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**IN THE THIRTEENTH JUDICIAL DISTRICT COURT  
 COUNTY OF YELLOWSTONE**

**AMELIA MARQUEZ, an individual;** )  
**and JOHN DOE, an individual;** )  
 )  
**Plaintiffs,** )

v. )

**STATE OF MONTANA; GREGORY** )  
**GIANFORTE, in his official capacity as** )  
**the Governor of the State of Montana;** )  
**the MONTANA DEPARTMENT OF** )  
**PUBLIC HEALTH AND HUMAN** )  
**SERVICES; and ADAM MEIER, in his** )  
**official capacity as the Director of the** )  
**Montana Department of Public Health** )  
**and Human Services,** )

**Defendants.** )  
 )  
 )

Case No. DV 21-00873

Judge

**AFFADAVIT OF JOHN DOE IN  
 SUPPORT OF PLAINTIFFS' MOTION  
 FOR A PRELIMINARY INJUNCTION**

I, John Doe, affirm that:

1. I am a transgender male who has not changed the gender marker on his birth certificate and one of the plaintiffs in this case. I submit this affidavit in support of Plaintiffs' Motion for Preliminary Injunction against enforcement of SB 280.

2. I am a 22-year-old man who was born in Bozeman, Montana and who currently resides outside of Montana. I am currently working two part-time jobs to support myself and will return to college in the fall.

3. At birth, I was assigned the gender designation of female, so the sex designation on my birth certificate also incorrectly identifies me as female. However, I have known that I am a man for approximately five years.

4. Since adolescence, I have expressed my gender in a traditionally male manner in, for example, the way I cut my hair, the clothing I choose to wear, and in my desire to participate in activities with and otherwise be treated as a boy.

5. I was diagnosed with gender dysphoria in July 2019 and began to live and identify fully as male for the last year and a half.

6. With the aid of medical and mental health professionals, I have also taken certain steps to bring my body into conformity with my male gender identity. I have taken hormone therapy for two years, and in the spring of 2021, I underwent masculinizing chest reconstruction surgery ("top surgery").

7. Even though I would like to correct the sex designation on my birth certificate to accurately reflect my male gender identity, I do not want to be forced to share publicly in court private information and records regarding my transgender status, medical treatment, and anatomy.

8. I do not wish to have additional gender affirming surgery at this time. I do not know whether my top surgery would be sufficient to meet the requirement of the Act that I have had a surgical procedure to change my sex. I knew I was a man well before I had surgery and do not believe that my top surgery is what made me a man.

9. Furthermore, even if my top surgery were sufficient for purposes of obtaining a court order to change the sex designation on my birth certificate, I do not want to have to share private medical records related to my transition with a judge in a public court proceeding to determine whether I am the man I know myself to be. Even the idea of having to do so is demeaning and causes me a great deal of emotional distress due to my fear of exposure and humiliation at having my transgender status revealed.

10. In addition, I am concerned about the risk I could face of discrimination, harassment, or even violence if I am required to show my birth certificate to a stranger who is biased or hostile towards people who are transgender. Because I am perceived as male, having to produce a birth certificate that identifies me as female will out me as transgender.

11. It is important to me to be able to retain the freedom to choose when and under what circumstances I decide to share my deeply personal medical information related to my transition, my body, and my transgender status.

12. In addition to my fear of having to expose my personal medical information and to out myself as transgender in a public forum, the Act would require me to undertake the financial costs and other burdens of coming to Montana to seek a court order, since I currently reside outside of the state. I would need to pay for transportation to Montana, request time off of work (and risk losing my job because of the nature of my work), and retain an attorney to represent me in the

court hearing to complete the process. I would have to do this, even though there is no guarantee that the court would find that I have actually satisfied the requirements of the Act.

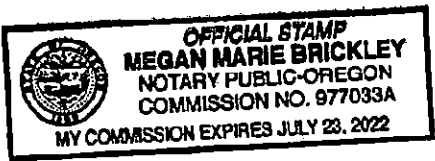
13. Not having a Montana birth certificate that correctly identifies me as male is a constant reminder that the State of Montana does not accept me as the man I know myself to be.

I, John Doe, declare under penalty of perjury that the foregoing is true and correct.

Dated: July 14, 2021.

John Doe - Amelia Weber  
John Doe

SUBSCRIBED AND SWORN before me this 14<sup>th</sup> day of July, 2021.



Megan Brickley  
Notary Public  
Printed Name: Megan Brickley  
Residing at Ontario Community Credit Union  
My Commission Expires: July 23<sup>rd</sup>, 2022