

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

BROCK STONE, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

Case No. 1:17-cv-02459

**JOINT STATUS REPORT**

Pursuant to this Court’s Order of December 27, 2017 (Dkt. No. 100) (the “Order”), Plaintiffs Brock Stone, Kate Cole, John Doe, Seven Ero George, Teagan Gilbert, Tommie Parker, and the American Civil Liberties Union of Maryland, Inc. (“ACLU of Maryland”) (collectively, “Plaintiffs”) and Defendants Donald J. Trump, in his official capacity as President of the United States; James Mattis, in his official capacity as Secretary of the Department of Defense; Mark Esper, in his official capacity as Secretary of the Department of the Army<sup>1</sup>; Richard Spencer, in his official capacity as Secretary of the Department of the Navy; and Heather Wilson, in her official capacity as Secretary of the Department of the Air Force (collectively “Defendants”), respectfully submit the following Joint Discovery Plan.

**I. WRITTEN DISCOVERY**

A. Initial Disclosures

Pursuant to the Court’s Order, the parties have exchanged initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1)(A).

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<sup>1</sup> Mark Esper has been automatically substituted as the Secretary of the Army pursuant to Federal Rule of Civil Procedure 25(d).

B. Written Discovery Schedule

*Plaintiffs*

Plaintiffs served their first set of Requests for Production of Documents and Interrogatories on Defendants on January 3, 2018.

*Defendants*

Defendants have not yet served discovery in this matter.

*Both Parties*

The parties will serve any additional written discovery requests no later than March 24, 2018. Responses to any such requests will be due 30 days after service. Pursuant to the Court's Order, the parties will complete discovery by April 24, 2018.

**II. DEPOSITIONS**

Subject to the objections that Defendants have noted below, counsel for the parties are working diligently and in good faith to set deposition dates for every witness. The parties will complete depositions by the end of the discovery period. The parties do not currently expect to encounter any difficulty scheduling the depositions within the discovery period ordered by the Court.

*Plaintiffs*

Plaintiffs list the following individuals as witnesses they plan to depose in this case:

1. **Defendant James Mattis**  
Secretary of Defense
2. **Paul Selva**  
Vice Chairman of the Joint Chiefs of Staff  
Date of Deposition: March 27, 2018 (in coordination with proceedings in *Doe v. Trump*, No. 17-cv-1597 (D.D.C.)).
3. **Patrick Shanahan**  
Deputy Secretary of Defense

4. **Tony Kurta**  
Deputy Assistant Secretary of Defense for Military Personnel Policy  
Office of the Under Secretary for Personnel and Readiness  
Date of Deposition: February 28, 2018 (in coordination with proceedings in *Doe v. Trump*, No. 17-cv-1597 (D.D.C.)).
5. **Lernes Hebert**  
Acting Deputy Assistant Secretary of Defense  
Military Personnel Policy  
Office of the Under Secretary of Defense for Personnel and Readiness  
Date of Deposition: February 23, 2018 (in coordination with proceedings in *Doe v. Trump*, No. 17-cv-1597 (D.D.C.)).
6. **Defendant Donald Trump**  
President of the United States
7. **Ryan McCarthy**  
Under Secretary of the Army
8. **Defendant Richard Spencer**  
Secretary of the Navy
9. **Defendant Heather Wilson**  
Secretary of the Air Force
10. **Vicky Hartzler**  
Member of the United States House of Representatives
11. **Defendant Mark Esper**  
Secretary of the Army
12. **Members of the “Panel of Experts” referred to in Secretary Mattis’s Interim Guidance**
13. **Persons who communicated with President Trump as identified in response to Plaintiffs’ Interrogatory No. 6**

Plaintiffs note that the foregoing list is tentative. Depositions of all listed individuals may not ultimately be required. Further, Plaintiffs may add individuals to the foregoing list if it is determined through the course of discovery that the deposition of any of those individuals is necessary. Plaintiffs expressly reserve the right to timely modify their witness list.

*Defendants*

Defendants will vigorously oppose the deposition of the President, Secretary of Defense Mattis, and certain other senior Executive Branch officials. There are less-intrusive means to seek any relevant information than resort to such depositions.

Defendants list the following individuals as witnesses they plan to depose in this case:

1. **Brock Stone**  
Plaintiff
2. **Kate Cole**  
Plaintiff
3. **John Doe**  
Plaintiff
4. **Seven Ero George**  
Plaintiff
5. **Teagan Gilbert**  
Plaintiff
6. **Tommie Parker**  
Plaintiff
7. **George R. Brown**  
Individual Identified in Plaintiffs' Initial Disclosures  
Date of Deposition: March 5, 2018 (in coordination with proceedings in *Doe v. Trump*, No. 17-cv-1597 (D.D.C.))
8. **Margaret C. Wilmoth**  
Individual Identified in Plaintiffs' Initial Disclosures  
Date of Deposition: March 16, 2018 (in coordination with proceedings in *Doe v. Trump*, No. 17-cv-1597 (D.D.C.))
9. **Brad Carson**  
Individual Identified in Plaintiffs' Initial Disclosures  
Date of Deposition: March 19, 2018 (in coordination with proceedings in *Doe v. Trump*, No. 17-cv-1597 (D.D.C.))
10. **Deborah L. James**  
Individual Identified in Plaintiffs' Initial Disclosures  
Date of Deposition: March 21, 2018 (in coordination with proceedings in *Doe v. Trump*, No. 17-cv-1597 (D.D.C.))

11. **Raymond Mabus**  
Individual Identified in Plaintiffs' Initial Disclosures  
Date of Deposition: March 26, 2018 (in coordination with proceedings in *Doe v. Trump*, No. 17-cv-1597 (D.D.C.))
12. **Eric Fanning**  
Individual Identified in Plaintiffs' Initial Disclosures  
Date of Deposition: March 29, 2018 (in coordination with proceedings in *Doe v. Trump*, No. 17-cv-1597 (D.D.C.))
13. **Mark Eitelberg**  
Individual Identified in Plaintiffs' Initial Disclosures  
Date of Deposition: March 27, 2018 (in coordination with proceedings in *Doe v. Trump*, No. 17-cv-1597 (D.D.C.))

Defendants' deposition list is tentative. Depositions of all listed individuals may not ultimately be required. Further, Defendants may add individuals to the list if they determine through the course of discovery that the deposition of additional individuals is necessary. Defendants expressly reserve the right to timely modify their witness list.

### III. OTHER MATTERS

#### A. ESI Protocol

The parties agree that electronically stored information (ESI) is likely to be responsive to discovery requests in this case. The parties will negotiate an ESI protocol.

#### B. Protective Order

Consistent with the Court's Order, the parties will negotiate a Protective Order for confidential information, which they will submit to the Court for its approval.

#### C. Service by Email

The parties agree that discovery materials may be served by email and that such materials will be deemed to have been served by hand on the date and at the time of the email transmission.

Dated: January 9, 2018

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that, on January 9, 2018, a copy of the foregoing document was served on all counsel of record by CM/ECF.

/s/ Marianne F. Kies  
Marianne F. Kies