

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

NICOLAS TALBOTT, ERICA VANDAL, KATE)
COLE, GORDON HERRERO, DANY)
DANRIDGE, JAMIE HASH, MIRIAM)
PERELSON, KODA NATURE, and CAEL)
NEARY,)

Plaintiffs,)

v.)

DONALD J. TRUMP, in his official capacity as)
President of the United States; the UNITED)
STATES OF AMERICA; PETER B. HEGSETH,)
in his official capacity as Secretary of Defense;)
MARK AVERILL, in his official capacity as)
Acting Secretary of the Army; the UNITED)
STATES DEPARTMENT OF THE ARMY;)
TERENCE EMMERT, in his official capacity as)
Acting Secretary of the Navy; the UNITED)
STATES DEPARTMENT OF THE NAVY;)
GARY ASHWORTH, in his official capacity as)
Acting Secretary of the Air Force; the UNITED)
STATES DEPARTMENT OF THE AIR FORCE;)
TELITA CROSLAND, in her official capacity as)
Director of the Defense Health Agency; and the)
DEFENSE HEALTH AGENCY,)

Civil Action No. 1:25-cv-00240

Defendants.)
_____)

DECLARATION OF AUDRIE GRAHAM

I, Audrie Graham, declare as follows:

1. I am 27-year-old Petty Officer Third Class, Rank E-4, in the U.S. Navy on active duty at Naval Air Station Oceana, Virginia Beach, Virginia. I have served in the Navy for nearly five years. I am a transgender man.

History of Service

2. Prior to enlisting in the Navy, I was a firefighter for approximately five years. In 2020, I lost my job as a firefighter due to the COVID-19 pandemic. I wanted to continue my work

as a firefighter and thought that by joining the Navy, I could use my skills as a firefighter in service of my country.


3. In the Navy, I was awarded Sailor of the Quarter and once and Sailor of the Week twice.
4. I was diagnosed with gender dysphoria on or about March 24, 2021.
5. As part of my treatment for gender dysphoria, I worked with my providers on a care plan. The plan was ultimately approved in 2023, and I began hormone treatments in or around August of 2023.
6. My treating physicians determined that a double mastectomy was a medically necessary treatment as part of my care plan. After several follow-ups and consultations I received clearance in November 2024 to schedule my appointment for this surgery. It was scheduled for February 5, 2025, at Naval Medical Center in Portsmouth, Virginia.

Impact of the Ban

7. On February 5, 2025, my wife and I arrived for my 9:30 am appointment. I changed into a surgical gown and had an IV inserted. I was led to another room to have nerve blockers administered to my chest and shoulders. The surgical team gave me oxygen and hooked me up to equipment to monitor my vital signs. The surgical team then administered a sedative to help with the pain of the nerve blockers.
8. After about 15 minutes, the surgeon came in and began to mark up my chest for the surgery. I was told that the team needed to prepare the operating room, and I would be wheeled in for surgery.
9. For an hour or two, my wife and I were left alone. No one came to talk to us. Finally, our surgeon returned and told us that she had “unfortunate news.” She told us that she would not be able to proceed with my surgery because orders had come down under Executive Order 14183, *Prioritizing Military Excellence and Readiness*. She told us that because of this order, Tricare, the military health insurer, would no longer cover my surgery.
10. I had my IV removed and had to change back into my regular clothes and leave the hospital without having received the medically necessary surgery that I had waited over a year for.
11. I want to be able to serve my country on the same terms as any other service member. My treating physicians have all determined that this surgery is medically necessary for my care plan. But I am being denied this care solely because I am transgender.

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

Date: February 14, 2025



Audrie Graham