

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

\_\_\_\_\_  
JANE DOE 1, JANE DOE 2, JANE DOE 3, )  
JANE DOE 4, JANE DOE 5, JOHN DOE 1, )  
REGAN V. KIBBY, and DYLAN KOHERE, )

Plaintiffs, )

v. )

DONALD J. TRUMP, in his official capacity as )  
President of the United States; JAMES N. )  
MATTIS, in his official capacity as Secretary of )  
Defense; JOSEPH F. DUNFORD, JR., in his )  
official capacity as Chairman of the Joint Chiefs )  
of Staff; the UNITED STATES DEPARTMENT )  
OF THE ARMY; MARK T. ESPER, in his )  
official capacity as Secretary of the Army; the )  
UNITED STATES DEPARTMENT OF THE )  
NAVY; RICHARD V. SPENCER, in his official )  
capacity as Secretary of the Navy; the UNITED )  
STATES DEPARTMENT OF THE AIR )  
FORCE; HEATHER A. WILSON, in her )  
official capacity as Secretary of the Air Force; )  
the UNITED STATES COAST GUARD; )  
KIRSTJEN M. NIELSEN, in her official )  
capacity as Secretary of Homeland Security; the )  
DEFENSE HEALTH AGENCY; RAQUEL C. )  
BONO, in her official capacity as Director of the )  
Defense Health Agency; and the UNITED )  
STATES OF AMERICA, )

Defendants. )

Civil Action No. 17-cv-1597 (CKK)

**PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION  
FOR PROTECTIVE ORDER**

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## INTRODUCTION

Defendants' motion for a protective order advances novel and sweeping theories that would immunize the President from discovery and effectively convert the presidential communications privilege into an absolute privilege. Plaintiffs sought narrowly focused information about the *process* preceding the President's decision to ban military service by transgender persons. Plaintiffs need that information for two purposes. *First*, Defendants have defended the ban as a decision involving "professional military judgments" to which deference is due under such cases as *Rostker v. Goldberg*, 453 U.S. 57 (1981), and *Goldman v. Weinberger*, 475 U.S. 503 (1986). Dkt. 45, at 28. The President's statement announcing the ban asserted that the President had reached his decision after "consult[ing] with [his] Generals and military experts." Dkt. 61, at 14. Plaintiffs are entitled to test those assertions to respond to the government's defense of the ban based on military deference. *Second*, Plaintiffs need this discovery to assess the validity of Defendants' sweeping claims of privilege and to determine whether their need for information should overcome the privilege. Without *any* information—even basic facts about with whom and when the White House communicated about the ban—Plaintiffs cannot make informed decisions about whether to press for particular communications or to accede to the government's across-the-board assertion of privilege.

Plaintiffs' discovery requests do not seek the *substance* of communications with the President. Accordingly, despite the many pages of briefing the government has devoted to shielding the *substance* of presidential communications from discovery—and even from *in camera* review—that issue is not presented at this time. The only issue for this Court's immediate consideration is whether basic log-type information—the kind of information that is routinely provided in litigation whenever a party asserts a privilege, and that is essential to allow

the opposing party to test the assertion—is itself categorically shielded from discovery and even from *in camera* review.

Defendants’ position on that question is breathtakingly broad: They contend that separation of powers prevents not only Plaintiffs but the Court, *in camera*, from receiving *any* information, even the basic log-type information in dispute here. None of Defendants’ cases stands for that proposition—which, as this Court has recognized, would effectively make the presidential communications privilege absolute, with no allowance for judicial review. Moreover, although the government has insisted in its motion that the Court should consider only Plaintiffs’ discovery requests to the President, and not the other Defendants, it has asserted the same presidential communications privilege objections in response to discovery requests sent to the other Defendants. Were the government’s position correct, Plaintiffs could not receive, and this Court could not review *in camera*, discovery responses by any of the Defendants as to which the government has asserted this privilege.

Defendants’ motion should be denied, and Defendants should be ordered to respond to Plaintiffs’ Interrogatories Nos. 2, 4, 5, 8, 10, 14, 15, 17, 18, 19, 20, and 21 (the “Subject Interrogatories”) or, at a minimum, to submit those responses to the Court *in camera*.

## **BACKGROUND**

### **A. The Government’s Defense Of The Ban**

The policy permitting open service by transgender people announced in June 2016 was the culmination of an extensive deliberative process within the Department of Defense. *See* Dkt. 61, at 6-10. On July 26, 2017, however, President Trump abruptly announced, via Twitter, that he had decided to ban transgender people from military service “[a]fter consult[ing] with [his] *Generals and military experts*” because of the “tremendous medical costs and disruption that



transgender [individuals] in the military would entail.” *Id.* at 14 (emphasis added).<sup>1</sup> Plaintiffs filed suit on August 9, alleging that the President’s ban on service by transgender individuals violated their constitutional rights to equal protection and due process. *See* Dkt. 1. The President then issued an August 25 memorandum directing the Departments of Defense and Homeland Security to take steps implementing the announced ban. 82 Fed. Reg. 41,319 (Aug. 30, 2017).<sup>2</sup> Plaintiffs amended their complaint, *see* Dkt. 9, and sought a preliminary injunction, *see* Dkt. 13, which the Court granted, *see* Dkt. 61.

In opposing Plaintiffs’ application for a preliminary injunction, the government argued that the President’s decision barring transgender individuals from military service is entitled to deference as a “professional decision[] as to the composition of [the] military” representing “essentially professional military judgments.” Dkt. 45, at 28 (quoting *Rostker v. Goldberg*, 453 U.S. 57, 65-66 (1981), among other decisions) (internal quotation marks and ellipses omitted). Indeed, the government has contended that the Court should ignore “contrary evidence” that refutes the rationales for the ban because “military officials are under no constitutional mandate to abandon their considered professional judgment,” and courts should not substitute their judgment for “military opinion, backed by extensive study.” *Id.* at 29 (quoting *Goldman v. Weinberger*, 475 U.S. 503, 509 (1986), and *Rostker*, 453 U.S. at 63) (internal quotation marks and ellipses omitted). The government made the same arguments to the D.C. Circuit in seeking a stay of the injunction granted by this Court. *See* Defs.’ Emergency Stay Mot. 16-18, *Doe 1 v. Trump*, No. 17-5267 (D.C. Cir. Dec. 11, 2017).

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<sup>1</sup> The government has conceded that the “tweet was a decision.” Dkt. 89-9, at 33:10.

<sup>2</sup> The President’s memorandum required that the Secretary of Defense, no later than February 21, 2018, prepare an implementation plan—which Defendants have confirmed exists but have refused to produce, even though it is responsive to several document requests. *See* Declaration of Daniel McFadden (“McFadden Decl.”) Ex. A.

The government has thus placed the involvement of the military in the President's decision squarely at issue, defending the ban on the ground that it is the product of "consultation with ... Generals and military experts" and their considered "professional military judgments."

**B. The Subject Interrogatories**

There are good reasons to doubt—and to investigate—whether the ban originated from, or was even vetted by, the Nation's military professionals. As the Court has found, the asserted rationales for the ban "were not merely unsupported, but were actually contradicted by the ... conclusions and judgment of the military itself." Dkt. 61, at 67. In fact, the day after the ban was announced, General Joseph Dunford, Chairman of the Joint Chiefs of Staff and the President's most senior uniformed military adviser, wrote to the Joint Chiefs that the President's announcement was "unexpected" and that, contrary to the President's tweet, he was "not consulted." McFadden Decl. Ex. B (USDOE00037695).

Accordingly, Plaintiffs propounded interrogatories to all Defendants to discover what process, if any, preceded the President's tweets. The requests sought the kind of information that would ordinarily appear on any privilege log in civil litigation—information such as the existence of an oral or written communication, its date, and the identity of the participants. *See* Dkt. 89-1, at 4 (Definition 16(d)). In addition to permitting an assessment of any process that preceded the reversal of the open service policy, that information would provide Plaintiffs with a basis for evaluating claims of privilege over the communications themselves—many of which may also be responsive to document requests. For example:

- Interrogatory No. 4 asked President Trump to "Identify the 'Generals and military experts' referenced in the Twitter Statement, and, for each such person, Identify all Communications between that person and President Trump concerning military service by transgender people."
- Interrogatory No. 14 asked President Trump, Secretary Mattis, and General Dunford to "Identify all Documents that are assessments, reports, evaluations,

studies, or other research concerning military service by transgender people that were transmitted to, received by, or considered by President Trump from January 20, 2017, to July 26, 2017, and, for each such Document, Identify the person or Organization who transmitted it to President Trump and state the date(s) of transmission to and receipt by President Trump.”

- Interrogatory No. 15 asked President Trump, Secretary Mattis, and General Dunford to “Identify all persons involved in drafting the Twitter Statement, including all persons who reviewed the statement or any draft thereof prior to its release to the public via Twitter and, for each such person, (a) state their role in drafting the statement; (b) state the date(s) of their participation in drafting the statement; and (c) Identify all Documents memorializing or reflecting such participation.”
- Interrogatory No. 17 asked President Trump, Secretary Mattis, and General Dunford that “For every meeting attended by President Trump, Secretary Mattis and/or General Dunford between January 20, 2017, and August 25, 2017, at which military service by transgender people was discussed, (a) state the date of the meeting; (b) Identify all participants in the meeting; (c) state the topics discussed; (d) Identify all Documents distributed, considered, or discussed at such meeting; and (e) Identify all Documents memorializing such meeting.”
- Interrogatory Nos. 19 and 20 asked all Defendants to identify all communications between either the President or the Executive Office of the President and the other Defendants concerning transgender military service.

*Id.* at 6, 8-9. Each Defendant was asked to answer separately, to the extent of his or her personal and institutional knowledge.

### **C. Defendants’ Across-The-Board Assertion Of The Presidential Communications Privilege**

In their responses to the Subject Interrogatories, Defendants took the position that the presidential communications privilege shields not only the content of a communication, but its very existence. The President asserted the privilege in response to all of the Subject Interrogatories and refused to answer any of them. Dkt. 89-4. Secretary Mattis and General Dunford also asserted the privilege and, in the rare instances where they provided a response, the responses omitted any communications with the President or the Executive Office of the President. Dkt. 89-6; McFadden Decl. Ex. C. Similarly, the Departments of the Army, Navy,

and Air Force and the Defense Health Agency asserted the privilege and provided no information about any communications with the White House in response to the three Subject Interrogatories directed to them (Nos. 19, 20, and 21). *See* McFadden Decl. Exs. D, E, F, G.

That extraordinary position is not confined to the Subject Interrogatories. The Executive Office of the President also provided a privilege log in response to Plaintiffs' document requests that is devoid of any useful information. Single entries cover dozens of documents spanning multiple months and exchanged between unidentified people, including unspecified "outside third parties" and "Members of Congress and their staffs" who would not fall within any privilege. McFadden Decl. Ex. H. It is impossible to discern what specific communications occurred or whether any privilege applies to any given communication. Similarly, the other Defendants produced privilege logs that appear to omit the communications with the White House over which Defendants are asserting the presidential communications privilege; that information appears to have been intentionally omitted.<sup>3</sup> *See, e.g.,* McFadden Decl. Ex. I. Thus, even though the President publicly justified the ban based on his consultations with "Generals and military experts," and even though Defendants are insisting on deference to the ban based upon such consultations, Defendants refuse to produce any information about with whom the President consulted, or when, or even whether such consultations really occurred.

#### **D. The Present Dispute**

Defendants' claim of privilege effectively prevents Plaintiffs from testing the assertion that the President's decision to impose the ban reflected "professional military judgments."

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<sup>3</sup> To date, Plaintiffs have been able to locate only one entry in the other Defendants' voluminous privilege logs showing a communication with the Executive Office of the President over which "executive privilege" is asserted. There are a small number of additional entries (about 13) that assert other privileges, but not the presidential communications privilege. Many communications between the Department of Defense and the White House that Defendants claim are covered by the presidential communications privilege appear not to have been logged.

Accordingly, on February 9, 2018, Plaintiffs emailed chambers pursuant to the Court's instructions to seek a discovery conference regarding Defendants' deficient responses. As Plaintiffs explained, the issue presented was:

Whether *the Defendants* [including but not limited to the President] should be compelled to provide privilege-log type information (e.g., the existence of a communication, its date, and the identity of the participants) for communications with the President and/or the Executive Office of the President about transgender military service (including the identity of the 'Generals and military experts' disclosed in the tweets), or whether such disclosure is blocked by the assertion of the qualified presidential communications privilege.

Dkt. 89-7 (emphasis added). On February 12, at the Court's direction, Plaintiffs submitted a letter explaining in further detail the deficiencies in *all* Defendants' responses—not just the President's. *See* Dkt. 86-1, at 1-2 (citing responses of Secretary of Defense and Air Force); Dkts. 86-4, 86-5.

On February 13, the Court held a telephone conference at which it asked Defendants' counsel:

In terms of finishing up the issue of the interrogatories, ... *whether it's the president or Mattis or one of the other defendants that has been asked the exact same question and has asserted the presidential communications privilege, is there any information that you are willing to provide in camera to the Court for me to review to decide whether or not it's been appropriately asserted?*

Dkt. 89-9, at 28:14-21 (emphasis added). Defendants' counsel asked to confer with his clients. *Id.* at 28:24-29:1. The Court therefore scheduled a second telephone conference, and ordered “[t]he parties [to] be prepared ... to discuss what information *Defendants* contend is covered by the presidential communications privilege that the Court can review in camera.” Minute Order (Feb. 13, 2018) (emphasis added).

On February 16, at that next hearing, the Court asked, “Where are we on the presidential communications privilege?” Dkt. 89-10, at 5:8. Defendants' counsel responded:

We have conferred with *our clients* about the prospect of providing information regarding who the president and his advisors met with regarding transgender—military service by transgender individuals and when those meetings occurred. And we are not willing to submit that information to the Court for *in camera* review.

*Id.* at 5:11-16 (emphasis added). Defendants’ counsel asked for an opportunity to brief the issue in a motion for protective order, *id.* at 5:17-22, 9:22-24, and the Court agreed.

In setting a briefing schedule, the Court stated that because Defendants were asserting a blanket privilege over *all* of their separate discovery responses (not just the President’s), briefing should proceed rapidly. As the Court explained:

[I]t’s a fairly narrow issue. The documents are broader, but the issue of the Court not being able to look at anything—I mean, *I’m open to any proposal, whether it’s the president or, I had mentioned, some of the other people that would—be asserting it that are not the president, such as Mattis or some of the other people.* I was open to considering that. But if it’s a blanket no to all of it, it seems to me you need to move a little faster.

*Id.* at 8:19-9:1 (emphasis added); *see also id.* at 10:2-7 (“Keep in mind that what I asked for was any proposal, ... and also that *it [need] not necessarily be the president, it can be some of the other people who are less than the president but who are also asserting it, since it’s being asserted across the board.*”). Accordingly, because “Defendants refuse[d] to provide any information to the Court for it to review *in camera* in order to adjudicate the legality of Defendants’ assertion of privilege,” the Court ordered “Defendants ... to file a motion for a protective order on this particular presidential communications privilege issue.” Minute Order (Feb. 16, 2018). Nothing in the Court’s statements or orders limited this dispute to the President’s responses alone or excluded deficient discovery responses by the other Defendants from consideration for *in camera* review—quite the opposite.

Defendants filed a motion for protective order on February 27. Even though the parties and the Court discussed at length the fact that all Defendants, not just the President, asserted the

presidential communications privilege, Defendants’ motion seeks an order specifically “preclud[ing] Plaintiffs from seeking discovery from the President” and “excus[ing] the President” from responding to interrogatories (both in general and for *in camera* review). Dkt. 89 (“Mem.”), at 40; *see also* Dkt. 89-11. It also tries to reshape the dispute artificially by arguing in a footnote that “Plaintiffs have challenged only the objection to the interrogatories directed to the President.” Mem. 17 n.12. Defendants’ tactic of bringing that motion only to validate privilege claims asserted in response to discovery requests to the President and not the other Defendants—even while refusing to produce discovery from all Defendants—appears designed to forestall consideration of the other Defendants’ privilege claims and to force duplicative motion practice. The dispute here, while narrow, concerns *all* Defendants’ responses to the Subject Interrogatories.

## ARGUMENT

### I. THE LOG-TYPE INFORMATION THAT PLAINTIFFS ARE SEEKING IS NOT PRIVILEGED

Plaintiffs drafted the Subject Interrogatories to target privilege log-type information, *i.e.*, identification of the date, means, general subject matter, and participants for each relevant communication. *See* Dkt. 89-1, at 4 (Definition 16(d)). That kind of information—which relates only to the *existence* of a communication, not its *content*—is outside the scope of the presidential communications privilege. Defendants’ sweeping and novel assertions of privilege over such information should be rejected.

Just like other judicially recognized privileges, the presidential communications privilege has a defined and limited scope. The privilege does not cover all information related to the President, but instead reaches “documents or other materials that reflect presidential decisionmaking and deliberations.” *In re Sealed Case*, 121 F.3d 729, 744 (D.C. Cir. 1997); *see also Nixon v. Administrator of Gen. Servs.*, 433 U.S. 425, 449 (1977) (presidential

communications privilege applies “to communications ‘in performance of (a President’s) responsibilities,’ ... and made ‘in the process of shaping policies and making decisions’”). And, like all privileges, it imposes a serious cost on the truth-seeking function of litigation. *United States v. Nixon*, 418 U.S. 683, 710 (1974) (“[T]hese exceptions to the demand for every man’s evidence are not lightly created nor expansively construed, for they are in derogation of the search for truth.”).<sup>4</sup> For those reasons, courts have recognized that the privilege protects only the substance of documents or communications—and only then if part of a presidential decision-making process; it does not extend to other information regarding interactions with the President or his advisers. *See Citizens for Responsibility & Ethics in Washington v. U.S. Dep’t of Homeland Sec.*, 592 F. Supp. 2d 127, 132 (D.D.C. 2009) (“[T]he bottom line is that the presidential communications privilege protects only communications; the bits of information contained in the sought records—names of visitors, dates of visits, and in some case who was visited—do not rise to the level of protection under the presidential communications privilege.”).

That approach comports with how courts have treated other privileges, even unqualified privileges like the attorney-client privilege: The privilege covers only the substance, not the fact of the communication or its general subject matter. *See, e.g., United States v. Legal Servs. for New York City*, 249 F.3d 1077, 1081 (D.C. Cir. 2001) (“Courts have consistently held that the general subject matters of clients’ representations are not privileged.”); *United States v. Dillard*, 989 F. Supp. 2d 1155, 1168 (D. Kan. 2013) (with respect to clergy-penitent privilege, “information such as the date and number of prison visits simply provide a necessary threshold

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<sup>4</sup> *See also Trammel v. United States*, 445 U.S. 40, 50 (1980) (“Testimonial exclusionary rules and privileges ... must be strictly construed and accepted ‘only to the very limited extent that permitting a refusal to testify or excluding relevant evidence has a public good transcending the normally predominant principle of utilizing all rational means for ascertaining truth.’”); *Herbert v. Lando*, 441 U.S. 153, 175 (1979) (“Evidentiary privileges in litigation are not favored, and even those rooted in the Constitution must give way in proper circumstances.”).



for the court to examine the claim of privilege”); *Merrill v. Waffle House, Inc.*, 227 F.R.D. 467, 471 (N.D. Tex. 2005) (“[The] psychotherapist-patient privilege ... protects only communications between the therapist and patient .... The names of mental health care providers, including psychiatrists, psychologists, counselors, and therapists, and dates of treatment are not subject to the privilege.”); *In re Shopping Carts Antitrust Litig.*, 95 F.R.D. 299, 304 (S.D.N.Y. 1982) (rejecting claim that “questions designed to elicit the existence or identity of documents or the parties to a communication” intrude upon grand jury secrecy).

Indeed, the government has previously recognized that only the substance of a communication, and not its subject matter or identifying characteristics, is covered by the presidential communications privilege. Thus, in prior cases the government has disclosed identifying information about presidential communications, just as it does when claiming application of the attorney-client and other privileges. *See, e.g., Loving v. Department of Def.*, 550 F.3d 32, 36 (D.C. Cir. 2008) (government provided Vaughn index, including “documents reflect[ing] the sequential transmission of Loving’s case—and recommendations on it—to the President”); *Judicial Watch, Inc. v. Department of Justice*, 365 F.3d 1108, 1110-1111 (D.C. Cir. 2004) (government provided Vaughn index of 4,341 documents concerning individual pardon petition, including letters and reports from the Deputy Attorney General to the President); *In re Sealed Case*, 121 F.3d at 735 (“[T]he White House produced a privilege log identifying the date, author, and recipient of each document withheld as well as a general statement of the nature of each document and the basis for the privilege on which the document was withheld.”); *Amnesty Int’l USA v. Central Intelligence Agency*, 728 F. Supp. 2d 479, 522 (S.D.N.Y. 2010) (“[T]he index and declarations set forth in sufficient detail how presidential advisors solicited and received information or recommendations in the course of gathering information related to

detainee policies, including the CIA terrorist detention and interrogation program[.]”); *Dairyland Power Co-op. v. United States*, 79 Fed. Cl. 659, 667 (2007) (government provided privilege log identifying specific memoranda “reflect[ing] communications between the President’s staff and various high-ranking [Department of Energy] or other Executive Branch officials” related to nuclear waste storage facility). When the government has not provided such log-type information, it has been ordered to produce it, based on the recognition that such information is necessary for courts and opposing parties to evaluate the validity of the claimed privilege. *See U.S. Dep’t of the Treasury v. Pension Benefit Guar. Corp.*, 222 F. Supp. 3d 38, 45 (D.D.C. 2016) (ordering privilege log where presidential communications privilege was asserted).

To be sure, there may be extraordinary instances in which the mere fact of a communication cannot be disclosed. *See Phillippi v. Central Intelligence Agency*, 546 F.2d 1009, 1013 (D.C. Cir. 1976) (agency seeking to “neither confirm nor deny the existence” of requested records on basis of national security required to provide “in as much detail as is possible the basis for its claim”). But there are no such concerns here. The government’s hypotheticals all involve situations in which the identity of the individual consulted would likely reveal the *content* of the communication—for example, specific “anti-terrorism measures under consideration.” Mem. 30. Here, however, disclosing that the President communicated with “Generals and military experts” about military service by transgender individuals reveals nothing about what they said; the President would be expected to consult with senior military leaders about changes to *any* major military policy, and the substance of the advice given cannot be discerned simply by disclosing the fact of the communication.

The government argues (at 33) that disclosure of log-type information would “necessarily reveal substance about the communications because it would ... reveal the core subject of the

communication and how the conversation may fit within the known timeline of events.” But the President himself has stated publicly that he consulted broadly before announcing the ban; this is not a case, therefore, where the mere fact of a consultation would disclose sensitive information. And the general subject—whether to impose a ban on service by transgender people—has already been disclosed by the President as well. The government does not explain how the ability to fit a communication “within the known timeline of events” would reveal anything sensitive about presidential decision-making that the President himself has not already made public. The timeline of communications is no doubt relevant to illuminating the *process* followed by the President—indeed, that is one of the main reasons why Plaintiffs have sought that information—but the privilege covers only the substance of the communications, and not their existence, date, or participants.

Nor is Defendants’ expansive approach justified by the purpose of the privilege, which is to “preserve[] the President’s ability to obtain candid and informed opinions from his advisors and to make decisions confidentially.” *Loving*, 550 F.3d at 37; *see In re Sealed Case*, 121 F.3d at 750 (“Confidentiality is what ensures the expression of ‘candid, objective, and even blunt or harsh opinions’ and the comprehensive exploration of all policy alternatives before a presidential course of action is selected.”). Any suggestion that disclosure of basic log-type information would chill the willingness of advisers to offer the President their candid viewpoints is pure speculation. Such speculation is particularly unjustified here, where the President would be *expected* to consult broadly, including with military advisers, and already said as much.

Under the government’s view, the presidential communications privilege—unlike every other privilege—automatically shields *all* information about communications or documents, and no court may therefore even evaluate whether the privilege applies. The government’s position

that *no* information about presidential communications may be disclosed, even to the Court *in camera*, conflicts with longstanding precedent that the presidential communications privilege is not absolute and may be overcome by a showing of sufficient need to be assessed by the courts. *See, e.g., Nixon*, 418 U.S. at 707; *In re Sealed Case*, 121 F.3d at 755; *Dellums v. Powell*, 561 F.2d 242, 247 (D.C. Cir. 1977); *Sun Oil Co. v. United States*, 514 F.2d 1020, 1025 (Ct. Cl. 1975).

The government's extreme position would make the presidential communication privilege unique in our legal system: Even the attorney-client privilege—which is unqualified, in the sense that it cannot be overcome by a showing of need—does not relieve a party from the obligation to provide log-type information to an opposing party or to submit documents *in camera* to a court to resolve contested claims of privilege. *See United States v. Exxon Corp.*, 87 F.R.D. 624, 637 (D.D.C. 1980) (“To ensure the proper invocation of the attorney-client privilege, the court will order, as with the deliberative privilege, the preparation of [a] *Vaughn*-like index. This index should reveal the source of the information, whether the communication occurred in confidence, and whether the source was a lawyer working as an attorney for the [government].”); *see also* Fed. R. Civ. P. 26(b)(5)(A) (“When a party withholds information otherwise discoverable by claiming that the information is privileged or subject to protection as trial-preparation material, the party must . . . describe the nature of the documents, communications, or tangible things not produced or disclosed—and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.”). The presidential communications privilege, which is qualified and *may* be overcome by an adequate showing of need, does not extend so broadly that neither Plaintiffs nor the Court may evaluate whether the privilege was legitimately invoked.

The Court should reject the government's absolutist argument and order Defendants to provide responses to the Subject Interrogatories or, at a minimum, to submit to this Court for *in camera* review any specific responses they maintain are protected.

**II. IN CAMERA REVIEW IS FULLY CONSISTENT WITH THE PRESIDENTIAL COMMUNICATIONS PRIVILEGE**

The government argues (at 22-26) that Defendants should not be required to provide log-type information even for *in camera* review because doing so would not “adequately resolve the broad separation-of-powers concerns” underlying the privilege. The government offers no authority for this remarkable proposition, which would effectively immunize the President from civil discovery. The government relies on “the principles established in *Cheney [v. United States District Court for the District of Columbia]*, 542 U.S. 367 (2004).” Mem. 22. But neither *Cheney* nor any other case the government cites suggests that the President, much less any of the other Defendants here, has such blanket immunity from civil discovery.

Nor does *in camera* review impermissibly impinge on legitimate assertions of the privilege. Both the Supreme Court and D.C. Circuit have recognized that “*in camera* inspection is a necessary and appropriate method” for reconciling the Executive’s interest in maintaining the confidentiality of presidential communications with the Judiciary’s obligation to evaluate the propriety of claims of executive privilege. *Nixon v. Sirica*, 487 F.2d 700, 719 (D.C. Cir. 1973). The Supreme Court in *Nixon* specifically remanded the case for *in camera* review of the tapes at issue, entrusting the district court to isolate relevant and admissible evidence while preserving the confidentiality of non-relevant material. *Nixon*, 418 U.S. at 714-716 & n.21. The D.C. Circuit has likewise approved *in camera* review, in both criminal and civil cases, as an effective means to reconcile the competing obligations of the coordinate branches. *See, e.g., In re Sealed Case*, 121 F.3d at 743-745, 759; *Dellums*, 561 F.2d at 251.

In the face of this binding precedent, the government advances two meritless arguments why the President’s discovery responses should not be subject to *in camera* review. *First*, the government asserts (at 23-24) that requiring the President to submit even limited log-type information for *in camera* review would impose the same burden on him as producing the information to Plaintiffs by potentially “distract[ing] [him] from the energetic performance of [his] constitutional duties.” *Cheney*, 542 U.S. at 382. But the narrow information Plaintiffs have sought in the Subject Interrogatories is nothing like the sweeping discovery plan that the district court ordered in *Cheney*—discovery the Supreme Court deemed overbroad and unjustified in light of the marginal nature of the claims. The Court expressed concern with compelling the Executive to respond to “vexatious litigation,” *id.*, and “meritless claims,” *id.* at 386, when “the only consequence of [plaintiffs’] inability to obtain the discovery they [were] seek[ing] [was] that it would be more difficult for private complainants to vindicate Congress’ policy objectives” under the Federal Advisory Committee Act, *id.* at 384-385. The Court also stressed that the discovery granted there was tantamount to prevailing in the litigation—“and much more besides.” *Id.* at 388; *see id.* at 393 (Stevens, J., concurring).

Plaintiffs here, far from having brought “vexatious” or “meritless” litigation, assert Fifth Amendment claims that this Court has already determined are likely to succeed. *See* Dkt. 61, at 64-72. And unlike the “overly broad discovery requests” in *Cheney*, which “ask[ed] for everything under the sky” and were “unbounded in scope,” 542 U.S. at 387-388, the targeted log-type information at issue is “very narrowly focused,” as the Court has recognized, Dkt. 89-9, at 14:6-17:7. Moreover, in *Cheney*, the discovery plan essentially handed a victory on the merits to the plaintiffs. Defendants’ responses to the Subject Interrogatories may help Plaintiffs here in developing their case, but they would not dispose of this litigation or preordain its outcome. Any

slight burden in responding to the Subject Interrogatories thus cannot be compared to the fishing expedition in *Cheney*, nor does *Cheney* speak to the far weightier constitutional justification for requiring responses in this case. Furthermore, Plaintiffs sought that same information from *all* Defendants, not just the President, and *Cheney* offers no reason why *they* cannot submit that information to the Court.

*Second*, the government argues (at 24) that *in camera* review would be of “no benefit” to the Court in determining whether the privilege applies to log-type information. But short of ordering production, *in camera* review is the only way the Court can test the merit of Defendants’ contention that even log-type information would reveal the contents of assertedly privileged communications. Without *in camera* review, the Court cannot ascertain whether Defendants are asserting the privilege overbroadly—for example, with respect to communications that are too far removed from the President to be privileged. *See Judicial Watch, Inc.*, 365 F.3d at 1114-1115 (recognizing “a hierarchy of presidential advisers such that the demands of the privilege become more attenuated the further away the advisers are from the President operationally”); *In re Sealed Case*, 121 F.3d at 752 (emphasizing that the privilege “should be construed as narrowly as is consistent with ensuring” the confidentiality of the President’s decisionmaking process, and that the privilege applies only to those with “broad and significant responsibility for investigating and formulating the advice to be given the President” on a particular matter). Finally, *in camera* review may assist the Court in evaluating whether any particular claim of privilege is overcome by Plaintiffs’ demonstrated need. *See infra* Part III.

In sum, Defendants’ contentions that *in camera* review of the log-type information in dispute would impermissibly interfere with the Executive’s performance of its constitutional

duties are meritless, and there is no separation-of-powers obstacle to ordering such review if that review would assist the Court in resolving the parties' dispute over the Subject Interrogatories.

### **III. PLAINTIFFS HAVE SATISFIED ANY BURDEN TO OVERCOME THE PRIVILEGE**

Even if the log-type information at issue were privileged—which it is not—Plaintiffs have a specific need sufficient to overcome the privilege. *See In re Sealed Case*, 121 F.3d at 753 (citing *Nixon*, 418 U.S. at 713). The need is sufficient to overcome the privilege because (1) the materials sought are likely to contain “important evidence,” and (2) “this evidence is not available with due diligence elsewhere.” *Id.* at 754-755. Further, because there is no public interest in shielding a likely unconstitutional decision that the President has publicly claimed he reached in consultation with military advisers, Plaintiffs' need for the information outweighs any public interest that could be served by protecting the President's confidentiality in this context. *Id.* at 753.<sup>5</sup>

#### **A. The Log-Type Information Is Likely To Contain Important Evidence**

To satisfy the first element of the test—that privileged materials are “likely [to] contain[] important evidence”—Plaintiffs need only show that “the evidence sought [is] directly relevant to issues that are expected to be central to the trial,” as opposed to “evidence that would be only

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<sup>5</sup> The government devotes a large portion of its brief to the issue of *when* Plaintiffs must show their need for the privileged materials, arguing that an initial showing is required before Defendants are even required to assert the privilege. *See* Mem. 34-37. That argument falls wide of the mark in several respects. Unlike the situation in *Cheney*, where the Supreme Court faulted the district court for putting in place a sweeping discovery plan that might lead to the needless assertion of executive privilege, *see* 542 U.S. at 390, here Defendants have *already* asserted the presidential communications privilege in response to the Subject Interrogatories. It is unclear what else Defendants believe they must do to perfect their claim of privilege, and Defendants do not suggest that they would provide the Court with any additional information that would bear on the Court's evaluation of their privilege claim. In any event, the question is largely academic in this case. As explained below, regardless of when the issue is considered, Plaintiffs have demonstrated adequate need to overcome the privilege with respect to the log-type information at issue in this dispute. *See infra* pp. 19-23.



tangentially relevant or would relate to side issues.” *In re Sealed Case*, 121 F.3d at 754-755; *see also id.* (noting that “[i]n practice, this component can be expected to have limited impact”). The information Plaintiffs have sought is directly relevant to core issues in this case in at least three respects.

*First*, the information is itself “important evidence” that is necessary to test Defendants’ assertions about the character of the President’s decision-making process. Not only did the President’s tweets represent that he adopted the ban “[a]fter consultation with” unspecified “Generals and military experts,” Dkt. 61, at 14, but the government has also defended that ban as “based on judgments concerning military operations and needs,” Dkt. 45, at 28 (internal quotation marks omitted); *see supra* pp. 2-4. Indeed, the government has argued that this Court should ignore “contrary evidence” rebutting the President’s asserted rationales for the ban because “military officials are under no constitutional mandate to abandon their considered professional judgment,” and courts should not substitute their opinions for reasoned military judgments. Dkt. 45, at 29 (internal quotation marks omitted).

Defendants have thus repeatedly injected the nature of the President’s decision-making process into this case by invoking military deference. Having done so, they should not be allowed to block Plaintiffs from testing the factual predicates for that defense. *See infra* pp. 30-31; *see also Koch v. Cox*, 489 F.3d 384, 391 (D.C. Cir. 2007). The log-type information at issue would allow Plaintiffs to test whether the President in fact “consult[ed] with” any generals or military experts before announcing the ban, and thus could negate that asserted factual ground for deference.<sup>6</sup>

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<sup>6</sup> This is not a case where a party is merely speculating that presidential communications are relevant to its case. As noted above, documents in this case establish that the President’s chief military adviser, the Chairman of the Joint Chiefs of Staff, was “not consulted” about a

*Second*, this information is directly relevant to Plaintiffs' claim that the President's decision was not rationally related to a legitimate purpose, but rather was the product of unconstitutional animus. As the Supreme Court has explained, "[i]n determining whether a law is motivated by an improper animus or purpose, '[d]iscriminations of an unusual character' especially require careful consideration." *United States v. Windsor*, 570 U.S. 744, 770 (2013); *see also Village of Arlington Heights v. Metropolitan Hous. Dev. Corp.*, 429 U.S. 252, 267 (1977) (stressing that "departures from the normal procedural sequence also might afford evidence that improper purposes are playing a role"). In awarding a preliminary injunction, this Court likewise acknowledged the relevance of the fact that the President abruptly announced a major change in military policy "without any of the formality or deliberative processes that generally accompany" such decisions. Dkt. 61, at 68. The log-type information that Plaintiffs seek will shed further light on whether, and to what extent, the President's decision-making process was anomalous and suggestive of unconstitutional animus.

*Finally*, the log-type information sought is independently relevant because it would enable Plaintiffs to assess whether other important evidence is being withheld and to test Defendants' sweeping assertion of privilege as to that evidence. As already discussed, without log-type information, there is no way for Plaintiffs to evaluate Defendants' privilege assertions. In prior cases, the government has regularly disclosed such basic identifying information about presidential communications, just as it does when claiming application of other privileges. *See supra* pp. 11-12; *see also, e.g., Loving*, 550 F.3d at 36. Defendants' extraordinary refusal to do

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possible decision to institute a ban on service transgender individuals. *Supra* p. 4. Discovery in this case has thus given Plaintiffs strong reason to believe that the facts are quite different from Defendants' assertions and warrant further exploration.

so here deprives Plaintiffs and the Court of information that is essential to assessing whether evidence is legitimately privileged.

**B. The Evidence Sought Is Not Available From Any Non-Privileged Source**

In the second step of the privilege inquiry, courts examine whether the requested information “is not available with due diligence elsewhere.” *In re Sealed Case*, 121 F.3d at 754. That requirement is “easily” satisfied in cases like this one, focused on the actions of an individual whose communications are directly covered by the privilege. *Id.* at 755. Here—where the evidence relates directly to the President’s own decision to ban service by transgender individuals, and *all* Defendants have asserted the presidential communications privilege as to that information—it is impossible to obtain the evidence from other sources.

The government argues (at 21-22) that Plaintiffs should be required to seek other information “that does not concern the President’s communications and from sources other than the President.” That argument has no merit.

*First*, information unrelated to the President’s communications will not establish whether the President ever consulted with anyone in the military and, if so, with whom. The fact that “Plaintiffs have already receive[d] substantial amounts of non-privileged information,” Mem. 22, is beside the point. None of the information disclosed has answered those questions—nor could it. Responses to the Subject Interrogatories are important precisely because log-type information regarding presidential communications is directly relevant to the issues of military deference and unconstitutional animus and is unavailable from other sources. In a case where Defendants have made affirmative representations about the nature of the President’s decision-making process, and where the constitutionality of that decision is at issue based in part on the irregularity of the process, other evidence not involving the President is no substitute for the information Plaintiffs are seeking here.

*Second*, Plaintiffs cannot obtain the log-type information being withheld by the President from others because *all* Defendants have asserted the presidential communications privilege with respect to that information. Although the government now tries to bracket the other Defendants' identical privilege objections, *see, e.g.*, Mem. 17 n.12, the dispute that Plaintiffs brought to this Court was squarely framed around the assertions of the presidential communications privilege by *all* Defendants, not just the President. *See supra* pp. 7-9. No one other than the Defendants can provide the information in the Subject Interrogatories, and the government has prevented all Defendants from doing so by asserting the presidential communications privilege.

**C. The Balance Of Plaintiffs' Demonstrated Need And The Public Interest Underlying The Privilege Warrants Allowing Discovery**

The log-type information Plaintiffs seek is not privileged. *See supra* Part I. But even if it were, the President's interest in confidentiality would be weak for much the same reasons: This information does not reveal the *substance* of any communication, but merely reports its existence and other basic facts—such as the date, participants, and means of communication—that would appear on a log for every other privilege. The risk is thus slight that discovery of that information will interfere in any way with “the President’s ability to obtain candid, informed advice.” *Judicial Watch*, 365 F.3d at 1112.

Moreover, Defendants and the President have repeatedly made public representations about the nature of the President's communications with his advisers leading up to his tweets. The tweets themselves claim that the President “consult[ed] with [his] Generals and military experts” before issuing his decision. Having already publicly alleged the existence of such communications, the President has a reduced interest in shielding from discovery the identity of the persons with whom he communicated and the precise timing of those communications. *Cf. Center for Effective Gov't v. U.S. Dep't of State*, 7 F. Supp. 3d 16, 26 (D.D.C. 2013) (“[T]he

widely publicized nature of the [privileged document] is important in considering the confidentiality interest implicated by the directive's disclosure under FOIA.”).

On the other side of the ledger, the “twin values of transparency and accountability of the executive branch” counsel in favor of allowing discovery. *Judicial Watch*, 365 F.3d at 1112. “The very reason that presidential communications deserve special protection, namely the President’s unique powers and profound responsibilities, is simultaneously the very reason why securing as much public knowledge of presidential actions as is consistent with the needs of governing is of paramount importance.” *In re Sealed Case*, 121 F.3d at 749. That need to “secur[e] ... public knowledge of presidential actions” is at its strongest here, where Plaintiffs have alleged constitutional violations. *Id.*; *cf. id.* at 746 (noting that the deliberative process privilege “disappears altogether when there is any reason to believe government misconduct occurred”). The public’s interest in ensuring that the President does not act unconstitutionally in executing his duties must weigh heavily in the balance.

To the extent that the presidential communications privilege applies at all to the basic log-type information at issue, Plaintiffs have overcome the privilege. Accordingly, the Court should order Defendants to submit this information at a minimum for *in camera* review, and “[o]n *in camera* review, the [C]ourt should isolate and release all evidence that might reasonably be relevant” to Plaintiffs’ claims. *In re Sealed Case*, 121 F.3d at 761-762.

**D. The Government’s Arguments For Application Of A Heightened Test Are Meritless**

Although the government does not contest that the inquiry set forth in *In re Sealed Case* governs whether Plaintiffs can overcome the presidential privilege, it argues (at 38) that *Cheney* and *Nixon* require a more demanding version of that test because this is a civil, rather than criminal, case. That argument misreads those cases and ignores binding circuit precedent.

The D.C. Circuit has long held that civil cases raising substantial constitutional claims against the federal government are subject to the same relevance standard as a criminal case. *See Dellums*, 561 F.2d at 248-249. Under *Dellums*, “an adequate showing of need in a civil trial would defeat the president’s invocation of constitutional privilege where the civil action involved allegations that government officials had conspired to deprive citizens of constitutional rights, and there had been a sufficient evidentiary showing to overcome any concern that the request for materials was frivolous.” *American Historical Ass’n v. National Archives & Records Admin.*, 402 F. Supp. 2d 171, 182 (D.D.C. 2005) (Kollar-Kotelly, J.). Although *Dellums* predates *Cheney*, it is consistent with that decision, has been cited with approval since *Cheney*, and has never been overturned. *See In re Sealed Case*, 121 F.3d at 744 (discussing *Dellums*); *Am. Historical Ass’n*, 402 F. Supp. 2d at 182 (describing *Dellums* as requiring the same showing of “demonstrated, specific need” described in *Cheney* and *Nixon*).

The government’s argument that *Cheney* categorically imposes a higher standard on all civil cases springs from a selective (and mistaken) understanding of *why* that decision distinguished *Nixon*. As explained above, the Court in *Cheney* was presented with a civil case that raised no constitutional issues, and where the plaintiffs merely sought “to vindicate Congress’ policy objectives” in a federal statute without any concrete benefit to themselves, and without redressing any serious injury they had suffered. *See* 542 U.S. at 384-385. The Court contrasted that situation with the facts of *Nixon*, which involved “the ‘constitutional need for production of relevant evidence in a criminal proceeding.’” *Id.* at 383.

The Court made clear, however, that it was not drawing a “formalis[ti]c” distinction between “criminal and civil proceedings.” *Cheney*, 542 U.S. at 384. Rather, it highlighted four features of *Nixon* that were absent in *Cheney*. First, criminal proceedings have “constitutional

dimensions” because of the defendant’s constitutional rights. *Id.* Second, *Nixon* implicated the “essential functions” of Article III courts because in that case the Judiciary’s “ability to fulfill its constitutional responsibility to resolve cases and controversies within its jurisdiction hinge[d] on the availability of certain indispensable information.” *Id.* at 385. Third, the Court noted that “in the criminal justice system,” unlike in the civil context, “there are various constraints, albeit imperfect, to filter out insubstantial legal claims,” whereas in civil cases there is a risk the claims against the Executive will be “meritless.” *Id.* at 386. Finally, the Court contrasted the “narrow subpoena orders in [*Nixon*]” with the discovery requests in *Cheney*, which “ask[ed] for everything under the sky.” *Id.* at 386-387.

This case is closer to *Nixon* than *Cheney* in each respect. First, a civil case that alleges significant constitutional violations has “constitutional dimensions,” *Cheney*, 542 U.S. at 384, and there is a strong public interest in ensuring that the Constitution is vindicated, *see Dellums*, 561 F.2d at 247 (“[T]here is also a strong constitutional value in the need for disclosure in order to provide the kind of enforcement of constitutional rights that is presented by a civil action for damages[.]”). Second, as with a criminal case, “[w]ithholding materials from a tribunal” in constitutional litigation “when the information is necessary to the court in carrying out its tasks ‘conflict[s] with the function of the courts under Art. III.’” *Cheney*, 542 U.S. at 384 (quoting *Nixon*, 418 U.S. at 707) (second alteration in original). Third, there is no danger that the President could be required to respond to discovery based on “insubstantial” or “meritless” claims here, as this Court has already found that Plaintiffs are likely to prevail on the merits. Finally, Plaintiffs’ carefully tailored request for basic log-type information stands in stark contrast to the overly broad discovery requests the Court faced in *Cheney*.

In short, none of the reasons for distinguishing between the criminal proceedings in *Nixon* and the civil claims in *Cheney* applies here. Under *Nixon*, *Dellums*, and *Sealed Case*, Plaintiffs’ demonstrated need is sufficient to compel disclosure of the log-type information at issue—even if it is privileged.

#### **IV. SEPARATION-OF-POWERS PRINCIPLES DO NOT CREATE A BLANKET PRESIDENTIAL IMMUNITY FROM DISCOVERY**

In addition to the presidential communications privilege, the government invokes broader “separation-of-powers principles” to argue (at 12-26) that any discovery of the President—and even *in camera* review—is entirely precluded here. Such a blanket immunity has no basis in the law—not for the President, and certainly not for other Defendants.

##### **A. The President Is Not Constitutionally Immune From Discovery**

The government argues (at 14-16) that the President may not be subject to an injunction affecting his discretionary duties and therefore, as a matter of separation of powers, also may not be required to answer discovery requests in a civil case. Even assuming the premise were correct, the conclusion does not follow. No case cited by the government holds that separation of powers immunizes the President from responding to proper discovery requests. *Nixon* held, to the contrary, that the President may be required by a court to produce evidence. Even *Cheney*, on which the government principally relies, reasons from that starting point in *Nixon*. *Cheney* does not mention either of the other two cases to which the government points—*Mississippi v. Johnson*, 71 U.S. 475, 501 (1866), and *Franklin v. Massachusetts*, 505 U.S. 788 (1992)—nor does it suggest that any judicial concerns about ordering specific relief against the President may confer on the President a constitutional immunity from civil discovery.<sup>7</sup>

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<sup>7</sup> Defendants have moved for judgment on the pleadings, arguing that cases like *Johnson* and *Franklin* require dismissal of the President as a party. See Dkt. 90. Plaintiffs incorporate by reference the arguments in the brief that they will file separately in opposition to that motion.



Whether this Court may enjoin a party, including the President, is an entirely distinct question from whether that party must respond to narrowly focused civil discovery requests. Contrary to the government's argument, courts have long recognized that separation of powers does not deprive courts of the power to order the Executive to answer appropriately tailored discovery requests. *See Dellums*, 561 F.2d at 249 (in civil suit alleging deprivation of civil rights in connection with anti-war demonstrations, former President required to respond to subpoena); *Sun Oil*, 514 F.2d at 1025 (in civil suit alleging breach of contract by the United States related to construction of an oil drilling platform, government required to provide for *in camera* inspection briefing papers and memoranda prepared for the former President); *Dairyland Power*, 79 Fed. Cl. at 668 (in civil suit alleging breach of contract by Department of Energy related to storage of spent nuclear fuel, government required to provide for *in camera* inspection, and ultimately produce, documents reflecting communications with President's staff and senior DOE officials); *Halperin v. Kissinger*, 401 F. Supp. 272, 275 (D.D.C. 1975) (in civil suit by former member of National Security Council staff seeking damages for wiretapping of home telephone, allowing deposition of former President); *cf. Clinton v. Jones*, 520 U.S. 681, 704 (1997) (citing example of President Monroe responding to written interrogatories in court-martial of naval surgeon regarding the propriety of his appointment to the Philadelphia Naval Hospital).

Citing *Cheney*, Defendants claim (at 18) that the President should not be "required to respond to discovery or assert privilege" until Plaintiffs have exhausted "other sources of discovery." That argument both misreads *Cheney* and ignores what has already occurred in this case. In *Cheney*, the President formed a policy development group chaired by the Vice President, and two organizations brought suit alleging violations of the Federal Advisory Committee Act's procedural and disclosure requirements. *See* 542 U.S. at 373. The district

court entered a plan authorizing discovery of “far more than the limited items” the organizations would have been entitled to receive even if the group was “ultimately” held to be subject to the disclosure requirements. *Id.* at 376-377 (internal quotation marks omitted). The Vice President sought a writ of mandamus, among other things, to vacate or modify the discovery plan, and the court of appeals refused the writ, holding that any separation-of-powers challenge was premature because the defendants “must first assert privilege” under *Nixon*. *Id.* The Supreme Court disagreed, ruling that the court of appeals “prematurely terminated its inquiry ... without even reaching the weighty separation-of-powers objections.” *Id.* at 391-392. The Court thus remanded the case for further consideration. *Id.* at 392.

Nothing in *Cheney* immunizes the President from discovery. Had the Supreme Court believed that an Article III court may not, consistent with separation of powers, order the Executive to respond to civil discovery requests, it could have straightforwardly resolved the case on that basis. But it did not. Rather, the Court held only that when the Executive challenges a discovery plan as overbroad—including because it may force the Executive to invoke the presidential communications privilege—the reviewing court should consider separation-of-powers concerns in deciding whether clashes over the privilege may be avoided by tailoring or modifying the plan. *See* 542 U.S. at 383, 389.

Unlike in *Cheney*, Defendants here are not challenging the discovery plan, which the Court entered almost four months ago. *See* Dkt. 71. Defendants did seek to postpone discovery pending issuance of the Secretary of Defense’s implementation plan on February 21, 2018, *see* Dkt. 80, but after the Court declined to postpone discovery, Defendants affirmatively proposed to resolve the parties’ scheduling dispute by “respond[ing] to all remaining discovery requests (interrogatories and RFAs)” by February 2, 2018, McFadden Decl. Ex. J. Plaintiffs agreed to

and relied upon that plan. *See id.* Defendants cannot invoke *Cheney* to attack the plan that they themselves proposed. *See, e.g., Wood v. Milyard*, 566 U.S. 463, 474 (2012) (waiver is “intentional relinquishment or abandonment of a known right,” including “steer[ing] the District Court away” from an issue of which the party is aware).

Finally, in *Cheney*, the Court emphasized at numerous points that the discovery requests to the Vice President were “unnecessarily broad.” 542 U.S. at 390. Here, by contrast, the discovery requests at issue are narrow and central to Plaintiffs’ case. Defendants have made no showing that responding to these targeted requests will divert the President from his functions. In the absence of any such concern, generalized separation-of-powers principles cannot shield the President from all participation in civil discovery.

**B. *Cheney* Does Not Bar Discovery Of The Other Defendants Or *In Camera* Review**

Defendants also argue (at 21-26) that *Cheney* immunizes every Defendant from responding to the Subject Interrogatories and bars the Court from conducting *in camera* review to determine whether Defendants’ assertions of privilege are justified. Those arguments stretch *Cheney* well past its breaking point.

Defendants have not even moved for a protective order to shield any Defendant other than the President. And *Cheney*—which concerned suits directed at “the President or the Vice President,” 542 U.S. at 382; *id.* at 386—says nothing about discovery from any other Defendant. Indeed, courts have held that the separation-of-powers considerations that might limit discovery of the President do not apply to lower-ranking executive officials. *See In re Sealed Case*, 121 F.3d at 748 (“[T]he President’s unique status under the Constitution distinguished him from other executive officials, particularly in separation of powers analysis.” (internal quotation marks and citations omitted)); *In re Kessler*, 100 F.3d 1015, 1017 (D.C. Cir. 1996) (“President stands in

an entirely different position than other members of the executive branch” for purpose of separation of powers, and thus FDA commissioner could be deposed). Whatever the Court may decide with respect the President’s responses, the other Defendants cannot hide behind *Cheney*.

Nor does *Cheney* bar *in camera* review. In fact, it does not discuss *in camera* review at all. The government contends (at 25) that *in camera* review is unnecessary because the privileged nature of the responses is “clear from the face of the interrogatories.” But the Subject Interrogatories ask only that communications with the President or the Executive Office of the President be identified, and the government has routinely provided such information in other cases without making any privilege objection. *See, e.g., Loving*, 550 F.3d at 36; *Judicial Watch*, 365 F.3d at 1110-11; *In re Sealed Case*, 121 F.3d at 735. The government suggests nothing extraordinary about the communications in this matter that would preclude disclosure, even *in camera* to the Court, based on the Supreme Court’s teachings in *Cheney*.

**V. DEFENDANTS SHOULD NOT BE ALLOWED TO INVOKE MILITARY DEFERENCE IF THEY REFUSE TO PRODUCE LOG-TYPE INFORMATION RELEVANT TO THE PROCESS OF THE PRESIDENT’S DECISION**

At a minimum, the government should not be allowed to maintain that the presidential communications privilege blocks discovery into the process that led to the President’s decision to ban transgender military service, while also relying on that undisclosed process to defend the ban. As courts have consistently held, “privilege cannot be used both as a sword and as a shield.” *Recycling Sols., Inc. v. District of Columbia*, 175 F.R.D. 407, 408 (D.D.C. 1997); *see also In re Kellogg Brown & Root, Inc.*, 796 F.3d 137, 145 (D.C. Cir. 2015) (“[A] party may not use privilege ‘as a tool for manipulation of the truth-seeking process.’”).

If the government refuses to produce information relevant to its assertion that the President’s decision to ban transgender military service was part of a reasoned decision-making process, the Court may draw an inference that the President’s decision was not in fact the

product of such a process, but rather was motivated by an improper purpose. *See Shepherd v. ABC*, 62 F.3d 1469, 1475 (D.C. Cir. 1995) (holding that courts have inherent power to draw adverse evidentiary inferences); *International Union (UAW) v. NLRB*, 459 F.2d 1329, 1336 (D.C. Cir. 1972) (“[W]hen a party has relevant evidence within his control which he fails to produce, that failure gives rise to an inference that the evidence is unfavorable to him.”); *SEC v. Whittemore*, 691 F. Supp. 2d 198, 206 (D.D.C. 2010) (drawing an adverse inference where civil defendants controlled the evidence, invoked their Fifth Amendment privilege, and failed to refute the SEC’s allegations of securities fraud).

### CONCLUSION

Defendants’ motion for a protective order should be denied, and Defendants should be ordered to respond to the Subject Interrogatories. To the extent Defendants contend that specific responses implicate the substance of a presidential communication, those responses should be submitted to the Court for review *in camera*.

March 12, 2017

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Respectfully submitted,

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*Attorneys for Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

JANE DOE 1, JANE DOE 2, JANE DOE 3,  
JANE DOE 4, JANE DOE 5, JOHN DOE 1,  
REGAN V. KIBBY, and DYLAN KOHERE,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States; JAMES N.  
MATTIS, in his official capacity as Secretary of  
Defense; JOSEPH F. DUNFORD, JR., in his  
official capacity as Chairman of the Joint Chiefs  
of Staff; the UNITED STATES DEPARTMENT  
OF THE ARMY; RYAN D. MCCARTHY, in  
his official capacity as Secretary of the Army;  
the UNITED STATES DEPARTMENT OF  
THE NAVY; RICHARD V. SPENCER, in his  
official capacity as Secretary of the Navy; the  
UNITED STATES DEPARTMENT OF THE  
AIR FORCE; HEATHER A. WILSON, in her  
official capacity as Secretary of the Air Force;  
the UNITED STATES COAST GUARD;  
ELAINE C. DUKE, in her official capacity as  
Secretary of Homeland Security; the DEFENSE  
HEALTH AGENCY; RAQUEL C. BONO, in  
her official capacity as Director of the Defense  
Health Agency; and the UNITED STATES OF  
AMERICA,

Defendants.

Civil Action No. 17-cv-1597 (CKK)

**DECLARATION OF DANIEL MCFADDEN**

1. I am an attorney at Foley Hoag LLP and counsel to Plaintiffs in this action. I make this declaration on the basis of personal knowledge, unless otherwise indicated.

2. Attached hereto as **Exhibit A** is a true and accurate copy of an e-mail message I sent to Ryan Parker on March 1, 2018.

3. Attached hereto as **Exhibit B** is a true and accurate copy of an e-mail exchange dated July 27, 2017 regarding the transgender policy message, as produced by the Defendants in this case.

4. Attached hereto as **Exhibit C** is a true and accurate copy of Defendants' Objections and Responses to Plaintiffs' First Set of Interrogatories to General Dunford.

5. Attached hereto as **Exhibit D** is a true and accurate copy of Defendants' Objections and Responses to Plaintiffs' First Set of Interrogatories to the Navy and Secretary Spencer.

6. Attached hereto as **Exhibit E** is a true and accurate copy of Defendants' Objections and Responses to Plaintiffs' First Set of Interrogatories to the Army and Secretary Esper.

7. Attached hereto as **Exhibit F** is a true and accurate copy of the Air Force's Objections and Responses to Plaintiffs' First Set of Interrogatories.

8. Attached hereto as **Exhibit G** is a true and accurate copy of Defendants' Objections and Responses to Plaintiffs' First Set of Interrogatories to the Defense Health Agency and Director Bono.

9. Attached hereto as **Exhibit H** is a true and accurate copy of a privilege log produced by the Defendants on February 7, 2018, which I understand reflects claims of privilege by the Executive Office of the President.



10. Attached hereto as **Exhibit I** is a true and accurate copy of a privilege log produced by the Defendants on February 6, 2018, which I understand reflects claims of privilege by the Chairman of the Joint Chiefs of Staff.

11. Attached hereto as **Exhibit J** is a true and accurate copy of an e-mail exchange dated January 11-12, 2018 regarding "Proposed Discovery Response Schedule."

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 12th day of March, 2018.



---

Daniel L. McFadden

# Exhibit A

---

**From:** McFadden, Daniel L  
**Sent:** Thursday, March 1, 2018 12:56 PM  
**To:** 'Parker, Ryan (CIV)'  
**Cc:** Alan Schoenfeld; Laporte, Claire; 'Lamb, Kevin'; Milgroom, Lauren Godles  
**Subject:** RE: Doe v. Trump

Ryan

Thank you for speaking with us by phone yesterday, February 28, 2018. I write to memorialize our conversation. We discussed the topics in my prior email below, and I will address them in the same order.

1. Regarding the documents that we have identified as the subjects of the deliberative process privilege dispute, you stated that the Air Force and CJCS would report March 2<sup>nd</sup> as agreed, and, to the extent they are withdrawing claims of privilege over certain documents or portions of documents, would produce the materials on March 5<sup>th</sup> or 6<sup>th</sup>. You stated that the Navy requires a small amount of additional time and will provide its report on March 5<sup>th</sup> or 6<sup>th</sup>. You will investigate the status of the response from DHA and DoD (I believe certain of the documents I identified by email on Feb. 17<sup>th</sup> were DoD documents, although it is a bit difficult to be sure from our end without having yet received the associated DoD privilege log).
2. We did receive a DoD production last Monday, as discussed. We understand that you anticipate that DoD's rolling production may continue for up to another month. I explained that this is likely to be too long from our perspective, and you agreed to follow up with your clients about whether it can be expedited. You also told me that you believe the Army is probably still on track to complete its re-production by March 23<sup>rd</sup>, but you do not believe the first batch of that re-production will be sent until March 9<sup>th</sup>.
3. You stated that you anticipated providing the DoD privilege log for the February 16<sup>th</sup> production by today, March 1<sup>st</sup>. You stated that the privilege log for the February 26<sup>th</sup> production will be produced early next week. As I explained on the call, the delay between the DoD productions and corresponding privilege log production forces us to delay bringing disputes over those assertions of privilege to your attention. You agreed to work with DoD to attempt to expedite the logs in the future.
4. On March 1, 2018, you emailed me links to DoD standards for non-deployability, including DoD Inst. 6490.07. We are reviewing these. Can you confirm to us that the term "non-deployable" as used in the February 14, 2018 Wilkie memo is defined as solely the standard articulated in DoD Inst. 6490.07 (and does not, for example, also incorporate region-specific deployment standards issued by individual unified combatant commanders)? If that is the case, then it would seem we now have the information we were seeking.
5. On our call, you confirmed that an implementation plan exists and that the Secretary of Defense has transmitted it to the President. You stated that you do not intend to provide it to us before it is publicly released, although the date for that is not presently known. I reserved all rights on this issue, and I expect we will address it in separate correspondence. However, I note preliminarily that it is responsive to multiple document requests in this case and does not appear to be privileged (or even the subject of a claim of privilege). It is unclear to us why it cannot be provided immediately, particularly where a stipulated protective order is in place for this case.
6. We have agreed to postpone the depositions of Drs. Brown and Wilmouth. On the call, you also proposed postponing the depositions of the plaintiffs to a date to be determined at a later time. We agree to postpone those depositions, also.

If you believe this summary is inaccurate or incomplete, please notify me immediately in writing.

Best regards,  
Dan

**Daniel McFadden** | Associate

**FOLEY HOAG LLP**  
Seaport World Trade Center West  
155 Seaport Boulevard  
Boston, Massachusetts 02210-2600

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617 832 7000 fax

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---

**From:** McFadden, Daniel L  
**Sent:** Friday, February 23, 2018 5:58 PM  
**To:** Parker, Ryan (CIV) <Ryan.Parker@usdoj.gov>  
**Cc:** Alan Schoenfeld <Alan.Schoenfeld@wilmerhale.com>; Laporte, Claire <CLL@foleyhoag.com>; Lamb, Kevin <Kevin.Lamb@wilmerhale.com>; Milgroom, Lauren Godles <lmilgroom@foleyhoag.com>  
**Subject:** Doe v. Trump

Ryan,

Thank you for speaking with us by phone today, February 23, 2018. I write to memorialize our conversation and resulting agreements.

1. On Wednesday, February 14, 2018, pursuant to the Court's instructions, I emailed you a list of documents, dated from July 26 to August 25, 2017, as to which Plaintiffs request that Defendants withdraw their assertions of deliberative process privilege, such that the documents will be produced immediately. I supplemented this request in an email dated Saturday, February 17, 2018, to respond to further assertions of deliberative process privilege evident in your document production of Friday, February 16, 2018 (we expect to supplement again when we receive the complete privilege log for that production – see below). Pursuant to the Court's February 16, 2018 Order, we scheduled today's call to receive the Defendants' response to these requests. On the call today, you told me that Defendants require additional time to determine whether the assertions of privilege will be withdrawn or not. The Defendants agreed that, on or before Friday, March 2, 2018, the Defendants will report, for each listed document, whether the assertion of privilege is withdrawn, or, if not, whether they will provide any supplemental information to justify the assertion of privilege. The Defendants agreed to make this report on a rolling basis as decisions are made concerning particular documents or groups of documents. To the extent Defendants do not withdraw their claims of privilege over these documents by March 2, 2018, Plaintiffs reserve all rights to immediately request that the Court compel their production, pursuant to the Court's February 16, 2018 Order.
2. You had previously indicated that we would receive a further document production today from DoD and the first phase of the re-production from the Army. On our call, you stated that the DoD production will arrive on Monday, February 26, 2018, due to a technical delay in the production processing. You also stated that the first portion of the Army's re-production has been briefly delayed due to a contracting difficulty. We have agreed to speak again next Wednesday, February 28, 2018, at 10:00 a.m.
3. In two emails today, I requested production of the privilege logs relating to the Defendants' February 16, 2018 production, which we require to timely evaluate the assertions of privilege made therein. For that production, you produced the Navy's privilege logs today, and told me on the call that DHA's assertions of privilege are addressed by the logs already produced earlier in the discovery process. As to the privilege log for the DoD/OSD

documents, you indicated on the call that it was in progress and would be transmitted shortly. We have agreed to speak again next Wednesday, February 28, 2018, at 10:00 a.m.

4. As we have discussed, Under Secretary of Defense Robert L. Wilkie issued a Memorandum regarding the discharge of non-deployable servicemembers dated February 14, 2018. Because that Memorandum does not include a description of the standards for deployability or non-deployability, and because these standards do not appear to be otherwise publicly available, I have requested in our calls of February 16<sup>th</sup>, February 20<sup>th</sup>, and today that you investigate whether Defendants would be willing to provide them to us. On the call, you indicated that you are investigating this issue. The Defendants agreed to report whether they will provide this information to the Plaintiffs during our call next Wednesday, February 28, 2018, at 10:00 a.m.
5. The President's August 25, 2017 Memorandum required that the Secretary of Defense submit an implementation plan by February 21, 2018 (two days ago). On the call, I asked if you were able to provide any information about the status of this implementation plan. You stated that you are not in a position to provide further information. I expect that Plaintiffs will address this matter further in separate correspondence.
6. On the call, you suggested potentially postponing the depositions of Drs. Brown and Wilmoth. We are considering your proposal and will respond shortly.

If you believe this summary of the call is inaccurate or incomplete, please inform me immediately in writing.

Best regards,  
Dan McFadden

**Daniel McFadden** | Associate

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617 832 7000 fax

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# Exhibit B

**From:** [Neller Gen Robert B](#)  
**To:** [Dunford Gen Joseph F](#)  
**Subject:** RE: Transgender policy message (UNCLASSIFIED)  
**Date:** Thursday, July 27, 2017 11:07:00 AM

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Can you talk today?

-----Original Message-----

**From:** Dunford, Joseph F Jr Gen USMC JS (US) (b)(6)  
**Sent:** Thursday, July 27, 2017 10:57 AM  
**To:** Milley, Mark A GEN USARMY HQDA CSA (US); Richardson ADM John M; Neller Gen Robert B; Goldfein, David L Gen USAF AF-CC (US); Lengyel, Joseph L Gen USAF NG NGB (US)  
**Subject:** RE: Transgender policy message (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

P.S. When asked, I will state that I was not consulted ... expect that question will come NLT than my September hearing.

VR  
Joe

-----Original Message-----

**From:** Dunford, Joseph F Jr Gen USMC JS (US)  
**Sent:** Thursday, July 27, 2017 7:55 AM  
**To:** Milley, Mark A GEN USARMY HQDA CSA (US) (b)(6) 'Richardson, John M ADM CNO' (b)(6) 'Neller Gen Robert B' (b)(6) Goldfein, David L Gen USAF AF-CC (US) (b)(6) Lengyel, Joseph L Gen USAF NG NGB (US) (b)(6)  
**Subject:** Transgender policy message (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Chiefs,

I know yesterday's announcement was unexpected. The message below is provided in advance of an official letterhead memo from me. It's as much as we can say right now. I'd ask that you ensure widest dissemination ...

VR  
Joe

**From:** CJCS  
**To:** Service Chiefs, Commanders and Senior Enlisted Leaders

I know there are questions about yesterday's announcement on the transgender policy by the President. There will be no modifications to the current policy until the President's direction has been received by the Secretary of Defense and the Secretary has issued implementation guidance.

In the meantime, we will continue to treat all of our personnel with respect. As importantly, given the current fight and the challenges we face, we will all remain focused on accomplishing our assigned missions.

CLASSIFICATION: UNCLASSIFIED  
CLASSIFICATION: UNCLASSIFIED

CJCS\_00001087

USDOE00037695

# Exhibit C



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

JANE DOE 1 <i>et al.</i> ,	)	
	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 17-cv-1597 (CKK)
	)	
	)	
DONALD J. TRUMP <i>et al.</i>	)	
	)	
	)	
Defendants.	)	

**DEFENDANTS’ OBJECTIONS AND RESPONSES TO PLAINTIFFS’ FIRST SET OF  
INTERROGATORIES TO GENERAL DUNFORD**

Pursuant to Federal Rules of Civil Procedure 26 and 33 and the Local Rules of the U.S. District Court for the District of Columbia, Defendants, through their undersigned counsel, hereby submit initial objections and responses to Plaintiffs’ First Set of Interrogatories to Joseph F. Dunford, Jr., in his official capacity as Chairman of the Joint Chiefs of Staff, served December 15, 2017.<sup>1</sup> In presenting these objections and responses, Defendants do not waive any further objection in pretrial motions practice or at trial to the admissibility of evidence on the grounds of relevance, materiality, privilege, competency, or any other appropriate ground.

**Objections to Definitions**

1. Defendants object to Plaintiffs’ Definition 7 (of “DoD Initiative”) to the extent that it is vague, not confined to any specific time period, and presumes that DoD had a formal “initiative” to solicit information.

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<sup>1</sup> These objections and responses are limited to General Dunford. Defendants will produce, or already have produced, separate objections and responses for other Defendants, as per the agreement between the parties.

2. Defendants object to Plaintiffs' Definition 13 of "Document" as encompassing "without limitation . . . electronic files of all kind," insofar as data collection and translation are appropriate only to the extent reasonable and proportional to the needs of the case, taking into account any technical limitations and costs associated with such efforts.

**General Dunford's Specific Objections and Responses to Interrogatories to be Separately Answered by Defendants Trump, Mattis, and Dunford**

Interrogatory No. 14:

Identify all Documents that are assessments, reports, evaluations, studies, or other research concerning military service by transgender people that were transmitted to, received by, or considered by President Trump from January 20, 2017, to July 26, 2017, and, for each such Document, Identify the person or Organization who transmitted it to President Trump and state the date(s) of transmission to and receipt by President Trump.

Specific Objections:

General Dunford objects to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

Interrogatory No. 15:

Identify all persons involved in drafting the Twitter Statement, including all persons who reviewed the statement or any draft thereof prior to its release to the public via Twitter and, for each such person, (a) state their role in drafting the statement; (b) state the date(s) of their

participation in drafting the statement; and (c) Identify all Documents memorializing or reflecting such participation.

Specific Objections:

General Dunford objects to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

General Dunford further objects to this interrogatory as vague and overbroad to the extent that the phrase “all persons involved” could be construed to apply to individuals with mere peripheral involvement, as the identity of such individuals is not relevant, such individuals are unlikely to have relevant information, and identifying all such individuals would be excessively burdensome and disproportionate to the needs of the case.

General Dunford objects to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 15 contains at least two discrete subparts: (1) questionings relating to all persons involved in drafting the Twitter Statement, including their role in drafting and the date(s) of their participation, and (2) a separate request for documents reflecting such participation. *See Smith v. Cafe Asia*, 256 F.R.D. 247, 254 (D.D.C. 2009) (explaining that “each interrogatory that seeks identification of documents in addition to an answer will be counted as two interrogatories”).

Interrogatory No. 16:

Identify all persons involved in drafting the Presidential Memorandum, including without limitation all persons who reviewed it or any draft thereof prior to its release to the public, and for each such person, (a) state their role in drafting the Presidential Memorandum; (b) state the date(s) of their participation in drafting the Presidential Memorandum; and (c) Identify all Documents memorializing or reflecting such participation.

Specific Objections:

General Dunford objects to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

General Dunford also objects to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 16 contains at least two discrete subparts: (1) questionings relating to all persons involved in drafting the Presidential Memorandum, including their role in drafting and the date(s) of their participation, and (2) a separate request for documents reflecting such participation. *See Smith*, 256 F.R.D. at 254 (explaining that “each interrogatory that seeks identification of documents in addition to an answer will be counted as two interrogatories”).

Interrogatory No. 17:

For every meeting attended by President Trump, Secretary Mattis and/or General Dunford between January 20, 2017, and August 25, 2017, at which military service by

transgender people was discussed, (a) state the date of the meeting; (b) Identify all participants in the meeting; (c) state the topics discussed; (d) Identify all Documents distributed, considered, or discussed at such meeting; and (e) Identify all Documents memorializing such meeting.

Specific Objections:

General Dunford objects to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

General Dunford also objects to this interrogatory as overbroad, unduly burdensome, and disproportionate to the needs of the case. Specifically, the references to “all participants in the meeting,” “the topics discussed,” “all Documents distributed, considered, or discussed,” and “all Documents memorializing such meeting” could be construed to apply to individuals, topics, and documents with mere peripheral connections to the claims and defenses in this case. Any individuals, topics, or documents with mere peripheral connections to this case are not relevant or likely to lead to relevant information, and identifying all such individuals, topics, and documents would be excessively burdensome and disproportionate to the needs of the case.

General Dunford objects to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 17 contains at least two discrete subparts: (1) information about the meetings, and (2) a separate request for documents distributed, considered, or discussed at the meetings or memorializing such meetings. *See Smith*, 256 F.R.D. at 254 (explaining that “each interrogatory

that seeks identification of documents in addition to an answer will be counted as two interrogatories”).

Response:

General Dunford attended a meeting with Secretary Mattis that included discussion of military service by transgender people on August 7, 2017. Pursuant to Federal Rule of Civil Procedure 33(d), because information responsive to this interrogatory may be derived from a review of certain documents produced in this case, and the burden of deriving the answer is substantially the same for both Plaintiffs and General Dunford, General Dunford refers Plaintiffs to Defendants’ document production, Bates page numbers CJCS\_00000705–00000709, and CJCS\_00001206.

The topic of military service by transgender people was mentioned during updates provided to General Dunford at four Principal’s Daily Meetings (PDM) occurring on August 21, 23, and 24, 2017. The PDM is attended by approximately 33 different individuals, including General Dunford, some of whom may be absent or replaced by a deputy on any given day. Because the format of the PDM is a brief and rapid update, no agenda is prepared, no minutes are produced, and no attendance list is created. As a result, there is no authoritative way to identify each attendee at each meeting where military service by transgender persons was discussed. To the extent that documents memorializing the meetings or the attendees exist, they were provided to Plaintiffs through Defendants’ document production and can be located at Bates page numbers CJCS\_00001167, CJCS\_00001208–00001211. No documents relating to military service by transgender people were distributed during any PDM during the responsive period.

Interrogatory No. 18:

Identify all Communications between a United States Senator or member of the United States House of Representatives, on the one hand, and President Trump or any officer or employee of the Executive Office of the President, on the other, from January 20, 2017, to July 26, 2017, concerning military service by transgender persons.

Specific Objections:

General Dunford objects to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

**General Dunford's Specific Objections and Responses to Interrogatories  
to be Separately Answered by All Defendants**

Interrogatory No. 19:

Identify all Communications requesting or providing information between January 20, 2017, and August 25, 2017, concerning the military service and/or accession of transgender persons between or among the Executive Office of the President and any of the following: the Department of Defense, the Department of Homeland Security, and/or any Service Branch.

Specific Objections:

General Dunford objects to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

General Dunford also objects to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 19 contains at least three discrete subparts, as it is requesting information related to the Executive Office of the President's communications with (1) the Department of Defense, (2) Department of Homeland Security, and (3) each of the service branches.

Interrogatory No. 20:

Identify all Communications between President Trump and Secretary Mattis, the Department of Defense, General Dunford, the Joint Chiefs of Staff, the Department of Homeland Security, and/or any Service Branch from January 20, 2017, to August 25, 2017, concerning military service by transgender individuals, including Communications concerning: (a) any evaluation(s) conducted by the Department of Defense on the impact of accessions of transgender applicants on readiness or lethality; (b) the issuance of or assessments or other responses provided in response to Accessions Readiness Memorandum; (c) the decision announced in the Accessions Deferral Memorandum; (d) the President's Twitter Statement; (e) the Presidential Memorandum; and/or (f) the Interim Guidance.

Specific Objections:

General Dunford objects to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.



General Dunford also objects to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 20 contains at least six discrete subparts, as it is requesting information related to the President's communications with (1) Secretary Mattis, (2) the Department of Defense, (3) General Dunford, (4) the Joint Chiefs of Staff, (5) the Department of Homeland Security, and (6) each of the service branches.

Interrogatory No. 21:

For every meeting attended by any representative of the Executive Office of the President, the Department of Defense, a Service Branch or the Defense Health Agency between January 20, 2017, and August 25, 2017, at which military service by transgender people was discussed, (a) state the date of the meeting; (b) Identify all participants in the meeting; (c) state the topics discussed; (d) Identify all Documents distributed, considered, or discussed at such meeting; and (e) Identify all Documents memorializing such meeting.

Specific Objections:

General Dunford objects to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

General Dunford also objects to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1).

Interrogatory No. 21 contains at least two discrete subparts: (1) information about the meetings, and (2) a separate request for documents distributed, considered, or discussed at the meetings or memorializing such meetings. *See Smith*, 256 F.R.D. at 254 (explaining that “each interrogatory that seeks identification of documents in addition to an answer will be counted as two interrogatories”).

Response:

General Dunford refers Plaintiffs to his response to Interrogatory No. 17 above.

Interrogatory No. 22:

Identify all Documents that are assessments, reports, evaluations, studies, or other research published, conducted, performed by, or at the request of, Defendants between June 30, 2016 and August 25, 2017, concerning (a) the impact of transgender individuals serving in the military on military readiness and/or lethality; (b) medical costs associated with transgender individuals serving in the military; or (c) the impact of transgender individuals serving in the military on unit cohesion.

Specific Objections:

General Dunford objects to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

General Dunford objects on the grounds that this request is overbroad, unduly burdensome, and disproportionate to the needs of the case. Specifically, the reference to “all Documents” purports to require General Dunford to search for and identify documents in any

and all locations, regardless of whether (a) the documents are in his possession, (b) he has personal knowledge of the documents, (c) the documents would be redundant, and/or (d) such documents would be likely to yield information that is distinct or that is relevant.

General Dunford objects to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 22 contains three discrete subparts: (1) documents concerning the impact of transgender individuals serving in the military on military readiness and/or lethality, (2) documents concerning medical costs associated with transgender individuals serving in the military, and (3) documents concerning the impact of transgender individuals serving in the military on unit cohesion. *See In re ULLICO Inc. Litig.*, 2006 WL 2398744, at \*2 (D.D.C. June 30, 2006) (“In analyzing whether a subpart is a separate question, the Court looks to whether the subpart introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it.”) (citation and internal quotation marks omitted).

Response:

General Dunford does not have personal knowledge as to the subject of this interrogatory.

Interrogatory No. 23:

Identify all persons employed by or working in an SCCC at any time from June 30, 2016, to the present, and for each such person state the person’s dates of employment or work in the SCCC, the person’s role and title, and the nature of the person’s responsibilities.

Response:

General Dunford does not have personal knowledge as to the subject of this interrogatory.

Interrogatory No. 24:

Describe the DoD Initiative, including, without limitation, the information sought and the manner in which the information was sought, and Identify all persons involved in the dissemination of the request for information pursuant to the DoD Initiative, all persons involved in the collection and reporting of responses to such request, and all persons responsible for reviewing submissions tendered to the Office of the Secretary of Defense in response to the DoD Initiative.

Specific Objections:

General Dunford objects to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; (d) material the disclosure of which would violate legitimate privacy interests and expectations of persons not party to this litigation; or (e) communications or information protected by the presidential communications privilege.

General Dunford also objects on the grounds that Plaintiffs' Definition of the term "DoD Initiative" is vague, not confined to any specific time period, and presumes that DoD had a formal "initiative" to solicit information.

Interrogatory No. 25:

Identify all Documents that are (a) responses to any request for information that was part of the DoD Initiative, and/or (b) assessments submitted in response to the memorandum dated May 8, 2017, entitled "Readiness of Military Departments to Implement Accession of Transgender Applicants into Military Service."

Specific Objections:

General Dunford objects to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) material the disclosure of which would violate legitimate privacy interests and expectations of persons not party to this litigation; or (e) communications or information protected by the presidential communications privilege.

General Dunford also objects on the grounds that Plaintiffs' Definition of the term "DoD Initiative" is vague, not confined to any specific time period, and presumes that DoD had a formal "initiative" to solicit information.

General Dunford objects to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 25 contains two discrete subparts: (1) documents that are responses to any request for information that was part of the DoD Initiative, and (2) documents that are assessments submitted in response to the memorandum dated May 8, 2017, entitled "Readiness of Military Departments to Implement Accession of Transgender Applicants into Military Service." *See In re ULLICO Inc. Litig.*, 2006 WL 2398744, at \*2 ("In analyzing whether a subpart is a separate question, the Court looks to whether the subpart introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it.") (citation and internal quotation marks omitted).

Response:

Pursuant to Federal Rule of Civil Procedure 33(d), because information responsive to subpart (b) of this interrogatory may be derived from a review of certain documents produced in this case, and the burden of deriving the answer is substantially the same for both Plaintiffs and General Dunford, General Dunford responds as follows: The information requested in subpart (b) of this interrogatory was provided to Plaintiffs through Defendants' document production and can be located at Bates page numbers CJCS\_00000715–00000716.

As to the responses to the interrogatories, see Attachment A.

As to the objections:

Dated: February 6, 2018

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General  
Civil Division

BRETT A. SHUMATE  
Deputy Assistant Attorney General

JOHN R. GRIFFITHS  
Branch Director

ANTHONY J. COPPOLINO  
Deputy Director

*/s/ Ryan B. Parker*

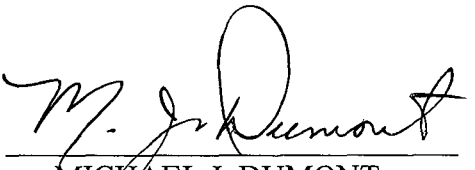
RYAN B. PARKER  
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Email: ryan.parker@usdoj.gov

Counsel for Defendants

**VERIFICATION**

Based on information that I obtained in the course of my official duties, I declare under penalty of perjury that the substance of the responses to these interrogatories is true and correct to the best of my knowledge and belief.

Date: 5 FEB 2018

Signature:   
MICHAEL J. DUMONT  
RADM, U.S. Navy  
Vice Director Joint Staff



**CERTIFICATE OF SERVICE**

I hereby certify that, on February 6, 2018, a copy of the document above was served by email on the following:

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/s/ Ryan Parker  
RYAN B. PARKER  
Senior Trial Counsel  
U.S. Department of Justice

# Exhibit D

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

JANE DOE 1 <i>et al.</i> ,	)	
	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 17-cv-1597 (CKK)
	)	
	)	
DONALD J. TRUMP <i>et al.</i>	)	
	)	
	)	
Defendants.	)	

---

**DEFENDANTS’ OBJECTIONS AND RESPONSES TO PLAINTIFFS’ FIRST SET OF INTERROGATORIES TO THE NAVY AND SECRETARY SPENCER**

Pursuant to Federal Rules of Civil Procedure 26 and 33 and the Local Rules of the U.S. District Court for the District of Columbia, Defendants, through their undersigned counsel, hereby submit initial objections and responses to Plaintiffs’ First Set of Interrogatories to the Navy and Richard V. Spencer, in his official capacity as Secretary of the Navy, served December 15, 2017.<sup>1</sup> In presenting these objections and responses, Defendants do not waive any further objection in pretrial motions practice or at trial to the admissibility of evidence on the grounds of relevance, materiality, privilege, competency, or any other appropriate ground.

**Objections to Definitions**

1. Defendants object to Plaintiffs’ Definition 7 (of “DoD Initiative”) to the extent that it is vague, not confined to any specific time period, and presumes that DoD had a formal “initiative” to solicit information.

---

<sup>1</sup> These objections and responses are limited to the Navy and Secretary Spencer. Defendants will produce, or already have produced, separate objections and responses for other Defendants, as per the agreement between the parties.

2. Defendants object to Plaintiffs' Definition 13 of "Document" as encompassing "without limitation . . . electronic files of all kind," insofar as data collection and translation are appropriate only to the extent reasonable and proportional to the needs of the case, taking into account any technical limitations and costs associated with such efforts.

**The Navy and Secretary Spencer's Specific Objections and Responses to Interrogatories to be Separately Answered by All Defendants**

Interrogatory No. 19:

Identify all Communications requesting or providing information between January 20, 2017, and August 25, 2017, concerning the military service and/or accession of transgender persons between or among the Executive Office of the President and any of the following: the Department of Defense, the Department of Homeland Security, and/or any Service Branch.

Specific Objections:

The Navy and Secretary Spencer object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

The Navy and Secretary Spencer object to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 19 contains at least three discrete subparts, as it is requesting information related to the Executive Office of the President's communications with (1) the Department of Defense, (2) Department of Homeland Security, and (3) each of the service branches. Thus, Plaintiffs have served more than the allowed 25 interrogatories. *See In re*

*ULLICO Inc. Litig.*, 2006 WL 2398744, at \*2 (D.D.C. June 30, 2006) (“In analyzing whether a subpart is a separate question, the Court looks to whether the subpart introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it.”) (citation and internal quotation marks omitted).

Interrogatory No. 20:

Identify all Communications between President Trump and Secretary Mattis, the Department of Defense, General Dunford, the Joint Chiefs of Staff, the Department of Homeland Security, and/or any Service Branch from January 20, 2017, to August 25, 2017, concerning military service by transgender individuals, including Communications concerning: (a) any evaluation(s) conducted by the Department of Defense on the impact of accessions of transgender applicants on readiness or lethality; (b) the issuance of or assessments or other responses provided in response to Accessions Readiness Memorandum; (c) the decision announced in the Accessions Deferral Memorandum; (d) the President's Twitter Statement; (e) the Presidential Memorandum; and/or (f) the Interim Guidance.

Specific Objections:

The Navy and Secretary Spencer object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

The Navy and Secretary Spencer also object to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of

Civil Procedure 33(a)(1). Interrogatory No. 20 contains at least six discrete subparts, as it is requesting information related to the President's communications with (1) Secretary Mattis, (2) the Department of Defense, (3) General Dunford, (4) the Joint Chiefs of Staff, (5) the Department of Homeland Security, and (6) each of the service branches. Thus, Plaintiffs have served more than the allowed 25 interrogatories. *See In re ULLICO Inc. Litig.*, 2006 WL 2398744, at \*2 ("In analyzing whether a subpart is a separate question, the Court looks to whether the subpart introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it.") (citation and internal quotation marks omitted).

Interrogatory No. 21:

For every meeting attended by any representative of the Executive Office of the President, the Department of Defense, a Service Branch or the Defense Health Agency between January 20, 2017, and August 25, 2017, at which military service by transgender people was discussed, (a) state the date of the meeting; (b) Identify all participants in the meeting; (c) state the topics discussed; (d) Identify all Documents distributed, considered, or discussed at such meeting; and (e) Identify all Documents memorializing such meeting.

Specific Objections:

The Navy and Secretary Spencer object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

The Navy and Secretary Spencer object to this interrogatory on the grounds that it is overbroad, unduly burdensome, and disproportionate to the needs of the case. The United States Marine Corps consists of approximately 220,000 uniformed service members and approximately 21,000 civilian employees stationed throughout the world. The United States Navy consists of approximately 380,000 uniformed service members and approximately 181,000 civilian employees. During the relevant period, the Navy has conducted countless meetings throughout its various units ranging from informal meetings involving the leadership of a particular unit to high level policy meetings of the Service Central Coordination Cells (SCCC). For example, the Navy conducted training of all of its uniformed and civilian employees regarding military service by transgender individuals and much of that training occurred during the date range provided in this interrogatory. Collecting the requested information for each meeting and each training session that occurred at Navy facilities across the world would potentially require tens of thousands of hours of work from Navy personnel. Moreover, information regarding the vast majority of these meetings is not relevant to Plaintiffs' claims, let alone proportionate to the needs of the case.

The Navy and Secretary Spencer also object to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 21 contains at least two discrete subparts: (1) information about the meetings, and (2) a separate request for documents distributed, considered, or discussed at the meetings or memorializing such meetings. *See Smith v. Cafe Asia*, 256 F.R.D. 247, 254 (D.D.C. 2009) (explaining that "each interrogatory that seeks identification of documents in addition to an answer will be counted as two interrogatories");

*U.S. ex rel. Pogue v. Diabetes Treatment Centers of Am., Inc.*, 235 F.R.D. 521, 524 (D.D.C. 2006) (finding that an interrogatory seeking “all facts supporting [a] contention,” the identity of “each person who knew,” and the identity of “all documents that support the contention” is “more accurately counted as three separate interrogatories”); *Banks v. Office of Senate Sergeant-at-Arms*, 222 F.R.D. 7, 10 (D.D.C. 2004) (An “obvious example” of a discrete subpart “is the combining in a single interrogatory of a demand for information and a demand for the documents that pertain to that event. Clearly, these are two distinct demands because knowing that an event occurred is entirely different from learning about the documents that evidence it occurred. Thus, a demand for information about a certain event and for the documents about it should be counted as two separate interrogatories.”).

Response:

The information responsive to this interrogatory, to the extent that it is not privileged, may be derived from a review of certain documents that will be provided to Plaintiffs in Defendants’ document production. The Navy and Secretary Spencer will supplement this interrogatory response, as needed, following the document production.

Interrogatory No. 22:

Identify all Documents that are assessments, reports, evaluations, studies, or other research published, conducted, performed by, or at the request of, Defendants between June 30, 2016 and August 25, 2017, concerning (a) the impact of transgender individuals serving in the military on military readiness and/or lethality; (b) medical costs associated with transgender individuals serving in the military; or (c) the impact of transgender individuals serving in the military on unit cohesion.



Specific Objections:

The Navy and Secretary Spencer object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

The Navy and Secretary Spencer also object on the grounds that this request is overbroad, unduly burdensome, and disproportionate to the needs of the case. Specifically, the reference to “all Documents” purports to require the Navy and Secretary Spencer to search for and identify documents in any and all locations, regardless of whether (a) the documents are in his possession, (b) he has personal knowledge of the documents, (c) the documents would be redundant, and/or (d) such documents would be likely to yield information that is distinct or that is relevant.

The Navy and Secretary Spencer object to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 22 contains three discrete subparts: (1) documents concerning the impact of transgender individuals serving in the military on military readiness and/or lethality, (2) documents concerning medical costs associated with transgender individuals serving in the military, and (3) documents concerning the impact of transgender individuals serving in the military on unit cohesion. *See In re ULLICO Inc. Litig.*, 2006 WL 2398744, at \*2 (“In analyzing whether a subpart is a separate question, the Court looks to whether the subpart introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it.”) (citation and internal quotation marks omitted).

Response:

The information responsive to this interrogatory, to the extent that it is not privileged, may be derived from a review of certain documents that will be provided to Plaintiffs in Defendants' document production. The Navy and Secretary Spencer will supplement this interrogatory response, as needed, following the document production.

Interrogatory No. 23:

Identify all persons employed by or working in an SCCC at any time from June 30, 2016, to the present, and for each such person state the person's dates of employment or work in the SCCC, the person's role and title, and the nature of the person's responsibilities.

Response:

The below chart consists of Navy and Marine Corps participants in the SCCC:

<u>Marine Corps Service Central Coordination Cell</u>				
<u>Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>Role</u>	<u>Notes</u>
William McWaters	20160713	Present	TG Action Officer	Personnel Policy, Staff questions to appropriate member(s)
Kerry Cerny	20160713	Present	AMSWG Rep	Marine Corps Rep on AMSWG, Personnel Policy
CAPT Meena Vythilingam	20160713	20170908	Medical	Provide medical expertise
CDR Debra Manning	20170909	Present	Medical	Provide medical expertise
CDR Kimberly Broom	20170909	Present	Medical	Provide medical expertise, fill-in as needed
Tracey Madsen	20160713	Present	Legal	Provide legal expertise
Maj Anthony Laretto	20160713	20161001	Legal	Provide legal expertise
Maj Tyler Brummond	20161001	Present	Legal	Provide legal expertise

SgtMaj Robert VanOostrom	20160713	20170428	Senior Enlisted Advisor	Provide Senior Enlisted leadership
SgtMaj Troy Black	20170428	Present	Senior Enlisted Advisor	Provide Senior Enlisted leadership
Col Jeff Connor	20160713	20170731	Readiness	To date, participation not required
John Enoch	20160713	Present	Readiness	To date, participation not required
Brian McGuire	20160713	Present	Physical Fitness	To date, participation not required
<u>Navy Service Central Coordination Cell</u>				
<u>Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>Role</u>	<u>Notes</u>
CAPT Michael Davis	20160713	Present	TG Action Officer	Personnel Policy, Staff questions to appropriate member(s)
CAPT Janet Bristol	20160713	20170824	TG Action Officer	Personnel Policy, Staff questions to appropriate member(s)
LCDR Shad Brunson	20160713	20161109	TG Action Officer	Personnel Policy, Staff questions to appropriate member(s)
LT Ryan Pifer	20160808	20161005	TG Action Officer	Personnel Policy, Staff questions to appropriate member(s)
LT Steven Jaworski	20160913	Present	TG Action Officer	Personnel Policy, Staff questions to appropriate member(s)
CAPT Charles Benson	20160713	20170915	Medical	Provide medical expertise
CAPT Robert Alonso	20160912	20170213	Medical	Provide medical expertise
CDR Max Clark	20161012	20170710	Medical	Provide medical expertise
CDR Scott Welch	20171005	Present	Medical	Provide medical expertise
CAPT Marc Alaric Franzos	20170928	Present	Medical	Provide medical expertise
LCDR Michael Bloomrose	20160810	20170424	Legal	Provide legal expertise
LCDR Cameron Nelson	20171024	Present	Legal	Provide legal expertise
CDR Debra Manning	20170909	Present	Medical	Provide medical expertise
LCDR Jess Anderson	20160713	Present	PAO	Provide public affairs expertise

The above information was received from Mr. William J. McWaters, U.S. Marine Corps, Manpower Military Policy and CAPT Michael Davis, U.S. Navy, OPNAV N13X, Uniform Policy and Emerging Issues.

Interrogatory No. 24:

Describe the DoD Initiative, including, without limitation, the information sought and the manner in which the information was sought, and Identify all persons involved in the dissemination of the request for information pursuant to the DoD Initiative, all persons involved in the collection and reporting of responses to such request, and all persons responsible for reviewing submissions tendered to the Office of the Secretary of Defense in response to the DoD Initiative.

Specific Objections:

The Navy and Secretary Spencer object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

The Navy and Secretary Spencer also object on the grounds that Plaintiffs' Definition of the term "DoD Initiative" is vague, not confined to any specific time period, and presumes that DoD had a formal "initiative" to solicit information.

Interrogatory No. 25:

Identify all Documents that are (a) responses to any request for information that was part of the DoD Initiative, and/or (b) assessments submitted in response to the memorandum dated

May 8, 2017, entitled “Readiness of Military Departments to Implement Accession of Transgender Applicants into Military Service.”

Specific Objections:

The Navy and Secretary Spencer object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

The Navy and Secretary Spencer also object on the grounds that Plaintiffs’ Definition of the term “DoD Initiative” is vague, not confined to any specific time period, and presumes that DoD had a formal “initiative” to solicit information.

The Navy and Secretary Spencer further object to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 25 contains two discrete subparts: (1) documents that are responses to any request for information that was part of the DoD Initiative, and (2) documents that are assessments submitted in response to the memorandum dated May 8, 2017, entitled “Readiness of Military Departments to Implement Accession of Transgender Applicants into Military Service.” *See In re ULLICO Inc. Litig.*, 2006 WL 2398744, at \*2 (“In analyzing whether a subpart is a separate question, the Court looks to whether the subpart introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it.”) (citation and internal quotation marks omitted).

Response:

Pursuant to Federal Rule of Civil Procedure 33(d), because information responsive to subpart (b) and the non-objectionable portion of subpart (a) of this interrogatory may be derived from a review of certain documents produced in this case, and the burden of deriving the answer is substantially the same for both Plaintiffs and the Navy and Secretary Spencer, the Navy and Secretary Spencer respond as follows: The information requested in subpart (b) of this interrogatory was provided to Plaintiffs through Defendants' document production and can be located at Bates page number NAVY\_00021282.

As to the responses to the interrogatories, see Attachment A.

As to the objections:

Dated: February 6, 2018

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General  
Civil Division

BRETT A. SHUMATE  
Deputy Assistant Attorney General

JOHN R. GRIFFITHS  
Branch Director

ANTHONY J. COPPOLINO  
Deputy Director

*/s/ Ryan B. Parker*

RYAN B. PARKER  
ANDREW E. CARMICHAEL  
United States Department of Justice  
Civil Division, Federal Programs  
Branch  
Telephone: (202) 514-4336  
Email: ryan.parker@usdoj.gov

Counsel for Defendants

VERIFICATION

Based on information that I obtained in the course of my official duties, I declare under penalty of perjury that the substance of the responses to these interrogatories are true and correct to the best of my knowledge and belief.

Date: FEBRUARY 1, 2018

Signature:   
JULIET BEYLER



**CERTIFICATE OF SERVICE**

I hereby certify that, on February 6, 2018, a copy of the document above was served by email on the following:

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/s/ Ryan Parker  
RYAN B. PARKER  
Senior Trial Counsel  
U.S. Department of Justice

# Exhibit E

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

JANE DOE 1 <i>et al.</i> ,	)	
	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 17-cv-1597 (CKK)
	)	
	)	
DONALD J. TRUMP <i>et al.</i>	)	
	)	
	)	
Defendants.	)	

---

**DEFENDANTS’ OBJECTIONS AND RESPONSES TO PLAINTIFFS’ FIRST SET OF INTERROGATORIES TO THE ARMY AND SECRETARY ESPER**

Pursuant to Federal Rules of Civil Procedure 26 and 33 and the Local Rules of the U.S. District Court for the District of Columbia, Defendants, through their undersigned counsel, hereby submit initial objections and responses to Plaintiffs’ First Set of Interrogatories to the Army and Mark T. Esper, in his official capacity as Secretary of the Army, served December 15, 2017.<sup>1</sup> In presenting these objections and responses, Defendants do not waive any further objection in pretrial motions practice or at trial to the admissibility of evidence on the grounds of relevance, materiality, privilege, competency, or any other appropriate ground.

**Objections to Definitions**

1. Defendants object to Plaintiffs’ Definition 7 (of “DoD Initiative”) to the extent that it is vague, not confined to any specific time period, and presumes that DoD had a formal “initiative” to solicit information.

---

<sup>1</sup> These objections and responses are limited to the Army and Secretary Esper. Defendants will produce, or already have produced, separate objections and responses for other Defendants, as per the agreement between the parties.

2. Defendants object to Plaintiffs' Definition 13 of "Document" as encompassing "without limitation . . . electronic files of all kind," insofar as data collection and translation are appropriate only to the extent reasonable and proportional to the needs of the case, taking into account any technical limitations and costs associated with such efforts.

**The Army and Secretary Esper's Specific Objections and Responses to Interrogatories to be Separately Answered by All Defendants**

Interrogatory No. 19:

Identify all Communications requesting or providing information between January 20, 2017, and August 25, 2017, concerning the military service and/or accession of transgender persons between or among the Executive Office of the President and any of the following: the Department of Defense, the Department of Homeland Security, and/or any Service Branch.

Specific Objections:

The Army and Secretary Esper object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

The Army and Secretary Esper object to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 19 contains at least three discrete subparts, as it is requesting information related to the Executive Office of the President's communications with (1) the Department of Defense, (2) Department of Homeland Security, and (3) each of the service branches. Thus, Plaintiffs have served more than the allowed 25 interrogatories. *See In re*

*ULLICO Inc. Litig.*, 2006 WL 2398744, at \*2 (D.D.C. June 30, 2006) (“In analyzing whether a subpart is a separate question, the Court looks to whether the subpart introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it.”) (citation and internal quotation marks omitted).

Interrogatory No. 20:

Identify all Communications between President Trump and Secretary Mattis, the Department of Defense, General Dunford, the Joint Chiefs of Staff, the Department of Homeland Security, and/or any Service Branch from January 20, 2017, to August 25, 2017, concerning military service by transgender individuals, including Communications concerning: (a) any evaluation(s) conducted by the Department of Defense on the impact of accessions of transgender applicants on readiness or lethality; (b) the issuance of or assessments or other responses provided in response to Accessions Readiness Memorandum; (c) the decision announced in the Accessions Deferral Memorandum; (d) the President's Twitter Statement; (e) the Presidential Memorandum; and/or (f) the Interim Guidance.

Specific Objections:

The Army and Secretary Esper object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

The Army and Secretary Esper also object to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of

Civil Procedure 33(a)(1). Interrogatory No. 20 contains at least six discrete subparts, as it is requesting information related to the President's communications with (1) Secretary Mattis, (2) the Department of Defense, (3) General Dunford, (4) the Joint Chiefs of Staff, (5) the Department of Homeland Security, and (6) each of the service branches. Thus, Plaintiffs have served more than the allowed 25 interrogatories. *See In re ULLICO Inc. Litig.*, 2006 WL 2398744, at \*2 ("In analyzing whether a subpart is a separate question, the Court looks to whether the subpart introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it.") (citation and internal quotation marks omitted).

Interrogatory No. 21:

For every meeting attended by any representative of the Executive Office of the President, the Department of Defense, a Service Branch or the Defense Health Agency between January 20, 2017, and August 25, 2017, at which military service by transgender people was discussed, (a) state the date of the meeting; (b) Identify all participants in the meeting; (c) state the topics discussed; (d) Identify all Documents distributed, considered, or discussed at such meeting; and (e) Identify all Documents memorializing such meeting.

Specific Objections:

The Army and Secretary Esper object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

The Army and Secretary Esper object to this interrogatory on the grounds that it is overbroad, unduly burdensome, and disproportionate to the needs of the case. The United States Army consists of approximately 990,000 uniformed service members<sup>2</sup> and approximately 330,000 civilian employees<sup>3</sup> stationed throughout the world. During the relevant period, the Army has conducted countless meetings throughout its various units ranging from informal meetings involving the leadership of a particular unit to high level policy meetings by Army leadership. For example, the Army conducted training of all of its uniformed and civilian employees regarding military service by transgender individuals and much of that training occurred during the date range provided in this interrogatory. Collecting the requested information for each meeting and each training session that occurred at Army facilities across the world would potentially require tens of thousands of hours of work from Army personnel. Moreover, information regarding the vast majority of these meetings is not relevant to Plaintiffs' claims, let alone proportionate to the needs of the case.

The Army and Secretary Esper also object to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 21 contains at least two discrete subparts: (1) information about the meetings, and (2) a separate request for documents distributed, considered, or discussed at the meetings or memorializing such meetings. *See Smith v. Cafe Asia*, 256 F.R.D. 247, 254 (D.D.C. 2009) (explaining that “each interrogatory that seeks identification of documents in addition to an answer will be counted as two interrogatories”);

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<sup>2</sup> See <https://www.defense.gov/News/News-Releases/News-Release-View/Article/652687/departments-of-defense-dod-releases-fiscal-year-2017-presidents-budget-proposal/> last visited on January 30, 2018.

<sup>3</sup> See <https://www.goarmy.com/careers-and-jobs/army-civilian-careers.html> last visited on January 30, 2018.

*U.S. ex rel. Pogue v. Diabetes Treatment Centers of Am., Inc.*, 235 F.R.D. 521, 524 (D.D.C. 2006) (finding that an interrogatory seeking “all facts supporting [a] contention,” the identity of “each person who knew,” and the identity of “all documents that support the contention” is “more accurately counted as three separate interrogatories”); *Banks v. Office of Senate Sergeant-at-Arms*, 222 F.R.D. 7, 10 (D.D.C. 2004) (An “obvious example” of a discrete subpart “is the combining in a single interrogatory of a demand for information and a demand for the documents that pertain to that event. Clearly, these are two distinct demands because knowing that an event occurred is entirely different from learning about the documents that evidence it occurred. Thus, a demand for information about a certain event and for the documents about it should be counted as two separate interrogatories.”).

Interrogatory No. 22:

Identify all Documents that are assessments, reports, evaluations, studies, or other research published, conducted, performed by, or at the request of, Defendants between June 30, 2016 and August 25, 2017, concerning (a) the impact of transgender individuals serving in the military on military readiness and/or lethality; (b) medical costs associated with transgender individuals serving in the military; or (c) the impact of transgender individuals serving in the military on unit cohesion.

Specific Objections:

The Army and Secretary Esper object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.



The Army and Secretary Esper also object on the grounds that this request is overbroad, unduly burdensome, and disproportionate to the needs of the case. Specifically, the reference to “all Documents” purports to require the Army and Secretary Esper to search for and identify documents in any and all locations, regardless of whether (a) the documents are in his possession, (b) he has personal knowledge of the documents, (c) the documents would be redundant, and/or (d) such documents would be likely to yield information that is distinct or that is relevant.

The Army and Secretary Esper object to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 22 contains three discrete subparts: (1) documents concerning the impact of transgender individuals serving in the military on military readiness and/or lethality, (2) documents concerning medical costs associated with transgender individuals serving in the military, and (3) documents concerning the impact of transgender individuals serving in the military on unit cohesion. *See In re ULLICO Inc. Litig.*, 2006 WL 2398744, at \*2 (“In analyzing whether a subpart is a separate question, the Court looks to whether the subpart introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it.”) (citation and internal quotation marks omitted).

Response:

Pursuant to Federal Rule of Civil Procedure 33(d), because information responsive to this interrogatory may be derived from a review of certain documents produced in this case, and the burden of deriving the answer is substantially the same for both Plaintiffs and the Army and Secretary Esper, the Army and Secretary Esper respond as follows: The information requested

in this interrogatory was provided to Plaintiffs through Defendants' document production, and can be located, for instance, at Bates page numbers USDOE00035112–USDOE00035113 (ARMY\_1411–1412).

Interrogatory No. 23:

Identify all persons employed by or working in an SCCC at any time from June 30, 2016, to the present, and for each such person state the person's dates of employment or work in the SCCC, the person's role and title, and the nature of the person's responsibilities.

Response:

The current members of the SCCC for the Department of the Army are:

- Brigadier General Joe Calloway, Director of Military Personnel Management, Office of the Deputy Chief of Staff, G-1 (o/a 10 April 2017 until present)
- Colonel Andreas M. Thum, Deputy Director of Military Personnel Management for Reserve Component Policy, Office of the Deputy Chief of Staff, G-1 (o/a September 2017 until present)
- Colonel Mary V. Krueger, Assistant Deputy Health Affairs, Office of the Assistant Secretary of the Army for Manpower and Reserve Affairs (o/a January 2016 until present)
- Colonel Kerrie Golden, Assistant Deputy Medical Affairs, Office of the Assistant Secretary of the Army for Manpower and Reserve Affairs (o/a August 2017 until present)
- Colonel Michael R. Nelson, Chief Consultant to The Surgeon General and Chief, Clinical Policy and Services, Healthcare Delivery Directorate, G-3/5/7, Office of the Surgeon General/US Army Medical Command (o/a August 2017 until present)
- Mr. Paul Aswell, Chief, Accessions Division, Office of the Deputy Chief of Staff, G-1, G-1 (o/a January 2016 until present)
- Lieutenant Colonel Daniel C. McTigue, Deputy Chief, Officer Division, Office of the Deputy Chief of Staff, G-1 (o/a January 2016 until present)
- Major Dustin P.J. Murphy, Military Personnel Law Branch, Administrative Law Division, Office of The Judge Advocate General (o/a July 2017 until present)
- Ms. Maanvi M. Patoir, Office of the General Counsel (o/a November 2016 until present)

Former members of the SCCC for the Department of the Army that served after June 30, 2016 are:

- Major Laura Grace, General Law Branch, Military Personnel Law Branch, Office of The Judge Advocate General (thru approximately May 2017, replaced by Lieutenant Colonel Susan Castorina from June-July 2017)
- Colonel Andrew E. Doyle, Chief Consultant to The Surgeon General and Chief, Clinical Policy and Services, Healthcare Delivery Directorate, G-3/5/7, Office of the Surgeon General/US Army Medical Command (dates uncertain; thru approximately July 2017)
- Colonel Susie J. Granger, Deputy Director of Military Personnel Management for Reserve Component Policy, Office of the Deputy Chief of Staff, G-1 (thru approximately August 2017)
- Lieutenant Colonel Michelle Kennedy, Assistant Deputy Medical Affairs, Office of the Assistant Secretary of the Army for Manpower and Reserve Affairs (thru April 2017)
- Colonel Joe Pina, Office of the Surgeon General/US Army Medical Command (uncertain dates)
- Major General Jason Evans, Director of Military Personnel Management, Office of the Deputy Chief of Staff, G-1 (thru approximately March 2017)

The general nature of the responsibilities for the persons listed above regarding their duties and participation in the Army's SCCC correspond to the responsibilities and duties of the offices to which they are assigned.

Interrogatory No. 24:

Describe the DoD Initiative, including, without limitation, the information sought and the manner in which the information was sought, and Identify all persons involved in the dissemination of the request for information pursuant to the DoD Initiative, all persons involved in the collection and reporting of responses to such request, and all persons responsible for reviewing submissions tendered to the Office of the Secretary of Defense in response to the DoD Initiative.

Specific Objections:

The Army and Secretary Esper object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

The Army and Secretary Esper also object on the grounds that Plaintiffs' Definition of the term "DoD Initiative" is vague, not confined to any specific time period, and presumes that DoD had a formal "initiative" to solicit information.

Response:

The Army and Secretary Esper respond that the information provided by John Doe 1, referenced in his declaration in support of Plaintiffs' motion for a preliminary injunction (ECF No. 40-5), was solicited in response to an informal request from Lieutenant Colonel Aaron Wellman, Office of the Under Secretary of Defense for Personnel and Readiness, to Colonel Mary Krueger, Assistant Deputy Health Affairs, Office of the Assistant Secretary of the Army for Manpower and Reserve Affairs, as a member of the OSD-led Transgender Accessions working group, in July 2017 to provide summaries of and feedback from soldiers undergoing gender transition for consideration by senior leaders within OSD. Colonel Krueger solicited the information from Army personnel and transmitted the Army's responses back to Lieutenant Colonel Wellman.

Interrogatory No. 25:

Identify all Documents that are (a) responses to any request for information that was part of the DoD Initiative, and/or (b) assessments submitted in response to the memorandum dated May 8, 2017, entitled "Readiness of Military Departments to Implement Accession of Transgender Applicants into Military Service."

Specific Objections:

The Army and Secretary Esper object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

The Army and Secretary Esper also object on the grounds that Plaintiffs' Definition of the term "DoD Initiative" is vague, not confined to any specific time period, and presumes that DoD had a formal "initiative" to solicit information.

The Army and Secretary Esper further object to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 25 contains two discrete subparts: (1) documents that are responses to any request for information that was part of the DoD Initiative, and (2) documents that are assessments submitted in response to the memorandum dated May 8, 2017, entitled "Readiness of Military Departments to Implement Accession of Transgender Applicants into Military Service." *See In re ULLICO Inc. Litig.*, 2006 WL 2398744, at \*2 ("In analyzing whether a subpart is a separate question, the Court looks to whether the subpart introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it.") (citation and internal quotation marks omitted).

Response:

Pursuant to Federal Rule of Civil Procedure 33(d), because information responsive to subpart (b) and the non-objectionable portion of subpart (a) of this interrogatory may be derived from a review of certain documents produced in this case, and the burden of deriving the answer is substantially the same for both Plaintiffs and the Army and Secretary Esper, the Army and

Secretary Esper respond as follows: The information requested in subpart (b) of this interrogatory was provided to Plaintiffs through Defendants' document production and can be located, for instance, at Bates page numbers USDOE00035112 –USDOE00035113 (ARMY\_1411–1412). For the non-objectionable portion of subpart (a), the information provided by the Army to the Office of the Under Secretary of Defense for Personnel and Readiness, referenced in the Army's Response to Interrogatory No. 24, was provided to Plaintiffs through Defendants' document production and can be located at Bates page numbers USDOE00036599–USDOE00036605 (ARMY\_9033–9039).

As to the responses to the interrogatories, see Attachment A.

As to the objections:

Dated: February 6, 2018

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General  
Civil Division

BRETT A. SHUMATE  
Deputy Assistant Attorney General

JOHN R. GRIFFITHS  
Branch Director

ANTHONY J. COPPOLINO  
Deputy Director

*/s/ Ryan B. Parker*

RYAN B. PARKER  
ANDREW E. CARMICHAEL  
United States Department of Justice  
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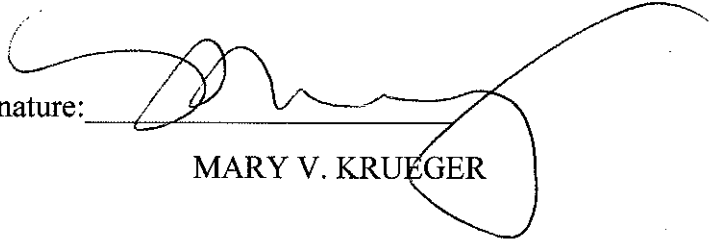
Counsel for Defendants

VERIFICATION

Based on information that I obtained in the course of my official duties, I declare under penalty of perjury that the substance of the responses to these interrogatories are true and correct to the best of my knowledge and belief.

Date: 1 February 2018

Signature: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'MARY V. KRUEGER', is written over a horizontal line. The signature is highly stylized and cursive, with a large loop at the end.

MARY V. KRUEGER



**CERTIFICATE OF SERVICE**

I hereby certify that, on February 6, 2018, a copy of the document above was served by email on the following:

Alan E. Schoenfeld  
WILMER CUTLER PICKERING  
HALE & DORR LLP  
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250 Greenwich St.  
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/s/ Ryan Parker  
RYAN B. PARKER  
Senior Trial Counsel  
U.S. Department of Justice

# Exhibit F

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

JANE DOE 1 <i>et al.</i> ,	)	
	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 17-cv-1597 (CKK)
	)	
	)	
DONALD J. TRUMP <i>et al.</i> ,	)	
	)	
	)	
Defendants.	)	

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**THE AIR FORCE’S OBJECTIONS AND RESPONSES  
TO PLAINTIFFS’ FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendants the United States Department of the Air Force and Heather A. Wilson, in her official capacity as Secretary of the Air Force, (“Air Force”) hereby provide the following Objections and Responses to Plaintiffs’ First Set of Interrogatories. The Air Force does not, by providing such information, waive any objection to its admissibility on the grounds of relevance, proportionality, accessibility, materiality, or other appropriate ground.

**OBJECTIONS AND RESPONSES TO PLAINTIFFS’  
FIRST SET OF INTERROGATORIES**

**Interrogatory No. 19**

Identify all Communications requesting or providing information between January 20, 2017, and August 25, 2017, concerning the military service and/or accession of transgender persons between or among the Executive Office of the President and any of the following: the Department of Defense, the Department of Homeland Security, and/or any Service Branch.

**Objections to Interrogatory No. 19**

1. The Air Force objects to this interrogatory because it constitutes multiple discrete subparts, including the identification of all Communications among the Executive Office of the President and: (1) the Department of Defense; (2) the Department of Homeland Security; (3) the Department of the Army; (4) the Department of the Navy; (5) the United States Marine Corps; and (6) the Department of the Air Force.

2. The Air Force objects to this interrogatory because it implicates information protected by the deliberative process and presidential communications privileges.

**Interrogatory No. 20**

Identify all Communications between President Trump and Secretary Mattis, the Department of Defense, General Dunford, the Joint Chiefs of Staff, the Department of Homeland Security, and/or any Service Branch from January 20, 2017, to August 25, 2017, concerning military service by transgender individuals, including Communications concerning: (a) any evaluation(s) conducted by the Department of Defense on the impact of accessions of transgender applicants on readiness or lethality; (b) the issuance of or assessments or other responses provided in response to Accessions Readiness Memorandum; (c) the decision announced in the Accessions Deferral Memorandum; (d) the President's Twitter Statement; (e) the Presidential Memorandum; and/or (f) the Interim Guidance.

**Objections to Interrogatory No. 20**

1. The Air Force objects to this interrogatory because it constitutes multiple discrete subparts, including the identification of all communications between President Trump and: (1) Secretary Mattis; (2) the Department of Defense; (3) General Dunford; (4) the Joint Chiefs of Staff; (5) the Department of Homeland Security, (6) the Department of the Army; (7) the

Department of the Navy; (8) the United States Marine Corps; (9) the Department of the Air Force; and (10) the United States Coast Guard regarding (a) any evaluation(s) conducted by the Department of Defense on the impact of accessions of transgender applicants on readiness or lethality; (b) the issuance of or assessments or other responses provided in response to Accessions Readiness Memorandum; (c) the decision announced in the Accessions Deferral Memorandum; (d) the President's Twitter Statement; (e) the Presidential Memorandum; and/or (f) the Interim Guidance.

2. The Air Force objects to this interrogatory because it implicates information protected by the deliberative process and presidential communications privileges.

**Interrogatory No. 21**

For every meeting attended by any representative of the Executive Office of the President, the Department of Defense, a Service Branch or the Defense Health Agency between January 20, 2017, and August 25, 2017, at which military service by transgender people was discussed, (a) state the date of the meeting; (b) Identify all participants in the meeting; (c) state the topics discussed; (d) Identify all Documents distributed, considered, or discussed at such meeting; and (e) Identify all Documents memorializing such meeting.

**Objections to Interrogatory No. 21**

1. The Air Force objects to this interrogatory because it constitutes multiple discrete subparts, including requests for information about “every meeting” attended by (1) the Executive Office of the President, (2) the Department of Defense, (3) the Department of the Army; (4) the Department of the Navy; (5) the United States Marine Corps; and (6) the Department of the Air Force; (7) the United States Coast Guard; and (8) the Defense Health Agency at which military service by transgender people was discussed during the specified time period.

2. The Air Force objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and disproportionate to the needs of the case. The United State Air Force consists of approximately 491,000 uniformed service members<sup>1</sup> and approximately 140,068 civilian employees<sup>2</sup> stationed throughout the world. During the relevant period, the Air Force has conducted countless meetings throughout its various units ranging from informal meetings involving the leadership of a particular unit to high level policy meetings of the Service Central Coordination Cells (SCCC). For example, the Air Force conducted training of all of its uniformed and civilian employees regarding military service by transgender individuals and much of that training occurred during the date range provided in this interrogatory. Collecting the requested information for each meeting and each training session that occurred at Air Force facilities across the world would potentially require tens of thousands of hours of work from Air Force personnel. Moreover, information regarding the vast majority of these meetings is not relevant to Plaintiffs' claims, let alone proportionate to the needs of the case.

3. The Air Force also objects to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; (d) material the disclosure of which would violate legitimate privacy interests and expectations of persons not party to this litigation; or (e) communications or information protected by the presidential communications privilege.

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<sup>1</sup> See <https://www.defense.gov/News/News-Releases/News-Release-View/Article/652687/department-of-defense-dod-releases-fiscal-year-2017-presidents-budget-proposal/> last visited on January 24, 2018.

<sup>2</sup> See <http://www.afpc.af.mil/About/Air-Force-Demographics/> last visited on January 24, 2018.

**Interrogatory No. 22**

Identify all Documents that are assessments, reports, evaluations, studies, or other research published, conducted, performed by, or at the request of, Defendants between June 30, 2016 and August 25, 2017, concerning (a) the impact of transgender individuals serving in the military on military readiness and/or lethality; (b) medical costs associated with transgender individuals serving in the military; or (c) the impact of transgender individuals serving in the military on unit cohesion.

**Objections to Interrogatory No. 22**

1. The Air Force objects to this interrogatory because it constitutes multiple discrete subparts, including requests for documents “concerning (a) the impact of transgender individuals serving in the military on military readiness and/or lethality; (b) medical costs associated with transgender individuals serving in the military; or (c) the impact of transgender individuals serving in the military on unit cohesion.”

2. The Air Force objects to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; (d) material the disclosure of which would violate legitimate privacy interests and expectations of persons not party to this litigation; or (e) communications or information protected by the presidential communications privilege.

**Response to Interrogatory No. 22**

Pursuant to Federal Rule of Civil Procedure 33(d), because information responsive to this interrogatory may be derived from a review of certain documents produced in this case, and the burden of deriving the answer is substantially the same for both Plaintiffs and the Air Force, the

Air Force responds as follows: Information requested in this interrogatory was previously provided to Plaintiffs through Defendants' initial document production on January 19, 2018, and can be located at Bates page numbers 00005344 - 00005350. Through the continuing discovery process, additional responsive documents have been located and are being provided to Plaintiffs. Those documents are identified as Bates page numbers 00005746 and 00029493 – 00029494.

**Interrogatory No. 23**

Identify all persons employed by or working in an SCCC at any time from June 30, 2016, to the present, and for each such person state the person's dates of employment or work in the SCCC, the person's role and title, and the nature of the person's responsibilities.

**Response to Interrogatory No. 23**

Pursuant to Federal Rule of Civil Procedure 33(d), because information responsive to this interrogatory may be derived from a review of certain documents produced in this case, and the burden of deriving the answer is substantially the same for both Plaintiffs and the Air Force, the Air Force responds as follows: The information requested in this interrogatory was previously provided to Plaintiffs through Defendants' initial document production and is located at Bates page number 00006914 in the master production file provided to Plaintiff on January 19, 2018. Additionally, it can be located in the native file named AF\_00006914.xlsx, which will be provided with the Air Force's production on January 26, 2018. The nature of the responsibilities for the persons listed in the aforementioned document are reflected through their office symbols. The list included below defines those office symbols and the nature of the responsibilities associated with them. Relevant subordinate offices are indented and listed under the superior office.



Office Symbols and Definitions:

SAF/MR – Office of the Secretary of the Air Force, Manpower and Reserve Affairs

SAF/MRR - Reserve Affairs & Airman Readiness

A1 – Headquarters Air Force, Manpower, Personnel, and Services

A1P – Retirement, Separation, and Force Management

A1PPS - Retirements and Separations

AF/SG – Headquarters Air Force, Surgeon General

A3 – Headquarters Air Force, Operations

JA – Headquarters Air Force, Office of the Judge Advocate General

JAA – Administrative Law Directorate

A4 – Headquarters Air Force, Logistics, Engineering, and Force Protection

GC - Office of the Secretary of the Air Force, Office of General Counsel

GCI – General Counsel, Intelligence, International, and Military Affairs

AFMOA – Air Force Medical Operations Agency

AF/RE – Headquarters Air Force, Air Force Reserve

AF/REM – Air Force Reserve Medical Directorate

MMDT – Medical Multidisciplinary Team

AFRC - Air Force Reserve Command

NGB – National Guard Bureau

**Interrogatory No. 24**

Describe the DoD Initiative, including, without limitation, the information sought and the manner in which the information was sought, and Identify all persons involved in the dissemination of the request for information pursuant to the DoD Initiative, all persons involved

in the collection and reporting of responses to such request, and all persons responsible for reviewing submissions tendered to the Office of the Secretary of Defense in response to the DoD Initiative.

**Objections to Interrogatory No. 24**

1. The Air Force objects to this interrogatory because the term “DoD Initiative” is vague and insufficiently defined. DoD is a large and complex agency, and Plaintiffs’ have failed to provide sufficient information for the Air Force to identify the “Initiative” that is the subject of this interrogatory.

2. The Air Force objects to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; (d) material the disclosure of which would violate legitimate privacy interests and expectations of persons not party to this litigation; or (e) communications or information protected by the presidential communications privilege.

**Interrogatory No. 25**

Identify all Documents that are (a) responses to any request for information that was part of the DoD Initiative, and/or (b) assessments submitted in response to the memorandum dated May 8, 2017, entitled “Readiness of Military Departments to Implement Accession of Transgender Applicants into Military Service.”

**Objections to Interrogatory No. 25**

1. The Air Force objects to this interrogatory because it constitutes multiple discrete subparts, including requests for documents that are “(a) responses to any request for information that was part of the DoD Initiative, and/or (b) assessments submitted in response to the

memorandum dated May 8, 2017, entitled “Readiness of Military Departments to Implement Accession of Transgender Applicants into Military Service.”

2. The Air Force objects to this interrogatory because the term “DoD Initiative” is vague and insufficiently defined. DoD is a large and complex agency, and Plaintiffs’ have failed to provide sufficient information for the Air Force to identify the “Initiative” that is the subject of subpart (a) of this interrogatory.

3. The Air Force objects to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; (d) material the disclosure of which would violate legitimate privacy interests and expectations of persons not party to this litigation; or (e) communications or information protected by the presidential communications privilege.

**Response to Interrogatory No. 25**

Pursuant to Federal Rule of Civil Procedure 33(d), because information responsive to subpart (b) of this interrogatory may be derived from a review of certain documents produced in this case, and the burden of deriving the answer is substantially the same for both Plaintiffs and the Air Force, the Air Force responds as follows: The information requested in subpart (b) of this interrogatory was previously provided to Plaintiffs through Defendants’ initial document production on January 19, 2018 and can be located at Bates page numbers 00008243 - 00008274. Through the continuing discovery process, additional responsive documents have been located and are being provided to Plaintiffs. Those documents are identified as Bates page numbers 00008131 - 00008139, 00008143 – 00008237, and 14734 – 14744.

As to the interrogatories, see Attachment A.

As to the objections:

Dated: January 25, 2018

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General  
Civil Division

BRETT A. SHUMATE  
Deputy Assistant Attorney General

JOHN R. GRIFFITHS  
Branch Director

ANTHONY J. COPPOLINO  
Deputy Director

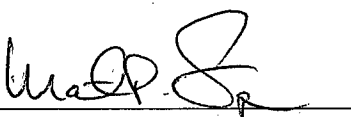
/s/ Ryan B. Parker  
RYAN B. PARKER  
ANDREW E. CARMICHAEL  
United States Department of Justice  
Civil Division, Federal Programs Branch  
Telephone: (202) 514-4336  
Email: ryan.parker@usdoj.gov

Counsel for Defendants

VERIFICATION

Based on information that I obtained in the course of my official duties, I declare under penalty of perjury that the substance of the responses to these interrogatories are true and correct to the best of my knowledge and belief.

Date: 25 JAN 18

Signature:   
MARTHA P. SOPER

**CERTIFICATE OF SERVICE**

I hereby certify that, on January 25, 2018, a copy of the document above was served by

email on the following:

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/s/ Ryan Parker  
RYAN B. PARKER  
Senior Trial Counsel  
U.S. Department of Justice

# Exhibit G

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

JANE DOE 1 <i>et al.</i> ,	)	
	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 17-cv-1597 (CKK)
	)	
	)	
DONALD J. TRUMP <i>et al.</i>	)	
	)	
	)	
Defendants.	)	

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**DEFENDANTS’ OBJECTIONS AND RESPONSES TO PLAINTIFFS’ FIRST SET OF  
INTERROGATORIES TO THE DEFENSE HEALTH AGENCY  
AND DIRECTOR BONO**

Pursuant to Federal Rules of Civil Procedure 26 and 33 and the Local Rules of the U.S. District Court for the District of Columbia, Defendants, through their undersigned counsel, hereby submit initial objections and responses to Plaintiffs’ First Set of Interrogatories to the Defense Health Agency (“DHA”) and Raquel C. Bono, in her official capacity as Director of the Defense Health Agency, served December 15, 2017.<sup>1</sup> In presenting these objections and responses, Defendants do not waive any further objection in pretrial motions practice or at trial to the admissibility of evidence on the grounds of relevance, materiality, privilege, competency, or any other appropriate ground.

---

<sup>1</sup> These objections and responses are limited to the Defense Health Agency and Director Bono. Defendants will produce, or already have produced, separate objections and responses for other Defendants, as per the agreement between the parties.



**Objections to Definitions**

1. Defendants object to Plaintiffs' Definition 7 (of "DoD Initiative") to the extent that it is vague, not confined to any specific time period, and presumes that DoD had a formal "initiative" to solicit information.

2. Defendants object to Plaintiffs' Definition 13 of "Document" as encompassing "without limitation . . . electronic files of all kind," insofar as data collection and translation are appropriate only to the extent reasonable and proportional to the needs of the case, taking into account any technical limitations and costs associated with such efforts.

**DHA and Director Bono's Specific Objections and Responses to Interrogatories to be Separately Answered by All Defendants**

Interrogatory No. 19:

Identify all Communications requesting or providing information between January 20, 2017, and August 25, 2017, concerning the military service and/or accession of transgender persons between or among the Executive Office of the President and any of the following: the Department of Defense, the Department of Homeland Security, and/or any Service Branch.

Specific Objections:

DHA and Director Bono object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

DHA and Director Bono object to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1).

Interrogatory No. 19 contains at least three discrete subparts, as it is requesting information related to the Executive Office of the President's communications with (1) the Department of Defense, (2) Department of Homeland Security, and (3) each of the service branches. Thus, Plaintiffs have served more than the allowed 25 interrogatories. *See In re ULLICO Inc. Litig.*, 2006 WL 2398744, at \*2 (D.D.C. June 30, 2006) ("In analyzing whether a subpart is a separate question, the Court looks to whether the subpart introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it.") (citation and internal quotation marks omitted).

Interrogatory No. 20:

Identify all Communications between President Trump and Secretary Mattis, the Department of Defense, General Dunford, the Joint Chiefs of Staff, the Department of Homeland Security, and/or any Service Branch from January 20, 2017, to August 25, 2017, concerning military service by transgender individuals, including Communications concerning: (a) any evaluation(s) conducted by the Department of Defense on the impact of accessions of transgender applicants on readiness or lethality; (b) the issuance of or assessments or other responses provided in response to Accessions Readiness Memorandum; (c) the decision announced in the Accessions Deferral Memorandum; (d) the President's Twitter Statement; (e) the Presidential Memorandum; and/or (f) the Interim Guidance.

Specific Objections:

DHA and Director Bono object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege;

- (c) communications or information protected by the deliberative process privilege; or
- (d) communications or information protected by the presidential communications privilege.

DHA and Director Bono also object to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 20 contains at least six discrete subparts, as it is requesting information related to the President's communications with (1) Secretary Mattis, (2) the Department of Defense, (3) General Dunford, (4) the Joint Chiefs of Staff, (5) the Department of Homeland Security, and (6) each of the service branches. Thus, Plaintiffs have served more than the allowed 25 interrogatories. *See In re ULLICO Inc. Litig.*, 2006 WL 2398744, at \*2 ("In analyzing whether a subpart is a separate question, the Court looks to whether the subpart introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it.") (citation and internal quotation marks omitted).

Interrogatory No. 21:

For every meeting attended by any representative of the Executive Office of the President, the Department of Defense, a Service Branch or the Defense Health Agency between January 20, 2017, and August 25, 2017, at which military service by transgender people was discussed, (a) state the date of the meeting; (b) Identify all participants in the meeting; (c) state the topics discussed; (d) Identify all Documents distributed, considered, or discussed at such meeting; and (e) Identify all Documents memorializing such meeting.

Specific Objections:

DHA and Director Bono object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

DHA and Director Bono also object to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 21 contains at least two discrete subparts: (1) information about the meetings, and (2) a separate request for documents distributed, considered, or discussed at the meetings or memorializing such meetings. *See Smith v. Cafe Asia*, 256 F.R.D. 247, 254 (D.D.C. 2009) (explaining that “each interrogatory that seeks identification of documents in addition to an answer will be counted as two interrogatories”); *U.S. ex rel. Pogue v. Diabetes Treatment Centers of Am., Inc.*, 235 F.R.D. 521, 524 (D.D.C. 2006) (finding that an interrogatory seeking “all facts supporting [a] contention,” the identity of “each person who knew,” and the identity of “all documents that support the contention” is “more accurately counted as three separate interrogatories”); *Banks v. Office of Senate Sergeant-at-Arms*, 222 F.R.D. 7, 10 (D.D.C. 2004) (An “obvious example” of a discrete subpart “is the combining in a single interrogatory of a demand for information and a demand for the documents that pertain to that event. Clearly, these are two distinct demands because knowing that an event occurred is entirely different from learning about the documents that evidence it occurred. Thus, a demand for information about a certain event and for the documents about it should be counted as two separate interrogatories.”).

Response:

The information responsive to this interrogatory, to the extent that it is not privileged, may be derived from a review of certain documents that will be provided to Plaintiffs in an upcoming document production. DHA will supplement this interrogatory response, as needed, following the document production.

Interrogatory No. 22:

Identify all Documents that are assessments, reports, evaluations, studies, or other research published, conducted, performed by, or at the request of, Defendants between June 30, 2016 and August 25, 2017, concerning (a) the impact of transgender individuals serving in the military on military readiness and/or lethality; (b) medical costs associated with transgender individuals serving in the military; or (c) the impact of transgender individuals serving in the military on unit cohesion.

Specific Objections:

DHA and Director Bono object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

DHA and Director Bono also object on the grounds that this request is overbroad, unduly burdensome, and disproportionate to the needs of the case. Specifically, the reference to “all Documents” purports to require DHA and Director Bono to search for and identify documents in any and all locations, regardless of whether (a) the documents are in his possession, (b) he has

personal knowledge of the documents, (c) the documents would be redundant, and/or (d) such documents would be likely to yield information that is distinct or that is relevant.

DHA and Director Bono object to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 22 contains three discrete subparts: (1) documents concerning the impact of transgender individuals serving in the military on military readiness and/or lethality, (2) documents concerning medical costs associated with transgender individuals serving in the military, and (3) documents concerning the impact of transgender individuals serving in the military on unit cohesion. *See In re ULLICO Inc. Litig.*, 2006 WL 2398744, at \*2 (“In analyzing whether a subpart is a separate question, the Court looks to whether the subpart introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it.”) (citation and internal quotation marks omitted).

Response:

The information responsive to this interrogatory, to the extent that it is not privileged, may be derived from a review of certain documents that will be provided to Plaintiffs in an upcoming document production. DHA will supplement this interrogatory response, as needed, following the document production.

Interrogatory No. 23:

Identify all persons employed by or working in an SCCC at any time from June 30, 2016, to the present, and for each such person state the person’s dates of employment or work in the SCCC, the person’s role and title, and the nature of the person’s responsibilities.

Response:

DoD Instruction 1300.28, paragraph 2.2, directs the Secretaries of the Military Departments and the Commandant, United States Coast Guard to establish a Service Central Coordination Cell (SCCC) to provide multi-disciplinary (e.g., medical, legal, military personnel management) expert advice and assistance to commanders with regard to service by transgender Service members and gender transition in the military and to assist commanders in the execution of Department of Defense, Military Department, and Service policies and procedures. As such, this is a Service, not a DHA function or mission.

Interrogatory No. 24:

Describe the DoD Initiative, including, without limitation, the information sought and the manner in which the information was sought, and Identify all persons involved in the dissemination of the request for information pursuant to the DoD Initiative, all persons involved in the collection and reporting of responses to such request, and all persons responsible for reviewing submissions tendered to the Office of the Secretary of Defense in response to the DoD Initiative.

Specific Objections:

DHA and Director Bono object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

DHA and Director Bono also object on the grounds that Plaintiffs' Definition of the term "DoD Initiative" is vague, not confined to any specific time period, and presumes that DoD had a formal "initiative" to solicit information.

Interrogatory No. 25:

Identify all Documents that are (a) responses to any request for information that was part of the DoD Initiative, and/or (b) assessments submitted in response to the memorandum dated May 8, 2017, entitled "Readiness of Military Departments to Implement Accession of Transgender Applicants into Military Service."

Specific Objections:

DHA and Director Bono object to this interrogatory to the extent that it seeks (a) attorney work product; (b) communications or information protected by the attorney-client privilege; (c) communications or information protected by the deliberative process privilege; or (d) communications or information protected by the presidential communications privilege.

DHA and Director Bono also object on the grounds that Plaintiffs' Definition of the term "DoD Initiative" is vague, not confined to any specific time period, and presumes that DoD had a formal "initiative" to solicit information.

DHA and Director Bono further object to this interrogatory to the extent that it contains multiple discrete subparts, and thus Plaintiffs have exceeded the number of interrogatories, inclusive of discrete subparts, that Plaintiffs may serve under Federal Rule of Civil Procedure 33(a)(1). Interrogatory No. 25 contains two discrete subparts: (1) documents that are responses to any request for information that was part of the DoD Initiative, and (2) documents that are assessments submitted in response to the memorandum dated May 8, 2017, entitled "Readiness



of Military Departments to Implement Accession of Transgender Applicants into Military Service.” See *In re ULLICO Inc. Litig.*, 2006 WL 2398744, at \*2 (“In analyzing whether a subpart is a separate question, the Court looks to whether the subpart introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it.”) (citation and internal quotation marks omitted).

Response:

The information responsive to this interrogatory, to the extent that it is not privileged, may be derived from a review of certain documents that will be provided to Plaintiffs in an upcoming document production. DHA will supplement this interrogatory response, as needed, following the document production.

As to the responses to the interrogatories, see Attachment A.

As to the objections:

Dated: February 6, 2018

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General  
Civil Division

BRETT A. SHUMATE  
Deputy Assistant Attorney General

JOHN R. GRIFFITHS  
Branch Director

ANTHONY J. COPPOLINO  
Deputy Director

/s/ Ryan B. Parker

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United States Department of Justice  
Civil Division, Federal Programs  
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Email: ryan.parker@usdoj.gov

Counsel for Defendants

**ATTACHMENT A**

**VERIFICATION**

Based on information I obtained in the course of my official duties, I declare under penalty of perjury the substance of the responses to these interrogatories are true and correct to the best of my knowledge and belief.

Date: 18 02 01

Signature: 

R.C. BONO, VADM, MC, USN  
Director  
Defense Health Agency

**CERTIFICATE OF SERVICE**

I hereby certify that, on February 6, 2018, a copy of the document above was served by email on the following:

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/s/ Ryan Parker  
RYAN B. PARKER  
Senior Trial Counsel  
U.S. Department of Justice

# Exhibit H

# of Documents*	Description**	Date Range	To	From	Primary Privilege Asserted	Privilege Description
97	Internal emails and documents drafted by attorneys in the White House Counsel's Office to deliberate with other attorneys in the White House Counsel's office regarding the policies governing transgender individuals' service in the military and regarding anticipated litigation	1/20/2017-7/25/2017	WHCO Attorneys	WHCO Attorneys	Work Product (in many cases, also covered by Presidential Communications Privilege, Deliberative Process Privilege, and Attorney Client Privilege)	Emails and documents drafted by attorneys in anticipation of litigation during the period when the President and his advisors were deliberating regarding whether to implement the 2016 Secretary of Defense Memorandum; deliberations occurred in anticipation of litigation and included assessments of litigation risk; emails and documents to and from attorneys in the White House Counsel's Office seeking and providing confidential legal advice concerning transgender individuals' service in the military and the 2016 Secretary of Defense Memorandum; emails and documents reflecting White House Counsel's Office legal deliberations concerning issues surrounding transgender individuals' service in the military, which predate a policy decision on transgender individuals' service in the military
153	Internal emails and documents drafted by attorneys in the White House Counsel's Office to deliberate with other attorneys in the White House Counsel's office regarding the formulation of the 8/25 Presidential Memorandum and regarding anticipated litigation, including drafts of the 8/25/2017 Presidential Memorandum	7/26/2017-8/8/2017	WHCO Attorneys	WHCO Attorneys	Work Product (in many cases, also covered by Presidential Communications Privilege, Deliberative Process Privilege, and Attorney Client Privilege)	Emails and documents drafted by attorneys in anticipation of litigation regarding the drafting, form, and legality of the 8/25/2017 Presidential Memorandum; emails and documents to and from attorneys in the White House Counsel's Office seeking and providing confidential legal advice concerning the 8/25/2017 Presidential Memorandum and anticipated litigation; emails and documents reflecting White House Counsel's Office deliberations concerning the 8/25/2017 Presidential Memorandum, which predate the issuance of the 8/25/2017 Presidential Memorandum
85	Internal emails and documents drafted by attorneys in the White House Counsel's Office to deliberate with other attorneys in the White House Counsel's office regarding policies governing the formulation of the 8/25 Presidential Memorandum and regarding pending litigation, including drafts of the 8/25/2017 Presidential Memorandum	8/9/2017-8/25/2017	WHCO Attorneys	WHCO Attorneys	Work Product (in many cases, also covered by Presidential Communications Privilege, Deliberative Process Privilege, and Attorney Client Privilege)	Emails and documents drafted by attorneys after litigation had commenced (the Doe Complaint was filed 8/9/2017) regarding the drafting, form, and legality of the 8/25/2017 Presidential Memorandum and pending litigation; emails and documents to and from attorneys in the White House Counsel's Office providing confidential legal advice concerning the 8/25/2017 Presidential Memorandum and pending litigation; emails and documents reflecting White House Counsel's Office deliberations concerning the 8/25/2017 Presidential Memorandum, which predate the issuance of the 8/25/2017 Presidential Memorandum
343	Internal emails and documents drafted by attorneys in the White House Counsel's Office to deliberate with other attorneys in the White House Counsel's office regarding the implementation of the 8/25 Presidential Memorandum and regarding pending litigation	8/26/2017-1/9/2018	WHCO Attorneys	WHCO Attorneys	Work Product (in many cases, also covered by Presidential Communications Privilege, Deliberative Process Privilege, and Attorney Client Privilege)	Emails and documents drafted by attorneys after litigation had commenced regarding pending litigation and regarding the implementation of the 8/25/2017 Memorandum; emails and documents to and from attorneys in the White House Counsel's Office providing confidential legal advice concerning the 8/25/2017 Presidential Memorandum and pending litigation; emails and documents reflecting White House Counsel's Office deliberations concerning the 8/25/2017 Presidential Memorandum and legal issues surrounding transgender individuals' service in the military, which predate a final policy decision on transgender individuals' service in the military
161	Emails and documents drafted by attorneys in the White House Counsel's Office and attorneys in the Department of Justice's Office of Legal Counsel to deliberate regarding the formulation, form and legality, and implementation of the 8/25/2017 Presidential Memorandum, including drafts of the 8/25/2017 Presidential Memorandum	6/30/2017-12/4/2017	WHCO and OLC Attorneys	WHCO and OLC Attorneys (in some cases, attorneys from DOD or from other DOJ components are also recipients or cc:ed)	Work Product (in many cases, also covered by Presidential Communications Privilege, Deliberative Process Privilege, and Attorney Client Privilege)	Emails and documents drafted by attorneys in anticipation of litigation, or after litigation had commenced, assessing the form and legality of the 8/25/2017 Presidential Memorandum and implementation thereof; emails and documents to and from attorneys in the White House Counsel's Office and attorneys in the Department of Justice's Office of Legal Counsel seeking and providing confidential legal advice concerning the 8/25/2017 Presidential Memorandum; emails and documents reflecting White House Counsel's Office deliberations concerning the 8/25/2017 Presidential Memorandum, which predate the issuance of the 8/25/2017 Presidential Memorandum; emails and documents reflecting White House Counsel's Office deliberations concerning legal issues surrounding transgender individuals' service in the military, which predate a final policy decision on transgender individuals' service in the military
188	Emails and documents drafted by attorneys in the White House Counsel's Office and attorneys in the Department of Justice's Civil Division regarding pending litigation	8/9/2017-1/11/2018	WHCO and DOJ-Civil Division Attorneys (and, occasionally, attorneys from other DOJ components or from DOD)	WHCO and DOJ-Civil Division Attorneys (and, occasionally, attorneys from other DOJ components or from DOD)	Work Product (in many cases, also covered by Attorney Client Privilege, Deliberative Process Privilege, and Presidential Communications Privilege)	Emails and documents drafted by attorneys during pending litigation regarding litigation strategy, updates, and filings; emails and documents drafted by attorneys in the White House Counsel's Office and attorneys in the Department of Justice's Civil Division seeking and providing confidential legal advice concerning pending litigation; emails and documents reflecting White House Counsel's Office deliberations concerning legal issues surrounding transgender individuals' service in the military, which predate a final policy decision on transgender individuals' service in the military
31	Emails and documents drafted by attorneys in the White House Counsel's Office and attorneys from DOD regarding the policies governing transgender individuals' service in the military and regarding anticipated litigation	1/20/2017-7/25/2017	WHCO Attorneys and DOD Attorneys	WHCO Attorneys and DOD Attorneys	Work Product (in many cases, also covered by Presidential Communications Privilege, Deliberative Process Privilege, and Attorney Client Privilege)	Emails and documents drafted by attorneys in anticipation of litigation during the period when the President and his advisors were deliberating regarding whether to implement the 2016 Secretary of Defense Memorandum; deliberations occurred in anticipation of litigation; emails and documents to and from attorneys in the White House Counsel's Office and attorneys from DOD seeking and providing confidential legal advice concerning policies governing transgender individuals' service in the military and anticipated litigation; emails and documents reflecting White House Counsel's Office deliberations concerning legal issues surrounding policies governing transgender individuals' service in the military, which predate a final policy decision on transgender individuals' service in the military
44	Emails and documents drafted by attorneys in the White House Counsel's Office and attorneys from DOD regarding the formulation of the 8/25 Presidential Memorandum and regarding anticipated litigation, including drafts of the 8/25/2017 Presidential Memorandum	7/26/2017-8/8/2017	WHCO Attorneys and DOD Attorneys (and, occasionally, DOJ attorneys)	WHCO Attorneys and DOD Attorneys (and, occasionally, DOJ attorneys)	Work Product (in many cases, also covered by Presidential Communications Privilege, Deliberative Process Privilege, and Attorney Client Privilege)	Emails and documents drafted in anticipation of litigation, regarding the drafting, form, and legality of the 8/25/2017 Presidential Memorandum; emails and documents drafted by attorneys in the White House Counsel's Office and attorneys from DOD seeking and providing confidential legal advice concerning the 8/25/2017 Presidential Memorandum and anticipated litigation; emails and documents reflecting White House Counsel's Office deliberations concerning the 8/25/2017 Presidential Memorandum, which predate the issuance of the 8/25/2017 Presidential Memorandum
19	Emails and documents drafted by attorneys in the White House Counsel's Office and attorneys from DOD regarding the formulation of the 8/25 Presidential Memorandum and regarding pending litigation, including drafts of the Presidential Memorandum	8/9/2017-8/25/2017	WHCO Attorneys and DOD Attorneys (and, occasionally, DOJ attorneys)	WHCO Attorneys and DOD Attorneys (and, occasionally, DOJ attorneys)	Work Product (in many cases, also covered by Presidential Communications Privilege, Deliberative Process Privilege, and Attorney Client Privilege)	Emails and documents drafted after litigation had commenced (the Doe Complaint was filed 8/9/2017) regarding the drafting, form, and legality of the 8/25/2017 Presidential Memorandum and regarding pending litigation; emails and documents to and from attorneys in the White House Counsel's Office and attorneys from DOD seeking and providing confidential legal advice concerning the 8/25/2017 Presidential Memorandum and pending litigation; emails and documents reflecting White House Counsel's Office deliberations concerning the 8/25/2017 Presidential Memorandum, which predate the issuance of the 8/25/2017 Presidential Memorandum
50	Emails and documents drafted by attorneys in the White House Counsel's Office and attorneys from DOD regarding the implementation of the 8/25/2017 Presidential Memorandum and pending litigation	8/26/2017-12/27/2017	WHCO Attorneys and DOD Attorneys (and, occasionally, DOJ attorneys)	WHCO Attorneys and DOD Attorneys (and, occasionally, DOJ attorneys)	Work Product (in many cases, also covered by Attorney Client Privilege, Deliberative Process Privilege, and Presidential Communications Privilege)	Emails and documents drafted by attorneys after litigation had commenced regarding implementation of the 8/25/2017 Presidential Memorandum and regarding pending litigation; emails and documents to and from attorneys in the White House Counsel's Office and attorneys from DOD seeking and providing confidential legal advice concerning the 8/25/2017 Presidential Memorandum and pending litigation; emails and documents reflecting White House Counsel's Office deliberations concerning legal issues surrounding transgender individuals' service in the military, which predate a final policy decision on transgender individuals' service in the military
39	Emails and documents in which attorneys in the White House Counsel's Office provide legal advice to other White House staffers with regard to the formulation and implementation of the President's policies regarding transgender individuals' military service	1/20/2017-7/25/2017	WHCO Attorneys and Other White House Employees	WHCO Attorneys and Other White House Employees (including, in some cases, other EOP employees from, e.g., the NSC)	Attorney Client Privilege (in many cases, also covered by Work Product Privilege, Deliberative Process Privilege, and Presidential Communications Privilege)	Emails and documents seeking confidential legal advice from WHCO Attorneys and emails and documents drafted by WHCO Attorneys providing confidential legal advice to other White House employees regarding legal aspects of the formulation of the President's policy regarding service by transgender individuals in the military; emails and documents prepared by WHCO Attorneys in anticipation of litigation, concerning legal issues surrounding transgender individuals' service in the military; emails and documents reflecting deliberations by and between WHCO Attorneys and other White House employees concerning transgender individuals' service in the military, which predate a final policy decision on transgender individuals' service in the military



163	Emails and documents in which members of the National Security Council's Communications staff and other staffers within the Executive Office of the President deliberate regarding the President's communications strategy with respect to the service of transgender individuals in the military, his 7/26/2017 Tweet, and his 8/25/2017 Presidential Memorandum	8/26/2017-1/8/2018	NSC Communications Staffers and other EOP and DOD Staffers (including some attorneys)	NSC Communications Staffers and other EOP and DOD Staffers (including some attorneys)	Deliberative Process Privilege (in many cases, also covered by Attorney Client Privilege, Presidential Communications Privilege, or Work Product Privilege)	Pre-decisional emails and documents drafted by members of the President's National Security Council Communications staff to deliberate with other members of the EOP staff regarding the President's policies regarding the service of transgender individuals in the military, his 7/26/2017 Tweet, and his 8/25/2017 Presidential Memorandum; emails and documents discussing confidential legal advice concerning pending litigation; emails and documents prepared for pending litigation, at the direction of counsel, concerning the service of transgender individuals in the military
93	(Generally pre-decisional) emails and documents in which senior members of the President's Legislative Affairs staff deliberate regarding the Administration's interactions with Congress (and Members of Congress) and how best to advance the President's legislative goals regarding military readiness and the service of transgender individuals in the military before Congress, in order to advise the President re: same	1/20/2017-7/25/2017	WH Legislative Affairs Staffers and other EOP Staffers	WH Legislative Affairs Staffers and other EOP Staffers	Presidential Communications Privilege (in many cases, also covered by Deliberative Process Privilege, Attorney Client Privilege, or Work Product Privilege)	Emails and documents drafted by members of the President's Legislative Affairs team to deliberate with other members of the President's staff regarding military readiness and the service of transgender individuals in the military, in order to advise the President re: aspects of same with implications for legislative efforts, which predate a final policy decision on transgender individuals' service in the military; emails and documents discussing confidential legal advice concerning anticipated litigation; emails and documents prepared in anticipation of litigation, at the direction of counsel, concerning the service of transgender individuals in the military
70	(Generally pre-decisional) emails and documents in which senior members of the President's Legislative Affairs staff deliberate regarding the Administration's interactions with Congress (and Members of Congress) and how best to advance the President's legislative goals regarding military readiness and the service of transgender individuals in the military before Congress, in order to advise the President re: same	7/26/2017-8/25/2017	WH Legislative Affairs Staffers and other EOP Staffers	WH Legislative Affairs Staffers and other EOP Staffers	Presidential Communications Privilege (in many cases, also covered by Deliberative Process Privilege, Attorney Client Privilege, or Work Product Privilege)	Emails and documents in which members of the President's Legislative Affairs team deliberate with other members of the President's staff regarding military readiness and the service of transgender individuals in the military, in order to advise the President re: aspects of same with implications for legislative efforts, which predate a final policy decision on transgender individuals' service in the military; emails and documents discussing confidential legal advice concerning anticipated or pending litigation; emails and documents prepared in anticipation of litigation or for pending litigation, at the direction of counsel, concerning the service of transgender individuals in the military
29	(Generally pre-decisional) emails and documents in which senior members of the President's Legislative Affairs staff deliberate regarding the Administration's interactions with Congress (and Members of Congress) and how best to advance the President's legislative goals regarding the service of transgender individuals in the military before Congress, in order to advise the President re: same	8/26/2017-1/18/2018	WH Legislative Affairs Staffers and other EOP Staffers	WH Legislative Affairs Staffers and other EOP Staffers	Presidential Communications Privilege (in many cases, also covered by Deliberative Process Privilege, Attorney Client Privilege, or Work Product Privilege)	Emails and documents in which members of the President's Legislative Affairs team deliberate with other members of the President's staff regarding military readiness and the service of transgender individuals in the military, in order to advise the President re: aspects of same with implications for legislative efforts, which predate a final policy decision on transgender individuals' service in the military; emails and documents discussing confidential legal advice concerning anticipated or pending litigation; emails and documents prepared in anticipation of litigation or for pending litigation, at the direction of counsel, concerning the service of transgender individuals in the military
32	(Generally pre-decisional) emails and documents drafted by senior members of the President's Domestic Policy Council to deliberate with other EOP staffers regarding the formulation and implementation of the President's policy concerning the service of transgender individuals in the military and in order to advise the President re: same	1/20/2017-7/25/2017	Senior member of the WH Domestic Policy Council or other EOP Staffer (including some attorneys)	Senior member of the WH Domestic Policy Council or other EOP Staffer (including some attorneys)	Presidential Communications Privilege (in many cases, also covered by Deliberative Process Privilege, Attorney Client Privilege, or Work Product Privilege)	Discussions between senior White House policy aides and other members of the Executive Office of the President as to the formulation or implementation of the President's policies regarding military lethality and readiness and the service of transgender individuals in the military leading up to a policy recommendation to the President, which predate a final policy decision on transgender individuals' service in the military; emails and documents discussing confidential legal advice concerning anticipated litigation; emails and documents prepared in anticipation of litigation, at the direction of counsel, concerning the service of transgender individuals in the military
56	(Generally pre-decisional) emails and documents drafted by senior members of the President's Domestic Policy Council to deliberate with other EOP staffers regarding the formulation and implementation of the President's policy concerning the service of transgender individuals in the military and in order to advise the President re: same	7/26/2017-8/25/2017	Senior member of the WH Domestic Policy Council or other EOP Staffer (including some attorneys)	Senior member of the WH Domestic Policy Council or other EOP Staffer (including some attorneys)	Presidential Communications Privilege (in many cases, also covered by Deliberative Process Privilege, Attorney Client Privilege, or Work Product Privilege)	Discussions between senior White House policy aides and other members of the Executive Office of the President as to the formulation or implementation of the President's policies regarding military lethality and readiness and the service of transgender individuals in the military leading up to policy recommendations to the President, which predate a final policy decision on transgender individuals' service in the military; emails and documents discussing confidential legal advice concerning anticipated or pending litigation; emails and documents prepared in anticipation of litigation or for pending litigation, at the direction of counsel, concerning the service of transgender individuals in the military
11	(Generally pre-decisional) emails and documents drafted by senior members of the President's Domestic Policy Council to deliberate with other EOP staffers regarding the formulation and implementation of the President's policy concerning the service of transgender individuals in the military and in order to advise the President re: same	8/26/2017-1/4/2018	Senior member of the WH Domestic Policy Council or other EOP Staffer (including some attorneys)	Senior member of the WH Domestic Policy Council or other EOP Staffer (including some attorneys)	Presidential Communications Privilege (in many cases, also covered by Deliberative Process Privilege, Attorney Client Privilege, or Work Product Privilege)	Discussions between senior White House policy aides and other members of the Executive Office of the President as to the implementation of the President's policies regarding military lethality and readiness and the service of transgender individuals in the military leading up to policy recommendations to the President, which predate a final policy decision on transgender individuals' service in the military; emails and documents discussing confidential legal advice concerning anticipated or pending litigation; emails and documents prepared in anticipation of litigation or for pending litigation, at the direction of counsel, concerning the service of transgender individuals in the military
62	(Generally pre-decisional) emails and documents drafted by senior members and staff of the National Security Council in order to advise the President regarding the formulation and implementation of his policy concerning the service of transgender individuals in the military and to deliberate re: same	1/20/2017-7/25/2017	Senior members of the National Security Council or their staffers or other EOP or DOD Staffers	Senior members of the National Security Council or their staffers or other EOP or DOD Staffers	Presidential Communications Privilege (in many cases, also covered by Deliberative Process Privilege, Attorney Client Privilege, or Work Product Privilege)	Discussions between senior members or staffers of the National Security Council and other members of the Executive Office of the President or Department of Defense as part of the development of a recommendation to the President regarding the impact of the service of transgender individuals on military lethality and readiness, which predate a final policy decision on transgender individuals' service in the military; emails and documents discussing confidential legal advice concerning anticipated litigation; emails and documents prepared in anticipation of litigation, at the direction of counsel, concerning the service of transgender individuals in the military
104	(Generally pre-decisional) emails and documents drafted by senior members of the National Security Council in order to advise the President regarding the formulation and implementation of his policy concerning the service of transgender individuals in the military and to deliberate re: same	7/26/2017-8/25/2017	Senior members of the National Security Council or their staffers or other EOP or DOD Staffers	Senior members of the National Security Council or their staffers or other EOP or DOD Staffers	Presidential Communications Privilege (in many cases, also covered by Deliberative Process Privilege, Attorney Client Privilege, or Work Product Privilege)	Discussions between senior members or staffers of the National Security Council and other members of the Executive Office of the President or Department of Defense as part of the development of a recommendation to the President regarding the impact of the service of transgender individuals on military lethality and readiness, which predate a final policy decision on transgender individuals' service in the military; emails and documents discussing confidential legal advice concerning anticipated or pending litigation; emails and documents prepared in anticipation of litigation or for pending litigation, at the direction of counsel, concerning the service of transgender individuals in the military
6	(Generally pre-decisional) emails and documents drafted by senior members of the National Security Council in order to advise the President regarding the implementation of his policy concerning the service of transgender individuals in the military and to deliberate re: same	8/26/2017-1/4/2018	Senior members of the National Security Council or their staffers or other EOP or DOD Staffers	Senior members of the National Security Council or their staffers or other EOP or DOD Staffers	Presidential Communications Privilege (in many cases, also covered by Deliberative Process Privilege, Attorney Client Privilege, or Work Product Privilege)	Discussions between senior members or staffers of the National Security Council and other members of the Executive Office of the President or Department of Defense as part of the development of a recommendation to the President regarding the implementation of his policy concerning the service of transgender individuals in the military; emails and documents discussing confidential legal advice concerning anticipated or pending litigation; emails and documents prepared in anticipation of litigation or for pending litigation, at the direction of counsel, concerning the service of transgender individuals in the military
8	Emails and documents drafted by attorneys within the White House Counsel's Office, the Executive Office of the President's Office of Administration, and the Department of Justice regarding discovery in the four pending cases challenging the 8/25/2017 Presidential Memorandum	11/3/2017-1/8/2018	Attorneys from WHCO, OA, or DOJ	Attorneys from WHCO, OA, or DOJ	Work Product (in many cases, also covered by Attorney Client Privilege or Deliberative Process Privilege)	Emails and documents drafted in anticipation of litigation or for pending litigation, as the attorneys within the White House Counsel's Office, the Executive Office of the President's Office of Administration, or the Department of Justice discussed how to meet their discovery obligations in the four pending suits challenging the 8/25/2017 Presidential Memorandum; emails and documents from Attorneys from WHCO, OA, or DOJ providing or seeking confidential legal advice concerning the four pending suits; emails and documents reflecting WHCO deliberations concerning legal issues surrounding transgender individuals' service in the military, which predate a final policy decision on transgender individuals' service in the military
113	Pre-decisional emails and documents in which members of the President's White House Legislative Affairs team deliberate with one another regarding how to advance the President's goals regarding military readiness and lethality (and, by extension, the service of transgender individuals in the military) before Congress	1/20/2017-7/25/2017	Members of the President's Legislative Affairs team	Members of the President's Legislative Affairs team	Deliberative Process Privilege (in many cases, also covered by Presidential Communications Privilege)	Pre-decisional emails and documents in which members of the President's Legislative Affairs team deliberate with their colleagues regarding the President's policy regarding military readiness (and, thus, the military service of transgender individuals) as it relates to legislative affairs



109	Pre-decisional emails and documents in which members of the President's White House Legislative Affairs team deliberate with one another regarding how to advance the President's goals regarding military readiness and lethality (and, by extension, the service of transgender individuals in the military) before Congress	7/26/2017-8/25/2018	Members of the President's Legislative Affairs team	Members of the President's Legislative Affairs team	Deliberative Process Privilege (in many cases, also covered by Presidential Communications Privilege)	Pre-decisional emails and documents in which members of the President's Legislative Affairs team deliberate with their colleagues regarding the President's policy regarding military readiness (and, thus, the military service of transgender individuals) as it relates to legislative affairs
185	Pre-decisional emails and documents in which members of the President's White House Legislative Affairs team deliberate with one another regarding how to advance the President's goals regarding military readiness and lethality (and, by extension, the service of transgender individuals in the military) before Congress	8/26/2017-1/10/2018	Members of the President's Legislative Affairs team	Members of the President's Legislative Affairs team	Deliberative Process Privilege (in many cases, also covered by Presidential Communications Privilege)	Pre-decisional emails and documents in which members of the President's Legislative Affairs team deliberate with their colleagues regarding the President's policy regarding military readiness (and, thus, the military service of transgender individuals) as it relates to legislative affairs
15	Pre-decisional emails and documents in which members of the President's Legislative Affairs team deliberate with DOD staff regarding interactions with Congress (and members of Congress) and advancing the President's goals with respect to military readiness and lethality and the service of transgender individuals in the military before Congress	7/11/2017-9/12/2017	Members of the President's Legislative Affairs team and/or DOD staff	Members of the President's Legislative Affairs team and/or DOD staff	Deliberative Process Privilege (in many cases, also covered by Presidential Communications Privilege)	Pre-decisional emails and documents in which members of the President's Legislative Affairs team deliberate with DOD regarding legislative efforts impacting the service of transgender individuals in the military
26	Pre-decisional emails and documents in which members and staff of the National Security Council deliberate with DOD staff regarding the President's goals with respect to military readiness and lethality and the service of transgender individuals in the military	1/25/2017-7/25/2017	Members and staff of the National Security Council or DOD staff	Members and staff of the National Security Council or DOD staff	Deliberative Process Privilege (in many cases, also covered by Presidential Communications Privilege)	Pre-decisional emails and documents in which members and staff of the National Security Council deliberate with DOD regarding the service of transgender individuals in the military (in some cases, leading up to giving advice to the President)
35	Pre-decisional emails and documents in which members and staff of the National Security Council deliberate with DOD staff regarding the President's goals with respect to military readiness and lethality and the service of transgender individuals in the military	7/26/2017-1/3/2018	Members and staff of the National Security Council or DOD staff	Members and staff of the National Security Council or DOD staff	Deliberative Process Privilege (in many cases, also covered by Presidential Communications Privilege)	Pre-decisional emails and documents in which members and staff of the National Security Council deliberate with DOD regarding the service of transgender individuals in the military (in some cases, leading up to giving advice to the President)
28	Pre-decisional emails and documents in which members and staff of the National Security Council deliberate regarding military readiness and lethality and the service of transgender individuals in the military	1/20/2017-7/25/2017	Members and staff of the National Security Council	Members and staff of the National Security Council	Deliberative Process Privilege (in many cases, also covered by Presidential Communications Privilege) and in some cases also covered by Attorney Client Privilege or Work Product Privilege	Pre-decisional emails and documents in which members and staff of the National Security Council deliberate regarding military readiness and the service of transgender individuals in the military; emails and documents reflecting confidential legal advice concerning anticipated litigation; emails and documents prepared in anticipation of litigation, at the direction of counsel, concerning the service of transgender individuals in the military
27	Pre-decisional emails and documents in which members and staff of the National Security Council deliberate regarding military readiness and lethality and the service of transgender individuals in the military	7/26/2017-8/25/2017	Members and staff of the National Security Council	Members and staff of the National Security Council	Deliberative Process Privilege (in many cases, also covered by Presidential Communications Privilege) and in some cases also covered by Attorney Client Privilege or Work Product Privilege	Pre-decisional emails and documents in which members and staff of the National Security Council deliberate regarding military readiness and the service of transgender individuals in the military; emails and documents reflecting confidential legal advice concerning anticipated litigation or pending litigation; emails and documents prepared in anticipation of litigation or for pending litigation, at the direction of counsel, concerning the service of transgender individuals in the military
65	Pre-decisional emails and documents in which members and staff of the National Security Council deliberate regarding military readiness and lethality, the service of transgender individuals in the military, and implementation of the 8/25/2017 Presidential Memorandum	8/26/2017-1/9/2018	Members and staff of the National Security Council	Members and staff of the National Security Council	Deliberative Process Privilege (in many cases, also covered by Presidential Communications Privilege) and in some cases also covered by Attorney Client Privilege or Work Product Privilege	Pre-decisional emails and documents in which members and staff of the National Security Council deliberate regarding military readiness and the service of transgender individuals in the military; emails and documents reflecting confidential legal advice concerning pending litigation; emails and documents prepared for pending litigation, at the direction of counsel, concerning the service of transgender individuals in the military
67	Emails and documents touching on military service by transgender individuals drafted by members of the White House Staff, National Security Council Staff, and agency staff as part of the Staff Secretary or National Security Council Executive Secretary process in order to advise the President or to produce a document for Presidential signing or review	6/16/2017-9/19/2017	WH, NSC, and agency staffers; each conversation also includes at least one representative from the WH Staff Secretary's Office or the NSC Executive Secretary's Office	WH, NSC, and agency staffers; each conversation also includes at least one representative from the WH Staff Secretary's Office or the NSC Executive Secretary's Office	Presidential Communications Privilege (in most cases, also covered by Deliberative Process Privilege; in some cases, also covered by Attorney Client Privilege, or Work Product Privilege)	Emails and documents in which White House, National Security Council, and agency staff review and comment on draft documents intended for the President's review, to be signed by the President, or to be used to advise the President, which predate a final policy decision on transgender individuals' service in the military; emails and documents reflecting confidential legal advice concerning anticipated litigation or pending litigation; emails and documents prepared in anticipation of litigation or for pending litigation, at the direction of counsel, concerning the service of transgender individuals in the military
34	Pre-decisional emails and documents drafted by members of the White House Staff and other staffers within the Executive Office of the President as part of the Staff Secretary or NSC Executive Secretary process -- in which draft documents are reviewed in order to produce advice for the President or documents for presidential signing or review -- that touch on the service of transgender individuals in the military, including materials that were ultimately reviewed by the President and records of his briefings	1/20/2017-7/25/2017	WH, NSC, and agency staffers; each conversation also includes at least one representative from the WH Staff Secretary's Office or the NSC Executive Secretary's Office	WH, NSC, and agency staffers; each conversation also includes at least one representative from the WH Staff Secretary's Office or the NSC Executive Secretary's Office	Deliberative Process Privilege (in almost all cases, also covered by Presidential Communications Privilege, and in many cases, also covered by Attorney Client Privilege or Work Product Privilege)	Pre-decisional emails and documents in which White House, National Security Council, and agency staff review and comment on draft documents intended for the President's review, to be signed by the President, or to be used to advise the President; emails and documents reflecting confidential legal advice concerning anticipated litigation; emails and documents prepared in anticipation of litigation, at the direction of counsel, concerning the service of transgender individuals in the military
37	Pre-decisional emails and documents drafted by members of the White House Staff and other staffers within the Executive Office of the President as part of the Staff Secretary or NSC Executive Secretary process -- in which draft documents are reviewed in order to produce advice for the President or documents for presidential signing or review -- that touch on the service of transgender individuals in the military, including drafts of the 8/25/2017 Presidential Memorandum, including materials that were ultimately reviewed by the President and records of his briefings	7/26/2017-8/25/2017	WH, NSC, and agency staffers; each conversation also includes at least one representative from the WH Staff Secretary's Office or the NSC Executive Secretary's Office	WH, NSC, and agency staffers; each conversation also includes at least one representative from the WH Staff Secretary's Office or the NSC Executive Secretary's Office	Deliberative Process Privilege (in almost all cases, also covered by Presidential Communications Privilege, and in many cases, also covered by Attorney Client Privilege or Work Product Privilege)	Pre-decisional emails and documents in which White House, National Security Council, and agency staff review and comment on draft documents intended for the President's review, to be signed by the President, or to be used to advise the President; emails and documents reflecting confidential legal advice concerning anticipated litigation or pending litigation; emails and documents prepared in anticipation of litigation or for pending litigation, at the direction of counsel, concerning the service of transgender individuals in the military
14	Pre-decisional emails and documents drafted by members of the White House Staff and other staffers within the Executive Office of the President as part of the Staff Secretary or NSC Executive Secretary process -- in which draft documents are reviewed in order to produce advice for the President or documents for presidential signing or review -- that touch on the service of transgender individuals in the military, including materials that were ultimately reviewed by the President and records of his briefings.	8/26/2017-10/6/2017	WH, NSC, and agency staffers; each conversation also includes at least one representative from the WH Staff Secretary's Office or the NSC Executive Secretary's Office	WH, NSC, and agency staffers; each conversation also includes at least one representative from the WH Staff Secretary's Office or the NSC Executive Secretary's Office	Deliberative Process Privilege (in almost all cases, also covered by Presidential Communications Privilege, and in many cases, also covered by Attorney Client Privilege or Work Product Privilege)	Pre-decisional emails and documents in which White House, National Security Council, and agency staff review and comment on draft documents intended for the President's review, to be signed by the President, or to be used to advise the President; emails and documents reflecting confidential legal advice concerning pending litigation; emails and documents prepared for pending litigation, at the direction of counsel, concerning the service of transgender individuals in the military
50	Pre-decisional emails and documents drafted by White House Legislative Affairs Staff and outside parties from whom they solicited information for use in advising the President	1/20/2017-7/25/2017	Members of the President's Legislative Affairs, Policy, Communications, and NSC Teams, as well as outside third parties (including Members of Congress and their staffs)	Members of the President's Legislative Affairs, Policy, Communications, and NSC Teams, as well as outside third parties (including Members of Congress and their staffs)	Deliberative Process Privilege (and, in some cases, Presidential Communications Privilege)	Pre-decisional emails and documents drafted by White House Legislative Affairs staffers to solicit information from third parties as part of a deliberative process and responses to those emails from third parties seeking to assist White House deliberations; in some cases, these communications would lead up to advice to the President
251	Pre-decisional emails and documents drafted by White House Legislative Affairs Staff and outside parties from whom they solicited information for use in advising the President	7/26/2017-8/25/2017	Members of the President's Legislative Affairs, Policy, Communications, and NSC Teams, as well as outside third parties (including Members of Congress and their staffs)	Members of the President's Legislative Affairs, Policy, Communications, and NSC Teams, as well as outside third parties (including Members of Congress and their staffs)	Deliberative Process Privilege (and, in some cases, Presidential Communications Privilege)	Pre-decisional emails and documents drafted by White House Legislative Affairs staffers to solicit information from third parties as part of a deliberative process and responses to those emails from third parties seeking to assist White House deliberations; in some cases, these communications would lead up to advice to the President

	Pre-decisional emails and documents drafted by White House Legislative Affairs Staff and outside parties from whom they solicited information for use in advising the President 29	8/26/2017-1/11/2018	Members of the President's Legislative Affairs, Policy, Communications, and NSC Teams, as well as outside third parties (including Members of Congress and their staffs)	Members of the President's Legislative Affairs, Policy, Communications, and NSC Teams, as well as outside third parties (including Members of Congress and their staffs)	Deliberative Process Privilege (and, in some cases, Presidential Communications Privilege)	Pre-decisional emails and documents drafted by White House Legislative Affairs staffers to solicit information from third parties as part of a deliberative process and responses to those emails from third parties seeking to assist White House deliberations; in some cases, these communications would lead up to advice to the President
	Pre-decisional emails and documents drafted by White House Policy Staff and outside parties from whom they solicited information for use in advising the President 19	1/20/2017-8/25/2017	Members of the President's Legislative Affairs, Policy, Communications, and NSC Teams, as well as outside third parties	Members of the President's Legislative Affairs, Policy, Communications, and NSC Teams, as well as outside third parties	Deliberative Process Privilege (and, in some cases, Presidential Communications Privilege)	Pre-decisional emails and documents drafted by White House Policy staffers to solicit information from third parties as part of a deliberative process and responses to those emails from third parties seeking to assist White House deliberations; in some cases, these communications would lead up to advice to the President
	Pre-decisional emails and documents drafted by White House Policy Staff and outside parties from whom they solicited information for use in advising the President 2	8/26/2017-1/11/2018	Members of the President's Legislative Affairs, Policy, Communications, and NSC Teams, as well as outside third parties	Members of the President's Legislative Affairs, Policy, Communications, and NSC Teams, as well as outside third parties	Deliberative Process Privilege (and, in some cases, Presidential Communications Privilege)	Pre-decisional emails and documents drafted by White House Policy staffers to solicit information from third parties as part of a deliberative process and responses to those emails from third parties seeking to assist White House deliberations; in some cases, these communications would lead up to advice to the President

\* Document tallies do not include attachments

\*\* Although some documents fall into multiple categories, each document is tallied as only belonging in one category to more accurately reflect volume of documents at issue.

# Exhibit I

CICS_0000001-0000003	18-Aug-17	Ford, Christopher M LTC USARMY S DOM (US)*	None	2017militaryservice.mem (Draft of Presidential Memorandum)	Draft of Presidential Memorandum with attorney comments and highlights.	LC	Yes	Attorney-Client Privilege; Attorney Work Product; Deliberative Process Privilege; Presidential-Communications Privilege	Predecisional and deliberative Presidential document created on behalf of the President for the purpose of directing regulatory change.
CICS_0000004	27-Jul-17	Dunford, Joseph F Jr Gen USMC S (US)	Service & NGB Chiefs, Sr. Enlisted Advisors	CJCS Memo ("Transgender Policy")	Signed memo regarding transgender policy.	LC	No		
CICS_0000005-0000028	15-Dec-17	Ford, Christopher M LTC USARMY S DOM (US)*	None	FINAL Report with Data and Options - Notes	Attorney's notes containing legal analysis on Final Report.	LC	Yes	Attorney Work Product; Deliberative Process Privilege	Final document reviewed and annotated by a party's representative in anticipation of litigation.
CICS_0000029-0000039	27-Jun-17	Koffsky, Paul S SES OSD OGC (US)*	DSD, VCICS	GC Memo on Questions from TG SIG Jun 27, 2017	Memo from agency counsel addressing questions relating to proposed policies.	LC	Yes	Attorney-Client Privilege; Attorney Work Product; Deliberative Process Privilege;	Predecisional and deliberative attorney-client document created for the leaders of the Senior Implementation Group in response to issues raised by a Service chief.
CICS_0000040	31-Oct-17	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Dunford, Joseph F Jr Gen USMC JS (US); Selva, Paul J Gen USAF JS OCJCS (US)	Summary of the Preliminary Injunction on the DoD Transgender (TG) Policy (Info Paper - TG Injunction (LC)) [attached to 00001103]	Legal counsel's info paper on impact of court's injunction on policymaking process.	LC	Yes	Attorney Work Product; Deliberative Process Privilege	Predecisional and deliberative attorney document created by a party's representative to examine potential regulatory change in anticipation of litigation.
CICS_0000041	31-Oct-17	Ford, Christopher M LTC USARMY S DOM (US)*	None	Summary of the Preliminary Injunction on the DoD Transgender (TG) Policy (Info Paper - TG Injunction)	Legal counsel's draft of info paper on impact of court's injunction on policymaking process.	LC	Yes	Attorney Work Product; Deliberative Process Privilege	Predecisional and deliberative attorney document created by a party's representative to examine potential regulatory change in anticipation of litigation.
CICS_0000042-0000043	19-Sep-17	Ford, Christopher M LTC USARMY S DOM (US)*	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Info for Confirmation 2	Legal counsel's info paper on changes to policy.	LC	Yes	Attorney Work Product; Deliberative Process Privilege	Predecisional and deliberative attorney document created by a party's representative to examine potential regulatory change in anticipation of litigation.
CICS_0000044-0000045	8-Dec-17	DepSecDef	Secretaries, CICS, USD (P&R)	Medical Standards for Appointment, Enlistment or Induction of Transgender Applicants into the Military Services	Signed policy memo.	LC	No		
CICS_0000046-0000047	2-Aug-17	Ford, Christopher M LTC USARMY S DOM (US)*	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Meeting Summary [Summary of TG Meetings - 2 Aug 17]	Info paper by attorneys discussing policymaking process.	LC	Yes	Attorney Work Product; Deliberative Process Privilege	Party's representative to examine potential regulatory change in anticipation of litigation.
CICS_0000048-0000051	8-Dec-17	OSD(PA)		PAG TG Accession Release 08DEC2017		LC	No		
CICS_0000052	8-May-17	DSD	Secretaries, Service Chiefs	Readiness of Military Departments to Implement Accession of Transgender Applicants into Military Service (see CICS_00000999)		LC	No		
CICS_0000053	30-Jun-17	SD	Secretaries, Service Chiefs	Accession of Transgender Individuals into the Military Services (SECDEF memo)		LC	No		
CICS_0000054	22-Aug-17	Ford, Christopher M LTC USARMY S DOM (US)*	None	SecDef Statement on TG - Final	Attorney edits/comments on draft policy memo.	LC	Yes	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000055	14-Aug-17	Ford, Christopher M LTC USARMY S DOM (US)*	None	SecDef Statement on TG	Attorney edits/comments on draft policy memo.	LC	Yes	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000056	22-Aug-17	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Koffsky, Paul S SES OSD OGC (US)*	SecDef Statement on TG2 [DUPLICATE: same as CICS_00001128]	Attorney edits/comments on draft policy memo.	LC	Yes	Attorney-Client Privilege; Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000057-0000063	4-Oct-17	P&R	Panel of Experts	TG - Accession Medical Standards PoE Review V1 2017.10.04	Current and proposed standards relating to policymaking process.	LC	Yes	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000064	14-Jul-17	Calese, Laura J COL USARMY JS OCJCS (US)*	None	TG Accessions Policy Implementation 14 July 2017	Attorney's summary of Service input on accessions timelines.	LC	Yes	Attorney Work Product; Deliberative Process Privilege	Predecisional and deliberative attorney document created by a party's representative in anticipation of litigation.
CICS_0000065	14-Jul-17	Calese, Laura J COL USARMY JS OCJCS (US)*	None	TG Accessions Policy Implementation 26 June 2017	Attorney's summary of Service input on accessions timelines.	LC	Yes	Attorney Work Product; Deliberative Process Privilege	Predecisional and deliberative attorney document created by a party's representative to examine potential regulatory change in anticipation of litigation.

CJCS_00000066-00000069	2-Jan-17	P&R	Ford, Christopher M LTC USARMY JS DOM (US)*	TG Policy Rev-Accession Med Stds Correlative Comparison of Disqualifying Conditions	Current and proposed standards relating to policymaking process.	LC	Yes	Deliberative Process Privilege	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000070-00000085	11-Nov-17	OUSD (P&R)		Medical Standards for Appointment, Enlistment, or Induction of Transgender Applicants into the Military Services (Transgender Accessions Standard)	Draft policy memo for implementing accessions policy.	LC	Redacted	PII - Personal Privacy, Deliberative Process Privilege	Draft document created for the purpose of formulating regulatory changes.
CJCS_00000086-00000092	22-Aug-17	P&R	Ford, Christopher M LTC USARMY JS DOM (US)*	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Transgender Service Members Update		Yes	Attorney Work Product; Deliberative Process Privilege	Precisional and deliberative attorney document created by a party's representative to examine potential regulatory change in anticipation of litigation.
CJCS_00000093-00000099	21-Aug-17	P&R	Ford, Christopher M LTC USARMY JS DOM (US)*	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Transgender Service Members Update 2		Yes	Attorney Work Product; Deliberative Process Privilege	Precisional and deliberative attorney document created by a party's representative to examine potential regulatory change in anticipation of litigation.
CJCS_00000100-00000106	22-Aug-17	P&R	Ford, Christopher M LTC USARMY JS DOM (US)*	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Transgender Service Members Update 3		Yes	Attorney Work Product; Deliberative Process Privilege	Precisional and deliberative attorney document created by a party's representative to examine potential regulatory change in anticipation of litigation.
CJCS_00000107-00000113	8-Dec-17	HQ USMEPCOM	MEDPERS, PoE, Commanders	AGENDA Transgender PoE Meeting 13 Oct 17	MEPS policy for commanders	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000114	13-Oct-17	P&R	Panel of Experts	AGENDA Transgender PoE Meeting 13 Oct 17	Agenda for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000119-00000130	13-Oct-17	P&R	Panel of Experts	PoE 1 Slides FINAL	Slides for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000131-00000144	30-Sep-16	P&R	Panel of Experts	DoD TG Handbook Panel Extract	Extract of DoD policy	LC, J1	No		
CJCS_00000145-00000148	13-Oct-17	P&R	Panel of Experts	PoE 1 Minutes v3	Minutes for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000149-00000152	13-Oct-17	P&R	Panel of Experts	TG Panel Meeting 1 Minutes - 13 Oct	Minutes for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000153-00000161	13-Oct-17	P&R	Panel of Experts	TG - Policy Panel Meeting 2017.10.19	Slides for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000162	13-Oct-17	P&R	Panel of Experts	TG LOE v5	Milestones and deliverables for the policymaking process	LC, J1	Yes	Deliberative Process Privilege	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000163	26-Oct-17	P&R	Panel of Experts	AGENDA Transgender PoE Meeting 3-26 Oct 17	Agenda for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000164-00000165	25-Oct-17	P&R	Panel of Experts	TG LOE v6	Milestones and deliverables for the policymaking process	LC, J1	Yes	Deliberative Process Privilege	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000166-00000170	19-Oct-17	P&R	Panel of Experts	TG Panel 2 Minutes DRAFT	Minutes for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000171	2-Nov-17	P&R	Panel of Experts	AGENDA Transgender Panel of Experts Meeting 4 - 2 Nov 17	Agenda for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000172-00000193	2-Nov-17	P&R	Panel of Experts	PoE Deliverable 2 FINAL	Health data for consideration in policymaking process	LC, J1	No		
CJCS_00000194-00000198	26-Oct-17	P&R	Panel of Experts	TG Panel 3 Minutes DRAFT	Minutes for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000199	9-Nov-17	P&R	Panel of Experts	AGENDA Transgender Panel of Experts Meeting 5 - 9 Nov 17	Agenda for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000200	7-Nov-17	P&R	Panel of Experts	Deliverable 3 Slide 9	Healthcare/insurance data for consideration in policymaking process	LC, J1	No		
CJCS_00000201-00000222	7-Nov-17	P&R	Panel of Experts	PoE - Deliverable 3 - rec authorized Treatments for GD - FOR RAHS	Analysis of health information for consideration in policymaking process	LC, J1	Yes	Deliberative Process Privilege	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000223-00000228	26-Oct-17	P&R	Panel of Experts	TG Panel 3 Minutes v3 DRAFT	Minutes for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000229-00000232	2-Nov-17	P&R	Panel of Experts	TG Panel 4 Minutes DRAFT v2	Minutes for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000233	16-Nov-17	P&R	Panel of Experts	AGENDA Transgender Panel of Experts Meeting 6 - 16 Nov 17	Agenda for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000234	16-Nov-17	P&R	Ford, Christopher M LTC USARMY JS DOM (US)*	File	Meeting Six Summary	LC	Yes	Attorney Work Product; Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative attorney document created by a party's representative to examine potential regulatory change in anticipation of litigation.
CJCS_00000235-00000238	16-Nov-17	P&R	Panel of Experts	MPP ND WG Brief to PoE Nov 16	Slides for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000239-00000268	7-Nov-17	P&R	Panel of Experts	PoE - Deliverable 3 - recommended authorized Treatments for GDv2.0	Analysis of health information for consideration in policymaking process	LC, J1	Yes	Deliberative Process Privilege	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.

CJCS_00000269-00000271	16-Nov-17	P&R	Panel of Experts	Transgender Review Panel - Questions	Framework for discussion during policymaking process	LC, J1	Yes	Deliberative Process Privilege	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000272-00000283 CJCS_00000284	20-Nov-17	Terry Adirim (OASD(HA)) 20-Nov-17	Panel of Experts Panel of Experts	21 Nov Panel Slides DRAFT 21 November Handout	Slides for policymaking meeting Data on reasons for separation	LC, J1 LC, J1	Yes No	Deliberative Process Privilege	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000285	21-Nov-17	P&R	Panel of Experts	AGENDA Transgender Panel of Experts Meeting 7 - 21 Nov 17	Agenda for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000286	21-Nov-17	Ford, Christopher M LTC USARMY 21-Nov-17	Panel of Experts S DOM (US)*	Meeting Seven Summary	Attorney's summary of policymaking meeting	LC	Yes	Attorney Work Product; Deliberative Process Privilege; PII - Personal Privacy	Predcisional and deliberative attorney document created by a party's representative to examine potential regulatory change in anticipation of litigation.
CJCS_00000287-00000294	9-Nov-17	P&R	Panel of Experts	TG Panel 5 Minutes DRAFT v3	Minutes for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000295-00000299	16-Nov-17	P&R	Panel of Experts	TG Panel 6 Minutes DRAFT v2	Minutes for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000300	30-Nov-17	P&R	Panel of Experts	AGENDA Transgender Policy Review Panel Meeting 8 - 30 Nov 17	Agenda for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000301	30-Nov-17	Ford, Christopher M LTC USARMY 30-Nov-17	Panel of Experts S DOM (US)*	Meeting Eight Summary	Attorney's summary of policymaking meeting	LC	Yes	Attorney Work Product; Deliberative Process Privilege; PII - Personal Privacy	Predcisional and deliberative attorney document created by a party's representative to examine potential regulatory change in anticipation of litigation.
CJCS_00000302-00000352	1-Aug-17	P&R	Panel of Experts	Policy Q-A as of 1 August 2017	Answers provided to address questions from policymaking body	LC, J1	Yes	Deliberative Process Privilege	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000353-00000363	29-Nov-17	P&R	Panel of Experts	TG Admin Record v6 291738NOV17	Administrative data presented during panel meeting to assist policymaking body	LC, J1	Yes	Deliberative Process Privilege	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000364-00000368		P&R	Panel of Experts	TG Continuum	Diagrams, questions, and recommendations relating to policy change recommendations.	LC, J1	Redacted	Deliberative Process Privilege	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000369-00000376	9-Nov-17	P&R	Panel of Experts	TG Panel 5 Minutes DRAFT v4	Minutes for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000377-00000380	16-Nov-17	P&R	Panel of Experts	TG Panel 6 Minutes DRAFT v4	Minutes for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000381-00000383	21-Nov-17	P&R	Panel of Experts	TG Panel 7 Minutes DRAFT v1	Minutes for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000384-00000386	30-Nov-17	P&R	Panel of Experts	Transgender Review Panel - Questions	Policy recommendation worksheet for policymaking body.	LC, J1	Yes	Deliberative Process Privilege	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000387 CJCS_00000388-00000391	7-Dec-17	P&R	Panel of Experts Panel of Experts	AGENDA Transgender Policy Panel Meeting 9 - 7 DEC 17 Days to Recovery - MTF Data	Agenda for policymaking meeting	LC, J1 LC, J1	Yes No	Deliberative Process Privilege; PII - Personal Privacy	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000392-00000395	4-Dec-17		Panel of Experts	FAA Info	Medical data and analysis from FAA relating to policymaking process.	LC, J1	Redacted	Deliberative Process Privilege	Predcisional and deliberative paragraph relating to proposed regulatory changes.
CJCS_00000396	13-Dec-17	Ford, Christopher M LTC USARMY 13-Dec-17	Panel of Experts S DOM (US)*	Meeting Nine Summary	Attorney's summary of policymaking meeting	LC	Yes	Attorney Work Product; Deliberative Process Privilege; PII - Personal Privacy	Predcisional and deliberative attorney document created by a party's representative to examine potential regulatory change in anticipation of litigation.
CJCS_00000397-00000408	13-Dec-17	P&R	Panel of Experts	TG Admin Record v2	Administrative data presented during panel meeting to assist policymaking body	LC, J1	Yes	Deliberative Process Privilege	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000409-00000417		P&R	Panel of Experts	TG Continuum II	Diagrams, questions, and recommendations relating to policy change recommendations.	LC, J1	Redacted	Deliberative Process Privilege	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000418-00000425	9-Nov-17	P&R	Panel of Experts	TG Panel 5 Minutes DRAFT v4	Minutes for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000426-00000429	16-Nov-17	P&R	Panel of Experts	TG Panel 6 Minutes DRAFT v4	Minutes for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000430-00000432	21-Nov-17	P&R	Panel of Experts	TG Panel 7 Minutes DRAFT v1	Minutes for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000433	13-Dec-17	P&R	Panel of Experts	AGENDA Transgender Policy Review Panel Meeting 10 - 13 Dec 17	Agenda for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000434-00000445	2-Nov-17	P&R	Panel of Experts	Data Extracts	Select information used by policymaking panel to make policy recommendations.	LC, J1	Yes	Deliberative Process Privilege	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000446-00000458	15-Dec-17	P&R	Panel of Experts	DRAFT DSD Brief	Draft of a brief summarizing policy recommendations of policymaking panel.	LC, J1	Yes	Deliberative Process Privilege	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000459-00000482	13-Dec-17	P&R	Panel of Experts	DRAFT Report v2	Draft report and recommendations of policymaking panel.	LC, J1	Yes	Deliberative Process Privilege	Predcisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000483-00000514	12-Dec-17		Panel of Experts	Health Data on Active Duty Service Members with Gender Dysphoria		LC, J1	No		

CICS_0000515-0000524	30-Nov-17, 7-Dec-17	P&R	Panel of Experts		Panel 8-9 Minutes	Minutes for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000525-0000537	12-Dec-17	P&R	Panel of Experts		TG Admin Record v3c	Administrative data presented during panel meeting to assist policymaking body.	LC, J1	Yes	Deliberative Process Privilege	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000538-0000542	16-Nov-17	P&R	Panel of Experts		TG Panel 6 Minutes DRAFT v5	Minutes for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000543	22-Dec-17	P&R	Panel of Experts		AGENDA Transgender Panel of Experts Meeting 11 - 22 Dec	Agenda for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000544			Panel of Experts		Proposed Alternate Policy	Alternative process proposed during policymaking process.	LC, J1	Yes	Deliberative Process Privilege	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000545			Panel of Experts		Research Questions	Research questions for consideration during policymaking process.	LC, J1	Yes	Deliberative Process Privilege	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000546	4-Jan-18	P&R	Panel of Experts		AGENDA Transgender Panel of Experts Meeting 12	Agenda for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000547	3-Jan-18	P&R	Panel of Experts		TG COA Flowchart	Processes proposed during policymaking process.	LC, J1	Yes	Deliberative Process Privilege	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000548	11-Jan-18	P&R	Panel of Experts		AGENDA Transgender Panel of Experts Meeting 13 - 11 JAN	Agenda for policymaking meeting	LC, J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000549-0000698	9-Jan-18	P&R	Panel of Experts, MEDPERS		Centers for Medicare and Medicaid Services Decision Memo for GD and GRS		LC, J1	No		
CICS_0000699	23-Oct-17	IS DOM (US)*	Ford, Christopher M LTC USARMY	Wellman, Aaron C LTC USARMY OSD OUSD P-R (US)	RE (U) max gov access (UNCLASSIFIED)	Email between agency counsel and CCC requesting access to portal for policymaking body.	LC	Redacted	PII - Personal Privacy	Names of O-6 and below, telephone numbers, and email addresses removed to protect personal privacy of individuals.
CICS_0000700-0000701	16-Oct-17	IS DOM (US)*	Ford, Christopher M LTC USARMY	Wellman, Aaron C LTC USARMY OSD OUSD P-R (US)	RE Transgender Working Group (UNCLASSIFIED)	Email between agency counsel and CCC regarding upcoming meeting.	LC	Redacted	PII - Personal Privacy	Names of O-6 and below, telephone numbers, and email addresses removed to protect personal privacy of individuals.
CICS_0000702	16-Oct-17	IS DOM (US)*	Ford, Christopher M LTC USARMY	Wellman, Aaron C LTC USARMY OSD OUSD P-R (US)	Transgender Working Group	Email between agency counsel and CCC regarding upcoming meeting.	LC	Redacted	PII - Personal Privacy	Names of O-6 and below, telephone numbers, and email addresses removed to protect personal privacy of individuals.
CICS_0000703-0000704	3-Aug-17	IS DOM (US)*	Ford, Christopher M LTC USARMY		Draft PM - Transgender in Military 3 Aug 2017 (Draft of Presidential Memorandum)	Draft of Presidential Memorandum with attorney comments and highlights.	LC	Yes	Presidential Communications; Attorney-Client Privilege; Attorney Work Product; Deliberative Process Privilege	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000705-0000709	6-Aug-17	IS (US)	Dunford, Joseph F Jr Gen USMC	Bradley, Frank M CAPT USN (US)	RE 1200 tomorrow (UNCLASSIFIED)	Email between CICS and Executive Assistant regarding upcoming SECDEF meeting.	LC	Redacted	PII - Personal Privacy	Names of O-6 and below, telephone numbers, and email addresses removed to protect personal privacy of individuals.
CICS_0000710-0000711	4-Aug-17	DOI	Ford, Christopher M LTC USARMY JS DOM (US)*		Draft PM - Transgender in Military 4 Aug 2017	Draft of Presidential Memorandum with comments and highlights.	LC	Yes	Presidential Communications; Attorney-Client Privilege; Attorney Work Product; Deliberative Process Privilege	Precisional and deliberative document containing information generated by White House advisors for the purpose of preparing recommendations for the President.
CICS_0000712	5-Aug-17		Bradley, Frank M CAPT USN (US)	Selva, Paul J Gen USAF JS OCICS (US); Dunford, Joseph F Jr Gen USMC JS (US)	Fwd Draft Transgender Memo	Email regarding draft Presidential Memorandum.	LC	Yes	Presidential Communications; Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document containing information generated by White House advisors for the purpose of preparing recommendations for the President.
CICS_0000713-0000714	5-Aug-17	IS (US)	Dunford, Joseph F Jr Gen USMC	Kremer, Kyle J Brig Gen USAF JS J1 (US)	Re Draft Transgender Memo (UNCLASSIFIED)	Email regarding draft Presidential Memorandum.	LC	Yes	Presidential Communications; Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document containing information generated by White House advisors for the purpose of preparing recommendations for the President.
CICS_0000715	26-Jul-17	DHA	Transgender Senior Implementation Working Group / Panel of Experts / MEDPERS / VCICS		Active Duty Service Members with Diagnosis of Gender Dysphoria: Info Paper	Information responding to question raised in policymaking process.	J1	Redacted	Deliberative Process Privilege	Question presented for the purpose of analyzing proposed regulatory changes.
CICS_0000716	26-Jul-17	DHA	Transgender Senior Implementation Working Group / Panel of Experts / MEDPERS / VCICS		Service Member Transgender Health Care: Info Paper [attachment to email at 00000756-00000759]	Information responding to question raised in policymaking process.	J1	Redacted	Deliberative Process Privilege	Question presented for the purpose of analyzing proposed regulatory changes.
CICS_0000717-0000755	14-Jul-17	P&R / Services	Transgender Senior Implementation Working Group		Transgender Service Q&As Brief	Answers to questions from policymaking body and discussion of information provided.	J1	Yes	Deliberative Process Privilege	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000756-0000759	7-Aug-17	J1 (US)	Johnson, Suzanne M CAPT USN JS J1 (US)	Carlos, Tomas LtCol USMC JS J1 (US); Carino, S M (Said) CDR USN JS J1 (US)	Schmidt, Jason A Lt Col USAF JS J1 (US)	Email: Transgender Population	J1, VCICS	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000760-0000761	26-Aug-17	J1 (US)	Kremer, Kyle J Brig Gen USAF JS	Gorak, Mark S COL USARMY JS J1 (US)	Wark, Lawrence J SES JS J1 (US); Johnson, Suzanne M CAPT USN JS J1 (US)	Email: Signed Version of PM?	J1, DJ5	Redacted	Deliberative Process Privilege	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000762-0000763	28-Aug-17	J1/PRD	DJ1		Joint Staff J1 Concerns on Draft Interim Guidance and Terms of Reference	Discussion of concerns and recommendations relating to proposed policy.	J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000764-0000766	26-Aug-17	USD(P&R)	DJ5/DJ1		Email Attachment: Draft Military Service by Transgender Individuals - Interim Guidance	Draft of SecDef memo providing policy guidance.	J1	Yes	Deliberative Process Privilege	Precisional and deliberative document created for the purpose of analyzing proposed regulatory changes.

CICS_00000767-00000768	26-Aug-17	JUSD(P&R)	DIS/DJ1	Email Attachment: Draft Terms of Reference - Implementation of Presidential Memorandum on Military Service by Transgender Individuals.	Draft of SecDef memo providing policy guidance.	J1	Yes	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_00000769-00000771	26-Aug-17	POTUS	SecDef	Email Attachment: Presidential Memorandum 25 Aug 2017	Signed Presidential Memorandum	J1	No		
CICS_00000772	12-Oct-17	P&R	MEDPERS	October 12, 2017 MEDPERS Meeting Agenda V1 2017.10.12	Agenda of meeting addressing medical personnel aspects of policy development.	J1	Yes	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_00000773-00000779	12-Oct-17	P&R	MEDPERS	Accession Medical Standards Policy Review - V2of2 (Transgender Accession Medical Standards Policy Review)	Current and proposed standards relating to policymaking process.	J1	Yes	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_00000780-00000789	12-Oct-17	P&R	MEDPERS	Thurs Oct 12 17 MEDPERS Mtg Minutes - TG Policy Review (Minutes Medical Personnel Executive Steering Committee - 12 Oct 2017)	Minutes of meeting addressing medical personnel aspects of policy development.	J1	Yes	Deliberative Process Privilege, PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_00000790-00000814	30-Oct-17	DHA	MEDPERS	MEDPERS_TG_SM_Health Carev3.0 (Transgender Service Member Health Data Brief)	Health data presented to medical personnel policymaking body.	J1	No		
CICS_00000815-00000821	30-Oct-17	P&R	MEDPERS	Monday October 30 2017 MEDPERS Meeting Minutes - TG Policy Review (Minutes Medical Personnel Executive Steering Committee - 30 Oct 2017)	Minutes of meeting addressing medical personnel aspects of policy development.	J1	Yes	Deliberative Process Privilege, PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_00000822	30-Oct-17	P&R	MEDPERS	October 30, 2017 MEDPERS Meeting Agenda V1 2017.10.27 - Final (AGENDA Medical Personnel Executive Steering Committee - 30 Oct 2017)	Agenda of meeting addressing medical personnel aspects of policy development.	J1	Yes	Deliberative Process Privilege, PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_00000823-00000824	2-Nov-17	DHA	MEDPERS	Height Weight Potential Single Standard_Issue Paper (Issue Paper: Potential Use of Height and Weight as the Single Measurement Standard for Assessment of Body Composition in the Department of Defense - Briefed on 6 Nov 2017)	Discussion of considerations relating to proposed policy.	J1	Yes	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_00000825-00000849	6-Nov-17	DHA	MEDPERS	MEDPERS_Treatment for GD - PrePoE_v3.0 (Medical and Surgical Treatment for Gender Dysphoria Brief)	Health data presented to medical personnel policymaking body.	J1	No		
CICS_00000850	6-Nov-17	P&R	MEDPERS	Monday, November 6, 2017 MEDPERS Meeting Agenda V2 2017.11.06 - Final (AGENDA Medical Personnel Executive Steering Committee - 6 Nov )	Agenda of meeting addressing medical personnel aspects of policy development.	J1	Yes	Deliberative Process Privilege, PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_00000851-00000855	6-Nov-17	P&R	MEDPERS	Monday November 6 2017 MEDPERS Meeting Minutes - TG Policy Review SIGNED (Minutes Medical Personnel Executive Steering Committee - 6 Nov 2017)	Minutes of meeting addressing medical personnel aspects of policy development.	J1	Yes	Deliberative Process Privilege, PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_00000856	14-Nov-17	P&R	MEDPERS	Tuesday, November 14, 2017 MEDPERS Meeting Agenda V1 2017.11.13 - Final (AGENDA Medical Personnel Executive Steering Committee - 14 Nov 2017)	Agenda of meeting addressing medical personnel aspects of policy development.	J1	Yes	Deliberative Process Privilege, PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_00000857-00000860	14-Nov-17	P&R	MEDPERS	Tuesday November 14 2017 MEDPERS Meeting Minutes - TG Policy Review SIGNED (Minutes Medical Personnel Executive Steering Committee - 14 Nov)	Minutes of meeting addressing medical personnel aspects of policy development.	J1	Yes	Deliberative Process Privilege, PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_00000861-00000864	14-Nov-17	P&R	MEDPERS	MPP ND WG Brief to MEDPERS Nov 10 (Information Briefing to MEDPERS: Non-deployable Working Group Outbrief)	Considerations and recommendations relating to proposed policy.	J1	Yes	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_00000865	28-Nov-17	P&R	MEDPERS	Tuesday, November 28, 2017 MEDPERS Meeting Agenda V2 2017.11.27 (AGENDA Medical Personnel Executive Steering Committee - 28 Nov)	Agenda of meeting addressing medical personnel aspects of policy development.	J1	Yes	Deliberative Process Privilege, PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_00000866-00000885	28-Nov-17	P&R	MEDPERS	Additional Data for TG PoE Brief_11212017_v4.0_FINAL_noBU (2015 U.S. Transgender Survey - Briefed on 28 Nov 2017)	Summary of survey findings and discussion of implications in policymaking process.	J1	Redacted	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_00000886	28-Nov-17	P&R	MEDPERS	Deliverable 3 Slide 9 (Comparison of Civilian Insurers and MHS Briefed on 28 Nov 2017)	Chart used in policymaking process comparing insurance coverage of different medical procedures.	J1	No		
CICS_00000887-00000891	28-Nov-17	P&R	MEDPERS	Tuesday November 28 2017 MEDPERS Meeting Minutes - TG Policy Review SIGNED (Minutes Medical Personnel Executive Steering Committee - 28 Nov 2017)	Minutes of meeting addressing medical personnel aspects of policy development.	J1	Yes	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_00000892	12-Dec-17	P&R	MEDPERS	Tuesday, December 12, 2017 MEDPERS Meeting Agenda V3 2017.12.07 (AGENDA Medical Personnel Executive Steering Committee - 12 Dec 2017)	Agenda of meeting addressing medical personnel aspects of policy development.	J1	Yes	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.



CICS_0000893-0000911	12-Dec-17	MEPCOM	MEDPERS		MEPCOM TG Processing Slides - Updated to Match Signed Policy (Transgender Processing for Recruiters - Briefed on 12 Dec 2017)	Training slides for recruiters regarding TG policy and process reviewed during policymaking process.	J1	No			
CICS_0000912-0000924	12-Dec-17	P&R	MEDPERS		DSD Brief4 (Transgender Policy: Recommendations from the Transgender Panel); Draft Outbrief to the DSD/VCICS - Briefed on 12 Dec 2017	Draft of a brief summarizing policy recommendations of policymaking panel.	J1	Yes	Deliberative Process Privilege	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.	
CICS_0000925	4-Jan-18	P&R	MEDPERS		Agenda: Medical Personnel Executive Steering Committee	Agenda for MEDPERS meeting.	J1	Yes	Deliberative Process Privilege, PII - Personal Privacy	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.	
CICS_0000926-0000929	4-Jan-18	P&R	MEDPERS		Accession Medical Standards TG1 (Transgender Policy Review Accession Medical Standards Correlative Comparison of Disqualifying Conditions (dated 22 Dec 17) - Briefed on 4 Jan 2018)	Current and proposed standards relating to policymaking process.	J1	Redacted	Deliberative Process Privilege	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.	
CICS_0000930	4-Jan-18	P&R	MEDPERS		TG COA Flowchart - Briefed on 4 Jan 2018 Thursday January 4 2018 MEDPERS Meeting Minutes - TG Policy Review SIGNED	Processes proposed during policymaking process.	J1	Yes	Deliberative Process Privilege	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.	
CICS_0000931-0000936	4-Jan-18	P&R	MEDPERS		(Minutes Medical Personnel Executive Steering Committee - 4 Jan 2018)	Minutes of meeting addressing medical personnel aspects of policy development.	J1	Yes	Deliberative Process Privilege	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.	
CICS_0000937	11-Jan-18	P&R	MEDPERS		Thursday, January 11, 2018 MEDPERS Meeting Agenda V1 2018.01.08 (AGENDA Medical Personnel Executive Steering Committee - 11 Jan 2018)	Agenda of meeting addressing medical personnel aspects of policy development.	J1	Yes	Deliberative Process Privilege	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.	
CICS_0000938-0000939	11-Jan-18	P&R	MEDPERS		ACTION MEMO PR to DSD: Recommendations by the Transgender Review Panel of Experts)	Draft memo containing proposed policy recommendations.	J1	Yes	Deliberative Process Privilege	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.	
CICS_0000940-0000941	11-Jan-18	P&R	MEDPERS		ACTION MEMO PR to SD: Recommendations by the Transgender Review Panel of Experts)	Draft memo containing proposed policy recommendations.	J1	Yes	Deliberative Process Privilege	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.	
CICS_0000942-0000943	11-Jan-18	P&R	MEDPERS		Memo for Services TG Privacy (Draft Memo PR to Service Secretaries: Privacy Concerns for Transgender and Non-Transgender Service Members)	Draft memo containing proposed policy guidance.	J1	Yes	Deliberative Process Privilege	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.	
CICS_0000944	21-Jul-17	(US)	Schmidt, Jason A Lt Col USAF JS J1 (US)	Kremer, Kyle J Brig Gen USAF JS J1 (US)	Wark, Lawrence J SES JS J1 (US); Johnson, Suzanne M CAPT USN JS J1 (US); Gilbert, Julie J MAJ USARMY JS J1 (US)	Email on 21 July 2017 regarding Transgender Policy Action Officer Working Group 25-28 July 2017	Email discussing involvement in policy working group.	J1	Redacted	Deliberative Process Privilege, PII - Personal Privacy	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000945-0000983	21-Jul-17	(US)	Schmidt, Jason A Lt Col USAF JS J1 (US)	Kremer, Kyle J Brig Gen USAF JS J1 (US)	Wark, Lawrence J SES JS J1 (US); Johnson, Suzanne M CAPT USN JS J1 (US); Gilbert, Julie J MAJ USARMY JS J1 (US)	Email Attachment: SIG Meeting_TG (14 July 17)_v6 Powerpoint brief (Service Q&As)	Answers to questions from policymaking body and discussion of information provided.	J1	Yes	Deliberative Process Privilege	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000984	21-Jul-17	(US)	Schmidt, Jason A Lt Col USAF JS J1 (US)	Kremer, Kyle J Brig Gen USAF JS J1 (US)	Wark, Lawrence J SES JS J1 (US); Johnson, Suzanne M CAPT USN JS J1 (US); Gilbert, Julie J MAJ USARMY JS J1 (US)	Email Attachment: TG Action Officer Work Group 25 July 2017 (Agenda)	Admin details for members of working group.	J1	No		
CICS_0000985	26-Jul-17	OSD OUSD P-R (US)	Wellman, Aaron C LTC USARMY	Kremer, Kyle J Brig Gen USAF JS J1 (US)	MILLER, Stephanie P SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US)	Email: RAND Transgender Study	Email forwarding RAND study.	J1	Redacted	PII - Personal Privacy	Names of O-6 and below, telephone numbers, and email addresses removed to protect personal privacy of individuals.
CICS_0000986-0000987	22-Aug-17	OCJCS (US)*	Crandall, Darse E Jr RDML USN JS	Kremer, Kyle J Brig Gen USAF JS J1 (US)	Johnson, Suzanne M CAPT USN JS J1 (US); Tolar, Christopher G Col USMC JS OCJCS (US)*; Ford, Christopher M LTC USARMY JS DOM (US)	RE: Transgender (UNCLASSIFIED//FOUO CLOSE HOLD)	Email discussing info paper for the Chairman on draft Presidential Memorandum.	J1	Redacted	Deliberative Process Privilege, PII - Personal Privacy	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CICS_0000988	21-Aug-17	OCJCS (US)*	Crandall, Darse E Jr RDML USN JS	Kremer, Kyle J Brig Gen USAF JS J1 (US)	Johnson, Suzanne M CAPT USN JS J1 (US); Tolar, Christopher G Col USMC JS OCJCS (US)*; Ford, Christopher M LTC USARMY JS DOM (US)	RE: Transgender (UNCLASSIFIED//FOUO CLOSE HOLD) [CICS_0000093-0000099 attached]	Email discussing info paper for the Chairman on draft Presidential Memorandum.	J1	Redacted	Deliberative Process Privilege, PII - Personal Privacy	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.

CJCS_00000989-00000995	16-Aug-17	J1 (US)	Johnson, Suzanne M CAPT USN JS (US)	Kremer, Kyle J Brig Gen USAF JS J1 (US)			Email Chain: Draft SecDef Statement Following Issuance of Presidential Memo on Military Service by Transgender Individuals (IRT to Terms of Reference/Initial Guidance)	Email discussing development of terms of reference and initial policy guidance.	J1	Yes	Attorney-Client Privilege; Deliberative Process Privilege; PII - Personal Privacy	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000996-00000997	16-Aug-17	J1 (US)	Johnson, Suzanne M CAPT USN JS (US)	Kremer, Kyle J Brig Gen USAF JS J1 (US)			TG WG TOR (Attachment to Email Chain)	Draft of proposed policy memorandum.	J1	Yes	Deliberative Process Privilege	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00000998	27-Jul-17	OSD P-R (US)	Wellman, Aaron C LTC USARMY (US)	Kremer, Kyle J Brig Gen USAF JS J1 (US)			Email: FW: Hot off the Presses - Number of SMS with GD as of July 26, 2017 [email with CJCS_00000715 attached]	Email providing health system data for consideration in policymaking process.	J1	Redacted	PII - Personal Privacy	Names of O-6 and below and email addresses removed to protect personal privacy of individuals.
CJCS_00000999-00001000	9-May-17	OCJCS (US)*	Calese, Laura J COL USARMY JS (US)	IS Pentagon OCJCS List JS LC ALL.mbx *			Lawyers Group on Transgender Service (email with CJCS_00000052 attached)	Email forwarding DSD memo directing accession on 1 Jul 17.	LC	Yes	Attorney-Client Privilege; Deliberative Process Privilege; PII - Personal Privacy	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001001	9-May-17	US)*	Wold, Philip T Col USAF OSD OGC (US)*	Bligh, David J Col USMC MACG 28 (US)*; Raab, Franklin D (Dean) COL USARMY HQDA OGC (US)*; King, Francis P COL USARMY HQDA OTJAG (US)*; Rutherford, Julie L Col USAF AFJA (US)*; Olsen, Adam N Maj USAF AFJA (US)*; Crawford, Gail E Col USAF SAF-GC (US)*; Vogel, Karl J Maj USAF SAF-GC (US)*; Eldred, Joseph J CAPT USN NAVY JAG WASH DC (US)*; Stampfli, Maryann M LCDR USN NAVY JAG WASH DC (US)*; Cimmino, Daniel CAPT USN OGC WASHINGTON DC (US)*; Batson, Richard E CAPT USCG NDU (US)*; Grant, Matthew R Col USAF JS OCJCS (US)*	McCray Jones, Yolanda D LTC USARMY OSD OGC (US); Crandall, Darse E Jr RDML USN JS OCJCS (US)*		Transgender Memo (email with CJCS_00000052 attached)	Email forwarding DSD memo directing accession on 1 Jul 17.	LC	Yes	Attorney-Client Privilege; Deliberative Process Privilege; PII - Personal Privacy	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001002	28-Jun-17	OCJCS (US)*	Calese, Laura J COL USARMY JS (US)*	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Tolar, Christopher G Col USMC JS OCJCS (US)*		TG Memo - DOD GC Legal Opinion (email with CJCS_00000029-00000039 attached)	Email forwarding agency attorney opinion on questions from policymaking body. Info paper to prepare VCJCS for discussions with Services on policy changes/requirements.	LC	Redacted	PII - Personal Privacy	Names of O-6 and below, telephone numbers, and email addresses removed to protect personal privacy of individuals.
CJCS_00001003-00001004	7-Jul-17	J1		OCJCS/LC*			Transgender Service and Accessions		LC, J1	Yes	Deliberative Process Privilege	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001005-00001006	5-Aug-17	OCJCS (US)*	Crandall, Darse E Jr RDML USN JS (US)*	Bradley, Frank M CAPT USN (US)	Selva, Paul J Gen USAF JS OCJCS (US); Dunford, Joseph F Jr Gen USMC JS (US); Tolar, Christopher G Col USMC JS OCJCS (US)*; Kremer, Kyle J Brig Gen USAF JS J1 (US)		Re: Draft Transgender Memo	Email forwarding attorney comments on draft Presidential Memorandum.	LC, VCJCS, J1	Redacted	Attorney-Client Privilege; Deliberative Process Privilege; PII - Personal Privacy	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001007	26-Jul-17	US)	Selva, Paul J Gen USAF JS OCJCS (US)	Kremer, Kyle J Brig Gen USAF JS J1 (US)	Hewitt, James V (Jim) Lt Col USAF JS OCJCS (US); Walker, Darryl L CAPT USN JS OCJCS (US)		Transgender Population (LIMDIS) (UNCLASSIFIED//FOUO CLOSE HOLD)	Questions about data available for policymaking process.	VCJCS, J1	Redacted	Deliberative Process Privilege, PII - Personal Privacy	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001008	29-Jun-17	OCJCS (US)	Walker, Darryl L CAPT USN JS (US)	Selva, Paul J Gen USAF JS OCJCS (US)			FW: TG package (UNCLASSIFIED)	Email forwarding a package containing draft policy memos, attorney advice, summary of policy recommendations, and other information used in the policymaking process.	VCJCS	Redacted	PII - Personal Privacy	Names of O-6 and below and email addresses removed to protect personal privacy of individuals.
CJCS_00001009-00001057	28-Jun-17	DSD		SecDef			TG Total Package	Package containing draft policy memos, attorney advice, summary of policy recommendations, and other information used in the policymaking process.	VCJCS	Yes	Attorney-Client Privilege, Attorney Work Product, Deliberative Process Privilege	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes that includes legal opinions and analysis by an agency attorney to the client.
CJCS_00001058-00001059	14-Nov-17	US)	Dunford, Joseph F Jr Gen USMC JS (US)	McKenzie, Kenneth F Jr LtGen USMC JS ODJS (US)	Selva, Paul J Gen USAF JS OCJCS (US); Dumont, Michael J (Mike) RADM USN JS ODJS (US)		RE: Army Accessions Standards Policy (UNCLASSIFIED//FOUO SENSITIVE)	Email discussing response to news and Congressional inquiries regarding accessions standards policy.	CJCS, VCJCS, DIS, D-1	Redacted	Deliberative Process Privilege, PII - Personal Privacy	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001060-00001062	20-Jun-17	Work, Robert HON SD		Selva, Paul J Gen USAF JS OCJCS (US)	Raymond, Lacey D CIV (US); Hewitt, James V (Jim) Lt Col USAF JS OCJCS (US); Walker, Darryl L CAPT USN JS OCJCS (US)		RE: Phone Call from GEN Selva -- TG Question/Concern (UNCLASSIFIED)	Email discussing questions, recommendations, and actions regarding proposed policy.	VCJCS	Redacted	Attorney-Client Privilege; Deliberative Process Privilege; PII - Personal Privacy	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001063-00001064	20-Jun-17	P-R (US)	Kurta, Anthony M SES OSD OUSD P-R (US)	Work, Robert O HON (US)	Selva, Paul J Gen USAF JS OCJCS (US); Raymond, Lacey D CIV (US)		RE: Phone Call from GEN Selva -- TG Question/Concern	Email discussing questions, recommendations, and actions regarding proposed policy.	VCJCS	Redacted	Attorney-Client Privilege; Deliberative Process Privilege; PII - Personal Privacy	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.

CJCS_00001065-00001069	26-Jun-17	Faller, Craig RADM SD	Milley, Mark A GEN USARMY HQDA CSA (US)	Sweeney, Kevin M SES (US); Dunford, Joseph F Jr Gen USMC JS (US); Selva, Paul J Gen USAF JS OCJCS (US); Neller, Robert B Gen USMC (US); Richardson, John M ADM USN CNO (US); Goldfein, David L Gen USAF AF-CC (US); McConville, James C GEN USARMY HQDA VCSA (US); Ryan, Joseph A COL USARMY HQDA CSA (US)	Re: SD Dinner / Transgender Questions/Vignettes Follow-up (UNCLASSIFIED)	Email from Service discussing policy questions and concerns.	VCJCS	Redacted	Deliberative Process Privilege, PII - Personal Privacy	Predeliberational and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001070-00001071	26-Jun-17	Sweeney, Kevin SES SD	Faller, Craig RADM SD	Milley, Mark A GEN USARMY HQDA CSA (US); Neller, Robert B Gen USMC (US); Dunford, Joseph F Jr Gen USMC JS (US); Donnelly, Sally B SES (US); Work, Robert O HON (US); Goldfein, David L Gen USAF AF-CC (US); Richardson, John M ADM USN CNO (US); Selva, Paul J Gen USAF JS OCJCS (US); Stackley, Sean J HON USN ASSTSECNAV RDA DC (US); Walters, Glenn M Gen USMC PANDR (US); Brilakis, Mark A LtGen USMC MANDR AFFAIRS (US); Hogue, Robert D SES USMC COUNSEL FOR THE CMC (US)*	Re: USMC RFIs on TG Policy	Email from Service discussing policy questions and concerns.	VCJCS	Redacted	Deliberative Process Privilege, PII - Personal Privacy	Predeliberational and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001072-00001076	27-Jun-17	CMC	SecDef		CMC ltr to SECDEF on Accessions June 2017. Final	Memo from Service discussing policy questions and concerns.	VCJCS	Yes	Deliberative Process Privilege	Predeliberational and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001077	17-Jun-17	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Dunford, Joseph F Jr Gen USMC JS (US)	JS OCJCS (US); McKennie, Kenneth F Jr LtGen USMC JS ODJS (US); Dumont, Michael J (Mike) RADM USN JS ODJS (US); Kremer, Kyle J Brig Gen USAF JS J1 (US); Meyer, John V III COL USARMY JS OCJCS (US); Volpe, Kevin J CDR USN JS OCJCS (US); Dryzga, Brian S LtCol USMC JS OCJCS (US); Walker, Darryl L CAPT USN JS OCJCS (US); Hewitt, James V (Jim) Lt Col USAF JS OCJCS (US); Buchanan, Thomas R (TR) CAPT USN JS ODJS (US); Haynes, Peter W CDR USN JS ODJS (US); Noel, Derek R MAJ USARMY JS ODJS (US); Johnson, Suzanne M CAPT USN JS J1 (US); Tolar, Christopher G Col USMC JS OCJCS (US)*	ADM Mullen declaration in a TG Lawsuit	Attorney email discussing recent development in litigation relating to transgender policy.	CJCS, VCJCS, OCJCS/LC	Redacted	Attorney-Client Privilege; Attorney Work Product; Deliberative Process Privilege; PII - Personal Privacy	Predeliberational and deliberative document created for the purpose of analyzing proposed regulatory changes.

CJCS_00001078-00001079	30-Nov-17	OCJCS (US)	Ryder, Patrick S Col USAF JS	Dunford, Joseph F Jr Gen USMC JS (US)	JS OCJCS (US); McKenzie, Kenneth F Jr LtGen USMC JS ODIS (US); Dumont, Michael J (Mike) RADM USN JS ODIS (US); Crandall, Darse E Jr RDML USN JS OCJCS (US)*; Kremer, Kyle J Brig Gen USAF JS J1 (US); Troxell, John W CSM USARMY JS DOM (US); Meyer, John V III COL USARMY JS OCJCS (US); Linnington, Abigail T COL USARMY JS OCJCS (US); Bew, Richard T (Otter) Col USMC JS OCJCS (US); Buchanan, Thomas R (TR) CAPT USN JS ODIS (US); Rainsford, Tage J LTC USARMY JS DOM (US); Osial, Richard R CIV JS OCJCS (US); Powell, William C (Will) Maj USAF JS OCJCS (US); Couture, Robert A	INFO: Significant FOIA Request Referencing CJCS	Email discussing response to FOIA request about transgender policy.	CJCS, VCJCS, LC, DJ-1	Redacted	Deliberative Process Privilege, PII - Personal Privacy	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.	
CJCS_00001080-00001088	6-Aug-17	OCJCS (US)	Neller Gen Robert B	Dunford Gen Joseph F	Walters Gen Glenn M	Email Attachment: Emails (8pgs) (Unred)	17-8917	Email discussing Twitter Statement.	CJCS, VCJCS, LC, DJ-2	Redacted	Deliberative Process Privilege, PII - Personal Privacy	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes. Names of O-6 and below, telephone numbers, and email addresses removed to protect personal privacy of individuals.
CJCS_00001089	5-Dec-17	OCJCS (US)	Walker, Darryl L CAPT USN JS	Selva, Paul J Gen USAF JS OCJCS (US)	Hewitt, James V (Jim) Lt Col USAF JS OCJCS (US)	FW: FYI re. TG letter edits [CJCS_00001090-00001091 attached]		Email forwarding	VCJCS	Redacted	PII - Personal Privacy	Prediscisional and deliberative document containing information generated by the Secretary for the purpose of advising the President.
CJCS_00001090-00001091	6-Dec-17	SecDef				Email attachment: (FOUO) Letter to White		Draft letter with handwritten notes/edits	VCJCS	Yes	Presidential Communications Privilege; Deliberative Process Privilege	
CJCS_00001092-00001093	23-Jun-17	Work, Robert HON SD		Selva, Paul J Gen USAF JS OCJCS (US)	Hewitt, James V (Jim) Lt Col USAF JS OCJCS (US); Walker, Darryl L CAPT USN JS OCJCS (US)	RE INFO Military chiefs want 6-month hold on transgender enlistments (UNCLASSIFIED)		Email discussing news story about accessions policy.	VCJCS	Redacted	PII - Personal Privacy	Names of O-6 and below, telephone numbers, and email addresses removed to protect personal privacy of individuals.
CJCS_00001094-00001095	29-Aug-17	U.S. Department of Defense		Selva, Paul J Gen USAF JS OCJCS (US)		Statement by Secretary of Defense Jim Mattis on Military Service by Transgender		Email with official statement by SecDef.	VCJCS	No		
CJCS_00001096-00001098	15-Sep-17	J1 (US)	Kremer, Kyle J Brig Gen USAF JS (US)	Dunford, Joseph F Jr Gen USMC JS (US); Selva, Paul J Gen USAF JS OCJCS (US)	LtGen USMC JS ODIS (US); Dumont, Michael J (Mike) RADM USN JS ODIS (US); Chinn, Colin G RADM USN JS OCJCS (US); Crandall, Darse E Jr RDML USN JS OCJCS (US)*; Wark, Lawrence J SES JS J1 (US); Meyer, John V III COL USARMY JS OCJCS (US); Volpe, Kevin J CDR USN JS OCJCS (US); Dryzga, Brian S LtCol USMC JS OCJCS (US); Walker, Darryl L CAPT USN JS OCJCS (US); Hewitt, James V (Jim) Lt Col USAF JS OCJCS (US); Stevens, Mark L CAPT USN JS OCJCS (US); Haynes, Peter W CDR USN JS ODIS (US); Noel, Derek R MAJ USARMY JS ODIS (US); Johnson, Suzanne M CAPT USN JS J1 (US); Tolar,	SecDef Interim Transgender Policy Guidance (UNCLASSIFIED)	Email forwarding and discussing signed Interim Guidance.	VCJCS	Redacted	Attorney-Client Privilege; Deliberative Process Privilege; PII - Personal Privacy	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.	
CJCS_00001099-00001100	14-Sep-17	SecDef		Secretaries, CJCS, USDoS, etc.		MIL SVC BY TRANSGENDER INDIVIDUALS - INTERIM GUIDANCE OSD011321-17 FOD - TERMS OF REFERENCE - IMPLEMENTATION OF PRESIDENTIAL		Signed Interim Guidance.	VCJCS	No		
CJCS_00001101-00001102	14-Sep-17	SecDef		Secretaries, CJCS, USDoS, etc.		MEMO OF MIL SVC BY T...		Signed Terms of Reference.	VCJCS	No		

CJCS_00001103	31-Oct-17	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Dunford, Joseph F Jr Gen USMC JS (US); Selva, Paul J Gen USAF JS OCJCS (US)	LtGen USMC JS ODJS (US); Dumont, Michael J (Mike) RADM USN JS ODJS (US); Chinn, Colin G RADM USN JS OCJCS (US); Kremer, Kyle J Brig Gen USAF JS J1 (US); Wark, Lawrence J SES JS J1 (US); Meyer, John V III COL USARMY JS OCJCS (US); Walker, Darryl L CAPT USN JS OCJCS (US); Buchanan, Thomas R (TR) CAPT USN JS ODJS (US); Volpe, Kevin J CDR USN JS OCJCS (US); Dryzga, Brian S LtCol USMC JS OCJCS (US); Hewitt, James V (Jim) Lt Col USAF JS OCJCS (US); Carlos, Tomas LtCol USMC JS ODJS (US); Schmidt, Jason A Lt Col USAF JS J1 (US); Tolar, Christopher G Col USMC JS OCJCS (US)*;	(U//FOUO) Preliminary Injunction on the DoD Transgender Policy [CJCS_00000040 attached]	Email from attorney advising on impact of court's injunction.	CJCS, VCJCS, LC, DI-1 Redacted	Attorney-Client Privilege, Attorney Work Product, PII - Personal Privacy	Deliberative document created in the course of litigation by an attorney for the client for the purpose of analyzing proposed regulatory changes.
CJCS_00001104-00001105	22-Nov-17	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Dunford, Joseph F Jr Gen USMC JS (US); Selva, Paul J Gen USAF JS OCJCS (US)	LtGen USMC JS ODJS (US); Dumont, Michael J (Mike) RADM USN JS ODJS (US); Chinn, Colin G RADM USN JS OCJCS (US); Kremer, Kyle J Brig Gen USAF JS J1 (US); Wark, Lawrence J SES JS J1 (US); Meyer, John V III COL USARMY JS OCJCS (US); Walker, Darryl L CAPT USN JS OCJCS (US); Buchanan, Thomas R (TR) CAPT USN JS ODJS (US); Volpe, Kevin J CDR USN JS OCJCS (US); Dryzga, Brian S LtCol USMC JS OCJCS (US); Hewitt, James V (Jim) Lt Col USAF JS OCJCS (US); Carlos, Tomas LtCol USMC JS ODJS (US); Schmidt, Jason A Lt Col USAF JS J1 (US);	(U//FOUO) Preliminary Injunction in Transgender Case	Email from attorney advising on impact of court's injunction.	CJCS, VCJCS, LC, DI-2 Redacted	Attorney-Client Privilege, Attorney Work Product, PII - Personal Privacy	Deliberative document created in the course of litigation by an attorney for the client for the purpose of analyzing proposed regulatory changes.
CJCS_00001106-00001109	28-Nov-17	Kremer, Kyle J Brig Gen USAF JS (US)	Dunford, Joseph F Jr Gen USMC JS (US)	Linnington, Abigail T COL USARMY JS OCJCS (US); Crandall, Darse E Jr RDML USN JS OCJCS (US)*; McKenzie, Kenneth F Jr LtGen USMC JS ODJS (US); Dumont, Michael J (Mike) RADM USN JS ODJS (US); Chinn, Colin G RADM USN JS OCJCS (US); Wark, Lawrence J SES JS J1 (US); Meyer, John V III COL USARMY JS OCJCS (US); Walker, Darryl L CAPT USN JS OCJCS (US); Buchanan, Thomas R (TR) CAPT USN JS ODJS (US); Volpe, Kevin J CDR USN JS OCJCS (US); Dryzga, Brian S LtCol USMC JS OCJCS (US); Hewitt, James V (Jim) Lt Col USAF JS OCJCS (US); Carlos, Tomas LtCol USMC JS ODJS (US); Schmidt, Jason A Lt Col	RE: (U//FOUO) Transgender Litigation Update	Email discussing impact of court's injunction on personnel policies.	CJCS, VCJCS, LC, DI-2 Redacted	Attorney-Client Privilege, Attorney Work Product, Deliberative Process Privilege, PII - Personal Privacy	Deliberative document created in the course of litigation by an attorney for the client for the purpose of analyzing proposed regulatory changes.
CJCS_00001110-00001111	11-Dec-17	U.S. Department of Defense	Selva, Paul J Gen USAF JS OCJCS (US)		DoD Complying with Court Orders to Access Transgender Persons into the Military	Email with official statement from DoD.	VCJCS No		

CJCS_00001112	30-Dec-17	Crandall, Darse E Jr RDML USN JS (US)*	Dunford, Joseph F Jr Gen USMC JS (US); Selva, Paul J Gen USAF JS OCJCS (US)	LtGen USMC JS ODJS (US); Dumont, Michael J (Mike) RADM USN JS ODJS (US); Kremer, Kyle J Brig Gen USAF JS J1 (US); Wark, Lawrence J SES JS J1 (US); Meyer, John V III COL USARMY JS OCJCS (US); Walker, Darryl L CAPT USN JS OCJCS (US); Buchanan, Thomas R (TR) CAPT USN JS ODJS (US); Carlos, Tomas LtCol USMC JS ODJS (US); Dryzga, Brian S LtCol USMC JS OCJCS (US); Volpe, Kevin J CDR USN JS OCJCS (US); Hewitt, James V (Jim) Lt Col USAF JS OCJCS (US); Noel, Derek R MAJ USARMY JS ODJS (US); Tolar, Christopher G Col USMC JS OCJCS (US); Ford, Christopher M LTC USARMY JS DOM JS OCJCS (US); McKenzie, Kenneth F Jr LtGen USMC JS ODJS (US); Dumont, Michael J (Mike) RADM USN JS ODJS (US); Chinn, Colin G RADM USN JS OCJCS (US); Kremer, Kyle J Brig Gen USAF JS J1 (US); Meyer, John V III COL USARMY JS OCJCS (US); Volpe, Kevin J CDR USN JS OCJCS (US); Dryzga, Brian S LtCol USMC JS OCJCS (US); Walker, Darryl L CAPT USN JS OCJCS (US); Hewitt, James V (Jim) Lt Col USAF JS OCJCS (US); Stevens, Mark L CAPT USN JS OCJCS (US); Haynes, Peter W CDR USN JS ODJS (US); Noel, Derek R MAJ USARMY JS ODJS (US); Johnson, Suzanne M CAPT USN JS J1 (US); Tolar, Christopher M	(U//FOUO) Transgender servicemember litigation updated	Email from attorney discussing decision not to appeal district court rulings.	CJCS, VCJCS, LC, DJ-3	Yes	Attorney-Client Privilege, Attorney Work Product, PII - Personal Privacy	Deliberative document created in the course of litigation by an attorney for the client for the purpose of analyzing proposed regulatory changes.
CJCS_00001113	6-Sep-17	Crandall, Darse E Jr RDML USN JS (US)*	Dunford, Joseph F Jr Gen USMC JS (US)	Suzanne M CAPT USN JS J1 (US); Tolar, Christopher M	Final draft of interim transgender policy guidance	Email from attorney discussing draft policy guidance.	CJCS, VCJCS, LC, DJ-3	Redacted	Attorney-Client Privilege; Deliberative Process Privilege; PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001114-00001115	5-Sep-17	P&R			Email attachment: TG INTERIM POLICY TAB B 5 Sep	Draft policy guidance.	CJCS, VCJCS, LC, DJ-4	Yes	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001116-00001117	5-Sep-17	P&R			Email Attachment: TG TOR TAB C 5 Sep (Terms of Reference - Implementation of Presidential Memorandum on Military Service by Transgender Individuals)	Draft policy guidance.	CJCS, VCJCS, LC, DJ-5	Yes	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001118	6-Oct-17	max@max.gov [Aaron Wellman]	Selva, Paul J Gen USAF JS OCJCS (US)		MAX User ID and Collaboration Group Invitation from Aaron Wellman	Email providing access to portal to be used by members of policymaking body.	VCJCS	Redacted	PII - Personal Privacy	Names of O-6 and below and email addresses removed to protect personal privacy of individuals.
CJCS_00001119-00001124	16-Aug-17	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Tolar, Christopher G Col USMC JS OCJCS (US)*	Ford, Christopher M LTC USARMY JS DOM JS OCJCS (US)*	FW: Draft SecDef Statement Following Issuance of Presidential Memo on Military Service by Transgender Individuals (UNCLASSIFIED) [attachment is CJCS_00000996-00000997]	Email among legal counsel discussing draft policy guidance.	LC	Redacted	Attorney-Client Privilege; Deliberative Process Privilege; PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001125-00001126	22-Aug-17	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Tolar, Christopher G Col USMC JS OCJCS (US)*	Ford, Christopher M LTC USARMY JS DOM JS OCJCS (US)*	FW Draft SecDef Statement on Military Service by Transgender Individuals (UNCLASSIFIED)	Email among legal counsel discussing draft policy guidance.	LC	Redacted	Attorney-Client Privilege; Deliberative Process Privilege; PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001127	22-Aug-17	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Tolar, Christopher G Col USMC JS OCJCS (US)*	Ford, Christopher M LTC USARMY JS DOM JS OCJCS (US)*	Email Attachment: SecDef Statement on TG (LC comments)	Draft policy guidance with attorney comments.	LC	Yes	Attorney-Client Privilege; Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001128	22-Aug-17	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Tolar, Christopher G Col USMC JS OCJCS (US)*	Ford, Christopher M LTC USARMY JS DOM JS OCJCS (US)*	Email Attachment: SecDef Statement on TG2 [DUPLICATE: same as CJCS_00000506]	Draft policy guidance with attorney comments.	LC	Yes	Attorney-Client Privilege; Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
CJCS_00001129	3-Aug-17	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Tolar, Christopher G Col USMC JS OCJCS (US)*	Ford, Christopher M LTC USARMY JS DOM JS OCJCS (US)*	FW Meeting Summary (UNCLASSIFIED)	Email forwarding draft info paper by attorneys discussing policymaking process.	LC	Redacted	PII - Personal Privacy	Names of O-6 and below and email addresses removed to protect personal privacy of individuals.
CJCS_00001130-00001132	3-Aug-17	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Ford, Christopher M LTC USARMY JS DOM JS OCJCS (US)*	TG Meeting Summary (cgt)	Draft info paper by attorneys discussing policymaking process.	LC	Yes	Attorney-Client Privilege; Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.

CJCS_00001133-00001134	4-Aug-17	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Koffsky, Paul S SES OSD OGC (US)*; Casciotti, John A SES OSD OGC (US)*; Gruber, David J CIV OSD OGC (US)*; Easton, Robert E SES OSD OGC (US)*; Hatch, Richard O CIV OSD OGC (US)*; Bourcicot, Yvette K CIV (US); Tolar, Christopher G Col USMC JS OCJCS (US); Ford, Christopher M LTC USARMY JS DOM (US)*	Tomatz, Michael D Col USAF OSD OGC (US)*; Guillen, Robert A Jr MAJ USARMY (US)*; william.bushman@sd. mil	RE: Draft Presidential Memo on Transgender Individuals and Military Service	Email forwarding DoD comments on draft Presidential Memorandum.	LC	Redacted	PII - Personal Privacy	Names of O-6 and below and email addresses removed to protect personal privacy of individuals.	
CJCS_00001135-00001136	3-Aug-17	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Koffsky, Paul S SES OSD OGC (US)*; Casciotti, John A SES OSD OGC (US)*; Gruber, David J CIV OSD OGC (US)*; Easton, Robert E SES OSD OGC (US)*; Hatch, Richard O CIV OSD OGC (US)*; Bourcicot, Yvette K CIV (US); Tolar, Christopher G Col USMC JS OCJCS (US); Ford, Christopher M LTC USARMY JS DOM (US)*	Tomatz, Michael D Col USAF OSD OGC (US)*; Guillen, Robert A Jr MAJ USARMY (US)*; william.bushman@sd. mil	Email Attachment: Draft PM -- Transgender in Military 3 Aug 2017	DoD comments on draft Presidential Memorandum.	LC	Yes	Presidential Communication; Attorney-Client Privilege; Attorney Work Product; Deliberative Process Privilege	Predecisional and deliberative document containing information generated by White House advisors for the purpose of preparing recommendations for the President.	
CJCS_00001137-00001138	16-Aug-17	Gruber, David J CIV OSD OGC (US)*	Ford, Christopher M LTC USARMY JS DOM (US)*		RE: Transgender Basis for Separation (UNCLASSIFIED)	Email among attorneys discussing policy.	LC	Redacted	Deliberative Process Privilege; PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.	
CJCS_00001139-00001140	1-Aug-17	Kremer, Kyle J Brig Gen USAF JS J1 (US)	Walker, Darryl L CAPT USN JS OCJCS (US); Ford, Christopher M LTC USARMY JS DOM (US)*	Schmidt, Jason A Lt Col USAF JS J1 (US)	RE: Transgender Meeting (UNCLASSIFIED)	Email with attorney discussing policy developments.	LC, J1	Redacted	Attorney-Client Privilege; Deliberative Process Privilege; PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.	
CJCS_00001141-00001142	22-Aug-17	Meyer, John V III COL USARMY JS OCJCS (US)	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	LTGen USMC JS ODJS (US); Dumont, Michael J (Mike) RADM USN JS ODJS (US); Kremer, Kyle J Brig Gen USAF JS J1 (US); Walker, Darryl L CAPT USN JS OCJCS (US); Stevens, Mark L CAPT USN JS OCJCS (US); Johnson, Suzanne M CAPT USN JS J1 (US); Palmer, Robert Paul Col USAF JS OCJCS (US); Volpe, Kevin J CDR USN JS OCJCS (US); Dryzga, Brian S LtCol USMC JS OCJCS (US); Hewitt, James V (Jim) Lt Col USAF JS OCJCS (US); Haynes, Peter W CDR USN JS ODJS (US); Brewster, Jessie J LTC USARMY JS OCJCS (US); Noel, Derek R MAJ USARMY JS ODJS (US); Rainsford, Tage J LTC USARMY JS DOM (US)*		RE: Transgender Policy Update on Legal Efforts (UNCLASSIFIED)/FOUO US DOD [CJCS_00001160-00001166 attached]	Email to attorney regarding info memo on policy developments and litigation considerations.	LC	Redacted	PII - Personal Privacy	Names of O-6 and below and email addresses removed to protect personal privacy of individuals.
CJCS_00001143-00001144	4-Aug-17	Tolar, Christopher G Col USMC JS OCJCS (US)*	Ford, Christopher M LTC USARMY JS DOM (US)*	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	FW: Draft PM -- Transgender in Military 2 Aug 2017 (UNCLASSIFIED)(1)	Attorney email forwarding and discussing draft policy memo.	LC	Redacted	Attorney-Client Privilege; Deliberative Process Privilege; PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.	
CJCS_00001145-00001146	4-Aug-17	Tolar, Christopher G Col USMC JS OCJCS (US)*	Ford, Christopher M LTC USARMY JS DOM (US)*	Crandall, Darse E Jr RDML USN JS OCJCS (US)*	Email Attachment: Draft PM -- Transgender in Military 3 Aug 2017 [2 Aug (1)]	Draft Presidential Memorandum.	LC	Yes	Presidential Communication; Attorney-Client Privilege; Attorney Work Product; Deliberative Process Privilege	Information generated by White House advisors for the purpose of preparing recommendations for the President.	
CJCS_00001147-00001149	4-Aug-17	Schiffer, Thomas E COL USARMY JS DOM (US)*	Tolar, Christopher G Col USMC JS OCJCS (US)*; Ford, Christopher M LTC USARMY JS DOM (US)*		FW: Draft PM -- Transgender in Military 2 Aug 2017 (UNCLASSIFIED)	Attorney email forwarding and discussing draft policy memo.	LC	Redacted	Attorney-Client Privilege; Deliberative Process Privilege; PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.	
CJCS_00001150-00001151	4-Aug-17	Schiffer, Thomas E COL USARMY JS DOM (US)*	Tolar, Christopher G Col USMC JS OCJCS (US)*; Ford, Christopher M LTC USARMY JS DOM (US)*		Email Attachment: Draft PM -- Transgender in Military 3 Aug 2017 [2 Aug]	Attorney changes made to draft Presidential Memorandum.	LC	Yes	Presidential Communication; Attorney-Client Privilege; Deliberative Process Privilege; PII - Personal Privacy	Information generated by White House advisors for the purpose of preparing recommendations for the President.	
CJCS_00001152-00001153		Tolar, Christopher G Col USMC JS OCJCS (US)*	Casciotti, John A SES OSD OGC (US)*; Easton, Robert E SES OSD OGC (US)*; Gruber, David J CIV OSD OGC (US)*	Crandall, Darse E Jr RDML USN JS OCJCS (US)*; Ford, Christopher M LTC USARMY JS DOM (US)*	FW: Draft Transgender Memo (UNCLASSIFIED)	Attorney email forwarding and discussing draft policy memo with attorney comments/edits.	LC	Yes	Presidential Communication; Deliberative Process Privilege; PII - Personal Privacy	Predecisional and deliberative document containing information generated by White House advisors for the purpose of preparing recommendations for the President.	
CJCS_00001154-00001155		Tolar, Christopher G Col USMC JS OCJCS (US)*	Casciotti, John A SES OSD OGC (US)*; Easton, Robert E SES OSD OGC (US)*; Gruber, David J CIV OSD OGC (US)*	Crandall, Darse E Jr RDML USN JS OCJCS (US)*; Ford, Christopher M LTC USARMY JS DOM (US)*	Email Attachment: Draft PM -- Transgender in Military 4 Aug 2017 [Draft Transgender Memo]	Draft policy memo with attorney comments/edits.	LC	Yes	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of preparing proposed regulatory changes.	
CJCS_00001156-00001157	4-Aug-17	Tolar, Christopher G Col USMC JS OCJCS (US)*	Tomatz, Michael D Col USAF OSD OGC (US)*	Crandall, Darse E Jr RDML USN JS OCJCS (US)*; Schiffer, Thomas E COL USARMY JS DOM (US)*; Ford, Christopher M LTC USARMY JS DOM (US)*	RE: Draft PM -- Transgender in Military 2 Aug 2017 (UNCLASSIFIED)	Attorney email discussing review of draft policy memo.	LC	Redacted	Attorney-Client Privilege; Deliberative Process Privilege; PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes.	

CJCS_00001158-00001159	4-Aug-17 OCJCS (US)*	Crandall, Darse E Jr RDML USN JS (US)*; Ford, Christopher M LTC USARMY JS DOM (US)*	Kofsky, Paul S SES OSD OGC (US)*; Casciotti, John A SES OSD OGC (US)*; Gruber, David J CIV OSD OGC (US)*; Easton, Robert E SES OSD OGC (US)*; Hatch, Richard O CIV OSD OGC (US)*; Bourcicot, Yvette K CIV (US); Tolar, Christopher G Col USMC JS OCJCS (US)*; Meyer, John V III COL USARMY JS DOM (US)*	Tomatz, Michael D Col USAF OSD OGC (US)*; Guillen, Robert A Jr MAJ USARMY (US)*; William Bushman	RE_Draft Presidential Memo on Transgender Individuals and Military Service (1) [CJCS_00001135-00001136attached]	Attorney email forwarding and discussing draft policy memo with attorney comments/edits.	LC	Redacted	PII - Personal Privacy	Names of O-6 and below and email addresses removed to protect personal privacy of individuals.
CJCS_00001160-00001166	22-Aug-17 OCJCS (US)*	Crandall, Darse E Jr RDML USN JS (US)*	Meyer, John V III COL USARMY JS OCJCS (US)	McKenzie, Kenneth F Jr LTGen USMC JS ODJS (US); Dumont, Michael J (Mike) RADM USN JS ODJS (US); Kremer, Kyle J Brig Gen USAF JS J1 (US); Walker, Darryl L	Transgender Service Members Update3(dec) [attachment associated with CJCS_00001141-00001142]	Info paper drafted by attorneys to advise the Chairman on recent policy developments.	LC	Yes	Attorney Work Product; Deliberative Process Privilege; PII - Personal Privacy	Prediscisional and deliberative attorney document created by a party's representative to examine potential regulatory change in anticipation of litigation.
CJCS_00001167	8-Aug-17 J1 (US)	Johnson, Suzanne M CAPT USN JS (US)	None		Notes from Principal's Daily Meeting (PDM)	Notes from meeting reflecting update on topic of transgender.	J1	No		
CJCS_00001168-00001169	26-Aug-17 J1 (US)	Kremer, Kyle J Brig Gen USAF JS (US)	Dunford, Joseph F Jr Gen USMC JS (US); Selva, Paul J Gen USAF JS OCJCS (US)	McKenzie, Kenneth F Jr LTGen USMC JS ODJS (US); Dumont, Michael J (Mike) RADM USN JS ODJS (US); Chinn, Colin G RADM USN JS OCJCS (US); Crandall, Darse E Jr RDML USN JS OCJCS (US)*; Meyer, John V III COL USARMY JS OCJCS (US); Walker, Darryl L CAPT USN JS OCJCS (US); Stevens, Mark L CAPT USN JS OCJCS (US)	RE: Transgender Policy (UNCLASSIFIED//FOUO SENSITIVE)	Email forwarding and discussing signed Presidential Memorandum.	J1	Redacted	Presidential Communication; Deliberative Process Privilege; PII - Personal Privacy	Prediscisional and deliberative document created for the purpose of analyzing proposed regulatory changes.
Encrypted. Cannot Bates # or distill.	8-Jul-16 USARMY OSD OUSD P-R (US)	RAND / Wellman, Aaron C LTC USARMY (US)	Kremer, Kyle J Brig Gen USAF JS J1 (US)		RAND Corporation Study: Assessing the Implications of Allowing Transgender Personnel to Serve Openly		J1	No		
CJCS_00001206	7-Aug-17 J1 (US)	Volpe, Kevin J CDR USN JS OCJCS (US)	none		Daily Calendar: CJCS & SECDEF Meeting		CJCS EA	No		
CJCS_00001207	28-Aug-17 J1 (US)	Volpe, Kevin J CDR USN JS OCJCS (US)	none		Daily Calendar: CJCS & SECDEF Meeting		CJCS EA	No		
CJCS_00001208	8-Jan-18 J1 (US)	Volpe, Kevin J CDR USN JS OCJCS (US)	none		Principal Daily Meeting Seating Chart		CJCS EA	No		
CJCS_00001209-00001211	21,23,24 Aug 17 J1 (US)	Volpe, Kevin J CDR USN JS OCJCS (US)	none		Daily Calendars: PDMs where military service by transgender was mentioned		CJCS EA	Redacted	PII - Personal Privacy	Phone number of VCJCS removed to protect personal privacy.
CJCS_00001170-00001172	18-Sep-17 J1 (US)	Johnson, Suzanne M CAPT USN JS (US)	Carino, S M (Sad) CDR USN JS J1 (US)	LTCol Schmidt, COL Gorak, LTC Buckner, and Maj Blakeman	(U) Email: TG Smartsheet for Posture Prep policy.	Email transmitting smartsheet and info paper for Chairman on transgender policy.	J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Document is withheld in full because it is located on the SIPR network.
CJCS_00001173-00001175	18-Sep-17 J1 (US)	Johnson, Suzanne M CAPT USN JS (US)	Carino, S M (Sad) CDR USN JS J1 (US)	LTCol Schmidt, COL Gorak, LTC Buckner, and Maj Blakeman	(U) Attachment: TAB A-10 CJCS Smartsheet - Transgender Service	Smartsheet on transgender policy for Chairman.	J1	Yes	Deliberative Process Privilege	Document is withheld in full because it is located on the SIPR network.
CJCS_00001176-00001178	18-Sep-17 J1 (US)	Johnson, Suzanne M CAPT USN JS (US)	Carino, S M (Sad) CDR USN JS J1 (US)	LTCol Schmidt, COL Gorak, LTC Buckner, and Maj Blakeman	(U) Attachment: TAB P-1 Transgender Policy Info Paper	Info Paper on transgender policy for Chairman.	J1	Yes	Deliberative Process Privilege	Document is withheld in full because it is located on the SIPR network.
CJCS_00001179-00001180	19-Sep-17 J1 (US)	Johnson, Suzanne M CAPT USN JS (US)	Curtis, Steven J MAJ USA JS OCJCS (US)	LT Col Schmidt, MAJ Gilbert, and Col Tolar*	(U) Email: CJCS Reconfirmation Binder Refresh	Email transmitting info paper and quad on transgender policy to prepare Chairman for reconfirmation hearing.	J1	Yes	PII - Personal Privacy	Document is withheld in full because it is located on the SIPR network.
CJCS_00001181	19-Sep-17 J1 (US)	Johnson, Suzanne M CAPT USN JS (US)	Curtis, Steven J MAJ USA JS OCJCS (US)	LT Col Schmidt, MAJ Gilbert, and Col Tolar*	(U) Attachment: TAB P-1 Transgender Quad chart (18 Sep 17)	Quad on transgender policy to prepare Chairman for reconfirmation hearing.	J1	Yes	Deliberative Process Privilege	Document is withheld in full because it is located on the SIPR network.
CJCS_00001182-00001183	19-Sep-17 J1 (US)	Johnson, Suzanne M CAPT USN JS (US)	Curtis, Steven J MAJ USA JS OCJCS (US)	LT Col Schmidt, MAJ Gilbert, and Col Tolar*	(U) Attachment: TAB-1 Transgender Service Information Paper (18 Sep 17)	Info paper on transgender policy to prepare Chairman for reconfirmation hearing.	J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Document is withheld in full because it is located on the SIPR network.
CJCS_00001184	24-Aug-17 J1 (US)	Johnson, Suzanne M CAPT USN JS (US)	Curtis, Steven J MAJ USA JS OCJCS (US)	LT Col Schmidt, and MAJ Gilbert	(U) Email: Most Likely Questions for CJCS Reconfirmation	Email transmitting answers to most likely questions to prepare Chairman for reconfirmation hearing.	J1	Yes	PII - Personal Privacy	Document is withheld in full because it is located on the SIPR network.
CJCS_00001185-00001186	24-Aug-17 J1 (US)	Johnson, Suzanne M CAPT USN JS (US)	Curtis, Steven J MAJ USA JS OCJCS (US)	LT Col Schmidt, and MAJ Gilbert	(U) Attachment: CJCS Reconfirmation Most Likely Qs J1 (24 Aug 17)	Answers to most likely questions to prepare Chairman for reconfirmation hearing.	J1	Yes	Deliberative Process Privilege	Document is withheld in full because it is located on the SIPR network.



CJCS_00001187-00001189	16-Nov-17 (US)	Dunford, Joseph F Jr Gen USMC (US)	Kremer, Kyle J Brig Gen USAF JS J1 (US)	VCJCS, DIS, VDIS, JSS, JS/LC*, VDJ1, COL Meyer, CAPT Walker, and CAPT Buchanan	(U) Email: Transgender Service member Sex Reassignment Surgery	Email discussing procedures under transgender policy.	J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes. Document is withheld in full because it is located on the SIPR network.
CJCS_00001190-00001196	16-Nov-17 (US)	Kremer, Kyle J Brig Gen USAF JS (US)	Dunford, Joseph F Jr Gen USMC JS (US)	VCJCS, DIS, VDIS, JSS, JS/LC*, VDJ1, COL Meyer, CAPT Walker, and CAPT Buchanan	(U) Attachment: DHA SRS Guidance Memo	Unsigned action memo to provide interim guidance on transgender procedures.	J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes. Document is withheld in full because it is located on the SIPR network.
CJCS_00001197-00001199	20-Oct-17 (US)	Dryzga, Brian S LtCol USMC JS OCJCS (US)	Kremer, Kyle J Brig Gen USAF JS J1 (US)	Meyer, John V III COL USARMY JS OCJCS (US); Volpe, Kevin J CDR USN JS OCJCS (US)	(U/FOUO) Email: J1 Update - 20 Oct	Email discussing developments in policymaking process.	J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes. Document is withheld in full because it is located on the SIPR network.
CJCS_00001200-00001201	8-Sep-17 (US)	Dryzga, Brian S LtCol USMC JS OCJCS (US)	Kremer, Kyle J Brig Gen USAF JS J1 (US)	Meyer, John V III COL USARMY JS OCJCS (US); Volpe, Kevin J CDR USN JS OCJCS (US)	(U/FOUO) Email: J1 Update - 8 Sep	Email discussing developments in policymaking process.	J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes. Document is withheld in full because it is located on the SIPR network.
CJCS_00001202	25-Aug-17 (US)	Kremer, Kyle J Brig Gen USAF JS (US)	Dunford, Joseph F Jr Gen USMC JS (US); Selva, Paul J Gen USAF JS OCJCS (US)	DIS, VDIS, SEAC, J-Dir, VDJ1, COL Meyer, CAPT Walker	(S/NF) Email: J1 Update - 25 Aug	Email discussing developments in policymaking process.	J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes. Document is withheld in full because it is located on the SIPR network.
CJCS_00001203-00001205	28-Jul-17 (US)	Dunford, Joseph F Jr Gen USMC (US)	Kremer, Kyle J Brig Gen USAF JS J1 (US); Selva, Paul J Gen USAF JS OCJCS (US)	DIS, VDIS, SEAC, J-Dir, CAPT Bradley, CAPT Walker, CAPT Stevens, CDR Haynes	(U/FOUO) Email: J1 Items of Interest - 28 Jul		J1	Yes	Deliberative Process Privilege; PII - Personal Privacy	Predecisional and deliberative document created for the purpose of analyzing proposed regulatory changes. Document is withheld in full because it is located on the SIPR network.
CJCS_00001215-00001216	23-Aug-17 (US)	Dryzga, Brian S LtCol USMC JS OCJCS (US)	none		EA notes from Principals' Daily Meeting (PDM)	Notes from meeting that included brief discussion of transgender.	CJCS EA	Yes	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of recording discussion of matters involving the Chairman, to include proposed regulatory changes. Document is withheld in full because it is located on the SIPR network.
CJCS_00001212-00001214	21-Aug-17 (US)	Volpe, Kevin J CDR USN JS OCJCS (US)	none		EA notes from Principals' Daily Meeting (PDM)	Notes from meeting that included brief discussion of transgender.	CJCS EA	Yes	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of recording discussion of matters involving the Chairman, to include proposed regulatory changes. Document is withheld in full because it is located on the SIPR network.
CJCS_00001217	24-Aug-17 (US)	Volpe, Kevin J CDR USN JS OCJCS (US)	none		EA notes from Principals' Daily Meeting (PDM)	Notes from meeting that included brief discussion of transgender.	CJCS EA	Yes	Deliberative Process Privilege	Predecisional and deliberative document created for the purpose of recording discussion of matters involving the Chairman, to include proposed regulatory changes. Document is withheld in full because it is located on the SIPR network.
CJCS_00000115-00000118	13-Oct-17 (US)	P&R	Panel of Experts		OPA 2016 Workplace and Gender Relations Survey	DoD survey considered during policymaking process	LC, J1	No		

# Exhibit J

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**From:** Alan Schoenfeld  
**Sent:** Friday, January 12, 2018 6:31 AM  
**To:** Parker, Ryan (CIV); Laporte, Claire  
**Cc:** Carmichael, Andrew E. (CIV)  
**Subject:** RE: Doe v. Trump - Proposed Discovery Response Schedule

Ryan,

We can agree to your schedule. Plaintiffs will produce their documents on Jan. 19 as well.

Alan

**Alan E. Schoenfeld | WilmerHale**

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**From:** Parker, Ryan (CIV) [mailto:Ryan.Parker@usdoj.gov]  
**Sent:** Thursday, January 11, 2018 4:21 PM  
**To:** Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com>; CLL@foleyhoag.com  
**Cc:** Carmichael, Andrew E. (CIV) <Andrew.E.Carmichael@usdoj.gov>  
**Subject:** Doe v. Trump - Proposed Discovery Response Schedule

Alan and Claire,

We appreciate the time you took to talk with us this morning. Based on the concerns you expressed during our call and by email and the information we received from our clients, we'd like to propose the discovery response schedule below. It both prioritizes the production of information that may be relevant to the Soper, Burns, and Chadwick depositions and provides a deadline for the completion of Defendants' discovery responses in early February, which should allow Plaintiffs adequate time to bring discovery-related motions well before the close of the discovery period.

- January 19 – Defendants provide all non-privileged documents in the possession of the Air Force that are responsive to the RFPs that Plaintiffs have identified as relevant to the Soper declaration;
- January 19 – Defendants provide all non-privileged documents in the possession of DHA or Army that are responsive to Plaintiffs' RFPs and contain any mention of Ms. Soper;
- January 23 – Defendants provide a privilege log for documents withheld from the January 19 production;
- January 24 – Defendants provide the Air Force's responses to Plaintiffs' interrogatories 19-26;
- January 26 – Plaintiffs depose Ms. Soper;

- January 26 – Defendants provide the remaining documents from the Air Force (if any) and all responsive, non-privileged documents from Army and the Naval Academy;
- January 30 – Defendants provide a privilege log for all documents withheld from the January 26 production;
- February 2 – Defendant provide all remaining documents, including documents from the White House and DoD leadership offices, and respond to all remaining discovery requests (interrogatories and RFAs); and
- February 6 – Defendants provide a privilege log for all documents withheld from the February 2 production.

This is a good faith attempt to work with you and address your concerns, and we hope that it will allows us to resolve the remaining issues without having to involve the Court. Please let us know if you would like to discuss any of these issues further.

Best,

**Ryan B. Parker**

Senior Trial Counsel

United States Department of Justice

Civil Division, Federal Programs Branch

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