

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**JANE DOE 1 *et al.*,**

**Plaintiffs,**

**v.**

**DONALD J. TRUMP *et al.*,**

**Defendants.**

**Civil Action No. 17-cv-1597  
(CKK)**

**DECLARATION OF BRIAN JUDGE  
(Relating to Plaintiff Jane Doe 1)**

I, Brian Judge, do hereby state and declare as follows:

1. I am Chief of the Office of Claims and Litigation, United States Coast Guard (USCG). I am employed by the United States Coast Guard within the Department of Homeland Security, in Washington, D.C. I have been employed by the U.S. Coast Guard as a civilian for approximately four years as the Chief of the Office of Claims and Litigation within the Office of the Judge Advocate General. I also served on active duty in the Coast Guard for over 24 years. My office provides litigation support to Department of Justice attorneys defending the United States in civil litigation, including in the above captioned case. I make this declaration based on my personal knowledge or based on facts that I have learned in the course of performing my Coast Guard duties. I submit this declaration in support of the defendants' motion to dismiss the above-captioned action and in opposition to the plaintiffs' motion for a preliminary injunction. In particular, I address

below the current treatment of plaintiff Jane Doe 1, who is currently serving in the United States Coast Guard.

2. On August 25, 2017, the President issued a memorandum announcing changes to the policies regarding military service by transgender individuals. In sum, this memorandum directed the Secretary of Homeland Security and the Secretary of Defense to return to the policy and practice on military service by transgender individuals prior to June 2016, effective March 23, 2018. However, it also directed the Secretary of Defense, in consultation with the Secretary of Homeland Security, to submit a plan that will address, among other things, how to address transgender individuals currently serving in the military, and providing that, until the Secretary has made such determination, no action may be taken against such individuals based on the pre-June 2016 policy.

3. On September 14, 2017, the Secretary of Defense issued Interim Guidance, applicable to the Coast Guard by agreement with the Department of Homeland Security (DHS), which stated that the policies permitting military service by transgender service members remain in effect and that transgender service members will continue to be provided medical treatment associated with a diagnosis of gender dysphoria, including of specific relevance to Jane Doe 1, the possibility of a waiver to permit military payment to a civilian hospital under the Supplemental Health Care Program for sex reassignment surgical procedures until March 22, 2018. After that date such procedures will be permitted to the extent necessary to protect the health of an individual who has already begun a course of treatment to reassign his or her sex.

4. In accord with this policy, the Coast Guard has taken no action to attempt to separate Jane Doe 1 from the service nor has anyone in her chain of command or at the Coast Guard Personnel Service Command communicated anything to Jane Doe 1 indicating that separation is being contemplated. Furthermore, the Coast Guard continues to provide Jane Doe 1 with medical treatment consistent with her diagnosis of gender dysphoria and the Secretary of Defense's interim guidance. Jane Doe 1 continues to serve the Coast Guard in a location which provides her access to medical treatment and consistent with her career path.

5.

6.


[REDACTED]

7. [REDACTED]

[REDACTED]

8. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.

Executed on this 3rd day of October, 2017.

  
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Brian Judge  
Chief, Office of Claims and Litigation  
Office of the Judge Advocate General  
U.S. Coast Guard