

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ADREE EDMO,

Plaintiff,

v.

IDAHO DEPARTMENT OF
CORRECTION; HENRY ATENCIO;
JEFF ZMUDA; HOWARD KEITH
YORDY; CORIZON, INC.; SCOTT
ELIASON; MURRAY YOUNG;
RICHARD CRAIG; RONA
SIEGERT; CATHERINE
WHINNERY; AND DOES 1-15,

Defendants.

Case No. 1:17-CV-00151-BLW

**ORDER REQUIRING
DEFENDANTS PROVIDE ALL
PRE-SURGICAL
TREATMENTS AND
RELATED COROLLARY
APPOINTMENTS OR
CONSULTATIONS
NECESSARY FOR GENDER
CONFIRMATION SURGERY**

On October 10, 2019, the United States Court of Appeals for the Ninth Circuit Court granted a motion by Plaintiff-Appellee in case number 19-35017, to partially lift its stay of this Court's order of December 13, 2018, which required Defendants to take all actions reasonably necessary to provide Plaintiff with gender confirmation surgery. (Dkt. 220.) The Ninth Circuit partially lifted the stay "so that Plaintiff may receive all presurgical treatments and related corollary appointments or consultations necessary for gender confirmation surgery." *Id.* at 2.

On October 17, 2019, the Court held a status conference with counsel for the parties regarding the Ninth Circuit's order. The Court instructed counsel for Plaintiff to file a memorandum detailing all presurgical requirements necessary for Plaintiff to undergo gender confirmation surgery. On October 22, 2019, Plaintiff filed the submission regarding pre-surgical requirements. (Dkt. 224.) Plaintiff's submission is accompanied by a declaration from Dr. Geoffrey D. Stiller, the surgeon selected by Defendants to provide gender confirmation surgery. (Dkt. 224-1 at 5-8.) According the submission, three pre-surgical requirements remain to be completed: 1) laser treatment or electrolysis for hair removal around the surgical site; 2) the provision of a referral for the surgery from a treating physician; and 3) the provision of documentation of approval for payment for the surgery. (Dkt. 224 at 2-3.)

In consideration of the foregoing, and to comply with the Ninth Circuit's order of October 10, 2019 that Plaintiff receive "all presurgical treatments and related corollary appointments or consultations necessary for gender confirmation surgery," the Court **HEREBY ORDERS** as follows:

1) Defendants must arrange for and see that Ms. Edmo receive complete hair removal from the surgical site by either laser hair removal or electrolysis. Ms. Edmo must receive her first hair removal treatment on or before November 8, 2019. Thereafter, the hair removal treatments must continue at regularly

scheduled intervals until complete hair removal is achieved consistent with the requirements outlined in Dr. Stiller's declaration. (*See* Dkt. 224-1 at 6-7.)

2) Defendants must ensure that the required treating physician referral letter, as described in Plaintiff's presurgical submission (Dkt. 224 at 2), is provided by Ms. Edmo's current treating prison physician to Dr. Stiller on or before December 31, 2019. If this is not possible for any reason, Defendants must instead coordinate and take all steps to ensure Ms. Edmo is referred to an outside physician who can provide the required physician referral letter to Dr. Stiller, and that this step is taken to ensure the physician is able to supply the referral letter on or before December 31, 2019.

3) Defendants must also ensure that the requisite payment approval for the gender confirmation surgery is provided to Dr. Stiller as soon as possible.

4) Defendants must file a status report with the Court on or before November 1, 2019, detailing the steps they have taken or are taking to comply with this order. Defendants are instructed to file the status report under seal should it contain any sensitive information.



DATED: October 24, 2019

B. Lynn Winmill

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U.S. District Court Judge