

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

DREW ADAMS, a minor, by and through
his next friend and mother, ERICA
ADAMS KASPER,

Plaintiff,

v.

Case No.: 3:17-cv-00739-TJC-JBT

THE SCHOOL BOARD OF ST. JOHNS
COUNTY, FLORIDA,

Defendant.

JOINT FINAL PRETRIAL STATEMENT

Plaintiff and Defendant, in accordance with the Court's Case Management and Scheduling Order (Dkt. 59) and M.D. Fla. Loc. R. 3.06 (c), hereby submit this Joint Final Pretrial Statement.

A. Basis of Federal Jurisdiction

1. Plaintiff: The Court has jurisdiction of Plaintiff's federal law claims under 28 U.S.C. § 1331 and 28 U.S.C. 1343(a)(3) and (4). The initial Complaint was filed with this court on June 28, 2017 (Dkt. 1), and the Amended Complaint was filed on September 7, 2017 (Dkt. 60).

2. Defendant: This Court has federal question jurisdiction over this case pursuant to 28 U.S.C. §1331 and 1367. This Court also has jurisdiction based on 28 U.S.C. §1343(a)(3) and (4), because it involves claims of deprivation under color of state authority,

or rights, privileges or immunities secured by the U.S. Constitution and demands for damages and equitable relief under 42 U.S.C. §1983.

B. Concise Statement of the Nature of the Action

1. Plaintiff: Plaintiff seeks nominal damages, garden variety emotional distress damages, and declaratory relief due to his exclusion from the boys' restroom by Defendant The School Board of St. Johns County, Florida ("Defendant School Board" or "School Board") based on a Best Practices Guideline that Plaintiff contends violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.* ("Title IX"). Plaintiff also seeks preliminary and permanent injunctive relief enjoining Defendant from denying him equal access to the boys' restroom pursuant to the Fourteenth Amendment to the U.S. Constitution and Title IX.

2. Defendant: Plaintiff brings this action under the Equal Protection Clause of the Fourteenth Amendment (Count I) and Title IX of the Educational Amendments Act of 1972 ("Title IX")(Count II) alleging Defendant discriminated against him based on his gender identity. Specifically, Plaintiff contends that Defendant violated the above-referenced laws, because Defendant's bathroom policy does not allow him to use the group or multi-user bathrooms designated for biological male students at Allen D. Nease High School ("Nease") in St. Johns County, Florida. Plaintiff seeks injunctive and declaratory relief as well as compensatory damages.

Defendant contends that its long-standing policy is permitted under Title IX and other legal authorities, and survives any level of scrutiny under the Equal Protection Clause.

C. General Statement of Each Party’s Case

1. Plaintiff:

Summary of Facts Supporting Relief

Drew is a 17-year-old honors student registered at Allen D. Nease High School (“Nease High School”) in Ponte Vedra, Florida. Drew is a transgender boy, which means that his sex assigned at birth was female, but his core gender identity is male. Drew has been diagnosed with gender dysphoria, the distress from the incongruence between a transgender person’s gender identity and sex assigned at birth. Because gender is a core aspect of a person’s identity, transgender children who are denied recognition of their gender identity, such as through exclusion from communal restrooms, experience that mistreatment as a profound rejection of their core self, which can have serious negative consequences for their development and their long-term health and well-being.

Drew used boys’ restrooms without any incident at Nease High School—using one of the stalls on every occasion—until September 22, 2015, when he was pulled out of class and informed that someone anonymously “reported” that he was using the boys’ restroom; as a result, he was instructed to use only a gender neutral restroom. The gender neutral restrooms are as not proximate to his classrooms requiring him to pass sex-segregated restrooms to get there, which takes time away from him attending classes. Further, the policy instituted by the school is discriminatory as it treats Plaintiff differently from other boys at the school, is humiliating and heightens the symptoms of his gender dysphoria. The policy instituted by the school creates a significant hardship because Drew must then weigh the importance of the information that he would miss in class against the anxiety, stress, and distraction that come

with trying to hold his bladder.

Fourteenth Amendment Claim

By barring Drew from boys' restrooms at school, Defendant violates the constitutional guarantee that no state shall "deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, § 1. Defendant's policy facially discriminates against transgender students like Drew. Although all students must be able to access facilities that match their gender identity, only transgender students are denied such access under the policy, which requires that students use facilities according to their birth-assigned sex. This discriminates against transgender students because by definition their birth-assigned sex does not match their gender identity.

Defendants' discrimination against Drew triggers strict or at least heightened scrutiny for at least three reasons: (1) *Glenn v. Brumby*, 663 F.3d 1312 (11th Cir. 2011), establishes as a matter of law that discrimination against transgender people is sex discrimination because it inherently relies on gender stereotypes; (2) discrimination based on transgender status and gender transition necessarily classifies individuals based on sex; and (3) discrimination against transgender people bears all the indicia of a suspect classification. It is axiomatic that "gender classifications that rest on impermissible stereotypes violate the Equal Protection Clause." *J.E.B. v. Alabama ex rel. T.B.*, 511 U.S. 127, 139 n.11 (1994).

It is settled law in the Eleventh Circuit that discrimination against transgender people necessarily relies upon sex stereotypes, because "[t]he very acts that define transgender people as transgender are those that contradict stereotypes of gender-appropriate appearance and behavior." *Glenn*, 663 F.3d at 1316 (citation omitted); *see also id.* ("A person is defined as

transgender precisely because of the perception that his or her behavior transgresses gender stereotypes.”); *Chavez v. Credit Nation Auto Sales, LLC*, 641 F. App’x 883, 884 (11th Cir. 2016) (reaffirming *Glenn*’s holding that “sex discrimination includes discrimination against a transgender person for gender nonconformity”); *Valentine Ge v. Dun & Bradstreet, Inc.*, No. 6:15-cv-1029-ORL-41GJK, 2017 WL 347582, at *4 (M.D. Fla. Jan. 24, 2017) (“Sex discrimination includes discrimination against a transgender person for gender nonconformity.”) (citing *Chavez*).

Echoing *Glenn*’s analysis that an “individual cannot be punished because of his or her perceived gender-nonconformity,” the court in *Whitaker v. Kenosh Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1049 (7th Cir. 2017), held that exclusion of an individual from the restroom conforming to his or her gender identity “punishes that individual for his or her gender non-conformance.” *See also Evancho v. Pine-Richland Sch. Dist.*, 237 F. Supp. 3d 267, 285-86 (W.D. Pa. 2017); *Bd. of Educ. of the Highland Local Sch. Dist. v. United States Dep’t of Educ.*, 208 F. Supp. 3d 850, 877 (S.D. Ohio 2016); *Roberts v. Clark Cty. Sch. Dist.*, 215 F. Supp. 3d 1001, 1016 (D. Nev. 2016); *Lusardi v. McHugh*, EEOC Appeal No. 0120133395, 2015 WL 1607756, at *9 (EEOC Apr. 1, 2015).

Policies distinguishing between transgender boys or girls, and non-transgender boys or girls, are sex discrimination for an additional reason: such policies allow students to be treated consistent with their gender identity *only* if that identity matches their sex assigned at birth. A policy that discriminates against students because their birth-assigned sex and gender identity do not match—*i.e.*, because they are transgender—necessarily discriminates based on sex. *See Schwenk v. Hartford*, 204 F.3d 1187, 1201-02 (9th Cir. 2000) (holding that conduct motivated

by an individual's "gender or sexual identity" is because of "gender," which is interchangeable with "sex"); *Evancho*, 237 F.Supp.3d at 285 (holding that restroom exclusions discriminate based on "transgender status" because "Plaintiffs are the only students who are not allowed to use the common restrooms consistent with their gender identities"); *Fabian v. Hosp. of Cent. Connecticut*, 172 F. Supp. 3d 509, 526-27 (D. Conn. 2016); *Norsworthy v. Beard*, 87 F. Supp. 3d 1104, 1119 (N.D. Cal. 2015); *Rumble v. Fairview Health Servs.*, No. 14-cv-2037, 2015 WL 1197415, at *2 (D. Minn. Mar. 16, 2015); *Macy v. Holder*, 2012 WL 1435995, at *10 (E.E.O.C. Apr. 20, 2012).

The central inquiry is whether "the discrimination is related to [] sex." *Schwenk*, 204 F.3d at 1202; accord *Fabian*, 172 F. Supp. 3d at 525-26 (the dispositive inquiry is whether discrimination is "related to sex"). Accordingly, any argument that Defendants' policy simply treats everyone consistently with their birth-assigned sex must fail because it ignores the key question of whether one's sex has been taken into account, as is clearly the case here. See *Whitaker*, 858 F.3d at 1051 (rejecting school district's claim that its exclusion treated boys and girls equally); *Roberts*, 215 F. Supp. 3d at 1015 ("Although CCSD contends that it discriminated against Roberts based on his genitalia, not his status as a transgender person, this is a distinction without a difference here."); cf. *Loving v. Virginia*, 388 U.S. 1, 8 (1967) (rejecting "the notion that the mere 'equal application' of a statute containing racial classifications" removes it from the Fourteenth Amendment's prohibition of discrimination).

Further, discrimination based on gender transition is necessarily based on sex, just as discrimination based on religious conversion is necessarily based on religion. Firing an employee because she converts from Christianity to Judaism "would be a clear case of

discrimination “because of religion,” even if the employer “harbors no bias toward either Christians or Jews but only ‘converts.’” *Schroer*, 577 F. Supp. 2d at 306; accord *Fabian*, 172 F. Supp. 3d at 527; *Macy*, 2012 WL 1435995, at *11. Similarly, Defendants may treat boys and girls equally as a general matter but nonetheless discriminate against those who undertake gender transition. By burdening transgender students based on expectations about how “real” boys or girls behave, Defendants’ policy discriminates based on sex. *Schroer*, 577 F. Supp. 2d at 306.

The discrimination based on transgender status is entitled to strict, or at least heightened scrutiny. The Supreme Court consistently has applied some form of heightened scrutiny where the classified group has suffered a history of discrimination, and the classification has no bearing on a person’s ability to perform in society. See, e.g., *Massachusetts Bd. of Ret. v. Murgia*, 427 U.S. 307, 313 (1976). In addition, the Supreme Court has sometimes considered whether the group is a minority or relatively politically powerless, and whether the characteristic is defining, or “immutable” in the sense of being beyond the individual’s control or not one the government has a right to insist than an individual try to change. See, e.g., *Lyng v. Castillo*, 477 U.S. 635, 638 (1986); see also *Kerrigan v. Comm’r of Pub. Health*, 957 A.2d 407, 426-30 (Conn. 2008) (analyzing federal equal protection law to conclude that history of discrimination and ability to contribute to society are the two central considerations, and collecting authorities). While not all considerations need be present, *Plyler v. Doe*, 457 U.S. 202, 216 n.14 (1982); *Golinski v. U.S. Office of Pers. Mgmt.*, 824 F. Supp. 2d 968, 983 (N.D. Cal. 2012), here all four point in favor of some form of heightened scrutiny with respect to laws that discriminate based on transgender status.

As will be shown at trial through the introduction of testimony and written evidence, transgender individuals have endured a history of discrimination, are a discrete group with distinguishing characteristics and, as a result, are virtually powerless to address the complained of conduct. Further, as will also be shown at trial, transgender people “have a defining characteristic that frequently bears no relation to an ability to perform or contribute to society.” *Evancho*, 237 F.Supp.3d at 288. And, finally, the evidence will show that there is no rational, let alone substantially related or narrowly tailored, relationship between the exclusion of Drew from the boys’ restroom and Defendant’s stated purpose, which allegedly was to protect the privacy interests of non-transgender individuals and protect transgender individuals from harm.

Title IX Claim

Title IX declares that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” 20 U.S.C. § 1681(a). To succeed on a Title IX discrimination claim, the student “must show that: (1) [he] was excluded from participation in an education program because of [his] sex; (2) the educational institution received federal financial assistance at the time of the exclusion; and (3) the discrimination harmed [him].” *Highland*, 208 F. Supp. 3d at 865.

As a recipient of federal financial assistance, Defendant is subject to Title IX’s strictures, and “[a]ccess to the bathroom is . . . an education program or activity under Title IX.” *Highland*, 208 F. Supp. 3d at 865. Defendants’ intentional exclusion of Plaintiff and other similarly situated from boys’ restrooms discriminates based on his sex under Title IX

and has caused Plaintiff harm. Drew must live with the constant and degrading reminder that school officials do not view him as a “real” boy. Moreover, the gender neutral restrooms are much less accessible than the boys’ restrooms that all others use, and are segregated from the communal restrooms that his peers use, which forces Drew to miss class simply to travel to a restroom, or to deal with the extreme discomfort of holding his bladder, which in turn disrupts his ability to participate in class. Shunting transgender students like Drew into alternative facilities is stigmatizing and brands them as second-class students who are unfit to share communal spaces with others. At trial, the evidence will support Plaintiff’s demonstration of each of the elements of his Title IX claim.

2. Defendant:

Title IX

Plaintiff’s Title IX claim is primarily a legal question – more specifically, whether “gender identity” (how a person internally defines his or her gender) is synonymous with “sex” under Title IX. The plain, ordinary meaning of “sex,” applicable case law and the current positions of the United States Department of Education and United States Department of Justice unequivocally support Defendant’s position that sex and gender identity are separate terms with separate meanings.

Defendant’s long-standing bathroom policy (60+ years) requiring students to use the bathroom corresponding to their biological sex and its Best Practices guidelines are both permitted by Title IX. Title IX allows educational institutions to provide “separate living facilities *for the different sexes.*” 20 U.S.C. §1686 (emphasis added). Similarly, the DOE regulations implementing Title IX allow educational institutions to provide “*separate toilet,*

locker room, and shower *facilities on the basis of sex...*” 34 C.F.R. §106.33 (emphasis added).

The greater weight of the case law and other authority interpreting this language simply do not support Plaintiff’s expansive view of the definition of the term sex used in the statute.

The US DOE’s most recent guidance emphasizes that local school boards should play the “primary role” in formulating educational policy. Nevertheless, Plaintiff asks this Court to make a policy choice, one that expands the definition of “sex” beyond its plain and ordinary meaning to include “gender identity,” along with other concepts such as gender nonconformity, transgender status, gender expression, and gender transition. [Doc. 60 at ¶73]. To get there, Plaintiff must attempt to create an issue of fact regarding the definition of sex, which necessarily requires the Court delve into how certain segments of the medical community define sex. While Defendant is prepared to offer evidence contrary to the view of Plaintiff’s expert witnesses on this point, such an endeavor is unnecessary. As a matter of law, the term “sex” is unambiguous and should be given its plain and ordinary meaning. It cannot be gainsaid that “sex” under Title IX and §106.33 does not encompass “gender identity” or an individual’s feeling of their gender.

Equal Protection

Plaintiff’s Equal Protection claim presents a mixed question of law and fact.

A. Equal Protection Generally

Defendant’s position is that Plaintiff is a biological female and, like all other biological females, he is not permitted to use the male bathrooms under Defendant’s long-standing policy of separating bathrooms based on biological sex.

B. The Reason for Defendant's Policy

The reason for Defendant's bathroom policy is fairly straightforward. Defendant has a legitimate and important governmental interest in protecting the bodily privacy rights of minor and young-adult students in its K-12 schools, rights guaranteed by the Florida Constitution and other authorities. These interests include, without limitation including preventing the unnecessary exposure of nude or partially nude body, genitalia, and other private parts of students of one sex to students of the opposite biological sex. Defendant further objects to forcing students to engage in intimate bodily functions in its school bathrooms with students of the opposite sex (for example, forcing biological females to address menstrual cycle issues in the presence of biological males or forcing biological males to relieve themselves at urinals in the physical presence of biological females). Allowing K-12 students of the same biological sex to use the same bathrooms at the same time conflicts with students' reasonable and traditional expectation of privacy, invades their bodily privacy rights and unnecessarily exposes them to potential psychological harm and unnecessary stress. It is a stipulated fact in this case that certain parents of students and students in the St. Johns County School District object to a policy or practice that would allow students to use a bathroom that matches their gender identity as opposed to their sex assigned at birth. These individuals believe that such a practice would violate the bodily privacy rights of students and raise privacy, safety and welfare concerns.

C. The Appropriate Level of Scrutiny

Either rational basis or intermediate scrutiny applies to Plaintiff's claim. With respect to rational basis, Defendant recognizes that precedent from the Eleventh Circuit Court of

Appeals has held that intermediate scrutiny applies to Equal Protection cases involving transgender individuals. Glenn v. Brumby, 663 F.3d 1312, 1320 (11th Cir. 2011)(applying intermediate scrutiny to case involving gender stereotyping of a transgender individual). Nonetheless, Glenn is distinguishable from the facts and issues in this case. If the Court were to apply rational basis review, Defendant will be able to show that its policy is rationally related to a legitimate government interest.

If intermediate scrutiny applies, Plaintiff must prove that Defendant's justification for denying his request to use the male bathrooms is not, at minimum, substantially related to the furtherance of an important government interest. For the reasons noted hereinabove, Defendant's justification for its policy is substantially related to the furtherance of an important government interest. The means employed by Defendant to protect the bodily privacy of minor and young-adult students is through a bathroom policy that requires students to use the bathroom consistent with their biological sex. Defendant's guidelines further permit students to use a single-stall bathroom if they are not comfortable using the bathroom corresponding to their biological sex.

Defendant's Position on Damages and Relevance of Medical Information

Plaintiff seeks compensatory damages for pain and suffering and has alleged that not allowing him to use the male bathroom is psychologically damaging and contrary to guidelines of treatment for individuals suffering from gender dysphoria. Plaintiff's damages claim is speculative and not supported by any admissible evidence. Likewise, the record evidence establishes that Plaintiff has not been damaged by Defendant's actions and that he had pre-

existing medical issues unrelated to the use of bathrooms.¹ Finally, Plaintiff's claim that using the male bathroom is contrary to guidelines for individuals suffering from gender dysphoria is based on the *ipsi dixit* of Drs. Adkins and Ehrensaft as opposed to evidence (including acceptable science) that is admissible under Daubert and its progeny.

D. Exhibit Lists and Objections

1. Plaintiff's Exhibits with Defendant's Objections: See Attachment A.
2. Defendant's Exhibits with Plaintiff's Objections: See Attachment B.

E. Witness Lists

1. Plaintiff:

Witnesses Plaintiff Expects to Call

1. Dr. Thomas Aberli
2. Drew Adams
3. Erica Jasper Adams
4. Scott Adams
5. Michelle L. Kefford
6. Michaelle Valbrun-Pope
7. Diane Ehrensaft, Ph.D. (retained expert)
8. Dr. Deanna Adkins (non-retained expert/treater) (by deposition)

Witnesses Plaintiff May Call

1. Kim Hutton
2. Defendant's corporate representative
3. Any witnesses necessary for rebuttal
4. Any witnesses necessary for impeachment
5. Records custodians and authentication witnesses

2. Defendant:

Witnesses Defendant Expects to Call

1. James (Tim) Forson

¹ Plaintiff alleges that he is seeking only "garden variety damages." It is Defendant's position that this allegation is an effort to shield Defendant from introducing critical and relevant information regarding the nature and extent of Plaintiff's alleged medical condition(s).

2. Frank D. Upchurch, III, Esq.
3. Cathy Mittelstadt
4. Sallyanne Smith
5. Kyle Dresback
6. Lisa Kunze
7. Dr. Alan Josephson
8. Dr. Paul Hruz

Witnesses Defendant May Call

1. Drew Adams (live trial testimony and deposition testimony)
2. Erica Adams Kasper
3. Scott Adams
4. Brennan Asplen
5. Martha Mickler
6. Paul Rose
7. Holly Arkin (impeachment), c/o Sniffen & Spellman, P.A., 123 North Monroe Street, Tallahassee, Florida 32301
8. Michelle Sterling (impeachment), c/o Sniffen & Spellman, P.A., 123 North Monroe Street, Tallahassee, Florida 32301
9. Any witnesses for impeachment not otherwise listed herein
10. Records Custodian for St. Johns County School District
11. Records Custodian for medical providers

F. Expert Witnesses Including, as to Each Expert Witness, a Statement of the Subject Matter and a Summary of the Substance of his or her Testimony

1. Plaintiff:

a. **Diane Ehrensaft, Ph.D.** Plaintiff intends to call two expert witnesses in his case in chief. Diane Ehrensaft, Ph.D. is a psychologist with expertise in the area of transgender and gender non-conforming youth and adolescents. She will be testifying regarding the harm that Plaintiff reported as a result of the Defendant's establishment of the restroom Best Practices Policy at issue in this case. She is also expected to testify regarding the history of discrimination that transgender individuals have experienced, and the impact that such discrimination has on transgender children and adolescents. Diane Ehrensaft, Ph.D.'s expert report contains a full description of her qualifications,

the basis of her opinions, and documents relied on in presenting her opinions. She will also rely on deposition testimony and the opinions and deposition testimony of Defendant's experts. Her opinions embodied in her expert report served on October 2, 2017 and her rebuttal report served on November 3, 2017.

b. Dr. Deanna Adkins. Dr. Adkins is Plaintiff's treating physician relating to his diagnosis with gender dysphoria and is an expert in pediatric endocrinology, including the understanding and management of associated difficulties in gender identification. She is serving as an unretained expert in this case and is one of the treating physicians for Drew Adams. Dr. Adkins is also expected to certify medical aspects to the diagnosis and treatment of transgender and/or gender non-conforming individuals. Dr. Adkins expert report contains a full description of her qualifications, the basis of her opinions, and documents relied on in presenting her opinions. Dr. Adkins will also rely on deposition testimony and the opinions and deposition testimony of Defendant's experts. Her opinions are set forth in her expert report served on October 2, 2017 and her rebuttal report served on November 3, 2017. Their opinions and rebuttal opinions are embodied in their respective reports. Plaintiff provided Defendants with timely expert disclosures pursuant to the Court's Case Management and Scheduling Order and Fed. R. Civ. P. 26. (Dkt. 59).

2. Defendant:

a. **Dr. Allan Josephson:**

Dr. Josephson is currently a Professor and Chief, Adolescent and Family Psychiatry at the University of Louisville School of Medicine, where he also holds position of CEO of the Bingham Clinic. He has been licensed to practice medicine in Kentucky since 2003.

He is an expert in adolescent and family psychiatry, including the assessment and treatment of adolescents and delivery of family-oriented psychiatric care.

Dr. Josephson will testify about the diagnostic conditions of transgender and intersex individuals, the determination of sex and gender, core psychopathology and treatment principles, the treatment of individuals with gender dysphoria, sex-designated facilities and transgender individuals (including in public school settings), the cultural context of psychiatry, and his rebuttal to the opinions of Diane Ehrensaft, Ph. D. set forth in her expert reported dated September 21, 2017.

Dr. Josephson's expert report contains a full description of his qualifications, the basis of his opinions, and documents relied on in presenting his opinions. Dr. Josephson will also rely on Plaintiff's and Plaintiff's parents' sworn statements and deposition testimony and the opinions and deposition testimony of Dr. Ehrensaft and/or Dr. Adkins.

b. **Dr. Paul Hruz:**

Dr. Hruz is currently an Associate Professor of Pediatrics in the Division of Pediatrics in the Division of Pediatric Endocrinology and Diabetes at Washington University School of Medicine. He also has a secondary appointment as Associate Professor of Cellular Biology and Physiology in the Division of Biology and Biological Sciences at Washington University School of Medicine. He is board certified in Pediatrics and Pediatric Endocrinology and has been licensed to practice medicine in Missouri since 2000.

Dr. Hruz is an expert in pediatric endocrinology, including the understanding and management of associated difficulties in gender identification. Dr. Hruz is also an expert in the incidence, potential etiology and treatment of gender dysphoria.

Dr. Hruz will testify about basic terminology, human sexuality in relation to fundamental biology and observed variations, gender dysphoria in relation to biological sex, gender ideology, and potential harm related to gender dysphoria treatments. Dr. Hruz will testify that there is no scientific evidence to support a treatment approach that permits individuals suffering from gender dysphoria to use sex-segregated bathrooms matching their gender identity.

Dr. Hruz's expert report contains a full description of his qualifications, the basis of his opinions, and documents relied on in presenting his opinions. Dr. Hruz will also rely on Plaintiff's and Plaintiff's parents' sworn statements and

deposition testimony and the opinions and deposition testimony of Dr. Ehrensaft and/or Dr. Adkins.

G. Statement of the Elements of Plaintiff's Claim for Money Damages and the Amount Being Sought with Respect to Each Such Element

Plaintiff is seeking garden variety damages in this case due to the emotional harm he suffered as a result of Defendant's implementation of its discriminatory restroom policy, called the Best Practices Guidelines. See *Wineberger v. Racetrac Petroleum, Inc.*, No. 5:14-CV-653-OC-30PRL, 2015 WL 225760, at *4 (M.D. Fla. Jan. 16, 2015); *Stone v. GEICO Gen. Ins. Co.*, No. 8:05-CV-636-T-30TBM, 2009 WL 3720954, at *6 (M.D. Fla. Nov. 5, 2009); *City of Hollywood v. Hogan*, 986 So. 2d 634, 649 (Fla. 4th DCA 2008). Plaintiff intends to support such damages with his own testimony as well as other witnesses to be introduced by him at trial. *Myers v. Cent. Florida Investments, Inc.*, No. 604-CV1542-ORL-28DAB, 2008 WL 4710898, at *14 (M.D. Fla. Oct. 23, 2008) (collecting authorities upholding awards in the \$100,000 range based solely on plaintiff's testimony). Plaintiff is not seeking the type of damages that would put his mental condition at issue, or that would require expert or other testimony. *Laboy v. Emeritus Corp.* No. 5:13-CV-582, 2014 WL 1293440, at *1 (M.D. Fla. Mar. 28, 2014); *Ortiz-Carballo v. Ellspermann*, No. 5:08-CV-165-OC-10GRJ, 2009 WL 961131 at *2 (M.D. Fla. Apr. 7, 2009); *Robinson v. Jacksonville Shipyards*, 118 F.R.D. 525 (M.D.Fla.1988).

H. List of Depositions to be Offered in Evidence at Trial, including a Designation of the Pages and Lines to be Offered from Each Deposition

1. Plaintiff: Dr. Adkins²

2. Defendant: Plaintiff's deposition taken on November 1, 2017. Defendant

may offer admissible testimony from the following pages and lines from Plaintiff's deposition to be offered in evidence at trial:^{3; 4}

Page	Line(s)
11	11-25
12	1-15
13	13-25
14	1-5
15	1-14
16	7-25
17	1-25
18	1-25
19	1-10
21	3-25
22	1-25
23	1-25
24	1-25
25	1-9 18-25
26	1-25
27	1-25
28	1-25
29	1-25
30	1-23

² The deposition of Dr. Adkins was taken by Defendant on November 15, 2017 and, thus, the transcript is not yet available to make such designations. It is Plaintiff's expectation that all or a majority of the direct questioning of Dr. Adkins will be introduced in Plaintiff's case-in-chief through her preservation deposition that is scheduled for December 6, 2017 by agreement of the parties.

³ Defendant reserves the right to amend the pages/lines from Plaintiff's deposition transcript to be introduced into evidence in light of the Court's direction that such pages/lines are not required to be included herein but instead must be disclosed on a date set by the Court. [Doc. 59 at ¶9].

⁴ Given the timing of when Plaintiff received the above potential designations, he has not had sufficient opportunity to review and make any relevant objections, but reserves his right to do so.

31	25
32	1-25
33	1-11
34	19-25
35	1-25
36	1-16
37	3-19
38	16-25
39	1-25
40	1-7 24-25
41	1-2 (and Exhibit 4)
43	6-25
44	1-19 22-25
45	1-8 13-21
46	1
55	1-17
58	1-25
59	1-9
60	12-25
61	1-9 12-22
63	3-21
65	6-25
66	1-10 19-23 (and Exhibit 6)
67	13-25
68	1-25
69	1-25
70	1-25
71	1-11 19-25
72	1-18
77	2-14
79	4-6 15-21
80	3-5
81	17-20
84	14-16
88	16-25
89	1-6
98	12-25
99	1-3
100	4-20

101	11-25
102	1-4 20-25
103	1-25
104	1-25
105	1-25
106	1-25
107	1-22
111	21-25
112	1-21
114	10-25
115	1-22
116	2-10
117	19-25 (and Exhibit 17)
118	1-25
119	1-25
120	1-25
121	1-24
122	2-12
127	2-25
128	1-25
129	1-25
130	1-9
132	8-16
133	20-25
134	1-25
135	1-11 18-25
136	1-25
137	1-4 13-19
140	23-25
141	1
142	8-15
145	19-25
146	1-21
153	15-25
154	1-25
155	1-17
160	1-21
163	25
164	1-25
167	7-23
171	18-25
172	1-25
173	1-25

174	4-13
176	3-25 (and Exhibit 11)
177	1-25
178	1-25
179	1-25
180	1-7
181	8-12
182	18-25
183	1-25
184	7-18
187	25
188	1-16
190	8-17
191	7-14
194	1-5
195	18-25
196	1-7
202	24-25
203	1-17
205	17-25 (and Exhibit 14)
206	1-2
207	5-12 17-24
208	1-25
209	1-22
210	11-22
211	18-21 (and Exhibit 15)
213	21-25
214	2-25
215	1-24
216	13-24
218	13-22
219	3-19
220	19-22
221	21-25
222	1-4 5-15
223	8-22
224	4-8 21-25
225	1-2 4-25
226	1-25
227	1-25
228	1-25
229	1-12

	14-25
230	3-9
231	2-14 16-18 22-25
232	1-4
233	6-25
234	1-25
235	1-25
236	1-25
237	1-25
238	1-25
239	1-25
240	1-25
241	1-25
242	1-25
243	1-13 16-20
245	24-25
246	1-5
247	12-19

I. Admitted Facts and Any Reservations Directed to Such Admissions

1. The Defendant’s records indicate that when referring to Drew Adams that school personnel, administrators and others employed by the Defendant should use male pronouns.
2. Defendant receives federal financial assistance including during the 2016/2017 school year and is currently receiving federal financial assistance.
3. The parties stipulate that certain parents of students and students in the St. Johns County School District object to a policy or practice that would allow students to use a bathroom that matches their gender identity as opposed to their sex assigned at birth. These individuals believe that such a practice would violate the bodily privacy rights of students and raise privacy, safety and welfare concerns. Plaintiff submits this stipulation does not apply to himself or his parents.

J. Agreed to Issues of Law

1. The jurisdiction of the Court.
2. Venue.
3. Title IX permits educational institutions to provide “separate living facilities for the different sexes” (20 U.S.C. §1686), and the DOE regulations implementing Title IX allow educational institutions to provide “separate toilet, locker room, and shower facilities on the basis of sex...” 34 C.F.R. §106.33.

K. Issues of Fact which Remain to Be Litigated

Plaintiff

1. Whether Plaintiff is a transgender boy.⁵
2. Whether Plaintiff has been excluded from the boys’ restroom by Defendant because he is a transgender boy.
3. Whether Defendant’s purported justifications actually motivated its exclusion of Plaintiff from the boys’ restroom.

⁵ While Plaintiff does not believe that there is any issue of fact as to whether Plaintiff is a transgender boy, Defendant has refused to stipulate to the same and, accordingly, Plaintiff has included this as a disputed issue of fact that remains to be litigated. Both of Defendant’s experts have already testified under oath that they cannot and do not dispute this fact, and are not offering opinions in this regard, however. Nor has Defendant provided any other evidence that would refute this fact and, accordingly, Plaintiff believes that this should be a stipulated fact.

Defendant submits that it has agreed to stipulate that Plaintiff self-identifies as a transgender male; however, Plaintiff has refused to accept such a stipulation.

4. Whether Defendant can proffer sufficient evidence to show that the exclusion of Plaintiff from the boys' restroom is substantially related or narrowly tailored to meet its asserted interests in the privacy, safety, and welfare of students.

5. Whether Plaintiff is harmed by the Defendant's rule excluding him from the boys' restroom.

Defendant

1. Whether Plaintiff has been diagnosed with gender dysphoria.

2. Whether there are any scientific or peer-reviewed controlled studies indicating positive behavior outcomes when allowing transgender students to use a K-12 school bathroom, shower, and locker room.

3. The treatment recommended for Plaintiff's alleged gender dysphoria.

4. Whether Plaintiff has been treated differently from other biological female student.

5. Whether Plaintiff's inability to use the male restroom at Nease caused Plaintiff to suffer the damages alleged in Plaintiff's Amended Complaint.

6. Whether Defendant purposefully disrupted Plaintiff's education.

7. Whether Plaintiff has been harmed by Defendant's actions.

8. The nature and extent of Plaintiff's alleged injuries, including Plaintiff's claim that Defendant's actions have heightened the symptoms, including depression and anxiety, of Plaintiff's alleged gender dysphoria [See, Doc. 60 at ¶¶58; 77].

L. Issues of Law for Determination by the Court

Plaintiff

1. Whether the exclusion of Plaintiff from the boys' restroom discriminates against him on the basis of sex under Title IX or the Equal Protection Clause of the Fourteenth Amendment.

2. Whether heightened scrutiny applies to the sex-based classification here, including pursuant to *Glenn v. Brumby*.

3. Whether the exclusion of Plaintiff from the boys' restroom discriminates against him on the basis of his transgender status under the Equal Protection Clause of the Fourteenth Amendment.

4. Whether strict or heightened scrutiny applies to the Defendant's discriminatory classification based on transgender status, which bears all the hallmarks of a suspect or quasi-suspect classification.

5. Whether Defendant has a sufficiently important or compelling governmental interest in excluding Plaintiff from the boys' restroom.

6. Whether the exclusion of Plaintiff from the boys' restroom is adequately tailored to Defendant's purported governmental interests.

7. Whether Plaintiff is entitled to garden variety damages for violation of his constitutional or statutory rights.

Defendant

1. What is the meaning of "sex" under Title IX and its implementing regulations, including 34 C.F.R. §106.33?

2. What is the meaning of “sex” under the Equal Protection Clause in the United States Constitution?

3. Whether Title IX and its implementing regulations, including 34 C.F.R. §106.33, permit Defendant to provide separate bathroom facilities for boys and girls that correspond to their biological sex.

4. Whether Defendant’s policy requiring boys and girls to use separate bathroom facilities that correspond to their biological sex is sex stereotyping that constitutes discrimination “based on sex” in violation of Title IX.

5. Whether Defendant’s practice allowing any student to use a gender-neutral bathroom if they are not comfortable using the bathroom facilities that correspond to their biological sex is sex stereotyping that constitutes discrimination “based on sex” in violation of Title IX.

6. Whether Defendant’s policy requiring boys and girls to use separate bathroom facilities that correspond to their biological sex excluded Plaintiff from participation in, denies him the benefits of, and subjects him to discrimination in educational programs and activities operated by Defendant.

7. Whether Defendant’s practice allowing any student to use a gender-neutral bathroom if they are not comfortable using the bathroom facilities that correspond to their biological sex excluded Plaintiff from participation in, denies him the benefits of, and subjects him to discrimination in educational programs and activities operated by Defendant.

8. Whether Defendant’s policy requiring boys and girls to use separate bathroom facilities that correspond to their biological sex is a sex-based classification under an Equal

Protection analysis and, if so, what level of scrutiny applies (rational basis, intermediate, or strict).

9. Whether Defendant's practice allowing any student to use a gender-neutral bathroom if they are not comfortable using the bathroom facilities that correspond to their biological sex is a sex-based classification under an Equal Protection analysis and, if so, what level of scrutiny applies (rational basis, intermediate, or strict).

10. Whether Plaintiff is able to demonstrate that Defendant's policy requiring boys and girls to use separate bathroom facilities that correspond to their biological sex is based on impermissible sex stereotyping or discriminatory on the basis of sex under an Equal Protection analysis.

11. Whether Defendant's guidelines allowing any student to use a gender-neutral bathroom if they are not comfortable using the bathroom facilities that correspond to their biological sex is based on impermissible sex stereotyping or discriminatory on the basis of sex under an Equal Protection analysis.

12. Is protecting the bodily privacy rights of minor and young-adult students in Defendant's K-12 schools a legitimate, important, and/or compelling governmental interest. If so, is Defendant's policy requiring boys and girls to use separate bathroom facilities that correspond to their biological sex: (1) rationally related to a legitimate government interest; (2) substantially related to a legitimate government interest; or (3) narrowly tailored or substantially related to a compelling or important government interest.

13. Is protecting the bodily privacy rights of minor and young-adult students in Defendant's K-12 schools a legitimate, important, and/or compelling governmental interest. If

so, are Defendant's guidelines allowing any student to use a gender-neutral bathroom if they are not comfortable using the bathroom facilities that correspond to their biological sex: (1) rationally related to a legitimate government interest; (2) substantially related to a legitimate government interest; or (3) narrowly tailored or substantially related to a compelling or important government interest.

14. Whether allowing a student of one biological sex to share a bathroom with a student of the opposite biological sex in K-12 Florida public schools violates the right to privacy as outlined in the Florida Constitution (Article I, Section 23).

15. Whether Plaintiff was subjected to discrimination on the basis of sex.

16. Whether Defendant intentionally violated Title IX.

17. Whether Defendant was deliberately indifferent toward Plaintiff in violation of Title IX.

18. Whether Plaintiff's alleged injuries, if any, and damages, if any, and the derivative injury and damages, if any, were proximately caused by actions of others or events separate, distinct, unrelated and remote to any action or inaction of the Defendant, which said separate, distinct, unrelated actions of others or events or accidents were the sole proximate or contributing cause of Plaintiff's alleged injuries and damages, if any, for which Defendant cannot be liable, or were such separate intervening and superseding causes thereof as to absolve Defendant of any responsibility or liability therefore.

19. Whether Plaintiff is entitled to damages and, if so, in what amount.

M. Disagreement as to Application of Federal Rules of Evidence or Federal Rules of Civil Procedure

None at this time other than those set forth in the parties' pending motion as related to specific evidence in this case.

N. Motions or Other Matters Requiring Court Action

1. Plaintiff
 - a. Plaintiff's Motion for Leave to Call Expert Out of Turn
 - b. Plaintiff anticipates filing the following Motions in Limine and is currently engaging in the meet and confer process:
 - i. Motion in Limine Relating to Plaintiff's Social Media Accounts and Academic Record **[Docs. 110 and 111]**;
 - ii. Motion in Limine Relating to Plaintiff's Medical Records **[Doc. 109]**;
 - iii. Motion in Limine to Exclude Evidence Relating to Desistence, Puberty Blockers, Conversion and Hormone Therapy **[Doc. 108]**.
 - iv. Motion in Limine to Exclude Evidence Purporting to Dispute Plaintiff's Gender Dysphoria Diagnosis **[Doc. 107]**.
 - v. Motion in Limine to Exclude Evidence Relating to Dr. Adkins and, in particular, relating to, among other things, Informed and HIPAA Consent.
 - c. Plaintiff's Motions for Leave to Take Judicial Notice of Certain Materials and Information **[Docs. 112, 113, 114, 115]**.
 - d. Plaintiff anticipates filing Daubert Motions on the agreed upon deadline of December 6, 2017.

2. Defendant – Defendant anticipates filing Daubert Motion(s) prior to the December 6, 2017, deadline. Defendant submits further action is required with respect to its pending (1) Motion to Withdraw and Amend Two Responses to Plaintiff’s Request for Admissions [Doc. 103], (2) Motion in Limine [Doc. 104], and (3) Motion for Judicial Notice [Doc. 106].

O. Signatures of Counsel for All Parties.

Respectfully submitted this 29th day of November, 2017.

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CERTIFICATE OF SERVICE

The undersigned certifies that on the 29th day of November, 2017, a true and correct copy of the foregoing was electronically filed in the US District Court, Middle District of Florida, using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ Terry J. Harmon _____

TERRY J. HARMON

Plaintiff’s Exhibits with Defendant’s Objections

Attachment “A” to Joint Final Pretrial Statement

EXHIBIT NUMBER	BATES NUMBER	DESCRIPTION	OBJECTION
1	PLAINTIFF0002230	Grant, J., et al. (2014). Injustice at Every Turn: A Report of the National Transgender Discrimination Survey.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Summary
2	PLAINTIFF0002457	James, S., et al. (2016). The Report of the U.S. Transgender Survey.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Summary

3	PLAINTIFF0001117	Drew's driver's license	Authenticity; Relevancy
4	PLAINTIFF0001118	Drew's birth certificate	Authenticity; Relevancy
5	SJCSB-DA 002691	June 14, 2015 – Erica emails Holly Arkin to let her know that Drew is transitioning; forward to S. Smith and C. Mittelstadt	Hearsay
6	SJCSB-DA 000525	September 22, 2015 – Erica emails Holly Arkin re conversation with Drew. “It seems that on the problems is that there are only two gender-neutral bathrooms on campus ...inconvenient on top of singling Drew out as a trans student...”	Hearsay
7	PLAINTIFF0002921 – 2925	(Undated) Letter from Erica Adams Kasper to Superintendent Joyner re: school's instruction to Drew to begin using gender neutral restrooms	Authenticity; Relevancy; Hearsay; Lack of Foundation
8	SJCSB-DA PRR 000819- 822	Oct. 2, 2015 Letter from Erica Adams Kasper to Principal Dresback re: school's instruction to Drew to begin using gender neutral restrooms	Hearsay

9	SJCSB-DA 17065	October 12, 2015 – E. Kasper sending email following meeting S. Smith	Hearsay
10	SJCSB-DA 010553	Nov. 30, 2015 – E. Kasper sending follow email to meeting with C. Mittelstadt and B. Asplen	Hearsay
11	SJCSB-DA 005831-005832	Nov. 30, 2015 – Email from C. Mittelstadt to E. Kasper	

EXHIBIT NUMBER	BATES NUMBER	DESCRIPTION	OBJECTION
12	SJCSD-D.A. 000616-617	April 9, 2016 – Email from E. Kasper to C. Mittelstadt and H. Arkin regarding meeting	Hearsay
13	KASPER000184-185	April 22, 2016 email from Erica Kasper to Roger Mills; subject “Drew Adams – update” regarding safety and privacy	Authenticity; Relevancy; Hearsay; Lack of Foundation
14	KASPER000186	A May 5, 2016 email from Erica to Roger Mills describing another problem with Drew accessing a boys’ restroom for AP testing that was occurring in the gymnasium area. Drew was required to use the coach’s restroom if he needed a restroom break.	Authenticity; Relevancy; Hearsay; Lack of Foundation
15	SJCSD-D.A. 000629	May 13, 2016 – E. Kasper emails C. Mittelstadt and Holly Arkin an article “US Directs Public Schools to Allow Transgender Access to Restrooms”	Hearsay, Relevancy
16	SJCSD-D.A. 000641	May 16, 2016 – Email from E. Kasper to C. Mittelstadt asking to change Drew’s gender in the computer system	Hearsay

17	SJCSD-D.A. 000657	May 22, 2016 and May 24, 2016 – Email from E. Kasper to C.M. and Holly Arkin sharing the American Federation of Teachers statement regarding Obama’s directives	Hearsay
18	SJCSD-D.A. 000650	May 22, 2016 – Drew emailed various teachers to notify them that he is male and that he still has not	Hearsay

EXHIBIT NUMBER	BATES NUMBER	DESCRIPTION	OBJECTION
		been able to change his gender marker in the school system so the roster says he is female	
19	SJCSD-D.A. 000700; SJCSD-D.A. 000701; SJCSD-D.A. 000703; SJCSD-D.A. 000704; SJCSD-D.A. 000705	July 26, 2016 – Drew emailing teacher regarding transgender status because school roster has not been updated	Hearsay, Relevancy
20	KASPER000202	Aug. 11, 2016 – Email from E. Kasper to R. Mills re “New Classes, New Locations”	Authenticity; Relevancy; Hearsay; Lack of Foundation
21	SJCSD-D.A. 000724	Aug. 27, 2016 – Email from E. Kasper to C. Mittelstadt and K. Dresback regarding bathroom access football game	Relevancy; Hearsay
22	SJCSD-D.A. 000795, 16071	March 6, 2017 – Email to L. Kunze and K. Dresback from student and cc’d Drew	Authenticity; Relevancy; Hearsay; Lack of Foundation

23	SJCSD-D.A. 000813	March 28, 2017 – Email to L. Kunze re petition to address gender neutral bathroom in H pod	Authenticity; Relevancy; Hearsay; Lack of Foundation
24	SJCSD-D.A. 16070	April 6, 2017 – Email from A.Mander, Asst Principal at Nease to L. Kunze: request for trans students to use coaches bathroom in gym during AP testing	Authenticity; Relevancy; Hearsay; Lack of Foundation
25	PLAINTIFF0002932 - 2933	Nov. 6-7, 2017 email exchange with Principal Kunze re: Drew's inability to access boys' restrooms during the lunch hour when all students are required to remain in a restricted area with no	Relevancy; Hearsay

EXHIBIT NUMBER	BATES NUMBER	DESCRIPTION	OBJECTION
		gender neutral restrooms.	
26	PLAINTIFF0001330-1345	American Psychiatric Association, Diagnostic Criteria for Gender Dysphoria, Diagnostic and Statistical Manual of Mental Disorders (DSM-5)	Relevancy
27	PLAINTIFF0001346-1347	America Psychiatric Association FAQ re: updating Gender Dysphoria diagnosis	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
28	PLAINTIFF0001119-1238	World Professional Association for Transgender Health (2011). Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People.	Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence

29	PLAINTIFF0001297 - 1329	American Psychological Association (2015). Guidelines for Psychological Practice with Transgender and Gender Nonconforming People. Am. Psychologist 70:832-864.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
30	PLAINTIFF0001239 - 1273	Hembree, W., et al. (2017). Endocrine Treatment of Gender-Dysphoric/Gender Incongruent Persons: An Endocrine Society Clinical Practice Guideline. J. of Clin. Endocrinology & Metabolism 102(11):1-35.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
31	PLAINTIFF0001274 - 1296	Hembree, W., et al. (2009). Endocrine Treatment of Transsexual Persons: An Endocrine Society Clinical Practice Guideline. J. of Endocrinology & Metabolism 94(9): 3132-	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence

EXHIBIT NUMBER	BATES NUMBER	DESCRIPTION	OBJECTION
		3154.	
32	PLAINTIFF0001348 - 1349	American Academy of Family Physicians, AAFP Reaffirms Antidiscrimination Policy with Vote on Transgender Equality (Sept. 2016)	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
33	PLAINTIFF0001350 - 1354	The American College of Obstetricians and Gynecologists. Committee Op. No. 512: Health Care for Transgender Individuals (Dec. 2011)	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
34	PLAINTIFF0001355	American Medical Association (2017). Access to Basic Human Services for Transgender Individuals H-65.964	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence

35	PLAINTIFF0001356-1357	American Medical Association (2016). Health Care Needs of Lesbian Gay Bisexual and Transgender Populations H-160.991	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
36	PLAINTIFF0001358	American Medical Association (2016). Removing Financial Barriers to Care for Transgender Patients H-185.950	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
37	PLAINTIFF0001359	American Psychoanalytic Association (2012). Position Statement on Attempts to Change Sexual Orientation, Gender Identity, or Gender Expression	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
38	PLAINTIFF0001360-1371	American Psychological Association & National Association of School Psychologists. (2015). Resolution on gender and	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence

EXHIBIT NUMBER	BATES NUMBER	DESCRIPTION	OBJECTION
		sexual orientation diversity in children and adolescents in schools.	
39	PLAINTIFF0001372 - 1375	Anton, B. S. (2009). Proceedings of the American Psychological Association for the legislative year 2008: Minutes of the annual meeting of the Council of Representatives. American Psychologist, 64, 372–453.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
40	PLAINTIFF0001376 - 1389	Daniel, H. (2015). Lesbian, Gay, Bisexual, and Transgender Health Disparities: Executive Summary of a Policy Position Paper From the American College of Physicians. Ann Intern Med. 163:135-137	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
41	PLAINTIFF0001390 - 1391	American Psychiatric Association (2012). Position Statement on Discrimination Against Transgender and Gender Variant Individuals	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence

42	PLAINTIFF0001392 - 1393	American Psychiatric Association (2012). Position Statement on Access to Care for Transgender and Gender Variant Individuals	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
43	PLAINTIFF0001394 - 1395	Endocrine Society (2017). Position Statement: Transgender Health	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
44	PLAINTIFF0001396 - 1401	Lopez, X., et al. (2017). Statement on gender-affirmative approach to care from the pediatric endocrine society special interest group on	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence

EXHIBIT NUMBER	BATES NUMBER	DESCRIPTION	OBJECTION
		transgender health. Curr. Op. Pediatr. 29:475–480.	
45	PLAINTIFF0001402 - 1413	National Association of Social Workers. (May 2015). Sexual Orientation Change Efforts (SOCE) and Conversion Therapy with Lesbians, Gay Men, Bisexuals, and Transgender Persons.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
46	PLAINTIFF0001414 - 1422	National Association of Social Workers. (2011). Transgender and Gender Identity Issues. Social Work Speaks.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
47	PLAINTIFF0001423	Pediatric Endocrine Society (Mar. 2017). PES Statement Promoting Safety of Transgender Youth.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence

48	EHRENSAFT001627 (Also: PLAINTIFF0001424 - 1499)	Substance Abuse and Mental Health Services Administration. (2015). Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
49	PLAINTIFF0001500 - 1516	American Academy of Pediatrics. (2013). Technical Report: Office- Based Care for Lesbian, Gay, Bisexual, Transgender, and Questioning Youth. Pediatrics 132(1):297-313.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
50	PLAINTIFF0001519 - 1524	American Academy of Pediatrics. (2013). Policy Statement: Office-Based Care for Lesbian, Gay, Bisexual, Transgender, and Questioning Youth. Pediatrics 132(1):198-203.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence

EXHIBIT NUMBER	BATES NUMBER	DESCRIPTION	OBJECTION
51	PLAINTIFF0001527 - 1529	World Medical Association. (2015). WMA Statement On Transgender People	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
52	PLAINTIFF0003732 - 3734	American Association for Marriage and Family Therapy statement on "Gender Identity"	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
53	PLAINTIFF0003735 - 3737	American Family Therapy Academy, "AFTA's Support for Transgender Persons"	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
54	PLAINTIFF0003738 - 3739	American Family Therapy Academy, "Statement on Transgender Students"	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence

55	PLAINTIFF0003740 - 3741	American Academy of Child & Adolescent Psychology, "Transgender Youth in Juvenile Justice and other Correctional Systems"	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
56	EHRENSAFT000229- 237	De Vries, Annelou L.C., et al. (2014). Young Adult Psychological Outcome After Puberty Suppression and Sex Reassignment. Pediatrics 134(4):696-704.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
57	EHRENSAFT000859 - 865	Olson, K., et al. (2016). Mental Health of transgender children who are supported in their identities. Pediatrics 137:1-8.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
58	EHRENSAFT000954 - 958	Travers, R., et al. (2012). Impacts of strong parental support for trans youth: a report prepared for Children's Aid Society of Toronto and Delisle Youth Services.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
59	PLAINTIFF0003742 -	Styne, D.M., et al. (2017).	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence Improper Attempt to Introduce Undisclosed

			Expert Evidence
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EXHIBIT NUMBER	BATES NUMBER	DESCRIPTION	OBJECTION
	0003790	Pediatric Obesity— Assessment, Treatment, and Prevention: An Endocrine Society Clinical Practice Guideline. J. of Clin. Endocrinology & Metabolism 102(3):709–757.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence
60	PLAINTIFF0003791 - 0003828	Open letter critiquing the Sexuality and Gender (McHugh/Mayer) article, dated March 22, 2017.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
61	PLAINTIFF0003829 - 0003838	Fuqua, J. (2013). Treatment and Outcomes of Precocious Puberty: An Update. J. of Clin. Endocrinology & Metabolism 98(6):2198–2207	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
62	PLAINTIFF0002894	Flores, A.R. et al. How Many Adults Identify As Transgender In The United States? (June 2016). The Williams Institute.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence; Improper Summary

63	PLAINTIFF0001811 - 1812	Atherton High School, School-Based Decision Making Council Policy 500	Authenticity; Relevancy; Hearsay; Lack of Foundation;
64	PLAINTIFF0001813 - 1837	U.S. Department of Education, Examples of Policies and Emerging Practices for Supporting Transgender Students (May 2016)	Incomplete; Relevancy
65	PLAINTIFF0001563 - 1568	School Board of Broward County, Florida - Nondiscrimination Policy Statement (No. 4001.1)	Authenticity; Relevancy; Hearsay; Lack of Foundation
66	PLAINTIFF0001569 - 1669	Broward County Public Schools - Lesbian, Gay, Bisexual, Transgender, &	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence

EXHIBIT NUMBER	BATES NUMBER	DESCRIPTION	OBJECTION
		Questioning Critical Support Guide (2d Ed., 2016).	
67	PLAINTIFF0001692 - 1694	Florida High School Athletic Association, "Who We Are"	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence
68	PLAINTIFF0001735 - 1810	Administrative Policies of the Florida High School Athletic Association, Inc. 2017-18 Edition	Authenticity; Relevancy; Hearsay; Lack of Foundation;
69		Rule 34 Inspection video	Stipulated
70	SJCAB-DA 001368-1369	Email between T. Forson and F. Upchurch regarding best practices	Relevancy
71	SJCAB-DA 1361	Jul 31, 2017 Letter from interested parent support the students	Relevancy; Hearsay; Lack of Foundation
72	SJCAB-DA 1326-27	Press release re LGBT bullies	Authenticity; Relevancy; Hearsay; Lack of Foundation

73	SJCAB-DA 1323	July 31, 2017 - We are nease email	Relevancy; Hearsay; Lack of Foundation
74	SJCSB-DA PRR 001897-1928	May 2015 - Materials related to conference in Ft. Lauderdale	Relevancy; Lack of Foundation
75	SJCSB-DA PRR 001543-1547	St. Johns County School Board policies	
76	SJCSB-DA PRR 001548-1551	Feb. 18, 2015 - minutes for LGBT Focus Group meeting	
77	SJCSB-DA PRR 1090-1097	March 3, 2015 email from S. Smith attaching recommendation and back-up information from LGBT Task Force	
78	SJCSB-DA PRR 001437-1526	Collection of non-discrimination policies from Florida school districts, and model policies for transgender	Relevancy; Lack of Foundation

EXHIBIT NUMBER	BATES NUMBER	DESCRIPTION	OBJECTION
		students	
79	SJCSB-DA PRR 001789-1790	Summary of purpose and work of St. Johns County LGBT Task Force	
80	Pltf Exh. 9 – Asplen Depo	GLSEN model policy	Authenticity; Relevancy; Hearsay; Lack of Foundation
81	PLAINTIFF0003731	Aug. 1, 2017 Map Nease High School (restrooms marked in green and blue)	(Must be filed under Seal)
82	SJCSB-DA PRR 823-827	Jan. 5, 2016 Email Dresback to Mittelstadt w Map of Nease High; Drew’s class schedule, and Best Practices	
83	SJCSB-DA 819-823	Oct. 2, 2015 Email from Erica to Dresback (fwd to Mittelstadt, to Upchuch) re Concern regarding Drew Adams – info for meeting Oct 9	Hearsay
84	SJCSB-DA 000006-7	Jan. 15, 2016 Board response to OCR Complaint	

85	SJCSB-DA 001370-1374	Aug. 12, 2015 Email from Mittelstadt to Upchurch with Best Practices	
86	SJCSB-DA 001384-1393	Aug. 17, 2015 Email from Upchurch to Rob Sniffen with Best Practices	
87	SJCSB-DA 001397-1402	Aug. 18, 2015 Email from Upchurch to Strickland incorporating T. Harmon edits	
88	SJCSD-DA 000025-31	March 30, 2016 Upchurch position statement for School Board to OCR dated	
89	SJCSB-DA 000992	Aug. 12, 2016 Email from Mills to Upchurch asking supplemental questions	

EXHIBIT NUMBER	BATES NUMBER	DESCRIPTION	OBJECTION
90	SJCSB-DA 1086-87	Sept. 7, 2016 Email from Upchurch to Mills in response	Relevancy; Lack of Foundation
91	SJCSB-DA 17097	September 9, 2015 – Sallyanne email to H. Arkin (and others): best practices to be distributed to principals tomorrow	
92	SJCSB-DA PRR 001567	Sept 10, 2015 – St. John’s County School District Assistant Principals’ Meeting Agenda	
93	SJCSB-DA 17090	September 28, 2015 – Email from Sallyanne Smith to Cathy Mittelstadt - In response to email from Erica re Drew	Relevancy
94	SJCSB-DA 002685-86	September 28, 2015 Email C. Mittelstadt says she gave him information and they should discuss	Relevancy

95	SJCSB-DA PRR 001051	Feb. 11, 2016 – Email from Roger Mills (OCR) to Superintendent Joyner	Relevancy; Hearsay; Lack of Foundation
96	SJCSB-DA PRR 001930	Human Rights Campaign “A Guide for Schools Responding to Questions About the US Department of Education’s Guidance on the Rights of Transgender Students.”	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
97	SJCSB-DA PRR 001903	Gender Spectrum	Relevancy; Lack of Foundation
98	SJCSB-DA PRR 001592	Cover Letter with Task Force Recommendation	
99	SJCSB-DA PRR 001789-90	LGBTQ task force document	
100	SJCSB-DA PRR 001709-1721	Feb. 4-5, 2014 - Statewide LGBTQ – District Responses to the Legal and	Relevancy; Lack of Foundation

EXHIBIT NUMBER	BATES NUMBER	DESCRIPTION	OBJECTION
		Ethical Rights and Needs of LGBTQ Students	
101	SJCSB-DA PRR 001483-496	March 3-5, 2014 – Stonewall Education Project Conference	Relevancy; Lack of Foundation
102	SJCSB-DA PRR 001773	Powerpoint	Relevancy; Lack of Foundation
103	SJCSB-DA PRR 001119- SJCSB-DA PRR 001122; SJCSB-DA PRR 001613	Nov. 5, 2014 – LGBTQ focus group met and gathered information to bring to task force minutes and agenda	
104	SJCSB-DA PRR 002430 - SJCSB-DA PRR 002532	Jan. 16, 2015 –JASMYN 2015 Teaching Respect For All Conference	Relevancy; Lack of Foundation

105	SJCSB-DA 001362-1365	Jan. 27, 2015 – Laura Barkett forwards email and attachments to Tim Forson, Brennan Asplen, Christina McKendrick and Sallyanne Smith	
106	SJCSD-D.A. 000151- SJCSD-D.A. 000152	Agenda and Notes from February 2015 Task Force Meeting	
107	SJCSB-DA PRR 001090-1097	March 3, 2015 – Email from S.A. Smith to B. Asplen and others re “recommendation and back up information from the last LGBTQ Task for Meeting and asked for comments	
108	SJCSB-DA PRR 001430 - 001436	Edits to recommendations from LGBTQ task force	
109	SJCSB-DA PRR 001968-001995	Additional edits to recommendations from LGBTQ task force	
110	SJCSB-DA PRR 002479-2494	2013 GLSEN National School Climate Survey	Hearsay; Relevancy; Lack of Foundation

EXHIBIT NUMBER	BATES NUMBER	DESCRIPTION	OBJECTION
111	SJCSB-DA PRR 001570-77	Pages from Broward County Public Schools LGBTQ Critical Support Guide	Relevancy; Lack of Foundation
112	SJCSB-DA PRR 001783-86	Transgender and Gender Non-Conforming: Your Rights at School (April 2014)	Relevancy; Lack of Foundation
113	SJCSB-DA PRR 001454-SJCSB-DA PRR 001458	CA Safe Schools Coalition	Relevancy; Lack of Foundation
114	SJCSB-DA PRR 001457	Massachusetts Public Schools	Relevancy; Lack of Foundation
115	SJCSB-DA PRR 001473-SJCSB-DA PRR 001478	Jan. 22, 2013 –email from D.Pallazzo re San Francisco’s transgender policies from 2006 or 2003	Hearsay; Relevancy; Lack of Foundation
116	SJCSB-DA PRR 001489-1526	District of Columbia Public Schools – June 2015 – Transgender and Gender-Nonconforming Policy Guidance	Relevancy; Lack of Foundation
117	SJCSB-DA PRR 001624-25	May 19, 2016 – Email from De Pallazzo (Equality Florida) All Together Now Statewide Conference Call Minutes	Hearsay; Relevancy; Lack of Foundation
118	SJCSB-DA PRR 001095-96	March 3, 2015, Appendix B to the LGBTQ Task Force	Relevancy; Lack of Foundation

119	SJCSD-D.A. 000160	Aug. 19, 2015 – Redlined Best practices	
120	SJCSB-DA PRR 001768 - 1770	Sept 9-10, [2015] –notes re LGBTQ guidelines meeting	
121	SJCSB-DA PRR 001584	District Response to the Needs of LGBTQ Students: Legal Rights and Ethical Responsibilities	Relevancy; Lack of Foundation

EXHIBIT NUMBER	BATES NUMBER	DESCRIPTION	OBJECTION
122	PLAINTIFF0002929	Best Practices	
123	PLAINTIFF0001535 - 1556	Sept. 2014, Medico-Legal Guidelines, North Carolina Bar Association Medico-Legal Liaison Committee	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
124	PLAINTIFF0001557 - 1559	Duke Department of Pediatrics, Duke University School of Medicine, Biography for Dr. Adkins	
125	PLAINTIFF0001531 - 1532	Nov. 19, 2017, HIPAA Privacy Authorization Form for Dr. Adkins	
126	PLAINTIFF0001533 - 1534	Nov. 19, 2017, HIPAA Privacy Authorization Form for Dr. Ehrensaft	
127	PLAINTIFF0003724 - 3729	Information for Informed Consent for Adolescents (originally signed June 19, 2016; updated Nov. 20, 2017)	
128	PLAINTIFF0003730	Informed consent signature page executed by Erica Adams Kasper and Scott Adams on May 31, 2016	

129	PLAINTIFF0003711	Meeting the Health Care Needs of LGBTQ Adolescents In the Primary Care Setting Powerpoint Presentation	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
130	PLAINTIFF0003723	University of Louisville School of Medicine Child and Adolescent Sexuality Powerpoint Presentation	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence
131	PLAINTIFF0003710	Dept of Radiology: LGBT Identities, Clinical Concerns, Patient Communication Powerpoint Presentation	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence; Improper Attempt to Introduce Undisclosed Expert Evidence

EXHIBIT NUMBER	BATES NUMBER	DESCRIPTION	OBJECTION
132	PLAINTIFF0000001	Feb. 26, 2016 letter from Michael De La Hunt, MD, FAPA	Authenticity; Relevancy; Hearsay; Lack of Foundation; Improper Attempt to Introduce Undisclosed Expert Evidence
133	PLAINTIFF0000002	Nov. 22, 2016 letter from Michael De La Hunt, MD, FAPA	Authenticity; Relevancy; Hearsay; Lack of Foundation; Improper Attempt to Introduce Undisclosed Expert Evidence
134	PLAINTIFF0000003 - 04	May 31, 2016 letter from Naomi J. Jacobs, Ph.D.	Authenticity; Relevancy; Hearsay; Lack of Foundation; Improper Attempt to Introduce Undisclosed Expert Evidence
135	PLAINTIFF0000005	May 25, 2017 Affidavit of Dr. Russell Sassani	Authenticity; Relevancy; Hearsay; Lack of Foundation; Improper Attempt to Introduce Undisclosed Expert Evidence Inability to Cross Examine Affidavit
136		Articles cited in the attachments to Dr. Adkins' Expert and Rebuttal Reports	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence

137		Articles cited in the attachments to Dr. Ehrensaff's Expert and Rebuttal Reports	Authenticity; Relevancy; Hearsay; Lack of Foundation; Opinion Evidence
138		Defendant's Response to Plaintiff's First Set of Requests for Admissions	Relevancy; and other objections stated in the responses
139		Defendant's Response to Plaintiff's First Set of Interrogatories	Relevancy; Hearsay; Lack of Foundation; and other objections stated in the responses
140		All deposition transcripts and exhibits	Relevancy; Hearsay; Lack of Foundation; and other objections stated in deposition.
141		All exhibits necessary for rebuttal	No exhibits identified
142		All impeachment exhibits	No exhibits identified
143		Amended Complaint	Relevancy; Hearsay; Lack of Foundation; Opinion Evidence
144		Answer to Amended Complaint	
145		Any Exhibits Listed by Defendant	Defendant has not yet determined all exhibits from its exhibit list that it will seek to enter into evidence and

			therefore reserves all objections.
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I. PLAINTIFF'S OBJECTIONS TO DEFENDANT'S EXHIBITS¹

No.	Date Identified	Date Admitted	Description	Bates No	Objection
1.			Authorization for Treatment by Dr. Naomi Jacobs (Def. Depo 1).	PLTF860-	Relevance Hearsay; 403; authenticati on
2.			History Form for Dr. Naomi Jacobs (Def. Depo 1).	PLTF861	Relevance 403 Hearsay; authenticati on
3.			Patient Rights and Responsibilities for Dr. Naomi Jacobs (Def. Depo 1).	PLTF862	Relevance; Hearsay
4.			Evaluation Report by Dr. Naomi Jacobs dated February 17, 2015 (Def. Depo 1).	PLTF863- PLTF864	Relevance 403 Hearsay; Authenticati on
5.			Email dated April 24, 2015, from E. Adams to J. Johnson (Def. Depo 2).	SJCSD-DA 427	Relevance; Hearsay; 403
6.			Baptist Health Parent Intake Questionnaire dated May 14, 2015 (Def. Depo 3).	PLTF189- PLTF190	Relevance 403 Hearsay
7.			St. Johns County School District Safety Plan dated May 14, 2015 (Def. Depo 4).	SJCSD-DA 51-52	Relevance 403 Hearsay
8.			Email dated May 18, 2015, from E. Adams to V. Golden (Def. Depo 5).	SJCSD DA 477-78	Relevance 403; Hearsay; 404
9.			Client Intake Questionnaire for J. Asermely dated June 25, 2015 (Def. Depo 6).	PLTF 835- 836	Relevance 403 Hearsay; Authenticati

¹ Plaintiff makes these objections for purposes of preservation and intends to work with Counsel for Defendant to narrow objections upon conferral.

					on
10.			J. Asermely Session Notes for June 25, 2015 (Def. Depo 6).	PLTF837	Relevance 403 Hearsay; Authenticati on
11.			Acknowledgment of Notice of Privacy Rights for J. Asermely dated June 25, 2015 (Def. Depo 6).	PLTF838	Relevance 403
12.			Letter from E. Adams to K. Dresback (Def. Depo 7).	SJCSD DA 14-16	
13.			Email from E. Adams to H. Arkin dated March 15, 2015 (Def. Depo 8).	SJCSD DA 603	
14.			Email from H. Arkin to E. Adams dated March 17, 2016 (Def. Depo 8).	SJCSD DA 604-606	
15.			Email chain between E. Adams and H. Arkin dated March 31, 2016 (Def. Depo 9).	SJCSD-DA 613	
16.			Email from E. Adams to C. Mittelstadt dated April 9, 2016 (Def. Depo 9).	SJCSD-DA 615-619	
17.			Email from C. Mittelstadt to E. Adams dated June 2, 2016 (Def. Depo 10).	SJCSD-DA 664	
18.			Letter from Dr. Naomi Jacobs to K. Russell dated May 31, 2016 (Def. Depo 11) .	SJCSD-DA 3220-3221	
19.			Email from E. Adams to C. Mittelstadt dated June 6, 2016 (Def. Depo 12).	SJCSD-DA 665-666	
20.			Document from Dr. Naomi Jacob's records (Def. Depo 13).	SJCSD-DA 3222	Relevance; Hearsay; 403; Authenticity
21.			Baptist Medical Survey dated March 13, 2017 (Def. Depo 14).	SJCSD-DA 3166	Relevance; Hearsay; 403

22.			Letter from Dr. Naomi Jacobs to Dr. Sassani dated April 25, 2017 (Def. Depo 15).	SJCSD-DA 3226	
23.			Article from Florida Times-Union dated June 13, 2016, entitled "Transgender Students Seek to Counter Opposition, Fears Over Bathrooms" (Def. Depo 16).		Hearsay
24.			Email chain between A. Linsky, K. Dresback and Plaintiff dated September 25, 2015 (Def. Depo 17).	SJCSB-DA PRR 507-508	Relevance; Hearsay; 403
25.			Email from L. Maalouf to Plaintiff dated November 1, 2016 (Def. Depo 18).	SJCSD-DA 742	Relevance; Hearsay; 403
26.			Email from E. Adams to C. Mittelstadt and B. Asplen dated November 30, 2015.	SJCSB-DA PRR 579	
27.			Email from S. Smith to T. Forson dated September 23, 2014.	SJCSB-DA 17199	
28.			Email from S. Smith re Task Force members dated March 3, 2015 with attachment.	SJCSB-DA PRR 1090-1097	
29.			Letter from V. Hollis to Dr. J. Joyner dated December 28, 2015.	SJCSD-DA 001-003	
30.			Letter from Dr. Joyner to V. Hollis dated January 15, 2016.	SJCSD-DA 006-007	
31.			Map of Nease High School depicting gender designated and non-gender designated restrooms.	SJCSD-DA 909 and 919	Foundation; relevance; authenticity; 403
32.			Ninth grade class schedule for Plaintiff	SJCSD-DA 010	Relevance; Hearsay; 403
33.			St. Johns County School District Guidelines for LGBTQ students – Follow	SJCSD-DA 011-012	
			Best Practices (2015-16)		

34.			Email from E. Adams to H. Arkin dated September 23, 2015.	SJCSD-DA 013-016	
35.			Email from C. Mittelstadt to K. Dresback dated October 6, 2015.	SJCSD-DA 017 (DA 2665-68)	
36.			Email from E. Adams to S. Smith dated October 12, 2015.	SJCSD-DA 018	
37.			Email from S. Smith to E. Adams dated October 13, 2015.	SJCSD-DA 019	
38.			Email from E. Adams to S. Smith dated October 16, 2015.	SJCSD-DA 020	
39.			Email from C. Mittelstadt to E. Adams dated December 1, 2015.	SJCSD-DA 022	
40.			Letter from F. Upchurch to R. Mills dated March 30, 2016.	SJCSB-DA 025-032	Relevance; Hearsay; 403
41.			Student Attendance Report for Plaintiff dated July 14, 2017.	SJCSD-DA 149-150	Relevance
42.			Course and Grade Information for Plaintiff from 2014-2017.	SJCSD-DA 036-038	Relevance
43.			Eleventh grade class schedule for Plaintiff.	SJCSD-Adams 905	Relevance
44.			1979 Building Plans for Nease High School: Bldgs C, F and G.	SJCSD-Adams 906	Foundation; relevance; authenticity; 403
45.			1979 Building Plans for Nease High School: Bldg J.	SJCSD-Adams 907	Foundation; relevance; authenticity; 403
46.			1979 Building Plans for Nease High School: Bldgs K, L and O.	SJCSD-Adams 908	Foundation; relevance; authenticity; 403

47.			2008 Nease High School Floor Plan	SJCSD-Adams 909	Foundation; relevance; authenticity; 403
48.			2016 Nease High School Floor Plans – First Floor	SJCSD-Adams 910-913	
49.			2016 Nease High School Floor Plans – Second Floor	SJCSD-Adams 914-917	
50.			Architect’s Notes re Nease High School.	SJCSD-Adams 918	Hearsay; relevance; foundatio
51.			8/12/15 e School Plus note re use of C-Pod bathroom	SJCSD-Adams 892	hearsay
52.			9/11/15 e School Plus note re use of male pronoun	SJCSD-Adams 893	
53.			8/15/16 e School plus note re GSA meeting issue	SJCSD-Adams 894	Relevance; hearsay; 404
54.			8/16/16 e School plus note re “verbal attack”	SJCSD-Adams 895	Relevance; hearsay ;404
55.			12/14/16 e School plus note re rumors	SJCSD-Adams 896	Relevance; hearsay; 404
56.			8/16/16 Student Statement	SJCSD-Adams 897	Relevance; hearsay; 404
57.			Email from E. Adams to B. Blue dated January 25, 2016.	SJCSD-Adams 898-899	Relevance; hearsay; 404; 403

58.			Statement by [student] about Plaintiff.	SJCSD-Adams 900	Relevance; hearsay ; 404; 403
59.			Statement by Plaintiff re incident with [student].	SJCSD-Adams 901	relevance; hearsay; 404; 403
60.			Omitted		
61.			Student Information Sheet for Plaintiff (9 th grade)	SJCSD-Adams 903	Relevance; Hearsay; 403
62.			Incident Report dated November 14, 2016.	SJCSD-Adams 904	Relevance; Hearsay; 403 404
63.			E-School Plus Notes re Plaintiff	SJCSB-DA 920	Relevance; Hearsay; 403
64.			H. Arkin encounters with Plaintiff	SJCSB-DA 921	Relevance; Hearsay; 403; foundation
65.			Student Codes of Conduct for 2015-2018	SJCSB-DA 982-1231	Relevance
66.			Emails from S. Smith to LGBTQ Task Force re various meetings in 2014-15	SJCSB-DA PRR 1098-1116	Relevance; Hearsay; Authenticity
67.			Agenda for LGBTQ Task Force Meeting dated February 18, 2015 (with handwritten notes).	SJCSD-DA 151-152	
68.			Minutes for LGBTQ Focus Group Meeting held February 18, 2015	SJCSB-DA PRR 1619-1622	
69.			LGBTQ Focus Group Meeting Agenda dated November 5, 2014.	SJCSB-DA PRR 1613	
70.			LGBTQ Focus Group Meeting Minutes dated November 5, 2014.	SJCSD-DA 153-156	
71.			Draft of LGBTQ Best Practices dated August 19, 2015.	SJCSD-DA 157-159, PRR 003-012, 1988, 1988-90, 1992-94, 2087	Authenticati on (2087)

72.			Email from C. Mittelstadt to F. Upchurch dated August 12, 2015, with draft of Best Practices.	SJCSD-DA 1377-1380	Hearsay
73.			Email from S. Willets to V. Moody dated August 13, 2015.	SJCSB DA 3053-3054	
74.			Minutes from St. Johns County School Board Meeting on July 11, 2017.	SJCSB-DA PRR 192-198	Hearsay; Authenticati on (197- 198); subject to stipulation
75.			Email chain between A. Linsky and Plaintiff dated July 17, 2017.	SJCSB-DA PRR 222-223	Relevance; Hearsay; 403
76.			Email from Plaintiff to A. Linsky dated July 12, 2017.	SJCSB-DA PRR 225	Relevance; 403
77.			Email chain between A. Linsky and Plaintiff dated July 7 & 8, 2017.	SJCSB-DA PRR 226-227	Relevance; Hearsay
78.			Email chain between L. Kunze, J.A. and Plaintiff dated March 28 & April 2, 2017.	SJCSB-DA PRR 249	
79.			Email chain between Plaintiff K. Dresback, M. Fox dated March 6 & 7, 2017.	SJCSB-DA PRR 258	Relevance; Hearsay; 403
80.			Emails re HOPE curriculum	SJCSB-DA PRR 261-83, DA 753-794	Relevance; Hearsay; 403
81.			Emails re GSA	SJCSB-DA PRR 284-88, 371-76, DA 668-699, 749	Relevance; Hearsay; 403 (
82.			Email chain between Plaintiff and H. Farson dated August 19, 2016.	SJCSB-DA PRR 341	Relevance; Hearsay; 403
83.			Email chain between Plaintiff and K. Dresback dated September 25, 2015.	SJCSB DA PRR 389-90	Relevance; Hearsay
84.			U.S. Department of Justice Dear Colleague Letter dated May 13, 2016, on Transgender Students	SJCSB-DA PRR 1731-39	Relevance

85.			Policies and guidelines from other school districts re gender identity and transgender issues	SJCSB-DA PRR 1437-1526, 2533-2610	Relevance to exhibit in its entirety; improper composite
86.			A.L.E.R.T. Guide for 2017-18 (includes Best Practices)	SJCSB-DA PRR 1559-1566	Relevance (1559-1564); 403 (waste of time)
87.			Principal and Asst. Principal Meetings where Best Practices implementation discussed	SJCSB-DA PRR 1567-69	Authenticati on /foundation
88.			Docs re conferences attended by S. Smith and others re LGBTQ rights.	See SJCSB-DA PRR 1895-1928	Authenticity /Foundation; improper composite
89.			Email from G. Freeman to S. Smith and others re LGBTQ Meeting Summary.	SJCSB-DA PRR 1605-1606	
90.			Minutes from Children's Behavioral Focus Group Meeting held October 8, 2014.	SJCSB-DA PRR 1610-1612	Relevance; Hearsay
91.			Email from D. Palazzo to various recipients dated May 19, 2016, with minutes of All Together Now Statewide Conference Call.	SJCSB-DA PRR 1623-1627	Hearsay
92.			High School Feedback from 9/10 AP Meeting on LGBTQ Guidelines.	SJCSB-DA PRR 1768-1770	Authenticati on/Foundation
93.			Agenda for Initial Meeting of LGBTQ Committee on September 19, 2014.	SJCSB-DA PRR 1771-1788	Hearsay and authenticatio n (1771-1775); Relevance and Hearsay (1779-1788); improper composite
94.			LGBTQ "Fact Sheet"	SJCSB-DA PRR 1789-1790	

95.			2014 email responses from other school districts re LGBTQ Critical Support Guide questions	SJCSB-DA PRR 1791-1810	Hearsay; improper composite
96.			Email chain between E. Adams and H. Arkin dated September 22, 2015.	SJCSD-DA 520	Completeness – 521-524
97.			Email from E. Adams to H. Arkin dated October 27, 2015.	SJCSD-DA 548	Relevance; Hearsay
98.			Email chain between E. Adams and C. Mittelstadt dated May 13, 2016.	SJCSD-DA 634-635	
99.			Email chain between E. Adams and C. Mittelstadt dated May 16, 2016.	SJCSD-DA 644	
100			Email from C. Mittelstadt to E. Adams dated June 13, 2016.	SJCSD-DA 667	
101			Email chain between E. Adams and L. Maalouf dated June 17 & 19, 2016.	SJCSD-DA 669-670	Relevance; 403
102			Email from E. Adams to H. Arkin dated August 13, 2016.	SJCSD-DA 714	Relevance; hearsay; 403; 404
103			Email from E. Adams to H. Arkin dated August 15, 2016.	SJCSD-DA 715	Relevance; 403
104			Email from E. Adams to H. Arkin dated August 23, 2016.	SJCSD-DA 723	Relevance; 403
105			Email from E. Adams to C. Mittelstadt dated August 27, 2016.	SJCSD-DA 724	
106			Email chain between K. Dresback and E. Kasper dated August 29, 2016.	SJCSD-DA 733-735	Relevance; 403
107			Email from K. Dresback to Plaintiff dated February 22, 2017.	SJCSD-DA 784-785	Relevance; 403
108			Email chain between K. Dresback and Plaintiff dated February 22, 2017.	SJCSD-DA 799	Relevance; 403

109			Email chain between L. Kunze, Plaintiff and J.A. dated March 6 & 8, 2017.	SJCSD-DA 801	Relevance; 403
110			Letter from N. Jacobs to K. Russell dated May 31, 2016.	SJCSD-DA 3220-3221	
111			Letter from Dr. Jacobs to Dr. Sassanint dated April 25, 2017.	SJCSD-DA 3226-3227	
112			Medical records from Duke Health	SJCSB-DA 18024-18126	Relevance; 403; foundation/authenticity; improper composite
113			Medical records from Dr. Naomi Jacobs	SJCSB-DA 3197-3231	Relevance; Hearsay; 403; foundation/authenticity; improper composite
114			Medical records from Dr. Kamalesh Pai	SJCSB-DA 18323-18342	Relevance; Hearsay; 403; foundation/authenticity; improper composite
115			Medical records from Baptist Medical South	SJCSB-DA 18940-18986	Relevance; Hearsay; 403; foundation/authenticity; improper composite
116			Medical records from Baptist Pediatrics	SJCSB-DA 3154-3196	Relevance; Hearsay; 403; foundation/authenticity; improper composite
117			Medical records from Nemours Children's Clinic	SJCSB-DA 18169-18322	Relevance; 403; foundation/authenticity ; improper

					composite
118			Medical records from Wolfson Children's Hospital	SJCSB-DA 18432-18939	Relevance; 403; foundation/ authenticity; improper composite
119			Medical records from Take Shape Plastic Surgery	SJCSB-DA 18127-18168	Relevance; 403; foundation/ authenticity; improper composite
120			Best Practices emails and drafts	SJCSB DA 1362-1416	
121			Emails from citizens and parents re transgender restroom policy	SJCSB DA 1235-1361, 2470-2513	Relevance; Hearsay; 403; subject to stipulation; completeness; improper composite; foundation/ authenticity
122			SJCSB Policy 2.16 Prohibiting Discrimination, Including Sexual and Other Forms of Harassment	SJCSB-DA PRR 2059-2062	Relevance
123			Email from Plaintiff to D. Ousley dated April 28, 2015.	SJCSD-DA 435	Relevance; 403
124			Email chain between E. Adams and C. Mittelstadt dated May 22 & 24, 2016.	SJCSD-DA 657	

125			Email from Plaintiff to K. Bransford dated March 20, 2017.	SJCSD-DA 806-807	Relevance; 403
126			Email from E. Adams to C. Mittelstadt dated May 28, 2016.	SJCSD-DA 2695	
127			Email from H. Arkin to S. Smith dated June 15, 2015.	SJCSD-DA 2996	
128			Undated letter from E. Adams to Dr. Joyner.	KASPER 39-43	
129			Emails between E. Adams and Transactive Online representatives	KASPER 81-84	Relevance
130			Emails between E. Adams and DOE OCR	KASPER 88-113, 180-247	
131			SJCSD High School Student Progression Plan 2017-2018	SJCSD-DA 2218-2296	Relevance; 403
132			SJCSD Parent Resource Guide for 2017-18	SJCSD-DA 2092-2171	Relevance; 403
133			Video from School Bathroom Tour with Plaintiff and legal counsel	n/a	
134			2014 Article from American Psychologist entitled "Expertise in Psychotherapy – An Elusive Goal?"	HRUZ 1635-1646	Relevance; Hearsay; 403

135			2010 Article from Association for Psychological Science entitled "Pitfalls and Opportunities in Nonverbal and Verbal Lie Detection"	HRUZ 1588-1620	Relevance; Hearsay; 403
136			2004 Article from Journal of Academy of Psychiatry Law entitled "A Cautionary Lesson from Simulated Patients"	HRUZ 1621-1622	Relevance; Hearsay; 403
137			2001 Article from Journal of American Academy of Psychiatry Law entitled "Commentary – Informed Consent in Psychotherapy – A Multidisciplinary Perspective"	HRUZ 1628-1634	Relevance; Hearsay; 403
138			2004 Research Report from American Psychological Society entitled "Psychological Responding During Script-Driven Imagery in People Reporting Abduction by Space Aliens"	HRUZ 1623-1627	Relevance; Hearsay; 403
139			1997 Article from American Journal of Psychiatry entitled "On Wearing Two Hates: Role Conflict in Serving as Both Psychotherapist and Expert Witness"	HRUZ 1579-1587	Relevance; Hearsay; 403
140			1997 APA Article entitled: Irreconcilable Conflict Between Therapeutic and Forensic Roles	HRUZ 1571-1578	Relevance; Hearsay; 403

141			WPATH Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People	Adkins Depo 3	
142			2010-11 St. Johns County School District Student Information/Entry Form dated July 30, 2010	SJCSD-DA 0053-0054	Relevance; 403
143			SJCSD Home Language Survey dated August 2, 2010	SJCSD-DA 0055	Relevance; 403
144			Florida Department of Health School Entry Health Exam dated July 29, 2010	SJCSD-DA 0069	Relevance; 403
145			Plaintiff Birth Certificate issued December 18, 2000	SJCSD-DA 70	Relevance; 403
146			Omitted		
147			Omitted		
148			Omitted		
149			Omitted		
150			SJCSD Checklist for Gifted Characteristics dated November 25, 2013.	SJCSD-DA 141	Relevance; 403
151			SJCSD Checklist for Gifted Characteristics dated December 3, 2013	SJCSD-DA 142	Relevance; 403
152			Assessment by Hope Haven Children's Clinic and Family Center dated September 16, 2013.	SJCSD-DA 143-145	Relevance; Hearsay; 403

153			Discipline Narrative History dated November 12, 2013.	SJCSD-DA 148	Relevance; Hearsay; 403; 404
154			SJCSD Student Record for Plaintiff	SJCSD-DA 033-	Relevance; Hearsay; 403; full bates range not identified
155			February 2015 Council of School Attorneys Inquiry & Analysis re Title IX and Gender Identity Issues	SJCSB-DA PRR 013-023	Hearsay; 403
156			Article re Advocates or Employees: First Amendment Claims Brought by Special Ed Teachers	SJCSB-DA PRR 024-028	Relevance; hearsay; 403
157			Broward County Public Schools LGBTQ Critical Support Guide Appendix F – Guide Summary	SJCSB-DA PRR 029-030	
158			Broward County Public Schools LGBTQ Critical Support Guide Appendix G – Federal Support Letter dated June 14, 2011	SJCSB-DA PRR 031-033	
159			Broward County Public Schools LGBTQ Critical Support Guide – The Necessity of the Guide	SJCSB-DA PRR 034-035	
160			July 24, 2013 Department of Justice, Office of Public Affairs Press Release re Arcadia, California Agreement	SJCSB-DA PRR 036-037	Relevance; hearsay; 403

161			October 2012 Fact Sheet from the National Women's Law Center re Title IX Protections	SJCSB-DA PRR 1531-33	Relevance; hearsay; authentication; 403
162			Stonewall National Education Project Symposium Schedule for January 21, 2015 - Building Safe and Supportive Schools for LGBTQ Youth	SJCSB-DA PRR 1534-36	Relevance; hearsay; 403
163			National Center for Transgender Equality April 2014 Outline re Rights at School	SJCSB-DA PRR 1539-42	
164			Draft of SJCSB Chapter 2.0 School Board Governance and Organization (Restroom Policy)	SJCSB-DA PRR 1543-1551, 2050-58	Relevance improper composite exhibit; foundation/authenticity
165			Broward County Public Schools Critical Support Guide - 2012		Not produced
166			Recommendations from LGBTQ Task Force to Executive Cabinet dated February 2015	SJCSB-DA PRR 1552-58	
167			Trends in Recent Case Law Regarding LGBTQ Students	SJCSB-DA PRR 1572-83	Completeness; relevance; hearsay; improper composite; foundation/authenticity

168			District Response to Needs of LGBTQ Students: Legal Rights and Ethical Responsibilities – Evaluation Summation	SJCSB-DA PRR 1584	
169			Log of LGBTQ conferences attended in 2014-2017	SJCSB-DA PRR 1604	Relevance; hearsay; authentication; foundation
170			2014-15 FHSA Handbook Excerpt re Gender Identity Participation	SJCSB-DA PRR 1607-08	
171			2010- A Legal Handbook for LGBT Floridians and Their Families	SJCSB-DA PRR 1628-78	Relevance; Hearsay; 403; Foundation/ authenticity
172			Stonewell National Education Project Release re 2014 Symposium on LGBT Youth	SJCSB-DA PRR 1681-85	Hearsay; relevance; authentication; 403
173			Palm Beach County Safe Schools Handout re Ideas for Applying Strategic Language to Situations Involving Homophobic Remarks	SJCSB-DA PRR 1687-91	Hearsay; relevance; authentication; 403
174			2011 ASCA Article entitled “The Children Already Know”	SJCSB-DA PRR 1697	Relevance; Hearsay Foundation/ authenticity 403
175			Sun Sentinel Article dated January 21, 2014, re Stonewall	SJCSB-DA PRR 1698-1700	Relevance; Hearsay Foundation/ authenticity; 403

176			Legally Speaking article entitled "Disciplining Students for Off-Campus Text Messaging/Social Networking"	SJCSB-DA PRR 1702-05	Relevance; Hearsay Foundation/ authenticity; 403
177			Brochure re Safe Schools of South Florida	SJCSB-DA PRR 1706-08	Relevance; Hearsay Foundation/ authenticity; 403
178			2014 Florida Statewide LGBTQ District Collaborative Conference Agenda	SJCSB-DA PRR 1709-13	Hearsay Foundation/ authenticity; 403
179			2009 California Safe Schools Coalition Research Brief 9 – Understanding Differences Between Schools in Overall LGBT School Safety	SJCSB-DA PRR 1714-17	Foundation/ authenticity
180			LRP Conference from October 27, 2016, re Transgender Students' Rights: Legal Issues and Practical Concerns for Your District	SJCSB-DA PRR 1722-30	Hearsay Foundation/ authenticity
181			Injunction Order from Texas v. US dated August 21, 2016	SJCSB-DA PRR 1740-61	Relevance; Hearsay; Foundation/ authenticity; 403
182			Email chain between C. McKendrick and M. Sterling re LGBTQ training dated December 1, 2016	SJCSB-DA PRR 1762	

183			2016 FAQ from National School Boards Association re Addressing a Transgender Student	SJCSB-DA PRR 1763	Hearsay Foundation/ authenticity; completeness; 403
184			Lambda Legal's "A Transgender Advocate's Guide to Updating and Amending School Records"	SJCSB-DA PRR 1764-67	
185			Duval County Public Schools Youth Risk Behavior Surveys from 2013	SJCSB-DA PRR 1839-1871	Relevance Hearsay Foundation/ authenticity; 403
186			Brochure entitled "I Think I Might Be Transgender, Now What Do I Do?"	SJCSB-DA PRR 1823-1838	Hearsay Foundation/ authenticity; 403
187			The Daytona Beach News-Journal article dated June 8, 2011, "Flagler Schools Expand Policies on Bullying and Harassment."	SJCSB-DA PRR 1872	Hearsay Foundation/ authenticity; 403
188			SJCSB Draft Policy 511.2 re Bullying and Harassment	SJCSB-DA PRR 1873-75	Hearsay; Relevance; authenticity
189			New York Department of Education Guidelines for Transgender Students	SJCSB-DA PRR 1876-78	Hearsay Foundation/ authenticity; 403
190			Article re Gender Neutral Bathrooms: (Hopefully) Coming to a City Near You	SJCSB-DA PRR 1879-80	Hearsay; Foundation/ authenticity; 403

191			Brochure re Gender Spectrum Services – Training and Support	SJCSB-DA PRR 1881-94	Hearsay Foundation/ authenticity; 403
192			Agenda, notes and other documents from May 13-15, 2015 Stonewall Conference in Ft. Lauderdale	SJCSB-DA PRR 1895-1927	Hearsay Authenticati on/Foundati on; 403
193			A Guide for Schools Responding to Questions About U.S. DOE Guidance on Rights of Transgender Students	SJCSB-DA PRR 1929-33	Hearsay Foundation/ authenticity; 403
194			Misc. Journal Articles re Transgender issues	SJCSB-DA PRR 1939-46	Relevance; Hearsay; Foundation/ authenticity; improper composite
195			Fact Sheet: Transgender & Gender Nonconforming Youth in Schools by the Sylvia Law Project	SJCSB-DA PRR 1947-50	Hearsay Foundation/ authenticity; 403
196			Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools	SJCSB-DA PRR 1951-62	Hearsay Foundation/ authenticity; 403
197			October 2015 ASCA School Counselor article “Transgender and Gender Nonconforming Students: Advocate for Best Practices”	SJCSB-DA PRR 1963-66	Hearsay Foundation/ authenticity; 403
198			2015 Abstract re G.G. v. Gloucester County School Board	SJCSB-DA PRR 1967	Relevance; Hearsay Foundation/ authenticity; completene s; 403

199			Draft Anti-discrimination Training Power Point re Gender Identity	SJCSB-DA PRR 1996-2001	Hearsay; Foundation/ authenticity; 403; completeness
200			Implementing Lessons that Matter – The Impact of LGBTQ-Inclusive Curriculum on Student Safety, Well-Being and Achievement	SJCSB-DA PRR 2002-2049	Hearsay Foundation/ authenticity; 403
201			SJCSB Policy 5.02 re Non-Discriminatory Admission of Students	SJCSB-DA PRR 2059	Relevance; hearsay Foundation/ authenticity 403; improper composite
202			SJCSB Policy 511.2 re Bullying and Harassment	SJCSB-DA PRR 2070-72	Relevance; hearsay Foundation/ authenticity 403; improper composite
203			U.S. Department of Health and Human Services web article re Stop Bullying and Creating a Safe Environment for LGBT Youth	SJCSB-DA PRR 2188-89, 2305-07	Hearsay Foundation/ authenticity; 403
204			Misc. Research compiled and reviewed by District personnel prior to implementation of Best Practices	SJCSB-DA PRR 2114-2236	Hearsay Foundation/ authenticity; improper composite; 403
205			Lambda Legal Publication entitled “Out, Safe & Respected”	SJCSB-DA PRR 2208-2236	Hearsay Foundation/ authenticity; 403

206			Lambda Legal Facts: Gays and Lesbian Youth in Schools	SJCSB-DA PRR 2204-07	Hearsay Foundation/ authenticity; 403
207			9 Things to Know About Title IX	SJCSB-DA PRR 2201-03	Relevance Hearsay Foundation/ authenticity; 403
208			MSNBC article dated April 30, 2014, entitled "Transgender Students Protected Under Title IX, DOE Says."	SJCSB-DA PRR 2199- 2200	Hearsay Foundation/ authenticity; 403
209			US DOE Know Your Rights: Title IX Requires Your School to Address Sexual Violence	SJCSB-DA PRR 2204-07	Relevance Hearsay Foundation/ authenticity; 403
210			2014 Article re School Board Answers Transgender Students' Complaint re Gloucester High	SJCSB-DA PRR 2195-96	Hearsay Foundation/ authenticity; 403
211			SJCSB Policy 4.06 re Student Clubs and Organizations	SJCSB-DA PRR 2193-94	Relevance; 403
212			US DOE Questions and Answers on Title IX and Sexual Violence dated April 29, 2014	SJCSB-DA PRR 2135- 2187	Relevance Hearsay Foundation/ authenticity; 403; improper composite
213			FHSAA January 2013 BOD Meeting Agenda Item re Proposed Gender Participation Policy	SJCSB-DA PRR 2237-39	Hearsay Foundation/ authenticity 403
214			US DOE Examples of Policies and Emerging Practices for Supporting Transgender Students – May 2016	SJCSB-DA PRR 2240-73	Hearsay Foundation/ authenticity; 403

215			GLSEN 2011 National School Climate Survey Executive Summary	SJCSB-DA PRR 2292-2304	Hearsay Foundation/ authenticity; 403
216			Abstracts of Safe Schools Improvement Act of 2013 and Student Non-Discrimination Act of 2013	SJCSB- DA PRR 2282	Relevance Hearsay Foundation/ authenticity; 403
217			Misc. News Articles re Orange, Volusia and Escambia Counties development of transgender Polices	SJCSB-DA PRR 2283-85	Hearsay Foundation/ authenticity; 403; improper composite
218			Misc. materials re Bullying in St. Johns County Schools	SJCSB-DA PRR 2308-11	Relevance Hearsay Foundation/ authenticity; 403; improper composite
219			San Francisco State University 2009 Publication re Helping Families with Lesbian, Gay, Bisexual and Transgender Children	SJCSB-DA PRR 2312-34	Hearsay Foundation/ authenticity; 403
220			2012 Publication: An Ally's Guide to Issues Facing LGBT Americans	SJCSB-DA PRR 2335-49	Relevance; hearsay Foundation/ authenticity; 403
221			An Ally's Guide to Terminology: Talking About LGBT People and Equality	SJCSB-DA PRR 2350-59	Relevance; Hearsay Foundation/ authenticity
222			Best Practices: A Teaching Tolerance Guide by the Southern Poverty Law Center	SJCSB-DA PRR 2360-63	Relevance; Hearsay Foundation/ authenticity; 403

223			Transgender Law Center - Transgender and Gender Non-conforming Youth – Recommendations for Schools	SJCSB-DA PRR 2364-69	Hearsay Foundation/ authenticity; 403
224			Student Codes of Conduct from other Florida school districts re Bullying and Harassment	SJCSB-DA PRR 2370-2382	Relevance; Hearsay Foundation/ authenticity; 403
225			Buzzfeed Article re GG. v. Gloucester County School Board	SJCSB-DA PRR 2383-85	Relevance; hearsay Authentication/Foundati on; 403
226			2012 NSBA publication re Respecting the Rights of Transgender Youths in the School System	SJCSB-DA PRR 2386-99	Hearsay Authentication/Foundati on; 403
227			Toronto District School Board Guidelines for the Accommodation of Transgender and Gender Non-Conforming Students and Staff	SJCSB-DA PRR 2400-29	Hearsay Authentication/Foundati on; 403
228			Misc. research and training materials re development and implementation of transgender policies.	SJCSB-DA PRR 2430-2532	Hearsay Authentication/Foundati on; improper composite
229			Seminar Materials for “Transgender Students in K-12: Navigating Accommodations and Avoiding Litigation”	SJCSB-DA PRR 2611-13	Relevance; hearsay Authentication/Foundati on; 403
230			Email chain between E. Kasper and L. Kunze dated November 7, 2017.	PLTF 2931-2933	

231			Social Media Postings by Plaintiff, E. Adams Kasper and S. Adams provided in response to discovery requests.	PLTF2934-3671	Relevance; Hearsay; 403; 404; foundation; improper composite exhibit
232			Duke Children's Hospital and Health Center Information for Informed Consent for Adolescents	PLTF 1097-1102	Relevance/Authentication/Foundation; incomplete
233			Treatment records from J. Asermely, LCSW, LCC	PLTF 835-838	Relevance; Hearsay Authentication/Foundation; improper composite; 403
234			Articles cited by Dr. Josephson in October 30, 2017, and November 3, 2017, Expert Reports	JOSEPHSON 001-522	Hearsay; improper composite exhibit 403
235			Articles cited by Dr. Hruz in November 2, 2017, Expert Report	HRUZ 1-249, 250-1455	Hearsay; improper composite exhibit ; 403

236			Article: “St. Johns County will continue to provide gender-neutral bathrooms” published May 18, 2016	http://www.actionnewsjax.com/news/local/st-johns-county-says-they-will-SJCSB-DA-18992-18996-continue-to-provide-gender-neutral-bathrooms/291985863	Relevance; hearsay; not produced; 403
237			February 22, 2017, Dear Colleague letter issued by U.S. Departments of Justice and Education	https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201702-title-ix.docx	Not previously produced; relevance; completeness
238.			Plaintiff YouTube Video Titled, “MY DYSPHORIA”	PLAINTIFF 0001113	Relevance; Hearsay; completeness (also need PLAINTIFF 1109 11010; 1114; 1115); 403; improper lay opinion
239.			Plaintiff YouTube Video Titled, “Mental Health + Resources)	PLAINTIFF 0001112	Relevance; completeness (also need PLAINTIFF 1109 11010; 1114; 1115); 403

240.			Plaintiff 4/11/17 Facebook Post re: Kroger Bathrooms	PLAINTIFF 0003012	Hearsay; relevance
241.			Plaintiff 3/23/17 Facebook Post re: Gender Neutral- Bathrooms	PLAINTIFF 0003030	Hearsay; relevance
242.			Plaintiff's 2/17/17 Facebook Post re: Medications	PLAINTIFF 0003074	Hearsay; relevance
243.			Plaintiff's parent's Facebook Post w/ media	PLAINTIFF 0003140	Hearsay; relevance
244.			Plaintiff 3/10/17 Facebook Post re: 3 rd bathroom	PLAINTIFF 0003288	Hearsay; relevance
245.			Billing Records from Duke Health	Awaiting records	Not produced; Relevance; Hearsay; foundation; authentication ;403; improper composite exhibit
246.			Article entitled "Transsexualiteit en Psychotherapie" (Dutch version)	Adkins Depo Exh 4	Relevance; Hearsay; lack of certified translation
247.			Article entitled "Transexuality and Psychotherapy" (English version)	Adkins Depo Exh 5	Relevance; Hearsay; authentication ; lack of certified translation
248.			Attorney General Memorandum dated October 4, 2017	SJCSB-DA 18987-18988	Relevance; hearsay; completeness

249.			(Proposed) Equality Act, 115 th Congress: Introduced as S 1006 and HR 2282	<p>https://www.congress.gov/bill/115th-congress/senate-bill/1006/text?q=%7B%22search%22%3A%5B%22%5C%22Title+VII%5C%22+AND+%5C%22gender+identity%5C%22%22%5D%7D&r=1</p> <p>https://www.congress.gov/bill/115th-congress/house-bill/2282/text?q=%7B%22search%22%3A%5B%22%5C%22Title+VII%5C%22+AND+%5C%22gender+identity%5C%22%22%5D%7D&r=2</p>	Relevance; Hearsay; Not produced; completeness
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<p>250</p>			<p>(Proposed) Equality Act, 114th Congress; S 1858 and HR 3185</p>	<p>https://www.congress.gov/bill/114th-congress/senate-bill/1858/text?q=%7B%22search%22%3A%5B%2214hr3185%22%5D%7D&r=2</p> <p>https://www.congress.gov/bill/114th-congress/house-bill/3185/text?q=%7B%22search%22%3A%5B%2214hr3185%22%5D%7D&r=3</p>	<p>Relevance; Hearsay; Not produced completeness</p>
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251.			(Proposed) Student Non-Discrimination Act of 2015, S439 and HR 846	<p>https://www.congress.gov/bill/114th-congress/senate-bill/439/text?q=%7B%22search%22%3A%5B%22114s439%22%5D%7D&r=1</p> <p>https://www.congress.gov/bill/114th-congress/house-bill/846/text?q=%7B%22search%22%3A%5B%22114s439%22%5D%7D&r=2</p>	Relevance; Hearsay; Not produced; completeness
252.			All documents listed by Plaintiff in Plaintiff's Disclosures		Objections will need to be determined on a case by case basis
253.			Signed Statements from Individuals Regarding Separation of Bathrooms Based on Birth Gender	SJCSB-DA 18997-19020	Not previously produced; Hearsay; 403; Foundation/authentication; subject to stipulation; foundation/authentication