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

ADREE EDMO,	)	Case No. 1:17-cv-151-BLW
	)	
Plaintiff,	)	<b>DEFENDANTS' MARCH 19, 2019 JOINT</b>
vs.	)	<b>STATUS REPORT</b>
	)	
IDAHO DEPARTMENT OF	)	
CORRECTION; HENRY ATENCIO, in	)	
his official capacity; JEFF ZMUDA, in	)	
his official capacity; HOWARD KEITH	)	
YORDY, in his official and individual	)	
capacities; CORIZON, INC.; SCOTT	)	
ELIASON; MURRAY YOUNG;	)	
RICHARD CRAIG; RONA SIEGERT;	)	
CATHERINE WHINNERY; AND	)	
DOES 1-15;	)	
	)	
Defendants.	)	
_____	)	

COME NOW Defendants Idaho Department of Correction (IDOC), Henry Atencio, Jeff Zmuda, Howard Keith Yordy, Richard Craig, and Rona Siegert (collectively, the IDOC Defendants) and Defendants Corizon, Inc. (Corizon), Dr. Scott Eliason, Dr. Murray Young, and Dr. Catherine Whinnery (collectively, the Corizon Defendants), and pursuant to this Court's March 5, 2019 docket entry (Dkt. 176), hereby submit this joint status report.

### **1. Status of Appeal**

Defendants filed their joint opening briefing with the Ninth Circuit on March 6, 2019. Plaintiff's answering brief is due April 6, 2019. Defendants are permitted to file an optional reply brief within 21 days after service of the answering brief. Accordingly, all briefing on appeal should be submitted in late April, 2019.

### **2. Motion to Stay**

On March 4, 2019, this Court entered its Memorandum Decision and Order (Dkt. 175) denying Defendants' motion to stay. Four days later, on March 8, 2019, Defendants filed a Joint Urgent Motion to Stay Injunction Pending Appeal with the Ninth Circuit. Plaintiff filed an opposing brief on March 15, 2019, and Defendants filed a reply on March 18, 2019. Briefing on that motion has been fully submitted to the Ninth Circuit.

### **3. Surgical Preparations**

Since Defendants last provided the Court with a written update on January 15, 2019 (Dkt. 157), Defendants have continued making reasonable and diligent efforts to comply with the Court's December 13, 2018 Order requiring Defendants to "take all actions reasonably necessary to provide Ms. Edmo gender confirming surgery as promptly as possible and no later than six months from the date of this order." (Dkt. 149, p. 45).

Ms. Edmo is scheduled for a pre-operative appointment with Moscow, Idaho-based surgeon, Dr. Geoffrey Stiller, for an undisclosed date in April.<sup>1</sup> IDOC has already scheduled Ms. Edmo for transport to northern Idaho in advance of the pre-operative appointment and arrangements have been made for her to be housed at the Idaho Correctional Institution-Orofino (ICIO) during the pre-operative phase. A security team will transport and accompany Ms. Edmo to and from all necessary medical appointments. Post-surgical housing arrangements have also been made for Ms. Edmo.

As set forth in the *Declaration of Aaron Hofer* (“*Hofer Decl.*”), filed contemporaneously herewith as **Exhibit 1**, several potential complications have arisen that may create barriers to having the surgery performed before June. Most notably, consistent with the WPATH clinical guidelines<sup>2</sup>, Dr. Stiller requires a referral letter from Ms. Edmo’s treating physician as well as separate referral letters from two mental health providers confirming that Ms. Edmo, among other things, has good adherence with treatment and care recommendations, is a good candidate for surgery, and meets the criteria for surgery under the WPATH. (*Hofer Decl.*, ¶¶ 15-17) The relevant portions of the WPATH guidelines that discuss the referral letters and criteria for surgery are attached hereto as **Exhibit 2**. Because Ms. Edmo’s medical and mental health providers do not believe that Ms. Edmo meets the criteria for surgery, and that she is not a good candidate for the procedure, Defendants are unable to provide those referral letters. (*Hofer Decl.*, ¶ 18).

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<sup>1</sup> For security reasons, Defendants are not including in this status report the exact date and time of the pre-operative appointment.

<sup>2</sup> The World Professional Association for Transgender Health (WPATH), *Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People*, Version 7. While Defendants’ recognize and utilize the WPATH clinical guidelines as a valuable resource, the same are to be applied flexibly and do not equate to the standard of care for diagnosis and treatment of inmates or persons diagnosed with Gender Dysphoria.

#### 4. Meet and Confer Efforts

Counsel for the parties met and conferred over the phone on March 12, 2019 and subsequently by email. Defendants expressed their concern to Ms. Edmo's counsel regarding the lack of any providers who can ethically and professionally provide Ms. Edmo with the referral letters required by Dr. Stiller and the WPATH. Defendants communicated to counsel that their clients will need to raise the issue with this Court. Ms. Edmo's counsel suggested that Defendants retain independent medical and mental health professionals to conduct evaluations and provide referral letters. Defendants expressed their position that providing new evaluations to determine if Ms. Edmo meets the criteria for surgery was neither required nor reasonably contemplated by the Court's Order. Defendants also expressed concern with how those evaluations will be conducted, what information is provided to the evaluators, and what happens if those evaluators are unable to provide the referral letters after performing their evaluations. Ultimately, counsel for Ms. Edmo and the Defendants were unable to agree on a path forward and Defendants indicated their intention to raise these issues with the Court during the telephonic status conference scheduled for March 21, 2019.

DATED this 19<sup>th</sup> day of March, 2019.

MOORE ELIA KRAFT & HALL, LLP

/s/ Brady J. Hall

Brady J. Hall

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/s/ Dylan Eaton

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19<sup>th</sup> day of March, 2019, I filed the foregoing electronically through the CM/ECF system. I caused to be served a true and correct copy of the foregoing document, by the method indicated below, and addressed to the following:

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