IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS
CIVIL COURT DEPARTMENT

DANIEL DOE, et al
Plaintiff,
vs.) Case No. 2026-CV-112
STATE OF KANSAS, ex rel KRIS KOBACH, et al
Defendant.

TRANSCRIPT OF TEMPORARY INJUNCTION
VOLUME I

BE IT REMEMBERED that on the 29th day of September, 2026, the above-entitled matter comes on for hearing before the Honorable JAMES McCABRIA, Judge of Division No. 4 of the Seventh Judicial District of the State of Kansas, at Lawrence, Kansas.

APPEARANCES

For the Plaintiff: Mr. Harper Seldin
Ms. Heather St. Clair
Mr. Doug Dalgleish
Ms. Jocelyn Sitton
1201 Walnut Street
Kansas City, Missouri 64106

For the Defendant: Mr. Kris Kobach
Mr. James Rodriguez
Mr. Dwight Carswell
120 SW 10th Avenue
Topeka, Kansas 66612

Ms. Erin Gust
Mr. Andrew Nussbaum
Mr. James Compton
First & Fourteenth PLLC
2 N. Cascade Ave., Suite 1430
Colorado Springs, CO 80903

Mr. Ted Smith
109 SW 9th Street
Topeka, KS 66601

Mr. Jordan Brewer
Ms. Lynette Bakker
1000 SW Jackson Street
Topeka, Kansas 66612

Reported by Nina Copeland Official Reporter, CCR

THE COURT: Our case number is 26-CV-112, Daniel Doe and others v. State of Kansas, ex rel: Kris Kobach and others. Please state the appearances.

MR. SELDIN: Good morning, Your Honor, Harpen Seldin for the plaintiffs.

MS. SITTON: Good morning, Your Honor, Jocelyn Sitton for plaintiffs.

MS. ST. CLAIR: Good morning, Your Honor, Heather St. Clair for plaintiffs.

MR. DALGLEISH: Doug Dalgleish for plaintiffs.

MR. KOBACH: Your Honor, Kris Kobach for defendants, State.

MR. RODRIGUEZ: James Rodriguez for the State.

MR. NUSSBAUM: Good morning, Your Honor, Andrew Nussbaum for the State.

MS. GUST: Good morning, Your Honor, Erin Gust for the State.

MR. COMPTON: James Compton for the State.

MR. CARSWELL: Dwight Carswell for the State.

MR. BREWER: Good morning, Your

Honor, Jordan Brewer for defendant, Department of Administration and Secretary Adam Proffitt.

MS. BAKKER: Good morning, Your Honor, Lynette Bakker for Kansas Department of Administration and Secretary Adam Proffitt.

THE COURT: Thank you. We are scheduled for evidence on a request for temporary injunction this morning. A couple of things I want to discuss, schedule. I plan to go roughly till noon, take a 75 to 90-minute lunch break, resume for the afternoon.

I do have a 2:00 o'clock probate docket that has four short matters on it. I will recess. Those four cases shouldn't take more than 15 minutes. And we will work in another afternoon break.

Does anybody have any particular needs with respect to the schedule this morning?

MR. SELDIN: No, Your Honor.

THE COURT: I don't hear anything.

Okay, I had mentioned to counsel who were present earlier this morning, we had previously discussed whether there would be any access to these proceedings outside of the courtroom. The Court did receive a couple of different requests from press

outlets. We'd also discussed whether there were, if there were reasons to have a live-stream, and if so, how we would manage that in light of the Court having granted of the parties, plaintiffs to proceed under pseudonym, in the interest of simplification.

It occurred to the Court that the simplest way to handle that would be to provide an audio only live-stream. And at the present time, that live-stream is available only to the press outlets that have requested it.

If other press outlets make a request, they will be permitted to have access to that, but it is a Zoom webinar where they can't participate, can only observe. And the only observation they will make, will be audio.

If we determine that there is a more public demand than the courtroom can handle, we can certainly reconsider whether to expand access to that Zoom.

Any concerns by plaintiffs for that, proceeding that way?

MR. SELDIN: Your Honor, would it be possible for plaintiffs ourselves to have a link to the webinar as well, or other counsel in this matter? If that is too complicated, then we are

fine.

THE COURT: Let me ponder that. Do defendants have any concern?

MR. KOBACH: We have no concern. If the Court would offer, we'd want the same thing, too.

THE COURT: Ms. Baker, are you hearing this Zoom as well?

MS. BAKER: Yes, Judge, I am.

THE COURT: If any attorney of record who wants to e-mail Ms. Baker for the Zoom link, she will provide it to them.

Okay. There was a motion to dismiss, I don't see that as part of what we're taking up in these proceedings today, I just want to make sure that the parties agree that it's been filed and responded to, but it's not really pending in any sort of active way with the Court right now.

Does the State agree with that? Or was there an intent to argue that October 7th?

MR. KOBACH: Again, Your Honor, we thought the hearing on the 7th could be used for both purposes, since it's essentially an identical legal question.

THE COURT: What I would say is, it

doesn't appear to require evidence. Argument only.

Plaintiff, I don't know if you were anticipating that.

MR. SELDIN: Your Honor, we believe there is some overlap between the motions with respect to likelihood of success on the merits, so our understanding was that the legal issues for temporary injunction motion would be argued next week, if we want to split that with the motion to dismiss, that seems efficient.

THE COURT: We will plan on that.

I guess along those lines, the challenge raised by plaintiffs to the single subject clear title rule, are we anticipating evidence on that issue as part of the next four days? Or is that a textual analysis, legal argument only?

MR. SELDIN: Your Honor, we believe there's a paper record that is attached to the temporary, the renewed motion for temporary injunction.

So there won't be live evidence with respect to that issue, but there's, for example, an attorney affidavit that attaches things like, the legislator record, and other items that we believe are appropriate for additional notice. So that

would be the source of the factual record for the single subject title.

THE COURT: Does the State have any different view?

MR. KOBACH: No, we agree. That's fine.

THE COURT: Sorry, Counsel, if your microphones are red, can you press them till they're green, that will help the court reporter and me here.

Last thing, I want to make what's at issue as we go through evidence and what is not. In reading plaintiff's motion and memoranda, it seemed that there were some indications that, for example, with respect to the private places, the challenges to the restroom and not to certain other locations, and I want to make sure I'm reading correctly and understanding correctly, especially as it may relate to any evidence.

MR. SELDIN: Yes, Your Honor, for purposes of the temporary injunction motion, that challenges solely to the issue of first driver's licenses, but not birth certificate, but then second only to restrooms in public buildings, not to locker rooms, or changing rooms or showers.

THE COURT: And repeated with respect to the driver's licenses, you said first only?

MR. SELDIN: Driver's licenses, not birth certificates.

THE COURT: Not birth certificates. Okay. Thank you for that clarification.

Unless counsel has any other preliminary matters, I'm ready to proceed to evidence, but I didn't know if either side wanted any opportunity to make any opening statement?

MR. SELDIN: Your Honor, just two small housekeeping matters and I have a very brief opening statement.

The Court should have been provided with, I believe, binders of exhibits from plaintiffs. We also have one on the witness stand. I just want to make sure that that was appropriate that you received that.

THE COURT: I have plaintiffs' exhibits, plaintiffs' supplemental exhibits, and two binders of defendant's deposition transcripts.

MR. SELDIN: Yes, Your Honor, that should be the whole package.

THE COURT: And those were delivered yesterday, and we placed all copies on all counsel.

MR. NUSSBAUM: Your Honor, can we bring our exhibits to the Court right now?

THE COURT: Yes. I assume plaintiffs already have copies?

MR. NUSSBAUM: Yes, Your Honor. They are in three volumes.

MR. SELDIN: Two more brief items, Your Honor.

With respect to time keeping, the parties have agreed to essentially a chess clock, so cross comes out of your own time. We have counsel on our side who will be keeping time, start, stop and elapsed time, we will share that with the Court and opposing counsel at breaks and then lunch and at the end of the day.

THE COURT: I'm fine with that.

MR. KOBACH: Yeah, we agree with that.

MR. SELDIN: Your Honor, we just ask permission for our expert witnesses to remain in the gallery during the factual presentation.

MR. KOBACH: We don't object, Your Honor.

THE COURT: Seems appropriate to the Court. So I will allow that.

MR. SELDIN: That's it for housekeeping, Your Honor.

THE COURT: State, any issues?

MR. NUSSBAUM: My only question, Your Honor, our expert witnesses are coming in later this week, would it be fine with the Court, as long as we're allowing expert witnesses to hear the factual presentation to have access to the link, so they can listen?

THE COURT: I don't have any concerns with that. Counsel?

MR. SELDIN: No concern, Your Honor.

THE COURT: So they should e-mail Ms. Baker, and she can provide that link as well.

Mr. Seldin, you can proceed.

MR. SELDIN: Thank you, Your Honor, and good morning. We are here this week for an evidentiary hearing on plaintiffs' renewed temporary injunction motion. We are grateful for the Court's time and attention to this matter since it was first filed earlier this year.

The purpose of this week is to be supplemental to the paper record that Your Honor already has in front of you, attached to the briefings and so we hope that this additional

presentation of evidence will be helpful because in this case, the facts matter, and the facts matter for two specific reasons.

The first reason that the facts matter in this case is because of the harm that plaintiffs have been suffering since SB 244 went into effect, and the nature of that harm is both personally and professionally devastating and irreparable.

Second, the reason that facts matter is because the provisions of SB 244, with respect to driver's licenses and restrooms in public buildings, fail any level of constitutional scrutiny. Why is that? Because the law isn't irrational. The law, with respect to driver's license and restrooms creates the very harms that the State argues the law is meant to remedy.

This week, you will hear from the plaintiffs themselves. The plaintiffs are Nicholas Noe, a transgender man, an EMT student. Kyle Koe, a husband and state employee and a multigenerational Kansan. Daniel Doe who works here in Lawrence. Dakota West, and as well as Dakota West, an intersex woman who has been forced to flee Kansas, now that she no longer recognizes her home or feels safe.

These -- Matthew Moe will testify by affidavit and deposition only. Plaintiffs will share their stories being outed, meaning having their transgender or their intersex status revealed against their will, in their everyday lives because they have to use their driver's licenses.

You will also hear about not just the trouble, but the humiliation that they have faced at work, and at higher education, and in their daily lives, because they are excluded from restrooms that prior to SB 244, they had been using unremarkably and without incident for years.

Through the stories of the plaintiffs, you will also hear the stories of other people in Kansas, who have shown these plaintiffs incredible kindness and grace, even though their government has singled them out uniquely for degradation and humiliation.

In addition to the plaintiffs themselves, you'll hear from experts. The reason that the experts matter in this case is because plaintiffs' experiences are not anomalous, these outcomes are predictable and to be expected in light of their exclusion from public restrooms, and in light of their inability to hold driver's licenses that

identify them based on their gender identity, based on the way that they present, live, and are understood in their workplaces, in their neighborhoods and in their homes and families.

The experts that you will hear from, we anticipate beginning tomorrow with Dr. Angela Turpin, who is an endocrinologist here in Kansas. She will explain what it means for a transgender and intersex people to transition, to live their life in accordance with gender identity.

She'll explain a little bit of the science of gender identity and sex, and how people, when they are allowed to live authentically as themselves, can become successful members of society and achieve all of their personal and professional milestones that we want for everyone in our communities. And then how restrictions like SB 244 thwart people like plaintiffs and Kansans across the State.

You will also hear from Dr. Ayden Scheim, and epidemiologist, who will explain how laws and policies, like SB 244, so laws that prevent people from holding driver's licenses that match their gender identity, prevent them from using restrooms that match their gender identity, how that

negatively affects people at the population level. And again, to demonstrate that plaintiffs' experiences are not anomalous, but are, in fact, to be expected based on these kinds of restrictions.

And finally, you will hear from Dr. Cynthia Calkins, a forensic psychologist, whose area of study is where sex crimes happen and public policy to reduce the number of sex crimes in our society. She will explain how SB 244 is not a law that will accomplish that goal.

In contrast to that evidence, it's easier to say from the State what you won't hear. You won't hear evidence of transgender people harming other people in public restrooms. You won't hear evidence that justifies excluding transgender or intersex people from restrooms, because of safety or privacy interests. You won't hear evidence that law enforcement officers are impeded when gender identity appears on a license.

In fact, you won't hear about a single instance where a law enforcement officer wasn't able to identify, investigate, arrest, or detain someone because their driver's license reflected their gender identity instead of their sex assigned at birth.

And you also won't hear any evidence that doctors can't do their jobs, unless sex assigned at birth is required to be on licenses, meaning it will forcibly out transgender and intersex people against their will.

Again, we look forward to addressing the law next week in the additional time, but this week is about what is happening in Kansas, and what will continue to happen in Kansas if SB 244's provision with respect to driver's licenses and restrooms is not enjoined.

THE COURT: Thank you. General Kobach?

MR. KOBACH: Thank you, Your Honor. May it please the Court. This case is about a law that does two very ordinary things challenged on the basis of novel rights that do not exist.

As you know, SB 244 requires a Kansas driver's license to record the owner's biological sex and requires that locker rooms and bathrooms in public buildings be designated for one sex. These are not new ideas. These have been the case for as long as the State of Kansas has existed.

What's novel is the challenge against it. Plaintiffs are asking this Court to invent four

new constitutional rights and apply the single subject doctrine in a way that it's never been applied before. I won't go deeply into the law today, cause we'll save that for the argument next week. But the bottom line is, each of these constitutional things is tenuous at best.

Of course, you are about to hear four days of evidence, some of it does matter. You will hear from law enforcement officials and physicians about why an unchanging sex marker is essential for accurate identification. You will hear from Kansas women and parents about how sex separated spaces on the basis of biological sex making using the restroom more private and more safe. And you'll hear that plaintiffs' own experts can't agree on what sex is, what transgender means or who this injunction would cover exactly.

But the facts are, again, not where this motion is going to be decided at the end of the day, it will be on the law. I will reiterate one important point, and that is that this is a facial challenge. And as the Court recognized in its order on the TRO motion, the facial challenge is the most difficult hurdle to surpass in court. Indeed, it will become clear that multiple instances, multiple

scenarios exist where the law can operate on a perfectly constitutional manner, even assuming arguendo, that these constitutional rights do exist and have a valid foundation in Kansas law.

And that ultimately is going, probably going to be the thing that makes the plaintiffs' challenge impossible. So we will be presenting this evidence, not as a referendum or as a policy judgment on whether the Kansas legislature enacted wise policy of SB 244, that of course is the Legislature's call.

The question is, can they make a constitutional claim, a valid constitutional claim that will show that they cannot. But the -- talk a little bit more about the legal challenge, and to the extent that they would effect the lens with which the Court views the factual claims.

So of course, we have the five factors of the preliminary injunction or temporary injunction. And those are, to remind the Court, a substantial likelihood of success on the merits, reasonable probability of irreparable injury, no adequate legal remedy, balance of harms in favor of plaintiffs, and no harm to the public interest. Of course, they must approve all five in order to win.

Again, because it is a facial challenge, they must, in terms of prevailing on the merits, show that they would prevail in every imaginable circumstance, not just in the case of five, or the six people who filed this suit.

As the Supreme Court has stated, it is the most, quote, "the most difficult challenge to mount successfully" in State v. De Jonge at page 927.

The Supreme Court of the United States has said, a law that quote "might operate unconstitutionally under some conceivable set of circumstances, is not wholly invalid" and that's in the Solerno case on page 745.

The rights, I won't dwell on them, the rights that they are asserting, I won't dwell on them, other than to briefly mention each one. The personal autonomy right, as the Court self-noted in it's TRO order, the Hodes(ph) Court expressly limited it to the context of abortion. The information on privacy right is something that no Kansas court has ever recognized. The free-speech right is attempting to mold free-speech doctrine into government speech. The driver's license is the government speaking, just like Court's have held that a license plate is the government speaking.

Equal protection, of course, the Rivera case of the Kansas Supreme Courts, that the Kansas courts must follow. US Supreme Court upholdings and equal protection. And as this Court noted in the TRO order, the Skrmetti and the Trump v. Orr decisions both within the last two years, make it very difficult for plaintiffs to sustain a viable equal protection challenge.

And then the single subject rule, which must be quote "liberally construed" end quote, and we will get to that next week.

Again, this, these are very novel constitutional claims. The Court is being asked to make new law.

Now, what about the rational basis assertion from opposing counsel that there is no rational basis here. Well, when it comes to rational basis, the State doesn't have to prove anything. The State must simply show that it is conceivable that the Legislature had a rational basis.

Evidentiary testimony is not necessary to establish a rational basis, but you'll hear the State prove anyway, and our witnesses will show that the State had not only a rational basis, but an

important state interest in enacting SB 244.

And again, because the challenge is facial, every plaintiff who holds a compliant license without incident, who uses a single occupancy restroom without incident is sufficient to establish that SB 244 operates in a way that would defeat a facial challenge, and four days of testimony aren't going to change this.

So let's quickly run through the witnesses. Here's what the Court will hear from witnesses this week. From the plaintiffs themselves, the Court will hear about inconvenience, discomfort, but as we already explained, that doesn't allow them, that doesn't enable them to overcome the constitutional challenge because they don't have a valid constitutional claim to use as a hook to obtain victory in this case.

The -- one plaintiff is not appearing T this hearing, that's Matthew Moe, although still claims that SB 244 irreparably harms Moe's constitutional rights. The Court should be reluctant to count the irreparable harm from a plaintiff who does not subject oneself to cross-examination.

A second plaintiff may as well not be

testifying. Dakota West doesn't actually live in Kansas. West lives in Tennessee and will obtain or maybe has already obtained a Tennessee driver's license. Why West hasn't been dropped from this case already isn't clear to us, but certainly West testimony won't be relevant to a temporary injunction.

From the four other plaintiffs, you'll hear a consistent story. You'll hear that despite claim to be deeply private about their transgender status, each of them post frequently about being trans on social media. You will hear that they are inconvenienced by not being able to use the men's restroom, but that none of them has actually suffered any diagnosed health effects from being unable to do so.

And you'll also hear a very confused understanding of what sex and gender means. Despite bringing a suit over Kansas's identification of sex, none of the plaintiffs can agree on what sex is, or how Kansas's definition is wrong.

Plaintiffs' expert won't clear up that confusion. Dr. Calkins will take the stand and tell you that bathrooms aren't a common site of sexual crime, but she'll admit that her data are weak, and

she will say nothing that show letting biological men freely enter the women's restroom is safer than keeping them out.

Dr. Turpin will tell you that really Kansas should allow more than two options on the sex marker on the driver's license, and she will also tell you she doesn't think sex can be defined biologically.

And then Dr. Scheim will testify and tell you that policies in SB 244 are harmful for self-identifying trans people's health. But what Dr. Scheim says here will actually vary different from what Dr. Scheim has said in an actual scientific publication. Dr. Scheim's public research shows there is little to no quality evidence backing up that testimony.

The State's witnesses will paint a different picture, and I will argue, a much clearer picture. They'll explain to you why it's important to have clear identification about who can use intimate spaces, and why having sex on a driver's license matters.

You'll hear from a set of fact witnesses, Jane Doe, Bailey Boe, Sally Soe, and Tim Tanner, who will tell you that Kansas women feel unsafe sharing

restrooms with biological men and Kansas parents are concerned for their daughter's safety when they share restrooms with biological men.

Jane Doe and Bailey Boe will tell the Court about their experience sharing a restroom with a biological man. They'll tell you how it made them feel and why they never want to do it again. This isn't complicated or nuanced testimony. This is a woman, or several women telling the Court that they don't want to use a bathroom or change in a locker room with a biological man.

Sally Soe and Tim Tanner will tell you their concerns for their children. For Kansas parents SB 244 solves a very real problem, it solves the problem that their child attending school, a female child might end up in a locker room or a bathroom with a biological male.

This SB 244 is not about in any way damaging, or I can't remember the phrase that plaintiffs' attorney uses, but heaping abuse upon transgender individuals. It is a very rational way of protecting women in private spaces and giving law enforcement accurate, unchanging information that cannot be switched back and forth at will.

It's also about some emergency medical

situations, which one of our witnesses will talk about as well. And I'll get to that in a minute. We will have for the Court several law enforcement experts. We will show you that it's important to have driver's licenses that display a consistent biological sex marker that cannot be changed over time.

In short, if a person could put whatever marker they wanted on their driver's license for sex, it would increase the risk of offender misidentification, failure to make arrests. It would reduce the usefulness of law enforcement records, and in particular, wanted individuals are at large in society would make arrests in some cases impossible.

Robert Jacobs, acting director of the KBI will explain why consistent, unchanging records are necessary for our law enforcement databases. And Sergeant Ryan Stammer and Sheriff Brian Hill will tell you why an accurate biological sex marker is important on a driver's license in police fieldwork. Without this consistent record, again, failure to arrest is a very real risk.

Dr. James Cantor, one of the world's leading researchers on sex and gender will explain

why SB 244 isn't a transgender issue at all. He will tell you what transgender used to mean, what it means now, and why that difference matters for this court.

Dr. Allison McGregor will explain why having a biological sex marker on a driver's license is helpful for physicians in the state of Kansas, especially in the emergency room or an EMT vehicle. Having a consistent source for identifying a person's biological sex is important where biological sex can change the medical dosage, the symptoms, presentation and lab results. So the State has multiple important interests in this case.

In conclusion, there was one thing that I think the facts will show that I mentioned already, that the plaintiffs will not be able to establish exactly who this injunction they seek is for. They ask the Court to excuse transgender individuals from SB 244 with this injunction motion, but over four days, you will not hear a definition of that term that the Court could apply or a building administrator could enforce.

You'll also hear that being transgender does not require a diagnosis of gender dysphoria. Dr. Cantor will tell you that and plaintiffs' own

experts won't dispute it, nor does it require any particular identity.

Plaintiffs' expert, Dr. Angela Turpin, will tell you she believes many people are quote, end quote "non-binary" or gender fluid, where their gender identity is neither male or female, and that it can change. She'll tell you that an M or an F can't capture it. People never explain which restroom those people are under, must use under the rule they're asking or whether the answer changes from one day to another day.

The plaintiffs themselves will illustrate this problem. And then they'll tell you that identifying as a trans man is different from identifying as a male. Another couldn't define the word "sex" and will be testifying whether he is male depends on context.

These are the people asking the Court to replace a set biological standard with their own standard. This isn't a rhetorical point, it goes to the merits of the relief they are seeking. Facial injunction for a class no one can define is not an injunction any Court can administer. And a category that exists only by self-declaration cannot be the basis for a constitutional right that the Courts in

Kansas have never recognized.

So strip away the labels and look at what plaintiffs are actually asking for. The rule plaintiffs want is this: Anyone who says he feels like a woman may enter the women's restroom, and no one may stop him or her. That's the rule without SB 244. The Legislature was entitled to say no to that rule.

The best interpretation of the evidence is that SB 244 furthers the obvious State interests, those interests are rational, and that a reliable, unchanging identification for law enforcement is important for effective law enforcement and for public safety.

But even if the Court were to read the evidence in the light most favorable to plaintiffs, it will, at most, find a disagreement among experts, and that doesn't help plaintiffs, that decides the case for the State.

The reason for that is the Supreme Court has given, quote, state and federal legislature wide discretion to pass legislation in areas where there is medical and scientific uncertainty. And that's from Gonzales v. Carhart, US Supreme Court opinion on page 163. Whenever the scientific evidence is

contested, the Legislature's choice among reasonable views is not one that the Court may second-guess.

And of course, the Supreme Court applied that same principle in Skrmetti, which I won't go into right now.

This is exactly the sort of area where the judiciary should step back and let the law stand. It's up to the Legislature, not the courts, to make decisions in areas of uncertainty if the Legislature has a rational interest in protecting the state's interest here, and in this case, the privacy interests of women using restrooms for biological females.

We will argue that plaintiffs' case fails at every level, and again, none of the factual evidence presented today by plaintiffs will in any way establish a constitutional violation. Thank you, Your Honor.

THE COURT: Thank you.

Mr. Seldin, you can proceed with your evidence.

MR. SELDIN: Thank you, Your Honor.

MS. SITTON: The plaintiffs call Nicholas Noe, Your Honor.

THE COURT: I'm assuming you're

relying on the Zoom connection to let them know or how are we notifying?

MR. SELDIN: We had thought that was happening, Your Honor, but we're fetching him now, Your Honor, I apologize.

THE COURT: That's okay. I didn't want you to hesitate if there were questions.

Here we go.

Nicholas, you are going to testify from right here and before you take a seat, the court reporter will ask you questions.

NICHOLAS NOE, being duly sworn by the court reporter, testified as follows:

DIRECT EXAMINATION

BY MS. SITTON

Q. Can you tell us your name, Mr. Noe?

A. Nicholas Noe.

Q. And is that a pseudonym?

A. Yes.

Q. Are you one of the plaintiffs in this lawsuit?

A. I am.

Q. Where do you live?

A. Olathe, Kansas.

Q. Are you in school?

A. I am.

Q. What are you in school for?

A. I am in school for the emergency medical technician certification.

Q. Mr. Noe, did you file a declaration in this matter?

A. I did.

Q. I believe there's a binder in front of you. Would you mind flipping to tab five of that binder? Let me know when you get there.

A. Yes.

Q. And is that the declaration that you filed?

A. It is.

Q. That's going to be entered as Exhibit 1 into the record. You can close that.

Mr. Noe, how long have you lived in Kansas?

A. My whole life.

Q. And have you always lived in Olathe?

A. As long as I can remember, yes.

Q. Are you affected by SB 244?

A. I am.

Q. And in what way are you affected by SB 244?

A. I'm a transgender man.
Q. What was your sex assigned at birth?
A. Female.
Q. And how do you live your life today?
A. I live my life as a man.
Q. When did you start making that change?
A. About my junior year of high school.
Q. Around what age was that?
A. Sixteen, Seventeen.
Q. Did you take steps to start living as a man?
A. I did. I socially started to transition and then I moved on to hormone replacement therapy.
Q. And what do you mean by, socially started to transition?
A. I went by the name I go by now and I changed my pronouns.
Q. And I believe you mentioned taking medical treatment in alignment with your transition, is that correct?
A. Yes, ma'am.
Q. And what transition was that -- excuse me -- what treatment was that?
A. I started testosterone and I went under gender affirming surgeries.

Q. And when did you start that treatment?
A. I want to say roughly around 2021.
Q. And at some point did you tell people that you were transgender?
A. I did. I told the people that I was closest to.
Q. And when did you do that?
A. Really, right when I came -- when I first cut my hair, I told my mom and things like that and some of my family members, and than just a smaller group of people around me.
Q. At some point, did you start using the men's restroom?
A. I did.
Q. And when did you start using the men's restroom?
A. Shortly, a little bit after I cut my hair. I don't believe I was on hormones or anything at that point.
Q. Prior to transitioning, did you have a driver's license?
A. I did.
Q. At did that driver's license have an F marker on it?
A. Yes.

Q. Did you make any changes to that license at any point?

A. Yes, I changed the gender marker to M.

Q. And when did you do that?

A. I think my senior year, or maybe I was just out of my senior year.

Q. And do you have any other identity documents?

A. I do.

Q. And what are those documents?

A. I have a birth certificate and a passport.

Q. And did you make any other changes to those documents?

A. I changed the gender marker on my passport.

Q. And are there any other plans that you change, or that you plan to change to reflect that you're a man?

A. Eventually, yes.

Q. Okay, what are those plans?

A. Eventually would be my name legally, I've not done that, and the gender marker on my other identifiable documents.

Q. Okay. How old are you now, Mr. Noe?

A. I'm 23.

Q. So for the last six or so years, you've been living and consistently presenting as a man; is that correct?

A. Correct.

Q. Are you open about being transgender?

A. Not currently, no.

Q. How open would you say that you are about being transgender?

A. I'm very, very selective with who I disclose my gender identity to.

THE COURT: Counsel --

MS. SITTON: Excuse me?

THE COURT: I apologize, I'm having a technical issue. I'm going to e-mail IT, so if you can give me just one second.

MS. SITTON: Of course, Your Honor.

THE COURT: Sorry about that, please proceed.

BY MR. SELDIN

Q. Sorry, I'm going to ask you to repeat yourself. How open are you about being transgender?

A. I'm very selective with who I disclose that information to.

Q. Has that always been the case?

A. No.

Q. And what differences did you have in the past?

A. When I was younger, I was a lot less selective with who I decided to let know my gender identity.

Q. Do you have transgender friends in your daily life?

A. I do not.

Q. Where is most of your transgender community?

A. Online.

Q. Okay. So were you posting online about being transgender?

A. Yes.

Q. And how old were you when you were more open on social media?

A. Around 17 to 19.

Q. And can you remind the Court how old you are today?

A. I'm almost 24, 23.

Q. And do you currently post on the Internet about being transgender?

A. No.

Q. Mr. Noe, has SB 244 ever caused you to reveal yourself as transgender to somebody who

didn't already know that you are transgender?

A. It has.

Q. How did that happen?

A. There was an incident with one of my instructors during one of my EMT, EMR classes.

Q. Tell me a little bit more about that day. What were you supposed to be working on in lab?

THE COURT: Can you establish a timeframe?

BY MS. SITTON

Q. Sorry. Around when was this, Mr. Noe?

A. It would be last spring semester.

Q. Okay.

A. That's as close as I can --

THE COURT: Spring of '26? Of this year or last year? Sorry.

A. Of '26, I believe.

BY MS. SITTON

Q. What were you supposed to be working on in lab that day?

A. We were doing physical assessments, so that would be, they were more focused -- we weren't very far along in our class and our basic knowledge and understanding, and so it was mainly for, like, extremities, knees, broken wrist, something like

that.

Q. And were you able to work on that subject matter as planned?

A. We were for the time being, until the incident happened.

Q. So I'd like to take a few steps back. Can you tell me if anything happened the day prior that led to this incident?

A. Yes. So my lecture class on Monday was after the bill had been enacted, and I had asked my home instructors on that Monday if there were any close gender neutral restrooms for me to use.

They told me that they were unsure, but made it clear that I would know by Wednesday -- when the lab incident happened -- that I would be aware of the closest restrooms that I was allowed to use would be.

Q. And did they get you that information?

A. They did that Wednesday, but they did not give it to me in time for me to be able to look at the e-mail until after the incident had happened.

Q. Okay. So please describe the incident. What led you during that lab to feel like you had to disclose you are transgender?

A. I had volunteered to be the patient for a

physical assessment to be done on me, but before we started, the instructor had made, said that he needed to make an announcement, and listed the bill and said something along the line of, there's now a new law that you need to use the bathroom that you were assigned at birth.

If you need any accommodations or if you need to know where the nearest bathrooms are, please let me know now, and asked us in front of the rest of my classmates that were in the room at the time.

Q. And how did the class respond?

A. It was me and two other students. The man to my left said no, the lady to my right said no. At that time, I didn't -- I was unaware of the e-mail that was sent to me, it was sent to me after class had started. And I still did not know where the closest restroom for me to use would be, so I answered, yes.

Q. And after you said that, did anything happen?

A. The room kind of got really awkward. I was trying to read the faces of my classmates who were standing there, and I could see a look of confusion. I don't know if they were taken aback because they would have never guessed that I would

need those accommodations, or if they were shocked or anything like that, but it was a very awkward situation, I would say, for all three of us standing there.

Q. And what did the instructor say to you?

A. I was expecting him to give me directions on where the closest restroom would be, but unfortunately, he didn't know either and he just kind of shrugged it off, and said, well, there's not really any close.

Q. After you said that you needed that accommodation, did you go back to what you were working on previously?

A. Yes. I had been -- like I said, I had volunteered to be the patient and the lady to my right was the person going to do the physical assessment on me, but I was not -- we were not given at that point in time where my physical assessment would be on my body.

Q. And where was that physical assessment?

A. He ordered for her to do a pelvic assessment on me.

Q. Were you previously working on pelvic assessments in that lab?

A. No, ma'am. We had had a slide, like a

quick, it was a slide of a PowerPoint on Monday about it, but even to this day, being further along in my schooling, I still have yet to have done a full pelvic assessment myself on a patient.

Q. Did it surprise you that he assigned that?

A. Yes, I was very taken aback and I could kind of tell by my classmate's body language as well that she was a little confused, given the circumstances that just happened, that that's where he assigned the exam to be.

Q. And was a pelvic assessment considered the same level as the type of material you'd been previously working on?

A. It' is technically considered an assessment, but not to the degree of how far along we were in class. It really didn't make any sense. Like I said, it was really just extremities, not your core torso or anything like that.

Our school is very good about maintaining our privacy and modesty, and things like that, so I think it was a shock for both me and the classmate.

Q. When you were the patient for the pelvic assessment, where did your classmate have to touch you?

A. So for a pelvic assessment, I can kind of

show on my shoulders, it's mainly to just push in and down, and kind of around. It's not incredibly invasive, but it involves the responder or whoever the student at that time, being very close in your personal space, and we did not know each other super closely, we'd only met previously a handful of times. And I felt like I had just been outed as well, so I think that that made the whole situation even more invasive for me.

Q. And you just gestured to your shoulders when you were showing that, is that the part of your body that was being examined by your classmate?

A. No, it was my pelvic assessment. But that's just kind of where your placement would be, it would just be on your hips and then above your hips to press down, it's called crepitus, that there is not grinding of the bones or anything would be out of place.

Q. Were you comfortable being touched there?

A. No.

Q. Okay. And I believe you just used the phrase "outed", can you describe what that means?

A. My transgender status was exposed and I didn't feel like I had a choice to disclose that or not. I felt like if I were to need to go to the

bathroom, which I would have, my labs were, I believe, three and a half to four hours long, I would have needed to know now. So I felt like I had no choice other than to publicly declare that I needed those accommodations.

Q. Did you think that that assignment, the pelvic assessment had anything to do with the announcement that was made?

A. I'd like to give my instructor at the time the benefit of the doubt, but it was really hard for me not to think that it was targeted in some way, shape or form, considering that had not been something that had even crossed my mind that we would be going over that day.

Q. What happened after the assigned pelvic assessment?

A. After that was done, class ended pretty shortly after that, and we moved onto our next section. So that means that we switched lab instructors and we kind of moved onto the next classroom to move onto other things that we were practicing at that time.

Q. And did the rest of your day go normal after that?

A. No, I put my stuff down. We had a

five-minute break to use the restrooms, and at that time, I had found, not the lady who had the pelvic assessment on me, I don't know where she was at that time, but I had found the other student who was next to me, to my left, and spoke to him privately in the hallway.

And I didn't know for sure if he had come to the conclusion of why I needed those accommodations, so I tried to keep it as vague as possible, and I just politely asked him. If you connected the dots in any way on why I said yes, and you guys said no, could you please keep it between us and not tell anybody.

Q. And did he react?

A. Luckily, he is a very standup guy, and I have a lot of respect for him. He told me it makes no difference to me, and he does not care.

Q. Did that classmate previously know that you were transgender?

A. No, ma'am.

Q. Is that something you would typically share with your classmates?

A. My intention throughout my entire time being in the emergency medical field was to never disclose my transgender status to anybody.

Q. After you spoke with your classmate, did the rest of your day go normally?

A. I then checked my e-mail, because we were not allowed to be on our phones during our first lab, and I realized that there -- an e-mail had been sent to me by my home instructor, and I had pulled up, there is, there's like a chart of where all the bathrooms were by the building numbers and stuff like that.

And having only five minutes, I kind of had a feeling that there wasn't a single user restroom in the building I was in, so I found my next instructor, I was going to be in her lab. And I showed her the screen, and I said where is the closest restroom, and can you give me the best directions to get there.

Q. And what did your instructor say in response?

A. She told me there is unfortunately none close, but she gave me some better instructions on how to get to the bathroom.

Q. Okay. And so did you go to use one of those restrooms?

A. I did.

Q. And how far away was it?

A. I had to walk out, I walked across the business building, I walked outside into, it's like a paved path, and then I would have to walk into the library, up two flights of stairs, across the library to the two single user restrooms that were there.

Q. How were you feeling during this walk to the restroom?

A. It's easier to talk about it now, but it felt like one of my biggest fears was coming true. The, like, only thing that I can compare it to, it almost feels like a ball of barbed wire that was sitting in my stomach.

Everybody has their own fears, the fear of dying, the fear of heights and things like that, but everyone has their own personal ones. And I really thought that I was turning over a new leaf keeping my transgender status to myself and I was going to give myself a fair shot at succeeding and feel safe while doing so.

And I could feel the ball of barbed wire unraveling in my stomach.

Q. Did anything happen when you were walking to the restroom?

A. When I was walking out the building to the

library, several of my classmates who were in a different building were walking towards the building I had just left to go to their next class, and they noticed that I was walking in the opposite direction.

One of them shouted at me while they were in a group and asked me where I was going. And I kind of panicked, felt like I needed to make up a lie, so I told them that I was just trying to find one of my home instructors because I had a question.

Q. Why did you feel like you needed to make up a lie?

A. With how descriptive the instructor, during my instructor incident had described the bill, I didn't know if the other classes had also been given that same explanation.

And so I didn't know if me saying that I was going to a bathroom, to find a bathroom when I had just passed one clearly in front of my face when I was leaving the building, and probably a handful more while I was leaving the building, I didn't know if me saying that I was trying to find another restroom would disclose my status to even more people.

Q. And what happened after that?

A. I went to the library, walked up the two flights of stairs, walked across the library, used the restroom, and then I did that entire walk in reverse to get back to my class.

Q. And did that class proceed as normal?

A. For about the first five minutes.

Q. And what happened during that class?

A. I was facing the door, kind of how I am now, and my instructor was also facing the door, my new lab instructor, and all of the other students, their backs were turned to the door. And there is a, kind of in the same way that door is, there's a window, and I saw my home instructor kind of peer in and point and gesture for me to come. I was the only one that saw it, except for my instructor. And I kind of looked at my instructor, and she kind of like gestured with her head, like, it was okay, like, it was for me to leave the room.

Q. And what did your instructor say to you?

A. She asked me if I was okay. She said that another classmate had said that I was looking for her, and I attempted to tell her that I was fine, and nevermind.

Q. And were you fine?

A. No. She, I think, quickly realized by the

look on my face and my body language that something had really bothered me. And she had asked me again. And at that point, I could feel like the ball of barbed wire spiraling. And so I started crying, which I had not done in a long time. And I was becoming inconsolable because of how, just how upset and frustrated I was about how everything played out.

Q. What happened after that?

A. She brought me over to a corner and tried to talk to me, and then I think she slowly realized that this problem was bigger than just me and her. So she asked if I would be comfortable following her to her office with my second home instructor who was there, and kind of explaining in more detail, just in a more private setting.

Q. And how were you feeling during this conversation?

A. I've been to therapy to talk about it and everything, and it's manageable, I would say, to talk about it without becoming super emotional. But that doesn't necessarily mean that the barbed wire still isn't sitting in my stomach, that doesn't mean that the emotions still aren't there.

I would say that they are just suppressed

so that I can articulate how I am feeling. But even though it's become manageable, I wouldn't say a day has gone by where, like, it has gotten easier per se.

Q. And how did your instructors react?

A. I described in more detail, because when I talked to my original home instructor, I kind of just gave her the facts, and when I went into their office, I was able to explain kind of more how I was feeling behind it as well.

And I think with how upset I was and it was clear that sending that e-mail that my home instructors sent to my lab instructors about the bathrooms and things, that was not their intention for how it played out.

One of my home instructors actually got so upset, she began to cry. And the other one was clearly, incredibly angry.

Q. Before this interaction, did your instructors know that you were transgender?

A. Not that I was aware of.

Q. And is that typically something you would share with your instructors?

A. No, not unless I absolutely had to. But like I said, I planned on continuing my entire EMS

career never disclosing my transgender status.

Q. So at this point in the day, how many people had you felt like you had to disclose that you were transgender to?

A. I very much tried to keep my transgender out of my vocabulary at the time, just in case there was a slight chance that they weren't able to connect the dots, but I would say that it was very obvious.

So I would consider the classmate to my left, the classmate to my right, that original instructor, my second lab instructor that I had to show where the bathrooms were, and my two home instructors, so around six.

Q. And did any of those people know that you were transgender prior to this day?

A. Not that I'm aware of.

Q. And were you comfortable sharing that with them?

A. No.

Q. Tell me why in that moment you weren't comfortable telling them you were transgender?

A. I think I'm more reserved nowadays. And why I wasn't comfortable, was transgender status, and how certain people perceive me in society, I

feel like I'm really at the will of their power in any way. When it comes to my lab instructors, like I said, I would always like to give people the benefit of the doubt, but I don't know if disclosing my transgender status would cause my scenarios in lab to become more difficult or if I were to be graded harder on my check-offs.

But even when it came to my classmates, it's very much a team, almost like a team-building exercise every time we do scenarios, and labs, and things like that. And, you know, they can easily fail me on my own lab even if I'm leading it by purposefully doing something wrong. I would like to think that nobody that does know would do something like that, but that's why I keep it to myself now because I do know it could be a possibility.

Q. Have you had any experiences in your life that led to you being uncomfortable sharing that you were transgender?

A. When I was going on a trip with my mom, it was right after I had cut my hair. I don't believe I had been on hormones quite yet. We were in the airport and I needed to use the restroom, but like I said, I had not started hormones, I was very new into my transition. I really didn't know what

restroom to use that would be the most socially acceptable, and so I just went where I felt safe, and it wasn't to the women's restroom because it was a women's restroom, I went because I felt safe because my mom was there.

And I went to the restroom, I did my business, and as I was washing my hands, there was a woman and her child in the restroom as well. They were sharing a stall and they came out. And the child very loudly asked their mother, why is there a man, or why is there a boy in the girls' bathroom.

And the mom, you could tell she got upset, and she tried to hush her child as much as possible, and they went out of the bathroom and went out of the bathroom without even washing their hands. They didn't really share a sink with me or anything.

Q. Did you encounter them again?

A. As I was walking out, she was talking to who I presume was her husband, who was watching over their bags, and when I was walking out, I didn't hear the full conversation, but I was in earshot for a sentence or two, and it was something along the lines of, I just wish those people would find another place to do their business or go to the restroom or something like that.

Q. And how did that make you feel?

A. Like a fish out of water. I felt like I was trying my hardest to, you know, make myself comfortable, but also other people comfortable. I didn't know.

Not only that, I felt bad for the child because she was just confused and asking a question. She didn't know any better. And now she has to deal with a mom who is dis-regulated and upset. And I felt responsible for causing that child to be in a position to where she felt like she maybe could not ask her mom certain questions.

Because like I said, she was just confused, but I can only imagine how much more she's confused after her confusion led her mom to becoming angry, maybe not directly at her, but, like, you could tell she was upset, and I had caused that, and that wasn't my intention.

Q. Going back to the incident with your instructor that you were just describing, that occurred last semester, correct?

A. Yes.

Q. Has continuing to use separate restrooms, has that continued to affect you this semester?

A. Yes, ma'am.

Q. And in what ways?

A. Our classes are three days a week. I believe we are six weeks in, and I now know of two places that I can use the restrooms, and one of the restrooms, which would be the restroom in the library, had always been my go-to, just because I know the route, it's the most comfortable for me to know how to get there and get back.

Over, I think it's been around five times now, I have went to use those restrooms and they've been cleaning them, or they've been out of order, so it's resulted in me trying to find another bathroom, which is across the library again, through a skywalk, like a little roundabout with the stairs on the third exit, then there's two more that have been there as well.

But because they are single user restrooms, a lot of times they are all taken, or they are cleaned or maintenance or anything like that. I did find a restroom on the first floor that would make it significantly easier, and I was going to use that one, that was going to become my go-to, but then I quickly realized it's one of the only fully wheelchair accessible restrooms on campus. It has a button you press to open the door, it's a lot

wider and things like that. So I can't, in good conscience, I can't get myself to use that because I don't want to take -- I'm an able-bodied person, I don't want to, you know, to take that opportunity away from someone who does genuinely need that restroom.

Q. Have you missed instructional time as a result of having to use these restrooms?

A. I have.

Q. And can you describe that process?

A. Yeah. So last semester it was more, I was missing slides and things like that or just at the very beginning of lectures and stuff, which I was able to catch up on my own time, just going back over the slides. I would just make a note in my binder of what slide we were on so I knew where to catch up with.

This year, I think it's taking a bigger toll on me because we now have 10 minutes instead of five-minute breaks, and they will bring in equipment, like CPAP machines, and nebulizers and stuff and basically lay them out on the table. And while we have that ten-minute break, we can either go to the restroom, look at our phones, get something to eat, or we can use that time to learn

how to put the machines together and get familiar with it before our lab days. We go over them on lab days as well, but it's so much easier if you already have a basic understanding of how they are structurally built.

And I unfortunately have never been, I've never gotten the opportunity to be able to put my hands on those things, other than during lab, because I've needed to go to the restroom. And sometimes I get lucky and the first restroom I go to is open.

Most of the time I have to try the second restroom, which is taken, and them I'm stuck between a rock and hard place. Do I book it over the skywalk to go to the other restrooms that are probably being cleaned, or probably taken? Or do I hunker down in hopes that somebody is almost finished using the restroom. So I have not been given the opportunity to get some hands-on experience before lab class.

Q. And I believe you testified that some of these restrooms require you to walk outside, is that correct?

A. Yes.

Q. Have you been affected by the weather

going to the restroom?

A. I have. There was a time or two, I believe in EMR, my first semester, that it was raining, and then not too long ago, this class, the semester I had came back and had to wipe off my glasses and my hair was wet, it was on one of the days it was raining pretty hard.

Q. Has it taken a lot of mental energy for you to figure where to use the restroom?

A. Yeah, I try to almost time and limit my fluid intake while in class, because I don't want to miss anymore lecture that I already have to.

It's a little worrisome though, there's been several times that I thought maybe I've cut it a little too close. And immediately, when the timer goes off, it's time for break. And I'm looking out of my building, hoping that the first bathroom that I get to is open, if not, the second one. Because I don't know if I'll be able to make it across the skywalk to the other restrooms.

Q. And is using the other set of restrooms, has this caused you, has this affected your ability to focus on other things?

A. It causes a lot of anxiety. I tried to block it out, but once I realized, I'm like, wow, I

need to go to the bathroom, it's kind of hard to focus on what's in front of me. And lectures and stuff, we have lectures for five hours straight, other than the little breaks that we get. And so it's been really hard for me when I do really, really need to go, fully focus on the lecture at hand, because I'm so worried, honestly, like, if I have an accident.

I would like to think that I wouldn't, but, you know, if I go and I really need to go and two bathrooms are being cleaned, or two are taken, or out of order, or something like that, it could be a possibility.

Q. Returning to earlier in your story, I believe that you testified that you felt that you had to tell a lie about why you were using the separate restroom; is that correct?

A. Yes.

Q. Has SB 244 caused you to make any other changes in your behavior?

A. Yes, there have been, I don't frequent or go to the library anymore to study at all. I don't go to my college campus to study, unless it's on class days, and the only time I'm on campus is when it's just during lecture or during labs.

One particular incident would be the liquor stores, I don't believe that I've been to a liquor store since. I've attempted, but I, I have not been inside a liquor store.

Q. When you say you attempted, what happened?

A. So I believe it was close to me and my girlfriend's two-year anniversary, and I wanted to make a gift for her. I was planning on making a lamp, and I had everything ready. I had like the inner workings of an old lamp that I found. I had the lightbulb, I had the lampshade, the only thing I needed was this specific wine bottle that's in the shape of a cat. The wine inside the bottle is gross, I don't drink it, my girlfriend doesn't drink it. I didn't need the alcohol, I just needed the bottle.

And the liquor store by my house I knew had them, because I looked it up. I had driven to the parking lot and pulled my ID out to make sure I had it. I had realized that picture had been changed and I quickly had realized that so had my gender marker.

And I tried to go in, I tried to kind of get myself the courage to, but then the ball of barbed wire came back, and the sinking gut feeling

of having something happen kind of in the same way of my instructor incident, those same feelings came back as well. And I sat there for 10, 15 minutes, trying to get myself to go in. It's just a bottle of wine. But just in the same way of my lab. It was just a lab class and I did not expect for that to happen.

I was too fearful of the treatment that I could possibly endure, if they were to pay attention to my gender marker on my ID and then how I present, that I drove away.

Q. How did that experience make you feel?

A. It's just one of those things, it's the same thing, you know, having to choose the restroom or especially like when one of them is being closed or I have to walk out in the rain or anything like that, that I'm almost, like, defective, in a way, that I don't -- I used to go into the liquor stores and not have a problem, I used to go into the men's restroom and I never had a problem. And now, all of a sudden, it feels like I am the problem.

I have never done anything so hard and so bad in my life to become this problem all of a sudden.

Q. Mr. Noe, what are your concerns if SB 244

is allowed to remain in effect.

A. I have two: The first one is that the ball of barbed wire in my stomach, the ball will get bigger and the barbs will get sharper. Like I said, it's manageable for me to speak on, so that I can, you know, articulate how I'm feeling. But you know, as I just said, everyday is a reminder. It's something that I will never forget for as long as this keeps going on.

It gets harder and harder every time the bathroom is closed, every time it's raining, every time I want to, you know, go to the liquor store, or have to show my ID or anything like that.

I'm finally at a place in my life, you know, where I can confidently say that I want to live, just to now, like right when I get to that point in my life, I'm also now reminded that I'm a problem in some way, and I don't deserve to have the same, I guess I would say freedoms, that I took for granted when I was able to have them.

My second concern would be I have been very lucky that I haven't endured any other, I would say negative treatment for being trans other than really what's going on right now with this bill, even when I was early on in my transition.

I was never questioned, I've never been questioned in a restroom, I've never been questioned with my ID, even though it still has my name assigned at birth, it's never been an issue for me. But I am very concerned for people who are not as lucky to pass as much as I do. And I worry for them and their treatment that they would endure every single day, and how their safety can be at the hands and at the will of other people in how they choose to perceive those individuals.

Q. Can you explain what you mean by pass?

THE COURT: By what?

MS. SITTON: Pass.

A. So passing, at least in my definition, would be kind of like how I said when I first started transitioning. And now, if I were to walk into the men's restroom, there would not be a single thought in anybody's mind that I was assigned female at birth. I even when I was new to transitioning, I was never really second-guessed or nobody really kind of had any inkling that I was transgender.

I've been lucky that through my appearance, my appearance itself does not disclose my transgender status in any way.

BY MS. SITTON

Q. Mr. Noe, why do you want to become an EMT?

A. It's kind of the trifecta of three things. I -- the first one, I've always had a very big fascination with how the human body works. And then the other smaller one would be I like the adrenaline and the fast pace that comes from that line of work. But doing some reflecting and really thinking about it. My entire life, I have never really been listened to until I got older.

You know, even when I was five, six years old in kindergarten, I told my mom, like, you know, career-wise I want to play football, I want to be in Boy Scouts, I want to be a boy and I want to shop in the boy's section and that was never really listened to.

And something I think that I find beautiful and like why I want to an EMT is my ability to listen and my ability to understand will never change in the way of my quality of care would never change for the people who are on my direct, versus the people who are on my cross. It doesn't matter who you are. To me, I will always be there to listen whether I'm taking you to the hospital or you're signing an AMA and you stay there.

I will be one of those individuals that will be willing to listen and I will treat you and help you to the fullest extent that I am possibly trained to do.

Q. Mr. Noe, you're 23, and have been living as a man for about six years, correct?

A. Yes.

Q. What do you hope your life looks like in the next six?

A. In the next years six years, probably on the closer end of those six years, I would like to be a father eventually. Career-wise, I'm looking into either, after I get some experience, paramedic or possible flight medic.

But revolving around this case and everything like that, in the next six years, I would like to be able to do things that I had taken for granted, because of this, and had been taken away from me because of this bill. I would like to do those things and not take them for granted.

But I also would like to stay in the state that I love. This is everything that I've ever created, everything good that I have ever done has been here, everybody I love is here.

And though I don't feel like I deserve

this treatment necessarily, I stay and I want to stay for the next however long, hopefully my entire life for everything that I love and all the good that I've done.

MS. SITTON: Thank you, Mr. Noe, I have nothing further at this time.

THE COURT: State wish to cross?

MS. GUST: Yes, Your Honor.

THE COURT: Will you remind me of your name, I'm sorry?

MS. GUST: Erin.

THE COURT REPORTER: Last name, please.

MS. GUST: Gust.

THE COURT: Spell?

MS. GUST: G-U-S-T, like a gust of wind.

THE COURT: Thank you.

MS. GUST: Your Honor, do you want us to move to admit exhibits?

THE COURT: Yes.

CROSS-EXAMINATION

BY MS. GUST

Q. Good morning, Mr. Noe.

A. Good morning.

Q. We're here today for a temporary injunction hearing, where you argue that you are irreparably harmed by SB 244. I'd like to start by talking about the impacts of SB 244 on you.

Specifically, you make allegations regarding restroom access while at work, correct?

A. While at work?

Q. Yes.

A. Yes.

Q. You work in a publicly owned or leased building, correct?

A. Correct.

Q. At your deposition, you would not answer which restroom you use while at work since SB 244 went into effect, correct?

A. Correct.

Q. So the Court does not know, and cannot know whether you were forced to travel to distant restrooms while at work, correct?

A. Correct.

Q. The Court doesn't know whether you've been using a men's room while at work all this time, correct?

A. I'll take the Fifth.

Q. Your job duties have not changed because

of SB 244's driver's license requirement, correct?

A. Correct.

Q. You claim harm from SB 244, specifically psychological effects such as depression and anxiety, correct?

A. Correct.

Q. But before SB 244 went into effect, you were already diagnosed with depression, right?

A. Correct.

Q. You were also diagnosed with anxiety prior to SB 244 going into effect, right?

A. Correct.

Q. You were also diagnosed with ADHD before SB 244 went into effect, right?

A. Correct.

Q. You also were diagnosed with OCD before SB 244 went into effect, correct?

A. Correct.

Q. Your therapist has not given you a new diagnosis in connection with SB 244, right?

A. She has not.

Q. Let's talk about the allegations regarding the physical health harms that are in the amended petition. SB 244 has not caused or contributed to any physical injury, correct?

A. Correct.

Q. Turning to the EMR certification that you just completed last semester, you recently finished your emergency medical responder certification, right?

A. Correct.

Q. You had classes ongoing throughout the consideration and enactment of SB 244, correct?

A. Correct.

Q. You nevertheless completed your EMR certification on schedule, right?

A. Yes, but it required me to do more studying and follow-up on my end.

Q. But it was completed on schedule, correct?

A. It was.

Q. SB 244 did not delay the completion of your EMR certification, did it?

A. No, but I would say that it made it more difficult.

Q. SB 244 did not require you to be a patient for a pelvic exam, correct?

A. No.

Q. SB 244 did not require the instructor to make the announcement that you referenced when Ms. Sinton --

MS. SITTON: Sitton.

BY MS. GUST

Q. Sitton -- sorry -- was questioning you, correct?

A. No, it did not, but if it was not a thing, I don't think that that situation would have arose.

Q. But there is nothing in SB 244 that required it, right?

A. No.

THE COURT: No, meaning you agree?

THE WITNESS: Correct, yes.

THE COURT: Okay.

BY MS. GUST

Q. You also brought up your use of a public library, right?

A. Correct.

Q. But you have not looked for a single use restroom at the public library, correct?

A. Correct.

Q. You've not asked anyone if there is a single use or gender-neutral restroom at the public library, correct?

A. Correct.

Q. Moving to the remaining impacts of SB 244 on you. You have not incurred any costs associated

with complying with SB 244, right?

A. Correct.

Q. You have not received any complaints, citation, fine or notice of violation under SB 244, correct?

A. Correct.

Q. Since SB 244 went into effect, no one has questioned the validity of your driver's license, correct?

A. Correct.

Q. Since SB 244 went into effect, no one has asked you to leave a restroom, correct?

A. Correct.

Q. Since SB 244 went into effect, you have not been confronted about your use of a restroom, correct?

A. Correct.

Q. Now, I'd like to talk about your disclosure of your transgender status on social media. You stated that you've only told the people closest to you about your transgender status, correct?

A. In person, yes.

Q. You stated you are not open about your transgender status, right?

A. I am no longer open.

Q. You stated that you were very selective about who you share your transgender status with, right?

A. Nowadays I am, yes.

Q. Yet you have voluntarily posted videos about your transgender status on social media, correct?

A. Correct.

Q. Specifically you have posted about your transgender status on TikTok at least four times, correct?

A. Correct.

Q. You have 18,000 followers on TikTok, right?

A. Roughly, yes.

Q. So when you post a video about your transgender status, at least 18,000 people can see it, correct?

A. I don't believe that during some of those posts I had 18,000 followers at that time.

Q. And you don't know if any of those followers downloaded or screenshot the video, correct?

A. Correct.

THE COURT: Counsel, so one of the issues, technical issues I was referencing, that I had to e-mail IT for, I'm not sure I'm going to be able to display, so you're welcome to approach the witness if you need to, but I don't think I have the ability to switch you over.

So I can take a recess, see if I can get that addressed with IT, but I don't have a button to push, so I can't change anything on, is what's missing.

MS. GUST: Yes, Your Honor, these are just videos, so they have to be displayed this way. May I speak with my cocounsel?

THE COURT: You certainly can, but as I said, you're welcome to approach the witness, ask them to confirm and identify it, and if we need to publish it later, I think we'll have that ability.

So you can certainly visit with counsel.

MS. GUST: We will just approach the witness, thank you.

THE COURT: You may.

BY MS. GUST

Q. I am pulling up what's been marked as Exhibit 113.

THE COURT: You said 113?

MS. GUST: Yes, Your Honor.

Your Honor, may I approach?

THE COURT: You may. Let me just inquire. I have three volumes, the highest number is 86. Am I missing something?

MR. NUSSBAUM: If you open up -- I'm sorry, Your Honor, to interrupt briefly, but if you open up the front page of those exhibit volumes, it should be in the first volume, and you'll see a cover sheet that tells you which numbers.

THE COURT: Got it. Thank you very much.

MS. SITTON: Counsel, can I request that you show what you're showing the witness to me.

MS. GUST: Your Honor, may I approach the witness?

THE COURT: You have standing permission.

MS. GUST: Your Honor, may I approach you and show you as well?

THE COURT: You may. Thank you.

BY MS. GUST

Q. Mr. Noe, did you recognize the video I just showed you?

A. Yes.

Q. What is it?

A. It is one of my TikTok posts.

Q. Is it a fair and accurate portrayal of that TikTok post?

A. Yes.

MS. GUST: Your Honor, I move to admit?

MS. SITTON: No objection, Your Honor.

THE COURT: Without objection, 113 is admitted.

(Defendant's Exhibit 113 was admitted.)

BY MS. GUST

Q. Mr. Noe, you titled that video, I owe my life to whoever figured out how to make testosterone, correct?

A. Correct.

Q. This TikTok has several pictures of your face, correct?

A. Correct.

Q. It has 915 views, correct?

A. Correct.

Q. You don't know if any people who viewed

this video, took a picture or screenshotted it, correct?

A. Correct.

Q. You don't know if any people who viewed this video screenshot it and shared it with other people, right?

A. Correct.

MS. GUST: Your Honor, I'm going to approach with another exhibit.

THE COURT: You have standing permission, you are welcome to.

Was there an exhibit number?

MS. GUST: Yes, Your Honor. It's Exhibit 114.

THE COURT: Thank you.

BY MS. GUST

Q. Mr. Noe, do you recognize this video?

A. I do.

Q. What is it?

A. A post that I made on TikTok.

Q. Is it a fair and accurate portrayal of the post you posted on TikTok?

A. Yes.

MS. GUST: Your Honor, I move to admit.

MS. SITTON: No objection, Your Honor. I just want to note for the record that the versions that counsel has been showing are redacted, and to the extent that remains true, there are no objections.

THE COURT: I was about to make the same record, so I appreciate that.

With those redactions, which are consistent with the Court's directive, 114 is admitted.

(Defendant's Exhibit 144 was admitted.)

BY MS. GUST

Q. You captioned this post, hi, I start testosterone like tomorrow, correct?

A. Correct.

Q. And this is a video of you, right?

A. Correct.

Q. The video focuses on your face, correct?

A. Correct.

Q. This post has 1,738 view, correct?

A. Correct.

Q. You don't know if any people who viewed this video took a picture of it or screenshotted it, correct?

A. Correct.

Q. You don't know if any of those people who screenshot it or potentially took a picture of it shared it with other people, right?

A. Correct.

Q. I'm pulling up what's been marked Exhibit 112. Mr. Noe, do you recognize this video?

A. I do.

Q. What is it?

A. A TikTok post I made.

Q. Is it an accurate portrayal of that TikTok post?

A. Yes.

MS. GUST: Your Honor, I move to admit?

MS. SITTON: No objection, Your Honor.

THE COURT: 112 is admitted.

(Defendant's Exhibit 112 was admitted.)

BY MS. GUST

Q. You captioned this video, first time I'm seeing my transphobic family since I've come out, correct?

A. Correct.

Q. This is another video of you, right?

A. Correct.

Q. Your face is visible in this video, correct?

A. Correct.

Q. This video has 6,534 views, correct?

A. Correct.

Q. You don't know if anyone from that 6,534 views screenshot this video, right?

A. Correct.

Q. You don't know if that 6000-plus people screenshot and shared it with other people, right?

A. Correct.

Q. Yet you assert that SB 244 violates your constitutional right to privacy by forcing you to disclose private personal information about being transgender, correct?

A. Correct.

MS. GUST: Your Honor, at this time, the State of Kansas moves to dedesignate these social media exhibits, Exhibits 112, 113 and 114. They are not confidential, they have been widely shared with hundreds of people on the Internet, in fact, thousands.

There's a first amendment right to interest and in that public access to this courtroom

and these proceedings. This SB 244 and these proceedings impact more than just the people in this room, it would affect all Kansans. And as you've seen this morning, there's a lot of interest from the media in this case, and the Supreme Court of Kansas had made clear that when an individual opens the door by releasing the photos for even one person on a social media website, these photos can be generally disseminated to the social media world. That's what's happened here. So we would move to dedesignate those exhibits.

MS. SITTON: May I respond, Your Honor?

THE COURT: Of course.

MS. SITTON: Your Honor, this has already been covered in our motion to dedesignate hearing. These exhibits have been dedesignated with redactions, as pursuant to this Court's order.

The plaintiffs have no objection to those remaining designated, but the plaintiffs do strongly object to these posts containing Mr. Noe's real face and likeness from being dedesignated, he is proceeding under pseudonym. Any likeness of his that is present on the Internet would allow somebody to reverse image search him and identify him, and

therefore would completely obviate his pseudonymity.

MS. GUST: Mr. Noe is testifying in open court, everyone can see his face here today. And we move to remove the redactions to these widely available on the Internet posts.

MS. SITTON: And as we discussed at the hearing, Your Honor, Mr. Noe has no objections to the people in this courtroom from seeing his face. However, there's a vast difference between the people that are in this limited courtroom from seeing his face versus the entire Internet being able to see his face in a case of wide public interest, as counsel has noted.

In addition, the redactions, counsel is able to cross-examine Mr. Noe about these posts without any issue, it did not affect their ability to make their arguments.

And finally these posts have been marked as private and are not publicly available at this time.

MS. GUST: Except for the 18,000 followers.

MS. SITTON: Just one point of clarification, they are not available to the 18,000 followers. They have been set a privacy setting

that only Mr. Noe is able to access.

MS. GUST: We're only hearing that testimony through counsel.

MS. SITTON: I'm happy to elicit that on redirect, Your Honor.

THE COURT: First of all, compliments of the quality of the redactions, I think they were effectively done, consistent with the Court's prior order.

I'm going to take the request to dedesignate under advisement. You can proceed.

MS. GUST: Thank you, Your Honor.

BY MS. GUST

Q. I'd like to talk about your claim that SB 244 unconstitutionally forces you to have a driver's license that reflects your biological sex, as opposed to what you call gender identity.

You've made allegations that SB 244 forces transgender individuals to disclose their transgender status whenever they present a license for identification, correct?

A. Correct.

Q. You also assert that presenting your current driver's license subjects you to increased scrutiny, correct?

A. Correct.

Q. You've alleged that it subjects you to potential harassment, right?

A. Correct.

Q. And you allege that by forcing a person to carry a license with a marker inconsistent with their gender identity, SB 244 dictates how transgender people and intersex people present themselves to the world, correct?

A. Correct.

Q. You have not changed the sex listed on your birth certificate, correct?

A. Correct.

Q. It currently lists that your sex is female, correct?

A. Correct.

Q. You also have not changed your legal name, correct?

A. Correct.

Q. Your legal name is the name that your parents gave you at birth, correct?

A. Correct.

Q. Mr. Noe, would you please flip to what's been marked as Exhibit 111. It's in volume one, and there is a table of contents in the front.

MS. SITTON: Counsel, I'm not sure if he has that binder.

MS. GUST: Apologies.

THE COURT: I have mine.

MS. GUST: Sorry about that.

THE WITNESS: Thank you.

THE COURT: This seems like a good time to maybe take a morning break, so if people need to freshen themselves or gather their thoughts, about 12 after 10:00 on the Court's clock, let's recess until 10:25. Okay.

(A recess was taken.)

THE COURT: Back on the record in 25 -- 26-CV-112. We've got Mr. Noe on the stand. You're still under oath, you understand that?

THE WITNESS: Yes, sir.

THE COURT: And the appearances are the same as before the recess.

Just so counsel knows, we've had IT come in. They're not sure what the issue is, so we'll manage until the noon hour, and hopefully we will get that issue fixed, but with that caveat, Ms. Gust, you can proceed.

MS. GUST: Thank you, Your Honor.

BY MS. GUST

Q. Mr. Noe, did you talk to anyone during the break?

A. About the case? Or in general?

Q. Anyone?

A. Yes.

Q. Who?

A. Some of my -- the lady who's in charge of kind of keeping all of us in the room and things like that.

Q. What was that?

A. Eleanor.

Q. What was said?

A. Nothing, I asked about who a couple people were that are in our group and things like that.

Q. So before the break, we were talking about your legal name and your birth certificate, so I would like to pick back up there.

And I'm pulling -- would you please pull up what's been marked as Exhibit 111.

A. The driver's license?

Q. Yes, that's it.

A. Okay. Sorry, these pages are kind of stuck and I'm trying --

THE COURT: You're fine, take your

time with that.

MS. GUST: It's a big binder, don't worry about it.

MS. SITTON: And I just want to note for the record that this has been designated as confidential under the protective order, so any confidential information in this document, we object to it being on the record.

MS. GUST: Yes, that's fine. So if you look at the first page, there is a redacted version and then there is the unredacted version behind the yellow, behind the yellow.

MS. SITTON: I see the unredacted confidential redacted version.

MS. GUST: Yes.

MS. SITTON: Okay. I'm here.

THE COURT: So make sure the witness is seeing the exhibit you want him to see and not the other.

So what you are designating is Exhibit 111, is presently the fully redacted, correct?

MS. GUST: We would like to use the confidential version, that is not the fully redacted version.

THE COURT: Okay.

MS. GUST: And we don't intend on using any of the confidential information on the record.

THE COURT: Okay. So what I'm assuming is, you're going to ask me to admit 111 fully redacted and for purposes of the record for appeal, or otherwise, the unredacted version?

MS. GUST: Yes, Your Honor.

THE COURT: So when I hear your request, that is how I will understand it. But your representation is, you don't intend to make inquiry about any of the redacted information with this witness?

MS. GUST: Correct.

THE COURT: Okay. And if you feel like you're getting into that territory, and you want to clarify, and you need to approach, whatever the case may be, feel free to do that.

MS. GUST: Thank you, Your Honor.

THE COURT: Okay. You may proceed.

BY MS. GUST

Q. Mr. Noe, do you recognize this?

A. Yes.

Q. What is it?

A. My driver's license before I surrendered.

Q. Is this a fair and accurate portrayal of your driver's license?

A. Yes, before I surrendered.

MS. GUST: Your Honor, I move to admit Exhibit 111.

THE COURT: Mr. Noe, when you say before you surrendered, tell me what that means.

THE WITNESS: Before I went to the DMV and surrendered my driver's license once the bill was enacted.

THE COURT: The current bill that's at issue here?

THE WITNESS: Yes.

MS. SITTON: No objection, Your Honor, other than only the redacted version should be on the record.

THE COURT: Admitted for record purposes, as far as if there's going to be publication. But otherwise, the unredacted for purposes of the record on appeal, or otherwise will remain redacted and sealed.

MS. SITTON: Thank you. Your Honor.

(Defendant's Exhibit 111 was admitted.)

BY MS. GUST

Q. Your birth name is reflected on your driver's license, correct?

A. Correct.

Q. Would you please pull up what's been marked Exhibit 110? It should just be right behind 111.

A. I have two 111's.

Q. So that's what we were talking about with the redactions.

A. Oh, sorry.

Q. Oh, it's right before. I'm sorry.

A. Yes.

Q. Do you recognize this?

A. Yes.

Q. What is it?

A. My college ID.

Q. Is it a fair and accurate portrayal of your college ID?

A. Yes.

Q. Your birth name is also reflected on your college ID, correct?

A. Correct.

Q. But your concern that having your driver's license reflect your sex as female would physically

out you as transgender, correct?

A. Yes.

Q. In your deposition, you said you haven't changed your legal name because it's difficult, correct?

A. Correct.

Q. And by difficult, you mean there's a lot of hoops you have to jump through that you don't really have time for, right? Correct?

A. Correct.

Q. But you have time for this lawsuit, correct?

MS. SITTON: Object. That is argumentative.

THE COURT: The objection's overruled --

MS. GUST: -- No further questions.

MS. SITTON: A brief redirect, Your Honor.

THE COURT: Of course.

MS. GUST: Your Honor, I'm so sorry. I forgot to move to admit Exhibit 110, sorry.

THE COURT: Same caveat, as far as the two versions with 111. Any objections?

MS. SITTON: No objection, Your

Honor.

THE COURT: With those caveats, 110 is admitted.

MS. GUST: Thank you. No further questions.

THE COURT: Ms. Sitton?

REDIRECT EXAMINATION

BY MS. SITTON

Q. Mr. Noe, I believe you were just talking with counsel about your mental health diagnosis, do you recall that testimony?

A. Yes.

Q. Has your mental health changed since SB 244 was passed?

A. I would say my diagnosis of depression and anxiety have been exacerbated due to SB 244.

Q. And I believe counsel and you were also having a discussion about you finishing your EMR certificate on time, do you recall that testimony?

A. Yes.

Q. But have you been affected by SB 244 in terms of the instructional time you've been able to receive?

A. I have.

Q. And can you just remind the Court of how

that's been affected?

A. Our classes are very fast paced, 16 weeks EMR, 16 weeks EMT. After that, you can test for, you know, your national registry and get on to an ambulance service.

There's a lot of information every single day that, you know, I want to take as much care and my quality of care, to be as good as possible for any individual that were to come onto my ambulance, and just missing a slide or two, it's not an introduction slide, it's legitimate material that I should be knowing.

And I have the ability to go back and look at 110 PowerPoint slides to figure out where I have missed, but it doesn't almost meet the standards of when I'm actually sitting in lecture and listening to my instructor or my professor speak about whatever we're learning about.

But also, with the hands-on and the machines and learning how to put them together and things like that, you know, time is precious in situations where it could be life or death. So you know, I wish that I, instead of having to find a restroom would have the ability to stay in my class with my other classmates to figure out how to put

these machines together before I'm put on the spot with a patient and kind of fumbling around trying to put these puzzle pieces together so I can perform the best quality of care as quickly as I can.

Q. Thank you, Mr. Noe. I'd like to talk about your social media now. Do you recall discussing your social media with Ms. Gust?

A. Yes.

Q. Why did you want to post on social media the posts that you were shown today?

A. They were when I was a lot younger. Like I said, I'm almost 24. I was between 17 and 19 years old. I've gone through my entire transition. I've known a couple people within the school district I've been in that have transitioned as well, but I've never spoken to them in the flesh.

I don't go to very many queer spaces or, you know, knowingly run into any transgender individuals myself. I've done all of this alone. And I think also especially during Covid and times like that, I was just very much seeking a community that I still very much struggle to find on my day-to-day basis.

Q. And were you a teenager when you posted these posts?

A. Yes.

Q. Do you recall approximately when the last time you posted something of that sort on social media?

A. No. I would say that I was still a teenager at that time.

Q. Other than your age, which you just referred to, are there any other reasons why you don't post that type of content on social media?

A. I do also think that the way that trans individuals are viewed now, compared to how they were six years ago, is a little different.

I'm more worried about violence against me or violence against people in my community now, than I was back then. And maybe that's because I was young and naïve, and everyone thinks they're invincible when they're a teenager, or how society has progressed as a whole.

It seems like the negative rhetoric that is being spread about transgender individuals just keeps piling on, just keeps getting worse and worse, and now I'm sitting here, and this would be a prime example of why I don't disclose my transgender status anymore.

Q. Has anyone ever recognized you in your

day-to-day life based off of your TikTok posts?

A. No.

Q. And can you just briefly describe the privacy settings that you have on these posts?

A. Yes, so I don't post at all anymore. But -- and I'm not super tech savvy, but I do consider, I guess archived, or privated, I don't know if they would still consider to be up on my page, but they can't be seen by anybody.

So if I allowed you to even follow me, which my account is completely private, I have to go through and accept people to now see my posts. If you were to go, and I were to accept you, you still also wouldn't see them. They are privated completely to me.

Q. Those, are those posts publicly available on your page?

A. No.

Q. And do you recall when you administered that setting approximately?

A. I don't. I think they were sporadic. I don't think that they were all at once, but it's been a while now.

Q. And then just briefly, I wanted to talk about another subject that was discussed with

counsel. Why have you not changed the gender marker on your birth certificate?

A. I mean, truthfully, if I were to now, I think it would just get taken away from me. At this point in time, I don't, I don't see a point. You know, I went through the process to go through the right steps, which I was told I should do for my ID and for my passport, and just to wake up and have it overnight be taken away. Why at least at this point in my life would I go and go through all of that work and all of that documentation just to wake up one day out of the blue and have it discredited again.

Q. How often do you use your birth certificate?

A. I can't remember the last time -- it's in the closet of my mom's house in a fire safe in the corner. I don't really even know where it is. I know what box it's in, but like it hasn't been pulled out in so long, I would have to be going through my mom's firebox filing cabinets just to find it.

Q. Have you ever felt that your transgender status was disclosed on the basis of your birth certificate?

A. No, only because I've never needed to use it.

Q. And why have you not changed your legal name?

A. I don't -- though I would like to, I don't feel like I absolutely have to in the way to protect myself from my transgender status being disclosed. I have, I would say, a fairly unique, or you could say gender-neutral name, that it has never once, with my ID, giving somebody my ID when it has the M gender marker on it.

My name has never once outed or disclosed my transgender status. They don't think twice of it, because they look at the presentation on my ID, and they see a man, and they look at me, and I match the ID. There's never been a thought in anybody's mind or even a hesitation that my name could possibly mean that I was, you know, born female.

Q. And that's not the name you go by in your day-to-day life, correct?

A. No, it is not.

Q. And has anyone ever seen your legal name and come up to you and said, that's a girl's name?

A. No.

Q. And just to clarify, both your birth

certificate and your name, do you have intention to change those in the future?

A. I would like to, at least as of right now. It's kind of in the same boat as changing like my birth certificate marker as well. Why would I go through all of that just to have it taken away from me? But me changing my name would be more in the way of, not because I'm concerned about it disclosing my transgender identity, but more in the way of, that's just not the name that I go by. I go by a variation of it, it's just a letter different. It is just something, that if somebody were to call me that name, I wouldn't respond to it. My ears don't wake up to it anymore. I would just change it because, in the same way of people change their name every once in a while, they just want a different name, that's the nickname they've gone by, so on and so forth.

MS. SITTON: I have nothing further at this time.

THE COURT: Ms. Gust, any follow-up from that?

MS. GUST: No, Your Honor.

THE COURT: Mr. Noe, you were asked about how many views those videos had on TikTok?

THE WITNESS: Yes, Your Honor.

THE COURT: Do you know if those numbers you were given were, like, as of today or when those first occurred? Do you have --

THE WITNESS: Because they are not shown or available to anybody, those views don't grow anymore because nobody else can see them. Those views are basically locked in.

Now, I don't know when the influx of those views occurred or happened, but I think there was one that was like 915, or something like that. As long as they stay private, it won't ever go to 916.

THE COURT: Okay. So since you've changed the settings, they haven't grown?

THE WITNESS: Yes.

THE COURT: And they matured, if I can use that word, like 915 or the 18,000 -- whatever the numbers were, do you have a sense of when they last changed?

THE WITNESS: No --

THE COURT: That's fine if you don't.

THE WITNESS: Yeah, it would have had to have been a while ago, Your Honor.

THE COURT: I don't have any other

questions. If that brings questions to mind for counsel, you can certainly follow-up.

MS. SITTON: None for plaintiffs.

THE COURT: Ms. Gust?

MS. GUST: No, Your Honor.

THE COURT: You may step down.

THE WITNESS: Thank you.

THE COURT: We have our next witness?

MS. ST. CLAIR: Yes, Your Honor, plaintiffs call Cameron Broyles to the stand.

CAMERON BROYLES, being duly sworn by the court reporter, testifies as follows:

DIRECT EXAMINATION

BY MS. ST. CLAIR

Q. Good morning, Mr. Broyles, can you state and spell your first and last name for the record?

A. Cameron, C-A-M-E-R-O-N, and Broyles, B-R-O-Y-L-E-S.

Q. How old are you, Mr. Broyles?

A. I'm 37.

Q. Where do you live?

A. Northeast Kansas.

Q. In a small town?

A. A very rural town, yes.

Q. How long have you lived in Kansas?

A. About 13 years.

Q. Can you tell the Court a little bit about yourself?

A. Sure. I'm originally from Arkansas. I moved to Kansas to help my mom who was in bad health. My dad worked overseas during, for work.

Once I moved to Kansas, I planned on moving back to Arkansas, but I met someone and I have three amazing, beautiful kids, so I am a Kansan.

I'm also a nurse, and I work a lot and I dad a lot, and that's pretty much my life.

Q. Can you tell us a little bit about your kids?

A. Sure. So I have twin girls, they are eight, and I have a little boy who is four, he is about to be five next month.

Even though they are twins, they are very different, a but they are all very, very fun, very fun ages right now. They are learning a lot of things, and I'm, like, how in the world do you even know about that.

But they are very energetic. They like to go 24/7, and I try to accommodate that as much as I can, but they're very sweet kids.

Q. Do you do activities with them?

A. All the time.

Q. What kind of activities do they do?

A. No one is necessarily aged enough to do school activities, but they do like a cheer clinic that my girls do every year with the school, and then my son, I take him to story time every other Thursday morning before I drop him off at school, at the public library in our town.

We go to the pool a lot during the summer, and we take family vacations every year, usually different states. Like I said, I'm from Arkansas, so we go to Arkansas several times a year and visit my family down there.

We also do, two of my kids are in American Ninja Warrior class, which is a thing an hour away from where we're at. We are very rarely home. We go to Worlds of Fun a lot, and just anything to get out of the house.

Q. And you mentioned that you're a nurse?

A. Yes, I am.

Q. What is your job like?

A. On a good day, it's calm, but most days it's a little chaotic. I take up to seven patients and I'm typically the charge nurse also, so I'm also

overseeing everyone else's patients and the other nurses on a shift. And I do medication administration for my own patients. I see if the other nurses need help with their med pass after mine is finished.

If there's an LPN in the building, I have to go do an assessment on their patient as well as my own patients. I do staffing for the next shift that comes on. I put out any fires that may arise.

Typically, I'm the person, that if there is a patient that's decompensating, I'm the one who goes and lays eyes on them and decides, you know, what we do next, do we send them off, do we, you know, take care of them here. There's a level responsibility.

Q. What kind of hours does that take?

A. I work 12-hour shifts, so I work 6:00 a.m. to 6:00 p.m. I work three shifts to five shifts a week.

Q. Sounds like you spend a lot of time taking care of people.

A. I'm a natural caregiver in all aspects, yes.

Q. Have you received any awards for your work in nursing?

A. I have. So at my current hospital, they do what's called Kudos for Care, and the patients nominate you for that. I've got several of those. I also have low high-fives that staff members nominate me for also. And then at my previous hospital, I've gotten Daisy awards, which I believe staff can nominate you for, but mine have all been patient-based. And then also won the Servant's Heart award, which is across all of the hospital that I was at, all of their organizations in about four different towns.

Q. What are the criteria for the Servant's Heart award?

A. So the Servant's Heart award, I don't know the exact criteria, but it's, you're nominated if you've made a substantial difference in the way that that hospital operates, or provides care.

I was nominated and won it for a program that I was funding myself for several months. Towards the homeless population. Our patients, I would make backpacks and fill them with the necessities that they would need post discharge, because I truly don't believe that our care ends at the doors when we discharge.

You know, food, resources for shelter,

food pantries, hats, gloves, socks, things like that, water bottles. I took that to the hospital board and they adopted that program, so they run it across all their programs.

Q. That's amazing. Mr. Broyles, are you transgender?

A. I am, yes.

Q. What was your sex assigned at birth?

A. Female.

Q. And what's your gender identity?

A. Male.

Q. Can you describe to the Court how you came to understand your gender identity?

A. So I'm from a very rural area in Arkansas, so I always knew that I was very different from a young age. I didn't know necessarily what to do about that or how to handle it, or even what it was. I think everyone just thought I was a tomboy.

You know, as young as kindergarten and first grade, I used to stand in the girl's line to use the restroom. It was chaotic, I was getting pulled back to my line constantly. A phone call being made to my family home over it, putting me in dresses for pageants I was forced into was never going well. There was a lot of tantrums, behavioral

issues.

I just definitely knew that I did fit that female norm that I was constantly being pushed into. But again, where I was from, it was so rural. I mean, my class had 23 kids in it, it was an option, there really wasn't any conversation surrounding any type of different genders.

It wasn't until early adulthood when I was able to kind of venture out on my own, and explore that I even learned what transgender was, A, a term and B, a possibility. And so whenever I researched that, that felt most at home. And it was like, finally, I figured out what that was.

Q. Were you diagnosed with gender dysphoria at some point?

A. I was.

Q. Do you recall what year that was?

A. It was 2015, I was 22 or 23.

Q. Did you undergo medical treatments related to that diagnosis?

A. I did. At that time, I received hormone replacement therapy, so I started testosterone shots and I also had gender reassignment surgery.

Q. And how old were you?

A. I was 23 when I started testosterone and I

believe I was 24 or 25 when I had surgery.

Q. During that time, did you use female restrooms?

A. I did at the beginning. I still looked very androgynous. I don't think people knew exactly where I was supposed to be, so I was still using the female restroom at that time.

Q. Had you began socially transitioning and presenting yourself as male?

A. Yes, I presented as male pretty much my whole life, when I had control of it, even through school. I think there was little blips of time when I tried to dress female and it just did not go well.

So whenever I transitioned at 23, I was already, I mean, I had short hair, I was already wearing men's clothes.

Q. During the time where you were still dressing as a male but hadn't yet started your medical treatment, did you have any encounters with women who were also using women's restrooms?

A. I did. There were two instances, one was at a truck stop kind of local to where I live. I was in there using the restroom and a woman was at the sink, and she was very upset that I was in there, told me that I was in the wrong restroom.

And I tried to very calmly explain the situation and I was even apologetic about it, even though I was in there for the same reason, and she didn't accept that and went out and got the woman that was working behind the counter.

At that time, I already exited the restroom, so the conversation got carried out in the hallway, and I just left the gas station at that point.

And then another time was at a mall, I was in there and a woman had confronted me that I was in the wrong restroom and that I shouldn't be in here. And again, I tried to explain and she was very, very angry about that.

Q. During the time that those conversations occurred, did your driver's license have the female gender marker?

A. Yes.

Q. Did you assume those confrontations were because those women believed you were a man?

THE COURT: Because, I' sorry?

BY MS. ST. CLAIR

Q. Because those women believed you were a man?

A. That was their exact words, yes. I

believe that's what they said.

Q. After you began presenting as male, did you eventually start using male restrooms?

A. I did when I felt that I was more confident in that. Prior to that, it was like anywhere I would go, I would have somebody scope out the restroom situation before I would need to use the bathroom, so I kind of knew what I was going to have to do.

But once I was comfortable doing it on my own, I would use the men's restroom and I switched.

Q. How old were you when that happened?

A. I want to say that I was 24 or 25.

Q. So around the time you started your medical treatment?

A. Yes.

Q. In all the years since you were using male restrooms, did anyone ever question your presence there?

A. No.

Q. Did you have any encounters?

A. No.

Q. After you began presenting as male, how long after that did you still have a driver's license with a female gender marker?

A. I changed gender marker and my name in 2016.

Q. While you had the female gender marker on your driver's license, were you ever pulled over?

A. Yes.

Q. What happened during that stop?

A. During one particular stop, I was pulled over and the cop said I was speeding and I knew I wasn't because my car was on cruise control, and I tried to explain that to him. And it was a little bit of back and forth, but it was manageable. And I don't think he thought that I was questioning him, I was just trying to explain.

So I gave him my license, he went back to his car, I'm assuming watched the dash cam, came back up and did realize ultimately that it was not my vehicle that he had caught on the dash cam.

But where that conversation probably could have ended, of, I'm so sorry, it was a misunderstanding, he then was questioning my driver's license about, I was very male presenting, I had facial hair, I had a deep voice, and then I gave him my license that said I was a female.

I also had, at the time, my wife's niece and nephew in the car with me, so it just, it was a

very awkward conversation that should not have needed to happen and his tone was much different, almost like he was more upset at me having to defend my gender. Like, I was telling him he didn't understand what I was saying, when that's not where I was coming from. Like, he was more mad about that than he was about me saying I wasn't the one speeding, you're wrong about that.

Q. Did he say anything in particular that made you feel like he was mad?

A. It was just the way he was saying it, not necessarily what he said, but it was of, so you're telling me that you're a female, but you have a beard. He was definitely questioning why my license said female, and I'm here sitting here telling him that I'm not.

Q. How did that make you feel?

A. Well, initially I was annoyed, because it was a situation that I didn't really see myself being put in, and I was already annoyed because I was not the one speeding, especially being pulled over in the first place.

But I was annoyed and it was frustrating to have to defend myself around two situations that I did nothing to put myself in.

Q. Did you feel afraid?

A. I was afraid. I didn't know what was going to happen, if he was going to, you know, pull me out to figure out who was telling the truth, if he needed to call dispatch, and things like that, how long was it going to take. And I also did have two kids with me at the time.

Q. During the time that you had a female gender marker on your driver's license, did you have any other encounters related to your driver's license?

A. I don't believe so.

Q. Did you have an incident in a bar?

A. I did, yes. In rural Nebraska, there was a time that I presented my driver's license, and prior to going to the bar, I didn't know the history of that town, but I went with a group of friends.

And I went up to the bar, I went to go order a drink and I handed them my driver's license, male presenting. It said female, and the bartender looked at it, looked at me and did a couple double takes. And asked me about it. And I said, well, it says female because I haven't changed it yet, and she made the comment in a very negative context of, it would be very unfortunate if there was another

Brandon Teena case, which she used his name as Teena Brandon, but he went by Brandon Teena.

And so to me that meant, if they're not familiar with that, there was a transgender man in that town who presented as male, was outed against his will and then ultimately murdered in that town.

So at that point, I took my license back, I did not get a drink and then we quickly left.

Q. At the time that comment was made to you did you know who Brandon Teena was?

A. I did know who Brandon Teena was, yes.

Q. How did you feel about the comment the bartender made to you?

A. It definitely took me off guard because if I would have known that that's where that happened, I don't know that I would have put myself in that position.

And also knowing that I live very close to that area as well and I did know what happened, but I wasn't exactly sure where. So I was very taken aback and it did, I was scared. I mean, I'm not, at the time, not a very large person and it was a group of people that I didn't feel safe around.

Q. Were you afraid for your physical safety?

A. After that comment, absolutely.

Q. Prior to SB 244, did you change your driver's license to reflect your male gender?

A. I did in 2016, yes.

THE COURT: I didn't hear the last part.

A. In 2016, I did change that, yes. I'm sorry, I'll try and talk louder.

Q. How old were you at that point?

A. I was 25 or 26.

Q. Did you also change your name at that time?

A. I did, yes.

Q. Did you get a court order for that gender marker and name change?

A. Yes.

Q. Did anyone question your gender marker when it was a male?

A. No.

Q. Why is it important to you that license reflect your status as male?

A. It's important to me because I am a man. And so I feel that's a very accurate depiction of who I am as a person, in my physical identity as well. The argument that having a male gender marker on my driver's license doesn't portray who I am

physically, is a little absurd in my opinion.

If you were to read off you were looking for a 5 foot 5, brown haired, blue-eyed female, I'm probably going to get away, if they're looking for a female and they see me.

Q. Do you generally tell people that you are transgender?

A. I'm not as open about it now as I was in the past, no.

Q. What sorts of people do you share that information with?

A. My family, some close friends, and then if I'm getting medical care that is based around my transgender status, like if I'm getting my testosterone levels drawn, then obviously that provider knows.

And then if I know someone who is struggling somewhere in that area, or you know, needs some assistance there, I might disclose it with them, just on a one-on-one basis to help someone through something.

Q. Have you ever told your coworkers?

A. No.

Q. Did you have some coworkers who nevertheless learned that you were transgender?

A. I did. So I'm at my current hospital. I was at that hospital for two or three years prior. I left for nine months to do a contract at another hospital. I came back to my current hospital, and day one, three nurses and a patient questioned me about this bill and about me being transgender and how it affects me. And prior to that, whenever I worked there for two or three years at the same hospital, same people, obviously different patient, it was never discussed or brought up to me even one time.

Q. What month and year did that conversation occur?

A. I want to say it was May or June.

Q. Of this year?

A. Yes.

Q. Why were you private about your transgender status?

A. I think there is a couple different reasons. Individually, just because I am just a man, I don't really want to talk about it in everyday conversation. I honestly forget about it more often than not.

For my safety also, the current administration is making it a little bit more

difficult for us to be open about things. So I really try to limit who I talk to directly about it.

And then also, I'm a dad to three small kids who go to our rural school. I don't want any negative backlash to them if somebody were to learn about it and cause a scene in front of them or ask them about it.

My main priority in life is that I'm a dad first and if me being openly transgender is going to affect that in some way, I couldn't live with myself if I hurt them with something like that.

Q. Has your openness over your transgender status changed over time?

A. Yes.

Q. How?

A. I think when I first transitioned, I was young. It's kind of whenever -- I feel like it's like whenever you get this job, your dream job and you've trained for it forever and you're so excited to share with everybody, and you post about it and you talk about it, but eventually it gets old and nobody really cares anymore, right? And so you're very excited about it at first, and then it kind of dwindles, but -- and I feel like that's kind of what happened, was I was finally able to live this

authentic life, and I finally figured out who I was and how to live with who I am and so I wanted to share that victory and that success with the people that were close with me.

And then also, again, I live in a very small town, and so it was like wildfire when I transitioned in that town, so it was a little bit of trying to get ahead of the narrative to show, I'm just a normal person and I live a normal life and things that you might see as weird, if I can reframe them as like accomplishments, maybe people can look at it a little bit differently and have a different opinion about it, and also I would be able to get ahead of the rumors and kind of create my own path there.

And then also, my transition, I didn't have kids at the time.

Q. So becoming a parent has made you more or less open about your status?

A. Absolutely.

Q. Has anyone you know in real life discovered you are a plaintiff in this lawsuit?

A. I'm sorry, can you repeat it?

Q. Has anyone that you know in real life discovered that you're a plaintiff in this lawsuit?

A. Not unless it came directly from me, not that I'm aware of, no.

Q. What made you decide to be a plaintiff under your real name?

A. Well, it wasn't my first choice. I really struggled with it. I called my kids' mom also, and I had a long conversation with her about it and what that could mean, for myself, for my kids, and for her also.

So I did, I took a lot of things into consideration, but ultimately, I think that if -- I felt that if I were to go in as my real name, my real life, my real face, that it would be easier for people to connect a person with a story, and maybe people would be a little more empathetic about things and just really see that I'm just like everybody else, trying to raise three upstanding citizens, hopefully one day, and live my life as a normal person just like everybody else.

Q. Mr. Broyle's what sort of social media platforms do you use?

A. Currently I use Facebook, Snapchat, and TikTok.

Q. Have you ever used an Instagram profile?

A. I used Instagram several years ago, yes.

Q. Do you still use Instagram?

A. I don't post on it, no. I forgot that it was even active until this case.

Q. For Facebook, is your profile set to private or public?

A. My profile is set to as private as I think I can make it. I think it's intentionally hard to make everything private on Facebook, but I try to navigate that as best as I can.

Q. So you've taken steps with the intention that it be private?

A. Yes.

Q. And what about for TikTok, is that set to public or private?

A. I believe it's public other than the videos that have my kids in them.

Q. Are those the only videos you share on TikTok?

A. Pretty much.

Q. What about Snapchat? Is that public or private?

A. That's private.

Q. How many followers do you have on Facebook or friends?

A. I think I have about 3 or 400.

Q. Has that changed over time?

A. Yes, I go through my friends list often. Any time I start a new job, I try and go through it, make sure I didn't miss anything prior to starting that job. And then also I just try to go through every few months, because I do post a lot about my kids, to make sure there's not some random person that's kind of slipped through.

Q. So most of your friends who you allow in your life on Faceboook are people you know in real life?

A. Yes, yeah, most of them.

Q. Are you a member of any private groups on Facebook?

A. Yes.

Q. How many?

A. I believe one.

Q. What group is that?

A. It's the KC FTM private Facebook group.

Q. What did it take to become a member of that group?

A. Whenever you apply for it, you have to answer a few questions and then the admin either approves you or declines it. And then I believe once you're in the post or in the Facebook group,

whenever you go to post, the admin also has to approve or decline the post that you make.

Q. Why are you a member of that group?

A. I'm a member of it, because again, I lived in a rural area with zero community or resources. More often than not, if I do need something that is transgender related, I do more education for the person, than I'm receiving. So it was the way to kind of reach out to other people who have maybe a little bit more intel on resources.

And then also to just brag on my kids.

Q. When is the last time you posted in that group?

A. Several years, I don't remember.

Q. You mentioned the type of content you post there is resource related?

A. Typically, yes.

Q. Have you ever met anyone in real life that learned you were transgender from your social media posts?

A. Not that I'm aware of.

Q. Outside of that private group, what kind of content do you generally post on your social media pages?

A. It's all my kids, it's an aggressive

amount of pictures and videos of my kids.

Q. Has that changed over time?

A. Yes. Prior to when I didn't have kids, obviously I wasn't posting them. But I honestly think whenever I first started Facebook, I thought everyone wanted to know my every single move and thought I should post that. It was several years ago.

And so the way that I've used social media has changed, just because the way everyone used to -- social media I feel like has changed over time when we get used to it. And then since becoming a parent, my focus 100 percent has switched to just my family.

THE COURT: Switched to what? I didn't hear the last part.

THE WITNESS: My family.

BY MS. ST. CLAIR

Q. Are there any other reasons why you've posted less about being transgender over time?

A. Sure. So I do feel like when I first started my transition, you know, the support around my community was a little bit louder and a little bit safer. The administration was different. The climate was different. I feel like it was more

celebrated and there was just, like, more and more resources that were coming available, and it was more normalized. And same sex marriage was legalized, we were making leaps and bounds in that area. As of recent, but not as recent, the last four to eight years, that has drastically changed.

Q. When you say that area, what do you mean?

A. Just the support for the trans community as a whole. I feel like more often than not you see more things like demonizing trans people than you do supporting them.

Q. You posted about your surgery when you were younger?

A. Yes.

Q. Why?

A. I was excited about it. It took a lot to get that surgery. It was again, also, another pretty monumental step in my transition. It was also during a time where there wasn't as many resources. I had to go to Florida for it. I had to pay out of pocket before I could even get it because insurance wasn't accepted. It was tens of thousands of dollars.

I worked very, very hard to afford it, set it up and achieve that, so I was very excited about

that.

Q. And that's when you were in your early 20s?

A. Yes.

Q. When SB 244 passed, did you receive a letter from the Kansas Department of Revenue?

A. I did receive that letter two days after it was enacted, yes.

Q. Do you remember basically what that letter said?

A. It was telling me that I needed to surrender my driver's license and receive a new one with a gender marker of my biological sex assigned at birth.

Q. Did it explain anything about an appeals process?

A. I believe it did at the bottom in just a few sentences. I did kind of research on how I could do that, but I believe it also explained that even if you appealed it, you still had to surrender your license while waiting on an appeal.

Q. Were you able to understand what the appeals process required you to do?

A. Not necessarily. I don't understand much about the court system, unfortunately. So no, I

didn't.

Q. Did you comply with SB 244 by getting a new license when you received that letter?

A. I did.

Q. How long did your appointment at the DMV take to get that new license?

A. My appointment took a little over an hour. And it probably could have been much quicker than that, but when I went to my courthouse to do my change, nobody knew what was going on.

I've been in that courthouse several times for driver's registrations, you know, other typical things you would go into a courthouse for. So it's again, a very small town, everyone there knew me as a man. So I think they were also a little confused why I was changing my gender marker.

This was not a quiet conversation. It was, I would say, maybe four to six women that were working that day, and the way that that building is set in that section, they have cubicles over on the right and then there is a half wall with, like, a cutout, and then driver's license woman is at a desk in that little cubicle. So that's the area that I was in, the driver's license cubicle. She did not understand what was happening.

So she, instead of walking over, it was the end of the day and she was yelling across the other cubicles to have somebody walk her through it, but the help she was asking also didn't know how to do any of it. They were trying to tell me that I was going to have to go to a larger DMV, which was about an hour away to achieve it. And I was saying, I've already called, I made sure that I could come here to do this and get it done here.

So it was like every time one person didn't know, they ask the other person, well that person didn't know, so they had to bring another person in. And every single time, the story was getting told over and over again, very loudly, there was nothing discreet about it, and they did call the larger DMV on speakerphone to get walked through the process.

Q. Aside from the DMV employees, were you the only person at the DMV that day?

A. I was the only person in my particular section, but I was not the only person on the whole floor which is open.

Q. So you were forcibly outed in front of an entire building full of people?

A. Yes. And I was just standing there in the

middle of it.

Q. Did you have to pay the state of Kansas money for that new license?

A. It was $18, yes.

Q. So your license now has a female gender marker on it?

A. Unfortunately, yes, it does.

Q. Have you had to share that with anyone since you got it?

A. I have. I use my license often. Like I said, we travel often. Even if we're just traveling 10 hours, my kids like to stay at hotels with pools, so we try to split it up in a couple days so that they can have that experience, too.

So we check into hotels throughout the year. I've also had to use it for background checks if I apply for new jobs, which I did, so I had to submit it for that.

I think those are the only couple instances that I've used it. I try to avoid using it as much as I can.

Q. When you got that new SB 244 compliant driver's license, did you have to provide that to human resources at your current job?

A. I did. Since I was a former employee,

less than a year prior, I wasn't, I didn't think I was going to have to go through the whole process again. But I did. I did have to redo a background check, all of the things that any typical new hire would have to do. So I submitted it to that online process, and then since my license was now different, I also had to give it to my HR at the actual building who knew me prior working there, to working there the first time.

And she was confused because she was, like, we already have it, it's not expired. I don't need it, you're good to go. And then I had to explain, well, it's now different, so I don't want to get any crosshairs happening whenever you have the wrong license on file.

Q. Did that result in you having to disclose your transgender status to your human resources department?

A. Yes.

Q. Do you have concerns if that could affect your employment?

A. It absolutely could. I do feel that I'm lucky with where I work. They know me as a person and they know me as a man, and they don't see me differently, as far as I know.

But there's always a chance that, yes, it could.

Q. And you mentioned when you're traveling you have to check into a hotel, you have to provide it there. How does that scenario unfold typically?

A. Before or now?

Q. Start with before SB 244, what was it like to check into a hotel with your kids?

A. So before, like I said, I have three kids, so it's always three versus me. My kids are pretty used to it, it's always myself, I never have help, it's just myself.

So they have a very good understanding that if Dad is overwhelmed, if I can't handle it, we don't go. They got into the habit even before we get out of the car. Usually my oldest twin, who sometimes I think, thinks she's a parent, wants to remind everyone in the car that Dad is one person, there is three of us, we need to give him grace. So very appreciative of that. They typically do very well with that.

So when we check-in, my one twin that is maybe less trusting stands to the left of me, and then my four-year-old stands to the right and then my little coparent stands to the right of him, and

holds his hand so that nobody is touching each other, nobody is fighting, nobody's arguing, the process is much more smooth. And it hasn't always been like that, but we've got ourselves to that point. So it's much smoother, it's a routine.

Q. How has that routine changed since SB 244 passed?

A. It is out the window and as is the grace. So now when I check-in, I am concerned that if I give my license and there's a conversation that ensues, whether it's just a simple question of it's different or a question of why it says female, or even somebody in support of it, I don't particularly want my kids to hear that.

So I set them aside, usually several feet away from me. And as you know, you're always facing a wall, so my kids are behind me, so I'm constantly having to look back to make sure they're doing okay, that they're not getting kidnapped, or running out the front door, and coming back to the clerk. And it's a lot of repeating myself and fumbling, and they are age-appropriate kids where if they see a little bit of a boundary, they're going to push it. And so they are not well-behaved typically when they are left to their own devices, so a few feet away

from me knowing that I'm focused on something else, it's just much more stressful now in an already stressful situation.

Q. Can you turn to tab one in the binder that's next to you marked plaintiffs' exhibits. Should be the white one.

A. What pages? I'm sorry.

Q. Tab one. Mr. Broyles, are you familiar with the document there?

A. Yes.

Q. Is that your declaration in this case?

A. Yes.

Q. Is that your signature at the end?

A. Yes.

MS. ST. CLAIR: Your Honor, move to admit Plaintiff's Exhibit 2.

THE COURT: I'm just looking at my index. Mr. Broyles is marked as Exhibit 1.

MS. ST. CLAIR: Move to -- I think we admitted a prior exhibit. It should be 2, Your Honor.

THE COURT: As Exhibit 1, does the State have any objection?

MR. NUSSBAUM: I think the declarations are already part of the record, Your

Honor, as attached to the briefing. But as such, we have no objection to its submission.

THE COURT: Declaration of Cameron Broyles marked as Exhibit 1 is admitted.

MS. ST. CLAIR: Your Honor, I think it should be Exhibit 2. There was a plaintiff's exhibit that came in through the prior plaintiff.

THE COURT: Say that again.

MS. ST. CLAIR: I believe this should be Exhibit 2. There was a declaration that came in through the prior plaintiff as Exhibit 1.

THE COURT: I heard a discussion with Nicholas Noe about a declaration. In exhibit book that's been presented to me, that's known as Exhibit 5.

MS. ST. CLAIR: Can we move to admit that as Exhibit 1, Your Honor?

THE COURT: Which one?

MS. ST. CLAIR: Your Honor, may the plaintiffs move to admit the no declaration as Exhibit 1 and the Broyles declaration as Exhibit 2?

THE COURT: Does the court reporter have an exhibit list? How do you have it marked?

I would prefer to keep it just for the sake of convenience in managing lists.

MS. ST. CLAIR: No worries, Your Honor.

THE COURT: So the request is to admit the declaration of Nicholas Noe as Exhibit 5. Any objection?

MR. NUSSBAUM: No, Your Honor.

THE COURT: And I think you already answered no objection to the declaration of Cameron Broyles as Exhibit 1.

MR. NUSSBAUM: No, Your Honor.

THE COURT: Thank you. Those two are admitted.

(Plaintiff's Exhibit 1 and 5 was admitted.)

MS. ST. CLAIR: Thank you, Your Honor.

BY MS. ST. CLAIR

Q. Mr. Broyles, what are your claims in this lawsuit?

A. The claims in this lawsuit is that this bill is a discriminatory bill against the trans community. It causes harm to myself mentally, can possibly cause physical harm. And also it introduces the harm to my kids that could be avoided if this bill wasn't in place.

Q. How does SB 244 impact your rights to speech?

A. I feel like this bill really mutes me as a trans person. I'm not allowed to know myself in safe spaces or voice my concern about why I should be in that space that I feel like I should be in, which is the men's restroom. It's very limiting.

Q. How does SB 244 impact your personal autonomy?

A. It's forcing me to go into spaces that not only makes myself uncomfortable but would make other people uncomfortable as well. I'm not able to choose, you know, where I can use the restroom or where I need to be even able to stop to let my kids use the restroom because my kids also need my assistance with the restroom.

Q. And the result of SB 244 is that you're forced to use the women's restroom?

A. It is and it also forces me to display on my license somebody that I'm not.

Q. Does that impact your right to privacy?

A. Absolutely. It's forcing me to out myself to people and invite people into my private areas of my life that I don't really get to vet them before they get involved.

Q. Since SB 244 passed, have you had to forgo any rental applications?

A. I did. I was looking at a house that's a little bit closer to my job, that also did put a ton of extra space between where my kids' mom lives. Since it was in a small town, I didn't necessarily think there would be a huge rental application process, as my lease was up, I was kind of looking to relocate, but after seeing the house, the woman I was speaking with, she gave me the rental application and told me, submit that along with your driver's license and I just told her, you know, it wasn't, it wasn't for me.

Q. What is the current commute you have for your job, where you live at this time?

A. It's an hour, about an hour.

Q. Each way?

A. Each way, yes.

Q. Since SB 244 passed, have you changed the frequency of your social outings?

A. Yes. I try not to go anywhere that I need to get my license to enter, like a casino or something like that, which my friends like to go to. And then if I go out, just eating supper, I typically won't order a drink because I don't want

to give my license.

Q. Why not?

A. I don't want to out myself, it's just not worth it in the situations.

Q. Since SB 244 has passed, has it impacted your mental health?

A. Yes, so I do have anxiety and I have OCD, which is more of a rumination type OCD. So the things that I was worried about prior, I'm now more worried about and it's usually surrounding my kids.

This bill makes me very anxious, especially if we're going on long car trips, which we do several times a year, even just down to Arkansas which is about a seven or eight hour drive depending.

And then we've gone to Alabama, we've gone to Gatlinburg, we've gone to Wisconsin, Colorado. We go. And I'm worried about, what if I get pulled over because although the bill is in Kansas, that license follows me everywhere that I go. And I got through some states that I would be very nervous to hand my license over to somebody.

And while I'm in Kansas and can make an unfortunate contingency plan with my mother and my kids' mother, if I get pulled over and something

happens, somebody could come pick my kids up if I'm on the side of the road or if I'm detained for any reason. I don't really have an option 16 hours away, so I'm very anxious about that.

And I try to over prepare for everything, I feel like that's just my nature as a person, as a dad, as a nurse, you always want to be proactive rather than reactive. But I feel like this bill kind of strips my ability -- like everybody else, it would just be reactive when you get pulled over, or I've got a headlight out. My biggest inconvenience is now I'm maybe five minutes late for work.

Whereas now, I have to be proactive and make a plan for what am I going to do with my kids if something happens. And I'm much more, you know, worried about of something happening, rather than, I'm just going to be late for work.

Q. Did your experience with that bar in Nebraska form those fears of what could happen to you in other states?

A. Absolutely, I've always treaded a little bit more lightly in my hometown because of the history of what's happened in the surrounding towns. And you know, that one person, being different in a small community is very difficult, and not even just

being trans, but being, you know, a person of color or somebody that's a minority. It is just harder.

So that one person at the bar is not the only person that I've encountered over the past decade of being transgender, especially early on whenever I was transitioning in that town.

There's been plenty of people who have made it very clear that they don't agree with my life choices. They don't see me as a father. There is one person that posts, I don't think he has done it recently, but has posted on Facebook, telling me happy pseudo-Father's Day.

There is plenty of people in my hometown and surrounding areas that make it very clear that they don't appreciate my gender identity.

So I'm more worried, you know, using a restroom in my town, somebody would call, because they know who I am, and now they feel this sense of security that they could make a legal issue out of it versus if I'm 10 hours away or something like that, because I present very male.

Q. You seem like a very committed dad. How does it make you feel to see somebody post happy pseudo-Father's Day?

THE COURT: I didn't hear the last

part.

BY MS. ST. CLAIR

Q. I said, how does it make you feel to see somebody post happy pseudo-Father's Day?

A. To be honest, I was very impressed that he knew what the word "pseudo" meant to begin with. I was just annoyed because it's, like, I'm just trying to live my life. My kids are very healthy, they're very happy. They are very well-rounded, they are very active, they are just like everyone else's kids that they go to school with.

I show up to every event. I know every scratch that is on all three of those kids. I can tell you where every freckle is. I am a very committed dad, so for somebody to discredit that just because of my gender identity, they have more time on their hands than I do, and that I make that much of a negative impact on their life is wild to me.

You know, it felt very disheartening and more so for my kids than myself. Because you know, I was very intentional of becoming a dad, you know. We had to plan that out, we paid a lot of money, we did the whole process. They didn't choose for me to be their dad, I chose for them to be my kids, but

not to toot my own horn, they tell me that they wouldn't choose anyone else.

So I am very worried that it's going to come back and they are going to get bullied or something over it.

Q. How often do you visit your kids' school?

A. Well, I'm a classroom parent, so I help with all the parties, typically you think like Valentines or Christmas, I typically do both I'm able to move my schedule. I self-schedule as a nurse. And even though I only work three days, I am able to jam pack my work into whatever days are available, so that I can be there.

Their mom isn't as -- she is not as fortunate to be able to make that happen, so I want to make sure my kids have somebody there at every event, and that means I'm 30 minutes in this classroom, I'm just 30 minutes to this classroom, I jump 15 minutes in this classroom so I'm present for every kid in every event.

So at least for holiday parties, my girls do volleyball camp at the middle school throughout the summer, so I take them to every single one of those. Any time there is a parent/teacher conference, I go to them. I go to every program.

They have cheer care clinic practive. I will attend just the practice.

I just, you know, any time that my kids need me there, I'm going to be there. Even if they don't want me there necessarily, guess who is showing up.

Q. Aside from the mental health impacts that you described a few minutes ago, have you had any physical symptoms that have either started or worsened since SB 244 passed?

A. Yes, so with my anxiety and OCD, they're kind of hand-in-hand. So if my OCD is exacerbated, then my anxiety is, right? So I have palpitations, heart palpitations, I get very jittery, I get headaches from just tension, G.I. issues. And then I do, I also feel like with my kids, it makes me a little bit more short tempered because I'm trying to focus on things that they know nothing about, and I'm trying to make sure that they don't ever know anything about it. So it makes me a little bit not as in the moment as I should be.

Q. Has SB 244 had an impact on your day-to-day work?

A. Other than being aggressively questioned about it on day one of returning to my previous

hospital, no.

I did tell those people that I don't talk about it at work. You know, I ask them also to not talk about it with other people at work.

I told a patient, I don't talk about it at work. It makes me very uncomfortable. And when I get uncomfortable, it's very easy to tell, so I know they could see that as well. So since then, it's not been a discussion.

Q. Since SB 244 passed, do those anxieties you described accompany you in what sounds like a very long daily commute?

A. Yes, and not necessarily that I'm afraid I'm going to get pulled over, because I'm not going to be speeding to get to work necessarily.

So I drive a very long, straight road and it's dark when I get to work, it's dark when I leave work, typically. Heavy deer traffic if I were to hit a deer; during the winter, if I were to slide off or get in a car accident or something and I need to call the authorities to come help me. Obviously, they are going to want identification when they pull up to the scene, and I just, that makes me a little anxious of who's coming.

Q. Have you taken or have you changed your

habits around applying for contractor jobs since SB 244 passed?

A. I have not. Currently I'm staffed at a hospital. I have not found another contract job that would be worth me applying, going through that whole process again.

But I would be more selective about where I go. I would definitely research the hospital prior to see where their stance with, you know, the LGBTQA+ community is, and how open they are.

Q. You mentioned on day one when you returned to your hospital that some of your coworkers confronted you about being transgender. Did anyone besides your coworkers seem to learn you were transgender?

A. The patient did, yes.

Q. What sort of interaction did that cause?

A. She was pushing herself in a wheelchair down the hallway and pulled me to the side asking if I could talk to her. And I, of course, said sure.

And she is somebody that is from around the area that I'm from, so I knew her, I knew of her, I should say, from outside the hospital, so I honestly thought it was going to be a conversation of, I haven't seen you in forever, you know, blah,

blah, how's your kids. And it was, did you have to turn in your license, and I honestly thought she was talking about my nursing license, and I was like, well, I'm here, I'm still a nurse.

And she was like, no, your driver's license, I saw the law. And so she somehow learned about that and then felt that she was -- it was appropriate to ask me, not only in a work setting, but in the hallway at my job.

Q. You mentioned earlier quite a few activities that your kids are involved in. Have SB 244's restroom provision impacted those activities?

A. Yes, you know, if I'm at a school event, I can't use the restroom there anymore. We typically will go to the pool that is in Nebraska, rather than a mile down the road, just because I'm not sure about helping my kids in the locker rooms before and after going in and out of the pool.

So it's just, it can make for a long hour, hour and a half for the pool, four to six hours.

Q. Prior to SB 244, what was your protocol for restroom use with your four and eight-year-olds?

A. Just in general? Like if we were driving?

Q. Yeah.

A. So the restroom protocol is everybody goes

before we leave, twice sometimes if we stuck around for 30 minutes or more and haven't left yet. But it never fails, 40, 45 minutes on the road, somebody's gotta go and then it's a chain reaction.

So I make everybody get out and we're all going to try. So prior, we would stop at a gas station or if we're already at an establishment, I would go to the men's room and make sure that the large stall was available. I'd prefer no men to be in there to start with, but you know, I can't wait forever.

So my girls face the wall and go into the men's restroom, the large stall with myself and my son, and then they all use the restroom in there.

Q. How has that changed since SB 244 passed?

A. Outside of Kansas, it hasn't changed, but while we're inside of Kansas, depending on where we're going, if somebody needs to use the restroom, I just ask them, can you wait.

Like, if we're going to the Missouri side or Nebraska, can you please wait until we can get somewhere that I'm able to get out and help you. And again, I can't explain that to them, so now they're mad at me because we see gas stations as we're driving and so they're like, why aren't you

stopping. And I just have to say, we have to wait until we get into Missouri, or into Nebraska. So it has changed that way.

And then also I just, I just don't feel safe sending my girls into a bathroom by themselves. A, safety reasons, I don't think they -- you know, they are eight and they are pretty self-aware, but if somebody were trying to just frame it as being nice and helpful, I don't know that they could distinguish the difference between that and danger. And also, the two little girls in a bathroom unintended, who knows what is going to happen.

And then my son, he still needs help, even if it's just with the door, it's too heavy for him to open it to get back out.

Q. Are you aware that SB 244 is limited to restrooms in government owned buildings?

A. I'm sorry, can you repeat that?

Q. Are you aware that SB 244 is limited to restrooms in government buildings?

A. I'm not aware exactly where it's all limited to, no.

Q. How does that affect your fear about gas station bathrooms?

A. I think with my fear with gas station

bathrooms, especially local ones, again, is that this bill directly affects me, and I am not even super certain where I am and are not allowed to be.

And then also, I don't know, I would assume a bathroom in a gas station is not a government owned building, but I don't know who owns what buildings whenever I enter them typically, unless it is just very apparent.

So I'm not super sure about it. I would not assume that just a random person would be super sure they could read the public restroom, and who knows where they are getting their information from.

So they could just call it in on the basis of them thinking that I'm in the wrong --

Q. And those are the --

A. -- my kids.

Q. Those are the random people that are deputized by SB 244 to report violations?

MR. NUSSBAUM: Objection, Your Honor, that calls for a legal conclusion that he clearly doesn't know anything about the law.

MS. ST. CLAIR: I'll rephrase, Your Honor.

THE COURT: Please.

BY MS. ST. CLAIR

Q. When you refer to a random person, what is your concern in relation to that?

MR. NUSSBAUM: Same objection, Your Honor.

THE COURT: Overruled.

A. What I mean by random person is anyone that sees me enter a men's restroom.

Q. You're afraid they might report you?

A. Yes.

Q. You mentioned that restroom protocol has changed with your children for all of the different activities that you take them on. Did you have an incident recently with the local festival related to that?

A. Yes. My town has a festival every year that, I want to say it's three to four blocks away from my house, and we go every year typically. And I was just scrolling Facebook and I was looking at the events and the times, and there was a flyer on the last page of it that was explaining the restroom availability.

And there was only two options. One was in City Hall and one was in the courthouse. Both places, I don't believe I'm allowed to use the

restroom.

Q. Did you end up taking your kids to the festival?

A. We did not go to the festival.

Q. Because of the bathroom situation?

A. I was very unsure about that. We would be there, it's not a quick festival. I mean, it's several hours long and so if myself or they would need to use the restroom, we would have to pack up, and I already know their shoes are going to be off when we get there, for the bounce houses.

So find shoes, put shoes on, get back in the vehicle or walk back to the house to use the bathroom and nobody can ever just do it all at once, so it would be several times.

Q. You mentioned several times per year you travel out of state with your kids; is that right?

A. Yes.

Q. How often was that prior to SB 244?

A. I would say at least two to four times a year.

Q. Has that changed since the law passed?

A. Not necessarily, not yet, no.

Q. What sort of impact does that have on your considerations for those longer trips?

A. I do worry about my driver's license and checking into hotels. I worry about being pulled over in a state that maybe isn't as liberal as other states and having issues arise.

And of course, this is all just my anxiety about things that could happen. But again, I certainly don't want to be 13 or 16 hours away from home without a plan, so I do think about those things with my kids.

Q. Are you afraid that your children will learn you are transgender?

A. I'm not afraid that they are going to learn that I'm transgender at all. I think my kids, it would honestly be a five-minute quick conversation. They'd be like, okay, and can I have pizza rolls. I really don't think they are going to care.

My concern is the way, how they would find out. You know, when I have that conversation with them, I want it to be in a comfortable space, a safe space for them. I would like their mother to be present also, so they can ask questions if they want, they can ask their mom questions if they want to.

And then also I would prefer them to be a

little bit older, just because, not that I don't think that they can handle the information or there's anything wrong with the information that they're going to receive, but my kids are very proud of myself and their mom, so they go to school and they brag about their family.

I don't want my girls to go to school and say, well, my dad is trans, or somebody would be talking about something about gender, and somebody said, well, my dad used to have long hair, and things like that, and then them get bullied in return because of that.

Or they think it's something kind of cool where, you know, I got to do all these things and it can turn into a negative situation. So I would want them to be an age where they understand the implications of telling people that, not we're ashamed of it, but it's -- we just need to be more intentional about how we talk about it. And at this age, they work on it all the time.

Q. What's the biggest fear you have following the passage of SB 244?

A. I think the biggest fear that I have, you know, I would like to say, you know, it's about myself and I'm afraid I'm going to be harmed in some

way physically, or that I am mentally harmed, but it truly is my kids and that something is going to happen in front of them, even seeing me go into a women's restroom, my kids have never seen that. That is going to be confusing for them.

I'm afraid that even if I'm pulled over the officer just needs me to step out of the car to have this discussion, or if he starts asking me about it and I ask him, please step out of the car to talk about this, my kids have never seen me pulled out of a vehicle before by a police officer.

I'm their safe space absolutely, and it doesn't matter if I was born a female, if I was born a male, they're safest with me. So if I'm removed from that situation based off of something that I can't control, and I did nothing wrong for, my kids are going to be very scared.

They're not going to know what's going on and they're not going to have anybody to ask what's going on.

I really think my biggest fear is my kids are harmed in some way mentally about this, and even physically with bullying at school in a rural area, that that's a real possibility also and that I'm the cause of that.

Q. Your kids are pretty young, but thinking forward into their future, what kind of dad do you want to be?

A. I think the kind of dad that I want to be, and I feel like I am, like I said earlier, is very intentional and I don't want to miss anything if I can help it. I chose a career that allows me to be present a lot of the times, and it's very easy for me to switch to night shift. If that's going to work for my kids, I'll kill myself on night shift.

If it's going to be better that I work six, 12-hour shifts in a row. So I can have them for five, I'll do that. I just want them to know that there is not a bridge I wouldn't across that's on fire for them. That, you know, they can come to me with anything, whether it's good or bad, that there's no secrets.

You know, I'm just there and I'm consistent. Things don't change over time. I think just, I have a very good model to model my dad behavior over. I didn't have a dad until I was about five or six and then my step-dad came into the picture, and he changed our lives.

We were struggling with housing. We slept anywhere that we could. We had food insecurity, not

a lot of real direction. There was addiction issues in my family and my dad really turned all of that around for us.

And he unfortunately passed a couple years ago from cancer, but he was so proud of the dad that I was and I think that is so confirming for me, too, that he -- he bragged about me all the time. He bragged about my kids all the time.

I think I just want to keep showing up in a way that I show up, and always, you know, make my kids proud to say, like, that's my dad.

MS. ST. CLAIR: Thank you, Mr. Broyles, that's it for us.

MR. NUSSBAUM: Your Honor, may I approach the witness?

THE COURT: You're going to have standing permission for that, Mr. Nussbaum.

Let me just inquire, it's 10 till noon, I'm feeling fine. I don't know how long your cross-examination, you anticipate?

Let me check in with the court reporter. Anyone else? Do you have a guess, Mr. Nussbaum? I don't want to hold you to minutes, but do you expect more than 30, 45?

MR. NUSSBAUM: Probably 30 to 45.

THE COURT: So that would take us, let's say to 12:30-ish, and then we can recess for -- I have my 2:00 o'clock, hopefully 15-minute docket. I'm comfortable if we proceed.

MR. NUSSBAUM: I'm sorry, I didn't hear that.

THE COURT: The suggestion is we take a five-minute break before we start.

MR. NUSSBAUM: That's just fine with me.

THE COURT: Anybody have any thoughts about that schedule? Okay. We will do that. We will recess for five minutes and then proceed.

(A recess was taken.)

THE COURT: Thank you. Please be seated. Back on the record. The appearances are the same as before the recess. You remain under oath.

Mr. Nussbaum, you can proceed.

CROSS-EXAMINATION

BY MR. NUSSBAUM

Q. Good morning, Mr. Broyles. My name is Andrew Nussbaum. So listening to your testimony just now, as I understand it your concerns with Senate Bill 244, it's twofold.

First, you discussed time at the DMV, the hotel, casino, bar, that SB 244 the driver's license provision forcibly outs you; is that fair?

A. Yes.

Q. And the second concern you have with SB 244 related to the bathroom provision, that you might not be able to use a bathroom that aligns with your gender identity; is that fair?

A. Yes, sir.

Q. Okay. I want to take you to those in turn, and what I want to start with first is some exhibits that are in front of you. And I think I opened your binder to what you've marked as, and I'm going to talk loudly enough for the court reporter to hear me, if it's okay if I come over here, just for ease.

We're going to start with what's been marked as Exhibit 138, which should be tab 38 in your binder. Tell me when you're there.

A. Okay. I also don't believe this is mine.

Q. I'm sorry, Exhibit 139. Thank you. Let's go to Exhibit 139. I appreciate that clarification.

Can you identify this document which has been marked as Exhibit 139, Mr. Broyles?

A. It's an Instagram post.

Q. And it's your Instagram post.

A. Yes, sir.

Q. And that's --

THE COURT: I didn't hear the answer, I apologize.

A. I said, yes, sir, from 2015.

BY MR. NUSSBAUM

Q. And that is your name there, [redacted]?

A. Yes.

Q. And what does the Instagram post depict?

A. It's a one year post-op update picture.

Q. And if you look below, it looks like it was liked by a number of people; is that fair?

A. Yes, 17.

Q. And write there is hashtags, hashtag one year, hashtag postop, hashtag FTM, hashtag female to male, hashtag transition, hashtag transgender, hashtag top surgery, hashtag F2M, hashtag chest, hashtag life, correct?

A. Yes, sir.

Q. And this was published on the Internet?

A. It was published on my private Instagram, yes.

Q. And you don't know how many of the people who viewed it screenshotted it or downloaded it; is

that fair?

A. Yes, that's fair.

MR. NUSSBAUM: All right. Your Honor, I move to admit Exhibit 139.

MS. ST. CLAIR: We don't object, Your Honor.

THE COURT: And this has the same caveat. There is an unredacted and a redacted. The redacted is admitted for public purposes, unredacted for otherwise for the record?

MR. NUSSBAUM: Yes, Your Honor.

THE COURT: 139 is admitted.

(Defendant's Exhibit 139 was admitted.)

BY MR. NUSSBAUM

Q. All right. I want to move to what's tab 42. Are you there with me?

A. Yes, sir.

Q. Can you identify this document, Mr. Broyles?

A. It's a post that I posted in a private FTM Facebook group in 2019.

Q. So it's March 29, 2019; is that right?

A. Yes, sir.

Q. Under your name, Cameron Broyles?

A. Yes, sir.

Q. And you write, among other things, I recently had surgery, and an overnight stay at a local rural hospital. I was, to their knowledge, their first openly trans patient. Did I read that correctly?

A. I'm going to read the post, if you don't mind. Yes, that's true.

Q. So there you're stating that you're openly trans; is that fair?

A. In that post, yes.

Q. All right. I'd like to go to Exhibit -- I'm sorry, I move to admit Exhibit 142, Your Honor.

MS. ST. CLAIR: We don't have any objections, Your Honor.

THE COURT: 142 is admitted.

(Defendant's Exhibit 142 was admitted.)

BY MR. NUSSBAUM

Q. Exhibit 145, Mr. Broyles, which is tab 45. Can you identify this document for me?

A. This is a Facebook post I posted in 2016.

Q. Are you aware that -- do you see the globe symbol on the top right-hand corner of this document?

A. Yes, sir.

Q. And are you aware that for Facebook, that means it's published to the entire Facebook social media site?

A. Yes, sir.

Q. So this is one of your Facebook posts on June 23, 2016; is that right?

A. Yes, this is during a period that I was more open about posting on Facebook, prior to having kids.

Q. Were you still living in your small rural town at that time?

A. I was, yes.

Q. So all the people you were concerned about in your small, little town could see this document, correct?

A. Yes.

Q. All right. In this post, you're talking about getting your name changed; is that right?

A. Yes.

MR. NUSSBAUM: I will move to admit Exhibit 145.

MS. ST. CLAIR: Subject to the redaction protocol, Your Honor, we have no objections.

THE COURT: Per the redaction protocol, Exhibit 145 is admitted, and the same thing with 142. I didn't say it, but it applies. Go ahead, Mr. Nussbaum.

(Defendant's Exhibit 145 was admitted.)

BY MR. NUSSBAUM

Q. Moving to the next tab, 146. Can you identify this document for me?

A. This is a Facebook post that I shared from someone else's profile onto my profile for people who are trans.

Q. And in this post, you're telling your trans friends to go to the KC School of Law Clinic to have their gender marker and name changed; is that correct?

A. I'm offering a resource to people that may not have it without openly expressing that I'm trans myself. Yes.

Q. Fair enough, but this, you're talking about the University of Kansas School of Law gender marker clinic; is that correct?

A. Yes.

MR. NUSSBAUM: All right. I move to admit Exhibit 146.

MS. ST. CLAIR: No objection per the redaction protocol, Your Honor.

THE COURT: Per protocol, admitted.

BY MR. NUSSBAUM

Q. All right. I'm going to move to tab 48 and this is Exhibit 148. This is another one of your Facebook posts, correct?

A. I'm going to read it really quickly. Yes, it's a post I posted in 2016.

Q. And same globe symbol there, so this document was published widely on the Facebook website; is that right?

A. Yes, it was published during, again, a time that I was more apt to post on Facebook about my transition, yes.

Q. And in this post, you post about your transition, correct?

A. In an adjacent way, yes.

MR. NUSSBAUM: All right. I move to admit Exhibit 148.

MS. ST. CLAIR: Per the protocol, no objections, Your Honor.

THE COURT: Sorry, 140 --

MR. NUSSBAUM: Eight.

MS. ST. CLAIR: Eight, Your Honor.

BY MR. NUSSBAUM

Q. And Mr. Broyles, I apologize, we're going to switch binders, so from the one that's in front of you, to the one that is open right next to you. And I can grab that, if that's helpful.

A. Just don't want to mess up your rings.

Q. I appreciate that. All right, Exhibit 149, so that's your first tab, it's tab 49.

A. My first tab is 51.

Q. Do you not --

A. I'm so sorry, yes. My first tab at the bottom. Yes.

Q. And this is another one of your Facebook posts, correct?

A. From 2016, yes.

Q. It looks to me like it says January 11, 2017 --

A. '17, yes.

Q. You were testifying earlier that you have some concern about publishing your status as transgender because of the current administration, do you recall that?

A. Currently, yes.

Q. And when you were referring to the current administration, you were referring to the Trump

administration, correct?

A. The current climate right now, yes.

Q. But specifically, you were referring to the Trump administration, right?

MS. ST. CLAIR: Objection, misstates testimony.

THE COURT: He is asking for clarification.

Sir, the question is, when you made the reference to the administration, what administration were you referencing?

THE WITNESS: Yes, the Trump administration.

BY MR. NUSSBAUM

Q. So January 11th, 2017, that was during the first Trump administration, correct?

A. Yes.

Q. So you were publishing about your transgender status then as well, right?

A. Yes, before it got too bad.

Q. And in this post, you're talking about conceiving as a trans person; is that fair?

A. Yes.

Q. And it was published, you see the globe symbol there on the top right?

A. Yes, sir.

Q. So this post was published widely on Facebook; is that right?

A. Yes.

THE COURT: All right. I move to admit Exhibit 149.

MS. ST. CLAIR: Per the protocol, no objections, Your Honor.

THE COURT: Per the protocol, it will be admitted.

(Defendant's Exhibit 149 was admitted.)

THE COURT: Just so now we understand, the protocol is intended to avoid irrelevant, nonessential to the issues before the Court, matters being published to the public, and so those redactions were done, I think, from what I'm seeing so far, correctly and thoughtfully by the State, pursuant to Court order.

You can proceed, Mr. Nussbaum.

BY MR. NUSSBAUM

Q. Let me ask you a question about that protocol, so if you look at, for example, Exhibit 150, which is the next one we're going to talk about. And I'm not going to publish this

information to the courtroom, but I do want to talk to you a little about redactions.

The first page, the first post is an unredacted copy of your Facebook post. Do you see that? It's totally unredacted?

A. Yes.

Q. And if you go to the yellow, after the yellow page, there is one redaction on that page. Do you see that?

A. Yes, my daughter's face is covered.

Q. And have you searched your Facebook page recently?

A. I don't typically search my own Facebook page.

Q. Are you aware that the picture with your daughter is unredacted if you Google it?

A. Yes.

Q. So why did you need to redact it for the Court here today?

A. Well, when I live my typical life, I don't think that people are searching me generally, so I don't expect my day-to-day life to have multiple visits to my Facebook page.

My concern with this bill is that there'll be people who are opposed to my side that will be

searching my Facebook page and it will just bring more traffic.

Q. Fair enough. But you can search your name on Google and see the picture that you've redacted in this Court and has claimed is confidential; is that correct?

A. I don't know, I've never done that.

Q. So Exhibit 150, that's one of your Facebook posts, correct?

A. Yes.

Q. And published September 19, 2017?

A. Yes.

Q. With the globe symbol, meaning everybody on Facebook can see this post, correct?

A. Yes.

Q. During the first Trump administration, right?

A. Yes.

Q. I hate when I scroll through my newsfeed and see members of my family post trans phobic things, but then interact with me like I'm not part of that community, correct?

A. That's a very unfortunate thing, yes.

Q. So you're stating there that you are part of the trans community, right?

A. Yes.

MR. NUSSBAUM: All right. I move to admit Exhibit 150.

MS. ST. CLAIR: No objections per the protocol, your Honor.

THE COURT: Per protocol, admitted.

(Defendant's Exhibit 150 was admitted.)

BY MR. NUSSBAUM

Q. Exhibit 151, Mr. Broyles. This is another one of your Facebook posts, correct?

A. Yes, from 2017.

Q. Published July 26, 2017?

A. Yes.

Q. With the symbol, meaning anybody on Facebook can see it?

A. Yes.

Q. And there you're posting about trans policies; is that fair?

A. Yes.

MR. NUSSBAUM: All right. I move to admit Exhibit 151, Your Honor.

MS. ST. CLAIR: No objections per the protocol, Your Honor.

THE COURT: Per the protocol,

admitted.

(Defendant's Exhibit 151 was admitted.)

BY MR. NUSSBAUM

Q. I'd like to turn to Exhibit 152. This is another one of your Facebook posts, correct?

A. Yes, from 2015.

Q. Published July 21, 2015, correct?

A. Yes.

Q. And it says 1925 trans Tuesday, with some emojis; is that right?

A. Yes.

Q. And the unredacted copy, there's -- well, actually neither of them are redacted. There's a picture of your face before transition and after transitions; is that right?

A. Yes.

Q. And you published that on Facebook, correct?

A. Yes, to my Facebook friends, yes.

Q. And you had 58 followers, or 58 likes, it looks like to me.

A. It would be 59, but yes.

Q. I appreciate that clarification, thank you. And four comments?

A. Yes.

MR. NUSSBAUM: Your Honor, I move to admit Exhibit 152 into evidence.

MS. ST. CLAIR: No objections, Your Honor, per the protocol.

THE COURT: Admitted per protocol.

(Defendant's Exhibit 152 was admitted.)

BY MR. NUSSBAUM

Q. Moving to Exhibit 153. This is another one of your Facebook posts from December 11th, 2016, correct?

A. Yes.

Q. And there's the globe symbol, so it was published on all of Facebook, right?

A. Yes.

Q. And you write hate, hate, hate, so what's your real name, question mark, correct?

A. Yes.

MR. NUSSBAUM: Your Honor, I move to admit Exhibit 153.

MS. ST. CLAIR: Per protocol, no objections.

THE COURT: Per protocol, admitted.

(Defendant's Exhibit 153 was

admitted.)

BY MR. NUSSBAUM

Q. We're going to skip over several of your other posts here and go to Exhibit 163.

Is it fair to say this is an Instagram post, Mr. Broyles?

A. On private Instagram, yes.

Q. And it's one of your Instagram posts, correct?

A. Yes.

Q. Under your real name, [redacted]?

A. Yes.

Q. And you write there, I am a trans man, in the men's restroom, holding my fiancé purse, arrest me. Did I read that correctly?

A. Yes, at that time, they were attempting to pass a bathroom bill in Kansas, so there was a lot of issues surrounding that, yes.

Q. I appreciate that clarification. And you write, screw gender norms, correct?

A. Absolutely.

Q. Lawbreaker, correct?

A. Yes.

Q. Rebel, correct?

A. Yes.

Q. Testosterone, correct?
A. Yes.
Q. KS trans man, right?
A. Yes.
Q. And do you know how many people saw this post?
A. I don't know how many people saw it, no.
Q. And there's no way for us to know that, correct?
A. However many were on my friends list is the only way I would know.
Q. We don't know if any of those friends shared it, right?
A. Sure. No.
Q. Downloaded it?
A. No.
Q. Published it to other people, correct?
A. No.
MR. NUSSBAUM: All right. 167 -- and I move to admit, Your Honor, Exhibit 163.
MS. ST. CLAIR: Per the protocol, no objections.
THE COURT: Admitted per protocol.
(Defendant's Exhibit 163 was admitted.)

BY MR. NUSSBAUM

Q. All right. Exhibit 167, this is another Instagram post of yours, correct?

A. Yes.

Q. This was published on August 13, 2018, right?

A. Yes.

Q. And you write here, a tragedy of biology, but it works, correct?

A. Yes.

Q. And you write, FTM. What does FTM mean?

A. Female to male.

Q. And could you just offer us more context of what that means specifically? Elaborate on it.

A. It means the transition of female to male.

Q. So it refers to a transition from female to male; is that fair?

A. In this sense, yes. I think a lot of people think it means first time mom. It does not in that context.

Q. That's why I was wondering. I appreciate that. So in this context, you're talking about female to male --

A. Yes.

Q. -- as in, transitioning from female to

male?

A. Yes.

Q. And you write, hashtag transgender?

A. Yes.

Q. Referring to yourself, correct?

A. Yes.

Q. Hashtag, transition?

A. Yes.

Q. Hashtag work with what you're dealt, correct?

A. Yes.

MR. NUSSBAUM: I move to admit Exhibit 167.

MS. ST. CLAIR: Per protocol, no objections, Your Honor.

THE COURT: Admitted per protocol.

(Defendant's Exhibit 167 was admitted.)

BY MR. NUSSBAUM

Q. Mr. Broyles, you were asked to identify your posts relevant to your transgender status in this lawsuit, correct?

A. Yes.

Q. And this is just a small sampling of those posts that you posted, right?

A. Yes.

Q. So there's many more where you've published online that you're transgender, correct?

A. From this time frame, over 10 years ago. Yes.

Q. Your Kansas driver's license today reads sex: F, correct?

THE COURT: Say it again, please, I'm sorry.

Q. Your Kansas driver's license today reads sex: F, correct?

A. Yes.

Q. And you were assigned birth at female, correct?

A. I was assigned female at birth, yes.

Q. Your birth certificate currently lists your sex as female, doesn't it?

A. Yes.

Q. And you've never changed your birth certificate?

A. No, my birth certificate is from Arkansas and you can't change it. You can amend it, I believe, but you can't change it.

Q. And you've never filed a lawsuit in Arkansas challenging the fact that your birth

certificate lists your sex as female, correct?

A. No, I've never seen a reason to.

Q. You would agree with me that if your driver's license, your Kansas driver's license read biological sex: Female, you would not call that inaccurate, correct?

A. I would call it irrelevant, but I would not call it inaccurate, no.

Q. In a medical setting, and I think you said this on direct examination, but in a medical setting, when it matters to your care, you would tell the provider that your biological sex is female, correct?

MS. ST. CLAIR: Objection, misstates testimony.

THE COURT: Do you understand the question?

THE WITNESS: Can you repeat it?

BY MR. NUSSBAUM

Q. Sure. In a medical setting, when it matters to your care, you would tell the provider that your biological sex is female, correct?

THE WITNESS: Do I answer it?

MS. ST. CLAIR: Yes, you can.

THE WITNESS: Yes.

BY MR. NUSSBAUM

Q. You're a nurse, Mr. Broyles?

A. Yes, I am.

Q. And as a nurse, you know that normal laboratory reference ranges differ depending on the patient's biological sex, right?

A. Some of them, yes.

Q. Since SB 244 is enacted, you have not presented your license to a law enforcement officer, right?

A. No.

Q. You have not flown on an airplane, correct?

A. No.

Q. You have not used a license to buy an age-restricted product, correct?

A. No, but I would like to speak on flying on an airplane.

Q. I think you'll have the opportunity to do that on redirect.

A. Okay.

Q. Let me keep going with my questions. Your license has never been rejected as invalid, correct?

A. No, not officially, no.

Q. You've never been denied a service because

of the F on your license, right?

A. No.

Q. You're not aware of any instance in which you were discriminated against because of the marker on your current license, correct?

A. I was put in awkward situations that cisgender people wouldn't be or I would not have been put in prior with a male gender marker. I don't know if I was discriminated personally by the person.

Q. So my question is very specific. You're not aware of being discriminated against because of the marker on your license, correct?

MS. ST. CLAIR: Objection, asked and answered.

MR. NUSSBAUM: Your Honor, he didn't answer my question.

THE COURT: So you're allowed to answer in any way that is truthful, because you're under oath. You can listen to the question and answer it in a way that you think is truthful.

I think Mr. Nussbaum is asking you to clarify. But go ahead, Mr. Nussbaum.

BY MR. NUSSBAUM

Q. You're not aware of any instance in which

you were discriminated against because of the marker, correct?

MS. ST. CLAIR: Same objection.

THE COURT: Overruled.

A. I think my definition of discrimination is being placed in a situation that I would not have been placed in prior to changing my identification, and a cisgender would not be placed in.

Q. And you view that as discrimination?

A. I do, yes.

Q. So today, your testimony is that you have been discriminated against because of SB 244 and its requirement that it has your biological sex on your license; is that right?

A. I believe those are the claims that I made in the beginning, yes.

Q. Do you recall being deposed in this matter, Mr. Broyles?

A. Yes.

Q. And do you recall that you were under oath in your deposition?

A. Yes.

Q. And that's the same oath you would take today here in court?

A. I'm sorry, can you say that again?

Q. That's the same oath you took today in court, correct?

A. Yes.

Q. I'm going to show you a copy of your deposition.

A. Sure.

Q. You see on the first page there, it says confidential deposition of Cameron Broyles, correct?

A. Yes.

Q. And you had the opportunity to review this deposition, didn't you?

A. Yes, I did --

Q. To make sure it was totally accurate, right?

A. Yes.

Q. All right. I would like you to go to page 85 for me. Tell me when you're there.

A. Okay.

Q. There, my colleague, Mr. Compton, and I'm going to start on line 20, he says, okay, can you recall any instance where you feel you've been discriminated against because of the gender marker on your driver's license.

I mean, I'm unsure what happens after I give someone that driver's license, if they make

their decisions, I can't really, like, pinpoint that it was because of that. I can't really answer that.

And then Mr. Compton says, let's stick to what you know about for sure. Are you aware of any times that you've been discriminated against because of the gender on your driver's license. And your answer was, not that I'm directly aware of. Did I read that correctly?

A. Yes, sir.

Q. And over the years, the number of time anyone has suggested your license might be incorrect is, in your words, maybe three to five, correct?

A. Yes.

Q. You testified about an instance in a bar in Nebraska on direct examination, do you recall that?

A. Yes.

Q. And that occurred in Nebraska, not Kansas, right?

A. Yes.

Q. And that occurred when you were 22 or 23?

A. I believe so, yes.

Q. And now you're 37, right?

A. I am.

Q. Fourteen years ago, correct?

A. Yes.

Q. More than a decade before Senate Bill 244 was enacted in Kansas, correct?

A. Yes.

MR. NUSSBAUM: I apologize here. I apologize, Your Honor, one moment.

THE COURT: Take your time.

MR. NUSSBAUM: My notes got a little out of order.

BY MR. NUSSBAUM

Q. All right. On direct examination, you were talking about traveling with your children. Do you recall that?

A. Yes.

Q. And you talked about the bathroom protocol, is that your recall?

A. Yes.

Q. And sometimes your daughters, if I remember this correctly, go to the bathroom with you in the men's restroom; is that right?

A. Always, yes.

Q. And you told them to face the wall, is that what I recall?

A. As we're walking into the restroom, yes.

Q. And why do you do that?

A. To protect them.
Q. To protect them from what?
A. From anybody that's not myself.
Q. Before Senate Bill 244 was enacted, at work, you used gender neutral restrooms, correct?
A. Yes.
Q. And do you work in a public building?
A. I don't know if it's a public building.
Q. You work at a hospital?
A. I do, yes.
Q. Okay. But either way, before Senate Bill 244 was enacted, you used gender neutral restrooms, correct?
A. There's two restrooms that are not gender-neutral and the rest I would to say, upwards of 10 to 15 are gender-neutral. So yes, I use those.
Q. They are easy to access, right?
A. Very.
Q. They're in the breakroom and the hallways, and you don't have to go out of your way to use them, correct?
A. No. Yes, that's correct.
Q. Your employer has not changed its restroom policies since Senate Bill 244 was enacted, correct?

A. I don't know if they've changed the restroom policy.

Q. You're not aware of it?

A. I'm not aware of it, no.

Q. And you've not needed any accommodation from your employer as a result of Senate Bill 244, correct?

A. Correct.

Q. You agree with me that using a gender-neutral restroom does not out you as trans, correct?

A. I feel like it raises question if there's a men's restroom and I'm opting to use the gender-neutral restroom, instead of using the restroom that I would align with.

Q. You'd agree with me that you believe that using a women's restroom when your gender identity is male, that would forcibly out you, that's your view, right?

A. Yes.

Q. But using a gender-neutral restroom does not out you as trans, correct?

MS. ST. CLAIR: Objection, asked and answered.

THE COURT: Do you understand the

question?

THE WITNESS: Yes, I do.

THE COURT: You can answer.

A. Well, like I said, if there's a men's restroom available and I choose to use the gender-neutral restroom rather than just going into the men's restroom, that could absolutely raise questions. I don't know what anyone around me is thinking, but it could.

BY MR. NUSSBAUM

Q. So today, your testimony is that using a gender-neutral restroom could out you; is that fair?

A. My testimony is using the women's restrooms could absolutely out me. And then to your question, yes, using a gender-neutral could out me.

Q. Okay, I'd like you to go to page 106 of your deposition for me. If you go to the bottom of that page, tell me when you're there.

A. Okay.

Q. You were asked by my colleague, Mr. Compton, question, do you think that using a women's restroom would out you against your will. You answered, yes.

He then said, okay, do you think the same is true of a gender-neutral restroom and your answer

was no.

A. Can you read what line you're on?

Q. Did I -- sorry.

A. Can you tell me what line you're on, I'm so sorry.

Q. Yes. 106 page, line 23.

A. Okay. Okay. I see.

Q. And it goes onto the next page. And I will read it for you again. Do you think that using a women's restroom would out you against your will. Answer, yes. And then he asked, do you think the same is true of a gender-neutral restroom, and your answer was no. Did I read that correctly?

A. You did, yes.

Q. All right. Since Senate Bill 244 was enacted, no one has asked you to leave a restroom, correct?

A. I have not went into a restroom in Kansas, so no. That's correct.

Q. You haven't been to any restroom in Kansas since Senate Bill 244 was enacted?

A. Not if I can help it, no.

Q. So have you or haven't you been into a restroom since Senate bill 244 was enacted, in the state of Kansas?

A. I've been in gender-neutral bathrooms or family restrooms.

Q. You haven't been to a gendered restroom?

A. No.

Q. No one has told you that you are violating Senate Bill 244 in a restroom, correct?

A. No.

Q. And no one has told you that you're violating the ID provisions of Senate Bill 244. Since it was enacted, correct?

A. No.

Q. On direct examination, you testified about using a gas station bathroom, do you recall that?

A. Yes.

Q. And do you know if those gas stations are publicly owned?

A. I do not know.

Q. And are you aware that Senate Bill 244 only applies to government-owned buildings?

A. I don't know the depths of where it is applied and where it's not, no.

Q. Since Senate Bill 244 was enacted, you have not intentionally avoided any building that you knew was government-owned or government-leased, correct?

A. I did not take my children to a festival because the restrooms were in -- the restrooms that I knew I wasn't allowed in.

Q. I was interested about that. So if you go to page 108 of your deposition for me. Starting on line 22, you were asked -- and tell me when you're there.

A. Sure, I'm there.

Q. Under oath, have you intentionally avoided any building that you knew was government-owned. And you answered no. Do I read that correctly?

A. Yes, this festival was last week.

Q. You haven't supplemented your declaration with that festival information in this case?

A. I assume not, no.

Q. You experience no medical complication, no urinary tract infection, no bladder or kidney issue, and you've not sought any treatment for such things since the enactment of Senate Bill 244, correct?

MS. ST. CLAIR: Objection, compound.

THE COURT: Why don't you go ahead and rephrase.

MR. NUSSBAUM: Sure.

BY MR. NUSSBAUM

Q. You have not experienced a urinary tract

infection since Senate Bill 244 was enacted, correct?

A. Not that I'm aware of.

Q. No bladder or kidney issue, correct?

A. Not that I'm aware of.

Q. And no other physical, medical complication, correct?

A. My anxiety and OCD has been exacerbated, yes.

Q. So excluding mental health issues, no physical medical complication. You haven't experienced any since Senate Bill 244 was enacted, correct?

A. My mental health diagnoses is also linked to physical symptoms, so...

Q. Okay. Fair enough. Before Senate Bill 244, you had a number of mental health diagnoses, correct?

A. A few, yeah.

Q. Generalized anxiety disorder?

A. Yes.

Q. Depression?

A. Yes.

Q. ADHD?

A. Yes.

Q. Obsessive-compulsive disorder?
A. Yes.
Q. Treatment for anxiety, depression -- treatment for your anxiety and depression began when you were in middle school-ish, does that sound right?
A. Yes.
Q. You've had no new mental health diagnoses since the enactment of Senate Bill 244, correct?
A. Correct.
Q. And none of your therapists or doctors have told you that any of your medical conditions or mental health conditions have gotten worse because of Senate Bill 244, correct?
A. They wouldn't necessarily be the ones to tell me if my symptoms have gotten worse or not. I'd be the one that would judge that.
Q. But they haven't given you a different diagnosis or said your symptoms have gotten worse, right?
A. No.
MR. NUSSBAUM: Nothing further, Your Honor. Thank you.
THE COURT: Thank you. Redirect.
MS. ST. CLAIR: Can we take a quick

break for that, Your Honor?

THE COURT: Sure. Five minutes?

MS. ST. CLAIR: Yeah.

THE COURT: Five minutes.

(A recess was taken.)

THE COURT: Okay. Back on the record. The appearances are the same as before the recess. You remain under oath.

Ms. St Clair, you can proceed.

MS. ST. CLAIR: Thank you, Your Honor. Just a brief redirect.

REDIRECT EXAMINATION

BY MS. ST. CLAIR

Q. Mr. Broyles, during cross-exam, Mr. Nussbaum asked you a question about whether or not you've been on airplanes. You indicated you may have more to add. Would you like to do that now?

A. Yes. So I have not flown on an airplane since this bill has been enacted, but I did look into flying with my kids to Florida.

The prices were crazy, I was going to try to swing it, but when I went to go fill it all out, it was asking my gender for my ticket, and at that time, I was very confused on what I needed to put. I am not a frequent flyer, I don't really know the

process.

I think I have flown twice in my life, so I was nervous that if I were to put male, and then I was going to need to present my driver's license at the airport, that that was going to cause an issue, and then to have three little kids with me at an airport.

And then if I were to put female, I didn't want to do that either. But that's what was reflected on my driver's license. So it was very confusing. I did not know how to proceed, so I didn't.

Q. And why is it important for you to take your kids on a trip like that?

A. Oh, my kids have a wonderful life and I'm very lucky to be able to provide that for them. I didn't have that growing up, but they expect vacations every year. And honestly, even if it was just in Kansas City, they would be thrilled.

But being able to take them places that they don't typically get to go every year, and to stay for long periods of time, and it's very important to them, as it is to me as their parent. A lot of times it's my first time doing it, too.

MS. ST. CLAIR: That's all, your

Honor.

THE COURT: Follow up from that, Mr. Nussbaum?

MR. NUSSBAUM: No, Your Honor.

THE COURT: Is this witness excused?

MS. ST. CLAIR: Yes, Your Honor.

THE COURT: Okay. You can step down. Thank you.

I just want to make a short note for the record. I have not invited KDOR and KDOA counsel to query, and I assume that's kind of my understanding, but I just want to make the record clear.

MR. BREWER: Yes, Your Honor, we don't have any questions.

MR. SMITH: Your Honor, Ted Smith with Department of Revenue. We have no concerns.

THE COURT: Okay. I'm thinking of 2:15 just to allow everybody to have about a 90-minute lunch break. That should hopefully get me though my 2:00 o'clock docket, and then we can resume.

Does anybody have any different requests or concerns with that? And any issues before we recess?

MS. ST. CLAIR: Nothing from plaintiff, Your Honor.

THE COURT: Head nods in the negative from everybody. So we will resume at 2:15 or as soon as we can thereafter. I don't know what counsel's preferences are with respect to locking the courtroom.

MR. SELDIN: We have some exhibits that will be helpful if we could leave. We're also happy to move them to the room that you were kind enough to provide us, if that is easier than locking your courtroom. Whatever is easier for the Court. We can also schlep them out if that's the right answer.

THE COURT: It's whatever's easiest for counsel. What I can do is let everybody know that I'm going to ask to clear the courtroom and have court security lock up, and that creates issues if you're going to come in through the public way.

So if you'd rather move them back to your conference room, you can do that.

MR. SELDIN: The conference room will be helpful then, Your Honor. Thank you.

THE COURT: State, any issues?

MR. NUSSBAUM: No, Your Honor.

THE COURT: I will trust that to work and see everybody here at 2:15.

(A recess was taken.)

THE COURT: I'll recall 26-CV-112, Doe v. State of Kansas. This is the recall after the morning session completed. It appears we have everyone back at counsel table.

Plaintiffs have any preliminary matters to take up before we resume?

MR. SELDIN: None, Your Honor.

THE COURT: State?

MR. KOBACH: No, Your Honor.

THE COURT: You can call your next witness.

MR. SELDIN: Plaintiffs call Kyle Koe.

THE COURT: Kyle Koe. You'll be testifying from right here.

KYLE KOE, being duly worn by the court reporter testified as follows:

DIRECT EXAMINATION

BY MR. SELDIN

Q. Mr. Koe, good afternoon.

A. Good afternoon.

Q. What name are you using in this case?

A. Kyle Koe.
Q. And is that a pseudonym?
A. Yes.
Q. And are you a plaintiff in this case?
A. Yes, I am.
Q. Where do you live?
A. I live in Lawrence, Kansas.
Q. Are you originally from Kansas?
A. Yes.
Q. How long has your family been in Kansas?
A. On my mother's side, five generations.
Q. And are you a transgender man?
A. Yes.
Q. What was your sex assigned at birth?
A. It was female.
Q. And what is your gender identity?
A. A man, a trans man.
Q. How old are you now?
A. I am 32.
Q. How old were you when you transitioned to live as a man?
A. I was 22.
Q. Rough math, I believe that 22, that would be in 2016. What was your life like before 2016, before you transitioned?

A. So before I transitioned, I kind of had started the process of what I'd call, like, fading out of my own life. I kind of pulled away from my family, my friends. I dropped out of school twice.

I, I kind of went through my life in kind of, like, a sense of numbness all the time. And, you know, before, before I knew that it was most likely gender dysphoria, what I was feeling, it kind of felt like there was something wrong with me because everyone else seemed to be able to just walk through their lives and be okay, and for some reason I couldn't do that.

Q. Were you eventually diagnosed with gender dysphoria?

A. Yes.

Q. What was your life like after you transitioned to living as a man?

A. It was a lot better. I got back into school, I graduated, reconnected with my family, made new friends.

You know, that sense of numbness went away pretty much immediately. And I was essentially able to kind of rebuild my life because my -- I attribute it to my transition.

Q. What steps did you take to transition

living as a man?

A. I began presenting as a man, wearing clothes. Then I started hormone treatment, then I began living as a man full-time to my friends and family, my jobs.

And then I eventually got top surgery or chest reconstruction surgery. And then eventually got a hysterectomy.

Q. And as part of transitioning, did you ever change the sex marker on your driver's license?

A. Yes.

Q. What did you change it from and to?

A. I changed it from female to male.

Q. Why did you make that change?

A. I made that change because, because I was -- about a year before I graduated from college and I realized in order to start working towards the career that I'd been working so hard for, I was most likely going to have to change my sex marker to avoid being outed or not being able to get my foot in the door to businesses or jobs, due to seeing the discrepancy between the sex on my marker and the way I presented.

So I -- the year prior, I had been essentially outed to one of my employers, purely

because I had an F still on my license. So I knew that if I showed it to the new jobs, I was going to have to be outed again.

Q. And did you ever have -- did you ever have an uncomfortable interaction with a law enforcement officer because of the sex F marker on your driver's license?

A. Yes.

Q. Tell me about that incident.

A. So it was about, I believe it was late 2016, I was driving home from a long shift at the post office, it was around November, so right during Christmas season.

And I essentially was at a red light, and a -- and I saw the sirens behind me, so I pull over a little. The police officer gets out, and he comes up to me, and he seems very friendly when he was first interacting with me.

He kind of was joking around a little, do you know why I pulled you over. And I was like, no, sir, I don't. And then he was like, are you sure, and he said something like, dude or bro.

I really didn't know, so I was just like, no, I really can't think of anything. And he said, well, your tags are expired. And of course, because

of the season, I had completely forgotten when my tags expired.

So I said, you know, oops, my bad or some equivalent of, like, I was busy with the Christmas season, because I'm a postal worker. Either way, I was basically just like, that's my fault. And he was like, you know, it happens.

And I gave him my license and I got my insurance pulled up on my phone. And I -- and he's like, you know, let me see if I can get this back to you quickly, get you on your way, dude, bro, adding some sort of masculine phrasing on it, and went back to his car.

And I basically sat there, and it started taking a pretty long time. I didn't really understand why. And so eventually he gets back out of his car, and you could kind of see by his face that his demeanor had changed quite a bit. He had kind of like a pensive look on his face, and he was kind of slowly walking around, and he looked at the other side of my car, and then slowly looked at the tags again and then eventually came back to my side.

And he was like, okay, here's your license, ma'am. And I was, like, kind of shocked because his tone, you know, had been so friendly

before, I was almost kind of happy that it was going well, but this was -- he was much more abrupt and seemed to be looking at my face to get a reaction.

I just said, okay, thank you. And then he, you know, gives me my ticket and he starts pointing out the court date and the times, very formal. And you know, I say, okay, I accept it all. And then one more time, he goes, then have a nice day, ma'am. So I just say back, okay, thank you, sir. And then proceed to leave the interaction.

Q. When you did -- how did that make you feel?

A. Honestly, it did startle me quite a bit when it happened because it was one of the few times I had ever interacted with law enforcement, and I saw firsthand that someone -- the way someone could abruptly change the way that they felt about you based around, you know, my identification. So I felt kind of nervous about the fact that I still had this ID.

I, you know, was a little annoyed because he used that to basically, it felt like, disrespect me. And you know, it made me realize that I needed to update my markers.

Q. So did you eventually go to the DMV to

update your license to male?

A. Yes.

Q. Tell me what that was like to change your license from female to male at the DMV?

A. So the process for me started in 2022. I was, like I said, I was close to, I was one year out from graduating, and I wanted to start thinking about jobs.

And so I, you know, looked up what I needed. And I needed my birth certificate, I needed the two doctor's notes, and then I needed to send them into the Department of Revenue in order to get a letter back giving permission to change my, to change my ID to male.

And so I, my mother still had my ID at that point. So I call her up and I say, okay, mama, this has been way too long of time. You've been putting this off, I need to come down there and look through these files with you. And she's like, fine, just come down at Christmas, I will have it for you. And she does.

And when I look at it, I discovered that apparently I was born in Missouri, first time I ever learned that. So I kind of had to pivot really fast and just, I would worry about the Missouri court

system later. I look it up, I don't need the actual birth certificate changed right now to change the ID.

So I get my two doctor's notes, one from the person prescribing me HRT, and the other that did my top surgery, and I send it off to the DMV with a couple letters that basically says something like, I have done X, Y, and Z to meet the definition of legally changing my sex to male, so please send me back a letter so I can take it to the DMV and change this.

Q. Mr. Koe, when you said HRT, what does that stand for, for the Court's benefit?

A. Hormone replacement therapy.

Q. And what hormone was it that you were taking?

A. Testosterone.

Q. Did you eventually get that letter from KDOR that would enable you to change the license?

A. Yes.

Q. And did you take that letter to the DMV?

A. Yes, I did.

Q. Can you briefly tell the Court how that worked at the DMV to change your license to male?

A. Yeah. So when I took it in, I have this

big binder that I need for all of my, basically, trans identity name change paperwork, basically everything I need to prove my identity.

So I take it in, get up to the desk and I flop it down, because it's giant. And the guy at the desk is this really stern older gentleman, like one of those guys with like a perpetual frown on his face. And I'm like, this guy, he is going to give me trouble, I know it.

But I prepared for this, I did my job, I have everything. So I give him the letter, I say I am here to change ID, this is the letter that says I can do it, would you please do this.

And he takes it, starts really reading it, really going over it. And I get a little nervous, so I start pulling out all of my other documents, like, do you need my name change, do you need my doctor's notes, do you need my four different bank statements that prove where I live.

He's taking them, really looking very carefully. And he eventually gets it done. And when it's all done, I get the photo, I did a little vow that I promise everything is accurate and true, and he kind of just looks up and me and goes, congratulations. And I knew in that moment that I

got that guy all wrong. He was probably like my best friend at that point.

And so I have to go out to dinner afterwards, because that's a clear part of the process. And you know, I start making the jokes, like, do you need to see my man card. I have license to remain male, you know, really hamming it up.

Q. Who did you go out to dinner with?

A. My husband.

Q. Did you use that license to apply for your current job?

A. Yes.

Q. And what city do you work in?

A. Topeka, Kansas.

Q. Do you work in the state capital complex?

A. Yes, I do.

Q. And the -- do you work for the state government?

A. Yes, I do.

Q. And without identifying the specific agency where you work, what do you do for a living?

A. I work in regulatory permitting.

Q. How long have you been doing that job?

A. I have been doing that for two years now.

Q. Before SB 244 went into effect, which restrooms did you use at work?

A. The men's room.

Q. How far away was the men's room from your desk?

A. About, it was one row over, so it was about 10 seconds.

Q. Did you ever have any problem using the men's restroom?

A. No.

Q. Are there any single-user restrooms in your building?

A. No.

Q. How do you know that?

A. When the law first went into effective, I received an e-mail from the head of my agency with an attachment from the Department of Administration that cited all known single-user restrooms in the capital complex to the --

Q. Was there any in your building?

A. No, it actually very specifically said there was zero bathrooms located in my building.

Q. To the best of your knowledge, from your desk, what is the closest restroom that is not covered by SB 244?

A. The closest bathroom that is not covered by SB 244 is a McDonald's that is about a block and a half from my building.

Q. And within the state capital complex, from the map that you were given by the Department of Administration, what's the nearest single-user restroom?

A. The closest one what I, what I determined is going to be the docking building.

Q. Can you please walk us through the process, the journey from your desk to that restroom?

A. Yeah. So I walk down two floors, I go out the front doors, go across two streets, go take the walking path past the capital, over across one more street to the docking building. I then enter, and turn left before the security, and there's two single-user restrooms there that are hopefully available.

Q. How long does that walk take you, usually?

A. I've gotten it down to around seven minutes.

Q. In your search for single-user restrooms in the state capital complex, have you ever had to interact with a security guard?

A. Yes.

Q. What happened?

A. It was pretty early on, I -- I, I had taken -- I had seen the list of the available bathrooms, but I hadn't figured out yet that I needed to print it off or make a map of every building.

And so I just walked over to the judicial building because it's the one right across the street. And so when I enter, there's pretty heavy security in that building, so I asked the security guards there, like, do you guys have your bathrooms here, where can I find them, and they point me over to the men's and women's room.

And I assume that a gender-neutral restroom or like a single space is going to be right next to the men's and women's room, so I just go over there and take a loop around the little column they are located on to see where the single-user restroom is.

The security guards, upon the second loop ask me, what are you doing the bathroom's right there, and they point the men's room and I'm like, I'm looking for the single-user restroom. And they're like, what. And I tell them, oh, gender

neutral restroom, family restroom, lactation room, trying to list all of the different things that it could be called. And they're like, I don't think we even have one of those here.

And they point again to the men's restroom, and they're like, you can just use that restroom. And I'm like, no, I need, I am here because I'm trying to comply with SB 244, so I need to look for this restroom that this e-mail said it was going to be in.

And they are, like, it's okay, you can just use the men's room. And I have to explain again, I can't use that restroom if I'm going to comply with SB 244, I need to use the women's room, and at that point, it was -- I was, I needed to go.

And so I just go to the women's room, and they are still confused because they seem to be under the impression that the way I would comply was by using the men's restroom. So I run into the women's. I hear one of the security guards at the door telling a woman who saw me enter, the woman asked, what's he doing, what's the problem. And he just goes, he's just using the restroom, it will be a minute, just give him a second.

And so I eventually have to come out and

thank her for essentially guarding the restroom for me.

Q. How did it feel to have someone guard the restroom for you?

A. It was pretty embarrassing. It kind of made me feel kind of infantilized, someone had to hold my hand while I was using the restroom.

Q. Mr. Koe, I think you said it's a seven-minute walk to the nearest single-user restroom that you actually identified, is that one way or round-trip?

A. That's one way.

Q. Are there ever times where you're not able to make that seven-minute walk?

A. Yes.

Q. What do you do then?

A. Whenever I get up, I have to kind of make a decision, you know, feel how important it is. So if I get up, and I'm like, I wouldn't be able to make it that distance, I then either travel one floor down or one floor up, or multiple if there's cleanings happening to a women's restroom.

Q. Why do you leave your floor to use the women's restroom?

A. It reduces the likelihood of one of my

direct coworkers seeing me.

Q. Did you have a coworker see you on your floor?

A. Yes.

Q. Did that coworker treat you differently after?

A. Yes.

Q. What changed?

A. So essentially it was during a training period were I wasn't doing my normal scheduling for my bathroom breaks, and so I decided to risk it after work around 5:30 to use the one on my floor.

My coworker, the one responsible for issuing my permits, sees me as I'm flying into the bathroom, and she at first is really concerned. She goes, Kyle, are you okay in there. You know, because talking to someone with all this is the worst thing ever. I go, yes, I'm fine. And she's like, okay, well, have a nice night.

I think it seemed like she had the impression that I was being sick in the bathroom at the time. But after that point -- sorry, before that point, we almost had kind of a friendship. She would come to my desk, you know, multiple times a week, ask me for food recommendations, bring me

little toys that she makes, you know, or we would sit and talk about our, like, our weekends together. And then after that point, she completely started avoiding my desk. She hasn't come around since.

Q. When you've traveled to other floors, do you sometimes encounter women in the women's restroom?

A. Yes.

Q. What have those experiences been like?

A. It's pretty much bad every time. I've had -- it usually feels like everyone is staring at me when I'm in there. I have women who go, oh, and say -- I've had women like clearly talking about me, pointing at me to each other at the sinks.

More recently, I've had a couple instances where, there was one woman, who because she was so shocked, she stood in the doorway and basically made it so I couldn't get out.

And then I had another woman shout out to me to stop, and of course, I'm not going to risk obeying someone to stop, I just kept moving.

Because the way that the men's and the women's is set up next to each other, I've even had a man who sees me exiting the restroom and turns and starts watching me run back up to my floor,

seemingly very angry, and I think if I had paused, he might've said something to me.

Q. Have you ever been unable to make it to restroom in time?

A. Yes.

Q. When does that happen?

A. So sometimes when I -- I have this point of no return. Once I cross the street, I have to keep going for the docking bathroom. I can't sit long enough to wait for the lights again.

So when it happens that the urge is just too strong, and a little leaks out, I just -- I just keep moving, I keep moving forward. I go and I hold whatever left I can. I get into that single-user restroom and just clean up after myself.

I've learned that you can use the hand dryers, it helps dry off your pants after you -- after the wet.

I've also learned that, you know, hand sanitizer is really good for neutralizing smell. And so, you know, I finish up, I clean up best I can and then I get back to work.

Q. Have you ever been unable to return to work because of an accident?

A. Yes.

Q. When did that happen?

A. So it happened about a month after I had my initial deposition. I, I -- when I initially was doing my searches for which bathrooms I could use, I had kind of written off the McDonald's because I thought, you know, you're going to have to pay to go there. And so because I'd been reminded of it because of the deposition, I decided to give it a try, see if that would shave off a little time for me.

So I go during lunch because that way if they require me to buy something, I can just buy my lunch there.

I start walking down and then all of a sudden, the urge hits me really hard. And there is somebody walking behind, and I'm, like, I don't think I can make it. So I decide to do a ditch and run, I'm going to try to get back to my building and try to use the restroom.

I'm, at this point, by my parking garage. And so I tried to enter the parking garage doors, it gets stuck. And, you know, at this point, I'm full panicking because I can feel that it's coming.

So I get out, I start walking around the corner, just trying to get out of the eyesight of

this one dude who was behind me.

And it just starts coming, and I -- I try my best and I'm really trying to hold it, and it's just coming in waves. And, and there's nothing I can do to stop it. And so, I -- I'm wearing these gray pants. And if you've worked out in gray pants, you know, the moment liquid hits it, it just turns black.

So I'm sitting there with these clearly stained pants right in front of my parking garage, and so I finally find this little ledge to sit on and I sit down. And I called my husband, and I tell him, I'm really sorry, I know you have a lunch today or a game or something, but you need to come get me because I've had an accident.

And so I have to just sit there and wait for him. And of course, like everyone's around me, and I just start crying. And he eventually comes, he eventually comes to get me, and he -- I get out, I walk over to his car, and I can't sit down because I'm like, babe, I don't want to get your seat dirty. And he's like, it's okay. It will be okay, I can get this cleaned later, just tell me what I need to do to help you right now.

And I tell him, I need you to go upstairs,

because I can't walk into my office at this point, and I need you to tell my boss that I've gotten sick or something, just something, that if he can just let me go home and get changed, I can work the rest of the day from home, and I can get this big project that we got, the deadline was that day I needed to get it done. And I would finish it if I could just have a little, a little time to clean myself up.

And so he does that and the entire time -- when he's gone, I just basically start breaking down because I'm -- it feels like, when I was out there, it felt like I was relegated to this position of, like, I wouldn't even be trusted around normal people. And I was basically being forced to, like, pee outside like a dog.

And so I'm, you know, sitting there, just full breakdown and he eventually comes back with all of my things, and I am able to go home and get my project done.

Q. Did your husband have to take off work to take you home?

A. Yes.

Q. How long is the drive?

A. It's about 45 minutes.

Q. Has your husband missed other time at work

because he has had to take care of you?

A. He hasn't, he hasn't missed much else in terms of, like, work. But there was this company picnic after hours where he was supposed to be doing, like team-building, and you know, just socializing with his coworkers. And it turned out it was at a public park, one that fell under SB 244.

And so we don't discover this until the day that he, that we're supposed to go. And when we looked it up, it turned out there was no single-user restroom within, like, a mile of the gazebo that they had rented for them.

And so instead of him going until he had done his due diligence of socializing with people and, you know, teamwork shopping, you know, he had to just go when I needed to go to the bathroom.

Q. Mr. Koe, did your husband come with you to vote?

A. Yes.

Q. Why?

A. I was worried because of SB 244 that they were going to look at my ID and deem it not valid and then turn me away from voting.

Because he has some, you know, experience with being a poll worker, he took me into one of the

early voting places, and made sure that he was sitting right next to me while I was getting my license checked to vote, just to make sure that if anything went wrong, he would be there to, you know, defend me.

Q. Were you able to vote?

A. Yes.

Q. Mr. Koe, I want to shift gears briefly for one moment, did you do a declaration in this case?

A. Yes.

Q. There should be a binder called plaintiff's exhibits, a white one. If there's not, I can give it to you.

If you could please turn to tab three, I'm going to ask you if you recognize that document.

A. Yes, this is my mine.

MR. SELDIN: Plaintiffs would move to admit this exhibit, I think it's Plaintiff's 6 or 3, I apologize.

MR. COMPTON: No objection.

THE COURT: Three is admitted, Plaintiff's 3.

MR. SELDIN: Thank you.

BY MR. SELDIN

Q. Mr. Koe, have you posted on social media

about being transgender?

A. I have posted about things about my transition and things about my life as a transgender person.

Q. What platforms have you posted that content on?

A. I've posted to Facebook and Twitter.

Q. How many Facebook friends do you have?

A. Seventeen.

Q. Who are those 17 people?

A. They are a group of people I met when I was first initially transitioning. It was this trans support group, and I made it specifically so I could communicate with them.

Q. Did you post publicly from that account?

A. I believe that the posts were made available only to friends, you couldn't see them when you were out.

Q. Are there other platforms where you've posted content about being transgender?

A. Yes, Twitter.

Q. And is your Twitter associated with your name?

A. No, I made sure that I never used my name on the account, and that the photos were always of

random cats, so that my face was never on and I would even blur out things like the state and the city that I lived in.

Q. Any other platforms?

A. No, those are.

Q. Mr. Koe, earlier we talked about going to change your driver's license at the DMV from female to male, did you -- after SB 244, did you change your license again?

A. Yes.

Q. What was that experience at the DMV like?

A. It was, it was, it was pretty hard this time. I go back in with my binder and the very first person I see at the desk is my best friend, you know, the same stern man. And when I looked at him, I could see the recognition in his eyes immediately. We saw each other.

And I go up to the desk, plop it down, and this is the initial desk this time and I tell him I am here because I need a new license, I can't bear to say I need to change it in front of this guy, because you know, he was the one that helped me last time. And he just looks confused, but you know, types a little and goes, oh, okay.

And then he really differently than how he

was last time, he was very soft and gentle. And is like, go take a seat, and someone will help you out. And so I say, thank you. I really -- I really wanted to walk out because I really didn't want to exchange my license this time around, you know, because I was scared that I never may see this again.

So I -- but I knew I had a job again. My only goal was to get a good photo because everyone knows if you get a bad photo, it's bad. So I get up to the desk with this new person and I still can't say it. I'm just like, I need a license.

And I hand him my old one, and he starts working on it. And I get the photo done, I get that photo, and it's fine. But afterwards I realized I never actually confirmed with him that I needed to specifically change the marker, I didn't know if he knew that.

And so I was like, do you understand why I need a new license. Do you understand, I need my marker changed. And he's like, I know. And I'm like, and you know what it needs to be changed to. And he's like, I know and I've got you. And I really appreciated that because, you know, I just -- the whole process just felt so isolating and lonely.

And so someone saying that they had your back just meant a whole lot.

So he changes it. I have to do the new promise, the promise that everything is verified and true and correct on this, and I know that the stuff on my license wasn't true, that by saying that, I was lying. And I was saying that the doctors who had helped me, who got me documents saying that I was, you know, male and even, you know, the Missouri court system who had reassigned my sex on my birth certificate, I was basically saying that they were lying too.

And so -- but I have to, because I need that ID or else I couldn't, I couldn't go to work anymore. I didn't know what else I could do, and so I agree. And this time, you know, unlike before, I can't even look at that thing without feeling just ill. So you know, it just is what it is now.

Q. Did anything else happen at the DMV after you got your license? Mr. Koe, did you have to do an eye test at the DMV?

A. Yeah, yeah. When I was, when I was doing -- after the guy had said, like, you know, I've got you, of course, it seems to be all I'm doing these days is just breaking down.

I start crying during it, pretty hard. And you know, we have to basically pause the whole eye exam until I can finally see enough just to do the test. I think I delayed him by like 10 minutes doing it.

Q. How often do you think about SB 244?

A. I have to think about it essentially three times a day, five days a week, every time I use the restroom. It's also always on my mind when I go out to a new place, I have to think, is this something that would qualify under SB 244.

Like my friends and I are part of this club where we have to go, we were trying to go to the community pool adult swim. And while my friends were there thinking about what vendors are going to be at the party, and you know, what snacks they're going to eat, I'm sitting there looking up and seeing if there is an entrance that isn't through the bathroom or how strict the showering policy is and whether or not I can even go without outing myself to everyone at the event.

Q. Mr. Koe, if SB 244 has had this effect on your life, why haven't you left Kansas?

A. I guess it's because Kansas, Kansas is my home. I've lived here my entire life, all of my

friends are here, all of my family is here, I graduated from here.

And you know, I have cousins that live on the coastal cities, and even before this they would tell me, you need to leave Kansas, you know, it's safer as, you know, a trans person to live somewhere else.

And I used to always say, no, you have to understand, it may seem like, you know, from the news reports that it's scary, but the people here are really good. They are very hard-working, they really believe in the idea that, like, if you work hard and, you know, try to do right by the people in your community, that you know, it doesn't matter what else about you.

And I, I, I try all the time to live by the same principles, you know, the whole state motto, you know ad astra per aspera, to stars through adversity. And I always saw my own transition as something like it. You know, move through -- move through the bad and the pain, and if I work hard and really try to be good, I could also land on my own kind of, like, happy life here in Kansas. That's why I became a civil servant.

But lately, because of this bill, it feels

like, I, I -- I sometimes wonder if, like, why am I not considered one of the good people of Kansas? Why do I, why do they assume that I am going to, that if I step into a restroom, I'm going to -- they have to make laws -- they have to protect people from me. And why is it assumed that the only reason I'd want to change my ID is because, I want to, I don't know, defraud the government or something?

So it's like, why do my hardships not count?

MR. SELDIN: Thank you. No further questions at this time.

THE COURT: Counsel?

MR. COMPTON: Yes, Your Honor.

THE COURT: Counsel, if you would please remind me?

MR. COMPTON: James Compton for the State, Your Honor.

THE COURT: Thank you.

CROSS-EXAMINATION

BY MR. COMPTON

Q. Good afternoon, Mr. Koe, it's good to see you again. As a reminder, my name is James Compton, I'm going to ask you a few questions, okay?

A. Okay.

Q. So I want to start with the ways that you allege SB 244 injures you. You allege in your declaration and the petition that it injures you by restricting your access to the men's restroom; is that right?

A. That's correct.

Q. And this is a problem for you because you work in a state building, right?

A. Yes.

Q. And it's a problem for you because you believe that using the women's room outs you as transgender?

A. Yes.

Q. I'd like to take those things one at a time. Let's start with your work for the state. You work in a state-owned building, you talked about this on direct examination?

A. Yes.

Q. And you believe that there are no single occupancy restrooms in that building?

A. As far as I'm aware.

Q. And you said on direct examination that you believe because you got an e-mail that said there weren't any such restrooms, right?

A. Yes.

Q. But you haven't actually asked anyone what restrooms are available for your use in the building, have you?

A. When the bill first passed, in that e-mail with the bathrooms, there was clear instructions from the head of my agency to not direct any questions about this bill or any questions about it to anyone at my agency, that the only person that I would be allowed to ask questions was the office of administration.

So I didn't -- I didn't know anyone that I could trust to ask.

Q. My question was, you haven't asked anyone about restrooms you can use. And you haven't, have you?

A. No, I don't this so.

Q. You haven't asked the Kansas Department of Administration?

A. No.

Q. You haven't asked your supervisor if there's a restroom you can use?

A. My supervisor, supervisor offered to check himself, and it seems like he couldn't find anything either.

Q. But you didn't ask him to check, did you?

A. I did not ask him.

Q. You still haven't asked him, have you?

A. No, because he offered to look.

Q. And you still haven't asked the Kansas Department of Administration?

MR. SELDIN: Objection, asked and answered.

THE COURT: Sustained.

BY MR. COMPTON

Q. You've determined, you said on direct examination, that the easiest single-occupancy restroom for you to use is in the docking building; is that right?

A. Yes.

Q. And it takes you some time to get there, I think you said about seven minutes?

A. Correct.

Q. That delay is not a problem for your job, right? Because your supervisors told you, you can take as much time as you need to use the restroom?

A. Yes.

Q. You talked about this on direct examination as well, but instead of going to the docking building, you can just use the women's room in your office, right?

A. Yes, I can.

Q. You say you actually do use the women's room about once a day?

A. I believe I said once a day at most. I meant it more to imply that if I were to use the women's restroom, one would be the max number of times I would go in a day.

Q. About how often do you use the women's restroom in your office building, Mr. Koe?

A. It's highly variable per week, some weeks it's zero. Usually the average is about around three times.

Q. No one has ever asked you to leave the women's restroom, have they?

A. No.

Q. No one has ever told you, you shouldn't be using it?

A. No.

Q. But you feel like women are uncomfortable with your presence in the women's room, don't you?

A. Yes.

Q. You think they're uncomfortable because you look like a man?

A. Yes.

Q. Do you think it's understandable that

women are uncomfortable with someone who looks like a man in the women's room?

MR. SELDIN: Objection, calls for speculation.

THE COURT: His opinion. Your impression or opinion. Do you understand the question he is asking?

THE WITNESS: Yes.

THE COURT: Can you repeat the question?

BY MR. COMPTON

Q. Do you think it's understandable that women are uncomfortable with someone who looks like a man in the women's room?

A. Yes, I think it can be understandable.

Q. In your experience, are most of the women you encounter in the women's room uncomfortable with someone who looks like a man in the women's room?

A. They seem to be uncomfortable with me. I don't know how they would react to someone else.

Q. But you think they're uncomfortable with you, because you look like a man?

MR. SELDIN: Objection, asked and answered.

THE COURT: Clarification. Just make

sure. Is that what you're saying?

A. Yes.

BY MR. COMPTON

Q. Let's talk a little bit about your social media posting. Mr. Seldin asked you a bit about this on direct examination.

You've testified that your trans status is not something you want to broadcast to the world, right?

A. Yes.

Q. But you have posted on social media about it, haven't you?

A. Yes, my private social media.

Q. I want you to find, I think it's in those black binders next to you. It's going to be in volume two. Should be tab 28. If you need any help finding it, please just let me know.

You should have a volume one, a volume two, and a volume three. I know, it's a lot.

A. What tab?

Q. 28. And you're going to find, I think, two versions of one of your social media posts.

THE COURT: Mr. Koe, while you're looking, you've been there a little bit, you need any water?

THE WITNESS: Yeah, can I --

THE COURT: You have some? Okay, good. Just checking on you.

THE WITNESS: I appreciate it.

BY MR. COMPTON

Q. Do you see your posts under tab 28 --

A. I think --

Q. What you should see is one that's unredacted, and then a yellow sheet, and then one that is redacted. Is that what you see there?

A. Yes.

Q. Is this a post you made on Facebook?

A. Yes.

Q. Is it a true and accurate copy of that post?

A. Yes.

MR. COMPTON: Your Honor, I move State's 128 into evidence.

MR. SELDIN: Your Honor, no objection, so long as we're following the existing protocol regarding redaction?

THE COURT: 128 admitted per protocol.

(Defendant's Exhibit 128 was admitted.)

BY MR. COMPTON

Q. This is you in a hospital bed, isn't it?

A. Yes, that is a correct.

Q. And the caption is, get in, losers, we're going chopping. Is that right?

A. Yes, that's correct.

Q. This is a photo of you about to get what you call top surgery, isn't it?

A. Yes.

Q. And when I say top surgery, what I mean is a double mastectomy as part of your transition, right?

A. The way it was described to me is it's actually more of a chest reconstruction due to the fact that they don't remove all breast tissue when doing the procedure.

Q. Okay, so not quite a full double mastectomy, but you're having your breasts reconstructed as part of your transition, right?

MR. SELDIN: Objection, misstates testimony.

THE COURT: Your explanation is what we're interested in, that's what he's asking for, so however you feel it's best to explain it, that's the question.

A. Do you mind repeating how you explained it.

BY MR. COMPTON

Q. It might not be a double mastectomy, but this is a photo of you about to have breast reconstruction surgery as part of your transition, right?

MR. SELDIN: Same objection.

THE COURT: Do you feel like you understand the question?

A. Yeah, I think that is accurate enough, yeah.

BY MR. COMPTON

Q. If it's not accurate, please let us know. Now, you put this photo on Facebook, right?

A. Correct.

Q. And you don't know who saw it?

A. I don't know of the 17 people who exactly saw it, no.

Q. You don't know if any of them screenshotted it?

A. No.

Q. You don't know if any of them recorded it in any way?

A. No.

Q. You don't know if any of them shared it?
A. No.
Q. I'd like you to turn now to tab 131 in that binder for me if you -- sorry, tab 31, Exhibit 131.
Actually tab 29.
A. Tab 29, you said?
Q. Are you there?
A. Yes.
Q. Do you see the same thing I described before, which is an unredacted Facebook post, a yellow sheet, and then a redacted Facebook post?
A. Yes.
Q. This is a post you made on Facebook, right?
A. Correct.
Q. Is it a true and accurate copy of that post?
A. Yes.
MR. COMPTON: Your Honor, at this time I move State's 131 into evidence, with the understanding that we are conditionally admitting the redacted copies.
THE COURT: Are we on 129?
MR. COMPTON: Sorry, 129, Your Honor.

I wrote it down wrong the first time and it's, it's --

THE COURT: It's easy to do. Any objection?

MR. SELDIN: As long as the protocol is in place, no, Your Honor.

THE COURT: Admitted per protocol.

(Defendant's Exhibit 129 was admitted.)

BY MR. COMPTON

Q. This is another post you made on Facebook, right?

A. Correct.

Q. What is this a photo of, Mr. Koe?

A. It is a photo of my first testosterone prescription.

Q. This is the testosterone prescription you were given as part of your transition?

A. Yes.

Q. And the caption on this photo is, let's do this?

A. Yes.

Q. You don't know who screenshotted this?

MR. SELDIN: Objection, foundation.

MR. COMPTON: I'm asking him what he

doesn't know --

THE COURT: What he doesn't know. Overruled.

BY MR. COMPTON

Q. You don't know who screenshotted this?

A. No.

Q. You don't know who recorded it in any other way?

THE COURT: I suppose the better question would be whether, but --

MR. SELDIN: I have the same thought, Your Honor.

MR. COMPTON: I might not be quite the grammarian Mr. Seldin is.

BY MR. COMPTON

Q. You don't know whether anyone screenshotted this, right?

A. No.

Q. You don't know whether anyone recorded it in some other fashion?

A. No.

Q. And you don't know whether anyone shared this post?

A. No.

Q. I'd like to move now to talk a little bit

about the instance you described involving your driver's license. You described for us on direct examination changing the sex marker on your driver's license twice; is that right?

A. Yes, that's correct.

Q. The first time you changed your driver's license from female to male, that was in 2023, right?

A. Yes.

Q. You first transitioned to identify as a man in 2016, correct?

A. Yes.

Q. So for the first seven years of your transition, you had a female sex marker on your driver's license?

A. Yes, that's correct.

Q. So you've been transitioned for about 11 years, and seven of those, you've had a female sex marker on your driver's license?

A. Yes.

Q. You described to us an incident involving a police officer, that you believe, where you believe you were outed by that sex marker, right?

A. Yes.

Q. Did you describe any other instance where

you'd been outed by your sex marker in direct examination?

A. I briefly described a time at work in which I had been to my employers due to my sex marker.

Q. You mentioned something about your boss -- thinking you were outed to your boss because of your driver's license, right?

A. Yes.

Q. In fact, you don't know what outed you to your boss in that instance, right?

A. I apologize, but I do, because she said directly it was the gender marker.

Q. Well, your boss never said anything directly to you about it, right?

A. No, she said it directly to me.

Q. Your boss described -- described the incident to you?

A. Yes.

Q. We'll come back to that, Mr. Koe, in just a moment. Let's talk about the incident with the police officer first. You describe an incident where you were pulled over by a police officer; is that right?

A. Yes.

Q. And the police officer initially took your driver's license and went back to his car to run your plates?

A. Yes.

Q. And then when the police officer came back, he said, here's your license, ma'am, and put a lot of emphasis on the word "ma'am". Is that right?

A. Yes, that's correct.

Q. In your petition, you say that you believe this officer intentionally extended that traffic stop because he believed you were transgender. Do you remember that?

A. I believe I had said that he potentially extended that stop, but otherwise yes.

Q. What you say in a petitioner -- and correct me if I'm wrong -- is Kyle believes the officer extended the traffic stop. Is that what you wrote in the petition?

A. Yes.

Q. But in fact, you don't know that the officer did anything to intentionally extend the traffic stop, do you?

A. I know that he seemed to walk at a slower pace than before, and that despite his comment that he was going to be quick, that it took longer than I

think a traffic stop is supposed to take. I've had very few, so I don't know for certain.

Q. I understand that the traffic stop felt long, but what I asked was, do you know that the officer intentionally extended the stop?

MR. SELDIN: Objection, asked and answered.

BY MR. COMPTON

Q. And you don't know that do you?

MR. SELDIN: Same objection, argumentative.

MR. COMPTON: Your Honor, I don't think he answered my question.

THE COURT: Well, you were asking him about his statement that he believed it was extended, and he gave you answers to that.

So this is a different question about what he knows. Anything beyond what you already testified to?

THE WITNESS: Nothing beyond that.

THE COURT: Proceed with your questioning.

BY MR. COMPTON

Q. Mr. Koe, I'm going to ask the question one more time, just to be perfectly clear. Do you know

for sure that that officer intentionally extended the traffic stop?

A. No.

Q. Okay. That officer pulled you over because your tags were expired, right?

A. Yes, that's correct.

Q. Your tags were actually expired, correct?

A. Yes, I think by 11 days.

Q. You didn't contest that ticket?

A. No.

Q. You paid it?

A. Yes.

Q. And you say you think that the sex marker on your driver's license outed you to this police officer; is that right?

A. Yes, I believe that it had outed me.

Q. Do you know what records the police officer looked at when he went back to his car?

A. I know that he looked at my license and my insurance.

Q. You don't know what else he looked at, do you?

A. No.

Q. And this point, this was 2016, right?

A. Yes.

Q. So you had been identifying as a woman your entire life up until this year, right?

MR. SELDIN: Objection, misstates the testimony.

MR. COMPTON: Your Honor, he's free to correct me if I say something wrong.

THE COURT: So if you get the question and you believe there is information that's incorrect, you can ask about that, or you can explain it in your answer. You don't have to accept the answer as it's put to you. Does that make sense?

THE WITNESS: Yes.

THE COURT: Okay.

A. Before I identified as transgender, I did identify as nonbinary for a time, and so it was not one year, no.

Q. This is the first year you'd identified as a man; is that right?

A. Yes, I believe so.

Q. And you hadn't changed any of your records to say you were male at this point?

A. No.

Q. Okay. That's what happened because of your driver's license, I want to ask you about what

hasn't happened.

No one has ever harassed you because of the sex identifier on your driver's license, have they?

A. I have not been made -- if they have, I do not know that they have.

Q. You don't believe anyone has harassed you because of your driver's license? Let's put it that way.

A. I don't, I don't think I could say for certain, but not that I'm expressly aware of.

Q. Okay. You're not aware of anyone ever discriminating against you because of the sex marker on your license?

A. Would you be able to define what you mean by discriminate?

Q. I'd like to know if in your opinion anyone has discriminated against you based on the sex marker on your driver's license?

A. There was a time that I described in, I believe, in my deposition, and other points in this case, that I described an incident where I was turned away from a bar due to the sex marker not matching my presentation. So if we count that, that probably could be considered one.

Q. Is it your testimony that the person we're talking about now discriminated against you based on the sex marker on your driver's license?

A. Well, in, in, in -- the way I am understanding discriminated, it wasn't so much that it was, he was doing it specifically because I was transgender, but he was -- the results of it made it so that I was not able to get into a space that others could. And so I, I think that would fit under discrimination still.

Q. Do you remember giving a deposition in this case, Mr. Koe?

A. Yes.

Q. Do you remember taking an oath at the start of that deposition?

A. Taking notes?

Q. An oath, sorry.

A. Oh, I'm sorry. Yes.

Q. It was the same oath you were administered here earlier today?

A. Yes.

Q. I'm going to grab you a copy of your deposition, all right?

MR. COMPTON: Permission to approach, your Honor?

THE COURT: Standing permission.

BY MR. COMPTON

Q. Mr. Koe, can you just confirm for me that that document is entitled confidential deposition of Kyle Koe?

A. Yes.

Q. Great, let me see if I can find the last page here. And does this look like the transcript and deposition that you and I did earlier this year?

A. Let me look, pick out some spots. Yes, this looks right.

Q. Can you turn to page 65 for me? Just let me know when you're there. I'm going to start on line 23 and we're going to run over to the next page. I'm going to read it, and I need you to tell me if I read it right.

Question: Okay, are you aware of anyone having discriminated against you based on the gender marker on your driver's license. Answer: No. Did I read that right?

A. Yes.

Q. You'd also agree with me, Mr. Koe, that no one has mistreated you because of the gender marker on your driver's license, have they?

A. Yes.

Q. Yes, you would agree with me?

A. Yes. I meant yes, as that is what I said is -- sorry, could you repeat the question for me?

Q. Yes, and you can put the deposition away now, if you'd like. I'm asking you just a question apart from the deposition now.

You'd agree with me that no one has mistreated you because of the sex marker on your license, right?

A. Like I said on there, it's nothing -- I don't believe so, nothing that I've been made aware of.

Q. You haven't received any complaint for violating SB 244, have you?

A. No.

Q. You haven't received any citation for violating SB 244?

A. No.

Q. Mr. Koe, you believe your sex to be male; is that correct?

A. Yes.

Q. But you would agree with me that there are some trans men, that's people who were born female, but now identify as a man, whose sex is female, right?

MR. SELDIN: Objection, foundation.

THE COURT: Sustained.

BY MR. COMPTON

Q. Mr. Koe, do you have an understanding of what sex is?

A. Yes.

Q. And you believe your own sex to be male?

A. Yes.

Q. Do you have an understanding of what it means to be transgender?

A. Yes.

Q. Do you know what a trans man is?

A. Yes.

Q. A trans man is a man who is born as a female, who now identifies as a man; is that right?

A. Yes, I believe that's definitely a definition I've heard before.

Q. You're bringing a lawsuit in this case arguing that requiring trans men to list their sex as female on their driver's license is unconstitutional under the Kansas Constitution, right?

A. Yes.

Q. But you would agree with me that there are some trans men whose biological sex is female?

MR. SELDIN: Objection, calls for speculation.

MR. COMPTON: Your Honor, the plaintiffs are bringing a suit in this case.

THE COURT: Just repeat the question for me, I'm sorry.

MR. COMPTON: I asked Mr. Koe if he would agree that there are some trans men whose biological sex is female?

MR. SELDIN: Objection, calls for speculation outside of his personal knowledge.

MR. COMPTON: Your Honor, the plaintiffs are bringing a lawsuit that hinges almost entirely on the definitions of transgender male and female, I'm asking this particular plaintiff what his opinion is on those matters. It's relevant, he signed a complaint in this case.

MR. SELDIN: Your Honor, respectfully, this case has both fact and expert witnesses, and the question was not phrased in terms of his opinion.

THE COURT: Yeah. Read the question back.

(Court reporter read back the question.)

THE COURT: As asked, the objection is sustained.

BY MR. COMPTON

Q. Mr. Koe, in your opinion are there some trans men whose biological sex is female?

A. I don't think I have any, like -- I don't have enough professional experience to be able to identify the sex of someone else. I'm not a medical professional, you know, and I'm not an expert.

Q. Do you remember giving a deposition in this case?

A. Yes.

Q. Do you remember when I asked you this question at deposition?

A. Yes.

Q. Can you turn to page 107 for me. Let me know when you're there?

A. I'm there.

Q. I'm going to start on, oh, I can't see it because of my clip. I'm going to start on line 16, and I want you to let me know if I read this correctly, all right?

It says, okay, so based on that definition, do you think there are trans people, we will pick one, do you think there are trans men

whose sex is female. Counsel objected. You answered, yes, I believe there are trans men who could be female. Did I read that correctly?

A. Yes.

MR. COMPTON: Nothing further from the state, Your Honor.

THE COURT: Redirect?

MR. SELDIN: Your Honor, if I could have a brief moment to confer with counsel.

THE COURT: Yes.

MR. SELDIN: Your Honor, no further questions. Thank you for the moment.

THE COURT: Is this witness released from the subpoena?

MR. SELDIN: From my perspective, yes, Your Honor.

MR. COMPTON: Agreed.

THE COURT: Thank you. You can step down.

We've been going a little bit, let's take a recess until -- it's 36 after, we will resume at 10 till.

(A recess was taken.)

THE COURT: Back on the record in 26-CV-112. I believe the appearances are the same

as before the recess. Unless there's issues to take up, we can call the next witness.

MS. ST. CLAIR: Thank you, Your Honor. Plaintiffs call Dakota West.

DAKOTA WEST, being duly sworn by the court reporter, testified as follows:

DIRECT EXAMINATION

BY MS. ST. CLAIR

Q. Good afternoon, Ms. West. How old are you?

A. I'm 21.

Q. Can you tell the Court a little bit about yourself?

A. My name is Dakota, 21 years old. I grew up here in Kansas. I graduated high school in Alabama and then moved back here shortly after with my father. My favorite color is purple, specifically periwinkle. I like plants very much. I have a really chubby orange cat, his name is Cheddar. Yeah.

Q. Where did you say you grew up at?

A. Here in Kansas.

Q. Can you move just a little closer to the microphone? Thank you.

What was your sex assigned at birth?

A. Male.

Q. And what is your gender identity?

A. Female.

Q. Are you transgender?

A. No.

Q. How would you describe your identity?

A. I'm an intersex woman.

Q. What does it mean in your case to be intersex?

A. In my case, being intersex means that I never really fit into what would be considered, like, normal puberty growing up. I never experience masculinization or any of the things that come with that.

I always felt different from my peers growing up. I've always felt like the gray in a black and white world.

Q. How old were you when those feelings of difference showed up for you?

A. Around seven or eighth grade, so I was about 12 or 13.

Q. What sort of things did you notice at that time?

A. At the time I noticed all my peers in school started getting really tall and growing

facial hair, and their voices got really deep. And none of that really happened to me, I was just kind of same old me. It was really confusing at the time.

Q. Did you go through a typical male puberty?

A. No, not at all.

Q. What happened to you?

A. My body didn't develop in a male way. I had some minimal breast development. And then I started to go through female puberty shortly after seeing an endocrinologist and a doctor that put me on hormone replacement therapy.

Q. And how old were you when you saw that doctor?

A. I was 18.

Q. Prior to turning 18, had you ever asked your parents for an explanation of the differences that you felt?

A. Not before 18, no. I was always confused about it, but I just kind of kept it to myself.

Q. Did you have a conversation with your parents later?

A. Shortly after turning 18, around 19, I did, yes. I sat down with my dad and told him that I always felt different from everyone that I grew up

with and I didn't understand myself at the time. And it didn't make any sense to me.

And then that's when my dad kind of told me that when my mom was pregnant with me, the doctors had told them through the entirety of my mom's pregnancy that I was female. They bought all girls toys, painted the baby room pink.

My dad told me of a conversation he had with my family physician around the age of 12 or 13, when it was expected for males to go through puberty. And the family physician told my dad that I wasn't developing normally as expected, and he wanted to start me on testosterone replacement therapy. And my dad told the doctor that he thought I should develop the way that God intended and that it was my choice to make later on.

Q. And you learned about all of that for the first time when you were 19?

A. Yes, that's correct.

Q. How did learning about all of that impact you?

A. It was a relief that I never understood myself. It felt like a missing puzzle piece.

Q. What happened next?

A. After that, kind of took some time to

reflect and take in and then after that, I scheduled a doctor's appointment with a geneticist, and she confirmed for me, and ran some tests that I was intersex. And diagnosed me with androgen insensitivity syndrome.

THE COURT: Say that part again.

THE WITNESS: She confirmed I was intersex and diagnosed me with androgen insensitivity syndrome.

BY MS. ST. CLAIR

Q. What do you understand androgen insensitivity to be in your case, Ms. West?

A. In my case, it basically means that my body doesn't process or respond to male hormones, something to do with the hormone receptors in my body that don't bind to process it.

So even if the doctor had put me on testosterone replacement therapy, it wouldn't have done anything for me.

Q. How did you feel about learning all of that?

A. Relieved that I finally understood myself. I didn't feel like I was crazy anymore for always feeling so different from everyone.

Q. How old were you when you began presenting

as a woman?

A. I was around 12 or 13, around the same time.

Q. Did you use a women's restroom?

A. Yes, I did.

Q. In all the years that you've used a women's restroom, have you ever had any trouble doing that?

A. No, never.

Q. Prior to about 12 or 13, had you used the men's restroom?

A. Yes.

Q. Have you used the men's restrooms since you were 12 or 13?

A. No.

Q. How old were you when you changed your name?

A. I was 20 years old.

Q. So shortly after your genetic testing?

A. Yes.

Q. Did you change your gender marker at the same time?

A. Yes, I did.

Q. Why didn't you make those changes to your name and gender marker earlier?

A. I never really changed my name because I didn't think much about it, it didn't really bother me at the time. My friends and my family always called me, Christine, that's what my dad called me growing up. So at that time, I didn't feel the need to change. I thought I had time to do that.

As for my gender marker, the law didn't allow for me to change it sooner. I had originally tried to change it in 2021 before the original injunction was filed in court, never received a response back from KDOR, I wasn't able to change it.

Q. Prior to getting your female license, did you ever encounter any discrimination based on your male gender marker?

A. Yes, I did.

Q. Can you tell us about that?

A. So there was one time I went to the bank to make a deposit at Wells Fargo. I walked in and the banker, she was super nice to me and bubbly and kind. And then I handed her my driver's license, and she kind of looked at it, and she looked at the bottom where the gender marker was and then looked at me. And then after that she was really cold, she didn't say anything, kind of passive-aggressive.

She didn't say anything to me, but I could

kind of tell that it bothered her or she was confused about it.

Q. Aside from the incident with the bank teller, have you had any other instances of discrimination?

A. Yes, I have.

Q. Have you ever been fired from a job?

A. Yes, I was fired from a previous employer. Because of the situation, I was essentially outed. One of the HR representatives saw that my license had said male at the time, and it kind of spread between coworkers. I was harassed about it, people talked behind my back. It really hurt, I loved that job too.

Q. Did that occur when you lived in a small town?

A. Yes, it did.

Q. Did that information spread beyond your employer to your town?

A. Yes, it did.

Q. How did that affect you?

A. It was scary, feeling like I always had a target on my back. It was embarrassing, too, to have people talk about me, especially in such a small community, it's kind of hard to escape that.

Q. Were you harassed?

A. Yes.

Q. When you went to the DMV for the first time to get your name and your gender marker changed to reflect your female status, what was your experience like at the DMV?

A. It was one of the happiest days of my life. The DMV lady that helped me that day was actually my first grade teacher, and she had been there with me through this entire journey. Back in '21 when she was upset we couldn't get it changed.

She was so proud of me that I could finally do it. You know, she watched me grow up to a young woman. So she understood that I was different. It was, it was perfect.

Q. So she was happy for you?

A. Very.

Q. Prior to SB 244, what was your life like in Kansas?

A. It was peaceful, normal. I could just exist peacefully, I was with my friends, and my family, everyone that loved me, it was happy.

Q. And you worked?

A. Yes.

Q. And you went to college?

A. Yes.

Q. What were you studying?

A. At the time, I was studying nursing.

Q. Were you private about your gender identity?

A. Somewhat, I didn't talk about it a whole lot, I also wasn't ashamed of it. All my close friends and family knew. I wasn't scared to talk about, I just didn't bring it up much.

Q. Can you turn to the binder tab marked 8 in front of you? Sorry, the white binder.

Do you recognize that document, Ms. West?

A. Yes, I do.

Q. Is that your declaration in this case?

A. It is.

MS. ST. CLAIR: Your Honor, plaintiffs move to admit Exhibit 8.

THE COURT: State?

MR. KOBACH: No objection.

THE COURT: Admitted.

(Defendant's Exhibit 8 was admitted.)

MS. ST. CLAIR: Thank you, Your Honor.

BY MS. ST. CLAIR

Q. Ms. West, when SB 244 first passed, did

you get a letter from the Kansas Department of Revenue?

A. Yes, I did.

Q. Do you recall what the letter said?

A. It basically said that my driver's license was invalid and voided overnight, that it would be a crime to drive there to get a new one, that I was required to do that and surrender my license.

The bottom of the letter, it said that there was an appeal process that I could use, if I wanted to appeal the decision.

Q. Did you try to do that?

A. Yes, I did. I mailed an appeal letter to Kansas Department of Revenue, Legal Services Bureau. I also sent an electronic copy to them, which was delivered.

Q. And that was earlier this year --

THE COURT: I didn't hear the question, sorry.

MS. ST. CLAIR: Sorry, Your Honor.

BY MS. ST. CLAIR

Q. I said, was that earlier this year?

A. Yes, it was.

Q. Did you get any response?

A. No, I never received a response from KDOR.

Q. As you sit here today, have you ever received a response?

A. No.

Q. Did you comply with the requirement of SB 244 to get a license?

A. Yes, I did.

Q. How much money did it cost you to get the new license?

A. I don't recall exactly, I think it was only $30.

Q. How long did it take you at the DMV to get your new license?

A. Around 30 minutes to an hour.

Q. When you went to the DMV this time to get your driver's licensed updated in compliance with SB 244, what was that experience like?

A. It was devastating, heartbreaking. It was the same woman, my first grade teacher, that helped me that day. I walked in there and I was crying, and I told her, I don't want to ask you to do this, and I know you don't want to do it, but I need a license to drive, please. And she started crying too. It was terrible.

Q. Since SB 244 has passed, how has your life changed? Are you still in college?

A. No.

Q. Why not?

A. After SB 244, it changed my life dramatically. Ultimately, I made the decision to leave the state of Kansas because I didn't feel comfortable here anymore. I didn't feel safe.

So after leaving, I would just kind of take a gap semester to kind of regroup and wait till I was okay.

THE COURT: I didn't hear the last part, sorry.

THE WITNESS: To wait till I was okay.

BY MS. ST. CLAIR

Q. Where did you move to?

A. Knoxville, Tennessee.

Q. Do you still have family in Kansas?

A. Yes, I do.

Q. Do you still have friends in Kansas?

A. Yes.

Q. Is your best friend still here?

A. Yes, my best friend is still here. My grandfather is still here, who is terminal. He has cancer, so it's really heartbreaking that I can't spend the rest of his time with him.

My dad and my brothers still live here, all the people I grew up with, all of my friends are still here. My best friend is pregnant in her second trimester, and it's heartbreaking not being here for her and helping her.

Q. Did you have to leave your cat here?

A. Yeah, that was heartbreaking too.

Q. Cheddar?

A. Cheddar, yeah.

Q. Why didn't you take your cat with you?

A. Kind of a logistics issue, and also my step-mom is allergic to cats.

Q. Do you have a stable living situation in Tennessee?

A. In part, yes.

Q. What do you mean when you say, in part?

A. Well, I haven't necessarily been in one place really. We are selling the house that we're in and looking for a new house to move into. Last month I had lived with my ex-boyfriend, I wasn't even in Knoxville, just haven't really settled down quite yet.

Q. So you were fired from your job, dropped out college, and moved out of state?

A. Yes, that's correct.

Q. Was that related SB 244?

A. Yes, in part it was. My step-mom and my dad are engaged, and the wedding is in December and that was when we were originally supposed to move to Tennessee.

But I made the decision to leave earlier because the place I grew up didn't feel like home anymore, I didn't recognize it.

Q. Was a result of the outing in your small town that made you feel unsafe?

A. Yes.

Q. The result of -- or the requirement of SB 244 for you would be that you be forced to use the men's restroom; is that right?

A. That's correct.

Q. Does that make you feel safer?

A. No, not at all.

Q. Since SB 244 passed, have you driven less?

A. Yes, I have. I try to avoid driving anywhere, really. My mom, for the most part, drives me where I need to go. I just try to avoid any interactions that I can.

Q. Do you travel less?

A. I do. I used to travel a lot, but not anymore.

Q. Why not?

A. Just feels like putting myself at risk for discrimination, being stopped by an officer that might be confused and do something, especially in Kansas, which I have travel here right now because, you know, I don't know where it's safe for me to use the bathroom anymore.

Q. Since SB 244 passed, has it had an impact on your mental health?

A. Yes, it has drastically, as well as my physical health.

Q. Can you explain more about that?

A. Yes, so shortly after SB 244, my therapist was realizing that my depression was getting worse and my anxiety was getting worse, exacerbated by some of SB 244's consequences.

I also had a Crohn's flair shortly after, which is exacerbated by stress.

Q. Did you have a recent store encounter related to your identification?

A. Yes, I did. I was at T.J. Maxx shopping with my at-the-time boyfriend and his sister. And we were in the line checking out and my wallet was sitting in the buggy. And his sister saw that my license said male, and she had asked me about it,

which was obviously very embarrassing. I had known her for like, four or five days now at this point.

It just wasn't something I was ready to tell her. That choice was taken away from me. It was difficult.

Q. Are you active on social media, Ms. West?

A. Yes, I am.

Q. Has that changed over time?

A. Yes, it has.

Q. How?

A. Before SB 244, I didn't really talk openly about being intersex, or about being different. I just kind of existed.

But after the law went into effect, I kind of understood the importance of being different and telling people about it. I think you can make an impact if people know that there's people like me out there.

Q. So would you say you are more active on social media now?

A. Yes.

Q. Has anyone who follows you through social media ever approached you in real life?

A. No.

Q. Why did you want to be a plaintiff in this

case?

A. I wanted to be a plaintiff in this case so that people can see the affects of SB 244 have on people like me. That it is not just affecting transgender people in the state, it's also affecting intersex people, people that are different, that are often misunderstood.

And I wanted to not only for myself, but for other people that are scared and feel lost.

Q. Would you ever consider returning to Kansas?

A. I would come back, if I felt safe again and SB 244 didn't exist.

Q. Where do you see yourself in five years, Ms. West?

A. In five years, hopefully I'll have just graduated college. Hopefully, I'll be an (indiscernible.) somewhere working myself to death, maybe engaged, maybe married, I don't know. Hopefully I'm happy and the impact (indiscernible.)

MS. ST. CLAIR: That's it for direct, Your Honor.

THE COURT: Pardon me. Dakota, do you have some water there, if you need it?

THE WITNESS: Thank you.

THE COURT: You can proceed.

CROSS-EXAMINATION

BY MR. KOBACH

Q. Hi, my name's Kris Kobach, may I address you as Dakota?

A. Yes, sir.

Q. You're a plaintiff in this case, correct?

A. Yes.

Q. And you're familiar with the petition, the amended petition in this case?

A. Yes.

Q. As far as you know, is everything in the amended petition true?

A. Yes.

Q. I want to ask about one part in particular that I want to look at here. The petition should be right in front of you, it's got a binder clip on it. Not in the notebook, it's a separate document.

There it is, yeah. Could you just look at page 31, paragraph 150?

A. You said 150?

Q. Yeah, 150. I just want to clarify this. You see that paragraph 150 says Dakota West is an intersex woman who lives in Reno County, Kansas, where she lived for most of her life. She is 20

years old. Is that paragraph true any more?

A. Not currently, no.

Q. So is it, is it not true to the respect that you now live outside of Kansas?

A. Yes.

Q. And I believe you said this on direct examination, but is your residence now in Knoxville, Tennessee?

A. Yes, it is.

Q. And was it in June 2026 that you moved to Tennessee?

A. Yes.

Q. On direct examination, you told opposing counsel, Heather, that you moved to Tennessee because you didn't feel safe in Kansas; is that correct?

A. Yes, it is.

Q. Now, I would like to have you look at another document. This one is your deposition. I'm going to hand this to you. You can take the giant clip off, if you want.

And if you could please turn with me to page 12, starting on line 17. Okay, I'm just going to read, if you can read along with me.

The question is, where do you live,

Ms. West. The answer, Knoxville, Tennessee. How long have you lived in Tennessee. Since June 16th of 2026. Why did you move to Tennessee. Your answer. Family reasons. Question: What family reasons? Answer: My dad got engaged.

Question: okay, so do you live with your father. Answer: With my mother. Okay, so did your mother move to Tennessee. There's an objection, and then you answer, she already lived there. Another question, I'm just looking for something more specific than family reasons, why exactly did you move to Tennessee. There's another objection. And then you answer because my father got engaged and he plans on moving here as well.

Question: Okay and why does that mean that you need to live in Tennessee. Answer: Because I previously lived with my father in Kansas. Question: Okay. So did you move to Tennessee because your father moved to Tennessee. Answer: Because he is going to move here, correct.

So Dakota, it was for family reasons that you moved to Tennessee, wasn't it?

A. In part, yes.

Q. Has your father moved to Tennessee since the date of this deposition?

A. No, sir.

Q. You don't have any plans to move back to Kansas, do you?

A. Not presently.

Q. Now that you've moved to Tennessee, do you have a Tennessee's driver's license?

A. No.

Q. Do you plan to get Tennessee driver's license?

A. Eventually, yes.

Q. Are you aware that Tennessee law requires one to get a Tennessee driver's license within 30 days of becoming a resident there?

A. I wasn't aware of that. I am now.

Q. You know that SB 244 only applies to Kansas driver's license and Kansas government buildings, correct?

A. Yes.

Q. So let's talk about the buildings you use to which SB 244 would apply. You've stated that you use the airport when you come to visit, correct?

A. Yes.

Q. And which airport would that be? In which city?

A. The Wichita airport or most recently the

airport here in KC.

Q. And are you aware that there are five gender-neutral bathrooms in the Wichita airport according to the Wichita airport website?

A. I was not aware.

Q. Other than passing through the airport when you visit Kansas, you don't use any other government owned buildings, do you?

A. The courthouse.

Q. Do you normally use the courthouse?

A. Not daily, no.

Q. So are you saying you might have to if you ran into trouble with the law?

A. Correct.

Q. Okay. Are there any government-leased buildings that you use in Kansas to your knowledge?

A. Not presently, no.

Q. So let's go back to the amended petition, which was the first document we looked at. And this time let's look at page, paragraph 162.

This one says -- are you there yet?

A. Yes.

Q. This paragraph says that you frequently -- that Dakota frequently visits the public library, the public college in Wichita, and her local

courthouse, is that right?

A. Yes, it is.

Q. But that's not true anymore, is it, since you don't live here?

A. No.

Q. No, it's not true?

A. Yes.

Q. That's correct. All right.

THE COURT: Just so I'm clear, the question is, do you any longer use the public library or the courthouse that was referenced in paragraph 162, is that still something you regularly do?

THE WITNESS: No, Your Honor.

THE COURT: Okay, thank you. Go ahead, General Kobach.

BY MR. KOBACH

Q. You mentioned on direct examination that you're intersex; is that correct?

A. Yes.

Q. And I know you said this already, but I want to make sure I have this right, you have androgen insensitivity syndrome; is that correct?

A. Yes.

Q. And does that mean you were born with XY

chromosomes, and male reproductive organs, but your body doesn't process male hormones? Is that a good description?

A. Mostly yes.

Q. Is there anything about that description that I got wrong?

A. Could you say it again one more time?

Q. You were born with XY chromosomes and male reproductive organs, but your body doesn't process male hormones properly?

A. Correct, not complete male reproductive organs, but yes.

Q. And you've spoken publicly about being intersex, haven't you?

A. Yes.

Q. And specifically, you posted on Facebook about it, is that correct?

A. Yes.

Q. Your profile on Facebook is a public figure profile, correct?

A. Yes, it is.

Q. And that's a profile specifically for someone who is either famous or who wants to make public statements; is that right?

A. Yes.

Q. And you set up that profile so you could be an advocate for intersex people, correct?

A. Yes.

Q. So let's look at the statement you posted on that public figure profile on Facebook. If you will look in one of the white -- no, one of the dark binders, there's a tab 37, and there's different numbers -- it should say volume two of three on the cover. Have you found it?

A. Yes.

Q. Is this the post that you made on Facebook?

A. Yes, it is.

MR. KOBACH: Your Honor, I move for the introduction of Exhibit 137 into evidence, subject to the protocols -- well, actually no, this one is not.

THE COURT: Objection to 137?

MS. ST. CLAIR: No, Your Honor, it's not a redacted.

THE COURT: 137 is admitted.

(Defendant's Exhibit 137 was admitted.)

BY MR. KOBACH

Q. And in this post, you expressly state that

you are intersex, don't you?

A. Yes.

Q. And specifically it says, I am intersex, I was born with androgen insensitivity syndrome, end quote; is that right?

A. Yes.

Q. Because this is your profile on Facebook, you can know how many people on Facebook have seen this post, right?

A. Yes.

Q. Approximately 1.3 million people have seen this post, haven't they?

A. It's around 2 million now, but at one point, yes.

Q. That's a big number. And it's still on your public Facebook; is that correct?

A. Yes, it is.

Q. Your public Facebook page, the page, correct?

A. Yes.

Q. And in fact, it's pinned, meaning it's the first post someone sees if they visit your page, correct?

A. It is still pinned, but it is not the first one anymore.

Q. Let's go back to the petition again, that's the first document. I'm going to need to direct you to -- actually, you know what, I think I can just ask you this question without referring to a specific paragraph.

You said in this petition, I believe, and also in direct examination, you've described being worried about being outed as intersex; is that correct?

A. Yes.

Q. Are you still worried about being outed as intersex?

A. In certain situations, yes.

Q. Why would you post something that's been seen by 2 million people if you're worried about being outed as intersex?

A. I think there's a situational difference to it. I've never met someone in person that has followed me online or has seen that before. Sometimes I think that's just numbers on a page even though I know it's people.

Seeing someone, being in front of their face is a lot different than being online.

Q. So if someone were to ask you, are you the same Dakota West who published on Facebook about

being intersex, would you say, yes, that's me?

A. Yes.

Q. Now, you talked a little about the driver's licenses that you've gotten. And you talked about complying with SB 244, and surrendering the driver's license with the F marker.

Are you familiar with the provision of SB 244 that requires special accommodation be given to intersex people, specifically where it says, an individual born with a medically verifiable diagnosis of disorder or differences in sex development shall be provided legal protections and accommodations?

A. Yes, I am aware of that provision and I cited that provision in my appeal, which has received no response.

Q. And let's talk about that, so the, what you describe now as an appeal, was a letter and an e-mail that you sent to KDOR; is that correct?

A. Correct.

Q. Correct. And they didn't respond to that letter; is that correct?

A. No.

Q. Did you follow up with another inquiry or phonecall or any other sort of communication?

A. No.

Q. Why not?

A. I didn't feel the need to. I knew it was delivered two different ways, so I figured with SB 244 changes and the lawsuit, that the department was just kind of frozen for a minute, and didn't know how to handle it.

Q. Did you request an accommodation relating to restroom access?

A. No.

Q. Okay. Let's talk about the various ways you allege that SB 244 has harmed you. In your declaration you say that stress from carrying a driver's license with a male sex marker has caused painful flares in your Crohn's disease? Do you recall saying that?

A. Yes.

Q. Now, those flares happened in March or April of this year; is that correct?

A. Yes.

Q. And the only reason you think those flares were connected with SB 244 is the timing, correct?

A. That's correct, I hadn't had a Crohn's flare before that for about a year and a half.

Q. No doctor told you that the flares were

connected with SB 244, did they? Is that correct?

A. No, but I've had my previous physicians tell me that it's been exacerbated by stress.

Q. In fact, you haven't spoken with a doctor about these flares since March or April of this year, have you?

A. No, I haven't. I have grown up having Crohn's disease, so I know how to regulate it, and often flares just go down on their own.

Q. And they haven't occurred since April, have they?

A. No.

Q. Now, your declaration also mentions worsening depression, anxiety, and CPTSD symptoms; is that correct?

A. Yes.

Q. And to be clear, you were diagnosed with general anxiety disorder before SB 244 was enacted?

A. Correct.

Q. And were diagnosed with major depressive disorder before SB 244 was enacted?

A. Yes.

Q. And were you diagnosed with CPTSD or complex posttraumatic stress disorder before SB 244 was enacted?

A. Yes, I was.

Q. And it's correct that you received all of those diagnoses in 2024?

A. Yes.

Q. And you say that these conditions, the depression and anxiety have gotten worse. Have your metal health providers written you any new prescriptions since SB 244 was enacted?

A. Yes, they have.

Q. And what new prescriptions were given to you and when?

A. Currently, Lamictal, which is a mood stabilizer often used in depression resistant treatment.

Q. Can you state the name of that again?

A. Lamictal.

THE COURT: Do we need a spelling? If you know.

THE WITNESS: LAMICTAL, Lamictal.

BY MR. KOBACH

Q. That would be a good one at a spelling bee. Did you have a Lamictal prescription prior to SB 244 being enacted?

A. No.

Q. And when did you get the Lamictal

prescription first given to you?

A. About a month after SB 244 went into effect.

Q. I'm going to have you look at the deposition again. That's the document that had the big clip on it.

If you could look at page 32, and look specifically at line 16 through 24. Are you there?

A. Yes.

Q. I'm going to read it for you, just follow along with me. Question: Have they written you any new prescriptions since SB 244. There's an objection and you answer no. Question: have they given you any new diagnoses since SB 244. And your answer is no.

So can you clarify, which one of these is incorrect? The deposition answer or your answer now that you do have a new prescription?

A. It was the deposition answer. I think I was confused by the question at the time.

Q. And when you were given the new prescription of Lamictal, did the physician state why you were given this new prescription?

A. Yes, she said it was to help treatment resistant depression that helps with some CPTSD and

increased anxiety.

Q. Did the physician say that this prescription is to deal with something from SB 244, or is that your conclusion?

A. That's just my understanding.

Q. You also mentioned in your declaration an instance in which you were discriminated against at work. And I believe you talked about this in your direct examination, because your coworker saw a male sex marker on your driver's license; is that correct?

A. Yes.

Q. And that happened before SB 244 was passed, correct?

A. Yes, it did.

Q. And are you currently litigating an employment discrimination suit about that incident?

A. That has -- we reached a settlement, so it's not pending litigation.

Q. And how recently was that settlement reached?

A. I believe in June or July.

Q. Okay. And so in bringing that litigation, you believed what happened to you at the workplace was already illegal under Kansas law?

A. Correct.

Q. You also mentioned an incident with a bank teller in your declaration, correct?

A. Yes.

Q. And you say that you showed your driver's license to the bank teller and then she became, I think your phrase was cold, in her demeanor?

A. Yes.

Q. To be clear, this bank teller didn't say anything about the sex on your driver's license though, did she?

A. No.

Q. Was this person sitting at a computer?

A. Yes.

Q. And you couldn't see what was on the computer screen, could you?

A. No.

Q. And you couldn't see the screen of her cellphone, could you?

A. She didn't have a cellphone with her.

Q. Did you speak with this person about the sex marker during that interchange?

A. No, I didn't bring it up with her.

Q. Did you ask her why her mood changed or her demeanor changed?

A. No.

Q. Your declaration and also in direct exam you mentioned a similar interaction with a receptionist at a medical office, is that correct?

A. Yes.

Q. And I believe you said that the receptionist became cold after you gave them your driver's license and insurance card; is that right?

A. Yes.

Q. And again, this person didn't say anything to you about the driver's license, did they?

A. No, not directly.

Q. Did this person ask you about your sex?

A. No.

Q. Did they say anything about your sex?

A. Not verbally, no.

Q. And then you also mentioned in your declaration an encounter you had with a doctor in an emergency room; is that correct?

A. Yes.

Q. Was that in 2024?

A. Yes.

Q. And that encounter began when you were asked for a urine sample; is that right?

A. Correct.

Q. And that sample was for a pregnancy test; is that correct?

A. Yes.

Q. And after you gave the sample, the doctor see the male sex marker on your driver's license; is that correct?

A. Yes.

Q. And the doctor chastised you for not telling the doctor that you were biologically male; is that correct?

MS. ST. CLAIR: Object to form.

BY MR. KOBACH

Q. Did the doctor chastise you?

A. Yes, he did.

Q. And was the doctor upset that you didn't tell the doctor that you were biologically male?

MS. ST. CLAIR: Object to form.

THE COURT: Read back the question.

(The court reporter read back the question.)

THE COURT: What's the objection?

MS. ST. CLAIR: Your Honor, Ms. West was born with ambiguous anatomy, which she has already testified, so the term biologically male is not necessarily accurate in her case.

MR. KOBACH: I can reframe the question, Your Honor.

THE COURT: Go ahead and reframe, rephrase.

BY MR. KOBACH

Q. Was the doctor upset because you didn't inform the doctor that you had XY chromosomes?

A. The doctor was upset at the male gender marker on my license.

Q. And is that because they only give -- the medical facilities only give pregnancy tests to females; is that right?

A. Correct.

Q. The doctor didn't learn that you were male from you, did the doctor?

MS. ST. CLAIR: Object to form.

THE COURT: Overruled. Do you understand the question?

THE WITNESS: Could you repeat it?

BY MR. KOBACH

Q. Yeah, I'll rephrase it slightly to keep opposing counsel happy.

The doctor didn't learn that you had XY chromosomes from you, did he?

A. No, it was from my driver's license.

Q. And actually, you would never tell a doctor that you are or were male, would you?

MS. ST. CLAIR: Objection, lacks foundation.

THE COURT: Let me think about the objection. You can cross about it or clarify or redirect, I should say. You can answer the question if you understand it. Can you re-ask?

THE WITNESS: Could you say that again?

BY MR. KOBACH

Q. You would never volunteer to a doctor that you were a male, would you?

A. No, I would never tell a doctor that I was male.

Q. So then my follow-up question would be, so if a doctor asks you what your sex is, you would say female, correct?

A. Correct.

Q. Would you use a different word than female?

A. No.

Q. Let's return to the petition?

THE COURT: I'm sorry, I didn't hear the question that she answered.

MR. KOBACH: I said when a doctor asks you what your sex is, you would say female, correct. And then I said, would you use any different word than female.

THE COURT: Different word than female. And your answer was no?

THE WITNESS: Mm-hmm.

MR. KOBACH: Correct?

THE COURT: That was your answer?

THE WITNESS: Yes, that was my answer.

THE COURT: Okay. I didn't hear the question and I wanted to make sure I was following. You can ask your next question, sorry.

BY MR. KOBACH

Q. And do you know that you're the only intersex plaintiff in this case?

A. Yes.

Q. So would you agree with the statement that the only intersex plaintiff in this case, no longer lives in Kansas?

A. I would say I'm not entirely sure I've established permanent residency in Knoxville. Kansas is still my home to me.

Q. But you have no intention of returning to

Kansas to reside here; is that correct?

A. No, I do have intentions to come back one day.

Q. And is that -- do you have any specific plans to come back and a specific time?

A. If at any point SB 244 is overturned, and I feel safe to come back to Kansas, yes.

Q. So is it correct that the reasons you gave in your deposition for wanting to move to Tennessee to be with your family, specifically your mother and father, are those no longer true?

A. Those are still true.

Q. So let's assume hypothetically that SB 244 had not been passed, would you have gone to Tennessee with your mother and father?

A. I'm not entirely sure. I've talked with my best friend about moving in with her and we have plans to together. Before SB 244 passed, we talked about me staying back here in Kansas while my dad and brother went to Tennessee.

MR. KOBACH: No further questions.

MS. ST. CLAIR: Your Honor, can we take a moment?

THE COURT: Sure.

MS. ST. CLAIR: Just one quick

question, Your Honor.

REDIRECT EXAMINATION

BY MS. ST. CLAIR

Q. Ms. West, how does it feel to have to talk about your body the way that you have been questioned today in open court?

A. Dehumanizing, embarrassing, shocking. There's not decency and respect in our society for each other.

MS. ST. CLAIR: That's all, Your Honor. The witness is excused.

THE COURT: Any follow-up from that?

MR. KOBACH: No, Your Honor.

THE COURT: You can step down. It's 12 till 5:00, maybe have a discussion about where we're at, where we thought we would be and how much is left. Talk about procedure rather than start new evidence.

MR. SELDIN: Yes, Your Honor, so plaintiffs have one additional plaintiff who will be testifying, Mr. Doe.

We anticipate that being certainly no more than half an hour on direct, possibly less, and then we intended to proceed with our expert witnesses.

I wasn't sure if the Court was planning to go till 5:00 or 5:30. I don't like to leave a witness hanging overnight, but I also don't want to lose flight time that we need for this week.

THE COURT: Sure.

MR. SELDIN: We're ready to go forward with Mr. Doe, if you think -- depending on what the Court's schedule and the court reporter's ability to continue.

THE COURT: State's position?

MR. KOBACH: We're fine either way, Your Honor, whether it be today or tomorrow.

THE COURT: Thirty minutes of direct is going to get us into 20 minutes after the hour, so probably not going to be leaving much before 6:00, would be my guess.

MR. SELDIN: Your Honor, this is the only thing on our calendar for today, but we want to be respectful of the Court's time and keeping people late. So we're happy to hold till tomorrow if there's a chance that they'll be held over on cross.

But if it's not too inconvenient for the Court to continue until 6:00 today and we can finish this witness, I do think that would be appreciated. But again --

THE COURT: I'm sympathetic to it, I just don't want to inconvenience anybody who had different plans. I hate holding people past 5:00, unless I know there's no concerns.

Anybody on either side KDOR, KDOA admin, anybody have concerns about that? Let's take a five-minute recess, court reporter needs to make a call, I need to make a call, and then we'll come back and make a decision.

MR. SELDIN: Thank you, Your Honor.

(A recess was taken.)

THE COURT: Thank you. Please be seated. We're back on the record, the appearances are the same as before the recess.

If counsel is ready to proceed, the Court and the court reporter can proceed with the next witness.

MR. SELDIN: Thank you, Your Honor. The plaintiffs are very appreciative.

Plaintiffs call Daniel Doe.

DANIEL DOE, being duly sworn by the court reporter, testified as follows:

DIRECT EXAMINATION

BY MR. SELDIN

Q. Good afternoon, Mr. Doe?

A. Good afternoon.

Q. What is the name that you are using in this case?

A. Daniel Doe.

Q. Is that your real name?

A. No.

Q. Are you a plaintiff in this case?

A. Yes.

Q. Did you write a declaration that was attached to the amended -- to the renewed motion for a temporary injunction in this case?

A. Yes.

Q. There's a white binder on the stand if you could please turn to tab 2, and I'd ask if you can identify that document, please?

A. This looks like my declaration.

Q. Can you turn, is that your pseudonym signature on the last page?

A. Yes.

MR. SELDIN: Your Honor, plaintiffs would move to admit this exhibit as -- I apologize.

THE COURT: Two?

MR. SELDIN: Two.

MS. GUST: No objection.

THE COURT: Exhibit 2 is admitted.

Plaintiff's Exhibit 2.

(Plaintiff's Exhibit 2 was admitted.)

BY MR. SELDIN

Q. Mr. Doe, where do you live?

A. Lawrence, Kansas.

Q. And where do you work?

A. I work for the University of Kansas.

Q. And without identifying the department you work for, generally, what do you do for a living?

A. I am a manager which includes overseeing both full-time and student staff and I help oversee and facilitate the operations and events that occur inside our building.

Q. In that a new role for you?

A. That is a new role, yes.

Q. As of about when?

A. July 6th was my start date.

Q. And what were you doing before?

A. Prior to this new role, I was working in the same building but as an administrative associate.

Q. Are you originally from Kansas?

A. No, I'm originally from Southern California.

Q. What brought you here?

A. I come from a long line of Jayhawks, so I moved to Kansas to attend the University of Kansas in order to carry on that family legacy.

Q. How long is the legacy?

A. My grandfather informed me that I was the 12th person in our family to attend KU.

Q. Did you intend to stay after you graduated?

A. No, I originally planned to graduate and return home to California.

Q. Why did you stay?

A. In the process of carrying on that family legacy, I built a life of my own here in Kansas that I am very proud of. I became my authentic self here in Kansas.

Through my time here, Kansas has become very special to me for my own reasons and Kansas has become a second home.

Q. What year did you move to Kansas?

A. 2014.

Q. How old were you?

A. I was 18 years.

Q. Okay. So is it fair to say you've lived in Kansas your whole adult life?

A. Yes.

Q. How old are you now?
A. Thirty years old.
Q. Are you a transgender man?
A. Yes.
Q. What was your sex assigned at birth?
A. Female.
Q. What is your gender identity?
A. Male.
Q. How do you currently live your life?
A. I currently live my life as any other man would.
Q. When did you start living your life as a man?
A. I socially transitioned in 2018 and I started legal and medical transitioning shortly after.
Q. And in 2018, how old were you?
A. Approximately 21 years old.
Q. And what was your life like before you turned 21?
A. Prior to living my life as a transgender man, I had always identified as transgender, but when I tried to express that to my family and some friends I was connected with, they were very hesitant to accept that. They informed me that this

was just a phase that I would grow out of, and didn't really take my identity seriously.

Q. When was the first time you told your family that you thought you were a man?

A. I've been telling my family from my earliest memories in the only ways that I knew how. So I knew I was transgender from five years old, is what I approximate my earliest memories to be.

So the way I communicated that to my family was to tell them that I want to be a boy, I wish I was a boy, I don't want to be a girl. Those were the words that I had.

Q. And why did you decide to start living and publicly identifying as a man when you were 21?

A. As I stated before, living in Kansas, I was finally living a life of my own. I was no longer under the watchful eye of my family and felt that I was disappointing them by living in a way that I wanted to.

Q. And I think you said that you socially, medically, and legally transitioned, what did you do to accomplish that?

A. To socially transition, I informed my family and friends that I would be using a new name and he/him pronouns.

And to medically transition, I began hormone replacement therapy, which included testosterone injections. And I legally changed my name is 2020 and started to amend my other identity documents following my legal name change.

Q. What identity document -- did you amend your Kansas driver's license?

A. Yes.

Q. What was that process?

A. After receiving my court order for the legal name change, I amended my California birth certificate to update my legal name and my gender marker. And once I had both of those documents, I took them to the Lawrence DMV and switched my name and gender marker on my Kansas driver's license as well.

Q. Did there come a time in your social transition when you started to use men's restrooms?

A. Yes, there were two factors that led me to use male restrooms exclusively. The first was when I started to be perceived and addressed as male in public consistently, and the second was when my primary care physician informed me that my hormone levels had entered the range considered normal for cisgender males.

Q. How did it feel when you started being seen as a man in public?

A. It felt like my internal sense of self and external sense of self were finally aligned and that was one of the best feelings in my life. And transitioning is the greatest thing that I've ever done in my life.

Q. Did you suffer any social consequences as a result of transitioning?

A. In college, I was a member of the campus ministry. I was raised in a very religious family and decided to kind of continue that on, even though I didn't necessarily hold those religious beliefs myself.

So I came out to the campus ministry that I was it when I was a junior in college, and they did not take it well. They informed me that was a very sinful lifestyle, that I was playing with fire questioning God, things like that.

Q. Was your family supportive?

A. It took them a while, especially my parents. My father especially struggled the most with it. He still struggles today. But my mom, my siblings, they are very supportive.

Q. When you first socially transitioned how

did you inform people that you were socially transitioning?

A. I considered my social coming out to be a Facebook post I made on January 1st of 2018. And like I mentioned before, I informed my friends, family members, and people who I had on Facebook that I would be using a new name, I would be using he/him pronouns, and that I would be starting eventually social, medical, and legal transition as well.

Q. Why did you announce it on social media?

A. I just felt that was the quickest way to inform the people who were still close to me, but not within my immediate family. So at that point, I was ready to extend this announcement to kind of my broader circle.

Q. Who was in that broader circle?

A. I keep my social media -- I'm very selective in who I allow to access my social media. So these were friends, family members, closer acquaintances. I come from, like I said, Southern California. My graduating class was very large, about 500 people.

So even though it could appear that I have a lot of Facebook followers, I think I have roughly

a little over 900 right now, those are people that I know to some degree.

Q. Was your, what you call your coming out post restricted to your friends?

A. Yes, it was restricted to people that I allowed to follow my account.

Q. Did anybody try to tell you not to make that post?

A. My father essentially begged me not to make that post. He said this was a private matter, that I didn't need to discuss or post on the Internet because it was a private matter.

But I didn't understand how I was supposed to ask people to use a new name or pronouns for me and keep that a secret at the same time.

Q. Before SB 244 passed what was the sex on your driver's license?

A. Before SB 244 passed, my driver's license and male.

Q. Did you surrender your driver's license to the DMV?

A. I did.

Q. What marker is now on your SB 244 compliant license?

A. My license now says female.

Q. And were you in your prior role as an associate at that time?

A. Yes.

Q. Did you need a driver's license for your job?

A. Yes, at the time that I was working as an administrative associate, my job required me to drive campus vehicles around campus twice daily.

Q. How did you feel when you had to turn in your license?

A. That was infuriating because I had done everything that was legally required of me to obtain that license, and that license was supposed to remain valid until 2029. So having to surrender that license was extremely frustrating and angering.

Q. Do you have other identity documents other than your SB 244 compliant driver's license that lists your sex as female?

A. No other documents currently, other than my driver's license list my sex as female.

Q. Does SB 244 apply to your workplace?

A. Yes.

Q. Has it affected your use of restrooms?

A. Yes.

Q. How has it affected your use of restrooms?

A. Prior to SB 244, I was able to use any of the men's restrooms within the building without issue, I had been doing so for the entirety of my employment.

And prior to my new role, I was in an office space that was two floors away from the only gender-neutral or single occupancy restrooms in the building. So I was forced to go up two flights of stairs, and there was just no reason for me to be in that area of the building, so it was very stressful for that reason as well.

Q. Does anyone at work know that you're transgender?

A. Not to my knowledge, no.

Q. Have you told anyone?

A. No.

Q. Why not?

A. I don't think my transgender identity is relevant to the work that I do.

Q. Are you worried about your coworkers knowing that you're transgender?

A. I think my coworkers would be supportive, but it's still something that I would prefer not to share with my colleagues.

Q. Why?

A. Again, I just don't think that my transgender identity is relevant to the work that I do, and it doesn't affect the job that I do.

Q. I want to ask about the single-user restroom that you now use in the building where you work. Where is it relative to other restrooms?

A. There are two single-occupancy restrooms and they are both immediately next to the men's restroom.

Q. From the entrance to the single-user restroom, can you see the entrance to the men's restroom?

A. Yes.

Q. Is there ever a wait for the single-user restroom?

A. Yes, especially when school is in session, these single-occupancy restrooms are typically occupied.

So there was a time, a day where I timed how long my restroom trips were taking me and this is when I was in my prior role, so this time includes climbing the stairs and of round-trip. But when the restroom was unoccupied, a single trip took me three minutes and if I had to wait, I was waiting approximately eight minutes.

Q. Do you have less of a wait now?

A. My current office is closer to the single-occupancy restrooms, but I still never know when these restrooms will be occupied or how long I will have to wait.

Q. Are there times where you're standing in the hall waiting for the single user restroom to be open?

A. Yes.

Q. What is running through your mind when that happens?

A. There's several things running through my mind while I'm standing there. I am angry, literally staring at the men's restroom that I had used prior to SB 244 going into effect, with no issues.

So I'm standing there angry about that. I am stressed that somebody will see me waiting for the single-occupancy restrooms and wonder why I am waiting. Because in my mind, there's no reason I would be waiting for the single-occupancy restroom when the men's restroom is available directly next to me.

Q. Have you ever had a colleague ask you about your presence in the single-user restroom?

A. Yes, when I was in my prior role, I had gone up to use the single-occupancy restrooms, and happened to pass a colleague in the hallway and they asked what I was doing in that area of the restroom, or that area of the building.

And I didn't want to say that I was there specifically to use the single-occupancy restroom, so I claimed to have an errand, kept walking, circled the floor and returned to the single-occupancy restrooms, hoping to avoid anyone witnessing me going into those restrooms.

Q. Have you had subsequent interactions with that colleague?

A. Yes, the very next day, I was waiting for the single-occupancy restrooms because there was a wait, they were both occupied. And that same colleague walked out of the single-occupancy restroom, saw me standing there and held the door open for me to enter.

Q. Does your current role require you to be in other buildings?

A. Not as much as my previous role, but this current role does have me potentially in other buildings for staffing shortages. It would be my responsibility to help cover those.

Q. Are there always single-user restrooms in those buildings?

A. No, there was just an instance where I did have to provide this sort of emergency coverage and I hadn't even considered the restroom issue, and when it crossed my mind, I looked up the KU smart map because that's how KU suggested that we figure out where the single-occupancy restrooms are on campus.

So when I pulled up this map, I realized there were no single-occupancy restrooms in the building that I would be working in, and luckily, this was only for a period of about an hour, so I wasn't too worried. But I never know where I might be sent and how long I will have to be there.

Q. Have you ever considered leaving Kansas because of SB 244?

A. Yes, as I mentioned earlier, returning to California has always been a plan in my mind because that is where my entire family lives. I would love to be closer to my family again, but at the same time, Kansas is also a second home.

But with the implementation of SB 244, I just don't feel safe. And I don't appreciate having to search for restrooms or having to carry an

identification that I do not feel accurately reflects me.

And also with this new promotion, I would consider that a life-altering circumstance, because I am making approximately $20,000 more than I was previously making, so this really has improved my financial situation.

Q. How much money were you making in your prior role?

A. Prior role was approximately 38,000.

Q. And what are you making now?

A. Now, I make 60,000.

Q. Why is that a life-changing amount of money?

A. I just feel like this salary puts me closer to exiting the paycheck to paycheck lifestyle.

Q. Other than at work, are there other things that have changed in your life because of SB 244?

A. I'm more hesitant to go out into the community, especially if I know there's going to be events in public buildings.

I frequent the Lawrence Public Library and there was an instance where I left the library earlier than I had intended because I was not aware

that they had a single-occupancy restroom.

It's come to my attention that they have a single-occupancy restroom now, however, this restroom is located in the youth services area, and I still would not feel comfortable using a restroom in the youth services area. I think I still would have to leave at that point.

Q. Are there things that you have refrained from buying so you don't have to show your driver's license?

A. Yes, prior to SB 244, I purchased alcohol and other age-restricted items such as cold and flu medicine at the grocery store. However, after SB 244, I have ceased purchasing those items from the grocery store because the grocery store that I shop at requires the employees to take your license, examine it, and scan it.

Q. Has SB 244 affected your physical health?

A. I have experienced various amounts of symptoms related to anxiety. So excessive sweating, increased heart rate. This has been keeping me up at night, so I have trouble sleeping, the stress. I have been nauseous, unable to eat sometimes and those have been the physical symptoms.

Q. Have you had effects to your mental health

as a result of SB 244?

A. I would say an increase in stress and anxiety, and also just anger, fear, a lot of negative emotions that make me feel very volatile at times.

Q. How does complying with SB 244 make you feel?

A. There's a couple ways that this makes me feel and the one that just keeps coming to mind is that I really feel like a second-class citizen, especially when I'm out searching for a restroom that is acceptable for me to use. I feel like I'm being separated from being able to use the restrooms that any other cisgender person would, and in my case, cisgender man.

In a way, this bill has made me feel like a criminal, even when I'm attempting to comply. My dad was a career police officer, he served with the same police department for 30 years prior to his retirement.

And my siblings and I were very good kids, we were rarely in trouble, but my dad still felt the need to kind of ingrain into use that if we were in any kind of trouble, legal trouble especially, that that would reflect very poorly on his position and

his image.

And really the only kind of representation that I have of court is for criminal law. So if you're in court, you're a criminal, you're a serious offender. So although I'm a plaintiff in this case and challenging this law that I feel is unjust, I still can't shake the feeling that I'm doing something wrong, I'm the problem, I'm the criminal.

And in a way SB 244 did criminalize me because when the clock struck midnight on February 26, 2026, the same license that had been sitting in my wallet for six years was immediately invalid and I was carrying that around, so I had no time to comply.

Q. Why is it important to you to have an M or a male sex marker on your driver's license?

A. That is the most accurate representation of who I truly am. And even if I had never come out as transgender, even if I had never revealed that part of my identity to anyone, if I never socially, legally or medically transitioned, I still would have been a transgender man, I would have died a transgender man, whether or not there was an M on my gender marker.

So when there was a female gender marker

on my license, that may have represented a fact that the doctor witnessed at my birth, but that female marker was still not an accurate representation of who I was from my earliest sense of self.

Q. Does your family in California know that you're a plaintiff in this case?

A. They do not.

Q. Do you think they would be surprised to know you are?

A. They would be astounded.

Q. Why?

A. I am very shy, quiet, reserved. Those are the words that people use to refer to me as. My dad always said I was a person of few words. And public speaking has always been mortifying for me.

There was this assignment that we had to do in third grade called chit-chat club, which was just, you had to stand in front of the class and speak on an assigned topic for 60 seconds, one minute, that was it. And I cried so hard that the teacher sent me to the restroom and said, go collect yourself.

And my public speaking, speaking in general, has improved, but not much. Sitting up, speaking into this microphone is mortifying for me.

Q. What do you think childhood Daniel would think of you sitting here today?

A. I think of childhood Daniel often because I am the oldest sibling. I really never had anyone looking out for me, because even my parents, they divorced when I was six years old, and I took on a lot of responsibility.

I was the child they didn't have to worry about, that they expected perfection from, and I delivered that.

My siblings, I was their protector and provider in a way, and little childhood Daniel didn't have anyone like that. And he wanted so desperately, he wanted an older brother, and he is the older brother. So I just hope that I would be the older brother that childhood Daniel always wanted.

MR. SELDIN: No more questions at this time. Thank you.

THE COURT: Cross?

MS. GUST: Yes, Your Honor.

THE COURT: Do you have some water available to you?

THE WITNESS: Is this for me? Thank you.

CROSS-EXAMINATION

BY MS. GUST

Q. Good evening, Mr. Doe.

A. Good evening.

Q. I want to start by talking about the SB -- the impacts of SB 244 on you and specifically in connection with your allegations that you're being irreparably harmed by SB 244.

You have not received any complaints, citations, fines, or notices of violation of SB 244, correct?

A. Correct.

Q. You described a colleague who asked you why you were near the single-use restroom at work, right?

A. Right.

Q. Your colleague did not say anything about your transgender identity during the interaction, correct?

A. Correct.

Q. Your colleague did not indicate in any way that he knew that you were transgender, correct?

A. Correct.

Q. In fact, the second time you encountered this colleague near this single-use restroom, he

simply held on the door -- he held the door open for you, correct?

A. Correct.

Q. No other colleague at work has made comments or asked you questions about your restroom usage, correct?

A. Correct.

Q. Since SB 244 went into effect, your supervisor has not spoken to you about your time away from your desk to use the restroom, correct?

A. Correct.

Q. Since SB 244 went into effect, no one has asked you to leave a restroom, correct?

A. Correct, but I haven't used a women's restroom since the implementation of SB 244.

Q. You mentioned your use of the public library, so prior to SB 244 going into effect, you would go to the public library about once a month, right?

A. Approximately, yes.

Q. You currently still go in to the public library about once a month, correct?

A. Correct.

Q. And you've confirmed that there is a single-occupancy restroom in the public library that

you use, right?

A. Not that I use, no, I'm just now aware that there is a single-occupancy restroom in the Lawrence Public Library.

Q. Let's talk about your allegations that SB 244 has caused you physical and emotional harm. You've stated that SB 244 has caused you a variety of physical and medical symptoms, correct?

A. Correct.

Q. But you have not seen a doctor in connection with those symptoms, right?

A. Correct.

Q. You've also stated that SB 244 has impacted your mental health, right?

A. Right.

Q. But you've not seen a therapist or psychiatrist, correct?

A. Correct.

Q. Okay. Now, I'd like to talk about your alleged harm in connection with the driver's license portion of SB 244. In the amended petition, you allege that your driver's license will out you, correct?

A. Correct.

Q. You've also alleged that your driver's

license will be scrutinized more closely because you look like a man, right?

A. Right.

Q. Since SB 244 went into effect, your boss has not checked your driver's license, correct?

A. Correct.

Q. Since SB 244 went into effect, you've not shown your license to anyone in the HR department at your work, correct?

A. Correct.

Q. So you changed jobs on July 6th of 2026, correct?

A. Correct.

Q. You didn't file any supplementation notifying us of that, right?

A. I don't recall.

Q. At your old job, you drove in connection with that role, right?

A. Right.

Q. With your current driver's license, right?

A. Right.

Q. Let's talk about the time that you gave your current driver's license to a police officer. You were in a car crash with a city bus, correct?

A. Correct.

Q. You were using your current driver's license to drive, right?

A. Right.

Q. Following the crash, you gave that driver's license to the police officer, correct?

A. Correct.

Q. That driver's license reflects your sex as female, right?

A. Right.

Q. The officer did not question the validity of your driver's license, correct?

A. Correct.

Q. The officer did not ask you any questions regarding the sex reflected on your driver's license, correct?

A. Correct.

Q. In fact, the officer referred to you as "sir" throughout the entire encounter, correct?

A. Correct.

Q. During that incident, you also gave your driver's license to a representative for the bus driver, correct?

A. Correct.

Q. The representative did not question the validity of your driver's license, correct?

A. Correct. And she also wrote down my sex as male on the form she was filling out and I did not correct her in that moment.

Q. You beat me to my next question. Let's talk about the use of your driver's license to purchase a new car.

You also presented your current driver's license to three different people in connection with purchasing a new car, correct?

A. Approximately three, yes.

Q. None of those people questioned the validity of your driver's license, correct?

A. Correct.

Q. You've also used your current driver's license to rent a car, correct?

A. Correct.

Q. The individual at the car rental shop did not question the validity of your driver's license, correct.

A. Correct.

Q. And you've used your current driver's license to buy alcohol, correct?

A. Correct.

Q. When you ordered an alcoholic drink in California, the waitress did not question the

validity of your driver's license, correct?

A. Correct.

Q. She did not make any comments or have any questions regarding your transgender status, correct?

A. Correct.

Q. You do not know if she saw the sex indicator on your driver's license, correct?

A. Correct, I do not know if she saw the gender marker.

Q. In fact, no one has questioned the validity of your current driver's license, right?

A. Not currently, no.

Q. I'd like to talk about your use of social media. In the amended petition, you allege that SB 244 harms you by requiring you to disclosure your transgender status against your will, right?

A. Right.

Q. You also allege that using the driver's license will forcibly out you as transgender to anyone who sees the sex marker on your identification, correct?

A. Correct.

Q. Yet you have voluntarily posted about your transgender status on social media, right?

A. Yes, but again, I keep my social media -- I'm very selective of who I allow to view my social media.

Q. We'll get there. You posted about your transgender status on Facebook, correct?

A. Correct.

Q. You have approximately 1,000 friends on Facebook, correct?

A. I think it's closer to a little over 900, but a thousand would probably be an accurate estimate as well.

Q. So at least 900 to 1,000 people can view your posts on Facebook, correct?

A. Correct.

Q. And those people can reshare those posts?

A. Yes, I think they can.

Q. They can screenshot them?

A. Potentially.

Q. They can share them with as many people as they want, right?

A. Potentially, but again, I would trust that anyone I allow to view my social media would not share anything against my wishes. And if they did, I trust that they would not do so maliciously.

Q. You also posted about your transgender

status on Instagram, right?

A. Right.

Q. You have approximately 400 followers on Instagram, correct?

A. Correct.

Q. And you testified on direct that you only allow close acquaintances to follow you on social media, right?

A. Family, friends, and closer acquaintances, yes.

Q. But at your deposition, you testified that those followers include people that you described as distance acquaintances, right?

A. I'm not sure which adjective I used to describe the acquaintances, but acquaintances.

Q. So your testimony here today is you only allow close acquaintances to follow you on social media, correct?

MR. SELDIN: Object to form, misstates testimony.

THE COURT: Can you rephrase?

MS. GUST: Your Honor, he testified that he only allows close acquaintances to follow him on social media.

THE COURT: Do you understand the

question that's being asked?

THE WITNESS: I guess I can reframe of how I define acquaintances. Everyone that I allow to view my social media in terms of acquaintances are people I have either met a couple times at community events, or people that I would be able to, if I see the friend request, be like, yes, I know who that person is and I recognize them from this place or in connection with this person.

BY MS. GUST

Q. So you allow people to follow you on social media who are somewhere in between what you would describe as close acquaintances to distant acquaintances, is that a fair way to put it?

MR. SELDIN: Objection, misstates the testimony.

THE COURT: It's a question.

THE WITNESS: Sorry, can you repeat the question?

BY MS. GUST

Q. Is it fair to say that you allow what you defined as close acquaintances to what you've also used as distant acquaintances to follow you on social media?

A. I guess I'm struggling because the

acquaintances don't come up very often. It's mostly people that I've interacted with on multiple occasions and I'm interested in maintaining a more substantial friendship. Those are the people that I'm typically allowing onto my social media.

Q. And on Facebook, there's approximately a thousand of those, right?

A. Yes, but as I stated, I come from a larger high school, my graduating class was approximately 500 people. So a lot of those are classmates from my high school.

And in college, I was in marching band, so that was another 350-member group that I was a part of. And part of the campus ministry as well. These were all very large groups and a substantial of Facebook friends are either family members or friends from these groups.

BY MS. GUST

Q. You first posted about your transgender status on social media in January 2018, correct?

A. Correct.

Q. You posted over the objection of members of your family, right?

A. Right.

Q. They asked you not to post, correct?

A. Correct.

Q. They said that other people didn't need to know about your transgender status, right?

A. Right.

Q. They counseled you that you should just keep that personal matter private, right?

A. Right.

Q. Mr. Doe, will you please go to volume one of defendant's exhibits. And you're going to flip to tab 16 and we're going to go to Exhibit 116.

A. Okay. I see it.

Q. Do you recognize this document?

A. Yes, this is an unredacted version, is that what I'm supposed to be looking at?

Q. I believe there's also a redacted version on the other side of the white or yellow --

A. Okay, I see the redacted version. But this is the post that I considered my social coming out, the one that I've referenced.

Q. Is this a fair and accurate portrayal of the social media post you made on January 1st, 2018?

A. Yes.

MS. GUST: Your Honor, I move to admit.

THE COURT: Consistent with the

protocol, any objection?

MR. SELDIN: Consistent with the protocol, no objections, Your Honor.

THE COURT: Admitted.

(Defendant's Exhibit 116 was admitted.)

BY MS. GUST

Q. In Exhibit 116, that's a picture of you, correct?

A. Correct.

Q. The post shows your face, correct?

A. Correct.

Q. Along with the picture you wrote, I am looking for a brand new start and continuing that growth through 2018. I also wanted to let everyone know I will now be going by the name and using he/him/his pronouns. You may also use they/them/their pronouns if you wish.

Did I read that correctly?

A. Yes.

Q. You made this post to announce your gender transition, correct?

A. Correct.

Q. This was shared on the social media site, correct?

A. Yes, Facebook.

Q. Now, will you please turn to tab 17, which has been marked as Exhibit 117.

A. I see it.

Q. Do you recognize this document?

A. Yes, this -- yes.

Q. What is it?

A. This is the picture that went along with the caption that you just read --

Q. Is it --

A. Sorry, this is another unredacted version, I'm now looking at a redacted version. Sorry.

Q. No worries. Is it a fair and accurate portrayal of the social media post you made on January 1st, 2018?

A. Yes.

MS. GUST: Your Honor, I move to admit.

THE COURT: Consistent with the protocols, any objection?

MR. SELDIN: Consistent with the protocols, no objection, Your Honor.

THE COURT: Admitted.

(Defendant's Exhibit 117 was admitted.)

BY MS. GUST

Q. So as you just suggested, this is a continuation of the social media post we just looked at in Exhibit 116, right?

A. Right.

Q. It shows that 173 people liked this post, correct?

A. I see 172, but, yes.

Q. Thank you for that correction. So at least 172 people saw this post, right?

A. Right.

Q. And one person reshared this post, correct?

A. Correct.

Q. You don't know how many people viewed the post that was shared, correct?

A. Correct.

Q. You don't know how many people screenshotted it or copies the post, correct?

A. Correct.

Q. Yet you designated this post confidential in this litigation, correct?

A. Yes, all my posts are now archived, which means they are no longer visible to my social media followers.

Q. You marked this post confidential in this litigation because you believe it shares personally identifying information, correct?

A. Correct.

Q. Even though you shared that allegedly personally identifying information widely on social media right?

MR. SELDIN: Object to form, misstates testimony.

THE COURT: You understand what you're being asked?

THE WITNESS: Sorry, can you repeat the question?

BY MS. GUST

Q. You shared this post -- hold on. Pardon.

THE COURT: I think we're trying to form an argument with our question, so let's go to the next question.

BY MS. GUST

Q. Despite sharing this post on social media, you claim the state of Kansas has harmed you by forcing you to publically identify yourself as transgender, correct?

A. Yes, because in reference to my social media posts, I made all these posts on my own terms.

I can't necessarily control when I will need to present my identification.

Q. Will you please turn to tab 18, and we're going to go to Exhibit 118.

A. I see it.

Q. Do you recognize this document?

A. Yes.

Q. What is it?

A. This is a post I made one year after receiving gender-affirming surgery.

Q. Is it a fair and accurate portrayal of that social media post?

A. Yes.

MS. GUST: Your Honor, I move to admit Exhibit 118.

THE COURT: Consistent with the protocol, any objection?

MR. SELDIN: Consistent with the protocol, no objection, your Honor.

THE COURT: 118 is admitted.

(Defendant's Exhibit 118 was admitted.)

BY MS. GUST

Q. This social media post has three pictures of you, correct?

A. Correct.

Q. The picture on the left includes a picture of your face, correct?

A. Correct.

Q. It also depicts you not wearing a shirt, correct?

A. Correct.

Q. And the caption to these pictures you wrote, one year ago today I underwent a life-changing operation. Did I read that correctly?

A. Yes.

Q. You also wrote, hashtag, top surgery, right?

A. Right.

Q. This post shows very intimate details about your personal health and body, correct?

A. Correct.

Q. Will you please turn to tab 19, which is Exhibit 119?

A. I see it.

Q. Do you recognize this document?

A. Yes.

Q. What is it?

A. Like the previous document, this is just a continuation of the post that you just read.

Q. Is it a fair and accurate portrayal of that social media post?

A. Yes.

MS. GUST: Your Honor, I move to admit Exhibit 119.

THE COURT: Consistent with the protocols, any objection?

MR. SELDIN: Under those terms, no, Your Honor. No objection.

THE COURT: 119 is admitted.

(Defendant's Exhibit 119 was admitted.)

BY MS. GUST

Q. 190 people have liked this post, correct?

A. Correct.

Q. So at least 190 people saw this post, right?

A. Right.

Q. And it was also shared by two people, correct?

A. Correct.

Q. You don't know how many people actually viewed the post that was shared, correct?

A. Correct.

Q. You don't know how many people screenshot

it or copied it, correct?

A. Correct.

Q. Would you please flip to tab 21 in the binder, what's been marked as Exhibit 21?

A. I see it.

Q. Do you recognize this document?

A. Yes.

Q. What is it?

A. This is a post I made for Transgender Day of Visibility, March 31st, 2020.

Q. Is it a fair and accurate portrayal of that social media post?

A. Yes.

MS. GUST: Your Honor, I move to admit Exhibit 121 into evidence.

THE COURT: Consistent with the protocols, any objection?

MR. SELDIN: Under those terms, Your Honor, no. No objection.

THE COURT: 121 is admitted.

(Defendant's Exhibit 121 was admitted.)

BY MS. GUST

Q. In this post you wrote, happy Transformation Tuesday and Trans Day of Visibility,

correct?

A. Correct.

Q. You also wrote, much love to all my trans siblings, right?

A. Right.

Q. The social media post includes two pictures of you, correct?

A. Correct.

Q. The picture on the left is before your gender transition, correct?

A. Correct.

Q. And the picture on the right -- in that picture, you presented as a female, correct?

A. The one on the left?

Q. Sorry, yes.

A. Yes.

Q. The picture on the right is after your gender transition, right?

A. Right.

Q. And in that picture, you are presented as a male, correct?

A. Correct.

Q. This post shares private information about your transgender status, correct?

A. Correct.

Q. This post was liked by 182 people, right?
A. I see 181, but could be an unredacted version.
Q. So at least 181 people that you know of saw this post, correct?
A. Correct.
Q. And it was also shared by one person, right?
A. Right.
Q. You don't know how many people viewed the post that was shared, correct?
A. Correct.
Q. Would you please flip to tab 22, and it's Exhibit 122?
A. I see it.
Q. Do you recognize this document?
A. Yes.
Q. What is it?
A. This was a post I made after attending a Lawrence Pride event.
Q. Is it a fair and accurate portrayal of that social media post?
A. Yes.
MS. GUST: Your Honor, I move to admit Exhibit 122 into evidence.

THE COURT: Consistent with the protocols, any objection?

MR. SELDIN: Under those terms, no objection, Your Honor.

THE COURT: 122 is admitted.

(Defendant's Exhibit 122 was admitted.)

BY MS. GUST

Q. This is a social media post, correct?

A. Correct.

Q. It includes a picture of you, correct?

A. Correct.

Q. Your face is in that picture, correct?

A. Correct.

Q. You wrote, another Lawrence Pride is in the books, right?

A. Right.

Q. You also wrote that on Saturday, I actually walked in the Skittles Mini Ball and won the trans man versus stud category. Did I read today correctly?

A. Yes.

Q. You got up on stage, correct?

A. Correct.

Q. In front of a group of people, right?

A. Right.

Q. Eighty-two people liked this social media post, right?

A. Right.

Q. So at least 82 people, that you know of, saw this post, correct?

A. Correct.

Q. In the petition, you argue you are not open about your transgender status, correct?

A. Correct.

Q. You assert that you kept that identity private, right?

A. Right.

MS. GUST: Your Honor, to preserve the record, Defendant State of Kansas would like to move to remove the redactions from these social media post exhibits, 116, 117, 118, 119, 121, and 122 for the same reasons addressed previously.

THE COURT: Are those the exhibits that were admitted?

MS. GUST: That we just went through on this cross, yes?

THE COURT: So 116 through 122.

MS. GUST: Not including 120.

THE COURT: Not including 120.

MR. SELDIN: Your Honor, plaintiff would have the same objections.

THE COURT: It's essentially to dedesignate as before?

MS. GUST: Dedesignate and remove the redactions per the First Amendment, what we addressed earlier.

THE COURT: That will be under advisement.

MS. GUST: Thank you, Your Honor.

BY MS. GUST

Q. Mr. Doe, in your opinion, a biological man who has not had any gender reaffirming surgery, or hormone therapy should be permitted to use women's restrooms or locker rooms, correct?

MR. SELDIN: Objection, calls for opinion testimony and a legal conclusion.

THE COURT: Opinion testimony and what?

MR. SELDIN: And a legal conclusion.

THE COURT: Rephrase your question.

MS. GUST: I'm asking for his opinion on it.

THE COURT: Read the question back.

(The court reporter read the question

back.)

THE COURT: Not a legal conclusion. He can answer.

A. If you're referring to a transgender woman, I do not believe they need to be on any type of hormone replacement therapy or have any surgeries to use the bathroom that aligns with their gender identity.

BY MS. GUST

Q. So is that answer a yes?

THE COURT: Do you -- can you, can you ask him the question again?

MS. GUST: Yes.

THE COURT: So listen carefully to the question. Go ahead.

BY MS. GUST

Q. In your opinion, a biological man who has not had gender affirming surgery or hormone therapy should be permitted to use women's restrooms and locker rooms, correct?

A. Are you able to clarify if this hypothetical person identifies as transgender?

Q. Let's take a hypothetical. A man born -- an individual born male woke up this morning, has not had any hormone replacement therapy, has not had

any gender reaffirming surgery and says I am a woman. You would agree that that individual can use women's restrooms and locker rooms, correct?

MR. SELDIN: Object to form. Also is asking a fact witness to answer a hypothetical.

THE COURT: As asked, I would sustain. But as an opinion question, I'll allow it.

So just asking your opinion.

A. If they genuinely identify as a transgender woman, I think they should be allowed to use the restroom that aligns with that gender identity.

Q. What does it mean to genuinely believe?

A. I know that I am a transgender man, so if this hypothetical person truly believed themself to be a woman and plan to live their life as a woman, I think they should be able to use the restroom that they feel comfortable in.

MS. GUST: Your Honor, no further questions.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. SELDIN

Q. Mr. Doe, you were asked about a photo of you at a Lawrence Pride event; is that right?

A. Yes.

Q. Did you win a trophy at that?

A. Yes.

Q. Did you have any trouble entering that competition?

A. Yes, the category was trans man versus stud. So from my understanding, it was for transgender men or masculine presenting cisgender women. And when I went to enter the contest, I was turned away because they did not understand that I was a transgender man.

Q. What did they think you were?

A. From my understanding, a cisgender man.

MR. SELDIN: No further questions, Your Honor.

THE COURT: Follow-up to that, Ms. Gust?

MS. GUST: No, Your Honor.

THE COURT: You can step down. Thank you.

Best guess for tomorrow? You have, is it three experts?

MR. SELDIN: Yes, Your Honor, we have three expert witnesses for our case-in-chief.

THE COURT: And it would be your

expectation that you'll be able to present all three tomorrow?

MR. SELDIN: Yes, Your Honor.

THE COURT: And any additional witnesses after that?

MR. SELDIN: No, that's it, your Honor. For our case-in-chief.

THE COURT: For case-in-chief?

MR. SELDIN: Yes.

THE COURT: Any other issues counsel wants to discuss this evening?

MR. SELDIN: Your Honor, we're happy to report our time total, if that's helpful for counsel and the Court's planning purposes.

THE COURT: Let's do that.

MS. ST. CLAIR: Yes, Your Honor, we have an end of day total of plaintiffs of four hours and 23 minutes, State of two hours and nine minutes.

THE COURT: Any reason to have concerns with those figures.

MR. RODRIGUEZ: We have no concerns with those figures.

THE COURT: Mr. Rodriguez, other matters?

MR. RODRIGUEZ: I believe our time we

recorded was two hours and 23 minutes.

THE COURT: So you do have an issue with the two hours and nine minutes?

MR. RODRIGUEZ: Maybe I misunderstood, I'm sorry.

THE COURT: That's okay.

MR. RODRIGUEZ: Were you giving your time or our time?

MS. ST. CLAIR: I did both. We had proposed at the beginning of the day that we would record for both sides and report at breaks and end of day. So we have four hours and 23 minutes for the plaintiffs, two hours and nine minutes for the State.

MR. RODRIGUEZ: I'm fine with those, I misunderstood.

THE COURT: That's fine, it's been a long day and I've had to ask for a couple of clarifications.

Other issues on the State's side before we adjourn for the evening?

MR. KOBACH: Your Honor, should the State be prepared to begin presenting witnesses in the event that the plaintiffs' three witnesses take less than a full day?

THE COURT: Well, it would be your prediction on whether you will use the full day. Prediction.

MR. SELDIN: I think that we will be done with our case-in-chief tomorrow. And we're ready to rock 'n' roll after that.

THE COURT: I mean, with trial, I know it's always tough, and to the extent you can have a witness or two on standby, I think that's prudent from what I'm hearing, especially if we go long.

My goal is not to go long everyday, but if everybody's willing, we will do what we can. 8:30 works for everybody? Start again tomorrow at 8:30.

MR. SELDIN: Yes, Your Honor. Thank you.

THE COURT: Other questions or issues for the State?

MR. KOBACH: None for the State.

THE COURT: Okay, I'm sure we can lock the courtroom so we can secure that for counsel and with that we're adjourned.

(Court ended.)

C E R T I F I C A T E

STATE OF KANSAS)
) SS
DOUGLAS COUNTY)

I, Nina Copeland, Certified Court Reporter, do hereby certify that I am the regularly appointed, qualified, and acting Official Reporter for Division No. 6 of the Seventh Judicial District, Douglas County, Kansas, duly certified under and by virtue of the laws of the State of Kansas. I further certify that on the 29th day of September, 2026, I was present at and reported in voice shorthand the proceedings in the aforementioned case before the Honorable James McCabria, Judge of Division 4 of the District Court of Douglas County, Kansas, and that the foregoing transcript is a true and correct transcript of the proceedings as revealed by my voice notes so taken.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Lawrence, Douglas County, Kansas, this 3rd day of October, 2026.

__\s\Nina Copeland_____
Nina Copeland, CCR
Official Court Reporter