

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 18-cv-03649-TDC/CBD
	)	
PRINCE GEORGE’S COUNTY	)	
PUBLIC SCHOOLS, ET AL.,	)	
	)	
Defendants.	)	
_____	)	

**Joint Record**

Pursuant to the Court’s Case Management Order, the parties hereby submit the Joint Record concerning Plaintiff’s and Defendants’ Motions for Summary Judgment (ECF Nos. 97 and 98). The Joint Record consists of Exhibits 1-60 which are Bates numbered J.R. 1–J.R. 916.

<b>Exhibit Reference</b>	<b>Exhibit Names</b>	<b>Bates Range</b>
1*	Jennifer Eller Deposition Transcript	J.R. 1-92
2*	Prince George’s County Public Schools Discrimination or Harassment Incident Report dated February 13, 2015	J.R. 93-95
3*	EEOC Charge of Discrimination dated June 3, 2015	J.R. 96-98
4	EEOC Notice of Charge of Discrimination dated	J.R. 99-100
5*	Letter re: Discrimination or Harassment Incident Report dated June 25, 2015	J.R. 101-105
6*	EEOC Charge of Discrimination dated April 29, 2016	J.R. 106-107
7	EEOC Notice of Charge of Discrimination dated May 3, 2016	J.R. 108-109
8*	FMLA & LOA Approval Notice dated October 25, 2016	J.R. 110- 112
9	Plaintiff Jennifer Eller’s Responses and Objections to Defendants’ First Set of Interrogatories	J.R. 113-130

10*	Raynah Adams Deposition Transcript	J.R. 131-211
11*	Robin Pope Brown Deposition Transcript	J.R. 212-254
12*	Kevin Thompson Deposition Transcript	J.R. 255-303
13*	Courtney King Deposition Transcript	J.R. 304-337
14*	Jocelyn Isom Deposition Transcript	J.R. 338-390
15	Declaration of Jennifer Eller	J.R. 391-427
16*	Email from J. Eller dated May 17, 2011	J.R. 428-430
17*	Email from J. Eller dated August 13, 2012 (ELLER000124-127)	J.R. 431-435
18*	Email from J. Eller dated November 18, 2013 (ELLER000477)	J.R. 436-437
19*	Email from J. Eller dated August 21, 2012 (ELLER001067)	J.R. 438-439
20	Email from K. Thompson dated March 20, 2015	J.R. 440-441
21*	Email from J. Eller dated June 22, 2015	J.R. 442-443
22*	Email from J. Eller dated September 2, 2013 (ELLER001011)	J.R. 444-445
23*	Email from J. Eller dated October 7, 2015 (ELLER000271)	J.R. 446-447
24	Tumblr Post dated January 9, 2012 (ELLER001961)	J.R. 448-449
25*	Email from J. Eller dated August 30, 2011 (ELLER000101-102)	J.R. 450-452
26*	Email from J. Eller dated May 13, 2016	J.R. 453-454
27*	Email from J. Eller dated September 8, 2016	J.R. 455-457
28*	Email from J. Eller dated September 28, 2016	J.R. 458-459
29*	Email from J. Eller dated February 19, 2015 (ELLER000299)	J.R. 460-461
30*	Email from J. Eller dated October 14, 2013 (ELLER000145)	J.R. 462-463
31*	Email from J. Eller dated May 4, 2011	J.R. 464-465
32*	Email from J. Eller dated October 28, 2015	J.R. 466-468
33*	Email from J. Eller dated February 19, 2015 (ELLER000093)	J.R. 469-470
34*	Email from J. Eller dated February 19, 2015 (ELLER000093)	J.R. 471-472
35*	Marcellus R. Cephas, MD, Deposition Transcript	J.R. 473-538
36*	Expert Declaration of Dr. Randi C. Ettner	J.R. 539-612
37	Email from R. Adams dated January 7, 2015	J.R. 613-614
38	Amana Simmons 30(b)(6) Deposition Transcript	J.R. 615-688
39	Declaration of Irene A. Burks	J.R. 689-693
40	Declaration of Megan Weems	J.R. 694-697
41*	Declaration of Erin Reynolds	J.R. 698-704
42*	Email from J. Eller dated November 21, 2013 (ELLER000115-116)	J.R. 705-707

43*	Email from E. Davis dated December 18, 2013	J.R. 708-711
44	Email from R. Adams dated August 21, 2012	J.R. 712-713
45*	Email from J. Eller dated August 29, 2012	J.R. 714-715
46*	Defendant Prince George's County Public Schools' Responses to Plaintiff's First Set of Requests for Admission	J.R. 716-724
47	Prince George's County Public Schools Bd. of Educ. Policy No. 4185	J.R. 725-729
48*	J. Eller MedStar Health Medical Records (ELLER001284-313)	J.R. 730-760
49*	J. Eller Georgetown University Hospital Medical Records (ELLER1508-1516)	J.R. 761-771
50*	Email from J. Eller dated May 24, 2011	J.R. 772-774
51*	Defendant Prince George's County Public Schools' Responses to Plaintiff's Second Set of Requests for Admission	J.R. 775-784
52	Defendant Board of Education for Prince George's County's Responses to Plaintiff's First Set of Requests for Admission	J.R. 785-790
53*	EEOC Letter of Determination dated September 21, 2017	J.R. 791-793
54	U.S Department of Justice Notice of Right to Sue dated August 20, 2018	J.R. 794-795
55	Email from Teachscape Reflect Team dated December 5, 2014	J.R. 796-797
56	Prince George's County Public Schools Bd. of Educ. Policy No. 0125	J.R. 798-799
57*	Email from J. Eller dated August 13, 2012	J.R. 800-801
58*	Mark Fossett Deposition Transcript	J.R. 802-848
59	Email from M. Fossett dated September 23, 2015	J.R. 849-850
60*	Dr. Randi Ettner Deposition Transcript	J.R. 851-916

\*Exhibits marked with an asterisk are publicly filed with redactions. The full contents are filed under seal.

Respectfully submitted,

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# **Transcript of Jennifer Eller**

**Date:** February 3, 2020

**Case:** Eller -v- The Board of Education of Prince George's County

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CONFIDENTIAL  
Transcript of Jennifer Eller

Conducted on February 3, 2020

<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF MARYLAND 3 -----x 4 JENNIFER ELLER, : 5 -v- Plaintiff, : Case No.: 18-cv-03649-TDC 6 PRINCE GEORGE'S COUNTY PUBLIC : 7 SCHOOLS, ET AL., : 8 Defendants. : 9 -----x 10 C O N F I D E N T I A L 11 Deposition of JENNIFER ELLER 12 Greenbelt, Maryland 13 Monday, February 3, 2020 14 9:55 a.m. 15 16 17 18 19 20 Job No.: 279393 21 Pages: 1 - 360 22 Reported by: Fazier Walle</p>	<p>1 A P P E A R A N C E S 2 ON BEHALF OF THE PLAINTIFF: 3 ELLIOTT CRUCHLEY MOGUL, ESQUIRE 4 ARNOLD &amp; PORTER KAYE SCHOLER, L.L.P. 5 601 Massachusetts Avenue, NW 6 Washington, D.C. 20001-3743 7 (202)942-6375 8 9 ON BEHALF OF THE PLAINTIFF: 10 OMAR GONZALEZ-PAGAN, ESQUIRE 11 LAMBDA LEGAL 12 120 Wall Street 13 19th floor 14 New York, New York 10005-3919 15 (212)809-8585 16 17 18 19 20 21 22</p>
<p>1 C O N F I D E N T I A L 2 Deposition of JENNIFER ELLER, held at 3 the offices of: 4 5 PLANET DEPOS 6 6404 Ivy Lane 7 Suite 750 8 Greenbelt, Maryland 20770 9 (888)433-3767 10 11 Pursuant to Notice, before Fazier Walle, 12 a Shorthand Court Reporter and Notary Public in 13 and for the State of Maryland. 14 15 16 17 18 19 20 21 22</p>	<p>1 A P P E A R A N C E S C O N T I N U E D 2 ON BEHALF OF THE DEFENDANTS: 3 AMIT K. SHARMA, ESQUIRE 4 JAMES E. MCCOLLUM, JR., ESQUIRE 5 MCCOLLUM &amp; ASSOCIATES, LLC 6 7309 Baltimore Avenue 7 Suite 117 8 College Park, Maryland 20740 9 (301)864-6070 10 11 12 13 14 15 16 17 18 19 20 21 22</p>



<p>1 questions truthfully and completely today?  2 <b>A No, sir.</b>  3 Q I want to ask some questions about your  4 background. Okay?  5 <b>A Okay.</b>  6 Q Have you ever used another name?  7 <b>A Yes.</b>  8 Q What name was that?  9 <b>A It was [REDACTED]</b>  10 <b>Do I need to spell it?</b>  11 Q Yes, please.  12 <b>A [REDACTED]</b>  13 Q And so [REDACTED] was your last name?  14 <b>A Oh, sorry. Eller was the last name.</b>  15 Q So your -- the other name that you've  16 used was [REDACTED] Eller?  17 <b>A Correct.</b>  18 Q Have you ever gone by any other name?  19 <b>A No.</b>  20 Q When did you change your name to  21 Jennifer Eller?  22 <b>A I changed my name near the beginning of</b></p>	<p>1 <b>A I have lived in the Buchanan apartment</b>  2 <b>building since 2014, I believe.</b>  3 Q So you've lived in several apartments  4 within that apartment building?  5 <b>A Yes. We initially had roommates and we</b>  6 <b>had a three-bedroom apartment then. The roommates</b>  7 <b>got married and so then we moved into a studio</b>  8 <b>apartment, but found that it was too small and we</b>  9 <b>moved into a one-bedroom.</b>  10 Q Okay. Who is we?  11 <b>A My fiancée and I.</b>  12 Q What's your fiancée's name?  13 <b>A Sara, S-A-R-A, Alexander,</b>  14 <b>A-L-E-X-A-N-D-E-R.</b>  15 Q And how long has Sara been your fiancée  16 for?  17 <b>A She has been my fiancée since two years,</b>  18 <b>2017. And we've been together since 2013.</b>  19 Q And have you been living together since  20 2013?  21 <b>A No. We've been living together since</b>  22 <b>2014.</b></p>
<p>1 <b>2011.</b>  2 Q And did you petition the Court for the  3 name change?  4 <b>A Yes, sir.</b>  5 Q Which court?  6 <b>A In Alexandria, Virginia.</b>  7 Q Is that the Circuit Court of Alexandria?  8 <b>A I believe so.</b>  9 Q And did you do this on your own or with  10 the assistance of counsel?  11 <b>A I did it on my own.</b>  12 Q Okay. And was the petition granted?  13 <b>A Yes.</b>  14 Q What is your date of birth?  15 <b>A [REDACTED]</b>  16 Q And where were you born?  17 <b>A I was born in Duluth, Minnesota.</b>  18 Q Your current home address?  19 <b>A [REDACTED]</b>  20 <b>[REDACTED]</b>  21 Q And how long have you lived at that  22 residence for?</p>	<p>1 Q Okay. Does Sara have any information  2 regarding your complaint in this case?  3 <b>A Yes.</b>  4 Q What information would she have, to the  5 best of your knowledge?  6 <b>A Anything that I would have talked about</b>  7 <b>when I came home from work.</b>  8 Q Okay. So her information is based on  9 what you've told her?  10 <b>A Yes.</b>  11 Q She has no firsthand personal knowledge  12 of any information --  13 <b>A No.</b>  14 Q -- referenced in the complaint?  15 <b>A No, sir.</b>  16 Q And her address -- I'm sorry -- Sara's  17 address would be the same as yours?  18 <b>A Yes, sir.</b>  19 Q Prior to 2014, where did you reside?  20 <b>A Alexandria.</b>  21 Q Do you recall the specific address?  22 <b>A [REDACTED]</b></p>

Transcript of Jennifer Eller  
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13

1 [REDACTED]

2 [REDACTED]

3 Q How long were you at that residence for?

4 A I was there for -- from May of 2011

5 until March of 2014.

6 Q And who did you reside with, if anyone,

7 during that time period?

8 A No one.

9 Q And prior to May of 2011, where did you

10 reside?

11 A I lived in Manassas in a townhouse with

12 my-then wife.

13 Q And who was your wife at the time?

14 A Which name should I use for her?

15 Q How about her legal name.

16 A Amanda Moon. That's, I believe, her

17 legal name now. She's since remarried, so...

18 Q Okay. And what was her name prior to

19 her remarrying?

20 A So when we divorced, she changed her

21 name back to her maiden name, which was Amanda

22 Higgins. And while we were married it was Amanda

14

1 Eller.

2 For a while, her name was Amanda Skeens,

3 but I don't know if that was her legal name or

4 just the name she used because of her parents'

5 divorce.

6 Q When was the last time you spoke to

7 Amanda?

8 A 2012 maybe.

9 Q How long were you at the Manassas

10 address for?

11 A Since 2008, summer of 2008.

12 Q To May of 2011?

13 A Yes.

14 Q And why did you move in May of 2011?

15 A Because my wife and I divorced.

16 Q Did Amanda retain the marital home at

17 the time?

18 A No. She didn't want it.

19 Q What happened to the home?

20 A It was a rental, so it went back on the

21 market.

22 Q And then you moved to the Van Dorn --

15

1 A Yes, sir.

2 Q -- Street address?

3 A Yes, sir.

4 Q Your current marital status now?

5 A Engaged.

6 Q With Sara Alexander; correct?

7 A Yes.

8 Q What does Sara do?

9 A Sara is a botanist for the Smithsonian

10 Natural History Museum. She works with the IT IS

11 Project.

12 Q I want to talk about your previous

13 marriage.

14 Have you only been married once?

15 A Yes.

16 Q And when was the date of your marriage

17 with Amanda?

18 A November 4, 2006.

19 Q And what was the date of divorce for you

20 with Amanda?

21 A It was in 2011, summer or fall, I don't

22 recall.

16

1 Q Were you required to file a petition

2 with the Circuit Court?

3 A Yes.

4 Q Which county was that in?

5 A I believe it was in the county that

6 Manassas is in, but I don't remember the name of

7 that county.

8 Q Okay. Did you file that on your own or

9 did you have the assistance of counsel at the

10 time?

11 A My ex-wife did the filing and I signed

12 the paperwork.

13 Q Were there grounds for divorce listed in

14 the paperwork?

15 A Do you mean in regards to the

16 disbursement of property?

17 Q As to the reason for the divorce.

18 A I think that the grounds were

19 non-compatibility or something along those lines.

20 I'll be honest, I didn't read the

21 divorce paperwork.

22 Q Why not?

<p style="text-align: right;">17</p> <p>1 A I just had a lot of things going on at</p> <p>2 the time and I had – I had begun searching for a</p> <p>3 lawyer to represent me during the divorce, but my</p> <p>4 ex-wife convinced me not to get a lawyer and to</p> <p>5 just trust her in the process.</p> <p>6 Q And did you trust her?</p> <p>7 A At the time, yes.</p> <p>8 Q Is it common for you not to look over</p> <p>9 paperwork?</p> <p>10 A No.</p> <p>11 Q That's uncommon?</p> <p>12 A Yes.</p> <p>13 Q Do you have any children?</p> <p>14 A No.</p> <p>15 Q Where did you go to high school?</p> <p>16 A Barnum High School.</p> <p>17 Q Where is that located?</p> <p>18 A Barnum, Minnesota.</p> <p>19 Q What year did you graduate?</p> <p>20 A 1995.</p> <p>21 Q Did you have any education after Barnum</p> <p>22 High School?</p>	<p style="text-align: right;">19</p> <p>1 I went there until May of 2000 and I</p> <p>2 received a degree in religious studies and a minor</p> <p>3 in psychology. It was initially going to be a</p> <p>4 major, but I didn't take statistics. I had</p> <p>5 difficulty with the class.</p> <p>6 Q The degree, was that a BA or a BS?</p> <p>7 A BA.</p> <p>8 Q In 2000 -- May 2000?</p> <p>9 A Yes.</p> <p>10 Q Did you obtain any other schooling</p> <p>11 after?</p> <p>12 A Yes.</p> <p>13 In August of 2001, I attended Minnesota</p> <p>14 State University Mankato and I earned a degree in</p> <p>15 creative writing. It's a Master of Fine Arts</p> <p>16 Creative Writing, fiction.</p> <p>17 Q And when was that degree obtained?</p> <p>18 A In 2005.</p> <p>19 It's a three-year program, but I was</p> <p>20 also working full-time.</p> <p>21 Q Okay.</p> <p>22 A So it look a little longer.</p>
<p style="text-align: right;">18</p> <p>1 A Yes, sir.</p> <p>2 Q Where did you go to school?</p> <p>3 A I spent one year at Oak Hills Bible</p> <p>4 College in Bemidji, Minnesota.</p> <p>5 Q I'm sorry, where?</p> <p>6 A Bemidji.</p> <p>7 Do you need me to spell that?</p> <p>8 Q You may want to spell that for her,</p> <p>9 Madam Court Reporter.</p> <p>10 A B-E-M-I-D-J-I.</p> <p>11 Q What year was that?</p> <p>12 A That was from fall of '95 to spring of</p> <p>13 '96.</p> <p>14 Q Okay.</p> <p>15 A It has since changed its name to Oak</p> <p>16 Hills Christian College.</p> <p>17 Q And did you obtain any type of degree</p> <p>18 from that college?</p> <p>19 A No.</p> <p>20 And then in January of 1997, I started</p> <p>21 at Augustana Lutheran Liberal Arts College in</p> <p>22 Sioux Falls, South Dakota.</p>	<p style="text-align: right;">20</p> <p>1 Q What were you doing from May of 2000 to</p> <p>2 2001 when you began at Minnesota State University?</p> <p>3 A I was a classroom assistant at Axtell</p> <p>4 Park Middle School in Sioux Falls, South Dakota.</p> <p>5 Q After you graduated from Minnesota State</p> <p>6 University, did you obtain any additional</p> <p>7 schooling?</p> <p>8 A None.</p> <p>9 Q Any other degrees that you have?</p> <p>10 A No. But while I was attending</p> <p>11 Augustana, I took one science course at a</p> <p>12 different college.</p> <p>13 Does that – do you need to know that?</p> <p>14 Q Sure.</p> <p>15 A That was Fond du Lac Community College,</p> <p>16 capital F-O-N, capital D-U-C [sic], capital L-A-C,</p> <p>17 Community College in Cloquet, C-L-O-Q-U-E-T,</p> <p>18 Minnesota.</p> <p>19 Q And did you obtain any type of degree</p> <p>20 from that institution?</p> <p>21 A No, I just took one science class over</p> <p>22 the summer.</p>

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<p style="text-align: right;">21</p> <p>1 Q What were the dates of enrollment there?</p> <p>2 Summer of what year?</p> <p>3 A <b>I'm trying to remember. It was either</b></p> <p>4 <b>'98 or '99.</b></p> <p>5 Q Okay. Have we covered all of your</p> <p>6 schooling and educational background?</p> <p>7 A <b>I also went through extensive training</b></p> <p>8 <b>with The New Teacher Project and received</b></p> <p>9 <b>certification and a certificate from them. I</b></p> <p>10 <b>don't recall what it's called, though.</b></p> <p>11 Q What is The New Teacher Project?</p> <p>12 A <b>The New Teacher Project takes highly</b></p> <p>13 <b>skilled educators who have not worked in the</b></p> <p>14 <b>school system before and trains them with what</b></p> <p>15 <b>they need to know from a teaching degree and then</b></p> <p>16 <b>it places them in a high-needs school.</b></p> <p>17 <b>Prince George's County in 2008 was</b></p> <p>18 <b>working with The New Teacher Project. I believe</b></p> <p>19 <b>that they ended their association with The New</b></p> <p>20 <b>Teacher Project in 2010.</b></p> <p>21 Q Okay. So when did you obtain the</p> <p>22 certification?</p>	<p style="text-align: right;">23</p> <p>1 A <b>Yes.</b></p> <p>2 Q Was that at your own cost or some</p> <p>3 reimbursement through the county school system?</p> <p>4 A <b>I received a scholarship through the</b></p> <p>5 <b>school system. I don't recall how much I paid</b></p> <p>6 <b>out-of-pocket. It was maybe 300.</b></p> <p>7 Q And what was the tuition in total?</p> <p>8 A <b>I don't know.</b></p> <p>9 Q What about the Praxis English you had</p> <p>10 mentioned earlier, was that through the school</p> <p>11 system as well?</p> <p>12 A <b>No. That was something I paid for on my</b></p> <p>13 <b>own.</b></p> <p>14 Q Okay. Have we covered everything?</p> <p>15 A <b>I believe so, yes.</b></p> <p>16 Q All right. I want to switch gears a</p> <p>17 little bit and talk about your employment history.</p> <p>18 A <b>Okay.</b></p> <p>19 Q I think the easiest way for us to do</p> <p>20 this is to start with the present and kind of work</p> <p>21 our way backwards, if that's okay with you.</p> <p>22 A <b>Yes.</b></p>
<p style="text-align: right;">22</p> <p>1 A <b>I received the initial temporary</b></p> <p>2 <b>certification in August of 2008. And then upon</b></p> <p>3 <b>completing the additional coursework that I took</b></p> <p>4 <b>outside of the teaching hours, then I received a</b></p> <p>5 <b>permanent certification through Maryland.</b></p> <p>6 Q Any other education, certifications that</p> <p>7 we haven't covered yet?</p> <p>8 A <b>I received -- when taking the Praxis</b></p> <p>9 <b>English content exam for teaching English Language</b></p> <p>10 <b>Arts, I received a certificate of achievement for</b></p> <p>11 <b>being in the top 1 percent of the nation for</b></p> <p>12 <b>score.</b></p> <p>13 Q And when was that?</p> <p>14 A <b>Oh, sorry. That was 2008.</b></p> <p>15 <b>And while I was at Friendly High School,</b></p> <p>16 <b>I believe, in 2015, I took a class on teaching AP</b></p> <p>17 <b>literature and received three credits. And that</b></p> <p>18 <b>was from Goucher College.</b></p> <p>19 Q Where are they located -- where is that</p> <p>20 located?</p> <p>21 A <b>It's in Maryland. I'm not sure where.</b></p> <p>22 Q And that was in 2015?</p>	<p style="text-align: right;">24</p> <p>1 Q Where are you currently employed?</p> <p>2 A <b>I'm currently employed by the DOD on</b></p> <p>3 <b>Joint Base Anacostia-Bolling in the Child Youth</b></p> <p>4 <b>Program, which is part of the CDC, the Child</b></p> <p>5 <b>Developmental Center, where I work as a program</b></p> <p>6 <b>assistant doing tutoring and recreational</b></p> <p>7 <b>activities for ages 5 through 18.</b></p> <p>8 Q Okay. What's the address of -- the</p> <p>9 Joint Base Anacostia, that's the base located in</p> <p>10 Washington, D.C.?</p> <p>11 A <b>Correct.</b></p> <p>12 Q And so are you a Department of Defense</p> <p>13 employee?</p> <p>14 A <b>I am considered a DOD employee. I'm</b></p> <p>15 <b>labeled under NAF, non-appropriated funds.</b></p> <p>16 Q What does that mean?</p> <p>17 A <b>It means that my pay comes through the</b></p> <p>18 <b>money that the parents pay to the youth program</b></p> <p>19 <b>for after school and before school care.</b></p> <p>20 Q Are you considered to be a civilian?</p> <p>21 A <b>Yes.</b></p> <p>22 Q What is the dates of employment at the</p>

25	<p>1 DOD as a program assistant?</p> <p>2 A I believe it's March 2017.</p> <p>3 Q Until the present?</p> <p>4 A Yes.</p> <p>5 Q So almost two years?</p> <p>6 A Almost three years.</p> <p>7 Q Three years, I apologize. Three years.</p> <p>8 A Yes.</p> <p>9 Q And you mentioned -- but I want to get a</p> <p>10 complete picture of your description of your</p> <p>11 duties, job duties.</p> <p>12 A Okay.</p> <p>13 Q Please.</p> <p>14 A So I work in -- I can work in multiple</p> <p>15 buildings, working with different age groups.</p> <p>16 I work with the 5-to-13-year-olds in the</p> <p>17 morning, helping them with any homework they still</p> <p>18 have, and getting them prepared to go to school</p> <p>19 and getting them on the bus.</p> <p>20 Then in the afternoons I come back and</p> <p>21 do after school programming with them, including</p> <p>22 tutoring and educational activities.</p>	27
26	<p>1 Q So what are your hours?</p> <p>2 A I work from -- on Tuesday, Wednesday and</p> <p>3 Thursday, I work from 6:00 a.m. to 9:30 a.m. and</p> <p>4 then I return -- on Tuesdays and Thursdays I</p> <p>5 return at 3:00 and I work until 7:00.</p> <p>6 On Wednesdays, I return at 1:00 and work</p> <p>7 until 5:00.</p> <p>8 On Fridays, I work from 3:00 p.m. to</p> <p>9 9:00 p.m. because I also do open rec for the</p> <p>10 pre-teenage group.</p> <p>11 And then on Saturdays, I work from</p> <p>12 4:00 p.m. to 9:00 p.m. doing open rec for the</p> <p>13 pre-teenage group.</p> <p>14 Q Is your position a full-time position?</p> <p>15 A It is considered a flex position, which</p> <p>16 means that the hours can vary from 0 to 40,</p> <p>17 depending on what they need me for.</p> <p>18 Typically I work 25 to 30.</p> <p>19 Q Are you content with 25 to 30 hours a</p> <p>20 week?</p> <p>21 A No, sir.</p> <p>22 Q Why not?</p>	28
25	<p>1 A Because the position is not full-time,</p> <p>2 therefore it has no benefits and no family leave,</p> <p>3 if necessary. And the hours are not guaranteed.</p> <p>4 And I have applied for a promotion</p> <p>5 within the company to a full-time position.</p> <p>6 Q When did you apply for the promotion?</p> <p>7 A Last month.</p> <p>8 Q And what is the title of the position</p> <p>9 you applied for?</p> <p>10 A I applied for -- I applied for program</p> <p>11 lead, which is the next step up. And under the</p> <p>12 advice of the current director, I applied for</p> <p>13 assistant director.</p> <p>14 Q So you applied for two positions?</p> <p>15 A Yes, sir.</p> <p>16 Q And both were applied for last month?</p> <p>17 A Yes, sir.</p> <p>18 Q Have you heard any -- gotten any word</p> <p>19 back?</p> <p>20 A Not yet.</p> <p>21 The military moves very slowly on</p> <p>22 personnel issues.</p>	27
26	<p>1 Q The program lead, is that a full-time</p> <p>2 position?</p> <p>3 A Yes, sir.</p> <p>4 Q And what is the salary for that</p> <p>5 position?</p> <p>6 A The salary for that position would be</p> <p>7 \$20.22.</p> <p>8 Q Per hour?</p> <p>9 A Yes.</p> <p>10 Q And the assistant lead position, is that</p> <p>11 a full-time position?</p> <p>12 A Yes, sir.</p> <p>13 Q What is that, wage for that?</p> <p>14 A I believe the starting wage is \$24.23.</p> <p>15 Q What is your current salary and/or wage</p> <p>16 as program assistant?</p> <p>17 A \$17.84.</p> <p>18 Q And you're paid on an hourly basis?</p> <p>19 A That's correct.</p> <p>20 Q Are you ever paid -- do you ever work</p> <p>21 overtime hours in a week?</p> <p>22 A I may work over 40 hours some weeks,</p>	28

29	<p>1 depending on if the kids are out of school. There</p> <p>2 is no overtime pay for that because I am a flex</p> <p>3 employee. And if I work overtime, then the next</p> <p>4 week I will be scheduled fewer hours to make up</p> <p>5 for the fact that I worked over 40 the previous</p> <p>6 week.</p> <p>7 Q Okay. And has this been your wage</p> <p>8 throughout your employment at DOD, or have you</p> <p>9 received a pay increase?</p> <p>10 A I've received two pay increases.</p> <p>11 Q What did you start out at?</p> <p>12 A I believe it was \$11.23, though I can't</p> <p>13 remember exactly.</p> <p>14 Q Okay. And then what did you jump to</p> <p>15 next?</p> <p>16 A Then it was \$15.</p> <p>17 Q And when did your pay increase to \$15?</p> <p>18 A My pay increased after a</p> <p>19 year-and-a-half.</p> <p>20 Q December of 2018?</p> <p>21 A Approximately.</p> <p>22 Q And when did your pay increase to the</p>	31
30	<p>1 current wage of \$17.84?</p> <p>2 A Spring of 2019.</p> <p>3 Q Are these automatic adjustments or</p> <p>4 performance based?</p> <p>5 A They are performance based.</p> <p>6 Q How often are you evaluated for your</p> <p>7 performance?</p> <p>8 A Every year.</p> <p>9 Q What particular time during the year are</p> <p>10 you evaluated?</p> <p>11 A Typically in October.</p> <p>12 And the wage increase is based on the</p> <p>13 performance, as well as completion of additional</p> <p>14 credit hours through a DOD training program.</p> <p>15 Q Okay. Now, the -- I assume you were</p> <p>16 evaluated in October of last year?</p> <p>17 A Yes.</p> <p>18 Q And what was your evaluation rating?</p> <p>19 A Very effective.</p> <p>20 Q And as a result, are you due for an</p> <p>21 increase in wage?</p> <p>22 A No. I'm currently at the highest wage</p>	32
30	<p>1 increase I can receive.</p> <p>2 Q So you've peaked?</p> <p>3 A Yes.</p> <p>4 Q Within the position that you're in?</p> <p>5 A Yes.</p> <p>6 Q Are you -- do you -- in the position</p> <p>7 that you're currently in, do you receive any type</p> <p>8 of benefits?</p> <p>9 A No.</p> <p>10 Q Who is your current supervisor?</p> <p>11 A Calvin Salter.</p> <p>12 Q Spell the last name for me.</p> <p>13 A S-A-L-T-E-R.</p> <p>14 Q And his position is what?</p> <p>15 A Director of Child Youth Programming.</p> <p>16 Q And what's the number of enrollment</p> <p>17 within your program?</p> <p>18 A It varies due to the way the military</p> <p>19 families get moved around.</p> <p>20 Q What is it now?</p> <p>21 A Right now I believe our numbers are</p> <p>22 sitting about 36 for a school year with an</p>	32
32	<p>1 expected 90 to 110 during the summer months.</p> <p>2 The weekend work is not -- open rec is a</p> <p>3 free program that the CYP offers and that has</p> <p>4 varied from, you know, two kids all the way to 40.</p> <p>5 Q From March of 2017 to the present, have</p> <p>6 you been disciplined in any respect at your</p> <p>7 current employment?</p> <p>8 A No, sir.</p> <p>9 Q What type of training did you receive</p> <p>10 when you came on board with the DOD?</p> <p>11 A There was -- a lot of the training was</p> <p>12 very similar to the basic training that you</p> <p>13 receive as a teacher, such as child abuse, how to</p> <p>14 report abuse, neglect, who you report it to.</p> <p>15 I also received training on infant care</p> <p>16 because I can be used as a sub in the infant care</p> <p>17 building if they are short-staffed, but that's</p> <p>18 only happened on a few occasions.</p> <p>19 And I received training on psychological</p> <p>20 development of youth between the ages of 2 and 6;</p> <p>21 and I received nutrition and physical fitness</p> <p>22 training for ages 2 through 16.</p>	32

<p style="text-align: right;">33</p> <p>1 Q Have you received any type of training 2 on anti-discrimination practices? 3 A Yes. 4 Q What were those? 5 A They addressed a variety; religious, 6 race, ethnicity, sexuality, gender and ... 7 Religion. 8 I think I said religion. 9 Q You did. 10 A Yes. 11 Q Was any training provided specifically 12 as to transgender issues? 13 A Yes, sir. 14 Q What were those? 15 A The training included the use of proper 16 pronouns. It included how to address a variety of 17 gender – gender presentations, the list – the 18 ability to listen to children as they talk about 19 their experiences with their gender. 20 And it also included a very brief 21 conversation on how to correct a fellow employee 22 should they not know the gender that they should</p>	<p style="text-align: right;">35</p> <p>1 Q But were you satisfied? 2 A Yes. 3 Q Did you think the training could be 4 improved in any respect? 5 A I think that all training can be 6 improved in any regard and should continually be 7 improved as things develop socially and legally in 8 our country. 9 Q Have you expressed those concerns to 10 your supervisors? 11 A Yes. 12 Q In what respect? 13 A What I told my current supervisor was I 14 looked forward to when we had the training again 15 next so I could see what areas they have increased 16 their discussion of and suggested that we also 17 discuss when a child comes from a culture, such as 18 we have some parents who come from Asia with 19 spouses who were born and raised in Asia and they 20 have more than one gender -- more than two genders 21 in some of the countries, and so I suggested that 22 just that cultural sensitivity, also be aware that</p>
<p style="text-align: right;">34</p> <p>1 be using. 2 Q How often is the training provided? 3 A The training was provided when I came in 4 and it is provided to every employee when they 5 come in. 6 Q So it's initially as a part of the 7 onboarding process? 8 A That's right. 9 Q Are there any subsequent trainings? 10 A There have been. I am not sure what the 11 regularity of it is. 12 Due to the fact that Joint Base 13 Anacostia-Bolling is a joint base and say 14 sometimes we are under the Navy and sometimes we 15 are under the Air Force and their regularity of 16 different trainings is different. 17 Q Were you satisfied with the training you 18 received as to transgender issues? 19 A I thought that it was a good basic 20 introduction and they made resources available for 21 people who wanted to have more information, 22 including a small handbook.</p>	<p style="text-align: right;">36</p> <p>1 some places recognize more than two genders. 2 Q And what response did you get, if any? 3 A He said that he thought it was a very 4 good idea and he said that he was going to mention 5 it to his director. 6 Q Has anything come about that since? 7 A I am not aware of any movement on that. 8 It's only been a few months. 9 Q In your current role as program 10 assistant, have you been subject to any type of 11 harassment based on your transgender status? 12 A Twice. 13 Q Tell me about those incidences. 14 A Misgendering. Specifically even though 15 I have a name tag with – 16 Q You have a what? 17 A I have a name tag. 18 Q Oh, I'm sorry. 19 A With my name on it. I had a parent who 20 instead of referring to me as Jennifer would refer 21 to me as James. I believe she just assumed that 22 was my birth name. And she would refer to me as</p>

<p style="text-align: right;">37</p> <p>1 Mister and He.</p> <p>2 I reported it to my HR person at the</p> <p>3 time – this was when I first started. Her name</p> <p>4 was Pamela. I don't know her last name. And she</p> <p>5 is no longer within our system. She's been</p> <p>6 transferred to another base as of two years ago.</p> <p>7 Pamela gave me permission to correct</p> <p>8 parents when they misgender me and to request</p> <p>9 appropriate gendering, and she spoke personally</p> <p>10 with the parent and it did not happen again.</p> <p>11 And the other time was with a parent</p> <p>12 several months ago who referred to me as</p> <p>13 Mr. Jennifer, and I told him that it was</p> <p>14 Ms. Jennifer. And he did not – he did not have</p> <p>15 any issues with changing how he referred to me.</p> <p>16 Q The first incident when you were</p> <p>17 referred to as James, when did that take place?</p> <p>18 A That took place the first summer I was</p> <p>19 working there, so the summer of 2017.</p> <p>20 Q And when you reported it to HR, was this</p> <p>21 in writing or verbally?</p> <p>22 A Verbally.</p>	<p style="text-align: right;">39</p> <p>1 children?</p> <p>2 A The only issues I've had with kids have</p> <p>3 been very simple questions, such as are you a boy</p> <p>4 or a girl, at which point I tell them I am a girl</p> <p>5 and there are no additional questions asked about</p> <p>6 it.</p> <p>7 Q How often are those types of questions</p> <p>8 asked of you?</p> <p>9 A Not too often. Maybe when a family</p> <p>10 comes in, a new kid might ask just when they're</p> <p>11 getting to know me, but, you know, maybe two or</p> <p>12 three times in the entire time that I've been</p> <p>13 there.</p> <p>14 Q Does that offend you when you're asked</p> <p>15 that?</p> <p>16 A No.</p> <p>17 Q Why not?</p> <p>18 A The kids are usually about 5, 6 years</p> <p>19 old and they're curious about the world and</p> <p>20 they're asking in order to properly gender me as</p> <p>21 opposed to, say, an individual who might ask it</p> <p>22 with the intent of – of belittling, you know,</p>
<p style="text-align: right;">38</p> <p>1 She was our – she was our training</p> <p>2 coordinator and supervisor which is hired through</p> <p>3 the HR office. But she works – worked within our</p> <p>4 building.</p> <p>5 Q And were you satisfied with HR's</p> <p>6 response?</p> <p>7 A Yes, I was.</p> <p>8 Q And the second time when you were</p> <p>9 referred to as Mr. Jennifer, when was that?</p> <p>10 A That was – I don't know, I guess four</p> <p>11 or five months ago.</p> <p>12 Q And did you report that to HR?</p> <p>13 A No. Because I already had permission</p> <p>14 from HR to gently correct any parent that</p> <p>15 misgendered me. And when I did, he was very</p> <p>16 responsive and had not referred to me as</p> <p>17 Mister since then, and so I felt no need to report</p> <p>18 that to HR.</p> <p>19 Q So those were the only two instances of</p> <p>20 harassment at the workplace?</p> <p>21 A Yes.</p> <p>22 Q Any issues with students, or the</p>	<p style="text-align: right;">40</p> <p>1 or – when kids ask it's usually direct for</p> <p>2 information and they respect the answer they are</p> <p>3 given.</p> <p>4 Sometimes people ask with the intent to</p> <p>5 be – with the intent of correcting me in order to</p> <p>6 tell me that I'm wrong.</p> <p>7 Q Prior to March of 2017 -- well, let me</p> <p>8 stop for a second and ask you this: Do you have</p> <p>9 any other source of income currently?</p> <p>10 A No – well, yes, but it's – it's</p> <p>11 actually very minor. I write for Medium, which I</p> <p>12 get paid based on clicks on the article.</p> <p>13 Q What is Medium?</p> <p>14 A It's a – it's a website that was</p> <p>15 created by the man who founded Twitter. It is an</p> <p>16 aggregation site where you can publish your</p> <p>17 writing, and most articles sit behind a pay wall.</p> <p>18 And so people pay \$5 a month for access</p> <p>19 to a variety of articles. And based on the number</p> <p>20 of clicks each article receives, we receive a very</p> <p>21 minor compensation. I think it's like a few cents</p> <p>22 per click.</p>

Transcript of Jennifer Eller  
 Conducted on February 3, 2020

41	<p>1 I think it was initially 5 cents. It</p> <p>2 may have actually dropped to 3 recently.</p> <p>3 Q How long have you been doing that for?</p> <p>4 A I have been doing that for about a</p> <p>5 year-and-a-half.</p> <p>6 Q What type of articles do you write?</p> <p>7 A I have written a variety of articles.</p> <p>8 I've written about -- I have written about gender</p> <p>9 issues. I have also written about religion and</p> <p>10 faith, because of my background, so I've discussed</p> <p>11 specific Bible verses. I've broken things down</p> <p>12 hermeneutically and offered theological critique</p> <p>13 of different readings.</p> <p>14 Q In the last year-and-a-half, how much</p> <p>15 have you earned from doing that work?</p> <p>16 A In the last year-and-a-half? For the</p> <p>17 first year, I was making a little bit of money</p> <p>18 because I paid the \$5 to be a member of it, and I</p> <p>19 would make between 6 and \$8 a month so that would</p> <p>20 be a net gain of 1 or \$2 every month.</p> <p>21 Since about six months ago, I have been</p> <p>22 very busy pursuing some other things and haven't</p>	43
42	<p>1 written any new articles, so I'm only getting paid</p> <p>2 based on clicks that have already been received</p> <p>3 and it does not currently turn a profit based on</p> <p>4 the \$5 that I pay per month.</p> <p>5 Q How would I go about finding your</p> <p>6 articles?</p> <p>7 A You could pay for membership in Medium</p> <p>8 and you could search for me under my legal name.</p> <p>9 Q Which is?</p> <p>10 A Jennifer Eller.</p> <p>11 Q So I would go to Medium.com?</p> <p>12 A Yes.</p> <p>13 Q And search for you under your name?</p> <p>14 A Yes.</p> <p>15 Q And are your articles still there?</p> <p>16 A Yes.</p> <p>17 You -- I'm not sure what their current</p> <p>18 policy is, but you may receive up to five free</p> <p>19 article reads, but I don't know if they apply to</p> <p>20 five from the same person or just five from their</p> <p>21 site.</p> <p>22 Q And how many articles have you written</p>	44
	<p>1 in total for Medium?</p> <p>2 A Less than 20, I think.</p> <p>3 Q You said just a few moments ago that you</p> <p>4 were pursuing other things.</p> <p>5 A Yes.</p> <p>6 Q What other things are you pursuing?</p> <p>7 A Aside from promotion within the DOD</p> <p>8 program, I have been working one-on-one with Julia</p> <p>9 Boudrye whose name is very difficult to spell,</p> <p>10 B-O-U-D-R-Y-E, I believe. She is the pastor at</p> <p>11 Lord of Life Lutheran Church, and I have been</p> <p>12 working toward a process of possible ordination</p> <p>13 which involves what they call processing, where</p> <p>14 you go through and you determine if you are called</p> <p>15 to ministry.</p> <p>16 And you then apply for an additional</p> <p>17 program, such as a Master's of Divinity or</p> <p>18 certificate of deaconship, depending on what you</p> <p>19 want.</p> <p>20 Q Is that -- so that's not for -- is that</p> <p>21 for employment purposes or is that just to become</p> <p>22 a pastor --</p>	
	<p>1 A That would be --</p> <p>2 Q Or both?</p> <p>3 A Yes, both.</p> <p>4 Q And how long does that process take?</p> <p>5 A Depends on what field of study I pursue</p> <p>6 if I go forward with it.</p> <p>7 Q Okay. Are you actively pursuing other</p> <p>8 positions at other institutions for employment?</p> <p>9 A At this time I am not.</p> <p>10 Q Okay.</p> <p>11 A Because I've been working to get</p> <p>12 promoted to a new position.</p> <p>13 Q Sure.</p> <p>14 Prior to March of 2017, where were you</p> <p>15 employed?</p> <p>16 A Prior to March of 2017, in -- I think it</p> <p>17 was January of 2017 I accepted part-time</p> <p>18 employment at Target.</p> <p>19 Q Which Target?</p> <p>20 A Target in Alexandria on Jefferson Davis</p> <p>21 Highway.</p> <p>22 Q For what position?</p>	

<p style="text-align: right;">45</p> <p>1 A <b>Cashier.</b></p> <p>2 Q What were the dates of your employment</p> <p>3 with Target?</p> <p>4 A <b>From January 2017 through fall of 2018.</b></p> <p>5 Q So there was some overlap between Target</p> <p>6 and DOD?</p> <p>7 A <b>Yes.</b></p> <p>8 Q Why did you leave Target?</p> <p>9 A <b>Because I was offered a split shift that</b></p> <p>10 <b>allowed me to work mornings and afternoons.</b></p> <p>11 Q Okay.</p> <p>12 A <b>And seeing that DOD paid more, it made</b></p> <p>13 <b>sense to take the split shift.</b></p> <p>14 Q What were your wages at Target?</p> <p>15 A <b>Upon leaving, I think it was 11.47 per</b></p> <p>16 <b>hour.</b></p> <p>17 Q And when you started, do you recall?</p> <p>18 A <b>It was less than 10 an hour. But almost</b></p> <p>19 <b>10, maybe like 9.70.</b></p> <p>20 Q Did you have any benefits at Target?</p> <p>21 A <b>No.</b></p> <p>22 Q And who was your supervisor at Target?</p>	<p style="text-align: right;">46</p> <p>1 A <b>My immediate supervisors were David and</b></p> <p>2 <b>Brian.</b></p> <p>3 Q Were you subject to any type of</p> <p>4 discipline while employed at Target?</p> <p>5 A <b>No.</b></p> <p>6 Q Did you experience any type of</p> <p>7 discrimination or harassment while employed at</p> <p>8 Target?</p> <p>9 A <b>I did not experience any discrimination</b></p> <p>10 <b>or harassment from employees.</b></p> <p>11 Q Okay. What about customers?</p> <p>12 A <b>Occasionally a customer might, yes.</b></p> <p>13 Q And what would you do about it?</p> <p>14 A <b>I would politely correct them and would</b></p> <p>15 <b>not pursue the matter further.</b></p> <p>16 Q Why not?</p> <p>17 A <b>Because Target's policy was not to</b></p> <p>18 <b>engage with the customer beyond a polite request</b></p> <p>19 <b>to be referred to differently.</b></p> <p>20 <b>That policy has changed now because they</b></p> <p>21 <b>will put pronouns on name tags, but when I was</b></p> <p>22 <b>employed there they did not do that.</b></p>	<p style="text-align: right;">47</p> <p>1 Q Did you ever report any incident to HR?</p> <p>2 A <b>I reported an incident to them once</b></p> <p>3 <b>because the customer became very belligerent and</b></p> <p>4 <b>aggressive.</b></p> <p>5 <b>After being misgendered, I politely said</b></p> <p>6 <b>actually I'm a woman and not a man.</b></p> <p>7 <b>He insisted on continuing to refer to me</b></p> <p>8 <b>as a man and made threats about the things he</b></p> <p>9 <b>could do to a man who thinks he's a woman and I</b></p> <p>10 <b>turned on my – my call light and I called Brian</b></p> <p>11 <b>over, Brian took over the exchange, the – the</b></p> <p>12 <b>checkout, and I was given a 15-minute break to</b></p> <p>13 <b>allow that customer to leave before having to come</b></p> <p>14 <b>back out.</b></p> <p>15 Q Did you report the issue to HR, that</p> <p>16 incident?</p> <p>17 A <b>I told David in HR and his response was</b></p> <p>18 <b>that Brian handled the situation appropriately,</b></p> <p>19 <b>that if I had any further problems with that or</b></p> <p>20 <b>any other customer becoming belligerent that I</b></p> <p>21 <b>should report it to them immediately so that they</b></p> <p>22 <b>could deal with the issue.</b></p>	<p style="text-align: right;">48</p> <p>1 Q Were you satisfied with the response</p> <p>2 from HR?</p> <p>3 A <b>Yes.</b></p> <p>4 Q What type of training did you get at</p> <p>5 Target about antidiscrimination?</p> <p>6 A <b>Again, it was standard</b></p> <p>7 <b>antidiscrimination including race, ethnicity,</b></p> <p>8 <b>gender, sexual orientation gender, you know, we</b></p> <p>9 <b>talked about sexual harassment and what sexual</b></p> <p>10 <b>harassment was, the power differential and</b></p> <p>11 <b>dynamics that occur within sexual harassment.</b></p> <p>12 Q In what shape or form was the training</p> <p>13 provided to you?</p> <p>14 A <b>It was provided as part of a five-hour</b></p> <p>15 <b>training session. It was not the only thing</b></p> <p>16 <b>discussed in that training session, but it was</b></p> <p>17 <b>maybe an hour's worth.</b></p> <p>18 Q Was this during the onboarding process?</p> <p>19 A <b>Yes.</b></p> <p>20 Q Was it annually given?</p> <p>21 A <b>I did not work there long enough to</b></p> <p>22 <b>know.</b></p>
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Conducted on February 3, 2020

49	<p>1 Q And did the training cover a specific</p> <p>2 component as to transgenders?</p> <p>3 A Yes.</p> <p>4 Q What was that?</p> <p>5 A Proper use of pronouns, demonstrating</p> <p>6 respect; determining, based on gender</p> <p>7 presentation, what pronouns a person may be using,</p> <p>8 discussion about finding ways to use</p> <p>9 gender-neutral language when addressing a customer</p> <p>10 in case you were unsure of their gender</p> <p>11 presentation by referring to them as, say, our</p> <p>12 guest instead of this gentleman or this lady.</p> <p>13 Q And were you satisfied with the training</p> <p>14 you received as to transgender issues?</p> <p>15 A Yes, I thought it was appropriate for a</p> <p>16 retail environment.</p> <p>17 Q I apologize for going backwards, but at</p> <p>18 the DOD, what shape and/or form was the training</p> <p>19 provided?</p> <p>20 A The training was provided in their</p> <p>21 online training resources, so there were videos</p> <p>22 you would watch, you would read texts around the</p>	51	<p>1 Q RA --</p> <p>2 A RELA, Reading/English Language Arts.</p> <p>3 Q Did you teach a particular grade, or did</p> <p>4 it vary?</p> <p>5 A My first year I taught seventh grade.</p> <p>6 My second year I taught eighth grade, and my third</p> <p>7 year I taught eighth grade.</p> <p>8 Q So you were there from 2008 to 2011?</p> <p>9 A Yes.</p> <p>10 Q And you were in that same capacity for</p> <p>11 those three years?</p> <p>12 A Yes. I had a very brief time period for</p> <p>13 one school year where I taught or co-taught a</p> <p>14 Special Education class because they needed a</p> <p>15 teacher to do that, but I was not certified in</p> <p>16 Special Education. And so once they had a</p> <p>17 different teacher, then they took me off that</p> <p>18 duty.</p> <p>19 Q What was your salary when you started at</p> <p>20 Kenmoor Middle School?</p> <p>21 A I believe 48,000 a year.</p> <p>22 Q And by the time you left in 2011, had</p>
50	<p>1 video that addressed the issues, there were links</p> <p>2 to additional resources.</p> <p>3 You then took a quiz afterward which was</p> <p>4 reviewed by your immediate training supervisor.</p> <p>5 If he felt your answers were incompatible with</p> <p>6 what the training was, you would then have a</p> <p>7 one-on-one discussion with him regarding that, and</p> <p>8 then you would redo that training and take the</p> <p>9 quiz again and follow the process as many times as</p> <p>10 may be necessary.</p> <p>11 Q Okay. Continuing our journey backwards,</p> <p>12 what was the previous employer prior to Target?</p> <p>13 A Prince George's County Public Schools.</p> <p>14 Q And what was your length of employment</p> <p>15 with the county school system?</p> <p>16 A 2008 until 2017 when I handed in an</p> <p>17 official resignation.</p> <p>18 Q All right. So in 2008 where did you</p> <p>19 begin?</p> <p>20 A Kenmoor Middle School.</p> <p>21 Q In what capacity?</p> <p>22 A As the talented and gifted RELA teacher.</p>	52	<p>1 that remained the same or gone up?</p> <p>2 A I believe that it had gone up.</p> <p>3 I -- at the time that I was married,</p> <p>4 my-then wife retained financial documents and</p> <p>5 handled all finances and so I can't tell you my</p> <p>6 exact pay when I left Kenmoor because I was still</p> <p>7 in the process of being divorced from her and I</p> <p>8 was not aware of all of our financial situations.</p> <p>9 Q Do you have a ballpark number that you</p> <p>10 can give me?</p> <p>11 A I would guess 50,000.</p> <p>12 Q And who was your direct supervisor at</p> <p>13 Kenmoor?</p> <p>14 A My direct supervisor would have been</p> <p>15 Maha Fadli, the principal.</p> <p>16 Q Could you spell that for our court</p> <p>17 reporter, please?</p> <p>18 A M-A-H-A, F-A-D-L-I.</p> <p>19 Q She was a principal; correct?</p> <p>20 A Yes.</p> <p>21 Q And during your tenure at Kenmoor Middle</p> <p>22 School, were you the subject of any type of</p>

<p style="text-align: right;">53</p> <p>1 discipline?</p> <p>2 <b>A Yes.</b></p> <p>3 Q What was that?</p> <p>4 <b>A I received a verbal discipline in my</b></p> <p>5 <b>first year for saying a curse word in the</b></p> <p>6 <b>classroom.</b></p> <p>7 <b>And when working at the co-taught class</b></p> <p>8 <b>with the Special Education kids, I was using a</b></p> <p>9 <b>cane at the time and in frustration I hit the cane</b></p> <p>10 <b>on the edge of my desk, it broke, and a piece hit</b></p> <p>11 <b>one of the students, so I received discipline for</b></p> <p>12 <b>that.</b></p> <p>13 Q What type of discipline did you receive</p> <p>14 for that incident?</p> <p>15 <b>A I received a written letter of counsel.</b></p> <p>16 Q What was the curse word that you used --</p> <p>17 <b>A I don't recall.</b></p> <p>18 Q -- in your first year?</p> <p>19 Who was it directed at?</p> <p>20 <b>A It was a word said in frustration. It</b></p> <p>21 <b>was not directed at anyone in particular.</b></p> <p>22 Q It was in a classroom setting?</p>	<p style="text-align: right;">55</p> <p>1 Q So they weren't physically disabled?</p> <p>2 <b>A No.</b></p> <p>3 Q And which student did you strike with</p> <p>4 the piece of -- from the cane?</p> <p>5 MR. MOGUL: Objection.</p> <p>6 <b>A I did not strike a student with the</b></p> <p>7 <b>cane.</b></p> <p>8 Q Oh, I apologize.</p> <p>9 What was stricken then? What was</p> <p>10 struck?</p> <p>11 <b>A The desk.</b></p> <p>12 Q And whose student's desk was struck?</p> <p>13 <b>A It wasn't the student's desk. It was my</b></p> <p>14 <b>desk.</b></p> <p>15 Q So a piece of the cane broke --</p> <p>16 <b>A It was a hollow wooden cane. The cane</b></p> <p>17 <b>broke and a piece about an inch long hit one of</b></p> <p>18 <b>the kids.</b></p> <p>19 Q Oh, it did hit the kid?</p> <p>20 <b>A The piece of the cane did hit the kid.</b></p> <p>21 <b>I did not strike the child.</b></p> <p>22 Q Which kid was struck by the piece of the</p>
<p style="text-align: right;">54</p> <p>1 <b>A It was.</b></p> <p>2 Q And children were in the classroom?</p> <p>3 <b>A Yes.</b></p> <p>4 Q Were you the only adult in the classroom</p> <p>5 at the time?</p> <p>6 <b>A Yes.</b></p> <p>7 Q How did it become known to the staff or</p> <p>8 the administrators that such a curse word was said</p> <p>9 by you?</p> <p>10 <b>A One of the students was offended when</b></p> <p>11 <b>they heard the word and told their mother.</b></p> <p>12 Q Was it a derogatory term?</p> <p>13 <b>A No.</b></p> <p>14 Q The Special Education incident where you</p> <p>15 struck the cane, were these with Special Education</p> <p>16 students?</p> <p>17 <b>A This was with students -- this was with</b></p> <p>18 <b>students who needed additional support and</b></p> <p>19 <b>structure and so they were under the Special</b></p> <p>20 <b>Education program, so they did not --</b></p> <p>21 Q Did they have IEPs?</p> <p>22 <b>A Yes.</b></p>	<p style="text-align: right;">56</p> <p>1 cane?</p> <p>2 <b>A I don't know her name anymore.</b></p> <p>3 Q How old was the student?</p> <p>4 <b>A She was in eighth grade.</b></p> <p>5 Q Was the student injured?</p> <p>6 <b>A No.</b></p> <p>7 Q What did you do as a result of this</p> <p>8 incident?</p> <p>9 <b>A I apologized to the student, I reported</b></p> <p>10 <b>to the principal what had happened, I had a</b></p> <p>11 <b>meeting with the student's father where I also</b></p> <p>12 <b>apologized to him.</b></p> <p>13 Q What caused you to strike a cane on your</p> <p>14 desk?</p> <p>15 <b>A We were having difficulty maintaining</b></p> <p>16 <b>control within the classroom, the students were</b></p> <p>17 <b>being exceptionally disruptive. And despite</b></p> <p>18 <b>trying to talk over the students, they could not</b></p> <p>19 <b>hear and were not listening, I hit the cane on the</b></p> <p>20 <b>desk in an attempt to make a loud noise that could</b></p> <p>21 <b>be heard over it.</b></p> <p>22 Q Who is "we"?</p>

<p style="text-align: right;">57</p> <p>1 <b>A I had a co-teacher at the time.</b></p> <p>2 Q Name is?</p> <p>3 <b>A John Farris.</b></p> <p>4 Q John Farris?</p> <p>5 <b>A Yes.</b></p> <p>6 Q Did Mr. Farris witness this incident?</p> <p>7 <b>A I believe he did. I don't recall.</b></p> <p>8 Q And what discipline, if any, did you</p> <p>9 receive as a result of the incident?</p> <p>10 <b>A As I stated, a letter of counsel.</b></p> <p>11 Q Why were you using a cane at the time?</p> <p>12 <b>A Because I was having back issues.</b></p> <p>13 Q Are there any other incidents of</p> <p>14 discipline that you can recall while employed at</p> <p>15 Kenmoor Middle School?</p> <p>16 <b>A None that I recall.</b></p> <p>17 Q And after Kenmoor Middle School, where</p> <p>18 did you work?</p> <p>19 <b>A After Kenmoor Middle School, I was</b></p> <p>20 <b>eventually transferred to Friendly High School.</b></p> <p>21 Q And Friendly High School is located</p> <p>22 where?</p>	<p style="text-align: right;">59</p> <p>1 High School in the fall of 2016?</p> <p>2 <b>A If I remember correctly, it was 52,000.</b></p> <p>3 Q As a general matter, the pay is dictated</p> <p>4 by --</p> <p>5 <b>A Level of schooling and -- I think it's</b></p> <p>6 <b>just level of schooling.</b></p> <p>7 Q Is this something that's bargained for</p> <p>8 by the union agreement, to your knowledge?</p> <p>9 <b>A Yes, the union. The union would do any</b></p> <p>10 <b>pay negotiations.</b></p> <p>11 Q Who was your supervisor at Friendly High</p> <p>12 School?</p> <p>13 <b>A My primary supervisor was Raynah Adams.</b></p> <p>14 Q Mr. Adams was the principal, was he not?</p> <p>15 <b>A Correct.</b></p> <p>16 Q While at Friendly High School, were you</p> <p>17 the subject of any type of discipline?</p> <p>18 <b>A Yes.</b></p> <p>19 Q Where would you like to begin?</p> <p>20 MR. MOGUL: Objection.</p> <p>21 Q In terms of discipline, can you recall</p> <p>22 the incidents?</p>
<p style="text-align: right;">58</p> <p>1 <b>A Friendly High School is on Allentown</b></p> <p>2 <b>Road in Fort Washington.</b></p> <p>3 Q And how long were you in Friendly High</p> <p>4 School from?</p> <p>5 <b>A I was there from fall of 2011 until</b></p> <p>6 <b>spring of 2016.</b></p> <p>7 Q And in what position?</p> <p>8 <b>A Reading/English Language Arts.</b></p> <p>9 Q Any particular grade level?</p> <p>10 <b>A I taught tenth grade, eleventh grade and</b></p> <p>11 <b>twelfth grade at various times, including AP</b></p> <p>12 <b>language, AP literature.</b></p> <p>13 <b>Oh, I forgot to mention, when I was at</b></p> <p>14 <b>Kenmoor, I also served for a year as the</b></p> <p>15 <b>department chair.</b></p> <p>16 Q Of the English department?</p> <p>17 <b>A Yes.</b></p> <p>18 Q What was your salary when you started at</p> <p>19 Friendly High School?</p> <p>20 <b>A I think it was \$50,000. Whatever it was</b></p> <p>21 <b>I was making at Kenmoor.</b></p> <p>22 Q And what was it when you left Friendly</p>	<p style="text-align: right;">60</p> <p>1 (Witness not responding.)</p> <p>2 Q There were several, were there not?</p> <p>3 <b>A Yes.</b></p> <p>4 Q Okay.</p> <p>5 <b>A So are you asking chronologically?</b></p> <p>6 Q That's what I was trying to ask. I'm</p> <p>7 sorry for not being clear.</p> <p>8 <b>A Okay.</b></p> <p>9 <b>The ones that I recall are, there was an</b></p> <p>10 <b>incident where I was written up for showing a</b></p> <p>11 <b>movie in class which was due to the fact that the</b></p> <p>12 <b>majority of the class was not present during that</b></p> <p>13 <b>time. There was an overlap between a band</b></p> <p>14 <b>performance and a field trip in, I think, the</b></p> <p>15 <b>social sciences division and so I had three</b></p> <p>16 <b>children in class and as opposed to teaching the</b></p> <p>17 <b>lesson, I put on a movie because it was an AP</b></p> <p>18 <b>class.</b></p> <p>19 <b>Our goal was to watch for plot beat</b></p> <p>20 <b>changes and to discuss how they impacted the</b></p> <p>21 <b>development of the story.</b></p> <p>22 <b>I allowed the kids to select the movie</b></p>

<p style="text-align: right;">61</p> <p>1 that they wanted from a limited set of options.                  2 Mr. Adams entered the room, saw that                  3 there was a movie playing and asked why.                  4 And I said, I only have three kids.                  5 And he said, is this an educational                  6 film.                  7 I said it is not an educational film,                  8 but it is being used for educational purposes in                  9 order to discuss developmental plot.                  10 He said okay, teach a lesson instead.                  11 And I said, I will need to reteach the                  12 lesson the next day.                  13 And he said, that will be fine.                  14 And I said okay. I turned the movie off                  15 and I taught a lesson on the Catcher in the Rye.                  16 Q And you said you were written up. Was                  17 that a letter of counsel, a letter of reprimand?                  18 A That was a letter of counsel, I believe.                  19 Q When did this take place?                  20 A Maybe 2014.                  21 Q Okay. Any other type of discipline you                  22 could recall?</p>	<p style="text-align: right;">63</p> <p>1 directly about these situations as opposed to                  2 talking to the teacher.                  3 Q Did the conversation become elevated                  4 between you and Ms. Claggett?                  5 A Ms. Claggett became increasingly                  6 aggressive when speaking to me. She began to                  7 shout at me about the trans agenda and how she                  8 would not submit to a transgender agenda.                  9 I raised my voice in response and told                  10 her that – I believe I said the only agenda I                  11 currently have is to get my back surgery paid for.                  12 Q What did you mean by that, your back                  13 surgery paid for?                  14 A Because the insurance didn't cover                  15 everything.                  16 Q Okay. I'm not following, and I                  17 apologize.                  18 A The statement was said as demonstration                  19 that there was no cavalla of transgender                  20 individuals trying to shape the way the world was                  21 and undermine Christian values. I said it as a                  22 way of indicating the only agenda I have is the</p>
<p style="text-align: right;">62</p> <p>1 A There was a letter of counsel written to                  2 me after a conversation I had with another                  3 instructor. She had been intentionally                  4 misgendering a student in the class and saying                  5 things such as it is God's plan for you that you                  6 be a mother and a wife and I am here to advise you                  7 to do – to stop acting like you are a boy.                  8 I went down to talk to her, her name was                  9 Ms. Claggett, I went down to discuss with her and                  10 to tell her that, according to policy in Prince                  11 George's County, we are to refer to students by                  12 the gender pronoun that they tell us to use.                  13 She said that she did not recognize that                  14 authority and she began talking to me about an                  15 insidious LGBTQ and trans agenda that was                  16 subverting Christian values in the school.                  17 Q When did this take place?                  18 A 2015, spring, I believe.                  19 Q Do you know what the basis for your                  20 letter of counsel was as a result of the incident?                  21 A Yes, the basis of the letter of counsel                  22 was that I should come and speak to Mr. Adams</p>	<p style="text-align: right;">64</p> <p>1 same as anyone else's, to survive, to have                  2 insurance, to have health care, to have a place to                  3 live.                  4 And she continued to become aggressive                  5 in that.                  6 I said I'm done with this conversation.                  7 I stood up and I left the room.                  8 She continued to shout at me as I left                  9 the room demanding that I return, and continuing                  10 her diatribe about the insidious transgender                  11 agenda.                  12 Q The incident took place in Ms.                  13 Claggett's classroom?                  14 A Correct.                  15 Q You went into her classroom?                  16 A I did go down to her classroom. It was                  17 after school.                  18 Q Okay. And --                  19 A And --                  20 Q Sorry. Go ahead.                  21 A And there were no other people present.                  22 Q And I think you indicated earlier that</p>

Transcript of Jennifer Eller  
 Conducted on February 3, 2020

<p style="text-align: right;">65</p> <p>1 you were trying to correct Ms. Claggett based on a                  2 policy of PGCPS?                  3 <b>A Yes.</b>                  4 <b>Q What was the policy?</b>                  5 <b>A That student should be referred to by</b>                  6 <b>name and gender that they told the teacher they</b>                  7 <b>went by.</b>                  8 <b>Q And is there a specific policy that you</b>                  9 <b>can recall which said this?</b>                  10 <b>A I do not recall the specific policy</b>                  11 <b>number.</b>                  12 <b>I just remember that I believe under</b>                  13 <b>Title VII or IX that it was on that grounds that</b>                  14 <b>PGCPS had initiated the policy.</b>                  15 <b>She stated that her immediate supervisor</b>                  16 <b>had given her permission to misgender the child.</b>                  17 <b>Q And this incident took place in 2015?</b>                  18 <b>A I believe so.</b>                  19 <b>Q Okay.</b>                  20 <b>A Possibly spring of 2016.</b>                  21 (A discussion was held off the record.)                  22 (Reporter clarification.)</p>	<p style="text-align: right;">67</p> <p>1 <b>raise a point, he would cut her off.</b>                  2 <b>And after watching this for several</b>                  3 <b>minutes I became frustrated with his treatment of</b>                  4 <b>her.</b>                  5 <b>Q And who is Julia Gaff -- Julia or</b>                  6 <b>Julian?</b>                  7 <b>A Julia.</b>                  8 <b>Q Julia Gaffney, who was that?</b>                  9 <b>A She was both a teacher liaison to the</b>                  10 <b>union and one of the teachers in the Friendly High</b>                  11 <b>School social studies department.</b>                  12 <b>Q And so the conversation between</b>                  13 <b>Ms. Gaffney and Mr. Adams, did that have anything</b>                  14 <b>to do with you?</b>                  15 <b>A No. It was a conversation regarding the</b>                  16 <b>right of the union to hold a private vote on the</b>                  17 <b>issue being discussed and Mr. Adams being in the</b>                  18 <b>room during that, asking people to just make a</b>                  19 <b>decision while he was in the room.</b>                  20 <b>Q And you felt the need that you had to</b>                  21 <b>interject between the conversation with Mr. Adams</b>                  22 <b>and Ms. Gaffney?</b></p>
<p style="text-align: right;">66</p> <p>1 (Record suspended.)                  2 (Record read.)                  3 BY MR. SHARMA:                  4 <b>Q Thank you for telling me about that</b>                  5 <b>incident.</b>                  6 <b>Are there any other incidents in which</b>                  7 <b>you were disciplined while at Friendly High</b>                  8 <b>School?</b>                  9 <b>A I received a letter of counsel for</b>                  10 <b>raising my voice at Principal Adams in an</b>                  11 <b>unscheduled meeting.</b>                  12 <b>Q And when was that?</b>                  13 <b>A Fall of 2015.</b>                  14 <b>Q And where did that unscheduled meeting</b>                  15 <b>take place?</b>                  16 <b>A In the library.</b>                  17 <b>Q And did you, in fact, raise your voice?</b>                  18 <b>A Yes.</b>                  19 <b>Q Why?</b>                  20 <b>A Mr. Adams was being exceptionally rude</b>                  21 <b>to Julia Gaffney, talking over her, not allowing</b>                  22 <b>her to say anything. Every time she tried to</b></p>	<p style="text-align: right;">68</p> <p>1 <b>A I felt the need to interject because he</b>                  2 <b>had been so rude to her and he was not following</b>                  3 <b>the guiding principles of the meetings as printed</b>                  4 <b>on our meeting agendas, that all voices will be</b>                  5 <b>heard and people will be listened to respectfully.</b>                  6 <b>Q I apologize for switching gears.</b>                  7 <b>The prior incident you spoke about in</b>                  8 <b>the misgendering of the student, what was the</b>                  9 <b>student's name?</b>                  10 <b>A I don't think I'm allowed to tell you</b>                  11 <b>that.</b>                  12 <b>Q On what basis?</b>                  13 <b>A What's that?</b>                  14 <b>Q On what basis are you not allowed to</b>                  15 <b>tell me?</b>                  16 <b>A Privacy for the student. They're</b>                  17 <b>underage.</b>                  18 <b>Q Okay. So we have -- this deposition</b>                  19 <b>will be confidential, we're subjected to a</b>                  20 <b>protective order.</b>                  21 <b>A Oh, okay.</b>                  22 <b>[REDACTED]</b></p>

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1 Q Do you have a last name?  
 2 A [REDACTED]  
 3 Q And did [REDACTED] approach you for  
 4 help?  
 5 A Yes.  
 6 Q And what did he say to you specifically?  
 7 A He said several things about the  
 8 experiences he was having at Friendly High School.  
 9 Students asking him to drop his pants to  
 10 show whether or not he had a penis, to threatening  
 11 to rape him as a corrective measure. And then he  
 12 went on to discuss how Ms. Claggett intentionally  
 13 misnamed and misgendered him in front of the  
 14 entire class, encouraged other students to  
 15 misgender him and misname him on the basis that it  
 16 was protecting the other students that [REDACTED]  
 17 other name should be used.  
 18 Q So was [REDACTED] --  
 19 A And --  
 20 Q I'm sorry.  
 21 A -- Ms. Claggett, he told me had told him  
 22 specifically that God had a specific plan for his

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1 life and that he had to go on to get married to a  
 2 man and have children and be a mother.  
 3 Q Was [REDACTED] a transgender student?  
 4 A Yes.  
 5 Q And what was [REDACTED] assigned sex at  
 6 birth?  
 7 A Female.  
 8 Q But he identified as male?  
 9 A He was male.  
 10 Q I'm confused. I'm sorry.  
 11 A What part?  
 12 Q [REDACTED] was born as a male?  
 13 A No. [REDACTED] was assigned female at birth,  
 14 but [REDACTED] was male.  
 15 Q I'm with you now. Thank you.  
 16 A Yes.  
 17 Q Okay. Any other incidents of discipline  
 18 while at Friendly High School?  
 19 A Yes.  
 20 Near the end of my tenure at Friendly  
 21 High School, I was disciplined for raising my  
 22 voice at a class.

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1 Q Okay. And was this the incident where  
 2 you told the class to shut the fuck up?  
 3 A It was stated by students that I said  
 4 that.  
 5 Q And when did this happen specifically?  
 6 A This happened in winter, either 2015  
 7 just before Christmas, or 2016, just after.  
 8 Q And tell me about the incident. What  
 9 happened?  
 10 A I'm confused as to how much background  
 11 detail you're requesting.  
 12 Q Did you yell at the class?  
 13 A Yes.  
 14 Q What did you say to them?  
 15 A I can't recall specifically what all was  
 16 said at this point. It was several years ago.  
 17 Q And was what you said inappropriate?  
 18 A I believe that the way I raised my voice  
 19 was not the best decision and could be  
 20 inappropriate.  
 21 Q Do you recall why you raised your voice  
 22 at your students?

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1 A Yes.  
 2 Q Why is that?  
 3 A Because the students were out of control  
 4 in the classroom. They were using their cell  
 5 phones, they were ignoring me and carrying on  
 6 their own conversations. I had to raise my voice  
 7 initially in order to be heard over them because  
 8 of the clamor that they were making.  
 9 And at the time, the topic I was trying  
 10 to discuss with them was the fact that they were  
 11 not doing any of their homework, that they were  
 12 not answering questions on tests, and that they,  
 13 through their own choices, had an average class  
 14 score in the high 20 percent.  
 15 Q Is it common for you to raise your voice  
 16 at your students --  
 17 A No.  
 18 Q -- while teaching?  
 19 A No.  
 20 Q Do you recall having a panic attack  
 21 during this incident?  
 22 A Yes.

<p style="text-align: right;">73</p> <p>1 Q Is it common for you to have panic 2 attacks while teaching your students? 3 A <b>No.</b> 4 Q What about the incident caused you to 5 have a panic attack? 6 A <b>I'm sorry. Can you rephrase?</b> 7 Q Sure. 8 What about the incident caused you to 9 have a panic attack? Why were you in panic? 10 A <b>So if I'm understanding your question</b> 11 <b>correctly, you're asking for a trigger?</b> 12 Q If you know, yes. 13 A <b>Okay. So the exceptionally loud</b> 14 <b>disruption and being completely ignored by the</b> 15 <b>majority of students and the aggressive nature of</b> 16 <b>a specific student in telling me that they didn't</b> 17 <b>have to listen to me and they didn't need to</b> 18 <b>follow directions.</b> 19 Q Have you ever had a panic attack before 20 while teaching students? 21 A <b>I cannot recall if I had a panic attack</b> 22 <b>or not.</b></p>	<p style="text-align: right;">75</p> <p>1 panic attack, to the best you can tell me? 2 A <b>The – the trigger was the fear of how</b> 3 <b>you would be talking to me at the deposition.</b> 4 Q Were you worried about me talking to you 5 in an unprofessional manner? 6 A <b>I was not sure what would be deemed a</b> 7 <b>professional manner.</b> 8 <b>I believe that seeing lawyers on</b> 9 <b>television and movies gave me an incorrect</b> 10 <b>assumption about how this process would be.</b> 11 Q Do you think I'm being unprofessional 12 with you now? 13 A <b>No.</b> 14 Q Okay. And I'm -- I appreciate that. 15 Thank you. 16 A <b>Okay.</b> 17 Q Other than the -- well, as to this 18 incident, were you written up? 19 A <b>I'm sorry, what incident?</b> 20 Q The incident where you yelled at the 21 students that we just spoke of. 22 A <b>Yes.</b></p>
<p style="text-align: right;">74</p> <p>1 Q Do you have panic attacks often? 2 A <b>I'm not sure what you mean by "often."</b> 3 Q Well, how many times have you had panic 4 attacks? 5 A <b>How many since – at what point? I'm</b> 6 <b>not sure –</b> 7 Q As far back as you can remember. I mean 8 we can get into whether that's often or not. 9 A <b>Do you want me to count up what I can</b> 10 <b>remember –</b> 11 Q If you can give me an estimate. 12 A <b>– and give you a number?</b> 13 Q Are we talking about a handful of times? 14 Five? Ten? Hundreds? 15 A <b>I don't know. Maybe less than a dozen.</b> 16 Q Okay. When was the last time you had a 17 panic attack? 18 A <b>Yesterday.</b> 19 Q And what caused the panic attack 20 yesterday? 21 A <b>Thinking about the deposition.</b> 22 Q So what was the trigger for yesterday's</p>	<p style="text-align: right;">76</p> <p>1 Q Was it a letter of reprimand, a letter 2 of counsel, to your knowledge? 3 A <b>I can't remember specifically.</b> 4 MR. MOGUL: Do you need to take a break? 5 THE WITNESS: Yes. 6 MR. MOGUL: Let's take a couple-minute 7 break. 8 (Record suspended.) 9 BY MR. SHARMA: 10 Q Do you recall whether it was a letter of 11 counsel or a letter of reprimand as to that last 12 incident we spoke of? 13 (Reporter clarification.) 14 Q Ms. Eller, to your understanding, is 15 there a distinction between a letter of counsel 16 and a letter of reprimand? 17 A <b>Yes.</b> 18 Q What is the distinction? 19 A <b>A letter of counsel is a guidance</b> 20 <b>suggestion for how a person should proceed.</b> 21 <b>A letter of reprimand is a statement</b> 22 <b>from the administrator that they believe you did</b></p>

77	<p>1 something wrong –</p> <p>2 Q Okay.</p> <p>3 A – that – that needs to be corrected.</p> <p>4 Q Okay. Thank you for that.</p> <p>5 Are there any other incidents of</p> <p>6 discipline that you can recall while at Friendly</p> <p>7 High School?</p> <p>8 A No, not that I can recall.</p> <p>9 Q And I think you said this earlier,</p> <p>10 Mr. Adams was your supervisor at Friendly High</p> <p>11 School?</p> <p>12 A Yes.</p> <p>13 Q Principal.</p> <p>14 A He was the principal. We had a rotating</p> <p>15 set of grade-level administrators who would have</p> <p>16 been an intermediary between.</p> <p>17 Like in most situations, you would have</p> <p>18 conversations with your grade-level supervisor and</p> <p>19 then have conversations with your principal.</p> <p>20 Q After Friendly High School, where did</p> <p>21 you transfer to?</p> <p>22 A James Madison Middle School.</p>	79	<p>1 at James Madison?</p> <p>2 A The duty location that I had been told</p> <p>3 to report to was James Madison. My duty pay was</p> <p>4 being pulled from Kenmoor.</p> <p>5 And it was after my first two weeks at</p> <p>6 James Madison that it became apparent that I would</p> <p>7 not receive a paycheck because Kenmoor had told</p> <p>8 payroll that I had not reported for duty.</p> <p>9 Q Okay. So let me try to understand.</p> <p>10 Did you, in fact, ever teach at Kenmoor</p> <p>11 after Friendly High School?</p> <p>12 A No.</p> <p>13 Q So from August 2016 onwards, you</p> <p>14 reported to James Madison for work?</p> <p>15 A I reported to James Madison for work</p> <p>16 from -- yes, from August, the end of August 2016.</p> <p>17 Q And at some point you went out on FMLA</p> <p>18 leave; is that correct?</p> <p>19 A That's correct.</p> <p>20 Q And when was that?</p> <p>21 A Beginning of October.</p> <p>22 Q Of 2016?</p>
78	<p>1 Q Where is that located? Do you know the</p> <p>2 city?</p> <p>3 A No.</p> <p>4 Q What were your dates of employment at</p> <p>5 James Madison?</p> <p>6 A Officially rostered at James Madison</p> <p>7 from the end of August until my official letter of</p> <p>8 resignation in 2017.</p> <p>9 I was briefly rostered under Kenmoor</p> <p>10 Middle School in between Friendly High School</p> <p>11 and -- and James Madison. For the first two weeks</p> <p>12 at James Madison, the county had me listed as a</p> <p>13 teacher at Kenmoor Middle School.</p> <p>14 Q Okay. So do you remember the date of</p> <p>15 your resignation?</p> <p>16 A Summer 2017.</p> <p>17 Q So from August 2016 to the summer of</p> <p>18 2017, you were at James Madison Middle School?</p> <p>19 A I was working at James Madison Middle</p> <p>20 School, I was rostered at both James Madison and</p> <p>21 Kenmoor and my pay was attached to Kenmoor.</p> <p>22 Q Okay. But your actual duty location was</p>	80	<p>1 A Yes.</p> <p>2 Q And did you report back to work after</p> <p>3 October of 2016 at any point?</p> <p>4 A I checked in with Courtney King, the</p> <p>5 principal. I did not return to the classroom.</p> <p>6 Q And when you checked in, what does that</p> <p>7 mean?</p> <p>8 A It was a follow-up to see if I was still</p> <p>9 on FMLA.</p> <p>10 Q Okay. You were out on FMLA from October</p> <p>11 of 2016 to June of 2017, is that accurate?</p> <p>12 A I believe so, yes.</p> <p>13 Q During that time period, were you on</p> <p>14 leave without pay or with pay?</p> <p>15 A Without.</p> <p>16 Q But the last time you actually reported</p> <p>17 to a classroom for teaching was in October of 2016</p> <p>18 prior to your FMLA?</p> <p>19 A Correct.</p> <p>20 Q What was the basis of your FMLA leave in</p> <p>21 October of 2016?</p> <p>22 A I entered an outpatient psychiatric</p>

81	<p>1 <b>program.</b></p> <p>2 Q Outpatient?</p> <p>3 A <b>Yes.</b></p> <p>4 Q Psychiatric program?</p> <p>5 A <b>Yes.</b></p> <p>6 Q At which institution?</p> <p>7 A <b>At GW.</b></p> <p>8 Q And how long were you at -- in that</p> <p>9 program for?</p> <p>10 A <b>Through October and November.</b></p> <p>11 Q And what were you being treated for at</p> <p>12 GW?</p> <p>13 A <b>Post-traumatic stress disorder.</b></p> <p>14 Q Okay. We'll get into that in a few</p> <p>15 minutes.</p> <p>16 That takes us to November of 2016.</p> <p>17 What were you doing from November of</p> <p>18 2016 to June of 2017 while out on FMLA leave?</p> <p>19 A <b>I was looking for a different job.</b></p> <p>20 Q Were you, in fact, sick during that</p> <p>21 period of time?</p> <p>22 A <b>How are we using the word "sick"? Are</b></p>	83	<p>1 system from October of 2016 to June of 2017, but</p> <p>2 you began to work at Target in January of 2017?</p> <p>3 A <b>Correct.</b></p> <p>4 Q Okay. Did you work anywhere else during</p> <p>5 that period of FMLA leave?</p> <p>6 A <b>I began the flex position with -- with</b></p> <p>7 <b>the DOD in March of 2017.</b></p> <p>8 Q At any point in time did you notify the</p> <p>9 school system that you had begun employment with</p> <p>10 Target in January of 2017 while you were out on</p> <p>11 FMLA leave?</p> <p>12 A <b>No.</b></p> <p>13 Q At any point in time did you notify the</p> <p>14 school system that you were working for the DOD in</p> <p>15 March of 2017 while you were out on FMLA leave</p> <p>16 with the school system?</p> <p>17 A <b>No.</b></p> <p>18 Q And did you have any other employer</p> <p>19 during that period of time while you were out on</p> <p>20 FMLA leave?</p> <p>21 A <b>No.</b></p> <p>22 Q Did you notify Target that you were out</p>
82	<p>1 <b>we talking about simply physically or are we</b></p> <p>2 <b>talking mentally?</b></p> <p>3 Q What was the basis or the explanation or</p> <p>4 the grounds for leave that you provided to the</p> <p>5 school system for that period of time?</p> <p>6 A <b>I could not mentally deal with the</b></p> <p>7 <b>stress of returning to work.</b></p> <p>8 Q And that's what you listed on your form?</p> <p>9 A <b>I believe so.</b></p> <p>10 <b>I had assistance in filling out the</b></p> <p>11 <b>forms from the nurses at GW.</b></p> <p>12 Q So from November of 2016 to June of</p> <p>13 2017, you remained on FMLA leave, am I accurate?</p> <p>14 A <b>I believe so.</b></p> <p>15 Q And during that period of time you were</p> <p>16 at home? Were you at home?</p> <p>17 A <b>For the majority of that time, yes.</b></p> <p>18 Q Where else were you?</p> <p>19 A <b>Starting in January of 2017, I was</b></p> <p>20 <b>taking a few hours of work at Target.</b></p> <p>21 Q So let me make sure I understand.</p> <p>22 You're out on FMLA leave from the school</p>	84	<p>1 on FMLA leave with the school system?</p> <p>2 A <b>Yes.</b></p> <p>3 Q And what about the DOD? Did you notify</p> <p>4 them?</p> <p>5 A <b>I don't recall.</b></p> <p>6 Q Why did you wait until June of 2017 to</p> <p>7 turn in your resignation notice?</p> <p>8 A <b>It was under advice.</b></p> <p>9 Q Of whom?</p> <p>10 A <b>Of my law team.</b></p> <p>11 Q Of whom?</p> <p>12 A <b>Of my law team.</b></p> <p>13 Q Law team?</p> <p>14 A <b>Yes.</b></p> <p>15 Q And who was your law team at the time?</p> <p>16 A <b>I don't recall if it had completely</b></p> <p>17 <b>switched over to Arnold and Porter, but I had a</b></p> <p>18 <b>period where I was being represented by both</b></p> <p>19 <b>Arnold and Porter and Whitman-Walker Legal</b></p> <p>20 <b>Services.</b></p> <p>21 Q Okay. Do you recall when you were being</p> <p>22 represented by Whitman-Walker Legal Services?</p>

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85	<p>1 When did your -- when did that representation 2 start? 3 <b>A I believe it started at the same time</b> 4 <b>as -- after I filed the EEO complaint against</b> 5 <b>Ms. Robinson.</b> 6 Q Is this the internal 4170 complaint 7 you're referring to? 8 <b>A Yes.</b> 9 Q My understanding that was in February of 10 2015? 11 <b>A Yes.</b> 12 Q And at that point in time when you filed 13 that complaint, you were presented by legal 14 counsel? 15 <b>A Yes. Daria Zane was working at</b> 16 <b>Whitman-Walker Legal Services and she helped me</b> 17 <b>navigate filling out and filing the form.</b> 18 Q And how -- how soon prior to that 19 form -- to when that form was filed were you being 20 represented by counsel? 21 <b>A I'm sorry, rephrase.</b> 22 Q In other words, when did you first</p>	87	<p>1 <b>then yes.</b> 2 Q While you were out on FMLA leave from 3 October of 2016 to June of 2017, were you 4 receiving benefits from the Prince George's County 5 Public School system? 6 <b>A No, not entirely. I had -- I had to</b> 7 <b>begin paying for my insurance myself.</b> 8 Q When did you begin paying for your 9 insurance by yourself? 10 <b>A I don't recall.</b> 11 Q And when did you -- was your leave 12 without pay immediately when you began leave in 13 October 2016? 14 MR. MOGUL: Objection. 15 <b>A No, leave without pay began February or</b> 16 <b>March.</b> 17 Q Of 2017? 18 <b>A I think so.</b> 19 Q And, correct me if I'm wrong, it's my 20 understanding that you have to exhaust your sick 21 leave and annual leave prior to leave without pay 22 kicking in, is that your understanding?</p>
86	<p>1 become represented by that counsel? It wasn't the 2 day of the filing, was it? 3 <b>A No, I don't believe so.</b> 4 Q Was it a month before, several months 5 before, a year before? 6 <b>A Oh, it was after.</b> 7 Q It was after the filing? 8 <b>A Right. They provided a legal service to</b> 9 <b>help me do the filing.</b> 10 Q Okay. 11 <b>A And when -- when there was an internal</b> 12 <b>meeting with Amana Simmons, they offered to work</b> 13 <b>with Amana Simmons to help develop a training</b> 14 <b>curriculum.</b> 15 Q And is it fair to say that since 16 February of 2015 to the present you've been 17 represented by counsel with regard to this 18 litigation and your employment with PGCPs? 19 <b>A I'm not sure how Whitman-Walker Legal</b> 20 <b>Services determined when their official counsel of</b> 21 <b>me began. If they designated it from the start of</b> 22 <b>when I came for assistance with the paperwork,</b></p>	88	<p>1 <b>A I know that you have to exhaust your</b> 2 <b>sick leave and personal leave. And then after</b> 3 <b>that exhaustion, you have to be two weeks without</b> 4 <b>pay and then they can start leave, a paid leave of</b> 5 <b>absence and that lasts a couple months and then it</b> 6 <b>expires. And if you continue to be out beyond</b> 7 <b>that point, it is leave without pay.</b> 8 Q Okay. So let's do it this way, in 9 October of 2016, did you receive pay from the 10 Board of Education? 11 <b>A I don't recall.</b> 12 Q Did you receive benefits? 13 When I say "benefits," I mean medical 14 insurance and the like. 15 Did you receive that in October of 2016? 16 <b>A I don't recall.</b> 17 Q What about in November of 2016, did you 18 receive pay from the Board of Education? 19 <b>A I think so.</b> 20 Q And what about benefits, did you receive 21 benefits from the Board in November of 2017? 22 <b>A I don't recall.</b></p>

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<p style="text-align: right;">89</p> <p>1 MR. McCOLLUM: October '16.  2 MR. SHARMA: I'm sorry, October '16, I  3 apologize.  4 I'll try to slow down.  5 <b>A Please repeat the question.</b>  6 Q In November of 2016, did you receive  7 medical insurance and other benefits from the  8 Board of Education?  9 <b>A Yeah. If I was still receiving pay, I</b>  10 <b>believe that I was still receiving benefits.</b>  11 Q When you were at GW in October and  12 November of 2016, did your medical insurance from  13 the Board of Education pay for your services  14 there, or did you have to pay out-of-pocket?  15 <b>A I don't recall.</b>  16 Q In December of 2016, did you receive pay  17 from the Board of Education?  18 <b>A I don't recall.</b>  19 Q In December of 2016, did you receive  20 benefits, medical insurance and the like from the  21 Board of Education?  22 <b>A I don't recall.</b></p>	<p style="text-align: right;">91</p> <p>1 Q And if I'm wrong, you can correct me,  2 please.  3 <b>A What I said was, I believe that's how</b>  4 <b>the system works. I can't recall specifically</b>  5 <b>when – I can't recall specifically when the pay</b>  6 <b>stopped because I have some difficulty recalling</b>  7 <b>things from that time period.</b>  8 Q You have difficulty recalling things  9 from which time period?  10 <b>A From the time period when I was in the</b>  11 <b>outpatient psychiatric facility and for a few</b>  12 <b>months after that.</b>  13 Q So you can't -- you have difficulty  14 recalling incidents from October and November of  15 2016; is that correct?  16 <b>A I have some difficulty recalling those</b>  17 <b>things, yes.</b>  18 Q And you have difficulty recalling  19 incidents that took place a few months after your  20 release from the GW psychiatric program?  21 <b>A Yes.</b>  22 Q How many months afterwards do you have</p>
<p style="text-align: right;">90</p> <p>1 Q In January of 2017, did you receive pay  2 from the Board of Education?  3 <b>A I don't recall.</b>  4 Q Okay. In January of 2017, did you  5 receive benefits from the Board of Education?  6 <b>A I don't recall.</b>  7 Q What about in February of 2017, did you  8 receive pay from the Board?  9 <b>A I don't recall.</b>  10 Q Okay. And what about benefits, do you  11 recall whether you received benefits in February  12 of 2017 from the Board of Education?  13 <b>A I don't recall.</b>  14 Q At some point you stopped receiving pay;  15 correct?  16 <b>A Yes.</b>  17 Q Do you recall when that was?  18 <b>A No.</b>  19 Q I thought you said that you thought you  20 stopped receiving pay in February of 2017, a few  21 moments ago.  22 MR. MOGUL: Objection.</p>	<p style="text-align: right;">92</p> <p>1 difficulty remembering?  2 <b>A It's difficult to quantify.</b>  3 Q Why is that?  4 <b>A The memories from that time period gain</b>  5 <b>clarity the further from the time period I get.</b>  6 <b>And so I don't know how to delineate exactly when</b>  7 <b>I would have full recall versus partial recall.</b>  8 Q Okay. What about your memories prior to  9 October 2016?  10 <b>A I have difficulty recalling some of the</b>  11 <b>events.</b>  12 Q How far does that difficulty go back in  13 time?  14 <b>A I cannot say with any certainty.</b>  15 Q Is there anything that would help to  16 refresh your memory as to incidents prior to  17 October 2016, or you just can't remember?  18 MR. MOGUL: Objection.  19 <b>A I am not entirely certain what would or</b>  20 <b>would not.</b>  21 <b>Paperwork from that time period might</b>  22 <b>help, conversations with people from that time</b></p>

<p style="text-align: right;">93</p> <p>1 <b>period might help, but I can't say with any</b>  2 <b>certainty because I'm not a psychiatrist.</b>  3 Q Okay. Your tenure at James Madison  4 Middle School, who was your supervisor?  5 <b>A My grade-level administrator was</b>  6 <b>Mr. Connelin and supervisor would have been</b>  7 <b>principal Courtney King.</b>  8 Q What did you teach at James Madison for  9 the period of time that you were actually in the  10 building teaching?  11 <b>A They had me teaching a co-taught – two</b>  12 <b>co-taught classes and an IB class.</b>  13 Q When you say "co-taught," were you  14 teaching with Teresa McCain?  15 <b>A I think that was her name.</b>  16 Q What was your salary when you began  17 teaching at James Madison Middle School?  18 <b>A It would have been the same as when I</b>  19 <b>left Friendly.</b>  20 Q Okay. And what about the time that you  21 resigned, do you know what your salary was at that  22 time?</p>	<p style="text-align: right;">95</p> <p>1 system offered a pension to its employees once  2 they retired as well?  3 <b>A No, I don't know.</b>  4 Q Do you know if you were vested in any  5 pension plan with the Board of Education?  6 <b>A No, I don't know.</b>  7 Q Were you a full tenured teacher at the  8 time of your resignation?  9 <b>A Yes.</b>  10 Q And how exactly did you resign with the  11 Board, what did you do?  12 <b>A I – it was in conversation with – it</b>  13 <b>was in conversation with one of the human</b>  14 <b>resources people I had been in contact with. And</b>  15 <b>prior to when I did resign, I had been trying to</b>  16 <b>figure out how to resign. I was having difficulty</b>  17 <b>navigating the electronic system and so I would</b>  18 <b>have resigned in May, but I was having difficulty</b>  19 <b>navigating the system.</b>  20 <b>And when I received a notice to a</b>  21 <b>Loudermill hearing when I called to find out what</b>  22 <b>it was about, the person I spoke to said it is</b></p>
<p style="text-align: right;">94</p> <p>1 <b>A No. I don't think it decreased, but I</b>  2 <b>don't know.</b>  3 Q Did you have any incidents of discipline  4 you received while at James Madison Middle School?  5 <b>A No.</b>  6 Q What benefits did you receive as a  7 teacher for Prince George's County Public Schools?  8 <b>A I received a set number of sick days and</b>  9 <b>personal days. There was a retirement matching</b>  10 <b>program, there was health insurance and dental and</b>  11 <b>vision insurance.</b>  12 Q Was there a pension plan?  13 <b>A They had -- they had a couple of</b>  14 <b>different financial institutions come in and talk</b>  15 <b>to us about 403(b)s, which is different than a</b>  16 <b>403(k). And we could have amounts of -- a set</b>  17 <b>amount taken out of our pay and invested in the</b>  18 <b>403(b) and I believe the school had a matching</b>  19 <b>policy.</b>  20 Q So that sounds like a retirement plan to  21 me.  22 Do you know if there was a -- the school</p>	<p style="text-align: right;">96</p> <p>1 regarding whether or not you will be returning  2 next year.  3 <b>And I said that I would not be.</b>  4 <b>And she said, do you need help filing</b>  5 <b>your resignation.</b>  6 <b>And I said, yes, I do.</b>  7 <b>And she offered to if I sent her an</b>  8 <b>e-mail giving a date of resignation of that day</b>  9 <b>that I -- that she would submit the resignation.</b>  10 Q Prior to 2008, where were you employed?  11 <b>A I was working in Front Royal and</b>  12 <b>Winchester, I was working at Target in Front Royal</b>  13 <b>and I was working in Winchester -- I was working</b>  14 <b>in Winchesters at the mall at GameStop.</b>  15 Q When did you relocate into this area?  16 <b>A October 2007. That's when my-then wife</b>  17 <b>and I moved to the East Coast from Minnesota.</b>  18 Q Okay. Have you ever filed for  19 bankruptcy?  20 <b>A No.</b>  21 Q Have you ever been convicted of any type  22 of crime, other than a minor traffic violation?</p>

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<p style="text-align: right;">97</p> <p>1 A No.</p> <p>2 Q Have you ever been involved in a</p> <p>3 Workers' Compensation matter?</p> <p>4 A <b>Is that like when you get injured on the</b></p> <p>5 <b>job?</b></p> <p>6 Q Yes.</p> <p>7 A <b>Yes, I believe I was while I was working</b></p> <p>8 <b>at Kenmoor I think.</b></p> <p>9 Q What happened?</p> <p>10 A <b>It was a back issue.</b></p> <p>11 Q And the injury took place at the</p> <p>12 workplace?</p> <p>13 A Yes.</p> <p>14 Q Was it during your scope of employment?</p> <p>15 A Yes.</p> <p>16 Q What were you doing that caused the back</p> <p>17 issue?</p> <p>18 A <b>I fell.</b></p> <p>19 Q In the classroom?</p> <p>20 A Yes.</p> <p>21 Q Do you recall when that was?</p> <p>22 A No.</p>	<p style="text-align: right;">99</p> <p>1 Q Have you been involved in any type of</p> <p>2 administrative manner?</p> <p>3 For example, you filed a charge with the</p> <p>4 EEOC. Have you ever done that before?</p> <p>5 A No.</p> <p>6 Q Have you done it since?</p> <p>7 A No.</p> <p>8 Q Have you ever been a party or a witness</p> <p>9 to a lawsuit?</p> <p>10 A No.</p> <p>11 Q Do you still have your teacher's</p> <p>12 certificate?</p> <p>13 A <b>Are you asking if I'm still certified or</b></p> <p>14 <b>are you asking if I have a copy of the one I had?</b></p> <p>15 Q I'm asking if you still have a teacher's</p> <p>16 certificate with the State of Maryland to teach.</p> <p>17 A <b>No. My certificate lapsed in 2018.</b></p> <p>18 Q Why did you allow it to lapse?</p> <p>19 A <b>Because I was working at the DOD and did</b></p> <p>20 <b>not have funds to take the required Special</b></p> <p>21 <b>Education classes that were necessary for renewal</b></p> <p>22 <b>of the license.</b></p>
<p style="text-align: right;">98</p> <p>1 Q And did you file a claim for Workers'</p> <p>2 Compensation?</p> <p>3 A Yes.</p> <p>4 Q And when was that?</p> <p>5 A <b>I don't recall.</b></p> <p>6 Q What was the outcome of the claim?</p> <p>7 A <b>I don't recall.</b></p> <p>8 Q Were you provided with compensation?</p> <p>9 A <b>I don't recall.</b></p> <p>10 Q So because this was at Kenmoor, this had</p> <p>11 to have happened between 2008 and 2011?</p> <p>12 A Yes.</p> <p>13 Q Do you recall whether it was towards the</p> <p>14 beginning of your tenure there or towards the</p> <p>15 latter portion?</p> <p>16 A <b>I think the latter portion.</b></p> <p>17 Q Was this before or after your</p> <p>18 transition?</p> <p>19 A <b>Before.</b></p> <p>20 Q Have you ever filed for unemployment</p> <p>21 benefits?</p> <p>22 A No.</p>	<p style="text-align: right;">100</p> <p>1 Q Do you have any other type of</p> <p>2 professional license or certification currently?</p> <p>3 A No.</p> <p>4 Q Do you belong to any type of</p> <p>5 professional association or organization?</p> <p>6 A No.</p> <p>7 Q What did you do to prepare for today's</p> <p>8 deposition?</p> <p>9 A <b>We had a meeting and we talked about</b></p> <p>10 <b>what a deposition was.</b></p> <p>11 Q Okay. I don't want to get into any</p> <p>12 conversations.</p> <p>13 Did you look at any documents?</p> <p>14 A <b>At the meeting we looked at some</b></p> <p>15 <b>documents.</b></p> <p>16 Q Which documents did you look at?</p> <p>17 A <b>The ones in the profile that they had</b></p> <p>18 <b>put together, the exhibits profile thing they had</b></p> <p>19 <b>19 (indicating).</b></p> <p>20 Q Do you recall any of the main documents</p> <p>21 that you may have looked at?</p> <p>22 A <b>E-mails mostly.</b></p>

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101	<p>1 Q Did you look at your complaint that you</p> <p>2 filed in this lawsuit?</p> <p>3 A <b>I don't recall.</b></p> <p>4 Q Did you look at your Answers to</p> <p>5 Interrogatories that you signed under oath?</p> <p>6 A <b>I don't recall looking at those, no.</b></p> <p>7 Q Did you speak to anyone else beside your</p> <p>8 attorneys regarding your deposition today?</p> <p>9 A <b>No.</b></p> <p>10 Q Did you bring any documents with you</p> <p>11 today?</p> <p>12 A <b>No.</b></p> <p>13 Q We get to plug away.</p> <p>14 Do you need a break, or shall we</p> <p>15 continue?</p> <p>16 A <b>I'm fine.</b></p> <p>17 Q Ms. Eller, you are a transgender woman?</p> <p>18 A <b>Yes.</b></p> <p>19 Q What does that mean?</p> <p>20 A <b>In simple terms?</b></p> <p>21 Q Please.</p> <p>22 A <b>Trans is a Latin prefix that means</b></p>	103	<p>1 identified as female?</p> <p>2 A <b>I always understood myself as female.</b></p> <p>3 Q Okay. In the medical records that were</p> <p>4 provided to us by your counsel, there was some</p> <p>5 documentation that you may have identified as</p> <p>6 female at the age of 4, is that inaccurate,</p> <p>7 accurate, or is there an explanation that you can</p> <p>8 provide?</p> <p>9 A <b>As far as context?</b></p> <p>10 Q Please.</p> <p>11 A <b>The medical documentation refers to it</b></p> <p>12 <b>as me identifying at that stage. However, more</b></p> <p>13 <b>accurately spoken, at the age of 4, I became aware</b></p> <p>14 <b>of the fact that other people did not identify me</b></p> <p>15 <b>as female.</b></p> <p>16 Q Other people did not identify you as</p> <p>17 female?</p> <p>18 A <b>Correct.</b></p> <p>19 Q You recognized that at the age of 4?</p> <p>20 A <b>Yes.</b></p> <p>21 <b>Prior to the age of 4, I understood</b></p> <p>22 <b>myself as female.</b></p>
102	<p>1 <b>across from or on the other side of, and is the</b></p> <p>2 <b>opposite of cis, which means on the same side of.</b></p> <p>3 <b>So in this terminology medically, a</b></p> <p>4 <b>trans woman is someone who was designated male at</b></p> <p>5 <b>birth and whose gender identity does not match the</b></p> <p>6 <b>assigned at birth gender that they were given.</b></p> <p>7 <b>So the use of the term "transgender</b></p> <p>8 <b>woman" would refer to a woman assigned male at</b></p> <p>9 <b>birth who is a woman in gender identity as opposed</b></p> <p>10 <b>to a cisgender woman or a cisgender man whose</b></p> <p>11 <b>gender identity and birth assignment are in</b></p> <p>12 <b>alignment.</b></p> <p>13 Q Okay. So the sex you were assigned at</p> <p>14 birth was male?</p> <p>15 A <b>I was designated male at birth.</b></p> <p>16 Q And you identify as a female?</p> <p>17 A <b>I am a woman. I am a female.</b></p> <p>18 Q You are a female?</p> <p>19 A <b>Yes.</b></p> <p>20 Q When were you a female?</p> <p>21 A <b>Always.</b></p> <p>22 Q Did there come a point in time when you</p>	104	<p>1 Q When did you first convey that to</p> <p>2 someone else?</p> <p>3 A <b>I attempted to convey that to my parents</b></p> <p>4 <b>at the age of 4.</b></p> <p>5 Q And what was -- let's start here.</p> <p>6 What are your parents' names?</p> <p>7 A <b>My father's name is Stephen Dale Eller.</b></p> <p>8 <b>My mother's name is Dawn-Marie Eller. No middle</b></p> <p>9 <b>name.</b></p> <p>10 Q And where do they live?</p> <p>11 A <b>They live in Barnum, Minnesota.</b></p> <p>12 <b>Technically in Skelton Township just</b></p> <p>13 <b>outside of Barnum.</b></p> <p>14 Q And you conveyed your gender identity to</p> <p>15 them at the age of 4?</p> <p>16 A <b>Correct.</b></p> <p>17 Q And what response, if any, did you</p> <p>18 receive from your parents?</p> <p>19 A <b>What I recall is some confusion about</b></p> <p>20 <b>what I was trying to express at that time because,</b></p> <p>21 <b>as a 4-year-old, I did not have the terminology</b></p> <p>22 <b>nor language skills to fully convey what I was</b></p>

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1 trying to say. And I had told them – I asked  
 2 first how they determined the difference between  
 3 boys and girls.  
 4 Their response was the typical boys have  
 5 a penis and girls have a vagina.  
 6 I asked if mistakes were ever made and  
 7 they said they didn't know.  
 8 Q Okay. What else was said?  
 9 A I can't recall.  
 10 Q Do you know if there was acceptance on  
 11 the part of your parents, rejection, how would you  
 12 characterize the overall response?  
 13 A I can't recall.  
 14 MR. GONZALEZ-PAGAN: Objection.  
 15 (Reporter clarification.)  
 16 Q But you do recall that at the age of 4  
 17 you informed your parents of your gender identity?  
 18 A I recall attempting to inform them, but  
 19 not having the language skills to accurately  
 20 express or even the terminology at the age of 4 to  
 21 accurately express.  
 22 Q Was -- did there come a point subsequent

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1 in time where you again attempted to inform them?  
 2 A Yes.  
 3 Q When was that?  
 4 A When I was in high school.  
 5 Q What year were you in high school?  
 6 A I was in high school from 1991 to 1995.  
 7 Q Do you recall when exactly you attempted  
 8 to inform them?  
 9 A I do not recall.  
 10 Q And what did you do to inform them?  
 11 A I was having a conversation with my –  
 12 with my mother.  
 13 Q What did you tell her?  
 14 A I told her that I felt like I was not a  
 15 boy.  
 16 Q And what was her response or reaction?  
 17 A I can't recall specifically what was  
 18 said, but she listened to what I said.  
 19 And she said, you know, she said your  
 20 dad, when he was younger, felt like – felt like  
 21 things were not real around him, like they  
 22 weren't – like he didn't feel solidly in the

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1 world.  
 2 At that point I realized that she didn't  
 3 understand what I was talking about.  
 4 Q Okay. And did you attempt again at some  
 5 point to have this type of conversation with your  
 6 parents?  
 7 A In 2011 I had the conversation again.  
 8 Q And how did that conversation go?  
 9 A Now that I had the terminology and the  
 10 ability to explain, I was able to convey precisely  
 11 what I meant and my mother was accepting.  
 12 Q Your mother was accepting?  
 13 A Yes.  
 14 Q What about your father?  
 15 A I hadn't talked to him at that point  
 16 yet.  
 17 Q And when did you talk to him?  
 18 A I talked to him, I think, June of 2011.  
 19 Q And tell me about that conversation.  
 20 A The intent was to go and have a  
 21 conversation with him about my gender. He had  
 22 seen some of the items that I had packed,

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1 including at that point a wig for airline travel  
 2 and a book I was reading on transgender identity.  
 3 He believed that this was in response to the fact  
 4 that I had gotten a divorce and his initial  
 5 response was you know that this is not an answer  
 6 to that problem.  
 7 I told him that it was not connected to  
 8 it.  
 9 He expressed confusion regarding gender  
 10 identity versus sexuality and said, well, maybe  
 11 you could just be a bachelor.  
 12 And I had to explain to him what the  
 13 difference between gender identity and sexuality  
 14 was.  
 15 Q Did you explain the difference?  
 16 A Yes.  
 17 Q Was he accepting?  
 18 A He accepted what I said. He took time  
 19 to process what I said, and subsequently spent a  
 20 lot of time feeling -- feeling responsible as if  
 21 something he had done when he was younger, like  
 22 maybe he had too many drinks or maybe he smoked

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109	<p>1 <b>too much marijuana, and he was afraid that he had</b></p> <p>2 <b>caused the situation.</b></p> <p>3 Q Okay. Currently in the present, is your</p> <p>4 father accepting of you?</p> <p>5 A Yes.</p> <p>6 Q And your mother?</p> <p>7 A Yes.</p> <p>8 Q What does transitioning mean?</p> <p>9 MR. MOGUL: Objection.</p> <p>10 Q Is it a term you're familiar with?</p> <p>11 A <b>It is a term I'm familiar with. It is a</b></p> <p>12 <b>very complex term. And transition is – the path</b></p> <p>13 <b>of transition is different for all transgender</b></p> <p>14 <b>people, so I can talk about what transition means</b></p> <p>15 <b>to me, but I cannot tell you what transition means</b></p> <p>16 <b>to all transgender people.</b></p> <p>17 Q Okay. Does it mean that your -- is it</p> <p>18 the process of aligning one's sex with their</p> <p>19 gender identity, in general terms?</p> <p>20 A <b>It can be.</b></p> <p>21 Q Did there come a point in time when you</p> <p>22 underwent or began the process to transition?</p>	111	<p>1 Q Are you still undergoing a private</p> <p>2 transition?</p> <p>3 A <b>Aren't we all? I mean –</b></p> <p>4 Q Is that a "yes"?</p> <p>5 A <b>What I would say is, we are always</b></p> <p>6 <b>evolving as people and that is a transitory</b></p> <p>7 <b>process.</b></p> <p>8 Q Okay. You mentioned medical</p> <p>9 transitioning?</p> <p>10 A <b>Yes.</b></p> <p>11 Q Was there a point in time that you began</p> <p>12 medically to transition?</p> <p>13 A <b>Yes.</b></p> <p>14 Q When was that?</p> <p>15 A <b>My first – the first time I began a</b></p> <p>16 <b>medical transition would have been in college.</b></p> <p>17 Q Okay. And I'll get back to that in a</p> <p>18 few seconds.</p> <p>19 Social transitioning you mentioned?</p> <p>20 A <b>Yes.</b></p> <p>21 Q When did you begin to socially</p> <p>22 transition?</p>
110	<p>1 A <b>There were different steps along the</b></p> <p>2 <b>road of transition and there are differences</b></p> <p>3 <b>between a social transition, a medical transition,</b></p> <p>4 <b>a private transition, so I'm not exactly sure what</b></p> <p>5 <b>time frame you're looking for.</b></p> <p>6 Q Well, when did you begin to social</p> <p>7 transition, medical transition, or private</p> <p>8 transition?</p> <p>9 MR. GONZALEZ-PAGAN: Objection.</p> <p>10 Q Which occurred first for you?</p> <p>11 A <b>For me? It was a private exploration of</b></p> <p>12 <b>the idea of gender transition.</b></p> <p>13 Q And when did that take place?</p> <p>14 A <b>When I was in college.</b></p> <p>15 Q You were the age of 18?</p> <p>16 A <b>Nineteen or 20.</b></p> <p>17 Q And is that an ongoing process or does</p> <p>18 that terminate at some point in time, that</p> <p>19 transition, private transition?</p> <p>20 A <b>I have a hard time trying to suss out</b></p> <p>21 <b>what you're looking for due to the complexity of</b></p> <p>22 <b>the idea of transition.</b></p>	112	<p>1 A <b>My first social transition began in</b></p> <p>2 <b>college.</b></p> <p>3 Q Let's start with -- I want to talk about</p> <p>4 social transitioning first.</p> <p>5 What was your first experience with</p> <p>6 social transitioning?</p> <p>7 A <b>My first experience with socially</b></p> <p>8 <b>transitioning was in graduate school, shortly</b></p> <p>9 <b>after I had graduated from college. Yeah, that</b></p> <p>10 <b>would be when I first attempted.</b></p> <p>11 Q What did you do in your attempt, what</p> <p>12 did your attempt consist of?</p> <p>13 A <b>Following the Harry Benjamin Code of</b></p> <p>14 <b>Standards.</b></p> <p>15 Q What is the Harry Benjamin Code of</p> <p>16 Standards?</p> <p>17 A <b>Harry Benjamin Code was developed by</b></p> <p>18 <b>Harry Benjamin, I believe, in the 1950s and is the</b></p> <p>19 <b>guiding principles for how medical and psychiatric</b></p> <p>20 <b>professionals should proceed with gender</b></p> <p>21 <b>transition for individuals who express transgender</b></p> <p>22 <b>identity.</b></p>

<p style="text-align: right;">113</p> <p>1 Q Does social transitioning include</p> <p>2 informing others?</p> <p>3 A <b>It can include informing others.</b></p> <p>4 Q Okay. Did it for you?</p> <p>5 A <b>It included informing some.</b></p> <p>6 Q Who were the some that you informed?</p> <p>7 MR. MOGUL: Objection.</p> <p>8 A <b>I'm sorry, are you asking me to name</b></p> <p>9 <b>people I talked to?</b></p> <p>10 Q Yes.</p> <p>11 A <b>A professor, a therapist, and a couple</b></p> <p>12 <b>of friends.</b></p> <p>13 Q This is in college?</p> <p>14 A <b>Yes. Well, graduate school.</b></p> <p>15 Q Graduate school. Okay.</p> <p>16 Do you have a sibling?</p> <p>17 A <b>Yes.</b></p> <p>18 Q How many?</p> <p>19 A <b>One.</b></p> <p>20 Q And his or her name?</p> <p>21 A <b>Luke Stephen, same last name.</b></p> <p>22 Q Luke Stephen Eller?</p>	<p style="text-align: right;">115</p> <p>1 A <b>It was over the course of a couple</b></p> <p>2 <b>years.</b></p> <p>3 Q And what specifically was he verbally</p> <p>4 abusing you about?</p> <div style="background-color: black; height: 40px; width: 100%;"></div> <p>9 Q Okay. My question was, what was he</p> <p>10 abusing you about?</p> <p>11 A <b>Like I said, a variety of issues. It</b></p> <p>12 <b>was politics, it was my gender identity, it was</b></p> <p>13 <b>the fact that he believed that I was dating my</b></p> <p>14 <b>ex-wife, it was the way I played Scrabble.</b></p> <p>15 <b>When I say it was a variety of issues,</b></p> <p>16 <b>it was a hodgepodge, potpourri of issues and it</b></p> <p>17 <b>could be anything at any given point.</b></p> <p>18 Q When did you first inform him of your</p> <p>19 transgender identity?</p> <p>20 A <b>Summer of 2011.</b></p> <p>21 Q And would you characterize him as being</p> <p>22 accepting?</p>
<p style="text-align: right;">114</p> <p>1 A <b>Yes.</b></p> <p>2 Q And where does he live?</p> <p>3 A <b>Texas.</b></p> <p>4 Q Do you know what city?</p> <p>5 A <b>No.</b></p> <p>6 Q Are you estranged from him?</p> <p>7 A <b>Can you define the word "estranged"?</b></p> <p>8 Q Do you communicate with him?</p> <p>9 A <b>Not currently.</b></p> <p>10 Q When is the last time you communicated</p> <p>11 with him?</p> <p>12 A <b>About a year-and-a-half ago.</b></p> <p>13 Q Is there a reason you haven't spoken to</p> <p>14 him in a year-and-a-half?</p> <p>15 A <b>He was abusive.</b></p> <p>16 Q To you?</p> <p>17 A <b>Yes.</b></p> <p>18 Q What type of abuse?</p> <p>19 A <b>Verbal abuse over the phone.</b></p> <p>20 Q Was this during your last conversation</p> <p>21 with him or was it something that you've</p> <p>22 experienced throughout your --</p>	<p style="text-align: right;">116</p> <p>1 A <b>Yes.</b></p> <p>2 Q He accepts your transgender identity?</p> <p>3 A <b>In 2011 he accepted my transgender</b></p> <p>4 <b>identity.</b></p> <p>5 Q And since then?</p> <p>6 A <b>I do not know where he stands currently.</b></p> <p>7 Q Did he ask you to detransition at any</p> <p>8 point?</p> <p>9 A <b>Yes.</b></p> <p>10 Q What does it mean to detransition?</p> <p>11 A <b>That's another -- that's another term</b></p> <p>12 <b>that is difficult to define because it's a very</b></p> <p>13 <b>personal term.</b></p> <p>14 <b>Are you asking me to tell you what he</b></p> <p>15 <b>meant by detransition?</b></p> <p>16 Q Sure.</p> <p>17 A <b>He wanted me to live and present as a</b></p> <p>18 <b>man.</b></p> <p>19 Q Okay. And when did he tell you this?</p> <p>20 A <b>A couple years ago.</b></p> <p>21 Q So at first he was accepting and then he</p> <p>22 became nonaccepting at some point in time?</p>

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<p style="text-align: right;">117</p> <p>1 <b>A Yes.</b></p> <p>2 Q And do you believe that's because of his</p> <p>3 bipolar disorder?</p> <p>4 MR. MOGUL: Objection.</p> <p>5 <b>A I can't speculate as to why.</b></p> <p>6 Q Does he or has he threatened to tell</p> <p>7 people that you're a pedophile?</p> <p>8 <b>A Yes.</b></p> <p>9 Q And when did he threaten you with that?</p> <p>10 <b>A During his – during his episodes, he</b></p> <p>11 <b>sent me a – he sent me a video of himself with</b></p> <p>12 <b>his face altered to look like a demon and his</b></p> <p>13 <b>voice altered to sound possessed and he said that</b></p> <p>14 <b>he was going to call down a world of pain on me</b></p> <p>15 <b>because he wanted his brother back and he said</b></p> <p>16 <b>that he would tell people I was a pedophile if I</b></p> <p>17 <b>didn't detransition.</b></p> <p>18 Q What was your response, if any?</p> <p>19 <b>A I did not respond to him.</b></p> <p>20 Q Was that a cause of stress for you?</p> <p>21 <b>A Yes.</b></p> <p>22 Q When he asked you to detransition, was</p>	<p style="text-align: right;">119</p> <p>1 Q And that mutual friend called you to</p> <p>2 tell you this?</p> <p>3 <b>A The mutual friend did – when I had</b></p> <p>4 <b>visited Minnesota, mentioned that he was making</b></p> <p>5 <b>posts about me and referring to me as – by my</b></p> <p>6 <b>birth name and by the gender I was assigned at</b></p> <p>7 <b>birth.</b></p> <p>8 Q When were you in Minnesota where you</p> <p>9 learned of this?</p> <p>10 <b>A 2012, 2013.</b></p> <p>11 Q Have you been emotionally abused by your</p> <p>12 brother?</p> <p>13 <b>A Yes.</b></p> <p>14 Q When did that begin?</p> <p>15 <b>A I realized a couple of years ago that he</b></p> <p>16 <b>had been being emotionally abusive and that was a</b></p> <p>17 <b>conclusion that I came to in therapy.</b></p> <p>18 Q Was this emotional abuse throughout your</p> <p>19 childhood?</p> <p>20 <b>A That's something that we're working on</b></p> <p>21 <b>in therapy.</b></p> <p>22 Q So do you not have an answer to my</p>
<p style="text-align: right;">118</p> <p>1 that a cause of stress for you?</p> <p>2 <b>A Yes.</b></p> <p>3 Q Was it stressful to come out to your</p> <p>4 parents?</p> <p>5 <b>A Yes.</b></p> <p>6 Q Your brother, does he post on social</p> <p>7 media?</p> <p>8 <b>A I don't know.</b></p> <p>9 Q Has he before?</p> <p>10 <b>A Yes.</b></p> <p>11 Q And has he posted about you?</p> <p>12 <b>A Yes.</b></p> <p>13 Q On what medium, social medium, Facebook,</p> <p>14 Twitter, Instagram, do you have any idea?</p> <p>15 <b>A No.</b></p> <p>16 Q What were the contents of the posts</p> <p>17 about you?</p> <p>18 <b>A I don't know.</b></p> <p>19 Q How do you know he posts about you?</p> <p>20 <b>A I was told that he was posting.</b></p> <p>21 Q By whom?</p> <p>22 <b>A By a mutual friend.</b></p>	<p style="text-align: right;">120</p> <p>1 question?</p> <p>2 MR. MOGUL: Objection.</p> <p>3 Q Do you know, you don't know, yes, no?</p> <p>4 MR. MOGUL: Objection.</p> <p>5 MR. GONZALEZ-PAGAN: Objection.</p> <p>6 Q When did the emotional abuse begin with</p> <p>7 your brother?</p> <p>8 <b>A It's something we're working on in</b></p> <p>9 <b>therapy and I would not want to hazard a guess as</b></p> <p>10 <b>to when it started.</b></p> <p>11 Q So is it fair to say that, sitting here</p> <p>12 today, you do not know when the emotional abuse</p> <p>13 began at the hands of your brother?</p> <p>14 MR. MOGUL: Objection.</p> <p>15 <b>A If you're asking me to give you a</b></p> <p>16 <b>delineated time line, I cannot do so in the same</b></p> <p>17 <b>way that I can in discussing things that happened</b></p> <p>18 <b>at the school.</b></p> <p>19 Q You cannot do so in the same way you</p> <p>20 cannot for things that happened at the school?</p> <p>21 <b>A No. I said –</b></p> <p>22 Q And I'm having trouble hearing you, I'm</p>

<p style="text-align: right;">121</p> <p>1 sorry. If you could just speak up just a little</p> <p>2 bit for me.</p> <p>3 <b>A I cannot give you a delineated time line</b></p> <p>4 <b>across my childhood in the same way that I can</b></p> <p>5 <b>give a delineated time line for events that</b></p> <p>6 <b>happened while I was employed at Prince George's</b></p> <p>7 <b>County or times leading up to or after it.</b></p> <p>8 Q Why is that?</p> <p>9 <b>A Because you're asking me to look back on</b></p> <p>10 <b>42 years of life and I do not feel comfortable</b></p> <p>11 <b>assigning specific dates to things because I'm</b></p> <p>12 <b>under oath and I might be wrong.</b></p> <p>13 Q Forget about specific dates.</p> <p>14 Do you have any inclination as to how</p> <p>15 you may have been or where in life you were at the</p> <p>16 time --</p> <p>17 MR. MOGUL: Objection.</p> <p>18 Q -- in which the emotional abuse began?</p> <p>19 MR. MOGUL: Objection.</p> <p>20 Q Were you a toddler, were you a teenager,</p> <p>21 were you in high school, college, anything you can</p> <p>22 give to help us here today?</p>	<p style="text-align: right;">123</p> <p>1 Q I think you said October, November may</p> <p>2 have been spotty as well?</p> <p>3 <b>A Yes.</b></p> <p>4 Q And a couple of months thereafter?</p> <p>5 <b>A Yeah, recovering from -- recovering from</b></p> <p>6 <b>the trauma of the school system and working with</b></p> <p>7 <b>the outpatient psychiatric unit and with my own</b></p> <p>8 <b>personal therapist. It was a process to come back</b></p> <p>9 <b>to -- they said it had something to do with stress</b></p> <p>10 <b>chemicals that get released and that it's to be</b></p> <p>11 <b>expected that there would be some gaps during that</b></p> <p>12 <b>time.</b></p> <p>13 Q Is it fair to say that you had no</p> <p>14 student contact from October 2016 to the date of</p> <p>15 your resignation?</p> <p>16 <b>A Are you talking about students I was</b></p> <p>17 <b>teaching?</b></p> <p>18 Q Yes.</p> <p>19 <b>A Yes, I did not have any contact with my</b></p> <p>20 <b>students after that point.</b></p> <p>21 Q What about staff at James Madison, did</p> <p>22 you have any contact with staff from October of</p>
<p style="text-align: right;">122</p> <p>1 MR. GONZALEZ-PAGAN: Objection.</p> <p>2 <b>A I cannot say at what point it went from</b></p> <p>3 <b>simply sibling interactions to intentional abuse.</b></p> <p>4 MR. MOGUL: Do you want to take a break?</p> <p>5 THE WITNESS: I just need a moment to</p> <p>6 collect myself and have some water.</p> <p>7 (Record suspended.)</p> <p>8 BY MR. SHARMA:</p> <p>9 Q I just want to clarify a couple of</p> <p>10 things.</p> <p>11 Other than the teacher certificate which</p> <p>12 has lapsed, do you have any other type of</p> <p>13 professional licenses or certifications?</p> <p>14 <b>A No.</b></p> <p>15 Q As to your memory, are there any issues</p> <p>16 with your memory with respect to the incidents</p> <p>17 that happened while you were employed with the</p> <p>18 Board?</p> <p>19 <b>A The month of September leading up to my</b></p> <p>20 <b>FMLA in 2016, I have spotty memory.</b></p> <p>21 Q Okay. So September 2016 is spotty?</p> <p>22 <b>A Yes.</b></p>	<p style="text-align: right;">124</p> <p>1 2016 to your date of resignation?</p> <p>2 <b>A Courtney King.</b></p> <p>3 Q On that one occasion where you checked</p> <p>4 in with her? Or was there more than one?</p> <p>5 <b>A I went in to the school to directly</b></p> <p>6 <b>deliver my FMLA papers and then there was the</b></p> <p>7 <b>conversation that I recall about extending that</b></p> <p>8 <b>FMLA leave that you asked about.</b></p> <p>9 Q Was this over the phone or in person?</p> <p>10 <b>A I believe it was over the phone.</b></p> <p>11 Q And who was the conversation with?</p> <p>12 <b>A I think it was with Courtney King.</b></p> <p>13 Q And this is with regard to an extension</p> <p>14 of your FMLA leave?</p> <p>15 <b>A Yes. I may have spoken to some people</b></p> <p>16 <b>in HR or the general Board, but the only person</b></p> <p>17 <b>that I would have spoken to regarding that would</b></p> <p>18 <b>have been Courtney King, the principal. I</b></p> <p>19 <b>wouldn't have talked to any other members of the</b></p> <p>20 <b>staff there.</b></p> <p>21 Q Did you have any contact with student</p> <p>22 parents from October of '16 to your date of</p>

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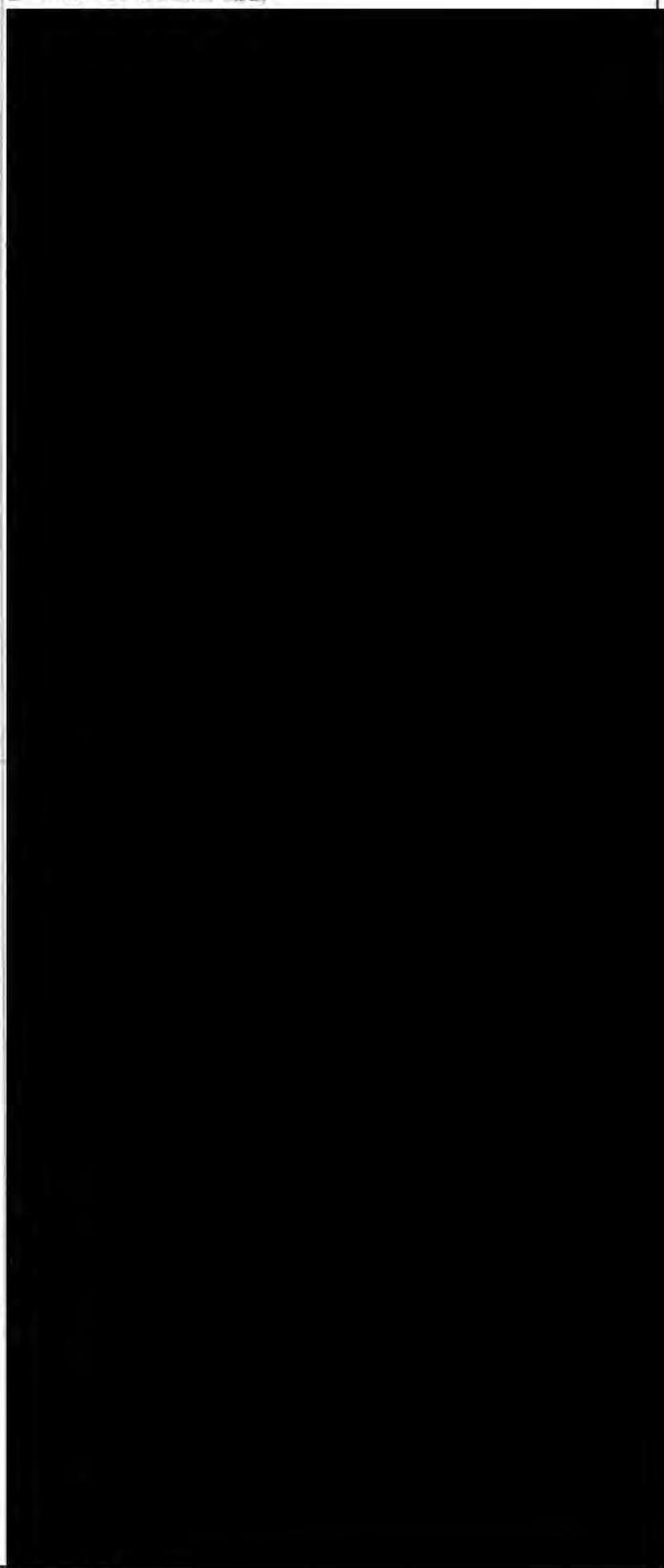
1 resignation?  
 2 **A No.**  
 3 Q Was Luke the only cause of emotional --  
 4 I'm sorry -- yeah -- emotional abuse in your life?  
 5 In other words, is there anyone else  
 6 that may have emotionally abused you?  
 7 **A Growing up?**  
 8 Q Yes.  
 9 **A Yeah, I mean you're a kid growing up;**  
 10 **people can be abusive and cruel.**  
 11 Q Were your parents emotionally abusive?  
 12 **A No, my parents were not emotionally**  
 13 **abusive.**  
 14 Q When you say growing up as a kid, are  
 15 you just referring to routine childhood, you know,  
 16 misbehavior and making fun of and those types of  
 17 things or does something in particular stand out  
 18 to you?  
 19 MR. GONZALEZ-PAGAN: Objection.  
 20 **A Growing up, I grew up in a town whose**  
 21 **population was right around 250, I had 27**  
 22 **classmates. There were very clear and delineated**

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1 **expectations for gender behavior. The fact that I**  
 2 **didn't fit those led to -- led to a degree of**  
 3 **abuse from peers that some of the adults turned a**  
 4 **blind eye to.**  
 5 Q Was that experience stressful for you as  
 6 well?  
 7 **A Yes.**  
 8 Q And was that stress continuous from the  
 9 time you were in school until the time you  
 10 graduated from high school?  
 11 MR. MOGUL: Objection.  
 12 **A I can't say. I -- honestly, I -- I**  
 13 **don't know how to delineate, you know, that stress**  
 14 **from everyday stress that a high schooler would**  
 15 **experience, how my experience may differ from the**  
 16 **experience of someone who was going to like the**  
 17 **big schools in Minneapolis.**  
 18 **What I can say is when I started doing**  
 19 **the dramatic plays in my tenth grade year that**  
 20 **there was a reduction in that sort of gender**  
 21 **correcting behavior because all of a sudden it was**  
 22 **more permissible to not be a manly man because I**

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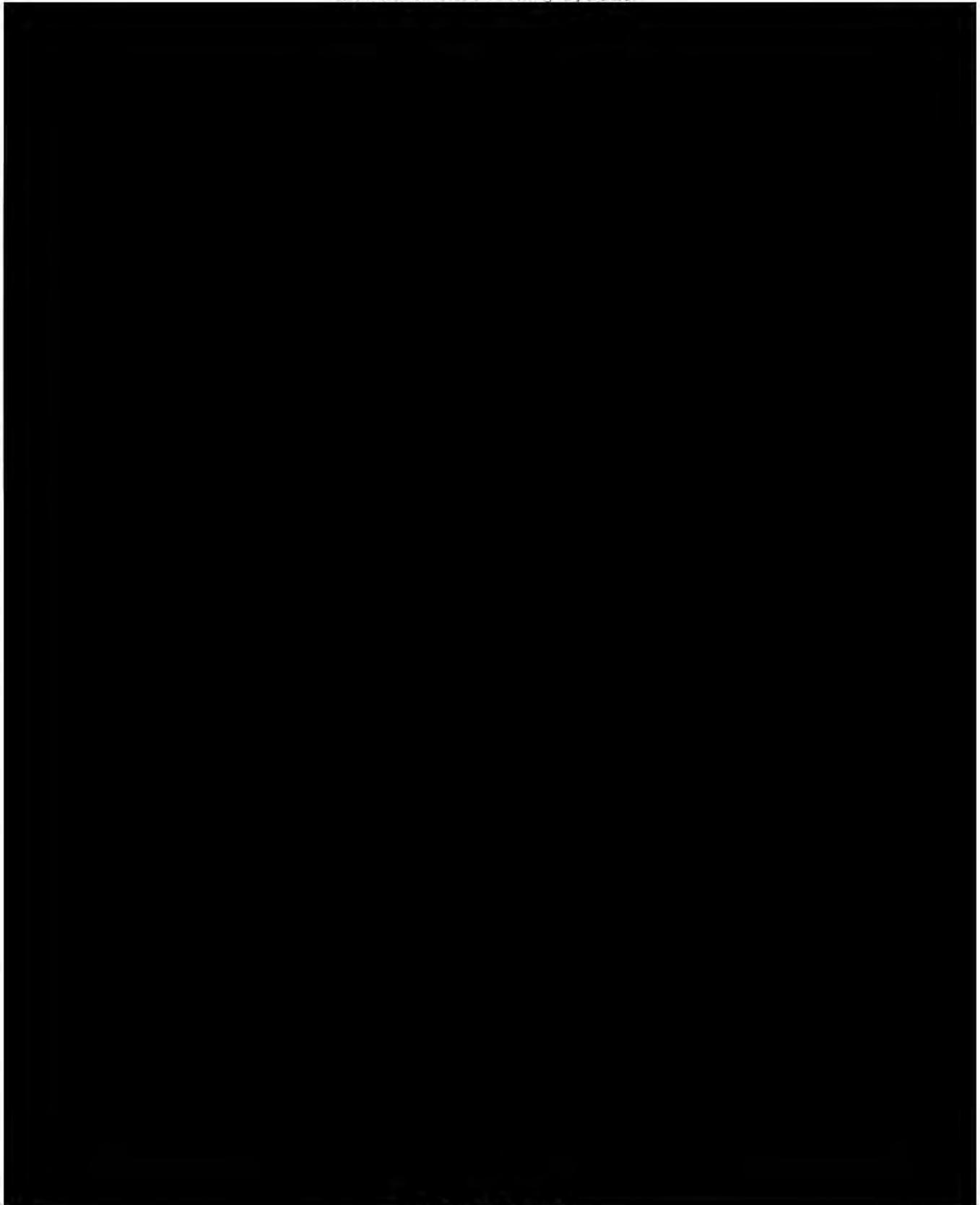
**I was the drama kid.**

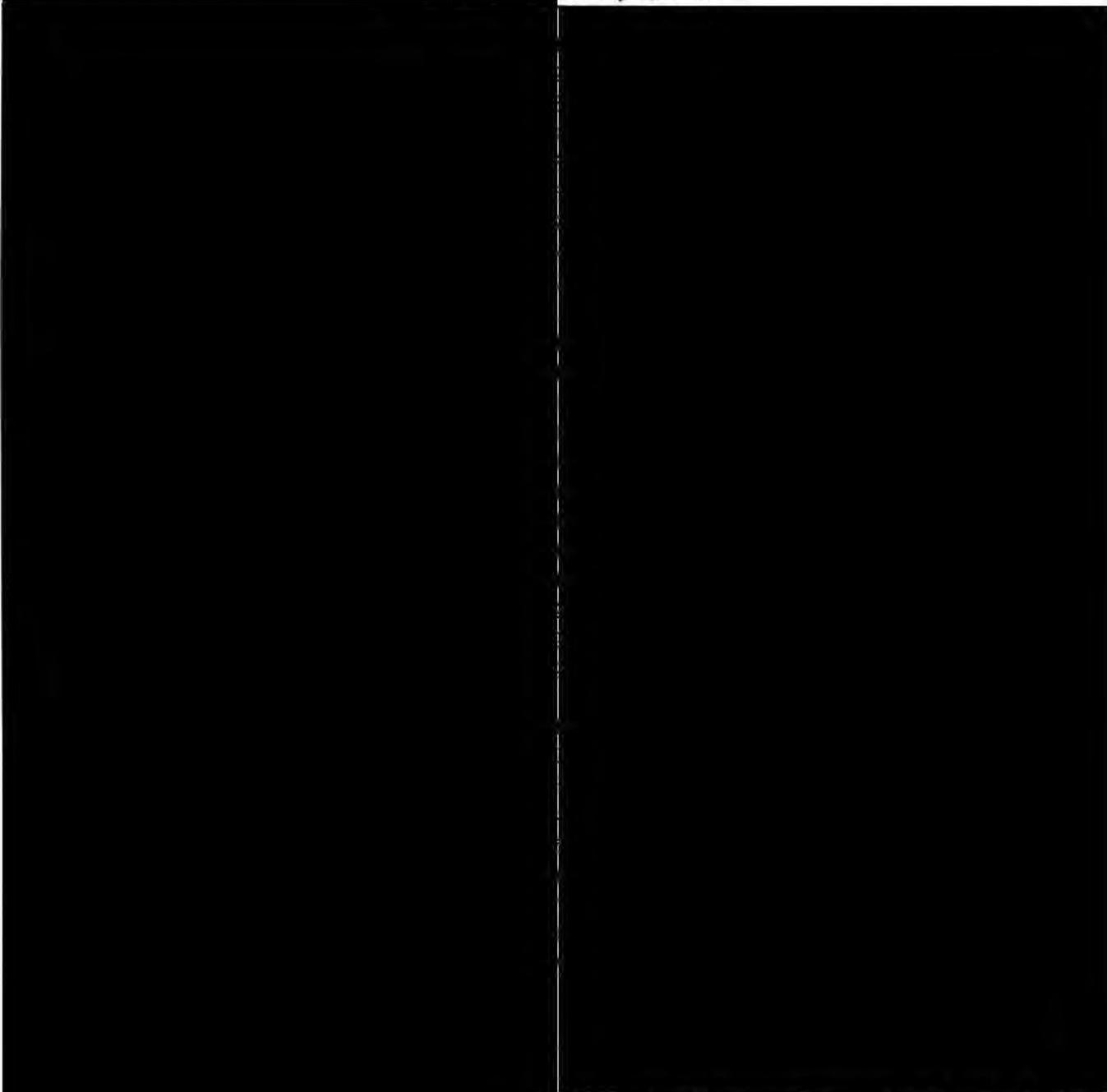


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Transcript of Jennifer Eller  
Conducted on February 3, 2020

33 (129 to 132)

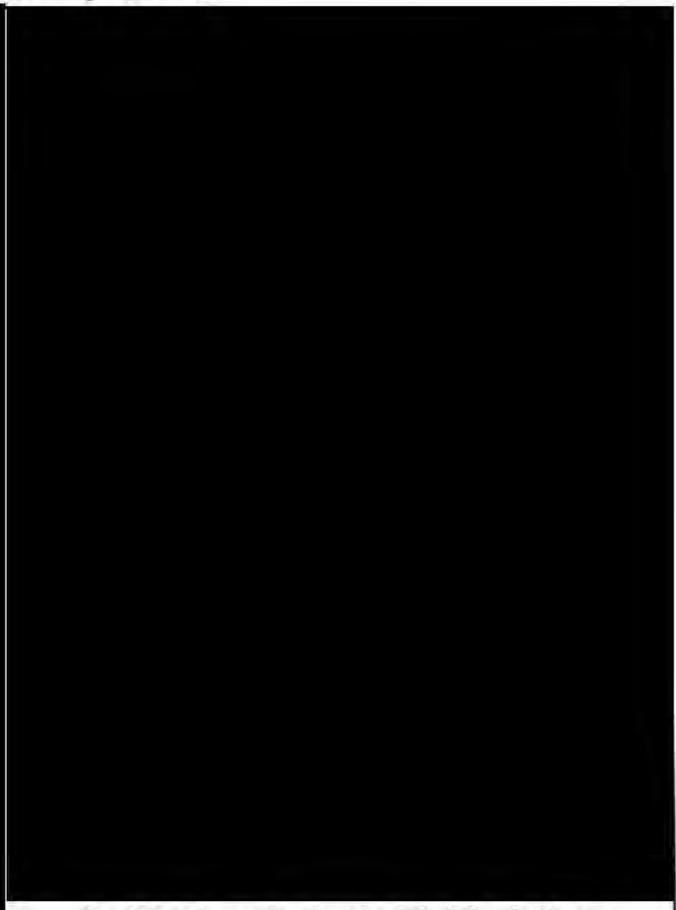
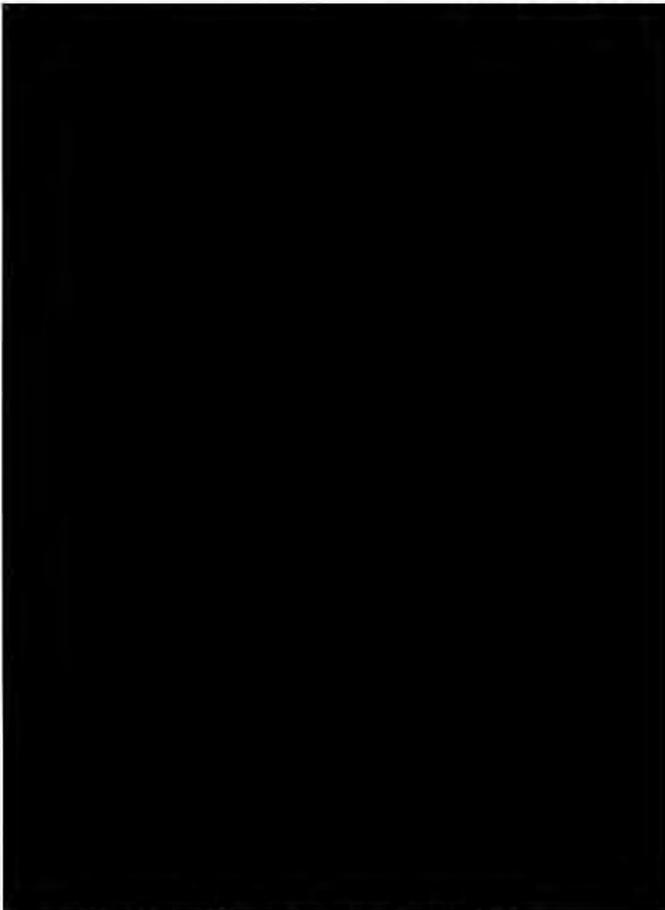




14 MR. GONZALEZ-PAGAN: Let's take a break.  
15 MR. SHARMA: We can break for lunch.  
16 (Record suspended.)  
17 (Lunch recess)  
18 (Time noted: 12:59 p.m.)  
19  
20  
21  
22

Transcript of Jennifer Eller  
 Conducted on February 3, 2020

<p>1 AFTERNOON SESSION          2 (Time resumed: 1:31 p.m.)          3 BY MR. SHARMA:          4 Q Ms. Eller, did you ever inform your          5 ex-wife that you were transitioning to your gender          6 identity of female?          7 A Yes.          8 Q When was that?          9 A That was after we had filed for          10 separation.          11 Q Oh, it was after, okay.          12 And why exactly did you file for          13 separation?          14 A I think officially it's listed as          15 incompatibility, but she had a history of having          16 affairs.          17 Q And after you told her about your          18 transition to transgender, what was her reaction,          19 if any?          20 A I'm sorry, my transition to what?          21 Q After you told her -- you said you just          22 told her after your divorce; correct?</p>	<p>137</p> <p>1 this way, you know, stuff like that.          2 She took it in stride. She had, in          3 fact, been picking up on these things still over          4 the time we were together and she had done a          5 little research herself so she was not unaware.          6 And we maintained -- after the divorce          7 filing, we maintained a casual relationship where          8 we would go to the movies and see a movie together          9 as friends for a couple of months. And after          10 that, we lost contact with each other.          11 Q Was the divorce in and of itself          12 stressful for you?          13 A No more than any divorce is. I wouldn't          14 say that it was more stressful than just divorce          15 is in general.          16 Q Okay. So the stress level associated          17 with your divorce was typical?          18 A I think so. If -- if not typical, it          19 may have been even a little less just because it          20 was done amicably and without lawyers.</p> <p>139</p>
<p>1 A Yes.          2 MR. MOGUL: Objection.          3 Q And what was the reaction?          4 A So your question implies that I had          5 never talked to her about the issue prior, which          6 is not the case. She knew when we were dating          7 that at the start of my graduate career, I had --          8 I had done some work with a social transition          9 under the Benjamin code, and I thought that that          10 was something that I could not commit wholly to          11 because at the time it was required that you cut          12 off contact with people you knew and your family.          13 So that was not something I was willing to go          14 through at that time.          15 So we married and it was under the idea          16 that I would not be transitioning, and we -- we          17 functioned under that for about five years.          18 And then we had another conversation as          19 around the same time as we were talking about --          20 that she was talking about wanting to file for a          21 separation. And she -- I talked about how -- how          22 I still felt inside, how long I had always felt</p>	<p>138</p>



2 Q Okay. Have we covered everything  
3 surgically and nonsurgical?  
4 MR. MOGUL: Objection.  
5 A I'm not sure what you mean by that.  
6 Q Have we covered all the nonsurgical  
7 procedures that you've undergone or treatment that  
8 you've undergone as a part of your transition?  
9 A I'm not entirely certain how it would be  
10 defined, if it would be under what you're talking  
11 about, but I attended support groups.  
12 Q Okay. And have we covered all the  
13 surgical procedures that you've undergone as a  
14 part of your transition?  
15 A As a part of my transition, yes.



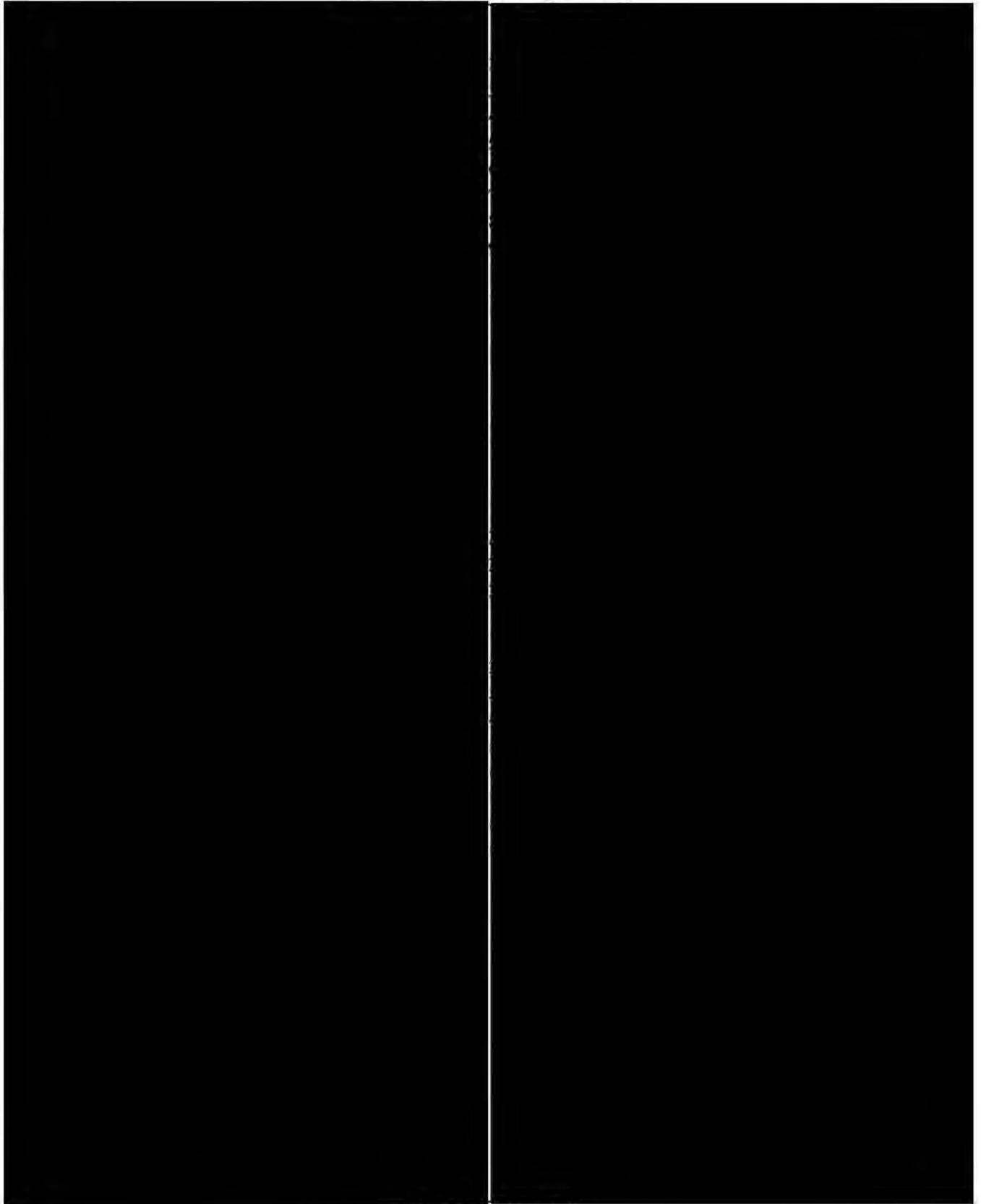
2 Q What is gender dysphoria? Why don't we  
3 start there.  
4 MR. GONZALEZ-PAGAN: Objection.  
5 A What is gender dysphoria?  
6 I don't know how to explain it to  
7 someone who doesn't feel it.  
8 Close your eyes for a moment. Close  
9 your eyes for a moment and I can explain it to  
10 you.  
11 Q Can we do it without me closing my eyes?  
12 A No, no, I can't because this is – you  
13 want an explanation, this is how I can give it to  
14 you.  
15 Q Okay. I'll come back to it.  
16 A So you're interrupting me right now  
17 and –  
18 Q All right.  
19 A – I would like to answer your question.  
20 So if you could please close your eyes  
21 for a moment.  
22 It will just be a moment.

1 Q I'll pass, thank you.  
2 A **So you don't want an explanation?**  
3 Q I'll come back to it.  
4 A **Well, why don't we just do it now?**  
5 Q Because I don't want to.  
6 A **My explanation and how I give it will**  
7 **not change.**  
8 Q I understand.  
9 A **So you don't want an answer to the**  
10 **question what is gender dysphoria?**  
11 Q Not at this moment, no.  
12 May I proceed?  
13 A Yes.

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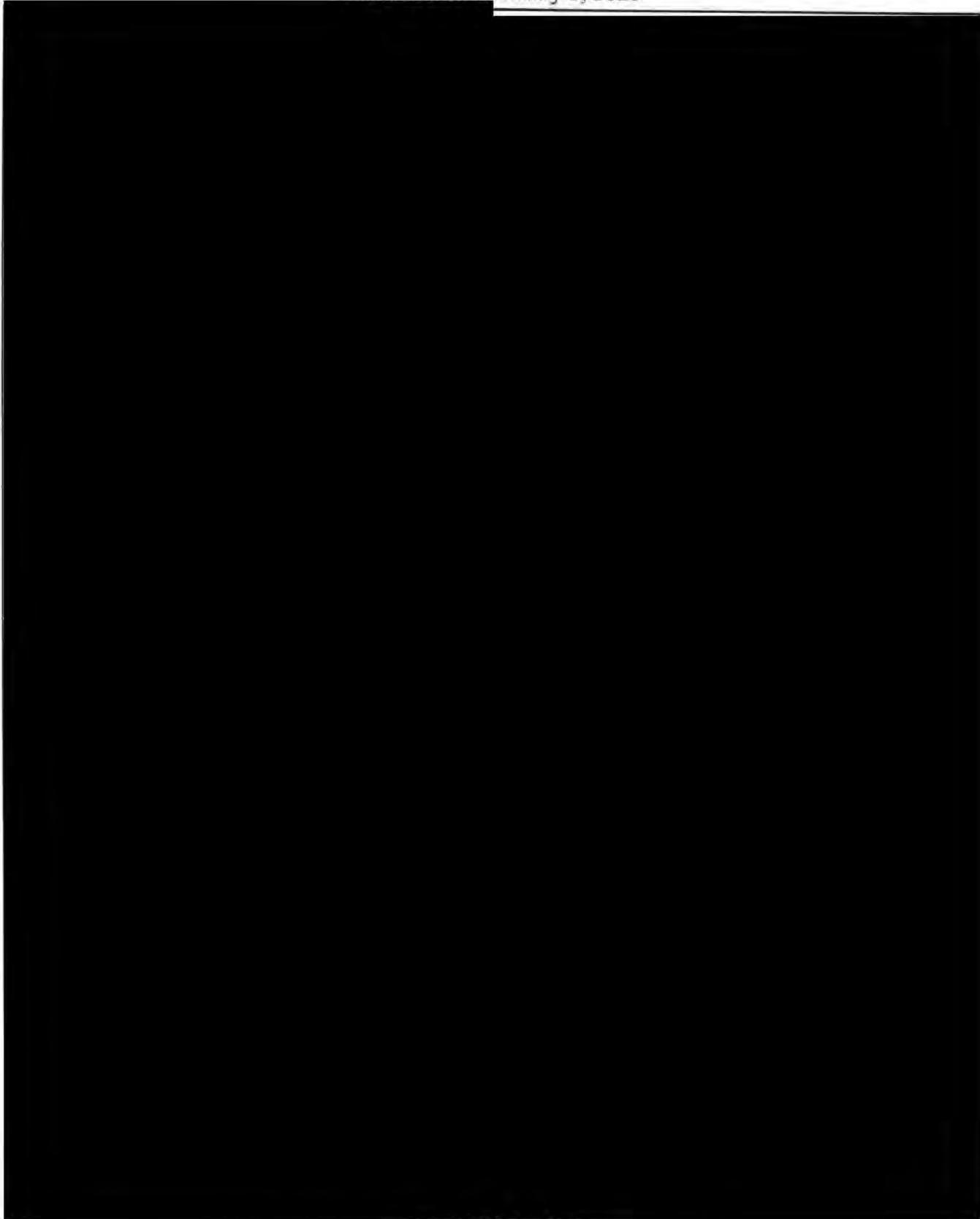
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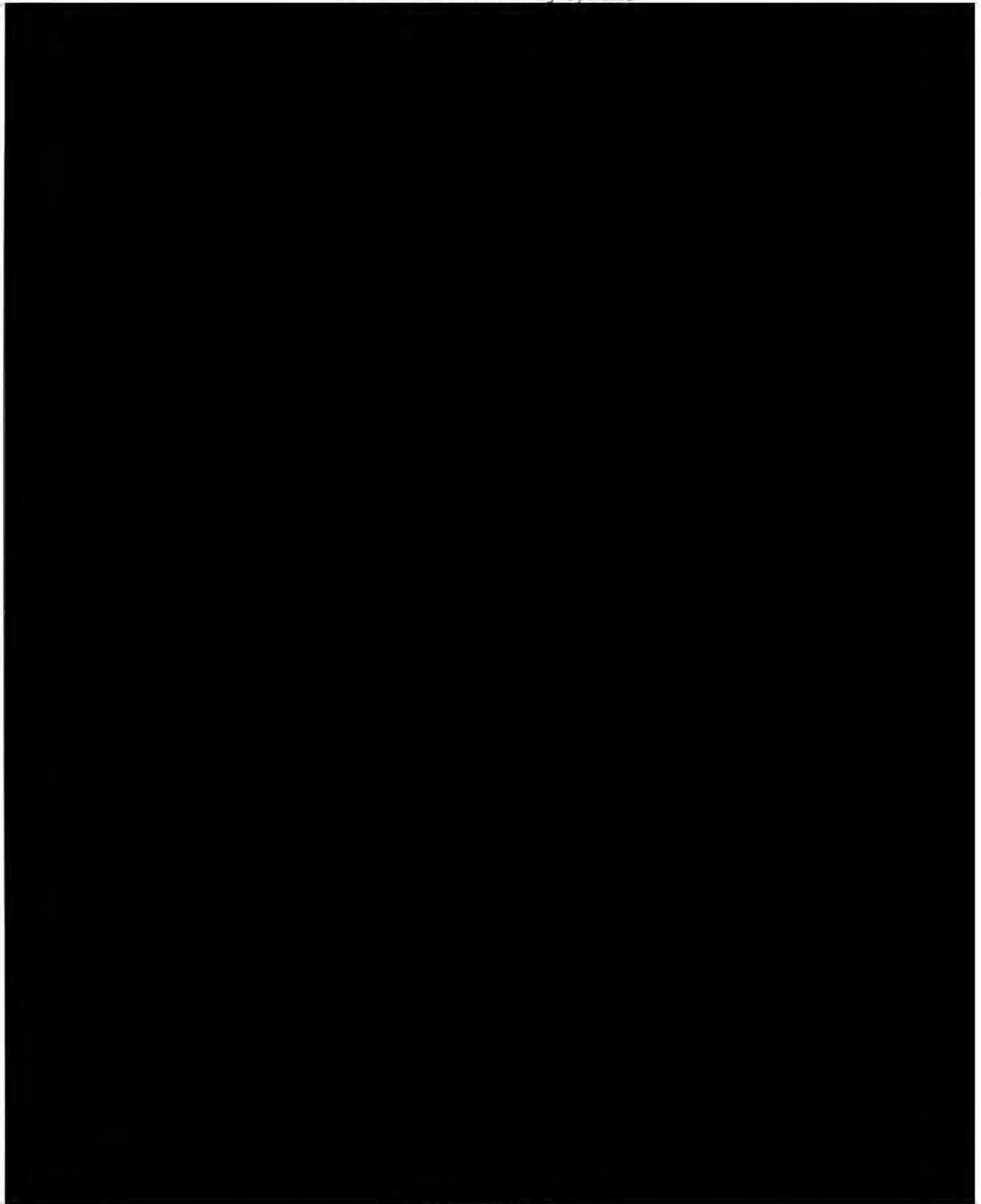
38 (149 to 152)



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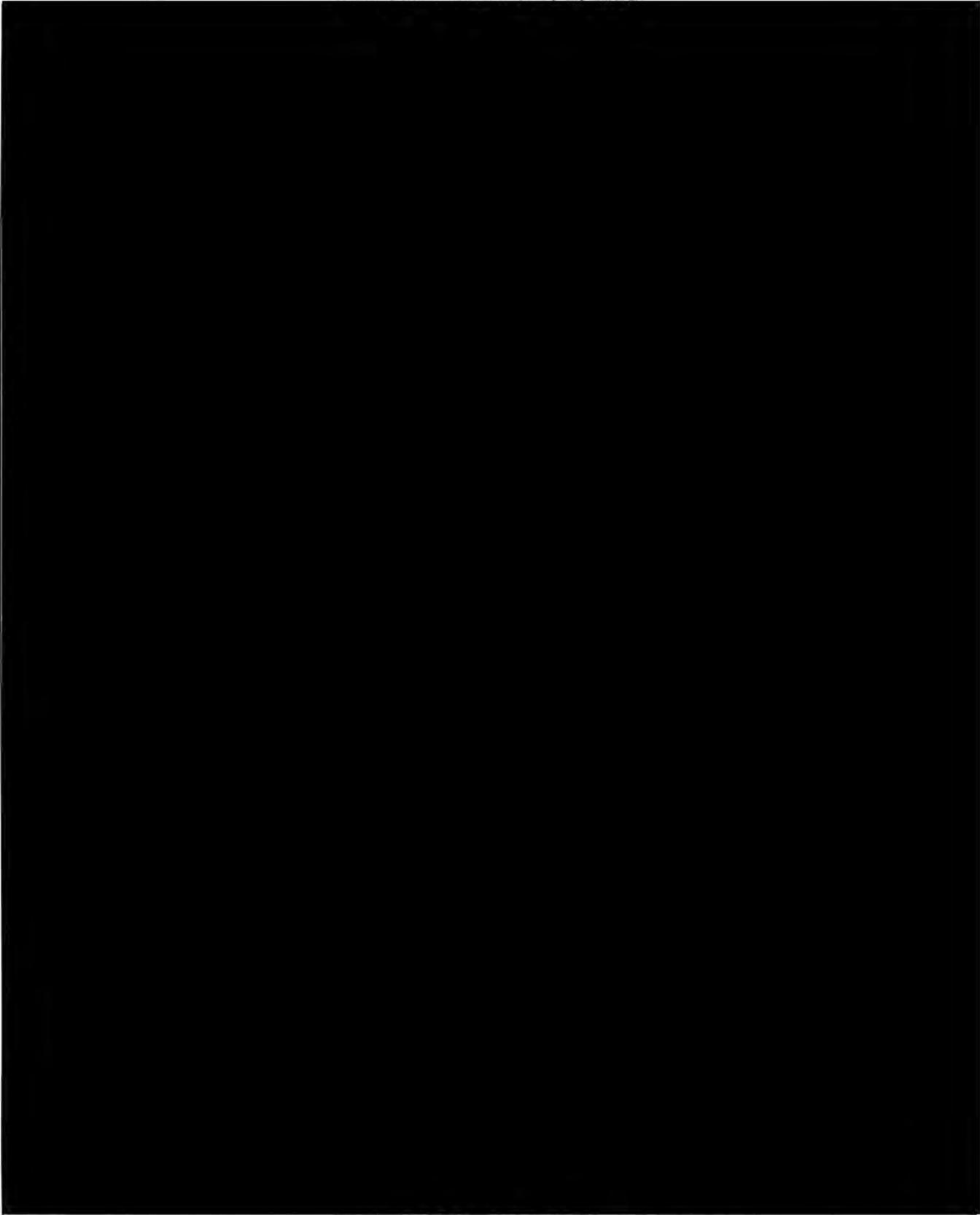




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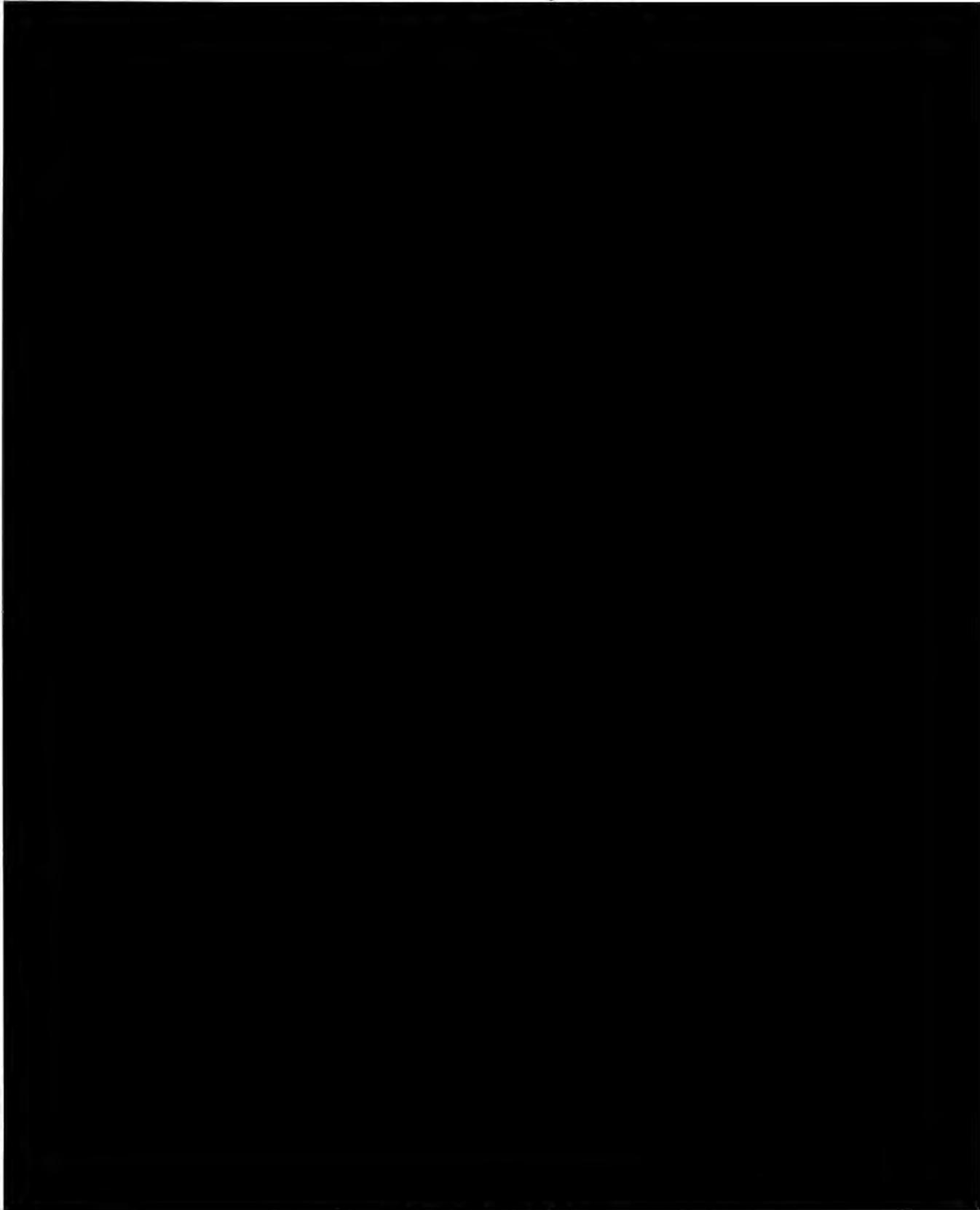
41 (161 to 164)



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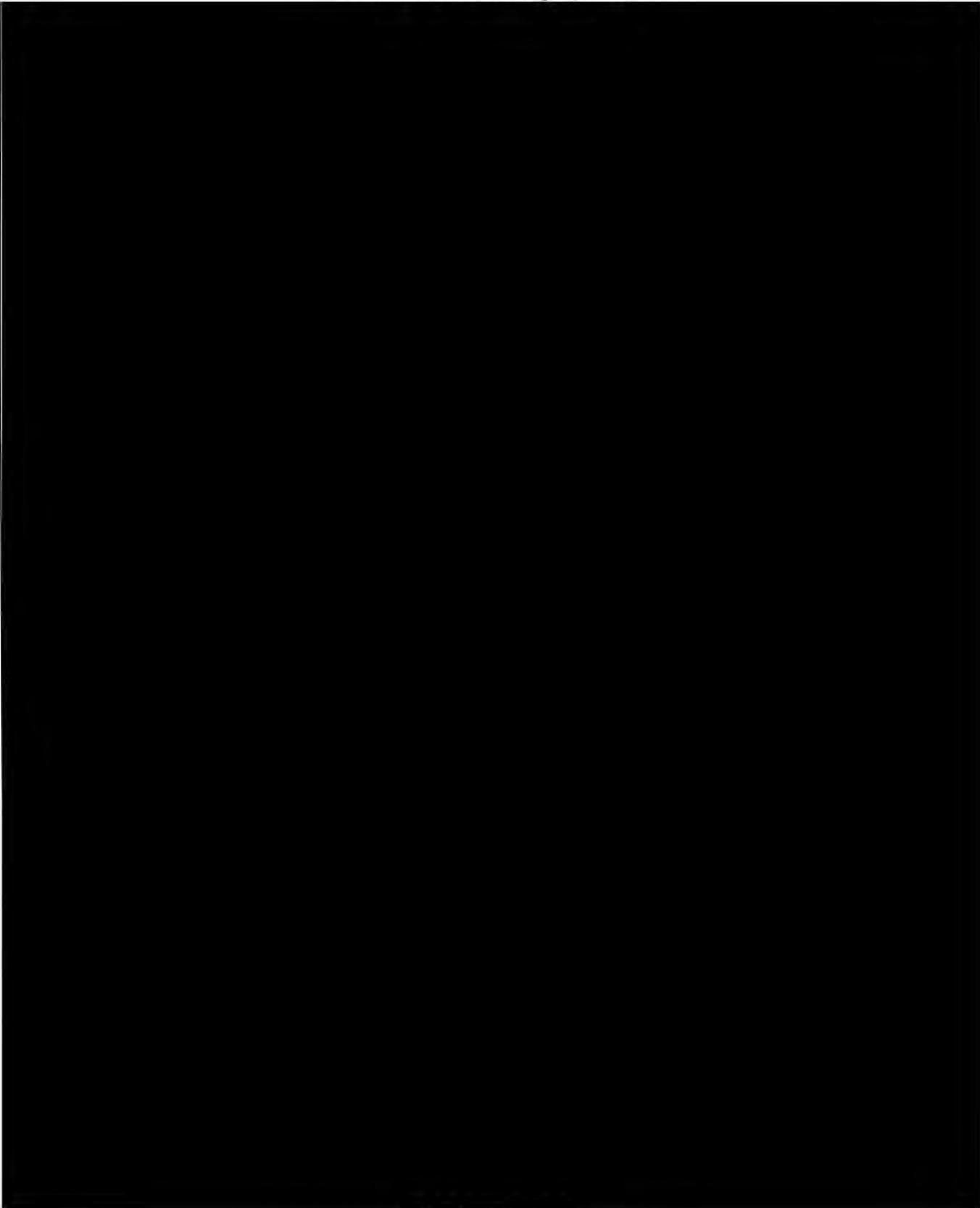
42 (165 to 168)



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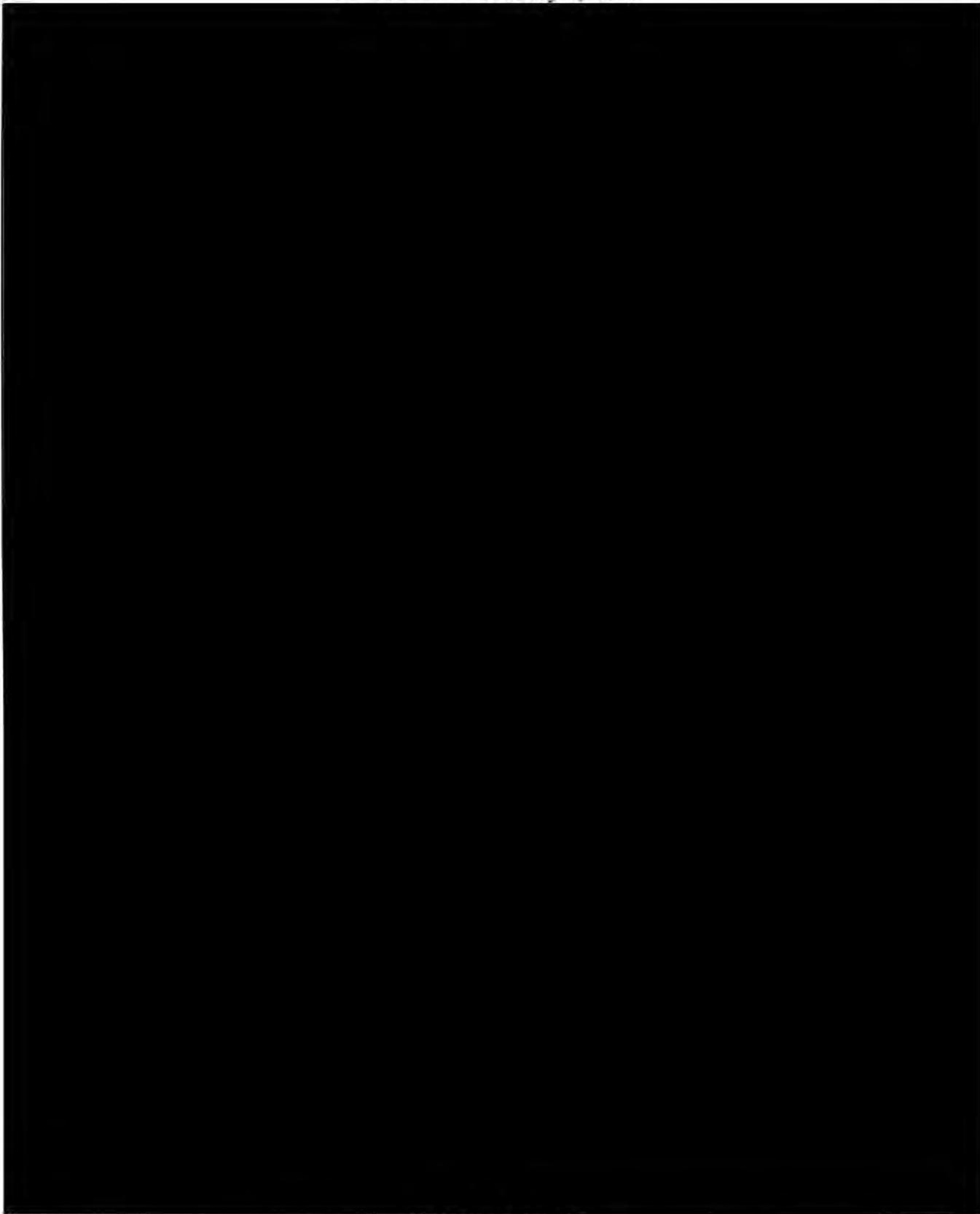
43 (169 to 172)



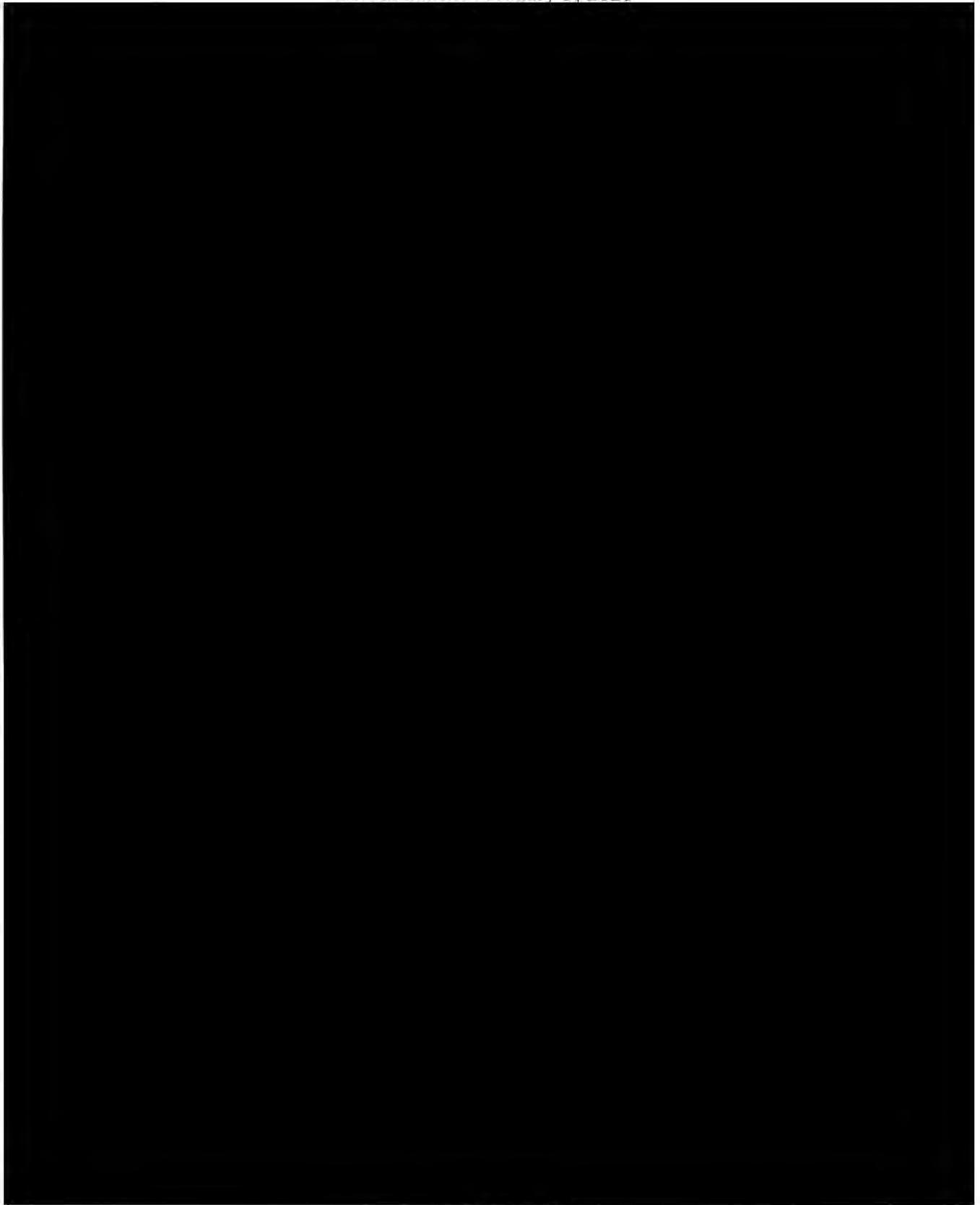
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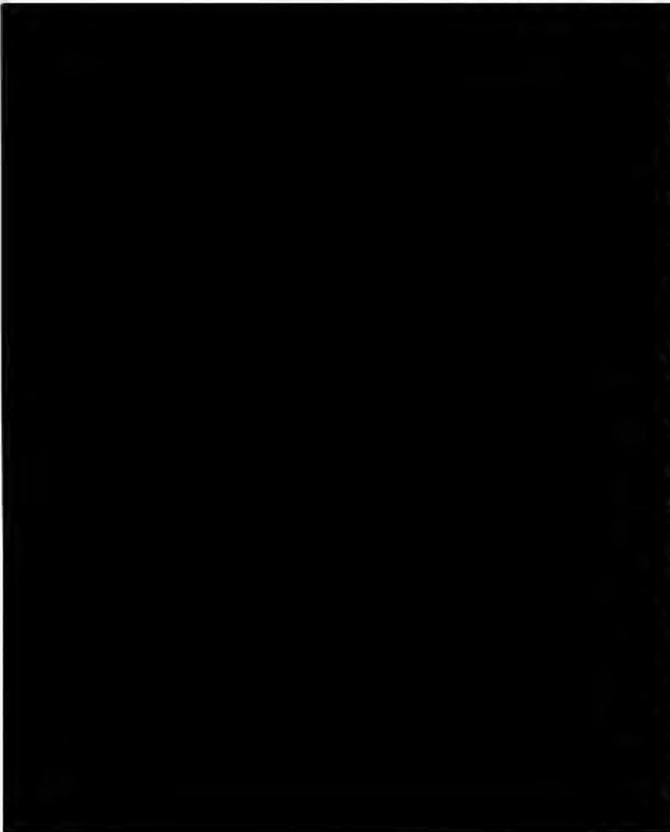
44 (173 to 176)



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Conducted on February 3, 2020



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1 Q And prior to -- subsequent to leaving  
2 the Board, were you the subject of retaliation by  
3 any employer?  
4 MR. MOGUL: Objection.  
5 A No.  
6 Q And the charge with the Equal Employment  
7 Opportunity Commission that you filed in this  
8 case, that's the only EEOC charge that you ever  
9 filed?  
10 A Correct.  
11 Q As a teacher with the Board of  
12 Education, you belong to a union?  
13 A Yes.  
14 Q What was the name of the union that you  
15 belonged to?  
16 A PGCEA.  
17 Q Do you know what that stands for?  
18 A Prince George's County Education  
19 Association -- Educators' Association.  
20 Q Is that a separate and distinct entity  
21 from the Board of Education?  
22 A Yes.

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1 A Yes.  
2 MR. MOGUL: Do you think it's a good  
3 time for a break?  
4 MR. SHARMA: Yes, it is.  
5 (Record suspended.)  
6 BY MR. SHARMA:  
7 Q Ms. Eller, you began your employment  
8 with the Board of Education in 2008; is that  
9 correct?  
10 A Yes.  
11 Q Prior to joining the Board, were you  
12 ever a victim of a hostile work environment by any  
13 prior employer?  
14 A No.  
15 Q Prior to joining the Board, were you  
16 ever the subject of retaliation by any employer?  
17 A No.  
18 Q Subsequent to leaving the Board in June  
19 of 2017, have you ever been a victim of a hostile  
20 work environment by any employer?  
21 MR. MOGUL: Objection.  
22 A No.

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1 Q Is it controlled by the Board of  
2 Education?  
3 MR. MOGUL: Objection.  
4 Q To your knowledge.  
5 A To my knowledge? It should not be.  
6 Q And what types of benefits and services  
7 did you receive from the union as a member?  
8 A They negotiated contracts, they were  
9 trying to negotiate pay raises. They sent a union  
10 representative when I first began talking about  
11 transitioning, and I used them as a channel to  
12 address hostile events in the workplace when I  
13 felt like I wasn't getting very far by simply  
14 reporting directly to Mr. Adams.  
15 Q Are you done?  
16 A Yes.  
17 Q Okay. Was there a collective bargaining  
18 agreement in place between the union and the Board  
19 of Education?  
20 A I'm sorry, can you repeat that?  
21 Q Was there a collective bargaining  
22 agreement in place between the Board and the

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1 PGCEA?  
 2 **A Possibly. I'm not sure what a**  
 3 **collective bargaining agreement is.**  
 4 Q Okay. Were you aware that the union  
 5 could file a grievance on your behalf?  
 6 **A No.**  
 7 Q To your knowledge, at any time during  
 8 your employment with the Board, did the union file  
 9 any type of grievance on your behalf?  
 10 **A Not to my knowledge. They were the ones**  
 11 **who suggested I file my initial EEO.**  
 12 Q Are you aware of an employee handbook  
 13 that the Board of Education offers to its staff  
 14 members?  
 15 **A Yes.**  
 16 Q And is there a separate employee  
 17 handbook for teachers and their sort of  
 18 administrative staff?  
 19 **A I don't know.**  
 20 Q Which employee handbook are you familiar  
 21 with?  
 22 **A The one for teachers, if there is any**

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1 **other.**  
 2 Q And what did the employee handbook  
 3 consist of?  
 4 **A Standards, guidelines, regulations.**  
 5 Q And when were you provided with the  
 6 employee handbook?  
 7 **A We were supposed to receive one -- I**  
 8 **know I received one when I started at Kenmoor and**  
 9 **I had to turn it in when I left Kenmoor.**  
 10 **I received another one when I was at**  
 11 **Friendly.**  
 12 Q And what about when you were at James  
 13 Madison, did you receive one then?  
 14 **A I don't recall.**  
 15 Q Are you familiar with administrative  
 16 procedures?  
 17 MR. GONZALEZ-PAGAN: Objection.  
 18 Q Publications by the Board of Education  
 19 as to the procedures, AP for short?  
 20 MR. GONZALEZ-PAGAN: Objection.  
 21 **A I am familiar with some. I do not know**  
 22 **all of them.**

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1 **I asked when I was put in charge of the**  
 2 **AP class, I specifically requested the AP**  
 3 **guidelines and the only thing I was given was a**  
 4 **syllabus from the previous AP teacher.**  
 5 Q The employee handbook -- I'm jumping  
 6 back for a moment -- was that available online to  
 7 teachers?  
 8 **A I don't know.**  
 9 Q Was it available online when you left  
 10 the school system?  
 11 **A I don't know.**  
 12 Q Are you aware of something called a --  
 13 well, I think you've been referring to it today as  
 14 your EEO complaint. I think it's called a  
 15 discrimination and/or harassment form.  
 16 You're familiar with that document, are  
 17 you not?  
 18 MR. GONZALEZ-PAGAN: Objection.  
 19 **A The one that I filed?**  
 20 Q Sure.  
 21 **A I'm familiar with the one I filed.**  
 22 Q Were you aware that that form was in

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1 existence prior to your filing in February 2015?  
 2 **A No.**  
 3 Q When did you first become aware of the  
 4 form?  
 5 **A When my union representative suggested I**  
 6 **fill it out.**  
 7 Q Is it your testimony today that the form  
 8 is not contained in the employee handbook you were  
 9 given?  
 10 **A No.**  
 11 MR. GONZALEZ-PAGAN: Objection.  
 12 **A That is not my testimony.**  
 13 Q What is your testimony?  
 14 **A That I was not aware of the form, that I**  
 15 **did not go into the school system looking to file**  
 16 **complaints of a hostile work environment. I was**  
 17 **looking for a clean start at Friendly High School**  
 18 **where people did not know my previous name and**  
 19 **presentation.**  
 20 Q Are you familiar with a bullying and  
 21 harassment form?  
 22 **A I am familiar that there is one for**

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**1 students to fill out.**  
**2 Q** Is it your understanding that that form  
**3** is applicable with your staff to fill out?  
**4 A I was given a bullying and harassment**  
**5 form to fill out and they told me to ignore the**  
**6 part that said it was for students.**  
**7 Q** When were you given that?  
**8 A When I requested a form to report a**  
**9 conversation that I had with Ms. Isom.**  
**10 Q** Do you remember the year, the month?  
**11 A 2014-2015 school year, I think.**  
**12 Q** And did you complete such a form?  
**13 A Yes.**  
**14 Q** And who did you submit it to?  
**15 A Oh, no, I'm sorry, not with that one.**  
**16 I was told specifically by Mr. Adams**  
**17 that what I experienced was not bullying or**  
**18 harassment because I never asked her to stop.**  
**19 I did fill out a form. I cannot**  
**20 remember if it was the one you are talking about**  
**21 or not.**  
**22 Q** When were you -- when was the first time

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**1** you were made aware of the existence of a bullying  
**2** and harassment form?  
**3 A I was aware of a bullying and harassment**  
**4 form for students to fill out.**  
**5 Q** And it's contained in the student code  
**6** of conduct, is it not?  
**7 A Potentially.**  
**8 Q** Are you familiar with the student code  
**9** of conduct?  
**10 A I am familiar with the general contents,**  
**11 but the student handbook is not something that I**  
**12 sat down and read cover to cover.**  
**13 Q** And your familiarity with the general  
**14** contents of the student hand -- code of conduct,  
**15** does that include the prohibitions against  
**16** discrimination that are contained therein?  
**17 A As far as I know, it's a very limited**  
**18 explanation of you should not discriminate against**  
**19 anyone based on race, sex, or ethnicity.**  
**20 Q** Is that insufficient, as far as you're  
**21** concerned?  
**22 A I think that it gets interpreted in ways**

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**1 in order to exclude.**  
**2 Q** What is a PS-74 report?  
**3** (Reporter clarification.)  
**4 Q** PS-74 referral?  
**5 A It is a document teachers fill out in**  
**6 order to document behavioral issues that they**  
**7 experience with children.**  
**8 Q** And when was the first time you became  
**9** aware of the PS-74 referral form?  
**10 A When I started at Kenmoor High School --**  
**11 Middle School, I was instructed on the PS-74 and**  
**12 its use.**  
**13 Q** Okay. And how would you -- did you, in  
**14** fact, complete and turn in PS-74 referrals during  
**15** your tenure within the Board?  
**16 A Yes.**  
**17 Q** How would you do so typically?  
**18 A Initially we filled them out by hand.**  
**19 And near my time at the end, they moved to an**  
**20 electronic system.**  
**21 And at one point I was told that I**  
**22 should continue filing them in longhand because**

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**1 the electronic system was buggy and didn't always**  
**2 work.**  
**3 Q** When you filled them out by hand or  
**4** electronically, who would you submit them to?  
**5 A Grade-level administrator and sometimes**  
**6 if it was -- if it was necessary, I would give a**  
**7 copy to the principal.**  
**8 Q** The forms that you filled in by hand,  
**9** were these hand provided to the grade-level  
**10** administrator?  
**11 A You had to go into the main office and**  
**12 you had to request a -- the secretary to photocopy**  
**13 them so that you could have some.**  
**14 Q** Okay. So --  
**15 A There was a file, but it typically**  
**16 wasn't full.**  
**17 Q** So the secretary would photocopy the  
**18** PS-74 form; is that correct?  
**19 A If there were none in the file folder,**  
**20 yes.**  
**21 Q** You would complete it out?  
**22 A Yes.**

<p style="text-align: right;">193</p> <p>1 Q And then you would submit it?</p> <p>2 A <b>Yes.</b></p> <p>3 Q In what format, or how?</p> <p>4 A <b>Written.</b></p> <p>5 Q In person?</p> <p>6 A <b>If I were able to. If the administrator</b></p> <p>7 <b>was busy or if they were out of the building, I</b></p> <p>8 <b>would put it in their mailbox.</b></p> <p>9 Q Okay.</p> <p>10 A <b>In the office.</b></p> <p>11 Q And after the incident is investigated,</p> <p>12 do you get a copy back of the referral form that</p> <p>13 you submitted?</p> <p>14 A <b>It is my understanding that teachers are</b></p> <p>15 <b>supposed to. I never received one.</b></p> <p>16 Q Did you ever ask for them?</p> <p>17 A <b>Yes.</b></p> <p>18 Q How many times?</p> <p>19 A <b>I don't know.</b></p> <p>20 Q On every occasion you asked for a copy</p> <p>21 back from your grade-level administrator?</p> <p>22 A <b>No.</b></p>	<p style="text-align: right;">195</p> <p>1 <b>onto the hard drive, to my knowledge.</b></p> <p>2 Q So it was like an online form which you</p> <p>3 would submit?</p> <p>4 A <b>Yes.</b></p> <p>5 Q And after the investigation, would</p> <p>6 something be returned to you electronically?</p> <p>7 A <b>It was not my experience that anything</b></p> <p>8 <b>was returned electronically.</b></p> <p>9 Q Did you ever ask for anything to be</p> <p>10 returned electronically?</p> <p>11 A <b>Yes.</b></p> <p>12 Q In what format?</p> <p>13 A <b>I asked in person. And occasionally in</b></p> <p>14 <b>e-mail I asked to be updated on what had happened.</b></p> <p>15 Q During your tenure within the Board, did</p> <p>16 you keep a record of the referrals that you</p> <p>17 submitted to grade-level administrators?</p> <p>18 A <b>I intended to keep a physical copy of</b></p> <p>19 <b>the PS-74s that I wrote.</b></p> <p>20 Q And do you still have those today?</p> <p>21 A <b>I have a couple today. Most of those</b></p> <p>22 <b>files were transferred to -- they came over to</b></p>
<p style="text-align: right;">194</p> <p>1 Q How often would you ask for them?</p> <p>2 A <b>I don't know.</b></p> <p>3 Q Okay. And what about the process for</p> <p>4 the electronic submittals, the forms that were</p> <p>5 completed electronically, were those also</p> <p>6 submitted electronically to the grade-level</p> <p>7 administrator?</p> <p>8 A <b>Yes.</b></p> <p>9 Q And would you have a copy somewhere in</p> <p>10 your files of what you submitted?</p> <p>11 A <b>The system was supposed to send you a</b></p> <p>12 <b>copy, but they did not always get sent to us.</b></p> <p>13 Q So --</p> <p>14 A <b>Which was part of the bugginess of the</b></p> <p>15 <b>system I suppose.</b></p> <p>16 Q So where did you typically complete</p> <p>17 these referral forms, on your desktop in the</p> <p>18 classroom?</p> <p>19 A <b>Yes.</b></p> <p>20 Q And would you typically save the</p> <p>21 referrals onto the hard drive?</p> <p>22 A <b>There was no way to save the referrals</b></p>	<p style="text-align: right;">196</p> <p>1 <b>James Madison with me, and I never -- I never</b></p> <p>2 <b>received any files or personal property from James</b></p> <p>3 <b>Madison after I went out on FMLA leave, so I do</b></p> <p>4 <b>not know what happened to those files.</b></p> <p>5 Q So would you keep a copy of all the</p> <p>6 referrals that you submitted?</p> <p>7 MR. GONZALEZ-PAGAN: Objection.</p> <p>8 Q Or most of them or some of them?</p> <p>9 A <b>I had a routine habit of having a</b></p> <p>10 <b>photocopy of the written PS-74 that I turned in</b></p> <p>11 <b>that I stored in file folders in my locked cabinet</b></p> <p>12 <b>in the classroom.</b></p> <p>13 Q And how were these folders organized?</p> <p>14 By year? By class? How did you organize the file</p> <p>15 folders?</p> <p>16 A <b>Both by year and by class.</b></p> <p>17 Q And did you ever destroy any of these</p> <p>18 file folders?</p> <p>19 A <b>No, sir.</b></p> <p>20 Q And you kept this system in place from</p> <p>21 the inception of your employment in 2008?</p> <p>22 A <b>In 2008 I don't think I realized the</b></p>

Transcript of Jennifer Eller  
Conducted on February 3, 2020

<p style="text-align: right;">197</p> <p>1 <b>importance of retaining documents and so I don't</b>  2 <b>think I started that until like 2009.</b>  3 Q Did you ever prepare a chart or  4 spreadsheet or summary in summary format of the  5 PS-74s that were submitted and the response, if  6 any, from the grade-level administrator?  7 A <b>I don't recall doing so.</b>  8 Q And would you deny -- are you denying  9 receiving any completed hard copy of the PS-74  10 report back from a grade-level administrator  11 during your entire tenure?  12 A <b>What I'm saying is I don't recall ever</b>  13 <b>receiving one.</b>  14 Q What was your e-mail address as a  15 teacher with the Board?  16 A <b>Which one?</b>  17 Q Let's start with the first one.  18 A <b>It was my birth name, followed by a</b>  19 <b>period, followed by my last name at PGCPS.org.</b>  20 Q EDU?  21 A <b>I don't know, maybe.</b>  22 <b>I haven't used it in three years.</b></p>	<p style="text-align: right;">199</p> <p>1 <b>received updates on things that were happening in</b>  2 <b>the school with the mass e-mails because my name</b>  3 <b>was never put in.</b>  4 <b>I raised that concern with Mr. Adams.</b>  5 <b>He said that he would blind carbon copy</b>  6 <b>me on e-mails.</b>  7 <b>It's a very long and complex process</b>  8 <b>that I went through in order to get a simple</b>  9 <b>change.</b>  10 Q Did you -- during that time frame, did  11 you continue to check the original e-mail address  12 that you were provided with?  13 A <b>It was not necessary to login under that</b>  14 <b>name because everything was consolidated into a</b>  15 <b>single e-mail inbox. So any e-mail sent to the</b>  16 <b>previous e-mail address and any e-mail sent to the</b>  17 <b>new e-mail address arrived in the same inbox.</b>  18 Q And that was the e-mail box of which  19 address?  20 A <b>Both of them.</b>  21 Q What was your subsequent e-mail address?  22 A <b>My subsequent e-mail address was my</b></p>
<p style="text-align: right;">198</p> <p>1 Q And did there come a point in time where  2 that e-mail address changed?  3 A <b>Eventually.</b>  4 Q When was that?  5 A <b>Several years after I requested it to</b>  6 <b>change.</b>  7 Q Well, when did you request the change?  8 A <b>In 2011.</b>  9 Q And when did it, in fact, change?  10 A <b>I think three years later.</b>  11 Q What did it change to?  12 A <b>What happened was they provided in 2011</b>  13 <b>an alternative typed address that could be used in</b>  14 <b>conjunction with the original typed address so</b>  15 <b>that I could be e-mailed at either address.</b>  16 <b>The primary address was kept up on</b>  17 <b>public documents, all calendar invitations and for</b>  18 <b>parents to use.</b>  19 <b>The updated one with my legal name did</b>  20 <b>not make it to those documents to the point that</b>  21 <b>when they finally disassociated the initial e-mail</b>  22 <b>from my proper legal name e-mail, I no longer</b></p>	<p style="text-align: right;">200</p> <p>1 <b>legal name followed by my last name with a period</b>  2 <b>in between the two.</b>  3 Q [REDACTED]?  4 A <b>Correct.</b>  5 Q And the first e-mail address was  6 [REDACTED]?  7 A <b>Yes.</b>  8 Q Did you ever use your personal e-mail  9 address to conduct work?  10 A <b>To conduct work? You mean to e-mail</b>  11 <b>administrators?</b>  12 Q Sure.  13 A <b>No.</b>  14 Q To reach out to parents?  15 A <b>Not from my personal e-mail address, no.</b>  16 Q What was your personal e-mail address at  17 the time?  18 A [REDACTED]  19 <b>I had an Outlook address that allowed me</b>  20 <b>to send electronic copies of AP papers back to</b>  21 <b>students, which I did for one year. That was an</b>  22 <b>Outlook address, Jenny.Eller. So -- but that was</b></p>

<p style="text-align: right;">201</p> <p>1 <b>only to send and receive. The -- well, it was to</b>                  2 <b>send the electronically edited papers to students</b>                  3 <b>because I could not get the school -- the school</b>                  4 <b>e-mail address to work in conjunction with the --</b>                  5 <b>with the electronic grading application.</b>                  6 Q What year did you use the Outlook e-mail                  7 address?                  8 <b>A I think perhaps 2014-2015 school year.</b>                  9 Q And do you still have that e-mail                  10 address?                  11 <b>A I do.</b>                  12 Q And do you have access to it?                  13 <b>A I do.</b>                  14 Q Are there any e-mails that currently                  15 exist that pertain to your correspondence with the                  16 AP class?                  17 <b>A Maybe.</b>                  18 Q Have you performed a search and provided                  19 those to your counsel?                  20 <b>A I performed a search on the e-mail and</b>                  21 <b>provided them with things I found.</b>                  22 Q On the Gmail or on the Outlook?</p>	<p style="text-align: right;">203</p> <p>1 that.                  2 MR. SHARMA: Do you have the Bates                  3 stamps for those, by any chance?                  4 MR. MOGUL: Not offhand.                  5 MR. SHARMA: Okay. Maybe we can take a                  6 break and you could ...                  7 MR. MOGUL: I don't think I can do that                  8 right now, but I can tell you that what Ms. Eller                  9 just said is correct, it was almost zero in there                  10 that was relevant at all that hit on any of the                  11 search terms, except for like we just said, the --                  12 and job applications which we did send to you.                  13 MR. SHARMA: What were the search terms?                  14 MR. MOGUL: We had like a hundred search                  15 terms or maybe more. It was very comprehensive,                  16 including, you know, discrimination,                  17 transgender --                  18 MR. SHARMA: And this -- and I apologize                  19 for not being clear, but this is as to the Outlook                  20 e-mail address.                  21 MR. MOGUL: Yes, the Outlook e-mail                  22 address, mm-hmm.</p>
<p style="text-align: right;">202</p> <p>1 <b>A On both. Although I didn't turn up a</b>                  2 <b>lot of stuff on the Outlook one.</b>                  3 <b>Primarily what I turned up was -- was --</b>                  4 <b>it was like job applications and stuff like that.</b>                  5 <b>I did not carry on correspondence with students on</b>                  6 <b>that address and so anything that exists in there</b>                  7 <b>would have been in the sent folder which is my</b>                  8 <b>understanding that that is periodically dumped by</b>                  9 <b>Outlook.</b>                  10 Q Did you take any steps to preserve those                  11 documents for this litigation?                  12 <b>A No, because I didn't realize I was going</b>                  13 <b>to need copies of those papers and so I made no --</b>                  14 <b>I made no preparation to retain any of them beyond</b>                  15 <b>the school year that they were initially sent</b>                  16 <b>back.</b>                  17 MR. SHARMA: Mr. Mogul, to the extent                  18 these documents exist, I don't think we've been                  19 provided with any Outlook e-mails.                  20 MR. MOGUL: We actually did do a search                  21 and provided you with anything that we found                  22 responsive to a whole series of search terms from</p>	<p style="text-align: right;">204</p> <p>1 We did the same search terms for all of                  2 her e-mail addresses.                  3 BY MR. SHARMA:                  4 Q And, Ms. Eller, these are -- the e-mails                  5 that were provided are what were made after the                  6 system automatically deletes or dumps whatever it                  7 does; is that correct?                  8 <b>A What was provided was everything that</b>                  9 <b>was within the e-mail that was there, yes.</b>                  10 Q But you said earlier that the system --                  11 in your words -- dumps, automatically dumps after                  12 a certain period of time?                  13 <b>A I believe it does, yes.</b>                  14 <b>I don't think it -- I don't think it</b>                  15 <b>automatically dumps anything in your inbox. But</b>                  16 <b>from your sent and spam folders, I believe that</b>                  17 <b>there is a time limit that the web service</b>                  18 <b>provider holds on to that information.</b>                  19 Q Do you know what the time limit is?                  20 <b>A I do not.</b>                  21 Q What about the Gmail.com, is it also                  22 your understanding that that e-mail address</p>

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<p>1 automatically dumps documents within certain 2 folders contained therein? 3 <b>A I know that it dumps the spam on a</b> 4 <b>monthly basis and it's my understanding that Gmail</b> 5 <b>does dump things from the sent folder after an</b> 6 <b>extended period of time, which is probably</b> 7 <b>overridden if there is a reply that you receive</b> 8 <b>because then the reply is in your inbox.</b> 9 <b>And as far as I know, they don't dump</b> 10 <b>anything from your inbox. That's up to you.</b> 11 Q Did you forward e-mails from your work 12 address to either the Gmail or the Outlook.com? 13 <b>A To my Gmail account.</b> 14 Q How often would you do that? 15 <b>A I couldn't give you an exact number.</b> 16 <b>Near the end of my time at Friendly, it</b> 17 <b>was more regular that I would do it, as was</b> 18 <b>requested by my legal counsel at the time. And</b> 19 <b>that was only pertaining to my experiences with</b> 20 <b>hostile work environment.</b> 21 <b>Oh, I'm sorry.</b> 22 <b>I would also occasionally send lesson</b></p>	<p>1 <b>the year, they would have been in my files at</b> 2 <b>James Madison.</b> 3 Q Was there any PGCPS policy in place that 4 prohibited you to send work e-mails to your 5 personal e-mail account? 6 <b>A No, not to my knowledge.</b> 7 Q And prior to more regularly sending 8 e-mails to your personal Gmail account towards the 9 end of your tenure at Friendly High School, did 10 you send e-mails to your Gmail account towards the 11 beginning of your tenure at Friendly High School? 12 I guess my question, when did it start, 13 when did you start sending yourself e-mails or 14 forwarding on e-mails to your personal accounts? 15 <b>A Like I said, I would occasionally do it</b> 16 <b>when I was sending PowerPoints to myself to work</b> 17 <b>on.</b> 18 Q So it was -- the earlier e-mails to 19 yourself were designed to help you work at home, 20 is that fair to say? 21 <b>A Yes.</b> 22 Q And the latter e-mails were at the</p>
206	208
<p>1 <b>plans or PowerPoints to myself so that I could</b> 2 <b>work on them at home.</b> 3 Q So the e-mails that you sent that were 4 more regular, that was towards your -- towards the 5 end of your tenure at Friendly High School? 6 <b>A Yes.</b> 7 Q And it was done at the request of 8 counsel? 9 <b>A Yes.</b> 10 Q Did these e-mails contain student names? 11 <b>A Some of them may have.</b> 12 Q Did they contain other confidential 13 information of students? Date of birth? Social 14 Security numbers? Student numbers? 15 <b>A No, sir.</b> 16 Q Did they contain -- 17 <b>A They may have contained student numbers.</b> 18 Q How about IEPs, do they contain IEPs? 19 <b>A No, sir.</b> 20 <b>Any IEPs I had were physical copies and</b> 21 <b>were -- just -- they would have been -- if they</b> 22 <b>were retained and not disposed of at the end of</b></p>	<p>1 request of your counsel? 2 <b>A I was suggested by my counsel at the</b> 3 <b>time that -- and I think by the union</b> 4 <b>representatives that I should retain copies</b> 5 <b>outside the server.</b> 6 Q And did you also do that at James 7 Madison Middle School? 8 <b>A I was there a very short time and I do</b> 9 <b>not recall. But if I had anything from that time,</b> 10 <b>it would have been sent over in the documents that</b> 11 <b>were already sent over.</b> 12 Q Is there anything else that you either 13 took from or forwarded to yourself from the 14 school? 15 <b>A What do you mean?</b> 16 Q Any physical documents that you may have 17 taken or copied at the request of your counsel? 18 <b>A As I said, the majority of those</b> 19 <b>documents went to the new school that I was</b> 20 <b>teaching at, a handful of PS-74s that my counsel</b> 21 <b>at the time had asked to see. I had a couple of</b> 22 <b>physical copies when those files were returned to</b></p>

209	<p>1 me because copies had been made for the law team.</p> <p>2 Q So you don't recall the students that</p> <p>3 those PS-74s referred to?</p> <p>4 A I can't with specificity. I could</p> <p>5 hazard a guess, but that's -- I can't say with</p> <p>6 certainty that I'm correct.</p> <p>7 Q Were physical copies provided to your</p> <p>8 legal counsel at the time they were requested?</p> <p>9 A The few that I had, yes.</p> <p>10 Q And how many did you have?</p> <p>11 A I am not certain of the number.</p> <p>12 Everything I have is -- has been submitted.</p> <p>13 Q Do you think it's less than 10?</p> <p>14 A I don't know.</p> <p>15 Q And when was this submitted to counsel?</p> <p>16 Was this in 2015?</p> <p>17 A I think so.</p> <p>18 Q And was this to counsel at the</p> <p>19 Whitman-Walker Clinic?</p> <p>20 A Yes.</p> <p>21 Q Did you have any other personal e-mail</p> <p>22 addresses during your tenure with the Board?</p>	211
210	<p>1 A No.</p> <p>2 Q Do you have any new e-mail addresses</p> <p>3 now?</p> <p>4 A No.</p> <p>5 Q Which e-mail address do you use</p> <p>6 currently?</p> <p>7 A The e-mail address that I use currently</p> <p>8 is the Outlook one for professional</p> <p>9 correspondences and job hunting, and the Gmail one</p> <p>10 for whatever communications I have with the law</p> <p>11 team and just general e-mails, but nobody e-mails</p> <p>12 anymore.</p> <p>13 Q Do you have any social media accounts?</p> <p>14 A Yes.</p> <p>15 Q What accounts do you have?</p> <p>16 A Your typical social media accounts. I</p> <p>17 have a Twitter, I have a Facebook. I have a</p> <p>18 Medium account and a Tumblr.</p> <p>19 Q What is your Twitter handle?</p> <p>20 A At Q-U-E-E-R-I-N-G-C-A-I-T-L-I-N.</p> <p>21 Q And how long have you had that Twitter</p> <p>22 handle for?</p>	212
	<p>1 A Years, I guess. It's always associated</p> <p>2 with that account.</p> <p>3 Q Are you active on the Twitter account?</p> <p>4 A Somewhat.</p> <p>5 Q Have you posted any tweets about this</p> <p>6 case or the circumstances leading up to the case?</p> <p>7 A No, I have not tweeted anything about</p> <p>8 that, as far as I remember.</p> <p>9 Anything that I would have said would</p> <p>10 have been just in reference to feeling frustrated</p> <p>11 today, you know, or yeah, you have -- you had 140</p> <p>12 character limit.</p> <p>13 Q What about Facebook, what was your</p> <p>14 Facebook page?</p> <p>15 A That's under -- initially it was under</p> <p>16 the name Jennifer Crandel, C-R-A-N-D-E-L, so that</p> <p>17 I would not receive friend requests from students.</p> <p>18 It is now under a separate name.</p> <p>19 Do you need to know that?</p> <p>20 Q Yes, please.</p> <p>21 A EL -- it's E-L-E-R for the first name,</p> <p>22 J-E-N for the last name, I think.</p>	

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1 **But typically I didn't put that stuff**  
 2 **out electronically because it's not a secure thing**  
 3 **to be doing under any circumstances.**  
 4 Q What about harassment or discrimination  
 5 in the workplace, have you posted as to those  
 6 issues?  
 7 A **I may have.**  
 8 Q And is your Facebook page public?  
 9 A **No.**  
 10 Q And did you provide the post to your  
 11 counsel in responding to our discovery requests?  
 12 A **I gave my counsel complete access to my**  
 13 **Twitter, my blog, my Tumblr and my Facebook.**  
 14 Q Medium, we spoke about that earlier;  
 15 correct?  
 16 A **Yes.**  
 17 Q And what about Tumblr?  
 18 I'm unfamiliar. What is Tumblr?  
 19 A **It's a microblogging platform.**  
 20 Q So it's a platform where you can blog?  
 21 A **Microblogging. So it's not like**  
 22 **you're – you're not writing articles. It's more**

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1 **fandom related.**  
 2 Q Is there a specific address where I can  
 3 find your microblogs?  
 4 A **You already have it. It was provided**  
 5 **for you with all the documents that were taken**  
 6 **from Tumblr.**  
 7 Q Is there a title or name that you use  
 8 for microblogging?  
 9 A **How do you mean?**  
 10 Q How do I distinguish your blogs from  
 11 someone else's blogs if I were to be on Tumblr?  
 12 A **That would –**  
 13 Q Or how would I search for your blogs?  
 14 A **I don't make my blogs searchable.**  
 15 Q So who are they for?  
 16 A **Me. Me and people who follow me.**  
 17 Q And have you posted anything about  
 18 harassment, discrimination, retaliation or this  
 19 lawsuit on Tumblr?  
 20 A **I posted on Tumblr some general posts**  
 21 **about harassment and discrimination I experienced**  
 22 **at work.**

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1 **Those were electronically accessed by**  
 2 **Arnold and Porter's team and a copy of everything**  
 3 **pertaining to it was sent to you.**  
 4 Q Well, not a copy of all the blogs, just  
 5 the ones that pertain to your lawsuit?  
 6 A **Yes.**  
 7 Q Are there any other places where you  
 8 blog –  
 9 A **Pertain to the lawsuit and pertain to**  
 10 **the discrimination that I was facing, are you**  
 11 **including that in when you say "lawsuit"?**  
 12 Q I was.  
 13 A **Okay.**  
 14 Q Is there any other place where you blog?  
 15 A **There was once a WordPress where I had**  
 16 **published some things. I lost access to that and**  
 17 **was unable to – I was unable to regain that**  
 18 **access.**  
 19 Q When did you lose access?  
 20 A **A couple years ago.**  
 21 Q How did it come about where you lost  
 22 access?

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1 A **I suddenly couldn't login anymore and**  
 2 **the WordPress helpline did not provide me with**  
 3 **help in re-accessing it.**  
 4 Q Have you given any interviews about this  
 5 case or regarding the incidents that led up to  
 6 your filing this lawsuit?  
 7 A **Yes.**  
 8 Q How many?  
 9 A **One.**  
 10 Q To whom?  
 11 A **Washington Post.**  
 12 Q Do you recall the title of the article?  
 13 A **No.**  
 14 Q Do you recall when it was given?  
 15 A **December of 2018 maybe.**  
 16 Q Any other interviews?  
 17 A **No.**  
 18 Q Who were the administrators at Kenmoor  
 19 Middle School from 2008 to 2011?  
 20 A **There was Maha Fadli Bernardette Woodman**  
 21 **or Woodbury. Kathleen Gregory was in charge of**  
 22 **the talented and gifted program for a couple**

<p style="text-align: right;">217</p> <p><b>1 years.</b></p> <p>2 Q Let me be more specific to try to move</p> <p>3 this along.</p> <p>4 Who was the principal during that time</p> <p>5 frame?</p> <p>6 <b>A Maha Fadli.</b></p> <p>7 Q Fadli?</p> <p>8 <b>A Yes. F-A-D-L-I.</b></p> <p>9 Q And who was the vice principal?</p> <p>10 <b>A I don't recall.</b></p> <p>11 Q Did it change?</p> <p>12 <b>A Yes.</b></p> <p>13 Q How many times?</p> <p>14 <b>A Once.</b></p> <p>15 Q And would the school only have one vice</p> <p>16 principal?</p> <p>17 <b>A They had two, I think, at one point.</b></p> <p>18 Q Other than the principal, did you have</p> <p>19 any other supervisors while at Kenmoor Middle</p> <p>20 School?</p> <p>21 <b>A Kathleen Gregory from the talented and</b></p> <p>22 <b>gifted program.</b></p>	<p style="text-align: right;">219</p> <p><b>1 A I don't recall.</b></p> <p>2 Q Who would have been?</p> <p>3 <b>A Perhaps the vice principal. Kathleen</b></p> <p>4 <b>Gregory might have evaluated sometimes as</b></p> <p>5 <b>coordinator. Principal Fadli may have evaluated</b></p> <p>6 <b>at some time as well.</b></p> <p>7 <b>I think she signed off on all the</b></p> <p>8 <b>evaluation forms.</b></p> <p>9 Q And generally how were your evaluations</p> <p>10 at Kenmoor?</p> <p>11 <b>A They were excellent.</b></p> <p>12 Q Are you familiar with the term "pupil</p> <p>13 personnel worker"?</p> <p>14 <b>A Yes.</b></p> <p>15 Q What is that?</p> <p>16 <b>A That is Ms. Isom at Friendly High</b></p> <p>17 <b>School. I'm not entirely sure what her function</b></p> <p>18 <b>there is, but I know she works with students.</b></p> <p>19 Q In relation to Kenmoor Middle School,</p> <p>20 was there a PPW at that school?</p> <p>21 <b>A I don't know.</b></p> <p>22 Q You don't recall?</p>
<p style="text-align: right;">218</p> <p>1 Q Because your position fell underneath</p> <p>2 that program?</p> <p>3 <b>A Yes.</b></p> <p>4 Q Kathleen Gregory?</p> <p>5 <b>A Yes.</b></p> <p>6 Q Do you recall her title?</p> <p>7 <b>A She was the Talented and Gifted Program</b></p> <p>8 <b>Coordinator.</b></p> <p>9 Q Would you consider Principal Fadli as</p> <p>10 your supervisor?</p> <p>11 <b>A Yes.</b></p> <p>12 Q What was your relationship like with</p> <p>13 Principal Fadli?</p> <p>14 <b>A It was amiable.</b></p> <p>15 Q Did you have a relationship with the</p> <p>16 vice principal at all?</p> <p>17 <b>A No.</b></p> <p>18 Q And what about Kathleen Gregory, what</p> <p>19 was your working relationship like with her?</p> <p>20 <b>A Amiable.</b></p> <p>21 Q Who at Kenmoor was the best person to</p> <p>22 evaluate your performance?</p>	<p style="text-align: right;">220</p> <p><b>1 A I don't know.</b></p> <p>2 Q Do you know what a PPW does in terms of</p> <p>3 duties and responsibilities?</p> <p>4 <b>A They meet with students. I have no idea</b></p> <p>5 <b>beyond that.</b></p> <p>6 Q Was there a guidance secretary position</p> <p>7 at Kenmoor Middle School?</p> <p>8 <b>A Yes.</b></p> <p>9 Q And do you know who that was?</p> <p>10 <b>A I do not.</b></p> <p>11 Q What type of faculty or staff training</p> <p>12 did you obtain during your tenure at Kenmoor?</p> <p>13 <b>A I took a course taught by Kathleen</b></p> <p>14 <b>Gregory and another instructor on talented and</b></p> <p>15 <b>gifted education.</b></p> <p>16 Q Well, let me back up for a second.</p> <p>17 Weren't all employees required to take</p> <p>18 some type of mandatory training at the beginning</p> <p>19 of each school year?</p> <p>20 <b>A Yes.</b></p> <p>21 Q What type of training was that?</p> <p>22 <b>A Child abuse prevention, sexual</b></p>

<p style="text-align: right;">221</p> <p>1 harassment, and, you know, general guidelines and</p> <p>2 policies for the coming year, whether it was how</p> <p>3 to report incidents or how to write a hall pass</p> <p>4 that year.</p> <p>5 Q Did the training consist of any type of</p> <p>6 non-discrimination or harassment training?</p> <p>7 A The extent of it was that we do not</p> <p>8 discriminate based on race, religion or sex and</p> <p>9 then there was an extended bit about sexual</p> <p>10 harassment.</p> <p>11 And it was primarily defined as</p> <p>12 harassment by men toward women with the</p> <p>13 acknowledgment that it could happen the other way.</p> <p>14 Q How often was the training provided?</p> <p>15 MR. MOGUL: Objection.</p> <p>16 A I do not know how often it was provided.</p> <p>17 I know how often I received it.</p> <p>18 Q Okay.</p> <p>19 A And that was at the beginning of a</p> <p>20 school year and they went from doing it as an</p> <p>21 in-person presentation to a video.</p> <p>22 Q When did they make that switch?</p>	<p style="text-align: right;">223</p> <p>1 Q And those were --</p> <p>2 A That's pretty much it. I mean,</p> <p>3 that's -- how to use SchoolMAX, which is the</p> <p>4 grading program.</p> <p>5 Q That was given in the staff meetings?</p> <p>6 A No. Staff meetings were primarily just</p> <p>7 general run day-to-day business.</p> <p>8 These were grade-level meetings, so like</p> <p>9 my seventh or eighth grade team, so it would</p> <p>10 consist of me, a math teacher, a science teacher,</p> <p>11 a social studies teacher.</p> <p>12 Q Were there any other trainings that you</p> <p>13 received while a teacher at Kenmoor?</p> <p>14 A I had a -- I had a mentor that I worked</p> <p>15 with my first and second year there. Just as a</p> <p>16 new teacher. She was -- I think her last name was</p> <p>17 White and she retired after my second year there.</p> <p>18 There may have been other miscellaneous</p> <p>19 trainings that I'm not remembering.</p> <p>20 Q As to the training against prohibiting</p> <p>21 harassment and the training prohibiting</p> <p>22 discrimination, was that training effective, in</p>
<p style="text-align: right;">222</p> <p>1 A A year or two after I went to Friendly</p> <p>2 maybe.</p> <p>3 Q And who conducted the in-person</p> <p>4 presentation?</p> <p>5 A I don't recall her name, but she was the</p> <p>6 data coordinator at Kenmoor.</p> <p>7 Q And this training was mandatory for all</p> <p>8 staff?</p> <p>9 A Yes.</p> <p>10 Q Was there any other training that you</p> <p>11 received apart from this mandatory training at the</p> <p>12 beginning of the school year?</p> <p>13 A No.</p> <p>14 Q Did you obtain any -- did you go to</p> <p>15 staff meetings on a monthly basis?</p> <p>16 A Yes.</p> <p>17 Q Was there training provided at the staff</p> <p>18 meetings at Kenmoor?</p> <p>19 I'm trying to be specific to the school.</p> <p>20 A At Kenmoor, how to read data, how to</p> <p>21 make charts to examine the data, how to ask</p> <p>22 open-ended questions.</p>	<p style="text-align: right;">224</p> <p>1 your opinion?</p> <p>2 MR. MOGUL: Objection.</p> <p>3 A In my opinion, it was ineffective</p> <p>4 because it did not address very many concerns</p> <p>5 regarding harassment and focused primarily on</p> <p>6 sexual harassment from the point of view of a man</p> <p>7 harassing a woman.</p> <p>8 Q How could the training have been</p> <p>9 improved?</p> <p>10 A Well, they could have included a general</p> <p>11 discussion of diversity and how it moves beyond</p> <p>12 simply men and women, that it includes being</p> <p>13 respectful of a person's race, a person's</p> <p>14 ethnicity, a person's religion, a person's</p> <p>15 sexuality, a person's gender identity.</p> <p>16 I believe race was very briefly touched</p> <p>17 upon.</p> <p>18 I don't recall anything about religion.</p> <p>19 And I don't recall anything specifically</p> <p>20 addressing sexuality. I think that may have</p> <p>21 fallen under sexual harassment.</p> <p>22 And there was nothing specific for</p>

<p style="text-align: right;">225</p> <p><b>1 gender identity.</b></p> <p>2 Q As to student training, was there any</p> <p>3 student training at Kenmoor Middle School?</p> <p><b>4 A There were grade-level assemblies.</b></p> <p>5 Q In middle school?</p> <p><b>6 A Yes.</b></p> <p>7 Q How often were they conducted?</p> <p><b>8 A Once a year maybe at the beginning of</b></p> <p><b>9 the year.</b></p> <p>10 Q And what did they consist of?</p> <p><b>11 A Basic school rules, don't sexually</b></p> <p><b>12 harass each other, be polite and respectful to</b></p> <p><b>13 people, just very vague general things.</b></p> <p>14 Q Did the training go over the student</p> <p>15 code of conduct?</p> <p><b>16 A The training addressed some items in the</b></p> <p><b>17 student code of conduct.</b></p> <p>18 Q Do they include the prohibition against</p> <p>19 harassment and discrimination?</p> <p><b>20 A To the extent that they said we do not</b></p> <p><b>21 harass or discriminate against people, but that</b></p> <p><b>22 was it.</b></p>	<p style="text-align: right;">227</p> <p>1 that was your last year there?</p> <p><b>2 A At Kenmoor?</b></p> <p>3 Q Yes.</p> <p><b>4 A Yes.</b></p> <p>5 Q Were you the subject of a hostile</p> <p>6 working environment?</p> <p>7 MR. MOGUL: Objection.</p> <p><b>8 A In 2010, no.</b></p> <p><b>9 In 2011, it became hostile.</b></p> <p>10 Q When in 2011 did it become hostile?</p> <p><b>11 A After the principal, Fadli, told my</b></p> <p><b>12 grade level team that I was transitioning.</b></p> <p>13 Q And do you recall when exactly in 2011</p> <p>14 she did that?</p> <p><b>15 A I do not recall the exact date.</b></p> <p>16 Q You do recall, however, that you</p> <p>17 informed her in May of 2011?</p> <p>18 MR. MOGUL: Objection.</p> <p>19 Q Is that correct?</p> <p><b>20 A I do not recall the first time I talked</b></p> <p><b>21 to her about it. I may have mentioned it to her</b></p> <p><b>22 before that, though.</b></p>
<p style="text-align: right;">226</p> <p>1 Q Was this a mandatory assembly that all</p> <p>2 students had to attend?</p> <p><b>3 A Yes.</b></p> <p>4 Q During the 2008-2009 school year, your</p> <p>5 first year at Kenmoor Middle School, were you the</p> <p>6 subject -- did you experience a hostile working</p> <p>7 environment?</p> <p><b>8 A I would not describe it as hostile.</b></p> <p>9 Q During that same school year, were you</p> <p>10 the subject of any form or type of retaliation?</p> <p>11 MR. MOGUL: Objection.</p> <p><b>12 A I am unaware of any retaliation.</b></p> <p>13 Q During the 2009 and 2010 school year,</p> <p>14 your second year there, did you -- were you</p> <p>15 subjected to a hostile working environment?</p> <p>16 MR. MOGUL: Objection.</p> <p><b>17 A I would not describe it as hostile.</b></p> <p>18 Q And for the same school year, were you</p> <p>19 the subject of any form of retaliation?</p> <p>20 MR. MOGUL: Objection.</p> <p><b>21 A Not to my knowledge.</b></p> <p>22 Q Now on to the 2010-2011 school year,</p>	<p style="text-align: right;">228</p> <p>1 Q Wasn't there a meeting between you and</p> <p>2 Principal Fadli and Ms. Davis regarding the</p> <p>3 transition process?</p> <p><b>4 A There was, but this was something that I</b></p> <p><b>5 had already had discussions with Ms. Fadli about</b></p> <p><b>6 prior to that.</b></p> <p>7 Q And is it your testimony that prior to</p> <p>8 the meeting that I just referenced, Ms. Fadli had</p> <p>9 told someone else about your transition?</p> <p><b>10 A Yes, she had talked to my grade-level</b></p> <p><b>11 team about it.</b></p> <p>12 Q So is the fact that she talked to your</p> <p>13 grade-level team, is that the basis of your</p> <p>14 hostile work environment?</p> <p><b>15 A Are you asking if her talking to them is</b></p> <p><b>16 why I called it hostile?</b></p> <p>17 Q Yes.</p> <p><b>18 A No.</b></p> <p>19 Q Why do you call it a hostile working</p> <p>20 environment?</p> <p><b>21 A Because of the way I was treated by my</b></p> <p><b>22 grade-level team and others on staff afterward as</b></p>

<p style="text-align: right;">229</p> <p><b>1 they spread the information to one another and to</b>  <b>2 teachers outside of Kenmoor.</b>  3 Q Who engaged in this misconduct?  4 A My team, my – other teachers in the  5 school.  6 Q I'm looking for names.  7 A I know that it was discussed by the  8 librarian, Mogalinski. It was discussed by  9 Kathleen Gregory, Mr. Beall, Ms. Horn, Ms. Wall,  10 the science teacher whose name I cannot recall.  11 I know that she had conversations with  12 other teachers in the building and she directed  13 the students to ask me what honorific they should  14 use when writing my name down.  15 Q So is the fact that --  16 A John --  17 Q I apologize, I thought you were done.  18 A John Farris, Mr. Enchelmaier, and a  19 teacher that I didn't have personal interactions  20 with whose name I can't remember, informed some  21 teachers at a different school.  22 Q Okay.</p>	<p style="text-align: right;">231</p> <p><b>1 And I would rank Ms. Mogalinski as a</b>  <b>2 friend who had a hard time processing the</b>  <b>3 information.</b>  4 Q Okay. Did Ms. Mogalinski, did she  5 engage in any other type of words, actions or  6 conduct to create a hostile work environment for  7 you?  8 MR. MOGUL: Objection.  9 A I was not aware of conversations when I  10 was not present.  11 Q Did you report the conduct to anyone  12 else?  13 MR. MOGUL: Objection.  14 A Ms. Mogalinski's comment that she didn't  15 know if she could support me?  16 Q Yes.  17 A No.  18 There was someone else in the room at  19 the time, but I don't recall who it was. It may  20 have been the middle school RELA Program  21 Coordinator for the entire county or it may have  22 been Courtney Ball, I don't know.</p>
<p style="text-align: right;">230</p> <p><b>1 A And whether or not I planned on</b>  <b>2 transitioning was discussed within earshot of the</b>  <b>3 children by Kathleen Gregory.</b>  4 Q So you said a lot and I want to go back  5 through each individual.  6 A Okay.  7 Q The librarian, what words, actions or  8 conduct did he engage in to create a hostile work  9 environment for you?  10 A Ms. Mogalinski, she did not – she did  11 not engage in disrespect, but she was curious, she  12 asked a couple questions and she said outright, I  13 don't know if I can support this.  14 Q And that made your working environment  15 hostile?  16 MR. MOGUL: Objection.  17 MR. GONZALEZ-PAGAN: Objection.  18 A I don't think it's one incident alone  19 that makes a work environment hostile. And I  20 don't think you can parse it out in this one thing  21 that was said by one person. It is a cumulative  22 thing.</p>	<p style="text-align: right;">232</p> <p>1 Q What did Kathleen Gregory do to create a  2 hostile work environment for you?  3 MR. MOGUL: Objection.  4 A I do not know about conversations she  5 had when I was not present.  6 While we were standing with the students  7 and walking them into the cafeteria, she, in a  8 very audible voice, began asking me if I was going  9 to have a sex transition.  10 That was overheard by the students.  11 That then spread among the students and resulted  12 in harassing, things happening to me by the  13 students, and very improper names being used.  14 Q Okay. Other than that question posed to  15 you by Ms. Gregory, did she do anything else?  16 MR. MOGUL: Objection.  17 A I do not know about anything that  18 happened outside of my presence.  19 Q Did you report the question that  20 Ms. Gregory asked you to any of your supervisors?  21 A I don't recall if I mentioned it to  22 Ms. Fadli or not.</p>

<p style="text-align: right;">233</p> <p>1 Q Mr. Horn -- Ms. Horn?</p> <p>2 A <b>Yes.</b></p> <p>3 Q Who is that?</p> <p>4 A <b>Ms. Horn. She's the math teacher.</b></p> <p>5 Q What did Ms. Horn do to contribute to</p> <p>6 your hostile work environment?</p> <p>7 MR. MOGUL: Objection.</p> <p>8 A <b>Ms. Horn was -- talked about -- with the</b></p> <p>9 <b>rest of the staff.</b></p> <p>10 <b>I listed her because she was my team</b></p> <p>11 <b>that received the information and you asked who</b></p> <p>12 <b>was talking about it.</b></p> <p>13 Q Okay. I don't think I asked</p> <p>14 specifically that question. But the fact that she</p> <p>15 talked with other staff created a hostile work</p> <p>16 environment for you?</p> <p>17 MR. MOGUL: Objection.</p> <p>18 A <b>I would not say that.</b></p> <p>19 Q What would you say?</p> <p>20 A <b>I didn't say she personally created a</b></p> <p>21 <b>hostile work environment. I said that there was</b></p> <p>22 <b>an accumulation of different experiences and that</b></p>	<p style="text-align: right;">235</p> <p>1 Q Is there any --</p> <p>2 A <b>I'm sorry. I do remember one instance</b></p> <p>3 <b>and that was when she was telling me that I should</b></p> <p>4 <b>get a new pair of glasses because my glasses made</b></p> <p>5 <b>me look like a man.</b></p> <p>6 Q Do you find that offensive?</p> <p>7 A <b>I found it to be unexpected and</b></p> <p>8 <b>irrelevant to my position and I wasn't sure why</b></p> <p>9 <b>she said it.</b></p> <p>10 Q Is there anything else that Ms. Horn did</p> <p>11 with respect to creating a hostile work</p> <p>12 environment for you?</p> <p>13 MR. GONZALEZ-PAGAN: Objection.</p> <p>14 A <b>I can't think of anything.</b></p> <p>15 Q What about -- I think you said Mr. Wall?</p> <p>16 A <b>Beall?</b></p> <p>17 Q I thought you said Wall, a last name you</p> <p>18 gave me was Wall. Does that ring a bell?</p> <p>19 A <b>Ball? B-A-L-L.</b></p> <p>20 Q Okay. Who was that?</p> <p>21 A <b>Courtney Ball was another English</b></p> <p>22 <b>teacher.</b></p>
<p style="text-align: right;">234</p> <p>1 <b>the staff being informed before I was ready is</b></p> <p>2 <b>part of that, and conversations they had about it</b></p> <p>3 <b>with each other was also a part of that.</b></p> <p>4 Q The information that staff becomes aware</p> <p>5 of, how did that manifest into a hostile work</p> <p>6 environment for you?</p> <p>7 That's what I'm interested in knowing.</p> <p>8 A <b>The more people talked about it, the</b></p> <p>9 <b>more people were -- the more people -- the more</b></p> <p>10 <b>people questioned everything about me from how</b></p> <p>11 <b>long my hair was to what type of shirt I was</b></p> <p>12 <b>wearing, to whether or not I wore a bra, to when I</b></p> <p>13 <b>walked in to use the photocopier in the staff</b></p> <p>14 <b>lounge, I had to turn around and walk out because</b></p> <p>15 <b>I could hear them talking about me and talking</b></p> <p>16 <b>about how distressing it is that he thinks he's a</b></p> <p>17 <b>woman.</b></p> <p>18 Q Did Ms. Horn ever have a conversation</p> <p>19 with you about your transition?</p> <p>20 A <b>Yes.</b></p> <p>21 Q What did she say?</p> <p>22 A <b>I don't recall.</b></p>	<p style="text-align: right;">236</p> <p>1 Q And what did Ms. Ball do to create a</p> <p>2 hostile work environment for you?</p> <p>3 MR. MOGUL: Objection.</p> <p>4 A <b>At staff meetings, after I had legally</b></p> <p>5 <b>changed my name and when there were no longer kids</b></p> <p>6 <b>in the school, she, despite having been informed</b></p> <p>7 <b>that my name was legally changed, insisted on</b></p> <p>8 <b>using my former name to the point that in a staff</b></p> <p>9 <b>presentation when she mentioned me, even Ms. Horn</b></p> <p>10 <b>corrected her.</b></p> <p>11 Q Okay. Was that offensive to you that</p> <p>12 she used the wrong name?</p> <p>13 A <b>Yes.</b></p> <p>14 Q Is there anything else that she did?</p> <p>15 A <b>I am not aware of additional</b></p> <p>16 <b>conversations that she may have had nor am I aware</b></p> <p>17 <b>of how she talked to her students about it, though</b></p> <p>18 <b>I am aware that she at one point in time told my</b></p> <p>19 <b>students that if she wore pants, it would also be</b></p> <p>20 <b>considered cross-dressing.</b></p> <p>21 <b>I don't know why she did that. She came</b></p> <p>22 <b>into my classroom to say that. I don't know what</b></p>

<p style="text-align: right;">237</p> <p>1 sparked that.</p> <p>2 She also criticized how much she thought</p> <p>3 I was eating. She thought that if I ate too much</p> <p>4 food, it was inappropriate. She made fun of me</p> <p>5 when I was asked by another teacher if the hormone</p> <p>6 replacement therapy was having an effect.</p> <p>7 And I said that I felt more like myself</p> <p>8 and I felt calmer than I had felt in a long time.</p> <p>9 And her reply was, well, estrogen</p> <p>10 doesn't make me calm, it makes me angry.</p> <p>11 There were lots of snide comments that</p> <p>12 she would routinely make regarding my appearance,</p> <p>13 my weight, my general demeanor.</p> <p>14 Q And did you ever have an occasion to</p> <p>15 report Ms. Ball to your supervisors?</p> <p>16 A I at the time was focused on just</p> <p>17 getting the basic level things taken care of.</p> <p>18 I thought that Ms. Ball and I had an</p> <p>19 amicable working relationship and were even</p> <p>20 friends and everything in my relationship prior to</p> <p>21 that indicated that we were friends. And it was</p> <p>22 only after she had been informed by someone other</p> <p style="text-align: right;">238</p> <p>1 than myself that I was transitioning that these</p> <p>2 changes occurred.</p> <p>3 Q So did you report her or not?</p> <p>4 A I—</p> <p>5 Q Which was my original question.</p> <p>6 MR. GONZALEZ-PAGAN: Objection.</p> <p>7 A I apologize.</p> <p>8 Q You don't have to.</p> <p>9 A I did not file any sort of written</p> <p>10 complaint, but I may have mentioned it when I was</p> <p>11 talking in the meetings I had with HR and</p> <p>12 Ms. Fadli.</p> <p>13 Q You mentioned a science teacher, I</p> <p>14 didn't get the name.</p> <p>15 A I don't know her name.</p> <p>16 Q Oh, you don't know the name, okay.</p> <p>17 A I can't recall.</p> <p>18 Q John Fams, did I get that right?</p> <p>19 A Farris?</p> <p>20 Q Farris, I apologize.</p> <p>21 A John Farris was a Special Education</p> <p>22 teacher within the English department who did a</p>	<p style="text-align: right;">239</p> <p>1 co-taught class with Mr. Enchelmaier (indicating).</p> <p>2 Q And what did Mr. Farris do to contribute</p> <p>3 to your hostile work environment?</p> <p>4 MR. MOGUL: Objection.</p> <p>5 A He addressed me personally saying that</p> <p>6 he guessed he could tolerate my change in sex and</p> <p>7 going somewhere else as long as I never allowed it</p> <p>8 to influence my politics.</p> <p>9 Q And did you report those comments to</p> <p>10 your supervisors?</p> <p>11 A Not in writing. I may have mentioned it</p> <p>12 in my meetings with HR.</p> <p>13 MR. SHARMA: I'm sorry, can we go off</p> <p>14 the record.</p> <p>15 I just need the names read back. I</p> <p>16 can't read my own handwriting here. I apologize.</p> <p>17 (A discussion was held off the record.)</p> <p>18 BY MR. SHARMA:</p> <p>19 Q So who was Mr. Beall?</p> <p>20 A Mr. Beall was the talented and gifted</p> <p>21 eighth grade math teacher.</p> <p>22 Q What did he say to you, if anything at</p> <p style="text-align: right;">240</p> <p>1 all, to contribute to your hostile work</p> <p>2 environment?</p> <p>3 MR. MOGUL: Objection.</p> <p>4 A He stopped talking to me entirely which</p> <p>5 was difficult because we worked as a team.</p> <p>6 Q And did you report the fact that he</p> <p>7 stopped talking to you entirely to any supervisor?</p> <p>8 A I did not file any written complaints.</p> <p>9 At the time I was not aware of the fact</p> <p>10 that I could file written complaints for these</p> <p>11 things.</p> <p>12 Q And Mr. Enchelmaier, who was that?</p> <p>13 A He was another English teacher.</p> <p>14 Q What did he do?</p> <p>15 A He made light of my identity. He made</p> <p>16 jokes about it. Told me that I would never be</p> <p>17 anything other than and he used the dead name —</p> <p>18 MR. McCOLLUM: I'm sorry?</p> <p>19 A The birth name. That I would never be</p> <p>20 anything other than and then he referred to my</p> <p>21 birth name.</p> <p>22 Q And did you report that to your</p>
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CONFIDENTIAL  
 Transcript of Jennifer Eller  
 Conducted on February 3, 2020

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<p style="text-align: right;">241</p> <p>1 supervisors?</p> <p>2 <b>A In conversation I may have mentioned it.</b></p> <p>3 Q What about students? Were there any</p> <p>4 issues with students?</p> <p>5 <b>A Yes.</b></p> <p>6 Q What were they?</p> <p>7 <b>A Students became persistent in asking</b></p> <p>8 <b>questions of me during class that had nothing to</b></p> <p>9 <b>do with the classwork, such as are you going to</b></p> <p>10 <b>have a sex change.</b></p> <p>11 <b>That occurred after they overheard</b></p> <p>12 <b>[REDACTED]</b></p> <p>13 <b>They asked me questions about where I</b></p> <p>14 <b>went shopping, what clothes I wore when I wasn't</b></p> <p>15 <b>at work, whether or not people beat me up when I</b></p> <p>16 <b>was not at work.</b></p> <p>17 <b>I had a student walk in and just stare</b></p> <p>18 <b>at me, like just stand there staring at me.</b></p> <p>19 <b>And I asked her to leave a couple of</b></p> <p>20 <b>times.</b></p> <p>21 <b>And she just stood there staring at me.</b></p> <p>22 <b>I had a student grab my hand when I was</b></p>	<p style="text-align: right;">243</p> <p>1 <b>parents about it also.</b></p> <p>2 Q Did you report any of these incidents to</p> <p>3 your supervisors?</p> <p>4 <b>A I did verbally. And in writing at</b></p> <p>5 <b>times.</b></p> <p>6 Q As to these incidents about the -- where</p> <p>7 you went shopping question?</p> <p>8 <b>A No. That was in conversation.</b></p> <p>9 Q With who?</p> <p>10 <b>A Maha Fadli and HR.</b></p> <p>11 Q After the fact?</p> <p>12 <b>A Yes.</b></p> <p>13 Q Did you submit PS-74 referral forms for</p> <p>14 these students?</p> <p>15 <b>A I did not because I did not think it was</b></p> <p>16 <b>appropriate at that time considering the complete</b></p> <p>17 <b>blackout that was ordered by HR.</b></p> <p>18 Q What was the name of the student that</p> <p>19 walked in and stared at you?</p> <p>20 <b>A I don't know.</b></p> <p>21 Q Did you report that incident to your</p> <p>22 supervisor?</p>
<p style="text-align: right;">242</p> <p>1 walking down the hallway, and wanting to see if I</p> <p>2 had on nail polish or if I was -- if I had longer</p> <p>3 nails. She also asked questions regarding</p> <p>4 physical surgeries and sex change.</p> <p>5 Q Who was the student that asked you where</p> <p>6 you went shopping?</p> <p>7 <b>A There was a couple of students who asked</b></p> <p>8 <b>me where I went shopping.</b></p> <p>9 Q What were their names?</p> <p>10 <b>A [REDACTED]</b></p> <p>11 Q Is that a first name or a last name?</p> <p>12 <b>A That's a first name.</b></p> <p>13 Q Do you know the last name?</p> <p>14 <b>A No, I do not. I referred to students by</b></p> <p>15 <b>their first names.</b></p> <p>16 <b>Another one was a girl named [REDACTED]</b></p> <p>17 <b>Another was [REDACTED]</b></p> <p>18 Q Did you report any of these incidents to</p> <p>19 your supervisors?</p> <p>20 <b>A My supervisors were aware of it because</b></p> <p>21 <b>apparently there were complaints from parents when</b></p> <p>22 <b>the students would go home and talk to their</b></p>	<p style="text-align: right;">244</p> <p>1 <b>A Yes.</b></p> <p>2 Q Who?</p> <p>3 <b>A I reported it to the head of HR, and to</b></p> <p>4 <b>my immediate supervisor in an e-mail.</b></p> <p>5 Q At the time of the incident?</p> <p>6 <b>A Yes.</b></p> <p>7 Q What about the students that asked you</p> <p>8 about whether you had a sex change, do you recall</p> <p>9 their names?</p> <p>10 <b>A No.</b></p> <p>11 Q Did you report the incident?</p> <p>12 <b>A Yes.</b></p> <p>13 Q To who?</p> <p>14 <b>A To my principal and to the head of HR</b></p> <p>15 <b>who came to talk.</b></p> <p>16 Q And was this after the fact?</p> <p>17 <b>A Yes -- I mean, how could I report it</b></p> <p>18 <b>before it happened?</b></p> <p>19 <b>I'm not sure -- when you say "after the</b></p> <p>20 <b>fact" --</b></p> <p>21 Q Well, let me ask you this --</p> <p>22 <b>A It is either when it happened or after</b></p>

<p style="text-align: right;">245</p> <p><b>1 it happened. There's no other option; right?</b></p> <p>2 Q When did the incident take place?</p> <p><b>3 A I don't know the exact date.</b></p> <p>4 Q When did your meeting with Ms. Fadli in</p> <p>5 HR take place?</p> <p><b>6 A There were two of them.</b></p> <p>7 Q When did the first meeting take place?</p> <p><b>8 A In May.</b></p> <p>9 Q Of what year, 2011?</p> <p><b>10 A Yes, sir.</b></p> <p>11 Q And the second meeting?</p> <p><b>12 A I don't know the exact date. But it was</b></p> <p><b>13 in the spring of 2011.</b></p> <p>14 Q Did the question about the sex change</p> <p>15 occur in May of 2011 during your first meeting,</p> <p>16 around that time frame?</p> <p><b>17 A I do not recall.</b></p> <p>18 Q And did you submit any type of PS-74</p> <p>19 referral regarding these questions by students?</p> <p><b>20 A I did not.</b></p> <p>21 Q And the student that grabbed your hand</p> <p>22 and asked about nail polish, who was that?</p>	<p style="text-align: right;">247</p> <p>1 MR. MOGUL: Objection.</p> <p>2 A I would like to add for the record that</p> <p>3 the e-mail that I sent regarding the student that</p> <p>4 walked into my room, that was addressed to both my</p> <p>5 principal and to the HR representative and also</p> <p>6 included the fact that students were referring to</p> <p>7 me as a pedophile.</p> <p>8 Q And when did that take place?</p> <p>9 A That took place after the first meeting</p> <p>10 with HR.</p> <p>11 Q And when students referred to you as a</p> <p>12 pedophile, did you refer them on a PS-74 form?</p> <p>13 A I did not because the students who</p> <p>14 alerted me to it were students who were trying to</p> <p>15 warn me that people around the school were</p> <p>16 referring to me as a pedophile.</p> <p>17 They used a name of a character from a</p> <p>18 show that was a pedophile. I recall students</p> <p>19 referring to me by that name, but I do not know</p> <p>20 what it meant at the time.</p> <p>21 Q So the students that referred to you as</p> <p>22 a pedophile didn't say that to your face?</p>
<p style="text-align: right;">246</p> <p>1 A I don't know.</p> <p>2 Q Did you submit a PS-74 referral form?</p> <p><b>3 A I did not because I didn't know the</b></p> <p><b>4 student.</b></p> <p>5 Q Does that prevent you from filing a</p> <p>6 PS-74 referral form?</p> <p><b>7 A At the time I believe it did.</b></p> <p>8 Q Was your belief correct?</p> <p><b>9 A I don't know. I stopped following that</b></p> <p><b>10 belief when I started writing PS-74s at Friendly</b></p> <p><b>11 High School.</b></p> <p>12 Q Did you report the incident to any</p> <p>13 supervisor?</p> <p><b>14 A I do not recall if it was among the</b></p> <p><b>15 several things that I talked about with Maha Fadli</b></p> <p><b>16 and the HR representative.</b></p> <p>17 Q Which was after the incident took place;</p> <p>18 correct?</p> <p><b>19 A Which was after the student grabbed my</b></p> <p><b>20 hand, yes.</b></p> <p>21 Q During the 2010-'11 school year, were</p> <p>22 you subjected to any form of retaliation?</p>	<p style="text-align: right;">248</p> <p>1 A They said it to my face, but they</p> <p>2 referred to me as a character on a show they</p> <p>3 watched who was a pedophile.</p> <p>4 Q During the 2010-'11 school year, were</p> <p>5 you subjected to any form of retaliation?</p> <p>6 MR. MOGUL: Objection.</p> <p>7 A Not to my knowledge.</p> <p>8 Q At any time during your tenure at</p> <p>9 Kenmoor Middle School, did you contact the union</p> <p>10 regarding the issues you were having?</p> <p><b>11 A I'm sorry, can you repeat the question?</b></p> <p>12 Q Did you contact the union about the</p> <p>13 issues you were having at Kenmoor Middle School?</p> <p><b>14 A Yes.</b></p> <p>15 Q When?</p> <p><b>16 A I contacted the union when I first</b></p> <p><b>17 talked to Principal Fadli that I was going to</b></p> <p><b>18 transition.</b></p> <p>19 In fact, I believe I contacted the union</p> <p>20 just prior to that conversation. The person in</p> <p>21 question was Mr. Jephtha and he had absolutely no</p> <p>22 idea how to proceed.</p>

<p style="text-align: right;">249</p> <p>1 Q At the union?</p> <p>2 A Yes.</p> <p>3 Q Did there come a subsequent point in</p> <p>4 time where you contacted the union?</p> <p>5 A Yes.</p> <p>6 Q When was that?</p> <p>7 A Multiple times.</p> <p>8 Q With regard to what issues?</p> <p>9 A In regards to the experiences I was</p> <p>10 having in the school, in regards to the fact that</p> <p>11 a teacher had been telling teachers at other</p> <p>12 schools about it, that Ms. Fadli had told my staff</p> <p>13 before I was ready to disclose information and</p> <p>14 problems that I was having dealing with the HR</p> <p>15 representative.</p> <p>16 Q What advice were you given by the union</p> <p>17 as to these issues?</p> <p>18 A He did not know what to say because he</p> <p>19 did not know how to handle any of these issues.</p> <p>20 It was his first time.</p> <p>21 Q Did you follow up with anyone within the</p> <p>22 Board of Education?</p>	<p style="text-align: right;">251</p> <p>1 specifically they suggested a high school.</p> <p>2 They did not actually transfer me until</p> <p>3 just before the start of the new school year</p> <p>4 despite my asking when I went to HR to update</p> <p>5 paperwork where they were in the process.</p> <p>6 Q Who decided on Friendly High School?</p> <p>7 A I don't know.</p> <p>8 Q Is it based on vacancies?</p> <p>9 A I don't know.</p> <p>10 Q And were you in agreement with the plan?</p> <p>11 A I was only given one option. I was sent</p> <p>12 to Friendly High School and I met very briefly</p> <p>13 with Mr. Adams and Ms. Calen who determined that I</p> <p>14 was an acceptable teacher to bring on board.</p> <p>15 Q And I apologize. I meant the plan to</p> <p>16 transfer from Kenmoor to any school, not just</p> <p>17 Friendly.</p> <p>18 A I was not consulted on that.</p> <p>19 Q But you said it was mutually agreed,</p> <p>20 those were your words.</p> <p>21 A It was mutually agreed that I would</p> <p>22 transfer. I was not consulted on where I would be</p>
<p style="text-align: right;">250</p> <p>1 A I spoke with the HR representative.</p> <p>2 Q At that meeting with Ms. Fadli?</p> <p>3 A The HR representative also present, and</p> <p>4 Elizabeth Davis was also present, Dr. Jephtha was</p> <p>5 present.</p> <p>6 Q At any time during your tenure at</p> <p>7 Kenmoor Middle School, did you file a complaint of</p> <p>8 discrimination and/or harassment?</p> <p>9 A No.</p> <p>10 Q At any point in time during your tenure</p> <p>11 at Kenmoor Middle School, did you file an EOC</p> <p>12 charge or other type of administrative charge with</p> <p>13 any agency?</p> <p>14 A No.</p> <p>15 Q At some point your employment</p> <p>16 transferred from Kenmoor Middle School to Friendly</p> <p>17 High School; is that correct?</p> <p>18 A Yes.</p> <p>19 Q And what brought about that transfer?</p> <p>20 A It was mutually agreed upon by HR and</p> <p>21 myself that it would be better for the students</p> <p>22 and myself if I transferred to a different school,</p>	<p style="text-align: right;">252</p> <p>1 transferred, I was not consulted on the process of</p> <p>2 how it would be done nor was I kept in the loop on</p> <p>3 any communication regarding it.</p> <p>4 All I received was a notice a week or</p> <p>5 two before school started saying to report to</p> <p>6 Friendly High School for a meeting with the</p> <p>7 principal to determine eligibility for the job.</p> <p>8 Q So you were in agreement with a</p> <p>9 transfer?</p> <p>10 A I was in agreement that a transfer would</p> <p>11 be helpful.</p> <p>12 Q Was there ever a break in compensation</p> <p>13 and/or benefits from the time you were employed at</p> <p>14 Kenmoor to the time you transferred to Friendly</p> <p>15 High School?</p> <p>16 A No.</p> <p>17 Q I want to come back to Friendly.</p> <p>18 I want to move forward to James Madison</p> <p>19 for a second.</p> <p>20 A Okay.</p> <p>21 Q When did you begin at James Madison?</p> <p>22 A August 2016.</p>

<p style="text-align: right;">253</p> <p>1 Q And you told us earlier that your tenure 2 lasted until June of 2017; is that correct? 3 <b>A I had tenure when I left. There was a</b> 4 <b>time where I did not have tenure.</b> 5 Q I just meant your length of employment. 6 <b>A Okay.</b> 7 Q Was that from August '16 to June of '17? 8 <b>A My tenure at James Madison, yes.</b> 9 Q Who were -- who was the principal at 10 James Madison? 11 <b>A Courtney King.</b> 12 Q Was there a vice principal? 13 <b>A There were a couple vice principals.</b> 14 Q Who was there during the 2016-'17 school 15 year? 16 <b>A The vice principal that I worked with</b> 17 <b>directly was a Mr. Connelin.</b> 18 Q Anyone else? 19 <b>A For vice principals, I don't know their</b> 20 <b>names.</b> 21 Q And did you have any other supervisor 22 besides Principal King and Assistant Principal</p>	<p style="text-align: right;">255</p> <p>1 <b>because I did not tell anyone there that I was</b> 2 <b>transgender.</b> 3 Q Did Principal King know that you were 4 transgender prior to you coming on board -- 5 MR. MOGUL: Objection. 6 Q -- to your knowledge? 7 <b>A To my knowledge, she did not.</b> 8 Q Did Vice Principal Connelin know that 9 you were transgender prior to you coming on 10 board -- 11 MR. MOGUL: Objection. 12 Q -- to your knowledge? 13 <b>A To my knowledge, he did not.</b> 14 Q Who at James Madison Middle School was 15 the best person to evaluate your performance? 16 <b>A If I had had an evaluation, it may have</b> 17 <b>been done by Mr. Connelin, however I was not there</b> 18 <b>long enough to have any evaluations that I recall.</b> 19 Q Right, because the school -- school year 20 begins in August; is that correct? 21 <b>A The end of August, yes.</b> 22 Q And you were out by middle of October of</p>
<p style="text-align: right;">254</p> <p>1 Connelin? 2 <b>A No.</b> 3 Q And what position were you teaching at 4 James Madison? 5 <b>A I was teaching a couple of co-taught</b> 6 <b>English classes and I was also teaching an IB</b> 7 <b>English course.</b> 8 Q A what course? 9 <b>A IB.</b> 10 Q What does that stand for? 11 <b>A International baccalaureate.</b> 12 Q What was your relationship like with 13 Principal King? 14 <b>A Amiable. She was very helpful.</b> 15 Q And what about Mr. Connelin? 16 <b>A There was friction I would say.</b> 17 Q What was the basis for the friction? 18 <b>A When I attempted to talk to him about</b> 19 <b>misgenderings that were starting to happen at the</b> 20 <b>school, his response was that I should grow a</b> 21 <b>thicker skin and I should stop, quote,</b> 22 <b>proselytizing the students which I did not do</b></p>	<p style="text-align: right;">256</p> <p>1 that year? 2 <b>A Beginning of October.</b> 3 Q Beginning of October. 4 And do you know who the pupil personnel 5 worker was at James Madison Middle School? 6 <b>A No.</b> 7 Q Do you know who the guidance secretary 8 was? 9 <b>A No.</b> 10 Q The training -- we're in 2016 now. Was 11 the training that you spoke about earlier the same 12 training that you received at the beginning of the 13 school year at James Madison or was it different? 14 <b>A The training that I personally received?</b> 15 Q Yes. 16 <b>A It was the standard training of going on</b> 17 <b>a video, watching the video and answering the</b> 18 <b>18 questions. And the videos had not changed since</b> 19 <b>the last time I had viewed them.</b> 20 Q Are these like -- my term -- online 21 modules? 22 <b>A Yes.</b></p>

CONFIDENTIAL  
 Transcript of Jennifer Eller  
 Conducted on February 3, 2020

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<p style="text-align: right;">257</p> <p>1 Q And there are self-assessed quizzes at</p> <p>2 the end of these modules?</p> <p>3 A Yes.</p> <p>4 Q And did the modules contain a section on</p> <p>5 anti-discrimination and anti-harassment?</p> <p>6 A They consisted of reiterating the</p> <p>7 statement that we do not discriminate based on</p> <p>8 sex, race, it may have said religion. Sexuality</p> <p>9 was given a very brief "don't discriminate based</p> <p>10 on who someone likes," and most of the time it</p> <p>11 focused on sexual harassment by men toward women</p> <p>12 with the addendum that it could occur the other</p> <p>13 way.</p> <p>14 Q And your concerns were the same as they</p> <p>15 were at Kenmoor Middle School as to the training</p> <p>16 that was provided?</p> <p>17 A You mean the ones that we discussed</p> <p>18 here?</p> <p>19 Q Yes.</p> <p>20 A Yes.</p> <p>21 Q And at Kenmoor -- I'm sorry -- James</p> <p>22 Madison Middle School, were there also monthly</p>	<p style="text-align: right;">259</p> <p>1 because you're a boy that you can't be harassed</p> <p>2 because you can.</p> <p>3 Q And there were grade-level assemblies?</p> <p>4 A It was --</p> <p>5 Q I mean you were only there for three</p> <p>6 months, so I don't know if you know or not.</p> <p>7 A I don't know what happened after I left.</p> <p>8 The ones that I attended, I know I</p> <p>9 attended one that I think was both seventh and</p> <p>10 eighth grade.</p> <p>11 Q Okay. And the one that you attended,</p> <p>12 they covered the student code of conduct?</p> <p>13 (Reporter clarification.)</p> <p>14 Q At the assembly you did attend, was the</p> <p>15 student code of conduct covered?</p> <p>16 A Student code of conduct was discussed.</p> <p>17 Q During the 2016-'17 school year, now you</p> <p>18 were only there from August to October, were you</p> <p>19 subjected to a hostile work environment at James</p> <p>20 Madison Middle School?</p> <p>21 MR. MOGUL: Objection.</p> <p>22 A It became hostile.</p>
<p style="text-align: right;">258</p> <p>1 staff meetings?</p> <p>2 A Actually we met more often. They were</p> <p>3 weekly meetings there because it was an IB school.</p> <p>4 Q Was any type of training provided at</p> <p>5 these weekly meetings?</p> <p>6 A No.</p> <p>7 Q What was discussed at the weekly</p> <p>8 meetings?</p> <p>9 A The education agenda for the upcoming</p> <p>10 week, what each -- what each team member was</p> <p>11 working on as far as lesson plans, how those</p> <p>12 lesson plans could integrate with other -- other</p> <p>13 subjects and joint projects that can be worked on.</p> <p>14 Q Was there any other type of training</p> <p>15 that was provided to you at James Madison?</p> <p>16 A No. It was a learn-as-you-go situation.</p> <p>17 Q Student training, was it the same as</p> <p>18 what you discussed that was provided at Kenmoor</p> <p>19 Middle School?</p> <p>20 A Yes, it was the standard -- it was the</p> <p>21 standard boys don't touch or harass the girls, and</p> <p>22 I believe it was added and boys don't think</p>	<p style="text-align: right;">260</p> <p>1 Q When did it become hostile?</p> <p>2 A It became hostile in September at some</p> <p>3 point. It started very slowly with a shift in</p> <p>4 pronouns that students were using to discuss me,</p> <p>5 to a change in the honorific, to students</p> <p>6 screaming in the hallway, "here it comes, here</p> <p>7 comes that Mr. Eller."</p> <p>8 And at one point a student threatened to</p> <p>9 burn my house down.</p> <p>10 Q The shift of pronouns, what students</p> <p>11 were engaged in that conduct?</p> <p>12 A Both students that I had and did not</p> <p>13 have.</p> <p>14 Q Can you give me their names?</p> <p>15 A The only name I recall from my time</p> <p>16 there is [REDACTED] and that's because he</p> <p>17 threatened to burn my house down.</p> <p>18 Q Okay. I'll get to the burning of the</p> <p>19 house down in a second.</p> <p>20 As to the improper usage of pronouns, do</p> <p>21 you recall when he did that?</p> <p>22 A It was on multiple occasions throughout</p>

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<p style="text-align: right;">261</p> <p>1 the month of September.</p> <p>2 Q Okay.</p> <p>3 A And to the beginning of October.</p> <p>4 Q And did you complete a PS-74 referral</p> <p>5 form for him?</p> <p>6 A For [REDACTED] I recall submitting</p> <p>7 at least one, perhaps more. I also met with his</p> <p>8 guidance counselor whose name was Mr. Qwarty</p> <p>9 (phonetic), I believe.</p> <p>10 Q Okay. And what happened as a result of</p> <p>11 your submission of the PS-74 report, to your</p> <p>12 knowledge?</p> <p>13 A I don't know. I don't know.</p> <p>14 Q You said students saying "here it comes,</p> <p>15 here's Mr. Eller." do you recall their names?</p> <p>16 A [REDACTED] was one of them.</p> <p>17 Q Does anybody else come to mind?</p> <p>18 A I don't recall other names.</p> <p>19 Q Was this a separate PS-74 referral form</p> <p>20 that you completed for this incident, or was it</p> <p>21 altogether?</p> <p>22 A I don't recall.</p>	<p style="text-align: right;">263</p> <p>1 At a later date when he was acting out,</p> <p>2 I don't recall if this was after in response to</p> <p>3 the threatening to burn my house down or if it was</p> <p>4 in response to a different incident that occurred</p> <p>5 with him, but I and the co-teacher talked to him</p> <p>6 briefly in between classes and we had a form that</p> <p>7 we would fill out with the kids, the kids would</p> <p>8 write down, from their perspective, what the thing</p> <p>9 they did wrong was and why they did it as a way of</p> <p>10 creating self-awareness and a sense of</p> <p>11 responsibility for good choices.</p> <p>12 While talking to [REDACTED] I asked the</p> <p>13 question do you feel like your behavior in class</p> <p>14 today was appropriate.</p> <p>15 He said yes, it was.</p> <p>16 I said, what about it makes it</p> <p>17 appropriate.</p> <p>18 And he said I was angry and I can take</p> <p>19 my anger out on you.</p> <p>20 He went on to say that I wasn't really a</p> <p>21 person and so it didn't matter if he hurt me.</p> <p>22 I don't recall a lot more about that</p>
<p style="text-align: right;">262</p> <p>1 I may have filled out more than one.</p> <p>2 Q Do you recall what the outcome of any of</p> <p>3 the more than one PS-74s you may have</p> <p>4 submitted were?</p> <p>5 A I believe Mr. Connelin talked privately</p> <p>6 with some of the students.</p> <p>7 And if I – I recall Ms. King also</p> <p>8 talking privately with some of the students and</p> <p>9 letting them know that their behavior was</p> <p>10 inappropriate.</p> <p>11 Q Have you read any of the deposition</p> <p>12 transcripts that have taken place --</p> <p>13 A No.</p> <p>14 Q -- thus far?</p> <p>15 And finally, you mentioned [REDACTED]</p> <p>16 threatening to burn your house down?</p> <p>17 A Yes, at one point while I was teaching,</p> <p>18 he was unhappy that he had to take out his</p> <p>19 notebook and glue his graphic organizer chart into</p> <p>20 it and he responded by telling me that he didn't</p> <p>21 have to listen to me, and that he could burn my</p> <p>22 house down. He was exceptionally angry.</p>	<p style="text-align: right;">264</p> <p>1 conversation. I disassociated and I went -- I</p> <p>2 went to -- I think I went directly to Ms. King and</p> <p>3 I told her I needed to take an extended leave of</p> <p>4 absence.</p> <p>5 Q And did you submit a PS-74 with regard</p> <p>6 to threatening to burning your house down comment?</p> <p>7 A I don't remember.</p> <p>8 Q Were there any incidents by staff that</p> <p>9 contributed to your hostile work environment?</p> <p>10 A I was informed by either the math</p> <p>11 teacher or the science teacher, I don't recall</p> <p>12 which one, that someone from Friendly High School</p> <p>13 had contacted the teachers at James Madison and</p> <p>14 informed them of my transgender status.</p> <p>15 Q And the fact that they were informed</p> <p>16 contributed to your hostile work environment?</p> <p>17 A Yep, because that was the spreading of</p> <p>18 private medical information which is against the</p> <p>19 law.</p> <p>20 Q Anything else by staff that was done to</p> <p>21 contribute to your hostile work environment?</p> <p>22 A I found the staff to be fine to work</p>

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**1 with at the time. But as I said, I was there for**  
**2 just over a month. So as to how they felt about**  
**3 me, I never knew.**  
 4 Q During the 2016-'17 school year, were  
 5 you ever the subject of retaliation by Ms. King or  
 6 Mr. Connelin?  
 7 A **Not to my knowledge.**  
 8 Q During that period of time, were you the  
 9 subject of retaliation by anybody else at the  
 10 Board of Education --  
 11 MR. MOGUL: Objection.  
 12 Q -- to your knowledge?  
 13 A **To my knowledge, I don't think so,**  
**14 although the fact that someone informed the staff**  
**15 that I was trans and released my medical**  
**16 information without my permission, I would qualify**  
**17 that as a form of retaliation.**  
 18 Q Who exactly did that?  
 19 A **I do not know.**  
 20 Q What information was released?  
 21 A **I just told you. That I was transgender**  
**22 and I was told that it included information about**

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**1 my status and transition.**  
 2 Q Did you ever tell anyone at your  
 3 workplace about your status?  
 4 MR. MOGUL: Objection.  
 5 A **I told Ms. King and I told Mr. Connelin.**  
 6 Q Did you tell any colleagues of yours  
 7 about --  
 8 A **No.**  
 9 Q -- your status?  
 10 A **No.**  
 11 **I had a colleague come up to me and say**  
**12 someone from your school told us that you're a**  
**13 transgender.**  
 14 Q Ms. Eller, did you ever tell any  
 15 students about your status?  
 16 A **Never.**  
 17 Q Did you contact the union at any point  
 18 while you were employed at James Madison Middle  
 19 School?  
 20 A **I don't recall.**  
 21 Q Do you know if the union filed any type  
 22 of grievance for you while at James Madison Middle

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1 School?  
 2 A **I don't recall.**  
 3 Q Do you recall filing any type of  
 4 complaint of discrimination and/or harassment  
 5 while at James Madison Middle School?  
 6 A **I don't recall.**  
 7 Q Do you recall filing any type of  
 8 bullying and/or harassment form while at James  
 9 Madison Middle School?  
 10 A **I don't recall.**  
 11 Q The leave of absence that you took in  
 12 October of 2016, were you undergoing some type of  
 13 medical procedure or was that just to kind of  
 14 de-stress, what was the basis for that?  
 15 MR. MOGUL: Objection.  
 16 Q If you know.  
 17 A **The basis for my extended leave?**  
 18 Q Yes, the Family Medical Leave Act.  
 19 A **I was going into an outpatient**  
**20 psychiatric program.**  
 21 Q You did mention that. I apologize.  
 22 At some point was there a Loudermill

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1 hearing that you attended?  
 2 A **When I was at Friendly High School.**  
 3 Q And let me talk about your resignation  
 4 for a moment.  
 5 You said you decided to resign June of  
 6 2017; is that correct?  
 7 A **I had decided to resign before that and**  
**8 I attempted to -- I attempted to do it through the**  
**9 website. I had multiple problems accessing that**  
**10 website, including having my user name and login**  
**11 not recognized by the school website.**  
 12 I eventually contacted the person who  
 13 was -- informed me of a Loudermill hearing  
 14 approaching that I -- I'm sorry, do you want me to  
 15 wait?  
 16 Q I'm listening.  
 17 A **I was eventually informed in June that I**  
**18 could simply let her know that I was going to end**  
**19 my employment with them and that she would submit**  
**20 it to the appropriate people.**  
 21 Q Was this done through the -- your  
 22 attempts to resign, was that done through the

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<p style="text-align: right;">269</p> <p>1 ORACLE system?</p> <p>2 <b>A Yes.</b></p> <p>3 Q Did you consult with anyone prior to</p> <p>4 your resignation?</p> <p>5 <b>A Regarding my resignation?</b></p> <p>6 Q Yes, ma'am.</p> <p>7 <b>A I spoke to my counsel and my fiancée.</b></p> <p>8 Q What was your fiancée's suggestion or</p> <p>9 advice, if any, as to resignation?</p> <p>10 <b>A Her response was that she would support</b></p> <p>11 <b>me in what I decided.</b></p> <p>12 Q And which counsel were you referring to?</p> <p>13 <b>A I know I mentioned it to the</b></p> <p>14 <b>Whitman-Walker counsel.</b></p> <p>15 <b>I don't recall if I mentioned it to</b></p> <p>16 <b>Arnold and Porter or not.</b></p> <p>17 Q When did Arnold and Porter begin to</p> <p>18 represent you?</p> <p>19 <b>A 20 – I'm sorry, I can't remember an</b></p> <p>20 <b>exact date.</b></p> <p>21 Q Was it in 2016 or 2017, or even 2015?</p> <p>22 If you know the year, that would be</p>	<p style="text-align: right;">271</p> <p>1 MR. GONZALEZ-PAGAN: Objection.</p> <p>2 MR. MOGUL: Objection.</p> <p>3 <b>A At what point would you describe</b></p> <p>4 <b>something as being obvious about a person's</b></p> <p>5 <b>internal process?</b></p> <p>6 Q I'm talking about the articles of your</p> <p>7 clothing.</p> <p>8 <b>A Right. I'm not sure what you mean by</b></p> <p>9 <b>wouldn't it be obvious.</b></p> <p>10 Q So --</p> <p>11 <b>A What are you thinking of when you say</b></p> <p>12 <b>articles of clothing?</b></p> <p>13 Q Well, I'm asking you what you wrote</p> <p>14 here -- or your counsel wrote: Ms. Eller began to</p> <p>15 wear articles of traditionally feminine attire.</p> <p>16 <b>A That would include slacks, shoes bought</b></p> <p>17 <b>from the women's department and Oxford blouses, I</b></p> <p>18 <b>think I had one floral.</b></p> <p>19 Q The discussion that you had with</p> <p>20 Ms. Fadli at Kenmoor --</p> <p>21 <b>A Fadli?</b></p> <p>22 Q Fadli -- you informed her that you were</p>
<p style="text-align: right;">270</p> <p>1 helpful.</p> <p>2 <b>A I believe it was before 2017. It may</b></p> <p>3 <b>have been in 2016.</b></p> <p>4 Q Did they represent you when you filed</p> <p>5 the charge of discrimination with the EEOC?</p> <p>6 <b>A Yes.</b></p> <p>7 Q And did they represent you prior to</p> <p>8 then?</p> <p>9 <b>A Yes, I had representation through them</b></p> <p>10 <b>prior to that because we were attempting to work</b></p> <p>11 <b>with Amana Simmons at that point in order to</b></p> <p>12 <b>improve the training that people received.</b></p> <p>13 Q Ms. Eller, in your complaint you say</p> <p>14 that you began to wear articles of traditionally</p> <p>15 feminine attire when you were employed at Kenmoor</p> <p>16 Middle School; is that correct?</p> <p>17 <b>A Yes.</b></p> <p>18 Q At the time, wouldn't the staff there</p> <p>19 notice that your attire had been -- was changing</p> <p>20 to determine whether you were transgender or not?</p> <p>21 I mean, isn't that obvious, I guess</p> <p>22 that's my question?</p>	<p style="text-align: right;">272</p> <p>1 going to begin the transition process?</p> <p>2 <b>A When I was talking to her, I told her</b></p> <p>3 <b>that I was going to be transitioning eventually.</b></p> <p>4 Q Did you indicate to her that that</p> <p>5 discussion was supposed to be private?</p> <p>6 MR. GONZALEZ-PAGAN: Objection.</p> <p>7 <b>A The discussion was supposed to be</b></p> <p>8 <b>private.</b></p> <p>9 Q Did you indicate to her that the</p> <p>10 discussion was supposed to be private?</p> <p>11 <b>A Yes, sir.</b></p> <p>12 Q What did you say specifically?</p> <p>13 <b>A I said between you and I, I am going to</b></p> <p>14 <b>be making steps to transition and I am not ready</b></p> <p>15 <b>to talk about this yet with other people.</b></p> <p>16 Q And what was her response, if any?</p> <p>17 <b>A She said okay.</b></p> <p>18 Q And how do you know that Ms. Fadli</p> <p>19 shared this information with others?</p> <p>20 <b>A Because she told me she did.</b></p> <p>21 Q Who did she share it with?</p> <p>22 <b>A She shared it with my grade-level team.</b></p>

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273	<p>1 Q And who was -- the entire team?</p> <p>2 A <b>The entire grade-level team.</b></p> <p>3 Q And those were the individuals we had</p> <p>4 referred to earlier?</p> <p>5 A <b>As far as I know, yes. However, I was</b></p> <p>6 <b>not present at the meeting where she outed me to</b></p> <p>7 <b>them.</b></p> <p>8 Q So how did you learn of it?</p> <p>9 A <b>Because she told me.</b></p> <p>10 Q And did you complain to her about that?</p> <p>11 A <b>I told her that I was not happy about it</b></p> <p>12 <b>and that I felt like it was a bit of a betrayal.</b></p> <p>13 <b>And her response was that she was</b></p> <p>14 <b>nervous about my participation in our School</b></p> <p>15 <b>Spirit Day.</b></p> <p>16 Q School Spirit Day?</p> <p>17 A <b>Yes, sir.</b></p> <p>18 Q What is that?</p> <p>19 A <b>School Spirit Day is when teachers</b></p> <p>20 <b>and -- teachers and students and administrators</b></p> <p>21 <b>come in various costumes and brigalia in order to</b></p> <p>22 <b>encourage school spirit.</b></p>	275	<p>1 period?</p> <p>2 A <b>Raynah Adams.</b></p> <p>3 Q And the vice principals?</p> <p>4 A <b>We had several. There was a Mr. Hogans,</b></p> <p>5 <b>there was Dr. Faizal (phonetic), Ms. Pope-Brown,</b></p> <p>6 <b>Mr. -- I'm sorry, I just blanked on his name.</b></p> <p>7 Q Mr. Thompson?</p> <p>8 A <b>Yes.</b></p> <p>9 <b>And Ms. Robinson.</b></p> <p>10 Q And did you have --</p> <p>11 A <b>And Ms. Calen.</b></p> <p>12 Q Calen?</p> <p>13 A <b>Yes.</b></p> <p>14 Q Did you have a particular vice principal</p> <p>15 that was assigned to you during your tenure there?</p> <p>16 A <b>At any given point I had all of them.</b></p> <p>17 Q Okay. And at Friendly High School, what</p> <p>18 classes did you teach?</p> <p>19 A <b>I taught Reading/English Language Arts</b></p> <p>20 <b>at the tenth grade level, the eleventh grade and</b></p> <p>21 <b>the twelfth grade level; AP language and AP</b></p> <p>22 <b>literature.</b></p>
274	<p>1 Q Why did you resign in 2017? Why did you</p> <p>2 decide to resign?</p> <p>3 A <b>Because I was afraid that without any</b></p> <p>4 <b>changes to the structural system that govern</b></p> <p>5 <b>policies that it would never be an environment</b></p> <p>6 <b>where I could work, that I attempted to work with</b></p> <p>7 <b>them through the system and they closed doors on</b></p> <p>8 <b>me when I tried.</b></p> <p>9 <b>So I gave up trying.</b></p> <p>10 MR. SHARMA: I think this is a good time</p> <p>11 for a break.</p> <p>12 Five minutes?</p> <p>13 MR. MOGUL: Sure.</p> <p>14 MR. SHARMA: Thank you.</p> <p>15 (Record suspended.)</p> <p>16 BY MR. SHARMA:</p> <p>17 Q I want to talk about Friendly High</p> <p>18 School next.</p> <p>19 You were there from 2011 to 2016; is</p> <p>20 that correct?</p> <p>21 A <b>Yes, sir.</b></p> <p>22 Q Who was the principal during that time</p>	276	<p>1 Q And that was to eleventh and twelfth</p> <p>2 graders or just twelfth graders?</p> <p>3 A <b>AP language is to eleventh graders; AP</b></p> <p>4 <b>literature is twelfth graders.</b></p> <p>5 Q And which AP class were you removed</p> <p>6 from? Was it both?</p> <p>7 A <b>Both of them.</b></p> <p>8 Q And was that at the same time?</p> <p>9 A <b>Yes.</b></p> <p>10 Q And when was that?</p> <p>11 A <b>That was at the end of the 20 --</b></p> <p>12 <b>2014-2015 school year.</b></p> <p>13 Q And you were removed by Mr. Adams?</p> <p>14 A <b>Yes.</b></p> <p>15 Q Do you know why you were removed?</p> <p>16 A <b>I heard conflicting things.</b></p> <p>17 Q Well, let me ask you this: Did</p> <p>18 Mr. Adams tell you why he was removing you?</p> <p>19 A <b>Mr. Adams told me that the AP scores had</b></p> <p>20 <b>not improved as much as he had hoped.</b></p> <p>21 <b>He told me that a student wrote him a</b></p> <p>22 <b>personal letter complaining that I talked about --</b></p>

<p style="text-align: right;">277</p> <p>1 I'm sorry -- that I raved about sexuality in class                  2 and that I never taught lessons. The student in                  3 question, he told me who it was, it was a student                  4 that was upset because she had a low test grade in                  5 one of my exams and had missed an assignment and                  6 had asked me to change it without her having to do                  7 the assignment.                  8 Q What was the name of the student?                  9 A I don't recall.                  10 I asked him if he believed the things in                  11 the letter.                  12 And he said, "Well, I don't believe that                  13 you ever talked about sexuality, but maybe you                  14 didn't teach."                  15 So he kind of picked and chose what he                  16 decided would support his case in that regard.                  17 And at one point he stepped out of the                  18 office to go and get that letter.                  19 I asked Mr. Thompson directly. I said                  20 is this because of my teaching ability in AP.                  21 And Mr. Thompson directly said no,                  22 you're a fine teacher. This isn't about that. We</p>	<p style="text-align: right;">279</p> <p>1 Q Do you know what the prior instructor,                  2 the person that taught AP literature prior to you                  3 teaching it, do you know what their average score                  4 was for the AP test?                  5 A I do not.                  6 Q Do you know what the score of the person                  7 subsequent to your being removed, what their                  8 student scores were for the AP test in language?                  9 A I do not.                  10 Q And the same for literature?                  11 A Correct.                  12 Q Would that have been -- would your                  13 students' scores be something you were privy to at                  14 some point in time?                  15 A I don't recall being informed about the                  16 scores. There are very strict rules surrounding                  17 the AP exam.                  18 Q Okay.                  19 A Students aren't even allowed to discuss                  20 with the teacher after the fact what the exam was                  21 even asking about.                  22 Q To your knowledge, was anyone one else</p>
<p style="text-align: right;">278</p> <p>1 just want to give everyone else an opportunity to                  2 teach these classes.                  3 Q As an AP teacher, did you receive any                  4 type of additional compensation?                  5 A No.                  6 Q And so removing you from AP language and                  7 literature resulted in no decrease in                  8 compensation, did it?                  9 A No.                  10 Q Were you aware -- first of all, what was                  11 the average AP score for AP language in                  12 2015-'16 school year?                  13 MR. MOGUL: Objection.                  14 Q To your knowledge.                  15 A I don't know.                  16 Q When I mean average, I mean of the AP                  17 scores.                  18 A I don't know.                  19 Q Do you know what the average of your                  20 class was in AP literature for the same period of                  21 time?                  22 A I do not know.</p>	<p style="text-align: right;">280</p> <p>1 removed from their teaching assignment of AP                  2 classes by Mr. Adams at the same time period?                  3 A To my knowledge, no one was removed.                  4 The other AP teachers remained the same.                  5 Q And when you say "the other AP                  6 teachers," are you talking about the other                  7 subjects?                  8 A Correct, there were no other English                  9 APs.                  10 Q So your belief is that you were the only                  11 teacher removed from an AP assignment during that                  12 period of time?                  13 A It is my understanding that I was the                  14 only AP teacher removed.                  15 Q Did you ask any other teachers whether                  16 they were removed or had you since been                  17 transferred and you weren't able to do that?                  18 A I asked the other teachers that I knew                  19 and I returned the following year and so I was                  20 aware of who was teaching AP.                  21 Q This is 2014 into '15 school year?                  22 A I was removed in the 2014-2015 school</p>

281	<p>1 year and I returned for the 2015-2016 school year.</p> <p>2 Q So your removal would have been towards</p> <p>3 the end of the school year after the AP tests were</p> <p>4 administered?</p> <p>5 A My removal occurred at the end of the</p> <p>6 2014-2015 school year after the tests were</p> <p>7 administered, but before the scores were returned.</p> <p>8 Q Okay. What was your relationship like</p> <p>9 with Principal Adams?</p> <p>10 A It depends.</p> <p>11 Q How would you describe it?</p> <p>12 A It depends. At what point in our</p> <p>13 association?</p> <p>14 Q We can start at the beginning and work</p> <p>15 our way towards the end of your tenure at the</p> <p>16 school.</p> <p>17 A At the beginning, I thought it was an</p> <p>18 amiable relationship. He praised my work with the</p> <p>19 National Honor Society. He said that the</p> <p>20 induction ceremony was the best one that they had</p> <p>21 ever had while he was principal.</p> <p>22 He asked me to be the Chair of the</p>	283	<p>1 of diversity or looking at the culture of the</p> <p>2 school left me feeling a lot of friction with him.</p> <p>3 Q You said harder to work with, with a lot</p> <p>4 of us. Who's us?</p> <p>5 A There were other teachers who were</p> <p>6 complaining about his behavior to me. I heard</p> <p>7 from -- from individuals in the Special Education</p> <p>8 department that both he and Ms. Robinson were</p> <p>9 particularly difficult and non-helpful, even down</p> <p>10 to getting desks for people.</p> <p>11 At one point he left out from behind a</p> <p>12 door and asked some of the social studies teachers</p> <p>13 if they were talking about him.</p> <p>14 So these are what I was told.</p> <p>15 Q Who at the school was in the best</p> <p>16 position to evaluate your performance?</p> <p>17 A It depends on the school year.</p> <p>18 Q '11 to '12?</p> <p>19 A I think it was Mr. Hogan that year.</p> <p>20 Q '12 to '13?</p> <p>21 A Dr. Faizal.</p> <p>22 Q '13 to '14?</p>
282	<p>1 English Department one year, which I turned down</p> <p>2 because having been Chair of the English</p> <p>3 Department, I felt it did not speak to my skills.</p> <p>4 And I specifically remember telling him that I was</p> <p>5 concerned that, as a transgender woman, they would</p> <p>6 not respond well to having me in a position of</p> <p>7 authority over them.</p> <p>8 He seemed very friendly when -- if</p> <p>9 you'll pardon the term -- when I first met him.</p> <p>10 I became increasingly frustrated because</p> <p>11 he was nonresponsive to e-mails, I asked him</p> <p>12 multiple times for things like trainings or</p> <p>13 professional resources, things of that nature. At</p> <p>14 one point he told me to send him an e-mail with a</p> <p>15 list of resources, he never responded to that. So</p> <p>16 I became increasingly frustrated with him.</p> <p>17 As my time there continued, through</p> <p>18 conversations with him and with other teachers, it</p> <p>19 seemed like he was behaving more erratically and</p> <p>20 he was getting harder to work with for a lot of us</p> <p>21 and his continued resistance to actually</p> <p>22 addressing any sort of training or acknowledgment</p>	284	<p>1 A Ms. Robinson.</p> <p>2 Q '14 to '15?</p> <p>3 A It started off as Mr. Thompson and was</p> <p>4 changed to Ms. Robinson.</p> <p>5 Q And '15 to '16?</p> <p>6 A Dr. Pope-Brown.</p> <p>7 Q Do you know who the pupil personnel</p> <p>8 worker was at Friendly High School during those</p> <p>9 years?</p> <p>10 A Ms. Isom.</p> <p>11 Q What was your relationship like with</p> <p>12 Ms. Isom?</p> <p>13 A I would say that the majority of the</p> <p>14 time it was congenial. We had a good professional</p> <p>15 working relationship.</p> <p>16 We had one incident with each other that</p> <p>17 resulted in us going to Mr. Adams for arbitration.</p> <p>18 And although things were tense between us for the</p> <p>19 next several months, our relationship soon became</p> <p>20 amiable again.</p> <p>21 Q Did the school have a guidance secretary</p> <p>22 position?</p>

285	<p>1 A Yes.</p> <p>2 Q Do you know who filled that role?</p> <p>3 A We had two different guidance</p> <p>4 secretaries in my time there. I do not remember</p> <p>5 either name.</p> <p>6 Q The faculty or staff training, is this</p> <p>7 the same that we spoke about with regard to</p> <p>8 Kenmoor and James Madison?</p> <p>9 A Yes.</p> <p>10 Q Was there any additional training that</p> <p>11 was offered because this was a high school?</p> <p>12 A No.</p> <p>13 Q And the training, it was offered at the</p> <p>14 beginning of the school year?</p> <p>15 A Yes.</p> <p>16 Q It was mandatory for staff?</p> <p>17 A Yes.</p> <p>18 Q Online system?</p> <p>19 A It was an online system. They gathered</p> <p>20 us in rooms to do it together and told us the</p> <p>21 answers.</p> <p>22 Q The contents of the training was the</p>	287	<p>1 Q Was the student code of conduct covered</p> <p>2 at these grade-level assemblies?</p> <p>3 A At the first one in the year it was</p> <p>4 briefly addressed. At one point we were -- when I</p> <p>5 first started there, the student code of conduct</p> <p>6 was given to them in a booklet form with a place</p> <p>7 for them to sign agreement and a place for their</p> <p>8 parent to sign agreement.</p> <p>9 I was instructed to talk to the students</p> <p>10 about that, about the general code of conduct,</p> <p>11 although Mr. Adams had instructed me not to</p> <p>12 address discrimination issues my first year</p> <p>13 because he felt like it might not be appropriate</p> <p>14 for me to discuss that with students.</p> <p>15 In subsequent years, the handbooks were</p> <p>16 handed out, but my next year we -- the teachers</p> <p>17 did not talk to them about it, that was saved for</p> <p>18 an assembly.</p> <p>19 The year after that, we were instructed</p> <p>20 to give the handbook to the student, have the</p> <p>21 student sign acknowledgment of what was contained</p> <p>22 within it and to collect all of the signature</p>
286	<p>1 same that you spoke about earlier with respect to</p> <p>2 the two other schools?</p> <p>3 A Yes.</p> <p>4 Q And your concerns were equally the same</p> <p>5 as you spoke about the training that was provided</p> <p>6 at both other schools?</p> <p>7 A Yes.</p> <p>8 Q As to the students, do they also have</p> <p>9 the same grade-level assembly that you spoke about</p> <p>10 earlier?</p> <p>11 A They each had their own grade-level</p> <p>12 assembly as run by the -- the vice principal who</p> <p>13 was the grade-level administrator for them.</p> <p>14 Q My understanding is that these</p> <p>15 assemblies were quarterly, is that your</p> <p>16 understanding?</p> <p>17 A They were quarterly. They only really</p> <p>18 addressed behavior and school policy the first</p> <p>19 quarter. And the subsequent quarters were more to</p> <p>20 recognize students who had performed well that</p> <p>21 quarter, to hand out awards as far as honor roll,</p> <p>22 attendance, items like that.</p>	288	<p>1 pages without sending them home for parental</p> <p>2 signature. The reason for that was we were told</p> <p>3 that it would be easier to reprimand students if</p> <p>4 we didn't receive the parents' signature.</p> <p>5 So it was very inconsistent.</p> <p>6 Q I want to talk about retaliation first.</p> <p>7 All right? And I want to go year by year again.</p> <p>8 In 2011-2012 school year, were you</p> <p>9 subjected to retaliation?</p> <p>10 MR. GONZALEZ-PAGAN: Objection.</p> <p>11 MR. MOGUL: Objection.</p> <p>12 A I'm sorry, what school year?</p> <p>13 Q 2011 to 2012, your first year at</p> <p>14 Friendly High School.</p> <p>15 A I do not know. I don't think so.</p> <p>16 Q And the next year, 2012 to 2013, were</p> <p>17 you the subject of any type of retaliation?</p> <p>18 MR. MOGUL: Objection.</p> <p>19 A I don't think I was at that point.</p> <p>20 Q 2013 to 2014, were you subjected to</p> <p>21 retaliation?</p> <p>22 MR. MOGUL: Objection.</p>

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<p style="text-align: right;">289</p> <p>1 <b>A When I turned down the English</b>  2 <b>Department Chair position, Mr. Adams became less</b>  3 <b>responsive than he already was to conversations</b>  4 <b>that we had or e-mails, and he -- at the time I</b>  5 <b>had been placed in a room that was near the</b>  6 <b>primary office so that I could easily access an</b>  7 <b>administrator if there were problems and I was</b>  8 <b>moved from that location to the far back end of</b>  9 <b>the school away from the main office. I suspect</b>  10 <b>that was done because he didn't want to interact</b>  11 <b>with me.</b>  12 <b>Q Are there any other instances of</b>  13 <b>retaliation during the 2013-'14 school year?</b>  14 <b>MR. MOGUL: Objection.</b>  15 <b>A I am not aware of anything that may have</b>  16 <b>been done, but, you know, in situations with</b>  17 <b>retaliation, they're also not going to come out</b>  18 <b>and say so, so I did not classify anything else as</b>  19 <b>a retaliatory move.</b>  20 <b>Q Okay. So in 2013 and '14, you believe</b>  21 <b>the protected action which you engaged in was</b>  22 <b>turning down the English chair position; is that</b></p>	<p style="text-align: right;">291</p> <p>1 main office to the far back corner of the school,  2 did you have any type of changes to your  3 compensation?  4 <b>A No, there were no changes to my wage.</b>  5 <b>Q How about to your benefits?</b>  6 <b>A No.</b>  7 <b>The move made it -- the move made it</b>  8 <b>harder to track student movement near my room.</b>  9 <b>There were blind spots with the cameras and the --</b>  10 <b>there were only three other teachers in that wing,</b>  11 <b>two of them who were gym teachers and weren't</b>  12 <b>always there. And so it was -- it was less</b>  13 <b>visible and less able to ask for administrative</b>  14 <b>help and harder to do things, like check security</b>  15 <b>cameras.</b>  16 <b>Q Did you ever have a conversation with</b>  17 <b>Mr. Adams as to why your office was moved?</b>  18 <b>A I did.</b>  19 <b>Q And what did he say?</b>  20 <b>A He said sometimes I just do these</b>  21 <b>things.</b>  22 <b>Q Do you know if any other teachers had</b></p>
<p style="text-align: right;">290</p> <p>1 correct?  2 <b>MR. MOGUL: Objection.</b>  3 <b>A I suspect that he was upset about that</b>  4 <b>and that was the reason why I was moved away from</b>  5 <b>the main offices.</b>  6 <b>Q Okay. I'm focused on the first answer</b>  7 <b>you gave me which was you said that Mr. Adams</b>  8 <b>became less responsive. Are these -- do they go</b>  9 <b>hand in hand, or is it separate?</b>  10 <b>A Combined. They're together.</b>  11 <b>Q Okay.</b>  12 <b>A Part of not being not responsive was</b>  13 <b>also moving me as far away from that office as he</b>  14 <b>could legitimately move me.</b>  15 <b>Q Do you know who was in charge of</b>  16 <b>assigning offices or classrooms in the school?</b>  17 <b>A As far as I'm aware, it is Mr. Adams and</b>  18 <b>he goes through that with other staff members</b>  19 <b>perhaps, other vice principals, but that is only</b>  20 <b>my understanding, and I don't know with any</b>  21 <b>certainty.</b>  22 <b>Q And when you were moved from next to the</b></p>	<p style="text-align: right;">292</p> <p>1 their offices or classrooms moved?  2 <b>A I know that Ms. Claggett was moved into</b>  3 <b>my classroom, my previous classroom.</b>  4 <b>Q Are you aware of any other teacher</b>  5 <b>assignments that were changed or classroom changes</b>  6 <b>during your five-year tenure at the school?</b>  7 <b>A I'm not aware of other teachers'</b>  8 <b>movements.</b>  9 <b>Q And did you contact the union as a</b>  10 <b>result of this classroom change?</b>  11 <b>A I did not because it struck me as</b>  12 <b>something that I had no proof one way or the</b>  13 <b>other as to reasoning, so it would be, you know, a</b>  14 <b>waste of resources for me to attempt to say</b>  15 <b>something about it.</b>  16 <b>Q And sitting here today, do you have any</b>  17 <b>additional proof?</b>  18 <b>A I do not.</b>  19 <b>Q In the 2014-2015 school year, the next</b>  20 <b>school year, were you the subject of any type of</b>  21 <b>retaliation?</b>  22 <b>MR. MOGUL: Objection.</b></p>

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<p style="text-align: right;">293</p> <p>1     <b>A</b> I believe that the increasing lack of</p> <p>2 response to any sort of help I asked for</p> <p>3 including -- including non-responsiveness from</p> <p>4 calls over the intercom direct to the office for</p> <p>5 help, and the removal from the AP courses at the</p> <p>6 end of the year.</p> <p>7         And conversations Mr. Adams told me</p> <p>8 about that he was having with a senior</p> <p>9 administrator who was not in our chain of command,</p> <p>10 but apparently he was consulting for -- consulting</p> <p>11 for how he should handle interactions with me</p> <p>12 despite the fact that that administrator's son was</p> <p>13 in my AP class.</p> <p>14     <b>Q</b> What was the name of the student?</p> <p>15     <b>A</b> I can't remember.</p> <p>16     <b>Q</b> Going back for a second as to the</p> <p>17 classroom change, did you ever file any type of</p> <p>18 discrimination/harassment form?</p> <p>19     <b>A</b> The classroom change?</p> <p>20     <b>Q</b> Yes.</p> <p>21     <b>A</b> As I said, no.</p> <p>22         (Reporter clarification.)</p>	<p style="text-align: right;">295</p> <p>1 February of 2015?</p> <p>2     <b>A</b> I did. That was in regards to</p> <p>3 Ms. Robinson.</p> <p>4     <b>Q</b> And do you believe that had any role in</p> <p>5 any of this retaliatory conduct that you allege?</p> <p>6         MR. MOGUL: Objection.</p> <p>7     <b>A</b> I believe that it played a part</p> <p>8 afterwards. Afterwards it seemed that things</p> <p>9 became more -- the word "aggressive" is not</p> <p>10 appropriate, because it was actually an absence.</p> <p>11 They became more absent in situations and problems</p> <p>12 that I was having, with the exception of</p> <p>13 Ms. Pope-Brown.</p> <p>14     <b>Q</b> And why was she the exception?</p> <p>15     <b>A</b> She worked very closely with me to</p> <p>16 develop ways of helping the students remain</p> <p>17 responsible for their classwork. And she met</p> <p>18 with -- she joined in meetings when I had</p> <p>19 conversations with parents.</p> <p>20     <b>Q</b> The complaint in February of 2015, was</p> <p>21 that against Ms. Robinson or Ms. Pope-Brown?</p> <p>22     <b>A</b> Robinson.</p>
<p style="text-align: right;">294</p> <p>1         MR. SHARMA: As to the classroom change,</p> <p>2 did you ever file any type of discrimination</p> <p>3 and/or harassment form.</p> <p>4     <b>Q</b> The incidents that you just mentioned</p> <p>5 for 2014 and '15, why do you believe that was --</p> <p>6 what conduct did you engage in for that to be the</p> <p>7 retaliatory response?</p> <p>8         MR. MOGUL: Objection.</p> <p>9     <b>A</b> I believe that it was my continued</p> <p>10 attempt to move through the channels to get a</p> <p>11 diversity training in place and because Mr. Adams</p> <p>12 was becoming more known to upper administration</p> <p>13 for not handling harassment when it was occurring.</p> <p>14     <b>Q</b> With respect to you?</p> <p>15     <b>A</b> Yes.</p> <p>16     <b>Q</b> And how was that being made known to</p> <p>17 upper management?</p> <p>18     <b>A</b> Because I began -- when he became</p> <p>19 extremely nonresponsive, I began addressing my</p> <p>20 concerns to the union and at some point I also</p> <p>21 e-mailed his direct superior Mr. Fossett.</p> <p>22     <b>Q</b> Didn't you file an EEO complaint in</p>	<p style="text-align: right;">296</p> <p>1     <b>Q</b> And so do you know when Ms. Robinson</p> <p>2 became aware that you filed a complaint against</p> <p>3 her?</p> <p>4     <b>A</b> I do not know.</p> <p>5     <b>Q</b> Do you know if Mr. Adams became aware at</p> <p>6 some point that you filed a complaint against</p> <p>7 Ms. Robinson?</p> <p>8     <b>A</b> I do not know when he became aware of</p> <p>9 it.</p> <p>10     <b>Q</b> And did Ms. Robinson have any role in</p> <p>11 the removal of your assignment from AP classes?</p> <p>12     <b>A</b> I do not know.</p> <p>13     <b>Q</b> Whose job would it be to respond for</p> <p>14 calls for help over the PA?</p> <p>15     <b>A</b> The PA was a direct emergency line PA</p> <p>16 and it went into the main office.</p> <p>17     <b>Q</b> And who would typically respond? Would</p> <p>18 it be an administrator or somebody from security?</p> <p>19     <b>A</b> Who would respond --</p> <p>20     <b>Q</b> For a call for help.</p> <p>21     <b>A</b> The call itself would have been picked</p> <p>22 up by either Mr. Adams, his secretary or the main</p>

<p style="text-align: right;">297</p> <p>1 secretary. And then it would be responded to by</p> <p>2 the head of security.</p> <p>3 Q And who was the head of security?</p> <p>4 A I do not know his name.</p> <p>5 Q Was it the same for your entire tenure</p> <p>6 at Friendly?</p> <p>7 A I don't think so.</p> <p>8 Q You mentioned increased lack of</p> <p>9 response. Who was that from?</p> <p>10 A That would be from the head of security.</p> <p>11 I would call. Sometimes the secretary</p> <p>12 would answer – in most cases at that point the</p> <p>13 secretary would answer after the second or third</p> <p>14 call. And she said that she would alert security,</p> <p>15 but security would not come.</p> <p>16 Q You mentioned diversity training is one</p> <p>17 of the things you asked for?</p> <p>18 A Yes.</p> <p>19 Q Who did you ask?</p> <p>20 A I asked multiple people. I asked HR</p> <p>21 when I first had meetings with Principal Fadli and</p> <p>22 Ms. Davis and the HR representative. At that time</p> <p style="text-align: right;">298</p> <p>1 I was told that because there was very little time</p> <p>2 left in the school year, they would not do it at</p> <p>3 Kenmoor, but that they would do it at Friendly</p> <p>4 when I went there or whatever school I went to.</p> <p>5 They didn't know at that time.</p> <p>6 When I – when I went to Friendly, I</p> <p>7 asked Mr. Adams during my interview process with</p> <p>8 him if that could be done and he said that he</p> <p>9 could have me talk to the guidance counselor</p> <p>10 Ms. Desire Dent.</p> <p>11 I spoke to Ms. Dent and her response was</p> <p>12 I don't think it's appropriate for me to talk to</p> <p>13 the students, but you should talk to the students</p> <p>14 because it will take your power away if anyone</p> <p>15 else does. I was, however, instructed by</p> <p>16 Mr. Adams not to talk to the students. So no one</p> <p>17 talked to the students.</p> <p>18 I -- I continued to bring it up with</p> <p>19 Mr. Adams for several years both in conversation</p> <p>20 and in e-mail. At one point he asked me to e-mail</p> <p>21 him a list of potential books and resources that</p> <p>22 could be added to the professional library and to</p>	<p style="text-align: right;">299</p> <p>1 the main student library. I sent him that list</p> <p>2 along with potential people who could come in to</p> <p>3 speak for a diversity seminar. He did not respond</p> <p>4 to that e-mail at any point and would not discuss</p> <p>5 it any further with me in person when I asked him.</p> <p>6 Q So you were asking Mr. Adams for several</p> <p>7 years for diversity training, that's what you</p> <p>8 said; right?</p> <p>9 A Yes.</p> <p>10 Q But you believe he didn't begin to</p> <p>11 retaliate against you for that in -- until</p> <p>12 2014-'15 school year?</p> <p>13 MR. MOGUL: Objection.</p> <p>14 A That's -- that's when I saw things and</p> <p>15 experienced things that I felt were retaliatory.</p> <p>16 I don't know what his response was because I</p> <p>17 wasn't in his head. So if he was doing anything</p> <p>18 in regards to assignments he would give me or to</p> <p>19 conversations he would have, I wouldn't have been</p> <p>20 privy to that.</p> <p>21 All I know is that at one point he</p> <p>22 claimed to have told me that he had discussed the</p> <p style="text-align: right;">300</p> <p>1 diversity training with upper administration and</p> <p>2 that they all told him that it would never happen.</p> <p>3 Q There was a point in time where a police</p> <p>4 officer came in to do some type of training?</p> <p>5 A That was after I filed my EEO complaint</p> <p>6 with Amana Simmons.</p> <p>7 Q In February of 2015?</p> <p>8 A Yes, it was after that.</p> <p>9 Q And was that satisfactory to you?</p> <p>10 A I was not informed that it was happening</p> <p>11 and I had been sent home earlier that day.</p> <p>12 Q Why were you sent home?</p> <p>13 A I had an extremely negative interaction</p> <p>14 with a parent who suggested that I was</p> <p>15 intentionally giving her son low grades because I</p> <p>16 was a tranny.</p> <p>17 Q And so what is your understanding as to</p> <p>18 what happened for that training that took place</p> <p>19 later that day?</p> <p>20 MR. MOGUL: Objection.</p> <p>21 A I wasn't at the training.</p> <p>22 Q So you can't speak to it?</p>
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1 A All I know is that some of the people I  
 2 talked to afterwards including the officer who did  
 3 the training said that it was abbreviated,  
 4 unsupported and ineffective.  
 5 Q And that leads you to believe that it  
 6 wasn't sufficient?  
 7 A The continued harassment and continued  
 8 environment at the school is indication that it  
 9 was not.  
 10 I was told that there was a teacher who  
 11 stood up in the middle of it and said I don't see  
 12 why we should have to bend over backwards for this  
 13 one person because they don't know who they are.  
 14 The officer who was conducting the  
 15 training told me at that point Mr. Adams escorted  
 16 the officer out of the room and canceled the  
 17 training.  
 18 Q Are you aware of any additional  
 19 trainings that were provided from anyone outside  
 20 the school system?  
 21 A I was never informed about any  
 22 trainings.

302

1 Q Did you revisit the issue with  
 2 Mr. Adams?  
 3 A Yes.  
 4 Q And what happened?  
 5 A He was nonresponsive.  
 6 Q Did you contact your union about the  
 7 training?  
 8 A Yes.  
 9 Q And what happened there?  
 10 A They were not helpful. They said that  
 11 that was something that needed to be addressed in  
 12 the school.  
 13 Q Are you aware whose -- who has control  
 14 of what trainings are provided in the school  
 15 system or in the school particularly?  
 16 A I know from a conversation with Courtney  
 17 King at James Madison when I talked to her about  
 18 training, she said that the first stage is to  
 19 address it to the principal. And the principal  
 20 then determines if the training is necessary and  
 21 will report to the principal's superintendent and  
 22 the superintendent will give the final permission.

303

1 When I discussed it with Ms. Courtney  
 2 King, she was on board with it, she thought it was  
 3 a great idea. When I asked her what happened  
 4 later, she said that she was told unequivocally  
 5 no.  
 6 Q By whom?  
 7 A By her supervisor.  
 8 Q And this is in the three months that you  
 9 were at James Madison?  
 10 A Yes.  
 11 It was in September when we had those  
 12 conversations.  
 13 Q What retaliation, if any, were you  
 14 subjected to in the '15-'16 school year at  
 15 Friendly?  
 16 MR. MOGUL: Objection.  
 17 A With the exception of Ms. Pope-Brown, I  
 18 was not provided with support on issues  
 19 regarding -- regarding the students' behavior and  
 20 the increased disruption they were causing to me.  
 21 Ms. Pope-Brown did work with me and was  
 22 a -- was a helpful administrator.

304

1 At one point we both addressed  
 2 Mr. Adams, saying that we thought that it was time  
 3 for there to be a diversity assembly specifically  
 4 for LGBTQ individuals.  
 5 Mr. Adams said that he would ask -- ask  
 6 students around the school what they thought.  
 7 He asked one student who apparently  
 8 said, no, he did not experience homophobia. There  
 9 was no discussion with any of the students who  
 10 were openly gender nonconforming or transgender  
 11 because they were part of a small after-school  
 12 club that I was the sponsor of and they talked to  
 13 me about it.  
 14 Mr. Adams insisted to Ms. Pope-Brown  
 15 that there was no discrimination occurring at  
 16 Friendly High School.  
 17 Q So all of that you believe to be  
 18 retaliatory?  
 19 A Yes.  
 20 Q And why were they retaliatory? What  
 21 conduct did you engage in for them to do this to  
 22 you?

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<p style="text-align: right;">305</p> <p>1 MR. MOGUL: Objection.</p> <p>2 A I believe it had to do with the fact</p> <p>3 that I continued to seek the diversity training,</p> <p>4 and also after I filed the EEO complaint.</p> <p>5 Q You mentioned an after-school program.</p> <p>6 Is that Caring Colors?</p> <p>7 A Yes.</p> <p>8 Q What was Caring Colors?</p> <p>9 A Caring Colors was a support group</p> <p>10 founded by a student. The student went and</p> <p>11 completed all of the requisite forms and proposed</p> <p>12 the group to an administrator.</p> <p>13 I do not know which administrator,</p> <p>14 likely Ms. Pope-Brown because this student was a</p> <p>15 senior.</p> <p>16 It received approval from the</p> <p>17 administrator, and the student then began seeking</p> <p>18 a sponsor, and he chose me to be the sponsor.</p> <p>19 I agreed.</p> <p>20 And the meetings were held in my room</p> <p>21 after school.</p> <p>22 Q What was the name of the student?</p>	<p style="text-align: right;">307</p> <p>1 So in answer to your question, it was –</p> <p>2 it was many things.</p> <p>3 So support group, club to hang out, and</p> <p>4 an opportunity for them to just be with other</p> <p>5 people who were like them.</p> <p>6 Q How often did Caring Colors meet?</p> <p>7 A It was at times scattershot. Sometimes</p> <p>8 it would be once a week, sometimes it was once a</p> <p>9 month.</p> <p>10 Q And who would determine when the</p> <p>11 meetings would take place?</p> <p>12 A Primarily the president.</p> <p>13 Q Was that [REDACTED]?</p> <p>14 A [REDACTED] was listed as president for the</p> <p>15 time that it was – for the time that I was there,</p> <p>16 however, he did not attend the majority of the</p> <p>17 meetings and the acting president was actually a</p> <p>18 young, non-binary individual.</p> <p>19 Q And the meetings would take place in</p> <p>20 your classroom?</p> <p>21 A Yes, there were one or two meetings that</p> <p>22 took place when I was not – when I was not</p>
<p style="text-align: right;">306</p> <p>1 A [REDACTED]</p> <p>2 Q And when did this begin?</p> <p>3 A My final year there, I believe.</p> <p>4 Q Caring Colors wasn't in existence prior</p> <p>5 to 2015-'16 school year?</p> <p>6 A It might have been in existence near</p> <p>7 the end of 2014-2015 school year.</p> <p>8 As far as when he started organizing it,</p> <p>9 I don't know.</p> <p>10 Q And how many students – well, the --</p> <p>11 there's an after-school support group, is that how</p> <p>12 you would characterize it?</p> <p>13 A It functioned on some levels as a</p> <p>14 support group and on other levels as a club, and</p> <p>15 on some levels it was supposed to function like a</p> <p>16 Gay-Straight Alliance, which is a National – a</p> <p>17 National movement to promote equality in the</p> <p>18 schools, specifically led by students.</p> <p>19 Although the student [REDACTED] did not want</p> <p>20 to join that National movement because he was</p> <p>21 afraid that he wouldn't be able to claim it on his</p> <p>22 college resume if he did.</p>	<p style="text-align: right;">308</p> <p>1 available. And Ms. Giles, the art teacher,</p> <p>2 substituted for me. I do not know if they were</p> <p>3 held in my room or hers.</p> <p>4 Q Were you present for the majority of the</p> <p>5 meetings?</p> <p>6 A Yes.</p> <p>7 Q And was the club in existence at the</p> <p>8 time you departed Friendly High School?</p> <p>9 A As far as I'm aware it was, however,</p> <p>10 [REDACTED] graduated that year also, so I can't speak</p> <p>11 to what happened when I left.</p> <p>12 Q Was there any type of funding component</p> <p>13 for Caring Colors that was provided by the school?</p> <p>14 A No.</p> <p>15 Q What type of resources were available to</p> <p>16 the club?</p> <p>17 A My classroom.</p> <p>18 Q Would you prepare fliers,</p> <p>19 advertisements, I mean what types of things were</p> <p>20 being done?</p> <p>21 A We did not – we did not send out fliers</p> <p>22 or advertisements, to my knowledge.</p>

Transcript of Jennifer Eller  
 Conducted on February 3, 2020

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<p>1 The club itself was not designed to do          2 outreach at that stage.          3 ██████ mentioned that he wanted to do          4 outreach at other schools. I do not know what he          5 did or if he did it. None of the members who came          6 to my – the meetings in my room did any outreach          7 at other schools.          8 Q How many members were a part of Caring          9 Colors, how many students?          10 A At most, maybe a dozen.          11 Q And would any administrators ever attend          12 these meetings?          13 A No, not to my knowledge, none of the          14 ones that I led.          15 They may have walked in just to talk          16 with me and then seen that our meeting was          17 happening, and exited.          18 Q Were there any other transgender staff          19 members at Friendly High School?          20 A To my knowledge, there were no other          21 transgender staff members.          22 Q Were there any transgender students?</p>	<p>1 I know that I did with the National          2 Honor Society, I received like a 200-dollar bonus          3 for doing that.          4 I don't recall if that was the case for          5 a private club funded by a student. But I did          6 fill out the sponsor form.          7 Q There came a point in time where you          8 transferred from Friendly High School to James          9 Madison?          10 A Yes.          11 Q How did that come about?          12 A At my request to be transferred with the          13 assistance of my Arnold &amp; Porter counsel.          14 Q And you made this request to who?          15 A I made the initial request, yes.          16 Q To who?          17 A I think it was something that we talked          18 about in meeting in counsel, and we then directed          19 that to Amana Simmons, if I recall correctly.          20 Q And who chose James Madison Middle          21 School?          22 A That ultimately was a choice that I</p>
310	312
<p>1 A Yes.          2 Q How many?          3 A That would be a speculation.          4 Q Please.          5 MR. MOGUL: Objection.          6 A I can't speculate about other people's          7 gender identity, but I can tell you who I – I can          8 tell you ones who approached me and talked to me          9 about how they were feeling.          10 Q I'm just interested in the number of          11 students that may have approached you.          12 A The number of students who approached me          13 personally did so during the Caring Color meetings          14 after school, and it was a total of six. And one          15 student contacted me several years later and said          16 that she was a young trans girl, but that she was          17 afraid to talk about it at Friendly because of the          18 harassment that she saw me having.          19 Q Did you receive any type of compensation          20 for being a sponsor of Caring Colors?          21 A Not to my knowledge. I filled out a          22 sheet, I may have received \$200.</p>	<p>1 made. They – at the end of the school year, they          2 sent a list of every single school in Prince          3 George's County and told me to go through it and          4 select a school. And they left me responsible for          5 arranging contacts with the various principals,          6 arranging interviews, determining the environment          7 that the school consisted of, they provided no          8 additional help in any of those decisions.          9 Q I want to segue to your claim for          10 hostile work environment and like we did with the          11 other schools, I want to go year by year.          12 A Okay.          13 Q So in the 2011-2012 school year, were          14 you the subject of a hostile work environment at          15 Friendly High School?          16 MR. MOGUL: Objection.          17 A Yes.          18 Q And what constituted a hostile work          19 environment?          20 A Discrimination from staff,          21 discrimination from students, the use of slurs,          22 the physical – the physical assault from one</p>

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313	<p>1 student, the students who would walk into my class</p> <p>2 and just stand there and stare at me, the students</p> <p>3 who shouted slurs at me as they walked down the</p> <p>4 hallway, the teacher who called me a he-she and</p> <p>5 denied my entrance to the cafe – the staff lounge</p> <p>6 during an all-staff potluck near Christmas.</p> <p>7 The teacher who asked me whether or not</p> <p>8 I had had surgery, the student who sat in on my</p> <p>9 class near the beginning and asked me about</p> <p>10 surgery, the teacher who asked me if it was worth</p> <p>11 all the disruption I was causing just so I could</p> <p>12 wear a skirt.</p> <p>13 Q And this all happened in the 2011-2012</p> <p>14 school year?</p> <p>15 A Yes, among many other things. That's</p> <p>16 difficult to go over everything that happened.</p> <p>17 Q Let's talk about the staff first.</p> <p>18 You said there was a teacher that called</p> <p>19 you a he-she?</p> <p>20 A Yes.</p> <p>21 Q Who was the teacher?</p> <p>22 A I don't know.</p>	315	<p>1 Q Brian who?</p> <p>2 A Ecton.</p> <p>3 Q And did you report Mr. Ecton's conduct?</p> <p>4 A I had a conversation with Mr. Ecton</p> <p>5 about questions that are appropriate and</p> <p>6 inappropriate to ask a transgender person. And he</p> <p>7 understood after that conversation, and he later</p> <p>8 became someone I would regard as a friend.</p> <p>9 Q Did you report the incident to any</p> <p>10 supervisor?</p> <p>11 A No, because I had a conversation with</p> <p>12 him.</p> <p>13 Q The staff member that asked you about</p> <p>14 whether it was worth it to put on a skirt or</p> <p>15 something to that effect, who was that?</p> <p>16 A That was an English teacher.</p> <p>17 Q Do you know the name?</p> <p>18 A I'm trying to remember. I remember what</p> <p>19 she looks like, but I don't remember her name.</p> <p>20 Maybe her first name might have started with an M.</p> <p>21 Q Was it reported to any supervisor?</p> <p>22 A I did not report that to Mr. Adams,</p>
314	<p>1 Q Did you report the incident?</p> <p>2 A No.</p> <p>3 Q Why not?</p> <p>4 A Because I didn't know who it was, and</p> <p>5 Mr. Adams had given me direct – a direct request</p> <p>6 that I not speak to any other teacher regarding my</p> <p>7 experiences and so I didn't even know how to find</p> <p>8 out the teacher's name.</p> <p>9 Q How did you become aware of it?</p> <p>10 A How did I become aware of him saying it?</p> <p>11 He said it directly to my face.</p> <p>12 Q Okay, but you didn't know who the</p> <p>13 teacher was?</p> <p>14 A No.</p> <p>15 Q The teacher that asked --</p> <p>16 A He also stood in the doorway and blocked</p> <p>17 my entering the teachers' lounge.</p> <p>18 Q The teacher that asked you about whether</p> <p>19 you had surgery done, who was that?</p> <p>20 A That was a teacher in the math</p> <p>21 department. I am not sure. It might have been</p> <p>22 Brian Ecton.</p>	316	<p>1 because I was so taken aback by it and it was in</p> <p>2 casual conversation. I didn't even know if I</p> <p>3 could report that.</p> <p>4 Q The student incidents, you said you were</p> <p>5 physically assaulted by a student?</p> <p>6 A Yes.</p> <p>7 Q Who was that?</p> <p>8 A It was a student in my twelfth grade</p> <p>9 first period class. I caught him cheating on one</p> <p>10 of his final exams. And he became increasingly</p> <p>11 aggressive and belligerent toward me, continuing</p> <p>12 to advance toward me as I backed away from him to</p> <p>13 the point where he cornered me by the door of the</p> <p>14 classroom. He then opened the door and shoved me</p> <p>15 out of it.</p> <p>16 Q Okay. And do you know the name of the</p> <p>17 student?</p> <p>18 A I do not recall.</p> <p>19 Q Did you file a PS-74 referral form?</p> <p>20 A Yes.</p> <p>21 Q And what happened as a result?</p> <p>22 A Mr. Adams called me into his office and</p>

<p style="text-align: right;">317</p> <p>1 he said I'm not sure you want to go through with</p> <p>2 filing this because any students who may like you</p> <p>3 right now won't like you if you file this.</p> <p>4 Q And what did you do as a result of that?</p> <p>5 A I told him that I wanted to file it.</p> <p>6 He said he recommended not filing it.</p> <p>7 And I said I would persist in filing it</p> <p>8 in whatever means I needed to, whether it was with</p> <p>9 him or with his director, or his supervisor.</p> <p>10 Q Was the incident investigated?</p> <p>11 A He investigated the incident and he</p> <p>12 suspended the student from my classes for the</p> <p>13 remainder of the year, which was approximately one</p> <p>14 week.</p> <p>15 Q You also mentioned a student that would</p> <p>16 stare -- come into your classroom and stare at</p> <p>17 you.</p> <p>18 A Well, not just one, multiple.</p> <p>19 Q Do you know their names?</p> <p>20 A No, never my students.</p> <p>21 Q Did you report them?</p> <p>22 A Yes.</p>	<p style="text-align: right;">319</p> <p>1 A I did with the help of Carmen Sanders</p> <p>2 who was an English teacher at the time.</p> <p>3 I was very distraught over what happened</p> <p>4 and I went to her, I was crying, I told her what</p> <p>5 happened.</p> <p>6 She said this is unacceptable and she</p> <p>7 walked down with me to Mr. Adams and together we</p> <p>8 reported it to him.</p> <p>9 Q And what did Mr. Adams do, if anything?</p> <p>10 A As far as I know, he did nothing.</p> <p>11 Q Did you ever ask for a follow-up with</p> <p>12 Mr. Adams?</p> <p>13 A That was -- when I did follow up with</p> <p>14 him, he did not tell me what happened, but he</p> <p>15 reiterated his directive to not talk to other</p> <p>16 teachers about my experiences.</p> <p>17 Q 2012 to 2013 school year, did you</p> <p>18 sustain a hostile working environment?</p> <p>19 MR. MOGUL: Objection.</p> <p>20 A Yes, I was in a hostile working</p> <p>21 environment --</p> <p>22 Q What was hostile about that year?</p>
<p style="text-align: right;">318</p> <p>1 Q Did you fill out PS-74 referral forms?</p> <p>2 A I could not because I didn't know their</p> <p>3 names.</p> <p>4 Q Do you know what, if anything, happened</p> <p>5 as a result of you reporting?</p> <p>6 A Mr. Adams said he would check the</p> <p>7 cameras.</p> <p>8 Q And did you follow up with Mr. Adams?</p> <p>9 A I did.</p> <p>10 Q And?</p> <p>11 A He said he wasn't sure.</p> <p>12 Q As to their identities?</p> <p>13 A Yes.</p> <p>14 Q You said there's somebody that sat in</p> <p>15 your classroom?</p> <p>16 A Yes.</p> <p>17 Q Who was that?</p> <p>18 A I don't know. He wasn't my student.</p> <p>19 Q Did you file a PS-74 referral form?</p> <p>20 A I did not file a PS-74 because I did not</p> <p>21 know who he was.</p> <p>22 Q Did you report the incident?</p>	<p style="text-align: right;">320</p> <p>1 A It was a continuation of the same things</p> <p>2 that had gone on the year before. The students</p> <p>3 would intentionally misgender me in class, they</p> <p>4 would not -- they would not do their homework.</p> <p>5 They talked over me so that they wouldn't have to</p> <p>6 listen to me, it became difficult to -- to exert</p> <p>7 control of the classroom at the beginning of the</p> <p>8 school year.</p> <p>9 And the classroom became moderately</p> <p>10 controllable after the first round of grades went</p> <p>11 out. And they realized that not doing the</p> <p>12 homework meant they got bad grades.</p> <p>13 Q And did the situation get better after</p> <p>14 that within the classroom?</p> <p>15 A They started doing their homework.</p> <p>16 They did not stop misgendering me or</p> <p>17 making comments about the way I looked, the size</p> <p>18 of my feet, what my face looked like. That was</p> <p>19 routine through the entirety of the year.</p> <p>20 Slowly some students did come around to</p> <p>21 me and they developed a positive relationship with</p> <p>22 me and their grades significantly improved because</p>

<p style="text-align: right;">321</p> <p>1 they were doing their homework. They were sitting  2 up near the front so that they could hear me  3 lecture and they put a genuine effort into their  4 education, which later developed to a respect for  5 me as a teacher.  6 Q Who were the students that were  7 intentionally misgendering you?  8 A There were multiple students and I  9 cannot remember their names.  10 Q As to the intention of misgendering,  11 would you refer them for discipline by PS-74s?  12 A Yes.  13 Q And what would happen?  14 A In the cases where the misgendering was  15 particularly hostile, I would write a PS-74. I do  16 not know what happened afterward because I was  17 never given any of the PS-74s back with the  18 section for the administrator filled out.  19 Q And you didn't follow up?  20 A I did.  21 Q And what would happen?  22 A Mr. Adams said he took care of it.</p>	<p style="text-align: right;">323</p> <p>1 harassment, the repetitive nature of the  2 harassment. There are too many variables involved  3 for me to say.  4 Q So it's case specific?  5 A I believe that there are situations that  6 were more traumatic than others.  7 Q Were there any incidents involving staff  8 in 2012-2013, in that year in particular?  9 MR. GONZALEZ-PAGAN: Objection.  10 A There was a -- there was an English  11 teacher who came in, her name was Ms. Battle, she  12 initially would routinely misgender me.  13 When we met as a group, I addressed the  14 issue with her, and very slowly we went from the  15 initial misgenderings to no reference, to pronoun  16 or honorific, to eventually gendering me properly.  17 Q The misgendering, would you report that  18 to your supervisors?  19 A That Ms. Battle did?  20 Q Yes.  21 A No. Because I talked to her. And when  22 I talked to her, she, although did not initially</p>
<p style="text-align: right;">322</p> <p>1 Q And you didn't ask specifically what he  2 did?  3 A I did. He said it was private.  4 Q And did you agree that it was private?  5 A No.  6 I felt that I should know. If not the  7 absolute specifics of what happened, I should know  8 what consequences for harassment and disrespect  9 were from students. And that way I could know  10 what I could expect from the administration going  11 forward.  12 Q Were you aware of what the student code  13 of conduct prescribed for those types of offenses?  14 A I was aware that for what they termed  15 disrespect, they would give a student in-school  16 suspension. I do not know if the students ever  17 received it then because I was not informed.  18 Q If they did receive it, would you be  19 satisfied with the administration's response?  20 MR. MOGUL: Objection.  21 A I cannot answer that question because it  22 entirely depends on the situation, the level of</p>	<p style="text-align: right;">324</p> <p>1 make an effort to properly gender me, did stop  2 misgendering me.  3 Q What about in 2013-2014, were you  4 subjected to a hostile work environment?  5 MR. MOGUL: Objection.  6 A Yes.  7 Q And what were the incidents that you  8 believe subjected you to such an environment?  9 A Continued harassment from students.  10 Every year it was over and over. I had  11 to do the same basic, just try and teach and get  12 them to respect me until the first round of grades  13 came out and then they would start to change their  14 attitude a little bit.  15 There were constant misgenderings, there  16 were Misterings, there were slurs used about me,  17 although this was from students that I had in the  18 classroom. There continued to be students who  19 would stand in the hallway and stare at me like I  20 was an exhibit at the zoo.  21 There were students who would harass me  22 in the hallway, students who would refer to me as</p>

<p style="text-align: right;">325</p> <p>1 slurs as I walked by in between classes, or when  2 they were wandering the hall during classes and I  3 was on hall duty, so when it was my responsibility  4 to shake them along to class, then they would  5 respond by becoming aggressive and slurring me.  6       <b>There -- I don't recall if it was this</b>  7 <b>year, but there was a student who came along and</b>  8 <b>physically slammed down on my foot as hard as he</b>  9 <b>could and referred to me as a slur as he did so.</b>  10       <b>There were parents who would come and</b>  11 <b>misgender me in parent conferences and the -- the</b>  12 <b>counselors would never correct them, and I was not</b>  13 <b>given an opportunity to correct them. I was often</b>  14 <b>overtalked.</b>  15       <b>So just a continuation of the same</b>  16 <b>experiences, all of which could have been</b>  17 <b>mitigated had they instituted any sort of training</b>  18 <b>on how to handle these situations or how to handle</b>  19 <b>diversity at any point during the school years.</b>  20       <b>Q As to the student conduct of</b>  21 <b>misgendering, slurs and staring, sitting here</b>  22 <b>today, do you recall any of the identities of</b></p>	<p style="text-align: right;">327</p> <p>1       <b>Q Did you submit a PS-74?</b>  2       <b>A I do not recall if I submitted a PS-74</b>  3 <b>or if I reported it directly to Mr. Adams because</b>  4 <b>I didn't know the student's name, so it's very</b>  5 <b>difficult to fill out a PS-74 without that</b>  6 <b>knowledge. So he said that he would look on the</b>  7 <b>cameras.</b>  8       <b>And when I approached him later to find</b>  9 <b>out, he said, "Well, I did, but I couldn't</b>  10 <b>identify him."</b>  11       <b>Q As to the parents misgendering in parent</b>  12 <b>conferences, what recourse, if any, did the school</b>  13 <b>system have with regard to parents?</b>  14       <b>A None. The only time that there was any</b>  15 <b>sort of recourse was when Dr. Faizal was my lead</b>  16 <b>or when Ms. Pope-Brown was my lead, at which point</b>  17 <b>they would allow me to leave the room and carry on</b>  18 <b>the conference without me.</b>  19       <b>Q Were there any instances with staff</b>  20 <b>during the 2013-'14 school year?</b>  21       <b>A There were continued incidences with</b>  22 <b>staff including Ms. Claggett who would</b></p>
<p style="text-align: right;">326</p> <p>1 those students?  2       <b>A There were so many people who did it, I</b>  3 <b>couldn't begin to recall all of the people.</b>  4       <b>Q Do you know any of the people?</b>  5       <b>A I do not recall the majority of the</b>  6 <b>students' names that I have worked with over the</b>  7 <b>years because I had anywhere between a hundred and</b>  8 <b>150 students I would work with each year.</b>  9       <b>Q As to these students that were</b>  10 <b>misgendering, making slurs or staring at you, do</b>  11 <b>you know if you submitted PS-74 referral forms?</b>  12       <b>A Yes.</b>  13       <b>Q And do you know what, if anything,</b>  14 <b>happened as a result of those --</b>  15       <b>A I do not.</b>  16       <b>Q -- submissions?</b>  17       <b>A I do not.</b>  18       <b>Q As to the student that physically</b>  19 <b>slammed his feet on you --</b>  20       <b>A Yes.</b>  21       <b>Q -- do you know who that was?</b>  22       <b>A I do not.</b></p>	<p style="text-align: right;">328</p> <p>1 <b>routinely -- routinely refer to me as Mister or</b>  2 <b>would sit in meetings and glare at me.</b>  3       <b>Q And did you report this conduct to</b>  4 <b>Mr. Adams?</b>  5       <b>A At that point I did not.</b>  6       <b>I approached my department head who was</b>  7 <b>at that time Ms. Naldo, N-A-L-D-O. And Ms. Naldo</b>  8 <b>said that she would have a talk with Ms. Claggett.</b>  9       <b>Q And do you know if she did have a talk</b>  10 <b>with Ms. Claggett?</b>  11       <b>A I do not know for certain, but I believe</b>  12 <b>that Ms. Naldo was a person of her word.</b>  13       <b>Q Moving right along to 2014-'15 school</b>  14 <b>year, were you the subject of a hostile work</b>  15 <b>environment?</b>  16       <b>MR. MOGUL: Objection.</b>  17       <b>A Yes.</b>  18       <b>Q And how so?</b>  19       <b>A Those occurrences that I told you about</b>  20 <b>in the previous years continued unabated. And the</b>  21 <b>students became increasingly aggressive in their</b>  22 <b>misgendering of me and in their general demeanor</b></p>

Transcript of Jennifer Eller  
Conducted on February 3, 2020

<p style="text-align: right;">329</p> <p>1 and attitude toward me.</p> <p>2 Once they saw through pattern that</p> <p>3 things were not being done, there was no</p> <p>4 consequence for doing so.</p> <p>5 Q As to the students, sitting here today,</p> <p>6 do you recall any of the names of the students</p> <p>7 that were engaging in this type of conduct?</p> <p>8 A There was – I had one name in my head.</p> <p>9 [REDACTED] was in my class. It was the first</p> <p>10 year I had him. He was exceptionally,</p> <p>11 exceptionally so, I filed PS-74s on him multiple</p> <p>12 times.</p> <p>13 At that time it was Ms. Robinson who was</p> <p>14 in charge of responding to them.</p> <p>15 Q And did Ms. Robinson respond to your</p> <p>16 PS-74s?</p> <p>17 A I did not receive any indication that</p> <p>18 Ms. Robinson responded to them.</p> <p>19 Q Now, the PS-74s that you did submit from</p> <p>20 2011 to 2015, these were the PS-74s that you</p> <p>21 photocopied and put in their file cabinet we spoke</p> <p>22 about this morning?</p>	<p style="text-align: right;">331</p> <p>1 administrator, what year?</p> <p>2 A He was the grade-level administrator, I</p> <p>3 believe, for the first couple months of the</p> <p>4 2014-2015 school year.</p> <p>5 Q Do you recall him ever handing you a</p> <p>6 completed PS-74 referral form after he</p> <p>7 investigated and imposed discipline?</p> <p>8 A I don't remember.</p> <p>9 Q Did you have any issues in 2014 to '15</p> <p>10 with parents?</p> <p>11 A Yes.</p> <p>12 Q What?</p> <p>13 A Continued misgendering.</p> <p>14 At one point a parent who was upset with</p> <p>15 their child's grades stood in the main office and</p> <p>16 said that the school had a pedophile working for</p> <p>17 them and talked about how she knew with certainty</p> <p>18 what was under my skirt.</p> <p>19 Q Do you know the name of the parent?</p> <p>20 A I cannot recall the parent's name.</p> <p>21 Q Do you know the student's name?</p> <p>22 A I remember who the student was. I think</p>
<p style="text-align: right;">330</p> <p>1 A Yes.</p> <p>2 Q Other than [REDACTED] do any other names come</p> <p>3 to mind as the students who were engaged in this</p> <p>4 conduct?</p> <p>5 A There was a – there was a young man who</p> <p>6 I cannot recall his name, but I know that he was</p> <p>7 one of Ms. Isom's pupils and I had filed a PS-74</p> <p>8 on him for aggressive misgendering and harassment</p> <p>9 in the classroom. Although at that point, the –</p> <p>10 some of the coding on the forms had changed, so I</p> <p>11 can't recall which wording was used exactly.</p> <p>12 Q By this time, had you switched over to</p> <p>13 electronically reporting PS-74s in the</p> <p>14 2014-'15 school year?</p> <p>15 A I think, yes, but I don't know if it was</p> <p>16 at that time that I reported it electronically. I</p> <p>17 believe I reported it -- I believe I wrote that</p> <p>18 one in person and submitted it because I was</p> <p>19 concerned with the buggy system that it would</p> <p>20 not – that it would not reach Ms. Robinson and,</p> <p>21 if it did, that she would not respond.</p> <p>22 Q When was Mr. Thompson your grade-level</p>	<p style="text-align: right;">332</p> <p>1 the name might have been [REDACTED] last name, but I</p> <p>2 don't know for certain the last name. I just</p> <p>3 recall the student because there were several</p> <p>4 issues with him and his mom being upset about</p> <p>5 coding on the – on the report cards, upset about</p> <p>6 the grades. It was a constant communication</p> <p>7 string.</p> <p>8 Q Did you report this incident to your</p> <p>9 supervisor?</p> <p>10 A Yes.</p> <p>11 Q And what was done?</p> <p>12 A I do not know of anything that was done.</p> <p>13 There was a witness that saw it that was</p> <p>14 the secretary in the main office and – not</p> <p>15 Mr. Adams' secretary, but the main office desk</p> <p>16 secretary and she – she also reported to</p> <p>17 Mr. Adams.</p> <p>18 Q What could have been done with respect</p> <p>19 to parents?</p> <p>20 A Are you talking about in general or are</p> <p>21 you talking about that very specific incident?</p> <p>22 Q With regard to these types of incidents</p>

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<p>1 with misgendering.</p> <p>2 A Well, one of the first things that could</p> <p>3 have been done is for the other staff and faculty</p> <p>4 in the room to correct them.</p> <p>5 Like if you called someone by the wrong</p> <p>6 name, they might say, oh, no, that's not their</p> <p>7 name. So they could have easily done that for,</p> <p>8 oh, no, that's not a man, that's Ms. Eller.</p> <p>9 So that certainly would have been</p> <p>10 helpful.</p> <p>11 By not saying anything indicated tacit</p> <p>12 approval of what the parent was doing.</p> <p>13 Q What about staff? Were there any issues</p> <p>14 with staff in the 2014-'15 school year?</p> <p>15 A There was a continued sense of</p> <p>16 aggression from Ms. Claggett. She did not -- she</p> <p>17 did not speak to me personally under any</p> <p>18 circumstances, even when we were in meetings.</p> <p>19 She -- she acted as if I wasn't there, whether I</p> <p>20 was speaking and suggesting a point or whether we</p> <p>21 were going around the room and asking questions or</p> <p>22 responding to things, it was as if I did not</p>	<p>1 A I did not report it to Mr. Adams. And I</p> <p>2 did not say anything to Ms. Naldo or Ms. Simmons</p> <p>3 about it. Ms. Simmons being one of the other</p> <p>4 English chairs. Because at least she wasn't</p> <p>5 intentionally misgendering me.</p> <p>6 (Record suspended.)</p> <p>7 BY MR. SHARMA:</p> <p>8 Q Okay. Ms. Eller, I'm at the 2015-2016</p> <p>9 school year, your last year at Friendly; correct?</p> <p>10 A Yes.</p> <p>11 Q As to hostile work environment, did</p> <p>12 you -- were you the victim of a hostile work</p> <p>13 environment during that period of time?</p> <p>14 MR. MOGUL: Objection.</p> <p>15 A Yes.</p> <p>16 Q What events constituted a hostile work</p> <p>17 environment?</p> <p>18 A The previous types of incidences that</p> <p>19 were occurring continued to occur. And as I said,</p> <p>20 if any point a diversity training had been</p> <p>21 offered, some of those could have been mitigated</p> <p>22 and people could have known how to handle it.</p>
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<p>1 exist. So that made me very uncomfortable.</p> <p>2 And I believed that it was in continued</p> <p>3 response to what had happened previously with Ms.</p> <p>4 Naldo, talking to her about using proper name and</p> <p>5 gender and --</p> <p>6 Q Did you -- I'm sorry.</p> <p>7 A She had initially, Ms. Claggett, the</p> <p>8 year before, had also, when I introduced myself, I</p> <p>9 said I was Jenny.</p> <p>10 And she said oh, you're Jimmy.</p> <p>11 And I said no, I'm Jennifer.</p> <p>12 And so that was one of the things that</p> <p>13 Ms. Naldo addressed her about.</p> <p>14 Q The year prior?</p> <p>15 A Yeah.</p> <p>16 And so I think that her completely icy</p> <p>17 demeanor toward me and refusal to interact with me</p> <p>18 was a response to that, that it was because if she</p> <p>19 couldn't call me what she wanted, she would not</p> <p>20 acknowledge me.</p> <p>21 Q In 2014-'15 school year, did you report</p> <p>22 Ms. Claggett's behavior to Mr. Adams?</p>	<p>1 The first period class that I had was</p> <p>2 extremely, extremely bad at harassing me to the</p> <p>3 point that my administrator Ms. Pope-Brown even</p> <p>4 had me leave the classroom for a period of several</p> <p>5 weeks near the end of the year in order to send in</p> <p>6 a long-term sub to teach them while I taught a</p> <p>7 small group of them who were not harassing me in a</p> <p>8 separate room.</p> <p>9 This class was -- at one point David</p> <p>10 Reynolds who was across the hall from me said that</p> <p>11 he heard students from that class talking about</p> <p>12 how they were going to do as much as possible to</p> <p>13 make me angry because they thought it was really</p> <p>14 funny.</p> <p>15 Their scores were absolutely terrible.</p> <p>16 If I recall correctly, 26 or 36 percent was the</p> <p>17 average score in the class because they were not</p> <p>18 doing their homework, they would sit on their</p> <p>19 phones the entire time, they came late to class,</p> <p>20 they would misgender me, they ignored me when I</p> <p>21 was speaking to them.</p> <p>22 One student wrote me a note saying that</p>

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<p style="text-align: right;">337</p> <p>1 she apologized because she had never been in a          2 class that was so rude and just, in general, nasty          3 to a teacher.          4 I worked routinely with Ms. Pope-Brown          5 with that class.          6 I sent out individual personnel letters          7 to parents informing them of things that children          8 were missing, things that they needed to do to get          9 a better grade in class which was acknowledged by          10 both Ms. Pope-Brown and Mr. Adams as going above          11 and beyond for my students.          12 Many of them did not pass English that          13 year which meant they had to come for summer          14 schooling because they were seniors.          15 In my last period class of the day,          16 despite the fact that I requested that [REDACTED]          17 [REDACTED] not be placed in my class again due to the          18 problems he caused the previous year, he was          19 placed in my class and he became even more          20 aggressive in both misgendering and interrupting          21 class.          22 He, at one point, took his pants off in</p>	<p style="text-align: right;">339</p> <p>1 A I never went to the teachers' lounge. I          2 stayed in my room during my breaks. I only left          3 to go to mandatory meetings.          4 Q And what about parents, were there any          5 issues with parents during that last year?          6 A There were issues with parents          7 misgendering me at conferences, that never got          8 corrected. And I began conducting all of my          9 interactions with parents through e-mail or          10 letters because I no longer felt safe or          11 comfortable calling them in their homes.          12 Q And did you report the incidences with          13 parents to administration in that year?          14 A I talked to Ms. Pope-Brown about it.          15 I know that anytime she took over a – a          16 parent meeting, she was doing it because she knew          17 that it was a hostile parent meeting. And as far          18 as like Desire Dent or other guidance counselors          19 that continued to do nothing about misgendering          20 from parents.</p> <p>[REDACTED]</p>
<p style="text-align: right;">338</p> <p>1 class which I reported directly to Ms. Pope-Brown          2 and she dealt with. He would ask questions about          3 why do gay men's voices sound funny, why do gay          4 people pretend to be things they're not.          5 And I would ignore the question.          6 And then he would become belligerent and          7 he would say how come you take other people's          8 questions, but not mine, to the point where [REDACTED]          9 eventually had to be removed from the classroom          10 because he was such a disruption.          11 Q Were these issues reported by PS-74s?          12 A Some of them were. Some of them were          13 addressed directly to Ms. Pope-Brown.          14 Q And to your knowledge, were the PS-74s          15 responded to?          16 A I did not receive back any copies, but I          17 know from conversations with Ms. Pope-Brown that          18 she addressed [REDACTED]          19 Q Were there any staff incidents in the          20 2015-'16 school year?          21 A That year I stuck mainly just to myself.          22 Q Okay.</p>	<p>10 (Exhibit I was marked for identification          11 and is attached to the transcript.)          12 Q Ms. Eller, I'll show you what has been          13 marked as Exhibit Number 1 for today's deposition.          14 This was a March 19, 2015 letter of          15 counsel from Mr. Adams to you.          16 Do you see that?          17 A Yes.          18 Do I have a moment to read it?          19 Q Sure.          20 A Yes, sir.          21 Q Do you recall this incident where you          22 threw a pen at a student?</p>

341	<p>1 A Yes.</p> <p>2 Q Did you, in fact, throw a pen at a</p> <p>3 student?</p> <p>4 A The word "throw" is not one I would use.</p> <p>5 The distance at which I was standing was two feet</p> <p>6 away from the student and I tossed the pen onto</p> <p>7 their desk. And when it hit the desk, it also hit</p> <p>8 his arm.</p> <p>9 So no, I did not throw a pen at a</p> <p>10 student, but I did toss a pen on the student's</p> <p>11 desk that struck him.</p> <p>12 (Exhibit 2 was marked for identification</p> <p>13 and is attached to the transcript.)</p> <p>14 Q This is Number 2.</p> <p>15 Let me know when you're ready.</p> <p>16 A I don't know if it's important, but I</p> <p>17 filed a correction to the events as suggested by</p> <p>18 Brian Ecton, and submitted it to Mr. Adams for</p> <p>19 inclusion in my files, so that should be available</p> <p>20 to you as well.</p> <p>21 Q Thank you.</p> <p>22 Are you ready?</p>	343	<p>1 words, though, without having read the whole</p> <p>2 thing.</p> <p>3 MR. SHARMA: Let's go off the record for</p> <p>4 one moment.</p> <p>5 (Record suspended.)</p> <p>6 MR. SHARMA: Ms. Eller, I don't have any</p> <p>7 other questions.</p> <p>8 I do have a record that I'd like to</p> <p>9 place on the record.</p> <p>10 On December 5, 2019, we subpoenaed Jeter</p> <p>11 Rehab Therapy, Vicki Kirsch, Washington Radiology</p> <p>12 Associates and Whitman-Walker Health, we</p> <p>13 subpoenaed these entities for your medical</p> <p>14 records.</p> <p>15 On December 20, 2019, your counsel</p> <p>16 forwarded to each of the aforementioned providers</p> <p>17 a letter informing them that you intend to file</p> <p>18 objections to the respective subpoenas and that</p> <p>19 the providers may disclose the information</p> <p>20 requested, only if they receive a written</p> <p>21 statement accompanying documentation that</p> <p>22 Ms. Eller's objections have been resolved by a</p>
342	<p>1 A Yes.</p> <p>2 Q This is a charge of discrimination that</p> <p>3 you filed on June 3, 2015, is that correct, with</p> <p>4 the Equal Opportunity Commission?</p> <p>5 A Yes.</p> <p>6 Q All right. And that's your signature on</p> <p>7 the bottom of page 1?</p> <p>8 A Yes.</p> <p>9 Q And the attachment on page 2, the</p> <p>10 narrative, did you type that or did somebody else</p> <p>11 type that?</p> <p>12 A I did not type it. I do not recall if</p> <p>13 this is taken from copy-pasted an e-mail or if it</p> <p>14 was something I handwrote that was later typed up</p> <p>15 by someone else.</p> <p>16 Q Someone else being someone at the EEOC</p> <p>17 or your counsel?</p> <p>18 A My counsel Daria Zane.</p> <p>19 I know that she typed it, but I don't</p> <p>20 remember if I handwrote it or if I sent her an</p> <p>21 e-mail regarding these things and she just</p> <p>22 copy-pasted it. I do believe that those are my</p>	344	<p>1 Court in favor of disclosure or authorization by</p> <p>2 Ms. Eller to disclose your medical records.</p> <p>3 The letter said that in the case of the</p> <p>4 latter, Ms. Eller would authorize you to release</p> <p>5 her medical records to the entity identified in</p> <p>6 the authorization.</p> <p>7 Despite the contents of Mr. Mogul's</p> <p>8 letter, on December 30th he and I spoke about the</p> <p>9 objections on the telephone where he told me that</p> <p>10 he only -- or you only objected to the subpoenas</p> <p>11 that were issued to urological surgeons and the</p> <p>12 Office of Orthopaedic Medicine.</p> <p>13 However, neither Mr. Mogul or anyone</p> <p>14 else representing you ever notified the medical</p> <p>15 providers that I mentioned of the fact that no</p> <p>16 such objections were actually intended to be</p> <p>17 filed, thereby allowing them to respond to our</p> <p>18 subpoenas in time for today's deposition.</p> <p>19 As a result, we didn't receive any</p> <p>20 documents from these medical providers from our</p> <p>21 subpoenas and we believe that because of the</p> <p>22 letter that Mr. Mogul sent out, we've been</p>

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1 detrimented and prejudiced as a result.  
 2 MR. MOGUL: You've sent us the documents  
 3 that you've received from the medical providers.  
 4 I'm not really sure what you're complaining about.  
 5 MR. SHARMA: Well, let me finish and  
 6 then you can say what you want to say.  
 7 We'll attempt to confer in good faith  
 8 with your counsel to resolve this issue, but we  
 9 reserve the right to seek appropriate relief from  
 10 the Court and we reserve the right to keep the  
 11 deposition open.  
 12 And to answer your question, we have not  
 13 received any records from Jeter Rehab Therapy,  
 14 Vicki Kirsch, Washington Radiology Associates and  
 15 Whitman-Walker Health.  
 16 MR. MOGUL: Oh, that's the first time  
 17 I'm hearing of that. Why didn't you tell me  
 18 before?  
 19 MR. SHARMA: Well, why did you object to  
 20 the subpoenas when you had no intention of  
 21 objecting?  
 22 MR. MOGUL: We had a call about this,

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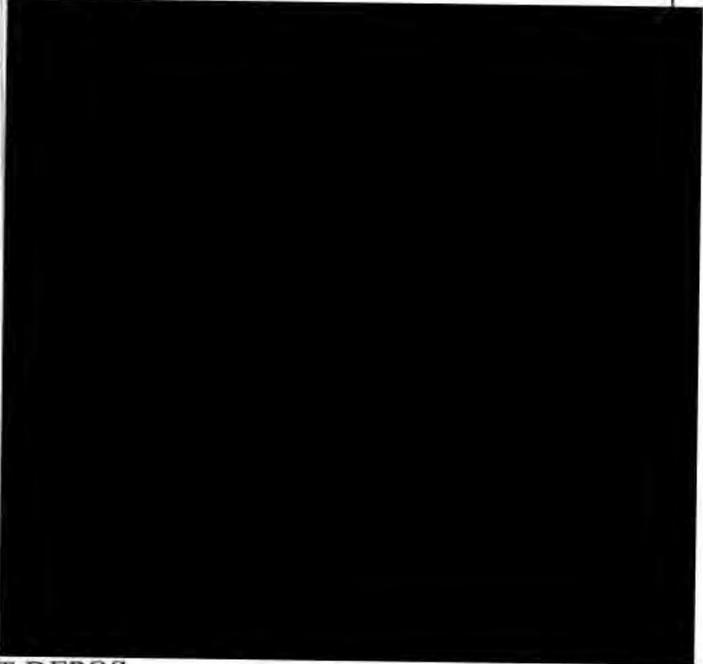
1 about the objections. We talked about it. You  
 2 said that you would get back to me to talk about  
 3 whether or not you still wanted to maintain those  
 4 subpoenas with the urological associations and the  
 5 orthopaedic, and I had said great. And you never  
 6 got back to me.  
 7 So I understand that those two entities  
 8 then sent you the records anyway, but you never  
 9 got back to me about whether you were still  
 10 intending to maintain those subpoenas or not, so  
 11 we didn't have a follow-up conversation.  
 12 MR. SHARMA: I'm not talking about those  
 13 two entities which responded.  
 14 I'm talking about the remaining entities  
 15 which you notified of an objection impending that  
 16 you never filed and you never authorized them to  
 17 release the records.  
 18 MR. GONZALEZ-PAGAN: Just to clarify the  
 19 record, the records from Whitman-Walker Health and  
 20 Dr. Kirsch have been provided to opposing counsel.  
 21 In fact, that was a discovery response that we  
 22 did.

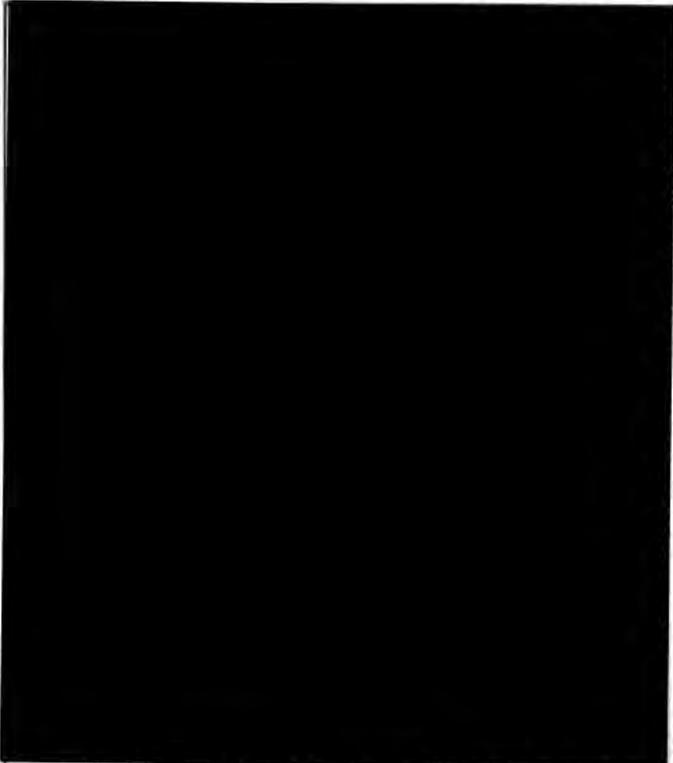
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1 MR. SHARMA: That may be the case, but  
 2 we have a right to subpoena the providers  
 3 directly. Because you decided to interfere and  
 4 notify them of an objection that was never  
 5 intended to be made, we haven't gotten the records  
 6 directly from the provider, that's the point.  
 7 MR. MOGUL: I object to your  
 8 characterization about what was intended to be  
 9 made at any time. And if you didn't follow up  
 10 timely with those subpoenas, then I think that's  
 11 on you.  
 12 MR. SHARMA: Okay.  
 13 MR. MOGUL: So that's where we stand  
 14 with that.  
 15 MR. SHARMA: Well, I made my record.  
 16 MR. MOGUL: Sounds good.  
 17 MR. SHARMA: And I note what you said on  
 18 the phone, so I don't have anything else.  
 19 Do you have any questions?  
 20 MR. MOGUL: Sure. Just a few.  
 21 EXAMINATION BY COUNSEL FOR PLAINTIFF  
 22 BY MR. MOGUL:

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1 Q Ms. Eller?  
 2 A Yes.  
 3 Q I'm sorry.  
 4 A That's okay.





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1 her about the student that she misgendered?  
 2 **A Yes, that was reprimanded with a letter**  
 3 **of counsel, and I was told by Mr. Adams that he**  
 4 **would provide a letter of counsel for**  
 5 **Ms. Claggett.**  
 6 Q Do you know if he did do that?  
 7 **A I am not aware of it.**  
 8 Q Is teaching AP classes a desirable  
 9 credential for any teacher?  
 10 **A Not necessarily. There is a lot of**  
 11 **extra work involved in being an AP teacher,**  
 12 **including working with a more fluid syllabus and**  
 13 **curriculum and there are teachers who simply don't**  
 14 **want the position because of the extra work.**  
 15 Q Are you an expert as to how the Outlook  
 16 e-mail system works?  
 17 **A No.**  
 18 Q So can you say for certain that Outlook  
 19 has a system that deletes e-mails after a certain  
 20 period of time?

21 Q You mentioned that your office was moved  
 22 at some point -- I'm sorry -- your classroom was

21 **A I cannot say for certain.**  
 22 **I just know that they send these**

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1 moved at some point while you were at Friendly  
 2 High School.  
 3 **A Yes.**  
 4 Q Was your prior classroom, the one that  
 5 you were removed from, was that considered a  
 6 desirable classroom?  
 7 **A It was a larger classroom, so they**  
 8 **probably -- other teachers would have liked it**  
 9 **because we all had more students in our classes**  
 10 **than we should have had.**  
 11 Q And this is the classroom that was then  
 12 given to Ms. Claggett?  
 13 **A Yes.**  
 14 Q This is the same Ms. Claggett that  
 15 mistreated you?  
 16 **A Yes.**  
 17 Q And is this the same Ms. Claggett that  
 18 you testified before misgendered a student?  
 19 **A Yes.**  
 20 Q You mentioned before, you testified  
 21 before that you were disciplined following  
 22 interaction with Ms. Claggett where you talked to

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1 **notifications, like you only have so much space**  
 2 **left and, you know -- and I receive notifications**  
 3 **that, like, things in the trash were going to be**  
 4 **automatically deleted, so that's the extent of my**  
 5 **knowledge for how it operates.**  
 6 Q Would you be willing to look later into  
 7 the policies about whether things are  
 8 automatically deleted from your Outlook --  
 9 **A Yes.**  
 10 Q -- folders?  
 11 **A Yes, I would.**  
 12 Q Same question with Gmail, are you  
 13 certain that Gmail deletes e-mails from any  
 14 folder, the sent folder or otherwise?  
 15 **A No. I'm basing that solely on cap**  
 16 **limits on what you can have stored and the fact**  
 17 **that, like, trash gets automatically emptied and**  
 18 **things like that.**  
 19 Q Would you be willing to look into the  
 20 policies of Gmail after this and we can let  
 21 Mr. Sharma know about that?  
 22 **A Yes, sir.**

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1 Q I think you testified before to  
 2 Mr. Sharma that you did not always fill out a  
 3 PS-74 when -- for student misbehavior.  
 4 A That's correct.  
 5 Q Why did you not do that?  
 6 A It was standard operating procedure  
 7 within the school system that PS-74s were not  
 8 always filled out by teachers. Sometimes teachers  
 9 would choose to deal with the situation directly  
 10 in class or they may choose to e-mail an  
 11 administrator about it, particularly if it was a  
 12 very serious issue that needed immediate response.  
 13 Q You testified that you did not report  
 14 several instances of misgendering or harassment  
 15 that happened to you at Friendly in your first  
 16 year when you were at Friendly; is that right?  
 17 A Yes.  
 18 Q Why did you not report those?  
 19 A I was attempting to be a good teacher  
 20 who handled situations on her own and did not have  
 21 to run crying to the administration for everything  
 22 that happened. I thought that if I worked hard in

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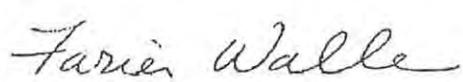
1 the classroom to mitigate things that it would  
 2 stop.  
 3 Q And did they stop?  
 4 A No.  
 5 Q Did the fact that these incidents not  
 6 stop lead to you reporting things later to the  
 7 administration?  
 8 A Yes.  
 9 Q Did that have any influence on your  
 10 desire to seek more training instituted at the  
 11 school system?  
 12 A Yes.  
 13 Q Could you explain to me gender  
 14 dysphoria?  
 15 A Would you be willing to close your eyes  
 16 for a second?  
 17 Q I would.  
 18 A It's just a couple seconds.  
 19 Right now can you sense where your feet  
 20 are, where your hands are, the top of your head,  
 21 your position?  
 22 Q I can.

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1 A Go ahead, open your eyes.  
 2 That's called mind mapping. Your brain  
 3 has an intuitive sense of where your body is at  
 4 all times and the positions of your brain  
 5 correspond to the position of your body.  
 6 In gender dysphoria, one of the things  
 7 that occurs is the mind mapping is not accurate.  
 8 The mind believes your body is a certain way, but  
 9 that doesn't necessarily conform to the way your  
 10 body actually is. It's a split between  
 11 physicality and the brain's interpretation of who  
 12 you are.  
 13 So gender dysphoria is related to that.  
 14 As with other conditions where the person has one  
 15 perception of their body versus the way their body  
 16 actually is.  
 17 Unlike something like dysmorphia where  
 18 you can correct that by therapy and helping a  
 19 person to adjust the way they think about their  
 20 body, like seeing themselves as thin when they are  
 21 thin as opposed to seeing themselves fat when  
 22 they're not, gender dysphoria cannot be treated

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1 with therapy. And the recommended treatment for  
 2 gender dysphoria and this condition of disconnect  
 3 between brain and body, according to the AMA, is  
 4 to treat it physically by adjusting the body to  
 5 match what the brain believes.  
 6 Q Thank you.  
 7 Do you recall discussing with Mr. Sharma  
 8 staff incidents of harassment in the 2013-2014  
 9 school year?  
 10 A Yes.  
 11 Q Do you recall mentioning incidents of  
 12 harassment that happened with Ms. Battle?  
 13 A Yes, I remember mentioning it.  
 14 Q Were there other staff incidents that  
 15 year?  
 16 A With Ms. Battle?  
 17 Q I'm sorry, no, with staff members who  
 18 were not Ms. Battle.  
 19 A Yes, there were other incidents with  
 20 staff members.  
 21 A lot of the times it was staff members  
 22 that I did not work with directly who would refer

<p style="text-align: right;">357</p> <p>1 to me as Mister when they would approach me and  2 ask me for things. At that point in time I was  3 asked by several teachers to help them figure out  4 how to work their Excel program to enter in their  5 SOO, SOL standards and whatnot, and those teachers  6 would -- those teachers would misgender me when  7 they asked me for help, and even after correction  8 oftentimes would continue to misgender me.  9 Q What do you think would have helped with  10 that situation?  11 A I think that had there been a  12 standardized training for dealing with transgender  13 diversity within the workforce, within the school  14 would have mitigated a lot of that, because people  15 had no education as to properly identify and speak  16 to me, and whereas, in everyday life, that would  17 fall on me to correct them. I was specifically  18 told by administration not to discuss these things  19 with teachers.  20 Q Do you believe that the school board  21 administration appropriately responded to the  22 discrimination and harassment that you faced?</p>	<p style="text-align: right;">359</p> <p>1 ACKNOWLEDGMENT OF DEPONENT  2  3  4 I, JENNIFER CAITLYN ELLER, do hereby  5 acknowledge that I have read and examined the  6 foregoing testimony, and the same is a true,  7 correct and complete transcription of the  8 testimony given by me and any corrections appear  9 on the attached Errata sheet signed by me.  10  11  12  13  14  15 _____  16 (DATE) (SIGNATURE)  17  18  19  20  21  22</p>
<p style="text-align: right;">358</p> <p>1 A No.  2 MR. SHARMA: Objection.  3 A No, I do not.  4 MR. MOGUL: That's all we have.  5 MR. SHARMA: I don't have any follow-up,  6 subject to my reservations.  7 THE REPORTER: Before we go off the  8 record, counsel, would you like to receive a copy  9 of the transcript?  10 MR. MOGUL: Yes, we'd like to order the  11 transcript expedited. So we would like it  12 expedited with the understanding that the spelling  13 needs to be addressed.  14 (A discussion was held off the record.)  15 MR. SHARMA: Just regular. I prefer  16 hard copy with the exhibits attached.  17 MR. MOGUL: Exhibits with the final for  18 Friday, yes.  19 (Off the record at 6:20 p.m.)  20  21  22</p>	<p style="text-align: right;">360</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC  2  3 FAZIER WALLE, the officer before whom the  4 foregoing deposition was taken, do hereby certify  5 that the foregoing transcript is a true and  6 correct record of the testimony given; that said  7 testimony was taken by me stenographically and  8 thereafter reduced to typewriting under my  9 direction; that reading and signing was requested;  10 and that I am neither counsel for, related to, nor  11 employed by any of the parties to this case and  12 have no interest, financial or otherwise, in its  13 outcome.  14 IN WITNESS WHEREOF, I have hereunto set my  15 hand and affixed my notarial seal this 3rd day of  16 February, 2020.  17 My commission expires: March 26, 2022  18  19   20  21 _____  22 FAZIER WALLER</p>



PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS  
14201 SCHOOL LANE  
UPPER MARLBORO, MARYLAND 20772

DISCRIMINATION OR HARASSMENT INCIDENT REPORT

Report of Employee/Volunteer Complaint

Note: Students use this form if complaint is against Employee/Volunteer

Name: Jennifer Eller  
School/Office Assigned: Friendly High School  
Home Address: [REDACTED]

Work Phone 301-449-4900 Home Phone 703-565-6468

Complaint Section

Date of Incident: Friday, 13 February, 2015

Name and Title of Person(s) Responsible for Alleged Incident:  
Ms. Robinson Vice Principal and English Dept Admin

Location of Alleged Incident: Room 102 (my classroom) at Friendly High School

Nature of Alleged Incident (please be as detailed as possible): I have worked with Ms. Robinson for one and a half years and during this time we have had difficulties. The first was last Spring in front of my AP class which led to my being dismissed from the room. This was resolved through a meeting with us and Mr. Adams, the principal. After an incident with a white Social Studies teacher, in which Ms. Robinson referred to the teacher as a "Ratneck" she was transferred back to the English Department as Administrative Lead. I requested a meeting to discuss this with Mr. Adams because, as a transgender employee, I am part of an often discriminated group. Mr. Adams, Ms. Robinson, and I all spoke about the potential discrimination or bias she might hold against transgender people and whether this would affect her interactions with me and my observations. She said it would not. a few week later (the 13th) she was in my room during a PD. She called me "Sir" once, "mister" twice, and referred to me as "he" when talking to others. I corrected her twice, the first time she didn't hear and the second she apologized but did refer to me as "him" once more during the PD. The Teachscape instructor who had been calling me "She" began calling me "he" after this. Ms. Robinson told me to be patient because she was having

Appendix A

Page 1 of 2

Administrative Procedure 4170

(Incident continued)  
trouble adjusting, however, she has known me for almost two years and only known me as Ms. Jennifer Eller there is no adjusting time needed because she has only interacted with me as female. Her attitude indicates a clear bias against transgender people, specifically trans women.

Desired Redress: ① a formal written apology ② that she no longer be my administrative supervisor nor that she does any observations of me due to the PTSD associated with misgendering and violence I have experienced. ③ as I am in an environment where she and others on faculty and staff misgender me routinely that a trans awareness and sensitivity training be conducted for the staff and faculty and ④ I have appeal over said training to ensure no additional faulty information is spread.

*Jennifer Eller*  
Complainant's Signature

Friday, 20 Feb., 2015  
Date

-----  
This section for Regional Director, Principal, Vice Principal or Supervisor Use Only:

Date Received: \_\_\_\_\_

The above mentioned Discrimination or Harassment Incident Report has been reviewed and the following action has been taken:

- \_\_\_\_\_ has resulted in mediation and mutual agreement by both parties, and the complaint has been closed.
- \_\_\_\_\_ has been sent to the Director, Equity Assurance Office, for investigation.
- \_\_\_\_\_ has been sent to the Superintendent for resolution.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name/Title



11EEOC Form 5 (11/09)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

FEPA  
 EEOC **531-2015-01781N**

**EEOC/Maryland Commission on Civil Rights** and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Jennifer Eller

Home Phone (incl. Area Code)

703-565-6468(cell)\*\*

Date of Birth

Street Address



City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

Prince George's County Public School System,  
ATTN: Chief Executive/General Counsel

No. Employees, Members

100+

Phone No. (include Area Code)

301-952-6008/6063

Street Address

14201 School Lane, Upper Marlboro, MD 20772

City, State and ZIP Code

Name

No. Employees, Members

Phone No. (include Area Code)

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE  COLOR  SEX  RELIGION  NATIONAL ORIGIN

DATE(S) DISCRIMINATION TOOK PLACE

Earliest: Aug 2011  
 Latest: Present\*\*

Complaint based on Sex as well as Gender Identity

\*You can also contact my representative, Daria Zane, Esquire, at 202-939-7684

\*\*Most recent incidents occurred in February and March 2015.

I am a transgender woman and a high school English teacher by the Prince George's County Public School System. Leading up to the beginning of the academic year 2011-2012, I socially transitioned, meaning that I completed changes on legal documents. I requested a transfer to a different school and was assigned to Friendly High School, where I have taught since that time.

During my tenure at Friendly High School, I have been subjected to repeated incidents of discrimination and harassment based on my gender identity in the form of transphobia and trans-misogyny by students, parents, faculty and administrators, including M s. Robinson, an administrator at my school. Examples of those incidents



I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

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

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Jennifer Eller

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE 6/3/2015

(month, day, year)  
 Rebecca J. Reeve, Notary for District of Columbia

3 June 2015

Date

Jennifer Eller

Charging Party Signature

## CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented

Agency(ies) Charge No(s):

 FEPA EEOC

531-2015-01787N

EEOC/Maryland Commission on Civil Rights

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Page 2 of 2

include referring to me as a male versus female (misgendering), referring to me by a male name not even my prior name, questions about my genitalia, questions about my surgical status, insinuations that solely because I wear a dress there is an inclination to pedophilia. These events have occurred so frequently that they have interfered with my work.

Throughout my tenure at Friendly High School, I have repeatedly brought these instances to the attention of Principal Adams, Ms. Davis of Human Resources, and to union representatives, Brian Beallor, and Kimberly Cosby. In response to my reporting, Principal Adams and Ms. Davis decided that it was my responsibility to obtain the names of students and turn them in to be dealt with on a case-by-case basis; they have maintained a focus on punishment versus a focus on education and prevention. At the same time, I have requested training on diversity, including transgender awareness for students and faculty and materials on the same. My requests have been either ignored, downplayed, or refused.

Most recently, on Friday, February 13, 2015, a training (not diversity training) was being conducted in my classroom. Ms. Robinson, another administrator (Mr. Thompson), and a representative from Teachscape arrived to conduct the training for other faculty and myself. Because they had difficulty locating and retrieving the videos for the training, I was using my laptop to assist them. Ms. Robinson continually referred to me by male pronouns versus the proper female pronouns, and called me "sir" and "mister." I corrected her two times. The first time she did not acknowledge the correction, acting as if she did not hear. The second time, she just replied "oh." Due to her repeated incorrect gender references, the Teachscape representative also began to use the wrong gender when referring to me. After the training, Ms. Robinson approached me and told me that she was sorry but I needed to be patient with her because it was "very hard for [her] to adjust to." This was a ridiculous response as she had known me for 1-1/2 years and only known me as Jennifer.

Subsequent to this event, I have continued to be subjected to harassing incidents involving students, parents and staff on a frequent basis. Three boys interrupted my class from the hallway questioning my gender. Their only punishment was a single day of in-school suspension. On the other hand, another student called me a bitch. She received a three-day out-of school suspension.

I recently was subjected to yet another instance involving a parent who rudely began to refer to my gender incorrectly over the phone. A vice principal, Ms. Pope-Brown, gave me leave to take my end-of-day planning period at home. Ironically, later that day, without any announcement, the principal, Mr. Adams, brought in a police officer to speak with the staff regarding transgender issues. The police officer was given little warning, and the training was abruptly stopped by Mr. Adams when a teacher became confrontational about the validity of transgender identity and respectful behavior when interacting with transgender people. Officer Irene Burks, who conducted the training, later advised me she felt the administration did not manifest sufficient support for the training and staff was not supportive of it. Within days of the training, two ninth grade girls yelled out across a common area "asking" whether I was a boy or girl, emphasizing the need for a student assembly.

The administration is clearly aware of the continued harassment I have faced from students, parents, and faculty based on my gender identity. Despite my repeated pleas that it be addressed, nothing has occurred. The brief meeting by the police officer did nothing to alleviate the harassment I have endured on a frequent, regular basis.