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12
13 **UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF ARIZONA**

15 Helen Roe, a minor, by and through her
parent and next friend Megan Roe; James
16 Poe, a minor, by and through his parent and
next friend Laura Poe; and Carl Voe, a
17 minor by and though his parent and next
friend Rachel Voe,

18 Plaintiffs,

19 v.

20 Don Herrington, in his official capacity as
21 Interim State Registrar of Vital Records and
Interim Director of the Arizona Department
22 of Health Services,

23 Defendant.

Case No. 4:20-cv-00484-JAS

**DECLARATION OF RACHEL BERG IN
SUPPORT OF PLAINTIFFS’ MOTION FOR
CLASS CERTIFICATION**

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23 *Attorneys for Plaintiffs and Proposed Class*
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1 I, Rachel Berg, declare and state as follows:

2 1. Along with my co-counsel, I represent Plaintiffs Helen Roe, James Poe, and
3 Carl Voe and the proposed Class in the above-captioned matter.

4 2. I am a Staff Attorney at the National Center for Lesbian Rights (NCLR).

5 3. My former colleague, Asaf Orr, previously filed a declaration on August 25,
6 2021 in support of Plaintiffs' Motion for Class Certification (Doc. No. 89-2) when he was
7 counsel of record. However, because Asaf Orr recently left NCLR and is no longer counsel
8 in this case, I now file this declaration in support of Plaintiffs' Motion for Class Certification
9 (Doc. No. 89).

10 4. I received my J.D. from Fordham University School of Law in 2015. I started
11 my career as an Associate at the international law firm Linklaters LLP in New York, NY.
12 There, my practice focused on complex business litigation in federal court.

13 5. I then clerked for the Honorable Alan C. Kay in the U.S. District Court for
14 the District of Hawaii and the Honorable Eli J. Richardson in the U.S. District Court for the
15 Middle District of Tennessee. While clerking, I worked on a variety of complex civil
16 matters, including substantial experience on constitutional and civil rights cases.

17 6. After my clerkships, I worked as an Associate at the national law firm
18 Polsinelli PC in Nashville, TN. My practice focused on class actions in federal courts across
19 the country. I also developed a substantial *pro bono* practice focusing on a variety of civil
20 rights issues, including LGBTQ rights.

21 7. I started working as a Staff Attorney at NCLR on January 4, 2023. NCLR is
22 a national legal organization committed to advancing the civil and human rights of lesbian,
23 gay, bisexual, and transgender people and their families through litigation, legislation,
24 policy, and public education. NCLR was the first LGBTQ legal organization to start projects
25 focusing on the needs of transgender people.

26 8. Since working at NCLR, my practice has focused exclusively on transgender
27 rights. In addition to the Plaintiffs in this case, I am also currently representing two
28 transgender girls in Arizona who seek to play on girls' sports teams. *Doe et al. v. Horne et*

1 *al.*, Civ. No. 4:23-00185-JGZ (D. Ariz.). I am also representing transgender Plaintiffs in a
2 lawsuit in Alabama challenging the constitutionality of an Alabama law that criminalizes
3 healthcare for transgender youth. *Boe et al. v. Marshall*, Civ. No. 2:22-cv-00184-LCB (D.
4 Ala.).

5 9. NCLR has committed to assuring the resources needed to represent the class
6 and will continue to work with other class counsel to competently investigate claims and
7 issues as they arise in this case. In addition to the undersigned, there are two attorneys from
8 NCLR involved in this case who have extensive experience litigating cases on behalf of
9 transgender people.

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11 I declare, pursuant to 28 U.S.C. § 1746 and under the penalty of perjury, that the
12 foregoing statements in this affidavit are true and correct.

13 Executed this 16th day of June in Davidson County, Tennessee.

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