

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

Brock Stone, et al.,

Plaintiffs,

v.

Donald J. Trump, et al.,

Defendants.

Case No. 1:17-cv-02459-MJG

DECLARATION OF NIKOLAI BRANCO
IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS'
MOTION TO DISSOLVE THE PRELIMINARY INJUNCTION

I, Nikolai "Niko" Branco, hereby declare:

1. The facts set forth in this declaration are based on my personal knowledge.

Personal Background Information

2. I am a 24-year-old male from Connecticut employed with a local police department as an animal control officer. I have served in this capacity for 1.5 years, and I also have volunteered at my local fire department for one year.

3. I completed high school in 2011 and two semesters of college. While in high school, I had knee surgery for a torn ACL after incurring an injury from playing soccer. My physician has certified that I have fully recovered from this surgery.

4. In May, I will happily be marrying my fiancé and best friend.
5. I am transgender.
6. I revealed my transgender status to family and friends over six years ago.
7. Four years ago I was diagnosed with gender dysphoria.

8. Pursuant to an evaluation and recommendation by medical personnel, over three and a half years ago I began hormone therapy that was deemed a medically-necessary part of my transition to the male gender. In 2016, and also as a medically-necessary part of my transition, I underwent top surgery.

9. I do not anticipate any further surgeries as part of my treatment plan for gender dysphoria.

10. I have updated my birth certificate to accurately reflect my male gender.

11. Since high school, I have always intended to join the United States Army in an Active Duty capacity. During high school, I took the Armed Services Vocational Aptitude Battery test, but ultimately determined that the timing was not right because I was not comfortable joining the military in a gender that did not conform with who I am.

12. Around July 2017, I determined that it was the right time for me to pursue my dream of enlisting in the U.S. Army. Prior to the President's issuance of his statements on Twitter, I was already working with an Army recruiter. Once the President issued his Tweets, those plans were put on hold until the recruiter contacted me in December 2017 after this Court, as well as other courts, prevented the President from enforcing his ban on service by transgender individuals. Since then, I have diligently worked with my recruiter to complete all of the necessary paperwork to enlist.

13. I have completed all of my medical paperwork, including a waiver request for my knee surgery. This medical paperwork included a certification from my endocrinologist that I have been stable in my male gender for more than 18 months. In addition, this certification also certified that I have completed all of the required medical treatment as part of my gender transition and that more than 18 months has passed since my most recent surgery.

14. My recruiter has informed me that I am now only waiting on a date for my physical examination. Upon completing that examination, I intend to sign an enlistment contract.

15. I intend to serve in the U.S. Army for 20 years.

Effect of Transgender Service Member Ban

16. Pursuant to the Carter policy's Open Service Directive, that remains in effect, I am eligible to enlist due to the reasons that I described above. The medical certification provided as part of my medical paperwork satisfies all of the criteria under the Open Service Directive. As a result, I have been working with a recruiter to enlist under these criteria.

17. Should the Department of Defense's Implementation Plan go into effect, however, I would not be eligible to enlist in the U.S. Army. I would instantly be disqualified because of my diagnosis of gender dysphoria and as a result of my medically-necessary, hormone and surgical treatment.

18. The Department's Implementation Plan would prevent me from pursuing my professional dream of enlisting in the U.S. Army—something that I have been working towards since high school. Moreover, this Implementation Plan has created uncertainty in my life and throughout my enlistment process. After the recruiter contacted me in December 2017, I thought finally that I would be able to pursue my professional goals. The Implementation Plan, however, puts all of that at risk. Often, I find myself confused and anxious about whether I will ultimately be able to serve.

19. Joining the U.S. Army has been a lifelong goal. I sincerely hope that I will be afforded the opportunity to pursue it. Should I not be, I will be forced into a less preferable, for me, career as an animal control officer.

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

Executed on the 22 day of April, 2018 in Torrington, Connecticut.

Nikolai Branco

NIKOLAI BRANCO

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

Brock Stone, et al.,

Plaintiffs,

v.

Donald J. Trump, et al.,

Defendants.

Case No. 1:17-cv-02459-MJG

DECLARATION OF BROCK STONE
IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS'
MOTION TO DISSOLVE THE PRELIMINARY INJUNCTION

I, BROCK STONE, hereby declare:

1. The facts set forth in this declaration are based on my personal knowledge.
2. Since this lawsuit was filed I have continued to serve in the United States Navy in the same command.
3. I am still seeking approval for my medical treatment plan for my gender transition. Although I understood my plan to be close to approval in late 2017, it was in fact rejected in early 2018, and I was given only limited explanation as to why. Since then I have continued to provide additional information and documentation, and frequently have been forced to wait for months at a time to find out whether this new information is sufficient. Due to the extensive delays, I have also had to revise my plan due to the extensive passage of time. My plan previously called for me to undergo medically-necessary top surgery and a hysterectomy in February 2018, but that was not possible because the approval process dragged out long past that time. The approval process remains ongoing. Each time new information or documentation has

been requested, I have quickly provided it. I understand the current status of my plan to be that it is awaiting approval by the local Walter Reed Medical Center transition plan review board.

4. This process has been incredibly frustrating, as it has caused me months of delay in receiving medically-necessary surgical care. Even now I am not certain when my plan will be approved, or why it has been rejected and delayed thus far.

5. My command and co-workers continue to be very supportive of me.

6. I have significant concerns and anxiety about my future in the military under the Implementation Plan released by the Department of Defense in February 2018. Although I understand I will be able to continue to serve my current contract, I do not know whether I will be able to re-enlist. My current contract expires in 2023. At the end of that contract I will have served 17 years on active duty, leaving me three years short of full retirement benefits. If I were not able to sign an additional contract to serve those three additional years, it would be a tremendous loss, both financially and personally. I have planned my career and financial future around serving my country for 20 years. To be denied that goal because of the Transgender Service Member Ban would be devastating.

7. I am also concerned about what medical care I will have access to under the Implementation Plan. Given the extensive delay in getting my medical treatment plan approved already, I am worried that I may not be able to get all of the medical care that is truly medically necessary for me, including the top surgery and hysterectomy indicated on my treatment plan.

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

Executed on the 21st day of April, 2018 in ODENTON, MARYLAND.


BROCK STONE

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FOR THE DISTRICT OF MARYLAND**

Brock Stone, et al.,

Plaintiffs,

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DECLARATION OF TEDDY D'ATRI
IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS'
MOTION TO DISSOLVE THE PRELIMINARY INJUNCTION

I, TEDDY D'ATRI, hereby declare:

1. The facts set forth in this declaration are based on my personal knowledge.

Personal Background Information

2. I am twenty-one years old. I currently work at an electronics store as a sales associate.
3. I am a man.
4. I am transgender.
5. I disclosed my transgender identity to my family and friends in 2017.
6. I began undergoing hormone therapy as a medically-necessary part of my gender transition in August 2017. I understand that I received a diagnosis for gender dysphoria around that time. I am currently pursuing medically-necessary top surgery in connection with my gender transition. I am tentatively scheduled to undergo that procedure in August 2018. I do not anticipate requiring any further surgical care in connection with my gender transition after that.

7. I am in the process of updating my civilian records to accurately reflect my gender. I have begun working on the paperwork to update my gender with the Department of Motor Vehicles and Social Security Administration, and intend to complete this process in the coming months.

8. I am in the process of enlisting in the United States Air Force, where I hope to work as an aerial gunner or in the security force. I first met with a recruiter in July 2017. Due to confusion and uncertainty on the part of certain recruiters created by the Transgender Service Member Ban, my initial efforts to pursue enlistment reached an impasse and I switched recruiters in October 2017. I have stepped up my efforts to work through the recruitment process since the accessions ban was lifted in January 2018.

9. I have several reasons for joining the Air Force. Above all else, I want to serve and protect my country and the people I care about. Related to that is my desire to be part of something greater than myself, and work for the greater good. Finally, I come from a family with a proud tradition of military service. Both my father and my grandfather served in the Army. I want to follow their example.

Effect of Transgender Service Member Ban

10. Under the 2016 Open Service Directive currently in effect, I understand that I will be eligible to enlist as early as August 2018. I have been advised by my recruiter that I am eligible to receive a waiver to shorten the 18-month time periods regarding stability and medical care.

11. I have been working to enlist since the accessions ban was lifted at the beginning of this year, with the goal of enlisting in August 2018.

12. However, under the terms of the Implementation Plan prepared by the Department of Defense in February 2018, I would be disqualified from military service because I have been

diagnosed with gender dysphoria, I have undergone gender transition, and I intend to undergo surgery related to gender transition.

13. The Ban on military service by transgender individuals thus directly threatens my career because it will prevent me from enlisting. This will damage by personal and financial future, as it will deny me the opportunity to serve my country, follow my father's tradition of military service, and prevent me from pursuing my desired career in public service. If I am able to enlist, my intent is to sign an eight-year contract, and ideally stay in the military for my career. Losing this opportunity would be a significant personal and career loss.

14. The Ban has also created personal anxiety and uncertainty for me. I feel as though my service is being rejected. All I want to do is serve my country, but it seems like that simple goal is being made extremely difficult.

15. I have structured my life around trying to join the military. If I were not able to do so, I would have to consider a back-up plan. One way or another I want to work in public service. If I am not able to join the military, I would likely pursue a career in law enforcement or substance abuse counseling. But my first goal is to join the military.

16. In my current job, I have interacted with a number of veterans and reservists. In my experience, none of them care about my transgender identity. All that matters to them is that I want to serve my country and do an important job. It is extremely frustrating and disheartening to see the Ban potentially stand in my way of doing exactly that.

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

Executed on the 22 day of April, 2018 in Smithfield, RI.



TEDDY D'ATRI

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Plaintiffs,

v.

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Case No. 1:17-cv-02459-MJG

DECLARATION OF KATE COLE
IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS'
MOTION TO DISSOLVE THE PRELIMINARY INJUNCTION

I, KATE COLE, hereby declare:

1. The facts set forth in this declaration are based on my personal knowledge.
2. Since this lawsuit was filed I have continued to serve in the United States Army.
3. Earlier this year I attended and successfully completed Drill Sergeant School. In the coming month I will leave my current station and transfer to Fort Benning, Georgia, where I will work as a Drill Sergeant.
4. My current command and co-workers continue to be supportive of me.
5. I continue to have significant concerns and anxiety about my future in the military under the Implementation Plan released by the Department of Defense in February 2018.

Although I hope I will be able to continue to serve out my current contract, I do not know what that means for my future or whether I will be able to re-enlist. My current contract expires in 2021. At the end of that contract I will have served approximately 14 years on active duty, leaving me about six years short of full retirement benefits. My goal is to serve in the Army for

my career, and if I were not able to sign an additional contract to serve past the expiration of my current contract, it would be a tremendous loss, both financially and personally. I have planned my career and financial future around serving my country for at least 20 years. To be denied that goal because of the Transgender Service Member Ban would be devastating.

6. I am also concerned about what kinds of medical care I will have access to under the Implementation Plan. I plan to pursue further medically-necessary care connected to my transition once I am eligible to do so under the current policy, which will be in August of this year, when my gender marker will have been updated in DEERS for a full year. However under the terms of the Implementation Plan I do not know if I would be able to receive all of the medical care that is truly medically necessary for me, including that surgery.

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

Executed on the 22 day of April, 2018 in Fort Polk, Louisiana.



KATE COLE