

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

DECLARATION OF [REDACTED]

(Pertaining to Plaintiff John Doe 1)

I, [REDACTED] hereby declare as follows:

1. I am a Colonel in the U.S. Army currently assigned as [REDACTED]

[REDACTED] I am a medical physician who is board certified in plastic surgery. I have served in the U.S. Army for over 20 years. This declaration relates to [REDACTED] who is referred to as John Doe 1 in the present litigation, and is one of my patients. 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.

2. I am aware of allegations that John Doe 1's surgery consult scheduled for [REDACTED] [REDACTED] was suspended, and that he feared he would not receive necessary medical treatment, due to President Trump's announcement regarding the military service of transgender personnel. However, since the Secretary of Defense issued his Interim Guidance, John Doe 1 currently has a scheduled surgery date of [REDACTED]

3. John Doe 1 is stationed at [REDACTED] On [REDACTED] he was referred to me

by medical providers from [REDACTED] as a candidate for transgender-related surgery. I agreed to evaluate the patient, so long as he could remain in the local area for two to three weeks following his surgery, and that he would be able to receive follow-on care at [REDACTED]

4. On July 27, 2017, I received informal guidance from the Office of the Surgeon General (OTSG) to pause any elective transgender surgical cases. Then, on August 17, 2017, I received updated guidance from OTSG to cancel any scheduled surgeries for gender transition, and not to reschedule any procedures until I received further guidance. However, the guidance did not proscribe surgical evaluations, so I continued to see new referrals for transgender surgery.

5. On [REDACTED] I had my initial meeting with John Doe 1 at [REDACTED] I performed a full surgical consultation and found him to be a good surgical candidate. I offered him surgery at that time, but we did not set a date for the surgery because I do not schedule surgeries during initial consultations due to time constraints. Further, the guidance from OTSG at that time was not to schedule any transgender surgeries until further notice, which I relayed to John Doe 1.

6. The following day, on [REDACTED] I received an update from my Nurse Case Manager that OTSG had authorized transgender surgeries. [REDACTED]

[REDACTED] On [REDACTED] I called John Doe 1 and informed him that I could not schedule his surgery yet, but was seeking clarification from the proper authorities. I notified him again on [REDACTED] that I was still seeking clarification.

7. On September 15, 2017, I received interim guidance from my hospital leadership to provide medically necessary services for approved treatment plans until final guidance is issued. On September 17th, OTSG confirmed that we could schedule new surgeries pending final

guidance. I received a second confirmation from OTSG on September 19th.

8. After receiving confirmation, I called John Doe 1 on [REDACTED] to schedule his surgery, and followed up with him through email. We scheduled his surgery for [REDACTED]

[REDACTED] However, on [REDACTED] the patient called me to reschedule his surgery because of a scheduling conflict. He is now scheduled for surgery on [REDACTED]

9. Throughout this whole process, I provided the patient the most up-to-date information I could, based upon the guidance I was given at the time. There were no intentional delays by the clinic staff or by me.

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

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