

The Honorable Marsha J. Pechman

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

RYAN KARNOSKI, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, et al.,

Defendants.

Case No. 2:17-cv-01297-MJP

**DECLARATION OF PHILLIP
STEPHENS IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

NOTE ON MOTION CALENDAR:
October 6, 2017

ORAL ARGUMENT REQUESTED

I, Phillip Stephens, declare as follows:

1. My name is Phillip Stephens. I am a plaintiff in the above-captioned action. I have actual knowledge of the matters stated in this declaration.

2. I am a 30-year-old man, and I live in Crestview, Florida with my wife and daughter.

3. I am a Petty Officer Second Class in the U.S. Navy and am currently stationed out of Eglin Air Force Base, Florida.

4. I am a member of the American Military Partner Association ("AMPA"), the nation's largest organization of lesbian, gay, bisexual, and transgender ("LGBT") military families and their allies.

5. I have served in the U.S. Navy for approximately five years.

1 6. I have always been dedicated to the mission of the United States Navy—to
2 maintain, train, and equip combat-ready Naval forces capable of winning wars, deterring
3 aggression, and maintaining freedom of the seas. During my five years of naval service, I have
4 ensured the safety of countless Navy pilots both during active combat and training exercises.

5 7. I have served one main role within the Navy: Aviation Structural Mechanic. I
6 have worked on the flight deck of an aircraft carrier ensuring Navy aircraft pilots are able to
7 safely eject from their aircraft in the event of an emergency. I have performed this duty with
8 honor and precision both during simulated and active duty scenarios of a deployment to the
9 Persian Gulf.

10 8. I joined the Navy to serve my country and to provide my wife and our young
11 child with the security and stability that a military career provides.

12 9. I am transgender. I was assigned the sex of female at birth. However, I have
13 known for many years, since I was a young child, that I am male.

14 10. I began to come to terms with my gender identity approximately two years ago. I
15 thereafter started to see a mental health professional who diagnosed me with gender dysphoria.

16 11. On June 30, 2016, I was on deployment in the Persian Gulf and had limited access
17 to news or media and was therefore initially unaware that the ban on open transgender military
18 service had been lifted. My wife sent me a link about the policy and I read the posting on the
19 AMPA Facebook page over and over again, filled with incredible relief and joy.

20 12. When the transgender ban was lifted, I realized that I could do both the best thing
21 for me and for my wife and child—remain in the Navy and transition. I began living openly as a
22 man in August 2016, as soon as I returned home from deployment.

23 13. I began scheduling the necessary medical appointments and phone interviews to
24 acquire the required transition-related paperwork to submit to my Commanding Officer.

25 14. I am taking medical steps to bring my body into conformity with my male gender
26 identity. In consultation with my physician, I began hormone therapy in November 2016, shortly
27 after the Department of Defense released guidance on providing transition-related care to service
28 members. This approved treatment plan includes two surgeries, one of which I will not be

1 eligible for until approximately August 2018. Accordingly, the ban on transition-related surgery
2 that takes effect in March of 2018 will bar me from obtaining this medically necessary care.

3 15. I am taking legal steps to transition. I will be legally changing my first name to
4 Phillip. I will also be changing my name and gender marker on my driver's license and social
5 security card and records.

6 16. I have worked with my chain of command throughout my transition, and both
7 they and other enlisted personnel have been supportive of me.

8 17. Since coming out to my chain of command, other service members have
9 addressed me by male pronouns, which match my gender identity. I have been known, accepted,
10 and treated as the man that I am.

11 18. The fact that I am is transgender has not prevented me from doing my job in the
12 military. I perform a valuable service for the Navy that strengthens military readiness—keeping
13 our nation's aircraft systems safe and operational. Conversely, my exclusion from the military on
14 the basis of my transgender status would weaken military readiness.

15 19. On July 26, 2017, President Trump posted three tweets that said that transgender
16 people would not be able to serve in the military "in any capacity."

17 20. When I first saw the President's tweets, I was at work and started to receive
18 messages from my wife and friends sending me support. Confused, I again checked the AMPA
19 Facebook page, where I learned this devastating news.

20 21. I was at a complete and utter loss for what to do, but I knew that I could not stay
21 at work. I went home and sat alone in the dark of my living room, trying and failing to shut out
22 the world and this new terrifying reality. I juggled my own feelings of anger, fear, and despair,
23 with the unanswerable question of how I would be able to provide solace and support to my
24 family when I myself felt so hopeless.

25 22. I have watched with intermittent rage and shock as White House officials and
26 ignorant people in the media have questioned my capacity to serve in the military, as if I had not
27 already been competently doing so for several years. It adds insult to the injury of living in
28 silence for so long, and it makes a mockery of the sacrifices I made at great personal cost to

1 support my family and serve my country.

2 23. Serving in the United States Navy is everything to me. It makes me profoundly
3 proud to support my wife and our small child with my work. I can walk through the world with
4 my head held high, as a proud father, husband, and man.

5 24. The implementation of the ban by the Department of Defense has left me feeling a
6 deep pit of despair in my stomach. It is painful for me to consider a future without service to my
7 country.

8 25. I relied upon the lifting of the open service ban for transgender service members
9 before coming out about my transgender status and sharing my true gender identity with my
10 command and colleagues. To have this action, which I took in good faith, used against me to
11 relieve me of my well-established position in the United States Navy, is gut-wrenching.

12 26. Despite my suffering, I continue to go to work every day and perform my duties
13 with precision and honor, and I will continue to do so up until the minute that the military
14 discharges me.

15 27. By implementing this discriminatory ban, the President of the United States, the
16 Secretary of Defense, and the Department of Defense have harmed me and my family in serious
17 ways.

18 28. The ban on open service for transgender military personnel deprives me of
19 educational and economic opportunities upon which my family and I have relied in planning our
20 lives. I cannot afford to attend college without the G.I. Bill, which is another means to bettering
21 myself and ensuring financial security for my wife and child.

22 29. The ban on open service for transgender military personnel impairs my ability to
23 support and comfort my family because I myself no longer feel supported by the country to
24 which I have dedicated my life in service.

25 30. As an African-American man, there was also a time when the military would have
26 treated me differently just because of my race. But the military eliminated racial
27 discrimination—and became stronger because of it. Similarly, allowing transgender individuals
28 like me to serve openly only make the military stronger because it removes an exclusion to

1 service that has no bearing on my ability to do my job.

2 31. I have engaged in speech and conduct as enlisted Navy service member regarding
3 my gender identity and status as a transgender person. I fear for my ability to continue to do so
4 without retribution or punishment.

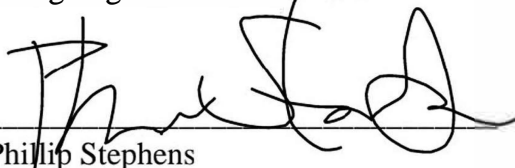
5 32. Being able to serve openly as a transgender man enables me to continue to serve
6 as a productive member of my shop team, without the distress that would otherwise accompany
7 untreated gender dysphoria. Coming out to my fellow service members and commanding officers
8 has helped us form a stronger, more honest working relationships, deepening our trust of one
9 another, which is of serious import in the high stakes and stressful environment in which we
10 serve.

11 33. If permitted to do so, I would re-enlist in the military by my re-enlistment
12 deadline of October 10, 2018, before the expiration of my term of service in 2019. Indeed, I
13 would, if I could, serve honorably in the military until the age of retirement.

14 34. All that I want is to live openly as the man I am and to serve my country with
15 respect and dignity.

16 I declare under the penalty of perjury that the foregoing is true and correct.

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18 DATED: September 13, 2017

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Phillip Stephens

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the United States of America and the laws of the State of Washington that on September 14, 2017, I caused true and correct copies of the foregoing documents to be served by the method(s) listed below on the following interested parties:

By Hand Delivery:

US Attorney's Office
700 Stewart St., Suite 5220
Seattle, WA 98101-1271

By Registered or Certified Mail:

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Department of Defense
1400 Defense Pentagon
Washington, DC 20301-1400

Secretary of Defense James N. Mattis
1000 Defense Pentagon
Washington, DC 20301-1000

President Donald J. Trump
1600 Pennsylvania Ave. NW
Washington, DC 20500

I hereby certify under the penalty of perjury that the foregoing is true and correct. Executed on September 14, 2017 at Seattle, Washington.

s/Rachel Horvitz

Rachel Horvitz, *Paralegal*