

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

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

Plaintiff,

v.

IAN CONNORS, *et al.*,

Defendants.

Case No. 19-cv-00415-NJR

JOINT STATUS REPORT

The parties respectfully submit this Joint Status Report pursuant to paragraph 9 of the Court's May 31, 2022, Stipulated Order providing that the parties shall update the Court on significant developments related to the surgeries described in the Stipulated Order. Doc. 269.

Facial Feminization and Breast Augmentation

Defendants previously reported that BOP was advised that the surgeon identified as Surgeon 1 in the Stipulated Order generally performs facial feminization surgery in two stages, with breast augmentation occurring during one of those stages. Doc. 256-1 at 3. BOP was further advised the two surgeries would be spaced apart by approximately one month, and after the second surgery, Ms. Iglesias will want to wait about four weeks before having another surgery (such as vaginoplasty). *Id.*

Defendants report that Ms. Iglesias is currently scheduled for the first (of two) facial feminization surgeries with Surgeon 1 on August 23, 2022. *See* August 5, 2022 Decl. of Gregg Fearday ¶ 4. Ms. Iglesias has a pre-operative appointment with Surgeon 1, currently scheduled for August 10, 2022, in part to determine if it is appropriate to proceed with the first facial feminization surgery, in light of Ms. Iglesias's recent gallbladder issues (discussed below) and previously anticipated gall bladder surgery (since postponed). *Id.* The second facial feminization surgery, which will also include breast

augmentation, is currently pending scheduling by Surgeon 1. *Id.*

As previously reported, Ms. Iglesias went to the emergency room on June 21, 2022 for an issue related to her gallbladder, and she had a follow-up appointment with a general surgeon regarding her gallbladder on June 28. *Id.* ¶ 7. After Ms. Iglesias's June 28, 2022 follow-up appointment with the general surgeon, the general surgeon advised that Ms. Iglesias could be scheduled for a "laparoscopic cholecystectomy, possible open, possible intraoperative cholangiogram" whenever she could return to the hospital. *Id.*

BOP's contractor scheduled Ms. Iglesias to receive gallbladder surgery on July 14, 2022. *Id.* ¶ 8. Upon her arrival at the hospital for surgery, however, Ms. Iglesias tested positive for COVID-19. *Id.* The gallbladder surgery was accordingly rescheduled for July 28, 2022. *Id.*

Unfortunately, when Ms. Iglesias arrived at the hospital on July 28, she was told by the hospital that they did not have a record of the appointment. *Id.* BOP's contractor called the hospital to try and resolve the issue, but the contractor was unable to add Ms. Iglesias to the calendar for that day because another patient had arrived at the hospital who required emergency care. *Id.* According to BOP's contractor, the hospital should have confirmed Ms. Iglesias's appointment after the contractor had scheduled the surgery with the hospital over the phone. *Id.* According to BOP's contractor, however, the hospital did not schedule the appointment, apparently because they were expecting to receive written confirmation from the contractor but did not do so. *Id.* According to BOP's contractor, one of the contractor's case managers thought that a scheduler had sent the written confirmation, but the scheduler thought that the case manager had sent the confirmation. *Id.* BOP will work to ensure, to the extent possible, that, going forward, any needed written confirmations are provided. *Id.*

On July 28, BOP's contractor scheduled a consultation related to the gallbladder issue for August 2, 2022. *Id.* ¶ 9. BOP's contractor scheduled a consultation (as opposed to rescheduling the

surgery itself) at the surgeon's request because it had been more than 30 days since the general surgeon had seen Ms. Iglesias. *Id.* Ms. Iglesias then returned to the hospital on August 3, 2022, for a series of pre-operative tests (CBC, Liver function test, Lipase, type and screen, covid test and urinalysis). *Id.* Unfortunately, on August 3, 2022, Ms. Iglesias again tested positive for COVID-19. *Id.*

The hospital advised BOP's contractor that Ms. Iglesias could take another COVID-19 test and that gallbladder surgery could take place on August 5 if the test returned negative results. *Id.* ¶ 10. Ms. Iglesias returned to the hospital on August 4 for the COVID-19 test and tested negative. The gallbladder surgery was then scheduled for August 5 at 4:30 pm ET. *Id.* Ms. Iglesias returned to the hospital for the surgery on August 5 and, according to the hospital, was cleared medically for the surgery. *Id.* The anesthesiologist, however, determined that the surgery should not proceed because it was not in the best interest of Ms. Iglesias given the risks associated with the fact that she had only recently tested negative for COVID-19. *Id.* Ms. Iglesias tested negative for COVID-19 only yesterday, and the American Society of Anesthesiologists recommends waiting at least four weeks from a negative COVID-19 test before proceeding with elective surgeries. *Id.* The anesthesiologist had not previously shared these concerns with BOP or BOP's contractor. *Id.* Accordingly, given the anesthesiologist's concerns, the gallbladder surgery will need to be rescheduled for a date at least four weeks from now. *Id.*

Vaginoplasty

Defendants previously reported that BOP was advised that the office of the Chicago-based surgeon identified as Surgeon 2 in the Stipulated Order needs to work on contracts and some other logistical issues before they can arrange to see Ms. Iglesias for an in-person consult. June 10 Decl. of Gregg Fearday ¶ 6. BOP, through its contractor, has been following up with Surgeon 2's office to see if Surgeon 2 will move forward with Ms. Iglesias as a patient. Aug. 5, 2022 Fearday Decl. ¶ 5. BOP's contractor sent a contract to Surgeon 2's office on June 28. *Id.* On July 12, 2022, BOP was advised

that Surgeon 2's office sent edits to the contract back to BOP's contractor. *Id.* On July 18, 2022, Surgeon 2's office asked if there was any feedback on the comments. *Id.* BOP's contractor told Surgeon 2's office that the comments were fine, except that BOP's contractor requested that medical records be provided to BOP or its contractor as soon as they are completed. *Id.* On July 30, 2022, BOP's contractor advised BOP that Surgeon 2's office had an updated copy of the agreement. *Id.* BOP's contractor is waiting to hear from Surgeon 2's office whether they will accept Ms. Iglesias as a patient and schedule the in-person consult. *Id.*

Hair Removal

Ms. Iglesias had a third dermatology appointment for laser hair removal, on July 11, 2022. *Id.*
¶ 6. Ms. Iglesias has a fourth dermatology appointment for laser hair removal scheduled for August 11, 2022. *Id.*

Dated: August 5, 2022

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Respectfully submitted,

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

CRISTINA NICHOLE IGLESIAS (a.k.a.,)	
CRISTIAN NOEL IGLESIAS),)	
)	
Plaintiff,)	
)	
vs.)	Case No. 19-cv-00415-NJR
)	
IAN CONNORS, ET AL.,)	
)	
Defendants.)	

DECLARATION OF GREGG FEARDAY

I, Gregg Fearday, make the following declaration, in accordance with the provisions of 28 U.S.C. § 1746:

1. I am currently employed by the Federal Bureau of Prisons (“BOP”) as Health Systems Specialist for the BOP’s Residential Reentry Branch of the Reentry Services Division. I have held my current position since December 2014. I have been employed by the BOP since April 1994.

2. I am aware the Court ordered the Parties to “file a joint status report updating the Court on significant developments related to the surgeries described [in the Court’s May 31, 2022 Stipulated Order] on Friday, June 10, 2022, and every four weeks thereafter, until the Parties believe that such joint status reports are no longer necessary, but in no case extending past Plaintiff’s release from BOP custody.” (Doc. 269).

3. I write now to update the Court about those developments that have occurred since my last declaration, dated July 8, 2022.

4. Ms. Iglesias is currently scheduled for the first (of two) facial feminization surgeries with Surgeon 1 on August 23, 2022. Ms. Iglesias has a followup appointment with Surgeon 1, currently scheduled for August 10, 2022, to determine if it is appropriate to proceed with the first

facial feminization surgery, in light of Ms. Iglesias's recent gallbladder issues (discussed further below). The second facial feminization surgery, which will also include breast augmentation, is currently pending scheduling by Surgeon 1.

5. As reported previously, BOP was advised Surgeon 2's office needs to work on contracts and some other logistical issues before they can arrange to see Ms. Iglesias for an in-person consultation. BOP, through its contractor, has been following up with Surgeon 2's office to see if Surgeon 2 will move forward with Ms. Iglesias as a patient. BOP's contractor sent a contract to Surgeon 2's office on June 28. On July 12, 2022, BOP was advised that Surgeon 2's office sent edits to the contract back to BOP's contractor. On July 18, 2022, Surgeon 2's office asked if there was any feedback on the comments. BOP's contractor told Surgeon 2's office that the comments were fine, except that BOP's contractor requested that medical records be provided to BOP or its contractor as soon as they are completed. On July 30, 2022, BOP's contractor advised BOP that Surgeon 2's office had an updated copy of the agreement. BOP's contractor is waiting to hear from Surgeon 2's office whether they will accept Ms. Iglesias as a patient and schedule the in-person consult.

6. Ms. Iglesias had a third dermatology appointment for laser hair removal, on July 11, 2022. Ms. Iglesias has a fourth dermatology appointment for laser hair removal, currently scheduled for August 11, 2022.

7. I previously reported that Ms. Iglesias went to the emergency room on June 21, 2022 for an issue related to her gallbladder, and she had a follow-up appointment with a general surgeon regarding her gallbladder on June 28. After Ms. Iglesias's June 28, 2022 follow-up appointment with the general surgeon, the general surgeon advised Ms. Iglesias can be scheduled for a "laparoscopic cholecystectomy, possible open, possible intraoperative cholangiogram" whenever she can return to the hospital.

8. BOP's contractor scheduled Ms. Iglesias to receive gallbladder surgery on July 14, 2022. Upon her arrival at the hospital for surgery, however, Ms. Iglesias tested positive for COVID-19. Therefore, the gallbladder surgery was rescheduled for July 28, 2022. Unfortunately, however, when Ms. Iglesias arrived at the hospital on July 28, she was told by the hospital that they did not have a record of the appointment. BOP's contractor called the hospital to try and resolve the issue, but the contractor was unable to have Ms. Iglesias added to the calendar for that day because another patient had arrived at the hospital who required emergency care. According to BOP's contractor, the hospital should have confirmed Ms. Iglesias's appointment after the contractor had scheduled the surgery with the hospital over the phone. According to BOP's contractor, however, the hospital did not schedule the appointment, apparently because they were expecting to receive written confirmation from the contractor but did not do so. According to BOP's contractor, one of their case managers thought that a scheduler had sent the written confirmation, but the scheduler thought that the case manager had sent the confirmation. BOP will work to ensure (to the extent possible) that, going forward, any needed written confirmations are provided.

9. BOP's contractor scheduled a consultation related to the gallbladder issue for August 2, 2022. BOP's contractor scheduled a consultation (as opposed to rescheduling the surgery itself) at the surgeon's request because it had been more than 30 days since the general surgeon had seen Ms. Iglesias. Ms. Iglesias then returned to the hospital on August 3, 2022, for a series of pre-operative tests (CBC, Liver function test, Lipase, type and screen, covid test and urinalysis). Unfortunately, on August 3, 2022, Ms. Iglesias again tested positive for COVID-19.

10. The hospital advised BOP's contractor that Ms. Iglesias could take another COVID-19 test and that gallbladder surgery could take place on August 5 if the test returned negative results. Ms. Iglesias returned to the hospital on August 4 for the COVID-19 test and tested negative. The gallbladder surgery was then scheduled for August 5 at 4:30 pm ET. Ms. Iglesias returned to the hospital for the surgery on August 5 and, according to the hospital, was cleared medically for the

surgery. The anesthesiologist, however, determined that the surgery should not proceed because it was not in the best interest of Ms. Iglesias given the risks associated with the fact that she had only recently tested negative for COVID-19. Ms. Iglesias tested negative for COVID-19 only yesterday, and the American Society of Anesthesiologists recommends waiting at least four weeks from a negative COVID-19 test before proceeding with elective surgeries. The anesthesiologist had not previously shared these concerns with BOP or BOP's contractor. Accordingly, given the anesthesiologist's concerns, the gallbladder surgery will need to be rescheduled for a date at least four weeks from now

11. BOP remains committed to providing Ms. Iglesias appropriate care and continues working diligently with our contractor.

I declare under penalty of perjury that the foregoing is true and correct to the best of my belief. Executed on this 5th day of August 2022.

Gregg Fearday