

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-GLR

Hon. George Levi Russell, III

CONSENT MOTION REGARDING DEPOSITIONS

The parties have entered into a stipulation pursuant to Federal Rule of Civil Procedure 29(b), attached as Exhibit A, agreeing to extend each party's discovery deadline as to depositions.

WHEREFORE, the parties respectfully request that the Court VACATE the August 31, 2018 discovery deadline as to depositions, and ORDER that the discovery deadline as to depositions be extended in accordance with the attached stipulation.

Dated: July 19, 2018

/s/ Marianne F. Kies

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Hon. George Levi Russell, III

[PROPOSED] ORDER REGARDING DEPOSITIONS

Upon consideration of the parties' Consent Motion Regarding Depositions, it is
ORDERED that the discovery deadline as to depositions is hereby extended as follows:

1. For depositions by Plaintiffs: within the latter of (i) 60 days from the date of the Court's decision on Dkt. 177 and Dkt. 178, or (ii) 60 days from the date when Defendants complete any production ordered by the Court in its ruling on Dkt. 177;
2. For depositions by Defendants: within 60 days from the date of the Court's decision on Dkt. 158 and Dkt. 163.

DATED this ____ day of ____, 2018

Hon. George Levi Russell, III
United States District Judge

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Hon. George Levi Russell, III

STIPULATION REGARDING DEPOSITIONS

Pursuant to Federal Rule of Civil Procedure 29(b), it is hereby stipulated, by and between the parties, through their undersigned counsel, subject to Court approval, as follows:

1. The Plaintiffs in this action are Petty Officer First Class Brock Stone, Staff Sergeant Kate Cole, Staff Sergeant John Doe 1, Airman First Class Seven Ero George, Petty Officer First Class Teagan Gilbert, Technical Sergeant Tommie Parker, Teddy D'Atri, Ryan Wood, Niko Branco, John Doe 2, Jane Roe 1, John Doe 3, and the ACLU of Maryland.
2. Plaintiffs have submitted declarations from, among others, Brad R. Carson, former Acting Under Secretary of Defense for Personnel and Readiness, Dkts. 40-37, 139-29; Major General Margaret C. Wilmoth (Ret.), former Deputy Surgeon General for Mobilization, Readiness and Army Reserve Affairs in the Office of the Surgeon General of the United States Army, Dkt. 40-38; Eric K. Fanning, former Secretary of the Army, Dkt. 66-5; Deborah Lee James, former Secretary of the Air Force, Dkt. 66-6; Raymond Edwin Mabus, Jr., former Secretary of the Navy, Dkt. 66-7; Mark J. Eitelberg, Professor Emeritus

at the Naval Postgraduate School, Dkt. 66-4; and George R. Brown, a medical doctor, Dkt. 40-32 (collectively, "Plaintiffs' Experts").

3. Pursuant to Local Rule 104.8(a), Plaintiffs served Defendants with a motion to compel on April 23, 2018. Dkt. 177. That motion requests that the Court compel Defendants to provide discovery responses and produce documents that Defendants have withheld on the basis of the deliberative process privilege.
4. On May 11, 2018, Defendants moved to dismiss Plaintiffs' Second Amended Complaint or, in the alternative, for summary judgment. Dkt. 158.
5. On May 25, 2018, Plaintiffs cross-moved for summary judgment. Dkt. 163.
6. On June 7, 2018, the Court entered an Amended Scheduling Order, which set August 31, 2018 as the deadline for completing discovery. Dkt. 170.
7. On June 15, 2018, Plaintiffs' motion to compel was filed with the Court in accordance with Local Rule 104.8(c). Dkt. 177.
8. On June 15, 2018, Plaintiffs moved for a Judicial Determination of certain privilege claims. Dkt. 178.
9. The parties agree that resolution of the parties' dispositive cross-motions could obviate the need to conduct certain depositions in this case. The parties, therefore, agree to extend the deadline for Defendants to take depositions until after the Court rules on the dispositive cross-motions.
10. The parties agree that resolution of Plaintiffs' motion to compel and motion for a Judicial Determination of certain privilege claims could result in the production of additional documents. The parties also agree that the production of additional documents could necessitate further depositions.

11. Accordingly, the parties hereby stipulate, subject to Court approval, that the discovery deadline for depositions should be extended as follows:

- a. For depositions by Plaintiffs: within the latter of (i) 60 days from the date of the Court's decision on Dkt. 177 and Dkt. 178, or (ii) 60 days from the date when Defendants complete any production ordered by the Court in its ruling on Dkt. 177;
- b. For depositions by Defendants: within 60 days from the date of the Court's decision on Dkt. 158 and Dkt. 163.

12. This stipulation will be used only for purposes of this litigation, and it will not be binding on any party for any other purposes.

Dated: July 19, 2018

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