

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 7. Mediation Questionnaire

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form07instructions.pdf>

9th Cir. Case Number(s)

Case Name

Counsel submitting this form

Represented party/ parties

Briefly describe the dispute that gave rise to this lawsuit.

Defendants Idaho Department of Correction ("IDOC") and its medical provider, Corizon Inc., have refused to provide Plaintiff Adree Edmo necessary medical treatment for the serious medical condition of gender dysphoria, and discriminated against her based on sex, gender identity, and disability. Ms. Edmo is a transgender woman whom Defendants diagnosed with gender dysphoria shortly after her incarceration began in 2012. Defendants do not dispute Ms. Edmo's diagnosis, nor that gender dysphoria is a serious medical condition. However, Defendants have repeatedly refused to provide Ms. Edmo necessary medical treatment meeting the established standard of care. Defendants have also disciplined Ms. Edmo for presenting as feminine, despite such presentation alleviating the clinical distress resulting from her serious medical condition. As a direct result, Ms. Edmo has suffered life-threatening harm, including two self-castration attempts, and continues to be at substantial risk of further harm, including suicide. Ms. Edmo filed a lawsuit seeking injunctive and declaratory relief and damages, alleging: 1) 8th Amendment failure to provide medical treatment; 2) 14th Amendment sex discrimination; 3) 14th Amendment discrimination based on diagnosis; 4) discrimination in violation of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act; 5) sex discrimination in violation of Section 1557 of the Affordable Care Act; 6) 8th Amendment failure to protect from harm; 7) negligence.

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Briefly describe the result below and the main issues on appeal.

In June 2018, Plaintiff moved for a preliminary injunction on her Eighth Amendment failure to provide medical treatment claim, Fourteenth Amendment sex discrimination claim, and Affordable Care Act claim, seeking an injunction requiring Defendants to provide her necessary medical treatment meeting the standard of care, including gender confirmation surgery, and to stop disciplining her presenting as feminine consistent with her gender identity. The district court ordered an expedited discovery period on the issues pertaining to the motion for preliminary injunction. Following a three-day evidentiary hearing including the testimony of expert witnesses, and post-hearing briefing, the district court granted Plaintiff's motion as to her Eighth Amendment claim and denied the motion as to her Fourteenth Amendment and Affordable Care Act claims. The court ordered Defendants IDOC and Corizon to provide Ms. Edmo with necessary medical treatment, including gender confirmation surgery, within six months of the date of the order. Defendants have appealed the court's order, arguing that the district court abused its discretion in granting injunctive relief ordering them to provide Ms. Edmo with gender confirmation surgery.

Describe any proceedings remaining below or any related proceedings in other tribunals.

Defendants have moved in the district court for a stay of the preliminary injunction order pending their appeal. Neither the appeal nor Defendants' motion for a stay divests the district court of jurisdiction over Plaintiff's other claims which are not at issue in the appeal, and on which litigation is proceeding.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

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