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11 *Attorneys for Plaintiffs and the Class*

12 Additional counsel listed on following page

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

15 Helen Roe, a minor, by and through her
16 parent and next friend Megan Roe; et al.,

17 Plaintiffs,

18 v.

19 Jennie Cunico, in her official capacity as
20 State Registrar of Vital Records and
Director of the Arizona Department of
Health Services,

21 Defendant.

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

**STIPULATED NOTICE OF THE PARTIES’
AGREEMENT CONCERNING NAMED
PLAINTIFFS’ BIRTH CERTIFICATES**

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Attorneys for Defendant

1 Plaintiffs Helen Roe, James Poe, and Carl Voe (“Plaintiffs”) and Defendant Jennie
2 Cunico (collectively “the Parties”), by and through their respective counsel, provide notice
3 of their agreement concerning amendments to Plaintiffs’ birth certificates (“the
4 Stipulation”), as follows:

5 1. Helen Roe is a transgender girl residing in Arizona. James Poe is a
6 transgender boy residing in Arizona. Carl Voe is a transgender boy residing in Maryland.

7 2. The sex field on Helen Roe’s current birth certificate is marked “male.” The
8 sex field on James Poe’s current birth certificate is marked “female.” The sex field on Carl
9 Voe’s current birth certificate is marked “female.”

10 3. Plaintiffs seek an order from this Court ordering Defendant to change the sex
11 field on their birth certificates similar to the order issued by this Court earlier in the case for
12 former Plaintiff Jane Doe. (*See* Docs. 39–41.) Helen Roe seeks a change from male to
13 female. James Poe and Carl Voe seek a change from female to male.

14 4. Plaintiffs make this request so that they each may obtain a birth certificate
15 that matches their gender identity. Plaintiffs contend that it is important for them to have
16 an identity document that matches their gender identity to help prevent bullying and
17 harassment against them. Defendant takes no position as to whether an amended birth
18 certificate would prevent bullying and harassment against Plaintiffs.

19 5. Plaintiffs allege that they have experienced bullying and harassment at their
20 schools and in their extra-curricular activities because of their transgender status. Plaintiffs
21 further allege that their current birth certificates could reveal to school staff, extra-curricular
22 staff, or peers that Plaintiffs are transgender because their gender identities do not align with
23 the sex to which they were assigned at birth. Defendant takes no position as to whether
24 Plaintiffs have experienced bullying or harassment because of their transgender status and
25 takes no position as to how Plaintiffs’ current birth certificates may be interpreted by school
26 staff, extra-curricular staff, or Plaintiffs’ peers.

27 6. Plaintiffs have provided and do provide evidence—through the declarations
28 attached to Plaintiffs’ motions to proceed under pseudonyms (Doc. 2-1; Doc. 48-1; Doc.

1 48-2) and Exhibits A, B, and C attached to the Declaration of Colin M. Proksel submitted
2 with this Stipulation (“Proksel Declaration”)—that they each have been diagnosed with
3 gender dysphoria and have undergone clinically appropriate treatment for the purpose of a
4 gender transition.

5 7. For purposes of this Stipulation, Defendant does not dispute that Plaintiffs
6 have been diagnosed with gender dysphoria or that they have received medical treatment
7 for gender dysphoria. Defendant takes no position as to whether any Plaintiff would be able
8 to obtain from an Arizona state court an order pursuant to A.R.S. § 36-337(A)(4) that directs
9 Defendant to amend the sex field on Plaintiffs’ birth certificates.

10 8. Exhibits A, B, and C to the Proksel Declaration concern Plaintiffs’ private
11 medical information, and Exhibits D, E, and F to the Proksel Declaration are proposed
12 orders for this Court to direct Defendant to amend each of Plaintiffs’ birth certificates
13 pursuant to the Stipulation. As such, Exhibits A–F each contain highly sensitive personally
14 identifiable information and medical information that would reveal Plaintiffs’ identities.
15 Further, any order issued by the Court directing Defendant to amend Plaintiffs’ birth
16 certificates would also contain Plaintiffs’ highly sensitive personally identifiable
17 information and medical information. Sealing these filings would be consistent with the
18 Parties’ stipulated Protective Order, as approved by the Court (Doc. 24), and the Court’s
19 granting of Plaintiffs’ motions to proceed under pseudonyms (Doc. 8 ¶ 4; Doc. 49). For
20 those reasons and for purposes of this Stipulation, the Parties agree that there are compelling
21 reasons for the Court to seal Exhibits A–F and issue under seal any forthcoming orders
22 regarding Plaintiffs’ amended birth certificates, and that those compelling reasons outweigh
23 the public’s ordinary right of access to court records. Therefore, the Parties jointly request
24 that the Court seal Exhibits A–F and enter the orders it issues under seal. *See, e.g.,*
25 *Lombardi v. Tri West Healthcare Alliance Corp.*, No. 08-cv-02381, 2009 WL 1212170, at
26 *1 (D. Ariz. May 4, 2009) (granting motion to seal documents containing “sensitive
27 personal and medical information” (citing *Kamakana v. City & Cty. of Honolulu*, 447 F.3d
28 1172, 1178 (9th Cir. 2006)).

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Attorneys for Plaintiffs and the Class

The filer, Colin Proksel, attests that the other signatory listed, on whose behalf the filing is submitted, concurs in the filing's content and has authorized the filing.

Dated: November 2, 2023

KRIS MAYES
Attorney General
Firm Bar No. 14000

/s/ Aubrey Joy Corcoran (with permission)
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20 State Registrar of Vital Records and
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Case No. 4:20-cv-484-JAS

**DECLARATION OF COLIN M. PROKSEL
IN SUPPORT OF PARTIES’ STIPULATED
NOTICE OF THEIR AGREEMENT
CONCERNING NAMED PLAINTIFFS’
BIRTH CERTIFICATES**

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18 *Attorneys for Plaintiffs and the Class*

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1 I, Colin M. Proksel, declare:

2 1. I am a lawyer at Osborn Maledon, P.A., attorneys of record for Plaintiffs and
3 the Class. The following statements are true and to the best of my knowledge, information,
4 and belief, formed after a reasonable inquiry under the circumstances. If called to testify
5 about them, I would competently testify the same.

6 2. Attached hereto as Exhibit A is a true and correct copy of a doctor's note
7 concerning medical treatment for Plaintiff Helen Roe, which was produced in the above-
8 captioned case bearing Bates stamp ROE00033.

9 3. Attached hereto as Exhibit B is a true and correct copy of a doctor's note
10 concerning medical treatment for Plaintiff James Poe, which was produced in the above-
11 captioned case bearing Bates stamp POE01291.

12 4. Attached hereto as Exhibit C is a true and correct copy of a doctor's note
13 concerning medical treatment for Plaintiff Carl Voe, which was produced in the above-
14 captioned case bearing Bates stamp VOE00382.

15 5. Attached hereto as Exhibit D is a proposed order for this Court to issue that
16 would direct Defendant to amend the sex field on Plaintiff Helen Roe's current birth
17 certificate from male to female.

18 6. Attached hereto as Exhibit E is a proposed order for this Court to issue that
19 would direct Defendant to amend the sex field on Plaintiff James Poe's current birth
20 certificate from female to male.

21 7. Attached hereto as Exhibit F is a proposed order for this Court to issue that
22 would direct Defendant to amend the sex field on Plaintiff Carl Voe' current birth certificate
23 from female to male.

24 I declare under penalty of perjury of the laws of the United States that the foregoing
25 is true and correct.

26 Dated: November 2, 2023

27 /s/ Colin M. Proksel

Exhibit A

Lodged Under Seal

Exhibit B

Lodged Under Seal

Exhibit C

Lodged Under Seal

Exhibit D

Lodged Under Seal

Exhibit E

Lodged Under Seal

Exhibit F

Lodged Under Seal

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Helen Roe, a minor, by and through her
parent and next friend Megan Roe; et al.,

Plaintiffs,

v.

Jennie Cunico, in her official capacity as
State Registrar of Vital Records and
Director of the Arizona Department of
Health Services,

Defendant.

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

**[PROPOSED] ORDER SEALING
DOCUMENTS RELATED TO THE
STIPULATED NOTICE OF THE PARTIES'
AGREEMENT CONCERNING NAMED
PLAINTIFFS' BIRTH CERTIFICATES**

Having considered the Stipulated Notice Concerning Named Plaintiffs' Birth
Certificates ("Stipulation") (Doc. 222),

IT IS HEREBY ORDERED:

1. Exhibits A, B, C, D, E, and F to the Stipulation (Doc. 222-1), which have
been lodged with the Court, shall be sealed in their entirety.
2. The Order to Amend Helen Roe's Birth Certificate, Order to Amend James
Poe's Birth Certificate, and Order to Amend Carl Voe' Birth Certificate issued by this
Court shall be sealed in their entirety.
3. The Clerk's Office shall file this Order to Seal and secure the lodged versions
of the foregoing documents from public access.

IT IS SO ORDERED.