

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

Brock Stone, et al.,

Plaintiffs,

v.

Donald J. Trump, et al.,

Defendants.

Case No. 1:17-cv-02459 (MJG)

DECLARATION OF KATE COLE
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

I, Kate Cole, hereby declare:

1. The facts set forth in this declaration are based on my personal knowledge.

Personal Background Information

2. I am a 27-year-old Staff Sergeant (E6) in the U.S. Army. I am currently stationed at Fort Polk, Louisiana. At age 17, I enlisted in the U.S. Army. I have since served for roughly 10 years, including a one-year deployment to Afghanistan. While in Afghanistan, I served as a team leader and designated marksman. I also spent two years stationed in Germany, where I rotated through Estonia, Latvia, Lithuania, and Poland as part of Operation Atlantic Resolve. I now work as a Cavalry Scout. I operate in an Airborne unit with tanks. Since enlisting in the military, I have received seven achievement medals and two Army commendation medals.

3. I am transgender. Relying upon and following the Department of Defense's (DoD) June 2016 Open Service Directive, I revealed to military personnel that I am transgender. My gender marker is now listed as female in the Defense Enrollment Eligibility Reporting System (DEERS) and on government-issued identification, including my Social Security card, passport, and driver's license.

4. Since DoD issued the Open Service Directive, I have been evaluated by military medical personnel. Based upon this evaluation and at the recommendation of DoD medical personnel, I am undergoing hormone therapy as a medically-necessary part of my transition to the female gender.

5. I plan to continue to serve honorably in the U.S. Army for the rest of my career. My goal is to become a Drill Sergeant by next year.

Effect of Transgender Service Member Ban

6. On July 26, 2017, the President tweeted that transgender service members would no longer be allowed to serve in the military "in any capacity."

7. I was distraught at hearing this. I did not know that the President planned to eliminate the Open Service Directive. In 2016, I had relied on that directive when I revealed my transgender status to military personnel. I had no clue that my career would be in jeopardy a year later, because I had trusted the government when I "came out" as transgender.

8. I learned on August 25, 2017 that President Trump sent a memorandum to the Secretary of Defense ordering him to overturn the policy allowing transgender people to serve openly in the military (Transgender Service Member Ban).

9. Ever since the President issued the Transgender Service Member Ban, I have feared for my career. I worry about being discharged because I am transgender. Since age 17, the U.S. Army has been my only career. I have never considered another career. At this point, I do not have an existing plan or strategy to pursue a different career if I am discharged.

10. I was intending to serve my country honorably for over 20 years. At that point, I would qualify for full retirement benefits. I currently rely on the Army's tuition assistance, which permits me to take college classes through the University of Maryland - University College. The Army also provides my health care. If I am discharged, I will no longer be eligible for retirement benefits, tuition assistance, or military health care. I will face financial hardship and will not be able to afford tuition and health care.

11. Since the Transgender Service Member Ban, I have also been denied approval of medically-indicated surgical treatment, including gender confirmation surgery. On September 8, 2017, my scheduled DoD medical consultation for an orchiectomy was canceled. I was told by DoD medical personnel that there is no transition-related surgery at this time, and it is not certain if, and when, such surgery will be allowed.

12. My wife is from Germany and must renew her Green Card. I have to certify that I can financially support her. If I am discharged, I will not be able to financially support my wife. This would jeopardize her immigration status.

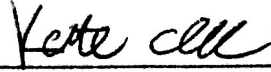
13. Since the President's tweets, I have struggled with stress and uncertainty. As noted above, I am dealing with career, financial, and family uncertainty. In order to deal with the stress, I have started to attend a support group in Lake Charles, Louisiana.

14. I feel the impact of stigma since the Transgender Service Member Ban was issued. President Trump's tweets and public statements have made me feel like my service and commitment to the United States are not respected. I have spent almost 10 years serving my country at home and abroad. The President's actions have openly questioned and challenged this legacy.

15. Under the Open Service Directive, I did not feel different and was not treated differently by my superiors and fellow service members. Now, even if I am allowed to continue to serve, I worry that no other men or women who are transgender will be permitted to enlist in the military. It would be a very public gesture, signaling that transgender service members are somehow different and should be treated differently.

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

Executed on the 11th day of September, 2017 in Fort Polk, Louisiana.

A handwritten signature in cursive script, appearing to read "Kate Cole", is written above a horizontal line.

Kate Cole