

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

JANE DOE 1, JANE DOE 2, JANE DOE 3,)
JANE DOE 4, JANE DOE 5, JOHN DOE 1,)
REGAN V. KIBBY, and DYLAN KOHERE,)

Plaintiffs,)

v.)

DONALD J. TRUMP, in his official capacity as)
President of the United States; JAMES N.)
MATTIS, in his official capacity as Secretary of)
Defense; JOSEPH F. DUNFORD, JR., in his)
official capacity as Chairman of the Joint Chiefs)
of Staff; the UNITED STATES DEPARTMENT)
OF THE ARMY; RYAN D. MCCARTHY, in)
his official capacity as Secretary of the Army;)
the UNITED STATES DEPARTMENT OF)
THE NAVY; RICHARD V. SPENCER, in his)
official capacity as Secretary of the Navy; the)
UNITED STATES DEPARTMENT OF THE)
AIR FORCE; HEATHER A. WILSON, in her)
official capacity as Secretary of the Air Force;)
the UNITED STATES COAST GUARD;)
ELAINE C. DUKE, in her official capacity as)
Secretary of Homeland Security; the DEFENSE)
HEALTH AGENCY; RAQUEL C. BONO, in)
her official capacity as Director of the Defense)
Health Agency; and the UNITED STATES OF)
AMERICA,)

Defendants.)

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

**NOTICE OF REQUEST FOR EXPEDITED HEARING AND
STATEMENT OF FACTS MAKING EXPEDITION ESSENTIAL**

Please take notice that Plaintiffs are requesting that the Court hold a hearing on Plaintiffs’ Application for a Preliminary Injunction on or before Thursday, September 21, 2017. Pursuant to Civil Local Rule 65.1(d), Plaintiffs submit this Statement of Facts making expedition essential in this matter.

As set forth in Plaintiffs' Application for Preliminary Injunction, in June 2016, the United States Department of Defense ("DOD") announced after a significant period of study and analysis that it would allow transgender people to serve openly in the United States Armed Forces. DOD's open service policy meant that transgender people could no longer be separated or discharged from the military, nor prevented from joining the military, because of their transgender status.

On July 26, 2017, after many transgender service members—including Plaintiffs—had acted in reliance on the 2016 announcement, President Trump reversed course and announced that "the United States Government will not accept or allow transgender individuals to serve in any capacity in the U.S. Military." On August 25, 2017, the President confirmed that, effective March 23, 2018, the Armed Forces would "return to the longstanding policy and practice on military service by transgender individuals that was in place prior to June 2016," no longer "permitting transgender individuals to serve openly in the military," and no longer "authorizing the use of the Departments' resources to fund sex-reassignment surgical procedures." The August 25 memorandum also continued indefinitely DOD's delay in implementing the June 2016 open service policy that would have allowed transgender people to join the military. As a result of that memorandum, transgender persons are indefinitely barred from joining the military, and currently serving transgender service members will no longer be eligible for service as of March 23, 2018.

The President's announcements have resulted in immediate harm to Plaintiffs and have placed them in imminent danger of losing their military positions, medical treatment, benefits, and health insurance, or being denied the opportunity to join the military after training. Absent this Court's immediate intervention, Plaintiff Regan Kibby will no longer be eligible to serve in

the Naval Academy, because he is not eligible to be commissioned as a Naval officer upon graduation. Two Plaintiffs have had medically necessary treatments canceled as a result of the President's July announcement. Another Plaintiff, who is less than eighteen months away from twenty years of service, has been unable to reenlist. All of the Plaintiffs face dire financial consequences and the loss of health care for themselves and, for some, their families. In addition, the promulgation of an official policy that transgender service members are categorically unfit to serve degrades Plaintiffs' status in the eyes of their fellow service members, brands them with an officially-imposed stigma based on a characteristic that has no bearing on their performance or ability to serve, and relegates them to a legally inferior class. For all Plaintiffs, the profound instability and insult created by the announced ban is causing substantial harm and disruption.

For all of these reasons, expedited consideration and decision in this matter is necessary to prevent further harm to Plaintiffs.

Dated: August 31, 2017

Claire Laporte (*pro hac vice* forthcoming)
Matthew E. Miller (*pro hac vice* forthcoming)
Daniel McFadden (*pro hac vice* forthcoming)
Kathleen M. Brill (*pro hac vice* forthcoming)
Michael Licker (*pro hac vice* forthcoming)
Rachel C. Hutchinson (*pro hac vice*
forthcoming)
FOLEY HOAG LLP
155 Seaport Blvd.
Boston, Massachusetts 02210
Telephone: 617-832-1000
Fax: 617-832-7000

Jennifer Levi (*pro hac vice* forthcoming)
Mary L. Bonauto (*pro hac vice* forthcoming)
GLBTQ LEGAL ADVOCATES & DEFENDERS
30 Winter St., Ste. 800
Boston, Massachusetts 02108
Telephone: 617-426-1350
Fax: 617-426-3594

Shannon P. Minter (*pro hac vice* forthcoming)
Amy Whelan (*pro hac vice* forthcoming)
Chris Stoll (*pro hac vice* forthcoming)
NATIONAL CENTER FOR LESBIAN RIGHTS
870 Market St., Ste. 370
San Francisco, California 94102
Telephone: 415-392-6257
Fax: 415-392-8442

Respectfully submitted,

/s/ Kevin M. Lamb
Paul R.Q. Wolfson (D.C. Bar No. 414759)
Kevin M. Lamb (D.C. Bar No. 1030783)
WILMER CUTLER PICKERING
HALE & DORR LLP
1875 Pennsylvania Ave. N.W.
Washington, D.C. 20006
Telephone: 202-663-6000
Fax: 202-663-6363

Alan E. Schoenfeld (*pro hac vice*)
WILMER CUTLER PICKERING
HALE & DORR LLP
7 World Trade Center
250 Greenwich St.
New York, New York 10007
Telephone: 212-230-8800
Fax: 212-230-8888

Christopher R. Looney (*pro hac vice*
forthcoming)
Harriet Hoder (*pro hac vice* forthcoming)
Adam M. Cambier (*pro hac vice*
forthcoming)
WILMER CUTLER PICKERING
HALE & DORR LLP
60 State Street
Boston, Massachusetts 02109
Telephone: 617-526-6000
Fax: 617-526-5000

Nancy Lynn Schroeder (*pro hac vice*
forthcoming)
WILMER CUTLER PICKERING
HALE & DORR LLP
350 S. Grand Ave., Ste. 2100
Los Angeles, California 90071
Telephone: 213-443-5300
Fax: 213-443-5400

Attorneys for Plaintiffs