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15 *Attorneys for Proposed Intervenors*

17 **UNITED STATES DISTRICT COURT**  
18 **EASTERN DISTRICT OF CALIFORNIA (FRESNO DIVISION)**

20 JANINE CHANDLER, et al.,

21 Plaintiffs,

22 v.

23 CALIFORNIA DEP'T OF CORRECTIONS  
AND REHABILITATION, et al.,

24 Defendants.

Case No. 1:21-cv-01657-JLT-HBK

**PROPOSED ANSWER TO  
PLAINTIFFS' COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

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1 Proposed Intervenors Transgender Gender-Variant & Intersex Justice  
2 Project, Kelli Blackwell, Katie Brown, Tremayne Carroll, and Jennifer Rose, as  
3 required by Federal Rule of Civil Procedure 24(c) and in order to satisfy their  
4 obligations thereunder, and without prejudice to their ability to assert any motion  
5 under Federal Rule of Civil Procedure 12(b), by and through their undersigned  
6 counsel, hereby respond to the Complaint for Declaratory and Injunctive Relief of  
7 Plaintiffs Janine Chandler, Krystal Gonzalez, Tomiekia Johnson, Nadia Romero,  
8 and Woman II Woman. Proposed Intervenors deny each and every allegation,  
9 averment, statement, and assertion of the Complaint not specifically admitted  
10 herein.

11 **NATURE OF ACTION**

12 1. Paragraph 1 contains Plaintiffs' characterization of this action, to which no  
13 response is required. To the extent a response is required, Proposed Intervenors lack  
14 knowledge or information sufficient to form a belief as to the truth or falsity of the  
15 allegations in Paragraph 1, and on that basis deny those allegations.

16 2. The allegations in Paragraph 2 consist of legal arguments and conclusions  
17 to which no response is required. To the extent that a response is required, Proposed  
18 Intervenors deny the allegations in Paragraph 2. To the extent that Plaintiffs purport  
19 to characterize the contents of S.B. 132, that document is the best evidence of its  
20 own contents.

21 3. The allegations in Paragraph 3 consist of legal arguments and conclusions  
22 to which no response is required. To the extent that a response is required, Proposed  
23 Intervenors deny the allegations in Paragraph 3. To the extent that Plaintiffs purport  
24 to characterize the contents of S.B. 132, that document is the best evidence of its  
25 own contents.

26 4. The allegations in Paragraph 4 consist of legal arguments and conclusions  
27 to which no response is required. To the extent a response is required, Proposed  
28

1 Intervenor deny the allegations in Paragraph 4.

2 5. Proposed Intervenor lack sufficient knowledge or information to form a  
3 belief as to the truth or falsity of the allegations in Paragraph 5 and on that basis deny  
4 those allegations.

5 6. Proposed Intervenor lack sufficient knowledge or information to form a  
6 belief as to the truth or falsity of the allegations in Paragraph 6 and on that basis deny  
7 those allegations.

8 7. Proposed Intervenor lack sufficient knowledge or information to form a  
9 belief as to the truth or falsity of the allegations in Paragraph 7 and on that basis deny  
10 those allegations.

11 8. Proposed Intervenor lack sufficient knowledge or information to form a  
12 belief as to the truth or falsity of the allegations in Paragraph 8 and on that basis deny  
13 those allegations. Proposed Intervenor further deny the implied allegation that  
14 persons “who claim a ‘gender identity of female’” are men.

15 9. Proposed Intervenor lack sufficient knowledge or information to form a  
16 belief as to the truth or falsity of the allegations in Paragraph 9 and on that basis deny  
17 those allegations.

18 10. Proposed Intervenor lack sufficient knowledge or information to form a  
19 belief as to the truth or falsity of the allegations in Paragraph 10 and on that basis  
20 deny those allegations. To the extent that Plaintiffs purport to summarize the  
21 contents of the United Nations Standard Minimum Rules for the Treatment of  
22 Prisoners, that document is the best evidence of its own contents.

23 11. Proposed Intervenor lack sufficient knowledge or information to form a  
24 belief as to the truth or falsity of the allegations in Paragraph 11 and on that basis  
25 deny those allegations.

26 12. Proposed Intervenor deny the allegations in Paragraph 12.

27 13. The allegations in Paragraph 13 consist of legal arguments and conclusions  
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1 to which no response is required. To the extent that a response is required, Proposed  
2 Intervenor deny the allegations in Paragraph 13. To the extent that Plaintiffs  
3 purport to characterize the contents of S.B. 132, that document is the best evidence  
4 of its own contents.

5 14. The allegations in Paragraph 14 consist of legal arguments and conclusions  
6 to which no response is required. To the extent a response is required, Proposed  
7 Intervenor deny the allegations in Paragraph 14.

8 15. Proposed Intervenor deny the implied allegation that “the category  
9 ‘women’” is limited only to those persons assigned female at birth. The remaining  
10 allegations in Paragraph 15 consist of legal arguments and conclusions to which no  
11 response is required. To the extent a response is required, Proposed Intervenor deny  
12 the allegations in Paragraph 15.

13 16. Proposed Intervenor deny the implied allegation that “those who self-  
14 identify as ‘transgender, nonbinary, or intersex’” are cisgender men. The remaining  
15 allegations in Paragraph 16 consist of legal arguments and conclusions to which no  
16 response is required. To the extent a response is required, Proposed Intervenor deny  
17 the allegations in Paragraph 16.

18 17. Proposed Intervenor deny that “men as a class” are defined and  
19 differentiated from “women as a class” by their “anatomy, genitalia, physical  
20 characteristics, and physiology.” The remaining allegations in Paragraph 17 consist  
21 of legal arguments and conclusions to which no response is required. To the extent  
22 a response is required, Proposed Intervenor deny the allegations in Paragraph 17.  
23 To the extent that Plaintiffs purport to quote from and characterize S.B. 132, that  
24 document is the best evidence of its own contents.

25 18. Proposed Intervenor deny the implied allegation that those persons who  
26 transfer to women’s facilities under S.B. 132 are cisgender men. Proposed  
27 Intervenor further deny the implied allegation that transgender women who are not  
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1 heterosexual necessarily suffer from a "paraphilia" or any other type of mental  
2 disorder. The remaining allegations in Paragraph 18 consist of legal arguments and  
3 conclusions to which no response is required. To the extent a response is required,  
4 Proposed Intervenor deny the allegations in Paragraph 18. To the extent that  
5 Plaintiffs purport to quote from and characterize S.B. 132, that document is the best  
6 evidence of its own contents.

7 19. Proposed Intervenor deny the implied allegation that those persons who  
8 transfer to women's facilities under S.B. 132 are cisgender men. The remaining  
9 allegations in Paragraph 19 consist of legal arguments and conclusions to which no  
10 response is required. To the extent a response is required, Proposed Intervenor deny  
11 the allegations in Paragraph 19. To the extent that Plaintiffs purport to quote from  
12 and characterize S.B. 132, that document is the best evidence of its own contents.

13 20. Proposed Intervenor deny the implied allegation that those persons who  
14 transfer to women's facilities under S.B. 132 are cisgender men. The remaining  
15 allegations in Paragraph 20 consist of legal arguments and conclusions to which no  
16 response is required. To the extent a response is required, Proposed Intervenor deny  
17 the allegations in Paragraph 20.

18 21. The allegations in Paragraph 21 consist of legal arguments and conclusions  
19 to which no response is required. To the extent a response is required, Proposed  
20 Intervenor deny the allegations in Paragraph 21.

21 22. The allegations in Paragraph 22 consist of legal arguments and conclusions  
22 to which no response is required. To the extent a response is required, Proposed  
23 Intervenor deny the allegations in Paragraph 22. To the extent that Plaintiffs  
24 purport to quote from and characterize S.B. 132, that document is the best evidence  
25 of its own contents.

26 23. The allegations in Paragraph 23 purport to quote from and characterize  
27 S.B. 132. That document is the best evidence of its own contents.

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1 24. The allegations in Paragraph 24 consist of legal arguments and conclusions  
2 to which no response is required. To the extent a response is required, Proposed  
3 Intervenor deny the allegations in Paragraph 24. To the extent that Plaintiffs  
4 purport to quote from and characterize S.B. 132, that document is the best evidence  
5 of its own contents.

6 25. Proposed Intervenor deny the allegations in Paragraph 25.

7 26. Proposed Intervenor deny the implied allegation that intersex is not a valid  
8 identity. The remaining allegations in Paragraph 26 consist of legal arguments and  
9 conclusions to which no response is required. To the extent a response is required,  
10 Proposed Intervenor deny the allegations in Paragraph 26.

11 27. The allegations in Paragraph 27 purport to quote from and characterize  
12 S.B. 132. That document is the best evidence of its own contents.

13 28. The allegations in Paragraph 28 purport to quote from and characterize  
14 S.B. 132. That document is the best evidence of its own contents.

15 29. The allegations in Paragraph 29 purport to quote from and characterize  
16 S.B. 132. That document is the best evidence of its own contents.

17 30. The allegations in Paragraph 30 consist of legal arguments and conclusions  
18 to which no response is required. To the extent a response is required, Proposed  
19 Intervenor deny the allegations in Paragraph 30. To the extent that Plaintiffs  
20 purport to quote from and characterize S.B. 132, that document is the best evidence  
21 of its own contents.

22 31. Proposed Intervenor deny the implied allegation that transgender,  
23 genderqueer, gender fluid, nonbinary and intersex persons are cisgender men. The  
24 remaining allegations in Paragraph 31 consist of legal arguments and conclusions to  
25 which no response is required. To the extent a response is required, Proposed  
26 Intervenor deny the allegations in Paragraph 31.

27 32. Proposed Intervenor deny the implied allegation that transgender,  
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1 genderqueer, gender fluid, nonbinary and intersex persons are cisgender men. The  
2 remaining allegations in Paragraph 32 consist of legal arguments and conclusions to  
3 which no response is required. To the extent a response is required, Proposed  
4 Intervenor deny the allegations in Paragraph 32.

5 33. Proposed Intervenor deny the implied allegation that those persons who  
6 transfer to women’s facilities under S.B. 132 are cisgender men. The remaining  
7 allegations in Paragraph 33 consist of legal arguments and conclusions to which no  
8 response is required. To the extent a response is required, Proposed Intervenor deny  
9 the allegations in Paragraph 33.

10 34. Proposed Intervenor deny the allegation that “it is precisely a combination  
11 of anatomy, genitalia, and physical characteristics that differentiate men from  
12 women[.]” Proposed Intervenor also deny the allegation that “human beings” are  
13 “sexually dimorphic, divided into males and females each with reproductive  
14 systems, hormones, and chromosomes that result in significant differences between  
15 men[] and women[.]” The remaining allegations in Paragraph 34 consist of legal  
16 arguments and conclusions to which no response is required. To the extent a  
17 response is required, Proposed Intervenor deny the allegations in Paragraph 34.

18 35. The allegations in Paragraph 35 consist of legal argument and conclusions  
19 to which no response is required. To the extent a response is required, Proposed  
20 Intervenor deny the allegations in Paragraph 35.

21 36. Proposed Intervenor deny the implied allegation that those persons who  
22 transfer to women’s facilities under S.B. 132 are cisgender men. Proposed  
23 Intervenor admit that at least some individuals who applied for transfer under S.B.  
24 132 have been required to complete a class. Proposed Intervenor also admit that  
25 CDCR staff has failed to timely process many requests submitted under S.B. 132.  
26 Proposed Intervenor admit that the Undersecretary of Operations, CDCR testified  
27 before the Senate Rules Committee in August of 2021. Proposed Intervenor lack  
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1 knowledge or information sufficient to form a belief as to their truth or falsity of the  
2 remaining allegations in sub-paragraphs (a) through (d) and on that basis deny those  
3 allegations. The remaining allegations in Paragraph 36 consist of legal arguments  
4 and conclusions to which no response is required.

5 37. Proposed Intervenor deny the implied allegation that those persons who  
6 transfer to women's facilities under S.B. 132 are cisgender men. The remaining  
7 allegations in Paragraph 37 consist of legal arguments and conclusions to which no  
8 response is required. To the extent a response is required, Proposed Intervenor deny  
9 the allegations in Paragraph 37.

10 38. The allegations in Paragraph 38 consist of legal arguments and conclusions  
11 to which no response is required. To the extent a response is required, Proposed  
12 Intervenor deny the allegations in Paragraph 38.

13 39. Proposed Intervenor deny the implied allegation that those persons who  
14 transfer to women's facilities under S.B. 132 are cisgender men. Proposed  
15 Intervenor lack knowledge or information sufficient to form a belief as to the truth  
16 or falsity of the remaining allegations in Paragraph 39, and on that basis deny those  
17 allegations.

18 40. Proposed Intervenor deny the implied allegation that those persons  
19 seeking transfer under S.B. 132 are cisgender men. The remaining allegations in  
20 Paragraph 40 consist of legal arguments and conclusions to which no response is  
21 required. To the extent a response is required, Proposed Intervenor deny the  
22 allegations in Paragraph 40.

23 41. The allegations in Paragraph 41 consist of legal arguments and conclusions  
24 to which no response is required. To the extent a response is required, Proposed  
25 Intervenor deny the allegations in Paragraph 41.

26 42. Proposed Intervenor deny the implied allegation that those persons who  
27 transfer to women's facilities under S.B. 132 are cisgender men. Proposed  
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1 Intervenor lack knowledge or information sufficient to form a belief as to the truth  
2 or falsity of the remaining allegations in Paragraph 42, and on that basis deny those  
3 allegations.

4 43. Proposed Intervenor deny the implied allegation that those persons who  
5 transfer to women's facilities under S.B. 132 are cisgender men. Proposed  
6 Intervenor lack knowledge or information sufficient to form a belief as to the truth  
7 or falsity of the remaining allegations in Paragraph 43, and on that basis deny those  
8 allegations.

9 44. Proposed Intervenor deny the implied allegation that those persons who  
10 transfer to women's facilities under S.B. 132 are cisgender men. Proposed  
11 Intervenor lack knowledge or information sufficient to form a belief as to the truth  
12 or falsity of the remaining allegations in Paragraph 44, and on that basis deny those  
13 allegations.

14 45. Proposed Intervenor deny the implied allegation that those persons who  
15 transfer to women's facilities under S.B. 132 are cisgender men. Proposed  
16 Intervenor lack knowledge or information sufficient to form a belief as to the truth  
17 or falsity of the remaining allegations in Paragraph 45, and on that basis deny those  
18 allegations.

19 46. Proposed Intervenor deny the implied allegation that those persons who  
20 transfer to women's facilities under S.B. 132 are cisgender men. Proposed  
21 Intervenor lack knowledge or information sufficient to form a belief as to the truth  
22 or falsity of the remaining allegations in Paragraph 46, and on that basis deny those  
23 allegations.

24 47. Proposed Intervenor deny the implied allegation that those persons who  
25 transfer to women's facilities under S.B. 132 are cisgender men. Proposed  
26 Intervenor lack knowledge or information sufficient to form a belief as to the truth  
27 or falsity of the remaining allegations in Paragraph 47, and on that basis deny those  
28

1 allegations.

2 48. Proposed Intervenor deny the implied allegation that those persons who  
3 transfer to women’s facilities under S.B. 132 are cisgender men. Proposed  
4 Intervenor lack knowledge or information sufficient to form a belief as to the truth  
5 or falsity of the remaining allegations in Paragraph 48, and on that basis deny those  
6 allegations.

7 49. Proposed Intervenor deny the implied allegation that those persons who  
8 transfer to women’s facilities under S.B. 132 are cisgender men. The remaining  
9 allegations in Paragraph 49 consist of legal arguments and conclusions to which no  
10 response is required. To the extent a response is required, Proposed Intervenor deny  
11 the allegations in Paragraph 49.

12 50. Proposed Intervenor deny the implied allegation that those persons who  
13 transfer to women’s facilities under S.B. 132 are cisgender men. The remaining  
14 allegations in Paragraph 50 consist of legal arguments and conclusions to which no  
15 response is required. To the extent a response is required, Proposed Intervenor lack  
16 knowledge or information sufficient to form a belief as to the truth or falsity of the  
17 allegations in Paragraph 50, and on that basis deny those allegations.

18 51. The allegations in Paragraph 51 consist of legal arguments and conclusions  
19 to which no response is required. To the extent a response is required, Proposed  
20 Intervenor deny the allegations in Paragraph 51. To the extent that Plaintiffs  
21 purport to quote from and characterize CDCR’s “Senate Bill 132 FAQs” and the  
22 Prison Rape Elimination Act and its implementing regulations, those documents are  
23 the best evidence of their own contents.

24 52. Paragraph 52 purports to quote from and characterize a previous version  
25 of CDCR’s Prison Rape Elimination Policy in its Operations Manual. That  
26 document is the best evidence of its own contents.

27 53. Proposed Intervenor deny the implied allegation that those persons who  
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1 transfer to women’s facilities under S.B. 132 are cisgender men. The remaining  
2 allegations in Paragraph 53 consist of legal arguments and conclusions to which no  
3 response is required. To the extent a response is required, Proposed Intervenor deny  
4 the allegations in Paragraph 53. To the extent that Plaintiffs purport to quote from  
5 and characterize the Prison Rape Elimination Act, its implementing regulations and  
6 CDCR’s Operations Manual, those documents are the best evidence of their own  
7 contents.

8 54. Proposed Intervenor deny the implied allegation that those persons who  
9 transfer to women’s facilities under S.B. 132 are cisgender men. Proposed  
10 Intervenor lack knowledge or information sufficient to form a belief as to the truth  
11 or falsity of the remaining allegations in Paragraph 54, and on that basis deny those  
12 allegations.

13 55. Proposed Intervenor deny the implied allegation that those persons who  
14 transfer to women’s facilities under S.B. 132 are cisgender men. The remaining  
15 allegations in Paragraph 55 consist of legal arguments and conclusions to which no  
16 response is required. To the extent a response is required, Proposed Intervenor deny  
17 the allegations in Paragraph 55. To the extent that Plaintiffs purport to quote from  
18 and characterize CDCR’s Operations Manual and S.B. 132, those documents are the  
19 best evidence of their own contents.

20 56. Proposed Intervenor deny the implied allegation that those persons who  
21 transfer to women’s facilities under S.B. 132 are cisgender men. The remaining  
22 allegations in Paragraph 56 consist of legal arguments and conclusions to which no  
23 response is required. To the extent a response is required, Proposed Intervenor deny  
24 the allegations in Paragraph 56. To the extent that Plaintiffs purport to characterize  
25 the Prison Rape Elimination Act and/or its implementing regulations, those  
26 documents are the best evidence of their own contents.

27 57. Proposed Intervenor deny the implied allegation that those persons who  
28

1 transfer to women’s facilities under S.B. 132 are cisgender men. The remaining  
2 allegations in Paragraph 57 consist of legal arguments and conclusions to which no  
3 response is required. To the extent a response is required, Proposed Intervenor deny  
4 the allegations in Paragraph 57. To the extent that Plaintiffs purport to quote from  
5 and characterize the Prison Rape Elimination Act, its implementing regulations, and  
6 S.B. 132, those documents are the best evidence of their own contents.

7 58. Proposed Intervenor deny the implied allegation that those persons who  
8 transfer to women’s facilities under S.B. 132 are cisgender men. The remaining  
9 allegations in Paragraph 58 consist of legal arguments and conclusions to which no  
10 response is required. To the extent a response is required, Proposed Intervenor deny  
11 the allegations in Paragraph 58.

12 59. Proposed Intervenor deny the implied allegation that those persons who  
13 transfer to women’s facilities under S.B. 132 are cisgender men. The remaining  
14 allegations in Paragraph 59 consist of legal arguments and conclusions to which no  
15 response is required. To the extent a response is required, Proposed Intervenor deny  
16 the allegations in Paragraph 59.

17 60. Proposed Intervenor deny the implied allegation that those persons who  
18 transfer to women’s facilities under S.B. 132 are cisgender men. Proposed  
19 Intervenor deny the implied allegation that any individual in CDCR custody does  
20 not have a gender identity. The remaining allegations in Paragraph 60 consist of  
21 legal arguments and conclusions to which no response is required. To the extent a  
22 response is required, Proposed Intervenor deny the allegations in Paragraph 60.

23 61. Proposed Intervenor deny the implied allegation that those persons who  
24 transfer to women’s facilities under S.B. 132 are cisgender men. Proposed  
25 intervenors deny the implied allegation that transgender women are “men.”  
26 Proposed intervenors deny that incarcerated transgender women have higher rates  
27 of committing sexual offenses than incarcerated men. Proposed intervenors deny  
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1 the allegation that persons with mental illnesses are more likely to inflict violence,  
2 including sexual violence. The remaining allegations in Paragraph 61 consist of  
3 legal arguments and conclusions to which no response is required. To the extent a  
4 response is required, Proposed Intervenor deny the allegations in Paragraph 61.

5 62. Proposed Intervenor deny the implied allegations that those persons who  
6 transfer to women's facilities under S.B. 132 are cisgender men and that those who  
7 transfer to men's facilities under S.B. 132 are cisgender women. The remaining  
8 allegations in Paragraph 62 consist of legal arguments and conclusions to which no  
9 response is required. To the extent a response is required, Proposed Intervenor deny  
10 the allegations in Paragraph 62.

11 63. Proposed Intervenor deny the implied allegation that those persons who  
12 transfer to women's facilities under S.B. 132 are cisgender men. The remaining  
13 allegations in Paragraph 63 consist of legal arguments and conclusions to which no  
14 response is required. To the extent a response is required, Proposed Intervenor deny  
15 the allegations in Paragraph 63.

16 64. The allegations in Paragraph 64 consist of legal arguments and conclusions  
17 to which no response is required. To the extent a response is required, Proposed  
18 Intervenor deny the allegations in Paragraph 64.

19 **JURISDICTION AND VENUE**

20 65. The allegations in Paragraph 65 consist of legal arguments and conclusions  
21 to which no response is required. To the extent a response is required, Proposed  
22 Intervenor admit that this Court has subject matter jurisdiction over Plaintiffs'  
23 federal claims under the United States Constitution and 28 U.S.C. § 1331.

24 66. The allegations in Paragraph 66 consist of legal arguments and conclusions  
25 to which no response is required. To the extent a response is required, Proposed  
26 Intervenor deny the allegations in Paragraph 66.

27 67. The allegations in Paragraph 67 consist of legal arguments and conclusions  
28

1 to which no response is required. To the extent a response is required, Proposed  
2 Intervenor lack sufficient knowledge or information to form a belief as to the truth  
3 or falsity of the allegations in Paragraph 67 and on that basis deny those allegations,  
4 except that Proposed Intervenor admit CCWF and CIW are California state prisons  
5 operated by Defendant CDCR, and CCWF is located in this District.

6 68. The allegations in Paragraph 68 consist of legal arguments and conclusions  
7 to which no response is required. To the extent a response is required, Proposed  
8 Intervenor lack sufficient knowledge or information to form a belief as to the truth  
9 or falsity of the allegations in Paragraph 68 and on that basis deny those allegations.

10 **PARTIES**

11 69. Proposed Intervenor lack sufficient knowledge or information to form a  
12 belief as to the truth or falsity of the allegations in Paragraph 69 and on that basis  
13 deny those allegations.

14 70. Proposed Intervenor lack sufficient knowledge or information to form a  
15 belief as to the truth or falsity of the allegations in Paragraph 70 and on that basis  
16 deny those allegations.

17 71. Proposed Intervenor lack sufficient knowledge or information to form a  
18 belief as to the truth or falsity of the allegations in Paragraph 71 and on that basis  
19 deny those allegations.

20 72. Proposed Intervenor lack sufficient knowledge or information to form a  
21 belief as to the truth or falsity of the allegations in Paragraph 72 and on that basis  
22 deny those allegations.

23 73. Proposed Intervenor lack sufficient knowledge or information to form a  
24 belief as to the truth or falsity of the allegations in Paragraph 73 and on that basis  
25 deny those allegations.

26 74. Proposed Intervenor lack sufficient knowledge or information to form a  
27 belief as to the truth or falsity of the allegations in Paragraph 74 and on that basis  
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1 deny those allegations.

2 75. Proposed Intervenor's lack sufficient knowledge or information to form a  
3 belief as to the truth or falsity of the allegations in Paragraph 75 and on that basis  
4 deny those allegations.

5 76. The allegations in Paragraph 76 consist of legal arguments and conclusions  
6 to which no response is required. To the extent a response is required, Proposed  
7 Intervenor's lack sufficient knowledge or information to form a belief as to the truth  
8 or falsity of the allegations in Paragraph 76 and on that basis deny those allegations.

9 77. Proposed Intervenor's admit that CDCR is an agency of the State of  
10 California and is responsible for the operation of the California state prison system,  
11 including CIW and CCWF. Proposed Intervenor's also admit that S.B. 132 mandates  
12 and proscribes specific conduct by CDCR. Proposed Intervenor's lack sufficient  
13 knowledge or information to form a belief as to the truth or falsity of the remaining  
14 allegations in Paragraph 77 and on that basis deny those allegations.

15 78. Proposed Intervenor's admit that Kathleen Allison is currently Secretary of  
16 CDCR. The remaining allegations in Paragraph 78 are legal arguments and  
17 conclusions to which no response is required. The extent a response is required,  
18 Proposed Intervenor's lack sufficient knowledge or information to form a belief as to  
19 the truth or falsity of the allegations in Paragraph 78 and on that basis deny those  
20 allegations.

21 79. Proposed Intervenor's admit that Michael Pallares is currently acting  
22 Warden of CCWF. The remaining allegations in Paragraph 79 are legal arguments  
23 and conclusions to which no response is required. The extent a response is required,  
24 Proposed Intervenor's lack sufficient knowledge or information to form a belief as to  
25 the truth or falsity of the allegations in Paragraph 79 and on that basis deny those  
26 allegations.

27 80. Proposed Intervenor's deny that Mona D. Houston is the current warden of  
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1 CIW. The remaining allegations in Paragraph 80 are legal arguments and  
2 conclusions to which no response is required. The extent a response is required,  
3 Proposed Intervenors lack sufficient knowledge or information to form a belief as to  
4 the truth or falsity of the allegations in Paragraph 80 and on that basis deny those  
5 allegations.

6 **FIRST CLAIM FOR RELIEF**

7 **(FOR DECLARATORY JUDGMENT THAT S.B. 132 VIOLATES THE**  
8 **EIGHTH AMENDMENT TO THE U.S. CONSTITUTION)**

9 81. Proposed Intervenors incorporate by reference each of the foregoing  
10 responses.

11 82. The allegations in Paragraph 82 consist of legal arguments and conclusions  
12 to which no response is required. To the extent a response is required, Proposed  
13 Intervenors deny the allegations in Paragraph 82.

14 83. The allegations in Paragraph 83 consist of legal arguments and conclusions  
15 to which no response is required. To the extent a response is required, the Eighth  
16 Amendment and interpreting caselaw speak for themselves.

17 84. Proposed Intervenors deny the implied allegation that those persons who  
18 transfer to women's facilities under S.B. 132 are cisgender men. The remaining  
19 allegations in Paragraph 84 consist of legal arguments and conclusions to which no  
20 response is required. To the extent a response is required, Proposed Intervenors deny  
21 the allegations in Paragraph 84.

22 85. The allegations in Paragraph 85 consist of legal arguments and conclusions  
23 to which no response is required. To the extent a response is required, Proposed  
24 Intervenors deny the allegations in Paragraph 85.

25 86. Proposed Intervenors lack sufficient knowledge or information to form a  
26 belief as to the truth or falsity of the allegations in Paragraph 86 and on that basis  
27 deny those allegations.

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1 87. The allegations in Paragraph 87 consist of legal arguments and conclusions  
2 to which no response is required. To the extent a response is required, Proposed  
3 Intervenor deny the allegations in Paragraph 87.

4 88. Proposed Intervenor deny the implied allegation that those persons who  
5 transfer to women's facilities under S.B. 132 are cisgender men. The remaining  
6 allegations in Paragraph 88 consist of Plaintiffs' request for relief, to which no  
7 response is required. To the extent a response is required, Proposed Intervenor deny  
8 that Plaintiffs are entitled to such relief.

9 **SECOND CLAIM FOR RELIEF**

10 **(FOR DECLARATORY JUDGMENT THAT S.B. 132 VIOLATES THE**  
11 **FIRST AMENDMENT TO THE U.S. CONSTITUTION)**

12 89. Proposed Intervenor incorporate by reference each of the foregoing  
13 responses.

14 90. The allegations in Paragraph 90 consist of legal arguments and conclusions  
15 to which no response is required. To the extent a response is required, Proposed  
16 Intervenor deny the allegations in Paragraph 90. To the extent that Plaintiffs  
17 purport to characterize S.B. 132, that document is the best evidence of its own  
18 contents.

19 91. Proposed Intervenor deny the implied allegation that those persons who  
20 transfer to women's facilities under S.B. 132 are cisgender men. The remaining  
21 allegations in Paragraph 91 consist of legal arguments and conclusions to which no  
22 response is required. To the extent a response is required, Proposed Intervenor deny  
23 the allegations in Paragraph 91.

24 92. Proposed Intervenor deny the implied allegation that those persons who  
25 transfer to women's facilities under S.B. 132 are cisgender men. Proposed  
26 Intervenor lack sufficient knowledge or information to form a belief as to the truth  
27 or falsity of the allegations in Paragraph 92 regarding Plaintiffs' complaints and  
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1 CDCR's responses to those complaints and on that basis deny those allegations. The  
2 remaining allegations in Paragraph 92 consist of legal arguments and conclusions to  
3 which no response is required. To the extent a response is required, Proposed  
4 Intervenor deny the allegations in Paragraph 92.

5 93. Proposed Intervenor deny the implied allegation that those persons who  
6 transfer to women's facilities under S.B. 132 are cisgender men. The remaining  
7 allegations in Paragraph 93 consist of legal arguments and conclusions to which no  
8 response is required. To the extent a response is required, Proposed Intervenor deny  
9 the allegations in Paragraph 93.

10 94. Proposed Intervenor deny the implied allegation that those persons who  
11 transfer to women's facilities under S.B. 132 are cisgender men. The remaining  
12 allegations in Paragraph 94 consist of legal arguments and conclusions to which no  
13 response is required. To the extent a response is required, Proposed Intervenor deny  
14 the allegations in Paragraph 94.

15 95. The allegations in Paragraph 95 consist of legal arguments and conclusions  
16 to which no response is required. To the extent a response is required, Proposed  
17 Intervenor deny the allegations in Paragraph 95.

18 96. The allegations in Paragraph 96 consist of legal arguments and conclusions  
19 to which no response is required. To the extent a response is required, Proposed  
20 Intervenor deny the allegations in Paragraph 96.

21 97. Proposed Intervenor deny the implied allegation that those persons who  
22 transfer to women's facilities under S.B. 132 are cisgender men. The remaining  
23 allegations in Paragraph 97 consist of Plaintiffs' request for relief, to which no  
24 response is required. To the extent a response is required, Proposed Intervenor deny  
25 that Plaintiffs are entitled to such relief.

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**THIRD CLAIM FOR RELIEF**  
**(FOR DECLARATORY JUDGMENT THAT S.B.132 VIOLATES THE  
EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT  
TO THE U.S. CONSTITUTION)**

98. Proposed Intervenor incorporate by reference each of the foregoing responses.

99. The allegations in Paragraph 99 consist of legal arguments and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations in Paragraph 99.

100. Proposed Intervenor deny the implied allegation that those persons who transfer to women’s facilities under S.B. 132 are cisgender men. The remaining allegations in Paragraph 100 consist of legal arguments and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations in Paragraph 100.

101. Proposed Intervenor deny the implied allegation that those persons who transfer to women’s facilities under S.B. 132 are cisgender men. The remaining allegations in Paragraph 101 consist of legal arguments and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations in Paragraph 101.

102. Proposed Intervenor deny the implied allegation that those persons who transfer to women’s facilities under S.B. 132 are cisgender men. The remaining allegations in Paragraph 102 consist of legal arguments and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations in Paragraph 102.

103. The allegations in Paragraph 103 consist of legal arguments and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations in Paragraph 103. To the extent that

1 Plaintiffs purport to characterize S.B. 132, that document is the best evidence of its  
2 own contents.

3 104. The allegations in Paragraph 104 consist of legal arguments and  
4 conclusions to which no response is required. To the extent a response is required,  
5 Proposed Intervenor deny the allegations in Paragraph 104.

6 105. The allegations in Paragraph 105 consist of Plaintiffs' request for relief, to  
7 which no response is required. To the extent a response is required, Proposed  
8 Intervenor deny that Plaintiffs are entitled to such relief.

9 **FOURTH CLAIM FOR RELIEF**

10 **(FOR DECLARATORY JUDGMENT THAT S.B. 132 VIOLATES**  
11 **ARTICLE 1 § 17 OF THE CALIFORNIA CONSTITUTION)**

12 106. Proposed Intervenor incorporate by reference each of the foregoing  
13 responses.

14 107. The allegations in Paragraph 107 consist of legal arguments and  
15 conclusions to which no response is required.

16 108. Proposed Intervenor deny the implied allegation that all persons applying  
17 for transfer to women's facilities under S.B. 132 are cisgender men. The remaining  
18 allegations in Paragraph 108 consist of legal arguments and conclusions to which no  
19 response is required. To the extent a response is required, Proposed Intervenor lack  
20 deny the allegations in Paragraph 108. To the extent that Plaintiffs purport to  
21 characterize S.B. 132, that document is the best evidence of its own contents.

22 109. The allegations in Paragraph 109 consist of legal arguments and  
23 conclusions to which no response is required. To the extent that a response is  
24 required, Proposed Intervenor deny the allegations in Paragraph 109.

25 110. Proposed Intervenor lack sufficient knowledge or information to form a  
26 belief as to the truth or falsity of the allegations in Paragraph 110 and on that basis  
27 deny those allegations.

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1 111. The allegations in Paragraph 111 consist of legal arguments and  
2 conclusions to which no response is required. To the extent a response is required,  
3 Proposed Intervenors deny the allegations in Paragraph 111.

4 112. The allegations in Paragraph 112 consist of Plaintiffs' request for relief, to  
5 which no response is required. To the extent a response is required, Proposed  
6 Intervenors deny that Plaintiffs are entitled to such relief.

7 **FIFTH CLAIM FOR RELIEF**

8 **(FOR DECLARATORY JUDGMENT THAT S.B. 132 VIOLATES**  
9 **ARTICLE 1 § 2 OF THE CALIFORNIA CONSTITUTION)**

10 113. Proposed Intervenors incorporate by reference each of the foregoing  
11 responses.

12 114. Paragraph 114 purports to quote from and characterize the California  
13 Constitution. That document is the best evidence of its own contents.

14 115. Proposed Intervenors deny the implied allegation that transgender women  
15 are men. The remaining allegations in Paragraph 115 consist of legal arguments and  
16 conclusions to which no response is required. To the extent a response is required,  
17 Proposed Intervenors deny the allegations in Paragraph 115. To the extent that  
18 Plaintiffs purport to quote from and characterize S.B. 132, that document is the best  
19 evidence of its own contents.

20 116. Proposed Intervenors deny the implied allegation that those who have been  
21 or may eventually be housed in women's facilities under S.B. 132 are men. The  
22 remaining allegations in Paragraph 116 consist of legal arguments and conclusions  
23 to which no response is required. To the extent a response is required, Proposed  
24 Intervenors deny the allegations.

25 117. Proposed Intervenors deny the implied allegation that transferees to  
26 women's facilities under S.B. 132 are cisgender men. The remaining allegations in  
27 Paragraph 117 consist of legal arguments and conclusions to which no response is  
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1 required. To the extent a response is required, Proposed Intervenor deny the  
2 allegations in Paragraph 117.

3 118. The allegations in Paragraph 118 consist of legal arguments and  
4 conclusions to which no response is required. To the extent a response is required,  
5 Proposed Intervenor deny the allegations in Paragraph 118.

6 119. Proposed Intervenor deny the implied allegation that transgender,  
7 nonbinary, and intersex identities are invalid. The remaining allegations in  
8 Paragraph 119 consist of Plaintiffs' request for relief, to which no response is  
9 required. To the extent a response is required, Proposed Intervenor deny that  
10 Plaintiffs are entitled to such relief.

11 **SIXTH CLAIM FOR RELIEF**

12 **(FOR DECLARATORY JUDGMENT THAT S.B. 132 VIOLATES**  
13 **ARTICLE 1 § 4 OF THE CALIFORNIA CONSTITUTION)**

14 120. Proposed Intervenor incorporate by reference each of the foregoing  
15 responses.

16 121. Paragraph 121 purports to quote from and characterize the California  
17 Constitution. That document is the best evidence of its own contents.

18 122. Proposed Intervenor deny the implied allegation that individuals who are  
19 housed in women's facilities under S.B. 132 are cisgender men. The remaining  
20 allegations in Paragraph 122 consist of legal arguments and conclusions to which no  
21 response is required. To the extent a response is required, Proposed Intervenor deny  
22 the allegations in Paragraph 122.

23 123. Proposed Intervenor deny the implied allegation that human gender and  
24 sex are binary. The remaining allegations in Paragraph 123 consist of legal  
25 arguments and conclusions to which no response is required. To the extent that a  
26 response is required, Proposed Intervenor deny the allegations.

27 124. The allegations in Paragraph 124 consist of legal arguments and  
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1 conclusions to which no response is required. To the extent a response is required,  
2 Proposed Intervenor deny the allegations in Paragraph 124.

3 125. The allegations in Paragraph 125 consist of Plaintiffs' request for relief, to  
4 which no response is required. To the extent a response is required, Proposed  
5 Intervenor deny that Plaintiffs are entitled to such relief.

6 **SEVENTH CLAIM FOR RELIEF**

7 **(FOR DECLARATORY JUDGMENT THAT S.B. 132 VIOLATES**  
8 **ARTICLE 1 § 7 OF THE CALIFORNIA CONSTITUTION)**

9 126. Proposed Intervenor incorporate by reference each of the foregoing  
10 responses.

11 127. The allegations in Paragraph 127 consist of legal arguments and  
12 conclusions to which no response is required. To the extent that a response is  
13 required, Proposed Intervenor deny the allegations in Paragraph 127. To the extent  
14 that Plaintiffs purport to quote from and characterize S.B. 132, that document is the  
15 best evidence of its own contents.

16 128. The allegations in Paragraph 128 consist of legal arguments and  
17 conclusions to which no response is required. To the extent that a response is  
18 required, Proposed Intervenor deny the allegations in Paragraph 128.

19 129. The allegations in Paragraph 129 consist of legal arguments and  
20 conclusions to which no response is required. To the extent that a response is  
21 required, Proposed Intervenor deny the allegations in Paragraph 129.

22 130. Proposed Intervenor deny the implied allegation that individuals who  
23 transfer to women's facilities under S.B. 132 are cisgender men. The remaining  
24 allegations in Paragraph 130 consist of legal arguments and conclusions to which no  
25 response is required. To the extent that a response is required, Proposed Intervenor  
26 deny the allegations in Paragraph 130.

27 131. The allegations in Paragraph 131 consist of legal arguments and  
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1 conclusions to which no response is required. To the extent that a response is  
2 required, Proposed Intervenor deny the allegations in Paragraph 131. To the extent  
3 that Plaintiffs purport to quote from and characterize S.B. 132, that document is the  
4 best evidence of its own contents.

5 132. The allegations in Paragraph 132 consist of legal arguments and  
6 conclusions to which no response is required. To the extent a response is required,  
7 Proposed Intervenor deny the allegations in Paragraph 132.

8 133. The allegations in Paragraph 133 consist of Plaintiffs' request for relief, to  
9 which no response is required. To the extent a response is required, Proposed  
10 Intervenor deny that Plaintiffs are entitled to such relief.

11 **EIGHTH CLAIM FOR RELIEF**

12 **(FOR DECLARATORY JUDGMENT THAT S.B. 132 VIOLATES**  
13 **ARTICLE 1 § 1 OF THE CALIFORNIA CONSTITUTION)**

14 134. Proposed Intervenor incorporate by reference each of the foregoing  
15 responses.

16 135. Proposed Intervenor deny the implied allegation that individuals who  
17 transfer to women's facilities under S.B. 132 are cisgender men. The remaining  
18 allegations in Paragraph 135 consist of legal arguments and conclusions to which no  
19 response is required. To the extent that a response is required, Proposed Intervenor  
20 deny the allegations in Paragraph 135. To the extent that Plaintiffs purport to  
21 characterize provisions of the California Constitution, that document is the best  
22 evidence of its own contents.

23 136. The allegations in Paragraph 136 consist of legal arguments and  
24 conclusions to which no response is required. To the extent that a response is  
25 required, Proposed Intervenor deny the allegations in Paragraph 136.

26 137. Proposed Intervenor deny the implied allegation that individuals who  
27 transfer to women's facilities under S.B. 132 are cisgender men. The remaining  
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1 allegations in Paragraph 137 consist of legal arguments and conclusions to which no  
2 response is required. To the extent that a response is required, Proposed Intervenor  
3 deny the allegations in Paragraph 137.

4 138. The allegations in Paragraph 138 consist of legal arguments and  
5 conclusions to which no response is required. To the extent a response is required,  
6 Proposed Intervenor deny the allegations in Paragraph 138.

7 139. The allegations in Paragraph 139 consist of Plaintiffs' request for relief, to  
8 which no response is required. To the extent a response is required, Proposed  
9 Intervenor deny that Plaintiffs are entitled to such relief.

10 **NINTH CLAIM FOR RELIEF**  
11 **(FOR PERMANENT INJUNCTION)**

12 140. Proposed Intervenor incorporate by reference each of the foregoing  
13 responses. The allegations in Paragraph 140 consist of legal arguments and  
14 conclusions and Plaintiffs' request for relief, to which no response is required. To  
15 the extent a response is required, Proposed Intervenor deny the allegations in  
16 Paragraph 140 and deny that Plaintiffs are entitled to such relief.

17 **AFFIRMATIVE DEFENSES**

- 18 1. Plaintiffs have failed to state a claim upon which relief can be granted.  
19 2. Plaintiffs lack standing to assert the alleged claims.  
20 3. Plaintiffs' claims are barred, in whole or in part, because the relief  
21 Plaintiffs seek in this action would cause Defendants to violate the Equal Protection  
22 Clause of the U.S. Constitution, the Due Process Clause of the U.S. Constitution, the  
23 Eighth Amendment of the U.S. Constitution, and other applicable federal and state  
24 statutory provisions and regulations.  
25 4. Plaintiffs' claims are barred, in whole or in part, because they have suffered  
26 no injury.  
27 5. Plaintiffs' claims based on the California Constitution are barred because  
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1 the Court lacks subject matter jurisdiction to hear those claims.

2 6. Plaintiffs' claims that seek equitable relief are barred by the doctrine of  
3 unclean hands.

4 7. Proposed Intervenors hereby adopt and incorporate by reference any and  
5 all other defenses asserted or to be asserted by any other Defendant to the extent that  
6 Proposed Intervenors may share in such defense.

7 8. Proposed Intervenors reserve the right to raise additional affirmative  
8 defenses as may be established during discovery and by the evidence in this case.

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Dated: May 9, 2022

RESPECTFULLY SUBMITTED,

By: s/ Dimitri D. Portnoi

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