

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
No. 3:22-cv-191

KANAUTICA ZAYRE-BROWN,

Plaintiff,

v.

NORTH CAROLINA DEPARTMENT OF  
ADULT CORRECTION, et al.,

Defendants.

**JOINT STIPULATION FOR  
PROCEDURE FOR FEBRUARY 20,  
2024, EVIDENTIARY PROCEDURE**

Pursuant to the Court's directive, (*see* DE-92 at 15), the parties jointly present and stipulate to the following procedure for presenting evidence at the evidentiary hearing set to occur on February 20, 2024:

1. The parties agree that the presentation of evidence at the February 20, 2024, hearing will be limited solely to addressing these two issues identified by the Court:

- (a) Whether gender-affirming surgery is medically necessary for Ms. Zayre-Brown according to the WPATH Standards of Care; and
- (b) Whether the EMTO policy, specifically the DTARC and Dr. Campbell's role therein, amounts to a de facto ban on gender-affirming surgery for GD patients.

2. The parties further agree that neither party is waiving other factual or legal arguments or contentions that are not addressed at the February 20, 2024, evidentiary hearing.

3. The parties agree to split the time allotted for this hearing in half, with the time running while each party is questioning a witness (whether on direct or cross) and presenting arguments.

4. With respect to the time allotted for this hearing, Plaintiff's position is as follows: "Plaintiff respectfully requests a minimum of 3 hours for this hearing and would welcome more time at the Court's discretion."

5. With respect to the time allotted for this hearing, Defendants defer to the Court.

6. Either party may use up to 10 minutes for summation at the conclusion of hearing if they elect to do so and have time remaining.

7. Plaintiff will present testimony from Randi C. Ettner, Ph.D., followed by cross-examination and redirect.

8. Defendants will present three witnesses, Lewis Jon Peiper, Ph.D., Arthur Campell, M.D., and Brian Sheitman, M.D., followed by cross-examination and redirect.

9. Either party may introduce exhibits while examining a witness, whether on direct or cross examination.

10. Witnesses may address either or both issues identified by the Court.

11. The parties agree to exchange exhibits before the February 20, 2024, hearing.

12. The parties also agree to stipulate to the admissibility of such exhibits in advance, where possible, so as to streamline the presentation of testimony during the February 20, 2024, hearing.

This the 13th day of February 2024.

**JOSHUA H. STEIN**  
**Attorney General**

/s/ Orlando L. Rodriguez  
Orlando L. Rodriguez  
Special Deputy Attorney General  
NC Bar No. 43167  
[orodriguez@ncdoj.gov](mailto:orodriguez@ncdoj.gov)

Stephanie A. Brennan

Special Deputy Attorney General  
NC Bar No. 35955  
[sbrennan@ncdoj.gov](mailto:sbrennan@ncdoj.gov)

NC Department of Justice  
PO Box 629  
Raleigh, NC 27602-0629  
(919)716-6900  
*Attorneys for Defendants*

/s/ Jaclyn A. Maffetore  
Jaclyn A. Maffetore  
NC Bar No. 50849  
Daniel K. Siegel  
NC Bar No. 46397  
Michele Delgado  
NC Bar No. 50661  
ACLU OF NORTH CAROLINA  
LEGAL FOUNDATION  
P.O. Box 28004  
Raleigh, NC 27611-8004  
Tel: (919) 354-5070  
Fax: (919) 869-2075  
[jmaffetore@acluofnc.org](mailto:jmaffetore@acluofnc.org)  
[dsiegel@acluofnc.org](mailto:dsiegel@acluofnc.org)  
[mdelgado@acluofnc.org](mailto:mdelgado@acluofnc.org)

Christopher A. Brook  
NC Bar No. 33838  
PATTERSON HARKAVY LLP  
100 Europa Drive, Suite 420  
Chapel Hill, NC 27517  
Tel: (919) 942-5200  
Fax: (866) 397-8671  
[cbrook@pathlaw.com](mailto:cbrook@pathlaw.com)

Jon W. Davidson\*  
(admitted only in California)  
Li Nowlin-Sohl\*  
(admitted only in Washington)  
AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
125 Broad Street, 18th Floor  
New York, NY 10004-2400  
Tel: (212) 519-7887  
Fax: (212) 549-2650  
[jondavidson@aclu.org](mailto:jondavidson@aclu.org)  
[lnowlin-sohl@aclu.org](mailto:lnowlin-sohl@aclu.org)

\*admitted pro hac vice

*Attorneys for Plaintiff*