

No. 18-5257

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

JANE DOE 2, et al.,

Plaintiffs-Appellees,

v.

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

Defendants-Appellants.

On Appeal from the United States District Court
for the District of Columbia, No. 1:17-cv-01597-CKK,
Before the Honorable Judge Colleen Kollar-Kotelly

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

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September 28, 2018

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

A. *Parties and Amici.* Plaintiffs in the 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 the district court but voluntarily dismissed her case. JA34-35.

Defendants in the district court, and Appellants here, are James N. 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; Mark T. Esper, in his official capacity as Secretary of the Army; the United States Department of the Navy; Richard V. Spencer, in his official capacity as Secretary of the Navy; 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; Kirstjen M. Nielsen, in her official capacity as Secretary of Homeland Security; the Defense Health Agency; Raquel C. Bono, in her official capacity as Director of the Defense Health Agency; and the United States of America.

In the 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.

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

In the district court, the following parties participated as amici curiae:

- Massachusetts; California; Connecticut; Delaware; Hawaii; Illinois; Iowa; Maryland; New Mexico; New York; Oregon; Pennsylvania; Rhode Island; Vermont; and the District of Columbia;
- 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 (together, “Retired Military Officers and Former National Security Officials”);

- The American Academy of Family Physicians; the American Academy of Nursing; the American College of Physicians; the American Medical Women’s Association; the American Nurses Association; the Association of Medical School Pediatric Department Chairs; the Endocrine Society; GLMA: Health Professionals Advancing LGBT Equality; the National Association of Social Workers; the Pediatric Endocrine Society; and the World Professional Association for Transgender Health (together, “Medical, Nursing, Mental Health, and Other Health Care Organizations”);
- The Trevor Project;

- The National Center for Transgender Equality; the Tennessee Transgender Political Coalition; TGI Network of Rhode Island; the Transgender Allies Group; the Transgender Legal Defense and Education Fund, TransOhio; the Transgender Resource Center of New Mexico, and the Southern Arizona Gender Alliance.¹

And in the district court, 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 315 F. Supp. 3d 474.²

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.),

¹ Defendants' Certificate as to Parties, Rulings, and Related Cases indicates that only the first two of these groups of amici were granted leave to participate, but all five groups were granted such leave. JA43, 46, 170.

² Defendants' Certificate as to Parties, Rulings, and Related Cases indicates that the opinion under review is available at 319 F. Supp. 3d 539. This statement is in error; the opinion published there appears at Dkt. No. 155 and is not on appeal.

respectively. Cases raising similar issues are proceeding in the district court in *Karnoski v. Trump*, No. 17-cv-1297 (W.D. Wash.), *Stone v. Trump*, No. 17-cv-2459 (D. Md.), and *Stockman v. Trump*, No. 17-cv-1799 (C.D. Cal.).

Respectfully submitted,

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September 28, 2018

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of September, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ Paul R.Q. Wolfson
Paul R.Q. Wolfson