

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

B.E. and S.E., minor children by their )  
mother, legal guardian, and next friend, L.E., )  
 )  
Plaintiffs, )  
 )  
v. ) CASE NO. 2:21-cv-00415-JRS-MG  
 )  
VIGO COUNTY SCHOOL CORPORATION; )  
PRINCIPAL, TERRE HAUTE NORTH VIGO )  
HIGH SCHOOL, in his official capacity, )  
 )  
Defendants. )

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

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 11, 2022, a copy of the foregoing “Appendix of Exhibits in Support of Defendants’ Response in Opposition to Plaintiffs’ Motion for Preliminary Injunction” was filed electronically. Notice of this filing will be sent to the following counsel by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

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--	--

/s/ Philip R. Zimmerly  
Philip R. Zimmerly

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2 SOUTHERN DISTRICT OF INDIANA  
3 TERRE HAUTE DIVISION  
4 \_\_\_\_\_  
5 B.E. and S.E., minor children  
6 by their mother, legal guardian,  
7 and next friend, L.E.,  
8 Plaintiffs,  
9 v. Case No.  
10 VIGO COUNTY SCHOOL CORPORATION, 2:21-cv-00415-JRS-MG  
11 PRINCIPAL, TERRE HAUTE NORTH  
12 VIGO HIGH SCHOOL, in his  
13 official capacity,  
14 Defendants.  
15 \_\_\_\_\_  
16 VIDEOCONFERENCE DEPOSITION OF  
17 L.E.  
18 DATE: Tuesday, December 21, 2021  
19 TIME: 9:01 a.m.  
20 LOCATION: Remote Proceeding  
21 Indianapolis, IN 46204  
22 REPORTED BY: Andrew Pronschinske, Notary Public  
23 JOB NO.: 4992729  
24  
25

1 Q And who shared this information with you  
2 first? Was it B.E., or was it S.E.?  
3 A I don't remember.  
4 Q And did they both begin going to Riley  
5 Hospital to the gender clinic at the same time four or  
6 five years ago?  
7 A Yes.  
8 Q And did they see the same medical  
9 professionals?  
10 A Yes.  
11 Q Okay. You mentioned that there was -- that  
12 they go to Riley -- do they go to Riley for all other  
13 care as well?  
14 A Yes.  
15 Q And what other types -- I think you  
16 mentioned some gastrointestinal issues. Can you tell  
17 me a little bit about that?  
18 We will start with -- do they have the same  
19 issue or different issues?  
20 A They are pretty much the same issues. They  
21 was 25 weeks old when I gave birth. So they was  
22 preemies.  
23 They only weighed a pound each; they spent  
24 seven months at Riley Hospital. They came home on  
25 feeding tubes, oxygen, monitors.

1 They have -- they had PT. First Dibs,  
2 that's what the program was. At birth, a week after  
3 B.E. was born, his intestine burst.  
4 So they had to put a Penrose in -- in there,  
5 and it healed. So they did not have to do any more  
6 surgeries. But due to the scar and tissue, he is very  
7 sensitive.  
8 He has nerve damage, and their colons do not  
9 contract, intestines, does not contract like how it  
10 should. They go very slowly. So they take a lot of  
11 laxatives, more than the average Joe.  
12 And that's going to be a ongoing type thing.  
13 And they have acid reflux, and like the acid doesn't  
14 empty. It takes the acid longer because there's like  
15 three different kinds of acids in your stomach, like  
16 how it goes. I don't know. It's really complicated.  
17 Okay?  
18 Q Sure. Well, it sounds like both your  
19 children are miracle babies to be born at 25 weeks at  
20 a pound. That's amazing.  
21 And so in terms of their ongoing care for --  
22 you mentioned that B.E. had the intestine that burst.  
23 Did S.E. have an intestine that burst as well or --  
24 A No.  
25 Q Okay. But S.E. also, in terms of the

1 regiment of care that S.E. is receiving, S.E. also is  
2 on these laxatives.  
3 A Yes, laxatives due to the intestines not  
4 contracting and acid reflux.  
5 Q Okay. And have they been taking those  
6 laxatives throughout the course of their life, or when  
7 did those laxatives begin?  
8 A Due to -- in the beginning.  
9 Q So they have been taking laxatives since  
10 they were children, I mean, you know.  
11 A Yes, infants.  
12 Q Infants, okay. Is there any other sort of  
13 medications that they have received for the  
14 gastrointestinal issues?  
15 A What do you mean?  
16 Q Do they take any other medication? Are  
17 there any other surgeries that are involved with the  
18 gastrointestinal issues, or is it kind of confined as  
19 sort of check-ups and the laxatives?  
20 A Well, that and testings. I mean, we have  
21 done a lot of testings, like upper GI, lower GI, pH  
22 probe, X-rays, drinking the -- like a swallow study,  
23 and then, yeah.  
24 Q Okay. So with regard to the care that they  
25 have received at Riley since they were born, and so

1 they have been receiving that gastrointestinal care at  
 2 Riley since they were infants.  
 3 A Correct.  
 4 Q And in terms of going to the gender clinic  
 5 at Riley, that's been since approximately 2016 or  
 6 2017.  
 7 A Yes.  
 8 Q Okay. Let's turn back to your declaration,  
 9 Paragraph 5. There's a statement.  
 10 "They have been recognized as boys in our  
 11 home since they were about 11 years old and have lived  
 12 as boys ever since."  
 13 When you say that your children have been  
 14 recognized as boys in your home, what do you mean by  
 15 that?  
 16 A They are -- how they dress, their haircuts,  
 17 how -- how they act.  
 18 Q Anything else?  
 19 A No.  
 20 Q And when you say "how they act," what do you  
 21 mean by that?  
 22 A No offense, but boys are lazy.  
 23 Q Anything else about how they act like boys?  
 24 A No.  
 25 Q Continuing with Paragraph 5, there's a

1 statement. "They go by the names that reflect the  
 2 gender, use male pronouns, and are masculine in  
 3 appearance.  
 4 "Like most teenage boys, they wear their  
 5 hair in masculine styles and wear boys' clothes."  
 6 When did your children begin going by the names that  
 7 reflect their gender?  
 8 A In middle school.  
 9 Q And so when you say "middle school," what  
 10 grade would that have been?  
 11 A That would be between sixth and eighth.  
 12 Q Do you recall which grade they began going  
 13 by names that reflect their gender?  
 14 A Maybe sixth to seventh.  
 15 Q All right. Do you know for certain?  
 16 A No, not really, it been really long ago, so.  
 17 Q What name did B.E. use?  
 18 A His -- B.E.  
 19 Q Okay. And was there a middle name?  
 20 A Oh, B.E.  
 21 Q And his that now the legal name?  
 22 A Yes, it is.  
 23 Q And what name did S.E. use?  
 24 A S.E.  
 25 Q And was that the name that S.E. began using

1 in sixth or seventh grade?  
 2 A Yes.  
 3 Q Was there some point in time when S.E. used  
 4 the name S.E.?  
 5 A Yes.  
 6 Q And when did S.E. use that name?  
 7 A Off and on, he didn't know which middle name  
 8 he wanted, and then he settled for S.E.  
 9 Q Okay. Were there any other names that they  
 10 used beyond either their birth names or these names  
 11 that reflect their gender?  
 12 A No, I don't -- I don't know.  
 13 Q Okay. When did your children begin using  
 14 male pronouns?  
 15 A Maybe two years ago.  
 16 Q Do you know for certain?  
 17 A No.  
 18 Q So it could have been more recent than that.  
 19 A Yeah, it could be, at least a year or two,  
 20 yeah, like what I said because they always got on me  
 21 for messing up. I still do once in a while, but I'm  
 22 human, so.  
 23 Q When you say you mess up, you occasionally  
 24 have times where you use female genders to refer to  
 25 them?

1 A Yes.  
 2 Q Do you also mess up by using their birth  
 3 names from time to time?  
 4 A No, I don't do that.  
 5 Q So it's solely with regard to gender  
 6 pronouns that you use.  
 7 A Yeah. It's kind of hard for me even though  
 8 I don't have no problem with it. It's just I do that  
 9 regardless of whoever it is.  
 10 Q When they began using male pronouns, did  
 11 they do that exclusively at that point in time?  
 12 A Can you repeat that or --  
 13 Q Well, when B.E. -- we will start with B.E.  
 14 When B.E. began using male pronouns, did B.E.  
 15 exclusively use male pronouns at that point in time?  
 16 A Yes.  
 17 Q When S.E. began using male pronouns, did  
 18 S.E. exclusively use male pronouns at that time?  
 19 A Yes.  
 20 Q Was there a point in time where S.E. also  
 21 used a "they" pronoun?  
 22 A Yes.  
 23 Q And when did S.E. use the "they" pronoun?  
 24 A Within two years or a year, I --  
 25 Q Did B.E. also use the "they" pronoun, or was

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1 it just S.E.?  
 2 A I think both of them did.  
 3 Q And what was your understanding of the use  
 4 of the "they" pronoun?  
 5 A Well, "they" could be a lot of things, so.  
 6 I --  
 7 Q And if it could use a lot of things, how did  
 8 you understand it?  
 9 A To me, "they" means more than one, but  
 10 that's me.  
 11 Q Okay. Do you have an understanding or did  
 12 they share with you as to -- well, we will start with  
 13 B.E. Did B.E. share with you why B.E. wanted to use  
 14 the "they" pronoun at that point in time?  
 15 A I don't know.  
 16 Q Did you ever speak with B.E. about the use  
 17 of the "they" pronoun?  
 18 A No.  
 19 Q Did S.E. ever share with you why or what  
 20 S.E.'s understanding of the "they" pronoun pertained  
 21 to?  
 22 A No.  
 23 Q So other than --  
 24 A They did say "they" would be considered  
 25 either, you know. It could be a female or a male,

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1 "they" could be.  
 2 Q Okay. And so --  
 3 A -- switched to "he" because they are boys.  
 4 Q I'm sorry. I cut you off. Would you say  
 5 that again?  
 6 A Then they, instead of saying "they," they  
 7 switched to "he" because they are boys.  
 8 Q Okay. So they no longer use the "they"  
 9 pronoun.  
 10 A Correct.  
 11 Q But there was a period of time, over the  
 12 course of the last year or two, where they were using  
 13 the "they" pronoun.  
 14 A Very short time, yes.  
 15 Q Turning back to your declaration,  
 16 Paragraph 6, there is a statement. "Since then, I've  
 17 asked their schools to refer to them by the names and  
 18 pronouns that reflect their gender."  
 19 When you say "since then," what year or  
 20 grade did you make this request to the school  
 21 corporation?  
 22 A I would say in eighth and ninth.  
 23 Q And how did you make the request?  
 24 A Well, they started writing their names, and  
 25 then teachers reached out to me and asked. And I

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1 granted the request.  
 2 I -- I'm like, "They go by S.E. and B.E. and  
 3 pronouns 'he,' 'him.'" Yeah, talked to the principal  
 4 at Wilson about it and I talked to the vice principal  
 5 or assistant principal, Ashley Lucas [ph], and Josh,  
 6 the principal, the main principal -- oh, Steve -- I am  
 7 so bad with names, Johnsons, no. I don't know his  
 8 last name. Joseph [ph].  
 9 Q Let's start with your -- do you recall who  
 10 you corresponded with regarding the use of the names,  
 11 writing the names, who reached out to you about that  
 12 initially?  
 13 A It was during COVID. So it was pick up for  
 14 homework. So we did it in-person. It was just --  
 15 they are like, "Oh, is it okay?" I'm like, "Yeah,  
 16 it's definitely okay. Yeah, you go ahead and you, you  
 17 know, use their preferred names."  
 18 Q Okay. So this was during COVID. So it  
 19 would have been sometime in 2020 or 2021.  
 20 A Uh-uh.  
 21 Q And you said you met with the principal at  
 22 Wilson. Is that --  
 23 A Well, she was outside handing out folders  
 24 with homework, and she had -- she reached out and  
 25 asked if it was okay since all the -- since they been

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1 putting their names on their paper.  
 2 I'm like, "Yes." She just wanted to know if  
 3 it was okay. So we had to get permission, I guess.  
 4 So I told her, "Yeah."  
 5 Q So that --  
 6 A Some teachers used it; some teachers didn't.  
 7 Q And so that was the eighth-grade principal  
 8 that you had the conversation with outside of the  
 9 school.  
 10 A Yes.  
 11 Q And she was asking your permission to use  
 12 those names and pronouns.  
 13 A Yes, or she wanted to let me know, you know,  
 14 to be aware of it. I'm like, "Yeah, that's fine."  
 15 Q Okay. And do you recall the principal's  
 16 name?  
 17 A No, it's a female one.  
 18 Q Okay.  
 19 (Discussion held off the record.)  
 20 THE REPORTER: Now back on the record  
 21 at 9:44 a.m.  
 22 BY MR. ZIMMERLY:  
 23 Q Okay, L.E. We continue with Paragraph 6 of  
 24 your declaration. There's a statement.  
 25 "Most of the teachers and classmates have

1 respected this request, the request to use the names  
 2 and the pronouns that reflect their gender.  
 3 "Throughout middle school, all their  
 4 teachers and classmates used their names and pronouns  
 5 at my request and middle school principal's  
 6 direction." Is that a true statement?  
 7 A Yes.  
 8 Q And when you say that, "Most of their  
 9 teachers and classmates have respected this request,"  
 10 are there specific teachers and classmates who have  
 11 not referred to your children by their chosen names  
 12 and pronouns?  
 13 A Yes.  
 14 Q Who?  
 15 A I just know a couple that -- that did say  
 16 the names correctly.  
 17 Q Do you know any teachers that did not use  
 18 the chosen names and pronouns?  
 19 A Probably, subs, substitutes.  
 20 Q You say probably substitutes.  
 21 A I know substitutes.  
 22 Q Okay. Are there specific substitutes that  
 23 you're aware of?  
 24 A No.  
 25 Q Other than substitute teachers, are you

1 aware of any regular teachers -- when I say "regular  
 2 teachers," I'm saying ones that --  
 3 A Normal.  
 4 Q -- yeah, the ones that have them day-to-day.  
 5 Do you recall any of them not honoring your request  
 6 with regard to the use of names and gender pronouns?  
 7 A Are we talking about middle school or high  
 8 school?  
 9 Q Let's start with middle school.  
 10 A Okay. For example, when they graduated,  
 11 when they walked -- walked on the stage, some of them  
 12 said their dead names.  
 13 And then when they got back up on the stage,  
 14 they called them by their preferred names. So that  
 15 has to be confusing to everybody. So that was  
 16 interesting.  
 17 Q And this was at the eighth-grade graduation.  
 18 A Yes.  
 19 Q And who used, what you referred to as, "the  
 20 dead names"?  
 21 A I think -- I don't know who that lady was,  
 22 but the one who did say the right -- correct, is  
 23 Ms. Titus. She is the best teacher.  
 24 Q And what role was Ms. Titus at that middle  
 25 school?

1 A She was the record keeper and science -- no,  
 2 social studies, and she was always there for the kids  
 3 if they needed extra help because they do have a IEP.  
 4 Q What is the IEP in relation to?  
 5 A Learning disability -- containing  
 6 information.  
 7 Q So rather than that example that you gave at  
 8 the eighth-grade graduation where whoever was speaking  
 9 for the day has used, what you referred to as, "the  
 10 dead names," are you aware of any other instances  
 11 where the regular teachers, the day-to-day teachers  
 12 didn't honor your request to use male names --  
 13 A Not to my knowledge, I don't know.  
 14 Q Okay.  
 15 A I wasn't at school.  
 16 Q So that was middle school. Let's talk about  
 17 high school. Are you aware of specific teachers or  
 18 classmates who have not referred to your children by  
 19 their chosen names and pronouns?  
 20 A Substitutes and I believe the gym teacher  
 21 and the ROTC guy.  
 22 Q Do you have any personal knowledge with  
 23 regard to the gym teacher?  
 24 A Do I what?  
 25 Q Do you have any personal knowledge of the

1 A Yes, depression and anxiety and they are on  
 2 Prozac.  
 3 Q Anything else?  
 4 A No. They do see counselors at Riley  
 5 Hospital also, but that's -- well, it's pretty much  
 6 for everything. It's a GI therapist.  
 7 Q So the GI therapist sees them in relation to  
 8 their counseling as well.  
 9 A Yes.  
 10 Q And what sort of counseling does the GI  
 11 therapist provide?  
 12 A She does with coping with pain and pretty  
 13 much everything.  
 14 Q Has the GI therapist provided any other sort  
 15 of mental health diagnoses for your children?  
 16 A No.  
 17 Q And her name is Ashley Hartman [ph],  
 18 Hartman. See; I got her.  
 19 MS. BENSBERG: Since your answer is  
 20 finished, do we want to take a five-minute break?  
 21 MR. ZIMMERLY: That would be fine.  
 22 THE WITNESS: Thank you.  
 23 //  
 24 //  
 25 //

1 THE REPORTER: All right. In that  
 2 case, we are now off the record at ten o'clock --  
 3 (Off the record.)  
 4 THE REPORTER: We are now back on the  
 5 record at 10:10 a.m.; Stevie Pactor is not on the  
 6 call.  
 7 BY MR. ZIMMERLY:  
 8 Q Turning again to your declaration,  
 9 Exhibit 11, Paragraph 7 goes on to state, or you  
 10 state, "They are completely accepted by their friends  
 11 and our family as boys, and many members of our  
 12 community have only known them as boys." What do you  
 13 mean by that?  
 14 MS. BENSBERG: I'm sorry, Phil. Can  
 15 you just clarify where we are?  
 16 MR. ZIMMERLY: Sure, it's Page 2 of the  
 17 declaration, Paragraph 7, the second sentence.  
 18 MS. BENSBERG: Thank you.  
 19 THE WITNESS: So what was the question?  
 20 I'm so sorry.  
 21 BY MR. ZIMMERLY:  
 22 Q Sure. That second sentence where you state,  
 23 "They are completely accepted by their friends and our  
 24 family as boys, and many members of our community have  
 25 only known them as boys," what do you mean by that?

1 A That they are -- we accept them how they  
 2 are; they are boys. And the friends that they have  
 3 see them as boys.  
 4 Q When you refer to "members of our  
 5 community," who are you referring to there in your  
 6 statement?  
 7 A The Pride Center, some of their classmates.  
 8 Q Anyone else that you're referring to when  
 9 you use the phrase "members of our community"?  
 10 A Doctors, just everyday people who we meet.  
 11 Q You said the Pride Center. What is the  
 12 Pride Center?  
 13 A It is a -- a group that supports  
 14 transgender, lesbians, gays, a community for support.  
 15 Q Is that -- like is there a physical location  
 16 for the Pride Center, or is --  
 17 A Yeah, it's -- it's in Terre Haute. It's on  
 18 Wabash.  
 19 Q And is the Center, is that something that  
 20 you and your children have been involved with?  
 21 A Yes.  
 22 Q And how long have you and your children been  
 23 involved with the Pride Center?  
 24 A This year.  
 25 Q So sometime in 2021.

1 A Yes.  
 2 Q Do you recall when you became involved with  
 3 the Pride Center?  
 4 A August of this year.  
 5 Q Okay. Going back to that statement I was  
 6 asking about in Paragraph 7, you said that members of  
 7 your community also included some of your children's  
 8 classmates. Was -- I will strike that.  
 9 Paragraph 8, let's turn to that paragraph.  
 10 You state, "But as they have gotten older, it is has  
 11 become increasingly distressing for them to viewed by  
 12 others as girls and have bodies that do not align with  
 13 their gender. This distress manifested itself in a  
 14 number of ways."  
 15 By stating your children have bodies that do  
 16 not align with their gender, do you mean that their  
 17 present physical anatomy is female?  
 18 A They appear to be females on the outside,  
 19 but inside, they are boys.  
 20 Q So they are outside physical anatomy is what  
 21 you expect for a female. Is that true?  
 22 A Correct.  
 23 Q And when you make the statement that this  
 24 distress manifested itself in a number of ways, what  
 25 did you mean by that? How did the distress manifest

1 itself?  
 2 A The older they get, the more they look like  
 3 boys. But because, I mean, they don't, I mean -- I  
 4 don't know.  
 5 Q Do you know what you meant when you said,  
 6 "This distress manifested itself in a number of ways"?  
 7 Do you know what you meant by that?  
 8 A Well, like better depressing -- I mean,  
 9 being depressed and their moods, their --  
 10 Q Anything else?  
 11 A No, I mean, it just distressed everything.  
 12 I mean, I -- I mean, they have boobs; they don't want  
 13 boobs. I mean, I don't know what to say, I mean, but  
 14 they can't have surgery until they are 18, so.  
 15 Q Okay. Paragraph 9, there's a statement, "To  
 16 address their psychological distress, I sought out  
 17 health professionals at Riley Children's Hospital to  
 18 address any transition-related medical or mental  
 19 healthcare needs."  
 20 A Yes.  
 21 Q Did you receive a referral to Riley for that  
 22 care?  
 23 A It was all in Riley.  
 24 Q So nobody at the Hamilton Center or FSA made  
 25 a referral to Riley; you were already at Riley.

1 A Correct.

2 Q Had the children been receiving any

3 transition-related medical or mental healthcare prior

4 to you seeking out that care at Riley?

5 A Yes, and then they diagnosed them with

6 gender -- I don't know what that word is. I can't say

7 it.

8 Q Gender dysphoria.

9 A Yes, yes.

10 Q Okay. We will talk about that in a moment.

11 You had mentioned that there was some other provider

12 that had been providing transition-related medical or

13 mental healthcare prior to getting that care from

14 Riley. Who was providing that care before Riley?

15 A Next -- Next Gender.

16 Q And what is Next Gender?

17 A That just tells -- I mean, they just put you

18 in resources on like support groups, where to go, if

19 you need anything, they would be there to help to

20 guide you.

21 Q And is it a physical location, or is it an

22 online space? Is it a group; what is it? How did you

23 connect with Next Gender?

24 A From Riley, everything is about Riley.

25 Q Okay. Is Next Gender located in

1 Indianapolis or Terre Haute or --

2 A I think in Indianapolis. I really don't

3 know.

4 Q Did you ever go to a physical location to

5 meet with somebody from Next Gender?

6 A No.

7 Q Did you speak with someone over the phone?

8 A Yes.

9 Q Do you recall who that person was?

10 A Megan -- no, not -- it starts with a M; it's

11 a weird name matter fact. It's not Megan.

12 Q And did that person at Next Gender then

13 provide counseling, or --

14 A She sent me a list of all the counselors and

15 information.

16 Q And then did your children receive

17 counseling through Next Gender?

18 A Through Riley, Dr. Branson -- Brandon and

19 Ferrman. I'm really not sure about the names, of

20 course, but that was a online support group that they

21 met every Wednesday.

22 Q Was that that support group Parents of

23 Transgender Children that we talked about earlier?

24 A No, it's a different thing.

25 Q What was the name of that group?

1 A I believe it's Gender Kids.

2 Q Is that through Riley?

3 A Yes, their doctors, yeah.

4 Q Okay. So Next Gender, at what point in time

5 were you dealing with Next Gender?

6 A I talked to them way in the beginning, but

7 they are always there if I need them.

8 Q And when you say "way at the beginning,"

9 what time frame are you talking about?

10 A It's I would say about four years ago. I

11 mean, throughout this whole process.

12 Q And have your communications with them been

13 limited to phone calls, or you have also exchanged

14 emails with them?

15 A Emails -- she -- she sends me links if I am

16 interested in doing other support groups.

17 Q And has it been the same point of contact at

18 Next Gender for those four years?

19 A Yes, email, phone calls.

20 Q And that's that individual that has a name

21 that starts with an M that you can't recall right now.

22 A Yes, yes.

23 Q Other than being sort of a resource to sort

24 of point you to other resources, has Next Gender

25 itself provided your children with any care?

1 Q Okay. So there was some documentation that

2 provided that gender dysphoria diagnosis.

3 A Yes.

4 Q Okay.

5 A That's what I was looking for. But, yes,

6 I -- I send them everything. Well, I did send them

7 everything.

8 Q In Paragraph 10, turning to your

9 declaration, Paragraph 10, Page --

10 A Oh, wait a minute. Now, you gave me two

11 different things.

12 MS. BENSBURG: Those are Exhibits 4 and

13 5.

14 THE WITNESS: Okay, great, sorry. But

15 I think he is talking about this one.

16 MS. BENSBURG: Let's just clarify. Are

17 we back to the declaration?

18 BY MR. ZIMMERLY:

19 Q Yes, we're going back to your declaration.

20 (Discussion held off the record.)

21 THE REPORTER: We're now back on the

22 record at 10:33 a.m.

23 BY MR. ZIMMERLY:

24 Q So, L.E., in Paragraph 10 of your

25 declaration, which is Exhibit 11, you state, "They

1 have both been diagnosed with gender dysphoria and  
 2 have begun hormone therapy." What sort of hormone  
 3 therapy are they receiving?  
 4 A Shots daily -- I mean, shots weekly only.  
 5 Q And what sorts of hormones are they  
 6 receiving?  
 7 A 0.2 milligram shots testosterone.  
 8 Q Testosterone.  
 9 A Yes.  
 10 Q And when did they -- I think you indicated  
 11 this earlier. But when did they begin receiving those  
 12 hormones?  
 13 A It been almost two months now. They are on  
 14 their seventh shot.  
 15 Q So they receive the shots weekly, and they  
 16 are now on their seventh shot.  
 17 A Yes.  
 18 Q So they have been receiving those shots for  
 19 seven weeks.  
 20 A Yes.  
 21 Q Paragraphs 11 and 12 of your declaration  
 22 refer to you contacting teachers and making requests  
 23 about names and pronouns.  
 24 And in Paragraph 12, you state, "Although we  
 25 made this request, it's my understanding that

1 substitute teachers continue to call the boys by their  
 2 birth names and continue to refer to the boys with  
 3 female pronouns."  
 4 Putting the substitute teachers to the side,  
 5 was it your understanding that the normal teachers  
 6 have honored your requests to use chosen names and  
 7 chosen pronouns?  
 8 A What the principal told me was they had --  
 9 the teachers had the right to say their birth name or  
 10 their preferred name. That was their options.  
 11 Q And when did the principal tell you that?  
 12 A In December.  
 13 Q Was that during a meeting with the  
 14 principal?  
 15 A Yes.  
 16 Q And in terms of the meetings you have had  
 17 with the assistant principal or the vice principal, I  
 18 suppose let's figure it out.  
 19 How many times do you recall that you have  
 20 met with the assistant principal? And this is the  
 21 high school to be clear.  
 22 A Yes. Two times.  
 23 Q And how many times have you met with the  
 24 principal of the high school?  
 25 A Once.

1 Q And the time that you met with the  
 2 principal, that was one of the two times that you met  
 3 with the vice principal, assistant principal?  
 4 A Yes.  
 5 Q And the first meeting you had with the  
 6 assistant principal, was that meeting that the  
 7 principal was at, or was that the second meeting?  
 8 A It was the second one.  
 9 Q Okay. So do you recall when you met with  
 10 the assistant principal the first time and it was just  
 11 her, where did you meet?  
 12 A It was in her office.  
 13 Q And was anybody else there for the meeting?  
 14 A My boys.  
 15 Q Anyone else?  
 16 A No.  
 17 Q And do you recall when that meeting  
 18 occurred?  
 19 A It was in the beginning of September.  
 20 Q Okay. And what do you recall about that  
 21 meeting? Just tell me everything you remember about  
 22 that meeting.  
 23 A Well, that's when she told us that we had --  
 24 they had to use the female bathrooms or health room.  
 25 They cannot go into the guys' bathroom.

1 Q What else do you remember about that  
 2 meeting?  
 3 A It was just about the bathrooms, I believe.  
 4 Q Okay. And had something happened that  
 5 caused that meeting to occur, or why was that meeting  
 6 being held?  
 7 A Because someone reported them using the  
 8 bathroom, boys' bathroom.  
 9 Q Okay. So other than your recollection that  
 10 during that meeting the assistant principal told you  
 11 that your children were going to need to use the  
 12 female bathroom or the health bathroom, do you recall  
 13 anything else about that meeting?  
 14 A Oh, yes, pictures, yearbooks, funny story,  
 15 still haven't got B.E.'s pictures.  
 16 What am I -- but I got five of S.E., saying  
 17 that -- trying to put their preferred name in the  
 18 yearbook instead of her birth name, dead name, and  
 19 they said that they couldn't.  
 20 Q When you said "they said," was that  
 21 something the --  
 22 A Oh, she said.  
 23 Q Was this during the -- that was with  
 24 the -- and this was during the first meeting with the  
 25 assistant principal.

1 A Yes, yes, sorry, and the second time, too,  
2 because I brought it up also, again. But -- yeah,  
3 sorry.  
4 Q So -- I'm sorry I cut you off. Did you have  
5 anything else to say?  
6 A No, not about the first one, no.  
7 Q So the topics of that were the assistant  
8 principal sharing with you that your children were to  
9 use the female bathrooms.  
10 But they also could use the health bathroom,  
11 and you brought up the topic of the yearbook pictures.  
12 A Yes.  
13 Q Do you recall anything else about that  
14 meeting?  
15 A She was going to get back with me on the  
16 yearbook, yeah.  
17 Q Okay. And do you recall your children  
18 saying anything during that meeting?  
19 A They was very quiet.  
20 Q Okay. So you don't recall them saying  
21 anything.  
22 A They just agreed or not really agreed but --  
23 Q What was your response --  
24 A -- didn't have a choice in the matter,  
25 honestly, I mean.

1 Q Did you respond at that time to the  
2 assistant principal letting you know that the  
3 bathrooms that were available to your children would  
4 be the female bathroom and the health bathroom?  
5 Did you have any response to that at that  
6 time?  
7 A Yes, I wanted more options.  
8 Q And what did you specifically say if you  
9 recall?  
10 A That should be able to use boys-- the boys'  
11 bathroom. They look like boys; they are boys.  
12 Q And what was the assistant principal's  
13 response to those statements?  
14 A "We have policies."  
15 Q Anything else?  
16 A No.  
17 Q Do you recall anything else about that  
18 meeting other than what we've talked about so far?  
19 A Not to my knowledge.  
20 Q Okay. Let's talk about the second meeting  
21 that you described with the assistant principal where  
22 the principal was also there from the high school.  
23 Where did that meeting occur?  
24 A It was in -- it was in Joseph's office, the  
25 principal's office, and it was in, I think, October.

1 Q And other than the assistant principal,  
2 principal, and you, who else was present for that  
3 meeting if anyone?  
4 A It was just me and the principal and the  
5 vice principal, only us.  
6 Q Okay. And tell me everything you remember  
7 about that meeting.  
8 A They -- well, before that, I got a email  
9 saying that I need -- we need to come in and have a  
10 meeting, face-to-face.  
11 And so I came that day, anyways. I gave  
12 them all the information that I got from Next Gender,  
13 and -- and later on that day, I emailed them the  
14 letters stating that they are males. And that was,  
15 you know, that was in October, yeah.  
16 Q So after you met with them, you actually  
17 emailed them documentation.  
18 A Yes, yes, because I didn't have it on hand  
19 with me. But they pretty much told me that the --  
20 they said that they talked to the lawyers, and the  
21 policy is not changing, so.  
22 Q So the topic of that meeting in October was  
23 with regard to access to the boys' restrooms and the  
24 boys' locker rooms.  
25 A Yes, and pictures.

1 Q Oh, and the pictures. Anything else that  
2 was a topic during that meeting?  
3 A No.  
4 Q And you referred to Next Gender a number of  
5 times. Is it actually GenderNexus?  
6 A Yeah, that's it. See. I told you I'm bad  
7 with names.  
8 Q So in previous testimony, when you were  
9 talking about using Next Gender as a resource, you  
10 were actually referring to GenderNexus.  
11 A Yes, GenderNexus, okay. That sounds so much  
12 better.  
13 Q And you indicated that after your meeting  
14 with the principal and the vice principal, you emailed  
15 them with some documentation. Is that true?  
16 A Yes.  
17 Q Because you didn't have that documentation  
18 on hand at the time.  
19 A Correct.  
20 Q And so I'm trying to understand some of your  
21 prior testimony in that regard where I think you had  
22 said that you had some documentation that you shared  
23 with them. Did you --  
24 A Oh, I did.  
25 Q Okay. So there was some other documentation

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1 that you shared with them at that time.  
 2 A Yes.  
 3 Q Okay.  
 4 A It was a printout from the doctor saying  
 5 what the diagnosis was.  
 6 Q Okay. And you shared that with --  
 7 A They didn't keep it.  
 8 Q And you shared that with the principal and  
 9 the vice principal at that time.  
 10 A Yes. They said that they would forward the  
 11 paperwork to someone higher, you know, for their  
 12 lawyers.  
 13 Q Do you recall anything else about that  
 14 meeting?  
 15 A No, just the pictures. I'm very upset about  
 16 the pictures also.  
 17 Q Paragraph 13 and 14 of your declaration  
 18 which is Exhibit 11, you describe, "Several weeks into  
 19 the school year in late September, I received a phone  
 20 call from the vice principal at Terre Haute North  
 21 requesting that I and my children come into her office  
 22 for a meeting to discuss my son's use of the boys'  
 23 bathroom at the school."  
 24 Is that the first meeting that you described  
 25 and told me about with the assistant principal?

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1 A Yes. Yes.  
 2 Q And then, in Paragraph 14, you state, "At  
 3 that meeting, I requested that my sons be allowed to  
 4 use the boys' facilities at school and asked that  
 5 school employees and students refer to them with the  
 6 names they go by and male pronouns.  
 7 "I explained that they both receive  
 8 transition-related care, and will begin hormone  
 9 therapy in November 2021 and will rapidly masculinize  
 10 their appearance."  
 11 So that's what you told the vice principal  
 12 at that time.  
 13 A Oh, yes.  
 14 Q And then, in Paragraph 15, you state, "We  
 15 were told that my children would not be allowed to use  
 16 the boys' facilities at school.  
 17 "They were instead directed to use the  
 18 girls' bathrooms or to use the unisex bathrooms in the  
 19 health office." Was there any reason given for this?  
 20 A I believe because of the gender marker on  
 21 their record since it was stated a female instead of a  
 22 male.  
 23 But now, it should be a male mark. So it  
 24 shouldn't have a -- they shouldn't have no issues that  
 25 they use the boys' bathroom now.

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1 Q When you say you believe it was because of a  
 2 gender marker, was there a reason given at that point  
 3 in time as to -- what did the -- did the assistant  
 4 principal give a reason as to why your children --  
 5 A Because they was females, and I consist that  
 6 they wasn't. They was boys.  
 7 Q Okay. And did the assistant principal say  
 8 that to you, that it's because they were females, or  
 9 is that sort of -- I'm asking.  
 10 What specifically did the assistant  
 11 principal say? Did the assistant principal give a  
 12 reason?  
 13 A It has to go in what their appearance looks  
 14 like.  
 15 Q And that's what the assistant principal said  
 16 during that first meeting.  
 17 A I believe so.  
 18 Q Do you recall specifically one way or the  
 19 other?  
 20 A It has to match what the record had.  
 21 Q Do you recall a specific statement that was  
 22 made by the assistant principal in that regard at that  
 23 first meeting?  
 24 A Well, they said that they had to go to the  
 25 females' or to the health room because they are

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1 females, so.  
 2 Q And is that what the assistant principal  
 3 said?  
 4 A Yes, in not so many ways, yes.  
 5 Q I'm not trying to ask the same question  
 6 over. I just really want, if you recall the specific  
 7 statements that were made by the assistant principal  
 8 during that first meeting, that's really what I'm  
 9 asking.  
 10 If you don't recall specifically, that's  
 11 fine as well. But if you do recall specific  
 12 statements that were made, I just ask that you let me  
 13 know what they were.  
 14 A Well, it was in September or November. So I  
 15 have slept since then.  
 16 Q So you don't specifically recall, but your  
 17 understanding leaving that meeting was that they would  
 18 not be allowed access to the male restrooms because  
 19 their sex was female.  
 20 A Pretty much, I mean, that's the reason why  
 21 we went and got a name and gender mark so we would  
 22 change this issue, but I guess, that doesn't change  
 23 anything.  
 24 Q Had you requested, prior to this meeting,  
 25 had you made a request that your children have access

1 to the male restrooms?  
 2 A Yes, I -- I don't know. Can you rephrase  
 3 it?  
 4 Q Sure.  
 5 A Say it again.  
 6 Q So I know that you made a request with  
 7 regard to the use of pronouns and names. But prior to  
 8 this meeting with the vice principal in September, had  
 9 you actually made a request that your children have  
 10 access to the male restrooms?  
 11 A I believe so.  
 12 Q And who did you make that request to?  
 13 A To the vice principal.  
 14 Q And how did you make that request?  
 15 A Probably through email.  
 16 Q And do you recall when that request was  
 17 made?  
 18 A No.  
 19 Q Is it possible that this meeting with the  
 20 assistant principal was the first time were the  
 21 restrooms and locker rooms had been discussed between  
 22 you and the vice principal?  
 23 A Yes.  
 24 Q During middle school, did your children use  
 25 the female restroom or the male restrooms?

1 A I believe the females'.  
 2 Q And that was in sixth and seventh and eighth  
 3 grade where they used the female restrooms.  
 4 A Yes, but they felt very, very uncomfortable.  
 5 Q During that time frame, sixth, seventh, and  
 6 eighth grade, did they also use the female locker  
 7 rooms?  
 8 A Yes.  
 9 Q I'm going to ask you to pull up a different  
 10 exhibit. First, let's look at Paragraph 18 of your  
 11 declaration before we go to the other exhibit. This  
 12 will give us some context.  
 13 So Paragraph 18, we talked a little bit  
 14 about this but just so the record is clear,  
 15 Paragraph 18 of your declaration, you state, "I also  
 16 provided letters from my children's doctor, Dr. Nomi  
 17 Sherwin, explaining that they both had medical issues  
 18 that require them to use the restroom often." And --  
 19 A Use the boys' bathroom.  
 20 Q And so Exhibit 7, if you turn to that, if  
 21 you have that available, it's this larger packet of  
 22 just a bunch of emails.  
 23 (Exhibit 7 was marked for  
 24 identification.)  
 25 A Okay.

1 Q If you would, turn to Page -- there's a  
 2 Bates stamp at the bottom of the document that begins  
 3 BESE there at the bottom. If you would, turn to Page  
 4 BESE Page 47.  
 5 A Is this it?  
 6 Q Are you there?  
 7 A Yes.  
 8 Q At the bottom of the page, underneath this  
 9 big, black bar with attorney/client communication,  
 10 there is a forwarded message with a "From: L.E." And  
 11 there's an email snickers 181 at Yahoo dot com. Do  
 12 you see that?  
 13 A Yes.  
 14 Q Is that your email, snickers 181 at Yahoo  
 15 dot com?  
 16 A Yes.  
 17 Q And this is an email that's sent on Monday,  
 18 October 18, 2021, at 9:42 a.m. Correct?  
 19 A Yes.  
 20 Q And were you sending it to the principal at  
 21 Vigo Schools -- at the high school?  
 22 A Yes, oh -- that's, yes. I sent it to Steve  
 23 Joseph, the principal.  
 24 Q And the email states, "Hello, this L.E. I'm  
 25 sending you information all about transgender and the

1 law about it. Please, feel free to contact me  
 2 anytime.  
 3 "I have do have letters from the doctor's  
 4 statements. Them, B.E. and S.E., should be treated as  
 5 boys, and anything that isn't legally names/dead names  
 6 should not appear anywhere except personal  
 7 information. Please, obey with the wishes."  
 8 Is that the email that you sent to the  
 9 principal on October 18th?  
 10 A Yes.  
 11 Q And it looks like, if you will turn the page  
 12 to BESE underscore 49 and underscore 50, these are  
 13 those notes from Dr. Sherwin --  
 14 A Yes.  
 15 Q -- we talked about before; correct?  
 16 A Yes.  
 17 Q Were these attached to that email you sent  
 18 to Mr. Joseph on October 18th?  
 19 A I believe so, yes.  
 20 Q And there is also on Page -- BESE Page 51,  
 21 there's also sort of a snapshot of an ACLU Know Your  
 22 Rights --  
 23 A Yes.  
 24 Q Was that also included as an attachment to  
 25 your email to Mr. Joseph?

1 A Yes. I sent that. I mean, I also handed  
 2 that to them also, so.  
 3 Q And with regard to these doctor's notes, I  
 4 think your testimony before was that you did not  
 5 actually have these doctor's notes when you met with  
 6 the assistant principal and principal.  
 7 You actually followed up by sending it via  
 8 email. Is this when you sent those, or do I have the  
 9 timeline correct? Or am I missing something?  
 10 A The thing is, he wasn't even looking at the  
 11 papers. He pretty much said he is going to send it to  
 12 the person who controls -- to, you know, take care of  
 13 it, to look into things he said. So he didn't really  
 14 care.  
 15 Q You're not really answering the question I  
 16 asked. So my question is to try and understand when  
 17 this information was provided and how it was provided.  
 18 My understanding, from your testimony  
 19 earlier, was that you met with the principal and vice  
 20 principal.  
 21 You didn't have these doctor's notes at that  
 22 time with you and that you then sent them to the  
 23 principal via email. Is that correct?  
 24 A Yes.  
 25 Q And is this when you sent those doctor's

1 notes to the principal, on October 18th, via email?  
 2 A Yes.  
 3 Q So let's -- just they occur a couple of  
 4 times in the record, but I'm going to ask you to pull  
 5 out them as the exhibits, Exhibits 4 and 5.  
 6 A Okay.  
 7 Q Let's start with Exhibit 4. Is the version  
 8 that you're looking at the redacted version, or does  
 9 it have the name of your child?  
 10 A It says "B.E."  
 11 Q Okay. So the first one is in regard to  
 12 B.E., Exhibit 4, and there is a statement here.  
 13 It says, "B.E. has a medical condition which  
 14 requires frequent restroom use. Please, allow him to  
 15 be excused from class as needed to use the restroom.  
 16 Please, allow him to use bathrooms and locker rooms  
 17 that are congruent with his male gender."  
 18 And we've already talked about the medical  
 19 condition that B.E. has, the gastrointestinal issue.  
 20 Is that true?  
 21 A Yes.  
 22 Q Is that the medical condition that the  
 23 doctor is referring to in this note?  
 24 A Yes.  
 25 Q And that was a medical condition that was

1 diagnosed since infancy.  
 2 A Yes.  
 3 Q And B.E. had some digestive/intestinal  
 4 issues during elementary school and middle school. Is  
 5 that true?  
 6 A Yes.  
 7 Q Now, in this note, Dr. Sherwin is requesting  
 8 that B.E. be excused from class as needed to use the  
 9 restroom.  
 10 And I understand that in this lawsuit, we  
 11 have a dispute about the use of male restrooms and  
 12 locker rooms.  
 13 But putting that to the side, has the school  
 14 corporation complied with Dr. Sherwin's request to the  
 15 extent that she was requesting that B.E. be excused  
 16 from class as needed to use the restroom?  
 17 A Most time, yes, but he did have to serve  
 18 detention due to tardiness. I didn't know until after  
 19 the fact because --  
 20 Q So generally speaking, with that  
 21 accommodation of allowing B.E. to be excused from  
 22 class as needed to use the restroom, that  
 23 accommodation has been provided. Is that true?  
 24 A Yes.  
 25 Q And you have indicated there was an instance

1 where B.E. was in detention -- or was it detention?  
 2 A Something like that.  
 3 Q Okay.  
 4 A Before class, I mean, before school, I  
 5 didn't even know anything about it until afterwards.  
 6 Q And when did that event occur?  
 7 A I -- it had to be in September, I believe,  
 8 or October.  
 9 Q In that particular instance, B.E. was not  
 10 allowed to leave detention to go to the restroom.  
 11 A I don't know.  
 12 Q Okay.  
 13 A I just know that he should not have had  
 14 detention since he had a medical statement saying,  
 15 "Please, excuse."  
 16 Q Okay, I misunderstood. So you're saying  
 17 that B.E. was given detention because B.E. was tardy  
 18 or perceived as being tardy even though B.E. was using  
 19 the restroom at that time.  
 20 A Correct, correct.  
 21 Q Okay. And when you met with the assistant  
 22 principal or the principal, did they let you know that  
 23 they would write passes for your children if that  
 24 became an issue?  
 25 A Yes.

1 Q And generally speaking, have they complied  
2 with that accommodation other than the one instance  
3 that you have identified?  
4 A Yes.  
5 Q And in this letter from -- referring, again,  
6 back to Exhibit 4, where the doctor writes, "Please,  
7 allow him to use bathrooms and locker rooms that are  
8 congruent with his male gender," do you agree that the  
9 request to use the male bathroom and locker rooms is  
10 based on your child's gender and not based on your  
11 child's sex?  
12 A Yes, I think.  
13 Q Let's turn to Exhibit 5. Exhibit 5 pertains  
14 to S.E. The medical condition that's referred to in  
15 the letter from the doctor, is that the same medical  
16 condition, the gastrointestinal issue that we've  
17 already talked about?  
18 A Yes.  
19 Q And that was a medical condition that was  
20 diagnosed in infancy?  
21 A Yes.  
22 Q And --  
23 A I'm so sorry to interrupt you on this, but  
24 the school nurse, on record, has different letters  
25 also that has bathroom excuses, so just -- sorry, just

1 on that note.  
2 Q Sure, so --  
3 A It's already in the system.  
4 Q Okay.  
5 A Before -- before all this.  
6 Q So there are separate notes dealing with the  
7 sort of gastrointestinal issues, ability to leave when  
8 necessary.  
9 A Yes.  
10 Q And that was entirely unrelated to the  
11 gender issue.  
12 A Yes, and that was from Dr. Dunn from  
13 St. Vincent's Hospital.  
14 Q Okay. And when was that letter provided?  
15 A Oh, in the beginning of school.  
16 Q Of 2021.  
17 A Well, she had been writing them since three  
18 years.  
19 Q Okay.  
20 A Because the school system has to like keep  
21 on getting new ones.  
22 Q Okay. And so S.E. had been dealing with the  
23 digestive intestinal issues since elementary school,  
24 all through middle school, up to high school.  
25 A Yeah.

1 Q And same inquiry with regard to S.E., as  
2 with B.E., I understand we have a dispute about the  
3 use of male restrooms and locker rooms.  
4 But with regard to the request that's made  
5 in this letter that S.E. be excused from class as  
6 needed to use the restroom, has the school complied  
7 with that request?  
8 A To my knowledge, yes.  
9 Q And, again, in this letter to -- on behalf  
10 of S.E., Dr. Sherwin writes, "Please, allow him to use  
11 bathrooms and locker rooms that are congruent with his  
12 male gender."  
13 Do you agree that this request to use the  
14 bathrooms and locker rooms is based on your child's  
15 gender and not based on your child's sex?  
16 A Correct.  
17 Q Paragraphs 22 and 23, turning back to your  
18 declaration, Exhibit 11, it begins in Paragraph 22.  
19 "In mid-October, I had another in-person meeting with  
20 the vice principal and the principal of Terre Haute  
21 North." Okay.  
22 "I was told," let me just go ahead and read  
23 it and see if I have any questions about it. "I was  
24 told that after consulting with executive staff  
25 members of the school corporation and its lawyers, the

1 school would continue to refuse my sons access to the  
2 boys' bathrooms or other facilities.  
3 "While they would be excused from class as  
4 needed because of their medical issues, they would  
5 only be allowed to use the girls' bathrooms or the  
6 unisex bathroom in the health office." Was that what  
7 you were told at that time?  
8 A Yes.  
9 Q Paragraph 23, "I was also told that they  
10 would not direct school employees and students to  
11 refer to my children by the names and pronouns to  
12 reflect their gender.  
13 "They would instead give teachers the choice  
14 whether to use the names they go by and male pronouns  
15 or to refer to them with their birth names and female  
16 pronouns.  
17 "My children would also continue to be  
18 listed on class rosters and in the school yearbook  
19 under their birth names." So who made those  
20 statements to you about the use of the pronouns and  
21 the names?  
22 A The principal and the vice principal, both  
23 of them.  
24 Q And were there, in your understanding or  
25 based on what your children had told you, other than

1 substitute teachers, have there been any of the normal  
 2 teachers that referred to your children not using  
 3 their chosen names or pronouns?  
 4 A I think you already asked me this. What  
 5 did -- I mean, can you repeat it?  
 6 Q I guess maybe I already asked it. Let me  
 7 just reframe the question. So my understanding in  
 8 talking with you today is that the normal teachers at  
 9 the high school have sought to honor your and your  
 10 children's request to use male pronouns and their  
 11 chosen names, B.E. and S.E.  
 12 And the exception to that, there had been  
 13 occasions where the substitute teachers have not done  
 14 that, but the normal teachers have complied with that  
 15 request. Is that a correct understanding?  
 16 A Yes, to my knowledge. I mean, I don't go to  
 17 school there.  
 18 Q Okay. And I'm not asking you anything  
 19 beyond on knowledge but based on what your children  
 20 have told you.  
 21 Paragraph 25, you state, "Being unable to  
 22 use the boys' facilities has been emotionally and  
 23 physically harmful."  
 24 "They often come home having avoided using  
 25 the bathrooms at all during school which is very

1 dangerous because of their medical issues and has  
 2 impacted their ability to be at school and their  
 3 desire to participate in school or do their school  
 4 work."  
 5 When do you recall that either of your  
 6 children has come home having avoided using the  
 7 bathrooms at all during school?  
 8 A That's all the time.  
 9 Q And have you kept a log of those specific  
 10 days?  
 11 A No, I didn't know I needed to.  
 12 Q When you say "all the time," what do you  
 13 mean by that?  
 14 A They come home -- I mean, almost bend over  
 15 cramping because they have to use the bathroom.  
 16 Sometimes, they even come home like half of  
 17 the -- half of the day or even a little bit -- when  
 18 school is about to leave saying that their stomach  
 19 hurts because they don't -- they can't use the  
 20 bathroom -- the normal, I mean, the boys' bathroom.  
 21 So I come and pick them up because of their  
 22 stomach issues.  
 23 Q And when, specifically, has that occurred?  
 24 A That happened twice. I believe in this  
 25 month, in December. It happened two times, I believe.

1 Q And was that with regard to one of your  
 2 children or both of your children both on the same  
 3 day?  
 4 A Yes, yes, both on the same but different  
 5 times, yeah.  
 6 Q And so when you say it happened twice, it  
 7 was twice for each child or --  
 8 A Yes.  
 9 Q -- twice on the same day? Twice for B.E.  
 10 and twice for S.E.  
 11 A Yes, correct, and two different days.  
 12 Q Okay, always got to be confusing with twins;  
 13 right?  
 14 A Yes, yes.  
 15 Q And when you said that this happens all the  
 16 time, how frequently did you mean by that?  
 17 A It's pretty much like every -- every day or  
 18 every other day, at least a couple times a week.  
 19 Q So a couple times a week where they come  
 20 home and say that they didn't use the restroom at all  
 21 during that day.  
 22 A Or like when they try to go to the North --  
 23 the health clinic, it was closed, I mean.  
 24 Q Paragraph 26, you state, "Without the  
 25 ability to use the easily-accessible boys' bathrooms

1 at school, they have been times when they have been  
 2 unable to avoid having bathroom accidents.  
 3 "This is embarrassing for them and  
 4 disruptive because they have to miss class and wait  
 5 until I can get to school with a change of clothes."  
 6 When is that an occurrence that's occurred  
 7 for both children or just for one of them?  
 8 A Both.  
 9 Q And let's start with B.E. When did B.E.  
 10 have a bathroom accident that required you to bring a  
 11 change of clothes?  
 12 A I -- I believe I just picked -- picked him  
 13 up and brought him home.  
 14 Q And when did that occur?  
 15 A It happens once in a while. I don't -- I  
 16 don't recall.  
 17 Q Do you recall specific instances when that  
 18 occurred for B.E.?  
 19 A Sometimes, sometimes he doesn't even he did,  
 20 and it's on the back of his pants. So sometimes, I  
 21 don't even have to go and give him extra clothes  
 22 because he doesn't know and then, you know.  
 23 Q Do you recall any specific instances where  
 24 this has occurred?  
 25 A Yeah, when he comes home, it's -- I don't

1 know what you're asking.  
 2 Q Okay. So your declaration seems to indicate  
 3 that there were times where B.E. had to miss class  
 4 because you had to bring B.E. a change of clothes.  
 5 Has that ever occurred where you had to  
 6 bring B.E. a change of clothes?  
 7 A Yes.  
 8 Q And when did that occur?  
 9 A In middle school.  
 10 Q Okay. So that has not occurred in high  
 11 school.  
 12 A Well, it -- not the clothes thing. I  
 13 haven't -- I don't remember.  
 14 Q So you don't remember, sitting here today,  
 15 ever bringing a change of clothes to B.E. because B.E.  
 16 has had an accident in high school.  
 17 A No, I do remember. I just don't know  
 18 exactly when. I mean, I don't know what day or month.  
 19 Q Well, what do you remember about -- even if  
 20 you don't remember the day or the month, what do you  
 21 recall with regard to that particular occurrence?  
 22 A I don't know.  
 23 Q So you don't have --  
 24 MS. BENSBURG: Can I just object? How  
 25 much more do you reckon you have?

1 school?  
 2 A It was mostly in middle school about the  
 3 extra clothes, but she -- he continues to have  
 4 accidents. So I don't know.  
 5 Q Do you recall any specific times in high  
 6 school where you had to bring B.E. had a change of  
 7 clothes?  
 8 A I don't remember.  
 9 Q And what about with regard to S.E.? Have  
 10 there been any occasions where, in high school, you  
 11 have had to bring S.E. a change of clothes because  
 12 S.E. has had an accident?  
 13 A He keeps on having accidents. I don't  
 14 know -- remember -- I mean, I don't remember times.  
 15 Q Even if you don't --  
 16 A They keep on having accidents.  
 17 Q Okay. Do you recall specific times where  
 18 you have brought S.E. a change of clothes to school in  
 19 high school?  
 20 A Yes.  
 21 Q And when did that -- was that once, twice,  
 22 how many times?  
 23 A I believe once.  
 24 Q And do you recall when that was in terms of  
 25 time frame?

1 MR. ZIMMERLY: I think I'm going to be  
 2 done -- I'm shooting to be done at noon. I might go a  
 3 little beyond noon, but my goal is to be done at noon.  
 4 MS. BENSBURG: Okay. L.E., how are you  
 5 doing; do you need a break?  
 6 THE WITNESS: Yes, I would love to have  
 7 a break.  
 8 MS. BENSBURG: Okay. Can we come back  
 9 on at 11:30?  
 10 MR. ZIMMERLY: That would be fine,  
 11 yeah.  
 12 MS. BENSBURG: Thank you.  
 13 THE REPORTER: We're now off the record  
 14 at 11:20 a.m.  
 15 (Off the record.)  
 16 THE REPORTER: We are now back on the  
 17 record at 11:34 a.m.  
 18 BY MR. ZIMMERLY:  
 19 Q L.E., when we took a break, I was asking you  
 20 if you recalled specific instances where your children  
 21 had bathroom accidents that required that you bring  
 22 them a change of clothes.  
 23 With regard to B.E., do you recall a  
 24 specific instance where you had to bring a change of  
 25 clothes in high school because B.E. had an accident at

1 A No, I don't.  
 2 Q I think you testified that there were,  
 3 approximately, well, two occasions for S.E. where you  
 4 picked up S.E. and you took S.E. home and two  
 5 occasions where you picked up B.E. and took B.E. home.  
 6 And do you recall any other occasions beyond  
 7 those two instances for each student where you picked  
 8 them up and brought them home?  
 9 A Yeah, a couple of times within this year due  
 10 to accidents also, but they didn't let them know.  
 11 They just said that their stomach hurt. When they  
 12 came home, they -- you could tell that they had  
 13 accidents.  
 14 Q Okay. And those were the same two instances  
 15 that we talked about for each student or different  
 16 instances?  
 17 A Different.  
 18 Q And do you recall those specific dates?  
 19 A No, I don't.  
 20 Q Turning back to your declaration,  
 21 Paragraph 28, you state, "Many of their classmates  
 22 have learned that they are transgender because of the  
 23 school's continued use of their birth names."  
 24 With regard to that statement, which  
 25 classmates have learned that your children are

1 transgender because of the school's continued use of  
 2 their birth names?  
 3 A In gym class.  
 4 Q I'm sorry. Can you say that again? You  
 5 actually broke up on Zoom.  
 6 A In gym class and ROTC and math class.  
 7 Q And is this based on information that has  
 8 been shared with you by your children?  
 9 A Yes.  
 10 Q And is it your understanding that those  
 11 classmates, prior to the use of the birth names, that  
 12 those classmates, in your understanding, previously  
 13 believed that your children were biological males?  
 14 A I'm not understanding the question  
 15 apparently.  
 16 Q Well, the statement, "Many of their  
 17 classmates have learned that they are transgender  
 18 because of the school's continued use of their birth  
 19 names --  
 20 A Yeah. They are confusing their peers.  
 21 Q Okay. So --  
 22 A So they don't know what sex they are. So  
 23 they keep on looking them up and down to see what they  
 24 are.  
 25 Q Okay. Paragraph 28 goes on to state, you go

1 on to state, "Some of their peers have started  
 2 discussing their gender and denying that they are  
 3 really boys."  
 4 Let me ask you about that. Have you been  
 5 present for any of those discussions?  
 6 A No.  
 7 Q And so your information that comprised that  
 8 statement here in your declaration is based on  
 9 information that's been shared by your children.  
 10 A Correct.  
 11 Q And what have they told you about those  
 12 discussions?  
 13 A Well, they come home really distraught, and  
 14 they are questioning them. And it shouldn't be a  
 15 factor.  
 16 Q What specifically have they told you --  
 17 well, specifically, what has B.E. said to you that  
 18 B.E.'s peers have discussed gender and denying that  
 19 B.E. is really a boy?  
 20 A Because of their dead names, they knew them.  
 21 They went to school with them prior to the name  
 22 change.  
 23 Q And what specifically did B.E. tell you  
 24 about those discussions with B.E.'s peers?  
 25 A Like, some of them knew the old person.

1 it makes it stressful. And -- and he doesn't like it,  
 2 I mean.  
 3 Q Did these discussions increase in any way  
 4 after B.E. and S.E. began using the boys' restroom?  
 5 A What do you mean, use the bathrooms? They  
 6 are not supposed to use the boys' bathroom. So I  
 7 don't know what you're saying.  
 8 Q Okay. Well, I understand, that they, at one  
 9 point in time, used male restrooms and were told not  
 10 to do so.  
 11 Other than that one -- or that instance, do  
 12 you know whether or not that increased or decreased  
 13 the discussions in relation to this topic?  
 14 A No.  
 15 Q So you don't know one way or the other or,  
 16 no, there were no further discussions?  
 17 A No more discussions.  
 18 Q Okay. Paragraph 28 continues, and you  
 19 state, "Some of our family friends," this is the last  
 20 sentence of the final clause.  
 21 "Some of our family friends have expressed  
 22 anti-transgender sentiments." Who are the family  
 23 friends that expressed anti-transgender sentiments?  
 24 A I don't know; I'm a blank. Oh. Well, even,  
 25 you know, some of our family friends have expressed

1 anti -- so they lost friends. They have lost friends.  
 2 Q Well, I'm specifically asking you about  
 3 family friends that expressed anti-transgender  
 4 sentiments. Do you recall any of your family friends  
 5 expressing anti-transgender sentiments?  
 6 A Meaning against it, right?  
 7 Q That would be "anti," yes, so.  
 8 A Friends, yes, family friends, yes, we just  
 9 don't hang out with them, I mean, simple as that.  
 10 Q And who are they?  
 11 A Does it matter? Miranda Waltrap, I don't  
 12 know her name, but B.E. was friends with her; they  
 13 might still be friends but not really. They called  
 14 her "B.E.," or something. I don't know. Family --  
 15 no, that would be family friends.  
 16 BY MR. ZIMMERLY:  
 17 Q So beyond the one person you're not aware,  
 18 somebody called B.E. "B.E.," and you have mentioned  
 19 Miranda Waltrap. Who is Miranda Waltrap?  
 20 A Miranda, we was really good friends when we  
 21 was pregnant together. She -- and she has a boy, and  
 22 he was early also.  
 23 So we -- I mean, we just don't see  
 24 eye-to-eye anymore. So we kind of lost -- they don't  
 25 hang out. They don't hang out; they don't do

1 activities anymore.  
 2 Q And what anti-transgender sentiment did  
 3 Ms. Waltrap express?  
 4 A That she didn't agree on what I'm doing, on  
 5 doctors, you know.  
 6 Q Okay. Anything else beyond that?  
 7 A No, I don't think so.  
 8 Q Paragraph 29 begins with the statement,  
 9 "These issues are chronically disrupting my children's  
 10 education and lives." What do you mean by that?  
 11 A Well, going to school every day knowing that  
 12 people is looking at you and judging you on who you  
 13 are, that has to do something with not paying  
 14 attention with your schoolwork, so.  
 15 They are paying -- they are paying more  
 16 attention to the negative outlook inside of learning  
 17 because that's all they are able to think of, I guess.  
 18 I'm just guessing.  
 19 Q Anything else beyond that?  
 20 A No.  
 21 Q If you would, pull up a separate exhibit,  
 22 Exhibit 2.  
 23 (Exhibit 2 was marked for  
 24 identification.)  
 25 A Okay.

1 A Yes, on the outside, yes.  
 2 Q Turning to Exhibit 3, do you have that in  
 3 front of you?  
 4 (Exhibit 3 was marked for  
 5 identification.)  
 6 A Yes, I do.  
 7 Q This is the Order Unverified Petition for  
 8 Change of Name and Gender Marker for S.E. Is that  
 9 true?  
 10 A Yes.  
 11 Q And so this document changed S.E.'s legal  
 12 name. Is that true?  
 13 A Yes.  
 14 Q And it also changed S.E.'s legal gender to  
 15 male. Is that true?  
 16 A Yes.  
 17 Q And is it also true that it did not legally  
 18 change S.E.'s biological sex?  
 19 MS. BENSBERG: Same objection, go  
 20 ahead.  
 21 THE WITNESS: Yes.  
 22 BY MR. ZIMMERLY:  
 23 Q And is it also true that S.E.'s anatomy is  
 24 still that of a biological female?  
 25 A Yes.

1 Q Do you have that document in front of you?  
 2 A Yes.  
 3 Q This should be the Order Unverified Petition  
 4 for Change of Name and Gender Marker. And is it true  
 5 that this order changed your child's legal name,  
 6 changed B.E.'s legal name?  
 7 A Yes, it did.  
 8 Q And it's also true that it changed your  
 9 child's legal gender to male. Is that true?  
 10 A Yes, it did.  
 11 Q Is it true that this order did not legally  
 12 change your child's biological sex?  
 13 A Not yet until he is 18 to have surgery.  
 14 Q Okay. As of today, B.E.'s anatomy is still  
 15 that of a biological female.  
 16 MS. BENSBERG: I'm just going to  
 17 object. We've gone over this several times.  
 18 BY MR. ZIMMERLY:  
 19 Q You can answer.  
 20 A Next question, please.  
 21 Q Did you answer my question?  
 22 A I don't know what that question was.  
 23 Q Let me re-ask it, noting the objection. Is  
 24 it true that B.E.'s anatomy is still that of a  
 25 biological female?

1 Q If you turn to Exhibit 7 which is the email  
 2 packet --  
 3 A Okay.  
 4 Q I just had a few questions about specific  
 5 emails in here. If you turn to Page 23 in the  
 6 packet --  
 7 A Twenty-three, you said.  
 8 Q Yes.  
 9 A Okay, thank you. Oh, this is my sister.  
 10 Q I was going to ask you that. So there's an  
 11 email from -- on August 8, 2021, from M.E. at M.E. 11  
 12 at Gmail dot com. Do you see that?  
 13 A Yes, I do.  
 14 Q And we can refer to her as "M.E.," and just  
 15 note that in the record. So M.E., is she your sister?  
 16 A Yes.  
 17 Q When she indicates that she -- the email  
 18 indicates that she is the aunt of B.E. and S.E., and  
 19 uses their prior legal names, I want to ask you  
 20 specifically about the second paragraph where she  
 21 writes, "B.E. only goes by B.E., and S.E. only goes by  
 22 S.E."  
 23 So as of August 8, 2021, was S.E. still  
 24 going by the name S.E.?  
 25 A Maybe to her.

1 Q Okay. And --

2 A Them are just little nicknames like -- I  
3 don't know.

4 Q Okay. In the last sentence of that  
5 paragraph, M.E. writes, "B.E. pronouns are he, him,  
6 and S.E.'s pronouns are they, he." So as of August 8,  
7 2021, was S.E. still using the pronoun "they"?

8 A I guess not, no.

9 Q S.E. was not using the pronoun "they" as of  
10 August 8, 2021.

11 A I don't know.

12 Q You don't know one way or the other.

13 A Correct, because to me, they, he, him, are  
14 all the same, but they are not.

15 Q Let's go to Page 18.

16 A Okay.

17 Q Is this an email that you sent? In kind of  
18 the middle of the page here, there's a email,  
19 August 18, 2021, at 9:32 a.m.

20 A Yeah.

21 Q Is that your school corporation email  
22 address that you sent the email from?

23 A Yes.

24 Q In the beginning of the email, you use the  
25 then legal names of your two children. Is that true?

1 A Yes, with everything I do, pretty much.

2 Q What do you mean by that?

3 A So they can't recognize who I'm talking  
4 about.

5 Q In the email, you write, this is after the  
6 ellipsis where you write, "Is there any way that they  
7 can use the boy locker room and a different locker  
8 room because you do have other locker rooms or let  
9 them go into boys' locker room after or before the  
10 class starts or ends?" Do you see that there?

11 A Yeah.

12 Q So as of August 18, 2021, was your request  
13 to allow your children to use a different boys' locker  
14 room than the other boys or allow them to use it  
15 before or after the biological boys?

16 A I just wanted them to be able to use any  
17 boys' locker room or bathroom.

18 Q And so you were proposing sort of an  
19 alternative at that time where they could maybe use a  
20 different boys' locker room or use it before or after  
21 the other students. Is that what you were doing here?

22 A Yes.

23 Q The next sentence you state, or you write,  
24 "Please, I do understand that they can't go inside  
25 with the boys. And honestly, they don't either.

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF INDIANA  
3 TERRE HAUTE DIVISION  
4 \_\_\_\_\_  
5 B.E. and S.E., minor children  
6 by their mother, legal guardian,  
7 and next friend, L.E.,  
8 Plaintiffs,  
9 v. Case No.  
10 VIGO COUNTY SCHOOL CORPORATION, 2:21-cv-00415-JRS-MG  
11 PRINCIPAL, TERRE HAUTE NORTH  
12 VIGO HIGH SCHOOL, in his  
13 official capacity,  
14 Defendants.  
15 \_\_\_\_\_  
16 VIDEOCONFERENCE DEPOSITION OF  
17 S.E.  
18 DATE: Tuesday, December 21, 2021  
19 TIME: 1:59 p.m.  
20 LOCATION: Remote Proceeding  
21 Indianapolis, IN 46204  
22 REPORTED BY: Andrew Pronschinske, Notary Public  
23 JOB NO.: 4992729  
24  
25

1 I think they were kind of shocked. They were okay  
2 with it.  
3 Q And what did you -- you told your mother  
4 after you told B.E. and your aunt.  
5 A Yes.  
6 Q What did you say to your mom?  
7 A That I always felt different, and I'm a guy.  
8 Like, I don't like -- yeah.  
9 Q And what was your mom's response?  
10 A Like, she is okay with it.  
11 Q Okay. I asked B.E. about the same sort of  
12 thing. When B.E. shared this information with you and  
13 with your aunt and with your mom, do you recall who  
14 let other people know about this? Were you first, or  
15 was B.E. first?  
16 A I'm not really sure.  
17 Q And do you recall B.E. coming to you and  
18 sharing the same type of information with you?  
19 A Yes.  
20 Q What do you remember about that?  
21 A That B.E. feels like a guy and is a guy.  
22 Q In the same paragraph, when you say that you  
23 began to live and present yourself to the world as a  
24 boy, what do you mean by that?  
25 A What page, what paragraph?

1 Q Paragraph 5 on Page 1, the second part of  
2 that where you say, "By the time I was about 11 years  
3 old, I told my family that I am a boy and began to  
4 live and present myself to the world as a boy."  
5 And my question is, when you say that you  
6 began to live and present yourself to the world as a  
7 boy, what does that mean? What do you mean by that?  
8 A I had my hair cut, wore like boy clothes,  
9 like acted.  
10 Q So haircut, boy clothes, you said "acted."  
11 A Yeah, like present.  
12 Q And what do you mean by that, "acted" or  
13 "presented"?  
14 A Like, I acted like a guy.  
15 Q Okay. And what does that mean, to act like  
16 a guy?  
17 A Like, lazy.  
18 Q Did you say, "Like, crazy"?  
19 A Well, yeah, and lazy.  
20 Q Oh, lazy.  
21 A Yeah.  
22 Q Did you say -- I don't want to put words in  
23 your mouth. Did you say lazy or crazy?  
24 A Lazy.  
25 Q Okay. In Paragraph 8, you state, "Beginning

1 in elementary school, some students and teachers began  
2 to use the name and pronouns that reflect my gender at  
3 my and my mother's request. And this is also how I  
4 was known throughout middle school."  
5 Do you recall making a request to use male  
6 names and male pronouns in elementary school?  
7 A Yeah, yes.  
8 Q And who did you make that request to in  
9 elementary school?  
10 A I'm not really sure.  
11 Q Okay. Do you recall teachers or students  
12 referring to you with a male name or male pronouns in  
13 elementary school?  
14 A I -- I'm not sure.  
15 Q What about in middle school? In middle  
16 school, did you request that your teachers or  
17 classmates use male pronouns and a male name for you?  
18 A Yes.  
19 Q And who did you ask to do that?  
20 A I'm not exactly sure.  
21 Q Do you have any recollection of making that  
22 request in middle school?  
23 A I might have.  
24 Q You might have, but you don't, sitting here  
25 today, recall one way or the other.

1 A Yeah.  
 2 Q Okay. Paragraph 10 of your declaration,  
 3 Exhibit 13, there's a statement. "I also use the  
 4 boys' bathrooms at the beginning of my freshman year  
 5 because they are the correct and comfortable bathroom  
 6 for me like they are for any other boy."

7 In elementary school, did you use the boys'  
 8 bathrooms?

9 A No.

10 Q In middle school, did you use the boys'  
 11 bathrooms?

12 A No.

13 Q Continuing on in that paragraph,  
 14 Paragraph 10, you state, "The boys' bathrooms in my  
 15 school have urinals and individual stalls with toilets  
 16 and are conveniently located throughout the school."

17 On those occasions where you used the boys'  
 18 bathroom in high school, did you use the individual  
 19 stalls?

20 A Yes.

21 Q And going on to Paragraph 12, there's a  
 22 statement. "When a school employee noticed that I  
 23 used the boys' bathroom, I was told to stop.

24 "When I used it again, the vice principal  
 25 called my mother and asked her to come into school

1 A I'm not sure.

2 Q You don't remember one way or the other.

3 A Yeah.

4 Q Okay. Were you also advised, that as an  
 5 accommodation, that if you needed to leave class early  
 6 or in the middle of class to go to the restroom that  
 7 you would be able to do that? Was that an  
 8 accommodation that was provided to you?

9 A Yes.

10 Q And was that an accommodation that was  
 11 consistently provided to you?

12 A Can you repeat that?

13 Q Sure. On those occasions where you had to  
 14 go to use the restroom perhaps in the middle of class  
 15 or the beginning or the end of class because you have  
 16 to use the restroom, have teachers consistently  
 17 allowed you to do so?

18 A Yes.

19 Q Paragraph 18 of your declaration, there's a  
 20 sentence at the very beginning of Paragraph 18.

21 It says, "Being treated as a boy at school  
 22 is extremely important for my mental and physical  
 23 health.

24 "And it's physically uncomfortable and  
 25 emotionally difficult to be at school when I cannot be

1 with me and brother for a meeting about our bathroom  
 2 use."

3 Do you recall a school employee noticing  
 4 that you were using the boys' bathroom and telling you  
 5 to stop?

6 A I -- I'm not sure; I don't think.

7 Q Do you recall going to a meeting with the  
 8 vice principal and your mother and B.E.?

9 A Yes.

10 Q And was that pertaining to the use of the  
 11 male restroom?

12 A Yes.

13 Q Why don't you tell me what you remember  
 14 about that meeting? What do you remember about it?

15 A That they give -- that they gave us the  
 16 option of using the female or the nurse's office.

17 Q Okay. And do you recall what -- did you or  
 18 B.E. say anything during that meeting?

19 A I'm not sure.

20 Q Did your mother speak during that meeting?

21 A I'm not sure.

22 Q Do you recall what her response was when --  
 23 to that information about using the nurse's office  
 24 restroom or using the girls' restroom? Did she have a  
 25 response at that time?

1 who I am. This causes me anxiety and makes me  
 2 depressed and makes me not want to go to school."

3 I'm specifically asking about this statement  
 4 of the very first sentence of that where you say that  
 5 being treated as a boy at school is extremely for your  
 6 mental health and physical health.

7 I understand that you're not a psychologist  
 8 or psychiatrist or doctor. But from your perspective,  
 9 why is being treated as a boy extremely important for  
 10 your mental health?

11 A Well, because that's who I am, and, I mean,  
 12 it would -- it would be like -- I would feel better.

13 Q From your perspective, why is being treated  
 14 as a boy extremely important for your physical health?

15 A I don't know how to say this. It's,  
 16 basically, what I just said.

17 Q Okay. So with regard to your physical  
 18 health, your response is similar to or the same as  
 19 with regard to your mental health. Is that fair?

20 A Yes.

21 Q Paragraph 19 of your declaration, it states  
 22 that you see health professionals at Riley Children's  
 23 Hospital, and you have been diagnosed with gender  
 24 dysphoria.

25 Do you know who made that diagnosis for you

1 for gender dysphoria?  
 2 A I'm not sure.  
 3 Q Do you know when you received that  
 4 diagnosis?  
 5 A What do you mean exactly?  
 6 Q Was there some point in time where your  
 7 doctor said, "Hey, I diagnosed you with gender  
 8 dysphoria"? Have they ever shared that information  
 9 with you?  
 10 A I believe, yes.  
 11 Q And do you know when they shared that  
 12 information with you?  
 13 A No, I don't.  
 14 Q Okay. What is your understanding,  
 15 recognizing you're not a psychiatrist or a  
 16 psychologist or a medical professional, what is your  
 17 understanding of what gender dysphoria is?  
 18 A That I don't feel comfortable in my body.  
 19 Like, I -- like, I feel like a guy, and I am.  
 20 Q Paragraph 21 states that, "The girls'  
 21 bathrooms and health office bathroom that I'm allowed  
 22 to use are not suitable alternatives for the boys'  
 23 facilities I want to use."  
 24 When you say that the girls' bathrooms and  
 25 the health office aren't suitable alternatives to use,

1 why is that?  
 2 A Because that health room is like far away  
 3 from our classes. We're like outcasts because other  
 4 kids like know.  
 5 Q Anything else?  
 6 A Not -- not that I can think of right now.  
 7 Q In Paragraph 27, there's a reference to  
 8 avoiding accidents because of medical issues and  
 9 getting to the health office bathroom quickly enough.  
 10 I understand that you have had some  
 11 gastrointestinal issues since you were a baby. Is  
 12 that true?  
 13 A Yes.  
 14 Q And have you had occasions in high school  
 15 where you have had accidents?  
 16 A Yes.  
 17 Q And how often has that occurred?  
 18 A Well, in the past, it's been like a lot.  
 19 Q When you say "in the past," do you mean in  
 20 high school or all the way back to elementary school?  
 21 A High school.  
 22 Q So in high school, how many accidents have  
 23 you had in high school?  
 24 A I'm not exactly sure.  
 25 Q Was it one time, two times, three times? If

1 you had to estimate, what would you estimate?  
 2 A Maybe a few times a week.  
 3 Q A few times a week where you have had an  
 4 accident.  
 5 A Yes.  
 6 Q And what do you do to sort of deal with the  
 7 accident when it occurs?  
 8 A Can you repeat that?  
 9 Q Sure. In the times where you have had an  
 10 accident, how -- what do you do in that situation? Do  
 11 you change your clothes? What do you do in response  
 12 to that?  
 13 A I -- I'm not really sure.  
 14 Q When was the last time you recall having an  
 15 accident at school?  
 16 A I'm not exactly sure, but I think it's been  
 17 a while since then.  
 18 Q Do you recall any specifics about any  
 19 accidents that you have had while you have been at  
 20 school in high school?  
 21 A No.  
 22 Q So you don't recall when your -- one  
 23 happening recently. Is that true?  
 24 A Can you repeat that?  
 25 Q Do you recall having an accident at school

1 recently?  
 2 MS. BENSBERG: I'm going to object to  
 3 form. What do you mean by "recently"?  
 4 BY MR. ZIMMERLY:  
 5 Q In the past three weeks, have you had an  
 6 accident at school?  
 7 A I'm not sure.  
 8 Q Do you recall having an accident in school  
 9 in November of 2021?  
 10 A Yes.  
 11 Q What do you recall about that accident?  
 12 A Just that I had an accident.  
 13 Q So you recall in general average accidents  
 14 in the past, but you don't recall any specifics about  
 15 when that occurred or what was involved in that  
 16 accident. Is that fair?  
 17 MS. BENSBERG: Objection, asked and  
 18 answered, mischaracterizes testimony, he testified  
 19 that he has had a number of accidents, not one.  
 20 BY MR. ZIMMERLY:  
 21 Q Let me ask it again in a different way then.  
 22 So although you have testified that you may have had  
 23 more than that accident, do you recall the specifics  
 24 of any of those accidents?  
 25 A Just that it is on my pants sometimes.

1 Q Do you recall any other specifics other than  
2 that?  
3 A It's uncomfortable.  
4 Q Have you used the health office to go to the  
5 restroom?  
6 A Yes.  
7 Q And is that something that you have used on  
8 a daily basis, the health office restroom?  
9 A Yes.  
10 Q Is it something that you have used multiple  
11 times a day, the health office bathroom?  
12 A Yes.  
13 Q Have their times or has there been any  
14 occasion where you have gone to the health office and  
15 it's been locked?  
16 A Yes.  
17 Q And how often has that occurred?  
18 A In the morning, after school, and sometimes,  
19 during school.  
20 Q And how many times have you gone to that  
21 restroom and had it been locked?  
22 A A few times.  
23 Q And what did you do in response to it being  
24 locked?  
25 A I just wait or like I just don't -- yeah.

1 Q Were you then able to use the restroom, the  
2 health office restroom after somebody unlocked the  
3 door?  
4 A Can you repeat that?  
5 Q Were then able to use the health office  
6 restroom after someone unlocked the door?  
7 A Like, later in the day, like --  
8 Q Yes, later in the day.  
9 A Yeah.  
10 Q Are your current teachers using your legal  
11 name, S.E.?  
12 A Yes.  
13 Q Are they using male pronouns with you?  
14 A Yes.  
15 Q At some point in time, did you use the  
16 "they" pronoun?  
17 A Yes.  
18 Q When did you most recently use the "they"  
19 pronoun?  
20 A Maybe in the past year or two, I'm not sure.  
21 Q Could it have been as recently as August of  
22 this year?  
23 A Yeah.  
24 Q And what is your understanding of the use of  
25 the "they" pronoun? Why would you ask people to use

1 "they" instead of "he" or "him" or "she" or "her"?  
2 A I'm not exactly sure, like because I felt  
3 comfortable with it because -- yeah.  
4 Q So, you, at one point in time, you felt  
5 comfortable with the use of the "they" pronoun.  
6 A Yeah.  
7 Q And why did you feel comfortable with that?  
8 A I just felt comfortable with myself.  
9 Q Okay. Turning back to your declaration,  
10 Paragraph 33, the very first part of that paragraph  
11 you make the statement that your regular teachers this  
12 year are supportive and have tried to address you  
13 correctly.  
14 Is that true, that your regular teachers  
15 have been supportive and have tried to address you  
16 properly?  
17 A Yes.  
18 Q In Paragraph 35, you state that, "Some  
19 substitute teachers do insist on using a birth name  
20 and female pronouns." When has that happened?  
21 A Like, in gym, just -- yeah.  
22 Q Was that -- that was with your gym teacher,  
23 a substitute gym teacher.  
24 A Yeah.  
25 Q And I believe when I asked -- do you have

1 gym class with B.E.?  
2 A Yes.  
3 Q And I believe it was B.E.'s testimony that  
4 the substitute teacher was corrected and then began  
5 using the names that you wanted the teacher to use and  
6 the pronouns.  
7 Is that true? Is that what happened, or do  
8 you have a different recollection?  
9 A Yes.  
10 Q That's what happened; you corrected the gym  
11 teacher, and that gym teacher then used the pronouns  
12 and names that asked the gym teacher to use.  
13 A Yeah.  
14 Q Are there any instances where substitute  
15 teachers have not followed your direction to use your  
16 chosen name or pronouns?  
17 A Can you -- can you repeat that?  
18 Q Are there any occasions where you asked a  
19 substitute teacher to call you "S.E." and -- or to use  
20 male pronouns and that substitute teacher said, "No,  
21 I'm not going to do that. I'm going to refer to you  
22 differently," than what you have asked them to refer  
23 to you as?  
24 A No.  
25 Q So in any occasion where that's come up, the

1 teacher has complied with your request.  
 2 A Yes.  
 3 Q Paragraph 37 of your declaration, there's a  
 4 statement. "Recently, after a substitute teacher  
 5 called my birth name, other students told the class  
 6 that I am transgender and that I'm really a girl.  
 7 "The substitute used my birth name and  
 8 female pronouns for the rest of the class and made me  
 9 participate on the girls' team for a class activity."  
 10 What were you referring to in that paragraph if you  
 11 recall?  
 12 A Can -- can you repeat that?  
 13 Q Sure. Do you recall after a substitute  
 14 teacher calling your birth name, other students  
 15 telling the class that you were transgender and that  
 16 you were really a girl?  
 17 A Yeah, I -- yeah.  
 18 Q What class did that happen in?  
 19 A Gym.  
 20 Q Did the substitute then continue to use your  
 21 birth name and female pronouns for the rest of the  
 22 class?  
 23 A No.  
 24 Q Did the substitute make you participate on  
 25 the girls' team for a class activity?

1 A Yes.  
 2 Q And did that boy student make any other  
 3 comments?  
 4 A No.  
 5 Q And you said that there was maybe one to two  
 6 other individuals that participate in the bullying.  
 7 And what did they say, or what did they do?  
 8 A Like, basically, the same thing the other  
 9 kids say.  
 10 Q And were those students, were they boy  
 11 students, female students?  
 12 A Boy.  
 13 Q Okay. Did you tell anyone at the school  
 14 about those students making unkind comments towards  
 15 you?  
 16 A I'm not sure.  
 17 Q How recently did that occur?  
 18 A Like, maybe in the last couple weeks, I --  
 19 I'm not sure.  
 20 Q Is it something that's occurred again since  
 21 then?  
 22 A No.  
 23 Q Okay. Are you involved in the ROTC program?  
 24 I think you already told me that you are.  
 25 A Yes.

1 A Oh, that was actually with my actual gym  
 2 teacher on a different day.  
 3 Q Okay. And so what was the class activity  
 4 that the actual gym teacher asked you to be on the  
 5 girls' team for that activity?  
 6 A I believe basketball.  
 7 Q Have you ever been bullied at school?  
 8 A I mean, with words but not physically.  
 9 Q And who has bullied you with words at the  
 10 high school?  
 11 A A few people like that like we had in middle  
 12 school.  
 13 Q And when you say "a few people," how many  
 14 students is that?  
 15 A Like, maybe two or three.  
 16 Q And what sort of words have they used to  
 17 bully you?  
 18 A Well, one of them said like that they --  
 19 they said like a dead name, and, "They go by other  
 20 names."  
 21 Q Did they say anything else?  
 22 A They said like -- well, I believe he said  
 23 like that, "They are actually a girl."  
 24 Q And was this a boy student making these  
 25 comments?

1 Q In speaking with B.E., my understanding is  
 2 that there's only one time a week where you have to  
 3 change into your uniform on Fridays. Is that true?  
 4 A Yes, but -- well, yeah, yeah.  
 5 Q Do you have to change for ROTC other than  
 6 changing into your uniforms on Fridays?  
 7 A I mean, we have to wear another uniform, but  
 8 we don't have to change in it at school. So, no.  
 9 Q Okay. And when you change for ROTC when  
 10 you're at your school, do you change in the health  
 11 office for that?  
 12 A Yes.  
 13 Q Had you ever changed for ROTC class in one  
 14 of the restrooms other than the health office?  
 15 A Yes.  
 16 Q And was that in one of the male restrooms or  
 17 one of the female restrooms or one of -- or both?  
 18 A The -- the boys'.  
 19 Q And when you changed in the boys' restroom,  
 20 did you change in one of the individual stalls?  
 21 A Yes.  
 22 Q Do other students use the individual stalls  
 23 to change in the restroom?  
 24 A Yes.  
 25 Q For ROTC, do students change in the locker

1 rooms at all?  
 2 A No.  
 3 Q For gym class, do you have to change for gym  
 4 class?  
 5 A Yes.  
 6 Q And would you change for gym class in the  
 7 health office then?  
 8 A Can you repeat that?  
 9 Q When you have gym class and you get changed  
 10 for gym class, do you get changed in the health office  
 11 restroom?  
 12 A Yes.  
 13 Q And do other students get changed for gym  
 14 class in the boys' restroom or the girls' restroom?  
 15 A Can you repeat that?  
 16 Q Sure. Do other students get changed for gym  
 17 class in the boys' restroom or the girls' restroom if  
 18 you know?  
 19 A No, not that I know of.  
 20 Q Do they get changed in the locker rooms for  
 21 gym class?  
 22 A Yes.  
 23 Q Is that "yes"?  
 24 Q Paragraph 38 of your declaration, on Page 7,  
 25 you make the statement that, "Many of my friends and

1 classmates have only known me as a boy.  
 2 "Some of these classmates have found out  
 3 that I'm transgender because of my birth name getting  
 4 called in class. I never know if my peers will still  
 5 accept after finding out that I'm transgender.  
 6 "I'm worried that I will lose friendships  
 7 because of who I am." The friends that you have in  
 8 high school, you know, your circle friends, are those  
 9 the same friends that you would have had in middle and  
 10 elementary school? Or are they different friends that  
 11 you had in the past?  
 12 A Different.  
 13 Q Okay. So do you have any friends in your  
 14 high school group that were from the past in  
 15 elementary school or middle, or are they all new  
 16 friends?  
 17 A A few from middle school, but I don't think  
 18 they know. I don't know.  
 19 Q And is it your understanding that your  
 20 current group of friends believe that you are a  
 21 biological boy?  
 22 A Can you repeat that?  
 23 Q Is it your understanding that your group  
 24 friends are under the understanding that you are a  
 25 biological boy like you were born with the anatomy of

1 a male?  
 2 A Yes.  
 3 MR. ZIMMERLY: Those are all the  
 4 questions that I have. We will reserve our right to  
 5 be able to call you later in the case.  
 6 We're limited, in our information at  
 7 this point given that it's a preliminary injunction.  
 8 Discovery has been expedited. But I don't know that  
 9 we will even need to do that.  
 10 But thank you for your time today, S.E.  
 11 It was nice to meet you. I hope you do really well in  
 12 school and have happy holidays and a happy New Year.  
 13 THE WITNESS: You, too.  
 14 MS. BENSBERG: Before we conclude, can  
 15 we just take three to five minutes so I can just  
 16 confer with my co-counsel?  
 17 MR. ZIMMERLY: Yes, that would be fine.  
 18 MS. BENSBERG: Okay.  
 19 THE REPORTER: Okay. We are now off  
 20 the record at 2:49 p.m.  
 21 (Off the record.)  
 22 THE REPORTER: We are now back on the  
 23 record at 3:01 p.m.  
 24 MR. ZIMMERLY: Thank you.  
 25 //

1 EXAMINATION  
 2 BY MS. BENSBERG:  
 3 Q Hello, S.E. You know who I am; I am your  
 4 attorney, Kathleen Bensberg. I have a couple of very  
 5 quick questions for you.  
 6 You spoke a lot previously about having  
 7 accidents. I'm not going to ask you anything else  
 8 about those accidents. My question is, would your mom  
 9 know about those accidents?  
 10 A Yeah, some.  
 11 Q She would know about some. Would she know  
 12 about all of them?  
 13 A No, I don't think.  
 14 Q Okay. My other question is, you previously  
 15 spoke about a paragraph in your declaration about the  
 16 importance of being treated as a boy for your mental  
 17 and physical health.  
 18 And that is Paragraph 18 on Page 3. Are  
 19 there any other reasons that being treated like a boy  
 20 at school is important for your physical health?  
 21 A Yes, because like my situation like my  
 22 intestines, like I need to use the restroom. Like, I  
 23 can't just hold it.  
 24 Q Okay. And when you talk about needing to  
 25 use the restroom, how would being treated as a boy at

1 school help with that?

2 A Can you repeat that?

3 Q Sure, of course. I will rephrase it. You  
4 talked about, and you talked at length, about your GI  
5 and your stomach issues.

6 When you say that you need to use the  
7 restroom, why is that important that you're treated as  
8 a boy to meet those needs?

9 A Because I am.

10 Q And so you want to go to the boys' bathroom.

11 A Yeah.

12 Q Okay. Is there any other reason that your  
13 physical health is impacted by not being able to use  
14 the boys' being?

15 A Can you repeat that?

16 Q Sure. Is there any other reason that it's  
17 bad for your physical health not to be able to use the  
18 boys' bathroom?

19 A Just that it's bad --

20 Q Okay. When you say "bad," bad for your  
21 stomach issues?

22 A Yes.

23 MS. BENSBERG: Okay. I think that is  
24 all I have.

25 MR. ZIMMERLY: Okay, no further

1 questions here.

2 THE REPORTER: All right. In that  
3 case, once again, I will go through transcripts real  
4 quick. Mr. Zimmerly, you ordering?

5 MR. ZIMMERLY: Yes, condensed E-tran.

6 THE REPORTER: Now, Mr. Falk?

7 MR. ZIMMERLY: Ken, did you have that  
8 shirt on before? I like that sweater.

9 MR. ZIMMERLY: No, I actually -- it's  
10 got -- I don't want to insult you, but it's gotten  
11 kind of draggy. So I've been changing outfits.

12 I got cold. It's great getting old. I  
13 just got cold; so I have a sweater.

14 MR. FALK: Same thing with the  
15 transcript for us.

16 THE REPORTER: Exhibit, once again,  
17 provide it to the court reporter, Exhibit 13?

18 MR. ZIMMERLY: Yeah.

19 THE REPORTER: Okay.

20 MS. BENSBERG: We will review and sign.

21 THE REPORTER: What did you say?

22 MS. BENSBERG: Oh, that we will review  
23 and sign.

24 THE REPORTER: Okay. In that case,  
25 we're now off the record at 3:05 p.m.

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF INDIANA  
3 TERRE HAUTE DIVISION  
4 \_\_\_\_\_  
5 B.E. and S.E., minor children  
6 by their mother, legal guardian,  
7 and next friend, L.E.,  
8 Plaintiffs,  
9 v. Case No.  
10 VIGO COUNTY SCHOOL CORPORATION, 2:21-cv-00415-JRS-MG  
11 PRINCIPAL, TERRE HAUTE NORTH  
12 VIGO HIGH SCHOOL, in his  
13 official capacity,  
14 Defendants.  
15 \_\_\_\_\_  
16 VIDEOCONFERENCE DEPOSITION OF  
17 B.E.  
18 DATE: Tuesday, December 21, 2021  
19 TIME: 12:24 p.m.  
20 LOCATION: Remote Proceeding  
21 Indianapolis, IN 46204  
22 REPORTED BY: Andrew Pronschinske, Notary Public  
23 JOB NO.: 4992729  
24  
25

1 eighth.  
2 Q Okay. Do you recall the names of any of  
3 those teachers you have told me about, the art  
4 teacher, the history teacher, the English teacher?  
5 A Ms. Titus, Ms. Perez, Jennings.  
6 Q And what does Ms. Titus teach?  
7 A History, so, yeah.  
8 Q What about Ms. Perez?  
9 A Art, the art teacher.  
10 Q And Ms. Jennings, was it Ms. Jennings?  
11 A Yeah.  
12 Q And was she the English teacher?  
13 A Yes.  
14 Q And did you have all three of those teachers  
15 in eighth grade?  
16 A Yes.  
17 Q Did other students refer to you as using  
18 male pronouns in middle school?  
19 A Yes.  
20 Q And was that true for all students or just  
21 some of them?  
22 A Just some of them.  
23 Q Were those other students, were they the  
24 ones that are kind of your close friends?  
25 A Yes.

1 Q And when you were in middle school -- well,  
2 when you were in elementary school, did you use the  
3 female restrooms?  
4 A Yes.  
5 Q And when you were in middle school, did you  
6 use the female restrooms?  
7 A Wait; I think you just said that.  
8 Q No, I asked first about elementary school.  
9 In middle school, I'm asking a little bit of a  
10 different question. In middle school, did you use the  
11 female restrooms?  
12 A Yes.  
13 Q In middle school, were there any teachers  
14 who you asked to use male pronouns or the name "B.E."  
15 that refused to do that in middle school?  
16 Are there any teachers that you said, "Hey,  
17 I really want you to use male pronouns and use the  
18 name 'B.E.," and they refused to do that?  
19 A I don't remember.  
20 Q So you're not, sitting here today, you don't  
21 have any recollection of making such a request to a  
22 middle school teacher and them not honoring that  
23 request. Is that true?  
24 A Well, back to that question, it would have  
25 been maybe the gym teachers and math -- I mean, and a

1 science teacher who -- did you say pronouns or name?  
2 Q Well, let's start with pronouns. Was  
3 there -- and my question -- let's back up a little  
4 bit.  
5 My question is, in middle school, was there  
6 ever a point in time where you asked a teacher to use  
7 male pronouns with you and they did not honor your  
8 request?  
9 A Yes.  
10 Q And when did that occur, which teacher?  
11 A I believe the gym teachers and maybe a  
12 science teacher, but she didn't do it all the time.  
13 Q Do you recall the names of either of those  
14 teachers, the gym teacher or the science teacher?  
15 A Ms. McDonald, I can't remember the other  
16 one.  
17 Q And what did Ms. McDonald teach?  
18 A Science.  
19 Q And so you asked Ms. McDonald to use male  
20 pronouns with you in eighth grade. Is that what  
21 happened?  
22 A Well, it might have been before eighth when  
23 I did ask.  
24 Q And what was her response?  
25 A I can't remember, but I'm not sure if she

1 did use the correct pronouns or if she just used the  
 2 other pronouns.  
 3 Q You don't recall one way or the other  
 4 sitting here today.  
 5 A I think she might have used both; I can't  
 6 remember.  
 7 Q Okay. And what do you remember about the  
 8 gym teacher?  
 9 A I'm not sure, but she was just mean in  
 10 general to me.  
 11 Q Sometimes, I'm just thinking back to my gym  
 12 class. I think gym teachers sometimes had a  
 13 reputation for being mean, and so that was my own  
 14 personal -- that's why I was smiling there because the  
 15 gym teacher was mean to you.  
 16 But what do you recall about the gym teacher  
 17 being mean to you?  
 18 A She would yell at me a lot. She would use  
 19 the wrong name and pronouns, and she wouldn't let me  
 20 join everyone else.  
 21 Q And was this when you were in eighth grade  
 22 or seventh grade?  
 23 A I believe sixth through eighth.  
 24 Q Okay. Let's turn to Paragraph 10 of your  
 25 declaration, Exhibit 12.

1 You state, "I also use the boys' bathrooms  
 2 at the beginning of my freshman year because they are  
 3 the correct and comfortable bathroom for me like they  
 4 are for any other boy.  
 5 "The boys' bathrooms in my school have  
 6 urinals and individual stalls with toilets and are  
 7 conveniently located throughout the school."  
 8 When you began using the boys' bathrooms in  
 9 high school, did you use the individual stalls?  
 10 A Yes, I use the stalls.  
 11 Q And in Paragraph 12, reading on further,  
 12 skipping down to Paragraph 12, you state, "When a  
 13 school employee noticed that I used the boys'  
 14 bathroom, I was told to stop." Who noticed you using  
 15 the boys' bathroom?  
 16 A The vice principal and maybe a student.  
 17 Q And who told you to stop?  
 18 A The vice principal, the vice principal.  
 19 Q And what did the vice principal say to you?  
 20 A Well, it was at the meeting where she said  
 21 that -- it was something about like she noticed that  
 22 we were using the boys' restrooms and we should stop.  
 23 Q When you say this was a meeting, was this  
 24 the meeting that was with your mother and the  
 25 assistant superintendent -- I mean, the assistant

1 principal in the assistant principal's office?  
 2 A Yes.  
 3 Q Do you recall anybody else being present for  
 4 that meeting?  
 5 A No, other than S.E. and L.E. and me.  
 6 Q Tell me everything you remember about that  
 7 meeting.  
 8 A She told us that she has gotten complaints,  
 9 or it was maybe just her, saying that we have been  
 10 using the boys' restroom -- restrooms, and we should  
 11 stop.  
 12 And I'm pretty sure that's the only thing I  
 13 can remember, but --  
 14 Q So you don't recall anything else about that  
 15 meeting with the vice principal.  
 16 A I don't think so.  
 17 Q The next -- reading on, in Paragraph 12,  
 18 there's a statement. "When I used them again, the  
 19 vice principal called my mother and asked her to come  
 20 into school with me and my brother for a meeting about  
 21 our bathroom use."  
 22 Going back, so you told me about that  
 23 meeting, I think, with the vice principal and your  
 24 mother and S.E.  
 25 And in the sentence before that, you had

1 made the statement that, "When a school employee  
 2 noticed that I used the boys' bathroom, I was told to  
 3 stop."  
 4 Was there a separate instance where another  
 5 employee at the school saw you using the boys'  
 6 restroom or noticed you using the boys' restroom and  
 7 told you to stop?  
 8 A No.  
 9 Q Okay. If you can turn to Paragraph 18, in  
 10 Paragraph 18, the first sentence, it states, "Being  
 11 treated as a boy at school is extremely important for  
 12 my mental and physical health."  
 13 And I understand that you're not a doctor or  
 14 a psychologist; I just want to ask from your  
 15 understanding with regard to that statement. Okay?  
 16 From your understanding, or your  
 17 perspective, why is being treated as a boy extremely  
 18 important for your mental health?  
 19 A Because it affects me, well, just like it  
 20 states, physical and mentally, and I feel like --  
 21 well, I mean, I am a boy. And I feel like everywhere  
 22 I go, I am bothered, especially at school for how I  
 23 am.  
 24 Q So that was about your mental health. From  
 25 asking about your physical health, you say that being

1 treated as a boy is extremely important for your  
 2 physical health.  
 3 From your perspective, why is being treated  
 4 as a boy extremely important for your physical health?  
 5 A Well, part of what I already said was  
 6 probably for physically, or both actually.  
 7 Q And what was that?  
 8 A I am a boy. I don't like how I -- well, my  
 9 body, myself. When I'm around -- well, anywhere, I  
 10 know that I'm different, and it just feels terrible to  
 11 me about everything actually.  
 12 Q And what do you mean by that?  
 13 A Can you repeat?  
 14 Q Sure. I was just asking when you said that  
 15 you feel terrible about everything, what do you mean  
 16 by that?  
 17 A About what I have to go through, about  
 18 myself, about pretty much almost everything.  
 19 Q Let's go back to your declaration,  
 20 Paragraph 19, it's on the fourth page of your  
 21 declaration.  
 22 A Wait, 14.  
 23 Q It's Paragraph 19, Page 4. And you make the  
 24 statement, "I see health professionals at Riley  
 25 Children's Hospital, and I've been diagnosed with

1 gender dysphoria." Do you see that?  
 2 A Yes.  
 3 Q And I understand that you have been  
 4 receiving care at Riley since you were -- probably,  
 5 can remember, since you were a baby. Is that true?  
 6 A Yes.  
 7 Q And when did you begin going to the gender  
 8 clinic at Riley?  
 9 A That I can remember, it's been probably a  
 10 few years now or something.  
 11 Q And you state that you were diagnosed with  
 12 gender dysphoria. Do you know who diagnosed you with  
 13 that?  
 14 A I can't remember.  
 15 Q Do you know when you received that  
 16 diagnosis?  
 17 A Sometime, this year.  
 18 Q And do you understand what that diagnosis  
 19 means, what gender dysphoria means? Let me ask you a  
 20 better question. What is your understanding of what  
 21 gender dysphoria is?  
 22 A Well, you don't feel comfortable -- well, I  
 23 don't feel comfortable in my own body, definitely  
 24 don't like yourself, or at least, part of yourself,  
 25 and sometimes, people don't want to live because of

1 this.  
 2 Q In Paragraph 20, you make the statement,  
 3 "I've also had gastrointestinal issues my whole life.  
 4 My medical issues make me need to use the bathroom  
 5 frequently and urgently." Is that true a statement?  
 6 A Yes.  
 7 Q And these issues are ones that you have had  
 8 since you were a child. Is that true?  
 9 A A infant or a baby, but, yes.  
 10 Q Yeah, that's fair, good correction. And I  
 11 understand that you take laxatives to help you go to  
 12 the restroom. Is that true?  
 13 A Yes.  
 14 Q Paragraph 21, you make the statement, "The  
 15 girls' bathrooms and health office bathroom that I am  
 16 allowed to use are not suitable alternatives for the  
 17 boys' facilities that I want to use."  
 18 Is it true that the school has -- that the  
 19 girls' bathrooms are still available for your use at  
 20 the high school?  
 21 A It's a option that they -- I probably  
 22 shouldn't say "offering," but, yes. Yes.  
 23 Q And is it also true that the health office  
 24 bathroom has also been made available for your use?  
 25 A Yes.

1 Q And that option is still available to you.  
 2 Is that true?  
 3 A Yes.  
 4 Q And when you indicate that those -- not  
 5 suitable alternatives, that the girls' restroom or the  
 6 health office restroom when you say those aren't  
 7 suitable alternatives, what do you mean by that?  
 8 A -- well, I am a boy. It shouldn't be  
 9 exactly for me. I shouldn't have that, and it's far  
 10 away. Well, I don't know if that counts, but it's far  
 11 away. It's not right or comfortable for me.  
 12 Q I'm sorry I interrupted you. What did you  
 13 just say?  
 14 A And I'm late.  
 15 Q So in terms of it being a suitable  
 16 alternative, the girls' restroom or the health office,  
 17 well, with regard to the health office, your view  
 18 about that not being a suitable alternative is the  
 19 distance that it has for you to get to it. You said  
 20 it was far away. Is that right?  
 21 A [No audible response.]  
 22 Q In terms of it -- is there anything wrong  
 23 with those restrooms in terms of their repair, you  
 24 know, the toilets, or the sinks?  
 25 Do those work in those restrooms, the girls'

1 restrooms and the health office restroom?  
 2 A I'm not sure about the girls' restrooms, but  
 3 I assume -- well, I know for a fact that all of them  
 4 have problems.  
 5 It's not clean, well, obviously. They don't  
 6 have enough like stalls, toilets, whatever, and it's  
 7 not built all the way correctly, so.  
 8 Q When you're referring to that, are you  
 9 referring to the girls' restrooms?  
 10 A I'm referring to all of them.  
 11 Q To all the restrooms.  
 12 A Yeah.  
 13 Q And all of them aren't clean.  
 14 A Pretty sure.  
 15 Q And when you said they are all not built  
 16 correctly, what do you mean by that?  
 17 A Well, the toilets leak. There's also  
 18 another reason why it leaks -- I mean, there's another  
 19 way it leaks, I mean.  
 20 The stalls are definitely -- could be better  
 21 like built better because I can tell that there almost  
 22 like falling apart because of the nails.  
 23 Q Yeah. But is that true for both the male  
 24 restrooms and -- the girls' restrooms and the boys'  
 25 restrooms where they may have issues with cleanliness

1 and repair?  
 2 A Pretty sure.  
 3 Q And when you said that the -- when you said  
 4 those alternatives that were provided to you were not  
 5 comfortable for you, what do you mean by that?  
 6 A That don't suit me. I don't feel -- well,  
 7 comfortable, but I already said that, well, yeah. It  
 8 doesn't feel right that I'm using the ones that I  
 9 personally think I should use.  
 10 And it definitely should be open for me. It  
 11 would be the only option.  
 12 Q Paragraph 27, if you turn to that in your  
 13 declaration, there's a statement that you make that.  
 14 "It's also difficult to get to the health office as  
 15 quickly as I need to avoid accidents because of my  
 16 medical issues."  
 17 Have there been incidents at school, in high  
 18 school, where you have had accidents at the school,  
 19 restroom accidents?  
 20 A Yes.  
 21 Q And do you recall those specific incidences  
 22 where you had an accident?  
 23 A It shows from our pants.  
 24 Q I'm sorry; I didn't hear what you said.  
 25 A It shows from our pants.

1 Q Okay. And was that -- did it happen more  
 2 than once, or was it one occasion?  
 3 A I don't remember.  
 4 Q Of the incidents that you do remember, well,  
 5 is there an instance that you do remember?  
 6 A Can you repeat?  
 7 Q Sure. I mean trying to understand  
 8 whether -- my understanding from your testimony is  
 9 that you don't recall more than one instance where you  
 10 had an accident.  
 11 And I'm trying to understand the one time  
 12 where do you recall having an accident, what you do  
 13 remember about that.  
 14 So to the extent that you have specific  
 15 knowledge about that, that's what I'm asking about if  
 16 you could tell me about that instance.  
 17 A Like, what I remember, it shows from our  
 18 pants and clothing.  
 19 Q Okay. That's all remember about that  
 20 instance.  
 21 A I believe.  
 22 Q Do you recall your mom bringing you a change  
 23 of clothes when that happened?  
 24 A No.  
 25 MS. BENSBERG: I'm just going to

1 object. He has answered that several times. Go  
 2 ahead.  
 3 BY MR. ZIMMERLY:  
 4 Q You don't have a recollection of that.  
 5 A Did she just -- no.  
 6 Q I think she answered the question. I will  
 7 go on.  
 8 A Yeah.  
 9 Q Paragraph 18.  
 10 A Eighteen.  
 11 MS. BENSBERG: Before we move on to the  
 12 next question, we're about at the hour mark. Can we  
 13 do a short break?  
 14 THE WITNESS: Yeah.  
 15 MS. BENSBERG: Can we come back on in  
 16 ten minutes?  
 17 MR. ZIMMERLY: Yeah.  
 18 MS. BENSBERG: How much more do you  
 19 think you have for B.E.?  
 20 MR. ZIMMERLY: It looks like --  
 21 THE REPORTER: Are we off the record?  
 22 MR. ZIMMERLY: Yes.  
 23 //  
 24 //  
 25 //

1 THE REPORTER: Okay. We are now off  
 2 the record at 1:19 p.m.  
 3 (Off the record.)  
 4 THE REPORTER: We are now back on the  
 5 record at 1:31 p.m.  
 6 BY MR. ZIMMERLY:  
 7 Q B.E., when I was asking your mother when I  
 8 deposed her earlier today, I asked her if there were  
 9 occasions where she would come and pick you up at  
 10 school.  
 11 And she indicated she recalled two occasions  
 12 where that was the case. Do you recall occasions  
 13 where your mom came to pick you up at school because  
 14 you either weren't feeling well or because there were  
 15 bathroom issues?  
 16 A Yes.  
 17 Q What specific instances do you recall that  
 18 occurring?  
 19 A Like, how many times?  
 20 Q Sure, let's start with how many times.  
 21 A Probably, two or three or something.  
 22 Q And when did those two or three times, when  
 23 do you recall those happening?  
 24 A Either the same month or several months, I  
 25 don't know.

1 Q Okay. And do you recall whether they were  
 2 in August or September or October or November or  
 3 December? Do you have any specific recollection as to  
 4 when that happened?  
 5 A November.  
 6 Q Okay. And what specifically do you recall  
 7 as being the reason why your mom came to pick you up?  
 8 A Because my stomach wasn't okay; I wasn't  
 9 feeling good.  
 10 Q Was that true for all two to three of those  
 11 incidents, or was there a different reason for the  
 12 other times, the other one or two times, beyond what  
 13 you just told me?  
 14 A It was for all of them.  
 15 Q Okay. And why didn't your stomach feel  
 16 good?  
 17 A I'm not sure; it just hurt. And my stomach  
 18 usually hurts, but sometimes, it hurts more than  
 19 usual.  
 20 Q Okay. Do you recall whether or not it had  
 21 anything to do with the restroom?  
 22 A Yes.  
 23 Q And what did it have to do with the  
 24 restroom?  
 25 A Holding -- holding it.

1 Q And is that true for those two to three  
 2 occasions where you were holding it?  
 3 A Probably just for one or so.  
 4 Q Have you used the health office restroom?  
 5 A Yeah --  
 6 Q And how often do you use the health office  
 7 restroom?  
 8 A Every day when I'm at school.  
 9 Q Okay. And do you use it multiple times over  
 10 the course of the day?  
 11 A Yes.  
 12 Q Have there been occasions where you have  
 13 gone to the health office and the health office has  
 14 been locked?  
 15 A Yes.  
 16 Q And how often has that happened?  
 17 A A few times, but it could be every day.  
 18 Q And the few times when that's happened, do  
 19 you recall when that was in terms of time frame?  
 20 A In the morning and maybe after school but  
 21 especially before, I mean, in the morning.  
 22 Q And do you recall specifically in terms of  
 23 how recently that happened where you went in the  
 24 morning to use the health office restroom and the  
 25 health office was locked?

1 A November.  
 2 Q And what did you do when you found that the  
 3 door was locked?  
 4 A I decided to hold it.  
 5 Q And what happened next?  
 6 A I held it.  
 7 Q At some later time, were you able to go back  
 8 and use the restroom?  
 9 A Yes.  
 10 Q Do you recall any other instances where the  
 11 health office was locked?  
 12 A No.  
 13 Q As a high school student, are your teachers  
 14 using your legal name, B.E., in the classroom?  
 15 A Yes.  
 16 Q And are they using your male gender pronouns  
 17 in the classroom?  
 18 A Yes.  
 19 Q Paragraph 33 of your declaration, can you  
 20 turn to that? You make a statement in the first  
 21 sentence in Paragraph 33.  
 22 "My regular teachers this year are  
 23 supportive and are trying to address me correctly, but  
 24 it's very stressful to know that they, or teachers in  
 25 the future, can insist on using my birth name and

1 female pronouns."  
 2 With regard to that first sentence -- that  
 3 first clause, is it true that your regular teachers  
 4 this year have been supportive and have tried to  
 5 address you correctly?  
 6 A Yes.  
 7 Q Paragraph 35, the first sentence, you state,  
 8 "Some substitute teachers do insist on using my birth  
 9 name and female pronouns."  
 10 Do you recall what substitute teacher  
 11 insisted on using your birth name and female pronouns?  
 12 A I think I can remember one but not their  
 13 name.  
 14 Q Okay. What class was that substitute a  
 15 substitute for?  
 16 A Well, it was supposed to be for my  
 17 healthcare, but that sub was actually a counselor.  
 18 Q And when did that occur, what time of the  
 19 school year?  
 20 A Well, in the morning, either November or  
 21 October.  
 22 Q Okay. And was that just the one class that  
 23 you had with that substitute in the healthcare class?  
 24 A Yes.  
 25 Q Were there any other instances where a

1 substitute teacher used your birth name or female  
 2 pronoun?  
 3 A Yes.  
 4 Q And when was that?  
 5 A October or November.  
 6 Q And what class was that in?  
 7 A The same one, healthcare.  
 8 Q Same teacher or a different substitute?  
 9 A Different sub. And can I add another thing?  
 10 Q Sure.  
 11 A And there a was sub for gym. He used the  
 12 wrong name and pronouns, but we corrected him. And  
 13 then he got it right the next time he subbed for us  
 14 for a different class.  
 15 Q Okay. With regard to the other two  
 16 instances you identified that were in the healthcare  
 17 class, those two substitutes, did you correct those  
 18 two substitutes?  
 19 A What I said was right. "Correct," what do  
 20 you mean?  
 21 Q Well, you said that when the gym teacher  
 22 used your then legal name and female pronouns that you  
 23 corrected him, and then the next class you had with  
 24 that gym teacher, he used male pronouns and the name  
 25 you asked him to use. Is that true?

1 A Yes. But he is a sub.  
 2 Q Okay. And what I was asking is, did you  
 3 have a similar conversation like that with those other  
 4 two substitutes teachers where after they used female  
 5 pronouns and used your then legal name where you  
 6 corrected them?  
 7 A Yes.  
 8 Q And what was their response?  
 9 A "Oh, I didn't know," or something.  
 10 Q Okay. And so did they then continue to use  
 11 the -- after you corrected them, did they continue to  
 12 use the female pronouns and your then legal name, or  
 13 did they kind of honor the request that you made to  
 14 them?  
 15 A They didn't say anything else.  
 16 Q Okay. Let me ask you specifically about  
 17 Paragraph 37 of your declaration. There's a statement  
 18 that you make.  
 19 "Recently, after a substitute teacher called  
 20 my birth name, other substitutes told the class that I  
 21 am transgender and that I'm 'really a girl.'  
 22 "The substitute used my birth name and  
 23 female pronouns for the rest of the class and made me  
 24 participate on the girls' team for a class activity."  
 25 What class did that occur in?

1 A Gym, but part of that doesn't go with the --  
 2 that day.  
 3 Q Okay. Tell me what you remember. You said  
 4 part of it doesn't go with that day. Was the part of  
 5 it that went with that day, was that what you already  
 6 told me about with that substitute gym teacher?  
 7 A No.  
 8 Q Okay. Why don't you just tell me what you  
 9 mean? Tell me about -- if there are two separate  
 10 things, tell me.  
 11 A -- the -- on the girls' team, that part was  
 12 a different day, and we had our regular teacher.  
 13 Q Okay. So your regular teacher had you  
 14 participate on the girls' team for a class activity.  
 15 A Yes. But he didn't say the girls' team or  
 16 the boys' team, but, yes.  
 17 Q What was the activity?  
 18 A Basketball.  
 19 Q Okay. So with regard to the statement  
 20 where, "The substitute used my birth name and female  
 21 pronouns for the rest of the class," did that happen  
 22 in gym class?  
 23 A I believe a little, yes.  
 24 Q And when you -- it's my understanding, from  
 25 your prior testimony, that when you let the gym

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1 teacher know, the substitute gym teacher, he then  
 2 corrected himself and then no longer did that. Is  
 3 that true?  
 4 A Yes.  
 5 Q Have you ever been bullied in high school?  
 6 A Not touched but with words.  
 7 Q And with words, when have you been bullied  
 8 in high school?  
 9 A It's usually in the class, the classes, even  
 10 the hallway sometimes.  
 11 Q And let's start with in class. Are there  
 12 particular students who you perceive as bullying you?  
 13 A Yes.  
 14 Q And is it one student or more than one  
 15 student?  
 16 A More than one.  
 17 Q And how many students are we talking about?  
 18 A Three.  
 19 Q And how do they bully you? What sorts of  
 20 things do the bullies in class say?  
 21 A Well, one of them, he was like, "Oh, they  
 22 are really," dead name and dead name and so on, blah,  
 23 blah, blah.  
 24 And that really hurt me, and I don't really  
 25 think anyone did a thing about it other than I said,

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1 "Whatever," or something.  
 2 Q What specifically -- now, you kind of  
 3 finished and said, "Blah, blah, blah." I want to  
 4 know, specifically, what the student said if you  
 5 wouldn't mind just so the record is clear. What did  
 6 the student say about --  
 7 A "They look different. They look totally  
 8 different. They changed." I'm pretty sure that's  
 9 all.  
 10 Q Okay. So that was one student, one of the  
 11 three. What did the other students say?  
 12 A They would laugh, comment, just keep on  
 13 looking at me.  
 14 Q And are these -- is there anything else, any  
 15 other statements that they have made?  
 16 A No.  
 17 Q And was it one occasion, or was it more than  
 18 one time where these comments were made?  
 19 A More than once, but with the first person,  
 20 it was just once.  
 21 Q Okay. So the other instances where it was  
 22 the other two students, did they specifically say  
 23 saying, or were they just laughing and looking at you?  
 24 A I think they said something, but I don't  
 25 remember.

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1 Q Okay. And were these students, the three of  
 2 them, are they boys? Are they girls or some boys,  
 3 some girls? What are -- you know, what is their  
 4 gender or sex?  
 5 A The first one is a boy, and the other ones  
 6 are girls.  
 7 Q Okay. Did you tell anyone at the school  
 8 about the comments that the first student made?  
 9 A Yes.  
 10 Q Who did you tell?  
 11 A One of my math teachers or both, but --  
 12 Q And who was the math teacher that you told?  
 13 A Ms. or Mrs. Hoseman [ph].  
 14 Q And what was her response?  
 15 A She said that she will deal with it, and we  
 16 asked so we could move to different seats away from  
 17 them. It's been better.  
 18 Q So from your perspective, after you told the  
 19 teacher, she has taken some steps to remedy that  
 20 situation by moving you, and this hasn't happened  
 21 again. Is that true?  
 22 A Yes.  
 23 Q I understand you're involved in the ROTC  
 24 program. Is that true?  
 25 A Yes.

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1 Q And when does that program occur in the  
 2 school day?  
 3 A Every day, in the morning for me.  
 4 Q Okay. And do you have to change into a  
 5 particular uniform for that event or that class?  
 6 A Yes, but it occurs Fridays, so one day.  
 7 Q So one day out of the week, you have this  
 8 ROTC class.  
 9 A No, about the uniform.  
 10 Q Okay. So you have the class every day, but  
 11 it's only once per week where you have to change into  
 12 the uniform.  
 13 A Yes.  
 14 Q And where do you change into that uniform?  
 15 A The health room.  
 16 Q Okay. Have you ever changed into that  
 17 uniform in one of the boys' or the girls' restrooms?  
 18 A Yes.  
 19 Q And was it the boys' restroom that you  
 20 changed into the ROTC uniform or was it the girls'  
 21 restroom, or was it both?  
 22 A The boys' restroom.  
 23 Q When was it that you used the boys' restroom  
 24 to change into your ROTC uniform?  
 25 A When?

1 Q Yes.  
 2 A Fridays, in the morning, just sometimes.  
 3 Q And when you changed in the boys' restroom  
 4 in the past for ROTC, were you changing in one of the  
 5 stalls, the individual stalls?  
 6 A Yes.  
 7 Q Do other students use the restrooms to  
 8 change for ROTC; do you know?  
 9 A Yes.  
 10 Q And how frequently do they use the restrooms  
 11 for that purpose if you know?  
 12 A Fridays.  
 13 Q And is that all the students that are in the  
 14 class, that they would use the restroom to change into  
 15 it, or do they also use the locker room?  
 16 A No, just the boys' restroom. I believe  
 17 that's what you were saying.  
 18 Q So as far as you're aware, students at ROTC  
 19 are only changing in the boys' restroom or the girls'  
 20 restroom, or in your case, you use the health office  
 21 restroom. They are not using the locker rooms for  
 22 that purpose. Is that true?  
 23 A Yes.  
 24 Q And is the reason -- in the past when you  
 25 used the male -- the boys' restroom to change for

1 ROTC, when you used an individual stall, was that so  
 2 you could have privacy when you were changing?  
 3 A Yes.  
 4 MR. ZIMMERLY: Okay. Those are all the  
 5 questions that I have today. We would reserve the  
 6 right to re-depose you later on in the case.  
 7 We're at the preliminary injunction  
 8 phase where we're sort of operating on limited  
 9 information. So we reserve that right.  
 10 Your counsel may have some questions  
 11 for you. I don't expect that she will, but if she  
 12 does, now is her opportunity to ask you some  
 13 questions.  
 14 But thank you, B.E., for being here  
 15 today. It was nice to meet you over Zoom and happy  
 16 holidays and have a happy New Year.  
 17 THE WITNESS: You, too.  
 18 THE REPORTER: Any questions --  
 19 MS. BENSBERG: I do not have any  
 20 questions for B.E. I will just note that we will also  
 21 reserve an objection to any future deposition of B.E.  
 22 THE REPORTER: Okay. With regards to  
 23 transcripts, once again, Mr. Zimmerly, are you  
 24 ordering for this witness?  
 25 MR. ZIMMERLY: Yes, electronic and

1 condensed.  
 2 THE REPORTER: And, Mr. Falk?  
 3 MR. FALK: Same for us.  
 4 THE REPORTER: Okay. Any signature?  
 5 MR. FALK: Yes.  
 6 MS. BENSBERG: We will review and sign.  
 7 THE REPORTER: Okay. In that case --  
 8 once again, exhibits provided to the court reporter?  
 9 MR. ZIMMERLY: Yes, I think we've got  
 10 one. It's Exhibit 12, and I will send it by email to  
 11 you.  
 12 THE REPORTER: Okay. In that case, we  
 13 are now off the record at 1:57 p.m.  
 14 (Signature reserved.)  
 15 (Whereupon, at 1:57 p.m., the  
 16 proceeding was concluded.)  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 CERTIFICATE OF DEPOSITION OFFICER  
 2 I, ANDREW PRONSCHINSKE, the officer before  
 3 whom the foregoing proceedings were taken, do hereby  
 4 certify that any witness(es) in the foregoing  
 5 proceedings, prior to testifying, were duly sworn;  
 6 that the proceedings were recorded by me and  
 7 thereafter reduced to typewriting by a qualified  
 8 transcriptionist; that said digital audio recording of  
 9 said proceedings are a true and accurate record to the  
 10 best of my knowledge, skills, and ability; that I am  
 11 neither counsel for, related to, nor employed by any  
 12 of the parties to the action in which this was taken;  
 13 and, further, that I am not a relative or employee of  
 14 any counsel or attorney employed by the parties  
 15 hereto, nor financially or otherwise interested in the  
 16 outcome of this action.  
 17 <%27071,Signature%>  
 18 ANDREW PRONSCHINSKE  
 19 Notary Public in and for the  
 20 State of Indiana  
 21 [X] Review of the transcript was requested.  
 22  
 23  
 24  
 25

1 UNITED STATES DISTRICT COURT  
 2 SOUTHERN DISTRICT OF INDIANA  
 3 TERRE HAUTE DIVISION  
 4 B.E., et al, )  
 )No.:  
 5 Plaintiff, )2:21-cv-415-JRS-MG  
 )  
 6 -vs- )  
 )  
 7 VIGO COUNTY SCHOOL CORPORATION,) et al,  
 )  
 8 )  
 ) Defendant. )  
 9  
 10  
 11 THE 30(b)(6) DEPOSITION OF  
 12 VIGO COUNTY SCHOOL CORPORATION/  
 13 PRINCIPAL OF TERRE HAUTE NORTH VIGO HIGH SCHOOL  
 14 UPON ORAL EXAMINATION OF  
 15 STACY MASON  
 16 The 30(b)(6) deposition of VIGO COUNTY SCHOOL  
 17 CORPORATION/PRINCIPAL OF TERRE HAUTE NORTH VIGO HIGH  
 18 SCHOOL, STACY MASON, a witness produced and sworn  
 19 before Wendi Kramer Sulkoske, Notary Public in and for  
 20 the County of Boone, State of Indiana, taken on behalf  
 21 of the Plaintiff via Zoom teleconference, on December  
 22 8, 2021 at 9:00 a.m., pursuant to the Federal Rules of  
 23 Trial Procedure.  
 24  
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1 in the middle of the page there is a "Hi, Matt"  
 2 from Ashley.  
 3 Do you see that?  
 4 A Yes.  
 5 Q That is to Mr. McClendon from the vice principal,  
 6 correct?  
 7 A Yes.  
 8 Q It says, I did meet with the plaintiffs, the boys,  
 9 and Mom. It is listing their male names.  
 10 Do you see that?  
 11 A Yes.  
 12 Q "They were very disappointed" is what the email  
 13 says.  
 14 Do you know what they were disappointed  
 15 about?  
 16 MR. ZIMMERLY: Objection to the extent you  
 17 are asking her for something that she may not  
 18 know.  
 19 Q If you don't know, you don't know.  
 20 Do you know what they were disappointed  
 21 about?  
 22 A I don't know. I can make an assumption based on  
 23 reading the email.  
 24 Q The assumption would be that they were discussing  
 25 access to male restrooms, correct?

Page 33  
 1 A Correct.  
 2 Q If you go to Page 41 there is an email that the  
 3 subject is "trans information" from Mom to  
 4 esj@vigoschools.org.  
 5 Do you see that?  
 6 A Yes.  
 7 Q ESJ is Steve Joseph, the principal, correct?  
 8 A Yes.  
 9 Q Following that there is information at Bates 43  
 10 through 46 and then Bates 49 through 51.  
 11 Do you see that?  
 12 A Yes.  
 13 Q That is information that was forwarded by Mom, I  
 14 assume.  
 15 Is that your understanding?  
 16 A Yes.  
 17 Q To the best of your knowledge, is this all of the  
 18 information that you got from the mom?  
 19 MR. ZIMMERLY: Object to the form.  
 20 MR. FALK: I will withdraw the question.  
 21 Q Are you aware of any further information you  
 22 received from the mom concerning the boys'  
 23 transgender status as a result of the conversation  
 24 that she was having with at least Ms. Luken?  
 25 A If you look at page, it looks like Page 51 there

1 is a screen shot, which is essentially some of the  
 2 same information in the document we just looked  
 3 at. That is the only other piece that I am aware  
 4 of that would be, that would fall in line with  
 5 what you are asking.  
 6 Q Great. Then on Page 56 in the middle of the page  
 7 there is an email from Ashley Luken at 3:15 p.m.  
 8 saying "When you have a moment please reach out to  
 9 Steve and I."  
 10 Do you see that?  
 11 A Yes.  
 12 Q Steve is the principal, correct?  
 13 A Correct.  
 14 Q This was feedback from the lawyer as to the issue  
 15 of both bathroom access and names, is that correct  
 16 if you know?  
 17 MR. ZIMMERLY: Could you ask that question  
 18 again, Ken?  
 19 MR. FALK: Sure.  
 20 Q Let me ask you a different way. I will withdraw  
 21 the question.  
 22 Do you know what the feedback that this  
 23 refers to was?  
 24 A I do not.  
 25 Q At some point the mom indicates that she was told

1 that it was the position of the School Corporation  
2 that the boys would not be able to use the male  
3 facilities and that their names would not be  
4 officially changed until they were changed in  
5 court, is that correct?

6 MR. ZIMMERLY: Object to the form.

7 Q You can answer.

8 A Yes.

9 Q At this point as far as bathrooms are concerned,  
10 the only accommodation that has been offered in  
11 the past and will continue to be offered is that  
12 if the plaintiffs do not want to use the girls'  
13 restrooms they can use the one person unisex  
14 restroom in the nurse's office, is that correct?

15 A Yes.

16 Q Today could the plaintiffs go and use the female  
17 restrooms at the school?

18 A Yes.

19 Q Is there going to come a time when they are on  
20 testosterone and have not yet had surgery that the  
21 school's position will be they can no longer even  
22 use the female restrooms?

23 A They are permitted to use the restrooms that  
24 correspond with their anatomy.

25 Q Do other students have permission to use the

1 A Yes.

2 Q I assume the room will be locked when the nurse is  
3 not there, is that correct?

4 A Yes.

5 Q Looking at the map, I assume that the symbols at  
6 either end of Lexington Hall next to Room 124 on  
7 one end and 114 on the other, I assume those are  
8 normal restrooms for students, correct?

9 A Yes.

10 Q There are some at the end of Parliament Hall and  
11 also next to the book store, Norman Rockwell Hall.  
12 Those are all regular restrooms, correct?

13 A Yes.

14 Q I assume that all of these rooms with numbers on  
15 them that I just mentioned, those are classrooms?

16 A Yes.

17 Q I assume the bathrooms are designed to be close to  
18 where the students will be in classes, correct?

19 A Yes.

20 Q Looking at the restrooms there, the ones we just  
21 mentioned, there are two next to each other. I  
22 assume one of those is for male students and one  
23 for female students?

24 A Correct.

25 Q I assume that they are designed for use by more

1 restroom in the nurse's office?

2 A Students who might be in the nurse's office for a  
3 health reason would have access to that restroom.

4 There is a chance there might be other students  
5 who have some extenuating circumstances where that  
6 would be allowed. I'm not aware of any particular  
7 instances right now.

8 Q So it has to be allowed where the person has to be  
9 in the nurse's office itself, is that correct?

10 A Correct.

11 Q Okay. Looking at Exhibit 9. I assume that is the  
12 map of the school.

13 A Yes.

14 Q I assume that because it says it is, by the way.

15 A Yes.

16 Q That is what three years of law school will get  
17 you. I assume the nurse's office is in the health  
18 suite at the corner of Congressional and  
19 Constitutional Halls?

20 A Yes.

21 Q This is the office that the school nurse uses, I  
22 assume?

23 A Yes.

24 Q I assume the office can be locked because of stuff  
25 that might be in the office, is that correct?

1 than one student at a time, there are multiple  
2 stalls or multiple urinals in the boys' restroom,  
3 correct?

4 A Yes.

5 Q I assume the stalls are private in the sense that  
6 they have doors that close?

7 A Yes.

8 Q The urinals have screens between them?

9 A There are no screens between urinals.

10 Q The bathroom in the nurse's office, is that the  
11 only unisex restroom that is at the school that is  
12 potentially available to students?

13 A Yes, we do have a couple restrooms. If you look  
14 on the map where the gym, the main gym is, the  
15 auditorium, there are two restrooms right there,  
16 one male and one female.

17 In general, those are locked throughout the  
18 course of the day. However, those restrooms are  
19 also used from time to time depending on  
20 circumstances that students may have. Just to  
21 point that out, that would be the only other  
22 opportunity that I'm aware of.

23 Q Those are locked because they are generally going  
24 to be used when the gym is being used for sporting  
25 events, is that correct?

1 A Correct.

2 Q Because you don't want people wandering through

3 the body of the school to use the restrooms,

4 correct?

5 A Correct.

6 Q As a general rule, if a male student intentionally

7 uses the female restroom or the other way around,

8 I assume that can be disciplined, correct?

9 A Yes.

10 Q I looked through the disciplinary policy. Is that

11 being out of an assigned area, is that the

12 discipline?

13 A More than likely, depending on the circumstances

14 of what occurred in the restroom.

15 Q That is something for progressive discipline even

16 if it was just out of the assigned area, correct?

17 A Yes.

18 Q That could lead to something very serious if it

19 continued, correct?

20 A Yes.

21 Q At this point if the plaintiffs use the male

22 restrooms they are potentially subject to

23 discipline, is that correct?

24 A Yes.

25 Q How are you doing? Are you okay? I'm more than

1 halfway done if you are keeping track. Do you

2 need a break?

3 A No, I'm fine.

4 Q The plaintiffs are required to use either the

5 restroom in the health suite, the nurse's office,

6 or the girls' restrooms, correct?

7 A Yes.

8 Q It is fair to say that the health suite, that

9 bathroom there is not as close to where the

10 plaintiffs are in class as the regular boys'

11 restroom and girls' restrooms, is that fair?

12 A That would depend on what your schedule looks

13 like. What the students' schedule is for the day.

14 Q It could be true, correct?

15 A It could be true.

16 Q Were you aware prior to receiving Exhibits 4 and

17 5, the letters from the doctor, that the

18 plaintiffs had a medical condition requiring

19 frequent restroom use?

20 MR. ZIMMERLY: If you know.

21 A I personally do not know the answer to that. I

22 don't know if that was discussed at the building

23 level or not.

24 Q Are you aware there are times that the boys, the

25 plaintiffs, went to use the nurse's restroom and

1 it was locked?

2 MR. ZIMMERLY: Objection.

3 A I am not aware.

4 Q You are aware the plaintiffs are now receiving

5 testosterone, correct?

6 A Yes.

7 Q This will continue to masculinize them and their

8 physical appearance?

9 A Yes.

10 Q Unless they have an operation which removes their

11 male genitalia, it is the school's position they

12 must continue to use either the restroom in the

13 nurse's office or in the female restrooms, is that

14 correct?

15 MR. ZIMMERLY: Object to the form.

16 Ken, I think you asked whether or not they

17 had an operation to remove their male genitalia.

18 MR. FALK: Thank you. Good objection.

19 Q Let me rephrase the question. Unless they have an

20 operation that fully masculinizes them, they will

21 be required to use the female restrooms or the

22 restroom in the nurse's office, is that correct?

23 A Yes.

24 Q Do you know what that operation would be?

25 A I'm not a medical professional so I cannot answer

1 that.

2 Q Sure. I guess my question is what would the

3 school accept from a doctor at this point to allow

4 that bathroom access?

5 A I don't know the answer to that question.

6 Q But you are going to require some proof of some

7 sort of some surgery, is that fair?

8 A That is fair.

9 Q Why is that? What is the basis for that policy of

10 the school and the corporation?

11 A It is for the privacy interest of all of the

12 students, both the students that we are

13 referencing and our students within the building.

14 We want to provide a safe space and we are

15 attempting to follow guidance that is set forth by

16 courts already in this particular area.

17 Q Do all classes, freshman through senior -- that is

18 the high school, right, freshman through senior?

19 A Yes.

20 Q Do they all take gym?

21 A Our freshman and sophomores potentially. PE-1 and

22 PE-2 is required by the state of Indiana. Most

23 students take that PE-1 in their freshman year and

24 take PE-2 in their sophomore year. It could be

25 that a student would take both in the freshman

1 year or both in the sophomore year.  
 2 Then we have elective PE courses which  
 3 students can take at any point in their high  
 4 school career.  
 5 Q I note from Exhibit 9, the map, that you have a  
 6 boys' locker room and girls' locker room, correct?  
 7 A Yes.  
 8 Q There is also a teams rooms. What is that?  
 9 A That would be our men's wrestling room, boys  
 10 basketball, football. On the other side would be  
 11 basketball, volleyball. Various team locker  
 12 rooms.  
 13 Q For the student who is just taking PE-1 or PE-2 or  
 14 electively, they would change for gym in the boys'  
 15 or girls' locker rooms, correct?  
 16 A Yes.  
 17 Q You do change for gym, correct?  
 18 A Yes.  
 19 Q Are there common showers in the locker room or  
 20 individual stalls?  
 21 A There are common showers.  
 22 Q Is there a common locker room where there are  
 23 individual lockers separated by dividers of some  
 24 sort?  
 25 A In general on the boys' PE side of the hallway it

1 is all one space. There is what I would call,  
 2 refer to as a garage door that can close and  
 3 separate spaces. That just separates various  
 4 parts of the locker room. I believe that stays  
 5 open.  
 6 Q Is the girls' locker room open as well?  
 7 A Yes.  
 8 Q The plaintiffs would like to use the boys' locker  
 9 room. I assume the position of the school is they  
 10 cannot do that until they have the surgery that  
 11 would allow them to use male restrooms, is that  
 12 correct?  
 13 A Correct.  
 14 Q The reason for that is the same reason you gave  
 15 for the bathrooms, is that correct?  
 16 A Yes.  
 17 Q In talking about the reason for the bathroom  
 18 decision, you talked about your understanding of  
 19 the case law, I believe you said, that governs  
 20 this area.  
 21 What is that understanding, if you have it?  
 22 MR. ZIMMERLY: Objection to the extent you  
 23 are asking her for a legal conclusion.  
 24 Q I'm just asking you because you said that.  
 25 A In general, as I understand it, I don't believe

1 there is any case law that is relative to our  
 2 particular area, if that makes sense.  
 3 Q Yes.  
 4 A I think as I understand it, we would be looking  
 5 for something that speaks more directly to the  
 6 state of Indiana and how we should proceed as a  
 7 school in Indiana.  
 8 Q By "our particular area" you meant the geographic  
 9 area that the school is in, is that correct?  
 10 A Yes.  
 11 Q There is an ROTC program at Terre Haute Vigo North  
 12 High School, correct?  
 13 A Yes.  
 14 Q I'm showing you what has been marked as  
 15 Exhibit 10.  
 16 Do you have that?  
 17 A Is that the Memorandum of Understanding?  
 18 Q Yes.  
 19 A Yes.  
 20 Q This is between the Air Force Junior Reserve  
 21 Officer Training Corps Unit and the School  
 22 Corporation; is that correct?  
 23 A Yes.  
 24 Q This is the document that allows the Junior ROTC  
 25 Reserve Officer Training Corp Unit to exist at the

1 high school, correct?  
 2 A Yes.  
 3 Q This document, although entered into in 2019, is  
 4 still in effect today, is that correct?  
 5 A Yes.  
 6 Q The plaintiffs in this case are in the Junior ROTC  
 7 program, is that correct?  
 8 A Yes.  
 9 Q The plaintiffs have noted that they have been  
 10 required to wear female uniforms during the time  
 11 that uniforms are required in this program.  
 12 Were you aware of that?  
 13 A Yes.  
 14 Q Whose decision is it whether they wear female or  
 15 male uniforms?  
 16 A That decision is the Air Force's decision that  
 17 oversees the Air Force ROTC program.  
 18 Q Are you aware of any requests being made to them  
 19 as to what their position is concerning allowing  
 20 the plaintiffs to wear male uniforms?  
 21 A As I understand it, one of those ROTC instructors  
 22 reached out to someone from the Air Force and they  
 23 were told no.  
 24 That is the extent of my knowledge. I don't  
 25 know if that was pursued any further.

1 Q The Corporation has not opposed the plaintiffs  
 2 being able to wear male uniforms, is that what you  
 3 are testifying to?  
 4 A Correct.  
 5 Q That decision is solely that of the United States  
 6 Air Force?  
 7 A Yes.  
 8 Q Is the Air Force aware of the fact that gender  
 9 markers have been changed pursuant to court order,  
 10 if you know?  
 11 A I do not know.  
 12 Q Do you know who the person was that reached out to  
 13 the Air Force? You said one of the instructors.  
 14 A Yes. I would have to get you that name. We could  
 15 provide that.  
 16 Q Thank you. Is that someone who is employed by the  
 17 school or employed by the Air Force?  
 18 A Employed by the Air Force. We actually, according  
 19 to the memorandum, we pay half that salary.  
 20 Q But they are sent to you by the Air Force?  
 21 A Correct.  
 22 Q Is the Corporation aware of cases around the  
 23 country that transgender public school students  
 24 have successfully sued to get access to restrooms  
 25 associated with their gender identity?

1 A Yes.  
 2 Q Are you aware of a case in Indiana to that effect?  
 3 A I am not.  
 4 Q You testified at the beginning of the deposition  
 5 or earlier that there were some instances of  
 6 students being allowed access to the nurse's  
 7 office who indicated that they were transgender or  
 8 at least were treated as such pursuant to your  
 9 guidelines, is that correct?  
 10 MR. ZIMMERLY: Objection. Misstates her  
 11 testimony.  
 12 Q I do not mean to misstate your testimony.  
 13 A Can you repeat that question, please?  
 14 Q Sure. I asked you when we talked about Exhibit 6,  
 15 which is the guideline, if the guideline had been  
 16 used before.  
 17 I believe you testified that the plaintiffs  
 18 are the first people who wanted to use restrooms  
 19 associated with their gender identity. But before  
 20 the guidelines had been used to allow students to  
 21 use the nurse's restroom. Is that fair?  
 22 A Yes.  
 23 Q How many times has that come up before?  
 24 A I can't tell you. I mean, I could not speak to  
 25 that.

1 Q Okay.  
 2 A I just know that it has.  
 3 Q It is fairly rare, obviously, is that fair?  
 4 A Yes.  
 5 Q But no other students have ever requested the  
 6 ability to use the restrooms associated with their  
 7 gender identity, is that correct?  
 8 A Correct, not to my knowledge.  
 9 Q Since January 1 of this year have you received any  
 10 communications from the federal government, any  
 11 agency, concerning this issue of bathroom access  
 12 for transgender students?  
 13 MR. ZIMMERLY: If you know.  
 14 A Not to my knowledge.  
 15 Q Any written communications from the state of  
 16 Indiana or the Department of Education of the  
 17 state that you are aware of?  
 18 A Not that I'm aware of. That does not mean  
 19 somebody else didn't receive something.  
 20 Q Is the Corporation aware that there are other  
 21 school corporations in Indiana that allow  
 22 transgender students to use bathrooms associated  
 23 with their gender identity without surgery?  
 24 MR. ZIMMERLY: Objection as to the term of  
 25 transgender being undefined, vague, and ambiguous.

1 You can answer if you know.  
 2 A I don't know.  
 3 Q The Vigo School Corporation does receive federal  
 4 funding, correct?  
 5 A Yes.  
 6 MR. FALK: I would like to go off the  
 7 record and talk to my co-counsel.  
 8 (AT THIS TIME A SHORT RECESS WAS HELD OFF  
 9 THE RECORD AFTER WHICH THE FOLLOWING PROCEEDINGS  
 10 WERE HAD:)  
 11 MR. FALK: I have no further questions.  
 12 Thank you.  
 13 MR. ZIMMERLY: Thanks. We have no  
 14 questions. We will review and sign.  
 15  
 16  
 17 AND FURTHER DEPONENT SAITH NOT  
 18  
 19  
 20 \_\_\_\_\_  
 21 STACY MASON  
 22  
 23  
 24  
 25

CONFIDENTIAL

STATE OF INDIANA

IN THE VIGO CIRCUIT COURT

COUNTY OF VIGO

Case number.

8461-211-M: - [REDACTED]

IN RE THE MATTER OF:

[REDACTED]

A minor

**ORDER ON VERIFIED PETITION FOR CHANGE OF NAME AND GENDER  
MARKER**

The Court, having reviewed the Verified Petition for Change of Name of a Minor and the evidence presented at the hearing finds:

1. Petitioner followed the requirements of I.C. § 34-28-2 *et seq.* for the change of name of a minor. It is the minor's best interest to have their name changed.
2. The minor's date of birth is [REDACTED]
3. The minor's current legal name is [REDACTED]
4. The minor's current legal gender is Male.

**IT IS THEREFORE ORDERED** that the Petition for Change of Name of a Minor is **GRANTED**, and

The Minor's legal name is changed to [REDACTED]  
The Minor's legal gender is changed to Male.

**IT IS FURTHER ORDERED** that all agencies, institutions and offices issuing the minor identity documents or holding records related to the minor are directed to amend such documents consistent with this order, including but not limited to the Indiana State Department of Health and its subdivisions.

**ORDERED** 12/2/2021

*[Handwritten Signature]*  
Judicial Officer



PD

STATE OF INDIANA

IN THE VIGO CIRCUIT COURT

COUNTY OF VIGO

Case number.

8461-211-M: -

IN RE THE MATTER OF:

B: C: E:

A minor

**ORDER ON VERIFIED PETITION FOR CHANGE OF NAME AND GENDER MARKER**

The Court, having reviewed the Verified Petition for Change of Name of a Minor and the evidence presented at the hearing finds:

1. Petitioner followed the requirements of I.C. § 34-28-2 *et seq.* for the change of name of a minor. It is the minor's best interest to have their name changed.
2. The minor's date of birth is ( )/2006.
3. The minor's current legal name is B: ■ E:
4. The minor's current legal gender is Male.

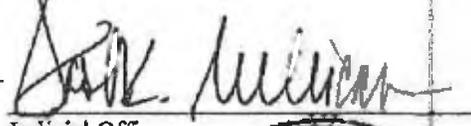
**IT IS THEREFORE ORDERED** that the Petition for Change of Name of a Minor is **GRANTED**, and

The Minor's legal name is changed to B : ■ : E:

The Minor's legal gender is changed to Male.

**IT IS FURTHER ORDERED** that all agencies, institutions and offices issuing the minor identity documents or holding records related to the minor are directed to amend such documents consistent with this order, including but not limited to the Indiana State Department of Health and its subdivisions.

**ORDERED** 12/2/2021



Judicial Officer



PD

EXHIBIT 2

CONFIDENTIAL

STATE OF INDIANA

IN THE VIGO CIRCUIT COURT

COUNTY OF VIGO

Case number.

84601-2111-MI-[REDACTED]

IN RE THE MATTER OF:

[REDACTED]

A minor

**ORDER ON VERIFIED PETITION FOR CHANGE OF NAME AND GENDER MARKER**

The Court, having reviewed the Verified Petition for Change of Name of a Minor and the evidence presented at the hearing finds:

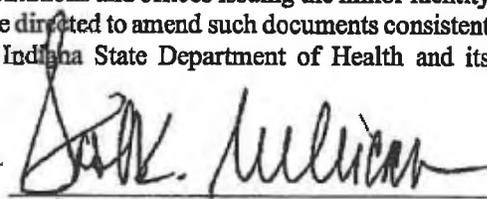
1. Petitioner followed the requirements of I.C. § 34-28-2 *et seq.* for the change of name of a minor. It is the minor's best interest to have their name changed.
2. The minor's date of birth is [REDACTED]
3. The minor's current legal name is [REDACTED]
4. The minor's current legal gender is Male.

**IT IS THEREFORE ORDERED** that the Petition for Change of Name of a Minor is **GRANTED**, and

**The Minor's legal name is changed to S [REDACTED]**  
**The Minor's legal gender is changed to Male.**

**IT IS FURTHER ORDERED** that all agencies, institutions and offices issuing the minor identity documents or holding records related to the minor are directed to amend such documents consistent with this order, including but not limited to the Indiana State Department of Health and its subdivisions.

**ORDERED** 12/2/2021

  
Judicial Officer



PD

STATE OF INDIANA

IN THE VIGO CIRCUIT COURT

COUNTY OF VIGO

Case number.

84601-2111-Mi-

IN RE THE MATTER OF:

V. ■ E

A minor

**ORDER ON VERIFIED PETITION FOR CHANGE OF NAME AND GENDER MARKER**

The Court, having reviewed the Verified Petition for Change of Name of a Minor and the evidence presented at the hearing finds:

1. Petitioner followed the requirements of I.C. § 34-28-2 *et seq.* for the change of name of a minor. It is the minor's best interest to have their name changed.
2. The minor's date of birth is 1/2/2006.
3. The minor's current legal name is V ■ E
4. The minor's current legal gender is Male.

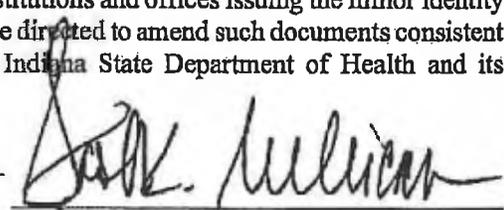
**IT IS THEREFORE ORDERED** that the Petition for Change of Name of a Minor is **GRANTED**, and

The Minor's legal name is changed to S ■ E

The Minor's legal gender is changed to Male.

**IT IS FURTHER ORDERED** that all agencies, institutions and offices issuing the minor identity documents or holding records related to the minor are directed to amend such documents consistent with this order, including but not limited to the Indiana State Department of Health and its subdivisions.

**ORDERED** 12/2/2021

  
 Judicial Officer



PD



**INDIANA UNIVERSITY**  
**DEPARTMENT OF PEDIATRICS**  
School of Medicine

10/7/2021

RE: B- [REDACTED]

MR#: [REDACTED]

DOB: [REDACTED]

RE: Medical accommodation request

To Whom It May Concern:

B- has a medical condition which requires frequent restroom use. Please allow him to be excused from class as needed to use the restroom. Please allow him to use bathrooms and locker rooms that are congruent with his male gender.

If there are any further questions, please do not hesitate to contact me directly. My telephone number is 317-274-8812.

Respectfully,

NOMI K. SHERWIN, MD  
Fellow, Department of Adolescent Medicine  
Board Certified, Pediatrics

**COPY TO: Riley Hospital for Children Medical Chart**



**INDIANA UNIVERSITY**  
**DEPARTMENT OF PEDIATRICS**  
School of Medicine

10/7/2021

RE: [REDACTED]

MR#: [REDACTED]

DOB: [REDACTED]

RE: Medical accommodation request

To Whom It May Concern:

[REDACTED] has a medical condition which requires frequent restroom use. Please allow him to be excused from class as needed to use the restroom. Please allow him to use bathrooms and locker rooms that are congruent with his male gender.

If there are any further questions, please do not hesitate to contact me directly. My telephone number is 317-274-8812.

Respectfully,

**NOMI K SHERWIN, MD**

**Fellow, Department of Adolescent Medicine**

**Board Certified, Pediatrics**

**COPY TO: Riley Hospital for Children Medical Chart**



10/7/2021

RE: [REDACTED]

MR#: [REDACTED]

DOB: [REDACTED]

RE: Medical accommodation request

To Whom It May Concern:

S [REDACTED] a medical condition which requires frequent restroom use. Please allow him to be excused from class as needed to use the restroom. Please allow him to use bathrooms and locker rooms that are congruent with his male gender.

If there are any further questions, please do not hesitate to contact me directly. My telephone number is 317-274-8812.

Respectfully,

NOMI K. SHERWIN, MD  
Fellow, Department of Adolescent Medicine  
Board Certified, Pediatrics

COPY TO: Riley Hospital for Children Medical Chart

EXHIBIT TIAL



**INDIANA UNIVERSITY**  
**DEPARTMENT OF PEDIATRICS**  
School of Medicine

10/7/2021

RE: [REDACTED]

MR#: [REDACTED]

DOB: [REDACTED]

RE: Medical accommodation request

To Whom It May Concern:

[REDACTED] has a medical condition which requires frequent restroom use. Please allow him to be excused from class as needed to use the restroom. Please allow him to use bathrooms and locker rooms that are congruent with his male gender.

If there are any further questions, please do not hesitate to contact me directly. My telephone number is 317-274-8812.

*Respectfully,*

**NOMI K SHERWIN, MD**  
*Fellow, Department of Adolescent Medicine*  
*Board Certified, Pediatrics*

**OPY TO: Riley Hospital for Children Medical Chart**

11/15/21, 1:50 PM

Viigo County School Corporation Mail [REDACTED]



Stacey Cavins <stacey.cavins@vigoschools.org>

[REDACTED]  
1 message

M [REDACTED] E [REDACTED]  
To: Stacey Cavins <stacey.cavins@vigoschools.org>

Fri, Aug 13, 2021 at 12:33 PM

Good afternoon,

The kids have asked me to check with you about using their names [REDACTED] and [REDACTED] instead of [REDACTED] and [REDACTED]. I guess you were going to look into changing something on their lockers. They would also like all the teachers to address them as [REDACTED] and [REDACTED].

Also, they are very concerned about gym class and using the health room. Do you feel like they will have enough time to change and get to gym class on time if they use the health room?

Thank you for your help,

M [REDACTED] E [REDACTED]  
(Aunt of [REDACTED])

Sent from my iPhone

11/15/21, 1:46 PM

Vigo County School Corporation Mail - student's name



Stacey Cavins <stacey.cavins@vigoschools.org>

**student's name**

3 messages

Janet Voll <jmv2@vigoschools.org> Wed, Aug 18, 2021 at 10:43 AM  
 To: Stephen Joseph <esj@vigoschools.org>, Ashley Luken <abl2@vigoschools.org>, Scott Moore <smm2@vigoschools.org>, Bridgette Martin <bam@vigoschools.org>, Chris Barrett <cab@vigoschools.org>, Sophia Tompkins <slt@vigoschools.org>, Aaron Hughes <adh2@vigoschools.org>, Audrey Shock <ajs3@vigoschools.org>, Stacey Cavins <Stacey.Cavins@vigoschools.org>, Shannon Mauk <sla2@vigoschools.org>, Jeanine Williams <jeanine.williams@vigoschools.org>, Tammy Spice <tls@vigoco.k12.in.us>, Debra Haskell <dlh7@vigoschools.org>, Tyler Grimes <tyler.grimes@vigoschools.org>, Darian Hoesman <darian.hoesman@vigoschools.org>, Dawn Bowman <Dawn.Bowman@vigoschools.org>, Lucas Pittman <lsp2@vigoschools.org>, Jennifer Parker <jennifer.parker@vigoschools.org>, Gyna Johnston <gyna.johnston@vigoschools.org>, William Bray <wdb@vigoschools.org>, Debbie Strange <deborah.strange@vigoschools.org>, Donna Carpenter <djc@vigoschools.org>, Kris Painter <kkp@vigoschools.org>, Debbie Kluesner <djk@vigoschools.org>, Angela Balitewicz <amb3@vigoschools.org>, Amy Herndon <aeh2@vigoschools.org>, Jeanette Ashley <jsa@vigoschools.org>, Jamie Howard <Jamie.Howard@vigoschools.org>

Good Morning,  
 I just spoke with [REDACTED]'s mother and [REDACTED] would like to be referred to as [REDACTED] and He.  
 She'd appreciate very much if you could try very hard to do this for [REDACTED]

--  
 Janet Voll  
 Registrar  
 Terre Haute North Vigo High School  
 ph 812-462-4436  
 fax 812-462-4319  
 email: jmv2@vigoschools.org

Lucas Pittman <lsp2@vigoschools.org> Wed, Aug 18, 2021 at 10:45 AM  
 To: Janet Voll <jmv2@vigoschools.org>  
 Cc: Stephen Joseph <esj@vigoschools.org>, Ashley Luken <abl2@vigoschools.org>, Scott Moore <smm2@vigoschools.org>, Bridgette Martin <bam@vigoschools.org>, Chris Barrett <cab@vigoschools.org>, Sophia Tompkins <slt@vigoschools.org>, Aaron Hughes <adh2@vigoschools.org>, Audrey Shock <ajs3@vigoschools.org>, Stacey Cavins <Stacey.Cavins@vigoschools.org>, Shannon Mauk <sla2@vigoschools.org>, Jeanine Williams <jeanine.williams@vigoschools.org>, Tammy Spice <tls@vigoco.k12.in.us>, Debra Haskell <dlh7@vigoschools.org>, Tyler Grimes <tyler.grimes@vigoschools.org>, Darian Hoesman <darian.hoesman@vigoschools.org>, Dawn Bowman <Dawn.Bowman@vigoschools.org>, Jennifer Parker <jennifer.parker@vigoschools.org>, Gyna Johnston <gyna.johnston@vigoschools.org>, William Bray <wdb@vigoschools.org>, Debbie Strange <deborah.strange@vigoschools.org>, Donna Carpenter <djc@vigoschools.org>, Kris Painter <kkp@vigoschools.org>, Debbie Kluesner <djk@vigoschools.org>, Angela Balitewicz <amb3@vigoschools.org>, Amy Herndon <aeh2@vigoschools.org>, Jeanette Ashley <jsa@vigoschools.org>, Jamie Howard <Jamie.Howard@vigoschools.org>

Will do.  
 [Quoted text hidden]

**Lucas S. Pittman, M. Ed.**  
 Terre Haute North Vigo High School  
 Building & Facilities Maintenance Instructor  
 Special Education English/LA Teacher  
 THN Big Brother/Big Sister Co-Sponsor  
 THN Student Assistance Team

Mission Statement: The Terre Haute North Vigo High School community is committed to providing a secure haven for learning. We strive to empower and to challenge all students to become *educated, ethical, responsible* citizens in a

11/15/21, 1:46 PM

Vigo County School Corporation Mail - student's name

diverse, ever-changing world.

EVERY CHILD EVERY DAY  
ONE MISSION ONE TEAM

Confidentiality Statement: The information in this E-mail message may contain legally privileged and confidential information intended only for the use of the individual(s) named above. If you, the reader of this message, are not the intended recipient, you are hereby notified that you should not further disseminate, distribute, or forward this E-mail message. If you have received this E-mail in error, please notify the sender immediately and delete the original.

Janet Voll <jmv2@vigoschools.org>

Wed, Aug 18, 2021 at 2:48 PM

To: Stephen Joseph <esj@vigoschools.org>, Ashley Luken <abl2@vigoschools.org>, Scott Moore <smm2@vigoschools.org>, Bridgette Martin <bam@vigoschools.org>, Chris Barrett <cab@vigoschools.org>, Sophia Tompkins <slt@vigoschools.org>, Aaron Hughes <adh2@vigoschools.org>, Audrey Shock <ajs3@vigoschools.org>, Stacey Cavins <Stacey.Cavins@vigoschools.org>, Shannon Mauk <sla2@vigoschools.org>, Jeanina Williams <jeanine.williams@vigoschools.org>, Tammy Spice <tts@vigo.k12.in.us>, Debra Haskell <dlh7@vigoschools.org>, Tyler Grimes <tyler.grimes@vigoschools.org>, Darlan Hoesman <darlan.hoesman@vigoschools.org>, Dawn Bowman <Dawn.Bowman@vigoschools.org>, Lucas Pittman <isp2@vigoschools.org>, Jennifer Parker <jennifer.parker@vigoschools.org>, Gyna Johnston <gyna.johnston@vigoschools.org>, William Bray <wdb@vigoschools.org>, Debbie Strange <deborah.strange@vigoschools.org>, Donna Carpenter <djc@vigoschools.org>, Kris Painter <kkp@vigoschools.org>, Debbie Kluesner <djk@vigoschools.org>, Angela Balitewicz <amb3@vigoschools.org>, Amy Hemdon <ash2@vigoschools.org>, Jeanette Ashley <jsa@vigoschools.org>, Jamie Howard <Jamie.Howard@vigoschools.org>

I hope this email didn't sound rude. I just didn't word it correctly. I hope nobody took offense.

On Wed, Aug 18, 2021 at 10:43 AM Janet Voll <jmv2@vigoschools.org> wrote:

[Quoted text hidden]  
[Quoted text hidden]

11/15/21, 1:47 PM

Vigo County School Corporation Mail - student's name



Stacey Cavins &lt;stacey.cavins@vigoschools.org&gt;

**student's name**

3 messages

Janet Voll <jmv2@vigoschools.org> Wed, Aug 18, 2021 at 10:40 AM  
 To: Stephen Joseph <esj@vigoschools.org>, Ashley Luken <abl2@vigoschools.org>, Scott Moore <smm2@vigoschools.org>, Bridgette Martin <bam@vigoschools.org>, Chris Barrett <cab@vigoschools.org>, Sophia Tompkins <slt@vigoschools.org>, Aaron Hughes <adh2@vigoschools.org>, Audrey Shock <ajs3@vigoschools.org>, Stacey Cavins <Stacey.Cavins@vigoschools.org>, Shannon Mauk <sla2@vigoschools.org>, Jeanine Williams <jeanine.williams@vigoschools.org>, Tammy Spice <tls@vigoco.k12.in.us>, Debra Haskell <dlh7@vigoschools.org>, Tyler Grimes <tyler.grimes@vigoschools.org>, Darian Hoesman <darian.hoesman@vigoschools.org>, Dawn Bowman <Dawn.Bowman@vigoschools.org>, Lucas Pittman <lsp2@vigoschools.org>, Jennifer Parker <jennifer.parker@vigoschools.org>, Gyna Johnston <gyna.johnston@vigoschools.org>, William Bray <wdb@vigoschools.org>, Debbie Strange <deborah.strange@vigoschools.org>, Donna Carpenter <djc@vigoschools.org>, Kris Painter <kkp@vigoschools.org>, Debbie Kluesner <djk@vigoschools.org>, Angela Balitewicz <amb3@vigoschools.org>, Amy Herndon <aeh2@vigoschools.org>, Jeanette Ashley <jsa@vigoschools.org>, Jamie Howard <Jamie.Howard@vigoschools.org>

Good Morning,

I just spoke with [REDACTED] mother and [REDACTED] would like to be referred to as B [REDACTED] and He. She'd appreciate very much if you could try very hard to do this for B [REDACTED]

Janet Voll  
 Registrar  
 Terre Haute North Vigo High School  
 ph 812-462-4436  
 fax 812-462-4319  
 email: jmv2@vigoschools.org

Janet Voll <jmv2@vigoschools.org> Wed, Aug 18, 2021 at 2:50 PM  
 To: Stephen Joseph <esj@vigoschools.org>, Ashley Luken <abl2@vigoschools.org>, Scott Moore <smm2@vigoschools.org>, Bridgette Martin <bam@vigoschools.org>, Chris Barrett <cab@vigoschools.org>, Sophia Tompkins <slt@vigoschools.org>, Aaron Hughes <adh2@vigoschools.org>, Audrey Shock <ajs3@vigoschools.org>, Stacey Cavins <Stacey.Cavins@vigoschools.org>, Shannon Mauk <sla2@vigoschools.org>, Jeanine Williams <jeanine.williams@vigoschools.org>, Tammy Spice <tls@vigoco.k12.in.us>, Debra Haskell <dlh7@vigoschools.org>, Tyler Grimes <tyler.grimes@vigoschools.org>, Darian Hoesman <darian.hoesman@vigoschools.org>, Dawn Bowman <Dawn.Bowman@vigoschools.org>, Lucas Pittman <lsp2@vigoschools.org>, Jennifer Parker <jennifer.parker@vigoschools.org>, Gyna Johnston <gyna.johnston@vigoschools.org>, William Bray <wdb@vigoschools.org>, Debbie Strange <deborah.strange@vigoschools.org>, Donna Carpenter <djc@vigoschools.org>, Kris Painter <kkp@vigoschools.org>, Debbie Kluesner <djk@vigoschools.org>, Angela Balitewicz <amb3@vigoschools.org>, Amy Herndon <aeh2@vigoschools.org>, Jeanette Ashley <jsa@vigoschools.org>, Jamie Howard <Jamie.Howard@vigoschools.org>

I hope this email didn't sound rude, I don't think I worded it correctly. I hope nobody took offense.  
 [Quoted text hidden]

Janet Voll <jmv2@vigoschools.org> Thu, Aug 19, 2021 at 8:57 AM  
 To: Stephen Joseph <esj@vigoschools.org>, Ashley Luken <abl2@vigoschools.org>, Scott Moore <smm2@vigoschools.org>, Bridgette Martin <bam@vigoschools.org>, Chris Barrett <cab@vigoschools.org>, Sophia Tompkins <slt@vigoschools.org>, Aaron Hughes <adh2@vigoschools.org>, Audrey Shock <ajs3@vigoschools.org>, Stacey Cavins <Stacey.Cavins@vigoschools.org>, Shannon Mauk <sla2@vigoschools.org>, Jeanine Williams <jeanine.williams@vigoschools.org>, Tammy Spice <tls@vigoco.k12.in.us>, Debra Haskell <dlh7@vigoschools.org>, Tyler Grimes <tyler.grimes@vigoschools.org>, Darian Hoesman <darian.hoesman@vigoschools.org>, Dawn Bowman <Dawn.Bowman@vigoschools.org>, Lucas Pittman <lsp2@vigoschools.org>, Jennifer Parker

<https://mail.google.com/mail/u/0/?ik=0a4254dd92&view=pt&search=all&permthid=thred-f%3A1708442436679116524&simpl=msg-f%3A1708442436...> 1/2

VCSC\_000014

11/15/21, 1:47 PM

Vigo County School Corporation Mail - student's name

<jennifer.parker@vigoschools.org>, Gyna Johnston <gyna.johnston@vigoschools.org>, William Bray <wdb@vigoschools.org>, Debbie Strange <deborah.strange@vigoschools.org>, Donna Carpenter <djc@vigoschools.org>, Kris Painter <kkp@vigoschools.org>, Debbie Klusner <djk@vigoschools.org>, Angela Balltewicz <amb3@vigoschools.org>, Amy Hemdon <aeh2@vigoschools.org>, Jeanette Ashley <jsa@vigoschools.org>, Jamie Howard <Jamie.Howard@vigoschools.org>

Good Morning.

Update on [REDACTED] was able to put in the names they want to be known by, but not legally changed.

Thanks

On Wed, Aug 18, 2021 at 10:40 AM Janet Voll <jmv2@vigoschools.org> wrote:

[Quoted text hidden]

[Quoted text hidden]

11/15/21, 1:41 PM

Vigo County School Corporation Mail - About E [redacted] and S [redacted] E [redacted]



Stacey Cavins <stacey.cavins@vigoschools.org>

About E [redacted] and S [redacted] E [redacted]

2 messages

To: Stacey.Cavins@vigoschools.org

Thu, Sep 30, 2021 at 9:37 AM

Hello,  
I have a question for you why do they have 3 math classes?? We are really trying to keep up with every class I did just emailed all the teachers asking about assignments and letting them know that they have a IEP if they didn't know.  
Thanks  
L [redacted] E [redacted]

Sent from my iPhone

Stacey Cavins <Stacey.Cavins@vigoschools.org>

Fri, Oct 1, 2021 at 8:49 AM

To: L [redacted] E [redacted]

Hello Mrs. [redacted]  
I am sorry that I am just now replying to your email. I have been out for a couple of days. E [redacted] and [redacted] are in two Math courses, Algebra 1 and Algebra Lab. The Algebra Lab is there to help our freshman pass the Algebra 1-1 class. The next school year they will not have math labs and will only take Geometry. Please let me know if you have any other questions. Have a great day!

Best,

Mrs. Cavins  
[Quoted text hidden]

**From:** Matthew McClendon <matthew.mcclendon@vigoschools.org>  
**Sent:** Tuesday, August 24, 2021 11:10 AM  
**To:** Mayes, Jonathan L.  
**Subject:** Fwd: Hello

Attached.

----- Forwarded message -----

**From:** Nolan Cox <nmc2@vigoschools.org>  
**Date:** Mon, Aug 23, 2021 at 9:36 AM  
**Subject:** Fwd: Hello  
**To:** Matthew McClendon <matthew.mcclendon@vigoschools.org>

----- Forwarded message -----

**From:** Stephen Joseph <esj@vigoschools.org>  
**Date:** Mon, Aug 23, 2021 at 9:34 AM  
**Subject:** Fwd: Hello  
**To:** Nolan Cox <nmc2@vigoschools.org>

----- Forwarded message -----

**From:** Ashley Luken <abl2@vigoschools.org>  
**Date:** Mon, Aug 23, 2021 at 9:24 AM  
**Subject:** Fwd: Hello  
**To:** Stephen Joseph <esj@vigoschools.org>

----- Forwarded message -----

**From:** Debra Haskell <dlh7@vigoschools.org>  
**Date:** Wed, Aug 18, 2021 at 11:41 AM  
**Subject:** Re: Hello  
**To:** L [REDACTED]

Hello L [REDACTED]

I sent out the email their aunt sent me to let the teachers know that they should be called by their preferred names, [REDACTED] preferring B [REDACTED] and [REDACTED] preferring S [REDACTED]. I will send another email to remind teachers to use their preferred names and use the pronoun he. I will be happy to help in any way I can. As far as the gym locker room goes, I will need to talk to the administration to see if that is even possible or how to handle this situation. I will get back to you once I have spoken with the administration regarding this situation. My cell is

812-249-5359 - I don't pick up during school, but you are welcome to text me anytime and I will get back to you as soon as I can.

Respectfully,  
Debby Haskell

On Wed, Aug 18, 2021 at 9:32 AM [REDACTED] wrote:

Hello,

This is [REDACTED] E [REDACTED] mother yes please please help me with all the staff to have everyone to call them by the names that they prefer like [REDACTED] is B [REDACTED] and [REDACTED] is S [REDACTED] and to use "HE" so they will be happy to go to school and please help in any way for Gym also the lockers the girls ... is there any way that they can use the boy locker room in a different lock room because you do have other locker rooms or let them go into boys lock room AFTER or Before the the class starts or ends ???!! Please I do understand that they can't go inside with the boys and honestly they don't either it's just the fact that it is what they prefer what they are BOYS!! I honestly hate this but I have to Support their decision or maybe I don't know I'm having a hard time excepting it I'm sorry !! But this will help them a lot and help them with negative thoughts about hurting or harming their selves. It doesn't mean that they are going to harm or hurt their selves but they have thought about it and I honestly don't think that they would be able or willing to because I'm always there and they Don't like pain or shots or getting hurt !! they're so sensitive and so hardheaded about being a boy and they truly think that they ARE BOYS.. so the means that I have to do anything that helps with them to feel better and confident and a better self esteem and support this.. if you and the staff would help with them and the things that they need I would really appreciate it and Yes I know that we are asking for a lot but Please help !! You can call or text cell is [REDACTED] and you can use this email or [REDACTED]

I or We would really appreciate you and all staff members and even kids to help ❤️❤️🙏🙏🙏

Thank you

[REDACTED] E [REDACTED]

**Debby Haskell**  
**Terre Haute North Vigo**  
**Special Education**  
**Autism Team**  
**Patriot Twilight Dress and Dine Co-Chairman**

Mission Statement: The Terre Haute North Vigo High School community is committed to providing a secure haven for learning. We strive to empower and to challenge all students to become *educated, ethical, responsible* citizens in a diverse, ever-changing world.

EVERY CHILD EVERY DAY  
ONE MISSION ONE TEAM

Confidentiality Statement: The information in this E-mail message may contain legally privileged and confidential information intended only for the use of the individual(s) named above. If you, the reader of this message, are not the intended recipient, you are hereby notified that you

**From:** Matthew McClendon <matthew.mcclendon@vigoschools.org>  
**Sent:** Tuesday, August 24, 2021 11:10 AM  
**To:** Mayes, Jonathan L.  
**Subject:** Fwd: student's name

Attached.

----- Forwarded message -----

**From:** Nolan Cox <nmc2@vigoschools.org>  
**Date:** Mon, Aug 23, 2021 at 9:36 AM  
**Subject:** Fwd: student's name  
**To:** Matthew McClendon <matthew.mcclendon@vigoschools.org>

----- Forwarded message -----

**From:** Stephen Joseph <esj@vigoschools.org>  
**Date:** Mon, Aug 23, 2021 at 9:35 AM  
**Subject:** Fwd: student's name  
**To:** Nolan Cox <nmc2@vigoschools.org>

----- Forwarded message -----

**From:** Janet Voll <jmv2@vigoschools.org>  
**Date:** Wed, Aug 18, 2021 at 10:41 AM  
**Subject:** student's name  
**To:** Stephen Joseph <esj@vigoschools.org>, Ashley Luken <abl2@vigoschools.org>, Scott Moore <smm2@vigoschools.org>, Bridgette Martin <bam@vigoschools.org>, Chris Barrett <cab@vigoschools.org>, Sophia Tompkins <slt@vigoschools.org>, Aaron Hughes <adh2@vigoschools.org>, audrey shock <ajs3@vigoschools.org>, Stacey Cavins <Stacey.Cavins@vigoschools.org>, Shannon Mauk <sla2@vigoschools.org>, Jeanine Williams <jeanine.williams@vigoschools.org>, Tammy Spice <tls@vigoco.k12.in.us>, Debra Haskell <dlh7@vigoschools.org>, Tyler Grimes <tyler.grimes@vigoschools.org>, Darian Hoesman <darian.hoesman@vigoschools.org>, Dawn Bowman <Dawn.Bowman@vigoschools.org>, Lucas Pittman <lsp2@vigoschools.org>, Jennifer Parker <jennifer.parker@vigoschools.org>, Gyna Johnston <gyna.johnston@vigoschools.org>, William Bray <wdb@vigoschools.org>, Debbie Strange <deborah.strange@vigoschools.org>, Donna Carpenter <djc@vigoschools.org>, Kris Painter <kkp@vigoschools.org>, Debbie Kluesner <djk@vigoschools.org>, Angela Balitewicz <amb3@vigoschools.org>, Amy Herndon <ach2@vigoschools.org>, Jeanette Ashley <jsa@vigoschools.org>, Jamie Howard <Jamie.Howard@vigoschools.org>

Good Morning,

I just spoke with [REDACTED]'s mother and [REDACTED] would like to be referred to as B [REDACTED] and He.

She'd appreciate very much if you could try very hard to do this for B [REDACTED]

Janet Voll  
Registrar  
Terre Haute North Vigo High School  
ph 812-462-4436  
fax 812-462-4319  
email: [jmv2@vigoschools.org](mailto:jmv2@vigoschools.org)



Steve Joseph  
Principal  
North Vigo High School

Michael Cox  
Director of Human Resources  
Vigo County School Corporation  
686 Wabash Avenue  
Terre Haute, IN 47803  
(812)462-4404

The Vigo County School Corporation will equip students with lifelong learning skills and prepare them to become productive and responsible citizens.

Matthew McClendon  
(He/Him/His) What's this?  
Director of Diversity, Civility, and International Exchange Program  
Vigo County School Corporation  
686 Wabash Avenue  
Terre Haute, IN 47803  
(812) 462-4011

**From:** Matthew McClendon <matthew.mcclendon@vigoschools.org>  
**Sent:** Monday, December 6, 2021 11:07 AM  
**To:** Mayes, Jonathan L.  
**Cc:** Zimmerly, Philip; Wohlford, Mark A.  
**Subject:** Fwd: ██████████ Freshman

Attached.

----- Forwarded message -----

**From:** Nolan Cox <nmc2@vigoschools.org>  
**Date:** Mon, Aug 23, 2021 at 9:36 AM  
**Subject:** Fwd: ██████████ Freshman  
**To:** Matthew McClendon <matthew.mcclendon@vigoschools.org>

----- Forwarded message -----

**From:** Stephen Joseph <esj@vigoschools.org>  
**Date:** Mon, Aug 23, 2021 at 9:35 AM  
**Subject:** Fwd: ██████████ Freshman  
**To:** Nolan Cox <nmc2@vigoschools.org>

----- Forwarded message -----

**From:** Ashley Luken <abl2@vigoschools.org>  
**Date:** Mon, Aug 23, 2021 at 9:21 AM  
**Subject:** Fwd: ██████████ Freshman  
**To:** Stephen Joseph <esj@vigoschools.org>

----- Forwarded message -----

**From:** Lucas Pittman <lsp2@vigoschools.org>  
**Date:** Sun, Aug 8, 2021 at 1:09 PM  
**Subject:** Fwd: ██████████ Freshman  
**To:** Jennifer Majors <jas6@vigoschools.org>, Ashley Luken <abl2@vigoschools.org>

Hello,

I have received this email.

I wanted my department chair and an admin to be aware of this situation.

Thoughts on this matter are appreciated. I will do as the guardian has asked.

Thank you.

----- Forwarded message -----

From: Lucas Pittman <lsp2@vigoschools.org>

Date: Sun, Aug 8, 2021 at 1:07 PM

Subject: Re: [REDACTED] Freshman

To: M [REDACTED] [REDACTED] [REDACTED]

Thank you for the information.

I look forward to meeting these children

All the best to you.

On Sun, Aug 8, 2021 at 12:59 PM M [REDACTED] H [REDACTED] [REDACTED] wrote:

Hello,

My name is M [REDACTED] E [REDACTED]. I am the aunt of [REDACTED] and [REDACTED] and they have asked me to help them reach out to their teachers.

They both have your class 3rd hour.

They are asking me to reach out to the teachers because they do not use the names [REDACTED] and [REDACTED] [REDACTED] only goes by E [REDACTED] and [REDACTED] only goes by S [REDACTED]. They would like to be addressed this way in class and they don't want their given names used at all. They do understand that the school records have to show the given names but for example, while doing roll call you should only use E [REDACTED] and S [REDACTED]. They do not identify with what their records state and the pronouns aren't the same either. E [REDACTED]'s pronouns are he/him and S [REDACTED]'s pronouns are they/he.

Please let me know if you have any questions and we hope that you will be able to accommodate them.

Thank you,

M [REDACTED] E [REDACTED]

Sent from my iPhone

**Lucas S. Pittman, M. Ed.**

Terre Haute North Vigo High School  
Building & Facilities Maintenance Instructor  
Special Education English/LA Teacher  
THN Big Brother/Big Sister Co-Sponsor  
THN Student Assistance Team



I AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT.

Dated: 1/11/2022

  
N. Michael Cox













