

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JANE DOE 1, et al.,)	
)	
Plaintiffs,)	
v.)	Civil Action No. 17-cv-1597 (CKK)
)	
DONALD TRUMP, et al.,)	
)	
Defendants.)	
_____)	

DECLARATION OF CPT [REDACTED]
(Relating to Plaintiff Jane Doe 3)

I, [REDACTED] hereby declare as follows:

1. I am a Captain in the U.S. Army currently assigned as the commander of [REDACTED]
[REDACTED] I
have served in the U.S. Army for over 20 years, and have been in command of [REDACTED]
since August 2016. As the company commander, I am the senior officer within my unit and
responsible for all the personnel and equipment within my unit, including accomplishing the
unit's assigned tasks and missions. I make this declaration based on my personal knowledge and
on information provided to me in the course of my official 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 status of
[REDACTED] who is referred to as Jane Doe 3 in the present litigation. Currently,
the Army's official policy is to recognize a soldier's gender by the gender marker in the Defense
Enrollment Eligibility Reporting System (DEERS). Jane Doe 3's gender marker in DEERS is
male. However, for the convenience of the Court and the parties, I will refer to Jane Doe 3 using
female pronouns for the remainder of this declaration, which correspond to Jane Doe 3's gender
identity referenced in the complaint.

2. [REDACTED] is currently in the process of deploying in support of U.S. military operations in Iraq. The majority of the brigade has already deployed through several phases beginning at the end of August 2017. Until I deploy, part of my official duties include being the responsible officer within the battalion that handles personnel issues on behalf of other company commanders while they are forward deployed.

3. Based upon my official duties, I am familiar with Jane Doe 3, a soldier currently assigned to [REDACTED] and that Jane Doe 3 has requested gender transition. Jane Doe 3 deployed to northern Iraq on or about [REDACTED]

[REDACTED]
[REDACTED] That date is subject to change based upon operational requirements.

4. My brigade and battalion are in receipt of the Interim Guidance regarding transgender service issued by Secretary Mattis on September 14, 2017. Based upon this guidance, no soldier within [REDACTED] will be subject to discharge or separation based upon their transgender status or diagnosis for gender dysphoria, absent a future change to the Secretary's policy. Jane Doe 3 is not subject to discharge under this current policy. In addition, based upon the Interim Guidance, an otherwise qualified soldier whose term of service expires while the Interim Guidance remains in effect may, at the soldier's request, be re-enlisted in the service under existing procedures.

5. I am also aware of allegations that Jane Doe 3 is concerned her request for gender transition packet is not being processed or will not be approved. I am familiar with the requirements for requesting gender transition pursuant to Department of Defense Instruction 1300.28 and Army Directive 2016-35. Jane Doe 3 submitted the request to his chain of command

on [REDACTED] My brigade commander approved the packet on [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 4th day of October 2017.

[REDACTED]
Captain, U.S. Army
[REDACTED]