

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
3 HUNTINGTON DIVISION

4 CHRISTOPHER FAIN,
5 SHAWN ANDERSON,
6 a/k/a Shauntae Anderson;
7 individually and on behalf of all others
8 similarly situated,
9 Plaintiffs,

10 v. Civil Action No. 3:20-cv-00740

11 WILLIAM CROUCH, in his official capacity as
12 Cabinet Secretary of the West Virginia
13 Department of Health and Human Resources;
14 CYNTHIA BEANE, in her official capacity as
15 Commissioner for the West Virginia Bureau for
16 Medical Services; and WEST VIRGINIA
17 DEPARTMENT OF HEALTH AND HUMAN
18 RESOURCES, BUREAU FOR MEDICAL
19 SERVICES;

20 Defendants.

21 VIDEOTAPED DEPOSITION OF SHAUNTAE ANDERSON

22 On the 22nd day of April 2022, beginning at
23 approximately 10:00 a.m., via Zoom Conference, West
24 Virginia before me, Magdalena Szczerba, Court
 Reporter and Notary Public, appeared SHAUNTAE
 ANDERSON, Witness, who being by me first duly
 sworn, gave her oral deposition in the causes
 pursuant to notice of counsel and for the
 respective parties as hereinafter set forth. Said
 deposition is to be used for purposes of discovery
 and for any and all other purposes permitted by the
 Federal Rules State of West Virginia Rules of Civil
 Procedure.

Page 2	<p>1 APPEARANCES:</p> <p>2 On behalf of the Plaintiffs:</p> <p>3 Walt Auvil, Esquire auvil@theemploymentlawcenter.com</p> <p>4 THE EMPLOYMENT LAW CENTER, PLLC 1208 Market Street Parkersburg, WV 26101</p> <p>5 Sasha Buchert, Esquire sbuchert@lambdalegal.org</p> <p>6 LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. 1776 K Street, N.W. 8th Floor Washington, D.C. 20006-2304</p> <p>7 Anna P. Prakash, Esquire aprakash@nka.com</p> <p>8 Nicole J. Schladt, Esquire nschladt@nka.com</p> <p>9 NICHOLS KASTER, PLLP IDS Center, 80 South 8th Street Suite 4600 Minneapolis, MN 55402 612 256-3200</p> <p>10 Avatara Smith-Carrington, Esquire asmithcarrington@lambdalegal.org</p> <p>11 LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. 3500 Oak Lawn Avenue, Suite 500 Dallas, TX 75219-6722 214-219-8585</p> <p>12</p> <p>13 Tara L. Borelli, Esquire tborelli@lambdalegal.org</p> <p>14 LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. 158 West Ponce De Leon Avenue, Suite 105 Decatur, GA 30030</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	Page 4																																												
Page 3	<p>1 APPEARANCES (Continued)</p> <p>2 On behalf of the Defendants:</p> <p>3 Lou Ann Cyrus, Esquire Kimberly M. Bandy, Esquire lycrus@shumanlaw.com</p> <p>4 SHUMAN, MCCUSKEY & SLICER, PLLC 1411 Virginia Street, Suite 200 Charleston, WV 25339</p> <p>5 304 345-1400</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 Certificate Page</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	Page 5																																												
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1 VIDEOGRAPHER: Good morning.
 2 We are going on the record at 10:12 a.m.,
 3 Friday, April 22nd, 2022.
 4 This is media unit one of the video
 5 recorded deposition of Shauntae Anderson as taken
 6 by counsel for Defendant in the matter of
 7 Christopher Fain, et al, versus William Crouch,
 8 filed in the United States District Court for the
 9 Southern District of West Virginia Huntington
 10 Division, Case Number 3:20-cv-00740.
 11 This deposition is being held remote via
 12 Zoom located in Parkersburg, West Virginia 26101.
 13 My name is Andrew Baker from the firm
 14 Veritex Legal Solutions. I am the videographer.
 15 The court reporter is Magda Szczerba, also
 16 from Veritex Legal Solutions.
 17 Will counsel now state their appearance
 18 and affiliations for record?
 19 MS. BUCHERT: Yes, this is Sasha Buchert
 20 on behalf of the plaintiffs.
 21 MS. CYRUS: Lou Ann Cyrus on behalf of
 22 Defendant West Virginia Medicaid, Secretary Bill
 23 Crouch and Commissioner Cyndy Beane.
 24 MS. BORELLI: This is Tera Borelli with

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1 Lambda Legal on behalf of the Plaintiffs.
 2 MX. SMITH-CARRINGTON: This is --
 3 COURT REPORTER: I did not get that. I
 4 did not understand that.
 5 MX. SMITH-CARRINGTON: This is Avatara
 6 Smith-Carrington. I use they/them pronoun. I am
 7 with Lambda Legal on behalf of the Plaintiffs.
 8 MS. SCHLADT: This is Nicole Schladt with
 9 Nichols Kaster on behalf of Plaintiffs.
 10 MS. BANDY: This is Kimberly Bandy on
 11 behalf of the Defendants William Crouch, Cynthia
 12 Beane and the West Virginia DHHR.
 13 VIDEOGRAPHER: Will the court reporter
 14 please swear in the witness?
 15 SHAUNTAE ANDERSON,
 16 having been first duly sworn to tell the truth,
 17 testified as follows:
 18 DIRECT EXAMINATION
 19 BY MS. CYRUS:
 20 Q. Good morning, ma'am.
 21 I didn't get a chance to introduce myself
 22 before we started since we're remote, but you
 23 probably heard my introduction but, again, my name
 24 is Lou Ann Cyrus and I'm a lawyer representing as I

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1 mentioned Medicaid and the Secretary of the
 2 Department of Health and Human Resources and the
 3 Commissioner for the Bureau for Medical Services
 4 which is what Medicaid is under in this lawsuit
 5 that has been filed in which you're a plaintiff and
 6 we're here today to take your deposition.
 7 First of all, would you please tell us
 8 your name?
 9 A. My name is Shauntae Tamera Anderson.
 10 Q. Is it okay if I refer to you as
 11 Ms. Anderson, if I need to say -- ask you
 12 something?
 13 A. That's fine.
 14 Q. Wonderful.
 15 First of all, let me just ask you: Where
 16 are you located right now? It looks like you're in
 17 a law office?
 18 A. I'm in a law office in Parkersburg,
 19 West Virginia.
 20 Q. Do you know -- is it -- do you know whose
 21 it is?
 22 A. Walt Auvil.
 23 Q. And is anyone there in the room with you?
 24 A. No, they're not.

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1 Q. If at any time anyone would happen to come
 2 in to the room while we're conducting this
 3 deposition, would you let us know or let me know?
 4 A. I will.
 5 Q. All right.
 6 Do you have any documents there in front
 7 of you?
 8 A. No, I do not. I do have a laptop.
 9 Q. Sure. You've got the monitors that we're
 10 using for today; is that right?
 11 A. Yes, that's correct.
 12 Q. Very good.
 13 So before we get into the real
 14 questioning, I just wanted to say that I recognize
 15 this is -- this case and your portion of it
 16 pertains to very highly sensitive and personal
 17 information to you, and I want to let you know
 18 nothing I say or ask you today is intended to
 19 embarrass you or offend you in any way. And I hope
 20 nothing I say does that. And I'm only going to ask
 21 what I believe I need to ask you for purposes of
 22 finding out information about the case and the
 23 claims that you're making. And I would like to
 24 ask -- and I will tell you: This case has been a

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1 learning process for me and so I think through the
 2 course of this learned what the proper terms and
 3 procedures are. But if I say something that's
 4 incorrect, would you feel free to correct me so
 5 that I won't say something that's wrong?
 6 A. I will do that.
 7 Q. Thank you.
 8 And, again, if I say anything that even if
 9 it offends you, please -- I don't mean to do that.
 10 Just so you know. Unfortunately there are certain
 11 things I have to ask based upon the claims that are
 12 being made, but we'll just try to get through it
 13 and move on.
 14 Okay. So it's my understanding that you
 15 had a legal name change somewhat recently; is that
 16 right?
 17 A. Yes.
 18 Q. And --
 19 MS. BUCHERT: Sorry, would you mind if I
 20 address a couple of issues before we jump into some
 21 of the substantive questions?
 22 MS. CYRUS: Yes. Yes. I'm so sorry about
 23 that. Yes. Please go ahead, Sasha.
 24 MS. BUCHERT: Thank you so much.

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1 Before we start I just would like to note
 2 on the record that Plaintiffs are designating all
 3 port of the deposition transcript that pertain in
 4 any way to the Plaintiff's medical history
 5 including any course of any recommended,
 6 prescribed, self-administered and/or implemented
 7 treatment confidential and we will follow up in
 8 writing with specific page numbers once the
 9 transcript is available, if you're agreeable to
 10 that.
 11 MS. CYRUS: Yes. No problem.
 12 MS. BUCHERT: And then the second note is
 13 that just we -- all attorney objections except to
 14 the form of the question are reserved and don't
 15 have to be made at this time just to form of the
 16 question if you all are agreeable to that.
 17 MS. CYRUS: Yes, that's fine.
 18 BY MS. CYRUS:
 19 Q. So I think you already -- I think you
 20 answered the question but you did have a legal name
 21 change somewhat recently; is that right?
 22 A. That is correct.
 23 Q. And your name at birth was Shawn Anderson?
 24 A. Yes.

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1 Q. One reason I wanted to confirm that is I
 2 don't know if you know this or not, some of the
 3 records that have been produced in this case
 4 contain the name Shawn Anderson, S-h-a-w-n. And
 5 just to be clear, those -- to the extent that, you
 6 know, the birth date matches obviously, those would
 7 still be your medical records, would be Shauntae
 8 Anderson's medical records; is that correct?
 9 A. That's correct.
 10 Q. And with what gender do you identify?
 11 MS. BUCHERT: Objection to form.
 12 THE WITNESS: I'm a female.
 13 BY MS. CYRUS:
 14 Q. And -- but you're a biological male; is
 15 that correct?
 16 MS. BUCHERT: Objection to form.
 17 THE WITNESS: I don't understand the term
 18 biological. I'm a woman.
 19 BY MS. CYRUS:
 20 Q. Sure.
 21 And I'm not challenging that, but as far
 22 as do you understand that when humans are formed in
 23 the womb, they have either XX chromosomes or XY
 24 chromosomes?

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1 MS. BUCHERT: Objection to form.
 2 THE WITNESS: I don't know how -- what the
 3 knowledge is on that. I'm not an expert. I just
 4 know who I am.
 5 BY MS. CYRUS:
 6 Q. Well, do you recognize that there are
 7 males and females?
 8 MS. BUCHERT: Objection to form.
 9 THE WITNESS: I understand that I'm a
 10 female, yes.
 11 BY MS. CYRUS:
 12 Q. In other words, males would be someone
 13 typically born with male genitalia, a penis and
 14 scrotum, for example?
 15 MS. BUCHERT: Objection to form.
 16 THE WITNESS: Are you asking me a question
 17 or making a statement?
 18 BY MS. CYRUS:
 19 Q. I'm asking you. Is that -- do you agree
 20 with that?
 21 MS. BUCHERT: Objection to form.
 22 THE WITNESS: No, I don't.
 23 BY MS. CYRUS:
 24 Q. So you don't agree that when babies are

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1 born based upon their genitalia usually they're
 2 assigned either a male or a female at birth?
 3 MS. BUCHERT: Objection to form.
 4 THE WITNESS: The answer is what about
 5 people that are intersex?
 6 COURT REPORTER: I'm sorry what? Can you
 7 repeat the answer?
 8 THE WITNESS: The answer is what about the
 9 people that are intersex.
 10 COURT REPORTER: Thank you.
 11 BY MS. CYRUS:
 12 Q. Great. That's why I said generally. I
 13 was very careful to add the word generally so that
 14 it's -- I'm not referring to every single person.
 15 But, well, when you were born, did you
 16 believe you were assigned either male or female?
 17 MS. BUCHERT: Objection to form.
 18 THE WITNESS: When I was born, I was
 19 assigned male by someone other -- not me.
 20 BY MS. BUCHERT:
 21 Q. Sure. No, I understand that. I just --
 22 it will be hard for us to have this discussion if
 23 we don't establish that by and large folks can be
 24 born one gender and identify with another because

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1 that's my understanding of what this case is about.
 2 I mean do you agree that frequently -- let
 3 me strike that.
 4 Do you agree that there are times when
 5 someone is born and assigned one gender but they
 6 identify with the opposite gender?
 7 MS. BUCHERT: Object to form.
 8 THE WITNESS: I can't really answer. I
 9 can't speak for anybody else but me.
 10 BY MS. CYRUS:
 11 Q. That's a fair point.
 12 Were you born and assigned one gender and
 13 you identify with the opposite gender?
 14 MS. BUCHERT: Objection to form.
 15 THE WITNESS: I'm a girl. I'm a lady.
 16 BY MS. CYRUS:
 17 Q. Sure.
 18 But you are -- you are a female, but you
 19 were assigned male at birth; is that a fair
 20 statement?
 21 MS. BUCHERT: Objection to form.
 22 THE WITNESS: That's what was on my birth
 23 certificate.
 24 BY MS. CYRUS:

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1 Q. So I was going to ask you: Are you a
 2 transgender female, do you disagree with that? Do
 3 you not agree you're a transgender female?
 4 A. I agree --
 5 MS. BUCHERT: Objection to form.
 6 BY MS. CYRUS:
 7 Q. I'm sorry. I didn't hear your answer.
 8 A. I'm a transwoman, yes.
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 21 Q. And what is your age?
 22 A. I'm 45.
 23 Q. Where do you currently live?
 24 A. Charleston, West Virginia.

Page 17

1 Q. Does anybody live with you?
 2 MS. BUCHERT: Objection to form.
 3 THE WITNESS: Yes.
 4 BY MS. CYRUS:
 5 Q. Who lives with you?
 6 A. My partner.
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 14 Q. And what is your marital status?
 15 A. I'm divorced.
 16 Q. And how many times have you been married?
 17 A. Twice.
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9 A. Around September of '98 and -- to like
10 December of '99 -- or September -- no, October of
11 '99.
12 Q. I'm just trying to get approximate dates.
13 I'm not going to hold you to that.
14 A. Right.
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19 Q. And what is the status of the relationship
20 as you would characterize it? In other words, are
21 you engaged, dating or something else?
22 A. We're engaged.
23 Q. Do you all have a wedding date set at this
24 time?

Page 22	1 A. No. Just tentatively this summer 2 sometime. 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 24	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24
Page 23	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Q. Do you have any children? 22 A. Yes, I do. 23 Q. And how many children do you have? 24 A. I have six children.	Page 25	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

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23 Q. Is your mother married?
24 MS. BUCHERT: Objection to form.

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1 THE WITNESS: No.
2 BY MS. CYRUS:
3 Q. I'm sorry, did you say no?
4 A. No, she's not married.
5 Q. Where does she live?
6 MS. BUCHERT: Objection to form.
7 THE WITNESS: Richmond, Virginia.
8 BY MS. CYRUS:
9 Q. Do you have regular contact with your
10 mother?
11 A. Yes.
12 Q. And your father, where does he live?
13 MS. BUCHERT: Objection to form.
14 THE WITNESS: Oklahoma.
15 BY MS. CYRUS:
16 Q. Do you have regular contact with your
17 father?
18 MS. BUCHERT: Objection to form.
19 THE WITNESS: No.
20 BY MS. CYRUS:
21 Q. And who -- you said you do have regular
22 contact with your mother. What would you say is
23 the status of your relationship with her, do you
24 have a good relationship?

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1 MS. BUCHERT: Objection to form.
2 THE WITNESS: Yes.
3 BY MS. CYRUS:
4 Q. How would you describe your relationship
5 with your father, do you all -- would you say you
6 have a good relationship with him as well?
7 MS. BUCHERT: Objection to form.
8 THE WITNESS: My father was incarcerated
9 most of my life, so we never really had a
10 relationship.
11 BY MS. CYRUS:
12 Q. Do you know if he's still incarcerated?
13 A. No, he was -- he's been out of
14 incarceration for a number of years. It's just
15 that he went to prison when I was two, he got out
16 when I was 17. After that, we just never -- he's
17 not really a close person. He's more of an
18 introvert. He stays to hisself.
19 Q. How often do you see your mother?
20 MS. BUCHERT: Objection to form.
21 THE WITNESS: Daily.
22 BY MS. CYRUS:
23 Q. You see her in person daily?
24 MS. BUCHERT: Objection to form.

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1 THE WITNESS: No. On FaceTime.
2 BY MS. CYRUS:
3 Q. I see.
4 I wondered since you said she lived in
5 Richmond, Virginia, and you live in Charleston but
6 that makes perfect sense.
7 So you guys will communicate, and I say
8 guys I mean just in general, I'm not referring -- I
9 don't mean to offend you -- or refer to you as a
10 male, just so you know.
11 You and your mother, you communicate over
12 FaceTime, pretty much on a daily basis?
13 MS. BUCHERT: Objection to form.
14 BY MS. CYRUS:
15 Q. Is that right?
16 A. Yes. We communicate, yes.
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14 BY MS. CYRUS:
15 Q. Do you have regular contact with Sarah?
16 MS. BUCHERT: Object.
17 THE WITNESS: No, I do not.
18 BY MS. CYRUS:
19 Q. Is there any reason why you don't have
20 regular contact with Sarah?
21 MS. BUCHERT: Objection to form.
22 THE WITNESS: I am -- she's -- I'm way
23 older than her. That's one of my father's children
24 and so she is kind of -- you know, it's kind of a

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1 stretch so we just don't -- I talk to her mom
2 regularly. So she let's me know how she is doing.
3 BY MS. CYRUS:
4 Q. Are you taking any medications today?
5 A. Yes.
6 Q. Let me ask you: Are you taking any
7 medications that would affect your ability to
8 understand and give truthful testimony?
9 A. No.
10 Q. You seem to be doing fine so far, I
11 probably should have asked you this earlier on.
12 But anyway, it's just a standard question.
13 Have you -- did you review any records to
14 prepare for today's deposition? Any documents?
15 A. Yes.
16 Q. Can you tell me what did you review as
17 best you can remember?
18 A. The declaration I made.
19 Q. The declaration that -- it was filed
20 earlier this week. Did you review it earlier this
21 week?
22 A. Yes.
23 Q. And did you review anything else?
24 A. I'm not quite sure what it was I reviewed,

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1 but I reviewed a few things.
 2 Q. Did you review the answers to the written
 3 questions that had been served, the interrogatories
 4 and request for production of documents, if you
 5 know?
 6 A. No, I don't recall reviewing any answers
 7 to any questions.
 8 Q. Did you review the lawsuit that was filed
 9 on your behalf in this case?
 10 A. I don't recall. It's been a long week.
 11 Q. Did you review any medical records?
 12 A. Like I said, I don't recall. I've
 13 reviewed a lot of stuff. This has been a long week
 14 for me, so I honestly can't tell you.
 15 Q. So the only thing that you do -- can
 16 recall that you reviewed to prepare for today would
 17 be the declaration that you signed?
 18 A. That's correct.
 19 Q. If I ask you where did you grow up, would
 20 there be a certain place where you would say you
 21 grew up or did you live in multiple places as you
 22 were -- from a child to age 18?
 23 MS. BUCHERT: Objection to form.
 24 THE WITNESS: I grew up in West Virginia.

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1 BY MS. CYRUS:
 2 Q. Was there one place in West Virginia where
 3 you primarily lived from being a child to age 18 or
 4 did you live in multiple places?
 5 MS. BUCHERT: Objection to form.
 6 THE WITNESS: One place.
 7 BY MS. CYRUS:
 8 Q. Where was that?
 9 A. Bluefield.
 10 Q. Do you have -- let me ask you this: Do
 11 you have any family that would be -- I know you've
 12 already told me where your parents live so I don't
 13 think this includes them and your siblings, but do
 14 you have any aunts, uncles, cousins who live in any
 15 of the following counties: Cabell County, do you
 16 where Cabell County is?
 17 MS. BUCHERT: Object to form.
 18 THE WITNESS: That's Huntington I believe.
 19 BY MS. CYRUS:
 20 Q. Yes. Yes.
 21 A. To my knowledge, no.
 22 Q. Mason County?
 23 MS. BUCHERT: Objection to form.
 24 BY MS. CYRUS:

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1 Q. Point Pleasant would be one of the places
 2 that's located there, if that helps you?
 3 A. No.
 4 Q. Putnam County, which is where Teays Valley
 5 and Hurricane are, Winfield?
 6 MS. BUCHERT: Objection to form.
 7 THE WITNESS: No.
 8 BY MS. CYRUS:
 9 Q. What about Wayne County? The only place I
 10 know in Wayne County is Wayne so.
 11 MS. BUCHERT: Objection to form.
 12 THE WITNESS: I'm sorry, no.
 13 BY MS. CYRUS:
 14 Q. I just want to make sure so if this case
 15 were to go to trial, we would have jurors pulled
 16 from those counties. I wanted to find out, you
 17 know, if you have any relatives, anyone related to
 18 you, that you know of, that would be of those
 19 degrees aunts, uncles, cousins and we talked about
 20 parents and siblings who live in any of those
 21 counties, and you do not; is that right?
 22 MS. BUCHERT: Objection to form.
 23 THE WITNESS: That is correct.
 24 BY MS. CYRUS:

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1 Q. All right.
 2 Let's talk about your educational
 3 background. It's my understanding you graduated
 4 high school; is that right?
 5 A. Yes.
 6 Q. And where did you graduate from?
 7 A. Bluefield High School.
 8 Q. What year was that?
 9 A. 1994.
 10 Q. Have you had any other education or
 11 training beyond high school?
 12 A. Yes.
 13 Q. And what is that?
 14 A. National College.
 15 Q. Where did you attend college?
 16 A. I attended college in Bluefield,
 17 West Virginia, National Business College.
 18 Q. What did you study there?
 19 A. Medical assistant.
 20 Q. Did you complete your course work there?
 21 A. No.
 22 Q. Did you get any kind of certification or
 23 degree?
 24 A. No.

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1 Q. Do you have any other education or
 2 training?
 3 A. Inexperienced underground mining.
 4 Q. So you've worked -- you worked as an
 5 underground miner at some point?
 6 A. No, I just took the class.
 7 Q. Did you actually complete that?
 8 A. Yes, I did.
 9 Q. Do you know approximately when you
 10 attended Bluefield -- the Bluefield, Virginia,
 11 National Business College?
 12 A. Around 2005. And then I again in 2007.
 13 Q. 2005 to 2007?
 14 A. Somewhere in those. It was twice that I
 15 attended.
 16 Q. I see.
 17 So you had two different times that you
 18 were taking classes there?
 19 A. Yes.
 20 Q. Have you ever been in the military?
 21 A. Yes.
 22 Q. And what branch were you in?
 23 A. US Marines.
 24 Q. Approximately what dates were those?

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1 A. Approximately '94 to '96.
 2 Q. And so after two years, you left the
 3 Marines?
 4 MS. BUCHERT: Objection to form.
 5 THE WITNESS: Yes.
 6 BY MS. CYRUS:
 7 Q. Were you honorably discharged?
 8 A. No.
 9 Q. What caused you to get discharged from the
 10 military?
 11 A. I was in the Clinton Act. Someone
 12 threatened to expose me under the Don't Ask, Don't
 13 Tell act. So I did something so that I would be
 14 kicked out.
 15 Q. What did you do?
 16 A. I made unauthorized phone calls on two
 17 different occasions.
 18 Q. So you made unauthorized phone calls?
 19 MS. BUCHERT: Objection to form.
 20 BY MS. CYRUS:
 21 Q. What -- when you say unauthorized phone
 22 calls, what does that mean?
 23 MS. BUCHERT: Objection to form.
 24 THE WITNESS: It means i wasn't authorized

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1 to make a long distance call unless it was logged
 2 in and I had permission. I made them without
 3 permission.
 4 BY MS. CYRUS:
 5 Q. And just making those two calls without
 6 permission caused you to be discharged from the
 7 military?
 8 MS. BUCHERT: Objection to form.
 9 THE WITNESS: I didn't say it was two
 10 calls. I made several calls, and that -- because
 11 they weren't logged in -- you know, it's the
 12 military, they are very strict so.
 13 BY MS. CYRUS:
 14 Q. I'm sorry. I made a note you said
 15 unauthorized phone calls on two different occasions
 16 is why I said two but it wasn't two; is that right?
 17 MS. BUCHERT: Objection.
 18 THE WITNESS: Right.
 19 BY MS. CYRUS:
 20 Q. I'm sorry. I didn't hear your answer. It
 21 was more than two times?
 22 A. Yes.
 23 Q. Are you employed?
 24 A. Yes.

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1 Q. Where do you work?
 2 A. Clearon Corporation.
 3 Q. Clearon Corporation; is that right?
 4 A. Yes.
 5 Q. And where is that?
 6 A. South Charleston, West Virginia.
 7 Q. What type of a business is that?
 8 A. We make cleaning equipment for pools and
 9 spas.
 10 Q. And what do you do there?
 11 A. I'm a utility worker.
 12 Q. How long have you had that job?
 13 A. I've worked there for almost three years.
 14 Q. Do you have health insurance available at
 15 that job?
 16 A. Yes.
 17 Q. And so is that provided as a benefit of
 18 Clearon Corporation?
 19 A. It's under the Affordable Care Act. They
 20 offer insurance.
 21 Q. Is that something you have to pay for if
 22 you want it to be through your employer?
 23 A. That is correct. I would have to pay for
 24 it out-of-pocket.

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1 Q. And do you -- so you don't -- so you don't
 2 have insurance through Clearon; is that right?
 3 MS. BUCHERT: Objection to form.
 4 THE WITNESS: I do not because it's -- I
 5 cannot afford it.
 6 BY MS. CYRUS:
 7 Q. Do you know approximately how much it
 8 would cost for you to have health insurance just
 9 for you?
 10 A. It was around like 40 dollars a week, I
 11 believe.
 12 Q. Do you get paid -- is it by the hour or is
 13 it a salary? Or by the week? How do you get paid
 14 there?
 15 A. I get paid an hourly wage weekly.
 16 Q. Do you have a certain number of regular
 17 hours a week that you work?
 18 A. 40.
 19 Q. Do you ever get overtime?
 20 A. No.
 21 Q. How much do you make per hour?
 22 A. 12 dollars.
 23 Q. Do know whether they also offer dental
 24 insurance?

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1 MS. BUCHERT: Objection to form.
 2 THE WITNESS: To my knowledge, it's an
 3 additional fee for that.
 4 BY MS. CYRUS:
 5 Q. So the medical, as far as you know, was
 6 about 40 dollars a week and then if you wanted
 7 dental that would something additional on top of
 8 that?
 9 MS. BUCHERT: Objection to form.
 10 THE WITNESS: To my knowledge, yes.
 11 BY MS. CYRUS:
 12 Q. Where was the last place you worked before
 13 Clearon Corporation, if you did?
 14 A. While I was laid off from Clearon, I
 15 worked at a hotel, Fairfield Inn.
 16 Q. You said -- I'd asked you had worked --
 17 you said you worked for Clearon for three years, so
 18 is that not three years solid? Is that a total of
 19 three years?
 20 A. It's a total of three years, but in the
 21 three years we had -- recently we were laid off
 22 last November and then I got called back in
 23 February.
 24 Q. So you were off from November to February?

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1 A. Yes.
 2 Q. I'm sorry. November '20 -- would that be
 3 November of '21 through February of '22?
 4 A. That is correct.
 5 Q. What did you -- so you said you last
 6 worked -- did you work during that time November to
 7 February?
 8 A. Yes, I did.
 9 Q. Where did you work?
 10 A. I worked at the Fairfield Inn.
 11 Q. Do you know if health insurance was
 12 available there?
 13 A. Health insurance became -- it had just
 14 became available to me prior to me leaving.
 15 Q. I see.
 16 Just before you got called back to
 17 Clearon, you found out you would be eligible to get
 18 health insurance through employment at Fairfield
 19 Inn; is that right?
 20 A. That's correct.
 21 Q. And you opted to go back to Clearon?
 22 A. Yes.
 23 Q. I take it the pay was -- is probably
 24 better at Clearon than it was at Fairfield Inn?

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1 A. Honestly, no, but at the time we were in a
 2 union contract with Clearon, we just started
 3 getting paid 12 dollars an hour. Up to this point,
 4 I'd only made 10 dollars an hour at Clearon.
 5 Q. I see.
 6 When did you start getting 12 dollars an
 7 hour, if you know, approximately?
 8 A. The middle of March.
 9 Q. So before that you made 10 dollars an
 10 hour?
 11 A. Yes.
 12 Q. Is that the whole time you've worked there
 13 before March you made 10 dollars an hour?
 14 A. When I first started, it was 9 dollars for
 15 the -- and then I bidded on a job, and I started
 16 getting paid 10 dollars an hour.
 17 Q. So before Clearon, where is the last place
 18 you worked?
 19 A. I also worked at Jimmy John's part-time
 20 while I was working at Clearon.
 21 Q. So you worked both at Jimmy John's and
 22 Clearon at the same time?
 23 MS. BUCHERT: Objection.
 24 THE WITNESS: That is correct.

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1 BY MS. CYRUS:
 2 Q. And about what time period did you work at
 3 Jimmy John's?
 4 A. About November of 2019 'til June of 2020.
 5 Q. November '19 until when in 2020?
 6 A. Around June. May, June.
 7 Q. Where did you work prior to that?
 8 A. Prior to that I was incarcerated.
 9 Q. We'll talk about that in more detail. But
 10 what approximate years were you incarcerated?
 11 MS. BUCHERT: Objection to form.
 12 THE WITNESS: 2011 up until 2019.
 13 BY MS. CYRUS:
 14 Q. Have you ever been terminated from any
 15 job?
 16 MS. BUCHERT: Objection to form.
 17 THE WITNESS: Yes.
 18 BY MS. CYRUS:
 19 Q. Where were you terminated from?
 20 A. From the Fairfield Inn and from Jimmy
 21 John's.
 22 Q. The Fairfield Inn where you were working
 23 from through February of this year?
 24 A. Yes.

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1 Q. Why were you terminated from there?
 2 MS. BUCHERT: Objection to form.
 3 THE WITNESS: I had COVID and I had
 4 already explained to them that -- I had already
 5 told them I wanted to put my notice in. They
 6 didn't recognize the notice because I didn't bring
 7 them another doctor slip saying that I was clear of
 8 COVID, so they sent me a letter terminating me.
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 20 Q. Have you ever applied for Social Security
 21 Disability?
 22 A. I've looked into it, but not -- but I have
 23 not actually applied for it.
 24 Q. Do you -- well, as far as your work now,

Page 57

1 are you physically able to do your job?
 2 MS. BUCHERT: Objection to form.
 3 THE WITNESS: I am, but I have to have
 4 double hip replacements, so I'm going to have to
 5 take time off to have that done.
 6 BY MS. BUCHERT:
 7 Q. So you've -- a doctor has determined you
 8 need both your hips replaced?
 9 MS. BUCHERT: Objection to form.
 10 THE WITNESS: Yes.
 11 BY MS. BUCHERT:
 12 Q. Has that actually -- that surgery been
 13 scheduled?
 14 MS. BUCHERT: Objection to form.
 15 THE WITNESS: It's up to me when I could
 16 things lined out for my job first.
 17 BY MS. CYRUS:
 18 Q. I see.
 19 And do you expect to make a claim under
 20 Medicaid to pay for your double hip replacement?
 21 MS. BUCHERT: Objection to form.
 22 THE WITNESS: Medicaid is the insurance
 23 that I have.
 24 BY MS. CYRUS:

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1 Q. Sure. That's why I was asking. I mean,
 2 seemed to be obvious but I didn't want to assume
 3 anything. Have you submitted a claim for a prior
 4 presurgical authorization or anything of that
 5 nature requesting like preapproval on the double
 6 hip replacement for Medicaid?
 7 MS. BUCHERT: Objection to form.
 8 THE WITNESS: No, I have not.
 9 BY MS. CYRUS:
 10 Q. But when you do have -- when you're ready
 11 to proceed with the surgery, it would be your
 12 expectation that Medicaid would pay for that since
 13 you're a Medicaid participant; is that right?
 14 MS. BUCHERT: Objection to form.
 15 THE WITNESS: That would be a question you
 16 would have to ask my doctor or the billing
 17 department. I don't know.
 18 MS. CYRUS: You know, we have been going
 19 about an hour and 15 minutes, and I was going to
 20 move to a new topic. If you everyone would like to
 21 take a break now, or I know the court reporter said
 22 about an hour and 20 minutes, we're five minutes
 23 short.
 24 MS. BUCHERT: I think that would be great.

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1 MS. CYRUS: Ms. Anderson, is that okay
 2 with you?
 3 THE WITNESS: That's fine.
 4 MS. CYRUS: Very good. So we'll just take
 5 ten minutes maybe or five, I mean, just for a
 6 restroom break and let the videographer change the
 7 video and we'll come back.
 8 Thank you.
 9 MS. BUCHERT: Come back in five minutes?
 10 MS. CYRUS: Sure. Yes. If that's good,
 11 or if folks need a few more minutes, that's fine.
 12 We'll plan to come back in five. Thank you.
 13 VIDEOGRAPHER: This is the end of media
 14 unit number 1. We are off the record at 11:14 a.m.
 15 (Break in proceedings.)
 16 VIDEOGRAPHER: This is the beginning of
 17 media unit number 2. We are on the record at
 18 11:24 a.m.
 19 BY MS. CYRUS:
 20 Q. Before we moved onto the next topic, I
 21 wanted to ask you: Do you know who the health
 22 insurance carrier for Clearon is; in other words,
 23 if you were to have health insurance through your
 24 work?

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1 A. No. It's been a long time since I looked
 2 into it.
 3 Q. Have you looked into whether that health
 4 insurer would provide coverage for gender
 5 confirming surgery?
 6 MS. BUCHERT: Objection to form.
 7 THE WITNESS: I had this conversation with
 8 someone in the billing department and they checked
 9 into it and said no.
 10 BY MS. CYRUS:
 11 Q. So that insurer, if you were to take out
 12 insurance through your work, it's your
 13 understanding it would not provide coverage for
 14 gender confirming surgery?
 15 A. No.
 16 Q. Have you contemplated signing up for that
 17 insurance and filing suit against that insurer?
 18 MS. BUCHERT: Objection to form.
 19 THE WITNESS: No.
 20 BY MS. CYRUS:
 21 Q. So you mentioned that you had been
 22 incarcerated for a number of years. Were those --
 23 were you incarcerated concurrently during that
 24 entire time or was it off and on? I think you gave

Page 61

1 the years approximately from 2011 to 2019.
 2 MS. BUCHERT: Objection to form.
 3 THE WITNESS: It was the whole time.
 4 BY MS. CYRUS:
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23 BY MS. CYRUS:
24 Q. All right.

Page 79

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6 Q. Have you ever had a problem abuse of drugs
7 or alcohol?
8 MS. BUCHERT: Objection to form.
9 THE WITNESS: No.
10 BY MS. CYRUS:
11 Q. Were you ever under the influence of drugs
12 or alcohol when you committed these various crimes?
13 MS. BUCHERT: Objection to form.
14 THE WITNESS: No.
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1 Let me ask you this: Was there a point
2 where you determined that you were transgender?
3 Was it an aha moment? Or was it something that
4 you've always known?
5 MS. BUCHERT: Objection to form.
6 THE WITNESS: I've known through all my
7 whole life.
8 BY MS. CYRUS:
9 Q. So as long as you can remember, you felt
10 you were a female or a girl or woman?
11 MS. BUCHERT: Objection to form.
12 THE WITNESS: I've always known myself to
13 be a girl and now I'm a woman.
14 BY MS. CYRUS:
15 Q. Were your parents aware when you were
16 growing up that you considered yourself to be a
17 girl?
18 MS. BUCHERT: Objection to form.
19 THE WITNESS: My mom was. I had no
20 contact with my father.
21 BY MS. CYRUS:
22 Q. I see.
23 As a child, did you ever dress in clothes
24 that would be typically designated for girls?

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1 MS. BUCHERT: Objection to form.
 2 THE WITNESS: Yes.
 3 BY MS. CYRUS:
 4 Q. And about what age did you do that?
 5 MS. BUCHERT: Objection to form.
 6 THE WITNESS: When I was six-years-old, I
 7 started playing around with my mom's makeup and
 8 clothes.
 9 BY MS. CYRUS:
 10 Q. And was your mother aware of that?
 11 MS. BUCHERT: Objection to form.
 12 THE WITNESS: Yes, when she caught me.
 13 BY MS. CYRUS:
 14 Q. Was your mother accepting of that?
 15 MS. BUCHERT: Objection to form.
 16 THE WITNESS: No.
 17 BY MS. CYRUS:
 18 Q. Was your mother supportive of that?
 19 MS. BUCHERT: Objection to form.
 20 THE WITNESS: No.
 21 BY MS. CYRUS:
 22 Q. Did you get punished for that?
 23 MS. BUCHERT: Objection to form.
 24 THE WITNESS: Yes.

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1 BY MS. CYRUS:
 2 Q. How did that make you feel?
 3 MS. BUCHERT: Objection to form.
 4 THE WITNESS: Sad for the moment, but I
 5 knew I would go right back and do it again.
 6 BY MS. CYRUS:
 7 Q. Was there a point when you -- and I don't
 8 know if this is the right terminology, but if
 9 you -- please correct me if this isn't correct, was
 10 there a point when you came out and began living as
 11 a female?
 12 MS. BUCHERT: Objection to form.
 13 THE WITNESS: I've always lived -- I've
 14 always lived as a female privately. Publicly there
 15 was a point where I came out publicly, yes.
 16 BY MS. CYRUS:
 17 Q. And do you recall approximately when that
 18 was?
 19 MS. BUCHERT: Objection to form.
 20 THE WITNESS: As a teenager.
 21 BY MS. CYRUS:
 22 Q. Were you still living at home with your
 23 mother at that time?
 24 MS. BUCHERT: Objection to form.

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1 THE WITNESS: I was living with my mother
 2 and my stepfather.
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 6 Q. But you said he is -- your mother is not
 7 currently married; is that right? So they are not
 8 married?
 9 A. No. They are divorced.
 10 Q. And were your mother and stepfather
 11 accepting of you coming out and living as a female
 12 as a teenager?
 13 MS. BUCHERT: Objection to form.
 14 THE WITNESS: No.
 15 BY MS. CYRUS:
 16 Q. Did they do anything to punish you or
 17 discipline you?
 18 MS. BUCHERT: Objection to form.
 19 THE WITNESS: Yes.
 20 BY MS. CYRUS:
 21 Q. What did they do?
 22 MS. BUCHERT: Objection to form.
 23 THE WITNESS: My mom grounded me. My
 24 stepfather beat me.

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1 BY MS. CYRUS:
 2 Q. You said he beat you, what does that mean?
 3 Or how did he beat you?
 4 MS. BUCHERT: Objection to form.
 5 THE WITNESS: With a belt.
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 22 Q. Did you ever have to get any medical
 23 treatment for injuries from your stepfather or your
 24 mother for these beating that you mentioned?

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1 MS. BUCHERT: Objection to form.
 2 THE WITNESS: No, I did not.
 3 BY MS. CYRUS:
 4 Q. Did you ever report that to anyone that
 5 that had happened to you?
 6 MS. BUCHERT: Objection to form.
 7 THE WITNESS: No.
 8 BY MS. CYRUS:
 9 Q. Do you know if there was ever any report
 10 to CPS, when I say CPS it's Child Protective
 11 Services is what I'm referring to, as a result of
 12 these incidents with your stepfather beating you?
 13 MS. BUCHERT: Objection to form.
 14 THE WITNESS: No, there was not.
 15 BY MS. CYRUS:
 16 Q. And then did you move out of the home with
 17 your mother and stepfather at some point?
 18 MS. BUCHERT: Objection to form.
 19 THE WITNESS: No.
 20 BY MS. CYRUS:
 21 Q. Were you still living with them when you
 22 first became incarcerated in 1999?
 23 MS. BUCHERT: Objection to form.
 24 Shantea, I want to instruct you that these

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1 are -- I know these are very difficult questions,
 2 and if you need to take a break, just please let us
 3 know. You'll have to answer the question before
 4 taking a break, but I wanted to let you know that
 5 you can ask for that.
 6 THE WITNESS: Okay.
 7 I'm sorry. Could you repeat the question?
 8 BY MS. CYRUS:
 9 Q. Yes, I was going to say, I'm sorry, I
 10 didn't hear your answer if you did. Yes.
 11 I asked had you moved out of the home with
 12 your mother and stepfather before you first became
 13 incarcerated in 1999?
 14 MS. BUCHERT: Objection to form.
 15 THE WITNESS: Yes, at that time I was an
 16 adult living with my mom.
 17 BY MS. CYRUS:
 18 Q. Because you said I think you said you
 19 graduated high school in 1994; is that right?
 20 MS. BUCHERT: Objection to form.
 21 THE WITNESS: Yes.
 22 BY MS. CYRUS:
 23 Q. And so that's why I was wondering, did you
 24 move out of the home at that point and you said you

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1 did?
 2 A. Yes.
 3 Q. So you lived on your own for about five
 4 years before you then became incarcerated?
 5 MS. BUCHERT: Objection to form.
 6 THE WITNESS: Yes.
 7 BY MS. CYRUS:
 8 Q. Did you begin taking female hormones at
 9 some point?
 10 MS. BUCHERT: Objection to form.
 11 THE WITNESS: Yes.
 12 BY MS. CYRUS:
 13 Q. Were those prescribed for you when you
 14 first started taking them or no?
 15 MS. BUCHERT: Objection to form.
 16 THE WITNESS: No.
 17 BY MS. CYRUS:
 18 Q. Do you know at what point did you begin --
 19 first begin taking female hormones of any kind?
 20 MS. BUCHERT: Objection to form.
 21 THE WITNESS: 2010.
 22 BY MS. CYRUS:
 23 Q. And what was your goal in taking those?
 24 MS. BUCHERT: Objection to form.

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1 THE WITNESS: To raise my estrogen level.
 2 BY MS. CYRUS:
 3 Q. And why did you want to raise your
 4 estrogen level?
 5 MS. BUCHERT: Objection to form.
 6 THE WITNESS: Because I'm a girl and it
 7 should be higher than my testosterone level.
 8 BY MS. CYRUS:
 9 Q. And was that something you talked about
 10 with a doctor or just something that you just you
 11 knew?
 12 MS. BUCHERT: Objection to form.
 13 THE WITNESS: Something I knew from
 14 talking to my peers.
 15 BY MS. BUCHERT:
 16 Q. Do you know about how long you took female
 17 hormones that were not prescribed?
 18 MS. BUCHERT: Objection to form.
 19 THE WITNESS: Probably about eight months
 20 or so.
 21 BY MS. CYRUS:
 22 Q. Was that during one of these -- that was
 23 during one of those times that you were not
 24 incarcerated; is that right?

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1 MS. BUCHERT: Objection to form.
 2 THE WITNESS: That's correct.
 3 BY MS. CYRUS:
 4 Q. Because then I think you said in -- so you
 5 were at Huttonsville 2007-2009, and then became
 6 incarcerated again in 2011; is that right?
 7 A. Yes.
 8 Q. Then when you then became incarcerated in
 9 2011, did you begin taking female hormones that
 10 were prescribed to you?
 11 MS. BUCHERT: Objection to form.
 12 THE WITNESS: Yes.
 13 BY MS. CYRUS:
 14 Q. Did you request those?
 15 MS. BUCHERT: Objection to form.
 16 THE WITNESS: Yes.
 17 BY MS. CYRUS:
 18 Q. Did you undergo any counseling before
 19 being given the female hormones in prison?
 20 A. Yes.
 21 Q. I take it -- well, let me just ask you:
 22 Did you undergo any counseling before you started
 23 taking the female hormones in 2010 that were not
 24 prescribed for you?

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1 MS. BUCHERT: Object to form.
 2 THE WITNESS: No.
 3 BY MS. CYRUS:
 4 Q. Do you know how much counseling you
 5 received in prison before you began taking the
 6 female hormones?
 7 MS. BUCHERT: Objection to form.
 8 THE WITNESS: I don't recall how many
 9 times we talked prior to me getting the medication.
 10 It was several times, and I was given some
 11 literature to read.
 12 BY MS. CYRUS:
 13 Q. Do you know if it was a counselor you
 14 talked with or a psychologist or what type of
 15 medical provider, if any?
 16 A. It was actually a nurse practitioner and
 17 the doctor.
 18 Q. Did you seek permission to wear what's
 19 typically thought of as female underwear, bras and
 20 panties, for example, while incarcerated?
 21 MS. BUCHERT: Objection to form.
 22 THE WITNESS: I was given permission to
 23 have those items.
 24 BY MS. CYRUS:

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1 Q. Were you housed as a female while
 2 incarcerated?
 3 MS. BUCHERT: Objection to form.
 4 THE WITNESS: I was housed as a male to
 5 female transgender is what I was listed as.
 6 BY MS. CYRUS:
 7 Q. Did you have -- and I don't know if a
 8 roommate is the right word, a cell mate, when you
 9 were housed at the prison?
 10 MS. BUCHERT: Objection to form.
 11 THE WITNESS: Once I was designated as
 12 male to female transgender, all of my cellies were
 13 transgender.
 14 BY MS. CYRUS:
 15 Q. And they were all male to female
 16 transgender like you?
 17 MS. BUCHERT: Objection to form.
 18 THE WITNESS: I suppose so.
 19 BY MS. CYRUS:
 20 Q. Now, are you familiar with the term gender
 21 confirming surgical procedures?
 22 MS. BUCHERT: Objection to form.
 23 THE WITNESS: I'm familiar with the term
 24 gender confirmation.

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1 BY MS. CYRUS:
 2 Q. Are you familiar with surgery that
 3 specifically a male to female transgender person
 4 might have to be -- for gender confirmation?
 5 MS. BUCHERT: Objection to form.
 6 THE WITNESS: A little.
 7 BY MS. CYRUS:
 8 Q. So what do you consider to be the gender
 9 confirming surgeries that a male to female
 10 transgender person might have?
 11 MS. BUCHERT: Objection to form.
 12 THE WITNESS: Vaginoplasty, not limited to
 13 just a vaginoplasty, breast augmentation and any
 14 other surgeries.
 15 BY MS. CYRUS:
 16 Q. Did you seek any gender confirming
 17 surgical procedures while you were incarcerated?
 18 MS. BUCHERT: Objection to form.
 19 THE WITNESS: Yes, but I wasn't eligible
 20 for it.
 21 BY MS. CYRUS:
 22 Q. So you did actually ask if you could have
 23 a surgery that would have been gender confirming?
 24 MS. BUCHERT: Objection to form.

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1 THE WITNESS: I asked, but there are
 2 criteria you have to meet and I hadn't been on
 3 hormones long enough.
 4 BY MS. CYRUS:
 5 Q. Do you remember what it was you asked to
 6 have?
 7 MS. BUCHERT: Objection to form.
 8 THE WITNESS: I wanted everything --
 9 anything that I was eligible for.
 10 BY MS. CYRUS:
 11 Q. And so are you able to tell me what that
 12 would include everything that you would be eligible
 13 for?
 14 MS. BUCHERT: Objection to form.
 15 THE WITNESS: I'm sorry. I don't recall
 16 because the transgender policy come down in 2017,
 17 so it was new, and I don't recall everything. That
 18 was a long time ago.
 19 BY MS. CYRUS:
 20 Q. When you say the transgender law came down
 21 in 2017, what are you referring to specifically?
 22 MS. BUCHERT: Objection to form.
 23 THE WITNESS: The Federal Bureau of
 24 Prisons came out with a standard of care for

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1 transgender inmates, and it didn't come to effect
 2 until 2017.
 3 BY MS. CYRUS:
 4 Q. Now, before that -- before that came into
 5 effect in 2017, were you already getting the female
 6 hormones while incarcerated?
 7 MS. BUCHERT: Objection to form.
 8 THE WITNESS: No, I was not.
 9 BY MS. CYRUS:
 10 Q. I see.
 11 Were you housed as a female to male
 12 transgender inmate prior to that?
 13 MS. BUCHERT: Objection to form.
 14 THE WITNESS: I was housed male to female
 15 inmate, but -- you mean before -- before I started
 16 taking hormones?
 17 BY MS. CYRUS:
 18 Q. Well, I was just asking before 2017 when
 19 you said the Federal Bureau of Prisons came out
 20 with the standard of care?
 21 A. No one was before then.
 22 Q. Were you allowed to wear the feminine type
 23 underwear, bras and panties while incarcerated
 24 before 2017?

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1 MS. BUCHERT: Objection to form.
 2 THE WITNESS: Yes.
 3 MS. CYRUS: Counsel, if you would like a
 4 continuing objection to the form, I would be
 5 agreeable to that, but if you prefer to just
 6 continue objecting, that's your prerogative. I
 7 just --
 8 MS. BUCHERT: Yes, we'll continue
 9 objecting. Thank you.
 10 BY MS. CYRUS:
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1 THE WITNESS: It's possible that I could
2 have.
3 BY MS. CYRUS:
4 Q. Why would you have said that?
5 MS. BUCHERT: Objection to form.
6 THE WITNESS: Because I was sad growing
7 up.
8 BY MS. CYRUS:
9 Q. Why were you sad growing up?
10 MS. BUCHERT: Objection to form.
11 THE WITNESS: For a number of reasons.
12 BY MS. CYRUS:
13 Q. And what were those?
14 MS. BUCHERT: Objection to form.
15 THE WITNESS: I wasn't allowed to express
16 myself, be the person that I am.
17 BY MS. CYRUS:
18 Q. So you were not allowed to -- I'm sorry, I
19 didn't mean to cut you off.
20 A. That's the number one reason. I mean,
21 that was -- I had a lot of things going on at the
22 time I was growing up at home.
23 Q. When you say you were not allowed to
24 express yourself, are you referring to what you

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1 BY MS. CYRUS:
2 Q. So you did not have depression as a child;
3 is that right?
4 MS. BUCHERT: Objection to form.
5 THE WITNESS: If I did, there was nothing
6 I could do about it.
7 BY MS. CYRUS:
8 Q. I'm not asking if you could do anything
9 about it, I'm just asking if you had it. If you
10 suffered from depression as a child?
11 THE WITNESS: I never seen a doctor as a
12 child, so I can't answer that question.
13 BY MS. CYRUS:
14 Q. Did you have depression as a teenager, if
15 you know?
16 MS. BUCHERT: Objection to form.
17 THE WITNESS: I wasn't -- I didn't see any
18 type of psych doctors until after I was an adult,
19 so I actually can't answer that question neither.
20 BY MS. CYRUS:
21 Q. Have you ever told a medical or mental
22 health provider that you had a problem with
23 depression back to childhood?
24 MS. BUCHERT: Objection to form.

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1 testified about earlier that your mother and
2 stepfather did not approve of you wearing clothes
3 for girls and basically dressing as a girl?
4 MS. BUCHERT: Objection to form.
5 THE WITNESS: I wasn't allowed to be the
6 person that I am.
7 BY MS. CYRUS:
8 Q. Does the person that you are relate to you
9 being a female?
10 MS. BUCHERT: Objection to form.
11 THE WITNESS: I'm a girl, yes.
12 BY MS. CYRUS:
13 Q. And you were not allowed to express
14 yourself as a girl, is that what you're saying?
15 MS. BUCHERT: Objection to form.
16 THE WITNESS: I was not allowed to be the
17 girl that I am.
18 BY MS. CYRUS:
19 Q. And that caused you to have sadness?
20 MS. BUCHERT: Objection to form.
21 BY MS. CYRUS:
22 Q. Correct?
23 A. Great sadness.
24 Q. Did that continue into your teenage years?

<p style="text-align: right;">Page 102</p> <p>1 MS. BUCHERT: Objection to form. 2 THE WITNESS: Yes. 3 BY MS. CYRUS: 4 Q. Did you have depression as a young adult? 5 MS. BUCHERT: Objection to form. 6 THE WITNESS: I would say so. 7 BY MS. CYRUS: 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 104</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>
<p style="text-align: right;">Page 103</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 105</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>

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1 THE WITNESS: Yes.
2 BY MS. CYRUS:
3 Q. Is she supportive?
4 MS. BUCHERT: Object to form.
5 THE WITNESS: Yes.
6 BY MS. CYRUS:
7 Q. Has there been a time in your adult life
8 when your mother was not accepting and supportive
9 of you being a transgender female?
10 MS. BUCHERT: Objection to form.
11 THE WITNESS: When I first expressed to
12 her that I was going to openly transition, yes.
13 BY MS. CYRUS:
14 Q. So when you first said you were going to
15 openly transition, your mother was not accepting
16 and supportive?
17 A. That's correct.
18 Q. Did that cause you some distress?
19 MS. BUCHERT: Objection to form.
20 THE WITNESS: No.
21 BY MS. CYRUS:
22 Q. So it didn't bother -- it didn't cause you
23 any negative feeling?
24 MS. BUCHERT: Objection to form.

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13 THE WITNESS: In my time growing up being
14 trans and being accepted and once you realized that
15 people don't accept it, you just move on from it,
16 and just -- I did what I had to do.
17 BY MS. CYRUS:
18 Q. It -- does your mother know that you're a
19 transgender female today?
20 MS. BUCHERT: Objection to form.
21 THE WITNESS: Oh, yes.
22 BY MS. CYRUS:
23 Q. Is she accepting of that?
24 MS. BUCHERT: Objection to form.

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1 THE WITNESS: I'm an adult now, so I can't
2 let what my parents think or what anyone else
3 thinks stop me.
4 BY MS. CYRUS:
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19 BY MS. CYRUS:
20 Q. When you say wanting to be passable in
21 public -- do you need some water or something? Do
22 you have something to drink there?
23 A. I have something to drink.
24 Excuse me.

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1 Q. You're fine.
 2 When you be passable in public, what are
 3 you referring to?
 4 A. To my physical appearance.
 5 Q. To be -- for somebody to believe you're a
 6 female?
 7 MS. BUCHERT: Objection to form.
 8 BY MS. CYRUS:
 9 Q. Or be passable -- I'm sorry.
 10 To be passable as a female is that what
 11 you mean?
 12 MS. BUCHERT: Objection to form.
 13 THE WITNESS: Society and man has put so
 14 many standards on what a woman should look like and
 15 what a man should look like. So, you know,
 16 people -- since people do that, it's, you know,
 17 perception is everything to people. And in
 18 society, I want to be able to pass to those
 19 standards so that I don't have to have -- worry
 20 about any incidents that like I have already had.
 21 BY MS. CYRUS:
 22 Q. So you want to pass society's standards of
 23 what a woman should look like, is that what you're
 24 saying?

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1 A. Not by my choice, but because that's just
 2 how it is.
 3 Q. Did you have a -- your anxiety get worse
 4 after you got out of the halfway house?
 5 MS. BUCHERT: Objection to form.
 6 THE WITNESS: Yes.
 7 BY MS. CYRUS:
 8 Q. Why was that?
 9 MS. BUCHERT: Objection to form.
 10 THE WITNESS: When I exited the halfway
 11 house, I was on home confinement so I could only go
 12 to work and home and possibly to go wash clothes.
 13 Once I was off home confinement, I was free to go
 14 anywhere I chose to which opened up a lot of
 15 possibilities.
 16 BY MS. CYRUS:
 17 Q. So would that relate back to being anxious
 18 about wanting to be passable in public for
 19 standards of what a female should look like?
 20 MS. BUCHERT: Objection to form.
 21 THE WITNESS: Yes, it will go back to
 22 that.
 23 BY MS. CYRUS:
 24 Q. Did you ever tell either a medical or

Page 112

1 mental health provider that you mostly felt anxious
 2 about being perfect and that you hold yourself to a
 3 very high standard and become anxious if you fail
 4 at something?
 5 MS. BUCHERT: Objection to form.
 6 THE WITNESS: No, I don't recall being
 7 perfect, because I know I'm not perfect. I just
 8 got to do it better than the average person.
 9 BY MS. CYRUS:
 10 Q. Is that related to being transgender or
 11 no?
 12 MS. BUCHERT: Objection to form.
 13 THE WITNESS: How you see me, how you look
 14 at me, if I'm not passable, then you're not going
 15 to respect me. You're going to have your own
 16 opinion about me. You're going to say whatever. I
 17 just want the same respect that any other woman
 18 would get anywhere she goes.
 19 BY MS. CYRUS:
 20 Q. Did you have anxiety when you were younger
 21 about not wanting to talk to people or eat in front
 22 of people?
 23 MS. BUCHERT: Objection to form.
 24 THE WITNESS: I've always been shy. Just

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1 how I am.
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 24 BY MS. CYRUS:

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15	15 BY MS. CYRUS:
16	16 Q. Are you also taking the female hormones?
17	17 MS. BUCHERT: Objection to form.
18	18 THE WITNESS: Yes, I take Estradiol
19	19 Valerate, in an injectable form and Spironolactone
20	20 in a pill, 100 milligrams a day.
21	21 BY MS. CYRUS:
22	22 Q. Have you had stress since you were
23	23 discharged from incarceration about someone trying
24	24 to out you as a male at your job?
Page 115	Page 117
1	1 MS. BUCHERT: Objection to form.
2	2 THE WITNESS: Yes.
3	3 BY MS. CYRUS:
4	4 Q. Have you ever attempted suicide?
5	5 MS. BUCHERT: Objection to form.
6	6 THE WITNESS: No.
7	7 BY MS. CYRUS:
8	8 Q. Were you bullied as a child?
9	9 MS. BUCHERT: Objection to form.
10	10 THE WITNESS: Yes.
11	11 BY MS. CYRUS:
12	12 Q. Did that cause you distress?
13	13 MS. BUCHERT: Objection to form.
14	14 THE WITNESS: Yes.
15	15 BY MS. CYRUS:
16	16 Q. And when you were bullied, was that in
17	17 relation to being a transgender female or something
18	18 else?
19	19 MS. BUCHERT: Objection to form.
20	20 THE WITNESS: Both that and something
21	21 else.
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13	13 MS. BUCHERT: If I can break in just for a
14	14 second, Lou Ann, I was wondering when you want to
15	15 break for lunch?
16	16 MS. CYRUS: You know, we can break about
17	17 any time. This is actually -- this is as good a
18	18 time as any to stop. I didn't know if you wanted
19	19 to take a lunch -- do you want to go off record
20	20 just a moment?
21	21 MS. BUCHERT: Yes.
22	22 VIDEOGRAPHER: This is the end of media
23	23 unit number 2. We are off the record at 12:23 p.m.
24	24 (Break in proceedings.)
Page 119	Page 121
1	1 VIDEOGRAPHER: This is the beginning of
2	2 media you unit number 3. We are on the record at
3	3 1:02 p.m.
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<p style="text-align: right;">Page 123</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 125</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>

<p style="text-align: right;">Page 126</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 128</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>
<p style="text-align: right;">Page 127</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 129</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 VIDEOGRAPHER: We are off the record at 18 1:10 p.m. 19 (Break in proceedings.) 20 VIDEOGRAPHER: We are back on the record 21 at 1:22 p.m. 22 BY MS. CYRUS: 23 Q. Ms. Anderson, have you ever sought a 24 domestic violence protective order against someone?</p>

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1 A. To my knowledge, no.

2 Q. You mentioned that you are engaged. Was

3 there a time in the past year when you ended your

4 engagement at some point?

5 A. There was a time -- there was a time when

6 we had thought about calling off the engagement,

7 yes.

8 Q. Is that with the same person who you are

9 now engaged to?

10 A. Yes.

11 Q. Did that considering calling off the

12 engagement cause you distress at the time?

13 MS. BUCHERT: Objection to form.

14 THE WITNESS: There was other things going

15 on at the time, so that was -- that was like, you

16 know, small compared to the other fires that I was

17 trying to put out.

18 BY MS. CYRUS:

19 Q. Did you have -- what is your relationship

20 like with your significant other now?

21 A. It's great.

22 Q. Have you had -- have you had any treatment

23 by counselors, psychologists, psychiatrists that we

24 have not discussed?

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1 MS. BUCHERT: Objection to form.

2 THE WITNESS: To my knowledge, no.

3 BY MS. CYRUS:

4 Q. Do you have any major health problems?

5 MS. BUCHERT: Objection to form.

6 THE WITNESS: No. Other than what we've

7 discussed about me having to have hip replacements.

8 BY MS. CYRUS:

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12 BY MS. CYRUS:

13 Q. I'm going to turn your attention to

14 another topic, to the Medicaid plan. Do you know

15 when you became a Medicaid recipient?

16 A. On or around 2019.

17 Q. What prompted you to sign up with

18 Medicaid, if you know?

19 A. When I got to the halfway house, they sent

20 us to a free clinic to get a physical. At that

21 time, they asked us if you had any insurance or you

22 wanted to try to apply for Medicaid, and that's

23 what I did.

24 Q. Do you know when you first became eligible

Page 134

1 for Medicaid?

2 A. Sometime -- sometime around September,

3 October of 2019.

4 Q. What is the significance of that date, if

5 you know?

6 A. September of 2019?

7 Q. Yes.

8 A. That was around the time that I released

9 from prison.

10 Q. I see.

11 Do you know if you were eligible for

12 Medicaid before the Affordable Care Act was

13 enacted?

14 MS. BUCHERT: Objection to form.

15 THE WITNESS: No, I do not.

16 BY MS. CYRUS:

17 Q. And you said when you did sign up for

18 Medicaid, you had no health insurance coverage; is

19 that right?

20 MS. BUCHERT: Objection to form.

21 THE WITNESS: That is correct, only with

22 the Federal -- the Bureau of Prisons provided my

23 care. I was under their care.

24 BY MS. CYRUS:

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1 Q. Right.

2 But when you signed up for Medicaid, you

3 were no longer in prison; is that right?

4 A. Well, I was in a halfway house.

5 Q. I see. Okay. Thank you.

6 Were you employed when you signed up for

7 Medicaid?

8 A. No, I was not.

9 Q. Do you remember if you had to give any

10 information about whether you had any earnings or

11 income when you signed up?

12 A. They asked those questions at -- when I

13 filled out the application at the clinic. They

14 knew I had just came home from prison, and I did

15 not have a job.

16 Q. Since you initially applied for Medicaid,

17 have you resubmitted any additional information

18 about your earnings, your income?

19 MS. BUCHERT: Objection to form.

20 THE WITNESS: Yes, I have.

21 BY MS. CYRUS:

22 Q. Do you have to do that on a regular basis

23 or how many times have you done it?

24 A. I'm not sure how many times I've done it,

Page 136

1 but I recently did when I -- about a month or so

2 ago when I got my name changed.

3 Q. I see.

4 Did you report your earnings that you're

5 making at your current job?

6 MS. BUCHERT: Objection to form.

7 THE WITNESS: Yes (inaudible) those yes.

8 BY MS. CYRUS:

9 Q. When you signed up for Medicaid originally

10 was it on-line?

11 MS. BUCHERT: Objection to form.

12 THE WITNESS: No. I did it at Health

13 Right.

14 BY MS. CYRUS:

15 Q. I see. That's where you were.

16 Do you know what -- if I say MCO, do you

17 know what that stands for?

18 A. I believe so.

19 Q. What do you think it stands for?

20 A. It means like who provides your care.

21 Q. But as far as the initials?

22 A. I can't tell you exactly what MCO means.

23 Q. Sure. Managed Care Organization, does

24 that sound right?

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1 A. That sounds about right.

2 Q. So did you -- if I say MCO, is it your

3 understanding that Medicaid has MCOs under it that

4 you can pick from when you sign up for where you

5 want your coverage?

6 A. Yes.

7 Q. And did you pick an MCO when you signed up

8 for Medicaid?

9 A. Yes, I did.

10 Q. Do you remember which one you picked?

11 A. I originally picked UniCare.

12 Q. And you have since changed MCOs since

13 then; is that right?

14 MS. BUCHERT: Objection to form.

15 THE WITNESS: Yes.

16 BY MS. CYRUS:

17 Q. And why did you originally pick UniCare?

18 A. I just -- from the document section that

19 we seen in prison about medication, about

20 insurances, UniCare seemed to be the one that would

21 probably be the best for me.

22 Q. Did you look at any materials offered by

23 UniCare or through Medicaid about UniCare before

24 you picked?

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1 A. Just the information provided in prison.
 2 Q. I see.
 3 And then why did you switch MCOs?
 4 A. I switched MCOs because when I was in, I
 5 was still under the care of the halfway house, I
 6 had something removed out of my arm and when I was
 7 to go back for my checkup, I was off -- I was out
 8 of the halfway house and out of their care, so they
 9 didn't have to pay for it, but when they asked me
 10 who was my insurance, I said UniCare, and they said
 11 that they didn't accept UniCare, they accepted --
 12 they told me the ones that they accepted, and I
 13 chose one and switched, because I knew I was going
 14 to keep going back to the dermatologist about it.
 15 Q. So that was for dermatology issues?
 16 A. Yes.
 17 MS. BUCHERT: Objection to form.
 18 BY MS. CYRUS:
 19 Q. And once you switched, did Medicaid or
 20 that MCO, I guess, through Medicaid then cover your
 21 dermatology bills?
 22 A. Yes. They covered. I just -- I'm still
 23 waiting for the appointment. It's hard to get an
 24 appointment due to COVID-19. So I'm still waiting

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1 for my next appointment, but they let me know that
 2 it will be covered.
 3 Q. Did you look at the Medicaid manual in
 4 connection with signing up on Medicaid?
 5 MS. BUCHERT: Objection to form.
 6 THE WITNESS: No.
 7 BY MS. CYRUS:
 8 Q. Did you ever look into whether Medicaid
 9 covered gender confirming care before you signed up
 10 with Medicaid?
 11 MS. BUCHERT: Objection to form.
 12 THE WITNESS: I signed up for Medicaid a
 13 couple days after I came home so I hadn't had a
 14 chance to look at anything.
 15 BY MS. CYRUS:
 16 Q. Sounds like you just wanted to get
 17 whatever coverage was available, you wanted to make
 18 sure you took advantage of it; is that right?
 19 MS. BUCHERT: Objection to form.
 20 THE WITNESS: No, I just did what I was
 21 instructed because I was still under the Federal
 22 Bureau of Prisons so I had to do what they told me
 23 to do.
 24 BY MS. CYRUS:

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1 Q. But you didn't talk with anybody at
 2 Medicaid about what gender confirming care was
 3 covered by Medicaid in connection with signing up;
 4 is that right?
 5 MS. BUCHERT: Objection to form.
 6 THE WITNESS: I didn't talk to anybody
 7 from Medicaid.
 8 BY MS. CYRUS:
 9 Q. So you said you signed up on Medicaid
 10 because you were told to do that by the Feds --
 11 with the Federal Bureau of Prisons; is that right?
 12 A. I was instructed to sign up for insurance
 13 unless I had a job, and I didn't have a job because
 14 I didn't even have identification at the time. I
 15 had just come home.
 16 Q. It sounds like -- would it be fair to say
 17 when you signed up for Medicaid you didn't have an
 18 understanding of what gender confirming care was or
 19 was not covered under Medicaid; is that correct?
 20 MS. BUCHERT: Objection to form.
 21 THE WITNESS: I had not seen the Medicaid
 22 policy on anything at that time.
 23 BY MS. CYRUS:
 24 Q. So once you signed up for Medicaid, did

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1 you then start getting your hormones through
 2 Medicaid or through, you know, a program that was
 3 under Medicaid?
 4 A. When I first signed up for Medicaid, I was
 5 still under the Bureau of Prisons so they had to
 6 pay for it.
 7 Q. Was there a point when you were no longer
 8 under the Bureau of Prisons but then you were just
 9 strictly under Medicaid?
 10 A. Yes.
 11 Q. At that point, did you seek to have your
 12 hormones for gender confirming care paid by
 13 Medicaid or a program that would be under Medicaid?
 14 A. Yes, I did.
 15 Q. And was that -- were those approved and
 16 covered?
 17 A. The first -- my first time I went to the
 18 pharmacy, it was not covered and I had to pay out
 19 of pocket.
 20 Q. Do you know why it was not covered the
 21 first time you went?
 22 A. From my understanding, it had something to
 23 do about when it was filled or something of that
 24 nature.

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1 Q. Was a timing issue?
 2 A. I believe so.
 3 Q. As far as you know, has there ever been a
 4 denial of your gender confirming hormones by
 5 Medicaid based on the fact that you are
 6 transgender?
 7 MS. BUCHERT: Objection to form.
 8 THE WITNESS: To my knowledge, no.
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 11 Q. You might need to give a spelling of that,
 12 but anyway.
 13 So as far as you know, does Medicaid pay
 14 for your visits?
 15 Are you looking at something there? Are
 16 you Googling?
 17 A. No.
 18 Q. I thought you were trying to help us find
 19 the name.
 20 A. No. My screen timed out.
 21 Q. Sorry.
 22 A. You're fine. Can you read the question?
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 9 BY MS. CYRUS:
 10 Q. I see.
 11 And you've had other -- you've had medical
 12 visits?
 13 Have you had medical visits for gender
 14 confirming care since you've been on Medicaid?
 15 MS. BUCHERT: Objection to form.
 16 THE WITNESS: Honestly, I'm -- I can't
 17 answer that question, but I can say this, I am a
 18 woman. I see an OBGYN just like any other woman.
 19 BY MS. CYRUS:
 20 Q.
 21 A.
 22 Q. Is he the one who prescribes your gender
 23 confirming hormones?
 24 A. He continued the hormones that I was

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1 already on from the Bureau of Prisons, yes.
 2 Q. As far as you know, does Medicaid pay for
 3 your visits to Dr. Patton?
 4 A. To my knowledge, yes.
 5 Q. So to your knowledge, have you had any
 6 claims for medical care, whether it's gender
 7 confirming or not, not paid by Medicaid for the
 8 basis that you're transgender?
 9 MS. BUCHERT: Objection to form.
 10 THE WITNESS: I don't know. I haven't
 11 received any bills. If it is, I don't know.
 12 BY MS. CYRUS:
 13 Q. So if there had been a denial, you were
 14 not aware of it?
 15 There is no -- in other words -- let me
 16 restate that.
 17 There is no denial of any of claim you've
 18 made with Medicaid for the basis that you're
 19 transgender that you're aware of?
 20 MS. BUCHERT: Objection to form.
 21 BY MS. CYRUS:
 22 Q. Is that right?
 23 A. I can't really answer that question
 24 because it's a little -- I don't quite understand

Page 146

1 what you're saying. I'm sorry.
 2 Q. That's okay. No. That's fine.
 3 I'm trying to find out, as far as you
 4 know, has Medicaid denied one of -- a claim that
 5 you've made for some sort of care and said they
 6 aren't going to pay it because you're transgender
 7 or you have a transgender diagnosis?
 8 MS. BUCHERT: Objection to form.
 9 THE WITNESS: To my knowledge, I don't
 10 have -- I've never had any claims denied.
 11 BY MS. CYRUS:
 12 Q. That was my knowledge as well, but I
 13 wanted to make sure your information matches what
 14 my understanding is.
 15 A. But I will say this though, the reason I
 16 had no -- I can't say why, no more than you can.
 17 Q. I think we actually have information in
 18 this case. It's probably more than what you have.
 19 But at any rate, you've already testified you're
 20 not aware of my denial where they've said you can't
 21 have some either treatment or a drug because you're
 22 transgender; is that right?
 23 MS. BUCHERT: Objection to form.
 24 THE WITNESS: To stop my hormone therapy

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1 can be detrimental to my health, so that's why they
 2 haven't stopped it. I don't know the specific
 3 reasons why, but I do know that it can cause blood
 4 clots which can lead to your death.
 5 BY MS. CYRUS:
 6 Q. Do you know that your hormone therapy is
 7 actually covered under Medicaid?
 8 MS. BUCHERT: Objection.
 9 THE WITNESS: I haven't received a bill
 10 yet, so I assume that it is covered by my Medicaid.
 11 BY MS. CYRUS:
 12 Q. And you've been getting that -- getting
 13 those hormones since you signed up on Medicaid in
 14 2019 up to the present; is that right?
 15 A. I mean, 2019 when I was in prison, I left
 16 from prison with hormones on a hormone regimen.
 17 They just continued it when I got transitioned into
 18 the outside world.
 19 Q. So let me ask you: What is your
 20 understanding of what this lawsuit is about?
 21 MS. BUCHERT: Objection to form.
 22 THE WITNESS: My understanding is that I
 23 have insurance that doesn't cover anything that's
 24 medically necessary for me to continue the quality

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1 of life that I should have, not just me but anyone
 2 in my situation.
 3 BY MS. CYRUS:
 4 Q. And when you say it doesn't cover anything
 5 that's medically necessary, what are you referring
 6 to?
 7 MS. BUCHERT: Objection to form.
 8 THE WITNESS: What I'm referring to is any
 9 of the confirmation procedures that are not
 10 considered cosmetic but medically necessary for a
 11 person like myself.
 12 BY MS. CYRUS:
 13 Q. So you're referring to surgeries; is that
 14 right?
 15 A. Not --
 16 MS. BUCHERT: Objection.
 17 THE WITNESS: -- not limited to that.
 18 BY MS. CYRUS:
 19 Q. What else is it that you believe is not
 20 covered besides surgeries or gender confirming
 21 surgery?
 22 A. I'm sorry. Can you repeat that again?
 23 Q. Yes.
 24 What is it that you believe is not covered

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1 by Medicaid besides gender confirming surgery?
 2 MS. BUCHERT: Objection to form.
 3 THE WITNESS: You mean like a
 4 vaginoplasty.
 5 BY MS. CYRUS:
 6 Q. Right. That be would be surgery. Right.
 7 I heard you say that nothing is covered
 8 for gender confirming care. So let's back up. We
 9 just talked about Medicaid covers your hormones for
 10 gender confirming care; is that right?
 11 A. They cover my hormones. I'm not sure -- I
 12 can't sit here and say that it's for gender
 13 confirming care.
 14 Q. You're getting estrogen female hormones,
 15 right?
 16 A. Yes, just like any other woman who has low
 17 estrogen would get estrogen hormones to supplement
 18 that.
 19 Q. Exactly.
 20 So you agree you get estrogen regardless
 21 of the fact that you are transgender, right?
 22 MS. BUCHERT: Objection to form.
 23 THE WITNESS: But you said that it has
 24 something to do with gender confirming, that's not

Page 150

1 gender confirming.
 2 BY MS. CYRUS:
 3 Q. So you don't consider your female hormones
 4 to be gender confirming?
 5 A. Do you -- you were the one that asked the
 6 question, but I'm trying to get you to understand
 7 that it's -- hormones are for any woman. It
 8 doesn't have to be specifically for gender
 9 confirming.
 10 Q. Are you taking female hormones for any
 11 other reason, to your knowledge, besides the fact
 12 that you're transgender?
 13 MS. BUCHERT: Objection to form.
 14 THE WITNESS: I'm taking them because I
 15 have low estrogen.
 16 BY MS. CYRUS:
 17 Q. Do you believe you would be taking them if
 18 you were not transgender?
 19 MS. BUCHERT: Objection to form.
 20 THE WITNESS: I'm not a doctor. I can't
 21 say what they would prescribe to me or not
 22 prescribe.
 23 BY MS. CYRUS:
 24 Q. But you did say you're taking them because

Page 151

1 you're a woman; is that right?
 2 A. I'm taking them because I have low
 3 estrogen.
 4 Q. Do you know whether your estrogen level
 5 would be low for a male?
 6 MS. BUCHERT: Objection to form.
 7 THE WITNESS: No. I just know that at
 8 this point my estrogen level is where it needs to
 9 be the last time I had labs.
 10 BY MS. CYRUS:
 11 Q. Speaking of that, Medicaid also pays for
 12 your labs to check your estrogen levels; is that
 13 right?
 14 MS. BUCHERT: Objection to form.
 15 THE WITNESS: Just like they do for anyone
 16 else.
 17 BY MS. CYRUS:
 18 Q. Sure enough.
 19 Do they -- they also pay for, we talked
 20 about, your psychological, psychiatric visits,
 21 correct? They pay for that?
 22 MS. BUCHERT: Objection to form.
 23 THE WITNESS: Yes.
 24 BY MS. CYRUS:

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 5 Q. And are you aware the only -- the
 6 exclusion that's involved here is for transsexual
 7 surgery?
 8 MS. BUCHERT: Objection to form.
 9 THE WITNESS: I don't know if that is.
 10 You lost me.
 11 BY MS. CYRUS:
 12 Q. So what -- I guess I'm just trying to
 13 figure what is your knowledge of this lawsuit and
 14 what I heard you say, Medicaid doesn't pay anything
 15 for gender confirming care that transgender people
 16 need. Is that an accurate summary of your
 17 statement?
 18 MS. BUCHERT: Objection to form.
 19 THE WITNESS: From my understanding and
 20 from yours, there are things that are medically
 21 necessary for people like myself that is not
 22 included by Medicaid.
 23 BY MS. CYRUS:
 24 Q. But on the other hand, there are many

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1 things that are included that are paid by Medicaid;
 2 is that correct?
 3 MS. BUCHERT: Objection to form.
 4 THE WITNESS: Paid for whom?
 5 BY MS. CYRUS:
 6 Q. For you, for you, Ms. Anderson?
 7 A. I think that's just a matter of opinion.
 8 Q. No. I'm asking you factually, does
 9 Medicaid, doesn't it pay for your hormones, your
 10 gender confirming hormones, your visits to the
 11 OBGYN, your labs for your hormones, your therapy
 12 that you have, doesn't it pay for all of those
 13 things for you?
 14 MS. BUCHERT: Objection to form.
 15 THE WITNESS: I guess I haven't received a
 16 bill yet, so I assume they did.
 17 BY MS. CYRUS:
 18 Q. So based on that, wouldn't it be fair to
 19 say that Medicaid doesn't categorically deny
 20 transgender people coverage for gender confirming
 21 care?
 22 MS. BUCHERT: Objection to form.
 23 THE WITNESS: That's not safe to say.
 24 BY MS. CYRUS:

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1 Q. Explain to me why that's not accurate.
 2 A. Because vaginoplasties are covered for
 3 cisgender women, but not covered for transwoman.
 4 Isn't that discriminatory to you?
 5 Q. How do you -- what is the basis of your
 6 statement that vaginoplasties are covered for
 7 cisgender women?
 8 A. Because --
 9 MS. BUCHERT: Objection to form.
 10 THE WITNESS: You read the Medicaid
 11 manual?
 12 BY MS. CYRUS:
 13 Q. So I'm asking you what is the basis, are
 14 you saying the manual is your basis?
 15 A. No, I'm not saying the manual is my basis.
 16 I'm saying that I know that vaginoplasty is covered
 17 for cisgender woman.
 18 Q. I'm asking you what's the basis of that?
 19 MS. BUCHERT: Objection to form.
 20 THE WITNESS: What's the basis of that,
 21 it's the facts.
 22 BY MS. CYRUS:
 23 Q. Do you know someone who had a vaginoplasty
 24 that was covered by Medicaid who is cisgender?

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1 A. No. I just know what I've seen.
 2 Q. Well, do you understand vaginoplasty
 3 includes removal of the penis? That -- I mean I
 4 don't understand how a cisgender person could have
 5 a vaginoplasty.
 6 Is it your understanding a cisgender
 7 person can have one?
 8 MS. BUCHERT: Objection to form.
 9 And, Shauntae, if you need break, just let
 10 me know and we can take five minutes. You'll have
 11 to answer this question, but let me know if you
 12 need a break.
 13 THE WITNESS: You said I still have to
 14 answer the question?
 15 MS. BUCHERT: Yes.
 16 THE WITNESS: A vaginoplasty is defined in
 17 several different ways. It does not always require
 18 having a penis to have a vaginoplasty.
 19 MS. CYRUS: We'll let you take a break
 20 now, we'll come back.
 21 MS. BUCHERT: Thank you so much.
 22 VIDEOGRAPHER: We are off the record at
 23 1:51 p.m.
 24 (Break in proceedings.)

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1 VIDEOGRAPHER: We're back on the record at
 2 2:07 p.m.
 3 BY MS. CYRUS:
 4 Q. Ms. Anderson, thank you for that. I'm
 5 sorry to have asked you to leave the room for a
 6 moment. We just needed to talk about something
 7 briefly. Let me ask you: Did you look at the
 8 lawsuit that was filed on your behalf before it was
 9 filed?
 10 A. Like I said, I don't recall if I did. We
 11 went through a lot of paper.
 12 Q. Do you know if you've ever looked at the
 13 lawsuit that was filed on your behalf in this
 14 matter?
 15 A. I believe so.
 16 Q. Do you know when you last looked at it?
 17 A. No.
 18 (Exhibit No. 1 marked for
 19 identification.)
 20 Q. We are going to mark -- we've marked --
 21 had your first exhibit marked and it's hopefully,
 22 if we do this right, it will be in your folder here
 23 momentarily. So if you go to your -- so you go to
 24 the Exhibit Share, Exhibit Share. And it's at the

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1 very bottom on mine.
 2 It's not showing up yet. Let me -- this
 3 might be a good time to explain to you and I
 4 apologize. I noticed on the break, it says -- it
 5 has Shawn Anderson for your name, and I went to ask
 6 my staff, you know, did we -- how that happened,
 7 because I would have used Shauntae, and my
 8 understanding is we sent the Notice with the
 9 caption of the lawsuit and your name appears that
 10 way first before it says a/k/a Shauntae Anderson
 11 and I think perhaps your name change had not been
 12 finalized when the lawsuit was filed. And so I
 13 just wanted to make sure you know that was not an
 14 intentional attempt to use your former name and I
 15 recognize your name is Shauntae.
 16 A. I understand.
 17 Q. So it's in the -- it should be in the
 18 marked exhibits folder now. It's not showing up.
 19 Do you see an exhibit there?
 20 I don't see one. We may have to refresh
 21 it.
 22 Okay. It's there.
 23 A. I'm not seeing it.
 24 Is it listed as marked exhibits?

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1 Q. Yes. Go down to your name, you click on
 2 it, and you click on marked exhibits, and then
 3 click on the exhibit that's there.
 4 A. Exhibit 1.
 5 Q. Yes. Do you see that?
 6 A. Yes.
 7 Q. Wonderful.
 8 We have marked as Exhibit No. 1 to your
 9 deposition, it's just Exhibit 1 Anderson. This is
 10 a copy of the First Amended Class Action Complaint
 11 that was filed. If you look across the top
 12 10/28/21. Is that right?
 13 Is that -- at the very top line.
 14 A. Yes.
 15 Q. And this is that style I was talking about
 16 just a moment ago. See how it says Christopher
 17 Fain, Zachary Martell, Brian McNemar, and then it
 18 has Shawn Anderson a/k/a Shauntae Anderson.
 19 And so that's how your exhibit that's got
 20 listed under Shawn Anderson. But at any rate, if
 21 you scroll down to the introduction which has a
 22 number one, do you see that?
 23 A. Yes, I do.
 24 Q. And it starts out, This case is about

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1 discrimination in healthcare and employment; is
 2 that right?
 3 A. Yes.
 4 Q. And it says, Plaintiffs bring this suit to
 5 challenge discrimination under West Virginia State
 6 health insurance plans that deprive transgender
 7 people of essential and sometimes life-saving
 8 healthcare; is that right?
 9 A. Yes.
 10 Q. And then it goes on to say, These State
 11 health plans facially and categorically exclude
 12 coverage for healthcare that transgender people
 13 require; is that right?
 14 A. That's what it says.
 15 Q. And then it goes on to say that the
 16 exclusions in the State health plans described, and
 17 it's references paragraphs 63 and 66, use
 18 antiquated and improper language, but their
 19 targeting of transgender people on explicitly
 20 sex-based terms is unmistakable; is that right?
 21 A. Yes, that's what it says.
 22 Q. The next sentence says, The exclusions all
 23 categorically deny transgender people coverage for
 24 gender confirming care, correct?

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1 A. Yes.
 2 Q. So this -- is it your understanding that
 3 this is alleging that there is an exclusion in the
 4 plan in issue here which would be Medicaid that
 5 categorically denies transgender people coverage
 6 for gender confirming care, correct?
 7 A. Yes.
 8 Q. And then it goes on to define, Gender
 9 confirming care includes, but is not limited to,
 10 counseling, hormone replacement therapy and
 11 surgical care; is that right?
 12 A. That's what it says, yes.
 13 Q. And is it your understanding based upon
 14 your earlier testimony that, in fact, there is no
 15 exclusion being applied by Medicaid for hormone
 16 replacement therapy?
 17 MS. BUCHERT: Object.
 18 THE WITNESS: I'm sorry. You -- I
 19 couldn't hear what you said. I'm sorry.
 20 BY MS. CYRUS:
 21 Q. That's okay.
 22 It is your understanding there is no
 23 exclusion being applied by Medicaid for your
 24 hormone replacement therapy?

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1 MS. BUCHERT: Objection to form.
 2 THE WITNESS: To my understanding, I just
 3 know that I receive -- that they continue my
 4 hormone therapy from prison. So, you know, no one
 5 has ever explained anything else to me about it.
 6 BY MS. CYRUS:
 7 Q. But you have an understanding that
 8 Medicaid is paying for your hormone replacement
 9 therapy, correct?
 10 MS. BUCHERT: Objection to form.
 11 THE WITNESS: I understand that I have not
 12 received a bill, so unless they -- so I haven't
 13 received a bill so I assume they are.
 14 BY MS. CYRUS:
 15 Q. I don't know whether -- I don't know that
 16 it would include, you were actually receiving
 17 counseling. You said you were seeing a
 18 psychiatrist. Do you -- have you received
 19 counseling that you submitted to Medicaid?
 20 A. My psych counseling is covered by
 21 Medicaid.
 22 Q. So you are having both counseling and
 23 hormone replacement therapy covered by Medicaid; is
 24 that right?

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1 A. Yes.

2 Q. So it's -- this statement is not accurate

3 to the extent it says, The exclusions all

4 categorically deny transgender people coverage for

5 gender confirming care. Gender confirming care

6 includes, but is not limited to, counseling,

7 hormone replacement therapy and surgical care?

8 MS. BUCHERT: Objection to form.

9 THE WITNESS: Actually the statement is

10 correct. Think about --

11 BY MS. CYRUS:

12 Q. How is --

13 A. How is it correct? Just because I'm

14 included because I do get counseling and I do get

15 hormone therapy that may or may not be covered by

16 Medicaid. There are people, other trans people who

17 don't get either one.

18 Q. What is the basis of that statement that

19 you just made?

20 A. What is the basis of that statement? The

21 basis of that statement is from seeing on social

22 media people's posts concerning these things saying

23 that they are asking where to go, who to see,

24 what -- because the places that they -- they

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1 haven't been able to find the right person to do

2 anything.

3 Q. Are you aware of anyone who has been --

4 who is transgender who has been denied their

5 hormone replacement therapy by Medicaid in

6 West Virginia?

7 MS. BUCHERT: Objection to form.

8 THE WITNESS: No one personally.

9 BY MS. CYRUS:

10 Q. Are you aware of anyone who is a Medicaid

11 participant who's been denied counseling in West

12 Virginia for being transgender?

13 A. No. No one personally, no.

14 Q. And if the testimony in this case is that

15 both counseling and hormone replacement therapy are

16 covered by Medicaid for its participants regardless

17 of being transgender and, in fact, it covers those

18 things for transgender participants, do you have

19 any reason to dispute that?

20 MS. BUCHERT: Objection to form.

21 THE WITNESS: You're leaving out the

22 surgical care.

23 BY MS. CYRUS:

24 Q. I am. That's right.

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1 My question is about counseling and

2 hormone replacement therapy, that's correct.

3 A. But if you're going to talk about

4 something you need to discuss it all. That would

5 not make -- that would make that statement still

6 factual, would it not --

7 Q. Do you have any -- do you have any reason

8 to dispute the testimony that both counseling and

9 hormone replacement therapy are covered by Medicaid

10 for its participants even the transgender ones?

11 MS. BUCHERT: Objection to form.

12 THE WITNESS: I can't speak for everybody

13 else. I can only speak for myself.

14 BY MS. CYRUS:

15 Q. And based upon your own experience, that

16 is a true statement, both your counseling and

17 hormone replacement therapy are covered by

18 Medicaid; is that right?

19 MS. BUCHERT: Objection to form.

20 THE WITNESS: To my knowledge, yes.

21 BY MS. CYRUS:

22 Q. Is it your understanding that you have

23 been diagnosed with gender dysphoria?

24 A. Yes.

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1 Q. What -- and I'm finished with the exhibit

2 for the moment.

3 What does that condition mean to you?

4 MS. BUCHERT: Objection to form.

5 THE WITNESS: I'm not a doctor so I can't

6 put it into technical terms but --

7 BY MS. CYRUS:

8 Q. I don't need you to.

9 A. But as far as myself, it's just what I've

10 always known my whole life that my outward

11 appearance does not reflect my inward appearance,

12 who I am on the inside, who I've always been.

13 Q. Does that have some impact on you?

14 A. A great deal of impact.

15 Q. That's what I'm trying to get at. What is

16 the impact on you? Can you describe for me

17 symptoms that you experience that you believe are

18 gender dysphoria?

19 MS. BUCHERT: Objection to form.

20 THE WITNESS: Not being able to be my

21 authentic self, to have to live a lie, to have to

22 be -- to be something that someone else says I'm

23 supposed to be. To let somebody else make the

24 decisions about my life and about my care. It's

Page 166

1 hurtful.

2 BY MS. CYRUS:

3 Q. Is there somebody who is mocking you now?

4 MS. BUCHERT: Objection to form.

5 THE WITNESS: Everywhere I go. I live in

6 a state full of people that are not always

7 receptive of people of being transgender. That's

8 why I try to live as stealth as possible.

9 BY MS. CYRUS:

10 Q. Are there certain procedures that you

11 believe you need that will treat your gender

12 dysphoria?

13 MS. BUCHERT: Objection to form.

14 THE WITNESS: Just the treatment that is

15 prescribed and that's all the cosmetic that's

16 considered medically necessary treatment.

17 BY MS. CYRUS:

18 Q. And what -- I'm sorry.

19 A. Go ahead.

20 Q. No. I was going to say what is that? Can

21 you tell me specifically what the treatment is that

22 you're referring to?

23 MS. BUCHERT: Objection to form.

24 THE WITNESS: Gender confirmation,

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1 whatever else that I would need, whatever a doctor

2 thinks would give me the best quality of life.

3 BY MS. CYRUS:

4 Q. And are you able to be more specific

5 beyond just gender confirmation? Are there

6 specific procedures that you believe you need that

7 are medically necessary to treat your gender

8 dysphoria?

9 MS. BUCHERT: Objection to form.

10 THE WITNESS: There are other procedures

11 that -- it's not that -- not just what I believe,

12 it's what a whole list of doctors believe and know

13 to be true. I mean, but me specifically, a breast

14 augmentation is one of them.

15 BY MS. CYRUS:

16 Q. And is that the only one?

17 MS. BUCHERT: Objection to form.

18 THE WITNESS: No. But it was -- I mean, I

19 could go on for hours about things of that nature

20 but I'm not.

21 BY MS. CYRUS:

22 Q. I had an understanding that you were at

23 least initially saying you believed you needed

24 breast augmentation and vaginoplasty?

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1 A. Yes, from my understanding when you asked

2 the line of questioning, vaginoplasty was -- we

3 already knew that that's what I wanted. That

4 was -- I do want -- let me go on the record and say

5 that a vaginoplasty, which is gender confirmation

6 surgery, and a breast augmentation, and not to be

7 limited to just those two things but ...

8 Q. Believe me. I'm not limiting you -- I'm

9 trying to find out what it is that you're seeking.

10 What is your -- I don't know if you want

11 to call it a wish list, but if you were to, you

12 know, have what you believe you need to treat your

13 gender dysphoria, what is it you're seeking it and

14 I had understood it would be a breast augmentation

15 and vaginoplasty; is that correct?

16 MS. BUCHERT: Objection to form.

17 THE WITNESS: That's correct. And any

18 surgical care that a doctor would recommend for me

19 to have.

20 BY MS. CYRUS:

21 Q. Has any doctor recommended you have breast

22 augmentation and vaginoplasty?

23 A. No doctor has said these things on the

24 record because they know that Medicaid does not

Page 169

1 cover it, and they know what kind of distress that

2 would cause me to even talk about it.

3 Q. How do you know that that's why no doctor

4 has said that on the record?

5 MS. BUCHERT: Objection to form.

6 THE WITNESS: Because they've all mirrored

7 the same thing when we've had these conversations.

8 It's not covered by Medicaid.

9 BY MS. CYRUS:

10 Q. So you've discussed --

11 A. So there is no sense in them discussing it

12 any further.

13 Q. So you have discussed with physicians the

14 fact that breast augmentation and vaginoplasty

15 would not be covered by Medicaid?

16 MS. BUCHERT: Objection to form.

17 THE WITNESS: No. The doctors have

18 discussed with me that it's not covered. So there

19 is nothing that they can do about it.

20 BY MS. CYRUS:

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14 BY MS. CYRUS:
15 Q. Do you know if any of your medical records
16 say that?
17 MS. BUCHERT: Objection to form.
18 THE WITNESS: To my knowledge, no.
19 BY MS. CYRUS:
20 Q. So have you ever made a claim with
21 Medicaid requesting that it or one of the MCOs,
22 your MCO, pay for you to have breast augmentation
23 and vaginoplasty?
24 A. No, I have not.

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1 Q. Have you ever made a claim for any other
2 type of gender confirming surgery through Medicaid?
3 A. No, I have not.
4 Q. So assuming you were -- let's just assume
5 that you were to have breast augmentation and
6 vaginoplasty, how do you believe those procedures
7 would affect your gender dysphoria?
8 MS. BUCHERT: Objection to form.
9 THE WITNESS: It would make me feel closer
10 to being complete -- to feel a lot better about
11 especially aesthetic wise when I go out into
12 public, how people -- you know, how I'm perceived
13 and that would continue to help me live as stealth
14 as possible and to live happily as a woman.
15 BY MS. CYRUS:
16 Q. When you say those would help you be
17 closer to being complete, are you referring to
18 being a complete woman?
19 A. Yes.
20 MS. BUCHERT: Objection to form.
21 BY MS. CYRUS:
22 Q. If you have breast augmentation and
23 vaginoplasty, do believe your gender dysphoria will
24 be gone completely?

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1 MS. BUCHERT: Objection to form.
2 THE WITNESS: I'm not a doctor so I would
3 have to let it happen and then you can ask me that
4 after I get it done.
5 BY MS. CYRUS:
6 Q. So do you -- you don't know whether you
7 may still have some symptoms of gender dysphoria
8 even after a breast augmentation and vaginoplasty?
9 MS. BUCHERT: Object to form.
10 THE WITNESS: And I don't know if I will.
11 Like I said, you'll have to ask me after it's done.
12 BY MS. CYRUS:
13 Q. So a vaginoplasty would mean you would no
14 longer be able to have sexual relations with the
15 traditional male-female way with you --
16 Let me ask you this. If you have a
17 vaginoplasty, you would have feminine genitals; is
18 that right?
19 MS. BUCHERT: Objection to form.
20 THE WITNESS: Yes.
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22 BY MS. CYRUS:
23 Q. I'm not trying to embarrass you by these
24 questions. They are no more comfortable for me

Page 175

1 than they are for you, so I apologize. I'm not
2 going to ask you anymore about that. We're really
3 close being finish too by the way.
4 Do you have an understanding with, I
5 mentioned this earlier, that individuals, humans
6 who are biological females have chromosomes that
7 are XX?
8 A. I don't know anything about it.
9 MS. BUCHERT: Objection to form.
10 BY MS. CYRUS:
11 Q. Do you have -- you don't have an
12 understanding that females have one type of
13 chromosomes and males have another?
14 MS. BUCHERT: Objection to form.
15 THE WITNESS: No, I do not. I don't know
16 anything about that.
17 BY MS. CYRUS:
18 Q. Did -- were you aware that every cell in
19 your body is either male or female based on
20 whatever you were at conception?
21 MS. BUCHERT: Objection to form.
22 THE WITNESS: No, I do not.
23 BY MS. CYRUS:
24 Q. You never knew that?

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1 I mean assuming I'm right about that, so
2 you didn't know that every cell in your body for,
3 example, is XY for male?
4 MS. BUCHERT: Objection to form.
5 THE WITNESS: So you just said assuming
6 that you're right, so I don't -- so how can you ask
7 me questions about something if you don't know if
8 you're right or wrong.
9 BY MS. CYRUS:
10 Q. Believe me. I think I'm right. I'm just
11 asking you to assume I am. But you were not aware
12 that at a cellular level individual cells are
13 whatever their biological gender is?
14 MS. BUCHERT: Objection to form.
15 THE WITNESS: No, I was not aware of
16 something like that.
17 BY MS. CYRUS:
18 Q. And so -- no, that's okay. I want to know
19 what you understand.
20 So do you -- if that is true, do you
21 understand that regardless of the gender confirming
22 procedures you have, every cell in your body will
23 remain and always be XY for male, and not XX for
24 female?

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1 MS. BUCHERT: Objection to form.
2 THE WITNESS: If you say so. And like I
3 said, I don't have real knowledge of this. So I'm
4 just listening to what you're saying.
5 BY MS. CYRUS:
6 Q. Sure.
7 If that is true, does that cause you
8 distress that no matter what you do, you can't
9 change the genetic -- the makeup of your cells?
10 MS. BUCHERT: Objection to form.
11 THE WITNESS: I can't say anything about
12 that because I'm not -- I'm not a scientist. All I
13 know is that I'm a woman and all the way through on
14 the inside. And once I reflect it on the outside,
15 you know, it's just what it is.
16 BY MS. CYRUS:
17 Q. Do you -- are you aware there are certain
18 diseases that people are more prone to based on
19 whether they are biological males or females?
20 MS. BUCHERT: Objection to form.
21 THE WITNESS: No, I didn't know that.
22 BY MS. CYRUS:
23 Q. So you didn't know there are certain
24 diseases that you are more prone to being a

Page 178

1 biological male; in other words, because you have
 2 an XY chromosomes in your cells?
 3 MS. BUCHERT: Objection to form.
 4 THE WITNESS: No, I have no clue about
 5 anything you're saying.
 6 BY MS. CYRUS:
 7 Q. Me neither until about a year ago.
 8 Are you aware that biological males have a
 9 prostate gland?
 10 MS. BUCHERT: Objection to form.
 11 THE WITNESS: I've heard of this.
 12 BY MS. CYRUS:
 13 Q. Are you aware that a prostate gland is not
 14 removed generally as part of a gender confirming
 15 surgery?
 16 MS. BUCHERT: Objection to form.
 17 THE WITNESS: From my -- from watching
 18 the -- from watching and reading I heard that.
 19 BY MS. CYRUS:
 20 Q. So you're aware that if you have a
 21 vaginoplasty, your prostate gland that was there
 22 from being a male will remain; is that right?
 23 MS. BUCHERT: Objection to form.
 24 THE WITNESS: I understand that I have a

Page 179

1 prostate, it will still be in my body, yes.
 2 BY MS. CYRUS:
 3 Q. Does that cause you distress to think that
 4 even if you have the vaginoplasty you still have
 5 the biological male prostate?
 6 MS. BUCHERT: Objection to form.
 7 THE WITNESS: I understand that if I have
 8 a prostate and after vaginoplasty it will still be
 9 there because it's needed.
 10 BY MS. CYRUS:
 11 Q. Have you been aware of the fact that
 12 biological males can get cancer in their prostate
 13 so they have certain screening at certain ages of
 14 their prostate, is that something you're aware of?
 15 MS. BUCHERT: Objection to form.
 16 THE WITNESS: I'm aware that men get
 17 prostate exams.
 18 BY MS. CYRUS:
 19 Q. And are you -- do you believe even after
 20 you have a vaginoplasty, you would still need to
 21 follow up for the screening that biological males
 22 have for the prostate to make sure you don't have
 23 prostate cancer?
 24 MS. BUCHERT: Objection to form.

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1 THE WITNESS: So let me make sure I
 2 understand correctly. Am I aware that even after a
 3 vaginoplasty, I would have to get a prostate exam
 4 if I have a prostate?
 5 BY MS. CYRUS:
 6 Q. Yes.
 7 A. I'd have to do whatever the doctor told me
 8 to do.
 9 Q. But does that cause you distress to think
 10 about the fact that you would still have to have
 11 medical screenings for biological males even if you
 12 have a vaginoplasty?
 13 MS. BUCHERT: Objection to form.
 14 THE WITNESS: No. I have to have medical
 15 screenings that woman have, so it wouldn't bother
 16 me.
 17 BY MS. CYRUS:
 18 Q. Do you believe that you -- we talked about
 19 how you wanted to -- what was the word you used, be
 20 passable as a woman. Do you believe you will be
 21 passable as a woman, a biological female, after you
 22 have breast augmentation and vaginoplasty?
 23 MS. BUCHERT: Objection to form.
 24 THE WITNESS: I believe it will make me

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1 more passable, yes.
 2 BY MS. CYRUS:
 3 Q. Do you agree it's possible some people
 4 might not believe you're a biological female even
 5 after those procedures?
 6 MS. BUCHERT: Objection to form.
 7 THE WITNESS: It's possible. People are
 8 entitled to their opinion.
 9 BY MS. CYRUS:
 10 Q. And if someone doesn't believe you're a
 11 biological female after you've had these
 12 procedures, would that cause you distress?
 13 MS. BUCHERT: Objection to form.
 14 THE WITNESS: Ask me again?
 15 BY MS. CYRUS:
 16 Q. And you don't -- so you don't know whether
 17 that -- you would continue to have distress?
 18 A. You're asking me a question that I can't
 19 give you an answer to because I haven't had --
 20 haven't had -- I don't have complete full knowledge
 21 of what could happen. I don't know what would
 22 happen unless it's done.
 23 Q. But you do have issues right now with
 24 being concerned that someone would not perceive you

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1 as a biological female; is that right?
 2 A. I haven't had any surgical procedures yet,
 3 have I?
 4 Q. That's what I'm just asking. That is an
 5 issue that you have now, you're concerned about
 6 passing as a biological female, correct?
 7 A. It is an issue, yes.
 8 Q. And do you agree that even if you have
 9 those surgeries people who know that you had them
 10 still might not be accepting of you as a female?
 11 MS. BUCHERT: Objection to form.
 12 THE WITNESS: As I stated before, everyone
 13 is entitled to an opinion. I cannot -- I can't
 14 tell you what somebody else is going to think or
 15 say.
 16 BY MS. CYRUS:
 17 Q. Sure. And I appropriate that, but I'm
 18 just thinking about your earlier comment that the
 19 reason -- one of the reasons I heard you say you
 20 want this surgery is you want to be more passable
 21 as a female. And I'm just asking: Do you
 22 recognize that even having the surgeries somebody
 23 who knows you've had them might not recognize you
 24 as a female?

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1 MS. BUCHERT: Objection to form.
 2 THE WITNESS: That's just part of life and
 3 I have to accept that.
 4 BY MS. CYRUS:
 5 Q. Because you obviously can't control what
 6 other people think, right? None of us can much as
 7 we wish we could?
 8 A. No.
 9 Q. But would that cause you anxiety, do you
 10 know whether it would?
 11 MS. BUCHERT: Objection to form.
 12 THE WITNESS: To be honest with you, I
 13 don't know if -- I can't answer -- I couldn't
 14 answer any of these questions because it hasn't
 15 happened yet. And in order for me to tell you
 16 something, I'd have to experience it. And I
 17 haven't experienced it.
 18 BY MS. CYRUS:
 19 Q. So would it be fair to say that you can't
 20 say that you would no longer have your feelings of
 21 gender dysphoria if you had your breast
 22 augmentation and your vaginoplasty?
 23 MS. BUCHERT: Objection --
 24 THE WITNESS: And like we discussed

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1 earlier and like I said, I can't answer that
 2 question until it's done, and, you know, until
 3 after I've had it happen. So I can't really answer
 4 your question.
 5 BY MS. CYRUS:
 6 Q. But not answering -- not being able to
 7 answer is an answer, isn't it?
 8 A. Right. It is an answer because the answer
 9 is when it's done, then you can come back and ask
 10 me. I mean you -- I mean, because you can't sit
 11 here and tell me what you think what is -- I will
 12 either have the stress or not or I'll continue to
 13 have symptoms or not. I don't think there is a
 14 time table on these type of things.
 15 Q. But it's certainly not your testimony that
 16 100 percent you believe if you have those two
 17 procedures that you will no longer have gender
 18 dysphoria?
 19 MS. BUCHERT: Objection to form.
 20 THE WITNESS: It's my honest answer that I
 21 can't answer that question because it has not
 22 happened yet. I can't give you an answer to
 23 something that I'm totally uncertain about.
 24 BY MS. CYRUS:

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1 Q. But you can't give a definitive answer one
 2 way or another, you definitely can't say it will
 3 cure your gender dysphoria, correct, because you
 4 don't know?
 5 MS. BUCHERT: Objection to form.
 6 THE WITNESS: I can't say whether it will
 7 cure it, but I can say that it's the next step that
 8 I'm eligible for that there is -- the next step for
 9 me is a vaginoplasty and anything else that will
 10 come with that that will continue to bring me the
 11 quality of life that I deserve just like any other
 12 human being so.
 13 BY MS. CYRUS:
 14 Q. But you agree it is possible that you
 15 could have those two surgeries and still not feel
 16 that you are a complete and passable female?
 17 MS. BUCHERT: Objection to form.
 18 THE WITNESS: Possible but highly
 19 unlikely.
 20 BY MS. CYRUS:
 21 Q. Do you know anyone who has transitioned
 22 from male to female or from female to male who
 23 decided to transition back?
 24 MS. BUCHERT: Objection to form.

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1 THE WITNESS: No, I do not. I've only
 2 known people that have transitioned and lived their
 3 lives.
 4 BY MS. CYRUS:
 5 Q. Do you know anyone who's had gender
 6 confirming surgical care that we're discussing for
 7 you the mastectomy and vaginoplasty?
 8 MS. BUCHERT: Objection to form.
 9 THE WITNESS: I don't want a mastectomy.
 10 BY MS. CYRUS:
 11 Q. I'm sorry. You're right. I apologize. I
 12 meant to say breast augmentation.
 13 Do you know anyone who has had breast
 14 augmentation and vaginoplasty who is a transgender
 15 female?
 16 A. Yes, I do.
 17 MS. BUCHERT: -- form.
 18 BY MS. CYRUS:
 19 Q. And I don't want names. I'm not asking
 20 names just -- how many people do you know who have
 21 done that?
 22 MS. BUCHERT: Objection to form.
 23 THE WITNESS: Several.
 24 BY MS. CYRUS:

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1 Q. Do you know what time frame have they had
 2 the surgeries?
 3 MS. BUCHERT: Objection to form.
 4 THE WITNESS: No, I don't know their
 5 specific time table.
 6 BY MS. CYRUS:
 7 Q. Are these people you have met since you
 8 got out of prison in 2019 or did you know them
 9 during prison? Before? I am trying to get a time
 10 frame.
 11 THE WITNESS: I knew them -- I was
 12 acquainted to them during prison, before prison and
 13 after prison.
 14 BY MS. CYRUS:
 15 Q. But you first encountered them before
 16 prison?
 17 A. Some of them. Some of them I've
 18 encountered before prison. Some during prison.
 19 Some after prison.
 20 Q. Right.
 21 And all of these have had breast
 22 augmentation and vaginoplasty?
 23 MS. BUCHERT: Objection to form.
 24 THE WITNESS: They've had several

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1 procedures including not -- including those and
 2 several other procedures.
 3 BY MS. CYRUS:
 4 Q. Have you discussed with any of those
 5 people if they still have feelings of gender
 6 dysphoria?
 7 MS. BUCHERT: Objection to form.
 8 THE WITNESS: No.
 9 BY MS. CYRUS:
 10 Q. Do you know anyone who has had gender
 11 confirming surgical care of a breast augmentation
 12 and vaginoplasty and regretted it?
 13 MS. BUCHERT: Objection to form.
 14 THE WITNESS: No, I have not. No one
 15 personally.
 16 BY MS. CYRUS:
 17 Q. Are your children aware that you're a
 18 transgender female?
 19 MS. BUCHERT: Objection to form.
 20 THE WITNESS: Yes, they are.
 21 BY MS. CYRUS:
 22 Q. Are they fully supportive and accepting of
 23 it?
 24 A. Some are. Some still have -- you know,

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1 still coming around to it.
 2 Q. How many of your six children are fully
 3 supportive and accepting of it?
 4 MS. BUCHERT: Objection to form.
 5 THE WITNESS: 50 percent.
 6 BY MS. CYRUS:
 7 Q. So half and half. So if you have --
 8 A. That --
 9 Q. I'm sorry.
 10 A. I'm sorry. That would be unfair to say
 11 half and half. I would say 50 percent are
 12 supportive. And I would say that 40 percent have
 13 not voiced an opinion, and 10 percent is still too
 14 young to understand.
 15 Q. I see.
 16 So you have 50 percent, so three of them
 17 are supportive, 40 I guess that would be two of
 18 them haven't expressed an opinion and one you think
 19 is just really just too young to understand?
 20 A. Got you.
 21 Q. And the youngest one is 11?
 22 A. Yes.
 23 Q. If you have the breast augmentation and
 24 vaginoplasty and your children are not fully

Page 190

1 supportive and accepting, will that cause you
 2 distress?
 3 MS. BUCHERT: Objection to form.
 4 THE WITNESS: They are my children and I
 5 love them, and it's going to -- to say it wouldn't
 6 bother me a little bit, I would be lying because
 7 they are my babies. But I got -- I have to live my
 8 own life. I got to -- I have to be my authentic
 9 self.
 10 VIDEOGRAPHER: Pardon me. Counsel, this
 11 is the videographer. We need to change the media
 12 unit really quick.
 13 MS. CYRUS: Sure.
 14 Would you like --
 15 VIDEOGRAPHER: This is --
 16 MS. CYRUS: Sorry.
 17 VIDEOGRAPHER: That's fine. Go ahead. Do
 18 you need --
 19 MS. CYRUS: I was going to say, do we just
 20 want to take a five minute break? I am really
 21 close to being done.
 22 VIDEOGRAPHER: It won't take very long to
 23 switch it out. Whatever you feel is comfortable.
 24 MS. CYRUS: Ms. Anderson, would you like

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1 to take a quick break or do you want to just sit
 2 tight?
 3 THE WITNESS: Whatever is best for you
 4 all. I can sit tight. I'm good.
 5 MS. BUCHERT: Shauntae, I think it might
 6 be good to just take a five-minute break if you're
 7 up for that.
 8 THE WITNESS: I'll take a five-minute.
 9 MS. BUCHERT: Thank you.
 10 VIDEOGRAPHER: This is the end of media
 11 unit number 3. We are off the record at 2:47 p.m.
 12 (Break in proceedings.)
 13 VIDEOGRAPHER: This is the start of media
 14 unit number 4. We are on the record at 2:59 p.m.
 15 BY MS. CYRUS:
 16 Q. Ms. Anderson, I'll try to get us finished
 17 up here.
 18 You said earlier that your mother was
 19 supportive and accepting of you now being a
 20 transgender female. If you have the breast
 21 augmentation and the vaginoplasty, do you -- have
 22 you discussed with her whether she will be
 23 supportive and accepting of that?
 24 MS. BUCHERT: Objection to form.

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1 THE WITNESS: It's -- it's not -- we never
 2 really had that discussion.
 3 BY MS. CYRUS:
 4 Q. I know it's something that probably would
 5 be very easy to discuss with your mother. But if
 6 you have the breast augmentation and vaginoplasty
 7 and you're mother is not fully supportive and
 8 accepting, will that cause you distress?
 9 MS. BUCHERT: Objection to form.
 10 THE WITNESS: No.
 11 BY MS. CYRUS:
 12 Q. So you indicated you have four siblings,
 13 well one is deceased. So you have your sister in
 14 Atlanta that you said you do talk with regularly;
 15 is that right?
 16 A. Yes.
 17 Q. And then you have a sibling in Roanoke,
 18 Virginia. Do you all speak regularly?
 19 I think you said you do.
 20 A. Yes.
 21 Q. Are both of those siblings aware you're a
 22 transgender female?
 23 MS. BUCHERT: Objection to form.
 24 THE WITNESS: Yes, they are.

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1 BY MS. CYRUS:
 2 Q. Are they both fully supportive and
 3 accepting of it?
 4 MS. BUCHERT: Objection to form.
 5 THE WITNESS: Yes, they are.
 6 BY MS. CYRUS:
 7 Q. And do you know whether if you have the
 8 breast augmentation that and vaginoplasty whether
 9 they, these two particular siblings, would be full
 10 accepting and supportive?
 11 A. They would.
 12 Q. We are going to mark your next exhibit.
 13 (Exhibit No. 2 marked for
 14 identification.)
 15 Q. Did you get it up there?
 16 A. Yes, I did.
 17 Q. So we've marked as Exhibit No. 2 to your
 18 deposition the Declaration of Shauntae Anderson
 19 which is Bates stamped C Fein 0009534 through 9539.
 20 And if you will go to the next to last
 21 page 9538 -- the Bates numbers -- just so you know,
 22 that's the bottom right corner numbers. It's
 23 actually page 5 of 6.
 24 A. Okay.

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1 Q. So it's dated April 19th, 2022, so it was
 2 just done earlier this week on Tuesday; is that
 3 right? That it was signed?
 4 A. Yes.
 5 Q. And you did sign it; is that right?
 6 A. Yes.
 7 Q. And what is your understanding -- you can
 8 go back to the top of the front page, the first
 9 page. What is your understanding of the purpose of
 10 this document?
 11 A. From my understanding the purpose of this
 12 document is to make like a formal declaration of
 13 who I am.
 14 Q. Who wrote this?
 15 MS. BUCHERT: Objection to form; calls for
 16 privileged information. Shauntae --
 17 MS. CYRUS: Go ahead.
 18 MS. BUCHERT: Shauntae, I instruct you
 19 to -- you can answer procedural questions, but
 20 don't answer any questions regarding content.
 21 BY MS. CYRUS:
 22 Q. Right.
 23 And I never want -- none of my questions
 24 will ever be asking you what you discussed with

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1 your lawyers. Do you -- did you write this
 2 document?
 3 MS. BUCHERT: Objection to form.
 4 THE WITNESS: These are my own words.
 5 BY MS. CYRUS:
 6 Q. So did you write them? I'm assuming you
 7 wrote this with assistance of your lawyers; is that
 8 right?
 9 MS. BUCHERT: Objection to form; calls for
 10 privileged information.
 11 BY MS. CYRUS:
 12 Q. When you say these are your own words, did
 13 you type this with these words?
 14 MS. BUCHERT: Objection to form.
 15 THE WITNESS: I didn't personally type it.
 16 BY MS. CYRUS:
 17 Q. Did you personally word it?
 18 MS. BUCHERT: Objection to form.
 19 THE WITNESS: Yes.
 20 BY MS. CYRUS:
 21 Q. Is there a handwritten version that you
 22 wrote in your own handwriting?
 23 MS. BUCHERT: Objection.
 24 THE WITNESS: No.

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1 BY MS. CYRUS:
 2 Q. Let's go to -- let me just ask you. I'm
 3 not going to go over all of this. I think we have
 4 talked about your history. I just want to confirm
 5 I guess that -- and you do agree with these
 6 statements. Paragraph three states your age and
 7 where you live. And paragraph four says you've
 8 been enrolled as a Medicaid participant since 2019
 9 and all of that is accurate, correct?
 10 A. That is correct.
 11 Q. Let's just quickly go through page 2, I
 12 think we've covered all of this in your deposition
 13 that you're a woman that's transgender, that you're
 14 gender dysphoria, and, you know, you talked -- you
 15 maybe even said as a child you didn't feel right in
 16 your body.
 17 Let's see.
 18 Eight, you started using your mother's
 19 makeup. 9th grade you started to socially
 20 transition by dressing in more typically feminine
 21 manner wearing makeup. And that's all accurate and
 22 that's what you said here today; is that right?
 23 A. Yes.
 24 Q. In nine it says -- you say -- it says in

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1 2010 you began to medically transition, and you
 2 lacked health -- access to health insurance for
 3 gender confirming care but you still had a need to
 4 transition that was so urgent you were forced to
 5 self treat. So in 2010 we talked about, that was
 6 during one of the windows when you were not
 7 incarcerated, correct?
 8 A. Yes.
 9 Q. And the self-treating is take estrogen,
 10 which we talked about. And then you went to
 11 prison, paragraph ten, and continued your process.
 12 And in prison you, number 11, you talk about how
 13 you updated your status to reflect your transgender
 14 identity. You were treated as a woman for purposes
 15 of security checks. And evaluated by medical
 16 professionals and you got approval to wear
 17 typically feminine undergarments as part of your
 18 transition. We've talked about all of that in this
 19 case; is that right?
 20 A. Yes, we have.
 21 Q. I just don't want to belabor anything or
 22 go back over. I just make to want sure we've
 23 covered everything that you're saying here.
 24 Page 3 you started -- 12, you began

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1 counseling and were diagnosed with gender
 2 dysphoria. And I'm assuming that refers to the
 3 time when you were incarcerated, correct?
 4 MS. BUCHERT: Objection to form.
 5 THE WITNESS: Yes.
 6 BY MS. CYRUS:
 7 Q. And then while you were incarcerated you
 8 advocated for access to gender confirming care for
 9 several years. And then in around 2019 is when you
 10 had the recommendation for the hormone replacement
 11 therapy and you started that around May of 2019.
 12 You said you were not, however, able to
 13 access gender confirming surgery. And your earlier
 14 testimony was that was because you hadn't met the
 15 criteria; is that correct?
 16 A. Yes. With the passing of the Bureau of
 17 Prisons form for caring for transgender people, I
 18 would have to meet the criteria. I had not been on
 19 hormone therapy long enough.
 20 MS. BUCHERT: And, Shauntae, I'm going to
 21 instruct you to take all the time (inaudible) this
 22 document. We're going through it pretty quickly
 23 and I'm having (inaudible) through. I know we've
 24 been doing this for a while but I just think it's

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1 important that you take the time that you need.
 2 BY MS. CYRUS:
 3 Q. Yes. Absolutely. Please take all the
 4 time you need. I just assumed since you signed it
 5 just three days ago, that it probably was very
 6 familiar. But please, take as much time as you
 7 need.
 8 So on number 15 you say you're a Medicaid
 9 participant. You receive coverage through the MCO
 10 Aetna Better Health of West Virginia and you
 11 understand however there is an exclusion in the
 12 State Medicaid plan that bans the gender confirming
 13 surgical care that you need; is that right?
 14 MS. BUCHERT: Objection to form.
 15 THE WITNESS: Yes.
 16 BY MS. CYRUS:
 17 Q. And then it goes on to say as a result of
 18 not having access to the surgery, that increases
 19 your symptoms of gender dysphoria, causes you a
 20 great deal of anguish, the type of hurt you
 21 experience due to the distress you feel is a pain
 22 you do not want others to have to deal with and
 23 you've spent too much of your time and tears and
 24 there have been a lot of sleepless nights worrying

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1 about whether you will ever get the care that you
 2 need.
 3 So this -- as I understand it, this -- and
 4 I read it, this paragraph only says that the
 5 exclusion pertains to the gender confirming
 6 surgical care; is that right?
 7 MS. BUCHERT: Objection to form.
 8 THE WITNESS: The purpose of this
 9 referencing to gender confirming surgical care is
 10 because I'm not -- that's the only thing that I'm
 11 not receiving that I am eligible and ready to
 12 receive.
 13 BY MS. CYRUS:
 14 Q. I think we are probably on the same page
 15 as what I was asking. So there is no reference to
 16 then exclusion not allowing you access to hormone
 17 therapy; is that right?
 18 A. There is nothing in there about hormone
 19 therapy.
 20 Q. And that's because you are provided your
 21 hormone therapy through Medicaid, correct?
 22 MS. BUCHERT: Objection to form.
 23 THE WITNESS: To my knowledge I am
 24 provided hormone therapy and my insurance either

Page 201

1 covers it or it doesn't. I haven't received a bill
 2 about it so.
 3 BY MS. CYRUS:
 4 Q. You've been getting the hormone therapy
 5 since -- how long has it been under Medicaid? I
 6 thought you said 2019.
 7 A. When I started Medicaid, I started
 8 Medicaid coverage in 2019. It did not start --
 9 because I was still in a halfway house until
 10 May of 2020, that's when I had to start -- I got
 11 off home confinement in June of 2020, that's when I
 12 had to start using the Medicaid.
 13 Q. So by June of 2020 it was just full
 14 regular Medicaid and not related to the Federal
 15 Bureau of Prisons, correct?
 16 A. That is correct.
 17 Q. And since June of 2020 you haven't gotten
 18 a bill for your hormone therapy or for any kind of
 19 counseling, correct?
 20 A. To my knowledge, no.
 21 Q. Would you -- do you think if you were
 22 going to get a bill, you would probably would have
 23 gotten one by now?
 24 MS. BUCHERT: Objection to form.

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1 THE WITNESS: Could. I still get bills
 2 that go to the halfway house so it could have went
 3 to another address.
 4 BY MS. CYRUS:
 5 Q. The address that you provided to
 6 Dr. Patton who does your hormones, who prescribes
 7 those, is that the address where you live?
 8 A. Yes, it is.
 9 Q. So then in 16 it talks about you try to
 10 reduce the distress and embarrassment over your
 11 typically male appealing features including
 12 shapeware, bra -- push-up bras, that doesn't
 13 adequately treat your gender dysphoria, does not
 14 alleviate your need for surgery. So this
 15 particular paragraph we're referring to is your
 16 request for the breast augmentation, correct?
 17 MS. BUCHERT: Objection to form.
 18 THE WITNESS: I'm sorry. Can you repeat
 19 the question? I'm not following.
 20 BY MS. CYRUS:
 21 A. Yes. It sounds like number 16 is talking
 22 about why you would like to have breast
 23 augmentation; is that right?
 24 MS. BUCHERT: Objection to form.

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1 THE WITNESS: I don't specifically say
 2 that. This is just -- in 16 it says that I'm
 3 trying to reduce the severe distress an
 4 embarrassment of the presence of my typical male
 5 apparent features. I often employ the use of
 6 shapeware, like push-up bras, to help with further
 7 feminizing my body. These coping techniques are
 8 not adequate to treat my gender dysphoria and to
 9 alleviate my need for surgery.
 10 Q. Which surgery are you talking about in
 11 that paragraph that needs alleviated?
 12 A. Surgeries that are medically necessary,
 13 not one specific.
 14 Q. The shapeware and the push-up bras would
 15 go to the breast augmentation; is that right?
 16 MS. BUCHERT: Objection to form.
 17 THE WITNESS: I'm not a doctor so I can't
 18 really actually say exactly what you -- what you're
 19 getting at.
 20 BY MS. CYRUS:
 21 Q. Well, would shapeware or push-up bras make
 22 any difference for your genitals below the belt?
 23 A. Shapeware of course it would. Do you --
 24 are you familiar with the term of tucking.

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1 Q. The term what?
 2 A. Tucking.
 3 Q. I think I know what you mean, but go
 4 ahead.
 5 A. Shapeware covers that. I have to use
 6 shapeware in order to tuck.
 7 Q. So in order to -- let me see if I can
 8 figure out a diplomatic way to say this. To alter
 9 the appearance of your male genitalia so that it is
 10 not so visible; is that right?
 11 A. That's correct.
 12 Q. And then 17 there is talk about you need
 13 surgery to treat gender dysphoria related to your
 14 genitals and breasts. And I think maybe this goes
 15 into the tucking that you just mentioned about, you
 16 know, when you get dressed and use the restroom you
 17 have distress; is that right?
 18 A. Yes.
 19 MS. BUCHERT: Objection to form.
 20 BY MS. CYRUS:
 21 Q. And it says, if you go on to the next
 22 page, that -- starts out with page this page 3,
 23 paragraph 17 you particularly experience distress
 24 when you get dressed, when you use the restroom.

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1 When you use the restroom you are often reminded of
 2 the fact there are aspects of my physical body that
 3 do not feel right. So is that primarily referring
 4 to your penis?
 5 MS. BUCHERT: Objection to form.
 6 BY MS. CYRUS:
 7 Q. Or both I guess your upper, your chest as
 8 well?
 9 A. It's referring to my body in general as
 10 far as the secondary sexual characteristics that I
 11 have.
 12 Q. And you say, While bathing and grooming
 13 you make sure not to spend too much time looking at
 14 your body because it hurts to see a reflection of
 15 yourself that does not match your gender identify;
 16 is that right?
 17 A. That is right.
 18 Q. And then the last sentence says,
 19 Additionally, you are forced to painfully arrange
 20 and hide your genitals as much as possible to
 21 ensure they are not visible in the clothing that
 22 you wear. And it sounds like that would be the
 23 tucking that you mentioned.
 24 A. Yes.

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1 Q. So in 19 it talks about that you need
 2 vaginoplasty -- gender confirming surgery
 3 including, but not limited to, vaginoplasty and
 4 breast reconstruction surgery. And then you have
 5 physical, mental well being suffer without access
 6 to the surgical care. It says you lie awake at
 7 night sometimes in tears thinking about how
 8 grueling it is to deal with the constant ache of
 9 having significant parts of your body misaligned
 10 with your gender identify. So is that an accurate
 11 statement you lie awake at night in tears?
 12 A. It is an accurate statement but you said
 13 19 not 18.
 14 Q. I'm sorry. I meant to say 18.
 15 How many times would you say you lay awake
 16 at night, how many days? Is it weekly or monthly
 17 or every night?
 18 MS. BUCHERT: Objection to form.
 19 THE WITNESS: I have some good days and I
 20 have some bad days. I work in the evenings so
 21 sometimes I am tired and I do fall asleep but I do
 22 wake up and I don't sleep well.
 23 BY MS. CYRUS:
 24 Q. But do you understand that there will

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1 always be parts of your body that are misaligned
 2 with your gender identity because that is just
 3 biology?
 4 MS. BUCHERT: Objection to form.
 5 THE WITNESS: I don't know a lot about
 6 biology so I can't answer that question.
 7 BY MS. CYRUS:
 8 Q. So are you assuming or of a belief that if
 9 you have the breast reconstruction and a
 10 vaginoplasty that your body will be aligned with a
 11 female?
 12 MS. BUCHERT: Objection to form.
 13 THE WITNESS: I believe that I will be
 14 just like any other female who have breasts and a
 15 vagina.
 16 BY MS. CYRUS:
 17 Q. But do you agree that there are many other
 18 parts of a biological female beyond breasts and a
 19 vagina that you would not have?
 20 MS. BUCHERT: Objection to form.
 21 THE WITNESS: Such as what?
 22 BY MS. CYRUS:
 23 Q. I'm just -- I mean maybe -- I'm a
 24 biological female so I don't want to suggest

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1 anything to you, I'm just asking is that your
 2 understand if you have those two things, then you
 3 do have everything a biological female does?
 4 MS. BUCHERT: Objection to form.
 5 THE WITNESS: As far as secondary sexual
 6 characteristics, I would have breasts like a
 7 typical female would have and my outward
 8 appearance, my vagina would be just like any other
 9 woman's vagina.
 10 BY MS. CYRUS:
 11 Q. Would you have to -- would you have to do
 12 anything to maintain that vagina to keep it from
 13 growing back together if you know?
 14 MS. BUCHERT: Objection to form.
 15 THE WITNESS: There are some things that I
 16 would have to do. I'm aware of that, yes.
 17 BY MS. CYRUS:
 18 Q. 19 talks about how that the ability to
 19 access gender confirming surgery can help further
 20 align your physical self with your gender identify,
 21 that's a matter of personal safety, and you say,
 22 Not being able to fully align your body with your
 23 gender makes it more likely that others recognize
 24 you're transgender which can be unsafe, and you've

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1 experienced hostility in the past when certain
 2 people in public discovered you're transgender
 3 identity.
 4 And you have an example here. Once while
 5 traveling bus, someone announced to others sitting
 6 near me, that's a damn man, and then you had dirty
 7 looks for the rest of the ride, constant anxiety
 8 they might escalate to further harassment, worries
 9 and violence.
 10 Where did that incident occur? Was that
 11 here in West Virginia somewhere?
 12 A. It was in Charleston.
 13 Q. Do you think, is it possible that even if
 14 you do have the breast augmentation and the
 15 vaginoplasty, you still may encounter something of
 16 that nature? I mean, as unfortunate as it is, do
 17 you recognize that?
 18 MS. BUCHERT: Objection to form.
 19 THE WITNESS: I can't say. But to give
 20 reference to this particular incident, the person
 21 that made mention -- who made this statement was
 22 someone who lived in the halfway house with me and
 23 he was aware of my transgender status. That's why
 24 he made the announcement because he seen that a man

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1 was -- a man who did not know me or him or anybody
 2 else was being nice to me and sitting -- and
 3 sitting with me on the bus so he made the
 4 announcement. He did that to try to cause a
 5 problem. Because me and this individual had had,
 6 you know, a disagreement about being transgender so
 7 I already knew he was going to cause me a problem.
 8 BY MS. CYRUS:
 9 Q. I see. So that was just an intentional,
 10 you know, attempt to be malicious towards you,
 11 embarrass you and make you uncomfortable?
 12 A. Yes.
 13 Q. All those things.
 14 But that -- unfortunately anybody who knew
 15 you before the breast augmentation and
 16 vaginoplasty, if you had it, would have the ability
 17 to do that to you if they just wanted to be mean,
 18 correct?
 19 A. Correct.
 20 Q. And you did say the risk of involuntarily
 21 added in your ordinary life is frightening. And it
 22 goes on to next page that the effort it takes to
 23 try to counteract this risk is exhausting.
 24 Everyday you check yourself several times before

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1 you go out, feel like everything about your
 2 appearance has to be perfect because if you are not
 3 seen as the woman that you are, you may be harassed
 4 or worse, so it sounds like you do have fear that
 5 if you -- if someone detects that you are not a
 6 biological female, there could be a risk to your
 7 safety?
 8 A. I have fears that if I'm not viewed as a
 9 female, it is my safety. Biological is a term that
 10 I'm not -- like I said before, I'm not familiar
 11 with that so I don't want to say -- agree to
 12 anything with that term.
 13 Q. Are you aware you've got here -- it ended
 14 with that you're that -- in number 20 the reason
 15 you are a plaintiff in this lawsuit is because you
 16 hope other Medicaid participants will not have to
 17 suffer like this in the future.
 18 Are you aware of any specific Medicaid
 19 participants who have been denied gender confirming
 20 care?
 21 MS. BUCHERT: Objection to form.
 22 THE WITNESS: Not anyone personal. Just
 23 like I said and what I've seen on social media.
 24 BY MS. CYRUS:

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1 Q. What have you seen on social media?
 2 A. As I stated earlier, I have seen people
 3 who have put rants in about how they can't get the
 4 care they need and asking other people that respond
 5 if they can -- if they know where they can go or
 6 who they can see or that doctors have -- who were
 7 giving them care at one time have stopped and, you
 8 know, they need to find someone else to see.
 9 Things of that nature but I mean nothing of no one
 10 actually personal just myself.
 11 Q. Have you ever been involved in any other
 12 lawsuits besides this?
 13 A. No.
 14 Q. Well, is there anything else that you
 15 believe that I should know about your claims in
 16 this case or something you think is important that
 17 I haven't asked you about because I want to make
 18 sure that I cover everything?
 19 MS. BUCHERT: Objection to form.
 20 THE WITNESS: Can I have a couple of
 21 minutes.
 22 MS. CYRUS: Absolutely. You want to take
 23 five minutes?
 24 THE WITNESS: Sure.

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1 MS. CYRUS: If that is all right with your
 2 counsel.
 3 MS. BUCHERT: Yeah. Please do. We'll be
 4 here.
 5 VIDEOGRAPHER: We are off the record at
 6 3:26 p.m.
 7 (Break in proceedings.)
 8 VIDEOGRAPHER: We are back on the record
 9 at 3:38 p.m.
 10 BY MS. CYRUS:
 11 Q. Ms. Anderson I had asked you was there
 12 anything you felt you wanted to add or that I
 13 should know about your claim and we took a break.
 14 Is there anything that you decided you
 15 wanted to add in light of that?
 16 A. No. I just needed a second to myself.
 17 I'm sorry. It is very grueling going through these
 18 things over again. I know it's not your fault.
 19 It's just that -- it's, you know, does bring me
 20 great pain. I personally don't feel like I have
 21 anything else to add to it.
 22 Q. I did think of one more question I wanted
 23 to ask you that I had not asked earlier.
 24 Do you know how much you're paying for

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1 insurance under -- for Medicaid like under the
 2 Affordable Care Act or? Do you pay for that or no?
 3 A. No, I don't.
 4 Q. So you don't pay anything?
 5 A. Just co-pays when I go to the pharmacy.
 6 Q. I just wanted to clarify that.
 7 MS. CYRUS: Thank you very much, and I'm
 8 sorry we had to meet under these circumstances and
 9 again I apologize if I made you feel uncomfortable
 10 in my questions today. We have beautiful weather
 11 here, I think spring might have come to
 12 West Virginia so I hope you enjoy the rest of the
 13 way and the weekend.
 14 THE WITNESS: You too. You as well.
 15 MS. BUCHERT: We don't have anything for
 16 redirect.
 17 MS. CYRUS: Do you want her to read or
 18 waive?
 19 MS. BUCHERT: Sorry. What does that mean?
 20 MS. CYRUS: So she has the right to either
 21 read the transcript that's going to be typed up
 22 here and proofread it before it goes out to the
 23 lawyers and just change like say if you said the
 24 word three and the word tree was typed, you can


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1 change that on a -- it's called an Errata Sheet and
 2 you say line -- page 2, line 4, it says the word
 3 tree, I said the word three. Or I take the
 4 position, you can change any answer you want. Some
 5 people don't agree with that. I think if you are
 6 reading the transcript and you say, no, I meant to
 7 say this, you just proofread it basically.
 8 If you waive it, that's just means the
 9 court reporter typed it up as you said it and it's
 10 totally up to you and, you know, take the advice of
 11 your counsel as well.
 12 MS. BUCHERT: Thank you. We will read and
 13 sign.
 14 MS. CYRUS: Very good. All right. Well,
 15 thank you all.
 16 We will get an original. I would like a
 17 condensed, four to a page, and I would like an
 18 e-tran as well, please.
 19 VIDEOGRAPHER: Are there any orders for
 20 the video.
 21 MS. CYRUS: Yes, I will order -- I will
 22 take -- I get the video right since I scheduled the
 23 depo?
 24 COURT REPORTER: Anyone from the

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1 plaintiffs' side need a copy?
 2 MS. BUCHERT: We will order one copy and
 3 no order for the video at this stage. Thank you.
 4 VIDEOGRAPHER: Standby. I will go off the
 5 record.
 6 This is the end of media unit 4. We are
 7 off the record at 3:42 p.m., Friday,
 8 April 22nd, 2022, and this concludes today's
 9 testimony given by Shauntea Anderson.
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1 STATE OF WEST VIRGINIA, To-wit:
 2 I, Magdalena Szczerba, a Notary Public and
 3 Registered Professional Reporter within and for the
 4 State aforesaid, duly commissioned and qualified,
 5 do hereby certify that the videotaped deposition of
 6 Shauntea Anderson was duly taken by me and before
 7 me at the time and place specified in the caption
 8 hereof.
 9 I do further certify that said proceedings were
 10 correctly taken by me in stenotype notes, that the
 11 same were accurately transcribed out in full and
 12 true record of the testimony given by said witness.
 13 I further certify that I am neither attorney or
 14 counsel for, nor related to or employed by, any of
 15 the parties to the action in which these
 16 proceedings were had, and further I am not a
 17 relative or employee of any attorney or counsel
 18 employed by the parties hereto or financially
 19 interested in the action.
 20 I certify that the attached transcript meets
 21 the requirements set forth within article
 22 twenty-seven, chapter forty-seven of the West
 23 Virginia Code.
 24 My commission expires the 3rd day of July,
 2022.
 Given under my hand and seal this 1st day of
 May, 2022.


 Magdalena Szczerba
 Registered Professional Reporter
 Notary Public
 20
 21
 22
 23
 24

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1 Veritext Legal Solutions
 2 1100 Superior Ave
 3 Suite 1820
 4 Cleveland, Ohio 44114
 5 Phone: 216-523-1313

6 May 9, 2022

7 To: Ms. Buchert

8 Case Name: Fain, Christopher Et Al. v. Crouch, William Et Al.

9 Veritext Reference Number: 5200149

10 Witness: Shauntae Anderson Deposition Date: 4/22/2022

11 Dear Madam:

12 Enclosed please find a deposition transcript. Please have the
 13 witness
 14 review the transcript and note any changes or corrections on the
 15 included errata sheet, indicating the page, line number, change,
 16 and
 17 the reason for the change. Have the witness' signature notarized
 18 and
 19 forward the completed page(s) back to us at the Production address
 20 shown
 21 above, or email to production-midwest@veritext.com,

22 If the errata is not returned within thirty days of your receipt of
 23 this letter, the reading and signing will be deemed waived.

24 Sincerely,

25 Production Department

NO NOTARY REQUIRED IN CA

Page 219

1 DEPOSITION REVIEW
 2 CERTIFICATION OF WITNESS

3 ASSIGNMENT REFERENCE NO: 5200149
 4 CASE NAME: Fain, Christopher Et Al. v. Crouch, William Et Al.
 5 DATE OF DEPOSITION: 4/22/2022
 6 WITNESS' NAME: Shauntae Anderson
 7 In accordance with the Rules of Civil
 8 Procedure, I have read the entire transcript of
 9 my testimony or it has been read to me.
 10 I have made no changes to the testimony
 11 as transcribed by the court reporter.

12 _____
 13 Date Shauntae Anderson

14 Sworn to and subscribed before me, a
 15 Notary Public in and for the State and County,
 16 the referenced witness did personally appear
 17 and acknowledge that:

18 They have read the transcript;
 19 They signed the foregoing Sworn
 20 Statement; and
 21 Their execution of this Statement is of
 22 their free act and deed.

23 I have affixed my name and official seal
 24 this _____ day of _____, 20____.

25 _____
 Notary Public

 Commission Expiration Date

Page 220

1 DEPOSITION REVIEW
 2 CERTIFICATION OF WITNESS

3 ASSIGNMENT REFERENCE NO: 5200149
 4 CASE NAME: Fain, Christopher Et Al. v. Crouch, William Et Al.
 5 DATE OF DEPOSITION: 4/22/2022
 6 WITNESS' NAME: Shauntae Anderson
 7 In accordance with the Rules of Civil
 8 Procedure, I have read the entire transcript of
 9 my testimony or it has been read to me.
 10 I have listed my changes on the attached
 11 Errata Sheet, listing page and line numbers as
 12 well as the reason(s) for the change(s).
 13 I request that these changes be entered
 14 as part of the record of my testimony.

15 I have executed the Errata Sheet, as well
 16 as this Certificate, and request and authorize
 17 that both be appended to the transcript of my
 18 testimony and be incorporated therein.

19 _____
 20 Date Shauntae Anderson

21 Sworn to and subscribed before me, a
 22 Notary Public in and for the State and County,
 23 the referenced witness did personally appear
 24 and acknowledge that:

25 They have read the transcript;
 They have listed all of their corrections
 in the appended Errata Sheet;
 They signed the foregoing Sworn
 Statement; and
 Their execution of this Statement is of
 their free act and deed.
 I have affixed my name and official seal
 this _____ day of _____, 20____.

 Notary Public

 Commission Expiration Date

Page 221

1 ERRATA SHEET
 2 VERITEXT LEGAL SOLUTIONS MIDWEST
 3 ASSIGNMENT NO: 5200149
 4 PAGE/LINE(S) / CHANGE /REASON
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____
 15 _____
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 17 _____
 18 _____
 19 _____

20 _____
 21 Date Shauntae Anderson

22 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
 23 DAY OF _____, 20____.

24 _____
 25 Notary Public

 Commission Expiration Date

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 5200149

CASE NAME: Fain, Christopher Et Al. v. Crouch, William Et Al.

DATE OF DEPOSITION: 4/22/2022

WITNESS' NAME: Shauntae Anderson


In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

05-24-2022
Date


Shauntae Anderson

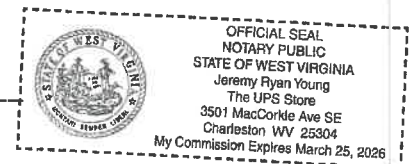
Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

- They have read the transcript;
- They have listed all of their corrections in the appended Errata Sheet;
- They signed the foregoing Sworn Statement; and
- Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal this 24th day of May, 2022.


Notary Public

03/25/2026
Commission Expiration Date



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ERRATA SHEET

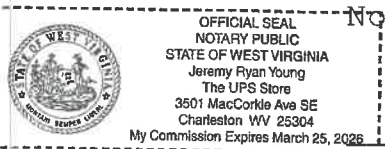
VERITEXT LEGAL SOLUTIONS MIDWEST

ASSIGNMENT NO: 5200149

PAGE/LINE(S) /	CHANGE	/REASON
Page 11, Line 3:	"port" should be "part"	Typographical error
Page 154, Line 17:	"woman" should be "women"	Typographical error
Page 180, Line 15:	"woman" should be "women"	Typographical error

05-24-2022 _____
 Date Shauntae Anderson

SUBSCRIBED AND SWORN TO BEFORE ME THIS 24th
 DAY OF May, 2022.



 Notary Public
03/25/2026

25 Commission Expiration Date