodge  
Correctional Institution; TIM CORRELL, M.D.,  
Dodge Correctional Institution Physician; RANDALL  
HEPP, Warden of the Jackson  
Correctional Institution; JAMES  
GREER, Director of the Wisconsin  
Department of Corrections Bureau of Health  
Services, in their official capacities,

Defendants.

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**PLAINTIFF'S EMERGENCY MOTION FOR A PRELIMINARY  
INJUNCTION ENJOINING DEFENDANTS FROM REDUCING  
OR TERMINATING MINX GOTTI'S HORMONE THERAPY**

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PLEASE TAKE NOTICE that Plaintiff hereby moves this Court, on an emergency basis and pursuant to Fed. R. Civ. P. 65, to enter a preliminary injunction directing Defendants and persons acting under their authority to continue administration of Minx Gotti's hormone therapy at the levels administered prior to her being informed that it would be reduced and terminated because of Wis. Stat. § 302.386(5m), and enjoining Defendants from enforcing this law against her.

Like the Plaintiffs in the case of *Sundstrom v. Frank*, Case No. 06-C-112 (CNC), Minx Gotti is a prisoner at a Wisconsin Department of Corrections facility who has been diagnosed

with a serious medical condition, Gender Identity Disorder (GID).<sup>1</sup> Also like the *Sundstrom* Plaintiffs, Ms. Gotti has been receiving hormone therapy to treat the condition. However, Ms. Gotti was told, on or about October 15, 2007, that Defendants intended to reduce her hormone dosage, solely because of Wis. Stat. § 302.386(5m) rather than the medical judgment of Department of Corrections' medical personnel. Defendants have told Ms. Gotti that they will continue to reduce her hormone dosage until Defendants completely terminate the hormones.

Counsel for Ms. Gotti asked counsel for the Defendants in *Sundstrom* to stipulate to including Ms. Gotti in the injunction covering the *Sundstrom* Plaintiffs, but they refused to so stipulate. Consequently, Plaintiff has been forced to file this new action even though it is closely related to the *Sundstrom* case for purposes of seeking immediate relief to protect Ms. Gotti.

However, as set forth in the accompanying Stipulation, counsel for Defendants have agreed to stipulate to the entry of an injunction in this case that is substantially similar to that issued in *Sundstrom*. Once preliminary injunctive relief is granted, Plaintiff believes that any further action in this case should take place after the court rules in *Sundstrom*, since that ruling will likely strongly influence the result in this case.

The result to Ms. Gotti of being removed from hormones will be devastating, and her medical and psychological condition will continue to deteriorate as her body is affected by the loss of hormones. She will experience severe and life-threatening medical and psychological effects due to Defendants' termination of her necessary medical treatment. Because the life and health of Ms. Gotti will be endangered by Defendants' actions and intended actions, Plaintiff respectfully requests the opportunity to be heard as soon as is convenient for the Court.

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<sup>1</sup> GID involves a "strong persistent cross-gender identification" and "[p]ersistent discomfort with [one's] sex or sense of inappropriateness in the gender role of that sex." *Diagnostic and Statistical Manual of Mental Disorders* (4<sup>th</sup> ed. 1994).

Plaintiffs seek a Preliminary Injunction pending exhaustion of administrative remedies in order to avert irreparable harm. Furthermore, there is no remedy that will avert the short-term irreparable harm that Plaintiffs seek to avoid, and therefore no remedy is “available” within the meaning of the Prison Litigation Reform Act, 42 U.S.C. § 1997(e). However, Ms. Gotti has already initiated the grievance procedure, in accordance with Jackson Correctional Institution procedures, to seek any relief that might be available through that process in the long-term. By passage of 42 U.S.C. § 1997(e), Congress did not intend for inmates to suffer unconstitutionally because of delays in administrative remedies.

In support of this motion, Plaintiff files the Declaration of Minx Gotti and the Stipulation to Entry of Preliminary Injunctive Relief. No brief will be filed with this motion.

Dated this 17th day of October, 2007.

Respectfully submitted,

s/Laurence J. Dupuis

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