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Court weighs transgender pronouns lawsuit

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A Denver District Court judge heard oral arguments Monday in a lawsuit brought by a pair of Colorado businesses who argued that the state's civil rights expansions for transgender individuals are unconstitutional.

The law at issue, House Bill 1312, adds the intentional refusal to use a person's chosen name or pronouns to the list of discriminatory acts prohibited under the Colorado Anti-Discrimination Act, among other provisions. The measure is also known as the Kelly Loving Act, named for a transgender woman who was killed in the 2022 Club Q shooting in Colorado Springs.

One of the measure's sponsors, the late Sen. Faith Winter, D-Northglenn, said the protections were necessary at a time when transgender people are being targeted more than "almost any community."

Shortly after the bill was signed into law, a coalition of several businesses, parent groups and nonprofits sued, arguing the measure violates the First and Fourth Amendments.

In March of 2026, a U.S. District Court Judge denied the plaintiffs' request for a preliminary injunction on enforcement of HB 1312. An appeal was filed several days later, with opening briefs submitted in June.

In September 2026, District Court Judge Regina Rodriguez dismissed the parent advocacy groups and nonprofits from the case but allowed several medical practices and businesses to remain.

Jennifer Sey, founder of the apparel company XXXY Athletics, is one of the plaintiffs in the lawsuit. She argued HB 1312 threatens small businesses in Colorado like hers that "know the truth and speak that truth freely."

"Now, when my company tells the truth about male athletes and women's sports, we're the ones risking enforcement action," she said. "Our fight for fairness and safety is called discrimination. We won't roll over to a law that demands we lie about basic biology."

Eric and Sarah Smith, owners of the Colorado Springs-based bookstore Born Again Used Books, are also plaintiffs in the suit. While they welcome customers of "all faiths and backgrounds and identities," the couple said they speak in a way that is true to their belief that "God has made each person male or female."

Under HB 1312, the Smiths could face a $3,500 fine for not using a person's preferred name or pronouns, the couple said.

"We're not asking everyone to agree with us. We're asking Colorado to let us keep speaking the way we always have — kindly, honestly and without fear," they said. "We love our customers, we love the community and we love the truth too much to say something we don't believe."

Sey and the Smiths' case is one of two ongoing lawsuits challenging HB 1312.

Last August, the U.S. Department of Education sued Jeffco Public Schools, accusing the district of violating the Trump administration's changes to Title IX by allowing transgender girls to participate on

girls' sports teams and stay in overnight accommodations that align with their gender identity on school trips.

In the lawsuit, Jeffco Public Schools argued that, by complying with the changes to Title IX — the Trump administration had rescinded Biden-era policies that expanded the regulations to cover discrimination based on "sexual orientation" and "gender identity" — it would be violating HB 1312. Further complicating the issue was voters passing the statewide ballot measure Proposition 134, which would require students to participate on sports teams that align with their biological sex rather than their gender identity.

Last week, Jeffco schools and the Trump administration announced they had agreed to an indefinite pause in the case. In a news release, Jeffco interim superintendent Rob Stein said the district is grateful the federal agency proposed the stay, since the legal questions have not been resolved.

"This agreement provides some important clarity and allows us to keep our attention where it belongs: on our students and their education," Stein said. "Our schools and staff have important work to do every day to educate students, and we want to focus on that work without the ongoing uncertainty and distraction of litigation."