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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
21 Health Services,

22 Defendant.

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

**PLAINTIFFS’ SEPARATE STATEMENT
OF FACTS IN SUPPORT OF THEIR
MOTION FOR SUMMARY JUDGMENT**

ORAL ARGUMENT REQUESTED

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1 Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1(a),
2 Plaintiffs Helen Roe, James Poe, and Carl Voe, by and through their parents and next friends
3 Megan Roe, Laura Poe, and Rachel Voe, and each of the individuals in the class of people
4 they represent (collectively, “Plaintiffs”), hereby submit the following Separate Statement
5 of Facts (“SOF”) in support of their Motion for Summary Judgment against Defendant, the
6 Director of the Arizona Department of Health Services (“ADHS”).

7 **STATEMENT OF FACTS**

8 1. When a child is born, a health care provider identifies the child’s sex based
9 on the child’s observable anatomy. *See*, Expert Report of Dr. Randi C. Ettner, Ph.D. ¶ 16,
10 attached as Exhibit 1 to the Declaration of Colin M. Proksel (“Proksel Decl.”); Expert
11 Report of Dr. Daniel Shumer, MD, MPH ¶ 22, attached as Exhibit 2 to the Proksel Decl.

12 2. In medical terminology, this provider-identified sex is often referred to as the
13 person’s “assigned sex.” *See* Ex. 1 ¶ 16; Ex. 2 ¶ 22.

14 3. Gender identity is the medical term for a person’s internal, innate, and deeply
15 held sense of their own gender. *See* Ex. 1 ¶ 19; Ex. 2 ¶¶ 24–25.

16 4. There is a medical consensus that a person’s gender identity has a significant
17 biological foundation and is not subject to voluntary change. *See* Ex. 1 ¶¶ 19, 24, 26; Ex. 2
18 ¶¶ 19, 25, 40.

19 5. Gender identity, like sexual orientation, is immutable. *See* Ex. 1 ¶¶ 24, 26;
20 Ex. 2 ¶¶ 25, 40.

21 6. Most peoples’ gender identity matches their sex assigned at birth. *See* Ex. 1
22 ¶ 16; Ex. 2 ¶ 22.

23 7. For a transgender person, that initial designation does not match the person’s
24 gender identity. *See* Ex. 1 ¶ 16; Ex. 2 ¶ 22.

25 8. The discordance between one’s gender identity and birth-assigned sex can
26 cause gender dysphoria. *See* Ex. 1 ¶ 16; Ex. 2 ¶ 28.

1 9. Gender dysphoria is a serious medical condition that, if left untreated, can
2 cause serious health consequences, including anxiety, depression, eating disorders,
3 substance abuse, self-harm, and suicide. *See* Ex. 1 ¶ 27; Ex. 2 ¶ 28.

4 10. When individuals with gender dysphoria receive appropriate medical care and
5 support, they can thrive. *See* Ex. 1 ¶¶ 30, 46; Ex. 2 ¶ 31.

6 11. Major associations of medical and mental health providers in the United
7 States, including the American Medical Association, the American Academy of Pediatrics,
8 the American Psychiatric Association, the American Psychological Association, and the
9 Pediatric Endocrine Society, have adopted or endorsed standards of care for treating gender
10 dysphoria. *See* Ex. 1 ¶¶ 33–34; Ex. 2 ¶¶ 29–38.

11 12. The goal of treatment is to allow transgender people to live consistently with
12 their gender identities in all aspects of their lives. *See* Ex. 1 ¶ 42; Ex. 2 ¶ 27.

13 13. The process of undergoing treatment to alleviate gender dysphoria is
14 commonly referred to as transition. *See* Ex. 1 ¶ 38; Ex. 2 ¶ 32.

15 14. The transition process typically includes one or more of the following three
16 components: (i) social transition, including adopting a new name, pronouns, appearance,
17 and clothing, and correcting identity documents; (ii) medical transition, including puberty-
18 suppressing medication and hormone-replacement therapy; and, typically only for adults,
19 (iii) surgeries to alter the appearance and functioning of primary- and secondary-sex
20 characteristics. *See* Ex. 1 ¶¶ 34, 38–39; Ex. 2 ¶ 32.

21 15. Transition is highly individualized for each person. *See* Ex. 1 ¶¶ 30, 34, 52;
22 Ex. 2 ¶¶ 27, 32–34; transcript of the deposition of Daniel Shumer MD, taken on July 20,
23 2023 (33:15–25, 36:10–18, 36:19–37:2), attached as Exhibit 3 to the Proksel Decl.

24 16. Birth certificates reflect the government’s recognition of an individual’s sex.
25 *See* Ex. 1 ¶¶ 14, 57.

26 17. Birth certificates are government-issued documents that people use to prove
27 their identities for a wide variety of situations, including to school registration and
28 employment and to obtain other identity documents such as driver’s licenses, social security

1 cards, and passports. *See* transcript of the deposition of Randi C. Ettner, taken on July 26,
2 2023 (101:17–23, 103:4–8), attached as Exhibit 4 to the Proksel Decl.; transcript of the
3 deposition of the designated representative of the Arizona Department of Health Services
4 (“ADHS”), Krystal Colburn, taken pursuant to Federal Rule of Civil Procedure 30(b)(6) on
5 April 10, 2023 (50:14–18, 50:24–51:7), attached as Exhibit 5 to the Proksel Decl.; transcript
6 of the deposition of Laura Poe, taken on November 3, 2022 (32:1–11), attached as Exhibit
7 6 to the Proksel Decl.

8 18. Transgender people who cannot change the sex marker on their identity
9 documents to accurately reflect their gender identity face myriad practical, social, and
10 psychological consequences. *See* Ex. 1 ¶ 44; Ex. 2 ¶ 45; Ex. 4 (98:3–100:13, 101:17–23,
11 103:4–104:4).

12 19. Transgender people may not be able to use their birth certificate to prove their
13 identity. For example a birth certificate containing a sex marker that visibly conflicts with
14 a person’s gender identity—as reflected by their physical appearance—may arouse
15 suspicion as to whether they are the person identified by the document. *See* Ex. 1 ¶ 59; Ex.
16 2 ¶ 45; Ex. 4 (98:3–100:13, 103:4–8, 103:24–104:4); transcript of the deposition of Megan
17 Roe, taken on November 3, 2022 (34:21–36:25), attached as Exhibit 7 to the Proksel Decl.

18 20. Birth certificates that reflect an incongruity between a person’s gender
19 identity and assigned sex risk disclosing a person’s transgender status, which is personal
20 information they may not wish to disclose for fear of discrimination, harassment, or
21 violence. *See* Ex. 1 ¶ 59; Ex. 2 ¶ 45; Ex. 4 (93:4–10); Ex. 6 (29:16–19); Ex. 7 (34:21–36:25).

22 21. Disclosing a person’s transgender status also invades their privacy, which is
23 crucial because it is the basis for the development of individuality and autonomy. *See* Ex. 1
24 ¶ 14.

25 22. According to the 2015 U.S. Transgender Survey, nearly one in three
26 transgender respondents who showed an identity document with a name or gender that did
27 not match their perceived gender were verbally harassed, denied benefits or service, asked
28

1 to leave, or assaulted. *See* The Report of the 2015 U.S. Transgender Survey at 9, attached
2 as Exhibit 8 to the Proksel Decl.

3 23. For transgender people, the inability to safely and privately change the sex
4 listed on their birth certificate interferes with their treatment for gender dysphoria, thereby
5 exacerbating their gender dysphoria and distress. *See* Ex. 1 ¶ 47; Ex. 2 ¶ 45; Ex. 4 (55:25–
6 56:7).

7 24. Being deprived of birth certificates that accurately reflect who they are
8 stigmatizes transgender people and invades their privacy, releases confidential medical
9 information, and places them at risk for grave psychological and physical harm. *See* Ex. 1
10 ¶¶ 14, 59; Ex. 2 ¶ 45; Ex. 4 (98:9–100:13, 101:17–23, 103:4–104:4).

11 25. Defendant is a state official who exercises responsibility for issuing and
12 changing Arizona birth certificates. *See* Ex. 5 (29:5–6, 31:19–24, 34:4–19, 104:4–7).

13 26. Under Defendant’s direction, ADHS registers a birth certificate for every
14 person born in the state that reflects, among other things, their sex. *See* Ex. 5 (50:14–18).

15 27. Arizona law provides three ways for applicants to seek a change to
16 information on their birth certificate: (1) applying to ADHS for a “correction”; (2) applying
17 to ADHS for an “amendment”; or (3) petitioning a court for an order, then—if the court
18 grants the petition—applying to ADHS for an “amendment.” *See* Ex. 5 (60:17–61:2, 78:3–
19 13, 89:3–10); ADHS policy titled “Corrections to Birth Records,” attached as Exhibit 9 to
20 the Proksel Decl.; ADHS policy titled “Corrections to Birth Records,” dated , attached as
21 Exhibit 10 to the Proksel Decl.; ADHS policy titled “Bureau of Vital Records Desk
22 Procedure for Corrections and Amendments” attached as Exhibit 11 to the Proksel Decl.;
23 ADHS policy titled “Amendments to Birth Records,” attached as Exhibit 12 to the Proksel
24 Decl.; ADHS policy titled “Amendments to Birth Records,” attached as Exhibit 13 to the
25 Proksel Decl.; ADHS policy titled “Amendments to Birth Records” attached as Exhibit 14
26 to the Proksel Decl.; ADHS policy titled “Court Orders and Subpoenas,” attached as Exhibit
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1 15 to the Proksel Decl.; ADHS policy titled “Court Orders and Subpoenas,” attached as
2 Exhibit 16 to the Proksel Decl.¹

3 28. Once submitted, ADHS processes all applications for changes to the sex listed
4 on an individual’s birth certificate under the same “desk procedure,” which is “the actual
5 process that [ADHS] follows” and “applies to any requests to change a sex marker on a
6 birth certificate.” Ex. 5 (77:11–78:13; 115:8–118:8); *see also* Ex. 11.

7 29. While the vast majority of non-transgender people born in Arizona will never
8 need to change their sex markers on their birth certificates, Arizona law permits them to
9 apply for a “correction” to their sex marker if it reflects a typographical error. *See* Ex. 5
10 (66:17–67:9); Ex. 9; Ex. 10.

11 30. ADHS provides a private administrative process for applicants seeking a
12 “correction” that involves submitting a confidential request directly either to ADHS or the
13 applicant’s county vital records office. *See* Ex. 5 (80:11–81:2); Ex. 9; Ex. 10.

14 31. If such a request is made within 90 days of birth, ADHS does not require the
15 applicant to provide an evidentiary document attesting to their correct sex. *See* Exhibit 5
16 (73:6–16); Ex. 9 at 5–6; Ex. 10 at 5–6.

17 32. If such a request is made after 90 days of birth, the applicant must provide a
18 medical record or a physician’s letter that attests to their sex. *See* Ex. 5 (73:17–18); Ex. 9 at
19 6–7; Ex. 10 at 6–7.

20 33. If ADHS grants the requested “correction,” it seals the record. *See* Ex. 5
21 (80:11–81:2).

22 34. Transgender individuals born in Arizona are not permitted to “correct” the
23 sex listed on their birth certificates through this process. *See* Ex. 5 (76:7–13).

24 35. Transgender individuals born in Arizona seeking to apply to ADHS to change
25 the sex listed on their birth certificate must instead satisfy the Surgical Requirement that

26 ¹ Exhibits 12, 13, and 15 are the versions of the ADHS policies used to depose Krystal
27 Colburn, ADHS’s designated representative, at the deposition of ADHS pursuant to Federal
28 Rule of Civil Procedure 30(b)(6). Defendant later produced updated versions of those
policies, filed as Exhibits 14 and 16, which are substantively the same as Exhibits 12, 13,
and 15 with respect to the issues for which they are cited.

1 governs applications for “amendments” under A.R.S. § 36-337(A)(3) (“Subsection
2 (A)(3)”). *See* Ex. 5 (89:3–10); Ex. 11 at 2; Ex. 12 at 14–15; Arizona Revised Statutes
3 Section 36-337(A)(3), attached as Exhibit 17 to the Proksel Decl.

4 36. Under Subsection (A)(3) and its implementing regulation, A.A.C. § R9-19-
5 208(O), transgender individuals born in Arizona who have had a surgical operation may
6 submit a confidential application directly to ADHS (but not their county vital records office)
7 and a letter from a physician attesting that they have undergone a “sex change operation.”
8 *See* Ex. 5 (83:6–84:21, 89:3–95:7, 100:16–104:7); Ex. 12 at 14–15; Ex. 17; Arizona
9 Administrative Code Section R9-19-208(O), attached as Exhibit 18 to the Proksel Decl.

10 37. If ADHS determines the application is complete, it is mandated to grant the
11 “amendment.” *See* Ex. 5 (83:6–85:12); Ex. 17.

12 38. This private administrative process does not create a public record and, if
13 ADHS grants the amendment, the documents are sealed, making them inaccessible absent
14 a court order. *See* Ex. 5 (118:9–20).

15 39. Transgender individuals born in Arizona who have not had surgery, including
16 those younger than 18 years of age, may not obtain an amendment using this private
17 administrative process. *See* Ex. 5 (148:14–24, 150:17–151:24); Ex. 11 at 2; Ex. 12 at 14–
18 15; Ex. 17.

19 40. Neither Arizona law nor ADHS policy define the term “sex change
20 operation.” *See* Ex. 5 (88:15–21, 91:3–6, 94:8–14); Ex. 17; Arizona Revised Statutes
21 Section 36-301, attached as Exhibit 19 to the Proksel Decl.; Defendant’s Responses to
22 Plaintiffs’ First Set of Requests for Production, at 9, attached as Exhibit 20 to the Proksel
23 Decl.

24 41. When determining whether to grant an amendment requested by a transgender
25 individual born in Arizona, ADHS assesses whether the physician’s letter contains language
26 that “matches” Subsection (A)(3) or otherwise “indicate[s] a sex change operation.” *See* Ex.
27 5 (84:10–16, 130:11–131:11, 148:11–150:24, 154:18–155:9, 164:3–8).

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1 42. To make that assessment, ADHS may seek advice from its “administrative
2 counsel,” but does not consult with medical professionals, medical organizations, or
3 transgender people. *See* Ex. 5 (142:5–25, 150:3–15).

4 43. As a result, ADHS has denied applications filed with physician’s letters that
5 attest that an applicant is receiving “appropriate clinical treatment for transition to
6 male/female” or is “irrevocably committed to the gender change process” because ADHS
7 determined that these letters do not satisfy the Surgical Requirement. *See* Ex. 5 (150:17–
8 24; 163:17–23); ADHS “Gender Transition Approval/Denials” email from ADHS
9 employee, at 2, attached as Exhibit 21 to the Proksel Decl.

10 44. Individuals born in Arizona can also petition a court for changes to their birth
11 certificate under A.R.S. § 36-337(A)(4) (“Subsection (A)(4)”). *See* Ex. 15 at 1; Ex. 16 at 1;
12 Ex. 17.

13 45. Subsection (A)(4)’s court-order process is not specifically designed for
14 transgender people seeking to correct their birth certificates; instead, it is a general provision
15 that authorizes Arizona courts to order ADHS to change *any* information on a birth
16 certificate. *See* Ex. 5 (177:5–178:3); Ex. 17; Arizona Department of Health Services’
17 Objection to Order to Amend Applicant’s Registered Birth Certificate at 3–4, attached as
18 Exhibit 22 to the Proksel Decl.

19 46. To comply with Subsection (A)(4), transgender applicants seeking to change
20 the sex listed on their birth certificate must prepare a court petition, pay a fee, file it with
21 the court, and are often required to appear in person in open court, thereby publicly
22 disclosing their transgender status. If they wish their case to be confidential, they must
23 prepare and file a separate motion to seal the documents, which a court is not obligated to
24 grant. *See* Ex. 4 (57:14–17); Ex. 6 (83:19–84:6, 87:7–101:9); Ex. 7 (93:20–105:14); Petition
25 For Change of Name of a Minor And an Order Correcting Documents, attached as Exhibit
26 24 to the Proksel Decl.; Petition For Change of Name of a Minor And an Order Correcting
27 Documents, attached as Exhibit 25 to the Proksel Decl.

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1 47. For transgender people, invasions of privacy of this nature exacerbate gender
2 dysphoria and lead to an erosion of coping mechanisms. Such experiences can precipitate
3 the onset of major psychiatric disorders, including, but not limited to, posttraumatic stress
4 disorder, major depressive disorder, and even suicidality. *See* Ex. 1 ¶ 37.

5 48. In order to navigate the requirements of Subsection (A)(4), many applicants
6 hire attorneys, adding further cost and burden. *See* Ex. 6 (87:17–24); Ex. 7 (97:3–9, 109:4–
7 21).

8 49. These burdens are compounded for transgender individuals born in Arizona
9 who live in other states, who may be legally or practically unable to file a petition in Arizona
10 state court. *See* transcript of the deposition of Rachel Voe, taken on November 10, 2023
11 (102:3–111:13), attached as Exhibit 26 to the Proksel Decl.

12 50. Unlike the “correction” and “amendment” process under Subsection (A)(3),
13 Subsection (A)(4) does not contain specific standards for when a court may or must grant a
14 petition. *See* Ex. 5 (168:14–169:5); Ex. 17.

15 51. In practice, when a transgender person seeks to petition a court under
16 Subsection (A)(4) to obtain a corrected sex marker, Arizona courts have imposed the same
17 Surgical Requirement as in Subsection (A)(3), based in part on ADHS’s prior publicly-
18 stated position that Arizona courts lack the authority under Subsection (A)(4) to issue orders
19 amending the sex listed on an Arizona birth certificate. *See* Ex. 6 (83:19–84:6, 94:4–96:16);
20 Ex. 22 at 3–5 (arguing that, “[a]bsent specific authority, the Court lacks original jurisdiction
21 to amend or correct birth certificates” and “where this specific authority does exist, the
22 courts are limited in the changes they are able to order to birth [] certificates”); Maricopa
23 County form titled “Amend/Correct Birth Certificate for a Minor” at 1, attached as Exhibit
24 27 to the Proksel Decl. (instructing individuals that they “may use these forms” to petition
25 for a court order to correct information on a birth certificate if, among other things, “[t]he
26 Arizona Office of Vital Records was unable to make the correction”).

1 52. Even if a court grants a petition, to obtain an amended birth certificate,
2 applicants must still file the court order with an application to ADHS. *See* Ex. 15 at 1–4;
3 Ex. 16 at 1–6.

4 53. Plaintiffs Helen Roe, James Poe, and Carl Voe (together, the “Named
5 Plaintiffs”) are three transgender people, all younger than age eighteen, who were born in
6 Arizona. *See* Ex. 6 (21:13–18, 22:9–10); Ex. 7 (17:5–9, 18:6–7); Ex. 26 (18:2–8, 20:11–
7 12).

8 54. Named Plaintiffs have been diagnosed with gender dysphoria. *See* Ex. 6,
9 (22:3–8); Ex. 7 (18:1–5); Ex. 26 (20:6–10).

10 55. Each has undergone appropriate, necessary steps to better align their body,
11 appearance, and lived experience with their gender identity. *See* Ex. 6 (26:2–13); Ex. 7
12 (27:8–12); Ex. 26 (25:11–16); Letter from Tanque Verde Pediatrics regarding Plaintiff
13 James Poe, attached as Exhibit 28 to the Proksel Decl.; Letter from El Rio Health regarding
14 Plaintiff Helen Roe, attached as Exhibit 29 to the Proksel Decl.; Letter from Chase Brexton
15 Health Care regarding Plaintiff Carl Voe, attached as Exhibit 30 to the Proksel Decl.

16 56. Due to their age, they are not permitted under Arizona law to undergo surgery
17 to treat their gender dysphoria. *See* A.R.S. § 32–3230(A) (“A physician may not provide
18 irreversible gender reassignment surgery to any individual who is under eighteen years of
19 age.”); Ex. 6 (82:6–13); Ex. 2 ¶ 38.

20 57. They may never need surgery to alleviate their gender dysphoria. *See* Ex. 1,
21 ¶¶ 52–53; Ex. 2 ¶¶ 32–35; 39–40.

22 58. Named Plaintiffs’ birth certificates are inaccurate because they list a sex
23 different than their gender identities. Every time Named Plaintiffs attempt to use their birth
24 certificates, they risk disclosing private medical information and intensely personal aspects
25 of their identities. They are thus faced with an impossible choice: risk disclosure to
26 participate in normal childhood activities—from in-person schooling to recreational
27 sports—or forgo participation altogether. Either outcome negatively affects their overall
28 health, development, and well-being and limits their interest and ability to engage in those

1 everyday activities. *See* Ex. 6 (57:22–58:6, 69:18–71:9); Ex. 7 (53:15–22, 88:12–21); Ex.
2 26 (39:20–42:24, 46:20–47:10, 80:20–83:6); Ex. 1 ¶¶ 14, 44, 59; Ex. 2 ¶ 45; Ex. 4, (93:4–
3 10, 98:9–100:13, 101:17–23, 103:4–104:4).

4 59. Named Plaintiffs wish to change the sex markers on their Arizona birth
5 certificates to accurately reflect their gender identity. *See* Ex. 6 (79:23–80:2); Ex. 7, (87:21–
6 88:4, 95:9–14); Ex. 26 (88:14–21); Ex. 24; Ex. 25.

7 60. Plaintiffs Helen Roe and James Poe, through their parents, attempted to
8 petition for a court order under Subsection (A)(4), but the state court judges denied both
9 petitions because they found that the Surgical Requirement would also apply under
10 Subsection (A)(4). *See* Ex. 6 (83:24–84:6, 94:13–19); Ex. 7 (93:20–24); Ex. 24; Ex. 25.

11 61. Plaintiff Carl Voe’s mother did not file a petition for a court order because
12 she understood it would be denied without proof of a “sex change operation.” *See* Ex. 26
13 (97:8–21, 101:4–7).

14 62. Defendant would not have accepted Plaintiffs’ applications, and would not
15 have amended the sex listed on their birth certificates, under Subsection (A)(3) because
16 Plaintiffs are transgender people who have not undergone surgery. *See* Ex. 5 (128:13–131:6,
17 148:14–24, 150:17–151:24, 155:12–20, 163:17–164:2); Ex. 12 at 14–15; Ex. 21 at 2; Ex.
18 28; Ex. 29; Ex. 30.

19 63. In contrast, non-transgender people—the vast majority of whom ADHS has
20 provided accurate birth certificates pursuant to Arizona law—either will never need to
21 change their sex markers or, if they do, are entitled to apply for a “correction” through a
22 private administrative process with no more than a physician’s letter attesting to their birth-
23 assigned sex. *See* Ex. 5 (71:2–12, 75:3–76:13, 100:11–14, 125:6–25); Ex. 9; Ex. 10; Ex. 11.

24 64. Several federal agencies have implicitly recognized that the Surgical
25 Requirement is not necessary to ensure that identity documents are truthful, correct, and
26 complete. For example, the U.S. Department of State (for U.S. passports), the Social
27 Security Administration (for social security cards), and the U.S. Citizenship and
28 Immigration Services (for permanent resident cards) do not require proof of surgery for

1 transgender people to change the sex marker on these identity documents, instead allowing
2 applicants to self-attest to their sex. *See* U.S. Department of State Passport “Selecting Your
3 Gender Marker,” attached as Exhibit 31 to the Proksel Decl.; U.S. Social Security
4 Administration “How do I change the sex identification on my Social Security record?”
5 attached as Exhibit 32 to the Proksel Decl.; U.S. Citizenship and Immigration Services
6 “USCIS Policy Guidance on Self-Selecting a Gender Marker on Forms and Documents,”
7 attached as Exhibit 33 to the Proksel Decl.

8 65. The same is true of the Arizona Department of Transportation (“ADOT”)—
9 the Arizona agency that issues driver’s licenses. Subsection G of ADOT’s *Customer*
10 *Records Policy* 4.1.1 also provides that “[i]t is **not** necessary for the customer to have
11 completed the surgical gender-change procedure” for that customer to “request that the
12 gender noted on the record be changed.” ADOT Customer Records Policy 4.1.1(G) at 2
13 (emphasis in original), attached as Exhibit 34 to the Proksel Decl.; ADOT’s Responses to
14 Plaintiffs’ First Set of Special Interrogatories at 2–3, attached as Exhibit 35 to the Proksel
15 Decl.

16 66. Transgender people born in Arizona face unjustifiable hurdles to obtain
17 accurate birth certificates, forcing them to endure the constant risk of exposure, rejection,
18 discrimination, and bodily harm. *See* Ex. 1 ¶ 15; Ex. 4 (93:4–94:1); Ex. 6 (50:19–51:19,
19 69:18–70:15, 71:8–72:2); Ex. 7 (32:25–33:3, 53:15–22, 88:12–21); Ex. 26 (26:21–29:10,
20 76:16–20, 77:5–11, 97:12–21).

21 67. After one’s transgender status is disclosed to a third party through an identity
22 document discordant with one’s gender identity, there are no safeguards to prevent that third
23 party from disclosing that information to others, thus further exacerbating the risk of
24 exposure, rejection, discrimination, and physical harm. *See* Ex. 1 ¶ 59; Ex. 2 ¶ 45; Ex. 4,
25 (98:13–99:5, 99:13–100:13, 101:17–23, 103:4–104:4); Ex. 6 (29:16–19, 71:8–72:2, 101:2–
26 6); Ex. 7 (88:14–21); Ex. 26 (33:13–18, 77:5–11, 97:12–21).

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Dated: November 17, 2023

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