

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

Dr. Tinsley Ariana Taylor Makayla Saramosing,)

Plaintiff,)

Vs.)

Kevin Corbett,)

**As Cabinet Secretary of the Oklahoma State
Department of Health,**)

Defendant,)

&)

Keith Reed,)

**In His Capacity as Interim Commissioner of Health
of the Oklahoma State Department of Health,**)

Defendant,)

Kelly Baker “Baker”,)

**Deputy Registrar of Vital Records,
Oklahoma State Health Department,**)

Defendant,)

&)

Tim Tipton,)

Case #: _____

In His Capacity of Commissioner of Public Safety of)
the Oklahoma Department of Public Safety,)
)
Defendant)
)

TABLE OF CITED AUTHORITIES:

United States Supreme Court Cases:

Adarand Constructors, Inc. v. Peña, 515 U.S. 200 (1995)

Bolling v. Sharpe, 347 U.S. 497 (1954)

Bostock v. Clayton Cty., 140 S. Ct. 1731 (2020)

Brown v. Bd. of Educ., 347 U.S. 483 (1954)

Craig v. Boren, 429 U.S. 190

Evancho v. Pine-Richland Sch. Dist. Civil No. 2:16-01537

Frontiero v. Richardson, 411 U.S. 677 (1973)

Highmark Inc. v. Allocate Health Mgmt. Syst., Inc., 572 U.S. 559 (2014)

Lawrence v. Texas, 539 U.S. 558 (2003)

Levy v. Louisiana, 391 U.S. 68 (1968)

Michael H. v. Gerald D., 491 U.S. 110 (1989)

Miller v. Johnson, 515 U.S. 900 (1995)

Obergefell v. Hodges, 576 U.S. 644 (2015)

Planned Parenthood v. Casey, 505 U.S. 833 (1992)

San Antonio Indep. Sch. Dist. v. Rodriguez, 411 U.S. 1 (1973)

United States v. Virginia, 518 U.S. 515 (1996)

Weinberger v. Weisenfeld, 420 U.S. 636 (1975)

Skinner v. Oklahoma, 316 U.S. 535 (1942)

United States Court of Appeals Cases:

Doe v. Boyertown Area School District, 897 F.3d 518 (3d Cir. 2018)

Donatelli v. Mitchell, 2 F.3d 508 (3d Cir. 1983)

Grimm v. Gloucester Cty. Sch. Bd., -- F.3d -- 2020 WL 5034430

Ray v. Himes, 2:18-cv-00272-MHW-CMV (2020)

Zzyym v. Blinkin (formerly Zzyym v. Pompeo, Zzyym v. Tillerson & Zzyym v. Kerry, 1:15-cv-02362-RBJ, (2018).

United States District Court Cases:

[*A.H. ex rel. Handling v. Minersville Area School District*](#), 408 F.Supp.3d 536 (M.D. Pa. 2019) (holding that excluding a transgender girl from girls' school restrooms states a sex discrimination claim under Title IX and the Equal Protection Clause of the Constitution).

[THE ISSUANCE OF A BIRTH CERTIFICATE CONSTITUTES A HEALTH SERVICE (Oklahoma State Department of HEALTH). HENCE, DEFENDANTS 1-3 ARE IN VIOLATION OF PLAINTIFF'S RIGHTS].

[*Brown v. Dept. of Health and Hum. Servs.*](#), No. 8:16DCV569, 2017 WL 2414567 (D. Neb. June 2, 2017) (holding that discrimination against transgender people constitutes sex discrimination that is subject to heightened scrutiny under the Equal Protection Clause of the Constitution).

[DEFENDANTS 1-4 FORCED PLAINTIFF AND THOSE LIKE HER TO UNDERGO IRREVERSIBLE, PERMANENTLY STERILIZING HORMONES AND SURGERY PRIOR TO CHANGING HER NAMES/GENDER ON HER LEGAL DOCUMENTS; DEFENDANTS 1-3

CONTINUE TO BULLY PLAINTIFF AND THOSE LIKE SHE BY OUTTING THEM AS TRANSGENDER AGAINST THEIR WILL, HAVING "SEPARATE BUT EQUAL" BIRTH CERTIFICATES, ETC.]

Cruz v. Zucker, 195 F.Supp.3d 554 (S.D.N.Y. Jul. 5, 2016) (holding that discrimination on the basis of gender identity is sex discrimination under Section 1557 of the Affordable Care Act).

[DEFENDANTS 1-4 FORCED PLAINTIFF AND THOSE LIKE HER TO UNDERGO IRREVERSIBLE, PERMANENTLY STERILIZING HORMONES AND SURGERY PRIOR TO CHANGING HER NAMES/GENDER ON HER LEGAL DOCUMENTS; DEFENDANTS 1-3 CONTINUE TO BULLY PLAINTIFF AND THOSE LIKE SHE BY OUTTING THEM AS TRANSGENDER AGAINST THEIR WILL, HAVING "SEPARATE BUT EQUAL" BIRTH CERTIFICATES, ETC.]

[THE ISSUANCE OF A BIRTH CERTIFICATE CONSTITUTES A HEALTH SERVICE (Oklahoma State Department of HEALTH). HENCE, DEFENDANTS 1-3 ARE IN VIOLATION OF PLAINTIFF'S RIGHTS).

Doe v. Massachusetts Department of Correction, et al., No. CV 17-12255-RGS, 2018 WL 2994403 (D. Mass. June 14, 2018) (holding that "where a State creates a classification based on transgender status, the classification is tantamount to discrimination based on sex" under the Equal Protection Clause).

[DEFENDANTS 1-4 FORCED PLAINTIFF AND THOSE LIKE HER TO UNDERGO IRREVERSIBLE, PERMANENTLY STERILIZING HORMONES AND SURGERY PRIOR TO CHANGING HER NAMES/GENDER ON HER LEGAL DOCUMENTS; DEFENDANTS 1-3 CONTINUE TO BULLY PLAINTIFF AND THOSE LIKE SHE BY OUTTING THEM AS TRANSGENDER AGAINST THEIR WILL, HAVING "SEPARATE BUT EQUAL" BIRTH CERTIFICATES, ETC.]

Finkle v. Howard Cty., 12 F. Supp. 3d 780 (D. Md. 2014) (holding a claim of discrimination based on gender identity constitutes sex discrimination under Title VII).

[DEFENDANTS 1-4 FORCED PLAINTIFF AND THOSE LIKE HER TO UNDERGO IRREVERSIBLE, PERMANENTLY STERILIZING HORMONES AND SURGERY PRIOR TO CHANGING HER NAMES/GENDER ON HER LEGAL DOCUMENTS; DEFENDANTS 1-3 CONTINUE TO BULLY PLAINTIFF AND THOSE LIKE SHE BY OUTTING THEM AS TRANSGENDER AGAINST THEIR WILL, HAVING "SEPARATE BUT EQUAL" BIRTH CERTIFICATES, ETC.]

F.V. v. Barron, 286 F. Supp. 3d 1131 (D. Idaho March 5, 2018) (finding the practice of denying transgender individuals' applications to change the sexes listed on their birth certificates violated Equal Protection Clause).

[DEFENDANTS 1-4 FORCED PLAINTIFF AND THOSE LIKE HER TO UNDERGO IRREVERSIBLE, PERMANENTLY STERILIZING HORMONES AND SURGERY PRIOR TO CHANGING HER NAMES/GENDER ON HER LEGAL DOCUMENTS; DEFENDANTS 1-3 CONTINUE TO BULLY PLAINTIFF AND THOSE LIKE SHE BY OUTTING THEM AS TRANSGENDER AGAINST THEIR WILL, HAVING "SEPARATE BUT EQUAL" BIRTH CERTIFICATES, ETC.]

Lorelied v. Lance Frye, M.D. et. al (2020)

Relf v. Weinberger, 372 F. Supp. 1196 (D.D.C. 1974)

[Stone v. Trump](#), 280 F. Supp. 3d 747 (D. Md. Nov. 21, 2017) (discrimination against transgender people is gender-based discrimination under the Equal Protection Clause of the Constitution).

[DEFENDANTS 1-4 FORCED PLAINTIFF AND THOSE LIKE HER TO UNDERGO IRREVERSIBLE, PERMANENTLY STERILIZING HORMONES AND SURGERY PRIOR TO CHANGING HER NAMES/GENDER ON HER LEGAL DOCUMENTS; DEFEDANTS 1-3 CONTINUE TO BULLYPLAINTIFF AND THOSE LIKE SHE BU OUTTING THEM AS TRANSGENDER AGAINT THEIR WILL, HAVING “SEPARATE BUT EQUAL” BIRTH CERTITIFATES, ETC.]

[U.S. v. S.E. Okla. State Univ.](#), No. CIV–15–324–C, 2015 WL 4606079 (W.D. Okla. July 10, 2015) (holding that **harassment**, health insurance exclusion, and termination based on gender transition constituted sex stereotyping discrimination under Title VII).

THE ACTS BELOW CONSTITUTE HARASSMENT, EVEN THOUGH THIS IS NOT AM EMPLOYMENT DISCRIMINATION CASE, BECAUSE UNLAWFULLY OUTING PLAINTIFF AND THOSE LIKE HER AGAINT THEIR WILL LEADS TO DISCRIMINATION IN THE WORKPLACE, SCHOOLS, ETC.:

[DEFENDANTS 1-4 FORCED PLAINTIFF AND THOSE LIKE HER TO UNDERGO IRREVERSIBLE, PERMANENTLY STERILIZING HORMONES AND SURGERY PRIOR TO CHANGING HER NAMES/GENDER ON HER LEGAL DOCUMENTS; DEFEDANTS 1-3 CONTINUE TO BULLYPLAINTIFF AND THOSE LIKE SHE BU OUTTING THEM AS TRANSGENDER AGAINT THEIR WILL, HAVING “SEPARATE BUT EQUAL” BIRTH CERTITIFATES, ETC.]

[Tronetti v. Healthnet Lakeshore Hosp.](#), No. 03–CV–0375E, 2003 WL 22757935 (W.D.N.Y. Sept. 26, 2003) (holding claim of discrimination based on gender transition constitutes sex discrimination under Title VII).

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United States District Court for the Western District of Oklahoma – now Chief Judge David L. Russell’s Ruling:

Norma Kristie, Inc. v. City of Oklahoma City, 572 F. Supp. 88 (W.D. Okla. 1983)

Appellate Court of Illinois Case:

Hobby Lobby Stores, Inc., v. Meggan Sommerville and the Human Rights Commission, 2021 IL App (2d) 190362, No. 2-19-0362, Charge Nos. 2011-CN-2993 and) 2011-CN-2994

[Schwenk v. Hartford](#), 204 F.3d 1187 (9th Cir. Feb. 29, 2000) (holding that the Gender Motivated Violence Act (GMVA) applied to targeting of a transgender person).

[DEFENDANTS' ACTIONS CONSTITUTE VIOLENCE]

West Virginia Southern District Court:

Hersom et al v. Crouch et al, 2:21-cv-00450 (2021)

Constitutional & Other Legal Provisions:

U.S. Const. Amendments I, V, VIII, IX, XIV, Right to Informational Privacy, Due Process

Americans With Disabilities Act (ADA)

Civil Rights Act of 1964

Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act

1976 Civil Rights Attorney's Fees Awards Act, 42 U.S.C.A. §1988

Title 18, U.S.C., Section 245 – Federally-Protected Activities

Title 18, U.S.C. 242 – Deprivation of Rights Under Color of Law

Title 18 U.S.C., Section 241 – Conspiracy Against Rights

California Gender Recognition Act

New York Gender Recognition Act

Secondary Sources:

Aime M. Grant, et al., *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, Nat'l Ctr. For Transgender Equality & National Gay & Lesbian Task Force 1 (2011),

http://www.transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf

Christina Richards et al., *Non-binary or Genderqueer Genders*, 28 Int'l Rev. Psychiatry 95 (2016)

Jessica A. Clarke, *They, Them, and Theirs*, 132 Harv. L. Rev. 894 (Jan. 2019)

CONSTITUTIONAL AND STATUTORY PROVISIONS:

U.S. Const. Amend. I: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

U.S. Const. Amend. V: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in

any criminal case to be a witness against himself, *nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*

U.S. Const. Amend. VIII: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

U.S. Const. Amend. IX: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

U.S. Const. Amend. XIV: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

EVIDENTARY STANDARD:

Preponderance of the Evidence

The plaintiff must satisfy the burden of persuasion. This burden determines which standard of proof the plaintiff must follow in presenting evidence to the judge or jury. A standard of proof determines the amount of evidence the plaintiff or defendant needs to provide in order for the jury to reach a particular determination.

In most civil cases, the burden of persuasion that applies is called “a preponderance of the evidence.” This standard requires the jury to return a judgment in favor of the plaintiff if the plaintiff is able to show that a particular fact or event was more likely than not to have occurred. *Some scholars define the preponderance of the evidence standard as requiring a finding that at least 51 percent of the evidence favors the plaintiff’s outcome.* References to strict and intermediate scrutiny standards will also be addressed.

**PETITION TO FORBID STERILIZATION OF PEOPLE WHO ARE
TRANSGENDER WHO ARE SEEKING MODIFICATIONS TO THEIR
GENDER MARKERS & NAME CHANGES ON THEIR LEGAL
DOCUMENTS & TO PREVENT THE ADDING OF NOTATIONS OF
AMENDMENTS MADE ON THE BIRTH CERTIFICATES WHO PEOPLE
WHO ARE TRANSGENDER WHO GET NAME/GENDER MARKER
CHANGES:**

COMES NOW the Plaintiff, Dr. Tinsley Ariana Taylor Makayla Saramosing, and submits her Complaint against the above-captioned Defendants, and alleges and states as follows:

I. PARTIES

1. The Plaintiff in this matter, Dr. Tinsley Ariana Taylor Makayla Saramosing (hereinafter “Plaintiff”), is an adult medically and socially-transitioned female, who, for all material times, was residing in Oklahoma County, State of Oklahoma, and who was also born in Oklahoma City, Oklahoma. Though certainly not a lawyer by any means, her vast educational attainment and experience definitely qualify her as a civil rights expert.

2. The first Defendant, Kevin Corbett, is named in his capacity as the Cabinet Secretary of the Oklahoma State Department of Health who, upon information and belief, has a statutory location is 375 N. Broadway Avenue, #321, Oklahoma City, OK 73102.

3. The second Defendant, Keith Reed, is named in his capacity as the Interim Commissioner of Health of the Oklahoma State Department of Health who, upon information and belief, has a statutory location of 375 N. Broadway Avenue, #321, Oklahoma City, OK 73102.

5. The third Defendant, Kelly Baker (“Baker”), is the Deputy Registrar of Vital Records of the Department. Baker is directly responsible for the issuance of Oklahoma birth certificates and, as such, is responsible for the denial of Plaintiff’s request for an amended birth certificate without notations outing her as transgender

and for her sterilization itself. Baker, as registrar, is also the custodian of Oklahoma's vital records. Baker's duties in this respect are actions under color of state law.

6. The fourth Defendant, Tim Tipton, is named in his capacity as the Commissioner of Public Safety of the Oklahoma State Department of Public Safety who, upon information and belief, has a statutory location of OKDPS:

300 N. Martin Luther King Avenue, Oklahoma City, OK 73111

II. JURISDICTION AND VENUE

Plaintiff seeks relief through her causes of action based upon the Equal Protection Clause of the 14th Amendment, the Americans with Disabilities Act (ADA), Informational Right to Privacy, Due Process, and further contends that the discrimination she has faced and still faces from Defendants has violated and continues to violate the United States' Supreme Court's decision *Skinner v. Oklahoma* (1942), *Ray v. McCloud* (2020) as well as the other cases listed above in the first section of this document under applicable cases/laws, etc. and elsewhere in this petition and the accompanying exhibits.

Both Plaintiff & Defendants reside within Oklahoma County, Oklahoma, and the Defendants may be served in that county. Oklahoma County is within the Western District of the United States District Court of Oklahoma and venue is appropriate in this Court.

III. FACTS

1. Plaintiff hereby incorporates by reference each of the allegations contained in Roman numerals I through II, above.
2. Plaintiff is a female who is transgender and has medically and socially transitioned, including, but not limited to, nine (9) surgeries, laser hair removal, electrolysis, lip and nipple enhancement injections, clothing typical of the feminine female gender, head hair length growth, and hormone therapy (**Plaintiff's Exhibit 26**). She has also had both legal name and gender marker changes made to her driver's license, passport, birth certificate and social security card (**Plaintiff's Exhibits 8, 27, 28, 29**).
3. Plaintiff has also obtained a Gender Recognition Certificate (GRC) from Great Britain, which is often considered to be the United States' biggest ally and set of sister countries (**Plaintiff's Exhibit 1**). Great Britain does not force permanent and depriving sterilization, which include hormone therapy, upon anyone seeking to make legal changes to his/her/their birth certificate via hormones, surgery, etc. Great Britain also does not have amendment notations on the birth certificates of people who are transgender (**Plaintiff's Exhibit 16**).

4. Most or all developed Western countries have already gotten rid of forcing people who are transgender to have permanent and irreversible sterilizing hormone and surgical requirements just to change their name and gender markers. Indeed, the Netherlands/Holland just recently apologized for the “discredited and scrapped” law they had back until 2014 – almost 8 years ago – which previously required that of the transgender community. They stopped engaging in Nazi-like behaviour many years ago, unlike Oklahoma and the Defendants who inflict this terrible harm onto other vulnerable populations (**Plaintiff’s Exhibit 12**).
5. Even states like New York and California have enacted their own Gender Recognition Acts into law years ago, because they recognize that persons who are transgender have rights guaranteed to them in federal law, case law, and according to the United States Constitution. They just wished to clarify and streamline the process to make it easier for them to have access to their rights (**Plaintiff’s Exhibits 65, 66**). Oklahoma is not even an early adapter; it has fallen way behind the times and current best practices, and it sadly makes people here look like a bunch of bumbling idiots.
6. That the Oklahoma State Department of Health, Vital Records Division, is charged with the keeping of vital records and statistics for deaths, births, etc., that occur within the jurisdiction of the State of

Oklahoma in a manner that is fair and equal to everyone, via its Commissioner of Health and Defendants, Keith Reed, its Cabinet Secretary, Kevin Corbett, & Kelly Baker in her capacity of deputy registrar of Vital Records (**Plaintiff's Exhibit 15**).

7. The Oklahoma Department of Public Safety is charged with the fair and lawful maintenance of the driving records, statistical data, etc., of individuals throughout the State of Oklahoma, via its Commissioner of Public Safety and Defendant, Tim Tipton (**Plaintiff's Exhibit 14**).
8. In 2016, Plaintiff was illegally forced by a district court judge in Oklahoma County & Defendants to undergo permanent and irreversible sterilizing hormone therapy and surgical treatment prior to receiving her gender marker change on her birth certificate. Defendant #4 also forced Plaintiff to undergo permanent and irreversible sterilizing hormone therapy and surgical treatment, prior to receiving her gender marker change and did not even ask a judge to require it (**Plaintiff's Proffered Expert Witness Testimony**). Defendant #4 took it upon himself to exterminate Plaintiff and those like her on his own volition. This is all in spite of the fact that there was and is absolutely no state or federal statute authorizing Defendant #4 or any other person or agency with that power to do so (**Plaintiff's Exhibit 13**).

9. The U.S. Department of State, the authority tasked with the issuance of federal passports for all citizens of the United States of America, does not require medical certification of any kind whatsoever for a person's gender marker change **(Plaintiff's Exhibit 2)**.
10. The United States Federal Government, in recognition of transgender and nonbinary persons, now allows an X category for gender/sex markers on passports and other federal documents after *Zzyym v. Blinkin* (formerly *Zzyym v. Pompeo*, *Zzyym v. Tillerson & Zzyym v. Kerry*, 1:15-cv-02362-RBJ, 2018 **(Plaintiff's Exhibit 3)** whatsoever which requires people who are transgender, non-binary, gender non-conforming, etc., to undergo any kind of medical treatment, let alone anything that forces permanent and damaging sterilization, prior to a gender marker or name change. Defendants and many Oklahoma judges and state officials illegally, capriciously and arbitrarily require many or all people who are transgender, non-binary, gender-fluid, etc., to undergo forced such sterilization prior to these changes due to their own biases, hatred, and bigotry, without any legal authority to do so and in clear violation of laws and rulings in Roman numeral I above **(Plaintiff's Exhibit 13, Plaintiff's Proffered Expert Witness Testimony)**.

11. The Defendants, acting in their official capacities, all have a fiduciary duty to act in a way to protect each individual's civil rights and privacy and non-interference with their offspring-producing capabilities and legal records in an equal manner, including persons who are transgender, non-binary, etc., so as not to cause harm to the individuals for whom they keep records.

12. Defendants lack empathy. All their hateful, bigoted and discriminatory policies do is create a climate of fear, intolerance and bigotry which lead to people in the LGBTQIA+ community getting:

- a) Murdered
- b) Raped
- c) Committing Suicide
- d) Getting Kicked Out of Their Homes
- e) Getting Fired from Their Jobs/Not Getting Hired in the First Place
- f) Getting Forced to Use the Wrong Bathrooms
- g) Getting Kicked Off of Sports Teams
- h) Students/Employees Being Allowed to Dress in the Clothing of Their Gender
- i) Students getting Expelled from Schools/Denied Entry in the First Place
- j) Persons who are Transgender facing Discrimination in the Healthcare System with Doctors/Hospitals/Insurance Companies Refusing to Provide

Care/Untrained Staff Unable to Address Transgender-Specific Medical Concerns

- k) Getting Kicked out of the Military - Until Recently – for Being Transgender
- l) Social Isolation/Romantic Isolation/Family Isolation
- m) Constantly Having to Engage in Legal Battles to Fight Discrimination from Agencies like OSDH & OPS Committed by *Stupid People*
- n) Forced, Permanent, Irreversible Sterilization/Inability to Ever Procreate
- o) Emotional Distress & Anxiety Inflicted Upon the Transgender Community by Others
- p) Constant Taunts, Jeers, Laughing, Catcalls, etc., by Idiots in Our Society
- q) Getting Kicked Out of Gyms or Forced to Share Locker Rooms with People of the Opposite Gender
- r) Shall Plaintiff Continue Listing Items?

How on earth could Defendants *possibly* ever be “harmed” by having to change their current policies, than humans who are transgender who are *already horribly suffering because of Defendants’ atrocious and illegal actions* (Plaintiff’s Exhibits 55, 58, 61-63, 69)?

- 13. Plaintiff has requested on numerous occasions over the course of over five (5) years that Defendants at the Oklahoma State Department of Health remove the announcement of the amendments at the bottom of her birth

certificate (let alone the illegal requirements forced upon her by Defendants to get them), which specifically violate Plaintiff's 1st, 5th, 8th, 9th & 14th Amendment rights, the Americans with Disabilities Act (ADA), her constitutional Informational Right to Privacy, her constitutional right to Due Process, and *Skinner v. Oklahoma*, among other cases, and yet Defendants have continually refused/declined to do so (**Plaintiff's Proffered Expert Witness Testimony**).

14. By depriving Plaintiff from making her gender marker change until she'd been forcibly and permanently sterilized via hormones and surgery, Defendants have unlawfully caused a delay in the time it took Plaintiff not to be outed in her community against her will and to be forcibly and permanently sterilized and unable to further produce offspring, causing Plaintiff significant damage and harm (**Plaintiff's Exhibits 4, 20, 21, 21, 38, Plaintiff's Proffered Expert Witness Testimony**).

This damage is still ongoing today and has continued for over six years, because of the notations to her amendments that the employees/supervisors of the OSDH have forced upon her birth certificate. Even in 2021, our society, especially in a conservative environment like Oklahoma, can be very discriminatory against the LGBTQIA+ community, and these

unwanted consequences can have disastrous economic, social, health and familial consequences (**Plaintiff's Exhibits 4, 30, 31**).

Plaintiff has suffered severe emotional and mental distress from Defendants, because of having to undergo forced, irreversible and permanently sterilizing hormone therapy and surgery just to get her names and gender marker on her driver's license and birth certificate changed. In addition, Plaintiff has been constantly being outed by Defendants 1-4 vis-à-vis delays in the changes and the constant forced outing as being transgender in a harsh climate like Oklahoma, because of notations of the amendments to her birth certificates by Defendants 1-3 on her birth certificate.

Plaintiff has had to undergo continuous counseling for almost 6 years, as well as taking multiple anti-anxiety medications, anti-depression medications and anti-nightmare medications from the trauma of everything. Plaintiff should be compensated fairly for her continuous pain and suffering of intentionally-inflicted damage by Defendants 1-4. Plaintiff will absolutely present medical records and will have expert witnesses testify at the oral hearing.

Plaintiff also has worked on two master's degrees and has earned her doctoral degree. Her time is invaluable, and she charges her clients quite a

bit of money to assist them. Instead, she has had to spend much of her time recently fighting for her rights; it is something she never should have had to do in the first place. Plaintiff deserves to be compensated for the intentional infliction of emotional distress and suffering, her time and resources spent standing up for her rights and the rights of others that Defendants have worked so hard to oppress, as well as other compensatory and nominal damages, etc., at the judge's discretion.

15. Plaintiff intends to present numerous additional expert witnesses, in addition to her own expert testimony, of all fields and who have extensive educational attainment (i.e., medicine, law, social work, religion, etc.), who will clarify and elaborate upon every single contention she has made, when oral arguments are presented.
16. By adding notations of amendments to the birth certificates of Plaintiff and other people – yes, **fellow human beings** of Oklahoma - who are transgender, non-binary, gender non-confirming, gender fluid, etc., it serves to capriciously and arbitrarily subject this minority class of individuals, of which Plaintiff is a member, to extreme humiliation, ridicule, social and economic hardship, a loss of family, friends, the illegal denial of bathroom/locker room access (addressed as illegal in *G.G. vs. Gloucester County School Board*, *Whitaker v. Kenosha Unified School*

District 858 F.3d 1034), and life threatening situations which have already seen more than 50 people who are transgender brutally murdered just for being who they are (**Plaintiff's Exhibits 5, 30, 31**).

17. In much the same way that a marriage certificate acknowledges the government's recognitions of an individual's relationship, a birth certificate acknowledges the government's recognition of an individual's gender. Blanket refusal to provide nonbinary individuals with a birth certificate or driver's license recognizing their identity without permanent, forced, irreversible sterilizing surgery or a birth certificate without humiliating and degrading notations of changes at the bottom of it and is akin to governmental refusal to acknowledge the transgender community's identity as a whole. Thus, it deprives an entire group of people from the equal dignity that cisgender, even now transgender, people enjoy simply because those communities were born a certain way (**Plaintiff's Exhibits 6, 7, 8**).

18. The International Olympic Committee (IOC), no longer even requires people who are transgender to reduce their level of testosterone to compete in the international Olympics (IOC, November 18, 2021ⁱ, (**Plaintiff's Exhibit 9**)). The IOC is not trying to take away the right of humans who are transgender to reproduce and be who they are. So, why should

Defendants get to force people who are transgender to have to undergo permanent, irreversible, and sterilizing hormone therapy and surgery, just to get their name and gender marker changed on their legal documents that accurately matches who they are inside? Defendants need to get with the times and current standards.

19. Almost every single state in the USA allows for people who are transgender to change the gender markers and names on their birth certificates and drivers' licenses – most without illegal requirements - and of those vast majority that do none of them put the dehumanizing notations anywhere on any of any of their legal documents (**Plaintiff's Exhibit 10**).
Is a change to a gender marker or name really a change, if Defendants keep the same previous name and previous gender designated on the document that was ordered to be changed in the first place?

Perhaps Defendants' idea of "equality" is like placing humans who are cisgender into one shower facility and people who are transgender into another. "See?! We gave both people who are cisgender and transgender showers, so we are treating them equally," Defendants will likely claim. Well, that's "great," except the showers for humans who are transgender all come equipped with special gas chambers in them (birth certificate

notations, forced sterilization, etc.) just like the Nazis did to the Jews years ago. Have we not evolved much since then?

20. Defendants working for the Oklahoma State Department of Health will likely argue that having “notations” on the birth certificates are “good” for “record keeping” and “accuracy.” If so, they must think this Court lacks intelligence and wisdom. If that were true, then why don’t defendants at the Oklahoma Department of Public Safety make notations on the drivers’ licenses in the same manner (**Plaintiff’s Exhibits 10(a), 28**)? Why doesn’t the Social Security Administration make gender and name notation amendments to social security cards (**Plaintiff’s Exhibits 10(b), 29**)? Why do passports not have notations of amendments on them (**Plaintiff’s Exhibits 2, 27**)?
21. In addition to providing proof of identification, birth certificates are also regularly used for multiple purposes, including application for jobs, obtaining other identification documents (driver’s licenses, passports, social security cards, etc.), obtaining education records and applying for government assistance (**Plaintiff’s Exhibit 11**).
22. Any attempt by Defendants to claim that the State of Oklahoma is treating transgender, non-binary, gender fluid, gender queer, and gender non-conforming individuals “equally” by having notations to their gender

marker and name(s) is bigoted and false, because non-transgender, etc., persons do not suffer the harm that those who are transgender, etc., that Defendants force people who are transgender to suffer every time their notation(s) out them as transgender. Gender-conforming persons are allowed to continue to procreate, unlike their suspect class fellow humans, namely the Plaintiff (**Plaintiff's Proffered Expert Witness Testimony**).

The State of Oklahoma, after getting sued in *Lorelied v. Lance Frye, M.D. et. al* (2020) and subsequently losing, has been forced to allow – albeit kicking and screaming like a petulant toddler – nonbinary persons to have a gender marker which adequately reflects their true non-binary gender, and yet the Defendants are still in violation of the laws because they are still outing Plaintiff and similar individuals with these notations and by taking away their right to procreate (**Plaintiff's Proffered Expert Witness Testimony**).

23. As new empirical research replaces old, inaccurate scientific and psychological superstition and data (**Plaintiff's Exhibits 2, 3**), so, too, must society's norms, values and level of understanding of its populations continually evolve and change into kinder, more-loving, more-intelligent and wiser awareness. Being transgender, non-binary, gender fluid, gender non-conforming, etc., has been shown by the scientific and other medical

communities to be genetic and/or gestational in nature. It is not as choice as some have previously thought, and it has existed in humans and possibly non-human mammals alike throughout history (**Plaintiff's Exhibits 2, 3, Plaintiff's Proffered Expert Witness Testimony**).

24. The decision of whether persons who are transgender, non-binary, gender-fluid, seek out hormones, surgery, etc., should rest solely with those individuals themselves and, if applicable, the medical professionals they might possibly seek out. No state or governmental agency, body, state official or judge has the right to systematically exterminate any subclass of people by taking away their fertility as a provision of their right to exist, as has historically been done to Jews, gays, lesbians, women, persons with disabilities, people of colour, the economically-disadvantaged, people who have committed crimes, those with mental disabilities, and so on (**Plaintiff's Proffered Expert Witness Testimony**), **Plaintiff's Exhibit 17**).

15) **Defendants Violated the Americans with Disabilities Act:**

The Gender Confirmation Surgery [GCS]/Hormone Therapy

Requirements for Legal Documents & Notations of Name/Gender

Marker Changes on Legal Documents Discriminate Based on Disability

In passing the ADA, Congress acknowledged the “inferior status” that people with disabilities, as a group, occupy in our society, and the “various forms of discrimination” that they experience—from outright intentional exclusion typified by architectural and communication barriers, to more subtle forms of discrimination, such as overprotective rules and the failure to modify existing practices. Accordingly, Title II of the ADA and Section 504 broadly prohibit a public entity from discriminating against a qualified person with a disability by “exclud[ing]” the person “from participation in” or “deny[ing] the benefits of” a “public service, program, or activity,” or by “subject[ing]” the person “to discrimination.” DOJ regulations reiterate this general prohibition and also provide a list of specific actions that constitute discrimination. Under Title II and its implementing regulations, a person may prove a violation of the ADA in one of three ways: “(1) [S]howing disparate treatment, also termed intentional discrimination, (2) showing disparate impact, or (3) showing a refusal to make reasonable accommodations.” A state’s refusal to change the sex designation on a birth certificate absent proof of GCS/hormone therapy constitutes discrimination based on gender dysphoria under each of these three theories (**Plaintiff’s Proffered Expert Witness Testimony**).

**1. The GCS/Hormone Therapy Requirement is Intentionally
Discriminatory Because It Denies an Accurate Birth Certificate/Driver’s
License to a Subclass of People with Gender Dysphoria**

When the State designates a transgender man “female” on a birth certificates and drivers’ licenses based on external genitalia, the State creates an inaccurate birth certificate/drivers’ license. The same is true for a transgender woman who is classified as “male.” In either case, the person’s gender identity—the primary determinant of sex—is not properly reflected on the birth certificate/driver’s license. A female who is transgender who has undergone hormone therapy, for example, has sex hormones circulating in her body that are comparable to non-transgender women, and, as a result of such therapy, she also has female secondary sex characteristics, such as breasts. The same is true for a transgender man who has undergone hormone therapy: He has sex hormones circulating in his body that are comparable to a man who was assigned the male sex at birth and, as a result, he will experience increased muscle mass, a deepened voice, and a cessation of menses **(Plaintiff’s Proffered Expert Witness Testimony)**.

By classifying transgender people as the wrong sex on their birth certificates and driver’s licenses — i.e., the sex assigned to them at birth on the basis of external genitalia alone, rather than the sex that accords with their gender identity (which is the primary determinant of sex) and with other aspects of sex such as hormones and secondary sex characteristics—the GCS/hormone therapy requirement discriminates against people with gender dysphoria, making notations of previous names and gender at the bottom of said birth certificates, etc. Specifically, the GCS/hormone

therapy requirement denies an accurate birth certificate/driver's license to a subset of people with gender dysphoria who do not treat their condition through GCS/hormone therapy. As a result, people with gender dysphoria who do not undergo GCS/hormone therapy are the only people who are refused an accurate birth certificate/Oklahoma driver's license (**Plaintiff's Exhibit 17, Plaintiff's Proffered Expert Witness Testimony**). All others, if they can afford an attorney and the legal fees, receive a semi-accurate birth certificate/driver's license - albeit with illegal notations of the gender and name changes for individuals who are transgender, non-binary, gender-fluid, gender non-conforming, etc., for the birth certificates — and namely, non-transgender people who receive them without such notations, who by definition, are accurately identified at birth (**Plaintiff's Proffered Expert Witness Testimony**).

The GCS/hormone therapy requirement is therefore facially discriminatory because it provides “different or separate aids, benefits, or services”—namely, inaccurate as opposed to accurate birth certificates and drivers' licenses —“to . . . [a] class of individuals with disabilities than is provided to others.” Numerous cases support the conclusion that such conduct constitutes intentional discrimination based on disability (**Plaintiff's Proffered Expert Witness Testimony**).

Indeed, in *Board of Education of Topeka*, 347 U.S. 483 (1954), the United States Supreme Court asserted in its landmark decision that U.S. state laws establishing

racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. However, what Defendants have clearly done to Plaintiff and others like she is to essentially make them “separate but equal,” because of Defendants’ discriminatory, permanent, irreversible sterilizing hormone and surgery requirements Defendants have placed on Plaintiff and those like her before they change their name and gender markers on their legal documents. Once again, Defendants have done so without any legal authority whatsoever and they are declaring to Plaintiff and all the world:

You can be equal, but only on our bigoted terms, when we say, how we say. If you do not like it, screw you. You can keep your previous name and gender markers on your legal documents. Go commit suicide for all we care.

Additionally, Defendants have actually created three different classes of individuals and birth certificates. The first class is that of cisgender individuals who get a lovely birth certificate which reflects their true name and gender without any unnecessary amendments.

The second class is comprised of people who are transgender whom Defendants have coerced/forced into permanent and irreversible sterilized bodies for all eternity. However, their birth certificates do not really reflect their true names and gender, because their old ones are still on there for all the world to clearly see (**Plaintiff’s Exhibit 8**).

The third such class of individuals is that of people who are transgender who have the wrong names and gender marker listed on their birth certificates. They may not have the money to medically transition, or they may not want to. They may just not be willing to allow Defendants coerce/force them into permanent, irreversible sterilization for the rest of their natural lives.

Whatever the case, *Board of Education of Topeka*, 347 U.S. 483 (1954) applies because, like race, Defendants have created the “haves” (cisgender persons) and the “have nots” (all transgender persons, regardless of medical transition status. Defendants wrongfully claim that they are, “Just treating everyone equally under the law,” but the clearly are not.

Defendants have instead created a “separate but equal” that they have forced Plaintiff and those like she into against her will. Their baseless claims of “. . . just wanting to follow the law” sound significantly similar to the same claims Nazis made when exterminating millions of helpless, oppressed, horrified Jews, intellectuals, trade unionists, gays and lesbians, persons with disabilities, etc., up to and during World War II. “I was just following the law as passed and the orders I was given,” they said (**Plaintiff’s Proffered Expert Witness Testimony**).

Importantly, the consequences of such discrimination are significant. An inaccurate birth certificate/drivers’ license discloses to all the world that a person

with gender dysphoria is transgender and accordingly exposes that person to the risk of violence and other adverse treatment (**Plaintiff's Proffered Expert Witness Testimony**). In order to avoid such disclosure, some people with gender dysphoria may seek invasive, permanently sterilising surgery and hormone therapy that are not otherwise medically indicated or may even be contraindicated. Such discrimination therefore places a subclass of people with gender dysphoria in a double bind: Transition without GCS/hormone therapy and risk violence and other adverse treatment, or undergo invasive medical surgery that one otherwise would not need in order to avoid such risk (**Plaintiff's Exhibit 17, Plaintiff's Proffered Expert Witness Testimony**).

Furthermore, because obtaining an accurate birth certificate is often part of the process of medical transition that helps "to alleviate [one's] gender dysphoria," the GCS/hormone therapy requirement literally interferes with lifesaving, medically necessary treatment (**Plaintiff's Proffered Expert Witness Testimony**). In recognition of the negative consequences of inaccurate birth certificates/drivers' licenses for people who do not need or undergo [permanently and irreversibly sterilizing] GCS/hormone therapy, the American Medical Association (AMA) has called for the "elimination of any requirement that individuals undergo gender affirmation surgery in order to change their sex designation on birth certificates and drivers' licenses and supports modernizing state vital statistics statutes to ensure

accurate gender markers on birth certificates and drivers' licenses," **(Plaintiff's Exhibit 18, Plaintiff's Proffered Expert Witness Testimony)**.

Indeed, the AMA also notes that race was once listed publicly on birth certificates, and that many people and institutions used to use that to discriminate against non-whites quite often – just as schools, sports teams, jails and other organizations/facilities use it today to hurt and discriminate against people who are transgender. For this reason, Defendants must be stopped and Plaintiff must prevail **(Plaintiff's Exhibit 18, Plaintiff's Proffered Expert Witness Testimony)**.

2. The GCS/Hormone Therapy Requirement is Discriminatory in Effect Because It Screens Out a Subclass of People with Gender Dysphoria from Obtaining an Accurate Birth Certificate/Driver's License

By prohibiting a subclass of people with gender dysphoria—i.e., those who do not undergo GCS/hormone therapy—from obtaining accurate birth certificates/drivers' licenses, the GCS/hormone therapy requirement is also discriminatory in effect. Specifically, the requirement violates the ADA's prohibition on "utiliz[ing] criteria or methods of administration . . . [t]hat have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability," as well as the ADA's prohibition on "eligibility criteria that screen out or tend to screen out . . . any class of individuals with disabilities from

fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.” Many cases have recognized that conduct that imposes a disparate impact on people with disabilities violates the ADA (**Plaintiff’s Proffered Expert Witness Testimony**).

A GCS/hormone therapy requirement is not an appropriate or tailored restriction— it is a blanket denial of an accurate birth certificate/driver’s license to all people with gender dysphoria who do not undergo the State’s preferred form of medical treatment (**Plaintiff’s Proffered Expert Witness Testimony**).

3. The State’s Refusal to Issue an Accurate Birth Certificate/Driver’s License Absent GCS and/or Hormone Therapy Constitutes a Failure to Make Reasonable Modifications for a Subclass of People with Gender Dysphoria

Lastly, a state’s failure to modify its GCS/hormone therapy requirement to permit a subclass of people with gender dysphoria—those who do not need or undergo surgery—to receive an accurate birth certificate/driver’s license constitutes a failure to “make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.”

A state can satisfy its reasonable modification by simply requiring a person to attest to the non-fraudulent purpose for which the birth certificate/driver's license is sought. A state's failure to meet this obligation is discrimination under the ADA. Importantly, a state may avoid liability if it can "demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity." There is no fundamental alteration here.

Indeed, of the approximately seventeen states that explicitly require GCS/hormone therapy for changes to birth certificates, approximately two-thirds—eleven states—do not require GCS for other official documents, such as driver's licenses. In these eleven states, removal of the GCS/hormone therapy requirement in the birth certificate context is entirely consistent with—not a fundamental alteration of—the services offered by the State. Moreover, regardless of whether a state has abandoned the GCS/hormone therapy requirement in like contexts, the failure to require GCS/hormone therapy to amend a birth certificate and driver's license in over twenty states plus the District of Columbia, together with the federal government's removal of any medical requirement whatsoever for social security cards and U.S. passports, severely undermines the assertion that removal of the GCS/hormone requirement is fundamentally unworkable (**Plaintiff's Proffered Expert Witness Testimony**).

16 Defendants Violate the Equal Protection Clause of the 14th Amendment to the United States Constitution

The Fourteenth Amendment's Equal Protection Clause prohibits a State from “. . . deny[ing] to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV. This Amendment was adopted following the Civil War and was designed to combat racial inequality by ensuring that all United States citizens had the same rights as everyone else. See *Brown v. Bd. of Educ.*, 347 U.S. 483, 489 (1954). While the Equal Protection Clause was initially only invoked to counter state-imposed discrimination against Black people, its use has expanded over time to eliminate unjust laws that discriminate against certain groups on a variety of other factors. See generally *Miller v. Johnson*, 515 U.S. 900, 904–05 (1995). Now, the Equal Protection Clause is viewed as a “. . . direction that all persons similarly situated should be treated alike.” *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985), **(Plaintiff's Proffered Expert Witness Testimony)**.

Today, laws or regulations that accord certain groups different treatment on any basis implicate the Equal Protection Clause. (See *Obergefell v. Hodges*, 576 U.S. 644, 673 (2015)). To survive constitutional scrutiny, the law or regulation must pass the requisite level of scrutiny attributed to the class of people at issue and its proponent must demonstrate that the law is adequately related to an

appropriate state interest. (See Vittoria L. Buzzelli, Transforming Transgender Rights in Schools: Protection from Discrimination Under Title IX and the Equal Protection Clause, 121 Penn St. L. Rev. 187, 196–97 (2016)). The class at issue in the sterilization of transgender persons and adding amendments to their birth certificates that non-transgender people are not subjected to deals directly with persons who are transgender/gender non-conforming, and analyzing this class is where our analysis must begin (**Plaintiff’s Proffered Expert Witness Testimony**).

The Equal Protection Clause of the 14th Amendment to the United States Constitution is abundantly clear that by making hormone treatment or GCS a requirement to a birth certificate/driver’s license with the proper gender and name change designations with notations unnecessarily outs people who are transgender against their will. It inherently exposes them to completely unnecessary violence, mental and emotional anguish, and economic harm (**Plaintiff’s Exhibits 17-25, 12**).

Having these requirements for a birth certificate/drivers’ licenses, especially one with the notations of amendments made on the birth certificates themselves - makes persons who are transgender unequal to and treated differently from those who are not transgender, because the latter majority of non-transgender individuals is not forced to undergo any such treatments in order to have a birth certificate/driver’s license which properly reflects their name, gender, and who

they truly are as people (*Brown v. Bd. of Educ.*, 347 U.S. 483 (1954)). They also do not have notations forced upon their birth certificates like their non-transgender counterparts, **(Plaintiff's Exhibit 19-24)**.

17) Defendants' Actions Clearly Violate *Skinner v. Oklahoma* (1942)

Skinner v. Oklahoma (1942) specifically prohibits any government or its agencies in the United States from forcibly "spaying and neutering" any person in the United States and thereby taking away their right to procreate and produce offspring. By requiring persons who are transgender to undergo forced, permanent sterilizing hormone treatment and GCS surgery prior to going "cap in hand" before a judge to ask for permission to be their true selves in order to get their correct name and gender on their birth certificate and driver's license, Defendants are engaging in a systematic genocidal extermination of a subclass of people **(Plaintiff's Proffered Expert Witness Testimony)**. They are effectively thrusting upon them the following, illegal, immoral demand:

You are unequal. You are bad. We do not want more of you in this world, and you may no longer reproduce. We alone will tell you when you can be who you are if and only if we so desire when we desire.

Defendants might be tempted to argue that *Skinner v. Oklahoma* applied only to criminals, and not to those who are transgender/non-binary, gender non-conforming, gender-fluid, etc., who are not convicted criminals. In the spirit of the law, the U.S. Supreme Court was making the point that a

government cannot sterilize someone because he/she/they is/are an “undesirable” or second-class citizen or “different” from the norm, which is exactly what Defendant’s treatment of Plaintiff tells both her and the world at large. It was not limited in scope to criminals (**Plaintiff’s Proffered Expert Witness Testimony**).

Besides, for people who are transgender to simply be who they are has often been an actual punishable crime in Oklahoma and elsewhere. Historically, they have not been allowed to marry, have been denied medical care, bathroom access, accommodations, incarceration, sports teams aligning with their true gender, educational and work opportunities, have faced incarceration for nothing more than being transgender, and so much more (**Plaintiff’s Exhibits 17-24**). In many other countries, being transgender is punishable by death, whether de jure or de facto (**Plaintiff’s Exhibit 24**).

One of many examples of this is the “three-piece rule” that New York had in effect led people to police arbitrarily and capriciously arresting people who were transgender simply for the clothes they wore (**Plaintiff’s Exhibit 23**). This led to the Stonewall Riots of 1969.

It is also of note that *Skinner v. Buck* (1942) was also decided in favour of the Plaintiff in the case on Equal Protection grounds. One of the major

findings of this case was that, “. . . marriage and procreation are fundamental to the very existence and survival of the [human] race [including people who are transgender].” If Plaintiff went to many other countries and tried to get married, they would ask for her birth certificate. Upon showing it, many other countries would deny her the right to get married, simply because she is transgender **(Plaintiff’s Exhibit 25)**.

The officials in some of those other countries would definitely know Plaintiff is transgender, because the cruel, humiliating and unnecessary notations of the amendments to her gender and name changes are right there in plain sight on her birth certificate for all to clearly see. The officials in those countries would most likely view her as a “man,” as her previous names and gender marker would have those notations on her birth certificate. If she wished to marry a man, they would likely put her to death – exterminate, kill – her because same-sex marriage is illegal in many backward – yes, backward – countries **(Plaintiff’s Exhibit 25)**.

Indeed, Plaintiff has a daughter who was born in Sri Lanka and who often lives there. If the officials or even just other ordinary citizens there were ever to discover via her birth certificate that she was transgender, then Plaintiff

could very likely get murdered – while visiting her own family (**Plaintiff's Exhibits 24, 25**)! 😞

Plaintiff's life could clearly have been spared this needless death and torture, but Defendants chose to choose hatred and bigotry over love, kindness, compassion and equality. Thus, as noted toward the end of this petition, Defendants would be guilty of yet another felony crime (**Plaintiff's Proffered Expert Witness Testimony**).

18) Defendants' Actions Violate Plaintiff's Right to Freedom from Forced Sterilization Under Relf v. Weinberger, 372 F. Supp. 1196 (D.D.C. 1974).

Under Relf v. Weinberger, 372 F. Supp. 1196 (D.D.C. 1974), Weinberger courts mandated that sterilization without informed consent would be prohibited. By requiring Plaintiff to undergo permanent and irreversible sterilization as a condition of changing her name and gender markers – albeit Defendants 1-3 still left many humiliating and degrading notations on her birth certificate documents – they essentially forcibly sterilized her under threat of extreme duress and death/ Someone under extreme duress is unable to give consent (**Plaintiff's Exhibit 8**).

If Plaintiff and many others like her were not able to change their gender markers and names on their legal documents in a timely manner, they will usually commit great self-harm and often suicide or perhaps being murdered due to being unnecessarily outed against their will. Thus, because Plaintiff was faced with the choice of death – in her case the most probable cause being suicide – or permanent, irreversible sterilization/extermination of her people and future family – she lacked the mental capacity to give her informed consent to such procedures (**Plaintiff’s Exhibits 4, 5, 17-25, Plaintiff’s Proffered Expert Witness Testimony**).

On the other hand, if Plaintiff had been able to choose hormone therapy and surgical procedures without the threat of never being able to change her names and gender marker on her legal documents, then she would have had the ability to give her informed consent (**Plaintiff’s Exhibit 18**). Thus, Defendants are both civilly and criminally liable for the harm they inflicted upon Plaintiff by forcibly sterilizing her without her informed consent.

Due Process Violation:

The Fourteenth Amendment to the U.S. Constitution provides in part that no state shall, “deprive any person of life, liberty, or property, without due process of law.” U.S. CONST. amend. XIV, § 1. 100. The Due Process

Clause protects individuals from government actions that infringe on certain substantive rights enshrined in the liberty interest that it guarantees, including the right to privacy. This fundamental right to privacy proscribes inter alia state disclosure of information that is highly personal and intimate. Courts apply strict scrutiny when reviewing challenges to state action that results in the involuntary disclosure of such private information.

The fact that a person is transgender is highly personal and intimate information. A reasonable person would find the involuntary disclosure of one's transgender status to be deeply intrusive. The involuntary disclosure of a person's transgender status can also cause significant harm and place that person's safety and bodily integrity at serious risk of danger. This harm and risk of danger are substantial and restrict the ability of transgender people to live in a manner consistent with their gender and to fully participate in society.

The Defendants' policy of refusing to issue transgender people birth certificates with corrected gender markers and their policy of refusing to issue a transgender people amended birth certificates that do not reveal their transgender status through indications of amendments violate the privacy rights of transgender individuals by forcing them to involuntarily disclose their transgender status and stripping them of significant control over the

circumstances surrounding such disclosure. The policies leave transgender people born in Oklahoma with birth certificates that expose their transgender status to any and all persons to whom it is presented.

The Defendants' policies of refusing to correct the gender marker on transgender people's birth certificates and refusing to issue transgender people amended birth certificates that do not disclose their transgender status further infringe upon the liberty interests of transgender people by interfering with their right to live in accordance with their gender identity. The constitutionally protected right to dignity, personhood, and bodily autonomy free from undue government intervention necessarily includes the right to define and express one's gender identity and the freedom to not have the government treat one in a manner contrary to one's gender.

The Defendants' policy of refusing to issue transgender people birth certificates with corrected gender markers and their policy of refusing to issue transgender people amended birth certificates that do not reveal their transgender status through indications of amendments do not further any compelling (or even legitimate) state interest nor are Defendants' policies narrowly tailored or the least restrictive method to promote a state interest.

Accordingly, Defendants are liable for violating the Plaintiffs' Fourteenth Amendment rights to Due Process, pursuant to 42 U.S.C. § 1983, and Plaintiffs are entitled to declaratory and injunctive relief against Defendants declaring their policies of refusing to correct the gender marker on transgender people's birth certificates and refusing to issue transgender people amended birth certificates that do not disclose their transgender status through indications of amendments unconstitutional and enjoining their enforcement

19) Defendants Violate Plaintiff's Right to Equal Treatment

Under Title VII of the Civil Rights Act of 1964:

Title VII of the Civil Rights Act of 1964 clearly states:

Sec. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, sex, religion, or national origin.

By requiring Plaintiff to have to undergo hormone treatment and GCS, which have permanently and irreversibly sterilized her and have made her forever unable to produce children before she could get her proper name and gender marker listed on her birth certificate and driver's license, Defendants have treated Plaintiff as

unequal based upon her sex and subclass of being transgender. Non-transgender individuals do not have to spend their own money, hours of their time and energy that Plaintiff, as an individual who is transgender, could otherwise be spending working to provide for her family, relaxing, or enjoying a nice meal with her family just to have a birth certificate and driver's license which properly reflect her real gender and name (**Plaintiff's Proffered Expert Witness Testimony**).

Non-transgender individuals are allowed to continue to reproduce and use the public areas like the Oklahoma State Department of Public Safety and Oklahoma State Department of Health unabated, and they enjoy the access of these legal documents without much greater ease than people who are transgender. Furthermore, Defendants do not forever deprive non-transgender individuals of their natural right to reproduce offspring or have harmful notations made to their birth certificates which out them against their will as transgender. Defendants have clearly created two separate classes of people – the desirables (non-transgender individuals) and the undesirables (individuals who are transgender) based solely upon their own biases, bigotry, and mis/disinformation, and they have absolutely no legal authority with which to do so.

Being transgender is a very natural thing that occurred throughout history (See Aime M. Grant, et al., *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, Nat'l Ctr. for Transgender Equality & National Gay &

Lesbian Task Force 1, 3, 8 (2011),
http://www.transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf.)

It is natural and immutable; it is “. . . not a psychiatric condition, and implies no impairment in judgment, stability, reliability, or general social or vocational abilities.” Grimm v. Gloucester Cty. Sch. Bd., --- F.3d --- 2020 WL 5034430 *2 (Aug. 26, 2020). Through no fault of their own, transgender people have suffered from discrimination and violence merely because they do not conform to society’s expectations surrounding gender (Grant, et al., at 8), **(Plaintiff’s Exhibits 6, 7, 18)**.

C. Equal Protection

The Equal Protection Clause of the Fourteenth Amendment provides that “[n]o State shall . . . deny to any person within its jurisdiction the Equal Protection Case No. 2:18-cv-272 Page 15 of 28 Case: 2:18-cv-00272-MHW-CMV Doc #: 80 Filed: 12/16/20 Page: 16 of 28 PAGEID #: 3002 of the laws.” U.S. Const. amend. XIV, § 1. This protection extends to protection against “intentional and arbitrary discrimination” by the State. See *Viii. of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000) (per curium). Put differently, “state action is unconstitutional when it creates ‘arbitrary or irrational’ distinctions between classes of people out of ‘a bare . . . desire to harm a politically unpopular group.’” Grimm v. Gloucester Cty. Sch. Bd., 972 F.3d 586, 607 (4th Cir. 2020) (internal citations omitted).

To prevail on their Equal Protection challenge, Plaintiffs must show that they were treated differently than other similarly situated individuals. *F. V. v. Baffon*, 286 F. Supp. 3d 1131, 1140 (D. Idaho 2018). Then, the Court must examine which level of scrutiny applies to review Defendants' presumed future justifications before examining the same. See *Evancho v. Pine-Richland Sch. Dist.*, 237 F. Supp. 3d 267, 285 (W.D. Pa. 2017) ("Where the state by its conduct intentionally treats one person differently from another, or one group of people differently from another group, when they are similarly-situated in all other material respects, the governmental classification must be justified by a standard related to its nature.").

Here, Defendants' Policy treats Plaintiffs differently than people who have changed their birth parents or name (**Plaintiff's Exhibit 8**). Assuming for the sake of argument, the parties and their experts dispute whether sex and gender identity are the same thing or distinct categories. The Court need not decide this issue, however, because even assuming solely for the sake of argument that Defendants' position is right and the sex marker on a birth certificate identifies only biological sex at the time of birth, distinct from gender identity, and thus is "accurately recorded at birth" under the statute, Case No. 2: 18-cv-272 Page 16 of 28 Case: 2:18-cv-00272-MHW-CMV Doc #: 80 Filed: 12/16/20 Page: 17 of 28 PAGEID #: 3003 Plaintiff's sex was correctly recorded at the time of birth. Plaintiffs are similarly situated to people who are allowed to change their accurately recorded

birth parents or name in that those people, like Plaintiffs, had information accurately recorded at the time of their birth and have a court order with respect to the information they are trying to change.

For example, adoptive parents can amend an adopted child's birth certificate to reflect the adopted parents' names, and individuals who have legally changed their names can have a birth certificate modified to reflect that change without leaving the names of the birth parents on it (**Plaintiff's Exhibit 32**), but Plaintiff and others like her are not afforded the same ability to change their birth certificates to align with her gender identity without these notations or their birth certificates and drivers' licenses without forced, permanent, irreversible and sterilizing hormone and surgical treatment that exterminates Plaintiff and those like her (**Plaintiff's Exhibit 8**) . See Barron, 286 F. Supp. 3d at 1141 (finding that similar laws and policies violated the Equal Protection clause when it "g[a]ve certain people [such as adopted people] access to birth certificates that accurately reflect who they are, while denying transgender people, as a class, access to birth certificates that accurately reflect their gender identity"). Thus, the Defendants' policy treats people who are transgender differently than similarly situated Oklahomans (*Brown v. Bd. of Educ.*, 347 U.S. 483 (1954), *Skinner v. Oklahoma* (1942)), (**Plaintiff's Proffered Expert Witness Testimony**).

D. Levels of Scrutiny

The question for both the substantive due process and equal protection claims, now, is whether Defendants' justifications for the invasion of Plaintiffs' privacy interest and differential treatment between Plaintiffs and other persons allows changes to other birth certificate information that was "accurately recorded at birth." Case No. 2: 18-cv-272 Page 17 of 28 Case: 2:18-cv-00272-MHW-CMV Doc #: 80 Filed: 12/16/20 Page: 18 of 28 PAGEID #: 3004 seeking to change birth certificate information, respectively, satisfies the applicable level of constitutional scrutiny.

There are three categories of scrutiny that apply to constitutional challenges of state law. The lowest level of scrutiny is rational basis review. That requires "[a]t a minimum, a statutory classification [to] be rationally related to a legitimate government purpose." *Clark v. Jeter*, 486 U.S. 456, 461 (1988). In the middle is intermediate scrutiny, which generally has been applied to discriminatory classifications based on sex and requires that the government's challenged action be "substantially related to an important government objective." *Id.* Last, at the other end of the spectrum is strict scrutiny. If the state action targets a race, national origin, or affects a fundamental right, it is subject to strict scrutiny and cannot be upheld absent a showing by the State that the law is narrowly tailored to further a compelling interest (*United States v. Brandon*, 158 F.3d 947, 959--60 (6th Cir. 1998)).

1. Level of Scrutiny for the Informational Right to Privacy Claim

As previous Courts have already found in their previous Opinions and Orders, because Defendants' Policy infringes on Plaintiffs' fundamental right to privacy, it is subject to strict scrutiny. See Op. and Order 29, ECF No. 47; Kallstrom, 136 F.3d at 1064. Under this standard, it is Defendants' burden to demonstrate their Policy is narrowly tailored to achieve a compelling government interest and that (Case No. 2:18-cv-272 Page 18 of 28 Case: 2:18-cv-00272-MHW-CMV Doc #: 80 Filed: 12/16/20 Page: 19 of 28 PAGEID #: 3005) they have attempted to use less intrusive alternatives to achieve those interests (*Johnson v. California*, 543 U.S. 499, 505 {2005}).

2. Level of Scrutiny for the Equal Protection Claim

Plaintiff contends that this Court should find that heightened, intermediate scrutiny applies because Defendants' Policy/Oklahoma law target a class that has historically been subjected to discrimination.

The Supreme Court applies the following four factors to determine whether a new classification warrants heightened scrutiny:

- (1) whether the class has been historically "subjected to discrimination," *Lyng v. Castillo*, 477 U.S. 635, 638, 106 S. Ct. 2727, 91 L. Ed. 2d 527 (1986);
- (2) whether the class has a defining characteristic that "frequently bears no relation to ability to perform or

contribute to society," *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 440-41, 105 S. Ct. 3249, 87 L. Ed. 2d 313 {1985); (3) whether the class exhibits "obvious, immutable, or distinguishing characteristics that define them as a discrete group," *Lyng*, 477 U.S. at 638; and (4) whether the class is "a minority or politically powerless," *id.*

People who are transgender constitute a quasi-suspect class, because they meet the requirements of a protected class and transgender status is a sex-based classification (*Bostock v. Clayton County, Georgia* (2020)).

19. Transgender individuals are a quasi-suspect class entitled to heightened scrutiny. First, it has been noted, ". . . there is not much doubt that transgender people have historically been subject to discrimination including in education, employment, housing, and access to healthcare." *Bd. of Educ.*, 208 F. Supp. 3d at 874; see also *Flack v. Wis. Dep't of Health SeNs.*, 328 F. Supp. 3d 931, 951-53 (W.D. Wis. 2018) (discussing the same history of discrimination and harassment transgender people face); *Grimm*, 972 F.3d at 611-12 (citing statistics that "transgender people frequently experience harassment in places such as schools (78%), medical settings (2%), and retail stores (37%)" and are "more likely to be the victim of violent crimes" such that in 2009 Congress extended the definition of hate crimes to include crimes based on gender identity (internal citations omitted)) (**Plaintiff's Exhibits 5, 17-25, 35, 36**).

Secondly, transgender people are no less capable of contributing value to society than other people. See *M.A.B.*, 286 F. Supp. 3d at 720 {"The Court is not aware of any argument suggesting that a transgender person . . . is any less productive than any other member of society."}; *Adkins v. City of New York*, 143 F. Supp. 3d 134, 139 (S.D.N.Y. 2015) (finding the same) (**Plaintiff's Exhibits 33, 34**).

Thirdly, transgender people have common, immutable characteristics that "define them as a discrete group," see *Bd. of Educ.*, 208 F. Supp. 3d at 874, Case No. 2:18-cv-272 Page 20 of 28 Case: 2:18-cv-00272-MHW-CMV Doc #: 80 Filed: 12/16/20 Page: 21 of 28 PAGEID #: 3007 primarily in that "their gender identity does not align with the gender they were assigned at birth." *M.A.B.*, 286 F. Supp. 3d at 721 (**Plaintiff's Exhibits 6, 7**).

Fourthly, transgender people constitute a minority lacking in political power. As the Grimm court noted, "approximately 0.6% of the adult population in the United States" are transgender and transgender persons are underrepresented in every branch of government" (**Plaintiff's Exhibits 4, 5, 19-25, Plaintiff's Proffered Expert Witness Testimony**) *Grimm*, 972 F.3d at 613. This Court should find that all four factors support finding that transgender people are entitled to heightened protection under the Equal Protection Clause as a quasi-suspect class.

Other Courts have also previously concluded that people who are transgender are part of a quasi-suspect class subject to intermediate scrutiny review under the Equal Protection Clause. See *Bd. of Educ.*, 208 F. Supp. 3d at 872 (finding that "transgender individuals are a quasi-suspect class because discrimination against them is discrimination on the basis of sex (*Bostock v. Clayton Cty.*, 140 S. Ct. 1731 (2020), *Matthew Shepard and James Byrd, Jr. hate Crimes Prevention Act*) ” and that "[t]he nature of [transgender] discrimination is the same; it may differ in degree but not in kind, and discrimination on that basis is a form of sex-based discrimination that is subject to heightened scrutiny under the Equal Protection Clause"); *M.A.B.*, 286 F. Supp. 3d at 721 ("classifications based on transgender status are per se entitled to heightened scrutiny because transgender status itself is at least a quasi-suspect class"); *Flack*, 328 F. Supp. 3d at 953 (discussing the challenges transgender people face and noting that "other than certain races, one would be hard-pressed to identify a class of people more discriminated against historically Case No. 2:18-cv-272 Page 21 of 28 Case: 2:18-cv-00272-MHW-CMV Doc #: 80 Filed: 12/16/20 Page: 22 of 28 PAGEID #: 3008 or otherwise more deserving of the application of heightened scrutiny when singled out for adverse treatment, than transgendered people"}; *Grimm v. Gloucester Cty. Sch. Bd.*, 302 F. Supp. 3d 730, 746-50 (E.D. Va. 2018) ("classifications based on transgender status are per se entitled to heightened scrutiny"), *aff'd* 972 F.3d 586

(4th Cir. 2020); Barron, 286 F. Supp. 3d at 1145 (same); Evancho v. Pine-Richland Sch. Dist., 237 F. Supp. 3d 267, 288 (W.D. Pa. 2017) (same}; Norsworthy v. Beard, 87 F. Supp. 3d 1104, 1119-21 (N.D. Cal. 2015) (same); Adkins v. City of New York, 143 F. Supp. 3d 134, 139-40 (S.D.N.Y. 2015) (same}; see also Love v. Beshear, 989 F. Supp. 2d 536, 545 (W.D. Ky. 2014) (rejecting the argument that sexual orientation discrimination is not entitled to heightened scrutiny because the Sixth Circuit caselaw relied upon used a line of cases overruled by the United States Supreme Court in Lawrence v. Texas, 539 U.S. 558 (2003} }.

Through its policies and laws, Defendants essentially propose that transgender people do not constitute a quasi-suspect class and that the other out-of-circuit courts to have so found are not binding on this Court. But the lack of binding precedent does not require this Court to only apply rational basis review, nor does it prevent this Court from relying on well-reasoned opinions of non-binding courts to inform its opinion here. Case No. 2:18-cv-272 Page 22of28 Case: 2:18-cv-00272-MHW-CMV Doc #: 80 Filed: 12/16/20 Page: 23 of 28 PAGEID #: 3009

Accordingly, the Courts have previously determined that intermediate scrutiny applies. Having concluded as such, it is Defendants' burden under intermediate scrutiny to demonstrate that their Policy "serves 'important governmental objectives and that the discriminatory means employ[ed]' are 'substantially related to the achievement of those objectives.'" United States v. Virginia, 518 U.S. 515,

533 (1996). Moreover, those justifications must be genuine, not hypothesized or invented post hoc in response to litigation." It is not just Plaintiff's own experiences that have caused her to fear disclosing her status but also a broader reality that, unfortunately, many transgender individuals do face a heightened risk of "discrimination, harassment, and violence because of their gender identity." See e.g., *Whitaker by Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1051 (7th Cir. 2017); *M.A.B. v. Bd. of Educ. of Talbot Cty.*, 286 F. Supp. 3d 704, 720 (D. Md. 2018) (noting that transgender people suffer "very high rates of violence" due to their status). 5 A 2015 survey revealed that 36% of transgender people who showed identification that did not match their sex presentation were harassed, denied benefits or services, asked to leave a place, or assaulted. See National Center for Transgender Equality, 2015 U.S. Transgender Survey: State Report 3 (2017), <https://bit.ly/2QyKNHF>. Transgender people experience high rates of violence because of their transgender status **Plaintiff's Exhibits 4, 5, 17-25), Plaintiff's Proffered Expert Witness Testimony**). Sexual orientation and gender/sex/gender identity are recognized as federally-protected classes. The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act allows the federal government to prosecute hate crimes such as these.

Weinberger v. Wiesenfeld illustrates how some regulations that appear to promote the rights of a marginalized group can mask a discriminatory purpose (i.e.,

birth certificate and drivers' licenses requirements/eugenics/sterilisation, anti-transgender bathroom bills, discriminatory sports teams regulations, forcing women who are transgender to be housed with male prison inmates, etc.) . See 420 U.S. 636, 648 (1975). In *Weinberger*, a widower sought a declaration that a federal statute was unconstitutional because it prohibited him from receiving social security survivors' benefits after his wife died but would not preclude a widow from receiving such benefits if her husband died. *Id.* at 640–41. The government defended the statute by claiming that it was designed to “. . . provide an income to women who were, because of economic discrimination, unable to provide for themselves.” *Id.* at 648. Regardless, this Court struck down the statute holding that a regulation that provides benefits to a particular group is not justified if in doing so it infringes on the rights of a similarly situated group. *Id.* at 653. Additionally, the Court determined that the real purpose of the statute was to preserve the traditional gender role of women as keepers of the household rather than employed workers. *Id.* at 648.

Moreover, exclusionary policies, which are often bigoted, backwards, and born out of superstition and a gross lack of education, are unlikely to be justifiable if they are based on generalizations or stereotypes about minorities, even if such beliefs are widely accepted. See generally *Craig v. Boren*, 429 U.S. 190, 204 (1976). In *Craig*, this Court struck down an Oklahoma statute that prohibited

vendors from selling “nonintoxicating” 3.2% beer to men under the age of twenty-one but allowed them to sell to women who were eighteen and above. *Id.* at 191–92. The statute was based on the idea that young men were more likely to drive drunk and get into accidents than women their age. *Id.* at 199–200. While improving traffic safety was an acceptable state interest, the Court held that “. . . loose-fitting generalities concerning the [tendencies] of aggregate groups” did not justify discrimination aimed at an entire class. *Id.* at 199, 209.

Plaintiff and her expert witnesses will testify that she and others who are transgender have experienced threats of harm and/or have been humiliated and harassed when their highly personal transgender status was forcibly disclosed (**Plaintiff’s Exhibits 4, 5, 17-25, 38**). Either a risk of bodily harm or forced revelation of highly personal information is sufficient evidence to implicate their substantive due process rights under *Kallstrom* and *Bloch* (**Plaintiff’s Exhibit 38**).

Defendants and others like they, instead of catching up with the current standards, have like others before they unsurprisingly doubled-down on their illegal actions and have been continuously losing legal battle after battle over civil rights such as race, gender, sexual orientation, age, etc., over and over again. Indeed, they act as though they would rather “. . . lose the war than admit to the mistake” (Longstreet, James. 1863). Indeed, the Dunning-Kruger Effect notes that, “The smarter an individual thinks he/she/they is/are, the more they think

he/she/they know(s) about something.” Thus, those who think they know the most about culture, race, gender, etc., typically have an actual statistical aggregate of tending to know the least (**Exhibit 40**).

E. Defendants' Justifications

The Court will have to examine Defendants' projected justifications under strict scrutiny for the due process violation and intermediate scrutiny as it pertains to the Equal Protection violation.

Defendants will likely contend that "the accuracy of Oklahoma's birth certificate records is a substantial interest of the State." They will probably argue that Oklahoma's birth records confirm not only a person's birth but are also used to verify that person's death, and thus, the accuracy of the records are important. The Plaintiff will not disagree that accurate records are important, but she is sure that the Court would find this argument more persuasive if Defendants could explain why permitting someone who is adopted to change the names of their parents on their birth certificate to reflect people other than the individuals identified on the document (Case No. 2:18-cv-272 Page 23of28 Case: 2:18-cv-00272-MHW-CMV Doc #: 80 Filed: 12/16/20 Page: 24 of 28 PAGEID #: 3010) at birth does not affect the historical accuracy of the document and vital statistics, but changing a sex marker does (**Plaintiff's Exhibit 32**).

Moreover, the idea that the State of Oklahoma has a “true interest” in maintaining historically accurate records is undermined by the fact that Oklahoma does not display notations in cases of adoptions where they change the names and parents on a child’s birth certificate. Defendants will be unable to offer any credible, non-bigoted, science-backed evidence to explain why "historical accuracy" has only become a State interest when it serves only to oppress the rights of protected minorities and has historically caused them substantial harm and even death. Given this, Defendants will fail to show that their Policy is substantially related to vital statistic preservation and certainly failed to show the Policy is the least restrictive means of achieving that purported goal.

Next, Defendants will also likely try to invoke “fraud prevention” as a justification for their Policy. They may argue it is "well-known" that criminals routinely use Oklahoma birth certificates to perpetuate fraud," and "Defendants are in constant contact with other agencies to verify the accuracy of a birth record as part of a criminal investigation." But the fact that criminals currently perpetuate fraud using birth certificates generally does not require the Court to therefore conclude that allowing transgender individuals to change their sex marker will lead to more fraud any more than What Defendants will fail to connect is how criminals will use the change of a sex marker on a birth certificate to perpetuate fraud and why this change will result in fraud, let alone how this change will prevent Defendants

from verifying the accuracy of birth records as part of a criminal investigation. Likewise, Defendants will not be able to provide the Court with any evidence that their anti-transgender policy was made, because there was an increase in fraudulent uses of birth certificates corresponding to someone's change of their sex marker.

Again, the Court will not be able to doubt that fraud prevention is an important or even compelling government interest. However, Defendants' future likely contentions will fail to justify how their Policy's total prohibition on absolutely requiring sterilizing hormone therapy and surgery for women who are transgender/gender non-conforming as a condition of changing their gender marker/name – and the accompanying dehumanizing notations of those amendments on their birth certificates for all the world to see – could possibly further this goal in the least restrictive means possible, or even that this Policy is substantially-related to this goal.

Finally, Defendants will probably argue that a judicial ruling on this issue in favour of the Plaintiff will undermine the accuracy of vital statistics or fraud prevention will be little more than a red herring. Nothing with this Court's ruling in the Plaintiff's favour would prevent Defendants from creating and employing procedural systems and safeguards similar to the ones they have used previously to process sex marker changes, name changes, or adoptive parent changes. All this Court would be saying is that putting the harmful notations of the name and gender

marker changes on the legal documents of those who are transgender/gender non-conforming, and forcing them to be sterilised and exterminated via hormone therapy and surgery as a prerequisite for their name and gender marker changes, is unconstitutional.

If unborn babies have a right to life as Defendants would most likely claim, then why don't people who are transgender? Why does their right to reproduce/have babies and be their true selves not matter, but the life of an unborn child does? Surely both Plaintiff, those like her, and unborn babies should all have an equal right to life, liberty and the pursuit of happiness as declared by our founding fathers in the *Declaration of Independence*.

By defending this lawsuit with any claim that Defendants “have no authority” to change the “statutory law” as they surely will (**Plaintiff’s Exhibit 32**), Defendants show that they do not understand how federal case law and the United States Constitution work. As noted earlier, in October, 2021, Defendants 1-3 via former Commissioner of Health Dr. Lance Frye, entered into a settlement agreement over the inclusion of non-binary birth certificate gender options like many states now have. He allowed for the changes to happen, because he knew the plaintiff in that case, Kit Lorelied, was right and would eventually prevail at one jurisdictional level or another (**Plaintiff’s Exhibit 39**). Dr. Frye went on to say:

The Oklahoma State Department of Health will work with the governor and attorney general’s office for input and

counsel on next steps," Frye said. "Our responsibility is to maintain vital statistics, and we will continue to do so in accordance with the laws of Oklahoma. Should a challenge to the previous agreement be made, we will proceed accordingly.

The main reason Defendants want to waste our taxpayers' money, aside from being fearful bigots who prefer to disregard the law and basic human rights, is that they are all afraid of losing their jobs. As noted above, in *Lorelied v. Lance Frye, M.D. et. al* (2020), the defendants in a previous lawsuit did the right thing. However, the day thereafter, Dr. Lance Fry, the former Oklahoma Commissioner of Health for the Oklahoma State Department of Health, suddenly "resigned" or . . . got fired or at least forced to resign (**Plaintiff's Exhibit 41**) . Defendants are simply bigoted cowards who are out to cover their own butts and save their own jobs, no matter whom they harm or murder.

At bottom, the Court must find that Defendants' likely future proffered justifications will be nothing more than thinly veiled post-hoc rationales to deflect from the discriminatory impact of the Policy. And post hoc rationales do not suffice under either strict or intermediate scrutiny.

This Court should estimate, however, Defendants' Policy justifications do not even survive rational basis review because there is no logical connection between the Policy and proffered justifications. Instead, the Plaintiff's testimony, those of her expert witnesses and the accompanying exhibits will clearly show that after

Defendants received a request to change her sex marker and name on her birth certificate and driver's license sometime in 2016 without hormones, surgery, etc., the request "went up the chain," and upon "rereview" of the law they decided to exterminate people who are transgender by forcing her to have permanent, irreversible, sterilizing hormone therapy and surgery prior to grudgingly making the changes Plaintiff requested. Even so, Defendants 1-3 at the OKSDH still left cruel, humiliating notations of her name and gender marker on the bottom of her birth certificate (**Plaintiff's Exhibit 8**).

In theory, poll taxes and literacy tests, among others, were "equal" in that they applied to all persons eligible to vote, and Defendants would probably assert the governments at the time "applied them equally" to all eligible citizens. Thus, they were "fair." But were the "separate but equal" principle once affirmed in *Plessy v. Ferguson* (1896) really fair to everyone? Well, *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954), initially applied only to race but which courts, as noted above in cases like *Bostock v. Clayton Cty.*, 140 S. Ct. 1731 (2020) and others, have also applied to sex, gender, etc., clearly disagrees.

Perhaps Defendants all take the late Governor George Wallace, before someone shot him and he had a change of heart, as their role model, because he once declared, ". . . segregation now, segregation tomorrow, and segregation [of humans who are transgender] forever!" Plaintiff asserts that she, like the late

Governor Wallace and for vastly different reasons, have both “drawn the line in the dust and [have] tossed the gauntlet at the feet of tyranny/Defendants,” as she claims, “. . . diversity now, equality tomorrow, and the Constitution FOREVER!”

This Policy that Defendants have enacted resembles the sort of discrimination-based legislation struck down under the equal protection clause in *Romer v. Evans* as nothing more than a Policy "born of animosity toward the class of person affected" that has "no rational relation to a legitimate government purpose." 517 U.S. 620, 634 (1996). Indeed, when an almost identical policy (interpreting a similar neutral statute) in Idaho was challenged, the state defendants conceded that "no rational basis exist[ed] to support the categorical denial of requests to amend sex-assigned birth on the basis of correcting it to match one's gender identity." Barron, 286 F. Supp. 3d at 1141 (the district court agreed there was no rational basis for the policy but ultimately found that intermediate scrutiny applied to the transgender plaintiffs' equal protection claim). Although rational basis review is deferential, "it is not meant to be toothless." *Schweiker v. Wilson*, 450 U.S. 221, 234 (1981). "Equal protection of the laws is not achieved through indiscriminate imposition of inequalities." *Romer*, 517 U.S. at 633 (citations and quotations omitted). Defendants' Policy prohibits transgender people the ability to change the sex on their birth certificate in an arbitrary and unequal manner. Thus, although the Court should indeed find that transgender people are a quasi-suspect class entitled

to heightened scrutiny protections under the equal protection clause, even under rational basis review Defendants' Policy does not pass constitutional muster.

**DEFENDANTS VIOLATE PLAINTIFF'S CONSTITUTIONAL
RIGHTS - FIRST AMENDMENT**

Amendment I to the United States Constitution

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

By denying Plaintiff and those like she the right to change her birth certificate to reflect her true gender, Defendants are denying her and others the right to freely speak about whom they are and to express that freely, openly and without hinderance. Having the ability to change one's gender marker and names is a clear form of written expression guaranteed to her under the 1st Amendment to the United States.

Defendants are hindering her free speech and expression by 1) Mandating illegal, cruel and humiliating requirements upon her for permanent, irreversible, sterilizing hormone therapy and surgery as prerequisites for amending her birth

certificate and driver's license, and 2) Defendants 1-3 are further denying Plaintiff her right to free speech and expression by continuing forcing dehumanizing, humiliating, cruel and illegal notations of her amendments of her gender marker and names upon her birth certificate (**Plaintiff's Exhibit 8**). How can Plaintiff truly speak freely as to who she is and express herself fully, when Defendants keep notations of her amendments on there to cruelly, maliciously and publicly announce to her – and the whole world – something completely different (**Plaintiff's Exhibits 8, 38**)? How is what the Defendants are doing any different than if, say, all of America's news programs were automatically dubbed over and subtitled with what the Taliban wanted the words to come out as when heard by American listeners? The 1st Amendment to the United States Constitution is extremely clear about an individual's right to free speech, and Defendants are in clear violation (**Plaintiff's Proffered Expert Witness Testimony**).

In addition, Plaintiff is a popular, well-known licensed minister who has married thousands of couples from all over the United States for many years (**MC-2014-647, Oklahoma County**). Her church and religious principles and ministry dictate that all persons should have the right to express their true gender and sexuality without hinderance. Indeed, many LGBTQIA+ individuals specifically seek her out as their minister because she is very accepting, tolerant, and has a very loving attitude toward they.

By forcing Plaintiff to become permanently sterilized, Defendants 1-4 have caused her irreparable harm that has forever made her unable to reproduce and delayed her initial legal name and gender marker changes. In addition, Defendants 1-3 have continued to keep dehumanizing notations of these amendments on her birth certificate. In addition to her other contentions, Plaintiff has a 1st Amendment right to be free from discriminatory treatment which clearly violates her right to practice her protected religious beliefs of living freely in her true gender and sexuality as her religion accords. Defendants thus also 1-3 remain in continuous violation of her 1st Amendment rights, and the Courts cannot allow it. It is the same guiding principal that allows members of the military such as chaplains not have to kill anyone and for citizens to forego being forced to have a mandatory COVID-19 vaccination on religious grounds.

In addition, when Defendants 1-3 make amendments to any part of a birth certificate for people who are transgender/non-binary/gender non-conforming/gender-fluid, its policy is to indicate which field of the birth certificate was amended in multiple locations. The inclusion of a prior typically male legal name on the birth certificate of females who are transgender like Plaintiff reveals her transgender status. If the Defendants 1-3 were to amend Plaintiffs' gender markers but indicate on the amended birth certificate that an amendment to that

provision was made, that would also disclose their transgender status to anyone to whom they present their birth certificates.

The Defendants' policies of i) refusing to issue gender marker changes for transgender people without permanent, irreversibly sterilizing hormones and surgery and ii) refusing to issue a transgender person an amended birth certificate without revealing a person's transgender status through indications of amendments, erect multiple barriers to the full recognition, participation, and inclusion of transgender people in society and subject them to discrimination, privacy intrusions, harassment, humiliation, stigma, harm to their health, and violence.

These policies violate federal constitutional guarantees, including the rights to equal protection, due process, and freedom from compelled speech. As confirmed by the practices adopted by other states, there is no government justification to support Defendants' refusal to provide transgender people with birth certificates that match their gender and do not otherwise reveal their transgender status.

ADDITIONAL FACTS & BACKGROUND INFORMATION
REGARDING THE FIRST AMENDMENT RIGHTS OF HUMANS WHO
ARE TRANSGENDER

Transgender people are people who have a gender identity that differs from the sex assigned to them at the time of their birth. Gender identity is a well-established medical and psychological term that refers to a person's fundamental, internal sense of their gender. It is a core characteristic of human identity that everyone possesses. Gender identity is innate and typically fixed at an early age.

A person's gender identity cannot be voluntarily altered. Attempts to change a person's gender identity in order to align it with the person's birth-assigned sex are not only futile but incredibly dangerous to the individual, subjecting them to psychological harm, and increased risk of suicide and self-harm.

The gender marker designated on a birth certificate at the time of birth is almost always based solely on the appearance of an infant's external genitalia. However, it is well-established among medical professionals that a person's sex is determined by a variety of components, including genitalia, chromosomes, hormones, reproductive anatomy, secondary sex characteristics, and gender identity.

When components of sex, including genitalia, chromosomes, hormones, reproductive anatomy, secondary sex characteristics, and gender identity, do not align as all typically male or all typically female, a person's gender identity is what

determines the gender a person lives as, and how the person should be recognized for social and legal purposes.

Many transgender people experience gender dysphoria. Gender dysphoria is a medically recognized condition defined by a marked incongruence between a person's gender identity and the sex they were assigned at birth, when accompanied by clinically significant distress or impairment in social, occupational, or other important areas of functioning.

The well-accepted standards of care for the treatment of gender dysphoria, set forth by the World Professional Association for Transgender Health, seek to help a person live in accordance with their gender identity, which alleviates the distress associated with gender dysphoria.

Treatment typically involves social transition and can include medical treatments, including hormone therapy and surgeries, to bring a person's body into alignment with their gender identity. These standards of care are recognized by all of the major medical and mental health professional organizations in the United States.

Social transition entails living one's life consistently with one's gender identity, such as changing clothing and hairstyle, name, and pronouns, using gender-specific facilities and engaging in gender-specific activities that match

one's gender, and using identity documents with a gender marker that reflects one's gender.

The global medical community and the major medical associations in the United States recognize the critical and often life-saving benefits to the health and wellbeing of transgender people when they are able to live consistently with their gender identity in all aspects of their lives.

Forcing transgender people to use identity documents that do not match their gender identity, or to go without identity documents, is inconsistent with medical protocol because it prevents a person from fully living consistently with their gender identity. **The Need for Birth Certificates That Match One's Gender and Do Not Disclose One's Transgender Status**

A birth certificate is an essential government-issued document that each person uses to establish their identity throughout their lifetime. That is why the government routinely makes copies of a birth certificate available to the person named on the birth certificate, rather than merely reserving the document solely for the government's use.

Transgender people are no different than non-transgender people with respect to the need to access a birth certificate that reflects who they are and that they can actually use in their lives. Additionally, for transgender people who have

struggled for years with the impact of external invalidation of their gender identity, the knowledge that one's identification documents label them with the wrong gender and the name given to them at birth (if typical of their birth-assigned sex) can cause serious psychological injury and undermine their medical treatment for gender dysphoria.

Many transgender people are perceived by others consistent with their gender identity. This is especially so for transgender people who have received gender-affirming medical treatments to align their bodies with their gender. For example, hormone therapy affects secondary sex characteristics, which involve the skeletal structure, fat distribution in the body, skin texture, facial hair, and voice, among other things. In addition, surgeries are available to further bring a person's body into alignment with their gender. For many transgender people who have received these types of gender-affirming medical care, nothing about their outward appearance would indicate that they are transgender.

A transgender female born in Oklahoma who has a birth certificate designating him as male is burdened with an identity document that conflicts not only with his gender but also with how others perceive him. Similarly, a transgender man born in Oklahoma who has a birth certificate designating him as male is burdened with an identity document that conflicts not only with his gender but also with how others perceive him.

Denying transgender people birth certificates that match their gender identity and that do not reveal their transgender status discloses private information in contexts where this information would otherwise remain undisclosed, regardless of a person's desire not to disclose that personal information. Transgender people denied birth certificates that reflect their gender and that do not reveal their transgender status are deprived of significant control over the circumstances surrounding the disclosure of their transgender status, including when, where, how, and to whom their transgender status is disclosed.

A person's transgender status is profoundly personal information in which a transgender person has a reasonable expectation of privacy. Involuntary disclosure of that information can also put a person at risk of harassment, discrimination, and bodily harm.

Transgender people often face significant harmful treatment when others learn that they are transgender. A 2016 survey of over 27,000 transgender people across the country found that the transgender community is more likely to suffer abuse, harassment, discrimination, and violence than the population at large. 36. According to the Report of the 2015 U.S. Transgender Survey (2016) ("USTS"): 3

- a. Around a quarter (24%) of respondents had been physically attacked in a K-12 school because people perceived them as transgender.
- b. In the year prior to completing the survey, 27% of respondents who had a job reported being fired,

denied a promotion, or experiencing some other form of mistreatment in the workplace due to their gender identity or expression. c. Nearly half (47%) of respondents had been sexually assaulted during their lifetime. d. Among respondents who had interacted with police, 58% of those whom the police perceived as transgender experienced some form of mistreatment. 3 Sandy E. James et al., The Report of the 2015 U.S. Transgender Survey (2016), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf> (“USTS”).

Thirty-nine percent of respondents experienced serious psychological distress in the month prior to completing the survey, compared with only 5% of the U.S. population. f. Forty percent of respondents attempted suicide in their lifetime—nearly nine times the attempted suicide rate in the U.S. population (4.6%).

The findings of the USTS reflect the lived reality of many transgender people across the country and demonstrate the significant danger to the health and safety of transgender people that results when their transgender status is involuntarily disclosed.

The USTS specifically examined the experiences of transgender people whose identity documents, including birth certificates, did not state a name and

gender that align with their gender identity and presentation. Of those respondents, 32% reported being harassed, denied services, and/or attacked.

The First Amendment to the U.S. Constitution provides that “Congress shall make no law . . . abridging the freedom of speech.” U.S. CONST. amend. I. This proscription is made applicable to the states through the Fourteenth Amendment. U.S. CONST. amend. XIV.

The First Amendment protects the right to speak and to refrain from speaking:

The Defendants’ policy of refusing to issue transgender people birth certificates with corrected gender markers and their policy of refusing to issue transgender people amended birth certificates that do not reveal their transgender status through indications of amendments violate the First Amendment rights of the Plaintiffs to refrain from speaking by compelling them to disclose private information about their transgender status to each person that sees their birth certificates.

The Defendants’ policy of refusing to issue transgender people birth certificates with corrected gender markers and their policy of refusing to issue transgender people amended birth certificates that do not reveal their transgender status through indications of amendments further violate the Plaintiff’s First

Amendment rights to refrain from speaking by forcing them to identify themselves with a gender and a name that fundamentally conflict with the core of who 25 they know themselves to be. Pursuant to these policies, Defendants condition Plaintiffs' ability to equally participate in society on their endorsement of the government's beliefs about the Plaintiffs' own genders.

The Defendants' policy of refusing to issue transgender people birth certificates without permanently, irreversibly sterilizing hormone and surgery beforehand, as well as making notations of the gender and name amendments on the amended birth certificates once they have gone through the permanently and irreversibly sterilizing hormones and surgery additionally violate the Plaintiffs' First Amendment right to speak by preventing them from expressing their gender in any circumstance in which they must present a birth certificate.

The Defendants' policy of refusing to issue transgender people birth certificates with corrected gender markers and their policy of refusing to issue transgender people amended birth certificates that do not reveal their transgender status through indications of amendments do not further any compelling (or even legitimate) state interest, nor are Defendants' policies narrowly tailored or the least restrictive method to promote a state interest.

Accordingly, Defendants are liable for violating the Plaintiffs' First Amendment rights to freedom of speech, pursuant to 42 U.S.C. § 1983, and Plaintiffs are entitled to declaratory and injunctive relief against Defendants declaring their policies of refusing to issue transgender people birth certificates with corrected gender markers and names (Defendants 1-4) and refusing to issue transgender people amended birth certificates that do not reveal their transgender status through indications of amendments unconstitutional and enjoining their enforcement (Defendants 1-3).

Now *Chief Federal Judge David Russell's* court ruling in 1983 (*Norma Kristie, Inc. v. City of Oklahoma City*, 572 F. Supp. 88 (W.D. Okla. 1983)) specifically backed the plaintiff's rights of free speech and expression with her birth certificate, as it does now with Plaintiff's claims in this case. Indeed, federal Judge David Russell stated:

Oklahoma City Manager and bigot Scott Johnson in 1983 tried to block drag queens from performing at the Myriad Convention Center's Great Hall for no reason other than Johnson himself was a self-entitled, arrogant, pompous jerk.

However, now *Chief Justice David Russell of the United States District Court for the Western District of Oklahoma* rules against Johnson, quoting Voltaire, "I may disapprove of what you [Plaintiff] say, but I will defend to the death your right to say it." Indeed, in *Norma Kristie, Inc. v. City of Oklahoma City*,

572 F. Supp. 88 (W.D. Okla. 1983) now Chief Justice David Russell went on to chastise Johnson by saying:

While this Court may agree that such a ‘pageant’ may not rise to the level of artistic endeavor that ‘Hair’ or “La Cage aux Folles’ represent, it is still expression . .

and is thus protected by the First Amendment (*Plaintiff’s Exhibits 56, 71*).

In *Norma Kristie, Inc. v. City of Oklahoma City*, 572 F. Supp. 88 (W.D. Okla. 1983) now Chief Justice David Russell also chastised the defendants in that court ruling of his, going on to say:

The First Amendment is not an art Critic . . . the First Amendment values free and open expression, even if it is distasteful to the majority, including personally distasteful to this court [sic]. Whether the pageant is an open expression of homosexuality is irrelevant . . . in view of acclaimed performances by Dustin Hoffman, Julie Andrews, Flip Wilson, Harvey Korman, Tony Curtis and Milton Berle in the roles of female impersonators, such representations may not be necessarily equated homosexuality (*Plaintiff’s Exhibits 56, 71*).

Now Chief Justice David chastised Johnson, once again in *Norma Kristie, Inc. v. City of Oklahoma City*, 572 F. Supp. 88 (W.D. Okla. 1983) whom he said:

. . . made no effort to follow the clear dictates of the U.S. Supreme Court, even after discussion with legal counsel . . . Instead, in the face of clear-cut mandates, Defendant Johnson unilaterally rejected the application [of the plaintiff] without investigation and

based only on his own [bigoted and completely biased] opinion (*Plaintiff's Exhibits 56, 71*).

Prior restraints on expression [including birth certificates and drivers' licenses, as in this present case] come before the courts bearing a heavy presumption against their constitutional validity. The Supreme Court in *Conrad* reiterated the rule that the "presumption against prior restraints is heavier and the degree of protection broader than that against limits on expression imposed by criminal penalties. Behind the distinction is a theory deeply etched in our law; a free society prefers to punish the few who abuse rights of speech after they break the law than to throttle them and all others beforehand. It is always difficult to know in advance what an individual will say, and the line between legitimate and illegitimate speech is often so finely drawn that the risks of freewheeling censorship are formidable." 420 U.S. at 559, 95 S. Ct. at 1246 (*Plaintiff's Exhibits 56, 7*), (*Excerpt in ruling from now Chief Justice David L. Russell*).

Defendants 1-4 in Plaintiff's case are clearly doing the exact same thing: Thumbing their big, long, booger-filled noses in the face of bigoted, unconstitutional law and even an absence of law and authority, instead of following the dictates of the United States Constitution. All Defendants 1-4 are absolutely no better than the defendant in the case now *Chief Judge David Russell* had to chastise in 1983 in *Norma Kristie, Inc. v. City of Oklahoma City*, 572 F. Supp. 88 (W.D. Okla. 1983) and are doing the exact same illegal thing – interfering with Plaintiff's rights of free speech and expression to speak and not to speak – which is exactly what changing

her names and gender free of illegal amendment notations and without being forced to become permanently and irreversibly sterilized is.

In his esteemed decision in *Norma Kristie, Inc. v. City of Oklahoma City*, 572 F. Supp. 88 (W.D. Okla. 1983), now Chief Justice David Russell went on to assert:

Providing wholesome entertainment is an admirable motive, but government officials at all levels must shoulder the responsibility of following the law and upholding the Constitution, even when doing so is unpopular (*Plaintiff's Exhibits 56, 71*).

History will not judge Defendants 1-4 and those who support their views and hateful actions kindly. Younger generations who have had access to the Internet and higher levels of education have generally gained a level of unprecedented wisdom and knowledge unlike that of no other previous generation of humans. Defendants' children and grandchildren will look back with Defendants' actions in this matter with disgust and repulsion, as will their friends and their own kids and grandkids.

**DEFENDANTS VIOLATE PLAINTIFF'S CONSTITUTIONAL
RIGHTS - NINTH AMENDMENT**

Amendment XI to the United States Constitution

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Plaintiff asserts that Defendants have no legal right to force people who are transgender to undergo irreversible and permanently sterilizing hormone therapy and surgery, prior to allowing her to change her name and gender markers on her birth certificate and driver's license (*Skinner v. Oklahoma* (1942), Equal Protection Clause, & other cases, laws and constitutional amendments as noted above). *Since the United States Constitution does not grant the government the right to forcibly sterilize Plaintiff and those like she or to choose her gender, names, etc., then that right rests solely with those people themselves.*

Plaintiff also asserts that Defendants have no legal right to make unlawful, degrading, dehumanizing notations of amendments to her birth certificate – or any legal document, for that matter – which out her as transgender against her will. The notations to the amendments Defendants place upon Plaintiff's birth certificate do just that (**Plaintiff's Exhibits 4, 5, 8, 17, 20-25, 31, 35, 36, 37, 38, 55, 57, 58, 68, Plaintiff's Proffered Expert Witness Testimony**). Once again, powers not clearly spelled in the United States Constitution thereby fall back to the people as their

rights of self-determination. Plaintiff and those like she are neither citizens of and do not live in Iran, China, Malaysia, or Afghanistan; they cannot be treated as such by their own government. It's clearly unconstitutional and is expressly prohibited.

The Defendants do all of these things, despite the fact that they have absolutely no authorization to do so by any provision in the state or federal constitutions, federal or state laws, state or federal case law, or otherwise. Defendants have taken upon themselves to do such horrible things arbitrarily and capriciously to with the sole purpose of causing irreparable harm to Plaintiff that **(Plaintiff's Exhibits 4, 5, 8, 17, 20-25, 31, 35, 36, 37, 38, 55, 57, 58, 68, Plaintiff's Proffered Expert Witness Testimony)**. Since Defendant has no legal law or provision to act in this manner, the right of Plaintiff and others like her to procreate and have legal documents which reflect only their true names and gender rests with and only with the bearers of those documents and no one else (*Skinner v. Oklahoma* (1942), Equal Protection Clause, & other cases, laws and constitutional amendments as noted above).

**DEFENDANTS POTENTIALLY VIOLATE PLAINTIFF'S
CONSTITUTIONAL RIGHTS - EIGHTH AMENDMENT**

Amendment VIII to the United States Constitution

“Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

This amendment prohibits the federal government from imposing unduly harsh penalties on criminal defendants, either as the price for obtaining pretrial release or as punishment for crime after conviction.

If Plaintiff were charged with a criminal act, she would probably find herself forcibly incarcerated in jail and prison with *men*. This is especially true, because her birth certificate reflects her previous name and gender marker that she was unlawfully assigned at birth when she was too young to consent. Defendants 1-3 refuse to change it, despite illegally and consistently oppressing all of her rights described herein and causing tremendous harm and suffering to Plaintiff and those of others in the transgender community.

Defendant 4 also forced her to be sterilized like Defendants 1-3, though they did not make notations of those amendments on her driver’s license. Had there been room to show notations of amendments on her driver’s license, however, Defendants may likely have also done that as well.

Ideally, Plaintiff would be placed in a housing unit with other women, where she would be much safer from harm. However, there are many, many documented

cases which exist (**Plaintiff's Exhibits 42-45, 57, 63, 68, Plaintiff's Proffered Expert Witness Testimony**) whereby women who were transgender were put against their will and usually illegally into jails with men. Then they have been raped multiple times, beaten, had their jaws and skulls fractured, and have often even been killed both by other inmates and the jail staff!

Is this really what Defendants desire for Plaintiff? Do they not have the foresight to see what could happen to her, given all the press and media about the horrors that women who are transgender have often faced while incarcerated? Have Defendants not seen what could happen to Plaintiff, or do they just lack empathy, understanding and compassion? *Defendants do not have to like Plaintiff and other minorities like her having equal rights under the law, but as agents of the State they darn sure by law have to provide them.*

Plaintiff has a *vagina, breasts, long hair, big lips, and much more (Plaintiff's Exhibits 26, 46, 47, 48)*. If this Court denies Plaintiff's petition, then it will be complicit in allowing Defendants to continue to violate her VIII Amendment rights to cruel and unusual punishments. By keeping Plaintiff's previous name and gender marker on her birth certificate (*Plaintiff's Exhibit 8*), Defendants knowingly expose Plaintiff to all sorts of egregious harm and devastation that she need not otherwise suffer through, should she ever have to spend time in any jail or prison (**Plaintiff's Exhibits 42-45, 57, 63, 68, Plaintiff's**

Proffered Expert Witness Testimony). The United States Constitution was explicitly clear that this is illegal and violates the very moral fabric of everything America stands for.

**DEFENDANTS VIOLATE PLAINTIFF'S CONSTITUTIONAL
RIGHTS - FIFTH AMENDMENT**

Amendment V to the United States Constitution

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, *nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*

Defendants have wholly taken it upon themselves as gender vigilantes to deny Plaintiff of her right to procreate as a condition of getting a driver's license

and birth certificate which reflect her proper names and gender. Indeed, Defendants 1-3 go even further and continue keep degrading, humiliating, illegal notations of amendments to Plaintiff's names and gender marker changes located on her birth certificate itself (**Plaintiff's Exhibit 8**). Plaintiff's life clock is ticking: Defendants are depriving Plaintiff of her of her right to live – freely – with all the liberties enjoyed by her fellow cisgender humans. These are, namely, the right to procreate, live her life as she sees fit without hinderance with the family she desires, and to have all of her legal documents reflect only her true gender and names and be free of deleterious notations.

If Plaintiff ever wanted to go enroll in numerous private universities with hateful, bigoted anti-transgender admissions policies, her birth certificate that Defendants refuse to amend will automatically out her against her will (**Plaintiff's Exhibit 8, 49, Plaintiff's Proffered Expert Witness Testimony**). Granted, private institutions will not always be allowed to be hateful and discriminate in such a way, because the courts will eventually take away their ability to hate and discriminate in a *de jure* manner. However, right now private universities still have some legal protections to be hateful bigots, so we have to address it as it currently is.

Do Defendants really want Plaintiff to suffer harm by being outed against her will and thus be discriminated in such a manner, should she apply to certain

universities? Surely being outed against her will would violate Plaintiff's Fifth Amendment to the United States Constitution? Where are Plaintiff's due process and rights in all of this? Defendants are clearly violating her right to privacy and due process by keeping notations of her previous name and gender marker on her birth certificate (**Plaintiff's Exhibit 8**), which itself causes this harm (**Plaintiff's Exhibits 4, 5, 8, 17, 20-25, 31, 35, 36, 37, 38, Plaintiff's Proffered Expert Witness Testimony**)

Also, what if Plaintiff wishes to play sports at many private and public universities? She could be forced to be on a men's team, even though she has a vagina, large breasts, long hair, big feminine lips, is smaller in size/weight/stature than almost all men, and so much more (**Plaintiff's Exhibits 26, 46, 47, 48**). Plaintiff is even smaller than a lot of other women (*Plaintiff's Exhibits 26, 46, 47, 48*). How on earth could Plaintiff ever compete with other men?

Plaintiff also lacks the muscle mass to ever compete with and against men. If forced to do so because Defendants outed her, Plaintiff would almost surely get critically injured or killed, should she have to compete as such. Plaintiff has almost no testosterone in her body, and her estrogen, progesterone and prolactin levels are as high or indeed even much higher than even other females (**See Plaintiff's Exhibit 50**). This serves as yet another of numerous critical reasons why Plaintiff

cannot afford to get outed as transgender by transgender against her will by Defendants.

Additionally, Plaintiff has found herself accosted on numerous occasions for using the women's restroom, even though she herself is female (**Plaintiff's Proffered Witness Testimony – Isabella Keefe**). From security guards at the mall to the courthouse to people complaining that she was using a women's locker rooms at various gyms (**Plaintiff's Gym Witnesses**), transitioning has been no easy task.

Indeed, the women's only gym Plaintiff tried to get into earlier in 2016 would not even grant her admittance, until Defendants finally chose to update her gender markers on her driver's license, birth certificate and passport (**Plaintiff's Gym Witness**). However, Plaintiff could not get her gender marker changed in a timely fashion until Defendants were responsible for forcibly, irreversibly and permanently sterilizing her through mandated hormones and surgery. This delay caused Plaintiff a tremendous amount of stress, anxiety and emotional pain and suffering.

Other people who are transgender have experience similar discrimination at gyms, and they have been awarded large sums of money because of it (**Plaintiff's Exhibit 59**).

Even now, if a gym pushed Plaintiff and required that she show a birth certificate as a condition for admittance, then Plaintiff would find that Defendants had once again outed her against her will as assigned male at birth (AMAB) against her will and without her express consent. Upon viewing the notations on her birth certificate, Plaintiff might even be forced to use a men's locker room once more where men would have the opportunity to view her vagina and breasts without consent. 😞

Plaintiff is lesbian; her brain was wired for an attraction to women that she can never change. Indeed, she has an extra beautiful, extra sweet wifey, Vivien Keefe. Nevertheless, Plaintiff often finds that numerous men come up asking to date her and making all kinds of sexual advances, sexual assaults, sexual propositions, etc., to/upon her – despite wearing her engagement and wedding rings and clearly telling the men to leave her alone – *even as a minister officiating wedding ceremonies*. What on earth do Defendants think would happen, if gyms or schools forced Plaintiff back into locker rooms and/or gyms meant for men, because her birth certificate, driver's license, etc., showed the wrong name and/or gender?

Defendants clearly have not seen the number of cases of women who were transgender getting brutally murdered by men, when they found out that doctors had mistakenly assigned them the wrong gender at birth (**Plaintiff's Exhibits 51,**

52, 53) If Defendants have indeed seen these incidents in the news but lacked the empathy, compassion, kindness and understanding to care, then they do not need to hold their current positions.

Once again, Defendants had and still have absolutely no legal authority to take the law into their own hands. No law, statute, case ruling, ordinance, or state or federal constitutional provision allowed them to put such burdensome requirements upon Plaintiff as the Defendants did. Plaintiff's own female friends who were also transgender could not even accompany Plaintiff into the women's-only gym, because they had refused Defendants' illegal actions of forcibly irreversibly and permanently sterilizing themselves through hormones and surgery **(Plaintiff's Female Friend Who Are Transgender's Testimony)**.

Instead, Defendants have taken it upon themselves to arbitrarily, capriciously and with great malice deny Plaintiff the right to procreate and to live her life to the fullest extent possible. They have illegally and cruelly modified her legal documents, at least one of which is her own property, without due process and with absolutely no laws whatsoever to justify their actions. Instead, Defendants are inflicting this havoc upon Plaintiff because, so far, no one in Oklahoma has ever tried to stop them or call them out on their . . . nonsense. Defendants have never before been forced to be nice, until now. Their position is essentially like that of any other bully to whom no one stands up: "Make me!"

Defendants have, for the aforementioned reasons, absolutely deprived Plaintiff of her rights guaranteed to her and every citizen of our great nation under the United States Constitution for due process, as noted below:

. . . nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

With their cruel and unjust actions, Defendants have withheld Plaintiff's dignity as a woman, have kept her from living her life, and have deprived her of property and legal documents who truly and accurately reflect who she really is.

**DEFENDANTS ARE BOTH CRIMINALLY AND CIVILLY CULPABLE
FOR CRIMINAL MANSLAUGHTER IN THE FIRST DEGREE IN
DEATHS OF TRANSGENDER PERSONS**

Manslaughter in the first degree is defined by Oklahoma statute as a “. . . death which occurs without intent or ‘malice aforethought’ and without ‘depraved mind’ that are the elements of murder under Oklahoma law.” (Title 21, §21-711). In the year 2021, Defendants have clear knowledge of the dangers that outing people who are transgender in a state like Oklahoma could have for their lives, including how it causes persons who are transgender being sexually assaulted and murdered (**Plaintiff's Exhibits 31, 38, 53, 57, 58, 59, 63, 68, 69**). Nevertheless, Defendants continue to act with wanton, reckless disregard to the lives and wellbeing of people who are transgender, committing several felonies in the process.

Defendants have acted with reckless disregard for the rights of people who are transgender/non-binary/gender-fluid, and in doing so have committed crimes that have resulted in the deaths of people who are transgender (**Exhibit 5, 31, 38, 53, Plaintiff's Proffered Expert Witness Testimony**) (Title 18, U.S.C., Section 242 – Deprivation of Rights Under Color of Law, Title 18, U.S.C., Section 245 – Federally-Protected Activities, Title 18, U.S.C., Section 241 – Conspiracy Against Rights). Persons – people – humans – who are transgender died, in part because the Defendants refused to allow them to change their gender markers on their legal documents without undergoing expensive and sterilizing hormone therapy and surgery (**Plaintiff's Exhibits 31, 38, 53, Plaintiff's Proffered Expert Witness Testimony**).

Defendants also violated Title 18, U.S.C., Section 245 – Federally-Protected Activities, Title 18, U.S.C. 242 – Deprivation of Rights Under Color of Law, And Title 18 U.S.C., Section 241 – Conspiracy Against Rights, when only a misdemeanor and not a felony is required.

By illegally depriving them of their constitutional rights even though they knew the damage it could cause, Defendants, their predecessors and their respective institutions *knowingly helped cause their deaths* because they were outed as transgender against their will and for that Defendants should face immediate arrest. In addition, this is another reason that Plaintiff must prevail in this case, because a

failure to find for the Plaintiff would continue this horrible criminal pattern of needless deaths (**Plaintiff's Exhibits 31, 38, 53, Plaintiff's Proffered Expert Witness Testimony**).

**DEFENDANTS ARE IN CLEAR VIOLATION OF TITLE 18, U.S.C.,
SECTION 242 – DEPRIVATION OF RIGHTS UNDER COLOR OF LAW**

This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S.

This law further prohibits a person acting under color of law, statute, ordinance, regulation or custom to willfully subject or cause to be subjected any person to different punishments, pains, or penalties, other than those prescribed for punishment of citizens on account of such person being an alien or by reason of his/her color, race, gender or sexuality.

Acts under "color of any law" include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order for unlawful acts of any official to be done under "color of any law," the unlawful acts must be done while such official is purporting or pretending to act in the

performance of his/her official duties. This definition includes, in addition to law enforcement officials, individuals such as Mayors, Council persons, Judges, Nursing Home Proprietors, Security Guards, etc., persons who are bound by laws, statutes ordinances, or customs.

Punishment varies from a fine or imprisonment of up to one year, or both, and if bodily injury results or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined or imprisoned up to ten years or both, and if death results, or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. By violating Plaintiff's constitutional amendments and federal laws as noted above, Defendants are in violation of this and thus subject both to civil and criminal penalties **(Plaintiff's Exhibits 31, 38, 53, Plaintiff's Proffered Expert Witness Testimony).**

DEFENDANTS ARE GUILTY OF VIOLATING OF TITLE 18, U.S.C.,

SECTION 245 – FEDERALLY-PROTECTED ACTIVITIES

1) This statute prohibits willful injury, intimidation, or interference, or attempt to do so, by force or threat of force of any person or class of persons because of their activity as:

- a. A voter, or person qualifying to vote...;
 - b. a participant in any benefit, service, privilege, program, facility, or activity provided or administered by the United States (*Plaintiff's Exhibit 8, 28, Plaintiff's Proffered Expert Witness Testimony*)**
 - c. an applicant for federal employment or an employee by the federal government;
 - d. a juror or prospective juror in federal court; and
 - e. a participant in any program or activity receiving Federal financial assistance.**
- 2) Prohibits willful injury, intimidation, or interference or attempt to do so, by force or threat of force of any person because of race, color, religion, or national origin and because of his/her activity as:
- a. A student or applicant for admission to any public school or public college; (*Plaintiff's Exhibit 8, 28, Plaintiff's Proffered Expert Witness Testimony*)
 - b. a participant in any benefit, service, privilege, program, facility, or activity provided or administered by a state or local government; (*Plaintiff's Exhibit 8, 28, Plaintiff's Proffered Expert Witness Testimony*)**
 - c. an applicant for private or state employment, private or state employee; a member or applicant for membership in any labor organization or hiring hall; or an applicant for employment through any employment agency, labor organization or hiring hall;
 - d. a juror or prospective juror in state court;
 - e. a traveler or user of any facility of interstate commerce or common carrier; or

f. **a patron of any public accommodation**, including hotels, motels, restaurants, lunchrooms, bars, gas stations, theaters...or any other establishment which serves the public and which is principally engaged in selling food or beverages for consumption on the premises (*Plaintiff's Exhibit 8, 28, Plaintiff's Proffered Expert Witness Testimony*)

3) Prohibits interference by force or threat of force against any person because he/she is or has been, or in order to intimidate such person or any other person or class of persons from participating or affording others the opportunity or protection to so participate, or lawfully aiding or encouraging other persons to participate in any of the benefits or activities listed in items (1) and (2), above without discrimination as to race, color, religion, or national origin (*Plaintiff's Exhibit 8, 28, Plaintiff's Proffered Expert Witness Testimony*).

Punishment varies from a fine or imprisonment of up to one year, or both, and if bodily injury results or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined or imprisoned up to ten years or both, and if death results or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be subject to imprisonment for any term of years or for life or may be sentenced to death. By violating Plaintiff's constitutional amendments and federal laws as noted above, Defendants are in clear violation of this and thus

subject both to civil and criminal penalties (**Plaintiff's Exhibit 8, 28, 31, 38, 53, Plaintiff's Proffered Expert Witness Testimony**).

**DEFENDANTS ARE IN CLEAR VIOLATION OF TITLE 18, U.S.C.,
SECTION 241 – CONSPIRACY AGAINST RIGHTS**

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same) (**Plaintiff's Exhibit 8, 28, 31, 38, 53, Plaintiff's Proffered Expert Witness Testimony**).

It further makes it unlawful for two or more persons to go in disguise on the highway or on the premises of another with the intent to prevent or hinder his/her free exercise or enjoyment of any rights so secured.

Punishment varies from a fine or imprisonment of up to ten years, or both; and if death results, or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title or imprisoned for any term of years, or for life, or may be sentenced to death.

By violating Plaintiff's constitutional amendments and federal laws as noted above, Defendants are in clear violation of this and thus subject both to civil and criminal penalties (**Plaintiff's Exhibit 8, 28, 31, 38, 53, Plaintiff's Proffered Expert Witness Testimony**).

As noted earlier, numerous states have already gotten rid of the illegal hormonal and surgical "requirements" as distasteful and horrible prerequisites for changing one's gender marker and name. Indeed, no other state even allows for notations of amendments made to one's birth certificates for their gender marker and names, once the agencies there change them. Why is this concept so hard for Defendants?

*Why is it so hard for Defendants to catch up with the rest of the world? Are they super-slow learners? Do we need to put Defendants in the special education sections of their respective agencies, or perhaps they needn't be serving in their positions at all? Defendants act just like member of the Ku Klux Klan, Hitler (**Plaintiff's Exhibits 73, 75**) and make Oklahomans looks like a bunch of redneck hillbillies (**Plaintiff's Exhibit 72**).*

Plaintiff also proffers multiple exhibits which further demonstrate her case through state law enactments, case laws, etc. (**Plaintiff's Exhibits 56, 60-61, 64-67, 70-71**). The laws and evidence weigh so heavily in favour of Plaintiff in a demonstratively overwhelming manner that it is not even funny. Summary

judgment will follow shortly, once the appropriate/legally-required period of time has passed, and should be immediately granted.

Defendants are akin to the story of Chicken Little who was “so sure” that the sky was going to fall. Like Chicken Little (Plaintiff’s Exhibit 74), they are refusing to admit that states that have already made the changes Plaintiff is petitioning for have been just fine and have suffered no “harm” (Plaintiff’s Exhibit 74)

Plaintiff is clearly right; Defendants are horribly and egregiously in the wrong. The sky hasn’t fallen, as Defendants claim it somehow will. Bigots of the past used the same kinds of oppression to keep women from voting, non-whites from serving in the military/voting/holding land/being non-slaves, the LGBTQIA+ community from marrying and having jobs, etc. (Plaintiff’s Exhibit 54) Records have been kept inaccurately by Defendants as of now. Plaintiff is and always has been right on this matter and will never fight a war she cannot win at one level or another; Defendants are wrong. Chicken Little was wrong (Plaintiff’s Exhibit 74).

REQUEST FOR RELIEF

Wherefore, for the above and foregoing reasons the Plaintiff respectfully requests that this Court enter judgment against the Defendant. The final judgment should set forth the following relief:

1. That this Court grant an order for temporary injunction within its jurisdiction to temporarily prevent all Defendants and other governmental agencies from requiring hormones, surgery or anything that might otherwise harm or permanently and irreversibly sterilize an individual who is transgender, nonbinary, gender-fluid, etc., as a part of its requirements for a legal gender marker and name change(s) on any individual's government documents.

2. That this Court grant a permanent legal injunction within its legal jurisdiction to prevent all Defendants and other governmental agencies from requiring hormones, surgery or anything that might otherwise permanently sterilize an individual who is transgender, nonbinary, gender-fluid, etc., as a part of its requirements for a legal gender marker and name change(s) on any individual's government documents.

3. That this Court immediately grant a temporary injunction/order against Defendants Kevin Corbett, in his capacity of Board Chair of the Oklahoma State Department of Health and Keith Reed, as Commissioner of Health of the Oklahoma State Department of Health, , Kelly Baker "Baker", and in her capacity of Deputy Registrar of Vital Records for the Oklahoma State Department of Health, to immediately remove the notations of the amendments to the Plaintiff's name and gender marker changes, as well as those of others who are transgender/non-binary,

gender non-conforming, gender fluid, etc., which are presently located at the bottom of her/their birth certificate(s).

4. That this Court permanently and immediately order Defendants Kevin Corbett, in his capacity of Board Chair of the Oklahoma State Department of Health and Keith Reed, as Commissioner of Health of the Oklahoma State Department of Health, Kelly Baker “Baker”, and in her capacity of Deputy Registrar of Vital Records for the Oklahoma State Department of Health, to immediately and permanently remove the notations of the amendments to the Plaintiff’s name and gender marker changes, as well as those of others who are transgender/non-binary, gender non-conforming, gender fluid, etc., which are presently located at the bottom of her/their birth certificate(s).

5. That this Court grant a temporary legal injunction within its legal jurisdiction to prevent the Defendants and other governmental agencies from refusing to make amendments to the birth/death certificates/drivers’ licenses of individuals who are transgender, as well as to prevent Defendants Kevin Corbett, in his capacity of Board Chair of the Oklahoma State Department of Health and Keith Reed, as Commissioner of Health of the Oklahoma State Department of Health, Kelly Baker “Baker”, in her capacity of Deputy Registrar of Vital Records for the Oklahoma State Department of Health, from making such notations of any

amendments to the birth/death certificates of individuals who are transgender/non-binary, gender fluid, gender non-conforming, etc..

6. That this Court grant a permanent legal injunction within its legal jurisdiction to prevent the Defendants from refusing to make amendments to the birth/death certificates/drivers' licenses of individuals who are transgender, as well as to permanently prevent Defendants Kevin Corbett, in his capacity of Board Chair of the Oklahoma State Department of Health and Keith Reed, as Commissioner of Health of the Oklahoma State Department of Health, Kelly Baker "Baker", in her capacity of Deputy Registrar of Vital Records for the Oklahoma State Department of Health, and Tim Tipton, in his capacity of Commissioner of Public Safety with the Oklahoma Department of Public Safety, from making such notations of any amendments to the birth/death certificates of individuals who are transgender/non-binary, gender fluid, gender non-conforming, etc.. Plaintiff also requests that this Court direct Defendant to permanently remove any notations of amendments made to her own birth certificate.

7. That this Court nullifies and strikes down Oklahoma Title 63 O.S. § 1-321 only insofar as it pertains to the adding of notations of amendments regarding the names and gender changes to birth and death certificates of individuals who are transgender/non-binary/gender-fluid/gender non-conforming.

8. Preferably and in order to avoid further discrimination by any transgender/non-binary/gender-fluid, gender non-conforming individual, that this Court, upon the advice of the American Medical Association (AMA) (**Plaintiff's Exhibit 18**) immediately and permanently remove all mention of gender/sex from all past birth certificates, drivers' licenses, and other state and federal government documents for those who want any mention of their gender/sex removed, as well as to permanently prevent Defendants and other governmental agencies from making any kind of note of it in the future just like it has done for any statistical notations of race.

9. That Plaintiff be awarded her costs and expenses in this litigation, including, but not limited to, reasonable attorney's fees, filing fees, service fees, copy fees, her extensive time/efforts which should never have become necessary, and expert witness fees.

10. That Plaintiff be awarded any and all legal and equitable financial and other relief (including her extensive amount of professional time spent preparing this case, filing and copying and service expenses, Defendants' intentional infliction of emotional distress and suffering, compensatory damages, nominal damages, etc.,) as the judge of this Court deems just and proper.

ORAL ARGUMENTS REQUESTED

RESPECTFULLY SUBMITTED this 13th day of December, 2021.

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