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

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

Plaintiff,)

-vs-)

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

Defendants.)

DEPOSITION OF M.C.

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

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APPEARANCES

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Defendants' Deposition Exhibit No.:
Exhibit 3 - Complaint 10

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 [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 ██████████ ██████████.

9 Q Does Mr. ██████████ 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 Miller's Merry Manor 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, ██████████ ██████████, 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 [REDACTED]'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 [REDACTED] 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 ██████'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 [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 [REDACTED] in fifth
3 grade, or when did the name [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 [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. [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 ██████ 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 ██████ 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 [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 -- [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 [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 [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 [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 [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 [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 ██████'s 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 [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, [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 [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 [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 [REDACTED] has told me, yes.

5 Q Other than what [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 [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 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 [REDACTED] up until about third, fourth grade,
11 I did pinks, blues, dresses, skirts, and had
12 long, curly hair.

13 Now [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 A I mean, I think there are times where [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 to see exactly what I said.

2 Q You mentioned that you had text messages with
3 A.C. as well. Are you one of those people who
4 kind of keeps all your text messages?

5 A I mean, not always. Usually with people that,
6 like my husband and kiddo, I don't usually like
7 delete that conversation. If it's someone I
8 don't talk to often, I may delete the
9 conversations because I don't want too much on
10 the cell phone.

11 MR. ZIMMERLY: Well, during the course of
12 discovery, we may ask for some of the text
13 messages that you refer to with A.C. and with
14 the biological dad, so just make sure you
15 preserve those and we'll just ask for them in a
16 records production.

17 I think we may be done. Let me go off, if
18 you just give me two or three minutes to talk to
19 Mark, I'm just going to put you on mute and
20 let's maybe come back at 2:53.

21 (A recess was taken between 2:53 p.m. and
22 3:00 p.m.)

23 MR. ZIMMERLY: I don't believe I have any
24 other questions. Thank you for your time today,
25 [REDACTED]. I appreciate meeting you and I

1 appreciate you being here today. As we kind of
2 indicated prior to going on the record today,
3 this deposition has been limited for purposes of
4 the preliminary injunction hearing or issues
5 pertaining to that. We reserve our rights, to
6 the extent that this case goes beyond that, in
7 relation to other issues in the case. But thank
8 you, M.C. Megan may have some questions for you
9 as well.

10 MS. STUART: Yeah, I just have a couple.

11 CROSS-EXAMINATION,

12 QUESTIONS BY MEGAN STUART:

13 Q I'm just going to work back in time. You had
14 previously said that you talked to [REDACTED]'s bio
15 dad about this case, that you were bringing it.
16 Did you talk to anyone else about it?

17 A I mean, I might have mentioned like to some
18 coworkers or something that some stuff was going
19 on at school, but not --

20 Q Did you talk about it with your husband?

21 A My current husband?

22 Q Your current husband.

23 A Oh, yes, my current husband is fully aware, yes.
24 He's 100 percent involved in it, so obviously
25 there's conversation there.

1 Q You had said that A.C. used the boys' bathroom
2 occasionally during the semester, but then
3 eventually he stopped using it after he was
4 instructed to by the principal. When he was
5 using the boys' bathroom, did you see any
6 difference in his demeanor or behavior?

7 A Yeah, so there was like a two- to three-week
8 period of time where [REDACTED] was using the boys'
9 restroom. Every day he'd come home from school,
10 I'd ask, you know, if kids said anything to him
11 or anything happened. He said, No, there was
12 never any issues. He just seemed happier. He
13 was able to go to the bathroom, not holding it
14 all day. It was just a good, normal three
15 weeks.

16 Q Did he say to you why he felt happy, the
17 suspicion about why that was?

18 A I think he just felt like more included, like he
19 wasn't being put off to the side and having to
20 feel -- like it's weird to be asked to be the
21 only person to have to go use this specific
22 restroom. It kind of puts a target on you like
23 something is different about you.

24 Q I want to go to the call you had when A.C.
25 called you from the principal's office and you

1 were on speakerphone. You testified a little
2 bit about what you said in that call, but can
3 you just start from the beginning of when you
4 were patched in, what you recall about the
5 conversation.

6 A It was -- I can't remember too much of the
7 conversation. That happens a lot with me,
8 things kind of come and go. If I don't write it
9 down, it doesn't stick.

10 You're talking the conversation I had with
11 Mr. Reynolds?

12 Q No, the one when A.C. called you from
13 Mr. Kutruff's office after Thanksgiving break.
14 You had said that's where he told you the
15 community had taken a vote.

16 A Yeah, so with that phone call, [REDACTED] had left the
17 classroom because I think someone had used his
18 old name, and he called me, had me on
19 speakerphone. And Carrie Mann, the Adult and
20 Child Services lady, was going after [REDACTED] in the
21 hallway, trying to make sure he was okay and
22 whatnot. And he was trying to go to the office
23 to get away from her, because she was asking him
24 things like, Do you feel like a real boy?

25 And then at some point [REDACTED] got into the

1 office. I was at work, too, and I'm a nurse,
2 I've got a full shift going, so a lot of things
3 kind of get fuzzy.

4 Q Understandable.

5 A Yeah.

6 Q Do you recall what the last thing someone from
7 the school said to you about which bathroom A.C.
8 should use?

9 A That he could use the female restrooms and the
10 clinic and family restrooms.

11 Q Do you recall who from the school told you that
12 his options were the female restrooms, the
13 clinic restroom, and a family restroom?

14 A Yes, Mr. Reynolds in that voicemail from the
15 school told me that.

16 Q Did anyone else from the school in a different
17 call or correspondence say the same thing?

18 A And Mr. -- in the conversation on the 29th,
19 Mr. Kutruff again reiterated the options that
20 were available.

21 Q Then switching gears a little bit. When you
22 were talking earlier about A.C. being distressed
23 from being misgendered, can you describe what
24 it's like for him in general to live with gender
25 dysphoria?

1 A So there are just like certain things in life
2 that have been harder for him that we've had to
3 learn to deal with, things as simple as like
4 taking a shower. Anxiety and depression that
5 comes from not being accepted in one
6 environment, like school, overflows to home
7 life, where he comes home and wants to self
8 isolate.

9 I get messages from him while I'm at work
10 in the middle of the day saying, Mom, I've got
11 kids trying to get other children to dead name
12 me. Things as simple as maybe just seeing the
13 roster and the sub says the wrong name.

14 At home I would say █████ is usually pretty
15 happy, but then the things that bother him are
16 often school related, and it's hard to hear all
17 of that when I feel like I don't have any
18 support from the school to kind of help █████
19 with that either.

20 MS. STUART: I don't have any other
21 questions. If I could have just like 30 seconds
22 or one minute to check in with the rest of the
23 team to see if they have any.

24 MR. ZIMMERLY: That's fine. And I may have
25 a follow-up question or two.

1 (Off-the-record discussion.)

2 MS. STUART: I have nothing else, Phil.

3 REDIRECT EXAMINATION,

4 QUESTIONS BY PHILIP R. ZIMMERLY:

5 Q Just one question that wasn't clear to me.

6 M.C., when you had said one of the things that
7 A.C. has to deal with in terms of gender
8 dysphoria, you referenced taking a shower. What
9 do you mean by that?

10 A A lot of times people who have gender dysphoria,
11 if they're not comfortable with their assigned
12 gender at birth, if you're born with a female
13 body and you have breasts but you feel, you
14 know, you're a male, your breasts can be
15 discomfoting to you. Having your period
16 doesn't seem right.

17 So it was hard for him to take a shower
18 because I think you get into the bathtub and
19 you're there in your nakedness and you see
20 everything. He just wanted to hide in big baggy
21 clothes and not have to get naked to see
22 himself, I guess. So there were things that
23 we've had to do to help with issues with like
24 breasts, things like binding, that type of
25 thing. Then I guess you kind of have to force

1 every teenager to take a shower, but just
2 finding ways to make it happen.

3 Q And breast binding, is that something that A.C.
4 has engaged in?

5 A Yes.

6 Q When did A.C. start that practice?

7 A I would say probably 11.

8 Q The 11th?

9 A 11 years old.

10 Q Oh, 11, okay.

11 Was that based on a recommendation from a
12 provider or something else?

13 A I don't think a provider had recommended it at
14 that point in time. [REDACTED] had researched that
15 himself, and I bought him a chest binder. Then,
16 of course, when we went to our next doctor's
17 appointment we brought it up, and there are safe
18 ways to bind and things you have to do.

19 MR. ZIMMERLY: I have no further questions.
20 Thanks again for being here, M.C. It was nice
21 to meet you.

22 THE WITNESS: Yes, you too.

23 MR. ZIMMERLY: In terms of review and sign
24 process, I imagine you probably want to review
25 and sign; is that true, Megan?

1 MS. STUART: Yes.

2 MR. ZIMMERLY: That concludes this
3 deposition of M.C.

4 We're reserving our rights to redepose
5 based on additional information or other issues
6 not pertaining to the preliminary injunction, so
7 we can wrap this one up.

8 (Time noted: 3:14 p.m.)

9

10 AND FURTHER DEPONENT SAITH.

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1 STATE OF INDIANA)
) SS:
 2 COUNTY OF MARION)
 3

4 I, Craig Williams, RPR, CMRS, a Notary Public
 5 in and for the County of Marion, State of Indiana,
 6 at large, do hereby certify that M.C., the deponent
 7 herein, was by me first duly sworn to tell the
 8 truth, the whole truth, and nothing but the truth
 9 in the aforementioned matter;

10 That the foregoing deposition was taken on
 11 behalf of the Defendants, via remote Zoom
 12 videoconference, on the 26th day of January 2022,
 13 at 10:00 EST, pursuant to the Federal Rules of
 14 Civil Procedure;

15 That said deposition was taken down in
 16 stenograph notes and translated into an English
 17 transcript under my direction, and that said
 18 transcript is a true record of the testimony given
 19 by the said deponent; and that signature was
 20 requested by the deponent and all parties present;

21 That the parties were represented by their
 22 counsel as aforementioned.

23 I do further certify that I am a disinterested
 24 person in this cause of action, that I am not a
 25 relative or attorney of either party or otherwise

1 interested in the event of this action, and that I
2 am not in the employ of the attorneys for any
3 party.

4 IN WITNESS WHEREOF, I have hereunto set my
5 hand and affixed my notarial seal on this 31st day
6 of January, 2022.

7 
8

9 N O T A R Y P U B L I C
10

11 My Commission Expires:

12 January 14, 2024

13 County of Residence:

14 Marion County
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