1 REPORTER'S RECORD VOLUME 2 OF 4 VOLUMES 2 TRIAL COURT CAUSE NO. D-1-GN-22-002569 3 PFLAG, INC., ET AL., IN THE DISTRICT COURT 4 Plaintiffs, 5 VS. TRAVIS COUNTY, TEXAS 6 GREG ABBOTT, ET EL., Defendants. 459TH JUDICIAL DISTRICT 7 8 9 10 11 12 HEARING ON MOTION FOR TEMPORARY INJUNCTION 13 14 15 16 17 18 19 20 On the 6th day of July, 2022, the following 21 proceedings came on to be heard in the above-entitled 22 and numbered cause before the Honorable Amy Clark 23 Meachum, Judge Presiding, held in Austin, Travis 24 County, Texas: 25 Proceedings reported by machine shorthand.

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25						

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1
    opinions on the science related to the treatment of
 2
    gender dysphoria in minors to give in this case?
 3
              Yes, I do.
 4
        Ο.
              Okay.
 5
                   MR. STONE: At this time, Your Honor,
 6
    defendants designate Dr. Cantor as an expert on the
 7
    science relating to the treatment of gender dysphoria
 8
    in minors.
 9
                   MR. GONZALEZ-PAGAN: Objection,
10
    Your Honor. Pursuant to Rule 705(b) of the Rules of
11
    Evidence, we're allowed to conduct a voir dire. I
12
    don't believe that enough has been presented.
13
                   THE COURT: You can conduct a voir dire
14
    at this moment, yes.
15
                   MR. GONZALEZ-PAGAN: And, Counsel, have
16
    you shared the exhibits with -- plaintiffs' exhibits
17
    with Dr. Cantor?
18
                   MR. STONE: We shared the exhibits that
19
    you provided to us previously.
20
                     VOIR DIRE EXAMINATION
21
    BY MR. GONZALEZ-PAGAN:
22
              Good afternoon, Dr. Cantor.
        Ο.
23
              Good afternoon.
        Α.
24
             You're not a physician, correct?
        Q.
25
             Correct.
        Α.
```

```
1
        Q.
             You do not hold any medical degree; is that
 2
    right?
 3
             Correct.
        Α.
 4
             You have only practiced clinical psychology in
        Q.
 5
    Canada; is that right?
 6
        Α.
             Correct.
 7
        Q.
              Earlier you referenced that you provided
 8
    testimony in a transgender rights -- in a case
 9
    involving transgender youth. Do you recall that?
10
        Α.
              Yes.
11
        Q.
              Are you familiar with the Eknes-Tucker v. Ivey
12
    case in Alabama?
13
              Yes.
        Α.
14
        Ο.
              You testified in a hearing in that case; is
15
    that correct?
16
        Α.
              Yes.
17
              Dr. Cantor, if you can open what's been
18
    designated as Plaintiffs' Exhibit 37.
19
                   MR. STONE: Yeah. Your Honor --
20
                   THE WITNESS: 37.
21
                   MR. STONE: -- we don't have 37.
22
    never been provided a copy of 37. This is one of --
23
    this is one of the supplemental things that came in
24
    this morning, and we -- we don't -- we don't even have
25
    a copy of it.
```

```
1
                   THE COURT: Let me see if I do.
2
                   MR. GONZALEZ-PAGAN: Just to clarify,
 3
    Your Honor, counsel has been provided a copy.
 4
    were rebuttal exhibits that in the interest of Cantor
 5
    were --
 6
                   THE COURT: Well, I don't think you can
7
    do rebuttal -- I also think it's not probably not
8
    proper on a voir dire to --
9
                   MR. GONZALEZ-PAGAN: Well, it goes -- it
10
    just goes to his qualifications, Your Honor.
11
                   MR. STONE: But --
12
                   MR. GONZALEZ-PAGAN: I can just -- I can
13
    ask the direct question without relying on the exhibit.
14
                   THE COURT: Yeah. Just -- let's not
15
    admit an exhibit at this time.
16
                   MR. GONZALEZ-PAGAN: Yeah. Your Honor --
17
                   THE COURT: Why don't you just ask
18
    questions.
19
              (BY MR. GONZALEZ-PAGAN) Dr. Cantor, have you
        Ο.
20
    reviewed the Court's decision in Eknes-Tucker?
21
        Α.
             Portions of it. Not in its entirety, no.
22
             Did you review the portions relating to
        Ο.
23
    yourself?
24
        Α.
             Yes.
25
             Okay. In the Court decision in Eknes-Tucker,
        Ο.
```

```
1
    the Court stated, Dr. Cantor admitted that his patients
 2
    are on average 30 years old. He had never provided
 3
    care to trans- -- to a transgender minor under the age
 4
    of 16. He had never diagnosed a child or adolescent
 5
    with gender dysphoria. He had never treated a child or
 6
    adolescent with gender -- for gender dysphoria. He had
7
    no personal experience monitoring patients receiving
 8
    transitioning medications, and he had no personal
 9
    knowledge of the assessments or treatment methodologies
10
    used at any Alabama gender clinic.
11
                  Do you recall that portion of the
12
    Eknes-Tucker decision?
13
             Yes, roughly.
        Α.
14
        Q.
             Do you dispute the Court's description of your
15
    experience?
16
        Α.
             I can't say that that's a complete --
17
             Is anything in --
        Q.
18
             I -- I -- the content of it is complete, but
        Α.
19
    removed from the context around it isn't exactly the
20
    full story.
21
        Q.
             It is not an incorrect representation; is that
22
    right?
23
        Α.
             Of that content of the decision, yes.
24
             Okay. And to follow up, do you have any
        Q.
25
    personal knowledge of the assessments or treatment
```

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methodologies used in Texas gender clinics?
         I don't believe any has made any official --
oh. Yes, there would -- no. There was a
recently-closed clinic in Texas which published a
report of the methods that it used, and it said it
used, I think it was, the Endocrine Society guidelines.
    Q.
         But you don't have any personal knowledge.
This is something you read in a study; is that correct?
         Personal knowledge? No.
         And you have not con- -- conducted any
original scientific research on the efficacy or safety
of the medical treatment of gender dysphoria; is that
right?
    Α.
        Not on that specific question for original
research, no. I've conducted comprehensive reviews of
the research in order to make theoretical conclusions
about it.
              MR. GONZALEZ-PAGAN: Your Honor, at this
point in time, we would object to the qualification of
Dr. Cantor as an expert. As the Court concluded in
Eknes-Tucker, which involved similar issues to the case
at hand, the Court gave very little weight to
Dr. Cantor's opinion regarding the treatment of gender
dysphoria.
              THE COURT: Well, but you just said
```

```
1
     going to take a ten-minute break, and I'll see
 2
    everybody back at 3:10.
 3
                   MR. GONZALEZ-PAGAN:
                                        Thank you,
 4
    Your Honor.
 5
                   THE COURT:
                               Thanks.
 6
                    (Recess was taken.)
 7
                   THE COURT: Dr. Cantor, if you're still
    with us, we're now going to have cross-examination.
 8
 9
                   MR. GONZALEZ-PAGAN:
                                         Thank you,
10
    Your Honor.
11
                        CROSS-EXAMINATION
12
    BY MR. GONZALEZ-PAGAN:
13
              Dr. Cantor, can you hear me?
         Q.
14
         Α.
              Yes, I can.
15
              Thank you. Earlier today you expressed some
16
     opinions pertaining to when a child with gender
17
     dysphoria will desist in their -- in their gender
18
     identification; is that right?
19
              Yes, roughly.
         Α.
20
              No medical treatment is recommended under any
21
     care model prior to Tanner Stage 2 of puberty; is that
22
    correct?
23
              It depends on what you consider a medical
24
     intervention.
25
              No puberty blockers are recommended prior to
        Ο.
```

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1
    Tanner Stage 2 of puberty; is that correct?
 2
        Α.
              Correct.
 3
             No hormone treatment is recommended prior to
        Ο.
 4
    Tanner Stage 2 of -- of puberty; is that correct?
 5
             Correct.
        Α.
 6
             No surgery is recommended prior to Tanner --
        Ο.
 7
    prior to puberty; is that correct?
 8
        Α.
             Correct.
 9
              Okay. The desistance studies to which you
        Ο.
10
    referred, and I believe there were 11, all pertained to
11
    prepubescent children; is that right?
12
              Well, I wouldn't call them a desistance study.
        Α.
13
    There were follow-up studies no matter what happened.
14
        Q.
             Did they all pertain to prepubescent children?
15
             The first set of 11 cohorts studies, yes.
        Α.
16
              Okay. Isn't it correct that these studies --
17
    the -- the youth that were the subjects of these
18
    studies were not diagnosed with gender dysphoria under
19
    the DSM-V?
20
              That's kind of a misleading question.
21
    there were several DSMs under effect over the past
22
    30 years, and the outcomes from the DSM-III, III-R, IV,
23
    and IV-TR were the same.
24
              It --
        Q.
25
              It takes --
        Α.
```

```
1
             All right.
        Q.
 2
             -- 10 to 15 years to --
 3
             Dr. Cantor, if you can --
        Ο.
 4
                   MR. GONZALEZ-PAGAN: I'm going to object
    based on narrative.
 5
 6
              (BY MR. GONZALEZ-PAGAN) Dr. Cantor, the
7
    question is --
8
                   MR. STONE: Your Honor --
 9
                   THE COURT: I -- I mean, I think the
10
    objection was nonresponsive, which I would sustain and
11
    narrative, yes.
12
                   MR. GONZALEZ-PAGAN: Thank you,
13
    Your Honor.
14
                   THE COURT: So the objection is
15
    sustained.
16
              (BY MR. GONZALEZ-PAGAN) Dr. Cantor, I -- I
17
    understand that there are various DSMs. I'm asking a
18
    very direct question. The desistance stu- -- the
19
    studies in which -- that follow prepubescent children
20
    that you indicated in support of desistance rates, the
21
    subject of those studies were not diagnosed with gender
22
    dysphoria under the DSM-V, correct?
23
             That's correct.
        Α.
24
             They were diagnosed with gender identity
        Q.
25
    dis- -- disorder under prior DSM versions; is that
```

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1
    correct?
 2
        Α.
             Yes.
 3
             And the diagnostic criteria of gender
        Ο.
 4
    dysphoria under the DSM-V differs from the diagnostic
 5
    criteria of gender identity disorder under those prior
 6
    DSM versions; is that right?
 7
        Α.
             Slightly, yes.
 8
             Okay. Dr. Cantor, do you agree that the
        Q.
 9
    number and percentage of adolescents with gender
10
    dysphoria who do not go on to identify as transgender
11
    is currently unknown?
12
        Α.
             Yes.
13
             Dr. Cantor, would you agree that under mo- --
        ο.
14
    any of the models of care, including the Dutch model,
15
    puberty blockers and hormone treatments are not
16
    recommended to be started until after the onset of --
17
    of puberty; is that correct?
18
             Correct.
        Α.
19
             Dr. Cantor, sexual orientation and gender
        Q.
20
    identity are distinct concepts; is that correct?
21
        Α.
             Yes.
22
             And a transgender person may identify as gay
        Ο.
23
    or lesbian; is that correct?
24
             Yes.
        Α.
25
             Dr. Cantor, you also made reference to a
        Q.
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in the affirmative?
         Again, I can't remember the exact question and
answer then, but the context -- but the authors of that
study themselves were -- noted that psychotherapy --
that they themselves couldn't use their own data to
suggest improvement because it was people who were
already doing well -- continuing to do well rather than
people who were doing poorly, then coming to do well.
         Okay. Dr. Cantor, you cannot cite to any
study showing that psychotherapy alone can resolve an
adolescent's gender dysphoria; is that correct?
         That's correct.
    Α.
              MR. GONZALEZ-PAGAN: That's it for
plaintiffs on cross, Your Honor.
                          Anything further from you?
              THE COURT:
              MR. STONE:
                          No, Your Honor.
              THE COURT:
                          Okay. Then, Doctor, you are
excused.
         You are free to disconnect yourself and free
to go.
        Thank you.
              MR. STONE:
                          Thank you, Dr. Cantor.
              THE WITNESS: My pleasure. Good luck,
everyone.
                          And, Your Honor, could I get
              MR. STONE:
a time check before we call our -- this is our last
witness.
```