

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

KARI SUNDSTROM and ANDREA
FIELDS,

Plaintiffs,

v.

Case No. _____

MATTHEW J. FRANK, et al.,

Defendants.

**PLAINTIFFS' EMERGENCY MOTION FOR A TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION
ENJOINING DEFENDANTS FROM REDUCING OR
TERMINATING PLAINTIFFS' HORMONE THERAPY**

PLEASE TAKE NOTICE that Plaintiffs Kari Sundstrom (“Sundstrom”) and Andrea Fields (“Fields”) (collectively, “Plaintiffs”) hereby move this Court, on an emergency basis and pursuant to Fed. R. Civ. P. 65, to enter a temporary restraining order and preliminary injunction directing Defendants and persons acting under their authority to continue administration of Plaintiffs’ hormone therapy at the levels administered prior to January 12, 2006, and enjoining Defendants from enforcing Wis. Stat. § 302.386(5m) as applied to Plaintiffs.

Plaintiffs are prisoners at the Wisconsin Department of Corrections’ Oshkosh Correctional Institution who have a serious medical condition, Gender Identity Disorder (GID).¹ Plaintiffs have been receiving hormone therapy to treat the condition for many years, including from Defendants since Plaintiffs’ incarceration. However, on January 12, 2006, Defendants

¹ GID involves a “strong persistent cross-gender identification” and “[p]ersistent discomfort with [one’s] sex or sense of inappropriateness in the gender role of that sex.” *Diagnostic and Statistical Manual of Mental Disorders* (4th ed. 1994).

reduced Plaintiffs' hormone dosages by one-half, because of the passage of Wis. Stat. § 302.386(5m) and contrary to the judgment of Defendants' medical personnel. Defendants have told Plaintiffs that they will continue to reduce Plaintiffs' hormone dosages until Defendants completely discontinue the hormones by March 13, 2006. The result to Ms. Sundstrom and Ms. Fields, after only a short time, has been devastating, and their medical and psychological conditions will continue to deteriorate as their bodies are affected by the loss of hormones. They will experience severe and life-threatening medical and psychological effects due to Defendants' termination of their necessary medical treatment. Because the lives of Plaintiffs Sundstrom and Fields will be endangered by Defendants' actions and intended actions, Plaintiffs respectfully request the opportunity to be heard as soon as is convenient for the Court.

Plaintiffs seek a Temporary Restraining Order and Preliminary Injunction pending exhaustion of administrative remedies in order to avert irreparable harm. Furthermore, there is no remedy that will avert the short-term irreparable harm that Plaintiffs seek to avoid, and therefore no remedy is "available" within the meaning of the Prison Litigation Reform Act, 42 U.S.C. § 1997(e). However, both Plaintiffs have already initiated the grievance procedure, in accordance with Oshkosh Correctional Institution procedures, to address their long-term irreparable harm. By passage of 42 U.S.C. § 1997(e), Congress did not intend for inmates to suffer unconstitutionally because of delays in administrative remedies.

In support of this motion, Plaintiffs file a supporting Brief, the Declaration of Frederick M. Ettner M.D., the Declaration of Randi C. Ettner, Ph.D., the Declaration of Nick Gorton, M.D., the Declaration of Kari Sundstrom, the Declaration of Andrea Fields, and the Declaration of Laurence Dupuis.

Dated this 24th day of January, 2006.

Respectfully submitted,

s/Laurence J. Dupuis

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Attorney for Plaintiffs

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