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 15 **UNITED STATES DISTRICT COURT**  
 16 **DISTRICT OF ARIZONA**  
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18 Helen Roe, a minor, by and through her parent  
 and next friend Megan Roe; James Poe, a  
 19 minor, by and through his parent and next  
 friend Laura Poe; and Carl Voe, a minor, by  
 20 and through his parent and next friend, Rachel  
 Voe,

Plaintiffs,

v.

23 Don Herrington, in his official capacity as  
 24 Interim State Registrar of Vital Records and  
 Interim Director of the Arizona Department of  
 25 Health Services,

Defendant.

NO. 4:20-cv-00484-JAS

**MOTION TO COMPEL  
 PLAINTIFFS' SUPPLEMENTAL  
 RESPONSES TO DEFENDANT'S  
 DISCOVERY REQUESTS**

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1 Pursuant to Civil Rule 37(a)(3)(B), Defendant Don Herrington moves the Court to  
2 compel Plaintiffs to provide complete responses and produce responsive documentation to  
3 various discovery requests propounded in his First Set of Interrogatories and Requests for  
4 Production of Documents. This Motion is supported by a Separate Statement of Disputed  
5 Discovery Pursuant to LRCiv 37.1 (Exhibit 1), a Declaration of Counsel attached (Exhibit  
6 2), and a Certification Pursuant to LRCiv 7.2(j) (Exhibit 3).

## 7 MEMORANDUM OF POINTS OF AUTHORITIES

### 8 I. Relevant Background.

#### 9 A. Plaintiffs' Claims and Alleged Injuries.

10 Plaintiffs Helen Roe, James Poe, and Carl Voe are transgender minors who were  
11 born in Arizona and have Arizona birth certificates. (Dkt. 47 at ¶¶ 1-2.) Plaintiffs claim  
12 that they are prevented from amending the sex markers on their birth certificates to reflect  
13 their true gender identities through what they allege is a “private administrative process  
14 codified at A.R.S. § 36-337(A)(3)” because Subsection (A)(3) applies only to people who  
15 have undergone a “sex change operation,” and that transgender minors cannot use this  
16 process because they cannot undergo sex change operations or may never require surgery  
17 as part of their gender transition. (*Id.* at ¶¶ 3-5, 32, 39-40, 48-49.) Plaintiffs claim that their  
18 only other option is to seek a court order pursuant to A.R.S. § 36-337(A)(4), but that this  
19 process does not guarantee they will receive an amended birth certificate. (*Id.* at ¶¶ 6, 50.)  
20 They further allege that pursuing a court order is expensive, confusing, time-consuming,  
21 and risks public disclosure of their transgender status. (*Id.* at ¶¶ 6, 50-55.) They claim that  
22 because they are “barred” from utilizing Subsection (A)(3) and Subsection (A)(4) poses  
23 “insurmountable” burdens, they cannot amend their birth certificates. (*Id.* at ¶ 53.)

24 Plaintiffs have alleged a myriad of injuries that are both general to the putative class  
25 and specific to the three named Plaintiffs. Plaintiffs generally claim that having a birth  
26 certificate that does not reflect their true gender identities “puts them at risk of exposure,  
27 discrimination, harassment, and even violence,” invades their privacy, causes them  
28 significant emotional harm, and undermines the “health benefits” of their social transition.

1 (*Id.* at ¶¶ 1, 4, 7, 25-28, 32-34.) Plaintiffs claim that birth certificates are “ubiquitous in our  
2 society” and necessary for school enrollment, recreational sports, camp signups, and to  
3 obtain other “important identity documents.” (*Id.* at ¶¶ 3, 41-42.) They claim that depriving  
4 transgender minors of birth certificates that reflect their gender identities “creates barriers  
5 to full participation in school and other activities that are critical to a young person’s health  
6 and well-being, circumvents that young person’s ability to control the disclosure of their  
7 transgender status, undermines the effectiveness of a transgender young person’s treatment  
8 for gender dysphoria, and exposes a transgender young person to an increased risk of  
9 harassment, discrimination, and potentially bodily harm.” (*Id.* at ¶ 43.) The Amended  
10 Complaint also contains allegations regarding each Plaintiff’s history and social transition,  
11 as well as their involvement and experiences at school and/or with their peers, including,  
12 but not limited to, alleged prejudice, exposure, mistreatment, and/or emotional distress  
13 arising from peer interactions and the school environment. (*Id.* at ¶¶ 86-111.)

14 Plaintiffs have brought a putative class action against Herrington in his official  
15 capacity as Interim Director of the Arizona Department of Health Services (“ADHS”) and  
16 Interim State Registrar of Vital Records on behalf of themselves and “[a]ll transgender  
17 individuals born in Arizona, now and in the future, who seek to change the sex listed on  
18 their birth certificates but have not undergone a ‘sex change operation’ as treatment for their  
19 gender dysphoria” (“Putative Class”). (*Id.* at ¶¶ 112-120.) Plaintiffs allege that Subsection  
20 (A)(3) violates the Fourteenth Amendment’s Equal Protection and Due Process Clauses.  
21 (*Id.* at ¶¶ 16-18, 112, 121-144.)

## 22 **B. Relevant Procedural History.**

23 Defendant moved to dismiss the Amended Complaint on March 11, 2021 (Dkt. 54,  
24 56), which the Court denied on August 5, 2022. (Dkt. 83.)<sup>1</sup> On August 9, 2022, the parties  
25 submitted a Joint Report and Rule 26(f) Case Management Statement. (Dkt. 79, 84.) A  
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27 <sup>1</sup> Plaintiffs D.T. and Jane Doe voluntarily dismissed their claims, and the Court  
28 dismissed them from this case. (Dkt. 66, 78.) Defendant withdrew all discovery requests  
directed at Jane Doe, and is withdrawing all discovery requests directed at D.T.

1 case management conference was held on August 11, 2022. (Dkt. 86.) The Court issued a  
2 Scheduling Order and ordered Plaintiffs to file their motion for class certification by August  
3 25, 2021. (Dkt. 87 at 11.) The Court also ordered the parties to meet and confer and submit  
4 a joint report regarding class certification issues by September 6, 2021. (*Id.*)

5 Plaintiffs filed a Motion for Class Certification on August 25, 2021. (Dkt. 89 at 5-  
6 6.) Plaintiffs alleged: (1) the number of transgender individuals who were born (or will be  
7 born) in Arizona and who seek to change the sex listed on their birth certificates but have  
8 not undergone a “sex change operation” is sufficiently large such that joinder of these  
9 individuals is not practical (*id* at 5-9); the claims stem from the uniform enforcement of an  
10 unconstitutional statutory requirement and regulation that exclude all class members from  
11 using the private administrative process to correct the sex listed on their birth certificates,  
12 raising common issues of law and fact (*id.* at 5-6, 9-11); (3) the named Plaintiffs are typical  
13 of the Putative Class (*id.* at 6, 11-13); and (4) that counsel for Plaintiffs is adequate to  
14 represent the Putative Class (*id.* at 6, 13-14.) Plaintiffs seek certification under Rule  
15 23(b)(2). (*Id.* at 14-15.)

16 Plaintiffs submitted three declarations in support of their Motion: two from their  
17 counsel and one from Lizette Trujillo, the mother of former Plaintiff D.T. (Dkt. 89-1, 89-  
18 2, 89-3.) Plaintiffs’ Motion relies on Trujillo’s Declaration to allege numerosity,  
19 commonality, typicality, and Rule 23(b)(2). (Dkt. 89 at 8.)

20 Trujillo’s Declaration outlines her experiences as a parent of a transgender child, and  
21 her involvement with the Southern Arizona Gender Alliance (“SAGA”), and SAGA’s  
22 Families Transformed support group. (Dkt. 89-1 at ¶¶ 3-6.) Trujillo avows that she  
23 volunteers as a family facilitator for Families Transformed, where she “spend[s]  
24 approximately twenty hours per month speaking with families one-on-one, administering  
25 the group’s social media and listserv, and running the group’s monthly support group.” (*Id.*  
26 at ¶ 7.) She claims that a “significant portion of that time” is spent discussing the “barriers  
27 transgender people face because Arizona requires proof of surgery in order to amend the  
28 sex listed on a birth certificate through ADHS’s private administrative process.” (*Id.* at ¶

1 8.) She claims that many of the families in the group have children who are too young to  
2 undergo surgical treatment and cannot use ADHS's "administrative process" in Subsection  
3 (A)(3) and are concerned about or unwilling to pursue a court order correcting that  
4 information. (*Id.* at ¶ 9.) Trujillo also claims she "regularly communicate[s]" with parents  
5 who facilitate a similar group with families in the Phoenix area through Arizona Trans  
6 Youth Parent Organization ("AZTYPO"), and that birth certificates are a "common topic"  
7 during those conversations. (*Id.* at ¶ 10.) She claims that she has "spoken with and heard  
8 stories of many transgender adults who are unable to amend the sex listed on their birth  
9 certificates due to ADHS's surgical requirement." (*Id.* at ¶ 11.) Trujillo posted polls to  
10 Families Transformed and AZTYPO's private Facebook groups and SAGA's Facebook  
11 page and relied on the poll "results" in her Declaration. (*Id.* at ¶¶ 12-13.) 52 people  
12 responded to the polls posted in the Families Transformed and AZTYPO Facebook groups,  
13 and more than 20 people responded to the poll posted on SAGA's Facebook page, stating  
14 they would amend their child's birth certificate through the private administrative process  
15 if they could, although Trujillo believes the actual number is much higher based on her  
16 conversations with others and the stigma associated with having a transgender child. (*Id.*)

17 On September 7, 2021, the parties submitted a Joint Status Report on Class  
18 Discovery outlining their positions on class discovery. (Dkt. 91.) After a telephonic status  
19 conference, the Court issued an Order on September 15, 2021, agreeing with Defendant's  
20 position that he was entitled to conduct class discovery prior to filing a response to the  
21 Motion for Class Certification. (Dkt. 92, 99, and 100 at 1.) The Court ordered that the  
22 parties shall have 60 days from the date of the order (until November 14, 2021) to conduct  
23 class action discovery, 30 days (until October 15, 2021) to propound written discovery, and  
24 30 days from the date of the last written response to take the depositions of Lizette Trujillo  
25 and the parents/next friends of the named Plaintiffs.<sup>2</sup> (*Id.* at 1-2.) Defendants have 30 days  
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27 <sup>2</sup> The Court held that written discovery and depositions shall primarily focus on class  
28 certification issues, but that to the extent discovery into class certification issues overlapped  
with merits issues, it should be allowed to "avoid [] wasteful litigation." (*Id.* at 2.)

1 from the date of the last deposition to prepare and file their response to Plaintiffs' Motion  
2 for Class Certification. (*Id.* at 2.) On February 3, 2022, the parties filed a stipulation to  
3 extend all deadlines, which the Court granted. (Dkt. 109, 110.)

4 **C. Relevant Discovery Conducted to Date.**

5 The parties exchanged initial disclosure statements on September 10, 2021. (Dkt.  
6 94, 95; *see also* Exhibit 2 at ¶ 3.) Defendant served his First Set of Requests for Production  
7 of Documents and First Set of Interrogatories to Plaintiffs on September 23, 2021.<sup>3</sup> (Dkt.  
8 101; Ex. 2 at ¶ 4.) Plaintiffs served their responses and objections to discovery on  
9 November 8, 2021. (Dkt. 106; Ex. 2 at ¶ 5.) In response to Defendant's First Set of  
10 Requests for Production, Plaintiffs produced a total of 19 pages of documents consisting of  
11 screenshots of the "results" of Lizette Trujillo's Facebook poll questions. (Ex. 2 at ¶ 6.)  
12 The names of all poll responders were redacted. (*Id.*) On December 10, 2021, Defendant  
13 sent correspondence to Plaintiffs outlining the numerous deficiencies in their responses and  
14 requested that they supplement their responses and produce additional responsive  
15 documentation. (*Id.* at ¶ 7.) The parties met and conferred on December 17, 2021,  
16 regarding Plaintiffs' deficient responses. (*Id.* at ¶ 8.) Plaintiffs' January 10, 2022,  
17 correspondence objected to Defendant's discovery requests on various grounds. (*Id.* at ¶  
18 9.) Despite these objections, Plaintiffs stated they were "willing to conduct reasonable  
19 searches and inquire as to the existence of certain subsets of documents sought by  
20 Defendant." (*Id.* at ¶ 10.) They also stated they would produce non-privileged documents  
21 on a "rolling" basis without specifying what they were producing or when these "rolling"  
22 productions would occur. (*Id.* at ¶ 11.) By letter dated February 17, 2022, Defendant further  
23 clarified some of his requests, and outlined the areas where there appeared to be a discovery  
24 dispute. (*Id.* at ¶ 12.) Defendant requested that Plaintiffs supplement their discovery  
25 responses by March 4, 2022, and informed Plaintiffs that he would be moving forward with  
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27 <sup>3</sup> Defendant served a Second Set of Requests for Production on March 28, 2022 (*see*  
28 Dkt. 114), and Plaintiffs responded on April 6, 2022. (Dkt. 116.) Plaintiffs' responses to  
Defendant's Second Set of Requests for Production are not at issue here.

1 a discovery motion on the disputed issues if the parties could not agree. (*Id.* at ¶ 13.) On  
2 March 4, Plaintiffs produced documents as part of a second “rolling” production, which  
3 included Corporate Bylaws and Articles of Incorporation for AZTYPO and SAGA, as well  
4 as what appeared to be a random assortment of school records for all three Plaintiffs. (*Id.* at  
5 ¶ 14; *see also* Dkt. 112.) Plaintiffs stated that “more materials” would follow. (Ex. 2 at ¶  
6 14.)

7 On April 19, 2022, during a telephonic meet and confer, Plaintiffs indicated they  
8 would produce the third and final “rolling” production of documents. (*Id.* at ¶ 15.) By  
9 correspondence dated April 26, Defendant again outlined the areas where Plaintiffs’  
10 discovery responses were deficient and requested that they supplement their responses and  
11 produce responsive documentation. (*Id.* at ¶ 16.) On April 28, Plaintiff produced their third  
12 “rolling” production, which contained approximately 2,398 pages of documents.<sup>4</sup> (*Id.* at ¶¶  
13 17-18.) Plaintiffs also served a supplemental response to Defendant’s First Set of  
14 Interrogatories, but only with respect to Interrogatory No. 10.<sup>5</sup> (*Id.* at ¶ 21; Dkt. 117.)  
15 Plaintiffs stated that this production/response constituted their “last written response”  
16 referenced in Paragraph (1) of the Case Management Order (Dkt. 100), and that the 30-day  
17 timeframe for Defendant to conduct depositions would start from that date. (*Id.* at ¶ 22.)

18 Thereafter, the parties continued to exchange extensive communications. (*Id.* at ¶¶  
19 23-24.) Specifically, Defendant requested that Plaintiffs supplement their disclosure

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21 <sup>4</sup> Plaintiffs failed to identify a single document in this production and have not  
22 updated their disclosure statement to specifically identify *any* of the documents they have  
23 produced in this case. Nonetheless, Plaintiffs produced documents containing both  
24 responsive and non-responsive information, including: (1) correspondence from Plaintiffs’  
25 parents to school teachers and administrators; (2) correspondence from Plaintiffs’ parents  
26 to various individuals regarding extracurricular activities; (3) Facebook and Instagram  
27 messages between Plaintiffs’ parents, Lizette Trujillo, and other individuals whose names  
28 are redacted, as well as messages from a group chat, although it is unclear who is in the  
group chat or why; (4) various PowerPoint presentations by Lizette Trujillo entitled  
“Parenting a Transgender Child”; (5) documents regarding Plaintiffs’ petitions for name  
change; and (6) documents that appear to be related to a Small Grant Request Application  
submitted on behalf of SAGA. (Ex. 2 at ¶ 19.)

<sup>5</sup> Interrogatory No. 10 is not at issue. Plaintiffs served Revised Supplemental  
Responses and Objections to Defendant’s First Set of Interrogatories—again, only with  
respect to Interrogatory No. 10—on May 3, 2022. (Dkt. 118.)

1 statement to identify all documents produced to date. (*Id.* at ¶ 24.) Defendant also requested  
2 that Plaintiffs supplement their discovery responses to not only identify the documents  
3 responsive to Defendant’s Requests for Production, but to provide full and complete  
4 responses to his discovery requests as already identified by Defendant in his December 10,  
5 correspondence. (*Id.*) Plaintiffs refused to do so, claiming that they were not required to  
6 serve supplemental discovery responses. (*Id.*) Nevertheless, Plaintiffs ultimately agreed to  
7 supplement their responses to Defendant’s First Set of Requests for Production, but *only* to  
8 add Bates ranges for the documents they produced. (*Id.* at ¶ 26.) Plaintiffs served their  
9 Supplemental Responses and Objections to Defendant’s First Set of Requests for  
10 Production of Documents on May 13, 2022. (Dkt. 119; Ex. 2 at ¶ 26.) Despite  
11 supplementing their responses to Defendant’s Requests for Production to include Bates  
12 ranges, Plaintiffs have not specifically identified any of these documents, let alone the  
13 documents that are responsive to these requests. (*Id.* at ¶ 27.) Nor have they supplemented  
14 their responses to include any substantive information. (*Id.*) To date, Plaintiffs have not  
15 served a supplemental disclosure statement, and Defendant has had to guess what Plaintiffs’  
16 documents are and what requests they are responsive to.<sup>6</sup> (*Id.* at ¶¶ 3, 28.) And, aside from  
17 supplementing their response to Interrogatory No. 10, they have refused to supplement any  
18 other response to Defendant’s First Set of Interrogatories. (*Id.* at ¶ 29.)

19 Defendant, therefore, disagrees that Plaintiffs’ production of documents or  
20 supplementation of Interrogatory No. 10 on April 28 constitutes a “last written response”  
21 as contemplated by the Court in its Case Management Order.<sup>7</sup> (Dkt. 100.) Plaintiffs’

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22 <sup>6</sup> In addition, hundreds of pages of documents produced by Plaintiffs contain either  
23 block redactions or are redacted completely without explanation. (Ex. 2 at ¶ 20.) Defendant  
24 requested that Plaintiffs produce a redaction log that describes the subject matter of the  
25 redacted information so he could determine whether relevant documents are being withheld.  
(*Id.*) Plaintiffs agreed to produce this redaction log by June 6, 2022. (*Id.*) Defendant  
reserves the right to move to compel the production of unredacted records that may be  
relevant after a review of this redaction log.

26 <sup>7</sup> Given the large number of documents produced on April 28, and Plaintiffs’  
27 contention that the 30-day timeframe to conduct depositions would begin on that date,  
28 Defendant requested an extension (until July 1) to take depositions, and Plaintiffs agreed.  
Defendant has not conceded that Plaintiffs’ production or their supplementation of  
Interrogatory No. 10 constitutes a “last written response” or that the 30-day timeframe

1 responses are evasive, incomplete, and insufficient and, with respect to certain requests,  
2 they have failed to respond at all. The information and/or documentation requested as  
3 outlined below are relevant to both Plaintiffs' claims and Defendant's defenses in this case,  
4 and Defendant is entitled to complete responses so that he may prepare for Plaintiffs' and  
5 Lizette Trujillo's depositions, prepare an opposition to Plaintiffs' Motion for Class  
6 Certification, and ultimately prepare for summary judgment and defense at trial.

7 **II. The Court Should Compel Plaintiffs to Respond to Defendant's Discovery**  
8 **Requests.**

9 Under Civil Rule 26(b)(1), "[p]arties may obtain discovery regarding any  
10 nonprivileged matter that is relevant to any party's claim or defense." *See In re Bard IVC*  
11 *Filters Prods. Liab. Litig.*, 317 F.R.D. 562, 563-64 (D. Ariz. 2016) (matters need only be  
12 relevant, and not necessarily admissible, to be discoverable). "[P]re-trial discovery is  
13 ordinarily 'accorded a broad and liberal treatment.'" *Shoen v. Shoen*, 5 F.3d 1289, 1292  
14 (9th Cir. 1993) (quoting *Hickman v. Taylor*, 329 U.S. 495, 507 (1947)); *see also Heffernan*  
15 *v. Pinnacle Health Facilities XXVI LP*, 2021 WL 2530837, at \*1 (D. Ariz. Jan. 22, 2021)  
16 ("Relevance for the purpose of discovery 'is defined very broadly.'" (citation omitted).

17 "In response to a request for production, a party must either: (1) produce the  
18 requested document; (2) indicate that the requested document is not in its 'possession,  
19 custody, or control;' or (3) object to and include the reasons for the objection." *EFT*  
20 *Holdings, Inc. v. CTX Virtual Techs., Inc.*, 2016 WL 11519280, at \*2 (C.D. Cal. Nov. 3,  
21 2016) (citing Fed. R. Civ. P. 34(a)(1), 34(b)(2)(B)). "The requesting party is entitled to  
22 individualized, complete responses to each of the [Requests for Production],...accompanied  
23 by production of each of the documents responsive to the request, regardless of whether the  
24 documents have already been produced." *Shaw v. Davis*, 2021 WL 3892326, at \*5 (D. Nev.  
25 Aug. 31, 2021) (internal quotations omitted). Similarly, "[p]arties must provide true,  
26 explicit, responsive, complete, and candid answers to interrogatories." *IMA N. Am., Inc. v.*

27 \_\_\_\_\_  
28 started on that date. Defendant will be asking the Court to extend the deadline for him to  
take Plaintiffs' parents and Lizette Trujillo's depositions until after the Court rules on this  
Motion.

1 *Marlyn Nutraceuticals, Inc.*, 2007 WL 2391099 at \*3 (D. Ariz. Aug. 20, 2007) (internal  
2 citations and quotations omitted). The responding party must *fully* answer each  
3 interrogatory pursuant to Civil Rule 33(b)(3).

4 A party seeking discovery may move for an order compelling an answer,  
5 designation, production, or inspection if a party fails to answer an interrogatory served  
6 under Rule 33 or fails to produce documents pursuant to Rule 34. Fed. R. Civ. P.  
7 37(a)(3)(B). An evasive or incomplete answer or response must be treated as a failure to  
8 answer or respond. Fed. R. Civ. P. 37(a)(4). “The party seeking to compel discovery has  
9 the burden of establishing that its request satisfies the relevancy requirements of Rule  
10 26(b)(1). Thereafter, the party opposing discovery has the burden of showing that the  
11 discovery should be prohibited, and the burden of clarifying, explaining or supporting its  
12 objections.” *Heffernan*, 2021 WL 2530837, at \*1 (internal quotations omitted).

13 **A. Plaintiffs Should be Compelled to Produce Information and/or**  
14 **Documentation to Test the Avowals in Lizette Trujillo’s Declaration.**

15 “[A] party seeking to maintain a class action must affirmatively demonstrate his  
16 compliance with Rule 23...through evidentiary proof[.]” *Comcast Corp. v. Behrend*, 569  
17 U.S. 27, 33 (2013) (internal quotations and citations omitted). Lizette Trujillo’s Declaration  
18 is the *only* substantive declaration that Plaintiffs have submitted in support of their Motion  
19 for Class Certification, and the assertions contained in her Declaration serve as the *only*  
20 direct evidence supporting numerosity, commonality, typicality, and Rule 23(b)(2). (Dkt.  
21 89 at 8; 89-1.) Defendant’s discovery requests seek to test Trujillo’s avowals, and Request  
22 for Production Nos. 2 and 4 and Interrogatory Nos. 1, 2, 3, 4, 5, 6, 7 and 12 relate specifically  
23 to the assertions made in her Declaration. (Ex. 1 at ¶¶ 1, 3, 6-12, 14.) Plaintiffs have either  
24 failed to respond to each request completely or have refused to provide a response at all.  
25 (*See id.*)

26 First, Trujillo avows that certain groups exist—including SAGA, AZTYPO, and the  
27 Families Transformed support group—whose members are or may be members of the  
28 Putative Class. The assertions made in the Declaration are extremely vague, and none of

1 them are backed by verifiable evidence. It is unclear how many individuals are members  
2 of these groups, whether these groups require formal memberships, or whether individuals  
3 and/or families can simply become “involved in” or “associated with” them. It is also  
4 unclear whether these group members are individuals or entire family units, how many  
5 members/individuals are indeed transgender or parents/legal guardians of transgender  
6 minors, or whether these groups are comprised of individuals who have registered Arizona  
7 birth certificates and are otherwise members of the putative class. Request No. 2 and  
8 Interrogatory Nos. 1 and 2, specifically request the number of individuals who are members  
9 of, involved in, and/or otherwise associated with these groups. (Ex. 1 ¶¶ 1, 6-7.) This  
10 information is directly relevant and proportional to Rule 23’s numerosity requirement to  
11 determine whether individuals in these groups are members of the Putative Class, or parents  
12 of members of the Putative Class. To date, Plaintiffs have failed to provide specific and/or  
13 complete responses to these requests. (*Id.*)

14 Next, Trujillo conducted Facebook polls to support Plaintiffs’ contention that parents  
15 of transgender minors are unable to amend their children’s birth certificates via Subsections  
16 (A)(3) or (A)(4). (Dkt. 89-1 at ¶¶ 12-13.) Request No. 4 requests the production of  
17 documents showing the number of members in the Families Transformed and AZTYPO  
18 private Facebook Groups referenced in Trujillo’s Declaration *including* any and all  
19 information pertaining to group administrators, membership demographics, and/or  
20 membership criteria for these Facebook groups. (Ex. 1 at ¶ 3.) Interrogatory Nos. 5, 6, and  
21 7 request information regarding the identities of the people who responded to these polls,  
22 whether these people have transgender children who were born in Arizona, and their dates  
23 of birth. (*Id.* at ¶¶ 10-12.) Plaintiffs produced documents showing the number of members  
24 in the Families Transformed and AZTYPO Facebook groups, along with screenshots of the  
25 Facebook poll results, but the names and identities of the individual responders have been  
26 redacted. (*Id.* at ¶ 3.) Plaintiffs refused to produce information regarding the poll  
27 responders’ identities, or group administrators, membership demographics, and/or  
28 membership criteria for the private Facebook groups. (*Id.* at ¶¶ 3, 10-12.)

1           There is no way for Defendant to prove or disprove whether any of the people who  
2 responded to Trujillo’s Facebook polls are indeed members (or parents of members) of the  
3 Putative Class or even exist. Plaintiffs should be compelled to produce the results of the  
4 Facebook polls in their unredacted state and the dates of birth of the responders’ children  
5 so that Defendant can verify whether they are indeed members of the Putative Class.<sup>8</sup>  
6 Moreover, unless there are certain criteria for members of these private Facebook groups,  
7 it follows that anyone can join them, regardless of whether they are members of the Putative  
8 Class or not. If this is the case, then the “results” of these polls are entirely skewed and  
9 inaccurate. Information regarding group administrators, membership demographics, and/or  
10 membership criteria for the private Facebook Groups is directly relevant to the claims and  
11 defenses in this case, including Rule 23’s numerosity, commonality, typicality, and Rule  
12 23(b)(2) requirements, and will assist Defendant in determining whether individuals in  
13 these groups (and those who responded to Trujillo’s Facebook polls) are members of the  
14 Putative Class, or parents of members of the Putative Class, and ultimately whether these  
15 polls accurately reflect what Trujillo and Plaintiffs are claiming.

16           Finally, Trujillo’s Declaration contains numerous hearsay statements that she has  
17 talked to and/or “heard of” families/individuals who are prevented from amending the sex  
18 listed on a birth certificate through Subsection (A)(3), and/or are “concerned about” or  
19 “unwilling to” pursue a court order to amend those birth certificates through Subsection  
20 (A)(4). (Dkt. 89-1 at ¶¶ 8-11.) Interrogatory Nos. 3, 4, and 12 request that Plaintiffs identify  
21 and provide dates of birth for all individuals she allegedly talked to and/or heard stories of  
22 as referenced in her Declaration. (Ex. 1 at ¶¶ 8-9, 14.) Plaintiffs objected but refused to  
23 respond. (*Id.*) Defendant is entitled to verify whether the attestations made in Trujillo’s  
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25           <sup>8</sup> To the extent Plaintiffs claim that any responsive documentation potentially  
26 violates any individual’s right to privacy, Defendant has already agreed to stipulate that  
27 information and documents containing private or sensitive information shall be designated  
28 and produced as confidential under the parties’ Protective Order. (Ex. 2 at ¶ 7, Att. 4 at 3,  
6, 12, 14, 15) *see Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1212 (9th Cir. 2002) (courts  
have consistently granted protective orders that prevent disclosure of information, including  
medical and psychiatric records confidential under state law).

1 Declaration are true. He is also entitled to discover the identities of all individuals  
2 referenced in her Declaration so that he can verify whether these individuals have birth  
3 certificates registered in the State of Arizona or otherwise fall within the Putative Class.  
4 Defendant is entitled to verify whether these individuals have even attempted to amend a  
5 birth certificate and/or the reasons why they cannot or are otherwise unwilling to amend  
6 their birth certificates under Subsection (A)(4). This information is directly relevant to the  
7 numerosity, commonality, typicality, and Rule 23(b)(2) requirements.

8 Discovery into the factual bases for Trujillo's avowals is critical to Defendant's  
9 opposition to class certification and to depose Lizette Trujillo. Plaintiffs cannot rely on  
10 these assertions and then shield Defendant from discovery into their veracity. Plaintiffs  
11 should be compelled to respond to Request Nos. 2 and 4 and Interrogatory Nos. 1, 2, 3, 4,  
12 5, 6, 7 and 12 in full.<sup>9</sup>

13 **B. Plaintiffs Should be Compelled to Produce Social Media Records.**

14 Request No. 3 requests the "full contents and/or downloads of all social media  
15 accounts identified in Plaintiffs' response to Interrogatory No. 8 in their native format."  
16 (Ex. 1 at ¶ 2.) Defendant limited this request to certain categories in correspondence dated  
17 December 10, 2021.<sup>10</sup> (Ex. 2 at ¶ 7, Att. 4 at 7.) By letter dated January 10, 2021, Plaintiffs

18 \_\_\_\_\_  
19 <sup>9</sup> Plaintiffs responded to these requests with a myriad of improper boilerplate  
20 objections to these requests, that are non-specific, inapplicable, and self-serving. (Ex. 1 at  
21 ¶¶ 1, 3, 6-12, 14.) Defendant's responses to those objections are more fully set forth in its  
22 Separate Statement of Disputed Discovery Pursuant to LRCiv 37.1.

23 <sup>10</sup> Defendant agreed to limit this request to the following content contained on  
24 Plaintiffs' social media accounts listed in response to Interrogatory No. 8: (1) any and all  
25 information and/or communications related to this lawsuit; (2) any and all information  
26 and/or communications related to the claims and injuries in this lawsuit, including all  
27 information and communications regarding amendments to birth certificates; (3) any and  
28 all information and/or communication regarding Plaintiffs' transgender status and lifestyle  
(including information disclosing that Plaintiffs are transgender, and any mention of their  
gender dysphoria diagnoses/treatment, and transition); (4) any and all information and/or  
communication regarding Plaintiffs' emotions, feelings, and mental state; (5) any and all  
information and/or communication regarding Plaintiffs' school, interests, activities, and  
lifestyle; (6) any and all information and/or communication regarding Plaintiffs'  
relationships with friends, family, teachers, mentors, etc.; (7) any and all information and/or  
communication regarding specific life events (including, but not limited to, births, deaths,  
graduations, vacations, achievements, disappointments, etc.); and (8) any and all  
information and/or communications regarding transgender rights.

1 provided numerous non-specific objections. (*Id.* at ¶ 9, Att. 5 at 1, 3.) Plaintiffs, however,  
2 indicated that they would “collect and review those accounts, and produce responsive, non-  
3 privileged information.” (*Id.*) On April 28, 2022, Plaintiffs produced Facebook and  
4 Instagram messages for Laura Poe, Megan Roe, and Rachel Voe. (Ex. 2 at ¶¶ 17-20, 34.)  
5 It is entirely unclear what many of these messages are, how they are relevant, with whom  
6 they involve (all individuals aside from the Plaintiffs and Ms. Trujillo are redacted), and  
7 their context. (*Id.* at ¶ 34.) Most of these messages appear to be related to one group  
8 (although it is not specified) and either contain block redactions or are redacted in full. (*Id.*  
9 at ¶¶ 20, 34.) Aside from these messages, Plaintiffs have failed to produce any other social  
10 media records responsive to this request. (*Id.* at ¶ 34.)

11 The information requested in Defendant’s narrowed request is relevant and  
12 discoverable. Plaintiffs have alleged extensive general and specific injuries (as well as  
13 hypothetical and/or prospective injuries) as a result of Subjections (A)(3) and (A)(4). The  
14 crux of Plaintiffs’ claims is that the inability to amend their birth certificates causes them  
15 “significant emotional harm and puts them at risk of discrimination, harassment, and  
16 violence.” (Dkt. 47 at ¶ 1.) The potential information gleaned from social media accounts  
17 is relevant to not only Plaintiffs’ allegations of emotional distress, but to whether the named  
18 Plaintiffs have standing to pursue these claims, and to Rule 23’s typicality and commonality  
19 requirements. Defendant is entitled to verify the injuries claimed and assess the magnitude  
20 of those injuries through, among other sources, Plaintiffs’ parents’ social media accounts  
21 and communications. *See Barten v. State Farm Mut. Auto. Ins. Co.*, 2015 WL 11111477,  
22 at \*2 (D. Ariz. June 17, 2015) (“Evidence that a plaintiff’s emotional distress may have  
23 been caused by other stressors in the plaintiff’s life is admissible[.]”); *see also Wilkins v.*  
24 *Maricopa Cty.*, 2010 WL 2231909, at \*4 (D. Ariz. June 2, 2010) (“[F]undamental fairness  
25 mandates that [defendant] be permitted to challenge [emotional distress claims] thoroughly”  
26 by showing whether there are sources of plaintiff’s emotional distress other than  
27 defendant’s actions or omissions). Defendant is also entitled to discover whether Plaintiffs’  
28 parents have posted about their children and/or their transition to determine whether their

1 claims regarding invasion of privacy, exposure, and/or harassment are indeed true.

2 Because “social media activity, to an extent, is reflective of an individual’s  
3 contemporaneous emotions and mental state,” information contained and exchanged on  
4 social media platforms is relevant to Plaintiffs’ allegations of emotional injury. *Hinostroza*  
5 *v. Denny’s, Inc.*, 2018 WL 3212014, at \*6 (D. Nev. June 29, 2018). Furthermore, social  
6 media information need not directly address or reference the events or claims in the  
7 complaint to be discoverable. *E.E.O.C. v. Simply Storage Mgmt., LLC*, 270 F.R.D. 430,  
8 436 (S.D. Ind. 2010). The scope of social media discovery is broad and includes “online  
9 social media communications by plaintiff, including profiles, postings, messages, status  
10 updates, wall comments, causes joined, groups joined, activity streams, applications, blog  
11 entries, photographs, or media clips, as well as third-party online social media  
12 communications that place plaintiff’s own communications in context.” *Robinson v. Jones*  
13 *Lang LaSalle Americas, Inc.*, 2012 WL 3763545, at \*2 (D. Or. Aug. 29, 2012). Private  
14 information not available for public view (including private communications) is also  
15 discoverable.<sup>11</sup> *See Brown v. City of Ferguson*, 2017 WL 386544, at \*2 (E.D. Mo. Jan. 27,  
16 2017) (compelling private messages sent through Facebook).

17 Thus, Defendant is entitled to a broad scope of discovery into Plaintiffs’ social media  
18 information (including, but not limited to all profiles, postings, messages, status updates,  
19 wall comments, causes joined, groups joined activity streams, applications, blogs,  
20 photographs, or videos/media clips) that showcase any other factors that could have  
21 contributed to their alleged emotional injuries, the extent and/or magnitude of these injuries,  
22 or whether they suffered from these injuries at all. Defendant narrowed his request  
23

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24 <sup>11</sup> Plaintiffs’ objections regarding privacy concerns are similarly unavailing. *See*  
25 *Hinostroza*, 2018 WL 3212014, at \*6 (“Generally, social networking content is neither  
26 privileged nor protected by any right of privacy.”) (internal quotations omitted). Defendant  
27 has already agreed to stipulate that any private or confidential information shall be produced  
28 under the parties’ Protective Order. (Ex. 2 at ¶ 7, Att. 4 at 6) *see Simply Storage Mgmt., LLC*,  
270 F.R.D. at 434 (finding that privacy and confidentiality concerns can be addressed  
by appropriate protective order); *see also A.G. v. Oregon Dep’t of Hum. Servs.*, 2014 WL  
317016, at \*6 (D. Or. Jan. 28, 2014) (entry of protective order is the most “efficient and  
effective” method in allowing discovery while protecting information of minor plaintiffs).

1 significantly, and thus any objection as to overbreadth, burden, and/or proportionality are  
2 non-specific and insufficient. (Ex. 1 at ¶ 2.) Plaintiffs should be compelled to produce all  
3 social media information responsive to the categories in Defendant’s narrowed request.

4 **C. Plaintiffs Should be Compelled to Produce Information and/or**  
5 **Documentation Regarding their Treatment of Gender Dysphoria.**

6 Request No. 8 and Interrogatory No. 11 request that Plaintiffs list all mental health  
7 and/or medical providers who provided treatment for Plaintiffs for gender dysphoria and/or  
8 related conditions and produce medical records from those providers. (Ex. 1 at ¶¶ 5, 13.)  
9 Defendant limited this request from two years of age to present. (Ex. 2 at ¶ 7, Att. 4 at 12.)  
10 Aside from two letters related to James Poe and Helen Roe, Plaintiffs have refused to  
11 produce any other documents responsive to this request. (Ex. 2 at ¶ 40.)

12 Plaintiffs’ medical and/or mental health records are directly relevant to the claims  
13 and defenses in this case. First, Plaintiffs have put their medical and mental health  
14 diagnoses and treatment at issue by including allegations regarding their diagnoses and  
15 treatment of gender dysphoria. Defendant is entitled to verify that Plaintiffs have been  
16 diagnosed with gender dysphoria by a qualified medical or mental health provider and  
17 whether they are currently treating (or were previously treating) for this condition. This is  
18 relevant to typicality, commonality, and Rule 23(b)(2) and to whether any Plaintiff lacks  
19 standing. Defendant is also entitled to discover information about Plaintiffs’ alleged  
20 emotional injuries, the extent of those injuries, and whether Plaintiffs sought treatment for  
21 those injuries, which may be contained within any number of records, for the same reasons.  
22 Significantly, Plaintiffs’ treatment records may show whether there are other sources of  
23 Plaintiffs’ alleged emotional distress, or whether they are experiencing (or have  
24 experienced) the emotional distress they claim to have experienced.<sup>12</sup> Given Plaintiffs’  
25 ages and their extensive allegations regarding their emotional injuries, all responsive

26 \_\_\_\_\_  
27 <sup>12</sup> For instance, Plaintiffs allege that gender dysphoria in and of itself causes  
28 “significant psychological distress.” (*Id.* at ¶¶ 25-26.) Defendant should be permitted to  
discover the extent of Plaintiffs’ alleged distress because of their gender dysphoria  
diagnoses.

1 records from two years old to the present are relevant and proportional to the needs of this  
2 case. Defendant has already offered to provide Plaintiffs with authorizations for the release  
3 of these records so that he may obtain them, which would nullify any proportionality/unduly  
4 burdensome objection, and that these records should be deemed confidential under the  
5 parties' Protective Order. (Ex. 1 at ¶¶ 5, 13; Ex. 2 at ¶ 7, Att. 4 at 12.) Plaintiffs should be  
6 compelled to produce information and/or documentation responsive to these requests.

7 **D. Plaintiffs Should Be Compelled to Execute Authorizations for the**  
8 **Release of Their School Records.**

9 Request No. 6 seeks all records from daycare facilities, preschools, and/or schools  
10 attended by Plaintiffs as identified in their response to Interrogatory No. 9. (Ex. 1 at ¶ 4.)  
11 Defendant limited this request from the age of two to present. (Ex. 2 at ¶ 7, Att. 4 at 10.)  
12 In response to this request, Plaintiffs produced only a handful of piecemeal school records  
13 that are incomplete. (Ex. 2 at ¶ 35.) Plaintiffs failed to produce records from most of the  
14 institutions listed in response to Interrogatory No. 9.<sup>13</sup> (*Id.* at ¶ 36.) Plaintiffs claim that  
15 they attempted to obtain records from the institutions listed in response to Interrogatory No.  
16 9, but that the records produced were all that were provided. (*Id.* at ¶ 37.) It is questionable  
17 that the school records produced by Plaintiffs constitute all records that exist. It is also  
18 doubtful that some of these institutions have no records of Plaintiffs' whatsoever. Thus,  
19 Defendant would like to obtain authorizations for the release of these records so that he can  
20 subpoena and/or request records from all institutions (aside from in-home daycare for James  
21 Poe and homeschooling for Carl Voe). Defendant has requested that Plaintiffs execute  
22 releases for these records, but Plaintiffs have refused to do so. (Ex. 2 at ¶ 7, Att. 4 at 10, and  
23 ¶¶ 38-39.)

24 The Amended Complaint contains detailed allegations regarding Plaintiffs'  
25 emotional distress arising from schooling and their interaction(s) with peers. All school

26 \_\_\_\_\_  
27 <sup>13</sup> Plaintiffs responded to these requests with numerous boilerplate objections that  
28 are non-specific, inapplicable, and self-serving. (*See* Ex. 1 at ¶ 4.) Defendant's responses  
to those objections are fully set forth in his Separate Statement of Disputed Discovery  
Pursuant to LRCiv 37.1.

1 records are relevant to the claims and defenses in this case pursuant to Rule 26(b)(1) for  
2 numerous reasons. First, they could show whether the schools attended require a child's  
3 birth certificate to enroll and could either prove/disprove Plaintiffs' claims that they were  
4 "forced" to disclose their transgender status. They could also contain teacher, school  
5 administrator, and/or guidance counselor notes, correspondence, and/or progress reports  
6 regarding Plaintiffs' alleged behaviors and difficulties at school and could document  
7 instances of bullying and harassment. Conversely, and contrary to Plaintiffs' allegations,  
8 these school records could show that they are thriving in the school environment and with  
9 their peers either pre- and/or post-transition. Likewise, Plaintiffs' report cards, grades,  
10 and/or school difficulties are indicative of their well-being and adjustment. Plaintiffs should  
11 be compelled to execute authorizations for release of records so that Defendant can  
12 subpoena and/or request records from the various daycares, preschools, and/or schools  
13 attended by Plaintiffs for their records.

### 14 **III. Conclusion.**

15 For the foregoing reasons, Defendant has met his burden of establishing that the  
16 above-mentioned requests satisfy the relevancy requirements of Rule 26(b)(1), and the  
17 Court should grant Defendant's Motion to Compel.

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DATED this 6<sup>th</sup> day of June, 2022.

STRUCK LOVE BOJANOWSKI & ACEDO, PLC

By /s/Dana M. Keene

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 6, 2022, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

- Asaf Orr [aorr@nclrights.org](mailto:aorr@nclrights.org)
- Barrett J. Anderson [banderson@cooley.com](mailto:banderson@cooley.com)
- Colin M. Proksel [cproksel@omlaw.com](mailto:cproksel@omlaw.com)
- Mary R. O’Grady [mogrady@omlaw.com](mailto:mogrady@omlaw.com)
- Patrick P. Gunn [pgunn@cooley.com](mailto:pgunn@cooley.com)
- Payslie M. Bowman [pbowman@omlaw.com](mailto:pbowman@omlaw.com)

I hereby certify that on this same date, I served the attached document by U.S. Mail, postage prepaid, on the following, who is not a registered participant of the CM/ECF System:

N/A

/s/Dana M. Keene

**INDEX TO EXHIBITS**

*Roe v. Herrington, et al.*

No. 4:20-cv-00484-JAS

<b>EXHIBIT</b>	<b>DESCRIPTION</b>
1	Defendant's Separate Statement of Disputed Discovery Pursuant to LRCiv 37.1 [redacted/sealed]
2	Declaration of Dana M. Keene [redacted/sealed]
3	Certification Pursuant to LRCiv 7.2(j)

# **EXHIBIT 1**

**Defendant's Separate Statement of Disputed  
Discovery Pursuant to LRCiv 37.1 - Redacted/  
Sealed**

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7  
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 12 nacedo@strucklove.com  
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13 *Attorneys for Defendant*

14  
 15 **UNITED STATES DISTRICT COURT**  
 16 **DISTRICT OF ARIZONA**

17  
 18 Helen Roe, a minor, by and through her parent  
 and next friend Megan Roe; James Poe, a  
 19 minor, by and through his parent and next  
 friend Laura Poe; and Carl Voe, a minor, by  
 20 and through his parent and next friend, Rachel  
 Voe,

21 Plaintiffs,

22 v.

23 Don Herrington, in his official capacity as  
 24 Interim State Registrar of Vital Records and  
 Interim Director of the Arizona Department of  
 25 Health Services,

26 Defendant.

NO. 4:20-cv-00484-JAS

**DEFENDANT'S SEPARATE  
 STATEMENT OF DISPUTED  
 DISCOVERY PURSUANT TO  
 LRCIV 37.1**

27  
 28

1 Pursuant to LRCiv 37.1 and 7.2(k), Defendant submits this separate statement of  
 2 disputed discovery issues. The following are separate and distinct numbered paragraphs,  
 3 which set forth: (1) each Request for Production or Interrogatory propounded by Defendant;  
 4 (2) Plaintiffs' responses and "specific objections"<sup>1</sup> to these requests as set forth in their  
 5 Supplemental Responses and Objections to Defendant's First Set of Requests for  
 6 Production of Documents (served on May 13, 2022) and their Responses and Objections to  
 7 Defendants' First Set of Interrogatories (served on November 8, 2021)<sup>2</sup>; and (3)  
 8 Defendant's reasons why Plaintiffs' specific objections/responses are deficient.

9 **1. Defendant's Request for Production No. 2.**

10 **Request for Production No. 2:** Please produce any and all  
 11 documentation that shows the respective number of individuals  
 12 who are members of, involved in, and/or otherwise associated  
 13 with Southern Arizona Gender Alliance ("SAGA"), the  
 14 Families Transformed Support Group, and/or Arizona Trans  
 Youth and Parent Organization ("AZTYPO") as referenced in  
 Lizette Trujillo's Declaration in Support of Plaintiff's Motion  
 for Class Certification (Dkt. 89-1) (hereafter referred to as  
 "Lizette Trujillo's Declaration").

15 **Redacted**

17 <sup>1</sup> Plaintiffs' responses to Defendant's First Set of Interrogatories and Requests for  
 18 Production of Documents also contain a set of "General Responses" to all of Defendant's  
 19 requests, which include at least some generalized objections to all requests. General,  
 20 prefatory objections to discovery requests precursing a set of discovery responses are  
 21 disfavored and improper. *See Weidenhamer v. Expedia, Inc.*, 2015 WL 1292978, at \*7-8  
 22 (W.D. Wash. Mar. 23, 2015) (finding that party's use of prefatory general objections was a  
 23 per se violation of the Federal Rules); *Springer v. Gen. Atomics Aeronautical Sys. Inc.*, 2018  
 24 WL 490745, at \*2 (S.D. Cal. Jan. 18, 2018) (overruling all general objections contained in  
 25 an introductory section entitled "General Objections" in party's responses as boilerplate,  
 non-specific, unsupported and improper). Plaintiffs' "General Responses" contain improper  
 boilerplate, non-specific, and unsupported objections and are not considered for purposes  
 of this Motion. To the extent Plaintiffs have failed to assert any of the objections contained  
 in their "General Responses" section in response to a specific discovery request, those  
 objections not specifically asserted are waived. *See Richmark Corp. v. Timber Falling  
 Consultants*, 959 F.2d 1468, 1473 (9th Cir. 1992) ("[I]t is well established that a failure to  
 object to discovery requests within the time required constitutes a waiver of any  
 objection.").

26 <sup>2</sup> Plaintiffs served Supplemental Responses and Objections to Defendant's First Set  
 27 of Interrogatories on April 28, 2022, and Revised Supplemental Responses and Objections  
 28 to Defendant's First Set of Interrogatories on May 3, 2022, which supplemented their  
 response to Interrogatory No. 10 only. Interrogatory No. 10 is not in dispute, and Plaintiffs'  
 supplemental responses to Defendant's First Set of Interrogatories are not included here.

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*As of the date hereof, Plaintiffs have produced the following documents in response to Request for Production No. 2:*

- *AZTYPO00001 through AZTYPO00042*
- *SAGA00001 through SAGA00023*
- *TRUJILLO0000009 through TRUJILLO0000370*

Plaintiffs’ response to this request is deficient and unresponsive. The documents produced at AZTYPO00001-00042 are Non-Profit Corporate Bylaws and Articles of Incorporation for AZTYPO. The documents produced at SAGA00001-00023 are also Articles of Incorporation and Bylaws for SAGA. None of these documents contain information responsive to this Request. The documents produced at TRUJILLO0000009-0000370 are similarly unresponsive. TRUJILLO0000009-0000020 are the purported “results” of the referenced Facebook polls. These Facebook poll results are not responsive to this request because they only show how many individuals responded to Lizette Trujillo’s Facebook polls, not how many people are members of, or involved with, these groups. The documents produced at TRUJILLO0000021-0000032 appear to be related to a Small Grant Request Application submitted on behalf of SAGA. The documents produced at TRUJILLO0000033-0000084 are various PowerPoint presentations by Lizette Trujillo

1 entitled “Parenting a Transgender Child.” Documents produced at TRUJILLO0000085-  
2 0000367 appear to be Lizette Trujillo’s Facebook Messenger and Instagram messages with  
3 various individuals whose names have been redacted. Hundreds of pages of documents in  
4 this Bates range contain either block redactions or are completely redacted.<sup>3</sup> Documents  
5 produced at TRUJILLO0000368-0000370 appear to be social media posts and/or flyers  
6 regarding SAGA and Families Transformed. None of these documents contain responsive  
7 information. Nor is Defendant responsible for scouring thousands of pages of documents  
8 to determine whether they do. To date, Plaintiffs have failed to produce any documents  
9 responsive to Request No. 2.

10 The documents requested are relevant under Rule 26(b)(1). Plaintiffs relied on  
11 Lizette Trujillo’s Declaration in their Motion for Class Certification to show that there is  
12 sufficient numerosity, commonality, and typicality to certify the class. (Dkt. 89 at 6.) Ms.  
13 Trujillo attested that certain groups exist—including SAGA, AZTYPO, and the Families  
14 Transformed support group—whose members are or may be members of the putative class.  
15 None of the allegations in Ms. Trujillo’s Declaration are backed by verifiable evidence, and  
16 the statements made in her Declaration are extremely vague. It is unclear how many  
17 individuals are members of these groups, whether the groups she references even require  
18 formal memberships, or whether individuals and/or families can simply become “involved  
19 in” or “associated with” them, and thus any objection regarding vagueness and/or ambiguity  
20 is self-serving, as Ms. Trujillo’s own Declaration is entirely vague and ambiguous. It is  
21 also unclear whether the members she references are individuals or entire family units. It  
22 is unclear how many members/individuals are indeed transgender or parents/legal guardians  
23 of transgender minors. Significantly, it is unclear whether individuals referred to in these  
24 groups have registered Arizona birth certificates and are otherwise members of the putative  
25 class. Thus, this information is directly relevant and proportional to Rule 23’s numerosity

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26 <sup>3</sup> Given the voluminous redactions in Plaintiffs’ document production, Defendant  
27 requested that Plaintiffs produce a redaction log that describes the subject matter of the  
28 redacted information so he could determine whether relevant documents are being withheld.  
Plaintiffs agreed to produce this redaction log by June 6, 2022.

1 requirement to determine whether individuals in these groups are members of the putative  
2 class, or parents of members of the putative class. Defendant need not simply rely on the  
3 attestations made by Ms. Trujillo; he is entitled to discover this information so that he can  
4 independently verify the veracity of the statements made in her Declaration. Plaintiffs  
5 cannot be permitted to rely on these assertions and then shield Defendant from discovery  
6 into their veracity.

7 Plaintiffs' objection as to time-period is improper given that Ms. Trujillo's  
8 Declaration did not include any dates, time-periods, or limitations to support her assertions.  
9 Plaintiffs should assume that the relevant time-period is the same one referenced by Ms.  
10 Trujillo. Plaintiffs' boilerplate objections regarding overbreadth, burden, proportionality,  
11 and relevance are not adequate to voice a successful objection. *See Gann v. Garcia*, 2022  
12 WL 332389, at \*2 (E.D. Cal. Jan. 25, 2022) (a "recitation that the discovery request is overly  
13 broad, burdensome, oppressive and irrelevant is not adequate to voice a successful  
14 objection."). Plaintiffs' objections that this request "seeks to impose upon them an  
15 obligation to investigate or discover information or materials from third parties and not  
16 within the custody and control of Plaintiffs" also lacks merit. *See Gann*, 2022 WL 332389,  
17 at \*2 ("If responsive documents do exist but the responsive party claims lack of possession,  
18 control, or custody, the party must also so state with specificity."). Plaintiffs cannot rely on  
19 information asserted in Ms. Trujillo's Declaration, but then refuse to produce evidence  
20 verifying that information, and Plaintiffs are required to make a reasonable inquiry to obtain  
21 information pursuant to Rule 26(g)(1). Ms. Trujillo presumably has possession of or access  
22 to at least some information or documentation showing the number of individuals in these  
23 groups and their identities, and Plaintiffs have a duty to obtain that information and produce  
24 it given their reliance on her Declaration to support class certification.

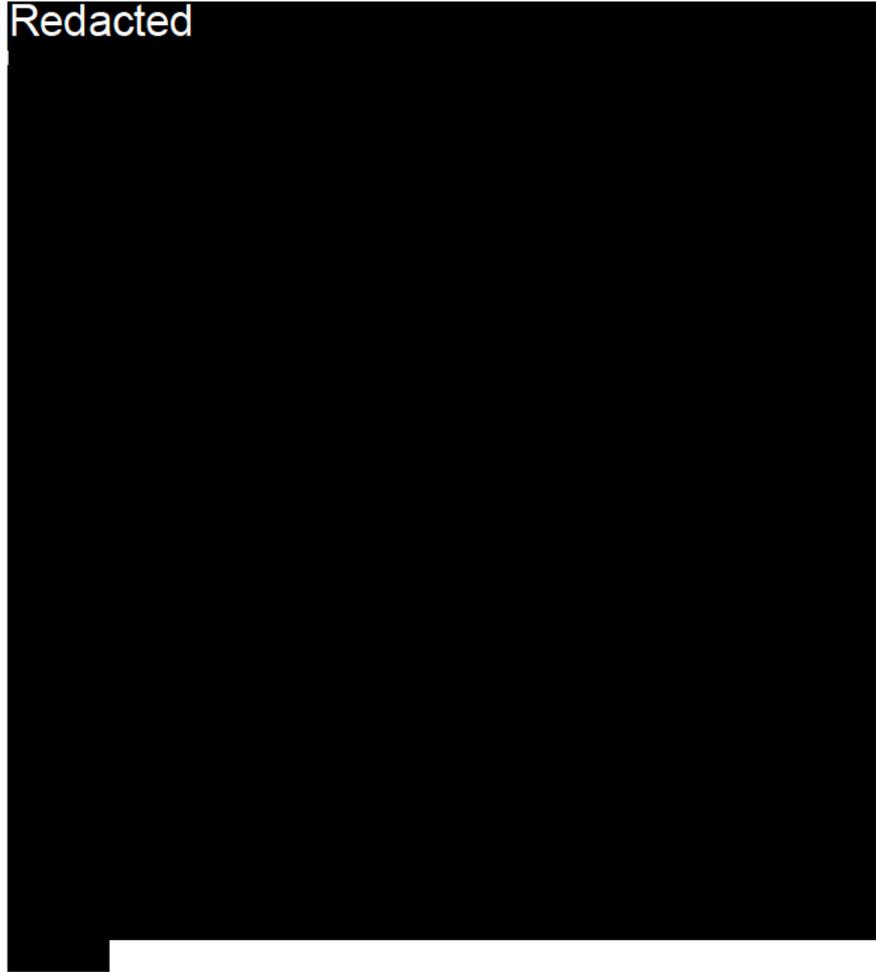
25 This information is necessary to prepare an opposition to Plaintiffs' Motion for Class  
26 Certification, and to depose Lizette Trujillo. Thus, Plaintiffs should be compelled to  
27 produce information and/or documentation showing the respective number of individuals  
28 who are members of, involved in, and/or otherwise associated with these groups.

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**2. Defendant’s Request for Production No. 3:**

**Request for Production No. 3:** Produce the full contents and/or downloads of all social media accounts identified in Plaintiffs’ response to Interrogatory No. 8 in their native format. Produce and authenticate the contents of all Facebook accounts by using Facebook’s “Download Your Information” tool, accessible through the “Account Settings” drop down menu and produce the information in the format which contains all metadata. Alternatively, produce any and all log-in information and passwords for all Plaintiffs’ social media accounts identified in response to Interrogatory No. 8.

Redacted



*As of the date hereof, Plaintiffs have produced the following documents in response to Request for Production No. 3:*

- *POE00522 through POE01290*

1 • *ROE00088 through ROE00227*

2 • *VOE00354 through VOE00356*

3 • *TRUJILLO0000001 through TRUJILLO0000019*

4 By letter dated December 10, 2021, Defendant agreed to limit this request to the  
5 following content contained on Plaintiffs' parents' social media accounts listed in response  
6 to Interrogatory No. 8: (1) any and all information and/or communications related to this  
7 lawsuit; (2) any and all information and/or communications related to the claims and  
8 injuries in this lawsuit, including all information and communications regarding  
9 amendments to birth certificates; (3) any and all information and/or communication  
10 regarding Plaintiffs' transgender status and lifestyle (including information disclosing that  
11 Plaintiffs are transgender, and any mention of their gender dysphoria diagnoses/treatment,  
12 and transition); (4) any and all information and/or communication regarding Plaintiffs'  
13 emotions, feelings, and mental state; (5) any and all information and/or communication  
14 regarding Plaintiffs' school, interests, activities, and lifestyle; (6) any and all information  
15 and/or communication regarding Plaintiffs' relationships with friends, family, teachers,  
16 mentors, etc.; (7) any and all information and/or communication regarding specific life  
17 events (including, but not limited to, births, deaths, graduations, vacations, achievements,  
18 disappointments, etc.); and (8) any and all information and/or communications regarding  
19 transgender rights.<sup>4</sup> By letter dated January 10, 2021, Plaintiffs objected to producing social  
20 media records that fell within categories four, six, and seven, outlined above. Plaintiffs,  
21 however, indicated that they would "collect and review those accounts, and produce  
22 responsive, non-privileged information."

23 On April 28, 2022, Plaintiffs produced only Facebook and Instagram messages for  
24 Laura Poe at POE00522-01290, Megan Roe at ROE00088-00227, and Rachel Voe at  
25 VOE00354-00356. It is entirely unclear what many of these messages are, how they are  
26 relevant, with whom they involve (all individuals aside from Plaintiffs and Ms. Trujillo are

27 \_\_\_\_\_  
28 <sup>4</sup> Defendant previously sought social media documents from former Plaintiffs  
Lizette Trujillo/D.T. and Susan Doe/Jane Doe but is no longer seeking this information.

1 redacted), and in what context. Many of these messages appear to be related to one group  
2 (although it is not specified) and either contain block redactions or are redacted in full.  
3 Aside from these messages, Plaintiffs have failed to produce any other social media  
4 documents, including profiles, posts, status updates, wall comments, causes joined, groups  
5 joined, activity streams, applications, blogs, photographs, or videos/media clips that are  
6 responsive to this request. It is unclear whether there are other private messages responsive  
7 to this request.

8 Information requested in the eight (8) categories listed above is relevant and  
9 discoverable under Rule 26(b)(1). Plaintiffs have alleged injuries (including hypothetical  
10 and/or prospective injuries) caused by Subsections (A)(3) and (A)(4). The crux of  
11 Plaintiffs' claims is that disclosure of their transgender status causes them "significant  
12 emotional harm and puts them at risk of discrimination, harassment, and violence." (Dkt.  
13 47 at ¶ 1.) The potential information gleaned from social media accounts is relevant to not  
14 only Plaintiffs' allegations of emotional distress, but it is ultimately relevant to whether the  
15 named Plaintiffs have indeed been injured and have standing to pursue these claims, and to  
16 Rule 23's typicality, commonality, and Rule 23(b)2) requirements. Defendant is not  
17 required to simply accept Plaintiffs' statements about their emotional distress and injuries  
18 as true. So long as these allegations remain in the Amended Complaint, Defendant is  
19 entitled to verify the injuries claimed and assess the magnitude of those injuries through,  
20 among other sources, Plaintiffs' social media accounts and communications. *See Barten v.*  
21 *State Farm Mut. Auto. Ins. Co.*, 2015 WL 1111477, at \*2 (D. Ariz. June 17, 2015)  
22 ("Evidence that a plaintiff's emotional distress may have been caused by other stressors in  
23 the plaintiff's life is admissible, even if such evidence is relevant only to emotional distress  
24 damages and not to liability."); *see also Wilkins v. Maricopa Cty.*, 2010 WL 2231909, at \*4  
25 (D. Ariz. June 2, 2010) ("[F]undamental fairness mandates that [defendant] be permitted to  
26 challenge [claims regarding emotional distress] thoroughly" by showing whether there are  
27 sources of plaintiff's emotional distress other than defendant's actions or omissions).  
28 Defendant is also entitled to discover whether Plaintiffs' parents have posted about their

1 children and/or their transition to determine whether their claims regarding invasion of  
2 privacy, exposure, and/or harassment are indeed true.

3 Because “social media activity, to an extent, is reflective of an individual’s  
4 contemporaneous emotions and mental state,” information contained and exchanged on  
5 social media platforms is relevant to Plaintiffs’ allegations of emotional distress.  
6 *Hinostroza v. Denny’s, Inc.*, 2018 WL 3212014, at \*6 (D. Nev. June 29, 2018). The scope  
7 of social media discovery is broad and includes “online social media communications by  
8 plaintiff, including profiles, postings, messages, status updates, wall comments, causes  
9 joined, groups joined, activity streams, applications, blog entries, photographs, or media  
10 clips, as well as third-party online social media communications that place plaintiff’s own  
11 communications in context.” *Robinson v. Jones Lang LaSalle Americas, Inc.*, 2012 WL  
12 3763545, at \*2 (D. Or. Aug. 29, 2012). Private information not available for public view  
13 (including private communications sent using Facebook Messenger and Instagram direct  
14 messaging) is also discoverable. *See Brown v. City of Ferguson*, 2017 WL 386544, at \*2  
15 (E.D. Mo. Jan. 27, 2017) (compelling private messages sent through Facebook). Social  
16 media information need not directly address or reference the events or claims in the  
17 complaint to be discoverable. *E.E.O.C. v. Simply Storage Mgmt., LLC*, 270 F.R.D. 430,  
18 436 (S.D. Ind. 2010). Thus, Defendant is entitled to a broad scope of discovery into  
19 Plaintiffs’ social media information that showcase any other factors that could have  
20 contributed to their alleged emotional injuries, the extent and/or magnitude of these injuries,  
21 or whether they suffered from these injuries at all. *See Brown*, 2017 WL 386544, at \*2 (the  
22 scope is “broad” and “overly expansive”). Defendant never limited this request to only  
23 private social media communications. Thus, Defendant is entitled to all profiles, postings,  
24 messages, status updates, wall comments, causes joined, groups joined, activity streams,  
25 applications, blogs, photographs, or videos/media clips that are responsive to the narrowed  
26 request, above.

27 Plaintiffs’ objections regarding privacy concerns are unavailing. *See Hinostroza*,  
28 2018 WL 3212014, at \*6 (“Generally, social networking content is neither privileged nor

1 protected by any right of privacy.”) (internal quotations omitted). Defendant has already  
2 agreed to stipulate that any private or confidential information shall be produced under the  
3 parties’ Protective Order. *See Simply Storage Mgmt., LLC*, 270 F.R.D. at 434 (finding that  
4 privacy and confidentiality concerns can be addressed by appropriate protective order);  
5 *Brown*, 2017 WL 386544, at \*1 (privacy concerns addressed by protective order); *see also*  
6 *A.G. v. Oregon Dep’t of Hum. Servs.*, 2014 WL 317016, at \*6 (D. Or. Jan. 28, 2014) (finding  
7 that entry of protective order is the most “efficient and effective” method of getting  
8 discovery to parties while protecting information of minor plaintiffs).

9 Moreover, Plaintiffs and Ms. Trujillo have the legal right to obtain the documents  
10 requested, and aside from general and conclusory objections, Plaintiffs have failed to  
11 proffer evidence showing that the requested documents are “not reasonably accessible  
12 because of undue burden or cost.” Fed. R. Civ. P. 26(b)(2)(b). To the contrary, “Facebook  
13 has made it easy for Facebook users to download their account data for a specific  
14 timeframe.” *Bruner v. City of Phoenix*, 2020 WL 554387, at \*8 (D. Ariz. Feb. 4, 2020).

15 This information is necessary to prepare an opposition to Plaintiffs’ Motion for Class  
16 Certification, and to depose the parents of the minor Plaintiffs. Plaintiffs should be  
17 compelled to produce all social media information responsive to Defendant’s narrowed  
18 request, above.

19 **3. Defendant’s Request for Production No. 4:**

20 **Request for Production No. 4:** Please produce any and all  
21 documentation and/or evidence showing the number of  
22 members in the Families Transformed and AZTYPO private  
23 Facebook Groups referenced in Lizette Trujillo’s Declaration,  
24 including any and all information pertaining to group  
25 administrators, membership demographics, and/or membership  
26 criteria.

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6 *As of the date hereof, Plaintiffs have produced the following*  
7 *documents in response to Request for Production No. 4:*

- 8 • *AZTYPO00001 through AZTYPO00042*
- 9 • *SAGA00001 through SAGA00023*
- 10 • *TRUJILLO0000001 through TRUJILLO0000370*

11 Plaintiffs' response to this request is only partially responsive in that they produced  
12 documents showing *only* the number of members in the Families Transformed and  
13 AZTYPO private Facebook groups but failed to produce any information and/or  
14 documentation pertaining to group administrators, membership demographics, and/or  
15 membership criteria for these groups. As stated above, the documents produced at  
16 AZTYPO00001-00042, SAGA00001-00023, and TRUJILLO0000001-0000370 are  
17 nonresponsive. None of these documents contain information regarding group  
18 administrators, membership demographics, and/or membership criteria for the Families  
19 Transformed and/or AZTYPO private Facebook groups.

20 Lizette Trujillo's Declaration relies on Facebook polls that were responded to by  
21 individuals who are allegedly members of these groups, but whose names and identities  
22 have been redacted. There is no way for Defendant to prove or disprove whether any of the  
23 people who responded to Ms. Trujillo's Facebook polls are indeed members of the putative  
24 class or have children who are members of the putative class. Unless there are certain  
25 criteria for members of these private Facebook groups, it appears that anyone can join them,  
26 regardless of whether they are members of the class or not. If this is the case, then the

1 “results” of these polls are entirely skewed and inaccurate.<sup>5</sup> Documentation and/or  
2 information regarding group administrators, membership demographics, and/or  
3 membership criteria for the Families Transformed and AZTYPO private Facebook Groups  
4 is directly relevant to the claims and defenses in this case, including Rule 23’s numerosity  
5 requirement, and will assist Defendant’s in determining whether individuals in these groups  
6 (and those who responded to Ms. Trujillo’s Facebook polls) are members of the putative  
7 class, or parents of members of the putative class, and ultimately whether these polls  
8 accurately reflect what Ms. Trujillo and Plaintiffs are claiming.

9 Plaintiffs’ boilerplate objections regarding overbreadth, burden, and proportionality  
10 are not adequate to voice a successful objection. *See Gann*, 2022 WL 332389, at \*2.  
11 Plaintiffs’ objections that this request “seeks to impose upon Plaintiffs an obligation to  
12 investigate or discover information or materials from third parties and not within the  
13 custody and control of Plaintiffs” also lacks merit. Plaintiffs cannot rely on information  
14 asserted in Ms. Trujillo’s Declaration, but then refuse to produce evidence verifying that  
15 information, and Plaintiffs are required to make a reasonable inquiry to obtain information  
16 pursuant to Rule 26(g)(1). Ms. Trujillo presumably has possession of or access to at least  
17 some information or documentation showing the number of individuals in these groups and  
18 their identities, and Plaintiffs have a duty to obtain that information and produce it given  
19 their reliance on her Declaration to support class certification. Indeed, Ms. Trujillo’s  
20 Declaration and documents produced thus far indicate that she manages both the SAGA and  
21 Families Transformed private Facebook group and would have access at least some of this  
22 information. (Dkt. 89-1 at ¶ 7.) Furthermore, Plaintiffs’ objection as to time-period is  
23 improper given that Ms. Trujillo’s Declaration did not include any times, time-periods, or  
24 limitations to support her assertions. Thus, Plaintiffs should assume that the relevant time-

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26 <sup>5</sup> For instance, is it a requirement that members of these groups have a registered  
27 Arizona birth certificate prior to joining? Are members required to live in Arizona? Are  
28 members required to be transgender, or the parents/legal guardians of a transgender child?  
Are members required to be friends and/or allies of transgender individuals? Can anyone  
join these groups simply because they believe in their cause?

1 period is the timeframe Ms. Trujillo relied upon in making the assertions in her Declaration.

2 This information is necessary to prepare an opposition to Plaintiffs' Motion for Class  
3 Certification, and to depose the parents of the minor Plaintiffs. Plaintiffs should be  
4 compelled to produce this information.

5 **4. Defendant's Request for Production No. 6.**

6 **Request for Production No. 6:** Please produce any and all  
7 records from daycare facilities, preschools, and/or schools  
8 attended by the minor Plaintiffs and former minor Plaintiff D.T.  
9 identified in Plaintiffs' response to Interrogatory No. 9 from the  
10 date of their birth to present.

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22 *As of the date hereof, Plaintiffs have produced the following*  
23 *documents in response to Request for Production No. 6:*

- 24 • *POE00001 through POE00072*
- 25 • *ROE00001 through ROE00024*
- 26 • *VOE00001 through VOE00020*

27 *Additionally, Plaintiffs withheld a small subset of documents*  
28 *collected in response to this request due to attorney-client*  
*privilege. Attached to this supplement is a privilege log that*  
*provides detailed information regarding the withheld*

1 *documents. See Exhibit A.*

2 By letter dated December 10, 2021, Defendant agreed to limit this request from the  
3 age of two to the present given Plaintiffs' ages and the allegations that all began to  
4 experience symptoms of gender dysphoria by at least the age of two. All school records are  
5 potentially relevant for the reasons stated at length, below.

6 Plaintiffs presumably provided a complete list of all daycares, preschools, and/or  
7 schools attended by James Poe, Helen Roe, and Carl Voe in response to Interrogatory No.  
8 9. In response to this request, Plaintiffs produced only a handful of piecemeal school  
9 records (at the bates ranges above), including some enrollment records, report cards, and  
10 email communications between Plaintiffs' parents and teachers and school administrators  
11 at their respective schools. These records produced are incomplete. In addition, Plaintiffs  
12 failed to produce records from most of the institutions listed in response to Interrogatory  
13 No. 9, including **Redacted**

14 **Redacted**  
15 **Redacted**.

16 The parties have exchanged numerous communications on this issue. Plaintiffs'  
17 counsel has represented that Plaintiffs' parents attempted to obtain their child's records  
18 from all of the institutions listed in response to Interrogatory No. 9 (**Redacted**  
19 **Redacted**), and that the records produced  
20 were all that were provided to Plaintiffs' parents by these institutions. It is questionable  
21 that the records provided by Plaintiffs constitute all records that exist. It is also doubtful  
22 that some of these institutions have no records of the minor Plaintiffs' whatsoever.  
23 Defendant would like to obtain authorizations for the release of these records so that he can  
24 independently subpoena and/or request records from all institutions (**Redacted**  
25 **Redacted**). Defendant has requested that  
26 Plaintiffs execute authorizations for the release of these records, but Plaintiffs have refused  
27 to do so.

28 All school records for Plaintiffs are relevant to the claims and defenses in this case

1 pursuant to Rule 26(b)(1). Plaintiffs’ Amended Complaint alleges that “[s]chool  
2 enrollment, recreational sports registrations, and camp signups, among many others, hinge  
3 on having proper identity documents.” (*Id.* at ¶¶ 2, 42, 92.) Plaintiffs claim that the alleged  
4 deprivation of accurate birth certificates “causes several distinct and significant harms: it  
5 creates barriers to full participation in school and other activities that are critical to a young  
6 person’s health and well-being, circumvents that young person’s ability to control the  
7 disclosure of their transgender status, undermines the effectiveness of a transgender young  
8 person’s treatment for gender dysphoria, and exposes a transgender young person to an  
9 increased risk of harassment, discrimination, and potentially bodily harm.” (*Id.* at ¶ 43.)

10 The Amended Complaint also contains specific allegations regarding each minor  
11 Plaintiff’s involvement at school, preschool, and/or with their peers. For instance, Plaintiffs  
12 allege that James Poe allegedly dressed in boys’ clothing at school and referred to himself  
13 as a boy. (*Id.* at ¶¶ 95-96.) Plaintiffs further allege that James was mistreated by some of  
14 his peers, and that in 2019 he attended a program at his school with children of different  
15 class levels and ages, where he reported being repeatedly told by an older student that he  
16 was a girl, not a boy. (*Id.* at ¶ 99.) Plaintiffs claim that James’s parents enrolled him in  
17 private school to avoid the public school’s requirement that he provide a birth certificate to  
18 enroll. (*Id.* at ¶ 100.) Plaintiffs allege that Helen Roe exhibited a “marked improvement”  
19 since her transition. (*Id.* at ¶ 90.) They also claim that Helen experienced prejudice because  
20 she is transgender, and that another parent called the director of Helen’s preschool to allege  
21 that Helen was a threat to their children’s security. (*Id.* at ¶ 91.) Plaintiffs allege that when  
22 Carl Voe was in kindergarten, his parents learned that other children were asking him  
23 whether he was a boy or a girl and would not believe him regardless of how he answered,  
24 and that Carl addressed his class to tell them that he did not like their questions. (*Id.* at ¶  
25 106.) Carl was allegedly not eating his lunch at school and refusing to use the restroom  
26 during the school day out of fear. (*Id.*) After kindergarten, he adopted male pronouns and  
27 the anger he once experienced eased, but when he entered first grade he was faced with  
28 continued questions about his gender and was referred to as a girl by other students and

1 school staff. (*Id.* at ¶ 107.) Carl’s parents moved him to a new school for second grade,  
2 but a few other students from Carl’s old school moved to the new school and Carl’s anger  
3 was replaced by anxiety and fear that he would be outed and face the questions and  
4 mistreatment by his peers and staff. (*Id.* at ¶ 108.) He moved to distance learning halfway  
5 through second grade, but he claims that remote learning exacerbated his gender dysphoria,  
6 and his mother began to homeschool him in October 2020. (*Id.* at ¶ 109.)

7 All or some of this information is likely contained within the minor Plaintiffs’  
8 preschool, daycare, and/or school files. These records are relevant for numerous reasons.  
9 First, they could show whether any daycare and/or school requires a child’s birth certificate  
10 to enroll, and they could either prove or disprove Plaintiffs’ claims that they were “forced”  
11 to disclose their transgender status. They could also contain teacher, school administrator,  
12 and/or guidance counselor notes, correspondence, and/or progress reports regarding  
13 Plaintiffs’ alleged behaviors and difficulties at school and could document instances of  
14 bullying and harassment. Conversely, Plaintiffs’ school records could show that they are  
15 thriving in the school environment and with their peers pre- and/or post-transition.  
16 Likewise, Plaintiffs’ report cards, grades, and/or school difficulties are indicative of their  
17 well-being and adjustment.

18 Plaintiffs’ boilerplate objections regarding overbreadth, burden, and proportionality  
19 are not adequate to voice a successful objection. *See Gann*, 2022 WL 332389, at \*2.  
20 Plaintiffs’ objection to the term “records” is improper. The term “record” is defined as a  
21 “documentary account of past events, usually designed to memorialize those events,” and  
22 as “information that is inscribed on a tangible medium or that, having been stored in an  
23 electronic or other medium, is retrievable in perceivable form.” *Black’s Law Dictionary*  
24 (11th ed. 2019). The term “records” can reasonably be interpreted as requesting all  
25 documents that are or were kept in the usual course of business at each daycare, preschool,  
26 or school attended by each minor Plaintiff.

27 Moreover, Plaintiffs’ objection that this request “seeks to impose upon Plaintiffs an  
28 obligation to investigate or discover information or materials from third parties and not

1 within the custody and control of the Plaintiffs” lacks merit. Actual possession of  
2 documents is not required. Documents are deemed to be in a party’s possession, custody,  
3 or control if the party has a “legal right to obtain documents upon demand.” *United States*  
4 *v. Int’l Union of Petroleum and Indus. Workers, AFL-CIO*, 870 F.2d 1450, 1452 (9th Cir.  
5 1989). Plaintiffs’ parents have the legal right to obtain their child’s daycare, preschool, and  
6 school records, and Plaintiffs’ objection regarding their inability to discover information or  
7 materials from third parties is both inapplicable and misleading. Because Plaintiffs have  
8 included detailed allegations regarding Plaintiffs’ emotional injuries and their experiences  
9 at school, they have placed Plaintiffs’ school records at issue and Defendant is entitled to  
10 this information. These documents are highly relevant to the claims and defenses in this  
11 case, and especially relevant to whether these Plaintiffs were injured as alleged, and Rule  
12 23’s typicality, commonality, and Rule 23(b)(2) requirements.

13 This information is necessary to prepare an opposition to Plaintiffs’ Motion for Class  
14 Certification, and to depose the parents of Plaintiffs. Plaintiffs should be compelled to  
15 execute authorizations for release of records so that Defendants can subpoena and/or request  
16 records from the various daycares, preschools, and/or schools attended by the minor  
17 Plaintiffs for their records.

18 **5. Defendant’s Request for Production No. 8.**

19 **Request for Production No. 8:** Please produce any and all  
20 medical records from mental health and/or medical providers  
21 who provided treatment to the minor Plaintiffs and former  
22 minor Plaintiff D.T. for gender dysphoria and/or related  
23 conditions identified in response to Interrogatory No. 11 from  
24 the date of their birth to present.

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By letter dated December 10, 2021, Defendant agreed to limit this request from two years of age to present. Plaintiffs produced an undated “Letter Certifying Applicant’s Gender Change” from James Poe’s physician, stating that he had appropriate clinical treatment for transition to male. (*See* POE01291.) Plaintiffs also produced a letter dated December 9, 2019 from Helen Roe’s physician indicating that she had appropriate clinical treatment for transition to female. (*See* ROE00033.) Plaintiffs have refused to produce any other documents responsive to this request.

Plaintiffs’ medical and/or mental health records are directly relevant to the claims and defenses in this case. First, Defendant is entitled to verify that Plaintiffs have been diagnosed with gender dysphoria by a qualified medical or mental health provider and whether they are currently treating (or were previously treating) for gender dysphoria. This is relevant to the typicality and commonality requirement and is relevant to whether any named Plaintiff lacks standing to assert these claims on behalf of the putative class. Defendant is also entitled to discover information about the Plaintiffs’ alleged emotional injuries, the extent of those injuries, and whether Plaintiffs sought treatment for those injuries, which may be contained within any number of medical and/or mental health

1 records, for the same reasons. Their treatment records may show whether there are other  
2 sources for the Plaintiffs' alleged emotional distress, or whether they are experiencing any  
3 emotional distress at all. *See Wilkins*, 2010 WL 2231909, at \*4.

4 Defendant does not dispute "the medical definition of gender identity/gender  
5 dysphoria, or the accepted medical/psychological best practices to treat gender dysphoria  
6 in minors." (Dkt. 84 at 7.) Defendant also does not *anticipate* a dispute regarding Plaintiffs'  
7 diagnoses and treatment of gender dysphoria. *Id.* Defendant has made clear, however, that  
8 he disputes the "social and emotional impact that Plaintiffs allege is the result of A.R.S. §  
9 36-337" and whether Rule 23's class certification elements are satisfied. *Id.*

10 Plaintiffs have failed to provide any evidence or support for their assertion that the  
11 information sought is protected by "applicable medical records, doctor-patient, or  
12 psychotherapist-patient privilege, or the right to privacy in the Arizona Constitution." This  
13 objection is boilerplate and insufficient. *See Burlington N. & Santa Fe Ry. Co. v. U.S. Dist.*  
14 *Ct. for Dist. of Mont.*, 408 F.3d 1142, 1149 (9th Cir. 2005) ("[B]oilerplate objections or  
15 blanket refusals inserted into a response to a Rule 34 request...are insufficient to assert a  
16 privilege."). Moreover, Plaintiffs have waived any physician-patient or psychotherapist-  
17 patient privilege by placing their gender dysphoria diagnoses and treatment at issue. *See*  
18 *Wilkins*, 2010 WL 2231909, at \*4 ("Under the federal rules' broad approach to discovery,  
19 district courts have held that a simple allegation of emotional distress in a complaint  
20 constitutes waiver of a plaintiff's privacy rights including the psychotherapist-patient  
21 privilege [.]") (quotations omitted).

22 To the extent Plaintiffs claim that any responsive documentation potentially violates  
23 their right to privacy, Defendant has already agreed to stipulate that this information shall  
24 be designated as confidential under the parties' Protective Order. *See Phillips v. Gen.*  
25 *Motors Corp.*, 307 F.3d 1206, 1212 (9th Cir. 2002) (courts have consistently granted  
26 protective orders that prevent disclosure of information, including medical and psychiatric  
27 records confidential under state law). In addition, Plaintiffs allege that they began to  
28 express that they were the opposite sex as early as one-and-a-half years old. (*Id.* at ¶¶ 59,

1 87, 95, 104.) Given Plaintiffs’ ages and their extensive allegations regarding their injuries,  
2 all medical and/or mental health records regarding gender dysphoria from two years old to  
3 the present are relevant and proportional to the needs of this case. Defendant has already  
4 offered to provide Plaintiffs with authorizations for the release of these records so that he  
5 may obtain them, which would nullify any proportionality/unduly burdensome objection.

6 This information is necessary to prepare an opposition to Plaintiffs’ Motion for Class  
7 Certification, and to depose the parents of the minor Plaintiffs. Plaintiffs should be  
8 compelled to produce all documents responsive to this request.

9 **6. Defendant’s Interrogatory No. 1.**

10 **Interrogatory No. 1:** Please state with specificity the total  
11 number of individuals who are members of, involved in, and/or  
12 otherwise associated with Southern Arizona Gender Alliance  
13 (“SAGA”), Families Transformed Support Group, and/or  
14 Arizona Trans Youth and Parent Organization (“AZTYPO”) as  
15 referenced in Lizette Trujillo’s Declaration in Support of  
16 Plaintiffs’ Motion for Class Certification (Dkt. 89-1) (hereafter  
17 referred to as “Lizette Trujillo’s Declaration”).

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28 Plaintiffs’ response is incomplete, misleading, and insufficient in that it merely

1 reiterates the number of individuals in the Facebook groups for SAGA, AZTYPO, and  
2 Families Transformed. There is no explanation as to whether members of these Facebook  
3 groups are actually members of SAGA, AZTYPO, and Families Transformed. The same  
4 can be said for SAGA's email list subscribers.

5 This information is relevant for all the reasons stated in Defendant's response to  
6 Plaintiffs' responses and objections to Request for Production No. 2, above. It is necessary  
7 to prepare an opposition to Plaintiffs' Motion for Class Certification, and to depose Lizette  
8 Trujillo. Plaintiffs' objections are inapplicable and/or improper for the same reasons.  
9 Plaintiffs cannot rely on attestations made by Ms. Trujillo and then shield Defendant from  
10 discovery into their veracity. Thus, Plaintiffs should be compelled to produce and/or clarify  
11 the requested information.

12 **7. Defendant's Interrogatory No. 2.**

13 **Interrogatory No. 2:** Please state with specificity the total  
14 number of transgender minors who are members of, involved  
15 in, and/or otherwise associated with SAGA, Families  
16 Transformed Support Group, and AZTYPO as referenced in  
Lizette Trujillo's Declaration. Of these transgender minors,  
please identify the total number of transgender minors whose  
births are registered in Arizona.

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2 Plaintiffs' response to this Interrogatory is only partially responsive. Plaintiffs  
3 responded only with respect to the Families Transformed support group and identified only  
4 the number of "young people" associated with that group. "Young people" is not the same  
5 as "minor," which is defined by Black's Law Dictionary as "[s]omeone who has not reached  
6 full legal age; a child or juvenile." *See* Black's Law Dictionary (11th ed. 2019). Not once  
7 have Plaintiffs confirmed whether "young people" means a minor.

8 This information is relevant for all the reasons stated in Defendant's response to  
9 Plaintiffs' responses and objections to Request for Production No. 2, above. It is necessary  
10 to prepare an opposition to Plaintiffs' Motion for Class Certification, and to depose Lizette  
11 Trujillo. Plaintiffs' objections are inapplicable and/or improper for the same reasons.  
12 Plaintiffs cannot rely on attestations made by Ms. Trujillo and then shield Defendant from  
13 discovery into their veracity. Thus, Plaintiffs should be compelled to produce the requested  
14 information with respect to SAGA and AZTYPO, and to supplement their response to  
15 include information as to minors, meaning individuals under the age of 18, not "young  
16 people."

17 **8. Defendant's Interrogatory No. 3.**

18 **Interrogatory No. 3:** Please identify all individuals and/or  
19 families that are members of, involved, and/or otherwise  
20 associated with Families Transformed Support Group and/or  
21 SAGA whom Lizette Trujillo claims have expressed that they  
22 are concerned about, unwilling to, or cannot pursue a court  
23 order correcting or amending the birth certificate of a minor  
24 child as referenced in Lizette Trujillo's Declaration, and  
25 identify the minor child(ren) and their date(s) of birth.

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Ms. Trujillo’s Declaration states that she has spent a “significant portion of time” speaking with families about the “barriers” transgender people face because Arizona “requires proof of surgery to amend the sex listed on a birth certificate through ADHS’s private administrative process.” (Dkt. 89-01, at ¶¶ 7-8.) She relies on hearsay statements, claiming that many families in SAGA and/or Families Transformed have children that are too young to undergo surgical treatment and cannot use ADHS’s administrative process, and that these families “are also concerned about—or unwilling to pursue—a court order correcting that information” due to privacy concerns. (*Id.* at ¶ 9.) Ms. Trujillo’s Declaration states that she “regularly communicates” with parents from AZTYPO, and that “many of the families connected with AZTYPO would like to amend the sex listed on their child’s birth certificate through the administrative process but are prevented from doing so due to the surgical requirement.” (*Id.* at ¶ 10.) Ms. Trujillo also claims that, through her work with Families Transformed and SAGA, she has “spoken with and heard stories of many transgender adults who are unable to amend the sex listed on their birth certificates due to ADHS’s surgical requirement.” (*Id.* at ¶ 11.)

1 This Interrogatory relates specifically to information contained in Ms. Trujillo's  
2 Declaration. Plaintiffs refused to provide a response, despite relying on Ms. Trujillo's  
3 assertions in their Motion for Class Certification to show that there is sufficient numerosity,  
4 typicality, and commonality (and Rule 23(b)(2)) to certify the class. (Dkt. 89 at 6.) Ms.  
5 Trujillo's assertions also support Plaintiffs' claims that obtaining a court order to amend a  
6 birth certificate pursuant to A.R.S. § 36-337(A)(4) is burdensome and unavailable. (Dkt.  
7 47 at ¶¶ 6, 50-55). As already stated, none of the assertions in Ms. Trujillo's Declaration  
8 are backed by verifiable evidence. Thus, because Plaintiffs are relying on Ms. Trujillo's  
9 Declaration, Defendant is entitled to verify whether the attestations and hearsay statements  
10 made in Ms. Trujillo's Declaration are indeed true. He is also permitted to discover the  
11 identities and dates of birth of all individuals referenced in her Declaration so that he can  
12 independently verify whether these individuals have birth certificates registered in the State  
13 of Arizona or otherwise fall within the putative class. Defendant is also entitled to verify  
14 whether these individuals have even attempted to amend a birth certificate and/or the  
15 reasons why they cannot or are otherwise unwilling to amend their birth certificates by  
16 obtaining a court order pursuant to A.R.S. 36-337(A)(4). Plaintiffs cannot be permitted to  
17 rely on these assertions and then shield Defendant from discovery into their veracity.

18 Any objection regarding vagueness and/or ambiguity is self-serving, as Ms.  
19 Trujillo's Declaration is entirely vague and ambiguous. To the extent Plaintiffs claim that  
20 any responsive documentation potentially violates any individual's right to privacy,  
21 Defendant has already agreed to stipulate that information and documents containing  
22 private or sensitive information shall be designated and produced as confidential under the  
23 parties' Protective Order. Further, Plaintiffs' objection as to time-period is misleading and  
24 improper given that Ms. Trujillo's Declaration did not include any dates, time-periods, or  
25 limitations to support her assertions. Thus, Plaintiffs should assume that the relevant time-  
26 period is the timeframe Ms. Trujillo relied upon in making the assertions in her Declaration,  
27 whatever that may be.

28 Plaintiffs' boilerplate objections as to proportionality, overbreadth, burden, and

1 relevance are insufficient. *See A. Farber and Partners, Inc. v. Garber*, 234 F.R.D. 186, 188  
2 (C.D. Cal. 2006) (general or boilerplate objections regarding relevancy, overbreadth, and  
3 burdensome are improper). Plaintiffs' objection that this request "seeks to impose upon  
4 Plaintiffs an obligation to investigate or discover information or materials from third parties  
5 and not within the custody and control of the Plaintiffs" lacks merit. Plaintiffs cannot rely  
6 on assertions in Ms. Trujillo's Declaration, but then refuse to produce evidence verifying  
7 this information under the guise that they do not possess or control it. Ms. Trujillo  
8 presumably has knowledge of who she communicated with or heard stories of.

9 Lastly, Plaintiffs' boilerplate objection that this information may be protected by any  
10 applicable medical records, doctor-patient, or psychotherapist-patient privilege is  
11 inapplicable. Defendant is seeking the identities of individuals referenced in Ms. Trujillo's  
12 Declaration. He is not seeking privileged information.

13 The identities of all individuals referenced in Ms. Trujillo's Declaration are relevant  
14 and discoverable to verify her assertions, which Plaintiffs have relied on. This information  
15 is necessary to prepare an opposition to Plaintiffs' Motion for Class Certification, and to  
16 depose Lizette Trujillo. Plaintiffs should be compelled to respond to this Interrogatory in  
17 full.

18 **9. Defendant's Interrogatory No. 4:**

19 **Interrogatory No. 4:** Please identify and provide dates of birth  
20 for all individuals and/or families that are members of, involved  
21 in, and/or otherwise associated with AZTYPO whom Lizette  
22 Trujillo claims are prevented from amending the sex listed on  
their child's birth certificate through the administrative process  
due to the "surgical requirement" as referenced in Lizette  
Trujillo's Declaration.

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This Interrogatory relates specifically to information contained in Ms. Trujillo’s Declaration, and is relevant for all the reasons stated in Defendant’s response to Plaintiffs’ responses and objections to Interrogatory No. 3, above. Plaintiffs’ objections are inapplicable and/or improper for the same reasons. Plaintiffs cannot rely on attestations made by Ms. Trujillo and then shield Defendant from discovery into their veracity. This information is necessary to prepare an opposition to Plaintiffs’ Motion for Class Certification, and to depose Lizette Trujillo. Plaintiffs should be compelled to respond to this Interrogatory in full.

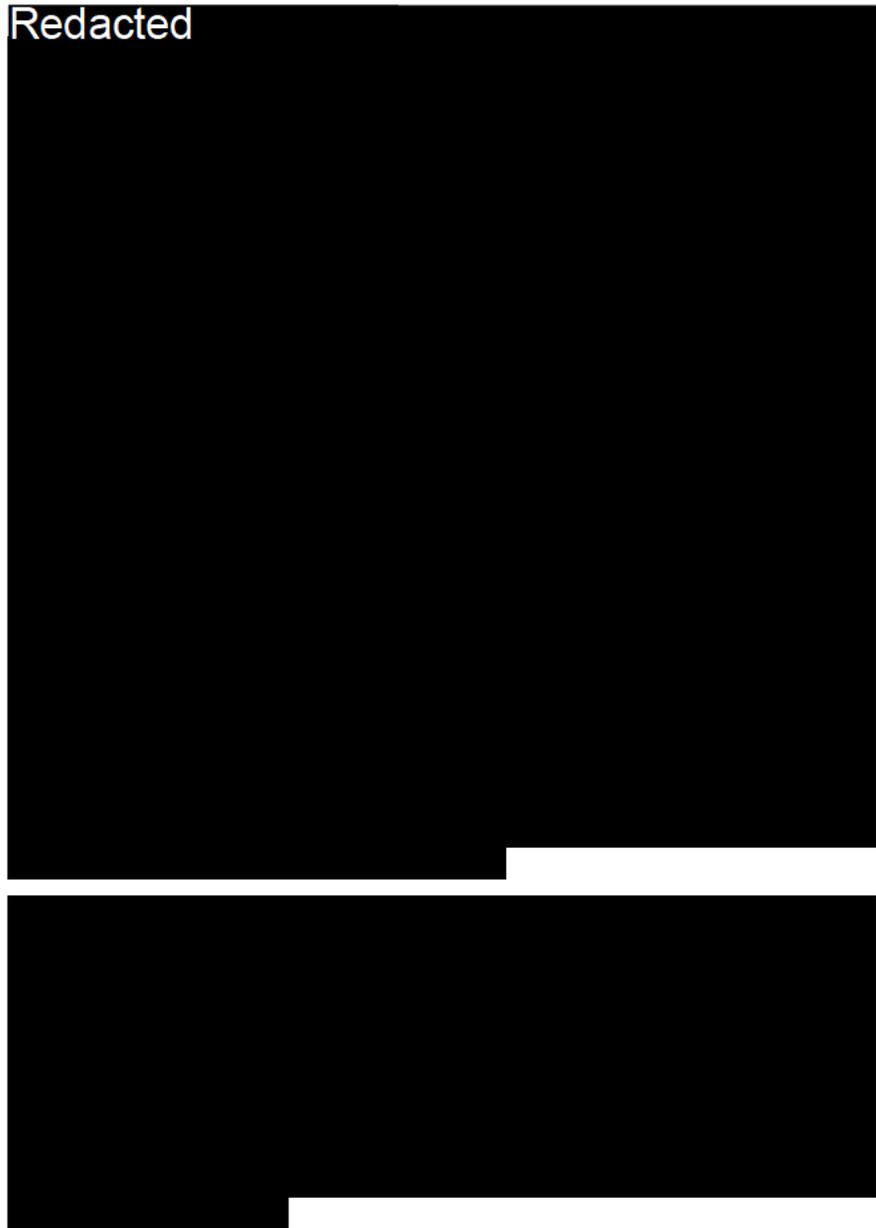
**10. Defendant’s Interrogatory No. 5.**

**Interrogatory No. 5:** Please identify all fifty-two individuals who responded to the Facebook polls posted by Lizette Trujillo in the Families Transformed and AZTYPO private Facebook Groups indicating that they would amend their child’s birth certificate through the private administrative process if they could as referenced in Lizette Trujillo’s Declaration. Of these individuals, please identify how many currently have minor

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transgender children whose births are registered in Arizona and identify the minor child(ren) and their date(s) of birth.

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Plaintiff’s response to this interrogatory is only partially responsive. Plaintiffs produced the “results” of the respective Facebook polls with the responders’ names redacted, but failed to produce any information regarding the responders’ identities, whether the responders currently have minor transgender children whose births are registered in Arizona, or the identities of those minor children and their dates of birth.

Defendant objects to Plaintiffs’ redaction of the Facebook poll respondents’ identifying information. It cannot reasonably be disputed that the results of Facebook polls

1 have the potential to be grossly inaccurate and unreliable. Defendant is entitled to verify  
2 whether the poll respondents are indeed members of the putative class, including whether  
3 the respondents are parents/legal guardians of transgender minors, and whether these  
4 individuals are seeking to amend a birth certificate(s) registered in the State of Arizona.  
5 Defendant is also entitled to this information because Plaintiffs have failed to produce any  
6 evidence pertaining to group administrators, membership demographics, and/or  
7 membership criteria for any of these private Facebook groups. Thus, it is entirely plausible  
8 that the individuals who responded to these polls are not members of the putative class or  
9 related to members of the putative class. Plaintiffs have shielded Defendant from  
10 discovering information to verify this information and Defendant is not required to simply  
11 accept the representations made by Plaintiffs' counsel and/or Lizette Trujillo as true. Thus,  
12 because Plaintiffs are relying on the assertions made in Ms. Trujillo's Declaration,  
13 Defendant is entitled to verify whether the attestations made by Ms. Trujillo are indeed true  
14 and is permitted to do so by discovering the identities of all individuals who responded to  
15 these Facebook polls so that they can independently verify whether these individuals have  
16 birth certificates registered in the State of Arizona or otherwise fall within the putative class.  
17 This information is directly relevant to Plaintiffs' claims of numerosity, typicality,  
18 commonality, and Rule 23(b)(2).

19 Plaintiffs' objections to this Interrogatory are boilerplate, inapplicable, and/or  
20 insufficient as stated in Defendant's response to Plaintiffs' responses and objections to  
21 Interrogatory No. 3, above.

22 This information is necessary to prepare an opposition to Plaintiffs' Motion for Class  
23 Certification, and to depose Lizette Trujillo. Plaintiffs should be compelled to respond to  
24 this Interrogatory in its entirety.

25 **11. Defendant's Interrogatory No. 6.**

26 **Interrogatory No. 6:** Please identify and provide dates of birth  
27 for all 20+ individuals who responded to the Facebook poll  
28 posted by Lizette Trujillo on SAGA's Facebook page indicating  
that they would amend their child's birth certificate through the  
private administrative process if they could as referenced in

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Lizette Trujillo’s Declaration. Of these individuals, identify how many currently have minor transgender children whose births are registered in Arizona and identify the minor child(ren) and their date(s) of birth.

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Plaintiffs’ response to this Interrogatory is only partially responsive. Plaintiffs produced the “results” of the respective Facebook polls with the responders’ names redacted, but failed to produce any information regarding the responders’ identities, whether the responders currently have minor transgender children whose births are registered in Arizona, or the identities of those minor children and their dates of birth.

This Interrogatory relates specifically to information contained in Ms. Trujillo’s

1 Declaration, and is relevant for all the reasons stated in Defendant's response to Plaintiffs'  
2 responses and objections to Interrogatory Nos. 3 and 5, above. Plaintiffs' objections are  
3 inapplicable and/or improper for the same reasons. Plaintiffs cannot rely on attestations  
4 made by Ms. Trujillo and then shield Defendant from discovery into their veracity. This  
5 information is necessary to prepare an opposition to Plaintiffs' Motion for Class  
6 Certification, and to depose Lizette Trujillo. Plaintiffs should be compelled to respond to  
7 this Interrogatory in full.

8 **12. Defendant's Interrogatory No. 7.**

9 **Interrogatory No. 7:** Please state the total number of members  
10 in the private Facebook Groups for Families Transformed and  
11 AZTYPO referenced in Lizette Trujillo's Declaration. Of these  
12 members, please state with specificity how many members are  
13 transgender minors, or parents/legal guardians of transgender  
14 minors, whose births are registered in Arizona.

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24 Plaintiffs' response to this interrogatory is incomplete. Plaintiffs have failed to  
25 include how many members of the AZTYPO Facebook group are transgender minors or are  
26 the parents/legal guardians of transgender minors, whose births are registered in Arizona.  
27 The information requested is relevant for the reasons stated in Defendant's response to  
28 Plaintiffs' responses and objections to Interrogatory Nos. 3 and 5, above. Plaintiffs'

1 objections are inapplicable and/or improper for the same reasons. This information is  
2 necessary to prepare an opposition to Plaintiffs' Motion for Class Certification, and to  
3 depose Lizette Trujillo. Plaintiffs should be compelled to respond to this Interrogatory in  
4 full.

5 **13. Defendant's Interrogatory No. 11.**

6 **Interrogatory No. 11:** Please provide a detailed history of all  
7 mental health and/or medical providers who provided treatment  
8 to the minor Plaintiffs and former minor Plaintiff D.T. for  
9 gender dysphoria and/or related conditions from the date of  
their birth to present, including the types of treatment provided,  
and the dates of treatment.

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24 Plaintiffs have refused to respond to this Interrogatory. The information requested  
25 is relevant for the reasons stated in Defendant's response to Plaintiffs' responses and  
26 objections to Request for Production No. 8, above. Plaintiffs' objections are inapplicable  
27 and/or improper for the same reasons. This information is necessary to prepare an  
28 opposition to Plaintiffs' Motion for Class Certification, and to depose the parents of the

1 minor Plaintiffs. Plaintiffs should be compelled to respond to this Interrogatory in full.

2 **14. Defendant's Interrogatory No. 12.**

3 **Interrogatory No. 12:** Please identify and provide dates of  
4 birth for any and all individuals (adults and minors) not  
5 previously identified in any responses, above, with whom  
6 Lizette Trujillo has spoken to and/or heard stories of who are  
7 unable to amend the sex listed on their birth certificates due to  
8 ADHS's "surgical requirement," including all "transgender  
9 adults" referenced in Paragraph 11 of Lizette Trujillo's  
10 Declaration.

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26 Plaintiffs have refused to respond to this Interrogatory. This Interrogatory relates  
27 specifically to information contained in Ms. Trujillo's Declaration and is relevant for all the  
28 reasons stated in Defendant's response to Plaintiffs' responses and objections to

1 Interrogatory No. 3, above. Plaintiffs' objections are inapplicable and/or improper for the  
2 same reasons. Plaintiffs cannot rely on attestations made by Ms. Trujillo and then shield  
3 Defendant from discovery into their veracity. This information is necessary to prepare an  
4 opposition to Plaintiffs' Motion for Class Certification, and to depose Lizette Trujillo.  
5 Plaintiffs should be compelled to respond to this Interrogatory in full.

6  
7 DATED this 6th day of June, 2022.

8 STRUCK LOVE BOJANOWSKI & ACEDO, PLC

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10 By /s/Dana M. Keene

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# **EXHIBIT 3**

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*Attorneys for Defendant*

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 15 **UNITED STATES DISTRICT COURT**  
 16 **DISTRICT OF ARIZONA**  
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18 Helen Roe, a minor, by and through her parent  
 and next friend Megan Roe; James Poe, a  
 19 minor, by and through his parent and next  
 friend Laura Poe; and Carl Voe, a minor, by  
 20 and through his parent and next friend, Rachel  
 Voe,

Plaintiffs,

v.

23 Don Herrington, in his official capacity as  
 Interim State Registrar of Vital Records and  
 24 Interim Director of the Arizona Department of  
 Health Services,  
 25

Defendant.

NO. 4:20-cv-00484-JAS

**CERTIFICATION PURSUANT TO  
LRCiv 7.2(j)**

27 Defendant Don Herrington, through counsel, submits this Certification pursuant to  
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1 LRCiv 7.2(j) and certifies that the parties have personally met and conferred numerous  
2 times and have exchanged extensive correspondence regarding the issues set forth in  
3 Defendant's Motion to Compel Plaintiffs' Supplemental Responses to Defendant's  
4 Discovery Requests, filed concurrently with this Certification. After personal consultation  
5 and sincere efforts to do so, the parties have been unable to satisfactorily resolve these  
6 matters.

7  
8 DATED this 6th day of June, 2022.

9 STRUCK LOVE BOJANOWSKI & ACEDO, PLC

10  
11 By /s/Dana M. Keene

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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Helen Roe, a minor, by and through her parent and next friend Megan Roe; James Poe, a minor, by and through his parent and next friend Laura Poe; and Carl Voe, a minor, by and through his parent and next friend, Rachel Voe,

Plaintiffs,

v.

Don Herrington, in his official capacity as Interim State Registrar of Vital Records and Interim Director of the Arizona Department of Health Services,

Defendant.

NO. 4:20-cv-00484-JAS

**ORDER GRANTING  
DEFENDANT’S MOTION TO  
COMPEL PLAINTIFFS’  
SUPPLEMENTAL RESPONSES  
TO DEFENDANT’S DISCOVERY  
REQUESTS**

Upon consideration of Defendant’s Motion to Compel Plaintiffs’ Supplemental Responses to Defendant’s Discovery Requests, and good cause appearing,

IT IS HEREBY ORDERED that Defendant’s Motion is granted. Plaintiffs are ordered to provide full and complete supplemental responses to Interrogatory Nos. 1, 2, 3, 4, 5, 6, 7, 11, and 12, and to supplement their responses and produce responsive documentation to Requests for Production Nos. 2, 3, 4, and 8. In response to Request for Production No. 6, Plaintiffs are also ordered to provide executed authorizations for the release of records for all educational institutions listed by Plaintiffs in response to Interrogatory No. 9.