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<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFFS:</p> <p>4 ANNA P. PRAKASH, VISITING ATTORNEY</p> <p>5 NICHOLS KASTER, PLLP</p> <p>6 IDS CENTER, 80 SOUTH 8TH STREET</p> <p>7 SUITE 4600</p> <p>8 MINNEAPOLIS, MN 55402</p> <p>9 (612) 256-3200</p> <p>10 aprakash@nka.com</p> <p>11</p> <p>12 ON BEHALF OF THE PLAINTIFFS:</p> <p>13 WALT AUUVIL, ESQ.</p> <p>14 THE EMPLOYMENT LAW CENTER, PLLC</p> <p>15 1208 MARKET STREET</p> <p>16 PARKERSBURG, WV 26101-4323</p> <p>17 (304) 485-3058</p> <p>18 auvil@theemploymentlawcenter.com</p> <p>19</p> <p>20 ON BEHALF OF THE PLAINTIFFS:</p> <p>21 AVATARA SMITH CARRINGTON, VISITING ATTORNEY</p> <p>22 LAMBDA LEGAL DEFENSE AND</p> <p>23 EDUCATION FUND, INC.</p> <p>24 3500 OAK LAWN AVENUE, SUITE 500</p> <p>DALLAS, TEXAS 75219-6722</p> <p>(214) 219-8585</p> <p>asmithcarrington@lambdalegal.org</p> <p>ON BEHALF OF THE PLAINTIFFS:</p> <p>TARA L. BORELLI, VISITING ATTORNEY</p> <p>LAMBDA LEGAL DEFENSE AND</p> <p>EDUCATION FUND, INC.</p> <p>158 WEST PONCE DE LEON AVE., SUITE 105</p> <p>DECATUR, GA 30030</p> <p>tborelli@lambdalegal.org</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX</p> <p>2 WITNESS: PAGE:</p> <p>3 CHRISTOPHER FAIN</p> <p>4 EXAMINATION BY MS. CYRUS 4</p> <p>5</p> <p>6</p> <p>7 EXHIBITS IDENTIFIED:</p> <p>8 NO. 1 67</p> <p>9 NO. 2 80</p> <p>10 NO. 3 85</p> <p>11 NO. 4 103</p> <p>12 NO. 5 118</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 REPORTER'S CERTIFICATE 134-135</p> <p>21 ERRATA SHEET 136</p> <p>22 WITNESS SIGNATURE PAGE 137</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (cont'd)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANTS:</p> <p>4 LOU ANN S. CYRUS, ESQ.</p> <p>5 KIMBERLY M. BANDY, ESQ.</p> <p>6 SHUMAN MCCUSKEY SLICER PLLC</p> <p>7 P.O. BOX 3953</p> <p>8 CHARLESTON, WV 25339</p> <p>9 (304) 345-1400</p> <p>10 lcyrus@shumanlaw.com</p> <p>11 kbandy@shumanlaw.com</p> <p>12</p> <p>13 ALSO PRESENT:</p> <p>14 ANDREW BAKER</p> <p>15 (VIDEOGRAPHER)</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>	<p style="text-align: right;">Page 5</p> <p>1 VIDEOGRAPHER: Good morning. We are going</p> <p>2 on the record at 10:00 a.m., Thursday, April 28, 2022.</p> <p>3 This is Media Unit 1 of the video recorded deposition of</p> <p>4 Christopher Fain, as taken by counsel for defendant in</p> <p>5 the matter of Christopher Fain, et al. versus William</p> <p>6 Crouch, et al., filed in the United States District</p> <p>7 Court of Southern District of West Virginia, Huntington</p> <p>8 Division, Case No. 3:20-cv-00740. This deposition is</p> <p>9 being held remote via Zoom, located in Parkersburg, West</p> <p>10 Virginia 26101.</p> <p>11 My name is Andrew Baker, from the firm</p> <p>12 Veritext Legal Solutions. I am the videographer. The</p> <p>13 court reporter is Melanie Smith, also from Veritext</p> <p>14 Legal Solutions.</p> <p>15 Will counsel now state their appearance and</p> <p>16 affiliations for the record?</p> <p>17 MS. PRAKASH: Anna Prakash, from the</p> <p>18 Nichols Kaster Law Firm, on behalf of Plaintiff</p> <p>19 Christopher Fain.</p> <p>20 MS. SMITH-CARRINGTON: Avatara Smith-</p> <p>21 Carrington, with Lambda Legal, on behalf of Plaintiffs.</p> <p>22 MS. BORELLI: Tara Borelli, with Lambda</p> <p>23 Legal, on behalf of Plaintiffs.</p> <p>24 MS. CYRUS: Lou Ann Cyrus, on behalf of</p>

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1 Defendants, West Virginia Department of Health and Human
 2 Resources, Bureau for Medical Services, Bill Crouch and
 3 Cynthia Beane.
 4 MS. BANDY: Kimberly Bandy, on behalf of
 5 the Defendants.
 6 VIDEOGRAPHER: Will the court reporter
 7 please swear in the witness?
 8 THE REPORTER: Can you raise your right
 9 hand, sir?
 10 CHRISTOPHER FAIN, was thereupon called as a
 11 witness and, after having been first duly sworn,
 12 testified as follows:
 13 EXAMINATION
 14 BY MS. CYRUS:
 15 Q. Good morning, sir. I introduced myself to you
 16 off the record, but again my name is Lou Ann Cyrus, and
 17 we're here to take your deposition in a lawsuit that you
 18 filed to gain some information.
 19 First of all, can you tell us your name for
 20 the record?
 21 A. Yes. My name is Christopher Fain.
 22 Q. Okay. Is anyone there in the room with you?
 23 A. No.
 24 Q. Okay. If at any time someone would happen to

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1 enter the room that we wouldn't see on camera, would you
 2 please let me know or let us know?
 3 A. Yes.
 4 Q. All right. Thank you. Do you have -- I can't
 5 tell, but do you have any documents in front of you
 6 there?
 7 A. No.
 8 Q. Okay. So you didn't bring any documents to the
 9 deposition with you that you've got present?
 10 A. No.
 11 Q. Okay. Very good. Very good. First of all, I
 12 wanted to just say at the outset, I recognize that the
 13 topics, even the whole lawsuit, involves sensitive
 14 personal information and nothing I ask you today will be
 15 intended to embarrass you, to harass you in any way. In
 16 fact, I hope that I can ask whatever I feel is necessary
 17 and then move on.
 18 And I will also say, for what it's worth,
 19 discussing these topics is not -- you know, with people
 20 that are so private is not necessarily comfortable and
 21 fun for me either, so we're sort of in the same boat in
 22 that regard.
 23 But, so, having said that, I did ask you if
 24 you -- what your name is. Have you had a legal name

Page 8

1 change at some point?
 2 A. Yes. Christopher Fain is -- was a name that
 3 was taken legally in 2000-and -- I have to stop and
 4 think about that now, 2018.
 5 Q. What was your name prior to that?
 6 A. Echo Fain.
 7 Q. So your given name at birth was Echo Fain?
 8 A. Yes.
 9 Q. E-c-h-o?
 10 A. Yes.
 11 Q. Okay. What sex were you assigned at birth?
 12 MS. PRAKASH: Objection to form. Go ahead.
 13 THE WITNESS: I was assigned female at
 14 birth.
 15 BY MS. CYRUS:
 16 Q. And with what gender do you identify?
 17 A. I identify male.
 18 Q. Okay. Do you know what your sex assignment at
 19 birth was based on?
 20 MS. PRAKASH: Objection to form.
 21 THE WITNESS: I'm not a scientist. I'm
 22 going to assume that it was based on genitalia, like it
 23 always is.
 24 BY MS. CYRUS:

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1 Q. Okay. And, except in rare circumstances, are
 2 people either born with what's typically male genitalia
 3 or female genitalia?
 4 MS. PRAKASH: Objection. Form.
 5 THE WITNESS: Again, I'm not a scientist.
 6 I don't know how all that works.
 7 BY MS. CYRUS:
 8 Q. Generally, those who have male genitalia are
 9 identified as male at birth; is that right?
 10 MS. PRAKASH: Objection. Form.
 11 THE WITNESS: I guess. Like I said, I'm
 12 not a scientist. I don't know.
 13 BY MS. CYRUS:
 14 Q. Right. I'm just asking you as a lay person
 15 your understanding.
 16 A. Okay.
 17 MS. PRAKASH: Same objection.
 18 BY MS. CYRUS:
 19 Q. And those who have a vagina are identified
 20 female at birth?
 21 MS. PRAKASH: Objection. Form.
 22 THE WITNESS: I'm going to assume again
 23 because that's how it's done.
 24 BY MS. CYRUS:

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1 Q. Okay. And in this case, your case, based upon
 2 having a vagina, you were identified as female at birth;
 3 is that correct?
 4 MS. PRAKASH: Objection. Form.
 5 THE WITNESS: I was assigned female at
 6 birth.
 7 BY MS. CYRUS:
 8 Q. Okay. But you identify as male; correct?
 9 A. Yes.
 10 Q. Okay. Therefore, do you consider yourself to
 11 be a transgender male?
 12 A. Yes, I am transgender male.
 13
 14
 15 Q. What is your age?
 16 A. I'm 46.
 17 Q. And where do you currently reside?
 18 A. Huntington, West Virginia.
 19 Q. Does anyone live with you?
 20 A. No.
 21 Q. What is your marital status?
 22 A. Divorced.
 23 Q. And how many times have you been married?
 24 A. Once.

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 16 BY MS. CYRUS:
 17 Q. Okay. And then do you -- are you in a romantic
 18 relationship with anyone currently?
 19 A. No.
 20 Q. How long has it been since you've been in a
 21 romantic relationship with someone?
 22 MS. PRAKASH: Objection. Relevance.
 23 THE WITNESS: Since 2011.
 24 BY MS. CYRUS:

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1 Q. Okay. If there are references in your records
 2 that have been produced in this case to you -- to your
 3 partner we'll say within the past three years, do you
 4 know who that would refer to? Is there someone or --
 5 A. There is a long-term friend --
 6 MS. PRAKASH: Hey, Christopher, I just want
 7 to object on the basis of foundation and vagueness, but
 8 go ahead.
 9 THE WITNESS: There is one person who would
 10 be considered I guess a partner, but since we've never
 11 actually been together, no, not a partner.
 12 BY MS. CYRUS:
 13 Q. Do you have any children?
 14 A. Yes.
 15 Q. How many children do you have?
 16 A. I have two.
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Page 13

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 3 Q. Are your children aware that you're
 4 transgender?
 5 MS. PRAKASH: Objection. Form. You can
 6 answer.
 7 THE WITNESS: Yes.
 8 BY MS. CYRUS:
 9 Q. Are they fully supportive?
 10 A. Oh, yeah.
 11 MS. PRAKASH: Objection. Same objection.
 12 Go ahead.
 13 THE WITNESS: Yeah. They've recently
 14 started calling me Dad --
 15 BY MS. CYRUS:
 16 Q. Okay.
 17 A. -- on their own. This was like suddenly out of
 18 nowhere, but, yes, they're very supportive.
 19
 20
 21 Q. And are they living?
 22 A. No.
 23 Q. And what -- what year did your father pass
 24 away?

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1 A. 2017.
 2 Q. And what year did your mother pass away?
 3 A. I apologize. 2018.
 4 Q. What year did your mother pass away?
 5 A. 2019.
 6 Q. When your father passed away, were your parents
 7 married to one another at that time?
 8 A. No.
 9 Q. Had -- since your mother's last name was Fain,
 10 I take it they were married at some point?
 11 A. Yes.
 12 Q. Do you know when they got a divorce?
 13 A. 1989.
 14 Q. Was your mother aware that you were
 15 transgender?
 16 MS. PRAKASH: Objection. Form.
 17 THE WITNESS: Oh, yes.
 18 BY MS. CYRUS:
 19 Q. Okay. Was she supportive?
 20 MS. PRAKASH: Same objection.
 21 THE WITNESS: Yes.
 22 BY MS. CYRUS:
 23 Q. Was she always supportive of you being
 24 transgender?

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1 MS. PRAKASH: Same objection.
 2 THE WITNESS: Yes.
 3 BY MS. CYRUS:
 4 Q. Okay. Was she supportive of you being
 5 transgender through your adult years?
 6 MS. PRAKASH: Same objection.
 7 THE WITNESS: Yes.
 8 BY MS. CYRUS:
 9 Q. Okay. Did you tell a medical or mental health
 10 provider that your mother was angry at you at age 26 and
 11 did not speak to you for 18 months and disappeared from
 12 your life?
 13 A. Yes.
 14 MS. PRAKASH: Objection. Compound.
 15 BY MS. CYRUS:
 16 Q. And what was that -- what was that based upon?
 17 That's not a good question. Let me ask you this again.
 18 Did that -- did that situation with your mother have
 19 anything to do with you being transgender?
 20 A. No.
 21 Q. Okay. Was your father aware you were
 22 transgender?
 23 MS. PRAKASH: Objection. Form.
 24 THE WITNESS: Yes.

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1 BY MS. CYRUS:
 2 Q. Was he supportive?
 3 MS. PRAKASH: Objection. Form.
 4 THE WITNESS: No.
 5 BY MS. CYRUS:
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 7
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 18 Q. Are your siblings aware that you're
 19 transgender?
 20 A. Yes.
 21 MS. PRAKASH: Objection to form.
 22 THE WITNESS: Yes.
 23 BY MS. CYRUS:
 24 Q. Is Amanda -- okay. Is Amanda supportive?

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1 A. Yes.
 2 MS. PRAKASH: Objection to form.
 3 Christopher, could you just give me one second? Just
 4 pause a second.
 5 BY MS. CYRUS:
 6 Q. Is Lee supportive?
 7 MS. PRAKASH: Same objection.
 8 THE WITNESS: Yes.
 9 BY MS. CYRUS:
 10 Q. Okay. Was there a time when your sister and
 11 brother did not want to talk about your transition?
 12 MS. PRAKASH: Objection. Form.
 13 THE WITNESS: Yeah. Initially they were
 14 not -- they did not know how to handle what was going
 15 on, so they -- they did not -- we did not communicate
 16 well during that time while everybody was adjusting.
 17 BY MS. CYRUS:
 18 Q. Are you taking any medications today that would
 19 affect your ability to understand and give truthful
 20 testimony?
 21 A. No.
 22 Q. Can we agree that if you answer a question that
 23 you understood the question?
 24 A. Yeah.

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1 Q. Okay. And, if you need me to clarify or
 2 restate a question at any time or if I ask a bad
 3 question, which I definitely already have and I will
 4 probably again, please let me know that. Okay? I'm
 5 happy to restate it because I do want you to understand
 6 what I'm asking.
 7 The other thing, and you've probably -- and
 8 you've been doing a really good job with this, be sure
 9 and answer out loud for the court reporter, who's taking
 10 down the record.
 11 A. Yes.
 12 Q. Very good. Did you look at any records to
 13 prepare for your deposition today?
 14 A. No.
 15 Q. What did you do to prepare for the case?
 16 A. I met with my legal counsel.
 17 Q. Okay. And I don't want to know anything you
 18 discussed with your legal counsel, just so you know
 19 that. None of my questions will ever be intended to ask
 20 you that. So but you didn't look at any of the
 21 documents that have been produced in this case, for
 22 example, to prepare?
 23 MS. PRAKASH: Objection. Mischaracterizes
 24 testimony. You can answer.

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1 THE WITNESS: I met with my legal counsel.
 2 BY MS. CYRUS:
 3 Q. Okay. I understood you to say you didn't look
 4 at any records to prepare for the deposition. Is that
 5 right?
 6 A. That is correct.
 7 Q. Okay. So they didn't show you any records as
 8 part of your preparation?
 9 MS. PRAKASH: Objection. Vague as to
 10 records.
 11 THE WITNESS: What happens between me and
 12 my lawyers is confidential.
 13 MS. PRAKASH: Let me -- let me just say,
 14 Christopher, if you looked at documents to prepare for
 15 this deposition, you can answer the question about which
 16 documents you looked at.
 17 THE WITNESS: Okay.
 18 BY MS. CYRUS:
 19 Q. Okay. So did you look at documents to prepare?
 20 A. Yes.
 21 Q. Okay. So, when you earlier said you didn't
 22 look at any records to prepare, that was not accurate;
 23 is that right?
 24 A. Well, is there a difference between records and

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1 documents?
 2 Q. I don't believe so. Do you?
 3 A. Actually, I do. I probably misunderstood the
 4 question.
 5 Q. Okay. Well, what -- what -- so, if you didn't
 6 look at records, what documents did you look at to
 7 prepare?
 8 A. I looked at my original lawsuit. I looked over
 9 some notes from Facebook. I don't remember if I saw
 10 anything else.
 11 Q. Okay. So right now you just remember the
 12 original lawsuit and notes that you had from Facebook?
 13 A. Just things to go over and talk about.
 14 Q. Well, so the only thing you can remember right
 15 now, the only things, are the original lawsuit and notes
 16 from Facebook?
 17 A. Yeah.
 18 Q. You submitted a declaration that was dated
 19 yesterday. Do you recall that?
 20 A. Yes.
 21 Q. Okay. Did you look at that yesterday?
 22 A. Yeah. Sorry. I handled it yesterday, so yes,
 23 I actually looked through it yesterday.
 24 Q. Okay. Since you signed it yesterday, it was

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1 notarized that you signed it, I take it you did look at
 2 that yesterday?
 3 A. Yes.
 4 Q. Okay. If I ask you where did you grow up, is
 5 there a certain place that you would identify, or did
 6 you grow up in various places?
 7 A. I grew up in various --
 8 MS. PRAKASH: Objection to form.
 9 THE WITNESS: Sorry. I grew up in various
 10 places.
 11 BY MS. CYRUS:
 12 Q. Okay. Did you go -- did you live in one area
 13 when you went to elementary school or multiple areas?
 14 A. I lived in basically one area. I attended
 15 school in elementary school in McDowell County and
 16 Wyoming County.
 17 Q. And where did you attend middle school?
 18 A. Riner, Virginia.
 19 Q. Okay. So, when you were in elementary school,
 20 did you live with your family in McDowell and Wyoming
 21 Counties?
 22 A. Yes.
 23 Q. Did your family then move to Riner, Virginia?
 24 A. Yes.

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1 Q. And I understand you attended high school.
 2 Where did -- where did you attend high school?
 3 A. Riner, Virginia, McDowell County, Lexington,
 4 Virginia and Goshen High School in Goshen, Indiana.
 5 Q. Okay. Did your family move to all those places
 6 during your high school years?
 7 A. Some of them, yes.
 8 Q. Okay. What caused you to go to high school in
 9 places where your family did not move?
 10 A. Well, it was places --
 11 MS. PRAKASH: Object to form.
 12 THE WITNESS: Sorry. It was places that my
 13 family -- well, I went to live with my father in a place
 14 where he already lived. My family moved -- my mother
 15 moved twice during high school.
 16 BY MS. CYRUS:
 17 Q. Okay. So, in addition to the family members
 18 that you have already identified who live in Cabell
 19 County, do you have any other family in Cabell County
 20 who would be aunts, uncles, cousins, of those degrees?
 21 A. No.
 22 Q. Okay. Do you have any family that you know of
 23 in Mason County? And that's --
 24 A. No.

Page 23

1 Q. Okay. I was going to say that's the Point
 2 Pleasant area, if that helps. Okay. And the answer is
 3 still no; correct?
 4 A. That's correct.
 5 Q. Okay. Do you have any family that you're aware
 6 of in Putnam County?
 7 A. No.
 8 Q. Okay. Do you have any family that you're aware
 9 of in Wayne County?
 10 A. No.
 11 Q. Okay. What's your highest level of education?
 12 A. Master's degree.
 13 Q. And what is your master's degree in?
 14 A. Geography.
 15 Q. When did you obtain that?
 16 A. 2020.
 17 Q. Where is that from?
 18 A. Marshall University.
 19 Q. Okay. And what is your bachelor's degree in?
 20 You have a --
 21 A. Social sciences.
 22 Q. I'm sorry.
 23 A. I'm sorry?
 24 Q. I'm sorry, I didn't mean to talk overtop of

Page 24

1 you. You have a Bachelor's Degree in Social Sciences?
 2 A. Yes.
 3 Q. What year did you obtain that?
 4 A. 2012.
 5 Q. Where did you obtain that from?
 6 A. Marshall University.
 7 Q. And where did you graduate high school?
 8 A. I did not graduate. I got a GED.
 9 Q. I see. Are you currently enrolled in any
 10 classes right now?
 11 A. No.
 12 Q. Okay. Have you taken any classes since you
 13 obtained your master's degree in 2020?
 14 MS. PRAKASH: Objection. Vague.
 15 THE WITNESS: I started a college program
 16 and had to leave it because of a second master's degree.
 17 BY MS. CYRUS:
 18 Q. Okay. When did you start another master's
 19 degree?
 20 A. In the Fall of 2020.
 21 Q. So you got your first master's in the Spring of
 22 2020, I take it?
 23 A. Yes.
 24 Q. Okay. And where did you start a second

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1 master's?
 2 A. At Marshall University.
 3 Q. And what was that program?
 4 A. A nonprofit organization.
 5 Q. How long did you attend that program?
 6 A. Most of the first semester.
 7 Q. And then what happened?
 8 A. I began to have pain with my spine that caused
 9 me to be put on a nerve medication for a while that
 10 robbed me of the ability to focus on my homework, so I
 11 had to withdraw.
 12 Q. Have you had any other education that we have
 13 not talked about?
 14 A. No, not that I can think of.
 15 Q. Have you had any training that we haven't
 16 talked about?
 17 A. No.
 18 Q. Have you ever been in the military?
 19 A. No.
 20 Q. Are you employed?
 21 A. Yes.
 22 Q. Where do you work?
 23 A. I have two jobs. One of them is as the clerk
 24 in a liquor store in Huntington, West Virginia, and the

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<p style="text-align: right;">Page 26</p> <p>1 other job is as a professor of geography at Mountwest 2 Community & Technical College. 3 Q. Where is that school located? 4 A. In Huntington, West Virginia. 5 Q. How long have you been employed as a clerk at 6 the liquor store? 7 A. Since February 2021. 8 9 10 Q. And how long have you been a professor of 11 geography at that school? 12 A. The same amount of time, since January 2021. 13 Q. Do you have health insurance available at 14 either of those jobs? 15 A. No. 16 Q. Have you ever applied for Social Security 17 disability? 18 A. No. 19 Q. Where is -- where would be the last place you 20 worked prior to being -- working at the Mountwestern 21 Community & Technical College? 22 A. Gabriel Brothers. 23 Q. Is that in Huntington? 24 A. Yes.</p>	<p style="text-align: right;">Page 28</p> <p>1 treatment for drug or alcohol abuse? 2 A. No. 3 Q. Okay. Wonderful. We can skip a lot of 4 questions. So I want to talk about -- I want to talk 5 about your transgender history. 6 A. Okay. 7 Q. At what point did you determine that you were 8 transgender, if you know? 9 MS. PRAKASH: Objection. Form. Go ahead. 10 THE WITNESS: I knew there was something 11 different or something wrong when I was three years old. 12 To put a label on it, to call it transgender or, you 13 know, I was 12. 14 BY MS. CYRUS: 15 Q. All right. Were your parents aware when you 16 were growing up that you were transgender? 17 MS. PRAKASH: Objection. Calls for 18 speculation. You can answer. 19 THE WITNESS: Yes, yes, they were aware. 20 BY MS. CYRUS: 21 Q. Okay. And what makes you believe that your 22 parents were aware? 23 A. Conversations I had with my mother starting 24 very young revolved around this, and at six years old I</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. And approximately what dates did you work 2 there? 3 A. From May of 2020 to February of 2021. 4 Q. And why did you leave there? 5 A. I was actually put off on medical leave for 6 damage to two of my discs in my upper back. 7 Q. Was that a work-related injury? 8 A. No. 9 Q. Have you ever filed a workers' comp claim? 10 A. No. 11 Q. Where did you work before Gabriel Brothers? 12 A. Marshall University. 13 Q. And what did you do there? 14 A. I was a TA and an RA. It's a research 15 assistant and a teaching assistant. 16 Q. So that was -- so that was while you were a 17 student at Marshall? 18 A. Yeah. I was a grad student for two years. 19 Q. Okay. Have you ever been charged with a crime? 20 A. No. 21 Q. Have you ever had a problem with abuse of drugs 22 or alcohol? 23 A. No. 24 Q. And so I take it you have never had any</p>	<p style="text-align: right;">Page 29</p> <p>1 got in big trouble at school for what they call behavior 2 problems, but which was me answering the call to line up 3 with the boys. And after that happened a few times I 4 was asked at home, "Why are you getting in trouble at 5 school?" And my answer was is, "They won't let me line 6 up and go with the other boys." 7 And at that point was the first time my 8 mother had a way to describe what was going on, and her 9 attitude was, "You have to do what you're told." 10 My dad's first -- the first time I heard my 11 dad refer to it, my mother said something about me being 12 his son, his boy, and he was -- his response was, yeah, 13 he knew, and I was nine, maybe ten. 14 Q. Okay. As a child, did you ever dress in 15 clothes designated for boys? 16 MS. PRAKASH: Objection. Vague. Go ahead. 17 THE WITNESS: Yes. 18 BY MS. CYRUS: 19 Q. Okay. Was there a -- were your parents -- when 20 they -- when your mother referred to you as your dad's 21 boy and Dad said he knew, was your dad accepting and 22 supportive of that? 23 MS. PRAKASH: Objection. Calls for 24 speculation.</p>

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1 THE WITNESS: He was accepting in the fact
 2 that she was telling the truth, but no, this was not
 3 okay as far as he was concerned.
 4 BY MS. CYRUS:
 5 Q. Okay. Did your dad ever say or do anything
 6 that indicated to you that that was not okay as far as
 7 he was concerned?
 8 A. Yes.
 9 Q. And what was that?
 10 A. We had a lot of really hard arguments and
 11 discussions every time it got mentioned. He disapproved
 12 because of the way the world would see me. It wasn't
 13 that he had a problem with the idea that I might be
 14 different, he was afraid that I would not be able to
 15 support myself because I was so different. So I was
 16 supposed to do what I was told and do what was necessary
 17 in order to survive.
 18 Q. Okay. Was there a point when you, and I don't
 19 know if this is the right phraseology, and you can
 20 correct me if I'm wrong, but when you came out and began
 21 publicly living as a male?
 22 A. Yes.
 23 Q. Okay. And when was that? And this is just --
 24 I just want an approximation.

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1 A. Right. Well, it happened -- it happened in
 2 phases because I tried it twice before, but yes, 2017.
 3 Q. Okay. Did you begin taking male hormones at
 4 some point?
 5 A. Yes.
 6 Q. And when was that?
 7 A. March of 2019.
 8 Q. Okay. There was a letter that was produced
 9 yesterday regarding your hormones --
 10 A. Yes.
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 13
 14 MS. PRAKASH: Can I -- Lou Ann, you're
 15 holding up a document and it looks like you're
 16 attempting to show it to the witness.
 17 MS. CYRUS: Oh, sorry. No, I'm not.
 18 Actually, it's not even the one I was referring to.
 19 Sorry. I just moved this out of the way.
 20 BY MS. CYRUS:
 21 Q. Yeah. Is that -- was that the -- as far as you
 22 know, that was -- was that the first time it was
 23 recommended that you take male hormones?
 24 A. Yes, that was the first time a professional

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1 recommended hormones to me, and surgery.
 2 Q. Okay. And did you -- did you give that
 3 letter -- well, first of all, when you obtained that
 4 letter in June of 2018, were you insured by any entity?
 5 A. Medicaid.
 6 Q. Okay. So you were insured by Medicaid when you
 7 got that letter?
 8 A. Yes.
 9 Q. Okay. When did you become insured by Medicaid?
 10 A. On and off throughout my adult life, but since
 11 2016, 2000- -- yeah, 2016 this last time, but yeah, most
 12 of my adult life.
 13 Q. Did you undergo any counseling before you
 14 started male hormones?
 15 A. I had six months of counseling before that
 16 letter was given to me.
 17 Q. And did you give that letter to anyone with
 18 Medicaid after you received it?
 19 A. No. I took it to my primary care physician.
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 21
 22
 23 Q. And then did your primary care physician do
 24 anything with that?

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1 MS. PRAKASH: Objection. Foundation.
 2 THE WITNESS: She started the process of
 3 referring me to an endocrinologist.
 4 BY MS. CYRUS:
 5 Q. Then did you go to an endocrinologist?
 6 A. Yes.
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 14 Q. Was your understanding that the purpose of the
 15 male hormones was for some -- a type of
 16 gender-confirming care?
 17 MS. PRAKASH: Objection to form.
 18 THE WITNESS: Yes. That's what sex
 19 hormones are for. Mine are for masculinization, yes.
 20 BY MS. CYRUS:
 21 Q. And you started taking those in March of 2019?
 22 A. Yes.
 23 Q. Are you familiar with the term
 24 "gender-confirming surgical procedures"?

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<p style="text-align: right;">Page 34</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And what -- when -- when you use that --</p> <p>3 when I use that term or you use that, what do you</p> <p>4 consider gender-confirming surgical procedures to be?</p> <p>5 MS. PRAKASH: Objection. Vague. You can</p> <p>6 answer.</p> <p>7 THE WITNESS: Surgical procedures are</p> <p>8 procedures that alter the physical body through surgery</p> <p>9 for the purposes of helping the body align closer to the</p> <p>10 gender.</p> <p>11 BY MS. CYRUS:</p> <p>12 Q. So would gender-confirming surgical procedures</p> <p>13 be those that would surgically alter a body from the</p> <p>14 appearance of one gender to the opposite gender?</p> <p>15 MS. PRAKASH: Objection to form.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. CYRUS:</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 36</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</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</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Okay.</p> <p>2 A. -- and gender dysphoria.</p> <p>3</p> <p>4</p> <p>5</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</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 37</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</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</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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8 Q. And who did that to you?
9 A. My father.
10 Q. Was your father -- when you say you were
11 punished, were you physically abused by your father?
12 A. There were occasions --
13 MS. PRAKASH: Christopher, one second. Low
14 Ann, I'm just going to object to this lining of -- line
15 of questioning as irrelevant and harassing and outside
16 the scope of this case. I'm not instructing Mr. Fain
17 not to answer right now, but I hope this line of
18 questioning will be concise.
19 So, Christopher, you can answer the
20 question.
21 THE WITNESS: Could you repeat the
22 question?
23 MS. CYRUS: Does the court reporter have
24 the exact question?

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1 THE REPORTER: Yes. Give me one second.
2 (Last question read back by the reporter.)
3 THE WITNESS: There were incidents;
4 however, most of it was verbal and psychological.
5 BY MS. CYRUS:
6 Q. And the reason for the verbal and psychological
7 abuse by your father, was that related to you being
8 transgender or were there other reasons?
9 MS. PRAKASH: Objection. Foundation. You
10 can answer.
11 THE WITNESS: It was gender-related.
12 BY MS. CYRUS:
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11 Q. Did you report that having breasts as a child
12 caused you to try and remove them yourself because of
13 body dysmorphia?
14 MS. PRAKASH: Objection as to report. Are
15 you talking -- like what are you talking about, Lou Ann?
16 BY MS. CYRUS:
17 Q. Well, to a mental health provider, did you
18 report that having breasts as a child caused you to try
19 and remove them yourself?
20 A. Yes.
21 Q. Okay. And did that actually happen?
22 A. I attempted it, yes, at 12.
23 Q. Did you have to get medical care for that?
24 A. No.

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1 Q. Have you been prescribed medication for any
2 mental or emotional condition?
3 A. No.
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20 Q. Okay. And was that -- was that related to
21 being transgender?
22 A. Yes.
23 MS. PRAKASH: Before you ask your next
24 question, Lou Ann, Christopher, I know that this is

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1 emotional. Just speak up if you would like to take a
 2 break. Okay?
 3 THE WITNESS: Okay.
 4 BY MS. CYRUS:
 5 Q. Yes, absolutely, any time you would like to
 6 take a break, please let us know. We're more than happy
 7 to do that. The only thing I ask is if there's a
 8 question pending I'd like you to go ahead and answer it
 9 just so we have a clean break.
 10 And we will, we'll take breaks. We've been
 11 going about 45 minutes and we'll probably break in
 12 another 15 or 30 minutes, unless you want a break sooner
 13 of course.
 14 A. No, that sounds good to me.
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1 you should do to protect yourself from having -- when
 2 you have an ideation?
 3 A. Yes.
 4 Q. Okay. Do you know if the person who had top
 5 surgery had insurance coverage?
 6 A. They didn't, no, they had no insurance
 7 coverage.
 8 Q. Okay. Do you know how that person paid for the
 9 surgery?
 10 A. Yes. They paid --
 11 Q. And how?
 12 A. They paid cash.
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 6 Q. Do you know what caused you to have those
 7 thoughts?
 8 A. Panic, anxiety.
 9 Q. And was there something specific that happened
 10 that you reacted by having panic and anxiety?
 11 A. At the idea of having to come into public and
 12 discuss this -- discuss these matters with anyone that I
 13 don't already know.
 14 Q. The -- you said you had a suicidal ideation six
 15 months or so ago. What -- do you know what prompted
 16 that?
 17 A. Someone that I know had top surgery, and, while
 18 I was very happy for them, I also felt horrified and
 19 overwhelmed at the idea that it would never happen for
 20 me. And, while I was happy for them, I also slid into a
 21 bad night, and a bad night is usually where the ideation
 22 comes in.
 23 Q. Do you have any kind of safety measures in
 24 place with your psychologist or any therapist about what

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16 Q. Did you have to move from where you were living
17 in November of last year?
18 A. No.
19 Q. Okay. There is a reference -- did you tell a
20 mental health provider that all of your personal
21 messages, some very sexual and intimate, were going to
22 be read to prove your current situation of being
23 transgender?
24 A. I think I expressed that I was concerned that

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1 it would be.
2 Q. Okay. What -- what were you referring to? Was
3 it this lawsuit?
4 A. Yes.
5 Q. Okay. What was your understanding of why your
6 messages were produced?
7 MS. PRAKASH: Objection. Calls for a legal
8 conclusion. You can answer.
9 THE WITNESS: I was under the impression
10 that anything and everything that might be relevant to
11 the case would be investigated using certain key words
12 and conversations that I had with private individuals
13 would be flagged because those words had been used in
14 those conversations.
15 BY MS. CYRUS:
16 Q. Okay. Were you under the impression that West
17 Virginia Medicaid and its lawyers were requesting your
18 personal messages?
19 A. No.
20 Q. Okay. Do you have times when people are
21 looking at you and you think they are not assuming or
22 recognizing that you are male?
23 MS. PRAKASH: Objection to form.
24 THE WITNESS: Yes.

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1 BY MS. CYRUS:
2 Q. Okay. Do you feel like your anxiety levels
3 spark when that happens?
4 A. Yes.
5 Q. Did you have a situation in August of last year
6 where you felt like you were being invalidated by a
7 member of your family?
8 A. Yes.
9 Q. And who was that person?
10 A. My sister.
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12
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14 Q. And what happened with -- referring to when you
15 felt like you were being invalidated by her?
16 A. If it's the situation I remember it being,
17 she -- she said a few things to one of my children that
18 got back to me that invalidated my -- invalidated my
19 gender, even as she understood it. She deliberately
20 referred to me by my dead name and dead gender
21 specifically to -- you might say to be mean, but it
22 wasn't to my face.
23 Q. But it got back to you through your children?
24 A. Yes.

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1 Q. Okay. Were you retraumatized as a result of
2 that?
3 MS. PRAKASH: Objection to form.
4 THE WITNESS: In a way. I felt that she
5 and I had come to understand each other and that she
6 was -- that she had moved past her own concerns and
7 worries about my gender. It made me realize that some
8 people will use that information deliberately to hurt
9 you like a knife, even when they know better.
10 BY MS. CYRUS:
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19 BY MS. CYRUS:
20 Q. So your sister has been dealing with that since
21 the incident in August of last year that involved you?
22 A. Yes.
23 Q. Okay. And I don't want to know about your
24 sister's -- I'm not entitled to that and I don't want to

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<p style="text-align: right;">Page 50</p> <p>1 know about her --</p> <p>2 A. She --</p> <p>3 Q. -- child's issues.</p> <p>4 A. She voiced those things about me I think</p> <p>5 because her children, one of her children, had just come</p> <p>6 out and I was being blamed for it.</p> <p>7 Q. Okay. You -- was it your impression your</p> <p>8 sister blamed you, your being transgender, for the fact</p> <p>9 that one of -- one or both of her children are</p> <p>10 transgender?</p> <p>11 A. Yes.</p> <p>12 MS. PRAKASH: Objection.</p> <p>13 THE WITNESS: Yes. At that time that was</p> <p>14 her angry response to it.</p> <p>15 BY MS. CYRUS:</p> <p>16 Q. And you all have worked through that now?</p> <p>17 A. Oh, yes.</p> <p>18 Q. Okay. Have you encountered events at your --</p> <p>19 at one of your places of employment with rude customers</p> <p>20 that are directed towards your gender?</p> <p>21 MS. PRAKASH: Objection. Form.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MS. CYRUS:</p> <p>24 Q. Okay. So you said so you've been working at</p>	<p style="text-align: right;">Page 52</p> <p>1 boss?</p> <p>2 A. No.</p> <p>3 Q. Okay. Did you then suffer nightmares and</p> <p>4 disturbed sleep because of these work confrontations?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Are those types of things still going on</p> <p>7 where you work, either at the liquor store or at the</p> <p>8 university or at the school?</p> <p>9 MS. PRAKASH: Objection. Form.</p> <p>10 THE WITNESS: They happen about 25 to 35</p> <p>11 percent of the time at the store. For the most part, my</p> <p>12 regulars don't slip. My voice sometimes will slip.</p> <p>13 When I was wearing a mask, I was misgendered nine times</p> <p>14 out of ten. It became very stressful and</p> <p>15 anxiety-producing to hear that all day. So I made a</p> <p>16 conscious decision to take my mask off and work without</p> <p>17 it in order to be properly gendered.</p> <p>18 So that dropped down to only about 20 to 35</p> <p>19 percent of the people still having issues with it, but</p> <p>20 it's not rudeness, it's just perception.</p> <p>21 BY MS. CYRUS:</p> <p>22 Q. Okay. Did you have a hysterectomy?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. When was that?</p>
<p style="text-align: right;">Page 51</p> <p>1 the liquor store since January of last year. Since that</p> <p>2 time have you had a woman at work who tried to misgender</p> <p>3 you?</p> <p>4 A. I'm not sure what you're talking about.</p> <p>5 Q. Okay.</p> <p>6 A. Could you repeat the question?</p> <p>7 Q. Yes. If your records mention you had anxiety</p> <p>8 from a woman at work trying to shortchange you and</p> <p>9 misgender you within the past year, do you know what</p> <p>10 that would refer to?</p> <p>11 MS. PRAKASH: Objection to form. I will</p> <p>12 just note for the record that I don't know what records</p> <p>13 means, nor are they being shown to Mr. Fain. But you</p> <p>14 can answer if you know.</p> <p>15 THE WITNESS: Yes, I actually do remember</p> <p>16 that incident.</p> <p>17 BY MS. CYRUS:</p> <p>18 Q. Was it just one incident or were there multiple</p> <p>19 incidents?</p> <p>20 A. Just one incident.</p> <p>21 Q. Okay. And was this -- who did it involve?</p> <p>22 A. It involved a customer from the neighborhood</p> <p>23 where the store is located.</p> <p>24 Q. I see. It wasn't either a co-worker or your</p>	<p style="text-align: right;">Page 53</p> <p>1 A. Fall of 2018.</p> <p>2</p> <p>3</p> <p>4 Q. And so it was -- the surgery was not related to</p> <p>5 you being transgender?</p> <p>6 A. No.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13 Q. Okay. And did insurance -- did you have</p> <p>14 insurance that paid for your hysterectomy?</p> <p>15 A. Yes.</p> <p>16 Q. And what insurance was that?</p> <p>17 A. That was Medicaid.</p> <p>18 Q. So Medicaid paid for your hysterectomy in 2018?</p> <p>19 A. Yes.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 Q. Now, have you -- did you also have surgery on 24 your back as well?</p>	<p>1 Q. When you say Medicaid denied it, do you have 2 any indication that Medicaid denied that surgery because 3 of your being transgender? 4 A. No. 5 Q. Okay. After -- now, there's a reference to 6 your records that after you had a surgery nurses 7 referred to you as female. Do you -- let me ask you: 8 Did that happen after your back surgery or your 9 hysterectomy or something else? 10 MS. PRAKASH: Objection. Form. And I'll 11 just note again none of these purported records are 12 being shown to Mr. Fain. Go ahead. 13 THE WITNESS: I do however know exactly 14 what's being discussed. After spine surgery, yes, while 15 in horrendous pain and unable to handle it, and 16 disoriented from drugs, I was subjected to a number of 17 nurses in the entryway of my room consistently referring 18 to me as "she" and "her." And, when I called out about 19 it and said, "Look, I can hear you," one of them laughed 20 and said, "Yes, we know." 21 BY MS. CYRUS: 22 Q. Did they change their behavior then after you 23 called them out? 24 A. No.</p>
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<p>1 A. Yes. I had surgery on my -- on my upper back 2 and neck. 3 Q. And when was that? 4 A. June the 1st of this year. 5 Q. So 2021? 6 A. Yeah, 2021. 7 Q. Okay. And did Medicaid pay for that? 8 A. No. 9 Q. Okay. Did you have any insurance coverage for 10 that? 11 A. No. Medicaid denied everything to do with it. 12 Q. Do you know why it was denied? 13 A. They were recommending a procedure that would 14 have left me with a lot less mobility and my surgeon 15 absolutely would not work with that. She insisted that 16 it had to be a disc replacement instead of a fusion. 17 However, Medicaid was not going to pay for a disc 18 replacement, so they didn't. 19 Q. So I see, there was an -- there was an offer to 20 pay for some type of surgery for your back, just not the 21 one that you preferred; is that right? 22 A. I wouldn't call it a preference. I would call 23 it the one that left me with the most amount of mobility 24 at 46 years old.</p>	<p>1 Q. Okay. Did you report that to anybody at the 2 hospital or complain? 3 A. My anxiety levels soared through the roof to 4 the point where I went into the start of cardiac arrest. 5 Q. And, after you obviously made it through your 6 cardiac arrest, did you ever report that incident to the 7 hospital or to any administration? 8 A. Oh, yes, yes, everybody on that floor got to 9 hear about it because I was very loud and angry. 10 Q. Did you file a formal complaint, if you know? 11 A. I chose not to file a formal complaint. 12 Instead, I wrote on the form that I was given they ought 13 to consider, you know, some cultural sensitivity 14 training. 15 Q. Did you have a transphobic experience with your 16 primary care physician? 17 MS. PRAKASH: Objection. Form. 18 THE WITNESS: At one time, yes, and it was 19 the reason why I switched to Kim Neely. 20 BY MS. CYRUS: 21 Q. Okay. And what was the transphobic experience? 22 A. I had an incident with the receptionist at a 23 Valley Health office. 24 Q. Okay.</p>

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<p>1 A. Oh, would you like me to tell you about that?</p> <p>2 Q. Sure.</p> <p>3 A. She looked and acted like she could crawl up a</p> <p>4 wall backwards to get away from me when I told her I</p> <p>5 needed to change my name and gender markers on my files.</p> <p>6 She looked absolutely horrified, and this is a woman</p> <p>7 I've known for at least a decade.</p> <p>8 Q. Did you -- did you make any type of formal</p> <p>9 complaint against the doctor's office as a result of</p> <p>10 that?</p> <p>11 A. I called the number on the back of my insurance</p> <p>12 card that was listed as the actual like Valley Health</p> <p>13 office for filing complaints, but at that point the</p> <p>14 numbers apparently had changed, the telephone numbers</p> <p>15 had changed because instead of getting ahold of like</p> <p>16 anybody to formally lodge a complaint with, I ended up</p> <p>17 getting ahold of Kim Neely's nurse.</p> <p>18 I had called Kim's office, and after</p> <p>19 explaining everything to this nurse, she pulled up --</p> <p>20 she had pulled up my records while we were talking and</p> <p>21 she was like, "So can I set you an appointment?" I</p> <p>22 switched doctors while trying to, you know, formally</p> <p>23 complain.</p> <p>24 MS. PRAKASH: Lou Ann, we've been going for</p>	<p>1 A. Yes. I had been without insurance for a while.</p> <p>2 Q. Okay. And how did you know you were eligible</p> <p>3 for Medicaid?</p> <p>4 A. Because I was working a minimum-wage job at 20</p> <p>5 hours a week.</p> <p>6 Q. Okay. And I take it when you signed up for</p> <p>7 Medicaid you had no health insurance coverage?</p> <p>8 A. That's absolutely true, yes.</p> <p>9 Q. Okay. Do you know what MCO stands for?</p> <p>10 A. No.</p> <p>11 Q. Okay. Do you know what a managed care</p> <p>12 organization is?</p> <p>13 A. Sort of.</p> <p>14 Q. Okay. When you signed up for Medicaid, were</p> <p>15 you required to pick, and it's called a managed care</p> <p>16 organization? Do you know -- do you know if that's</p> <p>17 accurate, that you were required to do that?</p> <p>18 MS. PRAKASH: Objection. Foundation.</p> <p>19 THE WITNESS: I don't know and I -- or</p> <p>20 don't remember. I just know that I applied and they</p> <p>21 sent cards, they sent my insurance cards to me in the</p> <p>22 mail. That's I think the first time I'd saw UniCare</p> <p>23 written on anything.</p> <p>24 BY MS. CYRUS:</p>
<p>1 about an hour. Can we take a break?</p> <p>2 MS. CYRUS: Yeah, I was exactly going to</p> <p>3 say that, so absolutely. Let's go ahead and do that.</p> <p>4 We'll come back in ten minutes?</p> <p>5 MS. PRAKASH: That sounds good.</p> <p>6 MS. CYRUS: okay. Thank you.</p> <p>7 MS. PRAKASH: Uh-huh.</p> <p>8 VIDEOGRAPHER: This is the end of Media</p> <p>9 Unit No. 1. We are off the record at 11:05 a.m.</p> <p>10 (Short recess.)</p> <p>11 VIDEOGRAPHER: This is the beginning of</p> <p>12 Media Unit No. 2. We are on the record at 11:15 a.m.</p> <p>13 BY MS. CYRUS:</p> <p>14 Q. Okay. Mr. Fain, earlier I made a note that you</p> <p>15 said you think you've been on Medicaid off and on for a</p> <p>16 number of years. Is that right?</p> <p>17 A. Yes, that is correct.</p> <p>18 Q. Okay. And I made a note about 2016. Was that</p> <p>19 when you most recently became a Medicaid participant?</p> <p>20 A. That's the one I can remember the best because</p> <p>21 when I injured my back I needed to go apply for</p> <p>22 insurance, make sure I had insurance.</p> <p>23 Q. So your injury to your back is what prompted</p> <p>24 you to sign up on Medicaid at that time?</p>	<p>1 Q. That's what I was going to ask you, about</p> <p>2 UniCare. Do you know what UniCare's role is with regard</p> <p>3 to Medicaid?</p> <p>4 A. No.</p> <p>5 Q. Okay. Do you know what UniCare's role is with</p> <p>6 regard to you and your Medicaid coverage?</p> <p>7 A. No.</p> <p>8 Q. So it sounds like you did not pick UniCare?</p> <p>9 A. I don't remember picking one.</p> <p>10 Q. Okay. Do you remember whether you reviewed the</p> <p>11 Medicaid manual in connection with signing up on</p> <p>12 Medicaid?</p> <p>13 A. I remember being sent a manual that I read,</p> <p>14 well, that I looked through after receiving Medicaid.</p> <p>15 Q. So after you were already enrolled you took a</p> <p>16 look at the manual you received?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. So did you look into whether Medicaid</p> <p>19 covered gender-confirming care before signing up?</p> <p>20 A. No.</p> <p>21 Q. Okay. Did you talk with anyone with Medicaid</p> <p>22 about what gender-confirming care was covered by</p> <p>23 Medicaid in connection with signing up?</p> <p>24 A. No.</p>

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1 Q. Okay. So, when you signed up for Medicaid, did
 2 you have any understanding of what -- of whether
 3 Medicaid covered any gender-confirming care or not?
 4 A. No.
 5 Q. So, when you signed up for Medicaid, I take it
 6 you didn't have any understanding that it covered
 7 hormones for gender-confirming care?
 8 A. No.
 9 Q. Okay. Do you have an understanding now that
 10 Medicaid does cover hormones for gender-confirming care?
 11 A. Yes.
 12 Q. Okay. When did you learn that?
 13 A. After realizing that my endocrinologist wasn't
 14 billing Medicaid and that was the reason why I was still
 15 paying for my hormones, and that was when I was informed
 16 that that was something that Medicaid was supposed to be
 17 paying for.
 18 Q. Okay. So, when you first started getting the
 19 hormones, were they paid by Medicaid, or no?
 20 A. The first prescription, when it went through,
 21 yes, it was paid by Medicaid. In the immediate after
 22 that something went down in my doctor's office, they
 23 stopped communicating with Medicaid, and suddenly I am
 24 paying full price for hormones, even though my labs and

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1 doctors' visits were still covered.
 2 Q. Okay. I was going to ask you that. So you had
 3 to have lab work done as part of taking your
 4 gender-confirming hormones and those were covered by
 5 Medicaid?
 6 A. Yes.
 7 Q. And your visits to your doctor, your
 8 endocrinologist who was prescribing the hormones, those
 9 were covered; correct?
 10 A. Yes.
 11 Q. Okay. And how did that ultimately -- if it
 12 ultimately got straightened out, how did it get
 13 straightened out, if you know?
 14 A. It got straightened out through I communicated
 15 with the supervisor at the clinic and I switched
 16 doctors, but it was actually the pharmacist who
 17 reminded -- who pointed out that if I'd been covered
 18 once I should definitely be covered. So I switched
 19 doctors and got that straightened out and never had a
 20 problem with it again.
 21 Q. Okay. So, when you discussed it with the
 22 pharmacist, the fact that the it was not being -- the
 23 hormones were not being paid, the pharmacist said if you
 24 were covered previously it should still be covered?

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1 A. Yes.
 2 Q. Okay. So no pharmacist told you that the
 3 hormones were not covered by Medicaid; is that right?
 4 A. That's true.
 5 Q. Okay. So what is your understanding of what
 6 this lawsuit is about?
 7 A. This lawsuit is to -- let me find words to
 8 describe this. This lawsuit is to gain
 9 gender-confirming surgical insurance through Medicaid --
 10 Q. Okay. So do you -- I'm sorry. Go ahead.
 11 A. -- and to have that exemption lifted so that
 12 other procedures are possible beyond hormones.
 13 Q. Okay. So do you have an understanding that
 14 there is an exclusion in the Medicaid plan that's at
 15 issue, specifically for what's called transexual
 16 surgery?
 17 MS. PRAKASH: Objection. Form. You can
 18 answer.
 19 THE WITNESS: Yes.
 20 BY MS. CYRUS:
 21 Q. Okay. And do you understand that the exclusion
 22 does not categorically deny transgender people all
 23 coverage for gender-confirming care?
 24 MS. PRAKASH: Objection. Form. You can

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1 answer.
 2 THE WITNESS: I don't think I've read that
 3 deep into it.
 4 BY MS. CYRUS:
 5 Q. Okay. Well, gender-confirming care includes
 6 counseling or therapy; is that right?
 7 A. Yes.
 8 Q. And yours, for transgender purposes, has been
 9 covered --
 10 A. Yes.
 11 Q. -- by Medicaid; is that right?
 12 A. Yes.
 13 Q. Okay. And do you agree that hormone therapy,
 14 hormone replacement therapy, is also part of
 15 gender-confirming care?
 16 A. Yes.
 17 Q. Okay. And that -- your hormone replacement
 18 therapy has been, and is being, covered by Medicaid?
 19 A. Yes.
 20 Q. Okay. And are you aware that the lawsuit that
 21 was filed on your behalf alleges that Medicaid
 22 excludes -- it's a categorical denial for all
 23 transgender coverage for gender-confirming care?
 24 MS. PRAKASH: Objection. Misstates the

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1 record in this case. Foundation. You can answer.
 2 THE WITNESS: I'm pretty sure that it's not
 3 saying anything about all gender-confirming care. As
 4 far as I know, the lawsuit's specific to
 5 gender-confirming surgical care.
 6 BY MS. CYRUS:
 7 Q. Okay. Have you -- so you've actually looked at
 8 the lawsuit that was filed on your behalf in this
 9 matter?
 10 MS. PRAKASH: Objection. Asked and
 11 answered.
 12 THE WITNESS: Yes.
 13 BY MS. CYRUS:
 14 Q. Okay. Now, were you aware there was an
 15 amendment to the original lawsuit?
 16 A. Yes.
 17 Q. Okay. All right. And do you remember whether
 18 you -- so you looked at the -- well, you looked at the
 19 lawsuit before it was filed on your behalf?
 20 A. I'm sorry, I don't understand the question.
 21 Q. Yes. I'm just asking -- and I asked you if you
 22 looked at the lawsuit that was filed in this matter on
 23 your behalf, and I understood you to say yes, you did,
 24 and I'm asking did you look at it before it was filed.

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1 A. Yes.
 2 Q. Okay. We're going to go ahead and mark our
 3 first exhibit. Do you have double monitors there in
 4 front of you?
 5 A. Yes.
 6 Q. Okay. And I will let you know when that is
 7 loaded. Okay, so if you click on the marked exhibits,
 8 we've marked as Exhibit No. 1 --
 9 A. Okay.
 10 Q. -- a pleading that was -- it's the First
 11 Amended Class Action Complaint, filed on 10/28/21.
 12 (Exhibit No. 1 identified for the record.)
 13 BY MS. CYRUS:
 14 Q. Do you see that?
 15 A. Yes.
 16 Q. Okay. All right. Is this -- do you know
 17 whether this is the lawsuit that you've looked at?
 18 A. I'm looking at this document. Yes.
 19 Q. Okay. All right. So, just looking at
 20 paragraph No. 1, it starts out, "This case is about
 21 discrimination in health care and employment."
 22 Plaintiffs bring this suit to challenge discrimination
 23 under West Virginia state health insurance plans that
 24 deprive transgender people of essential, and sometimes

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1 life-saving, health care." Is that right?
 2 A. True, yes.
 3 Q. Okay. And then it says, "These state health
 4 plans facially, and categorically, exclude coverage for
 5 health care that transgender people require." Is that
 6 right?
 7 A. Yes.
 8 MS. PRAKASH: Objection. Lou Ann, are you
 9 asking if you are reading this correctly or are you
 10 asking whether the sentence is accurate? I'm not sure
 11 what your question is.
 12 MS. CYRUS: Okay. Thank you. I'm just
 13 asking if I'm reading it accurately.
 14 MS. PRAKASH: Okay. So then I will just
 15 object as duplicative, redundant, kind of a waste of
 16 time because the document is in the record and states
 17 what it states. But go ahead.
 18 BY MS. CYRUS:
 19 Q. And then it goes on to say, "The exclusions in
 20 the state health plans described in paragraphs 63 and 66
 21 use antiquated and improper language, but their
 22 targeting of transgender people on explicitly sex-based
 23 terms is unmistakable." Is that what it says?
 24 A. Yes.

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1 Q. Okay. Then it says, "The exclusions all
 2 categorically deny transgender people coverage for
 3 gender-confirming care." Is that correct? It does say
 4 that; correct?
 5 A. Yes.
 6 Q. Okay. And then it defines, "Gender-confirming
 7 care includes, but is not limited to, counseling,
 8 hormone replacement therapy, and surgical care." Is
 9 that correct? It says that?
 10 A. Yes.
 11 Q. Okay. And, in this instance, the exclusion
 12 that is at issue for West Virginia Medicaid does not
 13 categorically deny transgender people coverage for
 14 gender-confirming care as far as you understand;
 15 correct?
 16 MS. PRAKASH: Objection. The question
 17 mischaracterizes the purpose of the complaint, also
 18 calls for a legal conclusion. Go ahead.
 19 THE WITNESS: It says a lot about different
 20 types of gender-confirming care, but gender-confirming
 21 care involves surgery as well. And, as far as I know,
 22 this lawsuit is about the surgery, you know, lifting
 23 those exclusions totally. There's no point in giving
 24 someone only half of what they need.

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1 BY MS. CYRUS:
 2 Q. Well, the allegation in the lawsuit is that
 3 there's an exclusion that categorically denies
 4 transgender people coverage for gender-confirming care,
 5 including, but not limited, to counseling, hormone
 6 replacement therapy and surgical care; correct?
 7 MS. PRAKASH: Objection. Misstates
 8 document. Go ahead.
 9 THE WITNESS: That is -- that does very
 10 much misstate what this says.
 11 BY MS. CYRUS:
 12 Q. Okay. You tell me then what you believe this
 13 says.
 14 MS. PRAKASH: Objection. Calls for a legal
 15 conclusion. Go ahead.
 16 THE WITNESS: Well, it lists what
 17 gender-confirming care is and then it confirms it, and
 18 then it says, "Accordingly, as used herein, gender-
 19 confirming care includes the care denied pursuant to
 20 each of these -- of those exclusions."
 21 The exclusions that we are asking to have
 22 lifted have nothing to do with the ones that are already
 23 allowed. It has to do with the ones that are not
 24 allowed.

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1 BY MS. CYRUS:
 2 Q. There is no exclusion for coverage for your
 3 gender-confirming counseling; is that right?
 4 MS. PRAKASH: Objection. Asked and
 5 answered.
 6 THE WITNESS: Counseling is not surgery.
 7 BY MS. CYRUS:
 8 Q. My question is: There is no exclusion for
 9 gender-confirming care in the form of counseling; is
 10 that right?
 11 MS. PRAKASH: Objection. Asked and
 12 answered. You can answer again.
 13 THE WITNESS: That is correct, my therapy
 14 is covered.
 15 BY MS. CYRUS:
 16 Q. Okay. And there is no exclusion for your
 17 hormone replacement therapy that is gender-confirming
 18 care; correct?
 19 A. That is correct.
 20 MS. PRAKASH: Object. Asked and answered.
 21 THE WITNESS: That is -- that is correct.
 22 BY MS. CYRUS:
 23 Q. And, to the extent this document suggests that
 24 there is an exclusion for counseling and hormone

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1 replacement therapy as part of gender-confirming care,
 2 that is not accurate; correct?
 3 MS. PRAKASH: Objection to form, also
 4 hypothetical. But go ahead, Christopher.
 5 THE WITNESS: Could you point out to me
 6 where it specifically says denial about -- I mean point
 7 out exactly what you are trying to say to me.
 8 BY MS. CYRUS:
 9 Q. I'm asking you about the last sentence on page
 10 1, where it says, "The exclusions all categorically deny
 11 transgender people coverage for gender-confirming care.
 12 Gender-confirming care includes, but is not limited to,
 13 counseling, hormone replacement therapy, and surgical
 14 care."
 15 The question is: Doesn't this document
 16 indicate there's an exclusion that categorically denies
 17 transgender folks coverage for counseling, hormone
 18 replacement therapy and surgical care, among others?
 19 MS. PRAKASH: So same objection to form, to
 20 misstating the document, to calling for a legal
 21 conclusion. But you can answer, Christopher.
 22 THE WITNESS: I refer to my lawyers. I
 23 can't follow what's being asked.
 24 BY MS. CYRUS:

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1 Q. Well, I'm asking -- so you're not able to
 2 follow what's being asked?
 3 A. No?
 4 Q. Is that your answer?
 5 A. No, I can't follow what you're actually trying
 6 to point out here.
 7 Q. But you certainly don't dispute that there is
 8 not an exclusion in Medicaid for counseling or hormone
 9 replacement therapy; is that right?
 10 MS. PRAKASH: Objection. Asked and
 11 answered numerous times. You can answer again.
 12 THE WITNESS: There's no exclusion for
 13 those types of care, no.
 14 BY MS. CYRUS:
 15 Q. And, to your knowledge, has Medicaid or one
 16 of -- or UniCare ever denied payment for your therapy,
 17 for seeing a psychiatrist or psychologist as part of
 18 your gender-confirming care?
 19 A. As far as I know, no.
 20 Q. To your knowledge, has Medicaid or UniCare ever
 21 denied a claim for hormone therapy on the basis that you
 22 were transgender?
 23 A. No, not that I know of.
 24 Q. Are you aware of any denial of a claim you made

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<p style="text-align: right;">Page 74</p> <p>1 that was a denial by Medicaid or UniCare on the basis</p> <p>2 that you are transgender?</p> <p>3 MS. PRAKASH: Objection. Form.</p> <p>4 THE WITNESS: No, there's been no direct</p> <p>5 denial, yeah, no.</p> <p>6 BY MS. CYRUS:</p> <p>7 Q. Would it be fair to say there is not a blanket</p> <p>8 refusal for all transgender health care by Medicaid?</p> <p>9 MS. PRAKASH: Objection. Form.</p> <p>10 THE WITNESS: According to the book itself,</p> <p>11 it says all transgender care.</p> <p>12 BY MS. CYRUS:</p> <p>13 Q. Okay. What book says all transgender care?</p> <p>14 A. The actual medical insurance book that I was</p> <p>15 sent --</p> <p>16 Q. Is that --</p> <p>17 A. -- by Medicaid.</p> <p>18 Q. By Medicaid?</p> <p>19 A. Yeah, actually the UniCare, the UniCare book</p> <p>20 actually has it in there, "all transgender care."</p> <p>21 Q. But, in your experience, you are aware that you</p> <p>22 have coverage for everything you've submitted; is that</p> <p>23 right?</p> <p>24 MS. PRAKASH: Objection. Vague.</p>	<p style="text-align: right;">Page 76</p> <p>1 that you're referring to?</p> <p>2 A. The refusal in the manual refers specifically</p> <p>3 to transexual surgeries.</p> <p>4 Q. Correct. And, therefore, isn't it true it</p> <p>5 would not be accurate to say Medicaid has a blanket</p> <p>6 refusal for all transgender health care?</p> <p>7 MS. PRAKASH: Objection. Asked and</p> <p>8 answered numerous times. And, Counsel, I will -- I will</p> <p>9 state for the record that we have made representations</p> <p>10 to the Court, you have made representations to the</p> <p>11 Court, and the Court has in fact issued orders that talk</p> <p>12 about the scope of this case, and so I am unclear why</p> <p>13 you are hammering on this point when the witness has</p> <p>14 thoroughly answered your question, and any argument you</p> <p>15 have can be made based on the record in this case that</p> <p>16 exists or on the papers. But, Christopher, you can</p> <p>17 answer again.</p> <p>18 THE WITNESS: No, I'm done answering this</p> <p>19 question.</p> <p>20 MS. PRAKASH: Well, I mean you have to</p> <p>21 answer her again, but you can give her the same answer,</p> <p>22 unless your answer has changed.</p> <p>23 MS. CYRUS: Well, I didn't get the answer.</p> <p>24 You objected the last time I asked the question and then</p>
<p style="text-align: right;">Page 75</p> <p>1 THE WITNESS: Yeah, for everything that's</p> <p>2 been submitted.</p> <p>3 BY MS. CYRUS:</p> <p>4 Q. Okay. So it would not be accurate to say</p> <p>5 Medicaid has a blanket refusal for all transgender</p> <p>6 health care; is that correct?</p> <p>7 MS. PRAKASH: Objection. Asked and</p> <p>8 answered. Christopher, you can answer this question,</p> <p>9 but, Lou Ann, I think you are debating semantics at this</p> <p>10 point, and I think the witness has answered thoroughly.</p> <p>11 Christopher, go ahead.</p> <p>12 THE WITNESS: Regardless of what is de</p> <p>13 facto being practiced, the allowance for hormones and</p> <p>14 therapy and things like that, which by the way I'm</p> <p>15 pretty sure it doesn't cover voice therapy, but that</p> <p>16 would be interesting to see if it does, it does however</p> <p>17 state in the manual all transexual surgeries and</p> <p>18 procedures.</p> <p>19 BY MS. CYRUS:</p> <p>20 Q. Well, I'm not --</p> <p>21 A. And that has nothing to do with hormones and</p> <p>22 therapy. That is surgery.</p> <p>23 Q. When you say, "That has nothing to do with</p> <p>24 hormones and therapy, that is surgery," what is that</p>	<p style="text-align: right;">Page 77</p> <p>1 I did not hear him answer the question. I think he gave</p> <p>2 a non-responsive response. So that's why I asked it</p> <p>3 again.</p> <p>4 BY MS. CYRUS:</p> <p>5 Q. My question is: Isn't it true it is not</p> <p>6 accurate to say Medicaid has a blanket refusal for all</p> <p>7 transgender health care?</p> <p>8 MS. PRAKASH: Same objections. Go ahead.</p> <p>9 THE WITNESS: Repeat the question again.</p> <p>10 BY MS. CYRUS:</p> <p>11 Q. Isn't it true that it is not accurate to say</p> <p>12 Medicaid has a blanket refusal for all transgender</p> <p>13 health care?</p> <p>14 MS. PRAKASH: Same objections. Go ahead.</p> <p>15 THE WITNESS: That's a really twisty way of</p> <p>16 asking that question. Could you ask that more simply,</p> <p>17 please?</p> <p>18 BY MS. CYRUS:</p> <p>19 Q. Medicaid does not have a blanket refusal for</p> <p>20 all transgender health care; is that correct?</p> <p>21 MS. PRAKASH: Same objection.</p> <p>22 THE WITNESS: According to its manual, it</p> <p>23 does.</p> <p>24 BY MS. CYRUS:</p>

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<p style="text-align: right;">Page 78</p> <p>1 Q. According to your experience, is that accurate?</p> <p>2 MS. PRAKASH: Same objection.</p> <p>3 THE WITNESS: I'm pretty sure I answered</p> <p>4 this before. I get therapy, I get hormones, but I'm</p> <p>5 denied surgery.</p> <p>6 BY MS. CYRUS:</p> <p>7 Q. And, in fact, the manual, the Medicaid manual,</p> <p>8 excludes transexual surgery only; correct?</p> <p>9 A. Yes, and that's why this lawsuit exists.</p> <p>10 Q. So the Medicaid manual does not exclude these</p> <p>11 other items aside from transexual surgery; correct?</p> <p>12 MS. PRAKASH: Objection to form.</p> <p>13 THE WITNESS: To be absolutely certain, I</p> <p>14 would have to read -- to look at the manual again. But,</p> <p>15 like I said, I get therapy and hormones, but I'm denied</p> <p>16 surgery.</p> <p>17 BY MS. CYRUS:</p> <p>18 Q. Have you ever told anyone that Medicaid has a</p> <p>19 blanket refusal for all transgender health care?</p> <p>20 MS. PRAKASH: Objection. Vague.</p> <p>21 BY MS. CYRUS:</p> <p>22 Q. If you did say that, that would not be</p> <p>23 accurate, certainly not based on your experience;</p> <p>24 correct?</p>	<p style="text-align: right;">Page 80</p> <p>1 marked as Exhibit 2 to your deposition a document that</p> <p>2 was produced by -- on your behalf in this case that is</p> <p>3 Bates stamped CFAIN0004767.</p> <p>4 (Exhibit No. 2 identified for the record.)</p> <p>5 BY MS. CYRUS:</p> <p>6 Q. Do you recognize what this document is?</p> <p>7 A. It's a chat transcript.</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13 Q. Okay. And this -- according to this, if the</p> <p>14 timing is accurate, this chat took place on June 10,</p> <p>15 2021. Is that right?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And, if you go down to the bottom, the</p> <p>18 next-to-the-last comment by you, 6/10/2021 at 2:02 p.m.,</p> <p>19 you said, "Well, the top surgery is what I'm suing the</p> <p>20 state of West Virginia for. They won't cover it because</p> <p>21 they have a blanket refusal for all transgender health</p> <p>22 care." Did I read that right?</p> <p>23 A. Yes.</p> <p>24 Q. Did you say there was a blanket refusal for all</p>
<p style="text-align: right;">Page 79</p> <p>1 MS. PRAKASH: Objection. Hypothetical. Go</p> <p>2 ahead.</p> <p>3 THE WITNESS: I don't understand why you</p> <p>4 keep using "blanket refusal" because obviously, you</p> <p>5 know, there's not a blanket exclusion, obviously, even</p> <p>6 though it says directly in the manual that they don't.</p> <p>7 Obviously I'm getting hormones and therapy, so obviously</p> <p>8 Medicaid and UniCare are paying for this. However, we</p> <p>9 are arguing against exclusion against surgery.</p> <p>10 BY MS. CYRUS:</p> <p>11 Q. So obviously there's no blanket refusal for all</p> <p>12 transgender health care; correct?</p> <p>13 MS. PRAKASH: Objection. Form.</p> <p>14 THE WITNESS: I've already answered you on</p> <p>15 this.</p> <p>16 BY MS. CYRUS:</p> <p>17 Q. I'm sorry, did you say correct?</p> <p>18 A. I have already answered you.</p> <p>19 Q. Okay. Well, I want to make sure I heard your</p> <p>20 answer. I didn't hear --</p> <p>21 A. I think I said yes a few times too, but yes.</p> <p>22 Q. Okay. I think we're going to go ahead and mark</p> <p>23 our next exhibit.</p> <p>24 Okay, it should be there for you. We've</p>	<p style="text-align: right;">Page 81</p> <p>1 transgender health care?</p> <p>2 MS. PRAKASH: Objection. Document speaks</p> <p>3 for itself. Vague as to "Did you say." Go ahead.</p> <p>4 THE WITNESS: This was how I worded it to</p> <p>5 Brigitte, yes.</p> <p>6 BY MS. CYRUS:</p> <p>7 Q. And that was not a correct statement; is that</p> <p>8 right?</p> <p>9 MS. PRAKASH: Objection. Form. Argumentative.</p> <p>10 Go ahead.</p> <p>11 THE WITNESS: It's very obvious that this</p> <p>12 was what was being written at the moment; however, I</p> <p>13 think you're again playing with semantics.</p> <p>14 BY MS. CYRUS:</p> <p>15 Q. But it is not accurate to say there is a</p> <p>16 blanket refusal for all transgender health care; is it?</p> <p>17 MS. PRAKASH: Objection. Form.</p> <p>18 THE WITNESS: No, it would not be entirely</p> <p>19 accurate because again, as I've pointed out over and</p> <p>20 over again, I get therapy and I get hormones. However,</p> <p>21 I want top surgery, and therefore I need, just like</p> <p>22 everybody else in the state of West Virginia like me,</p> <p>23 needs to have the exclusion struck down.</p> <p>24 BY MS. CYRUS:</p>

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7 BY MS. CYRUS:
8 Q. Regarding your diagnosis of gender dysphoria,
9 what does that condition mean to you?
10 MS. PRAKASH: Objection. Form. Go ahead.
11 THE WITNESS: It's difficult to describe
12 what it means to you to have something riding around
13 inside of you that -- it's like living in a machine
14 because you learn not to pay attention to your body.
15 But gender dysphoria is -- is horrific and it's painful
16 and it's disorienting and it makes you want to hide.
17 That's what gender dysphoria is like, and often that's
18 what it means.
19 BY MS. CYRUS:
20 Q. If I were to --
21 A. It --
22 Q. I'm sorry. Go ahead.
23 A. It cuts -- it cuts your life in half.
24 Q. If I were to ask you what -- to describe for me

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1 the symptoms you experience that you believe are gender
2 dysphoria, would your answer be the same as what you
3 just said or would you have other things you would add?
4 A. I would --
5 MS. PRAKASH: Object to form.
6 THE WITNESS: I would go in and describe
7 the symptoms. Is that something that you actually need?
8 BY MS. CYRUS:
9 Q. Yes. I just didn't want to ask you to repeat
10 yourself. What -- can you describe for me what symptoms
11 you experience that you believe are gender dysphoria?
12 A. I experience severe pain in my breasts. I
13 experience stomach and heart anxiety, palpitations and
14 tightenings. I experience trembling. I experience
15 hostility and fear.
16 Q. Okay. Are there certain procedures you believe
17 you need to treat your gender dysphoria?
18 A. Yes.
19 Q. Okay. And what do you believe you need to
20 treat it?
21 A. I believe top surgery is necessary.
22 Q. Okay. And, when you refer to top surgery, what
23 is it that you would anticipate would happen?
24 A. The complete removal of my breast tissue and

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1 remodeling of my nipples so that they would be placed in
2 a better place, a better position on any chest.
3 Q. Okay. So would that be a mastectomy and some
4 sort of reconstruction?
5 MS. PRAKASH: Objection to form. Go ahead.
6 THE WITNESS: Yeah. Yes.
7 BY MS. CYRUS:
8 Q. Okay. And you -- have you obtained a letter
9 from a doctor recommending you have a mastectomy?
10 A. Yes, two letters.
11 Q. Okay. When did you obtain the first letter?
12 A. In November of 2018.
13 Q. Now, is that the one where you were referred --
14 recommended to have the hormones?
15 A. And further on the surgery.
16 Q. Okay. Did you ever provide a copy of the
17 November letter to anyone with Medicaid or UniCare?
18 A. Yes. My doctor, my primary care physician, was
19 given a copy when she made -- before she made the
20 referral for hormones.
21 Q. Okay. But my question was: Did you ever give
22 a copy of the November 2018 letter to either Medicaid or
23 UniCare?
24 A. I'm pretty sure that the letter has to be

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1 submitted by the doctor with the referral.
2 Q. Okay. Do you know if you had a doctor who
3 submitted that letter, the 11/18 letter, to Medicaid?
4 A. I have no idea whether or not it was submitted.
5 Q. Okay. And do you have a more recent letter
6 that has recommended mastectomy?
7 A. Yes.
8 Q. Okay. We're going to mark -- we've marked your
9 next exhibit and you can open it. You can go ahead and
10 open the next one.
11 A. All right.
12 MS. PRAKASH: Hey, Lou Ann, just for
13 planning purposes, I'd like to take a break after you're
14 done with this exhibit.
15 MS. CYRUS: okay. Sure.
16 THE WITNESS: Okay, I've got the letter
17 open.
18 (Exhibit No. 3 identified for the record.)
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6 Q. Okay. And, if you go back to the first page,
7 it has, "Visited on: 2021 June 10th." So this was --
8 is it your understanding this was -- and at the very --
9 right below that it says, "CC Surgical Candidacy Letter,
10 June 10, 2021." Correct?
11 A. Yes.
12 Q. So it's your understanding this letter was
13 issued on June 10th of 2021?
14 A. Yes.
15 Q. Do you know, has this letter, to your
16 knowledge, been provided to either Medicaid or UniCare?
17 A. No.
18 Q. Okay. And do you know why not?
19 A. Because I have not approached my primary care
20 physician yet for a referral for top surgery.
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6 Q. Okay. So you gave her a copy of the letter,
7 but you haven't asked her to I guess take whatever next
8 steps there might be so that this gets requested to
9 Medicaid or UniCare?
10 A. Yes.
11 Q. Okay. And why have you not done that?
12 A. I have had medical issues that we've been
13 handling with my back that I wanted to take care of that
14 and make sure everything was okay there before I said
15 let's talk to a surgeon for referral to get top surgery.
16 Q. So, from your perspective, would it be fair to
17 say even if the surgery were covered by Medicaid, as of
18 today you're not prepared to go forward and have it?
19 MS. PRAKASH: Objection. Mischaracterizes
20 testimony. Go ahead.
21 THE WITNESS: Oh, I'm more than ready.
22 They've already fixed what was wrong with my back, so
23 yeah, I'm actually ready. I just haven't gone to the
24 doctor about this yet.

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1 BY MS. CYRUS:
2 Q. And so, if you are ready, why haven't you gone
3 to the doctor about it?
4 A. Because I'm in the process of quitting smoking
5 so that I will better my chances of healing correctly.
6 Q. Has any doctor told you that prior to having
7 the top surgery you need to quit smoking?
8 A. Oh, yes. I had quit smoking for a long time
9 and I picked them up again out of anxiety. So, until I
10 have completely kicked the habit, I am not willing to
11 risk it. However, I'm seeing a doctor that is preparing
12 to take that next step with medication.
13 Q. Medication to stop -- help you stop smoking?
14 A. Yes.
15 Q. Okay. So you're not willing to have the
16 surgery until you've stopped smoking; is that right?
17 MS. PRAKASH: Object to form.
18 THE WITNESS: Not until I know for certain
19 that I'll be okay, but yeah, I can quit smoking any
20 time, it's whether or not I can handle the cravings
21 afterwards. But, yes, I could actually lay them down
22 today and go have surgery tomorrow if I needed to.
23 BY MS. CYRUS:
24 Q. Is it -- is it fair to say then you have not

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1 been -- as of today you've never been denied a claim
2 with Medicaid or UniCare requesting that they pay for
3 you to have a mastectomy?
4 A. No.
5 Q. Okay. No, that's not true, or, no, you haven't
6 been denied?
7 A. I have not been denied. However, I was under
8 the impression that that wouldn't be necessary.
9 Q. What wouldn't be necessary?
10 A. I already know that I'll be denied.
11 Q. You haven't actually gone through the process
12 and submitted a claim that has been denied; is that
13 correct?
14 A. No, but --
15 MS. PRAKASH: Objection. Asked and
16 answered. Go ahead.
17 THE WITNESS: -- it seems pointless to go
18 and ask my doctor to do something when we both know the
19 result will be a denial.
20 BY MS. CYRUS:
21 Q. Okay. Have you -- have you considered moving
22 to another state that its Medicaid might cover this
23 surgery?
24 A. No.

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1 Q. Okay. Has there -- was there somebody who
 2 asked you about -- wanted you to move to North Carolina?
 3 A. Yes.
 4
 5
 6
 7
 8
 9
 10
 11
 12 Q. Okay. What did you tell him?
 13 A. Which part, the extremely private part or the
 14 part about being transgender?
 15 Q. Is there a part that pertains to being
 16 transgender that plays into your decision not to move to
 17 North Carolina?
 18 MS. PRAKASH: Objection to form.
 19 THE WITNESS: I made the choice not to go
 20 to North Carolina because I had no support system there.
 21 I cannot move without an income or a place to live.
 22 BY MS. CYRUS:
 23 Q. Okay. Is that -- is that the extremely private
 24 part you were referring to, or no?

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1 A. No.
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19 Q. Okay. Assuming you were to have a mastectomy,
 20 how do you believe that would affect your gender
 21 dysphoria, if at all?
 22 A. Well, it would greatly alleviate it.
 23 Q. Okay. Do you -- do you believe it would fully
 24 alleviate it?

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1 A. I can't be absolutely certain about that, but I
 2 do know what it would do for me would make it possible
 3 for me to not be afraid to go out there and actually
 4 pursue something within my own field of -- you know, my
 5 own research. I wouldn't be afraid of -- I would feel
 6 better in my own skin. I would feel better.
 7 Q. Okay. Speaking of your own research, there
 8 were a number of documents produced that appeared to be
 9 papers written by you on the topic of transgender health
 10 care?
 11 A. Yes.
 12 Q. Okay. What was the purpose -- first of all,
 13 what was the purpose of the papers?
 14 A. That is --
 15 MS. PRAKASH: Objection. Vague as to
 16 papers.
 17 THE WITNESS: I'm sorry. What was that,
 18 Anna?
 19 MS. PRAKASH: I said objection. Vague as
 20 to papers. You can answer the question. But, Lou Ann,
 21 I did ask for a break after you were done with Exhibit
 22 3.
 23 MS. CYRUS: Oh, I'm sorry. Sure,
 24 absolutely, yes, that's --

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1 MS. PRAKASH: Would you like Mr. Fain to
 2 answer this question that's pending?
 3 BY MS. CYRUS:
 4 Q. Can you answer that briefly, what the purpose
 5 of the -- they appear to me to be papers. I think you
 6 said they were.
 7 A. Well, you mentioned my research, so I can only
 8 assume that you're talking about my thesis.
 9 Q. Is that for your master's degree?
 10 A. Yes.
 11 Q. Okay.
 12 MS. CYRUS: All right, we can take a break.
 13 MS. PRAKASH: Thank you.
 14 VIDEOGRAPHER: We are off the record at
 15 11:55 a.m.
 16 (Short recess.)
 17 VIDEOGRAPHER: We are back on the record at
 18 12:06 p.m.
 19 BY MS. CYRUS:
 20 Q. Okay. Mr. Fain, it's my understanding that you
 21 are not seeking a surgery that would be below the belt;
 22 is that right?
 23 MS. PRAKASH: Objection. Vague.
 24 THE WITNESS: Not at this time.

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<p style="text-align: right;">Page 94</p> <p>1 BY MS. CYRUS: 2 Q. Okay. And I don't know, do you know what a 3 phalloplasty is? 4 A. Yes. 5 Q. Okay. What is your, just in lay person's 6 terms, understanding of what that is so I can make sure? 7 A. Okay. Phalloplasty is where a penis is formed 8 using skin and flesh from the donor's body and then 9 attached to the lower body around and into the pelvic 10 region. 11 Q. Okay. Well, that's a lot more detailed than I 12 expected, but that's fine. Is it -- so it would be fair 13 to say a phalloplasty would be transforming female 14 genitalia into male genitalia; is that correct? 15 MS. PRAKASH: Objection. Vague. Go ahead. 16 THE WITNESS: That would be one way of 17 describing it, yeah. 18 BY MS. CYRUS: 19 Q. Okay. And you are not seeking any procedure 20 that would -- of that nature; is that correct? 21 MS. PRAKASH: Objection. Form. Go ahead. 22 THE WITNESS: Not at this time. I would -- 23 there are things I would like done, but I don't have 24 enough information. I like to thoroughly research</p>	<p style="text-align: right;">Page 96</p> <p>1 BY MS. CYRUS: 2 Q. Okay. In your studies and your education to 3 get through to your master's degree, did you ever learn 4 that female have XX chromosomes and males have XY 5 chromosomes? 6 MS. PRAKASH: Objection to form. 7 THE WITNESS: That and a lot more. 8 BY MS. CYRUS: 9 Q. I suspect. Do you -- 10 A. Those are just two possibles. 11 Q. Okay. So you think it's possible for humans to 12 have either a female or male chromosomes? 13 MS. PRAKASH: Objection. Misstates 14 testimony. 15 BY MS. CYRUS: 16 Q. When you said that and a lot more, what were 17 you -- I thought you were talking about you've learned a 18 lot more, but are you talking about more chromosomes? 19 A. X chromosomes align in different ways for 20 different people, and there are a number of varieties. 21 It's not just XX and XY. 22 Q. Do you have an understanding that when a -- for 23 whatever gender a person, or sex if you want to say 24 that, is assigned at birth, that is what their</p>
<p style="text-align: right;">Page 95</p> <p>1 things before I even talk to people about them, and I've 2 not really looked into any details on what's available. 3 BY MS. CYRUS: 4 Q. Okay. And is that why you're not seeking a 5 phalloplasty? Or let me just ask you: Why are you not 6 seeking a phalloplasty? 7 A. Because I'm so uncomfortable with my genitalia 8 that I prefer not to think about them at all. 9 Q. Okay. So, if I understand correctly, if you do 10 have the gender-confirming surgery you are seeking, 11 which is the mastectomy and reconstruction of your 12 breast tissue, you would still have female genitalia; is 13 that correct? 14 MS. PRAKASH: Objection. Form. 15 THE WITNESS: Yes, yes. They appear -- 16 they appear female, but yes. 17 BY MS. CYRUS: 18 Q. Do you understand that individuals who are 19 biological females or people designed female at birth 20 have female chromosomes? 21 MS. PRAKASH: Objection. Form. 22 THE WITNESS: I don't know that for 23 certain. I'm not a scientist. I haven't researched -- 24 I'm not an expert in that.</p>	<p style="text-align: right;">Page 97</p> <p>1 chromosomes are? 2 MS. PRAKASH: Objection. Form. 3 THE WITNESS: I don't know that for 4 certain. It takes care karyotyping to be certain about 5 what your sex hormones are, and I know for certain mine 6 have never been karyotyped. 7 BY MS. CYRUS: 8 Q. Okay. So you're not aware that every cell in 9 the human body is whatever sex the person is assigned at 10 birth? 11 MS. PRAKASH: Objection. Form. 12 THE WITNESS: I'm not an expert. This was 13 not my field of study. You know, I don't know any of 14 that for certain. What I do know is that I'm in pain 15 and I need surgery, and I don't know what that has to do 16 with DNA. 17 BY MS. CYRUS: 18 Q. Do you -- do you understand there are certain 19 diseases that people are more prone to based on whether 20 they are biological males or females? 21 MS. PRAKASH: Objection to form. 22 THE WITNESS: Yeah, there's some 23 hormone-based diseases that are effective purely by 24 hormones.</p>

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1 BY MS. CYRUS:
 2 Q. Okay. When you say hormones, I'm just asking
 3 you: Are there certain diseases that women are more
 4 prone to have or men are more prone to have based upon
 5 being what their biology is?
 6 MS. PRAKASH: Objection. Form.
 7 THE WITNESS: Here's what I do know about
 8 it is that it takes all of those hormones to create that
 9 biology.
 10 BY MS. CYRUS:
 11 Q. So do you believe by taking male hormones you
 12 are not at greater risk of the diseases that females
 13 otherwise would be?
 14 MS. PRAKASH: Objection. Form.
 15 THE WITNESS: I don't have a uterus
 16 anymore, a little hard for me to get uterine cancer.
 17 I've only ever had one missed, you know, mammogram
 18 because I've made a promise I'm never going back. I'm
 19 not really sure what hormones have to do with this.
 20 BY MS. CYRUS:
 21 Q. So you don't plan to have any additional
 22 mammograms?
 23 A. No, absolutely not.
 24 Q. Is that due to some incident that involved you

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1 being transgender?
 2 A. Yes.
 3 Q. Okay. Do you believe that you will -- you will
 4 be identified as a biological male after you have a
 5 mastectomy?
 6 MS. PRAKASH: Objection. Form.
 7 THE WITNESS: I don't know how the end
 8 result of how others perceive me will be. What I know
 9 is that I'm not okay with my breasts, and I don't feel
 10 okay walking around with breasts, and at this age I
 11 don't feel like spending the second half of my life with
 12 breasts.
 13 BY MS. CYRUS:
 14 Q. But you've had issues and distress as a result
 15 of being misgendered, in fact in the past year; is that
 16 correct?
 17 A. Yes.
 18 Q. Okay. And is one of the reasons that you're
 19 seeking a mastectomy to help with you being misgendered?
 20 A. Yes.
 21 Q. Okay. And do you agree that it's possible some
 22 people might not believe you are a biological male even
 23 after you have a mastectomy?
 24 MS. PRAKASH: Objection. Form.

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1 THE WITNESS: What people believe about me
 2 isn't my -- my concern, it's perception, and if I feel
 3 better about myself, I project better as a man.
 4 BY MS. CYRUS:
 5 Q. Do you agree even if you have the top surgery
 6 people may not perceive you to be a male?
 7 MS. PRAKASH: Objection. Form.
 8 THE WITNESS: How is that any different
 9 than today?
 10 BY MS. CYRUS:
 11 Q. Would that cause you symptoms of gender
 12 dysphoria?
 13 MS. PRAKASH: Objection. Form.
 14 THE WITNESS: Gender dysphoria is probably
 15 always going to be there, honestly, because all the
 16 research shows that it's alleviated, and it's highly
 17 alleviated, due to your life -- it's hundreds of times
 18 better, but I can't promise, I don't know if I will have
 19 gender dysphoria afterwards.
 20 BY MS. CYRUS:
 21 Q. You talk about the research. Have you seen
 22 research or studies that show that individuals who had
 23 all of the transgender procedures they wanted still felt
 24 feelings of gender dysphoria?

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1 MS. PRAKASH: Objection to form.
 2 THE WITNESS: Yeah, I have read some of
 3 those, those studies.
 4 BY MS. CYRUS:
 5 Q. Do you know anyone who has transitioned from
 6 male to female or female to male who decided to
 7 transition back?
 8 A. No.
 9 Q. Do you know anyone who has had
 10 gender-confirming surgical care in one form or another
 11 and regretted it?
 12 MS. PRAKASH: Objection to form.
 13 THE WITNESS: No.
 14 BY MS. CYRUS:
 15 Q. Have you discussed with your children whether
 16 they are supportive of you having a mastectomy?
 17 A. Yes, they are very, very -- they're very
 18 supportive. As a matter of fact, it will be in their
 19 hands to take care of me afterwards, to help me with
 20 bandages and drainage.
 21 Q. Have you discussed with your siblings the
 22 possibility of you having a mastectomy?
 23 A. Yes.
 24 Q. Are they supportive of it?

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1 A. Yeah, actually.

2 Q. Do you have a concern that even after, if you

3 have a mastectomy and you look like a biological male,

4 there may be individuals who might otherwise be

5 romantically interested in you, but if they find out

6 you're a transgender male will no longer be romantically

7 interested in you?

8 MS. PRAKASH: Objection. Form.

9 THE WITNESS: That would be no different

10 than today either.

11 BY MS. CYRUS:

12 Q. Okay. Have you had instances where someone

13 thought you were a biological male and then found out

14 that you were a transgender male and then was no longer

15 romantically interested?

16 MS. PRAKASH: Objection. Form.

17 THE WITNESS: Yes, of course.

18 BY MS. CYRUS:

19 Q. And does that cause you distress?

20 A. Yeah, yes, it does.

21 Q. Okay. We're going to go ahead and mark our

22 next exhibit.

23 MS. PRAKASH: Let me just state for the

24 record that this appears to be an Excel spreadsheet, and

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1 so in order to have full utilization of this

2 spreadsheet, Christopher, you would need to download it

3 as opposed to just open it.

4 MS. CYRUS: Thank you.

5 THE WITNESS: Okay, good. Good to know.

6 All right. Okay.

7 BY MS. CYRUS:

8 Q. Okay. So this is Exhibit -- is it Exhibit 4?

9 MS. PRAKASH: Yeah.

10 MS. CYRUS: Thank you.

11 BY MS. CYRUS:

12 Q. -- to your deposition. This -- I think this

13 document was just recently produced on your behalf, and

14 it's Bates stamped CFAIN9562 to 9600 --

15 A. Okay.

16 Q. -- at the bottom left corner there.

17 (Exhibit No. 4 identified for the record.)

18 BY MS. CYRUS:

19 Q. Okay. Have you every -- have seen this

20 document before?

21 A. Yeah.

22 Q. You have not?

23 A. Wait.

24 Q. Well, let me let you go ahead and take a look

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1 at it. Take all the time you need.

2 A. Yes, I've seen it.

3 Q. Okay. What is this?

4 A. These are clips of messages from Facebook.

5 Q. Okay. And are these your messages?

6 A. Yeah.

7 Q. And do you know what the purpose -- what

8 purpose these serve?

9 MS. PRAKASH: Objection. Calls for legal

10 conclusion. Vague. Go ahead.

11 THE WITNESS: I don't understand the

12 question.

13 BY MS. CYRUS:

14 Q. Well, do you know what the purpose of this

15 spreadsheet is?

16 MS. PRAKASH: Same objections.

17 THE WITNESS: No.

18 BY MS. CYRUS:

19 Q. Okay. Did you assist in preparing the

20 spreadsheet?

21 A. Well, I provided access to the data.

22 Q. You provided access, when you say to the data,

23 are you talking about through your Facebook Messenger

24 account?

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1 A. Yes.

2 Q. Okay. All right. And so I'm just going to ask

3 you some questions just about various notes here. Where

4 it says under No. -- well, first of all, No. 1,

5 "Retweeted Trans Equality," is that a -- did you retweet

6 that?

7 A. Yes.

8 MS. PRAKASH: Counsel, just for the record,

9 are you referring to line No. 2 of the Excel spreadsheet

10 or line No. 1?

11 MS. CYRUS: Well, now, what I'm viewing,

12 the lines are not numbered, per se, but it's under --

13 it's in the box under No. 1.

14 MS. PRAKASH: Got it. And so in an Excel

15 spreadsheet there are automatic rows, and so I

16 understand you to be referring to row No. 2, which is

17 labeled in column A as CFAIN0009562?

18 MS. CYRUS: Yes.

19 MS. PRAKASH: Okay.

20 MS. CYRUS: Yes. Thank you.

21 BY MS. CYRUS:

22 Q. Okay. In No. 7, at the top under -- at the far

23 right, beyond E, it says, "An epiphany." Do you see

24 that?

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<p>1 A. Yes.</p> <p>2 Q. Okay. Do you recognize what that is? Is that</p> <p>3 a post that you made, or what is that?</p> <p>4 A. Yeah, that's when I made the decision to write</p> <p>5 my thesis on transgender health care.</p> <p>6 Q. Okay. Do you know when you wrote these words?</p> <p>7 A. I would say probably late August or early</p> <p>8 September -- yeah, November the 30th, or not November,</p> <p>9 September the 30th 2018, yeah. I had just started my</p> <p>10 first semester of grad school.</p> <p>11 Q. Okay. So you scrolled over and read where it</p> <p>12 says November 30, 2018?</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. Okay. And you had not started on your</p> <p>15 hormones at that time; is that right?</p> <p>16 A. No, no.</p> <p>17 Q. Okay. And, if you go to 11, box 11 --</p> <p>18 A. Uh-huh.</p> <p>19 Q. -- this isn't displaying very well on my</p> <p>20 monitor. You said, "I go to see a doctor today about my</p> <p>21 hysterectomy and a possibility of prescribing male</p> <p>22 hormones afterward."</p> <p>23 Okay. Is this a post that you made on</p> <p>24 Facebook again or is this some sort of a journal entry?</p>	<p>1 A. Yeah.</p> <p>2 Q. Okay. Okay. If you go to cell 16 --</p> <p>3 A. Uh-huh.</p> <p>4 Q. -- okay, and that was written -- what's the</p> <p>5 date on that one?</p> <p>6 A. 1/17, the day after my father died.</p> <p>7 Q. Okay. I was going to ask you that. It has</p> <p>8 references to your father. And you said -- this is the</p> <p>9 third -- there's two lines at the very bottom of that</p> <p>10 box, and then at the third one up it starts with,</p> <p>11 "Tonight I wish I could pick up the phone and call him."</p> <p>12 Do you see that?</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. The second line of that, yours may not</p> <p>15 be displaying like mine, but it says, "I succeeded where</p> <p>16 you failed as a dad and a parent in general, but only</p> <p>17 because you made me so damn tough at the core that I</p> <p>18 can't even hug my kids the way I should sometimes, but I</p> <p>19 got them through hell and that I owe to you, Dad." Do</p> <p>20 you see that?</p> <p>21 A. Yeah.</p> <p>22 Q. What do you mean when you said "You made me so</p> <p>23 damn tough at the core that I can't even hug my kids the</p> <p>24 way I should sometimes"?</p>
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<p>1 A. No, that was that post.</p> <p>2 Q. So you -- you were making these posts on your</p> <p>3 Facebook page?</p> <p>4 A. Yeah, as far as I can tell. I actually</p> <p>5 remember writing this, but I don't know if there was</p> <p>6 somebody specific. I think it's just a Facebook page,</p> <p>7 yeah, it's just a Facebook status.</p> <p>8 Q. Okay. Is your Facebook page or was your</p> <p>9 Facebook page when you wrote this private or public?</p> <p>10 A. My Facebook page is private.</p> <p>11 MS. PRAKASH: For the record, Counsel's</p> <p>12 referring to cell F-12.</p> <p>13 THE WITNESS: Yeah, it was. My Facebook</p> <p>14 page is only open to people on my friends list.</p> <p>15 BY MS. CYRUS:</p> <p>16 Q. Okay. So in column -- in row 13, it says,</p> <p>17 "Registration at the hospital for Tuesday's surgery.</p> <p>18 Just waiting for my insurance to do their job."</p> <p>19 Is that -- what insurance were you</p> <p>20 referring to at that time?</p> <p>21 A. That would be Medicaid and UniCare.</p> <p>22 Q. Okay. And that was for your hysterectomy that</p> <p>23 you said Medicaid and/or UniCare paid for; is that</p> <p>24 right?</p>	<p>1 A. My dad made me terribly ashamed for feeling the</p> <p>2 way that I felt.</p> <p>3 Q. When you say the way that you felt, what are</p> <p>4 you referring to?</p> <p>5 A. My approach to everybody around me, my approach</p> <p>6 to how I deal with people and family. Because I have</p> <p>7 breasts and I am short, I feel like I will never be</p> <p>8 okay, and the breast part is something that we can do</p> <p>9 something about. It'll alleviate the symptoms. My dad</p> <p>10 made me so ashamed of my body just for being what it was</p> <p>11 and not what I claimed I was, "claimed," his words, that</p> <p>12 I actually have trouble hugging my kids because when I</p> <p>13 hug my kids I am intimately aware of my breasts and it</p> <p>14 causes physical pain.</p> <p>15 MS. PRAKASH: For the record, when Mr. Fain</p> <p>16 was testifying he used air quotes in using the word</p> <p>17 "claimed."</p> <p>18 THE WITNESS: Yeah, my father's claim was</p> <p>19 that I was lying about what was wrong with me.</p> <p>20 BY MS. CYRUS:</p> <p>21 Q. Okay. Your dad, if I understand what you're</p> <p>22 saying, he said you were lying about being transgender?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. All right. The next box down, it says,</p>

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<p>1 "So my insurance is kicking on the T prescription, will 2 probably take a week to authorize." 3 A. That was -- 4 MS. PRAKASH: Objection. Form. 5 THE WITNESS: That was when the first 6 prescription -- yeah, when I first took the prescription 7 to the pharmacy, it didn't go through the first time, 8 despite having a prior authorization already in place. 9 So the pharmacy had to have my doctor call Medicaid and 10 get it cleared the first time. So it took two or three 11 days to get it completely worked out. 12 BY MS. CYRUS: 13 Q. But then it was worked out; is that right? 14 A. That was that first -- that very first bottle, 15 and that was the one that was paid for, and then the 16 next time something happened with my doctor's office and 17 suddenly I'm paying full price and my doctor's like. 18 "Oh, well." 19 Q. So your doctor wasn't helpful to you in that 20 situation? 21 A. No, no, she was not. 22 Q. Okay. Were you -- were you aware of 23 information provided by my office on behalf of Medicaid 24 when -- as part of this lawsuit indicating that there</p>	<p>1 not communicate with Medicaid and explain why that 2 dosage was necessary. 3 Q. Okay. If you go to box 17 -- no, I'm sorry, 4 18, the next one down -- 5 A. Okay. 6 Q. -- you noted, "Well, just unfriended a family 7 member after some horrific anti-transgender BS." And 8 that looks like -- is that 4/11/19? 9 A. Yeah, yeah, 4/11/19. 10 Q. Yeah. What was that about? 11 A. That is my cousin's wife, and she was part of a 12 conversation on Facebook that I was reading and it 13 turned pretty anti-transgender and I started to 14 withdraw, and then she got involved in the conversation 15 and it upset me, it upset me that her attitude was is 16 that: So what if I -- you know, if someone transgender 17 needed therapy or hormones when she couldn't even get 18 her teeth fixed. And my attitude was apples are not 19 oranges. 20 Q. Okay. And then you have, "I deserve affordable 21 health care just like you, and if your insurance doesn't 22 cover your teeth, that has nothing to do with me getting 23 hormones." What -- what was that about? 24 A. That's what that was about.</p>
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<p>1 was a question about your dosage that had caused your 2 prescriptions not to be filled? 3 A. Yeah. 4 Q. Okay. And then did you -- when that situation 5 was happening, were you under the impression that your 6 hormones were not covered? 7 A. That was sort of the impression I had gotten 8 from just the way my doctor was behaving about it. She 9 said that Medicaid wouldn't approve, so I just took it 10 as said, and that, from what I understand, was not what 11 was going on there. That was entirely on her part and 12 the part of her staff. Yeah, I believed that it was not 13 approved. 14 Q. In other words, that it was not covered? 15 A. Yeah, that it was not covered. 16 Q. Okay. But, after that was brought to your 17 attention, I take it you were able to work with the 18 doctor's office, or some doctor, and get the question 19 answered and get your medication going again? 20 A. Exactly. They were able to call in and handle 21 the question that was being asked about the dosage 22 because all of it kicked on a dosage. 23 Q. Correct. 24 A. And, for some reason, she and her nurses would</p>	<p>1 Q. Oh, I see, that's in relation to that. 2 A. Yeah. 3 Q. Okay. Okay. Did you think you weren't getting 4 hormones at that time? 5 MS. PRAKASH: Objection. Asked and 6 answered. 7 THE WITNESS: No, but I think I was -- I 8 was answering as a general question, because the 9 argument was is that why should someone like me, why 10 should someone like me get health care like hormones or 11 therapy when she couldn't even get her teeth fixed. 12 BY MS. CYRUS: 13 Q. I see. Okay. 14 A. And my attitude was is: We don't even have the 15 same insurance, so whether or not you get your teeth 16 fixed has nothing to do with that. But what would -- 17 why would your health care need to be worth more than 18 mine? 19 Q. All right. Let's move on down to the next, to 20 box 27. 21 A. Okay. 22 Q. Okay. 23 A. That was still before I knew about -- no. 24 Q. Looks like that -- I have a hard time scrolling</p>

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1 back and forth here for the date. It looks like that is
 2 something you posted on 2/15/21. Is that right? You
 3 had an appointment with Planned Parenthood West Virginia
 4 for Telehealth?
 5 A. Yeah.
 6 Q. Okay. Did you have an appointment with Planned
 7 Parenthood?
 8 A. I actually chose not to go with them, and that
 9 was when I switched to Marshall Internal Health.
 10 Q. Okay. It says --
 11 A. And I--
 12 Q. I'm sorry.
 13 A. I canceled the appointment with Planned
 14 Parenthood.
 15 Q. Okay. You said, "They do HRT." That's hormone
 16 replacement therapy?
 17 A. Yes.
 18 Q. Okay. It says, "Whether they take your
 19 insurance or not is another matter. They don't take
 20 mine and says that it's out of network."
 21 A. Yeah.
 22 Q. So was it -- were you told Medicaid was out of
 23 network, like they don't take Medicaid?
 24 A. Yeah. At the time that I was talking to

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1 Planned Parenthood, they were not going to be able to
 2 take my insurance for whatever reason.
 3 Q. Okay. And then you said, "Which is probably
 4 because my insurance is transphobic as f-u-c-k."
 5 Correct?
 6 A. Well, that's what I wrote, yes.
 7 Q. Yeah. But do you agree with me covering
 8 transgender hormones certainly would be the opposite of
 9 being transphobic? Correct?
 10 MS. PRAKASH: Objection to form.
 11 THE WITNESS: I don't know. I think the
 12 fact that there's still an exclusion of any kind is
 13 transphobic.
 14 BY MS. CYRUS:
 15 Q. However, covering hormone therapy for
 16 gender-confirming purposes would be the -- would be the
 17 opposite of being transphobic; wouldn't it?
 18 MS. PRAKASH: Objection. Form.
 19 THE WITNESS: It still doesn't relieve that
 20 exclusion.
 21 BY MS. CYRUS:
 22 Q. Well, we're not talking about the exclusion.
 23 We're just talking about the facts.
 24 A. The exclusion is what I meant when I was

Page 116

1 talking about this. When I wrote that, that was about
 2 the surgery.
 3 Q. Okay. Okay. Then, if you go down to box 32,
 4 you have a reference to --
 5 A. (Laughing) Sorry.
 6 Q. Go ahead.
 7 A. It's just me laughing at that. Sorry.
 8 Q. You said, "My insurance is refusing to cover
 9 the surgery that was done this last week. The they
 10 claim it's unnecessary."
 11 Is that -- that sounds like that's
 12 referring to your back surgery that you told us about
 13 earlier. Correct?
 14 A. Yes.
 15 Q. Okay. And you end up, "Well, good luck getting
 16 your money, UniCare, you useless bastards."
 17 A. Yeah.
 18 Q. So do you know whether -- was there -- I'm not
 19 clear. Did UniCare pay any portion of your surgery?
 20 A. No.
 21 Q. Okay. Do you still owe the bills on that?
 22 A. The ones that St. Mary's Spine Center didn't
 23 cover, yeah.
 24 Q. Okay. And that --

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1 A. It's a few thousand dollars.
 2 Q. Okay. Okay. But that certainly, though, if I
 3 understand it, was not related to you being transgender?
 4 A. No.
 5 Q. Okay. Okay. We can put that away. All right.
 6 We're going to go to our next exhibit. We're almost
 7 finished here.
 8 VIDEOGRAPHER: Ms. Cyrus, this is the
 9 videographer. We've been going for an hour and ten
 10 minutes. We could stop now and probably be fine for the
 11 rest of the deposition.
 12 MS. CYRUS: Do you mean stop and change the
 13 tape now?
 14 VIDEOGRAPHER: Yes, just real quick.
 15 MS. CYRUS: Sure.
 16 VIDEOGRAPHER: It won't take but a couple
 17 of minutes.
 18 MS. CYRUS: Absolutely. Mr. Fain, do you
 19 need to take a break, run to the restroom while we're
 20 doing that?
 21 THE WITNESS: No, I'm good.
 22 MS. CYRUS: Okay.
 23 VIDEOGRAPHER: This is the end of Media
 24 Unit 2. We are off the record at 12:37 p.m.

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1 (Off the record.)
 2 VIDEOGRAPHER: This is the beginning of
 3 Media Unit No. 3. We are on the record at 12:40 p.m.
 4 BY MS. CYRUS:
 5 Q. Mr. Fain, we've marked as Exhibit No. 5 to your
 6 deposition a document titled Declaration of Christopher
 7 Fain. It's Bates stamped CFAIN0009602 through 9607.
 8 (Exhibit No. 5 identified for the record.)
 9 BY MS. CYRUS:
 10 Q. This -- we mentioned this document earlier
 11 today. Is this the document that you said you reviewed
 12 and signed yesterday, April 27th?
 13 A. Yes.
 14 Q. Okay. Who prepared this document?
 15 MS. PRAKASH: Objection. Form. Mr. Fain,
 16 I am instructing you not to answer to the extent your
 17 answer would reveal privileged conversations with your
 18 lawyers, but if you can answer the question without
 19 talking about those conversations, you can.
 20 THE WITNESS: Well, it's pretty easy. It
 21 was a group document.
 22 BY MS. CYRUS:
 23 Q. Okay. So did you participate in drafting this
 24 yourself?

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1 A. Yes.
 2 Q. Okay. And I'm just asking you what your
 3 knowledge is. Do you -- do you know the purpose of this
 4 document?
 5 A. In legal terms, no; however, as a general term,
 6 it is a document that lists all of my reasons and why
 7 this lawsuit exists.
 8 Q. Okay. All right. And in paragraph No. 2, you
 9 say that you've agreed to be a class representative in
 10 this case because you want to see your state provide
 11 coverage for gender-confirming care to transgender
 12 people, "regardless of our sex and transgender status."
 13 That -- let me just ask you: The state
 14 already does provide some gender-confirming care, as
 15 we've talked about; correct?
 16 MS. PRAKASH: Objection. Asked and
 17 answered many, many times.
 18 THE WITNESS: That is very true; however,
 19 there's still an exclusion for surgeries.
 20 BY MS. CYRUS:
 21 Q. All right. Okay. And so you have some
 22 information that is included here that we have not
 23 talked about. If you'll go to No. 8, you said at age 3
 24 your brother was born and the birth of your brother

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1 helped you understand you had never developed the
 2 physical characteristics that align with your gender
 3 identity on your own. How -- what do you mean by that?
 4 A. Well, at the beginning I explained that my
 5 first understanding that I was different happened when I
 6 was three, and this was the incident when he was born
 7 and brought home from the hospital, the first time his
 8 diaper was changed at home, I was present for it, and
 9 this is when I began to understand that something about
 10 him was different from me and different from my sister.
 11 I had seen only one other male naked up until this point
 12 and it was complete accident, I walked in on my dad in
 13 the bathroom. So I knew adult men had penises, but I
 14 didn't know that little boys did too. I believed that
 15 mine would develop with time.
 16 So my brother's birth made me realize that
 17 I was missing something that would never develop, that
 18 apparently boys come with penis.
 19 Q. Okay. And then in paragraph 9 you talk about
 20 how you began to go through puberty and you were angry
 21 about growing breasts and bewildered by your period; is
 22 that right?
 23 A. Yes.
 24 Q. And you say by age 12 you confronted your

Page 121

1 mother with the fact you felt like a boy. Do you
 2 remember what -- what that -- what that entailed,
 3 confronting your mother?
 4 A. Yes. I was prevented from going hunting with
 5 my dad and some other guys, and my little brother, who
 6 had absolutely no interest in going, was included
 7 against his will. And I asked my mother what was going
 8 on. I was like, "Why can't I go when I obviously, you
 9 know, I hunt?" And it was explained to me that my
 10 father felt uncomfortable at the idea of me being out
 11 there with all these adult men who, even at the age of
 12 12 and 13, I presented physically in such a way that my
 13 father was afraid that I would be molested, my physical
 14 body.
 15 And, in having that conversation with my
 16 mother, I became very, very angry at the idea that that
 17 was even a concern because they weren't supposed to be
 18 seeing me as a -- as a woman. I'm like, I was literally
 19 just one of the guys, and suddenly I'm no longer allowed
 20 to do the things with my brother or my dad that I did
 21 before that were perfectly okay.
 22 Q. Had you been hunting with your father before?
 23 A. Yes.
 24 Q. Okay. But it was when you reached puberty you

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Page 122	Page 124
<p>1 were no longer allowed to go?</p> <p>2 A. Well, it was just -- it was just when it became</p> <p>3 obvious to other adult men that I was visible prey, as a</p> <p>4 woman would be, and my thought on it was is: Well, I'm</p> <p>5 not a woman, so why would I be prey?</p> <p>6 But my dad, up until that, you know, I was</p> <p>7 already in puberty, I went hunting all the time. I</p> <p>8 fished and hunted and bike and did all kinds of things</p> <p>9 with him. I was his kid, but this one particular time,</p> <p>10 because there were other men involved, I was not allowed</p> <p>11 to go, and the explanation was is, "Because you're a</p> <p>12 girl."</p> <p>13 Q. And, when you use the phrase that a woman would</p> <p>14 be visible prey, are you saying that is what the</p> <p>15 perception that your father -- from your father? That's</p> <p>16 not you describing your assessment of the situation?</p> <p>17 A. No, that was how my dad and mom saw it.</p> <p>18 Q. Okay.</p> <p>19 A. They saw it as any one of these men, if they</p> <p>20 got comfortable enough, they might put hands on me or</p> <p>21 try to manipulate me into an inappropriate relationship</p> <p>22 or behavior, and they were afraid of what would happen,</p> <p>23 and it had nothing to do with my gender identity, it had</p> <p>24 to do with my physical body being attractive.</p>	<p>1 pressure constantly to dress appropriately, wear makeup,</p> <p>2 if I had a ball cap on, I had to take it off. I was</p> <p>3 forced to let my hair grow long.</p> <p>4 It -- it was not -- not a good time because</p> <p>5 I stayed angry all the time. So that anger carried over</p> <p>6 to school and my studies.</p> <p>7 Q. And you also said in response to these actions</p> <p>8 you were instructed to wear makeup and jewelry, women's</p> <p>9 clothing and women's shoes. Who instructed you to do</p> <p>10 that?</p> <p>11 A. My mother.</p> <p>12 Q. And did you actually do that?</p> <p>13 A. Only when I had to.</p> <p>14 Q. Okay. When -- so in No. 11 you talk about</p> <p>15 that -- you mention, you said, "After separating from my</p> <p>16 husband," you were a single parent, primary</p> <p>17 caregiver for your children, could not risk losing</p> <p>18 employment due to discrimination?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So, when you were married, were you</p> <p>21 presenting yourself outwardly as a female or a male?</p> <p>22 MS. PRAKASH: Objection to form.</p> <p>23 THE WITNESS: For the first six years of</p> <p>24 our marriage I dressed the way I wanted to, which meant</p>
Page 123	Page 125
<p>1 Q. Going on to No. 10, you said as you got older</p> <p>2 you behaved like a boy and wore male clothing. Is</p> <p>3 that -- did you start -- is that what happened?</p> <p>4 A. Oh, yeah. From a very early age I always wore</p> <p>5 boys' clothes.</p> <p>6 Q. And you said: Unfortunately these attempts to</p> <p>7 live in a manner that was aligned with your gender</p> <p>8 identity led to ongoing physical and verbal abuse from</p> <p>9 your father. Is that right?</p> <p>10 A. Yes.</p> <p>11 Q. So your father both physically and verbally</p> <p>12 abused you because you wanted to I guess align with a</p> <p>13 male or a boy?</p> <p>14 A. (Nodding affirmatively).</p> <p>15 MS. PRAKASH: Objection. Form.</p> <p>16 BY MS. CYRUS:</p> <p>17 Q. I saw you nodding, but is that yes?</p> <p>18 A. Yes, yes. My dad's attitude was it was --</p> <p>19 he had to nip this in the bud, he had to stop it while</p> <p>20 he could, because he had not been paying attention and</p> <p>21 hadn't noticed that I was, for all intents and purposes,</p> <p>22 living as a boy, and suddenly he's got to look at this</p> <p>23 as: Well, this is a teenage girl. You know, that was</p> <p>24 the way he saw it. So I was, you know, suddenly under</p>	<p>1 that I dressed as a man. If -- if you asked me about my</p> <p>2 gender identity, I was honest about it, but I didn't</p> <p>3 offer that information, I didn't correct people.</p> <p>4 At the second half of my marriage I began</p> <p>5 working on trying to come out of the closet and I</p> <p>6 dressed more directly male, like there was no -- there</p> <p>7 was no mistaking, it was, you know, shirts, dress coats,</p> <p>8 very short hair, almost always shaved, I kept my head</p> <p>9 shaved quite often. I had a male nickname.</p> <p>10 I was living male, but because I didn't</p> <p>11 have facial hair, people automatically assumed that I</p> <p>12 was female, so there was misgendering and, you know,</p> <p>13 problems with pronouns, but I wasn't pushing anybody to</p> <p>14 -- I wasn't correcting anybody, mostly because I wanted</p> <p>15 to live in peace. I didn't want that to be used against</p> <p>16 me.</p> <p>17 But my husband was well aware and we had a</p> <p>18 relationship that accommodated my gender. But, no, most</p> <p>19 of my adult life I have looked and dressed like a man.</p> <p>20 Q. You say you had a relationship that</p> <p>21 accommodated your gender. What does that mean?</p> <p>22 A. We started out as best friends in the first</p> <p>23 place. I -- that was a strange -- my marriage was a</p> <p>24 strange relationship. It did not start out as a</p>

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<p style="text-align: right;">Page 126</p> <p>1 romantic relationship. It started out as a friendship 2 and it turned only romantic in the physical sense, and 3 when we married, we were more like business partners 4 than we were two guys living together getting ready to 5 raise a baby, you know. We were -- we'd been roommates, 6 so he saw me as a guy. He -- I mean he recognized that. 7 Q. And -- I'm sorry, I didn't mean to interrupt 8 you. 9 A. No, go ahead. 10 Q. So, during the time you were married, did you 11 become pregnant and give birth to two children? 12 A. Yes. 13 Q. All right. Let's go to paragraph 13. So this 14 indicates you did have your legal name changed and you 15 have updated your name to reflect your male gender 16 identity on your Social Security account; is that right? 17 A. Yes. 18 Q. Okay. And in August of last year you updated 19 your name on your West Virginia Driver's License? 20 A. Yes. And my gender has also been updated on my 21 license. 22 Q. Okay. That was my next question. Okay. And 23 they allowed you to do that? 24 A. Yes.</p>	<p style="text-align: right;">Page 128</p> <p>1 But, once I reached the point where I could 2 put things on overtop of my head again, I started 3 wearing an official binder, the ones on the market now, 4 and that was in 2017. And I have not worn anything even 5 resembling a bra since mid 2017. 6 Q. Okay. And, if you'll go to paragraph 19, you 7 say you require a bilateral mastectomy as medically 8 necessary to care and treat your gender dysphoria, and 9 it's my understanding and you go on to talk about, that 10 would eliminate your need for the binder; is that right? 11 A. That's absolutely true, yes. 12 Q. Okay. And, again, that's the only procedure 13 that you're seeking at this time? 14 A. Yes. 15 Q. Okay. In No. 20 you say your Medicaid -- as a 16 Medicaid participant you receive coverage through the 17 managed care organization UniCare, which we've talked 18 about, and you say you are aware there is an exclusion 19 in the state Medicaid plan that bans the 20 gender-confirming surgery care you need; is that right? 21 A. That's true. 22 Q. Okay. Have you had some instance where you 23 felt like you needed to drop this lawsuit for some 24 reason?</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. Okay. What about your birth certificate, has 2 it been changed? 3 A. No. I have not worked at getting that changed 4 yet because for the most part my birth certificate is 5 not important in my daily life. So it's not something I 6 get asked for, so I don't really think about it. But, 7 yes, I intend to have it changed, or amended, I should 8 say. 9 Q. Okay. And then you say -- in 14, paragraph 14, 10 you say you started counseling at Marshall University in 11 or around June of 2018; is that right? 12 A. Yes. 13 Q. Okay. Okay. And in paragraph 17 and 18 you 14 talk about wearing a binder; is that right? 15 A. Yes. 16 Q. Okay. How long have you been wearing a binder, 17 approximately? 18 A. From age 13 until 18 I wore it on and off most 19 days. Back then they didn't have them for sale on the 20 market. I made my own. I did not wear a binder between 21 age 18 and 30. And then I picked up a binder and wore 22 it on again and -- you know, on and off again until 23 about 2015, and then with my back problems I couldn't do 24 anything at all.</p>	<p style="text-align: right;">Page 129</p> <p>1 A. Yes, several times over the course of this 2 lawsuit I have felt that way, but it's mostly internal 3 stress. 4 Q. What type of internal stress? 5 A. Well, I work two jobs and I volunteer in a 6 health clinic, in a mental health clinic, and there were 7 times when it felt like the idea of this lawsuit and 8 dealing with this and having to be under what feels like 9 a microscope felt like such an intrusion, like this 10 isn't good for the rest of my life. It's keeping me 11 from focusing on my work, research on my project, 12 whatever I'm working on. It always felt like it was 13 overwhelming because of the effect that it had on me 14 anxiety wise. However -- 15 Q. Are you -- I'm sorry. 16 A. However, I have never wavered in my decision 17 that it absolutely -- I needed to do it. 18 Q. Are you doing research for a project now? 19 A. Oh, no, no, no. I'm doing volunteer work 20 through a mental health clinic writing curriculum for 21 transgender adolescents and their parents for a support 22 group, and that involves some research. 23 Q. Where is that? 24 A. That's in Huntington.</p>

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1 Q. And what's the group called?

2 A. It's actually at the clinic where I'm -- I'm a

3 patient.

4 Q. Okay.

5 A. Huntington Behavioral Health.

6 Q. Okay. Thank you. Have you ever had concerns

7 that you might need to drop this case because you have

8 been triggered by being called a liar?

9 A. Oh, yeah, that's one of the things about being

10 a transgender kid when your father absolutely claims

11 that there's -- you could never be telling the truth

12 about your gender, you grow up afraid of being called a

13 liar when you're standing there presenting the truth.

14 Q. Who did -- who did you think might call you a

15 liar in this case?

16 A. It's the entire process of -- of course the

17 defense is -- the defense is required to see if they can

18 prove I'm a liar.

19 Q. What do you think you might be called a liar

20 about?

21 MS. PRAKASH: Objection. Speculation. Go

22 ahead.

23 THE WITNESS: Anything from the fact that

24 I'm actually transgender to the fact that what I'm

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1 suffering is worth doing something about, which of

2 course that's all intensely interpersonal. And it's not

3 a decision that insurance is qualified to make a

4 decision about.

5 There's any number of reasons why this

6 lawsuit has caused me emotional stress. I'm a hermit.

7 I don't deal with people on the outside world. I go

8 home from work and I don't talk to anybody but my kids.

9 I see my kids once a week because I can't tolerate, you

10 know -- it's not being around them, it's that -- it's --

11 I require enough time to recover from my daily

12 interactions with people at my job that it takes hours

13 to relax and calm down after a shift.

14 BY MS. CYRUS:

15 Q. Okay. Are you referring to the job at the

16 liquor store or --

17 A. Yes.

18 Q. And is that related to being transgender, or

19 no?

20 A. Yes.

21 Q. Okay. And do you think if you had the top

22 surgery that would alleviate that -- those problems from

23 happening?

24 MS. PRAKASH: Objection to form.

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1 THE WITNESS: Yes, I do. I honestly think

2 it would be a lot easier for me to not be afraid to put

3 applications in at jobs that actually use the education

4 that was paid for.

5 MS. CYRUS: All right. Thank you, sir. I

6 don't have any other questions for you. I appreciate

7 your time.

8 MS. PRAKASH: I don't have any questions

9 for you either, but I would like to designate the entire

10 transcript confidential until such time as we can review

11 the transcript then send you specific designations for

12 confidentiality, given the private nature of the

13 content.

14 MS. CYRUS: Sure. I have no objection to

15 that.

16 MS. PRAKASH: Okay.

17 MS. CYRUS: All right.

18 MS. PRAKASH: Thank you.

19 MS. CYRUS: Thank you, everyone.

20 THE WITNESS: Thank you very much.

21 MS. PRAKASH: Thank you.

22 THE REPORTER: Hold on just --

23 VIDEOGRAPHER: I need to go off the video

24 record. This is the end of Media Unit No. 3. We are

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1 off the record at 1:01 p.m., Thursday, April 28, 2022,

2 and this concludes today's testimony given by

3 Christopher Fain.

4 (Deposition concluded.)

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1 CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC
 2
 3 I, Melanie Smith, Court Reporter and Notary
 4 Public, duly Commissioned and qualified, do hereby
 5 certify that the foregoing deposition was duly taken by
 6 me and before me at the time and place and for the
 7 purpose specified in the caption hereof, the said
 8 witness having been by me first duly sworn.
 9
 10 I do further specify that the said
 11 deposition was correctly taken by me in Stenotype and
 12 that the same was reduced to computer print by me or
 13 under my direct supervision.
 14
 15 I further certify that I am neither
 16 attorney or counsel for, nor related to or employed by,
 17 any of the parties to the action in which this
 18 deposition is taken, and further that I am not a
 19 relative or employee of any attorney or counsel employed
 20 by the parties hereto, or financially interested in the
 21 action.
 22
 23 I certify that the attached transcript
 24 meets the requirements set forth within article twenty-

Page 135

1 seven, chapter forty-seven of the West Virginia Code.
 2
 3 Before completion of the deposition, review
 4 of the transcript { X } was { } was not requested. If
 5 requested, any changes made by the deponent (and
 6 provided to the reporter) during the period allowed are
 7 appended hereto.
 8
 9 Given under my hand this 11th day of May,
 10 2022.
 11
 12 My Commission expires February 13, 2026.
 13
 14 _____
 15 Melanie E. Smith
 16
 17
 18
 19
 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
 7 May 12, 2022
 8
 9 To: Ms. Prakash
 10
 11 Case Name: Fain, Christopher Et Al. v. Crouch, William Et Al.
 12
 13 Veritext Reference Number: 5200225
 14
 15 Witness: Christopher Fain Deposition Date: 4/28/2022
 16
 17 Dear Sir/Madam:
 18
 19 Enclosed please find a deposition transcript. Please have the witness
 20 review the transcript and note any changes or corrections on the
 21 included errata sheet, indicating the page, line number, change, and
 22 the reason for the change. Have the witness' signature notarized and
 23 forward the completed page(s) back to us at the Production address
 24 shown
 25 above, or email to production-midwest@veritext.com.
 26
 27 If the errata is not returned within thirty days of your receipt of
 28 this letter, the reading and signing will be deemed waived.
 29
 30 Sincerely,
 31 Production Department
 32
 33 NO NOTARY REQUIRED IN CA

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1 DEPOSITION REVIEW
 2 CERTIFICATION OF WITNESS
 3
 4 ASSIGNMENT REFERENCE NO: 5200225
 5 CASE NAME: Fain, Christopher Et Al. v. Crouch, William Et Al.
 6 DATE OF DEPOSITION: 4/28/2022
 7 WITNESS' NAME: Christopher Fain
 8 In accordance with the Rules of Civil
 9 Procedure, I have read the entire transcript of
 10 my testimony or it has been read to me.
 11 I have made no changes to the testimony
 12 as transcribed by the court reporter.
 13
 14 Date Christopher Fain
 15 Sworn to and subscribed before me, a
 16 Notary Public in and for the State and County,
 17 the referenced witness did personally appear
 18 and acknowledge that:
 19
 20 They have read the transcript;
 21 They signed the foregoing Sworn
 22 Statement; and
 23 Their execution of this Statement is of
 24 their free act and deed.
 25
 26 I have affixed my name and official seal
 27 this _____ day of _____, 20____.
 28
 29 _____
 30 Notary Public
 31 _____
 32 Commission Expiration Date
 33
 34
 35

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1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS

2 ASSIGNMENT REFERENCE NO: 5200225

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

4 DATE OF DEPOSITION: 4/28/2022

5 WITNESS' NAME: Christopher Fain

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

7 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).

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

9 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.

10 Date Christopher Fain

11 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:

12 They have read the transcript;

13 They have listed all of their corrections in the appended Errata Sheet;

14 They signed the foregoing Sworn Statement; and

15 Their execution of this Statement is of their free act and deed.

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

17 Notary Public

18 Commission Expiration Date

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1 ERRATA SHEET
VERITEXT LEGAL SOLUTIONS MIDWEST

2 ASSIGNMENT NO: 5200225

3 PAGE/LINE(S) / CHANGE /REASON

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 Date Christopher Fain

21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____

22 DAY OF _____, 20____.

23 Notary Public

24 Commission Expiration Date

1 seven, chapter forty-seven of the West Virginia Code.

2

3 Before completion of the deposition, review
4 of the transcript { X } was { } was not requested. If
5 requested, any changes made by the deponent (and
6 provided to the reporter) during the period allowed are
7 appended hereto.

8

9 Given under my hand this 11th day of May,
10 2022.

11

12 My Commission expires February 13, 2026.

13

Melanie E. Smith

14

Melanie E. Smith

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days

after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

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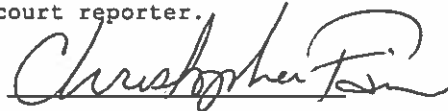
DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 5200225
CASE NAME: Fain, Christopher Et Al. v. Crouch, William Et Al.
DATE OF DEPOSITION: 4/28/2022
WITNESS' NAME: Christopher Fain

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 made no changes to the testimony as transcribed by the court reporter.

5-23-2022



Date Christopher Fain

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 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 23rd day of May, 2022.



Notary Public

5/3/27

Commission Expiration Date

