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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

COMMANDER EMILY SHILLING;
COMMANDER BLAKE DREMANN;
LIEUTENANT COMMANDER GEIRID
MORGAN; SERGEANT FIRST CLASS
CATHRINE SCHMID; SERGEANT FIRST
CLASS JANE DOE; SERGEANT FIRST CLASS
SIERRA MORAN; STAFF SERGEANT VIDEL
LEINS; MATTHEW MEDINA; and GENDER
JUSTICE LEAGUE,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; UNITED STATES
OF AMERICA; PETER HEGSETH, in his official
capacity as Secretary of Defense; UNITED
STATES DEPARTMENT OF DEFENSE;
DANIEL P. DRISCOLL, in his official capacity as
Secretary of the Army; UNITED STATES
DEPARTMENT OF THE ARMY; TERENCE
EMMERT, in his official capacity as Acting
Secretary of the Navy; UNITED STATES
DEPARTMENT OF THE NAVY; GARY
ASHWORTH, in his official capacity as Acting

Case No. 2:25-cv-241-BHS

**FIRST AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

CAPTION CONTINUED ON NEXT PAGE

Secretary of the Air Force; UNITED STATES
DEPARTMENT OF THE AIR FORCE,

Defendants.

NATURE OF ACTION

1. This action challenges the constitutionality of Executive Order No. 14183, *Prioritizing Military Excellence and Readiness* (the “2025 Military Ban”), which President Donald J. Trump issued on January 27, 2025,¹ and related official federal policy and directives, which together ban a group of Americans—transgender people—from serving their Country in the military simply because of who they are.

2. There are currently thousands of transgender people selflessly and patriotically serving in our Nation’s armed services across myriad roles, and many others seek to follow the same noble path. Transgender service members take the same oath as every other service member to serve our Nation and place themselves in harm’s way—potentially paying the ultimate price—in service of our Country. And to be clear, our country *needs* ready, able, and willing service members to stand up and protect our freedoms. But the 2025 Military Ban turns them away and kicks them out—for no legitimate reason. Rather, it baselessly declares *all* transgender people unfit to serve, insults and demeans them, and cruelly describes every one of them as incapable of “an honorable, truthful, and disciplined lifestyle, even in one’s personal life,” based solely because they are transgender. These assertions are, of course, false.

3. Nevertheless, the 2025 Military Ban denies the existence of transgender people altogether, branding all people whose gender identities differ from the sex assigned to them at birth as a “falsehood” and lacking the “humility and selflessness required of a service member.” 2025 Military Ban § 1. It incorporates the definitions of another executive order (the “Gender Identity

¹ Exec. Order No. 14183, *Prioritizing Military Excellence and Readiness*, 90 Fed. Reg. 8,757 (Feb. 3, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-02-03/pdf/2025-02178.pdf>.

1 Executive Order”)² which proclaims that having a gender identity incongruent with one’s sex
2 designated at birth is a “false belief.” 2025 Military Ban § 3; Gender Identity Executive Order
3 § 2(f).

4 4. The 2025 Military Ban directs the Secretary of Defense to adopt and execute a
5 policy establishing that a person being transgender is incompatible with military service, thereby
6 preventing existing service members who are transgender from continuing to serve and preventing
7 transgender people from enlisting in, or acceding to, the armed forces in the future. 2025 Military
8 Ban § 4(a)–(c). It further directs the Secretary of Homeland Security to adopt and execute the
9 same with respect to the Coast Guard. 2025 Military Ban § 4(e).

10 5. The 2025 Military Ban and related federal policy and directives undermine military
11 readiness, endanger our safety, and violate the United States Constitution. IT also represents an
12 abrupt and misguided change from current military policy.

13 6. Plaintiffs are seven existing service members who have served honorably and
14 openly as transgender in the military for years; one transgender person who, were it not for 2025
15 Military Ban and related policy and directives, meets the requirements to serve and who wishes to
16 enlist; and an organizational Plaintiff with transgender military members.

17 7. Three Plaintiffs are senior officers. Commander Shilling, Commander Dremann,
18 and Lieutenant Commander Morgan are senior Naval officers. Each has an impressive military
19 record. Commander Shilling has flown 60 combat missions. Commander Dremann has supervised
20 hundreds of personnel maintaining United States Marine Corps aircraft and repairing submarines
21 for deployment. And Lieutenant Commander Morgan manages a substantial science and
22 technology funding portfolio.

23 8. Four Plaintiffs are senior enlisted service members in the Army and the Air Force
24 with equally admirable service records. Sergeant First Class Doe works as a satellite

25 ² Exec. Order No. 14168, *Defending Women from Gender Ideology Extremism and*
26 *Restoring Biological Truth to the Federal Government*, 90 Fed. Reg. 8,615 (Jan. 30, 2025),
<https://www.govinfo.gov/content/pkg/FR-2025-01-30/pdf/2025-02090.pdf>.

1 communications operator, Sergeant First Class Schmid holds the military occupational specialty
2 of Signals Intelligence Analyst, Sergeant First Class Moran coordinates planning and operations
3 for her battalion, and Staff Sergeant Videll Leins works on high voltage power plants.

4 9. One Plaintiff, Matthew Medina, seeks to enlist in the United States Marine Corps
5 in order to serve his country and simultaneously escape generational poverty. And the
6 organization, Gender Justice League, seeks to protect its members who are or aspire to be service
7 members from discrimination.

8 10. By categorically excluding transgender people, the 2025 Military Ban and related
9 federal policy and directives violate the equal protection and due process guarantees of the Fifth
10 Amendment and the free speech guarantee of the First Amendment. They lack any legitimate or
11 rational justification, let alone the compelling and exceedingly persuasive ones required.
12 Accordingly, Plaintiffs seek declaratory, and preliminary and permanent injunctive, relief.

13 **PARTIES**

14 **Plaintiffs**

15 11. Plaintiff **Commander Emily “Hawking” Shilling** is a 42-year-old woman who
16 resides in Maryland. She has served for more than 19 years in the United States Navy and is
17 currently stationed in Maryland. Commander Shilling is transgender.

18 12. Plaintiff **Commander Blake Dremann** is a 43-year-old man who is stationed in
19 Guam. He has served for more than 19 years in the United States Navy. Commander Dremann is
20 transgender.

21 13. Plaintiff **Lieutenant Commander Geirid Morgan** is a 45-year-old woman who
22 resides in Maryland. She has served for more than 14 years in the United States Navy and is
23 currently stationed in Maryland. Lieutenant Commander Morgan is transgender.

24 14. Plaintiff **Sergeant First Class Cathrine Schmid** is a 40-year-old woman who
25 resides in Baltimore, Maryland. She has served in the United States Army for more than 20 years
26

1 and is currently stationed at Fort George G. Meade in Maryland. Sergeant First Class Schmid is
2 transgender.

3 15. Plaintiff **Sergeant First Class Jane Doe** is a 37-year-old woman who resides in
4 Olympia, Washington. She has served in the United States Army for over 17 years and is currently
5 stationed at Joint Base Lewis-McChord (JBLM) in the State of Washington. Sergeant First Class
6 Doe is transgender.

7 16. Plaintiff **Sergeant First Class Sierra Moran** is a 31-year-old woman who resides
8 in Tacoma, Washington. She has served in the U.S. Army for almost 10 years and is currently
9 stationed at Joint Base Lewis-McChord in the State of Washington. Sergeant First Class Moran is
10 transgender.

11 17. Plaintiff **Staff Sergeant Videl Leins** is a 34-year-old woman who resides in Las
12 Vegas, Nevada. She has served in the United States Air Force for 16 years. Staff Sergeant Leins
13 is transgender.

14 18. Plaintiff **Mr. Matthew Medina** is a 23-year-old man who resides in New Jersey.
15 He wishes to serve in the military. Mr. Medina is transgender.

16 19. Commander Shilling, Commander Dremann, Lieutenant Commander Morgan,
17 Sergeant First Class Schmid, Sergeant First Class Doe, Staff Sergeant Leins, and Mr. Medina are
18 referred to collectively as the “Individual Plaintiffs.”

19 20. Plaintiff **Gender Justice League** is a Washington State-based gender and sexuality
20 civil and human rights organization. Gender Justice League’s principal place of business is in
21 Seattle, Washington. Gender Justice League brings its claims on behalf of its members. Gender
22 Justice League is referred to as the “Organizational Plaintiff.” Multiple Individual Plaintiffs are
23 members of Gender Justice League.

24 **Defendants**

25 21. Defendant **Donald J. Trump** is the President of the United States of America and
26 Commander in Chief of the U.S. military. On January 27, 2025, President Trump signed and issued

1 the 2025 Military Ban. He is responsible for the actions and decisions that Plaintiffs challenge in
2 this action. He is sued in his official capacity.

3 22. Defendant **United States of America** encompasses all federal agencies and
4 departments, including the United States Department of Defense and United States Department of
5 Homeland Security, that are responsible for implementing the 2025 Military Ban.

6 23. Defendant **Peter Hegseth** is the Secretary of the United States Department of
7 Defense. Secretary Hegseth is responsible for all aspects of the operation and management of the
8 Department of Defense, including the implementation of the 2025 Military Ban. He is sued in his
9 official capacity.

10 24. Defendant **United States Department of Defense** is a cabinet-level department of
11 the United States federal government. The Department of Defense is composed of the office of the
12 Secretary of Defense; the Joint Chiefs of Staff; the Joint Staff; America's Defense Agencies; the
13 Department of Defense Field Activities; the Departments of the Army, Navy, and Air Force; the
14 unified and specified combatant commands, such other offices, agencies, activities, and commands
15 as may be established or designated by law or by the President; and all offices, agencies, activities,
16 and commands under any of their control or supervision. Under the direction of Secretary Hegseth,
17 the Department of Defense is responsible for administration and enforcement of the 2025 Military
18 Ban.

19 25. Defendant **Daniel P. Driscoll** is the Secretary of the United States Department of
20 the Army. He is the leader of Department of the Army and is responsible for its administration and
21 operation. He is sued in his official capacity.

22 26. Defendant **Department of the Army** is one of three military departments of the
23 Department of Defense and is responsible for the administration and operation of the United States
24 Army.
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1 27. Defendant **Terence Emmert** is the Acting Secretary of the United States
2 Department of the Navy. He is the leader of Department of the Navy and is responsible for its
3 administration and operation. He is sued in his official capacity.

4 28. Defendant **Department of the Navy** is one of three military departments of the
5 Department of Defense and is responsible for the administration and operation of the United States
6 Navy and the United States Marine Corps.

7 29. Defendant **Gary Ashworth** is the Acting Secretary of the Air Force. He is the
8 leader of Department of the Air Force and is responsible for its administration and operation. He
9 is sued in his official capacity.

10 30. Defendant **Department of the Air Force** is one of three military departments of
11 the Department of Defense and is responsible for the administration and operation of the United
12 States Air Force and the United States Space Force.

13 31. Defendants Defense Secretary Hegseth, Department of Defense, Secretary of the
14 Army Driscoll, Department of the Army, Acting Secretary of the Navy Emmert, Department of
15 the Navy, Acting Secretary of the Air Force Ashworth, and Department of the Air Force are
16 referred to collectively as the “Agency Defendants.”

17 **JURISDICTION AND VENUE**

18 32. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 as this action arises under
19 the laws of the United States and the United States Constitution; 28 U.S.C. § 1346, as a civil action
20 against the United States founded upon the Constitution, an Act of Congress, or an executive
21 regulation; and 28 U.S.C. § 1361, as an action to compel an officer or employee of the United
22 States or an agency to perform a duty owed to a plaintiff..

23 33. Venue is proper in the Western District of Washington under 28 U.S.C.
24 §§ 1391(b)(2) and 1391(e) because each defendant is an agency of the United States or an officer
25 of the United States sued in their official capacity, Defendants Department of the Army and
26 Department of the Air Force and Plaintiff Jane Doe reside at Joint Base Lewis–McChord in Pierce

1 County within this District, Plaintiff Gender Justice League resides in King County within this
2 District, and a substantial part of the events or omissions giving rise to this action occurred and
3 continue to occur in this District because Defendants Department of the Army and Department of
4 the Air Force and Plaintiff Jane Doe reside in this District and Defendants Department of the Army
5 and Department of the Air Force are among the federal agencies that have been instructed to
6 implement, administer, and enforce the 2025 Military Ban.

7 34. An actual controversy exists between the parties within the meaning of 28 U.S.C.
8 § 2201(a), and this Court may grant declaratory, injunctive, and other relief pursuant to 28 U.S.C.
9 §§ 2201–2202 and Rules 57 and 65 of the Federal Rules of Civil Procedure.

10 35. This Court has personal jurisdiction over each of the Defendants because their
11 enforcement of the 2025 Military Ban occurs within Washington.

12 **FACTUAL ALLEGATIONS**

13 **Background Information Regarding Transgender People**

14 36. Gender identity is a person’s fundamental, internal sense of belonging to a
15 particular gender. It is a core characteristic of human identity that everyone possesses. Gender
16 identity is innate and has a biological basis.

17 37. Although most people have a gender identity that matches their sex assigned at
18 birth, this is not the case for transgender people, who are defined as transgender because their
19 gender identity is incongruent with the sex they were assigned at birth. Transgender people have
20 existed throughout human history, although understanding of transgender people has grown in
21 modern times.

22 38. A person’s sex is generally designated at birth based on external genitalia. But other
23 sex-related characteristics can include chromosomes, hormone levels, internal reproductive
24 organs, and also gender identity.

25 39. When someone’s sex-related characteristics are not in typical alignment with each
26 other, gender identity is the critical determinant of sex.

1 40. Attempts to change an individual’s gender identity to bring it into alignment with
2 the sex that the individual was assigned at birth are ineffective and potentially harmful.

3 41. For transgender people, the incongruence between their gender identity and sex
4 assigned at birth can cause clinically significant distress, which is known as gender dysphoria.

5 42. According to the American Psychiatric Association’s *Diagnostic & Statistical*
6 *Manual of Mental Disorders, Fifth Edition, Text Revision*, “gender dysphoria” is the diagnostic
7 term for the condition experienced by some transgender people of clinically significant distress
8 resulting from the lack of congruence between their gender identity and the sex assigned to them
9 at birth.

10 43. Gender dysphoria can be treated in accordance with widely recognized, well-
11 established, and evidence-based clinical practice guidelines. Treatment for gender dysphoria aims
12 to resolve the distress associated with the incongruence between a transgender person’s assigned
13 sex at birth and their gender identity.

14 44. The health and wellbeing of all people, including those who are transgender,
15 depends on their ability to live in a manner consistent with their gender identity. As such, living in
16 a manner consistent with one’s gender identity is a key aspect of treatment for gender dysphoria.

17 45. The process by which transgender people come to live in a manner consistent with
18 their gender identity, rather than the sex they were assigned at birth, is known as transition.

19 46. The steps that transgender people take to transition are not identical for every
20 individual, but they generally include social, legal, and medical transition.

21 47. Social transition entails the adoption of a gender role matching one’s gender
22 identity. This can include using a new name, pronouns that correspond to a person’s gender
23 identity, and adopting dress or grooming styles that more authentically reflect a person’s gender.

24 48. Legal transition involves steps to conform one’s legal identity to one’s gender
25 identity, such as legally changing one’s name and updating the name and gender marker on one’s
26 driver’s license and birth certificate.

1 49. Medical transition includes treatment that brings one’s body into alignment with
2 one’s gender identity, such as hormone therapy. Whether any particular treatment is medically
3 necessary or even appropriate, however, depends on the needs of the individual.

4 50. These various components associated with transition—social, legal, and medical
5 transition—do not change an individual’s gender but instead bring the individual’s social
6 presentation, legal identity, and physical appearance into greater typical alignment with their
7 gender.

8 **The Individual Plaintiffs’ Military Service**

9 **Commander Emily “Hawking” Shilling**

10 51. Commander Shilling has served in the Navy for over 19 years. She commissioned
11 as an officer in November 2005.

12 52. Commander Shilling has served as a combat aviator. She was deployed to
13 Afghanistan and Iraq on board an aircraft carrier, from which she conducted 60 combat missions,
14 leading to the award of three Air Medals for her meritorious service. During this time, she was
15 also awarded the Daedalian Award for Superior Airmanship During an Emergency in which,
16 through her calm execution and superior flying skills, she saved both her aircraft and its four crew
17 members from imminent ejection and destruction over the Pacific Ocean. Commander Shilling has
18 earned one meritorious Service Medal, two Navy Commendations and three United States Navy
19 and United States Marine Corps Achievement Medals.

20 53. Commander Shilling then served as a United States Navy Test Pilot, where she
21 conducted high-risk flight tests to advance aviation technology and improve aircraft capabilities.

22 54. Commander Shilling currently serves as an Aerospace Engineering Duty Officer,
23 charged with leading large Naval acquisition programs. Her work directly impacts the future of
24 naval aviation, ensuring that the fleet remains operationally effective, technologically advanced,
25 and mission-ready,
26

1 55. The Navy has invested over 20 million dollars in Commander Shilling’s training
2 and flight experience.

3 56. Commander Shilling is transgender. She was assigned the sex of male at birth, but
4 her gender identity is female.

5 57. Commander Shilling began to come to terms with her gender approximately six
6 years ago in 2019 and began living openly as female outside of work at that time.

7 58. In 2021, once military policy allowed, Commander Shilling transitioned socially
8 and medically within the military.

9 59. Commander Shilling has taken legal steps to transition. She legally changed her
10 first name to Emily. She also changed her name and gender marker to female on her driver’s
11 license, birth certificate, social security card and records, and passport.

12 60. The military updated Commander Shilling’s gender marker in the Defense
13 Enrollment Eligibility Reporting System (“DEERS”) in Fall 2021.

14 61. In consultation with healthcare professionals, Commander Shilling has taken
15 clinically appropriate steps to transition.

16 62. In Spring 2023, Commander Shilling regained her flight clearance post-transition
17 to fly high-performance jets. The Naval Aerospace Medical Institute, after extensive evaluations,
18 determined there was no medical reason to deny her flight clearance.

19 63. Commander Shilling has engaged in speech and conduct disclosing her transgender
20 status and expressing her gender identity, including within the Navy, and wants to continue to be
21 able to do so without fear of retaliation or discharge.

22 64. Being able to serve openly as a transgender person has made Commander Shilling
23 an even more productive, healthy member of her command. Being able to lead with authenticity
24 and integrity has only strengthened her relationships with fellow service members.

25 65. Since the 2025 Military Ban was issued, Commander Shilling has felt deeply
26 unsettled, betrayed, and fearful for her future in the military and her bodily autonomy. After

1 dedicating her entire adult life to the Navy, her ability to continue serving is now in jeopardy solely
2 because of her identity as a transgender woman.

3 Commander Shilling and her partner have built their lives around military service, and they have
4 three children who depend on her continued employment. If she is forcibly discharged, her
5 family will face immediate financial and personal instability, as well as the loss of essential
6 benefits like health care, housing allowances, and retirement security.

7 **Commander Blake Dremann**

8 66. Commander Blake Dremann has served in the Navy for over 19 years. Commander
9 Dremann currently serves on the USS Frank Cable in Guam as a supply officer. As part of his
10 duties, he supervises 40 sailors and five junior officers working to repair submarines for forward
11 deployment. Prior to his current assignment, he served as a supply officer at the aviation
12 maintenance depot in North Carolina, and numerous other assignments, including service on a
13 submarine from 2011 to 2015.

14 67. Commander Dremann has received two Defense Meritorious Service Medals, two
15 Meritorious Service Medals, a Joint Service Commendation Medal, a Navy and Marine Corps
16 Commendation Medal, a Joint Service Achievement Medal and four Navy and Marine Corps
17 Achievement Medals.

18 68. In 2015, Commander Dremann was awarded the Vice Admiral Robert F.
19 Batchelder Award, the Navy League's award to junior officers who gave significant contributions
20 to the operational readiness of the fleet.

21 69. Commander Dremann is preparing for his 12th career deployment.

22 70. Commander Dremann is transgender. He was assigned the sex of female at birth,
23 but his gender identity is male.

24 71. Commander Dremann has changed his legal name and other identity documents
25 and gender marker in DEERS. Mr. Dremann was the first person in the Navy to amend their gender
26 in DEERS.

1 72. Commander Dremann has engaged in speech and conduct disclosing his
2 transgender status and his gender identity, including by coming out to his chain of command and
3 fellow service members, taking steps to transition, and living openly as male, and wants to continue
4 to be able to do so without fear of retaliation or discharge.

5 73. While being able to live openly has made him a better person, sustained and
6 superior performance and merit is why he continues to serve in the United States Navy.

7 74. Since the 2025 Military Ban was issued, Commander Dremann has been deeply
8 concerned about his future in the U.S. Navy and he is worried about his retirement eligibility, being
9 pulled from going on deployment, and leaving his department with a hole in it.

10 **Lieutenant Commander Geirid Morgan**

11 75. Lieutenant Commander Morgan has served in the U.S. Navy for 14 years. She
12 initially served as an enlisted service member from 1998 to 2002, and after earning her Ph.D. from
13 the University of Utah, she commissioned as an Officer and reentered active service in 2015.

14 76. Lieutenant Commander Morgan's initial occupational specialty was as an enlisted
15 Navy diver where she supported mission critical security operations following the September 11,
16 2001 attacks.

17 77. Lieutenant Commander Morgan currently works as a Program Officer with the
18 Office of Naval Research where she manages a science and technology funding portfolio that
19 invests in fundamental and applied human physiology research efforts to fill current and projected
20 operational capability gaps in the U.S. Navy and the United States Marine Corps.

21 78. Lieutenant Commander Morgan is transgender. She was assigned the sex of male
22 at birth, but her gender identity is female.

23 79. Lieutenant Commander Morgan has changed her legal name and gender and other
24 identity documents and has changed her name and gender marker in DEERS.

1 80. Being able to serve openly as who she is has made Lieutenant Commander Morgan
2 a stronger asset to the military. She is able to forge stronger relationships through increased trust,
3 which has led to two of her most productive years as a working professional in the military.

4 81. Since the 2025 Military Ban was issued, Lieutenant Commander Morgan has felt
5 deeply devalued and attacked by the 2025 Military Ban. The language in the 2025 Military Ban
6 Executive Order is particularly difficult for Lieutenant Commander Morgan to absorb given its
7 dehumanizing and genuine antipathy towards who she is, and its contempt for her military service
8 and complete disregard for her family's well-being as military dependents.

9 82. Involuntary separation from the Navy would cause Lieutenant Commander Morgan
10 measurable and immediate harm by upending her retirement and long-term economic prospects
11 and eliminating the substantial personal investment she has made in her military-specific
12 professional development, one that does not translate into civilian life. It would also cause great
13 harm to her family, who relies on her health care coverage to provide care for Lieutenant
14 Commander Morgan's son, who suffers from a complex metabolic disease that requires treatment.

15 **Plaintiff Sergeant First Class Cathrine "Katie" Schmid**

16 83. Plaintiff Sergeant First Class Cathrine "Katie" Schmid is a 40-year-old woman who
17 resides in Baltimore, Maryland. She has served in the United States Army for more than 20 years
18 and is currently stationed at Fort George G. Meade in Maryland.

19 84. Sergeant First Class Schmid was born at K.I. Sawyer Air Force Base in Michigan,
20 and was raised in Portland, Oregon. She has always been a patriotic American with a desire to
21 serve others and was drawn to opportunities presented by serving in the Army. She is proud to put
22 on her uniform each day and serve her country.

23 85. Sergeant First Class Schmid holds the military occupational specialty of Signals
24 Intelligence Analyst within the Army and currently performs duties as a Brigade Equal
25 Opportunity Advisor. She has previously performed duties as a Multi-Domain Intelligence Non-
26 Commissioned Officer in Charge, Senior Technical Intelligence Sergeant, Platoon Sergeant,

1 Signals Intelligence Sergeant, Squad Leader, Multifunction Team Leader, Brigade Land and
2 Ammunition NCO, Brigade Current Operations NCO, Signals Intelligence Analyst, All-Source
3 Analysis System Master Analyst, Human Intelligence Collector, and Counterintelligence Agent.
4 She joined the Army in 2005.

5 86. Sergeant First Class Schmid is transgender. She was assigned the sex of male at
6 birth but has a female gender identity. She knew from a young age in life that she was female.

7 87. Sergeant First Class Schmid began to come to terms with her gender identity
8 approximately eleven years ago. At that time, she started to see a mental health professional who
9 diagnosed her with gender dysphoria.

10 88. Sergeant First Class Schmid began living openly as a woman in 2014.

11 89. In consultation with health care professionals, Sergeant First Class Schmid has
12 taken clinically appropriate steps to transition.

13 90. Sergeant First Class Schmid has taken legal steps to transition. She legally changed
14 her first name to Cathrine. She also changed her name and changed her gender marker to female
15 on her driver's license, passport, and social security records.

16 91. Sergeant First Class Schmid has worked with her chain of command throughout
17 her transition, and both they and other enlisted personnel have been supportive of her throughout
18 that process. Her gender marker in DEERS reflects that she is female.

19 92. Sergeant First Class Schmid is recognized and treated as female in all aspects of
20 military life, including in social interactions and in her compliance with women's grooming,
21 facilities use, and physical training requirements.

22 93. The fact that Sergeant First Class Schmid is transgender has not prevented her from
23 doing her job in the military, nor has it prevented others from doing their jobs in the military.
24 Sergeant First Class Schmid performs valuable services for the Army, and her performance of
25 those duties strengthen our nation's military readiness.
26

1 94. Sergeant First Class Schmid has received numerous awards and decorations for her
2 service and has been promoted since coming out as transgender to her chain of command.

3 95. Being able to serve openly as a transgender woman has made Sergeant First Class
4 Schmid a stronger asset for the military. She is able to function as a productive, healthy member
5 of the military, and she is able to forge stronger relationships with others in her unit.

6 96. Sergeant First Class Schmid has engaged in speech and conduct disclosing her
7 transgender status and expressing her gender identity, including within the Army, by coming out
8 to her chain of command and her fellow service members, taking steps to transition, and living
9 openly as a woman in military life. She wants to continue to be able to engage in speech and
10 conduct disclosing her transgender status and expressing her gender identity.

11 97. The 2025 Military Ban has caused Sergeant First Class Schmid great fear and
12 anxiety, as it risks her ability to fulfill her remaining service requirements, her continued
13 employment in the Army, and her retirement benefits. Her intent and desire are to finish her current
14 term of service in 2026 and then to apply for another position in her unit before retiring.

15 98. Sergeant First Class Schmid also relies on her employment with the military to
16 provide continuity of critical health care to her disabled wife.

17 99. In addition to her concerns about loss of employment and benefits, the 2025
18 Military Ban also causes Sergeant First Class Schmid distress because it tells her fellow soldiers—
19 for whom she would lay down her life—that her very existence is a threat to them.

20 **Plaintiff Sergeant First Class Jane Doe**

21 100. Plaintiff Sergeant First Class Jane Doe is 37 years old. She is actively serving in
22 the United States Army and has served for over 17 years.

23 101. Sergeant First Class Doe has worked as a satellite communications operator and
24 maintainer for more than ten years. She was deployed to Iraq for most of 2009 and then again to
25 Iraq in 2011, and she also served nine months in Kuwait.

1 102. Sergeant First Class Doe has received numerous awards and decorations for her
2 service in the Army.

3 103. Sergeant First Class Doe is transgender. She was assigned male at birth, but her
4 gender identity is female.

5 104. Since coming out as transgender, Sergeant First Class Doe has been selected for
6 positions of increased responsibility and trust, completed a nine-month assignment to Kuwait,
7 and was promoted into senior leadership. She is currently preparing for two international
8 missions this year in key leadership positions.

9 105. Sergeant First Class Doe came out about her gender identity in 2021 and has lived
10 as female since then. She has updated her gender marker in DEERS, on her passport, and on her
11 state identification.

12 106. In consultation with health care professionals, Sergeant First Class Doe has taken
13 clinically appropriate steps to transition.

14 107. Sergeant First Class Doe and her family recently relocated to a location with a
15 higher cost of living for her military job. Her military job provides the majority of the income
16 and health benefits for her family, which includes her wife and child. She plans to pass her GI
17 Bill education benefits to her child and has planned on receiving retirement benefits from the
18 military. The 2025 Military Ban has caused Sergeant First Class Doe to fear for her and her
19 family's future and safety.

20 108. Sergeant First Class Doe wishes to continue her service. If she is forced to leave
21 military service before reaching 20 years of service, she risks losing the retirement benefits and
22 GI bill benefits that she has worked to establish over the past 17 years.

1 **Plaintiff Sergeant First Class Sierra Moran**

2 109. Sergeant First Class Sierra Moran is 31 years old. She is actively serving in the
3 United States Army and has served almost 10 years.

4 110. Sergeant First Class Moran helps lead the planning and operations for her battalion.
5 She organizes training and helps plan overseas deployments.

6 111. Sergeant Moran holds a top-secret clearance.

7 112. Prior to her current role, Sergeant First Class Moran was deployed to Korea where
8 she monitored networks for the Korean peninsula for all military operations. Sergeant First Class
9 Moran has received three U.S. Army commendations medals, and two U.S. Army achievement
10 medals, one earned while on an air defense artillery mission in Korea in 2017.

11 113. Sergeant First Class Moran is transgender. She was assigned the sex of male at birth
12 but has a female gender identity.

13 114. Sergeant First Class Moran began coming to terms with her gender identity in 2019.

14 115. Sergeant First Class Moran obtained a legal name change and began medical care
15 in 2021.

16 116. Sergeant First Class Moran wishes to continue her service. If she is forced to leave
17 the military due to the Ban, she would be deprived of being able to serve her country openly and
18 honestly, and it difficult to provide for her family. She would lose a sense of purpose.

19 **Plaintiff Staff Sergeant Videll Leins**

20 117. Plaintiff Staff Sergeant Leins is 34-years-old. She is actively serving in the United
21 States Air Force and has served for 16 years.

22 118. Staff Sergeant Leins works on various electrical systems including high voltage
23 power plants, interior wiring, fire alarms, and airfield lighting.

24 119. Staff Sergeant Leins joined the military to develop her career and gravitated
25 towards the Air Force to follow in her grandfather's footsteps.

1 120. Staff Sergeant Leins has been deployed overseas five times—she volunteered for
2 her first deployment to Iraq, served back-to-back deployments in Kuwait, and was deployed to
3 Korea twice. She is currently stationed at Nellis Air Force Base in Las Vegas, Nevada.

4 121. Staff Sergeant Leins is transgender. She was assigned the sex of male at birth but
5 has a female gender identity.

6 122. Staff Sergeant Leins began coming to terms with her gender identity in 2016. She
7 began living openly as a woman in 2022.

8 123. In consultation with healthcare professionals, Staff Sergeant Leins has taken
9 clinically appropriate steps to transition.

10 124. Staff Sergeant Leins has taken legal steps to transition. She has changed her name
11 and gender marker on her driver’s license. She has amended her birth certificate.

12 125. The 2025 Military Ban has left Staff Sergeant Leins uncertain about her future,
13 which has taken a toll on her mental and emotional wellbeing. It has created a sense of distance
14 and unease.

15 126. Staff Sergeant Leins relies on her military-provided healthcare to provide services
16 to her child. The 2025 Military Ban not only threatens her military career but also her family’s
17 well-being.

18 **Plaintiff Matthew Medina**

19 127. Plaintiff Mr. Matthew Medina is a 23-year-old man who was born in California and
20 currently resides in New Jersey.

21 128. Mr. Medina was raised under difficult circumstances, and he hopes to rise above
22 the adverse circumstances he experienced as a youth to deliver his family from generational
23 poverty and to find role models and support in the brotherhood of the Marines. He has been
24 preparing to join the military for the past year, including by consulting with a recruiter, completing
25 his application documents, and working to meet tattoo removal and physical fitness requirements.
26

1 Mr. Medina chose the Marines because the Marines consider themselves the best and brightest,
2 and he wants to be counted among their ranks.

3 129. Mr. Medina was raised in a single parent household and had hoped to enlist in order
4 to help support his mother and his 12-year-old sister, and invest in his future family. Without the
5 military's assistance, Mr. Medina will be unable to afford the higher education he was planning to
6 pursue, which upends his career goals and his future earning potential. Mr. Medina feels that
7 transgender people should be able to serve their country and avail themselves of the opportunities
8 provided by the military to create a foundation for themselves and their families.

9 130. Mr. Medina is transgender. He was assigned the sex of female at birth, but his
10 gender identity is male.

11 131. Mr. Medina has known since he was young that he is a male.

12 132. Mr. Medina has taken clinically appropriate steps as part of his medical transition,
13 has changed the gender marker on his identity documents, and lives in all ways as a man.

14 133. Mr. Medina believes that the 2025 Military Ban seeks to erase his identity and
15 declare his identity as something dishonorable. This has caused him to feel discomfort and pain,
16 akin to being bullied, as the 2025 Military Ban denies him the right to be treated with dignity and
17 respect as he serves his country.

18 **The Organizational Plaintiff: Gender Justice League**

19 134. Founded in 2012, Gender Justice League is a civil and human rights membership
20 organization that, as relevant here, advocates on behalf of transgender individuals in the State of
21 Washington and across the country. It has offices in Seattle, Washington and Alexandria, Virginia.
22 It seeks to create a community for transgender people and to empower them to combat the
23 structural oppression, discrimination, and violence they face in their daily lives.

24 135. Gender Justice League sues on behalf of its members, including multiple Individual
25 Plaintiffs, and other prospective and current transgender service members who are currently
26 adversely affected by the 2025 Military Ban.

1 **Prior Military Service by Transgender Individuals**

2 136. There are thousands of transgender service members in the United States Armed
3 Forces.

4 137. Though there has never been a federal statute excluding transgender people from
5 military service, prior to 2016, the military appears to have had a practice of excluding transgender
6 people from service based on Department of Defense and service-specific rules and regulations.

7 138. This earlier military exclusionary policy was based on an inaccurate, historical,
8 pathological view that regarded transgender people as deviants. This view was discredited long
9 ago following psychological and medical advances in the understanding of gender identity and of
10 transgender people.

11 139. Despite this earlier practice of exclusion, transgender people have always served in
12 the military.

13 140. As noted by former Secretary of Defense Ash Carter (“Secretary Carter”),
14 transgender people “often had to serve in silence alongside their fellow comrades in arms.”

15 141. Transgender people have played essential, mission-critical roles in the military,
16 even when they have not had the ability to serve openly.

17 142. According to a study conducted by the Williams Institute at the University of
18 California, Los Angeles, an estimated 134,300 transgender people are veterans or are retired from
19 guard or reserve service.

20 143. It is a statistical certainty that transgender people have sacrificed their lives during
21 military service to the United States.

22 **After Study and Deliberation, the Military Explicitly Permits Transgender People to Serve**

23 144. The military’s prior exclusionary policy barring transgender people from serving
24 was the subject of extensive research and study, which concluded that it lacked any valid
25 justification.

1 145. For example, in March 2014, the Transgender Military Service Commission (the
2 “Commission”) issued a report analyzing the military’s prior exclusionary policy. The
3 Commission, which was co-chaired by a former U.S. Surgeon General, was convened to determine
4 whether the ban was based on medically sound reasons. The Commission found that there was “no
5 compelling medical rationale” for banning military service by transgender people.

6 146. In May 2014, then-Secretary of Defense Chuck Hagel publicly stated that he was
7 receptive to reviewing and reassessing the rules that govern service by transgender people. He
8 explained that “[e]very qualified American who wants to serve our country should have an
9 opportunity if they fit the qualifications and can do it.”

10 147. In July 2015, then-Secretary Carter admitted that Department of Defense
11 regulations regarding transgender service members “[were] outdated and [were] causing
12 uncertainty that distracted commanders from our core missions.” He also recognized the many
13 transgender people who were already serving in the military: “We have transgender soldiers,
14 sailors, airmen and Marine—real, patriotic Americans—who I know are being hurt by an outdated,
15 confusing, inconsistent approach that’s contrary to our value of service and individual merit.”

16 148. Accordingly, Secretary Carter announced the creation of a working group to study
17 for six months the policy and readiness implications of permitting transgender individuals to serve
18 openly. This working group was chaired by the Under Secretary of Defense for Personnel and
19 Readiness and comprised senior representatives from each of the military services, the Joint Staff,
20 and relevant components from the Office of the Secretary of Defense.

21 149. In addition to creating a working group, Secretary Carter also directed that,
22 effective July 13, 2015, no service member could be involuntarily separated or denied reenlistment
23 or continuation of active or reserve service based on their gender identity without the approval of
24 the Under Secretary of Defense for Personnel and Readiness.

25 150. On information and belief, separations of service members on the basis of their
26 gender identity fell sharply after July 2015, and there were very few, if any, service members who

1 were separated on that basis from July 2015 to June 2016. In effect, transgender people served
2 without issue in the military from July 2015 to June 2016, as well as likely before that period,
3 albeit under the threat of separation.

4 151. In or around July 2015, Secretary Carter also directed the commencement of a study
5 to evaluate the implications of allowing transgender people to serve openly in the military. The
6 Department of Defense commissioned the RAND Corporation, a non-profit, non-partisan research
7 organization, to conduct the study. The Department asked RAND to (1) identify the health care
8 needs of the transgender population and the costs associated with providing transition-related care
9 to transgender service members, (2) assess the readiness implications of allowing transgender
10 service members to serve openly, and (3) review the experiences of foreign militaries that permit
11 transgender individuals to serve openly. The findings from the study, which reflected the
12 culmination of months of research and spanned 91 pages, were publicly released in May 2016.

13 152. As detailed further below, the RAND study demonstrated that the cost of providing
14 transition-related care is exceedingly small relative to the Department of Defense's overall health
15 care expenditures, that there are no readiness implications that prevent transgender members from
16 serving openly, and that foreign militaries have successfully permitted open service without a
17 negative effect on effectiveness, readiness, or unit cohesion.

18 153. The leadership of the Armed Services—including the Joint Chiefs of Staff, the
19 Service Secretaries, and Secretary Carter—together with personnel, training, readiness, and
20 medical specialists from across the Department of Defense, studied the available data, including
21 the findings and analysis from RAND. They also received input from transgender service
22 members, from outside expert groups, and from medical professionals outside the Department of
23 Defense. They looked carefully at what lessons could be learned from outside the U.S. military,
24 including from allied militaries that permit transgender people to serve openly, as well as from the
25 private sector.

1 154. As a result of this deliberative process and year-long study, on June 30, 2016,
2 Secretary Carter announced that the military was ending the ban on open service by transgender
3 people. The conclusion was supported by, among other things, the need to recruit and retain the
4 individuals most highly qualified to serve. Effective immediately, transgender service members
5 were permitted to serve openly and could no longer be discharged or otherwise separated from the
6 military solely for being transgender. Department of Defense materials explained that “[t]his
7 policy change was crafted through a comprehensive and inclusive process that included the
8 leadership of the Armed Services, medical and personnel experts across the Department,
9 transgender Service members, outside medical experts, advocacy groups, and the RAND
10 Corporation.”

11 155. In the accompanying directive-type memorandum regarding the policy change,
12 Secretary Carter explained that the policies and procedures permitting open service were premised
13 on the conclusion that “open service by transgender Service members . . . is consistent with military
14 readiness and with strength through diversity.”

15 156. The policy change was announced through a press conference held by Secretary
16 Carter as well as through a section of the Department of Defense website titled “Department of
17 Defense Transgender Policy.” That website lists the highlights of the policy change, links to
18 various Department of Defense resources related to the policy change, and includes a video that
19 assures transgender individuals: “Transgender Members Can Now Serve Openly.”

20 157. The Department of Defense planned a 12-month implementation process that
21 would proceed in stages, beginning with the needs of current service members and their
22 commanders, followed by training for the entire force, and concluding with the accession of
23 transgender recruits.

24 158. On September 30, 2016, within 90 days after the lifting of the ban, the Department
25 of Defense issued a training handbook for commanders, transgender service members, and the
26 force, titled “Transgender Service in the U.S. Military: An Implementation Handbook.” The 71-

1 page handbook was designed to help transgender service members in their transition, help
2 commanders with their duties and responsibilities, and help all service members understand the
3 new policies allowing open service by transgender service members. The handbook illustrates that
4 open service has been workable and practicable.

5 159. Also, within 90 days of the lifting of the prior ban, the Department of Defense
6 issued medical guidance for providing transition-related care to transgender service members, who
7 were also able to begin the process to officially change their gender marker in the military's
8 personnel management systems.

9 160. Over the next nine months following the lifting of the ban (i.e., from October 2016
10 to June 2017), the services conducted training of the force based on detailed guidance and training
11 materials regarding the policy change.

12 **The 2017 Ban on Transgender Military Service Members**

13 161. Through a series of three tweets on July 26, 2017, President Trump unilaterally
14 reversed the U.S. military's policy of permitting open service by transgender individuals and
15 dismantled the years of work that led to the development and implementation of that policy.

16 162. The "process" that led to the "2017 Ban"—to the extent there was any meaningful
17 process at all—was the antithesis of the deliberative, comprehensive, and inclusive process that
18 led to the rescission of the prior ban.

19 163. President Trump's unilateral decision to bar transgender individuals from the
20 military was met with widespread opposition and condemnation. Attorneys general from 17 states
21 and the District of Columbia joined a letter denouncing the President's exclusion of transgender
22 individuals from the military as "blatant discrimination" that violates "fundamental constitutional
23 and American values." The states included California, Connecticut, Delaware, Illinois, Iowa,
24 Maine, Maryland, Massachusetts, Minnesota, New Mexico, New York, Oregon, Pennsylvania,
25 Rhode Island, Vermont, Virginia and Washington.

1 164. Fifty-six retired generals and admirals issued a public statement on August 1, 2017,
 2 warning that the proposed ban on transgender service members would downgrade military
 3 readiness. The statement noted that two four-star generals and former chairmen of the Joint Chiefs
 4 of Staff—Army General Martin Dempsey and Navy Admiral Mike Mullen—have publicly
 5 supported open service by transgender individuals.

6 165. In response to the 2017 Ban, a lawsuit, *Karnoski v. Trump*, was filed in the Western
 7 District of Washington alleging that the 2017 Ban was unconstitutional, which led to a nationwide
 8 preliminary injunction in 2017. After entry of the preliminary injunction, the military altered its
 9 policy in significant respects. The injunction was subsequently stayed by the U.S. Supreme Court
 10 while the government appealed the decision to the United States Court of Appeals for the Ninth
 11 Circuit. The appeals court issued a ruling holding that heightened scrutiny must apply to
 12 classifications singling out transgender people for discrimination, including within the military
 13 context. The appeals court sent the case back to the district court to apply heightened scrutiny and
 14 consider whether the court’s preliminary injunction should continue in light of the military’s
 15 changes to its policies relating to the 2017 Ban. The appeals court emphasized that although the
 16 military is entitled to deference, such deference “does not mean abdication,” and defendants bear
 17 the burden of establishing that they reasonably determined the policy significantly furthers the
 18 government’s important interests, which “is not a trivial burden.”

19 166. Similar challenges were filed in *Doe v. Trump*, a lawsuit filed in the District of
 20 Columbia, *Stockman v. Trump*, filed in the Central District of California, and *Stone v. Trump*, filed
 21 in the District of Maryland. Each of these challenges also led to preliminary injunctive relief
 22 against the 2017 Ban.

23 **President Biden Enables All Qualified Americans to Serve Their Country in Uniform,**
 24 **Rescinds the 2017 Ban, and Opens Up the Armed Forces to More Soldiers**

25 167. On January 25, 2021, after carefully considering the conclusions made by the
 26 Secretary of Defense in 2016 as well as the public testimony of then-serving Chiefs of Staff of the

1 Army, Naval Operations, Commandant of the United States Marine Corps, and Chief of Staff of
 2 the Air Force in 2018 that transgender service did not create any issues with regard to unit cohesion
 3 or morale, President Joseph R. Biden issued Executive Order No. 14004, *Enabling All Qualified*
 4 *Americans to Serve Their Country in Uniform*, directing the Secretary of Defense and Secretary of
 5 Homeland Security to ensure that transgender service members could serve free from
 6 discrimination.³

7 168. Under Executive Order 14004, transgender service members were held to the exact
 8 same rigorous standards as every other service member. They were no longer arbitrarily barred
 9 from service because they are transgender.

10 169. The Chiefs of Staff to each military branch have testified that there have been no
 11 negative effects on readiness due to transgender individuals serving in the U.S. military.
 12 Additionally, data obtained by the Pentagon has shown that the cost of providing medical care to
 13 transgender troops has been miniscule.

14 170. The American Medical Association, American Psychological Association, and
 15 American Psychiatric Association all oppose the banning of transgender people from the military,
 16 agreeing that there is no medical reason transgender troops should be barred from serving.

17 171. Executive Order No. 14004 thus furthered the goals of the U.S. military. It opened
 18 up the military ranks to additional individuals who met the readiness qualifications to serve in the
 19 armed forces.

20 **The 2025 Ban on Transgender Military Service Members**

21 172. On August 8, 2023, President Trump announced that he would “restore the Trump
 22 ban on transgender [sic] in the military,” adding, “we had it banned, we had it banned.” He then
 23 impersonated a General asking, “what do you think of transgender?” and responding “Uh, I don’t
 24 like it, sir.”

25 ³ Exec. Order No. 14004, *Enabling All Qualified Americans to Serve Their Country in*
 26 *Uniform*, 86 Fed. Reg. 7,471 (Jan. 28, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-01-28/pdf/2021-02034.pdf>.

1 173. On December 22, 2024, then-President-Elect Trump declared that “I will sign
2 Executive Orders to . . . get transgender [sic] out of the military and out of our elementary schools
3 and middle schools and high schools.”

4 174. On January 27, 2025, barely one week into office, President Trump upended the
5 lives of thousands of transgender service members by issuing the 2025 Military Ban. The executive
6 order rescinds President Biden’s Executive Order No. 14004 and bans transgender people from
7 military service, stating that transgender status is incompatible with military service and directing
8 the Secretary of Defense to update the standards for retention and accession to reflect this policy.

9 175. The 2025 Military Ban expresses a demeaning and disparaging viewpoint about
10 transgender people throughout. The Executive Order asserts that having a gender identity that is
11 inconsistent with one’s sex assigned at birth “conflicts with a soldier’s commitment to an
12 honorable, truthful, and disciplined lifestyle, even in one’s personal life. A man’s assertion that he
13 is a woman, and his requirement that others honor this falsehood is not consistent with the humility
14 and selflessness required of a service member.” 2025 Military Ban § 1.

15 176. The 2025 Military Ban directs the Secretary of Defense to “update DoDI 6130.03
16 Volume 1 (Medical Standards for Military Service: Appointment, Enlistment, or Induction (May
17 6, 2018) Incorporating Change 5 of May 28, 2024) and DoDI 6130.03 Volume 2 (Medical
18 Standards for Military Service: Retention (September 4, 2020), Incorporating Change 1 of June 6,
19 2022) to reflect the purpose and policy of this Order” within 60 days. 2025 Military Ban § 4(a).

20 177. The 2025 Military Ban has immediate effect, ordering that “the Armed Forces shall
21 neither allow males to use or share sleeping, changing, or bathing facilities designated for females,
22 nor allow females to use or share sleeping, changing, or bathing facilities designated for males.”
23 2025 Military Ban § 4(d).

24 178. The 2025 Military Ban incorporates the definitions from the Gender Identity
25 Executive Order, stating that they “shall apply” to the 2025 Military Ban. 2025 Military Ban § 3.

26

1 179. These definitions express a disparaging, demeaning, idiosyncratic, and unscientific
2 viewpoint about transgender people and gender identity. Together, the definitions deny the
3 existence of gender identities that differ from a person’s sex assigned at birth and deny the
4 existence of people who are transgender.

5 180. Specifically, the Gender Identity Executive Order says that it is the “policy of the
6 United States to recognize two sexes, male and female,” which “are not changeable and are
7 grounded in fundamental and incontrovertible reality.” Gender Identity Executive Order § 2
8 (“Policy and Definitions”).

9 181. The Gender Identity Executive Order further defines “Female” to mean “a person
10 belonging, at conception, to the sex that produces the large reproductive cell,” Gender Identity
11 Executive Order § (d); and “Male” to mean “a person belonging, at conception, to the sex that
12 produces the small reproductive cell,” *id.* § 2(e).

13 182. The Gender Identity Executive Order also adopts the following definition of what
14 it terms “Gender ideology” and “Gender identity”:

15 (f) “Gender ideology” replaces the biological category of sex with an ever-shifting
16 concept of self-assessed gender identity, permitting the false claim that males can
17 identify as and thus become women and vice versa, and requiring all institutions of
18 society to regard this false claim as true. Gender ideology includes the idea that
19 there is a vast spectrum of genders that are disconnected from one’s sex. Gender
20 ideology is internally inconsistent, in that it diminishes sex as an identifiable or
21 useful category but nevertheless maintains that it is possible for a person to be born
22 in the wrong sexed body.

(g) “Gender identity” reflects a fully internal and subjective sense of self,
disconnected from biological reality and sex and existing on an infinite continuum,
that does not provide a meaningful basis for identification and cannot be recognized
as a replacement for sex.

Gender Identity Executive Order § 2(f), (g).

23 183. The 2025 Military Ban further requires the Secretary of Defense promptly to issue
24 directives preventing the use of pronouns that accord with the gender identities of transgender
25 service members. 2025 Military Ban § 4(b).
26

1 184. On February 26, 2025, DoD released further guidance implementing the 2025
2 Military Ban (“February 26 Guidance”), which restates a complete ban of transgender individuals
3 from military service. February 26 Guidance § 1.

4 185. Service members and applicants for military service, including those with
5 admission offers to a military service academy, who have a gender dysphoria diagnosis, a history
6 of having gender dysphoria, a history of attempting to transition, or exhibit symptoms of having
7 gender dysphoria are disqualified for military service. February 26 Guidance §§ 4.1, 4.3.

8 186. To make its policy abundantly clear, DoD declared on its X account
9 (@DODResponse) the next day that, “Transgender troops are disqualified from service without an
10 exemption.”

11 187. The establishment of procedures for identifying servicemembers who are
12 transgender for purposes of separation begins immediately. February 26 Guidance §§ 1(e), 3.4(e),
13 4.4. Separations commence by March 28, 2025, 30 days from issuance of the February 26
14 Guidance. *Id.* §§ 1(e) 3.4(f), 4.4(b).

15 188. Until the separations are completed, transgender service members must serve in
16 their sex assigned at birth for purposes of use of honorifics and self-identification, military records,
17 uniform and grooming, medical and physical fitness standards, restrooms, and housing. February
18 26 Guidance §§ 1(h)–(i), 5.

19 189. Service members being processed for separation are deemed non-deployable and
20 may be placed on administrative absence status. February 26 Guidance §§ 4.4(a)(3), 6.1.

21 190. All surgical procedures for treating gender dysphoria are immediately cancelled
22 and servicemembers who require hormone therapy but have not yet initiated treatment will no
23 longer be provided with such care. February 26 Guidance §§ 1(j), 4.2.

24 191. To expedite the purge of transgender service members from the military, DoD seeks
25 to pressure transgender servicemembers into voluntary separation by March 26, 2025 with
26 financial inducements and penalties. February 26 Guidance §§ 4.4(a)(4), (10).

1 192. There is no exception for a transgender individual to serve under the 2025 Military
2 Ban as they can only do so by proving that they are not transgender. February 26 Guidance §§
3 4.1(c), 4.3(c). Both active-duty service members and accession candidates are required to serve
4 under the “standards associated with the[ir] ... [birth] sex.” *Id.* §§ 4.1(c), 4.3(c)(3). No service
5 member can serve in the military if they have ever “attempted to transition to any sex other than
6 their sex,” *i.e.*, identified with any gender other than their sex assigned at birth. *Id.* § 4.3(c)(2).

7 193. DoD has acknowledged as much, stating that retention of transgender service
8 members is “unlikely.” *Talbott v. Trump*, 25-cv-00240-ACR (Dkt. No. 66) at 5. And under
9 clarifying guidance issued on February 28, 2025, DoD again encourages transgender service
10 members to voluntarily separate from the military by March 26, 2025. February 28 Clarifying
11 Guidance at 1.

12 194. In light of the 2025 Military Ban and related federal policy and directives,
13 transgender service members are now no longer able to serve openly on the same terms as before
14 the order. Any present-day speech or conduct that “openly” discloses a transgender individual’s
15 gender identity or transgender status while serving in the military or even in their private lives
16 places them in violation of the 2025 Military Ban, subjecting them to discharge and other “action
17 . . . against [them].”

18 195. Defendants are responsible for implementing and enforcing the 2025 Military Ban
19 and related policy and directives.

20 196. Banning ready, willing, and able service members does not further the objectives
21 of the United States Armed Forces. The military needs more recruits to maintain readiness and fill
22 its ranks. But the 2025 Military Ban turns them away and forces current decorated service members
23 to hide their identity, quit, or be separated from the military.

1 **CAUSES OF ACTION**

2 **FIRST CAUSE OF ACTION**
3 **EQUAL PROTECTION VIOLATION**

4 197. Plaintiffs incorporate paragraphs 1 through 196 as though fully set forth herein.

5 198. Plaintiffs Shilling, Dremann, Morgan, and Medina state this claim against
6 Defendants Trump, United States, Hegseth, Department of Defense, Emmert, and United States
7 Department of the Navy.

8 199. Plaintiffs Schmid, Moran, and Doe state this claim against Defendants Trump,
9 United States, Hegseth, Department of Defense, Driscoll, and United States Department of the
10 Army.

11 200. Plaintiff Leins states this claim against Defendants Trump, United States, Hegseth,
12 Department of Defense, Ashworth, and United States Department of the Air Force.

13 201. Plaintiff Gender Justice League states this claim against all Defendants.

14 202. Plaintiffs state this cause of action against individual Defendants in exclusively
15 their official capacities for purposes of seeking declaratory and injunctive relief and challenge the
16 2025 Military Ban and related federal policy and directives both facially and as applied to them
17 or, as to the Gender Justice League, as applied to its members.

18 203. The Fifth Amendment to the United States Constitution provides that no person
19 shall be deprived of life, liberty, or property without due process of law. The Due Process Clause
20 of the Fifth Amendment includes within it a prohibition against the denial of equal protection by
21 the federal government, its agencies, or its officials or employees that is commensurate with the
22 Equal Protection Clause of the Fourteenth Amendment.

23 204. The Equal Protection Clause of the Fourteenth Amendment, which is incorporated
24 into the Fifth Amendment, protects individuals from discrimination based on sex and transgender
25 status.

1 205. The 2025 Military Ban and Defendants’ conduct in implementing, administering,
2 and enforcing the 2025 Military Ban and related official federal policy and directives has resulted
3 in a ban on transgender people serving in the military that discriminates against Individual
4 Plaintiffs and the transgender members of Gender Justice League based on sex and transgender
5 status.

6 206. Defendants’ disparate treatment of transgender people facially and intentionally
7 discriminates against transgender people based on sex and transgender status in violation of the
8 equal protection guarantee, without even a legitimate justification, let alone the important,
9 exceedingly persuasive, or compelling one required.

10 207. The 2025 Military Ban and related federal policy and directives reflect and are
11 based on impermissible animus towards transgender people, which renders them invalid as a
12 whole.

13 208. Defendants have violated the equal protection rights of transgender people,
14 including Individual Plaintiffs and members of Gender Justice League, under the Fifth
15 Amendment.

16 **SECOND CAUSE OF ACTION**
17 **FREE SPEECH VIOLATION**

18 209. Plaintiffs incorporate paragraphs 1 through 196 as though fully set forth herein.

19 210. Plaintiffs Shilling, Dremann, Morgan, and Medina state this claim against
20 Defendants Trump, United States, Hegseth, Department of Defense, Emmert, and United States
21 Department of the Navy.

22 211. Plaintiffs Schmid, Moran, and Doe state this claim against Defendants Trump,
23 United States, Hegseth, Department of Defense, Driscoll, and United States Department of the
24 Army.

25 212. Plaintiff Leins states this claim against Defendants Trump, United States, Hegseth,
26 Department of Defense, Ashworth, and United States Department of the Air Force.

1 213. Plaintiff Gender Justice League states this claim against all Defendants.

2 214. Plaintiffs state this cause of action against Defendants in exclusively their official
3 capacities for purposes of seeking declaratory and injunctive relief and challenge the 2025 Military
4 Ban and related federal policy and directives both facially and as applied to them or, as to the
5 organizational plaintiffs, as applied to their members.

6 215. The 2025 Military Ban and related federal policy and directives violate the Free
7 Speech Clause of the First Amendment because they impermissibly burden and chill the exercise
8 of the Individual Plaintiffs' and of Gender Justice League's transgender members' constitutionally
9 protected speech, expression, and expressive conduct based on the content and viewpoint of their
10 speech, even in their private lives.

11 216. All Individual Plaintiffs and many transgender members of Gender Justice League
12 have been open about their status as transgender either in the context of seeking to join the military
13 or in the course of their military service.

14 217. All Individual Plaintiffs and transgender members of Gender Justice League want
15 to continue being open about their status as transgender and to continue expressing and conducting
16 themselves consistently with their gender.

17 218. The gender expression of the Individual Plaintiffs and of transgender members of
18 Gender Justice League, the conduct of those individuals that is consistent with their gender, and
19 those individuals' disclosure of their transgender status, all constitute protected First Amendment
20 activity.

21 219. In issuing the 2025 Military Ban and related federal policy and directives, the
22 government created a bizarre, idiosyncratic, and unscientific definition of so called "gender
23 ideology," and then used it to engage in impermissible viewpoint and content discrimination by
24 penalizing Plaintiffs' speech and expression that conflicts with the government's viewpoint,
25 explicitly restricting such speech and expression even in their private lives.
26

1 220. The viewpoint discrimination memorialized in the 2025 Military Ban relates both
2 to the text of this particular executive order and the way it incorporates by reference the Gender
3 Identity Executive Order.

4 221. Viewpoint and content discrimination are presumptively unconstitutional.

5 222. The 2025 Military Ban and related federal policy and directives violate the Free
6 Speech Clause of the First Amendment in many ways, including the following respects:

7 a. First, the 2025 Military Ban and related federal policy directives impermissibly
8 burden and chill the exercise of constitutionally protected speech, expression, and
9 expressive conduct of the Individual Plaintiffs and of the Gender Justice League’s
10 transgender members based on the content and viewpoint of their speech, even in
11 their private lives.

12 b. Second, Defendants intend the 2025 Military Ban and related federal policy
13 directives to coerce the Individual Plaintiffs and Gender Justice League’s
14 transgender members to adopt, endorse, and comply with the government’s own
15 idiosyncratic viewpoint as if it were their own, even in their private lives.

16 c. Third, as to those Individual Plaintiffs and Gender Justice League’s transgender
17 members who refuse to be chilled or coerced to adopt the government’s preferred
18 message, the 2025 Military Ban and related federal policy and directives
19 discriminate against them for engaging in protected core speech and expressing
20 their own viewpoint.

21 223. The government lacks even a legitimate justification for its viewpoint and content
22 restrictions, let alone a compelling one.

23 224. To the contrary, the purpose and effect of the 2025 Military Ban and related federal
24 policy and directives is to chill, coerce, and punish the Individual Plaintiffs, and transgender
25 members of Gender Justice League, for their speech and gender expression—constitutionally
26 protected First Amendment activity—even in their private lives.

1 225. Indeed, the 2025 Military Ban on its face labels transgender peoples’ expressions
2 of their own identities as inconsistent with “a soldier’s commitment to an honorable, truthful, and
3 disciplined lifestyle, even in one’s personal life. A man’s assertion that he is a woman, and his
4 requirement that others honor this falsehood, is not consistent with the humility and selflessness
5 required of a service member.”

6 226. The reach of the 2025 Military Ban and related federal policy and directives extends
7 to First Amendment activity of a person of ordinary firmness who is transgender by requiring such
8 persons either to attempt to deny who they are and suppress expression of their gender or be denied
9 military service on the same terms as others.

10 227. The Individual Plaintiffs and Gender Justice League’s transgender members are
11 harmed by being denied the opportunity to serve in the military on the same terms as other service
12 members.

13 228. Thus, the 2025 Military Ban and related federal policy and directives inflict current,
14 direct First Amendment injury on all current and prospective transgender service members,
15 including Individual Plaintiffs and Gender Justice League’s transgender members. Further, they
16 face a realistic danger of sustaining ongoing and future injuries.

17 **THIRD CAUSE OF ACTION**
18 **PROCEDURAL DUE PROCESS VIOLATION**

19 229. Plaintiffs incorporate paragraphs 1 through 196 as though fully set forth herein.

20 230. Plaintiffs Shilling, Dremann, and Morgan state this claim against Defendants
21 Trump, United States, Hegseth, Department of Defense, Emmert, and United States Department
22 of the Navy.

23 231. Plaintiffs Schmid, Moran, and Doe state this claim against Defendants Trump,
24 United States, Hegseth, Department of Defense, Driscoll, and United States Department of the
25 Army.
26

1 232. Plaintiff Leins states this claim against Defendants Trump, United States, Hegseth,
2 Department of Defense, Ashworth, and United States Department of the Air Force.

3 233. Plaintiff Gender Justice League states this claim against all Defendants.

4 234. Defendants have violated the procedural due process rights of the Individual
5 Plaintiffs and Gender Justice League’s transgender members. Plaintiffs relied detrimentally on the
6 military’s policy from 2021 to the present of welcoming open service by transgender people.

7 235. Plaintiffs who are current service members have a protectible liberty interest in their
8 continued military service. They deserve not to be branded as inferior and unworthy of service
9 based simply on who they are.

10 236. Plaintiffs who are current service members have a protectible property interest in
11 their continued military service and benefits upon retirement that they have earned. The 2025
12 Military Ban would deprive them of their careers and the related current and future benefits that
13 they have earned as a result of their military service.

14 237. Defendants have provided no adequate procedural protections for Plaintiffs or
15 indeed any avenue for redress. The 2025 Military Ban decrees that all transgender people are
16 considered categorically unfit for service, rendering futile any procedures that otherwise might
17 apply to protect service members from arbitrary separation.

18 238. The 2025 Military Ban directs agencies to pre-judge people categorically as unfit,
19 undermining and rendering futile any procedural protections or process that might otherwise apply.
20 Consequently, the 2025 Military Ban and related federal policy and directives violate the
21 procedural due process rights of Plaintiffs under the Fifth Amendment.

**FOURTH CAUSE OF ACTION
EQUITABLE ESTOPPEL**

239. Plaintiffs incorporate paragraphs 1 through 196 as though fully set forth herein.

240. Plaintiffs Shilling, Dremann, and Morgan state this claim against Defendants Trump, United States, Hegseth, Department of Defense, Emmert, and United States Department of the Navy.

241. Plaintiffs Schmid, Moran, and Doe state this claim against Defendants Trump, United States, Hegseth, Department of Defense, Driscoll, and United States Department of the Army.

242. Plaintiff Leins states this claim against Defendants Trump, United States, Hegseth, Department of Defense, Ashworth, and United States Department of the Air Force.

243. Plaintiff Gender Justice League states this claim against all Defendants.

244. The 2025 Military Ban and related federal policy and directives punish Plaintiff current service members for doing precisely what the prior policy invited and induced them to do — disclose their transgender status and take medical and other steps to transition.

245. Plaintiffs Shilling, Dremann, Morgan, Schmid, Doe, Leins, and members of Gender Justice League who are current service members had settled expectations based on the prior policy and reasonably relied on it when they came out as transgender and underwent medical and social transition.

246. Plaintiffs Shilling, Dremann, Morgan, Schmid, Doe, Leins, and members of Gender Justice League who are current service members were induced to disclose their transgender status and would be deprived of both a property and liberty interest due to the effects of the 2025 Military Ban and related federal policy and directives on their continued employment and educational opportunities, and the stigma of having been labeled as presumptively unworthy of continued service.

1 247. The 2025 Military Ban and related federal policy and directives works a serious
2 injustice on Plaintiff current service members, including Plaintiffs Shilling, Dremann, Morgan,
3 Doe, Schmid, Leins, and members of Gender Justice League who are currently serving, by
4 punishing them for doing what the government explicitly induced them to do.

5 248. Defendants therefore should be equitably estopped from implementing the 2025
6 Military Ban and related federal policies and directives as applied to Plaintiff current service
7 members.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiffs respectfully request that this Court:

10 A. Issue a declaratory judgment, pursuant to 28 U.S.C. §§ 2201–2202, declaring
11 Executive Order No. 14183 (the “2025 Military Ban”) and related federal policy and directives
12 unconstitutional on their face and as applied to the Individual Plaintiffs and transgender members
13 of Gender Justice League, for the reasons set forth above;

14 B. Issue preliminary and permanent injunctive relief enjoining Agency Defendants,
15 their agents, employees, representatives, successors, and any other person or entity subject to their
16 control or acting directly or indirectly in concert with them from implementing, administering, or
17 enforcing Executive Order No. 14183 (the “2025 Military Ban”) and related federal policy and
18 directives, including by enjoining any separation, discharge, adverse action, retaliation, or denial
19 of promotion, reenlistment, continuation of service, accession, or appointment because an
20 individual is transgender;

21 C. Waive the requirement for the posting of a bond of security for the entry of
22 temporary and preliminary relief;

23 D. Award Plaintiffs their reasonable fees, costs, and expenses, including attorneys’
24 fees, pursuant to 28 U.S.C. § 2412 and any other applicable laws; and

25 E. Grant any injunctive or other relief that this Court deems just, equitable, and proper.
26

1 March 4, 2025

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