

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.)
 _____)

JOINT STATEMENT OF UNDISPUTED FACTS

Plaintiff Jennifer Eller (“Plaintiff”) and Defendants Prince George’s County Public Schools, Board of Education of Prince George’s County (“Board of Education”), and Monica Goldson (collectively “Defendants”), by and through their respective undersigned counsel, and pursuant to the Court’s Case Management Order (ECF No. 3), hereby file this Joint Statement of Undisputed Facts¹ as follows:

1. The Board of Education controls the education policies of Prince George’s County, Maryland.
2. The Board of Education of Prince George’s County receives federal financial assistance for educational programs from the U.S. Department of Education.
3. The Board of Education is the official policymaking and oversight body for Prince George’s County Public Schools (“PGCPS”).
4. Plaintiff is a transgender person.

¹ Pursuant to Section II(B)(1) of the Case Management Order, the facts stipulated herein are for purposes of summary judgment only and are without prejudice to the Parties’ ability to dispute such facts at a later proceeding and/or trial.

Following this Joint Statement of Undisputed Facts is Plaintiff’s Statement of Facts.

5. A transgender person is someone whose gender identity diverges from the sex they were assigned at birth.

6. The process by which transgender people come to live in a manner consistent with their gender identity, rather than their sex assigned at birth, is known as “transitioning.”

7. This process may include “coming out,” requesting that others use gender pronouns that match the transgender person’s identity, changing the transgender person’s name, and wearing clothing and adopting grooming habits associated with the individual’s gender identity.

8. Plaintiff asserts that while she was incorrectly assigned the sex of male at birth, she is a woman.

9. Plaintiff received a Bachelor of Arts degree in religious studies and a minor in psychology from Augustana Lutheran Liberal Arts College in Sioux Falls, SD in 2000.

10. Plaintiff received a Master of Fine Arts in Creative Writing (Fiction) from Minnesota State University Mankato in 2005.

11. Plaintiff was a classroom assistant at Axtell Park Middle Schools in Sioux Falls, SD from 2000-2001.

12. Plaintiff was formerly employed by the Board of Education as a teacher from 2008 until her resignation in August of 2017.

13. Plaintiff received a certification from the New Teacher Project while working with Prince George’s County Public Schools.

14. While employed at PGCPSS, Plaintiff was a member of the Prince George’s County Educator’s Association (“PGCEA”).

15. Plaintiff began her employment with the Board of Education as a talented and gifted Reading/English Language Arts teacher at Kenmoor Middle School and was employed there from

2008 until 2011.

16. At Kenmoor Middle School, Plaintiff's supervisor was Principal Maha Fadli ("Principal Fadli").

17. At Kenmoor Middle School, Plaintiff's grade level administrator was Mr. Connelin.

18. On May 4, 2011 Plaintiff emailed Principal Fadli at Kenmoor informing Ms. Fadli that she overheard staff saying ". . . thinks he's a girl. . . . I know. It's disgusting" in the teacher's lounge and asked Principal Fadli for assistance with the situation.

19. On May 4, 2011, Plaintiff emailed Principal Fadli informing her that two students at Kenmoor stood in Plaintiff's classroom staring at Plaintiff and asked Principal Fadli for assistance with the situation.

20. Students in Plaintiff's class at Kenmoor Middle School referred to her as "fag," "gay," "homo," "tranny," and "booty warrior," which referenced a character that was a pedophile or child molester. Plaintiff emailed Principal Fadli about this last incident on May 17, 2011.

21. Plaintiff and PGCPS mutually agreed that Plaintiff would transfer to another school in May 2011.

22. Plaintiff was next employed as an English Teacher at Friendly High School from August of 2011 to June of 2016.

23. At Friendly High School, Plaintiff taught AP language and AP literature from 2013-2015.

24. At Friendly High School, Plaintiff's supervisor was Principal Raynah Adams ("Principal Adams").

25. At Friendly High School, Plaintiff's grade level administrators included assistant principals Robin Pope-Brown, Kevin Thompson, and Paula Robinson.

26. At Friendly High School, Plaintiff served as the Caring Colors sponsor during the 2015-2016 academic year.

27. Caring Colors is a student founded after-school support group and club that functions like a gay-straight alliance.

28. Teachers are moved to different positions within their area of certification at the principal's discretion.

29. Plaintiff was removed from teaching AP literature and AP language at the end of the 2014-2015 school year by Principal Adams.

30. Plaintiff's replacement in AP English, Ms. Claggett, had the same number of students pass the AP exam in their senior year.

31. At Friendly High School, principals report to instructional directors, who report up to assistant superintendents.

32. Assistant principals report to the school's principal, department chairs report to the assistant principals and department chairs act as liaisons between the teachers and the assistant principals.

33. Depending on the budget, there were either three or four assistant principals at Friendly High School each year.

34. Each assistant principal oversees certain departments within the school, including English, math, creative arts, and athletics.

35. Each assistant principal oversees the students within a specific grade level ("Grade-Level Administrator").

36. At Friendly High School, the department chair acts as a liaison between the assistant principals and the teachers within a specific department.

37. PGPCS employs Pupil Personnel Workers (“PPWs”) who act as student advocates, provide resources to students and families, and facilitate referrals for counseling and programming regarding social and emotional assistance.

38. Plaintiff informed Ms. Claggett that it was policy to refer to students using their preferred pronouns.

39. A letter of counsel is a document telling a teacher that they did something inappropriate and advising them how to proceed properly. It also goes into the teacher’s file.

40. Ms. Claggett was later given Plaintiff’s classroom and Plaintiff was moved to a different classroom.

41. Ms. Robinson, an assistant principal, made an inappropriate remark to someone in the social studies department, and was removed as the department head.

42. Plaintiff expressed concern to Principal Adams about this remark.

43. Ms. Robinson was moved to overseeing the English department, of which Plaintiff was a member.

44. As head of the English department, Ms. Robinson was responsible for Plaintiff’s formal teaching observation.

45. On August 30, 2011, Plaintiff reported to Principal Adams that two female students referred to her as “the he/she.”

46. On August 13, 2012, Plaintiff notified Principal Adams of various incidents with students, including being referred to 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.”

47. On October 14, 2013, Plaintiff confirmed she wrote student incident reports (“PS-74s”) for Ronnell Jackson, who told Plaintiff she was “so fucked up,” and Gerrick Wilson, who had misgendered Plaintiff the previous school year and continued to do so during this school year.

48. On June 22, 2015, Plaintiff reported three girls, one of which stopped in front of her door and wagged her crotch while addressing her as “Ho”, Plaintiff requested updates regarding the disciplinary action taken and that the security cameras be checked.

49. On October 15, 2015, Plaintiff sent a list of microaggressions to several administrators, including Mark Fossett, including incidents of staff and student misgendering.

50. Dr. Powell (from student services), Miss Davis, Ms. Simmons, Plaintiff, and Mr. Adams were all on an email chain in December 2013 that catalogued there being “unfortunate and insensitive occurrences that have occurred to Miss Eller.”

51. On or about February 20, 2015, Plaintiff submitted a Discrimination or Harassment Incident Report, also known as an AP 4170 Form (“4170 Complaint”), in which she complained about discriminatory behavior by Assistant Principal Robinson.

52. On or about June 3, 2015, Plaintiff filed her Charge of Discrimination (“Charge”) with the U.S. Equal Employment Opportunity (“EEOC”), Charge No. 531-2015-01787C.

53. Amana Simmons investigated the complaint, which included inquiring about other incidents of harassment and misgendering that Plaintiff had faced.

54. On or about June 25, 2015, Ms. Simmons issued her Letter of Determination regarding Plaintiff’s Discrimination or Harassment Incident Report.

55. Amana Simmons’ letter of determination (which is the final report on the complaint) found that Ms. Robinson used “he/him” pronouns to refer to Plaintiff on at least two occasions.

56. Letters of determination are sent to the charging party, the chief of HR, the respondent, and the charging party's supervisor.

57. The letter of determination suggested that "Friendly High School students and staff receive diversity and sensitivity training" and that Ms. Robinson receive "appropriate professional counsel and/or discipline as deemed appropriate."

58. On or about April 29, 2016, Plaintiff filed her Amended Charge of Discrimination ("Amended Charge") with the EEOC.

59. PGCPs submitted their position statement to the EEOC on September 14, 2016.

60. Adams made two requests to reduce Plaintiff's position via emails to Instructional Director Mark Fossett on August 20, 2015 and September 23, 2015.

61. To "reduce" a staff member's position means to adjust staff members based on the number of students enrolled in school.

62. If a staff member is reduced, they are automatically placed in another role that requires an additional staff member due to increased enrollment.

63. Mark Fossett responded to Adams's September 23, 2015 request to reduce Plaintiff, indicating Plaintiff would not be reduced and PGCPs was not moving any teachers between schools at that time.

64. Plaintiff ended her tenure of working at Friendly High School on June 30, 2016.

65. Plaintiff was lastly employed at James Madison Middle School from August of 2016 until the end of that school year in 2017 as an English teacher and an International Baccalaureate English teacher.

66. At James Madison Middle School, Plaintiff's supervisor was Principal Courtney King ("Principal King").

67. At James Madison Middle School, Plaintiff's grade level administrator was assistant principal Connelin.

68. Plaintiff requested and was afforded FMLA leave from October 18, 2016, until January 6, 2017.

69. Plaintiff resigned from her position with the Board of Education on or about August 18, 2017.

70. On September 26, 2017, the EEOC issued a determination finding reasonable cause to believe that Plaintiff "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."

71. On August 31, 2018 Plaintiff received a Notice of Right to Sue from the United States Department of Justice.

72. Plaintiff filed her Complaint [ECF No. 1] in this Court on November 28, 2018.

73. Plaintiff filed her First Amended Complaint [ECF No. 4] on December 20, 2018.

74. At Friendly High School, reports made by teachers of student harassment towards teachers are usually reported to assistant principals.

75. At Friendly High School, there were cases where the teacher would report instances of student harassment towards teachers directly to the principal, either due to the absence of an assistant principal or if the teacher chose to go directly to the principal.

76. At Friendly High School, official documentation of any offense must be initiated by the teacher.

77. At Friendly High School, if a teacher reached out to the principal for assistance without filling out the proper forms, the principal would not make any official documentation of

the incident.

78. In PGCPs, a teacher completes a 4170 complaint form when they believe they have been discriminated against by other staff.

79. In the relevant period (2008-2017), these complaints would be investigated by Amana Simmons, the equal opportunity employer adviser, or Elizabeth Davis, who had some similar responsibilities to Ms. Simmons.

80. Teachers and staff sometimes bring complaints informally to administrators before deciding whether to file a 4170 complaint.

81. PS-74 is the form used for teachers to report students' conduct that they believe is discriminatory against them.

82. School administrators review a complaint made through a PS-74 form and can issue discipline in response.

83. There is a section on the PS-74 form that provides an area to indicate the result of the complaint.

84. PS-74 forms document if any disciplinary or remedial action is taken against a student.

85. School administrators punish specific behavior rather than deciding whether conduct is discriminatory in nature.

86. There was no formal process for principals to report that students were discriminating against staff based on protected characteristics, like gender identity.

87. Friendly High School had security cameras from fall of 2011 to the summer of 2016, and James Madison Middle School had security cameras from 2016 to 2017.

88. The Genetec cameras in the schools save footage for 90 days, and it is then

automatically overwritten.

89. If a request came in to store footage, Mr. Tramner would copy it to a CD or DVD, send a copy to the school, and keep a copy.

90. Plaintiff took a medical leave of absence beginning October 18, 2016.

91. Plaintiff was referred to a Psychiatric Program at Georgetown University Hospital on October 24, 2016. She was admitted into the Psychiatric Program on November 2, 2016 and remained in the program until her discharge on December 16, 2016.

92. While at the Georgetown University Hospital Psychiatric Program, Plaintiff was diagnosed with post-traumatic stress disorder (“PTSD”).

93. Plaintiff also suffers from anxiety and depression.

94. While working for PGCPs, Plaintiff had sick days, personal days, retirement contribution matching, health insurance, vision insurance, and dental insurance (“benefits”).

95. Plaintiff worked at Target from January to March of 2017 and received between \$9.70-\$11.47/hour. She did not receive any benefits.

96. Plaintiff currently works in the Child Youth Program at Joint Base Anacostia-Boiling as a program assistant doing tutoring and recreational activities, Plaintiff has worked there since March 2017.

97. As of February 2020, Plaintiff’s position is not full-time and provides no benefits, no family leave, and no guarantee of hours. Her current wage is \$17.84/hour (it has been between \$11.23 and \$17.84).

PLAINTIFF’S STATEMENT OF FACTS

Plaintiff submits this separate Statement of Facts, which Plaintiff had proposed to Defendants for inclusion in the Parties’ Joint Statement. Defendants objected to their inclusion, but did not identify any evidence in the record that contradicts these statements or otherwise provide the basis for their objection.

1. Gender identity and transgender status are inextricably linked to one’s sex and are sex-related characteristics.

2. Plaintiff informed Principal Fadli in a private conversation that she would be transitioning and was not ready to share that information widely. Eller Dep. 272:18-273:12.

3. Principal Fadli informed Plaintiff’s grade-level team about Plaintiff’s plans to transition without Plaintiff’s approval, which included the math teacher, science teacher, and social studies teacher for that grade. Eller Dep. 272:18-273:12, 223:8-11.

4. At staff meetings, Courtney Ball, an English teacher at Kenmoor, would insist on using Plaintiff’s birth name after Plaintiff legally changed her name and informed Ms. Ball of such change. Eller Dep. 234:1-10, 235:17-22.

5. When Plaintiff spoke to Mr. Connelin about misgendering at Kenmoor Middle School, she was told to grow a “thicker skin” and to stop “proselytizing” to students. Eller Dep. 254:18-255:2.

6. Plaintiff was offered, but turned down, the position of English Department Chair in the 2013-2014 school year. Eller Dep. 288:20-289:11.

7. Plaintiff “had a reputation amongst the staff as being an exceptional educator” and was trusted with teaching the most difficult courses available. Reynolds Decl. ¶ 18; *see also* Defs. Br. at 17-18.

8. When Plaintiff was removed from teaching Advanced Placement courses several students were upset and some expressed a lack of interest in taking the course without Plaintiff teaching it. Reynolds Decl. ¶¶ 18-19.

9. In October 2015, Ms. Claggett, a teacher at Friendly High School, intentionally referred to a student using gender pronouns that differed from the student's preferred pronouns, due to "religious reasons." Eller Dep. 62:1-16; PGCBE00010104.

10. Plaintiff received a letter of counsel for speaking to Ms. Claggett about misgendering a student, rather than reporting it to Principal Adams. Eller Dep. 62:21-63:2.

11. Ms. Claggett misgendering a student was against school policy. Adams Dep. 247:10-12.

12. Ms. Claggett was not reprimanded in any way for using incorrect pronouns for the student. Adams Dep. 248:17-20.

13. Referring to Plaintiff, the head football coach, Peter Quaeway, told his students "just stay away from it and leave it alone." Reynolds Decl. ¶ 6.

14. During the 2014-2015 school year, a parent referred to Plaintiff as a "pedophile" in Friendly High School's main office. Eller Dep. 331:16.

15. No action was taken in response to a parent referring to Plaintiff as a "pedophile" in Friendly High School's main office. Eller 332:12.

16. Principal Adams never acted against any parent given their treatment of Plaintiff (like banning a parent from school grounds). Adams Dep. 209:1-210:16.

17. Students on the first day of school asked "Where is it?" and "Where is the man-woman?" Reynolds Decl. ¶ 5.

18. In November 2013, Plaintiff reported that she had been physically threatened by

students while walking in the halls, including by a student who told her “you best watch yourself.” ELLER000447.

19. In September 2015 a student stated of Plaintiff “Here comes freaky, don't let it look at you.” PGCBE00006439.

20. One student remarked to Plaintiff “Your sign’s wrong! It should say MISTER.” ELLER001527.

21. Plaintiff was physically assaulted by a student at Friendly Highly School. She filed a PS-74 in response after Principal Adams discouraged her from doing so. Eller Dep. 316:8-317:5.

22. At one point, Ms. Pope-Brown assumed control of Plaintiff’s first period class at Friendly High School because the students were harassing Plaintiff. Eller Dep. 336: 1-8.

23. Principal Adams told Plaintiff not to share her negative experiences with other teachers. Eller Dep. 319:11-16.

24. A student made various remarks to Plaintiff in May 2016 including “If my opinion is you a boy then you is a boy” and “He can’t just change in sex.” ELLER001527.

25. Plaintiff taught a smaller group of students who were not harassing her. Eller Dep. 336:1-8.

26. A long-term substitute was put in the class that was harassing Plaintiff. Eller Dep. 336:1-8.

27. Amana Simmons found multiple individuals who confirmed discrimination against Plaintiff and recorded it in her notes. Simmons Dep. 165:5-166:3.

28. Despite the recommendation in Ms. Simmons’ letter of determination, there was no change to the training provided at Friendly High School in the year that followed. Simmons Dep. 184:11-185:2.

29. Principal Adams does not remember taking any action concerning Ms. Robinson in response to this complaint. Adams Dep. 229:1-10, 231:14-15.

30. A student threatened to burn down Plaintiff's house at James Madison Middle School. He also stated that she was not really a person and it did not matter if he hurt her. Plaintiff filed at least one PS-74 regarding that same student, there is no record of action being taken in response. Eller Dep. 260: 15-17; 261: 6-9.

31. PS-74 forms are supposed to be returned to the teacher that submitted the form. Isom Dep. 173:21-174:8.

32. None of the footage from relevant incidents with Plaintiff was retained. B. Tramner Dep. 39:13-21; 41:19-42:2; 43:14-44:16.

33. PGCPs's has a policy prohibiting discrimination. Simmons Dep. 35:7-16 (Exhibit 32 (Admin. Procedure No. 4170). Board of Education Policy No. 125.

34. PGCPs nondiscrimination policy does not explicitly include gender identity, gender nonconformity, or transgender status. Admin. Procedure No. 4170; Board of Education Policy No. 125.

35. All PGCPs's school administrators received the guidance from Maryland Department of Education on creating safe spaces for transgender youth in 2015. Simmons Dep. 71: 1-10.

36. PGCPs requires all staff to complete a general non-discrimination, diversity, and sensitivity training. Def. PGCPs Respos. to Reqs. for Admis. ¶ 4; Simmons Dep. 37:8-17 (administrators); Simmons Dep. 92:14-21 (teachers).

37. The general staff non-discrimination, diversity, and sensitivity training does not include "a specific component for gender identity, gender expression, gender transition,

transgender status, or gender non-conformance.” Def. PGCPs Respos. to Reqs. for Admis. ¶ 4; Simmons Dep. 38:7-12; Simmons Dep. 45:20-21.

38. Principals can develop and require additional training for teachers within their schools. Fossett Dep. 67:3-15.

39. Instructional Directors can require principals to conduct particular trainings at their schools. Fossett Dep. 71:11-14.

40. Principals have the ability to conduct additional trainings for their school’s staff if they felt a need for training beyond what was required by PGCPs. Welsh Dep. 21:5-15.

41. From 2012 – 2017, aside from training for PPWs and Guidance Counselors, PGCPs did not provide training to Friendly High School staff or administration regarding gender identity, gender expression, or transgender status. Welsh Dep. 96:22-97:9.

42. The PGCPs Student Handbook includes the PGCPs Student Code of Conduct (“Code of Conduct”). Welsh Dep. 44:19-22.

43. The Code of Conduct presents students with expected behavior guidelines by laying out expectations of what student behavior is appropriate and inappropriate, along with consequences for inappropriate behavior. Welsh Dep. 42:20-43:3, 45:22-46:5.

44. PGCPs has annual training for students regarding the Code of Conduct at the beginning of the academic year conducted by PPWs during English classes. Thompson Dep. 76:2-22; Isom Dep. 133:3-20.

45. The annual student training includes an in-depth explanation of each infraction and the consequences of violating the Code of Conduct. Thompson Dep. 78:4-11.

46. At the annual student training of the Code of Conduct, students were required to provide their signature to a document stating they understood the Code of Conduct. Thompson

Dep. 76:2-14.

47. In addition to the annual student training, PGCPS conducts quarterly grade-level assemblies during the school year to review the Code of Conduct and discuss each infraction. Thompson Dep. 77:19-78:3; Welch Dep. 42:20-43:8.

48. Neither the annual student training nor the quarterly grade-level assemblies include discussions or training beyond review of the Code of Conduct. Thompson Dep. 78:15-79:9.

49. The student rights and responsibilities document provides guidelines on how administrators are to classify an offense and prescribe the proper remedy. Adams Dep. 154:20-155:7; Simmons Dep. 55:8-15.

50. During the 2017 school year, nondiscrimination and harassment was included in the Student Rights & Responsibilities. This would have been reviewed with students during the quarterly review of the student handbook. Welsh Dep. 100:9-103:8.

51. Individual PGCPS schools had the opportunity to request training regarding nondiscrimination, diversity, and sensitivity training. Welsh Dep. 143:1-15.

52. PPWs were required to complete all yearly PGCPS staff training requirements, as well as additional PPW role-specific training. Welsh Dep. 29:5-12.

53. The PPW-specific training was to assist the PPWs in performing their role of assisting schools, students, and families. The additional trainings were not conducted with the intention of having PPWs implement any training at their schools. Welsh Dep. 78:15-19:19.

54. The Student Services department performed discrimination and harassment training regarding LGBTQ students for all PGCPS PPWs during the 2014 and 2017 school years. This training was provided by the Sexual Minority Youth Alliance League. Welsh Dep. 21:22-22:9.

55. The LGBTQ-focused PPW trainings were not intended to support transgender

faculty. Welsh Dep. 78:15-19:19.

56. From May-June 2016, PGCPS conducted training for Guidance Counselors regarding transgender discrimination and harassment avoidance and prevention by the Maryland State Department of Education. Welsh Dep. 22:9-20; 85:20-86:10.

57. This training focused on how Guidance Counselors could support transgender students. Welsh Dep. 88:5-14; 94:16-19.

58. Major Irene Burks conducted a one-time training regarding transgender issues after the school day in March of 2015 at Friendly High School. Isom Dep. 148:10-150:15.

59. The training by Major Burks was required attendance by all staff. Isom Dep. 150:5-10.

60. The training by Major Burks took place as part of a general staff meeting. Burks Decl. ¶ 5; Reynolds Decl. ¶ 24.

61. The training took only a fraction of the one hour allotted for the general staff meeting. Simmons Dep. 169:19-170:3.

62. Plaintiff was not in attendance at the training by Major Burks and was not informed that it would be happening. Eller Dep. 299:10-11.

63. Major Burks did not have any training materials with her at the meeting and not all the staff seemed interested in participating. Simmons Dep. 167:5-22.

64. Major Burks was left with the impression that the training was not well received by staff as they seemed unreceptive and expressed comments of disapproval. Burks Decl. ¶¶ 5, 6.

65. A staff member said during the training something about a transgender woman not being a woman and that it went against her beliefs. Burks Decl. ¶ 5.

66. A staff member said during the training that the person they were having the

training for was too “sensitive.”

67. Major Burks made herself available to meet with the staff member who made that remark after the session, but the staff member did not meet her. Simmons Dep. 167:10-18.

68. Principals Adams abruptly ended Major Burks’s presentation and asked her to leave. Simmons Dep. 167:16-22.

69. After the training, Major Burks asked that Plaintiff be provided her contact information because she felt it was important for Plaintiff to know that someone does support her and to offer to help in any way possible. Burks Decl. ¶ 6.

70. After the training, Major Burks felt horrible that she could not change the thinking and mentality of some of Plaintiff’s colleagues at Friendly High School. Burks Decl. ¶ 6.

71. Major Burks is a member of the Prince George’s County LGBTQ Youth Alliance, which has offered free training on LGBTQ concerns, but their efforts have never resulted in trainings at any specific schools at PGCPs. Burks Decl. ¶ 9.

72. Over many years, Plaintiff requested a training on diversity from multiple people in the school system, including Principal Adams. Eller Dep. 297:20-29; Pope-Brown 30(b)(6) Dep. 83:3-21. Def. Board of Education Respos. to Reqs. for Admis. ¶ 4.

73. Plaintiff emailed Principal Adams a list of book, resources, and speakers for a diversity training and received no response. Eller Dep. 298:18-299:5.

74. Plaintiff and Ms. Pope-Brown suggested a LGBTQ diversity assembly to Principal Adams. Eller Dep. 304:1-4; Pope-Brown Dep. 90:1-5.

75. Principal Adams did not schedule a training and said there was no discrimination at the school. Eller Dep. 304:7-16.

76. Principal Adams and Amana Simmons discussed an additional training on issues

related to gender identity, but this never happened. Simmons Dep. 199:18-200:1.

77. On August 13, 2012 Plaintiff reached out to Principal Adams at Friendly asking for a diversity assembly during the upcoming year. PGCBE1702.0001; page 240.

78. On August 21, 2012 Plaintiff followed up with Principal Adams at Friendly inquiring about the status of the diversity/sensitivity assembly for the students while reporting additional misgendering and harassment incidents that occurred on August 20, 2012. ELLER001067. Def. PGCPs Respos. to Reqs. for Admis. ¶ 15.

79. On or about November 9, 2016, Plaintiff had to turn in some paperwork related to her medical leave at James Madison Middle School and a student, in reference to Plaintiff, stated “There is the man in the dress.” ELLER001288.

80. Plaintiff suffers from chronic PTSD. Ettner Dep. 61:12-13, 66 16-22; Cephias Dep. 109-110.

81. Plaintiff’s PTSD was caused by the harassment, verbal, and physical abuse sustained at her employment at PGCPs. Ettner Dep. 61:12-13, 66 16-22; Cephias Dep. 109-110.

82. To treat her PTSD, Plaintiff attends dialectical behavioral therapy and talk therapy and takes Prazosin for nightmares related to PTSD. Eller Dep. 154:2-3, 176:17-18; Cephias Dep. 76:4-5.

DATED: June 9, 2020

Respectfully submitted,

/s/ Omar Gonzalez-Pagan
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