

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,)

Plaintiff,)

v.)

PRINCE GEORGE'S COUNTY)
PUBLIC SCHOOLS, ET AL.,)

Defendants.)
_____)

Case No.: 18-cv-03649-TDC/TJS

EXHIBIT 4

EEOC FORM 131 (11/09)

U.S. Equal Employment Opportunity Commission

Amana Simmons
Compliance Officer
PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
14201 School Lane, Room 202
Upper Marlboro, MD 20772

PERSON FILING CHARGE

Jennifer Eller

THIS PERSON (check one or both)

Claims To Be Aggrieved

Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

531-2015-01787C

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

- Title VII of the Civil Rights Act (Title VII) The Equal Pay Act (EPA) The Americans with Disabilities Act (ADA)
- The Age Discrimination in Employment Act (ADEA) The Genetic Information Nondiscrimination Act (GINA)

The boxes checked below apply to our handling of this charge:

1. No action is required by you at this time.
2. Please call the EEOC Representative listed below concerning the further handling of this charge.
3. Please provide by **02-NOV-15** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. Please respond fully by to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
5. EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by **16-OCT-15** to **Samantha Watts, ADR Staff Mediator, at (410) 209-2753**. If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Brunilda Brache,
Office Automation Clerk

EEOC Representative

Telephone **(410) 962-2731**

Baltimore Field Office
10 South Howard St
3rd Floor
Baltimore, MD 21201
Fax: (410) 209-2221

Enclosure(s): Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

- Race Color Sex Religion National Origin Age Disability Retaliation Genetic Information Other

See enclosed copy of charge of discrimination.

Date

October 2, 2015

Name / Title of Authorized Official

Rosemarie Rhodes,
Director

Signature



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,)

Plaintiff,)

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PRINCE GEORGE'S COUNTY)
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Case No.: 18-cv-03649-TDC/TJS

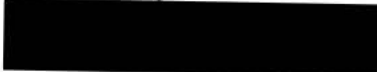
EXHIBIT 5



June 25, 2015

VIA CERTIFIED MAIL AND U.S. MAIL

Ms. Jennifer Eller



RE: Complaint of Discrimination and/or Harassment

Dear Ms. Eller,

On or about February 20, 2015, you filed a Discrimination or Harassment Incident Report pursuant to Administrative Procedure 4170 (the "Complaint"). In your Complaint, you allege that you have been subjected to discrimination and/or harassment as a result of certain alleged actions by one of your school administrators. The following constitutes the letter of determination respecting your Complaint.

SUMMARY OF ALLEGATIONS

Jennifer Eller ("Charging Party" or "Ms. Eller") is a transwoman who currently serves the Prince George's County Public Schools ("PGCPS") as an English Teacher assigned to Friendly High School.

In sum, Charging Party alleges that on February 13, 2015, Friendly High School Assistant Principal and English Department Chair, Ms. Paula Robinson, during a professional development session referred to Charging Party once as "sir," twice as "mister" and utilized the pronoun "he" on several occasions referring to Charging Party. Charging Party further alleges that in the first instance she corrected Ms. Robinson, however, she did not believe that Ms. Robinson heard her. Charging Party states that she in a second instance again corrected Ms. Robinson, and in response Ms. Robinson apologized for her mistake, but again referred to Charging Party using a masculine pronoun. Ms. Robinson, after the completion of the professional development session, allegedly approached Charging Party and again apologized and asked that Charging Party be patient with her because "she [Ms. Robinson] was having trouble adjusting."

Charging Party avers that she has had prior difficulties with Ms. Robinson. She describes this prior difficulty to have occurred during the 2013-2014 school year during Ms. Robinson's observation of Charging Party. Charging Party contends that Ms. Robinson spoke to her in a manner that reduced her to tears in the presence of her students. Charging Party also refers to an incident involving Ms. Robinson and another teacher, wherein Ms. Robinson referred to the teacher as a "redneck."

Eller Letter of Determination
June 25, 2015
Page 2

PGCPS POLICY

It is the policy of PGCPS that all employees are able to enjoy a work environment free from all forms of discrimination and harassment based on race, color, sex, age, national origin, religion, marital status, sexual orientation or disability. AP 4170 Section V(A)(1). Anti-trans bias is considered sex discrimination under Title VII of the Civil Rights Act. *Macy v. Holder*, EEOC No. 0120120821

INVESTIGATIVE PROCESS

On or about March 16, 2015, Charging Party was interviewed respecting the Complaint. Thereafter, Respondent and several Friendly High School teachers and administrators were interviewed during the investigative process. Documents reviewed during the investigation of this matter, include, but are not limited to, emails to and from Charging Party and various Friendly High School administrators from August 2011 through February 2015.

FACTUAL FINDINGS

The investigation revealed the following facts.

Charging Party is a transwoman. In or about August 2011, Charging Party began serving as an English Teacher at Friendly High School. At all times during her tenure at Friendly High School Charging Party has presented as a female.

Paula Robinson is an Assistant Principal assigned to Friendly High School. During the 2013-2014 academic year, Ms. Robinson served as the Administrator supervising the English department. During the 2014-2015 academic year, Ms. Robinson was initially the Administrator supervising the Social Studies Department; however, in or about October/November, 2014, she was re-assigned to serve as the Administrator supervising the English department.

On February 13, 2015, Charging Party attended a professional development session on Teachscape that was conducted by Ms. Robinson in Charging Party's classroom. At the outset of the session, there were technical difficulties, which Charging Party attempted to resolve. While Charging Party assisted, Ms. Robinson referred to Charging Party in at least two (2) instances as "he" or "him." Charging Party corrected Ms. Robinson after the first occurrence, but apparently Ms. Robinson did not hear Charging Party's correction. When Charging Party corrected Ms. Robinson on the second occasion, Ms. Robinson immediately apologized for her error. At the conclusion of the session, Ms. Robinson approached Charging Party and again apologized for her error. In so doing, Ms. Robinson told Charging Party "to please be patient with me [Ms. Robinson], as this has been difficult adjustment" (or words to that effect).

Ms. Robinson admits that she incorrectly referred to Charging Party utilizing a male pronoun. She states, however, that such error was inadvertent and was immediately met with an apology. Based upon this investigator's interviews, the majority of the teacher's present during the professional development session did not hear Ms. Robinson's reference. Indeed, only one (1) teacher reports to

Eller Letter of Determination
June 25, 2015
Page 3

have heard Ms. Robinson's error. In addition to the aforementioned teacher, the other Administrator present (who was standing next to Ms. Robinson) reports having heard Ms. Robinson reference Charging Party as "he" on one occasion, and notes that Ms. Robinson immediately followed her statement with an apology.

On or about March 17, 2015, Major Irene Burks, Assistant Inspector General, Prince George's County Police Department – at the request of Friendly High School Administrators – conducted a one (1) hour interactive diversity training session during the monthly staff meeting. Charging Party was not present during such session. Relying upon information provided by other teachers and Major Irene Burks, Charging Party contends that the training offered was ill-prepared and not well received.

In addition to the issues raised in the Complaint, Charging Party also complained about student behavior, as well as, certain incidents involving security officers. Namely, Charging Party avers that students frequently make inappropriate statements regarding her gender and that she has been treated rudely by Friendly High School security officers.

CONCLUSION

After careful consideration of all of the facts and surrounding circumstances¹, the investigation is unable to conclude that Charging Party has been subjected to discrimination and/or harassment violative of Administrative Procedure 4170. Pursuant to AP4170, harassment includes "conduct that has the purpose and effect of unreasonably inferring with an employee's work ... creating an intimidating, hostile or offensive work environment ... [or] the purpose or effect of creating an intimidating, hostile or offensive working or educational environment." The conduct complained of here (i.e., Ms. Robinson misgendering Charging Party on several occasions during a professional development session) is substantiated; however, such conduct appears to have been done in error and without malice. Indeed, by all accounts, Ms. Robinson promptly apologized for her misstatement. A review of the prior incident between Ms. Robinson and Charging Party during the 2012-2013 academic year, does not reveal a nexus between such interaction and Charging Party's membership in a protected class. Accordingly, it is determined that there has not been a violation of AP4170.

Of concern, however, is evidence ascertained in this investigation and others, suggests that Ms. Robinson routinely communicates with her subordinates in a manner that is rude, condescending and disrespectful. In addition to that fact, Ms. Robinson has been previously disciplined for making racially insensitive remarks. It is accordingly recommended that Ms. Robinson receive appropriate professional counsel and/or discipline as deemed appropriate. Further, it is recommended that during the 2015-2016 academic year both Friendly High School students and staff receive diversity and sensitivity training. The undersigned should be consulted in preparation for such trainings.

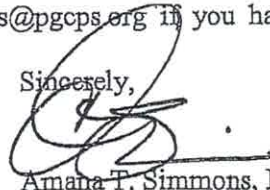
¹ This disposition letter is not intended to recite each and every fact considered, but is merely a summary of certain relevant facts.

Eller Letter of Determination
June 25, 2015
Page 4

This letter constitutes the final disposition of the Complaint and concludes the investigation and processing of the same. You are hereby notified of your right to appeal this decision within ten (10) calendar days from the date of this letter. Any appeal should be forwarded to Robert Gaskin, Chief Human Resources, 14201 School Lane, Room 104, Upper Marlboro, MD 20772. Utilization and/or exhaustion of these procedures is not a prerequisite for the filing of complaints with appropriate local, State or Federal agencies, or offices which investigate complaints of discrimination and/or harassment. Any employee may proceed directly to such County, State or Federal agencies or offices without having to follow these procedures.

Please contact me at 301.952.6315 or amana.simmons@pgcps.org if you have any questions or concerns.

Sincerely,



Amana T. Simmons, Esq.
EEO Advisor

cc: Raynah Adams, Principal, Friendly High School
Mark Fossett, Instructional Director (Cluster 14)
Calvin B. Stover, Acting Director, Employee and Labor Relations
Robert Gaskin, Chief, Human Resources

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,

Plaintiff,

v.

PRINCE GEORGE'S COUNTY
PUBLIC SCHOOLS, ET AL.,

Defendants.

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Case No.: 18-cv-03649-TDC/TJS

EXHIBIT 6

EEOC Form 5 (11/08)

CHARGE OF DISCRIMINATION		Charge Presented To: Agency(ies) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
Prince Georges County Human Relations Commission		AMENDMENT	
<i>State or local Agency, if any</i>		531-2015-01787	
Name (Indicate Mr., Ms., Mrs.)		Home Phone (Incl. Area Code)	Date of Birth
Ms. Jennifer Eller		(703) 565-6468	
Street Address <i>City, State and ZIP Code</i>			
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		No. Employees, Members	Phone No. (Include Area Code)
PRINCE GEORGES CO PUBLIC SCHOOLS		500 or More	(301) 952-6115
Street Address <i>City, State and ZIP Code</i>			
14201 School Lane, Upper Marlboro, MD 20772			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address <i>City, State and ZIP Code</i>			
DISCRIMINATION BASED ON (Check appropriate box(es).)			DATE(S) DISCRIMINATION TOOK PLACE
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)			Earliest Latest 08-15-2011
			<input checked="" type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s))			
AMENDMENT 531-2015-01787			
On or about February 20, 2015 I filed an internal Discrimination or Harassment Incident Report that constituted protected activity. After filing my complaint I was removed from teaching AP English classes. Since September 2015 I have been counseled on two separate occasions for the same incident, received a written counseling note, and my principal has sought disciplinary actions against me. Moreover, I add the following as examples of the ongoing harassment to which I continue to be subjected: repeatedly being misgendered by parents, faculty, and staff, called derogatory names such as "tranny," "freak," and "thing" by students and parents, and being told by a school secretary that I should be transferred where no one knows me. I believe that, in addition to my prior complaints of harassment and unequal terms and conditions of employment due to Sex and Gender Identity, I have been discriminated against in retaliation for protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended, with respect to harassment and unequal terms and conditions of employment.			
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.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		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	
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE	
		<i>(month, day, year)</i>	
<u>29 April, 2016</u>	<u>Jennifer Eller</u>		
Date	Charging Party Signature		

CONFIDENTIAL

PGCPS 423

J.R. 107

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,)

Plaintiff,)

v.)

Case No.: 18-cv-03649-TDC/TJS

PRINCE GEORGE'S COUNTY)
PUBLIC SCHOOLS, ET AL.,)

Defendants.)
_____)

EXHIBIT 7

EEOC FORM 131 (11/09)

U.S. Equal Employment Opportunity Commission

Amana Simmons
Compliance Officer
PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
 14201 School Lane, Room 202
 Upper Marlboro, MD 20772

RECEIVED
 MAY 12 2016
 By **EURO YABS**

PERSON FILING CHARGE

Jennifer Eller

THIS PERSON (check one or both)

Claims To Be Aggrieved

Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

531-2015-01787 / AMENDED

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

Title VII of the Civil Rights Act (Title VII) The Equal Pay Act (EPA) The Americans with Disabilities Act (ADA)

The Age Discrimination in Employment Act (ADEA) The Genetic Information Nondiscrimination Act (GINA)

The boxes checked below apply to our handling of this charge:

1. No action is required by you at this time.
2. Please call the EEOC Representative listed below concerning the further handling of this charge.
3. Please provide by **03-JUN-16** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. Please respond fully by to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.

EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by to

If you **DO NOT** wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Phillip Hoefs,
Investigator

EEOC Representative

Telephone **(410) 209-2728**

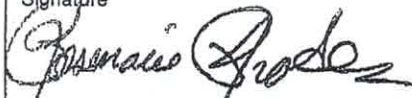
Baltimore Field Office
10 South Howard St
3rd Floor
Baltimore, MD 21201
Fax: (410) 209-2221

Enclosure(s): Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

Race Color Sex Religion National Origin Age Disability Retaliation Genetic Information Other

See enclosed copy of charge of discrimination.

Date May 3, 2016	Name / Title of Authorized Official Rosemarie Rhodes, Director	Signature 
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,)

Plaintiff,)

v.)

PRINCE GEORGE'S COUNTY)
PUBLIC SCHOOLS, ET AL.,)

Defendants.)
_____)

Case No.: 18-cv-03649-TDC/TJS

EXHIBIT 8

Prince George's County Public Schools
14201 School Lane • Upper Marlboro, Maryland 20772

Absence Management, Room 132
Fax: 301.760.3593

10/25/2016

Mrs. Jennifer Eller


EIN: 67890

FMLA & LOA Approval Notice

Dear **Mrs. Eller**,

You are eligible for leave under FMLA, and your leave request pursuant to FMLA related to your personal illness has been approved, effective **10/18/2016** through **1/6/2017**. Per your request, the use of this leave constitutes a total of **12 weeks of FMLA** in this FMLA year. Additionally, your request for a Leave of Absence has been approved for **1/9/2017** through **6/15/2017**.

Regarding your leave under the FMLA, the following applies:

1. You may receive up to 12 weeks of unpaid, job-protected leave during a 12-month period.
2. If you accrued annual or sick leave, you are required to use your accrued hours towards paid time during your FMLA/LOA leave, as applicable. You may use projected leave towards paid time during your FMLA absence. If you are a member of the sick leave bank, you may apply to the bank and receive paid time during your unpaid LOA.
3. An employee on unpaid FMLA leave must arrange to pay his or her normal portion of the insurance premiums to maintain coverage. An employee on a LOA must arrange to pay 100 % of the insurance premiums to maintain coverage.
4. The Board of Education's obligation to maintain health benefits under FMLA stops when an employee informs the Board of Education of intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is exhausted. If an employee fails to return to work from FMLA leave, the Board of Education may recover premiums paid for maintaining health insurance coverage for such employee.
5. If an employee is unable to return to work due to a serious medical condition when the FMLA leave entitlement is exhausted, the employee must apply for a leave of absence by submitting a timely Leave of Absence request and a medical certification form.
6. If an employee separates from service after incurring overpayment due to receiving an advance leave payment through the projected leave program, the employee must reimburse the Prince George's County Board of Education.

To continue your health insurance benefits, maintain Basic and Optional Life insurance benefits, Long-Term Disability insurance, or eligibility in the Maryland State Retirement System, including the death benefits during unpaid leave, employee must pay their normal portion of the insurance premiums, complete, and return the enclosed MSRS-46 form to the Payroll & Benefits Office. If you separate from

employment while on an approved Leave of Absence, you have only 60 days from the date of separation to purchase your leave from the Maryland State Retirement System. If you have questions regarding purchasing your leave, please contact your retirement coordinator at **301-952-6200**.

If an employee is on leave for 12 months or more, the basic life insurance provided by the Board of Education and administered by Hartford will terminate. However, if the employee wishes to continue life insurance, the employee may convert that life insurance provided by the Board of Education under the group plan to a personal life insurance option. An employee who wishes to convert life insurance (Basic and/or Optional Life Insurance) to a personal life insurance option must contact Hartford at 1-877-320-0484 for questions and the necessary paperwork.

Employees on a leave due to their own serious health condition must submit a Certificate of Medical Release from their treating health care provider to Absence Management ten (10) days before the ending date of an approved leave.

Employees on leave due to a non-personal illness must submit to Absence Management a written notification of intent to return to work ten (10) days before the ending date of an approved leave. If you have questions about this letter, please contact **Kellee Christian at 301-952-6210** in Absence Management.

Sincerely,



Delfrieda Hudson
Director, Payroll Services Supervisor

FH:KC

**Cc: James Madison MS- King, Courtney M
Department of Human Resources – Kim Bagley
Payroll/Benefits Staff – Erica Ford
Instructional Director – Ms. Susan Holiday
Associate Superintendent – Dr. Helen Coley
Personnel File – Jennifer Eller**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,)

Plaintiff,)

v.)

PRINCE GEORGE'S COUNTY)
PUBLIC SCHOOLS, ET AL.,)

Defendants.)
_____)

Case No.: 18-cv-03649-TDC/TJS

EXHIBIT 9

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JENNIFER ELLER

Plaintiff,

v.

PRINCE GEORGE'S COUNTY PUBLIC
SCHOOLS, PRINCE GEORGE'S COUNTY
BOARD OF EDUCATION and MONICA
GOLDSOHN, *in her official capacity*,

Defendants.

Case Number: 18-cv-03649

**PLAINTIFF JENNIFER ELLER'S RESPONSES AND OBJECTIONS TO
DEFENDANTS' FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff Jennifer Eller, by her undersigned counsel, hereby serves her Responses to Defendant Board of Education of Prince George's County's First Set of Interrogatories upon Defendant Prince George's County Public Schools. These responses are made to the best of Plaintiff's ability after reasonable efforts to identify responsive information. Plaintiff is aware of her continuing obligation under FRCP 26(e) and will supplement her disclosures and responses as appropriate in accordance with the Rules of Civil Procedure.

GENERAL OBJECTIONS

1. Plaintiff objects to the Interrogatories including, without limitation, the instructions and definitions set forth therein, to the extent that they purport to impose on Plaintiff obligations beyond those imposed by the Federal Rules of Civil Procedure, the Local Rules, or other applicable law. Plaintiff will respond to these Interrogatories in accordance with the Federal Rules of Civil Procedure, the Local Rules, and other applicable law.

2. Plaintiff objects to the Interrogatories to the extent they seek information that it may be derived or ascertained from business records, documents, or information that are already in the possession, custody or control of Defendants; is more readily available to Defendants; is in the public domain; or is as available to Defendants as to Plaintiff. To the extent the answer can be ascertained or derived from documents or information in Defendants' custody, possession, or control, the development of that answer is significantly more convenient and less burdensome for the Defendants than it is for Plaintiff and, accordingly, Defendants should bear that burden.

3. Plaintiff objects to the Interrogatories to the extent they seek documents and/or information not within Plaintiff's possession, control, or custody.

4. Plaintiff objects to the Interrogatories to the extent they purport to seek discovery from any person other than Plaintiff.

5. Plaintiff objects to the Interrogatories to the extent they seek identification and disclosure of information that is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

6. Plaintiff objects to the Interrogatories to the extent they are vague, ambiguous, or overbroad.

7. Plaintiff objects to the Interrogatories to the extent they are unreasonably cumulative and duplicative.

8. Plaintiff objects to the Interrogatories to the extent they are oppressive, overbroad, and unduly burdensome.

9. Plaintiff objects to the Interrogatories to the extent they seek information that would constitute an unwarranted invasion of affected persons' constitutional, statutory, and/or common law rights of privacy and confidentiality.

10. Plaintiff objects to the Interrogatories to the extent they are speculative, lack foundation, or improperly assume the existence of facts not in evidence.

11. Plaintiff objects to the Interrogatories to the extent they purport to require identification and disclosure of documents and information that were prepared in anticipation of litigation, constitute attorney work product, disclosure of mental impressions, conclusions, opinions or legal theories of any attorney for or other representative of Plaintiff, contain privileged attorney-client communications, or are otherwise protected from disclosure under applicable privileges, laws, or rules. Plaintiff hereby claims such privileges and protections to the extent implicated by each Interrogatory and excludes privileged and protected information from her responses to the Interrogatories.

12. Plaintiff's responses to the Interrogatories shall not be construed in any way as an admission that any definition provided by the Defendants is either factually correct or legally binding upon Plaintiff, or as a waiver of any of Plaintiff's objections.

13. Plaintiff hereby reserves all objections to the relevance, form, discoverability, and admissibility of any Responses to these Interrogatories until the time of trial. By responding to these Interrogatories, Plaintiff does not concede the relevancy or admissibility of the information provided. The fact that Plaintiff has answered any part or all of any Interrogatory is not intended, and should not be construed, to be a waiver of any part or all of any objection set forth herein.

14. Plaintiff further objects to the Interrogatories to the extent that their subparts, including those arising from the "instructions," constitute separate Interrogatories, each of which counts towards the maximum of 25 interrogatories permitted under Federal Rule of Civil Procedure 33(a)(1).

15. Plaintiff objects to the Interrogatories to the extent they purport to require identification and disclosure of documents and information that were prepared in anticipation of litigation, constitute attorney work product, disclosure of mental impressions, conclusions, opinions or legal theories of any attorney for or other representative of Plaintiff, contain privileged attorney-client communications, or are otherwise protected from disclosure under

applicable privileges, laws, or rules. Plaintiff hereby claims such privileges and protections to the extent implicated by each and every Interrogatory and excludes privileged and protected information from her Responses to the Interrogatories. The inadvertent disclosure of any privileged and protected information shall not be deemed a waiver thereof.

16. Plaintiff objects to the Interrogatories to the extent that they demand “all” information on a topic as overbroad, unduly burdensome, and/or not reasonably calculated to lead to the discovery of admissible evidence.

17. Plaintiff’s Responses are made solely for the purposes of this Action and for no other purpose and are supplied subject to that limitation. Plaintiff reserves the right to object on any ground to the use of information produced in response to the Interrogatories for any purpose, in whole or in part, in any subsequent proceeding, in this or any other action.

18. Any statement made by Plaintiff in these Responses that she will revise, supplement, correct, clarify, or add to any information responsive to a particular Interrogatory is not an admission by Plaintiff as to the existence or non-existence of specific responsive information, that any information contained within the Responses is relevant or admissible as evidence, or that any statement or characterization propounded in the Interrogatories is accurate or complete.

19. Plaintiff reserves the right at any time to revise, supplement, correct, clarify, or add to these Responses, or to revise, supplement, correct, clarify, or add to any production of information made pursuant to the Interrogatories. Plaintiff further reserves the right to object on any ground at any time to a demand for further answers to the Interrogatories.

20. Plaintiff’s Responses pursuant to these Interrogatories shall not be construed as a waiver of the confidentiality of any such information produced or not produced.

21. Ms. Eller objects to the definition of “you,” “your,” and “plaintiff” in the Interrogatories to the extent it extends to Ms. Eller’s counsel in this Action. Consistent with the

Interrogatories set forth below, Ms. Eller will only construe an Interrogatory to apply to Mr. Eller's counsel where so expressly stated.

22. Plaintiff's Responses are based upon a reasonable review and diligent investigation conducted to date of those sources within her control where Plaintiff reasonably believes responsive information may exist.

RESPONSES AND SPECIFIC OBJECTIONS

1. Please identify all persons who assisted in answering these Interrogatories.

Response to Interrogatory 1: Without waiving any of the objections and qualifications noted herein, Plaintiff responds that Plaintiff and her counsel representing her in this Action assisted in answering these interrogatories.

2. Please fully and individually identify each and every document relied upon or referred to in answering these Interrogatories.

Response to Interrogatory 2: Plaintiff objects to this Interrogatory as overly burdensome and duplicative of Defendants' Request for Production of Documents (RFP), Number 1. Without waiving any of the objections and qualifications noted herein, any and all responsive documents have been produced in response to Defendants RFP Number 1.

3. Please identify all persons who are likely to have personal knowledge of any fact alleged in the Complaint, and state the subject matter of the personal knowledge possessed by each such person.

Response to Interrogatory 3: Plaintiff objects to this Interrogatory as overly burdensome where the identity of persons likely to have personal knowledge of the facts alleged in the Complaint are better known to Defendants than to Plaintiff, to the extent they are Defendants' agents and employees. Plaintiff further objects to this Interrogatory as overly broad to the extent it seeks the identity of every person that has knowledge of any fact alleged in the Complaint. The Complaint makes allegations not only specific to incidents at Prince George's County Public Schools but also as to the nature of sex, gender identity, and

gender dysphoria. The universe of persons with personal knowledge as some of these facts is unascertainable. Plaintiff further objects to this Interrogatory as compound. Without waiving any of the objections and qualifications noted herein, Plaintiff has identified individuals likely to have knowledge in the Complaint, and in her initial disclosures. Plaintiff will continue to supplement these disclosures in accordance with the Local Rules and Federal Rules of Civil Procedure.

4. For each witness you have retained or specially employed to provide expert testimony in this case, or employed by you whose duties regularly involve giving expert testimony and whom you expect to testify at trial, provide a complete statement of the opinions to be expressed and the basis and reasons therefore.

Response to Interrogatory 4: Plaintiff objects to this Interrogatory as duplicative and improper attempt to collect expert discovery. Expert discovery is governed by Federal Rule of Civil Procedure 26(a)(2), and is thus not a proper subject of interrogatories. *See* Federal Rule of Civil Procedure 33(a)(2) (“An interrogatory may relate to any matter that may be inquired into under Rule 26(b).”) Plaintiff already served Defendants with the expert report of Dr. Randi Ettner on August 5, 2019, in accordance with the discovery schedule set by the Court. The report outlines Dr. Ettner’s opinions and the bases for them. Without waiving any of the objections and qualifications noted herein, Plaintiff refers Defendants to Dr. Ettner’s report, served upon Defendants on August 5, 2019.

5. Please fully identify all persons with whom you have had non-privileged communications with regarding the subject matter of this litigation, and please identify the date and the nature of each such communication.

Response to Interrogatory 5: Plaintiff objects to this Interrogatory as vague, unduly burdensome and overly broad. The Interrogatory fails to adequately define what is meant by “communications.” Plaintiff further objects to this Interrogatory in that what qualifies as “non-privileged communications” calls for a legal conclusion. The Interrogatory is overly broad and unduly burdensome to the extent it seeks information regarding communication

with “all persons” and where “the subject matter of this litigation” and time period in which communication occurred are not defined and could include, for example, communications with friends, family, and colleagues regarding discrimination prior to Plaintiff’s employment with the Prince George’s County School System. Plaintiff further objects to this Interrogatory as compound. Without waiving any of the objections and qualifications noted herein, Plaintiff is undergoing reasonable efforts to identify responsive information within the scope of discovery and will provide any such information that is identified. Plaintiff further refers Defendant to documents produced in response to Request Number 6 of Defendant’s First Request for Production of Documents.

6. Please fully identify all persons who have given you statements regarding this matter, or from whom you have written or recorded statements regarding this matter, the date(s) of such communication and the name of the persons who have custody or possession of such statements.

Response to Interrogatory 6: Plaintiff objects to this Interrogatory as overly broad, vague, unduly burdensome, and duplicative of her obligations under the Federal Rules of Civil Procedure, 26(a) and (e). Plaintiff specifically objects to the term “statements” as overbroad and undefined. Plaintiff further objects to the term “regarding this matter” as overbroad and vague. Plaintiff further objects to the Interrogatory as duplicative and unduly burdensome to the extent it seeks the identity of persons likely to have personal knowledge of the facts alleged in the Complaint are better known to Defendants than to Plaintiff, to the extent they are Defendants’ agents and employees. Plaintiff further objects to this Interrogatory as compound. Without waiving any of the objections and qualifications noted herein, Plaintiff spoke with Washington Post reporter Donna St. George leading up to the publication of the article regarding the subject matters discussed on January 31, 2019. When additional statements are procured, Plaintiff will identify such persons in a timely fashion and in accordance with her obligations under the Rules.

7. Please identify all admissions or declarations against interest made by any Defendant concerning the subject matter of this action.

Response to Interrogatory 7: Plaintiff objects to this Interrogatory as unduly burdensome, vague, and overly broad. The Interrogatory fails to adequately define what is meant by an “admission” or “declaration against interest.” Plaintiff further objects to this Interrogatory in that what qualifies as an “admission” or “declarations against interest” calls for a legal conclusion. The Interrogatory is unduly burdensome and overbroad to the extent it seeks “all admissions or declarations” concerning “the subject matter of this action” and time period in which admissions or declarations occurred are not defined and could include, for example, admissions or declarations made against interest prior to Plaintiff’s employment with the Prince George’s County School System. Plaintiff further objects to the Interrogatory as unduly burdensome to the extent it seeks the identity of persons better known to Defendants than to Plaintiff, to the extent they are Defendants’ agents and employees. Without waiving any of the objections and qualifications noted herein, Plaintiff is undergoing reasonable efforts to identify responsive information within the scope of discovery, including reviewing documents recently produced by Defendants, and will supplement this response as necessary. Plaintiff refers Defendant to documents produced in response to Defendant’s First Request for Production of Documents.

8. If you have ever been involved in any civil legal action or administrative charge (including, but not limited to, workers’ compensation and divorce claims), either as a defendant, plaintiff, charging party, or respondent, state the date and place each such action and/or charge was filed, including the name of the Court and/or agency and the parties involved, the Court and/or agency file number of each such action and/or charge, a description of the nature of each such action and/or charge, including the disposition of each such action, and the amount of any settlement or judgment obtained in each such case and/or charge.

Response to Interrogatory 8: Plaintiff objects to this Interrogatory as overly burdensome to the extent it seeks information that is irrelevant and wholly unrelated to the subject matter of this action. Plaintiff further objects to this Interrogatory as compound. Without waiving any

of the objections and qualifications noted herein, Plaintiff was involved in a divorce which was an administrative proceeding and not a civil action.

9. Please identify each and every incident of discriminatory treatment on the basis of your sex (including any other category you contend is encompassed by sex discrimination) by Defendant that you believe occurred. For each alleged occurrence, please (a) provide the date of the alleged discrimination; (b) identify all persons engaging in conduct that you believe constituted such discrimination; (c) state the words, actions, or conduct that constitute the basis of your claim of discrimination; (d) state your claimed injury as a result of the alleged discrimination; and (e) state when and to whom you reported the alleged discrimination, what you reported, what action you requested taken, and what action you are aware of being taken.

Response to Interrogatory 9: Plaintiff objects to this Interrogatory as duplicative and unduly burdensome where she has already identified numerous instances of discriminatory treatment in the Complaint and additional information regarding instances of discrimination would be contained in documents and information within Defendants' custody and control, and more easily accessible by Defendants than Plaintiff, to the extent they occurred at the hands of Defendants' agents and employees. The Interrogatory fails to adequately define what is meant by "discrimination" or "discriminatory treatment." Plaintiff further objects to this Interrogatory to the extent that what qualifies as "discrimination" or "discriminatory treatment" calls for a legal conclusion. Plaintiff further objects to this Interrogatory as compound. Without waiving any of the objections and qualifications noted herein, Plaintiff is still reviewing documents recently produced by Defendants and will supplement this response in accordance with the Federal Rules of Civil Procedure.

10. Please identify each and every incident of hostile work environment by Defendant that you believe occurred. For each alleged occurrence, please (a) provide the date of the alleged hostile work environment; (b) identify all persons engaging in conduct that you believe constituted such hostile work environment; (c) state the words, actions, or conduct that constitute the basis of your claim of hostile work environment; (d) state your claimed injury as a result of the alleged hostile work environment; and (e) state when and to whom you reported the alleged hostile work environment, what you reported, what action you requested taken, and what action you are aware of being taken.

Response to Interrogatory 10: Plaintiff objects to this Interrogatory as duplicative and unduly burdensome where she has already identified facts supporting her claim of hostile

work environment in the Complaint and additional information regarding the hostile work environment she experienced would be contained in documents and information within Defendants' custody and control, and more easily accessible by Defendants than Plaintiff, to the extent the conduct occurred through Defendants' agents and employees. The Interrogatory fails to adequately define what is meant by "hostile work environment." Plaintiff further objects to this Interrogatory to the extent that what qualifies as a "hostile work environment" calls for a legal conclusion. Plaintiff further objects to this Interrogatory as compound. Without waiving any of the objections and qualifications noted herein, Plaintiff is still reviewing documents recently produced by Defendants and will supplement this response in accordance with the Federal Rules of Civil Procedure.

11. Please set forth all facts that tend to support your allegation that you were subject to retaliation. Specifically, please (a) identify each and every act/conduct you engaged in, which caused Defendant to retaliate against you; (b) provide the date of your act/conduct; (c) state the specific actions by Defendant constituting retaliation; (d) provide the date of Defendant's actions; and (e) identify all person engaged in such retaliation.

Response to Interrogatory 11: Plaintiff objects to this Interrogatory as duplicative and overly burdensome where she has already identified facts supporting her claim of retaliation in the Complaint and additional information regarding retaliation she experienced would be contained in documents and information within Defendants' custody and control, and more easily accessible by Defendants than Plaintiff, to the extent the conduct occurred through Defendants' agents and employees. The Interrogatory fails to adequately define what is meant by "retaliation." Plaintiff further objects to this Interrogatory to the extent that what qualifies as "retaliation" calls for a legal conclusion. Plaintiff further objects to this Interrogatory as compound. Without waiving any of the objections and qualifications noted herein, Plaintiff is still reviewing documents recently produced by Defendants and will supplement this response in accordance with the Federal Rules of Civil Procedure.

12. Please set forth all facts tending to support your allegation that you have suffered from inconvenience, emotional pain and suffering, embarrassment, anxiety, stress, depression, humiliation, loss of enjoyment of life, and violation of dignity.

Response to Interrogatory 12: Plaintiff objects to this Interrogatory as unduly burdensome, vague, and overly broad. Plaintiff also objects to this Interrogatory as duplicative and unduly burdensome where she has already identified numerous facts in the Complaint to support her allegation that she has suffered from inconvenience, emotional pain and suffering, embarrassment, anxiety, stress, depression, humiliation, loss of enjoyment of life, and violation of dignity, and additional information regarding such facts would be contained in documents and information within Defendants' custody and control, and more easily accessible by Defendants than Plaintiff, to the extent that these injuries were caused by Defendants' agents and employees. Plaintiff further objects to this Interrogatory as duplicative and improper attempt to collect expert discovery. Expert discovery is governed by Federal Rule of Civil Procedure 26(a)(2), and is thus not a proper subject of interrogatories. *See* Federal Rule of Civil Procedure 33(a)(2) ("An interrogatory may relate to any matter that may be inquired into under Rule 26(b)."). Plaintiff already served Defendants with the expert report of Dr. Randi Ettner on August 5, 2019, in accordance with the discovery schedule set by the Court. The report outlines Dr. Ettner's opinions and the bases for them. Without waiving any of the objections and qualifications noted herein, Plaintiff refers Defendants to Dr. Ettner's report, served upon Defendants on August 5, 2019. Plaintiff is still reviewing documents recently produced by Defendants and will supplement this response in accordance with the Federal Rules of Civil Procedure.

13. Please identify all companies, entities and the like with whom you have completed an application for employment or submitted a resume or whom you have contacted to inquire about employment (including all employment agencies, headhunters, recruiters, job banks, newspapers, or other publications that you have consulted in an effort to find employment) from January 1, 2017, through and including the present and continuing until the date of trial of this action.

Response to Interrogatory 13: Plaintiff objects to this Interrogatory as unduly burdensome, vague, and overly broad. Plaintiff further objects insofar as this Interrogatory seeks irrelevant information, including any and all sources consulted to find employment. Without waiving any of the objections and qualifications noted herein, Plaintiff confirms that on January 1, 2017, she was employed by Target and, since March 2017, she has been employed by the United States Navy's Child & Youth Program as a youth counselor. Plaintiff avers that she is still collecting documents that will complete her response to this Interrogatory and will supplement this response in accordance with the Federal Rules of Civil Procedure.

14. Please state the name and address of all your employers since January 1, 2017, including any present employer, the dates and nature of such employment, your wage or salary with each employer, benefits, and identify all supervisors.

Response to Interrogatory 14: Plaintiff objects to this Interrogatory as unduly burdensome, vague, and overly broad. Plaintiff further objects insofar as this Interrogatory seeks irrelevant information, including the identity of Plaintiffs' supervisors. Without waiving any of the objections and qualifications noted herein, Plaintiff confirms that starting on January 1, 2017, she was employed first by Target and, since March 2017, by the United States Navy's Child & Youth Program as a youth counselor. Plaintiff avers that she is still collecting documents that will complete her response to this Interrogatory and will supplement this response in accordance with the Federal Rules of Civil Procedure.

15. Please state the total amount of income which you received from January 1, 2017, to the present and the source thereof.

Response to Interrogatory 15: Without waiving any of the objections and qualifications noted herein, Plaintiff avers that she is still collecting documents that will complete her response to this Interrogatory and will supplement this response in accordance with the Federal Rules of Civil Procedure.

16. Please itemize and show how you calculate any damages claimed by you in this action including your claims for pecuniary and non-pecuniary losses.

Response to Interrogatory 16: Without waiving any of the objections and qualifications noted herein, Plaintiff avers that her damages are increasing every day as she experiences increased lost wages, lost benefits, and mounting medical fees resulting from the actions of Defendants identified in the Complaint. As of January 1, 2019, these were Plaintiff's damages:

- Lost wages in 2012-2016: \$21,000 due to unpaid leave taken as a result of Defendants' actions
- Lost wages in 2017: \$30,000 due to lost compensation which could not be fully mitigated by new employment
- Lost wages in 2018: \$34,000 due to lost compensation which could not be fully mitigated by new employment
- Lost benefits 2017-2019: \$15,000 cost of replacement health insurance coverage
- Compensatory damages encompassing out-of-pocket expenses for Plaintiff's job search, medical expenses, and compensation for emotional harm: \$150,000

Plaintiff avers that she is still collecting documents that will complete her response to this Interrogatory and will supplement this response in accordance with the Federal Rules of Civil Procedure.

17. Please identify each health care provider, doctor, medical practitioner, psychiatrist, psychologist, social worker or other mental health professional that you have consulted from 2009 to the present.

Response to Interrogatory 17: Plaintiff objects to this Interrogatory as unduly burdensome and overly broad in that it does not limit the request to the identification of health care providers who treated Plaintiff for, and therefore seeks information pertaining to medical treatments or procedures unrelated to, injuries and conditions caused by, exacerbated by, or

connected to the allegations in the Complaint. The Interrogatory seeks the identity of “health care provider, doctor, medical practitioner, psychiatrist, psychologist, social worker or other mental health professional,” which Plaintiff understands to include, as one example, a physician diagnosing the common cold. Plaintiff further objects to this Interrogatory as it seeks information not relevant to the claims and defenses in this Action. Plaintiff further objects to this Interrogatory as overly broad in terms of its timeframe, as none of the allegations of injuries relevant to the Complaint predate 2011. Without waiving any of the objections and qualifications noted herein, Plaintiff identifies these medical providers:

- Dr. Paul Dellemonache, Psychiatrist at Whitman Walker Health
- Thomas Coughlin, LPC, NCC, Psychiatrist at Whitman Walker Health
- Tina Celenza-Remillard, Physician Assistant at Whitman Walker Health
- Shuo (Sally) He, Psychiatrist at Whitman-Walker Health
- Dr. Nima Sheth Medstar Georgetown Psychiatry Services Center
- Vicki Kirsch, LCSW, PhD, clinical social work/therapist

Plaintiff reserves her right to supplement this response in accordance with the Federal Rules of Civil Procedure.

Dated: August 16, 2019

Respectfully submitted,

/s/Elliott Mogul
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the United States of America and the laws of the State of Maryland that on August 16, 2019, I caused a true and correct copy of the foregoing document to be served by email on the following counsel of record for Defendant:

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/s/ Elliott Mogul
Elliott Mogul

CERTIFICATION

I, Jennifer Eller, hereby verify that the foregoing Responses And Objections to Defendants' First Set of Interrogatories which have been prepared with the assistance of counsel are true and correct to the best of my knowledge, information, and belief.

Dated: 29 August, 2019

Jennifer Caitlin Eller
Jennifer Eller