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13 **UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF ARIZONA**

15 D.T., a minor, by and through his parent
16 and next friend Lizette Trujillo; Jane Doe, a
17 minor, by and through her parent and next
18 friend Susan Doe; and Helen Roe, a minor,
by and through her parent and next friend
Megan Roe,

19 Plaintiffs,

20 v.

21 Dr. Cara M. Christ, in her official capacity
as State Registrar of Vital Records and
22 Director of the State of Arizona’s
Department of Health Services; Thomas
23 Salow, in his official capacity as Branch
Chief of the State of Arizona’s Division of
24 Public Health Licensing Services at the
Department of Health Services; and Krystal
25 Colburn, in her official capacity as Bureau
Chief and Assistant State Registrar of the
26 State of Arizona’s Bureau of Vital Records,

27 Defendants.
28

Case No. _____

**JANE DOE AND HELEN ROE’S MOTION
TO PROCEED UNDER A PSEUDONYM**

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1 **I. INTRODUCTION**

2 Pursuant to Federal Rule of Civil Procedure 5.2(e), Plaintiffs Jane Doe and Helen
3 Roe, by and through their respective parents, Susan Doe and Megan Roe, request this
4 Court’s leave to proceed using pseudonyms for themselves and their parents to protect their
5 identities from public disclosure.¹

6 As discussed below, Jane and Helen meet each element of the Ninth Circuit’s
7 standard for allowing a plaintiff to proceed anonymously. Because Jane and Helen are
8 especially vulnerable to severe harm if required to disclose their identities, their “need for
9 anonymity outweighs” any “prejudice to the opposing party” caused by allowing them to
10 proceed anonymously and “the public’s interest in knowing” their identity. *Publius v.*
11 *Boyer-Vine*, 321 F.R.D. 358, 361 (E.D. Cal. 2017).

12 **II. ARGUMENT**

13 The Ninth Circuit permits “parties to use pseudonyms . . . when nondisclosure of the
14 party’s identity is necessary to protect a person from harassment, injury, ridicule or personal
15 embarrassment.” *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067–68
16 (9th Cir. 2000) (cleaned up). Whether to permit a party to proceed under a pseudonym
17 requires balancing three factors—“(1) the severity of the threatened harm; (2) the
18 reasonableness of the anonymous party’s fears; and (3) the anonymous party’s vulnerability
19 to such retaliation”—against “the general presumption that parties’ identities are public
20 information.” *Doe v. Ayers*, 789 F.3d 944, 945 (9th Cir. 2015) (quoting *Advanced Textile*
21 *Corp.*, 214 F.3d at 1068). “Applying this balancing test, courts have permitted plaintiffs to
22 use pseudonyms . . . when identification creates a risk of retaliatory physical or mental
23 harm” or “when anonymity is necessary to preserve privacy in a matter of sensitive and
24 highly personal nature.” *Advanced Textile Corp.*, 214 F.3d at 1068 (citation omitted).

25 “[W]hen the party’s need for anonymity outweighs prejudice to the opposing party
26 and the public’s interest in knowing the party’s identity,” that party may proceed

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28 ¹ Counsel for Plaintiffs conferred several times with attorneys at the State of Arizona
Attorney General’s office to request Defendants’ position on this Motion. Defendants did
not provide their position.

1 anonymously. *Publius*, 321 F.R.D. at 361. “The decision of whether or not to allow a party
 2 to remain anonymous is within” a district court’s “discretion and will not be reversed unless
 3 the [district c]ourt relies on an erroneous view of the law, makes an erroneous assessment
 4 of the evidence, or strikes an unreasonable balance of the relevant factors.” *Id.*

5 Here, Jane and Helen reasonably fear severe harm in the form of lost privacy,
 6 discrimination, and harassment if forced to publicly disclose their names and consequently
 7 their transgender identity as part of this litigation. That disclosure would also undermine
 8 the very constitutional interests they seek to safeguard through this litigation. They are
 9 particularly vulnerable to this type of harm as transgender youth. Defendants will suffer no
 10 prejudice by allowing Jane and Helen to proceed anonymously because they do not intend
 11 to withhold their identities from Defendants (which will be disclosed under an appropriate
 12 protective order) or the Court (which may be disclosed in sealed submissions), and allowing
 13 them to proceed anonymously is in the public interest. As such, the Court should exercise
 14 its discretion to grant Jane and Helen, and their parents Susan Doe and Megan Roe, leave
 15 to proceed under pseudonyms.²

16 **A. Jane Doe and Helen Roe reasonably fear severe harm if their identities**
 17 **were to become public.**

18 “In order to proceed anonymously, a plaintiff must show both (1) a fear of severe
 19 harm, and (2) that the fear of severe harm is reasonable.” *Doe v. Kamehameha Sch./Bernice*
 20 *Pauahi Bishop Estate*, 596 F.3d 1036, 1043 (9th Cir. 2010); *see also id.* (noting that these
 21 two showings are “intricately related and should be addressed together”). A harm is
 22 sufficiently “severe” to allow a plaintiff to proceed anonymously where she “face[s] greater
 23 threats of retaliation than the typical [] plaintiff” in civil litigation would. *Advanced Textile*
 24 *Corp.*, 214 F.3d at 1070–71 (alterations omitted). The threatened retaliatory harm does not
 25

26 ² The Court should also grant Susan Doe and Megan Roe leave to proceed under
 27 pseudonyms because identifying them would inexorably expose the identities of their
 28 children. Therefore, Ms. Doe and Ms. Roe should remain anonymous for the same reasons
 that their daughters, Jane and Helen, warrant the protection of pseudonyms. *See Doe ex rel.*
Doe 2 v. Elmbrook Sch. Dist., 658 F.3d 710, 724 (7th Cir. 2011), *vacated on other grounds*,
 687 F.3d 840, 842–43 (7th Cir. 2012).

1 need to be physical in nature. For example, the Ninth Circuit has recognized the loss of
2 privacy “in a matter of [a] sensitive and highly personal nature” as a harm that can
3 necessitate allowing a plaintiff to proceed anonymously. *Id.* at 1068 (quoting *James v.*
4 *Jacobson*, 6 F.3d 233, 238 (4th Cir. 1993)); *see also United States v. Doe*, 655 F.2d 920,
5 922 n.1 (9th Cir. 1980) (“Where it is necessary, however, to protect a person from
6 harassment, . . . ridicule or personal embarrassment, courts have permitted the use of
7 pseudonyms.”). A loss of privacy harm is likely to be especially severe where, as here, the
8 plaintiff is “compelled . . . to disclose information of the utmost intimacy.” *Doe v. Stegall*,
9 653 F.2d 180, 185 (5th Cir. 1981).

10 Courts “have long recognized that the harms arising from disclosing a person’s
11 transgender status are among those that make protection by pseudonym appropriate.” *See,*
12 *e.g., Doe v. Pa. Dep’t of Corr.*, No. 19-CV-01584, 2019 WL 5683437, at *2 & nn.12–13
13 (M.D. Pa. Nov. 1, 2019) (collecting cases); *see also Doe v. City of Detroit*, No. 18-CV-
14 11295, 2018 WL 3434345, at *2 (E.D. Mich. July 17, 2018) (“Several courts have held that
15 an individual’s transgender identity can carry enough of a social stigma to overcome the
16 presumption in favor of disclosure.”). This is so because “[t]he excruciatingly private and
17 intimate nature of transsexualism, for persons who wish to preserve privacy in the matter,
18 is really beyond debate.” *Powell v. Schriver*, 175 F.3d 107, 111 (2d Cir. 1999). Courts also
19 regularly extend this protection to guardians and next kin in cases involving transgender
20 youth. *See, e.g., Highland Local Sch. Dist. v. U.S. Dep’t of Educ.*, No. 2:16-CV-524, 2016
21 WL 4269080, at *5 (S.D. Ohio Aug. 15, 2016); *Doe v. United States*, No. 16-CV-0640-
22 SMY-DGW, 2016 WL 3476313, at *1 (S.D. Ill. June 27, 2016).

23 Requiring Jane and Helen to disclose their identities as part of this litigation—and,
24 by extension, the fact that they are transgender—will cause severe harm. Jane was the target
25 of persistent bullying and harassment at school that continued over multiple school years,
26 exacerbated by one student discovering that Jane is transgender by seeing her class’s
27 attendance sheet. (Declaration of Jane Doe (“Jane Decl.”) ¶¶ 4–9; Declaration of Susan
28 Doe (“Susan Decl.”) ¶¶ 15–19.) The emotional and academic toll on Jane has been so

1 severe that her parents seek to enroll her in a new school so she can once again attend school
2 without everyone knowing she is transgender. (Jane Decl. ¶ 12; Susan Decl. ¶¶ 19–23.)
3 Helen has also dealt with inappropriate behavior from peers because she is transgender,
4 even though she only six years old. Helen reported numerous occasions of students asking
5 her inappropriate questions about her body. (Declaration of Megan Roe (“Megan Decl.”)
6 ¶¶ 9–10.) She is understandably—and entitled to be—private about that information. (*Id.*
7 ¶ 14.) Those questions caused her significant discomfort and she remains anxious about
8 others finding out that she is transgender. (*Id.* ¶¶ 12, 14.)

9 Having to share that they are transgender and the intimate details of their gender
10 dysphoria in the public record will only exacerbate the emotional distress Jane and Helen
11 already face. (Susan Decl. ¶ 30; Megan Decl. ¶ 14; Declaration of Dr. Linda Hawkins
12 (“Hawkins Decl.”) ¶¶ 37, 42–47; Declaration of Dr. Daniel Shumer (“Shumer Decl.”)
13 ¶¶ 28, 47.) They also fear the response from their peers and members of the public. (Jane
14 Decl. ¶¶ 13–15; Megan Decl. ¶¶ 12, 14.) Not only could this information fuel harassment
15 from Jane’s classmates, but it would also deny her the opportunity enter a new school where
16 her peers do not know—and cannot reasonably find out—that she is transgender. (Susan
17 Decl. ¶ 22.) Helen also worries about her peers’ and community’s response; after Helen
18 transitioned, she and her family were targeted with harassment and mistreatment by
19 members of their community. (Megan Decl. ¶¶ 14–15.) And as a transgender female of
20 color, she is both more likely to experience discrimination and harassment and more likely
21 face its most serious form, physical violence. (Megan Decl. ¶ 13; Hawkins Decl. ¶ 38.)

22 Being a party to this lawsuit will also require Jane and Helen to disclose private
23 information about their medical and mental health care, amplifying the importance of
24 proceeding under a pseudonym. *See Powell*, 175 F.3d at 111 (recognizing “[t]he
25 excruciatingly private and intimate nature of transsexualism”); *Doe v. Blue Cross & Blue*
26 *Shield of R.I.*, 794 F. Supp. 72, 74 (D.R.I. 1992) (holding transgender “plaintiff’s privacy
27 interest is both precious and fragile, and this [c]ourt will not cavalierly permit its invasion”).
28 Because Arizona requires transgender people to undergo certain types of care as a

1 prerequisite to correcting their birth certification, Jane and Helen must provide evidence
2 that they have not—and cannot—meet that requirement. (Compl. ¶¶ 5, 42–44; Shumer
3 Decl. ¶ 40; Susan Decl. ¶ 25.) As such, intimate details about their physical and mental
4 health will be in the record and publicly associated with them in perpetuity if they are not
5 allowed to proceed anonymously. In other words, the type of information that will be at
6 issue at this litigation is “of the utmost intimacy,” *Stegall*, 653 F.2d at 185, and thus
7 “anonymity is necessary to preserve privacy in” this matter of a “sensitive and highly
8 personal nature,” *Advanced Textile Corp.*, 214 F.3d at 1068 (quoting *James*, 6 F.3d at 238).

9 Moreover, Jane and Helen’s fear of lost privacy, discrimination, and harassment is
10 reasonable. As the Seventh Circuit has observed, “[t]here is no denying that transgender
11 individuals face discrimination, harassment, and violence because of their gender identity.”
12 *Whitaker By Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034,
13 1051 (7th Cir. 2017); *Arroyo Gonzalez v. Rossello Nevares*, 305 F. Supp. 3d 327, 333
14 (D.P.R. 2018) (finding that forcing transgender people “to disclose their transgender
15 status exposes [them] to a substantial risk of stigma, discrimination, intimidation,
16 violence, and danger.”). Numerous studies support the *Whitaker* court’s observation. For
17 example, the *Whitaker* court itself cited a 2011 survey which found that “78% of students
18 who identify as transgender or as gender non-conformant[] report being harassed while in
19 grades K-12.” 858 F.3d at 1051 (citing Jaime M. Grant et al., *Injustice at Every Turn: A*
20 *Report of the National Transgender Discrimination Survey*, Nat’l Center for Transgender
21 Equality, at 33 (2011), [http://www.transequality.org/sites/default/files/](http://www.transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf)
22 [docs/resources/NTDS_Report.pdf](http://www.transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf)). Likewise, a 2017 national school climate survey found
23 that more than 60% of respondents in Arizona reported verbal harassment based on gender
24 expression and more than a quarter reported experiencing physical harassment and hearing
25 negative remarks about transgender people. GLSEN, *School Climate in Arizona (State*
26 *Snapshot)*, at 1 (2019), [https://www.glsen.org/sites/default/files/2019-](https://www.glsen.org/sites/default/files/2019-11/Arizona_Snapshot_2017_2.pdf)
27 [11/Arizona_Snapshot_2017_2.pdf](https://www.glsen.org/sites/default/files/2019-11/Arizona_Snapshot_2017_2.pdf); *see also*, Sandy E. James et al., *The Report of the 2015*
28 *U.S. Transgender Survey*, at 4 (2016), <https://transequality.org/sites/default/>

1 files/docs/usts/USTS-Full-Report-Dec17.pdf (survey of nearly 28,000 transgender
2 individuals from across the United States found “high levels of mistreatment, harassment,
3 and violence in every aspect of life.”).

4 In sum, Jane and Helen reasonably fear discrimination and harassment directed at
5 them and their families if their identities are disclosed to the public. (Jane Decl. ¶ 15; Susan
6 Decl. ¶¶ 30–31; Megan Decl. ¶¶ 14–15.) The attendant loss of privacy will also cause Jane
7 and Helen significant psychological harm and distress if the intimate details of their medical
8 and mental health care are connected to them in publicly available documents. (Hawkins
9 Decl. ¶ 42; Susan Decl. ¶¶ 22–26, 30; Megan Decl. ¶¶ 12, 14.)

10 **B. Transgender youth, like Jane and Helen, are particularly vulnerable to**
11 **harm from the disclosure of their identities.**

12 “[T]he anonymous party’s vulnerability to” the harm they fear is a third factor a court
13 considers in determining whether proceeding anonymously is appropriate. *Ayers*, 789 F.3d
14 944, 945. Jane and Helen are particularly vulnerable to the harm they fear for two reasons:
15 their young age and, as discussed above, unlike most litigants, transgender individuals are
16 a target of pervasive harassment and discrimination in our society. *See* Section II.A, *supra*.
17 Recognizing that many state laws “shield[] the identities of child-litigants from public
18 disclosure in certain circumstances, . . . the youth of” plaintiffs is often “a significant factor
19 in the matrix of considerations arguing for anonymity.” *Stegall*, 653 F.2d at 186 (finding
20 the plaintiffs’ youth to be an “especially persuasive” factor justifying anonymity); *see also*
21 *Al Otro Lado, Inc. v. Nielsen*, No. 17-CV-02366-, 2017 WL 6541446, at *5 (S.D. Cal. Dec.
22 20, 2017) (“[C]hild-plaintiffs are deemed to be especially vulnerable, warranting their
23 anonymity.”). That Jane and Helen belong to two groups that are particularly vulnerable to
24 harm weighs strongly in favor of anonymity in this case.

25 **C. Proceeding under a pseudonym is essential to safeguarding the rights**
26 **that Jane and Helen seek to protect in this litigation.**

27 Denying Jane and Helen’s request to proceed pseudonymously would also have the
28 paradoxical effect of destroying the very constitutional interests they seek to vindicate as

1 plaintiffs in this litigation. Courts have consistently permitted parties asserting privacy
2 claims to proceed pseudonymously. *See, e.g., Doe v. Alaska*, No. 96-35873, 1997 WL
3 547941, at *1 (9th Cir. Aug. 9, 1997); *U.S. Dep’t of Justice v. Utah Dep’t of Commerce*,
4 No. 16-cv-611, 2017 WL 963203, at *1 (D. Utah Mar. 20, 2017); *M.J. v. Jacksonville Hous.*
5 *Auth.*, No. 11-cv-771, 2011 WL 4031099, at *3 (M.D. Fla. Sept. 12, 2011). Here, Jane and
6 Helen filed this lawsuit to vindicate their constitutional right to privacy, among other
7 constitutional rights. (Compl. ¶¶ 6, 79–100.) Forcing them to proceed by their real names
8 would undermine the relief Jane and Helen seek through this litigation by disclosing their
9 transgender status—the very information they are entitled to keep private.

10 **D. Allowing Jane and Helen to proceed anonymously will not prejudice**
11 **Defendants and is in the public interest.**

12 Courts must balance the factors in favor of anonymity against the prejudice that a
13 defendant might suffer as a result and determine whether allowing the plaintiff to proceed
14 anonymously serves the public interest. *Ayers*, 789 F.3d at 945; *Publius*, 321 F.R.D. at 361.
15 The defendant’s knowledge of the plaintiff’s identity “lessens” any claims the defendant
16 can make that it is “prejudiced by the use of pseudonyms.” *Advanced Textile*, 214 F.3d at
17 1069 n.11, because this knowledge gives a defendant “the information [it] need[s] to defend
18 against the claims” brought against it, *Al Otro Lado, Inc.*, 2017 WL 6541446, at *6.

19 Additionally, though the public has a “right to open courts,” it also “has an interest
20 in seeing” cases involving important issues “decided on the merits.” *Kamehameha Sch.*,
21 596 F.3d at 1042–43 (quoting *Advanced Textile*, 214 F.3d at 1073). In these cases,
22 “permitting plaintiffs to use pseudonyms” can “serve the public’s interest in th[e] lawsuit
23 by enabling it to go forward.” *Advanced Textile*, 214 F.3d at 1073. This is especially true
24 in cases “[w]here a plaintiff attacks governmental activity, for example a governmental
25 policy or statute,” because “[i]n such circumstances the plaintiff presumably represents a
26 minority interest (and may be subject to stigmatization), and there is arguably a public
27 interest in a vindication of his rights.” *EW v. N.Y. Blood Ctr.*, 213 F.R.D. 108, 111
28 (E.D.N.Y. 2003) (citation omitted).

1 Here, Jane and Helen do not object to revealing their identity to Defendants under
2 an appropriate protective order and thereby giving Defendants the information they need to
3 defend against the claims in this suit. As such, Defendants will not be prejudiced if Jane
4 and Helen are permitted to proceed anonymously. *See Advanced Textile*, 214 F.3d at 1069
5 n.11. Similarly, because Jane and Helen are challenging Arizona’s requirements for
6 correcting the gender marker on birth certificates that effectively exclude them from
7 obtaining an accurate birth certificate, there is a public interest in the “vindication” of their
8 rights and in seeing this case “decided on the merits.” *See Kamehameha Sch.*, 596 F.3d at
9 1043; *N.Y. Blood Ctr.*, 213 F.R.D. at 111.

10 **III. CONCLUSION**

11 Because Plaintiffs Jane Doe and Helen Roe are especially vulnerable to severe harm
12 in the form of “harassment, . . . ridicule or personal embarrassment,” *Advanced Textile*
13 *Corp.*, 214 F.3d at 1067–68, their “need for anonymity outweighs” any “prejudice to the
14 opposing party” or “the public’s interest in knowing” his identity, *Publius*, 321 F.R.D.
15 at 361. The Court should grant them and their parents leave to proceed under pseudonyms.

16 Respectfully submitted this 4th day of November, 2020.

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13 **UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF ARIZONA**

15 D.T., a minor, by and through his parent
16 and next friend Lizette Trujillo; Jane Doe, a
17 minor, by and through her parent and next
18 friend Susan Doe; and Helen Roe, a minor,
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24 Public Health Licensing Services at the
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25 Colburn, in her official capacity as Bureau
Chief and Assistant State Registrar of the
26 State of Arizona’s Bureau of Vital Records,

27 Defendants.
28

Case No. _____

**DECLARATION OF MEGAN ROE IN
SUPPORT OF JANE DOE AND HELEN
ROE’S MOTION TO PROCEED UNDER A
PSEUDONYM**

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1 I, Megan Roe, declare as follows:

2 1. I am the mother of Helen Roe, one of the plaintiffs in this case. I have
3 personal knowledge of the matters stated in this declaration.

4 2. Helen made it clear from a very young age that she was a girl. Most of
5 Helen's clothes used to be hand-me-downs from her older brother. But as soon as Helen
6 was old enough to understand what she was wearing, she would get very upset when we
7 tried to put her in boys' clothes. It was always a huge struggle to get her dressed, beginning
8 with a meltdown and followed by many tears. Even when we finally managed to get her
9 dressed in her boy's clothing, her facial expressions made clear that she was unhappy.

10 3. In contrast to her older brother, Helen also never seemed interested in boys'
11 toys. She gravitated to anything and everything feminine. Helen would wrap her hair in a
12 scarf to emulate a ponytail, which also hid her boy haircut. She told us that when she wore
13 the scarf it was her Rapunzel or princess hair. From that point on, Helen would never take
14 off her scarf, even when she went to bed, regardless of whatever else she was wearing.

15 4. Although my husband and I started allowing Helen to play dress up with girls'
16 clothes and costumes in our house, we were still insisting that she wear boys' clothes
17 everywhere else. Even still, getting Helen dressed continued to be a challenge. I could tell
18 from her demeanor and facial expressions that she was disgusted with the boys' clothes,
19 that they embarrassed her and made her feel ashamed to be around other people.

20 5. It wasn't until Helen's fourth birthday that I fully appreciated that this is not
21 just a phase for Helen. This is who she is. That day, Helen wore her favorite Disney
22 princess costume and her friends came dressed in brightly colored dresses and accessories.
23 The party was a huge success and Helen was as happy as I'd ever seen her up to that point.

24 6. Not long after her birthday, I was referred to Alison VanDyke, a therapist
25 specializing in care for transgender children and supporting parents. I went to see Alison
26 for guidance on how best to support and care for Helen. After assessing Helen and
27 diagnosing her with gender dysphoria, Alison recommended that we continue to support
28 Helen by allowing her to live as a girl in every aspect of her life. Since then, Helen and I

1 have regularly seen Alison: Helen for therapy and me for parenting guidance.

2 7. My husband and I initially struggled to follow Alison’s advice. We had
3 convinced ourselves that this would just be a phase. We were both raised in religious
4 households and our faith is a big part of our lives. Over the summer 2018, we worked to
5 reconcile our unconditional love for Helen and a faith that does not approve of transgender
6 people. We also had to adjust our expectations and plans for our child. We had prepared
7 ourselves to raise a boy, but were now confronted with raising a transgender girl, which
8 comes with a whole different set of milestones to celebrate and obstacles to worry about.

9 8. By August 2018, we made the decision to support Helen fully. She returned
10 to school that year as a girl, with girl clothes and female pronouns. Helen immediately
11 started coming out of her shell and flourished. Before she transitioned, Helen was often
12 moody and quiet, especially when compared to her energetic older brother. She is
13 noticeably happier and more confident. She is obviously comfortable in her own skin now
14 and has developed a wonderful sense of humor. Helen is also excelling at school even more
15 than usual, drawing complements from parents of other students in her school. Her
16 relationship with us has also grown so much closer—especially with her dad.

17 9. Even though she is finally able to be herself, Helen worries a lot about people
18 treating her as a boy because she is acutely aware that she is transgender and that it may
19 cause people to respond negatively towards her. When Helen first began to transition at
20 that school, I spoke with other families and close friends about her upcoming transition,
21 hoping to build some community support for her. Unfortunately, even though the preschool
22 staff was supportive of Helen, her peers constantly asked her whether she is a boy or a girl.
23 Those experiences made her upset and ashamed. As a result, she is very protective of her
24 privacy.

25 10. At the same time, one family reacted very negatively and asked the school to
26 exclude Helen from the girls’ restroom because of the male gender marker on her birth
27 certificate. That made me realize how important it was for us, as her parents, to safeguard
28 her privacy as well.

1 11. We obtained a court order changing her name to Helen and are in the process
2 of correcting her other identity documents. Our hope is that this will limit the likelihood
3 that people will learn that Helen is transgender unless she decides to tell them. We also
4 have chosen not to disclose Helen's transgender status to her friends and take steps to ensure
5 that she is treated as female in all aspects of her life, including helping to arrange
6 professional development for staff at her school around meeting the needs of transgender
7 students. Nevertheless, her birth certificate will remain a significant obstacle to that goal.

8 12. Although Helen's current school is supportive of her as a transgender student,
9 Helen remains anxious that if her classmates learned that she is transgender it would lead
10 to the inappropriate questions that she fielded right after her transition or, even worse, to
11 her being bullied or harassed for being transgender.

12 13. And, as a transgender girl of color, Helen is also in a particularly vulnerable
13 population with disproportionately high rates of being mistreated and physically attacked.
14 My husband and I are terrified for Helen's safety when we read stories of the violence and
15 discrimination against transgender women of color, stories that we see far too frequently.

16 14. Helen does not want to use her real name or initials as part of this lawsuit
17 because she does not want people to know that she is transgender unless she chooses to tell
18 them. If her real name was disclosed as part of this case, it would create a public paper trail
19 that discloses she is transgender and would follow her around the rest of her life, which is
20 exactly what she is trying to avoid by challenging Arizona's surgery requirement for
21 correcting the sex listed on her birth certificate. Without the protection of a pseudonym,
22 Helen would be even more anxious that people she know would find out that she is
23 transgender, a fear that is not unfounded. And, if they did learn that information, it would
24 expose her harassment and mistreatment because she is transgender, causing her even more
25 unnecessary psychological distress. For that reason, she would like to use a pseudonym.

26 15. In order to protect her identity, I need to use pseudonym as well. I share a
27 last name with Helen and our last name is uncommon, which would make it easy to identify
28 Helen. Additionally, as I described above, our family has already been the target of

1 harassment and mistreatment by members of our community, using Helen's private
2 information as a weapon against her and against my family. I do not want to expose Helen
3 or my family to further harassment, yet bringing this lawsuit is the only way I can fully
4 safeguard Helen's privacy and protect her health and well-being.

5
6 This declaration was executed this 2nd day of November, 2020, in Pima County,
7 Arizona.

8 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
9 is true and correct.

10
11 By: 
12 _____
13 Megan Roe

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

D.T., a minor, by and through his parent and next friend Lizette Trujillo; Jane Doe, a minor, by and through her parent and next friend Susan Doe; and Helen Roe, a minor, by and through her parent and next friend Megan Roe,

Plaintiffs,

v.

Dr. Cara M. Christ, in her official capacity as State Registrar of Vital Records and Director of the Arizona Department of Health Services; Thomas Salow, in his official capacity as Branch Chief of the Division of Public Health Licensing Services at the Arizona Department of Health Services; and Krystal Colburn, in her official capacity as Bureau Chief and Assistant State Registrar of the Bureau of Vital Records at the Arizona Department of Health Services,

Defendants.

Case No. _____

[PROPOSED] ORDER GRANTING JANE DOE AND HELEN ROE’S MOTION TO PROCEED UNDER A PSEUDONYM

Having considered Jane Doe and Helen Roe’s Motion to Proceed Under a Pseudonym (“Motion”), and finding good cause,

IT IS HEREBY ORDERED:

The Motion is **GRANTED**, and Jane Doe and Helen Roe, and their parents and next friends, Susan Doe and Megan Roe, may proceed using pseudonyms.

IT IS SO ORDERED.