

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.

Exhibit Reference	Exhibit Names	Bates Range
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,

/s/ James E. McCollum, Jr.
James E. McCollum, Jr.
Federal Bar No. 06448
Amit K. Sharma
Federal Bar No. 16660
The McCollum Firm, LLC
7309 Baltimore Avenue, Suite 117
College Park, Maryland 20740
Tel: (301) 864-6070
Fax: (301) 864-4351
jmccollum@jmlaw.net
asharma@jmlaw.net

Attorneys for Defendants

/s/ Paul Pompeo
Thomas McSorley (No. 18609)
Paul Pompeo*
Douglas Curtis*
Lori B. Leskin*
Elliott Mogul*
Rebecca Neubauer*
ARNOLD & PORTER
KAYE SCHOLER LLP
601 Massachusetts Ave., NW
Washington, DC 20001-3743
Telephone: +1 202.942.5000
Fax: +1 202.942.5999
Email: tom.mcsorley@arnoldporter.com
paul.pompeo@arnoldporter.com
douglas.curtis@arnoldporter.com
lori.leskin@arnoldporter.com
elliott.mogul@arnoldporter.com
rebecca.neubauer@arnoldporter.com

Omar Gonzalez-Pagan*
Carl Charles*
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
120 Wall Street, 19th Floor
New York, NY 10005
Telephone: (212) 809-8585
Fax: (212) 809-0055
Email: ogonzalez-pagan@lambdalegal.org
ccharles@lambdalegal.org

Attorneys for Plaintiff

* Admitted *pro hac vice*

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 31



Maha Fadli <mfadli@pgcps.org>

Professionalism

2 messages

Wed, May 4, 2011 at 9:49 PM

To: Maha Fadli <mfadli@pgcps.org>

Maha,

While I was going to the teachers lounge to make copies today during fourth module, I over heard this before entering:

Person 1: . . . thinks he's a girl.

Person 2: I know. It's disgusting.

That was all I bothered to listen to, before turning around and leaving, without doing the work I came there to do.

Regardless of whether they were discussing me or someone else, can you send out a gentle reminder for everyone to maintain professional standards in regards to conversations in public places. It left me very uncomfortable and I found myself to humiliated to go into the room and make my copies.

Also, if we could make sure students are not wandering the hall for no reason. Yesterday, near the end of fifth module, I had two female students enter my room and stand there staring at me. I asked if they needed something and they did not respond. I asked them to leave and they did not respond. They just stood there . . . starring. I realize we cannot control everything, but really, that sort of disruption is beyond.

Anything you can do would be appreciated.

Jen

Maha Fadli <mfadli@pgcps.org>

Wed, May 4, 2011 at 9:54 PM

To: Andrew Zuckerman <andrew.zuckerman@pgcps.org>, James Whattam <james.whattam@pgcps.org>

Good evening

please see E-mail below from Mr. Eller. I would like your guidance on an appropriate response. Thanks, Maha

[Quoted text hidden]

--

Maha Fadli

Kenmoor Middle School Principal

Tel 301 925-2300

Fax 301 925-2317

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 32

To: Jennifer Eller [Jennifer Eller <jennifer.eller@pgcps.org>]
From: Raynah Adams [raynadam@pgcps.org]
Sent: Wed 10/28/2015 8:11:34 PM (UTC-04:00)
Subject: Re: account of interaction with Ms. Claggett

Case 3:18-cv-00364-JDC Document 108-2 Filed 06/09/21 Page 2 of 3

Thank you.

On Wed, Oct 28, 2015 at 8:22 AM, Jennifer Eller <jennifer.eller@pgcps.org> wrote:

Monday, 26 October, 2015 - During the meeting of the school Gay Straight Alliance, Caring Colours, of which I am the sponsor, it was raised that Ms. Claggett in the English Department was referring to our trans male student [REDACTED] as "she." The students were talking about addressing Ms. Claggett themselves in order to correct her. Their idea of how to handle this conversation came across as disrespectful and unlikely to help, so I went down to Ms. Claggett's room to chat with her about the issue. It was my hope that we would be able to chat as colleagues in the same department who have, prior to today, had a professional and polite relationship. When I arrived, Senior Chief, was talking with her. I knocked on the door and asked if I could speak with her. Senior Chief left and closed the door. Once he left, I said to Ms. Claggett, "I wanted to talk with you about one of your students." She asked which student and replied [REDACTED]. She said, "I knew this was coming." (An indication to me that she knew what she was doing was not proper and was prepared to argue why she had the right to do it.) I continued, saying, "I wanted to chat with you about how you refer to [REDACTED]." She replied, "I have it all worked out with her." I replied, "That is what I wanted to talk with you about, you cannot refer to [REDACTED] as a girl, because [REDACTED] identifies as a boy." The conversation continued from this point along a tact of my affirming that [REDACTED] is a boy and her denial of [REDACTED] being a boy. I told her specifically that this was a very difficult topic for me to address because when she misgendered [REDACTED], it hurt him. I told her when she misgenders [REDACTED] in front of me, it also hurts me because this is something I am familiar with and have been hurt by. I explained to her that Title VII and the Prince George's County Code both stipulated that a transgender student should be referred to by their preferred name and pronoun. She told me that she had administrative approval to refer to [REDACTED] by his last name and as a female. I told her that anything she worked out with [REDACTED] regarding referring to him as [REDACTED] instead of [REDACTED] was fine, but that the administrator was wrong to tell her she did not have to respect his gender identity. I indicated that she has professional responsibility to meet this code of conduct while she is in the building and that she needs leave personal feelings to the contrary outside the school building. She told me that she would refer to [REDACTED] as a girl because that was what the school system has him listed as. I told her that due to the complexities of getting a birth certificate amended, which is what the school requires for a change in records, that the system will have [REDACTED] listed as "female" but that according to both Title VII and Prince George's County Code the students preferred name and gender superseded and was what the teacher is obligated to follow. I reiterated that when she referred to [REDACTED] as girl, she was hurting him. She then stated that referring to [REDACTED] as male would hurt the other thirty-four students in the room. I Told her that it would not hurt the other students. She said, "says who?" to which I replied, "I'm telling you from personal experience, but so is the American Psychological Association, which has done studies that show this to be the case, as well as the Pediatric Association." She then went on to argue that she, as a mother, would not want a teacher to address her child as a gender other than what was assigned at birth and would not want a teacher to address any child in the room with her child as a gender other than what they were assigned at birth and that she had an obligation to her values to adhere to that. I reiterated that this was personal feelings and those things do not matter when there is a legal president that has addressed how this situation should be handled by her when she is in the school building. I continued, and tried to use our relationship as an example; I asked which pronouns she used for me and she was reluctant to answer, but admitted that she used female pronouns for me. I said, "That respect that you show me is the same respect that you need to show [REDACTED], because when you don't you are hurting him." She stated that the only reason she used female pronouns for me was because she met me as a female and that she did not first met [REDACTED] as a boy so that is why she used female pronouns for him. She continued, using her cat as an example to how to refer to people through pronouns. I told her that was incredibly offensive to compare people to a pet and stood to leave. She continued to argue that she was merely explaining how pronouns worked and pushed on with her analogy. I asked her to stop multiple times but she insisted on continuing with that analogy. I walked toward the the door and she changed tactics, so I returned. She then went on to state that she would be violating her conscience to refer to [REDACTED] as male and she had to consider what she would need to answer for "when [she] reach[es] the pearly gates." I told her this was a public school and that our religious preferences cannot dictate, which regulations we do and do not follow as instructors. She went on to argue that calling [REDACTED] he would be a "slap in my God's face." She went on to state that someone need to watch out for [REDACTED] to let [REDACTED] know that "she is a beautiful woman and to help make sure she can have kids someday." I told her that if calling a child what they prefer hurts her god, it something that she needs to work out on her time not in the

school. She interrupted me and talked over me refusing to let me address the issue she raised, I became frustrated and raised my voice saying, "Will you please let me finish. She told me to get out. I said, "No, I listened to what you had to say about God and your faith and I just wanted the same respect." I turned to leave and she said, "All right, fine." So I told her "I came her as a colleague who wanted to let you know that what you were doing was in violation of county policy and that you are opening yourself up to repercussions if you do it. I suggest that you make a note of the conversation for your records and I will do the same thing." I turned to leave and she asked, "What do you mean, 'make a note.'" I said, "I mean that you keep a record of this and other things because you are putting yourself in a bad situation legally." She then said, she would not "push the Transgender Agenda." At this point, I took a deep breath and working to maintain a calm even tone told her, "There is no Transgender Agenda. The only thing that trans people want is to be treated like fairly and like people. We face continued discrimination as minoritised group every day and our denied basic services that everyone else has access to. I have to fight with our insurance because they don't to cover the most basic medical expenses purely because I am transgender and it doesn't fit into their idea of how people should be." She said, "Well that is wrong, but it is also wrong for me to forced to push a the Transgender Agenda when it is against my religion." At that point I turned and walked out of the room. She continued to explain the Transgender Agenda as I left growing louder and more forceful as I went.

On Tue, Oct 27, 2015 at 2:35 PM, Raynah Adams <rayadams@pgcps.org> wrote:

Ms. Eller,
Please send me an email account of the interaction between you and Ms. Claggett. Thank you.

--
Raynah H. Adams, IV
Principal
Friendly High School

Top Five Strengths

Analytical, Command, Deliberative, Relator, Responsibility

--
Raynah H. Adams, IV
Principal
Friendly High School

Top Five Strengths

Analytical, Command, Deliberative, Relator, Responsibility

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 33



Ms. Robinson and Misgendering

1 message



Thu, Feb 19, 2015 at 10:55 AM

To: Kimberly Cosby <kcosby@pgcea.org>

I thought for awhile about how I wanted to handle this current situation and have made a decision. I want to put the following incident down on file, and to file a formal complaint against Ms. Robinson.

The incident took place Friday, 13 February, during PD. Ms. Robinson spent nearly an hour referring to me as "him," "sir," and "mister" in front of other staff, Angel Baubadilla was witness to this. Others in the room referred to me as she and I corrected her twice. The first time nothing changed (perhaps she didn't hear me) and the second time I got a five minute "apology" in which she said it was hard for her and I need to be patient with her. She has NEVER known me as anyone other than Ms. Jennifer Eller. She has NEVER seen me before transition. There is no adjustment for her to make. She is instead using the "apology" as an excuse to continue seeing and referencing to me as male. If she does it to me in front of other staff, I have no doubt she does it in front of parents and students.

This behaviour results in three outcomes:

1. She outs my medical history to other people by referring to a legally female employee as male. This is a violation of ADA and the right to self disclosure.
2. She creates an atmosphere of disrespect and abuse. When others see her get away with not respecting me then they feel it is okay for them to do so, also. This creates an atmosphere of hostility and discrimination, which I have to navigate on a daily basis.
3. She is forcing me to function in a psychologically harmful environment of her own creation. I am panicked and scared to go to work because I am afraid of her and how she contributes to an hostile environment loaded with disrespect and harassment.

I have spoken to Mr. Adams directly about these issues in the past and recently had a meeting with him and Ms. Robinson where it was promised that she would not act in discriminatory ways toward me and I agreed to the reinstating of Ms. Robinson as my supervisor. Mr. Adams talks a good game privately but I have not seen him follow through on anything. He always leaves "actions" to grade level administration's discretion and NOTHING CHANGES.

I am at the end of my ability to function efficiently as a teacher in this hostile environment and would like to see legitimate steps taken to resolve this issue and other connected issues (students I don't know asking me about my genitals, Ms. Isom telling struggling students I am transgender, staff and faculty using the wrong pronouns when addressing me, and students wandering the hallways who stop and stare at me while I teach, as though I were a zoo exhibit) all of which Mr. Adams has responded to with phrases like "be the adult in the situation," "write them up," "ignore them," and "be patient." Last year in a meeting attended by Ms. Pope-Brown he went so far as to say he had gay students surveyed and found there was no homophobia or transphobia at our school, which is just short of telling me my experiences with it do not matter or are illegitimate.

Please advise me on the steps I need to take in this process.

Ms. Jennifer Eller

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

JENNIFER ELLER

Plaintiff,

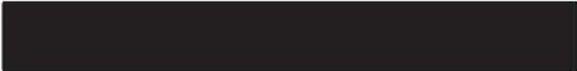
v.

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

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 34



Ms. Robinson and Misgendering

1 message

Jenny Eller

Thu, Feb 19, 2015 at 10:55 AM

To: Kimberly Cosby <kcosby@pgcea.org>

I thought for awhile about how I wanted to handle this current situation and have made a decision. I want to put the following incident down on file, and to file a formal complaint against Ms. Robinson.

The incident took place Friday, 13 February, during PD. Ms. Robinson spent nearly an hour referring to me as "him," "sir," and "mister" in front of other staff, Angel Baubadilla was witness to this. Others in the room referred to me as she and I corrected her twice. The first time nothing changed (perhaps she didn't hear me) and the second time I got a five minute "apology" in which she said it was hard for her and I need to be patient with her. She has NEVER known me as anyone other than Ms. Jennifer Eller. She has NEVER seen me before transition. There is no adjustment for her to make. She is instead using the "apology" as an excuse to continue seeing and referencing to me as male. If she does it to me in front of other staff, I have no doubt she does it in front of parents and students.

This behaviour results in three outcomes:

1. She outs my medical history to other people by referring to a legally female employee as male. This is a violation of ADA and the right to self disclosure.
2. She creates an atmosphere of disrespect and abuse. When others see her get away with not respecting me then they feel it is okay for them to do so, also. This creates an atmosphere of hostility and discrimination, which I have to navigate on a daily basis.
3. She is forcing me to function in a psychologically harmful environment of her own creation. I am panicked and scared to go to work because I am afraid of her and how she contributes to an hostile environment loaded with disrespect and harassment.

I have spoken to Mr. Adams directly about these issues in the past and recently had a meeting with him and Ms. Robinson where it was promised that she would not act in discriminatory ways toward me and I agreed to the reinstating of Ms. Robinson as my supervisor. Mr. Adams talks a good game privately but I have not seen him follow through on anything. He always leaves "actions" to grade level administration's discretion and NOTHING CHANGES.

I am at the end of my ability to function efficiently as a teacher in this hostile environment and would like to see legitimate steps taken to resolve this issue and other connected issues (students I don't know asking me about my genitals, Ms. Isom telling struggling students I am transgender, staff and faculty using the wrong pronouns when addressing me, and students wandering the hallways who stop and stare at me while I teach, as though I were a zoo exhibit) all of which Mr. Adams has responded to with phrases like "be the adult in the situation," "write them up," "ignore them," and "be patient." Last year in a meeting attended by Ms. Pope-Brown he went so far as to say he had gay students surveyed and found there was no homophobia or transphobia at our school, which is just short of telling me my experiences with it do not matter or are illegitimate.

Please advise me on the steps I need to take in this process.

Ms. Jennifer Eller

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 35

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Southern Division

- - - - -	x	:	
JENNIFER ELLER,		:	
		:	
Plaintiff,		:	Civil Action No.
		:	18-cv-03649-TDC/TJS
vs.		:	
		:	
PRINCE GEORGE'S COUNTY PUBLIC		:	
SCHOOLS, et al.,		:	
		:	
Defendants.		:	
- - - - -	x	:	

Wednesday, February 5, 2020
Washington, DC

The deposition of MARCELLUS R. CEPHAS, MD, called for examination by counsel for the Plaintiff at the offices of Arnold & Porter, 601 Massachusetts Avenue, NW, Washington, DC, on Wednesday, February 5, 2020, scheduled to commence at 9:39 a.m. the proceedings being stenographically recorded by Marjorie Peters, Fellow of the Academy of Reporters, (FAPR), Registered Merit Reporter (RMR), and transcribed under her direction.

Page 2

1 APPEARANCES:
 2 For the Plaintiff:
 3 Omar Gonzalez-Pagan, Esquire
 LAMBDA LEGAL
 4 National Headquarters
 120 Wall Street, 19th Floor
 5 New York, NY 10005
 ogonzalez-pagan@lambdalegal.org
 6 212-809-8585
 7 Elliott C. Mogul, Esquire
 ARNOLD & PORTER KAYE SCHOLER
 8 601 Massachusetts Avenue, NW
 Washington, DC 20001
 9 202-942-5000
 elliot.mogul@arnoldporter.com
 10
 11 For the Defendants:
 12 Amit K. Sharma, Esquire
 McCOLLUM & ASSOCIATES, LLC
 ^ 7306 ^ 7309 Baltimore Avenue
 13 Suite 117
 College Park, MD 20740
 14 asharma@jmlaw.net
 301-864-6070
 15
 16
 17
 18
 19
 20
 21
 22

Page 3

1 I N D E X
 2 EXAMINATION PAGE
 3 Marcellus R. Cephas, MD
 4 By Mr. Gonzalez-Pagan 5
 5 Acknowledgement of Witness 166
 6 Certificate of Reporter 167
 7 Errata Sheet 168
 8 I N D E X O F E X H I B I T S
 9 PLAINTIFF'S EXHIBIT PAGE
 10 Exh bit 73 Cephas Notice 20
 11 Exh bit 74 Cephas Subpoena 21
 12 Exh bit 75 e-mail chain, 2.3.2020, 22
 13 Exh bit 76 [https://protect-us.mimecast.com/s/
 Rc1ECDkrQ9inwpZcZX7OX?domain=aapl.org](https://protect-us.mimecast.com/s/Rc1ECDkrQ9inwpZcZX7OX?domain=aapl.org) web 31
 14 page, 2.4.2020
 15 Exh bit 77 article, Journal of 36
 16 Psychiatry & Law, Fall 2011
 17 Exh bit 78 cover letter, 12.30.2019, 52
 18 Cephas IME
 19 Exh bit 79 APA Practice Guideline, March 79
 20 2009
 21
 22

Page 4

1 I N D E X O F E X H I B I T S
 2 PLAINTIFF'S EXHIBIT PAGE
 3 Exhibit 80 Georgetown University 110
 4 Hospital Psychiatric Partial
 5 Hospitalization Program
 6 Referral Form, 10.25.2016,
 7 ELLER001508-1517
 8 Exhibit 81 MedStar Health record, 116
 9 11.4.2016, ELLER001284-1313
 10 Exhibit 82 Whitman-Walker Health Clinic 121
 11 record, 5.3.2019,
 12 ELLER001318-1507
 13 Exhibit 83 Author manuscript, S. 138
 14 Reisner, "Discriminatory
 15 experiences associates with
 16 posttraumatic stress disorder
 17 symptoms among transgender
 18 adults"
 19 Exhibit 84 letter, 5.28.2019, Kirsch 145
 20
 21
 22

Page 5

1 P R O C E E D I N G S
 2 MARCELLUS R. CEPHAS, MD,
 3 having been first placed under oath, was examined and
 4 testified as follows:
 5 EXAMINATION
 6 BY MR. GONZALEZ-PAGAN:
 7 Q. Good morning, Doctor.
 8 A. **Good morning.**
 9 Q. Thank you for coming here today. I'm Omar
 10 Gonzalez-Pagan. I represent Jennifer Eller. She is a
 11 plaintiff in this litigation.
 12 I'll be asking you some questions about
 13 your opinions in this case.
 14 A. **Okay.**
 15 Q. First, I just want to go over some ground
 16 rules for the deposition. My understanding is you have
 17 been previously been deposed.
 18 A. **Yes.**
 19 Q. Not completely unfamiliar.
 20 Do you understand that you are under
 21 oath today?
 22 A. **Yes.**

Page 6

1 Q. That the oath that you just took is the same
 2 oath you would take in a court of law?
 3 **A. Yes.**
 4 Q. And that requires you to testify truthfully?
 5 **A. Yes.**
 6 Q. All right. We cannot speak at the same
 7 time, because otherwise, the Court Reporter won't be able
 8 to take down what each of us says. So please let me
 9 finish my question before you start answering, and I will
 10 do the same with regards to you finishing your answers
 11 before I start the next question.
 12 **A. Okay.**
 13 Q. Is that agreed?
 14 **A. Yes.**
 15 Q. Do you understand, if you do not understand
 16 something that I ask, please let me know, and I will try
 17 to rephrase that for you. If you answer my question, I'm
 18 going to assume that you understood it; is that okay?
 19 **A. That's fine.**
 20 Q. You must answer the questions audibly with
 21 words. The Court Reporter cannot take down nods of the
 22 head, uh-huhs, things like that. Do you understand?

Page 7

1 **A. Yes.**
 2 Q. Occasionally, one of the lawyers may make an
 3 objection to a question that is being asked. Objections
 4 are made for the record only. You must answer the
 5 question unless Mr. Sharma instructs you not to.
 6 **A. Affirmative, yes.**
 7 Q. If you need to take a break, please let me
 8 know, and we'll accommodate that.
 9 **A. Okay.**
 10 Q. However, if you or anyone requests a break,
 11 you must first answer the question that's in front of
 12 you, meaning we will not be taking a break with an open
 13 question pending. Understood?
 14 **A. Yes.**
 15 Q. Are you under any medications that would
 16 prevent you from giving true, accurate and complete
 17 testimony today?
 18 **A. No.**
 19 **Question. Is this a microphone? Are we**
 20 **also being audiotaped, so that I know which -- is this a**
 21 **microphone or this is just --**
 22 **(Off the record.)**

Page 8

1 Q. Is there any reason why you cannot give
 2 true, accurate, complete testimony today?
 3 **A. No.**
 4 Q. Jennifer Eller is a trans woman. You are
 5 aware of that, right?
 6 **A. Affirmative.**
 7 Q. As such, we'll be referring to Jennifer
 8 Eller using she, her, her pronouns and honorifics --
 9 female honorifics such as Ms. Eller consistent with her
 10 gender identity. We ask that you do the same.
 11 Are we agreed on that?
 12 **A. Yes.**
 13 Q. Let's just get started. What is your full
 14 name?
 15 **A. Marcellus Ryan Cephas, C-E-P-H-A-S.**
 16 Q. Can you please spell that. Your first name.
 17 **A. M-A-R-C-E-L-L-U-S, middle name R-Y-A-N, last**
 18 **name C-E-P-H-A-S.**
 19 Q. Thank you.
 20 Where do you currently work?
 21 **A. I currently work at several places. Rome**
 22 **Memorial Hospital in Upstate New York. And I am the CEO**

Page 9

1 **of Behavioral Healthcare of Maryland, which resides here**
 2 **in Maryland.**
 3 Q. Okay. Just for the record, Maryland,
 4 outside of the District of Columbia, right?
 5 **A. Pardon?**
 6 Q. We are in the District of Columbia today.
 7 Maryland, just neighboring to where we are today?
 8 **A. Yes. I understood you asked, where do I**
 9 **work.**
 10 Q. Yes.
 11 **A. All right.**
 12 Q. So are there any other places that you have
 13 an appointment or medical appointment, or where do you
 14 work, besides the Hospital in Rome and the company in
 15 Maryland?
 16 **A. Washington Adventist Hospital in Maryland.**
 17 **And New Hartford Psychiatric Services, CEO, New Hartford**
 18 **Psychiatric Services in New York.**
 19 Q. Okay. Have you ever been deposed before?
 20 **A. Yes.**
 21 Q. How many times?
 22 **A. Three or four.**

Page 10

1 Q. Beginning in reverse chronological order,
 2 within the last ten years, in which matters have you been
 3 deposed?
 4 **A. In human trafficking, and suicidal attempt,**
 5 **and what was the other one? Two -- I believe two suicide**
 6 **attempts, and also a expert witness for hostile work**
 7 **environment.**
 8 Q. Okay. For each of these four matters, were
 9 you an expert witness?
 10 **A. Expert witness in three of them.**
 11 Q. Which were those?
 12 **A. The human trafficking, and the -- what was**
 13 **that, the expert -- the hostile work environment.**
 14 Q. Okay. I take it, then, one of the suicide
 15 attempt cases, you were an expert in?
 16 **A. Yes. If you...**
 17 Q. Okay.
 18 **A. But I was not called for expert witness. I**
 19 **was called because I was -- the hospital was actually**
 20 **using me as their witness.**
 21 Q. Okay. For each of these four matters, did
 22 you provide an expert report?

Page 11

1 **A. In two of them, yes.**
 2 Q. Those being the human trafficking case?
 3 **A. The human trafficking, yes.**
 4 Q. And the hostile work environment case?
 5 **A. Yes.**
 6 Q. What was the name of the human
 7 trafficking -- sorry.
 8 What was the caption of the human
 9 trafficking case?
 10 **A. The caption; what do you mean "the caption"?**
 11 Q. The case name; do you recall?
 12 **A. The case name?**
 13 Q. Yeah.
 14 **A. Is that confidential? I don't know.**
 15 **Because I haven't gotten permission for -- to release**
 16 **that --**
 17 Q. All right.
 18 **A. -- information. I don't know if it's**
 19 **confidential or not.**
 20 MR. SHARMA: If I can just interject for
 21 a moment to help us move along.
 22 MR. GONZALEZ-PAGAN: Yeah.

Page 12

1 MR. SHARMA: The case has been
 2 referenced in our reply to the IME briefings that were
 3 previously filed. They were in a footnote. If you have
 4 that available to you, those cases are referenced in that
 5 file.
 6 MR. GONZALEZ-PAGAN: Okay.
 7 BY MR. GONZALEZ-PAGAN:
 8 Q. Just to clarify anyway, was the case Edwards
 9 versus Edwards in the District of Maryland?
 10 **A. Yes.**
 11 Q. Okay. Just to clarify, this was a case in
 12 which there is a public filing of your expert report?
 13 MR. SHARMA: I don't -- I don't think he
 14 would know, and I don't think that's accurate.
 15 MR. GONZALEZ-PAGAN: Well, I got it from
 16 PACER, so...
 17 MR. SHARMA: The actual report?
 18 MR. GONZALEZ-PAGAN: Yes.
 19 MR. SHARMA: Oh. Well, then I
 20 apologize.
 21 MR. GONZALEZ-PAGAN: All right.
 22 BY MR. GONZALEZ-PAGAN:

Page 13

1 Q. Can you recall the caption of the hostile
 2 work environment case in which you served as an expert?
 3 **A. That was -- I can't remember the last name,**
 4 **and it's versus an -- it was an employee versus a -- what**
 5 **do you call it, it's a -- a real estate management**
 6 **company.**
 7 Q. Okay.
 8 **A. I believe.**
 9 Q. And the real estate management company was
 10 the employer in this situation?
 11 **A. Yes.**
 12 Q. Okay. For the Edwards case, for whom did
 13 you serve as an expert for?
 14 **A. The defendant.**
 15 Q. Okay. For the hostile work environment
 16 case, for whom did you serve as an expert witness for?
 17 **A. The plaintiff.**
 18 Q. What was your opinion in the Edwards case?
 19 **A. In the Edwards case, the opinion was that --**
 20 **I mean, it was quite a bit, it was pretty extensive, that**
 21 **the suffering that I believe was claimed and from the**
 22 **evidence that presented was that it wasn't as severe as**

1 **it appeared or as the plaintiff stated. There was quite**
 2 **a bit of documentation there.**
 3 Q. For the hostile work environment case, what
 4 was your opinion in that case?
 5 **A. My opinion on that -- I couldn't make a**
 6 **determination of the hostile work environment because I**
 7 **only had one side, but that the plaintiff did complain**
 8 **and did testify -- I mean, did speak to me about the**
 9 **difficulty they had at the work environment and how it**
 10 **changed over time.**
 11 Q. Okay. Thank you.
 12 **A. Mm-hmm.**
 13 Q. Have you testified at trial or at a hearing
 14 before?
 15 **A. Yes.**
 16 Q. Sorry.
 17 **A. Yes.**
 18 Q. How many times?
 19 **A. Quite a few.**
 20 Q. All right.
 21 **A. Yeah. Quite a few.**
 22 Q. Within the last ten years, how many times

1 have you testified at a trial or hearing?
 2 **A. Quite a few. They would be for --**
 3 Q. Can you give me a ballpark number?
 4 **A. A ballpark number; 20, 30.**
 5 Q. That's within the last ten years?
 6 **A. Yes.**
 7 **(Clarification requested by the Court Reporter.)**
 8 Q. Just to parse this out a little bit, how
 9 many times have you testified at a trial within the last
 10 ten years?
 11 **A. At a trial, in fact, probably 20 or 30.**
 12 **They're retention hearings, and fitness for duty, and**
 13 **hearings for disability retirement.**
 14 Q. Okay. So just to -- I just want to get a
 15 clear idea. Just to separate administrative proceedings
 16 involving agency hearings, workers' compensation
 17 hearings, the like, and just limiting ourselves to a
 18 court of law, whether state or federal, how many times
 19 have you testified at trial within the last ten years?
 20 **A. Okay. So just so I'm clear, that a judge,**
 21 **administrative judge, and I guess an arbitrator that**
 22 **you're saying?**

1 Q. Mm-hmm.
 2 **A. So with about the administrative judge,**
 3 **probably about 25. And the -- I guess the workmen's comp**
 4 **or disability retirement, I don't know if they're**
 5 **administrative judge, but it's a court proceeding, that's**
 6 **about five to ten.**
 7 Q. Okay. Sorry if I wasn't entirely clear.
 8 And before a state court judge or a
 9 federal court judge, meaning not administra tive judge,
 10 not a board, but a court of law of a state or in the
 11 judicial system of a state or the federal judicial
 12 system.
 13 Have you testified at trial within the
 14 last ten years?
 15 **A. Yes. Going to the court, about five to ten,**
 16 **and the judge coming on the unit, because they do have**
 17 **judges coming on the unit, so that's where I'm unclear if**
 18 **you're considering that. For instance, it's a locked**
 19 **unit, they're coming to determine capacity or something,**
 20 **so they come onto the unit, they sit, we're sworn in and**
 21 **they just do it at the facility.**
 22 Q. Okay.

1 **A. That's --**
 2 Q. So this is the judge coming over to where
 3 the --
 4 **A. Yes.**
 5 Q. -- person is --
 6 **A. Yes.**
 7 Q. -- in-patient --
 8 **A. In-patient, yes.**
 9 Q. -- for a determination of capacity to
 10 testify?
 11 **A. Capacity or retention, yes.**
 12 Q. Okay. Understood. Thank you.
 13 Of those, how many occurred?
 14 **A. Oh, I would say at least 15 to 20.**
 15 Q. Thank you. All right.
 16 In each of those circumstances,
 17 excluding the four which you already discussed you were
 18 deposed, were you retained as an expert witness?
 19 **A. No, just as a witness.**
 20 Q. Okay. Did you prepare an expert report?
 21 **A. No.**
 22 Q. Have you prepared an expert report for a

1 case or matter in which you have not testified at a
 2 deposition, hearing, or trial?
 3 **A. Court of like -- you got me.**
 4 **Court of law, retention, or anything?**
 5 Q. Anything.
 6 **A. Yes. I have done several IMEs.**
 7 Q. Within the last ten years, how many times?
 8 **A. In the last ten years, maybe seven.**
 9 Q. Seven.
 10 Beginning in reverse chronological order
 11 for the last ten years, to the best of your recollection,
 12 for which cases or matters in which you did not testify
 13 at a deposition, hearing, or trial have you prepared an
 14 expert report?
 15 **A. The reason why I prepared them, usually for**
 16 **PTSD and traumatic disorders or stress.**
 17 Q. Were you retained by the plaintiff or the
 18 defendant in these matters?
 19 **A. By -- I wouldn't know who -- disability**
 20 **review board that I did an IME for, and I don't know if**
 21 **they're the plaintiff or -- so it would be the --**
 22 Q. All right. So there's seven, right?

1 **A. Yeah.**
 2 Q. All right. Let's try to walk them down a
 3 little bit. How many of those were disability review
 4 boards?
 5 **A. Probably five.**
 6 Q. Okay. So of the other two, what were those
 7 matters?
 8 **A. The other two would be fitness for duty.**
 9 Q. Okay.
 10 **A. And fitness for duty.**
 11 Q. So both of them?
 12 **A. Yes.**
 13 Q. Okay. And is this -- one moment.
 14 Just to clarify, you are part of the
 15 medical advisory board for the Prince George's County; is
 16 that correct?
 17 **A. Yes.**
 18 Q. Were these independent medical examinations
 19 performed in that context?
 20 **A. Yes.**
 21 Q. All seven of them?
 22 **A. Yes.**

1 Q. So you -- is it safe -- scratch that.
 2 Is it safe to say that you were
 3 performing these independent medical examinations on
 4 behalf of the County?
 5 **A. The County did request them, if that's what**
 6 **you mean.**
 7 Q. Yes.
 8 **A. But it's independent.**
 9 Q. Okay. But hey were the ones that asked for
 10 it?
 11 **A. They were the ones that -- well, it would**
 12 **have been one of the departments in the County, whether a**
 13 **sheriff or police or fire.**
 14 Q. Okay. Thank you.
 15 **A. Yes.**
 16 Q. Of the seven, in how many did you find that
 17 the claim for PTSD was supported or sustained?
 18 **A. Two. Possibly two. I can't remember.**
 19 Q. Just to clarify -- actually, we'll go over
 20 this in a little bit.
 21 Let's just mark our first exhibit.
 22 (Plaintiff's Exhibit 73, Cephas Notice, was marked for

1 identification.)
 2 Q. Handing you what has been marked as Exhibit
 3 73.
 4 **A. Okay.**
 5 Q. Have you seen this document before?
 6 **A. Yes.**
 7 Q. Can you tell me what it is?
 8 **A. It's a Notice of Deposition for Marcellus**
 9 **Cephas, M.D.**
 10 Q. Are you here today in response to this
 11 document?
 12 **A. Yes.**
 13 Q. Let's go to the next exhibit.
 14 (Plaintiff's Exhibit 74, Cephas Subpoena, was marked for
 15 identification.)
 16 Q. All right. I've handed you a second
 17 document.
 18 Have you ever seen this document before?
 19 **A. Yes.**
 20 Q. What is it?
 21 **A. It is a subpoena for documents and records.**
 22 Q. And you have responded with responsive

Page 22

1 records to this subpoena; is that correct?

2 **A. Yes.**

3 Q. Okay.

4 (Plaintiff's Exh bit 75, e-mail chain, 2.3.2020, was

5 marked for identification.)

6 Q. Handing you another document.

7 Have you ever seen this document before?

8 **A. Yes.**

9 Q. What is it?

10 **A. It is a response from Mr. Sharma talking**

11 **about records, and the response of any records that I**

12 **have.**

13 Q. To the subpoena?

14 **A. To the subpoena, yes.**

15 Q. Exhibit 75?

16 **A. Mm-hmm.**

17 MR. SHARMA: Subpoena was Exhibit 74.

18 MR. GONZALEZ-PAGAN: Sorry. Exh bit 74.

19 Thank you.

20 BY MR. GONZALEZ-PAGAN:

21 Q. All right. Just to go over this request a

22 little bit one by one.

Page 23

1 **A. Okay.**

2 Q. Just preliminary, did you bring any

3 documents with you today?

4 **A. No.**

5 Q. If you go to Exh bit 74 --

6 **A. Yes.**

7 Q. -- as to Request Number 3, it is your

8 representation that there are no transcripts of testimony

9 that you have provided, whether at a deposition, hearing,

10 trial or any other proceeding, within the last ten years;

11 is that correct?

12 **A. Correct.**

13 Q. As to Request Number 4, it is your

14 representation that there are no expert reports or

15 declarations you have submitted in any case in the last

16 five years relating to transgender people, gender

17 identity, or gender dysphoria; is that correct?

18 **A. Yes.**

19 Q. As to Request Number 5, it is your response

20 that there are no expert reports or declarations you have

21 submitted in cases in the last five years relating to

22 posttraumatic stress disorder?

Page 24

1 Sorry. Scratch that. Let me correct

2 that.

3 It is your response that there are

4 expert reports and declarations you have submitted in

5 cases in the last five years relating to posttraumatic

6 stress disorder, correct? That there are.

7 **A. There are reports.**

8 Q. Yes.

9 And it is your representation that you

10 cannot provide us with copies of these reports; is that

11 correct?

12 **A. Affirmative.**

13 Q. Okay. How many expert reports or

14 declarations have you submitted in cases in the last five

15 years relating to posttraumatic stress disorder?

16 **A. I believe I answered that with the...**

17 Q. So the same seven for the last ten years --

18 **A. Yes.**

19 Q. -- applies to the five years?

20 **A. Yes.**

21 Q. Okay. Thank you.

22 Is it then your understanding that all

Page 25

1 of these reports were subject to a confidentiality order

2 issued by a court?

3 **A. Issued by a court? No. Confidentiality by**

4 **HIPAA.**

5 Q. By HIPAA.

6 **A. Yes.**

7 Q. To your knowledge, were any of these reports

8 publicly filed?

9 **A. No.**

10 Q. Just out of curiosity, you indicated that

11 the seven reports that we're speaking about within the

12 last five years and the last ten years related to matters

13 involving Prince George's County and in your role as part

14 of the medical advisory board; is that correct?

15 **A. No, as they've asked me to do it, but it's**

16 **an independent review, so...**

17 Q. But that it related to Prince George's

18 County or an agency thereof?

19 **A. They requested it, yes.**

20 Q. Okay. Did you submit a report in

21 Santana-Diaz versus Metro Life Insurance, a case heard in

22 the District of Puerto Rico?

Page 26

1 **A. I don't remember that.**

2 Q. Okay.

3 **A. Santana-Diaz?**

4 Q. Yes.

5 **A. I don't -- I don't remember that.**

6 Q. That's okay. Your last name showed up as an

7 expert. There could be another Cephas. Just a question.

8 **A. Okay.**

9 Q. Due diligence. All right. Understood.

10 Thank you.

11 **A. Mm-hmm.**

12 Q. Aside from the case in which you served as

13 an expert for a plaintiff in the hostile work environment

14 case -- let me rephrase that.

15 Aside from the hostile work environment

16 case in which you served as an expert witness for the

17 plaintiff, have there been any other cases in which you

18 have served as an expert witness for a plaintiff?

19 **A. Besides the ones mentioned already?**

20 Q. We only mentioned that one, but, yes.

21 **A. For the plaintiff. Okay. Yes. That's**

22 **the -- that's all that I would recall for the plaintiff.**

Page 27

1 Q. Okay. So then in the dozens of other cases

2 in which you have testified as an expert or provided a

3 report, you have served as a witness for the defendants

4 or an independent medical examiner?

5 **A. Correct.**

6 Q. Okay. All right. Thank you.

7 Let's go over your background a little

8 bit now.

9 **A. Okay.**

10 Q. You submitted a curriculum vitae as an

11 attachment to your report, correct?

12 **A. Yes.**

13 Q. Have there been any updates to your

14 curriculum vitae since you submitted your report?

15 **A. No, that should be the most recent.**

16 Q. Just to make it clear on the record, where

17 did you go to college?

18 **A. University of Montemorelos, in Nuevo Le?n in**

19 **Mexico.**

20 Q. When did you graduate?

21 **A. 1987, I believe it was.**

22 Q. What was your degree from the University of

Page 28

1 Montemorelos?

2 **A. An M.D. degree, Medical Doctor.**

3 Q. Okay. So this was for medical school that

4 you just answered?

5 **A. It was -- the program was kind of a joint**

6 **program, six-year program.**

7 Q. Did you receive a Bachelor of Science in --

8 **A. Yes.**

9 Q. -- health science?

10 **A. That's in the process of going through**

11 **medical school, yes.**

12 Q. So it was one program. You obtained two

13 degrees from the same program?

14 **A. Yes.**

15 Q. Understood. Thank you. Things work a

16 little bit different in some places.

17 All right. It is my understanding you

18 also have a Master of Business in Healthcare

19 Administration?

20 **A. Yes.**

21 Q. And that is from Anna Maria College, right?

22 **A. Yes.**

Page 29

1 Q. And you obtained that in 2003?

2 **A. 2003? Yes. I believe it's 2003. It's been**

3 **a while.**

4 Q. All right. Besides the four medical

5 institutions that you listed earlier, and your work as

6 part of the medical advisory board for the County, are

7 there other present professional affiliations that you

8 have?

9 **A. So I named the hospitals. You mean as in**

10 **organizations, like if it's the APA or...**

11 Q. Yeah. Affiliations whether you do work for

12 them or you are a member thereof.

13 **A. Which ones do I work.**

14 **Rome Memorial, Washington Adventist**

15 **Hospital and medical advisory board.**

16 Q. If I can just interrupt you.

17 **A. Yes.**

18 Q. I'm breaking a little bit one of the rules,

19 but if you could speak up a little bit just to help the

20 Court Reporter and myself.

21 **A. Right.**

22 Q. Thank you.

Page 30

1 **A. Besides Washington Adventist Hospital, Rome**
 2 **Memorial Hospital, medical advisory board, you're not**
 3 **talking about things related to church or anything of**
 4 **that nature?**
 5 Q. Professional affiliations.
 6 **A. Okay. No, that's it.**
 7 Q. Have you performed any primary research?
 8 **A. No.**
 9 Q. Have you -- scratch that.
 10 Do you have any peer-reviewed
 11 publications?
 12 **A. No.**
 13 Q. Do you have any non-peer-reviewed
 14 publications?
 15 **A. No.**
 16 Q. And it is my understanding, based on the
 17 affidavit you submitted to the court in this case, that
 18 you have conducted independent medical examinations for
 19 almost 20 years; is that correct?
 20 **A. Correct.**
 21 Q. All right. Are you familiar with the
 22 American Academy of Psychiatry and the Law?

Page 31

1 **A. What do you mean by familiar with it?**
 2 Q. Do you know -- have you heard of the
 3 institution?
 4 **A. No.**
 5 Q. I will represent to you that it is a
 6 professional organization with expertise regarding the
 7 practice of forensic psychiatry.
 8 Do you have any reason to dispute that?
 9 **A. No, I don't have any reason to dispute it.**
 10 **(Plaintiff's Exhibit 76, [https://protect-us.mimecast.com/s/](https://protect-us.mimecast.com/s/Rc1ECDkrQ9inwpZcZX7OX?domain=aapl.org)**
 11 **Rc1ECDkrQ9inwpZcZX7OX?domain=aapl.org** **web**
 12 **page, 2.4.2020, was marked for identification.)**
 13 Q. All right. I will represent to you this is
 14 a printout from yesterday --
 15 **A. Okay.**
 16 Q. -- from the website of the American Academy
 17 of Psychiatry and the Law.
 18 **A. Okay.**
 19 Q. You have never seen this document before,
 20 it's my understanding, then?
 21 **A. No.**
 22 Q. Okay. For the record, the page is titled
 Ethics Guidelines for the Practice of Forensic

Page 32

1 Psychiatry, Adopted May 2005.
 2 Did I read that correctly?
 3 **A. Okay. Yes.**
 4 Q. All right. Thank you.
 5 On the third page, just below the
 6 heading titled Honesty and Striving for Objectivity, it
 7 says, "When psychiatrists function as experts within the
 8 legal process, they should adhere to the principle of
 9 honesty and should strive for objectivity. Although they
 10 may be retained by one party to a civil or criminal
 11 matter, psychiatrists should adhere to these principles
 12 when conducting evaluations, applying clinical data to
 13 legal criteria, and expressing opinions."
 14 Did I read that correctly?
 15 **A. I believe you did.**
 16 Q. Do you agree with the statement that I just
 17 read?
 18 **A. I agree.**
 19 Q. Thank you.
 20 Do you agree, then, that it is not your
 21 role to advocate against Ms. Eller, but to strive for
 22 objectivity in this case?

Page 33

1 **A. Yes.**
 2 Q. Thank you. All right.
 3 Have you obtained any training in
 4 forensic assessments?
 5 **A. Yes, I have.**
 6 Q. In reverse chronological order, can you tell
 7 me what trainings you have obtained on forensic
 8 assessments?
 9 **A. Yes. It's actually incorporated into the**
 10 **training for the psychiatrist. So part of the process of**
 11 **becoming a psychiatrist, and that's from my residency.**
 12 Q. So the training you have obtained regarding
 13 forensic assessments was obtained as part of your
 14 residency?
 15 **A. Yes.**
 16 Q. Is that right?
 17 **A. Yes.**
 18 Q. And you had residencies with the Morehouse
 19 School of Medicine from 1993 --
 20 **A. Internship, yes.**
 21 **Yes.**
 22 Q. -- to 1994, correct?

Page 34

1 **A. Yes.**

2 Q. And that included three months in

3 psychiatry, right?

4 **A. Yes. That's what we would consider the**

5 **first year of a PG4 -- PGY4. Yes.**

6 Q. And then you had a psychiatry residency with

7 New England Medical Center at Tufts from 1994 to 1996; is

8 that correct?

9 **A. It should be '96 or '97?**

10 Q. It's -- you have two different residencies

11 here.

12 **A. No, they're all -- it's the -- yes. It's**

13 **all psychiatric residency. You have to do four years. I**

14 **did an internship and an initial year at Morehouse, and I**

15 **switched over and started my PGY two-year at Tufts**

16 **University.**

17 Q. Okay. So residency is four years?

18 **A. Yes.**

19 Q. You did your first year at Morehouse School

20 of Medicine in Georgia?

21 **A. Yes.**

22 Q. And you did the last three years at Tufts

Page 35

1 University New England Medical Center?

2 **A. In Boston, yes.**

3 Q. All right. Have you received any forensic

4 assessment training since 1997?

5 **A. Besides reviews, nothing formal.**

6 Q. Do you keep up with scientific literature or

7 continuing medical education with regards to forensic

8 psychiatry?

9 **A. Psychiatry in general.**

10 Q. Specifically with regards to forensic

11 assessments, have you obtained any continuing education

12 courses over the last 15 years?

13 **A. No.**

14 Q. Are you aware of the ongoing debate of

15 whether forensic psychiatrists should perform

16 psychological testing?

17 **A. That's an ongoing debate.**

18 Q. Sorry?

19 **A. That's an ongoing debate.**

20 Q. Yes.

21 **A. Yes. I'm saying it's an ongoing debate.**

22 Q. Okay. Thank you.

Page 36

1 (Plaintiff's Exhibit 77, article, Journal of Psychiatry &

2 Law, Fall 2011, was marked for identification)

3 Q. All right. I'm handing you another document

4 which has been marked as Exhibit 77.

5 Have you ever seen this document before?

6 **A. No.**

7 Q. Could you please describe what it is?

8 **A. It looks like a document written by a**

9 **psychologist, and questioning should forensic**

10 **psychiatrists conduct psychological testing.**

11 Q. This article was published in the Journal of

12 Psychiatry & the Law, correct?

13 **A. Yes. It says, in 2011.**

14 Q. I will represent to you that the Journal of

15 Psychiatry & the Law is published by the American Academy

16 of Psychiatry and the Law. Do you have any basis to

17 dispute that?

18 **A. No.**

19 Q. Okay. In the article, on the last paragraph

20 of page 486, the authors writes, "It is our opinion that

21 psychiatrists should never administer psychological tests

22 without intensive training and supervision. Once again,

Page 37

1 proper training and education remain critical, and

2 without such training, they should not attempt to

3 incorporate psychological testing into their own

4 examination procedures. Forensic psychiatrists would

5 need to become familiar with the nuances of

6 standardization and how important it is to the test

7 results and interpretations."

8 Did I read that correctly?

9 **A. Yes.**

10 Q. Do you disagree with that statement?

11 **A. No.**

12 Q. Have you obtained any specific training on

13 the administration, scoring and evaluation of

14 psychological tests?

15 **A. Yes, there is training on administration and**

16 **scoring of psychological tests that's included in our**

17 **residency, taught by psychologists.**

18 Q. Okay. Since your residency program, have

19 you obtained any specific training on the administration,

20 scoring and evaluation of psychological tests?

21 **A. Specific psychological tests. I'm not going**

22 **to -- it's not my job to educate -- but there are scales**

Page 38

1 **and then there are psychological tests.**

2 Q. Yes. I'm asking specifically about

3 psychological tests.

4 **A. Yes. No.**

5 Q. All right. Have you given any presentations

6 on PTSD within the last five years?

7 **A. Yes.**

8 Q. Where?

9 **A. Where or what?**

10 Q. Where?

11 **A. Where. So I did a presentation to the**

12 **medical advisory board about PTSD.**

13 Q. When was that?

14 **A. 2018.**

15 Q. Okay. Any other --

16 **A. I've done presentations of PTSD in -- at my**

17 **church.**

18 Q. Okay.

19 **A. And if I remember correctly --**

20 Q. And when was that presentation to the

21 church?

22 **A. That was -- that was 2017, I believe it was.**

Page 39

1 Q. Okay. Sorry. And you were going to say

2 there was maybe another one?

3 **A. Yes. And traumatic disorders in the**

4 **elderly, and I think that was 2015.**

5 Q. Okay. Thank you.

6 Have you given any grand rounds on PTSD

7 within the last five years?

8 **A. No.**

9 Q. You stated in the affidavit you submitted to

10 the court in September 2019 that you have diagnosed and

11 treated multiple transgender people during the course of

12 your career; is that right?

13 **A. Treated and diagnosed?**

14 Q. Yes.

15 **A. No, I don't believe I said I have treated**

16 **them, specifically, other than outside of the psychiatric**

17 **depression/anxiety.**

18 Q. All right. I will represent to you that

19 your affidavit specifically stated that you have

20 diagnosed -- quote, diagnosed and treated multiple

21 transgender people during the course of your career. Are

22 you saying that you're revising that statement at this

Page 40

1 point in time?

2 **A. As -- diagnosing, they come with a diagnosis**

3 **of transgender. There's -- there's not very much that I**

4 **can do about that.**

5 **Treating them for depression and anxiety**

6 **and other disorders, yes.**

7 Q. Okay. All right. And we're going to parse

8 this out.

9 **A. That's right.**

10 Q. There may be gender-affirming treatment --

11 **A. Yes.**

12 Q. -- versus other conditions.

13 **A. There's gender-specific treatment and then**

14 **there's psychiatric treatment.**

15 Q. Okay. So you have treated transgender

16 people, just not specifically --

17 **A. For transgender issues.**

18 Q. Okay. Thank you. All right.

19 How many transgender people have you

20 diagnosed and treated?

21 **A. Once again, we're at the point of diagnosing**

22 **transgender people.**

Page 41

1 Q. Mm-hmm.

2 **A. Okay. I don't diagnose transgender people.**

3 **They come with a diagnosis of transgender. What I**

4 **diagnose is depression, anxiety, other specific traumatic**

5 **disorders, and I treat that.**

6 Q. Okay.

7 **A. So it's not specific to --**

8 Q. Let me rephrase my question to be

9 responsive.

10 Sorry. My apologies. Do you want to

11 add something before I rephrase?

12 **A. Well, I was saying it's not specific to a**

13 **program that I use to treat transgender people. It's**

14 **the -- the disorders that are comorbid with**

15 **transgender --**

16 Q. Understood. Thank you.

17 **A. -- diagnosis.**

18 Q. Let me rephrase to be responsive to your

19 clarification.

20 **A. Thank you.**

21 Q. How many transgender people have you

22 treated?

1 **A. I don't have a specific number.**
 2 Q. Do you have a ballpark number?
 3 **A. I would say at least ten, if not more.**
 4 Q. All right. And just to break it all down
 5 now based on what we were just discussing, have you
 6 diagnosed transgender people for gender identity
 7 disorder?
 8 **A. No.**
 9 Q. Have you diagnosed transgender people for
 10 gender dysphoria?
 11 **A. No.**
 12 Q. Have you diagnosed transgender people for
 13 PTSD?
 14 **A. Transgender people?**
 15 Q. Yes.
 16 **A. Yes.**
 17 Q. To the best of your recollection, how many?
 18 **A. Five, six.**
 19 Q. When was the last time you diagnosed a
 20 transgender person to have PTSD?
 21 **A. To have PTSD, or for PTSD?**
 22 Q. Could you clarify the difference, please.

1 **A. Well, if you're saying that I'm specifically**
 2 **diagnosing them to see if they have PTSD, or if I'm**
 3 **diagnosing a transgender person to treat PTSD.**
 4 **The thing that I'm saying is if you're**
 5 **asking, they come, am I determining if they have PTSD, or**
 6 **they come, and I'm treating them for PTSD because someone**
 7 **else has already diagnosed them with PTSD.**
 8 Q. Right. So let's break it down.
 9 How many transgender people have come to
 10 you, and you have diagnosed PTSD for them?
 11 **A. None.**
 12 Q. How many transgender people have come to you
 13 with a PTSD diagnosis, and you have treated them for it?
 14 **A. Specifically, PTSD?**
 15 Q. Yes.
 16 **A. Okay. As I mentioned before, they come with**
 17 **a diagnosis. I treat them for comorbid psychiatric**
 18 **illnesses, depression, anxiety. So I would not be**
 19 **specifically treating them for PTSD.**
 20 **There's several treatment modalities.**
 21 **You can do psychotherapy. You can do medication**
 22 **management. So I would not be specifically diagnosing**

1 **them for transgender disorder. If I did, they would be**
 2 **referred out. And not specifically diagnosing them with**
 3 **PTSD associated with a transgender issue.**
 4 Q. Sure. Let me just clarify here.
 5 **A. Mm-hmm.**
 6 Q. I'm talking more broadly about a diagnosis
 7 or treatment of PTSD, not necessarily because they are
 8 transgender.
 9 **A. Okay.**
 10 Q. Have you diagnosed a transgender person to
 11 have PTSD?
 12 **A. No.**
 13 Q. Have you treated a transgender person for
 14 PTSD --
 15 **A. Yes.**
 16 Q. How many?
 17 **A. I believe that's the five or six.**
 18 Q. Okay. Have you ever engaged in reparative
 19 therapy?
 20 **A. No.**
 21 Q. Have you ever engaged in conversion therapy?
 22 **A. No.**

1 Q. When diagnosing and treating transgender
 2 people for any mental condition, have you followed the
 3 Standards of Care for the Health of Transsexual,
 4 Transgender, and Gender Nonconforming People?
 5 **A. And that, I would say yes.**
 6 Q. And who publishes the Standards of Care for
 7 the Health of Transsexual, Transgender, and Gender
 8 Nonconforming People?
 9 **A. I don't know.**
 10 Q. But you have used that document as a
 11 reference?
 12 **A. No, I didn't say that.**
 13 Q. Okay.
 14 **A. You asked me if I treat them according to --**
 15 **according to standards of care, which is addressing them**
 16 **in their proper context, which is being respectful, which**
 17 **is diagnosing them properly and giving them the right**
 18 **medications according to what I diagnose them with.**
 19 Q. Okay. This is just to clarify for me. How
 20 can you provide diagnosis and treatment in accordance to
 21 the specific -- a specific document, Standards of Care
 22 for the Health of Transsexual, Transgender, and Gender

1 Nonconforming People, if you have not reviewed the
 2 document?
 3 **A. Because I'm pretty sure that standard of**
 4 **care falls within the standard of care of treating of**
 5 **mental disorders from the APA and from the DSM-5.**
 6 Q. By standard of care for transgender people,
 7 you're making specific reference to what's contained
 8 within the DSM-5?
 9 **A. The DSM-5 and treating psychiatric**
 10 **disorders.**
 11 Q. Okay. Thank you.
 12 **A. Mm-hmm.**
 13 Q. Just going to walk a little bit about your
 14 preparation for today now.
 15 You understand that you're not a party
 16 in this case, correct?
 17 **A. Correct.**
 18 Q. Have you been retained to provide expert
 19 testimony in this case?
 20 **A. Yes.**
 21 Q. Who retained you as an expert witness?
 22 **A. The law firm of McCollum & Associates.**

1 Q. When did you first learn of this case?
 2 **A. 2019. The last part of 2019. I'm not -- I**
 3 **don't have a specific date.**
 4 Q. All right. You submitted an affidavit in
 5 September, correct, in this case?
 6 **A. What are we referencing to? I don't know.**
 7 Q. You submitted an affidavit to the court in
 8 this case in September of 2019, correct?
 9 **A. Yes, but in reference to -- you just -- just**
 10 **a general affidavit.**
 11 Q. Just a general question.
 12 **A. Yes.**
 13 Q. It is safe to say that you, then, had
 14 learned of this case by September 2019, correct?
 15 **A. Yes. Yes.**
 16 Q. Okay. Were you contacted about this case in
 17 August 2019?
 18 **A. I don't recall.**
 19 Q. Okay. How did you learn about this case?
 20 **A. The attorneys contacted me and asked me if I**
 21 **had ever treated any transgender or persons with PTSD,**
 22 **and the answer was yes. And they asked me if I would do**

1 **an evaluation for an -- an independent evaluation, I said**
 2 **yes.**
 3 Q. Just to go back to your answer just now, I
 4 think the words that you used were, "if I had treated any
 5 transgender." Do you understand transgender to be a noun
 6 or an adjective?
 7 **A. Which would you like it to be?**
 8 Q. It's a serious question, so do you consider
 9 that to be a description of who somebody is, or do you
 10 consider it to be like people --
 11 **A. In certain contexts, it's an adjective, and**
 12 **in certain contexts, it's a noun.**
 13 Q. Okay. You have finalized your opinions in
 14 this case?
 15 **A. What do you mean by "finalized"?**
 16 Q. You submitted an expert report?
 17 **A. Correct.**
 18 Q. Does the expert report contain all of your
 19 opinions in this case?
 20 **A. Yes. With the right to reserve them, if**
 21 **additional information comes forward.**
 22 Q. Based on the information you have reviewed

1 to date --
 2 **A. Yes.**
 3 Q. -- have you finalized your opinions in this
 4 case?
 5 **A. Yes.**
 6 Q. Okay. Can you please tell me what your
 7 opinions in this case are.
 8 **A. According to my report, that there are other**
 9 **things that need to be considered. For instance,**
 10 **borderline personality disorder, depression, anxiety,**
 11 **PTSD, and I think there was one more that I had. That**
 12 **those are disorders that also need to be considered in**
 13 **the process of this determination.**
 14 Q. And that determination being...
 15 **A. Determination of, as I understand, the**
 16 **hostile working environment causing PTSD.**
 17 Q. And just to summarize what I understand you
 18 to mean is that your expert testimony in this case is
 19 that there needs to be consideration of alternative
 20 diagnosis, including general anxiety disorder, depression
 21 and borderline personality disorder and one other thing
 22 you mentioned --

Page 50

1 **A. Yes.**

2 Q. -- before assigning causality to the hostile

3 work environment to the PTSD diagnosis?

4 **A. Affirmative.**

5 Q. Okay. Is there anything else that you would

6 really as your expert opinion in this case?

7 **A. I'm not sure what you're asking. What do**

8 **you mean "anything else"?**

9 Q. Besides what you just mentioned as your

10 opinions in this case, is there anything else that you

11 would like to add?

12 **A. No -- you have my report?**

13 Q. Yes. We'll go from that. Yeah.

14 **A. Okay.**

15 Q. I'm just trying to get from you orally

16 before we go through it page by page what your expert

17 opinions are.

18 **A. Okay.**

19 Q. So I'm just going to restate that question.

20 Besides that summary that you just

21 provided, is there anything else that are your main

22 opinions in this case?

Page 51

1 **A. At this present moment, I can't think of**

2 **anything else until I review my report.**

3 Q. Okay. Thank you.

4 Is there any information or materials

5 you relied upon in formulating these opinions that are

6 not already identified in your report, or your response

7 to request Number 1 to the subpoena?

8 **A. No.**

9 Q. Did you consider any information or

10 materials that you have not identified, but then decided

11 that you would not rely on them?

12 **A. No.**

13 Q. Did you consider any information or

14 materials that would have resulted in opinions different

15 from those you testified about just now?

16 **A. No.**

17 Q. Are there information or materials that you

18 have consulted that would have resulted in opinions

19 different from those you testified about just now?

20 **A. No.**

21 Q. Okay. Let's go to your expert report then.

22 Actually, let's take a short break for a

Page 52

1 little bit. Five minutes.

2 Thank you.

3 (RECESS, 10:30 a.m. - 10:42 a.m.)

4 MR. GONZALEZ-PAGAN: All right. We're

5 back on the record.

6 (Plaintiff's Exh bit 78, cover letter, 12.30.2019, Cephas

7 IME, was marked for identification.)

8 BY MR. GONZALEZ-PAGAN:

9 Q. I'm handing you a document that's been

10 marked Exhibit 78.

11 Do you recognize this document?

12 **A. Yes.**

13 Q. What is it?

14 **A. It's a psychiatric evaluation that I have**

15 **performed on Ms. Eller.**

16 Q. This is your expert report, correct?

17 **A. Affirmative.**

18 Q. Besides the expert report, it contains a

19 number of attachments; is that right?

20 **A. Yes.**

21 Q. Among those are a Mini-Mental State

22 Examination; is that right?

Page 53

1 **A. Affirmative.**

2 Q. And a Mental Status Examination; is that

3 right?

4 **A. Yes.**

5 Q. And a PTSD Symptom Scale, which is two

6 pages; is that right?

7 **A. Let me see here. I should have it.**

8 **Yes.**

9 Q. And your curriculum vitae; is that right?

10 **A. Yes.**

11 Q. Okay. All right. We're going to spend most

12 of the time with this today.

13 **A. Okay.**

14 Q. Is this a report you prepared regarding this

15 case?

16 **A. Affirmative.**

17 Q. And does the report contain all of your

18 opinions you intend to provide in this matter based on

19 what you know to date?

20 **A. To this point, yes.**

21 Q. Just as a preliminary matter, within your

22 report, you used the term "hostile work environment;" is

Page 54

1 that correct?

2 **A. Affirmative.**

3 Q. In the context of your report, what do you

4 mean by "hostile work environment"?

5 **A. Well, this was actually taken off of one of**

6 **the medical reports that was -- I examined, so I would**

7 **have to refer to what they actually meant as hostile work**

8 **environment.**

9 Q. Okay. Do you understand hostile work

10 environment to refer to incidents that occurred at Prince

11 George's County Public Schools with regard to Jennifer

12 Eller's transgender status?

13 **A. I believe it was more than just Prince**

14 **George's County Schools that was actually reported.**

15 **Well --**

16 Q. With regards to hostile work environment --

17 **A. No, hostile work environment. The work**

18 **environment was Prince George's School, but hostile**

19 **environment, there was a lot of references to a**

20 **hostile -- hostility outside of the work environment.**

21 Q. Just to clarify --

22 **A. Gotcha.**

Page 55

1 Q. -- so would it be safe to say that a hostile

2 work environment in this context refers to discriminatory

3 incidents and harassment that occurred against Jennifer

4 Eller based on her transgender status at Prince George's

5 County Public Schools?

6 MR. SHARMA: Objection.

7 You can answer.

8 **A. Okay.**

9 **From what I understand, that's what it**

10 **was referencing.**

11 Q. All right. Throughout this deposition, we

12 will use the term "hostile work environment," okay?

13 **A. That's fine.**

14 Q. Can we agree that when I use the term, that

15 I am not asking you to make a legal conclusion, but I am

16 referring to a set of circumstances that you describe as

17 a hostile work environment in your report based on the

18 documents that you reviewed?

19 MR. SHARMA: Objection.

20 You can answer.

21 **A. Okay.**

22 **I did not describe hostile work**

Page 56

1 **environments. What I did is got information from her**

2 **previous record. So I wasn't describing hostile work --**

3 **that I recall, I was not describing hostile work**

4 **environment.**

5 Q. All right. Let me break that down.

6 **A. Okay.**

7 Q. Can we agree that when I use the term -- all

8 right. Scratch that.

9 Can we agree that when I use the term

10 "hostile work environment" throughout the rest of this

11 deposition, I am referring to the use of that term in

12 your report as incorporated from documents you reviewed?

13 MR. SHARMA: Objection.

14 You can answer.

15 **A. Okay.**

16 **So if I understand you correctly, that**

17 **when you use the term "hostile work environment," you're**

18 **referring to the report, and I'm referring to the**

19 **documents --**

20 Q. Correct?

21 **A. -- that -- yes. We can agree on that.**

22 Q. Okay. Can we agree that I'm not asking you

Page 57

1 to make any legal conclusions by making a reference to

2 hostile work environment?

3 **A. Yes.**

4 Q. Okay. Thank you.

5 Does the report contain all of the work

6 you need in order to render opinions in this case?

7 **A. I believe so.**

8 Q. Okay. Did you have everything you needed to

9 render your opinions?

10 **A. Yes.**

11 Q. Is there any work left undone in order for

12 you to finalize your opinions?

13 **A. No, I do not believe so.**

14 Q. Any work that you wanted to be able to do,

15 but have not been able to?

16 **A. No.**

17 Q. What is your understanding of the facts

18 in --

19 **A. Well --**

20 Q. You were going to say something?

21 **A. Yes.**

22 **One of the reports that -- the**

Page 58

1 conclusions that I did not get was the expert witness's,
 2 Dr. -- how do you pronounce his name?
 3 Q. Dr. Ettner's.
 4 A. Dr. Ettner's, yes. He actually had done
 5 some scales, and I would have liked to actually have seen
 6 the raw data of his scales and look at it personally, but
 7 I did take his conclusions that he had from his report.
 8 Q. Just to clarify, Dr. Ettner is a female.
 9 A. Psychologist.
 10 Q. Is a woman.
 11 A. Yes.
 12 Q. Okay. Understood.
 13 So aside from looking at the raw data
 14 from Dr. Ettner's evaluation of Jenny, is there anything
 15 else you wanted to look at in order to form your opinions
 16 in this case?
 17 A. No.
 18 Q. Okay. What is your understanding of the
 19 facts in this case?
 20 A. In brief?
 21 Q. Yes.
 22 A. That Ms. Eller has stated that she had a

Page 59

1 hostile work environment, working in the school district
 2 when she actually came out to the school district, to the
 3 students, and that was the cause of her change in
 4 position or change in working environment, and that she
 5 claims that that was not a work environment that was
 6 conducive to what she was trying to achieve in being, I
 7 guess.
 8 Q. And you had an opportunity to meet with and
 9 evaluate Ms. Eller; is that right?
 10 A. Affirmative.
 11 Q. When was that?
 12 A. What was the date on here that I have?
 13 Q. Was it November 18, 2019?
 14 A. Yes, November 18, 2019.
 15 Q. Did you ask Ms. Eller about her experiences
 16 at Prince George's County Public Schools?
 17 A. Affirmative. I did, yes.
 18 Q. What did she tell you?
 19 A. She recounted many events of some positive
 20 and some not so positive, that she had been a teacher at
 21 Prince George's County schools, that she had engaged with
 22 students, that she had literally, I believe it was from

Page 60

1 one year to the next, she was -- was -- came out and
 2 started being herself, and she said that it was not an
 3 easy transitional process.
 4 Q. Okay. Did she indicate -- did she indicate
 5 to you that she had been misgendered at work?
 6 A. Misgendered, yes.
 7 Q. Did she indicate to you that she had been
 8 called "it" at work?
 9 A. That, I am -- don't recall that she said it
 10 was "it." She did say she was misgendered.
 11 Q. Did she indicate to you that she had been
 12 physically assaulted at work?
 13 A. She said that a student did push the door,
 14 and the door hit her, and she fell down.
 15 Q. What information did you review in order to
 16 prepare your report?
 17 A. The medical records from Whitman-Walker
 18 Clinic; medical records from her primary care; the
 19 independent medical review from Dr. Ettner and the
 20 scales; and the independent examination of Ms. Eller.
 21 Q. Okay. Did you review medical records from
 22 Georgetown University Hospital?

Page 61

1 A. Yes.
 2 Q. Did you review records from Dr. Vicki
 3 Kirsch?
 4 A. Yes.
 5 Q. When you said "primary care," to whom did
 6 you refer to?
 7 A. There's a primary care physician that she
 8 had seen at Whitman-Walker.
 9 Q. Okay. So the primary care physician is part
 10 of Whitman-Walker?
 11 A. Yes.
 12 Q. Had you requested the raw data obtained by
 13 Dr. Ettner prior to writing your report?
 14 A. No.
 15 Q. Were you provided with the information that
 16 you requested in order to prepare your report?
 17 A. Yes.
 18 Q. What did you do to write your report?
 19 Just walk me through the process, if you
 20 can.
 21 A. Okay. Interviewed Ms. Eller prior to
 22 viewing the documentation. Reviewed the documentation.

1 **Well, there was some scales that were also completed with**
2 **Ms. Eller. Reviewed the documentation. And reviewed the**
3 **DSM-5 criteria. Reviewed -- I did say reviewed the**
4 **report from Dr. Ettner.**

5 Q. Yes.

6 **A. And --**

7 Q. And then what?

8 **A. Produced my opinion.**

9 Q. Okay. Excellent.

10 Did you rely on any documents not
11 referenced in your report, or the attachments to your
12 report?

13 **A. No.**

14 Q. Did you review any materials hat are not
15 referenced in your report?

16 **A. No.**

17 Q. Did you review any materials hat were
18 collected by the lawyers and sent to you?

19 **A. Yes. The documentation from Whitman-Walker**
20 **Clinic, from Georgetown Hospital -- what is it, the**
21 **partial hospitalization, Dr. Ettner's report.**

22 Q. Okay. Have you reviewed any deposition

1 Q. And in preparing your report, it is my
2 understanding you relied on the scales for a series of
3 tests that you administered to Ms. Eller; is that
4 correct?

5 **A. Correct.**

6 Q. And these scales were the Mini-Mental State
7 Examination, correct?

8 **A. Affirmative.**

9 Q. The Mental Status Examination?

10 **A. Yes.**

11 Q. Beck's Depression Inventory?

12 **A. Yes.**

13 Q. And a PTSD Symptom Scale; is that right?

14 **A. Yes.**

15 Q. And it is my understanding based on your
16 responses to our subpoena that each of these scales are
17 available on the internet; is that right?

18 **A. On the internet?**

19 Q. Yes.

20 **A. That I performed?**

21 Q. Yes.

22 **A. Yes, you should be able to get these scales**

1 transcripts in this case?

2 **A. No.**

3 Q. Does your report contain a bibliography?

4 **A. No.**

5 Q. Okay. Why not?

6 **A. Because I felt that it was not actually**
7 **needed because I referenced and gave you the data.**

8 Q. Just to clarify, in preparing your report,
9 you relied on mental health records from Dr. Vicki
10 Kirsch; is that right?

11 **A. Yes.**

12 Q. And in preparing your report, you relied on
13 medical mental health records from Georgetown University
14 Hospital; is that right?

15 **A. Affirmative.**

16 Q. And in preparing your report, you relied on
17 medical mental health records from Whitman-Walker Health;
18 is that right?

19 **A. Yes.**

20 Q. And all of these records pertain to Jennifer
21 Eller; is that correct?

22 **A. Affirmative.**

1 **on the internet.**

2 Q. Okay. All right. Let's go over each one of
3 the scales one by one. All right.

4 Why did you administer a Mini-Mental
5 State Exam?

6 **A. Mini-Mental Status is to perform to see**
7 **exactly if there is any cognitive deficits in any of the**
8 **primary lobes of the brain.**

9 Q. What did you learn from administering the
10 Mini-Mental State Examination to Jennifer Eller?

11 **A. [REDACTED]**

12 [REDACTED]
13 Q. Okay. Thank you.

14 Why did you administer the Mental Status
15 Examination?

16 **A. Mental Status Examination is a general,**
17 **overall view of how a person is doing in their cognitive**
18 **abilities.**

19 Q. What did you learn from administering this
20 examination?

21 **A. [REDACTED]**
22 [REDACTED]

1 Q. This is with regards to cognitive ability?

2 **A. Cognitive ability and emotional states, yes.**

3 Q. Why did you administer Beck's Depression

4 Inventory?

5 **A. Beck's Depression Inventory is specifically**

6 **to see if there's -- to affirm if there's any underlying**

7 **depressive symptoms.**

8 Q. Okay. What did you learn about after

9 administering Beck's Depression Inventory to Ms. Eller?

10 **A. [REDACTED]**

11 **[REDACTED]**

12 Q. Okay.

13 **A. [REDACTED]**

14 Q. Okay. Why did you administer the PTSD

15 Symptom Scale?

16 **A. To try to objectively look at, see if**

17 **there's any symptomatology that meets the criteria for**

18 **PTSD, and determine where it was related to.**

19 Q. What did you learn from administering the

20 PTSD Symptom Scale to Ms. Eller?

21 **A. [REDACTED]**

22 **[REDACTED]**

1 **[REDACTED]**

2 Q. Okay. Based on your administration of the

3 PTSD Symptom Scale and your observation and examination

4 of Ms. Eller, does Ms. Eller suffer from PTSD?

5 **A. [REDACTED]**

6 **[REDACTED]**

7 **[REDACTED]**

8 Q. Okay. Without asking any questions as to

9 causality, you would confirm that Ms. Eller suffers from

10 PTSD?

11 **A. [REDACTED]**

12 **[REDACTED]**

13 **[REDACTED]**

14 **A. From the --**

15 Q. And by "overlap," you mean comorbidity with

16 o her mental disorders?

17 **A. No, when I mean "overlap," I mean that there**

18 **are some symptoms that actually show up that appear like**

19 **depression, some symptoms that may show up that appear**

20 **like anxiety.**

21 **And so -- [REDACTED]**

22 **[REDACTED]**

1 **that you have an overlap of the symptomatology.**

2 Q. Okay. The fact that there's some overlap,

3 does that eliminate the possibility of a PTSD diagnosis?

4 **A. It does not eliminate the possibility, but**

5 **it makes it much more difficult because the criteria for**

6 **PTSD has to be -- one of the requirements has to be that**

7 **it's not caused by any other mental illness or substance**

8 **abuse.**

9 Q. Okay. In preparing your report, did you

10 also rely on your own notes from your evaluation --

11 **A. Yes.**

12 Q. -- of Ms. Eller?

13 **A. Yes.**

14 Q. And lastly, it is my understanding that in

15 preparing your report, you relied on the DSM-5; is that

16 right?

17 **A. Affirmative.**

18 Q. Okay. Did you rely on anything else that we

19 have not discussed in preparing your report?

20 **A. No.**

21 Q. Did you rely on any research studies in

22 preparing your report?

1 **A. No.**

2 Q. Did you rely on any peer-reviewed articles

3 in preparing your report?

4 **A. No.**

5 Q. Did you rely on the World Professional

6 Association of Transgender Health Standards of Care for

7 the Health of Transsexual, Transgender, and Gender

8 Nonconforming People in preparing your report?

9 **A. No.**

10 Q. In your report, do you discuss any potential

11 risk of unintended outcomes?

12 **A. Clarify that.**

13 Q. Okay. Scratch that.

14 Let's move on, actually, just to

15 confirming a couple of other things with regards to

16 Jenny, Ms. Eller.

17 **A. Yes.**

18 Q. How would you define "gender dysphoria"?

19 **A. According to the DSM-5 criteria.**

20 Q. Can you give me the definition of gender

21 dysphoria?

22 **A. Yes. There is a difficulty in a perceived**

1 **gender, and the assigned gender. That's paraphrasing.**

2 Q. Okay. By "difficulty," do you mean clinical

3 distress?

4 **A. Yes.**

5 Q. Do you agree that gender dysphoria is a

6 serious medical condition recognized in the 5th Edition

7 of the Diagnostic and Statistical Mental Disorders

8 published by the American Psychiatric Association?

9 **A. Yes.**

10 Q. If we go to page 19 of your report.

11 In the last paragraph, you state, "It is

12 with medical certainty that Ms. Eller has clear diagnosis

13 of gender dysphoria."

14 Is that correct?

15 **A. Yes. She meets the criteria for gender**

16 **dysphoria disorder.**

17 Q. So you do not dispute that Ms. Eller suffers

18 from gender dysphoria?

19 **A. No, I do not.**

20 Q. All right. Let's talk a little bit about

21 PTSD, then.

22 **A. Okay.**

1 Q. What is PTSD?

2 **A. The -- all of the criteria, or PTSD in**

3 **general, paraphrasing, is a syndrome that comes about**

4 **from someone having experienced a life-threatening**

5 **incident, and that they have difficulty recovering from.**

6 Q. Okay. And by "incident," does that incident

7 need to be traumatic?

8 **A. Yes, the incident is usually traumatic.**

9 **First criteria is that it's traumatic and**

10 **life-threatening.**

11 Q. Does the person have to experience the

12 incident or could a person have also witnessed an

13 incident?

14 **A. They could witness it or they could actually**

15 **hear of a very close relative. It's just not, you know,**

16 **reported on the news. It has to be somebody that's**

17 **closely associated with them.**

18 Q. And just to clarify, by "PTSD," we're

19 talking about posttraumatic stress disorder; is that

20 correct?

21 **A. Affirmative.**

22 Q. Okay. Do you agree that PTSD is a serious

1 medical condition recognized in the Fifth Edition of the

2 DSM published by the American Psychiatric Association?

3 **A. Yes, it's published in the American**

4 **Psychiatric Association, DSM-5.**

5 Q. What is major depressive disorder?

6 **A. Major depressive disorder is a**

7 **conglomeration of symptoms put together that give you the**

8 **syndrome of depression.**

9 Q. What are those symptoms?

10 **A. They are -- okay.**

11 **Well, there's nine symptoms, and you**

12 **have to have five of them, with either, you know, two**

13 **symptoms that have to show up, anhedonia or depression,**

14 **and those symptoms have to be there for a period of two**

15 **weeks or greater for you to have the syndrome of**

16 **depression.**

17 Q. And the symptoms are listed on page 14 of

18 your report; is that correct?

19 **A. Let's see page 14. Yes.**

20 Q. Okay. The symptoms for -- sorry. Scratch

21 that.

22 And the criteria for a diagnosis of

1 posttraumatic stress disorder are listed on page 13 of

2 your report; is that correct?

3 **A. Affirmative.**

4 Q. Do you agree that major depressive disorder

5 is a serious medical condition recognized by the DSM-5,

6 published by the American Psychiatric Association?

7 **A. Yes.**

8 Q. What is borderline personality disorder?

9 **A. Borderline personality disorder is a process**

10 **by which we actually manage our environment, and it's a**

11 **personality disorder.**

12 Q. Could you -- I'm being completely honest, I

13 was a bio major, but even that goes a little bit over my

14 head.

15 **A. Okay.**

16 Q. Can you be a little bit more descriptive in

17 layman's terms of what is borderline personality

18 disorder.

19 **A. Yes. Usually, in early childhood, there is**

20 **a trauma or difficulty that somebody actually undergoes,**

21 **and it changes the way they are actually -- the stages of**

22 **development that they actually have to go through in**

Page 74

1 order to manage that incident or that trauma. And we
 2 usually consider it a maladaptive pattern of behaviors
 3 that help a person navigate psychologically.
 4 Q. Okay. Understood.
 5 So it always has to involve a childhood
 6 trauma?
 7 **A. The majority of the time, it is a childhood**
 8 **trauma, and it starts in early childhood.**
 9 Q. Okay. You would agree that none of the
 10 mental health professionals who have examined Ms. Eller
 11 and whose records you have examined have diagnosed her
 12 with borderline personality disorder; is that correct?
 13 **A. I did not see anyone that said borderline**
 14 **personality disorder.**
 15 Q. Do you believe to a degree of medical
 16 certainty that Ms. Eller suffers from borderline
 17 personality disorder?
 18 **A. She has symptomatologies of borderline**
 19 **personality as well as adaptive behaviors that come with**
 20 **the association of this disorder.**
 21 Q. Okay. Just to be clear about my question --
 22 **A. Okay.**

Page 75

1 Q. -- I'm asking if to a medical certainty you
 2 would say that Ms. Eller suffers from borderline
 3 personality disorder?
 4 **A. Borderline personality is not a disorder**
 5 **that you can just diagnose from one sitting. Usually,**
 6 **it's from having contact with a person over time, and**
 7 **literally seeing how they adapt to different things, but**
 8 **there's symptomatology that would point you in that**
 9 **direction.**
 10 Q. Okay. And you would then agree that the
 11 mental health professionals who have had that more
 12 longitudinal experience with Ms. Eller have not diagnosed
 13 her with borderline personality disorder?
 14 **A. I would agree that they have been spending**
 15 **time with her, and I would agree that their focus has**
 16 **been on gender dysphoria and what they consider PTSD, and**
 17 **I do not know if they considered borderline personality**
 18 **disorder.**
 19 Q. Would you agree that borderline personality
 20 disorder is not mentioned in her medical records that you
 21 examined?
 22 **A. I don't recall. I don't think so. I don't**

Page 76

1 know if there was a reference to it for her --
 2 but I don't think so.
 3 Q. Okay. Thank you.
 4 In your report, you note that "Ms. Eller
 5 has been treated with DBT."
 6 **A. Yes.**
 7 Q. What is DBT?
 8 **A. It's a specific type of therapy for**
 9 **borderline personality. It was developed as a specific**
 10 **therapy for borderline personalities. They have adapted**
 11 **it to use as specific treatment for mindfulness and being**
 12 **present and being focused on certain -- I would say a**
 13 **certain symptomatology, but it was originally developed**
 14 **for borderline personality disorder.**
 15 Q. Okay. Can DBT be used for -- to treat other
 16 mental disorders besides borderline personality disorder?
 17 **A. They now use it to treat other disorders.**
 18 Q. Such as?
 19 **A. Whatever the therapist actually feels that**
 20 **is necessary, from -- because there's certain modalities,**
 21 **that would be the choice of the therapist, but using it**
 22 **to treat specific -- mindfulness, being present in the**

Page 77

1 **moment, treating anxieties. So...**
 2 Q. Okay. Have you ever used DBT to treat an
 3 individual for a condition other than borderline
 4 personality disorder?
 5 **A. No.**
 6 Q. Okay. Do you know of other mental health
 7 professionals who use DBT to treat patients for
 8 conditions other than borderline personality disorder?
 9 **A. Prior -- it was used specifically for**
 10 **borderline personality, but I'm pretty sure as of this --**
 11 **as of this deposition, that they do find parts of it that**
 12 **they can use for other disorders.**
 13 Q. So the fact that Ms. Eller has been treated
 14 with DBT is not itself conclusive that she has borderline
 15 personality disorder?
 16 **A. No, but in conjunction with the other**
 17 **symptomatology, there would be an indication that that**
 18 **would have to be considered.**
 19 Q. Are you aware of research showing that DBT
 20 has been successfully used to treat depression, bulimia,
 21 PTSD and other disorders?
 22 **A. Mm-hmm, yes.**

1 Q. Okay. What is anxiety disorder?

2 **A. Anxiety disorder is a feeling of**

3 **apprehension or a sense where we have symptoms of**

4 **apprehension and dysfunction for a period of at least six**

5 **months.**

6 Q. Okay.

7 And do you agree that general anxiety

8 disorder is a serious medical condition recognized in the

9 DSM-5 published by the American Psychiatric Association?

10 **A. Yes.**

11 Q. What is acute stress disorder?

12 **A. Acute stress disorder is symptoms --**

13 **symptoms like PTSD except the time frame is a little**

14 **shorter.**

15 Q. Okay. Do you agree that acute stress

16 disorder is a serious medical condition recognized in the

17 DSM-5 by the American Psychiatric Association?

18 **A. Yes, it is.**

19 Q. Do you consider the American Psychiatric

20 Association to be an authoritative source with regards to

21 the diagnosis and treatment of mental disorders?

22 **A. They are the only source that we accept.**

1 Q. Okay. Just to be clear --

2 **A. Yes.**

3 Q. -- does that mean that that they're

4 authoritative with regards to the treatment and diagnosis

5 of mental disorders?

6 **A. It's the diagnosis, treatment -- yes. I'll**

7 **just say yes on that. That's fine.**

8 Q. Okay.

9 (Plaintiff's Exh bit 79, APA Practice Guideline, March

10 2009, was marked for identification.)

11 Q. Handing you what's been marked as Exh bit

12 79.

13 **A. Mm-hmm.**

14 Q. Have you ever seen this document?

15 **A. No. This is -- no.**

16 Q. Are you done reviewing to sufficiently

17 recognize this document?

18 **A. I recognize parts of it, practice**

19 **guidelines, but, no, I don't -- I haven't read the whole**

20 **document.**

21 Q. What is this document?

22 **A. This is practice guidelines for treatment of**

1 **patients with acute stress disorder and posttraumatic**

2 **stress disorder.**

3 Q. It was published by the American Psychiatric

4 Association in 2004; is that correct?

5 **A. It was published, yes. That's what it says,**

6 **yes.**

7 Q. I think you alluded a little bit to this

8 before, but what is the difference between PTSD and ASD?

9 **A. The time frame of one month or greater with**

10 **symptomatology, usually, you would consider PTSD. Where**

11 **if it's a shorter time frame, it's considered to be ASD.**

12 Q. If we go to page 44 of the practice

13 guideline.

14 **A. Okay.**

15 Q. The first full paragraph --

16 **A. It's a little small.**

17 Q. Getting -- sure.

18 **A. Okay.**

19 Q. All right. In the first full paragraph,

20 beginning with the third sentence, it says, "However" --

21 maybe I'm lost.

22 Sorry. Beginning with the second

1 sentence.

2 "For a single discrete traumatic event,

3 ASD and PTSD can be readily distinguished from one

4 another based on the time that has passed since the

5 trauma; however" --

6 **A. You said in the second --**

7 Q. Sorry. In the second sentence of the first

8 full paragraph.

9 **A. Okay. "However, for less..." (speaking**

10 **sotto voce.)**

11 Q. Are we on the same page now?

12 **A. Yes.**

13 Q. I'm going to restart this.

14 It states on the -- beginning on the

15 second sentence of the first full paragraph of page 44 of

16 the APA Practice Guideline, "For a single discrete

17 traumatic event, ASD and PTSD can be readily

18 distinguished from one another based on the time that has

19 passed since the trauma; however, for less discrete or

20 reoccurring traumas, such as repetitive domestic

21 violence, the distinctions between ASD and PTSD may be

22 less clear. Although no convention or consensus exists

Page 82

1 regarding the classification of recurrent symptoms (for
 2 more than one month) during the course of repetitive
 3 episodic trauma, it may be best to conceptualize this
 4 symptom presentation as PTSD rather than as recurrent
 5 episodes of ASD."
 6 Did I read that correctly?
 7 **A. Yes, you did.**
 8 Q. Do you disagree with that statement?
 9 **A. No, I don't disagree with that statement.**
 10 **It is clear that it's conceptualizing a way of thinking.**
 11 Q. Is there any reason why you did not discuss
 12 ASD as a possible diagnosis for Ms. Eller?
 13 **A. No. Well, let me take that back.**
 14 **The process by which everything was**
 15 **mentioned was mentioned towards PTSD. And so the -- the**
 16 **conceptualization is to distinguish, is this PTSD,**
 17 **according to the criteria, or is this something else, or**
 18 **can it be attributed to something else.**
 19 **And so looking at the complete picture,**
 20 **we would have to look at contributing to the two --**
 21 **whether it's PTSD or in contribution, other things that**
 22 **may have actually contributed to where she is at this**

Page 83

1 **present moment.**
 2 Q. Sure. My question is, because my
 3 understanding is you considered borderline personality
 4 disorder as a possible alternative diagnosis --
 5 **A. Yes. You have to consider it, yes.**
 6 Q. Okay. And I was just curious as to why you
 7 did not consider acute stress disorder as a possible
 8 alternative diagnosis.
 9 **A. Because of time frames and because of**
 10 **meeting kind of a strict -- strict criteria, you know,**
 11 **her symptomatology may not fit that strict criteria.**
 12 Q. Okay. So you agree that the primary
 13 difference between PTSD and ASD is the duration of the
 14 symptoms?
 15 **A. Duration of the symptoms is one of the**
 16 **things that, yes, distinguish it.**
 17 Q. Okay. Was that a reason why you didn't
 18 consider ASD as a possible diagnosis for Ms. Eller?
 19 **A. That would be one of the things that would**
 20 **fall into why we might not have considered her to be just**
 21 **acute stress reaction.**
 22 Q. Okay.

Page 84

1 **A. Part of it is that this has been a process.**
 2 **So it's not secondary to being acute, it's kind of, as**
 3 **anything it would have to be considered or labeled as**
 4 **chronic.**
 5 Q. Okay. So would you agree, then, that the
 6 symptomatology that Ms. Eller has presented with regards
 7 to PTSD has lasted for much longer than one month?
 8 **A. Yes, I would agree.**
 9 Q. What is comorbidity?
 10 **A. Basically, in layman terms, is problems**
 11 **along with other problems, or something that exists along**
 12 **with another process.**
 13 Q. Okay. Can PTSD be comorbid with other
 14 mental conditions or disorders?
 15 **A. Yes.**
 16 **MR. GONZALEZ-PAGAN: Just take a -- off**
 17 **the record for a couple of minutes.**
 18 **(Off the record.)**
 19 **MR. GONZALEZ-PAGAN: Let's go back on**
 20 **the record.**
 21 THE WITNESS: Going back on the record,
 22 I need to amend a statement.

Page 85

1 BY MR. GONZALEZ-PAGAN:
 2 Q. Yes.
 3 **A. When you said that the APA and the DSM-5 is**
 4 **the guide or the --**
 5 Q. Authoritative.
 6 **A. -- authoritative, I guess, for diagnosing**
 7 **and treatment.**
 8 Q. Mm-hmm.
 9 **A. I will -- just for diagnosing. The**
 10 **guidelines, there's many guidelines, and there's many**
 11 **schools of thought, different schools of thoughts for**
 12 **treatment.**
 13 **So they primarily give us the guidelines**
 14 **for -- or they give us the diagnostic criteria**
 15 **categories. But as far as treatment goes, there are**
 16 **different schools of thought, and we work within a**
 17 **spectrum.**
 18 Q. Okay.
 19 **A. So it's for the diagnosis. We accept them**
 20 **as the authority for the diagnosis.**
 21 Q. Okay. So just to clarify, would you
 22 consider the APA to be an authoritative source with

Page 86

1 regards to the diagnosis of mental disorders?
 2 **A. Yes.**
 3 Q. Okay. Would you consider them to be a
 4 reputable source for the treatment of mental disorders?
 5 **A. They often don't actually -- there are**
 6 **supplementals that do, but they do not often publish**
 7 **treatment courses in the DSM-5 or the DSM-IV, those**
 8 **actually come from supplementals like guidelines and**
 9 **things like this that you have here.**
 10 Q. Would you consider such practice guidelines
 11 published by the APA to be reputable, authoritative
 12 sources?
 13 **A. They're reputable, I would not consider them**
 14 **authoritative. There's not one set document that has the**
 15 **lock on treatment of any particular disorder.**
 16 Q. Would they be the type of resource that
 17 professionals in your field would rely upon?
 18 **A. All of them would be --**
 19 Q. Among others?
 20 **A. Yes, would be something that we reference.**
 21 Q. Okay.
 22 **A. We may actually -- they may actually have**

Page 87

1 **some competing ideas, but it would be something that we**
 2 **would reference.**
 3 Q. Okay. Thank you.
 4 **A. Yes.**
 5 Q. All right. Going to page 37 of the practice
 6 guideline, Exhibit 79.
 7 First full sentence of the first full
 8 paragraph states, "Patients who develop ASD or PTSD are
 9 also more likely to have other comorbid psychiatric
 10 disorders, including mood, dissociative, anxiety,
 11 substance-related, and personality disorder."
 12 Did I read that correctly?
 13 **A. You read that correctly.**
 14 Q. Do you disagree with that?
 15 **A. No, and that's exactly why you have to**
 16 **consider the whole picture, and not just a particular**
 17 **diagnosis. You have to consider the comorbid issues**
 18 **also.**
 19 Q. All right. Just to clarify, the comorbid
 20 issues do not eliminate the possibility that somebody may
 21 be suffering from PTSD?
 22 **A. They don't eliminate the possibility, but**

Page 88

1 **they also may change the diagnosis of PTSD. It may be**
 2 **that it is a primary of something else with**
 3 **symptomatology that would be associated or might be**
 4 **associated as PTSD.**
 5 Q. Okay. And you reference primary of
 6 something else.
 7 So you could have primary and secondary
 8 diagnosis; is that correct?
 9 **A. Yes.**
 10 Q. Okay. What's the difference?
 11 **A. That there is one that is considered to be**
 12 **the primary cause, and there is one that is considered to**
 13 **be -- have a lesser role.**
 14 Q. Okay. But a person could -- the fact that a
 15 diagnosis is a secondary diagnosis doesn't mean that a
 16 person does not suffer from that condition; is that
 17 correct?
 18 **A. Correct.**
 19 Q. Okay. All right. Just to be clear,
 20 according to the APA's own practice guideline, a person
 21 with PTSD may also have comorbid depressive disorder and
 22 anxiety disorder; is that right?

Page 89

1 **A. Correct. And also, they -- a person with**
 2 **depression could also have comorbid symptoms of trauma.**
 3 Q. Okay. And a diagnosis of anxiety disorder
 4 or depressive disorder does not eliminate the possibility
 5 that a patient also suffers from PTSD?
 6 **A. It does not eliminate it, but we have to**
 7 **make it according to causality. So we would have to look**
 8 **at that in the context of the total picture.**
 9 Q. Okay. Understood.
 10 Can repeated exposure to discrimination
 11 cause PTSD?
 12 MR. SHARMA: Objection.
 13 You can answer.
 14 **A. Okay.**
 15 **Now, that oftentimes depends on how the**
 16 **discrimination actually is. If you're talking about over**
 17 **time, words and things that may make -- take much**
 18 **longer -- not everybody develops PTSD from traumas. In**
 19 **fact, the majority of people do not.**
 20 **Depending on what type of trauma that it**
 21 **is, that's why they tried to clarify to make sure that it**
 22 **is life-threatening trauma, something that is**

Page 90

1 **significant -- it's a significant event, that may**
 2 **actually contribute to the symptoms of PTSD.**
 3 Q. Thank you.
 4 MR. GONZALEZ-PAGAN: Just actually to
 5 clarify, what's the basis of your objection, Amit, to the
 6 question?
 7 MR. SHARMA: The objection is to the
 8 form of the question. You used the word
 9 "discrimination," which is a legal term.
 10 MR. GONZALEZ-PAGAN: Okay.
 11 BY MR. GONZALEZ-PAGAN:
 12 Q. Dr. Cephas, what do you understand
 13 discrimination to mean?
 14 MR. SHARMA: Objection.
 15 You can answer.
 16 **A. Okay.**
 17 **With my layman terms?**
 18 Q. Yes.
 19 **A. Discrimination may be somebody's bias**
 20 **towards another person. Somebody's dislike towards**
 21 **another person or group. Somebody's actions towards a**
 22 **person or group. And it can be based on many things. It**

Page 91

1 **could be based on they don't like the way they look, they**
 2 **don't like the color of their skin, could be based on**
 3 **their profession.**
 4 Q. Okay. And do you understand that
 5 discrimination -- would you agree that "discrimination"
 6 is a word that's used colloquially in layman's
 7 terminology?
 8 **A. Yes, because it has different meanings for**
 9 **different people.**
 10 Q. Okay. Based on your own understanding, not
 11 as a lawyer or asking for a legal conclusion, but based
 12 on your understanding as a mental health professional and
 13 a layman person, can repeated exposure to discrimination
 14 cause PTSD?
 15 MR. SHARMA: Objection.
 16 You can answer.
 17 **A. Okay.**
 18 **To discrimination. Once again, I have**
 19 **to go back to the definition of PTSD, the criteria for**
 20 **it.**
 21 **Life-threatening -- now, if you're**
 22 **discriminating, you're talking about the '60s in the**

Page 92

1 **south where they were hanging black men, yes, that type**
 2 **of repeated exposure could be because that's**
 3 **life-threatening. People step outside their doors.**
 4 **If you're talking about, you know, I**
 5 **don't like the clothes that you -- you're wearing, that's**
 6 **not life-threatening. It would cause stress, and it**
 7 **would be very stressful, and they may react to that by,**
 8 **you know, now I'm changing their patterns.**
 9 **But we're talking about**
 10 **life-threatening, something that literally is a**
 11 **significant event that makes you believe, or has you**
 12 **identify that you were going to die or that someone in**
 13 **your sphere has experienced almost death.**
 14 Q. Okay. Could a hate crime cause PTSD?
 15 MR. SHARMA: Objection.
 16 You can answer.
 17 **A. Okay.**
 18 **Could a hate crime cause PTSD? It**
 19 **depends. Once again, I got to go back to the definition.**
 20 **And that's what we do with the DSM-5. We don't kind of**
 21 **make our own stuff. We go back to the definition of it.**
 22 **And if that hate crime was a crime that**

Page 93

1 **threatened your life, or threatened the life of somebody**
 2 **else or that you witnessed, you could have symptoms of**
 3 **acute stress and PTSD, depending on how that actually**
 4 **developed over time.**
 5 Q. Could a person being repeatedly subjected to
 6 slurs develop PTSD?
 7 MR. SHARMA: Objection. Objection.
 8 You can answer.
 9 **A. Okay.**
 10 **Anything's possible, but we try to make**
 11 **it objective, that's why I have to keep going back to the**
 12 **definition of posttraumatic stress.**
 13 **And the criteria A for that is**
 14 **life-threatening. Something that is life-threatening.**
 15 **Now, they may have anxiety and develop**
 16 **an anxiety disorder because they have been constantly**
 17 **exposed to slurs. PTSD is a little bit more than that,**
 18 **and that's why the definition for it is that it's a**
 19 **condition that is life-threatening or threatened the life**
 20 **of somebody close to you or something that you witnessed.**
 21 **So I have to keep going back to the**
 22 **definition of PTSD.**

1 **People will -- unfortunately, people**
 2 **will say PTSD for all kinds of circumstances. But if we**
 3 **go by the strict criteria of PTSD, then we have to**
 4 **remember that it's something that is life-threatening,**
 5 **witnessed or has happened to somebody that's very close**
 6 **to you.**

7 Q. The criteria of something being
 8 life-threatening, is that based on the subjective belief
 9 of the victim?

10 **A. It is, and it is not, because we often don't**
 11 **deal with what is reality, but we often have to deal with**
 12 **what is perception.**

13 **And so in that case, we would**
 14 **literally -- literally, go through and kind of consider**
 15 **the whole picture to try come up with an understanding of**
 16 **what has happened, what has caused this. And I will go**
 17 **back to the criteria again. It is not just that I --**
 18 **it's not just that I believe that it was**
 19 **life-threatening, it truly has to be life-threatening.**

20 **In this -- if you understand what I**
 21 **mean.**

22 Q. Sort of. I am trying to seek clarification

1 of that.

2 **A. Okay.**

3 Q. Somebody's walking down a sidewalk, and an
 4 anvil falls from the tenth floor of the building next to
 5 them, and it misses them by an inch.

6 **A. Okay.**

7 Q. That person, understandably, would be
 8 traumatized by such an event; would you agree?

9 **A. They would be stressed. I don't know -- I**
 10 **can't exactly say they would be traumatized. They would**
 11 **be stressed.**

12 **The definition is that it's an inch from**
 13 **them, but if it fell in Ohio, and they might be stressed**
 14 **because of what has happened, but it may not be what we**
 15 **will rise to the level of PTSD.**

16 Q. Okay. Sticking to my hypothetical of being
 17 an inch from them, there was no possibility that it was
 18 going to hit them. It was always going to land an inch
 19 from them. Could a person still fear for their life
 20 based on the fact that an anvil fell an inch from them?

21 **A. Well, falling an inch from a person would**
 22 **make them consider that it was life-threatening, if you**

1 **understand -- and that's what I'm saying.**

2 Q. Even if it was a factual impossibility?

3 **A. If it's fallen an inch from them, it's not a**
 4 **factual impossibility. If it has fallen an inch from**
 5 **them, there is a possibility of them actually getting**
 6 **hurt, or them possibly actually losing their lives.**

7 **So that's what we're seeing -- that is**
 8 **something that may rise to the level of life-threatening.**

9 Q. Okay. Would a physical assault based on
 10 somebody's personal characteristics be sufficient to
 11 cause PTSD?

12 MR. SHARMA: A objection.

13 You can answer.

14 **A. Sufficient to cause PTSD.**

15 **I can't unequivocally say no, because**
 16 **each person has different -- different personalities, and**
 17 **different reserves for managing and stuff.**

18 **We generally would not look to say that**
 19 **somebody physically -- if the physical assault was severe**
 20 **enough to make that person feel that their life was in**
 21 **danger, just instead of getting pushed down, maybe they**
 22 **were, you know, assaulted with a car or if somebody**

1 **thought they were going to be run over by a car, so**
 2 **it's -- that's kind of --**

3 Q. It's relative?

4 **A. It is relative to the sense of, you know,**
 5 **you have to know the person, what their background is,**
 6 **where they are in life. But generally, physical --**
 7 **people get assaulted all the time, and they don't rise to**
 8 **the level of PTSD.**

9 Q. Understood. I'm trying to establish outer
 10 bounds of, like, possibilities.

11 So these are just merely possibilities.

12 **A. Correct.**

13 Q. It doesn't mean that it will always
 14 necessarily cause it, nor is my question asking that.

15 **A. Right.**

16 Q. I'm just asking, is it possible that being
 17 subjected to repeated discriminatory treatment could
 18 cause PTSD?

19 MR. SHARMA: Objection.

20 You can answer.

21 **A. Okay.**

22 **The difficulty I have is the intensity**

Page 98

1 level of -- that's such a broad term. It really is a
 2 broad term. So that's why I keep going back to
 3 life-threatening, witnessed, or actually happened to
 4 somebody that's close to you.

5 And you know, I -- I say here in DC, you
 6 know, you can walk around the corner, and somebody can
 7 steal your wallet, and you can have PTSD. Or you know,
 8 you can hear somebody steal your neighbor's wallet, and
 9 that's just what happens in DC.

10 So I can't establish an outer bound for
 11 establishing where they would start PTSD. Where anxiety
 12 would stop and PTSD would start.

13 Q. When you're referring to this
 14 life-threatening criteria, just to be clear, are you
 15 referring to criteria A outlined in the DSM-5 with
 16 regards to PTSD?

17 A. Are you using my --

18 Q. Yes. I'm referring to page 13 of your
 19 report on Exhibit 78.

20 A. Okay.

21 Yes.

22 Q. Would a threat to burn someone's house down

Page 99

1 be sufficient to cause PTSD?

2 MR. SHARMA: Objection.

3 You can answer.

4 A. Okay.

5 A threat to burn somebody's house down?

6 Q. Mm-hmm.

7 A. That's a hypothetical that if you actually
 8 were walking up to the house, and you had gasoline and a
 9 flame in your hand, that might be a little bit more, but
 10 if I just said, you know what, I'm going to burn your
 11 house down, and I don't know where you live, I don't know
 12 what state you live in, I don't know --

13 Q. Mm-hmm.

14 A. So, that hypothetical, it depends on the
 15 intensity of what actually -- and the probability of what
 16 happens. That's why they determined that it has to be
 17 life-threatening, witnessed, or experienced by a close
 18 relative.

19 Q. Would somebody being subject to a threat
 20 that they would be killed be sufficient to cause PTSD?

21 MR. SHARMA: Objection.

22 You can answer.

Page 100

1 A. Okay.

2 Anything is -- anything is possible, but
 3 that's why we go back to the -- to the criteria. There
 4 are some people that don't have the resilience. If you
 5 said, you know, hey, I'm going to kill your kid. And I
 6 had no concept of what your capacity is, where you are,
 7 what you can actually do, I might become anxious, but it
 8 might not rise to the level of PTSD.

9 But then if I saw you around my kid in
 10 the school district, that might rise to the level,
 11 possibility, of causing PTSD-like symptoms.

12 Q. Okay. So would a death threat from somebody
 13 that you know, who you see on a daily basis, has access
 14 to you, be sufficient to cause PTSD?

15 MR. SHARMA: Objection.

16 You can answer.

17 A. A death threat from somebody that you know
 18 that you see on a literal [sic] basis?

19 Q. Mm-hmm.

20 A. If a person is threatening you every day,
 21 and they haven't done anything, that might cause you a
 22 lot of stress, but it may not necessarily cause you PTSD.

Page 101

1 We're all stressed, and we all go
 2 through life with scars, emotional scars, but it doesn't
 3 rise to the level of PTSD. PTSD is specific. It doesn't
 4 rise to the level of PTSD. And that's what we try to do
 5 in psychiatry, is not kind of just assume, we try to make
 6 it specific. And rising to the level of -- now, if
 7 they've done something to you before, you know, they --
 8 they --

9 Q. No, please, go ahead. Finish.

10 A. You know, if they -- they threaten you and
 11 then they had a knife in their hand, or they threatened
 12 to poke you, and -- over time, that might give you some
 13 symptoms like PTSD, but PTSD is pretty specific.

14 Q. So I'm just trying to go over a little bit
 15 this life-threatening criteria that you were
 16 discussing --

17 A. Yes.

18 Q. -- because my understanding is I'm going to
 19 read directly from your report, page 13, "Criteria A, one
 20 required. The person was exposed to death, threatened
 21 death, actual or threatened serious injury, or actual or
 22 threatened sexual violence, in the following ways:

1 Direct exposure; witnessing the trauma; learning their
 2 relative or close friend was exposed to a trauma;
 3 indirect exposure to aversive details of the trauma,
 4 usually in the course of professional duties, e.g., first
 5 responder, medics."

6 Did I read that correctly?

7 **A. Yes, you did.**

8 Q. So there are other criteria, right?

9 **A. Yes, there are other criteria.**

10 Q. So I'm just asking, without discussing the
 11 other criteria, would a death threat, a direct death
 12 threat satisfy criteria A?

13 MR. SHARMA: Objection.

14 You can answer.

15 **A. Okay.**

16 **And that, if it's -- if it's a serious**
 17 **threat, if they -- their perception may be that they --**
 18 **you know, they're just in school, people don't like me, I**
 19 **don't know, or they may be at the workplace and people**
 20 **don't like me, I don't know, versus somebody walking in**
 21 **and saying, I'm going to kill you, which is a serious --**
 22 **it's --**

1 Q. Well, I'm just wondering --

2 MR. SHARMA: Objection. You're cutting
 3 him off.

4 MR. GONZALEZ-PAGAN: Okay.

5 MR. SHARMA: Allow him to finish his
 6 answer to the question.

7 MR. GONZALEZ-PAGAN: Okay.

8 BY MR. GONZALEZ-PAGAN:

9 Q. Do you have anything else?

10 **A. Yes. I'm saying, so serious. And if your**
 11 **question is, can somebody perceive that there's a serious**
 12 **threat, they may perceive that there is a serious threat.**

13 **But it meets the -- has to meet the**
 14 **criteria in criteria A, that it's either you're exposed**
 15 **to it, has -- and they put in the word "serious injury"**
 16 **to kind of quantify that this isn't just kind of a**
 17 **casual, everyday thing, I don't like you, I'm -- that**
 18 **this is a -- this is a serious -- that would quantify the**
 19 **threat.**

20 Q. Okay. Well, Dr. Cephas, my question goes to
 21 actually by reading the criteria as you included it in
 22 your report, the word "serious" is only included with

1 regards to actual or threatened serious injury, it is not
 2 included with regards to actual or threatened sexual
 3 violence, is it not included with regards to threatened
 4 death; is that correct?

5 **A. It's not, but it is -- literally, when you**
 6 **read the DSM-5, the DSM-5 is not just that they would put**
 7 **it with every single word, this has to be -- the criteria**
 8 **is that this is a serious process. So it's a serious**
 9 **threat. It's serious sexual violence. It's not just**
 10 **somebody saying, oh, you know, I'm going to rape you or,**
 11 **you know, I'd take you out back. It is a serious**
 12 **process. They're not just saying, okay, a sexual threat.**
 13 **No, this is a serious process. And so they use the word**
 14 **without saying with each individual thing, but it has to**
 15 **be serious and life-threatening.**

16 Q. But if the word "serious," as you're
 17 describing it, if it were to apply to all of the listed
 18 categories after the colon, wouldn't it come before the
 19 colon, rather that it would be used specifically with
 20 regards to one of the categories?

21 **A. Well, now you're asking me to be an English**
 22 **major, so -- but I'm just letting you know how -- in**

1 **psychiatry, how we view the DSM-5. They may not get**
 2 **every word or every comma or every adjective right, but**
 3 **the intent is not just that we have an injury or threat.**

4 **It is a -- when you look at this, it is**
 5 **a substantial injury or a threat, not just a verbal**
 6 **comment or word, to produce PTSD.**

7 Q. Would being subjected to multiple verbal
 8 comments of words rise to the level of seriousness when
 9 accumulated?

10 **A. Some people would consider that -- they say**
 11 **complex PTSD, which is not a definition in the DSM-5.**
 12 **Complex PTSD are firefighters that pick up parts of**
 13 **children on the road, firefighters that run into**
 14 **buildings, firefighters that look at gunshot wounds or**
 15 **EMTs that look at gunshot wounds, and over time -- they**
 16 **have been able to assimilate, but over time, that level**
 17 **of serious injury is, even firefighters or EMTs that go**
 18 **to a house, and where there's domestic violence, and**
 19 **somebody has a gun there, and they start shooting at the**
 20 **firefighters, which has occurred.**

21 **So it's not just the level of, you**
 22 **know -- and I want you to understand -- this is not just**

1 a level where I'm just threatening you or I'm just
 2 constantly bombarding you. This is a level where the
 3 intent is a very serious intent, that leaves no idea that
 4 you have the intent to possibly harm me.

5 Q. Would a threat by a known gang member to
 6 kill you cause PTSD?

7 A. That could rise from your perception. He's
 8 a known gang member, has the capacity and the power to do
 9 you harm. It might rise to the extent, until they
 10 actually were doing things that were -- like, stalking
 11 your car. Putting stuff on your mailbox. Driving by
 12 your house.

13 It would cause you stress. It would
 14 cause you -- definitely cause you stress, but it may not
 15 rise to the level of PTSD.

16 Q. All right. Can you point to any published
 17 research to support your opinion about whether exposure
 18 to discrimination can cause PTSD?

19 A. No, I point to the DSM-5. I mean, I've read
 20 articles, but I'm not going to specifically remember any.

21 Q. Do you recall any of those articles?

22 A. Do I -- no. Because I -- no.

1 Q. Okay. Do you recall any peer-reviewed
 2 studies that support your opinion as to whether
 3 discrimination can cause PTSD?

4 A. No.

5 Q. Do you know the error rate of any studies to
 6 support your opinion with regards to whether exposure to
 7 discrimination can cause PTSD?

8 A. I do not know any studies.

9 Q. Okay. Can a hostile work environment cause
 10 PTSD?

11 MR. SHARMA: Objection.
 12 You can answer.

13 A. A hostile working environment where there's
 14 the possibility of serious injury and threat, if there's
 15 serious injury and threat, yes.

16 Q. All right. Let's talk a little bit more
 17 specifically about Ms. Eller.

18 A. Okay.

19 MR. GONZALEZ-PAGAN: I want to be
 20 mindful of the time. It's 11:50 now. I have ten more
 21 pages to go. I just want to ascertain whether you want
 22 lunch.

1 MR. SHARMA: Can we go off the record
 2 for this.

3 MR. GONZALEZ-PAGAN: Yeah. We can go
 4 off the record.
 5 (RECESS, 11:51 a.m. - 12:08 p.m.)

6 MR. GONZALEZ-PAGAN: Back on the record.
 7 BY MR. GONZALEZ-PAGAN:

8 Q. All right. Let's talk a little bit about
 9 Ms. Eller and her PTSD diagnosis and other diagnoses.

10 Do you agree that Ms. Eller has been
 11 diagnosed with depression?

12 A. Yes.

13 Q. Do you dispute Ms. Eller's diagnosis of
 14 depression?

15 A. No. No.

16 Q. Do you agree that Ms. Eller has been
 17 diagnosed with anxiety?

18 A. Yes.

19 Q. Do you dispute Ms. Eller's diagnosis of
 20 anxiety?

21 A. No, I do not.

22 Q. Do you agree that Ms. Eller has been

1 diagnosed with PTSD?

2 A. I don't dispute that she has been diagnosed
 3 with PTSD.

4 Q. Do you agree that she presents with the
 5 symptoms of PTSD?

6 A. She presents with the symptoms of anxiety,
 7 and she presents with a few symptoms of PTSD, yes.

8 Q. Okay. In your report, on page 19, you state
 9 that "It is with a medical certainty that Ms. Eller has
 10 clear diagnosis of symptoms of PTSD."

11 Is that right?

12 A. Where is that?

13 Q. It's the first sentence --

14 A. "It's with medical certainty" --

15 Q. -- of the last paragraph.

16 A. "Has clear diagnosis of gender dysphoria,
 17 depression, anxiety, and symptoms of PTSD."

18 Q. Yes.

19 A. Yes.

20 Q. And we previously discussed that you
 21 administered to Ms. Eller a PTSD Symptom Scale; is that
 22 correct?

1 **A. Yes.**

2 Q. Okay. The PTSD Symptom Scale for Ms. Eller

3 shows that she self-reports symptoms consistent with a

4 PTSD diagnosis; is that correct?

5 **A. She does, and they were -- yes. There was**

6 **just some discrepancies that -- all right.**

7 Q. All right. I'm going to hand you a document

8 marked as Exhibit 80.

9 (Plaintiff's Exhibit 80, Georgetown University Hospital

10 Psychiatric Partial Hospitalization Program Referral

11 Form, 10.25.2016, ELLER001508-1517, was marked for

12 identification.)

13 Q. Do you recognize this document?

14 **A. Yes. Yes, I do.**

15 Q. Are they medical records produced by MedStar

16 Georgetown University Hospital?

17 **A. The partial hospital, yes.**

18 Q. And just for the record, this document that

19 was handed down begins with the page Bates stamped

20 ELLER001508, and ending with page Bates stamped

21 ELLER_001517; is that correct?

22 **A. Yes.**

1 Q. Did you review these documents in preparing

2 your expert report?

3 **A. I did.**

4 Q. Let's go to the page Bates stamped

5 ELLER001511. What does this say in the section titled

6 Final Diagnosis?

7 **A. It says, "MDD, recurrent severe, PTSD,**

8 **anxiety, gender dysphoria."**

9 Q. And MDD refers to major depressive disorder?

10 **A. Correct.**

11 Q. Okay. And so if understanding this

12 correctly, this means that Ms. Eller has been diagnosed

13 with major depressive disorder, recurrent severe?

14 **A. Correct.**

15 Q. Posttraumatic stress disorder, anxiety and

16 gender dysphoria; is that correct?

17 **A. That is correct.**

18 Q. Under Hospital Course right next to it --

19 **A. Do you want to see why there's a**

20 **discrepancy? Or you may not. That's fine you will ask.**

21 **You will ask if you want to see something. That's fine.**

22 Q. No, please, offer what you were going to

1 say.

2 **A. The progress note that you have on**

3 **ELLER001508, and the diagnosis PTSD is not included.**

4 **Anxiety disorder, depression, ADD, gender dysphoria.**

5 Q. Mm-hmm.

6 **A. So that is not actually included. That and**

7 **between the progress note of 00151, PTSD is actually**

8 **listed, and there's -- there is -- actually, there was**

9 **nothing that -- I actually showed a pathway of how they**

10 **got to PTSD, and wondering if this was a reported that**

11 **she states that she's PTSD, or there was very little**

12 **process to actually determine how they got the diagnosis**

13 **of PTSD, but it showed up.**

14 Q. Okay. So just to clarify what you're

15 saying, the document Bates stamped ELLER001508 is the

16 referral form from Ms. Eller's referring psychiatrist for

17 her to go into Georgetown University Hospital Psychiatric

18 Partial Hospitalization Program; is that correct?

19 **A. It should be, yes.**

20 Q. And the document starting on ELLER001511

21 actually is the discharge document; is that correct?

22 **A. Patient discharged education, in education.**

1 **Yes, I believe so.**

2 Q. So what we see in the discrepancy is that in

3 between Ms. Eller being admitted to MedStar Georgetown

4 University Hospital Psychiatric Partial Hospitalization

5 Program and her being discharged, she was diagnosed with

6 PTSD?

7 MR. SHARMA: Objection.

8 You can answer.

9 **A. There is -- there is an inclusion of the**

10 **diagnosis of PTSD, but there is not the process of how we**

11 **actually came about that. That I didn't see. Maybe I**

12 **missed something, but that I didn't see. So...**

13 Q. Do you have anything to dispute that the

14 diagnosis is a legitimate diagnosis by the mental health

15 professionals at Georgetown University Hospital?

16 **A. I would have to accept that they saw**

17 **something different, but it was not actually clear in the**

18 **documentation of what they saw.**

19 **So I don't know how they actually came**

20 **up with the diagnosis. Were there any tests? Did they**

21 **have the psychologist test? It just wasn't clear of how**

22 **they came up with the diagnosis.**

1 Q. Okay. But they came up with the diagnosis,
2 correct?

3 **A. They -- they -- somebody came up with the**
4 **diagnosis.**

5 Q. Okay. And under Hospital Course, it
6 states --

7 **A. Where are you referring?**

8 Q. And again, we're on ELLER001511 -- sorry,
9 pardon me. Let's go to ELLER001515.

10 Under Hospital Course, it states,

11 [REDACTED]

12 Under Hospital Course, it states,

13 [REDACTED]

14 **A. Correct.**

15 Q. -- [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Is that correct?

19 **A. That's what it says, yes.**

20 Q. And this is referring to Jennifer Eller?

21 **A. This is referring to Jennifer Eller.**

22 Q. And just below that, it states, "After a

1 (Plaintiff's Exhibit 81, MedStar Health record,
2 11.4.2016, ELLER001284-1313, was marked for
3 identification.)

4 Q. Have you ever seen this document?

5 **A. Yes.**

6 Q. What is it?

7 **A. Looks like a progress note from Georgetown.**

8 Q. It's a number of progress notes from the
9 Psychiatric Partial Hospitalization Program from
10 Georgetown University Hospital, right?

11 **A. Yes. It looks like it, yes.**

12 Q. Just for the record, the exhibit begins with
13 the page Bates stamped ELLER001284 and ends with the page
14 Bates stamped ELLER001313.

15 **A. Yes.**

16 Q. Okay. Did you review these documents in
17 order to prepare your expert report?

18 **A. Yes.**

19 Q. Okay. Let's go to the page Bates stamped
20 ELLER001287. At the top of the page, it says, under
21 Medical Decision Making, "On interview today, patient
22 meets criteria for PTSD. [REDACTED]"

1 thorough evaluation of the patient, comma, and a
2 discussion with her outpatient psychiatrist, comma, the
3 decision was made to make the following medication
4 adjustments." And then second bullet point, [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Is that correct?

8 **A. That is correct. And it doesn't inform what**
9 **are the nightmares or the symptomatology that she**
10 **actually has, just that they started her for nightmares.**

11 Q. Okay.

12 **A. Nightmare symptoms.**

13 Q. What is the date of this document?

14 **A. It looks like 12/2016. Is that the --**

15 Q. Is it December --

16 **A. Oh, I'm looking at the stamps here.**

17 Q. Is it December 20, 2016?

18 **A. Yes.**

19 Q. Okay.

20 **A. Looking at the stamp here.**

21 Q. All right. I'm going to hand you now
22 another document marked as Exh bit 81.

1 [REDACTED]

2 **A. Yes.**

3 Q. Did I read that correctly?

4 **A. You read that, that is what is stated here.**

5 Q. So part of the process by which it appears
6 Georgetown University Hospital medical professionals, in
7 this instance, Dr. Nima Sheth, came to her conclusion is
8 that she interviewed Jennifer Eller; is that correct?

9 **A. Yes.**

10 Q. Okay.

11 **A. I am assuming that she interviewed her**
12 **because she signed this.**

13 Q. Okay. All right.

14 And just for clarification of the
15 record, the progress note that we just discussed is dated
16 November 4, 2016, and that's on ELLER001286; is that
17 correct?

18 **A. That's correct. And we -- we would**
19 **actually, if you're making a diagnostic, just instead of**
20 **making a blank statement that she meets criteria for**
21 **PTSD, would like to be specific because that is a**
22 **disorder that is -- it is -- there's a specific nature.**

1 The other thing about this is she then
 2 writes right after that, [REDACTED]
 3 [REDACTED]
 4 [REDACTED] Or her going to the ER.
 5 She agrees to go to the ER, if she --
 6 that worsens.
 7 At this moment that she's at low risk,
 8 and she is basically no history of self-harm, would kind
 9 of give us an insight into where she is at that present
 10 moment in regards to all of the diagnoses that were
 11 actually given prior to that.
 12 But we'd like to see -- if you are going
 13 to diagnose somebody, we'd like to see the criterion
 14 instead of just say, meets criteria for PTSD. I'll leave
 15 it at that.
 16 Q. Okay. And just to clarify some of your
 17 earlier testimony, you earlier said that for a diagnosis
 18 such as PTSD, it involves longitudinal observation, it's
 19 not just a one-time --
 20 A. No, that was for borderline personality
 21 disorder.
 22 Q. Okay. What about PTSD?

1 A. PTSD, usually, you can find a precipitating
 2 event that is -- could be the causality of it. If not,
 3 you would have a descriptive nature of many events over a
 4 period of time that are life-threatening, that -- or have
 5 witnessed, that you can look at and say, this is a
 6 possible cause, or causality would possibly be related to
 7 this.
 8 Q. Okay. That's referring to criterion A; is
 9 that correct?
 10 A. That's related to criterion A, and
 11 criterion --
 12 Q. I'm sorry. Go ahead.
 13 A. And criterion H is where we have some of the
 14 difficulties, where it has to be something that is not
 15 directly -- cannot be directly attributed to another
 16 disorder, such as depression or substance abuse or
 17 schizophrenia or something of that nature.
 18 Q. Just with regards to criterions B through G,
 19 some of that would occur through longitudinal
 20 observation?
 21 A. B, is actually a short period of time.
 22 Remember, it's for a month, greater than a month. Then

1 we -- if it's for a longer period of time, we start
 2 saying things are chronic in nature.
 3 Q. Okay. So it would have to at least be
 4 greater than a month?
 5 A. Correct.
 6 Q. Okay. Thank you.
 7 And can a patient who has over a period
 8 of time experienced, say, suicidal thoughts, to meet one
 9 of the criterions of PTSD, have a day in which they don't
 10 have suicidal thoughts?
 11 A. Suicidal thoughts is usually not a criterion
 12 for PTSD. If we start looking at suicidal thoughts, we
 13 start looking for other issues of mental illness.
 14 Q. So then why is the fact that Dr. Sheth noted
 15 that Ms. Elle [REDACTED]
 16 [REDACTED] relevant to whether she
 17 suffers PTSD, as you were pointing out earlier?
 18 A. Because it actually may indicate the
 19 presence of something else that is actually going on.
 20 PTSD criterion does not include suicidal ideation. It
 21 actually may indicate to where she is in the process of
 22 coping.

1 Q. Mm-hmm.
 2 A. I might use that word.
 3 Q. Okay. So...
 4 A. So -- and this is a suicidal lethality
 5 assessment, which should be done with basically all
 6 patients at all times.
 7 Q. Just to be clear, on 11/4/2016, when
 8 Dr. Nima Sheth determined that Ms. Eller meets the
 9 criteria for PTSD, she wrote that Ms. Eller "is at low
 10 risk of self-harm;" is that right?
 11 A. She did write that.
 12 Q. Okay. Is that inconsistent with a diagnosis
 13 of PTSD?
 14 A. No.
 15 Q. Okay.
 16 A. No, it's not.
 17 Q. All right. Let's go to the next document.
 18 (Plaintiff's Exh bit 82, Whitman-Wa ker Health Clinic
 19 record, 5.3.2019, ELLER001318-1507, was marked for
 20 identification.)
 21 Q. I'm handing you what has been marked as
 22 Exh bit 82.

1 **A. Okay.**
 2 Q. I will not be going through all of the pages
 3 of Exhibit 82.
 4 Do you recognize this document?
 5 **A. I do.**
 6 Q. Are you familiar with it?
 7 **A. Yes, I am.**
 8 Q. For the record, these are medical health
 9 records for Jennifer C. Eller provided by Whitman-Walker
 10 Health; is that correct?
 11 **A. Affirmative.**
 12 Q. Did you review these documents in order to
 13 prepare your expert report?
 14 **A. Yes.**
 15 Q. Okay. Just for the record, the Exhibit 82
 16 handed to the witness begins on the page Bates stamped
 17 ELLER00128, and ends in the page Bates stamped
 18 ELLER001491.
 19 Okay. Let's go to page ELLER001320.
 20 **A. You said 30?**
 21 Q. 20.
 22 **A. 20. Okay.**

1 Q. ELLER1320.
 2 What does it say under Assessments?
 3 **A. It says, "Posttraumatic stress disorder,**
 4 **F43.1, primary; depressive disorder, non-elsewhere**
 5 **classified, F32.9; attention deficit disorder, F90.0;**
 6 **gender dysphoria, F64.9.**
 7 Q. Thank you.
 8 So these are diagnoses for PTSD,
 9 depressive disorder, ADD and gender dysphoria; is that
 10 correct?
 11 **A. These are -- you said, "These are**
 12 **diagnoses"?**
 13 Q. Yes.
 14 **A. These would be considered diagnoses, yes.**
 15 Q. And the F-numbers are diagnostic codes?
 16 **A. Yes.**
 17 Q. And for PTSD, it states, under parenthesis,
 18 "Primary." Does that mean that that is the primary
 19 diagnosis?
 20 **A. That would mean that he was focusing on that**
 21 **as a primary diagnosis, and that the issue is that we**
 22 **cannot -- he cannot erase somebody else's diagnosis. So**

1 **he has to carry this diagnosis forward just like I had to**
 2 **carry the diagnosis forward.**
 3 Q. Just to make clear, this is a progress note
 4 from Dr. He?
 5 **A. Dr. He.**
 6 Q. Dr. He, I think it's pronounced Dr. He.
 7 Is this a progress note from May 3,
 8 2019? I believe that is on --
 9 **A. Yes.**
 10 Q. -- ELLER00138 -- 1318. Okay.
 11 In your report, you say, "The causality
 12 of Ms. Eller's PTSD is unclear."
 13 Is that right?
 14 **A. Yes.**
 15 Q. Can you say with a medical certainty that
 16 Ms. Eller does not suffer from PTSD?
 17 **A. No, I can't say whether -- for a medical**
 18 **uncertainty. We don't do medical uncertainties.**
 19 Q. No. Can you say with medical certainty that
 20 Ms. Eller does not suffer from PTSD?
 21 **A. No, I cannot say for medical certainty that**
 22 **she does not suffer from PTSD.**

1 Q. Do you dispute Ms. Eller's diagnosis of
 2 PTSD?
 3 **A. I believe Ms. Eller has traumatic symptoms**
 4 **and that's what we're referring to when we're talking**
 5 **about PTSD.**
 6 Q. Okay.
 7 **A. Which is all throughout the history, by the**
 8 **way.**
 9 Q. Understood. Okay.
 10 **A. All right.**
 11 Q. We'll come back to Exhibit 82 in a little
 12 bit, but --
 13 **A. Okay.**
 14 Q. -- let's go to page 17 of your report,
 15 Exh bit 78. On page 17, you state that Ms. Eller has
 16 been diagnosed with PTSD and that it appears to be
 17 "secondary to the sustaining traumas that she has
 18 experienced from the event of 2011."
 19 Is that right? Did I read that --
 20 **A. No. I don't see any quotes, and it says,**
 21 **"It is inferred to be secondary to the sustained**
 22 **traumas" -- reading in the same place -- "she has**

1 **experienced from the events of 2011."**

2 Q. Okay. To be sure, when I'm using quotes,

3 I'm -- because I'm quoting what I read. Sorry. Just to

4 clarify.

5 A. Oh, okay.

6 Q. All right. Do you understand Ms. Eller's

7 claim to suffer from PTSD to be related to a hostile work

8 environment limited to 2011?

9 A. **That is what she reported, and that's why it**

10 **was included here in the synopsis, and there is more to**

11 **it than that, that's why I put, "However, there is**

12 **significant documentation and multiple events that have**

13 **transpired in her life as well as the previous mentioned**

14 **diagnosis that called into question the origin, cause,**

15 **and the relationship to her work environment."**

16 Q. Is it not the case that the hostile work

17 environment that Ms. Eller endured spans a period of over

18 five years beginning in 2011?

19 MR. SHARMA: Objection.

20 You can answer.

21 A. **I believe -- I don't know when it ended.**

22 **All I do know is when it's referred to as started in**

1 **2011.**

2 Q. Okay. So just to clarify, I was just

3 unclear about why you had stated on page 17, you are not

4 saying that it was a single event in 2011?

5 A. Correct.

6 Q. Okay. You understand there to be multiple

7 events over a period of time?

8 A. **Over her -- not only of the hostile, I'm**

9 **talking about of her life -- lifetime. She's -- there's**

10 **reported events of various traumas that she has sustained**

11 **over her lifetime.**

12 Q. Okay. Understanding that you are also

13 referring to other events prior to 2011 not related to

14 the workplace, do you understand that Ms. Eller's PTSD

15 diagnosis appears to be related to job-related stressors

16 that occurred over a period of years?

17 MR. SHARMA: Objection.

18 You can answer.

19 A. **No, that's -- that's where we differ a**

20 **little bit. Because from her history and from her report**

21 **and from the evaluation, she has had traumatic events**

22 **over her lifetime starting at the age of [REDACTED] that it's**

1 **just not that in 2011, there was one event that happened**

2 **that caused her to, quote, unquote, have PTSD.**

3 **She's had traumas all throughout her**

4 **life cycle to this point associated with gender**

5 **dysphoria.**

6 Q. Okay. Were all of the traumas associated

7 with gender dysphoria?

8 A. **From what I recall, that if they weren't,**

9 **the majority would be. I mean, there were a lot of --**

10 **even some of the good things that she mentioned, leading,**

11 **you know, some church groups and everything that her**

12 **father, her mother -- [REDACTED]**

13 **[REDACTED]**

14 **[REDACTED]**

15 **[REDACTED]**

16 **[REDACTED] All of this contributed to -- and**

17 **these are the traumatic events that we're referring to.**

18 **Even some traumatic events as an adult.**

19 Q. Okay. Let's go to page Bates stamped

20 ELLER00131 on Exhibit 82 -- ELLER001321.

21 A. 1321?

22 Q. Yes.

1 A. Okay. Gotcha.

2 Q. Under the heading Treatment, it says, "1,

3 posttraumatic stress disorder, PTSD."

4 Is that correct?

5 A. Correct.

6 Q. Okay. And under PTSD, for August 2014, it

7 says in part, "Coping with terrible discrimination at

8 work in Maryland Public Schools."

9 Is that right?

10 A. **I don't see that. You're saying it was --**

11 **here's -- I have clinical notes.**

12 Q. It starts 8 -- 8-2014.

13 A. "Doing better on [REDACTED]"

14 Q. Just to restate the question.

15 A. Okay.

16 Q. It says --

17 A. Yes.

18 Q. -- "coping with terrible discrimination at

19 work in Maryland public schools."

20 Is that right?

21 A. **Yes, correct. The self-report, yes.**

22 Q. Okay. Further below, for February 2015, it

1 says, "Can't take discrimination anymore. Looking for
2 new jobs."
3 Is that correct?
4 **A. That is correct. Self-report, yes.**
5 Q. And below, for April 2016, it says, "Doing
6 worse with worsening school stress."
7 Is that right?
8 **A. That's what it says.**
9 Q. Okay. And just another one, for October
10 2016, it says, "Discrimination followed her to new
11 school-OOW with spike in depression/anxiety."
12 Is that right?
13 **A. Yes.**
14 Q. What do you understand OOW to mean?
15 **A. And I just lost my place here.**
16 **This is an acronym, I don't know.**
17 Q. Could it be "out of work"?
18 **A. Out of work. Yeah. Normally, we would**
19 **write "out of work." These are acronyms that maybe --**
20 Q. Some people become lazy.
21 **A. Yes. With spike in depression/anxiety, yes.**
22 Q. Okay. Thank you.

1 And just to that last self-report that
2 we talked about was dated October 2016; is that right?
3 **A. Yes.**
4 Q. And it was shortly thereafter that Ms. Eller
5 was referred to the Georgetown Psychiatric Partial
6 Hospitalization Program; is that right?
7 **A. I believe so, if the dates are correct.**
8 Q. Right. If we go to ELLER1511 of Exh bit 80.
9 **A. Yes.**
10 Q. It says under Admission Date, "November
11 2nd -- have you found it?
12 MR. SHARMA: 1511.
13 **A. 1511. Yes.**
14 Q. Thank you.
15 It says under Admission Date, "November
16 2, 2016;" is that correct?
17 **A. Yes.**
18 Q. Okay. Thank you.
19 Just to clarify, Ms. Eller was diagnosed
20 with PTSD while she was at Georgetown University
21 Hospital; is that right?
22 **A. Right.**

1 **This note from Whitman-Walker is a -- it**
2 **looks like a compilation of the -- since it was 5/3/2019,**
3 **and this happened, the referral date was 10/26/16.**
4 **So he's writing a history of his -- I**
5 **don't know if it's self-report. It should -- with**
6 **specific dates, if it's self-report or...**
7 Q. Okay. Thank you.
8 I'm going to ask you about one of your
9 alternative theories in your report.
10 **A. Correct.**
11 Q. In your report, you seem to say that
12 Ms. Eller's PTSD symptoms may be caused or contributed to
13 significantly by her prescription of [REDACTED] is that
14 right?
15 **A. Yes. Some of the emotional and lability of**
16 **mood can be contributed or may be contributed to [REDACTED]**
17 **and even how she's feeling.**
18 Q. In preparing your report, did you review the
19 Endocrine Society's Clinical Practice Guidelines for the
20 Endocrine Treatment of
21 Gender-Dysphoric/Gender-Incongruent Persons?
22 **A. No, I didn't review that specific one, but I**

1 **did review the treatment of gender dysphoria and the use**
2 **of [REDACTED].**
3 Q. Where did you review the treatment of gender
4 dysphoria?
5 **A. The -- in the -- in the DSM-5, gender**
6 **dysphoria, and the [REDACTED] comes from the -- basically,**
7 **the PI, the package insert for [REDACTED]**
8 Q. And just to clarify, earlier, you had
9 testified that the DSM-5 doesn't prescribe treatment,
10 just diagnostic criteria; is that correct?
11 **A. Correct. Correct.**
12 Q. You are now stating that you reviewed the
13 symptoms, warnings for the packaging for [REDACTED]; is that
14 right?
15 **A. Yeah.**
16 Q. Okay. Why was that not listed in your
17 bibliography?
18 **A. Because I didn't write a bibliography.**
19 Q. Why was that not included in your report?
20 **A. It was in the symptoms there that we have**
21 **here for hormone replacement therapy.**
22 Q. Can you point to any studies that you relied

1 on to state that Ms. Eller's symptoms of PTSD may be
 2 caused by [REDACTED] ?
 3 **A. No, that's not what I stated. That symptoms**
 4 **are not caused by [REDACTED]**
 5 Q. What did you say?
 6 **A. I said, "Is presently prescribed [REDACTED]**
 7 **three times a day. This is deemed to be medically**
 8 **necessary and appropriate for gender dysphoria. She has**
 9 **been prescribed the regimen since 2011 and presently**
 10 **exhibits secondary sexual characteristics of a female.**
 11 **The following are significant symptoms**
 12 **of the use of [REDACTED]: Anxiety, depression, nervousness,**
 13 **rash, syncope, weight changes, insomnia and muscle**
 14 **spasms.**
 15 **There is significant risk of using**
 16 **[REDACTED] both psychological and physiological. Some of**
 17 **these symptoms can be life-threatening. It is important**
 18 **to note that the use of [REDACTED] may cause or contribute**
 19 **significantly to the previous-mentioned symptoms of**
 20 **depression, anxiety and PTSD.**
 21 **This contributes to the significant**
 22 **difficulty and complexity of diagnosing Ms. Eller with**

1 PTSD caused from a hostile work environment." So...
 2 Q. Thank you.
 3 So then I re-ask my question: On what
 4 studies do you rely on to state that [REDACTED] can
 5 contribute significantly to Ms. Eller's symptoms of PTSD?
 6 **A. Just the package insert, the side effect**
 7 **profile, the PDR, any document that you want to look at**
 8 **for side effects of [REDACTED] will actually -- and as I**
 9 **noted here, that can cause mood swings, anxiety and**
 10 **depression.**
 11 Q. Just wondering what documents you relied on
 12 that were listed in your report?
 13 **A. I -- there were no documents. This is --**
 14 **this is package insert. This is -- this is information**
 15 **from -- that's in the PDR.**
 16 Q. Okay.
 17 **A. And if I have to amend that, then I will say**
 18 **that I used the PDR, which is -- you can use the PDR.**
 19 Q. Would you like to for the record amend now
 20 that you relied on the PDR for [REDACTED] ?
 21 **A. The PDR for [REDACTED] and only specifically**
 22 **for [REDACTED], yes.**

1 Q. Okay. Thank you.
 2 **A. Mm-hmm.**
 3 Q. Can you point to any published research to
 4 support your opinion that [REDACTED] contributed to
 5 Ms. Eller's symptoms of PTSD?
 6 **A. Not of PTSD. Depression and anxiety,**
 7 **nervousness.**
 8 Q. Can you point to any published research to
 9 support your opinion that [REDACTED] may cause symptoms of
 10 PTSD?
 11 **A. Not PTSD. Depression, anxiety, and symptoms**
 12 **that she was experiencing that may be contributing to her**
 13 **PTSD.**
 14 Q. Okay.
 15 **A. Or even considered to be the cause of her**
 16 **PTSD.**
 17 Q. Can you say with any medical certainty that
 18 [REDACTED] caused Ms. Eller's PTSD symptoms?
 19 **A. No.**
 20 Q. Can you say with any medical certainty that
 21 [REDACTED] contributed significantly to Ms. Eller's PTSD
 22 symptoms?

1 **A. There may be -- of PTSD symptoms or her**
 2 **mental illness?**
 3 Q. Yes. PTSD symptoms.
 4 **A. Well, not of her PTSD symptoms, but of**
 5 **depression, anxiety, yes.**
 6 Q. Okay. Okay. On page 17 of your report, you
 7 state in relation to Ms. Eller's PTSD diagnosis, "There
 8 is significant documentation of multiple events that have
 9 transpired in her life as well as the previous-mentioned
 10 diagnosis that call into question the origin, cause and
 11 the relationship to her work environment."
 12 Is that right?
 13 **A. Of course, yes.**
 14 Q. Okay. Do you agree that a person may suffer
 15 PTSD as a result of a more recent incident, even if they
 16 previously suffered other trauma when they were younger?
 17 MR. SHARMA: Objection.
 18 You can answer.
 19 **A. That's where it becomes very tricky, because**
 20 **if they suffered trauma from previous, this may just be**
 21 **how they literally -- their ability to, as you may say,**
 22 **cope with the trauma may be lessened. They may actually**

Page 138

1 **start reliving experiences of the trauma prior to an**
 2 **event. Their coping skills, as I agree with Dr. Ettner**
 3 **there, that the coping skills and the ability to be**
 4 **resilient in the face of stressors may not be the same as**
 5 **they were if they had not experienced the trauma prior in**
 6 **life.**
 7 Q. Okay. Thank you.
 8 I'm just going to hand you ano her
 9 document.
 10 (Plaintiff's Exhibit 83, Au hor manuscript, S. Reisner,
 11 "Discriminatory experiences associates wi h posttraumatic
 12 stress disorder symptoms among transgender adults", was
 13 marked for identifica ion.)
 14 Q. Handing you what's been marked as Exhibit
 15 83.
 16 All right. Have you ever seen this
 17 document before?
 18 **A. No.**
 19 Q. Okay. I represent to you that it is an
 20 article titled Discriminatory Experiences Associated With
 21 Posttrauma ic Stress Disorder Symptoms Among Transgender
 22 Adults that was published in the Journal of Counseling

Page 139

1 Psychology in 2016; is that right?
 2 **A. Affirmative.**
 3 Q. Okay. Are you familiar with the Journal of
 4 Counseling Psychology?
 5 **A. Yes, I am.**
 6 Q. Is it a peer-reviewed journal?
 7 **A. Yes, it is.**
 8 Q. Is this the type of research study that
 9 experts in your field would typically rely on?
 10 **A. We may read it, but we may not rely on this.**
 11 **This is actually a document that will present information**
 12 **so that we can get information in -- and be informed and**
 13 **associated with things, but we may not consider this to**
 14 **be the authoritative --**
 15 Q. Sure.
 16 **A. Right.**
 17 Q. Let me just clarify, then.
 18 **A. Okay.**
 19 Q. Not asking if this is authoritative for you.
 20 **A. Correct.**
 21 Q. I'm just asking, is this the type of
 22 research study that experts in your field would typically

Page 140

1 review and consider in coming to opinions?
 2 **A. I can't speak for all experts. Some may and**
 3 **some may not.**
 4 Q. Okay. This study looks at the association
 5 between discrimination experiences and PTSD symptoms
 6 among transgender adults; is that right?
 7 **A. Yes.**
 8 Q. Let's go the last paragraph of page 11 of
 9 the exhibit, please. Sorry. I lost my train here.
 10 My apologies. Let's go to he last
 11 paragraph of page 9. All right. Are you there?
 12 **A. Yes.**
 13 Q. All right. It begins, "Many participants
 14 experience known sources of trauma, including childhood
 15 abuse and intimate partner violence, but the association
 16 between discrimination experiences and PTSD symptoms
 17 existed after statistically adjusting for these.
 18 Further, the magnitude of he association between
 19 discrimination and PTSD symptoms, beta equals 0.25, was
 20 comparable to the magnitude of association between
 21 childhood abuse and PTSD symptoms, beta equals 0.29, and
 22 exceeded the magnitude of association between intimate

Page 141

1 partner violence and PTSD symptoms, beta, 0.18."
 2 Did I read that correctly?
 3 **A. Yes, you did.**
 4 Q. Do you disagree wi h that statement?
 5 **A. I would have to literally read the whole --**
 6 **the whole study and see how it was set up, and then come**
 7 **to my conclusions based on how this was actually set up,**
 8 **their sample size, what methodology that they used. They**
 9 **came up and, of course, they made their conclusions, but**
 10 **there may be another study that's contradicting their**
 11 **conclusions.**
 12 **So this is -- all depends on really**
 13 **going through and really looking at this to see exactly**
 14 **how they came up with their conclusions.**
 15 Q. It's not an incredibly long paper. I
 16 believe it's 12 pages. Would you like to have some ime
 17 to read it over and we can discuss hat?
 18 **A. I would sit and digest it.**
 19 Q. Okay.
 20 **A. Yeah. Even though it's -- they may not be**
 21 **long, but they're supposedly packed with a lot of**
 22 **information and how we have to come to the conclusions on**

1 **how they did that.**
 2 Q. Would you disagree that the authors of the
 3 study conclude that many participants who experienced
 4 known sources of trauma, including childhood abuse and
 5 intimate partner violence, that the association between
 6 discrimination experiences and PTSD symptoms existed even
 7 after statistically adjusting for those?
 8 **A. For PTSD, yes. And women are more inclined**
 9 **to have sexual violence, and when they're actually maybe**
 10 **developing PTSD, it is the premier thought of the cause**
 11 **of PTSD in women, which is sexual violence; whereas men,**
 12 **it's more associated with violent methods such as war or**
 13 **gang violence or homicide.**
 14 **So this would be consistent, when they**
 15 **talk about the traumas, and if they had not included**
 16 **sexual violence, I would have thrown this whole thing**
 17 **out, but because they did, I will say, okay, they have**
 18 **included some things that we know to be part of the**
 19 **process of PTSD in women.**
 20 Q. Understanding you have not digested fully
 21 this article nor reviewed it in detail, does anything
 22 jump out at you to say that what they're stating that

1 there is an association between discrimination
 2 experiences and PTSD symptoms even after statistically
 3 adjusting for traumas involving childhood abuse and
 4 intimate partner violence is --
 5 **A. No.**
 6 Q. -- inconsistent with any knowledge bases
 7 that you have?
 8 **A. No, some questions would come out to, is**
 9 **what they adjusted for. The question would be where they**
 10 **weighted it, were they more weighted towards childhood**
 11 **experiences or were they more weighted towards the sexual**
 12 **violence in women?**
 13 **PTSD in children is completely different**
 14 **than PTSD in adults.**
 15 **So that would have to be looked at, kind**
 16 **of digested, to see were they're actually coming from,**
 17 **and how they got to their conclusion.**
 18 Q. Understand. Thank you.
 19 In your report, you state that "there is
 20 significant difficulty and complexity of diagnosing
 21 Ms. Eller with PTSD caused from a hostile working
 22 environment."

1 Is that right?
 2 **A. What page are you on?**
 3 Q. I believe that it's page 19. Last sentence,
 4 second to the last paragraph.
 5 **A. Last sentence, second to the last -- okay.**
 6 **There it is. Difficulty. Yes.**
 7 Q. Do you agree that -- scratch that.
 8 Do you agree that multiple mental health
 9 professionals, including staff at Georgetown Medical
 10 Center, Whitman-Walker Health, as well as Dr. Randi
 11 Ettner, have diagnosed Ms. Eller as suffering from PTSD
 12 in relation to the hostile working environment that she
 13 experienced at Prince George's County Public Schools?
 14 MR. SHARMA: Objection.
 15 You can answer.
 16 **A. I believe that one person diagnosed her and**
 17 **that the diagnosis has been carried on in successive**
 18 **steps.**
 19 Q. Did you review Dr. Ettner's expert report?
 20 **A. Yes, I did.**
 21 Q. Didn't she confirm the diagnosis in her
 22 report?

1 **A. Oh, yes, she did. She said that she**
 2 **believes she has PTSD.**
 3 Q. Okay. Specifically related to the
 4 discrimination and harassment she suffered at Prince
 5 George's County Public Schools?
 6 **A. I believe she said she believes it's**
 7 **specific to Prince George's County Public Schools.**
 8 Q. To your knowledge, was Ms. Eller ever
 9 diagnosed with PTSD prior to her discriminatory
 10 experiences at Prince George's County Public Schools?
 11 **A. I do not believe that I saw any**
 12 **documentation that she was diagnosed with PTSD; only**
 13 **██████████ depression and anxiety and ██████████**
 14 **██████████**
 15 Q. Okay. And you're aware that Ms. Eller began
 16 working with Dr. Vicki Kirsch in 2011, prior to her
 17 social transition; is that right?
 18 **A. I believe it was prior to her social**
 19 **transition.**
 20 Q. Thank you.
 21 (Plaintiff's Exhibit 84, letter, 5.28.2019, Kirsch, was
 22 marked for identification.)

Page 146

1 Q. I'm handing you what's been marked as
 2 Exh bit 84.
 3 Do you recognize this document?
 4 **A. Yes, I do.**
 5 Q. What is it?
 6 **A. It's a letter from Dr. Kirsch.**
 7 Q. It's dated May 28, 2019?
 8 **A. Yes.**
 9 Q. Is this a document you're familiar with?
 10 **A. Yes.**
 11 Q. Did you review this document in order to
 12 prepare your expert report?
 13 **A. Yes.**
 14 Q. Okay. Thank you.
 15 Just to make clear for the record,
 16 Ms. Eller's beginning to work with Dr. Kirsch was prior
 17 to her beginning -- scratch that.
 18 Ms. Eller's beginning to work with
 19 Dr. Kirsch was prior to her experiencing a hostile work
 20 environment at Prince George's County Public Schools?
 21 **A. I believe it was prior to January 2011.**
 22 Q. Thank you. All right. Almost done.

Page 147

1 All right. Would you agree that a
 2 hostile work environment may exacerbate a person's major
 3 depressive disorder?
 4 MR. SHARMA: Objection.
 5 You can answer.
 6 **A. Hostile work environment may -- yes, it
 7 could. Could cause them difficulty with the stressors,
 8 and they may not have the resilience emotionally to
 9 actually cope.**
 10 Q. Okay. Would you agree that a hostile work
 11 environment may significantly contribute to a person's
 12 major depressive disorder?
 13 MR. SHARMA: Objection.
 14 You can answer.
 15 **A. Okay.**
 16 **And the question was, do I believe --
 17 that was kind of the similar to the other one?**
 18 Q. Yeah. Would you agree that a hostile work
 19 environment may significantly contribute to a person's
 20 major depressive disorder?
 21 MR. SHARMA: Same objection.
 22 **A. Usually, if it's major depression, there are**

Page 148

1 **symptoms that are -- it may have some bearing on it, but
 2 it may not be the sole source of why they're having major
 3 depression.**
 4 Q. Okay.
 5 **A. So there are several models of major
 6 depression.**
 7 Q. Okay. Would you agree --
 8 **A. And the causes of it, by the way.**
 9 Q. Thank you.
 10 Would you agree that a hostile work
 11 environment may exacerbate a person's anxiety disorder?
 12 **A. Depending on the person, depending on their
 13 resilience, depending on what they actually have
 14 transpired in the past, depending on how they literally
 15 will handle circumstances in the past. It may be just a
 16 continuation of their anxiety disorder.**
 17 Q. Would you agree that a hostile work
 18 environment may significantly contribute to a person's
 19 anxiety disorder?
 20 MR. SHARMA: Objection.
 21 You can answer.
 22 **A. Anything's possible, but as I previously**

Page 149

1 **stated, that it may just be a continuation of their
 2 anxiety. If they have an anxiety disorder, that is
 3 something that -- that actually is over a period of time.
 4 So it may just actually be a continuance
 5 of that. That's all.**
 6 Q. Would you agree that a hostile work
 7 environment may exacerbate a person's PTSD?
 8 MR. SHARMA: Objection.
 9 You can answer.
 10 **A. Okay.**
 11 **Once again, I will say that the --
 12 because of -- symptoms of PTSD are very specific --**
 13 Q. Mm-hmm.
 14 **A. -- okay, related to incidents. If they're
 15 diagnosed with PTSD, going back to criteria A, going back
 16 to the criteria H, you can have B through H, that it may
 17 just be a continuation of what they've already
 18 experienced, and how they actually handle the stressors
 19 that are in their life, and that's what makes it a little
 20 bit more complex, when they have comorbid medical issues,
 21 depression and anxiety and previous history of trauma.
 22 Specifically, as I mentioned in**

1 **borderline personality disorder, because the perception**
 2 **of borderline personality disorder is not one that is**
 3 **very resilient. They're either black or white, which**
 4 **means that, you know, either you're all good or you're**
 5 **all bad, which may lead to how they actually manage and**
 6 **how that previous trauma in their life is consistently**
 7 **going throughout the life cycle, and how they actually**
 8 **manage and handle difficulties and controversies.**

9 Q. And just one of the criteria for PTSD, if
 10 you wanted to make reference, it's page 13 of your
 11 report, criterion B --

12 **A. Yes.**

13 Q. -- "the traumatic event is persistently
 14 reexperienced in the following ways," one of those is,
 15 "Emotional distress of their exposure to traumatic
 16 reminders."

17 Is that right?

18 **A. Correct.**

19 Q. Okay. And also criterion C is, "Avoidance
 20 of trauma-related stimuli after the trauma."

21 **A. Correct. Those traumatic reminders is not**
 22 **just a general -- general term. If I had -- for**

1 **instance, I had an inmate that hung himself in the**
 2 **bathroom. Well, the guard that cut him down had**
 3 **difficulty going into the bathroom. So -- or they had**
 4 **difficulty. They -- washing their hands in the sink**
 5 **because it was something that was associated with -- with**
 6 **the trauma.**

7 **So it's not just the general term that**
 8 **we'll use. You know, you're walking on the street and,**
 9 **you know, a loud noise -- well, they do have loud noises,**
 10 **but I'm just saying it's something that's actually**
 11 **specific that may cause you to have a reminder.**

12 Q. To the traumatic experience that you
 13 originally had?

14 **A. Yes. Yes.**

15 Q. And you previously indicated that most of
 16 the trauma that Ms. Eller had experienced is related to
 17 her gender identity?

18 **A. No.**

19 Q. No?

20 **A. No, not most of the trauma, because she had**
 21 **significant history of trauma.**

22 **Okay. Let me put it this way: The**

1 **trauma that she -- that is documented throughout her life**
 2 **cycle to this point from age 6 on, even though she**
 3 **mentioned some things at 4, but from age 6 on, have been**
 4 **associated with her gender dysphoria --**

5 Q. Okay.

6 **A. -- and in that sense.**

7 **There -- I'm pretty sure there's other**
 8 **traumas in her life that I didn't reference [REDACTED]**
 9 **[REDACTED] and everything else like that, but the specific**
 10 **traumas that we're talking about are traumas that are**
 11 **associated with gender dysphoria from back when she was**
 12 **very young.**

13 Q. So being subjected to discrimination in,
 14 say, the present, could that be the type of
 15 trauma-related reminder that meets the criteria for B and
 16 C?

17 **A. No, because we wouldn't -- you have to --**
 18 **okay. Going back to the criteria of PTSD, because that's**
 19 **what we do as psychiatrists, we kind of go back and try**
 20 **to make this subjective information objective.**

21 **So the trauma that she's experienced,**
 22 **the lack of support that she experienced as a child,**

1 **would not be considered trauma associated with PTSD. It**
 2 **would be lack of support.**

3 **So her, then, having a partner that**
 4 **wasn't supportive may make her feel the lack of support**
 5 **that she had as a child.**

6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED].

9 **So I'm saying all of this kind of refers**
 10 **back to things that have already transpired and are just**
 11 **flowing through her life cycle, and they're reminders of**
 12 **the anxiety-producing incidents, or lack of support, or**
 13 **psychological insults, but they don't rise to the nature**
 14 **of PTSD.**

15 **So I'm not saying that she doesn't**
 16 **have --**

17 Q. So let me rephrase my question.

18 **A. Okay.**

19 Q. Would you agree that a hostile work
 20 environment may exacerbate a person's symptoms relate to
 21 PTSD?

22 MR. SHARMA: Objection.

1 You can answer.

2 **A. Okay.**

3 **If she's diagnosed with PTSD, and it's a**

4 **trauma-related event, and I can only go back to -- well,**

5 **use the experience of the sink, and she had the trauma as**

6 **a child where she witnessed or was threatened or was --**

7 **somebody attempted to drown her, you know, in the**

8 **bathroom and now she's being exposed to the bathroom in**

9 **the -- in her work, and she brings up that trauma, then**

10 **in that case, yes. But we have to actually identify that**

11 **this trauma that she experienced, quote, unquote, trauma**

12 **that she experienced as a youth rose to the level of**

13 **PTSD.**

14 Q. Mm-hmm.

15 **A. Versus general anxiety or a traumatic event.**

16 Q. Would you agree that a hostile work

17 environment may significantly contribute to a person's

18 PTSD?

19 MR. SHARMA: Objection.

20 You can answer.

21 **A. Okay.**

22 **Going back to the criteria of PTSD and**

1 **the ability for someone or the -- as you may say, the**

2 **traumatic events through their life --**

3 Q. Mm-hmm.

4 **A. -- there may be reminders of traumatic**

5 **events or lack of support or incidents that have actually**

6 **happened that don't rise to the level of PTSD, that may**

7 **be what we're referring to. If Ms. Eller did not feel**

8 **supported in the school, the -- that may give her**

9 **memories of when she did not feel supported at home.**

10 **If she feels that she was being, I don't**

11 **know, belittled or just kind of denigrated, that may make**

12 **her feel the same way she felt when her brother was**

13 **denigrating her or not being supportive.**

14 **But does that rise to the level of PTSD?**

15 **Yes, it will rise to the level of anxiety, and maybe even**

16 **anxiety disorder, but PTSD, we have to go back to the**

17 **criteria of PTSD.**

18 Q. Okay. I just want to go back to the case,

19 you -- you earlier testified that you were deposed in a

20 case in which you were an expert witness that involved a

21 hostile work environment; is that correct?

22 **A. Yes.**

1 Q. Okay. Can you tell me a little bit more

2 about that case?

3 **A. Basically, it was a -- a young man who had**

4 **been working for 10, 11 years at a job doing maintenance.**

5 **The boss literally would -- it didn't start that way, but**

6 **it start -- denigrating him by calling him names and by**

7 **using -- using what we would consider not appropriate**

8 **titles. He was Hispanic, and so, you know, he was using**

9 **foul language towards him. And at that time, you know,**

10 **for a couple of years, he did -- another supervisor tried**

11 **to get the whole company to stop that.**

12 **Then he -- that same boss went towards**

13 **the other employee. So you had those two employees now**

14 **that are saying, you know, that he is actually using**

15 **racial slurs and things like that. He's -- they were**

16 **revoking his -- revoked his -- like, his vacation. They**

17 **just -- they just did things to him, and he was**

18 **significantly stressed. Never had PTSD, but he was**

19 **stressed.**

20 **Finally, he quit his job, and went and**

21 **looked for another job because he did not feel**

22 **comfortable. And he did tell HR and everything, and**

1 **nobody did anything.**

2 Q. And just to clarify, I think you testified a

3 little bit about this, but what was your expert opinion

4 in that case?

5 **A. Well, basically, that he had -- he had**

6 **stress. That the working environment seemed to cause**

7 **that he had stress. When he came, that when he went to**

8 **me, as a psychiatrist, that he basically was doing well,**

9 **but then it seems like the relationship between him and**

10 **his environment deteriorated.**

11 **And I did not testify that it was a**

12 **hostile work environment. I testified that the general**

13 **stress that he is under can be contributed to that**

14 **working environment if -- if this -- because remember, I**

15 **only get one side, unless I got the other -- if the**

16 **information is true from what he actually says that he**

17 **experienced, there is -- could be a correlation between**

18 **his anxiety and the work environment.**

19 Q. Okay. Thank you.

20 All right. Is it your opinion to a

21 degree of medical certainty that Ms. Eller's PTSD

22 symptoms are not caused by the hostile work environment

1 she experienced at Prince George's County Public Schools?
 2 **A. No, I cannot say with medical certainty that**
 3 **it is not caused, but that's why I'm saying it's complex.**
 4 **Because of the previous traumas that she has reported,**
 5 **and the previous mental difficulties and diagnoses that**
 6 **she has, it's not a clear picture that 2001 [sic], that**
 7 **work environment caused her to have --**

8 Q. I understand. I'm not asking you whether it
 9 caused it.

10 **A. Mm-hmm.**

11 Q. I understand that you have already included
 12 in your report that there's a difficulty and complexity
 13 in assigning causality, is your testimony; is that
 14 correct?

15 **A. There is difficulty. I cannot dispute that**
 16 **she has gender dysphoria.**

17 Q. Okay.

18 **A. I do not dispute that there are doctors that**
 19 **says she has PTSD. What I dispute is that looking at the**
 20 **overall picture, we have to take many things into**
 21 **consideration, the diagnosis of depression, of anxiety,**
 22 **the -- her personal background, the medication that she**

1 **is on, as well as the -- the personality that may have**
 2 **developed secondary to traumatic events in her childhood.**

3 Q. Just to properly characterize your opinion,
 4 I just want to clarify what it is not.

5 **A. Okay.**

6 Q. And so again, is it your opinion to a degree
 7 of medical certainty that Ms. Eller's PTSD symptoms are
 8 caused by the hostile work environment she experienced at
 9 Prince George's County Public Schools?

10 **A. I -- well, I do not believe that her**
 11 **symptoms, because she had symptoms of trauma prior to the**
 12 **incident of 2011, but I cannot say with a medical**
 13 **certainty that it is not.**

14 Q. Okay.

15 **A. I don't think any psychiatrist can say with**
 16 **a medical certainty that it is not.**

17 Q. Okay. Thank you.

18 Is it your opinion to a degree of
 19 medical certainty that Ms. Eller's PTSD symptoms were not
 20 exacerbated by the hostile work environment she
 21 experienced at Prince George's County Public Schools?

22 **A. I can say to a significant degree that the**

1 **symptoms were also associated prior -- were there prior**
 2 **to the incident of 2011; that some of the processes that**
 3 **need to be ruled out in this process of diagnosing her**
 4 **with PTSD is continuation of the traumatic events that**
 5 **she's actually experienced as a child. Gender dysphoria,**
 6 **in fact, to have gender dysphoria, part of the criteria**
 7 **is that it has to be significantly impairing social**
 8 **impairment and a relationship impairment. Also with**
 9 **depression and general anxiety, that all of these**
 10 **relationships are significantly impaired. And that's why**
 11 **I'm saying there's -- it's just not clear-cut because you**
 12 **have to -- in order to be diagnosed with it, you have to**
 13 **have impairment.**

14 Q. Okay. Is it your opinion to a degree of
 15 medical certainty that Ms. Eller's depression was not
 16 exacerbated by the hostile work environment she
 17 experienced at Prince George's County Public Schools?

18 **A. Well, I don't know if she had hostile**
 19 **working environment. I can only go by her report. And**
 20 **because of multiple events and things that have happened**
 21 **in her life, even the medication, we could have symptoms**
 22 **of irritability, agitation, low ability to be resilient**

1 **in adverse circumstances. So I cannot say that it has**
 2 **specifically not caused it, but I'm saying it's complex,**
 3 **and those things have to be considered when you're**
 4 **actually looking at the symptomatology, and how she**
 5 **responds to it.**

6 Q. Okay. Is it your opinion to a degree of
 7 medical certainty that the hostile work environment
 8 Ms. Eller experienced did not contribute to her anxiety
 9 disorder?

10 **A. Okay. I will -- I will basically say that**
 11 **one of the things that we do is we have to go back and**
 12 **say, she's had anxiety prior to this, or is this a**
 13 **continuation of her ability to resolve and maintain a --**
 14 **a strong psychological independence, or is this something**
 15 **that is from childhood as having constantly having**
 16 **difficulty with the nature of who she is?**

17 Q. Okay. Would you dispute that Ms. Eller
 18 suffered emotional distress as a result of the hostile
 19 work environment she experienced at Prince George's
 20 County Public Schools?

21 MR. SHARMA: Objection.

22 You can answer.

1 **A. Okay.**
2 **If she suffered -- if it was a hostile**
3 **working environment, we can definitely see why there**
4 **would be emotional distress.**
5 Q. Okay. So taking -- just to clarify, if she
6 experienced what she self-reported to you that she did at
7 Prince George's County Public Schools, would that have
8 contributed her emotional distress?
9 MR. SHARMA: Objection.
10 You can answer.
11 **A. Okay.**
12 **If what she is saying happened happened,**
13 **we can see why she would have emotional distress. Of**
14 **course, when we do the clinical evaluation, it's**
15 **literally one-sided. It's basically taking what the one**
16 **person says, and adapting that to the probabilities.**
17 Q. Sure.
18 **A. So if -- if what she says truly happened**
19 **versus just her perception of how she's managing all of**
20 **the processes that have happened and occurred prior to**
21 **the 2011 event, I could see why she would have**
22 **emotional -- some emotional distress and why she would be**

1 **stressed out.**
2 Q. Okay.
3 **A. Work is stressful.**
4 Q. Would you consider it to be clinical
5 distress?
6 **A. That would all depend on how she had the**
7 **resilience to be able to manage controversy as well as**
8 **what she would consider a psychological insult --**
9 **assault, insult. Assault. So if you understand what I**
10 **mean, her background from childhood would inform her**
11 **present as an adult.**
12 **So if she did not learn how to manage**
13 **things as a child, she is not going to turn around and**
14 **learn how to manage things as an adult, i.e., why she was**
15 **in therapy and probable needs to continue therapy.**
16 Q. The opinion you provided in the case in
17 which you were deposed involving a hostile work
18 environment previously, you testified that the stress
19 that the employee suffered as a result of ethnic slurs,
20 if taken as true for self-reporting, would have resulted
21 in significant distress; is that right?
22 **A. That if taken as true, I can see how that**

1 **would cause emotional distress on top of all of the other**
2 **things that they were doing to those two employees.**
3 Q. Okay. So what I'm asking you is, if
4 accepting as true, and I'm not asking you to say whether
5 it's true or not, but if accepting as true what Ms. Eller
6 reported to you regarding her experiences at Prince
7 George's County Public Schools, would that have led to
8 significant distress?
9 **A. That could lead to significant distress**
10 **because she's already had previous stressors --**
11 Q. Okay.
12 **A. -- also.**
13 **MR. GONZALEZ-PAGAN: All right. We will**
14 **go off the record for a bit.**
15 **(RECESS, 1:18 p.m. - 1:23 p.m.)**
16 **MR. GONZALEZ-PAGAN: Let's go back on**
17 **the record.**
18 **All right. Dr. Cephas, those are my**
19 **questions for you for now.**
20 THE WITNESS: Okay. I appreciate that.
21 MR. SHARMA: I have no questions, and
22 we'll read.

1 **(SIGNATURE not waived.)**
2 **(CONCLUDED, 1:23 p.m.)**
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

Page 166

1 ACKNOWLEDGMENT OF DEPONENT

2

3 I, MARCELLUS R. CEPHAS, MD, do hereby acknowledge

4 that I have read and examined the foregoing testimony,

5 and the same is a true, correct and complete

6 transcrip ion of the testimony given by me and any

7 corrections appear on the attached Errata sheet signed by

8 me

9

10

11 _____

12 (DATE) (SIGNATURE)

13

14

15

16

17

18

19

20

21

22

Page 168

1 ERRATA SHEET

2 IN RE:

3 DEPONENT:

4 RETURN BY:

5 =====

6 PAGE/LINE CORRECTION AND REASON

7

8

9

10

11

12

13

14

15

16

17

18 (DATE) (DEPONENT SIGNATURE)

19

20

21 NOTARY PUBLIC:

22

Page 167

1 CERTIFICATE OF COURT REPORTER

2 I, Marjorie Peters, Registered Merit Reporter,

3 Certified Realtime Reporter, and Notary Public in the

4 District of Columbia, before whom the foregoing

5 deposition was taken, do hereby certify that the witness

6 was placed under oath according to the law; that the

7 foregoing transcript is a true and correct record of the

8 testimony given; that said testimony was taken by me

9 stenographically and thereafter reduced to typewriting

10 under my direction, and that I am neither counsel for,

11 related to, nor employed by any of the parties to this

12 case and have no interest, financial or otherwise, in its

13 outcome.

14 I further certify that signature was not waived by

15 the witness.

16 IN WITNESS WHEREOF, I have hereunto set my hand

17 this day of , 2020.

18

19

20

21 Marjorie Peters, RMR, CRR

22 My commission expires October 31, 2024.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 36

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

JENNIFER ELLER

Plaintiff,

v.

PRINCE GEORGE'S COUNTY PUBLIC
SCHOOLS, et al.,

Defendants.

Case No. 18-cv-03649-TDC

EXPERT DECLARATION OF DR. RANDI C. ETTNER, Ph.D.

I, Dr. Randi C. Ettner, declare as follows:

1. I submit this expert declaration based on my personal knowledge.
2. I have been retained by counsel for Plaintiff as an expert in connection with the above-mentioned litigation. Specifically, I have been asked to provide my expert opinion regarding gender identity, gender dysphoria and the standard of care for its treatment, and to assess the consequences of the harms that ensued to Ms. Eller while employed by Prince George's County Public Schools following to a clinical evaluation of Ms. Eller.
3. I have actual knowledge of the matters stated herein. If called to testify in this matter, I would testify truthfully and based on my expert opinion.

I. BACKGROUND AND QUALIFICATIONS

4. I am a licensed clinical and forensic psychologist with expertise concerning the diagnosis and treatment of gender dysphoria. I received my doctorate in psychology from Northwestern University in 1979. I was the chief psychologist at the Chicago Gender Center from 2005 to 2016, when it moved to the Weiss Memorial Hospital. Since that time, I have held the sole

psychologist position at the Center for Gender Confirmation Surgery at Weiss Memorial Hospital. The center specializes in the treatment of individuals with gender dysphoria. I have been involved in the treatment of patients with gender dysphoria since 1977, when I was an intern at Cook County Hospital in Chicago.

5. I am a Fellow and Diplomate in Clinical Evaluation of the American Board of Psychological Specialties, and a Fellow and Diplomate in Trauma/Posttraumatic Stress Disorder (PTSD).

6. During the course of my career, I have evaluated and/or treated between 2,500 and 3,000 individuals with gender dysphoria and mental health issues related to gender variance.

7. I have published four books related to the treatment of individuals with gender dysphoria, including the medical text entitled *Principles of Transgender Medicine and Surgery* (Ettner, Monstrey & Eyler, 2007) and the second edition (Ettner, Monstrey & Coleman, 2016). I have authored numerous articles in peer-reviewed journals regarding the provision of care to this population. I serve as a member of the editorial boards for the *International Journal of Transgenderism* and *Transgender Health*.

8. I am the Secretary and member of the Executive Board of Directors of the World Professional Association for Transgender Health (“WPATH”) (formerly the Harry Benjamin Gender Dysphoria Association) and an author of the *WPATH Standards of Care for the Health of Transsexual, Transgender and Gender-nonconforming People* (7th version), published in 2011. The WPATH promulgated *Standards of Care* (“Standards of Care”) are the internationally recognized guidelines for the treatment of persons with gender dysphoria and serve to inform medical treatment in the United States and throughout the world.

9. I have lectured throughout North America, South America, Europe, and Asia on topics related to gender dysphoria, and on numerous occasions I have presented grand rounds on gender dysphoria at medical hospitals.

10. I am the honoree of the externally-funded *Randi and Fred Ettner Fellowship in Transgender Health* at the University of Minnesota. I have been an invited guest at the National Institute of Health to participate in developing a strategic research plan to advance the health of sexual and gender minorities, and in November 2017 was invited to address the Director of the Office of Civil Rights of the United States Department of Health and Human Services regarding the medical treatment of gender dysphoria. I received a commendation from the United States Congress House of Representatives on February 5, 2019 recognizing my work for WPATH and Gender Dysphoria in Illinois.

11. I have treated hundreds of PTSD patients who experience the long-term psychological effects of trauma. As a forensic psychologist, I have been retained as an expert and testified in numerous cases about the harm that befalls victims of criminal victimization, natural catastrophes, and exposure to extremely stressful events.

12. I have been retained as an expert regarding gender dysphoria and its treatment in multiple court cases in both state and federal courts, as well as administrative proceedings, and have repeatedly qualified as an expert. I have also been a consultant to policy makers regarding appropriate care for transgender inmates and for the Centers for Medicare and Medicaid in the state of Illinois.

13. A true and accurate copy of my expert report in this matter is attached hereto as Exhibit A.

14. A true and accurate copy of my Curriculum Vitae is attached hereto as Exhibit B. It documents my education, training, research, and years of experience in this field and includes a list of publications.

15. A bibliography of the materials reviewed in connection with this declaration is attached hereto as Exhibit C. The sources cited therein are authoritative, scientific peer-reviewed publications. I generally rely on these materials when I provide expert testimony, and they include the documents specifically cited as supportive examples in particular sections of this declaration. The materials I have relied on in preparing this declaration are the same type of materials that experts in my field of study regularly rely upon when forming opinions on the subject.

Previous Testimony

16. In the last four years, I have testified as an expert at trial or by deposition in the following cases: *Claire v. Fla. Dep't of Mgmt. Servs.*, No. 4:20-cv-00020-MW-MAF (N.D. Fla. 2020); *Williams v. Allegheny Cty.*, No. 2:17-cv-01556-MJH (W.D. Pa. 2020); *Gore v. Lee*, No. 3:19-CV-00328 (M.D. Tenn. 2020); *Eller v. Prince George's Cty. Public Sch.*, No. 8:18-cv-03649-TDC (D. Md. 2020); *Monroe v. Baldwin*, No. 18-CV-00156-NJR-MAB (S.D. Ill. 2020); *Ray v. Acton*, No. 2:18-cv-00272 (S.D. Ohio 2019); *Soneeya v. Turco*, No. 07-12325-DPW (D. Mass. 2019); *Edmo v. Idaho Dep't of Correction*, No. 1:17-CV-00151-BLW, 2018 WL 2745898 (D. Idaho 2018); *Carillo v U.S. Dep't of Justice Exec. Office of Immig. Rev.* (2017).

Compensation

17. I am being compensated for my work on this matter at a rate of \$375.00 per hour for preparation of declarations and expert reports. My compensation does not depend on the outcome of this litigation, the opinions I express, or the testimony I may provide.

II. EXPERT OPINIONS

a. Sex and Gender Identity

18. At birth, infants are assigned a sex, typically male or female, based solely on the appearance of their external genitalia. For most people, that assignment turns out to be accurate, and their birth-assigned sex matches that person's actual sex. However, for transgender people, the sex assigned at birth does not align with the individual's genuine, experienced sex, resulting in the distressing condition of gender dysphoria.

19. Gender identity is a person's inner sense of belonging to a particular sex, such as male or female. It is a deeply felt and core component of human identity. It is detectible by self-disclosure in adolescents and adults.

20. When there is divergence between anatomy and identity, one's gender identity is paramount and the primary determinant of an individual's sex designation. Developmentally, identity is the overarching determinant of the self-system, influencing personality, a sense of mastery, relatedness, and emotional reactivity, across the life span. It is also the foremost predictor of satisfaction and quality of life. Psychologist Eric Erickson defined identity as "the single motivating force in life."

21. Like non-transgender people (also known as cisgender people), transgender people do not simply have a "preference" to act or behave consistently with each's gender identity. Every person has a gender identity. It is a firmly established elemental component of the self-system of every human being.

22. The only difference between transgender people and cisgender people is that the latter have gender identities that are consistent with their birth-assigned sex whereas the former do

not. A transgender man cannot simply turn off his gender identity like a switch, any more than anyone else could.

23. In other words, transgender men are men and transgender women are women.

24. A growing assemblage of research documents that gender identity is immutable and biologically based. Efforts to change an individual's gender identity are therefore both futile and unethical.

25. The evidence demonstrating that gender identity cannot be altered, either for transgender or for non-transgender individuals, further underscores the innate and immutable nature of gender identity. Past attempts to "cure" transgender individuals by means of psychotherapy, aversion treatments or electroshock therapy, in order to change their gender identity to match their birth-assigned sex, have proven ineffective and caused extreme psychological damage. All major associations of medical and mental health providers, such as the American Medical Association, the American Psychiatric Association, the American Psychological Association, and WPATH's Standards of Care, consider such efforts unethical.

b. Gender Dysphoria and Its Treatment

26. Gender Dysphoria is the clinically significant distress or impairment of functioning that can result from the incongruence between a person's gender identity and the sex assigned to them at birth. Gender dysphoria is a serious medical condition associated with severe and unremitting emotional pain from the incongruity between various aspects of one's sex. It is codified in the *International Classification of Diseases* (10th revision: World Health Organization), the diagnostic and coding compendia for mental health and medical professionals, and the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental*

Disorders Fifth Edition (DSM-5). People diagnosed with gender dysphoria have an intense and persistent discomfort with their assigned sex.

27. In 1980, the American Psychiatric Association introduced the diagnostic term gender identity disorder (GID) in the third edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-III). The diagnosis of GID was maintained in a revised version of DSM, known as DSM-III-R (1987), as well as in the DSM-IV, which was issued in 1994. The gender identity disorder diagnosis presupposed that a person's identity was disordered, and was therefore a permanent condition.

28. In 2013, the American Psychiatric Association removed the GID diagnosis and replaced it with a fundamentally different diagnosis, Gender Dysphoria. The change was not merely a name change but was based on the evolving scientific understanding that gender incongruence is not a mental illness, but rather a serious, treatable medical condition that creates significant distress. This new diagnostic term, Gender Dysphoria, is an acknowledgment that gender incongruence, in and of itself, does not constitute a mental disorder. Nor is an individual's identity disordered. Rather, the diagnosis is based on the distress or dysphoria that some transgender people experience as a result of the incongruence between the sex assigned at birth and gender identity, and the social problems that ensue. The critical element of the Gender Dysphoria diagnosis is the presence of symptoms that meet the threshold of clinical impairment." The American Psychiatric Association changed the name and diagnostic criteria to be "more descriptive than the previous DSM-IV term gender identity disorder and focus[] on dysphoria as the clinical problem, not identity per se." DSM-5 at 451.

29. Gender incongruity is in no way a disorder of sexual behavior and has never been classified with the "Paraphilic Disorders" in the Diagnostic Manuals. Children as young as three

years of age may display gender non-conforming behavior and be diagnosed with Gender Dysphoria in Childhood (DSM-5). As these youngsters develop the ability to verbalize their discomfort with their assigned sex and anatomy, they often express the distress as “being trapped in the wrong body.” “Gender Dysphoria” is the name of the diagnosis, and “gender dysphoria” is also the psychiatric term for the severe and unremitting emotional pain that the condition gives rise to.

30. The diagnostic criteria for Gender Dysphoria in Adolescents and Adults are as follows:

- a. A marked incongruence between one’s experienced/expressed gender and assigned gender, of at least six months’ duration, as manifested by at least two of the following:
 - i. A marked incongruence between one’s experienced/expressed gender and primary and/or secondary sex characteristics (or in young adolescents, the anticipated secondary sex characteristics).
 - ii. A strong desire to be rid of one’s primary and/or secondary sex characteristics because of a marked incongruence with one’s experienced/expressed gender (or in young adolescents, a desire to prevent the development of the anticipated sex characteristics).
 - iii. A strong desire for the primary and/or secondary sex characteristics of the other gender.
 - iv. A strong desire to be of the other gender (or some alternative gender different from one’s assigned gender).
 - v. A strong desire to be treated as the other gender (or some alternative gender different from one’s assigned gender).

vi. A strong conviction that one has the typical feelings and reactions of the other gender (or some alternative gender different from one's assigned gender).

b. The condition is associated with clinically significant distress or impairment in social, occupational or other important areas of functioning.

31. Once a diagnosis of gender dysphoria is established, individualized treatment should be initiated. Without treatment, individuals with gender dysphoria experience anxiety, depression, suicidality, and other attendant mental health issues and are often unable to adequately function in occupational, social, or other areas of life.

32. The medically accepted standards of care for treatment of gender dysphoria are set forth in the *WPATH Standards of Care* (7th version, 2011), first published in 1979. The WPATH-promulgated Standards of Care are the internationally recognized guidelines for the treatment of persons with gender dysphoria and inform medical treatment throughout the world.

33. The *American Medical Association*, the *Endocrine Society*, the *American Psychological Association*, the *American Psychiatric Association*, the *World Health Organization*, the *American Academy of Family Physicians*, the *National Commission of Correctional Health Care*, the *American Public Health Association*, the *National Association of Social Workers*, the *American College of Obstetrics and Gynecology*, the *American Society of Plastic Surgeons*, and *The American Society of Gender Surgeons* all endorse protocols in accordance with the WPATH standards. (See, e.g., American Medical Association (2008) Resolution 122 (A-08); Endocrine Treatment of Transsexual Persons: An Endocrine Society Clinical Practice Guideline (2009); American Psychological Association Policy Statement on Transgender, Gender Identity and Gender Expression Nondiscrimination (2009).)

34. The Standards of Care identify the following treatment protocols for treating individuals with gender dysphoria, which should be tailored to the patient's individual medical needs:

- Changes in gender expression and role, also known as social transition (which involves living in the gender role consistent with one's gender identity);
- Hormone therapy to feminize or masculinize the body in order to reduce the distress caused by the discordance between one's gender identity and sex assigned at birth;
- Surgery to change primary and/or secondary sex characteristics; and
- Psychotherapy (individual, couple, family, or group) for purposes such as exploring gender identity, role, and expression; addressing the negative impact of gender dysphoria and stigma on mental health; alleviating internalized transphobia; enhancing social and peer support; improving body image; and promoting resilience.

35. These treatments do not change a transgender person's sex, which is already determined by their gender identity. Attempts to change a person's gender identity to bring it into alignment with their birth-assigned sex are not only futile, but also dangerous and unethical.

36. Without treatment, gender dysphoric adults experience a range of debilitating psychological symptoms such as anxiety, depression, suicidality, and other attendant mental health issues. They are frequently socially isolated, as they carry a burden of shame and low self-esteem, attributable to the feeling of being inherently "defective." This leads to stigmatization, and over time proves ravaging to healthy personality development and interpersonal relationships. Without treatment, many gender dysphoric people are unable to adequately function in occupational, social

or other areas of life. Recent studies found a 41% rate of suicide attempts among this population, which is far above the baseline rates for North America.

c. The Process of Gender Transition

37. Gender transition is the process through which a person begins bringing their outer appearance and lived experience into alignment with their core gender. Transition may or may not include medical or legal aspects such as taking hormones, having surgeries, or correcting the sex designation on identity documents. A key component of medical treatment for gender dysphoric individuals is to live, function in society, and be regarded by others consistent with their affirmed gender identity. Social transition—which often includes correcting one’s identity documents to accurately reflect one’s sex—is the most important, and sometimes the only, aspect of transition that transgender people undertake. Social transition involves dressing, grooming, and otherwise outwardly presenting oneself through social signifiers of a person’s true sex as determined by their affirmed gender identity.

38. A complete transition is one in which a person attains a sense of lasting personal comfort with their gendered self, thus maximizing overall health, well-being, and personal safety. Social role transition has an enormous impact in the treatment of gender dysphoria. Through this process, the shame of growing up living as a “false self” and the grief of being born into the “wrong body” are ameliorated. An early seminal study emphasizes the importance of aligning presentation and identity. Greenberg and Laurence (1981) compared the psychiatric status of individuals with gender dysphoria who had socially transitioned with those who had not. Those who had implemented a social transition showed “a notable absence of psychopathology” compared to those who were living in their birth-assigned sex.

39. Hormones are often medically indicated for patients with gender dysphoria and are extremely therapeutic. In addition to inducing a sense of wellbeing, owing to the influence of sex steroids on the brain, hormones induce physical changes which attenuate the dysphoria. One or more surgical procedures are medically indicated for some, but by no means all, transgender individuals.

40. A person's gender identity is an innate, immutable characteristic; it is not determined by a particular medical treatment or procedure. The medical treatments provided to transgender people (including social transition), do not "change a woman into a man" or vice versa. Instead, they affirm the authentic gender that an individual person *is*.

41. The goal of proper treatment is to align the person's body and lived experience with the person's fixed identity as male or female, which already exists. Treatment creates more alignment between the person's identity and the person's appearance, attenuating the dysphoria, and allowing the person's actual sex to be seen and recognized by others.

42. Treatments fall below the accepted *Standards of Care* if they fail to recognize that a person's affirmed gender identity is not how they feel, but rather essentially who they are. If any aspect of this social role transition is impeded, it will undermine an individual's core identity and psychological health. The failure to treat a woman with Gender Dysphoria as a woman, intensifies the dysphoria, undermines medical treatment, increases emotional distress, and can precipitate psychiatric disorders.

d. Posttraumatic Stress Disorder (PTSD)

43. Posttraumatic stress disorder ("PTSD") occurs when an individual is exposed to a traumatic event or extreme stressors. PTSD is characterized by four key symptoms: (1) persistent intrusive thoughts or re-experiencing of the event; (2) avoidance of stimuli associated with the

event; (3) negative cognitions and mood such as emotional numbing and detachment from others; and (4) changes in arousal or reactivity such as hypervigilance, irritability, exaggerated startle response, or self-destructive reckless behavior. Typically, symptoms arise within days following the event, but may appear later. In order to receive a diagnosis of PTSD, symptoms must continue for more than a month, and cause distress that interferes with an individual's ability to function. Often, these symptoms will persist for months or years, and can co-occur with related disorders such as depression, anxiety, memory loss or other mental and physical health problems.

44. PTSD has biological and psychological sequelae, and treatment relies on a multidimensional approach. Treatment, particularly for complex trauma, should be evidence-based, and must address the biological and psychological disturbances.

45. The biological pathology in PTSD is conceptualized as a dysregulation of the hypothalamic-pituitary-adrenal (HPA) axis and the neurocircuitry of the brain. Patients with PTSD can no longer mediate the fight-flight-freeze response, as the fear circuitry stops responding to signals from the prefrontal cortex. Medications act upon neurotransmitters in the brain to target these PTSD symptoms: intrusive thoughts, nightmares, flashbacks, negative alterations in cognitions and mood, sleep problems, hypervigilance, increased startle response and self-destructive behavior.

46. Complex trauma is a result of traumatic stressors that are interpersonal, i.e. intentionally caused and planned by humans. Interpersonal trauma results in more severe harm than random or impersonal trauma, i.e. "acts of God." Additionally, interpersonal victimization is typically repeated and chronic. Whether it occurs routinely or intermittently, the victim does not have adequate time to regain emotional equilibrium between "assaults" and the fear that another attack can occur at any time leads to states of hypervigilance and anxiety.

47. Clinicians have long acknowledged that chronic and recurrent interpersonal traumas have serious and wide ranging impact, exceeding those identified by the PTSD diagnosis. Significant new research, new measures of assessment, and cross-cultural studies have substantiated the distinction between PTSD and Complex PTSD (CPTSD). Therefore, ICD-11 has expanded to include CPTSD as a new diagnosis, consisting of six symptom clusters. Three of the criteria are consistent with PTSD symptom clusters: re-experiencing the trauma, avoidance of trauma reminders, and heightened sense of anxious arousal (hypervigilance, startle response). The additional three required are disturbances of self-organization. These are symptoms of emotional dysregulation, interpersonal difficulties, and negative self-concept. Conceptually, the CPTSD diagnosis considers interpersonal trauma, a loss of social, emotional and psychological resources, and a conditioned fear response to lead to disturbances in systems of self-organization and symptomatology, giving rise to the impairment of CPTSD.

48. There is no cure for PTSD, only treatment. The duration and course of treatment varies, and most patients require a minimum of one to two years to rebuild the self, attenuate symptoms, and find a renewed purpose in life. After two years, patients with significant improvement may be able to reduce out-patient psychotherapy to monthly or quarterly visits, as the therapeutic relationship continues to undergird. Without prompt treatment PTSD worsens, and even a few weeks delay can negatively impact prognosis.

e. PTSD and Discrimination

49. Discrimination, ridicule, accusations of fraud, harassment, or even violence—experiences that are all too common among transgender people—ultimately lead to feelings of hopelessness, lack of agency, and despair. Being stripped of one's dignity, privacy, and the ability to move freely in society can lead to a degradation of coping strategies and cause major psychiatric

disorders, including generalized anxiety disorder, major depressive disorder, posttraumatic stress disorder, emotional decompensation, and suicidality. Research has demonstrated that transgender women who fear disclosure are at 100% increased risk for hypertension, owing to the intersection of stress and cardiac reactivity.

50. An abundance of research establishes that transgender people suffer from stigma and discrimination. The “minority stress model” explains that the negative impact of the stress attached to being stigmatized is socially based. This stress can be both *external*, i.e., actual experiences of rejection or discrimination (enacted stigma), and, as a result of such experiences, *internal*, i.e., perceived rejection or the expectation of being humiliated or discriminated against (felt stigma). Both are corrosive to physical and mental health.

51. Until recently, it was not understood that these experiences of humiliation and discrimination have serious and enduring consequences. It is now well documented that stigmatization and victimization are the most powerful predictors of current and future mental health problems.

52. Research has documented the association between discrimination experiences and PTSD symptoms, which is consistent with the burgeoning body of evidence documenting elevated risk for mental health problems among individuals who experience discrimination, including transgender people.

53. Indeed, investigators sampled 421 transgender adults and found that discriminatory experiences were associated with PTSD symptoms and depression, even *after* adjusting for prior trauma experiences (Seisner et al., 2016).

f. Background Information for Jennifer Eller

54. Jennifer Eller is a 43-year-old transgender woman. She has one younger brother.

55. Until the age of four, Ms. Eller thought she was a girl. It wasn't until she entered kindergarten, when she fully realized that she was assigned male at birth, and would be treated as a boy. Ms. Eller was comfortable playing with girls, but when she turned six, this was frowned upon, so she played by herself.

56. As a small child, Ms. Eller would put on her mother's shoes. Prior to puberty, she would furtively dress in her mother's clothing, an activity that intensified with the onset of puberty. At sixteen, she used her mother's razor and shaved her legs. About that time, Ms. Eller recalls seeing a television program about transsexualism. It was then she realized that there was a name for the feelings of gender incongruity that dogged her since childhood. The people who appeared on the show evoked contempt from the audience, and so Ms. Eller realized that these feelings must be kept secret.

57. In 2011, Ms. Eller sought out a counselor who was knowledgeable about gender issues. Soon thereafter, she began medically-indicated and medically supervised endocrine treatment for Gender Dysphoria. In 2015, [REDACTED] [REDACTED] she has been hormonally reassigned: She has the same circulating sex steroids and secondary sex characteristics as her female peers.

g. Clinical Interview and Assessment for Jennifer Eller

58. Following a review of Ms. Eller's medical records, I conducted a clinical interview and assessment of Ms. Eller on July 8, 2019.

59. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

60. Ms. Eller was harassed, stigmatized and subjected to an extremely hostile workplace. Students called her “he/she,” “faggot,” and referred to her as a “man in a dress.” She was accused of being a pedophile and tormented by students, colleagues, and parents. Although she had a good performance record, she received little or no support from the administration or human resources. Even when she moved to a different school, the taunting, humiliation, and victimization continued, unabated. Ms. Eller states that she felt like “a creature in a zoo.”

61. In 2016, while teaching at the James Madison school, a student pushed Ms. Eller and said: “It’s okay to take my ‘mad’ out on someone like you.” Ms. Eller then told the principal she needed to take a leave of absence. The loss of the ability to recover from emotional arousal and a concurrent lack of personal and interpersonal resources resulted in erosion of resiliency and an end to her teaching career.

h. Diagnostic Assessment for Jennifer Eller

62. Medical records from Georgetown University’s Partial Hospitalization Program and Whitman-Walker Health document a PTSD diagnosis for Ms. Eller as a result of the discrimination and harassment she experienced in her workplace. For example, a record from August 2014 notes that Ms. Eller was “coping w/ terrible discrimination at work in MD public

schools,” while records from April and October 2016 note that Ms. Eller was “doing worse w/ worsening school stress” and that “discrimination followed her to new school,” respectively.

63. Based on my review of Ms. Eller’s medical records, my interview with Ms. Eller, and the results of the four standardized psychometric indices I administered and scored, Ms. Eller meets the diagnostic criteria for PTSD (309.81, DSM-5; F43.10, ICD-10). Further, due to the repeated and chronic nature of the interpersonal attacks she experienced, Ms. Eller has complex trauma.

64. Ms. Eller also has two comorbid disorders: depressive disorder and generalized anxiety disorder. This does not exclude or undermine Ms. Eller’s PTSD diagnosis. People with a history of depression, anxiety or those who have personality disorders are not immune from developing PTSD, given exposure to highly aversive circumstances. Approximately 80% of patients with PTSD have at least one other comorbid psychiatric disorder, with depression and anxiety disorders being the most common.

65. In addition, Section VII of the WPATH Standards of Care – “Competency of Mental Health Professionals Working with Adults Who Present with Gender Dysphoria” – includes the criteria that clinicians have the “Ability to recognize and diagnose coexisting mental health concerns and to distinguish these from gender dysphoria.” It is rare for gender dysphoric people to not have a history of depression. The DSM-5 notes that “[i]mpairment, ... the development of depression and anxiety, may be a consequence of gender dysphoria.”

66. Many, if not most, people have experienced upsetting or traumatic incidents during their lifetime. These historic events in no way preclude the subsequent development of PTSD, if one is subjected to ongoing humiliation, discrimination, verbal and physical abuse, as was Ms.

Eller. By analogy, the presence of type-one diabetes in childhood does not prevent the development of cancer or other chronic or acute diseases across the lifespan.

i. Opinions

67. According to the records I reviewed and my interview with Ms. Eller, she was verbally harassed, stigmatized, and victimized while employed at Prince George's County Public Schools. She was unable to perform her job as a result and felt threatened and unsafe. Intentional attempts to harass, insult, and stigmatize served to threaten her identity and undermined the medical treatment she was undergoing for Gender Dysphoria.

68. Being placed in a classroom with people who verbally attacked her identity and authority was traumatic for Ms. Eller, as she had no personal agency in the face of an onslaught of intense stressors. She also felt unsupported by colleagues or administrators. Research indicates that perceived support is most strongly related to psychological health and well-being in adults (Barrera, 1986; Cohen & Willis, 1985; Jackson & Warren, 2000; Sarason et al., 1987). The ceaseless harassment, discrimination and humiliation she was subjected to completely eroded her coping strategies and resilience, and resulted in the irremediable damage of what has now become chronic PTSD. When attacks are ongoing, individuals do not have the ability to regain equilibrium between attacks, and the brain remains in a constant state of hyperarousal and hypervigilance.

69. Due to the chronic and disabling nature of PTSD and the diverse symptoms, there is no single drug or drug protocol with demonstrated efficacy (Feder et al., 2014). Each patient varies in their response and ability to tolerate a specific medication and dosage. Therefore, medication treatment plans frequently need to be adjusted, based on patient side effects, responses, and comorbidities.

70. Numerous medications including, [REDACTED] [REDACTED] have been previously or currently prescribed to attenuate Ms. Eller's symptoms. Given the limited success of these [REDACTED] [REDACTED], other medications may be considered. Although these prescribed drugs are considered first line treatment, second line agents may help with some symptoms, and are recommended for patients who fail first-line psychotherapy.

71. My opinion is that Ms. Eller has intractable symptoms of PTSD and now requires the full panoply of evidence-based treatment. Given the chronicity of her symptoms and the limited success of her current treatment regimen, [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] It is my opinion that she requires ongoing psychotherapy for the foreseeable future including trauma-informed care, and closely supervised, lifelong psychopharmacotherapy.

III. CONCLUSION

72. Prior to Ms. Eller's transition, she was never diagnosed with PTSD. A review of her medical records and those of her mental health provider clearly document the hostile environment Ms. Eller endured as the genesis of PTSD, and the corresponding treatments prescribed for the disorder. Additionally, I corroborated these findings through psychological testing of Ms. Eller, specific to PTSD.

73. The specific test administered to Ms. Eller is widely used by the military, and normed and standardized on a US sample. It is not a checklist, but rather a sophisticated assessment tool. It consists of two validity scales, (designed to prevent over-reporting or misrepresentation of PTSD), 12 clinical scales, 12 subscales, and four factors. There is high test- retest reliability,

internal consistency, and evidence for concurrent discriminant, criterion, factorial and construct validity.

74. There is no doubt that Ms. Eller's current chronic symptomatology and complex PTSD are the predictable result of the prolonged and repetitive assaults she endured while employed at Prince George's County Public Schools. Ms. Eller endured a negative, non-supportive and at times violent workplace. The unremitting stress eroded her resiliency, resulting in PTSD and residual symptomatology. The ceaseless harassment, discrimination and humiliation to which Ms. Eller was subjected completely eroded her coping strategies and resilience, and resulted in the irremediable damage of what has now become chronic PTSD.

//

//

//

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 26 day of April, 2021.

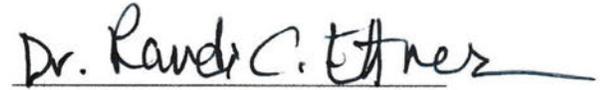

Dr. Randi C. Ettner

Exhibit A

*Expert Report of Dr. Randi C. Ettner, Ph.D.,
dated August 5, 2019*

EXPERT REPORT OF DR. RANDI C. ETTNER, PH.D

Eller v. Prince George's County Board of Education No.: 18-cv-03649

I have been retained by counsel for Jennifer Eller to provide the Court with scientific information about Gender Dysphoria and the standard of care for treatment, and to perform a clinical evaluation to assess the consequences of the harms that ensued to Ms. Eller while employed by Prince George's County Board of Education. I have actual knowledge of the matters herein and could and would so testify if called as a witness.

Ms. Eller was completely cooperative throughout the evaluation process, and I am confident that the opinions I hereafter render are reliable and valid to a reasonable degree of medical certainty.

Qualifications

I am a licensed clinical and forensic psychologist with a specialization in the diagnosis, treatment, and management of gender dysphoric individuals. I received my doctorate in psychology (with honors) from Northwestern University in 1979. I am a Fellow and Diplomate in Clinical Evaluation of the American Board of Psychological Specialties, and a Fellow and Diplomate in Trauma/Posttraumatic Stress Disorder (PTSD).

I have evaluated, diagnosed, and treated between 2,500 and 3,000 individuals with Gender Dysphoria and mental health issues related to gender variance from 1985 to present. I have published four books related to the treatment of individuals with Gender Dysphoria, including the medical text entitled *Principles of Transgender Medicine and Surgery* (co-editors Monstrey & Eyler; Rutledge 2007); and the 2nd edition (co-editors Monstrey & Coleman; Routledge, 2016). In addition, I have authored numerous articles in peer-reviewed journals regarding the provision of health care to the transgender population.

I have treated hundreds of PTSD patients who experience the long-term psychological effects of trauma. As a forensic psychologist, I have been retained as an expert and testified in numerous cases about the harm that befalls victims of criminal victimization, natural catastrophes, and exposure to extremely stressful events.

I have served as a member of the University of Chicago Gender Board, and am on the editorial boards of *The International Journal of Transgenderism* and *Transgender Health*. I am the Secretary and a member of the Board of Directors of the World Professional Association of Transgender Health (WPATH), and an author of the *WPATH Standards of Care for the Health of Transsexual, Transgender and Gender-nonconforming People* (7th version), published in 2011. WPATH is an international association of 2,000 medical and mental health professionals specializing in the

treatment of gender diverse people. I chair the WPATH committee for institutionalized persons, and provide training to medical professionals on healthcare for transgender inmates. I have lectured throughout North America, Europe, and Asia on topics related to Gender Dysphoria and give grand rounds on Gender Dysphoria at university hospitals.

I am the honoree of the externally-funded Randi and Fred Ettner Fellowship in Transgender Health at the University of Minnesota. I have been an invited guest at the National Institute of Health to participate in developing a strategic research plan to advance the health of sexual and gender minorities, and in November, 2017, was invited to address the Director of the Office of Civil Rights of the United States Department of Health and Human Services regarding the medical treatment of Gender Dysphoria. I received a commendation from the United States Congress House of Representatives on February 5, 2019 recognizing my work for WPATH and Gender Dysphoria in Illinois.

A copy of my *curriculum vitae* and a bibliography of relevant medical and scientific materials are attached. I generally rely on these materials, in addition to the documents specifically cited as supportive examples in particular sections of this report.

In the last four years, I have testified as an expert at trial or by deposition in the following cases: *Soneeya v. Turco*, No. 07-12325-DPW (D. Mass. 2019); *Edmo v. Idaho Dep't of Correction*, No. 1:17-CV-00151-BLW, 2018 WL 2745898 (D. Idaho 2018); *Carillo v U.S. Dep't of Justice Exec.* (Office of Immig. Rev. 2017); *Broussard v. First Tower Loan, LLC*, 135 F. Supp. 3d 540 (E.D. La. 2016); *Faiella v. American Medical Response of Connecticut, Inc.*, No. HHD-CV15-6061263-S (Conn. Super. Ct.); *Kothmann v. Rosario*, 558 F. App'x 907 (11th Cir. 2014).

I am being compensated at a rate of \$375.00 per hour for preparation of this report.

Documents reviewed for this report:

- *Diagnostic and Statistical Manual of Mental Disorders*, fifth revision (DSM-5) (2013)
- *The World Professional Organization for Transgender Health Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People*, Seventh Version, 2011
- Mental health provider records for Jennifer Eller
- Ettner, Monstrey & Coleman (Eds.) *Principles of Transgender Medicine and Surgery* (2016)

Gender Identity

The term “gender identity” is a well-established concept in medicine, referring to one’s internal sense of oneself as belonging to a particular gender. All human beings

develop this elemental internal conviction of belonging to a particular gender, such as male or female. Gender identity is firmly established early in life (Halim & Ruble, 2010; Golombok *et al.*, 2008; Ruble *et al.*, 2007; Steensma *et al.*, 2011; Steensma *et al.*, 2013).

At birth, infants are classified as male or female. This classification becomes the person's birth-assigned gender. Typically, persons born with the physical characteristics of males identify as male, and those with the physical characteristics of females identify as female. However, for a transgender individual, such as Ms. Eller, this is not the case. For transgender individuals, one's body and gender identity do not match, giving rise to a sense of being "wrongly embodied." This incongruence, if severe, can lead to the medical condition of Gender Dysphoria.

Gender Dysphoria

In 1980, the American Psychiatric Association introduced the diagnostic term gender identity disorder (GID) in the third edition of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-III). The diagnosis of GID was maintained in a revised version of DSM, known as DSM-III-R (1987), as well as in the DSM-IV, which was issued in 1994. The gender identity disorder diagnosis presupposed that a person's *identity* was disordered, and was therefore a permanent condition.

In 2013, with the publication of the DSM-5, the GID diagnosis was removed and replaced with a fundamentally different diagnosis, Gender Dysphoria. The change was not merely a name change, but was based on the evolving scientific understanding that gender incongruence is not a mental illness, but rather a serious, treatable medical condition that creates significant distress (SOC Version 7, section III). This new diagnostic term, Gender Dysphoria, is an acknowledgment that gender incongruence, in and of itself, does not constitute a mental disorder. Nor is an individual's identity disordered. Rather, the diagnosis is based on the distress or dysphoria that some transgender people experience as a result of the incongruence between the sex assigned at birth and gender identity, and the social problems that ensue. The critical element of the Gender Dysphoria diagnosis is the presence of symptoms that meet the threshold of clinical impairment." *Id.* By "focus[ing] on dysphoria as the clinical problem, not identity per se," the change from GID to Gender Dysphoria destigmatizes the diagnosis (DSM-5, 2013, p. 451).

Individuals with Gender Dysphoria, are often referred to as "transgender." A previous term "transsexual," has largely been abandoned, as the word itself serves to inaccurately conflate sex and gender, further confounding this most misunderstood area of human behavior. Gender incongruity is in no way a disorder of sexual behavior, and has never been classified with the "Paraphilic Disorders" in the Diagnostic Manuals. Children as young as three years of age may display gender non-conforming behavior and be diagnosed with Gender Dysphoria in Childhood (DSM-5). As these youngsters develop the ability to verbalize their discomfort with their assigned sex and anatomy, they often express the distress as "being trapped in

the wrong body.” “Gender Dysphoria” is the name of the diagnosis, and “gender dysphoria” is also the psychiatric term for the severe and unremitting emotional pain that the condition gives rise to.

The DSM-5 diagnostic criteria for Gender Dysphoria in Adolescents and Adults are as follows:

- A. A marked incongruence between one’s experienced/expressed gender and assigned gender, of at least six months duration, as manifested by at least two of the following:
 1. A marked incongruence between one’s experienced/expressed gender and primary and/or secondary sex characteristics (or in young adolescents, the anticipated secondary sex characteristics).
 2. A strong desire to be rid of one’s primary and/or secondary sex characteristics because of a marked incongruence with one’s experienced/expressed gender (or in young adolescents, a desire to prevent the development of the anticipated sex characteristics).
 3. A strong desire for the primary and/or secondary sex characteristics of the other gender.
 4. A strong desire to be of the other gender (or some alternative gender different from one’s assigned gender).
 5. A strong desire to be treated as the other gender (or some alternative gender different from one’s assigned gender).
 6. A strong conviction that one has the typical feelings and reactions of the other gender (or some alternative gender different from one’s assigned gender).
- B. The condition is associated with clinically significant distress or impairment in social, occupational or other important areas of functioning.

Owing to sophisticated new technologies, such as functional magnetic resonance imaging and genetic analysis instruments (Ettner, 2007), an assemblage of research led to scientific consensus that Gender Dysphoria has a biological, physiological etiology (see *eg.* Bentz *et al.*, 2008; Guillamon, Junque, & Gomez-Gil, 2016; Hines, 2011; Luders *et al.*, 2006; Rametti, 2011; Zhou *et al.*, 1995; Zubiurre-Elorza *et al.*, 2013; Zubiurre-Elorza *et al.*, 2014; Bentz *et al.*, 2008; Krujiver, *et al.*, 2000). It has been demonstrated that transgender women, transgender men, non-transgender women, and non-transgender men have different brain composition, with respect to the white matter of the brain, the cortex (central to behavior), and subcortical structures (Guillamon, Junque, & Gomez-Gil, 2016; Luders *et al.*, 2006; Rametti, 2011; Zubiurre-Elorza *et al.*, 2014). Interestingly, differences in transgender individuals primarily involve the right hemisphere of the brain. The significance of the right hemisphere is important as that is the area that relates to attitudes about bodies in general, one’s own body, and the link between the physical body and the psychological self (Longo & Haggard, 2010).

In addition, scientific investigation found a co-occurrence of Gender Dysphoria in families. Researchers concluded that the probability of a sibling of a transgender individual also being transgender is five times higher than someone in the general population (Green, 2000; Gomez-Gil *et al.*, 2010). Diamond (2013) studied the relative contribution of genetics and social factors by analyzing the incidence of gender incongruity in twins. In identical twins, he found a very high likelihood (33%) of both twins being transgender. Even among twins who were reared apart, there were sets of twins where both transitioned. Diamond concluded that identity is much more influenced by genetics than child-rearing or any other social factors. It is now believed that Gender Dysphoria evolves as a result of the interaction of the developing brain and sex hormones. Because the condition is biologically based, efforts to change a person's gender identity are not only unethical because they cause psychological harm, but are also futile.

Many gender dysphoric individuals undergo a medically indicated gender transition in order to ameliorate the debilitation of the condition and live life consistent with their gender identity. The World Professional Association for Transgender Health (WPATH) promulgates the Standards of Care (SOC) for Gender Dysphoria and recommends an individualized approach to treatment, consisting of one or more of the following protocol components of evidence-based care:

- Changes in gender expression and role (which may involve living part time or full time in another gender role, consistent with one's gender identity);
- Hormone therapy to feminize or masculinize the body;
- Surgery to change primary and/or secondary sex characteristics (e.g. breasts/chest, external and/or internal genitalia, facial features, body contouring)

Without treatment, gender dysphoric adults experience a range of debilitating psychological symptoms such as anxiety, depression, suicidality, and other attendant mental health issues. They are frequently socially isolated, as they carry a burden of shame and low self-esteem, attributable to the feeling of being inherently "defective." This leads to stigmatization, and over time proves ravaging to healthy personality development and interpersonal relationships (Ettner, 1999; Bockting, 2014). Without treatment, many gender dysphoric people are unable to adequately function in occupational, social or other areas of life. Recent studies found a 41% rate of suicide attempts among this population, which is far above the baseline rates for North America (Haas, 2014).

A key component of medical treatment for gender dysphoric individuals is to live, function in society, and be regarded by others consistent with their affirmed gender identity. If any aspect of this social role transition is impeded, it will undermine an individual's core identity and psychological health. The failure to treat a woman with Gender Dysphoria as a woman, intensifies the dysphoria, undermines medical treatment, increases emotional distress and can precipitate psychiatric disorders.

Jennifer Eller Background

Jennifer Eller is a 41-year-old [REDACTED] transgender woman, who resides in the state of Maryland. She was born in Minnesota and has one younger brother. Until the age of four, Ms. Eller thought she *was* a girl. It wasn't until she entered kindergarten, when she fully realized that she was assigned male at birth, and would be treated as a boy. Ms. Eller was comfortable playing with girls, but when she turned six, this was frowned upon, so she played by herself.

As a small child, Ms. Eller would put on her mother's shoes. Prior to puberty, she would furtively dress in her mother's clothing, an activity that intensified with the onset of puberty. At sixteen, she used her mother's razor and shaved her legs. About that time, Ms. Eller recalls seeing a television program about transsexualism. It was then she realized that there was a name for the feelings of gender incongruity that dogged her since childhood. The people who appeared on the show evoked contempt from the audience, and so Ms. Eller realized that these feelings must be kept secret.

[REDACTED]
[REDACTED] By 2011, Ms. Eller was divorced, depressed and anxious, a consequence of her never-ending struggle to resolve her gender issues.

In 2011, Ms. Eller sought out a counselor who was knowledgeable about gender issues. Soon thereafter, she began medically-indicated and medically supervised endocrine treatment for Gender Dysphoria. [REDACTED]

[REDACTED] As a result of this medically necessary treatment, she has been hormonally reassigned: She has the same circulating sex steroids and secondary sex characteristics as her female peers.

Relevant Medical History

Ms. Eller is 5 feet 10 inches and 203 pounds. She has no history of chronic illness. In addition to [REDACTED]

[REDACTED]

Clinical Interview and Assessment

[REDACTED]



Ms. Eller was harassed, stigmatized and subjected to an extremely hostile workplace. Students called her “he/she,” “faggot,” and referred to her as a “man in a dress.” She was accused of being a pedophile and tormented by students, colleagues and parents. Although she had a good performance record, she received little or no support from the administration or human resources. Even when she moved to a different school, the taunting, humiliation and victimization continued, unabated. Ms. Eller states that she felt like “a creature in a zoo.”

In 2016, while teaching at the James Madison school, a student pushed Ms. Eller and said: “It’s okay to take my ‘mad’ out on someone like you.” Ms. Eller then told the principal she needed to take a leave of absence. The loss of the ability to recover from emotional arousal and a concurrent lack of personal and interpersonal resources resulted in erosion of resiliency and an end to her teaching career.

Psychodiagnostic Assessment

Four standardized psychometric indices with high levels of reliability and validity were administered to corroborate clinical assessment: *The Beck Anxiety Inventory*, the *Beck Depression Inventory-II*, the *Beck Hopelessness Scale*, and the *Traumatic Symptom Inventory-2*.

Anxiety and depression are symptoms that are prevalent in many mental disorders. Like “pain” or “fatigue,” their mere presence does not provide sufficient information to be clinically useful. For example, an individual will experience pain from a head injury or a blockage in the ureter. The diagnosis and therapeutic interventions will differ in these two presentations.

Similarly, anxiety and depression are multi-faceted constructs, and clinicians endeavor to disentangle the affective, behavioral, and somatic symptoms of these phenomenon. This is critical in determining the nature of a disorder, its severity, and appropriate treatment. Patterns of anxiety are often diagnostically relevant. Indeed, statistical analysis reveals four distinct symptom clusters that assist in making a differential diagnosis and inform treatment. These clusters reflect neurophysiological, subjective, panic, and autonomic symptoms of anxiety. The inter-correlations of the four clusters are statistically significant (beyond the .001 level). Similarly, it is useful for clinicians to examine the overall pattern of depressive symptoms. Depressive symptoms are not only cognitive and affective, but also somatic and vegetative, and clinically depressed individuals display a

unique, distinctive depressive syndrome. The administration of psychometric tests to measure the disparate aspects of anxiety and depression in adults greatly assists with differential diagnosis, allowing the clinician to respond with a full range of appropriate therapeutic interventions.

The Beck Anxiety Inventory

Ms. Eller experiences symptoms associated with generalized anxiety. The intensity of her symptoms is moderate, and represents subjective and neurophysiological aspects of anxiety. These include for example, feeling faint, sweating (not due to heat), hands trembling, numbness, and fear of “the worst happening.” This cluster of symptoms describes autonomic and panic-related symptomatology, not subject to voluntary control or cognitive reappraisal. This level of anxiety and constellation of symptoms is consistent with a diagnosis of generalized anxiety disorder, panic disorder without agoraphobia, and/or post-traumatic stress disorder.

The Beck Depression Inventory-II

Ms. Eller scored in the “moderate” range on this instrument. She meets the DSM-5 diagnostic criteria for major depressive disorder, as reflected in the following *criteria A* symptoms:

- depressed mood (feeling sad or empty);
- anhedonia (markedly diminished interest or pleasure in all, or almost all activities);
- fatigue or loss of energy;
- change in appetite
- diminished ability to think or concentrate, or indecisiveness

and *criteria B*: the symptoms cause clinically significant distress or impairment in functioning.

The Beck Hopelessness Scale

Ms. Eller scores in the high moderate range on scales measuring the extent of hopelessness. Hopelessness is a psychological construct that underlies a variety of mental health disorders. Hopeless individuals believe that their important goals cannot be attained and that their worst problems cannot be solved. *The Beck Hopelessness Scale* has utility as an indirect indicator of suicidal risk, and hopelessness has been repeatedly found to be a better predictor of suicide than depression. [REDACTED]. To put this in context, the mean score for patients with chronic heart failure is 7; and a study of 1,969 outpatients who were administered the *Beck Hopelessness Scale* found that of those who ultimately committed suicide, 93.8% had scores of 9 or higher.

Traumatic Symptom Inventory-2 (TSI-2)

This instrument measures the severity of trauma-related symptoms and behaviors, and assesses a wide range of potentially complex symptomatology. When traumas are repeated, interpersonal, and arise from multiple adverse events and/or social marginalization, symptoms are diverse. Clinicians refer to these disorders as *complex* posttraumatic stress disorder (PTSD).

By allowing the simultaneous assessment of the diverse aspects of trauma, eg. dysphoric mood, suicidality, somatization, self-functioning, *etc.*, the TSI-2 provides the clinician with considerable data about an individual's psychological state. Evaluation of the specific components of posttraumatic stress, rather than just rendering a determination of PTSD, is crucial to providing informed treatment.

The clinical scales of the TSI-2 measure 12 different types of trauma-related symptoms, which can be subsumed under four broad categories of distress: *Self-Disturbance, Posttraumatic Stress, Externalization, and Somatization*. *T* scores are used to interpret an individual's level of symptomatology. A *T* score is a linear transformation of a raw score, derived to have a mean of 50 and a standard deviation of 10. Similar to percentile scores, *T* scores provide information about the individual's scores relative to those of subjects in standardized samples. For example, a *T* score of 70 exceeds the scores obtained by 95% of the general population. Higher raw and *T* scores indicate a greater degree of symptomatology. *T* scores in the range of 60 to 64 are considered problematic (i.e. likely to have clinical implications), and those at or above 65 are considered clinically elevated (i.e. symptoms of sufficient extremity that it represents a significant clinical concern.)

Ms. Eller has clinically elevated scales primarily in the domain of *Posttraumatic Stress*. [REDACTED] This factor consists of the Intrusive Experiences scales, Anxious Arousal, Defensive Avoidance, and Dissociation. Elevated scores are consistent with a diagnosis of PTSD. Ms. Eller scored [REDACTED] on the Intrusive Experience scale. Individuals with elevations on these scales tend to report some combination of flashbacks, nightmares, intrusive memories, and various dissociative symptoms. High scorers have a tendency toward panic attacks due to the overactivation of the sympathetic nervous system, a result of traumatic stressors. Ms. Eller also produced elevated scores [REDACTED] on the Tension Reduction Behavior scale. Tension reduction behaviors are external activities engaged in by an individual as a way to modulate, interrupt, avoid or soothe negative internal states, [REDACTED]

Diagnostic Assessment

Medical records from Dr. Sheth at Georgetown University Partial Hospitalization Program and Dr. He at Whitman Walker Health document a PTSD diagnosis. Dr. He noted on 8/2014 ... "coping w/ terrible discrimination at work in MD public

schools...;" on 4/2016... " doing worse w/ worsening school stress.." and on 10/2016 ... "discrimination followed her to new school."

Currently, Ms. Eller meets the diagnostic criteria for PTSD (309.81) (DSM-5); (F43.10) (ICD-10). Additionally, Ms. Eller has two comorbid disorders, depressive disorder, and generalized anxiety disorder. Approximately 80% of patients with PTSD have at least one other comorbid psychiatric disorder, with depression and anxiety disorders being the most common.

Ms. Eller has *complex trauma*. Complex trauma is a result of traumatic stressors that are interpersonal, *i.e.* intentionally caused and planned by humans. Interpersonal trauma results in more severe harm than random or impersonal trauma, *i.e.* "acts of God." Additionally, interpersonal victimization is typically repeated and chronic. Whether it occurs routinely or intermittently, the victim does not have adequate time to regain emotional equilibrium between "assaults" and the fear that another attack can occur at any time leads to states of hypervigilance and anxiety.

Treatment of Trauma

PTSD has biological and psychological sequelae, and treatment relies on a multi-dimensional approach. Treatment, particularly for complex trauma, should be evidence-based, and must address the biological and psychological disturbances.

The biological pathology in PTSD is conceptualized as a dysregulation of the hypothalamic-pituitary-adrenal (HPA) axis and the neurocircuitry of the brain. Patients with PTSD can no longer mediate the fight-flight-freeze response, as the fear circuitry stops responding to signals from the prefrontal cortex. Medications act upon neurotransmitters in the brain to target these PTSD symptoms: intrusive thoughts, nightmares, flashbacks, negative alterations in cognitions and mood, sleep problems, hypervigilance, increased startle response and self-destructive behavior.

Medications minimize, but do not entirely eliminate symptoms. They are used in conjunction with trauma specific psychotherapy. Research indicates that maximum benefit from medication depends on adequate dosage and duration of treatment. Selective serotonin reuptake inhibitors (SSRIs) are the mainstay of pharmacologic treatment, and the first line of defense. As this class of drugs will also treat major depressive disorder, some patients are maintained on SSRIs or a related class of psychotropic medication for life.

Psychotherapeutic treatment of complex trauma requires specific sequencing, due to the many symptoms and the necessity of the patient feeling safe. Many mental health professionals are unaware that patients can be re-traumatized if they are required to deal too soon or too directly with the traumatic experiences. Studies indicate that 14 % of patients with PTSD discontinue therapy, due to difficulty re-experiencing the trauma. Often, the patient is functioning so minimally, that attendance at appointments is inconsistent.

Two forms of psychotherapy, cognitive-behavioral therapy (CBT) and prolonged exposure (PE), are supported by research as being efficacious for the treatment of some of the more intractable symptoms of complex trauma. However, these treatments should only be initiated after the patient feels safe, and a therapeutic alliance has been consolidated. Best outcomes of CBT are considered to be a 50 % reduction in symptoms over a 16-week period.

The therapy must also involve psychoeducation, so the patient can come to an understanding of reactions to trauma, and begin to rebuild coping skills. Processing the trauma is a later stage of treatment, and is often accomplished with a method known as Eye Movement Desensitization Reprocessing (EMDR). This requires a mental health specialist who has been trained and certified in this treatment modality.

There is no cure for PTSD, only treatment. The duration and course of treatment varies, and most patients require a minimum of one to two years to rebuild the self, attenuate symptoms, and find a renewed purpose in life. After two years, patients with significant improvement may be able to reduce out-patient psychotherapy to monthly or quarterly visits, as the therapeutic relationship continues to undergird. Without prompt treatment PTSD worsens, and even a few weeks delay can negatively impact prognosis.

Opinions and Recommendations

According to the records I reviewed and my interview with Ms. Eller, she was verbally harassed, stigmatized, and victimized while employed in the Maryland public schools. She was unable to perform her job, felt threatened and unsafe. Intentional attempts to harass, insult, and stigmatize served to threaten her identity and undermined the medical treatment she was undergoing for Gender Dysphoria.

Being placed in a classroom with people who verbally attacked her identity and authority was traumatic for Ms. Eller, as she had no personal agency in the face of an onslaught of intense stressors. She also felt unsupported by colleagues or administrators. Research indicates that perceived support is most strongly related to psychological health and well being in adults (Barrera, 1986; Cohen & Willis, 1985; Jackson & Warren, 2000; Sarason et al., 1987). The ceaseless harassment, discrimination and humiliation she was subjected to completely eroded her coping strategies and resilience, and resulted in the irremediable damage of what has now become chronic PTSD. When attacks are ongoing, individuals do not have the ability to regain equilibrium between attacks, and the brain remains in a constant state of hyperarousal and hypervigilance.

Due to the chronic and disabling nature of PTSD and the diverse symptoms, there is no single drug or drug protocol with demonstrated efficacy (Feder *et al.*, 2014). Each patient varies in their response and ability to tolerate a specific medication and

dosage. Therefore, medication treatment plans frequently need to be adjusted, based on patient side effects, responses, and comorbidities.

Numerous medications including [REDACTED] [REDACTED] have been previously or currently prescribed to attenuate Ms. Eller's symptoms. Given the limited success of these [REDACTED] (used to reduce anxiety), other medications may be considered. Although these prescribed drugs are considered first line treatment, second line agents may help with some symptoms, and are recommended for patients who fail first-line psychotherapy. Ms. Eller may benefit from [REDACTED], a relatively new treatment, has been shown to improve symptoms in some chronic, treatment-refractory PTSD patients (Feder *et al.*, 2014).

My opinion is that Ms. Eller has intractable symptoms and now requires the full panoply of evidence-based treatment. Given the chronicity of her symptoms and the limited success of her current treatment regimen, I believe she is at risk of spiraling into an ingravescient course of psychological decompensation and self-harm. [REDACTED]

[REDACTED] It is my opinion that she requires ongoing psychotherapy for the foreseeable future including trauma-informed care, and closely supervised, lifelong psychopharmacotherapy.

/s/ Randi Ettner

Dr. Randi Ettner

RANDI ETTNER, PHD
1214 Lake Street
Evanston, Illinois 60201
847-328-3433

POSITIONS HELD

Clinical Psychologist
Forensic Psychologist
Fellow and Diplomate in Clinical Evaluation, American Board of
Psychological Specialties
Fellow and Diplomate in Trauma/PTSD
President, New Health Foundation Worldwide
Secretary, World Professional Association of Transgender Healthcare
(WPATH)
Chair, Committee for Institutionalized Persons, WPATH
Global Education Initiative Committee
University of Minnesota Medical Foundation: Leadership Council
Psychologist, Center for Gender Confirmation Surgery, Weiss Memorial
Hospital
Adjunct Faculty, Prescott College
Editorial Board, *International Journal of Transgenderism*
Editorial Board, *Transgender Health*
Television and radio guest (more than 100 national and international
appearances)
Internationally syndicated columnist
Private practitioner
Medical staff Weiss Memorial Hospital, Chicago IL

EDUCATION

PhD, 1979	Northwestern University (with honors) Evanston, Illinois
MA, 1976	Roosevelt University (with honors) Chicago, Illinois
BA, 1969-73	Indiana University Bloomington, Indiana Cum Laude Major: Clinical Psychology; Minor: Sociology
1972	Moray College of Education Edinburgh, Scotland International Education Program
1970	Harvard University Cambridge, Massachusetts Social Relations Undergraduate Summer Study Program in Group Dynamics and Processes

CLINICAL AND PROFESSIONAL EXPERIENCE

- 2016-present Psychologist: Weiss Memorial Hospital Center for Gender Confirmation Surgery
Consultant: Walgreens; Tawani Enterprises
Private practitioner
- 2011 Instructor, Prescott College: Gender-A multidimensional approach
- 2000 Instructor, Illinois Professional School of Psychology
- 1995-present Supervision of clinicians in counseling gender non conforming clients
- 1993 Post-doctoral continuing education with Dr. James Butcher in MMPI-2 Interpretation, University of Minnesota
- 1992 Continuing advanced tutorial with Dr. Leah Schaefer in psychotherapy
- 1983-1984 Staff psychologist, Women's Health Center, St. Francis Hospital, Evanston, Illinois
- 1981-1984 Instructor, Roosevelt University, Department of Psychology: Psychology of Women, Tests and Measurements, Clinical Psychology, Personal Growth, Personality Theories, Abnormal Psychology
- 1976-1978 Research Associate, Cook County Hospital, Chicago, Illinois, Department of Psychiatry
- 1975-1977 Clinical Internship, Cook County Hospital, Chicago, Illinois, Department of Psychiatry
- 1971 Research Associate, Department of Psychology, Indiana University
- 1970-1972 Teaching Assistant in Experimental and Introductory Psychology
Department of Psychology, Indiana University
- 1969-1971 Experimental Psychology Laboratory Assistant, Department of Psychology, Indiana University

LECTURES AND HOSPITAL GRAND ROUNDS PRESENTATIONS

The Transgender Surgical Patient, American Society of Plastic Surgeons, Miami, FL 2019

Mental health issues in transgender health care, American Medical Student Association, webinar presentation, 2019

Sticks and stones: Childhood bullying experiences in lesbian women and transmen, Buenos Aires, 2018

Gender identity and the Standards of Care, American College of Surgeons, Boston, MA, 2018

The mental health professional in the multi-disciplinary team, pre-operative evaluation and assessment for gender confirmation surgery, American Society of Plastic Surgeons, Chicago, IL, 2018; Buenos Aires, 2018

Navigating Transference and Countertransference Issues, WPATH global education initiative, Portland, OR; 2018

Psychological aspects of gender confirmation surgery International Continence Society, Philadelphia, PA 2018

The role of the mental health professional in gender confirmation surgeries, Mt. Sinai Hospital, New York City, NY, 2018

Mental health evaluation for gender confirmation surgery, Gender Confirmation Surgical Team, Weiss Memorial Hospital, Chicago, IL 2018

Transitioning; Bathrooms are only the beginning, American College of Legal Medicine, Charleston, SC, 2018

Gender Dysphoria: A medical perspective, Department of Health and Human Services, Office for Civil Rights, Washington, D.C, 2017

Multi-disciplinary health care for transgender patients, James A. Lovell Federal Health Care Center, North Chicago, IL, 2017

Psychological and Social Issues in the Aging Transgender Person, Weiss Memorial Hospital, Chicago, IL, 2017.

Psychiatric and Legal Issues for Transgender Inmates, USPATH, Los Angeles, CA, 2017

Transgender 101 for Surgeons, American Society of Plastic Surgeons, Chicago, IL, 2017.

Healthcare for transgender inmates in the US, Erasmus Medical Center, Rotterdam, Netherlands, 2016.

Tomboys Revisited: Replication and Implication; Models of Care; Orange Isn't the New Black Yet- WPATH symposium, Amsterdam, Netherlands, 2016.

Foundations in mental health; role of the mental health professional in legal and policy issues, healthcare for transgender inmates; children of transgender parents; transfeminine genital surgery assessment: WPATH global education initiative, Chicago, IL, 2015; Atlanta, GA, 2016; Ft. Lauderdale, FL, 2016; Washington, D.C., 2016, Los Angeles, CA, 2017, Minneapolis, MN, 2017, Chicago, IL, 2017; Columbus, Ohio, 2017; Portland, OR, 2018; Cincinnati, OH, 2018, Buenos Aires, 2018

*Pre-operative evaluation in gender-affirming surgery-*American Society of Plastic Surgeons, Boston, MA, 2015

*Gender affirming psychotherapy; Assessment and referrals for surgery-Standards of Care-*Fenway Health Clinic, Boston, 2015*Gender reassignment surgery-*Midwestern Association of Plastic Surgeons, 2015

Adult development and quality of life in transgender healthcare- Eunice Kennedy Shriver National Institute of Child Health and Human Development, 2015

Healthcare for transgender inmates- American Academy of Psychiatry and the Law, 2014

Supporting transgender students: best school practices for success- American Civil Liberties Union of Illinois and Illinois Safe School Alliance, 2014

Addressing the needs of transgender students on campus- Prescott College, 2014

The role of the behavioral psychologist in transgender healthcare – Gay and Lesbian Medical Association, 2013

Understanding transgender- Nielsen Corporation, Chicago, Illinois, 2013

Role of the forensic psychologist in transgender care; Care of the aging transgender patient- University of California San Francisco, Center for Excellence, 2013

Evidence-based care of transgender patients- North Shore University Health Systems, University of Chicago, Illinois, 2011; Roosevelt-St. Vincent Hospital, New York; Columbia Presbyterian Hospital, Columbia University, New York, 2011

*Children of Transsexuals-*International Association of Sex Researchers, Ottawa, Canada, 2005; Chicago School of Professional Psychology, 2005

Gender and the Law- DePaul University College of Law, Chicago, Illinois, 2003; American Bar Association annual meeting, New York, 2000

*Gender Identity, Gender Dysphoria and Clinical Issues –*WPATH Symposium, Bangkok, Thailand, 2014; Argosy College, Chicago, Illinois, 2010; Cultural Impact Conference, Chicago, Illinois, 2005; Weiss Hospital, Department of Surgery, Chicago, Illinois, 2005; Resurrection Hospital Ethics Committee, Evanston, Illinois, 2005; Wisconsin Public Schools,

Sheboygan, Wisconsin, 2004, 2006, 2009; Rush North Shore Hospital, Skokie, Illinois, 2004; Nine Circles Community Health Centre, University of Winnipeg, Winnipeg, Canada, 2003; James H. Quillen VA Medical Center, East Tennessee State University, Johnson City, Tennessee, 2002; Sixth European Federation of Sexology, Cyprus, 2002; Fifteenth World Congress of Sexology, Paris, France, 2001; Illinois School of Professional Psychology, Chicago, Illinois 2001; Lesbian Community Cancer Project, Chicago, Illinois 2000; Emory University Student Residence Hall, Atlanta, Georgia, 1999; Parents, Families and Friends of Lesbians and Gays National Convention, Chicago, Illinois, 1998; In the Family Psychotherapy Network National Convention, San Francisco, California, 1998; Evanston City Council, Evanston, Illinois 1997; Howard Brown Community Center, Chicago, Illinois, 1995; YWCA Women's Shelter, Evanston, Illinois, 1995; Center for Addictive Problems, Chicago, 1994

Psychosocial Assessment of Risk and Intervention Strategies in Prenatal Patients- St. Francis Hospital, Center for Women's Health, Evanston, Illinois, 1984; Purdue University School of Nursing, West Layette, Indiana, 1980

Psychoneuroimmunology and Cancer Treatment- St. Francis Hospital, Evanston, Illinois, 1984

Psychosexual Factors in Women's Health- St. Francis Hospital, Center for Women's Health, Evanston, Illinois, 1984

Sexual Dysfunction in Medical Practice- St. Francis Hospital, Dept. of OB/GYN, Evanston, Illinois, 1980

Sleep Apnea - St. Francis Hospital, Evanston, Illinois, 1996; Lincolnwood Public Library, Lincolnwood, Illinois, 1996

The Role of Denial in Dialysis Patients - Cook County Hospital, Department of Psychiatry, Chicago, Illinois, 1977

PUBLICATIONS

Ettner, R., White, T., Ettner, F., Friese, T., Schechter, L. (2018) Tomboys revisited: A retrospective comparison of childhood behaviors in lesbians and transmen. *Journal of Child and Adolescent Psychiatry*.

Narayan, S., Danker, S Esmonde, N., Guerriero, J., Carter, A., Dugi III, D., Ettner, R., Radix A., Bluebond-Langner, R., Schechter, L., Berli, J. (2018) A survey study of surgeons' experience with regret and reversal of gender-confirmation surgeries as a basis for a multidisciplinary approach to a rare but significant clinical occurrence, submitted.

Ettner, R. Mental health evaluation. *Clinics in Plastic Surgery*. (2018) Elsevier, 45(3): 307-311.

Ettner, R. Etiology of gender dysphoria in Schechter (Ed.) Gender Confirmation Surgery: Principles and Techniques for an Emerging Field. Elsevier, 2017.

Ettner, R. Pre-operative evaluation in Schechter (Ed.) Surgical Management of the Transgender Patient. Elsevier, 2017.

Berli, J., Kudnson, G., Fraser, L., Tangpricha, V., Ettner, R., et al. Gender Confirmation Surgery: what surgeons need to know when providing care for transgender individuals. *JAMA Surgery*; 2017.

Ettner, R., Ettner, F. & White, T. Choosing a surgeon: an exploratory study of factors influencing the selection of a gender affirmation surgeon. *Transgender Health*, 1(1), 2016.

Ettner, R. & Guillamon, A. Theories of the etiology of transgender identity. In Principles of Transgender Medicine and Surgery. Ettner, Monstrey & Coleman (Eds.), 2nd edition; Routledge, June, 2016.

Ettner, R., Monstrey, S, & Coleman, E. (Eds.) Principles of Transgender Medicine and Surgery, 2nd edition; Routledge, June, 2016.

Bockting, W, Coleman, E., Deutsch, M., Guillamon, A., Meyer, I., Meyer, W., Reisner, S., Sevelius, J. & Ettner, R. Adult development and quality of life of transgender and gender nonconforming people. *Current Opinion in Endocrinology and Diabetes*, 2016.

Ettner, R. Children with transgender parents in Sage Encyclopedia of Psychology and Gender. Nadal (Ed.) Sage Publications, 2017

Ettner, R. Surgical treatments for the transgender population in Lesbian, Gay, Bisexual, Transgender, and Intersex Healthcare: A Clinical Guide to Preventative, Primary, and Specialist Care. Ehrenfeld & Eckstrand, (Eds.) Springer: MA, 2016.

Ettner, R. Etiopathogenetic hypothesis on transsexualism in Management of Gender Identity Dysphoria: A Multidisciplinary Approach to Transsexualism. Trombetta, Liguori, Bertolotto, (Eds.) Springer: Italy, 2015.

Ettner, R. Care of the elderly transgender patient. *Current Opinion in Endocrinology and Diabetes*, 2013, Vol. 20(6), 580-584.

Ettner, R., and Wylie, K. Psychological and social adjustment in older transsexual people. *Maturitas*, March, 2013, Vol. 74, (3), 226-229.

Ettner, R., Ettner, F. and White, T. Secrecy and the pathophysiology of hypertension. *International Journal of Family Medicine* 2012, Vol. 2012.

Ettner, R. Psychotherapy in Voice and Communication Therapy for the Transgender/Transsexual Client: A Comprehensive Clinical Guide. Adler, Hirsch, Mordaunt, (Eds.) Plural Press, 2012.

Coleman, E., Bockting, W., Botzer, M., Cohen-Kettenis, P., DeCuypere, G., Feldman, J., Fraser, L., Green, J., Knudson, G., Meyer, W., Monstrey, S., Adler, R., Brown, G., Devor, A., Ehrbar, R., Ettner, R., et.al. Standards of Care for the health of transsexual, transgender, and gender-nonconforming people. World Professional Association for Transgender Health (WPATH). 2012.

Ettner, R., White, T., and Brown, G. Family and systems aggression towards therapists. *International Journal of Transgenderism*, Vol. 12, 2010.

Ettner, R. The etiology of transsexualism in Principles of Transgender Medicine and Surgery. Ettner, R., Monstrey, S., and Eyler, E. (Eds.). Routledge Press, 2007.

Ettner, R., Monstrey, S., and Eyler, E. (Eds.) Principles of Transgender Medicine and Surgery. Routledge Press, 2007.

Monstrey, S. De Cuypere, G. and Ettner, R. Surgery: General principles in Principles of Transgender Medicine and Surgery, Ettner, R., Monstrey, S., and Eyler, E. (Eds.) Routledge Press, 2007.

Schechter, L., Boffa, J., Ettner, R., and Ettner, F. Revision vaginoplasty with sigmoid interposition: A reliable solution for a difficult problem. The World Professional Association for Transgender Health (WPATH), 2007, *XX Biennial Symposium*, 31-32.

Ettner, R. Transsexual Couples: A qualitative evaluation of atypical partner preferences. *International Journal of Transgenderism*, Vol. 10, 2007.

White, T. and Ettner, R. Adaptation and adjustment in children of transsexual parents. *European Journal of Child and Adolescent Psychiatry*, 2007: 16(4)215-221.

Ettner, R. Sexual and gender identity disorders in Diseases and Disorders, Vol. 3, Brown Reference, London, 2006.

Ettner, R., White, T., Brown, G., and Shah, B. Client aggression towards therapists: Is it more or less likely with transgendered clients? *International Journal of Transgenderism*, Vol. 9(2), 2006.

Ettner, R. and White, T. in Transgender Subjectives: A Clinician's Guide Haworth Medical Press, Leli (Ed.) 2004.

White, T. and Ettner, R. Disclosure, risks, and protective factors for children whose parents are undergoing a gender transition. *Journal of Gay and Lesbian Psychotherapy*, Vol. 8, 2004.

Witten, T., Benestad, L., Berger, L., Ekins, R., Ettner, R., Harima, K. Transgender and Transsexuality. Encyclopeida of Sex and Gender. Springer, Ember, & Ember (Eds.) Stonewall, Scotland, 2004.

Ettner, R. Book reviews. *Archives of Sexual Behavior*, April, 2002.

Ettner, R. Gender Loving Care: A Guide to Counseling Gender Variant Clients. WW Norton, 2000.

“Social and Psychological Issues of Aging in Transsexuals,” proceedings, Harry Benjamin International Gender Dysphoria Association, Bologna, Italy, 2005.

“The Role of Psychological Tests in Forensic Settings,” *Chicago Daily Law Bulletin*, 1997.

Confessions of a Gender Defender: A Psychologist’s Reflections on Life amongst the Transgender. Chicago Spectrum Press. 1996.

“Post-traumatic Stress Disorder,” *Chicago Daily Law Bulletin*, 1995.

“Compensation for Mental Injury,” *Chicago Daily Law Bulletin*, 1994.

“Workshop Model for the Inclusion and Treatment of the Families of Transsexuals,” Proceedings of the Harry Benjamin International Gender Dysphoria Symposium; Bavaria, Germany, 1995.

“Transsexualism- The Phenotypic Variable,” Proceedings of the XV Harry Benjamin International Gender Dysphoria Association Symposium; Vancouver, Canada, 1997.

“The Work of Worrying: Emotional Preparation for Labor,” Pregnancy as Healing. A Holistic Philosophy for Prenatal Care, Peterson, G. and Mehl, L. Vol. II. Chapter 13, Mindbody Press, 1985.

PROFESSIONAL AFFILIATIONS

University of Minnesota Medical School–Leadership Council
American College of Forensic Psychologists
World Professional Association for Transgender Health
World Health Organization (WHO) Global Access Practice Network
TransNet national network for transgender research
American Psychological Association
American College of Forensic Examiners
Society for the Scientific Study of Sexuality
Screenwriters and Actors Guild
Phi Beta Kappa

AWARDS AND HONORS

Letter of commendation from United States Congress for contributions to public health in Illinois, 2019

WPATH Distinguished Education and Advocacy Award, 2018

The Randi and Fred Ettner Transgender Health Fellowship-Program in Human Sexuality, University of Minnesota, 2016

Phi Beta Kappa, 1972

Indiana University Women's Honor Society, 1970-1972

Indiana University Honors Program, 1970-1972

Merit Scholarship Recipient, 1970-1972

Indiana University Department of Psychology Outstanding Undergraduate Award Recipient, 1970-1972

Representative, Student Governing Commission, Indiana University, 1970

LICENSE

Clinical Psychologist, State of Illinois, 1980

BIBLIOGRAPHY

- Ainsworth, T. & Spiegel, J. (2010). Quality of life of individuals with and without facial feminization surgery or gender reassignment surgery. *Quality of Life Research* 19(7): 1019-1024.
- Amend, B., Seibold, J., Toomey, P., Stenzl, A., & Sievert, K. (2013). Surgical reconstruction for male-to-female sex reassignment. *European Urology* 64(1): 141-149.
- American Medical Association (2008). Resolution 122 (A-08).
- American Psychiatric Association (2013). *Diagnostic and statistical manual of mental disorders* (5th ed.). Arlington, VA: American Psychiatric Publishing.
- American Psychological Association (2012). Position Statement on Discrimination Against Transgender and Gender Variant Individuals.
- American Psychological Association (2008). Transgender, gender identity, & gender expression non-discrimination.
- Anton, B. (2009). Proceedings of the American Psychological Association for the legislative year 2008.
- Barrera, M. (1986). Distinction between social support, concepts, measures and models. *American Journal of Community Psychology*, 14, 413-445.
- Bauer, G., Scheim, A., Pyne, J., et al (2015). Intervenable factors associated with suicide risk in transgender persons: a respondent driven sampling study in Ontario, Canada. *BMC Public Health* 15:525.
- Benjamin, H. (1966). *The Transsexual Phenomenon*. New York: Julian Press.
- Bentz, E.K., Hefler, L.A., Kaufman, U. et al (2008). A polymorphism of the CYP17 gene related to sex steroid metabolism is associated with female-to-male but not male-to-female transsexualism. *Fertility and Sterility* 90(1): 56-59.
- Bockting, W. (2013). Transgender identity development. In Tolman & Diamond (eds.) American Psychological Association's Handbook of Sexuality and Psychology. Washington, D.C.: American Psychological Association.
- Bockting, W., Coleman, E., Deutsch, M., Guillamon, A., Meyer, I., Meyer, W., Reisner, S., Sevelius, J. & Ettner, R. (2016). Adult development and quality of life

of transgender and gender nonconforming people. *Current Opinion in Endocrinology and Diabetes* 23(2): 188-197.

Bockting, W. (2014). The impact of stigma on transgender identity development and mental health. In Kreukels, Steensma, and De Vries (eds). Gender dysphoria and disorders of sex development: Progress in care and knowledge. New York: Springer.

Bockting, W. & Coleman, E. (2007). Developmental stages of the transgender coming out process: Toward an integrated identity. Ettner, Monstrey & Eyler (eds.) Principles of Transgender Medicine and Surgery. New York: Haworth Press.

Bradford, J., Reisner, S., Honnold, J., Xavier, J. (2013). Experiences of transgender-related discrimination and implications for health: Results from the Virginia transgender health initiative study. *American Journal of Public Health* 103 (10).

Brown, G. (2010). Auto-castration and auto-penectomy as surgical self-treatment in incarcerated persons with Gender Identity disorder. *International Journal of Transgenderism* 12: 31-39.

Brown, G., & McDuffie, E. (2009). Health care policies addressing transgender inmates in prison systems in the United States. *Journal of Correctional Health Care*, 15, 280–291.

Budge, S., Adelson, J. & Howard, K. (2013). Anxiety and depression in transgender individuals: The role of transition status, loss, social support, and coping. *Journal of Consulting and Clinical Psychology* 81(3): 545.

Chung, W., De Vries, G., Swaab, D. (2002). Sexual differentiation of the bed nucleus of the stria terminalis in humans may extend into adulthood. *Journal of Neuroscience* 22(3): 1027-1033.

Cohen-Kettenis, P. & Gooren, L. (1992). The influence of hormone treatment on psychological functioning of transsexuals. In Gender Dysphoria: Interdisciplinary Approaches in Clinical Management. Bockting & Coleman (eds). Haworth Press.

Cohen, S., & Willis, T. A. (1985). Stress, social support and the buffering hypothesis. *Psychological Bulletin*, 98, 310-357.

Colizzi, M. et al. (2014). Transsexual patients' psychiatric comorbidity and positive effect of cross-sex hormonal treatment on mental health: Results from a longitudinal study. *Psychoneuroendocrinology* 39: 65-73.

Colton Meier, S., Fitzgerald, K., Pardo, S. & Babcock, J. (2011). The effects of hormonal gender affirmation treatment on mental health in female-to-male transsexuals. *Journal of Gay & Lesbian Mental Health* 15(3): 281-299.

Crocker, J., Major, B. & Steele, C. (1998). Social Stigma in Fiske & Gilbert (eds.) Handbook of Social Psychology, Vol 11.

DeCuypere, G, T'Sjoen, G. et al. (2005). Sexual and physical health after sex reassignment surgery. *Archives of Sexual Behavior* 34(6): 679-690.

Devor, A. (2004). Witnessing and mirroring: A fourteen stage model of transsexual identity formation. *Journal of Gay and Lesbian Psychotherapy* 8(1/2): 41-67.

Dhejne, C., Oberg, K., Arver, S., & Landen, M. (2013). Increasing incidence of sex reassignment applications but few regrets: A complete analysis of all applications during 50 years. *Journal of Sexual Medicine* 11: 8-9.

Diamond, M. (2013). Transsexuality among twins: identity concordance, transition, rearing, and orientation. *International Journal of Transgenderism* 14: 24-28.

Diamond, L., Pardo, S., Butterworth, M. (2011). Transgender experience and identity. In Schwartz et al (eds) Handbook of Identity Theory and Research: Springer.

Eldh, J., Berg, A., Gustafsson, M. (1997). Long term follow up after sex reassignment surgery, *Scandinavian Journal of Plastic and Reconstructive Surgery and Hand Surgery* 31: 39-45.

Ettner, R. (1999). Gender loving care: A guide to counseling gender-variant clients. New York, NY, US: W W Norton & Co.

Ettner, R., Ettner, F. & White, T. (2012). Secrecy and the pathophysiology of hypertension. *International Journal of Family Medicine*: 2012.

Ettner, R. (2013). Care of the elderly transgender patient. *Current Opinion in Endocrinology and Diabetes*, Vol. 20(6), 580-584.

Ettner, R., and Wylie, K. (2013). Psychological and social adjustment in older transsexual people. *Maturitas* 74, (3), 226-229.

Ettner, R. (2015). Etiopathogenetic hypothesis on transsexualism. In Trombetta, Luguori & Bertolotto (eds) Management of Gender Identity Dysphoria: A Multidimensional Approach to Transsexualism. Italy: Springer.

Ettner, R., Guillamon, A. (2016). Theories of the etiology of transgenderism. In Principles of Transgender Medicine and Surgery. Ettner, Monstrey & Coleman (eds). New York: Routledge.

Fernandez, R., Esteva, I., Gomez-Gil, E., Rumbo, T. et al (2014). The (CA) in polymorphism of ER β gene is associated with FtM transsexualism. *Journal of Sexual Medicine* 11:720-728.

Frost, D., Lehavot, K. Meyer, I. (in press). Minority stress and physical health among sexual minority individuals. *Journal of Behavioral Medicine*. DOI: 10.1007/s10865-013-9523-8].

Galis, F., Ten Broek, C., Van Dongen, S., et al. (2010). Sexual dimorphism in the prenatal digit ratio (2D:4D). *Archives of Sexual Behavior* 39(1):57-62.

Garcia-Falgueras, A. & Swaab, D. A sex difference in the hypothalamic uncinate nucleus: relationship to gender identity. *Brain* 131: 3132-3146.

Gijs, L., & Brewayes, A. (2007). Surgical treatment of gender dysphoria in adults and adolescents: Recent developments, effectiveness, and challenges. *Annual Review of Sex Research* 18, 178-224.

Goffman, E. (1969). The Presentation of Self in Everyday Life. London: Allen Lane.

Gomez-Gil, E., Esteva, I., Almaraz, M,C. et al (2010). Familiarity of gender identity disorder in non-twin siblings. *Archives of Sexual Behavior* 39(2): 265-269.

Gomez-Gil, E., Zubiaurre-Elorza, L., Esteva, I., Guillamon, A. et al (2012). Hormone-treated transsexuals report less social distress, anxiety and depression. *Psychoneuroendocrinology* 37(5): 662-670.

Gorin-Lazard et al., (2011). Is hormonal therapy associated with better quality of life in transsexuals? A cross-sectional study. *Journal of Sexual Medicine* 9: 531-541.

Green, R. (2000). Family co-occurrence of “gender dysphoria”: ten siblings or parent-child pairs. *Archives of Sexual Behavior* 29(5): 499-507.

Greenberg, R. & Laurence, L. (1981). A comparison of MMPI results for psychiatric patients and male applicants for transsexual surgery. *Journal of Nervous and Mental Disease* 169(5): 320-323.

Hare, L., Bernard, P., Sanchez, F. et al (2009). Androgen receptor length polymorphism associated with male-to-female transsexualism. *Biological Psychiatry* 65(1): 93-96.

Haas, A., Rodgers, P., Herman, J. (2014). Suicide Attempts among Transgender and Gender Non-Conforming Adults, *American Foundation for Suicide Prevention*.

Hatzenbuehler, M., Bellatorre, A., Lee, Y., et al (2014). Structural stigma and all-cause mortality in sexual minority populations. *Social Science and Medicine* 103: 33-41.

Hembree, W., Cohen-Kettenis, P., Delemarre-van de Waal, H. Goorin, L., Meyer, W., Spack, N., Montori, V. (2009). Endocrine treatment of transsexual persons: An endocrine society clinical practice guideline. *Journal of Clinical Endocrinology and Metabolism* 94(9), 3132-3154.

Hembree, W. et al (2017). Endocrine treatment of gender-dysphoric/gender incongruent persons: an endocrine society clinical practice guideline. *Journal of Clinical Endocrinology and Metabolism* 102(11), 3869-3903.

Hepp, U., Klaghofer, R., Burkhard-Kubler, R., Buddeberg, C. (2002). Treatment follow-up of transsexual patients: A catamnestic study. *Nervenarzt* 73(3): 283-288.

Henningsson, S., Westberg, L., Nilsson, S. et al (2005). Sex steroid-related genes and male-to-female transsexualism. *Psychoneuroendocrinology* 30(7): 657-664.

Horbach, S. et al (2015). Outcome of vaginoplasty in male-to-female transgenders: A systematic review of surgical techniques. *Journal of Sexual Medicine* 12(6): 1499-512.

Imbimbo, C. (2009). A report from a single institute’s 14-year experience in treatment of male-female transsexuals. *Journal of Sexual Medicine*, 6(10): 2736-45.

- Jackson, Y. & Warren, J.S. (2000). Appraisal of social support and life events: Predicting outcome behavior in school aged children. *Child Development*, 71, 1441-1457.
- Jarolim, L. et al. (2009). Gender reassignment surgery in male-to-female transsexualism: A retrospective 3-month follow-up study with anatomical remarks. *Journal of Sexual Medicine*, 6(6): 1635-44.
- Johansson, A., Sundbom, E., Hojerback, T. & Bodlund, O. (2010). A five-year follow up study of Swedish adults with gender identity disorder. *Archives of Sexual Behavior*, 39(6): 1429-37.
- Jokic-Begic, N., Korajlija, A., & Jurin, T. (2014). Psychosocial adjustment to sex reassignment surgery: A qualitative examination and personal experiences of six transsexual persons in Croatia. *The Scientific World Journal*: 2014.
- Klein, C & Gorzalka, B. (2009). Sexual functioning in transsexuals following hormone therapy and genital surgery: A review. *Journal of Sexual Medicine* 6(11): 2922-2939.
- Kockott, G., & Fahrner, E. (1987). Transsexuals who have not undergone surgery: A follow-up study. *Archives of Sexual Behavior* 16(6): 511-522.
- Landen, M., Bodlund, O. Ekselius, L., Hambert, G., & Lundstrom, B. (2001). Done is done-and gone is gone: Sex reassignment is presently the best cure for transsexualism. *Lakartidningen* 98(30-31): 3322-26.
- Lane, M. et al. (2018). Trends in gender-affirming surgery in insured patients in the United States. *PRS Global Open*.
- Lawrence, A. (2003). Factors associated with satisfaction or regret following male-to-female sex reassignment surgery. *Archives of Sexual Behavior* 32(4): 299-315.
- Lawrence, A. (2005). Sexuality before and after male-to-female sex reassignment surgery. *Archives of Sexual Behavior*, 34: 147-66.
- Lawrence, A. (2006). Patient-reported complications and functional outcomes of male-to-female reassignment surgery. *Archives of Sexual Behavior* 35(6): 717-27.
- Lindqvist, E., et al. (2017). Quality of life improves early after gender reassignment surgery in transgender women, *European Journal of Plastic Surgery* 40(3): 223-226.

Lobato, M. et al. (2006). Follow-up of sex reassignment surgery in transsexuals: A Brazilian cohort. *Archives of Sexual Behavior* 33: 711-15.

Longo, M., Azanon, E. & Haggard, P. (2010). More than skin deep: body representation beyond primary somatosensory cortex. *Neuropsychologia* 48: 665-668.

Luders, E., Narr, K., Thompson, P., Rex, D. et al (2006). Gender effects on cortical thickness and the influence of scaling. *Human Brain Mapping* 27: 314-324.

Matt-Kole, C., Freschi, M., & Robin, A. (1990). A controlled study of psychological and social change after surgical gender reassignment in selected male transsexuals. *British Journal of Psychiatry* 157, 261-264.

Monstrey, S., De Cuypere, G., & Ettner, R. (2007). Surgery: General principles. In Ettner, R., Monstrey, S., Eyler, A. (eds). Principles of Transgender Medicine and Surgery New York: Haworth Press.

Murad, M. et al (2010). Hormonal therapy and sex reassignment: a systematic review and meta-analysis of quality of life and psychosocial outcomes, *Clinical Endocrinology* 72(2): 214-31.

NCCHC Policy Statement, Transgender Health Care in Correctional Settings. (October 18, 2009).

Newfield, E., Hart, S., Dibble, S. & Kohler, L. (2006). Female-to-male transgender quality of life. *Quality of Life Research* 15(9) 1447-1457.

Nuttbrock, L, Rosenblum, A. & Blumenstein, R. (2002). Transgender identity affirmation and mental health. *International Journal of Transgenderism* 6(4).

Ohashi, K., Anderson, C., Bolder, E., et al (2017). Childhood maltreatment is associated with alteration in global network fiber-tract architecture independent of history of depression and anxiety. *Neuroimage* 150: 50-59.

Pauly, I. (1992). Terminology and classification of gender identity disorders. In Bockting & Coleman (eds.) Gender Dysphoria: Interdisciplinary Approaches in Clinical Management. New York: Haworth.

Padula, W. et al. (2015). Societal implications of health insurance coverage for medically necessary services in the U.S. transgender population: a cost effective analysis. *Journal of Internal Medicine*, 31(4): 394-401.

Pfafflin, F., & Junge, A. (1998). Sex reassignment: Thirty years of international follow-up studies after sex reassignment surgery, a comprehensive review, 1961-1991. (Jacobson & Meir, trans.).

Rametti, G., Carillo, B., Gomez-Gil, E., Junque, C. et al (2011). White matter microstructure in female to male transsexuals before cross-sex hormonal treatment: A diffusion tensor imaging study. *Journal of Psychiatric Research* 45:199-204.

Rehman, J., Lazer, S., Benet, A., Schaefer, L. & Melman, A. (1999). The reported sex and surgery satisfactions of 28 postoperative male-to-female transsexual patients. *Archives of Sexual Behavior* 28(1): 71-89.

Ruppin, U., Pfafflin, F. (2015). Long-term follow-up of adults with Gender Identity disorder, *Archives of Sexual Behavior* 44(5): 1321-1329.

Salim ,A., Poh, M. (2018). Gender affirming penile inversion vaginoplasty, *Clinics in Plastic Surgery* 45(3): 343-350.

Sarason, B.R., Sheaton, E. N., Pierce, G. R. & Sarason, I. (1987). Interrelations of social support measures: Theoretical and practical implications. *Journal of Personality and Social Psychology*, 50, 845-855.

Savic, I. & Arver, S. (2011). Sex dimorphism of the brain in male-to-female transsexuals. *Cerebral Cortex* 23: 2855-2862.

Schaefer, A. et al. (2016). Assessing the implications of allowing transgender personnel to serve openly, Rand Corporation.

Schneider, H., Pickel, J., Stalla, G. (2006). Typical female 2nd - 4th finger length (2D:4D) ratios in male-to-female transsexuals-possible implications for prenatal androgen exposure. *Psychoneuroendocrinology* 31(2):265-269.

Shaw, P., Kabani, N., Lerch, J. Eckstrand, K. et al. (2008). Neurodevelopmental trajectories of the human cerebral cortex. *Journal of Neuroscience* 28: 3586-3594.

Singh, A., Hays, D. & Watson (2011). Strengths in the face of adversity: Resilience strategies of transgender individuals. *Journal of Counseling and Development* 89(1): 20-27.

Smith, Y., Van Goozen, S., Kuiper, A., & Cohen-Kettenis, P. (2005). Sex reassignment: Outcomes and predictors of treatment for adolescent and adult transsexuals. *Psychological Medicine* 35(1): 89-99.

Spehr, C. (2007). Male to female sex reassignment surgery in transsexuals. *International Journal of Transgenderism* 10(1): 25-37.

Taziaux, M., Swaab, D., Bakker, J. (2012). Sex differences in the neurokinin B system in the human infundibular nucleus. *Journal of Clinical Endocrinology and Metabolism* 97(12) 2010-2020.

Teicher, M., Samson, J., Sheu, Y., et al (2010). Hurtful words: Exposure to peer verbal aggression is associated with elevated psychiatric symptom scores and corpus callosum abnormalities. *American Journal of Psychiatry* 167(12): 1464-1471.

Van de Grift, T. et al (2017). Surgical satisfaction, quality of life, and their association after gender-affirming surgery: a follow-up study, *Journal of Sex & Marital Therapy* 44(2): 138-148.

Vujovic, S., Popovic, S., Sbutega-Milosevic, G., Djordjevic, M., & Gooren, L. (2009). Transsexualism in Serbia: A twenty-year follow-up study. *The Journal of Sexual Medicine* 6(4): 1018-1023.

Weyers, S. et al. (2009). Long-term assessments of the physical, mental and sexual health among transsexual women. *Journal of Sexual Medicine* 6(3): 752-60.

Whittle, S. et al. (2008). Medical necessity statement: WPATH clarification on medical necessity of treatment, sex reassignment, and insurance coverage in the U.S.A.

Wiepjes, C. et al (2018). The Amsterdam cohort of Gender Dysphoria study, *Journal of Sexual Medicine* 15(4): 582-590.

World Health Organization (1992). International Classification of Diseases, 10th ed.

World Professional Association for Transgender Health (2016). Position Statement on Medical Necessity of Treatment, Sex Reassignment, and Insurance Coverage in the U.S.A.

World Professional Association for Transgender Health, Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People, 7th version (2012).

Yuksel, S., et al. (2017). Effects of gender reassignment on quality of life and mental health in people with gender dysphoria, *Turkish Journal of Psychiatry* 29(1): 11-21.

Zhou, J., Hofman, M., Gooren, L., et al (1995). A sex difference in the human brain and its relation to transsexuality. *Nature* 378(6552): 68-70.

Zubiaurre-Elorza, L., Junque, C., Gomez-Gil, E. & Guillamon, A. (2014). Effects of cross-sex hormone treatment on cortical thickness in transsexual individuals. *Journal of Sexual Medicine* 11: 1248-1261.

Exhibit B

Curriculum vitae of Dr. Randi C. Ettner, Ph.D.

RANDI ETTNER, PHD
1214 Lake Street
Evanston, Illinois 60201
847-328-3433

POSITIONS HELD

Clinical Psychologist
Forensic Psychologist
Fellow and Diplomate in Clinical Evaluation, American Board of Psychological Specialties
Fellow and Diplomate in Trauma/PTSD
President, New Health Foundation Worldwide
Secretary, World Professional Association for Transgender Health (WPATH)
Chair, Committee for Institutionalized Persons, WPATH
Global Education Initiative Committee, WPATH
University of Minnesota Medical Foundation: Leadership Council
Psychologist, Center for Gender Confirmation Surgery, Weiss Memorial Hospital
Adjunct Faculty, Prescott College
Editorial Board, *International Journal of Transgender Health*
Editorial Board, *Transgender Health*
Television and radio guest (more than 100 national and international appearances)
Internationally syndicated columnist
Private practitioner
Medical staff; Department of Medicine: Weiss Memorial Hospital, Chicago, IL
Advisory Council, National Center for Gender Spectrum Health

EDUCATION

PhD, 1979	Northwestern University (with honors) Evanston, Illinois
MA, 1976	Roosevelt University (with honors) Chicago, Illinois
BA, 1969-73	Indiana University Bloomington, Indiana Cum Laude Major: Clinical Psychology; Minor: Sociology
1972	Moray College of Education Edinburgh, Scotland International Education Program
1970	Harvard University Cambridge, Massachusetts Social Relations Undergraduate Summer Study Program in Group Dynamics and Processes

CLINICAL AND PROFESSIONAL EXPERIENCE

- 2016-present Psychologist: Weiss Memorial Hospital Center for Gender Confirmation Surgery
Consultant: Walgreens; Tawani Enterprises
Private practitioner
- 2011 Instructor, Prescott College: Gender-A multidimensional approach
- 2000 Instructor, Illinois Professional School of Psychology
- 1995-present Supervision of clinicians in counseling gender non conforming clients
- 1993 Post-doctoral continuing education with Dr. James Butcher in MMPI-2 Interpretation, University of Minnesota
- 1992 Continuing advanced tutorial with Dr. Leah Schaefer in psychotherapy
- 1983-1984 Staff psychologist, Women's Health Center, St. Francis Hospital, Evanston, Illinois
- 1981-1984 Instructor, Roosevelt University, Department of Psychology: Psychology of Women, Tests and Measurements, Clinical Psychology, Personal Growth, Personality Theories, Abnormal Psychology
- 1976-1978 Research Associate, Cook County Hospital, Chicago, Illinois, Department of Psychiatry
- 1975-1977 Clinical Internship, Cook County Hospital, Chicago, Illinois, Department of Psychiatry
- 1971 Research Associate, Department of Psychology, Indiana University
- 1970-1972 Teaching Assistant in Experimental and Introductory Psychology
Department of Psychology, Indiana University
- 1969-1971 Experimental Psychology Laboratory Assistant, Department of Psychology, Indiana University

INVITED PRESENTATIONS AND HOSPITAL GRAND ROUNDS

Care of the Older Transgender Patient, Weiss Memorial Hospital, Chicago, IL, 2021

Working with Medical Experts, The National LGBT Law Association, webinar presentation, 2020

Legal Issues Facing the Transgender Community, Illinois State Bar Association, Chicago, IL, 2020

Providing Gender Affirming Care to Transgender Patients, American Medical Student Association, webinar presentation, 2020

Foundations in Mental Health for Working with Transgender Clients; Advanced Mental Health Issues, Ethical Issues in the Delivery of Care, Center for Supporting Community Development Initiatives, Vietduc University Hospital, Hanoi, Vietnam, 2020

The Transgender Surgical Patient, American Society of Plastic Surgeons, Miami, FL 2019

Mental health issues in transgender health care, American Medical Student Association, webinar presentation, 2019

Sticks and stones: Childhood bullying experiences in lesbian women and transmen, Buenos Aires, 2018

Gender identity and the Standards of Care, American College of Surgeons, Boston, MA, 2018

The mental health professional in the multi-disciplinary team, pre-operative evaluation and assessment for gender confirmation surgery, American Society of Plastic Surgeons, Chicago, IL, 2018; Buenos Aires, 2018

Navigating Transference and Countertransference Issues, WPATH global education initiative, Portland, OR; 2018

Psychological aspects of gender confirmation surgery International Continence Society, Philadelphia, PA 2018

The role of the mental health professional in gender confirmation surgeries, Mt. Sinai Hospital, New York City, NY, 2018

Mental health evaluation for gender confirmation surgery, Gender Confirmation Surgical Team, Weiss Memorial Hospital, Chicago, IL 2018

Transitioning; Bathrooms are only the beginning, American College of Legal Medicine, Charleston, SC, 2018

Gender Dysphoria: A medical perspective, Department of Health and Human Services, Office for Civil Rights, Washington, D.C, 2017

Multi-disciplinary health care for transgender patients, James A. Lovell Federal Health Care Center, North Chicago, IL, 2017

Psychological and Social Issues in the Aging Transgender Person, Weiss Memorial Hospital, Chicago, IL, 2017.

Psychiatric and Legal Issues for Transgender Inmates, USPATH, Los Angeles, CA, 2017

Transgender 101 for Surgeons, American Society of Plastic Surgeons, Chicago, IL, 2017.

Healthcare for transgender inmates in the US, Erasmus Medical Center, Rotterdam, Netherlands, 2016.

Tomboys Revisited: Replication and Implication; Models of Care; Orange Isn't the New Black Yet- WPATH symposium, Amsterdam, Netherlands, 2016.

Foundations in mental health; role of the mental health professional in legal and policy issues, healthcare for transgender inmates; children of transgender parents; transfeminine genital surgery assessment: WPATH global education initiative, Chicago, IL, 2015; Atlanta, GA, 2016; Columbia, MO, 2016; Ft. Lauderdale, FL, 2016; Washington, D.C., 2016, Los Angeles, CA, 2017, Minneapolis, MN, 2017, Chicago, IL, 2017; Columbus, Ohio, 2017; Portland, OR, 2018; Cincinnati, OH, 2018, Buenos Aires, 2018

*Pre-operative evaluation in gender-affirming surgery-*American Society of Plastic Surgeons, Boston, MA, 2015

*Gender affirming psychotherapy; Assessment and referrals for surgery-Standards of Care-*Fenway Health Clinic, Boston, 2015

Gender reassignment surgery- Midwestern Association of Plastic Surgeons, 2015

Adult development and quality of life in transgender healthcare- Eunice Kennedy Shriver National Institute of Child Health and Human Development, 2015

Healthcare for transgender inmates- American Academy of Psychiatry and the Law, 2014

Supporting transgender students: best school practices for success- American Civil Liberties Union of Illinois and Illinois Safe School Alliance, 2014

Addressing the needs of transgender students on campus- Prescott College, 2014

The role of the behavioral psychologist in transgender healthcare – Gay and Lesbian Medical Association, 2013

Understanding transgender- Nielsen Corporation, Chicago, Illinois, 2013

Role of the forensic psychologist in transgender care; Care of the aging transgender patient- University of California San Francisco, Center for Excellence, 2013

Evidence-based care of transgender patients- North Shore University Health Systems, University of Chicago, Illinois, 2011; Roosevelt-St. Vincent Hospital, New York; Columbia Presbyterian Hospital, Columbia University, New York, 2011

*Children of Transsexuals-*International Association of Sex Researchers, Ottawa, Canada, 2005; Chicago School of Professional Psychology, 2005

Gender and the Law- DePaul University College of Law, Chicago, Illinois, 2003; American Bar Association annual meeting, New York, 2000

*Gender Identity, Gender Dysphoria and Clinical Issues –*WPATH Symposium, Bangkok, Thailand, 2014; Argosy College, Chicago, Illinois, 2010; Cultural Impact Conference, Chicago, Illinois, 2005; Weiss Hospital, Department of Surgery, Chicago, Illinois, 2005; Resurrection Hospital Ethics Committee, Evanston, Illinois, 2005; Wisconsin Public Schools, Sheboygan, Wisconsin, 2004, 2006, 2009; Rush North Shore Hospital, Skokie, Illinois, 2004; Nine Circles Community Health Centre, University of Winnipeg, Winnipeg, Canada, 2003; James H. Quillen VA Medical Center, East Tennessee State University, Johnson City, Tennessee, 2002; Sixth European Federation of Sexology, Cyprus, 2002; Fifteenth World Congress of Sexology, Paris, France, 2001; Illinois School of Professional Psychology, Chicago, Illinois 2001; Lesbian Community Cancer Project, Chicago, Illinois 2000; Emory University Student Residence Hall, Atlanta, Georgia, 1999; Parents, Families and Friends of Lesbians and Gays National Convention, Chicago, Illinois, 1998; In the Family Psychotherapy Network National Convention, San Francisco, California, 1998; Evanston City Council, Evanston, Illinois 1997; Howard Brown Community Center, Chicago, Illinois, 1995; YWCA Women's Shelter, Evanston, Illinois, 1995; Center for Addictive Problems, Chicago, 1994

Psychosocial Assessment of Risk and Intervention Strategies in Prenatal Patients- St. Francis Hospital, Center for Women's Health, Evanston, Illinois, 1984; Purdue University School of Nursing, West Layette, Indiana, 1980

Psychoneuroimmunology and Cancer Treatment- St. Francis Hospital, Evanston, Illinois, 1984

Psychosexual Factors in Women's Health- St. Francis Hospital, Center for Women's Health, Evanston, Illinois, 1984

Sexual Dysfunction in Medical Practice- St. Francis Hospital, Dept. of OB/GYN, Evanston, Illinois, 1980

Sleep Apnea - St. Francis Hospital, Evanston, Illinois, 1996; Lincolnwood Public Library, Lincolnwood, Illinois, 1996

The Role of Denial in Dialysis Patients - Cook County Hospital, Department of Psychiatry, Chicago, Illinois, 1977

PUBLICATIONS

Narayan, S., Danker, S Esmonde, N., Guerriero, J., Carter, A., Dugi III, D., Ettner, R., Radix A., Bluebond-Langner, R., Schechter, L., Berli, J. (2021) Guiding the conversation: Types of regret after gender-affirming surgery and their associated etiologies. *Annals of Translational Medicine*.

Ettner, R., White, T., Ettner, F., Friese, T., Schechter, L. (2018) Tomboys revisited: A retrospective comparison of childhood behaviors in lesbians and transmen. *Journal of Child and Adolescent Psychiatry*.

Ettner, R. Mental health evaluation. Clinics in Plastic Surgery. (2018) Elsevier, 45(3): 307-311.

Ettner, R. Etiology of gender dysphoria in Schechter (Ed.) Gender Confirmation Surgery: Principles and Techniques for an Emerging Field. Elsevier, 2017.

Ettner, R. Pre-operative evaluation in Schechter (Ed.) Surgical Management of the Transgender Patient. Elsevier, 2017.

Berli, J., Kudnson, G., Fraser, L., Tangpricha, V., Ettner, R., et al. Gender Confirmation Surgery: what surgeons need to know when providing care for transgender individuals. *JAMA Surgery*; 2017.

Ettner, R., Ettner, F. & White, T. Choosing a surgeon: an exploratory study of factors influencing the selection of a gender affirmation surgeon. *Transgender Health*, 1(1), 2016.

Ettner, R. & Guillamon, A. Theories of the etiology of transgender identity. In Principles of Transgender Medicine and Surgery. Ettner, Monstrey & Coleman (Eds.), 2nd edition; Routledge, June, 2016.

Ettner, R., Monstrey, S, & Coleman, E. (Eds.) Principles of Transgender Medicine and Surgery, 2nd edition; Routledge, June, 2016.

Bockting, W, Coleman, E., Deutsch, M., Guillamon, A., Meyer, I., Meyer, W., Reisner, S., Sevelius, J. & Ettner, R. Adult development and quality of life of transgender and gender nonconforming people. *Current Opinion in Endocrinology and Diabetes*, 2016.

Ettner, R. Children with transgender parents in Sage Encyclopedia of Psychology and Gender. Nadal (Ed.) Sage Publications, 2017

Ettner, R. Surgical treatments for the transgender population in Lesbian, Gay, Bisexual, Transgender, and Intersex Healthcare: A Clinical Guide to Preventative, Primary, and Specialist Care. Ehrenfeld & Eckstrand, (Eds.) Springer: MA, 2016.

Ettner, R. Etiopathogenetic hypothesis on transsexualism in Management of Gender Identity Dysphoria: A Multidisciplinary Approach to Transsexualism. Trombetta, Liguori, Bertolotto, (Eds.) Springer: Italy, 2015.

Ettner, R. Care of the elderly transgender patient. *Current Opinion in Endocrinology and Diabetes*, 2013, Vol. 20(6), 580-584.

Ettner, R., and Wylie, K. Psychological and social adjustment in older transsexual people. *Maturitas*, March, 2013, Vol. 74, (3), 226-229.

Ettner, R., Ettner, F. and White, T. Secrecy and the pathophysiology of hypertension. *International Journal of Family Medicine* 2012, Vol. 2012.

Ettner, R. Psychotherapy in Voice and Communication Therapy for the Transgender/Transsexual Client: A Comprehensive Clinical Guide. Adler, Hirsch, Mordaunt, (Eds.) Plural Press, 2012.

Coleman, E., Bockting, W., Botzer, M., Cohen-Kettenis, P., DeCuypere, G., Feldman, J., Fraser, L., Green, J., Knudson, G., Meyer, W., Monstrey, S., Adler, R., Brown, G., Devor, A., Ehrbar, R., Ettner, R., et.al. Standards of Care for the health of transsexual, transgender, and gender-nonconforming people. World Professional Association for Transgender Health (WPATH). 2012.

Ettner, R., White, T., and Brown, G. Family and systems aggression towards therapists. *International Journal of Transgenderism*, Vol. 12, 2010.

Ettner, R. The etiology of transsexualism in Principles of Transgender Medicine and Surgery, Ettner, R., Monstrey, S., and Eyler, E. (Eds.). Routledge Press, 2007.

Ettner, R., Monstrey, S., and Eyler, E. (Eds.) Principles of Transgender Medicine and Surgery. Routledge Press, 2007.

Monstrey, S. De Cuypere, G. and Ettner, R. Surgery: General principles in Principles of Transgender Medicine and Surgery, Ettner, R., Monstrey, S., and Eyler, E. (Eds.) Routledge Press, 2007.

Schechter, L., Boffa, J., Ettner, R., and Ettner, F. Revision vaginoplasty with sigmoid interposition: A reliable solution for a difficult problem. The World Professional Association for Transgender Health (WPATH), 2007, *XX Biennial Symposium*, 31-32.

Ettner, R. Transsexual Couples: A qualitative evaluation of atypical partner preferences. *International Journal of Transgenderism*, Vol. 10, 2007.

White, T. and Ettner, R. Adaptation and adjustment in children of transsexual parents. *European Journal of Child and Adolescent Psychiatry*, 2007: 16(4)215-221.

Ettner, R. Sexual and gender identity disorders in Diseases and Disorders, Vol. 3, Brown Reference, London, 2006.

Ettner, R., White, T., Brown, G., and Shah, B. Client aggression towards therapists: Is it more or less likely with transgendered clients? *International Journal of Transgenderism*, Vol. 9(2), 2006.

Ettner, R. and White, T. in Transgender Subjectives: A Clinician's Guide Haworth Medical Press, Leli (Ed.) 2004.

White, T. and Ettner, R. Disclosure, risks, and protective factors for children whose parents are undergoing a gender transition. *Journal of Gay and Lesbian Psychotherapy*, Vol. 8, 2004.

Witten, T., Benestad, L., Berger, L., Ekins, R., Ettner, R., Harima, K. Transgender and Transsexuality. Encyclopeida of Sex and Gender. Springer, Ember, & Ember (Eds.) Stonewall, Scotland, 2004.

Ettner, R. Book reviews. *Archives of Sexual Behavior*, April, 2002.

Ettner, R. Gender Loving Care: A Guide to Counseling Gender Variant Clients. WW Norton, 2000.

"Social and Psychological Issues of Aging in Transsexuals," proceedings, Harry Benjamin International Gender Dysphoria Association, Bologna, Italy, 2005.

"The Role of Psychological Tests in Forensic Settings," *Chicago Daily Law Bulletin*, 1997.

Confessions of a Gender Defender: A Psychologist's Reflections on Life amongst the Transgender. Chicago Spectrum Press. 1996.

"Post-traumatic Stress Disorder," *Chicago Daily Law Bulletin*, 1995.

"Compensation for Mental Injury," *Chicago Daily Law Bulletin*, 1994.

"Workshop Model for the Inclusion and Treatment of the Families of Transsexuals," Proceedings of the Harry Benjamin International Gender Dysphoria Symposium; Bavaria, Germany, 1995.

"Transsexualism- The Phenotypic Variable," Proceedings of the XV Harry Benjamin International Gender Dysphoria Association Symposium; Vancouver, Canada, 1997.

"The Work of Worrying: Emotional Preparation for Labor," Pregnancy as Healing. A Holistic Philosophy for Prenatal Care, Peterson, G. and Mehl, L. Vol. II. Chapter 13, Mindbody Press, 1985.

PROFESSIONAL AFFILIATIONS

University of Minnesota Medical School–Leadership Council
American College of Forensic Psychologists
World Professional Association for Transgender Health
World Health Organization (WHO) Global Access Practice Network
TransNet national network for transgender research
American Psychological Association
American College of Forensic Examiners
Society for the Scientific Study of Sexuality
Screenwriters and Actors Guild
Phi Beta Kappa

AWARDS AND HONORS

University of Minnesota, Program of Human Sexuality *Distinguished Sex and Gender Revolutionary* award, 2021
Letter of commendation from United States Congress for contributions to public health in Illinois, 2019
WPATH Distinguished Education and Advocacy Award, 2018
The Randi and Fred Ettner Transgender Health Fellowship-Program in Human Sexuality, University of Minnesota, 2016
Phi Beta Kappa, 1972
Indiana University Women’s Honor Society, 1970-1972
Indiana University Honors Program, 1970-1972
Merit Scholarship Recipient, 1970-1972
Indiana University Department of Psychology Outstanding Undergraduate Award Recipient, 1970-1972
Representative, Student Governing Commission, Indiana University, 1970

LICENSE

Clinical Psychologist, State of Illinois, 1980

Exhibit C

Bibliography

BIBLIOGRAPHY

- Ainsworth, T. & Spiegel, J. (2010). Quality of life of individuals with and without facial feminization surgery or gender reassignment surgery. *Quality of Life Research* 19(7): 1019-1024.
- Amend, B., Seibold, J., Toomey, P., Stenzl, A., & Sievert, K. (2013). Surgical reconstruction for male-to-female sex reassignment. *European Urology* 64(1): 141-149.
- American Medical Association (2008). Resolution 122 (A-08).
- American Psychiatric Association (2013). Diagnostic and Statistical Manual of Mental Disorders (5th ed.). Arlington, VA: American Psychiatric Publishing.
- American Psychological Association (2012). Position Statement on Discrimination Against Transgender and Gender Variant Individuals.
- American Psychological Association (2008). Transgender, gender identity, & gender expression non-discrimination.
- Anton, B. (2009). Proceedings of the American Psychological Association for the legislative year 2008.
- Barrera, M. (1986). Distinction between social support, concepts, measures and models. *American Journal of Community Psychology*, 14, 413-445.
- Bauer, G., Scheim, A., Pyne, J., et al (2015). Intervenable factors associated with suicide risk in transgender persons: a respondent driven sampling study in Ontario, Canada. *BMC Public Health* 15:525.
- Benjamin, H. (1966). The Transsexual Phenomenon. New York: Julian Press.
- Bentz, E.K., Hefler, L.A., Kaufman, U. et al (2008). A polymorphism of the CYP17 gene related to sex steroid metabolism is associated with female-to-male but not male-to-female transsexualism. *Fertility and Sterility* 90(1): 56-59.
- Bockting, W. (2013). Transgender identity development. In Tolman & Diamond (eds.) American Psychological Association's Handbook of Sexuality and Psychology. Washington, D.C.: American Psychological Association.
- Bockting, W., Coleman, E., Deutsch, M., Guillamon, A., Meyer, I., Meyer, W., Reisner, S., Sevelius, J. & Ettner, R. (2016). Adult development and quality of life of transgender and gender nonconforming people. *Current Opinion in Endocrinology and Diabetes* 23(2): 188-197.
- Bockting, W. (2014). The impact of stigma on transgender identity development and mental health. In Kreukels, Steensma, and De Vries (eds). Gender dysphoria and disorders of sex development: Progress in care and knowledge. New York: Springer.

- Bockting, W. & Coleman, E. (2007). Developmental stages of the transgender coming out process: Toward an integrated identity. In Ettner, Monstrey & Eyler (eds.) Principles of Transgender Medicine and Surgery. New York: Haworth Press.
- Bradford, J., Reisner, S., Honnold, J., Xavier, J. (2013). Experiences of transgender-related discrimination and implications for health: Results from the Virginia transgender health initiative study. *American Journal of Public Health* 103 (10).
- Brown, G. (2010). Auto-castration and auto-penectomy as surgical self-treatment in incarcerated persons with Gender Identity disorder. *International Journal of Transgenderism* 12: 31-39.
- Brown, G., & McDuffie, E. (2009). Health care policies addressing transgender inmates in prison systems in the United States. *Journal of Correctional Health Care* 15, 280–291.
- Budge, S., Adelson, J. & Howard, K. (2013). Anxiety and depression in transgender individuals: The role of transition status, loss, social support, and coping. *Journal of Consulting and Clinical Psychology* 81(3): 545.
- Chung, W., De Vries, G., Swaab, D. (2002). Sexual differentiation of the bed nucleus of the stria terminalis in humans may extend into adulthood. *Journal of Neuroscience* 22(3): 1027-1033.
- Cohen-Kettenis, P. & Gooren, L. (1992). The influence of hormone treatment on psychological functioning of transsexuals. In Bockting & Coleman (eds.) Gender Dysphoria: Interdisciplinary Approaches in Clinical Management. Haworth Press.
- Cohen, S., & Willis, T. A. (1985). Stress, social support and the buffering hypothesis. *Psychological Bulletin*, 98, 310-357.
- Colizzi, M. et al. (2014). Transsexual patients' psychiatric comorbidity and positive effect of cross-sex hormonal treatment on mental health: Results from a longitudinal study. *Psychoneuroendocrinology* 39: 65-73.
- Colton Meier, S., Fitzgerald, K., Pardo, S. & Babcock, J. (2011). The effects of hormonal gender affirmation treatment on mental health in female-to-male transsexuals. *Journal of Gay & Lesbian Mental Health* 15(3): 281-299.
- Crocker, J., Major, B. & Steele, C. (1998). Social Stigma. In Fiske & Gilbert (eds.) Handbook of Social Psychology, Vol. 11.
- DeCuypere, G, T'Sjoen, G. et al. (2005). Sexual and physical health after sex reassignment surgery. *Archives of Sexual Behavior* 34(6): 679-690.
- Devor, A. (2004). Witnessing and mirroring: A fourteen stage model of transsexual identity formation. *Journal of Gay and Lesbian Psychotherapy* 8(1/2): 41-67.
- Dhejne, C., Oberg, K., Arver, S., & Landen, M. (2013). Increasing incidence of sex reassignment applications but few regrets: A complete analysis of all applications during 50 years. *Journal of Sexual Medicine* 11: 8-9.

Diamond, M. (2013). Transsexuality among twins: identity concordance, transition, rearing, and orientation. *International Journal of Transgenderism* 14: 24-28.

Diamond, L., Pardo, S., Butterworth, M. (2011). Transgender experience and identity. In Schwartz et al (eds) Handbook of Identity Theory and Research. Springer.

Eldh, J., Berg, A., Gustafsson, M. (1997). Long term follow up after sex reassignment surgery, *Scandinavian Journal of Plastic and Reconstructive Surgery and Hand Surgery* 31: 39-45.

Ettner, R. (1999). Gender loving care: A guide to counseling gender-variant clients. New York, NY, US: W W Norton & Co.

Ettner, R., Ettner, F. & White, T. (2012). Secrecy and the pathophysiology of hypertension. *International Journal of Family Medicine*: 2012.

Ettner, R. (2013). Care of the elderly transgender patient. *Current Opinion in Endocrinology and Diabetes*, Vol. 20(6), 580-584.

Ettner, R., and Wylie, K. (2013). Psychological and social adjustment in older transsexual people. *Maturitas* 74, (3), 226-229.

Ettner, R. (2015). Etiopathogenetic hypothesis on transsexualism. In Trombetta, Luguori & Bertolotto (eds) Management of Gender Identity Dysphoria: A Multidimensional Approach to Transsexualism. Italy: Springer.

Ettner, R., Guillamon, A. (2016). Theories of the etiology of transgenderism. In Ettner, Monstrey & Coleman (eds.) Principles of Transgender Medicine and Surgery. New York: Routledge.

Feder A, Parides MK, Murrrough JW, Perez AM, Morgan JE, Saxena S, Kirkwood K, Aan Het Rot M, Lapidus KA, Wan LB, Iosifescu D, Charney DS. (2014). Efficacy of intravenous ketamine for treatment of chronic posttraumatic stress disorder: a randomized clinical trial. *JAMA Psychiatry*. 71(6):681-8.

Fernandez, R., Esteva, I., Gomez-Gil, E., Rumbo, T. et al (2014). The (CA) in polymorphism of ERb gene is associated with FtM transsexualism. *Journal of Sexual Medicine* 11:720-728.

Frost, D., Lehavot, K. Meyer, I. (in press). Minority stress and physical health among sexual minority individuals. *Journal of Behavioral Medicine*. DOI: 10.1007/s10865-013-9523-8].

Galis, F., Ten Broek, C., Van Dongen, S., et al. (2010). Sexual dimorphism in the prenatal digit ratio (2D:4D). *Archives of Sexual Behavior* 39(1):57-62.

Garcia-Falgueras, A. & Swaab, D. A sex difference in the hypothalamic uncinate nucleus: relationship to gender identity. *Brain* 131: 3132-3146.

Gijs, L., & Brewayes, A. (2007). Surgical treatment of gender dysphoria in adults and adolescents: Recent developments, effectiveness, and challenges. *Annual Review of Sex Research* 18, 178-224.

- Goffman, E. (1969). The Presentation of Self in Everyday Life. London: Allen Lane.
- Gomez-Gil, E., Esteva, I., Almaraz, M,C. et al (2010). Familiarity of gender identity disorder in non-twin siblings. *Archives of Sexual Behavior* 39(2): 265-269.
- Gomez-Gil, E., Zubiaurre-Elorza, L., Esteva, I., Guillamon, A. et al (2012). Hormone-treated transsexuals report less social distress, anxiety and depression. *Psychoneuroendocrinology* 37(5): 662-670.
- Gorin-Lazard et al., (2011). Is hormonal therapy associated with better quality of life in transsexuals? A cross-sectional study. *Journal of Sexual Medicine* 9: 531- 541.
- Green, R. (2000). Family co-occurrence of “gender dysphoria”: ten siblings or parent-child pairs. *Archives of Sexual Behavior* 29(5): 499-507.
- Greenberg, R. & Laurence, L. (1981). A comparison of MMPI results for psychiatric patients and male applicants for transsexual surgery. *Journal of Nervous and Mental Disease* 169(5): 320-323.
- Hare, L., Bernard, P., Sanchez, F. et al (2009). Androgen receptor length polymorphism associated with male-to-female transsexualism. *Biological Psychiatry* 65(1): 93-96.
- Haas, A., Rodgers, P., Herman, J. (2014). Suicide Attempts among Transgender and Gender Non-Conforming Adults, *American Foundation for Suicide Prevention*.
- Hatzenbuehler, M., Bellatorre, A., Lee, Y., et al (2014). Structural stigma and allcause mortality in sexual minority populations. *Social Science and Medicine* 103: 33-41.
- Hembree, W., Cohen-Kettenis, P., Delemarre-van de Waal, H. Goorin, L., Meyer, W., Spack, N., Montori, V. (2009). Endocrine treatment of transsexual persons: An endocrine society clinical practice guideline. *Journal of Clinical Endocrinology and Metabolism* 94(9), 3132-3154.
- Hembree, W. et al (2017). Endocrine treatment of gender-dysphoric/gender incongruent persons: an endocrine society clinical practice guideline. *Journal of Clinical Endocrinology and Metabolism* 102(11), 3869-3903.
- Hepp, U., Klaghofer, R., Burkhard-Kubler, R., Buddeberg, C. (2002). Treatment follow-up of transsexual patients: A catamnestic study. *Nervenarzt* 73(3): 283- 288.
- Henningsson, S., Westberg, L, Nilsson, S. et al (2005). Sex steroid-related genes and male-to-female transsexualism. *Psychoneuroendocrinology* 30(7): 657-664.
- Horbach, S. et al (2015). Outcome of vaginoplasty in male-to-female transgenders: A systematic review of surgical techniques. *Journal of Sexual Medicine* 12(6): 1499-512.
- Imbimbo, C. (2009). A report from a single institute’s 14-year experience in treatment of male-female transsexuals. *Journal of Sexual Medicine* 6(10): 2736- 45.

Jackson, Y. & Warren, J.S. (2000). Appraisal of social support and life events: Predicting outcome behavior in school aged children. *Child Development* 71, 1441-1457.

Jarolim, L. et al. (2009). Gender reassignment surgery in male-to-female transsexualism: A retrospective 3-month follow-up study with anatomical remarks. *Journal of Sexual Medicine* 6(6): 1635-44.

Johansson, A., Sundbom, E., Hojerback, T. & Bodlund, O. (2010). A five-year follow up study of Swedish adults with gender identity disorder. *Archives of Sexual Behavior* 39(6): 1429-37.

Jokic-Begic, N., Korajlija, A., & Jurin, T. (2014). Psychosocial adjustment to sex reassignment surgery: A qualitative examination and personal experiences of six transsexual persons in Croatia. *The Scientific World Journal*: 2014.

Klein, C & Gorzalka, B. (2009). Sexual functioning in transsexuals following hormone therapy and genital surgery: A review. *Journal of Sexual Medicine* 6(11): 2922-2939.

Kockott, G., & Fahrner, E. (1987). Transsexuals who have not undergone surgery: A follow-up study. *Archives of Sexual Behavior* 16(6): 511-522.

Landen, M., Bodlund, O. Ekselius, L., Hambert, G., & Lundstrom, B. (2001). Done is done-and gone is gone: Sex reassignment is presently the best cure for transsexualism. *Lakartidningen* 98(30-31): 3322-26.

Lane, M. et al. (2018). Trends in gender-affirming surgery in insured patients in the United States. *PRS Global Open*.

Lawrence, A. (2003). Factors associated with satisfaction or regret following male-to-female sex reassignment surgery. *Archives of Sexual Behavior* 32(4): 299- 315.

Lawrence, A. (2005). Sexuality before and after male-to-female sex reassignment surgery. *Archives of Sexual Behavior* 34: 147-66.

Lawrence, A. (2006). Patient-reported complications and functional outcomes of male-to-female reassignment surgery. *Archives of Sexual Behavior* 35(6): 717-27.

Lindqvist, E., et al. (2017). Quality of life improves early after gender reassignment surgery in transgender women, *European Journal of Plastic Surgery* 40(3): 223-226.

Lobato, M. et al. (2006). Follow-up of sex reassignment surgery in transsexuals: A Brazilian cohort. *Archives of Sexual Behavior* 33: 711-15.

Longo, M., Azanon, E. & Haggard, P. (2010). More than skin deep: body representation beyond primary somatosensory cortex. *Neuropsychologia* 48: 665- 668.

Luders, E., Narr, K., Thompson, P., Rex, D. et al (2006). Gender effects on cortical thickness and the influence of scaling. *Human Brain Mapping* 27: 314- 324.

Matt-Kole, C., Freschi, M., & Robin, A. (1990). A controlled study of psychological and social change after surgical gender reassignment in selected male transsexuals. *British Journal of Psychiatry* 157, 261-264.

Monstrey, S., De Cuypere, G., & Ettner, R. (2007). Surgery: General principles. In Ettner, R., Monstrey, S., Eyler, A. (eds). Principles of Transgender Medicine and Surgery. New York: Haworth Press.

Murad, M. et al (2010). Hormonal therapy and sex reassignment: a systematic review and meta-analysis of quality of life and psychosocial outcomes, *Clinical Endocrinology* 72(2): 214-31.

NCCHC Policy Statement, Transgender Health Care in Correctional Settings. (October 18, 2009).

Newfield, E., Hart, S., Dibble, S. & Kohler, L. (2006). Female-to-male transgender quality of life. *Quality of Life Research* 15(9) 1447-1457.

Nuttbrock, L, Rosenblum, A. & Blumenstein, R. (2002). Transgender identity affirmation and mental health. *International Journal of Transgenderism* 6(4).

Ohashi, K., Anderson, C., Bolder, E., et al (2017). Childhood maltreatment is associated with alteration in global network fiber-tract architecture independent of history of depression and anxiety. *Neuroimage* 150: 50-59.

Pauly, I. (1992). Terminology and classification of gender identity disorders. In Bockting & Coleman (eds.) Gender Dysphoria: Interdisciplinary Approaches in Clinical Management. New York: Haworth.

Padula, W. et al. (2015). Societal implications of health insurance coverage for medically necessary services in the U.S. transgender population: a cost effective analysis. *Journal of Internal Medicine* 31(4): 394-401.

Pfafflin, F, & Junge, A. (1998). Sex reassignment: Thirty years of international follow-up studies after sex reassignment surgery, a comprehensive review, 1961- 1991. (Jacobson & Meir, trans.).

Rametti, G., Carillo, B., Gomez-Gil, E., Junque, C. et al (2011). White matter microstructure in female to male transsexuals before cross-sex hormonal treatment: A diffusion tensor imaging study. *Journal of Psychiatric Research* 45:199-204.

Rehman, J., Lazer, S., Benet, A., Schaefer, L. & Melman, A. (1999). The reported sex and surgery satisfactions of 28 postoperative male-to-female transsexual patients. *Archives of Sexual Behavior* 28(1): 71-89.

Reisner, S.L., White Hughto, J.M., Gamarel, K.E., Keuroghlian, A.S., Mizock, L., & Pachankis, J. (2016). Discriminatory experiences associated with posttraumatic stress disorder symptoms among transgender adults. *Journal of Counseling Psychology*. 63(5): 509–519.

Ruppin, U., Pfafflin, F. (2015). Long-term follow-up of adults with Gender Identity disorder, *Archives of Sexual Behavior* 44(5): 1321-1329.

Salim, A., Poh, M. (2018). Gender affirming penile inversion vaginoplasty, *Clinics in Plastic Surgery* 45(3): 343-350.

Sarason, B.R., Sheaton, E. N., Pierce, G. R. & Sarason, I. (1987). Interrelations of social support measures: Theoretical and practical implications. *Journal of Personality and Social Psychology*, 50, 845-855.

Savic, I. & Arver, S. (2011). Sex dimorphism of the brain in male-to-female transsexuals. *Cerebral Cortex* 23: 2855-2862.

Schaefer, A. et al. (2016). Assessing the implications of allowing transgender personnel to serve openly, Rand Corporation.

Schneider, H., Pickel, J., Stalla, G. (2006). Typical female 2nd - 4th finger length (2D:4D) ratios in male-to-female transsexuals-possible implications for prenatal androgen exposure. *Psychoneuroendocrinology* 31(2):265-269.

Shaw, P., Kabani, N., Lerch, J. Eckstrand, K. et al. (2008). Neurodevelopmental trajectories of the human cerebral cortex. *Journal of Neuroscience* 28: 3586-3594.

Singh, A., Hays, D. & Watson (2011). Strengths in the face of adversity: Resilience strategies of transgender individuals. *Journal of Counseling and Development* 89(1): 20-27.

Smith, Y., Van Goozen, S., Kuiper, A., & Cohen-Kettenis, P. (2005). Sex reassignment: Outcomes and predictors of treatment for adolescent and adult transsexuals. *Psychological Medicine* 35(1): 89-99.

Spehr, C. (2007). Male to female sex reassignment surgery in transsexuals. *International Journal of Transgenderism* 10(1): 25-37.

Taziaux, M., Swaab, D., Bakker, J. (2012). Sex differences in the neurokin B system in the human infundibular nucleus. *Journal of Clinical Endocrinology and Metabolism* 97(12) 2010-2020.

Teicher, M., Samson, J., Sheu, Y., et al (2010). Hurtful words: Exposure to peer verbal aggression is associated with elevated psychiatric symptom scores and corpus callosum abnormalities. *American Journal of Psychiatry* 167(12): 1464- 1471.

Van de Grift, T. et al (2017). Surgical satisfaction, quality of life, and their association after gender-affirming surgery: a follow-up study, *Journal of Sex & Marital Therapy* 44(2): 138-148.

Vujovic, S., Popovic, S., Sbutega-Milosevic, G., Djordjevic, M., & Gooren, L. (2009). Transsexualism in Serbia: A twenty-year follow-up study. *Journal of Sexual Medicine* 6(4): 1018-1023.

Weyers, S. et al. (2009). Long-term assessments of the physical, mental and sexual health among transsexual women. *Journal of Sexual Medicine* 6(3): 752-60.

Whittle, S. et al. (2008). Medical necessity statement: WPATH clarification on medical necessity of treatment, sex reassignment, and insurance coverage in the U.S.A.

Wiepjes, C. et al (2018). The Amsterdam cohort of Gender Dysphoria study, *Journal of Sexual Medicine* 15(4): 582-590.

World Health Organization (2019). International Classification of Diseases, 11th ed.

World Health Organization (1992). International Classification of Diseases, 10th ed.

World Professional Association for Transgender Health (2016). Position Statement on Medical Necessity of Treatment, Sex Reassignment, and Insurance Coverage in the U.S.A.

World Professional Association for Transgender Health, Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People, 7th version (2012).

Yuksel, S., et al. (2017). Effects of gender reassignment on quality of life and mental health in people with gender dysphoria, *Turkish Journal of Psychiatry* 29(1): 11-21.

Zhou, J., Hofman, M., Gooren, L., et al (1995). A sex difference in the human brain and its relation to transsexuality. *Nature* 378(6552): 68-70.

Zubiaurre-Elorza, L., Junque, C., Gomez-Gil, E. & Guillamon, A. (2014). Effects of cross-sex hormone treatment on cortical thickness in transsexual individuals. *Journal of Sexual Medicine* 11: 1248-1261.

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 37

To: Jennifer Eller [Jennifer Eller <jennifer.eller@pgcps.org>]
From: Raynah Adams [rayadams@pgcps.org]
Sent: Wed 1/7/2015 10:19:21 AM (UTC-05:00)
Subject: Re: Transferring of Supervisors

Case 9:18-cv-03649-DC Document 108-7 Filed 06/09/21 Page 2 of 2

Ms. Eller,
I thought we met regarding the 'incident'. If you like, we can re meet regarding this situation. There have no other concerns from the English Department that were brought to my attention. Please see me regarding additional concerns.

On Wed, Nov 12, 2014 at 10:10 AM, Jennifer Eller <jennifer.eller@pgcps.org> wrote:

Mr. Adams,
I understand you are in a very delicate situation with the placement of Ms. Robinson. Without doubt this a very difficult problem to address. That in mind, I would like to address a few concerns I have with the proposed move to her supervising the English department.

As you are aware, there was friction between Ms. Robinson and myself, last year. She berated me in front of my AP class concerning the precise way I had written the standards on the board and suggested I could easily be fired. When I appeared distressed by this she sent me to my car for, essentially, a timeout due to my looking "unprofessional." The AP students did not react well to this and they gave Ms. Robinson a hard time, to the point you were required to intervene and ask me to personally assure the students there was no friction between us. There was, also, friction between her and other members of the English department and, given the reason for her being transferred from overseeing the Social Studies department are the biased and bigoted attitudes she has expressed and has been documented for, I fear the repercussions of transferring her back to supervising a department she has already had difficult in.

As a member of the population she chose to defame in her recent comments, I am nervous about how these views will affect her attitude toward me and how that will influence reviews of my lesson planning and teaching. The possibility of backlash from the Social Studies fallout or reprisal action being directed at me, and the other English instructor included in the group, is a legitimate concern, and I am interested in knowing how this will be addressed. Further, as a member of a minority group that experiences a high rate of bullying and harassment on the job site--according to the National Gay and Lesbian Task Force report on transgender discrimination "Injustice at Every Turn" 90% of the transgender population has experienced harassment, mistreatment, or discrimination on the job--I am concerned she may be harbouring additional resentments that may undermine her objectivity during reviews. Given that the defamation Ms. Robinson openly committed was one widely regarded as inappropriate and racially charged, I fear for what attitudes and open biases she would act on against me, as a member of the transgender population, which does not have the same social and governmental protections.

If you could, please, address these concerns and provide reassurance of the objectivity of all reviews and observations.

Ms. Eller

--
Raynah H. Adams, IV
Principal
Friendly High School

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 38

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

Southern Division

- - - - - x :
 JENNIFER ELLER, :
 :
 Plaintiff, : Civil Action No.
 : 18-cv-03649-TDC/TJS
 vs. :
 :
 PRINCE GEORGE'S COUNTY PUBLIC :
 SCHOOLS, et al., :
 :
 Defendants. :
 - - - - - x :
 :
 :

Monday, March 9, 2020
Washington, D.C.

The deposition of AMANA SIMMONS, called for examination by counsel for the Plaintiff at the offices of Arnold & Porter, 601 Massachusetts Avenue, N.W., Washington, DC, on Monday, March 9, 2020, scheduled to commence at 9:37 a.m., the proceedings being stenographically recorded by Marjorie Peters, Fellow of the Academy of Reporters, (FAPR), Registered Merit Reporter (RMR), and transcribed under her direction.

Page 2

1 APPEARANCES:

2 For the Plaintiff:

3 Elliott C. Mogul, Esquire
Lucas Bennett, Esquire

4 ARNOLD & PORTER KAYE SCHOLER
601 Massachusetts Avenue, NW
5 Washington, DC 20001
202.942.5000
6 elliot.mogul@arnoldporter.com
7 Puneet Cheema, Esquire
LAMBDA LEGAL
8 1776 K Street, NW
Suite 722
9 Washington, DC 20006
pcheema@lambdalegal.org
10 202.804.6245
11

12 For the Defendants:

13 Amit K. Sharma, Esquire
McCOLLUM & ASSOCIATES, LLC
7306 Baltimore Avenue
14 Suite 117
College Park, MD 20740
15 asharma@jmlaw.net
301.864.6070
16
17
18
19
20
21
22

Page 4

1 INDEX OF EXHIBITS

2 PLAINTIFF'S EXHIBIT PAGE

3 Exhibit 94 e-mail, Simmons to Zane, 154
4 4.14.2015

5 Exhibit 95 e-mail, Thompson to Adams, 157
6 2.20.2015

7 Exhibit 96 certified mail receipt, PGCPs 174
8 policy, PGCPs 145-149

9 Exhibit 97 e-mail, Eller to Gaffney, 185
10 10.7.2015

11 Exhibit 98 e-mail, Eller to Eller, 190
12 11.13.2015

13 Exhibit 99 US EEOC Notice of Charge 191

14 Exhibit 100 US EEOC Notice of Charge 197

15 PREVIOUS EXHIBITS PAGE

16 Plaintiff's Student Rights and 55
17 Exhibit 8 Responsibilities Handbook
18 Plaintiff's "Providing Safe Spaces For 68
19 Exhibit 33 Transgender and Gender
20 Non-Conforming Youth.
21 Guidelines For Gender
22 Identity, Non-Discrimination"

Page 3

1 INDEX

2 EXAMINATION PAGE

3 AMANA SIMMONS

4 By Mr. Mogul 5

5 Acknowledgement of Witness 203

6 Certificate of Reporter 204

7 Errata Sheet 205

8 INDEX OF EXHIBITS

9 PLAINTIFF'S EXHIBIT PAGE

10 Exhibit 89 Notice 11

11 Exhibit 32 Administrative Procedure, 35
12 Discrimination and Harassment

13 Exhibit 90 PGCPs Board of Education 87
14 Policy

15 Exhibit 91 Welcoming Schools 103
16 professional development

17 Exhibit 92 Welcoming Schools 103
18 professional development

19 Exhibit 93 PGCPs documents, Bates 150
20 Numbers: PGCPs 97-417
21
22

Page 5

1 PROCEEDINGS

2 AMANA SIMMONS,

3 a witness, having been first duly sworn, was examined and
4 testified as follows:

5 EXAMINATION

6 BY MR. MOGUL:

7 Q. Ms. Simmons, my name is Elliott Mogul, and I
8 represent Miss Eller in the litigation against defendants
9 which is Prince George's County Public Schools, Prince
10 George's County Board of Education, and Monica Goldson in
11 her official capacity as superintendent.

12 In this case, Miss Eller claims that the
13 defendants have discriminated against her because of her
14 sex and transgender status.

15 Would you mind stating your name and
16 address for the record, please.

17 A. Amana Simmons, A-M-A-N-A, S-I-M-M-O-N-S.

18 Q. Have you ever --

19 A. Go ahead.

20 Q. No. I interrupted you. I asked you for
21 your address.

22 A. My business address is 14201 School Lane,

Page 6

09:38:30 1 **Upper Marlboro, Maryland, 22071. Question mark.**

2 Q. Ms. Simmons, have you ever been deposed

3 before?

4 **A. I have.**

5 Q. Have you ever testified at a trial?

6 **A. Yes, I have.**

7 Q. We'll come back to that in a minute.

8 I'll go over the -- some of the rules of

9 the road for the depo process, but it sounds like you're

10 already familiar, but please stop me if you have any

11 questions about that.

12 First of all, you know you're sworn so

13 your testimony today is the same as if you are in court.

14 You have an obligation to tell the truth.

15 **A. Understood.**

16 Q. Please answer each of my questions fully and

17 to the best of your recollection. Please answer all

18 questions verbally. As you can see, we have a court

19 reporter taking everything down, so it's hard if you

20 answer every question with a nod or mm-hmm. It's hard to

21 write that down, so if you could just please answer

22 without physical -- well, you could make a physical

Page 7

09:39:28 1 movement, but also accompany the physical movement with

2 the verbal answer, please.

3 Because the Court Reporter can only

4 record one of us at a time, please both of us should try

5 not to interrupt the other. I will try to not interrupt

6 while you are answering, and if you can wait until I

7 finish my question before answering, that would make it

8 easier for the Court Reporter.

9 Please let me know if you do not

10 understand the question or need me to rephrase the

11 question. If you need to have a question repeated, let

12 me know and the Court Reporter can read it back to you.

13 If you need a break at any time, please

14 let me know. Please note that we cannot take a break if

15 a question is pending. So if I have asked a question,

16 please just answer it, and then we can take a break.

17 Mr. Sharma may object from time to time.

18 After that objection, you are still required to answer,

19 unless Mr. Sharma has instructed you not to answer the

20 question.

21 Do you have any questions about how the

22 deposition will work?

Page 8

09:40:20 1 **A. No, I do not.**

2 Q. Is there any reason you can think of why you

3 may not be able to answer my questions fully and

4 accurately today?

5 **A. Not that I know of.**

6 Q. You're not currently on any medication or

7 taking any alcohol that would interfere with your ability

8 to answer questions?

9 **A. No, I'm not.**

10 Q. And you do not have any physical limitations

11 or ailments today that might impact your ability to

12 answer my questions?

13 **A. Not to my knowledge.**

14 Q. And you're very well hydrated, so we have

15 got that covered.

16 So you mentioned earlier that you have

17 testified before both in deposition and at trial.

18 Could you tell me how many times you've

19 testified at a deposition?

20 **A. I'm not exactly sure, but I would imagine**

21 **six times or so.**

22 Q. Were all of those in your capacity in your

Page 9

09:41:06 1 current role that you have with Prince George's County

2 Public Schools?

3 **A. Yes.**

4 Q. And about when were those depositions, like,

5 all within the last X-number of years?

6 **A. From July of 2014 through the present.**

7 Q. What type of cases were those depositions

8 in?

9 **A. They were typically cases that were**

10 **involving our EEOC process, our internal complaints that**

11 **were later filed in court.**

12 Q. In those depositions, did you appear as a

13 30(b)(6) witness, which is to mean a representative of

14 the school system, or in your personal capacity?

15 **A. 30(b)(6) witness.**

16 Q. For all six of those?

17 **A. Correct.**

18 Q. You also mentioned that you testified at

19 trial?

20 **A. Yes.**

21 Q. How many times is that?

22 **A. I believe trial has just been one instance.**

09:42:02 1 Q. About when was that trial?
 2 A. It was probably two-and-a-half years ago,
 3 maybe three years ago.
 4 Q. What kind of case was that?
 5 A. Similarly, it was a case involving
 6 EEOC-related issues.
 7 Q. And at that trial, did you appear in your
 8 personal capacity, or were you appearing as a
 9 representative of the school system?
 10 A. As a representative of the school system.
 11 Q. And your testimony for each of those
 12 depositions and that trial was oral or was it written?
 13 A. It was oral testimony.
 14 Q. Ms. Simmons, you understand that you're not
 15 a named defendant in this case; right?
 16 A. I do.
 17 Q. And you understand that you're not being
 18 deposed in your personal capacity in this case?
 19 A. I do.
 20 Q. And you have been designated as a 30(b)(6)
 21 witness to testify on behalf of the defendants?
 22 A. I understand.

09:42:54 1 Q. I'd like to show you an exhibit, probably
 2 already has been marked before in this case, but I don't
 3 have it, so we'll mark it anew.
 4 We're going to mark it as Exhibit 89.
 5 A. Okay.
 6 (Plaintiff's Exhibit 89, Notice, was marked for
 7 identification.)
 8 Q. Ms. Simmons, do you recognize this document?
 9 A. Yes. It appears to be a Notice of Subpoena.
 10 Q. Okay.
 11 And if you wouldn't mind, you can
 12 read -- actually, I'll ask you to please turn to the
 13 fifth page where it says Schedule A. If you would not
 14 mind -- I'm sorry, this will be a little tedious --
 15 reading aloud topics 1, 2 -- for now, let's start with 1,
 16 2, and 3.
 17 A. So you said the fifth page. This appears to
 18 be one, two, three, four for me. Is that what you meant?
 19 Q. The fourth page, yeah.
 20 A. Okay, gotcha. And you're asking me to read
 21 aloud?
 22 Q. Let's start with topics 1, 2, 3.

09:44:49 1 A. "1. All policies, practices, customs and
 2 usages relating to transgender and gender non-conforming
 3 students, teachers, and staff at Prince George's County
 4 Public Schools, including more specifically Friendly High
 5 School. This includes the research, development,
 6 adoption and implementation of all such policies.
 7 "2. All policies, practices, customs
 8 and usages relating to non-discrimination towards
 9 students, teachers, and staff at Prince George's County
 10 Public Schools, including more specifically Friendly High
 11 School. This includes the research, development,
 12 adoption, and implementation of all such policies.
 13 "3. Any training, protocols and
 14 procedures regarding transgender and gender
 15 non-conforming people at Prince George's County Public
 16 Schools, including more specifically Friendly High
 17 School. This includes the research, development,
 18 adoption, and implementation of all such protocols and
 19 procedures."
 20 Q. Thank you.
 21 Now, if you would not mind -- sorry
 22 about this -- reading aloud topics 4, 5, 7, and 9 on the

09:45:59 1 next page.
 2 A. "4. Any training, protocols and procedures
 3 regarding non-discrimination towards students, teachers
 4 and staff at Prince George's County Public Schools,
 5 including more specifically Friendly High School. This
 6 includes the research, development, adoption, and
 7 implementation of all such protocols and procedures.
 8 "7. The roles/responsibilities of pupil
 9 personnel workers, vice or assistant principals,
 10 principals, associate superintendents, other and senior
 11 administrative officials in responding to complaints or
 12 reports of harassment and/or discrimination made by
 13 teachers or other school staff."
 14 Q. And I'm sorry --
 15 A. "9. Communications with the Prince George's
 16 County Educators' Association regarding plaintiff's
 17 complaints or reports of harassment and/or
 18 discrimination."
 19 Q. I'm sorry. Could you also read number 8.
 20 A. "8. The role of the Prince George's County
 21 Educators' Association in facilitating the resolution of
 22 complaints or reports of harassment and/or discrimination

Page 14

09:47:22 1 **made by teachers or other school staff."**

2 Q. One more. If you could also read Topic 14?

3 **A. "14. Formal and informal complaints made,**

4 **reported, or filed by plaintiff against Miss Paula**

5 **Robinson and defendant's responses to such complaints."**

6 Q. Thank you very much.

7 Do you understand that you are here to

8 answer questions about these nine topics on behalf of the

9 defendants?

10 **A. I do.**

11 Q. Thank you. Who contacted you to let you

12 know that you would be designated as a witness for these

13 topics?

14 **A. Someone from the McCullum law firm.**

15 Q. Was that person Mr. Sharma?

16 **A. I don't recall.**

17 Q. Did someone from that law firm do more than

18 just contact you, but also help prepare you for this

19 deposition today?

20 **A. I wouldn't say help prepare, but they**

21 **contacted me and advised me of the areas that would be**

22 **inquired.**

Page 15

09:48:27 1 Q. Okay. How many conversations did you have

2 with someone at the McCullum law firm, about this

3 deposition?

4 **A. I don't recall specifically, but maybe two.**

5 Q. Were those conversations in person or over

6 the phone?

7 **A. I've had in-person and over-the-phone**

8 **conversations.**

9 Q. Did you have discussions with anyone else to

10 help prepare you to be designated -- to be the designated

11 witness for these topics?

12 **A. Conversations with anyone else. No, I don't**

13 **believe so.**

14 Q. Aside from your conversations with someone

15 from the McCullum law firm, how did you prepare to

16 testify on these topics?

17 **A. I reviewed information related to the areas**

18 **of inquiry.**

19 Q. What kind of information?

20 **A. Well, it depends. So as it relates to the**

21 **policies, I reviewed our policies that fall under those**

22 **categories. I reviewed information related to the**

Page 16

09:49:39 1 **specific complaint, Complaint, the Interrogatory**

2 **responses, certain documents that have been produced as a**

3 **part of discovery.**

4 Q. That last category, do you mean documents

5 that were produced by defendants as part of discovery?

6 **A. Yes.**

7 Q. Did you also review documents that were

8 produced by plaintiff as part of discovery?

9 **A. There may have been some overlap. I'm not**

10 **certain.**

11 Q. Did you review any e-mails in the course of

12 preparing for this deposition?

13 **A. Not in-depth, no.**

14 Q. But you reviewed a few e-mails?

15 **A. Well, there were probably e-mails that were**

16 **amongst documents.**

17 Q. Okay. How did you go about looking for

18 which documents that you felt would be helpful to review

19 before this deposition?

20 **A. The documents had been previously produced.**

21 Q. So you reviewed all of the -- you generally

22 reviewed all of the documents that defendants had

Page 17

09:50:46 1 produced?

2 MR. SHARMA: Objection. You can answer.

3 **A. I don't know if I reviewed all of the**

4 **documents that were produced in discovery, but I reviewed**

5 **documents that were relevant to the areas of inquiry that**

6 **have been previously produced, yes.**

7 Q. I'm just curious, how did you determine

8 which documents would be relevant for this deposition?

9 **A. Well, I know what things fall within certain**

10 **categories based on my role and my functions.**

11 Q. So I believe you testified before that you

12 didn't speak to anyone else to prepare for this

13 deposition, but I just wanted to be clear. That means

14 you didn't speak to anyone else about gathering

15 information for you for this deposition; is that correct?

16 **A. No. My office gathered information for me**

17 **to make it available for my review, so I had**

18 **conversations with internal office staff to make those**

19 **documents available for me.**

20 Q. Who are those office staff?

21 **A. My paralegal.**

22 Q. What's his or her name?

09:51:59 1 **A. Her name is Madeline.**
 2 Q. Anyone else?
 3 **A. No. She would be primarily the person**
 4 **responsible for that.**
 5 Q. What's Madeline's last name?
 6 **A. McKnight.**
 7 Q. McKnight. Thank you. Could you spell that
 8 for the Court Reporter?
 9 **A. M-C-K-N-I-G-H-T.**
 10 Q. Thank you very much.
 11 Did you bring any documents with you to
 12 this deposition?
 13 **A. No, I did not.**
 14 Q. Aside from what we've talked about so far,
 15 did you do anything else to prepare for this deposition?
 16 **A. I don't believe so, no.**
 17 Q. I'd like to now turn to your background for
 18 a minute.
 19 **A. Sure.**
 20 Q. If you wouldn't mind explaining your
 21 educational background for me. Start with high school.
 22 **A. I graduated from high school in 1989,**

09:52:49 1 **attended college. I graduated from college in 1993.**
 2 **Thereafter, I attended law school. I graduated from law**
 3 **school in 1996.**
 4 Q. Could you give us the names of your high
 5 school, college and law school, please?
 6 **A. I attended Westchester High School in**
 7 **California for high school. Hampton University in**
 8 **Hampton, Virginia, for college. American University,**
 9 **Washington College of Law, for law school.**
 10 Q. And have you received any other degrees
 11 other than your college and law school degrees?
 12 **A. No, I have not.**
 13 Q. Did you attend any other schooling that we
 14 haven't yet discussed since college or since law school?
 15 **A. No.**
 16 Q. Did you go straight through from college to
 17 law school?
 18 **A. I did.**
 19 Q. Can you explain your work experience, if you
 20 had any, before starting your employment with Prince
 21 George's County Public Schools?
 22 **A. I worked with the Prince George's County**

09:54:01 1 **Human Relations Commission. I worked there as -- I can't**
 2 **remember what the title actually was, but lead**
 3 **investigator or supervisor, with the local EEOC agency.**
 4 **Then I worked as a private attorney in a**
 5 **law firm, and I clerked for a judge in Virginia after law**
 6 **school.**
 7 Q. Was the clerkship the first position you had
 8 after law school?
 9 **A. Correct.**
 10 Q. And that was just one year?
 11 **A. Yes. I think it was a little more than a**
 12 **year, but yes.**
 13 Q. And who was the judge you clerked for?
 14 **A. Gerald Bruce Lee.**
 15 Q. Subsequent to that, was that when you worked
 16 at a law firm?
 17 **A. Correct.**
 18 Q. How many years was that?
 19 **A. A lot of years. I don't recall, but it**
 20 **would have been in 1997. Is that right? Or 1998. And I**
 21 **worked with that firm up through the time that I was**
 22 **servicing with the Prince George's County Human Relations**

09:55:20 1 **Commission as well.**
 2 Q. Do you know what year you started with the
 3 Prince George's County Human Relations Commission?
 4 **A. So let me work my way backwards. I started**
 5 **with the school system in July of 2014. So I would have**
 6 **been with the Commission, I believe, in 2012. Or**
 7 **thereabouts.**
 8 Q. What was the name of the law firm you worked
 9 at?
 10 **A. Richard Carnell Baker, PC.**
 11 Q. What kind of work did you do there?
 12 **A. Litigation primarily, employment,**
 13 **construction was a general practice. I handled a lot of**
 14 **different trial matters.**
 15 Q. Where was your office located?
 16 **A. In McLean, Virginia.**
 17 Q. So then please correct me if I'm wrong, but
 18 you spent two years at the Prince George's County Human
 19 Relations Commission?
 20 **A. Thereabouts, yes.**
 21 Q. Could you explain to us what your role was
 22 there?

09:56:33 1 **A. So as I shared, I don't remember the formal**
 2 **title, but I served as a supervisor for investigators**
 3 **that conducted investigations of complaints involving**
 4 **discrimination in employment, housing, public**
 5 **accommodation areas with the local EEOC agency.**
 6 Q. And those complaints could be complaints
 7 filed against a variety of employers or landlords?
 8 **A. Yes.**
 9 Q. But all in Prince George's County, I assume?
 10 **A. Correct.**
 11 Q. So then in 2014, you started your employment
 12 with the Prince George's County Public Schools?
 13 **A. Correct.**
 14 Q. What was your position when you started with
 15 the school system?
 16 **A. Equal opportunity employment adviser.**
 17 Q. Does that continue to be your title today?
 18 **A. It does.**
 19 Q. Have your roles and responsibilities changed
 20 at all over the course of July 2014 to today?
 21 **A. No, not significantly, no.**
 22 Q. Okay. So what are your responsibilities

09:59:14 1 **it's been less than a year, but I'm not exactly certain**
 2 **the date she began functioning in that capacity.**
 3 Q. Who was the general counsel before her?
 4 **A. Shauna Battle.**
 5 Q. Do you know about when Miss Battle became
 6 the general counsel?
 7 **A. Many years before my arrival. So I'm not**
 8 **certain.**
 9 Q. Does anyone report to you?
 10 **A. No.**
 11 Q. Are there other employees at the school
 12 system with the same job description as you?
 13 **A. No, there are not.**
 14 Q. Do you know a Miss Elizabeth Davis?
 15 **A. I do.**
 16 Q. But she doesn't have the same title as you?
 17 **A. She does not.**
 18 Q. Did she at some previous time?
 19 **A. No, I don't believe her title was ever the**
 20 **same as mine.**
 21 Q. Okay.
 22 **A. I believe she performed some of the**

09:57:40 1 associated with your current position?
 2 **A. So broadly speaking, I am responsible for**
 3 **ensuring compliance with our non-discriminatory practices**
 4 **and procedures as it relates to employees that are**
 5 **employed by the school system.**
 6 **In so doing, I investigate internal**
 7 **complaints that are filed pursuant to our administrative**
 8 **procedure 4170. I also interact and provide position**
 9 **statements and information related to complaints that are**
 10 **filed with the EEOC and other administrative bodies.**
 11 **I'm responsible for reviewing and**
 12 **authorizing requests for accommodation. I serve as a**
 13 **mediator for dispute resolution. And the Title IX**
 14 **coordinator for purposes of Title IX issues.**
 15 Q. Who do you report to?
 16 **A. The general counsel.**
 17 Q. Who is the general counsel at this time?
 18 **A. Demetria Tobias.**
 19 Q. And that has not been the general counsel
 20 the entire time that you've been at the school system; is
 21 that correct?
 22 **A. No. I believe Demetria assumed her role --**

10:00:03 1 **functions that my position holds, but she never**
 2 **maintained the title of EEO adviser.**
 3 Q. Is she currently employed with the school
 4 system, to your knowledge?
 5 **A. It's my understanding that she has retired.**
 6 Q. Do you remember when she retired?
 7 **A. I do not know.**
 8 Q. But your understanding is before she
 9 retired, she had some of the same responsibilities as
 10 you. Do you know which responsibilities those are that
 11 overlapped?
 12 **A. I'm not certain. I don't know that I have**
 13 **ever seen the position description that governed her**
 14 **position, but I know that she did have interaction**
 15 **involving the 4170 process at some point.**
 16 Q. Would she also have had a role responding to
 17 EEOC complaints or charges filed with the EEOC?
 18 **A. Perhaps, yes.**
 19 Q. So from the 2014 period -- I'm sorry. From
 20 when you started in July 2014 to now, there have been no
 21 other people with the same job title as you; is that
 22 correct?

Page 26

10:01:08 1 **A. That's correct.**

2 Q. Have there been any other people who,

3 similar to Miss Davis, have had overlapping

4 responsibilities as you?

5 **A. No. I don't believe so.**

6 Q. Prior to 2014, did someone have your

7 position?

8 **A. No. I don't believe so.**

9 Q. So your position was newly created in 2014?

10 **A. There was a reorganization and -- and the**

11 **position was created at that time.**

12 Q. So prior to 2014, who was it that was

13 responsible for the different responsibilities that you

14 have now?

15 **A. So as I shared previously, Elizabeth Davis**

16 **had certain of those functions. There was another**

17 **individual, I believe, that handled ADA-related issues.**

18 **I don't know if there was someone who served as a**

19 **mediator of employee disputes, other than mediations that**

20 **were done at the school level. I don't know that there**

21 **was a central office position that addressed that.**

22 Q. Prior to 2014, was Miss Davis the only

Page 27

10:02:17 1 person who would have been responsible for responding to

2 EEOC charges?

3 **A. I wouldn't say that, no. There were**

4 **external attorneys that provided that function on behalf**

5 **of the school system as well.**

6 Q. Prior to 2014, do you know if there were

7 other people, other than Miss Davis, who were responsible

8 for addressing the 4170 internal complaint process?

9 **A. I do know there was another individual that**

10 **did serve in that capacity. I don't know the dates and**

11 **upon which time that individual served.**

12 Q. Do you know that person's name?

13 **A. Pamela is the first name, and the last name**

14 **is escaping me. I want to say Adams, but I don't think**

15 **that's correct.**

16 Q. Pamela something.

17 When you started in July 2014, did you

18 receive any training related to your position?

19 **A. Yes.**

20 Q. What did that training encompass?

21 **A. So I received training with the Maryland**

22 **State Department of Education. There's a Title IX**

Page 28

10:03:30 1 **coordinator's training that I took. I also had training**

2 **with the EEOC, federal training that's done annually for**

3 **individuals that investigate complaints of**

4 **discrimination.**

5 **Those are the two main ones that I**

6 **recall, but there were smaller trainings that I have**

7 **attended involving other school systems within Maryland,**

8 **and individuals that have similar roles. They're kind of**

9 **informal trainings that take place every so often.**

10 Q. So you mentioned a Title IX coordinator

11 training, and you testified that you took that training

12 when you first started; is that also something that is a

13 periodic training?

14 **A. Yes. It's an annual training.**

15 Q. And you attend it annually?

16 **A. Yes. I don't believe I attended last year**

17 **because it was cancelled, but I think other than that, I**

18 **have attended all of them.**

19 Q. Do you recall, does that training include at

20 any point a discussion of -- I understand it might have

21 changed over the years, but does it include any training

22 about transgender individuals?

Page 29

10:04:50 1 **A. It does.**

2 Q. It does. Do you remember the content of

3 that training?

4 **A. Specifically all of the content?**

5 Q. The content of the transgender portion of

6 the training. When they mention transgender individuals,

7 what is discussed?

8 **A. So I don't know if I can adequately recall**

9 **all of the training that falls under the rubric of**

10 **transgenderers as it relates to the Title IX coordinator**

11 **sessions, but I can state generally that it addressed**

12 **primarily from the perspective of providing safe spaces**

13 **for students, but also may have had some smaller amount**

14 **of time that was speaking to it generally as it relates**

15 **to employees.**

16 Q. Do you recall if that training covered the

17 proper use of pronouns for transgender individuals?

18 **A. I'm certain that that was mentioned.**

19 Q. Do you recall about how much time would have

20 been dedicated during those trainings to talking about

21 issues of diversity, inclusion, and non-discrimination

22 for transgender people?

10:06:05 1 **A. Well, I've attended one where that was the**
 2 **entire subject, but I think it changes on an annual**
 3 **basis, so that the focus of the training is different**
 4 **based on different issues that are involving school**
 5 **systems.**
 6 **I don't -- I can't guess as to how much**
 7 **time was spent on transgender issues at any one given**
 8 **time.**
 9 Q. For that one training where you had one
 10 session that was entirely dedicated to transgender
 11 issues, was that an hour long? Do you remember that?
 12 **A. No. It was a day.**
 13 Q. It was a day. Okay.
 14 Now, you also mentioned that there's
 15 annual EEOC training. Do you attend that every year?
 16 **A. I do.**
 17 Q. Do you recall if any of that training has
 18 touched on transgender issues?
 19 **A. Yes. It has.**
 20 Q. And do you recall about how much time is
 21 dedicated to that?
 22 **A. I really can't. But those trainings were**

10:07:03 1 **typically two days, and I think -- I couldn't guess as to**
 2 **how much time was spent on transgender issues**
 3 **specifically.**
 4 Q. During the course of any of those EEOC-led
 5 trainings, have there been an entire session dedicated to
 6 transgender issues?
 7 **A. Not that I recall, no.**
 8 Q. So if transgender issues came up, it was in
 9 the context of talking about a variety of different,
 10 diverse populations?
 11 **A. Correct.**
 12 Q. Then you also mentioned some more informal
 13 trainings that are done in conjunction with officials
 14 from other school systems that maybe have similar roles
 15 as you; is that correct?
 16 **A. Mm-hmm.**
 17 Q. How are those coordinated?
 18 **A. I think it really depends. I mean,**
 19 **sometimes they are trainings that are tacked on to kind**
 20 **of broader things, but there have been several instances**
 21 **where we've had training sessions as a part of broader**
 22 **conventions or -- convention is not the right word -- but**

10:08:08 1 **symposiums, and they've dealt with diversity and equity**
 2 **and inclusion-type issues.**
 3 Q. And do you know about how often those
 4 informal trainings happen?
 5 **A. I would probably say maybe once or twice a**
 6 **year.**
 7 Q. And are these just among Maryland school
 8 systems, or is it a little bit broader, this group?
 9 **A. So I've attended those that have been just**
 10 **with Maryland school systems. I have attended them where**
 11 **they have been a little broader. I think we've had**
 12 **school systems from Pennsylvania and some of the**
 13 **surrounding areas to participate as well.**
 14 Q. Is one of the goals of these trainings to
 15 share best practices?
 16 **A. I think generally speaking, but I -- I think**
 17 **each of the trainings may have more specific goals**
 18 **related, but I -- I think as an overarching kind of**
 19 **position, learning best practices and how other school**
 20 **systems may handle some of the same issues is something**
 21 **that is a goal of the interaction.**
 22 Q. Have any of these trainings covered any

10:09:18 1 issues related to transgender, diversity and inclusion?
 2 **A. Probably so, yes. I don't recall**
 3 **specifically.**
 4 Q. Do you recall if there was a dedicated
 5 training to transgender issues?
 6 **A. I don't.**
 7 Q. Do you recall speaking to your colleagues
 8 from other school systems about how they handle
 9 transgender, diversity, inclusion issues?
 10 **A. I've had certain communications with other**
 11 **individuals in other school systems, yes.**
 12 Q. Do you remember which individuals or which
 13 school systems?
 14 **A. I'm sorry. I don't.**
 15 Q. Do you recall, among these three different
 16 types of trainings that we have discussed so far, are
 17 there materials that you take home or take back to your
 18 office after these trainings, written materials?
 19 **A. Yes. In some of them, there are.**
 20 Q. Do you remember if any of those written
 21 materials related to transgender/diversity issues?
 22 **A. Yes. Some of them do.**

Page 34

10:10:28 1 Q. Have you ever been asked to present at any
 2 of these training sessions?
 3 **A. No, not the ones that we have spoken of, no.**
 4 Q. Have we covered all of the trainings so far
 5 that you have done in relation to this position, or are
 6 there others?
 7 **A. I've taken some CLEs that address employment**
 8 **and discrimination issues that are within the workplace**
 9 **as well, but those have been not on an annual basis, but**
 10 **I have taken certain training and have received CLE**
 11 **credit for that.**
 12 Q. Do you recall if any of those CLEs covered
 13 issues of diversity and inclusion for transgender
 14 individuals?
 15 **A. Probably generally speaking, yes.**
 16 Q. But no specific training for that purpose?
 17 **A. No.**
 18 Q. Do you take the -- we'll get back to this
 19 later, but do you engage in the general training that
 20 other Prince George's County Public School employees go
 21 through every year? Is there such a thing?
 22 **A. Yes.**

Page 35

10:11:51 1 Q. And do you take that training as well?
 2 **A. I do.**
 3 Q. We'll get back to it later.
 4 I'd like to turn now to one of the
 5 Topics that you've been asked to testify about, diversity
 6 and non-discrimination policies.
 7 Does Prince George's County Public
 8 Schools have a written policy for staff prohibiting
 9 discrimination against people who are transgender and
 10 because of their race -- sorry, because of their sex,
 11 gender identify or transgender status?
 12 **A. Yes. That's been encompassed by**
 13 **administrative procedure 4170.**
 14 **(Previously Marked Exhibit 32, Administrative Procedure,**
 15 **Discrimination and Harassment, was marked for**
 16 **identification.)**
 17 Q. So I'm going to hand you an Exhibit that has
 18 been previously marked 32.
 19 Is this the policy you had just
 20 mentioned?
 21 **A. Yes, it does appear to be. Yes.**
 22 Q. You'll note in the top right there's a date,

Page 36

10:13:39 1 September 1, 2000. Do you know if this policy has been
 2 updated since that date?
 3 **A. Yes, it has been updated.**
 4 Q. Do you know when it was updated?
 5 **A. In 2018.**
 6 Q. 2018.
 7 So between 2000 and 2018, it had not
 8 been updated?
 9 **A. That's correct.**
 10 Q. Can you identify what part of this policy
 11 you understand is prohibiting discrimination against
 12 people who are transgender and because of their sex,
 13 gender identity or transgender status?
 14 **A. So it's the general policy that indicates --**
 15 **it's the policy of the Board of Education of Prince**
 16 **George's County to oppose and prohibit without**
 17 **qualification unlawful discrimination and harassment**
 18 **based on, and then it lists, race, color, sex, age,**
 19 **national origin, religion, marital status, sexual**
 20 **orientation or disability.**
 21 Q. And sorry, I just want to make sure I
 22 understand. Which part of that phrase that you just read

Page 37

10:14:47 1 out do you believe covers transgender individuals?
 2 **A. I believe it's covered both by the**
 3 **categories of sex and sexual orientation.**
 4 Q. Does this policy apply to all staff?
 5 **A. Yes, it does.**
 6 Q. How is this policy -- how are staff members
 7 made aware of this policy?
 8 **A. So there's annual training that staff**
 9 **members receive. During the course of that training,**
 10 **they are made aware of this administrative procedure and**
 11 **the school system's prohibition of discrimination.**
 12 **There also are other trainings that**
 13 **occur periodically throughout the school year that also**
 14 **may mention this administrative procedure as well.**
 15 **Employees are also made aware of it**
 16 **during the onboarding process when they become new**
 17 **employees to the school system. That's it.**
 18 Q. Is it distributed, the policy distributed to
 19 employees during either of those trainings or the
 20 onboarding process?
 21 **A. I believe during some of the trainings,**
 22 **they -- a physical copy is distributed, but as a school**

Page 38

10:16:11 1 system, we try not to use a lot of paper, and so there

2 has been a reduction in the number of copies that we're

3 making of things.

4 So employees do receive information and

5 direction as to where these policies can be found, and

6 the accompanying forms online.

7 Q. Does this policy -- and specifically the

8 part that you mentioned -- does it ever use the words

9 gender identity or transgender?

10 MR. SHARMA: Objection. The document

11 speaks for itself, but you can answer.

12 A. No. There is no specific mention.

13 Q. Why is it that you understand that

14 transgender status is covered by sexual orientation?

15 A. So there has been -- or at least there was

16 more direct guidance at one point that indicated that the

17 broad umbrella of sex included protection for transgender

18 individuals as well, and that guidance was found in EEOC

19 directions, from the attorney general, there are various

20 "dear colleagues" letters, et cetera.

21 So based upon that, it is our view as a

22 school system that it encompasses protection for

Page 39

10:17:49 1 transgender employees as well.

2 Q. So just to be clear, my question was about

3 whether transgender individuals are covered by sexual

4 orientation and I believe your answer was talking about

5 the word sex, not sexual orientation; is that right?

6 A. Yes. That's what I -- yes. I thought

7 that's what I said.

8 Q. I won't characterize what you said. I just

9 meant --

10 A. Okay.

11 Q. So my question was, how do you understand

12 that transgender individuals are covered by the words

13 sexual orientation?

14 A. Well, again, I think it's covered by sex,

15 but it's the broader umbrella of sex that would include,

16 in my view, sexual orientation as well; but it certainly

17 would include gender identity and any other issues

18 related to an employee's transgender status.

19 Q. And so you said that, you know, at some

20 point, this was clarified, that the term sex was --

21 encompassed transgender individuals; is that right?

22 A. I don't know if I used the word clarified,

Page 40

10:18:47 1 but there was directive.

2 Q. There was directive.

3 A. Guidance.

4 Q. When was that?

5 A. I -- oh, goodness. I can't give the

6 specific dates, but I believe there's an EEOC directive

7 that may have been 2013. Maybe it's 2011. I'm not

8 certain of the dates, but there's -- there are various

9 guidances that were issued along these lines, and the

10 courts, of course, have been split as far as there's

11 certainly, you know, cases outstanding that may make some

12 further determinations in that regard, but...

13 Q. How were you aware of the EEOC's directives?

14 A. Well, we receive it as a part of our

15 training.

16 Q. By "we," I'm sorry?

17 A. Well, I'm using it loosely, but I just mean

18 individuals that perform investigations of discriminatory

19 issues in EEOC matters.

20 So as during trainings you receive

21 certain information, including directives and policy

22 guidance that the EEOC utilizes in -- in reviewing cases

Page 41

10:20:08 1 to determine if there's cause to believe that

2 discrimination has occurred.

3 Q. Okay.

4 Have those EEOC directives been

5 incorporated into the words of this policy?

6 MR. SHARMA: Objection. You can answer.

7 A. No, they have not.

8 Q. Do you know what change occurred in 2018,

9 what amendments were made to the policy?

10 A. Generally speaking, they were changes that

11 realigned my current title, because I believe that

12 prior -- this 2000 version makes reference to old titles

13 that were used based on the then-structure of the school

14 system. So that was changed.

15 There was also an increase in the time

16 frame for resolution of -- of complaints.

17 Q. Oh, okay.

18 What is the current time frame under the

19 current policy?

20 A. 90 days.

21 Q. 90 days.

22 So you mentioned that you were made

10:21:21 1 aware of the EEOC's directives and developments in the
 2 law through trainings that you've undergone through your
 3 position.
 4 Are those communications -- I'm sorry.
 5 Are those directives and those legal developments
 6 communicated in training that goes to anyone else outside
 7 of people in your position at the school system?
 8 **A. Can you restate the question.**
 9 Q. I can. It was a long question.
 10 You mentioned before that you became
 11 aware of --
 12 **A. Yes.**
 13 Q. -- the EEOC's directives and legal
 14 developments related to transgender individuals through
 15 trainings that you've undergone.
 16 Have those directives and legal
 17 developments been incorporated into any trainings that
 18 other people, other than yourself, at the school system
 19 have gone through?
 20 **A. Not directly, but I believe indirectly, yes.**
 21 **Because -- so the answer to the question is not directly.**
 22 Q. Well, if you could explain how indirectly

10:22:34 1 they might be incorporated, I'd appreciate it.
 2 **A. Well, certainly, I utilize that information**
 3 **to inform best practices for the school system.**
 4 **So when I'm analyzing situations that**
 5 **may be brought to my attention, I'm utilizing the**
 6 **information that I receive in making a determination as**
 7 **to appropriate next steps or whether I believe there's**
 8 **been a violation of our policy.**
 9 **So indirectly, yes, that training does**
 10 **inform information that's conveyed to other people, but**
 11 **not necessarily in the form of a training in and of**
 12 **itself.**
 13 Q. Let's say I was -- scratch that -- an
 14 assistant principal at a middle school.
 15 How would they know that this policy
 16 covered transgender individuals? In the 2011-2016 time
 17 frame.
 18 MR. SHARMA: Objection. You can answer.
 19 **A. So again, this policy and its procedures are**
 20 **provided as a part of our annual training to employees;**
 21 **and in providing that training, information is provided**
 22 **regarding general diversity and inclusion as it relates**

10:24:11 1 **to members that fall within the protected classes that**
 2 **are identified.**
 3 **So based on that training, you as an**
 4 **assistant principal should understand that a transgender**
 5 **employee is in fact covered by this policy.**
 6 Q. We'll get more into that a little bit later.
 7 Are students given this policy as well?
 8 **A. Students do receive the student code of**
 9 **conduct, which also cross-references the 4170**
 10 **administrative procedure as well.**
 11 Q. If a student wanted to access this policy,
 12 is it possible for them to do so?
 13 **A. Yes.**
 14 Q. How would they do that?
 15 **A. They would file a complaint just as anyone**
 16 **else would.**
 17 Q. I'm sorry. If they want to access this
 18 policy, how would it be given?
 19 **A. Oh, meaning like physically, just -- oh, via**
 20 **the online portal.**
 21 Q. Okay.
 22 **A. Mm-hmm.**

10:25:20 1 Q. Are students told where they can go to find
 2 the school system's policies like this one?
 3 **A. Yes. It's a part of the student code of**
 4 **conduct.**
 5 Q. Focusing now on the 2011-2016 period, were
 6 school administrators given instruction on how to
 7 implement this non-discrimination policy?
 8 **A. Were they given instructions as to how to**
 9 **implement it? So yes. They received information**
 10 **regarding the policy. They were told where it could be**
 11 **found, and they were told how to advise an employee to**
 12 **submit complaint pursuant to the policy.**
 13 Q. What instruction were school administrators
 14 given as it relates to protecting transgender individuals
 15 from discrimination? Again, the 2011 to 2016 time
 16 period.
 17 **A. Specifically as it relates to protecting**
 18 **transgender --**
 19 Q. Yes.
 20 **A. -- I don't know that there was any specific**
 21 **training that dealt specifically with transgender.**
 22 **As a school system, we have included all**

10:26:45 1 of the protected classes in discussing this policy. So
2 there's not been any one training that deals only with
3 providing protection, for example, to employees based on
4 racial discrimination, and that's all that's being
5 discussed. Or providing protection based on age, and
6 that's all that's being discussed.

7 In each of these instances, in each of
8 these trainings, we are intention including --
9 intentional about including all of the protected classes.

10 So their trainings would include both
11 race and sex and age and all of the protected classes
12 that are stated in the policy.

13 Q. And in the course of being intentional about
14 including all of these classes, does that mean that, you
15 know, in the course of discussing these policies, each of
16 these classes are named in the trainings that each of
17 these classes are protected?

18 A. So, generally, it's the policy that's coming
19 directly from the -- from the administrative procedure
20 that that language is generally used, but we often
21 utilize hypotheticals of situations that we've either
22 come across in certain workplace situations to provide

10:28:06 1 examples of conduct that may be violative or conduct that
2 is not violative.

3 So in that hypothetical situation, and
4 in question and answers, there certainly have been
5 discussions with regards to transgender employees, but
6 there have not been trainings that have been exclusive to
7 transgender employees as it relates to this
8 administrative procedure.

9 Q. There was a hypothetical used in a training
10 in the 2011 to 2016 period regarding transgender
11 individuals?

12 A. Yes.

13 Q. When was that?

14 A. Oh, I don't know. I can't state
15 specifically. But I know that hypotheticals were
16 incorporated in those trainings specifically after we
17 received some information from MSDE that had provided us
18 with, you know, additional information regarding that.

19 Q. You just used an acronym. I'm sorry.

20 A. MSD, Maryland State Department of Education.

21 Q. Okay. Thank you. And do you remember when
22 that directive was?

10:29:13 1 A. No, I don't, but it would have been sometime
2 between the 2014 and 2016 time frame.

3 Q. So between 2011 and -- some point in 2014,
4 there had not been a hypothetical regarding transgender
5 individuals in those trainings?

6 A. I can't say definitively that there had not
7 been, but I can state affirmatively that there have been
8 subsequent to 2014.

9 Q. Okay.

10 Do you recall if any of those
11 trainings -- again, we're focused on trainings for school
12 administrators in this policy -- discussed -- and in the
13 2011 to 2016 period -- discussed how to respect a
14 person's gender identity?

15 A. Yes. I would imagine that that was covered
16 as well. Yes.

17 Q. You said imagine, but I would like to know
18 if you know.

19 A. Well, I've already stated that I could state
20 specifically that between 2014 and 2016 that there in
21 fact were hypotheticals that involved transgender issues.

22 So that would certainly state

10:30:30 1 affirmatively to your question about gender identity from
2 the 2014 to the 2016 time period.

3 I stated that I couldn't speak
4 definitively with regards to hypotheticals that involved
5 transgender employees before 2014.

6 So between 2011 and 2014, I couldn't
7 state specifically whether they had included or had not.

8 So essentially, my answer to your first
9 question would parallel my answer to this question
10 regarding gender identity.

11 Q. Thank you. Very clear.

12 Do you know if any of those
13 hypotheticals -- and now we'll just focus between 2014
14 and 2016 -- would have covered how to support a person's
15 social gender transition?

16 A. In the hypothetical, I am not certain. I'm
17 trying to recall them as I sit here, and I am -- I'm not
18 certain whether that would have been addressed or not.

19 Q. Would any of those hypotheticals in the 2014
20 to 2016 period have included the importance of respecting
21 a person's pronouns?

22 A. Yes.

10:31:55 1 Q. Where would we look to find these
 2 hypotheticals?
 3 **A. So I don't know that the training materials**
 4 **for that time frame would actually have written versions**
 5 **of that. Again, a lot of it occurs during the course of**
 6 **interactive discussions with employees and when issues**
 7 **are raised, and asking questions, and kind of fluid**
 8 **conversation thereafter.**
 9 **So I don't know that there's any**
 10 **training material that would outline the hypotheticals**
 11 **that I'm referring to.**
 12 Q. Sure.
 13 So if they're not written down -- so I
 14 understand Prince George's County is a very big school
 15 system, many schools, many teachers, many administrators.
 16 If those hypotheticals are not written
 17 down, can you say if those hypotheticals were used across
 18 all schools?
 19 **A. Well, we're talking about training that was**
 20 **being provided to school administrators.**
 21 Q. Correct.
 22 **A. So school administrators receive their**

10:33:12 1 **training in cohorts.**
 2 **So you generally may have all of the**
 3 **high school principals that are being trained on an issue**
 4 **in one place. Sometimes they're broken up based on**
 5 **elementary and middle school and high school. In some**
 6 **instances they're all done together.**
 7 **I have conducted training for these**
 8 **large groups so I can speak to the information that was**
 9 **provided to them within -- within the context of the**
 10 **broader training.**
 11 **I'm not attempting to speak to the**
 12 **discussions that were had in school-level based training**
 13 **because obviously I don't attend all of those.**
 14 Q. Got it.
 15 So during the 2014 to 2016 period, do
 16 you know if hypotheticals regarding transgender
 17 individuals were included in each of those trainings?
 18 So you mentioned people who got
 19 trainings in cohorts. At each of those cohort trainings,
 20 was that kind of hypothetical discussed?
 21 **A. Yes. They're done the same. I mean, it's**
 22 **the same -- the same information is conveyed in each**

10:34:27 1 **of -- in each of those trainings. That's correct.**
 2 Q. And you conduct -- you're one of the people
 3 who conducts each of those trainings?
 4 **A. Yeah. I mean, it's -- there are a lot of**
 5 **people who participate; but as it relates to that aspect**
 6 **of thing, it would be me.**
 7 Q. So just to make sure I'm hearing this
 8 clearly.
 9 So from 2014 to 2016, every single
 10 cohort training that you participated in had a
 11 hypothetical about transgender issues?
 12 MR. SHARMA: Objection. You can answer.
 13 **A. That's not -- that's not what I said.**
 14 Q. Okay.
 15 **A. I didn't say every single training had a**
 16 **transgender, but I said within that time frame there was**
 17 **training that was provided that included transgender**
 18 **issues as a part of the training.**
 19 Q. So it's possible that there were some cohort
 20 trainings that did not include a hypothetical about
 21 transgender issues?
 22 MR. SHARMA: Objection. You can answer.

10:35:28 1 **A. So if there were trainings that were done,**
 2 **for example, I'm just going to say in 2016, and there**
 3 **were transgender hypotheticals that were provided for**
 4 **elementary school principals, those same hypotheticals**
 5 **would have been provided to the middle school principals**
 6 **and the high school principals.**
 7 **So that would be relating to, for**
 8 **purposes of our discussion, 2016.**
 9 **So they all would receive the same**
 10 **thing; but what I'm trying to be clear is that I'm not --**
 11 **my testimony is not that these hypotheticals were**
 12 **provided in 2014, in 2015, and in 2016. I'm saying that**
 13 **in trainings during that time period, there were some**
 14 **transgender hypotheticals that were provided.**
 15 Q. Okay.
 16 **A. Was that clear?**
 17 Q. I think so.
 18 So the hypotheticals would have been
 19 consistent across cohorts, not necessarily consistent
 20 across years?
 21 **A. Correct.**
 22 Q. Okay. I understand. Thank you. It's hard

10:36:32 1 when we have many variables to control for.
 2 **A. That's okay.**
 3 Q. Yeah. If those hypotheticals are not
 4 written down, how do you ensure there is that uniformity
 5 across the different cohort trainings?
 6 **A. Well, in the instance that I'm speaking of,**
 7 **it's the trainings that I would have been involved in.**
 8 Q. You just make a point of it to keep them
 9 consistent?
 10 **A. Correct.**
 11 Q. Do you know over the course of that 2014 to
 12 2016 period when you had trainings with administrators
 13 that involved discussions of transgender issues, if any
 14 administrators from Friendly High School were
 15 participants?
 16 **A. Yes.**
 17 Q. Do you know which administrators were
 18 participants?
 19 **A. No, I don't.**
 20 Q. Is there a policy prohibiting discrimination
 21 against people who are transgender that applies to
 22 student behavior?

10:37:44 1 **A. Is there a policy that prohibits**
 2 **discrimination against individuals that are transgender**
 3 **that applies to student behavior?**
 4 Q. Correct.
 5 **A. So student behavior is governed by the**
 6 **student code of conduct, and so that is the guideline for**
 7 **addressing behavior of students.**
 8 Q. I will hand you something that has been
 9 previously marked as Exhibit 8.
 10 (Previously marked Plaintiff's Exhibit 8, Student Rights
 11 and Responsibilities Handbook, was presented.)
 12 Q. Is this the student code of conduct you just
 13 mentioned?
 14 **A. I believe so. Let me see. I can't -- 1415.**
 15 **Mm-hmm. It appears to be so.**
 16 Q. If you need a minute to page through it,
 17 that's fine. Just let me know when you're ready.
 18 **A. Okay.**
 19 **Okay.**
 20 Q. Can you identify what part of this policy
 21 you understand as prohibiting discrimination against
 22 people who are transgender because of their sex, gender

10:40:04 1 identity or transgender status?
 2 **A. I think it's page 7. Section 2, rights and**
 3 **responsibilities. PGCPs respects the rights of all**
 4 **individuals to be treated equally and fairly, to ensure**
 5 **that no individual is discriminated against based on**
 6 **race, color, sex, age, national origin, religion, sexual**
 7 **orientation or disability in the areas of freedom of**
 8 **expression, procedural and due process, personal rights**
 9 **and access to school programs.**
 10 **So that's the general statement; and**
 11 **again, I believe the rights of transgenders are**
 12 **encompassed under the broader umbrella of sex.**
 13 Q. How would a student reading that paragraph
 14 know that this covers gender identity as well?
 15 **A. Well, they receive training on -- on the**
 16 **student code of conduct as well.**
 17 Q. Mm-hmm.
 18 **A. And there's an entire section that deals**
 19 **with these kind of issues and is kind of addressed in a**
 20 **more student-friendly way.**
 21 Q. Mm-hmm.
 22 **A. If you will.**

10:41:27 1 **And so students receive this training in**
 2 **quarterly assemblies, so they are reminded of the**
 3 **expectation behavior, at least four times per year.**
 4 Q. And -- sorry.
 5 **A. That's it.**
 6 Q. Those quarterly trainings, have they
 7 happened consistently on a quarterly basis since 2011?
 8 **A. Yes.**
 9 Q. And have consistently those quarterly
 10 trainings made students aware of transgender individuals
 11 being covered by this policy?
 12 **A. I'm not certain what the specific language**
 13 **has been used in all of those trainings as it relates**
 14 **specifically to transgender individuals.**
 15 Q. Do you know, is there a -- is there an
 16 effort made to ensure that there is some consistency in
 17 how those trainings are conducted across the schools?
 18 **A. Yes. I believe that there is.**
 19 **I know that some of the training is done**
 20 **via video. So obviously the students would see the same**
 21 **video.**
 22 Q. Sure.

10:42:43 1 **A. But there are trainings that are done that**
 2 **are not video, but are still consistent with what's being**
 3 **received across the school system.**
 4 Q. Has there been a video component for the
 5 student trainings since 2011?
 6 **A. I believe so. I don't know that -- I know**
 7 **I've seen a video. I'm not certain as to when it was**
 8 **created.**
 9 Q. Is it the same video? You said you've seen
 10 a video. Is it just one video that's always used or have
 11 they done multiple?
 12 **A. I have seen more than one video, but I just**
 13 **don't know the dates of their creations.**
 14 Q. Have any of those videos included a mention
 15 of transgender individuals being covered by this policy?
 16 **A. Again, I don't believe it uses the phrase**
 17 **transgender, but it does deal with bullying and**
 18 **harassment, and -- and it talks about people being**
 19 **different, and students respecting others in their, you**
 20 **know, differences, and equality.**
 21 **I mean, it -- it deals with issues**
 22 **related to it, but I don't know if it uses the phrase**

10:43:57 1 **transgender.**
 2 Q. Mm-hmm.
 3 So if a particular student quarterly
 4 training did say, did include a mention of transgender
 5 individuals being covered, it would have been in the
 6 non-video portion of the training; is that right?
 7 **A. No. I'm saying that I'm not certain whether**
 8 **the video portion makes reference to it, using the phrase**
 9 **transgender. That's...**
 10 Q. Right.
 11 So is the phrase transgender used in the
 12 oral portion of those trainings that's not video?
 13 **A. I don't know.**
 14 Q. You don't know. Okay.
 15 **A. I'm not certain is the better answer.**
 16 Q. So you don't know if it happened -- never
 17 mind. Scratch that.
 18 So you noted before that this is a 2014
 19 to 2015 policy -- sorry, student code of conduct. Is
 20 this code of conduct updated; has it been updated
 21 regularly?
 22 **A. So a new code of conduct is issued every**

10:45:03 1 **year. Sometimes there are not substantive changes other**
 2 **than the change of the year.**
 3 **Sometimes there are other changes; but**
 4 **generally speaking, the general language that I read from**
 5 **initially as well as the bullying and harassment portion**
 6 **of it that addresses -- that deals with bullying and**
 7 **harassment and intimidation that's motivated by an**
 8 **actual, perceived personal characteristic, including**
 9 **race, national origin, marital status, sex, sexual**
 10 **orientation, gender identity, religion, ancestry,**
 11 **physical attributes, socioeconomic status, familial**
 12 **status or physical or mental ability or disability or**
 13 **threatening or seriously intimidating, is how it's**
 14 **outlined in the bullying and harassment and intimidation**
 15 **portion on page 13, that language has remained consistent**
 16 **during the time frame.**
 17 Q. By the time frame, do you mean from 2011 to
 18 today?
 19 **A. Right. That's what we're talking about,**
 20 **right?**
 21 Q. Well, yeah. No, I'm curious. There's
 22 various time frames we could talk about.

10:46:23 1 **A. Well, I thought you just prefaced your**
 2 **question with a time frame.**
 3 Q. I might have. So if I did, it would have
 4 been 2011 to 2016.
 5 **A. Okay.**
 6 Q. So has that been consistent?
 7 **A. So, yes.**
 8 Q. Thank you.
 9 It had been a while since I'd asked my
 10 question. I forgot.
 11 The trainings that we discussed before
 12 with school administrators about how to implement the
 13 administrative policy, 4170, is that the same training
 14 that would cover how to implement the student code of
 15 conduct, or are there separate trainings for school
 16 administrators on that?
 17 **A. There are separate trainings. I mean, they**
 18 **sometimes occur within the same block of time, but the**
 19 **training itself is separate.**
 20 Q. Do you know within the 2011 to 2016 time
 21 frame if any of those trainings had instruction on how to
 22 prevent discrimination against a person who is

Page 62

10:47:14 1 transgender using the code of conduct as a guide?
 2 **A. So the time frame we're using is 2011**
 3 **through --**
 4 Q. '16.
 5 **A. -- and 2016.**
 6 **So in 2015 the Maryland State Department**
 7 **of Education issued guidance regarding creating safe**
 8 **spaces for transgender and gender non-conforming**
 9 **students, and so we have adopted those guidelines, and**
 10 **provide training to school administrators using that as a**
 11 **basis in conjunction with the student code of conduct,**
 12 **for administrators.**
 13 Q. Prior to that directive being published in
 14 2015, had there been any student code of conduct related
 15 trainings for administrators that covered protecting
 16 transgender individuals from discrimination or bullying
 17 and harassment?
 18 **A. So, I mean, what's incorporated in the**
 19 **student code of conduct was certainly provided in the**
 20 **training. And gender identity is a part of the student**
 21 **code of conduct, so the trainings would have included**
 22 **that prior to 2015. But certainly in 2015 when MSDE**

Page 63

10:48:52 1 **issued its guidance, then we incorporated that a part of**
 2 **the training as well.**
 3 Q. Would those pre-2015 trainings have included
 4 a discussion of how to respect a person's gender
 5 identity?
 6 **A. I think it would have -- the discussion**
 7 **would have been generally speaking of how to respect**
 8 **students who fall within all of the different categories**
 9 **of protected classes. Not necessarily just specific to**
 10 **gender identity. But it would have made reference to**
 11 **gender identity as it's referenced in the student code of**
 12 **conduct, but it would have included race as well as**
 13 **there's lots of issues involving, you know, people of**
 14 **different races, and students of different cultural**
 15 **backgrounds, and many of our schools have large immigrant**
 16 **communities, and so all of those issues would have been a**
 17 **part of that training because for administrators, the**
 18 **training that we're trying to provide is helping them to**
 19 **ensure that they've got a cohesive student environment**
 20 **where all of the students are treated fairly and everyone**
 21 **has a safe place to come and receive an education.**
 22 **So that training would have included all**

Page 64

10:50:09 1 **of the different areas of protected classes.**
 2 Q. And I definitely understand how, you know,
 3 all of these protected classes are being mentioned during
 4 these trainings, these pre-2015 trainings.
 5 But I guess I'm just trying to figure
 6 out, you know, is even a single sentence dedicated to
 7 just saying what is required to respect a person's gender
 8 identity? A separate sentence on its own, is that
 9 provided in any of these trainings, or is it just like a
 10 gender identity comma, sexual orientation, comma, these
 11 are all things that are protected?
 12 MR. SHARMA: Objection. You can answer.
 13 **A. I can't speak specifically as to the number**
 14 **of sentences or the amount of time, but I can say that**
 15 **all of the different protective classes have the same**
 16 **amount of importance and weight.**
 17 **So it's not as if any one protected**
 18 **class is -- is deemed to be more important than another.**
 19 **So I think that's the general premise**
 20 **that's attempted to be given in a training session.**
 21 Q. Do these training sessions make any attempts
 22 to discuss in more detail some of the struggles, for

Page 65

10:51:26 1 example, of someone who is an immigrant and how to
 2 address those struggles?
 3 **A. I don't -- maybe give me context for your**
 4 **question.**
 5 Q. No real context, but I'll explain a little
 6 bit more. You know, I'm just trying to figure out if
 7 there is any -- other than saying, you know, we need to
 8 protect people who are immigrants from discrimination
 9 that they might face, is there any further discussion of,
 10 these are some of the things that are unique to an
 11 immigrant that they may face, these are how we can
 12 address those issues?
 13 **A. I -- I think there have been -- I mean,**
 14 **perhaps there have been conversations on that, but --**
 15 **well, I know there have been conversations about it, but**
 16 **there's not a separate part of these general diversity**
 17 **inclusion trainings that are given specific for**
 18 **immigrants, or specific for students who come that are**
 19 **older or, you know, that's not the intended purpose. The**
 20 **intended purpose is to ensure that administrators are**
 21 **creating environments where people that fall in any one**
 22 **of these categories are feeling that they're treated with**

Page 66

10:52:47 1 **equity.**

2 Q. So if I'm understanding it correctly, these

3 trainings cover, you know, general inclusion, general

4 diversity efforts that administrators can make, but not

5 necessarily how to address specific struggles that

6 certain protected classes might have?

7 MR. SHARMA: Objection. You can answer.

8 **A. Yeah, and I don't know that I want to say**

9 **that that's entirely accurate. And particularly because**

10 **the immigrant question is just -- there's such a broad or**

11 **other kind of whole dynamic that governs that; but no,**

12 **these trainings are not meant to specifically single out**

13 **any one particular protected class in providing in-depth**

14 **training for any one issue.**

15 Q. I don't mean to say we're singling one out,

16 I kind of just mean taking them all and kind of getting

17 more in-depth into each of these protected classes. It

18 sounds like that doesn't happen in these trainings.

19 MR. SHARMA: Objection. You can answer.

20 **A. Depending on how you would identify**

21 **in-depth.**

22 Q. Okay.

Page 67

10:53:52 1 **A. I mean, we could have, you know, week-long**

2 **seminars dealing with how to address the immigrant issue**

3 **and making sure --**

4 Q. Sure.

5 **A. -- making sure that students that are coming**

6 **from, you know, other countries are -- so and still not**

7 **have scratched the surface, so...**

8 Q. Absolutely correct. Absolutely correct.

9 I guess, you know, let's try to narrow

10 it. So in one of these trainings, would there be

11 different bullet points, let's talk about issues related

12 to immigrants, let's talk about issues related to

13 transgender individuals, let's talk about issues related

14 to religion, race, et cetera?

15 **A. They're probably -- I mean, the bullets**

16 **exist to identify the categories, but I don't know that**

17 **there's -- or I can't speak to how in-depth the**

18 **conversation is thereafter.**

19 **Again, much of it depends on kind of**

20 **what the real world experiences that principals are**

21 **undertaking at the time. And, you know, in certain times**

22 **there's one particular issue that may be something that**

Page 68

10:54:53 1 **they're seeing a lot of, so there may be more questions**

2 **about it, so some aspect of the training gets a greater**

3 **amount of time just based on sheer inquiry by the**

4 **audience.**

5 **But I can't speak specifically to how**

6 **much time is being given.**

7 Q. I'd like to give you Exhibit -- what's been

8 previously designated as Exhibit 33.

9 (Previously marked Plaintiff's Exhibit 33, "Providing

10 Safe Spaces For Transgender and Gender Non-Conforming

11 Youth. Guidelines For Gender Identity,

12 Non-Discrimination", was presented.)

13 Q. Have you seen this document before?

14 **A. Yes, I have.**

15 Q. Could you tell me what it is.

16 **A. Its title is: "Providing Safe Spaces For**

17 **Transgender and Gender Non-Conforming Youth. Guidelines**

18 **For Gender Identity, Non-Discrimination."**

19 Q. I believe you previously testified about a

20 Maryland State Department of Education 2015 publication.

21 Is that this same document?

22 **A. Yes, it is.**

Page 69

10:56:10 1 Q. Great. How is it -- you alluded to this

2 before, but upon receiving this document, how have you

3 incorporated this into your role?

4 **A. Well, I utilize this as guidance in making**

5 **decisions that -- involving students and making**

6 **recommendations involving students that fall within this**

7 **category.**

8 Q. And have you discussed this policy with

9 others in the school system?

10 **A. Yes.**

11 Q. Who else?

12 **A. So as I believe I shared, this guidance has**

13 **been conveyed to all of our superintendents. It has been**

14 **conveyed to all of our principals and their leadership**

15 **team as well as our school psychologists and our guidance**

16 **counselors.**

17 **I'm trying to think if I'm missing**

18 **another group of people, but -- but this guidance has**

19 **been circulated to all of those individuals that I**

20 **mentioned.**

21 Q. And this is dated October 2015; is that

22 correct?

Page 70

10:57:21 1 **A. Yes.**
 2 Q. Do you know if that's when you received this
 3 guidance?
 4 **A. I actually received it a bit before October,**
 5 **but yes.**
 6 Q. Oh. And in what context would you have
 7 received it before that date?
 8 **A. Well, MSDE actually forwarded it to us**
 9 **before it actually was published in its final format.**
 10 Q. And by "us," who is it that received that
 11 guidance?
 12 **A. The Title IX coordinators for school**
 13 **systems.**
 14 Q. How soon, or do you recall when you first
 15 distributed this to school administrators?
 16 **A. It would have been in October when we**
 17 **received official word that it had been adopted --**
 18 Q. Okay.
 19 **A. -- and was safe for circulation.**
 20 Q. And how was it distributed?
 21 **A. Via e-mail communication.**
 22 Q. And any other methods?

Page 71

10:58:25 1 **A. Well, I know the mass distribution was done**
 2 **via e-mail, and I believe there was a memo that attached**
 3 **it or some communication that identified the document**
 4 **that was being shared.**
 5 Q. And would that have been a memo that you
 6 drafted or someone else?
 7 **A. No. It would not have been drafted by me.**
 8 **It would have come either from the communications office**
 9 **or perhaps from one of the superintendents' office. It**
 10 **would not have come from me.**
 11 Q. But you've seen that memo before?
 12 **A. I've seen the communication, yes.**
 13 Q. Okay.
 14 **A. I don't recall if it was actually a separate**
 15 **memo, or if it was just an e-mail, yes.**
 16 Q. Do you recall if it had any content other
 17 than, please see this new policy -- I'm sorry, this new
 18 guidance that has been adopted or was there kind of more
 19 interpretation or discussion about it in that
 20 communication?
 21 **A. There was no interpretation, but it**
 22 **certainly identified the document, and what its intended**

Page 72

10:59:35 1 **purpose was.**
 2 Q. Okay.
 3 **A. Which is to guide administrators in making**
 4 **decisions that involved these issues.**
 5 Q. Do you know if there was a predecessor
 6 guidance to this that would have been similar from the
 7 Maryland State Department of Education?
 8 **A. Not to my knowledge.**
 9 Q. Do you know if this was distributed to
 10 teachers as well?
 11 **A. I don't know if it was distributed to**
 12 **teachers.**
 13 Q. Is this -- I imagine that this guidance is
 14 provided someplace on the Maryland State Department of
 15 Education website. Do you know if that's true?
 16 **A. I can't speak definitively.**
 17 Q. Do you know if it's also provided someplace
 18 on Prince George's County website, Prince George's County
 19 Public Schools' website?
 20 **A. I don't know if it's on the website or not.**
 21 Q. Do you know if a teacher wanted to access
 22 this, if there's a way for them to do so?

Page 73

11:00:41 1 **A. Electronically or just to otherwise have**
 2 **access?**
 3 Q. In any way.
 4 **A. Sure. If a teacher wanted access, they**
 5 **could have access to this document.**
 6 Q. How would they do that?
 7 **A. They'd have to inquire. I don't know if**
 8 **it's actually posted.**
 9 Q. So they'd have to ask their school
 10 administrator or someone in the central office?
 11 **A. A guidance counselor or school psychologist.**
 12 Q. Okay.
 13 How would a teacher know that it exists
 14 in order to ask for it?
 15 MR. SHARMA: Objection.
 16 **A. Well, I don't know that the teacher would**
 17 **necessarily have to ask for this specifically, but if**
 18 **they were asking for assistance in addressing an issue**
 19 **that's governed by this guideline, then they would**
 20 **receive this as -- in response. That in support.**
 21 Q. Is there someone whose responsibility it is
 22 to consider whether there are gaps in existing policies

Page 74

11:01:45 1 or protocols concerning diversity or non-discrimination
 2 that might require a change?
 3 **A. Whose responsibility is in determining if**
 4 **there are gaps.**
 5 Q. Mm-hmm.
 6 **A. I, I don't know if there is someone who**
 7 **singularly maintains that as their exclusive function,**
 8 **but certainly, there are probably any number of**
 9 **individuals who are interested, if there are any gaps as**
 10 **it relates to those issues and others.**
 11 Q. Who are some of the people who might, if
 12 it's not the responsibility, at least be in a position to
 13 suggest changes or updates to policies?
 14 **A. Well, certainly, I could make a**
 15 **recommendation for change. Certainly, any of the**
 16 **superintendents or school administrators. I mean, I**
 17 **don't think -- anyone can make a recommendation for**
 18 **change. I mean, a student can.**
 19 Q. Sure.
 20 **A. A teacher. Anyone within our school**
 21 **community has an opportunity to raise a concern and make**
 22 **a modification -- you know, make a request for**

Page 75

11:02:59 1 **modification.**
 2 Q. But it sounds like there's no one who has,
 3 as part of their job responsibility, you know, evaluating
 4 whether policies should be updated or changed?
 5 MR. SHARMA: Objection. You can answer.
 6 **A. I don't know that evaluating whether they**
 7 **are -- whether a policy should be modified or changed**
 8 **falls within my job description, but certainly, I would**
 9 **be an appropriate person to make a recommendation on**
 10 **those particular issues.**
 11 Q. Have you made a recommendation on changes to
 12 policies or protocols concerning diversity or
 13 non-discrimination?
 14 **A. I have made certain recommendations.**
 15 Q. What are those recommendations you've made?
 16 **A. Well, one of them was the modifications so**
 17 **that the positions were aligned based on the current**
 18 **titles of individuals who fall within the chain for**
 19 **reporting.**
 20 Q. I'm sorry. The chain for reporting...
 21 **A. So I mentioned earlier the administrative**
 22 **procedure 4170 that was issued in 2000 made references to**

Page 76

11:04:24 1 **certain titles of individuals, regional, associate -- I**
 2 **can't even remember what they are; but based on how the**
 3 **school system has been restructured over time, those**
 4 **particular titles no longer exist.**
 5 **So the modification was made so that the**
 6 **titles aligned to the current structure within the school**
 7 **system.**
 8 Q. Have there been any other recommendations
 9 that you've made to address policies concerning diversity
 10 or non-discrimination?
 11 **A. I have.**
 12 **So there's also an administrative**
 13 **procedure that has been implemented that addresses**
 14 **general workplace dispute resolution, and that policy**
 15 **doesn't make specific reference to an employee's need to**
 16 **fall within a protected class in order to raise the**
 17 **issue.**
 18 **And that recommendation was made because**
 19 **we have found that many of the complaints that are filed**
 20 **under the 4170 procedure don't allege or articulate that**
 21 **employees are actually being discriminated against**
 22 **because of their membership in a protected class, but**

Page 77

11:05:55 1 **otherwise just articulate workplace disputes that have**
 2 **not been resolved.**
 3 **So I recommended that we create a**
 4 **procedure that provides another avenue for employees to**
 5 **have resolution for their disputes outside of having to**
 6 **file what they deemed to be their only course -- only**
 7 **recourse via the 4170 process.**
 8 **So the thought is that that would help**
 9 **to create resolution for those disputes at the earliest**
 10 **opportunity, and not be inappropriately funneled through**
 11 **the 4170 process.**
 12 Q. Have you made any other recommendations or
 13 changes to existing policies about diversity or
 14 non-discrimination?
 15 **A. You said policies.**
 16 Q. Mm-hmm.
 17 **A. I feel that the Board has actually adopted a**
 18 **policy, but I'm not certain if that was -- when that**
 19 **actually was.**
 20 **So that's all that I can think of at**
 21 **this time.**
 22 Q. And do you know if anyone else, aside from

11:07:09 1 yourself of course, has made any recommendations
 2 concerning changes to policies concerning diversity or
 3 non-discrimination since 2011?
 4 **A. I don't know what other recommendations may**
 5 **have been made by anyone else within the school system,**
 6 **broadly speaking, from 2011 forward.**
 7 Q. A little bit more narrow, then.
 8 Do you know of any changes that have
 9 been made other than the 2018 changes that you mentioned,
 10 and the other, the new procedure -- any other changes in
 11 policies since 2011 that relate to diversity or
 12 non-discrimination policies?
 13 **A. Other than utilizing this, the "Providing**
 14 **safe space" as a guidance. I'm not aware.**
 15 Q. Is there someone at the school system who
 16 looks to data concerning complaints about
 17 non-discrimination, evaluating that data about complaints
 18 about discrimination?
 19 **A. Related to employees or students?**
 20 Q. Let's start with employees.
 21 **A. And the question is, if there is someone**
 22 **that is assigned to review that data.**

11:08:33 1 Q. Correct.
 2 **A. So, I mean, annually, we provide information**
 3 **with regards to complaints that have been received and**
 4 **processed by my office. And that information is conveyed**
 5 **to the chief of staff.**
 6 Q. Is that the chief of staff for the
 7 superintendent?
 8 **A. Correct.**
 9 Q. And that data is provided on an annual
 10 basis, you said?
 11 **A. So, yes. And obviously, we have new**
 12 **leadership now, and so there's certain things that have**
 13 **changed as a result of that; but generally speaking, it**
 14 **is an annual.**
 15 Q. Does that data include information about
 16 what protected class a person might identify as, as part
 17 of their complaint of discrimination?
 18 **A. I'm not certain how specific the information**
 19 **has been. I know we have provided information regarding**
 20 **protected class information, but I'm not certain if that**
 21 **was in response to the annual reporting, and I'm using**
 22 **that in air quotes, that I'm speaking of.**

11:09:57 1 Q. Is there someone whose role it is to
 2 evaluate the efficacy of defendant's policies for
 3 preventing discrimination?
 4 **A. I think that would fall within the same**
 5 **classification as the review of data and someone that**
 6 **would be aware of gaps in the policy. I feel like**
 7 **that -- like that's an umbrella term that would include**
 8 **that information as well.**
 9 **So certainly there are various offices**
 10 **that would be interested in that information, and could**
 11 **make certain observations or determinations; but outside**
 12 **of me and my role, there's not anyone else to my**
 13 **knowledge that is assigned by the school system to review**
 14 **data or efficacy or gaps in policies or procedures**
 15 **related to discrimination.**
 16 Q. Mm-hmm.
 17 When you provide that data which
 18 sometimes is on an annual basis to the chief of staff, do
 19 you know if that data gets distributed to other offices?
 20 **A. I don't know that.**
 21 Q. Do you know if that data is reviewed by the
 22 superintendent?

11:11:25 1 **A. I presume that.**
 2 Q. Is the data reviewed by the chief of staff?
 3 **A. I presume that as well.**
 4 Q. After providing the data, have you ever
 5 received questions from anyone about the data?
 6 **A. Yes. I have had follow-ups.**
 7 Q. Is that something that's regular; every year
 8 when you provide the data, you get follow-up, or just a
 9 few times?
 10 **A. So again, it -- it very much depends on kind**
 11 **of leadership, and their particular style.**
 12 **So I have had follow-up questions, but**
 13 **it's not something that I would say happens every single**
 14 **time. I don't know that there -- I can identify a**
 15 **pattern of conduct regarding that.**
 16 Q. Okay.
 17 Do you recall if you've ever received
 18 any follow-up concerning the efficacy of the school
 19 system's policies and the data regarding discrimination
 20 against people who are transgender?
 21 **A. I have not received follow-up as it relates**
 22 **to the efficacy of the policies and data as it relates to**

11:12:39 1 **employees who are transgender.**
 2 Q. Please correct me if I'm wrong, but it
 3 sounds like there's never been a formal process of
 4 evaluating the efficacy of defendant's policies
 5 concerning non-discrimination against transgender people
 6 since 2011 to today.
 7 MR. SHARMA: Objection. You can answer.
 8 **A. Your conclusion that there has not been any**
 9 **evaluation regarding the efficacy of the policies as it**
 10 **relates to transgender employees I don't believe is**
 11 **correct.**
 12 Q. I asked if there was a formal process for
 13 doing it?
 14 **A. Well, there's not a formal process, but...**
 15 Q. So you would say there's an informal
 16 process; is that right?
 17 **A. I'm cautious just because I don't**
 18 **necessarily believe that there's a process. There's --**
 19 Q. Okay.
 20 **A. Sometimes if someone requests information, I**
 21 **do my best to provide it.**
 22 Q. Okay.

11:13:49 1 **A. But I don't identify a formal or informal**
 2 **process.**
 3 Q. Have you ever specifically been asked, can
 4 you please provide data that will help us evaluate the
 5 efficacy of our non-discrimination policies as they
 6 relate to transgender individuals?
 7 **A. That specific question has not been asked of**
 8 **me.**
 9 Q. Has a related question been asked of you?
 10 **A. Well, I've been asked the question as to**
 11 **whether there are other transgender employees who have**
 12 **complaints, and the answer to that question has been no.**
 13 **So there's no objective data to suggest that there's any**
 14 **gap or that the policies and procedures that we have have**
 15 **been inefficient in addressing transgender employees.**
 16 **I mean, obviously, we have a case, a**
 17 **filed case, but outside of that, there have not been**
 18 **others.**
 19 Q. Who has the authority to make any change to
 20 defendant's policies regarding non-discrimination and
 21 diversity?
 22 **A. So policies have to be adopted by the Board.**

11:15:33 1 **So that's -- I think that's the answer to your question.**
 2 **You said policy, right?**
 3 Q. Yes. That's right, yes. Thank you.
 4 How does that process work, that Board
 5 approval process?
 6 **A. So the Board has a committee. I'm not --**
 7 **it's not legislative, but there is a sub-committee of the**
 8 **Board that either makes a request or in instances where**
 9 **we deem that there's a need for a change, that**
 10 **information is presented to, and then they -- that what's**
 11 **being either requested by them to us or that we are**
 12 **requesting for them to review, and then ultimately a**
 13 **process to which -- after initial presentation we're**
 14 **generally not part of, there's a determination as to**
 15 **whether a policy is going to be approved or whether there**
 16 **will be changes, et cetera.**
 17 Q. Does that -- or has that committee ever
 18 requested from your office, data that might inform a
 19 policy change?
 20 **A. I don't know because they well could have**
 21 **made that request, but it's not coming directly from that**
 22 **committee to me.**

11:17:03 1 **So some of the information that I have**
 2 **provided in the past could well be responsive to a**
 3 **request from that committee, but I wouldn't necessarily**
 4 **know that.**
 5 Q. So the committee might have asked, like the
 6 chief of staff for example, who received the data, but
 7 you don't know?
 8 **A. CEO's office, and then a request comes from**
 9 **there, so I don't know.**
 10 Q. We discussed a few policies and I just want
 11 to make sure that we cover the bases. In the 2011 to
 12 2016 time period, were there any other policies of Prince
 13 George's County Public Schools that would have related to
 14 non-discrimination as it relates to transgender
 15 individuals that we've not yet discussed?
 16 **A. No, I don't believe so. I mean, there is a**
 17 **general Board policy that states the Board's**
 18 **non-discrimination position, but I think specifically the**
 19 **two policies that we've discussed as it relates to**
 20 **students and employees are the two that would govern for**
 21 **transgenderers.**
 22 Q. Are you familiar with the proposed workplace

Page 86

11:18:26 1 bullying policy that was proposed at the Board's policy
 2 and governance committee's February 12, 2020, meeting?
 3 **A. February 12, 2020?**
 4 Q. Yes. Breaking news.
 5 MR. SHARMA: I'll object. I think this
 6 is outside the scope of the notice. But you can answer.
 7 **A. I'm familiar with the policy.**
 8 MR. SHARMA: Is this a good time for a
 9 break?
 10 MR. MOGUL: Sure. Let's take a break.
 11 MS. CHEEMA: There's a pending question.
 12 MR. MOGUL: No, no. She answered. She
 13 wasn't aware -- or she was aware.
 14 MS. CHEEMA: I'm sorry.
 15 MR. MOGUL: You did answer.
 16 THE WITNESS: Yes, I did.
 17 MR. MOGUL: We can take a break.
 18 MS. CHEEMA: I'm sorry.
 19 (RECESS, 11:19 a.m. - 11:37 a.m.)
 20 BY MR. MOGUL:
 21 Q. I'd like to show you an exhibit we're going
 22 to mark as 90.

Page 87

11:38:12 1 Ms. Simmons, are you familiar with this
 2 document?
 3 **A. So, yes. Yes, I have seen this before.**
 4 Q. Is this the proposed workplace bullying
 5 policy that we just mentioned just before the break?
 6 **A. No.**
 7 Q. I'm sorry. No?
 8 **A. I don't believe so.**
 9 Q. Oh, okay. Oh, then what is this?
 10 **A. This looks like the policy that accompanies**
 11 **the administrative procedure 5143, which is the bullying,**
 12 **harassment, and intimidation administrative procedure**
 13 **that applies to students.**
 14 Q. Oh. Did we get -- maybe we gave her the
 15 wrong document. Yes, we did give her the wrong one.
 16 Sorry, we gave you the wrong one.
 17 (They unmarked the first Exhibit 90 and are remarking
 18 Exhibit 90.)
 19 (Plaintiff's Exhibit 90, PGCPs Board of Education Policy,
 20 was marked for identification.)
 21 BY MR. MOGUL:
 22 Q. Do you recognize this document?

Page 88

11:39:40 1 **A. Yes.**
 2 Q. Is this the proposed workplace bullying
 3 policy that we discussed just before the break?
 4 **A. Yes. It appears to be.**
 5 MR. SHARMA: You will give me a
 6 continuing objection?
 7 MR. MOGUL: Yes.
 8 MR. SHARMA: Thank you.
 9 Q. Does this proposed policy replace a
 10 currently -- is this intended to replace a currently
 11 existing policy, or is it a new policy?
 12 **A. It's a new policy.**
 13 Q. Did you have any involvement in the -- in
 14 putting together this policy?
 15 **A. I did.**
 16 Q. What was your involvement?
 17 **A. I met with the Board's committee, as I**
 18 **described the process just a few questions ago, as it**
 19 **relates to this particular policy, and provided responses**
 20 **to the inquiries with regards to this issue.**
 21 Q. Do you know who was behind proposing this
 22 policy?

Page 89

11:41:06 1 **A. I think it was a confluence of factors, but**
 2 **I'm certain that some of it stemmed from my office.**
 3 Q. Okay. Okay.
 4 So I'd like to now return to the topic
 5 of training. I know we've already talked about it some.
 6 I'm just going to try to cover any training that we
 7 haven't yet discussed.
 8 So if an answer to one of my questions
 9 is something that we've already discussed, please just
 10 let me know and we don't have to go through it again.
 11 **A. Okay.**
 12 Q. So from the 2011 to 2016 period, other than
 13 the training you've already discussed, did school
 14 administrators receive any other training about
 15 non-discrimination?
 16 **A. Other than the training that we've**
 17 **discussed. So the -- this is just the school**
 18 **administrators.**
 19 Q. School administrators.
 20 **A. Through 2016 --**
 21 Q. Mm-hmm.
 22 **A. -- is when this is.**

11:42:17 1 **So I believe there has been training**
 2 **that they received during that time period, yes.**
 3 Q. From 2011 through 2016, what training did
 4 teachers receive regarding non-discrimination?
 5 **A. So teachers receive annual training during**
 6 **the pre-service week prior to students returning to**
 7 **school, and they receive training related to the student**
 8 **code of conduct as well as administrative 4170, similar**
 9 **to the training that is provided for school**
 10 **administrators. Obviously, the school administrators are**
 11 **conducting the training as it relates to their specific**
 12 **staff.**
 13 Q. And what is the format of those trainings
 14 for teachers?
 15 **A. During that time period, it would have been**
 16 **live training that was conducted, typically in the school**
 17 **setting by school administrators.**
 18 Q. So it was -- was it typical, then, for the
 19 people conducting the training to just be the in-school
 20 administrators?
 21 **A. Primarily so. I think there are instances**
 22 **where there may be training that is conducted by someone**

11:43:51 1 **from the superintendent's office or something, but it is**
 2 **primarily the school administrators providing training**
 3 **for their specific staff.**
 4 Q. And about what length of time was spent on
 5 non-discrimination in particular for those pre-service
 6 week trainings?
 7 **A. I'm not certain the amount of time that was**
 8 **spent on non-discrimination during the pre-service week**
 9 **trainings.**
 10 Q. Would it have been a dedicated session for
 11 non-discrimination during those pre-service week
 12 trainings?
 13 **A. Probably so. Again, they would receive the**
 14 **training as it relates to the student issues, and then**
 15 **separately as it relates to employees.**
 16 Q. So this might have been separate sessions?
 17 **A. Correct.**
 18 Q. Were those sessions mandatory?
 19 **A. Yes.**
 20 Q. Those -- focusing just on the pre-service
 21 trainings, annual trainings, did that training provide
 22 any skills or techniques to understand bias?

11:45:09 1 **A. I do know that bias is an issue that is**
 2 **raised in the -- within the context of diversity**
 3 **inclusion. I can't state specifically to what extent**
 4 **bias was, you know, discussed, but that is a frequent**
 5 **topic that's discussed during these kinds of trainings.**
 6 **An individual's inherent bias and how we**
 7 **all come to the table with them, and that it's, you know,**
 8 **incumbent that everyone step outside of their own kind of**
 9 **beliefs or preconceived ideas in dealing with students**
 10 **and other people within the community.**
 11 Q. And that discussion of bias took place
 12 starting in -- or throughout the 2011 to 2016 period?
 13 **A. Yes. At least. Mm-hmm.**
 14 Q. Did the training cover non-discrimination
 15 concerning transgender individuals?
 16 **A. So I -- yes, it would have covered**
 17 **transgender individuals as well.**
 18 Q. How was that discussed? Was it similar in
 19 content and length as the trainings we discussed about --
 20 with the school administrators?
 21 **A. Probably, yes.**
 22 Q. Would it have been any more extensive for

11:46:46 1 those trainings, the discussion of transgender
 2 individuals?
 3 **A. I can't say definitively because, again,**
 4 **many of the discussions are premised upon the questions**
 5 **and comments that are raised in any particular building.**
 6 **So you know, there may have been more**
 7 **extended conversations about transgender issues in one**
 8 **particular school than in others, but I can't state**
 9 **specifically.**
 10 Q. In the 2011 to 2016 period, were there any
 11 written materials that accompanied this training for
 12 teachers?
 13 **A. Yes. I'm sure there were some written**
 14 **materials.**
 15 Q. Where can we find those?
 16 **A. I don't know. I -- they aren't housed by my**
 17 **office, but each administrator is responsible for**
 18 **providing a certification that certain issues were**
 19 **covered during their pre-service training, and that would**
 20 **have gone to, you know, their area superintendent, but I**
 21 **don't know that the actual training materials themselves**
 22 **are forwarded as a part of that process.**

Page 94

11:48:13 1 Q. Were the training materials uniform across
 2 all -- for example, across all high schools, those
 3 written materials?
 4 **A. I can't speak to that. I don't -- I don't**
 5 **know. At one point -- and I don't know in the continuum,**
 6 **there was a -- they called them bulletins that went out**
 7 **that had the same materials that went to all of the high**
 8 **schools or all of the elementary schools, that covered**
 9 **the areas that needed to be covered during the trainings.**
 10 **But I don't know if that constitutes the totality of the**
 11 **written materials that the staff members would have**
 12 **received.**
 13 Q. Do you remember if there were written
 14 materials specifically about non-discrimination?
 15 **A. Yes, there were.**
 16 Q. And aside from --
 17 **A. That's what I have been advised.**
 18 Q. And aside from the student code of conduct
 19 and policy 4170 itself, were there other written
 20 materials about non-discrimination?
 21 **A. I believe so. I don't know what all they**
 22 **may have included with them.**

Page 95

11:49:27 1 Q. Do you know if there were any written
 2 materials -- again, other than those two -- that would
 3 have discussed non-discrimination with regard to
 4 transgender individuals?
 5 **A. I don't know that. I mean, my response is**
 6 **the same. Essentially, that I know that the general**
 7 **topic area that was covered, but I don't know -- and that**
 8 **that topic included the administrative procedures, but I**
 9 **don't know what all in addition may have been included.**
 10 Q. Other deponents have told us that there's
 11 online training modules.
 12 **A. Mm-hmm.**
 13 Q. When did those start?
 14 **A. I believe that that began in school year**
 15 **2016-'17.**
 16 **Well, I believe it began in 2017. I**
 17 **don't know if it encompassed the school year '16-'17 or**
 18 **whether it encompassed school year '17-'18.**
 19 Q. So prior to that, it was these live
 20 discussions that have been replaced or supplemented by
 21 the online training? I'm just curious how that
 22 transition worked.

Page 96

11:50:42 1 **A. I believe that it has been -- they do a**
 2 **combination as well. The online training is mandatory as**
 3 **well, but the teachers still have mandatory pre-season --**
 4 **pre-season, that's not right.**
 5 **Pre-service training as well. So they**
 6 **both still exist, so yes.**
 7 Q. Are you aware of any changes to the content
 8 of the training that the teachers received between 2011
 9 and 2016, specifically regarding to non-discrimination of
 10 transgender people?
 11 **A. Any changes. I'm not aware.**
 12 Q. Are you aware of any changes to the type of
 13 training teachers receive regarding non-discrimination of
 14 transgender people since 2016?
 15 **A. So when you say changes, what do you mean?**
 16 **I mean, I know, of course, in its essence, but you mean**
 17 **like...**
 18 Q. Additional contents, less contents, new
 19 contents?
 20 **A. I don't believe there have been any**
 21 **substantive changes to the overall training regarding**
 22 **non-discrimination as it relates to transgender.**

Page 97

11:52:18 1 **Now, whether there have been changes as**
 2 **far as the manner in which the material is given, or a**
 3 **hypothetical that may exist this year that didn't exist**
 4 **last year, perhaps, but the substantive directives have**
 5 **remained the same.**
 6 Q. Mm-hmm.
 7 **During the 2011 through 2016 period,**
 8 **because those trainings were conducted live, within**
 9 **school for teachers, would those -- would hypotheticals**
 10 **that are being used be different in every school, or**
 11 **would there have been a consistent set of hypotheticals?**
 12 **A. For purposes of my trainings, they would**
 13 **have been the same for every audience in which I was**
 14 **providing training.**
 15 **Certainly within schools, sure. The**
 16 **hypothetical could -- may be different that's based on**
 17 **the issues in that particular school than it may be in**
 18 **another high school down the road. So that's possible.**
 19 Q. I guess I should have asked this before.
 20 Have you provided training -- or sorry, within the 2014
 21 to 2016 period, did you provide training for teachers
 22 within schools as well?

11:53:35 1 **A. No. The training I would have done would**
 2 **have been related to administrators --**
 3 Q. Okay.
 4 **A. -- in schools, so...**
 5 Q. Have you made any recommendations to change
 6 the type of training that teachers receive on
 7 non-discrimination as it relates to transgender people?
 8 **A. You know what? I have to back up. I did**
 9 **provide some training that went to teachers as well.**
 10 Q. Okay.
 11 **A. It was -- but generally speaking, it's**
 12 **typically being done for administrators; but I just**
 13 **thought of an instance where I know I had gone to a**
 14 **school and done some training specific for an entire**
 15 **school staff, so.**
 16 Q. Okay.
 17 **A. But what was the question?**
 18 Q. Actually I'd like to ask you a follow-up on
 19 what you just said.
 20 **A. Sure.**
 21 Q. So that training that you did within the
 22 school, was that part of the pre-service week training?

11:54:27 1 **A. No, this training was provided during the**
 2 **course of a staff meeting.**
 3 Q. Okay.
 4 **A. And it was just additional information that**
 5 **the administrator asked.**
 6 Q. Okay. What was the subject matter of that?
 7 **A. Just the general 4170 process.**
 8 Q. So it sounds like it's possible for
 9 administrators to request supplemental training for their
 10 staff from your office?
 11 **A. Within the confines of the contractual**
 12 **limitations required of the class of employees that are**
 13 **receiving the training, yes.**
 14 Q. And these were teachers who were receiving
 15 this training from you?
 16 **A. In this particular case, yes.**
 17 Q. Okay. About how long was that training?
 18 **A. It was within the confines of their normal**
 19 **staff meeting, so it would have probably been maybe 15**
 20 **minutes.**
 21 Q. Did that training include any discussion of
 22 non-discrimination against transgender people?

11:55:27 1 **A. No, this was just general 4170.**
 2 Q. Okay.
 3 **A. And to the extent that that includes**
 4 **transgender, then of course, yes, it's included, but**
 5 **not -- transgender individuals were not specific to that**
 6 **training.**
 7 Q. Do you recall what school that was at?
 8 **A. I believe it was Northwestern High School.**
 9 Q. Going back to my prior question, have you
 10 made any recommendations to change the type of training
 11 that teachers receive on non-discrimination as it relates
 12 to transgender people?
 13 **A. I have not made any recommendations specific**
 14 **to changes related to transgender individuals, no.**
 15 Q. Have you made any recommendations about
 16 changes to the type of training teachers receive on
 17 non-discrimination as it relates to LGBT people?
 18 **A. No, I have not.**
 19 Q. Have you been involved in any such
 20 discussions?
 21 **A. Discussions regarding changes to training**
 22 **regarding LGBT...**

11:56:44 1 Q. Correct.
 2 **A. Well, there are constant discussions as to**
 3 **how we can improve our training for staff members in**
 4 **general. So we're a huge school system, and we train**
 5 **about 20,000-plus employees every year.**
 6 **So there's always discussion about how**
 7 **it can be done better.**
 8 **But those discussions are holistically**
 9 **better as it relates to the training that's provided**
 10 **across the board.**
 11 Q. Mm-hmm.
 12 **A. Not necessarily training as it relates to**
 13 **one protected class of people.**
 14 Q. So again, other than what we've already
 15 discussed, from the 2011 through 2016 period, what
 16 training did students receive regarding
 17 non-discrimination?
 18 **A. I believe the training that we have**
 19 **discussed is consistent with the training that students**
 20 **have received during the relevant time period.**
 21 Q. Have you been involved in any -- I'm sorry.
 22 Have you recommended any changes to the training that

11:58:08 1 students receive on non-discrimination as it relates to
 2 transgender people?
 3 **A. I have not recommended any changes to**
 4 **training as it relates to students.**
 5 Q. Period?
 6 **A. Period.**
 7 Q. Are you familiar with Welcoming Schools, a
 8 program of the Human Rights Campaign?
 9 **A. I have heard of it, yes.**
 10 Q. How are you aware of it?
 11 **A. I'm not certain how I may first became aware**
 12 **of it. Perhaps in a training. We often receive -- we,**
 13 **meaning Title IX coordinators or EEO advisers, receive**
 14 **information regarding -- information that's relevant to**
 15 **the issue.**
 16 **So I may have received -- I feel like**
 17 **I've -- that may have been my first introduction. I**
 18 **don't know.**
 19 Q. Are you familiar with the fact that at a
 20 February 10, 2020, meeting of the Board of Education's
 21 budget and fiscal affairs committee, Board member Ahmed
 22 proposed an amendment to the 2021 budget that would

11:59:36 1 introduce LGBTQ training in the school system from the
 2 Welcoming Schools program?
 3 MR. SHARMA: I will object because it's
 4 outside the scope of your corporate notice deposition,
 5 but to the extent you know, you can answer.
 6 **A. I'm not aware.**
 7 **(Plaintiff's Exhibit 91, Welcoming Schools professional**
 8 **development, was marked for identification.)**
 9 **(Plaintiff's Exhibit 92, Welcoming Schools professional**
 10 **development, was marked for identification.)**
 11 Q. I'm passing to you what's marked as Exhibits
 12 91 and 92. Have you had a chance to look at those
 13 documents yet?
 14 **A. I'm looking currently.**
 15 Q. Okay.
 16 **A. Okay.**
 17 Q. Are these documents familiar to you?
 18 **A. I don't -- I can't state definitively that**
 19 **I've seen these two particular documents before, but I**
 20 **may have.**
 21 Q. Do you recall if in the course of your
 22 trainings -- the trainings that you mentioned in which

12:01:29 1 you interact with colleagues from other school systems,
 2 if they had ever discussed a program, this Welcoming
 3 Schools program?
 4 **A. I have heard this program discussed. Again,**
 5 **I'm not certain of the context in which the discussion**
 6 **was had, but I have -- I have heard -- I have heard of**
 7 **the program. I have read materials that have been**
 8 **issued, but I'm not certain the context of the sessions.**
 9 Q. Have you heard of other similar programs,
 10 like the Welcoming Schools program, that are provided by
 11 other vendors?
 12 **A. Well, there's a lot of -- I mean, there's**
 13 **certainly other training that's out there.**
 14 **So I would imagine that I have seen**
 15 **other platforms as well.**
 16 Q. Has there ever been a discussion among
 17 people in your office about possibly implementing a
 18 program like this?
 19 **A. Within my office?**
 20 Q. Yes.
 21 **A. No. My office typically isn't -- isn't the**
 22 **initiator of training as it relates to students. So**

12:02:53 1 **student training is typically handled by student**
 2 **services. There are times when we have discussions or**
 3 **collaborations, but I -- my office isn't responsible for**
 4 **initiating training for students.**
 5 Q. Is your office responsible for initiating
 6 training about non-discrimination for staff?
 7 **A. So we are more of the point locale for staff**
 8 **training. So yes, but training can be initiated**
 9 **regarding non-discrimination by any supervisor within the**
 10 **school system.**
 11 **So, you know, principals, building**
 12 **services, transportation department, you know, all of**
 13 **those departments are responsible for ensuring that their**
 14 **staff members are trained on non-discrimination practices**
 15 **and policies.**
 16 **But certainly, you know, people do reach**
 17 **out to my office at times for support in that regard.**
 18 Q. Okay. Are you aware of -- and in your role
 19 as a representative of the school system, are you aware
 20 of any office within the school system that's discussed
 21 implementing a school -- a -- sorry, implementing a
 22 program such as Welcoming Schools?

12:04:22 1 **A. Well, I think I could go back to my original**
 2 **answer. I mean, I have heard of the program. There have**
 3 **been discussions about it. So yes, that has occurred,**
 4 **but I don't -- I'm -- what -- what are you asking me? If**
 5 **I'm aware that there have been discussions about**
 6 **Welcoming Schools?**
 7 **So my answer to that question would be**
 8 **yes, I have heard that have been discussions about**
 9 **Welcoming Schools.**
 10 Q. What offices have had those discussions or
 11 individuals, if you know?
 12 **A. So again, I'm not entirely clear as far as**
 13 **the context is concerned, but these discussions would be**
 14 **had with individuals that fall in the student services**
 15 **side of -- of the hierarchy, if you will.**
 16 Q. And do you know when those conversations
 17 have taken place?
 18 **A. I couldn't identify anything based on a**
 19 **date, no.**
 20 Q. So have there been any discussions about
 21 implementing a program like Welcoming Schools for staff
 22 training?

12:05:33 1 **A. Welcoming Schools for staff training. Have**
 2 **there been discussions. Perhaps there have been. I**
 3 **don't know. I have not initiated those discussions as it**
 4 **relates to staff training.**
 5 Q. And have you participated in those
 6 discussions?
 7 **A. Well, as I shared previously, I'm aware**
 8 **that -- I'm aware of Welcoming Schools, and I have heard**
 9 **them being discussed, but it has not been anything I have**
 10 **initiated or recommended based on -- for staff training.**
 11 Q. No. No. I understand you haven't
 12 recommended it. I'm just wondering if someone else has
 13 maybe recommended it, and you have been part of the
 14 conversation.
 15 **A. I'm unaware of a recommendation for staff**
 16 **training regarding Welcoming Schools.**
 17 Q. What about regarding another vendor's
 18 program that is similar to Welcoming Schools?
 19 **A. So we currently use Safe Schools which is**
 20 **the training platform that is utilized now, and so I know**
 21 **there have been discussions about training being provided**
 22 **on our existing platform, that may be modified to include**

12:06:47 1 **other things that may not have been included previously,**
 2 **but I'm not aware of a competing vendor's product that's**
 3 **being considered for purposes of staff training.**
 4 Q. And the Safe Schools program, is that who
 5 provides the online modules that are currently used?
 6 **A. Correct.**
 7 Q. So what have been those discussions about
 8 adding training to the Safe Schools program?
 9 **A. I don't know specifically. I -- I'm**
 10 **involved with Safe Schools just from a review standpoint,**
 11 **but I'm not involved as far as the initiation.**
 12 **Initiation isn't the phrase I'm looking for. For**
 13 **creating content, I guess is maybe the better phrase.**
 14 Q. Who in the school system is responsible or
 15 has been involved in discussions of the content of the
 16 Safe Schools program training?
 17 **A. So -- I mean, it covers a whole host of**
 18 **things. Blood-borne pathogens, you know, our obligation**
 19 **to report suspected child abuse. I mean, the training**
 20 **is -- covers a lot of different areas.**
 21 **So the respective offices that oversee**
 22 **those areas would be those that would be involved in**

12:08:22 1 **discussions about any changes relative to training in**
 2 **their specific areas.**
 3 Q. Specifically about non-discrimination, what
 4 offices or individuals have been involved in discussing
 5 changes to the content of Safe Schools training programs?
 6 **A. So I can't speak for what other offices, but**
 7 **I mean, my office reviews information that we receive,**
 8 **and any recommendations that we have. I haven't made**
 9 **recommendations -- well, I may have made recommendations**
 10 **in the past.**
 11 **But in any event, that those discussions**
 12 **would have been had with the individual who is our**
 13 **conduit with Safe Schools.**
 14 Q. And who is that?
 15 **A. Robin Welsh is her last name.**
 16 Q. Is she in your office?
 17 **A. She is now.**
 18 Q. What is her role?
 19 **A. I'm not certain of her title. But she --**
 20 **compliance is part of her role, but I'm sorry. I don't**
 21 **know her title.**
 22 Q. You did mention that you have made some

Page 110

12:09:41 1 recommendations regarding changes to the content of the
 2 Safe Schools training. What were those recommendations?
 3 **A. So I can't recall everything, but we have --**
 4 **currently, there's some very general non-discriminatory**
 5 **practices that are consistent with our administrative**
 6 **procedure.**
 7 **But my recommendations have just been to**
 8 **include more that is relevant to our specific procedures.**
 9 **So there are some references to 4170,**
 10 **but creating a tighter nexus between the administrative**
 11 **procedure and the -- the content that is being provided**
 12 **in the slides.**
 13 Q. Have you or anyone else made a
 14 recommendation to change or add to the Safe Schools
 15 training program content about non-discrimination as it
 16 relates to transgender people?
 17 **A. My recommendations have not been specific to**
 18 **transgender people. My recommendations have been more to**
 19 **align the language that's being used with the language**
 20 **that we have in our existing administrative procedures.**
 21 Q. And putting your recommendations aside, has
 22 anyone else made recommendations along the lines of

Page 111

12:11:14 1 changing or adding to the Safe Schools program training
 2 about non-discrimination as relates to transgender
 3 people?
 4 **A. I don't -- I'm unaware.**
 5 MR. MOGUL: Should we take a break for
 6 lunch? I think we have gone a half hour.
 7 THE WITNESS: That's fine.
 8 MR. SHARMA: Okay.
 9 MR. MOGUL: Okay. Great.
 10 (RECESS, 12:11 p.m. - 12:42 p.m.)
 11 Q. Ms. Simmons, I'd like to return just for a
 12 moment to the trainings that we discussed earlier that --
 13 the in-school trainings provided to teachers during the
 14 2011 to 2016 period regarding non-discrimination.
 15 I'm wondering what was required of the
 16 people conducting those trainings in terms of what to
 17 mention about transgender individuals?
 18 **A. What was required of the individuals**
 19 **conducting the trainings?**
 20 Q. Yes.
 21 **A. Regarding specific mention of transgender**
 22 **individuals?**

Page 112

12:42:49 1 Q. Correct.
 2 **A. I don't know specific requirement for**
 3 **mention of transgender individuals.**
 4 Q. Okay.
 5 **A. It would have just been training pursuant to**
 6 **the administrative procedure.**
 7 Q. So I'd like now to turn to complaints of
 8 discrimination or harassment.
 9 What is the process for a teacher or a
 10 staff member to make a complaint about harassment or
 11 discrimination by students against that staff member or
 12 teacher?
 13 **A. If the staff member is alleging that they're**
 14 **being discriminated against by a student, then they would**
 15 **have to follow the student code of conduct.**
 16 Q. Does the student code of conduct provide a
 17 process for them to lodge a complaint about that
 18 behavior?
 19 **A. So, yeah. I mean, they -- you can -- as a**
 20 **teacher, you can file a PS-74, which is the form that**
 21 **teachers use just generally for students' conduct.**
 22 **Then, of course, there are informal ways**

Page 113

12:44:07 1 **of addressing student behavior that isn't on any form,**
 2 **but just is within the rubric or confines of a teacher, a**
 3 **classroom teacher interfacing with students.**
 4 Q. So is there any formal complaint process
 5 regarding student behavior that would result in a
 6 communication to your office, for example?
 7 **A. From a teacher?**
 8 Q. Yes.
 9 **A. I guess there's circumstances -- well,**
 10 **generally, no. I mean generally, student behavior is**
 11 **addressed at the school by teachers and school**
 12 **administration.**
 13 Q. What is the role of a pupil personnel
 14 worker, if any, in addressing complaints of harassment or
 15 discrimination by students against teachers or staff?
 16 **A. Well, a pupil personnel worker is there to**
 17 **serve as a liaison between the school and families. So**
 18 **they're designed to address concerns with attendance or**
 19 **truancy, or that kind of issue related to students.**
 20 **But they don't play a formal role in**
 21 **addressing concerns of discrimination or harassment.**
 22 Q. Same question but for assistant principals.

12:45:47 1 What is the role of an assistant principal in evaluating
 2 any complaints of harassment or discrimination by
 3 students against a teacher?
 4 **A. So again, an assistant principal is going to**
 5 **be applying the student code of conduct to any alleged**
 6 **behavior that is made by a student.**
 7 Q. And behavior, what is the role of a
 8 principal in evaluating any complaints of harassment or
 9 discrimination by students against teachers, and by which
 10 I mean the students committing an act of harassment or
 11 discrimination against a teacher?
 12 **A. The answer remains the same, that a**
 13 **principal is governed by the student code of conduct in**
 14 **addressing student behavior.**
 15 Q. Do any of the individuals that we just
 16 mentioned have the authority to search for more holistic
 17 solutions to allegations of harassment or discrimination
 18 other than those disciplinary options in the student code
 19 of conduct?
 20 **A. So when you say holistic, what are you**
 21 **referring to?**
 22 Q. Maybe I'll use the word proactive as opposed

12:47:00 1 to just addressing a complaint once it's already been
 2 lodged?
 3 **A. So as it relates to student conduct, there**
 4 **really isn't a mechanism to address conduct that hasn't**
 5 **happened.**
 6 **So the code of conduct is designed to be**
 7 **responsive to alleged behavior, and that would be with**
 8 **those individuals who are responsible for doing, if**
 9 **student behavior is being complained about.**
 10 Q. Is it the goal of the school system in
 11 providing training on the student code of conduct to
 12 students, to influence their behavior?
 13 **A. Well, I think the goal is to advise them of**
 14 **both their rights as students as well as their**
 15 **responsibilities, which includes their behavior.**
 16 **Behaving in a manner that is in conformance with the**
 17 **rules and the regulations that are identified for the**
 18 **school.**
 19 **So if you're saying influence their**
 20 **behavior, then certainly, it is our goal that our**
 21 **students do follow the rules and regulations that are**
 22 **set.**

12:48:30 1 Q. So does it ever happen that a complaint
 2 regarding harassment or discrimination done by a student
 3 against a teacher would be referred outside of the school
 4 administration environment?
 5 **A. So typically a 5143, which is the bullying,**
 6 **harassment, and incident forms that are completed at the**
 7 **school level, are submitted and are addressed at the**
 8 **school level.**
 9 **If for whatever reason a student**
 10 **believes that that hasn't been addressed appropriately, a**
 11 **parent believes it hasn't been addressed appropriately,**
 12 **there are instances where those issues are raised or are**
 13 **brought to my attention, after they have gone through the**
 14 **process at the school level.**
 15 Q. Is that form, 5143, would that cover or
 16 would that be used by a teacher complaining of
 17 discrimination or harassment or bullying by students,
 18 against themselves?
 19 **A. So typically, the teachers would use the**
 20 **PS-74 forms.**
 21 Q. Mm-hmm. Okay.
 22 Would those ever be -- would the

12:49:58 1 submission of a PS-74 eventually lead to it being
 2 referred out to your office or some other office outside
 3 of the school?
 4 **A. So generally, they are not. But I believe**
 5 **that the area office could review PS-74 forms. I know**
 6 **they could review it, but the typical process is for it**
 7 **to be addressed within the school.**
 8 Q. And by the area office, is that the area --
 9 is that the office headed by the associate
 10 superintendent?
 11 **A. Yes.**
 12 Q. So it sounds like there are -- there have
 13 been times, but it's not typical for an associate
 14 superintendent to review a complaint by a teacher of
 15 discrimination or harassment by a student?
 16 **A. So I guess I want to clarify. PS-74 forms**
 17 **are used to address student behavior. And it's any**
 18 **behavior.**
 19 **So if a student is being disrespectful**
 20 **in the classroom, if they're yelling, if they're, you**
 21 **know -- I'm just trying to think of scenarios -- that's**
 22 **what this form is used to address.**

12:51:24 1 **The conclusion that the behavior is**
 2 **discriminatory or harassing is not a determination that's**
 3 **being made in the PS-74 process. What's being done is,**
 4 **the administrators are reviewing the behavior, and**
 5 **implementing discipline consistent with what's been**
 6 **outlined in the rights and responsibilities handbook.**
 7 **So when you say referring a complaint of**
 8 **discrimination or harassment, that's the conclusion. The**
 9 **PS-74 Form is addressing behavior.**
 10 Q. So if a school administrator receives a
 11 PS-74 complaining about a certain type of conduct, and
 12 that administrator is concerned that it might be -- it
 13 might constitute discrimination or harassment, would they
 14 refer that to someone outside of the school, or could
 15 they refer that to someone outside of the school?
 16 **A. No, they wouldn't be referring the form**
 17 **outside of the school for adjudication, no. I mean, it's**
 18 **the school that has the ability to issue the discipline.**
 19 **I don't have any -- any purview to discipline students.**
 20 **But if an administrator believes there's**
 21 **another concern that needs to be addressed, then**
 22 **certainly, they can take appropriate steps to do that;**

12:52:53 1 **but the PS-74 form adjudication process takes place**
 2 **within the school.**
 3 Q. So setting aside the form itself and the
 4 adjudication process for the discipline that might result
 5 from submission of that form, if an administrator is made
 6 aware of complaints, and indeed, whether the complaint is
 7 made in a form or just, you know, made in an e-mail or
 8 verbal communication about harassment or discrimination
 9 by a student against a teacher, who would they or could
 10 they refer that concern -- not the form, concern -- to
 11 someone outside the school system?
 12 **A. I mean, they could speak to anyone in the**
 13 **leadership capacity about that, if they had additional**
 14 **concerns that a school administrator could reach.**
 15 Q. Have they --
 16 **A. They could reach out to my office. They**
 17 **could reach out to their instructional director. They**
 18 **could reach out to the area office. I mean, there are a**
 19 **number of things that they could do.**
 20 Q. And about how often does that happen?
 21 **A. Does what happen?**
 22 Q. That a school administrator will bring to

12:54:08 1 the attention of someone outside of the school that there
 2 have been complaints of discrimination by students
 3 against a teacher?
 4 **A. I can't speak to that, the number of**
 5 **instances where an administrator is alleging**
 6 **discrimination or harassment by students because I think**
 7 **what's clear -- what's perhaps a little unclear, but it's**
 8 **that it's the student behavior that's being addressed.**
 9 **So administrators are not conclusively,**
 10 **as a matter of course, making determinations that they**
 11 **believe behavior is discriminatory or harassing, but they**
 12 **are saying, this is inappropriate conduct. You're**
 13 **yelling in a teacher's class, and they're addressing the**
 14 **conduct.**
 15 **But as a matter of course, I don't**
 16 **believe that administrators are even tasked with making**
 17 **the conclusion that certain behavior is discriminatory or**
 18 **harassing as it relates to student conduct.**
 19 Q. And I understand that they're not doing that
 20 as a matter of course, but you know, have you seen an
 21 administrator raise, outside of the school environment,
 22 the issue of students harassing or discriminating against

12:55:36 1 a teacher?
 2 **A. It's -- it's not coined in that phrase, no.**
 3 **I mean, there are administrators that have behavioral**
 4 **problems in schools, some a lot more than others. But I**
 5 **don't have principals coming to me saying, I feel like my**
 6 **teachers are being discriminated against or harassed by**
 7 **students.**
 8 **That doesn't happen.**
 9 Q. That does not happen.
 10 But a principal could do that?
 11 **A. Sure. They -- I mean, they could do a host**
 12 **of things, but that isn't something that I have --**
 13 Q. Right.
 14 **A. -- experienced or been exposed to.**
 15 Q. So it sounds like there's no requirement
 16 that a principal, or some other school administrator, to
 17 report what they may believe, not conclude, but what
 18 they're worried about is discrimination or harassment by
 19 students against teachers?
 20 **A. There's no requirement. I can't say that**
 21 **there's any requirement one way or the other. I mean, I**
 22 **think what's -- what the question presupposes is that**

12:56:58 1 administrators are concluding that students are
 2 discriminating against teachers, and that is what I think
 3 is an incorrect premise, based on the facts as I know
 4 them.
 5 Q. Okay.
 6 A. And so when you then say there's no
 7 requirement that they report such conclusion, and we
 8 don't have principals reaching that conclusion at all,
 9 then it's difficult for me to respond to that question.
 10 Q. I'm sorry. I -- if we're miscommunicating.
 11 I don't mean to presuppose that they're coming to that
 12 conclusion. My questions are, if they have a concern
 13 that it might be happening, maybe they don't know whether
 14 it is or not, and they would like some outside advice of
 15 whether that's happening.
 16 A. Then of course, they could come to me,
 17 absolutely. They could reach out to my office.
 18 But is there a formal process that we
 19 have outlined for principals who believe that students
 20 are discriminating against teachers to do X, Y, and Z;
 21 no, that has not been outlined.
 22 Q. So in your view -- scratch that.

12:58:33 1 So all student-initiated discrimination
 2 or harassment against teachers has been addressed through
 3 the student code of conduct?
 4 MR. SHARMA: Objection. You can answer.
 5 A. The question you have stated was, "all
 6 student-initiated discrimination or harassment is
 7 addressed via the student code of conduct."
 8 Q. As has it been, yes.
 9 A. Any student behavioral concern, irrespective
 10 of how it's described, is addressed via the student code
 11 of conduct, yes.
 12 Q. Does your office -- I expect the answer is
 13 no, but does your office maintain any or receive any data
 14 on how -- on what discipline has been imposed in response
 15 to student-initiated discrimination or harassment against
 16 a teacher?
 17 A. So again, I just qualify that student
 18 discrimination or harassment is not something that is
 19 being concluded at the school level; but no, my office
 20 wouldn't receive data related to discipline based on
 21 student conduct.
 22 Q. So the student code of conduct does include

01:00:48 1 a section on bullying, harassment or intimidation; is
 2 that correct? And we can go back to it if that's helpful
 3 to you.
 4 A. What page are you referencing?
 5 Q. 13.
 6 A. Okay. Yes. I'm with you.
 7 Q. So in implementing the student code of
 8 conduct, do administrators not have to determine whether
 9 conduct would fall under these categories?
 10 A. So we're talking about two different things.
 11 I think you initially asked me questions about PS-74
 12 forms; and now you're inquiring about bullying,
 13 harassment and intimidation, which is the 5143 form,
 14 which is the form that's attached to this.
 15 Q. Well --
 16 A. Which is a different form.
 17 Q. I did not mean for my questions before to be
 18 specific to a form. I was asking about if someone is
 19 complaining about harassment, whatever the form.
 20 A. Okay. So initially the questions that you
 21 asked me were about a teacher complaining about student
 22 behavior.

01:02:11 1 Q. Correct.
 2 A. So a teacher complaining about student
 3 behavior utilizes the PS-74 form.
 4 This bullying, harassment and
 5 intimidation that's referenced here and the form that
 6 corresponds with individuals that would be making a
 7 complaint pursuant to here, this could be another
 8 student, this could be a student making a complaint about
 9 a teacher. I thought I saw the form, but I guess --
 10 MR. SHARMA: Page 20.
 11 A. So correct, so then this is the form that's
 12 utilized specifically for those that are making
 13 allegations of bullying and harassment.
 14 So...
 15 Q. Please correct me if I'm wrong, but I
 16 thought you had testified that this form would not be
 17 used by a teacher complaining of student harassment
 18 against a teacher; is that right?
 19 A. Correct.
 20 Q. Okay.
 21 A. A teacher would be using the PS-74 form.
 22 Q. Right. And so --

01:03:15 1 A. And the PS-74 form process. There's not a
 2 conclusion being reached as to whether the alleged
 3 behavior constitutes discrimination or harassment. We're
 4 just talking about whatever the student's conduct is.
 5 If a student's throwing a trash can in a
 6 room or is cursing or is being disrespectful, that's
 7 what's being addressed by the PS-74 process.
 8 Q. Maybe you can help clarify something,
 9 because I believe you relied on this section on bullying,
 10 harassment and intimidation where it discusses gender
 11 identity, in talking about how gender identity is covered
 12 for discrimination against teachers and staff. Am I
 13 wrong?
 14 A. So this is -- the gender identity is in the
 15 student code of conduct, so that's as it relates to
 16 students.
 17 Q. As it relates to student behavior, or
 18 relates...
 19 A. Student rights and responsibilities.
 20 So in this entire document, we're
 21 identifying what the students' rights are and their
 22 responsibilities.

01:04:20 1 So when I read the section on student --
 2 on gender identity, this is as it relates to the student
 3 code of conduct, and this is a right that, you know, we
 4 prohibit discrimination based upon that.
 5 This student code of conduct does not
 6 apply to employees. Employees are governed by the 4170
 7 administrative procedure, which I would, of course, posit
 8 still includes protections for individuals with
 9 transgender status under the broad umbrella of sex, but
 10 that's what governs employees.
 11 Q. Just to be more specific about what the
 12 student code of conduct governs. The student code of
 13 conduct, does it govern student behavior as it relates to
 14 their interactions with staff and teachers?
 15 A. So I think it's general. I mean, it
 16 would -- so I mean, this deals with academics, it deals
 17 with -- with tardiness, it deals with -- like, it
 18 encompasses very generally just a student's rights and
 19 responsibilities within the school community.
 20 Q. Right.
 21 So I think that's consistent I think
 22 with what you said before, which was that students are

01:05:49 1 prohibited from harassing a staff or a teacher under this
 2 section, based on their gender identity.
 3 Is that consistent with your
 4 understanding?
 5 A. So this doesn't make reference specifically
 6 to a staff or a teacher.
 7 Q. Mm-hmm.
 8 A. But it does make -- and it's intended to
 9 encompass students. So I don't know that I would
 10 construe the language in this rights and responsibilities
 11 handbook to govern specific rights to teachers vis-a-vis
 12 students, which is what I think I hear you saying.
 13 Q. I was more talking about students'
 14 responsibilities to teachers, maybe, rather than flipping
 15 it the other way, but --
 16 A. Right. But I really think this is more
 17 geared toward students' responsibilities as it relates to
 18 their interactions with one another, not necessarily --
 19 Q. Okay.
 20 A. -- students in their interactions with
 21 teachers.
 22 Q. Is that understanding that you just

01:07:05 1 articulated, does that help the student code of conduct
 2 explain to students in their trainings?
 3 A. I'm sure they don't use any language that I
 4 have used. They probably do a lot better and much more
 5 succinctly; but I think, like, just generally speaking,
 6 that's what they're trying to encourage students, to
 7 treat their peers, one another, fairly, to not
 8 discriminate or treat others poorly because they may have
 9 different gender identity than others.
 10 That's what this is generally
 11 addressing.
 12 Q. So let's put aside forms.
 13 If a school administrator is made aware
 14 of a teacher complaining of harassment or discrimination
 15 by students, whether that's through a PS-74 or some other
 16 mechanism, an e-mail, a conversation in the hall, how
 17 does that get investigated?
 18 A. So typically, the administrators are going
 19 to determine what is being alleged from a teacher's
 20 standpoint and then determine whether there are next
 21 steps that are required, and they may implement certain
 22 things as a result of what they determine.

01:08:49 1 Q. Mm-hmm.

2 **A. But again, generally, administrators are**

3 **focusing on whatever the conduct is of the student that's**

4 **being complained about as opposed to characterizing the**

5 **conduct in a particular, legal format.**

6 Q. Sure.

7 Has it ever come to your attention that

8 a teacher has complained about multiple instances of

9 discrimination or harassment by students based on his or

10 her protected class?

11 **A. Outside of the instant case?**

12 Q. Yes.

13 **A. No, I don't -- I have not received any**

14 **complaints that students are harassing teachers as a**

15 **result of their -- of any protected class.**

16 Q. And we'll get to this -- the instant case a

17 little bit later.

18 What is the process for a teacher or a

19 staff member to make a complaint about harassment or

20 discrimination by another staff member or teacher?

21 **A. So they could use the complaint form that's**

22 **a part of the 4170 process.**

01:10:18 1 Q. And how does that process work?

2 **A. The teacher that believes that they have**

3 **been discriminated or subjected to harassment would**

4 **complete the 4170 complaint form, and then that form**

5 **could be submitted to my office.**

6 **Thereafter, we reach out and meet with**

7 **the charging party, and then there's a inquiry that takes**

8 **place thereafter; and then ultimately, if matters are**

9 **unable to be resolved in an informal mediation or**

10 **resolution process, there's a determination made as to**

11 **whether there's been a violation of the administrative**

12 **procedure.**

13 Q. And who's conducting that investigation or

14 inquiry, I think is what you said?

15 **A. It would be me.**

16 Q. And so is it always you for all such

17 complaints that go into your office?

18 **A. That come through the 4170 complaint**

19 **process, that's correct.**

20 Q. And -- sorry, this is a repeat, but prior to

21 you, was that Elizabeth Davis who conducted those

22 inquiries?

01:11:35 1 **A. Yes, she did do some of those as well, yes.**

2 Q. And there might have been someone else who

3 also worked on that?

4 **A. Correct.**

5 Q. Can you walk us a little bit more through

6 what's -- what the parts of the inquiry, what information

7 you collect, how you collect it?

8 **A. So it really depends on what the underlying**

9 **allegations are, but at a minimum, I meet with the**

10 **charging party, and I meet with the Respondent. Both**

11 **are -- well, the charging party files the complaint, so**

12 **obviously that's the initial document that initiates the**

13 **process.**

14 **The Respondent has the right to file a**

15 **written response, if they so desire, but they are not**

16 **required to do that.**

17 **So in some instances, there is a written**

18 **response submitted by Respondent. Many times there**

19 **aren't.**

20 **I interview witnesses. On some**

21 **occasions, there are written witness statements that**

22 **witnesses voluntarily provide. Sometimes there are not.**

01:12:57 1 **Sometimes it requires the review of**

2 **documents, of e-mails, correspondence. Some instances**

3 **there may be relevant video footage. Sometimes there's**

4 **not. Request for records from other departments,**

5 **divisions.**

6 **It really just depends on what the**

7 **allegations are as to what information is germane to**

8 **determining whether any of the alleged behavior has been**

9 **premised upon one's, you know, membership in a protected**

10 **class, whether there's been any adverse action, et**

11 **cetera.**

12 Q. If a complainant or charging party and a

13 Respondent have differing views of an incident, how do

14 you resolve that?

15 **A. In in most cases, there are differing views.**

16 Q. Yeah.

17 **A. If not, it really wouldn't be necessary.**

18 **But so I -- you know, I have to weigh**

19 **the information that comes before me. I'm a neutral**

20 **fact-finder. So I review the information that's**

21 **available. I have to weigh the credibility of the**

22 **parties, and ultimately make a determination.**

01:14:23 1 Q. Do you ever, as part of your inquiry, ask
 2 about or investigate behavior outside of a particular
 3 incident to determine whether it's part of a pattern?
 4 **A. In some instances, yes.**
 5 Q. If you find out that -- if you conclude at
 6 the end of the inquiry that there is a pattern of
 7 behavior, does that factor into your recommendations in
 8 the concluding -- in the conclusion of the inquiry?
 9 **A. Yes. That -- that, amongst other things,**
 10 **certainly would factor into any conclusion or**
 11 **recommendation that I may make.**
 12 Q. What are -- no, let's get to that later.
 13 How long does one of these
 14 investigations typically take?
 15 **A. Depends as well.**
 16 **So they can take some time. I mean,**
 17 **it's -- it's a confidential process, so we attempt to be**
 18 **careful to ensure that the process remains that way.**
 19 **So I meet with individually by**
 20 **themselves, you know, in my office. I generally don't do**
 21 **phone interviews. There are some instances where I've**
 22 **had to do that, but -- so they can take a good number of**

01:15:47 1 **days in order to be completed in a thorough fashion.**
 2 Q. How do you document the steps that you take
 3 in an inquiry?
 4 **A. When you say document, you mean just how do**
 5 **I document the fact that I have met with the charging**
 6 **party?**
 7 Q. Sure.
 8 **A. There's typically a calendar invite that**
 9 **goes out. The individual comes in. Again, as I shared**
 10 **in some instances, individuals are willing to provide**
 11 **written statements. So those written statements would**
 12 **serve. Some instances they don't.**
 13 Q. Do you create like a file of written
 14 statements, notes, documents you've received; anything of
 15 that nature for a particular inquiry?
 16 **A. So there is a general file that is opened**
 17 **for each matter that comes into the office. Yes.**
 18 Q. I think the answer is we've already
 19 discussed this, but just I'll want to make sure.
 20 Have you been provided any training
 21 other than what we've already discussed that relates to
 22 how to conduct one of these inquiries?

01:17:05 1 **A. I think we've discussed this.**
 2 Q. If a teacher or staff member is subject to
 3 repeated or frequent discrimination or harassment, do
 4 they have a different process for filing that complaint,
 5 other than the one we just described?
 6 **A. There's not an alternate process, no.**
 7 Q. Are some complaints of harassment or
 8 discrimination handled within the school without getting
 9 to your office?
 10 **A. So there are some employee disputes that are**
 11 **handled without coming to my office. So there are**
 12 **instances where an employee will file a complaint, and**
 13 **complain about an interaction with another coworker, and**
 14 **request that it be mediated by the principal or the**
 15 **supervisor.**
 16 **And at the conclusion of those**
 17 **mediations, if either -- the parties are satisfied with**
 18 **the conclusion, then they can elect to essentially just**
 19 **mark that as a satisfied resolution. For instances where**
 20 **they attempt that resolution, or mediation, and either**
 21 **one or both of the parties may not be satisfied in the**
 22 **outcome, and in that instance, then, the supervisor would**

01:18:50 1 **then forward the matter on for investigation.**
 2 **But it's really the -- it's the**
 3 **preference of the charging party. So there's no**
 4 **obligation that any of the parties -- that there's a**
 5 **mediation that take place.**
 6 **But in some instances, charging parties**
 7 **elect to do that, and matters can be successfully**
 8 **resolved at that level. In other instances they're not**
 9 **able to do that.**
 10 Q. Typically, if those matters are being
 11 resolved within the school, is it the principal's role to
 12 resolve those through mediation, or is there sometimes
 13 other in-school staff that gets involved?
 14 **A. It would typically be the principal or**
 15 **someone that's on the leadership team. It wouldn't be a**
 16 **similarly situated colleague.**
 17 **So it would be someone that's in a**
 18 **leadership role.**
 19 Q. And -- sorry, I know this is a basic
 20 question, but the leadership team would be assistant
 21 principals, principal, any other individuals?
 22 **A. They do have others that have leadership**

01:20:00 1 **roles. I don't always get their titles correct, but**
 2 **they're -- yes, an assistant principal and a principal**
 3 **would both certainly fall within that category.**
 4 Q. If a charging party is interested in the
 5 mediation process, do they still file that 4170 --
 6 sorry -- yes, the 4170 form?
 7 **A. So they could, but they also sometimes may**
 8 **do it informally, and just bring the concern to the main**
 9 **administrator's attention prior to making a determination**
 10 **to file the complaint at all.**
 11 Q. In the course of your inquiry process, does
 12 the Prince George's County Educators' Association have
 13 any role?
 14 **A. They do not have a role in the investigative**
 15 **process with the 4170 complaint, no.**
 16 Q. Would you ever ask someone from the
 17 Educators' Association for information if you thought it
 18 was relevant; has that ever happened?
 19 **A. So the Educators' Association is a separate**
 20 **and distinct entity that represents the educators. We**
 21 **certainly interact with them for purposes of coming up**
 22 **with the negotiated agreements that govern their**

01:21:32 1 **employment within our school system.**
 2 **But that is essentially their role. I**
 3 **mean, there are times where they may reach out on a**
 4 **member's behalf, but they don't play any role as far as**
 5 **investigating complaints or filing complaints, et cetera.**
 6 **They may advise their member of the**
 7 **process. You know, a member may bring a concern to their**
 8 **union rep and the union rep advise them, this is what I**
 9 **believe you should do based on what you've shared, and**
 10 **then they would initiate the process at the union rep's**
 11 **advisement.**
 12 **But other than that, I don't communicate**
 13 **with them the confidential terms of what's been**
 14 **complained, nor do I seek information from them in making**
 15 **a determination.**
 16 Q. Has the Educators' Association ever
 17 communicated with the Board or your office or other
 18 administrators about systemic issues of harassment or
 19 discrimination?
 20 **A. The PGCEA has routine meetings, if you will,**
 21 **with leadership within the school system regarding kind**
 22 **of all issues related to their members. And 4170**

01:23:18 1 **complaints are certainly things that would fall within**
 2 **the context of things that they may discuss, generally**
 3 **speaking, but not on a specific case-by-case basis. If**
 4 **that makes sense.**
 5 Q. Sure.
 6 So -- right, I understand they may not
 7 bring up specific individual's cases to the Board or to
 8 other administrators, but -- so it is -- well, let me ask
 9 a more specific question.
 10 Has the Prince George's County
 11 Educators' Association ever communicated with the Board
 12 or administrators or your office about harassment or
 13 discrimination challenges faced by transgender employees?
 14 **A. No, I have not had that specific inquiry.**
 15 Q. Where -- so you mentioned that a file was
 16 opened for every inquiry?
 17 **A. Correct.**
 18 Q. Where are those maintained?
 19 **A. The 4170 files are maintained by my office.**
 20 Q. And for how long are those maintained?
 21 **A. So, I don't know exactly -- I know that we**
 22 **utilize at least a -- in-house they stay for three years,**

01:24:38 1 **and then we have another seven years, I believe, that**
 2 **they are housed off-site, but it really depends on what**
 3 **our space situation is.**
 4 **I mean, in -- until recent years, we**
 5 **maintained paper files for all of these things. We're**
 6 **now transitioning to electronic files, so things will**
 7 **obviously be kept differently at that point, but...**
 8 Q. So at the end of the 10-year period, do you
 9 know what would happen with those files?
 10 **A. I don't know, but I'm assuming that they**
 11 **just remain in our storage facility.**
 12 Q. So when we're talking about that file being
 13 maintained, does that include all materials that you or a
 14 predecessor of yours would have collected, notes that
 15 they would have had, any written statements that would
 16 have been submitted in connection with that inquiry?
 17 **A. So my files consist of the complaint that's**
 18 **being filed, that has been filed, any statements that**
 19 **were made by the Respondent or written statements**
 20 **submitted by witnesses, and any documents that were**
 21 **tendered by the charging party, or gathered during the**
 22 **course of the investigation.**

01:26:10 1 **My investigator notes are not a part of**
 2 **that file. Once I prepare my letter of determination, my**
 3 **report of investigation is what -- what controls as far**
 4 **as the -- the totality of the case is concerned.**
 5 Q. When you've concluded -- sorry. Let me back
 6 up. I forgot this question.
 7 When a 4170 is submitted to your office,
 8 does that get shared with anyone outside the office --
 9 for example, the particular school administrators or
 10 anyone who is a supervisor to you?
 11 **A. The complaint itself is not shared. There**
 12 **may come a time where the administrator becomes aware of**
 13 **a complaint. It depends.**
 14 **So in some instances, a complaint is**
 15 **being filed against an employee's supervisor, and so in**
 16 **that case, the administrator would become aware as a**
 17 **Respondent.**
 18 **So they would receive notice that a**
 19 **charge of discrimination or harassment has been filed,**
 20 **and they receive an invitation to come and meet with me**
 21 **as it relates to those allegations.**
 22 **In other instances, the direct**

01:27:39 1 **supervisor may not be involved in the underlying**
 2 **allegations, but do become aware when I issue a letter of**
 3 **determination because the direct supervisor does become**
 4 **aware of that.**
 5 Q. So that leads me to my next question, which
 6 was, who receives the letter of determination at the end
 7 of the inquiry?
 8 **A. So the charging party does. The chief of**
 9 **human resources receives a copy. The Respondent receives**
 10 **a copy as well. The charging party's supervisor receives**
 11 **a copy. Then it has changed over time because my**
 12 **position has realigned.**
 13 **Initially, there are times the director**
 14 **of employee and labor relations receives a copy,**
 15 **particularly if I'm recommending that there be additional**
 16 **steps that are taken thereafter.**
 17 **And general counsel receives a copy.**
 18 Q. Is there any -- is there any annual
 19 reporting of kind of a summary of the letters of
 20 determination that you've issued over the course of a
 21 year, or on some other time period?
 22 **A. A summary?**

01:29:31 1 Q. A summary.
 2 **A. That deals with each of the letters that are**
 3 **issued? No.**
 4 Q. Or a summary kind of with statistics about
 5 the letters of determination?
 6 **A. Well, we made mention earlier with regards**
 7 **to certain data that's provided, so that information is**
 8 **produced. I don't know if that constitutes a summary for**
 9 **purposes of this question, but...**
 10 Q. Well, so does that data include data about
 11 the letters of determination or about the inquiries that
 12 you've conducted?
 13 **A. It would include data with regards to the**
 14 **number of complaints that have been filed over the course**
 15 **of a time frame.**
 16 **Resolutions via alternative means,**
 17 **resolutions via letter of determination.**
 18 **So generally speaking.**
 19 Q. Right.
 20 **A. But nothing that summarizes the facts of the**
 21 **cases that have been determined over that time period.**
 22 Q. You mentioned before that sometimes during

01:30:40 1 an inquiry you may investigate or ask about whether
 2 there's been a pattern of behavior. When you determine
 3 that there's a pattern of behavior, you also testified, I
 4 think, that that factors into your conclusions in the
 5 letter of determination.
 6 Can you explain how that would affect
 7 your conclusions?
 8 **A. So it very much depends. So there's certain**
 9 **instances where, for example, an employee may be engaging**
 10 **in behavior that another employee finds offensive, and we**
 11 **determine that this employee has been doing it -- for**
 12 **example, employee that hugs another employee, and**
 13 **employee A doesn't like it and complains about it, and**
 14 **says, employee B has been doing it for the past two**
 15 **years.**
 16 **And I investigate it, and I determine,**
 17 **yes, employee has been hugging this employee over the**
 18 **past two years. But there's been no statement by the**
 19 **employee that finds offense to the hugs that this is**
 20 **offensive behavior.**
 21 **So that plays a role in my determination**
 22 **as to whether employee -- the offending employee has**

01:32:03 1 knowledge that this has been offensive, and just
 2 continues to do it anyhow, or whether they believed it to
 3 be innocuous and it's just the way they greet everyone.
 4 So it could play -- you know, it could
 5 help me to determine whether I believe this has been
 6 behavior that is intentional and willfully offensive to
 7 someone or whether this employee may not have knowledge.
 8 On the other hand, we may have instances
 9 where the employee says, I told him two years ago that I
 10 don't like to be hugged; and certainly, if I find that he
 11 continues to do that, then sure, it does, you know, play
 12 a factor in me determining whether the offending employee
 13 has willfully created this uncomfortable environment for
 14 the complaining party, even having knowledge that the
 15 behavior is offensive.
 16 Q. Has it ever happened in the course of one of
 17 your inquiries that you've determined that the charging
 18 party has been subject to offensive behavior, not just by
 19 the Respondent but also by others in their work
 20 environment?
 21 A. I suppose so, but I would probably need more
 22 context to really answer your question accurately.

01:33:36 1 Q. Well, you gave an example just now --
 2 A. Sure.
 3 Q. -- of someone who was being hugged, and they
 4 did not appreciate the hug.
 5 A. Yep.
 6 Q. So has it happened, as -- continuing on that
 7 example --
 8 A. Sure.
 9 Q. -- that you would have found that that
 10 complaining party has been subject to hugs or other kind
 11 of sexual-harassment-related conduct by others within the
 12 work environment?
 13 A. Within that context, I can't say that I have
 14 had that experience.
 15 Q. Okay.
 16 A. I mean, sure, there are complaints where
 17 people believe that there are numerous people in the
 18 workplace that don't like them for whatever reason, and
 19 have made their time there difficult.
 20 But using that kind of mirror behavior
 21 of the hugs, I haven't -- you know, like, we have got two
 22 or three people that are like, hugging this person who

01:34:36 1 doesn't want to be hugged -- I don't have an example that
 2 meets those terms.
 3 Q. Okay.
 4 MR. MOGUL: Good to still keep going.
 5 Q. When was the first time that Miss Eller's
 6 complaints of harassment or discrimination due to her
 7 transgender status came to the attention of school
 8 officials outside of her school?
 9 MR. SHARMA: Objection to the form of
 10 the question, but you can answer.
 11 A. So her complaints came to my office's
 12 attention when she filed the 4170 complaint.
 13 The specific date I'm not certain, but I
 14 believe it was February of 2015. I'm not positive.
 15 Q. Are you aware if Miss Eller made complaints
 16 of harassment or discrimination prior to that?
 17 A. In the form of a 4170 complaint or just
 18 generally --
 19 Q. Generally.
 20 A. -- at the school level?
 21 Yes, I am aware that she raised concerns
 22 with individuals at her particular school.

01:35:57 1 Q. And are you aware if those particular
 2 concerns were ever communicated outside of the school?
 3 A. Well, they were communicated to me when I
 4 inquired about them, but what do you mean? Communicated
 5 outside of the school at the time that they were being
 6 reviewed by the school level administrators?
 7 Q. I think I don't understand your question.
 8 So let me just rephrase my question.
 9 A. Okay.
 10 Q. Are you aware of when or if Miss Eller's
 11 complaints of harassment or discrimination prior to the
 12 4170 form were ever brought to the attention of central
 13 officials, central outside of the school?
 14 MR. SHARMA: Objection. You can answer.
 15 A. Yeah. I don't know that I can answer that
 16 question other than the 4170 complaint that I have
 17 testified to.
 18 MR. MOGUL: Actually, could we take a
 19 five-minute break.
 20 A. Sure.
 21 (RECESS, 1:37 p.m. - 1:42 p.m.)
 22 MR. MOGUL: Everyone ready? Great.

01:43:03 1 BY MR. MOGUL:
 2 Q. Ms. Simmons, when was the first time that
 3 Miss Eller's complaints of student behavior, student
 4 misbehavior related to her transgender status, came to
 5 the attention of officials outside of her school?
 6 **A. So I'm not -- I'd have to just assume that**
 7 **it would be a part of the 4170 complaint process, that**
 8 **that information was raised outside of the school level.**
 9 Q. Let's go to Exhibit -- so we're going to
 10 give you an Exhibit marked 93, which I am afraid has been
 11 used in a prior deposition, but we're giving you a new
 12 one. It's also a giant, giant exhibit.
 13 We'll be looking at a few different
 14 parts of this, but for right now, what I'd like to turn
 15 to is starting at PGCP365, Bates stamps at the bottom.
 16 (Plaintiff's Exhibit 93, PGCP365 documents, Bates Numbers:
 17 PGCP365 97-417, was marked for identification.)
 18 Q. This e-mail chain spans between 365 and 368.
 19 I'll give you a moment to review. And if I'm not
 20 mistaken, they go in reverse -- nope. Never mind. Not
 21 reverse. They're in chronological order.
 22 **A. How far are you asking me to go?**

01:47:42 1 Q. I think the e-mail chain concludes on 368,
 2 if you just read to the end of that.
 3 **A. Okay. Okay.**
 4 **Okay.**
 5 Q. Now, in this chain of -- sorry, are you
 6 familiar with this e-mail chain? Have you seen it
 7 before?
 8 **A. I'm sure that I have, but I did have to read**
 9 **it to reacquaint myself with it.**
 10 Q. Is this Elizabeth Davis who's referred to
 11 and has authored some of these e-mails; is this the same
 12 Elizabeth Davis that we have been discussing before?
 13 **A. Yes, it is.**
 14 Q. Who is Dr. Powell, Diane Powell?
 15 **A. Dr. Powell used to maintain a leadership**
 16 **position within student services.**
 17 Q. Is Dr. Powell still an employee of the
 18 school system?
 19 **A. I believe she has retired.**
 20 Q. There are two e-mails from December 18th
 21 authored by Miss Davis; is that right?
 22 **A. 18th. Okay. Yes, I do see that.**

01:49:00 1 Q. And in one of these -- the one that appears
 2 first dated 12:16 p.m., Miss Davis refers to "unfortunate
 3 and insensitive occurrences that have occurred to Miss
 4 Eller"; is that correct?
 5 **A. That is the language that she uses, yes.**
 6 Q. Then in her subsequent e-mail of 1:44 p.m.,
 7 she characterizes "inappropriate interactions by students
 8 directed against -- directed to you"; is that correct?
 9 **A. That is the language that she uses.**
 10 Q. Do you know if following this December 18,
 11 2013, chain of e-mails, whether there was any follow-up
 12 by Miss Davis or anyone else to determine if Miss Eller
 13 was still subject to "inappropriate or insensitive
 14 occurrences," using her language?
 15 **A. I don't know what Miss Davis's follow-up was**
 16 **after this e-mail chain.**
 17 Q. Do you know if anyone else followed up after
 18 this e-mail chain?
 19 **A. Well, it indicates in Principal Adams's**
 20 **e-mail that there was -- that he was assigning an**
 21 **additional staff member to her area in order to identify**
 22 **anyone who may treat her with disrespect.**

01:50:44 1 **So I'm assuming that that measure did**
 2 **take place subsequent to this e-mail, but I'm unaware of**
 3 **anything else.**
 4 Q. So sticking with this same, very large
 5 exhibit, I'd like to turn to page 325 in the document,
 6 that I would like to refer to is two pages.
 7 Are you familiar with this form?
 8 **A. So this -- is this the 4170 complaint form?**
 9 **Yes. I can't see 325 on mine, but I'm assuming it's**
 10 **there, yes.**
 11 Q. What is this?
 12 **A. This is 4170 complaint form, discrimination**
 13 **or harassment incident report.**
 14 Q. Is this the form that Miss Eller submitted
 15 to your office?
 16 **A. Yes, it appears to be, yes.**
 17 Q. And after Miss Eller submitted this
 18 complaint, who was responsible for addressing it?
 19 **A. So this would have come to my attention.**
 20 Q. I'd like to now show you -- we're going to
 21 come back to this exhibit, but I'd like to give you
 22 another one.

Page 154

01:52:09 1 This is going to be marked as Exhibit
 2 94.
 3 (Plaintiff's Exhibit 94, e-mail, Simmons to Zane,
 4 4.14.2015, was marked for identification.)
 5 Q. Ms. Simmons, do you recognize this e-mail?
 6 **A. Yes, I believe so.**
 7 Q. In this e-mail, you state that Miss Eller's
 8 complaint was received on February 23, 2015; is that
 9 correct?
 10 **A. Yes, it does indicate that.**
 11 Q. Do you have any reason to doubt that that's
 12 true?
 13 **A. I don't.**
 14 Q. When you receive -- and we can set that
 15 aside, if you'd like.
 16 When you received Miss Eller's
 17 complaints, did you share it with anyone else?
 18 **A. No.**
 19 Q. Did you share it with anyone else in your
 20 office?
 21 **A. Well, it comes to my office. So my office**
 22 **staff -- let's see, on -- who was even in place then. I**

Page 155

01:53:32 1 **don't know.**
 2 **So it would have come in to the office**
 3 **and then eventually, it makes its way to me.**
 4 Q. What did you do upon receipt of this
 5 complaint in order to act on it?
 6 **A. So I generally review the complaints, and**
 7 **then the first step is typically to schedule a meeting**
 8 **with the charging party.**
 9 Q. Did you do that here?
 10 **A. Yes.**
 11 Q. Did you reach out to anyone else to
 12 investigate this complaint?
 13 **A. So eventually, I did reach out to certain**
 14 **other individuals who I believed had information relevant**
 15 **to the allegations that were raised, and I met with those**
 16 **individuals as well.**
 17 Q. Did you meet with Mr. Adams?
 18 **A. I did.**
 19 Q. Did you meet with any of the assistant
 20 principals at the time?
 21 **A. I did.**
 22 Q. Would that have been Mr. Thompson?

Page 156

01:54:38 1 **A. I did.**
 2 Q. Ms. Pope-Brown?
 3 **A. Correct.**
 4 Q. And Miss Robinson I believe was the
 5 assistant principal at the time and she's the responding
 6 party; correct?
 7 **A. Mm-hmm.**
 8 Q. And you met with her?
 9 **A. I did.**
 10 Q. Did anyone submit to you a written
 11 statement?
 12 **A. I don't believe so.**
 13 Q. Did anyone proactively reach out to you to
 14 give you information about this complaint, without you
 15 having to ask them first?
 16 **A. I don't recall.**
 17 Q. Did you collect any documents as part of
 18 this investigation?
 19 **A. I reviewed documents that were produced by**
 20 **the charging party, and I believe that there were other**
 21 **documents that were collected as well.**
 22 Q. Did you ask anyone if they had notes that

Page 157

01:55:36 1 would be relevant to this investigation?
 2 **A. Did I ask anyone for notes?**
 3 Q. Mm-hmm.
 4 **A. Notes related to what?**
 5 Q. Notes that would be relevant to the
 6 investigation.
 7 **A. Oh, I don't recall a specific request for**
 8 **notes. Not a specific request for notes. I don't recall**
 9 **that.**
 10 Q. I'd like you to look at another exhibit,
 11 which we'll mark as 95.
 12 (Plaintiff's Exhibit 95, e-mail, Thompson to Adams,
 13 2.20.2015, was marked for identification.)
 14 Q. I'll let you take a minute to review that.
 15 **A. Okay.**
 16 Q. Are you familiar with this e-mail?
 17 **A. I don't know. Some of what is said in here**
 18 **I've seen before, but I don't know if I've seen it in**
 19 **this context.**
 20 Q. Did you ask -- this appears to an e-mail
 21 from Mr. Thompson to Mr. Adams; is that right?
 22 **A. That's what it indicates.**

01:57:48 1 Q. Did you ask either Mr. Thompson or Mr. Adams
 2 for e-mails that might be related to your investigation?
 3 **A. As I shared, I don't recall asking for**
 4 **specific notes as a part of my investigation, but I did**
 5 **meet with both of the parties indicated here.**
 6 Q. I'm sorry. My question was, did you ask for
 7 e-mails, not notes necessarily, although I understand
 8 this is entitled making notes?
 9 **A. I did receive certain e-mails, I believe**
 10 **from Mr. Adams. I'm not certain if I received e-mails**
 11 **from Mr. Thompson or not.**
 12 Q. When you conducted your investigation of
 13 this complaint, was your inquiry limited to the February
 14 13th event that is complained about in this complaint, or
 15 did you collect information about anything else?
 16 **A. Well, certainly where she indicates the**
 17 **nature -- the date of the incident she indicates as of**
 18 **February 13th, and so that is the salient incident that's**
 19 **being complained of; but Miss Eller mentions other**
 20 **incidents as well, and there was inquiry about that.**
 21 Q. What did you find in investigating other
 22 incidents other than the February 13th, 2015, event?

01:59:25 1 **A. So I think the letter of determination**
 2 **speaks to the findings of my investigation.**
 3 Q. We'll look at that in a minute.
 4 **A. Okay.**
 5 Q. Did you collect information about Miss
 6 Robinson's interactions specifically with Miss Eller
 7 outside of the February 13, 2015, event?
 8 **A. We would have discussed that, yes.**
 9 Q. And do you know what you found?
 10 **A. Again, my findings would be in the letter of**
 11 **determination.**
 12 Q. In the course of this inquiry, did you
 13 collect information about how others at Friendly High
 14 School treated Miss Eller?
 15 **A. To the extent that they were relevant to the**
 16 **issues that were raised here, yes, but did I do a global**
 17 **inquiry as to other staff members' interactions with Miss**
 18 **Eller, no.**
 19 **But to the extent that there were other**
 20 **issues that were raised as a result of the complaint,**
 21 **then, I did inquire.**
 22 Q. Did you ask about whether -- as part of your

02:00:39 1 inquiry, did you ask about whether Miss Eller had been
 2 misgendered by other faculty?
 3 **A. I'm pretty sure that I asked that question.**
 4 Q. In the course of your inquiry, did you ask
 5 whether Miss Eller had been misgendered by students?
 6 **A. I believe Miss Eller shared that**
 7 **information.**
 8 Q. Did you ask if Miss Eller had experienced
 9 bigoted comments by other faculty or staff?
 10 **A. I probably didn't use the phrase that you're**
 11 **-- that you've stated there, but I did ask about her**
 12 **overall interactions with others.**
 13 Q. I'd like to now return to -- well, we're
 14 already there, this long exhibit. Turn to page 324. It
 15 indicates -- sorry, it's the page that says Exhibit L.
 16 This indicates this is Exhibit L within this overall
 17 document; is that correct?
 18 **A. I'm assuming so. I -- yeah.**
 19 Q. Why don't we just go to the beginning of the
 20 whole exhibit so you can see what it is. We haven't
 21 really focused on what this is.
 22 **A. Okay.**

02:02:06 1 Q. Does this cover letter look familiar to you?
 2 **A. Yes, it does.**
 3 Q. What is it?
 4 **A. This looks to be the position statement that**
 5 **was submitted to the EEOC dated September 14, 2016.**
 6 Q. You will see on, it's PGCP599, but page 3 of
 7 your letter, there's a reference to what Exhibit L is,
 8 about halfway down where it says response number 3; do
 9 you see that?
 10 **A. Yes. Mm-hmm.**
 11 Q. What is Exhibit L?
 12 **A. It was -- it's produced in response to**
 13 **investigative files for internal investigations related**
 14 **to number 2. So which is the complaint of discrimination**
 15 **or harassment, formal and informal, submitted by the**
 16 **charging parties since January 1, 2013.**
 17 Q. So what we find here in Exhibit L within
 18 this exhibit, is that your investigative file for your
 19 inquiry into Miss Eller's February 2015 complaint?
 20 Just to help you out, the Exhibit L ends
 21 on PGCP5403. It's a pretty long exhibit.
 22 MR. SHARMA: What was the page?

02:03:33 1 MR. MOGUL: 403 I think is the last
2 page.
3 **A. 403. So I would say with looking at this**
4 **that it appears to have been documents that were part of**
5 **the investigative file, yes.**
6 Q. I'd like to turn to page 340 within this
7 exhibit. If you just look at these e-mails that extend
8 from 340 to 341.
9 **A. Okay.**
10 **Okay. I've read them.**
11 Q. Do you know how this e-mail chain became
12 part of your investigative file?
13 **A. I believe that Miss Eller provided this as a**
14 **copy -- provided a copy of these e-mails to me.**
15 Q. From the contents of these e-mails, does it
16 appear that Miss Eller and Mr. Adams were having a
17 discussion about training at Friendly High School in
18 August 2012?
19 MR. SHARMA: Objection. You can answer.
20 **A. My interpretation is that Miss Eller is**
21 **inquiring about an 11th grade assembly that she attended,**
22 **and Mr. Adams responds thereto.**

02:06:29 1 Q. Did you inquire of Mr. Adams about the
2 training that was being provided to either students or
3 staff about non-discrimination as part of your inquiry?
4 **A. Did I inquire of Mr. Adams regarding the...**
5 Q. Training.
6 **A. That was being provided to students and**
7 **staff?**
8 Q. (Nods head up and down.)
9 **A. We did have discussions about that during**
10 **the course of my investigation, yes. That is accurate.**
11 Q. What did your investigation determine about
12 those trainings?
13 **A. So I think what was referenced here is that**
14 **the quarterly training that was being provided for**
15 **students, and the allegation that this assembly wasn't**
16 **consistent with what had been on the planned agenda. Mr.**
17 **Adams confirmed that they were providing the quarterly**
18 **assembly for students.**
19 **During the course of the investigation,**
20 **there was other discussion about additional training that**
21 **had been provided for staff members that occurred during**
22 **the course of a staff meeting for staff members as**

02:08:07 1 **allowed.**
2 Q. In the course of your investigation, did you
3 discuss with Mr. Adams what could be done in the future
4 in terms of training regarding non-discrimination in
5 transgender individuals?
6 **A. I don't know that we had future training**
7 **discussions during the course of my investigation.**
8 Q. Could we turn to page 394 within this
9 exhibit, please. I'm sorry, 393.
10 What is this document?
11 **A. The handwriting, this looks like my**
12 **handwriting. Okay. So this looks like notes based on my**
13 **conversation with Dion Oliver.**
14 Q. And who is Dion Oliver?
15 **A. It says English 12 AVP coordinator.**
16 Q. What does AVP stand for?
17 **A. I actually don't know the acronym, but it**
18 **is a -- an independent project coordinator for students**
19 **who are attempting to make up credits in certain classes.**
20 **That's my layman's description so there**
21 **is likely a more accurate academic description that an**
22 **instructor could provide.**

02:10:46 1 Q. So I have to tell you, your handwriting is a
2 lot better than mine, but I still had a little bit of
3 trouble reading some of the words in here. Would you
4 mind just reading aloud your notes on these two pages?
5 **A. So it just says, "Dion Oliver, English 12**
6 **AVP coordinator. She -- Eller told her that she was**
7 **filing complaint. Staff being designed to address**
8 **discrimination appropriate terminology. Spoke of**
9 **transgenders, lesbians, et cetera, 45 minutes, April**
10 **2015.**
11 **"People-slash-staff believed meeting**
12 **unnecessary. Eller not present. Does not know why Eller**
13 **not present. Meeting seemed strange. Felt meeting**
14 **inappropriate. Meeting seemed underhanded. Do you**
15 **believe administration has acted discriminatorily toward**
16 **Eller. Instances when administrator called Eller 'He.'**
17 **"Introduction, Sylvia Rawls, AP, no**
18 **longer in building. Eller assigned easier classes. Has**
19 **had to correct students. Students would go by classroom**
20 **to gawk. Does not believe Eller has been properly**
21 **supported by administration.**
22 **"Professional development incident.**

02:12:03 1 **Robinson. Many people have come to her complaining about**
 2 **Robinson. Quote, red-necks, re, government teachers,**
 3 **multiple references to 'He.' Eller kept correcting."**
 4 Q. Thank you. I'd like to now turn to page
 5 396. It's just another page along. This is a chain of
 6 e-mails that goes on to the following page, 397. I'll
 7 let you take a moment to look at it.
 8 **A. Okay.**
 9 Q. Is this e-mail chain familiar to you?
 10 **A. Yes, I have seen this before.**
 11 Q. And in this e-mail chain, Miss Eller
 12 forwards you an e-mail that she received from Major
 13 Burks; is that correct?
 14 **A. That is correct.**
 15 Q. And I'd like to -- I will do the reading
 16 this time to relieve you of some reading. I'd like to
 17 read just a bit from Miss Burks' e-mail -- I'm sorry,
 18 Major Burks' e-mail and please let me know if I have read
 19 it correctly. Just starting a couple of lines down from
 20 her -- the beginning of her e-mail.
 21 "I was supposed to receive a follow-up
 22 e-mail from Friendly High School to discuss the

02:14:55 1 expectations slash audience slash questions slash
 2 concerns, but I never heard from anyone. I went to
 3 Friendly High School that Tuesday without any
 4 confirmation and sat through some other required training
 5 that was also scheduled during my allotted time. When I
 6 did present, I didn't have a PowerPoint slide or any
 7 handouts so I used that time to have an interactive
 8 discussion. Many of the staff seemed interested in the
 9 discussion but it was also clear some were not.
 10 "During my presentation, a staff member,
 11 open parenthesis, I don't know her name, close
 12 parenthesis, shouted out, quotation, 'I don't know why we
 13 have to go through changes for someone else. They are
 14 just too sensitive.' Close quotation, or something to
 15 that effect.
 16 "Immediately, the principal interjected
 17 and another administrator asked me to meet with that
 18 staffer in the hallway. Before I walked out to the
 19 hallway, the principal thanked me for being there and
 20 abruptly ended my session. When I went out to the
 21 hallway, the staffer did not come out to meet with me to
 22 discuss her concerns and I left shortly thereafter.

02:15:55 1 "My opinion of this was that there was
 2 lackluster support of this session. I didn't feel that
 3 there was genuine encouragement to be professional above
 4 all."
 5 Did I read that correctly?
 6 **A. Yes, I believe so.**
 7 Q. Do you -- did you have any knowledge of this
 8 training before conducting the investigation into Miss
 9 Eller's complaint?
 10 **A. No, I did not.**
 11 Q. Did you inquire of anyone at the school
 12 about this training in the course of the inquiry?
 13 **A. I did.**
 14 Q. Who did you talk to about this training?
 15 **A. Well, obviously, I spoke to Miss Eller about**
 16 **it. I spoke with Dion, the teacher whose name I just**
 17 **forgot that quickly.**
 18 Q. I believe it was Dion Oliver.
 19 **A. Oliver.**
 20 **I spoke with the other administrators**
 21 **that I interviewed as a part of the investigation about**
 22 **this as well. And I believe there were several other**

02:16:57 1 **staff members that -- that I spoke to about this**
 2 **particular training.**
 3 Q. In the course of your inquiry and those
 4 questions about the training, did you find out who
 5 organized the training?
 6 **A. Well, I know it was done at the request of**
 7 **the principal. I don't know specifically who from the**
 8 **school may have made the administrative calls to arrange**
 9 **it, but it was at Principal Adams' request that it was**
 10 **done.**
 11 Q. And in the course of your inquiry, did you
 12 find out if Major Burks had been communicated over the
 13 format or length of her training ahead of time?
 14 **A. Had she been communicated with about the**
 15 **length of her training in advance? I don't believe that**
 16 **that had taken place.**
 17 Q. In the course of your inquiry, did you
 18 determine how long that training took place?
 19 **A. So I know that the -- yes. So the allotted**
 20 **staff meeting is an hour. That's contractually what's**
 21 **allotted. So I know that that time period was the**
 22 **overall time for the entire meeting to occur.**

Page 170

02:18:11 1 I understand that the training or Major
 2 Burks' portion of that was only a fraction of that time
 3 period.
 4 Q. Did you have any, I guess, follow-up
 5 discussions with Friendly High School faculty or staff
 6 regarding the efficacy of this training?
 7 A. Well, not regarding efficacy, but with
 8 regards to just logistics, really, because it appears --
 9 it appeared that there were certain individuals that
 10 weren't entirely clear as far as what all was taking
 11 place; but as is sometimes the case, administrators
 12 attempt to provide spot training on issues during the
 13 course of staff meetings, and I've conducted training in
 14 the same format as well.
 15 And you don't know when you're going.
 16 You're just given an hour window, and you're there, and
 17 when they have an opportunity to allow you to take the
 18 floor, you do it.
 19 So I'm familiar with that, and they have
 20 all -- a host of other things that they have to go
 21 through during the course of these trainings.
 22 So I'm familiar with that process.

Page 171

02:19:34 1 But logistically, there appear to have
 2 just been kind of miscommunication or not good
 3 communication overall with the fact that this was being
 4 added on to the staff meeting.
 5 Q. In the course of your inquiry, did you
 6 discuss with anyone the faculty and administrator's
 7 reaction to the training?
 8 A. Well, yes, I did, and as is shared with kind
 9 of what I just kind of read, there were some people who
 10 appeared disinterested in it, and there were others that
 11 appeared that they were interested and didn't have any
 12 issues.
 13 So I think there was -- it was received
 14 on both a positive and negative front.
 15 Q. By -- you used the term disinterested. I'm
 16 not sure if that...
 17 A. I thought that's what I read.
 18 Q. Did use the word interested...
 19 Would you -- beyond -- forget it.
 20 Did you discuss with anyone Miss
 21 Robinson's reaction to this training?
 22 A. I spoke more specifically about Miss

Page 172

02:21:06 1 Robinson's direct interactions with Miss Eller, but I
 2 don't recall having received specific information related
 3 to Miss Robinson's reaction to the training.
 4 Q. Do you recall how long your investigation of
 5 Miss Eller's 4170 complaint took?
 6 A. Well, I believe we indicated that it was
 7 filed February 23rd of 2015, and I believe my letter of
 8 determination was issued in June of 2015. So whatever
 9 that time frame is.
 10 Q. I believe that is four months. Does that
 11 sound right to you?
 12 A. Give or take, yes.
 13 Q. Is that a typical amount of time for an
 14 investigation?
 15 A. There's some that take longer. There's some
 16 that I'm able to conclude much faster. But I just --
 17 this case required the time that it took in this
 18 particular instance.
 19 Q. Are there different phases of the
 20 investigation in that, like, there's perhaps a collection
 21 of information phase and then later you sitting down to
 22 write the letter of determination phase, or does that all

Page 173

02:22:32 1 kind of happen around the same time?
 2 A. Well, no, I don't write until I've collected
 3 all of the information. So, yes, but it's not a formal
 4 phase in the sense that we've checked a box and we're now
 5 on to phase B; but I do follow a general practice of
 6 meeting with first the charging party, and then I meet
 7 with the Respondent. Then typically I meet with
 8 witnesses thereafter.
 9 Interspersed throughout, I may have
 10 requested documents that I'm reviewing as they become
 11 available.
 12 Then after I believe that I have
 13 adequately uncovered all of the information regarding the
 14 salient points that are raised, then I sit down, review,
 15 and write a letter of determination thereafter.
 16 Q. If you could turn back to a prior exhibit
 17 that we marked as Exhibit 94. It's an e-mail.
 18 At the top of your e-mail -- this is an
 19 e-mail from you to Miss Zane, Daria Zane.
 20 You state here that, "Any information
 21 you wish to submit respecting such complaints should be
 22 forwarded to my attention on or before April 20, 2015, at

02:24:00 1 close of business."
 2 Is that correct?
 3 **A. That is what that states.**
 4 Q. Does that indicate that your kind of
 5 informal phase of collecting information about Miss
 6 Eller's complaint was going to end on April 20th?
 7 **A. That's indicating that I want the**
 8 **information by then. And giving everyone deadlines and**
 9 **expectations so that it's not something that just hangs**
 10 **out and no one is clear when it has to be done. So**
 11 **that's what that's intended to convey.**
 12 Q. Do you recall, is that a deadline that you
 13 were giving everyone in terms of when they should submit
 14 information to you about this complaint?
 15 **A. I don't recall that. I don't -- I don't**
 16 **recall if I had given this deadline to others involved in**
 17 **this complaint process or not.**
 18 Q. I'd like to now look at a new exhibit.
 19 (Plaintiff's Exhibit 96, certified mail receipt, PGCP
 20 policy, PGCP 145-149, was marked for identification.)
 21 MR. MOGUL: Ms. Simmons, would you like
 22 more water? I see your water is done.

02:25:35 1 THE WITNESS: I would, actually. Thank
 2 you.
 3 MR. MOGUL: You're welcome.
 4 Q. Ms. Simmons, are you familiar with this
 5 document?
 6 **A. Yes. This appears to be the letter of**
 7 **determination.**
 8 Q. Is this dated June 25, 2015?
 9 **A. Yes, it is.**
 10 Q. Can you explain what steps you took
 11 regarding this -- regarding your investigation to Miss
 12 Eller's complaint between April 20 and June 25, 2015?
 13 **A. During this time frame, I likely reviewed**
 14 **the information that had been presented from both the**
 15 **charging party and any witnesses. I concluded what I**
 16 **believed to be necessary oral interviews with witnesses,**
 17 **and then I ultimately wrote the letter that we're**
 18 **referencing.**
 19 Q. Would you have spoken to other central
 20 office officials about the investigation in the course of
 21 creating your letter of determination?
 22 **A. No.**

02:27:20 1 Q. I'd like to turn to your factual findings.
 2 The factual findings conclude that Miss Robinson
 3 misgendered Miss Eller at the February 13, 2015,
 4 professional development session; is that correct?
 5 **A. Yes. It indicates that Miss Robinson**
 6 **referred to charging party in at least two instances as**
 7 **"he" or "him."**
 8 Q. The factual findings do not conclude one way
 9 or the other how Miss Robinson acted toward Miss Eller
 10 outside of that meeting, does it?
 11 **A. Well, it makes reference to the apology that**
 12 **she gave at the conclusion of the meeting. And then it**
 13 **does indicate that a review of the prior incident between**
 14 **Miss Robinson and charging party during the 2012-2013**
 15 **academic year does not reveal a nexus between such**
 16 **interaction and charging party's membership in a**
 17 **protected class.**
 18 Q. So outside of the February 13, 2015, event
 19 and the prior incident between Miss Robinson and charging
 20 party referred to in your conclusion in the 2012-2013
 21 academic year, there's no conclusions in here about the
 22 interactions between Miss Robinson and Miss Eller; is

02:29:22 1 that right?
 2 MR. SHARMA: Objection. You can answer.
 3 **A. So other than the February 13 and the**
 4 **reference to the prior incident that occurred between the**
 5 **two parties, it does not make reference to interactions**
 6 **with Miss Robinson and Miss Eller. I believe that's**
 7 **accurate.**
 8 Q. In the last paragraph of your factual
 9 findings before the conclusion, the letter of
 10 determination mentions that Miss Eller has complained
 11 of -- has complained about student behavior and incidents
 12 involving security officers; is that correct?
 13 **A. Yes. Charging party also complained about**
 14 **student behavior as well as certain incidents involving**
 15 **security officers, yes.**
 16 Q. The letter of determination does not
 17 conclude whether any of these other instances constitute
 18 harassment or discrimination, do they? Does it?
 19 **A. No, it does not make a determination about**
 20 **any other incident other than the incident complained of**
 21 **on February 13th.**
 22 Q. The letter of determination mentions in the

02:30:47 1 prior paragraph the March 17, 2015, training conducted by
 2 Major Burks; correct?
 3 **A. Yes, it does.**
 4 Q. And it mentions that Miss Eller has
 5 contended that it was ill-prepared and not well received;
 6 correct?
 7 **A. Yes.**
 8 Q. But the letter of determination does not
 9 reach a conclusion about whether Miss Eller's contention
 10 about that training is correct or incorrect, does it?
 11 **A. It doesn't. It just indicates that -- that**
 12 **charging party relied on other information to conclude**
 13 **that the training was ill-prepared and not well received.**
 14 Q. And the letter of determination does not
 15 mention how Miss Robinson react to Major Burks' training,
 16 does it?
 17 **A. No, it does not.**
 18 Q. So in your conclusion in the letter of
 19 determination, it's found that Miss Robinson -- Miss
 20 Robinson's misgendering at the February 13th meeting does
 21 not constitute harassment that violates administrative
 22 procedure 4170; is that correct?

02:32:03 1 **A. That's correct.**
 2 Q. The letter does not consider whether other
 3 experiences of harassment that Miss Eller may have
 4 complained about would form a violation of administrative
 5 procedure 4170, does it?
 6 **A. So the letter of determination responds**
 7 **specifically to the complaint.**
 8 **So the other instances that were raised**
 9 **were considered as a part of the investigation, but the**
 10 **investigation -- the query as to whether the incident**
 11 **complained of constitutes a violation, and so that's what**
 12 **the letter responds to.**
 13 Q. The letter of determination recommends
 14 appropriate professional counsel and/or discipline for
 15 Miss Robinson; correct?
 16 **A. Correct.**
 17 Q. Whose responsibility was it to carry out
 18 that recommendation?
 19 **A. Counsel or discipline would occur either by**
 20 **the direct supervisor and/or employee labor relations.**
 21 Q. Who was Miss Robinson's direct supervisor?
 22 **A. It would have been Principal Adams.**

02:33:07 1 Q. Do you know if Miss Robinson was subject to
 2 either professional counsel or discipline?
 3 **A. It is my understanding that she did receive**
 4 **professional counsel.**
 5 Q. And what does that mean, professional
 6 counsel?
 7 **A. So it's intended to advise an employee of a**
 8 **deficiency, and provide them with information in support**
 9 **to correct behavior.**
 10 **So professional counsel can sometimes be**
 11 **a meeting with a supervisor. Sometimes it's a -- it can**
 12 **be written correspondence. We now have even moved to a**
 13 **form that's used for purposes of professional counsel,**
 14 **which was not in effect during the relevant time period**
 15 **here. But it's intended to provide an employee with**
 16 **notice of a deficiency and an opportunity to improve.**
 17 Q. So your understanding is that Miss Robinson
 18 was not subject to discipline?
 19 MR. SHARMA: Objection. You can answer.
 20 **A. So I simply don't know that, but I am -- I**
 21 **do understand that she did receive professional counsel.**
 22 **So an employee can receive professional counsel, and**

02:34:29 1 **receive discipline. I just don't know whether she --**
 2 **what her disciplinary status may have been.**
 3 Q. Mm-hmm.
 4 Did you -- how did you discover that
 5 Miss Robinson was subject to professional counsel?
 6 **A. I believe that -- that Principal Adams**
 7 **shared that information with me.**
 8 Q. Did Mr. Adams share that information with
 9 you?
 10 MR. SHARMA: Objection. You can answer
 11 again.
 12 Q. You just said you believe that he did, but I
 13 just want to make sure if he did or not.
 14 MR. SHARMA: Objection. You can answer.
 15 **A. I believe that that's how I learned of the**
 16 **information.**
 17 Q. Are there any repercussions for an employee
 18 when they receive professional counsel?
 19 MR. SHARMA: Objection. You can answer
 20 if you wish to.
 21 **A. Repercussions, I don't know that I can state**
 22 **that, but it's a part of the progressive disciplinary**

02:35:39 1 **process, so...**
 2 **It's certainly taken into account if an**
 3 **employee's behavior is not rectified or improved.**
 4 Q. Sorry. Could you explain a little bit more
 5 what that means, the progressive disciplinary process?
 6 **A. So this is not my area of expertise, but**
 7 **progressive discipline is exactly that.**
 8 **So it's designed to give an employee an**
 9 **opportunity to improve their behavior. If they do not,**
 10 **then progressively more serious consequences are**
 11 **implemented to discipline an employee for poor behavior.**
 12 Q. So you did not -- did you ask anyone in
 13 preparation for your deposition today whether Miss
 14 Robinson had experienced any discipline as a result of
 15 your letter of determination?
 16 **A. Did I ask anyone whether she was disciplined**
 17 **in preparation for my deposition? No, I did not.**
 18 Q. You were designated a 30(b)(6) witness on
 19 this topic about whether Miss Robinson -- what responses
 20 defendants had to the letter of determination.
 21 MR. SHARMA: I'll refer you to our
 22 answer to interrogatory as well, which answers that

02:37:25 1 question, under oath.
 2 MR. MOGUL: Okay. Well, we'll take
 3 that, then. It's not very clear, but...
 4 MR. SHARMA: I think it is, but okay.
 5 Q. Okay. The letter of determination
 6 recommends that during the 2015 to '16 academic year,
 7 both Friendly High School students and staff received
 8 diversity and sensitivity training; is that correct?
 9 **A. Let me see where that is.**
 10 Q. It's at the bottom of that page.
 11 **A. Yes. It does say that.**
 12 Q. And the letter also says that you should be
 13 consulted in preparation for such trainings; is that
 14 correct?
 15 **A. Correct.**
 16 Q. What was the basis of that recommendation?
 17 **A. To provide additional -- to ensure that**
 18 **additional training was provided at the school. The**
 19 **information that I reviewed indicated that there was**
 20 **perhaps an inconsistency as far as the student quarterly**
 21 **training, or at least one student quarterly training for**
 22 **11th graders.**

02:38:47 1 **And then there was some lack of clarity**
 2 **as it related to the training that was provided by Major**
 3 **Burks. So I just wanted to ensure that the trainings**
 4 **going forward were handled in a consistent fashion.**
 5 Q. Whose responsibility was it to carry out
 6 that recommendation?
 7 **A. Well, ultimately, the principal of the**
 8 **school is responsible for its overall function.**
 9 **So it would have ultimately been his**
 10 **responsibility.**
 11 Q. During the 2015-'16 school year, did
 12 Friendly High School students receive diversity and
 13 sensitivity training?
 14 **A. They did.**
 15 Q. Was it the same training that we have been
 16 discussing before?
 17 **A. It was the standard training that was**
 18 **provided to all students. That's accurate, yes.**
 19 Q. So your recommendation here was not that
 20 they receive some different kind of training that had not
 21 in theory been attempted before?
 22 **A. No, it was just to ensure that the training**

02:39:51 1 **that was supposed to be given was given in a consistent**
 2 **format.**
 3 **Q. During the 2015-'16 school year, did**
 4 **Friendly High School staff receive diversity and**
 5 **sensitivity training?**
 6 **A. The staff received the same training that**
 7 **all other staff members received during that time period.**
 8 **I did attempt to come up with additional**
 9 **training for Friendly High School and had communications**
 10 **with Miss Eller about that, and we were unable to**
 11 **implement those additional trainings.**
 12 **So they received training consistent**
 13 **with the rest of the school system.**
 14 **(Plaintiff's Exhibit 97, e-mail, Eller to Gaffney,**
 15 **10.7.2015, was marked for identification.)**
 16 Q. I'd like you to take a look at Exhibit 97,
 17 please. It's just the one page.
 18 **A. Okay.**
 19 Q. Do you recognize this e-mail?
 20 **A. I don't know. This e-mail was not addressed**
 21 **to me. So I don't know that I have seen this e-mail**
 22 **before.**

02:43:16 1 Q. So you don't recall ever being forwarded
 2 this e-mail?
 3 **A. I'm not sure. I just don't know.**
 4 Q. This e-mail is from Miss Eller to a few
 5 people, but including Mark Fossett. Do you know who Mark
 6 Fossett is?
 7 **A. I do.**
 8 Q. Who is he?
 9 **A. I'm not certain of his title now. I believe**
 10 **he's an associate superintendent that deals with building**
 11 **services.**
 12 Q. Was that his role in October 2015?
 13 **A. I don't believe so. Yeah, I don't believe**
 14 **that was his role in October of 2015.**
 15 Q. In this e-mail, Miss Eller alleges a series
 16 of microaggressions related to her gender identity; is
 17 that correct?
 18 **A. What she has identified, yes.**
 19 Q. And some of these are misgendering; is that
 20 correct?
 21 **A. Yes. Some of them do indicate misgendering.**
 22 Q. And that's the same conduct that was the

02:44:21 1 subject of the complaint against Miss Robinson; right?
 2 MR. SHARMA: Objection. You can answer.
 3 **A. So the conduct that she alleges to Miss**
 4 **Robinson is different than what is being alleged here.**
 5 **She makes references to certain student interactions -- I**
 6 **mean, there are a lot of different things that are said**
 7 **here. I don't know that I can just say that they're**
 8 **analogous to what she's alleging that Miss Robinson did.**
 9 Q. So you acknowledge that some of these
 10 alleged microaggressions would constitute misgendering?
 11 **A. Right. But she says even here, "Friday,**
 12 **September 4th, Mr. Brooks called me a sir, while talking**
 13 **one-on-one with me at a department meeting. I believe**
 14 **this was an honest slip and not done on purpose."**
 15 **I don't know. She appears to be**
 16 **distinguishing between some of them she believes to be**
 17 **intentional and some not.**
 18 Q. Have you ever received a list of
 19 microaggressions from anyone, just bringing that to your
 20 attention?
 21 **A. Titled list of microaggressions or --**
 22 Q. Doesn't have to be titled that.

02:46:01 1 **A. Well, I mean I've received lists of**
 2 **complaints from people constantly. I mean, that's the**
 3 **lion's share of what I receive, concerns that people have**
 4 **as it relates to their experience in the workplace.**
 5 **I don't know that I would characterize**
 6 **them as microaggressions. So -- that's why I hesitate**
 7 **in -- and I don't think that anyone else has**
 8 **characterized them in their list to me as**
 9 **microaggressions, either.**
 10 **Perhaps maybe one or two have, I don't**
 11 **know. I just don't frequently receive complaints that**
 12 **are lodged in that fashion.**
 13 Q. In the course of your training, have you
 14 been trained on what a microaggression is?
 15 **A. Certainly, I know what it is. I'm just**
 16 **saying that it's not often used as a descriptor for what**
 17 **people are...**
 18 Q. Sure. Sure. I'm asking you to put aside
 19 the descriptor. Have you received complaints that would
 20 constitute, based on your training, what you would deem
 21 microaggressions?
 22 **A. So I think the complaints generally run a**

02:47:20 1 **full spectrum of things, and not all of which would fall**
 2 **under that category, but certainly some could be**
 3 **considered microaggressions.**
 4 Q. Have you ever written a letter of
 5 determination that concluded that microaggressions
 6 constituted a violation of policy?
 7 **A. Not utilizing that phrase, to my knowledge.**
 8 Q. Putting aside the phrase. Conduct that --
 9 **A. But I have written letters that indicate**
 10 **that the totality of the circumstances render an**
 11 **employee's behavior to be violative of the administrative**
 12 **procedure.**
 13 Q. Miss Eller also states -- this is towards
 14 the top of this e-mail -- that training recommended in
 15 the letter of determination had not occurred; is that
 16 consistent with your understanding of where things stood
 17 on October 7, 2015?
 18 **A. It is not.**
 19 Q. And why is it not consistent?
 20 **A. Well, actually, my letter of determination**
 21 **was issued on June 25th of 2015. So this would have**
 22 **taken place -- so all of the things that she complains of**

Page 190

02:48:39 1 **would have allegedly taken place after my letter of**
 2 **determination was issued.**
 3 **Although pre-service week would have**
 4 **taken place then. So it is certainly my understanding**
 5 **that the required pre-training week training had occurred**
 6 **at Friendly consistent with the training that was**
 7 **received at all of the other schools as well.**
 8 Q. And I believe you said before that you had
 9 started to work with Mr. Adams on implementing another
 10 training that's not the standard pre-service week
 11 training for staff?
 12 **A. Yeah, we had discussions about it, but it**
 13 **was never confirmed or approved.**
 14 Q. All right. So I'm now handing you Exhibit
 15 98.
 16 (Plaintiff's Exhibit 98, e-mail, Eller to Eller,
 17 11.13.2015, was marked for identification.)
 18 Q. Obviously, feel free to read the whole
 19 document if you wish. I'll represent to you that the
 20 last two e-mails are the same as the ones you just looked
 21 at.
 22 **A. Okay.**

Page 191

02:50:07 1 Q. In the next closest e-mail to the top -- oh,
 2 sorry.
 3 Are you familiar with this e-mail chain?
 4 **A. Again, I don't know that this e-mail was**
 5 **forwarded to me.**
 6 Q. In the next closest e-mail to the top,
 7 someone named Kimberly Cosby tells Jenny that she spoke
 8 with you, and that she said that you're currently working
 9 with the principal to set a date to bring in an outside
 10 group to complete the training.
 11 Is that consistent with your
 12 recollection of discussions you might have had with Miss
 13 Cosby?
 14 **A. So I may have had communications with Miss**
 15 **Cosby about my attempts to work on additional training,**
 16 **but that training was not -- that was in addition to what**
 17 **was already being provided, so...**
 18 Q. I'm handing you what's marked as Exhibit 99.
 19 (Plaintiff's Exhibit 99, US EEOC Notice of Charge, was
 20 marked for identification.)
 21 Q. Do you recognize this document?
 22 **A. It appears to be the charge of**

Page 192

02:52:09 1 **discrimination that was filed by Miss Eller.**
 2 Q. And it also includes a notice of charge of
 3 discrimination; is that right?
 4 **A. Yes, it does.**
 5 Q. And that notice is directed to Miss Davis;
 6 is that right?
 7 **A. Yes, it is.**
 8 Q. Was Miss Davis still employed by the school
 9 system in July 2015?
 10 **A. I did -- I believe she was, but I'm not**
 11 **positive.**
 12 Q. What typically happens in your office when
 13 one of these notices of a charge of discrimination with
 14 the EEOC is received?
 15 **A. Well, that process has changed, but during**
 16 **this time period, we would have typically received just**
 17 **the notice of charge of discrimination that was separate**
 18 **and apart from the charge itself.**
 19 **Then we would typically receive a charge**
 20 **of discrimination at a later time, with the time frame**
 21 **for us to provide a position statement.**
 22 Q. So for example here, there's a notice that

Page 193

02:53:29 1 provides a deadline of August 17, 2015; is that right?
 2 **A. Mm-hmm. I do see that.**
 3 Q. So let's just talk about the position
 4 statement first.
 5 What goes into responding to one of
 6 these charges of discrimination with the position
 7 statement?
 8 **A. Well, we just provide our position in**
 9 **response to what's being alleged in the charge.**
 10 Q. Mm-hmm.
 11 **A. In its kind of most basic form. That's what**
 12 **we're doing.**
 13 Q. Do you collect information from individuals
 14 at schools that might have been involved in the alleged
 15 events?
 16 **A. So yes. Sometimes I do. Sometimes there's**
 17 **a charge of discrimination that I receive, and I have no**
 18 **information on. So I obviously then would reach out to**
 19 **individuals who have relevant information in order to**
 20 **respond to what's being alleged.**
 21 **I request personnel files, et cetera.**
 22 **Yeah.**

02:54:32 1 Q. Who else is given a copy of this notice of
 2 charge of discrimination when one comes in?
 3 **A. So if it's handled appropriately, it comes**
 4 **just directly to my office. Sometimes it goes around the**
 5 **barnyard before it gets to me, as I'm sure this one did,**
 6 **because it wasn't even addressed to me.**
 7 **But typically, it comes to my office,**
 8 **and we don't duplicate the charge for anyone. We just**
 9 **determine the information that we need in order to**
 10 **respond, and reach out to individuals in order to get**
 11 **that information.**
 12 Q. Do you provide notice to anyone that this
 13 notice of charge of discrimination is coming?
 14 **A. So individuals do receive notice, but**
 15 **it's -- it's notice of our request for information. It's**
 16 **not just a notice of -- that there's a pending charge of**
 17 **discrimination.**
 18 **So for example, if we're collecting**
 19 **information from Principal Adams, we're providing him**
 20 **with notice that we have received a charge of**
 21 **discrimination and making a request for certain**
 22 **information.**

02:55:54 1 Q. Is the general counsel's office informed
 2 when one of these comes in?
 3 **A. So this went to the general counsel's**
 4 **office, it appears.**
 5 Q. Is that the general counsel's office, that
 6 address?
 7 **A. Well, no. I mean, it just indicates**
 8 **"Attention, General Counsel," so that's why I was -- on**
 9 **the actual charge of discrimination itself.**
 10 Q. So if that had not been there, would this
 11 be -- would a charge of discrimination be shared with the
 12 general counsel's office?
 13 **A. They would have notice of just the list of**
 14 **EEOC complaints that are pending, but not necessarily**
 15 **this one in particular.**
 16 Q. When the general counsel's office is given
 17 notice that there's a notice of charge of discrimination,
 18 do they typically institute a litigation hold?
 19 **A. Litigation holds are typically initiated**
 20 **when there's an external lawsuit that's filed.**
 21 Q. So is the answer that's not typical, then,
 22 for them to institute a litigation hold, when they

02:57:20 1 receive the notice of charge of discrimination?
 2 **A. I don't know that I can answer that**
 3 **question.**
 4 Q. Now turning to this particular notice of
 5 charge of discrimination --
 6 **A. Sure.**
 7 Q. -- were any copies of this notice or the
 8 charge forwarded to anyone?
 9 **A. Not to my knowledge.**
 10 Q. Who did -- if anyone, who did you reach out
 11 to, to request information to respond to the charge?
 12 **A. So in this particular case, because there**
 13 **was an internal complaint, much of the information I**
 14 **believe that I had already, but I did in fact have**
 15 **communications with Principal Adams and Miss Pope-Brown**
 16 **as it relates to the charge of discrimination.**
 17 Q. Do you recall when those communications took
 18 place?
 19 **A. Well, it would have been after having**
 20 **received the charge, and prior to me issuing a position**
 21 **statement.**
 22 Q. Would it have been within a certain

02:58:56 1 number -- can you say within a certain number of weeks or
 2 months of receiving this charge when you would have
 3 reached out to them?
 4 **A. I cannot.**
 5 Q. So this notice requested a statement, as we
 6 already established, by August 17, 2015. Was a response
 7 submitted to the EEOC on that date?
 8 **A. I don't know. I'd have to look at the -- so**
 9 **it looks as if the position statement was submitted on**
 10 **September 14, 2016.**
 11 **(Plaintiff's Exhibit 100, US EEOC Notice of Charge, was**
 12 **marked for identification.)**
 13 Q. Now handing you Exhibit 100. Do you
 14 recognize this document?
 15 **A. It indicates it's a notice of charge of**
 16 **discrimination, and Jennifer Eller is indicated as the**
 17 **person filing the charge.**
 18 Q. Have you seen this notice before?
 19 **A. I don't know, but I would presume I have.**
 20 Q. This notice is directed to you --
 21 **A. It is.**
 22 Q. -- is that correct?

03:00:39 1 **A. Correct.**
 2 Q. Does this notice have the same charge number
 3 as the notice we were just looking at?
 4 **A. Well, it indicates a C at the end of the**
 5 **charge, 531201510787C. The initial notice of charge**
 6 **doesn't indicate a C at the end.**
 7 Q. Do you know what that C indicates?
 8 **A. I'm assuming that it was a corrected.**
 9 Q. This notice provides a different response
 10 date than the one we looked at before. It says November
 11 2, 2015; is that correct?
 12 **A. That is what it says.**
 13 Q. Do you know if a response was submitted to
 14 the EEOC before that date?
 15 **A. I shared the response date was September the**
 16 **14th, 2016.**
 17 Q. Okay.
 18 MR. MOGUL: Actually, why don't we take
 19 a five-minute break.
 20 THE WITNESS: Sure.
 21 (RECESS, 3:01 p.m. - 3:15 p.m.)
 22 BY MR. MOGUL:

03:16:02 1 Q. Ms. Simmons, in the course of your
 2 investigation into Miss Eller's 4170 complaint, did you
 3 reach out to Major Burks about her training?
 4 **A. Yes, I believe I did.**
 5 Q. How did you reach out to her?
 6 **A. Via telephone.**
 7 Q. Did you successfully contact her?
 8 **A. I believe so.**
 9 Q. What did you ask her about?
 10 **A. Just the statements that she made as it**
 11 **relates to the training that she performed.**
 12 Q. Were her statements consistent with the
 13 e-mail that we read earlier?
 14 **A. I believe so.**
 15 Q. It was just that one phone conversation with
 16 her?
 17 **A. Correct.**
 18 Q. Following your -- the issuance of your
 19 letter of determination, you mentioned that you had
 20 discussions with Principal Adams about an additional
 21 staff training. When did those discussions start?
 22 **A. So I don't really know. So the letter was**

03:17:16 1 **in June. It probably was in the fall of 2015.**
 2 Q. And in the course of those discussions, did
 3 you or he or anyone else mention the idea of bringing in
 4 an outside group to conduct that training?
 5 **A. Yeah. That's what we were talking about,**
 6 **mm-hmm.**
 7 Q. Had anyone identified a particular outside
 8 group?
 9 **A. I had been in communication with several**
 10 **people, entities, that we were attempting to come up with**
 11 **potential training for.**
 12 Q. And can you name some of those entities or
 13 people?
 14 **A. I can't as we speak, but I took certain**
 15 **recommendations from Miss Eller and contacted --**
 16 **attempted to contact people that she had recommended for**
 17 **training, so...**
 18 **But yeah, that would have taken place**
 19 **probably the fall of 2015.**
 20 Q. And when did your discussions with Mr. Adams
 21 about that potential training end?
 22 **A. I don't -- I'm not able to answer that**

03:18:30 1 **question. I don't know that there was a specific end**
 2 **date to the conversations, but there was a lot of back**
 3 **and forth, and me inquiring with outside individuals**
 4 **determining whether they could be appropriate vendors,**
 5 **whether they were willing to go through the process to**
 6 **become an approved vendor for the school system, whether**
 7 **there was existing curriculum. There was just a lot**
 8 **of -- of back and forth, if you will, for lack of a**
 9 **better phrase.**
 10 **So I don't know that there was any**
 11 **specific end date to my conversations with Principal**
 12 **Adams, but none of it came to fruition.**
 13 Q. Do you recall if those discussions extended
 14 into 2016?
 15 **A. I would imagine that they did, just because**
 16 **every step appeared to take a long time. So I would**
 17 **imagine that it was well into 2016.**
 18 Q. Do you recall if those conversations
 19 extended into the summer of 2016?
 20 **A. I don't -- I really don't know.**
 21 MR. MOGUL: No further questions at this
 22 time.

03:19:48 1 MR. SHARMA: No questions.
 2 MR. MOGUL: No. Okay.
 3 (SIGNATURE not discussed.)
 4 (CONCLUDED, 3:19 p.m.)
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22

1 CERTIFICATE OF COURT REPORTER
 2 I, Marjorie Peters, Registered Merit Reporter,
 3 Certified Realtime Reporter, and Notary Public in the
 4 District of Columbia, before whom the foregoing
 5 deposition was taken, do hereby certify that the witness
 6 was placed under oath according to the law; that the
 7 foregoing transcript is a true and correct record of the
 8 testimony given; that said testimony was taken by me
 9 stenographically and thereafter reduced to typewriting
 10 under my direction, and that I am neither counsel for,
 11 related to, nor employed by any of the parties to this
 12 case and have no interest, financial or otherwise, in its
 13 outcome.
 14 I further certify that signature was not waived by
 15 the witness.
 16 IN WITNESS WHEREOF, I have hereunto set my hand
 17 this day of , 2020.
 18
 19
 20
 Marjorie Peters, RMR, CRR
 21 My commission expires October 31, 2024.
 22

1 ACKNOWLEDGMENT OF DEPONENT
 2
 3 I, AMANA SIMMONS, do hereby acknowledge that I
 4 have read and examined the foregoing testimony, and the
 5 same is a true, correct and complete transcription of the
 6 testimony given by me and any corrections appear on the
 7 attached Errata sheet signed by me
 8
 9
 10 _____
 11 (DATE) (SIGNATURE)
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22

1 ERRATA SHEET
 2 IN RE:
 3 DEPONENT:
 4 RETURN BY:
 5 =====
 6 PAGE/LINE CORRECTION AND REASON
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18 (DATE) (DEPONENT SIGNATURE)
 19
 20
 NOTARY PUBLIC:
 21
 22

A				
A-M-A-N-A 5:17	add 110:14	142:12,16	align 110:19	64:12 66:7,19
a.m 1:18 86:19,19	added 171:4	165:16 167:17	aligned 75:17	75:5 82:7 83:12
ability 8:7,11	adding 108:8	111:1	76:6	84:1 86:6,15
60:12 118:18	addition 95:9	administrator's	allegation 163:15	89:8 103:5
able 8:3 137:9	191:16	administrators	allegations	106:2,7 114:12
172:16 200:22	additional 47:18	45:6,13 48:12	114:17 125:13	123:4,12 135:18
abruptly 167:20	96:18 99:4	50:15,20,22	132:9 133:7	146:22 148:10
absolutely 67:8,8	119:13 143:15	54:12,14,17	142:21 143:2	149:14,15
122:17	152:21 163:20	61:12,16 62:10	155:15	162:19 177:2
abuse 108:19	183:17,18 185:8	62:12,15 63:17	allege 76:20	180:19 181:10
academic 164:21	185:11 191:15	65:20 66:4	alleged 114:5	181:14,19
176:15,21 183:6	199:20	70:15 72:3	115:7 126:2	182:22 187:2
academics	address 5:16,21	74:16 89:14,18	129:19 133:8	195:21 196:2
127:16	5:22 34:7 65:2	89:19 90:10,10	187:4,10 193:9	200:22
Academy 1:20	65:12 66:5 67:2	90:17,20 91:2	193:14,20	answered 86:12
access 44:11,17	76:9 113:18	92:20 98:2,12	allegedly 190:1	answering 7:6,7
56:9 72:21 73:2	115:4 117:17,22	99:9 118:4	alleges 186:15	answers 47:4
73:4,5	165:7 195:6	120:9,16 121:3	187:3	182:22
accommodation	addressed 26:21	122:1 124:8	alleging 112:13	AP 165:17
22:5 23:12	29:11 49:18	129:18 130:2	120:5 187:8	apart 192:18
accompanied	56:19 113:11	139:18 140:8,12	allotted 167:5	apology 176:11
93:11	116:7,10,11	142:9 149:6	169:19,21	appear 9:12 10:7
accompanies	117:7 118:21	168:20 170:11	allow 170:17	35:21 162:16
87:10	120:8 123:2,7	adopted 62:9	allowed 164:1	171:1 203:6
accompany 7:1	123:10 126:7	70:17 71:18	alluded 69:1	APPEARANCES
accompanying	185:20 194:6	77:17 83:22	aloud 11:15,21	2:1
38:6	addresses 60:6	adoption 12:6,12	12:22 165:4	appeared 170:9
account 182:2	76:13	12:18 13:6	alternate 136:6	171:10,11
accurate 66:9	addressing 27:8	advance 169:15	alternative 144:16	201:16
163:10 164:21	55:7 73:18	adverse 133:10	Amana 1:14 3:3	appearing 10:8
177:7 184:18	83:15 113:1,14	advice 122:14	5:2,17 203:3	appears 11:9,17
accurately 8:4	113:21 114:14	advise 45:11	amendment	55:15 88:4
146:22	115:1 118:9	115:13 139:6,8	102:22	152:1 153:16
acknowledge	120:13 129:11	180:7	amendments	157:20 162:4
187:9 203:3	153:18	advised 14:21	41:9	170:8 175:6
Acknowledgem...	adequately 29:8	94:17	American 19:8	187:15 191:22
3:5	173:13	advisement	Amit 2:12	195:4
ACKNOWLEDG...	adjudication	139:11	amount 29:13	applies 54:21
203:1	118:17 119:1,4	adviser 22:16	64:14,16 68:3	55:3 87:13
acronym 47:19	administration	25:2	91:7 172:13	apply 37:4 127:6
164:17	113:12 116:4	advisers 102:13	analogous 187:8	applying 114:5
act 114:10 155:5	165:15,21	affairs 102:21	analyzing 43:4	appreciate 43:1
acted 165:15	administrative	affect 145:6	ancestry 60:10	147:4
176:9	3:11 13:11 23:7	affirmatively 48:7	and/or 13:12,17	appropriate 43:7
action 1:6 133:10	23:10 35:13,14	49:1	13:22 179:14,20	75:9 118:22
actual 60:8 93:21	37:10,14 44:10	afraid 150:10	anew 11:3	165:8 179:14
195:9	46:19 47:8	age 36:18 46:5,11	annual 28:14 30:2	201:4
ADA-related	61:13 75:21	56:6	30:15 34:9 37:8	appropriately
26:17	76:12 87:11,12	agency 20:3 22:5	43:20 79:9,14	116:10,11 194:3
Adams 4:5 27:14	90:8 95:8 110:5	agenda 163:16	79:21 80:18	approval 84:5
155:17 157:12	110:10,20 112:6	ago 10:2,3 88:18	90:5 91:21	approved 84:15
157:21 158:1,10	127:7 131:11	146:9	143:18	190:13 201:6
162:16,22 163:1	169:8 178:21	agreements	annually 28:2,15	April 165:9 173:22
163:4,17 164:3	179:4 189:11	138:22	79:2	174:6 175:12
179:22 181:6,8	administrator	ahead 5:19	answer 6:16,17	area 93:20 95:7
190:9 194:19	73:10 93:17	169:13	6:20,21 7:2,16	117:5,8,8
196:15 199:20	99:5 118:10,12	Ahmed 102:21	7:18,19 8:3,8,12	119:18 152:21
200:20 201:12	118:20 119:5,14	ailments 8:11	14:8 17:2 38:11	182:6
Adams' 169:9	119:22 120:5,21	air 79:22	39:4 41:6 42:21	areas 14:21 15:17
Adams's 152:19	121:16 129:13	al 1:8	43:18 49:8,9	17:5 22:5 32:13
		alcohol 8:7	52:12,22 59:15	56:7 64:1 94:9

108:20,22 109:2 Arnold 1:16 2:4 arrange 169:8 arrival 24:7 articulate 76:20 77:1 articulated 129:1 asharma@jmla... 2:15 aside 15:14 18:14 77:22 94:16,18 110:21 119:3 129:12 154:15 188:18 189:8 asked 5:20 7:15 34:1 35:5 61:9 82:12 83:3,7,9 83:10 85:5 97:19 99:5 124:11,21 160:3 167:17 asking 11:20 50:7 73:18 106:4 124:18 150:22 158:3 188:18 aspect 52:5 68:2 assemblies 57:2 assembly 162:21 163:15,18 assigned 78:22 80:13 165:18 assigning 152:20 assistance 73:18 assistant 13:9 43:14 44:4 113:22 114:1,4 137:20 138:2 155:19 156:5 associate 13:10 76:1 117:9,13 186:10 associated 23:1 ASSOCIATES 2:13 Association 13:16,21 138:12 138:17,19 139:16 140:11 assume 22:9 150:6 assumed 23:22 assuming 141:10 153:1,9 160:18 198:8 attached 71:2 124:14 203:7 attempt 134:17 136:20 170:12 185:8 attempted 64:20 184:21 200:16	attempting 51:11 164:19 200:10 attempts 64:21 191:15 attend 19:13 28:15 30:15 51:13 attendance 113:18 attended 19:1,2,6 28:7,16,18 30:1 32:9,10 162:21 attention 43:5 116:13 120:1 130:7 138:9 148:7,12 149:12 150:5 153:19 173:22 187:20 195:8 attorney 20:4 38:19 attorneys 27:4 attributes 60:11 audience 68:4 97:13 167:1 August 162:18 193:1 197:6 authored 151:11 151:21 authority 83:19 114:16 authorizing 23:12 available 17:17,19 133:21 173:11 avenue 1:16 2:4 2:13 77:4 AVP 164:15,16 165:6 aware 37:7,10,15 40:13 42:1,11 57:10 78:14 80:6 86:13,13 96:7,11,12 102:10,11 103:6 105:18,19 106:5 107:7,8 108:2 119:6 129:13 142:12,16 143:2 143:4 148:15,21 149:1,10	18:17,21 backgrounds 63:15 backwards 21:4 Baker 21:10 Baltimore 2:13 barnyard 194:5 based 17:10 30:4 36:18 38:21 41:13 44:3 46:3 46:5 51:4,12 56:5 68:3 75:17 76:2 97:16 106:18 107:10 122:3 123:20 127:4 128:2 130:9 139:9 164:12 188:20 bases 85:11 basic 137:19 193:11 basis 30:3 34:9 57:7 62:11 79:10 80:18 140:3 183:16 Bates 3:19 150:15 150:16 Battle 24:4,5 began 24:2 95:14 95:16 beginning 160:19 166:20 behalf 10:21 14:8 27:4 139:4 Behaving 115:16 behavior 54:22 55:3,5,7 57:3 112:18 113:1,5 113:10 114:6,7 114:14 115:7,9 115:12,15,20 117:17,18 118:1 118:4,9 120:8 120:11,17 124:22 125:3 126:3,17 127:13 133:8 134:2,7 145:2,3,10,20 146:6,15,18 147:20 150:3 177:11,14 180:9 182:3,9,11 189:11 behavioral 121:3 123:9 beliefs 92:9 believe 9:22 15:13 17:11 18:16 21:6 23:22 24:19,22 26:5,8 26:17 28:16	37:1,2,21 39:4 40:6 41:1,11 42:20 43:7 55:14 56:11 57:18 58:6,16 68:19 69:12 71:2 82:10,18 85:16 87:8 90:1 94:21 95:14,16 96:1,20 100:8 101:18 117:4 120:11,16 121:17 122:19 126:9 139:9 141:1 146:5 147:17 148:14 151:19 154:6 156:4,12,20 158:9 160:6 162:13 165:15 165:20 168:6,18 168:22 169:15 172:6,7,10 173:12 177:6 181:6,12,15 186:9,13,13 187:13 190:8 192:10 196:14 199:4,8,14 believed 146:2 155:14 165:11 175:16 believes 116:10 116:11 118:20 131:2 187:16 Bennett 2:3 best 6:17 32:15 32:19 43:3 82:21 better 59:15 101:7 101:9 108:13 129:4 165:2 201:9 beyond 171:19 bias 91:22 92:1,4 92:6,11 big 50:14 bigoted 160:9 bit 32:8 44:6 65:6 70:4 78:7 130:17 132:5 165:2 166:17 182:4 block 61:18 Blood-borne 108:18 board 3:13 5:10 36:15 77:17 83:22 84:4,6,8 85:17 87:19 101:10 102:20	102:21 139:17 140:7,11 Board's 85:17 86:1 88:17 bodies 23:10 bottom 150:15 183:10 box 173:4 break 7:13,14,16 86:9,10,17 87:5 88:3 111:5 149:19 198:19 Breaking 86:4 bring 18:11 119:22 138:8 139:7 140:7 191:9 bringing 187:19 200:3 broad 38:17 66:10 127:9 broader 31:20,21 32:8,11 39:15 51:10 56:12 broadly 23:2 78:6 broken 51:4 Brooks 187:12 brought 43:5 116:13 149:12 Bruce 20:14 budget 102:21,22 building 93:5 105:11 165:18 186:10 bullet 67:11 bulletins 94:6 bullets 67:15 bullying 58:17 60:5,6,14 62:16 86:1 87:4,11 88:2 116:5,17 124:1,12 125:4 125:13 126:9 Burks 166:13 169:12 178:2 184:3 199:3 Burks' 166:17,18 170:2 178:15 business 5:22 174:1
	B			C
	B 3:8 4:1 145:14 173:5 back 6:7 7:12 33:17 34:18 35:3 98:8 100:9 106:1 124:2 142:5 153:21 173:16 201:2,8 background			C 2:3 5:1 198:4,6 198:7 calendar 135:8 California 19:7 called 1:14 94:6 165:16 187:12 calls 169:8 Campaign 102:8 cancelled 28:17

<p>capacity 5:11 8:22 9:14 10:8 10:18 24:2 27:10 119:13 careful 134:18 Carnell 21:10 carry 179:17 184:5 case 5:12 10:4,5 10:15,18 11:2 83:16,17 99:16 130:11,16 142:4 142:16 170:11 172:17 196:12 204:12 case-by-case 140:3 cases 9:7,9 40:11 40:22 133:15 140:7 144:21 categories 15:22 17:10 37:3 63:8 65:22 67:16 124:9 category 16:4 69:7 138:3 189:2 cause 41:1 cautious 82:17 central 26:21 73:10 149:12,13 175:19 CEO's 85:8 certain 16:2,10 17:9 24:1,8 25:12 26:16 29:18 33:10 34:10 40:8,21 46:22 49:16,18 57:12 58:7 59:7 59:15 66:6 67:21 75:14 76:1 77:18 79:12,18,20 80:11 89:2 91:7 93:18 102:11 104:5,8 109:19 118:11 120:17 129:21 144:7 145:8 148:13 155:13 158:9,10 164:19 170:9 177:14 186:9 187:5 194:21 196:22 197:1 200:14 certainly 39:16 40:11 43:2 47:4 48:22 62:19,22 71:22 74:8,14 74:15 75:8 80:9</p>	<p>97:15 104:13 105:16 115:20 118:22 134:10 138:3,21 140:1 146:10 158:16 182:2 188:15 189:2 190:4 Certificate 3:6 204:1 certification 93:18 certified 4:7 174:19 204:3 certify 204:5,14 cetera 38:20 67:14 84:16 133:11 139:5 165:9 193:21 chain 75:18,20 150:18 151:1,5 151:6 152:11,16 152:18 162:11 166:5,9,11 191:3 challenges 140:13 chance 103:12 change 41:8 60:2 74:2,15,18 83:19 84:9,19 98:5 100:10 110:14 changed 22:19 28:21 41:14 75:4,7 79:13 143:11 192:15 changes 30:2 41:10 60:1,3 74:13 75:11 77:13 78:2,8,9 78:10 84:16 96:7,11,12,15 96:21 97:1 100:14,16,21 101:22 102:3 109:1,5 110:1 167:13 changing 111:1 characteristic 60:8 characterize 39:8 188:5 characterized 188:8 characterizes 152:7 characterizing 130:4 charge 4:13,14 142:19 191:19 191:22 192:2,13</p>	<p>192:17,18,19 193:9,17 194:2 194:8,13,16,20 195:9,11,17 196:1,5,8,11,16 196:20 197:2,11 197:15,17 198:2 198:5,5 charges 25:17 27:2 193:6 charging 131:7 132:10,11 133:12 135:5 137:3,6 138:4 141:21 143:8,10 146:17 155:8 156:20 161:16 173:6 175:15 176:6,14,16,19 177:13 178:12 checked 173:4 Cheema 2:7 86:11 86:14,18 chief 79:5,6 80:18 81:2 85:6 143:8 child 108:19 chronological 150:21 circulated 69:19 circulation 70:19 circumstances 113:9 189:10 Civil 1:6 claims 5:12 clarified 39:20,22 clarify 117:16 126:8 clarity 184:1 class 64:18 66:13 76:16,22 79:16 79:20 99:12 101:13 120:13 130:10,15 133:10 176:17 classes 44:1 46:1 46:9,11,14,16 46:17 63:9 64:1 64:3,15 66:6,17 164:19 165:18 classification 80:5 classroom 113:3 117:20 165:19 CLE 34:10 clear 17:13 39:2 49:11 53:10,16 106:12 120:7 167:9 170:10 174:10 183:3 clearly 52:8 clerked 20:5,13</p>	<p>clerkship 20:7 CLEs 34:7,12 close 167:11,14 174:1 closest 191:1,6 code 44:8 45:3 55:6,12 56:16 59:19,20,22 61:14 62:1,11 62:14,19,21 63:11 90:8 94:18 112:15,16 114:5,13,18 115:6,11 123:3 123:7,10,22 124:7 126:15 127:3,5,12,12 129:1 cohesive 63:19 cohort 51:19 52:10,19 54:5 cohorts 51:1,19 53:19 coined 121:2 collaborations 105:3 colleague 137:16 colleagues 33:7 38:20 104:1 collect 132:7,7 156:17 158:15 159:5,13 193:13 collected 141:14 156:21 173:2 collecting 174:5 194:18 collection 172:20 college 2:14 19:1 19:1,5,8,9,11,14 19:16 color 36:18 56:6 Columbia 204:4 combination 96:2 come 6:7 46:22 63:21 65:18 71:8,10 92:7 122:16 130:7 131:18 142:12 142:20 153:19 153:21 155:2 166:1 167:21 185:8 200:10 comes 85:8 133:19 135:9,17 154:21 194:2,3 194:7 195:2 coming 46:18 67:5 84:21 121:5 122:11 136:11 138:21 194:13</p>	<p>comma 64:10,10 commence 1:18 comments 93:5 160:9 commission 20:1 21:1,3,6,19 204:21 committee 84:6 84:17,22 85:3,5 88:17 102:21 committee's 86:2 committing 114:10 communicate 139:12 communicated 42:6 139:17 140:11 149:2,3 149:4 169:12,14 communication 70:21 71:3,12 71:20 113:6 119:8 171:3 200:9 communications 13:15 33:10 42:4 71:8 185:9 191:14 196:15 196:17 communities 63:16 community 74:21 92:10 127:19 competing 108:2 complain 136:13 complainant 133:12 complained 115:9 130:4,8 139:14 158:14,19 177:10,11,13,20 179:4,11 complaining 116:16 118:11 124:19,21 125:2 125:17 129:14 146:14 147:10 166:1 complains 145:13 189:22 complaint 16:1,1 27:8 44:15 45:12 79:17 112:10,17 113:4 115:1 116:1 117:14 118:7 119:6 125:7,8 130:19,21 131:4 131:18 132:11 136:4,12 138:10 138:15 141:17</p>
---	---	--	--	--

142:11,13,14 148:12,17 149:16 150:7 153:8,12,18 154:8 155:5,12 156:14 158:13 158:14 159:20 161:14,19 165:7 168:9 172:5 174:6,14,17 175:12 179:7 187:1 196:13 199:2 complaints 9:10 13:11,17,22 14:3,5 22:3,6,6 23:7,9 25:17 28:3 41:16 76:19 78:16,17 79:3 83:12 112:7 113:14 114:2,8 119:6 120:2 130:14 131:17 136:7 139:5,5 140:1 144:14 147:16 148:6,11,15 149:11 150:3 154:17 155:6 173:21 188:2,11 188:19,22 195:14 complete 131:4 191:10 203:5 completed 116:6 135:1 compliance 23:3 109:20 component 58:4 concern 74:21 118:21 119:10 119:10 122:12 123:9 138:8 139:7 concerned 106:13 118:12 142:4 concerning 74:1 75:12 76:9 78:2 78:2,16 81:18 82:5 92:15 concerns 113:18 113:21 119:14 148:21 149:2 167:2,22 188:3 conclude 121:17 134:5 172:16 176:2,8 177:17 178:12 concluded 123:19 142:5 175:15 189:5 202:4	concludes 151:1 concluding 122:1 134:8 conclusion 82:8 118:1,8 120:17 122:7,8,12 126:2 134:8,10 136:16,18 176:12,20 177:9 178:9,18 conclusions 145:4,7 176:21 conclusively 120:9 conduct 44:9 45:4 47:1,1 52:2 55:6 55:12 56:16 59:19,20,22 61:15 62:1,11 62:14,19,21 63:12 81:15 90:8 94:18 112:15,16,21 114:5,13,19 115:3,4,6,11 118:11 120:12 120:14,18 123:3 123:7,11,21,22 124:8,9 126:4 126:15 127:3,5 127:12,13 129:1 130:3,5 135:22 147:11 186:22 187:3 189:8 200:4 conducted 22:3 51:7 57:17 90:16,22 97:8 131:21 144:12 158:12 170:13 178:1 conducting 90:11 90:19 111:16,19 131:13 168:8 conducts 52:3 conduit 109:13 confidential 134:17 139:13 confines 99:11,18 113:2 confirmation 167:4 confirmed 163:17 190:13 confluence 89:1 conformance 115:16 conjunction 31:13 62:11 connection 141:16	consequences 182:10 consider 73:22 179:2 considered 108:3 179:9 189:3 consist 141:17 consistency 57:16 consistent 53:19 53:19 54:9 58:2 60:15 61:6 97:11 101:19 110:5 118:5 127:21 128:3 163:16 184:4 185:1,12 189:16 189:19 190:6 191:11 199:12 consistently 57:7 57:9 constant 101:2 constantly 188:2 constitute 118:13 177:17 178:21 187:10 188:20 constituted 189:6 constitutes 94:10 126:3 144:8 179:11 construction 21:13 construe 128:10 consulted 183:13 contact 14:18 199:7 200:16 contacted 14:11 14:21 200:15 contended 178:5 content 29:2,4,5 71:16 92:19 96:7 108:13,15 109:5 110:1,11 110:15 contention 178:9 contents 96:18,18 96:19 162:15 context 31:9 51:9 65:3,5 70:6 92:2 104:5,8 106:13 140:2 146:22 147:13 157:19 continue 22:17 continues 146:2 146:11 continuing 88:6 147:6 continuum 94:5 contractual 99:11 contractually 169:20	control 54:1 controls 142:3 convention 31:22 conventions 31:22 conversation 50:8 67:18 107:14 129:16 164:13 199:15 conversations 15:1,5,8,12,14 17:18 65:14,15 93:7 106:16 201:2,11,18 convey 174:11 conveyed 43:10 51:22 69:13,14 79:4 coordinated 31:17 coordinator 23:14 28:10 29:10 164:15,18 165:6 coordinator's 28:1 coordinators 70:12 102:13 copies 38:2 196:7 copy 37:22 143:9 143:10,11,14,17 162:14,14 194:1 corporate 103:4 correct 9:17 17:15 20:9,17 21:17 22:10,13 23:21 25:22 26:1 27:15 31:11,15 36:9 50:21 52:1 53:21 54:10 55:4 67:8,8 69:22 79:1,8 82:2,11 91:17 101:1 108:6 112:1 124:2 125:1,11,15,19 131:19 132:4 138:1 140:17 152:4,8 154:9 156:3,6 160:17 165:19 166:13 166:14 174:2 176:4 177:12 178:2,6,10,22 179:1,15,16 180:9 183:8,14 183:15 186:17 186:20 197:22 198:1,11 199:17 203:5 204:7 corrected 198:8 correcting 166:3	CORRECTION 205:6 corrections 203:6 correctly 66:2 166:19 168:5 correspondence 133:2 180:12 corresponds 125:6 Cosby 191:7,13 191:15 counsel 1:15 23:16,17,19 24:3,6 143:17 179:14,19 180:2 180:4,6,10,13 180:21,22 181:5 181:18 195:8 204:10 counsel's 195:1,3 195:5,12,16 counselor 73:11 counselors 69:16 countries 67:6 County 1:8 5:9,10 9:1 12:3,9,15 13:4,16,20 19:21,22 20:22 21:3,18 22:9,12 34:20 35:7 36:16 50:14 72:18,18 85:13 138:12 140:10 couple 166:19 course 16:11 22:20 31:4 37:9 40:10 46:13,15 50:5 54:11 77:6 78:1 96:16 99:2 100:4 103:21 112:22 120:10 120:15,20 122:16 127:7 138:11 141:22 143:20 144:14 146:16 159:12 160:4 163:10,19 163:22 164:2,7 168:12 169:3,11 169:17 170:13 170:21 171:5 175:20 188:13 199:1 200:2 court 1:1 6:13,18 7:3,8,12 9:11 18:8 204:1 courts 40:10 cover 61:14 66:3 85:11 89:6 92:14 116:15 161:1
---	---	---	--	---

covered 8:15 29:16 32:22 34:4,12 37:2 38:14 39:3,12 39:14 43:16 44:5 48:15 49:14 57:11 58:15 59:5 62:15 92:16 93:19 94:8,9 95:7 126:11	161:5 175:8 dates 27:10 40:6 40:8 58:13 Davis 24:14 26:3 26:15,22 27:7 131:21 151:10 151:12,21 152:2 152:12 192:5,8 Davis's 152:15 day 30:12,13 204:17 days 31:1 41:20 41:21 135:1 DC 1:17 2:5,9 deadline 174:12 174:16 193:1 deadlines 174:8 deal 58:17 dealing 67:2 92:9 deals 46:2 56:18 58:21 60:6 127:16,16,17 144:2 186:10 dealt 32:1 45:21 dear 38:20 December 151:20 152:10 decisions 69:5 72:4 dedicated 29:20 30:10,21 31:5 33:4 64:6 91:10 deem 84:9 188:20 deemed 64:18 77:6 defendant 10:15 defendant's 14:5 80:2 82:4 83:20 defendants 1:9 2:11 5:8,13 10:21 14:9 16:5 16:22 182:20 deficiency 180:8 180:16 definitely 64:2 definitively 48:6 49:4 72:16 93:3 103:18 degrees 19:10,11 Demetria 23:18 23:22 department 27:22 47:20 62:6 68:20 72:7,14 105:12 187:13 departments 105:13 133:4 Depending 66:20 depends 15:20 31:18 67:19 81:10 132:8	133:6 134:15 141:2 142:13 145:8 depo 6:9 DEPONENT 203:1 205:3,18 deponents 95:10 deposed 6:2 10:18 deposition 1:14 7:22 8:17,19 14:19 15:3 16:12,19 17:8 17:13,15 18:12 18:15 103:4 150:11 182:13 182:17 204:5 depositions 9:4,7 9:12 10:12 described 88:18 123:10 136:5 description 24:12 25:13 75:8 164:20,21 descriptor 188:16 188:19 designated 10:20 14:12 15:10,10 68:8 182:18 designed 113:18 115:6 165:7 182:8 desire 132:15 detail 64:22 determination 43:6 84:14 118:2 131:10 133:22 138:9 139:15 142:2 143:3,6,20 144:5,11,17 145:5,21 159:1 159:11 172:8,22 173:15 175:7,21 177:10,16,19,22 178:8,14,19 179:6,13 182:15 182:20 183:5 189:5,15,20 190:2 199:19 determinations 40:12 80:11 120:10 determine 17:7 41:1 124:8 129:19,20,22 134:3 145:2,11 145:16 146:5 152:12 163:11 169:18 194:9 determined	144:21 146:17 determining 74:3 133:8 146:12 201:4 development 3:16,18 12:5,11 12:17 13:6 103:8,10 165:22 176:4 developments 42:1,5,14,17 Diane 151:14 differences 58:20 different 21:14 26:13 30:3,4 31:9 33:15 54:5 58:19 63:8,14 63:14 64:1,15 67:11 97:10,16 108:20 124:10 124:16 129:9 136:4 150:13 172:19 184:20 187:4,6 198:9 differently 141:7 differing 133:13 133:15 difficult 122:9 147:19 Dion 164:13,14 165:5 168:16,18 direct 38:16 142:22 143:3 172:1 179:20,21 directed 152:8,8 192:5 197:20 direction 1:21 38:5 204:10 directions 38:19 directive 40:1,2,6 47:22 62:13 directives 40:13 40:21 41:4 42:1 42:5,13,16 97:4 directly 42:20,21 46:19 84:21 194:4 director 119:17 143:13 disability 36:20 56:7 60:12 disciplinary 114:18 181:2,22 182:5 discipline 118:5 118:18,19 119:4 123:14,20 179:14,19 180:2 180:18 181:1 182:7,11,14 disciplined	182:16 discover 181:4 discovery 16:3,5 16:8 17:4 discriminate 129:8 discriminated 5:13 56:5 76:21 112:14 121:6 131:3 discriminating 120:22 122:2,20 discrimination 3:12 13:12,18 13:22 22:4 28:4 34:8 35:9,15 36:11,17 37:11 41:2 45:15 46:4 54:20 55:2,21 61:22 62:16 65:8 78:18 79:17 80:3,15 81:19 112:8,11 113:15,21 114:2 114:9,11,17 116:2,17 117:15 118:8,13 119:8 120:2,6 121:18 123:1,6,15,18 126:3,12 127:4 129:14 130:9,20 136:3,8 139:19 140:13 142:19 148:6,16 149:11 153:12 161:14 165:8 177:18 192:1,3,13,17 192:20 193:6,17 194:2,13,17,21 195:9,11,17 196:1,5,16 197:16 discriminatorily 165:15 discriminatory 40:18 118:2 120:11,17 discuss 64:22 140:2 164:3 166:22 167:22 171:6,20 discussed 19:14 29:7 33:16 46:5 46:6 48:12,13 51:20 61:11 69:8 85:10,15 85:19 88:3 89:7 89:9,13,17 92:4 92:5,18,19 95:3 101:15,19 104:2 104:4 105:20
D D 3:1,8 4:1 5:1 D.C 1:12 Daria 173:19 data 78:16,17,22 79:9,15 80:5,14 80:17,19,21 81:2,4,5,8,19,22 83:4,13 84:18 85:6 123:13,20 144:7,10,10,13 date 24:2 35:22 36:2 70:7 106:19 148:13 158:17 191:9 197:7 198:10,14 198:15 201:2,11 203:11 205:18 dated 69:21 152:2				

107:9 111:12 135:19,21 136:1 159:8 202:3 discusses 126:10 discussing 46:1 46:15 109:4 151:12 184:16 discussion 28:20 53:8 63:4,6 65:9 71:19 92:11 93:1 99:21 101:6 104:5,16 162:17 163:20 167:8,9 discussions 15:9 47:5 50:6 51:12 54:13 93:4 95:20 100:20,21 101:2,8 105:2 106:3,5,8,10,13 106:20 107:2,3 107:6,21 108:7 108:15 109:1,11 163:9 164:7 170:5 190:12 191:12 199:20 199:21 200:2,20 201:13 disinterested 171:10,15 dispute 23:13 76:14 disputes 26:19 77:1,5,9 136:10 disrespect 152:22 disrespectful 117:19 126:6 distinct 138:20 distinguishing 187:16 distributed 37:18 37:18,22 70:15 70:20 72:9,11 80:19 distribution 71:1 District 1:1,2 204:4 diverse 31:10 diversity 29:21 32:1 33:1,9 34:13 35:5 43:22 65:16 66:4 74:1 75:12 76:9 77:13 78:2 78:11 83:21 92:2 183:8 184:12 185:4 Division 1:3 divisions 133:5 document 11:8 38:10 68:13,21	69:2 71:3,22 73:5 87:2,15,22 126:20 132:12 135:2,4,5 153:5 160:17 164:10 175:5 190:19 191:21 197:14 documents 3:19 16:2,4,7,16,18 16:20,22 17:4,5 17:8,19 18:11 103:13,17,19 133:2 135:14 141:20 150:16 156:17,19,21 162:4 173:10 doing 23:6 82:13 115:8 120:19 145:11,14 193:12 doubt 154:11 Dr 151:14,15,17 drafted 71:6,7 due 56:8 148:6 duly 5:3 duplicate 194:8 dynamic 66:11 <hr/> E E 3:1,8,8 4:1,1 5:1 5:1 e-mail 4:3,5,9,11 70:21 71:2,15 119:7 129:16 150:18 151:1,6 152:6,16,18,20 153:2 154:3,5,7 157:12,16,20 162:11 166:9,11 166:12,17,18,20 166:22 173:17 173:18,19 185:14,19,20,21 186:2,4,15 189:14 190:16 191:1,3,4,6 199:13 e-mails 16:11,14 16:15 133:2 151:11,20 152:11 158:2,7 158:9,10 162:7 162:14,15 166:6 190:20 earlier 8:16 75:21 111:12 144:6 199:13 earliest 77:9 easier 7:8 165:18 education 3:13 5:10 27:22	36:15 47:20 62:7 63:21 68:20 72:7,15 87:19 Education's 102:20 educational 18:21 educators 138:20 Educators' 13:16 13:21 138:12,17 138:19 139:16 140:11 EEO 25:2 102:13 EEOC 4:13,14 9:10 20:3 22:5 23:10 25:17,17 27:2 28:2 30:15 38:18 40:6,19 40:22 41:4 161:5 191:19 192:14 195:14 197:7,11 198:14 EEOC's 40:13 42:1,13 EEOC-led 31:4 EEOC-related 10:6 effect 167:15 180:14 efficacy 80:2,14 81:18,22 82:4,9 83:5 170:6,7 effort 57:16 efforts 66:4 either 37:19 46:21 71:8 84:8,11 136:17,20 158:1 163:2 179:19 180:2 188:9 elect 136:18 137:7 electronic 141:6 Electronically 73:1 elementary 51:5 53:4 94:8 Elizabeth 24:14 26:15 131:21 151:10,12 Eller 1:5 4:9,11,11 5:8,12 148:15 152:4,12 153:14 153:17 158:19 159:6,14,18 160:1,5,6,8 162:13,16,20 165:6,12,12,16 165:16,18,20 166:3,11 168:15 172:1 176:3,9 176:22 177:6,10 178:4 179:3	185:10,14 186:4 186:15 189:13 190:16,16 192:1 197:16 200:15 Eller's 148:5 149:10 150:3 154:7,16 161:19 168:9 172:5 174:6 175:12 178:9 199:2 Elliott 2:3 5:7 elliott.mogul@a... 2:6 employed 23:5 25:3 192:8 204:11 employee 26:19 44:5 45:11 136:10,12 143:14 145:9,10 145:11,12,12,13 145:14,17,17,19 145:22,22 146:7 146:9,12 151:17 179:20 180:7,15 180:22 181:17 182:8,11 employee's 39:18 76:15 142:15 182:3 189:11 employees 23:4 24:11 29:15 34:20 37:15,17 37:19 38:4 39:1 43:20 46:3 47:5 47:7 49:5 50:6 76:21 77:4 78:19,20 82:1 82:10 83:11,15 85:20 91:15 99:12 101:5 127:6,6,10 140:13 employers 22:7 employment 19:20 21:12 22:4,11,16 34:7 139:1 encompass 27:20 128:9 encompassed 35:12 39:21 56:12 95:17,18 encompasses 38:22 127:18 encourage 129:6 encouragement 168:3 ended 167:20 ends 161:20 engage 34:19	engaging 145:9 English 164:15 165:5 ensure 54:4 56:4 57:16 63:19 65:20 134:18 183:17 184:3,22 ensuring 23:3 105:13 entire 23:20 30:2 31:5 56:18 98:14 126:20 169:22 entirely 30:10 66:9 106:12 170:10 entities 200:10,12 entitled 158:8 entity 138:20 environment 63:19 116:4 120:21 146:13 146:20 147:12 environments 65:21 Equal 22:16 equality 58:20 equally 56:4 equity 32:1 66:1 Errata 3:7 203:7 205:1 escaping 27:14 Esquire 2:3,3,7,12 essence 96:16 essentially 49:8 95:6 136:18 139:2 established 197:6 et 1:8 38:20 67:14 84:16 133:10 139:5 165:9 193:21 evaluate 80:2 83:4 evaluating 75:3,6 78:17 82:4 114:1,8 evaluation 82:9 event 109:11 158:14,22 159:7 176:18 events 193:15 eventually 117:1 155:3,13 exactly 8:20 24:1 140:21 182:7 examination 1:15 3:2 5:5 examined 5:3 203:4 example 46:3
---	---	--	--	--

53:2 65:1 85:6 94:2 113:6 142:9 145:9,12 147:1,7 148:1 192:22 194:18 examples 47:1 exclusive 47:6 74:7 exhibit 3:9,10,11 3:13,15,17,19 4:2,3,5,7,9,11 4:13,14,17,19 11:1,4,6 35:14 35:17 55:9,10 68:7,8,9 86:21 87:17,18,19 103:7,9 150:9 150:10,12,16 153:5,21 154:1 154:3 157:10,12 160:14,15,16,20 161:7,11,17,18 161:20,21 162:7 164:9 173:16,17 174:18,19 185:14,16 190:14,16 191:18,19 197:11,13 Exhibits 4:15 103:11 exist 67:16 76:4 96:6 97:3,3 existing 73:22 77:13 88:11 107:22 110:20 201:7 exists 73:13 expect 123:12 expectation 57:3 expectations 167:1 174:9 experience 19:19 147:14 188:4 experienced 121:14 160:8 182:14 experiences 67:20 179:3 expertise 182:6 expires 204:21 explain 19:19 21:21 42:22 65:5 129:2 145:6 175:10 182:4 explaining 18:20 exposed 121:14 expression 56:8 extend 162:7 extended 93:7	201:13,19 extensive 92:22 extent 92:3 100:3 103:5 159:15,19 external 27:4 195:20 <hr/> F <hr/> F 3:8 4:1 face 65:9,11 faced 140:13 facilitating 13:21 facility 141:11 fact 44:5 48:21 102:19 135:5 171:3 196:14 fact-finder 133:20 factor 134:7,10 146:12 factors 89:1 145:4 facts 122:3 144:20 factual 176:1,2,8 177:8 faculty 160:2,9 170:5 171:6 fairly 56:4 63:20 129:7 fall 15:21 17:9 44:1 63:8 65:21 69:6 75:18 76:16 80:4 106:14 124:9 138:3 140:1 189:1 200:1,19 falls 29:9 75:8 familial 60:11 familiar 6:10 85:22 86:7 87:1 102:7,19 103:17 151:6 153:7 157:16 161:1 166:9 170:19,22 175:4 191:3 families 113:17 FAPR 1:20 far 18:14 33:16 34:4 40:10 97:2 106:12 108:11 139:4 142:3 150:22 170:10 183:20 fashion 135:1 184:4 188:12 faster 172:16 February 86:2,3 102:20 148:14 154:8 158:13,18 158:22 159:7 161:19 172:7 176:3,18 177:3	177:21 178:20 federal 28:2 feel 77:17 80:6 102:16 121:5 168:2 190:18 feeling 65:22 Fellow 1:19 felt 16:18 165:13 fifth 11:13,17 figure 64:5 65:6 file 44:15 77:6 112:20 132:14 135:13,16 136:12 138:5,10 140:15 141:12 142:2 161:18 162:5,12 filed 9:11 14:4 22:7 23:7,10 25:17 76:19 83:17 141:18,18 142:15,19 144:14 148:12 172:7 192:1 195:20 files 132:11 140:19 141:5,6 141:9,17 161:13 193:21 filing 136:4 139:5 165:7 197:17 final 70:9 financial 204:12 find 45:1 50:1 93:15 134:5 146:10 158:21 161:17 169:4,12 findings 159:2,10 176:1,2,8 177:9 finds 145:10,19 fine 55:17 111:7 finish 7:7 firm 14:14,17 15:2 15:15 20:5,16 20:21 21:8 first 5:3 6:12 20:7 27:13 28:12 49:8 70:14 87:17 102:11,17 148:5 150:2 152:2 155:7 156:15 173:6 193:4 fiscal 102:21 five-minute 149:19 198:19 flipping 128:14 floor 170:18 fluid 50:7 focus 30:3 49:13 focused 48:11	160:21 focusing 45:5 91:20 130:3 follow 112:15 115:21 173:5 follow-up 81:8,12 81:18,21 98:18 152:11,15 166:21 170:4 follow-ups 81:6 followed 152:17 following 152:10 166:6 199:18 follows 5:4 footage 133:3 foregoing 203:4 204:4,7 forget 171:19 forgot 61:10 142:6 168:17 form 43:11 112:20 113:1 116:15 117:22 118:9,16 119:1,3,5,7,10 124:13,14,16,18 124:19 125:3,5 125:9,11,16,21 126:1 130:21 131:4,4 138:6 148:9,17 149:12 153:7,8,12,14 179:4 180:13 193:11 formal 14:3 22:1 82:3,12,14 83:1 113:4,20 122:18 161:15 173:3 format 70:9 90:13 130:5 169:13 170:14 185:2 forms 38:6 116:6 116:20 117:5,16 124:12 129:12 forth 201:3,8 forward 78:6 137:1 184:4 forwarded 70:8 93:22 173:22 186:1 191:5 196:8 forwards 166:12 Fossett 186:5,6 found 38:5,18 45:11 76:19 147:9 159:9 178:19 four 11:18 57:3 172:10 fourth 11:19 fraction 170:2 frame 41:16,18	43:17 48:2 50:4 52:16 60:16,17 61:2,21 62:2 144:15 172:9 175:13 192:20 frames 60:22 free 190:18 freedom 56:7 frequent 92:4 136:3 frequently 188:11 Friday 187:11 Friendly 12:4,10 12:16 13:5 54:14 159:13 162:17 166:22 167:3 170:5 183:7 184:12 185:4,9 190:6 front 171:14 fruition 201:12 full 189:1 fully 6:16 8:3 function 27:4 74:7 184:8 functioning 24:2 functions 17:10 25:1 26:16 funneled 77:10 further 40:12 65:9 201:21 204:14 future 164:3,6 <hr/> G <hr/> G 5:1 Gaffney 4:9 185:14 gap 83:14 gaps 73:22 74:4,9 80:6,14 gathered 17:16 141:21 gathering 17:14 gawk 165:20 geared 128:17 gender 4:19,21 12:2,14 35:11 36:13 38:9 39:17 48:14 49:1,10,15 55:22 56:14 60:10 62:8,20 63:4,10,11 64:7 64:10 68:10,11 68:17,18 126:10 126:11,14 127:2 128:2 129:9 186:16 general 21:13 23:16,17,19 24:3,6 34:19
---	---	--	--	--

36:14 38:19 43:22 56:10 60:4 64:19 65:16 66:3,3 76:14 85:17 95:6 99:7 100:1 101:4 110:4 127:15 135:16 143:17 173:5 195:1,3,5,8,12 195:16	150:22 160:19 165:19 167:13 170:20 201:5 goal 32:21 115:10 115:13,20 goals 32:14,17 goes 42:6 135:9 166:6 193:5 194:4 going 11:4 35:17 53:2 84:15 86:21 89:6 100:9 114:4 129:18 148:4 150:9 153:20 154:1 170:15 174:6 184:4 Goldson 5:10 good 86:8 134:22 148:4 171:2 goodness 40:5 gotcha 11:20 govern 85:20 127:13 128:11 138:22 governance 86:2 governed 25:13 55:5 73:19 114:13 127:6 government 166:2 governs 66:11 127:10,12 grade 162:21 graders 183:22 graduated 18:22 19:1,2 Great 69:1 111:9 149:22 greater 68:2 greet 146:3 group 32:8 69:18 191:10 200:4,8 groups 51:8 guess 30:6 31:1 64:5 67:9 97:19 108:13 113:9 117:16 125:9 170:4 guidance 38:16 38:18 40:3,22 62:7 63:1 69:4 69:12,15,18 70:3,11 71:18 72:6,13 73:11 78:14 guidances 40:9 guide 62:1 72:3 guideline 55:6 73:19 guidelines 4:21	62:9 68:11,17 <hr/> H H 3:8 4:1 half 111:6 halfway 161:8 hall 129:16 hallway 167:18,19 167:21 Hampton 19:7,8 hand 35:17 55:8 146:8 204:16 handbook 4:17 55:11 118:6 128:11 handing 190:14 191:18 197:13 handle 32:20 33:8 handled 21:13 26:17 105:1 136:8,11 184:4 194:3 handouts 167:7 handwriting 164:1,11,12 165:1 hangs 174:9 happen 32:4 66:18 116:1 119:20,21 121:8 121:9 141:9 173:1 happened 57:7 59:16 115:5 138:18 146:16 147:6 happening 122:13,15 happens 81:13 192:12 harassed 121:6 harassing 118:2 120:11,18,22 128:1 130:14 harassment 3:12 13:12,17,22 35:15 36:17 58:18 60:5,7,14 62:17 87:12 112:8,10 113:14 113:21 114:2,8 114:10,17 116:2 116:6,17 117:15 118:8,13 119:8 120:6 121:18 123:2,6,15,18 124:1,13,19 125:4,13,17 126:3,10 129:14 130:9,19 131:3 136:3,7 139:18 140:12 142:19	148:6,16 149:11 153:13 161:15 177:18 178:21 179:3 hard 6:19,20 53:22 He.' 165:16 166:3 head 163:8 headed 117:9 hear 128:12 heard 102:9 104:4 104:6,6,9 106:2 106:8 107:8 167:2 hearing 52:7 help 14:18,20 15:10 77:8 83:4 126:8 129:1 146:5 161:20 helpful 16:18 124:2 helping 63:18 hereunto 204:16 hesitate 188:6 hierarchy 106:15 high 12:4,10,16 13:5 18:21,22 19:4,6,7 51:3,5 53:6 54:14 94:2 94:7 97:18 100:8 159:13 162:17 166:22 167:3 170:5 183:7 184:12 185:4,9 hold 195:18,22 holds 25:1 195:19 holistic 114:16,20 holistically 101:8 home 33:17 honest 187:14 host 108:17 121:11 170:20 hour 30:11 111:6 169:20 170:16 housed 93:16 141:2 housing 22:4 hug 147:4 huge 101:4 hugged 146:10 147:3 148:1 hugging 145:17 147:22 hugs 145:12,19 147:10,21 human 20:1,22 21:3,18 102:8 143:9 hydrated 8:14 hypothetical 47:3	47:9 48:4 49:16 51:20 52:11,20 97:3,16 hypotheticals 46:21 47:15 48:21 49:4,13 49:19 50:2,10 50:16,17 51:16 53:3,4,11,14,18 54:3 97:9,11 <hr/> I idea 200:3 ideas 92:9 identification 11:7 35:16 87:20 103:8,10 150:17 154:4 157:13 174:20 185:15 190:17 191:20 197:12 identified 44:2 71:3,22 115:17 186:18 200:7 identify 35:11 36:10 55:20 66:20 67:16 79:16 81:14 83:1 106:18 152:21 identifying 126:21 identity 4:22 36:13 38:9 39:17 48:14 49:1,10 56:1,14 60:10 62:20 63:5,10,11 64:8 64:10 68:11,18 126:11,11,14 127:2 128:2 129:9 186:16 ill-prepared 178:5 178:13 imagine 8:20 48:15,17 72:13 104:14 201:15 201:17 Immediately 167:16 immigrant 63:15 65:1,11 66:10 67:2 immigrants 65:8 65:18 67:12 impact 8:11 implement 45:7,9 61:12,14 129:21 185:11 implementation 12:6,12,18 13:7 implemented
--	---	---	--	--

76:13 182:11 implementing 104:17 105:21 105:21 106:21 118:5 124:7 190:9 importance 49:20 64:16 important 64:18 imposed 123:14 improve 101:3 180:16 182:9 improved 182:3 in-depth 16:13 66:13,17,21 67:17 in-house 140:22 in-person 15:7 in-school 90:19 111:13 137:13 inappropriate 120:12 152:7,13 165:14 inappropriately 77:10 incident 116:6 133:13 134:3 153:13 158:17 158:18 165:22 176:13,19 177:4 177:20,20 179:10 incidents 158:20 158:22 177:11 177:14 include 28:19,21 39:15,17 46:10 52:20 59:4 79:15 80:7 99:21 107:22 110:8 123:22 141:13 144:10 144:13 included 38:17 45:22 49:7,20 51:17 52:17 58:14 62:21 63:3,12,22 94:22 95:8,9 100:4 108:1 includes 12:5,11 12:17 13:6 100:3 115:15 127:8 192:2 including 12:4,10 12:16 13:5 40:21 46:8,9,14 60:8 186:5 inclusion 29:21 33:1,9 34:13 43:22 65:17	66:3 92:3 inclusion-type 32:2 inconsistency 183:20 incorporated 41:5 42:17 43:1 47:16 62:18 63:1 69:3 incorrect 122:3 178:10 increase 41:15 incumbent 92:8 independent 164:18 indicate 154:10 174:4 176:13 186:21 189:9 198:6 indicated 38:16 158:5 172:6 183:19 197:16 indicates 36:14 152:19 157:22 158:16,17 160:15,16 176:5 178:11 195:7 197:15 198:4,7 indicating 174:7 indirectly 42:20 42:22 43:9 individual 26:17 27:9,11 56:5 109:12 135:9 individual's 92:6 140:7 individually 134:19 individuals 28:3,8 28:22 29:6,17 33:11,12 34:14 37:1 38:18 39:3 39:12,21 40:18 42:14 43:16 45:14 47:11 48:5 51:17 55:2 56:4 57:10,14 58:15 59:5 62:16 67:13 69:19 74:9 75:18 76:1 83:6 85:15 92:15,17 93:2 95:4 100:5 100:14 106:11 106:14 109:4 111:17,18,22 112:3 114:15 115:8 125:6 127:8 135:10 137:21 148:22 155:14,16 164:5	170:9 193:13,19 194:10,14 201:3 inefficient 83:15 influence 115:12 115:19 inform 43:3,10 84:18 informal 14:3 28:9 31:12 32:4 82:15 83:1 112:22 131:9 161:15 174:5 informally 138:8 information 15:17 15:19,22 17:15 17:16 23:9 38:4 40:21 43:2,6,10 43:21 45:9 47:17,18 51:8 51:22 79:2,4,15 79:18,19,20 80:8,10 82:20 84:10 85:1 99:4 102:14,14 109:7 132:6 133:7,19 133:20 138:17 139:14 144:7 150:8 155:14 156:14 158:15 159:5,13 160:7 172:2,21 173:3 173:13,20 174:5 174:8,14 175:14 178:12 180:8 181:7,8,16 183:19 193:13 193:18,19 194:9 194:11,15,19,22 196:11,13 informed 195:1 inherent 92:6 initial 84:13 132:12 198:5 initially 60:5 124:11,20 143:13 initiate 139:10 initiated 105:8 107:3,10 195:19 initiates 132:12 initiating 105:4,5 initiation 108:11 108:12 initiator 104:22 innocuous 146:3 inquire 73:7 159:21 163:1,4 168:11 inquired 14:22 149:4 inquiries 88:20	131:22 135:22 144:11 146:17 inquiring 124:12 162:21 201:3 inquiry 15:18 17:5 68:3 131:7,14 132:6 134:1,6,8 135:3,15 138:11 140:14,16 141:16 143:7 145:1 158:13,20 159:12,17 160:1 160:4 161:19 163:3 168:12 169:3,11,17 171:5 insensitive 152:3 152:13 instance 9:22 54:6 98:13 136:22 172:18 instances 31:20 46:7 51:6 84:8 90:21 116:12 120:5 130:8 132:17 133:2 134:4,21 135:10 135:12 136:12 136:19 137:6,8 142:14,22 145:9 146:8 165:16 176:6 177:17 179:8 instant 130:11,16 institute 195:18 195:22 instructed 7:19 instruction 45:6 45:13 61:21 instructional 119:17 instructions 45:8 instructor 164:22 intended 65:19,20 71:22 88:10 128:8 174:11 180:7,15 intention 46:8 intentional 46:9 46:13 146:6 187:17 interact 23:8 104:1 138:21 interaction 25:14 32:21 136:13 176:16 interactions 127:14 128:18 128:20 152:7 159:6,17 160:12 172:1 176:22	177:5 187:5 interactive 50:6 167:7 interest 204:12 interested 74:9 80:10 138:4 167:8 171:11,18 interfacing 113:3 interfere 8:7 interjected 167:16 internal 9:10 17:18 23:6 27:8 161:13 196:13 interpretation 71:19,21 162:20 interrogatory 16:1 182:22 interrupt 7:5,5 interrupted 5:20 Interspersed 173:9 interview 132:20 interviewed 168:21 interviews 134:21 175:16 intimidating 60:13 intimidation 60:7 60:14 87:12 124:1,13 125:5 126:10 introduce 103:1 introduction 102:17 165:17 investigate 23:6 28:3 134:2 145:1,16 155:12 investigated 129:17 investigating 139:5 158:21 investigation 131:13 137:1 141:22 142:3 156:18 157:1,6 158:2,4,12 159:2 163:10,11 163:19 164:2,7 168:8,21 172:4 172:14,20 175:11,20 179:9 179:10 199:2 investigations 22:3 40:18 134:14 161:13 investigative 138:14 161:13 161:18 162:5,12 investigator 20:3 142:1
--	---	---	--	---

22:2 invitation 142:20 invite 135:8 involved 48:21 49:4 54:7,13 72:4 100:19 101:21 108:10 108:11,15,22 109:4 137:13 143:1 174:16 193:14 involvement 88:13,16 involving 9:10 10:5 22:3 25:15 28:7 30:4 63:13 69:5,6 177:12 177:14 irrespective 123:9 issuance 199:18 issue 51:3 66:14 67:2,22 73:18 76:17 88:20 92:1 102:15 113:19 118:18 120:22 143:2 issued 40:9 59:22 62:7 63:1 75:22 104:8 143:20 144:3 172:8 189:21 190:2 issues 10:6 23:14 26:17 29:21 30:4,7,11,18 31:2,6,8 32:2,20 33:1,5,9,21 34:8 34:13 39:17 40:19 48:21 50:6 52:11,18 52:21 54:13 56:19 58:21 63:13,16 65:12 67:11,12,13 72:4 74:10 75:10 91:14 93:7,18 97:17 116:12 139:18 139:22 159:16 159:20 170:12 171:12 issuing 196:20 IX 23:13,14 27:22 28:10 29:10 70:12 102:13	75:3,8 judge 20:5,13 July 9:6 21:5 22:20 25:20 27:17 192:9 June 172:8 175:8 175:12 189:21 200:1 <hr/> K <hr/> K 2:8,12 KAYE 2:4 keep 54:8 148:4 kept 141:7 166:3 Kimberly 191:7 kind 10:4 15:19 21:11 28:8 31:19 32:18 50:7 51:20 56:19,19 66:11 66:16,16 67:19 71:18 81:10 92:8 113:19 139:21 143:19 144:4 147:10,20 171:2,8,9 173:1 174:4 184:20 193:11 kinds 92:5 know 6:12 7:9,12 7:14 8:5 14:12 17:3,9 21:2 24:5 24:14 25:7,10 25:12,14 26:18 26:20 27:6,9,10 27:12 29:8 32:3 36:1,4 39:19,22 40:11 41:8 43:15 45:20 46:15 47:14,15 47:18 48:17,18 49:12 50:3,9 51:16 54:11,17 55:17 56:14 57:15,19 58:6,6 58:13,20,22 59:13,14,16 61:20 63:13 64:2,6 65:6,7,15 65:19 66:3,8 67:1,6,9,16,21 70:2 71:1 72:5,9 72:11,15,17,20 72:21 73:7,13 73:16 74:6,22 75:3,6 77:22 78:4,8 79:19 80:19,20,21 81:14 84:20 85:4,7,9 88:21 89:5,10 92:1,4,7	93:6,16,20,21 94:5,5,10,21 95:1,5,6,7,9,17 96:16 98:8,13 102:18 103:5 105:11,12,16 106:11,16 107:3 107:20 108:9,18 109:21 112:2 117:5,21 119:7 120:20 122:3,13 127:3 128:9 133:9,18 134:20 137:19 139:7 140:21,21 141:9 141:10 144:8 146:4,11 147:21 149:15 152:10 152:15,17 155:1 157:17,18 159:9 162:11 164:6,17 165:12 166:18 167:11,12 169:6 169:7,19,21 170:15 180:1,20 181:1,21 185:20 185:21 186:3,5 187:7,15 188:5 188:11,15 191:4 196:2 197:8,19 198:7,13 199:22 201:1,10,20 knowledge 8:13 25:4 72:8 80:13 146:1,7,14 168:7 189:7 196:9	layman's 164:20 lead 20:2 117:1 leadership 69:14 79:12 81:11 119:13 137:15 137:18,20,22 139:21 151:15 leads 143:5 learned 181:15 learning 32:19 Lee 20:14 left 167:22 legal 2:7 42:5,13 42:16 130:5 legislative 84:7 length 91:4 92:19 169:13,15 lesbians 165:9 let's 11:15,22 43:13 67:9,11 67:12,13 78:20 86:10 129:12 134:12 150:9 154:22 193:3 letter 142:2 143:2 143:6 144:17 145:5 159:1,10 161:1,7 172:7 172:22 173:15 175:6,17,21 177:9,16,22 178:8,14,18 179:2,6,12,13 182:15,20 183:5 183:12 189:4,15 189:20 190:1 199:19,22 letters 38:20 143:19 144:2,5 144:11 189:9 level 26:20 116:7 116:8,14 123:19 137:8 148:20 149:6 150:8 LGBT 100:17,22 LGBTQ 103:1 liaison 113:17 limitations 8:10 99:12 limited 158:13 lines 40:9 110:22 166:19 lion's 188:3 list 187:18,21 188:8 195:13 lists 36:18 188:1 litigation 5:8 21:12 195:18,19 195:22 little 11:14 20:11 32:8,11 44:6	65:5 78:7 120:7 130:17 132:5 165:2 182:4 live 90:16 95:19 97:8 LLC 2:13 local 20:3 22:5 locale 105:7 located 21:15 lodge 112:17 lodged 115:2 188:12 logistically 171:1 logistics 170:8 long 30:11 42:9 99:17 134:13 140:20 160:14 161:21 169:18 172:4 201:16 longer 76:4 165:18 172:15 look 50:1 103:12 157:10 159:3 161:1 162:7 166:7 174:18 185:16 197:8 looked 190:20 198:10 looking 16:17 103:14 108:12 150:13 162:3 198:3 looks 78:16 87:10 161:4 164:11,12 197:9 loosely 40:17 lot 20:19 21:13 38:1 50:5 52:4 68:1 104:12 108:20 121:4 129:4 165:2 187:6 201:2,7 lots 63:13 Lucas 2:3 lunch 111:6
<hr/> J <hr/> January 161:16 Jennifer 1:5 197:16 Jenny 191:7 job 24:12 25:21		<hr/> L <hr/> L 160:15,16 161:7 161:11,17,20 labor 143:14 179:20 lack 184:1 201:8 lackluster 168:2 LAMBDA 2:7 landlords 22:7 Lane 5:22 language 46:20 57:12 60:4,15 110:19,19 128:10 129:3 152:5,9,14 large 51:8 63:15 153:4 law 14:14,17 15:2 15:15 19:2,2,5,9 19:9,11,14,17 20:5,5,8,16 21:8 42:2 204:6 lawsuit 195:20	<hr/> M <hr/> M-C-K-N-I-G-H-T 18:9 Madeline 18:1 Madeline's 18:5 mail 4:7 174:19 main 28:5 138:8 maintain 123:13 151:15 maintained 25:2 140:18,19,20 141:5,13 maintains 74:7 Major 166:12,18 169:12 170:1	

178:2,15 184:2 199:3 making 38:3 43:6 67:3,5 69:4,5 72:3 120:10,16 125:6,8,12 138:9 139:14 158:8 194:21 mandatory 91:18 96:2,3 manner 97:2 115:16 March 1:12,17 178:1 marital 36:19 60:9 Marjorie 1:19 204:2,20 mark 6:1 11:3,4 86:22 136:19 157:11 186:5,5 marked 11:2,6 35:14,15,18 55:9,10 68:9 87:20 103:8,10 103:11 150:10 150:17 154:1,4 157:13 173:17 174:20 185:15 190:17 191:18 191:20 197:12 Marlboro 6:1 Maryland 1:2 6:1 27:21 28:7 32:7 32:10 47:20 62:6 68:20 72:7 72:14 mass 71:1 Massachusetts 1:16 2:4 material 50:10 97:2 materials 33:17 33:18,21 50:3 93:11,14,21 94:1,3,7,11,14 94:20 95:2 104:7 141:13 matter 99:6 120:10,15,20 135:17 137:1 matters 21:14 40:19 131:8 137:7,10 McCOLLUM 2:13 McCullum 14:14 15:2,15 McKnight 18:6,7 McLean 21:16 MD 2:14 mean 9:13 16:4 31:18 40:17	46:14 51:21 52:4 58:21 60:17 61:17 62:18 65:13 66:15,16 67:1 67:15 74:16,18 79:2 83:16 85:16 95:5 96:15,16,16 104:12 106:2 108:17,19 109:7 112:19 113:10 114:10 118:17 119:12,18 121:3 121:11,21 122:11 124:17 127:15,16 134:16 135:4 139:3 141:4 147:16 149:4 180:5 187:6 188:1,2 195:7 meaning 44:19 102:13 means 17:13 144:16 182:5 meant 11:18 39:9 66:12 measure 153:1 mechanism 115:4 129:16 mediated 136:14 mediation 131:9 136:20 137:5,12 138:5 mediations 26:19 136:17 mediator 23:13 26:19 medication 8:6 meet 131:6 132:9 132:10 134:19 142:20 155:17 155:19 158:5 167:17,21 173:6 173:7 meeting 86:2 99:2 99:19 102:20 155:7 163:22 165:11,13,13,14 169:20,22 171:4 173:6 176:10,12 178:20 180:11 187:13 meetings 139:20 170:13 meets 148:2 member 102:21 112:10,11,13 130:19,20 136:2 139:6,7 152:21	167:10 member's 139:4 members 37:6,9 44:1 94:11 101:3 105:14 139:22 163:21 163:22 169:1 185:7 members' 159:17 membership 76:22 133:9 176:16 memo 71:2,5,11 71:15 mental 60:12 mention 29:6 37:14 38:12 58:14 59:4 109:22 111:17 111:21 112:3 144:6 178:15 200:3 mentioned 8:16 9:18 28:10 29:18 30:14 31:12 35:20 38:8 41:22 42:10 51:18 55:13 64:3 69:20 75:21 78:9 87:5 103:22 114:16 140:15 144:22 199:19 mentions 158:19 177:10,22 178:4 Merit 1:20 204:2 met 88:17 135:5 155:15 156:8 methods 70:22 microaggression 188:14 microaggressio... 186:16 187:10 187:19,21 188:6 188:9,21 189:3 189:5 middle 43:14 51:5 53:5 mind 5:15 11:11 11:14 12:21 18:20 59:17 150:20 165:4 mine 24:20 153:9 165:2 minimum 132:9 minute 6:7 18:18 55:16 157:14 159:3 minutes 99:20 165:9	mirror 147:20 misbehavior 150:4 miscommunica... 122:10 miscommunica... 171:2 misgendered 160:2,5 176:3 misgendering 178:20 186:19 186:21 187:10 missing 69:17 mistaken 150:20 mm-hmm 6:20 31:16 44:22 55:15 56:17,21 59:2 74:5 77:16 80:16 89:21 92:13 95:12 97:6 101:11 116:21 128:7 130:1 156:7 157:3 161:10 181:3 193:2,10 200:6 modification 74:22 75:1 76:5 modifications 75:16 modified 75:7 107:22 modules 95:11 108:5 Mogul 2:3 3:4 5:6 5:7 86:10,12,15 86:17,20 87:21 88:7 111:5,9 148:4 149:18,22 150:1 162:1 174:21 175:3 183:2 198:18,22 201:21 202:2 moment 111:12 150:19 166:7 Monday 1:12,17 Monica 5:10 months 172:10 197:2 motivated 60:7 moved 180:12 movement 7:1,1 MSD 47:20 MSDE 47:17 62:22 70:8 multiple 58:11 130:8 166:3 <hr/> N <hr/> N 3:1,8 4:1 5:1 N.W 1:16	name 5:7,15 17:22 18:1,5 21:8 27:12,13 27:13 109:15 167:11 168:16 200:12 named 10:15 46:16 191:7 names 19:4 narrow 67:9 78:7 national 36:19 56:6 60:9 nature 135:15 158:17 necessarily 43:11 53:19 63:9 66:5 73:17 82:18 85:3 101:12 128:18 158:7 195:14 necessary 133:17 175:16 need 7:10,11,13 55:16 65:7 76:15 84:9 146:21 194:9 needed 94:9 needs 118:21 negative 171:14 negotiated 138:22 neither 204:10 neutral 133:19 never 25:1 59:16 82:3 150:20 167:2 190:13 new 37:16 59:22 71:17,17 78:10 79:11 88:11,12 96:18 150:11 174:18 newly 26:9 news 86:4 nexus 110:10 176:15 nine 14:8 nod 6:20 Nods 163:8 non-conforming 4:20 12:2,15 62:8 68:10,17 non-discrimina... 4:22 12:8 13:3 29:21 35:6 45:7 68:12,18 74:1 75:13 76:10 77:14 78:3,12 78:17 82:5 83:5 83:20 85:14,18 89:15 90:4 91:5 91:8,11 92:14
--	---	---	---	--

94:14,20 95:3 96:9,13,22 98:7 99:22 100:11,17 101:17 102:1 105:6,9,14 109:3 110:15 111:2,14 163:3 164:4 non-discrimina... 23:3 110:4 non-video 59:6 nope 150:20 normal 99:18 Northwestern 100:8 Notary 204:3 205:20 note 7:14 35:22 noted 59:18 notes 135:14 141:14 142:1 156:22 157:2,4 157:5,8,8 158:4 158:7,8 164:12 165:4 notice 3:10 4:13 4:14 11:6,9 86:6 103:4 142:18 180:16 191:19 192:2,5,17,22 194:1,12,13,14 194:15,16,20 195:13,17,17 196:1,4,7 197:5 197:11,15,18,20 198:2,3,5,9 notices 192:13 November 198:10 number 13:19 38:2 64:13 74:8 119:19 120:4 134:22 144:14 161:8,14 197:1 197:1 198:2 Numbers 3:20 150:16 numerous 147:17 NW 2:4,8	162:19 177:2 180:19 181:10 181:14,19 187:2 objective 83:13 obligation 6:14 108:18 137:4 observations 80:11 obviously 51:13 57:20 79:11 83:16 90:10 132:12 141:7 168:15 190:18 193:18 occasions 132:21 occur 37:13 61:18 169:22 179:19 occurred 41:2,8 106:3 152:3 163:21 177:4 189:15 190:5 occurrences 152:3,14 occurs 50:5 October 69:21 70:4,16 186:12 186:14 189:17 204:21 off-site 141:2 offending 145:22 146:12 offense 145:19 offensive 145:10 145:20 146:1,6 146:15,18 office 17:16,18,20 21:15 26:21 33:18 71:8,9 73:10 79:4 84:18 85:8 89:2 91:1 93:17 99:10 104:17,19 104:21 105:3,5 105:17,20 109:7 109:16 113:6 117:2,2,5,8,9 119:16,18 122:17 123:12 123:13,19 131:5 131:17 134:20 135:17 136:9,11 139:17 140:12 140:19 142:7,8 153:15 154:20 154:21,21 155:2 175:20 192:12 194:4,7 195:1,4 195:5,12,16 office's 148:11 officers 177:12,15 offices 1:15 80:9	80:19 106:10 108:21 109:4,6 official 5:11 70:17 officials 13:11 31:13 148:8 149:13 150:5 175:20 oh 40:5 41:17 44:19,19 47:14 70:6 87:9,9,14 157:7 191:1 okay 11:5,10,20 15:1 16:17 22:22 24:21 30:13 39:10 41:3,17 44:21 47:21 48:9 52:14 53:15,22 54:2 55:18,19 59:14 61:5 66:22 70:18 71:13 72:2 73:12 81:16 82:19,22 87:9 89:3,3,11 98:3 98:10,16 99:3,6 99:17 100:2 103:15,16 105:18 111:8,9 112:4 116:21 122:5 124:6,20 125:20 128:19 147:15 148:3 149:9 151:3,3,4 151:22 157:15 159:4 160:22 162:9,10 164:12 166:8 183:2,4,5 185:18 190:22 198:17 202:2 old 41:12 older 65:19 Oliver 164:13,14 165:5 168:18,19 onboarding 37:16 37:20 once 32:5 115:1 142:2 one's 133:9 one-on-one 187:13 ones 28:5 34:3 190:20 online 38:6 44:20 95:11,21 96:2 108:5 open 167:11 opened 135:16 140:16 opinion 168:1 opportunity 22:16	74:21 77:10 170:17 180:16 182:9 oppose 36:16 opposed 114:22 130:4 options 114:18 oral 10:12,13 59:12 175:16 order 73:14 76:16 135:1 150:21 152:21 155:5 193:19 194:9,10 organized 169:5 orientation 36:20 37:3 38:14 39:4 39:5,13,16 56:7 60:10 64:10 origin 36:19 56:6 60:9 original 106:1 outcome 136:22 204:13 outline 50:10 outlined 60:14 118:6 122:19,21 outside 42:6 77:5 80:11 83:17 86:6 92:8 103:4 116:3 117:2 118:14,15,17 119:11 120:1,21 122:14 130:11 134:2 142:8 148:8 149:2,5 149:13 150:5,8 159:7 176:10,18 191:9 200:4,7 201:3 outstanding 40:11 over-the-phone 15:7 overall 96:21 160:12,16 169:22 171:3 184:8 overarching 32:18 overlap 16:9 overlapped 25:11 overlapping 26:3 oversee 108:21	11:13,17,19 13:1 55:16 56:2 60:15 124:4 125:10 153:5 160:14,15 161:6 161:22 162:2,6 164:8 166:4,5,6 183:10 185:17 PAGE/LINE 205:6 pages 153:6 165:4 Pamela 27:13,16 paper 38:1 141:5 paragraph 56:13 177:8 178:1 paralegal 17:21 parallel 49:9 parent 116:11 parenthesis 167:11,12 Park 2:14 part 16:3,5,8 31:21 36:10,22 38:8 40:14 43:20 45:3 52:18 55:20 62:20 63:1,17 65:16 75:3 79:16 84:14 93:22 98:22 107:13 109:20 130:22 134:1,3 142:1 150:7 156:17 158:4 159:22 162:4,12 163:3 168:21 179:9 181:22 participants 54:15,18 participate 32:13 52:5 participated 52:10 107:5 particular 59:3 66:13 67:22 75:10 76:4 81:11 88:19 91:5 93:5,8 97:17 99:16 103:19 130:5 134:2 135:15 142:9 148:22 149:1 169:2 172:18 195:15 196:4,12 200:7 particularly 66:9 143:15 parties 133:22 136:17,21 137:4 137:6 158:5 161:16 177:5
O O 3:8 4:1 5:1 oath 183:1 204:6 object 7:17 86:5 103:3 objection 7:18 17:2 38:10 41:6 43:18 52:12,22 64:12 66:7,19 73:15 75:5 82:7 88:6 123:4 148:9 149:14				
			P P 5:1 p.m 111:10,10 149:21,21 152:2 152:6 198:21,21 202:4 page 3:2,9 4:2,15	

204:11 parts 132:6 150:14 party 131:7 132:10,11 133:12 135:6 137:3 138:4 141:21 143:8 146:14,18 147:10 155:8 156:6,20 173:6 175:15 176:6,14 176:20 177:13 178:12 party's 143:10 176:16 passing 103:11 pathogens 108:18 pattern 81:15 134:3,6 145:2,3 Paula 14:4 PC 21:10 pcheema@lam... 2:9 peers 129:7 pending 7:15 86:11 194:16 195:14 Pennsylvania 32:12 people 12:15 25:21 26:2 27:7 29:22 35:9 36:12 42:7,18 43:10 51:18 52:2,5 54:21 55:22 58:18 63:13 65:8,21 69:18 74:11 81:20 82:5 90:19 92:10 96:10,14 98:7 99:22 100:12,17 101:13 102:2 104:17 105:16 110:16,18 111:3 111:16 147:17 147:17,22 166:1 171:9 186:5 188:2,3,17 200:10,13,16 People-slash-st... 165:11 perceived 60:8 perform 40:18 performed 24:22 199:11 period 25:19 45:5 45:16 47:10 48:13 49:2,20	51:15 53:13 54:12 85:12 89:12 90:2,15 92:12 93:10 97:7,21 101:15 101:20 102:5,6 111:14 141:8 143:21 144:21 169:21 170:3 180:14 185:7 192:16 periodic 28:13 periodically 37:13 person 14:15 15:5 18:3 27:1 61:22 75:9 79:16 147:22 197:17 person's 27:12 48:14 49:14,21 63:4 64:7 personal 9:14 10:8,18 56:8 60:8 personnel 13:9 113:13,16 193:21 perspective 29:12 Peters 1:19 204:2 204:20 PGCEA 139:20 PGCPS 3:13,19 3:20 4:7,8 56:3 87:19 150:16,17 174:19,20 PGCPS365 150:15 PGCPS403 161:21 PGCPS99 161:6 phase 172:21,22 173:4,5 174:5 phases 172:19 phone 15:6 134:21 199:15 phrase 36:22 58:16,22 59:8 59:11 108:12,13 121:2 160:10 189:7,8 201:9 physical 6:22,22 7:1 8:10 37:22 60:11,12 physically 44:19 place 28:9 51:4 63:21 92:11 106:17 119:1 131:8 137:5 153:2 154:22 169:16,18 170:11 189:22 190:1,4 196:18	200:18 placed 204:6 plaintiff 1:6,15 2:2 14:4 16:8 plaintiff's 3:9 4:2 4:16,18 11:6 13:16 55:10 68:9 87:19 103:7,9 150:16 154:3 157:12 174:19 185:14 190:16 191:19 197:11 planned 163:16 platform 107:20 107:22 platforms 104:15 play 113:20 139:4 146:4,11 plays 145:21 please 5:16 6:10 6:16,17,21 7:2,4 7:9,13,14,16 11:12 19:5 21:17 71:17 82:2 83:4 89:9 125:15 164:9 166:18 185:17 point 25:15 28:20 38:16 39:20 48:3 54:8 94:5 105:7 141:7 points 67:11 173:14 policies 12:1,6,7 12:12 15:21,21 35:6 38:5 45:2 46:15 73:22 74:13 75:4,12 76:9 77:13,15 78:2,11,12 80:2 80:14 81:19,22 82:4,9 83:5,14 83:20,22 85:10 85:12,19 105:15 policy 3:14 4:8 35:8,19 36:1,10 36:14,15 37:4,6 37:7,18 38:7 40:21 41:5,9,19 43:8,15,19 44:5 44:7,11,18 45:7 45:10,12 46:1 46:12,18 48:12 54:20 55:1,20 57:11 58:15 59:19 61:13 69:8 71:17 75:7 76:14 77:18 80:6 84:2,15,19 85:17 86:1,1,7	87:5,10,19 88:3 88:9,11,11,12 88:14,19,22 94:19 174:20 189:6 poor 182:11 poorly 129:8 Pope-Brown 156:2 196:15 populations 31:10 portal 44:20 Porter 1:16 2:4 portion 29:5 59:6 59:8,12 60:5,15 170:2 posit 127:7 position 20:7 22:14 23:1,8 25:1,13,14 26:7 26:9,11,21 27:18 32:19 34:5 42:3,7 74:12 85:18 143:12 151:16 161:4 192:21 193:3,6,8 196:20 197:9 positions 75:17 positive 148:14 171:14 192:11 possible 44:12 52:19 97:18 99:8 possibly 104:17 posted 73:8 potential 200:11 200:21 Powell 151:14,14 151:15,17 PowerPoint 167:6 practice 21:13 173:5 practices 12:1,7 23:3 32:15,19 43:3 105:14 110:5 pre-2015 63:3 64:4 pre-season 96:3,4 pre-service 90:6 91:5,8,11,20 93:19 96:5 98:22 190:3,10 pre-training 190:5 preconceived 92:9 predecessor 72:5 141:14 prefaced 61:1 preference 137:3	premise 64:19 122:3 premised 93:4 133:9 preparation 182:13,17 183:13 prepare 14:18,20 15:10,15 17:12 18:15 142:2 preparing 16:12 present 9:6 34:1 165:12,13 167:6 presentation 84:13 167:10 presented 55:11 68:12 84:10 175:14 presume 81:1,3 197:19 presuppose 122:11 presupposes 121:22 pretty 160:3 161:21 prevent 61:22 preventing 80:3 previous 4:15 24:18 previously 16:20 17:6 26:15 35:14,18 55:9 55:10 68:8,9,19 107:7 108:1 primarily 18:3 21:12 29:12 90:21 91:2 Prince 1:8 5:9,9 9:1 12:3,9,15 13:4,15,20 19:20,22 20:22 21:3,18 22:9,12 34:20 35:7 36:15 50:14 72:18,18 85:12 138:12 140:10 principal 43:14 44:4 114:1,4,8 114:13 121:10 121:16 136:14 137:14,21 138:2 138:2 152:19 156:5 167:16,19 169:7,9 179:22 181:6 184:7 191:9 194:19 196:15 199:20 201:11 principal's 137:11 principals 13:9,10
--	--	--	--	--

51:3 53:4,5,6 67:20 69:14 105:11 113:22 121:5 122:8,19 137:21 155:20 prior 26:6,12,22 27:6 41:12 62:13,22 90:6 95:19 100:9 131:20 138:9 148:16 149:11 150:11 173:16 176:13,19 177:4 178:1 196:20 private 20:4 proactive 114:22 proactively 156:13 probably 10:2 11:1 16:15 32:5 33:2 34:15 67:15 74:8 91:13 92:21 99:19 129:4 146:21 160:10 200:1,19 problems 121:4 procedural 56:8 procedure 3:11 23:8 35:13,14 37:10,14 44:10 46:19 47:8 75:22 76:13,20 77:4 78:10 87:11,12 110:6 110:11 112:6 127:7 131:12 178:22 179:5 189:12 procedures 12:14 12:19 13:2,7 23:4 43:19 80:14 83:14 95:8 110:8,20 proceedings 1:18 process 6:9 9:10 25:15 27:8 37:16,20 56:8 77:7,11 82:3,12 82:14,16,18 83:2 84:4,5,13 88:18 93:22 99:7 112:9,17 113:4 116:14 117:6 118:3 119:1,4 122:18 126:1,7 130:18 130:22 131:1,10 131:19 132:13 134:17,18 136:4 136:6 138:5,11	138:15 139:7,10 150:7 170:22 174:17 182:1,5 192:15 201:5 processed 79:4 produced 16:2,5 16:8,20 17:1,4,6 144:8 156:19 161:12 product 108:2 professional 3:16 3:18 103:7,9 165:22 168:3 176:4 179:14 180:2,4,5,10,13 180:21,22 181:5 181:18 program 102:8 103:2 104:2,3,4 104:7,10,18 105:22 106:2,21 107:18 108:4,8 108:16 110:15 111:1 programs 56:9 104:9 109:5 progressive 181:22 182:5,7 progressively 182:10 prohibit 36:16 127:4 prohibited 128:1 prohibiting 35:8 36:11 54:20 55:21 prohibition 37:11 prohibits 55:1 project 164:18 pronouns 29:17 49:21 proper 29:17 properly 165:20 proposed 85:22 86:1 87:4 88:2,9 102:22 proposing 88:21 protect 65:8 protected 44:1 46:1,9,11,17 63:9 64:1,3,11 64:17 66:6,13 66:17 76:16,22 79:16,20 101:13 130:10,15 133:9 176:17 protecting 45:14 45:17 62:15 protection 38:17 38:22 46:3,5 protections 127:8	protective 64:15 protocols 12:13 12:18 13:2,7 74:1 75:12 provide 23:8 46:22 62:10 63:18 79:2 80:17 81:8 82:21 83:4 91:21 97:21 98:9 112:16 132:22 135:10 164:22 170:12 180:8,15 183:17 192:21 193:8 194:12 provided 27:4 43:20,21 47:17 50:20 51:9 52:17 53:3,5,12 53:14 62:19 64:9 72:14,17 79:9,19 85:2 88:19 90:9 97:20 99:1 101:9 104:10 107:21 110:11 111:13 135:20 144:7 162:13,14 163:2,6,14,21 183:18 184:2,18 191:17 provides 77:4 108:5 193:1 198:9 providing 4:18 29:12 43:21 46:3,5 66:13 68:9,16 78:13 81:4 91:2 93:18 97:14 115:11 163:17 194:19 PS-74 112:20 116:20 117:1,5 117:16 118:3,9 118:11 119:1 124:11 125:3,21 126:1,7 129:15 psychologist 73:11 psychologists 69:15 public 1:8 5:9 9:2 12:4,10,15 13:4 19:21 22:4,12 34:20 35:7 72:19 85:13 204:3 205:20 publication 68:20 published 62:13 70:9	Puneet 2:7 pupil 13:8 113:13 113:16 purpose 34:16 65:19,20 72:1 187:14 purposes 23:14 53:8 97:12 108:3 138:21 144:9 180:13 pursuant 23:7 45:12 112:5 125:7 purview 118:19 put 129:12 188:18 putting 88:14 110:21 189:8	R R 5:1 race 35:10 36:18 46:11 56:6 60:9 63:12 67:14 races 63:14 racial 46:4 raise 74:21 76:16 120:21 raised 50:7 92:2 93:5 116:12 148:21 150:8 155:15 159:16 159:20 173:14 179:8 Rawls 165:17 reach 105:16 119:14,16,17,18 122:17 131:6 139:3 155:11,13 156:13 178:9 193:18 194:10 196:10 199:3,5 reached 126:2 197:3 reaching 122:8 reacquaint 151:9 react 178:15 reaction 171:7,21 172:3 read 7:12 11:12 11:20 13:19 14:2 36:22 60:4 104:7 127:1 151:2,8 162:10 166:17,18 168:5 171:9,17 190:18 199:13 203:4 reading 11:15 12:22 56:13 165:3,4 166:15 166:16 ready 55:17 149:22 real 65:5 67:20 realigned 41:11 143:12 really 30:22 31:18 115:4 128:16 132:8 133:6,17 137:2 141:2 146:22 160:21 170:8 199:22 201:20 Realtime 204:3 reason 8:2 116:9 147:18 154:11 205:6 recall 14:16 15:4 20:19 28:6,19 29:8,16,19
			Q qualification 36:17 qualify 123:17 quarterly 57:2,6,7 57:9 59:3 163:14,17 183:20,21 query 179:10 question 6:1,20 7:7,10,11,11,15 7:15,20 39:2,11 42:8,9,21 47:4 49:1,9,9 61:2,10 65:4 66:10 78:21 83:7,9,10 83:12 84:1 86:11 98:17 100:9 106:7 113:22 121:22 122:9 123:5 137:20 140:9 142:6 143:5 144:9 146:22 148:10 149:7,8 149:16 158:6 160:3 183:1 196:3 201:1 questions 6:11,16 6:18 7:21 8:3,8 8:12 14:8 50:7 68:1 81:5,12 88:18 89:8 93:4 122:12 124:11 124:17,20 167:1 169:4 201:21 202:1 quickly 168:17 quotation 167:12 167:14 Quote 166:2 quotes 79:22	

30:17,20 31:7 33:2,4,7,15 34:12 48:10 49:17 70:14 71:14,16 81:17 100:7 103:21 110:3 156:16 157:7,8 158:3 172:2,4 174:12 174:15,16 186:1 196:17 201:13 201:18 receipt 4:7 155:4 174:19 receive 27:18 37:9 38:4 40:14 40:20 43:6 44:8 50:22 53:9 56:15 57:1 63:21 73:20 89:14 90:4,5,7 91:13 96:13 98:6 100:11,16 101:16 102:1,12 102:13 109:7 123:13,20 142:18,20 154:14 158:9 166:21 180:3,21 180:22 181:1,18 184:12,20 185:4 188:3,11 192:19 193:17 194:14 196:1 received 19:10 27:21 34:10 45:9 47:17 58:3 70:2,4,7,10,17 79:3 81:5,17,21 85:6 90:2 94:12 96:8 101:20 102:16 130:13 135:14 154:8,16 158:10 166:12 171:13 172:2 178:5,13 183:7 185:6,7,12 187:18 188:1,19 190:7 192:14,16 194:20 196:20 receives 118:10 143:6,9,9,10,14 143:17 receiving 69:2 99:13,14 197:2 RECESS 86:19 111:10 149:21 198:21 recognize 11:8 87:22 154:5 185:19 191:21	197:14 recollection 6:17 191:12 recommendation 74:15,17 75:9 75:11 76:18 107:15 110:14 134:11 179:18 183:16 184:6,19 recommendatio... 69:6 75:14,15 76:8 77:12 78:1 78:4 98:5 100:10,13,15 109:8,9,9 110:1 110:2,7,17,18 110:21,22 134:7 200:15 recommended 77:3 101:22 102:3 107:10,12 107:13 189:14 200:16 recommending 143:15 recommends 179:13 183:6 record 5:16 7:4 204:7 recorded 1:19 records 133:4 recourse 77:7 rectified 182:3 red-necks 166:2 reduced 204:9 reduction 38:2 refer 118:14,15 119:10 153:6 182:21 reference 41:12 59:8 63:10 76:15 128:5 161:7 176:11 177:4,5 referenced 63:11 125:5 163:13 references 75:22 110:9 166:3 187:5 referencing 124:4 175:18 referred 116:3 117:2 151:10 176:6,20 referring 50:11 114:21 118:7,16 refers 152:2 regard 40:12 95:3 105:17 regarding 12:14 13:3,16 43:22	45:10 47:10,18 48:4 49:10 51:16 62:7 79:19 81:15,19 82:9 83:20 90:4 96:9,13,21 100:21,22 101:16 102:14 105:9 107:16,17 110:1 111:14,21 113:5 116:2 139:21 163:4 164:4 170:6,7 173:13 175:11 175:11 regards 47:5 49:4 79:3 88:20 144:6,13 170:8 regional 76:1 Registered 1:20 204:2 regular 81:7 regularly 59:21 regulations 115:17,21 relate 78:11 83:6 related 15:17,22 23:9 27:18 32:18 33:1,21 39:18 42:14 58:22 62:14 67:11,12,13 78:19 80:15 83:9 85:13 90:7 98:2 100:14 113:19 123:20 139:22 150:4 157:4 158:2 161:13 172:2 184:2 186:16 204:11 relates 15:20 23:4 29:10,14 43:22 45:14,17 47:7 52:5 57:13 74:10 81:21,22 82:10 85:14,19 88:19 90:11 91:14,15 96:22 98:7 100:11,17 101:9,12 102:1 102:4 104:22 107:4 110:16 111:2 115:3 120:18 126:15 126:17,18 127:2 127:13 128:17 135:21 142:21 188:4 196:16 199:11 relating 12:2,8	53:7 relation 34:5 relations 20:1,22 21:3,19 143:14 179:20 relative 109:1 relevant 17:5,8 101:20 102:14 110:8 133:3 138:18 155:14 157:1,5 159:15 180:14 193:19 relied 126:9 178:12 relieve 166:16 religion 36:19 56:6 60:10 67:14 remain 141:11 remained 60:15 97:5 remains 114:12 134:18 remarking 87:17 remember 20:2 22:1 25:6 29:2 30:11 33:12,20 47:21 76:2 94:13 reminded 57:2 render 189:10 reorganization 26:10 rep 139:8,8 rep's 139:10 repeat 131:20 repeated 7:11 136:3 repercussions 181:17,21 rephrase 7:10 149:8 replace 88:9,10 replaced 95:20 report 23:15 24:9 108:19 121:17 122:7 142:3 153:13 reported 14:4 reporter 1:21 3:6 6:19 7:3,8,12 18:8 204:1,2,3 Reporters 1:20 reporting 75:19 75:20 79:21 143:19 reports 13:12,17 13:22 represent 5:8 190:19 representative	9:13 10:9,10 105:19 represents 138:20 request 74:22 84:8,21 85:3,8 99:9 133:4 136:14 157:7,8 169:6,9 193:21 194:15,21 196:11 requested 84:11 84:18 173:10 197:5 requesting 84:12 requests 23:12 82:20 require 74:2 required 7:18 64:7 99:12 111:15,18 129:21 132:16 167:4 172:17 190:5 requirement 112:2 121:15,20 121:21 122:7 requires 133:1 research 12:5,11 12:17 13:6 resolution 13:21 23:13 41:16 76:14 77:5,9 131:10 136:19 136:20 resolutions 144:16,17 resolve 133:14 137:12 resolved 77:2 131:9 137:8,11 resources 143:9 respect 48:13 63:4,7 64:7 respecting 49:20 58:19 173:21 respective 108:21 respects 56:3 respond 122:9 193:20 194:10 196:11 Respondent 132:10,14,18 133:13 141:19 142:17 143:9 146:19 173:7 responding 13:11 25:16 27:1 156:5 193:5 responds 162:22 179:6,12
---	--	---	---	---

response 73:20 79:21 95:5 123:14 132:15 132:18 161:8,12 193:9 197:6 198:9,13,15	reviews 109:7 Richard 21:10 right 10:15 20:20 31:22 35:22 39:5,21 59:6,10 60:19,20 82:16 84:2,3 96:4 121:13 125:18 125:22 127:3,20 128:16 132:14 140:6 144:19 150:14 151:21 157:21 172:11 177:1 187:1,11 190:14 192:3,6 193:1	5:17 safe 4:18 29:12 62:7 63:21 68:10,16 70:19 78:14 107:19 108:4,8,10,16 109:5,13 110:2 110:14 111:1 salient 158:18 173:14 sat 167:4 satisfied 136:17 136:19,21 saw 125:9 saying 53:12 59:7 64:7 65:7 115:19 120:12 121:5 128:12 188:16 says 11:13 145:14 146:9 160:15 161:8 164:15 165:5 183:12 187:11 198:10 198:12	95:14,17,18 97:9,10,17,18 98:14,15,22 100:7,8 101:4 103:1 104:1 105:10,19,20,21 108:14 113:11 113:11,17 115:10,18 116:3 116:7,8,14 117:3,7 118:10 118:14,15,17,18 119:2,11,14,22 120:1,21 121:16 123:19 127:19 129:13 136:8 137:11 139:1,21 142:9 148:7,8 148:20,22 149:2 149:5,6,13 150:5,8 151:18 159:14 162:17 166:22 167:3 168:11 169:8 170:5 183:7,18 184:8,11,12 185:3,4,9,13 192:8 201:6	151:22 153:9 154:22 160:20 161:6,9 174:22 183:9 193:2 seeing 68:1 seek 139:14 seen 25:13 58:7,9 58:12 68:13 71:11,12 87:3 103:19 104:14 120:20 151:6 157:18,18 166:10 185:21 197:18 seminars 67:2 senior 13:10 sense 140:4 173:4 sensitive. 167:14 sensitivity 183:8 184:13 185:5 sentence 64:6,8 sentences 64:14 separate 61:15,17 61:19 64:8 65:16 71:14 91:16 138:19 192:17 separately 91:15 September 36:1 161:5 187:12 197:10 198:15 series 186:15 serious 182:10 seriously 60:13 serve 23:12 27:10 113:17 135:12 served 22:2 26:18 27:11 services 105:2,12 106:14 151:16 186:11 servicing 20:22 session 30:10 31:5 64:20 91:10 167:20 168:2 176:4 sessions 29:11 31:21 34:2 64:21 91:16,18 104:8 set 97:11 115:22 154:14 191:9 204:16 setting 90:17 119:3 seven 141:1 sex 5:14 35:10 36:12,18 37:3 38:17 39:5,14 39:15,20 46:11 55:22 56:6,12							
responsibilities 14:5 16:2 88:19 182:19	rights 4:16 55:10 56:2,3,8,11 102:8 115:14 118:6 126:19,21 127:18 128:10 128:11	scenarios 117:21 schedule 11:13 155:7 scheduled 1:17 167:5 SCHOLER 2:4 school 5:22 9:14 10:9,10 12:5,11 12:17 13:5,13 14:1 18:21,22 19:2,3,5,5,6,7,9 19:11,14,17 20:6,8 21:5 22:15 23:5,20 24:11 25:3 26:20 27:5 28:7 30:4 31:14 32:7 32:10,12,19 33:8,11,13 34:20 37:11,13 37:17,22 38:22 41:13 42:7,18 43:3,14 45:2,6 45:13,22 48:11 50:14,20,22 51:3,5,5 53:4,5 53:6 54:14 56:9 58:3 61:12,15 62:10 69:9,15 70:12,15 73:9 73:11 74:16,20 76:3,6 78:5,15 80:13 81:18 89:13,17,19 90:7,9,10,16,17 91:2 92:20 93:8	school-level 51:12 schooling 19:13 schools 1:8 3:15 3:17 5:9 9:2 12:4,10,16 13:4 19:21 22:12 35:8 50:15,18 57:17 63:15 85:13 94:2,8,8 97:15,22 98:4 102:7 103:2,7,9 104:3,10 105:22 106:6,9,21 107:1,8,16,18 107:19 108:4,8 108:10,16 109:5 109:13 110:2,14 111:1 121:4 190:7 193:14 Schools' 72:19 scope 86:6 103:4 scratch 43:13 59:17 122:22 scratched 67:7 search 114:16 section 56:2,18 124:1 126:9 127:1 128:2 security 177:12 177:15 see 6:18 55:14 57:20 71:17	responsibility 73:21 74:3,12 75:3 179:17 184:5,10	RMR 1:21 204:20 road 6:9 97:18 Robin 109:15 Robinson 14:5 156:4 166:1,2 176:2,5,9,14,19 176:22 177:6 178:15,19 179:15 180:1,17 181:5 182:14,19 187:1,4,8	Robinson's 159:6 171:21 172:1,3 178:20 179:21	role 9:1 13:20 17:10 21:21 23:22 25:16 69:3 80:1,12 105:18 109:18 109:20 113:13 113:20 114:1,7 137:11,18 138:13,14 139:2 139:4 145:21 186:12,14	roles 22:19 28:8 31:14 138:1	roles/responsib... 13:8	room 126:6 routine 139:20 rubric 29:9 113:2 rules 6:8 115:17 115:21 run 188:22	<hr/> S <hr/> S 3:8 4:1 5:1 S-I-M-M-O-N-S
responses 14:5 16:2 88:19 182:19	rights 4:16 55:10 56:2,3,8,11 102:8 115:14 118:6 126:19,21 127:18 128:10 128:11	scenarios 117:21 schedule 11:13 155:7 scheduled 1:17 167:5 SCHOLER 2:4 school 5:22 9:14 10:9,10 12:5,11 12:17 13:5,13 14:1 18:21,22 19:2,3,5,5,6,7,9 19:11,14,17 20:6,8 21:5 22:15 23:5,20 24:11 25:3 26:20 27:5 28:7 30:4 31:14 32:7 32:10,12,19 33:8,11,13 34:20 37:11,13 37:17,22 38:22 41:13 42:7,18 43:3,14 45:2,6 45:13,22 48:11 50:14,20,22 51:3,5,5 53:4,5 53:6 54:14 56:9 58:3 61:12,15 62:10 69:9,15 70:12,15 73:9 73:11 74:16,20 76:3,6 78:5,15 80:13 81:18 89:13,17,19 90:7,9,10,16,17 91:2 92:20 93:8	school-level 51:12 schooling 19:13 schools 1:8 3:15 3:17 5:9 9:2 12:4,10,16 13:4 19:21 22:12 35:8 50:15,18 57:17 63:15 85:13 94:2,8,8 97:15,22 98:4 102:7 103:2,7,9 104:3,10 105:22 106:6,9,21 107:1,8,16,18 107:19 108:4,8 108:10,16 109:5 109:13 110:2,14 111:1 121:4 190:7 193:14 Schools' 72:19 scope 86:6 103:4 scratch 43:13 59:17 122:22 scratched 67:7 search 114:16 section 56:2,18 124:1 126:9 127:1 128:2 security 177:12 177:15 see 6:18 55:14 57:20 71:17	responsibility 73:21 74:3,12 75:3 179:17 184:5,10	RMR 1:21 204:20 road 6:9 97:18 Robin 109:15 Robinson 14:5 156:4 166:1,2 176:2,5,9,14,19 176:22 177:6 178:15,19 179:15 180:1,17 181:5 182:14,19 187:1,4,8	Robinson's 159:6 171:21 172:1,3 178:20 179:21	role 9:1 13:20 17:10 21:21 23:22 25:16 69:3 80:1,12 105:18 109:18 109:20 113:13 113:20 114:1,7 137:11,18 138:13,14 139:2 139:4 145:21 186:12,14	roles 22:19 28:8 31:14 138:1	roles/responsib... 13:8	room 126:6 routine 139:20 rubric 29:9 113:2 rules 6:8 115:17 115:21 run 188:22	<hr/> S <hr/> S 3:8 4:1 5:1 S-I-M-M-O-N-S
responsibilities 4:17 22:19,22 25:9,10 26:4,13 55:11 56:3 115:15 118:6 126:19,22 127:19 128:10 128:14,17	rights 4:16 55:10 56:2,3,8,11 102:8 115:14 118:6 126:19,21 127:18 128:10 128:11	scenarios 117:21 schedule 11:13 155:7 scheduled 1:17 167:5 SCHOLER 2:4 school 5:22 9:14 10:9,10 12:5,11 12:17 13:5,13 14:1 18:21,22 19:2,3,5,5,6,7,9 19:11,14,17 20:6,8 21:5 22:15 23:5,20 24:11 25:3 26:20 27:5 28:7 30:4 31:14 32:7 32:10,12,19 33:8,11,13 34:20 37:11,13 37:17,22 38:22 41:13 42:7,18 43:3,14 45:2,6 45:13,22 48:11 50:14,20,22 51:3,5,5 53:4,5 53:6 54:14 56:9 58:3 61:12,15 62:10 69:9,15 70:12,15 73:9 73:11 74:16,20 76:3,6 78:5,15 80:13 81:18 89:13,17,19 90:7,9,10,16,17 91:2 92:20 93:8	school-level 51:12 schooling 19:13 schools 1:8 3:15 3:17 5:9 9:2 12:4,10,16 13:4 19:21 22:12 35:8 50:15,18 57:17 63:15 85:13 94:2,8,8 97:15,22 98:4 102:7 103:2,7,9 104:3,10 105:22 106:6,9,21 107:1,8,16,18 107:19 108:4,8 108:10,16 109:5 109:13 110:2,14 111:1 121:4 190:7 193:14 Schools' 72:19 scope 86:6 103:4 scratch 43:13 59:17 122:22 scratched 67:7 search 114:16 section 56:2,18 124:1 126:9 127:1 128:2 security 177:12 177:15 see 6:18 55:14 57:20 71:17	responsibility 73:21 74:3,12 75:3 179:17 184:5,10	RMR 1:21 204:20 road 6:9 97:18 Robin 109:15 Robinson 14:5 156:4 166:1,2 176:2,5,9,14,19 176:22 177:6 178:15,19 179:15 180:1,17 181:5 182:14,19 187:1,4,8	Robinson's 159:6 171:21 172:1,3 178:20 179:21	role 9:1 13:20 17:10 21:21 23:22 25:16 69:3 80:1,12 105:18 109:18 109:20 113:13 113:20 114:1,7 137:11,18 138:13,14 139:2 139:4 145:21 186:12,14	roles 22:19 28:8 31:14 138:1	roles/responsib... 13:8	room 126:6 routine 139:20 rubric 29:9 113:2 rules 6:8 115:17 115:21 run 188:22	<hr/> S <hr/> S 3:8 4:1 5:1 S-I-M-M-O-N-S
responsibilities 4:17 22:19,22 25:9,10 26:4,13 55:11 56:3 115:15 118:6 126:19,22 127:19 128:10 128:14,17	rights 4:16 55:10 56:2,3,8,11 102:8 115:14 118:6 126:19,21 127:18 128:10 128:11	scenarios 117:21 schedule 11:13 155:7 scheduled 1:17 167:5 SCHOLER 2:4 school 5:22 9:14 10:9,10 12:5,11 12:17 13:5,13 14:1 18:21,22 19:2,3,5,5,6,7,9 19:11,14,17 20:6,8 21:5 22:15 23:5,20 24:11 25:3 26:20 27:5 28:7 30:4 31:14 32:7 32:10,12,19 33:8,11,13 34:20 37:11,13 37:17,22 38:22 41:13 42:7,18 43:3,14 45:2,6 45:13,22 48:11 50:14,20,22 51:3,5,5 53:4,5 53:6 54:14 56:9 58:3 61:12,15 62:10 69:9,15 70:12,15 73:9 73:11 74:16,20 76:3,6 78:5,15 80:13 81:18 89:13,17,19 90:7,9,10,16,17 91:2 92:20 93:8	school-level 51:12 schooling 19:13 schools 1:8 3:15 3:17 5:9 9:2 12:4,10,16 13:4 19:21 22:12 35:8 50:15,18 57:17 63:15 85:13 94:2,8,8 97:15,22 98:4 102:7 103:2,7,9 104:3,10 105:22 106:6,9,21 107:1,8,16,18 107:19 108:4,8 108:10,16 109:5 109:13 110:2,14 111:1 121:4 190:7 193:14 Schools' 72:19 scope 86:6 103:4 scratch 43:13 59:17 122:22 scratched 67:7 search 114:16 section 56:2,18 124:1 126:9 127:1 128:2 security 177:12 177:15 see 6:18 55:14 57:20 71:17	responsibility 73:21 74:3,12 75:3 179:17 184:5,10	RMR 1:21 204:20 road 6:9 97:18 Robin 109:15 Robinson 14:5 156:4 166:1,2 176:2,5,9,14,19 176:22 177:6 178:15,19 179:15 180:1,17 181:5 182:14,19 187:1,4,8	Robinson's 159:6 171:21 172:1,3 178:20 179:21	role 9:1 13:20 17:10 21:21 23:22 25:16 69:3 80:1,12 105:18 109:18 109:20 113:13 113:20 114:1,7 137:11,18 138:13,14 139:2 139:4 145:21 186:12,14	roles 22:19 28:8 31:14 138:1	roles/responsib... 13:8	room 126:6 routine 139:20 rubric 29:9 113:2 rules 6:8 115:17 115:21 run 188:22	<hr/> S <hr/> S 3:8 4:1 5:1 S-I-M-M-O-N-S
responsibilities 4:17 22:19,22 25:9,10 26:4,13 55:11 56:3 115:15 118:6 126:19,22 127:19 128:10 128:14,17	rights 4:16 55:10 56:2,3,8,11 102:8 115:14 118:6 126:19,21 127:18 128:10 128:11	scenarios 117:21 schedule 11:13 155:7 scheduled 1:17 167:5 SCHOLER 2:4 school 5:22 9:14 10:9,10 12:5,11 12:17 13:5,13 14:1 18:21,22 19:2,3,5,5,6,7,9 19:11,14,17 20:6,8 21:5 22:15 23:5,20 24:11 25:3 26:20 27:5 28:7 30:4 31:14 32:7 32:10,12,19 33:8,11,13 34:20 37:11,13 37:17,22 38:22 41:13 42:7,18 43:3,14 45:2,6 45:13,22 48:11 50:14,20,22 51:3,5,5 53:4,5 53:6 54:14 56:9 58:3 61:12,15 62:10 69:9,15 70:12,15 73:9 73:11 74:16,20 76:3,6 78:5,15 80:13 81:18 89:13,17,19 90:7,9,10,16,17 91:2 92:20 93:8	school-level 51:12 schooling 19:13 schools 1:8 3:15 3:17 5:9 9:2 12:4,10,16 13:4 19:21 22:12 35:8 50:15,18 57:17 63:15 85:13 94:2,8,8 97:15,22 98:4 102:7 103:2,7,9 104:3,10 105:22 106:6,9,21 107:1,8,16,18 107:19 108:4,8 108:10,16 109:5 109:13 110:2,14 111:1 121:4 190:7 193:14 Schools' 72:19 scope 86:6 103:4 scratch 43:13 59:17 122:22 scratched 67:7 search 114:16 section 56:2,18 124:1 126:9 127:1 128:2 security 177:12 177:15 see 6:18 55:14 57:20 71:17	responsibility 73:21 74:3,12 75:3 179:17 184:5,10	RMR 1:21 204:20 road 6:9 97:18 Robin 109:15 Robinson 14:5 156:4 166:1,2 176:2,5,9,14,19 176:22 177:6 178:15,19 179:15 180:1,17 181:5 182:14,19 187:1,4,8	Robinson's 159:6 171:21 172:1,3 178:20 179:21	role 9:1 13:20 17:10 21:21 23:22 25:16 69:3 80:1,12 105:18 109:18 109:20 113:13 113:20 114:1,7 137:11,18 138:13,14 139:2 139:4 145:21 186:12,14	roles 22:19 28:8 31:14 138:1	roles/responsib... 13:8	room 126:6 routine 139:20 rubric 29:9 113:2 rules 6:8 115:17 115:21 run 188:22	<hr/> S <hr/> S 3:8 4:1 5:1 S-I-M-M-O-N-S
responsibilities 4:17 22:19,22 25:9,10 26:4,13 55:11 56:3 115:15 118:6 126:19,22 127:19 128:10 128:14,17	rights 4:16 55:10 56:2,3,8,11 102:8 115:14 118:6 126:19,21 127:18 128:10 128:11	scenarios 117:21 schedule 11:13 155:7 scheduled 1:17 167:5 SCHOLER 2:4 school 5:22 9:14 10:9,10 12:5,11 12:17 13:5,13 14:1 18:21,22 19:2,3,5,5,6,7,9 19:11,14,17 20:6,8 21:5 22:15 23:5,20 24:11 25:3 26:20 27:5 28:7 30:4 31:14 32:7 32:10,12,19 33:8,11,13 34:20 37:11,13 37:17,22 38:22 41:13 42:7,18 43:3,14 45:2,6 45:13,22 48:11 50:14,20,22 51:3,5,5 53:4,5 53:6 54:14 56:9 58:3 61:12,15 62:10 69:9,15 70:12,15 73:9 73:11 74:16,20 76:3,6 78:5,15 80:13 81:18 89:13,17,19 90:7,9,10,16,17 91:2 92:20 93:8	school-level 51:12 schooling 19:13 schools 1:8 3:15 3:17 5:9 9:2 12:4,10,16 13:4 19:21 22:12 35:8 50:15,18 57:17 63:15 85:13 94:2,8,8 97:15,22 98:4 102:7 103:2,7,9 104:3,10 105:22 106:6,9,21 107:1,8,16,18 107:19 108:4,8 108:10,16 109:5 109:13 110:2,14 111:1 121:4 190:7 193:14 Schools' 72:19 scope 86:6 103:4 scratch 43:13 59:17 122:22 scratched 67:7 search 114:16 section 56:2,18 124:1 126:9 127:1 128:2 security 177:12								

60:9 127:9 sexual 36:19 37:3 38:14 39:3,5,13 39:16 56:6 60:9 64:10 sexual-harass... 147:11 share 32:15 154:17,19 181:8 188:3 shared 22:1 26:15 69:12 71:4 107:7 135:9 139:9 142:8,11 158:3 160:6 171:8 181:7 195:11 198:15 Sharma 2:12 7:17 7:19 14:15 17:2 38:10 41:6 43:18 52:12,22 64:12 66:7,19 73:15 75:5 82:7 86:5,8 88:5,8 103:3 111:8 123:4 125:10 148:9 149:14 161:22 162:19 177:2 180:19 181:10,14,19 182:21 183:4 187:2 202:1 Shauna 24:4 sheer 68:3 sheet 3:7 203:7 205:1 shortly 167:22 shouted 167:12 show 11:1 86:21 153:20 side 106:15 signature 202:3 203:11 204:14 205:18 signed 203:7 significantly 22:21 similar 26:3 28:8 31:14 72:6 90:8 92:18 104:9 107:18 similarly 10:5 137:16 Simmons 1:14 3:3 4:3 5:2,7,17 6:2 10:14 11:8 87:1 111:11 150:2 154:3,5 174:21 175:4 199:1 203:3 simply 180:20	single 52:9,15 64:6 66:12 81:13 singling 66:15 singularly 74:7 sir 187:12 sit 49:17 173:14 sitting 172:21 situated 137:16 situation 47:3 141:3 situations 43:4 46:21,22 six 8:21 9:16 skills 91:22 slash 167:1,1,1 slide 167:6 slides 110:12 slip 187:14 smaller 28:6 29:13 social 49:15 socioeconomic 60:11 solutions 114:17 someplace 72:14 72:17 soon 70:14 sorry 11:14 12:21 13:14,19 25:19 33:14 35:10 36:21 40:16 42:4 44:17 47:19 57:4 59:19 71:17 75:20 86:14,18 87:7,16 97:20 101:21 105:21 109:20 122:10 131:20 137:19 138:6 142:5 151:5 158:6 160:15 164:9 166:17 182:4 191:2 sound 172:11 sounds 6:9 66:18 75:2 82:3 99:8 117:12 121:15 Southern 1:3 space 78:14 141:3 spaces 4:18 29:12 62:8 68:10,16 spans 150:18 speak 17:12,14 49:3 51:8,11 64:13 67:17 68:5 72:16 94:4 109:6 119:12 120:4 200:14 speaking 23:2	29:14 32:16 33:7 34:15 41:10 54:6 60:4 63:7 78:6 79:13 79:22 98:11 129:5 140:3 144:18 speaks 38:11 159:2 specific 16:1 32:17 34:16 38:12 40:6 45:20 57:12 63:9 65:17,18 66:5 76:15 79:18 83:7 90:11 91:3 98:14 100:5,13 109:2 110:8,17 111:21 112:2 124:18 127:11 128:11 140:3,7 140:9,14 148:13 157:7,8 158:4 172:2 201:1,11 specifically 12:4 12:10,16 13:5 15:4 29:4 31:3 33:3 38:7 45:17 45:21 47:15,16 48:20 49:7 57:14 64:13 66:12 68:5 73:17 83:3 85:18 92:3 93:9 94:14 96:9 108:9 109:3 125:12 128:5 159:6 169:7 171:22 179:7 spectrum 189:1 spell 18:7 spent 21:18 30:7 31:2 91:4,8 split 40:10 spoke 165:8 168:15,16,20 169:1 171:22 191:7 spoken 34:3 175:19 spot 170:12 staff 12:3,9 13:4 13:13 14:1 17:18,20 35:8 37:4,6,8 79:5,6 80:18 81:2 85:6 90:12 91:3 94:11 98:15 99:2,10,19 101:3 105:6,7	105:14 106:21 107:1,4,10,15 108:3 112:10,11 112:13 113:15 126:12 127:14 128:1,6 130:19 130:20 136:2 137:13 152:21 154:22 159:17 160:9 163:3,7 163:21,22,22 165:7 167:8,10 169:1,20 170:5 170:13 171:4 183:7 185:4,6,7 190:11 199:21 staffer 167:18,21 stamps 150:15 stand 164:16 standard 184:17 190:10 standpoint 108:10 129:20 start 11:15,22 18:21 78:20 95:13 199:21 started 21:2,4 22:11,14 25:20 27:17 28:12 190:9 starting 19:20 92:12 150:15 166:19 state 27:22 29:11 47:14,20 48:7 48:19,22 49:7 62:6 68:20 72:7 72:14 92:3 93:8 103:18 154:7 173:20 181:21 stated 46:12 48:19 49:3 123:5 160:11 statement 56:10 145:18 156:11 161:4 192:21 193:4,7 196:21 197:5,9 statements 23:9 132:21 135:11 135:11,14 141:15,18,19 199:10,12 states 1:1 85:17 174:3 189:13 stating 5:15 statistics 144:4 status 5:14 35:11 36:13,19 38:14 39:18 56:1 60:9 60:11,12 127:9	148:7 150:4 181:2 stay 140:22 stemmed 89:2 stenographically 1:19 204:9 step 92:8 155:7 201:16 steps 43:7 118:22 129:21 135:2 143:16 175:10 sticking 153:4 stood 189:16 stop 6:10 storage 141:11 straight 19:16 strange 165:13 Street 2:8 structure 76:6 struggles 64:22 65:2 66:5 student 4:16 44:8 44:11 45:3 54:22 55:3,5,6 55:10,12 56:13 56:16 58:5 59:3 59:19 61:14 62:11,14,19,20 63:11,19 74:18 90:7 91:14 94:18 105:1,1 106:14 112:14 112:15,16 113:1 113:5,10 114:5 114:6,13,14,18 115:3,9,11 116:2,9 117:15 117:17,19 119:9 120:8,18 123:3 123:7,9,10,17 123:21,22 124:7 124:21 125:2,8 125:8,17 126:15 126:17,19 127:1 127:2,5,12,12 127:13 129:1 130:3 150:3,3 151:16 177:11 177:14 183:20 183:21 187:5 student's 126:4,5 127:18 student-friendly 56:20 student-initiated 123:1,6,15 students 12:3,9 13:3 29:13 44:7 44:8 45:1 55:7 57:1,10,20 58:19 62:9 63:8
--	---	---	--	---

63:14,20 65:18 67:5 69:5,6 78:19 85:20 87:13 90:6 92:9 101:16,19 102:1 102:4 104:22 105:4 112:11 113:3,15,19 114:3,9,10 115:12,14,21 116:17 118:19 120:2,6,22 121:7,19 122:1 122:19 126:16 127:22 128:9,12 128:20 129:2,6 129:15 130:9,14 152:7 160:5 163:2,6,15,18 164:18 165:19 165:19 183:7 184:12,18 students' 112:21 126:21 128:13 128:17 style 81:11 sub-committee 84:7 subject 30:2 99:6 136:2 146:18 147:10 152:13 180:1,18 181:5 187:1 subjected 131:3 submission 117:1 119:5 submit 45:12 156:10 173:21 174:13 submitted 116:7 131:5 132:18 141:16,20 142:7 153:14,17 161:5 161:15 197:7,9 198:13 Subpoena 11:9 subsequent 20:15 48:8 152:6 153:2 substantive 60:1 96:21 97:4 successfully 137:7 199:7 succinctly 129:5 suggest 74:13 83:13 Suite 2:8,14 summarizes 144:20 summary 143:19 143:22 144:1,4	144:8 summer 201:19 superintendent 5:11 79:7 80:22 93:20 117:10,14 186:10 superintendent's 91:1 superintendents 13:10 69:13 74:16 superintendents' 71:9 supervisor 20:3 22:2 105:9 136:15,22 142:10,15 143:1 143:3,10 179:20 179:21 180:11 supplemental 99:9 supplemented 95:20 support 49:14 73:20 105:17 168:2 180:8 supported 165:21 suppose 146:21 supposed 166:21 185:1 sure 8:20 18:19 36:21 50:12 52:7 57:22 67:3 67:4,5 73:4 74:19 85:11 86:10 93:13 97:15 98:20 121:11 129:3 130:6 135:7,19 140:5 146:11 147:2,8,16 149:20 151:8 160:3 171:16 181:13 186:3 188:18,18 194:5 196:6 198:20 surface 67:7 surrounding 32:13 suspected 108:19 sworn 5:3 6:12 Sylvia 165:17 symposiums 32:1 system 9:14 10:9 10:10 21:5 22:15 23:5,20 24:12 25:4 27:5 37:17 38:1,22 41:14 42:7,18 43:3 45:22 50:15 58:3 69:9	76:3,7 78:5,15 80:13 101:4 103:1 105:10,19 105:20 108:14 115:10 119:11 139:1,21 151:18 185:13 192:9 201:6 system's 37:11 45:2 81:19 systemic 139:18 systems 28:7 30:5 31:14 32:8 32:10,12,20 33:8,11,13 70:13 104:1 <hr/> T T 3:8 4:1 table 92:7 tacked 31:19 take 7:14,16 28:9 33:17,17 34:18 35:1 86:10,17 111:5 118:22 134:14,16,22 135:2 137:5 149:18 153:2 157:14 166:7 170:17 172:12 172:15 183:2 185:16 198:18 201:16 taken 34:7,10 106:17 143:16 169:16 182:2 189:22 190:1,4 200:18 204:5,8 takes 119:1 131:7 talk 60:22 67:11 67:12,13 168:14 193:3 talked 18:14 89:5 talking 29:20 31:9 39:4 50:19 60:19 124:10 126:4,11 128:13 141:12 187:12 200:5 talks 58:18 tardiness 127:17 tasked 120:16 teacher 72:21 73:4,13,16 74:20 112:9,12 112:20 113:2,3 113:7 114:3,11 116:3,16 117:14 119:9 120:3 121:1 123:16 124:21 125:2,9	125:17,18,21 128:1,6 129:14 130:8,18,20 131:2 136:2 168:16 teacher's 120:13 129:19 teachers 12:3,9 13:3,13 14:1 50:15 72:10,12 90:4,5,14 93:12 96:3,8,13 97:9 97:21 98:6,9 99:14 100:11,16 111:13 112:21 113:11,15 114:9 116:19 121:6,19 122:2,20 123:2 126:12 127:14 128:11,14,21 130:14 166:2 team 69:15 137:15,20 techniques 91:22 tedious 11:14 telephone 199:6 tell 6:14 8:18 68:15 165:1 tells 191:7 tendered 141:21 term 39:20 80:7 171:15 terminology 165:8 terms 111:16 139:13 148:2 164:4 174:13 testified 5:4 6:5 8:17,19 9:18 17:11 28:11 68:19 125:16 145:3 149:17 testify 10:21 15:16 35:5 testimony 6:13 10:11,13 53:11 203:4,6 204:8,8 Thank 12:20 14:6 14:11 18:7,10 47:21 49:11 53:22 61:8 84:3 88:8 166:4 175:1 thanked 167:19 then-structure 41:13 theory 184:21 thereabouts 21:7 21:20 thereto 162:22 they'd 73:7,9	thing 34:21 52:6 53:10 things 17:9 31:20 38:3 64:11 65:10 79:12 108:1,18 119:19 121:12 124:10 129:22 134:9 140:1,2 141:5,6 170:20 187:6 189:1,16,22 think 8:2 20:11 27:14 28:17 30:2 31:1,18 32:11,16,16,18 39:14 53:17 56:2 63:6 64:19 65:13 69:17 74:17 77:20 80:4 84:1 85:18 86:5 89:1 90:21 106:1 111:6 115:13 117:21 120:6 121:22 122:2 124:11 127:15,21,21 128:12,16 129:5 131:14 135:18 136:1 145:4 149:7 151:1 159:1 162:1 163:13 171:13 183:4 188:7,22 Thompson 4:5 155:22 157:12 157:21 158:1,11 thorough 135:1 thought 39:6 61:1 77:8 98:13 125:9,16 138:17 171:17 threatening 60:13 three 10:3 11:18 33:15 140:22 147:22 throwing 126:5 tighter 110:10 time 7:4,13,17,17 20:21 23:17,20 24:18 26:11 27:11 29:14,19 30:7,8,20 31:2 41:15,18 43:16 45:15 48:2 49:2 50:4 52:16 53:13 60:16,17 60:22 61:2,18 61:20 62:2 64:14 67:21 68:3,6 76:3 77:21 81:14
---	--	--	--	--

85:12 86:8 90:2 90:15 91:4,7 101:20 134:16 142:12 143:11 143:21 144:15 144:21 147:19 148:5 149:5 150:2 155:20 156:5 166:16 167:5,7 169:13 169:21,22 170:2 172:9,13,17 173:1 175:13 180:14 185:7 192:16,20,20 201:16,22 times 8:18,21 9:21 57:3 67:21 81:9 105:2,17 117:13 132:18 139:3 143:13 title 20:2 22:2,17 23:13,14 24:16 24:19 25:2,21 27:22 28:10 29:10 41:11 68:16 70:12 102:13 109:19 109:21 186:9 titled 187:21,22 titles 41:12 75:18 76:1,4,6 138:1 Tobias 23:18 today 6:13 8:4,11 14:19 22:17,20 60:18 82:6 182:13 told 45:1,10,11 95:10 146:9 165:6 top 35:22 173:18 189:14 191:1,6 topic 14:2 89:4 92:5 95:7,8 182:19 topics 11:15,22 12:22 14:8,13 15:11,16 35:5 totality 94:10 142:4 189:10 touched 30:18 train 101:4 trained 51:3 105:14 188:14 training 12:13 13:2 27:18,20 27:21 28:1,1,2 28:11,11,13,14 28:19,21 29:3,6 29:9,16 30:3,9 30:15,17 31:21	33:5 34:2,10,16 34:19 35:1 37:8 37:9 40:15 42:6 43:9,11,20,21 44:3 45:21 46:2 47:9 50:3,10,19 51:1,7,10,12 52:10,15,17,18 56:15 57:1,19 59:4,6 61:13,19 62:10,20 63:2 63:17,18,22 64:20,21 66:14 68:2 89:5,6,13 89:14,16 90:1,3 90:5,7,9,11,16 90:19,22 91:2 91:14,21 92:14 93:11,19,21 94:1 95:11,21 96:2,5,8,13,21 97:14,20,21 98:1,6,9,14,21 98:22 99:1,9,13 99:15,17,21 100:6,10,16,21 101:3,9,12,16 101:18,19,22 102:4,12 103:1 104:13,22 105:1 105:4,6,8,8 106:22 107:1,4 107:10,16,20,21 108:3,8,16,19 109:1,5 110:2 110:15 111:1 112:5 115:11 135:20 162:17 163:2,5,14,20 164:4,6 167:4 168:8,12,14 169:2,4,5,13,15 169:18 170:1,6 170:12,13 171:7 171:21 172:3 178:1,10,13,15 183:8,18,21,21 184:2,13,15,17 184:20,22 185:5 185:6,9,12 188:13,20 189:14 190:5,6 190:10,11 191:10,15,16 199:3,11,21 200:4,11,17,21 trainings 28:6,9 29:20 30:22 31:5,13,19 32:4 32:14,17,22 33:16,18 34:4	37:12,19,21 40:20 42:2,15 42:17 46:8,10 46:16 47:6,16 48:5,11,11 51:17,19,19 52:1,3,20 53:1 53:13 54:5,7,12 57:6,10,13,17 58:1,5 59:12 61:11,15,17,21 62:15,21 63:3 64:4,4,9 65:17 66:3,12,18 67:10 90:13 91:6,9,12,21,21 92:5,19 93:1 94:9 97:8,12 103:22,22 111:12,13,16,19 129:2 163:12 170:21 183:13 184:3 185:11 transcribed 1:21 transcript 204:7 transcription 203:5 transgender 4:19 5:14 12:2,14 28:22 29:5,6,17 29:22 30:7,10 30:18 31:2,6,8 33:1,5,9 34:13 35:9,11 36:12 36:13 37:1 38:9 38:14,17 39:1,3 39:12,18,21 42:14 43:16 44:4 45:14,18 45:21 47:5,7,10 48:4,21 49:5 51:16 52:11,16 52:17,21 53:3 53:14 54:13,21 55:2,22 56:1 57:10,14 58:15 58:17 59:1,4,9 59:11 62:1,8,16 67:13 68:10,17 81:20 82:1,5,10 83:6,11,15 85:14 92:15,17 93:1,7 95:4 96:10,14,22 98:7 99:22 100:4,5,12,14 102:2 110:16,18 111:2,17,21 112:3 127:9 140:13 148:7 150:4 164:5	transgender/di... 33:21 transgender 29:10 56:11 85:21 165:9 transition 49:15 95:22 transitioning 141:6 transportation 105:12 trash 126:5 treat 129:7,8 152:22 treated 56:4 63:20 65:22 159:14 trial 6:5 8:17 9:19 9:22 10:1,7,12 21:14 trouble 165:3 truancy 113:19 true 72:15 154:12 203:5 204:7 truth 6:14 try 7:4,5 38:1 67:9 89:6 trying 49:17 53:10 63:18 64:5 65:6 69:17 117:21 129:6 Tuesday 167:3 turn 11:12 18:17 35:4 112:7 150:14 153:5 160:14 162:6 164:8 166:4 173:16 176:1 turning 196:4 twice 32:5 two 11:18 15:4 21:18 28:5 31:1 85:19,20 95:2 103:19 124:10 145:14,18 146:9 147:21 151:20 153:6 165:4 176:6 177:5 188:10 190:20 two-and-a-half 10:2 type 9:7 96:12 98:6 100:10,16 118:11 types 33:16 typewriting 204:9 typical 90:18 117:6,13 172:13 195:21 typically 9:9 31:1 90:16 98:12 104:21 105:1	116:5,19 129:18 134:14 135:8 137:10,14 155:7 173:7 192:12,16 192:19 194:7 195:18,19 <hr/> U <hr/> ultimately 84:12 131:8 133:22 175:17 184:7,9 umbrella 38:17 39:15 56:12 80:7 127:9 unable 131:9 185:10 unaware 107:15 111:4 153:2 unclear 120:7 uncomfortable 146:13 uncovered 173:13 undergone 42:2 42:15 underhanded 165:14 underlying 132:8 143:1 understand 7:10 10:14,17,22 14:7 28:20 36:11,22 38:13 39:11 44:4 50:14 53:22 55:21 64:2 91:22 107:11 120:19 140:6 149:7 158:7 170:1 180:21 understanding 25:5,8 66:2 128:4,22 180:3 180:17 189:16 190:4 Understood 6:15 undertaking 67:21 unfortunate 152:2 uniform 94:1 uniformity 54:4 union 139:8,8,10 unique 65:10 UNITED 1:1 University 19:7,8 unlawful 36:17 unmarked 87:17 unnecessary 165:12 updated 36:2,3,4 36:8 59:20,20
---	--	--	--	--

75:4 updates 74:13 Upper 6:1 usages 12:2,8 use 29:17 38:1,8 107:19 112:21 114:22 116:19 129:3 130:21 160:10 171:18 uses 58:16,22 152:5,9 utilize 43:2 46:21 69:4 140:22 utilized 107:20 125:12 utilizes 40:22 125:3 utilizing 43:5 78:13 189:7	44:17 66:8 85:10 117:16 135:19 148:1 174:7 181:13 wanted 17:13 44:11 72:21 73:4 184:3 Washington 1:12 1:17 2:5,9 19:9 wasn't 86:13 163:15 194:6 water 174:22,22 way 21:4 56:20 72:22 73:3 121:21 128:15 134:18 146:3 155:3 176:8 ways 112:22 we'll 6:7 11:3 34:18 35:3 44:6 49:13 130:16 150:13 157:11 159:3 183:2 we're 11:4 38:2 48:11 50:19 60:19 62:2 63:18 66:15 84:13 86:21 101:4 122:10 124:10 126:3,20 141:5,12 150:9 150:11 153:20 160:13 173:4 175:17 193:12 194:18,19 we've 18:14 31:21 32:11 46:21 85:15,19 89:5,9 89:16 101:14 135:18,21 136:1 173:4 website 72:15,18 72:19,20 week 90:6 91:6,8 91:11 98:22 190:3,5,10 week-long 67:1 weeks 197:1 weigh 133:18,21 weight 64:16 welcome 175:3 Welcoming 3:15 3:17 102:7 103:2,7,9 104:2 104:10 105:22 106:6,9,21 107:1,8,16,18 Welsh 109:15 went 94:6,7 98:9 167:2,20 195:3 weren't 170:10	Westchester 19:6 WHEREOF 204:16 willfully 146:6,13 willing 135:10 201:5 window 170:16 wish 173:21 181:20 190:19 witness 3:5 5:3 9:13,15 10:21 14:12 15:11 86:16 111:7 132:21 175:1 182:18 198:20 204:5,15,16 witnesses 132:20 132:22 141:20 173:8 175:15,16 wondering 107:12 111:15 word 31:22 39:5 39:22 70:17 114:22 171:18 words 38:8 39:12 41:5 165:3 work 7:22 19:19 21:4,11 84:4 131:1 146:19 147:12 190:9 191:15 worked 19:22 20:1,4,15,21 21:8 95:22 132:3 worker 113:14,16 workers 13:9 working 191:8 workplace 34:8 46:22 76:14 77:1 85:22 87:4 88:2 147:18 188:4 world 67:20 worried 121:18 wouldn't 11:11 14:20 18:20 27:3 85:3 118:16 123:20 133:17 137:15 write 6:21 172:22 173:2,15 written 10:12 33:18,20 35:8 50:4,13,16 54:4 93:11,13 94:3 94:11,13,19 95:1 132:15,17 132:21 135:11 135:11,13 141:15,19	156:10 180:12 189:4,9 wrong 21:17 82:2 87:15,15,16 125:15 126:13 wrote 175:17	103 3:15,17 11 3:10 11.13.2015 4:12 190:17 11:19 86:19 11:37 86:19 117 2:14 11th 162:21 183:22 12 86:2,3 164:15 165:5 12:11 111:10 12:16 152:2 12:42 111:10 13 60:15 124:5 159:7 176:3,18 177:3 13th 158:14,18,22 177:21 178:20 14 14:2,3 161:5 197:10 1415 55:14 14201 5:22 145-149 4:8 174:20 14th 198:16 15 99:19 150 3:19 154 4:3 157 4:5 16 62:4 183:6 16-'17 95:17 17 178:1 193:1 197:6 17-'18 95:18 174 4:7 1776 2:8 18 152:10 18-cv-03649-TD... 1:6 185 4:9 18th 151:20,22 190 4:11 191 4:13 197 4:14 1989 18:22 1993 19:1 1996 19:3 1997 20:20 1998 20:20		
<hr/> V <hr/> variables 54:1 variety 22:7 31:9 various 38:19 40:8 60:22 80:9 vendor 201:6 vendor's 107:17 108:2 vendors 104:11 201:4 verbal 7:2 119:8 verbally 6:18 version 41:12 versions 50:4 vice 13:9 video 57:20,21 58:2,4,7,9,10,10 58:12 59:8,12 133:3 videos 58:14 view 38:21 39:16 122:22 views 133:13,15 violates 178:21 violation 43:8 131:11 179:4,11 189:6 violative 47:1,2 189:11 Virginia 19:8 20:5 21:16 vis-a-vis 128:11 voluntarily 132:22 vs 1:7	<hr/> W <hr/> wait 7:6 waived 204:14 walk 132:5 walked 167:18 want 27:14 36:21	<hr/> X <hr/> x 1:4,10 3:1,8,8 4:1,1 122:20 X-number 9:5	<hr/> Y <hr/> Y 122:20 yeah 11:19 52:4 54:3 60:21 66:8 112:19 133:16 149:15 160:18 186:13 190:12 193:22 200:5,18 year 20:10,12 21:2 24:1 28:16 30:15 32:6 34:21 37:13 57:3 60:1,2 81:7 95:14,17,18 97:3,4 101:5 143:21 176:15 176:21 183:6 184:11 185:3 years 9:5 10:2,3 20:18,19 21:18 24:7 28:21 53:20 140:22 141:1,4 145:15 145:18 146:9 yelling 117:20 120:13 Yep 147:5 Youth 4:20 68:11 68:17	<hr/> Z <hr/> Z 122:20 Zane 4:3 154:3 173:19,19	<hr/> 0 <hr/> 1 <hr/> 1 11:15,15,22 12:1 36:1 161:16 1:37 149:21 1:42 149:21 1:44 152:6 10 102:20 10-year 141:8 10.7.2015 4:10 185:15 100 4:14 197:11 197:13	<hr/> 2 <hr/> 2 11:15,16,22 12:7 56:2 161:14 198:11 2.20.2015 4:6 157:13 20 125:10 173:22 175:12 20,000-plus 101:5 2000 36:1,7 41:12

75:22	202.804.6245 2:10	199:2		
20001 2:5	202.942.5000 2:5	45 165:9		
20006 2:9	2020 1:12,17 86:2	4th 187:12		
2011 40:7 45:15	86:3 102:20			
47:10 48:3,13	204:17	<hr/> 5 <hr/>		
49:6 57:7 58:5	2021 102:22	5 3:4 12:22		
60:17 61:4,20	2024 204:21	5143 87:11 116:5		
62:2 78:3,6,11	203 3:5	116:15 124:13		
82:6 85:11	204 3:6	531201510787C		
89:12 90:3	205 3:7	198:5		
92:12 93:10	20740 2:14	55 4:16		
96:8 97:7	20th 174:6			
101:15 111:14	22071 6:1	<hr/> 6 <hr/>		
2011-2016 43:16	23 154:8	601 1:16 2:4		
45:5	23rd 172:7	68 4:18		
2012 21:6 162:18	25 175:8,12			
2012-2013 176:14	25th 189:21	<hr/> 7 <hr/>		
176:20		7 12:22 13:8 56:2		
2013 40:7 152:11	<hr/> 3 <hr/>	189:17		
161:16	3 11:16,22 12:13	722 2:8		
2014 9:6 21:5	161:6,8	7306 2:13		
22:11,20 25:19	3:01 198:21			
25:20 26:6,9,12	3:15 198:21	<hr/> 8 <hr/>		
26:22 27:6,17	3:19 202:4	8 4:17 13:19,20		
48:2,3,8,20 49:2	30(b)(6) 9:13,15	55:9,10		
49:5,6,13,19	10:20 182:18	87 3:13		
51:15 52:9	301.864.6070 2:15	89 3:10 11:4,6		
53:12 54:11	31 204:21			
59:18 97:20	32 3:11 35:14,18	<hr/> 9 <hr/>		
2015 53:12 59:19	324 160:14	9 1:12,17 12:22		
62:6,14,22,22	325 153:5,9	13:15		
68:20 69:21	33 4:19 68:8,9	9:37 1:18		
148:14 154:8	340 162:6,8	90 3:13 41:20,21		
158:22 159:7	341 162:8	86:22 87:17,18		
161:19 165:10	35 3:11	87:19		
172:7,8 173:22	365 150:18	91 3:15 103:7,12		
175:8,12 176:3	368 150:18 151:1	92 3:17 103:9,12		
176:18 178:1	393 164:9	93 3:19 150:10,16		
183:6 186:12,14	394 164:8	94 4:3 154:2,3		
189:17,21 192:9	396 166:5	173:17		
193:1 197:6	397 166:6	95 4:5 157:11,12		
198:11 200:1,19		96 4:7 174:19		
2015-'16 184:11	<hr/> 4 <hr/>	97 4:9 185:14,16		
185:3	4 12:22 13:2	97-417 3:20		
2016 45:15 47:10	4.14.2015 4:4	150:17		
48:2,13,20 49:2	154:4	98 4:11 190:15,16		
49:14,20 51:15	403 162:1,3	99 4:13 191:18,19		
52:9 53:2,8,12	4170 23:8 25:15			
54:12 61:4,20	27:8 35:13 44:9			
62:5 85:12	61:13 75:22			
89:12,20 90:3	76:20 77:7,11			
92:12 93:10	90:8 94:19 99:7			
96:9,14 97:7,21	100:1 110:9			
101:15 111:14	127:6 130:22			
161:5 197:10	131:4,18 138:5			
198:16 201:14	138:6,15 139:22			
201:17,19	140:19 142:7			
2016-'17 95:15	148:12,17			
2017 95:16	149:12,16 150:7			
2018 36:5,6,7 41:8	153:8,12 172:5			
78:9	178:22 179:5			

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 39

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

JENNIFER ELLER,
Plaintiff,

v.

PRINCE GEORGE'S COUNTY PUBLIC
SCHOOLS, et al.,

Defendants.

Civil Action No. 18-cv-03649

DECLARATION OF IRENE A. BURKS

I, Irene A. Burks, do hereby declare and state:

1. I am over the age of eighteen and competent to give testimony. The information contained in this Declaration is based upon my personal knowledge. I submit this Declaration in connection with the above-captioned action.

2. On July 10, 1994, I became employed by Prince George's County Police Department. I was employed by Prince George's County Police Department at the time I was contacted by Friendly High School. In 2015, my position was Assistant Inspector General with an additional title of Special Advisor to the Chief on LGBTQ concerns. I have attached a list of professional accomplishments that pertain to my experience with LGBTQ diversity and inclusion training.

3. I was the Assistant Inspector General from January of 2015 until I retired, on May 30, 2019.

4. I believe that I was contacted by Friendly High School in February or March of 2015. I do not recall who contacted me initially but I do believe that it was via an email. I do not recall how often we communicated. I believe that I was contacted to address faculty at Friendly HS in response to the poor treatment Ms. Eller received from colleagues because she was transgender, although I do not recall being told who, specifically, was treating Ms. Eller poorly. It was my understanding that the training was intended to educate the staff on best practices when working with transgender colleagues as well as provide an opportunity to ask clarifying questions.

5. On the date of the training (I do not recall the date), I was hoping to meet Ms. Eller; however, Ms. Eller was not in attendance. The training took place in the library and was attended by the staff which included administrators and teachers. There were approximately 20-25 people present. I felt that my being there and discussing what it means to be transgender was not well received by some of the staff. I recall feeling that it was not well received by their body language (folded arms), disinterest in actually learning something, and comments of disapproval. I recall someone saying something about not believing that a transgender woman is a woman and that it went against their beliefs. I told that person (a woman but I do not recall her name) that I was available to have further discussions with her at the end of my presentation. I waited for her after the presentation but she did not meet with me and I do not know why she did not take advantage of the opportunity. I believe there was a general staff meeting scheduled for that time and my presentation used a portion of that time. My presentation was ended, I believe by the principal so they could use the remaining time for their regularly scheduled staff meeting. When I left, I did not feel that my presentation had a positive impact nor did I feel that things

would improve for Ms. Eller based on the negative reaction of some staff members. I felt that my efforts were in vain because some people were not receptive to what I had to say.

6. After I conducted the training, I asked that my contact information be passed to Ms. Eller. She did call me on my work phone, which I no longer have. We communicated by email and text and planned to meet away from the school. We met at National Harbor. I felt it was important for Ms. Eller to know that someone does support her and to offer to help in any way possible. I think I explained to Ms. Eller that my passion for advocating on behalf of the transgender community was based on working with a trans man during the marriage equality fight in Maryland. I believe that I also shared my opinion on how poorly my presence and presentation was received by some of her colleagues. Ms. Eller shared with me a little bit about herself. I could tell she was a bit hesitant to share much with me which I understood. We met that one time and I think we spoke on the phone only a handful of times after that. I felt horrible that I could not change the thinking and mentality of some of her colleagues at the school.

7. In 2017 and 2018, I developed and presented training on the PGCPS Positive Behavioral Interventions and Supports (PBIS) program, on how to best serve transgender students in the public-school system. PBIS is a framework or approach for assisting school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavior outcomes for all students. I believe this is a professional development forum for school personnel during the summer off. During PBIS, staff are able to attend whichever sessions in which they are interested. Because it was interest based, those that attended were genuinely interested and had a desire to learn. These sessions were held in Anne Arundel County. I do not have access to my

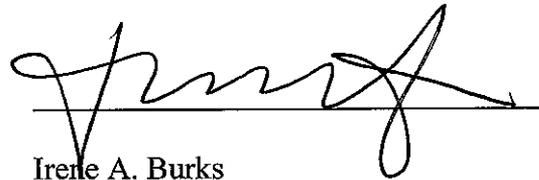
PGPD calendar to determine the exact date or location. I do not recall how or why I was contacted to present, what mattered to me was the opportunity to do so.

8. I have also conducted training for the PGCPS security staff at the Bowie High School auditorium. I do not recall when or the specifics but am certain it dealt with general best practices when working with LGBTQ+ children in the school. The training took place without incident.

9. I am also a member of the Prince George's County LGBTQ Youth Alliance, which offers free training on LGBTQ concerns to any organization that was interested. We have attempted to work directly with PGCPS and offer training to counselors and staff; however, that has never resulted in any trainings at any specific schools.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, or belief.

Executed on 02-06-20.



Irene A. Burks

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 40

United States District Court

District of Maryland

JENNIFER ELLER,

Plaintiff,

v.

PRINCE GEORGE'S COUNTY PUBLIC
SCHOOLS, et al.,

Defendants.

Civil Action No. 18-cv-03649

DECLARATION OF MEGAN WEEMS

1. I am over the age of eighteen and competent to give testimony. The information contained in this Declaration is based upon my personal knowledge. I submit this Declaration in connection with the above-captioned action.

2. My name is Megan Weems and I currently am a teacher at Friendly High School and have been at all times relevant to this declaration.

3. One day after school, we were having a staff meeting. The administrative team wanted the teachers to vote on whether or not to give up their entire planning period once a week for collaborative planning. Teachers would have to vote on this because it would be a violation of their contractual agreement with the county. The administrative team left the media center, to allow the teachers to have a private conversation. Ms. Julia Gafney (who was a union representative at the time) was speaking to the teachers when Mr. Adams returned to the room uninvited and without announcing his presence. He interrupted Ms. Gafney to say something. Then Ms. Eller stood up

(she was sitting across from me at a table) and she told Mr. Adams that he was not welcome in the room, that he was interrupting Ms. Gafney when she was speaking, and that he should leave. When she said these things she stood up, and she did point at him, but at no point were any threatening gestures made or words spoken.

4. Ms. Eller had complained to me multiple times about staff members and students using the incorrect pronouns when speaking to her and other generally uncomfortable interactions with staff members.

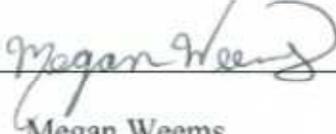
5. At some point, at a staff meeting we had a training led by someone from the county on interacting with transgender staff members and students. One of our guidance counselors talked about how the staff and students had always done well with transgender students. There were teachers who expressed discomfort with pronoun usage or terms because of religious reasons. This one afternoon of training, was the only training I have received from the county about transgender people and or issues.

6. I had a student who was transgender during Ms. Eller's tenure at Friendly. This student had expressed to me some complaints about teachers refusing to use the correct pronouns or telling him things about god wanting him to be a girl, or god making him beautiful. I also remember that the student transferred before the school year was out because of his discomfort at how his transition was being handled.

7. Once as I was walking down the hallway I heard a student yell "she's a man" as they went past Ms. Eller's room. On numerous occasions, she had expressed to me her frustrations with administrations lack of support about these negative interactions between students, parents, or staff members and herself. No one, other than Ms. Eller, ever expressed these beliefs directly to me.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, or belief.

Executed on 1/12/2020.



Megan Weems

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 41

UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

JENNIFER ELLER,
Plaintiff,

v.

PRINCE GEORGE'S COUNTY PUBLIC
SCHOOLS, et al.,

Defendants.

Civil Action No. 18-cv-03649

DECLARATION OF ERIN REYNOLDS

I, Erin Reynolds, do hereby declare and state:

1. I am over the age of eighteen and competent to give testimony. The information contained in this Declaration is based upon my personal knowledge. I submit this Declaration in connection with the above-captioned action.
2. My name is Erin Reynolds and I am currently a teacher at Friendly High School in Prince George's County Public Schools in Fort Washington, Maryland.
3. I am writing this declaration as a witness to the poor treatment received by my former co-worker, Jennifer Eller, from students and staff at Friendly High School ("FHS").
4. I first met Jenny when she was placed at FHS at the beginning of the 2011 school year. While the administration did not share her transgender identity in their introduction to staff, it was quickly evident that staff and students knew of her transgender identity.

5. Students arrived on the first day of school asking “Where is It?” and “Where is the man-woman?”

6. Since football season starts prior to the start of school many of the players and coaches had already found out that a transgender teacher had been assigned to FHS. Referring to Jenny, the head football coach, Peter Quaeway, told his players to “just stay away from it and leave it alone.”

7. Students were rarely corrected for their offensive behavior and comments towards Jenny.

8. From what I witnessed, most teachers would ignore the comments or smirk along with the students rather than correct and redirect them.

9. At one point while she was teaching at FHS, Jenny had a classroom near my husband, Dave Reynolds’ classroom. He would often tell me that he would chase kids away from her doorway where they would stare, throw things in the room at her, and yell offensive remarks.

10. If a situation like this happened to me or any other teacher in the building, I would report the students to an administrator. Unfortunately, Jenny’s assigned administrator, Ms. Paula Robinson, was more likely to contribute to the problems than solve them.

11. Jenny confided to me that Ms. Robinson often referred to her as “Mr. Eller” instead of Ms. Eller, despite the fact that Ms. Robinson arrived at FHS after Jenny and never knew Jenny prior to her transition.

12. Jenny also spoke to me a number of times about the unrealistic expectations Ms. Robinson placed on Jenny during observations of Jenny’s teaching.

13. There was at least one time that Jenny had to walk out and cry in her car after an observation in which Ms. Robinson demanded a ridiculous number of objectives and standards be written on the board for each class, every day.

14. Our principal at the time, Mr. Raynah Adams, also made comments and took actions that had negative impacts on Jenny and her career.

15. In September of 2015, the staff was called down early one morning in September 2015 for an emergency staff meeting in which we were being forced to vote on a teacher planning initiative that would violate our contracts. Our union representative at the time, Ms. Julia Gafney, was addressing the staff while the administrators waited outside the room. Mr. Adams entered and interrupted Ms. Gafney. The whole staff was already pretty upset by this entire ordeal so when the interruption took place Jenny stood up and spoke loudly at Mr. Adams. I don't remember exactly what she said but it was along the lines of him being rude and disrespectful. Most of us concurred with her and appreciated her statements.

16. Later, when I asked Jenny about the repercussions of her remarks, she told me that Mr. Adams claimed he felt threatened by her when she stood up to speak to him. I do not believe that Mr. Adams would have made this same comment had it been me or any other cisgender female that made the same gestures and comments.

17. In addition to this incident, and possibly because of it, Mr. Adams made an unexpected decision to remove Jenny as the teacher of the English Advanced Placement course she had been teaching for a number of years.

18. This decision was shocking to a number of staff and upsetting to the students that were planning to enroll in the AP English course. Jenny had a reputation amongst the staff

as being an exceptional educator so it only made sense that she would be teaching one of the more difficult courses in the building.

19. Students in my Student Government class explained to me that they no longer wanted to take AP English because the teacher that was selected to teach it in Jenny's place was too laid back and would not push them hard enough to ensure their success in the course.

20. When Jenny asked administration why she was being replaced, she was told it was because while students were earning high grades in the course, they were not passing the AP test at the end of the year.

21. Ironically, this incident took place during a time period where it was discovered that FHS had inflated grades and graduation rates due to pressure placed on school based staff from high- ranking administrators.

22. In other words, teachers were being forced to pass students in order to maintain high graduation rates. The only AP courses that had high scores were electives that students had genuine, specific interest in such as Art and Psychology. There was a teacher in my department that taught AP Government for a decade and only had one student pass the test to my knowledge.

23. After years of requesting support, someone in the administration finally scheduled a professional development training for FHS staff to help us understand what it means to be transgender and appropriate vs inappropriate ways to interact with the trans community.

24. However, this training took place after school one day as part of a staff meeting and was presented in such a way that I didn't even realize what it was meant to be until we were halfway through, despite Jenny telling me that it would be happening in the near future.

25. The presentation was led by a police officer and while I don't remember the details clearly, I do remember that the presentation seemed to be addressing diverse student population and did not specifically address rights in the workplace.

26. A few members of the staff came off as particularly unreceptive to the idea that transgender identity was a real thing. They demonstrated this by asking abrasive questions and making snide comments during the presentation.

27. The Pupil Personnel Worker, Ms. Jocelyn Isom, stands out to me as one such staff member. I do not remember any specific comments she made, I just remember thinking it was odd that she was not receptive to this information considering her job requires her to work closely with students of diverse backgrounds.

28. In my years at FHS, Jenny was not the first transgender member of the school community.

29. Just before Jenny was transferred to our building, a transgender male student by the name of [REDACTED] graduated from our school. [REDACTED] was a very quiet student who transitioned while at FHS.

30. I remember there being discussions amongst teachers and administrators as to which bathroom he would use (they settled on the nurse's office) and what he would wear to graduation, because there are different robes for girls at boys at graduation.

31. In the end, [REDACTED] was allowed to wear the traditional male outfit (black slacks and a blue cap and gown) but it was a battle for him to be granted this right like the other boys.

32. Additionally, another transgender male student by the name of [REDACTED] was so ostracized by his teachers that he requested to transfer schools.

33. There was one particular incident with [REDACTED] that really upset Jenny when she heard about it. Jenny explained to me that [REDACTED] English teacher made a comment directed at him along the lines of “you can still be a good wife and have a family.” This teacher is known for her strong religious beliefs so it was not a surprise to hear that this was her approach to the transgender community.

34. In her years at FHS, Jenny was an outstanding teacher, as well as a source of acceptance and support for students that identified as LGBTQIA. Her classroom, and the Caring Colors student organization that she sponsored, was known as a safe space for students who needed to connect with allies.

35. Over time, many of the students overcame the initial confusion of who Ms. Eller was and came to love and respect her for being a great teacher and confidant. Jenny’s hardships were prolonged due to a mentality among those in leadership positions that harassment and tormenting was to be accepted based on her “life choices.”

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, or belief.

Executed on 2/8/20.



Erin Reynolds

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 42



Jennifer Eller <jennifer.eller@pgcps.org>

Students Who Have Harassed Me

5 messages

Jennifer Eller <jennifer.eller@pgcps.org>

Thu, Nov 21, 2013 at 2:05 PM

To: Raynah Adams <rayadams@pgcps.org>

Bcc: "bbeallor@pgcea.org" <bbeallor@pgcea.org>

Mr. Adams, as per our conversation this afternoon, here are the names of the four students Who have harassed me and I could get names on. Each has had a PS-74 written on them and I know that Ms. Pope-Brown has spoken briefly with the two tenth grade boys. Please keep me updated on this as it progresses.

T [REDACTED] J [REDACTED]
23/10/2013 — 4th Period

G [REDACTED] W [REDACTED]
Monday, 14 October, 2013, 4th Period

K [REDACTED] S [REDACTED]
Monday, 14 October, 2013, 4th period

R [REDACTED] J [REDACTED] (000425976)
Monday, 14 October, 2013, 4th period

Ms. Eller

Raynah Adams <rayadams@pgcps.org>
To: Jennifer Eller <jennifer.eller@pgcps.org>

Thu, Nov 21, 2013 at 2:07 PM

Did she speak with T [REDACTED]? Is T [REDACTED] the child that you and I spoke about?

[Quoted text hidden]

--
Raynah H. Adams, IV
Principal
Friendly High School

Jennifer Eller <jennifer.eller@pgcps.org>
To: Raynah Adams <rayadams@pgcps.org>
Bcc: "bbeallor@pgcea.org" <bbeallor@pgcea.org>

Thu, Nov 21, 2013 at 2:18 PM

Yes, T [REDACTED] is the child we spoke about; I do not know if she had a chance to speak with T [REDACTED]

[Quoted text hidden]

Raynah Adams <rayadams@pgcps.org>

Fri, Nov 22, 2013 at 2:15 PM

To: Jennifer Eller <jennifer.eller@pgcps.org>

Ms. Eller,
We already addressed these students.
[Quoted text hidden]

Jennifer Eller <jennifer.eller@pgcps.org>

Fri, Nov 22, 2013 at 5:44 PM

To: Raynah Adams <rayadams@pgcps.org>, Elizabeth Davis <edavis@pgcps.org>, "bbeallor@pgcea.org" <bbeallor@pgcea.org>

Mr. Adams,

I am aware that they were spoken to, but I was not kept updated on what was said to them or what the consequences were (with the exception of the two tenth grade boys). Leaving me in the dark as to consequences and actions taken to prevent recurrences does not constitute a satisfactory response to harassment; especially considering I have not pursued harassment charges, which is within my rights to do. I chose to trust you with the situation; you said you would speak to the student (T [REDACTED]) and had me identify her for you; at that point you told me that speaking to her would not help and you did not address her.

Further, you asked for the names of students I could identify, which I provided. The majority of the harassment occurs in crowded halls as students walk past me. It is very difficult to identify a single student hurling harassing comments at me as they walk by in this situation. I still do not understand what will be done to limit or prevent such occurrences, as opposed to dealing with damage control after the harassment has occurred. This does not strike me as an effective or professional way to handle things, as it does nothing to elevate potential threatening situations. As teachers, our goal should be to educate and prevent, not solely to punish after the fact.

Finally, I have not received any sort of assurance that the situation with Mr. Cook was addressed. The fact he sat in the room and said nothing while I was being harassed by T [REDACTED] (she literally began by shouting the harassment at me from the classroom as I walked down the hall) is a contributing factor in the continuation of such harassment. Though I do not need exact details in this matter, I would like some assurance that the staff and faculty will be properly educated in handling, reducing, and preventing such situations, which is something the issue of a diversity training would provide for. Diversity training is common in other school districts and on other job sites. I do not understand why administration is reluctant to do so, especially considering I was assured by upper administration, when I made my transition, that the school I transferred to would receive such training.

I believe, for this matter to truly be resolved, there should be repercussions for the students that I, as the victim, am knowledgeable of and steps must be made to prevent future occurrences.

Ms. Eller
[Quoted text hidden]

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 43

Sent: Wed, 18 Dec 2013 13:44:40 -0500
Subject: Re: Response
From: Elizabeth Davis <edavis@pgcps.org>
To: Jennifer Eller <jennifer.eller@pgcps.org>
Cc: Raynah Adams <rayadams@pgcps.org>, "Beallor, Brian" <bbeallor@pgcea.org>, Diane Powell <diane.powell@pgcps.org>

Ms. Eller,
Mr. Adams reached out for assistance and while it was about situations involving inappropriate interactions by students directed to you, the discussion was administrative in nature and not a personal discussion about you. Again, if there is anything I can assist you with, please do not hesitate to contact me.
Elizabeth

Elizabeth Davis
Compliance Officer

14201 School Lane, Room 202
Upper Marlboro, MD 20772
301-952-6793 phone
301-952-6260 fax

On Wed, Dec 18, 2013 at 1:35 PM, Jennifer Eller <jennifer.eller@pgcps.org> wrote:

Ms. Davis,
Is there any way I could be made aware of or included in this conversation? As it is about me and my experiences, I feel it is unusual procedure to be excluded from a conversation that directly effects me.

Ms. Eller

On Wed, Dec 18, 2013 at 12:16 PM, Elizabeth Davis <edavis@pgcps.org> wrote:

Wednesday

Dear Ms. Eller,

I have been in contact with Mr. Adams and Dr. Powell and we agree that the issues to date are best handled as they occur with the specific individuals involved. You are commended for the successful transition and we know that although there may be unfortunate and insensitive occurrences, we are confident each will be dealt with expeditiously and thoroughly. If you have any specific concerns you would like to share with me, please feel free to do so. I wish you a wonderful holiday.

Elizabeth

Elizabeth Davis
Compliance Officer

14201 School Lane, Room 202
Upper Marlboro, MD 20772
[301-952-6793](tel:3019526793) phone
[301-952-6260](tel:3019526260) fax

On Fri, Dec 13, 2013 at 1:04 PM, Jennifer Eller <jennifer.eller@pgcps.org> wrote:

Mr. Adams,
Thank you for the update. Your summary of the meeting is accurate, but it should be noted that the environment is both

transphobic and homophobic. Transphobia (bigotry directed at a transgender individual for who they are) is what I have been experiencing and homophobic (bigotry directed at a homosexual individual for who they are attracted to) is what students have complained to Ms. Pope-Brown and me about experiencing. I point out the distinction because I do not discuss my sexual orientation with students; the harassment I receive is based on who I am and present as.

Please keep me updated on replies from Ms. Davis and Dr. Powell, as they come in. Trans* and homosexual students will become increasingly more visible in the school system given the increased understanding and acceptance and the number of trans* students who beginning transition while in middle and high school. Prince George's County is in a position to be a leader in preparing for these issues. Further, I would be happy to help in the creation of a more inclusive, safe, and healthy school environment for everyone.

Ms. Eller

On Friday, December 13, 2013, Raynah Adams wrote:

Ms. Eller,

As a follow up, I would like to summarize the order of events, the steps taken and the follow up conversation that took place in our meeting.

On October 14, 2013, you submitted referrals (PS-74) for the following students: [REDACTED]. The referral stated that the students were loitering outside of your classroom, closed your door in an attempt to hide their presence in the halls and refused to follow your instructions to return to class. You also stated that one of the students repeatedly used the word f... as he told you to get the f.k out the way. Upon receiving the referral, Ms. Pope-Brown immediately addressed all three of the young men. After taking the appropriate administrative actions, Ms. Pope-Brown followed her actions by informing you of that the situation had been resolved.

On October 23, 2013, you submitted a referral for [REDACTED], which clearly identified [REDACTED] harassing behavior. In your referral, you referred to the lack of proactive actions taken by the substitute teacher (Mr. Cook). I will speak with Ms. Cowan, who in turn will speak with the substitutes. But, [REDACTED] was suspended for a number of offenses (including this offense). Because of a breakdown in communication, the administrator did not communicate the consequences for [REDACTED].

During our conference, you indicated that your AP classes act as your advocate. Your 'middle of the road' classes treat you with respect. Your most challenging class (3rd period) has not made any overt statements. But, you believe that some of their disruption may be attributed to their perception. In addition, you stated that you are frustrated because you were told that certain issues would be addressed after your transfer from Kenmoor Middle School. Furthermore, you stated that most of the problems occur during transition and you feel that the environment is homophobic. In addition, you stated that a former staff member stated that others didn't want you here.

In regards to your third period class, we (administration) are going to monitor the class in order to maintain an environment that is conducive to learning. Regarding the "promises" made by HR, I will follow up with HR for clarification. As a way of supporting you during transitional times, I am going to assign an additional staff member to your area in order to identify anyone who may treat you with disrespect. Finally, I stated that I would discuss your concerns with administration, Ms. Elizabeth Davis and Dr. Powell.

To close, unlike previous years, we haven't had any parent concerns. Your classes are going well. Your students have become your biggest advocates. In the event that we have concerns with isolated students, we will work together in order to appropriately address.

--

Raynah H. Adams, IV
Principal
Friendly High School

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 44

Sent: Tue, 21 Aug 2012 13:00:08 -0400
Subject: Re: Diversity Training Follow Up
From: Raynah Adams <rayadams@pgcps.org>
To: Jennifer Eller <jennifer.eller@pgcps.org>

Case 8:12-cv-03649-TDC Document 108-14 Filed 06/09/21 Page 2 of 2

We are going to address in the assemblies and over the P.A.

On Tue, Aug 21, 2012 at 12:55 PM, Jennifer Eller <jennifer.eller@pgcps.org> wrote:

Mr. Adams,

I wanted to follow-up with you and see where we were at in arranging a diversity/sensitivity assembly for the kids. A few incidents on Monday, August 20 confirmed the need for the training to me. Including being mister-ed a dozen times by my students and having a hall-walker enter my room during third period and say, "What the hell are you wearing?" I needed to tell the boy to go to his class three times before he left.

Ms. Eller

--

Raynah H. Adams, IV
Principal
Friendly High School

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 45

Bcc: Julia Gafney <julia.gafney@pgcps.org>, [REDACTED]
Sent: Wed, 29 Aug 2012 07:30:14 -0400
Subject: Re: Student Assembly
From: Jennifer Eller <jennifer.eller@pgcps.org>
To: Raynah Adams <rayadams@pgcps.org>

Mr. Adams,

Could I please be informed of what the intended presentation was, how the other assemblies shared the information, and where we are at in procuring the books/resources for the staff and student libraries that I wrote you about last school term.

Ms. Eller

On Tue, Aug 28, 2012 at 4:31 PM, Raynah Adams <rayadams@pgcps.org> wrote:

I understand that the 11th grade assembly didn't follow the planned agenda.

On Tue, Aug 28, 2012 at 10:57 AM, Jennifer Eller <jennifer.eller@pgcps.org> wrote:

Mr. Adams,

I sat in on the eleventh grade student assembly and only heard diversity and appropriate behavior and questions in response to diversity mentioned one time, with the sentence "We have a diverse staff and you should respect all your teachers." Am I correct in assuming this was not the assembly we had discussed and there will be another assembly at a later date?

Ms. Eller

--

Raynah H. Adams, IV
Principal
Friendly High School

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 46

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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

**DEFENDANT PRINCE GEORGE’S COUNTY PUBLIC SCHOOLS’
RESPONSES TO PLAINTIFF’S FIRST SET OF REQUESTS FOR ADMISSIONS**

Defendant Prince George’s County Public Schools, by and through undersigned counsel, pursuant to Fed. R. Civ. P. 36, and L.R. 104, hereby provides its responses to Plaintiff Jennifer Eller’s (“Plaintiff”) First Set of Requests for Admissions as follows:

PRELIMINARY STATEMENT

Defendants have not, at this time, fully completed their discovery and investigation in this action. All information contained herein is based solely upon such information and evidence as is presently available and known to Defendants upon information and belief at this time. Further discovery, investigation, research and analysis may supply additional facts, and meaning to currently known information. Defendants reserve the right to amend any and all responses herein as additional facts are ascertained, legal research is completed, and analysis is undertaken. The responses herein are made in a good faith effort to supply as much information as is presently known to Defendants.

GENERAL OBJECTIONS

1. Defendants object to Plaintiff's First Set of Requests for Admissions to the extent that the admissions sought are not relevant to the claims or defenses of any party in this litigation, not relevant to the subject matter of this litigation, and not reasonably calculated to lead to the discovery of admissible evidence.

2. Defendants object to Plaintiff's First Set of Requests for Admissions to the extent that they are vague, ambiguous, unduly burdensome, oppressive, unreasonably cumulative, duplicative, and/or outside the scope of permissible discovery.

3. Defendants object to Plaintiff's First Set of Requests for Admissions to the extent the information sought is not within the knowledge of Defendants and not obtainable upon a reasonable inquiry.

RESPONSES

1. Admit that Prince George's County Public Schools is a "person" acting under color of state law within the meaning of 42 U.S.C. § 1983.

RESPONSE: Deny.

2. Admit that approximately three years elapsed after Ms. Eller's email change request before PGCPS updated Ms. Eller's employee email address to reflect her new name.

RESPONSE: Deny.

3. Admit that, prior to Ms. Eller leaving her employment with PGCPS, the PGCPS directory had never been updated to reflect Ms. Eller's new name, continuing to list Ms. Eller by her male birth name.

RESPONSE: Defendant admits that Ms. Eller's name was changed in Oracle on or about July 11 2011. Defendant further admits that Ms. Eller's e-mail address was changed to

Jennifer.Eller@pgcps.org on or about July 18, 2011. Defendant further admits that the e-mail address [REDACTED] was removed from the system on or about August 22, 2013, and that Ms. Eller's name was updated on the calendar. Finally, Defendant admits that the PGCPs employee directory was updated to reflect Ms. Eller's new name on July 18, 2011. Otherwise, deny.

4. Admit that the routine non-discrimination, diversity, and sensitivity training currently offered by PGCPs does not include a component on gender identity, gender expression, gender transition, transgender status, or gender non-conformance.

RESPONSE: Defendant admits that it offers non-discrimination, diversity, and sensitivity training to its staff. Defendant admits that such training does not contain a specific component for gender identity, gender expression, gender transition, transgender status, or gender non-conformance. Otherwise, deny.

5. Admit that Ms. Eller reported to management and/or supervisory employees of PGCPs multiple instances of verbal harassment, including misgendering, insults, and other verbal assaults by students, students' parents, and/or PGCPs employees.

RESPONSE: Defendant admits that Ms. Eller reported to her supervisors instances of verbal harassment by students and/or parents. Otherwise, deny.

6. Admit that Ms. Eller reported to management and/or supervisory employees of PGCPs multiple instances of physical harassment, including assaults or threats thereof by students, students' parents, and/or PGCPs employees.

RESPONSE: Deny.

7. Admit that after a Letter of Determination of June 25, 2015 (related to Ms. Eller's internal Discrimination or Harassment Incident Report) recommended that Associate

Principal Paula Robinson receive counseling, Ms. Robinson was not required by PGCPs to receive counseling.

RESPONSE: Defendant admits that the Letter of Determination recommended that “Ms. Robinson receive appropriate professional counsel and/or discipline as deemed appropriate.” Otherwise, deny.

8. Admit that after a Letter of Determination of June 25, 2015 (related to Ms. Eller’s internal Discrimination or Harassment Incident Report) recommended that Friendly High School’s students and staff receive nondiscrimination, diversity and sensitivity training, no such training concerning gender identity, gender expression, gender transition, transgender status, or gender non-conformance for students or staff at Friendly High School has occurred.

RESPONSE: Defendant admits that the Letter of Determination recommended that “during the 2015-2016 academic year both Friendly High School students and staff receive diversity and sensitivity training.” With respect to staff, Defendant further admits that it offers non-discrimination, diversity, and sensitivity training to its staff but that such training does not contain a specific component for gender identity, gender expression, gender transition, transgender status, or gender non-conformance. With respect to students, Defendant admits that students are made aware of the prohibitions against sexual harassment during the video presented at the Student Rights & Responsibilities Assembly. Defendant further admits that the video presented refers to a Bullying, Harassment or Intimidation Reporting Form, which includes a box for “Related to the student’s perceived sexual orientation” and “sexual harassment.” Defendant further admits that all students are provided with a Student Rights and Responsibilities Handbook, which also expressly references and prohibits certain gender related discrimination. Otherwise, deny.

9. Admit that Prince George's County Public Schools did not use security camera footage to identify the students who verbally harassed Ms. Eller on August 27 and September 23, 2015.

RESPONSE: After a reasonable inquiry, the information known or readily obtainable by Defendant is insufficient to enable Defendant to admit or deny. As a result, Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

10. Admit that no non-discrimination, diversity, and sensitivity training for students or staff concerning gender identity, gender expression, gender transition, transgender status, or gender non-conformance was never implemented at James Madison Middle School.

RESPONSE: With respect to staff, Defendant admits that it offers non-discrimination, diversity, and sensitivity training to its staff but that such training does not contain a specific component for gender identity, gender expression, gender transition, transgender status, or gender non-conformance. With respect to students, Defendant admits that students are made aware of the prohibitions against sexual harassment during the video presented at the Student Rights & Responsibilities Assembly. Defendant further admits that the video presented refers to a Bullying, Harassment or Intimidation Reporting Form, which includes a box for "Related to the student's perceived sexual orientation" and "sexual harassment." Defendant further admits that all students are provided with a Student Rights and Responsibilities Handbook, which also expressly references and prohibits certain gender related discrimination. Otherwise, deny.

11. Admit that Prince George's County Public Schools receives federal financial assistance for its educational programs or activities, including without limitation from the U.S. Department of Education.

RESPONSE: Defendant admits that the Board of Education for Prince George's County receives federal financial assistance for its educational programs from the U.S. Department of Education. Otherwise, deny.

Respectfully submitted,

/s/ James E. McCollum, Jr.
James E. McCollum, Jr.
Federal Bar No. 06448

/s/ Amit K. Sharma
Amit K. Sharma
Federal Bar No. 16660

McCollum & Associates, LLC
7309 Baltimore Avenue, Suite 117
College Park, Maryland 20740
Tel: (301) 864-6070
Fax: (301) 864-4351
jmccollum@jmlaw.net
asharma@jmlaw.net

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via e-mail on this 21st day of
June, 2019, to:

Paul Pompeo, Esquire
Elliott Mogul, Esquire
Thomas McSorely, Esquire
Arnold & Porter Kay Scholer, LLP
601 Massachusetts Avenue, N.W.
Washington, D.C. 20001

Omar Gonzalez-Pagan, Esquire
Lamda Legal Defense and Education Fund, Inc.
120 Wall Street, 19th Floor
New York, New York 10005

Puneet Cheema, Esquire
Lamda Legal Defense and Education Fund, Inc.
1776 K Street, N.W., Suite 722
Washington, D.C. 20006

Attorneys for Plaintiff

/s/ Amit K. Sharma
Amit K. Sharma

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 47

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
Board of Education
Upper Marlboro, Maryland

4185

Policy No.

BOARD OF EDUCATION POLICY

PERSONNEL

Workplace Bullying

I. POLICY STATEMENT

The Prince George's County Board of Education is committed to an organizational culture of respect in Prince George's County Public Schools (PGCPS). Members of the school community are expected to treat each other with civility and mutual respect, in recognition of the rich diversity that makes up our community.

The Board affirms its belief that any workplace bullying behavior is unacceptable and diverts organizational energy from the core mission of PGCPS. The prevention of workplace bullying, as well as the prevention of retaliation against individuals who report acts of workplace bullying, require a system-wide effort involving prevention, intervention, reporting, investigation and resolution.

II. PURPOSE

This policy establishes a framework for preventing, addressing and correcting workplace bullying with processes to prevent, identify, report, investigate, and resolve instances of workplace bullying, with corrective actions, as needed.

III. DEFINITIONS

For the purposes of this policy, the following definitions apply:

1. Employee – a person employed by Prince George's County Board of Education and/or Prince George's County Public Schools for wages or salary, without regard or consideration to collective bargaining unit status.
2. Good faith – Conduct that is honest or sincere based on information available at the time a report is submitted under this Policy.
3. Humiliation - Conduct that causes an employee a painful loss of pride, self-respect

or dignity.

4. Intimidation - Conduct that forces an employee into or deters an employee from some action by inducing fear.
5. Peer-to-peer conduct – Actions between employees who do not have managerial or supervisory authority over one another.
6. Retaliation - The act of taking revenge or getting back at an employee for exercising his or her rights under this Policy.
7. Subordinate-to-supervisor conduct - Actions by an employee against his/her manager or supervisor.
8. Supervisor-to-subordinate conduct – Actions by an employee against another employee over whom he/she has managerial or supervisory authority.
9. Threat - A statement or indication of an intent to harm or injure another employee.
10. Workplace Bullying - Repeated, deliberate, hurtful mistreatment, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more employees against another employee or employees.

IV. STANDARDS

1. Workplace bullying may include conduct that is:
 - a. threatening or intimidating, occurring at the work place and/or in the course of employment via any means of communication, including electronic communication, social media (e.g., Facebook, Instagram, Snapchat, etc.), on or off district premises;
 - b. severe or pervasive alterations to the conditions of an individual's working environment or work assignment;
 - c. supervisor-to-subordinate, peer-to-peer or subordinate-to-supervisor conduct; or
 - d. acts of humiliation, intimidation, sabotage of work performance and related conduct that adversely impacts an individual's physical or psychological well-being, or work performance and advancement opportunities.
2. Employees are encouraged to report instances of workplace bullying. The Chief Executive Officer will develop an administrative procedure that implements the

requirements of this Policy and provides the reporting process employees may use to submit reports to the Office of General Counsel or its designee.

3. PGCPS may not take or refuse to take any personnel action as retaliation against an employee who in good faith files or provides information relating to a workplace bullying report in accordance with this Policy.

V. IMPLEMENTATION RESPONSIBILITIES

1. The Chief Executive Officer will develop and implement training protocols for periodic and ongoing professional development designed to increase understanding and awareness of the prevalence, causes, and consequences of workplace bullying. Training will include guidance for supervisors and coworkers to identify workplace bullying, encourage reporting concerns to the appropriate authorities and to support affected employees.
2. The Chief Executive Officer shall provide an annual report to the Board regarding the number of workplace bullying reports received; the number of reports resolved; trends or patterns among the reports; and recommendations on policy, procedure or practice changes to better address workplace bullying.
3. In accordance with State law, applicable policies, procedures and negotiated agreements:
 - a. The Chief Executive Officer will take appropriate disciplinary action against any employee who is found to have committed an act of workplace bullying, or an employee who is found to have retaliated against another employee for filing in good faith a workplace bullying report. The discipline may include warning, reprimand, suspension, transfer, demotion or termination of employment.
 - b. The Board will act in a quasi-judicial capacity to make rulings in cases of employee appeals.

VI. REFERENCES

Board Policy 0109 - Fraud, Waste and Abuse
Board Policy 0125 - Nondiscrimination

Administrative Procedure 2200 - Fraud, Waste and Abuse and Whistleblower Protection
Administrative Procedure 4170 - Discrimination and Harassment
Administrative Procedure 4176 – Employee Dispute Resolution

VII. HISTORY

Policy Adopted
6/25/20

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 48



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

JENNIFER ELLER

Plaintiff,

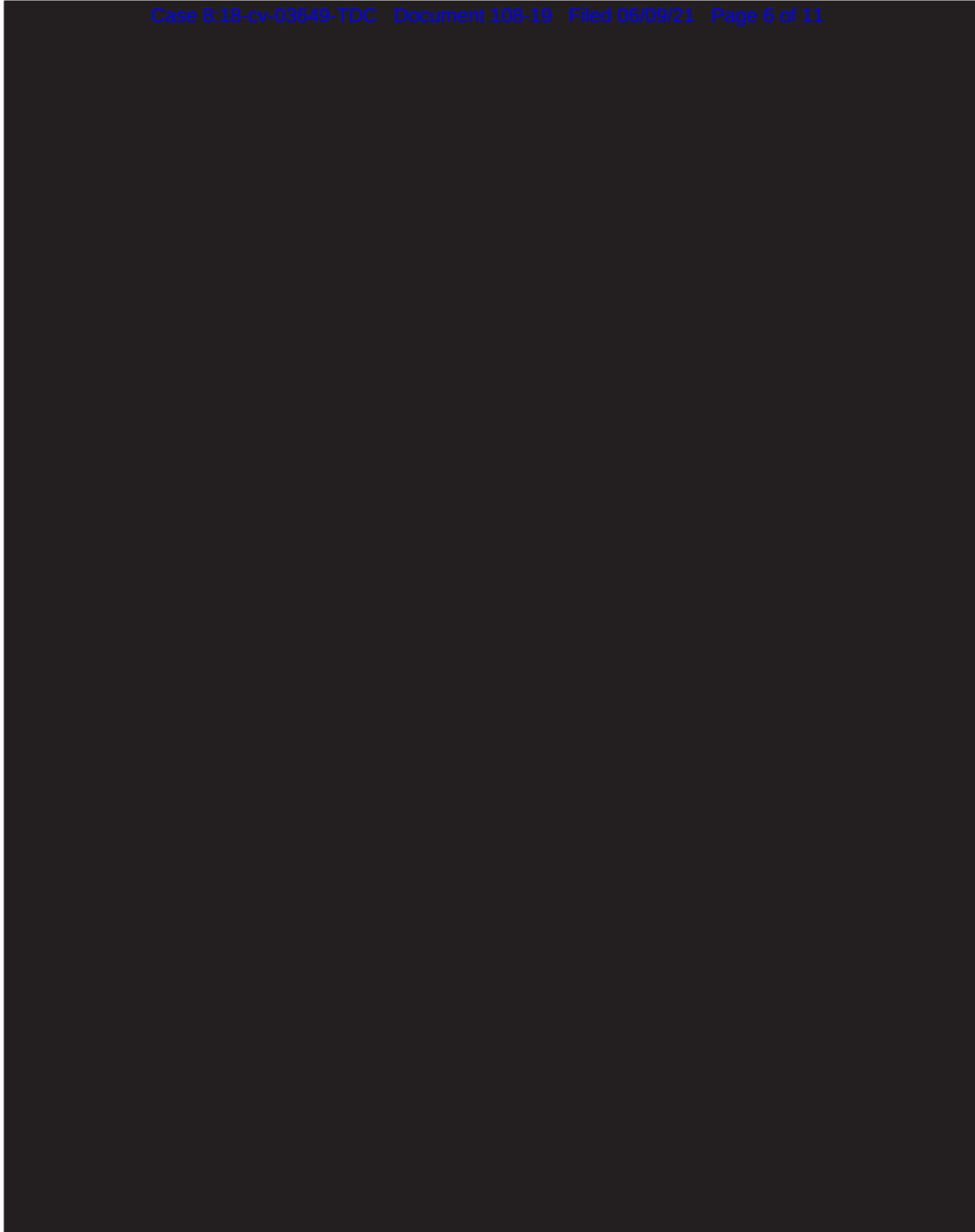
v.

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

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 49









**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 50



Maha Fadli <mfadli@pgcps.org>

Meeting Summary: 5-24-11

3 messages

Tue, May 24, 2011 at 2:26 PM

To: Maha Fadli <mfadli@pgcps.org>, James Whattam <james.whattam@pgcps.org>, Nguherij@pgcea.org, Elizabeth Davis <edavis@pgcps.org>

As requested, this is my summarized understanding of what was agreed upon in our meeting this morning.

1. As previously stated, attire will be slacks and blouse-shirt (an example would be an oxford style)
2. Clothing choice and presentation style will be selected based on androgynous qualities. Things that fall in the middle ground presenting neither overly masculine nor overly feminine
3. Shoes will be limited to tennis shoes/sneakers, androgynous flats, and androgynous heeled boots
4. Earrings will be limited to studs, small gold/silver circlets/hoops, and the pair my mother gave me.
5. A "Natural Look" Make-up style is permissible
6. No nail polish
7. Flair used of individuality is permitted but limited (examples would be a scarf or a simple bracelet)
8. HR will make more of an effort to keep me in the loop
9. I will be updated on the transfer process by mid-June, even if there is no new progress

These are the nine key points as I understand them.

Ms. Eller

Nguherimo, Jephtha <Nguherij@pgcea.org>

Tue, May 24, 2011 at 2:28 PM

To: Maha Fadli <mfadli@pgcps.org>, James Whattam <james.whattam@pgcps.org>, Elizabeth Davis <edavis@pgcps.org>

Please advise me if there is anything he didn't capture so that I can send it back to him with corrections.
Thank you

Jephtha Nguherimo
UniServ Director

Prince George's County Educators' Association

t 301.736.2700

f 301.568.8900

[Quoted text hidden]

James Whattam <james.whattam@pgcps.org>

Tue, May 24, 2011 at 5:36 PM

To: [REDACTED]
Cc: Maha Fadli <mfadli@pgcps.org>, Nguherij@pgcea.org, Elizabeth Davis <edavis@pgcps.org>

I think this accurately reflects what we agreed to. Thanks!

James R. Whattam
Director, Employee and Labor Relations
Prince George's County Public Schools
Phone: 301-952-6012
Fax: 301-952-6187
James.Whattam@pgcps.org

{Quoted text hidden}

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 51

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.)
 _____)

**DEFENDANT PRINCE GEORGE’S COUNTY PUBLIC SCHOOLS’
RESPONSES TO PLAINTIFF’S SECOND SET OF REQUESTS FOR ADMISSIONS**

Defendant Prince George’s County Public Schools, by and through undersigned counsel, pursuant to Fed. R. Civ. P. 36, and L.R. 104, hereby provides its responses to Plaintiff Jennifer Eller’s (“Plaintiff”) Second Set of Requests for Admissions as follows:

GENERAL OBJECTIONS

1. Defendant objects to Plaintiff’s Second Set of Requests for Admissions to the extent that the admissions sought are not relevant to the claims or defenses of any party in this litigation, not relevant to the subject matter of this litigation, and not reasonably calculated to lead to the discovery of admissible evidence.

2. Defendant objects to Plaintiff’s Second Set of Requests for Admissions to the extent that they are vague, ambiguous, unduly burdensome, oppressive, unreasonably cumulative, duplicative, and/or outside the scope of permissible discovery.

3. Defendant objects to Plaintiff’s Second Set of Requests for Admissions to the extent the information sought is not within the knowledge of Defendant and not obtainable upon a reasonable inquiry.

RESPONSES

1. Admit that Prince George's County Public Schools is an employer with 15 or more employees.

RESPONSE: Deny. The Prince George's County Public Schools is a non-entity. Rather, the Board of Education for Prince George's County is a corporate body that may sue and be sued, that controls the education policies of Prince George's County, and that controls over matters of personnel.

2. Admit that Jennifer Eller was an employee of Prince George's County Public Schools from 2008 to 2017, as follows:

- a. as a talented and gifted Reading/English Language Arts teacher at Kenmoor Middle School from 2008-2011;
- b. as a Reading/English Language Arts teacher at Friendly High School from 2011-2016; and
- c. as an English teacher and an International Baccalaureate English teacher at James Madison Middle School from August 2016 through Summer 2017.

RESPONSE: Defendant admits that Plaintiff was an employee of the Board of Education for Prince George's County in the positions and for the time periods referenced above. Otherwise, deny.

3. Admit that Jennifer Eller communicated to PGC[PS] administrators in March 2011 that she would be socially transitioning to presenting as a woman, consistent with her female gender identity.

RESPONSE: Defendant admits that Plaintiff communicated in writing to administrators in April of 2011 that she would be socially transitioning. Otherwise, deny.

4. Admit that PGPCS faculty and staff use PS-74 forms to report student conduct that they believe is discriminatory against them or otherwise in violation of the Student Code of Conduct, and that administrators document whether/to what extent any disciplinary or remedial action is taken against a student upon completing the PS-74 forms.

RESPONSE: Defendant admits that the PS-74 Form is used to report and refer a student for discipline for conduct in violation of the Student Code of Conduct. Defendant further admits that an administrator's response to the referral, if any, should be noted on the PS-74 Form. Otherwise, deny.

5. Admit that Jennifer Eller reported student harassment or mistreatment against her because of her sex, gender identity, gender expression, gender nonconformity, or transgender status through PS-74 forms.

RESPONSE: Defendant admits that Plaintiff has reported student misconduct based upon her transgender status via PS-74 Forms and that those documents speak for themselves. Otherwise, deny.

6. Admit that students in Jennifer Eller's class at Kenmoor Middle School referred to Ms. Eller as "fag," "gay," "homo," "tranny," and "booty warrior," as reported by Ms. Eller to Kenmoor Middle School Principal Maha Fadli.

RESPONSE: Defendant admits that Plaintiff reported to Principal Fadli that she was referred to as "fag," "gay," "homo," "tranny," and "booty warrior" by students on May 17, 2011. Otherwise, deny.

7. Admit that two female students referred to Jennifer Eller as "the he/she" on August 30, 2011, as reported by Ms. Eller to Friendly High School administrators.

RESPONSE: Defendant admits that Plaintiff reported to Principal Adams that two female students referred to her as “the he/she” on August 30, 2011. Otherwise, deny

8. Admit that a student at Friendly High School physically assaulted Jennifer Eller, as reported by Ms. Eller to Friendly High School Principal Raynah Adams, including through a PS-74 form.

RESPONSE: Deny.

9. Admit that a James Madison High School student, [REDACTED], threatened to burn down Jennifer Eller’s house, as reported by Ms. Eller to school administrators, and that there is no record of action being taken against the student by PGCPs administrators in response.

RESPONSE: Defendant admits that Plaintiff alleges that [REDACTED] threatened to burn down her house and that she allegedly reported this incident directly to Principal King. As for the remainder of the request, after a reasonable inquiry, the information known or readily obtainable by Defendant is insufficient to enable Defendant to admit or deny. As a result, Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment; therefore, deny.

10. Admit that a student ([REDACTED]) at Friendly High School told Ms. Eller she was “so fucked up” and misgendered Ms. Eller on multiple occasions over two school years, as reported by Ms. Eller to school administrators.

RESPONSE: Defendant admits that Plaintiff submitted a PS-74 Form for [REDACTED] as is referenced in Exhibit 9 to Principal Adams’ deposition transcript. In addition, Defendant admits that Plaintiff also complained of [REDACTED] in her e-mail dated November 21, 2013 (PGCPs 362). To the extent Plaintiff has documents from which the quote above is derived from,

those documents speak for themselves. Otherwise, deny.

11. Admit that a student (██████████) misgendered Ms. Eller on multiple occasions over two school years, as reported by Ms. Eller to school administrators.

RESPONSE: Defendant admits that Plaintiff submitted a PS-74 Form for ██████████, which is attached as Exhibit 7 to Defendants' Opposition to Plaintiff's Motion for Discovery Sanctions, and as is referenced in Exhibit 9 to Principal Adams' deposition transcript. In addition, Defendant admits that Plaintiff also complained of ██████████ in her e-mail dated November 21, 2013 (PGCPS 362). Otherwise, deny.

12. Admit that during the 2014-2015 school year, a parent referred to Jennifer Eller as a "pedophile" in Friendly High School's main office and that no action was taken by PGCPS administrators or staff present in response to the parent's comment.

RESPONSE: Defendant admits that Plaintiff alleges that a parent referred to her as a pedophile. Otherwise, deny.

13. Admit that Kenmoor Middle School staff said of Ms. Eller that she "thinks he's a girl. . . . I know. It's disgusting" in the teacher's lounge, as reported by Ms. Eller to Kenmoor Middle School Principal Fadli on May 4, 2011, and that Ms. Eller asked Principal Fadli for assistance with the situation.

RESPONSE: Defendant admits that Plaintiff reported her concerns in her e-mail of May 4, 2011, to Principal Fadli and that the document speaks for itself. Otherwise, deny.

14. Admit that Friendly High School students referred to Jennifer Eller as "tranny," "he-she," "chick with a dick," "shemale," and "it," as well as being asked/told: "do you have a

dick,” “do you bleed,” and “have you cut it off,” as reported by Ms. Eller to Friendly High School Principal Adams on August 13, 2012.

RESPONSE: Defendant admits that Plaintiff alleged this in her e-mail of August 13, 2012 (PGCPS 336), to Principal Adams and that the document speaks for itself. Otherwise, deny.

15. Admit that on August 21, 2012, Jennifer Eller wrote to then-Friendly High School Principal Adams inquiring about the status of Ms. Eller’s request for a diversity/sensitivity assembly for the students, as well as reporting additional misgendering and harassment incidents that occurred on August 20, 2012.

RESPONSE: Defendant admits that Plaintiff wrote to Principal Adams on August 21, 2012, which is Exhibit 4 to Principal Adams’ deposition transcript. The document speaks for itself. Otherwise, deny.

16. Admit that on October 15, 2015, Jennifer Eller sent a list of microaggressions to several PGCPS administrators, including Mark Fossett, documenting incidents of staff and student misgendering.

RESPONSE: Defendant admits that Plaintiff sent a list of microaggressions on October 7, 2015, which is Exhibit 61 to Mark Fossett’s deposition transcript and speaks for itself. Otherwise, deny.

17. Admit that notwithstanding Jennifer Eller’s requests for diversity and sensitivity training specific to gender identity, gender expression, and transgender status for students, staff, and administrators, Prince George’s County Public Schools did not adopt or institute any such training prior to 2017 for members of the school community other than some training for pupil personnel workers, guidance counselors, and, starting in 2015, principals.

RESPONSE: Defendant admits that Plaintiff made specific requests for diversity and sensitivity training as set forth above. Defendant further admits that certain groups within the school community received diversity and sensitivity training as set forth above prior to 2017. Defendant further admits that for all other students and staff prior to 2017, the specific areas of training as set forth above are encompassed within training on “sex” discrimination and/or harassment. Otherwise, deny.

Respectfully submitted,

/s/ James E. McCollum, Jr.
James E. McCollum, Jr.
Federal Bar No. 06448

/s/ Amit K. Sharma
Amit K. Sharma
Federal Bar No. 16660

McCollum & Associates, LLC
7309 Baltimore Avenue, Suite 117
College Park, Maryland 20740
Tel: (301) 864-6070
Fax: (301) 864-4351
jmccollum@jmlaw.net
asharma@jmlaw.net

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via e-mail on this 18th day of
September, 2020, to:

Paul Pompeo, Esquire
Douglas F. Curtis, Esquire
Lori B. Leskin, Esquire
Elliott C. Mogul, Esquire
Thomas McSorley, Esquire
Rebecca Neubauer, Esquire
Arnold & Porter Kay Scholer, LLP
601 Massachusetts Avenue, N.W.
Washington, D.C. 20001

Omar Gonzalez-Pagan, Esquire
Carl Charles, Esquire
Lamda Legal Defense and Education Fund, Inc.
120 Wall Street, 19th Floor
New York, New York 10005

Attorneys for Plaintiff

/s/ Amit K. Sharma
Amit K. Sharma

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 52

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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

**DEFENDANT BOARD OF EDUCATION FOR PRINCE GEORGE’S COUNTY’S
RESPONSES TO PLAINTIFF’S FIRST SET OF REQUESTS FOR ADMISSIONS**

Defendant Board of Education for Prince George’s County, by and through undersigned counsel, pursuant to Fed. R. Civ. P. 36, and L.R. 104, hereby provides its responses to Plaintiff Jennifer Eller’s (“Plaintiff”) First Set of Requests for Admissions as follows:

GENERAL OBJECTIONS

1. Defendant objects to Plaintiff’s First Set of Requests for Admissions to the extent that the admissions sought are not relevant to the claims or defenses of any party in this litigation, not relevant to the subject matter of this litigation, and not reasonably calculated to lead to the discovery of admissible evidence.

2. Defendant objects to Plaintiff’s First Set of Requests for Admissions to the extent that they are vague, ambiguous, unduly burdensome, oppressive, unreasonably cumulative, duplicative, and/or outside the scope of permissible discovery.

3. Defendant objects to Plaintiff’s First Set of Requests for Admissions to the extent the information sought is not within the knowledge of Defendant and not obtainable upon a reasonable inquiry.

RESPONSES

1. Admit that Prince George's County's Board of Education is an employer with 15 or more employees.

RESPONSE: Admit.

2. Admit that Prince George's County's Board of Education is a "person" acting under color of state law within the meaning of 42 U.S.C. § 1983.

RESPONSE: Deny.

3. Admit that Prince George's County's Board of Education is the official policymaking and oversight body for Prince George's County Public Schools.

RESPONSE: Admit.

4. Admit that notwithstanding Jennifer Eller's requests for diversity and sensitivity training specific to gender identity, gender expression, and transgender status for students, staff, and administrators, Prince George's County Public Schools did not adopt or institute any such training prior to 2017 for members of the school community other than pupil personnel workers, guidance counselors, and, starting in 2015, principals.

RESPONSE: Defendant admits that Plaintiff made specific requests for diversity and sensitivity training as set forth above. Defendant further admits that certain groups within the school community received diversity and sensitivity training as set forth above prior to 2017. Defendant further admits that for all other students and staff prior to 2017, the specific areas of training as set forth above are encompassed within training on "sex" discrimination and/or harassment. Otherwise, deny.

5. Admit that, aside from the occasional verbal reprimand, Prince George's County Public Schools did not discipline any students or staff who misgendered, harassed, or discriminated

against Jennifer Eller on account of her sex, gender identity, gender express, gender nonconformity, or transgender status.

RESPONSE: Deny.

6. Admit that Jennifer Eller was diagnosed with post-traumatic stress disorder in the fall 2016.

RESPONSE: Admit.

Respectfully submitted,

/s/ James E. McCollum, Jr.
James E. McCollum, Jr.
Federal Bar No. 06448

/s/ Amit K. Sharma
Amit K. Sharma
Federal Bar No. 16660

McCollum & Associates, LLC
7309 Baltimore Avenue, Suite 117
College Park, Maryland 20740
Tel: (301) 864-6070
Fax: (301) 864-4351
jmccollum@jmlaw.net
asharma@jmlaw.net

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via e-mail on this 18th day of
September, 2020, to:

Paul Pompeo, Esquire
Douglas F. Curtis, Esquire
Lori B. Leskin, Esquire
Elliott C. Mogul, Esquire
Thomas McSorley, Esquire
Rebecca Neubauer, Esquire
Arnold & Porter Kay Scholer, LLP
601 Massachusetts Avenue, N.W.
Washington, D.C. 20001

Omar Gonzalez-Pagan, Esquire
Carl Charles, Esquire
Lamda Legal Defense and Education Fund, Inc.
120 Wall Street, 19th Floor
New York, New York 10005

Attorneys for Plaintiff

/s/ Amit K. Sharma
Amit K. Sharma

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 53



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Baltimore Field Office

City Crescent Building
10 South Howard St., 3rd Floor
Baltimore, MD 21201
Intake Information Group: (800) 669-4000
Intake Information Group TTY: (800) 669-6820
Baltimore Direct Dial: (410) 209-2237
TTY (410) 962-6065
FAX (410) 209-2221
FAX (410) 962-4270
http://www.eeoc.gov

EEOC Charge No. 531-2015-01787

RECEIVED SEP 26 2017

Jennifer Eller



Charging Party

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

Respondent

DETERMINATION

Under the authority vested in me by the Commission's Procedural Regulations, I issue on behalf of the Commission the following determination as to the investigation of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended, (hereinafter referred to as "Title VII").

Respondent is an employer within the meaning of the Title VII, as amended and all requirements for coverage have been met.

Charging Party alleges that she was subjected to harassment and unequal terms and conditions of employment due to her sex (Female), gender identity (Transgender), and in retaliation for engaging in protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended.

Respondent denies Charging Party's allegations and maintains: 1) it appropriately responded to Charging Party's concerns and provided Charging Party with support; 2) students were disciplined consistent with Respondent's policies; 3) Charging Party's complaint about an administrator was appropriately investigated; 4) diversity training was provided to staff and an administrator provided Charging Party with support regarding student and parent concerns; and 5) Charging Party received counseling and progressive discipline based upon a pattern of behavior detrimental to student learning.

Documentary and testimonial evidence obtained during the Commission's investigation revealed that Charging Party was subjected to an environment that contained frequent comments about her sex and surgical status; and in which she was routinely misgendered and subjected to sex stereotypes. Charging Party's sustained such treatment from students, parents, staff, and administration. The evidence further revealed that Respondent was aware of the conditions to which Charging Party was subjected throughout the period in question and failed to take effective corrective action. After Charging Party filed a formal complaint alleging she was misgendered by an administrator, Charging Party was subsequently subjected to counseling, disciplinary actions, and class reassignments.

Based on this analysis, I have determined that there is reasonable cause to believe that Charging Party was subjected to harassment, based upon her sex and gender identity, and unequal terms and conditions of

employment, in retaliation for engaging in protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended.

Upon finding reasonable cause that unlawful employment practices have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Conciliation is Respondent's opportunity to voluntarily remedy the unlawful employment practices found to have occurred. Ultimately, any conciliation agreement must be acceptable to the Commission. Forthcoming under separate cover is a proposed conciliation agreement designed to remedy the unlawful employment practices found to have occurred in this Letter of Determination. Respondent is invited to respond to this proposal within 14 days of receipt.

If Respondent fails to engage in conciliation, or if the Commission determines, in its sole discretion, that conciliation has failed, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission.

ON BEHALF OF THE COMMISSION:



Rosemarie Rhodes
Director

SEP 21 2017

Date

Enclosure

cc:

Amana Simmons
Compliance Officer
Prince George's County Public Schools
14201 School Lane, Room 202
Upper Marlboro, MD 20772

Paul E. Pompeo, Esq.
Arnold & Porter, LLP
601 Massachusetts Avenue, NW
Washington, DC 20001

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 54



U.S. Department of Justice
Civil Rights Division

JMG:KDW:KLF
DJ 170-35-0

Employment Litigation Section - PHB
950 Pennsylvania Avenue, NW
Washington, DC 20530
www.usdoj.gov/crt/emp

AUG 20 2018

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

CERTIFIED MAIL 7016 2140 0000 5581 5896
RETURN RECEIPT REQUESTED



Ms. Jennifer Eller
c/o Paul Pompeo, Esquire
Law Office of Arnold & Porter
301 Massachusetts Avenue, NW
Washington, DC 20001

Re: Jennifer Eller v. Prince George's County Public Schools
EEOC Charge No. 531-2015-01787

Dear Ms. Eller:

It has been determined that the Department of Justice will not file suit on the above-referenced charge of discrimination that was referred to us by the Equal Employment Opportunity Commission (EEOC). This should not be taken to mean that the Department of Justice has made a judgment as to whether or not your charge is meritorious.

You are hereby notified that conciliation in this matter was unsuccessful by the EEOC. You are further notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e et seq., against the above-named respondent. If you choose to commence a civil action, such suit must be filed in the appropriate court within 90 days of your receipt of this Notice.

We are returning the files in this matter to EEOC's Baltimore Field Office. If you or your attorney have any questions concerning this matter or wish to inspect the investigative files, please feel free to address your inquiry to: Rosemarie Rhodes, Director, EEOC, George H. Fallon Federal Building, 31 Hopkins Plaza, Ste. 1432, Baltimore, MD 21201.

Sincerely,

John M. Gore
Acting Assistant Attorney General
Civil Rights Division

By:

Karen D. Woodard
Principal Deputy Chief
Employment Litigation Section

cc: Jennifer Eller
Prince George's County Public Schools c/o Amana Simmons, Esquire/Compliance Officer
Ms. Glynnis Watford, Statewide EEO Coord.
EEOC, Baltimore Field Office

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 55

To: paula.robinson@pgcps.org[paula.robinson@pgcps.org]
From: Teachscape Reflect Team[observations@teachscape.com]
Sent: Fri 12/5/2014 1:49:53 PM (UTC-05:00)
Subject: Notification: Raynah Adams has reassigned an evaluation to you.

Dear Paula Robinson

Raynah Adams has re-assigned 14/15 Prince George's County Teacher Evaluation: Tenured (FFT) for Jennifer Eller to you.

To view the details of for the evaluation:

1. Log in to the Teachscape platform by clicking on login.teachscape.com.
2. On the Welcome screen, click the Reflect tab in the top left-hand corner to open your overview page.
3. Search for Jennifer Eller and click the name to go to the Teacher's Overview Page, where you can view the details of the evaluation.
4. You should be able to see your name as the Lead Evaluator.

Please contact Raynah Adams if you have any questions.

Sincerely,
The Teachscape Reflect Team

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 56

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
Board of Education
Upper Marlboro, Maryland

0125
Policy No.

BOARD OF EDUCATION POLICY

NONDISCRIMINATION

The Prince George's County Board of Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to designated youth groups. The following people have been designated to handle inquiries regarding the non-discrimination policies:

Title VI, ADA and Title IX Inquiries:

The EEO Advisor
Employee and Labor Relations
Prince George's County Public Schools
14201 School Lane, Room 208
Upper Marlboro, MD 20772
Office: 240-573-7049

Section 504 Inquiries:

The 504 Program Coordinator
Division of Student Services
Prince George's County Public Schools
14201 School Lane
Upper Marlboro, MD 20772
Office: 301-952-6255
www1.pgcps.org/504

Policy Adopted
6/25/15

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 57



Jennifer Eller <jennifer.eller@pgcps.org>

Diversity/Sensitivity Assembly

1 message

Jennifer Eller <jennifer.eller@pgcps.org>
To: Raynah Adams <rayadams@pgcps.org>
Bcc: [REDACTED]

Mon, Aug 13, 2012 at 4:32 PM

Mr. Adams,

At the end of the 2011-2012 school year we discussed things that would reduce stress and friction for me in the coming school year. At the time, I mentioned how a general discussion on diversity in the school environment that address gender, sexual, and other types of diversity and address appropriate and inappropriate responses to said diversity would create a more stable educational environment.

The need for such an assembly is strong. I have had students (both mine and not mine) consistently and purposefully refer to me by the wrong pronouns despite repeated corrections, I have been asked inappropriate and personally invasive questions by students ('do you have a dick,' 'do you bleed,' and 'have you cut it off' being the most common and vulgar), and I have been referred to by offensive and bigoted names both directly and indirectly (tranny, he-she, chick-with-dick, shemale, it).

I believe a mandatory diversity/sensitivity assembly would reduce the number and frequency of these events and help prepare the students for life in the diverse world outside Friendly's walls. Further, it is my understanding that the teachers' union can help provide speakers for such assemblies either from their own offices or affiliated groups.

Ms. Eller

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 58

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

Southern Division

JENNIFER ELLER)	
)	
Plaintiff,)	
)	Case No.:
VS)	18-cv-03649-TDC
)	
PRINCE GEORGE'S COUNTY)	
PUBLIC SCHOOLS, et al.,)	
)	
Defendants.)	

DEPOSITION OF MARK FOSSETT

Wednesday, January 29, 2020, 10:00 a.m.

Arnold & Porter Kaye Scholer

601 Massachusetts Avenue, NW

Washington, DC

Page 2

09:47:25 1 DEPOSITIO□ OF MAR□ FOSSETT,
 2 a witness herein, called by the Plaintiff for
 3 examination, taken pursuant to the Federal Rules of
 4 Civil Procedure, by and before Susan E Alldrige,
 5 RPR and □otary Public in and for the District of
 6 Columbia, Arnold and Porter, 601 Massachusetts
 7 Avenue, □W, Washington, DC, on Wednesday,
 8 January, 2□ 2020, at 10:00 a m
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22

Page 3

09:47:25 1
 2
 3 A P P E A R A □ C E S
 4
 5 O □ □EHA□F OF PAIA□TIFF JE□□IFER E□□ER:
 6 JOCE□□□ A WIES□□ER, ES□□□IRE
 7 AR□□□D □ PORTER □A□E SCHO□ER □□P
 8 601 Massachusetts Avenue, □W
 9 Washington, DC 20001-37□3
 10 (202)□2-6806
 11
 12 O □ □EHA□F OF PR□□CE GEORGE'S CO□□□T□ P□□□IC SCHO□□S,
 13 ET A□, DEFE□□DA□TS:
 14 AMIT □ SHARMA, ES□□□IRE
 15 MCCO□□□M □ ASSOCIATES, □□C
 16 730□□altimore Avenue
 17 Suite 117
 18 College Park, MD 207□0
 19 (301)86□6070
 20
 21
 22

Page 4

09:47:27 1 C O □ T E □ T S
 2 E □ A M I □ A T I O □ OF MAR □ FOSSETT PAGE
 3 □y Ms Wiesner 6
 4 □y Mr Sharma 166
 5 □y Ms Wiesner 176
 6
 7
 8 E □ H I □ I T S
 9 (Attached to the transcript)
 10 FOSSETT DEPOSITIO □ E □ H I □ I T PAGE
 11 Exhibit 56 Affidavit of Service 7
 12 Exhibit 57 Charge of Discrimination 102
 13 Exhibit 58 Email 107
 14 Exhibit 5□ Email 115
 15 Exhibit 60 Eller □etter of 11□
 Determination Dated June
 16 25, 2015
 17 Exhibit 61 Email 12□
 18 Exhibit 62 Email 132
 19 Exhibit 63 PGCPs Mail - English 1□□
 Reduction
 20 Exhibit 6□ Email 1□6
 21 Exhibit 65 Ombudsman Services 1□8
 22 Respondent Form

Page 5

09:47:27 1 C O □ T E □ T S, cont
 2 FOSSETT DEPOSITIO □ E □ H I □ I T PAGE
 3 Exhibit 66 Emails 152
 4 Exhibit 67 Emails 155
 5 Exhibit 68 Email 157
 6 Exhibit 6□ □etter to Jennifer Eller 157
 from Raynah Adams, Dated
 7 September 3, 2015, Re:
 □notice of Disciplinary
 8 Action-Written Reprimand
 9 Exhibit 70 Email 15□
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22

Page 6

09:47:29 1
 2 PROCEEDINGS
 3 Whereupon,
 4 MAR FOSSETT,
 5 being first duly sworn or affirmed to testify to the
 6 truth, the whole truth, and nothing but the truth,
 7 was examined and testified as follows:
 8 EXAMINATION
 9 MS WIESNER:
 10 Q Good morning
 11 A Good morning
 12 Q I know that I introduced myself briefly
 13 before we began the deposition but just for
 14 purposes of the record, I'll introduce myself again
 15 A Okay
 16 Q My name is Jocelyn Wiesner, and I'm the
 17 attorney representing Ms Jennifer Eller in this
 18 litigation
 19 And if you could also, for purposes of
 20 the record, state your full name
 21 A Mark Fossett
 22 Q Thank you

Page 8

10:13:03 1 Q You have been
 2 How many times?
 3 A Maybe two or three
 4 Q And when was the most recent deposition?
 5 A Probably -- maybe three or four years
 6 ago
 7 Q Okay Can you tell me briefly what the
 8 nature of each of the cases were in which you were
 9 deposed?
 10 A They were school-system related I don't
 11 really remember particularly what they were
 12 Probably personnel matters
 13 Q Were you a defendant in any of those
 14 litigations?
 15 A No
 16 Q Okay So you were testifying as a fact
 17 witness in each of those litigations?
 18 A Yes
 19 Q Okay And for each of those litigations,
 20 you were testifying in your capacity as --
 21 A Yeah, whatever role I was playing at that
 22 time

Page 7

10:11:51 1 I'm just going to start off by marking as
 2 Exhibit 56, I believe, a copy of the deposition
 3 notice for today's deposition
 4 (Fossett Deposition Exhibit 56 was marked
 5 for identification and attached to the transcript)
 6 MS WIESNER:
 7 Q All right Mr Fossett, what I handed
 8 you is a copy of the subpoena issued to yourself to
 9 testify in today's deposition If you turn it over
 10 to page 2, you'll actually see the subpoena
 11 Have you seen a copy of this before?
 12 A I have
 13 Q Okay And you understand that you're
 14 here today to give testimony in a case brought by
 15 Ms Eller?
 16 A I have -- I am I'm aware
 17 Q Perfect
 18 All right So before we talk about
 19 Ms Eller's case, I just want to go over some
 20 background information So I'm going to start off
 21 by asking if you've ever been deposed before
 22 A Yes

Page 9

10:14:03 1 Q Perfect
 2 And they were all related to your
 3 employment with the school board; is that correct?
 4 A Yes
 5 Q Okay
 6 All right So given that your last
 7 deposition was a few years ago, I think it's still
 8 helpful to go over some ground rules today It just
 9 makes the deposition process go a little bit more
 10 smoothly
 11 A Yes
 12 Q So as you'll see, we have a court
 13 reporter here who's taking down everything that you
 14 and I say And I'm sure that she's going to do a
 15 wonderful job, but there are a few things that we
 16 can do to help her out
 17 So ground rule number one is to always
 18 give verbal answers I know if you and I were to be
 19 having a conversation outside of a deposition, it
 20 might be very common for one of us to say "uh-huh,"
 21 "uh-uh," or shake our heads It's very difficult
 22 for her to get that down correctly And I want to

Page 10

10:14:44 1 make sure that the record accurately reflects what
 2 you and I say
 3 So with that being said, ground rule
 4 number one, always give a "yes," "no," or elaborate
 5 as you see fit
 6 Is that fair?
 7 A es, ma'am
 8 Perfect
 9 The other thing we can do to help out the
 10 court reporter is to try not to talk over each
 11 other So even if it's super obvious where my
 12 question is going and I'm halfway through it and you
 13 know exactly what I'm asking, I would just ask that
 14 you still let me finish the question completely
 15 before you give your answer
 16 Is that fair?
 17 A es
 18 Perfect
 19 I'll do my very best not to interrupt you
 20 as well
 21 A Okay
 22 My goal today is not to ask clear -- or

Page 12

10:16:13 1 counsel for today's deposition?
 2 A es
 3 And who is your counsel that you're
 4 represented by?
 5 A Amit
 6 And you're referring to Mr Sharma?
 7 A es
 8 When did you first learn about this
 9 litigation?
 10 A Approximately? I think sometime in maybe
 11 ovember, December
 12 Of which year?
 13 A 201
 14 And how did you come to learn about the
 15 litigation?
 16 A I was called by our school system's legal
 17 representation team
 18 (Reporter asks for clarification)
 19 THE WITESS: I'm sorry I was called by
 20 the legal -- the school system's legal
 21 representation team, office
 22

Page 11

10:15:25 1 confusing questions That doesn't really help
 2 anyone So if at any point in time you just don't
 3 understand where I'm going with a question, please
 4 let me know I'll do my very best to rephrase it so
 5 that it is clear to you
 6 Is that okay?
 7 A es
 8 All right So with that in mind, if I
 9 ask a question and you answer that question, is it
 10 fair for me to assume that you've understood the
 11 question I'm asking?
 12 A Of course
 13 All right And the last rule for today
 14 is just to talk about breaks I don't really think
 15 we're going to go that long today; but if you need a
 16 break, you're more than welcome to take it The
 17 only thing that I would ask is if I've asked you a
 18 question, that you've answered that question before
 19 we take a break
 20 Is that okay?
 21 A es
 22 All right Are you represented by

Page 13

10:17:12 1 MS WIESER:
 2 And do you recall what the nature of that
 3 conversation was?
 4 MR SHARMA: Objection
 5 Are you going to get into privileged
 6 information between the general counsel's office and
 7 their conversations with Mr Fossett?
 8 MS WIESER:
 9 Was it your understanding that the Office
 10 of egal Counsel was communicating with you in a
 11 privileged nature?
 12 A es
 13 Okay
 14 All right When did you first learn that
 15 you would be deposed?
 16 A When I spoke with Mr Sharma
 17 And when was that?
 18 A Approximately -- around the same time
 19 Maybe end of December; beginning of January I'm
 20 not exactly sure
 21 What, if anything, did you do to prepare
 22 for today's deposition?

Page 14

10:18:09 1 A I looked over some old emails
 2 I Are those emails that you identified
 3 yourself?
 4 A Yes
 5 I Okay How did you go about identifying
 6 those emails?
 7 A Searched my own email
 8 I How did you --
 9 A Just did a search
 10 I And what were you searching for?
 11 A Ms Eller's name
 12 I And do you recall the content of any of
 13 the emails you reviewed to prepare for today's
 14 deposition?
 15 A Some, yes
 16 I And can you -- tell me about those
 17 documents
 18 What were you reviewing?
 19 A Just, basically, general -- about some
 20 situations that had come -- had come about They
 21 were sent to me by the principal
 22 Then there was a disposition letter from

Page 16

10:20:45 1 I The other category of documents you
 2 mentioned was a disposition letter, I believe you
 3 said, that spoke to leave
 4 Can you clarify what you're talking about
 5 there?
 6 A I think she had either been -- I couldn't
 7 tell whether she was on leave on her own accord or
 8 whether she had been placed on administrative leave,
 9 by looking at it
 10 I But it was some letter in reference to
 11 her coming back from leave or leave being rescinded
 12 I And do you recall the approximate time
 13 frame of that letter?
 14 A I do not I was copied on it; so -- you
 15 know I don't remember
 16 I And were you searching a particular email
 17 account?
 18 A My own
 19 I Okay And what is your email account
 20 that you were searching?
 21 A My name Mark Fossett@pgcps.org That's
 22 my work email

Page 15

10:19:06 1 our Labor Relations Office which spoke to leave or
 2 something of that nature
 3 I Okay You said some of the emails spoke
 4 to the general situation that had come about What
 5 do you mean by the "general situation"?
 6 A Specifically, there was some emails
 7 around a situation that occurred with Assistant
 8 Principal Robinson And there was a disciplinary
 9 letter that Mr Adams had wrote in reference to some
 10 sort of incident that occurred during the faculty
 11 meeting with him And that was about it I didn't
 12 have many
 13 I When you were conducting your search for
 14 emails, did you look in your email outbox to see
 15 that if you had responded to any of these emails?
 16 A I didn't look in the outbox Basically,
 17 when we search, we -- it searches everything
 18 I I see So your search would have
 19 encompassed both emails that you received and emails
 20 that you would send?
 21 A Or if it's -- yeah Anything with our
 22 name on it

Page 17

10:21:54 1 I Are there any other emails that you use
 2 for work purposes?
 3 A Absolutely not
 4 I'm sorry Say that again
 5 I I want -- so that was a good example
 6 A For web purposes?
 7 I For work purposes
 8 A Oh no I thought you said web purposes
 9 I I
 10 A Yeah I
 11 I So let me just re-ask the question
 12 Are there any other emails that you use
 13 for work purposes?
 14 A Absolutely not
 15 I Are there any other email addresses that
 16 you've used to communicate regarding Ms Eller?
 17 A I
 18 I And about how long did you spend
 19 conducting this search through your emails?
 20 A Five minutes
 21 I All right Other than that search
 22 through your email account, did you do anything else

Page 18

10:22:34 1 to prepare for today's deposition?
 2 A othing at all
 3 All right Did you meet with counsel?
 4 A I did not
 5 All right Did you speak with any other
 6 staff or teachers regarding today's deposition?
 7 A I just spoke with him about the time and
 8 place where I needed to be
 9 And by "him" you're referring to
 10 Mr Sharma; correct?
 11 A Mr Sharma, yes
 12 THE WITNESS: Sorry about that
 13 MR SHARMA: ou're good
 14 MS WIESNER:
 15 And other than your emails, did you
 16 review any other documents?
 17 A I did not
 18 Have you spoken with anyone else who has
 19 been deposed in the litigation?
 20 A I have not
 21 So I'd like to turn to your background
 22 and get a little bit of basic information about your

Page 20

10:25:03 1 And how long have you been in that
 2 position?
 3 A August 2016
 4 Okay So since -- I'm sorry I'm sorry
 5 I just want to make sure I have this right ou've
 6 been the associate superintendent for supporting
 7 services since August of 2016?
 8 A es, ma'am
 9 Okay And were you employed by the
 10 Prince George's County Public School system prior to
 11 August of 2016?
 12 A I was
 13 When did you first join Prince George's
 14 County Public school system?
 15 A August of 1⁰⁰
 16 All right So I know that's a long
 17 period of time we're going to work through ut I
 18 just want to get a general overview of what
 19 positions you've held since 1⁰⁰ So let's just
 20 start with your first position and work forward
 21 A Okay I may not remember the exact year
 22 That's fine Do --

Page 19

10:23:46 1 educational and employment background So let's
 2 start with educational
 3 Can you walk me through any post high
 4 school education that you've received?
 5 A es I received my bachelor's degree in
 6 '11 Do you need to know where from?
 7 That would be great Thank you
 8 A lincoln niversity in Pennsylvania The
 9 first historical black university union in the
 10 country et me put that out there
 11 I received my master's degree from owie
 12 State niversity in 1⁰⁷ Master's in education
 13 administration And I received my doctoral in
 14 education in May of 201⁰
 15 And where did you receive that degree
 16 from?
 17 A niversity of Maryland, College Park
 18 Okay And turning to your work
 19 experience, what is your current position?
 20 A I'm the associate superintendent for
 21 supporting services, Prince George's County Public
 22 Schools

Page 21

10:26:00 1 A ut I can just tell you my positions
 2 All right If you can tell me your
 3 positions in as best you can --
 4 A Approximately, yeah
 5 -- to approximate
 6 A Okay So I was employed as a -- as a
 7 social studies instructor in '11 I remained a
 8 teacher until '17 It was right after I got my
 9 master's That was easy eah
 10 I became the assistant principal in '17
 11 Remained in that position as assistant principal
 12 until 200⁰ and I became a principal Remained in
 13 the position of principal up to 2011 when I became
 14 instructional director for high schools
 15 I remained in that position until 2016
 16 when I became associate superintendent for
 17 supporting services, and I'm currently in that
 18 position
 19 Thanks very much
 20 Okay So let's just start with when you
 21 were an assistant principal
 22 Were you within -- were you at one school

Page 22

10:27:00 1 that entire time period?
 2 A I was not
 3 Can you just tell me which schools you
 4 were assistant principal?
 5 A I began in '77 at Suitland High
 6 School I remained there until 2000- -- fall of
 7 2002 I was at Walker Mill Middle School that
 8 school year That's 2002 to 2003
 9 Then I was transferred to Shughart Middle
 10 School Reluctantly, I might add, but --
 11 transferred to Shughart Middle School, 2003, in the
 12 fall And then that following February is when I
 13 became principal at Suitland High School
 14 And were you at Suitland High School the
 15 entire time you were principal?
 16 A
 17 Okay So turning to when you were an
 18 instructional director ou said that was for the
 19 high school system?
 20 A I supervised principals
 21 How many high schools did you have
 22 oversight of?

Page 24

10:29:26 1 es, please
 2 A S-I-T-O -A-R-C-I-S-S-E
 3 Thank you very much
 4 A ou're welcome
 5 And other than the associate
 6 superintendent, did you report to anyone else
 7 directly?
 8 A o
 9 All right Did you have direct reports?
 10 A es
 11 Who reported directly to you in your role
 12 as instructional director?
 13 A The 15 principals
 14 Did anyone else other than principals
 15 report directly to yourself?
 16 A es
 17 Who?
 18 A My administrative assistant
 19 And is an admin assistant a secretarial
 20 role or --
 21 A es
 22 Okay And I assume that -- just to be

Page 23

10:28:12 1 A Approximately 15
 2 And in your role as an instructional
 3 director, did you report to anyone?
 4 A es
 5 Who is that?
 6 A Associate superintendent for our high
 7 schools, or what we call -- at that time, it was
 8 high school performance office
 9 And was the associate superintendent --
 10 strike that
 11 Did the same individual fill the role of
 12 associate superintendent the entire five years that
 13 you were the instructional director?
 14 A o
 15 Okay So let's just talk about the 2015
 16 to 2016 school year
 17 Do you recall who the associate
 18 superintendent was during that year?
 19 A 2015-2016, yes It was
 20 Dr Sito arcisse
 21 Can you spell that for me?
 22 A The whole thing?

Page 25

10:30:32 1 clear for the record -- that Friendly High School is
 2 one of the schools over which you had responsibility
 3 in your role as instructional director?
 4 A es
 5 As the instructional director, would you
 6 have direct contact with teachers?
 7 A Sometimes
 8 What types of occasions would cause you
 9 to have direct contact with teachers?
 10 A I could have a meeting set up with a
 11 teacher through a principal I could be party to a
 12 parent conference where my presence was needed I
 13 could be walking through the hallways and speak to a
 14 teacher Many different ways
 15 During your tenure as instructional
 16 director, would you have direct contact with
 17 students?
 18 A es
 19 Okay So turning to your current
 20 position of associate superintendent
 21 Who do you report to currently?
 22 A The chief operating officer, Mr arry

Page 26

10:32:24 1 Stanton, S-T-A-□-T-O-□
 2 □ And has Mr Stanton filled that role the
 3 entire time that you've been associate
 4 superintendent?
 5 A □o
 6 □ Okay Who else has filled the role of
 7 chief operating officer while you've been
 8 associate --
 9 A Doctor --
 10 □ -- superintendent
 11 A Dr Wesley Watts, W-A-T-T-S
 12 □ And during which years was Dr Watts the
 13 chief operating officer?
 14 A From August 2016, when I began, he was in
 15 that role And then October 2018, he left that role
 16 and Mr Stanton came
 17 □ And has Mr Stanton been in that role
 18 since October of 2018?
 19 A Yes, ma'am
 20 □ And who reports directly to you as
 21 associate superintendent, if anyone?
 22 A Supporting services directors

Page 28

10:34:40 1 high schools that I was in charge of I work with
 2 the principals to do everything from monitoring the
 3 instructional program to, you know, setting up
 4 systems instructors for climate and discipline
 5 Coaching principals
 6 Really, just whatever the school
 7 administration needs in terms of support with
 8 everything from instructional things to systemic
 9 initiatives to personnel issues to -- it's really
 10 like a liaison to the -- to the central
 11 administration
 12 □ So I happened to take a look at the --
 13 PG's web page And I looked on the area of
 14 administrative offices for supporting services, and
 15 it talked about the mission being to supervise and
 16 support schools
 17 Would you agree that, as an instructional
 18 director, your mission was to supervise and support
 19 the high schools?
 20 A So you just confused two offices □ou
 21 said supporting services That's what I do now
 22 Then it was the area office, which is the high

Page 27

10:33:26 1 □ou want their names?
 2 □ □et's start with -- is -- supporting
 3 services director, that's a title or a position?
 4 A □o
 5 □ Okay
 6 A So then --
 7 □ □et's just start with the positions
 8 A Okay So the director of transportation,
 9 the director of building services, the director of
 10 capital programs, and the director of food and
 11 nutrition
 12 □ And as associate superintendent, do you
 13 typically have a direct contact with teachers?
 14 A □o
 15 □ What about with students?
 16 A □o
 17 □ All right So let's turn back to your
 18 role as instructional director
 19 Can you tell me an overview of the job
 20 responsibilities that you had in that role?
 21 A Pretty much it was evaluation of the
 22 instructional and organizational structure of the 15

Page 29

10:37:02 1 school performance office, area 3
 2 □ut, yes, the area office that supports
 3 the high schools, their mission is to support
 4 schools -- support high schools, specifically that
 5 office
 6 □ And would you agree that includes
 7 supervising and supporting teachers and staff?
 8 A Yes Indirectly, yes
 9 □ All right So the same questions about
 10 your current position, associate superintendent
 11 Can you give me an overview of what
 12 responsibilities you have in that position?
 13 A Yeah So that's why I was getting
 14 technical with the words supporting -- so as
 15 supporting services, associate superintendent, we
 16 simply do everything that supports the schoolhouse
 17 from a noninstructional aspect So, I E ,
 18 transportation; building services, which is
 19 maintenance; and -- and plant operations, which is
 20 like custodial services Of course, food and
 21 nutrition is the -- you know, the federal lunch
 22 program Capital is the, you know, major

10:38:17 1 renovations, building new schools, things of that
 2 nature
 3 So anything -- the things that actually
 4 support the -- really, like the physical nature of
 5 the instructional program It's noninstructional
 6 Okay So would it be fair to say that
 7 while you were an instructional director, you were
 8 responsible for providing instructional support
 9 which would have included instructional programs and
 10 discipline?
 11 A es
 12 And as an associate superintendent, you
 13 are now responsible for noninstructional functions
 14 such as operations, custodial services --
 15 A es
 16 -- transportation Is that fair?
 17 A es
 18 MR SHARMA: I'll object to the form of
 19 the question
 20 ut you can answer
 21 THE WITNESS: es
 22

10:39:00 1 MS WIESNER:
 2 And as an associate superintendent, do
 3 you have any role whatsoever in the instructional
 4 programs offered at a high school?
 5 A Offered? The only role I would have
 6 would be construction aspects So, for instance, if
 7 it's like a CTE program, which is, you know, career
 8 and technical education, we -- we support them by
 9 providing the funding to build those -- I guess
 10 that's supporting -- by building those -- you know,
 11 building out those areas, you know If it's a
 12 culinary program or something, we provide the funds
 13 to build it
 14 As an associate superintendent, do you
 15 have any role in determining the content of
 16 instructional programs?
 17 A In my role?
 18 Correct
 19 A o
 20 So -- because there is an associate
 21 superintendent that's on the other side
 22 Sure Sure

10:40:01 1 A And they do -- okay In my role
 2 So let's -- we'll start with your role
 3 A Okay
 4 o o
 5 And as an associate superintendent, in
 6 your role --
 7 A h-huh
 8 -- do you have any role in approving
 9 instructional programs that are offered?
 10 A o
 11 In your role as an associate
 12 superintendent, do you have any role in developing
 13 or approving the content of training offered to
 14 students or staff?
 15 A ot students but staff sometimes, because
 16 we -- we do -- you know, we may do PD on anything
 17 from -- I don't know -- green cleaning or something
 18 We do some things sometimes for staff, but not --
 19 not directly
 20 What type of training for staff might you
 21 be involved in in your role as an associate
 22 superintendent?

10:40:53 1 A Okay So you mean teachers or, like,
 2 principals?
 3 Are there different types of trainings
 4 that are offered to teachers versus principals?
 5 A eah Depending on -- it's role-related
 6 pretty much eah
 7 And would you have a role -- well, strike
 8 that
 9 In your role as associate superintendent,
 10 what type of principal training might you have a
 11 role in?
 12 A Anything that supports, like,
 13 administrative procedures that fall under -- under
 14 my department So, for instance, we may do training
 15 in, like, what is administrative responsibility in
 16 bus discipline in terms of, you know, students being
 17 able to ride buses Or what's their role in terms
 18 of what teachers are allowed to have in their rooms,
 19 physical things like, you know -- lack of a better
 20 example, like, no microwaves, no little -- those
 21 things you stick in the wall that smell good
 22 ou know, we -- we train principals on

10:41:51 1 things that they can't do with the operational side,
 2 physical side ou know, don't transport a student
 3 in your cars ou know, things -- things that fall
 4 under those different departments that -- that --
 5 and we typically do it maybe once or twice a year
 6 In the summertime we have this thing in
 7 the district called Everything Principals eed to
 8 now Actually, we didn't do it for the first time
 9 in a long time, but -- so we -- we have -- you know,
 10 our transportation comes in Food and nutrition
 11 talks about the lunch program, the policy, you know,
 12 those type of things
 13 Okay And in your role as associate
 14 superintendent, what types of training offered to
 15 teachers might you have a role in?
 16 A Well, occasionally, we'll come and talk
 17 on the -- you know, at the request of the principal,
 18 we may come and talk about some of those issues
 19 directly at a staff meeting, or something of that
 20 nature; so -- or if we're doing major construction
 21 at a school -- are you talking about training or
 22 just meeting the teachers?

10:44:24 1 anything from analyzing data to instructional
 2 strategies to -- I mean, yeah
 3 As instructional director, that was a
 4 part of our job was to -- to develop some of the
 5 monthly trainings that we had at the high school
 6 meetings ut we work with other people It just
 7 wasn't us by ourselves
 8 Sure
 9 So you said that you would meet as a
 10 group
 11 Who would attend those monthly meetings?
 12 A So there were -- in my role as
 13 instructional director, there was -- I had a
 14 counterpart who did the northern part of the county
 15 So all of the high school principals would come
 16 together And so it would be high school
 17 principals It would be instructional directors,
 18 teachers lead -- teachers' leads -- whatever
 19 departments that we invited
 20 We also had, like -- I don't know what
 21 they were called at the time, but, like, regional
 22 instructional specialists So you had people from

10:42:54 1 et's start with formal training
 2 A Some of those things maybe that we talk
 3 to principals about that, you know, they may want us
 4 to come clarify and speak directly to their staff
 5 That's not -- that's not anything -- that's regular
 6 It's basically upon request
 7 Okay So fair to say, at a principal's
 8 request, you might come in and have a discussion or
 9 training with --
 10 A Absolutely
 11 -- teachers?
 12 A h-huh
 13 All right As an instructional director,
 14 did you have a role in developing or approving
 15 training that was offered to principals?
 16 A Some
 17 What do you mean by "some"?
 18 A So we meet with the principals monthly as
 19 a -- as a group And we'd either participate or ask
 20 other departments, like the curriculum and the
 21 instruction department Office of talent and
 22 development may come in and offer training on

10:45:22 1 the instructional office, people from special
 2 education who were dedicated to the high school
 3 performance office So in other words, they just
 4 worked with the high school clusters So they --
 5 they would all -- everyone would come to those
 6 meetings
 7 ou referenced teacher leads
 8 What is a teacher lead?
 9 A I said regional instructional specialist
 10 Okay
 11 A Right? I didn't say teacher lead
 12 And who would set the agenda for those
 13 meetings?
 14 A All of us
 15 All right So anyone who is attending
 16 could give suggestions about what the appropriate
 17 agenda would be?
 18 A eah So we would typically meet, like,
 19 prior to the meeting and -- you know, what were the
 20 needs this month I mean, we kind of laid out some
 21 sort of, you know, agenda every month in terms of
 22 what was the need at that time Or, you know, we

10:46:20 1 had some sort of system, like initiative ou know,
 2 we may do, you know, a five-part series, you know
 3 Every month we hit on that strategy, or whatever it
 4 was
 5 ut we all kind of laid them out I
 6 mean, we pretty much met monthly regularly, one day
 7 a month, as a -- as an entire group
 8 So fair to say any given principal could
 9 make a suggestion about what the appropriate agenda
 10 should be for a meeting?
 11 A o They weren't involved
 12 I'm sorry?
 13 A It was the leadership
 14 So the principals did not attend these
 15 meetings?
 16 A They attended but they didn't make the
 17 suggestion about what -- what was on the agenda
 18 They -- they were the receivers; we were the givers
 19 Okay So thank you for that
 20 clarification
 21 A h-huh
 22 So I just want to be clear about who it

10:47:02 1 was that was meeting to develop the agendas
 2 A Okay It was pretty much the area
 3 offices, folks who were in the area office:
 4 Instructional directors; associate superintendents;
 5 regional instructional specialist; the specialist
 6 for, like, special education And those people who
 7 were in the area office would meet and decide what
 8 the agenda was for those meetings
 9 It's not to say that we weren't
 10 politically correct, you know I might come in a
 11 meeting and say, "Hey, you know, a teacher said,
 12 hey, they need more training on this "
 13 We may bring that in, you know It
 14 wasn't like we dictated I just want to be clear
 15 Sure
 16 So you had the freedom to take into
 17 account specific requests from a teacher or
 18 principal?
 19 A From a principal, not a teacher, because
 20 we didn't meet with the teachers We met with
 21 principals
 22 Would you issue agendas in advance of any

10:48:02 1 of those meetings?
 2 A I believe so
 3 Do you recall how you would have issued
 4 those agendas?
 5 A Probably electronically
 6 ike, by email?
 7 A eah
 8 Were notes or meeting minutes kept for
 9 those monthly meetings?
 10 A I can't recall
 11 Do you know who would know the answer to
 12 that, if anyone?
 13 A Absolutely do not know It was years ago
 14 for me I have no idea
 15 Do you recall if there was a secretary
 16 who attended or an admin assistant who would attend
 17 those meetings?
 18 A The instructional directors' admin
 19 assistants would be there ou know, most of the
 20 time they wouldn't be inside the meeting They
 21 would be there to receive people ut our clerical
 22 staff, so the regional offices -- or the area office

10:49:10 1 administrative staff would be there
 2 Okay In your role as instructional
 3 director, did you have any role in developing or
 4 improving training for teachers?
 5 A Developing or approving [sic]?
 6 Sometimes I mean, that doesn't mean
 7 that, because there could have been times where I
 8 may have had a discussion, you know, with a
 9 principal or something about something in the
 10 support of them and then, you know, how to -- how to
 11 do it or -- or, you know, connected them to the
 12 department which could provide it Any support that
 13 the school needed, you know
 14 All right In your role as an
 15 instructional director, were you required to go
 16 through any training?
 17 A es
 18 All right What kind of training were
 19 you required to go through?
 20 A I mean, specifically, I couldn't tell
 21 you ut we -- I mean, we had training We did
 22 retreats We did, you know, strength finders I

Page 42

10:50:49 1 mean --
 2 (Reporter asks for clarification)
 3 THE WITNESS: Strength finders I'm --
 4 this is the one that comes to my head, you know,
 5 because it was an initiative or something Or we
 6 may have a -- you know, a book read, you know, that
 7 we read and talk about
 8 I mean, we're professional learners We
 9 continue to learn all the time
 10 MS WIESNER:
 11 Was there any regular training that you
 12 were required to undergo, such as, like, an annual
 13 training process or something of that nature?
 14 A Yeah The school system -- everybody who
 15 works in the school system -- I mean, if you're
 16 going in that direction I'm not sure if that's
 17 what you're talking about But we have annual
 18 training that everybody in the school system is
 19 required to take
 20 All right And the training you're
 21 referring to now, that would be once a year?
 22 A Yes

Page 44

10:52:45 1 Do you recall approximately when the
 2 training moved to an electronic format?
 3 A It's -- I can't -- maybe two or
 4 three years ago; so -- it's been since I've been in
 5 this position, I believe; so that's in the last
 6 what? Yeah, three -- three or four years -- two or
 7 three years
 8 So to the best of your memory, while you
 9 were an instructional director, the training was not
 10 offered electronically?
 11 A The annual training, no
 12 And it's your understanding that
 13 currently there are records of who completes the
 14 annual training?
 15 A Yes
 16 All right Before the annual training
 17 moved over to an electronic format, how was it
 18 presented?
 19 A Sit and get So at every location, every
 20 school Every office did their own And then
 21 annually teachers had -- I mean, you had -- you did
 22 a meeting, essentially And everybody signed in

Page 43

10:51:40 1 Can you tell me a little bit about the
 2 content of that annual training that you're
 3 discussing?
 4 A It's multiple -- multiple topics Off
 5 the top of my head, things like, you know, child
 6 abuse, sexual harassment, blood pathogens I
 7 think -- sometimes it's like email security You
 8 know, they're -- they're -- I can't remember them
 9 all, but there's a certain -- there's a list that
 10 we're required to take
 11 We used to take them -- you know, do "sit
 12 and get " But now they're on electronic platform;
 13 so we -- that's, like, in the last two or
 14 three years that we take them electronically; so
 15 that it's recorded electronically that we all take
 16 them
 17 Do you recall if the annual training at
 18 any point in time has had a module or section
 19 specific to transgender status or gender identity?
 20 A I don't recall I don't think so
 21 And you said in the past few years it's
 22 been in an electronic format

Page 45

10:53:52 1 that they attended the meeting
 2 If you didn't attend the meeting, then
 3 you had to get it, you know -- whenever you came
 4 back, it was given to you somehow
 5 But it was all paper and pencil But,
 6 you know, the records were as centrally located as
 7 they are now Now it's, like, one, you know,
 8 electronic depository where they all go in You
 9 take it, and it records Because they sure let you
 10 know if you haven't
 11 All right So I think your testimony was
 12 earlier that everyone has to go through the annual
 13 training, but I want to put a finer point on that
 14 When you say "everyone," are you
 15 including teachers and principals as well as
 16 administrative staff?
 17 A Yes So based on your role in the school
 18 system, there are certain that every employee has to
 19 take And then based on your role, there are other
 20 mandatory trainings that you have to take
 21 So, like -- just -- because we have
 22 people working maintenance You know, they may have

Page 46

10:54:53 1 the standard five that everybody has to take every
 2 year, but then they may have safety in the work
 3 house or something, you know -- work house --
 4 sorry -- safety in workplace as -- pursuant to their
 5 job, their role
 6 So there are some that we all take And
 7 then based on our different jobs within the school
 8 system, we have to take -- you know, there's some
 9 other ones that are mandatory [like, you know, bus
 10 drivers, they take more that have to do with
 11 transportation
 12 Are you generally familiar with the
 13 annual training modules that are required for
 14 teachers?
 15 A I would only say that the ones that I --
 16 that I'm familiar with now, before, are the ones
 17 that systemically we all get I don't -- because
 18 I've been removed from it for a while, about
 19 four years, I don't know if they've added any
 20 specifically that teachers take
 21 Are you generally familiar with the
 22 specific modules or sections that principals are

Page 48

10:57:24 1 module or if it's included in -- in one of them
 2 ut, you know, my recollection is I've even, you
 3 know, done it I think I do it yearly I think
 4 that it's -- I can't remember Or you can't quote
 5 me on that I just remember
 6 To your knowledge, are principals
 7 required to undergo any type of periodic training
 8 that is specific to transgender status or gender
 9 identity?
 10 A To my knowledge? I have no idea
 11 To your knowledge, are teachers required
 12 to undergo any periodic or regular training that is
 13 specific to transgendered status or gender identity?
 14 A I don't know
 15 MR SHARMA: I'm sorry I didn't hear
 16 that
 17 THE WITNESS: I don't know
 18 MS WIESNER:
 19 Who is responsible for developing
 20 training programs that are provided to principals?
 21 A I don't think there's any one entity
 22 that's -- that's responsible, because principals get

Page 47

10:56:02 1 required to take?
 2 A It would be the same Only the ones that
 3 we -- that we all take
 4 All right So to your knowledge, are
 5 principals required to undergo specific training
 6 with regards to diversity?
 7 A I don't know if it's a requirement, but I
 8 know that we've had diversity training Principals
 9 have had diversity training Specifically, I don't
 10 know when, where, or what I mean, we do all types
 11 of training Especially bias I mean -- yeah
 12 All right So is it your
 13 understanding -- well, strike that
 14 Do you know if the annual training that
 15 principals are required to go through includes a
 16 module with respect to diversity?
 17 A o
 18 Off the top of my head, I do believe
 19 there's one module -- I don't know if it's specific
 20 for diversity, but there's a module, I believe, that
 21 we all take that talks about diversity
 22 So I don't know if that's the name of the

Page 49

10:58:48 1 trainings from multiple offices within the county
 2 Primary responsibility would probably be
 3 the area office ut typically they facilitate
 4 training from other areas in the school system So,
 5 for instance, if we were invited to come --
 6 supporting services was invited to come to a
 7 principals' meeting, that would be facilitated
 8 through their area office They may say, "Look I
 9 want you to come talk to the principals about," this
 10 month, and we would
 11 So is it --
 12 A We could be rolling out, like, a work
 13 order -- a new work -- that's a perfect example, a
 14 new work order system So, you know, the schools
 15 put in a work order to get maintenance done So we
 16 had to come in, and we trained the principals on
 17 that; so -- but it was through the area office
 18 And so in the example that you just gave,
 19 you were going to come in and train principals about
 20 work orders, do you have to seek approval of the
 21 training that you're providing from any other
 22 department?

10:59:42 1 A o, because that would have -- that would
 2 have originated from us We would be the ones who
 3 were with the trainers People in my department
 4 would have gone out and gotten trained to be
 5 trainers for the school system
 6 Most of our training is the
 7 train-to-trainer aspect; so -- you know, we -- there
 8 are -- people within the school system will go out
 9 specifically on my side who get trained, and then
 10 they bring that training back to the school system
 11 as a whole
 12 And is there a particular individual or
 13 organization who is responsible for training the
 14 trainers?
 15 A It depends on what it is So we have --
 16 we have what we used to call the office of talent
 17 and development, which is pretty much the
 18 professional development office They do a lot on
 19 the instructional side ut they wouldn't
 20 necessarily do something like the work order system,
 21 because that's on my side
 22 Okay So is it your understanding that

11:00:34 1 there is no one person or department who has
 2 ultimate oversight of reviewing training provided to
 3 principals in a comprehensive manner?
 4 A So there is That would be the area
 5 office They would support the training that takes
 6 place for the principals They would coordinate it,
 7 pretty much
 8 It's not going to -- so I would never
 9 come in and say, "Hey, I need to meet with all the
 10 principals " I would work through the area office
 11 So if you want to say one office it kind
 12 of flows through, traditionally -- I haven't been in
 13 the office for four years, but traditionally I know
 14 that it flows through the associate superintendent
 15 of -- of whatever level it is ecause, you know,
 16 we have elementary, middle, and high school
 17 Specifically I deal with high schools; so --
 18 And I just want to be clear So you're
 19 referring to the associate superintendent of the
 20 area office?
 21 A es
 22 Okay

11:01:25 1 All right So based on your experience,
 2 then, the associate superintendent of the area
 3 office should at least be aware of any training
 4 programs that are offered to principals?
 5 A eah, pretty much
 6 And do you recall who the associate
 7 superintendent was in 2015 to 2016?
 8 A I told you, Dr Sito arcisse
 9 Thank you
 10 A ou're welcome
 11 Does the associate superintendent of the
 12 area office have the ability to approve or
 13 disapprove of proposed training for principals?
 14 A I'm not sure The only reason why I say
 15 that is because the principals have a direct
 16 supervisor, which is the instructional director,
 17 which is my previous role
 18 All the training the principal may have
 19 at a staff meeting and things like that, we don't
 20 even -- we didn't even approve, you know The
 21 principal is the -- is the instructional leader at
 22 that school ou know, what he may need for his

11:02:36 1 teachers at this school may not be what this
 2 principal needs at this school
 3 So he doesn't have to go to me and say --
 4 and say, "Do you approve my monthly" -- they do
 5 staff meetings monthly, pretty much And they --
 6 we -- "Are you" -- "Do you approve what I'm training
 7 my teachers on or what I'm providing in-service?"
 8 you know
 9 So, no, they -- the associate wouldn't
 10 approve everything The instructional director
 11 wouldn't approve everything
 12 Okay So that was --
 13 A The principal has some autonomy there
 14 That was helpful information, but I'm
 15 asking a little bit different of a question --
 16 A Okay
 17 -- so -- I'm not talking about training
 18 that a principal might provide to a teacher just
 19 yet I'm just talking about training that's offered
 20 to the principals
 21 And so my question is would the associate
 22 superintendent have the ability to approve or

11:03:26 1 disapprove of training programs provided to
 2 principals?
 3 A At a certain level, yes
 4 And when you say "at a certain level,"
 5 what do you mean?
 6 A It depends on what it is I mean, if
 7 it's something that's going to be a systemic
 8 charge -- so you have three associate
 9 superintendents of schools; so -- you know, they may
 10 do something which is germane to high schools, and
 11 she would have autonomy over that
 12 If it's something that maybe the CEO
 13 or the office of curriculum instruction or talent
 14 development said "This is something I believe that
 15 we want all principals to know," then that person
 16 wouldn't make the call It probably would be
 17 collective They would probably be involved in the
 18 conversation or facilitate it happening, but -- not
 19 all of it; some of it, which is my -- they control
 20 their purview
 21 Sure
 22 Okay So let me put a finer point on

11:04:13 1 that, then
 2 A Okay
 3 Does the associate superintendent for
 4 high schools have the ability to approve or
 5 disapprove of training being offered to high school
 6 principals?
 7 A Some
 8 MR SHARMA: Objection
 9 THE WITNESS: Some It's the same
 10 answer, because, once again, if you have curriculum
 11 instruction or somebody comes and says, "Hey, we
 12 need to do this," they don't -- they can say, no,
 13 you can't do that, because it's coming from
 14 somewhere else that says we need to do that If
 15 some things, yes, what's under their purview
 16 MS WIESER:
 17 Okay So if the training program is only
 18 being offered to high school students, it's not a
 19 broader school system training, in that situation --
 20 I'm sorry And I said "students " I meant high
 21 school principals -- if the training program is only
 22 specific to high school principals, does the

11:04:58 1 associate superintendent of high schools have the
 2 ability to approve or disapprove of that training?
 3 MR SHARMA: Objection
 4 You can answer
 5 THE WITNESS: Okay So the question to
 6 me is kind of funny, because she wouldn't disapprove
 7 something She would -- if it was germane to high
 8 schools, she's deciding or he's deciding if they
 9 want to do it So they wouldn't -- they're making
 10 that decision So I'm not going to make a decision,
 11 then disapprove it, right?
 12 Whatever training I decide you're going
 13 to have, I'm going to give you I have no reason to
 14 disapprove
 15 MS WIESER:
 16 Sure
 17 So let me ask it a little bit different
 18 way, then, because I --
 19 A Okay
 20 -- take your point
 21 If there's training being offered that's
 22 germane to high schools, being offered only to high

11:05:35 1 school principals, does the associate superintendent
 2 have the ability to make modifications or control
 3 the content of what that training is?
 4 MR SHARMA: Objection
 5 You can answer
 6 THE WITNESS: They typically initiate it;
 7 so -- yes And, you know, they typically initiate
 8 the training based on a need that they see
 9 And you have to remember, when I'm
 10 speaking -- when I'm saying "they" and -- they never
 11 make decisions in isolation So, you know, I, as an
 12 instructional director, could have went to the
 13 associate and said, "Hey, look You know, there's a
 14 need for my schools to have some more training
 15 around small group instruction So let's work with
 16 the high schools next month on small group
 17 instruction strategies "
 18 So in that realm, I guess back to your
 19 point, they had the ability to come to me and say --
 20 or say, " No, I don't think we're going to go that
 21 way," or, "yes, that's a need I believe we have "
 22 If -- but typically, if I had a

11:06:35 1 suggestion, it would happen Just saying
 2 ☐☐ MS WIESER:
 3 ☐ So in your experience, if an
 4 instructional director made a request to their
 5 associate superintendent to conduct training, that
 6 training would occur?
 7 MR SHARMA: Objection
 8 ☐ou can answer
 9 THE WITNESS: Yeah I mean, it's --
 10 yeah For me, I'm a little arrogant with it I'm
 11 not going to suggest something we don't really need
 12 And it may not happen when I want it to happen ☐ut
 13 typically, we may be able to fit it in down the
 14 road
 15 And typically, if there's something that
 16 we make suggestions on, we knew that it was --
 17 although, you know, it may have spawned -- spawned
 18 out of an isolated situation, there may have been a
 19 need, you know, amongst all high schools
 20 That's one thing, you know -- I mean, I'm
 21 going -- you know, you may go into a different
 22 school ☐ut a lot of times the needs are the same,

11:07:17 1 you know Even instructionally, because, you know,
 2 especially in Prince George's County, you know, we
 3 have the same type of kid, you know, in that school
 4 somewhere; so -- something that's good for one is
 5 typically good for the other one ☐ut we do a lot
 6 of that anyway
 7 I'm just talking now, since we got time
 8 I'm downtown ☐ou know, principal strategy sharing,
 9 you know, group sessions where principals banter
 10 back and forth about, you know, what's working,
 11 what's not ☐ou know, that's what we did a lot in
 12 those meetings ☐ou know, how are you doing this?
 13 ☐ou know, how do you do pull-outs? How do you --
 14 you know, they talk
 15 I'm sorry I'm making you --
 16 ☐☐ MS WIESER:
 17 ☐ So in your role as an instructional
 18 director, could you have offered a training program
 19 to principals without communicating to your
 20 associate superintendent?
 21 A ☐o
 22 So I could have, but I would never have

11:08:24 1 So even like -- we used to meet in clusters; so,
 2 like, I could meet with my 15 principals by myself
 3 We call them cluster meetings; right?
 4 I typically shared an agenda with the
 5 associate superintendent what I will be doing; so --
 6 I communicated It wasn't approval or disapproval
 7 It was a communication thing
 8 ☐ All right So it was your practice as an
 9 instructional director to provide advanced notice to
 10 the associate superintendent before having group
 11 meetings with the principals?
 12 A ☐es Typically our cluster meetings --
 13 because we try not to pull the principals out a lot
 14 And like I told you before, we pull them once a
 15 month for high school Typically, we had cluster
 16 meetings that were also planned
 17 So we planned them -- we planned cluster
 18 meetings, high school meetings, systemic meetings,
 19 because we have systemic principals' meetings where
 20 all the principals come together -- elementary, high
 21 school, middle
 22 So we tried to space these meetings out

11:09:17 1 We didn't do -- we didn't, pretty much, make those
 2 larger meetings on our own because we wanted to be
 3 respectful of time and understanding we were, you
 4 know, pulling people out of their buildings
 5 So if I had a cluster meeting, my
 6 counterpart was probably having a cluster meeting
 7 that same day
 8 Hello Somebody coming in here
 9 MR SHARMA: Can we take a break?
 10 MS WIESER: Yeah That's fine
 11 Go off the record
 12 (A recess was taken)
 13 ☐☐ MS WIESER:
 14 ☐ All right Dr Fossett, before we took
 15 the break, we were talking about training provided
 16 to principals So I've got just a couple more
 17 questions on that
 18 Is there any one department who would
 19 have oversight for developing the content of
 20 diversity training specifically that's offered to
 21 principals?
 22 A I'm not sure if there's any one

11:13:35 1 department I imagine it would be, you know,
 2 one of our training departments
 3 In your time as an instructional
 4 director, did you ever develop content for diversity
 5 training?
 6 A As an instructional director? I
 7 didn't develop the content, no
 8 In your role as an instructional
 9 director, have you ever had occasion to modify the
 10 content of diversity training?
 11 A o
 12 So during your tenure as an instructional
 13 director, are you aware of the fact that principals
 14 receive diversity training?
 15 A To be honest with you, I cannot
 16 specifically say that it happened when I was an
 17 instructional director or it didn't happen ut we
 18 have a lot of training
 19 And I know we've had -- I've had
 20 diversity training over the years; so -- like I
 21 said, I'm almost sure that one module -- or part of
 22 our training deals with diversity I could actually

11:14:38 1 look it up and tell you in, like, two seconds,
 2 but -- I've done it so much
 3 Do you know which person or department
 4 would have been responsible for administering
 5 diversity training to principals?
 6 A I guess the office of professional
 7 learning I can't remember
 8 We have a new department ut it's after
 9 the time that you're talking about, when I was
 10 instructional director And they kind of handle a
 11 lot of that training now
 12 ut prior to then, I think it was kind of
 13 dispersed between OTD, which is office of talent and
 14 development, and -- I can't remember the name of the
 15 other department Sorry
 16 And who is the -- what's the current
 17 department who is responsible for diversity
 18 training?
 19 A Ms Robin's department I don't know I
 20 don't know what the name of her --
 21 And who is it that you're referring to?
 22 A Robin Welsh She handles all the -- all

11:15:52 1 the online platform training and things of that
 2 nature I talked to you about Her department
 3 handles that
 4 And do you know how long her department
 5 has been handling diversity training?
 6 A She handles training So I'm assuming it
 7 comes out of there
 8 Maybe -- I'm not sure when it was
 9 created It was created -- it -- I'm not sure
 10 Maybe four years ago, five years ago
 11 Office of equities I'm not exactly sure
 12 what the name of the office is I can't remember
 13 anything I can't remember the name of the office
 14 Do you know what her title is?
 15 A Her title is the director of her office,
 16 which is --
 17 Okay
 18 A -- director of -- I can't remember, off
 19 the top of my head I could look it up
 20 All right Well, if you can just spell
 21 her last name for me, maybe we can --
 22 A Welsh W-E -- W-E- S-H I think it's

11:16:57 1 Welsh Or is it Welch like the grape juice? I
 2 don't know
 3 She hasn't been around that long ke,
 4 three or four years Dr Welsh, Welch
 5 Okay So now I want to shift focuses and
 6 talk about training that's provided to teachers
 7 And we did touch on this a little bit earlier, but I
 8 want to make sure that I have a clear understanding
 9 of who's responsible for teacher training
 10 So let me ask this: As an instructional
 11 director, would you have had the authority to
 12 require new teacher training?
 13 A o
 14 Who would have had that authority?
 15 A ew teacher training came from the -- at
 16 that time, the office of talent and development
 17 They handled all the new teacher training
 18 Okay So if there's a request, for
 19 example, to have new diversity training for
 20 teachers, it would be the office of talent and
 21 development who would be responsible for that?
 22 A So --

Page 66

11:17:57 1 MR SHARMA: Objection
 2 ou can answer
 3 THE WITNESS: So were you saying new
 4 teacher training? ike, new teachers? ecause
 5 that's what I was referring to, like, new teachers,
 6 like, our first- and second-year teachers Or new
 7 teacher training, training new for all teachers? So
 8 you confused me
 9 MS WIESNER:
 10 ep That is a great clarifying
 11 question
 12 So I'm not talking about training that
 13 would be specific to teachers who are just being
 14 on-boarded as a new teacher
 15 A So you need to scratch my last answer
 16 because that was -- when I said the office of talent
 17 and development handles all new teacher training,
 18 that was because they deal with new teachers as they
 19 come on board
 20 nderstood
 21 A Right
 22 So let me see if I can phrase my question

Page 68

11:19:36 1 by a certain date, and, you know, have them sign in
 2 that they received that training
 3 And if somebody missed it, then they were
 4 required to make sure that person got it either upon
 5 return or prior to that date also if they missed
 6 their group training
 7 All right So if an individual principal
 8 determines that he or she wants to provide, you
 9 know, some additional training on a specific issue
 10 for their teachers, does that principal need to get
 11 approval from anyone?
 12 A It would depend
 13 What would it depend on?
 14 A So you have -- you know, you have schools
 15 that are Title I schools where those teachers are
 16 mandated to have certain training ut it's only at
 17 that school because they're Title I So it would
 18 depend
 19 Principals would not have to get
 20 training If I -- so I'm going back to a prime
 21 example If -- if, you know -- and I'm putting
 22 myself back in the principal seat If I was a

Page 67

11:18:33 1 more clearly
 2 A Okay
 3 As an instructional director, would you
 4 have the authority to require that additional
 5 training or new training be provided to teachers?
 6 A So I could have been a part of that
 7 process ut, you know, in terms of require? o
 8 Pretty much principals would have the autonomy to
 9 decide what type of training is going to happen, as
 10 I spoke earlier, at their monthly meetings, unless
 11 there was some sort of systemic initiative that --
 12 and it really wouldn't have been me It would have
 13 been, really, the system requiring that, hey, you
 14 have to -- you know, by October's staff meeting,
 15 you've had to go over this with your teachers
 16 So a good example is -- is what I told
 17 you before We went to the electronic platform,
 18 those systemic trainings we had to do There was a
 19 certain date on the calendar -- don't ask me what it
 20 is, but -- so all principals had to hold those
 21 trainings with their staff -- now, that's the entire
 22 staff -- that's teachers, custodians, everybody --

Page 69

11:20:30 1 principal at Suitland and I saw that my teachers
 2 were struggling internally because, you know, the
 3 administration would do, you know, instructional
 4 walk-throughs of things, and we were struggling as a
 5 school on differentiating instruction -- so in other
 6 words, you know, welcome to the class And teachers
 7 are teaching, you know, monolithically, just not
 8 doing anything else, not using any modalities and
 9 things like that, I may say -- contractually
 10 speaking, I'm going to say that because teachers
 11 only have a certain amount of time we can keep them
 12 each month after school or -- and say, "Hey, we need
 13 differential instruction strategies "
 14 I'm going to decide that, as a principal,
 15 my next staff meeting, that's what we're going over
 16 Or during collaborative planning ecause a lot of
 17 times -- and I don't know if they do it anymore I
 18 imagine they do, but, you know, there would be a
 19 time where I would make sure that all my English
 20 teachers were off this period so that they could
 21 collaboratively plan So I would have time to do
 22 something like that specifically for English

11:21:34 1 teachers, if that makes sense
 2 And most of that stuff that I'm talking
 3 to you about is centered around instruction ou
 4 know, I'm not going to train a small snippet of my
 5 staff on something that, you know, is
 6 noninstructional I would train all my staff on
 7 something like that ou know, if I'm dealing with
 8 sexual harassment in the workplace, I'm using the
 9 time where I train everybody
 10 If I have these small snippets of time,
 11 typically based on -- you know, it could be a
 12 mathematic-specific instructional strategy that I
 13 want my algebra teachers only to use
 14 So there's a lot of autonomy there So
 15 when you ask questions -- am I talking too much?
 16 So if you ask questions that are, like,
 17 overall, there's -- there's -- I'm just saying -- I
 18 mean, I just can't say this is -- you know, I got to
 19 approve their training? o o way
 20 Principals don't really approve every
 21 training ou could have a -- you could have a math
 22 department chair who wants to work with their

11:24:07 1 A Something like diversity? If -- if the
 2 principal identified something noninstructional at
 3 their school -- now, this is -- this is me, when I
 4 was instructional director, I would have expected,
 5 if the principal wanted to do some sort of training,
 6 that they would say, "Hey, look I'm thinking about
 7 doing this," or "I have a need to do this "
 8 ine times out of ten, I may have been
 9 meeting with a principal, and we may have identified
 10 a need together or -- and -- yeah I would expect
 11 them to communicate it, at the very least, yeah
 12 All right So let's talk a little bit
 13 about training that's offered to students
 14 To your knowledge, are students -- high
 15 school students required to undergo diversity
 16 training?
 17 A Required? I'm not sure
 18 To your knowledge, are high school
 19 students required to undergo any type of training
 20 that's specific to transgendered status or general
 21 identity?
 22 A ot to my knowledge

11:22:32 1 algebra teachers, the Algebra II teachers, and say,
 2 "Okay We're going to work on this I'm going to
 3 train you on how to do this better "
 4 And they do it The principal may not
 5 even know ecause I've given that leader the
 6 responsibility to improve their math department
 7 ow, hopefully they would tell me
 8 ut a lot of training A lot of -- a lot
 9 of in-servicing A lot of collaborative training
 10 takes place every day in schools
 11 As an instructional director, could you
 12 have required a principal to conduct a particular
 13 training session?
 14 A es
 15 All right And if a principal wanted to
 16 conduct noninstructional training -- and I'm going
 17 to be specific here If a principal wanted to
 18 conduct training about diversity issues that he or
 19 she was aware of at her school -- his or her school,
 20 would it be your expectation that the principal
 21 would go to the instructional director before
 22 conducting that training?

11:25:25 1 To your knowledge, are you aware of any
 2 training that's specific to transgendered status or
 3 gender identity that's offered as an optional
 4 training to students?
 5 A ot to my knowledge
 6 Is there a particular department or
 7 individual who's responsible for determining the
 8 content of training that's offered to students?
 9 A When you say training to students, are
 10 you -- what do you mean?
 11 So we have, like, the student code of
 12 conduct, and we're required to go over that --
 13 administration at the school level is required to go
 14 over that student code of conduct ut it's not
 15 training It's -- you know, it's -- "Here's a
 16 document These are the rules and regulations, and
 17 what you can do; what you can't do "
 18 And I wouldn't even say anything like,
 19 you know, bullying or anything I don't
 20 necessarily -- I wouldn't call it training with
 21 kids I would more call it, you know, awareness
 22 building of things that are, you know -- either, you

11:26:40 1 know, acceptable or unacceptable or detriment I
 2 guess you can call it training, but --
 3 Sure Okay So --
 4 A I'm not used to that term with kids
 5 That's fair
 6 Okay So it's my understanding that the
 7 students are instructed on a periodic basis
 8 regarding the student code of conduct
 9 Is that fair?
 10 A es
 11 And using your language, awareness
 12 building, other than the instruction they receive on
 13 the student code of conduct, are you aware of any
 14 regular or periodic sessions in which students are
 15 provided with guidance or awareness building on
 16 particular issues?
 17 A Okay So --
 18 MR SHARMA: Objection as to form of the
 19 question
 20 ou can answer, if you understand
 21 THE WITNESS: All right So I'm just
 22 going back to my time when I was a principal

11:27:29 1 So I used to do grade-level assemblies
 2 every quarter All right? So those grade-level
 3 assemblies once a quarter, typically right after a
 4 quarter ended, the start of the next quarter, we
 5 spent an hour with a grade level And whatever --
 6 whatever we felt like we needed to discuss with
 7 students at that time -- one would always be the
 8 student code of conduct, because we went over that
 9 four times a year with them just as a reminder We
 10 did
 11 And then there could be a specific need
 12 that I saw going on at my school; right? Something
 13 as simple as too many kids in the hall, no hall
 14 passes ou know, those are the type of things that
 15 we would discuss at grade-level assemblies
 16 ut they weren't mandatory Those are
 17 something that a principal -- once again, you kind
 18 of have the autonomy to figure out what works and
 19 what -- what you need to do with your own school I
 20 just happened to do them every quarter
 21 MS WIESNER:
 22 Is the student code of conduct updated

11:28:19 1 periodically?
 2 A es, I'd assume so I -- really, since
 3 I've been out of the schools, I haven't looked at
 4 it I used to know it back and front, of course
 5 ut, yeah, it's updated periodically I
 6 don't know if there's a specific time frame, like
 7 every two years It can be updated Sometimes we
 8 get some stuff that comes down from COMAR, Code of
 9 Maryland, that we have to change ou know,
 10 anything from absentee rules to grade -- grading
 11 and -- some -- some of those things change
 12 periodically
 13 And is there a particular person or
 14 department who has responsibility for the content of
 15 the student code of conduct?
 16 A I think it's multiple, because the
 17 student code of conduct covers multiple areas ike
 18 I said before, anything -- like, grading would be --
 19 you know, your curriculum instruction Then you
 20 have some, you know, IT rules ou know, what you
 21 can do on -- on -- you know, electronically on
 22 the -- you know, you can't do this on the computer

11:29:07 1 at school That would come from IT
 2 So the student code of conduct is -- is a
 3 mishmash of everything ou know, people -- who
 4 produces it? I can't tell you In terms of who,
 5 like, brings it all together, types it up and -- I
 6 know it has to get approved, go through the process,
 7 board approval, you know, the whole nine, but I
 8 don't know who does it specifically
 9 All right So who ultimately approves
 10 the final student code of conduct?
 11 A I'm not sure whether it's the CEO or
 12 whether it's the board ut, I mean, you know, any
 13 time we put out a publication, somebody up top is
 14 going to say, okay, it's ready to produce, I mean,
 15 for publication
 16 And do you know who would be responsible
 17 regarding any content in the student code of conduct
 18 related to diversity?
 19 A o
 20 Do you know who would be responsible for
 21 any content in the student code of conduct related
 22 to harassment?

Page 78

11:30:00 1 A I don't know who's ultimately responsible
 2 for it I don't know what office I mean, I know
 3 it's in there I just don't know what office
 4 As an instructional director, could you
 5 have proposed changes or modifications to the
 6 student code of conduct?
 7 A ot directly, because I believe -- you
 8 know, typically, when you -- we have, like, review
 9 committees, though If you're making a major
 10 overhaul of something, they form a committee which
 11 has different people I never happened to have been
 12 on that myself, but I know it has existed in the
 13 past So if, I guess, an instructional director is
 14 on that committee, they would have some input on
 15 some changes
 16 And do you know the name of that
 17 committee?
 18 A o
 19 Student code of conduct committee?
 20 o, no idea
 21 All right Are you aware of who's on the
 22 committee today?

Page 80

11:31:45 1 As an instructional director, did you
 2 have any role in how the student code of conduct was
 3 administered to students or how the training
 4 regarding the student code of conduct was
 5 administered to students?
 6 A I'm not clear on your question
 7 Sure et me rephrase
 8 So it's my understanding that, on a
 9 periodic basis, students were required to have a
 10 session in which they were instructed on the student
 11 code of conduct Is that fair?
 12 A es
 13 As an instructional director, did you
 14 have any role in how students were instructed on the
 15 student code of conduct?
 16 A o
 17 Who would have had the authority to
 18 determine how students were instructed on the
 19 student code of conduct?
 20 A The principal at the individual schools
 21 And as an instructional director, have
 22 you ever had an occasion to tell a principal, "Hey,

Page 79

11:30:54 1 A o I don't -- I don't think it's a
 2 standing committee I think you form it when you
 3 make changes
 4 We form committees for everything I'm
 5 on trash task force right now, because we can't -- I
 6 went off on a tangent
 7 We have committees for everything I'd
 8 have to look I don't know if there's
 9 administrative procedure for that, you know, where
 10 you establish committees
 11 We have -- we do have some, some
 12 administrative procedures that you establish a
 13 committee to do something And we do have some
 14 standing committees that don't meet regularly, only
 15 when something comes up ike a disposition of a
 16 building, we have a committee that's a standing
 17 committee ut we only meet when there's a building
 18 we need to give back to the county or something;
 19 so -- I have no idea what's on that committee
 20 As an instructional director, did you
 21 have any role in the administration of -- well,
 22 strike that

Page 81

11:32:45 1 I think that you should offer some additional
 2 instruction or guidance to your students" on a
 3 particular issue?
 4 A To the students? Maybe indirectly,
 5 because I may walk into a school as an instructional
 6 director and, through observation, see things like
 7 that that were, you know, behavioral, climatic
 8 things, like, you know, you -- going back to the
 9 same -- too many students in the hallway without
 10 passes and walking all over the place and just --
 11 and I may say, "You need to get this together You
 12 need to address it," you know
 13 And probably one of the steps with them
 14 bringing the students together and dealing with it,
 15 but -- so indirectly
 16 Okay So is it fair to say, as an
 17 instructional director, you could have approached a
 18 principal and recommended that they conduct a
 19 particular session with students if you became aware
 20 of an issue, but you can't recall any specific
 21 occasion sitting here today?
 22 MR SHARMA: Objection

Page 82

11:33:45 1 □ou can answer
 2 THE WITNESS: Going back to your initial
 3 question, I could have, whenever I want
 4 □ou asked me to recollect if I've ever
 5 done that I don't recall, but I could have
 6 □□ MS WIESER:
 7 □ All right From time to time, do
 8 teachers lodge complaints that they have with their
 9 working environment?
 10 A □es
 11 □ And while you were an instructional
 12 director, did you have any role in responding to
 13 those complaints?
 14 A □es
 15 □ All right What was your role in
 16 responding to complaints lodged by teachers?
 17 MR SHARMA: Objection to the form of the
 18 question
 19 □ou can answer
 20 THE WITNESS: Typically, if a complaint
 21 was elevated to my level from the teacher, I would
 22 try to address it or assist the principal in

Page 84

11:35:53 1 you know, send a letter to the CEO because they had
 2 an issue inside of a school
 3 Typically, if they had an issue and it
 4 couldn't be resolved at the principal level, they go
 5 to me They also go to their union, you know
 6 So there's different avenues that
 7 teachers have to go And they -- I can't tell a
 8 teacher don't go to your union if she as a problem,
 9 you know I may have assigned collaborative
 10 planning too much or they -- I'm talking about if I
 11 was a principal And they go directly to their
 12 union They may not even go to me
 13 Then there might be, hey, go to me and
 14 say, "Mr Fossett, can you look at this? He's
 15 pulling us out three times a week during our
 16 planning period to make us meet together "
 17 So it could be resolved with them going
 18 to the union way; it could be resolved with them,
 19 you know, coming to me, you know
 20 □ Okay So from time to time, teachers
 21 would approach you directly if they had a --
 22 A They will send me emails directly, yes

Page 83

11:34:50 1 resolving whatever that may be
 2 □□ MS WIESER:
 3 □ Was there any formal policy or
 4 documentation setting out what your job
 5 responsibilities were as an instructional director
 6 with respect to teacher complaints?
 7 A I don't think there was anything formal,
 8 but I was a step in their process They knew, you
 9 know, depending on what that process is We also
 10 have, you know, labor relations and -- and, you
 11 know, the ADA
 12 I mean, it depends on what the issue is,
 13 you know, I mean, it could be -- you know, teachers
 14 could reach out if they had, like, sometimes grading
 15 issues and they couldn't get it resolved with the
 16 principals I mean, it depends on what the issue
 17 was
 18 So informally, as a principal -- I mean,
 19 as the principal's supervisor, they knew I was in
 20 the line, the next step, you know They wouldn't
 21 typically, although, you know, we do it, you know,
 22 jump straight to the associate superintendent or,

Page 85

11:36:39 1 □ And if a teacher sent you an email with a
 2 complaint, was it your practice to respond to that
 3 teacher by email?
 4 A It could have been Typically, depending
 5 on the nature -- whatever the issue was, typically,
 6 I would go -- because if you're coming to me, number
 7 one, I want to make sure that the principal is aware
 8 that there's an issue Okay? So if the principal's
 9 not aware there's an issue, I'm going to push back
 10 to the principal and say, "Go solve that " All
 11 right?
 12 If the issue is surrounding the fact that
 13 they haven't gotten support they needed or didn't
 14 feel like they got the support they needed from the
 15 principal -- in other words, they had already taken
 16 that avenue, then I would address it directly And
 17 that's probably through the principal; so -- I mean,
 18 I've done things, you know, hey, you know, set a
 19 conference with myself, you, and the teacher It
 20 all depends on what the issue is
 21 □ut, yes, I could respond directly to a
 22 teacher

11:37:28 1 If a teacher approached you directly with
 2 a complaint, would you -- was it your practice to at
 3 least acknowledge receipt of the complaint?
 4 A es
 5 And you agree with me that if a teacher
 6 emailed you directly about a particular complaint,
 7 it would be a good practice to at least acknowledge
 8 that you had received the complaint?
 9 A es
 10 Are there any situations in which you are
 11 required to report up the chain that a teacher has
 12 come to you with a particular complaint?
 13 A Required? I can imagine there would be
 14 certain things that I'm required to report ut not
 15 all of them are up the chain Some of them may be
 16 directly to CPS It's all what the law requires me
 17 to do based on that situation
 18 ou'd have to be more specific, and then
 19 I could tell you exactly what I would do
 20 All right If you receive a complaint
 21 from a teacher regarding harassment or
 22 discrimination, are you required to report that

11:38:56 1 complaint with anyone else?
 2 A Okay What -- I would say who was the
 3 discrimination and harassment -- I would
 4 investigate, at the very least, first to try to get
 5 a sense of what it is And then I would decide then
 6 which way to go with it
 7 ut typically, something like that, I
 8 would have to reach out to another entity whether it
 9 be labor, whether it be -- I mean, it all depends on
 10 what type of -- you know Is it something that's
 11 concrete? Is it perceived? Did they say, "I think
 12 this is happening"? Did they say, "This happened to
 13 me I was" -- you know, if it's something like
 14 sexually assaulted or -- then, of course, I'm going
 15 straight to, you know, security services and the
 16 police or whomever and bring everybody together
 17 ut it all depends on what it is I
 18 can't speak to specifically what I'd do unless I'm
 19 specifically given the issue
 20 Sure
 21 So if you receive a complaint from a
 22 teacher that he or she is experiencing

11:39:56 1 discrimination in the workplace --
 2 A h-huh
 3 -- would it have been your practice to
 4 inform any other individuals or departments within
 5 the school system?
 6 A So the first thing we do -- there's -- we
 7 have a form that the teacher can fill out It's
 8 70 And typically, in that situation -- because,
 9 I mean, I have all the details I may respond back,
 10 please fill that out And then typically I would go
 11 to the school-based person and say, "Hey, are you
 12 aware of this?"
 13 And we also have, in our general
 14 counsel's office, an avenue to -- you know, to go
 15 That would be Amana Simmons' office It could go to
 16 labor, you know
 17 Once again, when -- the specifics would
 18 kind of dictate which avenue I would take ut I
 19 would ask that person to formally put it into our
 20 system by filling out that form
 21 All right What's the process for
 22 terminating a teacher?

11:41:18 1 A That's -- I don't -- I'm not involved in
 2 terminating teachers I just handle at my level
 3 whether the -- you know, writing a teacher up, you
 4 know, disciplinary -- well, I say "at my level"
 5 ow I'm not there I'm on the other side
 6 ut when I was instructional director,
 7 it's just -- whatever progressive discipline step
 8 that I'm in ut I wouldn't determine termination
 9 limate termination, I believe, is the
 10 board of education I think the CEO just recommends
 11 the termination based on whatever is going on, and
 12 then the board of education actually will uphold it
 13 or not Or maybe they only do appeals I'm not
 14 sure Fortunately, I've never been in that
 15 situation
 16 Fair to say that, as an instructional
 17 director, you couldn't approve a request --
 18 A Termination?
 19 -- to fire a teacher?
 20 A o
 21 I wouldn't approve or request
 22 termination

11:42:24 1 Let's talk a little bit about Ms Eller
 2 Have you ever met Ms Eller personally?
 3 A I have
 4 And what -- when did you first come to
 5 know Ms Eller?
 6 A At some point when I was instructional
 7 director
 8 Was this when she was a teacher at
 9 Friendly High School?
 10 A Yes
 11 And had you ever met her before she
 12 joined Friendly High School?
 13 A Not to my knowledge
 14 Had you ever heard of who she was before
 15 she had joined Friendly High School?
 16 A Not -- no
 17 All right And are you aware that
 18 Ms Eller is transgender?
 19 A Yes
 20 When did you first come to understand
 21 that Ms Eller is transgender?
 22 A The first time I met her

11:43:20 1 How was it that you came to understand
 2 that?
 3 A Me personally?
 4 Yes
 5 A Physical appearance
 6 All right So you're saying that you
 7 understood that Ms Eller is a transgendered woman
 8 based on what you personally perceived
 9 Is that fair?
 10 A Yes
 11 All right And to your knowledge, other
 12 than Ms Eller -- let's talk about the last
 13 five years -- have you worked with any other
 14 transgendered men or women?
 15 A Worked with? Not to my knowledge
 16 All right So I'm going to go a little
 17 bit broader just to make sure I'm kind of
 18 encompassing the full universe here
 19 In the past five years, other than
 20 Ms Eller, are you aware of any other teachers or
 21 principals in the PG County high school system who
 22 are transgender?

11:44:38 1 A Not personally In my -- I'm trying to
 2 think, but -- not that I worked directly with
 3 Would you agree with me that
 4 transgendered women might face discrimination for
 5 being transgendered?
 6 MR SHARMA: Objection on a variety of
 7 grounds
 8 But you can answer, if you have an
 9 opinion
 10 THE WITNESS: I'm African-American I
 11 absolutely understand discrimination from all
 12 aspects in all human beings who may be discriminated
 13 against
 14 Does that answer your question?
 15 Okay
 16 MS WIESNER:
 17 Almost But let me just make sure
 18 Is it fair to say, then, that you would
 19 agree that transgendered women may receive -- or may
 20 be subject to discrimination?
 21 MR SHARMA: Objection
 22 You can answer

11:45:28 1 THE WITNESS: Yes
 2 MS WIESNER:
 3 And when you first came to know Ms Eller
 4 and understood that she was going to be a teacher at
 5 Friendly High School, did you discuss with anyone
 6 whether or not it would be appropriate to conduct a
 7 training at Friendly High School that was specific
 8 to transgendered status?
 9 MR SHARMA: Objection
 10 You can answer
 11 THE WITNESS: Okay Our question -- I
 12 had no idea -- anything about Ms Eller coming to
 13 teach That was your question Our question was
 14 like I knew before she was coming or -- I have no
 15 idea when she started there I have no idea where
 16 she was in the school system
 17 I met her while she was at Friendly; so I
 18 wouldn't have had the opportunity or -- to say,
 19 prior to her coming, that we needed to have some
 20 sort of diversity training based on that
 21 The first time I met her, I think -- I
 22 may even -- I have no idea specifically when it was

11:46:26 1 It could have been a staff meeting I attended It
 2 could have been just being introduced in the office
 3 But I know it wasn't prior to -- because
 4 that one -- when did she start? Do you know? I
 5 have no idea when she started here
 6 I started as instructional director in
 7 2011 From my knowledge, she was there But I'm
 8 not sure
 9 MS WIESNER:
 10 Okay So let me back up
 11 A Okay
 12 Do you recall approximately what year it
 13 was when you first met Ms Eller?
 14 A I would imagine it was my first year as
 15 instructional director, which is -- I became
 16 instructional director in June -- July 1st, 2011
 17 So that would have been my first year dealing with
 18 Friendly High School
 19 Sometime during that year, maybe
 20 And when you first met Ms Eller, you
 21 became aware of the fact that she was a
 22 transgendered woman Is that fair?

11:47:20 1 A I probably made an assumption just based
 2 on physical appearance But I don't remember, you
 3 know, a specific time that I met her
 4 I don't think I've ever had to meet with
 5 her individually, to my knowledge, like me and you
 6 sitting across the table
 7 So it may have been at a -- maybe an
 8 English department meeting I attended or faculty
 9 meeting I have no idea
 10 But it would have been based on physical
 11 appearance Nobody told me that she was
 12 transgender
 13 And when you first met Ms Eller, do you
 14 recall what school she was teaching at?
 15 And let me re-ask that question I can
 16 ask it better
 17 My understanding from your testimony is
 18 that, to your best recollection, when you first met
 19 Ms Eller, it was at some kind of school function
 20 Is that fair?
 21 A At Friendly es
 22 Okay So when you first met Ms Eller,

11:48:06 1 was it your understanding that she was a teacher at
 2 Friendly High School?
 3 A es
 4 And when you met Ms Eller, did you
 5 subsequently have any conversations with anyone
 6 regarding whether or not it would be appropriate to
 7 conduct training at Friendly High School that was
 8 specific to transgendered status?
 9 A You said when I first met her?
 10 At any point in time after you met
 11 Ms Eller
 12 A It was -- it was diversity training It
 13 came out of labor relations There was some -- I
 14 don't know whether it was the Paula Robinson
 15 incident or -- it was something that -- it was
 16 prescribed that they needed to have diversity
 17 training And that was actually a directive to, I
 18 think, Mr Adams, the principal, that he needed to
 19 hold diversity training
 20 I don't remember all the specifics, to be
 21 honest with you But I do remember -- I became
 22 aware that they were told to have diversity

11:49:06 1 training, yes
 2 Okay So there -- at some point in time,
 3 you became aware of the fact that there was a
 4 recommendation to Mr Adams to conduct diversity
 5 training with respect to transgender issues Is
 6 that fair?
 7 A es
 8 MR SHARMA: Objection
 9 You can answer
 10 THE WITNESS: es
 11 MS WIESNER:
 12 At any point in time before that
 13 recommendation -- so I want to take that
 14 recommendation off the table At any point in time
 15 before then, did you have discussions with anyone
 16 regarding whether or not it would be appropriate to
 17 conduct training at Friendly High School specific to
 18 transgendered people?
 19 A o
 20 Are you familiar with the Equal
 21 Employment Opportunity Commission?
 22 A es

Page 98

11:50:05 1 All right And are you aware of the fact
 2 that, from time to time, staff within the PG County
 3 school system might file a complaint with the Equal
 4 Employment Opportunity Commission?
 5 A es
 6 All right And those complaints can
 7 involve charges of discrimination Is that fair?
 8 A es
 9 All right And I'm sure you would agree
 10 with me that filing a complaint -- and I'm just --
 11 for purposes of today's deposition, is it okay if I
 12 abbreviate Equal Employment Opportunity Commission
 13 as the EEOC?
 14 A es, ma'am
 15 All right Perfect
 16 I'm sure you would agree with me that
 17 filing a complaint with the EEOC is a serious
 18 matter?
 19 MR SHARMA: Objection
 20 ou can answer
 21 THE WITNESS: es
 22

Page 99

11:50:40 1 MS WIESNER:
 2 And is it your opinion that the school
 3 board should take charges of discrimination
 4 seriously?
 5 MR SHARMA: Objection as to his opinion
 6 He's not an expert
 7 ut you can answer
 8 THE WITNESS: es, if warranted
 9 MS WIESNER:
 10 Who within the school board is
 11 responsible for responding to an EEOC complaint?
 12 A In the office of general counsel, I
 13 believe abor relations Specifically, I think
 14 it's Amana Simmons
 15 And if an EEOC's complaint that pertains
 16 to one of the high schools that you oversaw as an
 17 instructional director, would you have been notified
 18 of that complaint?
 19 A ot necessarily Typically -- typically,
 20 I became aware of it somehow, whether it's either
 21 through the disposition or if I somehow become
 22 involved in the investigation ut I imagine it

Page 100

11:52:11 1 could be something that occurred -- that had
 2 occurred at a school that I directly would not have
 3 been involved
 4 All right So are you aware of any
 5 policy that would dictate when the instructional
 6 director would be notified of an EEOC complaint?
 7 A At the time of the complaint? I'm not
 8 aware of any policy that says that I have to be or
 9 that -- that position has to be notified
 10 Once again, I assume, because that
 11 position has a level of confidentiality, that
 12 they -- they should or they could ut I guess some
 13 things, you know -- if that complaint was leveled
 14 against the ID or principal, they may not become
 15 aware until later on in the investigation I don't
 16 know ut you're asking specifically at the
 17 beginning
 18 All right And sitting here today, are
 19 you aware that Ms Eller has filed a complaint with
 20 the EEOC?
 21 A ou mean internally? es
 22 I mean, that she did

Page 101

11:53:24 1 Correct That she did --
 2 A es
 3 -- file a complaint with the EEOC
 4 A es
 5 And when did you first become aware that
 6 Ms Eller had filed a complaint with the EEOC?
 7 A I'm not exactly sure
 8 Do you think that it was before or after
 9 you were notified that there was pending litigation
 10 in which you're testifying today?
 11 A Say that again
 12 Sure
 13 I'm trying to ballpark it a little bit
 14 Do you think that you were aware of
 15 Ms Eller's EEOC complaint before you became aware
 16 of the litigation?
 17 A es
 18 Do you think while -- so the EEOC
 19 complaint was filed in June of 2015
 20 A h-huh
 21 Do you think that you became aware of the
 22 EEOC complaint in 2015?

11:54:12 1 A Probably
 2 And do you recall how you became aware of
 3 the complaint?
 4 A Specifically about the EEOC or about
 5 incidents?
 6 Specifically the EEOC complaint
 7 A I'm not -- I don't remember I imagine
 8 it was some -- I imagine it was some sort of
 9 communication that was sent out confidentially to
 10 myself, probably I was probably cc'd on it
 11 All right
 12 MS WIESNER: I'm going to mark -- I
 13 think we're at Exhibit 57
 14 (Fossett Deposition Exhibit 57 was marked
 15 for identification and attached to the transcript)
 16 MS WIESNER:
 17 So I'm handing you the Charge of
 18 Discrimination filed by Ms Eller And if you look
 19 on the lower left-hand corner, there is a signature
 20 and the date, June 3rd, 2015
 21 Do you see that?
 22 A I do

11:56:31 1 A That -- that actually wouldn't have been
 2 my role at that particular point It would have
 3 been labor relations and general counsel
 4 Okay So understanding it wouldn't have
 5 been your role, I still just want to know did you,
 6 as an instructional director, take any steps to
 7 evaluate the training provided to teachers or
 8 principals with respect to transgendered status?
 9 A Evaluate it?
 10 All right Did you have discussions with
 11 anyone within the school board system regarding
 12 whether or not the training provided to teachers and
 13 staff adequately addressed transgendered status
 14 after becoming aware of Ms Eller's EEOC complaint?
 15 A I didn't have any discussion with anyone
 16 Are you aware of what steps the labor
 17 board took to evaluate the existing training offered
 18 to teachers and principals to determine if they
 19 adequately addressed transgendered status?
 20 A I am not
 21 After becoming aware of Ms Eller's EEOC
 22 complaint, did you take any steps to discuss with

11:55:23 1 All right Have you seen this document
 2 before today?
 3 A I have not
 4 Do you have an understanding of the
 5 nature of Ms Eller's complaint to the EEOC?
 6 A The nature of what I'm seeing? es
 7 And what's your understanding of the
 8 nature of her complaint?
 9 A That a transgender woman -- there was
 10 some discrimination and/or harassment
 11 All right ou're not sure of exactly
 12 when you became aware of the EEOC complaint, but you
 13 think it would have been sometime in 2015 Is that
 14 fair?
 15 A That's fair
 16 All right After becoming aware of the
 17 fact that Ms Eller had filed a complaint with the
 18 EEOC regarding discrimination for her transgendered
 19 status, did you take any steps to determine if the
 20 existing diversity training for teachers or
 21 principals adequately addressed transgendered
 22 status?

11:57:52 1 the principal of Friendly High School whether or not
 2 it would be appropriate to provide additional
 3 instruction to students regarding transgendered
 4 status?
 5 A Specifically, I can't remember ut I do
 6 know that we had discussion It was based on
 7 disposition of a letter that came from findings that
 8 they were to hold -- that they were to hold
 9 diversity training for, I believe, the staff and
 10 students I don't recall specifically if it was
 11 staff and students, but I'm almost sure it was
 12 Okay So you recall that there was a
 13 disposition as a result of the EEOC complaint? Is
 14 that your best --
 15 A I don't know if --
 16 -- memory?
 17 A -- it was the EEOC or -- whatever
 18 complaint -- we received a letter I don't
 19 remember It was a letter I'm assuming it was
 20 from labor relations And it was a disposition
 21 letter And I believe it told us at the school
 22 level, or Mr Adams, that we needed to provide

11:58:58 1 diversity training
 2 So I believe he worked with -- I don't
 3 know who he worked with, but he worked with, I
 4 think, our general counsel, somebody, or it could
 5 have been the county to actually provide diversity
 6 training
 7 And when you say "he --"
 8 A I just don't remember
 9 -- who are you referring to?
 10 A Principal Adams
 11 Okay So prior to getting that
 12 disposition letter, did you and Mr Adams have any
 13 discussions regarding whether or not it would be
 14 appropriate to provide additional instruction to
 15 students regarding transgendered status?
 16 A I don't recall
 17 And prior to that disposition letter, did
 18 you and Mr Adams have any discussions regarding
 19 whether the teachers needed additional training or
 20 instruction regarding transgendered status?
 21 A I don't recall
 22 All right And before I forget, at any

12:02:09 1 evin Thompson?
 2 A Oh, I'm sorry eah From to
 3 From Mr Thompson to Mr Adams cc'ing --
 4 I should have worn my glasses
 5 All right
 6 A ittle
 7 And Mr Adams, he was the principal of
 8 Friendly High School in 2015; is that correct?
 9 A He was
 10 etter
 11 Who is evin Thompson?
 12 A He's the principal at -- oh, who was he
 13 then or now?
 14 In 2015
 15 In February of 2015, what role did
 16 Mr Thompson have?
 17 A Assistant principal at Friendly High
 18 School
 19 Okay And you'll see that the subject
 20 line of the email is "Meeting otes "
 21 Do you see that?
 22 A es

12:00:00 1 point in time, have you been instructed to retain
 2 any documents you have in your possession related to
 3 Ms Eller?
 4 A Have I been instructed to retain? I
 5 don't remember I get those all the time ut I
 6 don't delete any emails, ever; so -- I don't recall
 7 I do get those all the time from
 8 different cases the school system may have ut I
 9 don't remember specifically if it was for this case
 10 or not
 11 All right I'm handing you Exhibit 58
 12 (Fossett Deposition Exhibit 58 was marked
 13 for identification and attached to the transcript)
 14 MS WIESER:
 15 Is this a February 20th, 2015, email
 16 from evin Thompson to Raynah Adams?
 17 A ou're asking me?
 18 Just to confirm for the record
 19 A It appears to be an email from Mr Adams
 20 to Mr Thompson copying Ms Eller
 21 All right And just to be clear for the
 22 record, do you see the "from" line is from

12:02:58 1 And you can take your time to review the
 2 entire email
 3 A Give me a second because --
 4 Sure et me know when you're done
 5 A Okay
 6 Okay So this email appears to be
 7 discussing a meeting that was held regarding an
 8 incident between Ms Eller and Ms Robinson Is
 9 that fair?
 10 A es
 11 Who is Ms Robinson?
 12 A She was an assistant principal at that
 13 time
 14 And she was an assistant principal at
 15 Friendly High School --
 16 A es, ma'am
 17 -- in 2015?
 18 A h-huh
 19 Okay And if you look at the second line
 20 of the email, it states: "Ms Eller stated that it
 21 happened on last Friday and then it happened on
 22 multiple occasions where she misgendered her a

12:05:27 1 couple of times "

2 Are you aware of the fact that Ms Eller

3 had raised concerns regarding Ms Robinson

4 misgendering her in or around 2015?

5 A I'm not exactly sure when it was, but I

6 do remember that the situation was raised

7 And how did you become aware of the fact

8 that Ms Eller had raised concerns regarding

9 Ms Robinson?

10 A I'm not exactly sure what type of

11 communication or who it was from I would assume it

12 was from the principal

13 When you were conducting your email

14 review that we talked about when we first started

15 the deposition, did you find any emails regarding

16 this February 2015 complaint with respect to

17 Ms Robinson?

18 MR SHARMA: Objection as to the

19 description

20 ut you can answer

21 THE WITNESS: I believe so I don't know

22 whether it was before the fact/after the fact ut

12:06:41 1 I believe -- yeah, I believe so

2 MS WIESNER:

3 And what do you recall about the emails

4 that you saw?

5 A I don't really recall specifically I

6 just remember the situation

7 I don't even know if it was after or

8 before I mean, in terms of -- in terms of, you

9 know, the incident itself So in other words, I

10 don't remember -- I don't know if what I read was

11 based on a disposition, because then -- I did read

12 the findings of the disposition of the EEOC which

13 outlined the whole thing, if that makes sense So

14 that was one of the emails

15 So I don't remember whether it was that

16 email or whether it was something I got before,

17 which -- which, you know, was a correspondence ut

18 I do remember it, yes

19 Okay So you know that you saw some

20 documentation in your emails, but you're not sure if

21 it was specific to the disposition letter or if you

22 had some communication closer in time to February of

12:07:46 1 2015?

2 A So you asked me specifically about the

3 emails I don't remember what the email said, but I

4 do remember when this incident happened, that I

5 was -- it was brought to my attention

6 Okay

7 A So I don't know if -- whether that was,

8 you know -- I just -- you asked me about did I see

9 it in emails es, I did

10 ut I knew about this probably around the

11 time it happened which would have been before the

12 disposition

13 nderstood

14 All right So let's just turn back to

15 the email And in kind of the bottom third of the

16 email there is a sentence that states: "Would like

17 a diversity training to address the sensitivity of

18 this subject matter "

19 Do you see that sentence?

20 A I do

21 All right Was it your understanding in

22 or around February of 2015 that Ms Eller was

12:08:29 1 requesting a diversity training?

2 A I don't recall that

3 The next sentence is: "I need to speak

4 with Mr Faussett [sic] and labor regulations

5 regarding this, hyphen, Adams "

6 Do you have an understanding of what this

7 email is referring to with respect to labor

8 relations?

9 A es

10 And what's your understanding?

11 A Our labor relations department

12 Okay And in that same sentence where it

13 addresses Mr Faussett, I know that's not how you

14 spell your name

15 Are you aware of any other Mr Faussett's

16 within the administration and PG County school

17 boards?

18 A o

19 Is it your understanding that this is

20 referring to yourself?

21 A I would assume, yes

22 Do you recall that Mr Adams raised with

Page 114

12:09:28 1 you in or around February of 2015 Ms Eller's
 2 request for diversity training?
 3 A I do not
 4 And are you aware of whether Mr Adams
 5 contacted the labor relations department regarding
 6 Ms Eller's request for diversity training?
 7 A I'm not sure
 8 Are you aware of whether Mr Adams
 9 conducted any diversity training in the -- in or
 10 around February of 2015?
 11 A I'm not exactly sure when it was, but I
 12 do know that they had some sort of diversity
 13 training And I don't know whether that was from
 14 the disposition I don't know -- I don't know the
 15 time frames is what I'm saying
 16 Okay So it's your understanding that
 17 there was a diversity training, but you're not sure
 18 whether that diversity training took place after the
 19 disposition letter or not Is that fair?
 20 A That's fair
 21 All right Did you attend the diversity
 22 training that you're referring to?

Page 115

12:10:46 1 A o
 2 Do you have an understanding of whether
 3 the diversity training you're referring to had
 4 content specific to transgendered status?
 5 A I'm not sure
 6 Okay
 7 MS WIESNER: So my proposal is that we
 8 take a break and see if we have lunch I'm at an
 9 okay stopping point
 10 I don't think we're going to go very long
 11 in the afternoon We can just power through, if you
 12 guys want I think the court reporter might
 13 appreciate a quick break
 14 THE WITNESS: I'm good for a quick break
 15 MR SHARMA: Okay
 16 (Discussion off the record)
 17 MS WIESNER:
 18 Okay
 19 All right So next I'm going to be
 20 showing you Exhibit 5
 21 (Fossett Deposition Exhibit 5 was marked
 22 for identification and attached to the transcript)

Page 116

12:12:55 1 MS WIESNER:
 2 Let me know when you've had a chance to
 3 read through it
 4 A Okay I mean, I could read the whole
 5 thing, but I -- I pulled this one
 6 Sure
 7 Okay So you've seen this email before?
 8 A Yes
 9 And you recall -- strike that
 10 You reviewed this email recently?
 11 A Yeah A couple weeks ago
 12 I do remember pulling this email though,
 13 yes
 14 And this is an October 7th, 2015, email
 15 from Ms Eller; correct?
 16 A Yes
 17 And I see in the "to" line there's a
 18 Mark Fossett listed
 19 Is that your email address?
 20 A Yes, ma'am
 21 All right I just want to walk through
 22 some of the other people in the "to" line of this

Page 117

12:14:35 1 email
 2 Who is Julia Gafney?
 3 A I believe she's a teacher and -- or was a
 4 teacher at Friendly Could still be there she
 5 was a teacher at that time, I believe
 6 And who is Kimberly Cosby?
 7 A I'm not sure
 8 What about Mahalia Jackson?
 9 A A great gospel singer
 10 o, I have no idea who that is
 11 Do you have any understanding of why
 12 those three individuals were also copied on this
 13 email?
 14 A Maybe -- maybe they're union
 15 representatives or -- I'm not sure
 16 Okay The subject line of the email is
 17 "List of Micro-Aggressions from 18 August to 2
 18 October 2015 "
 19 Do you see that?
 20 A Oh-huh
 21 All right And the body of the email
 22 contains a list of those micro-aggressions and

12:15:38 1 misgenderings from 18 August to 2 October 2015;
 2 correct?
 3 A es Stated by Ms Eller es
 4 Okay So looking at the first line of
 5 Ms Eller's email, she states: "In the EEOC ruling
 6 dated from June of this year, it was determined that
 7 Mr Adams should have conducted a diversity and
 8 awareness training" -- sorry -- "a diversity
 9 awareness and sensitivity training for both staff
 10 and students "
 11 Do you see that?
 12 A es
 13 And I think you referenced earlier today
 14 that you recall a disposition letter that made a
 15 recommendation to Mr Adams to conduct training?
 16 A es
 17 Is it your understanding that it's that
 18 disposition letter that Ms Eller is referring to in
 19 this email?
 20 A I would assume
 21 So, actually, let's take a look at the
 22 disposition letter just so we can have it in front

12:17:54 1 A es
 2 And you're one of those four?
 3 A I am
 4 Do you have an understanding of why you
 5 were copied on this letter?
 6 A es
 7 And what's your understanding of why you
 8 were copied on this letter?
 9 A ecause I was the principal's supervisor
 10 All right And if you turn to the third
 11 page of the document, there's a section entitled
 12 "Conclusion "
 13 A es
 14 And you'll see the very last two
 15 sentences state: "Further, it is recommended that,
 16 during the 2015-2016 academic year, both Friendly
 17 High School students and staff received diversity
 18 and sensitivity training The undersigned should be
 19 consulted in preparation for such trainings "
 20 Did I read that correctly?
 21 A es
 22 All right And is this the disposition

12:16:35 1 of us It's going to be Exhibit 5[sic]
 2 (Fossett Deposition Exhibit 60 was marked
 3 for identification and attached to the transcript)
 4 THE WITNESS: This is 5
 5 MS WIESNER: Thank you Sixty
 6 MS WIESNER:
 7 All right so this is a June 25th, 2015,
 8 letter And if you look at the very last page of
 9 the document, you'll see that it's from
 10 Amana T Simmons, EEO, advisor
 11 Do you see that?
 12 A es
 13 Do you know who Ms Simmons is?
 14 A es
 15 And who is she?
 16 A She's -- I'm not exactly sure her
 17 position, but she's in our general counsel's office
 18 And she typically handles or handled the EEO
 19 complaints, 170 She investigated or led the
 20 investigations
 21 All right And there are four people
 22 cc'd on this letter; correct?

12:18:34 1 letter that of you've been referring to --
 2 A es
 3 -- during your testimony today?
 4 A es
 5 All right After receiving that letter,
 6 did you take any steps to review the existing
 7 training for teachers or principals to determine if
 8 it adequately covered transgender issues?
 9 A I did not
 10 After receiving this letter, did you take
 11 any steps to explore what additional training might
 12 be available with respect to transgendered issues?
 13 A I personally did not
 14 After receiving the letter, did you have
 15 any discussions with Mr Adams regarding what
 16 additional training -- or what training would be
 17 offered with respect to transgendered issues?
 18 A eah, so I can't recall specifically
 19 ut I know I would have had a discussion with him
 20 about arranging that -- this training
 21 All right ut sitting here today, you
 22 don't recall any specific conversations with

12:19:47 1 Mr Adams?
 2 A It would be kind of hard to recall a
 3 specific conversation I know if I got this
 4 letter and it said he needed to do that, I would
 5 have ensured that that took place; so -- I probably
 6 directed him to the -- I'm just trying to remember
 7 off the top of my head
 8 I don't remember specifically I
 9 know what I would have done, which is directed him
 10 to, you know, seek assistance in providing this
 11 training that the letter suggested -- that the
 12 disposition suggested
 13 Would you have provided Mr Adams with a
 14 deadline by which to conduct the training?
 15 A I don't recall
 16 Would you have had a role in working with
 17 Mr Adams to determine what -- what training should
 18 be provided?
 19 A Not specifically I don't remember I
 20 would just -- I would -- my role would have been
 21 just to ensure that he -- that the training did take
 22 place at some time during the 2015-'16 school year

12:21:59 1 A Well, I can't speculate It seems to
 2 me she wouldn't have written an email if it already
 3 occurred
 4 After receiving Ms Eller's email, did
 5 you take any steps to determine if the diversity
 6 training had been conducted?
 7 A I don't recall I would assume I would
 8 have, but I don't recall
 9 After receiving this email, did you take
 10 any steps to determine why the training had not yet
 11 been conducted?
 12 A I don't recall
 13 After receiving this email, did you take
 14 any steps to determine whether a diversity training
 15 had been scheduled for a future date?
 16 A I don't recall
 17 And after receiving this email, did you
 18 take any steps to evaluate or assess -- well, strike
 19 that
 20 After receiving this email, did you take
 21 any steps to determine if Mr Adams had selected a
 22 program or a particular training module for the

12:20:45 1 At any point in time after receiving this
 2 letter, did you consult with Ms Simmons regarding
 3 what training should be conducted?
 4 A I don't recall
 5 All right Turning back to Exhibit 5
 6 which is Ms Eller's email to yourself and others
 7 And you see the next sentence is: "As of the
 8 writing of this email, this training has not
 9 occurred "
 10 Do you see that sentence?
 11 A Yes
 12 All right Are you aware of the fact
 13 that Mr Adams had not conducted the requested
 14 diversity training as of October 7th, 2015?
 15 A I would assume by this letter, based on
 16 what she wrote, that it hadn't happened
 17 All right So no --
 18 A I don't recall
 19 No reason for you to believe, sitting
 20 here today, that Ms Eller is mistaken with regard
 21 to whether the diversity training had taken place as
 22 of October 7th, 2015?

12:23:14 1 diversity training?
 2 A I don't recall
 3 At any point in time during the 2015-2016
 4 school year, did you review with Mr Adams proposed
 5 diversity training?
 6 A I don't recall
 7 Okay And turning back to the email
 8 There's a second paragraph And it states: "Given
 9 that Mr Adams and Ms Elizabeth Davis have been
 10 nonresponsive when I raised these issues with them
 11 in the past, and given recent interactions with
 12 Mr Adams, I'm afraid of retaliatory actions for
 13 complaints issued I am unaware who to be
 14 delivering this to Please advise "
 15 Did I read that correctly?
 16 A Yes
 17 Do you know who Ms Elizabeth Davis is?
 18 A Yes
 19 Who is she?
 20 A Or she was She doesn't work for us
 21 anymore At that time, I believe she had some
 22 level of responsibility for EEOC, but I'm not

12:24:26 1 exactly sure what it was
 2 And after receiving this email, what
 3 steps did you take to address Ms Eller's concern
 4 regarding retaliation?
 5 A I don't recall specifically
 6 After receiving this email, did you speak
 7 with Ms Eller regarding her concerns?
 8 A I did not
 9 After receiving this email, did you speak
 10 with Mr Adams regarding her concerns?
 11 A I don't recall
 12 After receiving this email, did you speak
 13 with your supervisor regarding her concerns?
 14 A I don't recall
 15 And in the course of your email search
 16 that you conducted to prepare for today's
 17 deposition, did you locate any written response to
 18 this email?
 19 A I'm not sure
 20 Can I ask him a question? Can I confer
 21 with my legal counsel?
 22 If you are -- well, I think we're going

12:25:41 1 to take a break shortly
 2 A Okay
 3 ou'll have an opportunity to confer
 4 then
 5 A o problem I'm just trying to better
 6 respond to your questions
 7 And -- well, to be sure I understand --
 8 and I'm not asking you to divulge any privileged
 9 communications you might have had ut is your
 10 concern that you might be divulging privileged
 11 information now? ecause I -- my question is pretty
 12 simple
 13 I just want to know if -- in the course
 14 of you searching your emails, if you located any
 15 response to this particular email that we're
 16 reviewing now
 17 A So my answer is -- I'm just going to say
 18 it I have these emails in my bag If I could
 19 look, I could tell you
 20 That's what -- I was going to look at
 21 them That's all I was asking
 22 nderstood

12:27:09 1 A I don't remember them, but I printed them
 2 out; so --
 3 So -- yeah
 4 A -- I can look at see, but I don't know if
 5 that's what I need to do
 6 MR SHARMA: Maybe we can do that on the
 7 break
 8 THE WITNESS: Okay
 9 MS WIESNER:
 10 eah
 11 A All right
 12 When we take a lunch break, why don't you
 13 look through the emails that you have
 14 A Okay I don't recall ut here it is
 15 That's all
 16 All right So we'll come back to that
 17 If you -- during the lunch break, if you
 18 identify our response to this email, let me know and
 19 then we'll circle back
 20 A Okay ecause if I glance at the emails,
 21 I can maybe -- whenever we called and you told me it
 22 was going to be today, I pulled them, looked at

12:27:38 1 them, but I didn't revisit them That's all
 2 All right
 3 MS WIESNER: Why don't we actually take
 4 a break now I will find out where the food is, and
 5 you can take a look through the emails And then
 6 we'll just come back to it when we go back on the
 7 record
 8 THE WITNESS: Okay
 9 MR SHARMA: Okay
 10 (A lunch recess was taken)
 11 MS WIESNER:
 12 During the lunch break, did you have an
 13 opportunity to review your files to determine if you
 14 had an email responding to Ms Eller's October 7th,
 15 2015, email?
 16 A I did
 17 And did you locate a response?
 18 A I did not
 19 (Fossett Deposition Exhibit 61 was marked
 20 for identification and attached to the transcript)
 21 MS WIESNER:
 22 I'm showing you Exhibit 61

13:04:43 1 A Okay
 2 You'll see at the top this is an
 3 October 22nd, 2015, email from Jennifer Eller And
 4 it appears that she is forwarding her October 7th,
 5 2015, email
 6 Do you see that?
 7 MR SHARMA: I'm sorry Could you say
 8 that again?
 9 MS WIESNER: Sure
 10 THE WITNESS: Oh, down here at the
 11 bottom, yes Yeah It's connected h-huh
 12 MS WIESNER:
 13 Okay So --
 14 A Yeah I see it now, what you said
 15 Perfect All right
 16 A But he may not I'm just saying
 17 MS WIESNER: Are you good?
 18 MR SHARMA: o
 19 Could you say that again? I'm sorry
 20 MS WIESNER: Sure
 21 MR SHARMA: I'm not following
 22

13:06:14 1 Did any of the individuals on this email
 2 contact you regarding Ms Eller's concerns raised in
 3 her October 7th, 2015, email?
 4 A Not to my recollection
 5 All right You can put that aside
 6 (Fossett Deposition Exhibit 62 was marked
 7 for identification and attached to the transcript)
 8 MS WIESNER:
 9 I'm showing you Exhibit 62
 10 And is this an August 20th, 2015, email
 11 from Mr Adams to yourself?
 12 A Yes
 13 And Mr Adams was the principal at
 14 Friendly High School as of August 20th, 2015?
 15 A Yes
 16 In the email, Mr Adams writes: "I would
 17 like to reduce Jennifer Eller "
 18 What is your understanding of what he
 19 meant by "reduce"?
 20 A Staff reduce
 21 Does that mean to -- is that another way
 22 of saying to fire Ms Eller?

13:05:34 1 MS WIESNER:
 2 So you'll see at the bottom there's an
 3 email dated October 7th, 2015, from
 4 Jennifer Eller And that appears be to the email
 5 that we were just reviewing in Exhibit 60; correct?
 6 A Yes This one
 7 ep
 8 A h-huh
 9 And then it appears that she forwards
 10 that email on on October 22nd, 2015
 11 Do you see that?
 12 A Yes
 13 Okay
 14 All right And I'll acknowledge that you
 15 are not included on the forwarded email on
 16 October 22nd, 2015
 17 A Yeah
 18 In her first paragraph, she notes that
 19 "As of today, 22 October, I've not received any
 20 acknowledgment from Superintendent Fossett "
 21 Do you see that sentence?
 22 A Yes

13:07:45 1 A o
 2 MR SHARMA: Objection
 3 MS WIESNER:
 4 Okay How is it different to reduce
 5 versus fire?
 6 A So typically, at the beginning of each
 7 school year -- back then we did what was called
 8 "classroom adjustment enrollment " So if your
 9 enrollment didn't live up to the projected
 10 enrollment, typically you had to reduce a staff
 11 member or two based on the fact that your number of
 12 staff members did not match the number of students
 13 in your school
 14 And if a staff member is reduced, does
 15 that staff member continue to have a job?
 16 A Yes They're automatically placed in
 17 another school A school that -- where their
 18 enrollment has gone up and they warrant another
 19 employee
 20 So that's why it's called classroom
 21 balancing So we're balancing staff to enrollment
 22 throughout the entire county, but it's done by level

13:08:29 1 and certification
 2 And who has authority to approve a staff
 3 reduction?
 4 A You mean the person?
 5 So would you have had authority to
 6 approve Mr. Adams' request to reduce Ms. Eller?
 7 A It's done by seniority and --
 8 department and seniority, certification and
 9 seniority
 10 So there are rules that you can't just --
 11 you can't staff-reduce a person. It has to be based
 12 on seniority and certification area.
 13 Okay. So is there a particular formula
 14 that you would apply to determine which staff member
 15 would be reduced if a school was going to reduce a
 16 staff member?
 17 A So typically I don't -- we wouldn't apply
 18 it. It would be the certification office or HR or
 19 somebody. They would determine, based on subject
 20 area, who was the least senior in that area. And
 21 that's typically the person that would be -- be
 22 placed or -- you know, staff-reduced at that

13:10:39 1 because my math classes can be 30 kids; so -- it's a
 2 lot of things.
 3 Now, that, the school would kind of have
 4 determination of where their priority was. All
 5 of that happens prior to this, prior to staff
 6 reduction.
 7 But you've already established class
 8 sizes. You already have your class rosters and so
 9 forth. So automatically you just see where it can
 10 be reduced or who should be reduced based on, you
 11 know, I've got six English classes with two people
 12 in them. I'm going to reduce an English teacher and
 13 infuse those kids into other sections, because
 14 there's always a section running at the same time.
 15 So in the normal course, who would
 16 initiate a staff reduction? Why that I mean would it
 17 be a principal who would approach the HR department
 18 to say, "I think a staff reduction is appropriate
 19 here," or would it be the HR department who would go
 20 to the principals and say, "Hey, we're going to
 21 rebalance"?
 22 A Okay. So it's -- it's twofold and it

13:09:45 1 particular school.
 2 But there's a lot that goes into it.
 3 It's not just -- because you could have 20 English
 4 teachers and 10 math teachers, but you still may
 5 reduce the math teacher. And that's based on --
 6 because you can decide, as a principal or
 7 school-based management team, what you want your
 8 classroom size to be.
 9 So if I was struggling -- and I'm going
 10 on, but it's true. So let's just say English was
 11 our -- we had lower test scores and we decided, hey,
 12 we want to reduce the class sizes in English; right?
 13 So we may use the standard class size of 20 in
 14 English. So, therefore, you need more classes, more
 15 periods, and more teachers.
 16 And math may have been the high-achieving
 17 area -- I'm just throwing it out there. And you
 18 say, "Okay. We're doing okay in math."
 19 The way you can reduce that -- those
 20 class sizes is by balancing -- by raising these
 21 class sizes over here. So you may have only --
 22 probably never have 20 and 10, but -- I got ten --

13:11:37 1 depends on the year. To be honest with you, it
 2 depends on what the -- I don't know -- climate,
 3 moneys are, but whatever it may be. Because
 4 typically if a principal sees that their enrollment
 5 is not near what the projection was, they know that
 6 they're going to lose staff members.
 7 So as a principal, you know, you're
 8 proactive and starting to think, okay, so, you know,
 9 where can I manipulate the schedule to be able to
 10 reduce. Because the school systems are coming in
 11 and saying, "You have to reduce a staff member."
 12 They're not going to tell you exactly where. You
 13 have to look at your schedule. You have to look at
 14 your classes.
 15 And as a school -- I hope it would ever
 16 just be one person -- but say, "Okay. We need to
 17 remove" -- "we need to reduce an English teacher."
 18 And you can see your certification, as a
 19 principal, and know who -- for first goals are
 20 non- -- are provisionally certified teachers.
 21 They're always the first to go because they don't
 22 have tenure yet. If that makes sense.

13:12:38 1 If you're not fully certified, you don't
 2 have tenure which means you don't have seniority
 3 Is there a policy somewhere that sets
 4 that out?
 5 A I assume it's in HR I mean, I just know
 6 it, being in the system for years
 7 It's nontenured first, because you
 8 know those teachers don't have seniority over
 9 tenured teachers In order to get tenure, you have
 10 to be -- I think it's three years and a day now
 11 And I can be a provisionally certified teacher
 12 for -- in the State of Maryland, for up to
 13 four years Now we only do two in Prince George's
 14 County, but -- so, yeah, as a school-based person,
 15 you kind of know where you're going to have to
 16 reduce and pretty much who And there are other
 17 ways around that too, because you can have
 18 volunteers to be reduced
 19 Do you know --
 20 A I can -- I can reduce myself
 21 Do you know, as of August 20th, 2015,
 22 whether or not Mr Adams had any conversations with

13:14:31 1 A I did not I don't think I did I don't
 2 recall I just have my email I sent him afterwards
 3 Can I -- I remember seeing that
 4 And I said, "Mr Adams" -- seven minutes
 5 later "Mr Adams, this will not happen They're
 6 holding all teachers " Because I knew at that
 7 point, obviously, that we may not be reducing at
 8 that time
 9 All right
 10 MS WIESNER: So for purposes of record,
 11 the witness has handed me a September 23rd, 2015,
 12 email And I would like to -- if it's okay, I would
 13 like to mark this as an exhibit We'll make this
 14 Exhibit 63
 15 MS WIESNER:
 16 Do you need a copy -- do you need this
 17 back or is it okay to attach this?
 18 A I can pull another one if I need it I
 19 wouldn't -- I won't need it, though You can have
 20 it
 21 MS WIESNER: All right So let's make
 22 this Exhibit 36, then

13:13:29 1 the human resources department regarding his request
 2 for a staff reduction?
 3 A Prior to -- I have -- no, I have no idea
 4 I don't recall h-uh
 5 Do you know whether, as of August 20th,
 6 2015, there were any other teachers at Friendly High
 7 School who had a conditional certification?
 8 A Any other teachers? I'm not sure
 9 Well, let me ask this: Does Mr Adams'
 10 email represent that Ms Eller had a conditional
 11 certification? Is that --
 12 A Okay
 13 -- your understanding of the email?
 14 A Yeah I'm seeing that now, yeah
 15 And as of August 20th, 2015, do you
 16 know if there were other Friendly High School
 17 teachers who had a conditional certification other
 18 than Ms Eller?
 19 A I'm not -- I'm not sure
 20 After receiving this email, did you take
 21 any steps to confirm if Ms Eller did, in fact, have
 22 a conditional certification?

13:15:31 1 (Fossett Deposition Exhibit 63 was marked
 2 for identification and attached to the transcript)
 3 MS WIESNER:
 4 And so looking at Exhibit 62 and
 5 Exhibit 63, you see --
 6 A Oh, this is a month later
 7 Yeah
 8 You see that Exhibit 62, the original
 9 email, is dated August 20th, 2015; correct?
 10 A Yes
 11 And the email from Mr Adams in
 12 Exhibit 63 is dated September 23rd, 2015; correct?
 13 A h-huh
 14 All right So it appears that Mr Adams
 15 made two separate requests to reduce Ms Eller's
 16 position; correct?
 17 A h-huh
 18 And both times he named Ms Eller
 19 specifically; correct?
 20 A h-huh
 21 So focusing just on Exhibit 62, which is
 22 the August 20th, 2015, email --

13:16:34 1 A h-huh
 2 -- do you recall if you responded to
 3 Mr Adams?
 4 A I do not
 5 All right Did you locate any emails in
 6 response to Mr Adams' August 20th, 2015, email?
 7 A o
 8 With respect to either Mr Adams'
 9 August 20th or his September 23rd, 2015,
 10 requests, did you ask why he was interested
 11 specifically in the English department?
 12 And let me rephrase Did you ask
 13 Mr Adams why he wanted to reduce a position within
 14 the English department specifically?
 15 A I don't recall
 16 And just to be clear, in neither
 17 Mr Adams' August 20th nor his September 23rd,
 18 2015, emails does he indicate that there were
 19 performance issues with Ms Eller?
 20 A o
 21 So that's correct that he does not
 22 indicate that there --

13:18:36 1 It's about balancing So I imagine I
 2 have them I can't tell you I recall specifically
 3 in 2015 2015? eah ut in my roll I would have
 4 had those conversations
 5 Do you recall if, in August or September
 6 of 2015, you had any discussions specifically about
 7 whether or not to reduce Ms Eller's position?
 8 A Discussions with?
 9 With anyone
 10 A o, not directly I mean, obviously I
 11 had -- if you call this a discussion, this email
 12 Other than the email which is marked as
 13 Exhibit 63, you don't recall having any other
 14 discussions regarding whether or not to reduce
 15 Ms Eller's position specifically?
 16 A o
 17 All right From time to time, do you
 18 receive complaints regarding teachers who are at the
 19 high schools you oversaw while you were an
 20 instructional director?
 21 A Complaints from them or about them?
 22 About them

13:17:50 1 A He does not --
 2 -- were performance issues?
 3 A -- indicate in his email
 4 (Reporter asks for clarification)
 5 THE WITNESS: He does not indicate that
 6 in these emails
 7 MS WIESNER:
 8 Okay So turning to Exhibit 63, which is
 9 your September 23rd, 2015, email, you write:
 10 "Mr Adams, this will not happen They're holding
 11 all the teachers "
 12 What did you mean by "they're holding all
 13 the teachers"?
 14 A They're not making any movements yet
 15 And who is "they"?
 16 A The system
 17 Did you have -- recall having a
 18 conversation with other members of the school board
 19 or administration regarding whether there would be
 20 staff reductions?
 21 A There's staff reductions every year
 22 It's just when and whom

13:19:42 1 A It's actually both, yeah
 2 And as an instructional director, what
 3 would be your role in responding to complaints about
 4 teachers?
 5 A It depends on who it's from So if the
 6 complaints come from parents and/or students, I
 7 would typically direct them back to the school level
 8 in reference to -- in reference to allowing the
 9 administration to handle whatever that complaint may
 10 be
 11 If a complaint came even from a parent,
 12 it would go back to administration first If the
 13 complaint came from the administration about a
 14 teacher to me, then, of course, at that particular
 15 point, we'd have to, you know, do our due diligence
 16 to -- you know, depending on what is the situation,
 17 how do we respond, you know ecause, of course,
 18 I'm one of the steps in the disciplinary -- or I was
 19 one of the steps in the disciplinary process for a
 20 teacher
 21 Okay And when you said if it was a
 22 parent or student complaining, I think what you said

Page 146

13:20:41 1 was direct them back to the school level
 2 Are you referring to directing them back
 3 to the principal?
 4 A Yeah, the administration Exactly
 5 And is there any formal process or policy
 6 guiding how an instructional director should respond
 7 to a complaint about a teacher?
 8 A No
 9 (Fossett Deposition Exhibit 6 was marked
 10 for identification and attached to the transcript)
 11 MS WIESNER:
 12 All right I'm going to show you
 13 Exhibit 6
 14 All right What I've just handed you is
 15 a May 13th, 2016, email from -- I'm not actually
 16 sure how to pronounce her first name, but a
 17 Ms Finney
 18 As of May 13th, 2016, you were still in
 19 your role as an instructional director; correct?
 20 A May 13th? Yes
 21 Okay Do you know who Ms Finney is?
 22 A She was the ombudsman resolution

Page 148

13:22:40 1 And if you look at the email, she states:
 2 "I just received a concern from a parent who says
 3 her son's principal at Friendly High School called
 4 her 8:30 a m to inform her that her son would not
 5 be able to graduate on May 18th "
 6 And if you look at the next paragraph, it
 7 states: "Attached are the details of her concern "
 8 So I'm going to mark, as Exhibit 65, the
 9 Ombudsman Services Respondent Form attached to the
 10 email
 11 (Fossett Deposition Exhibit 65 was marked
 12 for identification and attached to the transcript)
 13 MS WIESNER:
 14 All right What's the purpose of the
 15 Ombudsman Services Respondent Form?
 16 MR SHARMA: Objection
 17 You can answer, to the extent you know
 18 THE WITNESS: To forward a concern to the
 19 appropriate office for investigation and resolution
 20 MS WIESNER:
 21 Are there requirements for when this form
 22 should be completed?

Page 147

13:21:55 1 coordinator
 2 And you're reading that from her email --
 3 A Yeah
 4 -- signature block?
 5 A I didn't know her personally Yeah
 6 What is an ombudsman resolution
 7 coordinator?
 8 A It was a position -- I don't know when it
 9 was established But, basically, it was to address
 10 concerns or to help support concerns that came
 11 through the area office But it -- actually, not
 12 even the area office It's the area office now
 13 But it was its own office It was the ombudsman
 14 office
 15 So they -- it was an easier way to
 16 streamline complaints whether they be from parents,
 17 administration, whomever, from the general public,
 18 into the school system And essentially what the
 19 ombudsmen office did was, after they received a
 20 complaint, they filtered it to the appropriate
 21 department or office to hopefully address the
 22 concern

Page 149

13:24:33 1 A It says this form is to -- submitted to
 2 the office no later than ten business days from the
 3 date created
 4 Well, let me re-ask that
 5 Do you know if there's any policies or
 6 guidelines dictating when a form has to be completed
 7 versus no form completed?
 8 A So, first of all, we have to speak in the
 9 past tense, because this office is no longer in
 10 existence That's number one
 11 Number two, something like this would --
 12 if -- this situation like this would have -- would
 13 have necessitated an immediate response from me So
 14 it wouldn't have been ten days It would have been
 15 an immediate response because I would have had to
 16 investigate very quickly why this young man wasn't
 17 graduating
 18 So I have no idea, between May 18th,
 19 now, top-of-my-head recollection, when graduation
 20 was But let's just say it was the 18th, and he had
 21 to graduate on the 18th Friendly's graduation may
 22 have been on the 18th

13:25:31 1 That meant I would have had to jump on
2 the phone immediately, pull records, and see what
3 that situation was; so -- this is kind of -- a
4 little different than -- you know, we do have
5 certain forms that have certain days And, you
6 know, our superintendent wants us to respond to
7 emails within 48 hours It doesn't always happen,
8 but that's our goal and our policy So I'm not
9 exactly sure what you're asking me
10 Sure
11 What I'm --
12 A Because it -- so standard
13 -- trying to understand is if there is
14 some kind of standard establishing what types of
15 complaints should be documented in this respondent
16 form
17 A What type of -- should we document it on
18 here?
19 Well, let me ask it a different way
20 If a parent makes a complaint about a
21 teacher or a principal --
22 A h-huh

13:27:06 1 recall this particular incident?
2 A o I deal with them all the time
3 Every year you have this, unfortunately
4 All right I'm going to show you
5 Exhibit 66, which may refresh your recollections to
6 this particular incident
7 (Fossett Deposition Exhibit 66 was marked
8 for identification and attached to the transcript)
9 MS WIESNER:
10 So I want to start at the bottom It
11 looks like there's three emails in Exhibit 66, and I
12 want to start at the bottom email, which is
13 May 16th, 2016, an email from yourself
14 Do you see that?
15 A es
16 And you write to Mr Hayward
17 A h-huh
18 Who is Mr Hayward?
19 A Milton Hayward He used to be a guy in
20 IT I don't know what his title is, but he was --
21 he was our SchoolMA? guy
22 And what is SchoolMA?

13:26:15 1 -- is there a requirement that every such
2 complaint needs to be documented in an Ombudsman
3 Services Respondent Form?
4 A o, because it doesn't always come this
5 way ut if you're talking about -- I can't really
6 remember ut typically, if the ombudsman sent the
7 complaint, we had to let them know if was resolved
8 some sort of way
9 (Reporter asks for clarification)
10 THE WITNESS: If the ombudsman sent the
11 complaint -- like, this originated from the
12 ombudsman to me, obviously, so the -- I would have
13 had to let them know that it was resolved or it
14 wasn't resolved -- you know, what -- what the
15 resolution was; so --
16 ut I could have done that in an email
17 I may not have had the response specifically -- back
18 to this form I may have responded back via email
19 ut typically, it should -- I mean, it should have
20 been documented, because they sent it
21 MS WIESNER:
22 Do you -- sitting here today, do you

13:28:18 1 A Our electronic grading platform as well
2 as other things It's our pupil --
3 Okay And you write: "Mr Hayward, is
4 there a way for us to know when a teacher entered
5 grades into SchoolMA? I have a parent of a senior
6 claiming that the teacher inputted or most of grades
7 on last Thursday, and her student failed his English
8 class "
9 Do you see that?
10 A h-huh
11 Does this jog your recollection at all as
12 to the incident described in the ombudsman report at
13 Exhibit 65?
14 Okay
15 A ot specifically, but I'm --
16 All right Well, in any case,
17 Mr Hayward responds -- right? -- with
18 information --
19 A h-huh
20 -- about SchoolMA?
21 A h-huh
22 And you then write an email to Mr Adams

13:29:07 1 on May 17th, 2016
 2 Do you see that?
 3 A Yes
 4 And you write: "FBI This validates
 5 that Ms Eller entered grades in a timely fashion
 6 All [REDACTED]' concerns have been satisfactorily
 7 addressed Thanks "
 8 Do you see that?
 9 A Yes
 10 All right So based on this email, does
 11 it appear to be that you investigated the complaint
 12 and determined that Ms Eller had acted
 13 appropriately or within whatever guidelines you
 14 might have for entering grades?
 15 A Yes
 16 So in other words, for this -- with
 17 respect to this particular complaint, there was no
 18 issues with Ms Eller's performance?
 19 A Right
 20 So what I'm assuming happened, because I
 21 don't remember the particulars, is that the parent
 22 brought the concern to administration after they

13:29:56 1 were told that there were issues with the grade
 2 And then, you know, when the parent said that they
 3 just found out last minute -- and maybe -- it looks
 4 like -- what I said was -- maybe I called the
 5 parent I don't know The parents -- right
 6 So she's saying that, basically, the
 7 teacher inputted the grades at the last minute
 8 Then, all of a sudden, the student failed the class
 9 So I went back and asked the tech guys,
 10 "Hey, take a look and make sure that Ms Eller
 11 didn't enter the grades at the last minute " And
 12 they validated that the grades had been entered
 13 throughout; so, therefore, unfortunately, the
 14 student probably didn't walk
 15 All right So just one more document
 16 before we leave this incident And this is going to
 17 be Exhibit 67
 18 (Fossett Deposition Exhibit 67 was marked
 19 for identification and attached to the transcript)
 20 MS WIESNER:
 21 And I just want you to focus on the
 22 May 17th, 2016, email at 7:18 p m from yourself,

13:30:58 1 which is in the middle of the first page
 2 Do you see that?
 3 A Yes
 4 Obviously I was working late
 5 All right You see your writing to
 6 [REDACTED]; correct?
 7 A Yes
 8 All right And look at the
 9 second-to-last sentence of that paragraph where you
 10 state: "Also, your broader concerns will be
 11 addressed with administration to ensure that the
 12 proper processes were followed for all students "
 13 A h-huh
 14 What broader concerns are you referring
 15 to in this email?
 16 A I have no idea I do not recall
 17 Oh, this is the broader concerns Right
 18 here, if you look at the email before that "I
 19 don't see an attachment, and clearly you've ignored
 20 the bigger picture," telling me "And I say again
 21 it's constantly proven that you representatives" --
 22 I guess she meant "did not give a shit about these

13:32:11 1 students "
 2 So I guess that was a broader concern,
 3 that she didn't feel the people gave a shit about
 4 the students That would be an assumption
 5 Okay I'm going to hand you two exhibits
 6 next which will be Exhibit 68 and 69
 7 (Fossett Deposition Exhibit 68 was marked
 8 for identification and attached to the transcript)
 9 (Fossett Deposition Exhibit 69 was marked
 10 for identification and attached to the transcript)
 11 MS WIESNER:
 12 All right So 68 is a September 3rd,
 13 2015, email from Mr Adams to yourself; correct?
 14 A On which one?
 15 Exhibit 68, the email
 16 A Yeah
 17 All right And Mr Adams writes "Does
 18 this look good?" and attaches a document titled
 19 "Eller Letter of Reprimand "
 20 Do you see that?
 21 A h-huh
 22 All right And Exhibit 69 is the

13:33:25 1 attachment
 2 Do you recall reviewing this letter?
 3 A es
 4 And what was your understanding of why
 5 Mr Adams wanted to -- wanted you to review the
 6 letter?
 7 A I probably asked him to send me the
 8 letter before he sent it I'm not saying he wanted
 9 me to He was probably directed to, to be honest
 10 with you ecause I remember he, you know, had
 11 called to inform me of an incident that occurred at
 12 a faculty meeting, I believe it was And, you know,
 13 I told him probably to document it and send me
 14 the -- the reprimand
 15 Okay So it's your memory that Mr Adams
 16 called you regarding a staff meeting?
 17 A Regarding an incident with Ms Eller I
 18 assumed it happened in a staff meeting, trying to
 19 recollect
 20 Describe the conversation with Mr Adams
 21 for me
 22 A I can't It's -- I don't --

13:34:17 1 Were you present?
 2 A Five years ago
 3 o, I was not
 4 So you weren't present at the staff
 5 meeting or --
 6 A Absolutely not
 7 -- whatever event --
 8 A o
 9 -- where this incident occurred?
 10 A o
 11 Did you ever speak with Ms Eller
 12 regarding the alleged incident?
 13 A I did not
 14 Did you speak with any other teachers who
 15 were present for the alleged incident?
 16 A o
 17 (Fossett Deposition Exhibit 70 was marked
 18 for identification and attached to the transcript)
 19 MS WIESER:
 20 All right Exhibit 70
 21 All right Is Exhibit 70 a
 22 September 2nd, 2015, email to Jennifer Eller?

13:35:46 1 A es
 2 And you're copied on this email?
 3 A I am
 4 And the email states: "Ms Eller,
 5 because of the incidents that occurred this morning,
 6 we are releasing you on paid administrative leave
 7 until further notice "
 8 Do you see that?
 9 A es
 10 Do you know what incident this email is
 11 referring to?
 12 A I would assume it was this one, the one
 13 that we just talked about on Exhibit 6
 14 Okay And in Exhibit 6 it refers to a
 15 September 3rd, 2015, staff meeting; correct?
 16 A h-huh
 17 And Exhibit 70 is dated September 2nd,
 18 2015; correct?
 19 A ep
 20 All right So is -- do you believe that
 21 one of -- that perhaps the September 3rd letter at
 22 6 just has a typographical error and it's actually

13:36:36 1 referring to something that happened on
 2 September 2nd?
 3 A es And you know how? ecause this
 4 letter is dated the morning of September 3rd The
 5 email is the afternoon of September 3rd; right?
 6 That's when they sent it to me
 7 I just want to make sure you're not aware
 8 of a separate incident
 9 A Oh, no ot -- I don't remember I
 10 don't recall a separate incident
 11 Okay Were you consulted before
 12 Ms Eller was placed on leave?
 13 A I would have been
 14 Would you have had to approve Ms Eller
 15 being placed on leave?
 16 A es, for 8 hours And then after that,
 17 labor relations
 18 Do you want me to tell you how it worked?
 19 Well, I do have a couple questions --
 20 A Okay
 21 -- so -- okay Who has the authority to
 22 place a teacher on administrative leave?

13:37:35 1 A It's technical
 2 Do your best to explain it for me
 3 A Okay So instructional director has the
 4 authority to place a teacher or a staff member on
 5 administrative leave for up to 8 hours Within
 6 those 8 hours, there should be a contact of labor
 7 relations or -- to labor relations to either hold
 8 that leave request or to basically say bring the
 9 teacher back
 10 And typically we don't do it unless it's
 11 something that we feel that's egregious or there's a
 12 volatile or dangerous situation where, if you don't
 13 remove a person from that environment immediately --
 14 that's why we give that 8-hour leverage but we
 15 don't have the authority beyond that
 16 Is there a policy or guideline regarding
 17 when you can place a teacher on a 8-hour
 18 administrative leave, or is it up -- completely at
 19 your discretion?
 20 A It's at the instruction of director or
 21 associate I could now -- discretion -- based on --
 22 that's why it's only 8 hours, and that's why it's

13:39:53 1 it was There must have been -- you know, must have
 2 been a feeling of being threatened or something
 3 Would you have -- I'm sorry I didn't
 4 mean to interrupt
 5 A I mean, that's just all I can think of
 6 I mean, if that -- because if it was the exchange --
 7 I mean, I'm just -- I'm just looking at it that --
 8 it's so long ago, I'm just having to use my better
 9 sense that if -- you know, if he came to me and --
 10 Mr Adams or administration or whomever and said,
 11 "This incident occurred and I felt threatened," or
 12 this, that, and the other, I would have been like,
 13 "Okay Remove her from the situation " And that's
 14 the only thing I can remember
 15 but to be clear, though, you're making an
 16 assumption about what would have happened ou
 17 don't have a specific recollection of Mr Adams
 18 coming and saying, "I feel threatened"?
 19 A Yeah, I made a lot of assumptions,
 20 because the time frame of this is just so far off, I
 21 just have to -- yeah I wouldn't have done it for
 22 any other reason, I can tell you that

13:38:46 1 paid, because then it's determined by labor
 2 relations whether it's upheld or not
 3 And is the teacher permitted to appeal
 4 the 8-hour administrative leave decision?
 5 A I don't believe so I don't know if
 6 there's enough time to do that
 7 Are there ramifications for being placed
 8 on a 8-hour administrative leave?
 9 A one besides not being there, you get
 10 paid
 11 And in the case of Ms Eller, did you
 12 ultimately make a recommendation to the labor
 13 department regarding her administrative leave?
 14 A o
 15 Do you recall what happened with
 16 Ms Eller's administrative leave?
 17 A I believe she was brought back I'm -- I
 18 don't remember I mean, I believe she was brought
 19 back the next couple of days
 20 If I recall, it was just based on the --
 21 you know, the egregious of what happened I
 22 can't -- I can't be -- I can't be sure exactly what

13:40:58 1 All right And just timing-wise,
 2 Ms Eller was placed on administrative leave after
 3 Mr Adams made his first request in August to reduce
 4 her position; correct?
 5 A I don't know
 6 Well, recall that we looked at an email
 7 from August 2015 where Mr Adams requested to reduce
 8 Ms Eller's position?
 9 A Oh
 10 MR SHARMA: Objection
 11 I believe the documents speak for
 12 themselves on the dates, but you can answer
 13 THE WITNESS: Oh, you mean it happened
 14 after? eah
 15 MS WIESNER:
 16 All right And she was placed on
 17 administrative leave after he made that first
 18 request?
 19 MR SHARMA: Objection
 20 ou can answer it again
 21 THE WITNESS: es
 22 MS WIESNER: I don't have anything

13:41:37 1 further
 2 MR SHARMA: I have a few questions,
 3 Doctor, if that's okay
 4 I'm going to try to -- not to be
 5 repetitive Try not, but I might be jumping around
 6 a little bit; so I apologize
 7 E A M I A T I O
 8 MR SHARMA:
 9 You said over and over again today that
 10 the principals at the school had a lot of autonomy
 11 A Yes
 12 What do you mean by that?
 13 A Essentially, you have systemic
 14 initiatives in terms of -- you're talking about
 15 global autonomy? Like, for an instructional program
 16 for the school or --
 17 Well, let me --
 18 A They follow rules, but they have autonomy
 19 to make it work inside of their school building
 20 Do the principals have the ultimate
 21 control of the people including the school -- the
 22 staff, the students -- do they have ultimate control

13:42:27 1 of the school building in that respect?
 2 MS WIESNER: Objection to form
 3 THE WITNESS: Can you be more specific --
 4 MR SHARMA:
 5 Sure
 6 A -- about what "ultimate" means?
 7 Are they responsible for the staff in the
 8 building?
 9 A Yes
 10 Are they responsible for the safety and
 11 the curriculum of the students?
 12 A Absolutely
 13 MS WIESNER: Objection to form
 14 THE WITNESS: It would be in COMAR
 15 MR SHARMA:
 16 Are they responsible for the building?
 17 A Yes
 18 MS WIESNER: Objection to form
 19 Just give me a second to get my
 20 objections in And if you could just pause for a
 21 few seconds first
 22 Thank you

13:42:57 1 THE WITNESS: Can I ask for clarify?
 2 MR SHARMA:
 3 Sure
 4 A So, like, you would object -- I mean, you
 5 would -- hold on You would object and then say I
 6 can answer
 7 Do I wait for you to say the same thing?
 8 MS WIESNER: So --
 9 THE WITNESS: I'm just asking for
 10 clarity --
 11 MS WIESNER: So
 12 THE WITNESS: Because you can't give me
 13 permission to answer or not; right?
 14 MS WIESNER: So my objections --
 15 THE WITNESS: Okay
 16 MS WIESNER: -- are for the record
 17 THE WITNESS: Okay
 18 MS WIESNER: So I'm not instructing you
 19 not to answer
 20 THE WITNESS: I gotcha
 21 I'm just checking
 22

13:43:20 1 MR SHARMA:
 2 As instructional director, your primary
 3 point of contact is the principal for each school?
 4 A Yes
 5 And you relied upon the principal to be
 6 kind of, like, your eyes and ears at each school --
 7 A Absolutely
 8 -- as to what's going on?
 9 A Yes
 10 What the needs were?
 11 A Yes
 12 And would you agree with me that the
 13 principals had a lot of discretion when it came to
 14 what I call supplemental training for staff?
 15 A Yes
 16 In other words, there were these annual
 17 trainings that were provided to all PGCPs employees
 18 every year; correct?
 19 A Yes
 20 At the beginning of the year?
 21 A Yes
 22 You described the most -- online modules?

13:44:04 1 A ow
 2 "ow"
 3 A es
 4 And prior to being online modules, they
 5 were in-person training sessions?
 6 A es
 7 Okay And depended upon the need of a
 8 specific school, the principal had discretion
 9 whether to supplement that annual training that was
 10 provided on a monthly basis at staff meetings; is
 11 that correct?
 12 A es
 13 MS WIESNER: Objection to form
 14 THE WITNESS: es
 15 MR SHARMA:
 16 Okay And the principal also had
 17 discretion to provide any type of, what was termed
 18 earlier, training for students; is that correct?
 19 MS WIESNER: Same objection
 20 THE WITNESS: es
 21 MR SHARMA:
 22 So, for example, we talked about the code

13:44:42 1 of conduct being reviewed four times a year via
 2 grade-level assemblies; is that correct?
 3 A es That's the way I did it
 4 Right
 5 And if you thought there was a need, as
 6 principal, to supplement that review of the code of
 7 conduct, that was something that was in the
 8 principal's discretion to do so at those grade-level
 9 assemblies?
 10 MS WIESNER: Objection to form
 11 THE WITNESS: es
 12 MR SHARMA:
 13 To your knowledge, if you can recall to
 14 the best of your ability, does the code of conduct
 15 prohibit bullying and harassment?
 16 A es
 17 Does the code of conduct prohibit
 18 discrimination?
 19 A es
 20 I believe we talked about earlier that
 21 Ms Eller filed a -- what's called a 170 complaint
 22 with Ms Simmons

13:45:55 1 Do you recall that?
 2 A es
 3 And I believe the time frame that was
 4 referenced was that that form was filed in 2015?
 5 A eah, roughly
 6 Okay Do you recall if Ms Eller ever
 7 filed a similar complaint of discrimination or
 8 harassment prior to 2015?
 9 A o, I don't recall
 10 Are you aware, sitting here today, of any
 11 type of retaliation that Ms Eller was subjected to?
 12 MS WIESNER: Objection to form Calls
 13 for a legal conclusion
 14 THE WITNESS: o
 15 MR SHARMA:
 16 We just spoke about staff reductions a
 17 few moments ago
 18 A es
 19 If you could look at Exhibit 62 for a
 20 moment I'd like to get some clarification from
 21 you
 22 A es

13:47:22 1 I'm looking at the email on August 20th
 2 ep That's it
 3 A Same one
 4 Same one Okay I apologize
 5 The second full paragraph, it says:
 6 "Regarding Ms Jennifer Eller, 6780: Her SPCI
 7 cannot be renewed "
 8 Do you know what SPCI stands for?
 9 A Standard professional -- it's the
 10 standard license I don't know specifically what
 11 the CI -- but it's a standard professional teaching
 12 license
 13 Okay It says it cannot be renewed as it
 14 appears she has not submitted the six renewal
 15 credits and her PDP
 16 Do you know what PDP stands for?
 17 A Professional development plan
 18 Okay Who is responsible for submitting
 19 renewal credits and a PDP? Is that --
 20 A The teacher
 21 "The teacher "
 22 Okay Does the administration or the

13:48:14 1 principal have any responsibility in that respect?
 2 MS WIESNER: Objection to form Vague
 3 THE WITNESS: No
 4 MR SHARMA:
 5 And I think you testified earlier that a
 6 conditional certified employee loses his or her
 7 seniority?
 8 A They don't really have seniority
 9 Oh, so there is no seniority once you
 10 become a conditional employee?
 11 A Right You become tenured after three --
 12 this is not my -- we have a certification
 13 department
 14 Right
 15 A But you become tenured after three years
 16 and a day if you are fully certified Okay? If
 17 you've been with us for three years and a day and
 18 you become fully certified, you automatically get
 19 tenure at the same time you get your certificate --
 20 Okay
 21 A -- if that makes sense
 22 But you can't be fully certified until

13:49:04 1 you have tenure, and you can't be fully certified
 2 until you have a full certificate You can't be on
 3 a conditional certificate So conditional -- oh,
 4 I'm about to talk too much here
 5 So in terms of hierarchy, I think you
 6 mentioned provisional employees were the first ones
 7 to go for staff reductions?
 8 A That's the same thing Conditional and
 9 provisional are the same thing
 10 Okay And as you mentioned earlier, when
 11 an employee is placed on administrative leave during
 12 that first 18-hour period, it's paid -- it's with
 13 pay?
 14 A Yes
 15 There's no loss of benefits?
 16 A No
 17 Okay And at some point in time,
 18 Ms Eller was brought back; correct?
 19 Or was she even placed on administrative
 20 leave, to your knowledge?
 21 A I don't recall, but I think she was
 22 brought back I don't think she was placed on

13:50:23 1 administrative leave
 2 Okay
 3 MR SHARMA: That's all I have
 4 MS WIESNER: I just have one or two
 5 E A M I A T I O
 6 MS WIESNER:
 7 With respect to Exhibit 60, which is the
 8 disposition letter from Ms Amana Simmons, who was
 9 the EEO adviser -- do you recall discussing that
 10 exhibit?
 11 A Yes
 12 Which made the recommendation for
 13 diversity training; correct?
 14 A Yes
 15 Is it your expectation that Mr Adams
 16 should have complied with the recommendation to
 17 conduct diversity training?
 18 A Yes Within the 2015-'16 school year, as
 19 it said, he should have done that
 20 And as an instructional director, could
 21 you -- strike that
 22 As an instructional director, if you had

13:51:08 1 identified a need for supplemental training at any
 2 of the high schools over which you had
 3 responsibility, could you have made a request to the
 4 principal to conduct such supplemental training?
 5 A Yes
 6 And if you made a request to a principal
 7 to conduct supplemental training, is it your
 8 expectation that they would comply with that
 9 request?
 10 A Yes
 11 MS WIESNER: No further questions
 12 MR SHARMA: That's it You have a right
 13 to review --
 14 We can go off the record
 15 (Off the record at 1:51 p m)
 16
 17
 18
 19
 20
 21
 22

13:51:41 1

2

3 Certificate of shorthand reporter - notary public

4 I, Susan E Alldridge, Registered Professional

5 Reporter, Certified Shorthand Reporter, the officer

6 before whom the foregoing deposition was taken, do

7 hereby certify that the foregoing transcript is a

8 true and correct record of the testimony given; that

9 said testimony was taken by me stenographically and

10 thereafter reduced to typewriting under my

11 supervision; that reading and signing was not

12 requested; and that I am neither counsel for or

13 related to, nor employed by any of the parties to

14 this case and have no interest, financial or

15 otherwise, in its outcome

16 I WITNESS WHEREOF, I have hereunto set my hand

17 and affixed my notarial seal this 3rd day of

18 February 2020

19

20

21

Susan E Alldridge, RPR

22 OTAR P IC A D FOR THE DISTRICT OF CO M IA

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 59

To: Raynah Adams[Raynah Adams <rayadams@pgcps.org>]
From: Mark Fossett[mark.fossett@pgcps.org]
Sent: Wed 9/23/2015 12:04:42 PM (UTC-04:00)
Subject: Re: English Reduction

Case 8:15-cv-00849-JDC Document 108-29 Filed 06/09/21 Page 2 of 2

Mr. Adams,
This will not happen. They are holding all the teachers!

On Wed, Sep 23, 2015 at 11:57 AM, Raynah Adams <rayadams@pgcps.org> wrote:

Mr. Fossett,
My projected enrollment was 961. My actual enrollment is 944. I would like to reduce the number of English Teachers at Friendly High School by one. Presently, Jennifer Eller is on a conditional status. I would like to reduce her position.

We are able to absorb her classes into certified teachers' classes.

--

Raynah H. Adams, IV
Principal
Friendly High School

--

Mark E. Fossett
Instructional Director
Area III
mark.fossett@pgcps.org
Office: 301-372-3431
Fax: 301-372-3435

Top Five Strengths

Relator, Strategic, Context, Self-Assurance, and Achiever



IMPORTANT NOTE: This e-mail and any information contained in this facsimile transmission, together with any accompanying documents, may contain confidential information belonging to the sender and is intended ONLY for the recipient(s) named above, and may be legally privileged. If you are not the intended or named recipient, you are not authorized to read, disclose, copy, distribute, disseminate or take any reliance upon the documents or any of its contents. Copying, dissemination and distribution of these communications and its contents are strictly prohibited. If you have received this communication or facsimile in error, please notify us by telephone immediately, arrange the return of the transmission and documents, delete the original communication and any copy from your computer system. If you are not the named recipient, you are not authorized to reveal any information contained herein.

**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
GOLDSOIN in her official capacity

Defendants.

Case Number: 18-cv-03649-TDC/TJS

EXHIBIT 60



Planet Depos[®]
We Make It *Happen*[™]

Transcript of Dr. Randi Ettner

Date: February 11, 2020

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

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

Transcript of Dr. Randi Ettner
 Conducted on February 11, 2020

<p style="text-align: center;">1</p> <p style="text-align: center;">UNITED STATES COURT</p> <p style="text-align: center;">FOR THE DISTRICT OF MARYLAND</p> <p style="text-align: center;">SOUTHERN DIVISION</p> <p>JENNIFER ELLER c/o ARNOLD & PORTER, KAYE SCHOLER, LLP, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p>vs. No: 18 cv 03649</p> <p>PRINCE GEORGE'S COUNTY PUBLIC and MONICA GOLDSOHN,</p> <p style="text-align: center;">Defendants.</p> <p>The discovery deposition of DR. RANDI ETTNER, taken in the above entitled cause, before LYDIA MSZAL, C.S.R., on the 11th day of February, 2020 at 180 North LaSalle Street, Chicago, Illinois, Suite 3700, pursuant to notice.</p> <p>LYDIA MSZAL, C.S.R.</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">I N D E X</p> <p>WITNESS EXAMINATION</p> <p>RANDI ETTNER</p> <p>By Mr. Sharma 4, 25</p> <p>By Mr. Gonzalez Pagen 2</p> <p style="text-align: center;">E X H I B I T S</p> <table border="1"> <thead> <tr> <th>NUMBER</th> <th>MARKED</th> <th>OR ID</th> </tr> </thead> <tbody> <tr> <td>Deposition Exhibit</td> <td></td> <td></td> </tr> <tr> <td>No.</td> <td></td> <td>0</td> </tr> <tr> <td>No. 2</td> <td></td> <td>3</td> </tr> <tr> <td>No. 3</td> <td></td> <td>75</td> </tr> <tr> <td>No. 4</td> <td></td> <td>76</td> </tr> <tr> <td>No. 5</td> <td></td> <td>0</td> </tr> </tbody> </table>	NUMBER	MARKED	OR ID	Deposition Exhibit			No.		0	No. 2		3	No. 3		75	No. 4		76	No. 5		0
NUMBER	MARKED	OR ID																				
Deposition Exhibit																						
No.		0																				
No. 2		3																				
No. 3		75																				
No. 4		76																				
No. 5		0																				
<p style="text-align: center;">2</p> <p>APPEARANCES:</p> <p>LAMBDA LEGAL, by MR. OMAR GONZALEZ PAGAN 120 Wall Street Suite 1400 New York, New York 10005</p> <p style="text-align: center;">AND</p> <p>ARNOLD & PORTER, BY MR. DOUGLAS F. CURTIS 70 West Madison Street Chicago, IL 60602</p> <p style="text-align: center;">Representing the Plaintiffs;</p> <p>MCCOLLUM & ASSOCIATES, LLC, by MR. AMIT K. SHARMA 7309 Baltimore Avenue Suite 117 College Park MD 20740 301 864 4351</p> <p style="text-align: center;">Representing the Defendants.</p>	<p style="text-align: center;">4</p> <p>(Whereupon, the witness was duly sworn.)</p> <p>DR. RANDI ETTNER, having been first duly sworn, was examined and testified as follows:</p> <p style="text-align: center;">EXAMINATION</p> <p>Q. Good morning, doctor.</p> <p>Could you please state and spell your full name for the record?</p> <p>A. Dr. Randi Ettner, R-A-N-D-I E-T-T-N-E-R.</p> <p>Q. My name is Amit Sharma, and I represent the Defendants, the Board of Education of Prince George's County, Prince County in this is litigation that was filed by Mr. Eller in the United States District for the District of Maryland.</p> <p>As you may know, during the course of the deposition I'm going to be asking you a series of questions.</p> <p>You should respond verbally so that the court reporter can transcribe your repose.</p> <p>Your attorney at times may object to any question I ask, but unless they instruct you not</p>																					

<p style="text-align: right;">5</p> <p>1 to answer, you'll be required to answer my 2 questions. 3 Do you understand? 4 A. Yes. 5 Q. If you want to take a break, please let me 6 know. We'll be happy to accommodate you. 7 And if you don't understand a 8 question, or if I ask poorly worded question, please 9 ask me to clarify, and I'll try my best to do that. 10 Is that fair? 11 A. Yes. 12 Q. Any questions about the process? 13 A. No. 14 Q. Because you've been deposed before, 15 correct? 16 A. Yes. 17 Q. Many times? 18 A. Yes. 19 Q. Is there any condition, medical or 20 otherwise, which would prevent you from 21 understanding and answering the questions that I ask 22 today?</p>	<p style="text-align: right;">7</p> <p>1 A. It was from Indiana University. 2 Q. And what degree was that? 3 A. Psychology. 4 Q. Okay. Any other schools that you 5 attended? 6 A. Yes. I attended Moray College in 7 Scotland. And I attended Harvard University. Both 8 were summer programs. 9 I got a master's at Roosevelt 10 University in Chicago. 11 Q. What was the master's degree in from 12 Roosevelt? 13 A. Clinical psychology. 14 Q. Are you currently employed? 15 A. Yes. 16 Q. Where? 17 A. I'm self-employed. 18 Q. What's the name of your business? 19 A. Private practice. 20 Q. Do you belong to any professional 21 associations or organizations? 22 A. I do.</p>
<p style="text-align: right;">6</p> <p>1 A. No. 2 Q. Are you under any medication that would 3 prevent you from answering the questions that I ask 4 today? 5 A. No. 6 Q. Is there any reason that you can think of 7 that you wouldn't be able to answer my questions 8 accurately and truthfully today? 9 A. No. 10 Q. Doctor, i just have some background 11 questions for you. 12 Your business address, please? 13 A. 1214 Lake Street, Evanston, Illinois, 14 60201. 15 Q. And could you give me your educational 16 background, please? 17 A. I have a Ph.D. from Northwestern 18 University. 19 Q. And when was that? 20 A. I would have to refer to my C.V. 21 Q. Okay. And your BA or BS, where was that 22 from?</p>	<p style="text-align: right;">8</p> <p>1 Q. What are they? 2 A. Phi Beta Kappa, American Psychological 3 Association, American College of Forensic 4 Examiners, World Professional Association for 5 Transgender Health, Society for the Scientific Study 6 of Sex, Screen Actors Guild, the University of 7 Minnesota Leadership Council. And I believe that's 8 all. 9 Q. The Screen Actors Guild caught my 10 attention. How did that come about? 11 A. I did many television appearances in the 12 past. 13 Q. Okay. And what are those? 14 A. The television appearances? 15 Q. Yes. 16 A. Speaking as an expert on various 17 subjects. 18 Q. And I think a web site mentioned Oprah 19 Dateline and 2020. Are those some of the 20 appearances that you're referring to? 21 A. Yes. 22 Q. Do you recall when you were on Oprah?</p>

9	<p>1 A. No.</p> <p>2 Q. Do you recall what you discussed on Oprah?</p> <p>3 A. Yes.</p> <p>4 Q. What was that?</p> <p>5 A. Children who cross dress.</p> <p>6 Q. And what about Dateline, what was the</p> <p>7 subject of your presentation on Dateline?</p> <p>8 A. I don't recall.</p> <p>9 Q. 20/20. Do you recall that?</p> <p>10 A. Not precisely, no.</p> <p>11 Q. Okay. Do you have any licenses?</p> <p>12 A. Yes.</p> <p>13 Q. What are they?</p> <p>14 A. License in clinical psychiatry from the</p> <p>15 State of Illinois.</p> <p>16 Q. Have you had any disciplinary actions,</p> <p>17 suspension or revocation of that license?</p> <p>18 A. No.</p> <p>19 Q. When did you first become self-employed?</p> <p>20 A. Approximately 1980, but I'm guessing.</p> <p>21 Q. And would your C.V. be more --</p> <p>22 A. It's possible that it would be a little</p>	<p>1 A. That was a series of presentations that I</p> <p>2 gave Vietduc V-i-e-t-d-u-c. All one word. Hospital</p> <p>3 in Hanoi, Vietnam.</p> <p>4 Q. What type of presentation was that?</p> <p>5 A. Those were presentations for surgeons,</p> <p>6 mental health professionals, general psychologists,</p> <p>7 training them to provide healthcare to transgender</p> <p>8 patients, as Vietnam has introduced a law that if</p> <p>9 passed, will allow people to, legally, make a gender</p> <p>10 transition.</p> <p>11 Q. Other than that one revision, is there</p> <p>12 any other revision that needs to be made to your</p> <p>13 C.V.?</p> <p>14 A. No.</p> <p>15 MR. SHARMA: Mr. Gonzalez, if we can get an</p> <p>16 updated version, I'd request that on the record.</p> <p>17 MR. GONZALEZ-PAGEN: Yup.</p> <p>18 BY MR. SHARMA:</p> <p>19 Q. With respect to your publication</p> <p>20 history, doctor, does the C.V. list all of your</p> <p>21 publications?</p> <p>22 A. Yes.</p>	
0	<p>1 more conclusive.</p> <p>(Whereupon, Deposition Exhibit</p> <p>2 No. 1 was marked for</p> <p>3 identification.)</p> <p>4 BY MR. SHARMA:</p> <p>5 Q. Okay. Doctor, you've been shown what's</p> <p>6 been marked for identification Exhibit No. 1.</p> <p>7 And when you're ready to speak about</p> <p>8 it, please let me know.</p> <p>9 A. I'm ready.</p> <p>10 Q. Can you identify this document?</p> <p>11 A. Yes. It's my Curriculum Vitae.</p> <p>12 Q. Is it the most up-to-date version of your</p> <p>13 C.V.?</p> <p>14 A. No, it is not.</p> <p>15 Q. Okay. And when was your C.V. revised?</p> <p>16 A. Um, two weeks ago.</p> <p>17 Q. And what were the revisions that were made</p> <p>18 two weeks ago?</p> <p>19 A. Two weeks ago an additional presentation</p> <p>20 was added to my C.V.</p> <p>21 Q. And what presentation was that?</p>	2	<p>1 Q. And is there a particular publication</p> <p>2 that's germane to work in this case?</p> <p>3 A. There's no one particular publication.</p> <p>4 I would say that all of my</p> <p>5 publications inform my knowledge of a subject.</p> <p>6 Q. Okay. Doctor, I'd like to switch gears</p> <p>7 for a second and talk to you about your testimony in</p> <p>8 other cases in the last four years.</p> <p>9 A. (Nodding.)</p> <p>10 Q. Do you recall which cases you testified in</p> <p>11 the last four years?</p> <p>12 A. Yes.</p> <p>13 Q. What are they?</p> <p>14 A. I testified in Monroe v. Jeffries, which</p> <p>15 is a class action suit. I testified in Soneeya.</p> <p>16 Soneeya is S-O-N-E-E-Y-A and I believe it's v.</p> <p>17 Turco, T-U-R-C-O in the state of Massachusetts.</p> <p>18 Edno, and I believe that's</p> <p>19 E-D-N-O v. The Idaho Department of Corrections.</p> <p>20 I testified in, if I were allowed to</p> <p>21 look at my report, I believe that the names of those</p> <p>22 are in there. The Monroe v. Jeffries is recent.</p>

Conducted on February 11, 2020

<p>1 MR. SHARMA: Can you mark this? 2 (Whereupon, Deposition Exhibit 3 No. 2 was marked for 4 identification.) 5 BY MR. SHARMA: 6 Q. Doctor, you've been handed what's been 7 marked as Exhibit Number 2. 8 Can you identify this for the record 9 before we go over the list of cases? 10 A. Yes. 11 Q. What is it? 12 A. This is a report I wrote which includes 13 13 cases in which I testified at trial or by 14 14 deposition. 15 Q. So just for clarification, this is your 16 expert report in the current case of Eller versus 17 Board of Education? 18 A. Yes. 19 Q. And does the second page refresh your 20 memory as to the cases in the last four years that 21 you've testified in? 22 A. Yes. With the inclusion of the Monroe V</p>	<p>1 Q. And, well, let me ask you this first 2 before we go through these cases. 3 There any other cases with the 4 exception of the Monroe case that you've testified 5 in the last four years, beside what's listed on page 6 two of your expert report? 7 A. I'm sorry. Would you ask me that again. 8 Q. Sure. Are there any other cases that 9 you've testified in the last four years, other than 10 what's listed here on page two and the Monroe case 11 which you've just described? 12 A. No. 13 Q. Okay. Are there any other cases in the 14 last four years where you prepared a report, but did 15 not end up testifying? 16 A. Yes. 17 Q. And which cases are those? 18 A. Um, there's several cases. 19 Q. Do you recall them? 20 A. I do. 21 Q. I'd like to go through the list. 22 A. I don't recall them all, but --</p>
<p>1 Jeffries case in Illinois. 2 Q. And when was that testimony in the Monroe 3 case? 4 A. It was in the summer of 2019. I don't 5 recall the exact date. 6 Q. Was it after your preparation of this 7 report? 8 A. Yes, it was. 9 Q. Okay. We can go through these cases 10 together. The Soneeya versus Turco case. It says 11 District of Massachusetts in 2019. 12 What was that case about to the best 13 of your recollection? 14 A. It's regarding a prisoner who is suing the 15 15 correctional facility for lack of adequate 16 16 treatment. 17 Q. Based on what? 18 A. Based on the standards of care for gender 19 19 dysphoria. 20 Q. And you testified on behalf of the 21 Plaintiff in that case? 22 A. That's correct.</p>	<p>1 Q. Okay. 2 A. -- I can recall some of them. 3 Q. Sure. The ones that you can recall, 4 please? 5 A. And the question is where I gave a report 6 6 but did not testify. 7 Q. Sure. 8 A. Okay. Um, in Arizona, Yavapai County, the 9 9 case is -- I don't recall the name of the Plaintiff 10 10 in the case. It was a Yavapai County case. And I 11 11 issued a report. But I did not testify. 12 Similarly, in a case in Idaho, I 13 13 issued a report. And that was also a case against 14 14 the Idaho Department of Corrections, and I did not 15 15 testify. 16 There is an arrest case where I will 17 17 testify, and I've written a report, but I have not 18 18 yet scheduled the deposition. 19 Q. Which case is that? 20 A. Rose -- no. It's Allegheny County. And 21 21 again, I can't remember the name of the Plaintiff, 22 22 it's in Allegheny County in Pennsylvania.</p>

1 Q. Okay.
 2 **A. Um, I'm struggling to remember the other**
 3 **cases where's I've given a report.**
 4 **In the past four years are you**
 5 **asking?**
 6 Q. Yes, ma'am.
 7 **A. Okay. Um, I gave a report in a case where**
 8 **several individuals are suing the -- a Connecticut**
 9 **insurance company. And I issued a report in that**
 10 **case.**
 11 **I issued a report in a case, um,**
 12 **against the health and human services case.**
 13 **I issued a report -- would this**
 14 **include declarations and affidavits as well?**
 15 Q. I'm just interested in reports.
 16 **A. Okay. In reports, I, in the past four**
 17 **years, I issued a report in a case in Minnesota**
 18 **against a railway company.**
 19 **I issued a report in California**
 20 **where a prisoner was suing the California Department**
 21 **Corrections. Also, in the state of Colorado, the**
 22 **same situation.**

1 **I issued a report in a case in New**
 2 **Mexico, and a case in Oregon.**
 3 **And there may be others that I'm not**
 4 **recalling at the moment.**
 5 Q. Okay. Thank you.
 6 Doctor, the case in Arizona that you
 7 referenced, is that a federal case or a state court
 8 case?
 9 **A. No, I'm not sure.**
 10 Q. And what is the nature of the case, if you
 11 can tell me, if you recall?
 12 **A. An individual killed their grandmother and**
 13 **was a young, relatively young adult. And I was**
 14 **asked to evaluate his mental health.**
 15 Q. Okay. And what was the subject matter of
 16 your testimony -- of your report. I'm sorry?
 17 **A. The subject matter was that he had several**
 18 **mental illness.**
 19 Q. Was he transgender?
 20 **A. Yes. Although he had not had any medical**
 21 **or surgical interventions.**
 22 Q. And did you testify on behalf of the

1 Plaintiff or Defendant?
 2 **A. I didn't testify.**
 3 Q. I'm sorry. Did you issue the report on
 4 behalf of the Plaintiff or the Defendant?
 5 **A. On behalf of the -- yeah, the public**
 6 **defender contacted me.**
 7 Q. Okay. So this was a criminal case?
 8 **A. Yes.**
 9 Q. And do you know why you haven't testified
 10 in that case yet?
 11 **A. They said --**
 12 MR. GONZALEZ-PAGEN: Objection.
 13 BY MR. SHARMA:
 14 Q. Is it an ongoing case?
 15 **A. It is an ongoing case.**
 16 Q. Do you except to testify in that case?
 17 **A. I don't.**
 18 MR. GONZALEZ-PAGEN: Objection.
 19 BY MR. SHARMA:
 20 Q. Do you know why?
 21 **A. The public defender contacted me and said**
 22 **it wouldn't be -- they would not need my testimony.**

1 **But I wasn't given an explanation.**
 2 Q. The Idaho case that you referenced against
 3 the department of corrections?
 4 **A. Yes.**
 5 Q. Is that a state court matter or federal
 6 court?
 7 **A. State court.**
 8 Q. And is it ongoing?
 9 **A. I believe that case has been resolved.**
 10 Q. What was the subject matter of the
 11 case?
 12 **A. It was a transgender individual who had**
 13 **transitioned socially and required hormones and was**
 14 **not receiving them.**
 15 Q. And what was the subject matter of your
 16 report?
 17 **A. To evaluate the client, determine if she**
 18 **met the criteria for gender dysphoria, if hormones**
 19 **were medically indicated, what other treatments were**
 20 **medically indicated, was she stable enough to**
 21 **receive medical intervention. And if so, what**
 22 **should the appropriate intervention be.**

1 Q. And was that on behalf of the Plaintiff or
2 the Defendant?
3 **A. Plaintiff.**
4 Q. And you indicated the case resolved?
5 **A. Yes.**
6 Q. The case in Allegheny County, was that a
7 federal case, or is that a state court case?
8 **A. State.**
9 Q. Is it pending?
10 **A. Pending.**
11 Q. And you indicated that you expect to
12 testify?
13 **A. I will testify. I'll give a deposition.**
14 Q. What's the subject matter of the case?
15 **A. Is it permissible to talk about a case
16 where I haven't, um –**
17 Q. Well, I just asked you about the subject
18 matter. I assume it's a public document that's been
19 filed in court, correct?
20 MR. GONZALEZ-PAGEN: Just an instruction. If
21 there is a confidentiality order, I'm instructing
22 the witness not to answer.

1 Otherwise, feel free to answer.
2 THE WITNESS: Okay. The subject matter is a
3 trans-woman who had been completely hormonally
4 reassigned and was living as a woman for years, was
5 sent to jail.
6 And she was sent to a men's jail.
7 Asked to be put in protective custody because she
8 was fearful of being housed with men.
9 And she was put in a cell with a
10 known sex offender who proceeded to rape her
11 repeatedly before she was able to notify her public
12 defender that she was in the situation.
13 Q. As to your report, what was the subject
14 matter?
15 **A. The subject matter was that she had been
16 sexually abused. That she was, for all intents
17 and purposes, female, and that she had suffered
18 emotional distress and had PTSD as a result of that
19 experience.**
20 Q. In this case, have you been retained by
21 the Plaintiff or the Defendant?
22 **A. By the Plaintiff.**

1 Q. You mentioned a case in Connecticut?
2 **A. Yes.**
3 Q. Is that an ongoing case, or is that case
4 resolved?
5 **A. It's an ongoing case.**
6 Q. Is it in state or federal court?
7 **A. I don't know.**
8 Q. And what is the subject matter of that
9 case?
10 **A. The subject matter of that case is an
11 insurance company's refusal to consider a particular
12 aspect of care as medically necessary for gender
13 dysphoria.**
14 Q. And you were retained by the Plaintiff in
15 that case?
16 **A. Plaintiffs, yes.**
17 Q. Plaintiffs?
18 **A. Yes.**
19 **I'm also recalling I wrote a report
20 in a case in Washington state.**
21 Q. What was the subject matter of your report
22 in the Connecticut case?

1 **A. I believe that's the case I just
2 described. The necessity of treatment for gender
3 dysphoria.**
4 Q. You mentioned a case about HHS, Health and
5 Human Services. Do you know what jurisdiction that
6 case was pending in?
7 **A. No, I don't.**
8 Q. Is it a federal case?
9 **A. I don't recall.**
10 Q. What is the subject matter of the case?
11 **A. Again, it was about, I believe, insurance
12 coverage.**
13 Q. And what was your report?
14 **A. The necessity for medically indicated care
15 for the serious condition, medical condition, of
16 gender dysphoria.**
17 Q. Is that case ongoing?
18 **A. I'm not sure.**
19 Q. And you were retained by the Plaintiff
20 in that case?
21 **A. Yes. But again, there might have been
22 multiple Plaintiffs. I don't recall.**

Conducted on February 11, 2020

<p>1 Q. You mentioned a case in Minnesota against 2 a railroad company?</p> <p>3 A. Yes.</p> <p>4 Q. Is that a case in state or federal court?</p> <p>5 A. That case was in state and settled.</p> <p>6 Q. What was the subject matter of the case?</p> <p>7 A. Plaintiff suing a railroad company for 8 wrongful termination.</p> <p>9 Q. And was it on the basis of transgender 10 status?</p> <p>11 A. Yes. I'm also recalling that I did 12 testify in a deposition in Illinois that is not 13 listed here.</p> <p>14 Q. Okay.</p> <p>15 A. And that was a case where the Plaintiffs 16 were suing the State of Ohio for an inability to 17 change identity documents.</p> <p>18 Q. I'm sorry, I'm confused. Are you speaking 19 of the case in Illinois where you did testify?</p> <p>20 A. I testified in Illinois about a case in 21 Ohio. Taking place in Ohio.</p> <p>22 Q. I'll get to that in a moment.</p>	<p>1 and ultimately she was fired.</p> <p>2 Q. You opined in that Minnesota case that the 3 Plaintiff was discriminated against based on her 4 transgender status?</p> <p>5 A. Yes.</p> <p>6 Q. How were you able to make that opinion?</p> <p>7 A. Review of medical records and interview of 8 the patient.</p> <p>9 Q. Is that within the scope of your 10 expertise?</p> <p>11 A. Yes.</p> <p>12 Q. How so?</p> <p>13 A. Emotional distress that she had.</p> <p>14 Q. I apologize. Let me ask a better question 15 as to the discrimination.</p> <p>16 A. Yes.</p> <p>17 Q. That she did suffer discrimination that's 18 what I intended to ask. I apologize.</p> <p>19 MR. GONZALEZ-PAGEN: Objection.</p> <p>20 THE WITNESS: By the documentation of the 21 employers and of the medical records and her 22 accounts of what had occurred.</p>
<p>1 Thank you for telling me.</p> <p>2 A. I forgot to mention that.</p> <p>3 Q. I appreciate that.</p> <p>4 I think where we left off was the 5 Minnesota case. And you said -- you're telling me 6 there were Plaintiffs -- you were retained by the 7 Plaintiffs in that case and that case settled.</p> <p>8 A. Yes.</p> <p>9 MR. GONZALEZ-PAGEN: Objection.</p> <p>10 BY MR. SHARMA:</p> <p>11 Q. And I'm sorry if I asked this, but what 12 was the subject of your report in the Minnesota 13 case?</p> <p>14 A. That the patient was wrongfully 15 terminated, although she did not have any grounds 16 for termination, it appeared, and was being 17 discriminated against because of her transgender 18 status.</p> <p>19 Q. And that was your opinion in your report?</p> <p>20 A. That was my opinion in my report. 21 Not that she was wrongfully 22 terminated. But that she was discriminated against</p>	<p>1 BY MR. SHARMA:</p> <p>2 Q. Okay.</p> <p>3 A. I would like to say that I have a list on 4 my computer of all the cases that I have either 5 testified in or written a report in or have been 6 retained as an expert in, which I can supply to 7 you.</p> <p>8 Q. Great.</p> <p>9 MR. SHARMA: If not, I'll make the formal 10 request on the record to Mr. Gonzales, if he can get 11 that to us.</p> <p>12 MR. GONZALEZ-PAGEN: If we can get a formal 13 request first, I'm happy to provide it.</p> <p>14 MR. SHARMA: Okay.</p> <p>15 BY MR. SHARMA:</p> <p>16 Q. As to the California case where the 17 Department of Corrections were sued, is that a state 18 court case?</p> <p>19 A. Yes.</p> <p>20 Q. Is it pending?</p> <p>21 A. No, it settled.</p> <p>22 Q. And what was the subject of the case?</p>

29

1 **A. It was an individual who was in need of**
2 **medical treatment for gender dysphoria, which he was**
3 **not receiving.**
4 **And I interviewed him, confirmed a**
5 **diagnosis of gender dysphoria. He was released.**
6 Q. Okay. And were you retained by the
7 Plaintiffs in that case?
8 **A. Yes, it was actually a university that**
9 **retained me.**
10 Q. You mentioned a case in Colorado. Do you
11 recall that?
12 **A. Yes.**
13 Q. Is that a state court case or a federal
14 case?
15 **A. That, I believe, was a state court case.**
16 Q. Is it pending?
17 **A. No, that case settled.**
18 Q. What was the subject of that case?
19 **A. A similar case. It was a prisoner who was**
20 **not receiving adequate care for gender dysphoria.**
21 Q. And what was the subject of your report?
22 **A. Document the diagnosis of gender**

30

1 **dysphoria, determining whether or not a client was**
2 **stable enough for the requisite procedures, and**
3 **opining on what the medically indicated treatment**
4 **would be.**
5 Q. And you were retained by the Plaintiffs in
6 that matter?
7 **A. Yes. It was, again, a university, a law**
8 **college.**
9 Q. You also mentioned a case in New Mexico?
10 **A. Yes.**
11 Q. Is that a state court case or a federal
12 case?
13 **A. I believe it was a state court case.**
14 Q. Is it pending, or has that been
15 resolved?
16 **A. It's been resolved.**
17 Q. And what was the subject matter of that
18 case?
19 **A. Similar case. It was a prisoner who was**
20 **not receiving appropriate care.**
21 Q. And what was the subject of your report?
22 **A. To assess the individual, see if they**

3

1 **met the criteria for gender dysphoria, see if**
2 **dysphoria was severe enough to require the**
3 **treatments that the individual was requesting, and**
4 **opine as to what would be the adequate care for the**
5 **individual.**
6 Q. Okay. And were you retained by the
7 Plaintiff in that case?
8 **A. Yes.**
9 Q. You mentioned a case in or Oregon?
10 **A. Yes.**
11 Q. Was that a state court matter or a federal
12 case?
13 **A. State court.**
14 Q. Is it pending?
15 **A. Resolved.**
16 Q. What was the subject matter of that case?
17 **A. Subject was an individual who was**
18 **requesting hormones for gender dysphoria. Again,**
19 **needed to be evaluated.**
20 Q. And the subject of your report?
21 **A. Similar to the previous.**
22 Q. And you were retained by the Plaintiff in

32

1 that matter?
2 **A. Yes.**
3 Q. And I think finally you mentioned a case
4 in Washington state?
5 **A. Yes.**
6 Q. Was that in state or federal court?
7 **A. State court.**
8 Q. Is it pending, or is it resolved?
9 **A. I don't know.**
10 Q. And what was the subject of that case?
11 **A. This is an individual who requires surgery**
12 **for gender dysphoria, for severe gender dysphoria,**
13 **and needed the documentation as to whether or not**
14 **they met the standard of care for that**
15 **intervention.**
16 Q. And that was the subject of your report?
17 **A. Yes.**
18 Q. And you were retained by the Plaintiff in
19 that matter?
20 **A. Yes. By Plaintiff's attorneys actually,**
21 **yes.**
22 Q. Sure. And with the exception of any other

Conducted on February 11, 2020

33

1 case that's on your list that you may have, I think
 2 that's all the cases that you mentioned?
 3 **A. There may be more that I'm not**
 4 **remembering.**
 5 Q. Okay. I'd like to switch over to the
 6 cases in which you did testify either at deposition
 7 or trial.
 8 **A. Yes.**
 9 Q. So maybe we can start with these cases on
 10 page two of your report of Soneeya versus Turco, a
 11 District Case, Federal District case in
 12 Massachusetts in 2019.
 13 Could you tell me the subject of
 14 that case?
 15 **A. I was a court appointed expert in that**
 16 **case.**
 17 Q. What kind of case was it?
 18 **A. It was a case where a prisoner was**
 19 **receiving inadequate, actually at times harmful,**
 20 **inappropriate treatment, gender dysphoria, was**
 21 **suing the Department of Corrections of Massachusetts**
 22 **and the case had been going on for probably a**

34

1 **decade.**
 2 **And the judge finally determined**
 3 **that they needed another -- a different expert**
 4 **and the Court appointed me as the expert in this**
 5 **case.**
 6 Q. On behalf of the prisoner?
 7 **A. Yes.**
 8 Q. And is that case pending or is it
 9 resolved?
 10 **A. I testified at deposition and trial. I**
 11 **don't know the outcome.**
 12 Q. The next case listed here, Edmo versus
 13 Idaho Department of Corrections. It looks like this
 14 is a federal case in 2018.
 15 Do you know if that's resolved or is
 16 it pending?
 17 **A. It was resolved and appealed.**
 18 Q. And what was the subject of that case?
 19 **A. Edmo was requesting medically necessary**
 20 **surgery, which the department was refusing to**
 21 **provide.**
 22 Q. Okay. And the subject of your testimony?

35

1 **A. Myself and others evaluated Edmo to**
 2 **determine whether she really did require surgical**
 3 **intervention. And that was the subject of my**
 4 **report.**
 5 Q. On behalf of the Plaintiff?
 6 **A. Yes.**
 7 Q. And was that a deposition, trial or both?
 8 **A. Both.**
 9 Q. The next case listed is Carillo versus
 10 U.S. Department of Justice?
 11 **A. Yes.**
 12 Q. And this, it looks like, an Office of
 13 Immigration proceeding. Do you know if that's
 14 pending?
 15 **A. That's resolved.**
 16 Q. And what was the subject of that case?
 17 **A. Asylum.**
 18 Q. And what was the subject of your
 19 testimony?
 20 **A. That the individual was indeed in need of**
 21 **protection. And if they were to be returned to**
 22 **their country, they would likely be executed.**

36

1 Q. What was the individual in need of
 2 protection?
 3 **A. She had been -- several of her colleagues**
 4 **have been killed, exterminated, for refusing to**
 5 **carry drugs in her Central American home.**
 6 **And she had been threatened that she**
 7 **would be killed if she wouldn't serve as the drug**
 8 **carrier and so she fled her country.**
 9 Q. Did the Carillo case have to deal with a
 10 transgender person at all?
 11 **A. She is transgender.**
 12 Q. And was asylum granted?
 13 **A. Yes.**
 14 Q. And you were retained on behalf of the
 15 Plaintiff in that matter?
 16 **A. That's correct.**
 17 Q. Or petitioner?
 18 **A. That's correct.**
 19 Q. Next case listed, Broussard versus First
 20 Tower Loan, Eastern District of Louisiana. 2016.
 21 Do you know if that's pending?
 22 **A. I believe that case is resolved.**

Conducted on February 11, 2020

37

1 Q. And what was the case about?

2 A. **That case was about an employee,**

3 **transgender man who was terminated from work for**

4 **not wearing -- for not following the female dress**

5 **code.**

6 Q. And what was the nature or subject of your

7 testimony?

8 A. **That for a man to wear a dress to work**

9 **would be demeaning and really not viable for that**

10 **individual.**

11 Q. And were you retained on behalf of the

12 Plaintiff?

13 A. **Yes.**

14 Q. Next case is Faiella versus American

15 Medical Response of Connecticut?

16 A. **Yes.**

17 Q. Looks like a state court case from 2015,

18 do you know if that's pending?

19 A. **That's been resolved.**

20 Q. And what was the subject of that case?

21 A. **Faiella was -- is a transgender man who**

22 **was badly mistreated in the workplace and developed**

38

1 **severe post-traumatic stress disorder as a result**

2 **and would require medical interventions.**

3 **And I testified just about, without**

4 **interviewing him, just about how the discrimination**

5 **in the workplace could, in fact, lead to the kind of**

6 **sequelae that he experienced.**

7 Q. Was that testimony at deposition or

8 trial?

9 A. **Yes. Deposition.**

10 Q. And I apologize for going backwards. The

11 Broussard case, was that deposition or trial

12 testimony or both?

13 A. **Trial.**

14 Q. What about the Carillo case?

15 A. **Yes. It's a trial.**

16 Q. Thank you. And in the Faiella case that

17 was -- you were retained by the Plaintiff in that

18 matter?

19 A. **Yes.**

20 Q. Okay. You also listed Kothmann versus

21 Rossario?

22 A. **Correct.**

39

1 Q. What was that case about?

2 A. **Kothmann was a transgender man who entered**

3 **a prison system in Florida and had been living as a**

4 **man for many years, receiving testosterone and had**

5 **no reproductive organs, meaning that he could not**

6 **secrete hormones and needed to have them**

7 **exogenously.**

8 **When he entered the prison he was**

9 **denied hormones and became very ill.**

10 **And when he was released a year**

11 **later, he had a heart attack and is disabled.**

12 Q. And what was the nature of your

13 testimony?

14 A. **That the cessation, abrupt cessation of**

15 **hormones in the absence of organs that secrete**

16 **hormones, would cause -- could cause**

17 **life-threatening or serious physiological, as well**

18 **as psychological impairment.**

19 Q. And you were retained by the Plaintiff in

20 that matter?

21 A. **Yes.**

22 Q. Was this at trial or was this an appeal?

40

1 A. **It was a trial.**

2 Q. Okay. And did you testify at trial or at

3 a deposition or both?

4 A. **Deposition. And then I believe it was**

5 **settled.**

6 **Or no. I'm sorry. It wasn't**

7 **settled. But the case was won. There was -- there**

8 **was some Court Order. It wasn't settled, I don't**

9 **believe. But I didn't testify at trial.**

10 Q. Okay. The last two cases I think you

11 mentioned that are not on this list is the Monroe

12 case?

13 A. **Yes.**

14 Q. Class action case?

15 A. **Yes.**

16 Q. Where is that pending?

17 A. **Illinois.**

18 Q. And what's that case about?

19 A. **The case is a lawsuit filed against the**

20 **Illinois Department of Corrections in 40 prisons in**

21 **the state that don't provide adequate medical care**

22 **for gender dysphoric inmates.**

Conducted on February 11, 2020

1 Q. And you've testified at deposition?
2 **A. At a preliminary injunction hearing.**
3 Q. Was the preliminary injunction granted?
4 **A. Yes.**
5 Q. Is this in state or federal court?
6 **A. Um, I'm not sure. East St. Louis. But I**
7 **don't know if that's state or federal court.**
8 Q. And were you retained by the Plaintiffs in
9 that case?
10 **A. Yes.**
11 Q. And then I think you mentioned another
12 Illinois case that has to do with Ohio?
13 **A. The deposition took place in Illinois.**
14 **But the case was several Plaintiffs**
15 **suing Ohio for the refusal to alter identity**
16 **documents, birth certificates.**
17 Q. Is that a state court matter or a federal
18 case?
19 **A. State, I believe.**
20 Q. And it's pending?
21 **A. I'm not certain.**
22 Q. And did you testify at deposition, trial

1 or both?
2 **A. Deposition.**
3 Q. Were you retained by the Plaintiff?
4 **A. Yes.**
5 Q. Have you been the subject of any motions
6 to exclude your testimony?
7 **A. No.**
8 Q. Have you ever been -- failed to qualify or
9 disqualified by a judge in a case as an expert
10 witness?
11 **A. No.**
12 Q. And in what fields have you been qualified
13 to be an expert witness in by a judge.
14 **A. I don't know.**
15 Q. You don't know?
16 **A. No, I know I'm a clinical and forensic**
17 **psychologist.**
18 Q. How much time do you spend time serving as
19 an expert professionally?
20 MR. GONZALEZ-PAGEN: Objection.
21 THE WITNESS: That would depend year-to-year.
22 I maintain a private practice. I do

1 research. I supervise other psychologists.
2 So testifying is a portion of my
3 work activity and varies from year to year.
4 It was quite busy with the class
5 action suit. Took up quite a bit of time.
6 Q. So in 2019, what portion of you're being
7 an expert witness took up your work activity?
8 **A. In 2019.**
9 MR. GONZALEZ-PAGEN: Objection. Form.
10 THE WITNESS: Would you repeat the question.
11 BY MR. SHARMA:
12 Q. Yeah. What portion of your time was spent
13 as an expert witness in 2019?
14 **A. In 2019 I would say I would estimate 35 to**
15 **1540 percent.**
16 Q. Okay. What about in 2018?
17 **A. Maybe 25 percent.**
18 Q. Okay. And your recollection about 2017?
19 **A. I can't recall.**
20 Q. You said you supervise psychologists?
21 **A. Yes.**
22 Q. In what capacity?

1 **A. As a psychotherapist.**
2 Q. How many psychologists do you supervise?
3 **A. I do a group. I supervise several, a**
4 **group of three senior psychologists. And I also do**
5 **individual supervision when people request it.**
6 Q. Do these psychologists work for you?
7 **A. No.**
8 Q. Who do they work for?
9 **A. They are either self-employed or two of**
10 **them work at a Chicago counseling center.**
11 Q. I'm just trying to figure out how is it
12 that you actually supervise them if they don't work
13 for you?
14 **A. They come to my office. And they present**
15 **troubling cases, which we discuss.**
16 Q. Thank you.
17 And you said you're also in private
18 practice?
19 **A. Correct.**
20 Q. How many patients do you have?
21 **A. That varies from week to week.**
22 Q. On average?

Conducted on February 11, 2020

45

1 **A. On average --**
 2 Q. If you know?
 3 **A. -- this week I'll see ten patients because**
 4 **today is, obviously, not a day when I'll be seeing**
 5 **patients.**
 6 Q. And out of the ten patients, how many are
 7 transgender?
 8 **A. Four.**
 9 Q. And this is in your office in Evanston?
 10 **A. Correct.**
 11 Q. Do you need a break, or are you okay?
 12 **A. I'm okay. I will need a break shortly**
 13 **just to let you know.**
 14 Q. Just let me know.
 15 Doctor, have you worked with Lambda
 16 Legal in the past?
 17 **A. Yes.**
 18 Q. How so?
 19 **A. Lambda Legal has retained me in the past**
 20 **in some cases where I've issued reports, and in the**
 21 **Ohio case where I gave the deposition.**
 22 Q. Okay. And is there a particular point of

46

1 contact that you have at Lambda Legal, or does it
 2 vary from case to case?
 3 MR. GONZALEZ-PAGEN: Objection.
 4 THE WITNESS: I don't have any particular
 5 point of contacts.
 6 BY MR. SHARMA:
 7 Q. What about Arnold & Porter, do you have
 8 any relationship with them or have you worked with
 9 them in the past?
 10 **A. No.**
 11 Q. And this is your first time working with
 12 Arnold & Porter?
 13 **A. Yes. As far as I know.**
 14 Q. Do you advertise your services as an
 15 expert witness?
 16 **A. No.**
 17 Q. How do people come to know you, to retain
 18 you as an expert witness, if you know?
 19 MR. GONZALEZ-PAGEN: Objection.
 20 THE WITNESS: I imagine word of mouth.
 21 BY MR. SHARMA:
 22 Q. Do you belong to any expert witness

47

1 databases or services?
 2 **A. Not that I subscribe to or that I**
 3 **contribute to.**
 4 Q. Have you ever testified as an expert
 5 witness on behalf of a Defendant in any matter?
 6 **A. Yes.**
 7 Q. How many times?
 8 **A. In the past, quite a few times.**
 9 Q. In what capacity?
 10 **A. As an expert in emotional damages,**
 11 **malingering, for example.**
 12 Q. How about transgender cases involving a
 13 transgender person?
 14 **A. Yes.**
 15 Q. Does any case stand out to you?
 16 **A. Yes.**
 17 Q. Which one?
 18 **A. Transgender person was attempting to**
 19 **sue a physician who had performed a procedure on**
 20 **her. And I was retained as the expert by the**
 21 **Defendant -- by the defense.**
 22 Q. What about testifying on behalf of the

48

1 defense in a case involving a transgender person and
 2 PTSD?
 3 **A. No.**
 4 Q. What about testifying on behalf of a
 5 Defendant in a case involving a transgender person
 6 and gender dysphoria?
 7 **A. I'm sorry. I don't understand that**
 8 **question.**
 9 Q. Maybe it's a poor question. I apologize.
 10 Have you ever testified on behalf of
 11 a Defendant in a case involving gender dysphoria?
 12 **A. Yes, in the case I just mentioned.**
 13 Q. Is that the only case?
 14 **A. In the Arizona case, I testified on behalf**
 15 **of the Plaintiff. But I wasn't convinced that the**
 16 **patient had gender dysphoria.**
 17 Q. In the Yavapai case?
 18 **A. Correct.**
 19 Q. And in that case, if my notes tell me
 20 correctly, you were retained by the public
 21 defender?
 22 **A. Correct.**

Conducted on February 11, 2020

1 Q. And that was a criminal case, right?
2 A. Yes.
3 Q. Has there been a civil case in which you
4 testified on behalf of defense involving gender
5 dysphoria?
6 MR. GONZALEZ-PAGEN: Objection. Asked and
7 answered.
8 THE WITNESS: The one that I spoke about.
9 BY MR. SHARMA:
10 Q. The -- oh. In which case was it again? I
11 apologize.
12 A. **It was a medical malpractice case.**
13 Q. Thank you.
14 When were you first contacted about
15 this case?
16 A. **Prior to July of 2019 when I evaluated**
17 **Ms. Eller.**
18 Q. Ms. Eller. Okay.
19 And who contacted you?
20 A. **I'm -- I believe it was this gentleman**
21 **(indicating).**
22 Q. Mr. Gonzalez?

1 A. Yes.
2 Q. And did he initiate the contact with
3 you?
4 A. Yes.
5 Q. And what did he tell you about the case?
6 MR. GONZALEZ-PAGEN: Objection. Privilege.
7 THE WITNESS: I don't recall exactly what he
8 told me about the case. I remember that it would
9 involve my evaluating a person out of state for
10 trauma.
11 BY MR. SHARMA:
12 Q. Did he indicate to you that he wanted to
13 retain you as an expert witness for Ms. Eller?
14 A. Yes.
15 Q. On this first contact?
16 A. **I don't recall if that was on the first**
17 **contact.**
18 Q. What you were initially told about the
19 case, and Ms. Eller, in particular, to the best of
20 your recollection.
21 A. **To the best of my recollection, that she**
22 **has been a teacher and employed and was no longer**

1 **teaching, due to harassment. And that she was a**
2 **transgender woman.**
3 Q. Okay. Did you have any -- did you have
4 any impressions of what was told to you by
5 Mr. Gonzalez?
6 Was that something you thought "I
7 can help. It's up my alley. I can help. This is
8 up my alley. I can be an expert witness."
9 What were your impressions then?
10 MR. GONZALEZ-PAGEN: Objection. Form.
11 Compound. Confusing.
12 THE WITNESS: I think my impression would be
13 how soon would an evaluation of this individual need
14 to take place and am I available to do that.
15 BY MR. SHARMA:
16 Q. I see.
17 A. **That was my impression.**
18 Q. Okay. Were you provided with any
19 documents?
20 A. **Ultimately, yes.**
21 Q. When was that?
22 A. **After a letter of retention had been**

1 **signed.**
2 Q. And what documents were you provided after
3 the letter of retention was signed?
4 A. **Mental health and medical records.**
5 THE WITNESS: And now I am going to ask for a
6 brief trip to the bathroom.
7 MR. SHARMA: Sure. We can go off the record.
8 (Whereupon, a discussion was
9 had off the record.)
10 (Whereupon, a short break was
11 taken.)
12 MR. SHARMA: Go back on.
13 BY MR. SHARMA:
14 Q. Doctor, when we left off, I was asking
15 about the documents you were provided. You were
16 giving me a description of the documents that were
17 given to you.
18 A. **For this case?**
19 Q. Yes.
20 A. **Medical and mental health records.**
21 Q. Do you specifically recall which records
22 you were provided with?

Conducted on February 11, 2020

53

55

1 **A. Records from a clinic that Ms. Eller**
2 **attended, records from her hospitalization at**
3 **Georgetown, records from her current treating**
4 **therapist. I believe those were the records,**
5 **medical records I was provided with.**

6 Q. Were you provided with records from
7 Whitman-Walker Clinic?

8 **A. Yes.**

9 Q. Was that the clinic you were referring
10 to?

11 **A. Yes.**

12 Q. I apologize. Were you provided with the
13 complaint?

14 **A. Yes.**

15 Q. Any other documents?

16 **A. I was provided, recently, with two**
17 **deposition documents.**

18 Q. Transcripts?

19 **A. Yes.**

20 Q. Of whom?

21 **A. Of Ms. Eller and of the doctor, Dr.**
22 **Cephas.**

54

1 Q. Okay. Those took place last week.
2 So they were provided to you after
3 you prepared your rebuttal expert report in this
4 case; is that correct?

5 **A. Yes.**

6 Q. What arrangements did you come to
7 regarding your fees and Plaintiff's counsel?

8 **A. I'm sorry. I don't understand the**
9 **question.**

10 Q. Are you being compensated for your
11 services?

12 **A. Yes.**

13 Q. In what amount?

14 **A. \$375 for any pre-testimony work and \$500**
15 **for testifying.**

16 Q. And to date, how much have you billed for
17 your services?

18 **A. I'm not exactly sure.**

19 **Not including my out-of-pocket**
20 **expenses for my flight to interview the client, et**
21 **cetera, I would say under \$10,000 to date.**

22 Q. And certainly not including your

1 preparation for today?

2 **A. Correct.**

3 Q. What was your general understanding of
4 your assignment in this case?

5 **A. To evaluate Ms. Eller and to determine if**
6 **she had suffered as a result of treatment in her**
7 **workplace. And if so, to what extent.**

8 Q. Did you request any additional materials
9 from Plaintiff's counsel, other than what you were
10 provided with?

11 **A. Not that I recall.**

12 Q. You indicated that you interviewed
13 Ms. Eller?

14 **A. Yes.**

15 Q. Was that at the same time that you
16 performed your evaluation of her, or was it a
17 separate occasion?

18 **A. I performed a clinical interview and did**
19 **psychodiagnostic testing at the same time on one**
20 **occasion.**

21 Q. And you only met Ms. Eller on one
22 occasion?

56

1 **A. Yes.**

2 Q. Did you personally do all the work that
3 led to your opinions in this case?

4 **A. I'm sorry. Would you repeat that?**

5 Q. Sure. Did you personally do all the work
6 that led to your opinions in this case?

7 **A. Yes.**

8 Q. Okay. What generally, did you do to
9 render your opinions in this case? What did the
10 process consist of -- or your process?

11 MR. GONZALEZ-PAGEN: Object to the form.

12 THE WITNESS: Counsel, can you use a word
13 other than "process?" I'm not sure what you mean by
14 that.

15 BY MR. SHARMA:

16 Q. You mentioned an assessment of Ms. Eller?

17 **A. Yes.**

18 Q. Did you do anything else besides assess
19 Ms. Eller to prepare your opinions?

20 MR. GONZALEZ-PAGEN: Objection. Form.

21 THE WITNESS: Are you asking what my opinions
22 are based on?

Conducted on February 11, 2020

57

59

1 MR. SHARMA: Not quite. We're not there yet.
 2 So let me try to move this along and
 3 I apologize.
 4 BY MR. SHARMA:
 5 Q. You interviewed Ms. Eller, and you
 6 performed an assessment of her, correct?
 7 A. Yes.
 8 Q. And where was that done?
 9 A. In some attorney's office, I believe.
 10 Q. Is that a common practice, to perform a
 11 clinical assessment in an attorney's office for
 12 you?
 13 A. Or in a prison or wherever is convenient
 14 in a sort of neutral, quiet, appropriate place to
 15 perform a clinical evaluation.
 16 Q. Okay. And was that at the office of
 17 Arnold & Porter in Washington, D.C.?
 18 A. I don't recall. It was in Washington,
 19 D.C.
 20 Q. Off of Massachusetts Avenue, does that
 21 ring a bell?
 22 A. I don't recall.

58

1 Q. And how long did the interview and
 2 assessment last of Ms. Eller?
 3 A. Three-and-a-half hours plus.
 4 Q. And who was present during the interview
 5 and/or assessment?
 6 A. I recall just Ms. Eller and myself.
 7 Q. Did you take notes?
 8 A. Yes.
 9 Q. And did you perform any type of testing?
 10 A. I did.
 11 Q. What test did you perform?
 12 A. I administered the Beck Anxiety Inventory,
 13 the Beck Depression Inventory 2, the Beck
 14 Hopelessness Scale and the Traumatic System
 15 Inventory 2.
 16 Q. What was the last one, I'm sorry?
 17 A. Traumatic System Inventory 2.
 18 Q. What is the Beck Anxiety Scale?
 19 A. It is a self administered test that the
 20 client fills in herself, describing various
 21 symptoms of anxiety and noting whether she's
 22 experienced them in the past two weeks; and if so,

1 how frequently.
 2 Q. Is it a multiple choice test? Is it
 3 open-ended? What's the form of the actual test?
 4 How would you describe it?
 5 A. I would describe it as an inventory.
 6 Q. Okay. And why did you ask Ms. Eller to
 7 engage in the Beck Anxiety Scale Test?
 8 A. It's part of the typical evaluation, one
 9 of the tests that I would typically use when trying
 10 to determine a person's current psychological
 11 status.
 12 Q. And what were the results of Ms. Eller for
 13 that test?
 14 A. [REDACTED]
 15 [REDACTED]
 16 Q. You mentioned the Beck Depression
 17 Inventory 2?
 18 A. Yes.
 19 Q. What is that?
 20 A. That's a test of various symptoms of
 21 depression.
 22 And again, it's an inventory asking

60

1 individuals to rate whether they have experienced
 2 certain symptoms in the past two weeks, and if so,
 3 to what extent.
 4 Q. [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 Q. Okay. And there was another Beck
 11 Inventory, I believe.
 12 A. Beck Hopelessness.
 13 Q. Beck Hopelessness. I apologize.
 14 What is that?
 15 A. It tests the construct of hopelessness,
 16 which underlies many mental health issues.
 17 Q. And what did the results reveal to you of
 18 that scale -- from that scale?
 19 A. [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]

Conducted on February 11, 2020

6

63

1 Q. And finally, you indicated she underwent
2 the Traumatic Symptom Inventory 2?
3 **A. I administered that test, yes.**
4 Q. What did that consist of?
5 **A. What does that consist of?**
6 Q. Yes.
7 **A. That is an extensive test that measures 12**
8 **different domains of trauma symptomatology and four**
9 **factors and includes validity measures.**
10 Q. And what were the results of the Traumatic
11 System Inventory?
12 **A. [REDACTED]**
13 **[REDACTED]**
14 Q. Any other tests that were administered?
15 **A. No.**
16 Q. Okay. What did you -- how long -- did
17 you interview her first, or did you perform the
18 testing first?
19 **A. Interspersed.**
20 Q. And did you reach any type of conclusion
21 at the end of your assessment interview about
22 Ms. Eller?

62

1 MR. GONZALEZ-PAGEN: Objection.
2 THE WITNESS: I reached a conclusion
3 after reviewing all of the test results, my notes.
4 And that was after the interview that occurred.
5 BY MR. SHARMA:
6 Q. Did you review the medical records prior
7 to your interview with Ms. Eller or after your
8 interview with Ms. Eller?
9 **A. Prior.**
10 Q. Is that your common practice?
11 **A. Yes.**
12 Q. And why is that?
13 **A. Because the mental and medical health**
14 **information gives me a basis of asking questions**
15 **that I may not -- that I may not have an opportunity**
16 **to follow-up on if I were to read the medical**
17 **records later.**
18 Q. Did you, as a part of your -- in order to
19 form your opinions in this case, did you interview
20 any other witnesses?
21 **A. No.**
22 Q. And in order to form your opinions in this

1 case did you review any of deposition transcripts?
2 **A. I reviewed those as I said previously,**
3 **recently.**
4 Q. Subsequent to your expert report,
5 correct?
6 **A. Correct.**
7 Q. And do you have any revisions to make or
8 amendments to your expert reports after reading
9 those transcripts?
10 **A. No.**
11 Q. Are there any tests that you conducted but
12 which do not form a basis for your opinions in this
13 case?
14 **A. I'm sorry. Would you repeat that, please?**
15 Q. Did you perform any other tests that may
16 not have formed a basis for your opinions in this
17 case?
18 MR. GONZALEZ-PAGEN: Objection. Form.
19 THE WITNESS: I'm not sure I understand the
20 question.
21 I only performed the tests that I
22 previously mentioned.

64

1 BY MR. SHARMA:
2 Q. Let me ask it this way: Based on the
3 results of these four tests, did they assist you in
4 formulating your opinion in this case?
5 **A. In some manner they all assist.**
6 Q. Okay. Do you have any other services that
7 you intend to provide in this case in terms of
8 formulating an expert opinion?
9 MR. GONZALEZ-PAGEN: Objection. Form.
10 THE WITNESS: Could you rephrase that please.
11 BY MR. SHARMA:
12 Q. Sure. Other than testifying at trial, if
13 we go to trial, do you intend to perform any other
14 services for Plaintiff's counsel?
15 **A. No.**
16 Q. And your opinions are final?
17 **A. Unless I'm provided additional**
18 **information, my opinions are final.**
19 Q. And are you prepared today to express your
20 opinions?
21 **A. The opinions that I base my report on?**
22 Q. Yes.

Conducted on February 11, 2020

65

67

1 **A. Yes.**
2 Q. Who actually wrote your expert report,
3 Exhibit 2?
4 **A. I wrote my report.**
5 Q. In it's entirety?
6 **A. Yes.**
7 Q. Did you have any assistance from anyone?
8 **A. None.**
9 Q. Did Plaintiff's counsel assist you in
10 drafting the report?
11 MR. GONZALEZ-PAGEN: Objection.
12 THE WITNESS: No. No one assisted me.
13 BY MR. SHARMA:
14 Q. How much time did you spend drafting this
15 report?
16 **A. Several hours.**
17 Q. How many drafts were there of the report?
18 **A. Well, I always create a rough draft,**
19 **reread it, edit, and then add a bibliography later**
20 **on.**
21 Q. Did you provide a rough draft to
22 Plaintiff's counsel in this case?

66

1 Q. Okay. Any other opinions?
2 **A. No, I think those are the major opinions**
3 **that I proffered here.**
4 Q. Okay. Doctor, in layman's terms, what is
5 gender dysphoria?
6 **A. Gender dysphoria is a serious medical**
7 **condition codified in the DSM V and the ICD, where a**
8 **person's body morphology and their gender identify,**
9 **are incongruous. And that incongruity gives rise to**
10 **clinically significant distress.**
11 Q. What is the DSM-5 that you referenced?
12 What does that stand for?
13 **A. Diagnostical and Statistical Manual.**
14 Q. When was -- was, prior to your opinion,
15 was Ms. Eller formally diagnosed with gender
16 dysphoria?
17 **A. I don't know precisely when she was**
18 **formally diagnosed. I believe she began a**
19 **transition in earnest in 2011.**
20 Q. Sitting here today, are you aware of any
21 medical record that formally diagnosis Ms. Eller
22 with gender dysphoria?

68

1 **A. No, not that I --**
2 MR. GONZALEZ-PAGEN: Objection.
3 BY MR. SHARMA:
4 Q. Did you receive comments from anyone prior
5 to finalizing your report?
6 **A. No.**
7 Q. Did you make any type of substantive
8 changes to the report before finalizing it?
9 **A. No.**
10 Q. Okay. Let's talk about the report.
11 Can you tell me what your opinions
12 are in this case?
13 **A. My opinions are that Ms. Eller has gender**
14 **dysphoria and that that was attenuated by**
15 **inappropriate medical treatment.**
16 **My opinion is that the harassment,**
17 **verbal and physical abuse she sustained during her**
18 **employment for several years, resulted in**
19 **post-traumatic stress disorder, specifically complex**
20 **post-traumatic stress disorder.**
21 **And I further opine that the**
22 **post-traumatic stress disorder is chronic.**

1 **A. I saw that she was diagnosed with gender**
2 **dysphoria in the medical records.**
3 Q. Do you recall from which provider?
4 **A. I don't.**
5 Q. Do you recall if it was in 2011?
6 **A. No. My testimony is in 2011, she began a**
7 **social role transitioning.**
8 Q. Do you recall when the formal diagnosis
9 was made?
10 **A. I don't.**
11 Q. You also mentioned that it's your opinion
12 that the harassment and the verbal abuse that
13 Ms. Eller sustained in several years resulted in
14 PTSD complex?
15 **A. Yes.**
16 Q. What is "PTSD"?
17 **A. PTSD is a disorder caused by stress**
18 **which results in a neurological alteration in the**
19 **person who experiences it, and a constellation of**
20 **symptoms.**
21 **The symptoms are not within the**
22 **person's conscious control. And they can be either**

PLANET DEPOS

Conducted on February 11, 2020

1 acute or chronic.
 2 They are particularly intractable in
 3 terms of the psychological conditions because
 4 they're not really amenable to talk therapy.
 5 So they require other modalities of
 6 treatment as well.
 7 Q. And what are the other modalities of
 8 treatment?
 9 A. The first line of defense is SSRI type
 10 drugs.
 11 Q. And what does that stand for?
 12 A. Selective uptake inhibitors.
 13 Q. And what's the most common drug, SSRI
 14 drug, that's prescribed?
 15 A. There's several in that class. Prozac
 16 would be one – these are the brand names.
 17 Q. Sure?
 18 A. Zoloft, Paxil, Effexor, although that also
 19 is – selects for another transistor as well.
 20 But those are several of the most
 21 common ones.
 22 Q. You mentioned acute versus chronic.

1 A. Yes.
 2 Q. What's the difference between the two?
 3 A. Acute resolves within a month, typically.
 4 And chronic is ongoing. Lasts beyond the acute
 5 phase.
 6 Q. And you mentioned PTSD complex?
 7 A. Yes.
 8 Q. What's the distinction for complex?
 9 A. PTSD is a result of one incident, usually
 10 a random, what we call an ACT of God. A tornado, a
 11 car accident, a bomb.
 12 Whereas, complex post-traumatic
 13 stress disorder is interpersonal, intentional,
 14 caused by humans and repetitive. It's a series of
 15 adverse incidents.
 16 Q. Do the averse incidents have to be
 17 life-threatening?
 18 A. They don't have to be. But they have to
 19 occur repeatedly.
 20 And so the individual can't predict
 21 when the next attack will come, and doesn't have
 22 time to regain their equilibrium in between

1 attacks.
 2 Q. When, to the best of your recollection,
 3 when was Ms. Eller first diagnosed with PTSD?
 4 A. To the best of my recollection, around
 5 2016 was the first, I believe notation, by a
 6 physician that she had met the criteria and was
 7 diagnosed with PTSD.
 8 Q. Do you recall the physician that diagnosed
 9 Ms. Eller with PTSD?
 10 A. I remember that there were approximately
 11 four different doctors that made that diagnosis.
 12 Q. And from which institutions, do you
 13 recall?
 14 A. From both of the institutions as I recall
 15 that I received records from.
 16 Q. Whitman-Walker clinic?
 17 A. I believe Whitman-Walker Clinic and
 18 Georgetown.
 19 Q. And the earliest diagnosis was in 2016?
 20 A. To the best of my recollection, that's
 21 when it's first indicated in her chart.
 22 Q. Do you suspect that Ms. Eller was

1 suffering PTSD prior to 2016?
 2 A. I suspect that it's quite likely that she
 3 was. But I can't attest to that.
 4 Q. Are you, in your opinion, making a formal
 5 diagnosis of PTSD, or are you just carrying the
 6 diagnosis forward?
 7 A. I'm making an independent evaluation of
 8 complex PTSD.
 9 Q. Do suspect that Ms Eller's PTSD started
 10 when she was a young child?
 11 A. No.
 12 Q. How about as a teenager?
 13 A. No.
 14 Q. As a college student?
 15 A. No.
 16 Q. Prior to 2011, before she transitioned?
 17 A. No.
 18 Q. And why not?
 19 A. Because complex PTSD arises in a
 20 reasonable – reasonably concurrent with the series
 21 of averse events.
 22 And if people have prior incidents

Conducted on February 11, 2020

1 of trauma, it may make them more vulnerable.
2 But 90 percent of individuals have a
3 trauma event in their lifetime, but that doesn't
4 necessarily lead to post-traumatic stress disorder.
 5 Q. Do you believe that prior to Ms. Eller
 6 joining the Board of Education in 2000 -- well,
 7 prior to her transition in 2011, that she did not
 8 sustain any type of harassment and/or
 9 discrimination?
 10 MR. GONZALEZ-PAGEN: Objection. Form.
 11 THE WITNESS: Would you repeat that question.
 12 BY MR. SHARMA:
 13 Q. Sure. And let me go back to something you
 14 said earlier.
 15 You said that the harassment and
 16 verbal abuse, for several years?
17 A. Yes.
 18 Q. Those are your words?
19 A. Yes.
 20 Q. Prior to Ms. Eller's transition 2011, do
 21 you know whether she was subjected to or had any
 22 type of harassment or verbal abuse from anyone?

1 A. Yes, I believe she may have had incidents
2 where she suffered an insult or a harassment.
 3 Q. What incidents come to mind, prior to
 4 2011?
5 A. I can't recall offhand.
6 But I know that transgender people
7 are subjected to harassment. And I believe that
8 prior to her transition.
9 She was, in fact at times,
10 reprimanded for wearing, you know, she was told it
11 was garbage when she informed someone that she
12 wanted to transition and had a letter from her
13 therapist, for example.
14 But the majority, and the consistent
15 harassment and the ongoing harassment, really
16 occurred after her social transition.
 17 Q. And that is based upon your interview and
 18 review of the medical records of Ms. Eller?
19 A. And her narrative.
 20 Q. Right. Her narrative. Okay.
 21 And so as to the basis of your
 22 opinion, this is, we mentioned this earlier, what is

1 the basis for your opinion?
2 A. The basis for my opinion is my interview
3 with Ms. Eller, my review of the medical records
4 and other documents that I reviewed,
5 psychodiagnostic testing that I performed, and my
6 clinical experience and the literature that I rely
7 on.
 8 Q. Have we covered all your opinions today?
9 A. I believe so.
 10 Q. Let me just do some housekeeping here.
 11 This is -- I'm handing you what's been marked for
 12 identification as Exhibit Number 3.
 13 (Whereupon, Deposition Exhibit
 14 No. 3 was marked for
 15 identification.)
 16 BY MR. SHARMA:
 17 Q. And is this the bibliography, doctor, that
 18 you've attached to your expert report number?
19 A. Yes. Although I left out one
20 publication.
 21 Q. What's that?
22 A. That's Sari Reisner, et al. I see that I

1 have not included his paper in the Journal of
2 Counseling Psychology on everyday discrimination and
3 post-traumatic stress disorder.
 4 Q. And any other changes or amendments to --
5 A. To the bibliography? Yes.
6 I relied on the ICD, although it's
7 not listed in here.
 8 Q. What's the ICD?
9 A. International Classification of Disorders,
10 published by the World Health Organization.
 11 Q. Okay. Anything else?
12 A. That's all.
 13 Q. All right. And then doctor, I'm showing
 14 you what's been marked for identification as Exhibit
 15 Number 4?
 16 (Whereupon, Deposition Exhibit
 17 No. 4 was marked for
 18 identification.)
 19 BY MR. SHARMA:
 20 Q. And when you are ready, just go ahead and
 21 identify this document for me?
22 A. I recognize this document.

Conducted on February 11, 2020

77

79

1 Q. And what is it, or what are they?
 2 **A. One is a bibliography attached to my**
 3 **report.**
 4 Q. I'm sorry. I was asking about Exhibit 4.
 5 I apologize.
 6 **A. Exhibit 4 is a rebuttal that I submitted.**
 7 Q. All right. Thank you so much.
 8 Doctor, and on page two of Exhibit
 9 2, your professional expert report under, "documents
 10 reviewed," do you see that.
 11 **A. Yes.**
 12 Q. The first bullet is the DSM-5, correct?
 13 **A. Yes.**
 14 Q. And we spoke about that earlier.
 15 The second document, "The World
 16 Professional Organization for Transgender Health
 17 Standards of Care for the Health of Transsexual,
 18 Transgender and Gender Nonconforming People,"
 19 Seventh Version, 2011, is that correct?
 20 **A. Yes.**
 21 Q. Why did you review that document to
 22 prepare your report?

78

1 **A. Because the WPATH Standards of Care refer**
 2 **to treatment around the world. And that is the**
 3 **compendium of all the information about appropriate**
 4 **care, about the qualifications that experts who**
 5 **treat and diagnose gender dysphoria require.**
 6 **And it has all of the information**
 7 **that periodically I need to review because I don't**
 8 **have it memorized.**
 9 Q. Has the document been updated since
 10 2011?
 11 **A. We are in the process of updating the**
 12 **document now.**
 13 Q. And when you say "we," what do you mean?
 14 **A. I mean, the authors of the new standard of**
 15 **care.**
 16 Q. Are you one of the authors?
 17 **A. Yes.**
 18 Q. Were you one of the original authors?
 19 **A. Yes.**
 20 Q. The fourth bullet point, there's a
 21 publication there, "Principles of Transgender
 22 Medicine and Surgery?"

1 **A. Yes.**
 2 Q. Is that one of your books?
 3 **A. Yes.**
 4 Q. And why did you review that book for your
 5 report?
 6 **A. There's a chapter in there about stigma**
 7 **that I have referred to.**
 8 Q. Which chapter is it, if you can recall?
 9 **A. It's by Bockting. And I encourage**
 10 **everybody to buy that book.**
 11 Q. [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 Q. Do you know when -- well, first of all, do
 20 you know if Ms. Eller was diagnosed with ADHD?
 21 **A. I believe that she received that**
 22 **medication early on. That she was diagnosed with**

80

1 **ADHD, or at least she had been receiving medication**
 2 **for ADHD.**
 3 Q. And when you say "early on," do you know
 4 exactly when?
 5 **A. No. I just know that it was a medication**
 6 **that she had been receiving prior to many of the**
 7 **other medications she received subsequently.**
 8 Q. And "ADHD" stands for?
 9 **A. Attention Deficit Hyperactive Disorder.**
 10 Q. [REDACTED]
 11 [REDACTED]
 12 **A. I don't.**
 13 Q. Do you recall how often she takes it?
 14 **A. I don't know that.**
 15 Q. Is that a medication she's currently on,
 16 as far as you know?
 17 **A. I believe she's currently on it, or was on**
 18 **it at the time that I wrote this report.**
 19 **I don't know if she's currently on**
 20 **it.**
 21 Q. This is based upon her reporting to you or
 22 your review of the medical records?

Conducted on February 11, 2020

1 **A. Probably both.**
 2 Q. What is the second?
 3 **A.** [REDACTED]
 4 [REDACTED]
 5 Q. Do you recall when Ms. Eller was diagnosed
 6 with depression, when she was first diagnosed?
 7 **A. I don't know when she was first diagnosed**
 8 **with depression.**
 9 Q. But she was diagnosed with depression at
 10 some point?
 11 **A. Yes.**
 12 Q. And as to that medication, do you know the
 13 dosage that she's taking?
 14 **A. I don't.**
 15 Q. Do you know how often she takes the
 16 medication?
 17 **A.** [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 **This was as of July of 2019.**
 21 **So I have no knowledge of what she's**
 22 **presently taking.**

1 Q. [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 Q. Has Ms. Eller been diagnosed with anxiety?
 5 **A. Yes.**
 6 Q. Do you know when she was first diagnosed?
 7 **A. No.**
 8 Q. [REDACTED]
 9 [REDACTED]
 10 **A. No.**
 11 Q. Do you know how often she takes it?
 12 **A. No. It says "as needed."**
 13 Q. [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 Q. Do you know Ms. Eller's specific dosage?
 18 **A. I don't know.**
 19 Q. [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 Q. And do you know what Ms. Eller's specific

1 dosage is for?
 2 **A. I don't.**
 3 Q. Do you know how often she takes it?
 4 **A. I don't.**
 5 Q. [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 Q. And do you know the specific dosage for
 9 that medication?
 10 **A. I don't.**
 11 Q. Do you know how often she takes it?
 12 **A. I don't. It says as needed. So at that**
 13 **time she was taking it as needed.**
 14 Q. [REDACTED]
 15 **A. Yes.**
 16 Q. [REDACTED]
 17 **A.** [REDACTED]
 18 Q. And is that part of hormone therapy?
 19 **A. Yes.**
 20 Q. [REDACTED]
 21 [REDACTED]
 22 **A.** [REDACTED]

1 [REDACTED]
 2 Q. She has to take it daily?
 3 **A. Yes.**
 4 Q. Is it in a pill form?
 5 **A. She's taking a pill form.**
 6 Q. Okay.
 7 **A.** [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 **A. If feminizes the body, in layman's terms.**
 12 Q. Okay. And how, specifically, does it
 13 feminize the body?
 14 **A. By specifically, what are you -- can you**
 15 **give me more --**
 16 Q. General features, characteristics,
 17 whatever the general characters or features that it
 18 effects.
 19 MR. GONZALEZ-PAGEN: Objection. Form.
 20 THE WITNESS: In a gender dysphoric person
 21 who's assigned male --
 22 BY MR. SHARMA:

1 Q. Okay.

2 A. -- as is the case with Ms. Eller, a

3 transgender woman, [REDACTED] works first on the

4 brain, and then on the secondary sex

5 characteristics.

6 So it will cause -- and the primary

7 to a certain extent -- so it will cause the

8 development of breast tissue, softening of the

9 face, a cessation of hair loss, a redistribution of

10 body fat, among other changes.

11 Q. Okay. And do you know when Ms. Eller

12 began using [REDACTED]

13 A. Not precisely, no.

14 Q. Was it after 2011?

15 A. I'm not certain.

16 Q. Now, doctor, do you have any type of

17 medical training?

18 A. No.

19 Q. Are you able to prescribe medications?

20 A. No.

21 Q. Have you read from Dr. Cephas's report?

22 A. Yes.

1 Q. Do you agree with it in any respect?

2 A. I'm sorry. "In any respect?"

3 Q. Yes. As to his opinions.

4 A. I don't agree with the opinions he's

5 coffered.

6 Q. Well, lets start with your understanding

7 of his opinions. What are they?

8 A. May I refer to my rebuttal?

9 Q. Absolutely.

10 A. Okay. I don't agree that [REDACTED] when

11 administered to gender dysphoric individuals, puts

12 them at risk for psychological distress.

13 Actually, the opposite is truth.

14 It attenuates psychological issues.

15 And in the gender dysphoric person,

16 it creates a level of wellbeing that they previously

17 had not experienced.

18 I don't agree that it's a dangerous

19 medication for gender dysphoric individuals, when

20 taken as prescribed by a physician.

21 Q. May I interrupt for one moment?

22 A. Yes.

1 Q. What [REDACTED]

2 A. Of course. [REDACTED] is a brand name of

3 [REDACTED]

4 Q. Okay.

5 A. Comes in, as I said before different

6 forms.

7 Q. So that's the [REDACTED] that you were

8 referring to earlier?

9 A. Yes. It's the standard of care for the

10 treatment of individuals with gender dysphoria.

11 Q. Are you familiar with [REDACTED] as black

12 boxed warnings?

13 A. I'm familiar with that, yes. That doesn't

14 refer to gender dysphoric individuals, however.

15 Q. Okay. Thank you allowing me to interrupt.

16 A. I disagree with the opinion is that

17 Ms. Eller's engagement in DBT therapy suggests that

18 she may have a borderline personality disorder.

19 I disagree with Dr. Cephas's opinion

20 that because Ms. Eller has a history of depression,

21 that it's confirming PTSD or diagnosing PTSD is too

22 complicated a diagnosis to make.

1 And I disagree with his opinion that

2 experiences that occurred early on in childhood or

3 historically, may be the proximate cause of the

4 impairment she's showing presently.

5 Q. Is there anything else, Doctor?

6 A. Not that I am able to recall right now --

7 Q. Okay.

8 A. -- from his report, which I don't have in

9 front of me.

10 Q. You mentioned -- we spoke about the

11 [REDACTED] And then you mentioned DBT therapy?

12 A. Yes.

13 Q. What is that?

14 A. Dialectical behavioral therapy.

15 Q. And what does that consist of?

16 A. It was developed in 1980 as a method of

17 treatment for individuals who have borderline

18 personality disorder.

19 But it's used now for -- in a myriad

20 of ways.

21 In fact, in the prison systems, it's

22 the most commonly used kind of group treatment

Conducted on February 11, 2020

1 **modality.**
2 **It's used for mindfulness, to**
3 **improve communication, interpersonal relations.**
4 **It's a widely used and successful**
5 **means of talk therapy.**
6 Q. Is it also used for borderline personality
7 disorder?
8 **A. I imagine it is still used by some people**
9 **for borderline personality disorder and the**
10 **treatment of that.**
11 Q. Would you use it for a patient of yours
12 that has borderline personality disorder?
13 **A. I don't treat people who have borderline**
14 **personality disorder, typically.**
15 Q. Okay.
16 **A. But usually, I would suggest medication in**
17 **addition to therapy for borderline personality**
18 **disorder.**
19 Q. Would you suggest DBT therapy?
20 **A. I would suggest some kind of therapy. I**
21 **don't know that I -- I'm not an expert in DBT**
22 **therapy so...**

1 determine whether someone has borderline personality
2 disorder?
3 **A. There are some tests that can indicate a**
4 **propensity towards borderline personality disorder.**
5 Q. Is there a particular test you can point
6 me to?
7 **A. There's not one particular test. But**
8 **there are some personality tests that would point to**
9 **some indicia that, with a lot of clinical**
10 **collaboration, one might make -- could use that as**
11 **an addendum to making a diagnosis.**
12 **There were no diagnoses of**
13 **borderline personality disorder in any of the**
14 **records that I reviewed. No one had made that**
15 **diagnosis.**
16 Q. Do you recall any of the tests that are
17 used by name to make that determination?
18 **A. The MMPI RF will point to some personality**
19 **disorders.**
20 Q. M-M-P?
21 **A. R-F.**
22 Q. R-F. Okay. I apologize.

1 Q. Okay. Does Ms. Eller exhibit the
2 symptoms for borderline personality disorder?
3 **A. I saw no indications of that.**
4 Q. What are the symptoms of borderline
5 personality disorder?
6 **A. Borderline personality disorder is a**
7 **life-long characterological disorder.**
8 **It's the -- some of the symptoms**
9 **would be what's called splitting, which is sort**
10 **of a black or white kind of defense mechanism where**
11 **an individual sees things either as good or bad,**
12 **has an impulsive sort of response, reactivity to**
13 **events.**
14 **Borderline individuals are,**
15 **typically, have a sort of immature approach to life**
16 **and interpersonal relationships and difficulty**
17 **maintaining interpersonal relationships.**
18 **People who have personality disorder**
19 **and borderline personalities, one of the group of**
20 **personalities disorders, are not immune from**
21 **PTSD.**

22 Q. What specific tests are designed to

1 **A. That's the Minnesota Multiphasic**
2 **Personality Inventory Restructure Form.**
3 **And that has an ability to factor**
4 **out some indicia of personality disorders. It can't**
5 **diagnose it. No test can really diagnose it. But**
6 **it can be helpful in confirming a diagnosis.**
7 Q. Does any other test come to mind for that
8 particular disorder?
9 **A. There is a test of personality disorder.**
10 **I can't recall the name right now. It's also a**
11 **personality test that will look at some of the**
12 **different categories of personality disorders.**
13 Q. The medical records that you reviewed for
14 this case, how far back do they go?
15 **A. They seem to be the extent of the records**
16 **from the clinic where she was receiving treatment**
17 **and the hospital where she was an outpatient for a**
18 **period of time, the Georgetown Hospital.**
19 **And then there were some subsequent**
20 **notes from her treating therapist.**
21 Q. I'll represent to you, and Mr. Gonzales
22 can correct me if I'm wrong, that the records that

Transcript of Dr. Randi Ettner
Conducted on February 11, 2020

1 we've been provided were from 2011 onwards.
 2 Does that sound about the right
 3 timeframe for the records you reviewed?
 4 **A. It sounds about like the same period of**
 5 **time.**
 6 Q. Okay. Were you provided with any medical
 7 records of Ms. Eller prior to her transitioning in
 8 011?
 9 **A. Was I provided with medical records for**
 10 **her prior to her transition?**
 11 Q. Yes.
 12 **A. I was only provided with the records that**
 13 **I received.**
 14 **And at some point it indicated that**
 15 **she was beginning a transition.**
 16 Q. Right. So I just want to make sure I'm
 17 clear, and if we are missing each other, I
 18 apologize.
 19 Did you review any medical records
 20 of Ms. Eller of treatment that she may have had from
 21 prior to 2011?
 22 **A. [REDACTED]**

1 [REDACTED]
 2 [REDACTED]
 3 **But that was in the notes that I**
 4 **received, which appears to align with the notes that**
 5 **you're referring to.**
 6 Q. Other than the records from [REDACTED]
 7 were there any other records that you reviewed of
 8 Ms. Eller prior to June 2011.
 9 **A. Not --**
 10 MR. GONZALEZ-PAGEN: Objection. Misstates the
 11 testimony.
 12 You can answer.
 13 THE WITNESS: The records that I received were
 14 all that I received.
 15 BY MR. SHARMA:
 16 Q. And I understand that. I'm not debating
 17 that with you.
 18 I'm trying to get a sense as to when
 19 those records that you reviewed began and when they
 20 ended.
 21 And so that's why I keep asking
 22 about 2011 and records that may have been provided

1 to you from prior to 2011.
 2 Do you understand what I'm asking?
 3 **A. I do.**
 4 **I don't believe I received anything**
 5 **other than the records that we've already**
 6 **discussed.**
 7 Q. Your evaluation was in the summer of 2019?
 8 **A. Was July 8, 2019.**
 9 Q. Were you provided with any medical records
 10 of Ms. Eller since July 2019 to the present?
 11 **A. Medical records?**
 12 Q. Or mental health records.
 13 **A. Some notations from her therapist.**
 14 Q. And who is her therapist?
 15 **A. Vickie.**
 16 Q. Kirsch?
 17 **A. Yes.**
 18 Q. And those records were from after your
 19 evaluation of Ms. Eller?
 20 **A. No. I think they were just prior to. I**
 21 **believe they were from June.**
 22 Q. So back --

1 **A. There were just a few notations.**
 2 Q. So back to my original question. Have you
 3 reviewed any records of Ms. Eller subsequent to your
 4 evaluation of her in July of 2019?
 5 **A. No.**
 6 Q. Have you asked for any such records?
 7 **A. No.**
 8 Q. Have you asked for any records of
 9 Ms. Eller prior to 2011?
 10 **A. No.**
 11 Q. Do you think that such records would help
 12 you in formulating your opinions?
 13 **A. No.**
 14 Q. Why not?
 15 **A. Because my opinion is based on the**
 16 **circumstances that led to her current psychological**
 17 **condition, and that was what I was addressing.**
 18 **And so her historical conditions**
 19 **would not influence the development of the diagnosis**
 20 **that I made.**
 21 Q. Are you telling me that those historical
 22 conditions or events played no role in her current

1 conditions?
2 A. They may have made her more vulnerable to
3 it. But there's no way to ascertain that.
4 She still has the condition, whether
5 she was more vulnerable to it or not.
6 We know females are more vulnerable
7 to PTSD but...
8 Q. Okay. Do you have a file on Ms. Eller
9 that you --
10 A. I do.
11 Q. What does it consist of?
12 A. It consists of the documents that I have
13 here. My handwritten notes, her test scores, the
14 medical records I received, a subpoena to appear
15 here for a deposition.
16 Q. Have you ever prescribed medication?
17 A. No.
18 Q. Are you qualified to treat gender
19 dysphoria with medication?
20 A. I don't understand that question.
21 Q. Are you qualified to prescribe medication
22 for gender dysphoria?

1 A. No.
2 Q. If medication is required, do you refer
3 the patient out to a psychiatrist to prescribe
4 medicine?
5 A. For gender dysphoria?
6 Q. Yes.
7 A. No. I prescribe -- I refer to a physician
8 with experience in providing hormones and who
9 understands the impact of hormones on every organ
10 system in the body.
11 Or I refer to a surgeon who's
12 knowledgeable about gender affirmation surgery and
13 performs them routinely.
14 Q. Are you aware of any side effects for
15 [REDACTED] ?
16 A. In gender dysphoric individuals?
17 Q. Yes.
18 A. Sure.
19 Q. What are they?
20 A. They are weight gain. And depending on
21 the -- their improved mood.
22 Q. Improved mood?

1 A. Improved mood.
2 Q. Okay.
3 A. They can be, if it's a transgender male,
4 there's increased libido with testosterone. There's
5 a lowering of the voice, which can be uncomfortable
6 for some people, if they are singers or such, as a
7 permanent in a transgender male.
8 Q. In the transgender male?
9 A. Yes. There's also, libido in the
10 transgender male.
11 In the transgender female, as I
12 said, weight gain is a -- is often a side effect.
13 Improved mood, often loss of libido. Loss of
14 spontaneous erections.
15 There may be an increased risk of
16 blood clots in individuals who have a tendency
17 towards embolism.
18 Q. Towards what?
19 A. Embolism.
20 And so there are really only two or
21 three absolute contraindications to taking [REDACTED]
22 for transgender women who are gender dysphoric.

1 Q. Are any of the side effects fatal or
2 dangerous? Can be fatal?
3 A. If properly prescribed?
4 MR. GONZALEZ-PAGEN: Objection.
5 BY MR. SHARMA:
6 Q. Yes.
7 A. Not just from -- not from [REDACTED] alone.
8 No.
9 [REDACTED] if it's given and
10 monitored appropriately, by a knowledgeable
11 physician in a person who doesn't have one of the
12 absolute contradictions, a fatality would be a rare
13 event.
14 So if an individual doesn't
15 disclose, for instance, that they're a heavy smoker
16 or have elevated liver enzymes or some other medical
17 problem, and they're self administering hormones,
18 yes, there could be a fatality.
19 Q. Okay.
20 A. So it's possible, like any other
21 medication.
22 Q. Are psychiatrists qualified to render the

1 test that you did with respect to Ms. Eller?
2 **A. The test that I did?**
3 Q. Yes.
4 **A. Not the Traumatic System Inventory.**
5 Q. Why not?
6 **A. Because you have to be a clinical**
7 **psychologist in order to obtain the test and to**
8 **understand and interpret the test and to purchase**
9 **the test.**
10 Q. Okay. What about the three Beck tests
11 that you did?
12 **A. Those could probably be administered by**
13 **anyone.**
14 Q. Okay.
15 **A. Any mental health professional.**
16 Q. Including a psychiatrist?
17 **A. Yes. They may not have the experience to**
18 **adequately or comprehensively interpret them, but**
19 **they can be administered.**
20 Q. Are psychiatrists qualified to diagnose
21 mental disorders?
22 **A. Yes.**

02

1 Q. And the diagnosis comes from DSM-5; is
2 that correct?
3 **A. What diagnoses are you referring to?**
4 Q. Mental disorders.
5 **A. Some do.**
6 Q. And some do not?
7 **A. Some can come from the ICD.**
8 Q. Is there another source other than DSM V
9 and the ICD?
10 **A. Not really for insurance purposes.**
11 Q. Is there any other source that you may use
12 to diagnose someone with a mental disorder?
13 **A. If I'm -- for what purpose would I be**
14 **diagnosing a person?**
15 Q. As a part of your practice.
16 **A. I wouldn't necessarily be consulting the**
17 **DSM-5.**
18 **For instance, if I'm making an**
19 **assessment that someone is a non-binary individual**
20 **or a cross dresser.**
21 Q. Sure. I appreciate that. What about for
22 PTSD?

1 **A. For PTSD, I would use either the ICD or**
2 **the DSM-5.**
3 Q. Would you use both?
4 **A. In some cases.**
5 Q. Why would you use the ICD as opposed to
6 the DSM-5?
7 **A. Because the ICD-11 lists complex**
8 **postraumatic stress disorder, and it's newer than**
9 **the DSM-5 by about eight or nine years.**
10 Q. Okay. Is there an occasion where you
11 would use the DSM-5 instead of the ICD?
12 **A. The DSM-5 is handy. I have it on my**
13 **shelf, and I know most of the codes that I routinely**
14 **see.**
15 **So if it's for insurance purposes, I**
16 **would typically use the DSM-5.**
17 **If I'm billing someone's insurance,**
18 **I would -- my billing service would typically use**
19 **the DSM-5.**
20 Q. Are psychiatrists qualified to diagnose
21 gender disorder?
22 **A. Some are. If they are -- if they meet the**

04

1 **criteria set forth in the WPF standards of care.**
2 Q. Is there --
3 **A. Being a psychiatrist or being a mental**
4 **health professional in another field, regardless of**
5 **the degree or the experience, does not**
6 **automatically render someone qualified in this**
7 **highly specialized area of gender disorder.**
8 Q. Okay. Now, taking what you just said,
9 would that also apply to someone diagnosing a
10 transgender person with PTSD?
11 **Would you make the same statement as**
12 **to that?**
13 **A. What would that statement be?**
14 MR. GONZALEZ-PAGEN: Object to form.
15 MR. SHARMA: Maybe we can read back the answer
16 and that would help me.
17 (Whereupon, the record was read
18 as requested.)
19 BY MR. SHARMA:
20 Q. Did that help, doctor, or would you like
21 me to rephrase?
22 **A. Please rephrase.**

Transcript of Dr. Randi Ellen
Conducted on February 11, 2020

05

07

1 Q. Sure. Being a general psychiatrist in
2 some other area, would they be qualified diagnose a
3 transgender person with PTSD?
4 **A. I'm not certain. I think it depends on**
5 **how the gender dysphoria, if that's involved in the**
6 **PTSD diagnosis or if it's not.**
7 Q. Okay. Now, what you just said was in this
8 case. As to Ms. Eller's diagnosis of PTSD, was
9 gender dysphoria involved in that diagnosis?
10 **A. Yes.**
11 Q. And how do you know that?
12 **A. It was her gender transition and her**
13 **status as a transgender woman that gave rise to the**
14 **abuse that she experienced.**
15 Q. Does the DSM-5 recommend medications for
16 the disorder that are contained within?
17 **A. I'm sorry. Would you repeat that?**
18 Q. Sure. Does the DSM-5 recommend
19 medications to treat the disorders?
20 **A. Specific medications?**
21 Q. Yes.
22 **A. Not typically, no.**

06

1 Q. Classes of medications?
2 **A. Not -- not --**
3 Q. Family of medications?
4 **A. No.**
5 Q. Did Ms. Eller, during your interview and
6 assessment with her in July of 2019, reveal to you
7 [REDACTED]
8 **A. Yes.**
9 Q. Was that contained in your report?
10 **A. I don't think so.**
11 Q. Why not?
12 **A. [REDACTED]**
13 **[REDACTED] So that**
14 **wouldn't have been something that jumped out at me.**
15 **It's in my handwritten notes.**
16 Q. Did Ms. Eller reveal to you during your
17 assessment and interview of her, [REDACTED]
18 [REDACTED]
19 **A. Yes.**
20 Q. And what specifically did she tell you
21 about that?
22 **A. [REDACTED]**

1 [REDACTED]
2 Q. And was that contained in your report?
3 **A. No.**
4 Q. Why not?
5 **A. Because it wasn't relevant to her**
6 **current diagnosis or the proximate cause of her**
7 **diagnosis.**
8 Q. [REDACTED]
9 [REDACTED]
10 MR. GONZALEZ-PAGEN: Objection.
11 BY MR. SHARMA:
12 Q. Or disagree?
13 **A. It can be.**
14 MR. GONZALEZ-PAGEN: Object to form.
15 BY MR. SHARMA
16 Q. But it wasn't in this case?
17 **A. Not in this case.**
18 Q. Why? And why is that?
19 **A. Because it didn't occur within the**
20 **timeframe of the evolution of her PTSD. And it**
21 **wasn't an ongoing and present stressor in her life.**
22 **It was a historical trauma.**

08

1 Q. What was the timeframe for the evolution
2 of her PTSD?
3 **A. The, according Ms. Eller and to the**
4 **incidents that I read about in the file, what do you**
5 **call it, the --**
6 Q. Transcripts?
7 MR. GONZALEZ-PAGEN: Complaint.
8 THE WITNESS: Complaint. Thank you. Things
9 became particularly difficult in 2015 to 2016.
10 At that point she was beginning to
11 decompensate psychologically.
12 BY MR. SHARMA:
13 Q. What does that mean, "decompensate
14 psychologically?"
15 **A. It means her resiliency was eroding and**
16 **she was starting to show, despite having medication,**
17 **she was starting to show symptoms of post-traumatic**
18 **stress disorder, some of the autonomic involuntary**
19 **symptomatology that was beyond her control.**
20 **Panic attacks. Things like that.**
21 **Some of the hypervigilant and hyperarousal.**
22 Q. [REDACTED] that she told you

PLANET DEPOS

Conducted on February 11, 2020

1 about, what specifically did she tell you?
 2 MR. GONZALEZ-PAGEN: Objection.
 3 THE WITNESS: [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 BY MR. SHARMA:
 7 Q. Does -- let me ask you this: [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED] or is that a symptom of PTSD?
 11 MR. GONZALEZ-PAGEN: I'm just going to object
 12 and let's rephrase that question.
 13 MR. SHARMA: I apologize.
 14 THE WITNESS: I'm sorry. I can't answer that
 15 question. It depends on the individual. It depends
 16 on --
 17 [REDACTED] in the
 18 midst of the pervasive harassment she was
 19 experiencing in her classroom. [REDACTED]
 20 [REDACTED] at one point that was noted in her
 21 charts and also in my handwritten notes.
 22 Q. Okay. Let's take a short break and I'll

1 go over my notes and see what's left.
 2 (Whereupon, a short break was
 3 taken.)
 4 (Whereupon, Deposition Exhibit
 5 No. 5 was marked for
 6 identification.)
 7 MR. SHARMA: We can go back on.
 8 BY MR. SHARMA:
 9 Q. Doctor, [REDACTED]
 10 we spoke to prior to the break, you mentioned there
 11 were three occasions or three categories --
 12 **A. That I recall, yes.**
 13 Q. Were those included in your notes?
 14 **A. They may not have been.**
 15 Q. Is there a reason you chose not to include
 16 those in your notes [REDACTED]?
 17 **A. I always ask about [REDACTED] and**
 18 **note those.**
 19 Q. Are you familiar that Ms. Eller [REDACTED]
 20 [REDACTED]?
 21 **A. Yes.**
 22 Q. What is that? What is [REDACTED]?

1 **A. [REDACTED].**
 2 Q. [REDACTED]
 3 **A. Correct.**
 4 Q. And is that a symptom of PTSD or --
 5 **A. Yes, it can be.**
 6 Q. Can be.
 7 Is it a symptom of any other
 8 disorder?
 9 **A. It can be.**
 10 Q. Anything that stands out to you?
 11 **A. It can be a symptom of a personality**
 12 **disorder. It can be a symptom of neuroses,**
 13 **depression.**
 14 **It's common in young people,**
 15 **adolescents, [REDACTED]**
 16 Q. So is it uncommon for someone of Ms.
 17 Eller's age [REDACTED]?
 18 **A. It's not uncommon as tension reduction**
 19 **behavior. It's uncommon in terms of the problems in**
 20 **the general adult population.**
 21 Q. Did Ms. Eller reveal to you that [REDACTED]
 22 [REDACTED]

1 **A. Yes.**
 2 MR. GONZALEZ-PAGEN: Objection.
 3 THE WITNESS: Yes.
 4 BY MR. GONZALEZ-PAGEN:
 5 Q. Did she reveal to you the last time [REDACTED]
 6 [REDACTED]
 7 **A. Yes.**
 8 Q. And when was that?
 9 **A. I think that's in my notes. It was while**
 10 **she was still an employee.**
 11 Q. Did she reveal to you the manner in which
 12 [REDACTED]
 13 **A. That I don't recall.**
 14 Q. I've handed you what's been marked for
 15 identification as Exhibit Number 5.
 16 **A. Yes.**
 17 Q. I was only able to manage --
 18 MR. GONZALEZ-PAGEN: I have a copy.
 19 MR. SHARMA: It's just so you can follow
 20 along.
 21 BY MR. SHARMA:
 22 Q. Doctor, would you be able to identify

PLANET DEPOS

1 those records for me.

2 **A. By records do you mean?**

3 Q. I'm sorry. Let me represent that this was

4 provided to us by Plaintiff's counsel. The Bates

5 are Eller 001990 to Eller 2008 on the bottom right

6 corner.

7 **A. I recognize these.**

8 Q. Are these the tests that were administered

9 to Ms. Eller and your notes that you referenced

10 earlier?

11 **A. Yes.**

12 Q. That were in your file for this matter?

13 **A. Yes.**

14 Q. If we can just go page by page.

15 What is the first page of the

16 exhibit?

17 **A. This is the answer sheet for the Beck**

18 **Hopelessness Scale.**

19 Q. Okay. And the second page?

20 The second and third page, I think,

21 are together.

22 **A. Yes. The Beck Depression Inventory-2.**

4

1 Q. Okay. And Eller 1993 is what?

2 **A. Beck Anxiety Inventory.**

3 Q. Eller 1994?

4 **A. Answer sheet for the Traumatic Symptom**

5 **Inventory.**

6 Q. And that goes onto 96?

7 **A. A scoring sheet.**

8 Q. For the same test?

9 **A. Yes.**

10 Q. And then beginning on page Eller 1997 to

11 Eller 2008, are those the notes that you had

12 referenced earlier?

13 **A. 1997 is not a note.**

14 Q. Okay. What is 1997?

15 **A. It's a summary of test scores.**

16 Q. Prepared by you?

17 **A. Yes.**

18 Q. During that initial assessment of

19 Ms. Eller?

20 **A. No.**

21 Q. When was this taken? When was this done?

22 **A. This would have been after I had scored**

1 **all of the tests and after I had, in the TSI-2,**

2 **after I had scored and converted raw scores to**

3 **T scores, plotted that, interpreted it, then this**

4 **would have occurred.**

5 Q. So how --

6 **A. This would have been the final step.**

7 Q. Prior to the report?

8 **A. Yes.**

9 Q. Okay. And is that your customary

10 practice?

11 **A. Yes.**

12 Q. And beginning on page Eller 1998, are

13 those the notes that we referred to earlier?

14 **A. Handwritten notes that I took, yes.**

15 Q. From Ms. Eller's narrative?

16 **A. Correct.**

17 Q. And is [REDACTED] referenced anywhere in

18 the notes, to the best of your knowledge.

19 **A. I would have to review them.**

20 Q. Did you review the testing data that was

21 provided by Dr. Cephas?

22 **A. Yes.**

6

1 Q. And do you have any issues with those

2 tests, the way they were administered, whether to

3 the scoring or the results?

4 **A. I have an observation.**

5 Q. And what is that?

6 **A. I was surprised that a test called the**

7 **PTS -- PSS, which is a 1993 checklist available on**

8 **the Internet was administered.**

9 Q. Okay. Other than being surprised by the

10 that test being administered, do you have any other

11 concerns with the testing by Dr. Cephas?

12 **A. I didn't understand how it led to his**

13 **opinions.**

14 Q. Okay. But in terms of the actual

15 administration of the test, were there any issues?

16 **A. Well, I'm not familiar with psychiatrists**

17 **giving psychological tests.**

18 **So I don't know how they were**

19 **administered, how they were scored, who scored them,**

20 **who interpreted them.**

21 **I assumed that those were done by**

22 **the doctor himself. But I can't comment on that.**

Conducted on February 11, 2020

1 Q. Okay. And why was the administration of
 2 the PSS test, is that what you called it?
 3 A. Yes.
 4 Q. Why was that surprising to you?
 5 A. It's a test that's not in use. It's just
 6 a checklist. And even -- it's a 17 item checklist.
 7 And even in '93, when it was
 8 constructed, it would have rendered a result that
 9 would be consistent with PTSD. I mean, according to
 10 the items that Ms. Eller checked.
 11 Q. Okay. Is there anything else about the
 12 raw data, stand out to you, surprise you or concern
 13 you?
 14 A. No.
 15 Q. Was Dr. Cephas qualified to conduct the
 16 testing that he did with respect to Ms. Eller?
 17 A. I don't know that.
 18 Q. What would you need to know to make that
 19 determination?
 20 A. I would need to know his training in
 21 testing measurements. And I would need to know the
 22 qualifications that those tests require for a

1 purchase.
 2 So I know the PSS is available to
 3 anybody on the Internet.
 4 Q. Right?
 5 A. I'm not sure about the other tests.
 6 Q. In your opinion, on Page 12, you indicate,
 7 you say "given the limited success of these
 8 [REDACTED]
 9 A. Excuse me. What document are you looking
 10 at?
 11 Q. Exhibit 2. Page 12.
 12 A. So that's my report?
 13 Q. Yes, ma'am.
 14 A. Okay. And you said Page 12?
 15 Q. Yeah. I'm reading the first full
 16 paragraph on the top of the page.
 17 A. Yes, on Page 12?
 18 Yes. I see. Given the limited
 19 success, yes.
 20 Q. What about -- why did you come to that
 21 conclusion that there was limited success?
 22 A. Because even though she's on medications

1 and has been tried on various medications of the
 2 same class, she's still showing moderate levels of
 3 depression, anxiety, and she's still having the
 4 stigmata of post trauma stress disorder.
 5 And we know that with chronic PTSD
 6 medications can minimize, but it doesn't really take
 7 away all of the symptoms.
 8 And so she needs some additional
 9 treatment because she's really not functioning at as
 10 a high level as she's capable of.
 11 Q. Were you surprised that her current
 12 medical providers haven't or -- haven't made that
 13 same assessment or haven't prescribed her with the
 14 medication that you're referring to?
 15 A. No. I think they are doing a good job of
 16 trying new medications and continuing with the
 17 therapy.
 18 She has a good relationship with her
 19 therapist.
 20 And I think that different people
 21 respond differently to medications and so it seems
 22 like they have, at times, raised medications and

1 tried to substitute medications and are using the
 2 anomaly of drugs available.
 3 Q. Have they used --
 4 MR. SHARMA: Off the record.
 5 (Whereupon, a discussion was
 6 had off the record.)
 7 BY MR. SHARMA:
 8 Q. According to your review of the medical
 9 records, have her medical providers considered a
 10 second-line agent that you referred to here?
 11 A. I don't know currently what she's
 12 receiving. I have no knowledge about that.
 13 Q. And what is [REDACTED]?
 14 A. [REDACTED] is a relatively
 15 new treatment for PTSD.
 16 Q. Okay.
 17 A. And it's -- the initial reports are that
 18 it's very successful.
 19 However, no one knows the long-term
 20 effects because it is a relatively new treatment.
 21 But the studies that have been done
 22 and the clinical trials, show that it is a very cost

Conducted on February 11, 2020

~~1 effective and very effective treatment.~~
2 I think it's now available as a
3 nasal spray, or the FDA will soon approve it.
 4 MR. SHARMA: I don't have anything else,
 5 doctor. Thank you so much.
 6 Mr. Gonzalez may have some questions
 7 for you.
 8 EXAMINATION
 9 MR. GONZALEZ-PAGEN: I will try. I just have
 10 a couple of quick follow-up questions.
 11 BY MR. SHARMA:
 12 Q. Earlier today, you were asked some
 13 questions about your testimony in the Faiella case;
 14 is that correct?
15 A. Yes.
 16 Q. And that's the case involving an employee
 17 who developed PTSD?
18 A. Yes.
 19 Q. You were asked, with regards to this case,
 20 you were asked a number of questions as to the scope
 21 of your expert testimony. Do you recall that?
22 A. Yes.

1 Q. Was the scope of your expert testimony
 2 concluding whether the Plaintiff in that case had
 3 been discriminated against?
4 A. No, that wasn't the scope of my
5 expertise.
 6 Q. What was the scope of your expertise?
7 A. To discuss the harms that arise from
8 mis-gendering, mistreatment, verbal abuse,
9 harassment and humiliation of transgender
10 individuals.
 11 Q. Thank you.
 12 Earlier today you were asked some
 13 questions about DBT; is that correct?
14 A. Yes.
 15 Q. And pardon me, DBT stands for?
16 A. Dialectic behavioral therapy.
 17 Q. Do you recall in reference, in response to
 18 a question saying "I'm not an expert on DBT," do you
 19 recall saying that?
20 A. Yes.
 21 Q. What did you mean by that?
22 A. I mean that there are certain people who

~~1 are trained and are probably given certificates of~~
2 having completed coursework in that.
3 Many different schools of therapy
4 have their own curriculum and give particular
5 education and training and often offer certificates.
6 That is true of EMDR, which is the
7 treatment for PTSD as well.
 8 Q. And what is EMDR.
9 A. Eye movement rapid desensitization. And
10 it's effective. But one needs to be very
11 experienced and, actually, certified to perform
12 that.
 13 Q. The fact that you're not specifically
 14 trained in the provision of DBT as a modality of
 15 treatment, does that mean that you're not familiar
 16 with its use?
17 A. No. I'm familiar with it's use. It's
18 used in many different applications. Bulimia
19 communications. Just improving interpersonal
20 relationships.
21 Mindfulness is something that is
22 very popular now.

~~1 I don't, however, use it in my~~
2 practice.
 3 Q. Earlier today you were asked about the
 4 records and documents that you use to form your
 5 expert opinions, is that right?
6 A. Yes.
 7 Q. And you were asked whether you had
 8 considered any medical records or notes postdating
 9 your interview of Ms. Eller in July 8, 2019?
10 A. Postdating?
 11 Q. Yes.
12 A. Yes.
 13 Q. And earlier today you testified that you
 14 considered Dr. Cephas's raw data, is that right?
 15 Did you review Dr. Cephas's raw data
 16 in his meeting with Ms. Eller?
17 A. Yes. And his report and C.V. and the
18 other materials I was presented. I reviewed
19 everything that I was presented.
 20 Q. Thank you.
 21 MR. GONZALEZ-PAGEN: That's it.
 22 MR. SHARMA: Just one follow-up, doctor.

PLANET DEPOS

Conducted on February 11, 2020

1 EXAMINATION (Continued)

2 BY MR. SHARMA:

3 Q. Going back to the case that Mr. Gonzalez

4 just asked you about, I just want to make sure that

5 I'm clear and the record is clear.

6 Do you have expertise in whether

7 harassment occurs at the workplace?

8 **A. I'm not a fact finder so I don't observe**

9 **harassment.**

10 Q. Okay. And the same question but for

11 discrimination. Do you have any expertise in

12 discrimination at the workplace?

13 **A. No, that's not an opinion I can render.**

14 Q. Right. And what about retaliation in

15 the workplace, do you have any expertise as to

16 whether retaliatory conduct occurred in the

17 workplace?

18 MR. GONZALEZ-PAGEN: Objection.

19 THE WITNESS: Are you asking specifically in

20 this case?

21 BY MR. SHARMA:

22 Q. Sure. Let's start there.

1 **A. I don't have any firsthand knowledge. I**

2 **only know what I read in the materials that were**

3 **produced to me.**

4 Q. And your opinions in this case are based

5 on your review of the medical records and your

6 interview with Ms. Eller?

7 **A. That's partially correct. Not entirely**

8 **correct.**

9 Q. What part of it is not entirely correct?

10 **A. In addition to my review of the records,**

11 **my interview with Ms. Eller, I relied heavily on the**

12 **psychodiagnostic testing that I conducted.**

13 Q. Okay.

14 **A. Specifically, the Traumatic Symptom**

15 **Inventory-2, and my clinical experience and the body**

16 **of knowledge about the stigma and transgender**

17 **individuals, and how that affects them.**

18 Q. Now, as to specifically what happened at

19 the workplace with regard to Ms. Eller, you relied

20 upon her narrative to you; is that correct?

21 **A. Her narrative, and what I read in the,**

22 **what was provided to my about the legal complaint.**

1 Q. Okay. Is there any other source that you

2 relied upon as to what transpired or allegedly

3 transpired with respect to Ms. Eller at the

4 workplace?

5 **A. Only the materials that were provided to**

6 **me are what I have knowledge of.**

7 Q. Right. And so you didn't do any

8 independent investigation whether the allegations

9 were correct or in fact happened, did you?

10 **A. No.**

11 Q. Okay.

12 MR. SHARMA: That's all I have. Thank you so

13 much.

14 MR. GONZALEZ-PAGEN: We'll review.

15 THE COURT REPORTER: Are you going to order?

16 MR. SHARMA: Yes. Regular.

17 THE COURT REPORTER: Regular and pdf.

18 MR. SHARMA: Hard copy.

19 MR. GONZALEZ-PAGEN: Regular as well.

20 THE COURT REPORTER: Hard copy too?

21 MR. GONZALEZ-PAGEN: Sure. And pdf.

22 (FURTHER DEPONENT SAYETH NAUGHT AT 12:55 p.m.)

1 UNITED STATES COURT

2 FOR THE DISTRICT OF MARYLAND

3 SOUTHERN DIVISION

4 JENNIFER ELLER c/o ARNOLD

5 & PORTER, KAYE SCHOLER, LLP,

6

7 Plaintiffs,

8

9 vs.

10

11 PRINCE GEORGE'S COUNTY PUBLIC and MONICA

12 GOLDSON,

13 Defendants.

14

15 I, RANDI ETTNER, being first duly sworn, on

16 oath say that I am the deponent in the aforesaid

17 deposition taken on the 11th day of February, 2020;

18 that I have read the foregoing transcript of my

19 deposition, and affix my signature to same.

20

21 RANDI ETTNER

22

PLANET DEPOS

Transcript of Dr. Randi Ettner
Conducted on February 11, 2020

1 STATE OF ILLINOIS)

) SS:

2 COUNTY OF COOK)

3 I, LYDIA MSZAL, a notary public within and for
4 the County of Cook County and State of Illinois, do
5 hereby certify that heretofore, to wit, on the 11th
6 day of February, 2020, personally appeared before
7 me, at 180 North LaSalle Street, Chicago, Illinois,
8 RANDI ETTNER, in a cause now pending in the United
9 District Court for the District of Maryland,
10 Southern Division and undetermined in the Circuit
11 Court of Cook County, Illinois, wherein JENNIFER
12 ELLER c/o ARNOLD & PORTER, KAYE SCHOLER, LLP are the
13 Plaintiffs, and the Board of Education of Prince
14 George's County, et al, are the Defendants.

15 I further certify that the said RANDI ETTNER
16 was first duly sworn to testify the truth, the whole
17 truth and nothing but the truth in the cause
18 aforesaid; that the testimony then given by said
19 witness was reported stenographically by me in the
20 presence of the said witness, and afterwards reduced
21 to typewriting by Computer Aided Transcription, and
22 the foregoing is a true and correct transcript of

1 the testimony so given by said witness as aforesaid.

2 I further certify that the signature to the
3 foregoing deposition was reserved by counsel for the
4 respective parties and that there were present at
5 the deposition the attorneys hereinbefore mentioned.

6 I further certify that I am not counsel for
7 nor in any way related to the parties to this suit,
8 nor am I in any way interested in the outcome
9 thereof.

10 IN TESTIMONY WHEREOF: I have hereunto set my
11 hand and affixed my notarial seal this 21st
12 day of February, 2020.

13
14
15
16
17
18
19
20
21
22

The notary seal is circular and contains the text "Lydia Mszal" in a stylized font, with "COOK COUNTY ILLINOIS" written around the perimeter.

PLANET DEPOS

888.433.3767 | WWW.PLANETDEPOS.COM