

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

DYLAN BRANDT, *et al.*,

PLAINTIFFS,

v.

No. 4:21-CV-00450-JM

LESLIE RUTLEDGE, *et al.*,

DEFENDANTS.

DEFENDANTS' MOTION IN *LIMINE*

Defendants, through counsel, for their Motion in *Limine*, hereby state as follows:

1. This is an action challenging Act 626 of 2021 (the "SAFE Act"). The case is set for trial commencing October 17, 2022. (*See* Amended Final Scheduling Order, Doc. 99).

2. Plaintiffs bring three claims against the Defendants: (1) the SAFE Act violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution; (2) the SAFE Act violates the right to parental autonomy under the Due Process Clause of the Fourteenth Amendment; and (3) the SAFE Act violates the First Amendment's guarantee of freedom of speech. *See* Compl., pp. 41–47.

3. Defendants anticipate that Plaintiffs will seek to introduce inadmissible evidence in the form of arguments, testimony, and exhibits. As a result, Defendants present this Motion in *Limine* to exclude the inadmissible evidence.

4. Defendants request that the Court enter an Order prohibiting Plaintiffs and their counsel from referencing the following irrelevant and prejudicial information during any portion of the trial:

- a. Any testimony or evidence concerning a party or witness's religious affiliations, practices, beliefs, or customs;
- b. Any testimony or evidence concerning a party or witness's personal beliefs on individuals who are lesbian, gay, bisexual, or transgender;

- c. Any testimony or evidence concerning a lay person's opinions on legal or scientific matters, and any matters about which the individual has no personal knowledge;
- d. Any testimony or evidence that was not disclosed during the course of discovery; and
- e. Any testimony that is cumulative, repetitive, unnecessary, and not admissible pursuant to Rule 403.

5. A brief in support of this Motion is being filed concurrently herewith and is incorporated herein by reference.

6. The following exhibits are attached to this Motion and are incorporated herein by reference:

- a. Exhibit A – Excerpts from the Deposition of Laura Perry;
- b. Exhibit B – Excerpts from the Deposition of Billy Burleigh;
- c. Exhibit C – Excerpts from the Deposition of Dr. Paul Hruz;
- d. Exhibit D – Excerpts from the Deposition of Dr. Mark Regnerus;
- e. Exhibit E – Excerpts from the Deposition of Amy Embry; and
- f. Exhibit F – Excerpts from the Deposition of Dr. Rhys Branman.

7. Defendants note that Pretrial Disclosures have not yet been submitted by either party to this Court, the deadline for which is set for August 8, 2022. Accordingly, Defendants reserve the right to amend this Motion and present any defenses available to them after Plaintiffs submit their Pretrial Disclosures.

WHEREFORE, Defendants respectfully request that this Court grant their Motion in *Limine*, enter an Order excluding the inadmissible evidence, and for all other just and proper relief to which they are entitled.

Respectfully Submitted,

LESLIE RUTLEDGE
Arkansas Attorney General

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THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

-----X
DYLAN BRANDT, by and through his
mother, JOANNA BRANDT, et al.,

Plaintiffs,

vs. Case No:
4:21-CV-00450-JM

LESLIE RUTLEDGE, in her official
capacity as the Arkansas
Attorney General, et al.,

Defendants.

-----X

REMOTE/ORAL/WEB VIDEOCONFERENCE
VIDEOTAPED DEPOSITION OF LAURA PERRY
(Sitting in Little Rock, Arkansas)
Tuesday, April 5, 2022
9:40 a.m.

Reported by:
Jennifer Ocampo-Guzman, CRR, CLR
(Sitting in Middlesex County, NJ)

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April 5, 2022

9:40 a.m.

Remote/Oral/Web Videoconference
Videotaped Deposition of LAURA PERRY,
held via Zoom Web Videoconference,
pursuant to notice, before Jennifer
Ocampo-Guzman, a Certified Realtime
Shorthand Reporter and Notary Public of
the State of New Jersey.

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Attorneys for the Defendants

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Little Rock, Arkansas 72201

BY: AMANDA LAND, ESQ.
MICHAEL CANTRELL, ESQ.
KEATON BARNES

ALSO PRESENT :

MIKE TSCHEIMER, Videographer

1 Perry

2 A. Sometimes parental influence. I've
3 heard of instances where a family member
4 cross-dressed their child at a very young
5 age.

6 Q. What do you mean, they
7 "cross-dressed their child at a young age"?
8 How do you define that?

9 A. Walt Hyer, for example, his mother
10 put him in a dress and sort of fondled him
11 and told him he was cute as a girl.

12 Q. Any other reasons why you think
13 people identify as transgender?

14 A. I couldn't speak to all the
15 reasons. That's what I can think of.

16 Q. Okay.
17 Does Satan or the devil encourage
18 people to be transgender?

19 A. I think people can believe lies,
20 which sometimes I believe are from Satan, but
21 they also can be from a number of other
22 sources.

23 Q. What lies does Satan tell to
24 transgender people?

25 A. Well, to anyone. It's not

1 Perry

2 necessarily just to transgender, but to --
3 that God is not good or that his design is
4 not good.

5 But whether you believe in that or
6 not, there are lies that we believe about
7 ourselves.

8 Q. How does Satan view transgender
9 people, do you think?

10 A. I can't speak to that.

11 Q. Did Satan ever talk to you about
12 being transgender?

13 A. I've never heard him talk to me.

14 Q. Going back to your future speaking
15 engagements, are there any other new topics
16 that you want to discuss with your new
17 engagements?

18 A. Not that I can recall offhand.

19 Q. Are you paid for your speaking
20 engagements?

21 A. Yes.

22 Q. About how much?

23 A. It really depends. I have done
24 some free. Up until, up until 1500.

25 Q. What was the low end?

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Perry

Q. Do you remember around what month?

A. July, the end of July.

Q. Why did you detransition?

A. I felt that God was calling me to be transitioned and to live as he created me to be.

Q. How did you hear God calling you, or how did you know God was calling you?

A. I heard God speak to me.

Q. What did God tell you?

A. He asked me, he said -- he stood before me that night, what name would I call? And I didn't -- I didn't exactly know how to respond to that, but I -- he reminded me, in John, Chapter 1, it says, Jesus Christ said, you can't claim to love me and yet reject my creation.

And I thought I was being amend because I was -- you know, I didn't -- I was not going to go back to being female, but I'll never forget in the most loving voice I've ever heard in all my life, God whispered to me. He said, let me tell you who you are. That's when I realized that God had created

1 Perry

2 us for his plan and his purposes. It wasn't
3 an identity.

4 Q. Did you say anything back to God?

5 A. I don't remember what I said. I
6 know that I said, I said, that's not fair, at
7 one point. I didn't understand what God
8 knew. I didn't understand that he knew
9 better.

10 Over the next few months I didn't
11 know -- I didn't know how to do that, but,
12 you know...

13 Q. What else did you tell God?

14 A. I can't recall -- I remember what
15 God said to me. I know I said, that's not
16 fair. I guess I said, I'm sorry, I knew this
17 wasn't your will. I've repented of this,
18 but -- that's all.

19 Q. Anything else?

20 A. I think that was all.

21 Q. Who did God tell you, who you are?

22 A. He didn't answer exactly at that
23 moment. Something he showed me over the next
24 few years.

25 I knew he was never going to call

1 Perry

2 conversations.

3 Q. So God never called you Jake?

4 A. Uh-uh.

5 Q. But he did call you Laura?

6 A. Yes.

7 Q. But he never told you why he would
8 not call you Jake?

9 A. Not at that time.

10 Q. Did he ever -- I'm sorry.

11 A. I understand now. But as he -- as
12 he brought healing, I realized it was for my
13 own good, because he wanted me to know who I
14 truly was. And now you couldn't pay me
15 enough to go back. I'm very grateful.

16 Q. Did God literally tell you directly
17 why you couldn't -- he couldn't call you
18 Jake?

19 A. Not directly. I've seen in the
20 Bible various things. For example, should
21 the pot said to the potter, why has he made
22 me this way? Is it our -- do we have a right
23 to question God?

24 I believe that He has defined us
25 and He is our creator, and only He has the

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DYLAN BRANDT vs. LESLIE RUTLEDGE

4/5/2022 - LAURA PERRY

ACKNOWLEDGEMENT OF DEPONENT

I, LAURA PERRY, do hereby declare that I have read the foregoing transcript, I have made any corrections, additions, or changes I deemed necessary as noted on the Errata to be appended hereto, and that the same is a true, correct and complete transcript of the testimony given by me.

LAURA PERRY Date

*If notary is required

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 20__.

NOTARY PUBLIC

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C E R T I F I C A T E

STATE OF NEW JERSEY)

: ss.

COUNTY OF MIDDLESEX)

I, Jennifer Ocampo-Guzman, a
Certified Realtime Shorthand Reporter and
Notary Public within and for the State of New
Jersey, do hereby certify:

That LAURA PERRY, the witness
whose deposition is hereinbefore set forth,
was duly sworn, via remote/oral/web
videoconference due to the COVID-19
Pandemic, and that such deposition is a true
record of the testimony given by the
witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage, and that I am in no
way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 18th day of April
2022.

J. Ocampo-Guzman

JENNIFER OCAMPO-GUZMAN, CRR, CLR

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----- I N D E X -----

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1 DYLAN BRANDT vs. LESLIE RUTLEDGE

2 4/5/2022 - LAURA PERRY

3 E R R A T A S H E E T

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24 LAURA PERRY Date

25

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.

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1 THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF ARKANSAS
3 CENTRAL DIVISION

4 _____
5 DYLAN BRANDT, by and through his mother,
6 JOANNA BRANDT, et al.,

7 Plaintiffs,

8 vs.

CASE NO.

4:21-CV-00450-JM

9 _____
10 LESLIE RUTLEDGE, in her official
11 capacity as the Arkansas
12 Attorney General, et al.,

13 Defendants.
14 _____

15 ORAL/VIDEO CONFERENCE/VIDEOTAPED
16 DEPOSITION OF CLIFTON FRANCIS "BILLY" BURLEIGH, JR.
17 TAKEN ON BEHALF OF THE PLAINTIFFS
18 LITTLE ROCK, ARKANSAS
19 ON APRIL 28, 2022
20 9:07 a.m.

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25 REPORTED BY: TRENA K. BLOYE, CSR

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Videographer:

Mike Tscheimer

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED BY and
between the parties hereto, through their respective
attorneys, that the videotaped deposition of CLIFTON
FRANCIS "BILLY" BURLEIGH, JR., may be taken on behalf of
the PLAINTIFFS on the 28th day of April, 2022, via
videoconference, by Trena K. Bloye, Certified Shorthand
Reporter for the State of Oklahoma, by notice pursuant
to the Federal Rules of Civil Procedure.

* * * * *

1 me in my journey and they just loved me.

2 Q Thank you, Mr. Burleigh. Is that an accurate
3 statement? And by that I mean is that an accurate
4 account of your experience?

5 A Yes. And I believe I see a little bit of your
6 confusion as far as the question that God spoke with me,
7 because when I shared and using liberal use of words
8 that I had these thoughts that came into my mind. So
9 when the facilitator of that small group was sharing
10 about regret and about something that he did, I had
11 those thoughts that came into my mind, Go ahead, Billy,
12 Go ahead, tell them.

13 And so then I started having this personal
14 conversation within my mind and I was like, Are you
15 crazy? But all self talk. So when I saying that God
16 was speaking to me, the Holy Spirit was speaking to me,
17 these are actually thoughts coming into my mind. I
18 believe that they weren't my thoughts. I believe that
19 these were thoughts from God challenging me.

20 Q Thank you, Mr. Burleigh. That's very helpful.

21 And just so I fully understand, then, would you
22 say that religion was a factor in that moment in your
23 life when you decided to detransition?

24 A Religion was a factor at the moment in my life
25 when I decided to detransition. At this particular

1 time, what I just read, at that time that's when I gave
2 my life to God and I didn't know the next step. But
3 actually God made that appointment for me to be in this
4 group at that particular time and he led me.

5 And so yes, later in the decision to
6 transition, that was a big factor. At this point in
7 time from which we are referring to it was a smaller
8 factor.

9 Q Okay. That's very helpful. Thank you. And
10 when you say later in the process it was a larger
11 factor, what do you mean by that?

12 A I grew up in the Roman Catholic faith. I went
13 to Catholic school all my life. You would think that
14 with all of that, that I would know God. But never once
15 in all of our religious studies did we ever open or
16 crack open a Bible. So I knew God and I knew the
17 religious practices of the Catholic church.

18 At this particular point in time from what I
19 just read, I developed a hunger to get to know God and I
20 started reading the Bible. I may even go on to say that
21 I started devouring the Bible, trying to read it as much
22 as possible. So this was the beginning of my journey to
23 freedom is what I say.

24 In my depression, in my distraughtness I wasn't
25 feeling well, I wasn't doing well, I was starting to

1 spiral. But on this particular journey I not only
2 started to get my health back, I started gaining
3 understanding about the battle that I was in ,And I saw
4 that I was starting to walk toward true freedom.

5 Did I answer the question? I don't know if I
6 did.

7 Q I think that makes sense, Mr. Burleigh.

8 A Okay.

9 Q It's very helpful. Thank you.

10 Okay. Mr. Burleigh, at the time throughout
11 your transition did you ever have doubts that God was
12 okay with your identity or your transition?

13 MS. LAND: Objection, vague.

14 Q (By Mr. Rodgerson) Let me rephrase. At the
15 time of your transition did you ever have doubts that
16 God was okay with that transition?

17 A Transition to female or transition back to
18 male?

19 Q Transition to female.

20 A I never did think that God was okay with that
21 decision. At that point, the way that I describe it to
22 others, we all have choices but we do not have the
23 choice of the consequences of our choices. God is such
24 a gentleman that he stands by and he waits for us to
25 open the door. He will knock, but he will not come in

1 until we open the door.

2 I had so many problems that I had my hand on
3 the steering wheel of this vehicle. I was in control.
4 I was calling out to God the entire time to help me, but
5 at no point did I ever surrender.

6 My -- in this I may have started on flat ground
7 in the initial transition to female. At no point did I
8 think that God was in control or that he liked what I
9 was doing. I was just trying to survive because
10 death -- because suicide was not an option. I didn't
11 think God was okay with it.

12 It wasn't until later going back into the
13 second depression it was like I was going down the back
14 side of a mountain with failed brakes and I was still
15 trying to steer the car down the mountain, and I was not
16 doing a very good job of steering the car. And at some
17 point when I broke down and gave my life to God, at that
18 point I just threw my hands off the wheel and told God
19 he's got to do it, I can't do it.

20 But God was never okay with my transition to
21 female. And the road was so rough, he wasn't with me.
22 He let me make the decisions.

23 Q Do you think God is ever okay with somebody
24 transitioning?

25 MS. LAND: Object to form, relevance.

1 A No, sir, I do not believe that God is okay with
2 anybody transitioning, but he lets it happen because he
3 has given us freedom of choice. It doesn't stop him
4 from loving us, but he's not okay with it, not according
5 to what I have read in his word of how he made man and
6 he made woman.

7 Q (By Mr. Rodgerson) Mr. Burleigh, in this
8 document that we just read through you reference this
9 church group that you had found at LSU.

10 A Yes, sir.

11 Q And you describe them loving you "right where I
12 was."

13 A Yes, sir.

14 Q Previously we had discussed that you felt
15 isolated after your transition. Did this group welcome
16 you in and accept you for who you were?

17 A They accepted me not necessarily for who I was,
18 but because they could see that I loved God. They
19 accepted me for the potential. They accepted me -- they
20 accepted me because they saw that God was working on me.
21 And actually, my friends shared that much, much, much,
22 many years later, because I asked a similar question.
23 You know, why did you all embrace me?

24 And she shared with me that she didn't know why
25 the group didn't just out reject me. I mean, these

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C E R T I F I C A T E

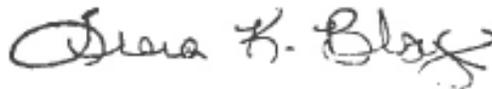
STATE OF OKLAHOMA)

SS:

COUNTY OF OKLAHOMA)

I, Trena K. Bloye, Certified Shorthand Reporter within and for the State of Oklahoma, certify that CLIFTON FRANCIS Burleigh, JR., was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth, in the case aforesaid; that the above and foregoing videotaped, video conference deposition was taken by me in shorthand and thereafter transcribed; that the same was taken on April 28, 2022, at 9:07 a.m., at the Arkansas Attorney General's Office, 323 Center Street, Suite 200, Little Rock, Arkansas; that I am not an attorney for nor a relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of May, 2022.



Trena K. Bloye, CSR

State of Oklahoma CSR No. 1522

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.

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THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

-----x
DYLAN BRANDT, by and through his
Mother, JOANNA BRANDT, et al.,
Plaintiffs

V. CASE NO. 4:21-CV-00450-JM
LESLIE RUTLEDGE, et al.,
Defendants.

-----x

REMOTE/ORAL/WEB VIDEOCONFERENCE
VIDEOTAPED DEPOSITION OF
PAUL W. HRUZ, M.D., Ph.D.
May 25, 2022
9:00 a.m. CT

Reported by:
Maureen Ratto, RPR, CCR

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* * *

Videotape deposition of Paul W.
Hruz, M.D., Ph.D., held virtually via
Zoom Teleconference, hosted from
Veritext Legal Solutions, pursuant to
notice, before Maureen Ratto, Certified
Court Reporter, License No. XI01165,
Registered Professional Reporter,
License No. 817125, and Notary Public.

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17 aland@arkansasag.gov

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20

21 ALSO PRESENT:

22 MICHAEL TSCHIEMER, Legal Video

23 Specialist

24

25

1 PAUL W. HRUZ, M.D., Ph.D.

2 Q. What does it mean to be
3 "consonant with the magisterium of the
4 Catholic Church?"

5 MS. LAND: Object to form.

6 A. Again, I want to be clear in
7 serving as an expert in this case that I
8 am a physician-scientist and pediatric
9 endocrinologist, not a theologian. But
10 what it means is that there are teachings
11 of the church that -- that the teaching
12 authority of the church put forward.

13 Q. Is your article consonant with
14 the magisterium of the Catholic church?

15 MS. LAND: Object to form.

16 A. Again, I'm not opining as a
17 theologian. I have no reason to doubt
18 that it is. But even if it were not,
19 based upon the paragraph that you read
20 and the publication criteria, it would
21 have still allowed it to be for
22 publication in this journal.

23 Q. Going back to your article,
24 which is marked as Exhibit 3, and this is
25 in abstract. So I'm reading from the

1 PAUL W. HRUZ, M.D., Ph.D.

2 differ depending on the circumstance and
3 the group and all sorts of mitigating
4 factors but they certainly could apply to
5 both.

6 Q. And are they all just
7 hypotheses?

8 A. I would say that they're --
9 because they've not been rigorously
10 studied, until you do the studies they
11 remain hypotheses.

12 There is emerging evidence
13 that would support that. That is -- but,
14 again, as I said repeatedly, this is an
15 area of medical interventions that is
16 based upon very limited quality evidence,
17 so it's still experimental.

18 Q. And what is the emerging
19 evidence that you just referred to?

20 A. The emerging evidence related
21 to the lack of long-term benefit of the
22 affirmation approach.

23 Q. Do you have personal religious
24 views about gender transition?

25 MS. LAND: Object to form and

1 PAUL W. HRUZ, M.D., Ph.D.

2 relevance.

3 A. So you are asking what are the
4 bases of my scientific premises that I
5 use in formulating --

6 Q. No. I'm not asking about the
7 basis of your scientific premise. I'm
8 just asking about your personal religious
9 views.

10 A. I have religious views. I
11 think everyone does. If one does not,
12 they are ignoring reality.

13 Q. So what are your personal
14 religious views about gender transition?

15 MS. LAND: Objection to form,
16 relevance and scope.

17 A. I am a physician-scientist,
18 and I'm a pediatric endocrinologist. I
19 look at all of -- again, this gets back
20 to your question earlier about the
21 relationship between faith and reason.
22 And I have repeatedly stated in many
23 venues that there is no contradiction
24 between faith and reason. Yet my focus
25 is on science, which would fall in the

1 PAUL W. HRUZ, M.D., Ph.D.

2 category of reason.

3 So that I don't see any
4 conflict between what I can know by
5 science versus what others can understand
6 on the basis of a faith understanding.
7 But they're not mutually exclusive and
8 everything that I have seen from a
9 rigorous attempt at unbiased assessment
10 of the scientific evidence is in concert
11 with those statements that are made in
12 nonscientific rounds related to theology
13 or philosophy.

14 Q. So let's say there were a
15 dozen studies, including randomized
16 trials that met the standards that you
17 believe for rigorous assessment and
18 institutional review board oversight that
19 demonstrated the effectiveness of
20 cross-sex hormone therapy to treat gender
21 dysphoria, would you support the
22 treatment even though it's still distorts
23 biological reality, as you describe it?

24 MS. LAND: Objection to form.

25 A. My understanding, I have never

1 PAUL W. HRUZ, M.D., Ph.D.

2 in my entire life, in my professional
3 career, ever experienced that conflict
4 and I doubt very highly that that would
5 ever occur. But I, again, am a
6 physician-scientist and I follow the
7 facts where they lead.

8 Q. So I just -- since we're
9 allowed to ask -- sorry -- I just want to
10 ask again because you didn't answer the
11 question; do you have personal religious
12 views about gender transition separate
13 from what you explained about your
14 medical views?

15 MS. LAND: Objection to form,
16 asked and answered.

17 A. It doesn't occur in a vacuum.
18 So my religious views cannot be
19 disassociated from my scientific views.
20 But I've already answered your question
21 that I do have religious views.

22 Q. And what are they?

23 MS. LAND: Objection to form,
24 asked and answered.

25 A. They are in consonant from

1 PAUL W. HRUZ, M.D., Ph.D.

2 what I've learned from science that I
3 described in very much detail within my
4 declaration and throughout this
5 deposition.

6 Q. What are they with respect to
7 gender transition?

8 MS. LAND: Objection to form,
9 asked and answered.

10 A. I would say there is an
11 intrinsic teleologic relationship between
12 male and female for the purpose of
13 reproduction. That's a basic scientific
14 fact. It can also be understood from a
15 theological or philosophical perspective.
16 They are not in conflict with each other.

17 There are approaches to
18 medical care that seek to preserve the
19 integrity of the human person, and that
20 understanding of that teleologic
21 relationship again where the science that
22 I've seen thus far has been entirely in
23 concert with statements that are made
24 from a philosophical or theological
25 perspective.

1 PAUL W. HRUZ, M.D., Ph.D.

2 All of the things that I put
3 forward are not in contradiction, yet --
4 and thus, in no way have felt any
5 conflict in putting forward my scientific
6 understanding based upon the scientific
7 premises for hypotheses that any
8 physician-scientist would attempt to do
9 to address a very complex and important
10 problem.

11 Q. Okay. So are there any medical
12 treatments -- are there any
13 pharmacological treatments that you
14 support to treat adults with gender
15 dysphoria based on the current state of
16 the science?

17 MS. LAND: Objection, form.

18 A. Well, again, my perspective --
19 are you asking in my clinical experience
20 or in my research that I have done in the
21 medical literature?

22 I would say that the same
23 objections that I have for the quality of
24 the evidence. In fact, really the most
25 solid evidence that we have on long-term

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C E R T I F I C A T E

I, MAUREEN M. RATTO, a
Registered Professional Reporter, do
hereby certify that prior to the
commencement of the examination, PAUL
W. HRUZ, M.D., Ph.D. was sworn by me to
testify the truth, the whole truth and
nothing but the truth.

I DO FURTHER CERTIFY that the
foregoing is a true and accurate
transcript of the proceedings as taken
stenographically by and before me at
the time, place and on the date
hereinbefore set forth.

I DO FURTHER CERTIFY that I am
neither a relative nor employee nor
attorney nor counsel of any of the
parties to this action, and that I am
neither a relative nor employee of such
attorney or counsel, and that I am not
financially interested in this action.



MAUREEN M. RATTO, RPR

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I N D E X

WITNESS: PAUL W. HRUZ, M.D., 7
Ph.D.
DIRECT EXAMINATION MR. STRANGIO 8

E X H I B I T S

Exhibit Hruz 1, Expert Report of 18
Paul Hruz, dated December 10,
2021,
Exhibit Hruz 2, Expert Rebuttal 21
Report dated February 10th,
2022,
Exhibit Hruz 3, Abstract re: The 77
Use of Cross-Sex Steroids in the
Treatment of Gender Dysphoria by
Paul W. Hruz
Exhibit Hruz 4, article from New 78
Atlantis entitled Growing Pains,
Exhibit Hruz 5, article from 83
NCBC entitled Experimental
Approaches to Alleviating Gender
Dysphoria in Children by Paul W.
Hruz, MD
Exhibit Hruz 6, National 225
Catholic Bioethics Quarterly

1 Submission Guidelines,
2 Exhibit Hruz 7, Amicus Brief re: 274
3 Nicholas Meriwether
4 Exhibit Hruz 8, amicus brief re: 299
5 Gloucester County School Board
6 v. Deirdre Grimm,
7 Exhibit Hruz 9, statement from 307
8 Florida Department of Health re:
9 Treatment of Gender Dysphoria
10 for Children and Adolescents
11 dated April 20, 2022

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1 Amanda Land, Esq.,
2 aland@arkansasag.gov

3 June 3, 2022

4 RE: Brandt, Dylan Et Al v. Rutledge, Leslie Et Al.
5 5/25/2022, Paul Hruz , M.D. (#5163582)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 erratas-cs@veritext.com.

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21
22 Yours,
23 Veritext Legal Solutions
24
25

1 Brandt, Dylan Et Al v. Rutledge, Leslie Et Al.

2 Paul Hruz , M.D. (#5163582)

3 E R R A T A S H E E T

4 PAGE _____ LINE _____ CHANGE _____

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21 REASON _____

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23 _____

24 Paul Hruz , M.D.

Date

25

1 Brandt, Dylan Et Al v. Rutledge, Leslie Et Al.

2 Paul Hruz , M.D. (#5163582)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Paul Hruz , M.D., do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10

11

12 Paul Hruz , M.D. Date

13

*If notary is required

14

SUBSCRIBED AND SWORN TO BEFORE ME THIS

15

_____ DAY OF _____, 20__.

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NOTARY PUBLIC

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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.

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1 THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF ARKANSAS
3 CENTRAL DIVISION

4 DYLAN BRANDT, by and through his mother,
5 JOANNA BRANDT, et al.,
6 Plaintiffs,

7 vs.

CASE NO.
4:21-CV-00450-JM

8 LESLIE RUTLEDGE, in her official
9 capacity as the Arkansas
Attorney General, et al.,
Defendants.

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ORAL/VIDEOTAPED/VIDEO CONFERENCE
DEPOSITION OF MARK DANIEL REGNARUS
TAKEN ON BEHALF OF THE PLAINTIFFS
LITTLE ROCK, ARKANSAS
ON MAY 5, 2022
9:01 a.m.

REPORTED BY: TRENA K. BLOYE, CSR

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED BY and
between the parties hereto, through their respective
attorneys, that the videotaped deposition of MARK DANIEL
REGNARUS may be taken on behalf of the Plaintiffs on the
5th day of May, 2022, in Little Rock, Arkansas, by Trena
K. Bloye, Certified Shorthand Reporter for the State of
Oklahoma, by notice pursuant to the Federal Rules of
Civil Procedure.

* * * * *

1 Q Gotcha. Okay. And are there other essays
2 related to transgender people or gender dysphoria beyond
3 these two?

4 A There may be. You would have to sort of scour
5 Public Discourse. I don't keep track. I write three or
6 four a year. There is probably some mention of it
7 somewhere.

8 Q Okay. Have you ever written a piece called
9 "Queering Science"?

10 A I did.

11 Q Did that appear in First Things?

12 A It did. It sounds like you know some of the
13 answers to these questions.

14 Q I did my homework a little bit. Is First
15 Things maintained by the Institute of Religion and
16 Public Life?

17 A I do, but I don't really know what their
18 organizational aim is, so --

19 Q Do you know the mission of that organization?

20 A I don't. I just know that, you know, First
21 Things is a journal I deal with occasionally. I have
22 written occasional stuff in it.

23 Q Okay. Would you it surprise you to learn that
24 the mission is to oppose the, quote, ideology of
25 secularism?

1 A No. Because, you know first things -- do you
2 know what the reference to "first things" are? Like
3 first principles. So I'm not surprised that opposition
4 to secularism would be, kind of, one of their first
5 things, first principle.

6 Q And do you share that, that view?

7 A Opposition to secularism? I have to think what
8 that means. Generally I don't, when I submit something,
9 scour the parent organization's mission statement and
10 see if I agree with everything. Just it's an -- a
11 journal that I subscribe to, read occasionally, like
12 lots of things, you see an issue, eh, wait until the
13 next issue. But I published in there on occasion.

14 Q And so what do you understand "opposition to
15 secularism" to mean?

16 MR. CANTRELL: Object to form.

17 A What do I understand opposition to secularism
18 to mean? Probably that they seek to resist
19 understandings of the human person and social order and
20 maybe political order as -- a post -- things that would
21 neglect a perspective that entails sort of the divine
22 creation of persons and, you know, I suspect it's
23 another way of saying that it's Judeo-Christian in
24 intent.

25 Q (By Mr. Richardson) Okay. And do you broadly

1 support that, that objective?

2 MR. CANTRELL: Object to form.

3 A I confess I haven't really thought about that.

4 Q (By Mr. Richardson) Okay. I just want to
5 follow up on the piece "Queering Science." Do you
6 remember roughly what that was about?

7 A You know, I do, but, you know, if you have got
8 an example I'd sure love to see it.

9 Q I'm just curious. Did anything come to mind
10 about that piece, about what that -- what your argument
11 was in that piece?

12 A I think I probably. I think I probably should
13 take a look at it first before I make claims about it.
14 As I said earlier, one writes things and you move on and
15 I don't always remember what I've said. But I seldom
16 retract my own words. Do you have that copy of it?

17 Q Well, do you just recall anything about it at
18 all or --

19 A I do recall --

20 Q -- about the argument?

21 A -- little bits about it, yeah.

22 Q Okay. Do you mind sharing what you recall
23 about it?

24 A I think it's sort of a criticism of what I
25 called in this here, ideological capture of professional

1 objection about the lack of clinical trials.

2 A Um-hum.

3 Q There's the objection about research and
4 methodological concerns. And these are separate
5 objections about the wisdom of care for people who have
6 not experienced puberty and informed consent.

7 A Right, right, yeah.

8 Q And those are different objections in your
9 mind?

10 A Right.

11 Q I just want to ask also, do you have religious
12 objections to gender-affirming care?

13 A Religious objections to gender-affirming care?
14 Insofar as, you know, in the back of this interpretive
15 frame I already agreed that I'm kind of in the bodily
16 integrity camp.

17 Q And just to clarify, that's Exhibit 14?

18 A Is it? Are you asking me?

19 Q I'm sorry.

20 A Okay. Fine. Are those religious? I don't
21 know that those are religious. I'm Catholic. I know
22 the Pope isn't a big fan of gender ideology, but, uh --

23 Q Do you share that view?

24 A It depends on what he means by gender ideology.
25 The church hasn't made extensive statement on the

1 matter. These are -- these aren't necessarily
2 religious, but they do characterize largely how I
3 understand this to be. Um, you know, I don't know that,
4 like, my Bishop in Austin, I don't know what his
5 thinking is on this, but he wouldn't be out of step, I
6 think, with the church. So how much does that influence
7 me, I have no idea. I couldn't pick apart these things.

8 Q Okay.

9 A But it's safe to say my church isn't --
10 wouldn't make it easy for me mentally, theologically, to
11 sort of endorse these things. But all the things I've
12 told you really stand independently so far of that.

13 Q Okay. Just to come back, you said the church
14 has opposition to gender ideology. What does that term
15 mean?

16 A That's how they frame -- you know, I'm not a
17 good person to ask about that.

18 Q Okay.

19 A I do think, you know, they would not be fans
20 of, or even believers in the idea that one can change
21 one's sex.

22 Q And is that a view you share?

23 A I mean, I think one can pass extremely
24 effectively as a member of the opposite sex. Do you
25 pass as non-binary? That's a different kind of passing

1 in the description.

2 But, you know, I don't think people can
3 actually change their sex insofar as we understand sex,
4 sexual dimorphism of the human organism.

5 Q When you say pass for the opposite sex --

6 A Like be understood to be somebody of the
7 opposite sex.

8 Q Okay. And you see that as related to
9 transgender people in the sense that you think they are
10 attempting to pass --

11 A Some transgender persons are attempting to pass
12 as the opposite sex, yeah. I mean, Dr. Karasic -- is
13 that how you say his name? I wrote in I think the
14 rebuttal where he describes this sort of -- the
15 normative goals of treatment, which are often to sort of
16 feel, appear, understand one's self as a member of the
17 opposite sex. So we're talking about, like, the desire
18 to do so; right?

19 Q Okay. Do you think that anybody who presents
20 as the opposite sex is transgender or who wants to
21 present as the opposite sex is transgender?

22 A Not necessarily, no.

23 Q So what is the distinction there?

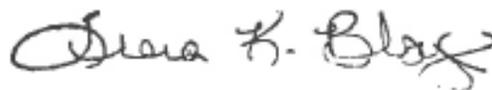
24 A The distinction? I mean, my understanding is
25 that there are lots of goals that people have when they

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C E R T I F I C A T E

I, Trena K. Bloye, Certified Shorthand Reporter within and for the State of Oklahoma, certify that MARK DANIEL REGNARUS was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth, in the case aforesaid; that the witness chooses to read and sign the deposition; that the above and foregoing videotaped deposition was taken by me in shorthand and thereafter transcribed; that the same was taken on May 5, 2022, at 9:01 a.m., at the Arkansas Attorney General's Office, 323 Center Street, Suite 200, Little Rock, Arkansas, that I am not an attorney for, nor a relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 14th day of May, 2022.



Trena K. Bloye, CSR
State of Oklahoma CSR No. 1522

1 MICHAEL A. CANTRELL

2 michael.cantrell@arkansasag.gov

3 May 17, 2022

4 RE: BRANDT, et al. vs. RUTLEDGE, et al.

5 5/5/2022, Mark D. Regnarus (#5163547)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 erratas-cs@veritext.com.

16

17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 BRANDT, et al. vs. RUTLEDGE, et al.

2 5/5/2022 - Mark D. Regnarus (#5163547)

3 E R R A T A S H E E T

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20 _____

21 REASON _____

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23 _____

24 Mark D. Regnarus Date

25

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.

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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.

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1 IN THE UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF ARKANSAS
3 CENTRAL DIVISION
4 CASE NO. 4:21-CV-00450-JM

5 -----X

6 DYLAN BRANDT, by and through his
7 Mother, JOANNA BRANDT, et al.,
8 Plaintiffs,

9 V.

10 LESLIE RUTLEDGE, et al.,
11 Defendants.

12 -----X

13

14

15 REMOTE/ORAL/WEB VIDEOCONFERENCE
16 VIDEOTAPED DEPOSITION OF AMY E. EMBRY
17 (Sitting in Little Rock, Arkansas)

18 May 10, 2022

19 10:00 a.m.

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24 Reported by:

25 Maureen Ratto, RPR, CCR

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* * *

Videotape deposition of Amy E.
Embry, held virtually via Zoom
Teleconference, hosted from Veritext
Legal Solutions, pursuant to notice,
before Maureen Ratto, Certified Court
Reporter, License No. XI01165,
Registered Professional Reporter,
License No. 817125, and Notary Public.

* * *

1 A P P E A R A N C E S:

2

3 Counsel for the Plaintiffs:

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5 125 Broad Street

6 New York, New York 10004

7 BY: JONATHAN G. LESTER, ESQ.

8 DANIEL RICHARDSON, ESQ.

9

10 AMERICAN CIVIL LIBERTIES UNION

11 125 Broad Street

12 New York, New York 10004

13 BY: LESLIE COOPER, ESQ.

14

15 AMERICAN CIVIL LIBERTIES UNION

16 OF ARKANSAS

17 904 West 2nd Street

18 Little Rock, Arkansas 72201

19 BY: GARY SULLIVAN, ESQ.

20

21 GILL RAGON OWEN, PA

22 425 West Capitol Avenue

23 Little Rock, Arkansas 72201

24 BY: DRAKE MANN, ESQ.

25 BETH ECHOLS, ESQ.

1 A P P E A R A N C E S , continued:

2

3 Counsel for the Defendants:

4 SENIOR ASSISTANT ATTORNEY

5 GENERAL, PUBLIC PROTECTION DIVISION

6 OFFICE OF ARKANSAS ATTORNEY GENERAL

7 323 Center Street

8 Little Rock, Arkansas 72201

9 BY: AMANDA LAND, ESQ.

10

11 ALSO PRESENT:

12 Randy Schoening, Legal Video Specialist

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1 AMY E. EMBRY

2 treating adolescents with
3 gender-affirming hormones, would the
4 doctor be violating their ethical duty to
5 discontinue treatment for a patient
6 without referring them to an alternative
7 provider?

8 A. According to this law, yes.

9 Q. And by "this law" you mean
10 20-6-202?

11 A. Yes.

12 Q. Okay. So that would be
13 unprofessional conduct on the part of a
14 doctor to discontinue gender-affirming
15 hormones without providing a referral to
16 another doctor to continue that care; is
17 that correct?

18 A. Yes, that is my understanding.

19 Q. So what is the Board to do if
20 that situation arises and a complaint is
21 filed or the Board otherwise comes to
22 learn about a doctor who is providing
23 care to a patient, an adolescent patient,
24 specifically gender-affirming medical
25 care, and was providing that care before

1 AMY E. EMBRY

2 Act 626 took effect and then after 626
3 takes effect feels the doctor cannot
4 discontinue that care because it would be
5 abandoning their patient? So on the one
6 hand, there's the issue of abandonment
7 and on the other hand, Act 626 says the
8 doctor can't provide that care; how are
9 doctors supposed to navigate that
10 conflict?

11 MS. LAND: Objection to form.

12 A. If that were to occur, then
13 what would happen is the Board would let
14 their legal counsel know there is a
15 conflict of these two rules and we need
16 to know how to proceed. That attorney may
17 go further and it may require an AG
18 opinion. When two laws conflict they have
19 to ask for legal assistance.

20 Q. Has the Board raised the
21 concern about Act 626 putting it in this
22 bind?

23 A. No. The Board has not
24 addressed Act 626 at all.

25 Q. Okay. Does the Board have any

1 AMY E. EMBRY

2 concerns about the law intruding into
3 this medical decision that families make
4 with their doctors?

5 MS. LAND: Objection to form
6 and scope.

7 A. I would say that the Board, it
8 is possible that they would have
9 concerns. But, again, if it were in
10 effect and it's in conflict with another
11 law, they would not do anything until
12 they advised their legal counsel.

13 Q. And in your view it's possible
14 the Board would have concerns even if
15 there's an individual minor who is not
16 currently receiving care but is --
17 parents and doctors believe care would be
18 in their best interest?

19 A. It is possible, it is a
20 possibility that the Board would voice
21 concerns.

22 Q. But you have not heard
23 specific concerns voiced by anybody at
24 this point?

25 A. No.

1 AMY E. EMBRY

2 Q. Okay. Do you have concerns?

3 MS. LAND: I'll object to the
4 form of that question to the extent
5 it's asking for any personal views
6 that would be outside the scope of
7 this notice. So I will object to
8 any question that's going to elicit
9 personal views of this witness.

10 MS. COOPER: Okay.

11 MS. LAND: And if we're going
12 to continue to ask her personal
13 views, that might need to be a
14 discussion we need to have further.

15 MS. COOPER: Yeah. I just have
16 this question.

17 Q. Do you remember the question?

18 MS. LAND: You can answer.

19 A. Okay. So I have concerns that
20 the law that was passed, Act 626, is in
21 violation of other laws. That is my
22 concern.

23 Q. And which other laws?

24 A. The 20-6-202.

25 Q. Any others?

1 AMY E. EMBRY

2 A. Not that I'm aware of right
3 now.

4 Q. Okay. So that's a concern
5 about people who are currently receiving
6 care not being able to have the doctor
7 continue to provide or refer them for
8 continuation of that care?

9 A. Correct.

10 Q. Okay. But not about the people
11 who haven't started care yet, there are
12 no concerns about that?

13 A. I don't know -- at this point,
14 no. If the law were enacted, then more
15 research would need to be done.

16 Q. And have you talked with any
17 families who will be directly affected by
18 Act 626 if it takes effect?

19 A. Have I spoken to anyone? No.

20 Q. Do you know any?

21 A. No, I do not.

22 Q. Okay. Do you know any
23 transgender adolescents who are receiving
24 gender-affirming medical care?

25 A. The only ones that I am aware

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C E R T I F I C A T E

I, MAUREEN M. RATTO, a Registered Professional Reporter, do hereby certify that prior to the commencement of the examination, AMY E. EMBRY was sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in this action.



MAUREEN M. RATTO, RPR

License No. 817125

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I N D E X

WITNESS: AMY E. EMBRY 6
DIRECT EXAMINATION BY MS. COOPER 6

E X H I B I T S

Exhibit 1, 30(b)(6) notice for 15
Defendant Arkansas State Medical
Board

Exhibit 2, Arkansas Medical 24
Practices Act and Regulations,
revised as of December 2, 2020

Exhibit 3, printout of the 44
homepage of the Arkansas State
Medical Board website

Exhibit 4, printout from the 69
Medical Board re: Regulatory and
Discipline

Exhibit 5, Arkansas State House 105
Bill 1718

Exhibit 6, Guidance For the Use 138
of Hydroxychloroquine and
Chloroquine For the Treatment of
COVID 19

Exhibit 7, May 5, 2021 email re: 155
Public Health Grand Rounds

1 Exhibit 8, email dated May 25, 165
2 2021, re: CNN Inquiry
3 Exhibit 9, copy of House Bill 175
4 1570
5 Exhibit 10, Opinion article in 217
6 Washington Post dated April 8,
7 2021
8 Exhibit 11, email dated March 229
9 22, 2021, from Sarah Vestal to
10 ASMB

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1 AMANDA LAND, ESQ.

2 aland@arkansasag.gov

3 May 24, 2022

4 RE: BRANDT, et al. vs. RUTLEDGE, et al.

5 5/10/2022, Amy E. Embry (#5219516)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 erratas-cs@veritext.com.

16
17 Return completed errata within 30 days from
18 receipt of testimony.

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20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 BRANDT, et al. vs. RUTLEDGE, et al.

2 5/10/2022 - Amy E. Embry (#5219516)

3 E R R A T A S H E E T

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24 Amy E. Embry

Date

25

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

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

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

DYLAN BRANDT, et al.,)
) Case No.
Plaintiffs,) 4:21-cv-00450-JM
)
vs.)
)
LESLIE RUTLEDGE, et al.,)
)
Defendants.)
-----X

VIDEOTAPED DEPOSITION OF
RHYS BRANMAN, M.D.

Friday, June 24, 2022
1:58 p.m.

Office of the Arkansas Attorney General
323 Center Street - Suite 200
Little Rock, Arkansas 72201

Stenographically Remotely Reported By:
Mayleen Ahmed, RMR, CRR, CRC, CSR/CCR

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A P P E A R A N C E S

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A P P E A R A N C E S (cont'd)

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BY: AMANDA LAND, ESQ.

323 Center Street - Suite 200

Little Rock, Arkansas 72201

501.682.2007

amanda.land@arkansasag.gov

ALSO PRESENT:

MICHAEL TSCHIEMER, videographer, Notary Public

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I N D E X

WITNESS: RHYS BRANMAN, M.D.

EXAMINATION	PAGE
BY MR. RICHARDSON	8

MOTIONS TO STRIKE: None

INSTRUCTIONS NOT TO ANSWER: None

DOCUMENT/INFORMATION REQUESTS: None

----- EXHIBITS -----

(Previously marked)

PLAINTIFFS'

EXHIBIT		PAGE
Exhibit 2	Regulation No. 27	92
Exhibit 3	Little Rock Cosmetic Surgery Center web page	44
Exhibit 4	American Society of Plastic Surgeons - Gender Affirmation Surgeries	57

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----- EXHIBITS (Cont'd) -----

(Previously marked)

PLAINTIFFS'

EXHIBIT		PAGE
Exhibit 7	Guidance For the Use of Hydroxychloroquine and Chloroquine For the Treatment of COVID 19	83
Exhibit 8	Opinion piece, Governor Hutchison, Washington Post, April 8, 2021	126
Exhibit 9	H.B. 1570	105

----o0o---

1 A. No. I've not been aware of any
2 conversations with Board staff.

3 Q. Are you aware of doctors at Arkansas who
4 provide gender-affirming medical care?

5 A. I'm not aware of any doctors that
6 provide that care.

7 Q. Are you aware if that care is provided
8 in the state of Arkansas?

9 A. I'm not aware of that.

10 Q. Are you aware of a law called H.B. 1570?

11 A. Please repeat that. I'm sorry.

12 Q. A law called H.B. 1570.

13 A. I am not.

14 Q. It's the law at issue in this case --

15 A. Okay.

16 Q. -- which bans gender transition
17 procedures for anybody under the age of 18.

18 Have you heard the term "Act 626"?

19 A. I have not.

20 Q. Okay. That's another name for the same
21 law. So when I say "Act 626" or "H.B. 1570," I'm
22 referring to the law at issue in the case.

23 A. Okay.

24 Q. Okay. So what do you know about the law
25 at issue in this case?

1 A. I'm -- I don't know anything about the
2 law. Sorry.

3 Q. Okay.

4 MR. RICHARDSON: Beth, can we get
5 Exhibit 9, please.

6 THE WITNESS: Thank you.

7 (Exhibit 9 introduced)

8 BY MR. RICHARDSON:

9 Q. This is a copy, and the relevant text is
10 on page 8, I believe.

11 A. Page 8?

12 Q. Page 8, yes, sir.

13 A. Okay.

14 Q. Okay. Do you see maybe the second
15 paragraph there, "20-9-1502"?

16 A. "20-9-1502."

17 Yes, I see it.

18 Q. And then there's a subpart (a) right
19 below that.

20 A. Yes. I see that.

21 Q. It says:

22 "A physician or other health care
23 professional shall not provide gender
24 transition procedures to any individual under
25 18 years of age."

1 A. Okay.

2 Q. Do you see that? Okay.

3 So you were not aware of this law before
4 today?

5 A. I have not been aware of this law until
6 today.

7 Q. Did you -- were you aware of any of the
8 reporting around a ban on health care for
9 transgender adolescents?

10 MS. LAND: Object to form.

11 A. I was not privy to any -- like news
12 reporting?

13 Q. Yes. Just any news reporting at the
14 time.

15 A. I really haven't seen anything on that.
16 I guess I've been working too much.

17 Q. So you would not have heard about
18 anything to do with -- would the phrase "a safe act"
19 sound familiar to you?

20 A. No.

21 Q. Okay. Do you recall at any point in
22 2021 or before that, anybody from the legislature
23 reaching out to you to talk about gender-affirming
24 medical care?

25 A. Nope. I never heard anything about

1 that.

2 Q. Okay. And nobody from the Governor's
3 office on that topic?

4 A. Never received anything from the
5 Governor's office.

6 Q. Are you aware that Governor Hutchison
7 vetoed the law H.B. 1570?

8 A. I'm not aware of that.

9 Q. Okay. Do you know why you're a
10 defendant in this lawsuit?

11 A. I absolutely do not know why I'm a
12 defendant in this lawsuit.

13 Q. Do you know why the Board is a
14 defendant?

15 A. I don't. I have no idea. It's sort of
16 befuddling.

17 Q. Okay. Would the --

18 A. I'm not sure what -- can you tell me?

19 Q. Would -- does the Board have to enforce
20 the laws and regulations about the regulation of
21 medicine in Arkansas?

22 A. Yes. The Board is involved in -- so,
23 for example, a regulation like this, we would be
24 involved in enforcing that regulation.

25 Q. All right. So, in your view, the Board

1 way.

2 Again, you said that you would have
3 enforce H.B. 1570 as a Board if it went into effect,
4 correct?

5 A. That would be correct. We would have to
6 develop rules that fell in line with the legislative
7 bill.

8 Q. So, let's imagine a situation again
9 where a doctor -- you said that if you investigated
10 and found a violation of H.B. 1570, you would have
11 to take some kind of action?

12 A. Correct.

13 Q. So imagine a doctor asserts, in defense,
14 their ethical obligation to not abandon a patient,
15 would the Board have to take action against the
16 doctor in that situation?

17 MS. LAND: Object to form, and calls for
18 speculation.

19 A. Yeah. I would have to -- you know, I
20 guess you would have to query the entire Board. I
21 can't speak for all the Board members; there's a
22 large number of them. And so I can't speculate to
23 what the Board would actually do.

24 Q. Okay. What do you think would be an
25 appropriate response?

1 A. I don't know. I can't speculate on
2 that. I would just have to -- that I would have to
3 kind of think about. I'm not -- I'm not sure if I
4 could really come up with an answer right now.

5 Q. Okay. And now that you've read
6 sections (a) and (b) on page 8 that we had talked
7 about --

8 Do you see those sections?

9 A. Yes. I'm turning to them right now.

10 Q. Okay.

11 -- do you read those sections to be in
12 conflict with the ethical obligations regarding
13 abandonment?

14 MS. LAND: I'll object to the form on
15 that, and I'll also object to the questioning over
16 this Bill.

17 He's not an attorney, and he can't
18 testify as to the effect or the substance of the law
19 or the meaning of the law. So it would be calling
20 for speculation and irrelevant testimony.

21 You can --

22 THE WITNESS: So I --

23 MS. LAND: -- answer.

24 You can answer.

25 THE WITNESS: All right. I'm just

1 rereading it.

2 (Witness reviewing document.)

3 THE WITNESS: And the question was
4 again? I'm sorry.

5 BY MR. RICHARDSON:

6 Q. Do you think that sections (a) and (b)
7 conflict with the ethical obligations of doctors
8 regarding not abandoning patients?

9 MS. LAND: Restate my objections.

10 A. I guess it depends on how you read this.

11 Q. If the law were --

12 A. If --

13 Q. -- interpreted as --

14 A. If this -- yeah, if you're interpreting
15 the law as -- and I'm referring to section (b), as a
16 referral to any health care professional within the
17 state of Arkansas, then I guess they wouldn't be in
18 conflict.

19 I guess if it's all health care
20 professionals in general, I don't know if the state
21 of Arkansas has jurisdiction over all health care
22 individuals in Arkansas -- I mean, in the United
23 States.

24 So I think there are some legalistic
25 parts of this that I really can't speak to, and I

1 would probably have to consult our attorney, our
2 Board attorney for clarification.

3 Q. Okay. Let's leave the legal disputes to
4 the side and just say: If the law did prevent a
5 doctor from referring a patient to any medical
6 provider to receive that care, would it conflict
7 with the ethical obligations to not abandon the
8 patient?

9 MS. LAND: Object to form.

10 A. Well, I think you're asking me to
11 speculate on something that doesn't exist.

12 Q. Well, the question was if a doctor was
13 prevented from referring a patient for care during a
14 continuing course of treatment --

15 A. I just --

16 Q. -- wouldn't --

17 A. I just -- I just don't see how any law
18 could actually do that.

19 Q. Well, just imagine with me that -- that
20 one did, and that the doctor was -- a doctor is
21 prohibited from referring patients to receive care,
22 but that doctor's -- but that patient's course of
23 treatment is not complete.

24 A. Well, I think that --

25 MS. LAND: Object to form.

1 was allowed.

2 Q. And would you have concerns about a law
3 that banned physicians from providing treatments to
4 their patients?

5 MS. LAND: Objection to form. Asked and
6 answered.

7 A. As a personal, or as a Medical Board
8 member or --

9 Q. How about both?

10 A. As a Medical Board member, I'm bound to
11 the rules and regulations that are set by the
12 legislature.

13 Personally, as long as there's no harm
14 being done, I think physicians and their patients
15 should be allowed to provide the procedures, you
16 know -- you know, allowed to participate in the
17 procedures that will help the patient.

18 Q. Are you aware that Governor Hutchison
19 vetoed H.B. 1570?

20 MS. LAND: Objection to form. Asked and
21 answered.

22 A. I'm not aware of that.

23 MR. RICHARDSON: Beth, can we get
24 Exhibit 8, please.

25 (Exhibit 8 introduced)

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REPORTER'S CERTIFICATE

I, MAYLEEN AHMED, the undersigned, a Registered Merit Reporter, Certified Realtime Shorthand Reporter and Notary Public, do hereby certify:

That the witness, RHYS BRANMAN, M.D., before examination was duly sworn by a Notary Public in the State of Arkansas.

That the foregoing deposition was taken remotely stenographically by me on June 24, 2022, and thereafter was transcribed by me, and that the deposition is a full, true, and complete transcript.

That, in accordance with FRCP 30(e), before completion of the proceedings, review of the transcript was requested and signature was reserved by the witness.

I further certify that I am not a relative or employee of any attorney or counsel or any party to this action, and that I am not financially interested in the said action or the outcome thereof.

In WITNESS WHEREOF, I have hereunto set my hand this 30th day of June 2022.

MAYLEEN AHMED, RMR, CRR, CRC
Washington CCR No. 3402 - Exp 12/29/22
Oregon CSR No: 17-0447 - Exp 12/31/23
Texas CSR No: 9428 - Exp 7/31/22
California CSR No: 14380 - Exp 12/31/22
New York Notary Public

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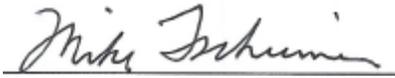
NOTARIAL CERTIFICATE

NAME OF CASE: Brandt v Rutledge, et al.
DATE OF DEPOSITION: June 24, 2022
NAME OF WITNESS: RHYS BRANMAN, M.D.
LOCATION: Little Rock, Arkansas

I, MICHAEL TSCHIEMER, a Notary Public within and for the State of Arkansas, do hereby certify that the witness, RHYS BRANMAN, M.D., before examination was duly sworn by me, and that the foregoing deposition transcript is the official transcription of record.

I further certify that I am not a relative or employee of any attorney or counsel or any party to this action, and that I am not financially interested in the said action or the outcome thereof.

In WITNESS WHEREOF, I have hereunto set my hand this 30th day of June, 2022.



MICHAEL TSCHIEMER
Notary Public, State of Arkansas

1 AMANDA LAND, ESQ.

2 amanda.land@arkansasag.gov

3 July 8, 2022

4 RE: BRANDT, et al. vs. RUTLEDGE, et al.

5 6/24/2022, Rhys Branman (#5286217)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 erratas-cs@veritext.com.

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 BRANDT, et al. vs. RUTLEDGE, et al.

2 6/24/2022 - Rhys Branman (#5286217)

3 E R R A T A S H E E T

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19 PAGE _____ LINE _____ CHANGE _____

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21 REASON _____

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24 Rhys Branman Date

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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.

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