

No. 23-1078 (L) (2:21-cv-00316)

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

B.P.J., by her next friend and mother; HEATHER JACKSON,

Plaintiff - Appellant,

versus

WEST VIRGINIA STATE BOARD OF EDUCATION; HARRISON
COUNTY BOARD OF EDUCATION; WEST VIRGINIA SECONDARY
SCHOOL ACTIVITIES COMMISSION; W. CLAYTON BURCH, in his
official capacity as State Superintendent; DORA STUTLER, in her official
capacity as Harrison County Superintendent,

Defendants - Appellees.

and

THE STATE OF WEST VIRGINIA; LAINEY ARMISTEAD,

Intervenors - Appellees

On Appeal from the United States District Court for the Southern District of
West Virginia (Charleston Division)
The Honorable Joseph R. Goodwin, District Judge
District Court Case No. 2:21-cv-00316

JOINT APPENDIX – VOLUME 9 OF 9 (JA4303-JA4647)

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Redacted Harrison County Board of Education Document Production [Armistead App.1538-1553] [HCBOE 01167-01172] in Appendix to Defendant-Intervenor's Motion for Summary Judgment	3/22/2023	529	JA4637
Redacted Harrison County Board of Education Document Production [Armistead App.1544-1547] [HCBOE 01265-01268] in Appendix to Defendant-Intervenor's Motion for Summary Judgment	3/22/2023	529	JA4643
Redacted Amended Birth Certificate of B.P.J.	N/A	N/A	JA4647

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**APPENDIX TO DEFENDANT-INTERVENOR'S
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J, by her next friend and mother, HEATHER JACKSON

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA

Defendants,

and

LAINY ARMISTEAD

Defendant-Intervenor.

Case No. 2:21-cv-00316

Hon. Joseph R. Goodwin

DECLARATION OF LAINY ARMISTEAD

I, Lainey Armistead, under penalty of perjury, declare as follows:

1. I am a twenty-two-year-old resident of Charleston, West Virginia, in Kanawha County, and have personal knowledge of the information below.

2. I am a junior and female athlete at West Virginia State University (WVSU) in Charleston, West Virginia, where I am a member of the women’s soccer team. Soccer is my passion and life-defining pursuit.

Athletics Background

3. I come from a family of talented athletes. My dad was a multi-sport athlete in high school and an All-American soccer player in college. He later coached club soccer. My

mom was a high school and collegiate cheerleader. Two of my brothers went on to play soccer in college.

4. Soccer was like the air I breathed growing up. I first kicked a soccer ball at three years old—almost as soon as I could walk. I grew up playing pick-up soccer games with my brothers, being coached by my dad on technique, and cheering at soccer matches alongside my family.

5. I started playing on club soccer teams in my home state of Kentucky at age seven and continued competing on club teams through the end of my high school career.

6. I was excited to enjoy success on those club soccer teams. When I was just nine years old, my club soccer team won the indoor U.S. Youth Futsall National Championships—which is the largest and most prestigious indoor youth soccer competition in the country. It was an unforgettable experience.

7. I later went on to help my club soccer team win state championships during my freshman and sophomore years of high school. Those wins pushed me to try even harder.

8. Also during my sophomore year of high school, I had the honor of being selected from my club soccer team (Kentucky Fire) as one of only 20 girls in the nation to be invited to compete in a showcase soccer event in Las Vegas.

9. In addition to club soccer, I also competed on my school's middle school and high school soccer teams. One of my favorite memories from that time was helping my high school soccer team win the state championship during my freshman year of high school.

Competing in Women's Collegiate Athletics

10. It was my dream to play soccer in college. And I hoped my hard work would pay off with a college scholarship. I know, however, that athletic scholarships are limited and competitive.

11. After visiting approximately ten different colleges, I decided to visit West Virginia State University (WVSU), a public state university. I immediately knew this was where I wanted to attend college and I committed the same day.

12. WVSU offered me a soccer scholarship to compete on its women's soccer team. That scholarship helps pay for my education and brings me one step closer to my dream of being a lawyer someday.

13. Without a scholarship, I likely would have attended a college in my hometown and been saddled with school loans. My athletic scholarship opened the door for me to attend the school of my choice.

14. WVSU is an NCAA Division II soccer team and competes in the NCAA Mountain East Conference.

15. There are 11 players per team (22 players total) on the soccer field at any given time, though teams may have two or three times that many players total. Those 11 starting positions are highly coveted and competitive.

16. Team players are grouped into four general categories:

- a. the front, or attacking positions, which are called strikers;
- b. the midfielder positions;
- c. the defender positions;
- d. and the goalie.

17. I play starting left wingback on the soccer field, which is a defender position. But I “attack” a lot, which means I run up and down the field much of the game.

18. I also have the privilege of serving as team captain. This is a leadership position that is voted on by both players and coach, and has responsibilities that include organizing the team, determining what jerseys to wear, serving as liaison between the players and coaches, and also serving as liaison between the players and referee.

19. In 2020, I received the Stinger Award for “Female Teammate of the Year” in WVSU women’s soccer.

20. Due to the COVID-19 pandemic, I currently have three years of NCAA eligibility left.

21. My teammates and I train hard to win. We do running drills, weightlifting, and watch replay videos of our prior games to evaluate how we can improve.

22. But it is not always easy. I have made many sacrifices over the course of my athletic career to play the sport that I love. I have missed school dances and spring breaks; family events; and friends’ birthdays. I have given up my weekends and free time. I stay at school late for practice and get up early to train.

23. But I make these sacrifices because I want to be the best that I can be. I want to win—not just for myself, but also for my teammates. And it is that love of winning that helps me press through when the going gets tough.

24. I love my sport. It’s exhilarating to see all the training and hard work that we put in at practice pay off on the field.

25. Soccer is called the “beautiful sport”—and for good reason. It is the most played sport in the world. Like music, soccer transcends culture. You can play a pick-up game of soccer with anyone regardless of language or background.

26. But soccer is also beautiful because it takes incredible teamwork to achieve a win. Soccer is a 90-minute game. It is much more difficult for women to run nonstop for a full 90-minutes than it is for men. As a result, women’s soccer games are different than men’s. We have to be more cohesive. We pass the ball more, communicate more, and rely on our teammates more. But rather than a downside, I see teamwork as a thing of beauty. I love accomplishing things as a group. And when I step on the field with those ten other women, I know they have my back and I have theirs. We play hard for each other. As a result, my teammates have become some of my closest friends.

27. Soccer also taught me life skills like mental and physical toughness, perseverance, and good sportsmanship. It taught me that hard work and discipline pay off. It taught me the value of teamwork. It provided leadership opportunities that will benefit my future career. It opened new financial opportunities, such as benefitting from my image and likeness. It has given me lasting friendships with my teammates. And it has given me something to strive for. I would not be the person I am today without soccer.

Safety Concerns in Soccer

28. Soccer is a rough contact sport, and injuries are common among female athletes.

29. From my own observations, concussions, knee injuries, and ankle injuries are the most common injuries incurred by soccer players. In the first couple games of the WVSU fall 2021 soccer season alone, members of my team suffered all three of these injuries.

30. Playing a rough contact sport with other girls is one thing. But having played pick-up soccer games with my brothers and street soccer with men, I have realized that playing a rough contact sport with men is entirely different.

31. Males are generally stronger, fitter, faster, and have a bigger stature than women, which gives them advantages of strength, speed, and size in soccer. They compete at a faster pace. They kick the ball harder. They have physical frames that are generally larger.

32. Thankfully, I can enjoy a casual pick-up game of soccer with men because they take it easier on me. They do not go “all-in” because they know they could hurt me. But it would be a different story if a male was seriously competing and making full use of his strength, speed, and size in a soccer match against me. Based on my long experience playing competitive team soccer, I would be more worried that I could be injured by a male than a female competitor in a game in which players are trying their hardest to win.

Fairness in Women’s Sports

33. A couple years ago, I heard about female track athletes in Connecticut who lost to biological males competing in their races. I learned that these two males won 15 women’s state championship titles in girls’ high school track and field. I was appalled and heartbroken for those girls. It felt so unfair. But I was thankful that those athletes had the courage to stand up.

34. I also heard that a male who competed on the University of Montana men’s team track and cross-country team began competing in women’s cross-country and track events and displaced collegiate female athletes.

35. So when I heard that West Virginia’s legislature passed the Save Women’s Sports Act to protect the integrity of women’s sports, I enthusiastically supported it.

36. I never dreamed this would be an issue in West Virginia. And I never thought this issue could personally impact my competition till I learned a lawsuit had been filed against the new West Virginia law to protect women's sports.

37. Getting involved in this lawsuit was a weighty decision. I sought a lot of counsel and considered my options carefully before deciding to become involved in a case of this public importance and controversy. It's not always easy standing up for what you believe in.

38. And I know from experience in friendly competitions against men that facing a male in a soccer game changes the entire dynamics on the field and poses not just fairness but safety concerns, as well.

39. If forced to compete against a male athlete, I would have to face the hard decision of competing on an unfair playing field with heightened safety risks, or not competing at all.

40. A single male on my team could displace me or one of my teammates from a starting position—or a position on the team.

41. Even if the male athlete was on my team—arguably giving my team an advantage—I would treat that individual with respect and kindness, but it would still be unfair to displace a female athlete from her place on the field or from that position. And it also would not be fair to the female players on the opposing team.

42. Allowing males into women's athletics allows a person with a male body to take opportunities away from female athletes—whether that is a spot on the team, a starting position on the field, an athletic scholarship, the opportunity to benefit from her likeness, or recognition and awards—and is contrary to the entire purpose of women's sports.

43. Women's sports exist to give girls like me a chance to compete in sports on a level playing field.

44. Women have worked so hard to be taken seriously on the athletic level.

45. I fear that too many women feel pressured to remain silent about their beliefs.

46. I want other little girls in the future, or my own daughters, to not have to worry about competing against males. I also fear that girls in the future might consider not playing at all if they feel they cannot win against a physically superior male. Winning is the motivation for a lot of us who played sports for years.

47. I believe that protecting fairness in women's sports is a women's rights issue. This isn't just about fair play for me: it's about protecting fairness and safety for female athletes across West Virginia. It's about ensuring that future generations of female athletes are not discriminated against but have access to the same equal athletic opportunities that shaped my life.

48. Being an athlete in college has made me even more passionate about the sport that I play. I want fairness and equality in sports. And I want to ensure those standards are protected for other girls, too.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct



Lainey Armistead

Dated: April 20, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J, by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants

and

LAINY ARMISTEAD,

Defendant-Intervenor.

Case No. 2:21-cv-00316

Hon. Joseph R. Goodwin

DECLARATION OF CHELSEA MITCHELL

I, Chelsea Mitchell, declare as follows:

1. I am a nineteen-year-old graduate of Canton High School in Canton, Connecticut, and a sophomore student athlete at the College of William and Mary in Williamsburg, Virginia.

2. As an elite female athlete, I had the deflating experience of competing against and losing to male athletes in the girls' category throughout all four years of my high school career. I personally lost four state championship titles, two All-New England awards, medals, points, placements, and publicity due to an unfair state athletic policy that permits males to compete in girls' sports in Connecticut.

3. I hope that by sharing my experience, no other female athlete will have to face the heartache and loss that I did.

Athletic Background

4. Sports are a big part of my family. My sisters and I each started playing organized sports in kindergarten and later became multi-sport athletes. My oldest sister was captain of her high school soccer and track teams and went on to run collegiate track. My younger sister plays high school soccer and runs track, and also played lacrosse and basketball for a time. And I played basketball until eighth grade. I was the leading scorer on my varsity soccer team and a four-year starter. And I am a short distance sprinter and long-jumper.

5. My dad dedicated 15 years to coaching our soccer and basketball teams. My mom was our number one cheerleader, driving us to and from games, and volunteering her time so that we could play the sports we loved.

6. I started running track in middle school. My older sister ran it, and I decided to give it a try. I loved it: the competitiveness, how it makes me feel, and the opportunity to win.

7. I'm quite proud of my high school athletic achievements, which include:

- High School All-American for Long Jump, 2020 – NSAF (top 6 nationally)
- Girls Outdoor Track Athlete of the Year, 2019 – Connecticut High School Coaches Association
- Bo Kolinsky Female Athlete of the Year, 2019 – Hartford Courant (soccer and track)
- New England Champion in 100m
- 3 State Open Championships – 55m, 100m, Long Jump
- 8 State Championships – 55m, 100m, 200m, 300m, Long Jump x3, 4x100 relay
- 20 Conference Championships
- Hold the Conference Meet Records in all my events – 55m, 300m, LJ, 100m, 200m, LJ
- MVP award for track every season of high school career.
- Most goals scored in school history for girls' soccer.
- Most championship titles in school history for any athlete, male or female.

- Being the only female in school history to win a State or New England Championship in track and field. Thirteen different male athletes have won titles.

8. I am proud of what I've accomplished. But it hasn't been easy.

9. I have made a ton of sacrifices to compete—giving up what many would consider the “normal” teenage life by watching what I eat, skipping the parties, and going to bed early. I spend several hours a day at the track and in the weight room. Track meets are all-day events that start early and end late. I usually train or compete six days a week, with Sunday often my only day off when we are in-season. I do all of this to strengthen my body and improve my technique in hopes of running just a few tenths of a second faster or jumping just a few inches farther.

10. I do not mind the early mornings and long, tiring days when I know the competition is fair. Because when the competition is fair, I know I have a decent shot at winning. But my high school experience was anything but fair.

Males competing in Connecticut girls' track

11. During my freshman year of high school, my mom informed me that a male would be competing in the girls' category.

12. Later, we learned that the Connecticut Interscholastic Athletic Conference (CIAC)—the athletic association that set the rules for school sports in Connecticut—had passed a policy allowing biological males who identify as female to compete in the girls' category.

13. From the Spring 2017 outdoor track season through the Winter 2020 indoor track season¹—six track seasons—I competed against biological males in my track and field athletic events due to the CIAC policy.

¹ The Spring 2020 outdoor season was cancelled due to the global COVID-19 pandemic.

14. Over the course of my high school career, I competed head-to-head with male athletes 27 times. I never won a race in which both male athletes were running.

2016-2017 Freshman Year

15. I first competed against a male in girls' track and field as a fourteen-year-old freshman at the Spring 2017 State Open Championship.

16. On the way to this meet, I was instructed by my coach to respond "no comment" if asked about the issue of males competing in the female category.

17. In the 100m final at the 2017 outdoor State Open, I placed 7th overall. The top six receive a medal and qualify to advance to the New England Regional Championship: one of those top six spots was taken by male athlete Andraya Yearwood:

Table 1: 2017 CIAC State Open Women's Outdoor Track 100m Results (June 5, 2017)²

Place	Grade	Sex	Name	Time	High School
1*	12	F	Caroline O'Neil	12.14s	Daniel Hand
2*	12	F	Kathryn Kelly	12.36s	Lauralton Hall
3*	9	M	Andraya Yearwood	12.41s	Cromwell
4*	11	F	Tia Marie Brown	12.44s	Windsor
5*	12	F	Kiara Smith	12.59s	Jonathan Law
6*	11	F	Kate Hall	12.62s	Stonington
7	9	F	Chelsea Mitchell	12.69s	Canton
8	12	F	Tiandra Robinson	FS	Weaver

* Qualified for the New England Championship.

18. If not for Yearwood's participation in the girls' category, I would have medaled and had the honor of advancing to the prestigious regional championship as a freshman.

² AthleticNet, <https://www.athletic.net/TrackAndField/meet/306453/results/f/1/100m>, last visited June 2, 2020.

2017-2018 Sophomore Year

19. During my sophomore year, I learned that Andraya Yearwood's school was reclassified to the Class S division for indoor track events—which was the same class as my school.

20. This news was upsetting for me because I would now be racing against a male competitor at both the Class S championship and the State Open championship.

21. At the February 10, 2018, indoor Class S Championship in the 300m, I was knocked out of advancing to the State Open by just one spot—a spot was taken by Andraya.

22. As a competitive person, I often check Athletic.net, a website that lists high school track rankings. One day, I noticed a new girl, named Terry Miller, at the top of the charts. Terry was running times better than I ever hoped to run. But my coach told me later that it must be some mistake—perhaps Terry was entered in the wrong race. Terry had competed as a boy for the previous three seasons.

23. On April 27, 2018, at the first invitational race of the Spring 2018 outdoor season, I was seeded in the 100m in a lane beside not just one, but two male athletes: Terry Miller and Andraya Yearwood.

24. I distinctly remember seeing Terry look over to Andraya and say: “You and me, one and two.” At fifteen years old, I felt extremely intimidated to run against bigger, faster, and stronger male competitors.

25. But Terry was right. I should have won that 100m race; but instead, Terry and Andraya took first and second place, while I placed third.

26. Similarly, at the Spring 2018 outdoor State Open Championship, Terry won the women's 100m event by a wide margin, while Andraya finished second.

27. But for CIAC's policy, I would have won second place statewide:

Table 2: 2018 CIAC State Open Championship Women's Outdoor Track 100m Results (June 4, 2018)³

Place	Grade	Sex	Name	Time	High School
1*	10	M	Terry Miller	11.72s	Bulkeley
2*	10	M	Andraya Yearwood	12.29s	Cromwell
3*	11	F	Bridget Lalonde	12.36s	RHAM
4*	10	F	Chelsea Mitchell	12.39s	Canton
5*	11	F	Maya MocarSKI	12.47s	Fairfield Ludlowe
6*	10	F	Selina Soule	12.67s	Glastonbury
7	12	F	Tia Marie Brown	12.71s	Windsor
8	11	F	Ayesha Nelson	12.80s	Hillhouse

* Qualified for the New England Championship.

28. Bridget Lalonde beat me by just three-hundredths of a second, but I was so relieved that she did. Emotionally, it was less of a loss to be denied runner-up status than to be denied a first place State Open Championship—a feat almost unheard of for a high school sophomore.

29. At the 2018 outdoor New England Regional Championship, I placed seventh in the 100m. Only the top six medal and receive the All New England award—one of those top six spots was taken by Terry.

30. Had I earned the title of All New England, I would have made Canton High School history as the first Canton female athlete to win this prestigious award.

2018-2019 Junior Year

31. In the fall of my junior year, I learned that male athlete Terry Miller transferred to Bloomfield, another Class S school.

32. I was devastated, fearing that with two males competing in my division, my chances of ever winning a state championship in sprints were now over.

³ AthleticNet, <https://www.athletic.net/TrackAndField/meet/334210/results/f/1/100m>, last visited June 2, 2020.

33. I trained harder than ever, spending countless hours to shave mere fractions of seconds off of my times. I never missed a practice, squeezed in extra workouts where I could, and saw my race times consistently drop.

34. But it was not enough. And my fears of losing championship after championship were realized in the Winter and Spring 2019 seasons.

35. At the February 7, 2019, indoor Class S State Championship, Terry finished first in the 55m. I placed second. But for the CIAC's policy, I would have been named the Class S State Champion in the 55m.

36. The February 16, 2019, indoor State Open Championship saw similar results and a similar impact. Terry and Andraya finished first and second respectively in both the preliminary and final Women's 55m races, each time defeating the fastest girl by a wide margin. I placed third in the final.

37. But for CIAC's policy, I would have won the 2019 State Open Championship in the 55m dash:

Table 3: 2019 CIAC State Open Championship Women's Indoor Track 55m Preliminary Results (February 16, 2019)⁴

Place	Grade	Sex	Name	Time	High School
1*	11	M	Terry Miller	7.00s	Bloomfield
2*	11	M	Andraya Yearwood	7.07s	Cromwell
3*	12	F	Cori Richardson	7.24s	Windsor
4*	11	F	Chelsea Mitchell	7.27s	Canton
5*	12	F	Kate Shaffer	7.27s	Conard
6*	12	F	Ayesha Nelson	7.29s	Hillhouse
7*	12	F	Maya Mocarski	7.34s	Fairfield Ludlowe
8	11	F	Selina Soule	7.37s	Glastonbury
9	10	F	Kisha Francois	7.41s	East Haven

* Qualified for the women's 55m final.

⁴ AthleticNet, <https://www.athletic.net/TrackAndField/meet/352707/results/f/1/55m>, last visited June 2, 2020.

Table 4: 2019 CIAC State Open Championship Women's Indoor Track 55m Final Results (February 16, 2019)⁵

Place	Grade	Sex	Name	Time	High School
1*	11	M	Terry Miller	6.95s	Bloomfield
2*	11	M	Andraya Yearwood	7.01s	Cromwell
3*	11	F	Chelsea Mitchell	7.23s	Canton
4*	12	F	Kate Shaffer	7.24s	Conard
5*	12	F	Ayesha Nelson	7.26s	Hillhouse
6*	12	F	Maya MocarSKI	7.33s	Fairfield Ludlowe
7	12	F	Cori Richardson	7.39s	Windsor

* Qualified for the New England Championship.

38. Instead, I was not named State Open Champion in the 55m, I received a bronze medal instead of a gold medal, and I did not make Canton High School history as the first ever Canton female athlete to be named a State Open Champion.

39. However, after the 55m race, I returned to the finals of the long jump, which had no males competing. While listening to them announce Terry as the winner and new meet record holder in the 55m, I won the long jump event to solidify my place in the Canton record books as the first Canton indoor track athlete—male or female—to be named a State Open Champion.

40. State Champions are recognized as All-State Athletes, an award listed on college applications, scholarship applications, and college recruiting profiles. State Champions are invited to the All-State Banquet, and get their name celebrated on a banner in their high school gym. I did not receive any of these awards for the 55m. But I was able to receive these awards for my long jump championship.

41. After the State Open Championship, I was repeatedly referred to in the press as the “third-place competitor, who is not transgender.” I was the fastest biological girl in the 55m race at the State Open Championship, but the press did not mention my name—I felt invisible.

⁵ *Id.*

42. At the March 2, 2019, indoor New England Regional Championship, Terry took first and Andraya took third place in the 55m dash. I missed medaling and being named All New England Champion by just two spots—two spots that were taken by male competitors.

43. Following Terry Miller’s sweep of the CIAC’s Indoor Class S, State Open, and New England titles in the 55m dash and 300m, Terry was named “All-Courant girls indoor track and field athlete of the year” by the Hartford Courant newspaper. This felt like an injustice to my fellow female athletes.

44. In the Spring 2019 outdoor season, I competed against both Terry and Andraya in the Class S Championship. At this event, I ran the fastest biological female times in the 100m and 200m across all state class meets.

45. But because of the CIAC’s policy, being the fastest biological girl just was not good enough to experience the thrill of victory. Instead, at the 2019 Class S Championship, Terry placed first in the 100m and 200m, while I placed second in both events. I won the long jump and received a state title. But because of the CIAC’s policy, I took home only one state title instead of three.

46. The trend continued at the 2019 outdoor State Open Championship as Terry easily won the women’s 200m race. But for CIAC’s policy, Cori Richardson would have won the state championship, Alanna Smith would have finished runner-up, and Olivia D’Haiti would have advanced to the New England Championship:

Table 5: 2019 CIAC State Open Championship Women’s Outdoor Track 200m Final Results (June 3, 2019)⁶

Place	Grade	Sex	Name	Time	High School
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⁶ AthleticNet, <https://www.athletic.net/TrackAndField/MeetResults.aspx?Meet=364088&show=all>, last visited June 2, 2020.

1*	11	M	Terry Miller	24.33s	Bloomfield
2*	12	F	Cori Richardson	24.75s	Windsor
3*	9	F	Alanna Smith	25.01s	Danbury
4*	11	F	Chelsea Mitchell	25.24s	Canton
5*	12	F	Nichele Smith	25.38s	East Hartford
6*	12	F	Bridget Lalonde	25.55s	RHAM
7	12	F	Olivia D'Haiti	25.63s	Kolbe-Cathedral

* Qualified for the New England Championship.

47. But I did receive one opportunity to compete on a more level playing field. At the Spring 2019 State Open Championship in the 100m, Terry, the top-seed in the race, false-started and was disqualified. This opened the door for me: I was able to relax, focus on my race, and win. I set a personal record of 11.67 seconds, made Canton High School history as the first sprinter to be a state open champion in any sprint event, medaled, received significant media publicity, and advanced to the New England Regional Championships.

48. I went on to win the New England Regional Championships in the 100m dash and was named All New-England. Here, too, I made Canton High School history as the first female to win a New England Championship.

49. Thereafter, I was awarded Track Athlete of the Year by the Connecticut High School Coaches Association, and the Hartford Courant named me 2019 All-Courant Girls Outdoor Track and Field Athlete of the Year and the Bo Kolinsky Female Athlete of the Year (across all sports).

50. My new personal record, State Open Champion and All New-England awards put me in a much better recruiting position for college scholarships—all because a false start that prevented a male from competing against me in the women's division leveled the playing field.

2019-2020 Senior Year

51. A similar scenario played out in the Winter 2020 season. At the indoor Class S Championship 55m race, Andraya Yearwood—the top seed in the race and the individual ranked

number one in the state for the women's 55m dash—false-started and was disqualified. That false start opened the door for me to not only win the CIAC Class S Championship in the 55m dash, but also to advance to the 2020 Connecticut State Open Championship in the 55m event and win.

52. To my disappointment, the 2020 Spring outdoor season—the final track season of my high school career — was cancelled in light of the global COVID-19 pandemic.

53. It feels defeating to know that records at my high school, CIAC, AthleticNet, MySportsResults, CT.Milesplit.com, and others do not reflect the four state titles and two All New England awards I should have earned. It is upsetting to know that the meet records of many great female athletes before me have also been wiped from the books.

54. Competing against males makes me feel anxious and stressed. And stress has a negative impact on my athletic performance.

55. I try to stay positive, to take support from family and friends, but it is hard when I know that I must compete against those who have a biological advantage because they were born male.

56. I hope that future female athletes will not have to endure the anxiety, stress, and performance losses that I have while competing under a policy that allows males to compete in the female category.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



Chelsea Mitchell

Dated:

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J, by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants

and

LAINY ARMISTEAD,

Defendant-Intervenor.

Case No. 2:21-cv-00316

Hon. Joseph R. Goodwin

DECLARATION OF CHRISTINA MITCHELL

I, Christina L. Mitchell, under penalty of perjury, declare as follows:

1. I am a forty-eight-year-old resident of Canton, Connecticut, in Hartford County, and have personal knowledge of the information below.

2. I am the mother of three female athletes. My daughters are now ages twenty-three, nineteen, and fifteen and have competed in soccer, basketball, and track. Our family life has been centered around sports since the girls were just little, spending most nights and nearly every weekend at the soccer field, in the gym, or at the track.

Family Athletics Background

3. I ran track and played basketball in high school. My husband played many sports and was the star of his high school basketball team. We have a competitive spirit that we have

passed on to our girls. Whether it's board games, March Madness brackets, or a pickup game of soccer in the yard, our family enjoys a good competition.

4. My husband volunteered his time as a youth soccer and basketball coach for the town of Canton for fifteen years. He would race home from his office job to try and make it to the field or gym in time for practice. Some seasons he coached two of our daughters' teams, which meant practice four nights a week and four games each weekend. It was exhausting but he loved every minute of it.

5. I volunteered on the Board for the Canton Youth Soccer Association for eight years. As registrar, I had to enforce strict age categories for the teams. Kids were allowed to "play up" on an older team but were never allowed to "play down" on a team for younger kids. Soccer teams were also separated by sex beginning in first grade. Boys' teams were designated as co-ed so that girls who wanted to sign up for the boys' team could "play up". Girls' teams were restricted to females in the registration system.

6. When my oldest daughter reached high school, I turned my volunteer efforts to the Canton Athletic Booster Club. I worked to get a concession stand built and stadium lighting installed at the high school track and field. In 2017, I was presented with the Dubuc Service to Canton Award in recognition for my years of volunteer service to the school and community.

7. All three of our daughters have excelled at sports. Our oldest daughter, Emily, was a varsity soccer and track athlete in high school. She was captain of both teams in her senior year and went on to compete on the women's track team in college.

8. Our youngest daughter, Kennedy, is a sophomore in high school and competes in soccer and track as well. She plays outside defensive back in soccer and her team made it to the

state championship this year. She is a long jumper and sprinter in track. She hopes to continue with one of these sports in college.

9. Our middle daughter, Chelsea, has proven herself as an exceptional athlete. Like her sisters, she had success in both soccer and track in high school. As a little girl on the soccer field, you could see her natural ability to run – she could come from 20 yards behind and beat anyone to the ball. When she got to high school, she added a heavy dose of hard work to that natural gift and made the most of it on the track.

2017 Outdoor Track Season – Freshman year

10. In April of 2017, the outdoor season of track and field in Connecticut was just getting started and Chelsea was ranked among the top sprinters in the state. She was coming off the indoor season where she set school records in the 55m and 300m at her very first meet.

11. There was one other freshman posting times in the top ten, Andraya Yearwood. I soon learned from an article in the Hartford Courant that Yearwood was a male identifying as female and running for Cromwell. I was confused by the piece, which seemed to celebrate this, and found it hard to believe that the schools, coaches, and state officials would allow it to continue. I saw it as a clear violation of women's rights under Title IX.

12. Chelsea worked hard that season and placed 2nd at the Class S state championship in all three of her events - the 100m, 200m, and 4x100 relay. The top five in each event advanced to the State Open Championship to compete against the top twenty-five athletes in the state. Making it to the State Open is a huge accomplishment and Chelsea had qualified in all three events as a freshman. We were very proud and excited for her.

13. I knew that one of the other twenty-five competitors at the State Open would be Andraya Yearwood. The CIAC had allowed Yearwood to compete at the Class M state

championships and take the girls' title in the 100m and 200m races. One of the girls who placed second, Kate Hall, was interviewed following the race – "I can't really say what I want to say". The silencing of the girls had begun.

14. I had shielded Chelsea from much of the news up to this point, but the night before the race we felt we needed to prepare her for what she would face the next day. I told her there would be a boy who identified as a girl in her race and that she had to try to focus on herself and block out the rest. We knew that this would be a blow to her mental game but didn't want her to be surprised by it at the start line.

15. Chelsea's first race against a biological male was on a really big stage. The State Open is held at New Britain stadium, one of the biggest outdoor tracks in Connecticut. It is always packed with spectators and many college coaches attend to see potential recruits in action.

16. For me, it was my first time watching this unfair policy play out in person. As someone who has now watched my daughter race against males more than twenty times, I can attest to how difficult it has been every single time. The girls are forced into a race that they know is rigged against them. They are told to be quiet and be a good sport. They watch as officials casually ignore the foundational principle of sport – fair play. They see the media there, waiting to celebrate the travesty and daring the girls to speak against it. The message to these girls was very clear – nobody cares about your rights. As a woman it was infuriating and as a mom it was heartbreaking. I can only imagine what it felt like to be one of the girls in the race.

17. The 2017 Outdoor State Open was Chelsea's first tangible loss to a biological male. She took 7th place in the finals of the 100m. She missed advancing to the New England Championship by one spot. Yearwood had placed 3rd.

18. In a stroke of luck, one of the six automatic qualifiers to New England, Caroline O'Neil, had to decline her spot. We got the call later that night that as the 7th place finisher, Chelsea could go and compete. We were so grateful.

19. A few days later at the New England Championships, I watched as Yearwood's 2nd place finish in the 100m again took something tangible from female athletes. Madison Post from Maine didn't make the finals. Katya Levasseur from New Hampshire missed the top six and lost out on the All-New England designation. Kyla Hill from Massachusetts took home a 3rd place medal instead of silver. The ripple effect of Connecticut's policy had spread to our neighboring states.

2018 Indoor Track Season – Sophomore Year

20. I hoped that common sense would prevail, and this would work itself out before the next season. It didn't. Yearwood took home the 2018 Indoor Class S State Championship title in the 55m and placed 2nd in the 300m. Chelsea recorded another lost opportunity due to the policy as she missed advancing to the State Open in the 300m by one spot. Patricia Jurkowski should have taken home the 55m title and other girls lost opportunities to advance to finals or score points for their team. With every race, the list of female sprinters impacted by the policy grew longer. I knew I couldn't remain silent about it any longer.

21. Following the 2018 Indoor State Championships, I began to advocate for a change in policy. I first spoke to the Assistant Superintendent of Canton Schools, Dr. Jordan Grossman. I asked if he thought the Board of Education could help, but he advised against taking the issue to them. Instead, he gave me the name of the CIAC Executive Director so I could follow up with them directly.

22. I went to work on a letter to the CIAC asking for a solution to protect the rights of the female athletes in our state. I included the Canton principal, athletic director, coach, and assistant superintendent on the email. The CIAC replied that they were unwilling to consider changing the policy and listed various reasons. I addressed each reason with my own points – I was thorough and respectful – but I received no reply.

2018 Outdoor Track Season – Sophomore Year

23. The night before the first big meet of the outdoor season, we realized that a second male was competing in girls' sprint events. It was hard to believe at first, I remember thinking that surely this wasn't really happening. Terry Miller had competed for three seasons on the boys' team. Looking at the race results online, it was clear that Miller was an average runner that hadn't even qualified to compete at the boys' state championships just a few weeks earlier. After switching to the girls' team, Miller was suddenly ranked first in the state. I reached out to Chelsea's coach immediately. It seemed it was true; this was really happening.

24. The two male athletes took first and second in the 100m race the next day – Chelsea finished 3rd. With two males competing, it was clear that the number of lost opportunities for Chelsea and female sprinters across the state would now be double.

25. I again wrote to the Canton athletic director and principal to let them know that there were now two male athletes competing in girls' track. I asked them to urge the CIAC to change the policy before more harm was done but nothing changed.

26. Miller swept the sprint events at the Class M championship, taking three state titles. Yearwood was close behind. Girls were sidelined, missing finals and advancement to the Open. Anyone who tried to speak out was quickly silenced. Chelsea was thankfully in Class S

and took home three state titles of her own. But she would again head to the State Open to compete against males.

27. The State Open was a circus. Miller and Yearwood took 1st and 2nd in the 100m. The media was out in full force, waiting to ask the first female finisher how she felt about taking 3rd place. We were glad Chelsea took 4th and didn't have to deal with the emotions of being the one to lose a state title and her banner in the gym. Bridget LaLonde was the unlucky girl this time. Other girls lost points for their team, medals, and opportunities to advance to the New England Championship. The list of females impacted was very long at this point.

28. There was more of the same at the New England Championship. The top six athletes from Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut were there to compete for the title. It was a sunny day at a beautiful track and field facility at the University of New Hampshire, an incredible experience. But a cloud hung over the event as the female athletes were again denied a fair race.

29. I watched as Miller swept the 100m and 200m races at the New England championship. Chloe Alfieri, a senior from Massachusetts, took second place in both events. Miller was interviewed after each win, as is customary for the champion. Chloe missed out on those titles and that recognition. It was awful to watch.

30. Chelsea took 7th place in the 100m. The top six are given the All-New England designation, so it was another tangible loss that she directly felt. Athletes set goals for themselves—they don't expect to achieve the top spot right out of the gate. It is a progression. Being named All-New England was the goal she had set for the day and she hadn't reached it because they allowed a male to compete in her race.

31. Following the New England Championship, I called my state senator, Kevin Witkos. He urged me to seek help from the school administration, as he did not agree with the CIAC that Connecticut law required this policy. He felt that if asked by member schools, CIAC could change the policy and restore fairness for the female athletes.

32. I immediately followed up with an email to Canton school officials including Chelsea's coach, the athletic director, the principal, the assistant superintendent, and the superintendent. I asked them to contact the CIAC and urge a change in policy. Nobody responded to my email.

33. At the end of June, Senator Witkos reached out to me and said that he would work with the Connecticut Speaker of the House to draft a letter to the superintendents of all schools, but not until after the November elections, five months away. That letter never happened.

34. In July, I scheduled an in-person meeting with the principal, Drew DiPippo. I asked what the process was to formally request a change in CIAC policy. He said he would look into it and let me know. He noted that there would be a new CIAC Executive Director starting in August and that perhaps the policy would be revisited. I never heard back from him on the process to request a change.

35. During the fall, we learned that Terry Miller had transferred to a Class S school. Chelsea cried as I drove her home from soccer that night. She knew that meant she would now face males not just at the State Open, but at the Class S championship as well. In her mind, it meant she would never win another state championship race.

2019 Indoor Track Season – Junior Year

36. A few weeks before the state championships arrived, I drafted another letter to CIAC Executive Director, Glenn Lungarini, to again ask for fairness for female athletes and a

change in policy. The CIAC responded that they would not consider my request for a rule change because I was just a parent. I soon learned there was a new “gender committee” commissioned by the CIAC that would make a recommendation in the summer. It was an endless game of shifting responsibility and delaying any meaningful discussion.

37. As the championships drew near, I dreaded what was to come. I had watched many other girls lose the state title they deserved. This time it was Chelsea’s turn. As a junior, she was stronger, more experienced, and her times had improved significantly. She was the fastest female in the 55m at both the Class S championship and the State Open. But Miller went home with both of those titles. Jillian Mars was the fastest female in the 300m – she too was robbed of her titles. And, of course, more girls lost the chance to advance to finals, or the Open, or the New England Championship. Female athletes lost out on podium spots and medals and points for their team. Chelsea lost out on another All-New England designation after finishing 8th at the championship in Boston.

38. The list of girls who had been directly harmed was pages long by now, but the CIAC did not care. They showed so little regard for the rights of the female track athletes in our state it was staggering. The coaches and administrators remained silent, no doubt fearful for their jobs. But there was one girl who was not afraid to speak up, Selina Soule. We watched her bravely tell her story on national television one night and knowing that we weren’t alone in our fight made all the difference.

39. I asked my principal to schedule time for me to meet with CIAC director, Glenn Lungarini. As we sat in the principal’s office at Canton High School and I shared the list of the girls who had been directly harmed by the policy, it became clear that they had no intention of changing anything. I expressed my concerns that the CIAC policy was violating the rights of my

daughter and the other female athletes under Title IX. Mr. Lungarini's response was that my daughter had only the right to participate, not to win.

40. The CIAC director was not interested in alternative solutions or fairness for females. He did not seem at all bothered that the CIAC's unwillingness to address the issue had placed all of these kids directly in the center of a highly controversial international political debate. He tossed about slogans like "transwomen are women" and his arguments lacked any logical consistency or regard for the rights of females. I left feeling angry but resolved to advocate for Chelsea and all of the girls being harmed.

41. Following that meeting, I asked to meet with our school's Title IX coordinator, Lori Devito. I called the State of Connecticut's Title IX Coordinator, Dr. Adrian Wood, to discuss my options for filing a Title IX complaint. I spoke with an attorney, Robin Cecere, at the Connecticut Department of Education. I called the Office of Civil Rights for the U.S. Department of Education in Boston. Multiple times I was told by these government officials that girls have the right to participate, not to win. I began to believe it must be part of the talking points being circulated on this issue or in some presentation somewhere. It certainly didn't stem from any regulation or case law on Title IX that I had found.

42. I contacted the Canton Board of Education and the topic was added to the agenda for their next meeting. I was given three minutes to speak about something that had been impacting us for two years. I followed up with more emails to the Board of Education but would seldom get a reply. The one-way dialogue was not an effective means of discussion.

43. I continued to send research papers and information to Glenn Lungarini at the CIAC. He abruptly notified me that he would no longer receive my emails because I was just a parent. Everything would have to come from a member school. I went back to the Board of

Education and asked them to contact the CIAC to request a public forum be held so that parents could bring their concerns forward. Canton Superintendent, Kevin Case, assured me he would ask for one, but it never happened.

44. I emailed my state representative, Leslee Hill, and my state senator, Kevin Witkos. I contacted two female coaches from the Connecticut High School Coaches Association (CHSCA) to ask for their help requesting a rule change. In all of these cases, I explained the devastating impact this was having on female athletes in our state. And yet, at the end of the day, not a single person would help us get the policy changed.

2019 Outdoor Track Season – Junior Year

45. The Outdoor season added more names to the list of girls impacted by the policy. It was Chelsea's fifth season competing against males. My efforts to convince school and state officials to fix the policy had failed. I felt sure that nobody was going to take steps to change things unless their hand was forced.

46. The state championships should have been an exciting day, but I dreaded watching the injustice play out again. I understood how demoralizing and disrespectful it was to these girls and felt sickened by the whole thing. Chelsea lost the Class S championship in the 100m and 200m to Miller– her tally was now at four state titles lost to biological males. She headed to the State Open expecting more of the same.

47. It was her third year in a row competing against males in the 100m at the State Open. None of us were looking forward to watching males break the female records, take home the title, and give their post-race interviews. This year would be different though.

48. In what I often describe as a gift from above, there was a false-start in the 100m by Miller. Chelsea saw the playing field leveled a bit, and she was going to make the most of it.

Her win in the 100m that day was extraordinary for so many reasons and I will be forever grateful she had that moment. What unfolded at that stadium was emotional not just for us, but many in the crowd. We had so many strangers come up and hug her and tell us how happy they were for her. She ran a time that is still her personal best, even three years later.

49. Other awards and opportunities flowed from her success that day, and I often think of how sad it would have been if that false start hadn't happened and she had never had those experiences. It shouldn't need to be said, but girls shouldn't have to hope for a false start to get their chance at fair competition.

50. I continued to pursue opportunities to advocate for the girls. I had a meeting with Connecticut Deputy Attorney General Peggy Chapple and three other members of the AG's office. I met with Governor Lamont's General Counsel, Bob Clark. I spoke with several state lawmakers and asked them to pass legislation. I wrote letters to my U.S. Representative, Jahana Hayes, and my U.S. Senator, Richard Blumenthal. And while some were sympathetic to our position, they were unwilling to do anything to help.

51. I also looked for support from well-known feminist organizations such as Women's Sports Foundation, National Women's Law Center, and National Organization of Women. It was just unbelievable to learn that these organizations did not support our advocacy for fairness in women's sports. They issued statements to publicly say so. They completely ignored the impact it was having on our female athletes and seemed shockingly uneducated about the harm that will flow from eliminating sex-based rights in law. Thankfully, many other women's organizations are taking their place and stand with us in this fight.

2020 Indoor Track Season – Senior Year

52. After years of asking school, state, and federal officials for help, we did what we felt was our last resort. Two days before what would end up being Chelsea's final state championships, we filed a federal lawsuit. Chelsea was taking a public stand for herself and other female athletes. We hoped that this might finally make a difference and that what she went through wouldn't have to happen to anyone else. It took a great deal of courage, and I was very proud of her.

53. Since then, many more people are aware of her story. We have submitted testimony on both state and federal legislation. Several states have successfully passed laws to protect female sports and many more are now debating the issue. She has bravely given interviews and told her story in national publications. There was a time when she was afraid to speak out, and I was afraid for her future if she did. But we are no longer afraid.

54. We will continue to fight for policy and laws to be based on facts about science and biology, not ideology. We will exercise our right to speak out on issues that affect us without fear. We hope that in the end, the sex-based rights of females will be acknowledged and respected and fairness will be restored in our sports.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



Christina Mitchell

Dated: April 12, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J, by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants

and

LAINY ARMISTEAD,

Defendant-Intervenor.

Case No. 2:21-cv-00316

Hon. Joseph R. Goodwin

DECLARATION OF ALANNA SMITH

I, Alanna Smith, declare as follows:

1. I am an eighteen-year-old senior at Danbury High School in Danbury, Connecticut.
2. Though I am an elite female track athlete, I have personally experienced the devastating impact of competing against—and losing to—male athletes in my sport.
3. Though I only competed against these athletes during my freshman year of high school, they still impacted my placements, public recognition, medals, records, and how I physically and mentally prepared for competition.

Athletic Background

4. I was born into a family of athletes. My dad is a Major League Baseball Hall of Fame relief pitcher. My mom ran track in high school and still runs recreationally. One maternal uncle played professional football. Another played professional baseball. My twin brother is a three-sport athlete.

5. Sports was a big part of my world from a very young age, as I attended my dad's MLB games and events and ran with my mom. Having a twin brother who is naturally athletic helped instill a competitive drive in me, because as a little girl I loved to beat him in foot races at every opportunity.

6. The sports legacy that surrounds me was not something I consciously thought about—it just became a part of who I am. And without thinking about it too seriously, I knew I had the potential to excel athletically.

7. It wasn't until I started running with mom and developing endurance and strength that I considered competitively running track. So, in middle school, mom enrolled me in the local middle school track program. Between 2015 and 2018, I tried shot put, the long jump, the 55-meter dash, the 100-meter, 200-meter, 400-meter, and 800-meter races.

8. As I tried different track and field competitions, I realized that I enjoyed and excelled at running shorter distances. That's when I knew I wanted to concentrate on the 100-meter, 200-meter, and 400-meter distances. I wanted to run and get it over with!

9. During middle school, I became a three-peat 100-meter Connecticut State Champion. In eighth grade, I was also the 400-meter state champion.

10. My freshman year of high school I was a varsity cheerleader in the fall and winter and made it to the 2019 Connecticut High School Coaches Association All-State cheerleading team.

11. After cheerleading finished, I started outdoor track in the spring of 2019. I was nervous. The first few practices were hard. I felt that my teammates had high expectations based on my middle school track performance. And it didn't help that the first few track meets were outside in cold or rainy weather, courtesy of New England.

12. But I won. And it felt amazing. I had proven to myself, the coaches, and my teammates that I could be a contributor to a winning season.

13. As my freshman season played out, I set personal, conference, state and regional facility records; improved my personal strength and technique; and accomplished personal goals. I contributed to the Danbury High School sweeping the 2019 outdoor FCIAC, Class LL, State Open, and New England Regional Championship competitions, and received numerous honors such as The Ruden Report Player of the Week, The Ruden Report Player of the Year, the 2019 All-FCIAC First Team in the 100-meter, 200-meter, 400-meter, 2019 CHSCA All-State Girls' Outdoor Track, and was a recognizable component of the 2019 CHSCA Connecticut Team of the Year award.

14. Excelling on the track and setting personal records gives me a sense of personal achievement and confidence that carries over into all parts of my life. I love training, I love competing. Competing against girls like myself who work hard is rewarding. I compete to be the best, to be the fastest, to be a champion.

Competition Against Males

15. In spite of my focused, diligent practice and training, my success on the track has been limited by biological males competing in the girl's high school track in Connecticut.

16. I first competed against a male at the New York Relays in April 2019. My team was invited to attend, along with teams from approximately seventeen other states. I knew going in that there would be a male athlete named Terry Miller from another Connecticut school in my race, and I was upset. I knew I wouldn't win, and I knew we girls were competing for second place and beyond. As expected, Terry won the 100-meter dash. I placed fourth. Had Terry not competed in that race I would have been recognized as third place.

17. I learned later that Terry had competed for three seasons in Connecticut boys' high school track before switching to girls' track.

18. Later that season, I found out I would be racing against Terry Miller and a second male athlete, Andraya Yearwood, in the 100-meter dash at the 2019 Connecticut State Open that.

19. After learning this news, I thought "I don't stand a chance to win." I felt defeated before I even got set in my blocks. Terry was in the lane next to me in the 100-meter finals, and I assumed going in that Terry would win. Terry was disqualified from the race due to a false start. I felt badly for Terry as an athlete, but I could tell the rest of us girls were a bit relieved that the race would now be a little more fair.

20. Also at the 2019 Connecticut State Open, I raced Terry Miller in the women's 200-meter dash. Terry placed first. Because of a male in my race, I was pushed from second place to third place.

21. Thus, at the 2019 State Open, I had one fair race: the 400-meter dash. I won that event.

22. From the State Open Championship, I advanced to the New England Regional Championship meet, which is quite an accomplishment for any athlete, but especially a freshman.

23. I won the 400-meter title at the New England Regional Championships. It was exhilarating, not only because I won, but because my race was free of male athletes. It was a level playing field.

24. The 200-meter dash was a different story. I would have also been runner-up in the 200-meter and received a silver medal and earned my team more overall points, but Terry Miller placed first and pushed me down in the rankings to third. Third place is nothing to be ashamed of if it is won fair-and-square, but my race was anything but fair.

25. My story is not unique. Girls across Connecticut have experienced similar displacement, loss of recognition, and even championship title losses solely because my state allowed two biological males to compete against biological females. Between 2017-2020, these two male competitors won 15 women's state championship titles and set 17 new meet records in track and field. These statistics are in the back of my mind no matter how hard I train and how well I perform

26. Even though the males have graduated now and are no longer competing against us girls in Connecticut, we still feel the effects of their participation. For example, in the 2022 Connecticut indoor track and field season—long after Terry Miller and Andraya Yearwood graduated—I ran a 6:96 time in the 55m dash. This would have set a new Connecticut girls' state record. But back in 2019, Terry Miller set a record of 6.95 in the 55m dash, eclipsing my best time. If not for Terry competing in the girls' category three years ago, I would have been

recognized for my accomplishment—setting a new record for female athletes in my state.

Fairness in Women's Sports

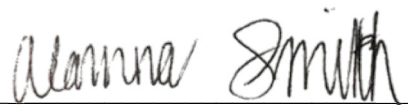
27. It has taken me years to develop the personal confidence and sense of belonging I now feel on my track team. The addition of males to girls' sports fills me with a sense of defeat before I even set up in the blocks. I deserve the opportunity to be confident, to be running against girls who have the same biological makeup that I do.

28. The addition of males in girls' sports is frustrating and disappointing to me. So often I go to the blocks and know that I am the fastest girl on the line. But I also know that my best effort will not be enough when I'm faced with a competitor who is bigger, faster, and stronger than me simply because he was born male.

29. I want to make sure that female athletes of today and tomorrow do not have to face the same sense of defeat, disappointment, and lack of support that I have felt. So many girls across my state believe the situation is unfair but are afraid to stand up and speak out for fear of retaliation from coaches, schools, the media, and strangers.

30. I am proud of all female athletes who stay strong and do their very best when rules and laws put unfair challenges in their way. I am proud to be a voice for female athletes who are surrounded by unfairness in their sport.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



Alanna Smith

Dated: 04/12/2022

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

B.P.J, by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants

and

LAINEY ARMISTEAD,

Defendant-Intervenor.

Case No. 2:21-cv-00316

Hon. Joseph R. Goodwin

DECLARATION OF SELINA SOULE

I, Selina Soule, under penalty of perjury, declare as follows:

1. I am a nineteen-year-old resident of Boca Raton, Florida, in Palm Beach County and have personal knowledge of the information below.

2. I am a sophomore and female athlete at Florida Atlantic University (FAU) in Boca Raton, Florida. Competing in track and field is my passion.

Athletics Background

3. Sports are a huge part of my family. Both of my parents were multi-sport athletes. My dad competed in track, cross-country, baseball, and football. My mom was a competitive runner and figure skater, and now coaches figure skating.

4. My mom first coaxed me onto the ice rink at Rockefeller Center when I was just three years old. At age five, I started taking figure skating lessons. During elementary school, I began entering figure skating competitions—something I continued through my sophomore year of high school.

5. Figure skating was something my mom and I did together. We spent a lot of time on the ice, as she not only helped me learn to skate but even skated with me at times. By age thirteen, I was a volunteer figure skating coach helper, which turned into a paid coaching position at age fifteen. I continued coaching figure skating until I moved away for college.

6. The axel jump—a figure skating showstopper!—is my favorite figure skating element. Figure skating is not only a beautiful, graceful sport, but it is athletic too. It requires strength, speed, balance, and skill to execute those jumps and spins.

7. But I remember one thing very distinctively about figure skating: I did not like the scoring. Scoring was subjective; it was harder to clearly measure my achievements. (This is one reason I love track. My race times clearly show how fast I run so scoring is objective, not based on the subjective opinion of an individual judge.)

8. My mom introduced me to running when I was just five years old. I began running in our community's summer mile-long "fun runs" with my mom. Even at that young age, I knew two things with certainty: I loved to run, and I hated running long distances!

9. When I was around eight years old, my mom signed me up for my first Hershey Track and Field meet that was held in our town in the spring. It was the first time I set foot on a track—and I loved it. I realized that I was fast, and that I enjoyed competing to win. Running became my passion. And I enjoyed some success in the Hershey events as I competed there in

third through sixth grade. For example, I qualified twice for state level meets. In sixth grade, I won all three of my events.

10. After the Hershey events, I competed in the Nutmeg State games, the largest amateur multi-sport sporting event in my home state of Connecticut. These meets were ones my mom and I could do together. My favorite memory of the Nutmeg games was that my mom taught me how to long jump just a couple weeks before my first competition. And I went on to *win* the long jump that year for my age category.

11. But my freshman year at Glastonbury High School in Connecticut was my first school opportunity to compete in track and field. It was my first time on a school team with organized team practices and workouts—and I loved it.

12. Track and field competitions involve a variety of races and events. In track there are sprints, middle distance races, long-distance races, relay races, and hurdle races. And field events include long jump, triple jump, high jump, pole vault, shot put, discus throw, javelin throw, and hammer throw.

13. I am a short-distance sprinter and long-jumper. During high school, I competed in the 55-meter dash, 100-meter dash, 200-meter dash, the 4x200 and 4x100-meter relays, and the long jump. I also ran the 300-meter dash a handful of times.

14. When I joined my high school track team in my freshman year, I quickly became the school's best long jumper. And after only a few competitions, I became the permanent starter for the 4x200-meter relay.

15. I am proud of my high school athletic accomplishments. I was a ten-time All-Conference Honoree recipient, a five-time state title holder, three-time All New England award

recipient, a four-time National qualifier, and set five new Glastonbury high school records (including one that was previously set in 1976).

16. Track means everything to me. It is my passion and my happy place. When I run, I set aside everything else in life and just run.

Facing Male Competition in Girls' Track

17. But my high school track and field experience was not without frustration. During all four years of high school, I had the deflating experience of competing against male athletes in the girls' category.

18. The first time I competed against a male athlete in the girls' category was during my freshman year of high school at the May 2017 Middletown Invitational in the 200-meter dash. The gun went off at the start of the race, the male athlete left most of us girls in the dust. I knew immediately that this was not right and that girls would miss opportunities to succeed. Just days later, that same male went on to win the 2017 Connecticut Interscholastic Athletic Conference (CIAC) Class M Women's outdoor track championship in both the 100-meter and the 200-meter sprints.

19. The losses happened again and again. During my sophomore year, another male athlete joined girls' track and I had to face two male competitors at the 3rd Greater Bristol outdoor track and field invite in the 200-meter dash. The males took first and second; I crossed the finish line third. Had the males not been competing in the girls' category, I would have won that race.

20. These two males, Terry Miller and Andraya Yearwood, impacted my placement at statewide championship meets. At the 2018 CIAC State Open Championship in the Women's Outdoor 100-meter dash, the males again took first and second. Because of their participation in

the women's category, I was bumped down to sixth place when I should have earned fourth place.

21. But one of my more painful memories of loss involved the 2019 Connecticut State Open Championship. I missed qualifying for the state championship 55-meter final by just one spot, and the chance to qualify for the New England Regional championship by just two spots. The top two spots were taken by males. If not for those two male competitors in my race, I would have had the opportunity to compete in the championship final and for a coveted spot at the New England Regional championship.

22. While I was in high school, these two males collectively won 15 Connecticut women's state championship titles in girls' high school track and field and set 17 new individual meet records.

23. It is demoralizing and frustrating to compete against someone who has unfair physical advantages over you, because no matter how hard I train or how hard I try, there is nothing I can do to overcome that disparity. We girls train to win; not to win second place or receive a participation trophy. Some girls I know were so demoralized by the experience of losing to males that they abandoned certain track events and changed sporting events entirely. Other times coaches tried to convince girls to change their events just so the girls would have a chance to succeed.

24. Because of male competition, I have lost opportunities to compete at world class tracks. I have lost opportunities to compete in front of college coaches and scouts. I have lost opportunities to win titles and public recognition of my achievements. I have lost opportunities to win recognition and event points for my school.

25. And the heartbreaking thing is that my story is not unique. Many other girls across the state of Connecticut lost out on similar opportunities.

26. It felt so unfair. I knew I had to stand up. My parents and I reached out to school administrators and coaches. We reached out to CIAC officials to ask for a policy change. But no one would listen to us. Instead, they silenced us.

27. My parents and I were left with no other option but to file a federal lawsuit to protect the integrity of women's sports under Title IX. It was a huge step, a scary step. But someone needed to speak out for girls in Connecticut. That lawsuit is still ongoing.

Competing in Women's Collegiate Athletics

28. It was my dream to run track in college. Despite the unfairness of my high school track experience, I hoped to put that experience behind me and have a fresh start and level playing field in college.

29. After visiting several colleges, I decided to attend the College of Charleston in South Carolina. I attended the College of Charleston in 2020-21 for my freshman year. However, it was a tough school year with COVID and at the end of the year, I re-visited my options.

30. I received an offer to run for Florida Atlantic University, and I immediately knew that was the right fit for me. My dream has always been to attend college and run in Florida, and I finally have the opportunity to fulfill that goal. And I had always hoped to end up somewhere warm with lots of sunshine, so competing in Florida was a dream come true.

31. FAU has a NCAA Division I track and field team and competes in the East Division of Conference USA.

32. Being part of the team is quite an honor. And there are many additional side benefits to being a collegiate athlete: access to top-tier coaching, facilities, and equipment;

consultation with nutritionists and dieticians; paid travel to games, academic support services; medical and wellness care; access to psychologists; access to the NCAA Student Assistance Fund; team gear and apparel; and the opportunity to make money on my own name, image, and likeness.

33. For example, the Florida Panthers, a professional ice hockey team, recently announced that they were sponsoring FAU female athletes and giving us an opportunity to partner with them. I do not yet know all that will entail, but we receive tickets to home games, team apparel, the opportunity to partner with their brand. As athletes, we also have the opportunity to make money on our name, image, and likeness by appearing in ad campaigns for brands like Nike and Adidas.

34. At the end of the 2021-22 academic year, I will still have four more years of NCAA eligibility due to COVID.

35. My teammates and I train hard to win. We weightlift, complete running drills, and run sprints time and time again. It takes incredible work and dedication to win a race determined by hundredths of a second. I have trained much of my life striving to shave mere fractions of seconds off my race times.

36. I had to make many sacrifices over the course of my athletic career to play the sport I love. I have missed school dances and spring breaks, family events and holiday trips, and friends' birthdays and vacations. I have given up weekends and free time. I stayed late after school for practice. And the commitment to track has only increased during my time spent training in college.

37. But I make these sacrifices because I want to be the best that I can be. I want to win—not just for myself, but also for my teammates. And the motivation to win is what compels me to train as hard as I can.

38. I love my sport. I get on the track and I can let everything in my life go and I can be free to focus on running. It's exhilarating to see all the training and hard work pay off on the track.

39. But track has taught me more than just how to run fast down the track. I have also learned life skills. It has taught me physical and mental toughness. I have learned perseverance and good sportsmanship. I have learned that hard work pays off. And that making sacrifices to excel at something reaps future benefits. It opened new financial opportunities, personal development opportunities, and even academic opportunities. And it has given me something to strive for.

40. I am currently majoring in criminal justice with the goal of being a lawyer. But I always have my eyes on the track, and I would love to go pro after college if the right door opens.

Fairness in Women's Sports

41. When I heard that Florida's legislature passed the Fairness in Women's Sports Act in late April 2021 to protect the integrity of women's sports, I enthusiastically supported it.

42. In fact, it was my incredible honor to be invited to attend the bill signing ceremony in early June 2021 because my own personal story had played such a role in motivating lawmakers to pass a bill protecting Florida's female athletes. Little did I know at the time that Florida's Fairness in Women's Sports Act would later protect me, too, as I start competing for a public university women's team in Florida.


43. When that law was later challenged in federal court, I decided to speak up for girls who are afraid of retaliation from the media, school officials, and coaches and filed a motion to intervene in the lawsuit. I fear that too many women feel pressured to remain silent about their real views. And if someone does not speak up for women, I fear that we could see the end of women's sports. There will be boys' sports and co-ed sports. But women's sports as we know it will be gone.

44. I know from my own past experience in high school that males competing in women's sports takes away opportunities from women—whether that is a spot on the team, a spot on the podium, an athletic scholarship, the ability to benefit from her likeness, or recognition and awards—and it defies the entire purpose of having separate women's sports.

45. Women have fought hard for many years to have equal athletic opportunities. I want to make sure that girls in the future can continue to compete in the sports they love. If girls do not have equal opportunities, I fear they may choose not to be involved in sports at all if they feel they cannot win or possibly even get physically hurt competing against a stronger, faster male.

46. I believe that ensuring an equal playing field for women to be champions in their own sport is a women's rights issue. But this isn't just about fair play and winning for me. I want to protect the fairness and safety of women's sports for female athletes everywhere. I want to ensure that future generations of women have access to the same equal athletic opportunities that shaped me and my love of sports.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



Selina Soule

Dated: 4/13/2022

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J, by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants

and

LAINY ARMISTEAD,

Defendant-Intervenor.

Case No. 2:21-cv-00316

Hon. Joseph R. Goodwin

DECLARATION OF DARCY ASCHOFF

1. I am a 2 year resident of Lehi, Utah, and have personal knowledge of the information below.

2. As a former collegiate athlete, high school varsity volleyball coach, and mother of two competitive high school volleyball players, I have observed the mental and psychological toll on female athletes of being forced to compete against a male.

Athletic Background

3. Volleyball runs in my family. My mom played as a youth, I competed in college, and now my daughters are star high school volleyball athletes with dreams of competing in college.

4. I began playing competitive volleyball as a freshman at Delta High School as a middle blocker. During my senior year, my volleyball team won the 1995 Utah State Championship, and I was awarded MVP (most valuable player) for our team.

5. Throughout my sophomore, junior, and senior years of high school, I also played club volleyball.

6. I was recruited and given a scholarship to play varsity volleyball at Dixie State College (now Dixie State University), an NCAA Division I school. From 1996 to 1997, I played for Dixie State College.

7. After my sophomore year of college, I transferred to Hawaii Pacific University, an NCAA Division II school, where I was also offered a volleyball scholarship. From 1998 to 1999 during my junior and senior years of college, I played volleyball for Hawaii Pacific University.

8. In 1998, during my junior year of college, my Hawaii Pacific volleyball team won the NCAA Division II Nationals Championship. This was the highlight of my volleyball career.

9. In 2016, my entire Hawaii Pacific University volleyball team was inducted into Hawaii Pacific's Hall of Fame to honor our 1998 Nationals Championship.

10. I continued to play volleyball recreationally after college. My two daughters, Ajah and Jahslyn, have said that one of their earliest memories is watching me play recreational volleyball at a park across the street from our home. I would bring my daughters with me, and Ajah would beg whoever was on the sidelines not playing volleyball to pass the ball with her.

11. Both of my daughters went to volleyball summer camp at young ages, and eventually began competing in school and club volleyball.

12. As my girls reached high school, I started coaching their school and club teams.

13. In 2015, I coached Lanakila club volleyball for the 14 and under team, and in 2016 I coached Lanakila club volleyball for the 12 and under team, respectively.

14. From 2018 to 2020, I also coached girl's Hawaiian Style Volleyball, a competitive club volleyball team on Maui. In the 2018-2019 season, I coached the girls' 14 and under team, and in the 2019-2020 season I coached the girls' 16 and under team.

15. I served as assistant girls' varsity volleyball coach at Maui High School during the 2018 and 2019 seasons. Maui High School competes in the Maui Interscholastic League of the Hawaii High School Athletic Association.

My Daughters' Experience Competing Against a Male Athlete

16. The 2019-2020 volleyball season was my girls' final volleyball season at Maui High on our beloved island of Maui. Ajah was a sophomore and a team captain, and Jahslyn was a freshman. The Maui High team was a young team in a building season.

17. Ajah and Jahslyn worked so hard to develop their volleyball skills to become their best. They attended summer camps, participated in daily practice during high school season, and then continued to play volleyball year-round with highly competitive national club teams. These teams travel nationally and practice 2-3 times per week.

18. But despite my daughters' hard work, the 2019-2020 varsity girls' volleyball season was unusually tough: they were forced to face a male athlete on another team.

19. Both of my daughters knew this athlete, Jhene Saribay, from summer volleyball camps because training is co-ed. From what I learned, this male competed on the Kamehameha boys' volleyball team for several years, and only recently switched to competing on the girls' team.

20. My daughters heard rumors from other girls on the Maui High team that this male athlete was planning to play on the Kamehameha High girls' varsity volleyball team, but at first they didn't believe it.

21. I first heard about the situation from the Maui High head coach. Initially I thought it was a joke: this could not be happening. But it was. And our coach's hands were tied—the Maui High athletic director made clear that our head coach could not make waves about this situation, or he would lose his job. Other parents at Maui High were upset but were not willing to act.

22. My daughters competed against this athlete 3 times and their volleyball team lost every match.

23. Based on my observations as a mother and assistant coach at my daughters' volleyball games, this male athlete dominated Maui varsity girls' volleyball in the 2019-2020 season. He dominated playing time. He jumped higher. He spiked the ball harder and faster and further. From my perspective, he was one of the best hitters on Maui, despite his average stature.

24. The girls, on the other hand, were nervous and intimidated by the male on the other side of the net. They seemed mentally defeated before stepping onto the court. They would often "duck and cover" or assume a defensive position rather than prepare to respond to his spikes. My daughters said they were afraid of getting hurt. My daughters' teammates told us that they felt demoralized. Some wondered why they should even bother playing in matches against Kamehameha that season, because they knew the male athlete's team would beat them.

25. Volleyball is a very physical sport. And a male competing in girls' volleyball is a safety issue. I'm concerned that one of my daughters could be hurt, or that a male could take away their scholarship opportunities to compete in college.

26. Both of my daughters love the friendships they built through volleyball, as well as the comradery and competitive nature of the sport. They grew stronger and more powerful in hitting and jumping. They gained self-confidence and poise. I am proud of their hard work and drive to be the best they can be at their sport. Volleyball is all about testing your limits—how high you can jump, fast you can run, hard you can swing—and knowing that males have an advantage makes it hard for girls to compete.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Darcy Aschoff

Dated:

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J, by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants

and

LAINEY ARMISTEAD,

Defendant-Intervenor.

Case No. 2:21-cv-00316

Hon. Joseph R. Goodwin

DECLARATION OF CYNTHIA MONTELEONE

I, Cynthia Monteleone under penalty of perjury, declare as follows:

1. I am a forty-six-year-old resident of Lahaina, Maui County, Hawaii, and have personal knowledge of the information below.

2. I am a mother, a coach, and track and field athlete for Team USA. Both my daughter and I have had the frustrating experience of competing against a male athlete in our sport.

My Competition Against a Male Athlete

3. In September 2018, I competed at the World Masters Athletics Championships in Malaga, Spain. I was eager to put my hard work to the test. And it paid off: I took bronze in the W40 400, along with USA golds in the 4x100 and 4x400.

4. But I was shocked to find out that one of my competitors was a biological male from Colombia who had just recently started identifying as female. The athlete had a much larger build than any of the female athletes.

5. I began to ask questions as to the fairness of this issue. The European officials stopped the track meet, conferred, and decided that the race had to continue and urged me to file a complaint with the Team USA managers.

6. Not only did the Team USA managers refuse to file a complaint or inquiry, they warned that for my own safety, I should not speak up about this issue.

7. My freedom of speech is important to me. I will not be silenced. I continue to defy this directive and speak up because I see firsthand the harm being done to my fellow female athletes.

8. This is not about being a sore loser—I beat the male athlete by just a few tenths of a second. This is about fairplay for all women. The same male athlete just a year later beat my USA teammate in the hurdles for a place on the podium at the 2019 World Masters Athletics Championships in Poland.

9. I see the psychological and emotional heartbreak of women. After training so hard to be the best that they can be at their sport, and spending so much time away from their families, they are devastated to see that sacrifice wasted because they were beaten by a biological advantage that no amount of training or sacrifice can overcome.

10. Many of the girls I coach suffer from anxiety over having to compete against male athletes. We all know the powerful scientific neurotransmitter connection between our minds and our bodies: When you *think* you can win, you have a better chance of doing it. It's proven.

11. Science and common sense tell us that male and female bodies are different. No amount of testosterone suppression can change the amount of myonuclei in a male body, making it easier at any point in their life to build more muscle than the female sex. Not only that these cellular level advantages dictate that male bodies will be more powerful with faster twitch fibers than those of the female sex.

12. Women are not just hormones. Our athletic performance is impacted by our cycle, birth control, and pregnancy—something no male who identifies as female has to address.

13. As a masters athlete, I am especially concerned because female hearts shrink as we age, while the male hearts enlarge, all of this despite any “hormone treatment.”

My Daughter's Competition Against a Male Athlete

14. But it was not just on the world stage that I experienced the demoralizing trend of males displacing females in their own competitions; it was also on my home island of Maui, Hawaii.

15. A year and a half after my experience in Spain, my daughter, Margaret, lined up for her very first high school track meet. I had watched proudly as my strong and determined girl did all the right things – made personal, difficult sacrifices to train her body to be as fast and fit as possible for her first race.

16. Yet all her hard work seemed for naught as she raced against a male-bodied athlete who had just transferred from the boys' volleyball team to the girls' team the season before. The athlete breezed right by Margaret to win first place, pushing her into second place.

17. My daughter lost her very first race to this athlete who ran so fast in the first 100 meters of the 400-meter race that the individual could have set a state record.

18. The Maui athletic community is small and tightknit. I learned that this biological male had grown up wrestling and had just injured a girl during volleyball, giving her a concussion with a powerful spike. This individual was casually trying out track and had trained only two weeks before running next to my daughter who had trained all year.

19. This athlete also raced against the girls I coached. One senior girl was crying because she told me she knew there was nothing she could do to win the conference championship that she had dreamed of winning since she was a freshman. She told me, right after that male athlete raced, that she was quitting track, even though I told her she had what it took to possibly run in college. She turned to me and asked, "What's the point, if it's not fair?"

20. COVID cancelled the rest of our season, but these horrible memories were never cancelled from my mind. We must consider the mental and physical health and safety of the biological female athletes and provide an equal and level playing field for them to achieve all of the opportunities the male sex has.

21. We must not hold the feelings and mental health of one group as more important than another. The mental health of our daughters, granddaughters, sisters, and teammates matter.

22. All of the lessons I teach as a coach about hard work paying off: these lessons fall apart when a mid-level male athlete doesn't have to work as hard and can beat our hardest working, most talented females.

23. In 2019 in Hawai'i, about 350 out of 700 male athletes ran faster than the fastest female in Hawai'i. Quite literally, a mediocre boy could beat the best girl. Tens of thousands of high school boys could run faster than the most decorated Olympian in history, Allyson Felix. If we do not protect women's sports, our girls will see their athletic dreams crushed.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



Cynthia Monteleone

Dated: April 19, 2022

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

B.P.J, by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants

and

LAINEY ARMISTEAD,

Defendant-Intervenor.

Case No. 2:21-cv-00316

Hon. Joseph R. Goodwin

DECLARATION OF MADISON KENYON

I, Madison Kenyon, declare as follows:

1. I am a twenty-year-old resident of Pocatello, Idaho, and have personal knowledge of the information below.

2. I am a junior and female athlete at Idaho State University in Pocatello, Idaho, where I compete in women's cross-country and track. Running is my passion.

Athletics Background

3. Athletics has been my world from a very young age. Both of my parents were high school athletes, so competition—especially among my siblings—was like the air I breathed growing up.

4. I first kicked a soccer ball at age three, and I was hooked. That first encounter with a ball led me to compete for 15 years on various club soccer teams.

5. Through playing soccer, I learned both that I am fiercely competitive and that I love to run.

6. Admittedly, I hated running at first, because it is hard work. But the more I ran, the faster I got and the more I enjoyed it.

7. In 6th grade, that love of running and competition led me to try cross-country—a sport I have competed in every fall since. In my freshman year of high school, I also started running track.

8. Running is my happy place. I love pushing my body to its limits, spending time outdoors, and doing it all with a sense of camaraderie and fun alongside some of my closest friends.

9. I'm proud of my accomplishments. In high school, I set five different school records, and as a sophomore was even voted unanimously by our coaches for the honor of “athlete of the year.”

Competing in Women's Collegiate Athletics

10. I decided to attend college at Idaho State University (ISU) because it is a big university nestled in a small town with plenty of opportunities for outdoor activity and track competition. The athletic scholarship I received from ISU has not only helped finance my athletic career but has also helped finance my dream of becoming a nurse someday. I am currently pursuing a degree in nursing.

11. As an ISU freshman in the 2019-2020 academic year, I made the cross-country team and competed in the 4-kilometer (2.49-mile), 3-mile, 5-kilometer (3.12-mile), and 6-kilometer (3.73-mile) events. I was thrilled.

12. But that enthusiasm turned into confusion when, at the start of the fall 2019 cross-country season, I was informed that I would be competing against a male athlete.

13. At first, I was incredulous that any biological male would be allowed to compete in the women's category. This couldn't be happening.

14. So I researched the student. I found out that June Eastwood competed on the University of Montana's men's cross-country team for three years, before switching to compete on its women's cross-country team. I also learned that while competing as a man, Eastwood ran times in at least one event that was faster than the NCAA collegiate women's record. My heart sank.

15. So as I got into position at the starting line of my first ever collegiate cross-country race, I faced a hurdle I never expected to encounter: a male athlete.

16. In the 2019 cross-country season, I lost to Eastwood three times:

- a. 2019 Montana State Cross-Country Classic in the 3-mile event.
- b. 2019 Big Sky Cross-Country Championships in the 5k event.
- c. 2019 NCAA Division I Mountain Region XC Championships in the 6k event.

17. In all three races, Eastwood not only beat me by a significant margin, but also bumped me down to a lower placement than I would have received had I only competed against other women. That may not seem like a big deal to some, but placements matter to athletes. I want to know that I earned my placement fair and square. Fair competition pushes me to better myself and try harder; unfair competition leaves me feeling frustrated and defeated.

18. It was discouraging. My heart sank as I watched Eastwood placing and medaling in the women's cross-country races in meet after meet.

19. Cross-country athletes, like me, usually also compete in indoor and outdoor track. So, during the winter 2020 indoor track season, I competed in the 3k (1.86-mile), the mile, and the distance medley relay events.

20. Again, I raced this male athlete during the indoor track season. At the 2020 Stacy Dragila Open Women's Indoor Mile, Eastwood took 2nd place and I took 8th. Eighth place is nothing to be ashamed of if won fairly—especially as a freshman competing in a race dominated by juniors and seniors—but the competition is not fair when one of the athletes in the women's category is a male with the strength and speed advantages that come from male physiology.

21. And at the 2020 Indoor Big Sky Championship I, along with three other ISU teammates, competed in the distance medley relay against Eastwood's relay team. A distance medley relay is made up of a 1200-meter leg, a 400-meter leg, an 800-meter leg, and a 1600-meter leg. Montana State's relay team was in 6th place before Eastwood began the final 1600-meter leg of the race. During Eastwood's leg, Eastwood advanced Montana's relay team not one or two, but *four* positions to finish in 2nd place. My team took 5th, though we would have placed 4th if not for Eastwood's participation. We lost not only a placement, but team points as well.

22. Also at the Big Sky Championship, I watched in disbelief as one of my teammates lost her bronze medal and place on the championship podium because Eastwood took first place in my teammate's women's mile event and bumped her to fourth place. It was heartbreaking to watch.

Fairness in Women's Sports

23. I believe that allowing males to enter women's sports defeats the entire idea of fair competition. Sex segregation in sports helps maintain fair competition so that no athlete has an unfair advantage over another. And it helps ensure that if women like me work hard, we have a shot at winning.

24. I am studying nursing and plan to enter the medical field. In my biology coursework, it is clear that the biological differences between male and female are not matters of personal opinion, or features that can be changed or chosen. I *am* female, not because I chose to be female, or identify as female, but because every cell in my body is marked with XX chromosomes and my entire body developed in alignment with those female markers.

25. But you do not need to be a medical expert to understand this. I know from everyday experience that since the boys in my class went through puberty, the males around me are generally bigger, faster, and stronger than the females, simply because they are male. Even the rules of sport implicitly acknowledge this. For example, men's cross-country races are longer than women's cross-country races.

26. In March 2020, Idaho became the first state in the country to pass a law to protect women's sports. H.B. 500, the Fairness in Women's Sports Act, protects women's sports by ensuring that only female athletes compete in sports designated for women or girls. I intervened in a lawsuit to help defend that law because I want my races to be fair and a test of skill and hard work. I do not want to wonder whether I am training countless hours for inevitable defeat, or whether I will even have a chance to win against a physically advantaged male athlete.

27. I fear that if we are no longer allowed by law to recognize the objective existence of women, that it will be a huge loss to women's rights.

28. Sports was like the air I breathed growing up, and I want my kids to have that same experience. And as hard as my teammates and I work to be competitive, I do not want to see women's sports fade away as a separate category because males compete in women's divisions, and women give up trying to compete because they do not think they can win. I fear that we will soon effectively have men's sports and co-ed sports, but no dedicated category for females only.

29. And I do not want to see women lose their legal protection and progress under the law because we can no longer identify what a woman is.

30. To my knowledge, June Eastwood has graduated. But I learned through my involvement in defending Idaho's Fairness in Women's Sports Act that another male, Lindsay Hecox, wants to compete on the women's team at Boise State University—a university that my team competes against. And if Title IX and Idaho's law aren't upheld, other males will almost certainly follow.

31. I believe everyone should be able to compete, but it must be done fairly. It is not fair for women's competitions to be open to male athletes. And women's sports itself will lose its meaning, and its specialness, if males can be redefined as females.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Madison Kenyon

Dated: April 14, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J, by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants

and

LAINEY ARMISTEAD,

Defendant-Intervenor.

Case No. 2:21-cv-00316

Hon. Joseph R. Goodwin

DECLARATION OF MARY MARSHALL

I, Mary Marshall, declare as follows:

1. I am a twenty-one-year-old resident of Twin Falls, Idaho, and have personal knowledge of the information below.

2. I am a senior and female athlete at Idaho State University in Pocatello, Idaho, where I compete in cross-country and track and field.

Athletics Background

3. I first started playing basketball at 7 or 8 years old, and I continued through my sophomore year of high school. I enjoyed the competition, the adrenaline rush, and the sheer fun of the game.

4. In 8th grade, I started running track. My sophomore year of high school I started running cross country to get in shape for basketball. But to my surprise, I found out that I loved running *more* than playing basketball! So, I kept running races. And my sophomore year of high school, I dropped basketball altogether and started focusing on cross country and track.

5. I discovered that I am good at running. In two back-to-back years, my high school medley relay team won the State championship in our division. My junior year I won the state championship in the 300 intermediate hurdles. And in my senior year of high school, I won the State championship in the 800m for my division.

6. I love to run. It gives me confidence, improves my mood, and allows me to explore the great outdoors on foot. But being a competitive female athlete is about more than just running long distances. It is about community. My teammates have become my closest friends. We push each other to be our best, help one another through disappointments and losses, and cheer one another on as we celebrate victories. We travel together for sporting events and share overnight lodging: it's like a sisterhood. We enjoy one another so much that we even spend our free time together. Through running competitively, I have made some of my closest lifelong friends.

Competing in Women's Collegiate Athletics

7. I chose to attend college at Idaho State University (ISU) because it is close to home and I really liked my track coaches. And I am grateful to be one of the lucky ones to benefit from a women's track scholarship.

8. In college, I am primarily a mid-distance track athlete, focusing on shorter distances like the 800-meter and the mile. But I also compete in cross-country to stay in shape. In cross-country, I generally compete in the 5k.

9. Training is hard work. On Tuesdays and Thursdays, I usually have a two-hour workout with my team. On alternate days, my teammates and I get together for a five-to-six-mile run. Additionally, we have an hour-long weightlifting session on Mondays and Wednesdays.

10. But in the fall of my sophomore year of college, I learned that I would be racing against a male athlete who was competing on the University of Montana women's team because he identifies as female. I was appalled. I do not know how anyone could think this was fair to female athletes. Males are naturally fitter and faster than females.

11. I raced against this athlete, June Eastwood, not once, but twice. First, I competed against Eastwood in the Montana State Cross-Country Classic 3-mile event in the fall of 2019. And then I competed against Eastwood again in January 2020 at the Stacy Dragila Indoor mile event.

12. I lost both times. I was displaced and pushed down to a lower spot in the rankings than I would have earned had the playing field been level.

13. When I lose to another woman, I assume that she must train harder than I do and it drives me to work harder. If I lose to a man, it feels completely different. It's deflating. I wonder whether he works as hard as I do, whether he was even trying, or was that an easy race for him. It makes me think that no matter how hard I try, my hard work and effort will not matter.

14. Members of the men's track team sometimes do easy runs with me and my teammates on the women's track team. But we women are under no illusion that we would be competitive in a race against these men. Even our easy runs are at different paces. For example, an easy run for women is usually at an 8:30 pace, while an easy pace for men is around 7:30.

Fairness in Women's Sports

15. When I first heard about Idaho's H.B. 500 Fairness in Women's Sports Act, I was really excited. I hoped that this would be the solution we needed to keep men out of women's sports. And that's why—when the law was later challenged in court — I chose to stand up and intervene in the lawsuit to defend the law. I wanted to make sure that the voices of women were heard.

16. I have personally seen the negative impact on women when Eastwood was allowed to compete against women's teams, and I fear that as men realize they only need to "identify" as women in order to compete in the women's category, others might follow suit. In fact, I learned through my lawsuit that a male athlete, Lindsay Hecox, wants to compete on the Boise State women's track and cross-country team—a team that I compete against. I want to stop this before it becomes popular.

17. I want to preserve the camaraderie and sisterhood that comes from competing with an all-female team. There is no way that I would feel comfortable sharing a hotel room with a male athlete, regardless of how that person identified.

18. And I want other young women to benefit from sports as I did. I did well in high school sports. But if a boy had decided to compete against me in basketball, or track, or cross-country, I am not sure that I would have kept on competing. Success drives endeavor. And if I knew that I could not win, I might have dropped out of sports altogether.

19. That very idea concerns me. Sports has played such an important role in my life. It taught me how to work in groups and as a team. It taught me how to persist through disappointment. It taught me that if I put in the work, I will get the results. It has taught me how to interact with people I do not know, and how to respond to those in authority over me. It has

given me the confidence to study business, marketing, management, and economics at ISU because I hope to be an entrepreneur and own a business someday. These are the benefits that I want to preserve for the next generation of women.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Mary Marshall

Mary Kate Marshall

Dated: 4/19/22

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J, by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants

and

LAINY ARMISTEAD,

Defendant-Intervenor.

Case No. 2:21-cv-00316

Hon. Joseph R. Goodwin

DECLARATION OF HALEY TANNE

I am a 22 year-old senior at Southern Utah University and have personal knowledge of the information below.

Athletic Background

1. I have always loved running. As a kid, I was fast and could outrun a lot of people. But I didn't get into running seriously until the summer before my freshman year of high school. My older sister (who later ran in college) "forced" me to get up early with her and run. Once I got into shape, I loved it.

2. As a high school freshman, my coach pulled me aside and said that I had the potential to run in college. I was surprised!

3. And I started training harder. My family wasn't financially well off so I worked hard to earn the participation fees and gear fees to run in high school. I worked in my coach's woodshop over the summer, and later transitioned to be a pool instructor to earn money.

4. It was a lot of work. I worked throughout my summers, went to bed early and missed out on the typical teenage experience of my peers.

5. In high school, I was our school's top ranked female athlete. I felt a lot of pressure being at the top. But the desire to be the best and potentially earn a scholarship for college kept me pushing to stay at the top.

6. Being a female athlete is not easy and requires sacrifice. To get faster and hold my spot required a lot of self-discipline in my diet, bedtime, and homework.

7. My teammates say I'm fiercely loyal. I'm hardworking, smart, reliable, and I invest deeply in relationships.

8. I love racing! I love the feeling when my legs are burning, almost numb, lungs are burning, arms are burning and so fatigued. But when you cross that finish line, all the pain melts away.

9. There are never "days off" in the life of a distance runner. You have to really love running to excel in this sport. I have many favorite runs near the Southern Utah University campus. I love the Canyon Run, Dikes Run, and the Main Street Run. I love running in this part of Utah and losing myself to the scenery. It gives me temporary relief from stresses or negative emotions I'm facing.

10. When I was deciding on which college to attend, I looked all throughout Utah. I had many options, and many schools were interested. But I ultimately decided to go to Southern Utah University because of the team dynamic and the kind, caring, and capable coaches.

11. Going to college was something that was not a likely option for me because of the low-income status I came from. Gratefully, running allowed me to earn a scholarship and attend college. Running has completely shaped my college career. It has taught me even greater discipline than I had in high school. I have learned mental toughness from hard workouts and practices. I have also developed many leadership traits from being on a team, and even though I am one of the youngest runners on the team as a sophomore, I still have a position of leadership.

12. My teammates have made my college athletic career worth it. We are with each other through anything and everything. My teammates have seen me at my lowest lows and my highest highs. It is a special bond, and we are all so close. While we have a lot of personalities on the team, we all mesh together so well. I love my teammates and every one of those girls means the world to me.

13. One day I want to be nurse and nursing school will be my next step. I've always been interested in the human body and medicine and I have always wanted to be involved in a health career. After nursing school, I would like to settle down and move forward in my career and have a family.

Competition Against a Male Athlete

14. I remember learning that there was a male signed up to compete on the women's cross-country team at the University of Montana. My coach sat us all down before the season started and informed us that there was a male who transitioned and would be racing against us. I remember being so shocked. I never imagined this would happen in my lifetime.

15. This male, June Eastwood, had competed on the men's team for three years and was not an exceptional athlete. But even as a mid-level runner, Eastwood posted times that were faster than women's NCAA records.

16. I competed against Eastwood twice and I lost to Eastwood both times. The first time I competed against Eastwood was in the 2019 Big Sky Cross Country Championships. I also competed against Eastwood in the NCAA Division 1 Mountain Region Cross Country Championships.

17. One of my teammates, Madison Fruchey, was also knocked off from being an All-Conference athlete because of June Eastwood's involvement. Eastwood was in the top-10 and Madison was 11th. You can mentally exclude Eastwood from the top 10, but when the All-Conference list was published, Madison's name was not on it.

18. Eastwood's participation is frustrating. My teammate lost opportunities for accomplishments she worked hard to achieve. I do not want to have anger towards Eastwood, but when I see Eastwood lining up in a women's race, it just feels wrong.

19. Eastwood has an advantage when competing. Us women are already at a loss once Eastwood stands at the starting line. Eastwood's presence is intimidating, and it is hard to mentally compete at our best when we know we can't win.

20. Males run track with more physicality than women. They throw elbows and compete with a more aggressive strategy. They are especially more aggressive in college and when they progress to more elite races.

21. Like I mentioned earlier, obtaining an athletic scholarship was vital to pursuing my dream of being a nurse. Running was the only way I could afford to participate in academic programs at my school. When I heard Eastwood was participating on the University of Montana's girls' team through a girls' scholarship, it was frustrating. There is a limited number of athletic scholarships that each school can distribute, and Eastwood took an opportunity from

another woman. It makes you wonder if there may have been another female athlete in my shoes that may not have been able to afford school without an athletic scholarship.

Fairness in Women's Sports

22. Title IX was created to provide a space for women, like me, to compete on a fair playing field and be a champion in my own sport. But allowing males to compete in women's sports destroys that opportunity and sets women back half a century.

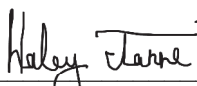
23. Generally speaking, males are stronger, faster, and bigger than woman. June Eastwood towered over the female competitors like me. And if men take over, I fear that women will lose the drive to compete in the sport altogether.

24. Eastwood displaced women in races and in scholarships. Because of Eastwood's involvement, a woman missed the opportunity to receive an athletic scholarship and may have impeded her ability to attend school at all. Women should not have their opportunities taken by biological males.

25. I decided to stand up and speak out because I don't want my daughters to have to deal with what I've had to deal with. I want to protect women's sports for all the women that will come behind me.

26. I know what I'm doing is right and I know what we're fighting for is right.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



Haley Panne

Dated: April 19, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J, by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants

and

LAINY ARMISTEAD,

Defendant-Intervenor.

Case No. 2:21-cv-00316

Hon. Joseph R. Goodwin

DECLARATION OF LINNEA SALTZ

I, Linnea Saltz, declare as follows:

1. I am a resident of Washington, D.C., and a former elite track athlete at both Southern Utah University and Georgetown University.

Athletic Background

2. Growing up, I loved cheer, gymnastics, and dance. But with a brother who ran cross-country and a mother who ran triathlons, I decided to try out for track my sophomore year of high school. I surprised everyone—including myself—by running the fastest time of my high school tryouts in the 400-meter.

3. That initial success on the track led to a love of running. I joined my varsity girls' track team and even competed on a club team. By my senior year, I gave up all other

extracurricular activities and focused on getting faster and stronger in order to be the best version of myself.

4. That hard work paid off with an athletic scholarship to run track for Southern Utah University. I received offers from bigger schools, but ultimately chose to attend SUU because I could tell they really cared about their athletes.

5. Being a student-athlete opened doors for me to make connections on campus and provided a ready-made support and friendship network in my teammates.

6. But being a collegiate athlete is not easy. It involves early morning workouts and afternoon practices; weekend travel for meets; and lots of self-discipline in diet, bedtime, and homework. I missed out on sleeping in, spring break, and social events.

7. But it was absolutely worth it. Every time I earned a new Big Sky Championship medal or put my name on the record book for my school, it made all the sacrifice worth it.

8. I am proud of what I achieved in my time at SUU. I am a two-time Big Sky Champion in the 800-meter, once in outdoor and once in indoor. And by the time I graduated, I held seven school records:

- indoor 4x400-meter relay,
- indoor distance medley relay,
- indoor 400-meter,
- indoor 600-meter,
- indoor 800-meter,
- outdoor 800-meter,
- outdoor 4x4 relay.

Competition against a male athlete

9. My senior year of college, I learned about a male athlete at the University of Montana who would be competing in women's cross-country and track.

10. This male, June Eastwood, had competed for three years on the men's team and was not a stand-out athlete. But even as a mid-level male athlete, Eastwood still posted times as a man that were faster than multiple women's NCAA records.

11. In the fall of 2019, Eastwood bested some of my teammates in cross country competitions. I thought it was so unfair. Why would someone who knows they have a physiological advantage over these women compete against them?

12. After my teammates' experience, I spent weeks reading the NCAA's transgender handbook. The NCAA policy at that time—which had been in place since 2011—required males to undergo one year of testosterone suppression before competing on a women's team. I thought this could not be true. I could see for myself that testosterone suppression did not eliminate the male advantage. (Thankfully, the NCAA scrapped that old policy in late 2021, but did not replace it with any policy that actually protects female athletes.)

13. In the winter of 2020, I learned that Eastwood would be competing in the indoor Big Sky Conference Track and Field Championships.

14. As the defending 800-meter Big Sky Conference Champion, I immediately jumped online to see what I was going to have to be competing against this season. All hope was lost when I realized that the male athlete was going to be competing against had a personal best time of 1:55 in the 800-meter, not only 10 seconds faster than the best time I had posted the season prior, but faster than the NCAA women's record in the event.

15. I took a step back and realized that my senior year was no longer going to be about the sacrifices, hard work, pain, and dedication I had put forth the last four years. It was going to be about fairness in women's sports being stripped away right in front of me. Title IX was passed in order to create an equal and fair playing field for all—yet allowing male athletes to

compete in women's sports discourages young women and deters them from their sports. Sports that encourage independence, strength, strong will, and give you the confidence of being a competitive athlete.

16. Instead of looking forward to my races, I was anxious. I could not bear the thought of losing my Big Sky Championship title to a former male athlete. I tried hard to focus on my training, but it was mentally exhausting to anticipate racing a male athlete with all the advantages of male puberty.

17. To my relief, Eastwood did not enter the 800-meter race. But I competed against Eastwood in the distance medley relay (DMR). In the middle of that relay, after finishing my leg, I overheard the University of Montana coach cuing this athlete from the sidelines, telling Eastwood to do something I had never heard in competition: to slow down. Eastwood took the University of Montana's relay team from nearly the bottom of the pack to a 2nd place finish.

18. Eastwood also bested some of my SUU teammates in the women's mile at Big Sky. Remarkably, this athlete finished four seconds ahead of the next competitor—a massive amount of time in an elite track competition.

Fairness in Women's Sports

19. Female-only sports exist for a reason: to give women like me the chance to podium, showcase our talents, and receive the recognition our hard work and talent deserve. But allowing a male to compete in the women's category shatters these opportunities.

20. Simply by observation, males are generally bigger, faster, and stronger than women. Eastwood's over six-foot-tall frame towered over the female competitors. June's cadence, stride length, broader shoulders, and lack of fatty tissue around the hips and chest all

spoke to June's male advantage. Personally, I would find it demeaning to stand on the podium beneath an athlete that had been on the podium with boys a couple years ago.

21. It is mentally draining to run against a male athlete. While in prior years I could just focus on my training, in 2020, I spent a lot of time in preseason stressing over competing against a male.

22. It only takes three males to displace females on the podium. And only eight males to displace females from All-Conference honors, and even worse from first-team All-American status which some women athletes could only dream of accomplishing.

23. I don't want to look back at the SUU school record books five or ten years down the line to find my name erased by males.

24. Because if men take over, I fear that women will lose the drive to compete in sports entirely.

25. Men are able to celebrate fairness in their sports, so it should only make sense that we can as well. It is discouraging for girls and women to think that they may have to compete against an individual that has a biological advantage over them. Taking away our opportunities will run us out of the sports world, which we already had to fight so hard to be a part of.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.


Linnea Saltz

Dated: April 14, 2022

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Armistead App. 0080

2019 NCAA Division II Outdoor Track & Field
Championships (Excerpt)
May 23-25, 2019
Available at:

<http://leonetiming.com/2019/Outdoor/NCAADII/Results.pdf>

[permalink: <https://perma.cc/BB84-YJPL>]

(last visited: April 20, 2022)

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Hy-Tek's MEET MANAGER 9:12 PM 5/25/2019 Page 3

NCAA Division II
Outdoor Track & Field Championships
 Hosted By Texas A&M Kingsville - 5/23/2019 to 5/25/2019

Results**Finals ... (Women 5000 Meter Run)**

Name	Yr	School	Finals
18 Dania Holmberg	SO	Seattle Pacific	17:54.06
19 Malena Grover	SR	Adams State	18:00.77
20 Chloe Flora	SO	Lee	18:02.64
21 Cynthia Togom	FR	Cen Missouri	18:03.95
22 Chloe Cook	SR	CO Mines	18:24.29
--- Allie Ludge	JR	Grand Valley St	DNF

Women 10000 Meter Run**Meet Record: 33:17.39 M 5/26/2011 Sarah Porter**

Name	Yr	School	Finals
Finals			
1 Caroline Kurgat	SR	Alaska Anchorage	36:34.31 10
2 Leah Hanle	JR	Mount Olive	37:20.46 8
3 Gina Patterson	JR	Grand Valley St	37:33.19 6
4 Jessica Gockley	SO	Grand Valley St	37:40.52 5
5 Kaylee Bogina	JR	Adams State	37:43.89 4
6 Eileen Stressling	SR	Azusa Pacific	38:02.76 3
7 Alexa Shindruk	SR	Cen Washington	38:04.69 2
8 Allison Dorr	SR	Saginaw Valley	38:05.52 1
9 Kathryn Etelamaki	JR	Ferris State	38:16.78
10 Ida Narbuvooll	JR	U-Mary	38:43.20
11 Hope Jones	JR	So Indiana	38:46.90
12 Malena Grover	SR	Adams State	38:51.72
13 Billie Hatch	SO	Dixie State	39:01.07
14 Emily Byrd	JR	Michigan Tech	39:27.23
15 Leah Lewis	JR	Dallas Baptist	39:51.54
16 Michaela Reynolds	SR	CO Mines	39:58.06
17 Cassidy Ahrens	SR	West Colorado	40:16.52
18 Jax Heckers	SO	CSU San Marcos	41:15.31
--- Brianna Coy	JR	Walsh	DNF
--- Alexandria Tucker	SO	Chico State	DNF

Women 100 Meter Hurdles**Meet Record: 12.70 M 5/23/2013 Vashti Thomas**

Name	Yr	School	Prelims
Preliminaries			
1 Courtney Nelson	SR	Pittsburg St	12.99Q4.1
2 Erin Hodge	SR	Lindenwood	13.37Q4.8
3 Danielle Kohlwey	SR	MN Duluth	13.52Q3.4
4 Monisha Lewis	JR	San Francisco St	13.22Q4.1
5 CeCe Telfer	SR	Franklin Pierce	13.49Q4.8
6 Mariyah Vongsaveng	SR	Cen Washington	13.97Q3.4
7 Briana Burt	SR	So. Conn. St	13.77q4.1
8 Morgan Smith	SR	MO Southern	13.92q4.1
9 Julia Hammerschmidt	SR	U-Mary	14.03 3.4
10 Tamia Prince	JR	Concordia-CA	14.03 4.8
11 Danielle Scantlebury	FR	St. Augustine's	14.12 3.4
12 SheQuilla McClain	SO	Shorter	14.13 4.8
13 Leah Molter	SR	OK Baptist	14.14 3.4
14 Nia Vance	JR	Cal Poly Pomoma	14.22 4.1
15 Oweneika Watson	JR	Adams State	14.34 3.4
16 Carolyn Hackel	JR	MN State	14.36 3.4
17 Jordan Nash	SR	Angelo State	14.40 4.8

18 Chelsea Walker	SO	Christian Bros	14.48 4.1
--- Jordan Hammond	JR	NW Missouri	DNF 4.8

Women 100 Meter Hurdles**Meet Record: 12.70 M 5/23/2013 Vashti Thomas**

Name	Yr	School	Finals
Finals			
1 Courtney Nelson	SR	Pittsburg St	13.06 10
2 Monisha Lewis	JR	San Francisco St	13.29 8
3 Danielle Kohlwey	SR	MN Duluth	13.31 6
4 Erin Hodge	SR	Lindenwood	13.47 5
5 CeCe Telfer	SR	Franklin Pierce	13.56 4
6 Briana Burt	SR	So. Conn. St	13.83 3
7 Mariyah Vongsaveng	SR	Cen Washington	13.87 2
8 Morgan Smith	SR	MO Southern	13.98 1

Women 400 Meter Hurdles**Meet Record: 55.42 M 5/27/2017 Tia-Adana Belle**

Name	Yr	School	Prelims
Preliminaries			
1 CeCe Telfer	SR	Franklin Pierce	58.18Q
2 Shannon Kalawan	JR	St. Augustine's	59.18Q
3 Sidney Trinidad	SO	Cen Washington	59.78Q
4 Jordan Hammond	JR	NW Missouri	59.68Q
5 Kissi-Ann Brown	SR	Lincoln-MO	59.92Q
6 Jessica Eby	SO	Grand Valley St	1:00.34Q
7 Minna Sveard	SO	TAMU-Commerce	1:00.16q
8 Hanneke Oosterwegel	SR	Northern State	1:00.23q
9 Chelsea Walker	SO	Christian Bros	1:00.31
10 Erykah Weems	JR	Cen Washington	1:00.43
11 Claudia Cox	JR	UC San Diego	1:01.12
12 Faith Roberson	SO	Angelo State	1:01.24
13 Miyah Golden	SR	Shorter	1:01.35
14 Kelly Strand	SR	UC San Diego	1:01.79
15 Monisha Lewis	JR	San Francisco St	1:02.10
16 Janeth Moya	SR	Cal St. LA	1:02.13
17 Brittney Augustin	FR	Lees-McRae	1:02.69
18 Danielle Scantlebury	FR	St. Augustine's	1:02.71
19 Leah Molter	SR	OK Baptist	1:03.37

Women 400 Meter Hurdles**Meet Record: 55.42 M 5/27/2017 Tia-Adana Belle**

Name	Yr	School	Finals
Finals			
1 CeCe Telfer	SR	Franklin Pierce	57.53 10
2 Minna Sveard	SO	TAMU-Commerce	59.21 8
3 Sidney Trinidad	SO	Cen Washington	59.49 6
4 Hanneke Oosterwegel	SR	Northern State	1:00.29 5
5 Jordan Hammond	JR	NW Missouri	1:01.24 4
6 Kissi-Ann Brown	SR	Lincoln-MO	1:01.35 3
7 Jessica Eby	SO	Grand Valley St	1:01.35 2

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Armistead App. 0082

2020 Big Sky Indoor Track & Field Championship
Results (Excerpt)
February 27-29, 2020
Available at:

https://bigskyconf.com/documents/2020/3/27//2020_bsc_itf_final_results_single_column.pdf?id=6627

[permalink: <https://perma.cc/U4LX-23M6>]

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Hy-Tek's MEET MANAGER 11:06 AM 3/27/2020 Page 4

2020 Big Sky Indoor Track & Field Championships - 2/27/2020 to 2/29/2020**Holt Arena
Results****Preliminaries ... (Women 800 Meter Run)**

Name	School	Seed	Prelims	H#
8 Morley, Bryn	Northern Arizona		2:14.26 q	1
9 Williams, Isabella	Weber State	2:15.25	2:14.75	1
10 Dilmore, Faith	Idaho	2:17.53	2:15.82	3
11 Kyro, Alexi	Montana State	2:13.69	2:15.97	1
12 Drennen, Maddie	Eastern Washington	2:19.88	2:17.75	2
13 Osipenko, Viktorija	Northern Colorado	2:17.74	2:18.25	3
14 Timmons, Presley	Idaho State	2:16.95	2:18.74	1
15 Henderson, Shayla	Idaho State	2:19.20	2:18.75	2
16 Good, Megan	Montana State	2:17.84	2:19.22	1
17 Marshall, Mary Kate	Idaho State	2:16.78	2:24.72	2

Women 800 Meter Run

BSC Champ:	2:07.05	!	2001	Stephanie Hansen, Weber State
BSC All-Time:	2:03.07	#	2011	Lea Wallace, Sacramento State
Arena:	2:01.84	\$	2000	Regina Jacobs, Golden Spike

Name	School	Prelims	Finals	Points
Finals				
1 Saltz, Linnea	Southern Utah	2:13.48	2:08.00	10
2 Loff, Melanie	Northern Arizona	2:12.49	2:09.63	8
3 Ramsay, McKenna	Montana State	2:13.62	2:11.33	6
4 Pecha, Anna	Idaho	2:13.72	2:12.56	5
5 Story, Krista	Idaho	2:13.41	2:14.31	4
6 Carlson, Patricia	Montana State	2:13.82	2:15.22	3
7 Morley, Bryn	Northern Arizona	2:14.26	2:15.83	2
8 Thacker, Malaina	Idaho	2:13.71	2:15.88	1

Women 1 Mile Run

BSC Champ:	4:34.24	!	2006	Johanna Nilsson, Northern Arizona
BSC All-Time:	4:32.49	#	2003	Johanna Nilsson, Northern Arizona
Arena:	4:47.70	\$	1976	Wendy Knudson, Colorado

Name	School	Seed	Finals	H#	Points
Finals					
1 Eastwood, June	Montana	4:45.83	4:50.28	2	10
2 Malaspina, Mikayla	Northern Arizona	4:48.95	4:54.78	2	8
3 Thacker, Malaina	Idaho	4:52.65	4:55.01	2	6
4 Olsen, Molly	Idaho State	4:52.65	4:57.03	2	5
5 Eitel, Pipi	Northern Arizona	4:48.61	5:00.41	2	4
6 Morley, Bryn	Northern Arizona	4:46.35	5:00.85	2	3
7 Bries, Jesselyn	Northern Arizona	4:52.75	5:01.52	2	2
8 Reiss, Annika	Northern Arizona	4:54.32	5:04.70	1	1
9 Taylor, Harley	Southern Utah	5:05.27	5:05.22	1	
10 Quinones, Amy	Sacramento St.	4:53.71	5:06.49	2	
11 Williams, Isabella	Weber State	4:53.91	5:06.58	2	
12 Carlson, Patricia	Montana State	4:55.02	5:07.53	1	
13 Leatham, Cheyenne	Weber State	4:56.25	5:08.81	1	
14 Pratt, Michelle	Weber State	4:57.33	5:08.98	1	
15 Duncan, Cagnei	Sacramento St.	4:53.18	5:12.03	2	
16 Tanne, Haley	Southern Utah	5:00.32	5:12.52	1	
17 DeBos, Madisan	Southern Utah	5:03.52	5:16.05	1	
18 Drennen, Maddie	Eastern Washington	5:10.86	5:17.24	1	

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Hy-Tek's MEET MANAGER 11:06 AM 3/27/2020 Page 5

2020 Big Sky Indoor Track & Field Championships - 2/27/2020 to 2/29/2020**Holt Arena****Results****Finals ... (Women 1 Mile Run)**

Name	School	Seed	Finals	H#	Points
19 Klemic, Kaysie	Southern Utah	5:17.35	5:19.14	1	
20 Wilson, Emily	Northern Colorado	5:14.58	5:29.70	1	

Women 3000 Meter Run

BSC Champ: 9:20.61 ! 2004 **Ida Nilsson, Northern Arizona**
BSC All-Time: 9:06.61 # 2003 **Johanna Milsson, Northern Arizona**
Arena: 9:27.27 \$ 1983 **Jill Molen, Utah**

Name	School	Seed	Finals	H#	Points
Finals					
1 Malaspina, Mikayla	Northern Arizona	9:37.01	9:47.05	2	10
2 Olsen, Molly	Idaho State	9:34.02	9:48.12	2	8
3 Pittis, Emily	Montana	9:53.79	9:48.98	2	6
4 Mitchell, MarLee	Weber State	9:47.50	9:48.98	2	5
5 Swenson, Kelsey	Idaho	9:58.39	9:52.08	2	4
6 Bries, Jesselyn	Northern Arizona	9:48.13	9:59.69	2	3
7 Rasmussen, Delaney	Northern Arizona	9:52.73	10:00.37	2	2
8 Eitel, Pipi	Northern Arizona	9:46.56	10:00.96	2	1
9 Frissell, Beatrix	Montana	9:53.57	10:01.12	2	
10 Gibson, Kaila	Portland State	9:42.58	10:03.89	2	
11 Kyro, Alexi	Montana State		10:04.22	1	
12 Campos, Nathalia	Idaho	10:09.23	10:05.77	1	
13 Wall, Bailey	Weber State	10:05.57	10:07.26	1	
14 Maness, Gillian	Montana State	9:48.65	10:11.37	2	
15 Eastwood, June	Montana	9:59.82	10:14.04	2	
16 Riordan, Abby	Northern Arizona	10:08.03	10:15.72	1	
17 Victor, Rachel	Sacramento St.	10:15.30	10:19.62	1	
18 Reiss, Annika	Northern Arizona	10:03.49	10:21.72	2	
19 Engebretsen, Samantha	Montana	10:15.93	10:21.85	1	
20 Duncan, Cagnei	Sacramento St.	9:56.90	10:25.88	2	
21 DeBos, Madisan	Southern Utah	10:04.65	10:27.20	1	
22 Taylor, Harley	Southern Utah	9:52.63	10:27.78	2	
23 Harris, Shanee	Weber State	10:21.81	10:27.99	1	
24 Aliche, Laura	Idaho State	10:01.53	10:32.31	2	
25 Rosin, Adelyn	Weber State	10:24.33	10:32.33	1	
26 Tanne, Haley	Southern Utah	9:52.38	10:32.78	2	
27 Simard, Samantha	Southern Utah	10:24.01	10:33.58	1	
28 Nettesheim, Lily	Weber State	10:27.32	10:37.30	1	
29 Bushar, Josie	Southern Utah	10:27.50	10:44.60	1	
30 Quinones, Amy	Sacramento St.		10:46.99	1	
31 Ross, Miranda	Portland State	10:32.59	11:04.69	1	

Women 5000 Meter Run

BSC Champ: 16:35.08 ! 1992 **Kari McKay, Eastern Washington**
BSC All-Time: 15:45.76 # 2018 **Paige Gilchrist, Northern Arizona**
Arena: 16:33.60 \$ 1981 **Aileen O'Connor, Virginia**

Name	School	Seed	Finals	Points
Finals				
1 Malaspina, Mikayla	Northern Arizona	16:11.00	17:00.25	10
2 Swenson, Kelsey	Idaho		17:07.80	8
3 Mitchell, MarLee	Weber State	16:57.09	17:18.58	6

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Hy-Tek's MEET MANAGER 11:06 AM 3/27/2020 Page 7

2020 Big Sky Indoor Track & Field Championships - 2/27/2020 to 2/29/2020**Holt Arena
Results****Women 60 Meter Hurdles**

BSC Champ: 8.19 ! 2014 Shaye Springall, Southern Utah
BSC All-Time: 8.19 # 2014 Shaye Springhall, Southern Utah
Arena: 8.00 \$ 2000 Sharon Jewell, Golden Spike

Name	School	Prelims	Finals	H#	Points
Finals					
1 Sorensen, Kate	Weber State	8.54	8.51	2	10
2 Evans, Morgan	Montana State	8.74	8.60	1	8
3 Okemgbo, Nyenuchi	Eastern Washington	8.61	8.61	2	6
4 Ellis, Olivia	Montana	8.85	8.65	1	5
5 Johnson, Semaye	Northern Colorado	8.79	8.72	2	4
6 Carter, Elena	Montana State	8.88	8.73	1	3
7 Coffey, Arterarra	Sacramento St.	8.73	8.75	1	2
8 Tolliver, Destiny	Southern Utah	8.87	9.06	2	1

Women 4x400 Meter Relay

BSC Champ: 3:40.23 ! 2018 , Northern Arizona
BSC All-Time: 3:41.82 # 1989 , Northern Arizona
Arena: 3:37.28 \$ 1981 , Adelphi University

Team	Relay	Seed	Finals	H#	Points
Finals					
1 Sacramento St. 1) Bedingfield, Shilah	A 2) Correa-Gonazalez, Jasmin	3:48.66	3:47.07	3	10
2 Southern Utah 1) Lott, Brooklyn	A 2) Saltz, Linnea	3:49.20	3:47.87	3	8
3 Idaho State 1) Holmes, Olivia	A 2) VanVleet, Brianna	3:52.82	3:48.61	2	6
4 Northern Arizona 1) Wilson, Madeline	A 2) Jackson, Jada	3:51.50	3:48.88	3	5
5 Northern Colorado 1) Schuetz, Kelsi	A 2) Ellis, Gabrielle	3:48.16	3:49.25	3	4
6 Weber State 1) Barnes, Emily	A 2) Brown, Andee	3:53.60	3:49.26	2	3
7 Montana State 1) Brockel, Maddie	A 2) Smith, Delaney	3:53.91	3:51.12	2	2
8 Idaho 1) Kurucz, Aaryanna	A 2) Crouch, Camryn	3:59.09	3:54.54	1	1
9 Montana 1) Ellis, Olivia	A 2) Bell, Cree	3:57.48	3:59.28	1	
10 Eastern Washington 1) Bowles, Sophie	A 2) Knight, Madelyn	4:01.73	4:01.98	1	
			4) Onyemaobi, Miracle		
			4) Revera, Mikayla		
			4) Reid, Gizelle		
			4) Vanvleet Sturgis, Ashley		
			4) Pettit, Mackenzie		
			4) Sorensen, Kate		
			4) Carlson, Patricia		
			4) Paven, Lauren		
			4) Mane, Jarec		
			4) Okemgbo, Nyenuchi		

Women Distance Medley

BSC Champ: 11:34.01 ! 2018 , Northern Arizona
BSC All-Time: 11:13.18 # 2006 , Northern Arizona
Arena: 11:24.04 \$ 1981 , Iowa State

Team	Relay	Seed	Finals	Points
Finals				
1 Northern Arizona 1) Bries, Jesselyn	A 2) Eitel, Pipi		11:48.97	10
2 Montana 1) Engebretsen, Samantha	A 2) Mane, Jarec		11:51.69	8
			4) Loff, Melanie	
			4) Eastwood, June	
			3) Chloe, Barylski	
			3) Dahms, Carly	

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Hy-Tek's MEET MANAGER 11:06 AM 3/27/2020 Page 8

2020 Big Sky Indoor Track & Field Championships - 2/27/2020 to 2/29/2020**Holt Arena****Results****Finals ... (Women Distance Medley)**

Team	Relay	Seed	Finals	Points
3 Weber State	A		11:53.38	6
1) Pratt, Michelle	2) Barnes, Emily	3) Leatham, Cheyenne	4) Wall, Bailey	
4 Sacramento St.	A	11:56.27	11:54.74	5
1) Duncan, Cagnei	2) Correa-Gonzalez, Jasmin	3) Quinones, Amy	4) Victor, Rachel	
5 Idaho State	A	12:39.79	12:05.88	4
1) Kenyon, Madi	2) Martin, Kyndal	3) Henderson, Shayla	4) Olsen, Molly	
6 Montana State	A	12:07.35	12:05.98	3
1) Carlson, Patricia	2) Good, Megan	3) Kyro, Alexi	4) Maness, Gillian	
7 Idaho	A	12:15.04	12:13.55	2
1) Dilmore, Faith	2) Kurucz, Aaryanna	3) Pecha, Erica	4) Baker, Nell	
8 Southern Utah	A		12:15.58	1
1) Simard, Samantha	2) Kehr, Laura	3) Klemic, Kaysie	4) DeBos, Madisan	

Women High Jump**BSC Champ: 6-01.25 ! 2006****Britney Rogers, Northern Arizona****BSC All-Time: 6-02 # 1988****Amber Welty, Idaho State****Arena: 6-03.25 \$ 1984****Lisa Bernhagen, Wood River High School**

Name	School	Seed	Finals	Points
Finals				
1 Corbett, Lucy	Montana State	1.75m	1.72m	10
2 Booth, Jane	Montana	1.70m	J1.72m	8
3 Vanvleet Sturgis, Ashley	Idaho State	1.71m	J1.72m	6
4 Hayes, Julia	Idaho	1.68m	J1.72m	5
5 VanVleet, Brianna	Idaho State	1.63m	1.64m	3
5 Radtke, Morgan	Montana	1.65m	1.64m	3
5 Orton, Kapri	Idaho State	1.62m	1.64m	3
8 Christopherson, Courtney	Weber State	1.63m	J1.64m	.50
8 Dozier, Shelby	Sacramento St.	1.66m	J1.64m	.50
10 Phenix, NeNe	Northern Colorado	1.71m	J1.64m	
11 Wilson, Madeline	Northern Arizona	1.64m	1.59m	
11 Dunleavy, Ceil	Portland State	1.65m	1.59m	
13 Turner, Anya	Northern Colorado	1.60m	J1.59m	
13 Thareek, Rebecca	Eastern Washington	1.67m	J1.59m	
13 Nelson, Ginger	Idaho State	1.67m	J1.59m	
16 Bauer, McKayla	Northern Colorado	1.65m	J1.59m	
16 Johnson, Zoe	Montana State	1.65m	J1.59m	
--- Elliott, Taylor	Portland State	1.71m	NH	
--- Barnes, Emily	Weber State	1.63m	NH	
--- Oates, Alyssa	Eastern Washington	1.67m	NH	
--- Dodge, Abby	Montana	1.58m	NH	
--- Pettit, Mackenzie	Northern Colorado	1.69m	NH	
--- Wilson, Madison	Eastern Washington	1.67m	NH	

Women Pole Vault**BSC Champ: 14-02 ! 2012****Keisa Monterola, Eastern Washington****BSC All-Time: 14-04 # 2012****Keisa Monterola, Eastern Washington****Arena: 15-06 \$ 2003****Stacy Dragila, Nike**

Name	School	Seed	Finals	Points
Finals				
1 Anger, Brooke	Idaho State	3.91m	3.98m	10
2 Schultz, Savannah	Eastern Washington	4.10m	3.93m	8

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Amistad App. 0087

2022 Women's Ivy League Swimming & Diving
Championship Results
February 16-19, 2022

Available at:

[http://www.meetresults.com/2022/ivies/results.ht
ml](http://www.meetresults.com/2022/ivies/results.html)

[permalink: <https://perma.cc/RFA7-6YDX>]

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HY-TEK's MEET MANAGER 8.0 2/20/2022 02:09 PM

Women's Ivy League Swimming & Diving Championships

February 16-19, 2022 - Harvard University

Results

Event 1 Women 200 Yard Medley Relay

=====			
Meet Record: M 1:37.30	2018 Yale		
	H.Vanderwel, C.O'Leary, M.Zimmerman, B.Hindley		
Pool Record: P 1:37.30	2018 Yale		
	H.Vanderwel, C.O'Leary, M.Zimmerman, B.Hindley		
NCAA A Std: A 1:36.40			
NCAA B Std: B 1:37.05			
School	Seed	Finals	Points
=====			
1 Princeton University	1:38.96	1:38.66	64
1) Pappas, Alexa FR	2) Wang, Vivian SR		
3) Venema, Nikki JR	4) Bradley, Christina JR		
2 Yale University	1:37.48	1:38.91	56
1) Wagner, Lindsey SO	2) Buckley, Marykate JR		
3) Pilkinton, Ophelia SO	4) Henig, Iszac JR		
3 Harvard University	1:40.80	1:39.14	54
1) Pasadyn, Felicia SR	2) Denisenko, Aleksandra FR		
3) Carr, Abigail FR	4) Brenner, Mandy FR		
4 Brown University	1:41.71	1:40.22	52
1) Reznicek, Jenna FR	2) Willhite, Kellie SO		
3) Chidley, Nell JR	4) Scott, Samantha SO		
5 University of Pennsylvania	1:40.31	1:40.33	50
1) Kannan, Hannah SR	2) Maizes, Rachel SR		
3) Chong, Vanessa FR	4) Kaczorowski, Margot JR		
6 Columbia University	1:42.27	1:42.05	48
1) Pruden, Mary SR	2) Walker, Allegra SO		
3) Wang, Emily SR	4) Arevalo, Isabelle JR		
7 Cornell University	1:44.19	1:43.17	46
1) Munoz, Aviva JR	2) Tsai, Sophia FR		
3) Gruvberger, Anna SO	4) Wongso, Priscilla SO		
8 Dartmouth College	1:46.95	1:44.54	44
1) Zhang, Connie JR	2) Zhang, Rachel FR		
3) Howley, Mary FR	4) Wortzman, Zoe JR		

Event 2 Women 800 Yard Freestyle Relay

=====			
Meet Record: M 6:59.92	2020 Harvard		
	M. Dahlke, S. Shelton, K. Quist, F. Pasadyn		
Pool Record: P 7:05.06	2018 Harvard		
	M. Dahlke, K. Quist, G. Enoch, M. Popp		
NCAA A Std: A 7:00.86			
NCAA B Std: B 7:05.88			
School	Seed	Finals	Points
=====			
1 Harvard University	7:15.97	7:06.66	64
1) Pasadyn, Felicia SR	2) Shelton, Samantha JR		
3) Bullock, Addie Rose SO	4) Hamlin, Molly FR		
2 Yale University	7:16.64	7:08.33	56
1) Henig, Iszac JR	2) Massey, Alexandra FR		
3) Jones, Raime JR	4) Moesch, Marlise SR		
3 University of Pennsylvania	7:14.50	7:09.91	54
1) Thomas, Lia SR	2) Kaczorowski, Margot JR		
3) Kalandadze, Anna Sofia JR	4) O'Leary, Bridget JR		
4 Princeton University	7:18.36	7:16.00	52
1) Venema, Nikki JR	2) Marquardt, Ellie SO		
3) Liu, Amelia JR	4) Valdman, Nathalie SO		
5 Columbia University	7:20.76	7:16.55	50

1) Ganihanova, Aziza SO	2) Jubin, Olivia JR			
3) Martin, Allison FR	4) Breiter, Callie SO			
6 Dartmouth College		7:36.02	7:20.86	48
1) Post, Ashley JR	2) Leko, Mia JR			
3) Wiener, Sophie FR	4) Wortzman, Zoe JR			
7 Brown University		7:29.88	7:21.75	46
1) Podurgiel, Anna FR	2) Barrett, Sara FR			
3) Bilgin, Zehra FR	4) Orange, Audrey JR			
8 Cornell University		7:33.06	7:27.74	44
1) Parker, Melissa JR	2) Syrkin, Alex FR			
3) Sih, Angelica SO	4) DuPont, Schuyler FR			

Event 3 Women 500 Yard Freestyle

Meet Record: M 4:36.37 2020 Ellie Marquardt (Princeton)
Pool Record: P 4:37.64 2007 Kate Ziegler (Fish)
NCAA A Std: A 4:35.76
NCAA B Std: B 4:47.20

Name	Year School	Prelims	Finals	Points
A - Final				
1 Thomas, Lia	SR Penn	4:41.19	4:37.32P	32
2 Buroker, Catherine	SO Penn	4:47.22	4:44.83B	28
3 Marquardt, Ellie	SO Princeton	4:48.61	4:46.63B	27
4 Kalandadze, Anna Sofia	JR Penn	4:46.62	4:47.54	26
5 Loomis, Ashley	SR Yale	4:49.24	4:48.72	25
6 Ganihanova, Aziza	SO Columbia	4:48.60	4:48.88	24
7 Cavanagh, Erin	FR Harvard	4:47.38	4:49.04	23
8 Thompson, Mikki	SR Harvard	4:49.99	4:52.59	22
B - Final				
9 O'Leary, Bridget	JR Penn	4:50.20	4:47.77	20
10 Giroto, Amelia	FR Penn	4:51.87	4:49.88	17
11 Kim, Junseo	FR Yale	4:51.64	4:50.20	16
12 Rose, Carlie	FR Harvard	4:52.20	4:50.26	15
13 Appleton, Emily	FR Princeton	4:54.10	4:51.66	14
14 Valdman, Nathalie	SO Princeton	4:52.80	4:51.72	13
15 Hazlett, Kate	SO Harvard	4:54.05	4:53.53	12
16 Barrett, Sara	FR Brown	4:52.14	4:54.11	11
C - Final				
17 Jubin, Olivia	JR Columbia	4:54.85	4:52.20	9
18 Giddings, Grace	SR Penn	4:56.83	4:55.91	7
19 Minnigh, Sarah	JR Dartmouth	4:56.37	4:56.03	6
20 Antoniuk, Bella	FR Brown	5:00.94	4:56.16	5
21 Iorini, Maria	SO Brown	4:57.45	4:58.27	4
22 Mannion, Macey	SO Princeton	5:01.16	4:58.65	3
23 Orange, Audrey	JR Brown	4:54.30	4:58.68	2
24 Breiter, Callie	SO Columbia	4:58.56	5:02.20	1

Event 3 Women 500 Yard Freestyle

Meet Record: M 4:36.37 2020 Ellie Marquardt (Princeton)
Pool Record: P 4:37.64 2007 Kate Ziegler (Fish)
NCAA A Std: A 4:35.76
NCAA B Std: B 4:47.20

Name	Year School	Seed	Prelims
Preliminaries			
1 Thomas, Lia	SR Penn	4:34.06	4:41.19B
2 Kalandadze, Anna Sofia	JR Penn	4:47.93	4:46.62B
3 Buroker, Catherine	SO Penn	4:58.67	4:47.22
4 Cavanagh, Erin	FR Harvard	4:47.98	4:47.38
5 Ganihanova, Aziza	SO Columbia	4:50.71	4:48.60
6 Marquardt, Ellie	SO Princeton	4:47.28	4:48.61
7 Loomis, Ashley	SR Yale	4:52.23	4:49.24
8 Thompson, Mikki	SR Harvard	5:02.27	4:49.99

9	O'Leary, Bridget	JR Penn	5:03.20	4:50.20
10	Kim, Junseo	FR Yale	4:53.98	4:51.64
11	Giroto, Amelia	FR Penn	4:55.47	4:51.87
12	Barrett, Sara	FR Brown	4:52.57	4:52.14
13	Rose, Carlie	FR Harvard	4:54.43	4:52.20
14	Valdman, Nathalie	SO Princeton	4:54.31	4:52.80
15	Hazlett, Kate	SO Harvard	4:56.20	4:54.05
16	Appleton, Emily	FR Princeton	4:53.07	4:54.10
17	Orange, Audrey	JR Brown	4:57.48	4:54.30
18	Jubin, Olivia	JR Columbia	4:57.20	4:54.85
19	Minnigh, Sarah	JR Dartmouth	5:07.26	4:56.37
20	Giddings, Grace	SR Penn	4:54.25	4:56.83
21	Iorini, Maria	SO Brown	4:58.88	4:57.45
22	Breiter, Callie	SO Columbia	4:54.27	4:58.56
23	Antoniuk, Bella	FR Brown	4:53.03	5:00.94
24	Mannion, Macey	SO Princeton	5:01.01	5:01.16
25	Caverly, Gillian	SR Cornell	5:22.63	5:01.67
26	Cianciolo, Christina	SO Dartmouth	5:13.70	5:01.91
27	Larsen, Clare	SR Columbia	5:02.48	5:03.18
28	Jiang, Joy	FR Penn	5:00.53	5:03.66
29	Danko, Allie	FR Cornell	4:59.45	5:04.34
30	Peng, Jessica	JR Columbia	5:03.15	5:04.39
31	Munoz, Aviva	JR Cornell	5:05.35	5:05.77
32	Durak, Anna	SR Princeton	5:10.71	5:05.81
33	Pujadas, Riley	FR Columbia	5:08.07	5:06.31
34	Wiener, Sophie	FR Dartmouth	5:12.46	5:06.97
35	Barry, Hayden	FR Dartmouth	5:18.17	5:08.40
36	Maizes, Deede	SR Cornell	5:11.01	5:10.61

Event 4 Women 200 Yard IM

Meet Record: M 1:55.09 2013 Katie Meili (Columbia)
 Pool Record: P 1:57.11 1981 Tracy Caulkins (Nashville)
 NCAA A Std: A 1:53.66
 NCAA B Std: B 1:59.94

Name	Year	School	Prelims	Finals	Points
A - Final					
1	Shelton, Samantha	JR Harvard	1:59.48	1:58.03B	32
2	Pasady, Felicia	SR Harvard	1:58.86	1:58.25B	28
3	Whitmire, Liza	SO Princeton	2:00.82	1:59.29B	27
4	Denisenko, Aleksandra	FR Harvard	2:01.16	2:00.69	26
5	Jones, Raime	JR Yale	2:02.28	2:01.24	25
6	Weng, Vivian	FR Yale	2:01.64	2:01.90	24
7	Buckley, Maggie	FR Harvard	2:02.15	2:01.94	23
--	Yeager, Jess	SO Princeton	1:59.48	DQ	1:58.49
Head did not break the surface by 15 meters - fly					
B - Final					
9	McDonald, Margaux	SO Princeton	2:02.35	2:01.31	20
10	Podurgiel, Anna	FR Brown	2:02.41	2:01.65	17
11	Leko, Mia	JR Dartmouth	2:02.85	2:02.48	16
12	Paoletti, Olivia	JR Yale	2:02.68	2:02.90	15
13	Chong, Vanessa	FR Penn	2:02.69	2:03.08	14
14	Pytel, Isabella	FR Penn	2:02.41	2:03.31	13
15	Korbly, Isabella	FR Princeton	2:03.12	2:03.42	12
16	Boeckman, Anna	FR Penn	2:02.82	2:03.52	11
C - Final					
17	Martin, Allison	FR Columbia	2:03.42	2:02.67	9
18	Lukawski, Audrey	SR Brown	2:03.62	2:02.85	7
19	Maizes, Rachel	SR Penn	2:03.66	2:03.06	6
20	Baldari, Alessandra	SR Yale	2:03.70	2:03.27	5

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21 Wang, Vivian	SR Princeton	2:03.26	2:03.45	4
22 Sutter, Olivia	SO Cornell	2:04.83	2:03.80	3
23 Williams, Marie	SO Cornell	2:03.92	2:04.56	2
24 Chen, Jaime	FR Princeton	2:05.02	2:06.16	1

Event 4 Women 200 Yard IM

Meet Record: M 1:55.09 2013 Katie Meili (Columbia)
Pool Record: P 1:57.11 1981 Tracy Caulkins (Nashville)
NCAA A Std: A 1:53.66
NCAA B Std: B 1:59.94

Name	Year School	Seed	Prelims
Preliminaries			
1 Pasadyn, Felicia	SR Harvard	2:00.20	1:58.86B
2 Yeager, Jess	SO Princeton	2:00.86	1:59.48B
2 Shelton, Samantha	JR Harvard	2:02.16	1:59.48B
4 Whitmire, Liza	SO Princeton	2:00.54	2:00.82
5 Denisenko, Aleksandra	FR Harvard	2:01.45	2:01.16
6 Weng, Vivian	FR Yale	2:06.74	2:01.64
7 Buckley, Maggie	FR Harvard	2:02.84	2:02.15
8 Jones, Raime	JR Yale	2:02.99	2:02.28
9 McDonald, Margaux	SO Princeton	2:02.04	2:02.35
10 Podurgiel, Anna	FR Brown	2:04.52	2:02.41
10 Pytel, Isabella	FR Penn	2:02.70	2:02.41
12 Paoletti, Olivia	JR Yale	2:04.63	2:02.68
13 Chong, Vanessa	FR Penn	2:01.41	2:02.69
14 Boeckman, Anna	FR Penn	2:03.23	2:02.82
15 Leko, Mia	JR Dartmouth	2:05.81	2:02.85
16 Korbly, Isabella	FR Princeton	2:05.65	2:03.12
17 Wang, Vivian	SR Princeton	2:03.18	2:03.26
18 Martin, Allison	FR Columbia	2:03.22	2:03.42
19 Lukawski, Audrey	SR Brown	2:04.57	2:03.62
20 Maizes, Rachel	SR Penn	2:12.74	2:03.66
21 Baldari, Alessandra	SR Yale	2:06.24	2:03.70
22 Williams, Marie	SO Cornell	2:05.60	2:03.92
23 Sutter, Olivia	SO Cornell	2:05.53	2:04.83
24 Chen, Jaime	FR Princeton	2:04.37	2:05.02
25 Walker, Allegra	SO Columbia	2:03.26	2:05.08
26 Takabayashi, Miku	SR Brown	2:02.67	2:05.56
27 Estabrook, Grace	SR Penn	2:06.02	2:05.65
28 Unas, Julia	FR Columbia	2:05.91	2:06.03
29 Laster, Susannah	JR Dartmouth	2:13.66	2:07.73
30 Chang, Allison	SR Cornell	2:06.88	2:07.96
31 Petersen, Amanda	FR Cornell	2:09.44	2:09.13
32 Parker, Bridget	SO Dartmouth	2:17.64	2:09.92
33 Hu, Ashley	FR Columbia	2:08.24	2:11.17
34 Moon, Zoe	FR Dartmouth	2:16.37	2:12.01
35 Wu, Amy	SO Cornell	2:13.99	2:13.79
-- xHeilbrun, Maddie	SR Harvard	2:07.59	X2:06.86

Event 5 Women 50 Yard Freestyle

Meet Record: M 21.83 2019 Bella Hindley (Yale)
Pool Record: P 22.34 2018 Bella Hindley (Yale)
NCAA A Std: A 21.66
NCAA B Std: B 22.76

Name	Year School	Prelims	Finals Points
A - Final			
1 Henig, Iszac	JR Yale	22.17	21.93P 32

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2	Venema, Nikki	JR Princeton	22.65	22.30P	28
3	Scott, Samantha	SO Brown	22.80	22.81	27
4	Bradley, Christina	JR Princeton	23.02	23.02	26
5	Wortzman, Zoe	JR Dartmouth	23.05	23.03	25
6	Pilkinton, Ophelia	SO Yale	23.06	23.05	24
7	Brenner, Mandy	FR Harvard	22.90	23.08	23
8	Liu, Amelia	JR Princeton	23.12	23.30	22
B - Final					
9	Wagner, Lindsey	SO Yale	23.14	23.12	20
10	Post, Ashley	JR Dartmouth	23.25	23.22	17
11	Parker, Melissa	JR Cornell	23.30	23.30	16
12	Arevalo, Isabelle	JR Columbia	23.44	23.35	15
13	Macdonald, Emily	FR Columbia	23.43	23.39	14
14	Secrest, Jennifer	JR Princeton	23.26	23.42	13
15	Kaczorowski, Margot	JR Penn	23.50	23.44	12
16	Carter, Camryn	JR Penn	23.51	23.46	11
C - Final					
17	Willhite, Kellie	SO Brown	23.54	23.38	9
18	Healy, Marissa	SO Yale	23.59	23.42	7
19	Wongso, Priscilla	SO Cornell	23.60	23.57	6
20	Buckley, Marykate	JR Yale	23.78	23.69	5
21	Young, Georgia	SO Columbia	23.77	23.79	4
22	Myers, Andie	SR Penn	23.68	23.85	3
23	Wang, Emily	SR Columbia	23.74	23.88	2
24	Gruvberger, Anna	SO Cornell	23.80	23.94	1

Event 5 Women 50 Yard Freestyle

Meet Record: M 21.83 2019 Bella Hindley (Yale)
 Pool Record: P 22.34 2018 Bella Hindley (Yale)
 NCAA A Std: A 21.66
 NCAA B Std: B 22.76

Name	Year	School	Seed	Prelims
Preliminaries				
1	Henig, Iszac	JR Yale	22.05	22.17P
2	Venema, Nikki	JR Princeton	22.59	22.65B
3	Scott, Samantha	SO Brown	23.13	22.80
4	Brenner, Mandy	FR Harvard	22.91	22.90
5	Bradley, Christina	JR Princeton	22.81	23.02
6	Wortzman, Zoe	JR Dartmouth	23.82	23.05
7	Pilkinton, Ophelia	SO Yale	23.06	23.06
8	Liu, Amelia	JR Princeton	23.06	23.12

9	Wagner, Lindsey	SO Yale	23.39	23.14
10	Post, Ashley	JR Dartmouth	23.72	23.25
11	Secrest, Jennifer	JR Princeton	23.61	23.26
12	Parker, Melissa	JR Cornell	23.15	23.30
13	Macdonald, Emily	FR Columbia	23.38	23.43
14	Arevalo, Isabelle	JR Columbia	23.21	23.44
15	Kaczorowski, Margot	JR Penn	23.44	23.50
16	Carter, Camryn	JR Penn	23.84	23.51

17	Willhite, Kellie	SO Brown	23.51	23.54
18	Healy, Marissa	SO Yale	23.33	23.59
19	Wongso, Priscilla	SO Cornell	23.39	23.60
20	Myers, Andie	SR Penn	24.31	23.68
21	Wang, Emily	SR Columbia	23.57	23.74
22	Young, Georgia	SO Columbia	23.84	23.77
23	Buckley, Marykate	JR Yale	25.14	23.78
24	Gruvberger, Anna	SO Cornell	23.69	23.80

25	Bullock, Addie Rose	SO Harvard	23.41	23.86
26	Matsushima, Sage	JR Brown	24.27	23.87

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27 Moesch, Marlise	SR Yale	24.56	24.05
28 Zhang, Tori	FR Cornell	24.19	24.09
29 Tsai, Sophia	FR Cornell	23.93	24.18
30 Zhang, Connie	JR Dartmouth	25.03	24.39
31 Syrkin, Alex	FR Cornell	24.65	24.50
32 Wong, Anthea	FR Columbia	24.00	24.53
33 Zwart, Eleanor	JR Dartmouth	24.92	24.63
34 Zhang, Rachel	FR Dartmouth	24.80	24.74
35 Van Steyn, Kenna	SR Dartmouth	27.17	25.18
36 Kramer, Katherine	FR Dartmouth	25.70	25.95
37 Hamlen, Izzy	FR Dartmouth	25.89	26.00
-- xLe, Tina	JR Columbia	23.77	X24.20
-- xOhr, Joelle	SO Cornell	24.25	X24.37

Event 6 Women 1 mtr Diving

Meet Record: M 314.20 2016 Mikaela Thompson (Harvard)
 Pool Record: P 324.15 1987 Jenny Greene (Harvard)
 NCAA A Std: A 265.00

Name	Year School	Prelims	Finals	Points
A - Final				
1 Laverty, Katie	FR Harvard	246.55	288.15A	32
2 Herculano, Morgane	SR Harvard	272.95	282.95A	28
3 Lawrence, Esther	SR Harvard	269.15	274.55A	27
4 Edvalson, Remi	FR Harvard	257.45	268.45A	26
5 Francella, Olivia	JR Penn	247.05	254.45	25
6 Geier, Evie	JR Harvard	259.40	249.45	23.5
6 Diakova, Alice	SO Columbia	245.95	249.45	23.5
8 Seltzer, Maddie	FR Princeton	252.15	242.75	22
B - Final				
9 Henderson, Hayden	FR Yale	243.80	266.85A	20
10 Lichen, Isabella	JR Dartmouth	244.95	261.85	17
11 Jendritz, Elise	JR Cornell	245.10	261.55	16
12 Wotovich, Amy	FR Harvard	239.45	252.00	15
13 Mitchell, Liv	SR Brown	239.40	249.95	14
14 Williams, Demetra	SR Cornell	242.60	245.40	13
15 Milne, Georgi	SR Harvard	240.55	242.95	12
16 Rosendalh, Brighida	SR Columbia	240.40	239.70	11

Event 6 Women 1 mtr Diving

Meet Record: M 314.20 2016 Mikaela Thompson (Harvard)
 Pool Record: P 324.15 1987 Jenny Greene (Harvard)
 NCAA A Std: A 265.00

Name	Year School	Seed	Prelims
Preliminaries			
1 Herculano, Morgane	SR Harvard	291.80	272.95A
2 Lawrence, Esther	SR Harvard	284.48	269.15A
3 Geier, Evie	JR Harvard	281.63	259.40
4 Edvalson, Remi	FR Harvard	286.43	257.45
5 Seltzer, Maddie	FR Princeton	279.80	252.15
6 Francella, Olivia	JR Penn	264.60	247.05
7 Laverty, Katie	FR Harvard	285.98	246.55
8 Diakova, Alice	SO Columbia	294.68	245.95
9 Jendritz, Elise	JR Cornell	289.35	245.10
10 Lichen, Isabella	JR Dartmouth	292.10	244.95
11 Henderson, Hayden	FR Yale	291.50	243.80
12 Williams, Demetra	SR Cornell	286.58	242.60
13 Milne, Georgi	SR Harvard	266.00	240.55
14 Rosendalh, Brighida	SR Columbia	268.43	240.40
15 Wotovich, Amy	FR Harvard	298.05	239.45
16 Mitchell, Liv	SR Brown	285.08	239.40
17 Feord, Julia	JR Brown	277.80	236.20

18 Lee, Michelle	SR Columbia	274.73	234.80
19 Miclau, Elizabeth	SO Harvard	273.98	229.55
20 Johnsson-Stjernstrom, Ha	SO Princeton	251.35	224.80
21 Palacios, Alyssa	FR Dartmouth	288.45	219.40
22 Thibodeau, Genevieve	FR Yale	266.85	218.10
23 Chin, Audrey	SO Harvard	240.00	216.95
24 Brinker, Alexa	FR Brown	267.15	206.25
25 Singh, Ishani	SO Yale	241.70	202.30
26 Shao, Stephanie	FR Yale	306.75	198.95
27 Parker, Madeleine	FR Penn	234.38	197.40
28 Ennis, Maya	FR Yale	269.25	190.15
29 Stein, Samantha	SO Penn	216.52	163.35
30 Jin, Laurel	FR Yale	272.33	149.85

Event 7 Women 200 Yard Freestyle Relay

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 Meet Record: M 1:29.69 2017 Yale
 B. Hindley, K. Rogers, M. Zimmerman, K. Zhou
 Pool Record: P 1:30.50 2018 Harvard
 M. Colby, I. Wall, J. Li, M. Dahlke

NCAA A Std: A 1:28.43

NCAA B Std: B 1:29.21

School	Seed	Finals	Points
1 Yale University	1:30.14	1:29.66M	64
1) Henig, Iszac JR			
3) Pilkinton, Ophelia SO			
2 Princeton University	1:31.22	1:30.38P	56
1) Bradley, Christina JR			
3) Venema, Nikki JR			
3 Harvard University	1:32.48	1:31.90	54
1) Brenner, Mandy FR			
3) Bullock, Addie Rose SO			
4 University of Pennsylvania	1:33.67	1:32.45	52
1) Kaczorowski, Margot JR			
3) Kannan, Hannah SR			
5 Brown University	1:33.70	1:32.75	50
1) Scott, Samantha SO			
3) Willhite, Kellie SO			
6 Columbia University	1:33.69	1:32.97	48
1) Wang, Emily SR			
3) Young, Georgia SO			
7 Dartmouth College	1:36.75	1:33.08	46
1) Wortzman, Zoe JR			
3) Wiener, Sophie FR			
8 Cornell University	1:33.64	1:33.86	44
1) Wongso, Priscilla SO			
3) Gruvberger, Anna SO			

Event 8 Women 1000 Yard Freestyle

=====
 Meet Record: M 9:33.43 2008 Alicia Aemisegger (Princeton)
 Pool Record: P 9:28.49 2007 Kate Ziegler (Fish)

Name	Year School	Seed	Finals	Points
1 Buroker, Catherine	SO Penn	9:56.25	9:43.54	32
2 Kalandadze, Anna Sofia	JR Penn	9:48.15	9:50.05	28
3 Ganihanova, Aziza	SO Columbia	10:04.73	9:53.92	27
4 Giddings, Grace	SR Penn	9:58.45	9:57.15	26
5 Loomis, Ashley	SR Yale	9:58.46	9:57.92	25
6 Barrett, Sara	FR Brown	10:01.75	9:58.96	24
7 Rose, Carlie	FR Harvard	10:14.20	9:59.40	23
8 Giroto, Amelia	FR Penn	10:06.22	10:02.02	22
9 Ruppert-Gomez, Marcella	JR Harvard	10:11.87	10:02.70	20
10 Valdman, Nathalie	SO Princeton	10:04.03	10:07.62	17

11	Minnigh, Sarah	JR Dartmouth	10:39.27	10:08.65	16	
12	Yoon, Grace	FR Harvard	10:23.13	10:10.22	15	
13	Paoletti, Isabella	FR Yale	10:12.35	10:12.51	14	
14	Cianciolo, Christina	SO Dartmouth	10:43.39	10:14.50	13	
15	Danko, Allie	FR Cornell	10:16.26	10:15.13	12	
16	Antoniuk, Bella	FR Brown	10:13.97	10:18.05	11	
17	Mannion, Macey	SO Princeton	10:22.26	10:19.39	9	
18	Takabayashi, Miku	SR Brown	10:36.64	10:19.97	7	
19	Jiang, Joy	FR Penn		NT	10:20.06	6
20	Maizes, Deedee	SR Cornell	10:41.76	10:33.72	5	
21	Barry, Hayden	FR Dartmouth	10:56.19	10:41.50	4	

Event 9 Women 400 Yard IM

Meet Record: M 4:06.15 2009 Alicia Aemisegger (Princeton)
 Pool Record: P 4:04.63 1981 Tracy Caulkins (Nashville)
 NCAA A Std: A 4:03.62
 NCAA B Std: B 4:17.30

Name	Year School	Prelims	Finals	Points	
A - Final					
1	Pasadyn, Felicia	SR Harvard	4:13.45	4:10.45B	32
2	Thompson, Mikki	SR Harvard	4:13.86	4:14.14B	28
3	Pruden, Mary	SR Columbia	4:17.22	4:15.00B	27
4	Marquardt, Ellie	SO Princeton	4:17.60	4:16.15B	26
5	Cavanagh, Erin	FR Harvard	4:17.17	4:16.24B	25
6	Yeager, Jess	SO Princeton	4:16.99	4:17.94	24
7	Paoletti, Olivia	JR Yale	4:18.70	4:18.48	23
8	Paoletti, Isabella	FR Yale	4:18.85	4:25.46	22
B - Final					
9	Hazlett, Kate	SO Harvard	4:18.88	4:16.05B	20
10	Whitmire, Liza	SO Princeton	4:21.91	4:18.19	17
11	Appleton, Emily	FR Princeton	4:20.30	4:18.27	16
12	Kim, Junseo	FR Yale	4:20.80	4:18.82	15
13	Yoon, Grace	FR Harvard	4:19.01	4:18.91	14
14	Boeckman, Anna	FR Penn	4:20.63	4:20.00	13
15	Buckley, Maggie	FR Harvard	4:21.72	4:22.17	12
16	Boyer, Liz	JR Harvard	4:22.72	4:23.78	11
C - Final					
17	Clements, Emily	SO Brown	4:23.22	4:19.20	9
18	Brault, Ellie	FR Brown	4:24.44	4:20.44	7
19	Whall, Emma	SR Brown	4:27.84	4:22.53	6
20	Sutter, Olivia	SO Cornell	4:23.28	4:22.75	5
21	Williams, Marie	SO Cornell	4:31.17	4:26.58	4
22	Unas, Julia	FR Columbia	4:34.02	4:30.43	3
23	Ruppert-Gomez, Marcella	JR Harvard	4:28.71	4:34.33	2
24	Parker, Bridget	SO Dartmouth	4:37.68	4:40.15	1

Event 9 Women 400 Yard IM

Meet Record: M 4:06.15 2009 Alicia Aemisegger (Princeton)
 Pool Record: P 4:04.63 1981 Tracy Caulkins (Nashville)
 NCAA A Std: A 4:03.62
 NCAA B Std: B 4:17.30

Name	Year School	Seed	Prelims		
Preliminaries					
1	Pasadyn, Felicia	SR Harvard	4:13.82	4:13.45B	
2	Thompson, Mikki	SR Harvard	4:25.40	4:13.86B	
3	Yeager, Jess	SO Princeton		NT	4:16.99B
4	Cavanagh, Erin	FR Harvard	4:13.69	4:17.17B	
5	Pruden, Mary	SR Columbia	4:18.92	4:17.22B	
6	Marquardt, Ellie	SO Princeton	4:13.99	4:17.60	
7	Paoletti, Olivia	JR Yale	4:18.97	4:18.70	
8	Paoletti, Isabella	FR Yale	4:25.22	4:18.85	

9	Hazlett, Kate	SO Harvard	4:17.49	4:18.88
10	Yoon, Grace	FR Harvard	NT	4:19.01
11	Appleton, Emily	FR Princeton	4:18.41	4:20.30
12	Boeckman, Anna	FR Penn	4:25.02	4:20.63
13	Kim, Junseo	FR Yale	4:25.08	4:20.80
14	Buckley, Maggie	FR Harvard	4:22.18	4:21.72
15	Whitmire, Liza	SO Princeton	4:19.77	4:21.91
16	Boyer, Liz	JR Harvard	4:23.09	4:22.72
17	Clements, Emily	SO Brown	4:27.06	4:23.22
18	Sutter, Olivia	SO Cornell	4:26.60	4:23.28
19	Brault, Ellie	FR Brown	4:25.15	4:24.44
20	Whall, Emma	SR Brown	4:33.38	4:27.84
21	Ruppert-Gomez, Marcella	JR Harvard	4:30.90	4:28.71
22	Williams, Marie	SO Cornell	4:29.96	4:31.17
23	Unas, Julia	FR Columbia	4:28.67	4:34.02
24	Parker, Bridget	SO Dartmouth	4:53.56	4:37.68
25	Petersen, Amanda	FR Cornell	4:34.69	4:37.93

Event 10 Women 100 Yard Butterfly

Meet Record: M 51.57 2013 Alex Forrester (Yale)
 Pool Record: P 51.89 2018 Miki Dahlke (Harvard)
 NCAA A Std: A 50.92
 NCAA B Std: B 53.76

Name	Year School	Prelims	Finals	Points
A - Final				
1	Venema, Nikki	JR Princeton	53.63	52.42B 32
2	Carr, Abigail	FR Harvard	53.86	52.69B 28
3	Henig, Iszac	JR Yale	53.53	52.82B 27
4	Massey, Alexandra	FR Yale	53.73	53.59B 26
5	Chidley, Nell	JR Brown	54.56	54.00 25
6	Reznicek, Jenna	FR Brown	54.00	54.08 24
7	Bradley, Christina	JR Princeton	54.39	54.16 23
8	Matsushima, Sage	JR Brown	54.63	54.64 22
B - Final				
9	Pilkinton, Ophelia	SO Yale	54.83	54.33 20
10	Myers, Andie	SR Penn	54.84	54.56 17
11	Kannan, Hannah	SR Penn	54.76	54.74 15.5
11	Chong, Vanessa	FR Penn	54.79	54.74 15.5
13	Murphy, Quinn	FR Yale	55.15	54.87 14
14	Secrest, Jennifer	JR Princeton	55.06	54.94 13
15	Bilgin, Zehra	FR Brown	54.83	54.97 12
16	Wang, Emily	SR Columbia	55.01	55.26 11
C - Final				
17	Brenner, Mandy	FR Harvard	55.42	54.48 9
18	Martin, Allison	FR Columbia	55.25	55.05 7
19	Baldari, Alessandra	SR Yale	55.19	55.24 6
20	Peng, Jessica	JR Columbia	55.36	55.25 5
21	Howley, Mary	FR Dartmouth	55.57	55.42 4
22	Chen, Jaime	FR Princeton	55.57	55.43 3
23	Pappas, Alexa	FR Princeton	55.44	56.02 2
24	Gruvberger, Anna	SO Cornell	55.65	56.50 1

Event 10 Women 100 Yard Butterfly

Meet Record: M 51.57 2013 Alex Forrester (Yale)
 Pool Record: P 51.89 2018 Miki Dahlke (Harvard)
 NCAA A Std: A 50.92
 NCAA B Std: B 53.76

Name	Year School	Seed	Prelims
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Preliminaries

1	Henig, Iszac	JR Yale	NT	53.53B
2	Venema, Nikki	JR Princeton	52.64	53.63B
3	Massey, Alexandra	FR Yale	54.41	53.73B
4	Carr, Abigail	FR Harvard	53.00	53.86
5	Reznicek, Jenna	FR Brown	54.05	54.00
6	Bradley, Christina	JR Princeton	53.41	54.39
7	Chidley, Nell	JR Brown	54.65	54.56
8	Matsushima, Sage	JR Brown	55.13	54.63

9	Kannan, Hannah	SR Penn	55.22	54.76
10	Chong, Vanessa	FR Penn	54.67	54.79
11	Bilgin, Zehra	FR Brown	55.38	54.83
11	Pilkinton, Ophelia	SO Yale	NT	54.83
13	Myers, Andie	SR Penn	55.62	54.84
14	Wang, Emily	SR Columbia	54.62	55.01
15	Secrest, Jennifer	JR Princeton	54.99	55.06
16	Murphy, Quinn	FR Yale	56.16	55.15

17	Baldari, Alessandra	SR Yale	55.06	55.19
18	Martin, Allison	FR Columbia	55.70	55.25
19	Peng, Jessica	JR Columbia	55.06	55.36
20	Brenner, Mandy	FR Harvard	55.83	55.42
21	Pappas, Alexa	FR Princeton	54.81	55.44
22	Chen, Jaime	FR Princeton	55.20	55.57
22	Howley, Mary	FR Dartmouth	57.37	55.57
24	Gruvberger, Anna	SO Cornell	55.81	55.65

25	Healy, Marissa	SO Yale	54.95	55.69
26	Wong, Anthea	FR Columbia	55.62	55.77

27	Waterson, Rebecca	FR Brown	56.46	56.23
28	Macdonald, Emily	FR Columbia	56.44	56.50
29	Hailu, Hannah	FR Columbia	56.50	56.64
30	Wortzman, Zoe	JR Dartmouth	NT	57.46
31	Zhang, Tori	FR Cornell	56.82	57.76
--	xRippon, Caylene	SR Brown	56.73	X56.40
--	xNewnam, Anna	SR Penn	56.69	X56.94

Event 11 Women 200 Yard Freestyle

Meet Record: M 1:43.78 2020 Miki Dahlke (Harvard)
Pool Record: P 1:45.00 2018 Miki Dahlke (Harvard)
NCAA A Std: A 1:42.98
NCAA B Std: B 1:47.12

Name	Year	School	Prelims	Finals	Points
=====					
A - Final					
1	Thomas, Lia	SR Penn	1:44.91	1:43.12M	32
2	Shelton, Samantha	JR Harvard	1:47.42	1:45.82B	28
3	Hamlin, Molly	FR Harvard	1:46.66	1:47.33	27
4	Post, Ashley	JR Dartmouth	1:48.09	1:47.48	26
5	Moesch, Marlise	SR Yale	1:48.25	1:48.09	25
6	O'Leary, Bridget	JR Penn	1:48.79	1:48.29	24
7	Kaczorowski, Margot	JR Penn	1:48.48	1:48.73	23
8	Leko, Mia	JR Dartmouth	1:47.96	1:49.29	22
B - Final					
9	Jones, Raime	JR Yale	1:48.89	1:48.17	20
10	Weng, Vivian	FR Yale	1:49.56	1:48.48	17
11	Podurgiel, Anna	FR Brown	1:48.94	1:49.17	16
12	Parker, Melissa	JR Cornell	1:50.45	1:50.01	15
13	Breiter, Callie	SO Columbia	1:50.56	1:50.18	14
14	Liu, Amelia	JR Princeton	1:51.63	1:50.19	13
15	Carter, Camryn	JR Penn	1:49.93	1:50.27	12
16	Jubin, Olivia	JR Columbia	1:51.34	1:50.30	11

C - Final

17 Orange, Audrey	JR Brown	1:51.64	1:51.80	9
18 Valdman, Nathalie	SO Princeton	1:52.62	1:52.14	7
19 Wiener, Sophie	FR Dartmouth	1:52.17	1:52.36	6
20 Syrkin, Alex	FR Cornell	1:52.28	1:52.43	5
21 Iorini, Maria	SO Brown	1:54.09	1:52.56	4
22 DuPont, Schuyler	FR Cornell	1:52.94	1:52.60	3
23 Young, Georgia	SO Columbia	1:53.54	1:53.03	2
24 Larsen, Clare	SR Columbia	1:52.88	1:53.32	1

Event 11 Women 200 Yard Freestyle

Meet Record: M 1:43.78 2020 Miki Dahlke (Harvard)
Pool Record: P 1:45.00 2018 Miki Dahlke (Harvard)
NCAA A Std: A 1:42.98
NCAA B Std: B 1:47.12

Name	Year School	Seed	Prelims
Preliminaries			
1 Thomas, Lia	SR Penn	1:41.93	1:44.91P
2 Hamlin, Molly	FR Harvard	1:49.44	1:46.66B
3 Shelton, Samantha	JR Harvard	1:50.63	1:47.42
4 Leko, Mia	JR Dartmouth	1:50.64	1:47.96
5 Post, Ashley	JR Dartmouth	1:52.39	1:48.09
6 Moesch, Marlise	SR Yale	1:48.65	1:48.25
7 Kaczorowski, Margot	JR Penn	1:55.27	1:48.48
8 O'Leary, Bridget	JR Penn	1:49.56	1:48.79

9 Jones, Raime	JR Yale	1:49.51	1:48.89
10 Podurgiel, Anna	FR Brown	1:49.88	1:48.94
11 Weng, Vivian	FR Yale	1:50.06	1:49.56
12 Carter, Camryn	JR Penn	1:54.78	1:49.93
13 Parker, Melissa	JR Cornell	1:49.61	1:50.45
14 Breiter, Callie	SO Columbia	1:50.17	1:50.56
15 Jubin, Olivia	JR Columbia	1:49.42	1:51.34
16 Liu, Amelia	JR Princeton	1:50.03	1:51.63

17 Orange, Audrey	JR Brown	1:51.69	1:51.64
18 Wiener, Sophie	FR Dartmouth	1:54.59	1:52.17
19 Syrkin, Alex	FR Cornell	1:51.40	1:52.28
20 Valdman, Nathalie	SO Princeton	1:49.84	1:52.62
21 Larsen, Clare	SR Columbia	1:52.12	1:52.88
22 DuPont, Schuyler	FR Cornell	1:53.03	1:52.94
23 Young, Georgia	SO Columbia	1:52.34	1:53.54
24 Iorini, Maria	SO Brown	1:52.75	1:54.09

25 Durak, Anna	SR Princeton	1:54.60	1:54.31
26 Arevalo, Isabelle	JR Columbia	1:52.73	1:54.53

27 Scott, Samantha	SO Brown	1:58.52	1:55.56
28 Sih, Angelica	SO Cornell	1:53.67	1:55.99
29 Maizes, Deedee	SR Cornell	1:54.84	1:57.23
-- xLe, Tina	JR Columbia	1:53.14	X1:52.41

Event 12 Women 100 Yard Breaststroke

Meet Record: M 58.44 2013 Katie Meili (Columbia)
Pool Record: P 59.64 2012 Katie Meili (Columbia)
NCAA A Std: A 58.46
NCAA B Std: B 1:01.84

Name	Year School	Prelims	Finals	Points
A - Final				
1 Denisenko, Aleksandra	FR Harvard	1:01.57	1:00.96B	32
2 Buckley, Marykate	JR Yale	1:02.48	1:01.69B	28

3	Franks, Ava	FR Yale	1:02.32	1:01.96	27
4	McDonald, Margaux	SO Princeton	1:02.21	1:02.48	26
5	Maizes, Rachel	SR Penn	1:02.50	1:02.76	25
6	Pytel, Isabella	FR Penn	1:02.77	1:02.88	24
7	Estabrook, Grace	SR Penn	1:02.46	1:03.07	23
8	Willhite, Kellie	SO Brown	1:02.88	1:03.20	22
B - Final					
9	Lukawski, Audrey	SR Brown	1:03.27	1:02.76	20
10	Brault, Ellie	FR Brown	1:04.23	1:03.05	17
11	Hu, Ashley	FR Columbia	1:03.60	1:03.30	16
12	Boyer, Liz	JR Harvard	1:03.66	1:03.47	15
13	Liu, Hannah	FR Penn	1:03.45	1:03.57	14
14	Walker, Allegra	SO Columbia	1:03.42	1:04.15	13
15	Wang, Vivian	SR Princeton	1:03.53	1:04.23	12
16	Wu, Amy	SO Cornell	1:05.07	1:04.76	11
C - Final					
17	Tsai, Sophia	FR Cornell	1:05.20	1:04.44	9
18	Chang, Allison	SR Cornell	1:06.04	1:05.11	7
19	Van Steyn, Kenna	SR Dartmouth	1:05.17	1:05.65	6
20	Zhang, Rachel	FR Dartmouth	1:07.44	1:07.66	5

Event 12 Women 100 Yard Breaststroke

=====
 Meet Record: M 58.44 2013 Katie Meili (Columbia)
 Pool Record: P 59.64 2012 Katie Meili (Columbia)
 NCAA A Std: A 58.46
 NCAA B Std: B 1:01.84

Name	Year School	Seed	Prelims
Preliminaries			
1	Denisenko, Aleksandra	FR Harvard	1:02.54 1:01.57B
2	McDonald, Margaux	SO Princeton	1:02.46 1:02.21
3	Franks, Ava	FR Yale	1:01.47 1:02.32
4	Estabrook, Grace	SR Penn	1:02.96 1:02.46
5	Buckley, Marykate	JR Yale	1:01.82 1:02.48
6	Maizes, Rachel	SR Penn	1:03.79 1:02.50
7	Pytel, Isabella	FR Penn	1:02.66 1:02.77
8	Willhite, Kellie	SO Brown	1:03.29 1:02.88

9	Lukawski, Audrey	SR Brown	1:03.58 1:03.27
10	Walker, Allegra	SO Columbia	1:02.76 1:03.42
11	Liu, Hannah	FR Penn	1:02.17 1:03.45
12	Wang, Vivian	SR Princeton	1:02.17 1:03.53
13	Hu, Ashley	FR Columbia	1:03.18 1:03.60
14	Boyer, Liz	JR Harvard	1:03.48 1:03.66
15	Brault, Ellie	FR Brown	1:03.39 1:04.23
16	Wu, Amy	SO Cornell	1:06.38 1:05.07

17	Van Steyn, Kenna	SR Dartmouth	1:07.61 1:05.17
18	Tsai, Sophia	FR Cornell	1:05.99 1:05.20
19	Chang, Allison	SR Cornell	1:05.13 1:06.04
20	Zhang, Rachel	FR Dartmouth	1:08.08 1:07.44
--	xRippon, Caylene	SR Brown	NT X1:06.14
--	xOhr, Joelle	SO Cornell	1:09.19 X1:09.36

Event 13 Women 100 Yard Backstroke

=====
 Meet Record: M 52.34 2019 Bella Hindley (Yale)
 Pool Record: P 52.45 2018 Heidi Vanderwel (Yale)
 NCAA A Std: A 50.93
 NCAA B Std: B 53.94

Name	Year School	Prelims	Finals Points
A - Final			
1	Reznicek, Jenna	FR Brown	52.43 52.94B 32

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2	Korbly, Isabella	FR Princeton	53.85	53.88B	28
3	Wagner, Lindsey	SO Yale	54.66	54.36	27
4	Hamlin, Molly	FR Harvard	54.25	54.38	26
5	Kannan, Hannah	SR Penn	53.76	54.42	25
6	Murphy, Quinn	FR Yale	54.72	54.54	24
7	Pappas, Alexa	FR Princeton	55.04	55.23	23
8	Bullock, Addie Rose	SO Harvard	55.20	55.30	22
B - Final					
9	Carr, Abigail	FR Harvard	55.42	54.20	20
10	Matsushima, Sage	JR Brown	55.66	55.60	17
11	Pruden, Mary	SR Columbia	55.47	55.62	16
12	Howley, Mary	FR Dartmouth	56.28	55.76	15
13	Clements, Emily	SO Brown	56.40	56.01	13.5
13	Waterson, Rebecca	FR Brown	56.22	56.01	13.5
15	Munoz, Aviva	JR Cornell	56.02	56.45	12
16	Caverly, Gillian	SR Cornell	56.58	56.92	11
C - Final					
17	Laster, Susannah	JR Dartmouth	57.42	56.31	9
18	Pujadas, Riley	FR Columbia	56.68	56.47	7
19	Hamlen, Izzy	FR Dartmouth	56.92	56.76	6
20	Hailu, Hannah	FR Columbia	57.07	57.05	5
21	Zhang, Connie	JR Dartmouth	57.60	57.50	4
22	Sih, Angelica	SO Cornell	57.99	58.07	3
23	Zwart, Eleanor	JR Dartmouth	57.77	58.15	2
24	Kramer, Katherine	FR Dartmouth	59.36	58.67	1

Event 13 Women 100 Yard Backstroke

=====
 Meet Record: M 52.34 2019 Bella Hindley (Yale)
 Pool Record: P 52.45 2018 Heidi Vanderwel (Yale)
 NCAA A Std: A 50.93
 NCAA B Std: B 53.94

Name	Year	School	Seed	Prelims
Preliminaries				
1	Reznicek, Jenna	FR Brown	52.94	52.43P
2	Kannan, Hannah	SR Penn	54.71	53.76B
3	Korbly, Isabella	FR Princeton	55.45	53.85B
4	Hamlin, Molly	FR Harvard	54.43	54.25
5	Wagner, Lindsey	SO Yale	53.58	54.66
6	Murphy, Quinn	FR Yale	54.64	54.72
7	Pappas, Alexa	FR Princeton	54.39	55.04
8	Bullock, Addie Rose	SO Harvard	55.35	55.20

9	Carr, Abigail	FR Harvard	54.65	55.42
10	Pruden, Mary	SR Columbia	55.68	55.47
11	Matsushima, Sage	JR Brown	56.67	55.66
12	Munoz, Aviva	JR Cornell	56.73	56.02
13	Waterson, Rebecca	FR Brown	56.34	56.22
14	Howley, Mary	FR Dartmouth	57.52	56.28
15	Clements, Emily	SO Brown	56.48	56.40
16	Caverly, Gillian	SR Cornell	56.90	56.58

17	Pujadas, Riley	FR Columbia	56.62	56.68
18	Hamlen, Izzy	FR Dartmouth	59.52	56.92
19	Hailu, Hannah	FR Columbia	57.30	57.07
20	Laster, Susannah	JR Dartmouth	59.81	57.42
21	Zhang, Connie	JR Dartmouth	59.25	57.60
22	Zwart, Eleanor	JR Dartmouth	59.22	57.77
23	Sih, Angelica	SO Cornell	57.09	57.99
24	Kramer, Katherine	FR Dartmouth	1:00.41	59.36

25	Moon, Zoe	FR Dartmouth	1:00.77	59.83
--	xMoore, Sophia	FR Yale	56.13	X56.08
--	xNewnam, Anna	SR Penn	NT	X59.62

Event 14 Women 400 Yard Medley Relay

Meet Record: M 3:32.72		2020 Harvard			
F. Pasadyn, J. Yegher, M. Dahlke, K. Quist					
Pool Record: P 3:34.22		2018 Yale			
H. Vanderwel, C. O'Leary, M. Zimmerman, B. Hindley					
NCAA A Std: A 3:31.66					
NCAA B Std: B 3:33.78					
School	Seed	Finals	Points		
1 Yale University	3:37.49	3:36.10	64		
1) Wagner, Lindsey SO	2) Buckley, Marykate JR				
3) Massey, Alexandra FR	4) Henig, Iszac JR				
2 Princeton University	3:39.60	3:38.63	56		
1) Korbly, Isabella FR	2) McDonald, Margaux SO				
3) Venema, Nikki JR	4) Bradley, Christina JR				
3 Brown University	3:43.62	3:41.72	54		
1) Reznicek, Jenna FR	2) Lukawski, Audrey SR				
3) Chidley, Nell JR	4) Scott, Samantha SO				
4 University of Pennsylvania	3:40.97	3:41.87	52		
1) Kannan, Hannah SR	2) Estabrook, Grace SR				
3) Chong, Vanessa FR	4) Thomas, Lia SR				
5 Columbia University	3:46.55	3:44.25	50		
1) Ganihanova, Aziza SO	2) Walker, Allegra SO				
3) Wang, Emily SR	4) Macdonald, Emily FR				
6 Dartmouth College	3:51.77	3:45.35	48		
1) Howley, Mary FR	2) Van Steyn, Kenna SR				
3) Leko, Mia JR	4) Post, Ashley JR				
7 Cornell University	3:50.79	3:48.25	46		
1) Munoz, Aviva JR	2) Wu, Amy SO				
3) Gruvberger, Anna SO	4) Wongso, Priscilla SO				
-- Harvard University	3:40.88 DQ	3:35.82			
Early take-off swimmer #3					
1) Pasadyn, Felicia SR	2) Denisenko, Aleksandra FR				
3) Carr, Abigail FR	4) Brenner, Mandy FR				

Event 15 Women 1650 Yard Freestyle

Meet Record: M 15:57.34		2009 Alicia Aemisegger (Princeton)			
Pool Record: P 15:50.23		1981 Kim Linehan (Longhorn)			
NCAA A Std: A 15:52.41					
NCAA B Std: B 16:30.59					
Name	Year School	Seed	Finals	Points	
1 Buroker, Catherine	SO Penn	16:23.72	16:21.17B	32	
2 Marquardt, Ellie	SO Princeton	16:34.66	16:28.22B	28	
3 Kalandadze, Anna Sofia	JR Penn	16:31.12	16:28.85B	27	
4 Loomis, Ashley	SR Yale	NT	16:36.57	26	
5 Giddings, Grace	SR Penn	16:44.50	16:37.79	25	
6 Giroto, Amelia	FR Penn	17:11.04	16:41.17	24	
7 Barrett, Sara	FR Brown	16:46.54	16:47.86	23	
8 Minnigh, Sarah	JR Dartmouth	17:40.40	16:48.35	22	
9 Jubin, Olivia	JR Columbia	NT	16:49.80	20	
10 Appleton, Emily	FR Princeton	16:45.59	16:53.62	17	
11 O'Leary, Bridget	JR Penn	NT	16:53.92	16	
12 Rose, Carlie	FR Harvard	17:02.13	16:56.05	15	
13 Paoletti, Isabella	FR Yale	NT	17:00.65	14	
14 Whall, Emma	SR Brown	NT	17:00.83	13	
15 Orange, Audrey	JR Brown	17:13.49	17:05.76	12	
16 Ruppert-Gomez, Marcella	JR Harvard	16:56.38	17:06.04	11	
17 Cianciolo, Christina	SO Dartmouth	NT	17:11.28	9	
18 Antoniuk, Bella	FR Brown	17:01.85	17:12.66	7	
19 Danko, Allie	FR Cornell	17:04.31	17:14.64	6	
20 Mannion, Macey	SO Princeton	NT	17:15.62	5	

21 Takabayashi, Miku	SR Brown	NT	17:18.05	4
22 Durak, Anna	SR Princeton	NT	17:40.30	3
23 Barry, Hayden	FR Dartmouth		18:15.71 17:54.27	2

Event 16 Women 200 Yard Backstroke

=====
 Meet Record: M 1:52.56 2020 Felicia Pasadyn (Harvard)
 Pool Record: P 1:54.64 2018 Quinn Scannell (Pennsylvania)
 NCAA A Std: A 1:50.50
 NCAA B Std: B 1:57.11

Name	Year School	Prelims	Finals	Points
A - Final				
1 Pasadyn, Felicia	SR Harvard	1:55.69	1:53.58P	32
2 Massey, Alexandra	FR Yale	1:58.02	1:57.39	28
3 Murphy, Quinn	FR Yale	1:58.09	1:57.42	27
4 Whitmire, Liza	SO Princeton	1:57.08	1:57.44	26
5 Kannan, Hannah	SR Penn	1:57.61	1:57.54	25
6 Korbly, Isabella	FR Princeton	1:57.97	1:57.71	24
7 Pruden, Mary	SR Columbia	1:58.65	1:59.13	23
8 Ganihanova, Aziza	SO Columbia	1:58.16	1:59.27	22
B - Final				
9 Hazlett, Kate	SO Harvard	1:58.96	1:57.26	20
10 Clements, Emily	SO Brown	1:59.50	1:59.25	17
11 Jones, Raime	JR Yale	2:00.59	1:59.61	16
12 Bullock, Addie Rose	SO Harvard	1:59.47	1:59.87	15
13 Cavanagh, Erin	FR Harvard	2:01.03	2:00.40	14
14 Munoz, Aviva	JR Cornell	2:01.03	2:00.43	13
15 Chidley, Nell	JR Brown	2:00.02	2:00.65	12
16 Laster, Susannah	JR Dartmouth	2:01.41	2:00.71	11
C - Final				
17 Waterson, Rebecca	FR Brown	2:02.62	2:01.60	9
18 Carter, Camryn	JR Penn	2:01.48	2:01.70	7
19 Howley, Mary	FR Dartmouth	2:02.17	2:01.77	6
20 Caverly, Gillian	SR Cornell	2:01.79	2:01.79	5
21 Pujadas, Riley	FR Columbia	2:01.89	2:01.86	4
22 Hailu, Hannah	FR Columbia	2:02.88	2:02.49	3
23 Williams, Marie	SO Cornell	2:01.74	2:02.70	2
24 Sutter, Olivia	SO Cornell	2:03.55	2:03.19	1

Event 16 Women 200 Yard Backstroke

=====
 Meet Record: M 1:52.56 2020 Felicia Pasadyn (Harvard)
 Pool Record: P 1:54.64 2018 Quinn Scannell (Pennsylvania)
 NCAA A Std: A 1:50.50
 NCAA B Std: B 1:57.11

Name	Year School	Seed	Prelims
Preliminaries			
1 Pasadyn, Felicia	SR Harvard	1:54.97	1:55.69B
2 Whitmire, Liza	SO Princeton	1:58.40	1:57.08B
3 Kannan, Hannah	SR Penn	1:59.69	1:57.61
4 Korbly, Isabella	FR Princeton	1:59.43	1:57.97
5 Massey, Alexandra	FR Yale	1:57.32	1:58.02
6 Murphy, Quinn	FR Yale	1:58.18	1:58.09
7 Ganihanova, Aziza	SO Columbia	1:58.23	1:58.16
8 Pruden, Mary	SR Columbia	1:59.28	1:58.65
9 Hazlett, Kate	SO Harvard	1:57.75	1:58.96
10 Bullock, Addie Rose	SO Harvard	2:03.08	1:59.47
11 Clements, Emily	SO Brown	1:58.89	1:59.50
12 Chidley, Nell	JR Brown	2:01.77	2:00.02
13 Jones, Raime	JR Yale	2:00.71	2:00.59
14 Cavanagh, Erin	FR Harvard	1:58.23	2:01.03
14 Munoz, Aviva	JR Cornell	2:02.97	2:01.03

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16 Laster, Susannah	JR Dartmouth	2:07.95	2:01.41
17 Carter, Camryn	JR Penn	2:02.91	2:01.48
18 Williams, Marie	SO Cornell	2:01.13	2:01.74
19 Caverly, Gillian	SR Cornell	2:02.86	2:01.79
20 Pujadas, Riley	FR Columbia	2:02.66	2:01.89
21 Howley, Mary	FR Dartmouth	2:05.64	2:02.17
22 Waterson, Rebecca	FR Brown	2:03.77	2:02.62
23 Hailu, Hannah	FR Columbia	2:02.60	2:02.88
24 Sutter, Olivia	SO Cornell	2:04.31	2:03.55
25 Hamlen, Izzy	FR Dartmouth	2:09.31	2:03.99
26 DuPont, Schuyler	FR Cornell	2:04.95	2:05.82
27 Zhang, Connie	JR Dartmouth	2:13.04	2:06.30
28 Moon, Zoe	FR Dartmouth	2:09.79	2:06.32
29 Sih, Angelica	SO Cornell	2:03.48	2:06.54
30 Kramer, Katherine	FR Dartmouth	2:09.68	2:06.72
31 Zwart, Eleanor	JR Dartmouth	2:10.17	2:08.09
-- xMoore, Sophia	FR Yale	2:02.21	X2:03.48
-- xHeilbrun, Maddie	SR Harvard	2:05.86	X2:05.15
-- Reznicek, Jenna	FR Brown	1:58.63	DQ 2:04.77
False start			

Event 17 Women 100 Yard Freestyle

Meet Record: M 47.85 2019 Bella Hindley (Yale)
 Pool Record: P 48.64 2018 Miki Dahlke (Harvard)
 NCAA A Std: A 47.18
 NCAA B Std: B 49.51

Name	Year School	Prelims	Finals	Points
A - Final				
1 Thomas, Lia	SR Penn	48.71	47.63M	32
2 Henig, Iszac	JR Yale	47.80	47.82M	28
3 Venema, Nikki	JR Princeton	49.66	48.81B	27
4 Hamlin, Molly	FR Harvard	49.52	49.38B	26
5 Pilkinton, Ophelia	SO Yale	49.94	49.67	25
6 Kaczorowski, Margot	JR Penn	50.06	49.86	24
7 Wagner, Lindsey	SO Yale	49.85	49.89	23
8 Post, Ashley	JR Dartmouth	50.12	50.42	22
B - Final				
9 Shelton, Samantha	JR Harvard	50.15	50.25	20
10 Bradley, Christina	JR Princeton	50.59	50.26	17
11 Weng, Vivian	FR Yale	50.66	50.28	16
12 Parker, Melissa	JR Cornell	50.37	50.41	15
13 Macdonald, Emily	FR Columbia	50.65	50.54	14
14 Liu, Amelia	JR Princeton	50.41	50.61	13
15 Scott, Samantha	SO Brown	50.52	50.85	12
16 Podurgiel, Anna	FR Brown	50.82	50.97	11
C - Final				
17 Arevalo, Isabelle	JR Columbia	50.86	50.56	9
18 Wongso, Priscilla	SO Cornell	51.02	50.66	7
19 Brenner, Mandy	FR Harvard	51.02	50.68	6
20 Moesch, Marlise	SR Yale	51.14	50.81	5
21 Wortzman, Zoe	JR Dartmouth	50.90	50.94	4
22 Secrest, Jennifer	JR Princeton	51.17	51.23	3
23 Breiter, Callie	SO Columbia	51.48	51.72	2
24 Healy, Marissa	SO Yale	51.83	51.98	1

Event 17 Women 100 Yard Freestyle

Meet Record: M 47.85 2019 Bella Hindley (Yale)
 Pool Record: P 48.64 2018 Miki Dahlke (Harvard)
 NCAA A Std: A 47.18

12	Buckley, Marykate	JR Yale	2:17.10	2:17.82	15
13	Liu, Hannah	FR Penn	2:17.78	2:17.99	14
14	Maizes, Rachel	SR Penn	2:18.33	2:18.20	13
15	Walker, Allegra	SO Columbia	2:18.04	2:18.56	12
16	Wang, Vivian	SR Princeton	2:19.92	2:20.22	11

C - Final

17	Chang, Allison	SR Cornell	2:21.65	2:19.28	9
18	Hu, Ashley	FR Columbia	2:20.23	2:20.06	7
19	Willhite, Kellie	SO Brown	2:19.97	2:20.35	6
20	Unas, Julia	FR Columbia	2:24.40	2:22.51	5
21	Wu, Amy	SO Cornell	2:25.05	2:23.22	4
22	Van Steyn, Kenna	SR Dartmouth	2:25.10	2:24.01	3
23	Petersen, Amanda	FR Cornell	2:23.09	2:24.94	2
24	Parker, Bridget	SO Dartmouth	2:26.36	2:25.27	1

Event 18 Women 200 Yard Breaststroke

=====
 Meet Record: M 2:08.47 2020 Jaycee Yegher (Harvard)
 Pool Record: P 2:09.37 2010 Susan Kim (Yale)
 NCAA A Std: A 2:06.58
 NCAA B Std: B 2:13.97

Name	Year	School	Seed	Prelims
=====				
Preliminaries				
1	Denisenko, Aleksandra	FR Harvard	2:14.31	2:13.78B
2	Thompson, Mikki	SR Harvard	2:22.35	2:14.56
3	Franks, Ava	FR Yale	2:12.56	2:15.73
4	Lukawski, Audrey	SR Brown	2:17.36	2:16.15
5	Boeckman, Anna	FR Penn	2:18.42	2:16.38
5	McDonald, Margaux	SO Princeton	2:16.52	2:16.38
7	Paoletti, Olivia	JR Yale	2:17.02	2:16.47
8	Pytel, Isabella	FR Penn	2:16.75	2:16.70

9	Buckley, Marykate	JR Yale	2:16.23	2:17.10
10	Estabrook, Grace	SR Penn	2:18.16	2:17.24
11	Buckley, Maggie	FR Harvard	2:18.43	2:17.33
12	Brault, Ellie	FR Brown	2:18.85	2:17.37
13	Liu, Hannah	FR Penn	2:17.47	2:17.78
14	Walker, Allegra	SO Columbia	2:17.96	2:18.04
15	Maizes, Rachel	SR Penn	2:25.73	2:18.33
16	Wang, Vivian	SR Princeton	2:18.75	2:19.92

17	Willhite, Kellie	SO Brown	2:18.04	2:19.97
18	Hu, Ashley	FR Columbia	2:17.92	2:20.23
19	Chang, Allison	SR Cornell	2:17.32	2:21.65
20	Petersen, Amanda	FR Cornell	2:23.58	2:23.09
21	Unas, Julia	FR Columbia	2:23.92	2:24.40
22	Wu, Amy	SO Cornell	2:23.70	2:25.05
23	Van Steyn, Kenna	SR Dartmouth	2:29.43	2:25.10
24	Parker, Bridget	SO Dartmouth	2:35.39	2:26.36

25	Zhang, Rachel	FR Dartmouth	2:27.46	2:26.97
--	xMoore, Sophia	FR Yale	2:26.76	X2:21.87

Event 19 Women 200 Yard Butterfly

=====
 Meet Record: M 1:54.60 2013 Alex Forrester (Yale)
 Pool Record: P 1:52.99 1981 Mary T. Meagher (Lakeside)
 NCAA A Std: A 1:53.20
 NCAA B Std: B 1:59.23

Name	Year	School	Prelims	Finals	Points
=====					
A - Final					
1	Carr, Abigail	FR Harvard	1:58.08	1:57.26B	32
2	Chong, Vanessa	FR Penn	2:00.03	1:58.17B	28

3	Massey, Alexandra	FR Yale	2:00.32	1:58.72B	27
4	Yeager, Jess	SO Princeton	1:59.19	1:58.75B	26
5	Chidley, Nell	JR Brown	1:59.97	1:59.63	25
6	Leko, Mia	JR Dartmouth	1:57.65	1:59.70	24
7	Kim, Junseo	FR Yale	2:00.45	1:59.92	23
8	Yoon, Grace	FR Harvard	2:00.54	2:01.13	22

B - Final

9	Martin, Allison	FR Columbia	2:01.75	2:00.17	20
10	Jiang, Joy	FR Penn	2:01.08	2:00.99	17
11	Bilgin, Zehra	FR Brown	2:00.90	2:01.84	16
12	Myers, Andie	SR Penn	2:01.48	2:02.00	15
13	Peng, Jessica	JR Columbia	2:02.58	2:02.35	14
14	Pappas, Alexa	FR Princeton	2:03.96	2:02.53	13
15	Boyer, Liz	JR Harvard	2:02.62	2:03.05	12
16	Whall, Emma	SR Brown	2:03.56	2:06.71	11

C - Final

17	Wong, Anthea	FR Columbia	2:04.81	2:03.47	9
18	Iorini, Maria	SO Brown	2:04.31	2:04.14	7
19	Chen, Jaime	FR Princeton	2:06.49	2:06.69	6
20	DuPont, Schuyler	FR Cornell	2:08.95	2:06.99	5
21	Syrkin, Alex	FR Cornell	2:10.29	2:08.24	4

Event 19 Women 200 Yard Butterfly

Meet Record: M 1:54.60	2013 Alex Forrester (Yale)
Pool Record: P 1:52.99	1981 Mary T. Meagher (Lakeside)
NCAA A Std: A 1:53.20	
NCAA B Std: B 1:59.23	

Name	Year School	Seed	Prelims
Preliminaries			
1	Leko, Mia	JR Dartmouth	2:00.23 1:57.65B
2	Carr, Abigail	FR Harvard	1:58.61 1:58.08B
3	Yeager, Jess	SO Princeton	1:57.83 1:59.19B
4	Chidley, Nell	JR Brown	1:59.35 1:59.97
5	Chong, Vanessa	FR Penn	2:00.14 2:00.03
6	Massey, Alexandra	FR Yale	1:57.51 2:00.32
7	Kim, Junseo	FR Yale	2:01.27 2:00.45
8	Yoon, Grace	FR Harvard	2:03.17 2:00.54

9	Bilgin, Zehra	FR Brown	2:01.71 2:00.90
10	Jiang, Joy	FR Penn	2:00.79 2:01.08
11	Myers, Andie	SR Penn	2:04.21 2:01.48
12	Martin, Allison	FR Columbia	2:01.42 2:01.75
13	Peng, Jessica	JR Columbia	2:02.04 2:02.58
14	Boyer, Liz	JR Harvard	2:02.01 2:02.62
15	Whall, Emma	SR Brown	2:03.48 2:03.56
16	Pappas, Alexa	FR Princeton	2:03.27 2:03.96

17	Iorini, Maria	SO Brown	2:04.46 2:04.31
18	Wong, Anthea	FR Columbia	2:03.66 2:04.81
19	Chen, Jaime	FR Princeton	2:02.10 2:06.49
20	DuPont, Schuyler	FR Cornell	2:06.37 2:08.95
21	Syrkin, Alex	FR Cornell	2:07.54 2:10.29
--	xRippon, Caylene	SR Brown	2:04.89 X2:05.32

Event 20 Women 3 mtr Diving

Meet Record: M 360.55	2015 Caitlin Chambers (Princeton)				
Pool Record: P 360.55	2015 Caitlin Chambers (Princeton)				
NCAA A Std: A 280.00					
Name	Year School	Prelims	Finals	Points	
=====					
A - Final					
1	Miclau, Elizabeth	SO Harvard	261.45	315.20A	32

2	Milne, Georgi	SR Harvard	310.35	311.20A	28
3	Lawrence, Esther	SR Harvard	292.95	302.90A	27
4	Edvalson, Remi	FR Harvard	277.75	292.05A	26
5	Williams, Demetra	SR Cornell	271.35	281.30A	25
6	Jendritz, Elise	JR Cornell	282.90	276.10	24
7	Laverty, Katie	FR Harvard	264.05	274.30	23
8	Geier, Evie	JR Harvard	300.10	274.15	22
B - Final					
9	Herculano, Morgane	SR Harvard	253.65	304.45A	20
10	Shao, Stephanie	FR Yale	248.10	278.65	17
11	Henderson, Hayden	FR Yale	254.45	276.15	16
12	Wotovich, Amy	FR Harvard	257.40	274.80	15
13	Seltzer, Maddie	FR Princeton	253.75	274.65	14
14	Francella, Olivia	JR Penn	246.50	263.70	13
15	Rosendalh, Brighida	SR Columbia	243.70	247.95	12
16	Brinker, Alexa	FR Brown	228.90	209.40	11

Event 20 Women 3 mtr Diving

=====
 Meet Record: M 360.55 2015 Caitlin Chambers (Princeton)
 Pool Record: P 360.55 2015 Caitlin Chambers (Princeton)
 NCAA A Std: A 280.00

Name	Year	School	Seed	Prelims
=====				
Preliminaries				
1	Milne, Georgi	SR Harvard	303.68	310.35A
2	Geier, Evie	JR Harvard	291.90	300.10A
3	Lawrence, Esther	SR Harvard	330.65	292.95A
4	Jendritz, Elise	JR Cornell	321.08	282.90A
5	Edvalson, Remi	FR Harvard	290.78	277.75
6	Williams, Demetra	SR Cornell	312.00	271.35
7	Laverty, Katie	FR Harvard	300.50	264.05
8	Miclau, Elizabeth	SO Harvard	317.63	261.45
9	Wotovich, Amy	FR Harvard	321.53	257.40
10	Henderson, Hayden	FR Yale	323.55	254.45
11	Seltzer, Maddie	FR Princeton	291.15	253.75
12	Herculano, Morgane	SR Harvard	295.80	253.65
13	Shao, Stephanie	FR Yale	268.80	248.10
14	Francella, Olivia	JR Penn	275.10	246.50
15	Rosendalh, Brighida	SR Columbia	293.55	243.70
16	Brinker, Alexa	FR Brown	275.40	228.90
17	Thibodeau, Genevieve	FR Yale	260.03	228.70
18	Jin, Laurel	FR Yale	277.75	227.55
19	Johnsson-Stjernstrom, Ha	SO Princeton	246.23	226.60
20	Singh, Ishani	SO Yale	256.43	224.95
21	Ennis, Maya	FR Yale	266.78	220.80
22	Mitchell, Liv	SR Brown	304.00	220.25
23	Parker, Madeleine	FR Penn	244.80	218.95
24	Feord, Julia	JR Brown	306.45	217.35
25	Diakova, Alice	SO Columbia	292.73	215.15
26	Lichen, Isabella	JR Dartmouth	259.65	213.20
27	Lee, Michelle	SR Columbia	257.33	210.35
28	Chin, Audrey	SO Harvard	245.70	195.80
29	Stein, Samantha	SO Penn	221.20	189.25
30	Palacios, Alyssa	FR Dartmouth	298.15	185.90

Event 21 Women 400 Yard Freestyle Relay

=====
 Meet Record: M 3:14.48 2020 Harvard
 F. Pasadyn, K. Quist, S. Shelton, M. Dahlke
 Pool Record: P 3:18.25 2015 Princeton
 C. McIlmail, N. Larson, E. McDonald, M. Veith

NCAA A Std: A 3:14.50

NCAA B Std: B 3:16.35

School	Seed	Finals	Points
--------	------	--------	--------

=====			
1	University of Pennsylvania	3:22.50	3:17.80P 64
	1) Thomas, Lia SR	2) Kaczorowski, Margot JR	
	3) Kannan, Hannah SR	4) Carter, Camryn JR	
2	Harvard University	3:19.40	3:19.17 56
	1) Pasadyn, Felicia SR	2) Shelton, Samantha JR	
	3) Denisenko, Aleksandra FR	4) Hamlin, Molly FR	
3	Yale University	3:17.61	3:19.71 54
	1) Pilkinton, Ophelia SO	2) Wagner, Lindsey SO	
	3) Weng, Vivian FR	4) Franks, Ava FR	
4	Princeton University	3:20.87	3:21.66 52
	1) Bradley, Christina JR	2) Liu, Amelia JR	
	3) Marquardt, Ellie SO	4) Secrest, Jennifer JR	
5	Columbia University	3:23.69	3:22.44 50
	1) Macdonald, Emily FR	2) Jubin, Olivia JR	
	3) Ganihanova, Aziza SO	4) Arevalo, Isabelle JR	
6	Dartmouth College	3:29.56	3:24.03 48
	1) Post, Ashley JR	2) Leko, Mia JR	
	3) Howley, Mary FR	4) Wortzman, Zoe JR	
7	Cornell University	3:24.49	3:24.40 46
	1) Wongso, Priscilla SO	2) Gruvberger, Anna SO	
	3) Tsai, Sophia FR	4) Parker, Melissa JR	
8	Brown University	3:26.68	3:25.40 44
	1) Podurgiel, Anna FR	2) Scott, Samantha SO	
	3) Reznicek, Jenna FR	4) Orange, Audrey JR	

Women - Team Rankings - Through Event 21

1. Harvard University	1503.5	2. Yale University	1258
3. University of Pennsylvania	1256	4. Princeton University	1074
5. Brown University	904	6. Columbia University	706.5
7. Dartmouth College	563	8. Cornell University	508

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Amistad App. 0109

2022 NCAA Division I Women's Swimming &
Diving Championship Results (500 Yard
Freestyle)

March 16-19, 2022

Available at: <https://swimmeetresults.tech/NCAA-Division-I-Women-2022/220316F003.htm>

[permalink: <https://perma.cc/JUD4-N2W6>]

(last visited: April 20, 2022)

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Print Result

NCAA Division I Championship Meet
 2022 NCAA Division I Women's
 Swimming & Diving Championships

Event 3 Women 500 Yard Freestyle

NCAA: N 4:24.06 3/16/2017 Katie Ledecky, Stanford
 Meet: M 4:24.06 3/16/2017 Katie Ledecky, Stanford
 American: A 4:24.06 3/16/2017 Katie Ledecky, Stanford
 US Open: O 4:24.06 3/16/2017 Katie Ledecky, Stanford
 Pool: P 4:30.81 3/17/2016 Leah Smith, Virginia

Name	Year School	Prelims	Finals	Points
=== Championship Final ===				
1 Thomas, Lia	5Y Penn	4:33.82	4:33.24	20
r:+0.76 25.25	52.80 (27.55)			
1:20.59 (27.79)	1:48.43 (27.84)			
2:16.24 (27.81)	2:44.12 (27.88)			
3:11.80 (27.68)	3:39.29 (27.49)			
4:06.74 (27.45)	4:33.24 (26.50)			
2 Weyant, Emma	FR Virginia	4:37.25	4:34.99	17
r:+0.73 25.59	53.04 (27.45)			
1:20.91 (27.87)	1:48.66 (27.75)			
2:16.33 (27.67)	2:44.17 (27.84)			
3:11.98 (27.81)	3:39.90 (27.92)			
4:07.73 (27.83)	4:34.99 (27.26)			
3 Sullivan, Erica	FR Texas	4:36.79	4:35.92	16
r:+0.66 25.34	52.62 (27.28)			
1:20.30 (27.68)	1:48.25 (27.95)			
2:16.22 (27.97)	2:44.41 (28.19)			
3:12.74 (28.33)	3:40.98 (28.24)			
4:08.96 (27.98)	4:35.92 (26.96)			
4 Forde, Brooke	5Y Stanford	4:38.19	4:36.18	15
r:+0.65 25.89	53.30 (27.41)			
1:21.09 (27.79)	1:48.85 (27.76)			
2:16.71 (27.86)	2:44.59 (27.88)			
3:12.43 (27.84)	3:40.16 (27.73)			
4:08.35 (28.19)	4:36.18 (27.83)			
5 Pfeifer, Evie	5Y Texas	4:37.39	4:37.29	14
r:+0.78 25.85	53.27 (27.42)			
1:21.03 (27.76)	1:49.08 (28.05)			
2:17.27 (28.19)	2:45.23 (27.96)			
3:13.27 (28.04)	3:41.58 (28.31)			
4:09.87 (28.29)	4:37.29 (27.42)			
6 McKenna, Paige	FR Wisconsin	4:37.36	4:37.35	13
r:+0.73 25.47	52.97 (27.50)			
1:21.03 (28.06)	1:49.02 (27.99)			
2:17.09 (28.07)	2:45.09 (28.00)			
3:13.17 (28.08)	3:41.40 (28.23)			
4:09.65 (28.25)	4:37.35 (27.70)			
7 McMahon, Kensey	SR Alabama	4:38.76	4:40.06	12
r:+0.73 25.96	53.81 (27.85)			
1:21.43 (27.62)	1:49.54 (28.11)			
2:17.97 (28.43)	2:46.43 (28.46)			
3:15.11 (28.68)	3:43.92 (28.81)			
4:12.58 (28.66)	4:40.06 (27.48)			
8 Tankersley, Morgan	SR Stanford	4:38.65	4:40.08	11
r:+0.70 26.03	53.96 (27.93)			
1:22.08 (28.12)	1:50.49 (28.41)			

2:18.81 (28.32) 2:47.05 (28.24)
 3:15.09 (28.04) 3:43.21 (28.12)
 4:11.84 (28.63) 4:40.08 (28.24)

=== Consolation Final ===

9	Mrozinski, Julia	FR Tennessee	4:39.60	4:37.35	9
	r:+0.66 25.29	53.45 (28.16)			
	1:21.82 (28.37)	1:50.33 (28.51)			
	2:18.72 (28.39)	2:47.24 (28.52)			
	3:15.51 (28.27)	3:43.55 (28.04)			
	4:11.10 (27.55)	4:37.35 (26.25)			
10	Mull, Lola	SO Northwestern	4:40.70	4:38.37	7
	r:+0.69 26.09	54.01 (27.92)			
	1:22.23 (28.22)	1:50.73 (28.50)			
	2:19.25 (28.52)	2:47.94 (28.69)			
	3:16.04 (28.10)	3:44.23 (28.19)			
	4:11.78 (27.55)	4:38.37 (26.59)			
11	Mathieu, Tylor	JR Florida	4:39.07	4:38.62	6
	r:+0.75 26.15	54.25 (28.10)			
	1:22.72 (28.47)	1:51.21 (28.49)			
	2:19.74 (28.53)	2:47.99 (28.25)			
	3:16.05 (28.06)	3:44.24 (28.19)			
	4:11.97 (27.73)	4:38.62 (26.65)			
12	Coetzee, Dune	FR Georgia	4:40.24	4:38.78	5
	r:+0.73 25.67	53.62 (27.95)			
	1:21.89 (28.27)	1:50.22 (28.33)			
	2:18.69 (28.47)	2:46.91 (28.22)			
	3:15.44 (28.53)	3:43.85 (28.41)			
	4:11.72 (28.87)	4:38.78 (27.06)			
13	Laning, Erica	5Y ASU	4:40.70	4:38.90	4
	r:+0.73 25.84	53.34 (27.50)			
	1:21.33 (27.99)	1:49.54 (28.21)			
	2:17.98 (28.44)	2:46.43 (28.45)			
	3:15.17 (28.74)	3:43.78 (28.61)			
	4:11.97 (28.19)	4:38.90 (26.93)			
14	Nordin, Emma	5Y ASU	4:40.78	4:39.17	3
	r:+0.70 26.13	54.06 (27.93)			
	1:22.28 (28.22)	1:50.59 (28.31)			
	2:19.03 (28.44)	2:47.49 (28.46)			
	3:15.48 (27.99)	3:43.36 (27.88)			
	4:11.43 (28.07)	4:39.17 (27.74)			
15	Donohoe, Madelyn	JR Virginia	4:39.61	4:40.49	2
	r:+0.64 26.23	54.37 (28.14)			
	1:22.71 (28.34)	1:51.21 (28.50)			
	2:19.69 (28.48)	2:48.10 (28.41)			
	3:16.44 (28.34)	3:45.16 (28.72)			
	4:13.24 (28.08)	4:40.49 (27.25)			
16	McCulloh, Abigail	FR Georgia	4:40.58	4:41.17	1
	r:+0.67 26.20	54.57 (28.37)			
	1:22.97 (28.40)	1:51.44 (28.47)			
	2:20.06 (28.62)	2:48.68 (28.62)			
	3:17.22 (28.54)	3:45.78 (28.56)			
	4:14.02 (28.24)	4:41.17 (27.15)			

Women - Team Rankings - Through Event 3

1. Virginia	93	2. Texas	88
3. Stanford	80	4. California	56
5. Alabama	50	6. Louisville	46
7. NC State	44	8. Tennessee	43
9. Georgia	40	10. Ohio St	38
11. Florida	32	12. Wisconsin	27
13. Michigan	26	14. Penn	20
15. Arizona St	19	16. Southern California	18

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16. Kentucky
19. UNC
21. Virginia Tech

18 18. Northwestern
10 20. Indiana
2 21. Arizona

15
8
2

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Admitted App. 0113

2022 NCAA Division I Women's Swimming &
Diving Championship Results (100 Yard
Freestyle)

March 16-19, 2022

Available at: <https://swimmeetresults.tech/NCAA-Division-I-Women-2022/220316F017.htm>

[permalink: <https://perma.cc/88Q9-4C5L>]

(last visited: April 20, 2022)

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NCAA Division I Championship Meet

2022 NCAA Division I Women's
Swimming & Diving Championships

Event 17 Women 100 Yard Freestyle

=====
 NCAA: N 45.56 3/18/2017 Simone Manuel, Stanford
 Meet: M 45.56 3/17/2017 Simone Manuel, Stanford
 American: A 45.56 3/18/2017 Simone Manuel, Stanford
 US Open: O 45.56 3/18/2017 Simone Manuel, Stanford
 Pool: P 46.05 3/19/2022 Gretchen Walsh, Virginia

Name	Year	School	Prelims	Finals	Points
------	------	--------	---------	--------	--------

=== Championship Final ===

1	Walsh, Gretchen	FR Virginia	46.78	46.05P	20
	r:+0.75 22.10	46.05 (23.95)			
2	Scott, Morgan	SR Alabama	47.27	46.78	17
	r:+0.65 22.08	46.78 (24.70)			
3	Berkoff, Katharine	JR NCSU	46.89	46.95	16
	r:+0.67 22.41	46.95 (24.54)			
4	Dupre, Cora	JR Alabama	47.51	47.08	15
	r:+0.60 22.54	47.08 (24.54)			
5	Henig, Iszac	JR Yale	47.55	47.32	13.5
	r:+0.60 22.65	47.32 (24.67)			
5	Albiero, Gabi	SO Louisville	47.45	47.32	13.5
	r:+0.60 22.90	47.32 (24.42)			
7	Countie, Grace	SR UNC	47.50	47.36	12
	r:+0.73 22.67	47.36 (24.69)			
8	Thomas, Lia	5Y Penn	47.37	48.18	11
	r:+0.73 23.19	48.18 (24.99)			

=== Consolation Final ===

9	Huske, Torri	FR Stanford	48.12	46.98	9
	r:+0.60 22.32	46.98 (24.66)			
10	MacNeil, Maggie	SR Michigan	47.77	47.42	7
	r:+0.63 22.65	47.42 (24.77)			
11	Flynn, Lindsay	FR Michigan	47.94	47.67	6
	r:+0.66 22.88	47.67 (24.79)			
12	Alons, Kylee	SR NCSU	48.02	47.68	5
	r:+0.64 22.77	47.68 (24.91)			
13	Ivey, Isabel	SR California	47.61	47.71	4
	r:+0.70 22.76	47.71 (24.95)			
14	Zenick, Katherine	SO Ohio St	47.91	47.85	3
	r:+0.61 22.88	47.85 (24.97)			
15	Antoniou, Kalia	SR Alabama	47.84	47.93	2
	r:+0.67 23.16	47.93 (24.77)			
16	Bates, Talia	JR Florida	48.14	47.95	1
	r:+0.70 23.13	47.95 (24.82)			

Women - Team Rankings - Through Event 17

1. Virginia	433.5	2. Stanford	327
3. Texas	292	4. Alabama	243
5. NC State	233	6. California	155
7. Louisville	153.5	8. Ohio St	143
9. Michigan	139	10. Tennessee	118
11. UNC	103	12. Florida	91
13. Southern California	89	14. Wisconsin	86

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15. Georgia	85.5	16. Kentucky	82.5
17. Indiana	82	18. Northwestern	68
19. Penn	44.5	20. Minnesota	43
21. Miami (Florida)	41.5	22. Arizona	35.5
23. Virginia Tech	31	24. Duke	27
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

* * * * *

B.P.J., by her next friend and *
Mother, HEATHER JACKSON, *
Plaintiff * Case No.
vs. * 2:21-CV-00316
WEST VIRGINIA STATE BOARD OF *
EDUCATION, HARRISON COUNTY *
BOARD OF EDUCATION, WEST *
VIRGINIA SECONDARY SCHOOL *
ACTIVITIES COMMISSION, W. *
CLAYTON BURCH in his official * CONFIDENTIAL
Capacity as State Superintendent, * VIDEOTAPED
DORA STUTLER in her official * VIDEOCONFERENCE
Capacity as Harrison County * DEPOSITION
Superintendent, PATRICK MORRISEY * OF
In his official capacity as * KACIE KIDD, M.D.
Attorney General, and THE STATE * February 21, 2022
OF WEST VIRGINIA, *
Defendants *

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by the certifying agency.

1 CONFIDENTIAL VIDEOTAPED VIDEOCONFERENCE DEPOSITION
2 OF
3 KACIE KIDD, M.D., taken on behalf of the Defendant,
4 State of West Virginia herein, pursuant to the Rules of
5 Civil Procedure, taken before me, the undersigned,
6 Nicole Montagano, a Court Reporter and Notary Public in
7 and for the State of West Virginia, on Monday, February
8 21, 2022, beginning at 10:16 a.m.

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I N D E X

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16	Doctor's Note	--
33	Standards of Care for the Health of Transsexual, Transgender, And Gender Nonconforming People	--
35	Doctor's Note	--

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S T I P U L A T I O N

(It is hereby stipulated and agreed by and between
counsel for the respective parties that reading,
signing, sealing, certification and filing are not
waived.)

P R O C E E D I N G S

VIDEOGRAPHER: We are now on the record.
My name is Jacob Stock. I'm a Certified Legal Video
Specialist employed by Sargent's Court Reporting
Services. The date today is February 21st, 2022, and
the current time is 10:16 a.m. Eastern Standard Time.
This deposition is being taken remotely by
videoconferencing. The caption of this case in the
United States District Court for the Southern District
of West Virginia, Charleston Division. BPJ by her next
friend and mother, Heather Jackson v. West Virginia
State Board of Education, et al. Case number
2:21-CV-00316. The name of the witness is Kacie Kidd,
M.D. Will the attorneys present state their names and
the parties they represent?

ATTORNEY LINKOUS: This is Tim Linkous on

1 behalf of Kacie Kidd, M.D.

2 ATTORNEY TRYON: This is David Tryon on
3 behalf of the State of West Virginia.

4 ATTORNEY DENIKER: This is Susan Deniker
5 on behalf of Defendants Harrison County Board of
6 Education and Superintendant Dora Stutler.

7 ATTORNEY GREEN: This is Roberta Green on
8 behalf of West Virginia Secondary School Activities
9 Commission.

10 ATTORNEY MORGAN: This is Kelly Morgan on
11 behalf of West Virginia Board of Education and
12 Superintendant Burch.

13 ATTORNEY HOLCOMB: This is Christiana
14 Holcomb on behalf of Intervenor, Lainey Armistead.

15 ATTORNEY HARTNETT: And sorry, I think I
16 was on mute before. This is Kathleen Hartnett from
17 Cooley for Plaintiff. And there are several others on
18 the line for Plaintiff from Cooley.

19 ATTORNEY BARR: Yes. Good morning. This
20 is Andrew Barr from Cooley on behalf of Plaintiff.

21 ATTORNEY KANG: Good morning. This is
22 Katelyn Kang from Cooley on behalf of the Plaintiff.

23 ATTORNEY REINHARDT: Good morning. This
24 is Elizabeth Reinhardt on behalf of Plaintiff.

1 ATTORNEY HELSTROM: Good morning. This
2 is Zoe Helstrom from Cooley on behalf of Plaintiff.

3 ATTORNEY SWAMINATHAN: Good morning.
4 This is Sruti Swaminathan from Lambda Legal on behalf of
5 Plaintiff.

6 ATTORNEY BLOCK: Good morning. This is
7 Josh Block from the ACLU on behalf of Plaintiff.

8 VIDEOGRAPHER: If that's everybody, the
9 court reporter can swear in the witness, and we can
10 begin.

11 ATTORNEY TRYON: Two things. So first of
12 all, I went to mention that my colleague, Curtis
13 Capehart, is on this call. And I wanted to take care of
14 a housekeeping matter before we get started. I wonder
15 if we could do that, if we could exclude Dr. Kidd for
16 just a moment.

17 VIDEOGRAPHER:
18 Yes, give me one second.

19 ATTORNEY TRYON:
20 Thank you. So I just wanted to --- we
21 had previously in other depositions we've talked about
22 how we're going to handle objections. And Mr. Linkous,
23 in some other depositions, we've said that we are going
24 to handle by stating objection for form of the question

1 or directing the witness not to answer for privilege
2 issues. And Kathleen, are you going to be handling this
3 deposition?

4 ATTORNEY HARTNETT: Yes, David. And
5 would you like to discuss this off the record first and
6 then we can put our agreements on the record?

7 ATTORNEY TRYON: Okay.

8 ATTORNEY HARTNETT: Can we go off the
9 record?

10 VIDEOGRAPHER: Yes. Going off the
11 record. The current time is 10:20 a.m.

12 OFF VIDEOTAPE

13 ---

14 (WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

15 ---

16 ON VIDEOTAPE

17 VIDEOGRAPHER: Back on the record. The
18 current time is 10:24 a.m.

19 ATTORNEY TRYON: Thank you. So while we
20 were off the record we had a discussion and we've come
21 to an agreement on how to handle objections, that
22 primarily we would be handling objections by stating one
23 of three things, either objection to form, objection as
24 to technology --- or terminology, excuse me, or

1 objection to any privileges or scope. So I guess that's
2 four. And Mr. Linkous has said he will strive for that,
3 but has not specifically addressed --- agreed to that.
4 And finally, the counsel for Defendants have indicated
5 that they will --- if there is an objection by counsel
6 for Dr. Kidd, then they will be included within that
7 objection. So they don't have to object as well. Is
8 that a fair summary of our discussion?

9 ATTORNEY HARTNETT: Just on the last
10 point, it was objections by the witness to Counsel.

11 ATTORNEY TRYON: Thank you for correcting
12 me.

13 ATTORNEY LINKOUS: Hey, Dave, can I ask a
14 quick question?

15 ATTORNEY TRYON: Yes.

16 ATTORNEY LINKOUS: Ms. Holcomb, who was
17 on just a second ago, I heard her say she represents an
18 intervenor, and I didn't know there was an intervenor,
19 so who intervened and what's the story there?

20 ATTORNEY TRYON: The intervenor is Lainey
21 Armistead, I think that's how you say her last name, who
22 is a colleague student, a female college student who has
23 intervened.

24 ATTORNEY LINKOUS:

1 Okay. Thank you. I appreciate that.

2 ATTORNEY HARTNETT: And Tim, that's a
3 gender college student who is seeking to intervene to
4 defend the state law.

5 ATTORNEY LINKOUS: I see. Thank you.

6 COURT REPORTER: Josh, one second. It's
7 the court reporter. Can you go off the record, please,
8 Josh?

9 VIDEOGRAPHER: Going off the record,
10 10:26 a.m.

11 OFF VIDEOTAPE

12 ---

13 (WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

14 ---

15 ON VIDEOTAPE

16 VIDEOGRAPHER: Back on the record. The
17 current time reads 10:32 a.m.

18 ATTORNEY DUCAR: My name is Tim Ducar.
19 I'm entering an appearance on behalf of the intervenor,
20 Lainey Armistead.

21 VIDEOGRAPHER: The court reporter can
22 swear in the witness and we can begin.

23 - - -

24 KACIE KIDD, M.D.,

1 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDINGS, HAVING
2 FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS FOLLOWS:

3 - - -

4 EXAMINATION

5 ---

6 BY ATTORNEY TRYON:

7 Q. Dr. Kidd, my name is David Tryon. I represent
8 the State of West Virginia. Can you, first of all, tell
9 me how you would prefer that I address you?

10 A. Hi, I'm Kacie Kidd. I use she/her pronouns.
11 You're welcome to address me as Kacie or Dr. Kidd.

12 Q. Very good. So Kacie --- well, let me call you
13 Dr. Kidd. Dr. Kidd, are you represented by counsel
14 today?

15 A. I am.

16 Q. And who is that?

17 A. Mr. Linkous.

18 Q. And how long has he represented you?

19 A. Well, I can't recall our exact first email
20 exchange. I think it's been over a month.

21 Q. Okay.

22 Have you ever been deposed before?

23 A. I have not.

24 Q. Have you ever testified at trial before?

1 A. I have not.

2 Q. Excuse me. Sorry about that. Have you ever
3 been sued before?

4 A. I have not.

5 Q. Have you ever been retained as an expert either
6 as a testifying or consulting expert in any litigation
7 or otherwise?

8 A. I have not.

9 Q. We are in Federal Court, so the Federal Rules of
10 Procedure apply here. And under the Federal Rules of
11 Procedures 30(c)(2) it provides for objections by your
12 counsel or other counsel. And while we were off the
13 record or before --- we have agreed to certain ways to
14 make objections. And then even if there are objections,
15 you'll still need to answer questions unless your
16 counsel directs you to not do so.

17 Understand?

18 A. Yes.

19 Q. Do you have any questions about that?

20 A. No.

21 Q. Okay.

22 So when you answer, as you're doing now, please
23 answer verbally rather than a nod or a shake. The court
24 reporter, especially since she is not currently watching

1 us, will not be able to detect anything other than your
2 actual words.

3 Okay?

4 A. Yes.

5 Q. Now, if you don't understand my questions,
6 please say so, and I will try to reframe them or say it
7 in a different way.

8 All right?

9 A. Okay.

10 Q. And if you need a break, let us know and we'll
11 make --- we'll try and accommodate that. The only thing
12 you can't do is take a break after I've asked a
13 question. So we need to do it before I ask a question.
14 And I'll also note that this deposition is being
15 conducted as upon Cross Examination.

16 Now, are you familiar with the lawsuit that's
17 involved here?

18 A. I know of the lawsuit loosely. I don't know
19 significant details.

20 Q. Okay.

21 Just briefly, the Plaintiff in the case is BPJ.
22 Are you aware of who BPJ is?

23 A. I am.

24 Q. And BPJ is suing various Defendants asserting

1 that a law known as HB-3293 is invalid at least as it
2 pertains to BPJ. Were you aware of that much?

3 A. Not the numbers and name of that law, but
4 loosely, yes.

5 Q. Okay.

6 Have you heard of the law, loosely known ---
7 well, it is known as HB-3293, sometimes called the
8 Women's Sports --- Save Women's Sports Act, and maybe
9 there's other names for it, too. Have you heard of the
10 law?

11 ATTORNEY HARTNETT: Objection to the
12 form.

13 THE WITNESS: In lay media, yes.

14 BY ATTORNEY TRYON:

15 Q. You haven't actually seen the lawsuit.

16 Is that right?

17 A. That's correct.

18 Q. Have you read that law?

19 A. I can't recall if I read the actual law that
20 passed.

21 Q. Okay.

22 Have you brought any documents to the
23 deposition with you today?

24 A. I was told to have the two --- I think they're

1 called exhibits, the WPATH Guidelines and my clinical
2 record.

3 Q. Okay.

4 And do you have those in hard copy or just
5 electronically?

6 A. Both.

7 Q. Okay.

8 And have you reviewed any documents in
9 preparation for this deposition?

10 A. Yes.

11 Q. Which documents are those?

12 A. They were documents provided by my lawyer
13 telling me about depositions because I add ---.

14 ATTORNEY LINKOUS: Stop right there, Dr.
15 Kidd. Communications from me to you and the substance
16 of those communications are privileged. You don't have
17 to talk about the substance of those.

18 BY ATTORNEY TRYON:

19 Q. Yes. All I need to know and I don't want to
20 know what you and your lawyer talked about. I just want
21 to know what documents you've looked at in preparation
22 for your deposition today.

23 A. Sure. So those documents certainly.

24 Q. Okay.

1 So those are the medical records you mentioned,
2 as well as the WPATH standards?

3 A. Yes.

4 Q. Anything else?

5 A. I've certainly reviewed the medical literature
6 in this case but that is an ongoing process that I'm
7 always engaged in.

8 Q. Okay.

9 Now, on Saturday we received some additional
10 documents from your office, which appear to be similar
11 to what's previously been marked as Exhibit 16. Do you
12 have those in front of you as well?

13 A. I'm not familiar with what Exhibit 16 includes.

14 ATTORNEY LINKOUS: Mr. Tryon, I will just
15 interrupt and say that those records didn't really come
16 from her office, they came from me. And I sent them to
17 Plaintiff's Counsel, who then provided them to you.

18 ATTORNEY TRYON: Got it. And do you know
19 if Dr. Kidd has those in front of her as well?

20 ATTORNEY LINKOUS: She should, yes.

21 ATTORNEY TRYON: Okay.

22 BY ATTORNEY TRYON:

23 Q. So having gone through those --- excuse me one
24 moment. So just some quick background. Can you give me

1 your full name and address, please?

2 A. My home address or my work address?

3 Q. Both, please.

4 A. My full name is Kacie Marie Kidd. My work
5 address is --- depends on if you're looking at my office
6 or clinical practice, but my office is 1 Medical Center
7 Drive, Morgantown, West Virginia, 26506, I believe. And
8 my home address ---.

9 Q. Can you slow down just a little bit, please?

10 A. Sure.

11 Q. Go ahead.

12 A. Do you need me to repeat? My home address is

13

14

15 Q. And can you give me your work phone number,
16 please?

17 A. I would need to check my business card. Is it
18 okay if I do that?

19 Q. Yes.

20 A. My work phone (304) 293-6307.

21 Q. And I would also like to ask you for your
22 personal phone number, which I would use only in the
23 event that for some reason you were no longer
24 represented by counsel. Otherwise, I would contact you

1 through counsel.

2 ATTORNEY LINKOUS: I would --- I just
3 object and instruct her not to answer on that. I will
4 accept subpoenas and you can contact me through her. I
5 will continue representing her. And if not, there will
6 be new counsel assigned and you will be informed of
7 that.

8 ATTORNEY TRYON: Well, I've never had
9 anyone instruct a witness not to do that before, but
10 I'll move on.

11 BY ATTORNEY TRYON:

12 Q. Can you tell me where you went to --- about your
13 education, your undergraduate education first, please?

14 A. Sure. I received my Bachelor's Degree in
15 biology and women's studies from West Virginia
16 University. I then went to medical school at West
17 Virginia University School of Medicine. After that I
18 completed a four-year residency in internal medicine and
19 pediatrics at West Virginia University School of
20 Medicine. I then completed a three-year fellowship in
21 adolescent medicine at the University of Pittsburgh.

22 Q. What was your major in your pre-Bachelor's
23 Degree?

24 A. It was biology and women's studies.

1 Q. And when did you get your Bachelor's Degree?

2 A. I graduated with my Bachelor's in 2010.

3 Q. And medical school, when did you graduate there?

4 A. 2014.

5 Q. Did you have any particular emphasis at the West
6 Virginia School of Medicine?

7 A. It's not customary for people to have emphasis
8 in medical school but instead in residency.

9 Q. Okay.

10 And in your residency what was your specialty
11 or emphasis?

12 A. I did a dual residency in internal medicine and
13 pediatrics.

14 Q. And when did you get that? When did you
15 complete your residency?

16 A. In 2018.

17 Q. And then your fellowship, what was that in?

18 A. Adolescent medicine.

19 Q. And when did you complete that?

20 A. In 2021.

21 Q. Any particular reason that you chose adolescent
22 medicine?

23 A. Supporting adolescents and young adults is my
24 favorite part of medicine.

1 Q. Have you had any other specialized training
2 other than what you just discussed?

3 A. Within adolescent medicine there are several
4 ways to have additional training and I did pursue one of
5 those ways.

6 Q. And what was that?

7 A. Gender affirming care.

8 Q. And in what way did you pursue that?

9 A. I dedicated much of my clinical training to
10 learning under experts in this space. I also dedicated
11 my research training in a similar vein, and I engaged in
12 organizations and groups and additional educational
13 opportunities to round out that training.

14 Q. What experts are you referring to?

15 A. Doctor Gerald Montano, Doctor Selma Witchell
16 among others.

17 Q. I'm sorry. Montano and who is the other one?

18 A. Selma Witchell.

19 Q. Can you spell that, please?

20 A. W-I-T-C-H-E-L-L.

21 Q. And what was the first name?

22 A. Selma, S-E-L-M-A.

23 Q. And where is Selma Witchell?

24 A. The University of Pittsburgh.

1 Q. Do you have a license to practice medicine?

2 A. I do.

3 Q. Where?

4 A. In the State of West Virginia.

5 Q. Any others?

6 A. I previously held a training license in the
7 State of Pennsylvania when I was a trainee there.

8 Q. But currently you do not?

9 A. I do not.

10 Q. And do you have any --- you may have answered
11 this, but do you have any specific specialties?

12 A. My specialties are pediatrics, internal
13 medicine, adolescent medicine and gender affirming care.

14 Q. I was wondering if that was my computer dingging
15 or someone else's.

16 A. I think it may be mine. Give me a second. I'll
17 sign out of my email.

18 Q. Okay.

19 A. Okay.

20 Q. Do you have Board Certifications?

21 A. I do.

22 Q. What are those?

23 A. I'm Board Certified in Internal Medicine and
24 Pediatrics.

1 Q. What was necessary to get Board Certification
2 for internal medicine?

3 A. I was trained in internal medication and many of
4 my patients are adults by legal definition.

5 Q. I'm sorry. You broke up. Can you repeat that
6 please?

7 A. Sure. I was trained in internal medicine and
8 eligible to sit that Board Examination. Additionally, a
9 lot of my patients are over the age of 18.

10 Q. So you had to sit for a Board Examination.
11 Is that right?

12 A. I sat for two Board Examinations in Pediatrics
13 and Internal Medicine as well as numerous Board
14 Examinations to be allowed to get to that point.

15 Q. Okay.

16 And you passed those boards?

17 A. I did.

18 Q. Are you a member of any medical societies?

19 A. I am.

20 Q. What are those?

21 A. I am currently a member of the American Academy
22 of Pediatrics. I'm a member of the Society for
23 Adolescent Health and Medicine. I am also a member of
24 the World Professional Association for Transgender

1 Health.

2 Q. Any others?

3 A. Not that I can recall.

4 Q. When you said the Society for Adolescent
5 Medicine, did I hear that right?

6 A. The Society for Adolescent Health and Medicine,
7 abbreviated SAHM, S-A-H-M.

8 Q. And what do you need to be a member of that,
9 what do you need to do?

10 A. Most of these organizations have membership
11 tiers for a variety of persons and you need to pay a
12 fee. But for the purpose of my membership, it's as a
13 physician. And for the American Academy of Pediatrics I
14 have a special notation in my membership as someone who
15 has passed the board exam for that field.

16 Q. For WPATH, what do you need to do to be a member
17 there?

18 A. You need to sign up and pay a fee and check your
19 membership category. Mine, again, is physician and
20 although I think I may be still listed as a student
21 member based on my training time at the University of
22 Pittsburgh for that membership, but I am also part of
23 their global education initiative, which is an
24 additional training on top of being a member.

1 Q. I'm sorry, global what initiative?

2 A. Education initiative.

3 Q. Are you a member of the ---?

4 A. I am not.

5 Q. Are you a member or on the board of any
6 educational organizations?

7 A. I think it depends on what you mean by
8 educational organization.

9 Q. Any organizations that try and educate on any
10 issues?

11 A. Well, broadly, I'm faculty at West Virginia
12 School of Medicine and I routinely educate a variety of
13 learners at a variety of levels. I'm also part of
14 something called the Tri-State Gender Collaborative,
15 which is a community-based organization that does
16 provide education.

17 Q. And do you have privileges at any hospitals?

18 A. I do have privileges at Ruby Memorial Hospital
19 in Morgantown, West Virginia.

20 Q. Any others?

21 A. No.

22 Q. So tell me of your work experience, your
23 professional work experience.

24 A. Can you restate your question?

1 Q. Yes. So I'm interested to learn your work
2 experience, where you have worked and what you have done
3 starting --- I'm not sure exactly --- you've told me
4 about your internship and then I know that you are doing
5 some other things. So after your internship, did you
6 have any professional --- did you start working right
7 away or did you just do the fellowship or is fellowship
8 considered work? Help me out, understand your work
9 history.

10 ATTORNEY HARTNETT: Objection to the
11 form.

12 THE WITNESS: Medicine training is
13 complicated, and so the internship is part of residency.
14 That was part of the four years that I spent in internal
15 medicine and pediatrics training. During that time I
16 was working in a variety of settings to obtain training
17 in both of those fields.

18 After that was completed I was also doing
19 training at the University of Pittsburgh. One could
20 consider all of those work. And I was a paid employee
21 during that time when I was a trainee as well.

22 BY ATTORNEY TRYON:

23 Q. What's the first job in which you were actually
24 treating patients?

1 A. I have been treating patients since I was a
2 medical student.

3 Q. Okay.

4 And your first paid job where you were treating
5 patients?

6 A. That would have been the beginning of my
7 residency, which is often called an internship in
8 internal medicine and pediatrics.

9 Q. And then how about your fellowship, were you
10 treating patients during your fellowship?

11 A. Yes.

12 Q. What is your current --- I don't know what the
13 right term would be profession --- excuse me, profession
14 or your work status?

15 A. I am currently an assistant professor in the
16 Department of Pediatrics at the WVU School of Medicine.
17 I am also the Medical Director of the WVU Medicine
18 Children's Gender and Sexual Development Clinic.

19 Q. And then do you have a separate practice where
20 you diagnose and treat patients?

21 A. Under those titles, yes.

22 Q. Okay.

23 So it's not separate from those?

24 A. No.

1 Q. Do you get paid directly by the patients or just
2 only get paid by the West Virginia University?

3 A. I am dual employed as is the customary practice
4 for physicians who are working at the WV School of
5 Medicine, and so my dual employment goes both through
6 West Virginia University as well as --- I believe it's
7 called UHA, the University Health Associates, but I may
8 need to clarify that.

9 Q. Okay.

10 As assistant professor what do you do?

11 A. Assistant professor is my title in my tenure
12 track of employment, and so it's fairly traditional for
13 assistant professors to be the entry point of tenure
14 track position, if that makes sense. And my role in
15 that is to provide medical care as well as to conduct
16 research and to provide teaching.

17 Q. So I understood conduct research and also
18 teaching. What was the first thing you said?

19 A. To provide clinical care.

20 Q. What do you teach?

21 A. I teach a variety of learner types and topics,
22 but they typically center adolescent medicine and gender
23 affirming care or both.

24 Q. Are there classes specifically on those topics

1 or is it part of a more general class?

2 A. Most often my teaching is as a guest lecturer
3 for a medical student class or a residency training
4 program or something called grand rounds, which is a
5 teaching opportunity for faculty-level positions.

6 Q. What types of research do you do?

7 A. I conduct mix methods research, including
8 qualitative and quantitative analyses, centering gender
9 adversity in people and their experiences as well as the
10 experiences of their family.

11 Q. How many papers have you published?

12 A. I don't know that I could give you a complete
13 answer to that question. I suspect --- I know that it
14 is more than 12. I suspect less than 20. It also
15 depends on what you mean by paper.

16 Q. Okay.

17 When you say provide clinical care --- well,
18 let me come back to that in a minute. As Medical
19 Director of the West Virginia University --- excuse me,
20 West Virginia University Medicine Children's Gender and
21 Sexual Development --- do I have that title right?

22 A. Almost. It's the WVU Medicine Children's Gender
23 and Sexual Development Clinic.

24 Q. And what is your role? What do you do in that

1 role?

2 A. I direct the clinical care of gender diverse
3 intersex and questioning youth, ages approximately 3
4 through 26 in our multi-disciplinary team.

5 Q. So how is that different then from where you
6 provide clinical care as an assistant professor?

7 A. Those two jobs descriptions overlap quite a bit.

8 Q. Are there any parts that do not overlap?

9 A. I would argue that it's outside of my role as an
10 assistant professor but definitely in my role as the
11 Medical Director of the clinic to have meetings where we
12 discuss the care we provide, to meet with our DEI head
13 more promptly, diversity, equity and inclusion, those
14 sorts of things.

15 Q. Do you supervise anyone in either of your roles?

16 A. I often precept trainees, residents and medical
17 students.

18 Q. Could you repeat that?

19 A. I often precept trainees, including residents
20 and medical students.

21 Q. You said preset?

22 A. Precept, P-R-E-C-E-P-T. It's a word used in
23 medical care to discuss supervision of trainees. I'm
24 their preceptor.

1 Q. And do you supervise them as they are giving
2 medical care?

3 A. Yes.

4 Q. Would it be fair to say that you are currently a
5 treating physician?

6 A. Yes.

7 Q. And just so I have it right rather than me
8 trying to restate it, in what areas do you treat
9 patients?

10 A. I provide care for adolescents and young adults.

11 Q. In what areas?

12 A. In adolescent medicine, in gender affirming
13 care.

14 Q. Do you provide general --- are you a
15 pediatrician as well?

16 A. It's complicated. Adolescent medicine is a
17 complicated --- and there are many adolescent
18 specialists who do provide well child care for young
19 people. I do that infrequently. And so for example, if
20 a young person wishes for me to be their primary care
21 provider, I can do that on a limited basis, but the
22 majority of my care is subspecialty care and
23 consultation.

24 Q. When patients need to come to you do they come

1 to you directly or through the University?

2 A. Can you restate the question?

3 Q. So it's my understanding that you do treat
4 patients. And so my question is do they come to you
5 directly or do they go through the University?

6 A. I'm not understanding what you mean by coming
7 through the University.

8 Q. How do you --- how do patients come to you?

9 A. They can call our scheduling line that is
10 available on our website or they can be referred from
11 another physician or provider.

12 Q. How much of your time is spent with patients
13 versus your time in doing research and teaching and
14 other things?

15 A. I am 20 percent clinical and 80 percent
16 research.

17 Q. So when a new patient comes in what is the ---
18 let me back up for a second. Have you been --- one
19 second. When you have a new patient come in --- I'm
20 sorry, let me go back to my other question. Have you
21 been asked to be an expert witness in this case?

22 A. No.

23 Q. Tell me about the intake process for a new
24 patient.

1 A. Well, depending on how a new patient finds us,
2 either through direct scheduling or referral, once they
3 have the visit they usually meet with us for a longer
4 than perhaps expected visit to compare to other
5 pediatric practices. New patients visit with my team
6 are usually between two and two and a half hours. An
7 hour of that is typically spent with me and we have a
8 fairly long conversation with the young person, with
9 family members together and separately and then we work
10 together to help support that young person together.

11 Q. When you say your team, who is on your team?

12 A. Our team, from my practice, currently includes
13 myself, a child and adolescent psychiatrist, whose name
14 is Dr. Deci, and a clinical therapist, whose name is Ms.
15 Brianna Hayes.

16 Q. Doctor Steven --- what is his last name?

17 A. Deci, D-E-C-I.

18 Q. And Brianna Hayes, what is ---?

19 A. H-A-Y-E-S.

20 Q. What's her practice?

21 A. She is a clinical therapist.

22 Q. And Doctor Deci, what's the practice?

23 A. He is a child and adolescent psychiatrist.

24 Q. When the patient first is coming in --- let me

1 back up just a little bit for some more nuts and bolts
2 in my question. Do they first meet with a secretary or
3 nurse or fill out papers online? How does that process
4 --- let's start with someone who is just direct
5 scheduling.

6 A. And so if someone calls our scheduling line,
7 they are scheduled for a visit. And they would arrive
8 at their visit time, they would check in. They would
9 sit in the waiting room. A nurse would call them back,
10 take their vital signs and they would be put in an exam
11 room with their family. They arrive with family. And
12 then our team would see them.

13 Q. As far as the initial record, setting up the
14 initial record of who this person is and what they're
15 coming in for, who does that?

16 A. The family when they call when to make a visit
17 will ask for a gender visit, and that's the only
18 questioning that happens at that time.

19 Q. And then everything else that is input into the
20 patient's records would either be from the nurse or from
21 you or your team?

22 A. For those who are directly scheduling. If
23 someone has been referred, it may be that they're
24 referring provider or a scheduler from their referral

1 team put additional documentation in.

2 Q. Is there any --- okay.

3 So when you meet with the patients, is it
4 initially just you or is it with the entire team first?

5 A. So it depends. We like to do a greeting where
6 we all pile in these exam rooms and say hello and
7 introduce ourselves so young people and families know
8 our names and faces. Sometimes that is not possible for
9 a variety of reasons. And also sometimes families don't
10 need all of us and may or may not be interested in
11 seeing all of us. Sometimes families just want to see
12 me or sometimes they just want to see the mental health
13 providers, and we try to accommodate that where we can.

14 Q. Do you gather their past medical history?

15 A. Yes.

16 Q. And is their medical history important?

17 A. I think that every patient's medical history,
18 medication list, allergies, things like that can be
19 important to their care.

20 Q. Can you explain to me why? I mean it may seem
21 obvious to you, but I would like to just understand it.

22 A. Okay.

23 And so, someone's past medical history could
24 certainly impact their present health, and so part of my

1 routine practice is to ask young people and their
2 families what kind of diagnoses they have had in the
3 past, including things like asthma, allergies, if
4 they've broken their arm before, a whole host of
5 questions.

6 Q. Are those things relevant to gender care?

7 A. They could be.

8 Q. How would allergies be related to gender care?

9 A. If you had an allergy to a medication that was
10 related or the same as a medication that I could
11 provide, that would be a concern to me.

12 Q. And do you typically take the history just from
13 the patient or do you reach out to other healthcare
14 providers?

15 A. I take my history from the patient and parent or
16 guardian in front of me, but I also have access to our
17 electronic health record and I review that as well for
18 meeting new patients.

19 Q. Tell me about the electronic health record.

20 A. Our health system uses an electronic health
21 record called Epic.

22 Q. And what is located in the Epic system?

23 A. A variety of things, including vital signs from
24 previous visits, notes from prior visits and prior

1 providers, information about the family address and
2 phone number, should we need to mail anything or call
3 them, things like that.

4 Q. Does the Epic system --- let me back up. So the
5 Epic system is a system used by West Virginia
6 University.

7 Is that right?

8 A. WV Medicine specifically and UHA uses Epic I
9 believe in most, if not all, of their hospitals. I
10 think a couple hospitals are going live with Epic soon.
11 I think it's an incredibly common electronic health
12 record in this country and others I believe.

13 Q. I've heard of it. I don't know a lot about it.
14 So tell me, would Epic system that WVU Medicine is
15 using, does it just have information from within the WVU
16 Medicine medical system or does it expand out to all
17 providers in the country, for example?

18 A. It would be wonderful if it did that if an
19 effective way. There's a bit of capitalism involved
20 there I suspect, but we do have something called Care
21 Everywhere, which is a tab that you can select and for
22 some circumstances it allows you to see notes from other
23 Epics systems outside of WVU Medicine.

24 Q. So what is the WVU medical system? Where else

1 are they tied into?

2 A. Can you restate your question?

3 Q. First of all, let me make sure I get my
4 terminology correct. It's WVU Medical?

5 A. WVU Medicine. I think that's the brand name for
6 the UHA health family of hospitals and clinics and that
7 sort of thing.

8 Q. So WVU Medicine uses the Epic system and also
9 you can utilize Care Everywhere. So my question is,
10 Care Everywhere ties you into what other systems?

11 A. I don't know the comprehensive list. It's kind
12 of a bit of luck I think sometimes navigating Care
13 Everywhere. It's a little bit of what I would consider
14 a clunky system, but Care Everywhere is within Epic. It
15 is not itself a separate system.

16 Q. Understood. But can you recall any other
17 organizations that you can access through Care
18 Everywhere?

19 A. I know that I can access the University of
20 Pittsburgh in some capacity. I previously worked in
21 that system, and so I wasn't seeing exactly what it
22 looked like if I was in their system, but I can't really
23 speak to other systems that are connected.

24 Q. And if a patient comes in and they've had prior

1 medical providers, do they typically bring in any copies
2 of medical records?

3 A. That would be wonderful, but it doesn't happen
4 very often.

5 Q. Is the intake process any different for when
6 someone comes in as a referral patient?

7 A. It depends on how they've been referred. So for
8 example, sometimes providers will reach out to me
9 through secure communication within Epic and say they
10 have a patient they wish to refer and they might have
11 questions about how to make that happen. So there may
12 be an additional layer of communication there. I often
13 ask questions about urgency of need. Sometimes patients
14 are needing to see me sooner for a variety of reasons,
15 maybe mental health concerns, that may be just stress
16 about getting a visit, and so I can accommodate those
17 things.

18 Q. So if the referred physician had information,
19 they can send that to you through the Epic system?

20 A. They can send me a communication and that may
21 include information that they feel is relevant for me to
22 know about the patient they're sending me.

23 Q. When they send that communication, what does
24 that look like? Is that email, texting?

1 A. It's --- it's neither. It's actually a
2 communication system within Epic. It's called Inbasket.

3 Q. And does Inbasket provide for just
4 communications or also sending documents?

5 A. I believe you can attach documents within those,
6 but I have very intermittent luck of doing so and most
7 folks do not use that feature.

8 Q. Anything else different about when you receive a
9 referral as opposed to a direct contact?

10 ATTORNEY HARTNETT: Objection to form.

11 THE WITNESS: Not that I can think of.

12 BY ATTORNEY TRYON:

13 Q. Let me ask you generally what types of
14 information do you need to diagnose a problem?

15 ATTORNEY HARTNETT: Objection to form.

16 THE WITNESS: Can you restate the
17 question?

18 BY ATTORNEY TRYON:

19 Q. Yes. So in your field, are you --- do you
20 diagnose patients?

21 A. If it is within my scope of practice, yes.

22 Q. And what type of --- what information do you
23 need to make a diagnosis of your patients?

24 A. It depends on the patient and the diagnoses I'm

1 considering.

2 Q. Is there something called objective versus
3 subjective symptoms?

4 A. Yes.

5 Q. Can you explain what those are and the
6 difference?

7 A. Objective tends to refer to things like vital
8 signs or labs, things that we measure. Subjective tends
9 to refer to things that patients tell us, like that they
10 have headaches or the severity of their headaches.

11 Q. How do you measure subjective symptoms?

12 A. You talk with your patient.

13 Q. Anything else?

14 A. That's the primary way to diagnose most things
15 is to have a conversation with your patient.

16 Q. Is there a --- an objective way to measure the
17 subjective symptoms?

18 A. We have a lot of scales for a lot of things. We
19 have a lot of diagnostic criteria for a lot of things,
20 but most of medicine would not exist in my opinion if we
21 didn't talk with our patients.

22 Q. I understand that. So it sounds like there's
23 not a good way to actually put a measurement on
24 subjective symptoms.

1 Is that a fair statement?

2 ATTORNEY HARTNETT: Object to form.

3 THE WITNESS: They are by nature
4 subjective.

5 BY ATTORNEY TRYON:

6 Q. So when someone comes to you for gender
7 dysphoria issues as opposed to other types of medical
8 issues --- actually, let me start that all over again.
9 Do you ever treat patients or diagnose patients for
10 things other than gender dysphoria issues?

11 A. Yes.

12 Q. What other medical issues do you diagnose or
13 treat?

14 A. It's a very extensive list.

15 Q. Okay.

16 Then I won't make you go through it, but can
17 you give me some just general ideas?

18 A. Dysmenorrhea is an incredibly common thing that
19 I treat and diagnose.

20 Q. Can you repeat that or spell that, please?

21 A. Dysmenorrhea, D-Y-S-M-E-N-O-R-R-H-E-A.
22 Dysmenorrhea.

23 Q. What is that?

24 A. Dysmenorrhea is difficult periods. It's a whole

1 host of things that lead to heavy bleeding,
2 uncomfortable bleeding, pain with bleeding, and can
3 really impact live experience with young people.

4 Q. Okay.

5 Anything else?

6 A. As I said, there are many things that I diagnose
7 and treat.

8 Q. Give me a few examples just so I sort of
9 understand your practice.

10 A. Okay.

11 Sexually transmitted infections. I'm an
12 adolescent medicine doctor, so really anything in the
13 pubertal period or young period is in my practice. But
14 I often screen and treat for sexually-transmitted
15 infections. I also manage contraception. I also talk
16 about mood, anxiety, depression. Would you like more?

17 Q. I think I'm getting the sense of it. So let me
18 ask you about gender dysphoria. Can you give me your
19 definition for what gender dysphoria is?

20 A. My definition is loosely based on the DSM-V,
21 which has criteria for the diagnosis of gender
22 dysphoria, but it is stress, significant distress often
23 associated with the inconference between one's sex
24 assigned at birth and gender identity lasting longer

1 than six months with accompanying things like seeking to
2 present one's self gender expression in line with one's
3 affirmed gender and in opposition to one's sex assigned
4 at birth as well as some other criteria.

5 Q. Is the actual intake process that we have
6 discussed for someone coming to you for gender dysphoria
7 different than some of these other issues that you've
8 mentioned to me?

9 A. Can you restate the question?

10 Q. Sure.

11 When someone comes to you, you have given me
12 sort of the --- explained to me how the intake process
13 works in general. And my question is, is it any
14 different in general than with respect to someone coming
15 to you with gender dysphoria specifically?

16 A. In some ways. I ask a whole lot more questions
17 about gender when we are talking about gender dysphoria,
18 although I ask all of my patients about gender identity.

19 Q. Why do you ask all of your patients about gender
20 identity?

21 A. It's important that I'm respectful of them and
22 their name and pronouns, and also we know that gender
23 diverse young people, and by my definition that is
24 anyone who's sex assigned at birth and gender identity

1 do not fully align, we know that those young people face
2 health disparities and inequities associated with mental
3 health, and I want to make sure I can address those if
4 they are present.

5 ATTORNEY TRYON: Let me just ask the
6 court reporter if you're able to keep up with this?

7 COURT REPORTER: Attorney Tryon, if the
8 doctor could speak a little bit slower because I'm ---
9 yeah, a little bit slower, Doctor, please.

10 THE WITNESS: Absolutely.

11 ATTORNEY HARTNETT: She is doing a great
12 time on the real time, though, but appreciate the point.

13 BY ATTORNEY TRYON:

14 Q. What is --- what percentage of your practice
15 involves gender dysphoria or gender identity issues?

16 A. I couldn't give you an exact number, but my
17 guess would be 80 percent.

18 Q. Now, you mention there's --- this may not be
19 your word, but there's a process for diagnosing gender
20 dysphoria.

21 Is that right?

22 A. There are diagnostic criteria, yes.

23 Q. And can you list those for me again? You
24 started to go through that a little bit, but if you

1 could go through that I would appreciate it.

2 A. These are located in the DSM-V, and I cannot
3 recite them by memory.

4 Q. Well, as best as you can, can you tell me what
5 they are?

6 A. Loosely, the definition of gender dysphoria by
7 my interpretation is that there is distress, often
8 significant distress, associated with an incongruent
9 between one's sex assigned at birth and one's gender
10 identity lasting for at least six months and also
11 inclusive of some other criteria, which include things
12 like desiring to align one's gender expression with
13 one's affirmed gender and in opposition to one's
14 assigned sex.

15 Q. About how many people have come to you to get an
16 initial diagnosis of gender dysphoria?

17 A. I want to clarify that most folks, at least a
18 substantial portion of folks don't come to me asking for
19 that diagnosis specifically, but more broadly to have
20 conversations about means of support, although I am able
21 to provide that diagnosis.

22 Q. Okay.

23 And about how many people have you given that
24 diagnosis to?

1 A. I couldn't give you an exact number. I can
2 approximate and say that I have seen well over a hundred
3 patients in my clinic.

4 Q. And in which or for which you've given a
5 diagnosis or gone through that --- let me start that
6 over. Of those hundreds, those are the --- those you've
7 actually gone through the process to make a diagnosis of
8 gender dysphoria?

9 A. I've certainly asked all of the relevant
10 questions. Sometimes young people and their families
11 don't desire to have that diagnosis listed in their
12 chart due to fear of discrimination.

13 Q. But you would say you've given that diagnosis
14 for over a hundred patients?

15 A. I've certainly asked the questions associated
16 with that diagnosis, yes.

17 Q. Okay.

18 But I'm asking where you've done the actual
19 initial diagnose --- given actual diagnosis of that
20 gender dysphoria, would you say over a hundred or not?

21 A. It's really hard to say because there is no ---
22 there is no way that one gives a formal diagnosis kind
23 of as a here it is. It's more of a you meet these
24 criteria. Let's explore what that means. Does that

1 feel in line with your life experience. Sometimes I
2 have to write it in the chart for the purpose of
3 insurance coverage, for medication for example. But
4 it's a bit more complicated than just saying you checked
5 the boxes, here is your diagnosis.

6 Q. Okay.

7 Have you ever had a patient that came to you
8 and you discussed gender dysphoria with that patient and
9 ultimately you concluded that the patient did not have
10 gender dysphoria?

11 A. I have.

12 Q. Are those patients who initially thought they
13 had gender dysphoria and you concluded they did not?

14 A. Not usually, no. Those are more often patients
15 who are questioning this part of themselves and
16 exploring their identities as a normal part of
17 adolescent development.

18 Q. For any of the patients that have come to you
19 and said they thought they had gender dysphoria, have
20 you arrived at a different diagnosis of what was causing
21 their concerns?

22 A. I can't recall an occasion like that.

23 Q. Are you familiar with the concept of watchful
24 waiting?

1 A. I am.

2 Q. Have you ever recommended that to a patient?

3 A. I have not because it is not recommended by the
4 American Academy of Pediatrics.

5 Q. Tell me how you are familiar with that.

6 A. I'm familiar with it through the policy
7 statement on the care of this population of young people
8 from the American Academy of Pediatrics by Rafferty, et
9 al., 2018.

10 Q. Have you --- tell me that citation again.

11 A. Sure. Rafferty, et al., 2018, the American
12 Academy of Pediatrics.

13 ATTORNEY LINKOUS: Mr. Tryon, I know
14 we've been going about an hour-and-a-half. When you get
15 to a logical breaking point, I could use three minutes.

16 ATTORNEY TRYON: Okay.

17 Give me just another couple of minutes
18 and then we will break.

19 BY ATTORNEY TRYON:

20 Q. Have you read any literature other than that
21 about watchful waiting?

22 A. That is the literature that most specifically
23 sticks out in my mind. I'm sure I've read countless
24 articles that discuss this in one form or another.

1 Q. Are you aware that there are other articles that
2 do recommend watchful waiting?

3 ATTORNEY HARTNETT: Objection to form.

4 THE WITNESS: I am not familiar with
5 articles like that from highly-respected medical
6 organizations.

7 BY ATTORNEY TRYON:

8 Q. Are you aware of any, whether or not they are
9 from highly-respected medical organizations?

10 A. Not off the top of my head, no.

11 Q. Have you read their studies? I mean, this is a
12 Dutch concept.

13 Right?

14 ATTORNEY HARTNETT: Objection to form.

15 THE WITNESS: I'm not familiar with what
16 you're talking about.

17 BY ATTORNEY TRYON:

18 Q. It's called the Dutch Approach, and you're not
19 --- you haven't heard that?

20 ATTORNEY HARTNETT: Objection to form.

21 THE WITNESS: I certainly am familiar
22 about the Netherlands and the Dutch and the work they've
23 been doing in this space for more than a decade.

24 BY ATTORNEY TRYON:

1 Q. And over there watchful waiting is considered an
2 appropriate recommendation.

3 Right?

4 A. I can't speak to that. I know from their
5 literature they've demonstrated that the approach we
6 take here in this country when done in their country was
7 very helpful and reduced mental health concerns in their
8 young people. I believe that's a DeVry study from more
9 than ten years ago.

10 Q. What is the difference between gender dysphoria
11 and gender nonconformity?

12 ATTORNEY TRYON: You know what, I will
13 withdraw that question. We can take a break right now.
14 When we come back we can talk about that. Okay?

15 ATTORNEY LINKOUS: We can go off the
16 record.

17 VIDEOGRAPHER: Going off the record. The
18 current time reads 11:26 a.m.

19 OFF VIDEOTAPE

20 ---

21 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

22 ---

23 ON VIDEOTAPE

24 VIDEOGRAPHER: We are back on the record.

1 The current time reads 11:37 a.m.

2 BY ATTORNEY TRYON:

3 Q. Dr. Kidd, when we concluded, when we took our
4 break we were just finishing up talking about watchful
5 waiting. Let me ask you just one or two more questions
6 about that. Is watchful waiting something that --- is
7 the only reason that you don't ever recommend that is
8 because of the Rafferty study?

9 A. So Rafferty is not a study. It's a policy
10 statement from the American Academy of Pediatrics that
11 summarizes best practice guidelines for gender diverse
12 young people. And so in that it does not recommend
13 watchful waiting.

14 Additionally, based on my own literature view
15 conducted over the course of my career thus far I have
16 never seen medical literature that supports the use of
17 that practice and is associated with positive mental
18 health outcomes for youth.

19 Q. Okay.

20 Let me ask you about gender dysphoria versus
21 gender non-conformity. You're familiar with both those
22 terms.

23 Right?

24 A. I am.

1 Q. What's the difference between those two things?

2 A. Gender conformity is simply someone rejecting
3 some tenet of what society presumes they should look
4 like, act like, think like as it pertains to gender.
5 And so that could be someone who, like myself, was
6 assigned female but who is very interested in building
7 and construction, right. Typically, that is considered
8 a more masculine pursuit. And so that could be gender
9 non-conformity, and that could extend through my
10 expression. Perhaps I would want to present myself in a
11 way that is more masculine or more androgenous. That
12 would also be reflective of gender nonconformity.

13 Where this enters into the territory of gender
14 dysphoria is when you have that significant distress
15 associated with that encumbrance between my sex
16 assignment and my gender identity. That is the
17 difference.

18 Q. Could you repeat that last part again?

19 A. From where?

20 ATTORNEY TRYON: Can I ask the court
21 reporter to read back that answer?

22 COURT REPORTER: It is simply someone
23 rejecting of what society presumed they should look
24 like, act like, think like as it pertains to gender.

1 And so that could be someone, who like myself, was
2 assigned female but who is very interested in building
3 and construction, right. Typically that is considered a
4 more masculine pursuit, and so that could be gender
5 non-conformity and that could express through my
6 expression perhaps. I would want to perhaps myself in
7 --- want to present myself in a way that is perhaps more
8 masculine or androgenous, where this enters into the
9 area of territory of gender dysphoria where you have
10 that significant distress encumbrance in between my
11 gender society. That is the difference. That's the
12 part I messed up.

13 BY ATTORNEY TRYON:

14 Q. Isn't there always some level of anxiety or
15 distress when someone has a gender non-conformity?

16 A. No, not always.

17 Q. So then in every event where there is some level
18 of stress or anxiety does it then turn into gender
19 dysphoria?

20 A. No. The word that I use is significant or
21 severe, and I believe that language is also echoed in
22 diagnostic criteria.

23 Q. So when I use the name BPJ, do you know who that
24 is?

1 A. I do.

2 Q. Who is that?

3 A. That is B [REDACTED], my patient.

4 Q. Last name J [REDACTED]?

5 A. I believe it's a hyphenated last name,

6 P [REDACTED]-J [REDACTED], but yes.

7 Q. Very good. Thank you for correcting me on that.

8 Any --- prior to --- strike that.

9 Do you have any personal relationship with
10 either BPJ or BPJ's family?

11 A. I am a physician caring for this young person.
12 That is the extent of my relationship with this family
13 and this young person.

14 Q. When did you first hear of BPJ, with that ---
15 those initials or any other name?

16 A. I believe the first time I heard about B [REDACTED] was
17 when Dr. Someshwar, an adolescent medicine specialist
18 who i work with, recommended that she see me.

19 Q. Remind me how to spell that doctor's name?

20 A. S-O-M-E-S-C-H-W-A-R (sic), Someshwar.

21 Q. And how did that come about?

22 A. So Dr. Someshwar is the division head of
23 Division of Adolescent Medicine and WVU Medicine
24 Children's and my direct supervisor in my current

1 position, but also Dr. Someshwar provides care for
2 gender diverse people, as I do, but she does not provide
3 care for those who are interested in or have received
4 pubertal blockers.

5 Q. Why not?

6 A. That is outside of her scope but well within my
7 own, and that is why she wished for me to see B [REDACTED].

8 Q. And how did --- and I'm also going to use BPJ
9 because that's the name on the Complaint, number one,
10 and number two, since BPJ is a minor, that's my practice
11 is to refer to people in court proceedings by their
12 initials, all minors.

13 ATTORNEY HARTNETT: And if I could just
14 --- for the record, this is Kathleen Hartnett for
15 Plaintiff. It's acceptable to us for you to refer to
16 her as B [REDACTED] or BPJ in this deposition. We marked the
17 Complaint BPJ per rules of Court, and we'll mark the
18 parts of this deposition about her medical records, if
19 any, confidential, but Plaintiff has no objection to
20 referring to her in either way. Thank you.

21 ATTORNEY TRYON: Well, to be clear, I'm
22 going to continue doing that because if I make the
23 mistake elsewhere, I can be sanctioned by a court, so
24 I'm going to stay with that.

1 BY ATTORNEY TRYON:

2 Q. So how did BPJ come to the attention to Dr.
3 Someshwar?

4 A. It is my understanding that Dr. Someshwar had
5 provided care to B [REDACTED].

6 Q. Do you know what care?

7 A. I had seen a note from Dr. Someshwar.

8 Q. And what did that note say?

9 A. I can't recall the contents of that note, simply
10 that I do remember seeing one.

11 Q. Is that in the records that you mentioned before
12 or the Epic records?

13 A. It would be in the Epic record, yes.

14 Q. Do you remember when you had your first contact
15 with BPJ and BPJ's family?

16 A. I know from my records the exact date. But
17 without I could easily tell you it was in the fall. I
18 can look at my records to get you the exact date if that
19 would be helpful.

20 Q. Before we go there, let me ask you if you have a
21 specific recollection of meeting with BPJ and Heather
22 Jackson.

23 A. I do.

24 Q. What do you remember right now about that

1 encounter?

2 A. I have a mental picture of where B [REDACTED] and her
3 mom were sitting in the exam room. That's most of the
4 extent of what I recall just from my own memory and not
5 reviewing the note.

6 Q. Do you have a mental memory of the discussions
7 you had with BPJ and BPJ's mother?

8 A. That would certainly refresh from my review of
9 my own note but also my practice is to have fairly
10 similar structured conversations with families, and so I
11 have a rough template in my brain of what we would have
12 talked about.

13 Q. Tell me about that template.

14 A. It involves asking lots of questions about young
15 people, their interests, their journey with gender
16 identity, their family. Sometimes I ask about pets.
17 It's a whole host of things to get to know the young
18 person and their family.

19 Q. What does that term mean journey with gender
20 identity?

21 A. We are all forever growing and evolving and
22 changing as humans. It's part of the human experience,
23 but particularly as it relates to gender for my patients
24 that's often a bit of a long journey, and so that may be

1 starting from when they are young children. It may be
2 starting from when they are adolescents. But
3 regardless, there is always much to talk about with
4 regard to a young person's experience of their own
5 gender identity over time.

6 Q. And is that gender identity sometimes fluid?

7 A. It absolutely can be.

8 Q. Somebody may be for one period of time have a
9 gender identity as one gender and then that can change?

10 A. Yes.

11 ATTORNEY HARTNETT: Object to form.

12 BY ATTORNEY TRYON:

13 Q. How many genders are there?

14 A. There are more genders than we understand, can
15 conceptualize or can count.

16 Q. So over a hundred?

17 A. Gender is a spectrum. There is no solid number.
18 It's someone's lived experience. It's much more
19 complicated than we try to make it by binarizing people.

20 Q. So setting aside binder --- how do you say that,
21 binderizing?

22 A. Binarizing people. Forcing folks into a binary.

23 Q. I've read some place there's 27 genders. Would
24 you agree with that or not?

1 ATTORNEY HARTNETT: Object to the form.

2 THE WITNESS: I'm certainly not familiar
3 with that particular study, but I would dispute it as I
4 could probably list more than 27 myself.

5 BY ATTORNEY TRYON:

6 Q. And when someone is gender fluid what does that
7 mean?

8 A. It depends on the individual, and so these terms
9 tend to be applied to folks but what matters to me is
10 the individual's definition of themselves.

11 Q. Have you had any --- well, let me move on to
12 Exhibit 16.

13 ATTORNEY TRYON: And let me try to bring
14 this up. This is going to be a first for me on doing
15 this on the system.

16 VIDEOGRAPHER: And I'm here if you need
17 some help or I can pull it up as well.

18 ATTORNEY TRYON: So Jacob, when I pull up
19 exhibits file sharing, it wants me to enter a password.

20 VIDEOGRAPHER: Did you join with a new
21 link when you rejoined after we got everything fixed?

22 ATTORNEY TRYON: I attempted to join with
23 the same link.

24 VIDEOGRAPHER: I can set that new one or

1 I can just pull it up for you, either/or.

2 ATTORNEY TRYON: Why don't you do that.

3 Can you pull up Exhibit 16, please?

4 VIDEOGRAPHER: Yes, just give me one
5 second.

6 ATTORNEY TRYON: No, I had uploaded.
7 Maybe you can't access them. I had uploaded three
8 documents. One was Exhibit 16 just so we would only
9 have to look at that one.

10 VIDEOGRAPHER: Got you. If you have them
11 uploaded, then I would not have access to them unless
12 you share them as host and share them with me.

13 ATTORNEY TRYON: Let me see if I can do
14 this.

15 VIDEOGRAPHER: Also, when you upload if
16 you check mark any of the boxes --- like if you check
17 mark like Defendant's Counsel, they would also all have
18 access to that as well.

19 ATTORNEY TRYON: Well, it's now rejecting
20 my password.

21 VIDEOGRAPHER: It might be since it's a
22 probably a different link that you joined the meeting
23 with you might have to hit the forget password and set
24 up a new one. That one --- the old one that you made

1 might be tied to the old link.

2 ATTORNEY TRYON: Let's go off the record
3 for a second so I can get this straightened out.

4 VIDEOGRAPHER: Going off the record. The
5 current time reads 11:52.

6 OFF VIDEOTAPE

7 - - -

8 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

9 - - -

10 ON VIDEOTAPE

11 VIDEOGRAPHER: We are back on the record.
12 The current time reads 11:59 a.m.

13 BY ATTORNEY TRYON:

14 Q. Dr. Kidd, this is what we've marked as Exhibit
15 16. Do you recognize this?

16 A. I'm not able to read any of it due to size.

17 Q. Okay.

18 I'm trying to blow it up. Does that help?

19 A. I have not seen it change. I may be able to do
20 --- I can do it on my end specifically. Let me do that.
21 I can only see the first page so far, but this does look
22 familiar, yes.

23 Q. I believe you can click the different pages, 1
24 through 9.

1 A. I see that now. Yes. This looks like my note.

2 Q. Do you have a hard copy of that in front of you
3 as well?

4 A. I do.

5 Q. Feel free to use either one, just to go through
6 this.

7 A. Yes.

8 Q. So my first question is simply what is this
9 document?

10 A. So certainly there are pages associated with
11 this packet that I'm not familiar with. I think they
12 are part from the pull from the health system. But
13 specifically as it relates to the section that begins
14 B [REDACTED] is a 11-year-old patient, that is the beginning of
15 my clinical note from our patient visit.

16 Q. How is the information in here populated into
17 this document?

18 A. The note itself?

19 Q. Well, everything in here. I'm just trying to
20 understand how this document is created.

21 A. I can't speak to the ancillary information
22 outside of my patient note. I can tell you how my note
23 was created.

24 Q. Well, let's start with that then.

1 A. Okay.

2 I use a note template that has spaces for me to
3 fill in information, as well as some information that is
4 already populated that I can adjust accordingly.

5 Q. Is that note template in Epic?

6 A. It is.

7 Q. And then Epic takes that information and would
8 populate it into a document that looks like what we have
9 before us?

10 A. Specifically the section that begins B [REDACTED] is an
11 11-year-old patient, yes.

12 Q. The other information in here, for example, the
13 visit date, the name, those sorts of things, do you know
14 how those are populated into this document?

15 A. So let me --- I don't know that you can see
16 where I am in the document, but this portion here that
17 has the WVU Medicine Children's logo, I think it copied
18 poorly. But from this section down, this is my note
19 template. Above that ---.

20 Q. I cannot see where you're at.

21 ATTORNEY TRYON: Jacob, can you enable
22 her to show that?

23 ATTORNEY LINKOUS: Jacob, you're on mute.

24 VIDEOGRAPHER: I have you enabled to mark

1 up the document. You should be able to put in
2 highlights or drag us around. Whatever you do we should
3 see.

4 THE WITNESS: Okay.

5 VIDEOGRAPHER: If you highlighted that
6 right there, that's --- I see the highlight. Does
7 everyone else see that highlight?

8 ATTORNEY TRYON: No, I can't see it.

9 VIDEOGRAPHER: On page three, around the
10 it looks like the logo.

11 ATTORNEY LINKOUS: I see it.

12 ATTORNEY HARTNETT: This is Kathleen
13 Hartnett. Just to make sure I'm clear, is the witness
14 able to move the exhibit in the window but the others
15 who see it cannot?

16 VIDEOGRAPHER: Right now I have the
17 witness set to move it. I can give anybody permission
18 to alter it and move it around and stuff. And it does
19 that for everybody. So right now I just have the
20 witness with the permission for that. Does that make
21 sense?

22 ATTORNEY TYRON: Yes.

23 ATTORNEY HARTNETT: Yes.

24 ATTORNEY TYRON: Yes.

1 BY ATTORNEY TRYON:

2 Q. Is it highlighted in color?

3 A. It is yellow.

4 ATTORNEY LINKOUS: Mr. Tryon, she is also
5 on BPJ099. I don't know if you're on that same page or
6 not. I think she moved us down to that page.

7 VIDEOGRAPHER: Let me try something to
8 synch it back up for you, Mr. Tryon.

9 ATTORNEY TRYON: Okay.

10 VIDEOGRAPHER: Do you see it now?

11 ATTORNEY TRYON: I see the document. I
12 don't see any yellow highlighting.

13 BY ATTORNEY TRYON:

14 Q. Well, go ahead and describe where you're at.

15 A. Sure. There's a logo on one of these pages that
16 has some cookie-cutter people holding hands and it says
17 WV Medicine Children's, although I think the photocopy
18 did not do that logo any justice. But that is the logo
19 located on the top of my note. And that logo and
20 everything beneath it is part of my note template. I am
21 not familiar with how Epic aggregates the additional
22 information in this packet.

23 Q. Okay.

24 Do you know who enters in the information, for

1 example, the date of birth and the visit date?

2 A. That information is likely entered at the time
3 of the visit being scheduled, although that is not part
4 of my role and so I cannot be certain.

5 Q. At the very top of that page, I think it's the
6 same page, do you see it's got a number --- MRN number.
7 Is that the patient's number that's assigned?

8 A. I have an E number on my screen that's below the
9 date of the visit encounter. That is in my note
10 template. That is the patient's medical record number,
11 that E number.

12 Q. So I'm seeing MRN: E2003446?

13 A. Yes. And I know that you're having trouble
14 seeing my highlighting, and I don't know if you can see
15 that piece. I pulled that number into my notes. I'm
16 not sure where you're referring to it, but that is the
17 number.

18 Q. Right at the top, I'm looking at the very top of
19 this page, page --- it's labeled BPJ099, and it's page
20 one.

21 A. I can see it here.

22 Q. Yes. Now I see you're highlighting, although
23 it's not yellow. Okay. So then if you move over to the
24 right and it says sex M. Does that stand for male?

1 A. It does.

2 Q. And who would input that that BPJ's sex is male?

3 A. I cannot speak with certainty, but my guess
4 would be the person who collected the insurance
5 information.

6 Q. And why would --- if BPJ identifies as a female,
7 as I think you say later on, why would that be put there
8 as male?

9 A. The sex marker has to line up with the insurance
10 for the purposes of billing in the medical system.

11 Q. Is that the only reason?

12 A. That's the reason that I'm familiar with.

13 Q. So you did not put that information in there?

14 A. I did not.

15 Q. If you can scroll down where it says desired to
16 be treated as other gender.

17 A. Sure.

18 Q. It shows the name pronouns of she and her.

19 Right?

20 A. Yes.

21 Q. And if I scroll down further I look at and I see
22 under gender dysphoria patient describes this experience
23 for themselves as --- why do you use a different pronoun
24 down there?

1 A. That's part of my standard note template. The
2 things before the colons in these sections are part of a
3 note template.

4 Q. Okay.

5 Then back up to desire to be rid of secondary
6 sex characteristics. It says expectations for today's
7 visit. That's part of the template?

8 A. It is before the colon.

9 Q. Right. And so that template is something that's
10 created by Epic or by someone else?

11 A. That's a note template that I created within
12 Epic.

13 Q. I see. And so it says want to establish care.
14 That seems obvious to me, but can you explain that?

15 A. This was my first time seeing B [REDACTED]. And as
16 part of my first visit with all of my patients I ask,
17 you know, what are their expectations or goals for
18 today's visit. And when I asked that question, B [REDACTED]
19 and her mom responded that they wanted to establish care
20 today. I'm not sure exactly who said that. I suspect
21 it was mom.

22 Q. And next it says has [REDACTED] since
23 June 2020 placed by Dr. Montano at UPMC. And you put
24 that in there?

1 A. I did.

2 Q. And how did you know about that [REDACTED]?

3 A. I suspect that mom told me. That information
4 was provided to me during this visit. But also it was
5 in the medical record that I would have briefly reviewed
6 prior to this visit.

7 Q. What medical record is that?

8 A. The notes that are available for me in Epic.

9 Q. So you're telling me that in Epic there would be
10 some notes that stated that there was an [REDACTED], a
11 [REDACTED]?

12 A. I believe Dr. Someshwar's note referred to it,
13 yes.

14 Q. Did you ever ask Dr. Montano if he had placed
15 that [REDACTED]?

16 A. I don't recall specifically asking Dr. Montano
17 if he placed the [REDACTED], no.

18 Q. Did you do anything to confirm that the [REDACTED]
19 was in place?

20 A. I examined B [REDACTED]'s arm. I palpated the [REDACTED].
21 I noted the small scar at the insertion site. I also
22 confirmed it based on lab testing.

23 Q. Next, under desire to gain secondary sex
24 characteristics of other gender, slash --- other gender,

1 colon, that was part of the form?

2 A. That was part of my note template, yes.

3 Q. And you created that?

4 A. I did. I should note it's based off of a
5 template from those that taught me.

6 Q. Which would be whom?

7 A. Dr. Montano.

8 Q. Under there it has --- under severity, wanting
9 to be other gender, other gender is based on the
10 following, hair style and clothing and desire for
11 hormone therapy, which you created that template.

12 Right.

13 A. Yes, everything before the colon.

14 Q. And you inputted feminine, feminine in the
15 future.

16 Right?

17 A. I did, based on our conversation during this
18 visit.

19 Q. Are those the things upon which you made a
20 determination --- strike that.

21 Did you make a determination that B [REDACTED] was
22 gender dysphoric?

23 A. If you review the criteria for diagnosis for
24 gender dysphoria it's that essentially insistent,

1 persistent, consistent, incongruence associated with
2 significant distress, as I discussed earlier, plus two
3 or more of a list of criteria. This note outlines those
4 criteria. And so based on the responses to questions
5 that I asked in relation to my documentation here, yes,
6 B [REDACTED] does meet the diagnostic criteria for gender
7 dysphoria.

8 Q. Did you actually make a diagnosis?

9 A. B [REDACTED] already had that diagnosis prior to seeing
10 me.

11 Q. And that was --- who made that diagnosis?

12 A. I suspect the first person was Dr. Montano,
13 although I don't know that for sure.

14 Q. And who told you that she already --- that BPJ
15 already had such a diagnosis?

16 A. The medical record.

17 Q. And that medical record which was from Dr.
18 Someshwar?

19 A. And Doctor Someshwar would have had one of those
20 notes, yes.

21 Q. Any other notes that would have said that?

22 A. Likely notes from B [REDACTED]'s therapist.

23 Q. And you have access to B [REDACTED]'s therapist's ---
24 excuse me, BPJ's therapist --- let me start that over.

1 You had information from BPJ's therapist?

2 A. I had documentation.

3 ATTORNEY HARTNETT: Object to form.

4 THE WITNESS: Of her record.

5 BY ATTORNEY TRYON:

6 Q. Is that also on Epic?

7 A. Yes.

8 Q. So I want to go back to this part where it says
9 desire to gain secondary sex characteristics. So are
10 hairstyle and clothing the only bases to determine if
11 someone is gender dysphoric?

12 ATTORNEY HARTNETT: Object to form.

13 THE WITNESS: No.

14 BY ATTORNEY TRYON:

15 Q. What other?

16 A. Potential criteria, potential things that we
17 look for. There's no one single criterion.

18 Q. But those are the only things that are listed in
19 this form.

20 Right?

21 ATTORNEY HARTNETT: Object to form.

22 THE WITNESS: In that particular section.

23 BY ATTORNEY TRYON:

24 Q. And desire for hormone therapy in the future.

1 What additional hormone therapy was desired?

2 A. Estrogen.

3 Q. And were you told why?

4 A. I can't recall our exact conversation, but it is
5 my typical practice to have pretty detailed
6 conversations about where a young person is in their
7 chem thought process and understanding of what estrogen
8 could mean for them.

9 Q. And what could it mean for them?

10 A. It could meaning gaining secondary sex
11 characteristics of the other gender.

12 Q. Such as?

13 A. Breast growth.

14 Q. Any others?

15 A. Several others.

16 Q. What are those?

17 A. Thinning of hair follicles, softening of skin.
18 Those are the primary.

19 Q. I'm sorry. What did you say about hair
20 follicles?

21 A. Thinning, making the hair follicles less
22 apparent on the body especially.

23 Q. And do you recall discussing those with BPJ and
24 BPJ's mother?

1 A. I can't recall the specifics of that encounter,
2 but is my standard practice to have those discussions.

3 Q. Up at the top of that page, do you see at the
4 very top where it says P [REDACTED]-J [REDACTED], comma, and it's
5 blocked out?

6 A. Yes.

7 Q. So --- let me back up. This document was
8 produced to Plaintiff's Counsel then gave it to us.
9 Were you involved in that production to Plaintiff's
10 Counsel?

11 A. I was not.

12 Q. Okay.

13 Let me move on to the next page. And let me
14 ask you, during this conversation was BPJ joined by
15 Heather the entire time?

16 A. It is my standard practice to talk to young
17 people alone for at least a portion of their visit, and
18 so I suspect I did that during this visit.

19 Q. Do you recall during this visit anyone other
20 than you were involved as far as healthcare providers?

21 A. It is often that I have trainees with me, most
22 often in the role of shadows to witness how I talk to
23 patients, how I gather this information, that sort of
24 thing, how I provide care. I do not recall having a

1 trainee with me that day, but my memory could be
2 mistaken there.

3 Q. And in your memory was anyone else from WVU in
4 that meeting?

5 A. From WV Medicine?

6 Q. Yes.

7 A. I don't think so because I know that the other
8 members of my multidisciplinary team were not a part of
9 this conversation as B [REDACTED] was already established with
10 a mental health therapist.

11 Q. Under past medical history --- and I'm now on
12 page two of this document, it shows mental health HX.
13 What is that? What does HX stand for?

14 A. It's a common medical abbreviation for the word
15 history.

16 Q. In this past medical history that you have put
17 here, the source is --- what was the source?

18 A. This source was very likely B [REDACTED]'s mother.

19 Q. Under social history do you see that?

20 A. I do.

21 Q. Is there anything in there that affects or would
22 affect a determination or a diagnosis of BPJ having
23 gender dysphoria?

24 A. These items in the social history are really

1 about getting to know B [REDACTED] and her family dynamic and
2 more about her generally. These are not directly
3 related to her gender identity.

4 Q. And let me just confirm up at the top of the
5 page it says --- it shows the date being 9/16/2021. Was
6 that the date of the visit?

7 A. To the best of my recollection, yes.

8 Q. On the next page it shows patient active problem
9 list. Do you see that?

10 A. I do.

11 Q. And what --- it says WCC well check. Is that
12 something that you inputted?

13 A. It is not. So this is a problem list that is
14 maintained in Epic usually by the patient's primary care
15 provider.

16 Q. Who is this patient's primary care provider?

17 A. I do not recall.

18 Q. Is there anything on this form that would tell
19 you?

20 A. On this particular form, no, although in the
21 Epic record that would likely be noted, at least to the
22 extent of my note. It is not written in my notes. It
23 may have been in some of these ancillary pages that I'm
24 not as familiar with.

1 Q. During the visit did you discuss any of these
2 items under the diagnosis --- well, excuse me, under the
3 patient active problem list?

4 A. Not to my recollection, no.

5 Q. I'm sorry. Let me finish my question. The six
6 bullet points that are listed there, you did not input
7 any of those?

8 A. That is correct.

9 Q. And you didn't discuss any of those with BPJ or
10 BPJ's mother?

11 A. Not to my recollection, no.

12 Q. Now, the next paragraph of notes, was that
13 something that you inputted?

14 A. It is.

15 Q. And you ordered labs to confirm that the [REDACTED] was
16 likely to release medication. Do I understand that
17 correctly?

18 A. I ordered labs to confirm that the [REDACTED] was
19 continuing to release the medication, as I suspected it
20 would be, yes.

21 Q. Why do you do that?

22 A. It's routine and to make sure that the [REDACTED] is
23 functioning as we expect it to. And for my practice I
24 usually check those labs every 6 to 12 months.

1 Q. How is the [REDACTED] supposed to function?

2 A. So the [REDACTED] has a medication called [REDACTED].

3 [REDACTED] is a gonadotropin-releasing hormone agonist,
4 or abbreviated a GRNHA. A GRNHA works at the level of a
5 hypervolemic pituitary gonadal axis to suppress that
6 axis and subsequent release of sex hormones, either
7 testosterone or estrogen, depending on the sex assigned
8 at birth.

9 Q. Is it the same medication for both to stop
10 either testosterone or estrogen or is it different?

11 A. It is the same medication. It works in the same
12 way.

13 Q. And did you also discuss that a [REDACTED] scan be
14 done?

15 A. I had a discussion with B [REDACTED] and her mother
16 about why I thought a [REDACTED] scan could be helpful and
17 they opted to get one.

18 Q. It says I shared resources with mom to connect
19 her to local parents support programs. Who were those
20 resources?

21 A. I am connected to community organizations run by
22 parents wherein parents can talk with other parents of
23 gender diverse people. My abbreviation for the program
24 I referred B [REDACTED]'s mom to is, in fact, next to B [REDACTED]'s

1 mom's email. It's abbreviated POT for the Parent
2 Outreach Program.

3 Q. At the bottom it says on the day of the
4 encounter a total of 60 minutes was spent on this
5 patient encounter, including review of historical
6 information, examination, documentation of post
7 activities. And my question is what was the historical
8 information?

9 A. That would have been the conversation with B [REDACTED]
10 and her mom talking about the medical history as well as
11 my pre-review of the chart prior to this visit.

12 Q. And then the examination, what would that
13 entail?

14 A. For B [REDACTED], to my memory, that included making
15 sure that B [REDACTED]'s heart and lungs sounded normal and
16 generally evaluating how she was able to communicate,
17 how she moved about the room, those sorts of things are
18 the aspects of my physical exam.

19 Q. And when it refers to documentation, what is
20 that referring to?

21 A. The actual writing of this note.

22 Q. Anything that is not in this note?

23 A. It would have also involved me ordering the labs
24 and the [REDACTED] scan, writing why I was ordering the [REDACTED]

1 scan, things of that nature.

2 Q. And what would the post visit activities refer
3 to?

4 A. That could be things like reviewing the labs if
5 they came back the same day. This is a billing
6 statement and only includes the time spent during that
7 same day.

8 ATTORNEY LINKOUS: I'm sorry. Can you
9 repeat that?

10 THE WITNESS: It is a billing statement
11 and so it is referring to activities that were
12 undertaken on that day.

13 BY ATTORNEY TRYON:

14 Q. In your discussion with BPJ and BPJ's mother was
15 there any indication that BPJ had ever had any suicidal
16 ideations, suicide plans, threats or attempts?

17 A. Not to my recollection.

18 Q. Did you ask?

19 A. I likely did. That is part of my standard
20 practice.

21 Q. Why do you ask that?

22 A. Because gender diverse young people like B [REDACTED]
23 base health inequities particularly as it relates to
24 mental health, although that's at population level and

1 does not necessarily apply to B [REDACTED].

2 Q. Why wouldn't it apply to B [REDACTED]?

3 A. That's a population statistic, and so B [REDACTED] is
4 her own person and may or may not be in line population
5 statistics more promptly.

6 Q. And now I understand. Do you know if BPJ has
7 ever been hospitalized for anything?

8 A. I reviewed the chart and don't recall a specific
9 example of hospitalization. I think there may have been
10 notes from emergency sorts of visits, but I don't
11 remember an inpatient hospitalization.

12 Q. Before this visit had BPJ ever been diagnosed
13 with any mental or emotional illnesses?

14 ATTORNEY HARTNETT: Object to form.

15 THE WITNESS: Mom specifically mentioned
16 gender dysphoria, which is a diagnosis within the DSM-V,
17 which is a diagnostic and statistical manual and so I
18 suppose that could count.

19 BY ATTORNEY TRYON:

20 Q. Well, is that a mental or emotional illness?

21 ATTORNEY HARTNETT: Object to form.

22 THE WITNESS: It depends on your
23 interpretation. It is a diagnosis in the DSM-V.

24 BY ATTORNEY TRYON:

1 Q. Okay.

2 It is a diagnosis. Is it a diagnosis of mental
3 illness?

4 ATTORNEY HARTNETT: Objection to form.

5 THE WITNESS: That is a very challenging
6 question, and so the short answer is gender dysphoria is
7 significant distress, and it is that distress that can
8 be considered a mental health concern. Being gender
9 diverse or transgender is not a pathology.

10 BY ATTORNEY TRYON:

11 Q. Can you define then for our purposes what you
12 consider --- or based on DSM-V, what is a mental
13 illness?

14 ATTORNEY HARTNETT: Object to form.

15 THE WITNESS: Can you rephrase the
16 question?

17 BY ATTORNEY TRYON:

18 Q. Yes. So you referred to the DSM-V.

19 Right?

20 A. I mentioned it, yes.

21 Q. Does that define what a mental illness is?

22 A. The DSM-V is the diagnostic and statistical
23 manual of essentially all of the things that the
24 American Psychiatric Association considers in their

1 wheelhouse for diagnoses. And so things like depression
2 and anxiety are certainly in there but also things like
3 gender dysphoria.

4 Q. Does it define the term mental illness?

5 A. I can't recall. It's a very broad term.

6 Q. Other than gender dysphoria, were there any
7 other mental or emotional issues or problems that you
8 were aware that BPJ had been diagnosed with?

9 A. Not that I can ---.

10 ATTORNEY HARTNETT: Object to the form.

11 ATTORNEY TRYON: Jacob, can you pull up
12 Exhibit 33, please? Actually, I take that back. Let's
13 stick with this exhibit a little bit longer.

14 VIDEOGRAPHER: You got it.

15 ATTORNEY TRYON: I apologize for that.

16 BY ATTORNEY TRYON:

17 Q. So turning to page six of this exhibit?

18 A. I'm unable to do that on my end.

19 Q. I can.

20 A. I can now, yeah.

21 Q. Okay.

22 If you can go down to where it shows --- sorry,
23 it would be on actually page eight, eight of nine, I
24 believe. And this was part of the testing that you

1 would have requested.

2 Is that right?

3 A. This is one of those forms that Epic has
4 compiled for you, but it does look like it is of the
5 labs that I ordered, yes.

6 Q. When this came back did you review it?

7 A. I did.

8 Q. And it shows under components testosterone total
9 serum. Do you see that?

10 A. Let me highlight and make sure we're looking at
11 the same thing. Here?

12 Q. Yes.

13 A. Yes.

14 Q. And if you go lower it shows the total serum and
15 it shows value of less than 7.0.

16 Right?

17 A. Yes.

18 Q. And down below it shows the Tanner reference
19 stages and for prepubertal, 7-20 for Stage 1.

20 Right?

21 A. I can see that.

22 Q. So does that testosterone level indicate that
23 BPJ was at Tanner Stage 1?

24 A. No, that is not a correct interpretation.

1 Q. Could you please interpret it for me?

2 A. Sure. So the testosterone level demonstrates
3 that it is suppressed, actually below a detectable
4 threshold of 7.0 for the purposes of this lab. It is
5 important to note that all bodies, unless they are too
6 young or being blocked, make testosterone and that
7 includes people who are assigned female. And so I
8 myself right now very likely, in fact I'm extremely
9 confident, have a level much higher than seven of
10 testosterone because that is normal for an adult female.
11 And so B [REDACTED]'s testosterone based on this level is fully
12 suppressed. The reason that the Tanner stage reference
13 guidelines are in this record is that other folks use
14 this lab to monitor pubertal progression. B [REDACTED] was
15 Tanner stage prior to the rod and was at Tanner 2 at
16 that time. And so this table is not relevant to B [REDACTED],
17 just a refresh in the lab that her testosterone is fully
18 suppressed.

19 ATTORNEY TRYON: Okay.

20 Now let's turn to Exhibit 33.

21 VIDEOGRAPHER: Before I show it, you said
22 33.

23 ATTORNEY TRYON: I didn't hear you.

24 VIDEOGRAPHER: Before I show it, you said

1 33.

2 Correct?

3 ATTORNEY TRYON: Right. I sent you two
4 other forms.

5 VIDEOGRAPHER: I just wanted to make sure
6 before I showed it.

7 ATTORNEY TRYON: Yes.

8 VIDEOGRAPHER: And does everybody see
9 that.

10 THE WITNESS: Yes.

11 ATTORNEY TRYON: I do.

12 BY ATTORNEY TRYON:

13 Q. Great. So if we could go forward into page 11.
14 Sorry, it's going to be page 11 of the document itself,
15 so it looks like that will be page --- I'm not sure.

16 And Dr. Kidd, if you have the hard copy it might
17 be easier to read. It depends on which one you want to
18 look at. So the first two sentences of this read
19 through --- actually maybe the first three sentences.
20 Why don't you go ahead and read them to yourself. We
21 don't need to read them out loud.

22 VIDEOGRAPHER: While she's reading that,
23 Mr. Tryon, I also gave you permission to mark the
24 document as well if you need to highlight something or

1 guide the witness.

2 ATTORNEY TRYON: Thank you.

3 VIDEOGRAPHER: You're welcome.

4 BY ATTORNEY TRYON:

5 Q. Have you finished?

6 A. I have.

7 Q. Great. So this indicates that gender dysphoria
8 during childhood is not evidently continued to childhood
9 rather than the dysphoria persists and resulted for only
10 6 to 23 percent of the children.

11 Right?

12 ATTORNEY HARTNETT: Object to form.

13 THE WITNESS: I believe, which are a bit
14 dated, but yes, that is what it says.

15 BY ATTORNEY TRYON:

16 Q. Do you think that percentage has changed?

17 A. I think our understanding of diagnostic
18 criteria, for example many of those studies were from
19 when we used GID, a different diagnostic criteria, that
20 has evolved additional these guidelines from WV are from
21 2012, I believe. There is a new version that is set to
22 come out in the I think late winter of this coming year
23 that I was involved in giving feedback for.

24 Q. Yes. That version has not yet been accepted or

1 issued, has it?

2 A. Not yet. It's expected like within the winter.

3 Q. Assuming that's accepted, since it's still out
4 for comment, but assuming it's accepted, how does it
5 change in the eighth version, how does it change this
6 language?

7 A. To be clear, it's still not out for comment.
8 The comment period has ended and it's now back with its
9 writing committee. But there is more space given, to my
10 recollection, for exploring those differences by
11 diagnostic criteria that we did inform this prior
12 studies. I think it's important, though, to center
13 B [REDACTED] in this conversation. B [REDACTED] is an adolescent,
14 meaning that the second paragraph discussing the
15 likelihood of her gender identity is more relevant.

16 Q. And under these guidelines what is the
17 percentage of persistence for adolescents?

18 A. I couldn't cite a specific number because again
19 it's complicated, but it is the majority is my
20 understanding.

21 Q. So when BPJ originally identified as being a
22 girl, BPJ was a child.

23 Right?

24 A. I believe social transition was in third grade,

1 so into adolescence but perhaps not quite there yet
2 depending on your definition of adolescence.

3 Q. How do you define adolescence?

4 A. It depends. The World Health Organization puts
5 numbers on young people, and so I believe they say age
6 10 to 19. But that's not necessarily reflective of
7 pubertal changes, which is how I would define
8 adolescence. And it's normal for pubertal changes to
9 begin at age nine.

10 Q. And for --- well, let me just ask you, so since
11 this is the current and existing guideline and --- or
12 excuse me, standard of care, which you said you
13 subscribe to.

14 Right?

15 ATTORNEY HARTNETT: Object to form.

16 THE WITNESS: Well, I think it is
17 important to note if I may in this document.

18 BY ATTORNEY TRYON:

19 Q. I apologize. I didn't hear that.

20 A. It's possible, I would like to point out on
21 page two, page number two on that part of it where it
22 lists the standards of care are flexible clinical
23 guidelines, that's a critical piece of all of this. And
24 so they are not a kind of rule book but instead a

1 guideline and there are many circumstances to deviate
2 based on an individual patient circumstance.

3 Q. So you pick and choose what you agree with?

4 ATTORNEY HARTNETT: Object to form.

5 THE WITNESS: Not at all. I follow
6 numerous guidelines, including those from the American
7 Academy of Pediatrics, but I also shape them to fit the
8 needs of the patient.

9 BY ATTORNEY TRYON:

10 Q. Do you share with BPJ and BPJ's mother the
11 statistics that 6 to 23 percent of children due to
12 dysphoria --- excuse me, that the dysphoria persists
13 into adulthood for only 6 to 23 percent of children?
14 Did you share that with BPJ or BPJ's mother?

15 ATTORNEY HARTNETT: Object to form.

16 THE WITNESS: I believe the comment was
17 not relevant to the patient in front of me.

18 BY ATTORNEY TRYON:

19 Q. Did you share with BPJ or BPJ's mother the fact
20 that not all adolescents persist into adulthood?

21 A. I create space for people to explore their
22 gender identities. I do not assume that any of us will
23 wake up tomorrow feeling the way we feel today about our
24 gender identity.

1 Q. So the answer is no, you did not share that with
2 them?

3 A. I create space to have that conversation.

4 Q. Did you have a discussion in which you told BPJ
5 or BPJ's mother that BPJ's gender dysphoria may not
6 persist into adulthood?

7 A. I specifically in my practice make space to have
8 conversations about fluidity and gender identity.

9 Q. That doesn't mean anything to me. What do you
10 mean create space?

11 ATTORNEY HARTNETT: Object to form.

12 THE WITNESS: We have a conversation
13 where I explain to young people that I don't expect them
14 to be the same person every day for the rest of their
15 lives. And if they feel that circumstances have changed
16 or if their family feels that circumstances have changed
17 the rod that B [REDACTED] has is fully reversible and it's
18 always an option to remove that rod if it was in B [REDACTED]'s
19 best interest, which I did not feel it was at the time
20 of our encounter.

21 BY ATTORNEY TRYON:

22 Q. Did you tell BPJ or BPJ's mother that gender
23 dysphoria does not always persist for adolescents into
24 adulthood?

1 A. I don't think I said that exact thing, no.

2 Q. As I understand it --- well, let me back up.

3 Did BPJ or BPJ's mother tell you how it came about that
4 BPJ identified as being a girl instead of a boy?

5 A. I can't remember our exact conversation, but it
6 is my standard practice to ask questions relative to
7 that point and so I suspect, yes, we had that
8 conversation.

9 Q. You don't remember anything about that
10 conversation relative what I just asked you?

11 A. Not beyond what is documented in my note.

12 Q. In your notes it says that patient has
13 identified gender diverse since, and then you inserted
14 around age two. Does that refresh your recollection at
15 all as far as what happened at around age two?

16 A. I document what is talked about during the
17 visit, and so yes, that would have been the
18 conversation.

19 Q. Do you remember anything else about BPJ
20 identifying as a girl around age two?

21 ATTORNEY HARTNETT: Object to reading
22 from the document that is not before the witness.

23 ATTORNEY TRYON: She has a hard copy.

24 ATTORNEY HARTNETT: I don't know where

1 you're reading from. Can you tell us where you are
2 reading from?

3 ATTORNEY TRYON: Sure. It's on page one
4 of the --- well, it's on page three of the actual
5 exhibit and page one of Dr. Kidd's office notes.

6 ATTORNEY LINKOUS: It's okay. I think
7 Dr. Kidd has her office notes in front of her. Go
8 ahead, Doctor.

9 BY ATTORNEY TRYON:

10 Q. So I'm just asking when it says patient has
11 identified as gender diverse since and then you inputted
12 around age two, comma, she said she was a girl around
13 age three, does that refresh your recollection about
14 your conversation about how that came about?

15 A. Somewhat, yes.

16 Q. Okay.

17 And what do you remember now?

18 A. Specifically that B [REDACTED] and her mom more likely
19 in this conversation would have told me that for me to
20 write it down and so likely B [REDACTED]'s mom said that she
21 identified as gender diverse in some capacity, be that a
22 girl or otherwise, but first said she was a girl at age
23 three. And that's a common differentiation. It's often
24 children exhibit behaviors and interests that are

1 gendered in a direction parents may not expect. And
2 that aligns with that question you had earlier about
3 non-conformity.

4 Q. Do you remember anything else about that
5 conversation relating to that?

6 A. Well, my next line is that third grade was when
7 she started to wear girl clothes comfortably. I think I
8 had a typo there. I meant to write comfortably instead
9 of comfortable. And that social transition was the
10 summer before third grade.

11 Q. And you have no other recollection about the
12 conversation?

13 A. I do not.

14 Q. Very good.

15 ATTORNEY HARTNETT: I object to form on
16 the last question. Sorry.

17 BY ATTORNEY TRYON:

18 Q. Was the father, Wesley Pepper, in this meeting?

19 A. No. My appointment with B [REDACTED] was with B [REDACTED]
20 and her mom.

21 Q. Did you ever talk to Wesley Pepper?

22 A. I have not yet, though I expect to in the
23 future.

24 ATTORNEY TRYON: Let's take a quick ---

1 off the record for just one moment.

2 VIDEOGRAPHER: We are going off the
3 record. The current time reads 12:48 p.m.

4 OFF VIDEOTAPE

5 - - -

6 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

7 - - -

8 ON VIDEOTAPE

9 VIDEOGRAPHER: We are back on the record.
10 The current time reads 12:48 p.m.

11 BY ATTORNEY TRYON:

12 Q. So back in Exhibit 33, if we go to what's at the
13 bottom of the page, page 15 of the document itself. And
14 I have a question for you on paragraph two. If you can
15 take some time and review that and then I will ask you a
16 question.

17 A. Beginning with assessment of gender dysphoria?

18 Q. Correct.

19 A. Okay.

20 Q. Are you ready?

21 A. Yes.

22 Q. Great. So the second sentence says a
23 psychodiagnostic and psychiatric assessment covering the
24 areas of emotional functioning, peer and other social

1 relationships and intellectual functioning, slash,
2 school achievement should be performed.

3 Did I read that correctly?

4 A. I believe so.

5 Q. Do you know if a psychodiagnostic and
6 psychiatric assessment was performed?

7 A. And so during my visit, portions of that were
8 absolutely performed. But B [REDACTED] had those kinds of
9 discussions previously based on my review of the notes
10 and my experience working with Dr. Montano.

11 Q. So and --- okay.

12 I understand you have had experience with Dr.
13 Montano, but how do you know that those were performed
14 for BPJ specifically?

15 A. I know Dr. Montano's routine practice because he
16 is one of my teachers and I'm very confident in his
17 skills.

18 Q. I understand that. But for BPJ specifically,
19 are you aware if it was done?

20 A. Based on my review of the chart, I had every
21 indication that --- and I want to quote this, a
22 psychodiagnostic assessment covering areas of emotional
23 functioning, peer and other social relationships and
24 intellectual functioning and school achievement was

1 performed.

2 Q. By whom?

3 A. By Dr. Montano.

4 Q. Okay.

5 And there was something in the records that
6 shows that?

7 A. I was able to see portions of Dr. Montano's
8 note. It's that Care Everywhere thing we were talking
9 about before, that they're not complete notes. But
10 based on my understanding of what I was reading, Dr.
11 Montano had the same conversation with B [REDACTED] that he had
12 with all of the patients that I have witnessed him
13 talking to.

14 Q. What were in his notes that said that since we
15 don't have those?

16 A. And so I can't recall exactly what was in his
17 notes, but his notes are templated very similarly to my
18 notes in that they explore things like mental health
19 concerns, like school functioning, like peer support and
20 family support, things of that nature.

21 Q. And what does --- what's his title or his
22 specialty?

23 A. So Dr. Montano is the Clinical Director of the
24 Gender and Sexual Development Clinic at the Children's

1 Hospital of Pittsburgh. He is Board Certified in
2 Pediatrics and he is an expert in pediatric gender
3 affirming care.

4 Q. Is he a psychologist or a psychiatrist?

5 ATTORNEY HARTNETT: Object to form.

6 THE WITNESS: He is an adolescent
7 medicine specialist. And adolescent medicine
8 specialists have extensive training and experience in
9 mental health support for young people.

10 BY ATTORNEY TRYON:

11 Q. Is that a qualification --- does he have
12 qualifications that you don't?

13 ATTORNEY HARTNETT: Object to form.

14 THE WITNESS: I am not aware. He may
15 well. But he certainly had tons of training in the
16 space as have I.

17 BY ATTORNEY TRYON:

18 Q. Okay.

19 But you are not a psychiatrist or a
20 psychologist.

21 Right?

22 A. I am neither of those two things. That is
23 correct.

24 Q. So when it says psychiatric assessments, what

1 qualifications do you believe is necessary to do a
2 psychiatric assessment?

3 A. Someone who has extensive training and
4 background in psychiatric diagnoses like anxiety,
5 depression, and for these purposes gender dysphoria.

6 Q. And you're asserting you have that
7 qualification?

8 A. I do have that qualification, yes.

9 Q. Now, if we wanted these notes out of Epic that
10 you referenced, how would we get those?

11 A. I honestly am not sure how that system works or
12 the process of you getting those notes works.

13 Q. Who has control over those?

14 ATTORNEY HARTNETT: Objection to form.

15 THE WITNESS: I don't know.

16 ATTORNEY LINKOUS: Mr. Tryon, I can be of
17 benefit if you would like.

18 ATTORNEY TRYON: Sure.

19 ATTORNEY LINKOUS: Health Information
20 Management at West Virginia University Hospitals, Inc.
21 is the owner of the Epic medical records. I can also
22 send you an address for that.

23 ATTORNEY TRYON: That would be wonderful
24 if you would do that.

1 ATTORNEY LINKOUS: I would be happy to.

2 ATTORNEY TRYON: Can you email that to
3 me?

4 ATTORNEY LINKOUS: Yes, absolutely.

5 ATTORNEY TRYON: You have either mine
6 or ---?

7 ATTORNEY LINKOUS: Yes.

8 ATTORNEY TRYON: If not, you have
9 Curtis'.

10 ATTORNEY TRYON: Right?

11 ATTORNEY LINKOUS: I do, yes.

12 ATTORNEY TRYON: That would be wonderful.
13 Thanks.

14 ATTORNEY HARTNETT: This is Kathleen
15 Hartnett. Are you asking for the full Epic records for
16 Dr. Kidd or --- I just was unclear of what records
17 you're asking for.

18 ATTORNEY TRYON: Well, I'm a little
19 unclear what exactly there is in Epic, so it's hard for
20 me to ask. So I guess I would be probably asking for
21 all of the records in Epic for BPJ.

22 ATTORNEY HARTNETT: Okay.

23 ATTORNEY TRYON: Just for the record, as you know, the
24 Plaintiff has requested BPJ's records from WV Medical,

1 produced what we have and this Saturday --- and maybe
2 Mr. Linkous can speak to it further, we produced
3 additional records that were apparently the printout
4 that Dr. Kidd was able to see, even though that's not
5 what the records department produced. Just for the
6 record, we produced all records that we received from
7 WVU Medical, which was in our requests were all records
8 that exist.

9 ATTORNEY LINKOUS: Sure. And to expedite
10 things, I can certainly --- if counsel agree, I can
11 certainly produce to Kathleen the records I have
12 obtained from WVU, because I represent WVU, obviously,
13 and then Kathleen can redact and send them on.

14 ATTORNEY HARTNETT: We have done that.
15 Is that the records that you sent this weekend.

16 ATTORNEY LINKOUS: That is Dr. Kidd's
17 office visit. I have access to BPJ's records from the
18 health system that go beyond Dr. Kidd's visit.

19 ATTORNEY HARTNETT: Okay.

20 I mean, obviously whatever you would like
21 to do would be helpful, but I guess for the record to be
22 clear we've asked for and to our knowledge received all
23 documents related to BPJ's treatment by WVU Medical.
24 And that's what we produced to the other parties. And

1 then we understood this weekend that you were able to
2 --- Dr. Kidd is able to see something different in her
3 interphase, and so --- which appeared to be largely
4 additional administrative information, and we produced
5 that document as soon as we received it from you on
6 Saturday.

7 ATTORNEY LINKOUS: That's correct. I can
8 do it however you would like.

9 ATTORNEY TRYON: So Mr. Linkous, we would
10 like to get the rest of the documents that are in the
11 Epic system that we don't already have. And we will go
12 over the other documents that I got over the weekend
13 next. But if there are additional documents in the Epic
14 system, we'd like to obtain those.

15 ATTORNEY LINKOUS: Okay.

16 ATTORNEY HARTNETT: Just to be clear, are
17 you asking for the --- sorry, the documents from the
18 Epic system from WVU Medical?

19 ATTORNEY TRYON: Are you asking me?

20 ATTORNEY HARTNETT: Yes, just because I
21 think what the witness has stated is that the Epic
22 system is used by different institutions, and so I think
23 --- I'm just trying to be clear if you are asking Mr.
24 Linkous for the documents from WVU Medical's Epic system

1 or you are trying to seek more broadly all of the
2 documents about BPJ that may be out there in the, you
3 know, in the Epic systems of other institutions, which
4 it doesn't sound like he is the person that would be
5 able to get that for you.

6 ATTORNEY TRYON: Right. That's my
7 understanding. So whatever Mr. Linkous has access to,
8 including Epic and the Care System, which is part of
9 Epic.

10 ATTORNEY LINKOUS: I only have access to
11 West Virginia University records, and that would include
12 these --- what was the tab called again, Care Everywhere
13 tab. And I can certainly produce that. I would prefer
14 to produce that in a link to Kathleen and then let
15 Kathleen look at it. It may be duplicative of what she
16 already has and then she can produce.

17 ATTORNEY TRYON: I will agree to that.

18 ATTORNEY HARTNETT: And I will just make
19 a representation for the record that we'll produce it
20 even if it's duplicative just to make clear to the
21 Defendants that we are producing everything we have.
22 And I would expect that those --- any records that were
23 referred to in a different institution have been sought
24 and received from that institution, such as Dr. Montano.

1 ATTORNEY LINKOUS: And just, Mr. Tryon, I
2 want to be completely transparent with you so when you
3 get the records you can understand any distinction or
4 differences that might be in them. When I get records
5 from West Virginia University I have my nursing staff
6 organize them, Bates stamp them and bookmark them in a
7 PDF document so they're in a format that I typically use
8 for case by case by case. So for instance, the exhibit
9 you are about to use will have my unique Bates stamp
10 number on it at the bottom center. I can produce them
11 certainly in that Bates stamped organized, bookmarked
12 fashion to Kathleen or I can produce the native
13 documents as they came to me, however you would like.
14 Does that make sense?

15 ATTORNEY TRYON: Native, you mean without
16 the Bates stamp?

17 ATTORNEY LINKOUS: Yes. So for instance,
18 West Virginia University may send me --- I'm making it up
19 --- a thousand pages of medical records for a patient.
20 I give that to my nursing staff who organizes it by
21 provider, by date, and they bookmark it so you can go to
22 this date, this date, this date, this lab result, this
23 admission, this ER, this pediatrician and you can
24 navigate the records quickly. So I have my nursing

1 staff do that for me.

2 ATTORNEY TRYON: That's great.

3 ATTORNEY LINKOUS: I can produce that if
4 you'd like. That way there's a Bates stamp and it shows
5 you every one through how many ever there are.

6 ATTORNEY TRYON: That's fantastic. I
7 appreciate it.

8 ATTORNEY LINKOUS: Sure.

9 ATTORNEY TRYON: So I would like to now
10 turn to Exhibit 35. If you could pull that up, Jacob.

11 VIDEOGRAPHER: Can you see that?

12 ATTORNEY TRYON: Yes.

13 ATTORNEY TYRON: Yes.

14 VIDEOGRAPHER: And again, the witness and
15 Mr. Tryon, you have permission to move to pages,
16 highlight that, et cetera.

17 ATTORNEY TRYON: Thank you.

18 BY ATTORNEY TRYON:

19 Q. So Dr. Kidd, my first question simply, do you
20 recognize this document?

21 A. I recognize that it is a face sheet, and I think
22 this may have been part of the packet that I was sent.

23 ATTORNEY HARTNETT: Could I ask for the
24 record what --- we can only see one page at a time and I

1 don't have this exhibit. So I'd be happy to pull the
2 document that Mr. Linkous gave us and that we produced
3 to you, but what Bates numbers are on this document?

4 ATTORNEY TRYON: Sure. They got cut off
5 because the Bates number is so close to the bottom that
6 when I printed it out ---.

7 VIDEOGRAPHER: And Attorney Hartnett, I
8 did submit this document, which basically means it is
9 now shared with everybody. If you go to the top and
10 click on files, then that --- exhibit file sharing, you
11 should be able to see it off to the right.

12 ATTORNEY HARTNETT: I do.

13 VIDEOGRAPHER: And you should be able to
14 download that yourself.

15 ATTORNEY HARTNETT: Appreciate it. Thank
16 you.

17 VIDEOGRAPHER: You're welcome.

18 ATTORNEY TRYON: And Mr. Linkous' Bates
19 numbers are 101103 through 101137.

20 ATTORNEY HARTNETT: And these were, just
21 for the record, the documents that we produced on
22 Saturday from Mr. Linkous with Bates BPJ 02510 to BPJ
23 02545.

24 BY ATTORNEY TRYON:

1 Q. Okay.

2 Dr. Kidd, I'm not sure I understood your
3 answer. What do you understand this document to be?

4 A. I just scrolled through it and it looks like
5 some supportive documentation around my note.

6 Q. Would there be any information in this document
7 that's not in Exhibit 16?

8 A. Is Exhibit 16 the document we reviewed
9 previously.

10 Q. Yes, it is the --- it's your notes and the lab
11 information.

12 A. I can't speak to the nuance in this ancillary
13 documentation. I'm sure that there is information on
14 the face sheet if it was not present in the prior
15 packet, Exhibit 16, but my notes should be the same in
16 both packets.

17 Q. Now, there are places where there have been
18 redactions of names.

19 Do you see that?

20 A. Are you referring to --- let me use my
21 highlighter again.

22 Q. On the very first page that you look at there
23 are three places where information is blocked out, which
24 yeah, you've highlighted it.

1 A. Yes, I can see that.

2 Q. Did you have any involvement in that --- in
3 blocking that out or redacting it?

4 A. No, no, I did not.

5 ATTORNEY HARTNETT: For the record,
6 Plaintiff produced these to you with that information
7 redacted at the request of Mr. Linkous.

8 BY ATTORNEY TRYON:

9 Q. On the second page of this exhibit, if you can
10 go there, under the organs inventory, none of that is
11 filled out. Is there a reason for that?

12 A. So this is a form that is optional to complete
13 in Epic and is not part of my standard practice for
14 adolescents.

15 Q. So underneath admission diagnosis, slash, and
16 reasons for visits, do you see that?

17 A. I do not --- oh, down here at the bottom, yes, I
18 see that now.

19 Q. What is ICD-10-CM?

20 A. That is the system that we use for billing codes
21 ICD-10 specifically, I'm not sure what the -CM refers
22 to.

23 Q. And under it, it says long-term, parentheses,
24 current, closed paren, use of other agents affecting

1 estrogen receptors and estrogen levels. And that's
2 under the admission diagnosis and reason for visit. So
3 tell me what that means.

4 A. I have to assume because I myself did not enter
5 in that code I believe that that is an umbrella code
6 that the code I actually entered falls under. But
7 again, I can't be positive about that. The code I would
8 have ---.

9 Q. Go ahead.

10 A. The code I would have entered was likely
11 something along the lines of long-term use of a
12 gonadotropin-releasing hormone agonist or GRNHA.

13 Q. And is that a diagnosis or reason for visit?

14 A. So that is a reason to get the labs and the [REDACTED]
15 scan that I subsequently ordered. And so when you order
16 labs or imaging you have to tell insurance why it is
17 medically relevant. And so that is the purpose of that
18 code.

19 Q. During your visit with BPJ and BPJ's mother, did
20 you actually make any diagnoses?

21 ATTORNEY HARTNETT: Objection to form.

22 THE WITNESS: To my recollection, no new
23 diagnoses that had not already been made.

24 BY ATTORNEY TRYON:

1 Q. On the fourth page, which at the bottom center
2 is 101 to 106, do you see --- let's see. I'm blowing it
3 up on my screen. Does it get any larger on yours?

4 A. No, but I have it zoomed in on mine.

5 VIDEOGRAPHER: Mr. Tryon, if you
6 highlight or write with the pencil tool, that will share
7 it with everybody. But the zoom feature --- or the
8 zooming is specific to each person. So each person can
9 zoom in on the page that whatever their preference is.

10 BY ATTORNEY TRYON:

11 Q. Okay.

12 So I tried to highlight this one part that says
13 it says gender dysphoria. Did it highlight on your
14 screen?

15 A. Where patient describes this experience for
16 themselves as?

17 Q. Yes.

18 A. Yes.

19 Q. So before the colon that's part of the form.
20 Is that right?

21 A. That's correct.

22 Q. And then the rest of that language you added?

23 A. That language came from B [REDACTED] and I typed it in
24 to this note.

1 Q. Do you remember any more about the conversation
2 with BPJ about those words?

3 A. I can't speak more to what other words were
4 said, but I try to write these as directly as the young
5 person provides them to me, and I didn't make any
6 additional notation. I make additional notation if the
7 young person's experience is unexpected or different
8 from my experience in working with gender diverse young
9 people. And so in my practice this would suggest that
10 this was what B [REDACTED] said and that her experience she
11 described was very similar to other young people that I
12 have cared for.

13 Q. What does it mean angel, slash, devil on
14 shoulder kind of feeling?

15 A. To my recollection, B [REDACTED] kind of described that
16 what you often see depicted in media, that there were
17 kind of parts of who she was that were in conflict. And
18 my interpretation based on my memory was that those
19 parts of her were her gender identity and what society
20 kind of expects of her because of her sex assignment.
21 That's that distress that is associated with the gender
22 dysphoria diagnostic code.

23 Q. What did society expect from BPJ?

24 A. Typically when babies are assigned male at birth

1 we expect them to identify as boys and eventually men
2 and to live their lives as such.

3 Q. Do you remember anything specifically about BPJ,
4 though, about what BPJ thought society expected of BPJ?

5 A. I can't recall specifically if B [REDACTED] spoke to
6 that.

7 Q. What does society expect of boys and men?

8 ATTORNEY HARTNETT: Object to form.

9 THE WITNESS: Can you restate that
10 question?

11 BY ATTORNEY TRYON:

12 Q. Well, I'm just going back to what you said, you
13 said society expects certain things of boys and I think
14 you used the terminology of those that are assigned male
15 at birth and they expect certain things of boys and
16 certain things when they grow up to be men.

17 A. Society.

18 ATTORNEY HARTNETT: Object to form.

19 THE WITNESS: To be very clear on this,
20 society expects --- in my experience if someone is
21 assigned male that they identify as male, simply put.

22 BY ATTORNEY TRYON:

23 Q. Okay.

24 Well, what specifically does society expect of

1 men?

2 ATTORNEY HARTNETT: Object to form.

3 THE WITNESS: Can you rephrase that?

4 BY ATTORNEY TRYON:

5 Q. Well, you're telling me that society expects
6 certain things of boys and men. I want to know what you
7 are saying that society expects from them.

8 ATTORNEY HARTNETT: Object to form.

9 THE WITNESS: I'm simply stating is that
10 folks who are assigned male are expected to identify as
11 male. That is what society expects.

12 BY ATTORNEY TRYON:

13 Q. And what does that mean to identify as male?

14 A. To have one's sense of gender for one's self be
15 on the masculine spectrum.

16 Q. What's on the masculine spectrum?

17 A. There is a very helpful tool for this that I
18 often use in talking about gender identity. It's called
19 the gender unicorn, and it diagrams this out really
20 nicely. But essentially there are masculine and
21 feminine and nonbinary and other gender components in
22 all of us to some varying degree. And when I say
23 masculine I mean that the masculine component is
24 dominant.

1 Q. What are masculine components?

2 A. It's a bit of a cultural and time, so temporally
3 associated sort of thing, and I talk about this with
4 patients and families, but it's often how we
5 communicate, how we carry ourselves, what our place and
6 role in society is, lots of expectations. But when
7 we're talking about gender identity, it's this inherent
8 sense of self as it relates to gender.

9 ATTORNEY TRYON: I would ask the court
10 reporter to read back my question, please.

11 COURT REPORTER: What are the masculine
12 components?

13 BY ATTORNEY TRYON:

14 Q. Please answer that question.

15 ATTORNEY HARTNETT: Object to form.

16 THE WITNESS: They are not specific
17 components but instead a sense of self.

18 BY ATTORNEY TRYON:

19 Q. So there are no masculine components?

20 ATTORNEY HARTNETT: Object to form.

21 THE WITNESS: There is not a checkbox for
22 masculinity, although society does impose ideas on us.

23 BY ATTORNEY TRYON:

24 Q. Well, you used term masculine components. I

1 didn't. What were you referring to?

2 A. Those thoughts that society has about what is
3 masculine.

4 Q. Which are what?

5 A. I think it depends on the society in question.

6 Q. Okay.

7 Our society here in West Virginia?

8 ATTORNEY HARTNETT: Object to form.

9 THE WITNESS: Here in West Virginia one
10 may masculine things are --- things like I gave the
11 example earlier of interest in construction, right, and
12 what we were discussing earlier, interest in hunting.
13 While there are many folks who consider those things
14 feminine as well, they stereotypically masculine in our
15 society by my interpretation.

16 BY ATTORNEY TRYON:

17 Q. So that would be your stereotype?

18 ATTORNEY HARTNETT: Object to form.

19 THE WITNESS: The stereotype that I
20 observe in our society as part of my job.

21 BY ATTORNEY TRYON:

22 Q. So how have you reported your observations as to
23 what constitutes a masculine component?

24 ATTORNEY HARTNETT: Object to form.

1 ATTORNEY TRYON: Do you have a list?

2 THE WITNESS: Could you repeat the
3 question?

4 BY ATTORNEY TRYON:

5 Q. Do you have a list of what you've observed to be
6 masculine components in our society here in West
7 Virginia?

8 ATTORNEY HARTNETT: Object to form.

9 THE WITNESS: I do not have a list, no.

10 BY ATTORNEY TRYON:

11 Q. So just when you're talking to a young person
12 how do you know what constitutes a masculine component?

13 A. I think that's irrelevant for the purposes of
14 discussing someone's gender identity as they see it
15 themselves and instead more relevant to conversations
16 about society's expectations of them.

17 Q. You say it's relevant or irrelevant?

18 A. It is relevant in some ways as to how they see
19 themselves certainly. The primary thing we focus on is
20 how the young person experiences their gender identity.

21 Q. How did BPJ experience BPJ's identity?

22 A. She identified as a girl.

23 Q. And what does that mean then?

24 A. It means that in her own mind and her own sense

1 of self she is a girl. She sees herself as a girl. Her
2 relationships with people are based on her own internal
3 sense of self as a girl.

4 Q. Did BPJ tell her what components constitute
5 being a girl?

6 ATTORNEY HARTNETT: Object to form.

7 THE WITNESS: Not to my recollection.

8 BY ATTORNEY TRYON:

9 Q. So just the fact that BPJ said I identify as a
10 girl, that was enough?

11 ATTORNEY HARTNETT: Object to form.

12 THE WITNESS: No one knows their own
13 lived experience better than the individual themselves.
14 And so when young people tell me how they identify, I
15 explore what that mean for them. But B [REDACTED] identifies
16 as a girl and so she is a girl.

17 BY ATTORNEY TRYON:

18 Q. So you explored that with BPJ. Can you tell me
19 about that exploration, what it meant for BPJ to be a
20 girl?

21 A. Only to the extent that I documented it and
22 based on my standard practice. I don't recall the
23 specifics of our conversation beyond that.

24 Q. So if someone comes to you and says --- who is a

1 girl who was, as you say, assigned the sex of female at
2 birth, that says I identify as a male, but all outward
3 appearances --- let me rephrase that. Let me just start
4 over. If a young woman of any age comes to you and says
5 I identify as a male, is that in and of itself enough to
6 establish gender --- now I'm forgetting the terminology,
7 sorry, gender dysphoria?

8 ATTORNEY HARTNETT: Object to form.

9 THE WITNESS: It is not because, as we
10 discussed, there are specific diagnostic criteria for
11 that diagnosis.

12 BY ATTORNEY TRYON:

13 Q. And that is they have to identify as such for
14 six months?

15 ATTORNEY HARTNETT: Object to form.

16 THE WITNESS: I'm happy to review based
17 on my memory, but I would refer to the DSM-V and that
18 specific diagnostic criteria.

19 BY ATTORNEY TRYON:

20 Q. What if that persons says I don't care about
21 DSM-V, you know, I was assigned girl at birth, but I
22 identify as a girl, that's not good enough?

23 ATTORNEY HARTNETT: Object to form.

24 THE WITNESS: I think you are confusing

1 the difference between gender dysphoria, the diagnosis,
2 and gender identity, the experience.

3 BY ATTORNEY TRYON:

4 Q. Thank you for clarifying. So for someone to
5 have a gender identity different than what they are
6 quote assigned at birth, they just simply need to say
7 that they have a different gender identity.

8 Is that right?

9 ATTORNEY HARTNETT: Object to form.

10 THE WITNESS: They also don't have to say
11 it. It's something they know in their own minds for
12 themselves and for them to share or not.

13 BY ATTORNEY TRYON:

14 Q. But if they share that, is it your view that
15 that person needs to accept that, that other folks need
16 to accept that?

17 ATTORNEY HARTNETT: Object to form.

18 THE WITNESS: It's my view that no one
19 can know inside someone's else's mind better than that
20 person themselves.

21 BY ATTORNEY TRYON:

22 Q. Do others --- should others be required to
23 accept that or not?

24 ATTORNEY HARTNETT: Object to form.

1 THE WITNESS: I can't speak to that more
2 broadly. All I can talk about is B [REDACTED] and what she
3 told me.

4 BY ATTORNEY TRYON:

5 Q. Okay.

6 If we could turn now to page --- okay. I'm
7 looking at what is page 18 of 36. Do you see that?

8 A. I do.

9 Q. Okay. So ---.

10 ATTORNEY HARTNETT: Could I just say for
11 the record it's the document with the 101120 at the
12 bottom?

13 ATTORNEY TRYON: Correct.

14 ATTORNEY HARTNETT: Thank you.

15 BY ATTORNEY TRYON:

16 Q. And it says --- under messages sent it shows
17 delivery and it shows on 10/25/2021 it looks like a
18 message was sent to Matthew Bunner. Is that a correct
19 interpretation of that?

20 A. That would be my guess, although I'm not
21 familiar with that exact message nor is this kind of
22 usually how I see this report. So outside of this
23 setting, I wouldn't necessarily have access to this
24 view.

1 Q. Do you remember talking to or sending a message
2 to Mr. Bunner on 10/25/2021?

3 A. No, I don't have recollection of that and I
4 suspect it was not me who sent the message.

5 Q. Okay.

6 Then down below further it says call
7 information and it references Steven Deci and you and
8 --- that's all. It references a call apparently on
9 9/16/2021. Do you know what that is about?

10 A. I don't. I don't recall receiving a phone call.
11 I do know that is the date of the visit and the time of
12 the visit, and so this may be what it is referring to.

13 Q. Okay.

14 Now, I'm on page 21, which is at the bottom of
15 the page. The bottom is 101123. And under here it
16 shows today's visit. There's a box there. Do you see
17 that?

18 A. I do.

19 Q. And who inputted this information?

20 A. It depends on what information you're referring
21 to, and I only know partial answers to that question.

22 Q. Okay.

23 The blood pressure?

24 A. It is our standard practice that the nurse takes

1 the blood pressure and then enters it into the chart.

2 Q. The same thing with the BMI and the weight?

3 A. So the nurse would take a weight and measure
4 height and then the computer would automatically
5 calculate a BMI.

6 Q. Okay.

7 And the temperature, the nurse does that as
8 well?

9 A. Yes.

10 Q. And the pulse?

11 A. Yes.

12 Q. And it says under that percentiles calculated
13 using cc, paren, boys 2, dash, 20 years, closed paren.
14 Do you see that there?

15 A. I do.

16 Q. And so why is that percentage using the boys
17 chart as opposed to a girls chart?

18 A. Because in Epic the sex designation carries over
19 to the gender marker, and so that is what chart is used.

20 Q. Is there a reason to determine percentiles for
21 the child?

22 A. The BMI percentiles are important for youth as
23 BMI itself is a poor measure and so BMI percentile is
24 the standard based on my training that is used.

1 Q. And why is that important?

2 A. It's important to look at growth and development
3 throughout childhood. Children are not fixed as adults
4 often are in their height, for example.

5 Q. So if BPJ identifies as a female, why not use
6 the female chart?

7 ATTORNEY HARTNETT: Object to the form.

8 THE WITNESS: It's a question and it's a
9 limitation of our health system and our health record.

10 BY ATTORNEY TRYON:

11 Q. So you don't think it matters which chart is
12 used, whether it's a male or female?

13 ATTORNEY HARTNETT: Object to form.

14 THE WITNESS: I certainly think it
15 matters.

16 BY ATTORNEY TRYON:

17 Q. And why does it matter?

18 A. It matters because these charts are slightly
19 different and based on a child's growth trajectory it
20 may be better to use one chart over the other or even
21 both to make sure that a child growth trajectory is on
22 target.

23 Q. Did you prescribe any treatment for BPJ?

24 ATTORNEY HARTNETT: Object to form.

1 THE WITNESS: No new treatment. I did
2 continue with [REDACTED]. For example, we did not discontinue
3 the [REDACTED] during my visit.

4 BY ATTORNEY TRYON:

5 Q. Is --- let me see if I can pronounce this right.
6 [REDACTED] hormone, what is that?

7 A. [REDACTED] hormone or LH is a hormone that is
8 downregulated by the presence of the [REDACTED]. It is a
9 hormone that goes on to stimulate a secretion of sex
10 hormone in the body throughout.

11 Q. Do you anticipate any of --- prescribing any
12 further treatment?

13 A. So I think I have a visit with B [REDACTED] coming up
14 next month and at that point we will be discussing B [REDACTED]
15 and her family's goals and discussing options like
16 [REDACTED]. We began that conversation at our first
17 visit.

18 Q. And what about options such as surgery?

19 A. I'm not a surgeon, and in my experience, B [REDACTED]
20 is very young to be making kind of long-term plans in
21 that direction, although if she has questions I will
22 answer them to the best of my ability.

23 Q. So if that's something that BPJ wanted, is there
24 something that you would --- is that something you would

1 refer BPJ to someone else?

2 ATTORNEY HARTNETT: Object to form.

3 THE WITNESS: When appropriate.

4 BY ATTORNEY TRYON:

5 Q. Do you have someone in particular --- well, have
6 you ever referred anybody to another specialist for
7 surgery?

8 A. Yes.

9 Q. Who have you referred them to?

10 A. Well, there are usually surgical centers as well
11 as individual surgeons, but it depends on what the young
12 person is seeking and what their insurance coverage is,
13 where their family is located, and a host of other
14 factors.

15 Q. How many referrals have you made for surgery?

16 ATTORNEY HARTNETT: Object to form,
17 scope. Go ahead.

18 THE WITNESS: I couldn't speak to that
19 specifically. I don't know off the top of my head.

20 BY ATTORNEY TRYON:

21 Q. More than one?

22 A. Yes.

23 ATTORNEY HARTNETT: Same objection.

24 BY ATTORNEY TRYON:

1 Q. Can you just give me the names of a couple of
2 folks who do this type of --- do surgery for gender
3 transition?

4 ATTORNEY HARTNETT: Objection, form,
5 scope.

6 THE WITNESS: What type of surgery are we
7 talking about?

8 BY ATTORNEY TRYON:

9 Q. Sex reassignment surgery.

10 ATTORNEY HARTNETT: Objection. This
11 deposition concerns the diagnosis and treatment of
12 Plaintiff, BPJ aka B [REDACTED] P [REDACTED]-J [REDACTED]. I would like
13 to understand how this line of questioning is at all
14 relevant to that.

15 ATTORNEY TRYON: To understand the future
16 of possible treatments.

17 ATTORNEY HARTNETT: She has not testified
18 to any such future possible treatment with BPJ or --- I
19 just don't understand why having her list the names of
20 providers to conduct surgeries has anything at all to do
21 with BPJ's diagnosis or treatment.

22 BY ATTORNEY TRYON:

23 Q. You can answer the question.

24 A. Can you restate the question?

1 Q. Can you give me a list of providers for a sex
2 reassignment surgery that you've referred people to?

3 ATTORNEY HARTNETT: Object to the form
4 and scope.

5 THE WITNESS: Sex reassignment surgery is
6 very broad, and so I'm not able to give you a specific
7 list of surgeons without further clarity.

8 BY ATTORNEY TRYON:

9 Q. Then I guess I need to ask you what is included
10 within sex reassignment surgery.

11 A. It's a rather long list, but none of this
12 pertains to B [REDACTED] right now and may not in the future.

13 Q. But you have referred folks out for some form of
14 sex reassignment surgery or not?

15 ATTORNEY HARTNETT: Object to form.

16 THE WITNESS: I have referred patients
17 for a variety of needs outside of my scope of practice,
18 yes.

19 BY ATTORNEY TRYON:

20 Q. Can you recall the name of even one of the
21 surgeons you've referred people to?

22 ATTORNEY HARTNETT: Same objection and
23 asked and answered.

24 THE WITNESS: John Pang.

1 BY ATTORNEY TRYON:

2 Q. How do you spell the last name?

3 A. P-A-N-G.

4 Q. Give me two more and we will be done.

5 ATTORNEY HARTNETT: Objection to scope
6 and form and harassing the witness.

7 ATTORNEY LINKOUS: If you can recall, you
8 can tell him.

9 THE WITNESS: And there are usually teams
10 and not individual surgeons, but Toby Meltzer is someone
11 whose name I had mentioned previously. And I'm thinking
12 of centers, and so there's lots of folks in centers.

13 BY ATTORNEY TRYON:

14 Q. Give me a center name?

15 A. The Hopkins Clinic.

16 Q. Is that in West Virginia?

17 A. It is not. In fact, none of these providers
18 are.

19 Q. I see. Okay.

20 ATTORNEY TRYON: Let's go off the record.
21 Let me take just a very short break and see if there are
22 any other questions that I have.

23 VIDEOGRAPHER: Going off the record. The
24 current time reads 1:32 p.m.

1 OFF VIDEOTAPE

2 - - -

3 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

4 - - -

5 ON VIDEOTAPE

6 VIDEOGRAPHER: We are back on the record.

7 The current time reads 1:41 p.m.

8 ATTORNEY TRYON: Dr. Kidd, I want to
9 thank you very much for your time. I have no further
10 questions for you at this time. In the rare event that,
11 unlikely I will say, event that the Epic records somehow
12 show something that we need to reconvene this for, then
13 I would want to reconvene this. Otherwise, I have no
14 further questions. And you have the option to --- well,
15 your counsel will advise you you have the option to read
16 this or waive reading. So that's all I have. Thanks
17 again.

18 ATTORNEY HARTNETT: And this is Kathleen
19 Hartnett for Plaintiff. I just would like to
20 provisionally mark the transcript as confidential in
21 light of the discussion of medical records. And we'll
22 do a more specific designation when we review.

23 And I also just wanted to state from the
24 Plaintiff's perspective, the deposition is closed

1 because we made the production requested of us, but we
2 will, as I noted, review with what Mr. Linkous sent and
3 we will send to Defendants anything responsive to RFP-1
4 per the way we have responded to date in this
5 litigation.

6 ATTORNEY LINKOUS: If there are no more
7 questions, we will read and sign. And you may send her
8 deposition transcript to me and I will facilitate the
9 errata process to the doctor.

10 ATTORNEY TRYON: Any other Defendants
11 have any other questions?

12 ATTORNEY CROPP: This is Jeff Cropp for
13 Defendant Harrison County Board of Education and Doris
14 Stutler. I came on for Susan Deniker who had to leave
15 early. We have no questions today.

16 ATTORNEY GREEN: This is Roberta Green
17 here on behalf of West Virginia Secondary School
18 Activities Commission. No questions.

19 ATTORNEY TAYLOR: This is Michael Taylor
20 on behalf of the West Virginia State Board of Education.
21 Kelly Morgan had to step off, so I jumped on, and we
22 have no questions.

23 ATTORNEY TRYON: Mr. Ducar, you are
24 muted.

1 ATTORNEY DUCAR: Thank you. Timothy
2 Ducar on behalf of the Intervenor Lainey Armistead. We
3 have no questions.

4 ATTORNEY TRYON: Thank you, everyone.

5 VIDEOGRAPHER: That concludes this
6 deposition. The current time reads 1:43 p.m. Thank
7 you, Counsel.

8 * * * * *

9 VIDEOTAPED VIDEOCONFERENCE DEPOSITION

10 CONCLUDED AT 1:43 P.M.

11 * * * * *

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1 STATE OF WEST VIRGINIA)

2 CERTIFICATE

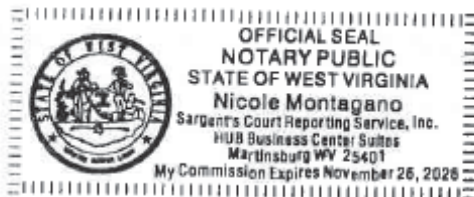
3 I, Nicole Montagano, a Notary Public in
4 and for the State of West Virginia, do hereby
5 certify:

6 That the witness whose testimony appears
7 in the foregoing deposition, was duly sworn by me
8 on said date, and that the transcribed deposition
9 of said witness is a true record of the testimony
10 given by said witness;

11 That the proceeding is herein recorded
12 fully and accurately;

13 That I am neither attorney nor counsel
14 for, nor related to any of the parties to the
15 action in which these depositions were taken, and
16 further that I am not a relative of any attorney
17 or counsel employed by the parties hereto, or
18 financially interested in this action.

19 I certify that the attached transcript
20 meets the requirements set forth within article
21 twenty-seven, chapter forty-seven of the West
22 Virginia.



Nicole Montagano
Nicole Montagano,

Court Reporter

CONFIDENTIAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J. by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants,

and

LAINY ARMISTEAD,

Defendant-Intervenor.

Civil Action No. 2:21-cv-00316

Hon. Joseph R. Goodwin

**PLAINTIFF’S RESPONSES AND
OBJECTIONS TO DEFENDANT-
INTERVENOR LAINY
ARMISTEAD’S FIRST SET OF
REQUESTS FOR ADMISSION**

Pursuant to Federal Rules of Civil Procedure 33 and 36 and the applicable Local Rules of the Southern District of West Virginia and this Court, Plaintiff B.P.J. by her next friend and mother, Heather Jackson, responds as follows to Defendant-Intervenor Lainy Armistead’s (“Defendant-Intervenor”) First Set of Requests for Admission (“Requests”):

GENERAL RESPONSES

1. B.P.J.’s response to the Requests is made to the best of B.P.J.’s present knowledge, information, and belief. This response is at all times subject to such additional or different information that discovery or further investigation may disclose and, while based on the present state of B.P.J.’s recollection, is subject to such refreshing of recollection, and such

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additional knowledge of facts, as may result from B.P.J.'s further discovery or investigation.

2. B.P.J. reserves the right to make any use of, or to introduce at any hearing and at trial, information and/or documents responsive to the Requests but discovered subsequent to the date of this response, including, but not limited to, any information or documents obtained in discovery herein.
3. B.P.J. reserves all objections or other questions as to the competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent proceeding in or trial of this or any other action for any purpose whatsoever of this response and any document or thing identified or provided in response to the Requests.
4. B.P.J. reserves the right to object on any ground at any time to such other or supplemental Requests as Defendant-Intervenor may at any time propound involving or relating to the subject matter of these Requests.
5. B.P.J. is willing to meet and confer with Defendant-Intervenor regarding any response or objection to the Requests.

GENERAL OBJECTIONS

B.P.J. makes the following general objections, whether or not separately set forth in response to each Request, to each and every Definition, Instruction, and Request made in Defendant-Intervenor's First Set of Requests for Admission:

1. B.P.J. objects generally to all Definitions, Instructions, and Requests inclusive, insofar as each such Request seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege. Such information shall not be produced in response to the Requests, and any inadvertent production thereof shall not be deemed a

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waiver of any privilege or right with respect to such information or of any work product doctrine that may attach thereto.

2. B.P.J. objects to all Definitions, Instructions, and Requests inclusive, to the extent they purport to enlarge, expand, or alter in any way the plain meaning and scope of any specific request on the ground that such enlargement, expansion, or alteration renders said Request vague, ambiguous, unintelligible, unduly broad, and uncertain.
3. B.P.J. objects to all Definitions, Instructions, and Requests inclusive, to the extent they seek information or materials not currently in B.P.J.'s possession, custody, or control, or refer to persons, entities, or events not known to B.P.J., on the grounds that such Instructions, Definitions, or Requests seek to require more of B.P.J. than any obligation imposed by law, would subject B.P.J. to unreasonable and undue burden and expense, and would seek to impose upon B.P.J. an obligation to investigate or discover information or materials from third parties or services who are equally accessible to Defendant-Intervenor.
4. B.P.J.'s failure to object to the Requests on a particular ground shall not be construed as a waiver of her right to object on that ground or any additional ground at any time.
5. B.P.J. objects to the number of Requests as burdensome, cumulative, and not proportional to the needs of the case.
6. B.P.J. objects to Requests Nos. 13 through 61 because they do not seek "admissions for the record of facts already known," *Wigler v. Elec. Data Sys. Corp.*, 108 F.R.D. 204, 206 (D. Md. 1985), but instead seek admissions to hypothetical questions regarding the treatment of various endocrine conditions not at issue in this case and/or that have not yet been the subject of expert testimony. B.P.J. has attempted to respond to the Requests to

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the best of her ability, but reserves the right to supplement, amend, or withdraw responses in light of additional facts learned during expert discovery.

SPECIFIC OBJECTIONS AND RESPONSES TO DOCUMENT REQUESTS

Without waiving or limiting in any manner any of the foregoing General Objections, but rather incorporating them into each of the following responses to the extent applicable, B.P.J. responds to the specific requests of Defendant-Intervenor's First Set of Requests for Admission as follows:

Request for Admission No. 1:

1. Admit that B.P.J. has chromosomes characteristic of the male sex (i.e. XY chromosomes).

B.P.J.'s Response to Request for Admission No. 1:

B.P.J. objects to the phrase "chromosomes characteristic of the male sex" as vague, and interprets the phrase to mean "has XY chromosomes."

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that B.P.J. has XY chromosomes.

Request for Admission No. 2:

2. Admit that, but for the [REDACTED]-pharmaceutical intervention B.P.J. has received, B.P.J. would have hormones—including testosterone levels—characteristic of the male sex.

B.P.J.'s Response to Request for Admission No. 2:

B.P.J. objects to the phrase "characteristic of" as vague and construes the phrase to mean "typical of."

Subject to these general and specific objections, and without waiver thereof, B.P.J. cannot admit or deny this request for admission because B.P.J. has not gone through puberty and cannot

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determine what her hormones level would have been if she had not received puberty blocking medication.

Request for Admission No. 3:

3. Admit that B.P.J.'s internal and external reproductive organs are characteristic of the male sex.

B.P.J.'s Response to Request for Admission No. 3:

B.P.J. objects to the phrase "characteristic of" as vague and construes the phrase to mean "typical of."

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that B.P.J.'s internal and external reproductive organs are typical of the male sex.

Request for Admission No. 4:

4. Admit that B.P.J. is a biological male.

B.P.J.'s Response to Request for Admission No. 4:

B.P.J. objects to the phrase "is a biological male" as vague and scientifically inaccurate, and construes the phrase to mean "had a male sex assigned at birth."

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that B.P.J. had a male sex assigned at birth.

Request for Admission No. 5:

5. Admit there are "benefits associated with sex-separated school athletics." (First Am. Compl. ¶ 39).

B.P.J.'s Response to Request for Admission No. 5:

B.P.J. admits there are benefits associated with school athletics, including when such athletics are provided in a sex-separated manner.

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6. Admit that one of the “benefits associated with sex-separated school athletics” (First Am. Compl. ¶ 39) is separation based on sex-related “physiological characteristics associated with athletic performance” (*Id.* ¶ 40).

B.P.J.’s Response to Request for Admission No. 6:

Deny.

Request for Admission No. 7:

7. Admit there are post-pubescent, high-school-aged male-identifying biological males who cannot run a 5,000 meter track race as quickly as some post-pubescent, high-school aged female-identifying biological females.

B.P.J.’s Response to Request for Admission No. 7:

B.P.J. objects to the phrase “male-identifying biological males” as vague and scientifically inaccurate and interprets the phrase to mean “cisgender boys.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate and interprets the phrase to mean “cisgender girls.”

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that there are post-pubescent, high-school-aged cisgender boys who cannot run a 5,000 meter track race as quickly as some post-pubescent, high-school aged cisgender girls.

Request for Admission No. 8:

8. You have alleged that “[g]irls who are transgender and who *do* go through some or all of their endogenous puberty can receive gender-affirming hormone therapy that reduces their circulating testosterone levels and mitigates and often eliminates any athletic benefit from having gone through endogenous puberty.” First Am. Compl. ¶ 42. Admit that such

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“gender affirming hormone therapy that reduces circulating testosterone levels” to the levels typical of cisgender females does not necessarily completely “eliminate[] any athletic benefit from having gone through endogenous [male] puberty.”

B.P.J.’s Response to Request for Admission No. 8:

Deny.

Request for Admission No. 9:

9. You have alleged that “[g]irls who are transgender and who *do* go through some or all of their endogenous puberty can receive gender-affirming hormone therapy that reduces their circulating testosterone levels and mitigates and often eliminates any athletic benefit from having gone through endogenous puberty.” First Am. Compl. ¶ 42. Admit that female-identifying biological males who go through endogenous puberty and do not receive pharmaceutical or surgical intervention have, at the “population level” (as this term is used in First Am. Compl. ¶ 40), athletic performance advantages over female-identifying biological females of the same age who have received no pharmaceutical or surgical intervention.

B.P.J.’s Response to Request for Admission No. 9:

B.P.J. objects to the phrase “female-identifying biological males” as vague and scientifically inaccurate and interprets the phrase to mean “girls who are transgender.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate and interprets the phrase to mean “cisgender girls.”

Subject to these general and specific objections, and without waiver thereof, B.P.J. cannot admit or deny this request for admission because there have not been sufficient studies to determine whether there are average differences in performance between girls who are transgender and have

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gone through endogenous puberty and not received pharmaceutical or surgical intervention as a group compared to cisgender girls as a group including in light of other possible factors.

Request for Admission No. 10:

10. You have alleged that “[g]irls who are transgender and who *do* go through some or all of their endogenous puberty can receive gender-affirming hormone therapy that reduces their circulating testosterone levels and mitigates and often eliminates any athletic benefit from having gone through endogenous puberty.” First Am. Compl. ¶ 42. Admit that female-identifying biological males who go through endogenous puberty and do not receive pharmaceutical or surgical intervention have, at the “population level” (as this term is used in First Am. Compl. ¶ 40), athletic advantages relevant to performance in track and cross-country events over female-identifying biological females of the same age who have received no pharmaceutical or surgical intervention.

B.P.J.’s Response to Request for Admission No. 10:

B.P.J. objects to the phrase “female-identifying biological males” as vague and scientifically inaccurate and interprets the phrase to mean “girls who are transgender.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate and interprets the phrase to mean “cisgender girls.”

Subject to these general and specific objections, and without waiver thereof, B.P.J. cannot admit or deny this request for admission because there have not been sufficient studies to determine whether there are average differences in performance between girls who are transgender and have gone through endogenous puberty and not received pharmaceutical or surgical intervention as a group compared to cisgender girls as a group including in light of other possible factors.

Request for Admission No. 11:

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11. You have alleged that “[g]irls who are transgender and who *do* go through some or all of their endogenous puberty can receive gender-affirming hormone therapy that reduces their circulating testosterone levels and mitigates and often eliminates any athletic benefit from having gone through endogenous puberty.” First Am. Compl. ¶ 42. Admit that female identifying biological males who go through endogenous puberty and do not receive pharmaceutical or surgical intervention more often than not have athletic performance advantages over female-identifying biological females of the same age who have received no pharmaceutical or surgical intervention.

B.P.J.’s Response to Request for Admission No. 11:

B.P.J. objects to the phrase “female-identifying biological males” as vague and scientifically inaccurate and interprets the phrase to mean “girls who are transgender.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate and interprets the phrase to mean “cisgender girls.”

Subject to these general and specific objections, and without waiver thereof, B.P.J. cannot admit or deny this request for admission because there have not been sufficient studies to determine whether there are average differences in performance between girls who are transgender and have gone through endogenous puberty and not received pharmaceutical or surgical intervention as a group compared to cisgender girls as a group including in light of other possible factors.

Request for Admission No. 12:

12. You have alleged that “[g]irls who are transgender and who *do* go through some or all of their endogenous puberty can receive gender-affirming hormone therapy that reduces their circulating testosterone levels and mitigates and often eliminates any athletic benefit from having gone through endogenous puberty.” First Am. Compl. ¶ 42. Admit that female

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identifying biological males who go through endogenous puberty and do not receive pharmaceutical or surgical intervention more often than not have athletic advantages relevant to performance in track and cross-country events over female-identifying biological females of the same age who have received no pharmaceutical or surgical intervention.

B.P.J.'s Response to Request for Admission No. 12:

B.P.J. objects to the phrase “female-identifying biological males” as vague and scientifically inaccurate and interprets the phrase to mean “girls who are transgender.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate and interprets the phrase to mean “cisgender girls.”

Subject to these general and specific objections, and without waiver thereof, B.P.J. cannot admit or deny this request for admission because there have not been sufficient studies to determine whether there are average differences in performance between girls who are transgender and have gone through endogenous puberty and not received pharmaceutical or surgical intervention as a group compared to cisgender girls as a group including in light of other possible factors.

Request for Admission No. 13:

13. Admit there are biological males who experience central precocious puberty.

B.P.J.'s Response to Request for Admission No. 13:

B.P.J. objects to the phrase “biological males” as vague and scientifically inaccurate, and interprets the phrase to mean “people with a male sex assigned at birth.”

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits there are people with a male sex assigned at birth who experience central precocious puberty.

Request for Admission No. 14:

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14. Admit that Histrelin is a medically accepted treatment for central precocious puberty.

B.P.J.'s Response to Request for Admission No. 14:

Admit.

Request for Admission No. 15:

15. Admit that Histrelin is used to treat biological males with idiopathic short stature.

B.P.J.'s Response to Request for Admission No. 15:

B.P.J. objects to the phrase “biological males” as vague and scientifically inaccurate, and interprets the phrase to mean “people with a male sex assigned at birth.” B.P.J. objects to the phrase “is used to treat” and interprets the phrase to mean “is a medically accepted treatment for.”

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies that Histrelin is a medically accepted treatment for people with a male sex assigned at birth with idiopathic short stature.

Request for Admission No. 16:

16. Admit that Histrelin is used to treat biological males with growth hormone deficiency.

B.P.J.'s Response to Request for Admission No. 16:

B.P.J. objects to the phrase “biological males” as vague and scientifically inaccurate, and interprets the phrase to mean “people with a male sex assigned at birth.” B.P.J. objects to the phrase “is used to treat” and interprets the phrase to mean “is a medically accepted treatment for.”

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies that Histrelin is a medically accepted treatment for people with a male sex assigned at birth with growth hormone deficiency.

Request for Admission No. 17:

17. Admit there are biological males who experience delayed puberty.

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B.P.J.'s Response to Request for Admission No. 17:

B.P.J. objects to the phrase “biological males” as vague and scientifically inaccurate, and interprets the phrase to mean “people with a male sex assigned at birth.”

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits there are people with a male sex assigned at birth who experience delayed puberty.

Request for Admission No. 18:

18. Admit there are biological males who experience hypogonadism.

B.P.J.'s Response to Request for Admission No. 18:

B.P.J. objects to the phrase “biological males” as vague and scientifically inaccurate, and interprets the phrase to mean “people with a male sex assigned at birth.”

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits there are people with a male sex assigned at birth who experience hypogonadism.

Request for Admission No. 19:

19. Admit there are biological males with medical conditions that inhibit testosterone production.

B.P.J.'s Response to Request for Admission No. 19:

B.P.J. objects to the phrase “biological males” as vague and scientifically inaccurate, and interprets the phrase to mean “people with a male sex assigned at birth.”

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits there are people with a male sex assigned at birth with medical conditions that inhibit testosterone production.

Request for Admission No. 20:

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20. Admit there are middle-school-aged biological males who, because of delayed puberty, have circulating testosterone comparable to that of biological females of their same age.

B.P.J.'s Response to Request for Admission No. 20:

B.P.J. objects to the phrase “biological males” as vague and scientifically inaccurate, and interprets the phrase to mean “people with a male sex assigned at birth.” B.P.J. objects to the phrase “biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “people with a female sex assigned at birth.” B.P.J. objects to the term “comparable” as vague. B.P.J. objects to this request as vague with respect to whether the phrase “comparable to that of biological females of their same age” refers to typical circulating testosterone levels for people who had a female sex assigned at birth as a group or to the circulating testosterone levels of at least one person with a female sex assigned at birth. B.P.J. also objects to this request as vague because it does not specify whether the people with a female sex assigned at birth at issue have gone through puberty even though cisgender girls on average typically begin puberty at a younger age than cisgender boys on average.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that it is possible at least one middle-school-aged person who was assigned a male sex at birth and who had delayed puberty likely has the same levels of circulating testosterone as at least one person of the same age who was assigned a female sex at birth.

Request for Admission No. 21:

21. Admit there are high-school-aged biological males who, because of delayed puberty, have circulating testosterone comparable to that of biological females of their same age.

B.P.J.'s Response to Request for Admission No. 21:

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B.P.J. objects to the phrase “biological males” as vague and scientifically inaccurate, and interprets the phrase to mean “people with a male sex assigned at birth.” B.P.J. objects to the phrase “biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “people with a female sex assigned at birth.” B.P.J. objects to the term “comparable” as vague. B.P.J. also objects to this request as vague with respect to whether the phrase “comparable to that of biological females of their same age” refers to typical circulating testosterone levels for people with a female sex assigned at birth as a group or to the circulating testosterone levels of at least one person who was assigned a female sex at birth.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that it is possible at least one high-school-aged person who was assigned a male sex at birth and who had delayed puberty likely has the same levels of circulating testosterone as at least one person of the same age who was assigned a female sex at birth.

Request for Admission No. 22:

22. Admit there are middle-school-aged biological males who, because of hypogonadism, have circulating testosterone comparable to that of biological females of their same age.

B.P.J.’s Response to Request for Admission No. 22:

B.P.J. objects to the phrase “biological males” as vague and scientifically inaccurate, and interprets the phrase to mean “people with a male sex assigned at birth.” B.P.J. objects to the phrase “biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “people with a female sex assigned at birth.” B.P.J. objects to the term “comparable” as vague. B.P.J. also objects to this request as vague with respect to whether the phrase “comparable to that of biological females of their same age” refers to typical circulating testosterone levels for people who are assigned a female sex at birth as a group or to the circulating testosterone levels of

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at least one person who was assigned a female sex at birth. B.P.J. also objects to this request as vague because it does not specify whether the people assigned a female sex at births at issue have gone through puberty even though girls on average typically begin puberty at a younger age than boys on average.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that it is possible at least one middle-school-aged person who was assigned a male sex at birth and who has hypogonadism likely has the same levels of circulating testosterone as at least one person of the same age who was assigned a female sex at birth.

Request for Admission No. 23:

23. Admit there are high-school-aged biological males who, because of hypogonadism, have circulating testosterone comparable to that of biological females of their same age.

B.P.J.'s Response to Request for Admission No. 23:

B.P.J. objects to the phrase “biological males” as vague and scientifically inaccurate, and interprets the phrase to mean “people with a male sex assigned at birth.” B.P.J. objects to the phrase “biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “people with a female sex assigned at birth.” B.P.J. objects to the term “comparable” as vague. B.P.J. also objects to this request as vague with respect to whether the phrase “comparable to that of biological females of their same age” refers to typical circulating testosterone levels for cisgender girls as a group or to the circulating testosterone levels of at least one person with a female sex assigned at birth.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that it is possible at least one high-school-aged person who was assigned a male sex at birth and

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who had delayed puberty likely has the same levels of circulating testosterone as at least one person of the same age who was assigned a female sex at birth.

Request for Admission No. 24:

24. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex separated school athletic teams, B.P.J. is similarly situated to male-identifying biological males of the same age who have received the same puberty blocking treatment as B.P.J.

B.P.J.’s Response to Request for Admission No. 24:

B.P.J. objects to the phrase “male-identifying biological males” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender boys.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are cisgender boys of the same age as B.P.J. who have received the same puberty blocking treatment as B.P.J.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 25:

25. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, B.P.J. is similarly situated to male-identifying biological males of the same age who have received the same puberty blocking treatment as B.P.J.

CONFIDENTIAL**B.P.J.'s Response to Request for Admission No. 25:**

B.P.J. objects to the phrase “male-identifying biological males” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender boys.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are cisgender boys of the same age as B.P.J. who have received the same puberty blocking treatment as B.P.J.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that B.P.J. likely has the same level of circulating testosterone as cisgender boys who have not yet begun puberty but denies that they are similarly situated for purposes of Title IX or the Equal Protection Clause.

Request for Admission No. 26:

26. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex separated school athletic teams, B.P.J. is similarly situated to biological male students of the same age who have received the same puberty blocking treatment as B.P.J., regardless of the students’ gender identity.

B.P.J.'s Response to Request for Admission No. 26:

B.P.J. objects to the phrase “biological male students” as vague and scientifically inaccurate, and interprets the phrase to mean “students with a male sex assigned at birth.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are cisgender boys of the same age as B.P.J. who have received the same puberty blocking treatment as B.P.J.

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Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 27:

27. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, B.P.J. is similarly situated to biological male students of the same age who have received the same puberty blocking treatment as B.P.J., regardless of the students’ gender identity.

B.P.J.’s Response to Request for Admission No. 27:

B.P.J. objects to the phrase “biological males” as vague and scientifically inaccurate, and interprets the phrase to mean “people who were assigned a male sex at birth.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are cisgender boys of the same age as B.P.J. who have received the same puberty blocking treatment as B.P.J.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that B.P.J. likely has the same level of circulating testosterone as other people who were assigned a male sex at birth who have not begun puberty but denies that they are similarly situated regardless of gender identity for purposes of Title IX or the Equal Protection Clause.

Request for Admission No. 28:

28. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school

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athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex separated school athletic teams, middle school male-identifying biological male students who received puberty blocking treatment that effectively delayed male puberty are similarly situated to middle school female-identifying biological females of the same age who received no puberty blocking treatment.

B.P.J.’s Response to Request for Admission No. 28:

B.P.J. objects to the phrase “male-identifying biological male students” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender boys.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. also objects to this request as vague because it does not specify whether the cisgender girls at issue have gone through puberty even though girls on average typically begin puberty at a younger age than boys on average.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 29:

29. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, middle school male-identifying male students who received puberty blocking treatment that effectively delayed male puberty are similarly situated to middle

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school female-identifying females of the same age who received no puberty blocking treatment.

B.P.J.'s Response to Request for Admission No. 29:

B.P.J. objects to the phrase “male-identifying biological male students” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender boys.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. also objects to this request as vague because it does not specify whether the cisgender girls at issue have gone through puberty even though girls on average typically begin puberty at a younger age than boys on average.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 30:

30. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex separated school athletic teams, biological male middle school students, regardless of gender identity, who received puberty blocking treatment that effectively delayed male puberty are similarly situated to middle school female-identifying females of the same age who received no puberty blocking treatment.

B.P.J.'s Response to Request for Admission No. 30:

B.P.J. objects to the phrase “biological male middle school students” as vague and scientifically inaccurate, and interprets the phrase to mean “students with a male sex assigned at

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birth.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 31:

31. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, biological male middle school students, regardless of gender identity, who received puberty blocking treatment that effectively delayed male puberty are similarly situated to female-identifying females of the same age who received no puberty blocking treatment.

B.P.J.’s Response to Request for Admission No. 31:

B.P.J. objects to the phrase “biological male middle school students” as vague and scientifically inaccurate, and interprets the phrase to mean “students with a male sex assigned at birth.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. also objects to this request as vague because it does not specify whether the cisgender girls at issue have gone through puberty even though girls on average typically begin puberty at a younger age than boys on average.

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Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 32:

32. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex-separated school athletic teams, high school male-identifying male students who received puberty blocking treatment that effectively delayed male puberty are similarly situated to high school female-identifying females of the same age who received no puberty blocking or other hormone therapy.

B.P.J.’s Response to Request for Admission No. 32:

B.P.J. objects to the phrase “male-identifying male students” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender boys.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are cisgender boys in high school who receive puberty blocking treatment.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 33:

33. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related

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“physiological characteristics associated with athletic performance” relevant to running track or cross-country, high school male-identifying male students who received puberty blocking treatment that effectively delayed male puberty are similarly situated to high school female-identifying females of the same age who received no puberty blocking or other hormone therapy.

B.P.J.’s Response to Request for Admission No. 33:

B.P.J. objects to the phrase “male-identifying male students” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender boys.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are cisgender boys in high school who receive puberty blocking treatment.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 34:

34. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex separated school athletic teams, biological male high school students, regardless of gender identity, who received puberty blocking treatment that effectively delayed male puberty are similarly situated to high school female-identifying females of the same age who received no puberty blocking or other hormone therapy.

B.P.J.’s Response to Request for Admission No. 34:

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B.P.J. objects to the phrase “biological male high school students” as vague and scientifically inaccurate, and interprets the phrase to mean “high school students who had a male sex assigned at birth.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are cisgender boys in high school who receive puberty blocking treatment.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 35:

35. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, biological male high school students, regardless of gender identity, who received puberty blocking treatment that effectively delayed male puberty are similarly situated to high school female-identifying females of the same age who received no puberty blocking or other hormone therapy.

B.P.J.’s Response to Request for Admission No. 35:

B.P.J. objects to the phrase “biological male high school students” as vague and scientifically inaccurate, and interprets the phrase to mean “high school students who had a male sex assigned at birth.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J.

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objects to the phrase “similarly situated” as vague. B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are cisgender boys in high school who receive puberty blocking treatment.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 36:

36. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex-separated school athletic teams, B.P.J. is not similarly situated to female-identifying biological male students of the same age who have not received any form of puberty blocking or other hormone therapy

B.P.J.’s Response to Request for Admission No. 36:

B.P.J. objects to the phrase “female-identifying biological male students” as vague and scientifically inaccurate, and interprets the phrase to mean “girls who are transgender.” B.P.J. objects to the phrase “similarly situated” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 37:

37. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running

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track or cross-country, B.P.J. is not similarly situated to female-identifying biological males of the same age who have not received any form of puberty blocking or other hormone therapy.

B.P.J.'s Response to Request for Admission No. 37:

B.P.J. objects to the phrase “female-identifying biological male students” as vague and scientifically inaccurate, and interprets the phrase to mean “girls who are transgender.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. also objects to this request as vague because it does not specify whether the hypothetical 11-year-old girls who are transgender have begun endogenous puberty.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 38:

38. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex-separated school athletic teams, B.P.J. is not similarly situated to biological male students of the same age who have not received any form of puberty blocking or other hormone therapy, regardless of the students’ gender identity.

B.P.J.'s Response to Request for Admission No. 38:

B.P.J. objects to the phrase “biological male students” as vague and scientifically inaccurate, and interprets the phrase to mean “students who were assigned a male sex at birth.” B.P.J. objects to the phrase “similarly situated” as vague.

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Subject to these general and specific objections, and without waiver thereof, B.P.J. denies the request for admission.

Request for Admission No. 39:

39. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any “physiological characteristics associated with athletic performance” relevant to running track or cross-country, B.P.J. is not similarly situated to biological male students of the same age who have not received any form of puberty blocking or other hormone therapy, regardless of the students’ gender identity.

B.P.J.’s Response to Request for Admission No. 39:

B.P.J. objects to the phrase “biological male students” as vague and scientifically inaccurate, and interprets the phrase to mean “students who were assigned a male sex at birth.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. also objects to this request as vague because it does not specify whether the hypothetical 11-year-olds with a male sex assigned at birth have begun endogenous puberty.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 40:

40. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex separated school athletic teams, high school male-identifying biological males who

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experienced endogenous male puberty but have since received hormone therapy sufficient to bring their circulating testosterone down into the range typical for biological females of their same age are similarly situated to female-identifying biological females of the same age who have received no puberty blocking or other hormone therapy.

B.P.J.'s Response to Request for Admission No. 40:

B.P.J. objects to the phrase “male-identifying biological males” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender boys.” B.P.J. objects to the phrase “biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “people who had a female sex assigned at birth.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are cisgender boys in high school who receive hormone therapy sufficient to bring their circulating testosterone down into the range typical for cisgender girls of the same age.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 41:

41. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, high school male-identifying biological males who experienced endogenous male puberty but have since received hormone therapy sufficient to bring their circulating testosterone down into the range typical for biological females of their same age are

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similarly situated to female-identifying biological females of the same age who have received no puberty blocking or other hormone therapy.

B.P.J.'s Response to Request for Admission No. 41:

B.P.J. objects to the phrase “male-identifying biological males” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender boys.” B.P.J. objects to the phrase “biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “people who had a female sex assigned at birth.” B.P.J. objects to the phrase “female identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are cisgender boys in high school who receive hormone therapy sufficient to bring their circulating testosterone down into the range typical for cisgender girls of the same age.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that cisgender high school boys who lower their levels of circulating testosterone to the same levels that are typical for cisgender girls of the same age would, on average, have the same levels of circulating testosterone as cisgender girls, on average, but denies that the two groups are similarly situated for purposes of Title IX or the Equal Protection Clause.

Request for Admission No. 42:

42. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex-separated school athletic teams, biological male middle school students, regardless of gender identity, who experienced endogenous male puberty but have since received

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hormone therapy sufficient to bring their circulating testosterone down into the range typical for biological females of their age are similarly situated to female-identifying biological females of the same age who have received no puberty blocking or other hormone therapy.

B.P.J.'s Response to Request for Admission No. 42:

B.P.J. objects to the phrase “biological male middle school students” as vague and scientifically inaccurate, and interprets the phrase to mean “middle school students who were assigned a male sex at birth.” B.P.J. objects to the phrase “biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “people who had a female sex assigned at birth.” B.P.J. objects to the phrase “female identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are cisgender boys in middle school who receive hormone therapy sufficient to bring their circulating testosterone down into the range typical for cisgender girls of the same age.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 43:

43. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to sex-related “physiological characteristics associated with athletic performance” relevant to running track and cross-country, biological male middle school students, regardless of gender identity, who

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experienced endogenous male puberty but have since received hormone therapy sufficient to bring their circulating testosterone down into the range typical for biological females of their same age are similarly situated to female-identifying biological females of the same age who have received no puberty blocking or other hormone therapy.

B.P.J.'s Response to Request for Admission No. 43:

B.P.J. objects to the phrase “biological male middle school students” as vague and scientifically inaccurate, and interprets the phrase to mean “middle school students who were assigned a male sex at birth.” B.P.J. objects to the phrase “biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “people who had a female sex assigned at birth.” B.P.J. objects to the phrase “female identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are cisgender boys in middle school who receive hormone therapy sufficient to bring their circulating testosterone down into the range typical for cisgender girls of the same age.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that the two hypothetical groups of people would have on average the same levels of circulating testosterone but denies that they would be similarly situated for purposes of Title IX and the Equal Protection Clause.

Request for Admission No. 44:

44. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex

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separated school athletic teams, biological male high school students, regardless of gender identity, who experienced endogenous male puberty but have since received hormone therapy sufficient to bring their circulating testosterone down into the range typical for biological females of their same age, are similarly situated to female-identifying biological females of the same age who have received no puberty blocking or other hormone therapy.

B.P.J.'s Response to Request for Admission No. 44:

B.P.J. objects to the phrase “biological male high school students” as vague and scientifically inaccurate, and interprets the phrase to mean “high school students who were assigned a male sex at birth.” B.P.J. objects to the phrase “biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “people who had a female sex assigned at birth.” B.P.J. objects to the phrase “female identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are high school cisgender boys who experienced endogenous male puberty but have since received hormone therapy sufficient to bring their circulating testosterone down into the range typical for people who had a female sex assigned at birth of their age.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 45:

45. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to sex-related “physiological

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characteristics associated with athletic performance” relevant to running track and cross-country, biological male high school students, regardless of gender identity, who experienced endogenous male puberty but have since received hormone therapy sufficient to bring their circulating testosterone down into the range typical for biological females of their same age are similarly situated to female-identifying biological females of the same age who have received no puberty blocking or other hormone therapy.

B.P.J.’s Response to Request for Admission No. 45:

B.P.J. objects to the phrase “biological male high school students” as vague and scientifically inaccurate, and interprets the phrase to mean “high school students who were assigned a male sex at birth.” B.P.J. objects to the phrase “biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “people who had a female sex assigned at birth.” B.P.J. objects to the phrase “female identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are high school cisgender boys who experienced endogenous male puberty but have since received hormone therapy sufficient to bring their circulating testosterone down into the range typical for people who had a female sex assigned at birth of their age.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that the two hypothetical groups of people would have on average the same levels of circulating testosterone but denies that they would be similarly situated for purposes of Title IX and the Equal Protection Clause.

Request for Admission No. 46:

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46. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex separated school athletic teams, B.P.J. is not similarly situated to female-identifying biological females of the same age who have received hormone therapy to delay female puberty or produce masculinizing effects.

B.P.J.’s Response to Request for Admission No. 46:

B.P.J. objects to the phrase “female identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to the request to the extent that it requires B.P.J. to make the counterfactual assumption that “puberty blocking treatment” can “produce masculinizing effects.” B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are 11-year-old cisgender girls who receive hormone therapy to delay female puberty or produce masculinizing effects.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 47:

47. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, B.P.J. is not similarly situated to female-identifying biological females of the same

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age who have received puberty blocking treatment to delay female puberty or produce masculinizing effects.

B.P.J.’s Response to Request for Admission No. 47:

B.P.J. objects to the phrase “female identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague and requires B.P.J. to make the counterfactual assumption that “puberty blocking treatment” can “produce masculinizing effects.” B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are 11-year-old cisgender girls who receive hormone therapy to delay female puberty or produce masculinizing effects.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 48:

48. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex-separated school athletic teams, B.P.J. is not similarly situated to biological female students of the same age who have received puberty blocking treatment to delay female puberty or produce masculinizing effects, regardless of the students’ gender identity.

B.P.J.’s Response to Request for Admission No. 48:

B.P.J. objects to the phrase “biological female students” as vague and scientifically inaccurate, and interprets the phrase to mean “students who were assigned a female sex at birth.”

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B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to the request to the extent that it requires B.P.J. to make the counterfactual assumption that “puberty blocking treatment” can “produce masculinizing effects.” B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are 11-year-old cisgender girls who receive hormone therapy to delay female puberty or produce masculinizing effects.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 49:

49. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, B.P.J. is not similarly situated to biological female students of the same age who have received puberty blocking treatment to delay female puberty or produce masculinizing effects, regardless of the students’ gender identity.

B.P.J.’s Response to Request for Admission No. 49:

B.P.J. objects to the phrase “female identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to the request to the extent that it requires B.P.J. to make the counterfactual assumption that “puberty blocking treatment” can “produce masculinizing effects.” B.P.J. objects to this request to the extent it requires B.P.J. to make the counterfactual assumption that there are 11-year-old cisgender girls who receive puberty blocking treatment.

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Subject to these general and specific objections, and without waiver thereof, B.P.J. admits B.P.J. likely has the same circulating levels of testosterone as people of the same age who have a female sex assigned at birth and who receive puberty blocking treatment but denies that B.P.J. is similarly situated to those individuals regardless of the students' gender identity for purposes of Title IX and the Equal Protection Clause.

Request for Admission No. 50:

50. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex-separated school athletic teams, B.P.J. is similarly situated to male-identifying biological females of the same age who have not received any form of puberty blocking or other hormone therapy.

B.P.J.’s Response to Request for Admission No. 50:

B.P.J. objects to the phrase “male identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “boys who are transgender.” B.P.J. objects to the phrase “similarly situated” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 51:

51. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running

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track or cross country, B.P.J. is similarly situated to male-identifying biological females of the same age who have not received any form of puberty blocking or other hormone therapy.

B.P.J.’s Response to Request for Admission No. 51:

B.P.J. objects to the phrase “male identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “boys who are transgender.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. also objects to the request as vague because it does not specify whether the 11-year-old people who were assigned a female sex at birth at issue have gone through puberty even though girls on average typically begin puberty at a younger age than boys on average.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 52:

52. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” Am. Compl. ¶ 39. Admit that for purposes of participating on sex-separated school athletic teams, B.P.J. is similarly situated to biological female students of the same age who have not received any form of puberty blocking or other hormone therapy, regardless of the students’ gender identity.

B.P.J.’s Response to Request for Admission No. 52:

B.P.J. objects to the phrase “biological female students” as vague and scientifically inaccurate, and interprets the phrase to mean “students who had a female-sex assigned at birth.” B.P.J. objects to the phrase “similarly situated” as vague.

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Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 53:

53. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, B.P.J. is similarly situated to biological female students of the same age who have not received any form of puberty blocking or other hormone therapy, regardless of the students’ gender identity.

B.P.J.’s Response to Request for Admission No. 53:

B.P.J. objects to the phrase “biological female students” as vague and scientifically inaccurate, and interprets the phrase to mean “people who were assigned a female sex at birth.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. also objects to the request as vague because it does not specify whether the 11-year-old people who were assigned a female sex at birth at issue have gone through puberty even though girls on average typically begin puberty at a younger age than boys on average.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 54:

54. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex-

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separated school athletic teams, female-identifying biological male middle school students who have not received any form of puberty blocking or other hormone therapy are not similarly situated to female-identifying biological females of the same age who have received no puberty blocking or other hormone therapy.

B.P.J.’s Response to Request for Admission No. 54:

B.P.J. objects to the phrase “female-identifying biological male” as vague and scientifically inaccurate, and interprets the phrase to mean “girls who are transgender.” B.P.J. objects to the phrase “similarly situated” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 55:

55. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, female-identifying biological male middle school students who have not received any form of puberty blocking or other hormone therapy are not similarly situated to female-identifying biological females of the same age who have received no puberty blocking or other hormone therapy.

B.P.J.’s Response to Request for Admission No. 55:

B.P.J. objects to the phrase “female-identifying biological male” as vague and scientifically inaccurate, and interprets the phrase to mean “girls who are transgender.” B.P.J. objects to the phrase “female-identifying biological female” as vague and scientifically inaccurate, and interprets

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the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to the request as vague because it does not specify whether the cisgender girls at issue have gone through puberty even though girls on average typically begin puberty at a younger age than boys on average.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 56:

56. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex-separated school athletic teams, female-identifying biological male high school students who have not received any form of puberty blocking or other hormone therapy are not similarly situated to female-identifying biological females of the same age who have received no puberty blocking or other hormone therapy.

B.P.J.’s Response to Request for Admission No. 56:

B.P.J. objects to the phrase “female-identifying biological male high school students” as vague and scientifically inaccurate, and interprets the phrase to mean “girls who are transgender who are high school students.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 57:

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57. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, female-identifying biological male high school students who have not received any form of puberty blocking or other hormone therapy are not similarly situated to female-identifying biological females of the same age who have received no puberty blocking or other hormone therapy.

B.P.J.’s Response to Request for Admission No. 57:

B.P.J. objects to the phrase “female-identifying biological male high school students” as vague and scientifically inaccurate, and interprets the phrase to mean “girls who are transgender who are high school students.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that girls who are transgender who are high school students and who have not received any form of puberty blocking or other hormone therapy will, on average, have higher levels of circulating testosterone than cisgender girls who have received no puberty blocking or other hormone therapy, on average, but deny that the two groups are not similarly situated for purposes of Title IX and the Equal Protection Clause.

Request for Admission No. 58:

58. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school

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athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex separated school athletic teams, biological male middle school students, regardless of gender identity, who have not received any form of puberty blocking or other hormone therapy are not similarly situated to female-identifying biological females of the same age who have received no puberty blocking or other hormone therapy.

B.P.J.’s Response to Request for Admission No. 58:

B.P.J. objects to the phrase “biological male middle school students” as vague and scientifically inaccurate, and interprets the phrase to mean “middle school students who had a male sex assigned at birth.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 59:

59. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, biological male middle school students, regardless of gender identity, who have not received any form of puberty blocking or other hormone therapy are not similarly situated to female identifying biological females of the same age who have received no puberty blocking or other hormone therapy.

CONFIDENTIAL**B.P.J.'s Response to Request for Admission No. 59:**

B.P.J. objects to the phrase “biological male middle school students” as vague and scientifically inaccurate, and interprets the phrase to mean “middle school students who had a male sex assigned at birth.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. also objects to this request as vague because it does not specify whether the cisgender girls at issue have gone through puberty even though girls on average typically begin puberty at a younger age than boys on average.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 60:

60. You have alleged that “[g]irls who are transgender are similarly situated to cisgender girls (as opposed to cisgender boys) for purposes of participating on sex-separated school athletic teams.” First Am. Compl. ¶ 39. Admit that for purposes of participating on sex separated school athletic teams, biological male high school students, regardless of gender identity, who have not received any form of puberty blocking or other hormone therapy are not similarly situated to female-identifying biological females of the same age who have received no puberty blocking or other hormone therapy.

B.P.J.'s Response to Request for Admission No. 60:

B.P.J. objects to the phrase “biological male high school students” as vague and scientifically inaccurate, and interprets the phrase to mean “high school students who had a male sex assigned at birth.” B.P.J. objects to the phrase “female-identifying biological females” as

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vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 61:

61. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance,” Am. Compl. ¶ 40, relevant to running track or cross-country, biological male high school students, regardless of gender identity, who have not received any form of puberty blocking or other hormone therapy are not similarly situated to female-identifying biological females of the same age who have received no puberty blocking or other hormone therapy.

B.P.J.’s Response to Request for Admission No. 61:

B.P.J. objects to the phrase “biological male high school students” as vague and scientifically inaccurate, and interprets the phrase to mean “high school students who had a male sex assigned at birth.” B.P.J. objects to the phrase “female-identifying biological females” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that high school students who had a male sex assigned at birth who have not received any form of puberty blocking or other hormone therapy will, on average, have higher levels of circulating testosterone than cisgender girls of the same age who have received no puberty blocking or other

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hormone therapy, on average, but denies that they are not similarly situated regardless of gender identity for purposes of Title IX and the Equal Protection Clause.

Request for Admission No. 62:

62. Admit that a person's gender identity may be neither male nor female.

B.P.J.'s Response to Request for Admission No. 62:

Admit.

Request for Admission No. 63:

63. Admit that a person's gender identity may change over time.

B.P.J.'s Response to Request for Admission No. 63:

Deny.

Request for Admission No. 64:

64. Admit that under H.B. 3293, a male-identifying biological male athlete is precluded from participating on sex-separated female sports teams regardless of the quantity of circulating testosterone in this individual's body.

B.P.J.'s Response to Request for Admission No. 64:

B.P.J. objects to the phrase "male-identifying biological male" as vague and scientifically inaccurate, and interprets the phrase to mean "cisgender boy." B.P.J. further objects to the phrase "under H.B. 3293" as vague and interprets the phrase to mean the period of time after H.B. 3293 was enacted.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission because cisgender boys were already precluded from participating on sex-separated female sports before H.B. 3293 was enacted, but admits that H.B. 3293 continues this existing policy.

CONFIDENTIAL**Request for Admission No. 65:**

65. Admit that under H.B. 3293, a male-identifying biological male athlete is precluded from participating on sex-separated female sports teams regardless of the extent to which he has (or has not) experienced endogenous male puberty.

B.P.J.'s Response to Request for Admission No. 65:

B.P.J. objects to the phrase “male-identifying biological male” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender boy.” B.P.J. further objects to the phrase “under H.B. 3293” as vague and interprets the phrase to mean the period of time after H.B. 3293 was enacted.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission because cisgender boys were already precluded from participating on sex-separated female sports before H.B. 3293 was enacted, but admits that H.B. 3293 continues this existing policy.

Request for Admission No. 66:

66. Admit that under H.B. 3293, a male-identifying biological male athlete is precluded from participating on sex-separated female sports teams regardless of athletic ability.

B.P.J.'s Response to Request for Admission No. 66:

B.P.J. objects to the phrase “male-identifying biological male” as vague and scientifically inaccurate, and interprets the phrase to mean “cisgender boy.” B.P.J. further objects to the phrase “under H.B. 3293” as vague and interprets the phrase to mean the period of time after H.B. 3293 was enacted.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission because cisgender boys were already precluded from participating on

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sex-separated female sports before H.B. 3293 was enacted, but admits that H.B. 3293 continues this existing policy.

Request for Admission No. 67:

67. Admit that in the absence of medical intervention, endogenous male puberty provides, at the “population level” (as this term is used in First Am. Compl. ¶ 40), benefits in athletic performance not obtained by people who do not experience male puberty.

B.P.J.’s Response to Request for Admission No. 67:

B.P.J. objects to the phrase “benefits in athletic performance” as vague because it does not specify the stage of puberty or the athletic competition at issue. B.P.J. also objects to the phrase “medical intervention” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. cannot admit or deny this request for admission because there have not been sufficient studies across all athletes of all ages in all sports at all levels to determine whether there are average differences in performance between individuals who have gone through endogenous male puberty and not received medical intervention compared to people who have not experienced male puberty including in light of other possible factors.

Request for Admission No. 68:

68. Admit that the State of West Virginia has a significant governmental interest in promoting equal athletic opportunities for people born with the physiological characteristics associated with the female sex.

B.P.J.’s Response to Request for Admission No. 68:

B.P.J. objects to the phrase “significant governmental interest” as vague. B.P.J. objects to the phrase “promoting equal athletic opportunities for people born with the physiological

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characteristics associated with the female sex” as vague because it does not specify the comparator group.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Request for Admission No. 69:

69. Admit that gender identity, divorced from all forms of hormone therapy or other pharmacological treatment, has no independent effect on athletic ability.

B.P.J.’s Response to Request for Admission No. 69:

B.P.J. objects to the phrases “independent effect” and “athletic ability” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this request for admission.

Dated: February 7, 2022

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J. by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants,

and

LAINY ARMISTEAD,

Defendant-Intervenor.

Civil Action No. 2:21-cv-00316

Hon. Joseph R. Goodwin

**PLAINTIFF’S RESPONSES AND
OBJECTIONS TO INTERVENOR
LAINY ARMISTEAD’S THIRD
SET OF INTERROGATORIES AND
SECOND AND THIRD SETS OF
REQUESTS FOR ADMISSION**

Pursuant to Federal Rules of Civil Procedure Rules 26, 33, and 34 Plaintiff B.P.J. by her next friend and mother, Heather Jackson (“B.P.J.”), responds as follows to Intervenor Lainey Armistead’s (“Intervenor”) Third Set of Interrogatories (“Interrogatories”) and Second and Third Sets of Requests for Admission (“Requests”):

GENERAL RESPONSES

1. B.P.J.’s response to the Interrogatories and Requests is made to the best of B.P.J.’s present knowledge, information, and belief. This response is at all times subject to such additional or different information that discovery or further investigation may disclose and, while based on the present state of B.P.J.’s recollection, is subject to such refreshing of

recollection, and such additional knowledge of facts, as may result from B.P.J.'s further discovery or investigation.

2. To the extent B.P.J. agrees to produce documents or information in response to any particular Interrogatory or Request, B.P.J. will produce only non-privileged, responsive documents in her possession, custody, or control, and in accordance with Exhibit A of the parties' Rule 26(f) report filed on September 7, 2021 (ECF No. 92-1) in this action.
3. B.P.J. has no duty to, and will not, produce or identify documents or information that are not in her possession, custody, or control. By stating in these responses that B.P.J. will search for or produce documents or information, B.P.J. does not represent that any such documents or information actually exist. Rather, B.P.J. represents that she will undertake a good-faith search and reasonable inquiry to ascertain whether the documents or information described in any such response do, in fact, exist, and, if so, will produce responsive, non-privileged documents or information within B.P.J.'s possession, custody, or control in accordance with Exhibit A of the parties' Rule 26(f) report filed on September 7, 2021 (ECF No. 92-1) in this action.
4. B.P.J. reserves the right to make any use of, or to introduce at any hearing and at trial, documents responsive to the Interrogatories or Requests but discovered subsequent to the date of B.P.J.'s initial production, including, but not limited to, any documents obtained in discovery herein.
5. B.P.J. reserves all objections or other questions as to the competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent proceeding in or trial

of this or any other action for any purpose whatsoever of this response and any document or thing produced in response to the Interrogatories or Requests.

6. B.P.J. reserves the right to object on any ground at any time to such other or supplemental requests for production as Intervenor may at any time propound involving or relating to the subject matter of these Interrogatories or Requests.
7. B.P.J. is willing to meet and confer with Intervenor regarding any response or objection to the Interrogatories or Requests.

GENERAL OBJECTIONS

B.P.J. makes the following general objections, whether or not separately set forth in response to each Interrogatory or Request, to each and every Definition, Interrogatory, and Request made in Intervenor's Third Set of Interrogatories and Second and Third Sets of Requests for Admission:

1. B.P.J. objects generally to all Definitions, Interrogatories, and Requests inclusive, insofar as each such request seeks production of documents or information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege. Such documents or information shall not be produced in response to the Interrogatories or Requests, and any inadvertent production thereof shall not be deemed a waiver of any privilege or right with respect to such documents or information or of any work product doctrine that may attach thereto.
2. B.P.J. objects to all Definitions, Interrogatories, and Requests inclusive, to the extent they purport to enlarge, expand, or alter in any way the plain meaning and scope of any specific Request on the ground that such enlargement, expansion, or alteration renders said Request vague, ambiguous, unintelligible, unduly broad, and uncertain.

3. B.P.J. objects to all Definitions, Interrogatories, and Requests inclusive, to the extent they seek documents not currently in B.P.J.'s possession, custody, or control, or refer to persons, entities, or events not known to B.P.J., on the grounds that such Definitions, Interrogatories, or Requests seek to require more of B.P.J. than any obligation imposed by law, would subject B.P.J. to unreasonable and undue burden and expense, and would seek to impose upon B.P.J. an obligation to investigate or discover information or materials from third parties or services who are equally accessible to Intervenor.
4. B.P.J.'s failure to object to the Interrogatories or Requests on a particular ground shall not be construed as a waiver of her right to object on that ground or any additional ground at any time.

SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES

Without waiving or limiting in any manner any of the foregoing General Objections, but rather incorporating them into each of the following responses to the extent applicable, B.P.J. responds to the specific Requests of Intervenor's Third Set of Interrogatories as follows:

Interrogatory No. 13:

13. Whether you admit or deny Intervenor's Requests for Admission No. 4, please explain the reasons supporting your contention, including all material facts supporting them.

B.P.J.'s Response To Interrogatory No. 13:

B.P.J. incorporates the general and specific objections contained in B.P.J.'s response to Intervenor's Request for Admission No. 4. B.P.J. further objects to Interrogatory 13 because it asks B.P.J. to provide "reasons" and "all material facts supporting" an opposing party's contention that B.P.J. has already admitted.

Interrogatory No. 14:

14. Whether you admit or deny Intervenor's Requests for Admission No. 25, please explain the reasons supporting your contention, including all material facts supporting them.

B.P.J.'s Response To Interrogatory No. 14:

B.P.J. incorporates the general and specific objections contained in B.P.J.'s response to Intervenor's Request for Admission No. 25. B.P.J. object to Intervenor's Interrogatory No. 14 to the extent it requires B.P.J to provide "reasons" and "all material facts supporting" a contention that B.P.J. has already admitted.

Subject to and without waiving these general and specific objections, B.P.J. states that she is not similarly situated to a hypothetical cisgender boy who has not yet begun puberty for purposes of Title IX or the Equal Protection Clause because B.P.J. is a girl.

Interrogatory No. 15:

15. Whether you admit or deny Intervenor's Requests for Admission No. 26, please explain the reasons supporting your contention, including all material facts supporting them.

B.P.J.'s Response To Interrogatory No. 15:

B.P.J. incorporates the general and specific objections contained in B.P.J.'s response to Intervenor's Request for Admission No. 26.

Subject to and without waiving these general and specific objections, B.P.J. states that she denies Request for Admission No. 26 because B.P.J. is a girl.

Interrogatory No. 16:

16. Whether you admit or deny Intervenor's Requests for Admission No. 34, please explain the reasons supporting your contention, including all material facts supporting them.

B.P.J.'s Response To Interrogatory No. 16:

B.P.J. incorporates the general and specific objections contained in B.P.J.'s response to Intervenor's Request for Admission No. 34.

Subject to and without waiving these general and specific objections, B.P.J. states that she denies Request for Admission No. 34 because, for purposes of participating on sex-separated school athletic teams, cisgender girls are similarly situated to girls who are transgender and not similarly situated to cisgender boys.

Interrogatory No. 17:

17. Whether you admit or deny Intervenor's Requests for Admission No. 36, please explain the reasons supporting your contention, including all material facts supporting them.

B.P.J.'s Response To Interrogatory No. 17:

B.P.J. incorporates the general and specific objections contained in B.P.J.'s response to Intervenor's Request for Admission No. 36.

Subject to and without waiving these general and specific objections, B.P.J. states that she denies Request for Admission No. 36 because, for purposes of participating on sex-separated school athletic teams, girls who are transgender are similarly situated to cisgender girls.

Interrogatory No. 18:

18. Whether you admit or deny Intervenor's Requests for Admission No. 46, please explain the reasons supporting your contention, including all material facts supporting them.

B.P.J.'s Response To Interrogatory No. 18:

B.P.J. incorporates the general and specific objections contained in B.P.J.'s response to Intervenor's Request for Admission No. 46.

Subject to and without waiving these general and specific objections, B.P.J. states that she denies Request for Admission No. 46 because B.P.J. and the hypothetical cisgender girl in the Request are both girls.

Interrogatory No. 19:

19. Whether you admit or deny Intervenor's Requests for Admission No. 62, please explain the reasons supporting your contention, including all material facts supporting them.

B.P.J.'s Response To Interrogatory No. 19:

B.P.J. incorporates the general and specific objections contained in B.P.J.'s response to Intervenor's Request for Admission No. 62.

Subject to and without waiving these general and specific objections, B.P.J. further objects to Interrogatory No. 19 because it asks B.P.J. to provide "reasons" and "all material facts supporting" an opposing party's contention that B.P.J. has already admitted.

Interrogatory No. 20:

20. Whether you admit or deny Intervenor's Requests for Admission No. 63, please explain the reasons supporting your contention, including all material facts supporting them.

B.P.J.'s Response To Interrogatory No. 20:

B.P.J. incorporates the general and specific objections contained in B.P.J.'s response to Intervenor's Request for Admission No. 63.

Subject to and without waiving these general and specific objections, B.P.J. states that she denies Request for Admission No. 63 because gender identity is distinct from gender expression.

Interrogatory No. 21:

21. Whether you admit or deny Intervenor's Requests for Admission No. 67, please explain the reasons supporting your contention, including all material facts supporting them.

B.P.J.'s Response To Interrogatory No. 21:

B.P.J. incorporates the general and specific objections contained in B.P.J.'s response to Intervenor's Request for Admission No. 63.

As stated in B.P.J.'s response, B.P.J. cannot admit or deny this Request because there have not been sufficient studies across all athletes of all ages in all sports at all levels to determine whether there are average differences in performance between individuals who have gone through endogenous male puberty and not received medical intervention as compared to people who have not experienced male puberty including in light of other possible factors.

Interrogatory No. 22:

22. Whether you admit or deny Intervenor's Requests for Admission No. 68, please explain the reasons supporting your contention, including all material facts supporting them.

B.P.J.'s Response To Interrogatory No. 22:

B.P.J. incorporates the general and specific objections contained in B.P.J.'s response to Intervenor's Request for Admission No. 68.

Subject to and without waiving these general and specific objections, B.P.J. states that she denies Request for Admission No. 68 because the State of West Virginia's significant governmental interest is in promoting equal athletic opportunities for all persons without discrimination on the basis of sex.

Interrogatory No. 23:

23. Whether you admit or deny Intervenor's Requests for Admission No. 70 please explain the reasons supporting your contention, including all material facts supporting them.

B.P.J.'s Response To Interrogatory No. 23:

B.P.J. incorporates the general and specific objections contained in B.P.J.'s response to Intervenor's Request for Admission No. 70.

Subject to and without waiving these general and specific objections, B.P.J. states that she denies Request for Admission No. 70 because cisgender boys and men were already prohibited from participating in sports designated for women or girls before H.B. 3293 was enacted.

Interrogatory No. 24:

24. You contend in response to Intervenor's Interrogatory #10 that "H.B. 3293 does not affect the ability of cisgender boys and men to play on sports teams designated for females, women, or girls because cisgender boys and men were already prohibited from doing so before H.B. 3293 was enacted." Identify all material West Virginia laws or policies in effect before H.B. 3293 was enacted that you contend prohibited cisgender boys and men from competing on sports teams designated for females, women, or girls.

B.P.J.'s Response To Interrogatory No. 24:

B.P.J. refers Intervenor to W. Va. Code R. § 127-2-3.8. B.P.J. also refers Intervenor to the 30(b)(6) deposition of the West Virginia Secondary School Activities Commission and the testimony given therein. B.P.J. also refers Intervenor to Section 18.2 of the National Collegiate Athletic Association Handbooks for Divisions I through III.

Interrogatory No. 25:

25. Identify all government interests that you contend advance H.B. 3293 when applied to exclude a biological male who identifies as a male from West Virginia sports teams designated for women or girls.

B.P.J.'s Response To Interrogatory No. 25:

B.P.J. objects to the phrase “a biological male who identifies as male” as vague and scientifically inaccurate and interprets the phrase to mean “a cisgender boy and man.” B.P.J. objects to the phrase “government interests that you contend advance H.B. 3293” and interprets the phrase to mean “government interests that you contend are advanced by H.B. 3293.”

Subject to and without waiving these general and specific objections, B.P.J. states that H.B. 3293 does not advance any government interests when applied to exclude a cisgender boy or man from sports teams designated for women or girls because cisgender boys and men were already prohibited from participating in sports designated for women or girls before H.B. 3293 was enacted.

SPECIFIC OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSION

Without waiving or limiting in any manner any of the foregoing General Objections, but rather incorporating them into each of the following responses to the extent applicable, B.P.J. responds to the specific Requests of Intervenor’s Second and Third Sets of Requests for Admission as follows:

Request for Admission No. 70:

70. Admit that H.B. 3293 furthers an important government interest by excluding males who identify as male from West Virginia sports designated for women or girls.

B.P.J.'s Response To Request for Admission No. 70:

B.P.J. objects to the phrase “males who identify as male” as vague and scientifically inaccurate and interprets the phrase to mean “cisgender boys.” B.P.J. objects to the phrase “important governmental interest” as vague. Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this Request.

Request for Admission No. 71:

71. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, B.P.J. is not similarly situated to female-identifying biological males of the same age who have not received any form of puberty blocking or other hormone therapy and have not begun endogenous male puberty.

B.P.J.’s Response To Request for Admission No. 71:

B.P.J. objects to the phrase “female-identifying biological male students” as vague and scientifically inaccurate and interprets the phrase to mean “students who are transgender girls.” B.P.J. objects to the phrase “similarly situated” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this Request.

Request for Admission No. 72:

72. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, B.P.J. is not similarly situated to female-identifying biological males of the same age who have not received any form of puberty blocking or other hormone therapy and have begun endogenous male puberty.

B.P.J.'s Response To Request for Admission No. 72:

B.P.J. objects to the phrase “female-identifying biological male students” as vague and scientifically inaccurate and interprets the phrase to mean “students who are transgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this Request to the extent it requires B.P.J. to make assumptions about the sex-related physiological characteristics associated with athletic performance of a hypothetical girl who is transgender.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that girls who are transgender of the same age who have not received any form of puberty blocking or other hormone therapy and have begun endogenous male puberty may not have the same sex-related physiological characteristics associated with athletic performance relevant to running track or cross-country as B.P.J. B.P.J. denies that the two groups are not similarly situated for purposes of Title IX or the Equal Protection Clause.

Request for Admission No. 73:

73. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, middle school male-identifying male students who received puberty blocking treatment that effectively delayed male puberty are similarly situated to middle school female-identifying females of the same age who have received no puberty blocking treatment and have not begun endogenous female puberty.

B.P.J.'s Response To Request for Admission No. 73:

B.P.J. objects to the phrase “male-identifying male students” as vague and scientifically inaccurate and interprets the phrase to mean “students who are cisgender boys.” B.P.J. objects to the phrase “female-identifying female students” as vague and scientifically inaccurate and interprets the phrase to mean “students who are cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this Request to the extent that it requires B.P.J. to make the counterfactual assumption that there are cisgender boys in middle school who receive puberty blocking treatment that effectively delay male puberty.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that cisgender boys who have not yet begun puberty would, on average, have similar levels of circulating testosterone as cisgender girls of the same age who have not begun puberty but denies that the two groups are similarly situated for purposes of Title IX or the Equal Protection Clause.

Request for Admission No. 74:

74. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, middle school male-identifying male students who received puberty blocking treatment that effectively delayed male puberty are similarly situated to middle school female-identifying females of the same age who have received no puberty blocking treatment and have begun endogenous female puberty.

B.P.J.'s Response To Request for Admission No. 74:

B.P.J. objects to the phrase “male-identifying male students” as vague and scientifically inaccurate and interprets the phrase to mean “students who are cisgender boys.” B.P.J. objects to the phrase “female-identifying female students” as vague and scientifically inaccurate and interprets the phrase to mean “students who are cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this Request to the extent that it requires B.P.J. to make the counterfactual assumption that there are cisgender boys in middle school who receive puberty blocking treatment that effectively delay male puberty.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this Request.

Request for Admission No. 75:

75. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, biological male middle school students, regardless of gender identity, who received puberty blocking treatment that effectively delayed male puberty are similarly situated to female-identifying females of the same age who received no puberty blocking treatment and have not begun endogenous female puberty.

B.P.J.'s Response To Request for Admission No. 75:

B.P.J. objects to the phrase “biological male middle school students” as vague and scientifically inaccurate and interprets the phrase to mean “middle school students with a male sex

assigned at birth.” B.P.J. objects to the phrase “female-identifying female” as vague and scientifically inaccurate and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this Request to the extent that it requires B.P.J. to make the counterfactual assumption that there are cisgender boys in middle school who receive puberty blocking treatment that effectively delay male puberty.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that middle school students with a male sex assigned at birth who have not yet begun puberty would, on average, have similar levels of circulating testosterone as cisgender girls of the same age who have not begun puberty but denies that the two groups are similarly situated for purposes of Title IX or the Equal Protection Clause regardless of gender identity.

Request for Admission No. 76:

76. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, biological male middle school students, regardless of gender identity, who received puberty blocking treatment that effectively delayed male puberty are similarly situated to female-identifying females of the same age who received no puberty blocking treatment and have begun endogenous female puberty.

B.P.J.’s Response To Request for Admission No. 76:

B.P.J. objects to the phrase “biological male middle school students” as vague and scientifically inaccurate and interprets the phrase to mean “middle school students with a male sex assigned at birth.” B.P.J. objects to the phrase “female-identifying female” as vague and

scientifically inaccurate and interprets the phrase to mean “cisgender girls.” B.P.J. objects to the phrase “similarly situated” as vague. B.P.J. objects to this Request to the extent that it requires B.P.J. to make the counterfactual assumption that there are cisgender boys in middle school who receive puberty blocking treatment that effectively delay male puberty.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this Request.

Request for Admission No. 77:

77. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any “physiological characteristics associated with athletic performance” relevant to running track or cross-country, B.P.J. is not similarly situated to biological male students of the same age who have not received any form of puberty blocking or other hormone therapy, regardless of the students’ gender identity, and have not begun endogenous male puberty.

B.P.J.’s Response To Request for Admission No. 77:

B.P.J. objects to the phrase “biological male students” as vague and scientifically inaccurate and interprets the phrase to mean “students with a male sex assigned at birth.” B.P.J. objects to the phrase “similarly situated” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this Request.

Request for Admission No. 78:

78. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic

performance.” First Am. Compl. ¶ 40. Admit that with respect to any “physiological characteristics associated with athletic performance” relevant to running track or cross-country, B.P.J. is not similarly situated to biological male students of the same age who have not received any form of puberty blocking or other hormone therapy, regardless of the students’ gender identity, and have begun endogenous male puberty.

B.P.J.’s Response To Request for Admission No. 78:

B.P.J. objects to the phrase “biological male students” as vague and scientifically inaccurate and interprets the phrase to mean “students with a male sex assigned at birth.” B.P.J. objects to the phrase “similarly situated” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that students with a male sex assigned at birth who have begun endogenous male puberty would, on average, have high levels of circulating testosterone than B.P.J., but denies that the two groups are similarly situated for purposes of Title IX or the Equal Protection Clause regardless of gender identity.

Request for Admission No. 79:

79. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross country, B.P.J. is similarly situated to male-identifying biological females of the same age who have not received any form of puberty blocking or other hormone therapy and have not begun endogenous female puberty.

B.P.J.'s Response To Request for Admission No. 79:

B.P.J. objects to the phrase “male-identifying biological females” as vague and scientifically inaccurate and interprets the phrase to mean “students who are transgender boys.” B.P.J. objects to the phrase “similarly situated” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that students who are transgender boys and have not begun endogenous female puberty would, on average, have similar levels of circulating testosterone as B.P.J. but denies that the two groups are similarly situated for purposes of Title IX or the Equal Protection Clause.

Request for Admission No. 80:

80. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross country, B.P.J. is similarly situated to male-identifying biological females of the same age who have not received any form of puberty blocking or other hormone therapy and have begun endogenous female puberty.

B.P.J.'s Response To Request for Admission No. 80:

B.P.J. objects to the phrase “male-identifying biological females” as vague and scientifically inaccurate and interprets the phrase to mean “students who are transgender boys.” B.P.J. objects to the phrase “similarly situated” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this Request.

Request for Admission No. 81:

81. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running track or cross-country, B.P.J. is similarly situated to biological female students of the same age who have not received any form of puberty blocking or other hormone therapy, regardless of the students’ gender identity, and have not begun endogenous female puberty.

B.P.J.’s Response To Request for Admission No. 81:

B.P.J. objects to the phrase “male-identifying biological females” as vague and scientifically inaccurate and interprets the phrase to mean “students who are transgender boys.” B.P.J. objects to the phrase “similarly situated” as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. admits that students who are transgender boys and have not begun endogenous female puberty would, on average, have similar levels of circulating testosterone as B.P.J. but denies that the two groups are similarly situated for purposes of Title IX or the Equal Protection Clause regardless of gender identity.

Request for Admission No. 82:

82. You have alleged that “[g]irls who are transgender are . . . not similarly situated to cisgender boys with respect to physiological characteristics associated with athletic performance.” First Am. Compl. ¶ 40. Admit that with respect to any sex-related “physiological characteristics associated with athletic performance” relevant to running

track or cross-country, B.P.J. is similarly situated to biological female students of the same age who have not received any form of puberty blocking or other hormone therapy, regardless of the students' gender identity, and have not begun endogenous female puberty.

B.P.J.'s Response To Request for Admission No. 82:

B.P.J. objects to the phrase "male-identifying biological females" as vague and scientifically inaccurate and interprets the phrase to mean "students who are transgender boys."

B.P.J. objects to the phrase "similarly situated" as vague.

Subject to these general and specific objections, and without waiver thereof, B.P.J. denies this Request.

Dated: March 9, 2022

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Respectfully Submitted,
/s/ Loree Stark

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J. by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants,

and

LAINY ARMISTEAD,

Defendant-Intervenor.

Civil Action No. 2:21-cv-00316

Hon. Joseph R. Goodwin

VERIFICATION

After being first duly sworn, I, Heather Jackson, depose and say that I have read the foregoing responses in Plaintiff’s Responses and Objections to Intervenor Lainey Armistead’s Third Set of Interrogatories and Second and Third Sets of Requests for Admission dated March 9, 2022 and know its contents. The foregoing is true to my knowledge, except to those matters stated to be alleged on information and belief, and as to those matters I believe them to be true.

Heather Jackson

Signed by: Heather Jackson
Date & Time: March 08, 2022 15:05:04 EST

Heather Jackson

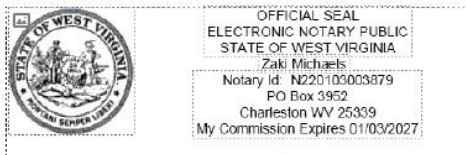
STATE OF WEST VIRGINIA,

COUNTY OF Harrison, to-wit:

Taken, subscribed and sworn to before me, the undersigned Notary Public, this date,

Signed by: Zaki Michaels
Date & Time: March 08, 2022 15:05:58 EST

My commission expires: 1/3/2027



This remote online notarization involved the use of audio/visual communication technology

Case 2:21-cv-00316 Document 529 Filed 03/22/23 Page 1514 of 1551 PageID #: 81606 ~~Amistad App. 1510~~

Video Meeting

Video ID: aakePAipWO, Recording URL: <https://ds4u.cc/aakePAipWO>, Passcode: 5699

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ERRATA SHEET

AFFIDAVIT

State of Pennsylvania

County of _____

I, Joshua Safer, MD, certify under oath or affirmation that I have read the transcript of my testimony dated 3/24/2022 and that the transcript of my testimony is accurate with the following corrections:

Page	Line	Error	Correction	Reason
19	6	bad	better	
26	14	sensitive	scientific	
29	21	adults	adult	
30	14	committee	community	
33	1	farther	further	
33	3	at	that at	
33	23	make	take	
53	11	nanomolars	nanomolar	
54	21	7.5	5	
57	6	press	suppressed	
68	8	will be described in that	will describe the	
68	24	context	contexts	
71	3	prefer	refer	
74	12	least	at least	
74	20	body	the body	
75	4	the coils here	—	

Are there additional corrections on a following page? NO YES

Signature of Deponent/Affiant _____

Sworn to and subscribed before me, a Notary Public, on this

_____ day of _____, 20_____.

Notary Public

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Johnstown, PA 15901

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Additional Corrections to the Testimony of Joshua Safer, MD

Page	Line	Error	Correction	Reason
80	22	right	—	
85	24	needs	need	
86	23	they	there	
90	24	of tabs	—	
91	19	air	error	
94	13	about higher	—	
94	22	of the	—	
96	20	were	or	
111	19	that	there	
126	8	pre-pubertis gender	pre-pubertal cisgender	
127	7	an	the	
134	7	recognized	recognize	
135	14	collections	directions	
136	17	I got	I've got	
140	11	as	is	
150	23	a league	elite	
151	6	intermural	intramural	
157	8	Kilio	Healio	
157	9	Kilio	Healio	
163	1	for	or	
167	2	on	beyond	
178	15	it	if	
179	12	loopholed	—	
181	4	than	then	
181	14	brought	broad	
185	14	vaginal plasty	vaginoplasty	
185	21	construction	reconstruction	

Are there additional corrections on a following page? NO YES

Deponent's / Affiant's Name: _____

Initials: _____

Message

From: Natalie McBrayer [nataliemcbrayer@gmail.com]
Sent: 9/17/2021 12:40:51 PM
To: Danyelle Schoonmaker [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8f240a140f514d269f0bb8dd1486fec2-dlead001]; bridgeportmiddlexc@gmail.com
Subject: Varsity Sheet and All Athlete Finish Time Order from Doddridge
Attachments: BMS XC-Sept 16-Doddridge Inv Varsity Qualifiers.pdf; BMS XC-Sept 16-Doddridge Inv Finish Time Order.pdf

[EXTERNAL SENDER]: Do not click links, open attachments or reply to this email unless you recognize the sender and know the content is safe.

Sorry I didn't do this last night. I have been super tired lately. By the time we finished dinner and got everyone in bed, I was passing out.

I am working on something for next week. :-D I will try to work on sending you a couple weekend homework assignments too.

██████ is going to be one of the fastest boys that Bridgeport has ever seen. He is the fastest middle school boy I have seen so far and he is just a joy!

Also, I want to partner some of these kids up. ██████ and ██████ need to train together.

BMS XC-Boys		Doddridge Invitational Thursday, September 16		
First Name	Last Name	Distance	Actual Time	Pace Per Mile
		1.9	11:01.2	05:48.0
		1.9	13:21.8	07:02.0
		1.9	13:39.2	07:11.2
		1.9	14:06.3	07:25.4
		1.9	14:29.7	07:37.7
		1.9	14:36.2	07:41.2
		1.9	15:02.7	07:55.1
		1.9	15:50.6	08:20.3
		1.9	16:37.4	08:44.9
		1.9	16:51.0	08:52.1
		1.9	18:32.6	09:45.6
		1.9	18:57.9	09:58.9
		1.9	21:07.7	11:07.2
		N/A	N/A	N/A
		N/A	N/A	N/A
		N/A	N/A	N/A
		N/A	N/A	N/A

BMS XC-Girls		Doddridge Invitational Thursday, September 16		
First Name	Last Name	Distance	Actual Time	Pace Per Mile
		1.9	14:13.0	07:28.9
		1.9	14:25.4	07:35.5
		1.9	15:59.3	08:24.9
		1.9	16:40.5	08:46.6
		1.9	16:40.9	08:46.8
		1.9	16:50.8	08:52.0
		1.9	17:25.7	09:10.4
		1.9	17:39.3	09:17.5
		1.9	18:01.3	09:29.1
		1.9	18:05.5	09:31.3
		1.9	19:36.0	10:18.9
		1.9	19:49.2	10:25.9
		1.9	21:50.5	11:29.7
		1.9	22:06.9	11:38.4
		1.9	22:25.5	11:48.2
		1.9	28:48.5	15:09.8
		N/A	N/A	N/A
		N/A	N/A	N/A

Case 2:21-cv-00316 Document 529 Filed 03/22/23 Page 1544 of 1551 PageID #: 31636 Armistead App. 1540

Thursday, September 16				
First Name	Last Name	Distance	Actual Time	Pace Per Mile
		1.9	11:01.2	05:48.0
		1.9	13:21.8	07:02.0
		1.9	13:39.2	07:11.2
		1.9	14:06.3	07:25.4
		1.9	14:13.0	07:28.9
		1.9	14:25.4	07:35.5
		1.9	14:29.7	07:37.7
		1.9	14:36.2	07:41.2
		1.9	15:02.7	07:55.1
		1.9	15:50.6	08:20.3
		1.9	15:59.3	08:24.9
		1.9	16:37.4	08:44.9
		1.9	16:40.5	08:46.6
		1.9	16:40.9	08:46.8
		1.9	16:50.8	08:52.0
		1.9	16:51.0	08:52.1
		1.9	17:25.7	09:10.4
		1.9	17:39.3	09:17.5
		1.9	18:01.3	09:29.1
		1.9	18:05.5	09:31.3
		1.9	18:32.6	09:45.6
		1.9	18:57.9	09:58.9
		1.9	19:36.0	10:18.9
		1.9	19:49.2	10:25.9
		1.9	21:07.7	11:07.2
		1.9	21:50.5	11:29.7
		1.9	22:06.9	11:38.4
		1.9	22:25.5	11:48.2
		1.9	28:48.5	15:09.8
		N/A	N/A	N/A
		N/A	N/A	N/A
		N/A	N/A	N/A
		N/A	N/A	N/A
		N/A	N/A	N/A
		N/A	N/A	N/A
		N/A	N/A	N/A

CONFIDENTIAL

HCBOE 01169

Message

From: Natalie McBrayer [nataliemcbrayer@gmail.com]
Sent: 9/27/2021 1:02:03 PM
To: bridgeportmiddlexc@gmail.com; Danyelle Schoonmaker [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8f240a140f514d269f0bb8dd1486fec2-dlead001]
Subject: Braxton Results and Varsity Qualifiers
Attachments: BMS XC-Sept 25-Braxton Inv Finish Time Order.pdf; BMS XC-Sept 25-Braxton Inv Varsity Qualifiers.pdf

[EXTERNAL SENDER]: Do not click links, open attachments or reply to this email unless you recognize the sender and know the content is safe.

I attached the Varsity sheet and also a sheet based on finish order.

The race results are searchable and they also have finish line photos that are free to download here: [APTtiming](#)

		Braxton Invitational		
		Saturday, September 25		
First Name	Last Name	Distance	Actual Time	Pace Per Mile
		2	13:03.5	06:31.8
		2	14:18.5	07:09.2
		2	14:40.6	07:20.3
		2	14:44.8	07:22.4
		2	14:49.9	07:25.0
		2	15:02.3	07:31.2
		2	15:11.3	07:35.6
		2	15:49.2	07:54.6
		2	16:13.9	08:07.0
		2	16:17.8	08:08.9
		2	16:21.4	08:10.7
		2	16:26.4	08:13.2
		2	16:37.1	08:18.6
		2	17:09.2	08:34.6
		2	17:41.7	08:50.8
		2	17:50.3	08:55.2
		2	18:13.6	09:06.8
		2	18:20.2	09:10.1
		2	18:39.3	09:19.6
		2	19:29.9	09:45.0
		2	20:25.0	10:12.5
		2	20:26.5	10:13.3
		2	20:30.8	10:15.4
		2	21:06.2	10:33.1
		2	21:45.0	10:52.5
		2	22:33.3	11:16.7
		2	22:44.2	11:22.1
B	P	2	24:08.4	12:04.2
		2	27:04.2	13:32.1
		N/A	N/A	N/A
		N/A	N/A	N/A
		N/A	N/A	N/A
		N/A	N/A	N/A
		N/A	N/A	N/A
		N/A	N/A	N/A

BMS XC-Boys		Braxton Invitational Saturday, September 25		
First Name	Last Name	Distance	Actual Time	Pace Per Mile
		2	13:03.5	06:31.8
		2	14:18.5	07:09.2
		2	14:40.6	07:20.3
		2	14:44.8	07:22.4
		2	14:49.9	07:25.0
		2	15:02.3	07:31.2
		2	15:11.3	07:35.6
		2	16:13.9	08:07.0
		2	16:21.4	08:10.7
		2	16:26.4	08:13.2
		2	16:37.1	08:18.6
		2	18:13.6	09:06.8
		2	18:39.3	09:19.6
		2	20:26.5	10:13.3
		2	22:33.3	11:16.7
		N/A	N/A	N/A
		N/A	N/A	N/A

BMS XC-Girls		Braxton Invitational Saturday, September 25		
First Name	Last Name	Distance	Actual Time	Pace Per Mile
		2	15:49.2	07:54.6
		2	16:17.8	08:08.9
		2	17:09.2	08:34.6
		2	17:41.7	08:50.8
		2	17:50.3	08:55.2
		2	18:20.2	09:10.1
		2	19:29.9	09:45.0
		2	20:25.0	10:12.5
		2	20:30.8	10:15.4
		2	21:06.2	10:33.1
		2	21:45.0	10:52.5
		2	22:44.2	11:22.1
		2	24:08.4	12:04.2
		2	27:04.2	13:32.1
		N/A	N/A	N/A
		N/A	N/A	N/A
		N/A	N/A	N/A
		N/A	N/A	N/A

BMS XC-Boys		Ritchie County Saturday, October 1		
First Name	Last Name	Distance	Actual Time	Pace Per Mile
		1.9	11:00.7	05:47.7
		1.9	12:53.6	06:47.2
		1.9	13:18.6	07:00.3
		1.9	13:23.9	07:03.1
		1.9	13:25.0	07:03.7
		1.9	14:05.5	07:25.0
		1.9	14:20.3	07:32.8
		1.9	14:25.3	07:35.4
		1.9	14:34.8	07:40.4
		1.9	14:53.4	07:50.2
		1.9	15:21.5	08:05.0
		1.9	16:40.2	08:46.4
		1.9	17:27.6	09:11.4
		1.9	19:22.6	10:11.9
		N/A	N/A	N/A
		N/A	N/A	N/A
		N/A	N/A	N/A

BMS XC-Girls		Ritchie County Saturday, October 1		
First Name	Last Name	Distance	Actual Time	Pace Per Mile
		1.9	13:16.7	06:59.3
		1.9	13:19.4	07:00.7
		1.9	14:46.6	07:46.6
		1.9	15:00.6	07:54.0
		1.9	15:02.0	07:54.7
		1.9	15:31.2	08:10.1
		1.9	15:40.2	08:14.8
		1.9	16:03.7	08:27.2
		1.9	17:17.2	09:05.9
		1.9	17:30.1	09:12.7
		1.9	18:11.7	09:34.6
		1.9	19:02.6	10:01.4
		1.9	19:12.5	10:06.6
		1.9	21:13.7	11:10.4
		1.9	24:06.1	12:41.1
		N/A	N/A	N/A
		N/A	N/A	N/A
		N/A	N/A	N/A

Varsity Sheets

CONFIDENTIAL

HCBOE 01265

Boy/Girl	Grade	W1 Last Call Saturday, October 16			Harrison County Champs-Mountaineer Middle Wednesday, October 13			XC Time Trial-Bridgeport City Park Course Thursday, October 7				Ritchie County Saturday, October		
		Distance	Actual Time	Pace Per Mile	Distance	Actual Time	Pace Per Mile	TT Place	Course Length	TT Time	TT Pace/Mile	Distance	Actual Time	
Boy	8th Grade	2.1	13:08.6	06:15.5	2.1	12:54.1	06:08.6	1	1.55	09:34.6	0:06:11	1.9	11:00.7	
Boy	8th Grade	2.1	15:00.7	07:08.9	2.1	14:20.9	06:49.9	0	N/A	N/A	N/A	N/A	N/A	
Boy	6th Grade	2.1	15:19.4	07:17.8	2.1	14:43.8	07:00.9	5	1.55	11:24.7	0:07:22	1.9	14:34.8	
Boy	7th Grade	2.1	15:57.5	07:35.9	2.1	14:51.7	07:04.6	3	1.55	10:54.9	0:07:03	1.9	12:53.6	
Boy	7th Grade	2.1	16:04.4	07:39.2	2.1	15:17.6	07:17.0	0	N/A	N/A	N/A	1.9	13:25.0	
Boy	8th Grade	2.1	16:51.4	08:01.6	2.1	16:38.1	07:55.3	8	1.55	11:42.4	0:07:33	1.9	14:53.4	
Boy	6th Grade	2.1	17:20.6	08:15.5	2.1	16:49.6	08:00.8	9	1.55	11:47.7	0:07:37	1.9	14:20.3	
Boy	8th Grade	2.1	17:51.5	08:30.3	2.1	16:47.5	07:59.8	10	1.55	12:04.6	0:07:47	1.9	14:05.5	
Boy	7th Grade	2.1	18:05.0	08:36.7	2.1	16:53.4	08:02.6	11	1.55	12:08.3	0:07:50	1.9	14:25.3	
Boy	8th Grade	2.1	18:34.3	08:50.6	2.1	18:55.8	09:00.9	0	N/A	N/A	N/A	1.9	15:21.5	
Boy	7th Grade	2.1	20:39.9	09:50.4	2.1	19:23.7	09:14.1	15	1.55	13:26.9	0:08:41	1.9	17:27.6	
Boy	7th Grade	2.1	22:05.1	10:31.0	2.1	19:27.0	09:15.7	18	1.55	13:52.5	0:08:57	1.9	16:40.2	
Boy	7th Grade	N/A	N/A	N/A	2.1	22:04.6	10:30.8	27	1.55	19:38.5	0:12:40	1.9	19:22.6	
Boy	7th Grade	N/A	N/A	N/A	2.1	22:32.3	10:44.0	0	N/A	N/A	N/A	N/A	N/A	
Boy	7th Grade	N/A	N/A	N/A	N/A	N/A	N/A	0	N/A	N/A	N/A	N/A	N/A	
Boy	7th Grade	N/A	N/A	N/A	N/A	N/A	N/A	2	1.55	10:52.2	0:07:01	1.9	13:18.6	
Boy	6th Grade	N/A	N/A	N/A	N/A	N/A	N/A	4	1.55	10:58.8	0:07:05	1.9	13:23.9	
Girl	8th Grade	2.1	15:48.7	07:31.8	2.1	15:32.7	07:24.1	4	1.55	11:25.3	0:07:22	1.9	13:16.7	
Girl	6th Grade	2.1	16:12.7	07:43.2	2.1	16:53.4	08:02.6	6	1.55	11:25.8	0:07:22	1.9	13:19.4	
Girl	6th Grade	2.1	17:27.3	08:18.7	2.1	18:14.6	08:41.2	7	1.55	12:31.9	0:08:05	1.9	14:46.6	
Girl	6th Grade	2.1	18:08.5	08:38.4	2.1	17:55.2	08:52.0	0	N/A	N/A	N/A	1.9	15:31.2	
Girl	7th Grade	2.1	19:11.0	09:08.1	2.1	18:20.5	08:44.1	23	1.55	15:23.9	0:09:56	1.9	15:02.0	
Girl	8th Grade	2.1	19:24.8	09:14.7	2.1	17:56.8	08:32.8	12	1.55	12:29.5	0:08:04	1.9	16:03.7	
Girl	6th Grade	2.1	19:57.8	09:30.4	2.1	19:07.4	09:06.4	17	1.55	13:49.7	0:08:55	1.9	15:40.2	
Girl	7th Grade	2.1	20:57.9	09:59.0	2.1	19:02.2	09:03.9	16	1.55	13:44.4	0:08:52	1.9	17:30.1	
Girl	7th Grade	2.1	21:05.5	10:02.6	2.1	19:27.7	09:16.0	19	1.55	13:56.8	0:09:00	N/A	N/A	
Girl	8th Grade	2.1	21:11.3	10:05.4	2.1	18:36.9	08:51.9	20	1.55	14:52.2	0:09:36	1.9	17:17.2	
Girl	6th Grade	2.1	21:50.8	10:24.2	2.1	22:38.1	10:46.7	24	1.55	16:10.1	0:10:26	1.9	19:02.6	
Girl	6th Grade	2.1	22:03.8	10:30.4	2.1	21:37.2	10:17.7	22	1.55	15:17.6	0:09:52	1.9	19:12.5	
Girl	8th Grade	2.1	22:39.5	10:47.4	2.1	22:14.4	10:35.4	21	1.55	14:53.3	0:09:36	1.9	18:11.7	
Girl	7th Grade	2.1	26:11.1	12:28.1	2.1	27:59.0	13:19.5	26	1.55	17:51.7	0:11:31	1.9	21:13.7	
Girl	8th Grade	2.1	27:40.9	13:10.9	2.1	26:38.8	12:41.3	25	1.55	17:42.1	0:11:25	N/A	N/A	
Girl	6th Grade	2.1	29:14.2	13:55.4	2.1	32:50.9	15:38.5	28	1.55	22:15.5	0:14:22	1.9	24:06.1	
Girl	8th Grade	N/A	N/A	N/A	N/A	N/A	N/A	0	N/A	N/A	N/A	N/A	N/A	
Girl	8th Grade	N/A	N/A	N/A	N/A	N/A	N/A	14	1.55	12:53.7	0:08:19	1.9	15:00.6	

2021 Team

CONFIDENTIAL

HCBOE 01266

		Time Trial Comparison		XC Time Trial-Bridgeport City Park Course Thursday, October 7, 2021				XC Time Trial-Bridgeport City Park Course Tuesday, August 24, 2021				Difference (BOLD is improved)	
Boy/Girl	Grade:	First Name	Last Name	TT Place	Course Length	TT Time	TT Pace/Mile	Place	Course Length	TT Time	TT Pace/Mile	Time	Pace/Mile
Boy	7th Grade			0	N/A	N/A	N/A	10	1.55	12:13.0	0:07:53	N/A	N/A
Girl	8th Grade			0	N/A	N/A	N/A	31	1.55	19:08.6	0:12:21	N/A	N/A
Boy	8th Grade			0	N/A	N/A	N/A	20	1.55	14:31.7	0:09:22	N/A	N/A
Boy	7th Grade			0	N/A	N/A	N/A	8	1.55	12:07.3	0:07:49	N/A	N/A
Boy	8th Grade			0	N/A	N/A	N/A	4	1.55	11:24.8	0:07:22	N/A	N/A
Girl	7th Grade			0	N/A	N/A	N/A	19	1.55	14:18.2	0:09:14	N/A	N/A
Boy	7th Grade			0	N/A	N/A	N/A	29	1.55	18:41.0	0:12:03	N/A	N/A
Boy	8th Grade			1	1.55	09:34.6	0:06:11	1	1.55	10:28.9	0:06:46	00:54.3	0:00:35
Boy	7th Grade			2	1.55	10:52.2	0:07:01	17	1.55	13:50.2	0:08:56	02:58.0	0:01:55
Boy	7th Grade			3	1.55	10:54.9	0:07:03	11	1.55	12:13.5	0:07:53	01:18.5	0:00:51
Boy	6th Grade			4	1.55	10:58.8	0:07:05	5	1.55	11:33.5	0:07:27	00:34.7	0:00:22
Boy	6th Grade			5	1.55	11:24.7	0:07:22	3	1.55	11:23.5	0:07:21	00:01.2	0:00:01
Girl	8th Grade			6	1.55	11:25.3	0:07:22	7	1.55	11:38.7	0:07:31	00:13.4	0:00:09
Girl	6th Grade			7	1.55	11:25.8	0:07:22	13	1.55	12:53.0	0:08:19	01:27.2	0:00:56
Boy	8th Grade			8	1.55	11:42.4	0:07:33	9	1.55	12:12.6	0:07:53	00:30.2	0:00:19
Boy	6th Grade			9	1.55	11:47.7	0:07:37	12	1.55	12:33.4	0:08:06	00:45.7	0:00:29
Boy	8th Grade			10	1.55	12:04.6	0:07:47	0	N/A	N/A	N/A	N/A	N/A
Boy	7th Grade			11	1.55	12:08.3	0:07:50	16	1.55	13:06.2	0:08:27	00:57.8	0:00:37
Girl	8th Grade			12	1.55	12:29.5	0:08:04	15	1.55	12:59.8	0:08:23	00:30.3	0:00:20
Girl	6th Grade			13	1.55	12:31.9	0:08:05	24	1.55	15:28.1	0:09:59	02:56.2	0:01:54
Girl	8th Grade			14	1.55	12:53.7	0:08:19	14	1.55	12:56.1	0:08:21	00:02.4	0:00:02
Boy	7th Grade			15	1.55	13:26.9	0:08:41	28	1.55	18:37.2	0:12:01	05:10.3	0:03:20
Girl	7th Grade			16	1.55	13:44.4	0:08:52	23	1.55	15:25.5	0:09:57	01:41.1	0:01:05
Girl	6th Grade			17	1.55	13:49.7	0:08:55	22	1.55	14:47.2	0:09:32	00:57.5	0:00:37
Boy	7th Grade			18	1.55	13:52.5	0:08:57	26	1.55	16:21.2	0:10:33	02:28.7	0:01:36
Girl	7th Grade			19	1.55	13:56.8	0:09:00	21	1.55	14:32.2	0:09:23	00:35.4	0:00:23
Girl	8th Grade			20	1.55	14:52.2	0:09:36	18	1.55	14:17.7	0:09:13	00:34.5	0:00:22
Girl	8th Grade			21	1.55	14:53.3	0:09:36	25	1.55	15:42.3	0:10:08	00:49.0	0:00:32
Girl	6th Grade			22	1.55	15:17.6	0:09:52	35	1.55	20:52.5	0:13:28	05:34.9	0:03:36
Girl	6th Grade			23	1.55	15:23.9	0:09:56	27	1.55	16:56.1	0:10:56	01:32.2	0:01:00
Girl	6th Grade			24	1.55	16:10.1	0:10:26	30	1.55	19:04.5	0:12:18	02:54.4	0:01:53
Girl	8th Grade			25	1.55	17:42.1	0:11:25	32	1.55	19:16.2	0:12:26	01:34.1	0:01:01
Girl	7th Grade			26	1.55	17:51.7	0:11:31	34	1.55	20:34.8	0:13:17	02:43.1	0:01:45
Boy	7th Grade			27	1.55	19:38.5	0:12:40	33	1.55	19:37.6	0:12:40	00:00.9	0:00:01
Girl	6th Grade			28	1.55	22:15.5	0:14:22	36	1.55	23:44.9	0:15:19	01:29.4	0:00:58

Time Trial Comp

CONFIDENTIAL

HCB0E 01268

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
VITAL REGISTRATION OFFICE
CHARLESTON, WV 25305
CERTIFICATE OF LIVE BIRTH**

**BIRTH NUMBER
07208**

AMENDED
ID: CAJAC20100512135630

CHILD	1. CHILD'S NAME (First, Middle, Last) B [redacted] M [redacted] P [redacted] Jd [redacted]			2. DATE OF BIRTH (Month, Day, Year) [redacted]		3. TIME OF BIRTH 10:10 MIL	
	4. SEX Female	5. CITY, TOWN, OR LOCATION OF BIRTH Morgantown			6. COUNTY OF BIRTH Monongalia		
CERTIFIER/ ATTENDANT	7. PLACE OF BIRTH Hospital			8. FACILITY NAME (if not institution, give street and number) WVU Hospitals, Inc.			
	9. I certify that this child was born alive at the place and time and on the date stated. Signature: Jean Colombo			10. DATE SIGNED (Month, Day, Year) 05 / 12 / 2010		11. ATTENDANT'S NAME AND TITLE (if other than certifier) (if yes, print) Wanda Hembree, MD	
	12. CERTIFIER'S NAME AND TITLE (type/print) Jean Colombo, Birth Registrar			13. ATTENDANT'S MAILING ADDRESS (Street and Number or Rural Route No. City or Town, State, Zip Code) Wvu Hospitals, Inc. Morgantown, WV 26506			
MOTHER	14. MOTHER'S NAME (First, Middle, Last) Heather Denise Jackson			14b. MAIDEN SURNAME Jackson		15. DATE OF BIRTH (Month, Day, Year) 04 / 18 / 1968	
	16. BIRTH PLACE (State or Foreign Country) OH		17a. RESIDENCE - STATE WV		17b. COUNTY Harrison		17c. CITY, TOWN OR LOCATION Lost Creek
	17d. STREET AND NUMBER Rt. 2, Box 206 G		17e. INSIDE CITY LIMITS (Yes/No)		18. MOTHER'S MAILING ADDRESS (if same as residence enter zip code only) 26385		
FATHER	19. FATHER'S NAME (First, Middle, Last) Wesley Scott Pepper			20. DATE OF BIRTH (Month, Day, Year) 10 / 05 / 1962		21. BIRTH PLACE (State or Foreign Country) PA	
INFORMANT	22. I certify that the personal information provided on this certificate is correct to the best of my knowledge and belief. Signature: Heather Jackson						
23. REGISTRAR'S SIGNATURE Ramona Fox				24. DATE FILED BY REGISTRAR (Month, Day, Year) 05 / 25 / 2010			

1: 07-12-2022
4: 07-12-2022

STATE COPY