

The Honorable Marsha J. Pechman

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

RYAN KARNOSKI, et al.,  
*Plaintiffs,*  
STATE OF WASHINGTON,  
*Plaintiff-Intervenor,*  
  
v.  
DONALD J. TRUMP, et al.,  
*Defendants.*

CASE No. 2:17-cv-01297-MJP  
  
**DECLARATION OF SAMANTHA  
EVERETT IN SUPPORT OF  
PLAINTIFFS’ OPPOSITION TO  
DEFENDANTS’ CROSS-MOTION FOR  
PARTIAL SUMMARY JUDGMENT**  
  
NOTE ON MOTION CALENDAR:  
March 23, 2018

I, Samantha Everett, swear under penalty of perjury under the laws of the United States to the following:

1. I am counsel of record for Plaintiffs in this action, am over age 18, and competent to be a witness. I am making this Declaration based on facts within my own personal knowledge. I provide this Declaration in support of Plaintiffs’ Opposition to Defendants’ Cross-Motion for Partial Summary Judgment.

2. Attached hereto as **Exhibit 1** is a true and correct copy of documents bearing bates numbers USDOE00037688–USDOE0037696.

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

DATED: March 19, 2018

  
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Samantha Everett

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**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 March 19, 2018.



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Samantha Everett, WSBA #47533  
samantha@newmanlaw.com  
Newman Du Wors LLP  
2101 Fourth Ave., Ste. 1500  
Seattle, WA 98121  
(206) 274-2800

# Exhibit 1

**Neller Gen Robert B**

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**From:** Neller Gen Robert B  
**Sent:** Sunday, August 06, 2017 15:23  
**To:** Dunford Gen Joseph F  
**Cc:** (b)(6) Walters Gen Glenn M  
**Subject:** Re: Draft Transgender Memo (UNCLASSIFIED)

(b)(5)

V/R Neller

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message

**From:** Dunford, Joseph F Jr Gen USMC JS (US)  
**Sent:** Monday, August 7, 2017 6:06 AM  
**To:** Neller Gen Robert B  
**Cc:** (b)(6) Walters Gen Glenn M  
**Subject:** RE: Draft Transgender Memo (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Commandant, ACMC--

(b)(5)

(b)(5) More to follow as this develops ... I saw it yesterday and immediately asked that it be forwarded to the Chiefs.

VR  
Joe

-----Original Message-----

**From:** Neller Gen Robert B [mailto:(b)(6)]  
**Sent:** Saturday, August 5, 2017 9:50 PM  
**To:** Dunford, Joseph F Jr Gen USMC JS (US)  
<(b)(6)>

**Neller Gen Robert B**

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**From:** Neller Gen Robert B  
**Sent:** Saturday, August 05, 2017 21:50  
**To:** Dunford, Joseph F Jr Gen USMC JS (US)  
**Cc:** (b)(6) Walters LtGen Glenn M (b)(6)  
**Subject:** FW: Draft Transgender Memo  
**Attachments:** Draft PM -- Transgender in Military 4 Aug 2017.docx; Warning.txt; Warning.txt; Warning.txt

Chairman,  
Read the statement. Have not discussed with the POTUS but only with the SECDEF.

(b)(5)

Getting ready to land on Guadalcanal.  
Will check in later.  
Understand min distribution/close hold.  
V/R Neller

-----Original Message-----

**From:** (b)(6)  
**Sent:** Sunday, August 06, 2017 8:04 AM  
**To:** Neller Gen Robert B <(b)(6)>

Pages 3 through 4 redacted for the following reasons:

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Not an Agency Record  
Not an Agency Record

**Subject: Fw: Draft Transgender Memo**

**Commandant**

**Attached is the draft PM to SD.**

(b)(5)

**CJCS requested min distro**

**Very Respectfully**

(b)(6)

**Headquarters, U.S. Marine Corps  
Military Secretary to the Commandant of the Marine Corps**

**Office:** (b)(6)

**Cell:** (b)(6)

**Tanberg** (b)(6)

**NIPR:** (b)(6)

**SIPR:** (b)(6)

**From:** (b)(6)

**<** (b)(6)

**Sent: Saturday, August 5, 2017 9:42 AM**

**To:** (b)(6)

(b)(6)

**Cc:** (b)(6)

**Subject: Fwd: Draft Transgender Memo**

**Gentlemen,**

**Please see below for closehold information for your bosses'.  
Likely this is a final draft and will be released soon.**

**Our legal team has had a chance to review but the Chairman  
wanted you all to have visibility.**

**Please protect with minimal distribution.**

**V/r**

(b)(6)

(C)+

(b)(6)

-----Original Message-----

From: Dunford, Joseph F Jr Gen USMC JS (US)

Sent: Saturday, August 5, 2017 12:51 PM

To: Kremer, Kyle J Brig Gen USAF JS J1 (US)

<(b)(6)>

<mailto:(b)(6)>

Cc: Selva, Paul J Gen USAF JS OCJCS (US)

<(b)(6)>

>; (b)(6)

<(b)(6)>

<mailto:(b)(6)>

(b)(6)

(b)(6)

>; Crandall, Darse E

Jr RDML USN JS OCJCS (US)

(b)(6)

(b)(6)

Subject: Re: Draft Transgender Memo (UNCLASSIFIED)

Kyle, All

I don't have additional changes to the memo beyond those from LC and I understand Del's assessment of paragraph 3.

I'll defer to OSD from here. Please make sure the Chiefs have an opportunity to review.

VR & Thanks

JFD

Begin forwarded message:

Resent-From:

(b)(6)

(b)(6)

**From:** [redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6)

**Date:** August 5, 2017 at 9:47:04 AM EDT

**To:** "Selva, Paul J Gen USAF JS OCJCS (US)"

[redacted] (b)(6)

>, "Dunford, Joseph F Jr Gen USMC JS (US)"

[redacted] (b)(6)

[redacted] (b)(6)

**Cc:** [redacted] (b)(6), (b)(7)(C)

[redacted] (b)(6), (b)(7)(C)

>, "Crandall, Darse E

Jr RDML USN JS OCJCS (US)"

[redacted] (b)(6)

"Kremer, Kyle J Brig

Gen USAF JS J1 (US)"

[redacted] (b)(6)

[redacted] (b)(6)

**Subject:** Fwd: Draft Transgender Memo

**Chairman, Vice Chairman,**

Given the articulated timeline and high profile nature of this issue, I am flat tracking it to you directly and a slightly broader team to ensure full visibility.

Pending guidance,

V/r

[redacted] (b)(6)

**Begin forwarded message:**

**From:** [redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6)

**Date:** August 4, 2017 at 10:26:51 PM EDT

To: [redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6) Philip SD Raymond

[redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6)

Cc: [redacted] (b)(6)

< [redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6)

**Subject: Draft Transgender Memo**

DoD colleagues,

Attached, please find a close-hold draft of the POTUS memo on transgender. Per APNSA McMaster's promise to Secretary Mattis, we wanted to make sure you have seen it before going final.

I understand that OGC has already reviewed. We are waiting on DOJ review by noon tomorrow, before POTUS considers it. If you have any concerns, can you please let us know prior to noon tomorrow?

Again, I respectfully ask for your help in protecting this.

Many thanks

[redacted] (b)(6)

**From:** [Neller Gen Robert B](#)  
**To:** [Dunford Gen Joseph F](#)  
**Subject:** RE: Transgender policy message (UNCLASSIFIED)  
**Date:** Thursday, July 27, 2017 11:07:00 AM

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Can you talk today?

-----Original Message-----

**From:** Dunford, Joseph F Jr Gen USMC JS (US) (b)(6)  
**Sent:** Thursday, July 27, 2017 10:57 AM  
**To:** Milley, Mark A GEN USARMY HQDA CSA (US); Richardson ADM John M; Neller Gen Robert B; Goldfein, David L Gen USAF AF-CC (US); Lengyel, Joseph L Gen USAF NG NGB (US)  
**Subject:** RE: Transgender policy message (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

P.S. When asked, I will state that I was not consulted ... expect that question will come NLT than my September hearing.

VR  
Joe

-----Original Message-----

**From:** Dunford, Joseph F Jr Gen USMC JS (US)  
**Sent:** Thursday, July 27, 2017 7:55 AM  
**To:** Milley, Mark A GEN USARMY HQDA CSA (US) (b)(6) 'Richardson, John M ADM CNO' (b)(6) 'Neller Gen Robert B' (b)(6) Goldfein, David L Gen USAF AF-CC (US) (b)(6) Lengyel, Joseph L Gen USAF NG NGB (US) (b)(6)  
**Subject:** Transgender policy message (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Chiefs,

I know yesterday's announcement was unexpected. The message below is provided in advance of an official letterhead memo from me. It's as much as we can say right now. I'd ask that you ensure widest dissemination ...

VR  
Joe

**From:** CJCS  
**To:** Service Chiefs, Commanders and Senior Enlisted Leaders

I know there are questions about yesterday's announcement on the transgender policy by the President. There will be no modifications to the current policy until the President's direction has been received by the Secretary of Defense and the Secretary has issued implementation guidance.

In the meantime, we will continue to treat all of our personnel with respect. As importantly, given the current fight and the challenges we face, we will all remain focused on accomplishing our assigned missions.

CLASSIFICATION: UNCLASSIFIED  
CLASSIFICATION: UNCLASSIFIED

CJCS\_00001087

USDOE00037695

**From:** [Neller Gen Robert B](#)  
**To:** [Dunford, Joseph F Jr Gen USMC JS \(US\)](#); [Milley, Mark A GEN USARMY HQDA CSA \(US\)](#); [Richardson ADM John M; Goldfein, David L Gen USAF AF-CC \(US\)](#); [Lengyel, Joseph L Gen USAF NG NGB \(US\)](#)  
**Cc:** [Walters LtGen Glenn M](#) (b)(6); [Laster LtGen James B; Brilakis LtGen Mark A; Ewers MaiGen John R; Hogue SES Robert D](#) (b)(6); [Wissler LtGen John E; Berger LtGen David H](#) (b)(6); [McMillian LtGen Rex C](#) (b)(6); [Kennedy BGen Paul J](#) (b)(6); [Renforth BGen Austin E; Jurney BGen William M](#)  
**Subject:** RE: Transgender policy message (UNCLASSIFIED)  
**Date:** Thursday, July 27, 2017 8:59:00 AM

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Roger over.  
V/R Neller

-----Original Message-----

**From:** [Dunford, Joseph F Jr Gen USMC JS \(US\)](#) (b)(6)  
**Sent:** Thursday, July 27, 2017 7:55 AM  
**To:** [Milley, Mark A GEN USARMY HQDA CSA \(US\)](#); [Richardson ADM John M; Neller Gen Robert B; Goldfein, David L Gen USAF AF-CC \(US\)](#); [Lengyel, Joseph L Gen USAF NG NGB \(US\)](#)  
**Subject:** Transgender policy message (UNCLASSIFIED)

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