IN THE DISTRICT COURT OF
DOUGLAS COUNTY, KANSAS

DANIEL DOE and MATTHEW MOE,)
----------Plaintiffs,)
)
vs.)Case Number
)2026 CV 112
KRIS KOBACH, STATE OF KANSAS,)
et al.,)
---------- Defendants.)

TRANSCRIPT OF TEMPORARY INJUNCTION

Volume 4

PROCEEDINGS had before the Honorable James R. McCabria, District Court Judge, Division 4, District Court of Douglas County, Kansas, at Lawrence, Kansas on the 2nd day of October, 2026.

A P P E A R A N C E S

The Plaintiffs appeared by Mr. Harper Seldin, Senior Staff Attorney; Mr. Joshua Block, Senior Counsel; and Ms. Aditi Fruitwala, Staff Attorney, American Civil Liberties Union, 125 Broad Street, New York, New York 10004.

Also appearing for the Plaintiffs, Mr. Douglas R. Dalgleish, Stinson, LLP, 1201 Walnut Street, Suite 2900, Kansas City, Missouri

64106; Ms. Jocelyn A.Sitton, Ballard Spahr, LLP, 1800 Larimer Street, Suite 1600, Denver, Colorado 80202; and, Ms. Heather St. Clair, Ballard Spahr, LLP, 601 SW 2nd Avenue, Suite 2100, Portland, Oregon 97204.

The Defendant State of Kansas, appears by Attorney General Kris W. Kobach and Mr. Jay Rodriguez, Deputy Attorney General, 120 SW 10th Avenue, Topeka, Kansas 66612; and, Mr. Andrew M. Nussbaum, Ms. Erin Gust and Mr. James Compton, Attorneys at Law, First & Fourteenth, PLLC, 2 N. Cascade Avenue, Suite 1430, Colorado Springs, Colorado 80903.

The Defendants Kansas Department of Revenue, Kansas Division of Vehicles, Deann Williams and Mark Burghart, appears by Mr. Ted E. Smith, Chief Counsel, Legal Services, 109 SW 9th Street, PO Box 3506, Topeka, Kansas 66601.

The Defendants Kansas Department of Administration and Adam Proffitt, appears by Mr. Jordan Brewer, Chief Counsel and Ms. Lynette Bakker, Staff Attorney, 1000 SW Jackson, Suite 500, Topeka, Kansas 66612.

I N D E X

W I T N E S S

On Behalf of the Defendants:

JANE DOE

Direct Examination by Ms. Gust 4
Cross-Examination by Ms. St. Clair 12

THE COURT: Okay. On the record in 26 CV 112. The appearances same as previously unless I'm missing somebody.

Okay. When we adjourned yesterday, I was under the impression the State had one more witness. That remains the case?

MS. GUST: Yes, Your Honor.

THE COURT: All right. Unless there's other preliminary matters, we'll proceed.

MS. GUST: Your Honor, the State calls Jane Doe.

THE COURT: Ma'am, come forward. You'll be testifying from this chair right here. And before you take your seat, the reporter will administer your oath.

JANE DOE

after having been first duly sworn on her oath, was examined and testified, as follows:

DIRECT EXAMINATION

BY MS. GUST:

Q. Good morning, Ms. Doe. Thank you for joining us here today. Are you proceeding under a pseudonym?

A. Yes, Jane Doe.

Q. I'd like to start by letting the Court get to know you a little bit. Are you from Kansas?

A. Yes. I am from Wichita.
Q. How long have you lived in Kansas?
A. Just about my whole life. I moved from Iowa when I was a couple months old and moved to Wichita and have been there since.
Q. How old are you?
A. 24.
Q. Are you affiliated with a political party?
A. Yes, I am a registered Republican.
Q. Do you dislike transgender individuals?
A. No.
Q. Are you uncomfortable being in the same room as transgender individuals?
A. No.
Q. Now, I'd like to talk about why we are here today. Have you ever shared a restroom with a man?
A. Yes, I have.
Q. Tell us more about that experience.
A. When I was about 19, I was an intern at the state capitol for a representative while I was doing my undergrad, and I was using the restroom in the first floor of the state capitol. Had walked in, didn't notice anybody else in there at the time. Went into the stall, was using the restroom. While I was using the restroom, there was somebody

had walked in after me and come into the stall right next to me. As I was using the restroom, it was apparent to me that the person who was in the stall right next to me was quite clearly a man. I could tell this by the way that the individual was clearly standing to pee, and you could tell by the way that the feet positioning was that they were facing towards the wall as opposed to facing outward like as if you were sitting to pee.

Went about my business, walked out of the stall and went to wash my hands. After we had exited -- so after I had exited the stall, a person exited the stall next to me and that individual was Representative Stephanie Byers. And at the time that was an individual who was well-known to be a transgender legislator who was fairly new to the Legislature at the time. And through campaigns, media, it was apparent that -- or very obvious to everybody that that was a biological man who had transitioned to be a transgender female. And so that's how I knew at the time that it was a man in the women's restroom of the state capitol.

Q. How did this experience make you feel?

A. So, I mean, going into it that's not necessarily

something that anyone really expects to encounter. I was 19 at the time in undergrad, kind of hustle and bustle in the state capitol. Went to use the restroom, and when it was obvious to me that it was a man standing to pee, that was quite uncomfortable as a female, not to mention it's in the stall right next to you. And so all of those things just kind of added up. And then noticing that obviously once I had seen the individual exit the stall, it was a man in the women's restroom. Quite uncomfortable and not something that I would have liked to experience again.

Q. Have you changed your behavior since this experience?

A. I would say changed behavior but also just mindset, too. So since that's happened it's obviously in the back of my head that that could happen again. Obviously, until the law was passed here recently that is something that could continue to happen and I knew that, and so did as much as I could to limit the amount of times that I was in a public restroom just to avoid the awkwardness and uncomfortableness that comes with that experience. I certainly did that following, obviously continued to use the restroom and knew

that in the back of my head, like, okay, this could happen again and hopefully avoid it at other cost.

Q. Are there any other times that you've been in a women's restroom with a man?

A. Yes. There has been one time since and it was again in the state capitol. This past year when I -- I now lobby and so I was up in the state capitol again and I was using the restroom -- or I was entering the restroom the same time that Representative Abi Boatman was exiting, and so again, similar to the first circumstance. It was common knowledge that this individual was a man who had identified as a female and was in the restroom at the state capitol.

Q. How old are you at the time?

A. About 23, so it was this past year but during the legislative session.

Q. How did that make you feel?

A. Again, it was uncomfortable. I'd experienced it once but that doesn't make it any less normal or less uncomfortable to experience again, especially being a younger female that had just come out of college and experienced that. I think it was just awkward, uncomfortable, kind of unsettling to know

that that was still happening.

Q. Ms. Doe, why are you uncomfortable with sharing a restroom with a man?

A. I think there's quite a few reasons, that just being a younger female and sharing the restroom with somebody who is a man is uncomfortable and unsettling at the same time. It's a -- restrooms are considered by most people a very vulnerable space, especially in public where there's people who you don't know that are around you. You encounter all different types of people for sure. But as a female you go into those public spaces that are more vulnerable and you would hope that they're relatively safe spaces.

And I think that to the question of why is it uncomfortable to be in the same restroom as a man, it's one of those vulnerable spaces you don't know what's going to happen. Just the pure acknowledgment of it's a private space for women. You assume that everyone in there is biologically the same, has the same genitalia, there's no question about that. And so I think when there is a man that comes into the restroom, as females, it certainly changes the dynamic.

I've been in several restrooms where it's

either myself or somebody else, another female is asking for a tampon or breast feeding in a public restroom because that's the only space where you can get some privacy. That certainly goes away if there are men entering the restroom. Especially for young women, that's not something you are going to be comfortable doing is asking a friend or acquaintance that you may or may not know could I have a tampon, especially if it's a biological man because that would be incredibly uncomfortable for a 12 to 20 some year old female.

Again, like I kind of mentioned, breast feeding is another space. There's not -- every location doesn't have a room where you could go in to do that. I know, for example, at the state capitol their restrooms are a lot bigger and there are benches, and that is certainly a place where a woman would go in and take ten minutes, take a break, breast feed or pump if she needed to and exit. And as a female, that would be incredibly uncomfortable to know that men are just coming in and out of a private space like that.

Q. Since SB 244 passed, are you more comfortable using public restrooms like the one in the state capitol?

A. Yes. I think that that -- since the passage it's kind of a relief knowing that there is the standard set in stone to say okay, biological women going to the women's restroom, biological men going to the men's restroom. There's no confusion and it's very set in stone as to what that public standard is.

Q. Ms. Doe, why did you decide to participate in this lawsuit?

A. Since the experience I had when I was 19, it has impacted me since and it's not something that I want other women, my kids eventually or younger siblings, I do not wish that to be a circumstance that they encounter. I do think it was important since the law was passed that that was put into place and continues to be put into place for that exact reason. I would not want younger women, doesn't matter young, middle aged or older women to be in that situation. It's just a vulnerable space and I do find it very important that that's protected.

MS. GUST: Thank you. No further questions.

THE COURT: Cross-exam?

MS. ST. CLAIR: Thank you, Your

Honor.

CROSS-EXAMINATION

BY MS. ST. CLAIR:

Q. Good morning, Ms. Doe. My name is Heather St. Clair. You may remember me from your deposition.

You testified that you saw Representative Boatman heading into the restroom as you were leaving it, correct?

A. Yes.

Q. And you knew that Representative Boatman was transgender before you saw them?

A. Yes.

Q. You also knew that Representative Byers is transgender before you saw them in the restroom, correct?

A. Yes.

Q. So the sum total of your interaction with Representative Byers in the restroom was that you used an adjacent stall, right?

A. Correct. Representative Byers entered the stall next to me.

Q. And then you washed your hands, right?

A. Yes.

Q. Both of you at the same time?

A. Roughly.

Q. And then you left the restroom, right?
A. Correct.
Q. So you didn't have any interaction?
A. Intentionally no, I did not have any interactions.
Q. Didn't speak to each other?
A. Correct.
Q. You weren't harmed, were you?
A. Not physically, no.

MS. ST. CLAIR: Thank you.

THE COURT: Follow-up?

MS. GUST: No, Your Honor.

THE COURT: Ma'am, thank you. You can step down.

THE WITNESS: Thank you.

THE COURT: You are free to stay in the courtroom or leave as you wish.

State have additional evidence?

MR. RODRIGUEZ: We have no more witnesses, Your Honor.

THE COURT: State rests?

MR. RODRIGUEZ: State rests.

THE COURT: KDOR or KDOA have any evidence to present?

MR. BREWER: No, not from Department of Administration, Your Honor.

THE COURT: Thank you. Mr. Smith?

MR. SMITH: Ted Smith with the Department of Revenue. We do not.

THE COURT: Plaintiffs?

MR. SELDIN: Your Honor, we will rest. We don't have rebuttal witnesses after further reflection.

THE COURT: Well, we're scheduled for closing arguments next Wednesday at 9:30 in the morning. I know there was a request by the State to proceed to argument today. We had the day set aside. I don't know if that request stands or if -- plaintiffs yesterday expressed a thought that we would reconvene on Wednesday for argument. I'll just give everybody an opportunity to speak to that.

MR. SELDIN: Yes, Your Honor. Plaintiffs would still prefer to proceed next week. We think -- we appreciate the Court blocking this week for us. The transcript would be extraordinarily helpful in preparing for argument, I think especially since we don't have more for today, the court reporters have been really working hard. I think that that might make it a little easier. There's a lot to digest, so

we would strongly prefer that we resume next week for oral argument on both the temporary injunction, and if the State would like the motion to dismiss.

THE COURT: All right. Well, unless both sides are willing to proceed today, I wouldn't require it.

So I don't know if anybody plans to submit anything in writing ahead of or if there's going to be a request to submit anything in writing after. Any thoughts about that?

MR. SELDIN: Your Honor, would you like proposed findings of fact and conclusions of law?

MR. KOBACH: We were going to offer to do that if we proceeded with argument today, then you could have proposed findings of fact and conclusions of law next week as you deliberate.

THE COURT: I find them helpful. So yes, if we proceed to argument Wednesday, Monday is a holiday thereafter. If I say the 14th as a deadline for proposed findings of fact and conclusions of law, that's a week.

MR. SELDIN: Your Honor, that works for plaintiffs. Thank you.

MR. KOBACH: That would work for us, Your Honor. I just want to clarify also, I assume we can accomplish the oral argument in the three hours of the morning on Wednesday?

MR. SELDIN: Yes, Your Honor.

THE COURT: So we're set for 9:30. I would expect we be done by noon.

MR. KOBACH: You said 9:30, correct?

THE COURT: That's what I have it set for. I'm not sure why 9:30. We can start at 9:00 I suppose if that's -- why don't we do that. Why don't we start at 9:00 AM. Was there somebody who made a special request for 9:30? I don't know why I did that.

MR. KOBACH: I'm not aware of such.

THE COURT: Okay.

MR. RODRIGUEZ: Your Honor, we'd also request that Zoom link for the October 7th hearing.

THE COURT: For what purpose?

MR. RODRIGUEZ: So that counsel can listen who will be out of town that day.

THE COURT: For counsel only. Again, if we were to receive a lot of demand from the public that couldn't fit in the courtroom, we

would consider opening that up, but this week has not presented that issue, so there will be Zoom for counsel only. We'll start at 9:00 AM on the 7th. Proposed findings by the 14th.

Looking at my calendar, I don't want to over promise, but I should be able to give it attention I would think by on or before November 6th would be my best prediction. I see we have a holiday the following week, so that's what I'll work towards. And as soon as I can; if I can get it sooner, I will.

I want to say I appreciate all counsel in the manner in which they've conducted themselves. I saw a lot of professional courtesy. It seemed organized. I appreciated all of the preparation to get notebooks together. You might double-check -- well, I don't know if everybody double-checked with our court reporter from yesterday. Shelee's doing the light load for covering today so that Ms. Copeland could work on transcripts, but I just thought that was worth mentioning. I appreciate the manner in which we proceeded. We're adjourned.

CERTIFICATE

STATE OF KANSAS)
)ss
DOUGLAS COUNTY)

I, Shelee K. Shafer, a Certified Shorthand Reporter do hereby certify that I am the regularly appointed, qualified, and acting Official Reporter for Division No. VI of the 7th 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 2nd day of October, 2026, I was present at and reported in machine shorthand the proceedings in the aforementioned case before the Honorable James R. McCabria, Judge of Division No. IV 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 stenotype notes so taken.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Lawrence, Douglas County, Kansas, this 4th day of October, 2026.

/s/Shelee K. Shafer
SHELEE K. SHAFER, CSR #884
Official Court Reporter