

**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 JOAQUÍN CARCAÑO

I, Joaquín Carcaño, declare as follows:

1. My name is Joaquín Carcaño, and I am 27 years old.
2. I work for the University of North Carolina at Chapel Hill's ("UNC-Chapel Hill") Institute for Global Health and Infectious Disease as a Project Coordinator. My project provides medical education and services such as HIV testing to the Latino/a population.

3. I am a member of the ACLU of North Carolina.
4. Below is a current photograph of me.



5. I am a man.
6. I am transgender. The sex I was assigned at birth was female, which is what is reflected on my birth certificate, but my birth certificate does not match my gender identity or sex, which are male.
7. In public, I am recognized as a man, and prior to the passage of H.B. 2, I was treated like all other men at UNC-Chapel Hill.
8. I was born and raised in South Texas. Since I was very young, around 7 or 8 years old, I was aware that I did not feel like a girl, but I did not know how to express how I felt.
9. It was not until later in my adult life that I was ready to accept that I am male.

10. Since 2013, I have been in the continuous care of a licensed mental health clinician, who diagnosed me with gender dysphoria. I initially sought treatment for depression, which was caused in part by my gender dysphoria.

11. I began using Joaquín as my first name in January 2015. My friends, family, and coworkers recognize me as a man, and they refer to me using my male name and male pronouns.

12. As part of my treatment, my physician has recommended and prescribed hormone treatment, which I have been receiving since May 2015. The hormone treatment has deepened my voice, increased the growth of my facial hair, and given me a more masculine appearance.

13. The hormone treatment has helped alleviate the distress that I was experiencing due to the disconnect between the sex I was assigned at birth and my male identity, and it has made me feel more comfortable with who I am.

14. In addition, and as part my treatment for gender dysphoria, I also obtained chest surgery (bilateral mastectomy) in January 2016.

15. As part of my social transition, I began using the men's restroom at work and elsewhere in late 2015, which occurred without incident for the five months or so before H.B. 2's enactment. My therapist had specifically recommended that I only use the men's restroom, because she was concerned that use of the women's restroom would compromise my mental health, well-being, and safety. Her concern was valid. By late 2015, I had noticeable facial hair growth as a result of my hormone treatment and others would recognize me as a man based on my physical appearance.

16. Prior to the passage of H.B. 2, I just went to the multi-user men's restroom on my floor when I had to use the restroom like all other men in the office.

17. I am now comfortable with the status of my treatment related to my gender dysphoria and, aside from the distress now caused by the passage of H.B. 2, my distress has been managed through my treatment. I plan to continue my treatment under the supervision of medical professionals based on my medical needs.

18. The only restrooms on the floor where I work at UNC-Chapel Hill are multiple-occupancy and are designated either for men or for women. H.B. 2 thus excludes me from using the same restrooms that my coworkers typically use.

19. In the initial period after H.B. 2's passage, I generally used a single-occupancy gender-neutral restroom in another building on campus, which was approximately a 20-30 minute roundtrip walk away from my building.

20. I was told later by administrative staff in the building where I work that they had learned of a single-occupancy restroom based on building floor plans. It is accessible using a special service elevator, and the restroom is tucked away in a cubby down a hallway in a part of the building used for housekeeping.

21. I feel humiliated by being singled out and forced to use a separate restroom from all my coworkers. Because using the special service elevator several times a day would attract even greater attention to the fact that I am not able to use the same restrooms as my coworkers, I have generally resorted to leaving the building and using a restroom in another building on-campus. I now have to plan out my trips to the restroom as part of my schedule. For example, I cannot simply make a quick trip to the restroom

before a meeting is about to start, as my coworkers are able to do. All of this often causes me to delay or avoid going to the restroom, or to limit my fluid intake.

22. I am afraid for my safety because of the passage of H.B. 2. The idea of being forced into the women's restroom causes significant anxiety and emotional distress for me.

23. Apart from the building where I work at UNC-Chapel Hill, I also used men's restrooms elsewhere on campus without incident for approximately five months prior to H.B. 2's passage.

24. Using the women's restroom is not an option for me, just like it is not an option for non-transgender men on campus. Forcing me to use the women's restroom would create significant mental and emotional distress for me, and I worry it could lead to violence and harassment against me.

25. In addition to using the restrooms on campus at UNC-Chapel Hill, 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 these locations again in the future. Because of H.B. 2, I will no longer be able to use the men's restroom when I go to such public agency locations.

26. As part of my job at UNC-Chapel Hill, I also have had to visit the offices North Carolina Department of Health and Human Services many times in the past, and I will continue to need to do so in the future. Prior to passage of H.B. 2, I used the men's restroom while at their offices, but I will be banned from doing so in the future under H.B. 2.

27. Similarly, I have visited state courthouses in Chapel Hill as part of the process to change my legal name, which includes a traditionally female first name, to Joaquín, the name I currently use. Because my name change process is ongoing, I will continue to visit state courthouses in the future, but I will be banned from using the men's restroom there under H.B. 2.

28. 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. I often use restrooms provided by that system when I travel approximately once a month to visit my brother in Atlanta, and when I visit Washington, D.C. periodically. In addition, when traveling further out of state, I have also used and will continue to 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 men's restroom under H.B.2.

29. When out in public, such as at restaurants and stores, I use the men's restroom.

30. There have been no incidents or complaints that I am aware of, regarding my using the men's restroom.

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 13th, 2016.

By: 
Joaquín Carcaño