



IN THE
Court of Appeals of Indiana

Indiana Bureau of Motor Vehicles
and Joseph B. Hoage, in his official capacity
as Commissioner of the Indiana Bureau
of Motor Vehicles,
Appellants-Defendants,

v.

Fitz Simmons, A.G., S.D., C.O., K.W.,
W.A., B.W., K.H., S.R., J.T., K.O., S.O., and J.L.,
Appellees-Plaintiffs.

July 17, 2024

Court of Appeals Case No.
23A-PL-899

Appeal from the
Monroe Circuit Court

The Honorable
Holly M. Harvey, Judge

Opinion by Senior Judge Shepard
Judges Bradford and Felix concur.

Shepard, Senior Judge.

- [1] The Appellees petition for rehearing of our decision in *Indiana Bureau of Motor Vehicles v. Simmons*, 233 N.E.3d 1016 (Ind. Ct. App. 2024). Contending that the Court’s use of the phrase “biological division of being either female or male” has no support in usage or law and will be used to harm transgender individuals, the Appellees request the Court to remove the phrase from its opinion.
- [2] Upon due consideration, we grant rehearing and modify our opinion by striking the word “biological” in the first sentence of paragraph 33. We reaffirm our original decision in all other respects.

Bradford, J., and Felix, J., concur.

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