

[NOT YET SCHEDULED FOR ORAL ARGUMENT]

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Jane Doe 2, et al.,

Appellees,

v.

Donald J. Trump, in his official capacity as
President of the United States, *et al.*,

Appellants.

No. 18-5257

**APPELLANTS' CERTIFICATE AS TO
PARTIES, RULINGS, AND RELATED CASES**

Pursuant to the Court's order of August 29, 2018, counsel for appellants certifies as follows:

A. *Parties and Amici.* Defendants in district court, and Appellants here, are James 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; 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; the United States of America; the United States Department of the Navy; the Defense Health Agency; Richard V. Spencer, in his official capacity as Secretary of the

Navy; Raquel C. Bono, in her official capacity as Director of the Defense Health Agency; Mark T. Esper, in his official capacity as Secretary of the Army; and Kirstjen M. Nielsen, in her official capacity as Secretary of Homeland Security.

In district court, defendants also included Donald J. Trump, in his official capacity as President of the United States, who was also named as an Appellant in this Court. On August 6, 2018, the district court dismissed President Trump from the case and dissolved the preliminary injunction to the extent that it ran against the President. JA108. On September 20, 2018, the district court caption was updated to reflect that President Trump has been terminated from the litigation.

Plaintiffs in district court, and Appellees here, are Jane Doe 2; Jane Doe 3; Jane Doe 4; Jane Doe 5; Dylan Kohere; Regan V. Kibby; John Doe 1; Jane Doe 6; Jane Doe 7; and John Doe 2. Jane Doe 1 was also a plaintiff in district court.

In district court, the Family Research Council and the Heritage Foundation were named as non-party respondents.

In district court, the following States and the District of Columbia participated as amici curiae: Massachusetts, California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maryland, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, and Vermont. Additionally, the Retired Military Officers and Former National Security Officials participated as amicus curiae, which include Brigadier General Ricardo Aponte, USAF (Ret.); Vice Admiral Donald Arthur, USN (Ret.); Michael R. Carpenter; Brigadier General Stephen A. Cheney, USMC (Ret.); Derek Chollet; Rudy DeLeon;

Rear Admiral Jay A. DeLoach, USN (Ret.); Major General (Ret.) Paul D. Eaton, USA; Brigadier General (Ret.) Evelyn “Pat” Foote, USA; Vice Admiral Kevin P. Green, USN (Ret.); General Michael Hayden, USAF (Ret.); Chuck Hagel; Kathleen Hicks; Brigadier General (Ret.) David R. Irvine, USA; Lieutenant General Arlen D. Jameson (USAF) (Ret.); Brigadier General (Ret.) John H. Johns, USA; Colin H. Kahl; Lieutenant General (Ret.) Claudia Kennedy, USA; Major General (Ret.) Dennis Laich, USA; Major General (Ret.) Randy Manner, USA; Brigadier General (Ret.) Carlos E. Martinez, USAF (Ret.); General (Ret.) Stanley A. McChrystal, USA; Kelly E. Magsamen; Leon E. Panetta; Major General (Ret.) Gale S. Pollock, CRNA, FACHE, FAAN; Rear Admiral Harold Robinson, USN (Ret.); Brigadier General (Ret.) John M. Schuster, USA; Rear Admiral Michael E. Smith, USN (Ret.); Brigadier General (Ret.) Paul Gregory Smith, USA; Julianne Smith; Admiral James Stavridis, USN (Ret.); Brigadier General (Ret.) Marianne Watson, USA; William Wechsler; and Christine E. Wormuth.

In addition, several organizations moved to participate as amici curiae, including the American Academy of Family Physicians; American Academy of Nursing; American College of Physicians; American Medical Women’s Association; American Nurses Association; Association of Medical School Pediatric Department Chairs; Endocrine Society; GLMA: Health Professionals Advancing LGBT Equality; National Association of Social Workers; Pediatric Endocrine Society; World Professional Association For Transgender Health; Trevor Project; National Center For Transgender Equality; Tennessee Transgender Political Coalition; TGI Network of Rhode Island;

Transgender Allies Group; Transgender Legal Defense & Education Fund; TransOhio; Transgender Resource Center of New Mexico; and Southern Arizona Gender Alliance. BuzzFeed, Inc. moved to intervene to seek access to a teleconference.

At this time, there are no intervenors and no amici in this Court.

B. *Rulings Under Review.* Appellants seek review of the opinion and orders of the Honorable Colleen Kollar-Kotelly in *Doe 2 v. Trump*, Civ. No. 17-1597, including the opinion and accompanying order of August 6, 2018 (Dkt. Nos. 156 and 157). The opinion is available at 319 F. Supp. 3d 539.

C. *Related Cases.* This case was previously on appeal before this Court as *Doe 1 v. Trump*, No. 17-5267, but the appeal was voluntarily dismissed. There is an appeal and mandamus petition involving similar issues pending in *Karnoski v. Trump*, No. 18-35347 (9th Cir.), and *In re Trump*, No. 18-72159 (9th Cir.), respectively.

Respectfully submitted,

s/Tara S. Morrissey

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SEPTEMBER 2018

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2018, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

s/Tara S. Morrissey
TARA S. MORRISSEY