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**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY, PENNSYLVANIA**

EJ STILES,

Plaintiff,

v.

PENN STATE HEALTH, ST. JOSEPH
REGIONAL HEALTH NETWORK
d/b/a PENN STATE HEALTH ST. JOSEPH,
and THE PENNSYLVANIA STATE
UNIVERSITY,

Defendants.

No.

CIVIL ACTION

COMPLAINT

Plaintiff EJ Stiles (“Plaintiff” or “EJ”) is a nonbinary individual diagnosed with gender dysphoria, a condition that has caused them emotional distress, anxiety, and depression since childhood. To alleviate these lifelong symptoms, EJ, upon the recommendation of Penn State Health physicians, decided to undergo a medically-necessary mastectomy to align their outward presentation with their gender identity. EJ’s primary care doctor, Dr. Hannah Wenger, referred EJ to surgeon Dr. Tobias Long, who scheduled EJ’s mastectomy to take place at Penn State Health St. Joseph Medical Center.

Less than twenty-four hours before the scheduled surgery, Defendants, Penn State Health,

St. Joseph Regional Health Network d/b/a Penn State Health St. Joseph (“Penn State Health St. Joseph”),¹ and The Pennsylvania State University (“Penn State”) (collectively, “Defendants”) canceled the surgery. Hospital administrators claimed that care to affirm a nonbinary patient’s gender identity would violate Catholic doctrine.

Defendants are instrumentalities of the Commonwealth of Pennsylvania. The Pennsylvania Constitution prohibits state entities from wielding their authority in service of religious beliefs, and Pennsylvania law prohibits hospitals from singling out transgender individuals for unequal treatment because their gender identity does not conform with expectations associated with their birth sex. By canceling EJ’s mastectomy based on Catholic doctrine, Defendants exercised state authority to enforce religious doctrine, discriminated on the basis of sex, and deprived EJ of equal protection under the law.

EJ brings this action against Defendants for violations of the Equal Rights Amendment to the Pennsylvania Constitution, Pa. Const. art. I, § 28, the equal protection provisions of the Pennsylvania Constitution, Pa. Const. art. I, §§ 1, 26, the religious freedom provisions of the Pennsylvania Constitution, Pa. Const. art. I, § 3, and the Pennsylvania Human Relations Act, Act of Oct. 27, 1955, P.L. 744, as amended, 43 P.S. §§ 951-63.

PARTIES

1. Plaintiff EJ Stiles is nonbinary and uses they/he pronouns.
2. EJ resides in Palmyra, Pennsylvania and is currently 23 years old.
3. Defendant Penn State Health is a domestic nonprofit corporation with a registered office at 100 Crystal A Drive MC CA210, Hershey, Dauphin County, Pennsylvania 17033.

¹ Penn State Health St. Joseph is a registered fictitious name of St. Joseph Regional Health Network.

4. Defendant Penn State Health St. Joseph is a domestic nonprofit corporation with a registered office at 100 Crystal A Drive MC CA210, Hershey, Dauphin County, Pennsylvania 17033.

5. Defendant Penn State is a state-related university as part of the Commonwealth System of Higher Education, and a domestic nonprofit corporation. Penn State's registered office is located at 180 Pollock Road, 201 Old Main, University Park, Centre County, PA 16802.

6. Defendants own and operate a hospital in Bern Township, Berks County, Pennsylvania under the name Penn State Health St. Joseph Medical Center. Penn State Health St. Joseph Medical Center is a public accommodation which is open to, accepts, and/or solicits the patronage of the general public.

7. Defendants, therefore, are subject to the Pennsylvania Human Relations Act ("PHRA"), Act of Oct. 27, 1955, P.L. 744, as amended, 43 P. S. §§ 951-63, which prohibits public accommodations from discriminating because of sex.

8. Defendants are instrumentalities of the Commonwealth of Pennsylvania and are subject to the Equal Rights Amendment and equal protection and religious freedom provisions of the Pennsylvania Constitution.

JURISDICTION AND VENUE

9. Jurisdiction is proper in the Court of Common Pleas of Dauphin County pursuant to 42 Pa.C.S. § 931(a).

10. Venue is proper in this Court because Defendants Penn State Health and Penn State Health St. Joseph each have their registered office in Dauphin County, and Defendant Penn State regularly conducts business in Dauphin County through, *inter alia*, operation of its Penn State Harrisburg campus in Middletown, Dauphin County, Pennsylvania. Pa.R.Civ.P. 2179(a).

FACTUAL ALLEGATIONS

Penn State Creates Penn State Health as a Supporting Organization Under Its Control

11. Under Pennsylvania law, Penn State is considered an “instrumentality of the state.”² As explained on its website, Penn State carries out many of the functions of a public institution and promotes the general welfare of the citizenry of Pennsylvania.³ Moreover, the governor and other representatives of the Commonwealth of Pennsylvania have held seats on Penn State’s Board of Trustees since the University’s founding, and the legislature has made regular appropriations in support of the University’s mission since 1887.⁴

12. Penn State, as an instrumentality of the Commonwealth, is not a religious institution and may not operate religious institutions.

13. In September 2014, the Penn State Board of Trustees voted to create Penn State Health, a new nonprofit corporation to incorporate various health care facilities and service providers into one health enterprise.

14. Penn State Health was formed on December 8, 2014, with Penn State as Penn State Health’s sole member.

15. On information and belief, Penn State Health obtained tax-exempt status as a supporting organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of a publicly supported organization, Penn State, which operates, supervises, or controls it.

16. Penn State Health’s primary mission is to promote, support, and further the charitable, education, and scientific purposes of Penn State and its medical school.

² Ex. A, *Mission and Values*, Penn State University, <https://www.psu.edu/about/mission-and-values> [https://perma.cc/2SZL-P7R2] (last visited July 20, 2026).

³ *Id.*

⁴ *Id.*

17. As an entity controlled by Penn State, Penn State Health is also an instrumentality of the Commonwealth and may not own or operate a religious institution.

Penn State Health Acquires Penn State Health St. Joseph and Agrees to Maintain the Hospital's Catholic Identity

18. On information and belief, Penn State Health St. Joseph Medical Center, which was formerly known as St. Joseph Hospital, was originally founded by the Reverend Monsignor George Bornemann, Pastor of St. Paul's Roman Catholic Church, and the Sisters of St. Francis of Philadelphia, and operated as a private Catholic hospital until 2015. From 1996 to 2015, it was operated by Catholic Health Initiatives, a faith-based health care system that operated hospitals across the country.

19. On December 14, 2014, the Penn State Board of Trustees' Committee on Finance, Business and Capital Planning approved a proposal for Penn State Health to acquire St. Joseph Regional Health Network from Catholic Health Initiatives. The Committee's approval of the proposal advanced a recommendation to the Penn State Board of Trustees to approve the acquisition.

20. On January 16, 2015, the Penn State Board of Trustees approved Penn State Health's acquisition of St. Joseph Regional Health Network from Catholic Health Initiatives.

21. On or about July 1, 2015, Penn State Health and Catholic Health Initiatives completed the transfer of ownership of St. Joseph Regional Health Network from Catholic Health Initiatives to Penn State Health.

22. On information and belief, despite their status as instrumentalities of the Commonwealth that are prohibited from owning and operating a religious institution, Penn State and Penn State Health committed to honoring St. Joseph Regional Health Network's long-held Catholic affiliation and identity and agreed to let Penn State Health St. Joseph follow the same

ethical and religious directives that other Catholic hospitals do. Those directives are known as the Catholic Directives.

23. On July 7, 2015, Defendants announced that “St. Joseph Regional Health Network is now Penn State Health St. Joseph,” and held a celebration at the newly renamed Penn State Health St. Joseph Medical Center.

24. At that celebration, Defendants unveiled signage with the new Penn State Health St. Joseph name; Defendants unveiled a replica of the “Nittany Lion Shrine” statue associated with Penn State; representatives of Penn State, Penn State Health, and Penn State Health St. Joseph gave remarks; and Penn State’s Nittany Lion mascot toured the hospital.

25. Following Penn State Health’s acquisition of Penn State Health St. Joseph, Penn State Health is Penn State Health St. Joseph’s sole member.

26. Penn State Health St. Joseph is an instrumentality of the Commonwealth and is not a religious institution because it is controlled by an instrumentality of the Commonwealth (Penn State) via a non-religious corporation (Penn State Health).

27. In December 2017 (after Penn State Health acquired Penn State Health St. Joseph), Penn State Health and Highmark Health announced a partnership in which Highmark would join Penn State as a member of Penn State Health. Pursuant to this partnership, Highmark Health would get a minority interest in Penn State Health, with up to three seats on the 15-member Penn State Health Board of Directors.

28. Penn State and Highmark Health are currently the only members of Penn State Health.

29. Highmark Health is not a religious institution.

Penn State, Penn State Health, and Penn State Health St. Joseph's Intertwined Relationships

30. Penn State maintains control over many aspects of Penn State Health's governance. On information and belief, Penn State appoints the majority of directors to the Penn State Health Board of Directors, approves changes to Penn State Health's by-laws, and plays a role in recruiting and hiring key leadership positions, such as Chief Executive Officer.

31. The President of Penn State, the Dean of Penn State College of Medicine, the Chair of Penn State's Board of Trustees, and Penn State's Senior Vice President for Finance, Business/Treasurer and Chief Financial Officer all serve on Penn State Health's Board of Directors.

32. Penn State Health's programs and services promote, support, and further the Pennsylvania State University; support financially and operationally the Pennsylvania State University College of Medicine; and support the Pennsylvania State University in the performance of its duties as successor trustee of the Milton S. Hershey Medical Center.

33. Penn State Health plays a vital role in supporting, both operationally and financially, the Pennsylvania State University's College of Medicine.

34. The purposes of Penn State Health and Penn State's College of Medicine are intertwined and mutually supportive.

35. As Penn State Health St. Joseph's sole member, Penn State Health controls Penn State Health St. Joseph.

36. Penn State Health controls election and removal of Penn State Health St. Joseph's directors and officers.

37. Penn State Health has the authority to adopt or modify the mission, vision, or objectives of Penn State Health St. Joseph, to approve and authorize additions and eliminations

of clinical services of Penn State Health St. Joseph, and to determine the distribution of clinical and support services across the Penn State Health system.

38. Penn State Health is the direct controlling entity of Penn State Health St. Joseph for purposes of reporting related tax-exempt organizations to the Internal Revenue Service.

39. Penn State is the direct controlling entity of Penn State Health for purposes of reporting related tax-exempt organizations to the Internal Revenue Service.

40. Penn State Health and Penn State Health St. Joseph share a registered office located at 100 Crystal A Drive MC CA210, Hershey, PA 17033.

41. Penn State Health and Penn State Health St. Joseph own and operate a hospital known as Penn State Health St. Joseph Medical Center located at 2500 Bernville Road, Reading, PA 19605.

42. On information and belief, Penn State, Penn State Health, and Penn State Health St. Joseph receive state funds.

Penn State, Penn State Health, and Penn State Health St. Joseph Market Their Healthcare Services Using Marks and Symbols Associated with Penn State

43. Penn State allows Penn State Health and Penn State Health St. Joseph to market health care services using service marks and symbols (e.g., the “Penn State” name, Nittany Lion logos, and a replica of the Nittany Lion Shrine statue) associated with Penn State. Penn State therefore has authorized Penn State Health and Penn State Health St. Joseph to hold themselves out as providing health care services that originate from Penn State.

44. Penn State has been using “PENN STATE” as a word mark continuously since at least as early as 1908 for many goods and services. The PENN STATE trademark designates Penn State as the source, provider, licensor, or sponsor of the goods or services to which the

trademark is attached. Ex. B, 2d Am. Compl. ¶ 21, *The Pa. State Univ. v. Vintage Brand, LLC*, No. 4:21-cv-1091 (M.D. Pa. Oct. 21, 2022), ECF No. Doc. 67.

45. As a result of Penn State’s longstanding use and promotion of the PENN STATE Mark, the PENN STATE Mark has acquired secondary meaning and has become famous under the law, becoming widely recognized by the general consuming public as a designation identifying Penn State and its goods and services. *Id.* ¶ 31.

46. As a result of Penn State’s extensive advertising and promotion of its goods and services using the PENN STATE Mark, and through favorable industry acceptance and recognition, the relevant consuming public has come to recognize and identify Penn State as the source of the high-quality goods and services offered in connection with the PENN STATE Mark. Accordingly, the PENN STATE Mark is an asset of incalculable value as an identifier of Penn State and its high-quality goods and services, as well as symbols of Penn State’s extensive goodwill. *Id.* ¶¶ 62–63.

47. Thus, to the consuming public, the name “PennState” (or “Penn State”) means The Pennsylvania State University, and the public is likely to believe that health care and other services provided using the mark “PennState Health” originate specifically from The Pennsylvania State University or its licensees. *See* Ex. C, Consolidated Appeal Br. of Applicant the Pa. State Univ., Ex Parte Appeal No. 88311154, at 17 (T.T.A.B. Oct. 16, 2020).

48. Penn State owns U.S. Trademark Registration No. 6,436,714 for the word mark “PennState Health,” and U.S. Trademark Registration No. 6,436,715, for a mark containing a design of a lion head inside a shield (“the Nittany Lion Logo”) with the words “PennState Health,” (“the PennState Health Logo Mark”; collectively, “the PennState Health Marks”) as depicted below:



49. Penn State Health and Penn State Health St. Joseph use the PennState Health Marks in advertising health care services to the public. The PennState Health Logo Mark appears in the header of webpages throughout Penn State Health's website, pennstatehealth.org.

50. Penn State owns U.S. Trademark Registration No. 5,393,863 for the mark containing the Nittany Lion Logo with the words "PennState" ("the PennState Logo Mark") as depicted below:



51. PennState uses the PennState Logo Mark in advertising its educational services. The PennState Logo Mark appears in the header of webpages throughout Penn State's website, psu.edu.

52. The PennState Health Marks fully incorporate elements of the PennState Logo Mark (i.e., the name "PennState" and the Nittany Lion Logo).

53. On information and belief, Penn State granted Penn State Health and Penn State Health St. Joseph a license to use the PennState Health Marks in connection with, among other things, providing health care.

54. On information and belief, under the terms of such license, Penn State maintains control over the nature and quality of health care services provided under the PennState Health Marks, and Penn State Health and Penn State Health St. Joseph's use of the PennState Health Marks inures to the benefit of Penn State. *See* 15 U.S.C. § 1055.

55. Given Penn State's control of Penn State Health and Penn State Health St. Joseph; Penn State's licensing of the PennState Health Marks to Penn State Health and Penn State Health St. Joseph; the PennState Health Marks' incorporation of the name "PennState" and the Nittany Lion logo; and the consuming public's association of the "PennState" name with high quality goods and services that originate from Penn State, Penn State Health and Penn State Health St. Joseph are instrumentalities of Penn State subject to requirements imposed by the Pennsylvania Constitution.

56. Additionally, at least with respect to the provision of health care services under the PennState Health Marks, Penn State Health and Penn State Health St. Joseph are agents of Penn State, through express authority, implied authority, apparent authority, and/or authority by estoppel.

Defendants Operate Penn State Health St. Joseph Medical Center as a Catholic Institution

57. Since Penn State Health's acquisition of Penn State Health St. Joseph, Penn State, Penn State Health, and Penn State Health St. Joseph have continued to operate Penn State Health St. Joseph Medical Center as a Catholic institution, just as when the hospital was owned and operated by a private religious entity. For example, the hospital states that Penn State Health St. Joseph's "mission" is "to nurture the healing ministry of the church."⁵

58. Penn State Health and Penn State Health St. Joseph, with approval from Penn State, hold Penn State Health St. Joseph Medical Center out as a "Catholic hospital" that is

⁵ Ex. D, Penn State Health St. Joseph Medical Center, *Patient Information*, at 3, https://www.pennstatehealth.org/sites/default/files/St%20Joseph/STJ-18423-22_176492_Pt_Info_Booklet-ENG_Final.pdf [https://perma.cc/83FY-EJ2A] (last visited July 20, 2026).

“[r]ooted in Franciscan tradition and guided by Catholic Social Teaching” and offers “Catholic healthcare.”⁶

59. Penn State Health St. Joseph Medical Center adheres to the Catholic Directives in administering patient care, and, on information and belief, does so pursuant to an agreement with Penn State Health and by extension Penn State.

60. The Catholic Directives, developed and published by the U.S. Conference of Catholic Bishops, reflect Catholic religious ideals pertaining to health care. The Catholic Directives state that healthcare services “must be animated by the Gospel of Jesus Christ and guided by the moral tradition of the Church.”⁷

61. The Catholic Directives prohibit certain types of care that would ordinarily be available to patients in secular facilities, including other hospitals in the Penn State Health system. For example, the Catholic Directives specifically prohibit a rape victim from receiving treatments “that have as their purpose or direct effect the removal, destruction, or interference with the implantation of a fertilized ovum.”⁸ The directives also ban abortion in all cases, without exception.⁹ In addition, though they permit married couples to “limit the number of their children by natural means,” the Catholic Directives entirely bar “contraceptive interventions that either in anticipation of the marital act, or in its accomplishment or in the development of its natural consequences, have the purpose, whether as an end or a means, to render procreation

⁶ Ex. E, *About St. Joseph Medical Center*, Penn State Health, <https://www.pennstatehealth.org/locations/st-joseph/about-us> [https://perma.cc/5UWE-EC9S] (last visited July 20, 2026).

⁷ Ex. F, U.S. Conference of Catholic Bishops, *Ethical and Religious Directives for Catholic Health Care Services* (6th ed. 2018), at 8, https://www.usccb.org/resources/ethical-religious-directives-catholic-health-service-sixth-edition-2016-06_0.pdf [https://perma.cc/VJ2X-PASW] (last visited July 20, 2026)..

⁸ *Id.* at 15.

⁹ *Id.* at 18-19.

impossible.”¹⁰ The Catholic Directives also state that “[d]irect sterilization of either men or women, whether permanent or temporary, is not permitted.”¹¹

62. As relevant to the present case, on March 20, 2023, the United States Conference of Catholic Bishops published a doctrinal note that states: “Catholic health care services must not perform interventions, whether surgical or chemical, that aim to transform the sexual characteristics of a human body into those of the opposite sex or take part in the development of such procedures.”¹²

63. While it continues to be operated as a religious institution, Penn State Health St. Joseph derives substantial benefits from being purchased by an instrumentality of the Commonwealth of Pennsylvania.

64. Penn State and its officials are pervasively entwined with the management and governance of Penn State Health and Penn State Health St. Joseph, such that the activity of these entities is state action.

Gender Identity and Gender Dysphoria

65. Gender identity is a well-established medical concept, referring to a person’s internal sense of being a particular gender. One’s gender identity can be the same or different from their sex assigned at birth (“birth sex”). A person’s gender identity cannot be altered voluntarily and cannot be ascertained immediately after birth.

¹⁰ *Id.* at 16.

¹¹ *Id.* at 19.

¹² Ex. G, U.S. Conference of Catholic Bishops Committee on Doctrine, Doctrinal Note On The Moral Limits To Technological Manipulation Of The Human Body, (Mar. 20, 2023), at 11-12, <https://www.usccb.org/resources/Doctrinal%20Note%202023-03-20.pdf> [<https://perma.cc/L2TU-7TLY>] (last visited July 20, 2026).

66. Cisgender individuals have a gender identity that aligns with their birth sex. Thus, a cisgender woman is a person who identifies as a woman and was assigned female at birth, and a cisgender man is a person who identifies as a man and was assigned male at birth.

67. Transgender men and women and nonbinary individuals have a gender identity that does not align with the sex they were assigned at birth. For example, transgender men are men who were assigned female at birth but have a male gender identity, and transgender women are women who were assigned male at birth but have a female gender identity. Nonbinary individuals have a gender identity that falls outside the binary categories of man or woman.

68. Gender identity is innate and forced efforts to change a person's gender identity are not only harmful to a person's health and well-being, but also unethical.

69. Transgender men and women and nonbinary individuals may experience gender dysphoria. Gender dysphoria is a medical diagnosis "that refers to the psychological distress that results from an incongruence between one's sex assigned at birth and one's gender identity."¹³ Such distress is harmful to both physical and mental health.

70. Medical treatments can be necessary to alleviate the harmful health effects of gender dysphoria. Treatments typically take the form of medical steps to affirm one's gender identity and align an individual's body with their gender identity. Treatments can include hormone replacement therapy, cognitive and mental health assistance, and gender-affirming surgery.

¹³ Ex. H, *What is Gender Dysphoria?*, Am. Psychiatric Ass'n, <https://www.psychiatry.org/patients-families/gender-dysphoria/what-is-gender-dysphoria> [https://perma.cc/M23K-L4M9] (last visited July 20, 2026).

71. One such surgery is a bilateral (BIL) double incision mastectomy with free nipple graft (hereinafter “mastectomy”), colloquially referred to as “top surgery,” to alleviate emotional distress related to an individual’s chest.

EJ’s Medically Necessary Treatment for Gender Dysphoria

72. EJ’s gender identity is nonbinary. EJ was assigned female at birth, but EJ’s gender identity does not align with the binary categories of man and woman.

73. EJ started experiencing symptoms of gender dysphoria and gender incongruence in childhood. These symptoms accelerated when EJ hit puberty. EJ started chest binding when they were around 15 years old.¹⁴ EJ first contemplated seeking gender-affirming care while in high school but did not have the resources to do so at the time.

74. Shortly after turning 18, EJ sought an appointment with a gender specialist. EJ was referred to Dr. Hannah Wenger, who was affiliated with Penn State Health and became EJ’s primary care physician.

75. Dr. Wenger diagnosed EJ with gender dysphoria in or around October 2023. To treat EJ’s gender dysphoria, Dr. Wenger recommended that EJ receive hormone replacement therapy and cognitive and mental health assistance. Dr. Wenger also deemed a mastectomy medically necessary to treat EJ’s gender dysphoria to alleviate EJ’s emotional distress related to their chest. Dr. Wenger referred EJ to Penn State Health plastic surgeon Dr. Tobias Long for this surgery.

¹⁴ Chest binding is the practice of flattening the chest to create a flatter appearance to better align a person’s outward presentation with their gender identity. It is commonly used by transgender men, nonbinary people, and others who experience gender dysphoria. For many people, binding can help reduce dysphoria and make daily life feel more comfortable or affirming. Chest binding can cause potential health risks if done incorrectly or for too long.

76. Per Dr. Wenger's recommendation, EJ started hormone replacement therapy ("HRT") in January 2024. EJ has been on HRT ever since.

77. All of EJ's appointments with Dr. Wenger were at Penn State Health Cocoa Outpatient Center.

78. In or around March of 2024, EJ started therapy with licensed professional counselor Mariela Hernandez, at Annville Psychological Services. Ms. Hernandez diagnosed EJ with generalized anxiety disorder, major depressive disorder with acute episodes, and post traumatic distress disorder. Like Dr. Wenger, Ms. Hernandez also diagnosed EJ with gender dysphoria and gender incongruence. Ms. Hernandez emphasized EJ's anxiety and gender dysphoria was exacerbated by their secondary sex characteristics. Ms. Hernandez provided supportive mental health documentation for EJ's surgery.

79. EJ then met with Dr. Long from March through July 2024 at Penn State Health Exeter Outpatient Center. Based on Dr. Long's consultations with EJ and Dr. Long's experience performing similar surgeries for other patients, EJ trusted Dr. Long and chose Dr. Long to perform EJ's mastectomy.

80. In Dr. Long's June 2024 pre-surgery notes, Dr. Long explained the surgery would benefit EJ "given the severity of [their] anxiety and emotional distress with the gender dysphoria." The "goals of surgery [were] to remove the majority but not all of the breast tissue in order to provide a more masculine contour and reposition the nipples by use of free nipple grafts."

81. EJ scheduled a mastectomy to be performed by Dr. Long at Penn State Health St. Joseph Medical Center on July 24, 2024.

82. EJ obtained insurance coverage for the surgery, which required submitting documentation and paperwork to demonstrate that the surgery was medically necessary. EJ's insurance company deemed the surgery medically necessary and pre-authorized the surgery.

83. In planning for the surgery, EJ attended pre-operative visits with Dr. Long, underwent pre-operative blood tests and other health screenings, and, on Dr. Long's recommendation, lost weight and began taking certain vitamins. EJ, with the support of their therapist, also worked hard over the course of several months to mentally prepare for the experience.

84. Leading up to the surgery, EJ purchased groceries and medical supplies that they would need during the recovery period, converted their bedroom into a recovery room, and took a medical leave from work to account for anticipated absences related to the surgery and recovery.

85. On July 23, 2024, at 2:08 PM, Penn State Health St. Joseph Medical Center's scheduling department called EJ to confirm their 5:30 AM arrival time for their surgery the following morning.

86. A few hours later, at 4:39 PM, Wendy Clayton, Chief Nursing Officer for Penn State Health St. Joseph Medical Center, and Kim Wolf, Vice President of Medical Affairs for Penn State Health St. Joseph Medical Center, called EJ and informed them that their surgery had been canceled.

87. During that conversation and in subsequent conversations, Clayton and Wolf told EJ that their surgery had been cancelled because gender-affirming surgeries and procedures are not in alignment with directives of the Catholic Church.

88. EJ became so distraught during the conversation with Clayton and Wolf that they had to leave the room. EJ's mother continued the phone call on EJ's behalf.

89. Clayton and Wolf told EJ's mother that the decision to cancel the surgery was based on the surgery's status as gender affirming care and the hospital's adherence to Catholic policies.

90. EJ nonetheless had hoped the hospital would reverse its decision to cancel EJ's surgery. Therefore, later on July 23, 2024, EJ and EJ's mother travelled from their home in Palmyra, Pennsylvania to Reading, Pennsylvania, where they had already reserved a hotel room in anticipation of the surgery.

91. Dr. Long previously had performed mastectomies to treat gender dysphoria at Penn State Health St. Joseph Medical Center with express permission from Penn State Health and/or Penn State Health St. Joseph.

92. On information and belief, Penn State Health billed for these surgeries, which Dr. Long coded as being provided for gender dysphoria.

93. In subsequent conversations that EJ had with Clayton and Wolf, Clayton and Wolf told EJ that Dr. Long and other doctors have permission to perform breast reduction and mastectomy surgeries at Penn State Health St. Joseph Medical Center for cisgender individuals and for reasons other than gender-affirming care. Clayton and Wolf told EJ that Dr. Long should not have been given past permission to perform gender affirming surgeries at Penn State Health St. Joseph Medical Center.

94. EJ was devastated when Defendants cancelled EJ's medically necessary surgery. EJ felt that they were being told their health and well-being were not worthy of being protected,

and they felt angry that the hospital—which is part of their own state government—was using other people’s religious beliefs to deny them the medical treatment they needed.

95. Following the surgery cancellation, EJ immediately experienced severe emotional distress and worsened gender dysphoria symptoms, stopped eating and sleeping normally, and considered inpatient psychiatric hospitalization.

96. EJ continued binding their chest during this period and, due to increased symptoms of gender dysphoria following the cancellation of their medically necessary surgery, started binding for long periods of time.

97. On August 23, 2024, EJ woke up with chest pain and shortness of breath, which led EJ to go to the emergency room at Penn State Health Milton S. Hershey Medical Center.

98. An emergency department doctor treated EJ with medication to alleviate the pain, determined the likely cause of EJ’s pain was costochondritis, instructed EJ to manage pain with over-the-counter medications, and instructed EJ to schedule a follow-up appointment with Dr. Wenger.

99. EJ saw Dr. Wenger one week later. Dr. Wenger confirmed EJ had costochondritis as a result of binding, encouraged EJ to stop binding until the costochondritis improved, and increased the dose of EJ’s medication prescribed to help with sleep.

100. EJ stopped binding to avoid additional physical harm after developing costochondritis. EJ still experiences pain, discomfort, and shortness of breath because of the costochondritis.

101. After cancelling EJ’s surgery, Clayton and Wolf gave EJ the options of finding a different surgeon to perform the surgery at another Penn State Health facility or trying to get permission for Dr. Long to perform their surgery at a facility other than Penn State Health St.

Joseph Medical Center. Defendants do not require patients who require or request mastectomies or other similar surgeries for medical conditions other than gender dysphoria to seek these alternatives.

102. EJ preferred to have their surgery performed by Dr. Long, because EJ's primary care doctor, Dr. Wenger, had referred EJ to Dr. Long, and EJ had spent months building a trusting patient-provider relationship with Dr. Long.

103. In order to perform the surgery elsewhere, Dr. Long would need to have clinical privileges at another facility. At the time of the cancellation. Dr. Long did not have clinical privileges at any facilities other than Penn State Health St. Joseph Medical Center. On information and belief, obtaining clinical privileges is a rigorous process that can take six months or longer. Dr. Long was unable to quickly secure privileges at another location to perform EJ's surgery.

104. On information and belief, Penn State Health St. Joseph Medical Center regularly provides breast reductions, mastectomies, and breast augmentations to cisgender women and men for various reasons.¹⁵ For example, Defendants permit breast reduction surgeries at Penn State Health St. Joseph Medical Center to treat diagnoses of macromastia, which refers to the enlargement of breast tissue in cisgender women, and gynecomastia, which refers to the enlargement of breast tissue in cisgender men. Penn State Health's website states that "[m]ale

¹⁵ Breast reduction is a surgical procedure that removes excess breast tissue, fat, and skin to reduce the size of the breasts. Mastectomy is a surgical procedure that removes all or part of the breast tissue. Gynecomastia surgery, also known as male breast reduction, is a surgical procedure designed to remove excess breast tissue and fat to create a flatter, more masculine-contoured chest.

breast reduction surgery” “offer[s] men a permanent solution to restore a naturally masculine appearance.”¹⁶

105. As a result of Defendants’ conduct, EJ was unable to have their medically necessary mastectomy performed until October 4, 2024. Although EJ ultimately received their mastectomy at Penn State Health Hampden Medical Center, this required referral to a different surgeon, Dr. Roderick Zickler, and additional pre-operative medical evaluations, testing, and appointments, resulting in delay, burden, and expense.

106. As a result of the rescheduling, EJ had to spend more money on an additional round of pre-operative tests and appointments and various other preparations; had to arrange for a second leave from work; had to spend another three months experiencing gender dysphoria without the therapeutic benefits of the surgery, during which time they developed costochondritis; and had to spend another three months carrying the stress and anxiety of having to mentally prepare for the surgery all over again.

EJ Files a Complaint Before the Pennsylvania Human Relations Commission

107. On January 22, 2025, EJ filed a complaint against Defendants Penn State, Penn State Health, and Penn State Health St. Joseph with the Pennsylvania Human Relations Commission (“PHRC”). EJ alleged that Defendants discriminated against them on the basis of sex in violation of the Pennsylvania Human Relations Act, 43 P.S. §§ 951-63.

108. On March 31, 2025, Defendants filed an answer to EJ’s PHRC complaint, raising the Religious Freedom Protection Act (“RFPA”), Act of Dec. 9, 2002, P.L. 1701, as amended, 71 P.S. §§ 2401-08, as a defense.

¹⁶ Ex. I, *Plastic Surgery*, Esteem Penn State Health Cosm. Assocs., <https://esteem.pennstatehealth.org/service/plastic-surgery/> [https://perma.cc/CKD2-V39W] (last visited July 20, 2026).

109. The PHRC, without conducting any investigation, *sua sponte* informed the parties by letter dated October 16, 2025, that it had closed EJ's PHRC case because, according to the PHRC, Defendants had established entitlement to relief pursuant to the RFPA.

110. EJ, therefore, exhausted administrative remedies with respect to their PHRA claims.

Penn State Health and Penn State Health St. Joseph Seek Declaratory Judgment Against the Pennsylvania Human Relations Commission in Commonwealth Court

111. EJ, Penn State Health, Penn State Health St. Joseph, and the PHRC are parties to a pending action in Commonwealth Court (Case No. 335 M.D. 2025), in which Penn State Health and Penn State Health St. Joseph seek, among other things, declarations that (1) the PHRC regulations that define "sex" are invalid as the result of actions allegedly taken outside the scope of PHRC's authority, and as violative of the RFPA, and (2) that the PHRA and PHRC regulations do not compel Penn State Health St. Joseph to provide gender-affirming care in violation of specific tenets of Roman Catholic faith.

112. The Commonwealth Court on May 1, 2026 sealed the case, and the case remains pending.

COUNT I

VIOLATION OF THE EQUAL RIGHTS AMENDMENT OF THE PENNSYLVANIA CONSTITUTION, PA. CONST. ART. I, § 28

113. Plaintiff re-alleges paragraph 1-112 as if fully set forth herein.

114. Penn State, Penn State Health, and Penn State Health St. Joseph are instrumentalities of the Commonwealth and are subject to the limitations on state power provided in the Pennsylvania Declaration of Rights, including the Equal Rights Amendment.

115. The Equal Rights Amendment provides “Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual.” Pa. Const. art. I, § 28.

116. The Pennsylvania Equal Rights Amendment is a direct constitutional command prohibiting discrimination because of sex. It guarantees substantive equality and prohibits law, policies, and governmental actions that impose unequal treatment based on sex-based classifications, stereotypes, or expectations.

117. Discrimination based on gender identity is discrimination “because of” sex, because consideration of gender identity necessarily involves consideration of whether an individual’s identity, appearance, or expression conforms to expectations associated with birth sex.

118. Penn State Health, and Penn State Health St. Joseph cancelled EJ’s surgery only because EJ’s gender identity and expression do not align with traditional expectations that align with EJ’s birth sex.

119. Penn State is liable for the cancellation of EJ’s surgery because Penn State controls Penn State Health and Penn State Health St. Joseph, and Penn State approved of Penn State Health and Penn State Health St. Joseph operating Penn State Health St. Joseph Medical Center in accordance with the Catholic Directives, despite each Defendant’s status as an instrumentality of the Commonwealth.

120. Penn State is liable for the cancellation of EJ’s surgery because Penn State Health and Penn State Health St. Joseph are agents of Penn State with respect to providing health care services, through express authority, implied authority, apparent authority, and/or authority by estoppel.

121. Accordingly, Penn State, Penn State Health, and Penn State Health St. Joseph are each liable for the cancellation of EJ's surgery and each violated the Pennsylvania Equal Rights Amendment.

COUNT II

VIOLATION OF THE EQUAL PROTECTION PROVISIONS OF THE PENNSYLVANIA CONSTITUTION, PA. CONST. ART. I, §§ 1, 26

122. Plaintiff re-alleges paragraph 1-121 as if fully set forth herein.

123. Article I, section 1 of the Pennsylvania Constitution provides that "[a]ll [persons] are born equally free and independent, and have certain inherent and indefeasible rights," including the rights to liberty, property, reputation, and the pursuit of happiness. Pa. Const. art. I, § 1. Article I, § 26 further provides that "[n]either the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right." Pa. Const. art. I, § 26.

124. Penn State, Penn State Health, and Penn State Health St. Joseph are instrumentalities of the Commonwealth and are subject to the limitations on state power provided in the Pennsylvania Declaration of Rights, including Pennsylvania's equal protection guarantees that require that similarly situated individuals receive like treatment.

125. Penn State Health, and Penn State Health St. Joseph regularly provide breast reductions, mastectomies, and breast augmentations at Penn State Health St. Joseph Medical Center, except when the surgery is to affirm a transgender or nonbinary patient's gender identity.

126. Defendants categorically ban transgender and non-binary people from receiving any type of breast reduction, mastectomy, or breast augmentation at Penn State Health St. Joseph Medical Center, regardless of the medical necessity, when the surgery is sought to align the patient's physical characteristics with a gender identity that differs from their birth sex.

127. By cancelling EJ's surgery solely because of EJ's gender identity, Penn State, Penn State Health and Penn State Health St. Joseph violated the equal protection principles of the Pennsylvania Constitution.

128. Penn State is liable for the cancellation of EJ's surgery because Penn State controls Penn State Health and Penn State Health St. Joseph, and Penn State approved of Penn State Health and Penn State Health St. Joseph operating Penn State Health St. Joseph Medical Center in accordance with the Catholic Directives, despite each Defendant's status as an instrumentality of the Commonwealth.

129. Penn State is liable for the cancellation of EJ's surgery because Penn State Health and Penn State Health St. Joseph are agents of Penn State with respect to providing health care services, through express authority, implied authority, apparent authority, and/or authority by estoppel.

130. Accordingly, Penn State, Penn State Health, and Penn State Health St. Joseph are each liable for the cancellation of EJ's surgery and each violated the equal protection provisions of the Pennsylvania Constitution.

COUNT III

VIOLATION OF THE RELIGIOUS FREEDOM PROVISIONS OF THE PENNSYLVANIA CONSTITUTION, PA. CONST. ART. I, § 3

131. Plaintiff re-alleges paragraph 1-130 as if fully set forth herein.

132. Article I, Section 3 of the Constitution of Pennsylvania provides that "no [person] can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against [their] consent . . . and no preference shall ever be given by law to any religious establishments or modes of worship." Pa. Const. art. I, § 3.

133. Penn State, Penn State Health, and Penn State Health St. Joseph are instrumentalities of the Commonwealth and are subject to the limitations on state power provided in the Pennsylvania Declaration of Rights, including the requirement that “no preference shall ever be given by law to any religious establishments,” referred to hereinafter as the “No Preference Clause.” Pa. Const. art. I, § 3.

134. Pennsylvania has a long history and tradition of protecting religious freedom by mandating the separation of church and state and ensuring that no preference is given to any particular religion. Indeed, Pennsylvania was one of only a handful of colonies that never had an established state church of any kind.

135. By purchasing and agreeing to operate Penn State Health St. Joseph Medical Center as a Catholic institution and in accordance with the Catholic Directives, Penn State and Penn State Health violated the No Preference Clause by, among other things, (a) creating an impermissible fusion of governmental and religious functions; (b) impermissibly delegating government authority to be exercised in accordance with religious criteria; (c) impermissibly endorsing religion; (d) taking government action that has the primary purpose and effect of advancing religion; (e) creating unconstitutional governmental entanglement with religion; (e) favoring one set of religious beliefs over others; and (f) impermissibly coercing individuals to act in accordance with particular religious beliefs.

136. By operating Penn State Health St. Joseph Medical Center as a Catholic institution and in accordance with the Catholic Directives, cancelling EJ’s medically necessary surgery for religious reasons, and ceasing the provision of gender-affirming surgeries and procedures for religious reasons, Penn State Health, and Penn State Health St. Joseph Health have violated and continue to violate the No Preference Clause by, among other things, (a)

creating an impermissible fusion of governmental and religious functions; (b) impermissibly delegating government authority to be exercised in accordance with religious criteria; (c) impermissibly endorsing religion; (d) taking government action that has the primary purpose and effect of advancing religion; (e) creating unconstitutional governmental entanglement with religion; (e) favoring one set of religious beliefs over others; and (f) impermissibly coercing individuals to act in accordance with particular religious beliefs.

137. Penn State is liable for the cancellation of EJ's surgery because Penn State controls Penn State Health and Penn State Health St. Joseph, and Penn State approved of Penn State Health and Penn State Health St. Joseph operating Penn State Health St. Joseph Medical Center in accordance with the Catholic Directives, despite each Defendant's status as an instrumentality of the Commonwealth.

138. Penn State is liable for the cancellation of EJ's surgery because Penn State Health and Penn State Health St. Joseph are agents of Penn State with respect to providing health care services, through express authority, implied authority, apparent authority, and/or authority by estoppel.

139. Penn State, by allowing Penn State Health and Penn State Health St. Joseph to operate Penn State Health St. Joseph Medical Center as a Catholic institution under Penn State's control, and allowing Penn State Health and Penn State Health St. Joseph to hold out that Catholic institution as an agent of Penn State through, among other things, use of the PennState Health marks and other symbols associated with Penn State, violated and continues to violate the No Preference Clause by, among other things, (a) creating an impermissible fusion of governmental and religious functions; (b) impermissibly delegating government authority to be exercised in accordance with religious criteria; (c) impermissibly endorsing religion; (d) taking

government action that has the primary purpose and effect of advancing religion; (e) creating unconstitutional governmental entanglement with religion; (e) favoring one set of religious beliefs over others; and (f) impermissibly coercing individuals to act in accordance with particular religious beliefs.

140. As a result of Defendants' violations of the No Preference Clause, Plaintiff EJ Stiles was injured when Penn State Health and Penn State Health St. Joseph cancelled their medically necessary surgery to treat gender dysphoria for religious reasons.

COUNT IV

VIOLATION OF SECTION 5 OF THE PENNSYLVANIA HUMAN RELATIONS ACT, 43 P. S. §§ 951-963

141. Plaintiff re-alleges paragraph 1-140 as if fully set forth herein.

142. Penn State Health St. Joseph Medical Center is a hospital that accepts and solicits the patronage of the general public and, therefore, is a "public accommodation" under the PHRA. 43 P.S. § 954(l).

143. Penn State Health St. Joseph Medical Center is a building, structure, or facility that is used for the purpose of operating a business, office, or public accommodation and, therefore, is "commercial property" under the PHRA. 43 P.S. § 954(j).

144. Penn State Health and Penn State Health St. Joseph, as the owner, lessee, proprietor, manager, or superintendent of Penn State Health St. Joseph Medical Center, refused, withheld from, or denied EJ, either directly or indirectly, accommodations, advantages, facilities, or privileges of a public accommodation because of EJ's sex, in violation of § 5(i) of the PHRA, 43 P.S. § 955(i).

145. Penn State Health and Penn State Health St. Joseph discriminated against EJ in furnishing facilities, services, or privileges in connection with the ownership, occupancy, or use

of commercial property, because of EJ's sex, in violation of § 5(h)(3) of the PHRA, 43 P.S. § 955(h)(3).

146. Penn State is liable for the cancellation of EJ's surgery because Penn State controls Penn State Health and Penn State Health St. Joseph, and Penn State approved of Penn State Health and Penn State Health St. Joseph operating Penn State Health St. Joseph Medical Center in accordance with the Catholic Directives, despite each Defendant's status as an instrumentality of the Commonwealth.

147. Penn State is liable for the cancellation of EJ's surgery because Penn State Health and Penn State Health St. Joseph are agents of Penn State with respect to providing health care services, through express authority, implied authority, apparent authority, and/or authority by estoppel.

148. Penn State, Penn State Health, and Penn State Health St. Joseph, by allowing their agents and/or employees to discriminate against EJ in violation of §§ 5(h)(3) and 5(i) of the PHRA, aided, abetted, compelled, or coerced the doing of acts declared by § 5 of the PHRA to be unlawful discriminatory practices, or obstructed or prevented any person from complying with the provisions of the PHRA, in violation of § 5(e) of the PHRA, 43 P.S. § 955(e).

149. By purchasing and agreeing to operate Penn State Health St. Joseph Medical Center as a Catholic institution and in accordance with the Catholic Directives, Penn State and Penn State Health aided, abetted, compelled, or coerced the doing of acts declared by § 5 of the PHRA to be unlawful discriminatory practices, or obstructed or prevented any person from complying with the provisions of the PHRA, in violation of § 5(e) of the PHRA, 43 P.S. § 955(e).

REQUESTED RELIEF

For the foregoing reasons, Plaintiff respectfully requests the following relief:

1. Declaratory relief, including a declaration that Defendants violated EJ's rights under the Equal Rights Amendment, equal protection provisions, and religious freedom provisions under the Pennsylvania Constitution and under the Pennsylvania Human Relations Act, 43 P.S. §§ 951-963;
2. An injunction enjoining Defendants from operating Penn State Health St. Joseph Medical Center in accordance with the Catholic Directives and from engaging in unlawful discriminatory practices under the PHRA;
3. Compensatory damages, including for emotional distress, humiliation, embarrassment, and mental anguish, in an amount greater than \$50,000 to be determined at trial;
4. Nominal damages;
5. Plaintiff's reasonable costs and attorneys' fees pursuant to the PHRA and other applicable law;
6. Such other relief as the Court deems appropriate.

Dated: July 21, 2026

Respectfully submitted,

/s/ Richard T. Ting

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