

**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 NIKOLAI BRANCO
IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS'
MOTION TO DISSOLVE THE PRELIMINARY INJUNCTION

I, Nikolai "Niko" Branco, hereby declare:

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

Personal Background Information

2. I am a 24-year-old male from Connecticut employed with a local police department as an animal control officer. I have served in this capacity for 1.5 years, and I also have volunteered at my local fire department for one year.

3. I completed high school in 2011 and two semesters of college. While in high school, I had knee surgery for a torn ACL after incurring an injury from playing soccer. My physician has certified that I have fully recovered from this surgery.

4. In May, I will happily be marrying my fiancé and best friend.
5. I am transgender.
6. I revealed my transgender status to family and friends over six years ago.
7. Four years ago I was diagnosed with gender dysphoria.

8. Pursuant to an evaluation and recommendation by medical personnel, over three and a half years ago I began hormone therapy that was deemed a medically-necessary part of my transition to the male gender. In 2016, and also as a medically-necessary part of my transition, I underwent top surgery.

9. I do not anticipate any further surgeries as part of my treatment plan for gender dysphoria.

10. I have updated my birth certificate to accurately reflect my male gender.

11. Since high school, I have always intended to join the United States Army in an Active Duty capacity. During high school, I took the Armed Services Vocational Aptitude Battery test, but ultimately determined that the timing was not right because I was not comfortable joining the military in a gender that did not conform with who I am.

12. Around July 2017, I determined that it was the right time for me to pursue my dream of enlisting in the U.S. Army. Prior to the President's issuance of his statements on Twitter, I was already working with an Army recruiter. Once the President issued his Tweets, those plans were put on hold until the recruiter contacted me in December 2017 after this Court, as well as other courts, prevented the President from enforcing his ban on service by transgender individuals. Since then, I have diligently worked with my recruiter to complete all of the necessary paperwork to enlist.

13. I have completed all of my medical paperwork, including a waiver request for my knee surgery. This medical paperwork included a certification from my endocrinologist that I have been stable in my male gender for more than 18 months. In addition, this certification also certified that I have completed all of the required medical treatment as part of my gender transition and that more than 18 months has passed since my most recent surgery.

14. My recruiter has informed me that I am now only waiting on a date for my physical examination. Upon completing that examination, I intend to sign an enlistment contract.

15. I intend to serve in the U.S. Army for 20 years.

Effect of Transgender Service Member Ban

16. Pursuant to the Carter policy's Open Service Directive, that remains in effect, I am eligible to enlist due to the reasons that I described above. The medical certification provided as part of my medical paperwork satisfies all of the criteria under the Open Service Directive. As a result, I have been working with a recruiter to enlist under these criteria.

17. Should the Department of Defense's Implementation Plan go into effect, however, I would not be eligible to enlist in the U.S. Army. I would instantly be disqualified because of my diagnosis of gender dysphoria and as a result of my medically-necessary, hormone and surgical treatment.

18. The Department's Implementation Plan would prevent me from pursuing my professional dream of enlisting in the U.S. Army—something that I have been working towards since high school. Moreover, this Implementation Plan has created uncertainty in my life and throughout my enlistment process. After the recruiter contacted me in December 2017, I thought finally that I would be able to pursue my professional goals. The Implementation Plan, however, puts all of that at risk. Often, I find myself confused and anxious about whether I will ultimately be able to serve.

19. Joining the U.S. Army has been a lifelong goal. I sincerely hope that I will be afforded the opportunity to pursue it. Should I not be, I will be forced into a less preferable, for me, career as an animal control officer.

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

Executed on the 22 day of April, 2018 in Torrington, Connecticut.

Nikolai Branco

NIKOLAI BRANCO