

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

Case Type: Discrimination

JayCee Cooper,

Court File No.: _____

Judge: _____

Plaintiff,

vs.

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

**USA Powerlifting; and
USA Powerlifting Minnesota,**

Defendants.

Plaintiff JayCee Cooper through her attorneys, Jess Braverman and Christy L. Hall, of Gender Justice, 200 University Ave West, Suite 200, St. Paul, Minnesota 55103, and David Schlesinger and Matthew A. Frank of Nichols Kaster, PLLP, 80 S 8th St. Suite 4700, Minneapolis, MN 55402, for her Complaint against Defendants USA Powerlifting (“USAPL”) and USA Powerlifting Minnesota (“USAPL MN”) states and alleges as follows:

INTRODUCTION

JayCee Cooper is a competitive women’s powerlifter who lives in Minneapolis, Minnesota. She began competing in powerlifting in 2018 and fell in love with the sport. Ms. Cooper sees powerlifting as a way to find strength within herself, and has found a home in the community of strong supportive women who come together around a shared love of sport.

In 2018 Ms. Cooper trained to compete in the USAPL Minnesota State Bench Press Championship, which took place on January 19, 2019, and in the Minnesota Women’s State

Championship, which took place on February 16, 2019. On December 5, 2018, USAPL emailed Ms. Cooper, informing her that she could not compete because she is transgender. USAPL then revoked her competition card, which means that she was not eligible to compete in future USAPL events. USAPL MN then went on to hold both championship events, at which all transgender women athletes were prohibited from competing.

At the time of its decision, USAPL had no express policy regarding participation in competition by transgender athletes. After informing Ms. Cooper that she would not be allowed to compete because she is transgender and revoking her competition card, USAPL issued a formal policy categorically banning all transgender women from participating in USAPL competitions.

USAPL's ban on transgender women is an outlier among international, national, and local sports organizations. The Olympic Games, the most widely recognized elite international sports competition in the world, has adopted policies to permit transgender athletes to compete. At the time of her exclusion from USAPL, Ms. Cooper had more than met the requirements to be permitted to compete in the Olympic Games. Transgender athletes are also welcome to compete in international and national elite organizations that regulate strength sports such as the International Powerlifting Federation, the International Weightlifting Federation, USA Weightlifting, Strongman Corporation, the Canadian Powerlifting Union, and the CrossFit Games. Locally, transgender student athletes can compete at the college and high school levels because both the NCAA and the Minnesota State High School League have formally adopted transgender-inclusive policies.

USAPL denied Ms. Cooper's eligibility to compete because she is a transgender woman, withdrew her competition card because she is a transgender woman, and then went on to adopt a categorical ban on participation by transgender women athletes at USAPL competitions. USAPL discriminated against JayCee Cooper, and continues to do so, because she is a transgender woman, in violation of the Minnesota Human Rights Act.

JURISDICTION AND VENUE

1. Plaintiff JayCee Cooper is a resident of Hennepin County, Minnesota. She was barred from participating in the State Bench Press Championship that took place on January 19, 2019, in Maplewood, Minnesota, located in Ramsey County.
2. Defendant USAPL is the National Governing Body for the sport of powerlifting. Their national office is located in Anchorage, Alaska and they are a registered 501(c)(3) nonprofit in Alaska.
3. Defendant USAPL MN is the Minnesota state chapter of USAPL. USAPL MN is run by one or more elected chairs in Minnesota. USAPL MN directs and oversees competitions in Minnesota. USAPL MN does not have a single listed office, and instead runs local events at various locations throughout the state, including the State Bench Press Championship that took place on January 19, 2019 in Ramsey County, Minnesota.
4. The District Court in the County of Ramsey, State of Minnesota, has original jurisdiction over the parties and all Plaintiff's claims arising under state law pursuant to Minn. Stat. § 363A.33 subd. 6 and Minn. Stat. § 484.01, subd. 1.
5. This court has personal jurisdiction over USAPL MN because it is a resident of Minnesota. The court has personal jurisdiction over USAPL because it has continuous and

systematic contacts with Minnesota and because Ms. Cooper's claims arise out of or relate to USAPL's contacts with Minnesota.

6. Venue is proper in this Court pursuant to Minn. Stat. § 363A.33 subd. 6 and Minn. Stat. § 542.09 because the cause of action or some part thereof arose in Ramsey County.

FACTUAL ALLEGATIONS

JAYCEE COOPER

7. JayCee Cooper is a 33-year-old woman who resides in Minneapolis, Minnesota.

8. Ms. Cooper loved sports from an early age, and has participated in sports for most of her life.

9. As a child, Ms. Cooper played t-ball, soccer, inline skate hockey, and other typical recreational youth sports. Ms. Cooper has also participated in track and field and throwing events, as well as curling. Ms. Cooper started curling in middle school and continued through college. Ms. Cooper has competed in several national curling championships and has won a junior national curling championship.

10. JayCee Cooper is transgender. In other words, she is a woman who was assigned male at birth.

11. Individuals are generally assigned a sex – “male” or “female” – at birth. This is typically based on external genitalia, and not the multitude of other factors that bear on one's sex such as hormones, internal reproductive organs, chromosomes, secondary sex characteristics that develop later in life, brain anatomy, and gender identity.

12. Gender identity refers to a person's innate sense and deeply held understanding of their own gender. Everyone has a gender identity.

13. A transgender person is someone whose gender identity does not align with their sex assigned at birth. A cisgender person is someone whose gender identity does align with their sex assigned at birth.

14. Ms. Cooper was diagnosed with gender dysphoria around 2014, although she had struggled with her sex and gender identity for years beforehand. Gender dysphoria occurs when there is clinical distress caused by the incongruence between one's gender identity and one's sex assigned at birth. Gender dysphoria is recognized by the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (5th ed. 2013).

15. Gender dysphoria can lead to serious medical problems, including clinically significant psychological distress, dysfunction, debilitating depression, and self-harm.

16. The widely accepted standards of care for treating gender dysphoria are published by the World Professional Association for Transgender Health ("WPATH").¹

17. Efforts to treat gender dysphoria by forcing transgender people to live in alignment with their sex assigned at birth, rather than in alignment with their gender identity, cause substantial psychological pain, to the point that such treatment is now considered unethical.²

¹ WPATH, *Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People* (7th ed. 2012), <https://www.wpath.org/media/cms/Documents/SOC%20v7/Standards%20of%20Care%20V7%20-%202011%20WPATH.pdf?t=1605186324>.

² *Id.* at 32.

18. Around 2010 Ms. Cooper began to tell close friends that she is transgender. Her friends did not respond well to this news, and she “went back into the closet.” She spent the next few years denying to herself, her friends, and her family that she is transgender.

19. Ms. Cooper stopped competing in curling around 2015. She had been competing in the men’s category but realized that doing so was exacerbating her gender dysphoria and causing her significant distress and anxiety. She then took time away from sports to address her gender dysphoria.

20. Ms. Cooper began taking Spironolactone around 2014 or 2015. This, along with estrogen and Finasteride, were prescribed as part of her treatment for gender dysphoria.

21. Spironolactone is an anti-androgen. In other words, it decreases the production of testosterone in the body, and it also minimizes the effect of testosterone on the body by interfering with the action that testosterone has on the androgen receptor.

22. Finasteride is also an anti-androgen. It blocks the conversion of testosterone into dihydrotestosterone, further minimizing the effect of testosterone on the body. Estrogen, among other things, further decreases testosterone levels in the body.

23. In early 2016 Ms. Cooper returned to sports, joining the roller derby. She skated with North Star Roller Derby. The league was welcoming of transgender and gender non-conforming athletes. Ms. Cooper’s team was very supportive of her. This helped her feel comfortable and accepted, and greatly helped alleviate her gender dysphoria.

24. Around fall 2017, Ms. Cooper broke her ankle during a roller derby scrimmage, and she had to take a break from derby to recover.

25. In 2018, during her ankle rehabilitation, Ms. Cooper participated in her first Pull for Pride event. Pull for Pride is a charity deadlifting event where powerlifters raise money for LGBTQ+ nonprofit organizations.

26. The deadlift is one of the three main lifts in powerlifting. The other two are the back squat and the bench press. After her Pull for Pride event, Ms. Cooper started training specifically for powerlifting, working on her back squat, bench press, and deadlift.

27. In 2018 Ms. Cooper became a member of USAPL. USAPL is the predominant powerlifting federation in Minnesota and throughout the United States. Most local powerlifting meets in the Twin Cities are sanctioned by USAPL and organized by USAPL MN. All of Ms. Cooper's friends who were powerlifters were members of USAPL when she became a member. Ms. Cooper chose to become a member of USAPL to be able to lift with her friends, and also because participation in USAPL is the only path for powerlifters in the USA to get to the World Games, the highest level of international competition for powerlifting.

28. USAPL classifies its competitors by gender, age, and weight. At competitions, lifters generally compete against others in their own division.

29. Ms. Cooper was interested in competing in the women's open superheavyweight division. "Open" refers to the age category available to any lifter over the age of 14. In terms of age classification, "open" is the most competitive lifting category. Superheavyweight is the highest women's weight category. This category refers to lifters weighing over 84 kilos, or roughly 185 pounds.

SPORT GOVERNING BODIES

30. Competitive organized sports generally have governing bodies that set rules and policies for competition. These governing bodies exist at local, national, and international levels.

31. Locally, the Minnesota State High School League governs interscholastic sports in our high schools, while the NCAA governs interscholastic sports in most colleges and universities across the country, including in Minnesota.

32. Outside of the scholastic context, governing bodies are most commonly organized by sport.

33. National governing bodies oversee sports at the national level. There are over a hundred national governing bodies in the USA, including USA Basketball, USA Hockey, and Defendant USAPL.

34. International federations govern sports at the international level. There are also over a hundred international federations in the world, including the International Powerlifting Federation, of which Defendant USAPL is an affiliate.

35. Each international federation recognizes only one national governing body per country for any particular sport or discipline.

36. One of the most widely recognized international governing bodies for sports is the International Olympic Committee (“IOC”). Established in 1894, the IOC is the supreme authority of the Olympic movement and ensures that the Olympic Games regularly take place.

37. The Olympic Charter is the governing document for the Olympic Movement.³ It is a constitutional document that sets forth the fundamental principles and values of Olympism, sets out the statutes governing the Olympic Movement, and lays out the rights and obligations of the various National Olympic Committees⁴ and international federations.

38. While international federations are autonomous and can set their own rules, in order to be recognized by the IOC, they must abide by the Olympic Charter.⁵

39. The sport of powerlifting is not contested in the Olympic Games. In other words, powerlifting is not one of the sports that appears in the winter or summer Olympics.

40. Instead, the highest level of competition for powerlifting is the World Games.

41. Established in 1981, the World Games is an international competition for sports or disciplines that are not contested in the Olympic Games. The World Games are governed by the International World Games Association. The World Games take place every four years in the year following summer Olympic Games.

42. While the World Games is not governed by the IOC directly, they have adopted the Olympic Charter as their governing document and receive funding, support, and recognition from the IOC.

³ International Olympic Committee, *Olympic Charter* (July 17, 2020), <https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf>.

⁴ National Olympic Committees promote the fundamental principles of Olympism at the national level and select athletes from their respective nations to the Olympic Games. International Olympic Committee, *National Olympic Committees (NOCs)* <https://www.olympic.org/ioc-governance-national-olympic-committees> (last visited Jan. 11, 2021).

⁵ *Olympic Charter*, *supra* note 3.

43. For a powerlifter to compete in the World Games, she must first compete through her respective recognized national governing body, which is USAPL in the United States. She can then advance to international competition through the International Powerlifting Federation, and then, ultimately, to the World Games. An American who is banned from competing through her national governing body is effectively banned from elite international competition.

TRANSGENDER ATHLETE PARTICIPATION POLICIES

44. Transgender athletes are severely underrepresented in sports at all levels, including in interscholastic and elite-level competition.

45. Policies promoting inclusion of transgender athletes in sport are necessary, but not sufficient, to ensure transgender athletes can access sports and all of the mental and physical benefits they provide.

46. At the scholastic level, for example, where many elite athletes begin their careers, many transgender students do not have access to locker rooms and other changing facilities that align with their gender identity. This not only discourages athletic participation altogether, but can even result in far more serious consequences such as a severe decline in mental health and bullying from students who, taking a cue from school administration, see transgender student as “less than” or “other.”⁶

47. Many sport governing bodies have express policies governing participation in competition by transgender athletes.

⁶ See *N.H. v. Anoka-Hennepin Sch. Dist. No. 11*, A19-1944, 2020 WL 5755485, at *8 (Minn. Ct. App. Sept. 28, 2020) (describing that “it is difficult to imagine” how a school district’s decision to require a transgender student to use a separate locker room “would not stigmatize that student”).

48. The Minnesota State High School League, for example, has had formal written policies in place to permit transgender athletes to compete since 2014. The League “allows participation for all students consistent with their gender identity or expression in an environment free from discrimination...”⁷
49. The International Powerlifting Federation follows the IOC policies for transgender participation.
50. The Olympic policy for transgender athletes has changed over the years. Their most recent policy was issued in November 2015 as a result of the 2015 International Olympic Committee Consensus Meeting on Sex Reassignment and Hyperandrogenism (“SRH Meeting”).⁸
51. Participants at the SRH Meeting included members of the International Olympic Committee Medical and Scientific Commission, which includes a number of medical professionals, professors, and attorneys.
52. The goal of the SRH Meeting was to “ensure insofar as possible that trans athletes are not excluded from the opportunity to participate in sporting competition.”⁹
53. Under the 2015 policy, an athlete who was assigned male at birth but identifies as female can participate in the women’s category so long as she declares her identity as female and does not change that declaration for four years, has a testosterone level in serum

⁷ MSHSL Official Handbook, 300.00 Bylaws: Administration of Student Eligibility, 2020-20201, 300.03, https://www.mshsl.org/sites/default/files/2020-07/handbook_2020-21_300bylaws_web.pdf.

⁸ See International Olympic Committee, *IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism* (Nov. 2015), https://13248aea-16f8-fc0a-cf26-a9339dd2a3f0.filesusr.com/ugd/2bc3fc_c2d4035ff5684f41a813f6d04bc86e02.pdf.

⁹ *Id.*

below 10 nmol/L for at least 12 months prior to her first competition, and remains below 10 nmol/L throughout the period of eligibility to compete.¹⁰

54. The IOC developed their first formal transgender participation policy in 2003, which went into effect in 2004, and required transgender women to obtain gender affirming surgery and legal recognition of their gender in their home country in order to be allowed to compete.

55. The IOC has since dropped both of these requirements, noting that “[t]o require surgical anatomic changes as a pre-condition to participation is not necessary to preserve fair competition and may be inconsistent with developing legislation and notions of human rights.”¹¹

56. They also removed the requirement that an athlete’s gender be legally recognized by their government, given that many athletes live in countries where “autonomy of gender identity is not recognized in law at all.”¹²

57. Despite the fact that the Olympics have had transgender-inclusive policies in place since 2004, no openly transgender athlete has yet competed in the Olympic Games.

DRUG TESTING AND THERAPEUTIC USE EXEMPTIONS

58. Most elite sports utilize some form of standardized drug testing for their athletes.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

59. The World Anti-Doping Agency (“WADA”) was established in 1999 and “aims to bring consistency to anti-doping policies and regulations within sport organizations and governments right across the world.”¹³

60. WADA publishes drug testing policies, standards, and guidance for sports organizations. They also publish a list of prohibited substances.

61. USAPL, the International Powerlifting Federation (“IPF”), the IOC, and many other governing bodies either adopt or incorporate WADA’s policies, standards, and prohibited substance list in determining their own drug policies. Entities that adopt the WADA code are called “signatories.” IPF is a signatory of the WADA code.

62. An athlete who must use a banned substance due to an illness or other medical or mental health condition, but would nevertheless like to compete, must apply for a Therapeutic Use Exemption (“TUE”).

63. While different sports may have different standards or criteria for granting TUEs, most governing bodies, including USAPL, IPF, and the IOC, will accept TUE applications for consideration.

64. Spironolactone is on the WADA prohibited substance list. However, unlike most substances on the list, it is not a performance enhancer. Spironolactone is considered a diuretic or masking agent, which can be used to hide the use of performance enhancers.

65. WADA publishes guidelines to help organizations evaluate and approve TUEs for transgender athletes who take Spironolactone.

¹³ World Anti-Doping Agency, *What We Do*, <https://www.wada-ama.org/en/what-we-do> (last visited Jan. 11, 2021).

66. The IPF abides by standards put forward by WADA and the IOC when evaluating whether to approve a TUE for Spironolactone submitted by a transgender athlete.

67. USAPL does not appear to have any written policy of categorically rejecting TUEs for Spironolactone, a substance prescribed to transgender and cisgender people alike. Instead, USAPL has a policy of turning away transgender women from women's competitions.

USAPL REJECTED JAYCEE COOPER BECAUSE SHE IS A TRANSGENDER WOMAN

68. In October 2018, Ms. Cooper registered to compete in the Minnesota Women's State Bench Press Championship, set to take place on January 19, 2019, and the Minnesota Women's Championship, set to take place on February 16, 2019.

69. On November 9, 2018, Ms. Cooper became a member of USAPL and received her competition card. This card contained an identification number, which Ms. Cooper would have to provide to the event organizers prior to competing.

70. Along with her competition card, she received an email indicating that USAPL is a signatory of WADA. The email indicated that many prescription medications are prohibited under WADA, but athletes may be able to receive a TUE to continue taking their medication while competing.

71. Around November 16, 2018, Ms. Cooper applied for a TUE because she was aware that Spironolactone is on WADA's banned substance list.

72. Ms. Cooper submitted a TUE application that included USAPL's standard TUE form. Her doctor signed the form and noted that there are no alternative options for

androgen suppression, and that Ms. Cooper was on the standard Spironolactone dose for gender dysphoria and androgen suppression.

73. Ms. Cooper also provided a letter from her doctor noting that she has never misused Spironolactone.

74. Ms. Cooper also provided a letter from her therapist indicating that she suffers from gender dysphoria and Spironolactone is an essential component of her treatment.

75. On December 5, 2018, Ms. Cooper learned in an email from Kris Hunt, who at the time served as USAPL's TUE Committee Chair, that she was ineligible to compete.

76. Dr. Hunt told Ms. Cooper that the reason for the denial was because “[m]ale-to-female transgenders are not allowed to compete as females in our static strength sport as it is a direct competitive advantage.”

77. The email said nothing about Spironolactone use, which was the reason for the TUE application.

78. Ms. Cooper followed up with Dr. Hunt for clarification, because it was her understanding that both USAPL and the IPF follow the lead of the IOC, which permits transgender athletes to compete.

79. The IPF Constitution expressly states that IPF follows the International Olympic Committee's Consensus of Sex Reassignment and Hyperandrogenism.¹⁴

¹⁴ International Powerlifting Federation, *Constitution of the International Powerlifting Federation* § 3.2 (Dec. 2017), https://www.powerlifting.sport/fileadmin/ipf/data/about-ipf/constitution-by-laws/IPF_Con_By-Laws_2018.pdf (IPF follows the Olympic Charter and other Olympic policies and principles expressly including the International Olympic Consensus on Sex Reassignment and Hyperandrogenism). *See also* International Powerlifting Federation, *IPF General Assembly Meeting Minutes* 32 (Nov. 17, 2019), <https://www.powerlifting.sport/fileadmin/ipf/data/downloads/congress/2019IPFGeneralAssembly.Minutes.Final.pdf> (noting the IPF follows the International Olympic Committee directive for trans and gender-diverse athletes).

80. On December 18, 2018, Dr. Hunt told Ms. Cooper that he was trying to get clarity on USAPL's policy.

81. On January 2, 2019, Dr. Hunt told Ms. Cooper that he was still waiting to hear back from the executive committee regarding participation by transgender athletes.

82. Later that day, Dr. Hunt told Ms. Cooper that her request to compete was being denied based on "precedent and current IPF standard."

83. The following day, Ms. Cooper asked for further information regarding the IPF's position on participation by transgender athletes. IPF has indicated that they follow the lead of the IOC when it comes to participation by transgender athletes.¹⁵

84. On January 6, Dr. Hunt told Ms. Cooper that he learned about the IPF's policies regarding transgender athletes from USAPL's president, Larry Maille.

85. Mr. Maille sits on the IPF Medical Committee and helps set IPF policies regarding participation by transgender athletes. Mr. Maille has advocated against transgender participation both in USAPL and in IPF.

86. Regardless of IPF's position, USAPL's policy banning transgender women athletes is in no way compelled by IPF or any other outside organization.

87. Canada's national governing body, the Canadian Powerlifting Union, for example, permits transgender athletes to compete. The Canadian Powerlifting Union also prohibits bullying, vilification, discrimination, and harassment based on the gender identity and expression of athletes.

¹⁵ See *id.*

88. After informing Ms. Cooper that they were denying her eligibility to compete, USAPL revoked her competition card.

89. Prior to the January competition, Ms. Cooper's coach reached out to Joe Warpeha, USAPL MN's chair at the time, to find out why Ms. Cooper was barred from competing.

90. Mr. Warpeha replied that he was aware of the issue, both from his position within USAPL and from another local gym owner and coach who was concerned about the ban.

91. Ms. Cooper is unaware of any efforts by anyone affiliated with USAPL MN to inform USAPL about our state's human rights laws, or to seek guidance from the Minnesota Department of Human Rights prior to holding the January meet.

92. Ms. Cooper also exchanged emails with meet organizers Shannon Murphy and Ken Graack.¹⁶ Ms. Cooper noted that she was being banned from the upcoming competition because she is transgender. Ms. Murphy confirmed that this is the case, and invited Ms. Cooper to attend as a spectator.

93. On January 19, 2019, USAPL MN went on to hold the Women's State Bench Press competition in Minnesota without Ms. Cooper, who was excluded because she is a transgender woman.

¹⁶ Ms. Murphy and Mr. Graack are the current co-chairs of USAPL MN. They assumed their roles after Mr. Warpeha stepped down at the end of 2019.

USAPL HAS ADOPTED A CATEGORICAL BAN ON PARTICIPATION BY TRANSGENDER WOMEN AND USAPL MN CONTINUES TO HOLD MEETS IN MINNESOTA EXCLUDING TRANSGENDER WOMEN

94. On January 28, 2019, Team Green wrote a letter to USAPL. Team Green is a powerlifting team from a local gym called The Movement. The team noted that since 2014, they have been one of the biggest participants in powerlifting in the state of Minnesota. They stated that 10% of lifters on the roster at the upcoming women's meet in February are from Team Green. They also noted that the IPF Constitution expressly states that IPF follows the Olympic policies for transgender participation. They asked USAPL to adhere to those policies by February 11, 2019, in time for the upcoming women's meet in Minnesota.

95. On January 30, 2019, USAPL announced in their monthly newsletter that the USAPL executive committee had drafted a "consensus statement" regarding participation by transgender athletes. This statement was established at an executive committee meeting that took place the weekend of January 25, 2019. USAPL informed their membership of this policy through their monthly newsletter.

96. USAPL's consensus statement indicated that transgender women are categorically barred from competing in any USAPL women's event.

97. On January 31, 2019, a day after USAPL's policy announcement, Minnesota Congresswoman Ilhan Omar sent a letter to both USAPL and USAPL MN informing them of the Minnesota Human Rights Act's ban on discrimination against transgender Minnesotans.

98. The Congresswoman also alerted them to the case of Christina Ginther, a transgender athlete in Minnesota who, in 2017, was awarded money by a jury after a football league refused to allow her to participate because she is transgender.¹⁷

99. On February 16, 2019, USAPL MN nevertheless went on to hold the Minnesota Women's State Championship, and Ms. Cooper was banned from competing because she is transgender.

100. At the event, a number of women athletes showed their support for transgender women and their dissatisfaction with USAPL's policy by timing out their lifts. In other words, they would stand at the podium until their time elapsed without completing their lift.

101. USAPL MN held a number of additional competitions in Minnesota with transgender women excluded from competition. For example, on March 16, 2019, they held the Dragon Open at the Minnesota State University, Moorhead. On May 4, 2019, they held the Minnesota Ladies of Iron competition in Maplewood, Minnesota. On June 8, 2020, they held the Twin Cities Open, also in Maplewood, Minnesota.

102. On June 13, 2019, Ms. Cooper filed a charge of discrimination against USAPL with the Department of Human Rights. On November 6, 2019, she filed a charge against USAPL MN.

103. During the pendency of the MDHR investigation, USAPL and USAPL MN continued to hold competitions in Minnesota with a policy of categorically barring transgender women like JayCee Cooper from women's competition. Ms. Cooper was barred

¹⁷ See Mary Lynn Smith, *Jury's Award to Transgender Woman after Rejection by Football Team is a Minnesota First*, Star Tribune (Dec. 21, 2018, 10:17 P.M.), <https://www.startribune.com/jury-s-award-to-transgender-woman-rejected-by-football-team-is-a-minnesota-first/503365442> (referring to *Ginther v. Enzuri Group, LLC dba MN Vixen*, 19HA-CV-17-857).

from competing in the Lake City Push Pull competition on August 10, 2019, the Lake Superior Open on August 17, 2019, the Iron Assault on September 29, 2019, the Monsters Bash on October 26, 2019, and the Fall Classic on November 9, 2019. Although many competitions were cancelled in 2020 due to COVID, USAPL MN did hold a number of competitions such as the Monsters Bash and the Minnesota Ladies of Iron competitions, both in the fall of 2020.

104. In late December 2020, a year and a half after Ms. Cooper filed her charge, USAPL announced their intention to form a segregated “division” for competition. In theory, transgender athletes can compete in this separate and unequal division, which, to date, does not provide a path for international competition. It does not appear that USAPL will follow WADA’s guidelines for accepting TUEs from transgender athletes, which means that many transgender athletes will continue to be effectively barred from competition despite the new category. USAPL will continue to bar from competition transgender men who take testosterone as part of their medically necessary gender affirming care. It is unclear how USAPL will address TUEs from transgender women who require one, due to the use of Spironolactone or other related medications, in order to be cleared for competition. Transgender women are still categorically barred from competing in the women’s division.

CAUSES OF ACTION

COUNT I

Sex and Sexual Orientation Discrimination in Public Accommodations Minnesota Human Rights Act

105. Plaintiff realleges the above allegations of this Complaint.

106. JayCee Cooper is a transgender woman who is protected from discrimination in public accommodation based on her sex, gender identity, gender expression, and transgender status. Minn. Stat. § 363A.11.

107. Competitions sponsored by USAPL and USAPL MN are places of public accommodation under Minn. Stat. § 363A.03, subd. 34.

108. Defendants USAPL and USAPL MN discriminated against Ms. Cooper in public accommodations by denying her application to compete because she is a transgender woman, by subsequently enacting a policy categorically banning transgender women from USAPL competitions, and by organizing, promoting, and executing sanctioned powerlifting meets in Minnesota at which transgender women were categorically barred from competing. USAPL and USAPL MN continues to hold discriminatory meets across the state.

109. USAPL and USAPL MN have denied Ms. Cooper the full and equal enjoyment of their goods, services, facilities, privileges, and advantages.

110. The unlawful discrimination complained of above was intentional and performed by Defendants with malice and/or reckless indifference to Plaintiff's rights.

111. As a result of Defendants' discriminatory conduct, JayCee Cooper suffered from, and continues to suffer from, emotional distress, mental anguish, humiliation, embarrassment, discriminatory injury to her individual dignity, economic losses, and other serious harm.

112. Finally, Ms. Cooper is entitled to injunctive relief, reasonable attorneys' fees, costs, and disbursements.

COUNT II
Sex and Sexual Orientation Discrimination in Business
Minnesota Human Rights Act

113. Plaintiff realleges the above allegations of this Complaint.

114. JayCee Cooper is a transgender woman who is protected from discrimination in business based on her sex, gender identity, gender expression, and transgender status. Minn. Stat. § 363A.17.

115. Defendants USAPL and USAPL MN are businesses as defined by Minn. Stat. § 363A.03, subd. 4.

116. Defendants USAPL and USAPL MN discriminated against JayCee Cooper in business by denying her application to compete because she is a transgender woman, by subsequently enacting a policy categorically banning transgender women from USAPL competitions, and by organizing, promoting, and executing sanctioned powerlifting meets in Minnesota at which transgender women were categorically barred from competing. USAPL and USAPL MN continues to hold discriminatory meets across the state.

117. The unlawful discrimination complained of above was intentional and performed by Defendants with malice and/or reckless indifference to Plaintiff's rights.

118. As a result of Defendants' discriminatory conduct, JayCee Cooper suffered from, and continues to suffer from, emotional distress, mental anguish, humiliation, embarrassment, discriminatory injury to her individual dignity, economic losses, and other serious harm.

119. Finally, Ms. Cooper is entitled to injunctive relief, reasonable attorneys' fees, costs, and disbursements.

COUNT III
Aiding and Abetting Sex and Sexual Orientation Discrimination
Minnesota Human Rights Act

120. Plaintiff realleges the above allegations of this Complaint.

121. It is an unfair discriminatory practice to intentionally aid and abet any practice that constitutes sex or sexual orientation discrimination under the Minnesota Human Rights Act. Minn. Stat. § 363A.14.

122. Defendant USAPL MN discriminated against Plaintiff by intentionally aiding, abetting, and compelling unlawful discrimination by refusing to allow JayCee Cooper to participate in powerlifting competitions in Minnesota because she is a transgender woman, and by organizing, promoting, and executing meets in Minnesota in which JayCee Cooper is banned from participating.

123. The unlawful discrimination complained of above was intentional and performed by Defendants with malice and/or reckless indifference to Plaintiff's rights.

124. As a result of Defendants' discriminatory conduct, JayCee Cooper suffered from, and continues to suffer from, emotional distress, mental anguish, humiliation, embarrassment, discriminatory injury to her dignity, economic losses, and other serious harm.

125. Finally, Ms. Cooper is entitled to injunctive relief, reasonable attorneys' fees, costs, and disbursements.

JURY DEMAND

Plaintiff demands a trial by jury on all counts.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court grant the following relief:

- A. That the practices of Defendants complained of herein be adjudged, decreed, and declared to be in violation of the rights secured to Plaintiff by the Minnesota Human Rights Act, Minn. Stat. § 363A.01 *et. seq.*
- B. That a permanent injunction be issued prohibiting Defendants from engaging in the practices complained of herein.
- C. That the Court order Defendants to pay a civil penalty to the State of Minnesota pursuant to Minn. Stat. § 363A.29.
- D. That Plaintiff be awarded compensatory damages in an amount greater than \$50,000.
- E. That Plaintiff be awarded treble damages pursuant to Minn. Stat. § 363A.33 and 363A.29.
- F. That Plaintiff be awarded punitive damages pursuant to Minn. Stat. § 363A.29 in an amount to be determined at trial.
- G. That the Court issue an order enjoining Defendants and their officers, agents, and employees from subjecting Plaintiff to differential treatment and from any retaliation against Plaintiff for prior actions, or for bringing this action.
- H. That the Court retain jurisdiction until the Court is satisfied that the Defendants have remedied the practices complained of herein and are determined to be in full compliance with the law.
- I. That the Court award Plaintiff her reasonable attorneys' fees, costs, and disbursements pursuant to state law.

J. That Plaintiff be awarded pre- and post-judgment interest on any monetary damages awarded, pursuant to Minn. Stat. § 549.09.

K. That the Court grant such other and further relief as it deems fair and equitable.

Dated: January 12, 2021

GENDER JUSTICE

/s/ Jess Braverman

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ACKNOWLEDGEMENT

The undersigned acknowledges that pursuant to Minn. Stat. § 549.211, subd. 2, costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties in this litigation if the Court should find that the undersigned acted in bad faith, asserted an unfounded position solely to delay the ordinary course of the proceedings or to harass, or committed a fraud upon the Court.

Dated: January 11, 2021

s/ Jess Braverman