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**Declaration of Mark J. Eitelberg in Support of
Plaintiffs' Motion for Preliminary Injunction,
Doe, et al. v. Donald Trump, et al.**

Eitelberg, Mark J.

United States District Court for the District of Columbia

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Background

Declaration for Jane Doe, et al. v. Trump, et al.

In June 2016, the Department of Defense (DoD) announced that it would begin allowing transgender persons to serve openly in the military. The change in policy followed a comprehensive review by DoD and the RAND Corporation. To facilitate the change, DoD developed new training, guidance, regulations and forms, protocols, and supporting networks. Further, thousands of transgender service members responded to the new policy by informing their chain of command and peers of their preferred gender identity. During the summer of 2017, President Donald Trump directed reinstatement of the preexisting ban on military service by transgender persons. This Declaration was included along with others supporting a motion for a preliminary injunction of the reinstated ban. The preliminary injunction would prevent possible harm from the ban while the courts decided whether the reinstated policy violates the equal protection and due process guarantees of the Constitution.

The motion in Jane Doe, et al. v. Trump, et al. was filed in the U.S. District Court for the District of Columbia. Similar versions of the Declaration were included in three other cases seeking a preliminary injunction. The other cases and federal jurisdictions are as follows: Stockman, et al. v. Trump, et al. (U.S. District Court for the Central District of California); Stone, et al. v. Trump, et al. (U.S. District Court for the District of Maryland); and Karnoski, et al. v. Trump, et al. (U.S. District Court for the Western District of Washington). Three of these District Courts sided with the plaintiffs and granted preliminary injunctions in full and the fourth (District of Columbia) granted an injunction in part (later vacated). In January 2019, the U.S. Supreme Court denied a Trump Administration expedited review of the Stockman et al. and Karnoski et al. cases; at the same time, in a 5-4 decision, the Supreme Court removed the preliminary injunctions granted in those cases while legal proceedings continued. DoD reinstated a ban on transgender persons in April 2019.

Jane Doe, et al. v. Trump, et al.

DECLARATION OF MARK J. EITELBERG IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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

Filed **10/16/2017**

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