

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CRISTINA NICHOLE IGLESIAS
(a.k.a. CRISTIAN NOEL IGLESIAS),

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS, *et al.*,

Defendants.

No. 19-cv-00415-NJR

Judge Nancy J. Rosenstengel

**JOINT MOTION FOR ENTRY OF STIPULATED ORDER AND TO MODIFY THE
COURT’S APRIL 26, 2022 PRELIMINARY INJUNCTION**

Pursuant to the Court’s April 26, 2022 preliminary injunction, the parties respectfully move for entry of the proposed stipulated order attached hereto as Exhibit 1. The parties are pleased to report that they have reached an agreement to resolve Plaintiff’s claims as set forth in the settlement agreement attached hereto as Exhibit 2. The settlement agreement and proposed stipulated order provide, among other things, that:

- Defendants will continue to schedule regular appointments for laser hair removal for Plaintiff;
- Defendants will schedule appointments for Plaintiff for facial feminization and breast augmentation for as soon as practicable;
- Defendants will schedule an appointment for Plaintiff for vaginoplasty with the Chicago-based surgeon identified by Plaintiff’s counsel for as soon as practicable;¹
- Defendants will pay for the costs of the above surgeries, associated pre- and post-surgical care and recovery, and any related medical care needed as a result of surgery, assuming such surgeries or care occur while Plaintiff is in BOP custody.
- If any of the above surgeries, associated pre- and post-surgical care and recovery, or any related medical care needed as a result of surgery cannot be completed before Plaintiff’s

¹ For the reasons explained in Defendants’ supplemental notice and response to the Court’s Order of May 10, 2022, Doc. No. 266 the Court has legal authority to enter an order requiring BOP to retain the Chicago-based surgeon.

release from BOP custody, BOP will deposit funds into an escrow account or trust account to cover the costs of such care, with any remaining funds not used reverting to BOP.

- BOP will also deposit into an escrow account or trust account an amount to cover any unexpected medical or associated out-of-pocket costs associated with the surgeries, with any remaining funds not used reverting to BOP.
- BOP will pay Plaintiff's counsel \$938,552 for reasonable attorneys' fees and costs incurred in this matter.
- The parties will file joint status reports updating the Court on significant developments related to the above surgeries on June 10, 2022 and every four weeks thereafter.
- This case will be stayed through January 3, 2023, except that the parties will continue to file joint status reports as described above and may seek the Court's involvement in determining an appropriate payment amount if the parties cannot agree on an amount.²
- Within fourteen days after BOP makes the required payment(s), Plaintiff will file a stipulation of dismissal with prejudice.

The proposed stipulated order further provides that former District Judge G. Patrick Murphy will be appointed as Special Master for the purpose of administering the escrow or trust account referenced above. The parties, through the U.S. Attorneys' Office, have contacted Judge Murphy, who expressed his willingness to serve as a Special Master to administer the escrow or trust account. The settlement agreement provides that the Special Master's authority will be limited to determining whether payments requested to be made from the escrow or trust account are appropriate under the settlement agreement.

The parties believe that entry of the proposed stipulated order will ensure that Ms. Iglesias receives gender-confirmation surgery as expeditiously as possible and will, ultimately, resolve this litigation. Accordingly, the parties respectfully request that the Court grant their joint motion and enter the proposed stipulated order attached as Exhibit 1. The parties also respectfully request prompt entry of the proposed stipulated order, in the form attached as Exhibit 1, because the settlement may

² Defendants also will file their response to the Court's Memorandum and Order of April 18, 2022 (Doc. 238), showing cause why Defendants and individual attorneys should not be held in contempt and/or sanctioned, on June 9, 2022, in accordance with the Court's modified Preliminary Injunction (Doc. 265) ¶ 2.

otherwise become void and because prompt entry of the order will ensure that Ms. Iglesias's ongoing treatment continues uninterrupted. *See* Settlement Agreement, Ex. 2, ¶ 9.

Dated: May 27, 2022

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Respectfully submitted,

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