

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND

BROCK STONE, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, *et al.*,

Defendants.

Case 1:17-cv-02459-MJG

Hon. Marvin J. Garbis

**DEFENDANTS' UNOPPOSED MOTION TO EXCEED PAGE LIMIT ON
DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' SECOND AMENDED
COMPLAINT OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

Defendants file this Motion to Exceed the Page Limit on Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint or, in the Alternative, for Summary Judgment, and in support thereof, state as follows:

1. Plaintiffs filed their Second Amended Complaint on April 27, 2018. Dkt. 148. Plaintiffs assert two constitutional claims challenging the revoked Presidential Memorandum issued on August 25, 2017 ("2017 Memorandum"), and the Department of Defense's new policy concerning military service by transgender individuals, as set forth in the memorandum issued by Secretary of Defense James Mattis on February 22, 2018 ("Mattis Memorandum"). *See* Second Am. Compl. ¶¶ 205–40.

2. The Second Amended Complaint adds six additional Plaintiffs. There are now thirteen Plaintiffs—six current service members, six prospective service members, and one organization. *See* Second Am. Compl. ¶¶ 17–106.

3. The Second Amended Complaint requests, among other things, that the Court enter a declaratory judgment against all Defendants—including the President—that the 2017 Memorandum and the Mattis Memorandum are unconstitutional. *See* Second Am. Compl. at 55–56.

4. Defendants are completing a Motion to Dismiss Plaintiffs’ Second Amended Complaint, or, in the Alternative, for Summary Judgment.

5. Pursuant to Local Rule 105(3), memoranda in support of a motion shall not exceed thirty-five (35) pages.

6. The legal arguments to dispose of Plaintiffs’ allegations are varied and require independent legal analyses.

7. In order to address each one of Plaintiffs’ allegations, Defendants require more than thirty-five (35) pages so that they may adequately request dismissal and/or summary judgment. Defendants must brief threshold issues, such as standing for each of the thirteen Plaintiffs, dismissal of the President from the case, and mootness, as well as the merits of the Department of Defense’s new policy concerning military service by transgender individuals.

8. Consequently, due to the nature of the allegations set forth in Plaintiffs’ Second Amended Complaint, Defendants respectfully request an enlargement of the page limit to fifty (50) pages for their forthcoming motion to dismiss or, in the alternative, for summary judgment.

9. Defense counsel has conferred with Plaintiffs’ counsel regarding this motion, and Plaintiffs do not object to the relief Defendants seek, provided that Plaintiffs are also permitted fifty (50) pages for their opposition to Defendants’ motion.

WHEREFORE, for the reasons set forth above, Defendants have demonstrated good cause for an expansion of the page limitation and move this Court to permit (1) Defendants to submit a brief of up to fifty (50) pages in support of their motion to dismiss or, in the alternative, for summary

judgment and (2) Plaintiffs' to submit a brief of up to fifty (50) pages in support of their opposition to Defendants' motion.

May 9, 2018

Respectfully Submitted,

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[PROPOSED] ORDER

Upon consideration of Defendants' Unopposed Motion to Exceed the Page Limit, and because good cause has been shown, it is hereby ordered that (1) Defendants may submit a brief of up to fifty (50) pages in support of their forthcoming motion to dismiss or, in the alternative, for summary judgment and (2) Plaintiffs' may submit a brief of up to fifty (50) pages in opposition to Defendants' motion.

Dated: _____

The Honorable Marvin J. Garbis
United States District Judge