

The Honorable Marsha J. Pechman

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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  
SUMMARY JUDGMENT**

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 and a half 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 provide my wife and our young child  
11 the security, stability, and benefits 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 and a half  
15 years ago. I thereafter started to see a mental health professional who diagnosed me with gender  
16 dysphoria.

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

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

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

26          14.       I am taking medical steps to bring my body into conformity with my male gender  
27 identity by following my Medical Treatment Plan for Gender Transition. The plan was signed by  
28 the Chair of the Transgender Care Team, Melissa D. Hiller Lauby, Ph.D. and sent to

1 Commanding Officer, VFA-136 in March of 2016.

2 15. The transition plan states that, “A military behavioral health provider has  
3 diagnosed the member with Gender Dysphoria. Consistent with currently accept standards of  
4 care, medical transition for Gender Dysphoria is clinically appropriate and medically necessary.”  
5 The plan also states that I am “psychologically stable and fit for full duty.”

6 16. In consultation with my physician, I began hormone therapy in November 2016,  
7 shortly after the Department of Defense released guidance on providing transition-related care to  
8 service members. This approved transition plan includes surgical procedures, which it  
9 acknowledges “are considered medically necessary,” but I do not anticipate that they will take  
10 place prior to March 23, 2018. Accordingly, if the ban on transition-related care is implemented,  
11 it will bar me from obtaining this medically necessary care.

12 17. I am also taking legal steps to transition. I will be legally changing my first name  
13 to Phillip. I will also be changing my name and gender marker on my driver’s license and social  
14 security card and records.

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

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

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

24 21. On July 26, 2017, President Trump posted three tweets that said that transgender  
25 people would not be able to serve in the military “in any capacity.”

26 22. When I first saw the President’s tweets, I was at work and started to receive  
27 messages from my wife and friends sending me support. Confused, I again checked the AMPA  
28 Facebook page, where I learned this devastating news.

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

6           24.     I watched with intermittent rage and shock as White House officials and ignorant  
7 people in the media have questioned my capacity to serve in the military, as if I had not already  
8 been competently doing so for several years. It adds insult to the injury of living in silence for so  
9 long, and it makes a mockery of the sacrifices I make daily at great personal cost to support my  
10 family and serve my country.

11           25.     Serving in the United States Navy is everything to me. It makes me profoundly  
12 proud to support my wife and our young daughter with my work. I can walk through the world  
13 with my head held high, as a proud father, husband, and man.

14           26.     Despite the preliminary injunction, I am living in fear and anxiety that my career  
15 may still be in jeopardy because the injunction is not permanent. I understand that it remains  
16 possible that the military could, in the future, implement a ban on open transgender service,  
17 depending on how the litigation is ultimately resolved. It is painful for me to consider a future  
18 without service to my country.

19           27.     I relied upon the lifting of the open service ban for transgender service members  
20 before coming out about my transgender status and sharing my true gender identity with my  
21 command and colleagues. It would be utterly devastating to have this action, which I took in  
22 good faith, used against me to relieve me of my well-established position in the United States  
23 Navy.

24           28.     Despite my continued fear and anxiety, I continue to go to work every day and  
25 perform my duties with precision and honor, and I will continue to do so up until the minute that  
26 the military discharges me.

27           29.     Should the ban on open service for transgender military personnel be  
28 implemented, it would deprive me of educational and economic opportunities upon which my

1 family and I have relied in planning our lives. I cannot afford to attend college without the G.I.  
2 Bill, which is another means to bettering myself and ensuring financial security for my wife and  
3 child.

4 30. Implementing the ban on open service for transgender military personnel would  
5 also impair my ability to support and comfort my family because I would no longer feel  
6 supported by the country to which I have dedicated my life in service.

7 31. As an African-American man, there was also a time when the military would have  
8 treated me differently just because of my race. But the military eliminated racial  
9 discrimination—and became stronger because of it. Similarly, allowing transgender individuals  
10 like me to serve openly only make the military stronger because it removes an exclusion to  
11 service that has no bearing on my ability to do my job.

12 32. I have engaged in speech and conduct as enlisted Navy service member regarding  
13 my gender identity and status as a transgender person. Despite the temporary halting of the ban, I  
14 remain fearful for my ability to continue to do so without retribution or punishment given that  
15 the litigation has not yet been ultimately resolved.

16 33. Being able to serve openly as a transgender man enables me to continue to serve  
17 as a productive member of my shop team, without the distress that would otherwise accompany  
18 untreated gender dysphoria. Coming out to my fellow service members and commanding officers  
19 helped us form stronger, more honest working relationships, and deepened our trust of one  
20 another, which is of serious import in the high stakes and stressful environment in which we  
21 serve.

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

25 ///  
26 ///  
27 ///  
28 ///

1           35. All that I want is to live openly as the man I am and to serve my country with  
2 respect and dignity.

3  
4           Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the  
5 United States of America that the foregoing is true and correct.

6  
7 DATED: January 25, 2018

8   
9 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 all participants in the case are registered CM/ECF users and that service of the foregoing documents will be accomplished by the CM/ECF system on January 25, 2018.



\_\_\_\_\_  
Derek A. Newman, WSBA #26967  
*dn@newmanlaw.com*  
Newman Du Wors LLP  
2101 Fourth Ave., Ste. 1500  
Seattle, WA 98121  
(206) 274-2800

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28