

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

KAYLA GORE; JAIME COMBS; L.G.; and
K.N.,

Plaintiffs,

v.

WILLIAM BYRON LEE, in his official
capacity as Governor of the State of
Tennessee; and LISA PIERCEY, in her
official capacity as Commissioner of the
Tennessee Department of Health,

Defendants.

Case No. 3:19-CV-00328

DISTRICT JUDGE RICHARDSON
MAGISTRATE JUDGE HOLMES

**DECLARATION OF OMAR GONZALEZ-PAGAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Omar Gonzalez-Pagan, being of legal age and sound mind, do hereby state as follows:

1. I am a Senior Attorney at Lambda Legal Defense and Education Fund, Inc. and counsel of record for the plaintiffs in this action.
2. I am a member of the bar of the Commonwealth of Massachusetts and State of New York, and have been admitted *pro hac vice* to this court.
3. I submit this declaration, based on my personal knowledge, in support of Plaintiffs' Motion for Summary Judgment.
4. Attached as **Exhibit A** to this declaration is a true and correct copy of the Opinion and Order by the U.S. District Court for the Southern District of Ohio in *Ray v. Himes*, Case No. 2:18-cv-272, publicly issued on September 12, 2019 as ECF Docket No. 47.

5. Attached as **Exhibit B** to this declaration is a true and correct copy of Defendants' Responses to Plaintiffs' Requests for Admission, dated October 21, 2019.

6. Attached as **Exhibit C** to this declaration is a true and correct copy (as of March 3, 2020) of the webpage "*How do I get my certificate corrected?*," made publicly available online by the Tennessee Department of Health's Office of Vital Records at <https://www.tn.gov/health/health-program-areas/vital-records/corrected-certificate.html>.

7. Attached as **Exhibit D** to this declaration is a true and correct copy of Nat'l Ctr. for Transgender Equality, *2015 U.S. Transgender Survey: Tennessee State Report* (Feb. 2017), available at <https://tinyurl.com/th7rxth>.

8. Attached as **Exhibit E** to this declaration is a true and correct copy of the Consent Judgment entered by the U.S. District Court for the District of Kansas in *Foster v. Andersen*, Case No. 2:18-cv-02552, publicly issued on June 21, 2019 as ECF Docket No. 33.

9. Attached as **Exhibit F** to this declaration is a true and correct copy of James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M., Nat'l Ctr. for Transgender Equality, *Executive Summary of the Report of the 2015 U.S. Transgender Survey* (Dec. 2016, updated Dec. 2017), available at <https://tinyurl.com/ydaxj85s>.

10. Attached as **Exhibit G** to this declaration is a true and correct copy of Casey, LS, Reisner, SL, Findling, MG, et al. *Discrimination in the United States: Experiences of lesbian, gay, bisexual, transgender, and queer Americans*. *Health Serv. Res.* (2019); 54:1454-1466.

11. Attached as **Exhibit H** to this declaration is a true and correct copy of Rebecca L. Stotzer, *Violence against transgender people: A review of United States data*, *Aggression and Violent Behavior* 14, 170–179 (2009).

12. Attached as **Exhibit I** to this declaration is a true and correct copy of the Executive Summary of Human Rights Campaign Foundation, *Corporate Equality Index 2017: Rating Workplaces on Lesbian, Gay, Bisexual and Transgender Equality: Executive Summary* (2017), available at: <https://goo.gl/1v4Qsk>.

13. Attached as **Exhibit J** to this declaration is a true and correct copy of Andrew R. Flores, Jody L. Herman, Gary J. Gates, and Taylor N.T. Brown, The Williams Institute, *How many adults identify as transgender in the United States?* (June 2016), available at: <https://goo.gl/E57eoF>.

14. Attached as **Exhibit K** to this declaration is a true and correct copy of the Ashley Dejean, "Transgender Rights Are Under Attack in These 11 States," *Mother Jones* (Jan. 27, 2017), available at <https://tinyurl.com/v6ccwyw>.

15. Attached as **Exhibit L** to this declaration is a true and correct copy of Tennessee House Bill No. 425 (1977), as introduced and amended, certified by staff from the Tennessee State Library and Archives on February 27, 2020.

16. Attached as **Exhibit M** to this declaration is a true and correct copy of Tennessee Senate Bill No. 162 (1977), as introduced and amended, certified by staff from the Tennessee State Library and Archives on February 27, 2020.

17. Attached as **Exhibit N** to this declaration is a true and correct copy of a certified transcription of the audio recording of the legislative session on April 4, 1977 (H-79) before the Tennessee House of Representatives. The certified transcription was made by TSG Reporting from an audio cassette tape certified by staff from the Tennessee State Library and Archives.

18. Attached as **Exhibit O** to this declaration is a true and correct copy of a certified transcription of the audio recording of the legislative session on April 20, 1977 (S-98) before the

Tennessee Senate. The certified transcription was made by TSG Reporting from an audio cassette tape certified by staff from the Tennessee State Library and Archives. .

19. Attached as **Exhibit P** to this declaration is a true and correct copy of certified log sheets by staff from the Tennessee State Library and Archives, as well as accompanying cover letter, for the audio cassette tapes for the legislative sessions on April 4, 1977 (H-79) before the Tennessee House of Representatives and April 20, 1977 (S-98) before the Tennessee Senate.

20. Attached as **Exhibit Q** to this declaration is a true and correct copy of the Model State Vital Statistics Act and Regulations (1992 revision), published by the National Center for Health Statistics at the U.S. Department of Health and Human Services, which is publicly available at <https://www.cdc.gov/nchs/data/misc/mvsact92b.pdf>.

21. Attached as **Exhibit R** to this declaration is a true and correct copy of Will Grimsley, "Transsexual Wins Premier," The Tennessean (Aug. 22, 1976).

22. Attached as **Exhibit S** to this declaration is a true and correct copy of Peter P. Spudich, Jr., "Richards Joins WTT Nets: Transsexual To Play Here Next Week," The Tennessean (June 3, 1977).

23. Attached as **Exhibit T** to this declaration is a true and correct copy of Associated Press, "Doctor Cites 3,000 U.S. Sex Changes," The Tennessean (Aug. 26, 1976).

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

Dated this 5th day of March, 2020.



Omar Gonzalez-Pagan