

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

JANE DOE 2, JANE DOE 3, JANE DOE 4,
JANE DOE 5, JANE DOE 6, JANE DOE 7,
JOHN DOE 1, JOHN DOE 2, 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)

**DECLARATION OF LAUREN GODLES MILGROOM IN SUPPORT OF THE
STATEMENT OF UNDISPUTED MATERIAL FACTS**

I, Lauren Godles Milgroom, depose and state as follows:

1. I am associate at the law firm of Foley Hoag LLP, 155 Seaport Boulevard, Boston, Massachusetts, which is counsel for the Plaintiffs in Civil Action No. 17-cv-1597 (CKK). I am a member in good standing of the Bar of the Commonwealth of Massachusetts. I am admitted to appear *pro hac vice* before the Court in this matter. *See* Docket Entry 98. I make this declaration upon personal knowledge.

2. Attached hereto as Exhibit A is a true and correct copy of ‘This Week’ Transcript: Defense Secretary Chuck Hagel, Sen. Marco Rubio, dated May 11, 2014.

3. Attached hereto as Exhibit B is a true and correct copy of the Department of Defense Instruction (DODI) 1332.18, entitled Disability Evaluation System (DES), incorporating Change 1, July 10, 2006.

4. Attached hereto as Exhibit C is a true and correct copy of Diane H. Mazur, Military Services Have Failed to Comply with New Defense Department Rules on Transgender Personnel, PALM CENTER (Nov. 2014).

5. Attached hereto as Exhibit D is a true and correct copy of the Department of Defense Press Briefing by Secretary Carter on Transgender Service Policies in the Pentagon Briefing Room dated June 30, 2016.

6. Attached hereto as Exhibit E is a true and correct copy of the History and Mission of the RAND Corporation, last visited May 10, 2018.

7. Attached hereto as Exhibit F is a true and correct copy of the Guidance for Treatment of Gender Dysphoria for Active and Reserve Component Service Members dated June 29, 2016.

8. Attached hereto as Exhibit G is a true and correct copy of the Department of Defense Instruction 1300.28 entitled In-Service Transition for Transgender Service Members.

9. Attached hereto as Exhibit H is a true and correct copy of excerpts of the Deposition of Martha Soper taken February 1, 2018 in this matter.

10. Attached hereto as Exhibit I is a true and correct copy of the document produced by Defendants, Bates labeled DOE002626-DOE002657, entitled “Transgender Awareness Training for All Airman,”.

11. Attached hereto as Exhibit J is a true and correct copy of the document produced by Defendants, Bates labeled USDOE00004098-USDOE00004114, entitled Air Force Policy Memorandum for Transgender Awareness Training, dated October 6, 2016.

12. Attached hereto as Exhibit K is a true and correct copy of excerpts of the Deposition of Mary Krueger taken April 17, 2018 in this matter.

13. Attached hereto as Exhibit L is a true and correct copy of the document produced by Defendants, Bates labeled USDOE00020163-USDOE00020173, entitled SECNAV Instruction 1000.11 “Service of Transgender Sailors and Marines,” dated November 4, 2016.

14. Attached hereto as Exhibit M is a true and correct copy of the Department of Defense Directive 1020.02E entitled Diversity Management and Equal Opportunity in the DoD dated June 8, 2018, incorporating change 1, dated November 29, 2016.

15. Attached hereto as Exhibit N is a true and correct copy of the document produced by Defendants, Bates labeled USDOE00083276, entitled Memorandum for Secretaries of the

Military Departments, Chairman of the Joint Chiefs of Staff: Accession of Transgender Individuals into the Military Services dated June 30, 2017.

16. Attached hereto as Exhibit O is a true and correct copy of an email produced by the Defendants, Bates labeled USDOE00001413-USDOE00001416, dated August 7, 2017.

17. Attached hereto as Exhibit P is a true and correct copy of a statement made by Senator John McCain regarding transgender Americans in the Military dated July 26, 2017.

18. Attached hereto as Exhibit Q is a true and correct copy of a July 7, 2017 article from the Des Moines Register entitled “Ernst breaks with Trump on transgender Military ban.”

19. Attached hereto as Exhibit R is a true and correct copy of an email produced by the Defendants, Bates labeled USDOE00037688-00037696, dated August 6, 2017.

20. Attached hereto as Exhibit S is a true and correct copy of an email produced by the Defendants, Bates labeled USDOE00003207-00003208, dated August 2, 2017.

21. Attached hereto as Exhibit T is a true and correct copy of the 2017 Presidential Memorandum, Docket Entry 13-2 Exhibit A.

22. Attached hereto as Exhibit U is a true and correct copy of the Department of Defense Press Release Number NR-312-17 entitled Statement of Secretary of Defense Jim Mattis on Military Service by Transgender Individuals dated August 29, 2017, Docket Entry 13-2 Exhibit D.

23. Attached hereto as Exhibit V is a true and correct copy of the Department of Defense Policy Memorandum 2-5, “Transgender Applicant Processing.”

24. Attached hereto as Exhibit W is a true and correct copy of the document produced by Defendants, Bates labeled USDOE00002100- USDOE00002101, entitled Secretary of Defense Military Service by Transgender Individuals Interim Guidance, dated September 14, 2017, Docket Entry 45-1.

25. Attached hereto as Exhibit X is a true and correct copy of the Terms of Reference – Implementation of Presidential Memorandum on Military Service by Transgender Individuals, dated September 14, 2017, Bates labeled USDOE00003230-USED0E00003231, Docket Entry 108-6.

26. Attached hereto as Exhibit Y is a true and correct copy of the document produced by Defendants, Bates labeled USDOE00032824-USDOE00032825, entitled Office of the Under Secretary of Defense Memorandum: Military Service by Transgender Individuals – Panel of Experts.

27. Attached hereto as Exhibit Z is a true and correct copy of a presentation produced by Defendants, Bates labeled USDOE00063224-USDOE00063257, entitled Transgender Personnel Policy Working Group Kickoff Meeting, dated October 2, 2017.

28. Attached hereto as Exhibit AA is a true and correct copy of an email produced by Defendants, Bates labeled USDOE00063450, dated October 20, 2017.

29. Attached hereto as Exhibit BB is a true and correct copy of the document produced by Defendants, Bates labeled USDOE0101839-USDOE0101845, entitled “T[ransgender] Policy Development Timeline.”

30. Attached hereto as Exhibit CC is a true and correct copy of the document produced by Defendants, Bates labeled Administrative_Record_003059-Administrative_Record_003075, entitled Robert Wilkie Action Memorandum, dated January 11, 2018.

31. Attached hereto as Exhibit DD is a true and correct copy of the document produced by Defendants entitled Secretary of Defense Memorandum for the President entitled Military Service by Transgender Individuals dated February 22, 2018, Docket Entry 96-1.

32. Attached hereto as Exhibit EE is a true and correct copy of the document produced by Defendants entitled Department of Defense Report and Recommendations on Military Service by Transgender Persons, dated February 2018, Docket Entry 96-2.

33. Attached hereto as Exhibit FF is a true and correct copy of the document produced by Defendants, entitled Memorandum for the Secretary of Defense and Secretary of Homeland Security: Military Service of Transgender Individuals, dated March 23, 2018, Docket Entry 96-3.

34. Attached hereto as Exhibit GG is a true and correct copy of the “APA Statement Regarding Transgender Individuals Serving in Military,” dated March 26, 2018.

35. Attached hereto as Exhibit HH is a true and correct copy of the April 3, 2018 AMA Letter written by James L. Madara, MD.

36. Attached hereto as Exhibit II is a true and correct copy of the Department of Defense Instruction 6130.03 entitled Medical Standards for Appointment, Enlistment, or Induction into the Military Services dated March 30, 2018.

37. Attached hereto as Exhibit JJ is a true and correct copy of excerpts from the April 24, 2018 Testimony of General David Goldfein before the Senate Armed Services Committee.

38. Attached hereto as Exhibit KK is a true and correct copy of excerpts from the April 19, 2018 Testimony of Admiral John Richardson and General Robert Neller before the Senate Armed Services Committee.

39. Attached hereto as Exhibit LL is a true and correct copy of excerpts from the April 12, 2018 Testimony of General Mark Milley before the Senate Armed Services Committee.

40. Attached hereto as Exhibit MM is a true and correct copy of the Under Secretary of Defense Memorandum entitled DoD Retention Policy for Non-Deployable Service Members, dated February 14, 2018.

41. Attached hereto as Exhibit NN is a true and correct copy of the document produced by Defendants, Bates labeled USDOE00006331-USDOE00006332, entitled Department of Defense RTQ After Interim Guidance is Given as of September 14, 2017.

42. Attached hereto as Exhibit OO is a true and correct copy of excerpts of the Army Regulation 40-501: Standards of Medical Fitness.

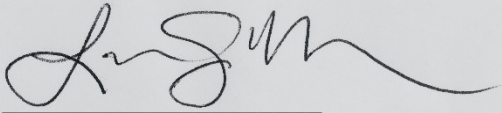
43. Attached hereto as Exhibit PP is a true and correct copy of excerpts of USMEPCOM Regulation 40-1: Medical Qualification Program.

44. Attached hereto as Exhibit QQ is a true and correct copy of the Declaration of Dr. George Brown in Support of the Plaintiffs' Opposition to the Motion to Dissolve the Preliminary Injunction.

45. Attached hereto as Exhibit RR is a true and correct copy of the Declaration of Brad R. Carson in Support of the Plaintiffs' Opposition to the Motion to Dissolve the Preliminary Injunction.

46. Attached hereto as Exhibit SS is a true and correct copy of the Declaration of Joshua D. Safer, MD, FACP in Support of Plaintiffs' Opposition to the Motion to Dissolve the Preliminary Injunction.

Signed under the pains and penalties of perjury this 11th day of May 2018.



Lauren Godles Milgroom