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December 19, 2018

Molly C. Dwyer
Clerk of Court
United States Court of Appeals for the Ninth Circuit
95 Seventh Street
San Francisco, CA 94103

RE: *Karnoski v. Trump*, No. 18-35347 – Washington’s Response to Defendants-Appellants’ Rule 28(j) Submission

Dear Ms. Dwyer:

We write in response to Defendants-Appellants’ December 17, 2018 Rule 28(j) submission regarding *California v. Azar*, an Administrative Procedure Act challenge to agency rules governing the Affordable Care Act’s contraception coverage requirement. No. 18-15144, 2018 WL 6566752 (9th Cir. Dec. 13, 2018).

In *California*, this Court reaffirmed that “there is no bar against . . . nationwide relief in federal district court” when such broad relief is “necessary to give prevailing parties the relief to which they are entitled.” *California*, 2018 WL 6566752, at *15 (quoting *Bresgal v Brock*, 843 F.2d 1163, 1170-71 (9th Cir. 1987)). This Court also noted that “[t]he scope of the remedy must be no broader and no narrower than necessary to redress the injury shown by the plaintiff[.]” *California*, 2018 WL 6566752, at *16. Ultimately, this Court narrowed the *California* preliminary injunction, noting that limiting the injunction to just the plaintiff States was sufficient to prevent the economic injuries caused by the challenged agency rules. *Id.*

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Here, a military-wide injunction is necessary. An injunction limited to the geographic boundaries of Washington State or the named plaintiffs would not protect Washington's transgender residents—who dedicate their lives to military service and are deployed outside of the State of Washington—from Defendants' facially discriminatory policy governing military service by transgender individuals.

Respectfully Submitted,

s/ La Rond Baker

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CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2018, I electronically filed the foregoing document with the Clerk of the Court of the United States Court of Appeals for the Ninth Circuit using the CM/ECF system. Service of such filing will be accomplished by the CM/ECF system upon all participants.

s/ La Rond Baker

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