

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MICHELLE LYNNE KOSILEK,	)	
	)	
Plaintiff,	)	
v.	)	Civil Action
	)	No. 00-12455-MLW
LUIS S. SPENCER, in his official capacity as	)	
Commissioner of the Massachusetts Department of	)	
Correction,	)	
	)	
Defendant.	)	
	)	

**MOTION FOR STATUS CONFERENCE**

On January 17, 2014, the First Circuit Court of Appeals affirmed this Court’s decision in *Kosilek v. Spencer*, 889 F. Supp. 2d. 190 (D. Mass. 2012) (“*Kosilek II*”). The First Circuit held that there existed sufficient evidentiary support for this Court’s finding that “Kosilek has a serious medical need for the [sex reassignment] surgery, and that the [Department of Corrections] refuses to meet that need for pretextual reasons unsupported by legitimate penological considerations.” *Kosilek v. Spencer*, No. 12-2194, Slip. Op. at 89 (1st Cir. Jan. 17, 2014). In short, the Defendant’s constitutional duty to provide Kosilek’s medical treatment was confirmed.

Accordingly, the Plaintiff Michelle Lynne Kosilek moves this Court to schedule a status conference to address the Defendant’s plan for providing Kosilek’s sex reassignment surgery. The *Kosilek II* decision ordered the Defendant to “take forthwith all of the actions reasonably necessary to provide Kosilek sex reassignment surgery as promptly as possible.” *Kosilek II*, 889 F. Supp. 2d at 251. This Court modified that order only slightly on November 20, 2012, when it granted Defendant’s request for a stay but affirmed the Defendant’s duty to “take forthwith all of the actions reasonably necessary to provide Kosilek sex reassignment surgery as promptly as

*Permed without prejudice -  
Wally DJ  
May 21, 2014*