

POLICY

Jury Awards \$2 Million to Woman Who Sued Over ‘Gender-Affirming’ Surgery She Had as Teen

Fox Varian, now 22, underwent a double mastectomy in 2019, when she was 16. Afterward, she felt that her gender transition had harmed her, so she detransitioned. In 2023, she sued her psychologist, Dr. Kenneth Einhorn, and her plastic surgeon, Dr. Simon Chin.

by **Michael Nevradakis, Ph.D.**

FEBRUARY 2, 2026

An adult woman who had her breasts removed as part of “gender-affirming” surgery performed when she was a teenager won a **\$2 million settlement** in a New York court last week.

The three-week case, heard before the Westchester County Supreme Court, represented the **first detransitioner malpractice lawsuit** to go to trial and succeed in the U.S., the New York Post reported.

Fox Varian, now 22, underwent a **double mastectomy** in 2019, when she was 16. Afterward, she felt that her gender transition had harmed her, so she detransitioned. In 2023, she **sued** her psychologist, **Dr. Kenneth Einhorn**, and her plastic surgeon, **Dr. Simon Chin**.

Varian’s complaint alleged negligence, reckless disregard for her mental and emotional health and a **failure to obtain informed consent**.

On Jan. 30, a **jury awarded Varian** \$1.6 million for past and future pain and suffering and \$400,000 toward future medical expenses. The court has sealed the case file.

According to the **Daily Wire**, the verdict “triggered much reaction online.”

Sayer Ji, chairman of the **Global Wellness Forum** and founder of **GreenMedInfo**, said the verdict was “long overdue,” as there is “no ethical or medical justification for subjecting children to experimental interventions that permanently alter healthy bodies.”

The verdict came less than two months after U.S. Health Secretary Robert F. Kennedy Jr. announced that the U.S. Department of Health and Human Services (HHS) would **prohibit hospitals from performing sex-change surgery** on minors.

Last year, President Donald Trump issued an **executive order** directing **federal agencies** and programs to limit youth access to “gender affirming care.”

‘Transition or your child will commit suicide’

The jury in the Varian case was not asked to decide whether “gender-affirming care” is appropriate for minors. Instead, the court asked the jury to decide whether the defendants had violated the accepted “**standard of care**” for treating minors.

According to **The Epoch Times**, the six-member jury found that Einhorn and Chin “skipped important steps” when evaluating whether Varian should receive the surgery, and “had not adequately communicated with each other.” These actions constituted a “departure from the standard of care.”

During the trial, Varian’s attorney, **Adam Deutsch**, said that, before her procedure, Varian had not been correctly diagnosed and treated for gender dysphoria, and her mental health had not been evaluated.

According to **Unherd**, “Varian reportedly suffered from a slew of mental health conditions, including anorexia, **body dysmorphia**, and **autism**, which could all lead someone to believe **First detransition trial victory is only the beginning - UnHerd** they should transition, or could be misinterpreted as gender dysphoria.”

Independent journalist **Benjamin Ryan**, who attended the three-week trial, reported that Varian told the court she had “stopped feeling safe being female” and that she confused her discomfort with the male gaze with a desire to transition to being male.

“I think there’s a difference between wanting to be male and versus just not wanting to be female and not wanting to face everything that comes with it,” Varian testified.

Varian’s mother, **Claire Deacon**, testified that she opposed the surgery but was pressured into consenting after Einhorn warned her that Varian was suicidal.

Kim Mack Rosenberg, general counsel for **Children’s Health Defense** (CHD), said similar tactics are used to pressure parents into consenting to gender-affirming care, while the risks of such procedures are withheld. She said:

“Transitioning minors raises many issues, not the least of which is informed consent, both with respect to the children being treated and their parents.

“Parents often are told there are two options: Transition or your child will commit suicide. Moreover, children and their parents are often deprived of critical information concerning the **drugs** and surgeries used in transitioning. These medical treatments have life-altering effects, including lifelong pain and risk of ongoing or repeat infections.”

AAP statement on gender-affirming care contains ‘factual errors’

There is “no established standard of care” for “gender-affirming” procedures, Unherd reported.

The **American Academy of Pediatrics** (AAP) has developed a policy statement on **gender-affirming care**. However, according to **James M. Cantor, Ph.D.**, director of the Toronto Sexuality Centre and associate professor at the University of Toronto Faculty of Medicine, the AAP statement is riddled with **factual errors** and ignores scientific evidence.

“AAP’s statement is a systematic exclusion and misrepresentation of entire literatures,” Cantor wrote. “Not only did AAP fail to provide extraordinary evidence, it failed to provide the evidence at all. Indeed, AAP’s recommendations are despite the existing evidence.”

Yet, the AAP’s standard “became what clinicians followed, [medical] boards enforced, and insurers reimbursed,” attorney **Rick Jaffe** told **The Defender**.

The World Professional Association for Transgender Health (WPATH) has developed its own set of documents collectively represented as “**standards of care**.” But according to Unherd, “that doesn’t mean those are the established protocols.”

Jaffe said the WPATH’s standard of care documents “aren’t evidence-based guidelines — they’re ideology dressed-up as medicine.”

Writing on Substack, Ryan said that while some WPATH leaders favored a more moderate approach to gender-affirming care, the organization “by and large ... **let activism steer the ship** — at the expense of science and at the expense of the vulnerable and distressed adolescents.”

“Once gender comes into the conversation, professionals ignore all other possibilities for a minor’s distress, and that distress often worsens with transition,” Unherd wrote.

Brian Hooker, Ph.D., CHD's chief scientific officer, said, "Given the very invasive and permanent nature of this type of surgery, hormone therapy, etc., it is unbelievable that any government authority would allow it for any minor — even with the full consent of parents."

According to Jaffe, examples of the permanent damage caused by "gender-affirming" care include "mastectomies on girls as young as 13, hormones causing infertility and bone loss, puberty blockers with unknown effects on brain development."

Youth with autism 'heavily targeted' for gender transitioning

A significant percentage of young people who receive such treatments are autistic, according to Jaffe. "Studies show 20-30% of kids at gender clinics are on the spectrum. They struggle with identity, they're susceptible to online influence, they take things literally. Fox Varian was autistic. That red flag was ignored."

"Autism is associated with differences in risk assessment, cognitive rigidity and identity formation, which increases the need for extended evaluation — not rapid medicalization. Why this protected group is so heavily targeted by those coaxing transitioning minors baffles the heart and mind," said research scientist and author [James Lyons-Weiler, Ph.D.](#)

Last year, Kennedy said financial interests have helped promote gender-affirming procedures, resulting in the growth of a "[predatory multi-billion dollar industry.](#)"

Kennedy cited a study that reported profits from [sex-rejecting drugs](#) and surgeries surpassed \$4.4 billion in 2023, and were on track to top \$7.8 billion by 2031.

'One of the most consequential medical malpractice trials in recent American history'

In a post on X, Ryan said that at least 28 detransitioner lawsuits have been filed, many of which remain pending. Following the Varian ruling, more courts may begin ruling in favor of plaintiffs who have detransitioned, he said.

"My sources suggest that tort law might [permanently destroy this field,](#)" Ryan wrote.

According to Jaffe, one of the pending cases names the [AAP as a defendant](#), "along with [Dr. Jason Rafferty](#), who was both the plaintiff's treating physician and the lead author of the AAP's 2018 policy statement."

Jaffe noted that the verdict was delivered by a jury in a state widely viewed as being politically progressive. “Providers thought blue-state juries would protect them. They were wrong,” he said.

Writing on Substack, cardiologist **Dr. Peter McCullough** called the Varian case “one of the **most consequential medical malpractice trials** in recent American history,” whose verdict may discourage insurers from covering “gender-affirming” procedures.

Robby Starbuck, director of “**The War on Children**,” wrote on X that, “In coming years, **the floodgates will open** as more go to trial.”

“What was done to these kids is a crime against humanity. An unforgivable evil that must be extinguished from the earth. Never again. The damage these kids carry is heartbreaking.”

Michael Nevradakis, Ph.D.

Michael Nevradakis, Ph.D., based in Athens, Greece, is a senior reporter for The Defender and host of "The Defender In-Depth" on CHD.TV.