

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

NICHOLAS HARRISON, ET AL.,

Plaintiffs,

v.

JAMES N. MATTIS, ET AL.,

Defendants.

CIVIL ACTION NO. 1:18-CV-00641

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs respectfully move for a preliminary injunction suspending implementation of the Department of Defense's "Retention Policy for Non-Deployable Service Members" as applied to any service member classified as non-deployable based solely on their HIV status. A preliminary injunction is necessary to preserve the status quo for the reasons set forth in the accompanying Memorandum in Support. A proposed order granting injunctive relief is submitted with this motion.

Dated: July 19, 2018

Respectfully submitted,

/s/ Scott A. Schoettes

Scott A. Schoettes*
SSchoettes@lambdalegal.org
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
105 W. Adams, Suite 2600
Chicago, IL 60603
T: (312) 663-4413

Anthony Pinggera*
APinggera@lambdalegal.org

/s/ Andrew R. Sommer

Andrew R. Sommer
Virginia State Bar No. 70304
ASommer@winston.com
Cyrus T. Frelinghuysen*
CFrelinghuysen@winston.com
John W.H. Harding
Virginia State Bar No. 87602
JWHarding@winston.com
WINSTON & STRAWN LLP
1700 K St., NW

LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
4221 Wilshire Blvd, Suite 280
Los Angeles, CA 90010
T: (213) 382-7600

Washington, DC 20006
T: (202) 282-5000

Peter E. Perkowski*
PeterP@outserve.org
OUTSERVE-SLDN, INC.
P.O. Box 65301
Washington, DC 20035-5301
T: (800) 538-7418

* *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of July 2018, I served a true and correct copy of the foregoing by first class mail on the following:

James Mattis
Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Mr. G. Zachary Terwilliger
U.S. Attorney for the Eastern District of Virginia
Justin W. Williams U.S. Attorney Building
2100 Jamieson Avenue
Alexandria, VA 22314

U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Dr. Mark T. Esper
Secretary of the Army
101 Army Pentagon
20310-0101

Mr. Jeff Sessions
Attorney General of the United States
Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530-0001

Dated: July 19, 2018

Respectfully submitted,

/s/ Andrew R. Sommer
Andrew R. Sommer

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

NICHOLAS HARRISON, ET AL.,

Plaintiffs,

v.

JAMES N. MATTIS, ET AL.,

Defendants.

CIVIL ACTION NO. 1:18-CV-00641

**[PROPOSED] ORDER GRANTING PLAINTIFFS’
MOTION FOR PRELIMINARY INJUNCTION**

AND NOW, this ____ day of _____ 2018, having reviewed the submissions regarding Plaintiffs’ Motion for Preliminary Injunction, this Court **GRANTS** the motion and **ENJOINS** Defendants from implementing “DoD Retention Policy for Non-Deployable Service Members” to separate any service member classified as non-deployable based solely on their HIV status.

BY THE COURT:
