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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

RYAN KARNOSKI; STAFF SERGEANT
CATHRINE SCHMID; D.L., formerly known as
K.G., by his next friend and mother, LAURA
GARZA; HUMAN RIGHTS CAMPAIGN; and
GENDER JUSTICE LEAGUE,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; the UNITED
STATES OF AMERICA; JAMES N. MATTIS, in
his official capacity as Secretary of Defense; and
the UNITED STATES DEPARTMENT OF
DEFENSE,

Defendants.

Case No. 2:17-cv-01297-MJP

**NOTICE OF PENDENCY OF OTHER
ACTIONS IN OTHER
JURISDICTIONS OR FORA**

Plaintiffs respectfully submit this Notice of Pendency of Other Actions in Other Jurisdictions or Fora. Though it is unclear that this filing is required under Local Rule 3(h) given the particulars of this case and the distinct parties involved, Plaintiffs file this Notice in excess of caution. Specifically, there are three actions pending in other jurisdictions that involve substantially similar, but not the same, defendants (and that do not involve the same plaintiffs) as well as substantially similar subject matter, but not identical claims.

The first, *Jane Doe 1 v. Donald J. Trump, et al.*, 17-cv-1597-CKK (“*Doe v. Trump*”), is pending in the United States District Court for the District of Columbia. That litigation involves

1 “a constitutional and equitable challenge to President Donald J. Trump’s decision to reverse the
 2 current policy of the United States Armed Forces by reverting to the ‘policy and practice
 3 [forbidding] military service by transgender individuals that was in place prior to June 2016.’”
 4 (Amended Complaint, Dkt. 9, p. 1). The *Doe v. Trump* Amended Complaint seeks *inter alia*
 5 declaratory and injunctive relief. *See id.*¹ There is no relationship between *Doe v. Trump* and the
 6 instant proceeding beyond the similar claims described above. None of the individual plaintiffs in
 7 *Doe v. Trump* are included in the action at bar; nor are there any organizational plaintiffs in that
 8 case, unlike the present one. In addition, the instant litigation includes a claim not advanced in
 9 *Doe v. Trump* – namely, that Defendants have violated and continue to violate the Free Speech
 10 Clause of the First Amendment. Further, *Doe v. Trump* advances a claim not separately asserted
 11 in this litigation – namely, that the defendants are estopped from rescinding the rights, benefits,
 12 and protections promised to the plaintiff in that case (although a somewhat similar claim is raised
 13 as part of the due process claim in the instant case). Given these differences between the two
 14 actions, transfer should not be effected pursuant to 28 U.S.C. § 1407 (Multi District Litigation
 15 Procedures). Transfer of this proceeding to a different jurisdiction would inconvenience the
 16 parties and witnesses (many of whom reside in this Court’s jurisdiction). Coordination between
 17 the actions would not necessarily avoid conflicts, conserve resources, or promote a just or
 18 efficient determination of the action pending before this Court. However, Plaintiffs are open to
 19 evaluating potential coordination in the future to the extent practicable and to the extent it does
 20 not cause delay in this proceeding.

21 The second proceeding, *Petty Officer First Class Brock Stone v. Donald J. Trump, et al.*,
 22 1:17-cv-02459-MJG (“*Stone v. Trump*”), is pending in the United States District Court for the
 23 District of Maryland. That litigation, brought by individual plaintiffs who are transgender service
 24 members and the American Civil Liberties Union (“ACLU”) of Maryland, Inc., entails
 25 constitutional challenges to the “Transgender Service Member Ban.” (Dkt. 1, p. 37). The
 26 plaintiffs in *Stone v. Trump* seek declaratory and injunctive relief for violations of the Fifth
 27 Amendment’s guarantee of equal protection and due process. *See id.* There is no relationship

28 ¹ The plaintiffs in *Doe v. Trump* have filed an application for a preliminary injunction as well. *See* Dkt. 13.

1 between *Stone v. Trump* and the instant proceeding beyond the similar claims described above.
2 None of the individual or organizational plaintiffs in the instant case are plaintiffs in *Stone v.*
3 *Trump*. In addition, the current litigation includes a claim not advanced in *Stone v. Trump* –
4 namely, that Defendants have violated and continue to violate the Free Speech Clause of the
5 First Amendment. Given these differences in the two actions, transfer should not be effected
6 pursuant to 28 U.S.C. § 1407 (Multi District Litigation Procedures). Transfer of this proceeding
7 to a different jurisdiction would inconvenience the parties and witnesses (many of whom reside in
8 this Court’s jurisdiction). Coordination between the actions would not necessarily avoid
9 conflicts, conserve resources or promote a just or efficient determination of the action pending
10 before this Court. However, Plaintiffs are open to evaluating potential coordination in the future
11 to the extent practicable and to the extent it does not cause delay in this proceeding.

12 The third proceeding, *Aiden Stockman v. Donald J. Trump*, 17-cv-6516 (“*Stockman v.*
13 *Trump*”) was filed yesterday, September 5, 2017, and is pending in the United States District
14 Court for the Central District of California. That action, “brought on behalf of transgender
15 individuals” and Equality California asserts violations of the Fifth Amendment’s guarantees of
16 due process, equal protection, and privacy, and retaliation for free speech and expression in
17 violation of the First Amendment. (Dkt. 1, p. 2). The *Stockman v. Trump* Complaint seeks *inter*
18 *alia* declaratory and injunctive relief. *See id.*, p. 20. There is no relationship between *Stockman v.*
19 *Trump* and the instant proceeding beyond the similar claims described above. None of the
20 individual or organizational plaintiffs in the instant case are plaintiffs in *Stockman v. Trump*. In
21 addition, the claims in the current litigation differ from those advanced in *Stockman v. Trump* –
22 namely, in *Stockman v. Trump*, the plaintiffs assert a separate claim for violation of the right to
23 privacy. Given these differences in the two actions, transfer should not be effected pursuant to 28
24 U.S.C. § 1407 (Multi District Litigation Procedures). Transfer of this proceeding to a different
25 jurisdiction would inconvenience the parties and witnesses (many of whom reside in this Court’s
26 jurisdiction). Coordination between the actions would not necessarily avoid conflicts, conserve
27 resources or promote a just or efficient determination of the action pending before this Court.
28 However, Plaintiffs are open to evaluating potential coordination in the future to the extent

1 practicable and to the extent it does not cause delay in this proceeding.

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3 Respectfully submitted September 6, 2017.

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NEWMAN DU WORS LLP



Derek A. Newman, WSBA #26967
dn@newmanlaw.com
2101 Fourth Ave., Ste. 1500
Seattle, WA 98121
(206) 274-2800

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**LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.**

Tara Borelli, WSBA #36759
tborelli@lambdalegal.org
Jon W. Davidson (pro hac vice)
Camilla B. Taylor (pro hac vice)
Peter Renn (pro hac vice)
Natalie Nardecchia (pro hac vice)
Sasha Buchert (pro hac vice)
Kara Inglehart (pro hac vice)
Carl Charles (pro hac vice)
730 Peachtree Street NE, Ste. 640
Atlanta, GA 30308
(404) 897-1880

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12

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14

15

OUTSERVE-SLDN, INC.

Peter Perkowski (pro hac vice)

16

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18

KIRKLAND & ELLIS LLP

James F. Hurst, P.C. (pro hac vice)
Jordan Heinz (pro hac vice)

19

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Attorneys for Plaintiffs

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