

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ILLINOIS**

CRISTINA NICHOLE IGLESIAS
(a.k.a. CRISTIAN NOEL IGLESIAS),

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS, *et al.*,

Defendant.

Case No. 19-cv-00415-NJR

Judge Nancy J. Rosenstengel

**JOINT MOTION FOR CLARIFICATION
OF THE JUNE 24, 2021 ORDER**

The parties, by and through their respective attorneys, move for clarification of this Court's June 24, 2021 Order (ECF No. 121) setting a hearing date for Plaintiff's Motion for Preliminary Injunction (ECF No. 93). By agreement, the parties provide the following:

1. On April 6, 2021, Plaintiff filed a Motion for Preliminary Injunction (the "Motion") seeking an order enjoining Defendants to (i) provide Plaintiff with the medically necessary healthcare she needs, including permanent hair removal and gender confirmation surgery; (ii) house Plaintiff at an institution consistent with her gender identity; and (iii) protect Plaintiff from the known and serious risks of harm she continues to face while housed in a men's prison. (ECF No. 93). On April 20, 2021, Defendants filed their opposition to Plaintiff's Motion (ECF No. 99), and, on May 3, 2021, Plaintiff filed her reply in support of her Motion (ECF No. 107).

2. On June 24, 2021, this Court entered an Order setting a hearing date for Plaintiff's Motion for July 28, 2021 (ECF No. 121).

3. The parties write jointly to request guidance related to the conduct of the hearing on Plaintiff's Motion.

4. Specifically, the Parties respectfully request the Court's guidance concerning whether the court set the hearing for the purpose of legal argument by counsel only, or for introduction of evidence (*e.g.*, witness testimony).

5. If the Court permits, Plaintiff seeks to call as witnesses herself and/or Dr. Randi Ettner, a clinical and forensic psychologist with expertise concerning the diagnosis and treatment of gender dysphoria, who submitted a declaration in support of the motion (*see* ECF No. 93-1). Plaintiff believes that testimony from at least one of these witnesses is important to show Plaintiffs' ongoing need for preliminary injunctive relief.

6. Although it stands ready to proceed in any manner the Court believes will be most beneficial for resolving the preliminary injunction motion, the Government does not believe live testimony is necessary in light of the extensive briefing already under submission. If the Court opts to permit the parties to introduce live testimony at the hearing, the Government will determine at that time whether to call any witnesses and, if so, whom.

Dated: July 2, 2021

BRIAN M. BOYNTON
Acting Assistant Attorney General
Civil Division

ALEXANDER K. HAAS
Director, Federal Programs Branch

JOSHUA E. GARDNER
Special Counsel

/s/ Gary Feldon
GARY D. FELDON
Trial Attorney
United States Department of Justice
Federal Programs Branch
1100 L St. NW, Room 11104
Washington, DC 20530

Respectfully submitted,

/s/ Frank Battaglia

Kevin Warner

Frank Battaglia

Katherine D. Hundt

Courtney Block

WINSTON & STRAWN LLP

35 W. Wacker Drive

Chicago, IL 60601-9703

(312) 558-5600

kwarn@winston.com

fbattaglia@winston.com

khundt@winston.com

cblock@winston.com

Tel.: (202) 598-0905

Counsel for Federal Bureau of Prisons

John A. Knight

Joshua D. Blecher-Cohen

ROGER BALDWIN FOUNDATION OF
ACLU, INC.

150 N. Michigan, Suite 600

Chicago, IL 60601

(312) 201-9740, 335

jaknight@aclu.org

jblechercohen@aclu-il.org

Angela M. Povolish

FEIRICH MAGER GREEN RYAN

2001 West Main Street

P.O. Box 1570

Carbondale, IL 62903

(618) 529-3000

apovolish@fmgr.com

Taylor Brown

AMERICAN CIVIL LIBERTIES UNION

125 Broad Street

New York, NY 10004

(212) 519-7887

tbrown@aclu.org

Attorneys for Plaintiff Cristina Noel Iglesias

CERTIFICATE OF SERVICE

I, Frank A. Battaglia, certify that a true and correct copy of the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record in the above-captioned case.

Dated: July 2, 2021

/s/ Frank A. Battaglia
Frank A. Battaglia