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STATE OF MINNESOTA
IN SUPREME COURT

JAYCEE COOPER
Petitioner-Appellant,

vs.

USA POWERLIFTING and USA POWERLIFTING MINNESOTA,
Respondents-Appellees.

**BRIEF OF TRANSFORMING FAMILIES AS *AMICUS CURIAE*
IN SUPPORT OF APPELLANT JAYCEE COOPER**

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TABLE OF CONTENTS

TABLE OF AUTHORITIES iii

INTEREST OF AMICUS CURIAE 1

SUMMARY OF ARGUMENT 2

ARGUMENT 4

I. The Families of Transforming Families 4

 A. Alex, Sara, and Brett 4

 B. G.H. and A.H. 5

 C. Harriet and Claire 6

 D. Hildie and Hannah 7

 E. Gretchen and Asher 9

 F. Luke and Megan 10

 G. G.W. and M.W. 12

II. Representation is Vital to Helping Young Trans and Gender
Expansive Youth Envision a Thriving and Happy Future. 13

 A. Alex, Sara, and Brett 14

 B. G.H. and A.H. 15

 C. Harriet and Claire 16

 D. Hildie and Hannah 16

 E. Gretchen and Asher 17

 F. Luke and Megan 18

 G. G.W. and M.W. 19

III. The Impact Permitting Discrimination in Public Accommodations Has
on These Families. 20

 A. Alex, Sara, and Brett 21

 B. G.H. and A.H. 22

 C. Harriet and Claire 23

 D. Hildie and Hannah 24

E. Gretchen and Asher.....	24
F. Luke and Megan.....	25
G. G.W. and M.W.....	26
CONCLUSION.....	27

TABLE OF AUTHORITIES

	<i>Page(s)</i>
<i>Cases</i>	
<i>Cooper v. USA Powerlifting</i> , 5 NW.3d 689 (Minn. Ct. App. 2024).....	20
<i>Doe v. Independence Blue Cross</i> , No. CV-22-2412, 2022 WL 2905252 (E.D. Pa. July 22, 2022)	14
<i>Goins v. West Group</i> , 635 N.W.2d 717 (Minn. 2001).....	20
<i>Hersom v. Crouch</i> , No. 2:21-CV-00450, 2022 WL 908503 (S.D.W. Va. Mar. 28, 2022).....	13
<i>In re E.P.L.</i> , 891 N.Y.S.2d 619 (Sup. Ct. 2009).....	13
<i>N.H. v. Anoka-Hennepin Sch. Dist. No. 11</i> , 950 N.W.2d 553 (Minn. Ct. App. 2020).....	2
 STATUTES	
Minn. Stat. § 363A.02.....	2
Minn. Stat. § 363A.11	2
Minn. Stat. § 363A.17.....	2

INTEREST OF AMICUS CURIAE

Transforming Families is a Minnesota-based organization¹ that provides support to transgender, gender non-conforming, and questioning youth and their families via resource exchange and community building in a safe, welcoming space. The primary activity of Transforming Families is to lead peer support groups. There are monthly meetings across the Twin Cities Metro Area. Transforming Families provides a space for: (1) parents and caregivers to meet and learn from one another; (2) a tween and teen group led by a trans/nonbinary adult to share and interact with those who may have shared experiences; and (3) a play-based group for other kids so that parents do not have to worry about childcare during the meetings.

Given Transforming Families' presence within the Minnesota transgender youth community, it is uniquely and well-suited to provide the Court with information and perspective on the broader social importance of and public interest in the issues the Court will address on this appeal. As a transgender advocacy organization, Transforming Families bears ongoing, serious, and sincere concerns regarding transgender discrimination, particularly against young transgender people. As a Minnesota organization, Transforming Families is further concerned that this case will adversely impact the transgender youth and families it supports within its community.

¹ Transforming Families is fiscally sponsored by OutFront Minnesota.

SUMMARY OF ARGUMENT

People in Minnesota are protected from discrimination based on their transgender² status, gender identity, and gender expression. Under the Minnesota Human Rights Act (“MHRA”), it is unlawful to deny transgender people full and equal access to goods, services, facilities, and advantages that it offers others, and to refuse to do business with transgender individuals. Minn. Stat. §§ 363A.11; 363A.17. The purpose of the MHRA is “to secure for persons in [Minnesota], freedom from discrimination” in employment, housing, public accommodations, public services, and education because of their protected status, including their gender identity. *Id.*; Minn. Stat. § 363A.02. This includes protection for transgender people from, among other things, discrimination in sports and at school. *See, e.g., N.H. v. Anoka-Hennepin Sch. Dist. No. 11*, 950 N.W.2d 553, 566 (Minn. Ct. App. 2020) (finding that prohibiting transgender girls from using girls’ bathrooms and locker rooms and transgender boys from using boys’ facilities constitutes unlawful discrimination under the MHRA).

Petitioner JayCee Cooper, a transwoman athlete, asks this Court to ensure that under the MHRA, a transgender Minnesotan’s claims of discrimination are given the same consideration, and subject to the same legal standards, as discrimination claims

² The words “transgender” and “trans” are used interchangeably throughout this brief.

brought by members of any other protected class. If this Court upholds the Court of Appeals' decision to allow Respondent USA Powerlifting ("USAPL") to rely on antiquated stereotypes and generalizations about women and men to justify prohibiting Petitioner Ms. Cooper from competing in the women's division because she is transgender, that will open the door to permitting discrimination against transgender adults and children in athletics, business, and other public accommodations.

Minnesota's dominant culture adopts a rather rigid gender binary. This brief offers firsthand accounts from, and about, the lived experiences of Minnesota families who have had to push beyond that binary for, and with, their children. Each of the seven families discussed herein is part of the Transforming Families community and has children who are transgender and/or gender expansive.³ They describe in their own words: (1) their families, (2) what it means to them to see transgender and gender expansive representation, and (3) how a ruling in favor or against Petitioner Ms. Cooper may impact their lives.

³ As used in this brief, the term "gender-expansive" is used as an umbrella term that includes individuals who identify as nonbinary, gender fluid, genderqueer, and gender expansive.

ARGUMENT

I. The Families of Transforming Families.

There are families in Minnesota that are particularly aware of changes in public accommodation that relate to gender. For families with transgender and gender non-conforming children, they must be. These decisions impact how their children experience childhood, how they grow to be adults, and how they envision they fit into adulthood.

Below is an introduction to seven such families and what they would like the Court to know about them.

A. Alex, Sara, and Brett⁴

Alex is a 16-year-old trans swimmer who came out in the seventh grade. He lives in Bloomington, Minnesota, with his parents, Sara and Brett, and his little brother, Brody. “I would say my parents just put me in swimming so I wouldn’t drown,” Alex said. Little did his parents know, but swimming would become a large part of his childhood and their family.

In the fourth grade, Alex began swimming competitively. He swam on gendered girls’ swim teams until he entered high school and began swimming on the boys’ team. He spends summers working as a lifeguard at a big swim park. When

⁴ To protect the privacy and safety of the families, several families are identified by pseudonyms, initials, or just their first names.

his shift ends, he heads to swim with his swim team. “I’m around water all the time because it’s just comforting,” he said. He thinks he will likely swim in college, too.

“It’s been a journey just us trying to support him and meet him where he is at,” Brett explained. “There have been some people who have been confused, but we have gotten a lot of support from both sides of our family.” A few extended family members were worried about how other kids would react. Other kids have not been an issue.

Brett pointed out that Alex’s younger brother and his friends have been very accepting. When they asked Brody, “didn’t you used to have an older sister?” Brody only had to say, “I have an older brother now.” Alex explained that his friends were supportive, too, and his swim team did not care. “They care, but not in the bad sense of care,” Alex said. The family sees more resistance from adults. “There just isn’t as much questioning among the kids,” Brett said.

B. G.H. and A.H.

G.H. is a 13-year-old who identifies as gender fluid and gender queer, and uses he and they pronouns. G.H. lives in Minnesota with their younger brother, J.H., and their mother, A.H., and their three dogs Zaley, Stella, and Neville. G.H. is very active and enjoys biking, trampoline, baseball, basketball, kickboxing, and Elite Ninja Warrior training.

According to A.H., “G.H. wanted to express femininity from a very young age and always said, ‘I am a boy who likes girl stuff.’” When asked how she would best describe G.H., she said, “They have danced all over the gender spectrum.” Because A.H. identifies as part of the queer community and has surrounded her children with LGBTQ friends and community members, she did not initially think much about G.H.’s gender expression. But she vividly recalls how the experience of witnessing G.H. see the actor RuPaul for the first time changed her mind:

I remember seeing G.H.’s jaw drop. I think it was the first time he realized he was not alone in being a boy who likes girl things. I remember he asked me if he could meet other boys who like girl things. I realized it was not enough for me to support his gender expression; they needed to see others who were like them. That was when I reached out to other trans and genderqueer friends and was connected with Transforming Families.

A.H. believes her family’s involvement with Transforming Families has helped her and G.H. understand themselves better. A.H. has also cultivated an inclusive and diverse upbringing for G.H. As she describes, “I have sheltered him pretty well” so that G.H. knows nothing but an accepting environment filled with other LGBTQ people.

C. Harriet and Claire

Harriet, who is nine years old, will be going into fourth grade later this year. Harriet identifies as trans and nonbinary and uses they and them pronouns. They do not feel like a boy, or a girl, but rather “both.” In describing the confines of the

gender binary, Harriet explained that it's like "a pair of shoes that are too big or too small" and that neither boy nor girl "fits just right." Harriet came out to their parents in kindergarten, around age five. They live with their two brothers, who are six and three, as well as their dad, and their mom, Claire. They enjoy swimming, bowling, soccer, playing with their brothers, and traveling to the family cabin—as many Minnesotans do—during the summer. Harriet has played on an all-gender soccer team through Minneapolis Parks and Recreation for several years and has been playing on the 10u team this summer. About their soccer team, Harriet says, "It feels good that, like all genders, can be there."

D. Hildie and Hannah

Fourteen-year-old Hildie is an actress, activist, singer, performer, self-proclaimed "theatre kid," and the youngest Grand Marshal for the Twin Cities Pride Parade. She lives in the Twin Cities with her mother, Hannah, father, Dave, and younger sister Dahlia—whom Hildie affectionately described as her biggest supporter. Hannah is currently the Executive Director at Transforming Families, and Dave founded and owns Gender Inclusive Schools. Dave started the company to utilize his expertise after the family's experience at Hildie's charter school.

Hildie has been very feminine for as long as she can remember. According to her, "Being a boy felt icky. I feel like I always kind of knew. When I was two or three, I would wrap towels around my head to create long hair or wrap scarves

around myself to wear as dresses.” When she was old enough to really vocalize how she felt, she told her parents things like, “In my heart I am a girl.” Hildie described her parents’ reaction as “so gentle” that it was a surprise when she got to the classroom and experienced bullying and non-acceptance. In kindergarten, she was bullied for having sparkle shoes, a pink scarf, and other feminine accessories. Hannah explained that, “We did not initially choose to be public. We were forced to be public when Hildie was in kindergarten” and had an awful experience at a charter school. Hannah and Dave filed a human rights claim against Hildie’s charter school that resulted in a six-figure settlement and policy changes.

Hildie transferred to a new school in first grade, where she initially did not tell anyone that she was transgender. Toward the end of first grade, the class read the book *I Am Jazz*, and when Hildie’s teacher asked if anyone had any thoughts they wanted to share, Hildie proudly shared, “I am trans too!” Hildie recalled, “I remember everyone being real chill. All my friends were fine and were just like, ‘ok, let’s go to recess.’” Hildie participated in sports when she was younger, including running on the girls’ track team. She never had to share that she was transgender. It was not out of fear but simply because no one asked, and she forgot to mention it. She joked, “Sometimes I forget I am trans; I am just used to it.”

E. Gretchen and Asher

Eight-year-old Asher is a transgender and nonbinary third grader who lives in Minneapolis and attends a Chinese immersion school. Asher enjoys science experiments, arts and crafts projects, speaking Chinese with friends, going to the beach, and playing video games such as *Super Smash Brothers* with their older brother Ronin. Asher and their family have been involved with Transforming Families for the last two years, and Asher especially enjoys seeing their trans and nonbinary friends from Transforming Families at events.

Asher was assigned male at birth, but according to their mother, Gretchen, “they expressed from a young age feeling more like a sister or daughter.” For example, as a two- and three-year-old, Asher loved the movie *Frozen* and dressing up and singing like the main character Elsa. When Asher was four, they informed their daycare teacher that they were a girl and wanted to be called she and her. Until around last year, Asher identified as a trans girl and used she/her pronouns, but now prefers they/them pronouns. As Gretchen explained, “Asher tells me that they still often feel more like a sister or daughter, but because they present more feminine, it frustrates Asher when people think they are a cisgender girl. They prefer they/them to let people know who they are from the get-go.”

F. Luke and Megan

Luke is a wise and thoughtful fifteen-year-old transman who will be entering his sophomore year of high school this fall. He is learning to drive and lives with his parents, his twin sister, his younger sister, and two dogs. Luke does not remember a time when he “didn’t feel like a boy” and shares that he had “a lot of support [from his family] so it wasn’t really a problem.” While Luke used she/her pronouns in kindergarten and first grade, Luke socially transitioned to identifying as a boy in the second grade. Luke “couldn’t imagine if [he] had to be a girl knowing he wasn’t.” Luke enjoys several hobbies and sports including snowboarding, golf, playing guitar and videogames, as well as writing. At age twelve, Luke wrote and published a book about his gender identity journey. He hopes that sharing his story will ease some of the fear people feel about transgender people and help make other trans kids’ lives a little bit easier.

Around the time Luke was in kindergarten, he wanted to play hockey. Initially, his family understood that it was going to be a co-ed team, which “made him feel comfortable, because at the time he was using she/her pronouns, but certainly expressed and felt very much like a boy.” However, there were enough kids to separate the team out into a boys’ team and a girls’ team. Because at the time Luke was using she/her pronouns and had a feminine name, he was put on the girls’ team. He felt alright with it, “until they said the girls’ team was going to wear pink

[jerseys].” Luke still wanted to stay on the team and go to all the practices, but he did not want to play during matches wearing the pink jersey because it would not have felt authentic to him and his gender identity. Luke’s mom Megan shared that at the time, Luke said, “It wouldn’t feel like you’d be watching *me*.” Fortunately, the team was accepting and allowed Luke to switch to the boys’ team “and [he] really enjoyed it.”

Luke also played baseball for several years, mainly on the boys’ team. In middle school, he decided to quit baseball, to his mom’s relief. “As the parent of a trans kid, I was relieved that he stopped playing baseball when he did. He was at the point where the kids were going to start being in the locker room. That was something that worried me,” Megan shared.

Luke has been golfing with his dad since he was a little kid and currently plays on his high school’s golf team. Though he is a bit younger than the other players, Luke feels welcome on the team and enjoys that it has allowed him to make new friends. “You can make friends because then you can golf with them. So that’s like an easy thing that you can do. It’s hard for me to go golfing with someone and not have fun because it is not like it’s ever going to get awkward because you’re golfing.”

G. G.W. and M.W.

G.W. is a trans woman who grew up in Minnesota with supportive parents and siblings. After she shared with her family who she was, what followed felt natural. “My grandmother took me makeup shopping. My mother showed me all these different things,” G.W. explained. “It wasn’t that I was learning how to pass as a woman. It was, rather, suddenly being able to experience things that for the longest time I’d only viewed behind a pane of glass: something that I had for the longest time seen others be involved in, something that part of me thought, ‘I know how to do this: I can do this,’ but never had the chance to.”

G.W. appears to the outside world as a binary femme-presenting woman. Her family had good access to medical care for her transition, and she took puberty-blockers before she entered puberty. Now a college student in a conservative state, those in G.W.’s sorority and her college do not know she is trans. That is how G.W. prefers it, for now.

“I, in a different world, would love to identify as trans. I would. I’d love to have that label on me for people to see that journey, and almost maybe see a little bit of respect in it,” she said. But, in the places she wants to be, “laying low is how people stay safe.” M.W.—G.W.’s father—provides security services for a firm in the Twin Cities. He became involved with Transforming Families when G.W. decided to become more private.

“I thought if I could do anything—if I could leverage any of my white middle-aged privilege to do anything—now should be the time,” he said. He strives to maintain G.W.’s safety and privacy, while sharing the family’s experiences with other Minnesota families.

II. Representation is Vital to Helping Young Trans and Gender Expansive Youth Envision a Thriving and Happy Future.

Each family has shared the role representation has played in their lived experiences. For some, it is who they see on television or in the sports they play. For others, the families have seen how their own representation has changed other people’s futures. As Alex’s mom, Sara, aptly said, “You know what you know.” Representation allows people to know more about the lives of trans and gender-expansive people, and in doing so, representation also helps combat the stigma that trans and gender expansive people face in society. Each family longs for the day when seeing a trans adult athlete does not cause panic and pushback, but rather, no reaction at all.

When the media and news are filled with tragic stories of violence against the transgender, nonbinary, and gender expansive community,⁵ it is vital for youth to be

⁵ Courts have recognized that transgender persons are too often “targeted for violence” based on gender identity. *See, e.g., In re E.P.L.*, 891 N.Y.S.2d 619, 621 (Sup. Ct. 2009); *Hersom v. Crouch*, No. 2:21-CV-00450, 2022 WL 908503, at *1 (S.D.W. Va. Mar. 28, 2022) (“A person’s transgender status is a highly sensitive and personal matter and revealing it can subject them to mental and physical

able to see examples of transgender joy, belonging, and success. Representation of transgender, nonbinary, and gender expansive individuals in sports, media, and government allows kids to see themselves in those roles and to feel comfortable in their gender identities. As described by the families, representation of transgender, nonbinary, and gender expansive individuals not only uplifts and benefits kids who identify as members of the LGBTQ community, but all kids—including cisgender and heterosexual young people—benefit from seeing people accepted and affirmed for being who they are. Indeed, a more inclusive society benefits all members and helps protect those most vulnerable from bullying and violence.

A. Alex, Sara, and Brett

Alex and his family know that representation matters because they have seen what Alex’s swimming has done for others. “Brett and myself have been approached by different people, saying their son or daughter chose not to swim because they identified as transgender or gender fluid, because they felt like they didn’t really fit,” Alex’s mother, Sara said. Those parents or grandparents come up to her. “When they see Alex, it means a lot to them because they’re like, ‘I’m going to tell my grandchild or my child about him, that here he is doing something he enjoys.’”

harm.”); *Doe v. Independence Blue Cross*, No. CV-22-2412, 2022 WL 2905252, at *3 (E.D. Pa. July 22, 2022) (transgender woman’s fears of “insults, isolation, and assaults” are “real and reasonable” because transgender people “suffer abuse, mocking, harmful media comments, estrangement, suicide, and murder”).

Representation matters a lot to Alex, too. His face lit up when he spoke about what it was like to see another trans swimmer on a boys' high school team at a meet in February. He thinks his reaction was funny, in retrospect. "I was shocked. I was like, oh my god," Alex said. Alex identified him because they both wore tech suits while everyone else was in speedos. "So we look across, and we just point at each other." They then started talking, and it was nice to see someone else like him.

B. G.H. and A.H.

A.H. believes that representation has greatly impacted the trajectory of G.H.'s life. She shared, "From seeing RuPaul and Prince to meeting other boys that like girls' things, it said to them, 'You are not alone; there are people like you.'" Representation helped G.H. connect more with their identity and understand themselves better because "it gave them the language to understand that this is an identity and not just behavior."

G.H. has also benefited from co-ed and non-gendered spaces. In particular, they thrived as part of the Elite Ninja Warriors where athletes train and participate together and are not separated by gender. G.H. shared, "I started Ninja Warriors when I was in second grade. I love it and have great friends." And A.H. confirmed, "It is truly great that it is not divided by gender. My family does not have to worry about any microaggressions or exclusion that sometimes come up in other sports."

Unfortunately, not all athletic spaces have accepted G.H. A.H. recalled a difficult experience when G.H. first wanted to participate in Girls on The Run (GOTR):

When G.H. learned about it, they were really excited and wanted to run with their friends but G.H. was not allowed to because of an outdated policy on transgenderism. It was really hard as a parent to have your child excluded from something they really want to do.

Thanks to A.H.'s advocacy, however, G.H. was allowed to participate the following year.

C. Harriet and Claire

When asked how it felt to see nonbinary or trans people in sports, Harriet shared that it made them feel like the world “is opening up to more people” and that it feels like the world isn’t saying that you have to be “not trans” to do this or “cis to do this.” When they are included in spaces where they are not misgendered, and in particular with other young people who are nonbinary, Harriet eloquently stated that they feel like “I’m a baby bird setting flight for the first time.” Harriet hopefully imagines a world where they are not constantly misgendered or reminded of their differences.

D. Hildie and Hannah

For Hildie, the importance of transgender representation is at the center of her advocacy. Around 2021 and 2022, Hildie heard about transgender youth being banned from sports. Her sadness turned to anger, and she decided that “she really wanted to start speaking out.” Hildie’s advocacy includes giving testimony at the

state capitol in support of the Trans Refuge Bill, serving as a Youth Ambassador for the Human Rights Campaign, receiving the Youth Activist of the Year award from Twin Cities Pride, and acting in stories about queer youth. Hildie hopes that through her advocacy she will inspire other transgender and gender diverse youth. “I can’t be the only trans kid that is speaking out. I want to inspire other trans kids to speak out, too,” Hildie shared.

Although Hildie has taken it upon herself to be the change she wants to see in the world, she explains that:

In times of struggle, when I feel like I will never be safe because of transphobia, I turn on RuPaul’s Drag Race and see a transgender woman living her best life possible and winning the show, and I love that. As a kid, I loved Disney princesses, and if I saw even one transgender Disney princess, I would feel like oh my gosh, this is all okay.

Seeing transgender representation in sports, media, and politics also benefits cisgender youth. As Hannah explained, “My youngest daughter, Dahlia, is cisgender and I have seen her benefit from seeing representation too. Cisgender youth also benefit from seeing people openly being themselves and being accepted and supported exactly as they are.”

E. Gretchen and Asher

Seeing transgender representation makes Asher “feel happy and excited.” One such example is Representative Leigh Finke, whom Asher adores and is deeply inspired by. When their mom Gretchen mentioned Representative Finke, Asher lit

up and shared the following: “She inspires me, I like her, and I love her as a friend. Recently, I went to Washington, D.C., to go to the Whitehouse lawn. When I saw her there, I dropped all my things and ran to give her a big hug.” Representative Finke and other transgender and nonbinary role models not only serve as a source of inspiration and hope, but as a reminder that things will get better. Asher shared that:

Sometimes I talk to my mommy that I want to switch from being transgender because going to the bathroom is really hard and I get bullied and people don’t respect me or my pronouns. But we talk about how much I love to play with my trans friends.

Gretchen added, “When Asher gets bullied, we talk about trans elders like Representative Finke, and that helps make them feel better.”

The representation of thriving and happy transgender people is important not just in sports but in all aspects of life. For example, Gretchen shared that during the same trip to Washington, D.C. where they saw Representative Finke:

We also saw a family with parents that were transgender. It meant a lot to me to see transgender folks parenting and living what appeared to be a normal quiet life. It is helpful for parents of transgender kids to know that our transgender kids can have as normal or exciting lives just like our cisgender kiddos.

F. Luke and Megan

Seeing trans representation in sports, leadership, and media generally is important to Luke. For him, it “shows that there’s a good future that these people have made for themselves, and it makes it easier for future generations to be able to do that.” He added that it makes him hopeful, and he “likes to see that they’re able

to make it that far and do well.” Trans representation, including seeing a transgender contestant on the show *Survivor* and meeting transgender adults that his mom knows, makes Luke feel “good because if it is hard for him then it must have been hard for them — we can get through anything because it is getting easier.” As a writer, one example that stands out is when Luke was able to meet the actor and author Elliot Page and hear Elliot talk about his own journey as a transman. Megan recalled that Luke gave Elliot a copy of the book that Luke wrote and inscribed it with a “heartwarming message.” “It was something like, ‘Thank you so much for being so visible with your story because it makes it easier for kids like me to feel more open to sharing our stories.’”

G. G.W. and M.W.

Before G.W. transitioned, participating in sports was the last thing she wanted to do. That changed with her transition. Soon after, she wanted to join the tennis team and cheerleading squad. “I think what people don’t understand about the trans experience is this is as new and confusing for us as it is for everyone around us,” G.W. said. Suddenly, activities look different. They can happen as one’s true self, which for G.W., finally let her be a kid. “Sports were a pivotal part of my development, not because I was trans, but because I was a child,” G.W. said.

M.W. supported G.W.’s participation in sports: “I felt so strongly about athletics accommodating her, because it’s where she wanted to be. It wasn’t about

imposing herself on anybody, it was about going where she always wanted to be and finally feeling comfortable to do so.” G.W. and M.W. suspect most of her opponents in tennis did not know she was trans but supporting G.W. meant having her bloodwork with him in case someone confronted his daughter.

During high school, G.W. captained the women’s tennis team and co-captained the cheerleading squad. “I was mediocre at best. I was not elected to those positions for my skills whatsoever. No way. But I think I was likable.” G.W. said. She is concerned that media makes it seem like trans athletes want to enter sports to take over or dominate. Instead, she said people are looking for the benefits everyone might find in sports. She would like less conflict with trans participation in athletics, which might come from more exposure to trans people playing sports.

III. The Impact Permitting Discrimination in Public Accommodations Has on These Families.

The Court of Appeals erroneously found that *Goins v. West Group*, 635 N.W.2d 717 (Minn. 2001), supported Respondent’s position that Minnesota law permits separating and segregating transgender women from other women based on transgender status. *See Cooper v. USA Powerlifting*, 5 NW.3d 689, 704 (Minn. Ct. App. 2024) (discussing *Goins*). If this Court upholds the Court of Appeals’ order, it will harm trans and gender non-conforming youth across Minnesota. A ruling against Petitioner Ms. Cooper would potentially make it less safe and more difficult

for them to be out and visible, and could totally deprive them from participating in activities and spaces that they enjoy and love.

Each of the youth interviewed acknowledged and expressed some degree of negative personal and social impact resulting from exclusion based on their chosen gender. Each also raised the stress, sadness, disappointment, anxiety, and other negative emotions invoked by the prospect of their government failing to protect them and ensure their civil rights. For these families, a more inclusive Minnesota means a more hopeful, happy, and equitable Minnesota, to the benefit of all.

A. Alex, Sara, and Brett

Alex is on an inclusive team with other swimmers and their families who welcome and support him in various ways. The whole family cannot share enough positive remarks about the team. But Alex still encounters people who wish his team would discriminate against him.

A coach from another team approached him at a swim meet and argued he should not compete. “Well, honestly, I mean, it hurts,” Alex said. In all his time swimming on the boys’ team, he’s only once been accused of cheating by another child.

“It’s crazy, because it’s not even kids. It’s adults who come up to a child. And it’s just like ‘you don’t belong here. Please go,’” he said. “I just think that it is

absolutely crazy: like, you are an adult.” He tells himself it’s a compliment, that all his hard work is paying off and they are worried because he is getting good.

Sara and Brett joined the swimming board. They wanted to be visible, and they hoped people would come to them and not Alex to express concerns. They have noticed that only people who do not know their son approach him in anger. “They don’t even know him, don’t know his story, aren’t part of his team,” Sara said.

Alex is impacted by the stories of discrimination from around the country. He recalled one vividly about a trans boy not being able to compete at a swim meet. He is grateful to be in a place that does not keep him from swimming on a team that matches his true gender. That this discrimination happens anywhere in athletics is troubling for him. “If I didn’t do swimming, I would probably be pretty sad,” Alex said.

B. G.H. and A.H.

As a parent of two LGBTQ youth, A.H. has worked hard to create an inclusive and accepting community for her children. In doing so, she has witnessed the immense benefits of representation for LGBTQ kids and believes that a ruling in favor of Petitioner Ms. Cooper—that is, a ruling that affirms her identity as a female athlete—could create a more inclusive and supportive society for transgender youth in Minnesota. She emphasized:

The big thing that I have noticed, especially being immersed in queer culture and community, is how key and important it is when kids are

culturally affirmed. They don't have other mental health issues. They don't generally have harm, so when they do experience bullying—like, for example, some jerky kid on a video game, which is inevitably going to happen—that does not phase them that much if, overall, their world is healthy and accepting. If we were like that, the dramatic impact it could have is incredible.

C. Harriet and Claire

Despite their young age, Harriet has an acute awareness of how this case will impact both them and other trans and nonbinary individuals. Harriet shared their disbelief and disappointment that such cases take so long for courts to determine: “I just think it’s so ridiculous that it takes them this long just to think... it’s okay to say that it’s discriminating when someone gets mistreated just because they’re transgender. It could just like take an hour!”

Claire adds that exclusion on the basis of gender is a way for “people to exert power and control, and to also kind of determine who can and can’t be involved” in certain spaces. In her view, the focus on trans individuals in sports is “hysterics” and used as a “fake way to ‘protect’ cis women. But what we know is when we make things more inclusive for one group, we’ve really made it more inclusive for everyone.” The goal is that these rulings “hopefully will make it more expansive for nonbinary, trans, and gender expansive folk. We know that this is going to make it more inclusive for cisgender people, too.”

D. Hildie and Hannah

Hildie does not currently participate in sports, but she has been on track and dance teams in the past. She shared, “I am terrible at sports. I was only there for that feeling of being part of a team. And the Skittles from the concession stand.” Although Hildie does not participate in sports anymore, she has transgender friends who love sports, and she believes that many transgender youth, “are not joining these teams to dominate the sport, but because they love the sport, want to be part of a team, and spend time with their friends.”

Hildie believes that attacks on transgender athletes are rooted in sexism and transphobia. She explained, “The lawmakers making these laws never cared about women’s sports at all. It goes back to sexist rhetoric that men are stronger than women. It is intersectional—not just a trans issue but a women’s issue—and it harms everyone.” According to Hannah and Hildie, these attacks also “feel like a really scary giant step backward” and are not only “harmful and disheartening,” but “open the door for further discrimination not just in sports.”

E. Gretchen and Asher

Asher has played soccer and gymnastics and is considering trying out for basketball. They also have not fully ruled out powerlifting in the future. When asked how they would feel if Petitioner Ms. Cooper is allowed to participate in USA Powerlifting as a woman, Asher responded, “I would be happy for her and excited

to watch her play.” On the contrary, if Ms. Cooper is not allowed to compete as a woman, Asher said, “I would feel very sad, and I would not like that because what would that mean for me if I want to lift weights when I grow up?” As the parent of a transgender and nonbinary child, Gretchen would feel hopeful and as if her family is accepted if Ms. Cooper is allowed to compete in the women’s division. An adverse ruling would make her question whether Minnesota is truly accepting of transgender people and whether it makes sense to raise her family in the state.

F. Luke and Megan

Growing up trans and with the fear of discrimination has already negatively impacted Luke in some ways. Luke notes that it can be difficult to make friends as a trans kid because “a lot of people have strong opinions, so you’re very cautious,” and that you “have to start to wonder how people would feel about it [being trans] because at some point they’re gonna know...it’s hard to get close to people because of that.” He went on to note that it’s the “same with the government lately... I have to be worried about what the government is going to say or do about trans people.” Ultimately, Luke sometimes sees his trans identity as “one more thing you feel like people have to look past.” He hopes that someday people will stop seeing being transgender as something political or negative and instead consider it just another characteristic about someone “like what color hair they have.”

Luke also noted how rulings like the Court of Appeals' can negatively impact behavior towards trans people like himself:

It gets so disrespectful, to a point where it kind of feels like they're just attacking the person's identity. And... it's kind of hard to see, because if people think that there's any reason to [be disrespectful] they really go overboard. I mean, some of the things that people say about trans people that want to compete in sports has nothing to do with the sport. They're just being mean. And it is just hard to see because people kind of let it happen when they disagree with somebody.... That's kind of what I see with this and cases like this, is that it seems like a way for people to kind of be rude to trans people.

G. G.W. and M.W.

The laws of a state impact trans people's ability to participate in sports at all levels. In college, G.W. does not play tennis. "I went to school in a more conservative state, and it would have been illegal for me to play on their tennis team," G.W. explained. "If we had had a co-ed tennis team, I would have been on it. I would have been awful, but I would have been on it."

G.W. does not plan to take up powerlifting. "I have no plans of going into a strength-dominated sport. My boyfriend knows just as well as anyone that my dream is to be a stay-at-home mom," G.W. said. "I have to have him help me move [out of the sorority at the end of the term]." But she thinks the impact of a case like this is much broader. Each space of discrimination and isolation impacts how young trans kids see themselves in society. And the death of trans kids—kids who are trying to see how they can fit into the world—is a significant problem in the country. "It's

very easy to write off the deaths of people that for a long time you deemed inferior,” she said. But these are kids, and each time discrimination is upheld, it impacts how they see themselves and their futures.

“It’s hard, because I don’t think you can underestimate the undercurrent of deep misogyny in the anti-trans rhetoric. One of the reasons my daughter is palatable is because she fits a binary narrative that makes people comfortable.” M.W. said. “She looks like what we expect girls to look like.” But both he and G.W. are aware that this is not the experience of every trans person. There is different discrimination that comes to those who did not have access to healthcare or were not able to transition until they were later in life. “It is an entire spectrum, but in the public discourse, and certainly legally, it tends to be not discussed as a spectrum,” M.W. said. “A marginalized elite athlete powerlifter will ultimately marginalize my daughter, who looked exactly safe and was a mediocre tennis player.”

CONCLUSION

This Court should follow the plain language of the MHRA that prohibits separating and segregating transgender women and men from cisgender women and men based on transgender status and rule in Petitioner Ms. Cooper’s favor.

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Respectfully submitted,

/s/ Claire Tralle

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