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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

~~~~~

STACIE RAY, BASIL ARGENTO, JANE DOE,  
AND ASHLEY BREDA,  
Plaintiffs,

vs. Civil Action No.

2:18-CV-00272-MHW-CMV

AMY ACTON, IN HER OFFICIAL CAPACITY  
AS DIRECTOR OF THE OHIO DEPARTMENT  
OF HEALTH, et al.,

Defendants.

~~~~~

Deposition of  
ASHLEY BREDA

August 21, 2019

12:00 p.m.

Taken at:

Calfee Halter & Griswold, LLP  
41 South High Street, Suite 1200  
Columbus, Ohio

Kimberly A. Kaz, RPR, Notary Public

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APPEARANCES:

On behalf of the Plaintiffs:

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On behalf of the Defendants:

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~ ~ ~ ~ ~

Also present:

Rachel Belenker, Esq.

TRANSCRIPT INDEX

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPEARANCES.....	2
INDEX OF EXHIBITS .....	4
EXAMINATION OF ASHLEY BREDA	
By Mr. Blake.....	5
REPORTER'S CERTIFICATE.....	122
EXHIBIT CUSTODY	
EXHIBITS RETAINED BY COURT REPORTER	

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX OF EXHIBITS

NUMBER	DESCRIPTION	MARKED
Exhibit 7	Birth Certificate.....	78

1           ASHLEY BREDA, of lawful age, called  
2 for examination, as provided by the Federal  
3 Rules of Civil Procedure, being by me first  
4 duly sworn, as hereinafter certified, deposed  
5 and said as follows:

6                   EXAMINATION OF ASHLEY BREDA  
7 BY MR. BLAKE:

8           Q.       Could you please state and spell  
9 your name for the record?

10          A.       My name is Ashley Breda,  
11 A-s-h-l-e-y B-r-e-d-a.

12          Q.       Okay. And you're here to testify  
13 as -- as the plaintiff or one of the plaintiffs  
14 in the case by you, among others, against the  
15 Ohio Department of Health, among others; is  
16 that right?

17          A.       I do apologize. Can you repeat  
18 that again? You cut out.

19          Q.       Yes. You're one of the plaintiffs  
20 in a case against the Ohio Department of  
21 Health, among others, correct?

22          A.       Yes.

23          Q.       And you're here to testify in a  
24 deposition in that case, right?

25          A.       Yes.

1 Q. Okay. And as we've already  
2 experienced, you're by video and we're by  
3 video, and so sometimes the audio is a little  
4 challenging, so if we could all take extra care  
5 to speak clearly and slowly, I think that will  
6 help the court reporter. Is that okay with  
7 you?

8 A. Yes.

9 Q. And I suspect that from time to  
10 time, the court reporter is going to interrupt  
11 and indicate to either you or me that she did  
12 not get the -- the last statement clearly, and  
13 so we may have to backtrack to some respect.

14 A. Understood.

15 Q. Okay. Ms. Breda, is this your  
16 first deposition that you've ever sat for?

17 A. Yes.

18 Q. Never testified in any sort of case  
19 either as a party or a witness or anything like  
20 that?

21 A. No.

22 Q. All right. So just to lay some  
23 very basic ground rules, seeing as how this --  
24 this might be a first-time experience for you.  
25 As you know, there's a court reporter. That

1 court reporter is copying everything  
2 stenographically, and in order for her to do  
3 that, only one of us can talk at a time. Do  
4 you understand?

5 A. Yes, I do.

6 Q. All right. And I'll try to make an  
7 effort not to speak over you as well, and I'm  
8 sure we'll both, at various points throughout  
9 the day, foul that up.

10 The other thing that's important is  
11 that all of our answers, all of your answers in  
12 particular are auditory. The court reporter's  
13 very good, but she can't type down a nod or  
14 shake of the head, and even some, like,  
15 utterances like "um," "uh-huh" are ambiguous  
16 when she types them. So if we could answer  
17 questions, you know, with -- orally and to the  
18 extent needed, you know, with "yes" or "no" and  
19 things like that. Does that make sense?

20 A. Yes.

21 Q. Look at that. You're already --  
22 you've already got it. All right. Hold on.  
23 We're going to take a brief pause since my IT  
24 person is poking their head in, so wait one  
25 second and we'll go off the record.

1 (Discussion held off the record.)

2 Q. Okay. The other, I think,  
3 important rule is that if you ever need to take  
4 a break or stop, go to the restroom, just step  
5 out of the room for whatever reason, it's your  
6 deposition, you can ask for a break. And so  
7 long as a question is not pending, you know,  
8 I'll -- everyone will agree and then the  
9 deposition will just pause and you'll go do  
10 whatever it is you think you need to do and  
11 then we'll come back and continue the  
12 deposition. Do you understand that?

13 A. Yes.

14 Q. Okay. Other than that, you know,  
15 if anything else comes up, we'll just sort of  
16 fix it as we go, but those are kind of the main  
17 pieces that trip people up for the first time.  
18 So with that, we can turn into some of the more  
19 substantive matters. Is that all right with  
20 you?

21 A. Yes.

22 Q. Okay. So the first thing I'd like  
23 to do is just lay the ground work for some  
24 terminology that I want to use during the  
25 deposition. The first term is "ODH," and

1 that's an acronym for Ohio Department of  
2 Health. That is one of the defendants in this  
3 case, but I'm going to just generically refer  
4 to all the defendants as the Department of  
5 Health or the Ohio Department of Health or ODH,  
6 if that's okay with you.

7 A. Yes.

8 Q. Okay. I also am going to use the  
9 term "transgender" or "transgendered" or  
10 "transgenderism" collectively. You will  
11 understand those or we can agree that those  
12 refer to someone whose gender identity does not  
13 align with his or her birth or biological sex.  
14 Do you understand that?

15 MS. INGELHART: Objection. Calls  
16 for expert testimony. These terms of art are  
17 at issue in the case. You can answer.

18 Q. Yeah, but you understand that I'm  
19 using -- when I use the word "transgender,"  
20 that's what I'm referring to?

21 MS. INGELHART: Same objection.  
22 Standing objection to terms of art, but you can  
23 answer.

24 THE WITNESS: Okay.

25 MR. BLAKE: And your standing

1 objection is noted. So I understand there's a  
2 dispute in this litigation regarding the terms  
3 "gender" and "sex" and those sorts of things.

4 MS. INGELHART: Thanks, Jake.

5 Q. Similarly, "cisgendered," sort of  
6 the reverse of the last term, someone who whose  
7 gender identity aligns with their birth or  
8 biological sex. If I happen to use that term,  
9 you'll understand that's what I mean. Is that  
10 okay?

11 MS. INGELHART: And I just want to  
12 clearly object for the record, not to belabor  
13 the point, but the objection is to the fact  
14 that these kind of terms and qualifications  
15 call for expert testimony and it's not just the  
16 word "cisgender" that you're requesting  
17 clarification on, it's the word "sex,"  
18 "gender," "biological sex," et cetera, that are  
19 at issue. Thank you.

20 MR. BLAKE: Understood.

21 Q. Can you answer the question?

22 A. Okay.

23 Q. All right. Yeah. Okay. Let's  
24 talk a little bit about your background. What  
25 is your address?

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Q. And what is your highest level of education?

A. I have a Bachelor's degree.

Q. What did you obtain your Bachelor's degree in?

A. Criminal justice.

Q. When did you obtain your Bachelor's degree in criminal justice?

A. I'm sorry. Do you mean when did I graduate or when did I start?

Q. When did you obtain the degree? When did you graduate?

A. I graduated, I believe, in 2013.

Q. 2013?

A. No, '14.

Q. '14. And was that a four-year degree?

A. Yes.

Q. And where did you -- what institution did you obtain the degree from?

A. Youngstown State University.

Q. Is that where you're from, that area, Youngstown area?

1 A. Yes.

2 Q. And how old are you?

3 A. Twenty-nine.

4 Q. When you graduated Youngstown, did  
5 you -- did you work anywhere immediately  
6 following your graduation?

7 A. Yes, I did.

8 Q. Where did you work?

9 A. After my graduation, I worked at  
10 Mahoning Valley Race Course as a security  
11 officer.

12 Q. I think you said the Mahoning  
13 Valley --

14 A. I'm not sure what it's called now,  
15 but it's the Mahoning Valley Race Course,  
16 C-o-u-r-s-e.

17 Q. Oh, race course. Mahoning Valley  
18 Race Course, okay, as a security guard?

19 A. Yes.

20 Q. And how long did you do that for?

21 A. Almost six months.

22 Q. Okay. And so approximately six  
23 months after starting as a security guard, you  
24 left that job, and what did you do next?

25 A. I worked at Alorica.

1 Q. Could you spell that?

2 A. It's A-l-o-r-i-c-a.

3 Q. Alorica?

4 A. A-l-o-r-i-c-a.

5 Q. Oh, Alorica.

6 A. Yes.

7 Q. And what kind of company is

8 Alorica?

9 A. It's a call center.

10 Q. Is that where you work now?

11 A. No.

12 Q. All right. How long did you work  
13 at Alorica?

14 A. Almost three years.

15 Q. Three years. Okay. And when did  
16 you leave, approximately?

17 A. I left beginning of 2018.

18 Q. And why did you leave?

19 A. I moved to Phoenix, Arizona.

20 Q. Where is Alorica located?

21 A. It is located in Warren, Ohio.

22 Q. Oh, it's in Warren. Okay. Why did  
23 you decide to move to Phoenix, Arizona?

24 A. I wanted a change.

25 Q. Any other reason?

1 A. No.

2 Q. Just -- just wanted a change of  
3 scenery, get out of the midwest, huh?

4 A. Yes.

5 Q. All right. So you would have been  
6 about 27, 28 at the time you moved out to  
7 Phoenix?

8 A. Yes.

9 Q. Did you have work when you moved to  
10 Phoenix or did you just kind of pull up root  
11 and say catch as catch can?

12 A. I pulled up root and didn't have a  
13 job lined up.

14 Q. Okay. And do you have a job now?

15 A. Yes, I do.

16 Q. All right. Was that the -- well,  
17 let's back up.

18 When did you get employment after  
19 moving to Phoenix?

20 A. Between April and May.

21 Q. Of?

22 A. Of last year.

23 Q. Of 2018?

24 A. 2018.

25 Q. And who was that with?

1           A.       That is with Asurion,  
2       A-s-u-r-i-o-n.

3           Q.       Asurion.  And is that where you  
4       work now?

5           A.       Yes.

6           Q.       That's your current employer,  
7       Asurion?

8           A.       Yes.

9           Q.       What kind of company is Asurion?

10          A.       A call center.

11          Q.       And what's your title at Asurion?

12          A.       I'm a tech support agent.  I don't  
13       know my exact title.  It's changed multiple  
14       times.

15          Q.       Tech support agent?

16          A.       Yes.

17          Q.       And so is Asurion, you know, like a  
18       company where if people are having various  
19       technical problems with something, they call  
20       the help line and it gets to you and then you  
21       try to walk them through and resolve whatever  
22       problem they're having?  Is that accurate?

23          A.       Yes.  They're also the phone  
24       insurance company.

25          Q.       Oh, okay.  And so if I were to call

1 with an issue, depending on what I'm calling  
2 about, I might get routed to you; is that  
3 accurate?

4 A. Depending on which carrier you  
5 have, yes.

6 Q. Okay. So you've been there about a  
7 year and a half?

8 A. Just over a year.

9 Q. Just over a year. Any other  
10 employment since graduating from Youngstown  
11 that we haven't covered or discussed?

12 A. I don't believe so. I worked for  
13 Sam's Club, but I believe I finished that  
14 before I graduated. If not, it would have been  
15 shortly afterwards.

16 Q. Okay. Do you have any areas of  
17 special expertise or knowledge which you may  
18 have developed either during your education or  
19 since you graduated that would not necessarily  
20 fall into areas of criminal justice or the --  
21 the jobs that we've talked about thus far?

22 A. No.

23 Q. You understand that sex and gender  
24 are two different concepts, right?

25 MS. INGELHART: Objection. Calls

1 for expert testimony.

2 Q. Go ahead and answer.

3 A. As far as that goes, I would  
4 consider them the same.

5 Q. Okay. You're not a medical doctor,  
6 so you don't consider yourself having any  
7 special expertise on a person's biological sex,  
8 right?

9 MS. INGELHART: Objection. Calls  
10 for expert testimony and to the standing  
11 objection about terms of art, but you can  
12 answer.

13 THE WITNESS: Yeah.

14 Q. Well, you're not a medical doctor,  
15 right?

16 A. No.

17 Q. And you don't consider yourself  
18 having expertise on biological sex, right?

19 MS. INGELHART: Objection. Calls  
20 for expert testimony as to the term of art.  
21 Standing objection, but you can answer.

22 THE WITNESS: I do not.

23 Q. And from a medical perspective, do  
24 you understand how a person's sex is  
25 determined?

1 MS. INGELHART: Objection. Calls  
2 for expert testimony, but you can answer.

3 THE WITNESS: I do.

4 Q. So what is your understanding of  
5 how a person's biological sex is determined?

6 MS. INGELHART: Objection. Calls  
7 for expert testimony.

8 THE WITNESS: In my personal  
9 opinion, sex and gender are the same and it's  
10 dependent on the gender identity of the  
11 individuals.

12 Can I take a break?

13 Q. Is that the end of your  
14 understanding? Have you finished answering  
15 question?

16 A. Yes.

17 Q. Yep, you can take a break.

18 (Recess taken.)

19 Q. So we left off, you had said that  
20 your understanding of how a person's biological  
21 sex is determined is based on their gender  
22 identity. Is that -- is that accurate? Does  
23 that accurately reflect your testimony?

24 MS. INGELHART: Objection.  
25 Misstates testimony and also calls for expert

1 testimony, but you can answer.

2 THE WITNESS: I said I believe sex  
3 and gender are the same thing.

4 Q. And then what is your understanding  
5 of how a person's biological sex is determined?

6 MS. INGELHART: Objection. Calls  
7 for expert testimony. You can answer.

8 THE WITNESS: I'm not entirely  
9 certain.

10 Q. Okay. So -- and maybe I misheard  
11 your testimony before we took a break, but you  
12 testified that you thought it depended on  
13 someone's gender identity. Are you -- are you  
14 saying that it may depend on that or other  
15 things, or are you saying you just don't know?

16 MS. INGELHART: Objection. Vague.  
17 Misstates prior testimony, but you can answer.

18 THE WITNESS: I believe you  
19 stated -- you said "sex" before and you're  
20 saying "biological sex" now, that's why I  
21 was --

22 Q. Let me ask you this: In your mind,  
23 is there a difference between someone's  
24 biological sex and sex?

25 MS. INGELHART: Objection. Calls

1 for expert testimony. You can answer.

2 THE WITNESS: I am not sure how to  
3 answer that question.

4 Q. So you don't know if there's a  
5 difference between biological sex and sex?

6 A. Correct.

7 MS. INGELHART: Objection. Expert  
8 testimony. That's fine.

9 Q. And you don't know if there's a  
10 difference between someone's sex or gender?

11 MS. INGELHART: Objection. Calls  
12 for expert testimony. You can answer.

13 THE WITNESS: I believe that's the  
14 same thing.

15 Q. Okay. And then what about the  
16 difference between someone's biological sex and  
17 their gender, do you know if there's a  
18 difference between those two things?

19 MS. INGELHART: Objection. Calls  
20 for expert testimony.

21 THE WITNESS: I'm unfamiliar with  
22 that term, but I don't believe it -- there's a  
23 difference.

24 Q. Do you have an understanding of how  
25 a person's gender identity is determined?

1 MS. INGELHART: Objection. Calls  
2 for expert testimony, but you can answer.

3 THE WITNESS: Personally, I do.

4 Q. Okay. What is your -- what is your  
5 personal understanding?

6 A. My personal understanding is that  
7 is determined by what they present as.

8 Q. And "they" being the individual?

9 A. Yes.

10 Q. You're not a psychiatrist or  
11 psychologist, are you?

12 A. No.

13 Q. You don't consider yourself an  
14 expert on gender or gender identity, do you?

15 A. I do not.

16 Q. You haven't taken any courses on  
17 distinction between sex and gender, right?

18 A. I have not.

19 Q. You don't have any certifications or  
20 degrees under which you've achieved -- that  
21 you've achieved, sorry, on the distinction  
22 between sex and gender?

23 A. I do not.

24 Q. You haven't published any papers on  
25 the distinction between sex and gender?

1 A. I have not.

2 Q. Nor have you given any talks or  
3 presentations on the topic of sex and gender?

4 A. I have not.

5 Q. Do you believe birth certificates  
6 are a form of identification?

7 MS. INGELHART: Objection. Calls  
8 for expert testimony and legal conclusion, but  
9 you can answer.

10 THE WITNESS: Personally, I do.

11 Q. And do you believe that birth  
12 certificates reflect a person's biological data  
13 that exists at the time of birth?

14 MS. INGELHART: Objection.  
15 Apologies. Objection. Calls for expert  
16 testimony and legal conclusion.

17 THE WITNESS: Can you clarify the  
18 question?

19 Q. I can repeat it and then we can go  
20 from there. If you need further clarification,  
21 I'm happy to do so.

22 Do you believe that birth  
23 certificates reflect biological data that  
24 exists at the time of an individual's birth?

25 MS. INGELHART: Same objection.

1 THE WITNESS: I apologize, but what  
2 do you mean by "biological data"?

3 Q. Okay. So do you understand what  
4 the term "biological data" means?

5 A. Not completely.

6 Q. Would you consider a person's name  
7 biological data?

8 MS. INGELHART: Objection. Calls  
9 for legal conclusion and to the term of art  
10 issue we've been discussing. It appears that  
11 "biological information" is being used as a  
12 term of art and plaintiff isn't an expert in  
13 such definition, but you can answer.

14 THE WITNESS: Can you give me the  
15 definition of it?

16 Q. Well, I can try. I think it might  
17 be more productive, though, to -- well, let's  
18 put it this way: You have a Facebook page,  
19 right?

20 A. I do.

21 Q. And on that Facebook page, you  
22 enter certain information, your name, maybe  
23 some of your interests, maybe some of your  
24 hobbies, approximately where you're from or  
25 where you live, right?

1 A. Yeah.

2 Q. So that's the kind of information  
3 which I'm referring to as biological data. Do  
4 you understand?

5 A. Yes, I do know.

6 Q. So based on that understanding, do  
7 you agree that a birth certificate contains  
8 biological data that exists at the time of  
9 birth of an individual?

10 MS. INGELHART: Objection. Calls  
11 for expert testimony, a term of art, but you  
12 can answer.

13 THE WITNESS: Personally, as a form  
14 of identification, I believe it should require  
15 information as of -- that is current.

16 Q. Okay. So your belief is that the  
17 birth certificate should have current  
18 information on it, right?

19 A. That's correct.

20 Q. But I guess my question wasn't  
21 about what you believe should be, my question  
22 is about what actually is, and so does the  
23 birth certificate contain information,  
24 biological or otherwise, which existed at the  
25 time of birth of the individual?

1 MS. INGELHART: Objection. Calls  
2 for expert testimony and the term of art  
3 issues, but you can answer.

4 THE WITNESS: It would contain  
5 information from then, yes.

6 Q. Do you know whether the information  
7 on the birth certificate is recorded by the  
8 individual who was born or by the Ohio  
9 Department of Health?

10 MS. INGELHART: Objection. Calls  
11 for expert testimony. Beyond the scope of  
12 plaintiff's knowledge.

13 THE WITNESS: I am not sure who  
14 fills that information out. My apologies.

15 Q. So you don't know who fills it out?

16 A. That's correct.

17 Q. Do you have any -- well, let me ask  
18 you this: Do you believe the individual who's  
19 identified on the birth certificate fills out  
20 the information?

21 A. Obviously not.

22 Q. But who else it might have been,  
23 you don't have any idea?

24 A. That's correct. If it was the  
25 parents, the Department, I am not familiar with

1 how that works.

2 Q. And do you have any understanding  
3 on what ODH's role is in recording information  
4 that has reported to it on the birth  
5 certificate?

6 MS. INGELHART: Objection. Expert  
7 testimony.

8 THE WITNESS: Not entirely.

9 Q. Well, what about partially, do you  
10 have any partial understanding?

11 MS. INGELHART: Objection. Vague.

12 THE WITNESS: I understand a little  
13 bit about it, but I don't know the actual  
14 policies and procedures as to how it's done.

15 Q. What is your understanding about  
16 how the Department of Health records that  
17 information?

18 MS. INGELHART: Objection. Calls  
19 for expert testimony. You can answer.

20 THE WITNESS: That some of the  
21 information is recorded when the person is  
22 born.

23 Q. Anything else?

24 A. No.

25 Q. Recorded by ODH, right?

1 MS. INGELHART: Objection. Expert  
2 testimony. You can answer.

3 THE WITNESS: If that's who does  
4 it. I wasn't sure if it was that or the  
5 doctors. I'm not familiar how that procedure  
6 works. I've never had a child.

7 Q. Understood.

8 To your knowledge, does the  
9 individual whose information is recorded on the  
10 birth certificate certify the accuracy of the  
11 birth certificate?

12 MS. INGELHART: Objection. Expert  
13 testimony. You can answer.

14 THE WITNESS: Do you mean, at the  
15 time that it's there or later on?

16 Q. Well, let's start with at the time  
17 that the birth record is prepared.

18 A. Obviously not.

19 Q. And what about in any other time  
20 after that?

21 A. If there are any mistakes,  
22 inconsistencies, then yes.

23 Q. Do you know what the process would  
24 be for an individual to certify the accuracy of  
25 their birth certificate?

1 MS. INGELHART: Objection. Calls  
2 for expert testimony.

3 THE WITNESS: I do not.

4 Q. Have you ever attempted to --

5 MS. INGELHART: Calls for a legal  
6 conclusion.

7 Q. Have you ever attempted to certify  
8 the accuracy or mistakes, as you characterize  
9 them, on your birth certificate?

10 A. I had my name changed on the birth  
11 certificate, if that's what you're asking.

12 Q. No, not exactly. But other than  
13 your name change, have you attempted to certify  
14 any accuracies or inaccuracies or mistakes on  
15 your birth record?

16 A. No.

17 Q. At the time you were born on your  
18 birth record, was your name is correct?

19 MS. INGELHART: Objection. Calls  
20 for legal conclusion. You can answer.

21 THE WITNESS: I suppose not.

22 Q. No. Your name was accurate as of  
23 the time you were born. Later on in life, you  
24 changed your name, right?

25 A. Correct.

1 Q. And then you submitted some filings  
2 or paperwork with the Department of Health to  
3 have that name changed on your birth record,  
4 right?

5 A. I believe so, but it wasn't the  
6 courthouse that I gave the information to.

7 Q. All right. The courthouse, then,  
8 filed or submitted that paperwork to ODH,  
9 right?

10 A. Most likely, yeah.

11 Q. Is it your understanding, then,  
12 that that information was actually changed on  
13 your -- on your birth record?

14 A. I was told it was.

15 Q. Have you seen a copy of your birth  
16 record that includes that new information?

17 A. Yes.

18 Q. We'll take a look later at your  
19 birth record, but I want to move on to another  
20 topic for the moment.

21 Do you hold yourself out as a  
22 transgendered individual to the public?

23 MS. INGELHART: Objection. Vague.

24 THE WITNESS: What do you mean by  
25 that exactly?

1 Q. Well, I mean, do you advertise the  
2 fact that you're transgendered?

3 MS. INGELHART: Objection. Vague.  
4 Foundation.

5 THE WITNESS: To the public, no.

6 Q. Are you part of any groups  
7 associated with transgendered individuals?

8 A. What would be your definition of  
9 "groups" be?

10 Q. Any support groups or organizations  
11 or charities or advocacy groups, anything.

12 A. No.

13 Q. How many people have you told that  
14 you are transgendered?

15 MS. INGELHART: Objection. Vague.  
16 You can answer.

17 THE WITNESS: Quite a few.

18 Q. Can you ballpark the -- the number?  
19 Is it greater than 50? Is it less than 50?

20 A. I came out to my Facebook friends,  
21 so I don't have an exact number.

22 Q. How many Facebook friends do you  
23 have?

24 A. I'm not sure.

25 Q. Is it hundreds?

1           A.       Most likely. I don't keep track of  
2       that.

3           Q.       So it's a number that's so great,  
4       you don't even keep track of it; is that right?

5           MS. INGELHART:   Objection.  
6       Misstates prior testimony. You can answer.

7           THE WITNESS:   No. I just don't  
8       keep track of how many friends I have on  
9       Facebook.

10          Q.       And you've came out to all of them  
11       as transgendered, correct?

12          MS. INGELHART:   Objection.  
13       Misstates prior testimony and is vague, but you  
14       can answer.

15          THE WITNESS:   Actually, no. I came  
16       out a few years ago, so anyone after that may  
17       not know I'm trans.

18          Q.       All right. So it's your testimony  
19       that you came out on Facebook a few years ago,  
20       but since then, any new friends that have  
21       joined or friended you on Facebook may or may  
22       not know your status as a transgendered person.  
23       That's your testimony?

24          A.       Yes.

25          Q.       You could easily find out how many

1 friends you have on Facebook, right?

2 A. Yeah.

3 Q. I know I don't have an exhibit to  
4 show you of your Facebook page, but I've had a  
5 chance to look at it, and on the top of your  
6 Facebook page, on your -- at the top of your  
7 profile, there's a picture of someone who looks  
8 like you. Does that ring a bell?

9 MS. INGELHART: Objection. Lacks  
10 foundation and speculation, but you can answer.

11 THE WITNESS: Are you talking about  
12 my profile picture?

13 Q. I'm talking about your Facebook  
14 profile picture to which your attorney has  
15 objected on foundation grounds, yes.

16 A. Yes.

17 Q. And it says your name, Ashley  
18 Breda, right?

19 A. Ashley Breda.

20 Q. Ashley Breda, right?

21 A. Yes.

22 Q. And then right underneath that,  
23 there's a box labeled "intro," and on that book  
24 box, it says: I'm a 29-year-old trans woman  
25 who lives all things anime, gaming and tech

1 related.

2 Does that ring a bell?

3 MS. INGELHART: Same objection to  
4 foundation and calling for speculation, but you  
5 can answer.

6 THE WITNESS: I actually didn't  
7 realize it said that. My Facebook login  
8 changed and there's no intros anymore.

9 Q. So does that change your answer on  
10 whether or not the entire collection of your  
11 Facebook friends, which you said likely numbers  
12 in the hundreds, know about your status as a  
13 transgendered individual?

14 MS. INGELHART: Objection. Calls  
15 for speculation.

16 THE WITNESS: I said I --

17 Q. I'm sorry. It came back again.  
18 It's not you, it's the system. It's literally  
19 cutting out.

20 A. Okay. I said I speculate that most  
21 do, but I'm sure there's a few who don't.

22 Q. And that's because you've  
23 advertised that on the front page of your  
24 Facebook profile that you are a 29-year-old  
25 trans woman, right?

1 MS. INGELHART: Misstates --  
2 objection. Misstates prior testimony and lack  
3 of foundation, but you can answer.

4 THE WITNESS: To my friends, yes.  
5 I believe my Facebook is private.

6 Q. Would a private Facebook account  
7 prevent people from viewing this information  
8 about you being a trans woman?

9 MS. INGELHART: Objection. Calls  
10 for speculation. Lack of foundation. You can  
11 answer.

12 THE WITNESS: I thought it did.

13 Q. That -- if -- well, that wouldn't  
14 explain how I was able to just type it in and  
15 look it up, though, right?

16 MS. INGELHART: Objection. Calls  
17 for speculation. You can answer.

18 THE WITNESS: Yes. You taught me  
19 something new.

20 Q. Well, I think we've all  
21 demonstrated that I am not technological expert  
22 today 'cause I couldn't even turn up the volume  
23 on the video conferencing, so I will assure you  
24 I didn't do anything highly advanced to get  
25 onto your Facebook page, and it says what it

1 says. And so, I mean, you would agree that at  
2 least that information is available to the  
3 public at large, right?

4 MS. INGELHART: Objection. Calls  
5 for speculation. You can answer.

6 THE WITNESS: From the information  
7 you've given me, I suppose it is.

8 Q. And while we're on the subject,  
9 let's just briefly talk about your Twitter  
10 handle. You have a Twitter handle or you tweet  
11 as @ [REDACTED] is that right?

12 A. That's correct.

13 Q. And if you go to that Twitter  
14 handle, it -- it says Ashley Breda at the top  
15 and @ [REDACTED] right?

16 MS. INGELHART: Objection.  
17 Foundation. You can answer.

18 THE WITNESS: I believe so, yes.

19 Q. And then you've got, like, on your  
20 banner, it looks like some screen captures or  
21 graphics related to some anime and final  
22 fantasy. Does that ring a bell?

23 A. Yes.

24 MS. INGELHART: Objection.  
25 Foundation. It's fine. You can answer.

1 Q. And like your Facebook account, at  
2 least some aspects of your Twitter account are  
3 open to the public, are they not?

4 MS. INGELHART: Objection.  
5 Foundation. Speculation. You can answer.

6 THE WITNESS: I would assume so.

7 Q. And anyone with log onto Twitter  
8 and see that you, Ashley Breda, tweet under the  
9 handle of [REDACTED] right?

10 A. Yeah.

11 MS. INGELHART: Calls for  
12 speculation. You can answer.

13 Q. And like your Facebook page, it  
14 says you're 29, right?

15 A. Yes.

16 Q. And it also says you're trans,  
17 right?

18 A. It does.

19 Q. And "trans" is short for  
20 "transgender," right?

21 A. Yes.

22 Q. And it also says [REDACTED] right?

23 MS. INGELHART: Objection.  
24 Foundation. You can answer.

25 THE WITNESS: That's correct.

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[REDACTED]

MS. INGELHART: Objection. Sorry. Objection. Calls for expert testimony and to the standing objection on terms of art at issue in the case, but you can answer.

THE WITNESS: Can you repeat the question?

Q. Yeah. I'd love to. Well, let's back up.

[REDACTED]

MS. INGELHART: Objection. Vague, but you can answer.

[REDACTED]

[REDACTED]

MS. INGELHART: Objection. Vague. Misstates, but you can answer.

THE WITNESS: That's correct. [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 Q. 2014, yeah.

4 A. Yeah. So it would have been  
5 sometime in the beginning, in the winter to  
6 spring of 2015.

7 Can I take another break?

8 MR. BLAKE: Sure. Absolutely.

9 (Recess taken.)

10 Q. So when we took a break, we were  
11 just trying to understand what -- what this  
12 entry [REDACTED] meant on your Twitter page,  
13 and I understand now, based on your testimony,

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 A. Yeah.

18 [REDACTED]

19 [REDACTED]

20 A. That's correct.

21 [REDACTED]

22 [REDACTED]

23 MS. INGELHART: Objection. Expert  
24 testimony. You can answer.

25 THE WITNESS: To the best of my

1 knowledge, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 MS. INGELHART: Objection. Calls  
7 for expert testimony and vague, but you can  
8 answer.

9 THE WITNESS: Personally to me,  
10 yes.

11 Q. And like your Facebook page, this  
12 Twitter page is available for anyone, including  
13 me, to go and see, right?

14 A. That's correct.

15 Q. Do you have any idea how many  
16 people have gone onto your Twitter page and  
17 seen that you are a -- identified as a trans?

18 MS. INGELHART: Objection.  
19 Speculation. You can answer.

20 THE WITNESS: I have absolutely no  
21 idea.

22 Q. You would expect that to be a large  
23 number, though, right?

24 MS. INGELHART: Objection.  
25 Speculation. You can answer.

1 THE WITNESS: Maybe. I don't use  
2 Twitter much.

3 Q. Today's date is the 21st of August,  
4 right, correct?

5 A. Probably. I actually don't know  
6 the date.

7 Q. Okay. I will represent to you  
8 today is August 21st, 2019, and if I have  
9 messed that up, I assure you your counsel will  
10 object. Assuming today is the 21st, even in  
11 your time zone, on August 18th, you tweeted: I  
12 love Windows 10 LOL.

13 Do you recall making that tweet?

14 MS. INGELHART: Objection.  
15 Foundation. You can answer.

16 THE WITNESS: Yes.

17 Q. And on August 17th, you tweeted:  
18 How is it that every fire emblem is better than  
19 the last? I love it.

20 Do you recall making that tweet?

21 MS. INGELHART: Objection.  
22 Foundation. You can answer.

23 THE WITNESS: I do.

24 Q. And on August 10th: This is long,  
25 but it's an amazing read, and then there's some

1 link. Do you recall tweeting that?

2 MS. INGELHART: Objection.

3 Foundation. You can answer.

4 THE WITNESS: Yes. That's  
5 automated.

6 Q. And on August 9th, you wrote or  
7 tweeted: Sure, LOL. Right?

8 MS. INGELHART: Objection.

9 Foundation. You can answer.

10 THE WITNESS: Probably.

11 Q. All right. So that's at least four  
12 tweets in the last week or so, 11 days. Is  
13 that -- does that -- is that consistent with  
14 your Twitter usage over the past few months?

15 MS. INGELHART: Objection.

16 Foundation, but you can answer.

17 THE WITNESS: Probably.

18 Q. So I guess with regards to a  
19 question I asked previously, you know, the  
20 number -- trying to put a finger on the number  
21 of people you've told that you're  
22 transgendered. You can't really be certain but  
23 if you include Facebook friends and potential  
24 people who viewed your Twitter page, that could  
25 be in the hundreds, if not higher; is that fair

1 to say?

2 MS. INGELHART: Objection. Calls  
3 for speculation. You can answer.

4 THE WITNESS: I would speculate  
5 that's true.

6 Q. Do you know how many people have  
7 found out about your transgendered status due  
8 to your birth certificate?

9 MS. INGELHART: Objection. Calls  
10 for speculation. You can answer.

11 THE WITNESS: I know of a few, yes.

12 Q. Which -- can you identify those few  
13 instances?

14 A. When I had to present my birth  
15 certificate at Alorica, and another example is  
16 at the Arizona DMV or whatever it is. It's a  
17 different acronym than Ohio.

18 Q. All right. So let's just take  
19 those one at a time.

20 Alorica is the employer you  
21 discussed earlier, which was the call center in  
22 Warren, Ohio; is that right?

23 A. That's correct.

24 Q. And your testimony is that you  
25 were -- you had to -- or you turned over your

1 birth certificate to that employer, what, as  
2 part of your hiring process?

3 A. Yes.

4 Q. And were you required to turn over  
5 that birth certificate in order to start work  
6 with Alorica?

7 A. That's correct.

8 Q. And when you turned over that  
9 information or your birth to Alorica, were  
10 there any other documents that they would have  
11 taken in substitution of the birth certificate?

12 A. They needed my birth certificate  
13 and a state ID. They needed both.

14 Q. Okay. And whom at Alorica did you  
15 give your birth certificate to?

16 A. The HR department.

17 Q. And when you handed it to the HR  
18 department, did you hand it to a specific  
19 individual or did you just put it in an  
20 envelope and kind of send it into the  
21 department?

22 A. I handed it to the secretary. I  
23 don't know the name.

24 Q. And when you handed it to the  
25 secretary, did she review the birth

1 certificate, or do you know?

2 A. She looked at it.

3 Q. All right. And do you know  
4 whether -- well, did they make a copy of it and  
5 give it back to you, or did you have to leave  
6 it with them for a while? What do you know?

7 A. I left it with them for a while. I  
8 don't know what they did with it.

9 Q. And then at some point in time,  
10 they gave it back?

11 A. Yes.

12 Q. Did anyone at Alorica question you  
13 about the sex identifier on your birth  
14 certificate?

15 MS. INGELHART: Objection to the  
16 ongoing term of art issue at issue in this  
17 case, but you can answer.

18 MR. BLAKE: Yeah. And I've granted  
19 you the standing objection on that term, and if  
20 you want to sort of write down the terms and  
21 read for the record the exact terms you're  
22 objecting to. I just think if you object to  
23 every single question that I have that includes  
24 any one of those terms, particularly with the  
25 difficulty of the video, we might be here

1 forever. So if that's satisfactory to you,  
2 that's what I'd recommend. Will that work for  
3 you?

4 MS. INGELHART: Yeah. So let's  
5 make a list now of terms that I have heard so  
6 far, and then if there's a new term introduced  
7 or one that I missed, is that fine?

8 MR. BLAKE: Fantastic.

9 MS. INGELHART: Okay. So great.  
10 Great. Thanks. So "sex," "biological sex,"  
11 "gender," "gender identity," "transgender" and  
12 variations thereof like "transgenderism" or  
13 "transgendered" and also "cisgender." I  
14 believe those are the terms. Do you recall any  
15 others, Jake, that I've objected to?

16 MR. BLAKE: Yeah, "sex identifier."

17 MS. INGELHART: Thank you. Thank  
18 you. "Sex identifier." And, yes, thank you.  
19 Sorry. Apologies. I will --

20 MR. BLAKE: And just so the  
21 record's clear, counsel for ODH is granting a  
22 standing objection on the grounds that such  
23 terms are potentially terms of art. Is that a  
24 fair characterization of your objection?

25 MS. INGELHART: Yes. Thank you. I

1 appreciate it.

2 MR. BLAKE: Okay. And, of course,  
3 the Department of Health and the other  
4 defendants do not waive their rights to oppose  
5 those objections if and when that becomes  
6 necessary.

7 Q. Okay. Very good.

8 See if I can figure out where I  
9 was. Alorica, Warren, Ohio, a lovely city. So  
10 did anyone either from the HR department or  
11 anyone else at Alorica ever talk to you about  
12 the sex identifier on your birth certificate?

13 A. They did, yes.

14 Q. Okay. Who talked to you about the  
15 sex identifier?

16 A. Multiple people in my HR  
17 department, multiple supervisors, employees.  
18 The HR department told everyone I was trans.

19 Q. So I wrote down multiple people in  
20 the HR department, supervisors and other  
21 employees. Is that the list?

22 A. That's correct.

23 Q. All right. Approximately when --  
24 when did this occur, date?

25 A. It was once when I was first hired,

1 and also I had to present it again later on  
2 down the line. I don't have exact dates.

3 Q. I don't know if I got the  
4 approximate date when you started at Alorica.  
5 I have that you left at the beginning of 2018,  
6 and you were there for three years, so would  
7 the beginning of 2015 be an approximate time  
8 frame for when you started at Alorica and had  
9 to hand over your birth certificate to the HR  
10 department?

11 A. The beginning or middle of 2015, I  
12 believe. I don't recall the exact time.

13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]

16 A. That's correct.

17 Q. And it says you joined Facebook in  
18 September 2018. Have you updated your  
19 introductory information since you joined in  
20 September 2008?

21 A. I would assume so.

22 Q. When did you come out to your  
23 friends on Facebook about your status as a  
24 trans person?

25 A. Sometime in early 2015, I believe.

1 Q. So prior to --

2 A. I don't remember the exact date.

3 Q. Prior to or around the same time as  
4 the time you started at Alorica?

5 A. Prior.

6 Q. Prior to that. And would you have  
7 included that blurb about "I am a 29-year-old  
8 trans woman who loves all things anime, gaming  
9 and tech related" on your Facebook page at  
10 about the same time you came out to your  
11 friends on Facebook as being trans?

12 A. I don't believe so. I believe  
13 that's much -- I believe that's more recent.

14 Q. Okay. Understood. But you made at  
15 least some disclosure on Facebook to whomever  
16 your Facebook friends were at that point about  
17 your status as a trans individual, correct?

18 A. Yes.

19 Q. What did the multiple people in the  
20 HR department talk to you about regarding your  
21 birth certificate?

22 A. They made various jokes about it,  
23 what you would expect.

24 Q. I wouldn't expect that at all,  
25 frankly, and I'm sorry to hear that. But your

1 testimony is that the HR department at Alorica  
2 came up to you after you handed in your birth  
3 certificate and mocked you for being a  
4 transgendered person; is that right?

5 A. Yes.

6 Q. All right. Well, I'm sorry to hear  
7 that. I refer to my prior comment about  
8 Warren, Ohio, but I guess that puts me in the  
9 same boat, I suppose. I'm making fun of them.

10 All right. Anything else regarding  
11 your birth certificate, or I should say  
12 anything actually related to some business  
13 purpose regarding the birth certificate from  
14 the HR department?

15 A. Yes. They also requested when I  
16 asked to use the women's bathroom, to see my  
17 birth certificate again, which caused more  
18 issues.

19 Q. So that's the time you said they  
20 requested the birth certificate when you  
21 started your employment, and then later on  
22 during your employment when you were trying to  
23 use the bathroom that was appropriate for your  
24 gender, they wanted to see your birth  
25 certificate again; is that accurate?

1 A. That's correct.

2 Q. And -- well, let's back up.

3 When you turned in your birth  
4 certificate and they talked to you at the  
5 beginning, they never indicated that you  
6 wouldn't be hired or would be unsuitable for a  
7 particular job based on your gender, right?

8 A. No.

9 Q. Okay. And then later, with the  
10 bathroom incident, did you actually present  
11 your birth certificate again?

12 A. I did.

13 Q. And did that resolve the issue?

14 A. It did not.

15 Q. What did they -- after you turned  
16 in your birth certificate, what did they tell  
17 you to do?

18 A. I believe her words were, "I'll  
19 never be a woman. I'll always be a man in  
20 God's eyes," and then the site director become  
21 involved and let me use the bathroom.

22 Q. So who was this woman? Was it  
23 someone in HR?

24 A. She was the head of HR. I don't  
25 recall her name anymore.

1 Q. This was the head of HR came up to  
2 you?

3 A. I do believe so, yes.

4 Q. And said that you would never be a  
5 woman in God's eyes. That was the head of HR  
6 for this company? Is that -- do I have that  
7 right?

8 A. For that site, yes. And this was  
9 in her private office.

10 Q. I understand why you left for  
11 Phoenix. I think I fully understand why you  
12 went to Phoenix.

13 A. I'm sorry. We're getting some  
14 feedback here.

15 Q. Oh, sorry.

16 MS. INGELHART: We put ourselves on  
17 mute. Yeah, I don't know what's causing it.

18 MR. BLAKE: How's that?

19 THE WITNESS: I think --

20 Q. I was just commenting that I think  
21 I understand why you went to Phoenix.

22 A. Yeah.

23 Q. I don't blame you.

24 Okay. So the site supervisor at  
25 Alorica got involved and allowed you to use

1 the -- the restroom appropriate for your  
2 gender; is that right?

3 A. That's correct.

4 Q. And when, approximately, was that?

5 A. I don't remember the exact date. I  
6 know it was maybe a couple of months after I  
7 started.

8 Q. Okay. So in the beginning part of  
9 your employment?

10 A. Yeah. It would have been a few  
11 months after I started.

12 Q. And other than this incident with  
13 the HR director and the various folks from HR  
14 making jokes, were there any other -- were  
15 there any other times that you were confronted  
16 by HR about your gender or your birth  
17 certificate or anything like that?

18 A. I don't believe so.

19 Q. Okay. Let's talk about the  
20 supervisor incidents, then. Was it one  
21 supervisor or many supervisors?

22 A. The HR lead told -- from what I was  
23 told, she told everyone.

24 Q. So the head HR person -- is this  
25 the same person that had the bathroom issue?

1 A. Yes.

2 Q. She told everyone. And when you  
3 say "everyone," everyone that worked at that  
4 site?

5 A. I'm sure not everyone, but majority  
6 of the people I came in contact with found out  
7 either from her or from someone she told.

8 Q. And that included some of your  
9 supervisors?

10 A. That's correct.

11 Q. All right. And what did your  
12 supervisors do with that information?

13 A. Well, some of them started treating  
14 me differently. A few of them, from that  
15 point, purposely misgendered me and offhand  
16 comments.

17 Q. How did they treat you differently?

18 A. I'm not sure how to put that into  
19 words.

20 Q. So you're unable to -- you're  
21 unable to -- you're unable to convey the way in  
22 which they were treating you differently? Is  
23 it just your general sense?

24 A. That, and like I said, some of them  
25 would -- started purposely misgendering me and I

1 stopped being called for a couple of things by  
2 them.

3 Q. You stopped being called for, like,  
4 certain tasks or work?

5 A. Both, yeah.

6 Q. So you felt as if your supervisors  
7 were intentionally directing work away from you  
8 based on your gender?

9 A. Some of them, yes.

10 Q. Some, but not all?

11 A. Correct.

12 Q. And you said misgendered. What do  
13 you mean by misgendering you?

14 A. I mean as far as spread that I was  
15 trans, everyone referred to me as "he"  
16 afterwards. Quite a few people started saying  
17 "he."

18 Q. Okay. And the offhanded comments  
19 coming from your supervisors, what did those  
20 entail?

21 A. Various comments involving --  
22 trying to think of a way to put this in a kind  
23 official way, but my downstairs area.

24 Q. So they would -- they would  
25 actually remark on your anatomy?

1 A. That's correct.

2 Q. At a place of work?

3 A. That's correct.

4 Q. In 2015?

5 A. That's correct.

6 Q. Okay. And then you -- you  
7 mentioned coworkers, other employees. Could  
8 you describe the circumstances involving those  
9 individuals?

10 A. I know quite a few made comments  
11 behind my back. I don't know exactly what the  
12 comments are, but I do know quite a few of them  
13 were very, very much anti-trans.

14 Q. So you don't --

15 A. And it made me very uncomfortable.

16 Q. Did you overhear any of the  
17 comments?

18 A. I did, but I don't recall what the  
19 exact comments were.

20 Q. So you overheard anti-trans  
21 comments being relayed by some of your -- your  
22 colleagues at work. Would you characterize it  
23 as a handful or -- or some? I mean, what  
24 number of colleagues?

25 A. I would probably say a handful.

1 Q. Okay. So not -- not most, but some  
2 of your -- your colleagues were passing around  
3 sort of anti-transgendered comments; is that  
4 right?

5 A. Yes.

6 Q. Did Alorica have any policies about  
7 workplace harassment or hostile workplace  
8 activities?

9 MS. INGELHART: Objection. Calls  
10 for speculation. You can answer.

11 THE WITNESS: For some things, not  
12 others. It wasn't until the -- near the end of  
13 my tenure that they added being trans to that  
14 list.

15 Q. Oh, so when you joined Alorica,  
16 they had a workplace harassment policy, right?

17 A. That covered some things, but not  
18 that.

19 Q. And is it your understanding that  
20 it covered things like probably sex and race  
21 and religion, those sorts of things?

22 A. It covered race and religion, but  
23 the original guideline did not -- I don't  
24 believe it said that.

25 Q. Oh, okay. So -- but sometime

1 during your employment, they -- they added --  
2 well, did they add transgender to the list  
3 of -- of items?

4 A. I don't recall. I do know that  
5 they added sex to it.

6 Q. I see. So you don't know if they  
7 specifically added transgender to their  
8 workplace harassment policy, but you know they  
9 added sex to their workplace harassment policy;  
10 is that right?

11 A. That's correct.

12 Q. After they added sex to the  
13 workplace harassment policy, did the harassment  
14 against you stop?

15 A. It did.

16 Q. Were there ever any site-wide or  
17 company meetings about what kind of behavior  
18 was appropriate and inappropriate at the  
19 workplace?

20 A. Yeah.

21 Q. And do you feel that at least some  
22 of those meetings or that meeting was as a  
23 result of some of the harassment that had been  
24 going on against you?

25 A. It could have been. I'm not able

1 to speculate if that was the case or if that  
2 was just company-wide.

3 Q. Did you report any of these  
4 activities to others in the company?

5 A. You mean did I report me being  
6 harassed by HR to HR?

7 Q. Well, that was going to be my next  
8 question, but did -- my question was, you know:  
9 Did you report any of these activities? And it  
10 sounds like the answer might be no, but I want  
11 you to --

12 A. I did provide these to some of my  
13 immediate supervisors.

14 Q. Okay. And I understand the issues  
15 with HR, which probably deterred you from  
16 finding that a very useful pursuit, but did  
17 you -- did you report any of this to HR?

18 A. I did complain about it, I believe,  
19 and reported two of my supervisors to HR.

20 Q. Okay. But as far as whether or not  
21 any action was taken based on your reports, you  
22 don't know one way or the other?

23 A. No. They did not share that with  
24 me.

25 Q. Except for that one time when the

1 site supervisor intervened and said, no, you  
2 can use this bathroom, which matches your  
3 gender?

4 A. Yes.

5 Q. All right. Okay. Very good. I  
6 know that that's difficult to relay, so I  
7 appreciate your willingness to go through it in  
8 detail with me today.

9 All right. Let's turn our  
10 attention briefly to the Arizona -- what you  
11 called the DMV. I take it that you mean the  
12 Arizona Department of Motor Vehicles or  
13 whatever their equivalent is, right?

14 A. Yes. It's a different acronym than  
15 it is in Ohio, so I get them confused.

16 Q. I'm sorry?

17 A. I said it's a different acronym  
18 than in Ohio, so I get them confused.

19 Q. I think we're the BMV.

20 A. I believe so.

21 Q. Anyway, it's not important. We're  
22 all talking about the same thing.

23 And can you just go into a little  
24 bit of detail about that incident?

25 A. Sure. I had gone there to get a

1 new ID since I had moved to Arizona. When I  
2 did that, even though I showed them my Ohio ID  
3 with female on it, they refused because they  
4 said it's not a valid form of identification  
5 and that they only accept based on the birth  
6 certificate.

7 Q. So you went to the Arizona DMV to  
8 get a new state issued ID, right?

9 A. That's correct.

10 Q. And was that a driver's license or  
11 just an ID?

12 A. It's a state ID. I don't have a  
13 driver's license.

14 Q. Okay. And in order to get that new  
15 ID, you thought just showing your Ohio ID would  
16 be sufficient, right?

17 A. That is what I assumed, yes.

18 Q. But when you got there, the clerk  
19 at the DMV told you, "No, we don't accept the  
20 Ohio ID, I need to see your birth certificate";  
21 is that right?

22 A. That is correct. They said they  
23 needed both.

24 Q. All right. So you then -- at that  
25 point, did you show your birth certificate to

1 the clerk?

2 A. I did.

3 Q. So you happened to have it with  
4 you, I guess, right?

5 A. I try to be prepared.

6 Q. Yeah. All right. And what  
7 happened when you showed the clerk the birth  
8 certificate?

9 A. They said they would be happy to  
10 give me a state ID, but they said according to  
11 Arizona law, they would not be allowed to put  
12 female on it because my birth certificate said  
13 male. It wasn't until two supervisors got  
14 involved who then talked about it quite loudly  
15 and then they made an exception.

16 Q. All right. So, ultimately, after  
17 the two supervisors got involved, they gave you  
18 a state identification card which matches your  
19 gender; is that accurate?

20 A. That's correct.

21 Q. And was the clerk wrong when he or  
22 she said according to Arizona law, they  
23 wouldn't be able to enter your gender on  
24 their -- on their state ID?

25 MS. INGELHART: Objection. Calls

1 for speculation and a legal conclusion, but you  
2 can answer.

3 THE WITNESS: I don't know.

4 Q. But they made the change, so does  
5 that indicate to you that she was incorrect  
6 about her interpretation of Arizona law?

7 MS. INGELHART: Objection. Calls  
8 for speculation. You can answer.

9 THE WITNESS: Like I said, I'm not  
10 sure.

11 Q. Okay. I want to look at  
12 Exhibit No. 2, which let me know when you have  
13 that in front of you.

14 MS. INGELHART: I've got all of  
15 them right here. Could you remind me which one  
16 is 2? I apologize. They're not numbered. I  
17 apologize.

18 MR. BLAKE: It's the complaint.

19 MS. INGELHART: Perfect. I'm going  
20 to put the number on it now to avoid that.  
21 Here you go.

22 Q. Do you have that in front of you  
23 now?

24 A. I do.

25 Q. All right. So what you've just

1       been handed as been previously marked as  
2       Defendants' Exhibit 2, and this is the  
3       complaint filed by you and others against the  
4       Ohio Department of Health and others. Do you  
5       recognize this document?

6             A.       I do.

7             Q.       And before today, have you -- have  
8       you seen this document?

9             A.       Yes.

10            Q.       Did you provide information that  
11       was used to form or draft the allegations in  
12       this document?

13            A.       Yes.

14            Q.       Okay. I want you to turn to  
15       Page 21. At the top of that page, it's  
16       Paragraph 97.

17            A.       You said Page 21?

18            Q.       Correct.

19                    MS. INGELHART: You know what?  
20       She's looking at the wrong document. I'm  
21       correcting. Here's Page 21 of Exhibit 3,  
22       Paragraph 97.

23                    THE WITNESS: Okay.

24            Q.       So if you look at Paragraph 97,  
25       about two-thirds to the bottom, there's a

1 sentence which reads: The clerk erroneously  
2 indicated that the gender marker on one's state  
3 identification card would need to match the  
4 gender marker on one's birth certificate.

5 Do you see that sentence?

6 A. I do.

7 Q. And you previously had testified  
8 that you weren't sure whether the clerk was  
9 properly interpreting the law. Now that I've  
10 read that sentence to you, does that refresh  
11 your recollection as to whether or not the  
12 clerk was properly applying Arizona law?

13 A. I believe she wasn't.

14 Q. That's what you meant when you said  
15 "erroneously," right?

16 A. Yes. What I was saying before was  
17 that I don't know the specific law, but yes.  
18 You are -- uh-huh.

19 Q. Thank you.

20 THE WITNESS: Can I take another  
21 break?

22 MR. BLAKE: Sure. Yeah. It's  
23 fine. Thank you.

24 (Recess taken.)

25 Q. If you look at the next paragraph

1 in the complaint, Paragraph 98.

2 A. Give me one moment.

3 MS. INGELHART: Page 21.

4 THE WITNESS: Okay.

5 Q. You indicate that it was  
6 humiliating to defend your sex to the Arizona  
7 government employee; is that accurate?

8 A. Yeah.

9 Q. And in the previous paragraph, you  
10 indicate that that interaction occurred in a  
11 public place. Do you see that?

12 A. That's correct.

13 Q. Were there other people at the  
14 Arizona DMV within earshot of the conversation  
15 of the two supervisors with their employee?

16 A. Yes.

17 Q. How many would you say?

18 A. I don't know. There was a lot of  
19 people in line behind us.

20 Q. Did anyone that was in line behind  
21 you come up afterwards and confront you or talk  
22 to you about what they had overheard?

23 A. No, but I left incredibly quickly.

24 Q. Okay. So you don't know one way or  
25 the other whether --

1 A. Like I said, it was humiliating.

2 Q. But you don't know one way or the  
3 other what any of those people thought or how  
4 they reacted to the conversation that they --  
5 they could have overheard at the Arizona DMV;  
6 is that accurate?

7 A. Yeah. There was a few people that  
8 was staring, but no one said anything.

9 Q. So the Ohio Department of Health is  
10 a government agency of the State of Ohio. Is  
11 that your understanding?

12 A. That is my understanding, yes.

13 Q. And Alorica is a private employer,  
14 and, in particular, this site located in  
15 Warren, Ohio, right?

16 A. That's correct.

17 Q. Are you aware of any connection  
18 between the Ohio Department of Health and  
19 Alorica?

20 MS. INGELHART: Objection. Calls  
21 for speculation and calls for a legal, but you  
22 can answer.

23 THE WITNESS: I don't know.

24 Q. You don't know if you're aware or  
25 you're not aware?

1           A.       I'm not aware. I don't know what  
2 you mean.

3           Q.       Do you have any evidence or  
4 information to support any connection between  
5 the Ohio Department of Health and Alorica?

6           A.       Like, a direct connection or an  
7 indirect connection?

8           Q.       Either.

9           A.       Well, I don't believe it would have  
10 happened if my birth certificate had correctly  
11 identified me.

12          Q.       Yeah. I guess that wasn't my  
13 question. My question was: What evidence do  
14 you have that suggests that there's any  
15 connection direct or indirect between the Ohio  
16 Department of Health and the Alorica call  
17 center in Warren, Ohio?

18                   MS. INGELHART: Object. Calls for  
19 a legal conclusion. You can answer.

20                   THE WITNESS: I'm not aware of any.

21          Q.       I mean, Alorica's not a government  
22 entity, right?

23          A.       As far as I'm aware.

24          Q.       It's not an office of the -- Office  
25 of Vital Statistics, right?

1           A.       Not that I'm aware. I'm not sure  
2 what contracts they have right now.

3           Q.       When you were taking calls during  
4 your time of employment, you were receiving  
5 calls regarding phone providers, right?

6           A.       That's correct.

7           Q.       You never took a call where someone  
8 was having trouble accessing, say, ODH's web  
9 page or understanding the process for  
10 correcting their birth certificate, right?

11          A.       That's correct.

12          Q.       ODH didn't direct Alorica to  
13 request your birth certificate as part of your  
14 on-boarding as an employee at the company,  
15 correct?

16                   MS. INGELHART: Objection. Calls  
17 for speculation. You can answer.

18                   THE WITNESS: No, but it is a  
19 common practice.

20          Q.       And ODH didn't direct the head of  
21 HR to make jokes about your gender, correct?

22          A.       No.

23          Q.       And ODH didn't direct HR to tell  
24 everyone else at the site about your gender,  
25 right?

1 MS. INGELHART: I mean, objection.  
2 Calls for a legal conclusion and speculation,  
3 but you can answer.

4 THE WITNESS: Like I said before,  
5 no, but if my birth certificate was correct,  
6 this wouldn't have happened.

7 Q. And ODH didn't direct your  
8 supervisors to start treating you differently  
9 based on the information recorded on your birth  
10 certificate, right?

11 MS. INGELHART: Objection. Calls  
12 for a legal conclusion. Speculation. You can  
13 answer.

14 THE WITNESS: No, but them knowing,  
15 it is very common.

16 Q. And ODH didn't direct your  
17 colleagues or the other employees at the site  
18 to make the anti-transgender comments about  
19 you, right?

20 MS. INGELHART: Same objection.  
21 You can answer.

22 THE WITNESS: No.

23 Q. To your knowledge, ODH didn't do  
24 anything to direct or authorize anyone at  
25 Alorica to do any of the things that you've

1 discussed today while you were employed there,  
2 right?

3 A. No. But, like I said, if this  
4 would not have happened, they would not have  
5 found out if it was on my birth certificate  
6 showing male.

7 Q. You believe that the only thing  
8 that caused employees and HR director and  
9 supervisors at Alorica to harass you was the  
10 fact that your birth certificate includes the  
11 sex identifier of male? That's your testimony?

12 MS. INGELHART: Object. Sorry.  
13 Objection. Misstates prior testimony. You can  
14 answer.

15 THE WITNESS: It announced me as  
16 trans, which made me become open to the  
17 problem.

18 Q. Did anyone at Alorica ever tell you  
19 if it hadn't been for your birth certificate,  
20 none of this harassment would have ever  
21 occurred?

22 A. Yes.

23 Q. Who told you that?

24 A. I had quite a few friends that said  
25 that they would not have known I was trans if

1 it wasn't for that information being presented  
2 and them being told.

3 Q. And so it's your assumption or  
4 belief that had that information not been  
5 included on your birth certificate, the head of  
6 HR, for example, wouldn't have harassed you  
7 about the bathroom?

8 MS. INGELHART: Objection. Calls  
9 for speculation. You can answer.

10 THE WITNESS: Yes.

11 Q. In the situation at the Arizona  
12 Department of Motor Vehicles, you understand  
13 that that agency is run by the State of  
14 Arizona, right?

15 A. Yes.

16 Q. And that the State of Arizona  
17 isn't -- well, that the laws and rules issued  
18 in and enforced by the State of Arizona aren't  
19 issued and enforced by ODH, right?

20 MS. INGELHART: Objection. Calls  
21 for a legal conclusion. You can answer.

22 THE WITNESS: Can you repeat the  
23 question again?

24 Q. Sure. ODH has nothing to do with  
25 the Arizona Department of Motor Vehicles,

1 right?

2 MS. INGELHART: Objection. Calls  
3 for legal conclusion and speculation. You can  
4 answer.

5 THE WITNESS: I'm not sure. I'm  
6 sure they share information with each other.

7 Q. And on what basis to you contend  
8 that the Arizona Department of motor vehicles  
9 shares information with the Ohio Department of  
10 Health?

11 A. Because they typed in my ID number  
12 and my identification came up.

13 Q. Which ID number did they type in?

14 A. The ID on my Ohio ID.

15 Q. The Ohio -- your state issued ID?

16 A. Yeah.

17 Q. Not the ID number on your birth  
18 certificate?

19 A. No.

20 Q. And, I mean, is it -- is it your  
21 understanding that the Ohio Department of  
22 Health does not manage or record or track Ohio  
23 State identifications, including the state  
24 identification that was issued to you?

25 A. Okay. Yeah.

1 Q. All right. That would be probably  
2 managed, and I don't know, maybe you know, by  
3 the Ohio Bureau of Motor Vehicles, right?

4 MS. INGELHART: Objection. Calls  
5 for speculation. You can answer.

6 THE WITNESS: I would assume so.

7 Q. Yeah. That's a safe assumption.  
8 That's my assumption, at least, but you don't  
9 have any -- you don't have any evidence to  
10 suggest that that assumption's incorrect,  
11 right?

12 A. No.

13 Q. So let me ask the question again  
14 about Arizona. The Ohio Department of Health  
15 has nothing to do with the Arizona Motor  
16 Vehicle Division, right?

17 MS. INGELHART: Objection. Asked  
18 and answered. You can answer.

19 THE WITNESS: As far as I know.

20 Q. And do you know whether Arizona's  
21 Motor Vehicle Division is required by law or  
22 rule to inspect the birth certificate before  
23 providing a state identification?

24 A. I don't know.

25 Q. You don't know for certain, right?

1 A. Yes.

2 Q. And whether or not Arizona has such  
3 a law or rule, you aren't contending that the  
4 Ohio Department of Health has any role in  
5 enforcing or enacting Arizona's laws or rules  
6 or policies, right?

7 MS. INGELHART: Objection. Calls  
8 for speculation. You can answer.

9 THE WITNESS: Can you repeat the  
10 question again?

11 Q. Yeah. Whether or not Arizona has  
12 such a law or rule, you aren't contending that  
13 the Ohio Department of Health has any role in  
14 enforcing or enacting Arizona laws, rules or  
15 policies, right?

16 A. Yes.

17 Q. And ODH certainly doesn't have  
18 anything to do with whether an Arizona state  
19 employee is properly interpreting or applying  
20 Arizona law, right?

21 MS. INGELHART: Objection. Calls  
22 for a legal. Speculation, but you can answer.

23 THE WITNESS: I suppose that.

24 Q. If you go back to Page 20 on  
25 Defendants' Exhibit 2, which is the complaint

1 we previously looked at, and look at  
2 Paragraph 95. Let me know when you're there.

3 A. Yes.

4 Q. That paragraph reads: Ms. Breda is  
5 aware of the high incidents of harassment,  
6 discrimination and violence directed at  
7 transgender people. She has personally been a  
8 target of online harassment.

9 Do you see that?

10 A. Yes.

11 Q. When were you a target of online  
12 harassment?

13 A. Multiple times, I would get -- I  
14 would get messages on Facebook. Twitter is  
15 pretty good at making sure that those messages  
16 don't reach me, so I don't know about Twitter.

17 Q. Okay. So your -- the harassment  
18 would come through Facebook; is that accurate?

19 A. For the most part, yes.

20 Q. And when did the harassment begin  
21 approximately?

22 A. It began shortly after I came out  
23 before I made my Facebook private.

24 Q. Okay. So that would have been  
25 in -- and I apologize. What was the year where

1 you came out on Facebook?

2 A. 2015, I believe.

3 Q. 2015. And at that point, you know  
4 for a fact your Facebook profile was public,  
5 right?

6 A. I believe so, yes.

7 Q. And you started receiving  
8 harassment through Facebook, and is that what  
9 prompted you to make your profile private or at  
10 least semiprivate?

11 A. That's correct.

12 Q. And that would have been, when,  
13 towards the end of 2015 or --

14 A. Probably. I'm not sure of the time  
15 I made it private.

16 Q. The harassment carried on for a few  
17 months, though?

18 A. Yeah. I still get some messages on  
19 occasion, even now.

20 Q. Okay. And the harassment, just to  
21 be clear, this is harassment directed at your  
22 status as a transgender individual?

23 A. Yep.

24 Q. And as we saw before, at least some  
25 public elements of your Facebook account which

1 still advertise your status as a transgender  
2 individual, right?

3 A. Yes.

4 Q. Did you ever display your birth  
5 certificate online on your Facebook page or  
6 anything like that?

7 A. I don't recall.

8 Q. And so assuming you hadn't done  
9 that, how did the people harassing you online  
10 know that you were transgendered, do you know?

11 MS. INGELHART: Objection. Calls  
12 for speculation. You can answer.

13 THE WITNESS: I'm not sure.  
14 Probably because it's printed on my page.

15 Q. So you don't contend that anything  
16 ODH has done has resulted in the online  
17 harassment, right?

18 MS. INGELHART: Objection. Calls  
19 for speculation. You can answer.

20 THE WITNESS: I guess not.  
21 Actually, I'd like to correct something I said.

22 Q. Go ahead.

23 A. I believe I did put a partial  
24 picture of my birth certificate on my Facebook  
25 profile.

1 Q. All right. When did you do that?

2 A. It would have been shortly after my  
3 name change.

4 Q. We can go ahead and go to  
5 Exhibit 7, if you like.

6 - - - - -  
7 (Thereupon, Deposition Exhibit 7,  
8 Birth Certificate, was marked for  
9 purposes of identification.)

10 - - - - -

11 Q. Got that in front of you?

12 A. Yes, I do.

13 Q. What's just been handed to you has  
14 been previously marked as Exhibit 7, and this  
15 is a copy of your certification of birth issued  
16 by the Ohio Department of Health and the  
17 Mahoning County General Health District. Do  
18 you see that?

19 A. Yes.

20 Q. It says at the -- well, the name is  
21 Ashley Abigail Breda. That's you, right?

22 A. That's correct.

23 Q. Date of birth, [REDACTED] [REDACTED] [REDACTED]?

24 A. That's correct.

25 Q. All right. Your mother's and your

1 father's name is there. That's all correct,  
2 right?

3 A. Yep.

4 Q. And if you keep doing down, it says  
5 legal name change on file, CO No. 120995. Do  
6 you see that?

7 A. I do.

8 Q. Is it your understanding that that  
9 reflects there was a name change to the name on  
10 this birth record?

11 A. That's correct.

12 Q. And so that's what you're referring  
13 to when you said that you had a name change on  
14 your birth certificate and you posted it on  
15 your profile, right?

16 MS. INGELHART: Objection.

17 Misstates prior testimony. You can answer.

18 THE WITNESS: For the most part,  
19 yes. I believe the picture that I posted only  
20 showed the small section where it says my name,  
21 date of birth, and I'm not sure if I had the  
22 sex section there or not.

23 Q. All right. So at least at this  
24 time, your recollection as to what you posted  
25 on Facebook was just a small section of the

1 birth certificate showing your name and your  
2 date of birth, correct?

3 A. That's correct.

4 Q. And as far as you know, you did not  
5 post the sex category on the birth record,  
6 which here indicates male, correct?

7 A. I can't recall if I did or not.

8 Q. Is that information that you can  
9 find out?

10 A. I could attempt to if it's still  
11 there.

12 Q. And was this done before or after  
13 you made your profile public -- or, sorry, made  
14 your profile private on Facebook?

15 A. It would have -- I'm not sure. It  
16 would most likely have still been public then.

17 Q. Okay. So you think at some point  
18 in time, you publicly posted a partial picture  
19 of your birth certificate and it may or may not  
20 have included the sex identifier as indicated  
21 on Exhibit 7; is that accurate?

22 MS. INGELHART: Objection.

23 Misstates prior testimony. You can answer.

24 THE WITNESS: Can you repeat what  
25 you just said?

1 Q. Yeah. Let me try.

2 It's your testimony, then, that  
3 during the time when your Facebook profile was  
4 still public, you posted a partial picture of  
5 your birth record, which, among other things,  
6 may have revealed the sex identifier as male,  
7 which is indicated on Exhibit 7; is that  
8 accurate?

9 MS. INGELHART: Objection.  
10 Misstates prior testimony. It's also compound.  
11 You can answer, if you can.

12 THE WITNESS: I believe so.

13 MR. BLAKE: And I would just note  
14 for the record that to the extent it's possible  
15 for Ms. Breda to verify the photo she posted  
16 publicly, we would just like confirmation one  
17 way or the other whether that photo included  
18 the sex information recorded on Exhibit 7.

19 MS. INGELHART: Noted. We will  
20 inquire. Thank you.

21 MR. BLAKE: No. Thank you.

22 Q. I know before you said you weren't  
23 currently involved in any transgender groups,  
24 but have you ever been involved in any groups  
25 that are focused on transgender issues or

1 anything of that nature?

2 A. That's why I asked you before about  
3 what do you mean by "groups"? I'm on a few  
4 sub-Reddits, but I don't know if that would  
5 fall under "group." Otherwise, no.

6 Q. I guess I don't know until I look.  
7 I'm -- I'm happy to hear that people born in  
8 the '90s still find Reddit useful, but what are  
9 the sub-Reddits that you're involved in?

10 A. A couple trans positive. I don't  
11 really say anything, I just, like, read them.

12 Q. So are these groups that are open  
13 to anybody or do you have to register, do you  
14 know?

15 A. I don't recall.

16 Q. And when you post or, you know,  
17 view these Reddits, sub-Reddits, is your -- is  
18 anything identifying -- is there any  
19 identifiable information about you that would  
20 allow another user to track you down and know  
21 who you are, or are you operating under an  
22 alias like Valkyrieash or something like that?

23 A. Yeah. I operate under the alias.

24 Q. Here in Columbus, we have a  
25 festival called the Pride festival. Are you

1 familiar with the Pride festival?

2 A. Yes.

3 Q. And my understanding, at least, of  
4 the Pride festival here in Columbus is that  
5 it's a celebration of LGBTQ issues and people,  
6 and part of the LGBTQ is transgender. Is that  
7 your understanding?

8 A. Yes.

9 Q. Have you ever participated in the  
10 Columbus Pride festival?

11 A. Unfortunately, I haven't  
12 participated in any Pride festivals yet.

13 Q. So have you heard of Phoenix Pride?

14 A. I have, yes.

15 Q. Is it -- is it your intent to one  
16 day take -- participate in the festival?

17 A. Potentially, maybe. I don't know.

18 Q. No plans as of today?

19 A. That's correct.

20 Q. Okay. Well, whether or not you  
21 attend any of the Pride festivals around the  
22 country, including Phoenix Pride festival, your  
23 status as a transgendered person does not  
24 humiliate you, right?

25 MS. INGELHART: Objection. Vague.

1 THE WITNESS: Well, I don't like my  
2 friends knowing about it, but it feels unsafe  
3 to have strange people that don't know about  
4 it. I don't know what their opinions are on  
5 it. I don't know if I will face violence from  
6 them because of it.

7 Q. It's not something you're ashamed  
8 of, right?

9 A. No.

10 Q. You're proud of your status as a  
11 transgendered individual, right?

12 A. I wouldn't say I'm fully proud of  
13 it. I'd rather just be seen as a woman, but I  
14 do accept it.

15 Q. I mean, that's why you advertise it  
16 on your Facebook page, which is, to some  
17 degree, available to the public, and why you  
18 advertise it on your Twitter feed, which is  
19 certainly available to the public, because  
20 you're proud of it, right?

21 MS. INGELHART: Objection.  
22 Misstates prior testimony, but you can answer.

23 THE WITNESS: I mean, I put it  
24 there, but I wouldn't necessarily say I'm proud  
25 of it, but I'm not unproud of it, if that makes

1 sense.

2 Q. Your profile pic on your Facebook  
3 page includes you on what appears to be a pen  
4 or a sticker which says: Trans rights are  
5 human rights. I mean, that's a statement that  
6 you're proud of, right?

7 A. Well, trans rights are human  
8 rights.

9 Q. Of course they are, but this is  
10 something that you, espouse as of you, which is  
11 something that you advertise to the public and  
12 to the community that is part of your identity  
13 and something which makes you proud and unique,  
14 right?

15 MS. INGELHART: Objection.  
16 Misstates prior testimony, but you can answer.

17 THE WITNESS: I'm vocal about trans  
18 rights because I don't think it's right that we  
19 get discriminated against. I wish we could  
20 just be seen as women that we are.

21 Q. So part of your claim in your  
22 complaint is that the Department of Health  
23 discriminates against transgendered people  
24 because they're not permitted to change the sex  
25 identifier on their birth certificate, right?

1 A. Yes.

2 Q. Are you aware of any laws in Ohio  
3 related to birth certificates that mention  
4 transgender individuals?

5 MS. INGELHART: Objection. Calls  
6 for a legal conclusion. You can answer.

7 THE WITNESS: I'm not sure.

8 Q. You're not aware of any such laws?

9 MS. INGELHART: Same objection.  
10 You can answer.

11 THE WITNESS: Yeah. I haven't -- I  
12 haven't kept up to date with them because I'm  
13 not in Ohio right now.

14 Q. Well, before you left for Ohio,  
15 were you aware of any laws that dealt with  
16 transgendered individuals, and in particular  
17 related to their birth certificates?

18 MS. INGELHART: Objection. Calls  
19 for a legal conclusion. You can answer.

20 THE WITNESS: I don't know.

21 Q. You don't know if you were aware or  
22 you don't know if there are any such laws?

23 A. I don't know if there are any such  
24 laws.

25 Q. Do you know whether Ohio laws

1 permit anyone, regardless of gender, change  
2 their sex marker on their birth certificate?

3 MS. INGELHART: Objection. Calls  
4 for a legal conclusion. You can answer.

5 THE WITNESS: I'm -- I don't know.

6 Q. You don't know if anyone's  
7 permitted to change their sex marker, or you  
8 don't know of any laws?

9 MS. INGELHART: Objection. Calls  
10 for a legal conclusion. You can answer.

11 THE WITNESS: I don't know if there  
12 are any laws that do that. I'm sure there  
13 might be, but I don't know for certain.

14 Q. Okay. It's your understanding that  
15 ODH will not change a birth certificate based  
16 on gender identity, right?

17 MS. INGELHART: Objection. Calls  
18 for a legal conclusion. You can answer.

19 THE WITNESS: In my opinion, yes.

20 Q. And that that law applies whether a  
21 person is transgender or cisgender or anything  
22 else, right?

23 MS. INGELHART: Objection. Calls  
24 for a legal conclusion. You can answer.

25 THE WITNESS: Can you repeat the

1 question one more time?

2 Q. Sure. That the law, that ODH will  
3 not change a birth certificate based on gender  
4 identity applies whether a person is  
5 transgendered or cisgender or anything else,  
6 correct?

7 A. Well, there would be no reason for  
8 cisgendered persons to change their birth  
9 certificate 'cause they identify correctly with  
10 it, so this would only be in regards to trans  
11 people.

12 Q. That's --

13 A. I'm not 100 percent understanding  
14 why you're saying it that way.

15 Q. I mean, that's your opinion that a  
16 cisgendered person has no reason to change  
17 their birth certificate or the sex identifier  
18 on they are birth certificate, but at least  
19 nothing you can think of, right?

20 A. Not that -- nothing that I can  
21 think of at the moment.

22 Q. Do you know when Ohio's laws  
23 related to birth certificates were enacted?

24 MS. INGELHART: Objection. Calls  
25 for a legal, but go ahead.

1 THE WITNESS: I don't. And can I  
2 take another break?

3 MR. BLAKE: Sure. Yeah. Fine.

4 (Recess taken.)

5 Q. All right. So you're not aware of  
6 anything related to the legislative process of  
7 how any of Ohio's laws related to birth  
8 certificates were enacted, right?

9 A. That's correct. That's why I have  
10 my lawyer.

11 Q. And you're not aware of any  
12 legislative purpose when Ohio's laws were  
13 enacted related to any hatred or ill will  
14 towards transgender people?

15 MS. INGELHART: Objection. Calls  
16 for a legal conclusion. You can answer.

17 THE WITNESS: I have no idea. I  
18 have no way of knowing that.

19 Q. All right. Let's turn back to  
20 Exhibit 7, if you would. And as we said,  
21 Exhibit 7 is a copy -- a copy of your  
22 certification of birth. Do you know what a  
23 public record is?

24 A. Yes.

25 Q. What is your definition of a public

1 record?

2 A. A record that's public.

3 Q. Yeah. I guess I deserve that.

4 Well, would you characterize your  
5 birth certificate as a record that is public?

6 MS. INGELHART: Objection. Calls  
7 for a legal conclusion. You can answer.

8 THE WITNESS: I don't know.

9 Q. Are you aware that anyone can go to  
10 any county health department in Ohio, and as  
11 long as they know your name and approximate  
12 birth year, they can request your birth  
13 certificate?

14 A. I was not aware of that.

15 Q. If that is, in fact, the procedure  
16 for requesting a birth record, does that change  
17 your opinion on whether or not a birth record  
18 in Ohio is a public record?

19 A. I suppose.

20 Q. And in what way does it change your  
21 opinion?

22 A. Well, my opinion would change from  
23 I don't know to yes if what you're saying is  
24 true because you just told me it was a public  
25 record.

1 Q. Thank you.

2 Your birth certificates sex is  
3 male, right?

4 MS. INGELHART: Objection. Calls  
5 for a legal conclusion. You can answer.

6 THE WITNESS: The birth certificate  
7 does say male.

8 Q. And that information was recorded  
9 by ODH based on information provided to ODH at  
10 or near the time of your birth, correct?

11 A. Yes.

12 MS. INGELHART: Objection. Calls  
13 for expert testimony. Legal conclusion.  
14 Speculation. Foundation. You can answer.

15 THE WITNESS: As far as I'm aware  
16 of, yes.

17 Q. You don't have any evidence to  
18 contradict that your sex was recorded as male  
19 by ODH based on information provided by anyone  
20 else at or near the time of birth, right?

21 MS. INGELHART: Objection. Expert  
22 testimony. Speculation.

23 THE WITNESS: I have no idea.

24 Q. Do you know who determined your sex  
25 was male at the time of birth?

1 MS. INGELHART: Objection. Calls  
2 for speculation, expert testimony. You can  
3 answer.

4 THE WITNESS: I would speculate the  
5 doctor.

6 Q. Right. The medical provider  
7 determined your sex as male at the time of your  
8 birth, right?

9 MS. INGELHART: Objection. Calls  
10 for expert testimony. You can answer.

11 THE WITNESS: I suppose.

12 Q. Let's go back to Exhibit 2, the  
13 complaint, just so we can clear up any  
14 confusion about what is being asked here. And  
15 if you look at Paragraph 20, it says: A  
16 person's gender marker on a birth certificate  
17 is usually designated at birth based solely on  
18 the appearance of external genitalia.

19 Do you see that?

20 A. I do.

21 Q. That would have been the medical  
22 provider that would have relayed that  
23 information to ODH, right?

24 MS. INGELHART: Objection. Calls  
25 for expert testimony. You can answer.

1 THE WITNESS: I don't know the  
2 procedure in regards to that.

3 Q. Well, there was -- as far as you're  
4 aware, there wasn't anyone from ODH present at  
5 your birth, right?

6 A. I don't know.

7 Q. Your mom was there, presumably,  
8 right?

9 A. I would assume so.

10 Q. Did she ever work for the Ohio  
11 Department of Health?

12 A. I don't know.

13 Q. Okay. No evidence to suggest she  
14 ever did, right?

15 A. As far as I'm aware.

16 Q. And there would have been a medical  
17 provider there, maybe several, a doctor and  
18 some nurses, right?

19 A. Yeah.

20 Q. All right. And is it your  
21 understanding that those doctors and nurses do  
22 not work for the Ohio Department of Health?

23 A. I don't know what jobs they may or  
24 may not have had.

25 Q. Okay. So you don't know one way or

1 the other whether the doctors or nurses who  
2 attended your birth are employees of the  
3 hospital where you were born or the Ohio  
4 Department of Health?

5 A. That's correct. For all I know,  
6 they could be both.

7 Q. Okay. But you don't have any  
8 evidence to suggest that, right?

9 A. No.

10 Q. All right.

11 A. I would have no way of saying.

12 Q. Was there anyone else that you're  
13 aware of present when you were born?

14 A. I have no idea.

15 Q. Okay. So you're not aware of  
16 anyone else?

17 A. I'm sure my father was there.

18 Q. Okay. So was your father ever an  
19 employee of the Ohio Department of Health?

20 A. No.

21 Q. Okay. To the best of your  
22 knowledge, one of those individuals who was  
23 present at the time of your birth would have  
24 relayed information related to your birth to  
25 the Department of Health, right?

1 A. I don't know.

2 Q. So you don't know one way or the  
3 other whether -- one of those individuals sent  
4 the information or someone else. Is that what  
5 your testimony is?

6 A. I don't know how it works.

7 Q. Okay. All right. I think I  
8 understand. You're not sure how the  
9 information was conveyed to ODH, but you're  
10 not -- you're not testifying that someone from  
11 ODH was literally in the birthing suite  
12 recording biographical information about your  
13 birth as it was happening, right?

14 A. Yeah. That's correct.

15 Q. And that the information that was  
16 relayed to ODH was accurate at the time it was  
17 relayed, right?

18 MS. INGELHART: Objection. Calls  
19 for legal conclusion, expert testimony. You  
20 can answer.

21 THE WITNESS: I don't know.

22 Q. All right. So let's look at your  
23 birth record. All right. And setting aside  
24 your name change, which we know was changed  
25 because of the note at the bottom of the birth

1 record, your date of birth, that information's  
2 accurate, right?

3 A. Yeah.

4 Q. You were born [REDACTED] [REDACTED] [REDACTED],  
5 right?

6 A. As far as I know.

7 Q. And your birth place was Ohio, as  
8 far as you know, right?

9 A. Yes.

10 Q. And your mother's name was [REDACTED]  
11 [REDACTED] [REDACTED], right?

12 A. That's correct.

13 Q. Last name prior to first marriage  
14 [REDACTED] right?

15 A. That's correct.

16 Q. And she was born in New York,  
17 right?

18 A. As far as I know.

19 Q. Your father, [REDACTED] [REDACTED] [REDACTED],  
20 is that information correct?

21 A. Yes, it is.

22 Q. Father's birth place, Pennsylvania,  
23 right?

24 A. That's correct.

25 Q. And date record filed, you probably

1 don't know one way or the other, but  
2 May 25th, 1990, right?

3 A. As far as I'm aware. It says it on  
4 the paper.

5 Q. Okay. And like all the other  
6 information on this birth record, you would  
7 agree that it was accurate for the medical  
8 provider to report your sex as male on or about  
9 [REDACTED] [REDACTED] [REDACTED] right?

10 MS. INGELHART: Objection. Calls  
11 for expert testimony. Legal conclusion. You  
12 can answer.

13 THE WITNESS: As far as I know, I  
14 don't know. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED]

16 Q. Do you have any information to  
17 dispute the -- the sex designation of male as  
18 of [REDACTED] [REDACTED] [REDACTED]

19 A. No.

20 MS. INGELHART: Objection. Calls  
21 for a legal conclusion. Expert testimony.

22 Q. I'm sorry. Your answer was "no"?

23 A. As far as I'm aware, no.

24 Q. And you would also agree, then,  
25 that your birth certificate accurately

1 reflected your sex as reported at the time of  
2 birth, right?

3 MS. INGELHART: Objection. Calls  
4 for expert testimony. Legal conclusion.  
5 Compound.

6 THE WITNESS: I suppose.

7 Q. I want you to take a close look at  
8 your birth record. Does it include a gender  
9 marker?

10 MS. INGELHART: Objection. Calls  
11 for a legal conclusion, expert testimony. You  
12 can answer.

13 THE WITNESS: In my personal  
14 opinion, yes.

15 Q. Which entry indicates gender?

16 MS. INGELHART: Objection. Calls  
17 for expert testimony and legal conclusion. You  
18 can answer.

19 THE WITNESS: The one that says  
20 "male."

21 Q. Yeah. So if you look to the left  
22 of that, the word "sex" appears, right?

23 A. Yes.

24 Q. It doesn't say "gender," does it?

25 A. I believe both of those are the

1 same.

2 Q. Right. And as you testified  
3 earlier, though, you're not an expert on the  
4 distinction between sex and gender, correct?

5 A. That's correct.

6 Q. The term "gender identity" doesn't  
7 appear anywhere on your birth record, does it?

8 A. The actual term, no.

9 Q. And could you please go to  
10 Exhibit 3?

11 A. Okay.

12 Q. What you've just been handed is a  
13 document which you may have never seen before  
14 today, and that is a long form example of all  
15 of the biological data and information which is  
16 relayed to the Department of Health by the  
17 medical providers at or near the birth of an  
18 individual. Do you have that document in front  
19 of you?

20 A. I do.

21 Q. I'm not going to ask you to  
22 authenticate or -- or attest to the accuracy of  
23 that document. It's not your document. You  
24 can't do that, but I am going to ask you is  
25 whether you can find in that multi-page

1 document any reference to gender, gender  
2 identity or anything involving gender.

3 MS. INGELHART: Objection. Calls  
4 for a legal conclusion, expert testimony. You  
5 can answer.

6 THE WITNESS: Well, let me take a  
7 look at it.

8 Q. Take your time.

9 A. There's a lot of information here.  
10 It'll just take me one moment.

11 Q. Yeah. Don't feel rushed. The  
12 delays do not show up on the transcript, so you  
13 can take your time. That's one of the  
14 beautiful things about a deposition is that I  
15 rustle around for papers and then when you read  
16 it afterwards, you think I was just whipping  
17 out these documents, but that's not the case.

18 A. Okay. Now that I've looked through  
19 it, can you state your question once more?

20 Q. Yes. Does the Ohio Department of  
21 Health long form contain any reference to the  
22 terms "gender" or "gender identity"?

23 MS. INGELHART: Objection. Vague.  
24 Legal conclusion. Calls for legal conclusion.  
25 Calls for expert testimony. You can answer.

1 THE WITNESS: It states "sex."  
2 Like I stated before, I believe sex and gender  
3 are the same.

4 Q. So just the Department's  
5 recordation of the sex information is the only  
6 thing which you contend relates to gender or  
7 gender identity, right?

8 A. That's -- I saw it in my cursory  
9 glance.

10 Q. And it doesn't -- it doesn't  
11 contain, as far as you're aware, any specific  
12 category for gender or gender identity, right?

13 MS. INGELHART: Objection. Calls  
14 for a legal conclusion, expert testimony. You  
15 can answer.

16 THE WITNESS: There's no category  
17 that specifically states "gender."

18 Q. And you're not aware of any form or  
19 records maintained by ODH that would track a  
20 person's gender specifically or gender identity  
21 specifically, correct?

22 MS. INGELHART: Objection. Calls  
23 for a legal conclusion, expert testimony. You  
24 can answer.

25 THE WITNESS: I'm not sure.

1 Q. You're not sure if you're aware or  
2 you're not sure if ODH actually tracks that  
3 information?

4 A. I'm not sure if ODH tracks that  
5 information.

6 Q. And your gender identity is female,  
7 right?

8 A. That's correct.

9 Q. And you mentioned earlier that  
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] as far as  
12 you're aware, right?

13 A. That's correct.

14 Q. And are you familiar with the term  
15 "karyotype"?

16 A. Slightly.

17 Q. All right. If I told you that  
18 someone had XX chromosomes, that would indicate  
19 a sex as female, right?

20 MS. INGELHART: Objection. Calls  
21 for expert testimony. You can answer.

22 THE WITNESS: I am not familiar  
23 enough with genetics to know, but I believe in  
24 most cases, yes.

25 Q. And that, conversely, someone with

1 XY chromosomes would indicate sex is male,  
2 right?

3 MS. INGELHART: Objection. Calls  
4 for expert testimony. You can answer.

5 THE WITNESS: The same as my  
6 previous statement, so I suppose, but I'm sure  
7 that there's more exceptions to that than just  
8 that being that simple.

9 Q. Right. And as you've indicated,  
10 there are various irregularities that can  
11 result in a person having something other than  
12 XX or XY chromosomes, right?

13 A. Uh-huh.

14 MS. INGELHART: I'm going to  
15 objection. Expert testimony.

16 Q. That's your general understanding  
17 of how the karyotypes of XX and XY work,  
18 though, right?

19 A. Yes.

20 Q. Okay. [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
2 MS. INGELHART: Objection. Calls  
3 for expert testimony.

4 THE WITNESS: I'm sorry. Can you  
5 say that one more time?

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
9 [REDACTED] [REDACTED]

10 Q. And that you would have had --  
11 whatever your chromosomes are, you would have  
12 had those chromosomes since birth, right?

13 MS. INGELHART: I mean, objection.  
14 Calls for expert testimony. You can answer.

15 THE WITNESS: As far as I'm aware.

16 Q. And you're not aware of any  
17 procedure by which a person can change their  
18 chromosomes, right?

19 MS. INGELHART: Same objection.  
20 You can answer.

21 THE WITNESS: Not currently, no.

22 Q. All right. So you indicated that  
23 your gender identity is female. Are you aware  
24 of any method by which a person's gender  
25 identity can be identified at the time of

1 birth?

2 MS. INGELHART: Objection. Calls  
3 for expert testimony, legal conclusion. You  
4 can answer.

5 THE WITNESS: I am not sure.

6 Q. You're not sure that you're aware,  
7 or you're not sure that there's a method by  
8 which a person's gender identity can be  
9 identified at the time of birth?

10 A. I'm not sure there's a method.

11 Q. And when did you determine that  
12 your gender did not match your biological sex?

13 MS. INGELHART: Objection. Calls  
14 for expert testimony. You can answer.

15 THE WITNESS: As far as I can  
16 remember, going back to being a little child.

17 Q. Right. And, in fact, in your  
18 response to discovery requests, I think your  
19 response was since the age of 3 or 4, you  
20 identified as a girl; is that accurate?

21 A. Yes.

22 Q. What do you mean "identified as a  
23 girl"?

24 A. I knew at even that age that I was  
25 a girl, whether people would accept it or not.

1 Q. So -- what is -- I suppose at the  
2 age of three or four, you know, in your mind,  
3 what distinguished that from identifying as a  
4 boy?

5 A. I'm not sure how to answer that. I  
6 just knew.

7 Q. You just had this internal sense of  
8 being a female as opposed to a male; is that  
9 accurate?

10 A. Yes.

11 Q. But you can't exactly articulate  
12 what that sense of identifying as a girl  
13 actually is; is that correct?

14 A. Yes.

15 Q. You know, from the age of three or  
16 four when you first identified as a girl, have  
17 you ever identified as a boy at any time in the  
18 interim?

19 A. No.

20 Q. Have you ever presented yourself as  
21 male to any friends, family or the public?

22 MS. INGELHART: Objection. Expert  
23 testimony and vague.

24 THE WITNESS: I was supposed to  
25 outwardly present myself by my parents.

1 Q. Are you familiar with the terms  
2 "gender dysphoria" and "gender incongruence"?

3 A. I'm familiar with the first term,  
4 not the second one.

5 Q. Okay. So gender dysphoria, we'll  
6 stick with that one. Is it your understanding  
7 that that's a clinical diagnosis where a  
8 person's biological sex does not match his or  
9 her gender identity?

10 MS. INGELHART: Objection. Calls  
11 for expert testimony.

12 THE WITNESS: I'm not 100 percent  
13 certain.

14 Q. Well, you received that diagnosis  
15 in the spring or summer of 2015, right?

16 A. That's correct.

17 Q. And you were approximately 23 or 24  
18 or something like that?

19 A. Something like that.

20 Q. And before your diagnosis, had you  
21 heard of gender dysphoria, or was that the  
22 first time?

23 A. I had already heard of it.

24 Q. Okay. So you at least have some  
25 understanding of what that diagnosis means,

1 right?

2 A. Yeah, but it's worded differently  
3 than you're wording it.

4 Q. I'm sorry. I didn't catch that.

5 A. Oh, no. I remember it being worded  
6 differently than how you're wording it.

7 Q. Oh, I see. I see. You -- well,  
8 how do you remember it being worded?

9 A. I don't remember exactly how it was  
10 worded, but how you're saying it doesn't sound  
11 like how I remember it being worded.

12 Q. Well, I guess regardless of how it  
13 was worded at the time you received the  
14 diagnosis, would you agree that a gender -- a  
15 diagnosis of gender dysphoria includes a  
16 mismatch of a person's biological sex and his  
17 or her gender identity?

18 MS. INGELHART: Objection. Calls  
19 for expert testimony. You can answer.

20 THE WITNESS: I suppose.

21 Q. And if your biological sex and  
22 gender identity are mismatched, that logically  
23 means that biological sex and gender identity  
24 are different things, right?

25 MS. INGELHART: Objection. Calls

1 for expert testimony. You can answer.

2 THE WITNESS: I suppose, but I do  
3 believe they changed the definition and what it  
4 is, but I don't know what they changed it to.  
5 I know it was recent, though.

6 Q. Understood.

7 And do you know what -- when you  
8 say they changed it or it was changed, do you  
9 know what organization changed that definition?

10 MS. INGELHART: Objection. Expert  
11 testimony. You can answer.

12 THE WITNESS: I don't remember off  
13 the top of my head.

14 Q. Are there any websites or resources  
15 you regularly consult that would discuss those  
16 issues that you might have picked up that --  
17 that change in the definition?

18 A. Various psychology websites,  
19 Reddit.

20 Q. Okay. So when you say various --  
21 sorry.

22 A. I said I forget which manual the  
23 change was in.

24 Q. Okay. Does the W Path Manual sound  
25 familiar?

1 A. It does.

2 Q. Does the APA, does that ring a  
3 bell?

4 A. No.

5 Q. Okay. Are there any others that  
6 come to mind?

7 A. DSM.

8 Q. Could you spell that?

9 A. I think I'm -- I think I'm getting  
10 it wrong, but I know it starts with a "D" and  
11 it was an acronym.

12 Q. Oh, the DSM. Okay. Yeah, the DSM.  
13 Yep. I'm familiar with that one. Anything  
14 else?

15 A. Not that I can recall.

16 Q. All right. We talked earlier about  
17 your state identification document, the one you  
18 used in Arizona. Do you remember that  
19 testimony?

20 A. Yes.

21 Q. You've only recently moved to  
22 Arizona, so I doubt you've had the chance to  
23 update that document, but since you recently  
24 applied for it, do you have any idea how often  
25 you do have to update that document?

1 A. I do.

2 Q. And how often do you have to update  
3 it?

4 A. You don't. It's infinite.

5 Q. The state identification record in  
6 Arizona is not required to be updated?

7 A. That's correct. That's why it's  
8 not legally classified as a federal ID.

9 Q. Oh, so you could move and you  
10 wouldn't have to change the address on the  
11 state identification?

12 A. I'm sure you'd have to change the  
13 address, but they never expire.

14 Q. They never expire. Understood.  
15 Do you know what the -- do you  
16 understand what the purpose is of that state  
17 identification you received?

18 MS. INGELHART: Objection. Calls  
19 for a legal conclusion. You can answer.

20 THE WITNESS: As far as I'm aware,  
21 it's to identify me.

22 Q. And you use that identification  
23 record to do things, like if you ever do this,  
24 get into, like, an R rated movie, right?

25 A. I suppose. I've never been carded.

1 Q. Okay. Do you -- and I don't want  
2 to assume anything. Do you buy beer?

3 A. Yes.

4 Q. And do you use that state  
5 identification to buy beer?

6 A. Yes.

7 Q. And would you use the state  
8 identification to get into, like, an over 21  
9 club or bar or something, right?

10 A. Yes.

11 Q. And do you ever use it to -- well,  
12 I guess for the next few years, you could still  
13 use that to get onto a plane, right?

14 A. Yes. I don't remember when the  
15 cutoff is.

16 Q. Yeah. I think it's --

17 A. But it does stop eventually.

18 Q. I think it's 2021, so you still  
19 have some time, but just be prepared to bring  
20 basically every biological piece of information  
21 you have. It is the most horrendous process  
22 invented, I think, so just make sure --

23 A. I'm aware.

24 Q. Save your utility bills.

25 A. I flew here.

1 Q. You ever rent a car?

2 A. I don't drive.

3 Q. Oh, that's right. This is a state  
4 identification, not a driver's license, so that  
5 one doesn't work.

6 Verify credit card purchase?

7 A. I'm sure it can be used for that.

8 Q. Right. And you carry that around  
9 with you pretty much at all times, right?

10 A. That's correct.

11 Q. You have that on you, your state  
12 identification card?

13 A. Right now?

14 Q. Yeah.

15 A. Yes.

16 Q. Now, I almost hesitate to ask  
17 because I asked this to an earlier witness, so  
18 everybody's up to speed on this, but you don't  
19 happen to have a copy of your birth certificate  
20 other than this exhibit I gave you earlier on  
21 you, do you?

22 A. No.

23 Q. And you would agree that at least  
24 as you go about your daily life, that the state  
25 identification is a much different document and

1 record than a birth certificate, right?

2 MS. INGELHART: Objection. Vague.  
3 Calls for a legal conclusion. You can answer.

4 THE WITNESS: It depends what I'm  
5 doing if I bring it with me or not. There's a  
6 lot of things that require a birth certificate,  
7 especially involving the government.

8 Q. All right.

9 A. Everything I need to do involves a  
10 birth certificate.

11 Q. But you're not involved with the  
12 government on a day-to-day basis like you are  
13 in commerce or travel or buying a sixpack after  
14 a hard day at work, right?

15 A. No. But for anything like  
16 disability or food stamps or anything like  
17 that, I do need to present it every time.

18 Q. Okay. Understood.

19 So then -- but you would agree that  
20 the documents are used for different purposes  
21 and at different frequencies, right?

22 A. At different frequencies, yes, but  
23 they are both used for identification now.

24 Q. We're almost done, but I have to go  
25 back to something that we talked about earlier

1 because it's been bugging me. So we talked  
2 extensively about some of the horrendous acts  
3 that occurred at your employer, and I'm going  
4 to try to pronounce the name right, Alorica; is  
5 that right?

6 A. "Alorica."

7 Q. "Alorica." So we talked  
8 extensively about some of the horrendous acts  
9 that occurred while you were working at  
10 Alorica. Did you ever talk to an attorney  
11 about any of the actions or activities that  
12 took place while you were employed there?

13 MS. INGELHART: Objection. To the  
14 extent that it doesn't touch on attorney-client  
15 privileged information, you can answer.

16 Q. Yeah. And let me specify: I'm not  
17 interested in your talking to this counsel in  
18 this case, what I really am interested in is  
19 whether or not you ever went to an attorney to  
20 say, "Hey, I'm being harassed and I don't think  
21 this is right." That's all I'm interested in.

22 A. I believe I reached out to someone  
23 online that was an attorney, but I don't  
24 remember what the firm was, but they said I  
25 couldn't do anything about it.

1 Q. Okay. So you considered legal  
2 action against Alorica at some point in time?

3 A. I did.

4 Q. Okay. And do you think what  
5 Alorica did -- aside from harassing you and  
6 discriminating against you, do you think that  
7 anything they did violated your right to  
8 privacy?

9 MS. INGELHART: Objection. Calls  
10 for legal conclusion. You can answer.

11 THE WITNESS: I would say yes.

12 Q. And you understand that one of the  
13 claims that you have in this lawsuit against  
14 the Ohio Department of Health is that you  
15 believe the Ohio Department of Health is  
16 violating your right to privacy under the due  
17 process clause of the United States  
18 Constitution, right?

19 A. Yes.

20 Q. But despite all the horrendous  
21 things Alorica did to you, you haven't sued  
22 your employer for a violation of your right to  
23 privacy, right?

24 A. I have not.

25 Q. You haven't sued them at all, have

1 you?

2 A. I have not.

3 Q. Other than the context that we've  
4 discussed today about -- at Alorica and the  
5 Arizona DMV, have you ever been required to  
6 show your birth certificate to other entities?

7 A. Yes.

8 Q. What are those other entities?

9 A. Every job I applied to when I came  
10 here, which is over 30 of them, the Arizona  
11 government, for disability and food stamps.

12 Q. Okay. Anyone else?

13 A. Not that I can think of at the  
14 moment.

15 Q. Do you -- do you have any --

16 A. But I might be missing one.

17 Q. Okay. Well, if you recall it,  
18 chime in.

19 But do you have any inclination or  
20 idea why the jobs require you to present a  
21 birth certificate when you apply?

22 A. Because they use it as a form of  
23 identification to prove you're a U.S. citizen.

24 Q. So at least from the employer's  
25 perspective, you would agree that it's

1 important that those documents are accurate and  
2 reflect information which can be verified and  
3 traced, right?

4 MS. INGELHART: Objection.  
5 Speculation. You can answer.

6 THE WITNESS: I suppose.

7 Q. And in these jobs, other than the  
8 Alorica and the Arizona Department of Motor  
9 Vehicles, in these other instances where you've  
10 had to turn over your -- your birth certificate  
11 or apply for disability or food stamps, did you  
12 ever feel the individual or entity you were  
13 disclosing your birth certificate to was  
14 dangerous in any way?

15 MS. INGELHART: Objection. Vague.

16 THE WITNESS: Well, can you clarify  
17 that?

18 Q. Sure. I'm just wondering whether,  
19 you know, you walk into employer -- employer's  
20 office and apply for a job and one of the  
21 requirements is to display your birth  
22 certificate, did you fear that you were going  
23 to be harmed when you did that?

24 A. Well, I mean, that's always a fear.

25 Q. All right. So you -- you went into

1 these jobs and you felt that this -- this  
2 particular individual was going to be dangerous  
3 for you to disclose your birth certificate to?

4 A. A few of them, yes.

5 Q. Which -- which ones?

6 A. There was a couple that I gave it  
7 to that were wearing pieces of clothing that  
8 made me understand that it could be a danger.

9 Q. So you -- you suspected or were  
10 concerned about harm based on the items of  
11 clothing that the person receiving your  
12 application was wearing; is that accurate?

13 A. Yes.

14 Q. And what were those articles of  
15 clothing? Can you give me an example?

16 A. The best example I can give is a  
17 "Make America Great Again" hat.

18 Q. Did that person say or do anything  
19 to you to confirm your fear of being harmed?

20 A. I'm not sure how to answer that.  
21 Can you repeat that?

22 Q. Sure. Yeah. I mean, you -- you  
23 went into the place that -- the job, right, the  
24 office to apply for the job, and this person  
25 was wearing a Donald Trump campaign hat or

1 shirt or something, and you indicated that that  
2 made you fearful to show them your birth  
3 certificate, right?

4 A. Yes.

5 Q. And what I'm asking is: After you  
6 showed them your birth certificate, did they do  
7 anything to confirm your fear of harm?

8 A. No.

9 Q. Okay. And have you ever been or  
10 received bodily harm or anything like bodily  
11 harm based on the disclosure of your birth  
12 certificate?

13 A. No.

14 MR. BLAKE: I don't have any other  
15 questions at this time.

16 MS. INGELHART: Thank you, Jake. I  
17 don't think I have any questions.

18 (The deposition was concluded at  
19 3:00 p.m.)

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1 Whereupon, counsel was requested to give  
2 instruction regarding the witness's review of  
3 the transcript pursuant to the Civil Rules.

4

5 SIGNATURE:

6 Transcript review was requested pursuant to the  
7 applicable Rules of Civil Procedure.

8

9 TRANSCRIPT DELIVERY:

10 Counsel was requested to give instruction  
11 regarding delivery date of transcript.

12 Mr. Blake original regular.

13 Ms. Ingelhart copy regular.

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REPORTER'S CERTIFICATE

The State of Ohio, )

SS:

County of Fairfield. )

I, Kimberly A. Kaz, RPR, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within named witness, ASHLEY BREDA, was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by the above-referenced witness was by me reduced to stenotypy in the presence of said witness; afterwards transcribed, and that the foregoing is a true and correct transcription of the testimony so given by the above-referenced witness.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified and was completed without adjournment.

1 I do further certify that I am not  
2 a relative, counsel or attorney for either  
3 party, or otherwise interested in the event of  
4 this action.

5 IN WITNESS WHEREOF, I have hereunto  
6 set my hand and affixed my seal of office at  
7 Cleveland, Ohio, on this 11th day of  
8 September, 2019.

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Handwritten signature of Kimberly A. Kaz in black ink, consisting of a stylized 'K' followed by 'A. Kaz'.

14

Kimberly A. Kaz, RPR, Notary Public  
within and for the State of Ohio

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17 My commission expires March 31, 2023.

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Veritext Legal Solutions  
1100 Superior Ave  
Suite 1820  
Cleveland, Ohio 44114  
Phone: 216-523-1313

September 11, 2019

To: Kara N. Ingelhart, Esq.

Case Name: Ray, Stacie, Et al. v. Director, Ohio Department Of Health,  
Et Al.

Veritext Reference Number: 3493797

Witness: Ashley Breda                      Deposition Date: 8/21/2019

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown

above, or email to [production-midwest@veritext.com](mailto:production-midwest@veritext.com).

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,

Production Department

NO NOTARY REQUIRED IN CA

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DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 3493797

CASE NAME: Ray, Stacie, Et al. v. Director, Ohio Department Of Health, Et Al.

DATE OF DEPOSITION: 8/21/2019

WITNESS' NAME: Ashley Breda

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have made no changes to the testimony as transcribed by the court reporter.

\_\_\_\_\_

Date

\_\_\_\_\_

Ashley Breda

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;  
They signed the foregoing Sworn Statement; and  
Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Notary Public

\_\_\_\_\_

Commission Expiration Date





Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days

after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1,

2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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