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2 **MEMORANDUM OF POINTS AND AUTHORITIES**
3 (OSC Why Christine Hudacko, Nathaniel Bigger, Daniel Harkins and UCSF
4 should not be held in Contempt)

5 **I. INTRODUCTION**

6 Citees Christine Hudacko, her attorney Nathaniel Bigger, minor's counsel Daniel
7 Harkins and University of California, San Francisco ("UCSF") should each be held in
8 Contempt because each knew about, then collectively conspired to willfully disobey what
9 is herein termed the "No Surgery Injunction," i.e. Judge Hiramoto's valid August 26, 2020
10 court order explicitly prohibiting "any gender identity related surgery" upon the minor
11 child ██████████¹.

12 As the Court should by now be well-aware, this high-conflict case centers around the
13 Parties' disagreement over whether it was or was not in the minor child's best interest to
14 undergo gender identity related medical procedures. Simply put, the child's mother,
15 Petitioner Christine Marie Hudacko ("Christine") favored "transitioning" ██████████ from
16 male to female, while the child's father, Respondent Edward Allyn Hudacko ("Edward")
17 did not. Born on ██████████, at this writing ██████████ is 19 years old. However, at all relevant
18 times ██████████ was a minor.

19 Edward will establish that the law will hold non-parties liable for Contempt when they
20 know of the order and assist in its violation. It will be shown that each of the Citees was
21 aware of the No Surgery Injunction, and that they individually and collectively decided to
22 cause the minor child to undergo the gender identity related medical procedure of histrelin
23 (brand name "Supprelin") subcutaneous implant ("Supprelin Implant"), a surgery under
24 the applicable statutory definition, and by UCSF's own statements.

25 Furthermore, it will be shown that Citees demonstrated the willful nature of their
26 violation by actively and purposely concealing their plan from Edward for many months.
27 Thus, Citees surreptitiously did precisely what Judge Hiramoto's No Surgery Injunction

28 ¹ Edward acknowledges that ██████████ may now wish to be known as ██████████ but
herein refers to ██████████ so as to maintain consistency with the relevant Order.

1 explicitly prohibits. Finally, Edward will show that, under the Discovery Rule, this action
2 is not time-barred.

3 For the reasons that follow, the Court should hold the Citees, and each of them, in
4 Contempt of Court. Based on the relief requested, and on Edward's reservation of his right
5 to pursue whatever civil remedies may be available to vindicate his rights, the Court
6 should find that this is a *criminal* contempt, and should fashion an appropriate remedy of
7 fines and/or jail time, to punish them and to deter future such conduct.

8 II. FACTS

9 The Court's August 26, 2020 custody Order contains two provisions speaking to the
10 issue of gender identity related medical procedures – Section 7a and Section 7b. First, at
11 Section 7a, the Order states:

12 [REDACTED] shall be permitted to pursue the services provided by UCSF as to
13 [REDACTED]'s gender identity, and **shall be permitted to commence**
14 **hormone therapy**, if recommended by UCSF.

15 [Exh. "A", p. 7, bolding added]

16 Immediately thereafter, at Section 7b, the Order states:

17 [REDACTED] **will not be permitted to undergo any gender identity related**
18 **surgery** until they are 18 years of age, absent a written agreement by both
19 parties, Christine Hudacko and Edward Hudacko, or an order of the court.

20 [Exh. "A", p. 7, emphasis added]

21 On 9/29/2020 Edward emailed Christine, informing her that UCSF's policy is to
22 include both parents in meetings regarding gender identity related medical procedures.

23 Later that day, Christine replied, informing Edward that:

24 UCSF has the court order [including the No Surgery Injunction] per their
25 request.

26 [Edward Aff. ¶ 6, and see Exh. "B", p. 7]

27 On 10/21/2020, consistent with his right to timely be informed about [REDACTED]'s
28 medical treatment, Edward wrote a letter to UCSF, copying Christine's counsel, requesting
access to "MyChart," i.e. [REDACTED]'s online medical records at UCSF. That request was
ignored. [Edward Aff. ¶ 6, and see Exh. "P", p. 81 et. seq.]