

**Transgender Legal Defense & Education Fund, Inc.  
Transcend Legal, Inc.  
Equality Federation  
National LGBTQ Task Force  
Transgender Law Center  
GLAAD**

June 21, 2019

**SERVED VIA U.S. MAIL**

United States Court of Appeals for the Ninth Circuit  
125 South Grand Avenue  
Pasadena, CA 91105

**Re: IMDb.com, Inc. v. Becerra & SAG-AFTRA, Case Nos. 18-15463 & 18-15469; Joinder Letter In Lieu of Amicus Brief of Transgender Legal Defense & Education Fund, Inc., Transcend Legal, Inc., Equality Federation, National LGBTQ Task Force, Transgender Law Center, and GLAAD**

To the United States Court of Appeals for the Ninth Circuit:

Pursuant to Circuit Advisory Committee Note to Circuit Rule 29-1, we submit this letter to express our endorsement of and joinder in the factual statements and legal arguments submitted in the opening and reply briefs filed by Defendant-Intervenor-Appellant Screen Actors Guild-American Federation of Television and Radio Artists (“SAG-AFTRA”) [Docket Nos. 18 and 62], as well as the factual statements and arguments submitted in the *amici curiae* briefs filed, respectively, by the AARP Foundation [Docket No. 24], and the Studio Transportation Drivers, Local Union No. 399 of the International Brotherhood of Teamsters [Docket No. 25].

The Transgender Legal Defense & Education Fund, Inc. (“TLDEF”) is a 501(c)(3) nonprofit whose mission is to end discrimination and achieve equality for transgender people, particularly those in our most vulnerable communities. Transgender people have been subject to pervasive discrimination that has kept them, with rare exceptions, hidden from public view. While this discrimination has begun to lessen, transgender people still experience much prejudice and violence. TLDEF works to end workplace discrimination against transgender, nonbinary, and

gender non-conforming people, along with many other efforts to advance the rights of this community.

Transcend Legal, Inc. is a national nonprofit organization that cultivates equitable social, medical and legal recognition of transgender people by offering culturally competent, transgender-led legal representation, public policy advocacy, community empowerment, and public education. In recognition of the importance of having accurate identity documents to access basic things such as employment and health care, Transcend Legal works to ensure that all transgender people in New York have access to legal name and gender changes.

Equality Federation is a national nonprofit organization that strategically partners with state-based organizations advocating for LGBTQ people to work collaboratively on critical issues, including advancing workplace fairness and family recognition. It focuses on issues that affect how LGBTQ people experience the world from cradle to grave and, together with its partners, works on cross-cutting issues impacting the community such as racial equity, reproductive justice, and immigration. Equality Federation's advocacy program partners with leaders to stand up for the community and advance protections for LGBTQ people in state legislatures, where hundreds of bills affecting the community are introduced every year.

The National LGBTQ Task Force is the country's oldest national LGBTQ advocacy group. It advances full freedom, justice, and equality for LGBTQ people. It seeks to build a future where everyone can be free to be their entire selves in every aspect of their lives. Today, despite all the progress that has been made to end discrimination, millions of LGBTQ people face barriers in every aspect of their lives: in employment, housing, healthcare, retirement, and basic human rights. These barriers must go. That's why the Task Force focuses on training and mobilizing millions of activists across the nation to press for legislative, policy, and cultural changes at the local, state, and federal level. For those in the transgender community, the selection of a name is a vital aspect of being one's true self; respect for and use of that name by others should be a matter of course.

Transgender Law Center ("TLC") is the largest national trans-led organization advocating self-determination for all people. Grounded in legal expertise and committed to racial justice, TLC employs a variety of community-driven strategies to keep transgender and gender non-conforming ("TGNC") people alive, thriving, and fighting for liberation. TLC believes that TGNC people hold the resilience, brilliance, and power to transform society at its root, and that the people most

impacted by the systems TLC fights must lead this work. TLC builds power within TGNC communities, particularly communities of color and those most marginalized, and lays the groundwork for a society in which all people can live safely, freely, and authentically – regardless of gender identity or expression. TLC works to achieve this goal through leadership development and by connecting TGNC people to legal resources. It also pursues impact litigation and policy advocacy to defend and advance the rights of TGNC people, transform the legal system, minimize immediate threats and harms, and educate the public about issues impacting our communities.

GLAAD rewrites the script for LGBTQ acceptance. As a dynamic media force, GLAAD tackles tough issues to shape the narrative and provoke dialogue that leads to cultural change. GLAAD protects all that has been accomplished and creates a world where everyone can live the life they love. Among other things, GLAAD works to bring LGBTQ characters and plotlines to movie theaters, television sets and even comic books to ensure accurate and diverse representations of LGBTQ people. Related to the respectful and accurate representation and participation of transgender and gender non-conforming people in the entertainment industry is their right and ability to use – and for all others to respect and adopt – the name with which they identify, including in credits and biographies.

Transgender, nonbinary, and gender non-conforming people face tremendous obstacles to securing fair and steady employment. Pervasive discrimination limits their options. Difficulties obtaining gender-appropriate identity documents add to the problem, even for those who are not visibly transgender. Those who can secure employment often face on-the-job harassment because of their gender identity and expression. Daily matters that are routine for non-transgender employees – such as complying with gendered dress codes or using sex-specific restrooms – can become sources of contention and friction when transgender and gender non-conforming employees are subject to unwarranted scrutiny and differential treatment. The result is a community that is disproportionately underemployed, unemployed, and poor.

As has been recently reported, plaintiff-appellee IMDb.com, Inc. (“IMDb”) has been recalcitrant when it comes to the issue of publicizing the birth names of transgender individuals in the entertainment industry without their consent. (*See, e.g.,* <https://www.indiewire.com/2019/04/imdb-harms-transgender-actor-actress-birth-name-lgbt-1202055599/>). The World Professional Association for Transgender Health recognizes that name changes are important in alleviating gender dysphoria, and among those familiar with transgender individuals, it is considered extremely disrespectful to publicize or use someone’s old name without

their consent. Transgender people describe the impact of willful use of their old name as negatively impacting job prospects, causing feelings of dysphoria, and invalidating who they are as individuals. Yet, IMDb continues to publish the birth names of transgender talent without their consent. They do so despite removal requests, complaints, and even lobbying from management and advocacy groups.

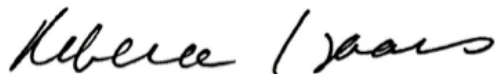
We endorse the position of SAG-AFTRA and its *amici* in upholding the constitutionality of AB 1687 because IMDb has exhibited a similarly defiant attitude with respect to publishing actors' and other industry professionals' ages and birthdates without those individuals' consent. As with transgender individuals' birth names, the nonconsensual dissemination of ages and birthdates all too often facilitates and perpetuates discrimination in the entertainment industry. People in this industry should have control over the decision to publish such information. IMDb's policies and practices deprive people of that choice and thus encourage unlawful discrimination. For these reasons, we respectfully join SAG-AFTRA and its *amici* in urging that the District Court's decision be reversed, and that the constitutionality of AB 1687 be affirmed.

Sincerely,



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Noah Lewis  
Executive Director  
Transgender Legal Defense &  
Education Fund, Inc.



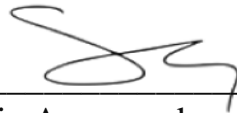
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Rebecca Isaacs  
Executive Director  
Equality Federation



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Lynly S. Egyes, Esq.  
Legal Director  
Transgender Law Center



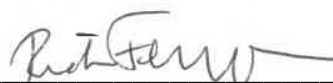
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Charlie Arrowood  
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Stacey Long Simmons  
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Richard Ferraro  
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