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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

ADREE EDMO (a/k/a MASON EDMO),

Plaintiff,

v.

IDAHO DEPARTMENT OF CORRECTION;
HENRY ATENCIO, in his official capacity;
JEFF ZMUDA, in his official capacity;
HOWARD KEITH YORDY, in his official
and individual capacities; CORIZON, INC.;
SCOTT ELIASON; MURRAY YOUNG;
RICHARD CRAIG; RONA SIEGERT;
CATHERINE WHINNERY; and DOES 1-15;

Defendants.

Case No.: 1:17-cv-00151-BLW

**PLAINTIFF'S SUBMISSION RE: PRE-
SURGICAL REQUIREMENTS**

Complaint Filed:	April 6, 2017
Discovery Cut-Off:	None Set
Motion Cut-Off:	None Set
Trial Date:	None Set

During the October 17, 2019 Status Conference, this Court directed Plaintiff to submit information regarding the medically necessary pre-surgical treatment and procedures required for provision of gender confirmation surgery to Ms. Edmo. Accordingly, Plaintiff submits this memorandum summarizing Plaintiff's understanding of the pre-surgical requirements, as well as a declaration from Dr. Geoffrey D. Stiller, the surgeon Defendants have selected to provide gender confirmation surgery. *See* Exh. 1 (Stiller Declaration) to Declaration of Lori Rifkin in Support of Plaintiff's Submission ("Rifkin Decl."). As the Court observed during the Status Conference, medically necessary gender confirmation surgery for Ms. Edmo consists of vaginoplasty, which is the procedure Plaintiff sought in her motion for expedited injunctive relief, and which all parties' experts testified about extensively during the October 2018 trial, including with respect to the specific criteria for vaginoplasty under the WPATH Standards of Care.

On March 1, 2019, prior to the Ninth Circuit's stay of this Court's December 13, 2018 Order, Defendant Corizon's counsel provided a letter to Plaintiff's counsel outlining Corizon's understanding of Dr. Stiller's typical requirements for performing a vaginoplasty, including:

- A referral from a treating physician
- 2 mental health care provider referrals
- Hormone treatment and counseling for at least 1 year
- Laser treatment or electrolysis for lower region
- Initial consult
- Approval for payment

Rifkin Decl. at ¶ 3 & Exh. 2 (Eaton-Rifkin 3-1-19 Letter).

The initial consult between Ms. Edmo and Dr. Stiller took place on April 12, 2019. Rifkin Decl. ¶ 4. On September 13, 2019, Plaintiff's counsel received a letter from Dr. Stiller regarding the medical necessity of hair removal through electrolysis or laser treatment in order for Ms. Edmo to undergo a vaginoplasty. *Id.* at ¶ 5 & Exh. 3 (Stiller Letter). Based on his examination of Ms. Edmo, Dr. Stiller estimates that hair removal treatment for Ms. Edmo will

take 6-9 months. Exh 1 to Rifkin Decl. at ¶ 3. Due to the urgency of Ms. Edmo's medical need and in light of this information from Dr. Stiller, Plaintiff moved the Ninth Circuit to partially lift its stay of this Court's December 13, 2018 Order so that Ms. Edmo can receive all necessary pre-surgical treatment while any further appellate review is pending. Case No. 19-35017, Dkt. 101-1. The Ninth Circuit granted Plaintiff's motion on October 10, 2019, "so that Plaintiff may receive all presurgical treatments and related corollary appointments or consultations necessary for gender confirmation surgery." Case No. 19-35017, Dkt. 104; ECF No. 220.

Plaintiff's counsel obtained a declaration from Dr. Stiller confirming the pre-surgical treatment necessary for Ms. Edmo to receive gender confirmation surgery. Rifkin Decl. at ¶ 2 & Exh. 1. Dr. Stiller's declaration reflects the same pre-surgical requirements his office previously provided to Corizon, according to their counsel's March 1, 2019 letter. Exh. 1 to Rifkin Decl. at ¶ 5. Unless other medical issues are identified through the course of treatment, the primary pre-surgical medical procedure required is hair removal in the genital area. As Plaintiff's counsel informed the Court during the status conference, they have identified at least two providers in the Boise area who have specifically stated that they are willing to provide hair removal treatment to Ms. Edmo, with knowledge that she is incarcerated and security arrangements must be made with IDOC. Rifkin Decl. at ¶ 6. Plaintiff's counsel shared the information about these providers with Defendants' counsel. *Id.*

Plaintiff's counsel has also provided Dr. Stiller's office with two referrals for Ms. Edmo from qualified mental health professionals. Rifkin Decl. at ¶ 7. As Dr. Stiller states in his declaration, these satisfy the mental health referral requirements. Exh. 1 to Rifkin Decl. at ¶ 6. Dr. Stiller has not yet received a letter from Ms. Edmo's treating physician who prescribes her hormones. As Dr. Stiller states in his declaration, if this letter is unavailable from a prison physician, he will "accept a letter from a qualified, outside physician who is familiar with Ms. Edmo's medical records and history." *Id.* at ¶ 7.

In sum, three of the six pre-surgical requirements have been completed, including hormone therapy for at least one year, the initial consult, and the mental health care provider

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of October, 2019, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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deaton@parsonsbehle. com

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brady@melawfirm.net

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Attorneys for IDOC Defendants

/s/ Lori Rifkin

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

ADREE EDMO (a/k/a MASON EDMO),

Plaintiff,

v.

IDAHO DEPARTMENT OF CORRECTION;
HENRY ATENCIO, in his official capacity;
JEFF ZMUDA, in his official capacity;
HOWARD KEITH YORDY, in his official
and individual capacities; CORIZON, INC.;
SCOTT ELIASON; MURRAY YOUNG;
RICHARD CRAIG; RONA SIEGERT;
CATHERINE WHINNERY; and DOES 1-15;

Defendants.

Case No.: 1:17-cv-00151-BLW

**DECLARATION OF LORI RIFKIN IN
SUPPORT OF PLAINTIFF'S SUBMISSION
RE: PRE-SURGICAL REQUIREMENTS**

Complaint Filed: April 6, 2017
Discovery Cut-Off: None Set
Motion Cut-Off: None Set
Trial Date: None Set

DECLARATION OF LORI RIFKIN

I, Lori Rifkin, hereby declare and state:

1. I am an attorney licensed to practice law in the state of California and am admitted *pro hac vice* before this Court, and am counsel of record for Plaintiff in this action. The information contained herein is based on my personal knowledge, or upon review of files and documents generated or received and regularly maintained by my office in connection with this case. If called upon, I could testify in a court of law to the accuracy of the matters set forth herein.

2. Following the October 17, 2019 Status Conference in this case, Plaintiff's counsel contacted Dr. Stiller to confirm his pre-surgical requirements for provision of gender confirmation surgery (vaginoplasty) to Ms. Edmo. Dr. Stiller provided a signed declaration to Plaintiff's counsel setting forth this information, which is attached hereto as **Exhibit 1**.

3. On March 1, 2019, prior to the Ninth Circuit's stay of this Court's December 13, 2018 Order, Defendant Corizon's counsel, Dylan Eaton, provided a letter to Plaintiff's counsel outlining his client's understanding of Dr. Stiller's typical requirements for performing gender confirmation surgery (vaginoplasty). This letter also reflects Corizon's clear understanding that vaginoplasty is the surgical procedure required to be provided to Ms. Edmo pursuant to this Court's December 13, 2018 Order. A true and correct copy of Mr. Eaton's March 1, 2019 letter to me is attached hereto as **Exhibit 2**.

4. Following the Ninth Circuit's modification of its stay order, the initial consult between Ms. Edmo and Dr. Stiller took place on April 12, 2019.

5. On September 13, 2019, Plaintiff's counsel received a letter from Dr. Stiller's office regarding the medical necessity of hair removal through electrolysis or laser treatment in order for Ms. Edmo to undergo a vaginoplasty. A true and correct copy of Dr. Stiller's September 13, 2019 letter is attached hereto as **Exhibit 3**.

6. Plaintiff's counsel has identified at least two providers in the Boise area who have specifically stated that they are willing to provide hair removal treatment to Ms. Edmo, with

EXHIBIT 1

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

ADREE EDMO (a/k/a MASON EDMO),

Plaintiff,

v.

IDAHO DEPARTMENT OF
CORRECTION; HENRY ATENCIO, in his
official capacity; JEFF ZMUDA, in his
official capacity; HOWARD KEITH
YORDY, in his official and individual
capacities; CORIZON, INC.; SCOTT
ELIASON; MURRAY YOUNG; RICHARD
CRAIG; RONA SIEGERT; CATHERINE
WHINNERY; and DOES 1-15;

Defendants.

Case No.: 1:17-cv-00151-BLW

**DECLARATION OF DR. GEOFFREY
D. STILLER**

Complaint Filed:	April 6, 2017
Discovery Cut-Off:	None Set
Motion Cut-Off:	None Set
Trial Date:	None Set

I, Geoffrey D. Stiller, M.D., state as follows:

1. I have actual knowledge of the matters stated in this declaration and would so testify if called as a witness in this proceeding.

2. I received my M.D. from the University of Minnesota Medical School in 1996. I am a licensed physician and surgeon in Idaho and Washington. A true and correct copy of my Curriculum Vitae is attached as **Exhibit A**.

3. I had a presurgical appointment with Ms. Adree Edmo on April 12, 2019. The purpose of that appointment was to evaluate Ms. Edmo for gender confirmation surgery and to discuss the surgical options with her. That appointment happened in Moscow, Idaho at my former medical practice, which was called “Palouse Surgeons.” As of June 1, 2019, I no longer provide surgery in Idaho and instead perform all surgeries at Deaconess Hospital in Spokane, Washington. I am willing and able to perform Ms. Edmo’s surgery at Deaconess Hospital and the hospital administration has also confirmed to me that her surgery can happen there. It is my understanding that Deaconess Hospital has provided a variety of medical services to prisoners.

4. Gender confirmation surgery for a transgender woman generally consists of a vaginoplasty which, broadly speaking, is the creation of a neovagina. The most commonly performed vaginoplasty surgery, and the one performed on the vast majority of patients both in this country and worldwide, is the technique referred to as “penile inversion.”

5. This declaration includes information about presurgical requirements only. I follow the World Professional Association for Transgender Health (WPATH) Standards of Care. Accordingly, I generally require the following presurgical steps before performing penile inversion surgeries on my patients:

A. A letter from the physician who has provided hormone medication. These letters typically confirm that the patient has been diagnosed with Gender

Dysphoria and that the patient has complied with hormone care. The letter also typically confirms that the patient has no medical comorbidities that would interfere with surgery;

- B. Two letters from qualified mental health practitioners;
- C. Complete hair removal from the surgical site by either laser hair removal or electrolysis. As my standard letter regarding hair removal states, this is medically necessary and “required prior to the procedure to prevent any future complication post operatively. Without complete hair removal of the area, complications can occur that may require revisional surgery in some rare cases.”

6. Of these requirements, I have received the two letters from qualified mental health professionals. I have reviewed those letters, which were provided to me by Ms. Edmo’s counsel, and they fully satisfy this presurgical requirement.

7. In the event that a letter from Ms. Edmo’s prison physician is unavailable due to her pending lawsuit or for any other reason, I will accept a letter from a qualified, outside physician who is familiar with Ms. Edmo’s medical records and history.

8. With respect to hair removal, I anticipate that Ms. Edmo will require between six and nine hair removal treatments. Because treatments typically take place a few weeks apart, this means that it could take six to nine months for Ms. Edmo to complete the hair removal process. Once a hair removal provider for Ms. Edmo is chosen, my office will work directly with that provider until he or she is able to confirm that adequate hair removal has been completed for surgery.

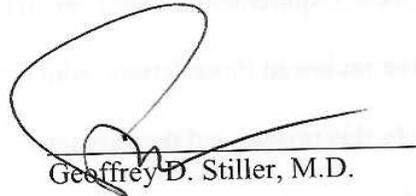
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9. Once I have documentation confirming all of the above for Ms. Edmo, I am committed to scheduling her surgery as soon as possible. If Ms. Edmo's surgery is not scheduled within a year of my appointment with her, or by about April 2020, I may need to have another consultation with her. Otherwise, my general practice is to meet with patients the day before surgery if I have seen them within approximately the past year.

I declare under penalty of perjury under the laws of the United States of America and the State of Idaho that the foregoing is true and correct. Executed this 22nd day of October, 2019 in Spokane, Washington.



Geoffrey D. Stiller, M.D.

EXHIBIT A

Geoffrey D. Stiller, MD, FACS, FAACS

Education:

1981-1987	Mining and Mechanical Institute, Freeland, PA
1987-1991	Eastern College, St. Davids, PA Graduated Magna Cum Laude with a B.S. in Biology and minor in Chemistry
1992-1996	University of Minnesota Medical School Graduate medical studies leading to an MD

Residency:

1996-1997	Intern in General Surgery, Graduate Hospital, Philadelphia, PA
1997-2000	Resident in General Surgery, Graduate Hospital, Philadelphia, PA
2000-2001	Administrative Chief Surgical Resident, Graduate Hospital, Philadelphia, PA

Fellowship:

2007-2008	Fellow in Cosmetic Surgery, Southcenter Cosmetic Surgery and Hair Restoration, Inc. Seattle, WA
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Employment:

Aug 2001-June 2005	USAF, Mountain Home AFB, Mountain Home, ID Staff General Surgeon, Chief of Surgery, Officer in charge of Surgery Clinic, Interim Chief of Medical Staff
2002-2005	Department of Veterans Affairs, Boise, ID Associate Staff General Surgeon without compensation
Jan 2005-July 2005	Palouse Surgeons, LLC, Pullman, WA General Surgeon Locum Tenem
Aug 2005-Aug 2008	Palouse Surgeons, LLC, Pullman, WA Owner, General/Vascular/Thoracic/Laparoscopic Surgeon
Sept 2007-Aug 2008	Southcenter Cosmetic Surgery & Hair Restoration, Inc.,

Seattle, WA
Cosmetic Surgery Fellow
Sept 2008-Mar 2009 Genesis ENT and Plastic Surgery, Charlotte, NC
Cosmetic Surgeon
Apr 2009-Mar 2010 Uplift Cosmetic Surgery, Laser and Skin Center, Charlotte, NC
Owner
Mar 2010- Feb 2012 Shape Cosmetic Surgery and Medspa, Spokane, WA
Cosmetic Surgeon
Mar 2012- May 2019 Palouse Surgeons, LLC, Pullman, WA
Cosmetic and General Surgeon
June 2019 – Present Stiller Aesthetics
Cosmetic and General Surgeon, owner

Faculty Appointment:

Aug 2005-Aug 2008 Affiliate Faculty University of Washington Medical School
WWAMI program
2010-present Faculty of the National Society of Cosmetic Physicians
2013-present Clinical Assistant Professor of Surgery of Western University
Of Health Sciences/College of Osteopathic Medicine of the
Pacific

Publications:

Stiller, GD, et al: A Unique Method of Body Contouring after Massive Weight Loss.
The American Journal of Cosmetic Surgery. 28(3):130-137, 2011
Weese, JL, et al: Neoadjuvant chemotherapy, radical resection with intraoperative
radiation therapy (IORT): Improved treatment for gastric adenocarcinoma.
Surgery 128-4:566-71, 2000
Centeno, RF, et al: An alternative approach: antegrade catheter-directed thrombolysis in a
case of phlegmasia cerulean dolens. Am Surg 65(3): 229-31, 1999

Presentations:

Nov 2010 Brazilian Butt Lift. National Society of Cosmetic Physicians

Nov 2010 Awake Inframammary Breast Augmentation. National Society of
Cosmetic Physicians

Nov 2011 Brazilian Butt Lift. National Society of Cosmetic Physicians

Nov 2011 Liposuction of the Inner and Outer thigh, Banana roll, and Knees
National Society of Cosmetic Physicians

Nov 2011 Abdominoplasty Complications. National Society of Cosmetic Physicians

Nov 2011 Thighplasty. National Society of Cosmetic Physicians

Nov 2011 Breast Augmentation Approaches. National Society of Cosmetic
Physicians

Nov 2011 Facial Rejuvenation with Facelift and Fat Transfers. National Society
Of Cosmetic Physicians

Apr 2012 Cosmetic Surgery on the Palouse. Gritman Medical Center

Sep 2012 Breast Cancer and Reconstruction. Moscow Breast Cancer Support Group

Oct 2012 Brazilian Butt Lift. National Society of Cosmetic Physicians

Oct 2012 Breast Augmentation Techniques. National Society of Cosmetic Physicians

Oct 2012 Facial Rejuvenation using Autologous Fat Transfer. National Society of
Cosmetic Physicians

Oct 2012 Hand Rejuvenation using Autologous Fat Transfer. National Society of
Cosmetic Physicians

Oct 2012 Mini-Facelift. National Society of Cosmetic Physicians

Oct 2012 Lipo-Abdominoplasty. National Society of Cosmetic Physicians

Sep 2013 Surgical Options for the Massive Weight Loss Patient. National Society of
Cosmetic Physicians

Sep 2013 The Art of Beauty. National Society of Cosmetic Physicians

Sep 2013 Lipo-Abdominoplasty. National Society of Cosmetic Physicians

Mar 2014 Breast Cancer Treatment on the Palouse. Gritman Medical Center

May 2014 Current Advances in Breast Cancer Screening and Treatment. Gritman
Medical Center

Oct 2014 Current Breast Cancer Treatment. Pullman Regional Hospital

May 2017 Transgender Surgery, Pullman Regional Hospital

April 2018 Transfeminizing Bottom Surgery, Swedish Medical Center

May 2019 Caring for Transgender Patients, Deaconess Medical Center

Awards:

1998	Robert Lauks Award: chosen by faculty as the exemplary surgical resident in overall knowledge and care of the surgical patient (one award given per year for the entire residency)
2000	Robert Lauks Award: chosen by faculty as the exemplary surgical resident in overall knowledge and care of the surgical patient (one award given per year for the entire residency)
2001	Paul Nemir Award: chosen by faculty and peers as the senior surgical resident with outstanding surgical skills and knowledge
2001-2002	Customer Service Award Hero: Mountain Home AFB patient survey
2002-2003	Customer Service Award Hero: Mountain Home AFB patient survey
2003-2004	Customer Service Award Hero: Mountain Home AFB patient survey
2005	USAF Meritorious Service Medal
2006	Pullman Regional Hospital Patient Satisfaction Award, Runner-up

Medical License:

State of Idaho
State of Washington
State of North Carolina expired, not renewed
State of South Carolina expired, not renewed
State of Pennsylvania expired, not renewed

Board Certification:

Board Certified by the American College of Surgery 2003, re-certified 2012
Board Certified by the American Board of Cosmetic Surgery 2011

Society Memberships:

Fellow of the American College of Surgeons

Fellow of the American Academy of Cosmetic Surgery

World Professional Association for Transgender Health

United States Professional Association for Transgender Health

Hobbies:

Hiking, camping, canoeing, fly-fishing, hunting, kayaking, skiing, boating, scuba diving, home remodeling, home brewing

EXHIBIT 2

**PARSONS
BEHLE &
LATIMER**

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A Professional
Law Corporation

Dylan A. Eaton
Attorney at Law
DEaton@parsonsbehle.com

March 1, 2019

VIA E-MAIL

Lori E. Rifkin
HADSELL STORMER & RENICK, LLP
4300 Horton Street, #15
Emeryville, CA 94608

RE: *Adree Edmo v. Corizon, Inc., et al. (ISCI)*
CH File No. 2016-PL-10007
PBL File No. 20382.116

Lori,

This letter is in response to your February 25, 2019 letter primarily inquiring as to the status of steps being taken for Ms. Edmo's GCS surgery as ordered by the court.

I have confirmed with Brady Hall that the Idaho Department of Correction (IDCO) has a strong priority for the GCS surgery occurring in Idaho for security, operation, transport, cost, and logistical purposes.

As you know from our January 2019 report to the court, Defendants identified Geoffrey Stiller, M.D. FACS as a potential qualified GCS surgeon for Ms. Edmo. Apparently, Dr. Alviso has sent other patients to Dr. Stiller and, to date, this is the only GCS surgeon in Idaho that Corizon is aware of. I understand you contacted Dr. Stiller directly and obtained information from his practice and his resume. You did not indicate you have any objection to him being the surgeon in your letter. My client has told me that they have learned Dr. Stiller performs an average of about two vaginoplasties per week.

Dr. Alviso did have an appointment with Ms. Edmo in mid-February, which was the normal appointment to manage her hormones. A local Corizon administrator had previously talked with Dr. Alviso (who, as you know, is not employed by Corizon) in January and asked him to start the process of coordinating the next steps for the GCS surgery with Dr. Stiller. Unfortunately, Dr. Alviso did not do so. It is my understanding that a local Corizon senior administrator recently learned that Dr. Alviso is somewhat uncomfortable with the current situation, in part, because he is unclear as to whether some of the typical pre-operative requirements for GCS can be met in light of the judge's order.

Lori E. Rifkin
March 1, 2019
Page Two

In any event, given Dr. Alviso's hesitancy with the GCS process in Ms. Edmo's situation, a local Corizon senior administrator recently contacted Dr. Stiller's practice directly and obtained a tentative GCS surgery date for Ms. Edmo in late May 2019. I understand this surgery is currently on Dr. Stiller's calendar. The surgery would occur in Moscow, Idaho. Furthermore, a pre-operative consultation is in the process of being scheduled.

Corizon advises that Dr. Stiller's typical requirements prior to performing GRS include:

- A referral from treating physician
- 2 mental health care provider referrals
- Hormone treatment and counseling for at least 1 year
- Laser treatment or electrolysis for lower region
- Initial consult
- Approval for payment

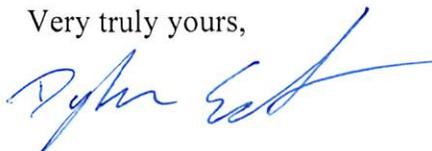
We are working through this process but completing all of these typical requirements is problematic in Ms. Edmo's case.

With respect to Hepatitis-C, it is my understanding that Ms. Edmo has a Chronic Care Clinic appointment later in March to discuss the additional lab results obtained in February 2019.

I know that you have mentioned concerns with Ms. Edmo's hormone treatment in this case, but I am unclear how this issue relates to the judge's order on Plaintiff's Motion for Preliminary Injunction, especially since Plaintiff indicated they were not pursuing this issue for purposes of said motion. In any event, it sounds like you believe it is a good development that Ms. Edmo's spironolactone was recently increased. I note, as you know, that Dr. Alviso is an offsite medical specialist whom Corizon has asked to provide hormone treatment to some inmates in Idaho's prisons, including Ms. Edmo. Corizon is relying on Dr. Alviso's judgment regarding appropriate hormone therapy and management for Ms. Edmo.

I hope this letter addresses the issues raised in your letter. We will be prepared to further discuss these items with Judge Winmill at the Tuesday status conference in this case.

Very truly yours,



Dylan A. Eaton

DAE/lae
cc: Brady Hall

EXHIBIT 3



To whom it may concern,

This letter is in regard to Adree Edmo to provide medical necessity for genital electrolysis. This patient is planning to have surgery with our office in the near future, where complete hair removal from the surgical site is required. Electrolysis is required prior to the procedure to prevent any future complication post operatively. Without complete hair removal of the area, complications can occur that may require revisional surgery in some rare cases. Please assist this patient in completing the required hair removal for their upcoming surgery.

If you have any questions please do not hesitate to call our office at 509-747-5773.

Alison B., MA, CMSS on behalf of

Geoffrey Stiller, MD

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of October, 2019, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Dylan Eaton
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Attorneys for IDOC Defendants

/s/ Lori Rifkin

Lori Rifkin