

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JOAQUÍN CARCAÑO; PAYTON GREY
MCGARRY; H.S., by her next friend and
mother, KATHRYN SCHAFER; ANGELA
GILMORE; KELLY TRENT; BEVERLY
NEWELL; and AMERICAN CIVIL
LIBERTIES UNION OF NORTH
CAROLINA,

Plaintiffs,

v.

PATRICK MCCRORY, in his official capacity
as Governor of North Carolina; UNIVERSITY
OF NORTH CAROLINA; BOARD OF
GOVERNORS OF THE UNIVERSITY OF
NORTH CAROLINA; and W. LOUIS
BISSETTE, JR., in his official capacity as
Chairman of the Board of Governors of the
University of North Carolina,

Defendants.

No. 1:16-cv-00236-TDS-JEP

DECLARATION OF H.S.

I, H.S., declare as follows:

1. My name is H.S., and I am 17 years old.
2. I am a rising senior at the University of North Carolina School of the Arts High School (“UNC-SA-HS”).
3. Below is a current photograph of me.



4. I am the oldest of four children. I am close to my family and they love and support me.
5. I love art and visual studies, which I study at UNCSEA-HS.
6. I am a girl.
7. I am also transgender. I was assigned the sex of male at birth, as my birth certificate reflects, but that designation does not accurately reflect my gender identity or sex, which are female.
8. I have been diagnosed with gender dysphoria.
9. Until the passage of H.B. 2, I was recognized as a girl at school and when I was out in public.
10. I was born in New Jersey but moved to North Carolina when I was 11 years old. From as young as two or three years old, I wanted to have the clothes and toys

generally associated with girls. I always wanted to wear pink princess dresses at pre-school and to play with Barbie dolls, like many other girls.

11. When I finished pre-school, I worried about the reaction of others to my female identity, given that my sex assigned at birth was male. I tried to do things that I felt like I was supposed to do as a boy, but nothing felt right.

12. Starting in seventh grade, I again began to gravitate toward clothes and activities that were more traditionally feminine.

13. By eighth grade, I again began to express myself as a girl, and at times, I would wear make-up and high heel shoes at school. But my inability to live openly as a girl at all times, in accordance with my female identity, caused me significant distress and anxiety.

14. When I started entering puberty in ninth grade, I began to experience severe anxiety around the disconnect between my body and my identity. I finally went to my parents and told them how much I was suffering.

15. In ninth grade, I began therapy with an expert on treating transgender young people and was diagnosed with gender dysphoria.

16. In 2013, I started high school at Broughton High School in Raleigh. In the middle of my freshman year, I began taking hormone blockers to prevent the onset of male puberty and the development of secondary sex characteristics typically associated with men. This treatment delayed puberty while I continued to better understand and accept my female identity. The hormone blockers helped a great deal in reducing if not eliminating my suffering.

17. At the end of ninth grade, I felt fully comfortable embracing my identity as a girl at school, and I had the full support of my parents.

18. On the last day of my freshman year, I wore a skirt to school, which my mother bought me. It was an incredibly important moment for me, and it felt like a turning point in making me comfortable with my identity as a girl.

19. By my sophomore year, I was perceived as a girl and I began to use the girls' bathroom at school and in public. By then, people also used female pronouns, such as she, her, and hers, when referring to me.

20. During my sophomore year, I was elected to the Queen's Court at my school, which was an amazing experience. I was the first girl who is transgender to be honored on the Queen's Court in the seventy-five years of the tradition at my school.

21. Also during my sophomore year, and under the care of my doctor, I began to consider hormone replacement therapy. At the end of my sophomore year, in the spring of 2015, I began receiving estrogen therapy to continue my medical transition.

22. At the end of my sophomore year, I applied to UNCSEA-HS to study visual arts for my junior year and I was thrilled that I was accepted.

23. In the fall of 2015, I moved to Winston-Salem to attend UNCSEA-HS as a boarding student. At UNCSEA-HS, I study visual arts and hope to pursue a career in fashion.

24. During the school year, I live in the girls' dorm at UNCSEA-HS.

25. Until the passage of H.B. 2, I exclusively used the girls' restroom at school. I do not know of any incident or complaint about me using the girls' restroom.

26. When I am out in public, such as at restaurants and stores, I use the restrooms designated for women and girls. As with the restrooms at school, I do not know of any incident or complaint about me using these restrooms.

27. Outside of my dorm room, I am not aware of any single-user restrooms available for me to use at UNCSEA-HS, and it would be very disruptive for me to have to avoid the use of the restroom, go back to my room, or locate a single-user restroom off campus every time I need to go to the restroom.

28. Forcing me to use different restrooms than the rest of my classmates, friends, and peers makes me feel different and as if the government is sending a message to me and others that I am inferior to other girls at my school or not a “real” girl.

29. Because I never went through puberty as a boy, my appearance is that of a typical girl and I am recognized as a girl in all aspects of my life.

30. Using the boys’ or men’s restroom is not an option for me, just like it is not an option for non-transgender women and girls on campus. Forcing me to use the restroom designated for men and boys would create significant mental and emotional distress for me, and it would force me to disclose the fact that I am transgender to others, which I fear could lead to violence and harassment.

31. I am afraid for my safety because of the passage of H.B. 2. The idea of being forced into the restroom designated for men and boys causes significant anxiety for me, both because of the emotional distress that I feel and because it would create discomfort for the men sharing the restroom with me.

32. Since H.B. 2 passed, I have limited or delayed use of the bathroom because of fear of getting in trouble if I use the restroom designated for women and girls, and I fear for my safety if I use the restroom designated for men and boys, as the law requires.

33. In addition to using the restrooms on campus at UNCCHA-HS, I have also visited North Carolina public agencies, such as the Division of Motor Vehicles to obtain my driver's license, and I will likely have to visit there again in the future. Because of H.B. 2, I will no longer be able to use the women's restroom when I go there.

34. In traveling throughout the state, I have also used and will continue to use the North Carolina Rest Area system, which has public restrooms along highways and is operated by the North Carolina Department of Transportation. When traveling out of state, I use the Raleigh-Durham International Airport, which also has restrooms. I will need to continue to use those restrooms in the future, but I will be banned from using the women's restroom under H.B. 2.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 15, 2016.

By: H.S.
H.S.