

LATHAM & WATKINS LLP
 Marvin S. Putnam (SBN 212839)
marvin.putnam@lw.com
 Amy C. Quartarolo (SBN 222144)
amy.quartarolo@lw.com
 Adam S. Sieff (SBN 302030)
adam.sieff@lw.com
 Harrison J. White (SBN 307790)
harrison.white@lw.com
 355 South Grand Avenue, Suite 100
 Los Angeles, California 90071-1560
 Telephone: +1.213.485.1234
 Facsimile: +1.213.891.8763

National Center for Lesbian Rights
 Shannon P. Minter (SBN 168907)
sminter@nclrights.org
 Amy Whelan (SBN 2155675)
awhelan@nclrights.org
 870 Market Street, Suite 360
 San Francisco, CA 94102
 Telephone: +1.415.392.6257
 Facsimile: +1.415.392.8442

GLBTQ Legal Advocates & Defenders
 Jennifer Levi (*pro hac vice forthcoming*)
jlevi@glad.org
 Mary L. Bonauto (*pro hac vice forthcoming*)
mbonauto@glad.org
 30 Winter Street, Suite 800
 Boston, MA 02108
 Telephone: +1.617.426.1350
 Facsimile: +1.617.426.3594

*Attorneys for Plaintiffs Aiden Stockman, Nicolas
 Talbott, Tamasyne Reeves, Jaquice Tate, John
 Does 1-2, Jane Doe, and Equality California*

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

AIDEN STOCKMAN; NICOLAS
 TALBOTT; TAMASYN REEVES;
 JAQUICE TATE; JOHN DOES 1-2;
 JANE DOE; and EQUALITY
 CALIFORNIA,

Plaintiffs,

v.

DONALD J. TRUMP, et al.

Defendants.

CASE NO. 5:17-cv-01799-JGB-KKx

**DECLARATION OF NICOLAS
 TALBOTT IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 PRELIMINARY INJUNCTION**

1 I, Nicolas Talbott, declare as follows:

2 1. I am 23 years old and I live in Ohio. I want to serve my country as
3 an airman in the Air Force National Guard. I am transgender.

4 **Background**

5 2. I live in eastern Ohio, in a small town of a few thousand people called
6 Lisbon. I live with my grandmother, who relies on me for whatever additional
7 income I can provide.

8 3. I graduated from Kent State University in 2015 with a degree in
9 sociology and criminology. While in college, I decided to pursue a career in global
10 security and counterterrorism, and I have always wanted a career that would enable
11 me to serve my country. I looked into the Reserve Officers' Training Corps
12 ("ROTC") at Kent State and decided to pursue a career in the military.

13 **Coming Out and Transitioning**

14 4. Growing up, I always wore boy's clothes and wore my hair short. I
15 knew that I was transgender before I even knew the word. As a small child, I
16 would tell people that I thought I was supposed to have been born a boy. Then,
17 when I was 12, my friend said that she thought I might be transgender. I
18 immediately researched what that meant, and quickly realized that the word
19 transgender described me.

20 5. But, I lived in a small town and feared people's reaction if they
21 learned that I am transgender. For the first few years after realizing that I am
22 transgender, I shared my identity only with a small group of confidants. At the age
23 of 16, I came out as transgender to my mother. Shortly thereafter, she took me to a
24 therapist. The therapist diagnosed me with gender dysphoria.

25 6. In 2012, I began taking hormones according to my transition plan
26 developed with my doctor. I live my life now as who I really am -- a man.

27

28

Attempted Enlistment

7. After graduating from college in 2012, I contacted several military recruiters to express my interest in enlisting in the military. But, the recruiters told me that I would not be permitted to enlist because I am transgender.

8. Without the military as a career, I had to support myself and my grandmother with whatever job I could find. I worked as a bus driver for a low wage with no benefits. I was an Operations Manager for a while, organizing deliveries and making my own deliveries, but the job had no benefits and required significant car repair costs. I found seasonal work as a truck driver in the summer. I still hoped to enlist in the military one day.

9. In June 2016, I got a call from a friend that the ban on military service by transgender people was being lifted, and new inclusive policies permitting enlistment were being implemented. I was thrilled.

10. I was prepared to enlist as soon as the new inclusive policies were put into place. I reached out to recruiters in various branches of the military. However, several recruiters refused to speak with me or meet with me because I am transgender.

11. Eventually I found a recruiter for the Air Force National Guard who advised me that he would work with me to enlist. He advised me that I needed to fill out standard enlistment paper work, and also needed to secure a letter from my doctor certifying that being transgender has no adverse effects on my ability to perform military-related duties. Similarly, I needed a letter certifying that old injuries to my knee and ankle would have no adverse effects on my ability to perform military-related duties.

12. The recruiter advised me that the next step in the process would be to meet with the regional Military Entrance Processing Station (“MEPS”) in Cincinnati for a physical exam and to take the Armed Service Vocational Aptitude

1 Battery (“ASVAB”) test. He later told me that MEPS would not begin processing
2 for transgender enlistees until June 2017.

3 13. After speaking with this recruiter, I scheduled my appointment with
4 my doctor for July 2017, began studying practice ASVAB exams, and trained
5 regularly for the physical exam, all in anticipation of enlisting as soon as the
6 policies permitting transgender enlistment were put into place.

7 14. However, in July 2017, I learned that President Trump, through a
8 series of tweets, announced that transgender people would continue to be shut out
9 of the military. My heart sunk. I felt devastated and lost. I had mentally and
10 physically prepared to begin my military career. Now, my future was uncertain. It
11 was as if someone told me that I was not good enough, that I was not worthy to
12 serve my country.

13 15. In August 2017, a statement officially reinstating the ban came down.
14 I feared that I would never be permitted to fulfill my dream of military service.

15 **Current Status**

16 16. If the ban were lifted today, I immediately would seek to enlist in the
17 United States military. Military service continues to be my goal.

18 17. I am actively searching for a job where I can support myself and my
19 grandmother, who is unwell. Small towns like Lisbon, Ohio do not have many job
20 opportunities. I currently do not have health insurance. I wear glasses and I have
21 not been able to afford to go to the optometrist since college. Until the ban was
22 issued, I had planned on serving in the military. I know that enlisting in the
23 military provides a stable job, a steady income, and health benefits. Enlisting
24 would also give me a path to retirement or the option to return to civilian life with
25 the benefit of military service on my resume. Now, I must prepare for a different
26 future. I fear that I will never find a career where I can support myself and my
27 family. I may have to move to find work, but I do not know if I can afford
28 relocation expenses.

1 18. I think the ban negatively impacts society because it reinforces a
2 pervasive lack of understanding about transgender people and gender dysphoria.
3 After learning of the ban, some people I know said that I must not be worthy of the
4 military, because the President would not make such a change without significant
5 research. But I am not aware of any research demonstrating that transgender
6 people are unfit for military service. I know that I am fit to serve in the military. I
7 am concerned that because the military ban sends a very negative message about
8 transgender people and encourages bias and lack of understanding about
9 transgender people, it will affect my status in the community and my ability to
10 pursue a career outside of the military.

11 19. Even now, I continue to study for the ASVAB and prepare for the
12 physical exam in hopes that one day, I can enlist in the military, begin my career,
13 and finally serve my country.

14

15

16

17

18

19

20

21

22

23

24

25


26

27

28

1 I declare under the penalty of perjury that the foregoing is true and correct.

2
3 Dated: September 28, 2017

4 
Nicolas Talbott