

**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 PAYTON GREY MCGARRY**

I, Payton Grey McGarry, declare as follows:

1. My name is Payton Grey McGarry, and I am 20 years old.
2. I am a full-time student at the University of North Carolina at Greensboro (“UNC-Greensboro”), where I double major in Business Administration and Accounting.
3. Below is a current photograph of me.



4. I love to play music and I have played trumpet in many ensembles at UNC-Greensboro. I also play the guitar, baritone, clarinet, and saxophone.

5. I am very close to my family and I have a younger brother who is also a member of the LGBT community. After earning my degree at UNC-Greensboro, I hope to go to law school and work to defend people's civil rights.

6. I am a man.

7. 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.

8. I have been diagnosed with gender dysphoria.

9. I was born and raised in Wilson, North Carolina. Throughout my childhood, I felt like a boy and never really thought of myself as a girl. It was not until I started to go through puberty that I started to wrestle with the disconnect that I felt between my identity as a boy and the sex I was assigned at birth.

10. I first realized that I am transgender when I was in high school.

11. In October of 2013, during my senior year in high school, I began seeing a licensed clinical social worker who diagnosed me with gender dysphoria and recommended a course of treatment for me.

12. As part of my treatment, and consistent with my male identity, in the fall and winter of 2013, I explained to my friends and family that I am male and I began to use male pronouns.

13. In April of 2014, under the care of an endocrinologist, I began hormone therapy. The hormone therapy helped to alleviate the distress that I was experiencing due to the disconnect between the sex that I was assigned at birth and my male identity and it helped me to feel more comfortable with who I am.

14. By the time I graduated high school in June of 2014, I was using the name Payton and male pronouns in all aspects of my life. My family, friends, and peers all know me as Payton McGarry and use male pronouns to refer to me, even though I have not yet changed my legal first name.

15. In the fall of 2014, I enrolled as a freshman at UNC-Greensboro as Payton McGarry and as male.

16. Since arriving at UNC-Greensboro, I have identified myself and been known to others as male for all purposes.

17. I am a member of Phi Mu Alpha Sinfonia, a music fraternity, and I am the Vice President of the Iota Epsilon Chapter of my fraternity. My fraternity brothers know that I am transgender and they have had no concerns about me using the men's restroom or locker room.

18. Although I currently live off campus, I am on the UNC-Greensboro campus six or seven days per week, and I always used the restroom designated for men in on-campus buildings prior to the passage of H.B. 2.

19. I regularly use locker rooms at UNC-Greensboro and always used the facilities designated for men prior to the passage of H.B. 2.

20. For the past year-and-a-half since I enrolled at UNC-Greensboro, I have used the men's restrooms and locker rooms on-campus without any incident. I am not aware of any instance in which any person has complained about me using the men's restroom or locker room.

21. In addition to my course work, I also work part-time as a visual technician for marching bands at different high schools around the state. I regularly used the men's restroom when I visited schools as part of my work as a visual technician prior to the passage of H.B. 2. There were no incidents or complaints that I am aware of regarding my using the men's restroom.

22. When I am out in public, such as at restaurants and stores, I always use the men's restroom. There have never been any incidents or complaints that I am aware of regarding my use of these men's restrooms.

23. There are very few single-user restrooms on the UNC-Greensboro campus and, in many of the buildings in which I have class, there are no single-user restrooms.

24. Because H.B. 2 bans me from the men's restrooms at UNC-Greensboro, I have to search for single-user restrooms outside of the buildings where I have class every

time I have to use the restroom. This disrupts my ability to attend class and interferes with my education.

25. In addition, denying me the ability to use the multiple occupancy restrooms and locker rooms that are available to all of my male classmates, peers, and friends is very distressing. It makes me feel like I am singled out and marked as being less than other men on campus.

26. Since I started testosterone two years ago, my voice has deepened and my face and body have begun to look more traditionally masculine.

27. 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 am afraid it could lead to violence and harassment against me.

28. I have not used a women's restroom since I was 18 years old and had been on hormones for only two or three months, but I remember experiences in high school where I would walk into a women's restroom full of freshman and sophomore girls, and I would be screamed at, shoved, slapped, and told to get out. It became such a problem that I had to go speak with a counselor and get approved to use faculty bathrooms, which marked me as different from all other students.

29. 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 distress for me.

30. In addition to using the restrooms on campus at UNC-Greensboro, 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.

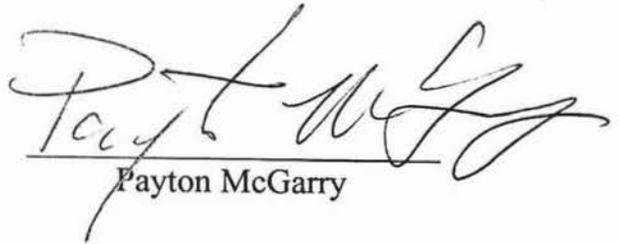
Because of H.B. 2, I will no longer be able to use the men's restroom when I go there.

31. 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 men'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 5-14, 2016.

By:

  
Payton McGarry