

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

PRIVACY MATTERS, a voluntary
unincorporated association; and
PARENT A, president of Privacy
Matters,

Plaintiffs,

vs.

**UNITED STATES DEPARTMENT
OF EDUCATION; JOHN B. KING,
JR.**, in his official capacity as United
States Secretary of Education; **UNITED
STATES DEPARTMENT OF
JUSTICE; LORETTA E. LYNCH**, in
her official capacity as United States
Attorney General, and **INDEPENDENT
SCHOOL DISTRICT NUMBER 706,
STATE OF MINNESOTA**,

Defendants,

Jane Doe, by and through her mother,
Sarah Doe,

Proposed Intervenor-
Defendant.

Case No. 0:16-CV-03015-WMW-LIB

**DECLARATION OF SARAH DOE IN
SUPPORT OF MOTION TO
INTERVENE BY JANE DOE, A MINOR
CHILD, BY AND THROUGH HER
MOTHER AND LEGAL GUARDIAN,
SARAH DOE**

I Sarah Doe, declare:

1. I am the mother and legal guardian of Jane Doe, the high school student referenced as "Student X" throughout the complaint in the above-captioned case. Jane's motion to intervene in the case is brought through me on her behalf. I am over eighteen (18) years of age, and if called as a witness, I could and would testify competently as to the matters set forth below.
2. Jane is a fifteen year-old girl currently in her sophomore year of high school at Virginia High School in Virginia, MN. Jane expects to graduate from Virginia

High School in May 2019.

3. Jane is an outgoing, active young woman who participates on athletic teams and in student council at Virginia High School. She has a close relationship with her family and friends. She is active in our church and is a very caring and giving person.
4. Jane is transgender. Although designated male at birth, Jane has publicly identified as female for almost two years. She came out to me as transgender in Fall 2014, when she was in eighth grade. She was diagnosed with gender dysphoria in January 2015. With my help and support and the help and support of our family, and under the supervision of medical providers, Jane began living consistently with her female gender identity in the Spring of 2015, as she was finishing her eighth grade year.
5. As part of her treatment for gender dysphoria, Jane's healthcare providers recommended and prescribed that she live her life full-time consistently with her female gender identity. Accordingly, in the Spring of 2015, Jane began to live in accordance with her gender identity in all aspects of her life by dressing in feminine clothing, using a female name and pronouns, and using female restrooms and any other facilities that are divided by sex. Jane's school has changed her records to reflect her female name and pronouns. She has also taken steps to transition medically. She began receiving injections to block testosterone in February 2016 and will be evaluated within the next month to begin receiving estrogen therapy.
6. When Jane began living in accordance with her gender identity, we requested that the school allow her to access female restrooms and locker rooms. The school denied the request and instead told us that Jane could use the restroom in the nurse's office. At the beginning of the 2015-16 school year, the school converted a teacher's restroom into a gender-neutral restroom and allowed Jane to use both the new restroom and the restroom in the nurse's office.
7. Using those restrooms was problematic for Jane. The restroom in the nurse's office was often occupied by ill students so Jane would have to wait to use it. The staff restroom was far away from many of her classes. This caused Jane to be late for class on many occasions. Using alternate facilities was also difficult for Jane on an emotional level because she was being treated differently by the school than her friends and peers and it made her feel like an outcast.
8. During the 2015-16 school year, Jane requested that she be allowed to play basketball on the girls' basketball team. Jane's request was initially denied. After an appeal with the Minnesota State High School League ("MSHSL"), which

included submitting medical documentation of Jane's transgender status and her diagnosis of gender dysphoria, the MSHSL granted her request to play on the girls' basketball team in December 2015. Jane started playing on the team towards the end of the 2015-16 basketball season in January 2016.

9. After the MSHSL appeal was granted, I met with school officials and they agreed to allow Jane to use female restrooms and locker room facilities.
10. Jane is very self-conscious about parts of her body that do not conform to her female gender identity. When she is in the locker room she is not comfortable wearing anything less than a sports bra and spandex shorts. Whenever she needs to change additional clothes, she does so in a restroom stall or other private area where she will not be visible to other students.
11. After Jane began playing on girls' athletic teams and using female restrooms and locker room facilities, I noticed a definite change in her attitude and self-esteem. She was happier and more confident and her attitude about school was much more positive. Jane had experienced bullying in the past and being allowed access to girls' sports and facilities made her feel like she fit in more with other students.
12. Soon after Jane was allowed to play basketball on the girls' team, a small but vocal group of parents expressed anger and disapproval about the fact that the school was allowing Jane to play on girls' sports teams and use the same restrooms and locker rooms as other members of the team. These parents were also upset that they had not been notified in advance that Jane would be allowed to participate on the girls' basketball team and allowed to use the same restrooms and locker rooms as other team members.
13. As the group of upset parents became more vocal, a sympathetic member of my church came to visit me at home and told me about a statement that was written by one of the parents, saying terrible things about my daughter. After she told me about the statement, I looked it up and found it online. The statement, described my daughter as "a 15-year-old boy who claims to be a girl" and suggested that my daughter was only in the locker room so that she could watch other girls get undressed. Reading the statement was devastating to both me and my daughter. It made Jane feel terrible and it harmed her emotionally. The statement made her seem like a monster. Jane is not a monster. She is a wonderful girl who looks and dresses like any other girl her age.
14. In April, 2016, the School District held a community meeting to help the community better understand gender identity and transgender people. After the meeting, it was clear that, while there were community members who were supportive of Jane and other people who are transgender, there were some

community members who still wanted to exclude Jane from using the same facilities as other girls. The controversy seemed to die down a bit after the meeting.

15. Jane started playing girls' volleyball for the Fall 2016 season. Volleyball was going very well for her and the new school year got off to a very positive start. A few days after the term started, we learned about this lawsuit being filed and a Fox News story about the case from the same sympathetic church member who told me about the parent statement last Spring. The day after we learned about the Fox News story, there was a similar story on the local television news, followed the next day by a story in the local paper.
16. When Jane learned about this lawsuit being filed and saw the news coverage detailing the allegations in the complaint, she was devastated. Each day's new coverage about the case brought new pain. She was upset and crying, both because of the terrible things that the lawsuit said about her and because the parents suing want to take away her right to play on girls' sports teams and to use female restrooms and locker rooms.
17. The allegations in the lawsuit about Jane do not reflect the reality of who Jane is. For example, Jane likes to dance and listen to music in the locker room along with other girls on the team. The complaint singles out Jane and attempts to portray Jane's dancing as salacious or threatening simply because she is transgender. The complaint also falsely portrays Jane as an exhibitionist when the reality is that she is extremely private about parts of her body that are different from the bodies of other girls and never fully undresses in front of other students.
18. This lawsuit has stirred up the controversy again. Jane and our family has again become the talk of the town with some community members saying awful, callous comments like "kill her" and "get rid of that thing," as if Jane were some kind of monster instead of a 15 year-old girl.
19. Jane has put on a brave face since the lawsuit was filed but I can tell that it has had a significant impact on her emotional well-being. Her schoolwork has started to slip and she is more apt to fall behind on her assignments.
20. Jane's ability to use the girls' locker room and play on girls' sports teams is essential for affirming her female gender identity and treating her medical condition. Jane's emotional well-being will be harmed if she is denied equal access to the girls' locker room and restrooms.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 12, 2016

[REDACTED]

, identified above as "Sarah Doe"

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**PLACEHOLDER FOR DECLARATION
OF SARAH DOE IN SUPPORT OF
MOTION TO INTERVENE BY JANE
DOE, A MINOR CHILD, BY AND
THROUGH HER MOTHER AND
LEGAL GUARDIAN, SARAH DOE**

This document is a place holder for the following item(s) which are filed in conventional or physical form with the Clerk's Office:

Declaration of Sarah Doe in Support of Motion to Intervene by Jane Doe, a minor child, by and through her mother and legal guardian, Sarah Doe

If you are a participant in this case, this filing will be served upon you in conventional format.

This filing was not e-filed for the following reason(s):

Voluminous Document* (Document number of order granting leave to file conventionally: *Enter Doc. #*)

- Unable to Scan Documents (e.g., PDF file size of one page larger than 15MB, illegible when scanned)
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- Item Under Seal pursuant to a court order* (Document number of protective order: *Enter Doc. #*)
- Item Under Seal pursuant to the Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1
(Document number of redacted version: 26)
- Other (description): *Enter Description*

* Filing of these items requires Judicial Approval.

E-file this place holder in ECF in place of the documents filed conventionally. File a copy of this Placeholder and a copy of the NEF with the Clerk's Office along with the conventionally filed item(s).