

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

A.C., a minor child by his next friend,)
mother and legal guardian, M.C.,)
)
Plaintiff,)
)
v.) CASE NO. 1:21-cv-02965-TWP-MPB
)
METROPOLITAN SCHOOL DISTRICT)
OF MARTINSVILLE; PRINCIPAL,)
JOHN R. WOODEN MIDDLE SCHOOL,)
in his official capacity,)
)
Defendants.)

**APPENDIX OF EXHIBITS IN SUPPORT OF
DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION**

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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2022, a copy of the foregoing “Appendix of Exhibits in Support of Defendants’ Response in Opposition to Plaintiff’s Motion for Preliminary Injunction” was filed electronically. Notice of this filing will be sent to the following counsel by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

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/s/ Philip R. Zimmerly

Philip R. Zimmerly

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF INDIANA
3 INDIANAPOLIS DIVISION
4 CASE NO. 1:21-cv-02965-TWP-MPB

5 A.C., a minor child by his next)
6 friend, mother and legal)
7 guardian, M.C.)

8 Plaintiff,)

9 -vs-)

10 METROPOLITAN SCHOOL DISTRICT)
11 OF MARTINSVILLE; PRINCIPAL,)
12 JOHN R. WOODEN MIDDLE SCHOOL,)
13 In his official capacity,)

14 Defendants.)

15 DEPOSITION OF M.C.

16 The deposition upon oral examination of M.C.,
17 a witness produced and sworn before me, Craig
18 Williams, RPR, CMRS, a Notary Public in and for the
19 County of Marion, State of Indiana, taken on behalf
20 of the Defendants, via remote Zoom videoconference,
21 on the 26th day of January 2022, at 1:00 EST,
22 pursuant to the Federal Rules of Civil Procedure
23 with written notice as to time and place thereof.
24
25

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1 M.C.,
2 having been duly sworn to tell the truth, the whole
3 truth, and nothing but the truth relating to said
4 matter was examined and testified as follows:

5 DIRECT EXAMINATION,

6 QUESTIONS BY PHILIP R. ZIMMERLY:

7 Q Good afternoon, [REDACTED]. My name is Phil
8 Zimmerly, I am one of the attorneys that
9 represents the Martinsville Metropolitan School
10 District.

11 Would you, please, state your full legal
12 name for the record.

13 A [REDACTED].

14 Q And I'll be referring to you as M.C. throughout
15 the deposition, do you understand that?

16 A Yes.

17 Q Have you ever given a deposition before?

18 A No.

19 Q We'll just go over some ground rules. You
20 understand that you're under oath, so you have
21 the obligation to provide truthful and accurate
22 testimony. Do you understand that?

23 A Yes.

24 Q Is there any reason why you could not provide
25 truthful and accurate testimony today?

1 A No.
2 Q You're not under the influence of any drugs or
3 alcohol or medication that would prevent you
4 from providing truthful and accurate testimony?
5 A No.
6 Q I'd ask that you provide verbal responses, in
7 the same way that you're doing now, just so the
8 court reporter can get your responses. He won't
9 be able to record head nods or things of that
10 sort. Do you understand that?

11 A Yes.

12 Q I'm going to presume that if I ask a question
13 and you answer it, that you understood the
14 question that I asked; is that fair?

15 A Yes.

16 Q If at any point in time you need to take a
17 break, run to the restroom or stretch your legs
18 or get a snack, it's totally fine to do that, my
19 only request is that you answer the question
20 that's pending before we take that break. Is
21 that fair?

22 A Yes.

23 Q M.C., tell me a little bit about your family.
24 Do you have any children?

25 A Yes, I have two children.

1 Q And one of those children is A.C.?
 2 A Yes.
 3 Q So we're clear, when I refer to A.C., it's to
 4 the plaintiff who you are bringing this lawsuit
 5 on behalf of. Do you understand that?
 6 A Yes.
 7 Q You have another child as well?
 8 A Yes.
 9 Q And is that a child who is younger than A.C.?
 10 A Yes, he's two.
 11 Q How old is A.C.?
 12 A 13.
 13 Q My understanding is that A.C. has a stepfather
 14 and a father. What's the name of A.C.'s
 15 biological father?
 16 A [Redacted]
 17 Q Mr. [Redacted], what is his legal status as the
 18 biological father? Does he have any custody
 19 rights or visitation or what is his legal status
 20 as it relates to A.C.?
 21 A I think we have what's so-called joint legal
 22 custody, and then he has a visitation agreement,
 23 as well, but A [Redacted] hasn't seen his father for a
 24 couple years.
 25 Q Do you maintain contact with Mr. [Redacted]?

1 A Yes. I talk to him probably once monthly.
 2 Q Is he aware of this lawsuit?
 3 A Yes.
 4 Q Then A.C. also has a stepfather; is that
 5 correct?
 6 A Yes.
 7 Q What's the stepfather's name?
 8 A [Redacted].
 9 Q Does Mr. [Redacted] have any legal status as it
 10 relates to A.C.?
 11 A No.
 12 Q So he hasn't adopted A.C.?
 13 A No.
 14 Q Let's talk a little bit about your work history.
 15 Do you currently worked?
 16 A Yes.
 17 Q Where do you work?
 18 A I work at M [Redacted] in Mooresville.
 19 Q Is that a senior living facility?
 20 A Yes.
 21 Q What is your role there?
 22 A I'm an LPN.
 23 Q How long have you been in that position?
 24 A It has been almost two years now.
 25 Q Does your husband, [Redacted], does he work as

1 well?
 2 A No, he's an at-home dad.
 3 Q Let's talk a little about A.C.'s educational
 4 history. Did A.C. go to preschool?
 5 A Yes. I forget the name of the preschool, but it
 6 was in Mooresville.
 7 Q What about A.C.'s years in elementary school?
 8 Kind of just walk me through what schools A.C.
 9 has been to, elementary school up to the
 10 present.
 11 A Okay, started off at Brooklyn Elementary and
 12 attended there through about half of first
 13 grade. At that point, we moved to Anderson and
 14 attended Anderson Elementary School for the last
 15 part of grade one through almost all of grade
 16 five. Then we moved back to Martinsville and
 17 started at Bell Prep for the remainder of the
 18 grade, and then now he is at John R. Wooden.
 19 Q The move to Anderson, was that a job change or
 20 why did you move to Anderson?
 21 A I was working on the northeast side of
 22 Indianapolis, and from where we were living in
 23 Brooklyn, that was about an hour and a half
 24 drive each way. Anderson was a lot closer. It
 25 was only about a 30-minute drive to work. But

1 shortly after we moved to Anderson, I changed
 2 jobs even closer to home in Anderson.
 3 Q Then you moved back to Martinsville or back to
 4 the Martinsville area, was it two years ago now?
 5 A Yeah, about two years.
 6 Q What was sort of the impetus behind that move?
 7 A We didn't have any family up in Anderson, so we
 8 were moving back down to Martinsville to be
 9 closer to my sister.
 10 Q There are two documents that we may take a look
 11 at over the course of this deposition. One is a
 12 copy of the complaint that was filed, and the
 13 other is a letter that was provided by your
 14 counsel. If you would, do you have a copy of
 15 the complaint?
 16 A Yes.
 17 Q Did you review this document before it was filed
 18 in this action?
 19 A Yes.
 20 Q So it's a document that you're familiar with?
 21 A Yes.
 22 (Defendants' Deposition Exhibit 3 was
 23 marked for identification.)
 24 Q I'd like you to go ahead and turn to the third
 25 page. We'll mark this as Exhibit 3 for the

1 record.

2 The third page, paragraphs 10 and 11, I'm

3 just going to read and then ask you some

4 questions about it, okay, M.C.?

5 It says, "Although the gender assigned to

6 A.C. at birth was female, he has known himself

7 to be a boy for several years. When A.C. was in

8 fifth grade, he indicated to his family that he

9 was not female and asked that he be addressed by

10 a male first name and with male pronouns for

11 they."

12 I'd like to know a little bit more about

13 that. How old was A.C. when A.C. shared this

14 information with you?

15 A Nine years old. First time.

16 Q You say nine years old?

17 A Nine years old, around nine.

18 Q And you said the first time. What do you mean

19 by that?

20 A The first time. He was around nine years old,

21 he came to me and told me he was a boy, and I

22 probably didn't react the best way. I

23 questioned him and asked him if he knew what he

24 was talking about. So he kind of let it drop at

25 that point, and then a few months later he told

1 me he was a boy again.

2 That's when I realized he was serious and I

3 knew we needed to start getting him proper help

4 with that area.

5 Q You say you needed to get him proper help in

6 that area. What did you do in response to that

7 information that A.C. had shared with you?

8 A Well, we saw a primary care physician, and they

9 recommended going to Riley Gender Health Clinic

10 and then also counseling.

11 Q Who was the primary care physician at that time?

12 A Dr. Teresa Quant-Callender.

13 Q Could you spell that, both the first and last

14 name?

15 A Yeah, Teresa is T-E-R-E-S-A, last name is

16 Q-U-A-N-T hyphen C-A-L-L-E-N-D-E-R. And she's

17 at Community Pediatrics in Anderson, and that's

18 still A's primary care physician.

19 Q So A.C. is continuing to receive care from that

20 physician in Anderson?

21 A Yes.

22 Q You said that Dr. Quant-Callender had made a

23 referral to another medical group. What was

24 that group?

25 A Riley Gender Health Clinic.

1 Q And also counseling?

2 A Yes.

3 Q At that point in time, was that when A.C. was

4 nine years old?

5 A We started counseling when A was probably

6 nine, ten years old, but the Riley Gender Health

7 referral came later.

8 Q When was the referral made to Riley?

9 A The first time we saw the Riley physician was, I

10 believe, October of 2021. And there was a

11 referral, like a long wait list for that, so I

12 think it had been about six months prior to that

13 that the referral had actually been put in.

14 Probably March or so of 2021, and then we had to

15 wait for the appointment.

16 Q With regard to when you shared this information

17 with Dr. Quant-Callender when A.C. was

18 approximately nine years old, the initial sort

19 of referral was to counseling, and then more

20 recently there's been a referral to Riley; is

21 that true?

22 A Yes.

23 Q With regard to the referral to a counselor, did

24 A.C. then begin seeing a counselor at that time

25 when A.C. was nine or ten years old?

1 A Yes. We started seeing a counselor in Muncie.

2 Q What was the name of that counselor?

3 A You know, I cannot remember her name.

4 Q Do you recall what group that counselor may have

5 been affiliated with?

6 A Not off the top of my head. If I had access to

7 the Internet I could Google search it and I

8 would recognize her, the building and name. But

9 off the top of my head, I can't recall her name.

10 Q That's fine. This isn't a memory quiz.

11 Do you recall how many times,

12 approximately, A.C. went to go see that

13 counselor?

14 A I can't remember how many times, but we were

15 going pretty much weekly or every other week.

16 Q So weekly or every other week for what extent of

17 time?

18 A We saw that counselor until we moved back down

19 to Martinsville. So until the end of -- toward

20 the middle of fifth grade.

21 Q If you could approximate, how long was that?

22 Was that a year or two years?

23 A Probably about a year.

24 Q Was it the same counselor that A.C. saw each

25 week or every other week?

1 A Yes, same counselor.
 2 Q Was the scope of counseling limited to the
 3 issues in relation to A.C.'s gender or were
 4 there other issues that the counselor was also
 5 addressing in counseling A.C.?
 6 A When we went to -- I wasn't in the counseling
 7 sessions, but that was the thing that was
 8 brought up was the need for gender counseling.
 9 Past that, I really don't know what they talked
 10 about in their sessions because it's private.
 11 There were certain issues.
 12 Q When you moved to Martinsville, did A.C.
 13 continue to see a counselor?
 14 A There was -- we just recently started seeing a
 15 counselor again here in the past month.
 16 He saw a counselor for a brief period of
 17 time at Collaborating for Kids in Greenwood, and
 18 that counselor just didn't work out for us. I
 19 want to say he maybe was at Collaborative Kids
 20 for about six months or so. That counselor just
 21 didn't work out, so we took some time. And at
 22 this point we reached out to Gender Nexus and we
 23 wanted a counselor that was knowledgeable with
 24 LGBTQ issues, and they helped us find a
 25 counselor.

1 Q Do you recall what the name of the counselor was
 2 at Collaborating for Kids?
 3 A [Redacted] actually had two counselors there. One was
 4 for the first four or five months, and then that
 5 counselor quit and a new counselor took [Redacted] on,
 6 and [Redacted] saw that counselor for maybe about a
 7 month, a couple sessions.
 8 Q Do you recall the names of both of those
 9 counselors?
 10 A I don't remember them.
 11 Q The new counselor, the one that worked with her
 12 for about a month, it didn't work out, why is it
 13 that that counselor didn't work out?
 14 A That was really an issue on -- it was my fault.
 15 Our youngest kid is also autistic and he has
 16 several different therapy appointments going on,
 17 as well, so we had -- there were some times
 18 where I had the wrong appointment time, and she
 19 let us go because we missed appointments because
 20 I had written them down wrong or --
 21 Q Just so I'm clear with regard to the timing,
 22 when you started going to Collaborating for
 23 Kids, was that when you made the move to
 24 Martinsville or was that more recent in time?
 25 A It was pretty much right when we moved in here.

1 Q Then there was a gap in time where A.C. was not
 2 receiving any counseling, and then in October of
 3 2021 A.C. began receiving care at Riley, and
 4 then more recently A.C. has seen another
 5 counselor?
 6 A Yes, we just started with.
 7 Q Who is the counselor that A.C. is seeing now?
 8 A Her name is Madeline, and she's at
 9 Transformation Counseling in Greenwood.
 10 Q Is Madeline her first name or her last name?
 11 A Madeline is her first name. I'm not sure what
 12 her last name is. I've got all that
 13 information, just not in my brain.
 14 Q Sure.
 15 The scope of counseling that Madeline is
 16 providing to A.C., is that only in relation to
 17 gender issues or is Madeline also providing
 18 other counseling?
 19 A There's family issues, as well, with regards to
 20 [Redacted]'s grandmother that were brought up.
 21 Q Are you a part of those counseling sessions with
 22 Madeline or is that another situation where it's
 23 just A.C. and the counselor?
 24 A I was only in for the first kind of like
 25 assessment session, and then after that it's

1 just been [Redacted] There may be times in
 2 counseling where she might want a family
 3 session, so that could happen, but it hasn't
 4 yet.
 5 Q Going back to the complaint, paragraphs 10 and
 6 11. In paragraph 11, it says, "When A.C. was in
 7 fifth grade, he indicated to his family that he
 8 was not female and asked that he addressed by a
 9 male first name and with male pronoun for they."
 10 Did you then at that point in time begin
 11 complying with that request, to use male
 12 pronouns or they pronouns for A.C.?
 13 A Yes. We started using them, and we also
 14 contacted the school that [Redacted] was attending at
 15 that time and let them know the name he
 16 preferred to be called.
 17 Q And the "they" pronoun, what was your
 18 understanding of the use of the "they" pronoun?
 19 A He explained to me that he was going by
 20 they/him. I don't -- he explained it to me that
 21 he didn't feel that "they" made sense to him, so
 22 he felt more comfortable with just "him."
 23 Q Walk me through that. When did you have that
 24 conversation with A.C.?
 25 A That probably was a few months past that first

1 time he told me.

2 Q At that point in time, A.C.'s initial request

3 was that you refer to A.C. as they/him?

4 A Yes.

5 Q What was the explanation given at that point in

6 time by A.C.?

7 A I mean, I don't really recall an explanation. I

8 just took what my kid was telling me and I

9 believed what he was telling me. I don't fully

10 understand it myself, so that's why we -- I

11 don't know the proper questions to ask my kid,

12 that's why we got professionals involved.

13 Q Then it sounds like there was another

14 conversation about the use of pronouns at some

15 subsequent time; is that true?

16 A I don't know exactly how many conversations

17 we've had.

18 Q Sure. Well, I guess what I'm trying -- I'm

19 sorry, I talked over you.

20 I guess what I'm trying to understand is,

21 the initial request was that the pronouns be

22 they/him. At some point in time was that

23 request modified by A.C.?

24 A Yes.

25 Q When did A.C. ask to have different pronouns

1 used?

2 A I would say that was probably approximately

3 right around like the beginning of sixth grade.

4 Q What request did A.C. make at that time?

5 A Just that he wanted the pronouns to be he/him

6 and to drop the "they."

7 Q Did A.C. give a reason for that?

8 A He just said he felt even more comfortable with

9 "he."

10 Q Paragraph 12 of the complaint states, "Since his

11 time in elementary school, A.C. has been treated

12 as male by his family."

13 A Yes.

14 Q When it refers to elementary school, is that a

15 reference to fifth grade or sometime before

16 fifth grade?

17 A Just since he told me that he was, you know, a

18 boy, not prior to that.

19 Q I think in the previous paragraph it had said

20 that that was in fifth grade that A.C. shared

21 that information with you?

22 A Yes. So starting in fifth grade when he told

23 me, that's when we started the process of

24 changing.

25 Q When the complaint says that A.C. has been

1 treated as a male by his family, what does that

2 mean to you? How have you and your family

3 treated A.C. as a male?

4 A So when I had A [Redacted] and he was assigned female at

5 birth, I did the typical mom/girl things,

6 dressed him in dresses, had long hair, did girly

7 dolls and tea parties and things like that.

8 Although now I would not say those things are

9 gender specific.

10 And then hence when he told me he was a

11 boy, I let him take the wheel and let him change

12 his hair and dress different, because prior to

13 that I had him in dresses and skirts and things

14 he was uncomfortable in.

15 Then when we were out, like out in public,

16 at public places, if he needed to use the

17 restroom, we would let him use the male

18 restrooms, like in the McDonald's or wherever we

19 were at.

20 Q Any other ways that you and your family treated

21 A.C. as a male, other than what you've already

22 described?

23 A No. Just calling him by his name and his chosen

24 pronouns. I think that's the biggest way to

25 support somebody in that.

1 Q Was it in fifth grade that A.C. asked you to --

2 did A.C. then give you the name A [Redacted] in fifth

3 grade, or when did the name A [Redacted] come into the

4 mix?

5 A In fifth grade.

6 Q Paragraphs 13 and 14 state, "In fifth grade he

7 was in school in Anderson and he wore male

8 clothes and cut his hair in a masculine manner.

9 School personnel referred to him by his male

10 first name and referred to him by male

11 pronouns."

12 What was the school in Anderson at that

13 point in time that A.C. was attending?

14 A Anderson Preparatory Academy. It's a military

15 kind of based school.

16 Q Did the school personnel refer to A.C. as A [Redacted]?

17 A Yes.

18 Q And they also referred to A.C. using male

19 pronouns?

20 A Yes.

21 Q Who made that request of the school personnel?

22 A My husband and I.

23 Q Paragraph 15, "When A.C. was in fifth grade he

24 moved with his family to Martinsville where he

25 was enrolled in one of the schools within the

1 school district."
 2 And that was the Bell Intermediate School?
 3 A Yes, Bell.
 4 Q Paragraph 16 states that, "The staff at the
 5 school did not honor M.C.'s request that A.C. be
 6 referred to with male pronouns, instead
 7 referring to him using female pronouns."
 8 Did you make a request for use of male
 9 pronouns to someone at Bell Intermediate?
 10 A Yes. When we moved down here, we met with a
 11 school counselor. I cannot recall her name.
 12 But that was one of the things we talked to her
 13 about was the request to use the name and
 14 pronouns.
 15 Q That was in an in-person meeting with that
 16 school counselor?
 17 A Yes.
 18 Q Tell me about that. Was that a conversation you
 19 had with the counselor?
 20 A Yeah, we had a conversation in her office.
 21 Q After you made that request, what was her
 22 response?
 23 A I don't recall her response.
 24 Q Was there any follow-up following that meeting?
 25 A No, there was no follow-up that I can recall

1 with the school.
 2 Q Did you follow up yourself, did you follow up
 3 with an email or with a phone call to that
 4 counselor or to the school?
 5 A No, I didn't. A [Redacted] told me that they were using
 6 his name, but I didn't know at that point that
 7 they weren't using the pronouns. And that was
 8 towards the end of the fifth grade year, so
 9 there wasn't a lot of time to -- summer was
 10 coming, so there wasn't much to do anyhow.
 11 Q What about in sixth grade, were there any
 12 communications in relation to use of male
 13 pronouns?
 14 A Not that I recall, no.
 15 Q So no communications in relation to the name or
 16 use of pronouns with any of the school personnel
 17 at Bell for the sixth grade year?
 18 A Not that I can recall. Since I work full-time,
 19 my husband would make most of those phone calls
 20 if there was ever a need to, so I can't say with
 21 100 percent certainty that a call was ever not
 22 made either.
 23 Q Paragraphs 20 and 21. Well, we'll start with
 24 20. I think this is reference to A.C.'s time at
 25 Bell Intermediate. It says, "A.C. asked if he

1 could use the boys' restroom at the school and
 2 was told he had to use either the girls'
 3 restrooms or the single person restroom in the
 4 school health clinic."
 5 Were you a party to any conversations in
 6 relation to A.C.'s use of the restrooms in fifth
 7 and sixth grade?
 8 A In fifth and sixth grade we never requested to
 9 the school to use the bathrooms. That wasn't
 10 something that A [Redacted] had brought up to us that
 11 was he wanted to do at that point, so it wasn't
 12 something that we asked of them in fifth or
 13 sixth grade.
 14 Q Do you have any personal knowledge as to whether
 15 or not A.C. made that request?
 16 A I don't know if A [Redacted] ever asked the school on
 17 his own behalf, no.
 18 Q Do you have any personal knowledge as to which
 19 restroom A.C. used in fifth and sixth grade?
 20 A Well, recently here I've learned that he just
 21 never uses the restroom because he's thought
 22 he's had to use the clinic restroom. Or if he's
 23 had to use the restroom, it's been very rarely,
 24 because he doesn't feel comfortable using the
 25 clinic.

1 Q In fifth and sixth grade, were you aware of what
 2 restroom A.C. was using?
 3 A To use the restroom, he would use the clinic
 4 restroom or family restrooms in fifth and sixth
 5 grade.
 6 Q Were you aware of it at that time?
 7 A Yes.
 8 Q So even though you had not made a request for a
 9 particular restroom, you were aware that A.C.
 10 was using either the clinic restroom or a family
 11 restroom?
 12 A Yes. And thinking on that, at some point we
 13 must have made a request for A [Redacted] to use the
 14 clinic or family restroom, because they don't
 15 just typically allow the kids to use those
 16 restrooms without some reason. So at some point
 17 we had to have requested that. They don't let
 18 the kids use those restrooms otherwise.
 19 Q Do you recall, specifically, making such a
 20 request or having such a conversation, or is
 21 that you just putting together in your mind's
 22 eye what might have happened?
 23 A I mean, that is just a speculation, but my
 24 husband probably would have called and asked if
 25 that were the case. I don't recall that. I

1 don't recall having that conversation with the
 2 school.
 3 Q Just so the record is clear, you don't recall
 4 making requests in fifth or sixth grade, but you
 5 were aware that A.C. was using either the health
 6 clinic restroom or the family restroom?
 7 A Yeah. And, I mean, it could have been a request
 8 we made with the meeting with the school
 9 counselor. That was several years ago.
 10 Q And again, that's just your speculation as to
 11 what might have happened?
 12 A Yes. It could have been asked for at several
 13 points.
 14 Q Paragraph 27 states that, "Therefore, at the
 15 beginning of the school year, he used the single
 16 person restroom in the health clinic."
 17 Is that true, or was it your understanding
 18 at the beginning of the school year in seventh
 19 grade A.C. began by using the single person
 20 restroom in the health clinic?
 21 A Health clinic or family restrooms, yes.
 22 Q And that was this school year?
 23 A Yes.
 24 Q Are you aware whether or not A.C. had made any
 25 request to use the boys' restrooms at the

1 beginning of this school year?
 2 A He didn't make any request for himself, I don't
 3 think so.
 4 Q Did you make a request at the beginning of the
 5 school year?
 6 A It was towards the beginning of the school year,
 7 yes, we had asked about using the boys'
 8 restrooms for him.
 9 Q How was that request made?
 10 A Well, I think I'm jumping ahead. That request
 11 was made with Gender Nexus, not at the very
 12 beginning of the school year.
 13 Q Okay.
 14 A That was towards the beginning of the school
 15 year, but -- A [Redacted] had told me that he wanted to
 16 use the boys' restroom. We called the school
 17 and asked about it. They told us the options
 18 were the family restrooms and the health clinic.
 19 And then that's when we got Gender Nexus
 20 involved. So yes, there was a phone call at
 21 some point to ask for that. They told us no,
 22 and then we reached out to Gender Nexus.
 23 Q Had you had any sort of connection with Gender
 24 Nexus prior to reaching out in the fall of 2021?
 25 A No. They were recommended to us through Riley.

1 Q So in the sequence of events, you became
 2 connected to Gender Nexus after having gone to
 3 Riley?
 4 A Yes, I believe so.
 5 Q Are you aware of any discipline being imposed
 6 against A.C. for being late to class?
 7 A For being late to class? No.
 8 Q Paragraph 33 states, "These feelings," referring
 9 to anxiety and unhappiness from the paragraph
 10 above, "These feelings are increased by the fact
 11 that although he is referred to by his male
 12 first name by many of the regular teachers, a
 13 number of them continue to refer to him by
 14 female, not male pronouns."
 15 Generally speaking, was it your
 16 understanding that the regular teachers at the
 17 middle school have sought to honor A.C.'s
 18 request, A.C.'s chosen name and male pronouns?
 19 A They have used his chosen name. However, he
 20 tells me pretty much every day that teachers
 21 misgender him, refer to him as "she." It's very
 22 confusing to him and uncomfortable. He's tried
 23 to correct them and say "he," and they continue
 24 to use "she."
 25 Q Has A.C. identified those teachers to you that

1 have used pronouns other than those that A.C.
 2 has asked them to use?
 3 A No, I don't have names of teachers.
 4 Q Do you have any personal knowledge as to when
 5 that's occurred or how often it's occurred?
 6 A I want to say it's probably pretty much on a
 7 daily basis. There for a while at the beginning
 8 of the school year we were contacting the school
 9 pretty regularly about issues regarding that,
 10 and there was just no real good communication,
 11 it seemed, coming from the school.
 12 Q When you say on a daily basis, how would you
 13 reach out to the school to address these issues?
 14 A My husband would call.
 15 Q Were you present for those conversations?
 16 A For some of them.
 17 Q Do you recall those specific instances where you
 18 were present for those calls?
 19 A No.
 20 Q So you don't specifically remember those
 21 instances where calls were made?
 22 A If you question me about a specific incident, I
 23 would be able to recall, but --
 24 Q I guess let's take them in order in your mind's
 25 eye in terms of conversations that you've been a

1 part of. And I'm not asking for a specific
2 date, but if maybe you could give me an
3 approximation of when the call might have
4 happened, who you were speaking with or your
5 husband was speaking with, and what you recall
6 about that conversation. I don't know how many
7 conversations you have in your mind's eye in
8 terms of having taken place. Maybe if we just
9 start with the first one and work forward, we'd
10 be able to track that down.

11 So why don't you just tell me what calls
12 you remember being a part of and what you
13 remember about those calls.

14 A Let's see, I really can't remember the calls.
15 Everything is so muddled together that it's
16 confusing, because there have been other issues
17 with the school that we called about, as well,
18 so it's hard for me to pinpoint exactly what
19 conversations happened.

20 Q What can you remember, then, I guess? Why don't
21 you tell me what you do remember about
22 conversations, to the extent you have any
23 specific recollection of those calls having been
24 made.

25 A I'm trying to think of the last call I'm

1 remembering.

2 MS. STUART: Can we take a break? You have
3 to answer his question, but then we can take a
4 break because I feel like you're getting
5 anxious.

6 MR. ZIMMERLY: Do you want to take a break
7 off the record? We can wait here or go off the
8 record, whatever is fine with you, Megan and
9 [REDACTED].

10 THE WITNESS: It doesn't matter.

11 MS. STUART: Do you want to just like go
12 take a breath? We can stop recording for a
13 minute, or do you want to take a slightly
14 longer?

15 THE WITNESS: I feel like I need a few
16 minutes to gather my thoughts because everything
17 is so confusing.

18 MR. ZIMMERLY: Sure, we're almost at an
19 hour. Let's take five minutes.

20 (A recess was taken between 1:51 p.m. and
21 1:59 p.m.)

22 BY MR. ZIMMERLY:

23 Q We're back on the record.

24 M.C., when we took that break, you were
25 trying to recall specifics of conversations you

1 may have had with administrators about use of
2 pronouns. You've had an opportunity now to kind
3 of think in your mind's eye about those. What
4 do you recall specifically about those
5 conversations?

6 A Yes, and I apologize, it's so muddled because
7 there have been quite a few calls to the school.

8 I know earlier in the year, at the start of
9 the school year, around September, my husband --
10 I was present for conversations that my husband
11 made to the school where he was asking for the
12 correct name and pronouns to be used. I don't
13 remember real specifics. I obviously didn't
14 hear the other end.

15 The conversation I can remember that I had
16 personally with Mr. -- I can't remember if it
17 was Mr. Kutruff or Mr. Reynolds, I can't
18 remember exactly. But I think it was Mr. -- I
19 can't say for sure -- was after I believe -- I
20 don't remember whether it was right before or
21 after the meeting with Gender Nexus and I was
22 talking to the person about A [REDACTED] using the boys'
23 restroom. He told me it wasn't an option, that
24 other people in the community had a say-so in
25 the matter. That was after Gender Nexus I

1 think.

2 Q Those are two specific conversations that you
3 recall, one between your husband and someone at
4 the school and then another that you personally
5 had with either Mr. Kutruff or Mr. Reynolds?

6 A Yes.

7 Q Do you recall specifically any other
8 conversations about pronoun use that you were
9 present for?

10 A The only other thing I can remember is at the
11 beginning of the school year for open house, my
12 husband and I, we took A [REDACTED] to that open house
13 and we walked around to all of his classrooms to
14 meet teachers, explain himself, explain his name
15 and pronouns to hopefully avoid the situation
16 happening where he might get called by the name
17 on the roster.

18 Okay.

19 Q So other than that instance at the open house
20 and the call you were present with your husband
21 and the call you had with Mr. Kutruff or
22 Mr. Reynolds, do you recall any other calls
23 being made with regard to pronoun use?

24 A I can't remember the number of calls, no. I
25 know there was more than one.

1 Q Do you recall the specifics of any other calls
 2 being made other than what you described to me
 3 today?
 4 A No.
 5 Q Do you know with regard to those instances where
 6 regular teachers may have used a different
 7 pronoun than requested by A.C., do you know
 8 whether or not they have done that intentionally
 9 or not?
 10 A I can't question their intentions. I have no
 11 idea what they might mean by it. It could be
 12 innocent and it could be not.
 13 Q Have there been instances where you have used
 14 female pronouns to refer to A.C. by mistake?
 15 A There have been times, especially way earlier on
 16 in the beginning. It's definitely a learning
 17 curve, I realize that.
 18 Q And so for those regular teachers, it may be a
 19 learning curve as well?
 20 A It could be.
 21 A [Redacted] tells me, though, he tries to correct
 22 them, and in the same conversations in the same
 23 breath they will still say "she."
 24 Q And that's based on what --
 25 A And they don't correct themselves. That's based

1 on what A [Redacted] tells me, of course.
 2 Q Have you been present for any of those
 3 conversations?
 4 A No.
 5 Q Paragraph 34 of the complaint, turning back to
 6 that again, it says that, "Substitute teachers
 7 routinely refer to him with female pronouns."
 8 Have you been present for any of those
 9 instances where substitute teachers have used
 10 different pronouns than A.C. has requested?
 11 A I've not been present, but I have text messages
 12 from A [Redacted] throughout this a lot where he'll tell
 13 me so-and-so said this.
 14 Q And these are text messages that --
 15 A Yes, a text message about what they may have
 16 said.
 17 Q Do you know of any specific instances where
 18 substitute teachers may have used a different
 19 pronoun than requested?
 20 A I couldn't name a specific instance off the top
 21 of my head, no.
 22 Q Is it also true that with regard to those
 23 substitute teachers, the use of a pronoun other
 24 than requested may also have been an
 25 understandable mistake?

1 A Yes, it could have been.
 2 Q Paragraph 35 says that, "In September of this
 3 year," and that would have been September of
 4 2021, "he became a patient of Gender Health
 5 Program at Riley at IU Health in Indianapolis
 6 where he is receiving care and treatment for the
 7 diagnosed condition of gender dysphoria."
 8 Was it actually in early October of 2021
 9 when A.C. actually went to the Gender Health
 10 Program at Riley?
 11 A I would have to double-check the first visit
 12 there. It could have been September or October.
 13 I'm pretty sure that first appointment was in
 14 October, but I'm not 100 percent on that.
 15 Q And that visit was based on a referral from
 16 Dr. Teresa Quant-Callender?
 17 A Yes.
 18 Q How many times has A.C. been seen at Riley at
 19 the gender clinic?
 20 A He's had two appointments with his nurse
 21 practitioner and also had two appointments with
 22 nurse visits for injections.
 23 Q Did you say for injections?
 24 A Injections, yes. Depo-Provera shot.
 25 Q The two appointments with the nurse

1 practitioner, one was in October of 2021?
 2 A Yes, I'm pretty sure it was October.
 3 Q When was the second visit?
 4 A The second visit was just last month, in
 5 December.
 6 Q And both times A.C. saw a nurse practitioner?
 7 A Yes.
 8 Q Who is the nurse practitioner?
 9 A Laura Erikson.
 10 Q The two appointments with the nurse visits, were
 11 those the same visit to Riley, just you saw
 12 different people, or were those separate visits
 13 to Riley?
 14 A Those were separate visits to Riley. The nurse
 15 visit -- one, he actually saw a nurse, and the
 16 second visit was actually a doctor, but I don't
 17 recall her name. They were out of nurses that
 18 day so the doctor was --
 19 Q When were those appointments?
 20 A December and -- the first visit may have been in
 21 September for the nurse visit for the Depo shot.
 22 The first nurse visit might have been in
 23 September for Depo. I'm not sure.
 24 Q What is the Depo -- how do you pronounce that?
 25 A Depo-Provera.

1 Q What is that? What is that injection for?
 2 A It's to help stopping periods.
 3 Q If the first visit to the gender clinic was in
 4 October, then I can't imagine that there would
 5 have been an injection in October.
 6 A Yeah, because he had his second injection in
 7 December, so the first one would have had to
 8 have been September, because they're 12 weeks
 9 apart.
 10 Q Well, I suppose the medical records would show
 11 more specific.
 12 A Yeah, that's better for dates than my head.
 13 Q Those injections of Depo-Provera, A.C. receives
 14 those every three months?
 15 A Yes, every 12 weeks.
 16 Q And has A.C. received a diagnosis of gender
 17 dysphoria?
 18 A Yes.
 19 Q Who made that diagnosis?
 20 A The nurse practitioner.
 21 Q Was that diagnosis then kind of set forth in
 22 writing?
 23 A Typically on like your after visit summaries
 24 they put kind of like what you're diagnosed with
 25 on there. I can't recall if I remember seeing

1 it on that or not now.
 2 Q Did you provide a copy of any diagnosis
 3 materials to the school?
 4 A No, I never gave them any of that. It was never
 5 requested.
 6 Q Has A.C. received any other mental health
 7 diagnosis, aside from gender dysphoria?
 8 A Anxiety and depression.
 9 Q When were those diagnoses made?
 10 A Those were right around the age of nine, ten.
 11 Q Who rendered those diagnoses opinions?
 12 A Dr. Callender. And she also diagnosed him as
 13 being transgender.
 14 Q Dr. Callender has also made a diagnosis that
 15 A.C. is transgender?
 16 A Yes.
 17 Q What's your understanding of gender dysphoria,
 18 that diagnosis? What's your own understanding
 19 about that diagnosis?
 20 A So someone with gender dysphoria doesn't feel
 21 comfortable with their body sex assigned at
 22 birth, so they might feel uncomfortable with
 23 things like breasts or having periods, something
 24 about their body that makes them feel
 25 uncomfortable, might cause distress.

1 Q So is it true that A.C.'s physical anatomy is
 2 that of a female?
 3 A Yes.
 4 Q Paragraph 36 of the complaint states, "As part
 5 of his treatment for gender dysphoria, A.C. has
 6 been prescribed medication to prevent him from
 7 having periods."
 8 Is that the Depo -- I'm sorry you have to
 9 say it again.
 10 A You can just say Depo. But Depo-Provera, yeah.
 11 Q Okay, that's that medication that A.C. is
 12 receiving injections of?
 13 A Yes.
 14 Q It then states, "When medically appropriate,
 15 A.C. will start masculinizing hormones."
 16 Is it the present plan for A.C. to begin
 17 taking hormones?
 18 A Yes, he's talked to me about it, and at the next
 19 doctor visit it was something we were going to
 20 bring up with his nurse practitioner.
 21 Q Do you have an understanding as to when A.C. can
 22 begin taking such hormones?
 23 MS. STUART: Objection. That calls for
 24 knowledge outside her expertise, but you can
 25 answer the question.

1 A Yeah, it is way outside of my expertise, but to
 2 my knowledge is that kids can start hormones
 3 anywhere from between 13 and 16ish, it just kind
 4 of depends case-by-case basis with the kiddo.
 5 Q What is your understanding based upon?
 6 A From what the physicians have told me.
 7 Q Is it your understanding that the hormone that
 8 A.C. would be taking would be testosterone?
 9 A Yes.
 10 Q With regard to that decision as to whether or
 11 not to take hormones to take testosterone, is
 12 that something that as soon as it's available
 13 that A.C. will begin taking testosterone, or is
 14 it something where A.C. has not yet made up
 15 A.C.'s mind in relation to that?
 16 A He's convinced he wants to start them, yes.
 17 It's something we're going to bring up with the
 18 physician and his counselor, too, just to make
 19 sure we've got all the knowledge we need to have
 20 about it, risks and benefits. It's still in a
 21 process conversation, but he is certain on what
 22 he wants, yes. He probably knows more than me.
 23 Q When is the next visit scheduled? Do you have
 24 another visit scheduled at the Gender Health
 25 Clinic?

1 A Yes, we have a follow-up visit. I believe it's
 2 in a month or two. Or maybe a couple months.
 3 Q At that point in time it's your intent to
 4 discuss hormones or testosterone with the
 5 medical provider?
 6 A Yes.
 7 Q Will that be with the same nurse practitioner?
 8 A Yes.
 9 Q Paragraph 37 references a petition in Morgan
 10 County State Court for a legal name change and a
 11 gender marker change. In your understanding,
 12 what is the current status of that petition?
 13 A We have our second court date coming up on
 14 February 4th for that.
 15 Q Is A.C.'s father aware of that proceeding?
 16 A Yes.
 17 Q Paragraph 38 references consulting with Gender
 18 Nexus. So your recollection is that you
 19 consulted with Gender Nexus after you'd been to
 20 Riley?
 21 A Yeah, Gender Nexus was referred to us through
 22 Riley.
 23 Q What is Gender Nexus, in your understanding?
 24 A They're like a nonprofit organization in
 25 Indianapolis that helps trans youth. They've

1 got support groups, help kids kind of navigate
 2 school, that kind of thing.
 3 Q When you consulted with Gender Nexus, was there
 4 a person or persons that you dealt with there?
 5 A Yes, her name was Marissa.
 6 Q What's Marissa's last name?
 7 A I don't know her last name. I have it in
 8 emails, but --
 9 Q You would communicate with Marissa over email?
 10 A Yes.
 11 Q Would you also have conversations with Marissa
 12 over the phone?
 13 A Yeah, I'm sure there were some phone calls in
 14 there too.
 15 Q What was kind of the scope of that sort of
 16 consulting with Gender Nexus? Tell me a little
 17 bit about that.
 18 A So we reached out to them because we were having
 19 the issue at school with a Redacted name not being
 20 used, so we thought that maybe they could kind
 21 of -- one of things that they said they could
 22 help us with was to set up a meeting with like
 23 the principal at the school and all that to kind
 24 of help explain trans kids' rights in regards to
 25 bathrooms and everything else, that kind of

1 thing.
 2 So they set up the meeting with us and the
 3 school to kind of help us navigate that and let
 4 them know, hey, this is what we're wanting. We
 5 were hoping that they could help us get that
 6 accomplished.
 7 Q Okay.
 8 A Because the school wasn't listening to just us,
 9 so we thought, hey, maybe if we could have some
 10 help here.
 11 Q Was Marissa sort of the person who you
 12 exclusively had contact with at Gender Nexus?
 13 A Yes, she was my main contact. There was another
 14 lady that came to that meeting with us with the
 15 school, but I never really talked to her other
 16 than at that meeting.
 17 Q And that meeting, are you referring to a Zoom
 18 call that was held on November 3rd, 2021,
 19 between you and somebody from Gender Nexus and
 20 some school personnel?
 21 A Yes.
 22 Q Was A.C. also present for that call?
 23 A Yes.
 24 Q Do you recall the name of the person from Gender
 25 Nexus who was on the call?

1 A Marissa was there and there was another, that
 2 other lady I can't remember her name.
 3 Q Who was on the call on behalf of the school?
 4 A The school social worker, I think he was there,
 5 Mr. Reynolds. There was a lady with him. I
 6 don't know what her position was, whether she
 7 was an intern or whatnot with him. And then
 8 there was also Carrie Mann, I think her name is.
 9 She's the Adult and Child Services lady. And me
 10 and the Gender Nexus people. I believe that was
 11 it.
 12 Q What do you recall about that meeting over Zoom?
 13 A The main thing I remember was Marissa and the
 14 other lady. I told them what we were wanting
 15 first off, the name and pronouns and the
 16 bathroom. And then Marissa and the other lady
 17 kind of helped explain rights of trans kids,
 18 that this was something that the school should
 19 be doing.
 20 And then after -- it wasn't a very long
 21 meeting. I can't remember exactly how long it
 22 was. They said that, like, we'll get with the
 23 higher-ups and let us know what the decision
 24 was.
 25 Q That term higher-ups, was that the phrase that

1 Mr. Reynolds used or was that your own
2 vernacular?
3 A That was the exact phrasing they used.
4 Q Do you remember anything else about that
5 meeting?
6 A No, not specifically.
7 Q I think you maybe mentioned this, but this is in
8 paragraph 40 of the complaint, it references
9 that on that call "A.C. also asked to
10 participate in boys soccer in the fall of 2022."
11 Was that also part of the call?
12 A Yes, we had also asked about soccer as well.
13 Q Has A.C. played soccer in the past?
14 A Yes, he played soccer since he was about three
15 years old through YMCA and we would do like
16 winter soccer camps. Yeah, soccer was something
17 that we did.
18 Q We're a soccer family at my house, we play a lot
19 of soccer.
20 Had A.C. played soccer at Bell Intermediate
21 School?
22 A No, he didn't play at Bell.
23 Q Has A.C. played travel soccer at all?
24 A Not travel soccer. Most of our soccer
25 experience was through YMCA.

1 Q Have all those teams been coed teams, or have
2 any of them been sex specific?
3 A They were always co-ed teams.
4 Q Paragraph 42 references a voicemail that was
5 left by the counselor following that Zoom
6 meeting. Do you recall receiving a voicemail
7 from Mr. Reynolds?
8 A Yes.
9 Q Do you still have a copy of that voicemail?
10 A I do.
11 Q Was it true that during that voicemail
12 Mr. Reynolds advised you that A.C. could use the
13 health clinic restroom and would be given
14 extended time to do so?
15 A Yes.
16 Q Mr. Reynolds also indicated that A.C. had the
17 option of online schooling as well. Is that
18 true?
19 A Yes.
20 Q And that Mr. Reynolds advised you that this
21 school would follow the IHSAA rules concerning
22 athletic participation. Is that true?
23 A Yes.
24 Q Paragraphs 46 and 47 reference an instance where
25 A.C. used the boys' restroom and a teacher saw

1 A.C. in the restroom, the boys' restroom, and
2 then there was a call between -- well, while
3 A.C. was in the office, A.C. called A.C.'s
4 stepfather.
5 Were you present for that call on
6 November 22nd, 2021?
7 A When A [Redacted] called his stepdad?
8 Q Yes.
9 A I don't think so. I believe I was at work that
10 day.
11 Q Prior to -- I may have asked this before, but
12 just so the record is clear. Prior to the
13 November 2021 Zoom call with Gender Nexus and
14 Mr. Reynolds, what was your understanding of
15 what restroom A.C. was using at the school?
16 A After that phone call?
17 Q Before that phone call.
18 A Before that phone call, A [Redacted] was using the
19 clinic or family restrooms.
20 Q Was it your understanding that A.C. also was
21 allowed to use the female restrooms, the girls'
22 restrooms?
23 A Yeah, they said that was an option as well.
24 Q Following that call with Gender Nexus on
25 November 3rd of 2021, did you have an

1 understanding of what restroom A.C. used after
2 that point in time?
3 A After the meeting we had, I talked with A [Redacted]
4 about it and I told him if it was something he
5 wanted to do and felt like he could do, he could
6 use the boys' bathroom.
7 Q When do you recall having that conversation with
8 A.C.?
9 A I had that conversation with A [Redacted] right after
10 that meeting with Gender Nexus and the phone
11 call from Mr. Reynolds back.
12 Q What was A.C.'s response?
13 A He was upset that the school wouldn't let him
14 use the restroom he wanted.
15 Q And you don't recall being a party to that
16 conversation on November 22nd, 2021, that's
17 referenced in the complaint?
18 A No.
19 Q On paragraph 49 there's reference to another
20 meeting that was held in the administrator's
21 office between the principal and A.C., and in
22 paragraph 50 it refers to A.C. calling his
23 mother on the phone while in the office. Do you
24 recall being a party to a telephone call on
25 November 29th, 2021?

1 A Yes.

2 Q Was this the phone call that you'd told me a
3 little bit earlier about where I asked you about
4 specific conversations and you said you
5 remembered having a conversation with either
6 Mr. Kutruff or Mr. Reynolds? Is that the phone
7 call that you were thinking of?

8 A Yes.

9 Q Do you recall anything else about that
10 conversation other than what you have already
11 told me today?

12 A No.

13 Q Just logistically, was it such that A.C., when
14 A.C. called you, A.C. put you on speakerphone
15 and then everybody was kind of just gathered
16 around and your understanding it was on
17 speakerphone?

18 A Yes.

19 Q Paragraph 51 states, "Certain staff persons have
20 continued to refuse to refer to A.C. with male
21 pronouns."
22 Are you aware of any specific staff at the
23 school who refuse to refer to A.C. with male
24 pronouns?

25 A I think it's all staff. I don't think any of

1 the staff use male pronouns.

2 Q So it's your belief that all the staff refuse to
3 use male pronouns?

4 A From what A [Redacted] has told me, yes.

5 Q Other than what A [Redacted] has told you, do you have
6 any personal knowledge as to staff members
7 refusing to use male pronouns?

8 A No. But unfortunately, I can't go to school
9 with him.

10 Q By refusing, I guess refusing is different than
11 making a mistake; right? It's one thing to slip
12 up, as we do from time to time, and you said
13 earlier in time that you've made those kinds of
14 mistakes on a more regular basis.
15 Refusing would be somebody saying I'm never
16 going to do that; right, or I'm not doing that.
17 Are you aware of any teachers actually taking
18 that position and refusing to use pronouns?

19 A I don't think you have to like outright say
20 you're refusing something if you always use the
21 word "she," and when you're corrected, don't
22 attempt to correct or say sorry, I meant -- from
23 what A [Redacted] has told me, they use the "she"
24 pronoun always. And when he has attempted to
25 correct, they don't -- they just keep using the

1 "she" pronoun.

2 And he said, sometimes they will say it
3 with emphasis. It will be like -- really
4 emphasize that it's "she" and not "he." And
5 that's just based on his interpretation and how
6 he's feeling in that moment, but he says the
7 teachers will never correct themselves.

8 Q When A.C. shares this information with you, has
9 A.C. identified who those individuals are who
10 have insisted on using female pronouns or
11 emphasized the use of a female pronoun?

12 A I'm sure he's told me the names, or it might be
13 in text messages or something. I haven't -- at
14 this point with the school, I've given up. I
15 feel like there's no point in even bringing up
16 any issues with them because their reaction is
17 not to try to find a solution to the problem.
18 They don't believe that their teachers are doing
19 anything wrong.

20 Q But my initial question was whether or not if
21 you recalled any specific personnel that A.C.
22 has identified. And sitting here today, you
23 don't recall any specific names?

24 A No, I don't recall names, no.

25 Q Do you recall any roles that were identified, of

1 people in particular roles?

2 A I know he's mentioned the art teacher, the
3 history teacher, his like homeroom teacher,
4 which I think may be the art teacher, I'm not
5 sure.

6 Q Do you know the names of those individuals, the
7 art teacher, the history teacher, the homeroom
8 teacher?

9 A No.

10 MS. STUART: Phil, can we go off the record
11 for just one second?

12 MR. ZIMMERLY: Actually, Megan, do you want
13 to just go ahead and take a five-minute break?

14 MS. STUART: Sure, thanks, Phil.
15 (A recess was taken between 2:39 p.m. and
16 2:46 p.m.)

17 BY MR. ZIMMERLY:

18 Q Is it your understanding that after A.C. was
19 instructed to use either the health clinic
20 restroom or the girls' restroom, that A.C. has
21 since complied with that request?

22 A Yes.

23 Q Paragraph 53 of the complaint states, "A.C. is
24 being caused psychological stress and injury by
25 the actions of the defendants in that they serve

1 to reemphasize the disconnect between his sex
2 assigned at birth and gender identity and cause
3 him continuing depression, anxiety and mental
4 distress and other injuries."

5 I wanted to ask you about that
6 specifically. What sort of psychological stress
7 and injury have you observed in relation to A.C.
8 not being allowed to use the boys' restroom?

9 A Well, I kind of think what happened a few
10 moments ago is a fine example of the emotional
11 distress that this causes. He's constantly
12 questioned about who he is and made to feel like
13 he is not who he is. No one will validate what
14 he feels like.

15 I get text messages regularly that someone
16 is saying things that hurts his feelings and
17 he's not being recognized. He feels like he has
18 no one at school adult-wise that he can go to or
19 confide in anymore. There's a lot.

20 Q Thank you. Anything else?

21 A No.

22 Q Going back to a question I asked you earlier,
23 way back when at the beginning of the deposition
24 I had asked how your family treated A.C. as
25 male, and you had referenced that A.C. dressed

1 A I mean, I think there are times where A. [Redacted] wore
2 maybe like a couple skirts, because he's also
3 into to cosplay. So there are times where he --
4 maybe once or twice. I don't know if that's
5 been in Wooden. I don't think that was at
6 Wooden, though, I think that was at Bell.

7 Q Other than your attorneys, have you talked with
8 anyone about this lawsuit?

9 A No.

10 Q I think you had mentioned that you talked with
11 or that A.C.'s biological father is aware of the
12 lawsuit. Is that true?

13 A Yes, I mean, he knows it's going on, because I
14 feel like it's my duty to kind of inform him
15 what's going on with his kiddo.

16 Q Was that over the phone that you told him about
17 it?

18 A No, I think that was just by text message.

19 Q What did you tell him?

20 A I don't recall exactly. I have got the text
21 messages still, though.

22 Q In terms -- I'm sorry?

23 A No, I was just going to say, I just let them
24 kind of know there were issues at the school. I
25 would have to look at the text message, though,

1 in a masculine way. Do you recall that
2 testimony?

3 A Yes.

4 Q When you say that A.C. dressed in a masculine
5 way, what do you mean by that, or masculine
6 clothing, what does that mean to you?

7 A Well, I guess just what you would more typically
8 consider when you go to the boys' and girls'
9 section at Walmart, they look different. When I
10 dressed A. [Redacted] up until about third, fourth grade,
11 I did pinks, blues, dresses, skirts, and had
12 long, curly hair.

13 Now A. [Redacted], once I let him take the reins on
14 the things he wants to choose to wear, we buy in
15 the boys' section, bigger, baggier pants, no
16 pinks and purples, no frills, no bows. Shorter
17 haircuts. It kind of went from long, curly, and
18 just gradually changed in what you would
19 consider a more typical male hair style. But I
20 think all males should be able to rock some
21 long, curly locks. Just those type of things.

22 Q With regard to what you described as masculine
23 clothing versus sort of feminine clothing, has
24 A.C. exclusively only worn male clothing in
25 middle school?

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF INDIANA
3 INDIANAPOLIS DIVISION
4 CASE NO. 1:21-cv-02965-TWP-MPB

A.C., a minor child by his next)
5 friend, mother and legal)
guardian, M.C.)

6)
Plaintiff,)

7)
-vs-)

8)
METROPOLITAN SCHOOL DISTRICT)
9 OF MARTINSVILLE; PRINCIPAL,)
JOHN R. WOODEN MIDDLE SCHOOL,)
10 In his official capacity,)

11 Defendants.)
12)
13)

14 DEPOSITION OF A.C.

15 The deposition upon oral examination of A.C.,
a witness produced and sworn before me, Craig
16 Williams, RPR, CMRS, a Notary Public in and for the
County of Marion, State of Indiana, taken on behalf
17 of the Defendants, via remote Zoom videoconference,
on the 26th day of January 2022, at 3:18 EST,
18 pursuant to the Federal Rules of Civil Procedure
with written notice as to time and place thereof.

19
20
21
22
23
24
25

1 A I don't really remember it.
2 Q Do you recall at one point in time asking for
3 the "they" pronoun to be used with you?
4 A Yes, I do.
5 Q What was sort of your understanding or thinking
6 as to the use of the "they" pronoun?
7 A At the time, since Mom didn't take having the
8 idea of me as a boy very well, I used "they" as
9 a pronoun to try to like ease my mom into
10 convincing her that I was a boy.
11 Q Was that something that you had sort of read
12 about, or like how were you familiar with that
13 pronoun to be used? Was that something that you
14 had read about or seen online? Where did you
15 arrive at sort of that sort of solution?
16 A I don't really remember.
17 Q Paragraph 12 states, "Since his time in
18 elementary school, A.C. has been treated as male
19 by his family."
20 Is that a true statement?
21 A That is true.
22 Q When you're understanding that statement, that
23 you've been treated as male by your family, what
24 does that mean?
25 A It means that when I told my mom that I was a

1 having those feelings?
2 A Not at the time.
3 Q At some point in time did you tell someone?
4 A Yes.
5 Q And who did you tell?
6 A I told my mom when I was nine.
7 Q Was that when you were in the fifth grade?
8 A No.
9 Q What grade were you in at that point in time?
10 A Probably fourth grade.
11 Q What do you recall about that conversation with
12 your mother?
13 A At first, she didn't take it very well. But
14 over time she understood that I knew what I was
15 talking about.
16 Q Your mother and I talked about this earlier
17 today about the use of pronouns, that she had
18 indicated when you first came to her or maybe it
19 was the second time where you had a conversation
20 with her about this, you'd requested the
21 pronouns "they" and "him" be used with you. Do
22 you recall that?
23 A Yes, I do.
24 Q What do you recall about having that
25 conversation with your mother?

1 boy, that she and my family started to call me a
2 boy, called me "he/him" pronouns, referred to me
3 as A [Redacted] and just treat me like a boy like they
4 had a son.
5 Q Beyond use of the pronouns, was there anything
6 else in terms of treating you as a son?
7 A No, not really. I think the most accepting
8 thing you can do for a trans person is to call
9 them by their pronouns and their name.
10 Q At the Prep Academy that you attended in
11 Anderson, at that school did you or your mother
12 request that those male pronouns be used with
13 you?
14 A I don't remember.
15 Q Do you recall whether or not male pronouns were
16 used when you were in the fifth grade?
17 A Yes, they were used.
18 Q And was that true across the board for staff
19 members and students or just with regard to a
20 few people?
21 A Almost everyone did it. People did at times,
22 but they forget about it and they correct
23 themselves.
24 Q Was that based on a request that you or your
25 mother had made, that those pronouns be used?

1 A Yes, I think the request was made by me.
 2 Q At the prep school in Anderson, what restroom
 3 did you use?
 4 A I didn't use a restroom.
 5 Q You didn't use the restroom at the Prep Academy
 6 in Anderson?
 7 A No, I didn't use it at all.
 8 Q So then you moved to Martinsville. That was
 9 kind of midway through the fifth grade?
 10 A Yes.
 11 Q At that point, you started at the intermediate
 12 school?
 13 A Yes.
 14 Q In paragraph 20, it says, "A.C. asked if he
 15 could use the boys' restroom at the school and
 16 was told he had to use either the girls'
 17 restrooms or the single person restroom in the
 18 school's health clinic."
 19 Did you ask somebody at the intermediate
 20 school if you could use the boys' restroom?
 21 A No.
 22 Q At the intermediate school, what restroom did
 23 you use?
 24 A I used the clinic restroom.
 25 Q Was that true for both fifth and sixth grade?

1 A Yes.
 2 Q And did you have to ask anyone's permission to
 3 do that?
 4 A Yes, I did.
 5 Q Who did you ask to use the health clinic
 6 restroom?
 7 A I had to ask the guidance counselor,
 8 Mrs. Silch, to use the clinic restroom.
 9 Q And she granted you that permission?
 10 A Yes.
 11 Q Is it true that you did not use the girls'
 12 restrooms in fifth or sixth grade at the
 13 Intermediate Academy?
 14 A I think I used the girls' restrooms a few times
 15 in the fifth grade before I knew that I could
 16 use the clinic restroom.
 17 Q So then this year, the school year 2021 to 2022,
 18 this current school year, you started at John
 19 Wooden Middle School; is that true?
 20 A Yes.
 21 Q When you started at the beginning of the school
 22 year, what restroom did you use?
 23 A I did not use a restroom at all.
 24 Q So you didn't use the health clinic restroom
 25 when you started the school year?

1 A No, I didn't use it until my stepdad called and
 2 asked if I could use it.
 3 Q At the beginning of the school year, did you
 4 make any requests to be able to use the health
 5 clinic restroom?
 6 A Not to any teachers of the school or staff
 7 members.
 8 Q At the beginning of the school year, did you
 9 make any request to use the boys' restrooms?
 10 A Yes.
 11 Q Who did you ask at the beginning of the school
 12 year?
 13 A At first, I brought it up with my mom, and then
 14 my stepdad called the school and asked if I
 15 could use the boys' restroom.
 16 Q Were you present for that conversation?
 17 A No.
 18 Q Do you recall when your stepdad made that call?
 19 A Probably early September.
 20 Q Was that the same conversation where your
 21 stepfather became aware that you could use the
 22 health clinic restroom as an accommodation?
 23 A Yes.
 24 Q At that point in time, did you then begin using
 25 the health clinic restroom?

1 A I did use it for a period of time.
 2 Q What did you think of the health clinic
 3 restroom?
 4 A I didn't really like it. I felt like I was
 5 different from everyone else, and it made me
 6 feel singled out.
 7 Q Were there any other issues with using that
 8 restroom?
 9 A The health clinic is far from my classrooms.
 10 Q Paragraph 29 of the complaint indicates that
 11 very point, that the health clinic is far away
 12 from your classes, and it states, "When he has
 13 tried to use the restroom during passing periods
 14 between classes, it's so far away that he's
 15 frequently late for his next class."
 16 Which classes have you been late for?
 17 A I've been mostly to my fifth period English
 18 class.
 19 Q When have you been late for that class?
 20 A When I was trying to use the restroom, and I
 21 would have to go to the bathroom and finish and
 22 then walk to my class and I would be late.
 23 Q Were you given any discipline for being tardy to
 24 those classes?
 25 A No, but I got very close to it. So at that

1 point, I just decided to stop using the
 2 restroom.
 3 Q When you say you got very close to it, what do
 4 you mean by that?
 5 A When you get three tardies, you get detention,
 6 so I decided to stop using the restroom so I
 7 wouldn't get detention.
 8 Q Were you actually issued tardies?
 9 A Yes.
 10 Q Who issued the tardies?
 11 A I have many tardies from different teachers.
 12 Q Who are those specific teachers?
 13 A My science teacher, my English teacher, my band
 14 teacher. I think that's it.
 15 Q What are their names? What's the science
 16 teacher's name?
 17 A Ashley Beltran.
 18 Q And what was the second teacher you mentioned?
 19 I can't even read my own handwriting.
 20 A My band director.
 21 Q The band director. What's the band director's
 22 name?
 23 A The name is Powell.
 24 Q Who is the third teacher you mentioned?
 25 A My English teacher.

1 Q Okay. And what's that English teacher's name?
 2 A Julie LaFary.
 3 Q Each of those teachers wrote you up for being
 4 tardy?
 5 A Yeah, they gave me tardies.
 6 Q Paragraph 30 of the complaint says, "At times he
 7 has asked to use the restroom during class
 8 periods and he has been refused."
 9 When have you asked to use the restroom
 10 during a class period and been refused?
 11 A Just anytime during a class period.
 12 Q When do you specifically recall that occurring?
 13 A I'm not sure.
 14 Q Do you recall specific instances where you asked
 15 to use the restroom during class and you were
 16 refused?
 17 A Yeah. My English teacher, she would get mad at
 18 me if I asked to use the restroom.
 19 Q And how would your English teacher get mad at
 20 you?
 21 A She would yell at me and she would tell me that
 22 I would have to use it during passing periods.
 23 But that couldn't work because I would be late.
 24 So there was really no opportunity for me to use
 25 the restroom.

1 Q How often did that occur with the English
 2 teacher?
 3 A I think it happened like once or twice.
 4 Q Any other of the teachers who refused your
 5 request to use the restroom during class
 6 periods?
 7 A No.
 8 Q Had there been instances where you asked the
 9 teacher to use the restroom during a class
 10 period and they granted that request?
 11 A Yes.
 12 Q Do you recall those specific instances?
 13 A No.
 14 Q In other classes or your English class, had
 15 there been other instances where other students
 16 have asked to use the restroom and been allowed
 17 to go to the restroom during class?
 18 A No.
 19 Q Paragraph 33 refers to pronoun use by regular
 20 teachers. It says that, "These feelings are
 21 increased by the fact that although he is
 22 referred to by his male first name by many of
 23 the regular teachers, a number of them continue
 24 to refer to him by female, not male pronouns."
 25 Let me ask you a couple of questions about

1 that. Is it true that your regular teachers use
 2 your chosen name of A [Redacted]?
 3 A Yes, they do.
 4 Q And is that across the board, your teachers are
 5 using that name with regard to you?
 6 A Yes.
 7 Q With regard to pronoun use, using male pronouns,
 8 is it generally true that your teachers, your
 9 regular teachers are using male pronouns at your
 10 request?
 11 A No. None of my teachers have ever called me by
 12 male pronouns.
 13 Q So none of your teachers have ever used male
 14 pronouns?
 15 A That's correct.
 16 Q So in every instance where there would be a
 17 pronoun used with regard to you, they would use
 18 female pronouns?
 19 A Yes.
 20 Q Do you have specific incidents as to when that
 21 occurred?
 22 A I don't have specific incidents, because it
 23 happens every day.
 24 Q Well, do you recall the most recent time where
 25 that occurred?

1 A The last time I went to school.
 2 Q What do you recall in that regard?
 3 A I remember going to every class period, and at
 4 least once in every class period my teacher
 5 would call me a girl or "she" or "her."
 6 Q Your mom referenced that you often text message
 7 her when that occurs; is that true?
 8 A I text my mom when I get really upset about it.
 9 Q When was the last time that you were at school?
 10 A Tuesday.
 11 Q So yesterday, so very recent.
 12 Kind of walk me through the day as you
 13 recall instances that you recall in your mind
 14 where female pronouns were used by teachers in
 15 reference to you. Do you recall that?
 16 A No. It happens all the time. It's like it's
 17 hard to remember when it happens, they just do
 18 it. But I don't remember what they said. I
 19 just know they did it.
 20 Q So you don't recall specific instances
 21 yesterday. You know that they did it but you
 22 can't recall in what context or how they used a
 23 female pronoun with regard to you; is that fair?
 24 A That's correct, because I don't want to
 25 remember.

1 Q I tried to use yesterday as sort of an example.
 2 Is that true for the seventh grade year with
 3 regard to you don't recall specific instances
 4 where a female pronoun was used, you just know
 5 that it happened and you don't recall the
 6 specifics?
 7 A Yes, that is true for both my seventh and sixth
 8 grade year.
 9 Q I guess I'm just trying to drill down on that to
 10 get an understanding as to what context that
 11 might occur. If a teacher is talking to you
 12 directly, I wouldn't think that they would be
 13 using pronouns, because when I'm speaking to
 14 somebody I'm not saying "her" go get something
 15 or "him" go get something. And you don't recall
 16 specifics of when that may have occurred.
 17 A One thing I do remember is like sometimes
 18 teachers, like, they'll talk about other kids to
 19 other kids. Sometimes, you know, they'll talk
 20 about me to other kids, or whatever, use my work
 21 as an example, and then they'll call me "she" or
 22 "her." So that's like an example of when it
 23 happens, like just talking about me.
 24 Q Do you recall any specific instances where that
 25 occurred, any specifics?

1 A No.
 2 Q Do you recall, even though you don't recall
 3 specific instances, do you recall in those
 4 instances that you generally recall whether you
 5 corrected the teachers when that happened?
 6 A Yes, I try to correct my teachers every time
 7 they misgender me.
 8 Q What is their response when you correct them?
 9 A They typically say, Okay, or they just don't
 10 respond at all. But typically they don't do
 11 anything about it. They won't try to correct,
 12 so when they misgender me they just ignore it.
 13 Q Do you recall specific teachers who you've
 14 corrected?
 15 A All of my teachers.
 16 Q How many different teachers do you have?
 17 A I have six.
 18 Q Let's talk about each of those six teachers.
 19 Let's just go through, I guess, the day. Who is
 20 your first teacher at the beginning of the day?
 21 A My band teacher.
 22 Q Do you recall specific instances where you've
 23 corrected your band teacher?
 24 A Yes.
 25 Q What do you recall specifically about that?

1 A I just remember saying, like, Hey, please don't
 2 call me a girl.
 3 Q What was your band teacher's response?
 4 A He said, Okay, but, you know, like normal, he
 5 didn't do anything.
 6 Q When you say he didn't do anything, what do you
 7 mean by that?
 8 A He didn't try to correct himself. He didn't try
 9 to call me a guy or he/him or anything like that
 10 in the future.
 11 Q Who is your second teacher over the course of
 12 the day?
 13 A My technology teacher.
 14 Q Have there been specific instances where your
 15 technology teacher has -- do you recall specific
 16 instances where that technology teacher has used
 17 a pronoun that you didn't want him or her to
 18 use?
 19 A Yes.
 20 Q What do you recall specifically about that?
 21 A I don't remember.
 22 Q Do you recall correcting that teacher?
 23 A Yes.
 24 Q What do you recall about that?
 25 A I don't remember.

1 Q You recall what the teacher's response was?
 2 A No.
 3 MS. STUART: Could we just take -- I think
 4 he's getting a little frustrated. Can we just
 5 take like a two-minute break just so he can take
 6 a breath.
 7 MR. ZIMMERLY: Sure, that would be fine.
 8 How about we take five minutes? I have an email
 9 I have to send, so that will actually help me.
 10 MS. STUART: That sounds good.
 11 (A recess was taken between 3:51 p.m. and
 12 3:58 p.m.)
 13 BY MR. ZIMMERLY:
 14 Q A.C., I was asking you specifically about
 15 interactions with teachers where -- to the
 16 extent you recall, specific instances where
 17 they've misgendered you and you've corrected
 18 them or what you recall about that. We talked
 19 so far about your band teacher, technology
 20 teacher. Who is the teacher that you have next
 21 during the course of a school day?
 22 A My science teacher.
 23 Q Do you recall specific instances where your
 24 science teacher has used a pronoun that you
 25 wanted them not to?

1 A No, I don't really remember any incidences with
 2 my teachers at all. I try to block everything
 3 out because I don't want to remember this.
 4 Q Do you recall specific instances where you've
 5 corrected your science teacher?
 6 A Yes.
 7 Q What do you recall about that?
 8 A It's all the same as every single teacher. It's
 9 a repeating cycle.
 10 Q Well, with regard to your science teacher, do
 11 you recall anything specifically about your
 12 science teacher?
 13 A No.
 14 Q Who do you have next over the course of the
 15 school day?
 16 A My math teacher.
 17 Q Do you recall specific instances where your math
 18 teacher has used male pronouns in reference to
 19 you?
 20 A No.
 21 Q Do you recall specific instances where you've
 22 corrected your math teacher for misgendering
 23 you?
 24 A Yes.
 25 Q What do you recall about that?

1 A I don't remember.
 2 Q Who do you have next, then, in the course of the
 3 school day?
 4 A My English teacher.
 5 Q Do you recall specific instances where your
 6 English teacher used male pronouns in reference
 7 to you?
 8 A No.
 9 Q Do you recall instances where you corrected your
 10 English teacher?
 11 A Yes.
 12 Q What do you recall about that?
 13 A I don't know.
 14 Q Who do you have after your English teacher?
 15 A My social studies teacher.
 16 Q Do you recall specific instances where your
 17 social studies teacher has used male pronouns in
 18 reference to you?
 19 A No.
 20 Q Do you recall specific instances where you've
 21 corrected your social studies teacher for using
 22 male pronouns?
 23 A Yes.
 24 Q What do you recall about that?
 25 A I don't remember.

1 Q Paragraph 34 of the complaint says, "Substitute
 2 teachers routinely refer to him with female
 3 pronouns."
 4 Do you recall instances where substitute
 5 teachers used female pronouns in reference to
 6 you?
 7 A Yes.
 8 Q What instances do you recall?
 9 A I don't remember.
 10 Q So you don't recall any instances where that
 11 occurred?
 12 A No. Wait, yes.
 13 Q You recall that it occurred but you don't recall
 14 the specifics of that occurring; is that fair?
 15 A Yes.
 16 Q When I spoke with your mother, she let me know a
 17 little bit about sort of the medical and mental
 18 health care treatment that you've received since
 19 you were a kid. You've been to see a couple of
 20 counselors. Do you recall visiting those
 21 counselors in Anderson and in Greenwood? Do you
 22 recall that in terms of going to see someone?
 23 A Yes.
 24 Q Has your counseling that you've received for
 25 them, has that been specifically only with

1 regard to these gender issues that we're here
 2 about today, or has it also dealt with other
 3 issues?
 4 A It's dealt with mostly gender issues and some
 5 family issues.
 6 Q You recently began seeking treatment at Riley;
 7 is that true?
 8 A Yes.
 9 Q Your mom's recollection was that you'd been
 10 there twice to see the nurse practitioner and
 11 also been there two more times to receive
 12 injections; is that true?
 13 A Yes.
 14 Q When you have been to see the nurse
 15 practitioner, do you recall the name of the
 16 nurse practitioner?
 17 A Laura is her first name. That's all I know.
 18 Q Is it Laura Erickson?
 19 A Yes.
 20 Q Why don't you go ahead and tell me what you
 21 recall about your first visit to see Laura
 22 Erickson. What do you remember about that
 23 visit?
 24 A I don't remember. We just talked about, like,
 25 gender dysphoria, I guess.

1 Q Was that a term that you were familiar with
 2 before you went to go see Nurse Erickson?
 3 A Yes.
 4 Q How did you become familiar with that term,
 5 gender dysphoria?
 6 A Doctors.
 7 Q Is that something you talked about with your
 8 doctors prior to seeing Laura Erickson?
 9 A I don't think so.
 10 Q When you said that you became familiar or you'd
 11 heard that phrase from doctors, what doctors
 12 were you referring to?
 13 A Teresa Quant-Callender.
 14 Q That's your primary care physician?
 15 A Yes.
 16 Q What do you recall your primary care physician
 17 mentioning about gender dysphoria?
 18 A I don't really know. She just mentioned the
 19 term and kind of explained it.
 20 Q When you went to see Laura Erickson, you recall
 21 having a discussion about gender dysphoria. Do
 22 you recall anything else about that visit, that
 23 first visit you had with Laura Erickson?
 24 A She also prescribed me the Depo shot when I
 25 first went to see her.

1 Q So what is your understanding of the treatment
 2 that you're currently receiving through Riley?
 3 A The Depo shot just stops my periods.
 4 Q Are you receiving any other treatment through
 5 Riley at this time?
 6 A No.
 7 Q Have you been given a gender dysphoria
 8 diagnosis?
 9 A Yes.
 10 Q What's your understanding of that diagnosis?
 11 A Gender dysphoria is when a transverse feels
 12 uncomfortable with the body or sex they were
 13 given at birth.
 14 Q Paragraph 36 of the complaint makes reference to
 15 the medication that you've been prescribed to
 16 prevent you from having periods. It states that
 17 when medically appropriate, you're going to
 18 start masculinizing hormones. Do you intend to
 19 start masculinizing hormones?
 20 A Yes.
 21 Q Do you have an understanding as to when hormones
 22 can be started?
 23 A I understand that they can be started as early
 24 as 16, but some people -- or early as 13,
 25 through the age of 16.

1 Q What is that understanding based upon?
 2 A What does that mean?
 3 Q I suppose when you say that your understanding
 4 is it's between 13 and 16, where did you come to
 5 that understanding? Did someone tell you that?
 6 Did you read that somewhere?
 7 A I looked it up.
 8 Q Okay.
 9 So is it your intent to begin taking would
 10 it be testosterone?
 11 A Yes.
 12 Q And is it your intent to begin taking
 13 testosterone as soon as it becomes medically
 14 available to you?
 15 A Yes.
 16 Q Your mother indicated that you have a follow-up
 17 visit with Riley to discuss hormone treatment,
 18 or at least that that's your intent to bring up
 19 hormones or testosterone at that next visit. Is
 20 that your understanding?
 21 A Yes.
 22 Q Do you know when that follow-up visit is going
 23 to occur?
 24 A In the summer.
 25 Q Have you spoken with anyone at Gender Nexus

1 about the issues that are at the focus of this
 2 lawsuit?
 3 A No.
 4 Q So your mom talked about having emails, and I
 5 don't recall whether or not she had telephone
 6 calls with people at Gender Nexus. I think she
 7 mentioned Marissa. Had those conversations
 8 occurred between your mom and Gender Nexus?
 9 A Yes.
 10 Q Have you been a party to those conversations or
 11 those emails?
 12 A No.
 13 Q Your mom and I talked about a Zoom call in early
 14 November, November 3rd, where there were some
 15 representatives from Gender Nexus and
 16 Mr. Reynolds was there and another individual, I
 17 believe an intern was with Mr. Reynolds. Were
 18 you a part of that Zoom call as well?
 19 A Yes.
 20 Q What do you remember about that call?
 21 A I remember it was a Zoom call with my parents,
 22 me, Gender Nexus, Mr. Reynolds, and the intern,
 23 and we were talking about me being able to use
 24 the restrooms and participating in boys' sports.
 25 Q What else do you recall about that call?

1 A And also the teachers referring to me with male
 2 pronouns.
 3 Q What else do you recall?
 4 A I remember that by the end of it, most all the
 5 answers to the questions we had asked, they just
 6 said they would get back to us, and when they
 7 did, we were all told they weren't going to do
 8 anything. Like I couldn't use the restroom. I
 9 had to follow the rules of what it was, and then
 10 they weren't going to even enforce teachers to
 11 use male pronouns.
 12 Q In that follow-up, when Mr. Reynolds got back
 13 with your mother, was it your understanding that
 14 the message that he relayed to her was that you
 15 can continue to use the health clinic restroom
 16 and that you would be given extended time to do
 17 so?
 18 A Yes.
 19 Q And that as another alternative, you also had
 20 the option of going to online school?
 21 A Yes.
 22 Q And that the school, with regard to your request
 23 about soccer, is that the middle school would be
 24 following the IHSAA rules regarding athletic
 25 participation. Is that your understanding as

1 well?
 2 A Yes.
 3 Q Following that call and that response from
 4 Mr. Reynolds that was relayed to your mother,
 5 did you begin to use the male restrooms?
 6 A Yes, I did.
 7 Q Did anyone tell you to begin using the boys'
 8 restrooms?
 9 A No. But the night before I went back to school
 10 after the meeting, I talked with my mom, I
 11 talked to her and I said, "Why can't I just
 12 start using the boys' restroom?" And my mom
 13 said, "Go ahead and do it." So I started using
 14 the boys' restroom for the next three weeks
 15 until a teacher caught me.
 16 Q When you say a teacher caught you, what
 17 happened?
 18 A Well, the teacher saw me in the boys' restroom
 19 and they reported it to the principal.
 20 Q What happened next?
 21 A I think the next week, on Monday, I got called
 22 into the office that day. Mr. Kutruff wasn't
 23 there, so it was Mr. Reynolds, and he told me
 24 that I couldn't continue using the boys'
 25 restroom or I would receive punishment.

1 At that time, I called my stepdad to come
 2 pick me up because it was so stressful for me.
 3 Then that was when Thanksgiving break happened.
 4 Then after Thanksgiving break, the Monday
 5 after, and school started back up again,
 6 Mr. Kutruff was back. He called me into his
 7 office and he told me that if I went to the
 8 restroom again I would get in trouble. And at
 9 that point I called my mom.
 10 Q And what happened next?
 11 A Well, before I called my mom, me and Mr. Kutruff
 12 actually got into a really big argument, because
 13 he was saying that the community had a say in
 14 which restroom I used, and he was saying things
 15 that -- he was saying that I would get in
 16 trouble and things like that.
 17 And then after that, I got fed up with what
 18 he was saying, so I called my mom. And then
 19 after I got my mom on the phone, he continued to
 20 repeat what he said to me and he said that to my
 21 mom.
 22 And then my mom came and picked me up.
 23 Q So let's back up a little bit. When you began
 24 using the boys' restrooms, this would have been
 25 after that November 3rd, 2021 Zoom call?

1 A Yes.

2 Q When you used the boys' restrooms, did you use

3 the individual stalls?

4 A Yes.

5 Q I may have asked this. Do you recall the

6 teacher who saw you in the restroom and then

7 made a report?

8 A Yes, I remember seeing him.

9 Q Do you recall which teacher that was?

10 A Kevin Floyd. He's a history teacher.

11 Q Is he your teacher or is he just a teacher at

12 the school?

13 A He's just another seventh grade history teacher.

14 Q Did he say anything to you at that point in

15 time?

16 A No, he didn't say anything to me.

17 Q Did you say anything to him?

18 A No.

19 Q At some point in time you were then in the

20 office with Mr. Reynolds. How did that come to

21 pass? Was that the same day or the next day?

22 A I believe the day I got caught was either a

23 Thursday or Friday. So after the weekend

24 passed, I was -- this was right in the morning

25 and I went to my homeroom class, and the

1 homeroom teacher told me to go down to the

2 office. I kind of assumed that that teacher

3 reported me to the office and that was why I was

4 going to the office. Then Mr. Reynolds told me

5 that I was there for what I thought I was, and I

6 got in trouble for it.

7 Q Do you recall the specific statements that

8 Mr. Reynolds made to you during that meeting?

9 A Not really. He just said that -- he said that

10 if I did it again I would be in trouble. And he

11 also said that he was concerned for my safety

12 from the fact that I might get bullied.

13 Q Do you recall any other statements that

14 Mr. Reynolds made during that meeting?

15 A No.

16 Q When he said that you would get in trouble, did

17 he use those words, that you would get in

18 trouble?

19 A Yeah.

20 Q Did he explain to you what that meant?

21 A No, he didn't say what kind of punishment I

22 would get. He didn't say. He just said that I

23 would get in trouble.

24 Q Did you call your stepfather during that

25 meeting?

1 A I think toward the end of it I did, and my

2 stepfather came and picked me up.

3 Q Did your stepfather speak with Mr. Reynolds

4 during that meeting over the phone?

5 A I don't think so.

6 Q You don't recall Mr. Reynolds having any

7 interaction with your stepfather during that

8 call?

9 A No.

10 Q Was there another person in the office when you

11 were meeting with Mr. Reynolds?

12 A Yes, there was.

13 Q Do you know who that person was?

14 A No.

15 Q Do you know if it was a teacher or substitute

16 teacher?

17 A I'm not sure. I've never seen them before.

18 Q You mentioned that you had another meeting with

19 Mr. Kutruff, the principal; true?

20 A Yes.

21 Q Tell me what you recall about that meeting.

22 A I recall going in the school after Thanksgiving

23 break, and it was early in the morning and I got

24 called down to the office. At first, me and

25 Mr. Kutruff, we were just talking. Then we

1 started yelling at each other, we were having an

2 argument. And then at a point I called my mom,

3 because I knew he wouldn't listen to me. And

4 then at that point my mom and Mr. Kutruff were

5 arguing, and then my mom came and picked me up.

6 Q So what specifically were you arguing about and

7 what do you recall, to the extent you can, tell

8 me what you remember you saying and him saying.

9 Tell me about the communications that were going

10 back and forth between you and Mr. Kutruff

11 during this meeting.

12 A We were arguing about -- he said that the

13 community had a decision in which bathroom I

14 used. And I told him that that wasn't right,

15 because a community shouldn't be concerned about

16 a 13-year-old child and which bathroom they use.

17 And then at that point he was just telling me I

18 was wrong and that I didn't know what I was

19 talking about.

20 Q Do you recall anything else, any other

21 statements that you made or that he made?

22 A No, that was his main point, was the community

23 had a decision. And he also recommended that we

24 went to school board meetings.

25 Q Do you recall anything else?

1 A No.

2 Q When you called your mom, I think you had said

3 that she also spoke with Mr. Kutruff?

4 A Yes.

5 Q You maybe had put your phone on speakerphone and

6 was that how she was able to speak with him?

7 A Yes.

8 Q What do you recall about those communications

9 between your mom and Mr. Kutruff?

10 A It was basically the same conversation that

11 Mr. Kutruff had with me, just instead of me, it

12 was my mom. He said the same exact thing to my

13 mom.

14 Q And what was your mom's response?

15 A I don't remember my mom's response, but all I

16 know is my mom got mad and she came and picked

17 me up.

18 Q Was anybody else present for that meeting

19 between you and Mr. Kutruff?

20 A Mr. Reynolds.

21 Q What happened after that meeting between you and

22 Mr. Kutruff where Mr. Reynolds was present and

23 then your mom was a party via phone, what

24 happened next in terms of after your mom picked

25 you up?

1 A Really nothing. I went home and I went back to

2 school the next day and nothing happened.

3 Q Since that time, since you've been advised to

4 not use the boys' restroom, have you had access

5 to the health clinic restroom and the girls'

6 restrooms, should you choose to use it?

7 A I don't use it, at all, but yes.

8 Q Do you have access to the health clinic

9 restroom?

10 A Yes.

11 Q Do you use it?

12 A No.

13 I use the health restroom very rarely.

14 Q And that's since that November 29th, 2021

15 meeting?

16 A Yes.

17 Q Paragraph 51 on page 8 states -- I don't mean to

18 belabor this point, but this is a different

19 allegation that I wanted to ask you about.

20 The statement in paragraph 51 is that,

21 "Certain staff persons have continued to refuse

22 to refer to A.C. with male pronouns."

23 I'm just curious to hear, are there certain

24 staff persons who have refused to refer to you

25 with male pronouns?

1 A Yes, all of them.

2 Q Have any of them made statements -- I suppose

3 affirmative statements -- to tell you I will not

4 refer to you using male pronouns. Have any

5 teachers made an affirmative statement in that

6 regard?

7 A No, but I do believe that you do not have to say

8 that you refuse something, because the teachers'

9 attitudes when I tell them to call me by my male

10 pronouns is uncomfortable and it's really

11 pathetic for them to act like that. They're

12 refusing it. They may not be verbally saying

13 that, but you can tell that they're saying that.

14 Q Have there been instances where staff members

15 have used male pronouns in reference to you?

16 A No.

17 Q So you're saying across the board during the

18 entire time that you've been in seventh grade,

19 there's never been instances where your teachers

20 have used male pronouns in referring to you?

21 A Yes, that's correct.

22 Q So Mr. Reynolds has not used male pronouns in

23 referring to you?

24 A Maybe once or twice, but it's after I get on him

25 about it. But every time I go in there, he'll

1 call me a girl. Then he'll correct himself and

2 then he'll forget.

3 Maybe there have been a few times but, you

4 know, the amounts of times where I've been

5 called a girl is way outnumbered to the amounts

6 of times that I've been called a male, so I

7 don't remember the times I've been called male

8 because it rarely happens.

9 Q When you say that they've called you a girl,

10 does that mean that they've referred to you

11 using a female pronoun?

12 A Yes, or they call me a girl, she, her, female,

13 anything like that, anything that refers to a

14 female or a woman.

15 Q Let me ask you a separate question, then, I

16 guess. Have there been instances that you

17 recall, specific instances where a teacher has

18 said that A.C. is a girl?

19 A Yes.

20 Q When do you recall that occurring?

21 A I remember I was in science, and my friend

22 accidentally messed up. And I corrected them, I

23 was like, it's "he," not "she." And the science

24 teachers went, "That's a girl. A [Redacted] is a girl."

25 Q And what happened next?

1 A Nothing. I didn't say anything because I wasn't
2 bothered enough to say anything to her.

3 Q When did that occur?

4 A I don't remember. Maybe sometime last month.

5 Q Any other specific instances where a teacher or
6 administrator has said that A^{Redacted} is a girl, or
7 something similar to that?

8 A Not that I can remember.

9 Q With regard to Mr. Reynolds, you recall at least
10 some instances where he has used the "he/him"
11 pronoun in reference to you; is that true?

12 A That is true.

13 Q Is that also true for Mr. Kutruff, where he has
14 used the "he/him" pronoun in reference to you?

15 A No.

16 Q So across the board, it's your recollection that
17 Mr. Kutruff has never used the "he/him" pronoun
18 in reference to you?

19 A From what I've heard, he has not called me by a
20 male pronoun.

21 Q Let me ask you about a couple of events at the
22 school. During your first week of school, did
23 an aide during a class used the name on the
24 roster that caused you to become upset?

25 A I don't remember that.

1 UNITED STATES DISTRICT COURT
 2 SOUTHERN DISTRICT OF INDIANA
 3 INDIANAPOLIS DIVISION
 4 Case Number 1:21-CV-02965-TWP-MPB
 5 A.C., a minor child by his next)
 6 friend, mother, and legal)
 7 guardian, M.C.,)
 8 Plaintiff,)
 9 -vs-)
 10)
 11 METROPOLITAN SCHOOL DISTRICT OF)
 12 MARTINSVILLE; PRINCIPAL, JOHN R.)
 13 WOODEN MIDDLE SCHOOL, in his)
 14 official capacity)
 15 Defendants.)
 16 -----)
 17 UNITED STATES DISTRICT COURT
 18 SOUTHERN DISTRICT OF INDIANA
 19 TERRE HAUTE DIVISION
 20 Case Number 2:21-CV-00415-JRS-MG
 21 B.E. and S.E., minor children by)
 22 their mother, legal guardian, and)
 23 next friend, L.E.,)
 24 Plaintiffs,)
 25 -vs-)
 26)
 27 VIGO COUNTY SCHOOL CORPORATION;)
 28 PRINCIPAL, TERRE HAUTE NORTH VIGO)
 29 HIGH SCHOOL, in his official)
 30 capacity,)
 31 Defendants.)
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1 and accurate testimony?
 2 A Yes.
 3 Q Is there any reason why you cannot provide
 4 truthful and accurate testimony today?
 5 A No.
 6 Q You're not under the influence of any drugs or
 7 alcohol or medication that would influence your
 8 testimony?
 9 A None of those things.
 10 Q I'm going to presume that if I ask a question
 11 and you answer it, that you understood the
 12 question that I asked. Is that fair?
 13 A Yes.
 14 Q If at any point you need to take a break --
 15 stretch your legs, get a drink, run to the
 16 restroom -- totally fine. My only request would
 17 be if there's a question pending, that you
 18 answer that question before we take a break. Is
 19 that fair?
 20 A Fair.
 21 Q Dr. Fortenberry, it's my understand that you
 22 were one of the founders of the Gender Health
 23 Program at Riley's Children Health in 2016. Is
 24 that true?
 25 A That's correct.

1 (1:06 p.m.)
 2 J. DENNIS FORTENBERRY, M.D., M.S.,
 3 having been first remotely sworn to tell the truth,
 4 the whole truth and nothing but the truth relating
 5 to said matter, was examined and testified as
 6 follows:
 7
 8 DIRECT EXAMINATION,
 9 QUESTIONS BY PHILIP R. ZIMMERLY:
 10 Q Good afternoon, Dr. Fortenberry. Would you
 11 please state your name for the record.
 12 A James Dennis Fortenberry.
 13 Q Hi, Dr. Fortenberry. My name is Phil Zimmerly.
 14 I'm counsel for the defendants in two separate
 15 actions: One is the Vigo County School
 16 Corporation; the other defendant is MSD
 17 Martinsville. And we're here today for your
 18 deposition. You provided declarations or expert
 19 testimony in both of those cases. Is that true?
 20 A Yes.
 21 Q Have you ever given a deposition before?
 22 A No.
 23 Q So just a couple of sort of ground rules for
 24 today. You understand that you're under oath
 25 and you have the obligation to provide truthful

1 Q What are your roles and responsibilities at the
 2 Gender Health Program?
 3 A At this point, I both provide direct patient
 4 services to gender-diverse young people, and I
 5 supervise people in training, primarily
 6 adolescent medicine fellows, in the care of
 7 gender-diverse young people.
 8 Q So there's a treatment component but also a
 9 training component?
 10 A Yes.
 11 Q What age of patients does the Gender Health
 12 Program provide services?
 13 A We have children beginning at age 3 who have
 14 been seen in our program and usually up to until
 15 around age 21 to 22.
 16 Q Is there an average age as to when children
 17 would come to the clinic for treatment?
 18 A Probably between ages 14 and 16 would be a good
 19 average.
 20 Q And how does a new patient come to receive
 21 treatment at the Gender Health Program? Are
 22 they referral-based, or do they initiate their
 23 own treatment, or is it a combination of both?
 24 A It's a combination of both. The majority are
 25 referred by physicians in the state.

1 Q And what percentage of that patient population
2 at the Gender Health Program include patients
3 who have been diagnosed with gender dysphoria?
4 A I'll have to ask for clarification. You mean
5 prior to their arrival at our program?
6 Q Yes. Good point. .
7 So prior to their arrival, how many of
8 those patients have been diagnosed with gender
9 dysphoria?
10 A Relatively few. Perhaps 10 percent.
11 Q And after they have been referred or begin
12 receiving treatment at the Gender Health
13 Program, how many -- what percentage of those
14 patients are diagnosed with gender dysphoria?
15 A The majority. The large majority. Perhaps 85,
16 90 percent.
17 Q Is that the primary condition that's being
18 treated at the Gender Health Program, is gender
19 dysphoria?
20 A Yes.
21 Q One of the things I noted in review of the
22 medical records is that the records make a
23 distinction between sex assigned at birth and
24 gender identity. Is it fair to say that sex and
25 gender are different things?

1 A Yes.
2 Q How would you define "sex"?
3 A I base that on the identification given to a
4 person associated with their genitals that are
5 typically described at birth.
6 Q Here's a quote that I took from Dr. Mazur, the
7 Yale School of Medicine. Let me know if you
8 agree or disagree with this statement. She
9 defines "sex" as:
10 "In the study of human subjects, the term
11 'sex' should be used as a classification
12 generally as male or female according to the
13 reproductive organs and functions that derive
14 from the chromosomal complement, generally XX
15 for female and XY for male."
16 Would you agree with that statement?
17 A Yes.
18 Q Is it true that biological males and biological
19 females have different reproductive organs?
20 A I think we need to clarify that because I'm not
21 sure what your meaning of biological male and
22 female refers to.
23 Q So I guess what I'm referring to as a biological
24 male is someone who was born with a penis.
25 A Being born with a penis does not equal being

1 male. A penis is a penis associated with a
2 particular genetic inheritance. A vulva is a
3 vulva, without a sex associated with it,
4 associated with a particular genetic
5 inheritance.
6 Q How would you define "gender"?
7 A People do define that differently. My personal
8 definition has to do with each person's
9 experience of their/themselves relative to their
10 sex.
11 Q When you say "relative to their sex," what do
12 you mean by that?
13 A Because those young people have no -- have been
14 identified with a sex. Their experience of
15 their gender is often compared to the sex that
16 was assigned at birth.
17 Q There's a quote from the same doctor,
18 Dr. Carolyn Mazur, at the Yale School of
19 Medicine. Let me know whether or not you agree
20 or disagree with this statement. In defining
21 "gender," she states:
22 "In the study of human subjects, the term
23 'gender' should be used to refer to a person's
24 self-representation as male or female or how
25 that person's responded to by social

1 institutions on the basis of the individual's
2 gender presentation."
3 Do you agree with that statement?
4 A I think it's incomplete; so I disagree with it.
5 Q What would you add or take away from it?
6 A So the thing that I would add is that gender is
7 an experience. It's an internal experience
8 first; and then the presentation of that gender
9 follows which is included in Dr. Mazur's
10 definition.
11 And the interaction of that presentation
12 and the experience creates the third aspect, or
13 the second aspect in Dr. Mazur, which is the
14 social definition of "gender."
15 Q One other term that is not really involved with
16 this case but I'm just interested to hear your
17 definition or how you would define it is the
18 term "sexual orientation." How would you define
19 that term?
20 A It's generally identified as the representation
21 of the people or persons that an individual is
22 attracted to sexually.
23 Q There are a couple of documents that we'll be
24 using as exhibits today. Do you have those
25 documents that I sent to counsel? They are

1 Exhibits 15 -- they are marked Exhibits 15
 2 through 19 in the pdf names.
 3 A I do have them.
 4 Q The first document I'd like to ask you a
 5 question about or just refer to is Exhibit 17
 6 which is the declaration that you provided in
 7 the A.C. Martinsville case?
 8 A Okay.
 9 (Deposition Exhibit 17 was presented for
 10 identification.)
 11 Q I just want to ask you about some of the
 12 statements in that. In paragraph 8 you make the
 13 statement -- and just -- I suppose just so the
 14 record is clear, is this a declaration that you
 15 assigned as sworn testimony in the A.C. v. MSD
 16 Martinsville case?
 17 A Yes.
 18 Q And there's a statement in paragraph 8. This is
 19 the second-to-last sentence in that paragraph
 20 where you state:
 21 "Gender transition is the process whereby
 22 the transgender person lives as a member of the
 23 sex of their gender identity."
 24 In dealing with gender dysphoria, is it
 25 true that gender transition is a process?

1 A Yes.
 2 Q And in your opinion, what length of time must
 3 someone go through that process before they are
 4 considered transgender?
 5 A I think that's not an answerable question
 6 because of the variability of the duration and
 7 the different steps that people take, and
 8 there's no absolute outcome that would qualify
 9 as transgender.
 10 Q So is it fair to say that making that
 11 determination would require a case-by-case
 12 analysis with regard to each individual?
 13 A In general, yes, although each individual knows
 14 when that's happened for them.
 15 Q Is it possible for someone to be considered
 16 transgender in an immediate decision such that,
 17 you know, perhaps they were -- they have been
 18 listed as biological female or their sex
 19 assigned at birth was female, and just in the
 20 matter of a day, they can make the decision that
 21 they are -- that their gender identity is male?
 22 A I don't have any experience of descriptions of
 23 that particular experience of gender for it to
 24 be that instantaneous.
 25 Q How would you define the term "transgender"?

1 A I'll use the commonly used definition which is
 2 the sense of a gender experience that's
 3 different than that expected to be associated
 4 with the sex assigned at birth.
 5 Q And the sex assigned at birth would differ based
 6 on the sexual anatomy of that particular
 7 individual at birth?
 8 A The sex assigned at birth would be defined by
 9 the anatomy that was recorded at birth.
 10 Q Are all individuals who identify as transgender,
 11 do you expect them to receive gender dysphoria
 12 diagnoses?
 13 A No. Not all individuals who identify as
 14 transgender or gender "nonbinary" -- which is an
 15 alternative term that's important -- not
 16 everyone experiences dysphoria associated with
 17 it.
 18 Q You used the term "gender binary" and said that
 19 that was an important term. Can you tell me
 20 what that term refers to?
 21 A "Gender nonbinary." So the reference to
 22 "transgender" means the movement from one
 23 category of gender which is assumed to be binary
 24 into the other. That's the basis of the word
 25 "trans." People who identify as nonbinary don't

1 recognize their gender as belonging to either of
 2 those categories.
 3 Q Going back to your declaration in the
 4 Metropolitan School District case, in
 5 paragraph 12, you state: "Gender dysphoria is
 6 an accepted diagnosis for individuals with a
 7 gender identity that differs from social gender
 8 expectations associated with the person's
 9 birth-assigned sex."
 10 Is that consistent with what you've
 11 testified just a few moments ago?
 12 A Yes.
 13 Q In paragraph 20 of your declaration, you state
 14 that:
 15 "Gender dysphoria is a recognized condition
 16 codified in the American Psychiatric
 17 Association's Diagnostic and Statistical Manual
 18 of Mental Disorders (DSM-V) at 302.85 (64.0)
 19 [sic], and the World Health Organization's
 20 International Classification of Diseases 10
 21 (ICD/10) Version that became active on
 22 October 1, 2021, at F64.2. These are both
 23 standard classifications of mental and physical
 24 disorders used worldwide."
 25 Is it true that gender dysphoria is a

1 diagnosis for a mental and physical disorder?
 2 A Yes, as specified in those manuals.
 3 Q For new patients, what sort of timeline would
 4 one expect before a gender dysphoria diagnosis
 5 is rendered?
 6 A Typically, the timeline follows that suggested
 7 by these guidelines, diagnostic criteria of at
 8 least six months.
 9 Q Is it common for such a diagnosis of gender
 10 dysphoria to be made during an initial visit or
 11 consult?
 12 A Yes.
 13 MR. FALK: Objection. "Initial visit or
 14 consult" with whom? Because many of these
 15 patients are being referred by other doctors.
 16 MR. ZIMMERLY: Let me ask a different
 17 question.
 18 BY MR. ZIMMERLY:
 19 Q When someone comes to the Gender Health Program
 20 at Riley Children's Health, is it common for
 21 there to be a diagnosis of gender dysphoria
 22 during that initial consult?
 23 A Yes.
 24 Q And how do you account, with regard to that
 25 six-month period, as being one of the guidelines

1 that you would look at?
 2 A Our interpretation of that six-month period is
 3 drawn from information provided by the young
 4 person themselves, by their parents, and
 5 corroborated by their parents. So we
 6 established the timeline as part of our
 7 evaluation. We don't observe it.
 8 Q When someone is diagnosed with gender dysphoria,
 9 what length of treatment would you expect for
 10 the treatment of that condition?
 11 A There's not an outer bound placed on that
 12 treatment in terms of the time of treatment.
 13 Q Is there an expected amount of time such that a
 14 person would be receiving treatment for gender
 15 dysphoria or not?
 16 A So I'll need to clarify a little because gender
 17 dysphoria does improve with treatment. The time
 18 course for that is variable.
 19 Q And does gender dysphoria ultimately resolve
 20 with treatment?
 21 A In many cases, yes.
 22 Q I'm going to ask you to turn to a different
 23 exhibit. This is Exhibit 15 --
 24 (Deposition Exhibit 15 was presented for
 25 identification.)

1 Q -- which is your supplemental declaration in the
 2 Vigo County case.
 3 A Okay.
 4 Q Paragraph 4, you make the statement:
 5 "As explained in my previous declaration,
 6 treatment for gender dysphoria varies based on
 7 individualized assessments and medical need."
 8 Is it true that treatment for gender
 9 dysphoria is based on individualized
 10 assessments?
 11 A Yes.
 12 Q And who ultimately is responsible for making
 13 those individualized assessments?
 14 A The outcomes of those in terms of decisions are
 15 shared between the clinician, the patient, and
 16 the parent.
 17 Q When you say "the outcomes are shared," is that
 18 different than the assessment itself, or are you
 19 using those terms interchangeably?
 20 A The assessment is shared, as are the outcomes.
 21 The decision's based on the assessments.
 22 Q And who is responsible for making the
 23 individualized assessments?
 24 A I'm a little unclear about your meaning here.
 25 Q Well, I suppose what do you mean by that? When

1 you say, "The treatment for gender dysphoria
 2 varies based on individualized assessments and
 3 medical need," what do you mean by the use of
 4 the term "individualized assessments"?
 5 A So each patient that comes to the clinic is
 6 individually interviewed and examined by a
 7 clinician. Additional information is obtained
 8 from a parent. The results of those interviews
 9 are then shared among all of those people,
 10 discussed; treatment alternatives are discussed;
 11 and treatment decisions are based on the
 12 outcomes of the discussions.
 13 Q And so in making that individualized assessment,
 14 is it true that that requires a case-by-case
 15 analysis with regard to each particular patient?
 16 A Yes.
 17 Q In the next sentence of that paragraph 4, you
 18 state:
 19 "Treatment is not a single process, nor are
 20 there specific steps that all individuals will
 21 complete."
 22 What do you mean by that?
 23 A It means that we provide different kinds of
 24 treatment options, especially at the beginning.
 25 We provide support for the young person as part

1 of our treatment in terms: We provide support
2 for findings, counseling, mental health support
3 on the facts indicated.

4 And so there are a variety of things that
5 can happen at any given visit, and different
6 parts of those, different choices may be made
7 subsequently.

8 Q So no one size fits all with regard to the
9 treatment of gender dysphoria?

10 A I think that's accurate even though there are
11 some commonalities in the things that we do, for
12 sure.

13 Q When making that individualized assessment, is
14 it important for the physician to meet and speak
15 with the patient?

16 A Yes.

17 Q In making that individualized assessment, is it
18 also important for the physician to take into
19 account concerns that are expressed by that
20 patient?

21 A Yes.

22 Q Is it fair to say that the treatment for gender
23 dysphoria is an evolving area where new
24 standards are in development?

25 A I think that's fair to say.

1 Q For example, at Riley at the Gender Health
2 Program, it's been in place since 2016. Have
3 all recommended treatments stayed the same
4 during the last six years, or have they changed
5 as more information is gathered?

6 A The basis of treatments are very much the same
7 over the duration of the time the program has
8 been in place.

9 Q When you say "the basis of treatments," what do
10 you mean by that? What has remained unchanged?

11 A So the essential element of supporting the young
12 person in their gender expression; the review of
13 important other kind of mental health issues
14 that may be associated with the gender
15 experience; the use of hormones or puberty
16 blockers; and the support -- the ongoing support
17 for accommodations in schools with driver's
18 licenses; with name and gender marker changes --
19 those are all elements of the service that we
20 provide.

21 Q In terms of -- am I correct in understanding
22 that the incidence of adolescent females or
23 adolescent -- adolescent individuals who are
24 assigned the sex of female at birth identifying
25 as transgender female to male has grown

1 exponentially in the last six to ten years?

2 A I'm going to correct your terms a little bit.

3 The proportion of birth-assigned females who are
4 seeking care in specialty services like our
5 clinic, the proportion accounted for by
6 birth-assigned females has increased over about
7 a 15-year period.

8 It's been a worldwide increase. It's not
9 clear what that represents.

10 (A discussion was held off the record to
11 correct technical issues.)

12 Q Have there been any studies with regard to that
13 shift as it deals with the growth in that area
14 for individuals with sex assigned at birth of
15 female?

16 A There have been some studies that have purported
17 to examine that with -- to examine the
18 hypothesis that this is a social contagion
19 heavily influenced by social media platforms.
20 It's become a popular perspective over the past
21 five years or so.

22 Q Have you yourself studied that phenomenon in any
23 way?

24 A No.

25 Q Do you have an opinion one way or the other?

1 A Yes.

2 Q What is your opinion?

3 A The data to support that particular social
4 contagion hypothesis is extraordinarily weak and
5 has been refuted by at least some additional
6 research, although some of the research is
7 fairly small.

8 Q With regard to treatment for gender dysphoria,
9 one of the treatments that you mention in your
10 declarations are puberty blockers. Are any of
11 the plaintiffs in either of these actions being
12 provided with puberty blockers?

13 A No.

14 Q Another one of the treatments that you referred
15 to in your declarations is hormone treatment.
16 Let's turn to paragraph 6 of your supplemental
17 declaration in the Vigo County case.

18 You make the statement in the
19 second-to-last sentence:

20 "Hormone therapy initiates anatomical and
21 physiological changes in body contour,
22 appearance, and sex-based characteristics to
23 match that of the individual's experienced
24 gender."

25 In that statement, what do you mean by the

1 payment, and so genital surgery is typically not
 2 covered by many providers.
 3 Q So putting insurance to the side, with regard to
 4 the first two groups, the WPATH and individual
 5 physicians, what is the position behind WPATH's
 6 position in not recommending that for children
 7 under the age of 18?
 8 A I think that it has to do with the -- to the
 9 extent of surgery required. They are demanding
 10 surgeries; they are technically complex; they
 11 often require more than one procedure; and the
 12 writers of the guidelines have really assigned a
 13 higher level of accountability associated with
 14 those procedures.
 15 Q A higher level of accountability for who?
 16 A For the -- for the providers for that part of
 17 counseling young people about options.
 18 Q Do you have your own sort of opinion about --
 19 putting aside whether it's legal or recommended
 20 in Indiana under the age of 18, do you have your
 21 own opinion as to surgical intervention under
 22 the age of 18?
 23 A I do.
 24 Q And what is that?
 25 A There are definitely individuals for whom

1 surgical intervention would clearly contribute
 2 to their well-being, particularly chest surgery.
 3 Q In that (indiscernible) cutoff at the age of 18,
 4 is there an aspect of this that has to do with
 5 reaching the age of majority and being able to
 6 give legal consent?
 7 A Yes, I think that's accurate. That's the way
 8 the guidelines are defined in terms of the age
 9 of majority in the nation or the region of
 10 question.
 11 Q Is -- one of the considerations in terms of
 12 being able to make that decision, does it have
 13 to do with the risk of involuntary sterilization
 14 with that kind of treatment?
 15 A No, I think not because that would be -- it
 16 depends on the surgical procedure; so at some
 17 point we will have to clarify that. But, in
 18 general, if a procedure would require
 19 sterilization, that would be part of the consent
 20 process.
 21 Q Well, in terms of -- I suppose my question was
 22 unclear.
 23 So with regard to genital surgery, can that
 24 lead to involuntary sterilization?
 25 A Yes, some of those procedures require a

1 vaginectomy.
 2 MR. FALK: I'm just going to interpose an
 3 objection a little bit late. I'm sorry. I
 4 don't know what the term "involuntary" means in
 5 that context. I think the doctor is indicating
 6 that there has to be a consent process for the
 7 actual procedure.
 8 So with that objection --
 9 BY MR. ZIMMERLY:
 10 Q Is it possible that the use of puberty blockers
 11 can place an individual at risk of
 12 sterilization?
 13 A No, I think that's not true.
 14 Q What about the use of hormone therapy? Can that
 15 place an individual at risk of sterilization?
 16 A That is a possible outcome; however, I think the
 17 data suggests that fertility will be retained
 18 if, in this case, testosterone were removed.
 19 And then just add one other point is that
 20 fertility is always possible if the person's
 21 eggs or ovaries are preserved prior to the
 22 initiation of any procedure.
 23 Q So in this case or the two cases, the parties
 24 dispute whether a particular student should have
 25 access to a restroom that is different than

1 their sex assigned at birth. And in your
 2 supplemental declaration, paragraph 19, you make
 3 the statement -- and this is the second
 4 sentence:
 5 "For these reasons and those in my
 6 November 22, 2021, declaration, it remains my
 7 opinion that the plaintiffs' health and
 8 well-being is best served through free access to
 9 the restroom and locker room facilities at
 10 school as consistent with their male gender."
 11 In that statement, what do you mean by
 12 "free access"?
 13 A Used by choice and need, I suppose.
 14 Q And with regard to B.E. and S.E. in the Vigo
 15 County case, the two separate physical spaces at
 16 issue are the restroom and the locker room.
 17 Does your opinion regarding to those physical
 18 spaces make any distinction between the restroom
 19 and the locker room?
 20 A No, I think not.
 21 Q And why not?
 22 A I assume that some of the facilities of a locker
 23 room are also present as part of -- also include
 24 restroom facilities.
 25 Q In your view or your opinion, why is it

1 important for each of these students to have
 2 access to the boys' restroom?
 3 A Well, the first important point is that they are
 4 boys, and that's really the most central reason
 5 for that.
 6 Q When you say "they are boys," are you making
 7 that statement from a medical perspective or a
 8 legal perspective?
 9 A A medical perspective.
 10 Q And how would you define "boy"?
 11 A That's what they told us they were.
 12 Q So it's based on their definition of "boy"?
 13 A Absolutely.
 14 Q So is it true that any student who identifies as
 15 a boy should be allowed to use the boys'
 16 restroom?
 17 A It's a step beyond a medically substantiated
 18 perspective; so I hesitate to respond.
 19 Would you be able to clarify that a little
 20 more?
 21 Q I guess I'm trying to figure out where you're
 22 drawing the lines.
 23 As I understand your testimony, your
 24 definition of a particular individual,
 25 particularly these plaintiffs, as them being

1 boys is based on what they have told you; that
 2 they have told you that they are boys and,
 3 therefore, they are boys.
 4 I guess my question is with regard to other
 5 individuals, other students, if they identify as
 6 boys, should they have access to the boys'
 7 restroom?
 8 A Yes.
 9 Q Going back to my initial question, I'd asked you
 10 why it's important for each of these students to
 11 have access to the boys' restrooms, and you said
 12 the first primary point was that they are boys.
 13 Then we kind of went, you know, on kind of a
 14 bunny trail and asked some questions there.
 15 Were there other considerations as to why
 16 you believe it's important that they have access
 17 to the boys' restroom?
 18 A From a medical perspective, I've outlined a
 19 number of reasons why that access supports their
 20 mental health presently and in the future.
 21 Q And so -- is there anything else?
 22 A No.
 23 Q And so if I understand that second point, it's
 24 so that those students feel affirmed in their
 25 gender identity. Is that a fair statement?

1 A Yes.
 2 Q Would your answer be the same with regard to why
 3 it's important for B.E. and S.E. to have access
 4 to the boys' locker room?
 5 A Yes.
 6 Q So same two reasons?
 7 A I think the thing you might add, there are
 8 less -- there's less information in the medical
 9 literature about locker rooms than there is
 10 bathrooms, but it's important for social
 11 affirmation to be seen as a boy in the place
 12 boys would be seen.
 13 Q Have you done any studies as to whether or not
 14 or do you have an opinion as to whether or not
 15 there may be a negative impact on students who
 16 have -- who are female sex assigned at birth who
 17 are changing in front of other students in a
 18 male locker room?
 19 A There are not any studies that I'm aware of that
 20 particularly address that.
 21 Many young people are modest about their
 22 bodies no matter who's present.
 23 Q Do you have an opinion as to what standard a
 24 school should adopt in making the decision as to
 25 whether to allow a student to have access to a

1 restroom that does not align with their sex
 2 assigned at birth?
 3 A I think I voiced that, which is recognition of
 4 the young people's expressed gender and a
 5 concern for their well-being, both currently and
 6 in the future.
 7 Q Do you believe there's a certain amount of time
 8 that should pass, before a student who claims
 9 that they are transgender, before they should be
 10 allowed access to a restroom that does not align
 11 with their sex assigned at birth?
 12 A I don't have an opinion about that.
 13 Q Do you have an opinion as to whether or not
 14 certain sort of benchmarks should be met before
 15 a student is allowed access to a restroom that
 16 doesn't align with their sex assigned at birth?
 17 A Yeah. And that's consistent with what I've said
 18 before.
 19 Q What are those benchmarks?
 20 A Exactly what the person tells you.
 21 Q Do you believe that school should allow for
 22 gender fluidity such that students should be
 23 allowed to go back and forth between restrooms?
 24 A Yes. And the reason that I would say that is
 25 because many students experience restrooms as

1 places of "I don't feel safe."
 2 Q And for students who are nonbinary or identify
 3 as nonbinary, do you have an opinion as to what
 4 benchmarks you would expect to be in place that
 5 govern that situation with regard to their
 6 selection of a restroom?
 7 A I think it would rest on their selection.
 8 Q In rendering your opinion in this matter, did
 9 you take into account the privacy interests of
 10 the plaintiffs?
 11 A I'm not sure I know what you mean by that.
 12 Q Was, I suppose, privacy sort of included in the
 13 calculus of whether or not each of these
 14 plaintiffs should be allowed access to the male
 15 restrooms?
 16 A Yes, in the sense that choice is something that
 17 incorporates the concept of privacy in terms of
 18 spaces like restrooms.
 19 Q If S.E. or B.E. said that "they don't want to be
 20 known as trans or in the LGBTQ community in
 21 school or public," how would that desire for
 22 anonymity be aided by them gaining access to the
 23 boys' restrooms and locker rooms?
 24 A I think that would just be their direct
 25 expression of being boys.

1 Q Do you believe that S.E.'s and B.E.'s mental
 2 health would be served by allowing them to
 3 disrobe in the open space of the locker room in
 4 front of other students?
 5 A By their choice, yes.
 6 MR. FALK: Phil, it's been an hour and 15
 7 minutes. Do you want to take a break?
 8 (A recess was taken between 2:14 p.m. and
 9 2:22 p.m.)
 10 BY MR. ZIMMERLY:
 11 Q When you were talking about having access to the
 12 restroom and locker room, I believe your
 13 testimony -- part of your testimony was that --
 14 was that so that these students can have social
 15 approval, given that there were boys where boys
 16 are expected to be. Is that fair? Is that an
 17 accurate account of your testimony?
 18 A Yes.
 19 Q And when you're talking about social approval,
 20 who are we seeking approval from?
 21 A Others. Because being in a boys' restroom,
 22 means you're a boy, and that would be violated
 23 if you were in the girls' restroom and you're a
 24 boy.
 25 Q Have you studied the potential impact that might

1 occur to a student if they changed their clothes
 2 in a locker room in front of other students with
 3 a different sex assigned at birth?
 4 A I've not done that study. I don't believe that
 5 study's been done. As part of my larger
 6 practice, I have supported many young people who
 7 identify as male but who have a condition called
 8 "gynecomastia," which is an appearance of
 9 breasts, who are uncomfortable in changing in a
 10 locker room. So it's possible to be
 11 uncomfortable changing in front of others even
 12 if you're -- even with a complete sense you're
 13 in the right space.
 14 Q If S.E. and B.E. were to disrobe or shower in
 15 front of other students in the girls' restroom,
 16 would that allow them to be outed as
 17 transgender?
 18 A Yes, probably.
 19 Q Is it possible that the peer reactions in that
 20 setting may also cause them shame?
 21 A Based on stories of my patients, the discomfort
 22 felt in female bathrooms is far larger than any
 23 that they experience in male bathrooms.
 24 Q What about with regard to locker rooms?
 25 A I don't think I have a reference point for that.

1 Q There was a statement made in one of the
 2 articles that you referenced or that was
 3 referenced in your declarations. It was in an
 4 article by Myeshia Price-Feeney, Amy Green, and
 5 Samuel Dorison. The title of the article is
 6 "Impact of Bathroom Discrimination on Mental
 7 Health Among Transgender and Nonbinary Youth."
 8 Are you familiar with that article?
 9 A Yes, I am.
 10 Q And one of the statements in the conclusions
 11 that I'd like your opinion on is that they
 12 conclude:
 13 "Offering gender-neutral bathrooms,
 14 avoiding restrictive policies, and providing
 15 private places to change clothes in locker rooms
 16 may not only improve mental health for these
 17 youths but could potentially save TGNB youths'
 18 lives."
 19 Do you have an opinion as to why their
 20 conclusion was that providing private places to
 21 change clothes in locker rooms may help to
 22 improve mental health and save lives?
 23 A I think they are referring to --
 24 MR. FALK: I'm sorry. I hate Zoom. I was
 25 trying to object.

1 A Okay.
 2 Q What is this document?
 3 A This is a letter to support name and gender
 4 marker change.
 5 Q And the statement --
 6 This was signed by Dr. Sherwin?
 7 A Yes.
 8 Q Did you have any input with regard to this
 9 letter?
 10 A No, I don't believe so, but I probably wouldn't
 11 have.
 12 Q You wouldn't have had any input to the letter?
 13 A No. It's a -- it's a standard part of provider
 14 care for gender-diverse youth who are ready to
 15 pursue name and gender-marker change.
 16 Q There's a statement here in the second paragraph
 17 of the letter:
 18 "B.E. has had the appropriate clinical
 19 treatment for gender transition to the new
 20 gender of male."
 21 Do you have any opinion about that
 22 statement?
 23 A It's standard language that is necessary to
 24 complete this legal transition.
 25 Q And in terms of the clinical treatment that had

1 occurred prior to this letter with regard to
 2 Riley, it had been that one initial consult?
 3 A Yes.
 4 Q If you turn the page to the next page here.
 5 A Okay.
 6 Q This was a follow-up visit on December 17, 2021,
 7 by B.E. You had mentioned reviewing two medical
 8 records with regard to -- I take that back.
 9 With S.E., you said there were two records that
 10 you reviewed, two visits; and with B.E., you
 11 reviewed the entire file. Is that correct?
 12 A Yes.
 13 Q Do you know whether or not the fall visit with
 14 S.E. occurred on or about December 17, 2021?
 15 A Yes. I think they were on the same day again.
 16 Q Okay. And there would be a separate medical
 17 record, I would assume, for S.E. for that visit?
 18 A Yes.
 19 Q And were you present for this second visit?
 20 A I was not.
 21 Q One of the things I noted in and throughout the
 22 medical records for B.E. is that the birth name
 23 is up in the right-hand column of these records.
 24 Do you see that?
 25 A Yes.

1 Q And these documents, according to the Bates
 2 stamp at the bottom, were printed on
 3 February 25, 2022?
 4 A Okay.
 5 Q Is that considered deadnaming?
 6 A Yes.
 7 Q And that's -- these are IU Riley's medical
 8 records?
 9 A That's true.
 10 Q Did you do that purposely?
 11 A No.
 12 Q Is that something as someone's transitioning,
 13 their records over the course of time take time
 14 to adjust to reflect that transition?
 15 A Yeah. The medical record requires that their
 16 current legal name be represented in the medical
 17 record. It's required for a variety of reasons
 18 to assure that this is the right patient so --
 19 Q Let's turn and talk a little bit about A.C. In
 20 the declaration that you provided for A.C. which
 21 we have marked as Exhibit 17 --
 22 A Okay.
 23 Q -- do you have that in front of you?
 24 A I do.
 25 Q Is this a declaration that you provided sworn

1 testimony through in the A.C. v. MSD of
 2 Martinsville case?
 3 A Yes.
 4 Q In your declaration, paragraph 9, you make the
 5 statement:
 6 "In preparing this declaration" --
 7 I'm sorry. I'll let you get there.
 8 A Got it.
 9 Q Paragraph 9:
 10 "In preparing this declaration, I reviewed
 11 the complaint in this case as well as the
 12 medical and mental health records of the
 13 plaintiff from Riley Hospital."
 14 Is that true?
 15 A Yes.
 16 Q What specific medical records do you recall
 17 reviewing for A.C.?
 18 A Specifically the record of his visits to the
 19 Riley Gender Health Clinic.
 20 Q I didn't see any reference to participating in
 21 the care of A.C. Have you participated in the
 22 care of A.C.?
 23 A No.
 24 Q Have you had any direct discussions with A.C.?
 25 A No.

1 Q Have you had any discussions with A.C.'s mother?
 2 A No.
 3 Q You've not spoken with A.C. about A.C.'s use of
 4 the restrooms at MSD Martinsville or the use of
 5 the health clinic restrooms?
 6 A No.
 7 Q You've not spoken with A.C. about what
 8 individualized harm A.C. believes will occur if
 9 A.C. is not allowed full access to the boys'
 10 restroom?
 11 A That's right.
 12 Q Have you performed an individualized assessment
 13 as to the severity of the harm to A.C. if A.C.
 14 is not allowed access to the boys' restroom and
 15 locker room?
 16 A No.
 17 Q Have you performed an individualized assessment
 18 of the reduction of that alleged harm if A.C. is
 19 allowed access to the boys' restroom?
 20 A No.
 21 Q In paragraph 16 of your declaration in the A.C.
 22 matter, second sentence, you make the statement:
 23 "However, recent research conducted by the
 24 Centers for Disease Control and Prevention show
 25 that up to 1.9 percent of high school students

1 identify as transgender or gender nonbinary."
 2 In your declaration -- your original
 3 declaration submitted in the Vigo County case, I
 4 believe that you testified that 1.9 percent of
 5 high school students identify as transgender and
 6 didn't make reference to gender nonbinary. Is
 7 there a reason for that change?
 8 A No, other than trying to be more specific and
 9 inclusive with language.
 10 Q In paragraph 27 of the A.C. declaration -- your
 11 declaration in the A.C. case --
 12 A Okay.
 13 Q -- you make a statement, three sentences in:
 14 "Hormone therapy to feminize or masculinize
 15 the body is considered by many, but not all,
 16 young people."
 17 Who ultimately makes the decision as to
 18 whether or not hormone therapy is instituted?
 19 A As I think with all of these cases, it's a joint
 20 decision based on the young person's preference;
 21 the parents' support of that choice if the
 22 person is under age 18; and the provider's
 23 assessment.
 24 Q You mentioned that the age ranges of children
 25 who receive care at the Gender Health Clinic

1 range from 3 to 21. Does that -- does the type
 2 of treatment and decisions regarding treatment
 3 differ with regard to younger children than it
 4 does the adolescent children?
 5 A Yes, completely.
 6 Q Turn back to paragraph 27.
 7 A Okay.
 8 Q The sentence -- you make the statement:
 9 "It is important to note that these mental
 10 health issues, the depression and anxiety,
 11 primarily are most often responses to social
 12 hostility, rejection, discrimination, emotional
 13 abuse, bullying, and physical violence
 14 associated with society's rejection of the
 15 person's expressed gender."
 16 What are you basing that statement on?
 17 A An amalgam of research literature that suggest
 18 that these mental health conditions are not --
 19 wouldn't have existed or wouldn't have existed
 20 in the same way without the kind of treatment
 21 that they've received in terms of their gender
 22 expression.
 23 Q Is it true that there may be other causes for
 24 feelings of depression and anxiety in any given
 25 patient?

1 A Yes --
 2 Q And what other --
 3 A -- absolutely.
 4 Q What other causes could those involve?
 5 A Depression is a common experience with many
 6 young people. These are young people; so they
 7 are not immune from all the other kinds of
 8 things that young people face that are
 9 associated with depression.
 10 Q Is that also true for anxiety?
 11 A Yes.
 12 Q And does the cause for any particular depression
 13 or anxiety depend on each particular patient?
 14 A Yes, although there are predictable risk factors
 15 that can be associated with the experience with
 16 depression.
 17 Q What do you mean by that?
 18 A So things like gender identity would be one;
 19 things like a history of abuse could be one;
 20 sexual orientation could be one -- those are the
 21 kinds of things that might be associated with
 22 depression or anxiety.
 23 Q And would that require an individualized
 24 assessment for that particular patient to
 25 determine the cause and treatment?

1 transgender and gender nonbinary young people
2 denied access to school bathroom facilities
3 consistent with their gender identity,
4 85 percent reported depression, 60 percent
5 seriously considered suicide, and about
6 33 percent reported a past-year suicide
7 attempt."

8 What specifically are you referencing with
9 regard to those numbers?

10 A I think I got the wrong exhibit.

11 Q I'm sorry. It's Exhibit 17.

12 A Mm-hmm.

13 Q The declaration in the A.C. v. MSD Martinsville
14 case.

15 A Okay.

16 Q What paragraph?

17 A Paragraph 37.

18 MR. FALK: The top of page 12, Doctor.

19 A I'm referring to a specific study that showed
20 that among young people who had been denied
21 access to the school bathroom facilities that
22 reflected their gender, the majority had
23 depression or considered suicide, and then about
24 a third had a past-year suicide attempt. That's
25 an association, not a cause.

1 BY MR. ZIMMERLY:

2 Q Were you involved in that study?

3 A I was not.

4 Q Do you know whether or not those numbers with
5 regard to the reported percentages were any
6 different if access was allowed to public
7 facilities?

8 A That was the comparison in that study. So
9 people that were denied were compared to people
10 that didn't have that experience.

11 Q Were there any cisgender kids that were included
12 in that study?

13 A I don't think so.

14 Q Paragraph 39, just go down on page 12, you make
15 the statement:

16 "In my clinical experience, reserving a
17 specific bathroom or locker room solely for the
18 use of the transgender or gender-nonbinary
19 person when there are other sex-specific
20 restrooms available for everyone else often
21 fails to solve issues of bathroom access at
22 school."

23 Are there instances where providing a
24 specific bathroom or locker room has resolved
25 issues of bathroom access at school?

1 A I would say that some patients report that being
2 a satisfactory solution for them.

3 Q Paragraph 46.

4 A Okay.

5 Q Your statement:

6 "Testosterone initiation has not been
7 discussed or prescribed, although testosterone
8 may be proscribed to some patients at this age."

9 I believe that the age of the student is
10 13. Is that your understanding?

11 A That's correct. Yes.

12 Q And what -- when would it be appropriate to
13 proscribe testosterone to a patient at that age?

14 A We, in fact, do prescribe testosterone. I think
15 this is a typo in the declaration. It should be
16 "prescribed."

17 Q Oh, I'm sorry. Yes.

18 A So we do, in fact, prescribe testosterone for
19 patients of this age.

20 Q And how is that determination made?

21 A Part of it is the patient's interest in the
22 topic; and where they are in terms of being
23 willing to start that treatment; as well as the
24 support and permission of the parent of a
25 patient this age.

1 That would also be consistent with evidence
2 that the young person had completed puberty at
3 that point or the majority of pubertal growth.

4 Q So I don't know that I heard you completely.

5 Is the decision to be made in terms of
6 prescribing testosterone based on whether or not
7 puberty has been completed or not?

8 A Yes. The major issue with that is that starting
9 testosterone or completing pubertal growth --
10 starting testosterone will stop any additional
11 growth. And so even attaining one or two
12 additional centimeters of height is important to
13 some young people.

14 But if they have already finished their
15 puberty, then it's not a consideration. They
16 are not going to grow anymore.

17 Q Okay. Paragraph 47 is the statement:

18 "Support for use of male bathrooms
19 consistent with the plaintiffs' experience,
20 gender, and gender identity is a standard
21 element of our clinical protocols in terms of
22 its relevance to each patients' health and
23 safety."

24 Am I correct in understanding that across
25 the board, that support for use of male

1 restrooms is what you would -- is your position
 2 with regard to a situation like this?
 3 A No, that wouldn't be correct. We assess their
 4 use; we assess their sense of safety; and we
 5 assess whether we can support their -- the use
 6 of their facilities that they are most
 7 comfortable and safe in.
 8 Q And have you done such an individualized
 9 assessment for A.C.?
 10 A I participated in that assessment -- well, not
 11 for A.C. Sorry. I shifted back to the other
 12 boys. Not for A.C.
 13 Q Okay. If you turn to what we've marked as
 14 Exhibit 18 --
 15 (Deposition Exhibit 18 was presented for
 16 identification.)
 17 Q -- which is the A.C. medical records that have
 18 been provided.
 19 A So -- okay.
 20 Q This is a -- I believe about a 15-page document.
 21 When you say that you reviewed the medical
 22 records of A.C., are these the records that you
 23 are referring to when you prepared your
 24 declaration?
 25 A Yes.

1 Q Were there any other records that you reviewed?
 2 A No.
 3 Q On the third page of this document --
 4 Well, before we get there, let's go ahead
 5 to the second page. There's a reference to
 6 Laura Erickson as the one providing care. Who
 7 is Laura Erickson?
 8 A She is a nurse practitioner who works in the
 9 gender program.
 10 Q In the third page, there is a -- under Clinic
 11 Office Records, there's these bold sections
 12 Menstrual History, Patient Medical History, and
 13 then Mental Health.
 14 Do you see that?
 15 A Yes.
 16 Q In that paragraph, there's a statement:
 17 "Going to school is a big anxiety trigger.
 18 Experiences a lot of bullying at school. No
 19 supportive teachers at school. Has to use the
 20 clinic bathroom, as he's not allowed to use the
 21 boys' bathroom and doesn't feel comfortable
 22 using the girls' bathroom. Offered help with
 23 bathroom use, and he said it's not that
 24 troublesome to go to the clinic."
 25 Do you have any personal knowledge as to

1 that conversation between A.C. and Nurse
 2 Practitioner Erickson?
 3 A I don't.
 4 Q Do you know whether or not A.C. told Nurse
 5 Practitioner Erickson that it wasn't that
 6 troublesome to go to the clinic?
 7 A I don't know. I --
 8 Q If you turn to the last document that we've
 9 marked as an exhibit, Exhibit 19.
 10 (Deposition Exhibit 19 was presented for
 11 identification.)
 12 A Okay.
 13 Q Did you discuss A.C.'s treatment plan with Nurse
 14 Practitioner Erickson?
 15 A I did.
 16 Q And when did you discuss the treatment plan?
 17 A Probably in about the date of this note, maybe a
 18 few days before. So roughly the middle of
 19 January.
 20 Q What do you recall about that conversation?
 21 A Her sense of where the young person was in terms
 22 of gender transition, how the initial interview
 23 had gone, and just really her perspectives on
 24 the young person.
 25 Q In terms of the preparation of this letter, is

1 this something you prepared, or is this
 2 something that Nurse Practitioner Erickson
 3 prepared?
 4 A I prepared it after speaking with her. She was
 5 heading out; she was on vacation. And there was
 6 some sense of urgency to have this letter in
 7 terms of resolving this issue; so I provided it
 8 as a clinic provider, which is the kind of
 9 coverage that I would often provide for a
 10 colleague.
 11 Q Okay. Was there a physical examination done by
 12 Nurse Practitioner Erickson?
 13 A Yes, I think there was.
 14 Q Five paragraphs down, you make the statement:
 15 "It's important to note that the trajectory
 16 of treatment is highly individualized."
 17 Is that sort of a common theme; that these
 18 assessments with regard to treatment have to be
 19 made on a case-by-case basis?
 20 A It is. And it's -- to me, it was particularly
 21 important to note that the use of testosterone
 22 was not something that would automatically be
 23 expected as part of this care.
 24 And if I remember right, the school had
 25 specifically requested information regarding the