

Exhibit 1

History of Changing Gender Procedure:

Revision date: 07/15/93 (This is the earliest found reference to Changing Gender in the available archives)

Changing Gender on a Driver License

Occasionally an applicant may ask to change the gender on his/her driver license or personal identification card. When this occurs, use the following procedure:

- Have the applicant complete a Certification form (TR-34) stating s/he wishes to change the gender on his/her driver license or personal identification card. **DO NOT ASK THE APPLICANT TO SPECIFY THE REASON FOR THE REQUEST.** The following statement is adequate:

"I (name) wish to change the gender (or sex) on my Michigan driver license (or ID card)."

No additional documentation is required. The applicant is not required to provide a court order, physician's statement, etc.

Process the DS1-51 driver license application offline. Enter "gender change" in the REASON FOR CORRECTION field.

- Attach the completed certification form to the processed license or ID card application. Invalidate the person's current license and attach it to the T.O.P.

Revision date: 03/01/99 -- (The information from 03/01/99 involved DL Manual Update #01-3. The changes made to the pages containing the "gender change" procedure only involved when a DE-36 was to be completed.

Occasionally, an applicant may ask to change the gender on their driver license or ID card. When this occurs, use the following procedure:

1. Enter 33; clerk code.
2. Enter the applicant's driver license number or full name and date of birth. Use their current name and date of birth. If correcting a name use code 34;.
3. Select "E - Correction."
4. Change the sex code to the gender requested.
5. Select "Y" in Added Information field.
6. Enter a reason for the "gender change" in the Remarks field such as sex change, dept. error, etc.
7. Have the applicant complete a TR-34 Certification form stating their wish to change the gender on their driver license. Do not ask the applicant to specify the reason for the request. The following statement is adequate: "I (name) wish to change the gender (or sex) on my Michigan driver license."
8. Include the completed certification form as an Attachment Type "O" and enter "TR-34 Gender Change" in the Remarks field.
9. Collect the appropriate fee.
10. Capture the applicant's signature and photo.
11. Clip off the corner showing the expiration date or punch a hole in the expiration year of the applicant's existing photo license. Attach it to the TOP for identification.

An applicant who wishes a name change as well must follow the established name change procedures and provide appropriate identification to support the name change.

Revision date: 06/07/02

Process was the same as listed above.

Revision date: 08/06/04

On occasion an applicant may ask to change the gender on their driver license or PID. To change a gender on a driver license the individual must provide an original doctor's statement or court order. The doctor's statement or court order must certify that the applicant has completed the medical treatments necessary to change their gender.

When this occurs use the following procedure:

1. Select 33 from the Ready Screen. If correcting a name use code 34.

Note: An applicant who wishes a name change as well must follow the name change procedures and provide appropriate identification to support the name change.

2. Enter the applicant's driver license number or full name and date of birth.
3. Select "E - Correction."
4. Change the sex code to the gender requested.
5. Select "Y" in Added Information field.
6. Enter a reason for the "gender change" in the Remarks field such as sex change, dept. error, etc.
7. Include a photocopy of the doctor's statement or court order as an Attachment Type "O" and enter "Doctor's statement" or "Court Order" in the Remarks field.
8. Collect the appropriate fee (9.00 operator, \$18.00 chauffeur).
9. Capture the applicant's signature and photo.
10. Clip or punch a hole in the expiration year of the applicant's existing photo license. Attach it to the TOP for identification.

Revision date 04/01/05

On occasion, an applicant may ask to change the gender on their driver license or PID. To change a gender on a driver license the individual must provide an original doctor's statement or court order. The doctor's statement or court order must include only the statement that there is a need for a change to the applicant's gender as displayed on their driver's license or personal identification card.

1. Select 33 from the Ready Screen. If correcting a name use code 34.

Note: An applicant who wishes a name change as well must follow the name change procedures and provide appropriate identification to support the name change.

2. Enter the applicant's driver license number or full name and date of birth.
3. Select "E - Correction."
4. Change the sex code to the gender requested.
5. Select "Y" in Added Information field.
6. Enter a reason for the "gender change" in the Remarks field such as sex change, dept. error, etc.
7. Include a photocopy of the doctor's statement or court order as an Attachment Type "O" and enter "Doctor's statement" or "Court Order" in the Remarks field.
8. Collect the appropriate fee (9.00 operator, \$18.00 chauffeur).
9. Capture the applicant's signature and photo.
10. Clip or punch a hole in the expiration year of the applicant's existing photo license. Attach it to the TOP for identification.

Revision date: 04/19/05

On occasion, an applicant may ask to change the gender on their driver license or PID. To change a gender on a driver license the individual must provide an original doctor's statement or court order. The doctor's statement or court order must certify that the applicant has completed the medical treatments necessary to change their gender.

When this occurs use the following procedure:

1. Select 33 from the Ready Screen. If correcting a name use code 34.

Note: An applicant who wishes a name change as well must follow the name change procedures and provide appropriate identification to support the name change.

2. Enter the applicant's driver license number or full name and date of birth.
3. Select "E - Correction."
4. Change the sex code to the gender requested.
5. Select "Y" in Added Information field.
6. Enter a reason for the "gender change" in the Remarks field such as sex change, dept. error, etc.
7. Include a photocopy of the doctor's statement or court order as an Attachment Type "O" and enter "Doctor's statement" or "Court Order" in the Remarks field.
8. Collect the appropriate fee (9.00 operator, \$18.00 chauffeur).
9. Capture the applicant's signature and photo.
10. Clip or punch a hole in the expiration year of the applicant's existing photo license. Attach it to the TOP for identification.

NOTE: There are no references to "changing gender" in the driver manual located in my archives from 1986.

Prepared by: Office of Program Support & Development – May 26, 2015

Exhibit 2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

EMANI LOVE, *et al.*,

NO. 2:15-cv-11834

Plaintiff,

HON. NANCY EDMUNDS

v

MAG. ELIZABETH A. STAFFORD

RUTH JOHNSON,

Defendant.

AMERICAN CIVIL LIBERTIES
UNION FUND OF MICHIGAN
Jay D. Kaplan (P38197)
Daniel S. Korobkin (P72842)
Michael J. Steinberg (P43085)
Attorneys for Plaintiffs
2966 Woodward Avenue
Detroit, MI 48201
(313) 578-6812

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Kevin R. Himebaugh (P53374)
Jeanmarie Miller (P44446)
Denise Barton (P41535)
James E. Long (P53251)
Assistant Attorneys General
Attorneys for Defendant Johnson
Michigan Department of Attorney General
Civil Litigation, Employment &
Elections Division
P.O. Box 30736
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(517) 373-6434

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UNION FOUNDATION
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PROSKAUER ROSE LLP
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Chicago, IL 60602
(312) 962-3550

**DEFENDANT RUTH JOHNSON'S ANSWERS TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

1. Identify all Persons who have played a role in or otherwise have

knowledge of the creation, review, and/or implementation of the Driver's License Policy, the roles of each individual involved in the creation, review, and/or implementation of the Driver's License Policy, and any documents related to the creation, review, explanation, interpretation and/or implementation of the Policy.

ANSWER: Tina Densmore – Driver Procedures Manual Analyst, updated the requirement in the procedures manual; Grace Ueberroth, Assistant Administrator for the Customer Services Administration, requested the analyst to make the change in the manual; Susan Westerlund, Program Procedures Manager, responsible for oversight of the manual; Michael Wartella, Customer Services Administrator, agreed to the procedure change.

2. Set forth and explain all the reasons for the Driver's License Policy.

ANSWER: Michigan law (MCL 333.2831) provides the state standard to show a sex designation other than that designated at birth.

3. Identify all Persons with knowledge of and documents related to the reasons listed in answer to Interrogatory No. 2.

ANSWER: Mike Wartella, Grace Ueberroth, and Tina Densmore.

4. Identify all Persons involved in the drafting and review of the Letter of Michael L. Wartella to Jay Kaplan dated January 10, 2012, attached hereto as Exhibit A, and all documents consulted in order to draft, review, and finalize that letter.

ANSWER: Mike Wartella, Grace Ueberroth, and Tina Densmore.

5. Describe all policies of the Michigan Secretary of State prior to the Driver's License Policy related to changing the sex designation on a License including, but not limited to, any documentation required under the previous policies in order to change the sex on a License and the dates when the previous

policies were in effect.

ANSWER: This is described in the historical document, which will be produced.

6. If there have been changes made to the documentation the Michigan Secretary of State required to change the sex on a License, explain the rationale/reasons for each change.

ANSWER: 08/06/04 – To change sex on a driver license the individual must provide an original doctor's statement or court order. The doctor's statement or court order must certify that the applicant has completed the medical treatments necessary to change their sex. The prior procedure required a self-certification. The Land Executive Office thought a medical certification was needed.

04/01/05 – To change sex on a driver license the individual must provide an original doctor's statement or court order. The doctor's statement or court order must include only the statement that there is a need for a change to the applicant's sex as displayed on their driver's license or personal identification card.

04/19/05 – To change sex on a driver license the individual must provide an original doctor's statement or court order. The doctor's statement or court order must certify that the applicant has completed the medical treatments necessary to change their sex. This change was made at the order of the Land Executive Office.

03/18/11 – To change sex on a driver license or PID the applicant must provide a certified birth certificate showing the sex of the applicant. A birth certificate is the only document accepted as proof to change an individual's sex. Note: A U.S. passport cannot be accepted as proof of a sex change. Policy clarified to be consistent with the state standard to show a sex designation other than that designated at birth.

7. If changes have been made to the documentation that the Michigan Secretary of State required to change the sex on a License, identify persons with knowledge of each change and all documents related to those changes.

ANSWER: Tina Densmore, Driver Analyst; Grace Ueberroth, Asst. Administrator, Customer Services Administration; Mike Wartella, Administrator, Customer

Services Administration.

8. Describe the records you keep regarding all requests for changes to a License, including but not limited to whether there is a database where this information is located, whether the records identify what was changed on a License, the documentation provided to support the change, and the state of birth of persons seeking to change the sex on their License.

ANSWER: Name changes are recorded historically on the master driver record. Other changes are not identified by date. Documentation provided to support the change vary based upon what is requested to be changed. Documents may be a skills test certificate, marriage license, divorce decree, birth certificate, court order, motorcycle safety certificate. MDOS does not identify the state of birth of persons who apply for a DL on the driving record, and therefore would have no way to identify the state of birth of a person seeking to change the sex on their license or ID.

9. Explain the exact process and requirement(s) for persons to change each of the following characteristics on their License: height, eye color, and sex.

ANSWER: Self-declaration of eye color and height, visually verified by clerk at counter. Birth certificate to show a sex designation other than that designated at birth.

10. Set forth all reasons for any differences between the process and requirement(s) for persons to change the height, and/or eye color on a License and the process and requirements for changing the sex designation on a License, as well as any persons with knowledge of and documents related to any such differences.

ANSWER: Michigan law provides the state standard to show a sex designation other than that designated at birth. Eye color and height are not provided for under Michigan law.

11. Describe all instances of fraud or alleged fraud related to or resulting from changes to the sex designation on a License.

ANSWER: MDOS does not track this information.

12. Explain why you do not accept a valid U.S. Passport as proof of identity for an individual seeking to change the sex designation on a Michigan License.

ANSWER: Michigan law (MCL 333.2831) provides the state standard to show a sex designation other than that designated at birth.

13. Explain the process and requirement(s) for persons to obtain their first License listing their correct height, eye color and sex and identify any documents related to the process and requirement(s) since you became Secretary of State.

ANSWER: See the attached SOS-428 ID Requirements for an Original Driver's License or ID. Applicant completes DE-36 (or DE36ENH) for an original driver's license or ID, it is reviewed by an MDOS employee who records the documents presented, it is approved by a manager or their designee.

14. Set forth all reasons for any differences between the process and requirement(s) for persons to obtain their first License listing their correct sex and the process and requirements for changing the sex designation on a License, as well as any persons with knowledge of and documents related to any such differences.

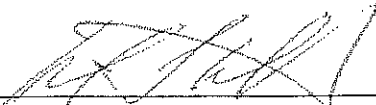
ANSWER: Michigan law (MCL 333.2831) provides the state standard to show a sex designation other than that designated at birth

15. Identify all persons who were involved in providing answers to these Interrogatories.

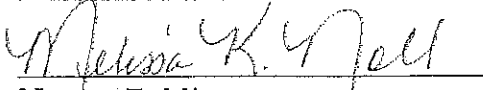
ANSWER: Grace Ueberroth, Director, Office of Program Support & Development. Tina Densmore, ID Exception Specialist, Program Procedures Section, Michael

Wartella, Administration Director, Customer Services Administration.

Dated: 11-6-15

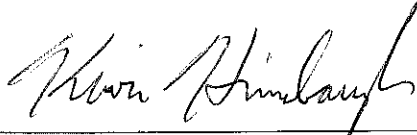

Michael Wartella, Michigan Department of
State, Customer Services Administrator

Subscribed and sworn to before me this 6th day of November, 2015.


Notary Public
_____ County, Michigan
My Commission expires: _____

Melissa K. Noll, Notary Public
Ingham County, Michigan
My Commission Expires: 11/29/2019

Respectfully submitted,
Bill Schuette
Attorney General



Kevin Himebaugh (P53374)
Erik A. Grill (P64713)
Jeanmarie Miller (P44446)
Denise C. Barton (P41535)
James E. Long (P53251)
Assistant Attorneys General
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Dated: November 6, 2015

PROOF OF SERVICE

Margaret P. Richards certifies that on the ___ day of November, 2015, she served a copy of the above document in this matter on all counsel of record and parties *in pro per* at their last known addresses via first class mail by depositing same in a United States Post Office depository in Lansing, Michigan with first class postage fully paid.

Margaret P. Richards

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

EMANI LOVE, *et al.*,

NO. 2:15-cv-11834

Plaintiff,

HON. NANCY EDMUNDS

v

MAG. ELIZABETH A. STAFFORD

RUTH JOHNSON,

Defendant.

AMERICAN CIVIL LIBERTIES

UNION FUND OF MICHIGAN

Jay D. Kaplan (P38197)

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**DEFENDANT RUTH JOHNSON'S RESPONSE TO PLAINTIFFS' FIRST
REQUESTS FOR ADMISSIONS**

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: The Driver's License Policy does not apply to individuals seeking to obtain their first Michigan driver's license or state identification card.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 2: Defendant accepts a passport as a valid form for identifying the sex of individuals who apply for their first Michigan driver's license or state identification card.

RESPONSE: Deny. US Passport is one of the accepted documents for establishing legal presence. If it is the applicant's first Michigan DL and they are submitting a DL from another jurisdiction, the US Passport must match the sex designation on the DL, otherwise a birth certificate will be required.

REQUEST FOR ADMISSION NO. 3: There is no Michigan statute that requires individuals to provide an amended birth certificate to change the sex on a driver's license or state identification card.

RESPONSE: Admit that there is no Michigan statute that *directly* addresses what is required to change the sex designation on a driver's license or state identification card, but the requirement for an amended birth certificate in the Driver License Manual (referred to as the Driver's License Policy by the plaintiffs) was based on MCL 333.2831, which provides the state standard to show a sex designation other than designated at birth.

REQUEST FOR ADMISSION NO. 4: There is no Michigan statute that requires gender confirmation surgery (otherwise known as "sex reassignment surgery") to change the sex on a driver's license or state identification card.

RESPONSE: Admit that there is no Michigan statute that *directly* addresses what

is required to change the sex designation on a driver's license or state identification card, but the requirement for an amended birth certificate in the Driver License Manual (referred to as the Driver's License Policy by the plaintiffs) was based on MCL 333.2831, which provides the state standard to show a sex designation other than designated at birth.

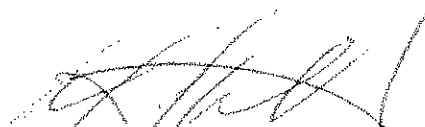
REQUEST FOR ADMISSION NO. 5: Previous Michigan Secretaries of State, since 1980, did not require an amended birth certificate in order for Michigan residents to change the sex on a driver's license or state identification card.

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 6: The letter attached hereto as Exhibit A addressed to Mr. Jay Kaplan from Michael L. Wartella, which states in part that "a certified birth certificate is the only document accepted by the Department to change the gender on a driver [sic] license or PID," is a true and correct copy of the letter sent on behalf of the Secretary of State's office on or about January 20, 2012.

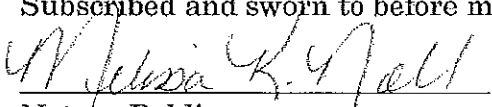
RESPONSE: Admit.

Dated: 11/16/15



Michael Wartella, Michigan Department of State, Customer Services Administrator

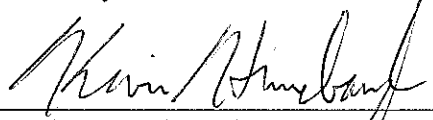
Subscribed and sworn to before me this 16th day of November, 2015.



Notary Public
_____ County, Michigan
My Commission expires: _____

Melissa K. Noll, Notary Public
Ingham County, Michigan
My Commission Expires: 11/29/2019

Respectfully submitted,
Bill Schuette
Attorney General



Kevin Himebaugh (P53374)

Erik A. Grill (P64713)

Jeanmarie Miller (P44446)

Denise C. Barton (P41535)

James E. Long (P53251)

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himebaughk@michigan.gov

Dated: November 6, 2015

PROOF OF SERVICE

Margaret P. Richards certifies that on the ____ day of November, 2015, she served a copy of the above document in this matter on all counsel of record and parties *in pro per* at their last known addresses via first class mail by depositing same in a United States Post Office depository in Lansing, Michigan with first class postage fully paid.

Margaret P. Richards

Exhibit 3

NEWS -- Sec. of State race: Ruth Johnson joins Rep. Paul Scott in opposing sex change on driver's licenses

AFAM at chartermi.net AFAM at chartermi.net

Fri Aug 20 16:02:52 CDT 2010

- Previous message: [MORNING SUN -- Court ruling is disturbing](#)
- Next message: [SAVE THE DATE -- AFA-Michigan Annual Banquet -- Oct. 4, 2010 in Troy, Michigan](#)
- **Messages sorted by:** [\[date \]](#) [\[thread \]](#) [\[subject \]](#) [\[author \]](#)

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CAMPAIGN FOR
MICHIGAN FAMILIES
3800 East Monroe * Midland, Michigan 48642

FOR IMMEDIATE RELEASE: Friday, Aug. 20, 2010
CONTACT: Gary Glenn, Chairman 989-430-0652

Former Rep. Ruth Johnson joins fellow GOP Sec. of State hopeful Rep. Paul Scott in stating opposition to sex changes on driver's licenses

Former House member also opposes homosexual "marriage," adoption, "gay rights" laws

"In an era of identity theft and national security concerns, we're glad that Ruth Johnson has now joined Rep. Paul Scott in expressly stating her opposition to the Secretary of State policy of allowing men to falsely identify themselves as female on their state-issued driver's license, and vice versa," said Campaign for Michigan Families chairman Gary Glenn. "The people of Michigan should at minimum be able to trust their state government to tell the truth, not enable certain individuals' psychological and emotional delusions by officially and legally identifying them as something they biologically are not. We urge all candidates for Secretary of State to let voters know where they stand on this honesty-in-government issue."

The Associated Press reported in February: "Scott said he 'didn't raise (the issue). Secretary Land raised it when she temporarily changed the policy in 2005.' In his announcement letter, though, Scott writes: 'I will make it a priority to ensure transgender individuals will not be allowed to change the sex on their driver's license in any circumstance.' Scott, a first-term lawmaker, doesn't consider raising the issue a political ploy. 'My personal belief is you are who your DNA says you are, regardless of what surgical procedures you may have thereafter,' he says." http://www.woodtv.com/dpp/news/local/capitol_region/MI_SOS_candidates_make_gender_an_issue

Friday, in response to questions submitted by the Campaign for Michigan Families, Republican Secretary of State candidate Ruth Johnson joined Scott in saying she opposes allowing men to have their driver's license altered to legally identify them as female (and vice versa). Johnson also expressed her opposition to homosexual "marriage," allowing homosexual couples to adopt children in the state, and to adding

homosexual behavior ("sexual orientation") or cross-dressing ("gender identity") as specially protected classes under the state's non-discrimination and "hate crime" laws.

She also disavowed homosexual activists' endorsement of a previous campaign eight years ago. In 2002, as a Republican state House of Representatives candidate, Johnson was endorsed by the Triangle Foundation's Pride PAC, the aggressively partisan homosexual activist group based in Detroit which that same year endorsed 80 Democrats, eight Greens, and only four Republicans in the entire state (including Johnson). <http://web.archive.org/web/20030409040543/www.pride-pac.org/e/mihouse.htm>

According to a Pride PAC news release that year, "Endorsements are based on several criteria including responses to questionnaires, their record on GLBT issues, and viability as a candidate. Each candidate was surveyed on issues ranging from hate crimes, civil rights, parenting, family, youth and military issues, and HIV/AIDS policy." <http://web.archive.org/web/20021206065436/pride-pac.org/n/Primary+Slate+Release+2002.htm>

In 2004, however, then-Rep. Johnson voted in favor of the Marriage Protection Amendment which constitutionally defines marriage in Michigan as only between one man and one woman.

Johnson's e-mail responding to the Campaign for Michigan Families' questions follows below, with Johnson's responsive comments appearing in bold red.

----- Original Message -----

From: [rj4mi at comcast.net](mailto:rj4mi@comcast.net)
To: Campaign for Michigan Families
Sent: Friday, August 20, 2010 2:33 PM
Subject: Re: Triangle Pride PAC endorsement of Ruth Johnson

Gary,

Thanks for giving me an opportunity to address these issues. I have answered your questions below. If there is any further concerns, feel free to contact me.

Please specifically state your position on the following:

1. In an era of identity theft and national security concerns, do you believe men should be able to have their state-issued driver's license legally identify them as females (and vice versa), and if so, under what circumstances? (Current state policy is that a man who has had his genitals surgically removed can have his license changed to falsely identify him as a female. Homosexual activists believe even men who have not had such surgery, but who claim to consider themselves female, should be able to have their license changed to female, a policy which Sec. Land's office, amazingly, actually approved in March 2005, then rescinded a month later. The Michigan ACLU will call on the next Sec of State to reinstitute the latter policy.)

No I do not support allowing people to change their gender on their license as a result of surgery or lifestyle.

2. Do you support legalizing adoption by homosexual couples in Michigan?

No

3. Do you support adding the terms "sexual orientation" and/or "gender identity" as protected classes under the Elliott Larsen Act?

No

4. Do you support adding those terms to the state "hate crimes" law?

No

5. Will you oppose any attempt to repeal or amend Michigan's Marriage Protection Amendment?

Yes

6. So that there's no confusion on the subject, do you disavow and renounce Triangle Pride PAC's endorsement of your legislative candidacy in 2002?

Yes

Thanks,

Ruth Johnson

----- next part -----

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URL: <http://afamichigan.org/pipermail/e-news_afamichigan.org/attachments/20100820/ec3ebdbd/attachment.html>

-
- Previous message: [MORNING SUN -- Court ruling is disturbing](#)
 - Next message: [SAVE THE DATE -- AFA-Michigan Annual Banquet -- Oct. 4, 2010 in Troy, Michigan](#)
 - **Messages sorted by:** [\[date \]](#) [\[thread \]](#) [\[subject \]](#) [\[author \]](#)
-

[More information about the E-news mailing list](#)

Exhibit 4

From: "Paul Scott" <paulhscott@gmail.com>
To: "Campaign for Michigan Families" <CMF@chartermi.net>
Cc: "Michelle Voorheis (Flint)" <michellevgop@yahoo.com>; "Bill and Michelle Voorheis (Flint)" <billvoorheis@bwwoorheis.com>; "Glenn Clark (Troy)" <glennclark116@gmail.com>
Sent: Saturday, February 13, 2010 3:30 PM
Subject: Re: ASSOCIATED PRESS -- Michigan Secretary of State candidates make gender an issue?
Gary --

I've very comfortable with my position.

I just shows where society is going when a public official can't say a man should be recognized as a man by the government without civil unrest in the media.

I'm not worried about the political ramifications of this in the slightest.

Paul

On Sat, Feb 13, 2010 at 2:06 PM, Campaign for Michigan Families
<CMF@chartermi.net> wrote:

Paul, It's critically important now that you not move an inch. Those who are against you on this issue are against you, and you won't win a single one back by equivocating, second-guessing, or being self-critical.

Your only hazard now would be to disillusion those who stand firmly with you by appearing to soften or backtrack on your position. And over time, of course, develop other issues as well. Good work.

GG

"William Rustem of Public Sector Consultants, a Lansing think tank, says Scott may have found a way to distinguish himself from his three GOP rivals. 'It's an issue that divides, and it certainly could help him get a nomination,' Rustem says."

1/3/2016

ASSOCIATED PRESS
Detroit, Michigan
February 13, 2010

**Michigan Secretary of State candidates make gender an issue?
Gender designation on driver's license discussed**

by Mike Householder

DETROIT (AP) -- People in Michigan make changes to their driver's licenses all the time. They get a new picture, switch addresses or become an organ donor.

What's much less common is changing their gender designation from an "M" to an "F" or vice versa.

Republican Paul Scott is trying to make gender designation an issue in the race to replace term-limited Secretary of State Terri Lynn Land. The state representative from Grand Blanc says people who have undergone gender change operations shouldn't be able to change their licenses to reflect their new identities.

He brought up the issue in a letter announcing he was jumping into the race for the GOP secretary of state nomination.

Scott, state senators Michelle McManus and Cameron Brown and Calhoun County Clerk Anne Norlander are running for the GOP nomination, while Detroit City Clerk Janice Winfrey and Wayne State University law professor Jocelyn Benson are seeking the Democratic one. Party activists will formally nominate their candidates in late August.

Scott's letter has drawn a variety of responses, from ire on the part of transgender advocacy groups to praise by conservative activists.

Some are wondering why it's an issue at all. Gender change requests for driver's licenses are rare, and the secretary of state's office doesn't track them, says spokeswoman Kelly Chesney. Arlene Kish and Tina Seitz say the issue is personal, not political. Both were born men and have undergone sex change surgery.

Kish, a 59-year-old business owner from Southgate, had the procedure done last month and soon after had her driver's license changed to reflect that she now is a woman. She took a signed document from her surgeon to a secretary of state branch to back up her request.

1/3/2016

When she heard Scott was making an issue out of what's already a standard practice, she was outraged. "It's very disturbing, because we're such a small segment of the population," she says.

Seitz, who also lives in the Detroit area, had sex-change surgery 2 1/2 years ago and also had her driver's license updated.

"I think that it should not be one of the major issues of a campaign," says Seitz, a 52-year-old engineer. "I think that it's ridiculous to single out any group of people where it affects so few people and call that a major campaign issue."

State policy says a person's gender designation on a driver's license can be changed only when the person provides a court order or doctor's statement certifying that the applicant has completed the medical treatments necessary to switch their gender.

The long-standing policy was briefly modified five years ago before Land ordered that it be changed back to be consistent with the approach taken by other state government departments.

Scott says he "didn't raise (the issue). Secretary Land raised it when she temporarily changed the policy in 2005. "In his announcement letter, though, Scott writes: "I will make it a priority to ensure transgender individuals will not be allowed to change the sex on their driver's license in any circumstance."

Scott, a first-term lawmaker, doesn't consider raising the issue a political ploy. "My personal belief is you are who your DNA says you are, regardless of what surgical procedures you may have thereafter," he says.

William Rustem of Public Sector Consultants, a Lansing think tank, says Scott may have found a way to distinguish himself from his three GOP rivals.

"It's an issue that divides, and it certainly could help him get a nomination," Rustem says. "It's a political strategy to grab a hold of the most conservative voters and say, 'They're mine.'"

Some of Scott's competitors see the issue as being too narrow to be of much consequence.

"It happens very, very infrequently" and "is not at the top of my agenda," Republican Norlander says. Benson, a Democrat, doesn't believe the issue has a place in the campaign.

"I don't think it's the government's role to get in between an individual and their

choice of gender expression," she says. It's "being used solely to throw divisiveness into a campaign that should be about how to make government work better for all our citizens."

But Gary Glenn, president of the Midland-based American Family Association of Michigan, wants the issue to be front and center in the race.

"There are ... serious implications for women's privacy rights and comfort, since women and girls would legally be forced to share public restrooms, showers, locker rooms and changing areas with men who, if challenged, can present an official government ID 'proving' their claim to be women," he says.

Kish just wants to see the issue go away. "I'm not sure exactly why it's an issue for them, except that they're just ignorant of our situation," she says.

http://www.woodtv.com/dpp/news/local/capitol/region/MI_SDS_candidates_make_gender_an_issue

--
Paul Scott
S 0985 House Office Building
P.O. Box 30014
Lansing, MI 48909-7514
Ph: 517-373-1780
Fax: 517-373-5810
PaulScott@house.mi.gov

Exhibit 5

From: <rl4mi@comcast.net>
To: "Campaign for Michigan Families" <CMF@chartermi.net>
Sent: Friday, August 20, 2010 1:33 PM
Subject: Re: Triangle Pride PAC endorsement of Ruth Johnson Gary,

Thanks for giving me an opportunity to address these issues. I have answered your questions below. If there is any further concerns, feel free to contact me.

Please specifically state your position on the following:

1. In an era of identity theft and national security concerns, do you believe men should be able to have their state-issued driver's license legally identify them as females (and vice versa), and if so, under what circumstances? (Current state policy is that a man who has had his genitals surgically removed can have his license changed to falsely identify him as a female. Homosexual activists believe even men who have *not* had such surgery, but who claim to consider themselves female, should be able to have their license changed to female, a policy which Sec. Land's office, amazingly, actually *approved* in March 2005, then rescinded a month later. The Michigan ACLU will call on the next Sec of State to reinstitute the latter policy.)

No I do not support allowing people to change their gender on their license as a result of surgery or lifestyle.

2. Do you support legalizing adoption by homosexual couples in Michigan?

No

3. Do you support adding the terms "sexual orientation" and/or "gender identity" as protected classes under the Elliott Larsen Act?

No

4. Do you support adding those terms to the state "hate crimes" law?

No

5. Will you oppose any attempt to repeal or amend Michigan's Marriage Protection Amendment?

Yes

6. So that there's no confusion on the subject, do you disavow and renounce Triangle Pride PAC's endorsement of your legislative candidacy in 2002?

1/3/2016

Yes

Thanks,

Ruth Johnson

----- Original Message -----

From: "Campaign for Michigan Families" <CMF@chartermi.net>

To: "Jack Hoogendyk" <jackhoogendyk@gmail.com>

Cc: rj4mi@comcast.net

Sent: Thursday, August 19, 2010 6:54:11 PM

Subject: Triangle Pride PAC endorsement of Ruth Johnson

Hi Ruth, and thanks Jack for forwarding this.

Ruth, my apologies for being slow to call you back. On vacation with my family in an RV in which the AC went out, so too noisy when driving (with the windows open) to use my phone. Still got two days driving to cover so I'm either sleeping or driving, except right now sitting in the Mall of America parking lot.

Ruth, it's my experience that the Triangle Foundation's PAC doesn't hand out endorsements blindly or for no reason, and Dick DeVos's assessment of the issue is irrelevant.

So let's cut to the chase. When we advise convention delegates of the 2002 endorsement, we will in fairness also report whatever comments you may wish to make regarding the endorsement and your stand on the issues of concern.

(Respectfully, please understand that we'll consider it simply evasive if you fail to answer any of following questions based on whether the Sec. of State's office may or may not directly address issues other than question #1.)

Please specifically state your position on the following:

1. In an era of identity theft and national security concerns, do you believe men should be able to have their state-issued driver's licenses legally identify them as females (and vice versa), and if so, under what circumstances? (Current state policy is that a man who has had his genitals surgically removed can have his license changed to falsely identify him as a female. Homosexual activists believe even men who have *not* had such surgery, but who claim to consider themselves female, should be able to have their license changed to female, a policy which Sec. Land's office, amazingly, actually *approved* in March 2005, then rescinded a month later. The Michigan ACLU will call on the next Sec of State to reinstitute the latter policy, and the next Democratic Sec. of State will no doubt immediately comply.)
2. Do you support legalizing adoption by homosexual couples in Michigan?

3. Do you support adding the terms "sexual orientation" and/or "gender identity" as protected classes under the Elliott Larsen Act?
 4. Do you support adding those terms to the state "hate crimes" law?
 5. Will you oppose any attempt to repeal or amend Michigan's Marriage Protection Amendment?
 6. So that there's no confusion on the subject, do you disavow and renounce Triangle Pride PAC's endorsement of your legislative candidacy in 2002?
- Thanks for your response, which we will include in our communication to convention delegates.
- Respectfully,
- Gary Glenn, Chairman
Campaign for Michigan Families

----- Original Message -----

From: [Jack Hoogendyk](mailto:Jack.Hoogendyk)
To: Campaign for Michigan Families
Sent: Thursday, August 19, 2010 12:57 PM
Subject: Fwd: Ruth Johnson

Here is the response I received from Ruth Johnson. Let me just say from my personal knowledge of Ruth, I cannot believe she would in any way endorse anything Triangle PAC stands for. She is a staunch "traditionalist" in my humble opinion.

----- Forwarded message -----

From: <rlami@comcast.net>
Date: Mon, Aug 16, 2010 at 4:18 PM
Subject: Re: Ruth Johnson
To: Jack Hoogendyk <jackhoogendyk@gmail.com>

Jack,

Let me be very clear-I have never requested, filled out a questionnaire or voted with this group. I would stake my reputation on it.

Ronald Reagan once received an unrequested endorsement from a group he was not in favor of. His response was "they may endorse me but I sure don't endorse them."

The endorsement mentioned is confounding to me. I can only surmise it was a mistake or purposefully done to compromise me politically.

Four years ago, I was thoroughly examined and investigated in the process of being chosen as Dick DeVos' running mate. This issue was brought up and Dick DeVos and I spoke about it. He looked at my record and my positions on the issues and decided there was nothing to it. I went on to be nominated unanimously at the Republican state convention.

Check my record for yourself. Go to michiganvotes.org and search my record in Lansing. I was and continue to be a consistent conservative. I have nothing to hide.

I was a strong supporter of traditional marriage, voted to preserve it and continue to support one man-one woman marriage.

Representative Gary Newell sponsored the House resolution banning Same Sex Marriage in the Michigan Constitution. He offered the following comments about my record:

"Ruth Johnson is the only candidate for Secretary of State who has cast a record vote in favor of an amendment to the Michigan Constitution to define marriage as between a man and a woman. When our values were under attack, Ruth was there to stand up against same sex marriage. We can count on her to stand for our values".

As we enter the final weeks of this campaign, there will be a lot of information circulated to influence delegate votes. Having met delegates from around the state, I have every confidence that they will seek out and find the truth. My record speaks for itself: 100% Pro-life, pro-traditional values, pro-constitution and pro-taxpayer.

Thanks for giving me an opportunity to clarify this matter. Please feel free to forward this letter to anyone who has any questions on this issue.

Ruth Johnson

----- Original Message -----

From: "Jack Hoogendyk" <jackhoogendyk@gmail.com>

To: rlami@comcast.net, rl@tr.com

Sent: Monday, August 16, 2010 2:48:50 PM

Subject: Fwd: Ruth Johnson

Ruth: you will get hit hard on this one, unless you can explain it. Please let me know how I can help you on it.

----- Forwarded message -----

From: **Campaign for Michigan Families** <CMF@chartermi.net>

Date: Mon, Aug 16, 2010 at 1:15 PM

Subject: Ruth Johnson

To:

In 2002, Ruth Johnson was endorsed by Triangle Pride PAC, the aggressively partisan homosexual activist group based in Detroit which that same year endorsed 80 Democrats, 8 Greens, and only 4 Republicans (including Johnson).

<http://www.trianglepridepac.org/files/archive/2002state.html>

However, in 2004, she voted for the Marriage Protection Amendment. (Page 308 at: [http://www.legislature.mi.gov/\(v?0b045cc01545ruw2mmbd\)/documents/2003-2004/journal/house/pdf/2004-HJ-03-09-019.pdf](http://www.legislature.mi.gov/(v?0b045cc01545ruw2mmbd)/documents/2003-2004/journal/house/pdf/2004-HJ-03-09-019.pdf))

Triangle indicates its endorsement process is based on candidate responses to its issue survey. Perhaps she should make a copy of her response available.

--
Regards,
Jack Hoogendyk
269-806-4626 (c)
Baptists for Life
616-257-6800 (o)

--
Regards,
Jack Hoogendyk
269-806-4626 (c)
Baptists for Life
616-257-6800 (o)

Exhibit 6



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

March 17, 2005

Jay Kaplan, Staff Attorney
ACLU of Michigan
60 W. Hancock
Detroit, MI 48201-1343

Dear Jay Kaplan:

Thank you for your recent letter to the Michigan Department of State regarding the Secretary of State's current policy for changing gender on a driver's license or state identification card.

The current policy to change an individual's gender on a driver's license or state identification card requires the individual to provide an original doctor's statement or court order. The doctor's statement or court order must certify that the applicant has completed the medical treatments necessary to change their gender.

Upon further review we will be modifying our policy to state that the doctor's statement or court order must include only a statement that there is a need for a change to the applicant's gender as displayed on the driver's license or state identification card.

The policy modification will be effective April 1, allowing the Department time to notify Secretary of State branch offices.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Wartella".

Michael Wartella
Administration Director

/meb

cc: Secretary Land (2005-0118)

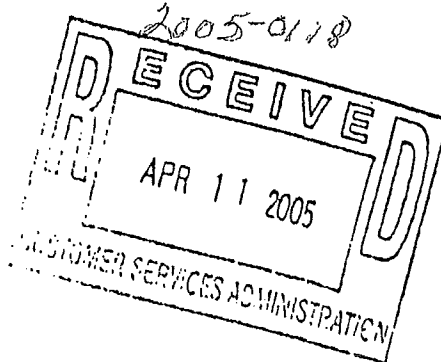
B. DeBano

A. Corgan

T. Densmore



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING



April 8, 2005

Mr. Jay Kaplan, Staff Attorney
ACLU of Michigan
60 W. Hancock
Detroit, MI 48201-1343

Dear Mr. Kaplan:

It has come to my attention that you are in receipt of a letter dated March 17, 2005 from the Customer Services Administration Director at the Michigan Department of State. This letter informs you that the Department will be modifying its procedure for changing gender on a driver's license or state identification card.

I have reviewed this decision and ordered that the Department of State return to its prior procedure.

The previous procedure served the Michigan Department of State well and did not need to be changed. Further, it is important to stay consistent with how other departments within Michigan government handle this issue. For example, the Michigan Department of Community Health's policy regarding changes in birth certificates is consistent with our prior procedure. Since a birth certificate is considered a primary form of identification to receive a Michigan driver's license, it makes sense that the two policies remain consistent.

The return to the prior procedure will take effect immediately upon notification to our Secretary of State branch offices.

I regret any confusion that this may have caused.

Sincerely,

Brian DeBano
Chief of Staff and Chief Operating Officer

c: Secretary Land
Anne Corgan
Mike Wartella

Exhibit 7

Michigar

Another View: Rep. Scott didn't pull transgender statement out of thin air; ACLU has campaigned for official IDs



By **Flint Journal staff**

[Follow on Twitter](#)

on February 11, 2010 at 2:49 PM

By Gary Glenn

Critics have rushed to condemn Republican Secretary of State candidate Rep. Paul Scott's pledge to ensure that our state government fulfills its public trust to always tell the truth — including when a man who claims to believe he's a woman wants the government to enable that disorder by changing the sex on his driver's license.

Having the state officially certify delusions associated with a "gender identity disorder" as if they're documentable fact is a high enough priority for some, apparently, that they feel compelled to attack anyone who says the government should simply tell the truth instead.

In an era of heightened sensitivity about identity theft and terrorists using fake I.D.s, the issue is not how often the state might be asked by individuals suffering such disorders to falsify a government record, but whether our government under any circumstance should certify identifying characteristics on an official I.D. as anything other than what they truthfully are.

Perhaps critics who pretend Rep. Scott pulled this issue out of thin air don't want you to know that the ACLU has for years tried to pressure the Secretary of State to officially certify a "transgender" male who has not had so-called "sex change" surgery as "female."

The ACLU succeeded, temporarily, when the Secretary of State's office announced in 2005 that it would adopt such a policy change. Three weeks later, Secretary Land reversed the change, reverting back to the previous and still standing policy that the sex designation would be changed only after such surgery. Even that policy begs the question of whether a surgically-mutilated man whose DNA proves he's male should be officially certified "female."

There are also serious implications for women's privacy rights and comfort, since women and girls would legally be forced to share public restrooms, showers, locker rooms and changing areas with men who — if challenged — can present an official government I.D. "proving" their claim to be women.

The next Secretary of State will be pressured by the ACLU and homosexual and "transgender" activists to again adopt such a policy, this time permanently.

AFA-Michigan's position is simple: While we as individuals should compassionately sympathize with the difficulties experienced by others in some cases, government certifying agencies must dispassionately deal in reality and truth in all cases.

Citizens should be able to trust that the Secretary of State will tell the truth and will not — by falsifying identifying characteristics on an official government I.D. — facilitate and enable identity theft, use of false I.D.s or violation of the privacy rights of women and children.

– Gary Glenn, Midland, is president of the American Family Association of Michigan, online at www.AFAMichigan.org.

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 **Ad Choices**

Exhibit 8

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EMANI LOVE, et al.

Plaintiffs,

Case No. 15-cv-11834

v.

Hon. Nancy G. Edmunds

RUTH JOHNSON, in her official capacity
as the Secretary of State of Michigan,

Defendant.

_____ /

AMENDED NOTICE OF 30(b)(6) DEPOSITION

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiffs, by and through their attorneys, will take the deposition upon oral examination of Defendant Ruth Johnson, in her official capacity as the Secretary of State of Michigan, by and through one or more of the persons designated by Defendant to testify on Defendant's behalf, with respect to the topics set forth in Schedule A hereto. The person or persons so designated shall testify as to information known or reasonably available to Defendant.

This deposition will take place at 525 W. Ottawa St., Lansing, MI 48933 on March 17, 2016, commencing at 9:00 a.m., or at such other time(s) and place(s) as the parties may agree, before a notary public or other person authorized to administer oaths.

The deposition will continue from day to day until completed or otherwise adjourned. This examination shall be recorded by stenographic and/or videographic means.

Dated: March 8, 2016

Jay D. Kaplan (P38197)
Daniel S. Korobkin (P72842)
Michael J. Steinberg (P43085)
American Civil Liberties Union
Fund of Michigan
2966 Woodward Ave.
Detroit, MI 48201
(313) 578-6812
jkaplan@aclumich.org
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msteinberg@aclumich.org

By: /s/ Michael F. Derksen
Steven R. Gilford
Michael F. Derksen
Jacki L. Anderson
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(312) 962-3550
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mderksen@proskauer.com
jlanderson@proskauer.com

John A. Knight
American Civil Liberties Union
Foundation
180 N. Michigan Avenue, Suite 2300
Chicago, IL 60606
(312) 201-9740
jaknight@aclu.org

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Michael F. Derksen, an attorney, hereby certify that on March 8, 2016, I caused a copy of the foregoing to be served via U.S. First Class mail upon the following:

Erik A. Grill
Michigan Dept. of Atty. Gen.
Public Employment, Elections and Torts Division
P.O. Box 30736
Lansing, MI 48909-8236

By: /s/ Michael F. Derksen

SCHEDULE A

DEFINITIONS & INSTRUCTIONS

1. The term “You,” “Your,” or “Defendant” shall mean Defendant Ruth Johnson in her official capacity as the Secretary of State of Michigan and shall include all of the Michigan Secretary of State Office’s former and current agents, officers, employees and representatives.
2. The term “Driver’s License Policy” or “Policy” shall refer to the policy set forth in the Driver’s License Manual that Defendant implemented under which the State of Michigan will not change the sex designation on a driver’s license or state identification card (the designation of “M” or “F”) unless the person requesting the change produces an amended birth certificate supporting the change (the designation as “M” or “F”, or “male” or “female”).
3. The term “License” shall refer to a Michigan driver’s license or state identification card.
4. The term “Driver’s License Manual” refers to the document attached as Exhibit A to the Defendant’s Motion to Dismiss (Dkt. No. 16-2).
5. The term “State” shall refer to the State of Michigan.
6. The term “Communication” or “Communications” means the transmittal of information in the form of facts, ideas, inquiries or otherwise.

7. The term “Document” means all materials within the full scope of Federal Rule of Civil Procedure 34 including without limitation all originals, copies (if the originals are not available), non-identical copies (whether different from the original because of underlining, editing marks, notes made on or attached to such copy, or otherwise) and drafts of the following items, whether printed or recorded (through a sound, video, computer, digital, optical, or magnetic recording system) or reproduced by hand: contracts, agreements, Communications, writings, correspondence, telegrams, facsimiles, memoranda, records, reports, books, summaries, records of telephone conversations, recordings of voicemails, summaries or records of personal conversations or interviews, diaries, calendars, forecasts, statistical statements, work papers, e-mails, instant messages, web-pages, electronic bulletin boards, ledgers, drafts, graphs, charts, accounts, analytical records, minutes or records of meetings or conferences, consultant’s reports, appraisals, reports or summaries of negotiations, brochures, pamphlets, circulars, trade letters, press releases, notes, marginal notations, bills, invoices, checks, photographs, tape recordings, microfilm, microfiche, floppy diskettes, lists, journals, advertisements, file folders, computer tapes and hard drives, source code, object code or other computer language or recording, and any other writing of whatever description however produced or reproduced, within Your possession,

custody or control, including without limitation Documents within the files of Your attorneys, consultants, accountants or agents.

8. “Person” or “Persons” shall be construed to include, without limiting the generality of its meaning, natural persons, groups of natural persons, corporations, partnerships, associations, joint ventures, and any other incorporated or unincorporated business, government, public or social entities. Whenever reference is made to a Person, it includes any and all of such Person’s principals, employees, agents, consultants, and other representatives.

9. The terms “concerning” and “concern” shall be construed to include: relate to, relating to, in connection with, relevant to, referring to, constituting, pertaining to, recording, evidencing, memorializing, embodying, setting forth, reflecting, showing, disclosing, reporting, describing, discussing, evaluating, considering, reviewing, explaining, analyzing, and summarizing.

10. The words “and” and “or” shall be construed either conjunctively or disjunctively.

11. The singular form of a word is to be construed to include the plural, and the plural form of a word includes the singular.

12. The use of a verb in the present tense shall be construed as the use of a verb in the past tense and *vice versa*.

TOPICS FOR DEPOSITION

1. The genesis of the Driver's License Policy and the history leading up to its drafting and approval.
2. The rationale, purposes, and reasons for Your implementation of the Driver's License Policy.
3. The Persons involved in Your decision to implement the Driver's License Policy.
4. The Documents that You considered, or that otherwise relate to, Your decision to implement the Driver's License Policy.
5. Any alleged connection between the Driver's License Policy and any Michigan statute.
6. Your asserted interest in ensuring that the sex on a License matches the person's biological status, physical description or attributes, or anatomy.
7. Your decision to refuse to accept U.S. Passports as documentation for changing the sex designation on a License.
8. The reasons for your review of the policies of other states and federal government agencies for changing the sex designation on a driver's license or other identification document and Your decision to not adopt a policy comparable to one of the states or federal government agencies that allows persons to change the sex designation on their License by producing a sworn statement or letter from

a medical provider confirming a person's change from male to female, or female to male.

9. Your policy for determining what sex designation will be placed on the licenses of transgender individuals applying for their first License, including your policy applicable to transgender persons whose License will be their first license or state identification document ("ID") in any state or country as well as your policy applicable to persons who held a license or state ID in another state or country prior to moving to the State and are seeking their first Michigan License.

10. Your Communications with the Campaign for Michigan Families or any other individual or entity concerning changing the sex designation on Licenses.

11. Any instances of fraud related to or resulting from changes to the sex designation on a License.

12. Your answers to Plaintiffs' interrogatories and requests to admit in this proceeding.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EMANI LOVE, et al.

Plaintiffs,

Case No. 15-cv-11834

v.

Hon. Nancy G. Edmunds

RUTH JOHNSON, in her official capacity
As the Secretary of State of Michigan,

Defendant.

_____ /

AMENDED NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Plaintiffs, by and through their attorneys, will take the deposition upon oral examination of Tina Densmore, Driver Procedures Manual Analyst for the Secretary of State of Michigan, at 525 W. Ottawa St., Lansing, MI 48933 on March 16, 2016, commencing at 9:00 a.m., or at such other time(s) and place(s) as the parties may agree, before a notary public or other person authorized to administer oaths. The deposition will continue from day to day until completed or otherwise adjourned. This examination shall be recorded by stenographic and/or videographic means.

Dated: March 8, 2016

Jay D. Kaplan (P38197)
Daniel S. Korobkin (P72842)
Michael J. Steinberg (P43085)
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Attorneys for Plaintiffs

By: /s/ Michael F. Derksen
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sgilford@proskauer.com
mderksen@proskauer.com
jlanderson@proskauer.com

CERTIFICATE OF SERVICE

I, Michael F. Derksen, an attorney, hereby certify that on March 8, 2016, I caused a copy of the foregoing to be served via U.S. First Class mail upon the following:

Erik A. Grill
Michigan Dept. of Atty. Gen.
Public Employment, Elections and Torts Division
P.O. Box 30736
Lansing, MI 48909-8236

By: /s/ Michael F. Derksen

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
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RUTH JOHNSON, in her official capacity
As the Secretary of State of Michigan,

Defendant.

_____ /

AMENDED NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Plaintiffs, by and through their attorneys, will take the deposition upon oral examination of Grace Ueberroth, Assistant Administrator of the Customer Services Administration for the Secretary of State of Michigan at 525 W. Ottawa St., Lansing, MI 48933 on March 16, 2016, commencing at 1:00 p.m., or at such other time(s) and place(s) as the parties may agree, before a notary public or other person authorized to administer oaths. The deposition will continue from day to day until completed or otherwise adjourned. This examination shall be recorded by stenographic and/or videographic means.

Dated: March 8, 2016

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Daniel S. Korobkin (P72842)
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Attorneys for Plaintiffs

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jlanderson@proskauer.com

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Lansing, MI 48909-8236

By: /s/ Michael F. Derksen

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EMANI LOVE, et al.

Plaintiffs,

Case No. 15-cv-11834

v.

Hon. Nancy G. Edmunds

RUTH JOHNSON, in her official capacity
As the Secretary of State of Michigan,

Defendant.

_____ /

AMENDED NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Plaintiffs, by and through their attorneys, will take the deposition upon oral examination of Michael Wartella, Customer Services Administrator for the Secretary of State of Michigan, at 525 W. Ottawa St., Lansing, MI 48933 on March 17, 2016, commencing at 1:00 p.m., or at such other time(s) and place(s) as the parties may agree, before a notary public or other person authorized to administer oaths. The deposition will continue from day to day until completed or otherwise adjourned. This examination shall be recorded by stenographic and/or videographic means.

Dated: March 8, 2016

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CERTIFICATE OF SERVICE

I, Michael F. Derksen, an attorney, hereby certify that on March 8, 2016, I caused a copy of the foregoing to be served via U.S. First Class mail upon the following:

Erik A. Grill
Michigan Dept. of Atty. Gen.
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Lansing, MI 48909-8236

By: /s/ Michael F. Derksen

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EMANI LOVE, et al.

Plaintiffs,

Case No. 15-cv-11834

v.

Hon. Nancy G. Edmunds

RUTH JOHNSON, in her official capacity
As the Secretary of State of Michigan,

Defendant.

_____ /

AMENDED NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Plaintiffs, by and through their attorneys, will take the deposition upon oral examination of Susan Westerlund, Program Procedures Manager for the Secretary of State of Michigan, at 525 W. Ottawa St., Lansing, MI 48933 on March 15, 2016, commencing at 10:00 a.m., or at such other time(s) and place(s) as the parties may agree, before a notary public or other person authorized to administer oaths. The deposition will continue from day to day until completed or otherwise adjourned. This examination shall be recorded by stenographic and/or videographic means.

Dated: March 8, 2016

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Exhibit 9

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EMANI LOVE, et al.

Plaintiffs,

Case No. 15-cv-11834

v.

Hon. Nancy G. Edmunds

RUTH JOHNSON, in her official capacity
As the Secretary of State of Michigan,

Defendant.

_____ /

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Plaintiffs, by and through their attorneys, will take the deposition upon oral examination of Ruth Johnson, the Secretary of State of Michigan, at 525 W. Ottawa St., Lansing, MI 48933 on March 17, 2016, commencing at 9:00 a.m., or at such other time(s) and place(s) as the parties may agree, before a notary public or other person authorized to administer oaths. The deposition will continue from day to day until completed or otherwise adjourned. This examination shall be recorded by stenographic and/or videographic means.

Dated: February 17, 2016

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Michael F. Derksen, an attorney, hereby certify that on February 17, 2016, I caused a copy of the foregoing to be served via U.S. First Class mail upon the following:

Denise C. Barton
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By: /s/ Michael F. Derksen

Exhibit 10

The New York Times | <http://nyti.ms/22GJ011>

U.S.

North Carolina Bans Local Anti-Discrimination Policies

By DAVE PHILIPPS MARCH 23, 2016

North Carolina legislators, in a whirlwind special session on Wednesday, passed a wide-ranging bill barring transgender people from bathrooms and locker rooms that do not match the gender on their birth certificates.

Republicans unanimously supported the bill, while in the Senate, Democrats walked out in protest. “This is a direct affront to equality, civil rights and local autonomy,” the Senate Democratic leader, Dan Blue, said in a statement.

North Carolina’s governor, Pat McCrory, a Republican, signed the bill late Wednesday night.

The session, which was abruptly convened by Republican lawmakers on Tuesday, came in response to an antidiscrimination ordinance approved by the state's largest city, Charlotte, last month. That ordinance provided protections based on sexual orientation, gender expression and gender identity, including letting transgender people use the public bathrooms that correspond with their gender identity, not gender at birth.

The state bill, put together so quickly that many lawmakers had not seen it before it was introduced Wednesday morning, specifically bars people in North Carolina from using bathrooms that do not match their birth gender, and goes further to prohibit municipalities from creating their own antidiscrimination policies. Instead, it creates a statewide antidiscrimination policy — one that does not mention gay and transgender people. The bill also prohibits local governments from raising minimum wage levels above the state level — something a number of cities in other states have done.

Whether to allow transgender people access to bathrooms based on gender identity has touched off a national debate, and actions in recent weeks had appeared to turn in favor of that access. Earlier this month, South Dakota's Republican governor vetoed a bill banning access. A similar bill failed in Tennessee this week.

“North Carolina has gone against the trend,” said Sarah Preston, the executive director for the North Carolina office of the American Civil Liberties Union. “And they crafted a bill that was more extreme than others. They specifically left gays, lesbians and the transgender community out of the antidiscrimination policy. They want to make it plain that they think that kind of discrimination is O.K.”

Republicans stressed that the bill was passed not just to protect women and children from unwanted and potentially dangerous intrusions by biological males, but also to clarify legislative authority. On the House floor, Representative Dan Bishop, a Republican who sponsored the bill, described Charlotte's decision to enact an antidiscrimination measure as an “egregious overreach.” With the state bill, he said, “What we are

doing is preserving a sense of privacy people have long expected.”

Some large firms in the state, many having policies that allow transgender access to bathrooms by identity, opposed the new bill. Dow Chemical, a major employer in the state, called the bill an “attempt to undermine equality.”

In often emotional testimony on Wednesday before the bill was passed, those opposing transgender access described the issue as one of safety. Chloe Jefferson, a junior at Greenville Christian Academy, said letting biological males into women’s bathrooms would expose girls to sexual predators, adding, “Girls like me should never be made to shower and undress in front of boys.”

Madeleine Gause, a transgender woman who grew up in Hickory, where as a boy she was often bullied in the bathroom, told lawmakers that forcing transgender women to use the men’s room posed its own risks. “I can’t use the men’s room. I won’t go back. It is unsafe for me,” she said. “And it freaks people out when I go to the men’s room. Would you want to go to the men’s room with me?”

She added that the fears of sexual predators were overblown.

“People aren’t getting raped and murdered,” she said. “They are just going to the bathroom.”

A version of this article appears in print on March 24, 2016, on page A15 of the New York edition with the headline: North Carolina Limits Bathroom Use by Birth Gender.

Exhibit 11

Michigan

Michigan lawmaker says LGBT guidelines take away parental rights, 'upsets' student privacy



By **Brian McVicar** | bmcvicar@mlive.com

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on March 22, 2016 at 8:46 PM, updated March 23, 2016 at 8:21 AM

Michigan House Speaker Kevin Cotter says **voluntary guidance under development** by the State Board of Education to make schools more safe and supportive for gay and transgender students could "eliminate parental authority" and upset children's "privacy and safety."

"Parents have very real concerns about the potential abuse of increased bathroom and locker room access that puts their children at risk," Cotter, R-Mt. Pleasant, said in a statement. "They have very real concerns about allowing their children to officially change their name or their gender without parental approval."

The voluntary guidance, aimed at helping districts looking to better serve LGBT students, was outlined in a **February 23 memo** from the Michigan Department of Education to the State Board.

The memo gained attention on social media after The Daily Caller posted an article about it on Monday, March 21st. A Cotter spokesman said the speaker had already heard concerns about the memo from fellow lawmakers prior to the Daily Caller article.

The memo's recommendations range from adopting policies that protect LGBTQ students from harassment to designating a staff member who can provide students with information or support related to LGBTQ issues.

Recommendations also call for students to be addressed by their "chosen name," pronouns that "correspond to their gender identity," and to allow students to use the restroom that's in accordance with their gender identity.

In addition, the recommendations state that students should not be required to use a locker room that is incompatible with their gender identity. However, locker room usage "should be determined on a case-by-case basis, using the guiding principles of safety and honoring the student's gender identity and expression," according to the recommendations.

John Austin, president of the State Board, said it's important to remember that the proposed guidelines are voluntary.

"By far and away, the preferred way would be to have a gender neutral or private bathroom available for kids that want it, and make sure it works for other kids in the school," he said. "We're not dictating any policy. We're saying figure out what can help all kids have a place" where they are comfortable going to the bathroom.

Austin said the recommendations were crafted after educators reached out to the State Board seeking input on policies pertaining to LGBTQ students. Students who identify as LGBTQ face real struggles that impact their ability to do well in school, and creating an environment where such students feel supported and can succeed is important, he said.

"We want to create an environment where they can feel comfortable and they can go about the important business of learning, which is what schools are about," Austin said.

However, Cotter's statement criticizes the State Board and the MDE for drafting the guidelines "without notifying the public and without consulting students or parents on the potential impact of their decision."

"In their rush to eliminate parental authority, MDE has put together a poorly-written and poorly-thought out proposal that takes away the rights of parents and upsets the privacy and safety of Michigan's children," Cotter said.

Austin dismissed Cotter's criticism. The State Board announced the guidance during a public meeting and is offering residents an opportunity to comment online, by phone or mail, he said.

"We're not trying to slip anything past anybody," he said.

The public has the **opportunity to weigh in** on the proposed guidance until April 11. It will then go before the State Board for final approval on May 10.

Brian McVicar covers education for MLive. Email him at bmcvicar@mlive.com or follow him on [Twitter](#)

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Beyond Stereotypes: Poverty in the LGBT Community



By Brad Sears and Lee Badgett
 Published by *TIDES* | *Momentum*
 Issues 4, June 2012

Some LGBT people are poor. In fact, after controlling for a number of factors associated with poverty, rates for LGB adults are higher than for heterosexual adults.

This fact should not be surprising. After all, LGBT people are born into all types of families, including those who are poor. LGBT people face the same socio-economic challenges that

other people who share their sex, race, ethnicity, age, and disability face. But they also face unique obstacles because of their sexual orientation and gender identity. These include a higher risk of being homeless when they are young, harassment and discrimination at school and at workplace, and being denied the economic benefits of marriage.

To envision the LGBT poor, you only have to think about the young gay man who is kicked out of his home and ends up at the Greyhound Bus Station in Hollywood; the transgender woman being turned down in job interview after job interview for entry level jobs; or an elderly lesbian whose partner's death means less social security income and possibly the loss of her home.

However, LGBT poverty remains surprising because these are not the dominant images of the community, and stereotypes remain resilient. Most directly implicated is the myth of affluence that historically has been pinned on several marginalized communities, including Jews and Asian-Pacific Islanders. However, for LGBT people, this stereotype rests on a number of other ones. For many, when they think about LGBT people, they envision gay, white, young men who do not have children.

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Think “Will” on Will & Grace. Breaking down that dominant image provides both an understanding of LGBT poverty and the work and coalitions needed to address it:

Women. There are approximately 9 million LGBT people in the United States, and almost half of these are lesbian and bisexual women. In addition to facing sexual orientation discrimination, these women also face sex discrimination in education and the workplace and the persistent wage gap in the US. Twenty-four percent of lesbians and bisexual women are poor, compared with only 19% of heterosexual women. (It’s not that gay and bisexual men aren’t poor, but their poverty rates are roughly equal (13%) to those of heterosexual men.)

People of Color. According to a Williams Institute analysis of Census 2000 data, almost one in five members of same-sex couples in the United States are people of color, and one in eight are Latino/a. Like people of color more generally, LGBT people of color are more likely to live in poverty. For example, African-American same-sex couples are significantly more likely to be poor than African-American married heterosexual counterparts and are roughly three times more likely to live in poverty than white same-sex couples.

The Young and the Old. LGBT people are of all ages, and the young and the old are particularly economically vulnerable. An estimated 1.6 million youth in the U.S. experience homelessness each year, and research suggests that between 20% and 40% of them identify as LGBT. Among members of same-sex couples in the United States, 7% are 65 years of age or older and 28% are disabled. Nearly 6% of individuals in same-sex couples receive Medicaid or other government assistance for those with low incomes or a disability.

Parents and Children. Approximately 17% of same-sex couples are raising their “own” children. Williams Institute research has consistently shown that children of same-sex couples have poverty rates twice those of children in heterosexual married couple households. For these families, being denied the legal protections and economic safeguards provided to married couples and parents and children could contribute to higher poverty rates.

Transgender People. According to the National Transgender Discrimination Survey, transgender people are four times as likely to have a household income under \$10,000 and twice as likely to be unemployed as the typical person in the U.S. Ninety percent of those surveyed reported experiencing harassment, mistreatment, or discrimination on the job. Almost one in five reported being homeless at some point in their lives.

While these are among the most economically vulnerable within the LGBT community, they, of course, are not discrete groups. Those who lie at the intersections face even greater economic challenges. For example African-American lesbians have the highest rates of poverty among same-sex couples, and the National Transgender Discrimination Survey found that transgender people of color had an unemployment rate of four times the national average.

Understanding the diversity within the LGBT community is both the key to breaking down the myth of affluence and to beginning to understand where and how to combat LGBT poverty. It also points to a network of progressive collations, among

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women, people of color, the young and the old, parents, and LGBT people, who must all work together to fight poverty. Work focused on just one, or even a few, of these groups will not produce a solution that will work for any single group or that will address poverty as a whole.

Brad Sears is the Executive Director of the Roberta A. Conroy Scholar of Law and Policy and The Williams Institute, UCLA School of Law. Lee Badgett is the Research Director at The Williams Institute, UCLA School of Law and the Professor of Economics & Director, Center for Public Policy & Administration University of Massachusetts Amherst Gordon Hall.

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