

The Honorable Marsha J. Pechman

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

RYAN KARNOSKI, et al.,

*Plaintiffs*, and

STATE OF WASHINGTON,

*Plaintiff-Intervenor*,

v.

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

*Defendants*.

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

**PLAINTIFFS’ REPLY WITHDRAWING  
MOTION TO SHOW CAUSE**

NOTED FOR CONSIDERATION:  
May 25, 2018

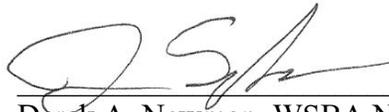
1 After two Court orders, repeated requests, and a Motion to Show Cause, Defendants finally  
2 served supplemental initial disclosures on May 11, 2018, the day after Plaintiffs filed their  
3 motion. In light of these disclosures, Plaintiffs withdraw their Motion to Show Cause (Dkt. No.  
4 243) and will proceed with discovery accordingly.

5 However, Plaintiffs take issue with Defendants' suggestion that Plaintiffs rushed to Court  
6 or otherwise did not permit Defendants adequate time to supplement. Plaintiffs did not demand  
7 supplemental disclosures "in two days" (Defs.' Opp., Dkt. No. 248, at 3) and then immediately  
8 seek Court intervention. To the contrary, Plaintiffs twice requested via email that Defendants  
9 supplement their initial disclosures—on April 24 and May 4—but Defendants never responded  
10 to either communication. (Declaration of Vanessa Barsanti, Dkt. No. 244, at ¶¶ 3–4.) Plaintiffs  
11 then requested a telephonic meet and confer with Defendants, which took place on May 8, but  
12 Defendants would not identify a date certain by which they would supplement their initial  
13 disclosures. (*Id.* at ¶¶ 5–6.) Faced with having no meaningful initial disclosures nine months into  
14 this case, and having already obtained two orders requiring Defendants to supplement, during the  
15 meet and confer Plaintiffs asked for supplemental disclosures within two days or else they would  
16 seek relief from the Court. Defendants declined to serve within that timeframe, and Plaintiffs  
17 therefore brought the instant motion.

18 In their supplemental disclosures, Defendants identified four Department of Defense  
19 witnesses, but none of the witnesses identified by Defendants are new: two of the witnesses were  
20 deposed months ago in related cases, another submitted a declaration in support of Defendants'  
21 preliminary injunction briefing last year, and the fourth led the Department of Justice so-called  
22 "Panel of Experts." (*See* Dkt. No. 249-1.) As to documents, Defendants listed the documents in  
23 an "administrative record" produced to Plaintiffs in April. (*Id.*) There is no reason these  
24 witnesses could not have been disclosed when this Court originally ordered Defendants to  
25 supplement their initial disclosures eight weeks ago or in response to Plaintiffs' repeated requests  
26 since then, and there is no reason Defendants could not have committed to making these  
27 disclosures by a date certain during the May 8 meet and confer.

1 Respectfully submitted May 18, 2018.

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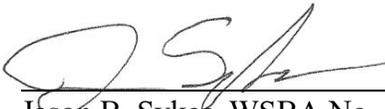
28 Vanessa Barsanti (admitted pro hac vice)

*Daniel I. Siegfried (admitted pro hac vice)*

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

The undersigned certifies under penalty of perjury under the laws of the United States of America and the laws of the State of Washington that all participants in the case are registered CM/ECF users and that service of the foregoing documents will be accomplished by the CM/ECF system on May 18, 2018.

  
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