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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RYAN KARNOSKI, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

CASE NO. C17-1297-MJP

ORDER TO SHOW CAUSE
REGARDING MOTION TO STAY

THIS MATTER comes before the Court on Defendants’ Motion to Stay the Preliminary Injunction Pending Appeal. (Dkt. No. 238.) Having reviewed the Motion, the Response (Dkt. No. 250, 257), the Reply (Dkt. No. 261) and all related papers, the Court ORDERS as follows:

On December 11, 2017, this Court issued a nationwide preliminary injunction barring Defendants from “taking any action relative to transgender individuals that is inconsistent with the status quo” that existed prior to President Trump’s Twitter Announcement and 2017 Memorandum excluding transgender people from serving openly in the military. (Dkt. No. 103 at 23.)

1 On April 13, 2018, the Court granted partial summary judgment for Plaintiffs and
2 Washington, and ordered the preliminary injunction to remain in effect. (See Dkt. No. 233.) In
3 its summary judgment order, the Court found that the 2018 Memorandum and the
4 Implementation Plan did not “substantively rescind or revoke” the Ban, but instead “threaten the
5 very same violations that caused it and others to enjoin the Ban in the first place.” (Id. at 12.)

6 On April 30, 2018, Defendants filed concurrently their Notice of Appeal to the Ninth
7 Circuit (Dkt. No. 236) and this Motion to Stay the Preliminary Injunction (Dkt. No. 238).
8 Thereafter, Defendants filed a motion seeking identical relief from the Ninth Circuit. (See
9 Defendants-Appellants’ Motion for Stay Pending Appeal, Karnoski et al. v. Trump, et al., No.
10 18-35347 (9th Cir. May 4, 2018), ECF No. 3.) The Ninth Circuit has yet to issue its ruling.

11 It is well-settled that the filing of a notice of appeal generally “confers jurisdiction on the
12 court of appeals and divests the district court of its control over those aspects of the case
13 involved in the appeal.” Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982);
14 see also Paige v. State of Cal., 102 F.3d 1035, 1039 (9th Cir. 1996) (holding that appellate
15 court’s jurisdiction extends to matters “inextricably bound up with the injunctive order from
16 which the appeal is taken”).

17 Defendants’ Motion addresses issues which are not only involved in the appeal, but are
18 “inextricably bound up” with this Court’s preliminary injunction. Therefore, the Court ORDERS
19 the parties to show cause why Defendants’ Motion to Stay the Preliminary Injunction should not
20 be renoted until after the Ninth Circuit enters a ruling or otherwise disposes of the appeal. The
21 parties shall file responses to the Court’s Order to Show Cause within seven (7) days of the date
22 of this Order. Each party’s response shall be limited to no more than five pages.

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The clerk is ordered to provide copies of this order to all counsel.

Dated May 30, 2018.



Marsha J. Pechman
United States District Judge