

APPEAL,TYPE-L

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01597-CKK**

DOE et al v. TRUMP et al
Assigned to: Judge Colleen Kollar-Kotelly
Case in other court: USCA, 17-05267
Cause: 42:1983 Civil Rights Act

Date Filed: 08/09/2017
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Non-Party Respondent

HERITAGE FOUNDATION

represented by **Heidi K. Abegg**
WEBSTER, CHAMBERLAIN & BEAN,
LLP
1747 Pennsylvania Avenue, NW
Suite 1000
Washington, DC 20006
(202) 785-9500
Fax: (202) 835-0243
Email: habegg@wc-b.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Non-Party Respondent

**FAMILY RESEARCH COUNCIL,
INC.**

represented by **Gene C. Schaerr**
SCHAERR DUNCAN LLP
1717 K Street, NW
Suite 900
Washington, DC 20006
(202) 787-1060
Fax: (571) 730-4429
Email: gschaerr@schaerr-duncan.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

JANE DOE 1
TERMINATED: 04/06/2018

represented by **Kevin Matthew Lamb**
WILMER, CUTLER, PICKERING, HALE
& DORR, LLP.
1875 Pennsylvania Ave., NW
Washington, DC 20006
(202) 663-6000
Email: kevin.lamb@wilmerhale.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul R.Q. Wolfson
WILMER CUTLER PICKERING HALE
& DORR LLP

1875 Pennsylvania Ave., NW
Washington, DC 20006
(202) 663-6000
Fax: (202) 663-6363
Email: paul.wolfson@wilmerhale.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam M. Cambier
WILMER CUTLER PICKERING HALE
& DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6262
Fax: (617) 526-5000
Email: adam.cambier@wilmerhale.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Alan E. Schoenfeld
WILMER CUTLER PICKERING HALE
& DORR, LLP
250 Greenwich Street
7 World Trade Center
New York, NY 10007
(212) 937-7294
Fax: (212) 230-8888
Email: alan.schoenfeld@wilmerhale.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Amy Whelan
NATIONAL CENTER FOR LESBIAN
RIGHTS
870 Market Street
Suite 370
San Francisco, CA 94102
Email: awhelan@nclrights.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher R. Looney
WILMER CUTLER PICKERING HALE
& DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6313
Fax: (617) 526-5000
Email: christopher.looney@wilmerhale.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher F. Stoll
NATIONAL CENTER FOR LESBIAN
RIGHTS
870 Market Street
Suite 370
San Francisco, CA 94102
(415) 365-1320
Fax: (415) 392-8442
Email: cstoll@nclrights.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Claire Laporte
FOLEY HOAG, LLP
155 Seaport Boulevard
Boston, MA 02210-2600
(617) 832-1210
Fax: (617) 832-7000
Email: cll@foleyhoag.com
TERMINATED: 07/03/2018
PRO HAC VICE

Daniel L. McFadden
FOLEY HOAG, LLP
155 Seaport Boulevard
Boston, MA 02210-2600
Email: DMcFadden@foleyhoag.com
TERMINATED: 08/17/2018
PRO HAC VICE

Harriet Hoder
WILMER CUTLER PICKERING HALE
& DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6203
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jennifer Levi
GLBTQ LEGAL ADVOCATES &
DEFENDERS
18 Tremont Street
Suite 950
Boston, MA 02108
(617) 426-1350
Fax: (617) 426-3594
Email: jlevi@glad.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kathleen M. Brill

FOLEY HOAG, LLP
155 Seaport Boulevard
Boston, MA 02210-2600
(617) 832-1229
Fax: (617) 832-7000
Email: kbrill@foleyhoag.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Lauren Godles Milgroom
FOLEY HOAG, LLP
155 Seaport Boulevard
Boston, MA 02210-2600
(617) 832-3052
Email: lmilgroom@foleyhoag.com
TERMINATED: 07/03/2018
PRO HAC VICE

Mary L. Bonauto
GLBTQ LEGAL ADVOCATES &
DEFENDERS
18 Tremont Street
Suite 950
Boston, MA 02108
617-426-1350
Email: mbonauto@glad.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Matthew E. Miller
FOLEY HOAG, LLP
155 Seaport Boulevard
Boston, MA 02210-2600
(617) 832-3041
Fax: (617) 832-7000
Email: mmiller@foleyhoag.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael J. Licker
FOLEY HOAG, LLP
155 Seaport Boulevard
Boston, MA 02210-2600
(617) 832-1197
Fax: (617) 832-7000
Email: mlicker@foleyhoag.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Nancy Lynn Schroeder
WILMER CUTLER PICKERING HALE
& DORR LLP

350 S. Grand Avenue
Suite 2100
Los Angeles, CA 90071
(213) 443-5393
Fax: (213) 443-5400
Email: nancy.schroeder@wilmerhale.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Rachel C. Hutchinson
FOLEY HOAG, LLP
155 Seaport Boulevard
Boston, MA 02210-2600
(617) 832-3063
Fax: (617) 832-7000
Email: rhutchinson@foleyhoag.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Shannon P. Minter
NATIONAL CENTER FOR LESBIAN
RIGHTS
870 Market Street
Suite 370
San Francisco, CA 94102
Email: sminter@nclrights.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Theresa Roosevelt
FOLEY HOAG LLP
1717 K Street, NW
Washington, DC 20006
(202) 223-1200
Email: troosevelt@foleyhoag.com
ATTORNEY TO BE NOTICED

Plaintiff

JANE DOE 2

represented by **Kevin Matthew Lamb**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul R.Q. Wolfson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam M. Cambier
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Alan E. Schoenfeld
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Amy Whelan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher R. Looney
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher F. Stoll
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Claire Laporte
(See above for address)
TERMINATED: 07/03/2018
PRO HAC VICE

Daniel L. McFadden
(See above for address)
TERMINATED: 08/17/2018
PRO HAC VICE

Harriet Hoder
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jennifer Levi
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kathleen M. Brill
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Lauren Godles Milgroom
(See above for address)
TERMINATED: 07/03/2018
PRO HAC VICE

Mary L. Bonauto

(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Matthew E. Miller
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael J. Licker
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Nancy Lynn Schroeder
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Rachel C. Hutchinson
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Shannon P. Minter
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Theresa Roosevelt
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

JANE DOE 3

represented by **Kevin Matthew Lamb**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul R.Q. Wolfson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam M. Cambier
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Alan E. Schoenfeld
(See above for address)
PRO HAC VICE

ATTORNEY TO BE NOTICED

Amy Whelan

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Christopher R. Looney

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Christopher F. Stoll

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Claire Laporte

(See above for address)

TERMINATED: 07/03/2018

PRO HAC VICE

Daniel L. McFadden

(See above for address)

TERMINATED: 08/17/2018

PRO HAC VICE

Harriet Hoder

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Jennifer Levi

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Kathleen M. Brill

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Lauren Godles Milgroom

(See above for address)

TERMINATED: 07/03/2018

PRO HAC VICE

Mary L. Bonauto

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Matthew E. Miller
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael J. Licker
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Nancy Lynn Schroeder
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Rachel C. Hutchinson
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Shannon P. Minter
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Theresa Roosevelt
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

JANE DOE 4

represented by **Kevin Matthew Lamb**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul R.Q. Wolfson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam M. Cambier
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Alan E. Schoenfeld
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Amy Whelan
(See above for address)

PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher R. Looney
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher F. Stoll
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Claire Laporte
(See above for address)
TERMINATED: 07/03/2018
PRO HAC VICE

Daniel L. McFadden
(See above for address)
TERMINATED: 08/17/2018
PRO HAC VICE

Harriet Hoder
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jennifer Levi
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kathleen M. Brill
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Lauren Godles Milgroom
(See above for address)
TERMINATED: 07/03/2018
PRO HAC VICE

Mary L. Bonauto
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Matthew E. Miller
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael J. Licker
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Nancy Lynn Schroeder
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Rachel C. Hutchinson
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Shannon P. Minter
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Theresa Roosevelt
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

JANE DOE 5

represented by **Kevin Matthew Lamb**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul R.Q. Wolfson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam M. Cambier
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Alan E. Schoenfeld
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Amy Whelan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher R. Looney

(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher F. Stoll
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Claire Laporte
(See above for address)
TERMINATED: 07/03/2018
PRO HAC VICE

Daniel L. McFadden
(See above for address)
TERMINATED: 08/17/2018
PRO HAC VICE

Harriet Hoder
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jennifer Levi
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kathleen M. Brill
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Lauren Godles Milgroom
(See above for address)
TERMINATED: 07/03/2018
PRO HAC VICE

Mary L. Bonauto
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Matthew E. Miller
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael J. Licker
(See above for address)
PRO HAC VICE

ATTORNEY TO BE NOTICED

Nancy Lynn Schroeder
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Rachel C. Hutchinson
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Shannon P. Minter
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Theresa Roosevelt
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

DYLAN KOHERE

represented by **Kevin Matthew Lamb**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul R.Q. Wolfson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam M. Cambier
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Alan E. Schoenfeld
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Amy Whelan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher R. Looney
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher F. Stoll
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Claire Laporte
(See above for address)
TERMINATED: 07/03/2018
PRO HAC VICE

Daniel L. McFadden
(See above for address)
TERMINATED: 08/17/2018
PRO HAC VICE

Harriet Hoder
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jennifer Levi
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kathleen M. Brill
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Lauren Godles Milgroom
(See above for address)
TERMINATED: 07/03/2018
PRO HAC VICE

Mary L. Bonauto
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Matthew E. Miller
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael J. Licker
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Nancy Lynn Schroeder
(See above for address)

PRO HAC VICE
ATTORNEY TO BE NOTICED

Rachel C. Hutchinson
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Shannon P. Minter
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Theresa Roosevelt
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

REGAN V. KIBBY

represented by **Kevin Matthew Lamb**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul R.Q. Wolfson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam M. Cambier
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Alan E. Schoenfeld
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Amy Whelan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher R. Looney
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher F. Stoll
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Claire Laporte

(See above for address)
TERMINATED: 07/03/2018
PRO HAC VICE

Daniel L. McFadden

(See above for address)
TERMINATED: 08/17/2018
PRO HAC VICE

Harriet Hoder

(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jennifer Levi

(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kathleen M. Brill

(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Lauren Godles Milgroom

(See above for address)
TERMINATED: 07/03/2018
PRO HAC VICE

Mary L. Bonauto

(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Matthew E. Miller

(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael J. Licker

(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Nancy Lynn Schroeder

(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Rachel C. Hutchinson

(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Shannon P. Minter
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Theresa Roosevelt
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

JOHN DOE, 1

represented by **Kevin Matthew Lamb**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul R.Q. Wolfson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam M. Cambier
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Alan E. Schoenfeld
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Amy Whelan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher R. Looney
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher F. Stoll
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Claire Laporte
(See above for address)
TERMINATED: 07/03/2018

PRO HAC VICE

Daniel L. McFadden

(See above for address)

TERMINATED: 08/17/2018

PRO HAC VICE

Harriet Hoder

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Jennifer Levi

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Kathleen M. Brill

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Lauren Godles Milgroom

(See above for address)

TERMINATED: 07/03/2018

PRO HAC VICE

Mary L. Bonauto

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Matthew E. Miller

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Michael J. Licker

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Nancy Lynn Schroeder

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Rachel C. Hutchinson

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Shannon P. Minter
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Theresa Roosevelt
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

JANE DOE 6

represented by **Kevin Matthew Lamb**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alan E. Schoenfeld
(See above for address)
ATTORNEY TO BE NOTICED

Paul R.Q. Wolfson
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

JANE DOE 7

represented by **Kevin Matthew Lamb**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alan E. Schoenfeld
(See above for address)
ATTORNEY TO BE NOTICED

Paul R.Q. Wolfson
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

JOHN DOE 2

represented by **Kevin Matthew Lamb**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alan E. Schoenfeld
(See above for address)
ATTORNEY TO BE NOTICED

Paul R.Q. Wolfson
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

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

represented by **Andrew Evan Carmichael**
U.S. DEPARTMENT OF JUSTICE
Ben Franklin Station
P.O. Box 883
Washington, DC 20044
(202) 514-3346
Fax: (202) 616-8460
Email: andrew.e.carmichael@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Bradley Parker
U.S. DEPARTMENT OF JUSTICE
P.O. Box 883
Washington, DC 20044
(202) 514-4336
Fax: (202) 616-8202
Email: ryan.parker@usdoj.gov
TERMINATED: 06/07/2018

Defendant

JAMES N. MATTIS
*in his official capacity as Secretary of
Defense*

represented by **Andrew Evan Carmichael**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Bradley Parker
(See above for address)
TERMINATED: 06/07/2018

Defendant

JOSEPH F. DUNFORD, JR.
*in his official capacity as Chairman of
the Joint Chiefs of Staff*

represented by **Andrew Evan Carmichael**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Bradley Parker
(See above for address)
TERMINATED: 06/07/2018

Defendant

**UNITED STATES DEPARTMENT
OF THE ARMY**

represented by **Andrew Evan Carmichael**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Bradley Parker
(See above for address)
TERMINATED: 06/07/2018

Defendant

RYAN D. MCCARTHY
*in his official capacity as Secretary of the
Army*
TERMINATED: 04/06/2018

represented by **Andrew Evan Carmichael**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Bradley Parker
(See above for address)
TERMINATED: 06/07/2018

Defendant

**UNITED STATES DEPARTMENT
OF THE AIR FORCE**

represented by **Andrew Evan Carmichael**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Bradley Parker
(See above for address)
TERMINATED: 06/07/2018

Defendant

HEATHER A. WILSON
*in her official capacity as Secretary of
the Air Force*

represented by **Andrew Evan Carmichael**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Bradley Parker
(See above for address)
TERMINATED: 06/07/2018

Defendant

UNITED STATES COAST GUARD

represented by **Andrew Evan Carmichael**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Bradley Parker
(See above for address)
TERMINATED: 06/07/2018

Defendant

ELAINE C. DUKE
*in her official capacity as Secretary of
Homeland Security*
TERMINATED: 04/06/2018

represented by **Andrew Evan Carmichael**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Bradley Parker
(See above for address)
TERMINATED: 06/07/2018

Defendant

UNITED STATES OF AMERICA

represented by **Andrew Evan Carmichael**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Bradley Parker
(See above for address)
TERMINATED: 06/07/2018

Defendant

**UNITED STATES DEPARTMENT
OF THE NAVY**

represented by **Andrew Evan Carmichael**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Bradley Parker
(See above for address)
TERMINATED: 06/07/2018

Defendant

DEFENSE HEALTH AGENCY

represented by **Andrew Evan Carmichael**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Bradley Parker
(See above for address)
TERMINATED: 06/07/2018

Defendant

RICHARD V. SPENCER
*in his official capacity as Secretary of the
Navy*

represented by **Andrew Evan Carmichael**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Bradley Parker
(See above for address)
TERMINATED: 06/07/2018

Defendant

RAQUEL C. BONO
*in her official capacity as Director of the
Defense Health Agency*

represented by **Andrew Evan Carmichael**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Bradley Parker
(See above for address)
TERMINATED: 06/07/2018

Defendant

MARK T. ESPER
*In his Official Capacity as Secretary of
the Army*

represented by **Andrew Evan Carmichael**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Bradley Parker
(See above for address)
TERMINATED: 06/07/2018

Defendant

KIRSTJEN M. NIELSEN
*In her official capacity as Secretary of
Homeland Security*

represented by **Andrew Evan Carmichael**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Bradley Parker
(See above for address)
TERMINATED: 06/07/2018

Movant

**AMERICAN ACADEMY OF
FAMILY PHYSICIANS**

represented by **Scott B. Wilkens**
JENNER & BLOCK LLP
1099 New York Avenue, NW
Suite 900
Washington, DC 20001-4412
(202) 639-6072
Email: swilkens@jenner.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

**AMERICAN ACADEMY OF
NURSING**

represented by **Scott B. Wilkens**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

**AMERICAN COLLEGE OF
PHYSICIANS**

represented by **Scott B. Wilkens**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

AMERICAN MEDICAL WOMEN'S

represented by **Scott B. Wilkens**

ASSOCIATION

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

**AMERICAN NURSES
ASSOCIATION**

represented by **Scott B. Wilkens**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

**ASSOCIATION OF MEDICAL
SCHOOL PEDIATRIC
DEPARTMENT CHAIRS**

represented by **Scott B. Wilkens**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

ENDOCRINE SOCIETY

represented by **Scott B. Wilkens**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

**GLMA: HEALTH PROFESSIONALS
ADVANCING LGBT EQUALITY**

represented by **Scott B. Wilkens**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

**NATIONAL ASSOCIATION OF
SOCIAL WORKERS**

represented by **Scott B. Wilkens**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

PEDIATRIC ENDOCRINE SOCIETY

represented by **Scott B. Wilkens**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

**WORLD PROFESSIONAL
ASSOCIATION FOR
TRANSGENDER HEALTH**

represented by **Scott B. Wilkens**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

TREVOR PROJECT

represented by **Howard Sean Hogan**

GIBSON, DUNN & CRUTCHER, LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
(202) 955-8500
Fax: (202) 467-0539
Email: hhogan@gibsondunn.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

**NATIONAL CENTER FOR
TRANSGENDER EQUALITY**

represented by **Susan Baker Manning**
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
(202) 373-6172
Fax: (202) 373-6472
Email: susan.manning@morganlewis.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephanie Schuster
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
(202) 373-6595
Email: stephanie.schuster@morganlewis.com
ATTORNEY TO BE NOTICED

Movant

**TENNESSEE TRANSGENDER
POLITICAL COALITION**

represented by **Susan Baker Manning**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephanie Schuster
(See above for address)
ATTORNEY TO BE NOTICED

Movant

**TGI NETWORK OF RHODE
ISLAND**

represented by **Susan Baker Manning**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephanie Schuster
(See above for address)
ATTORNEY TO BE NOTICED

Movant

TRANSGENDER ALLIES GROUP

represented by

Susan Baker Manning
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephanie Schuster
(See above for address)
ATTORNEY TO BE NOTICED

Movant

**TRANSGENDER LEGAL DEFENSE
& EDUCATION FUND**

represented by **Susan Baker Manning**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephanie Schuster
(See above for address)
ATTORNEY TO BE NOTICED

Movant

TRANSOHIO

represented by **Susan Baker Manning**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephanie Schuster
(See above for address)
ATTORNEY TO BE NOTICED

Movant

**TRANSGENDER RESOURCE
CENTER OF NEW MEXICO**

represented by **Susan Baker Manning**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephanie Schuster
(See above for address)
ATTORNEY TO BE NOTICED

Movant

**SOUTHERN ARIZONA GENDER
ALLIANCE**

represented by **Susan Baker Manning**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephanie Schuster
(See above for address)
ATTORNEY TO BE NOTICED

Movant

BUZZFEED, INC.

represented by **Matthew Lynn Schafer**
BUZZFEED INC.
111 East 18th Street
14th Floor
New York, NY 10003
(646) 798-0693
Fax: (212) 431-7461
Email: matthew.schafer@buzzfeed.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

**RETIRED MILITARY OFFICERS
AND FORMER NATIONAL
SECURITY OFFICIALS**

represented by **Phillip Michael Spector**
MESSING & SPECTOR LLP
Office of the President
1200 Steuart Street
Suite 2112
Baltimore, MD 21230
(202) 277-8173
Email: ps@messingspector.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

MASSACHUSETTS

represented by **Sara A. Colb**
MASSACHUSETTS ATTORNEY
GENERAL'S OFFICE
1 Ashburton Place
Boston, MA 02108
(617) 963-2031
Email: sara.colb@state.ma.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

CALIFORNIA

Amicus

CONNECTICUT

Amicus

CONNECTICUT

Amicus

DELAWARE

Amicus

HAWAII

Amicus

ILLINOIS

Amicus

IOWA

Amicus

MARYLAND

Amicus

NEW MEXICO

Amicus

NEW YORK

Amicus

OREGON

Amicus

PENNSYLVANIA

Amicus

RHODE ISLAND

Amicus

VERMONT

Date Filed	#	Page	Docket Text
08/09/2017	<u>1</u>		COMPLAINT <i>for Declaratory and Injunctive Relief</i> , against ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Filing fee \$ 400 receipt number 0090-5066975) filed by JANE DOE 3, JANE DOE 2, JANE DOE 1, JANE DOE 4, JANE DOE 5. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons – Trump, # <u>3</u> Summons – Mattis, # <u>4</u> Summons – Dunford, # <u>5</u> Summons – U.S. Army, # <u>6</u> Summons – McCarthy, # <u>7</u> Summons – U.S. Air Force, # <u>8</u> Summons – Wilson, # <u>9</u> Summons – U.S. Coast Guard, # <u>10</u> Summons – Duke, # <u>11</u> Summons – U.S.A.)(Wolfson, Paul) (Entered: 08/09/2017)
08/09/2017	<u>2</u>		MOTION to Proceed Under Pseudonyms , by JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5 (Attachments: # <u>1</u> Text of Proposed Order)(Wolfson, Paul) (Entered: 08/09/2017)
08/09/2017			Case Assigned to Judge Colleen Kollar-Kotelly. (sth) (Entered: 08/11/2017)

08/10/2017	<u>3</u>	ORDER granting <u>2</u> Motion for Plaintiffs to proceed under pseudonyms. Signed by Judge Amy Berman Jackson on 8/10/17. (sth) (Entered: 08/11/2017)
08/11/2017	<u>4</u>	SUMMONS (9) Issued Electronically as to ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, HEATHER A. WILSON. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons, # <u>8</u> Summons, # <u>9</u> Summons)(sth) (Entered: 08/11/2017)
08/11/2017		SUMMONS Not Issued as to US Attorney and the US Attorney General. (sth) (Entered: 08/11/2017)
08/11/2017	<u>5</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 08/11/2017. (DM) (Entered: 08/11/2017)
08/11/2017	<u>6</u>	SEALED DOCUMENT filed by JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5(This document is SEALED and only available to authorized persons.)(Wolfson, Paul) (Entered: 08/11/2017)
08/30/2017	<u>7</u>	NOTICE of Appearance by Kevin Matthew Lamb on behalf of JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5 (Lamb, Kevin) (Entered: 08/30/2017)
08/30/2017	<u>8</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Alan E. Schoenfeld, :Firm– Wilmer Cutler Pickering Hale and Dorr LLP, :Address– 7 World Trade Center, 250 Greenwich Street, New York, NY 10007. Phone No. – 212–937–7294. Fax No. – 212–230–8888 Filing fee \$ 100, receipt number 0090–5096409. Fee Status: Fee Paid. by JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5 (Attachments: # <u>1</u> Declaration of Alan E. Schoenfeld In Support of Motion for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order)(Lamb, Kevin) (Entered: 08/30/2017)
08/30/2017		MINUTE ORDER GRANTING <u>8</u> Motion for Leave to Appear Pro Hac Vice of Attorney Alan E. Schoenfeld, in order for him to appear as co-counsel for Plaintiffs, contingent on said attorney filing a declaration certifying familiarity with this Court's Local Rules by no later than SEPTEMBER 6, 2017. Counsel shall promptly register for this Court's CM/ECF system. Signed by Judge Colleen Kollar-Kotelly on 8/30/2017. (lcckk3) (Entered: 08/30/2017)
08/31/2017	<u>9</u>	AMENDED COMPLAINT <i>for Declaratory and Injunctive Relief</i> , against ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES OF AMERICA, HEATHER A. WILSON, UNITED STATES DEPARTMENT OF THE NAVY, DEFENSE HEALTH AGENCY, RICHARD V. SPENCER, RAQUEL C. BONO filed by JANE DOE 2, JANE DOE 1, JANE DOE 3, JANE DOE 4, JANE DOE 5, DYLAN KOHERE, REGAN V. KIBBY, JOHN DOE, 1. (Attachments: # <u>1</u> Summons – U.S. Department of the Navy, # <u>2</u> Summons – Defense Health Agency, # <u>3</u> Summons – Raquel C. Bono, # <u>4</u> Summons – Richard V. Spencer)(Lamb, Kevin) (Entered: 08/31/2017)

08/31/2017	<u>10</u>	REQUEST FOR SUMMONS TO ISSUE (<i>Summons – Air Force</i>) re <u>9</u> Amended Complaint,, filed by JANE DOE 2, JANE DOE 1, JANE DOE 3, DYLAN KOHERE, JANE DOE 4, JOHN DOE, 1, REGAN V. KIBBY, JANE DOE 5. Related document: <u>9</u> Amended Complaint,, filed by DYLAN KOHERE, JANE DOE 3, JANE DOE 2, JANE DOE 1, JANE DOE 4, JANE DOE 5, JOHN DOE, 1, REGAN V. KIBBY. (Attachments: # <u>1</u> Summons – Army, # <u>2</u> Summons – Coast Guard, # <u>3</u> Summons – Duke, # <u>4</u> Summons – Dunford, # <u>5</u> Summons – Mattis, # <u>6</u> Summons – McCarthy, # <u>7</u> Summons – Trump, # <u>8</u> Summons – United States, # <u>9</u> Summons – Wilson)(Lamb, Kevin) (Entered: 08/31/2017)
08/31/2017	<u>11</u>	SEALED DOCUMENT filed by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE(This document is SEALED and only available to authorized persons.)(Lamb, Kevin) (Entered: 08/31/2017)
08/31/2017	<u>12</u>	NOTICE of Appearance by Ryan Bradley Parker on behalf of All Defendants (Parker, Ryan) (Entered: 08/31/2017)
08/31/2017	<u>13</u>	MOTION for Preliminary Injunction with <i>65.1(d) Expedited Request</i> , by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Kevin M. Lamb, # <u>2</u> Exhibit A–F (Lamb Dec.), # <u>3</u> Declaration of Brad R. Carson, # <u>4</u> Exhibit A–C (Carson Dec.), # <u>5</u> Declaration of Deborah Lee James, # <u>6</u> Exhibit A–D (James Dec.), # <u>7</u> Declaration of Eric K. Fanning, # <u>8</u> Exhibit A–F (Fanning Dec.), # <u>9</u> Declaration of Raymond Edwin Mabus, Jr., # <u>10</u> Exhibit A–F (Mabus Dec.), # <u>11</u> Declaration of George Richard Brown, MD, DFAPA, # <u>12</u> Exhibit A–D (Brown Dec.), # <u>13</u> Declaration of Margaret C. Wilmoth, # <u>14</u> Declaration of Regan V. Kibby, # <u>15</u> Declaration of Dylan Kohere, # <u>16</u> Text of Proposed Order)(Lamb, Kevin) (Entered: 08/31/2017)
08/31/2017	<u>14</u>	MOTION for Hearing <i>Request for Expedited Hearing and Statement of Facts Making Expedition Essential</i> , by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE re <u>13</u> MOTION for Preliminary Injunction with <i>65.1(d) Expedited Request</i> , (Lamb, Kevin) Modified event title on 9/1/2017 (znmw). (Entered: 08/31/2017)
08/31/2017	<u>15</u>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Declaration of Christopher R. Looney, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Text of Proposed Order (SEALED))(Lamb, Kevin) (Entered: 08/31/2017)
09/01/2017	<u>16</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Jennifer Levi, :Firm– GLBTQ Legal Advocates & Defenders, :Address– 30 Winter St., Ste. 800, Boston, Massachusetts 02108. Phone No. – 617–426–1350. Filing fee \$ 100, receipt number 0090–5099052. Fee Status: Fee Paid. by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration Jennifer Levi, # <u>2</u> Text of Proposed Order)(Lamb, Kevin) (Entered: 09/01/2017)

		09/01/2017)
09/01/2017	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Shannon P. Minter, :Firm– National Center for Lesbian Rights, :Address– 870 Market St., Ste. 370, San Francisco, California 94102. Phone No. – 415–392–6257. Filing fee \$ 100, receipt number 0090–5099060. Fee Status: Fee Paid. by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Shannon P. Minter, # <u>2</u> Text of Proposed Order)(Lamb, Kevin) (Entered: 09/01/2017)
09/01/2017	<u>18</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Mary L. Bonauto, :Firm– GLBTQ Legal Advocates & Defenders, :Address– 30 Winter St., Ste. 800, Boston, Massachusetts 02108. Phone No. – 617–426–1350. Filing fee \$ 100, receipt number 0090–5099075. Fee Status: Fee Paid. by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Mary L. Bonauto, # <u>2</u> Text of Proposed Order)(Lamb, Kevin) (Entered: 09/01/2017)
09/01/2017	<u>19</u>	NOTICE of Filing of Supplemental Declaration of Alan E. Schoenfeld in Support of Motion for Admission Pro Hac Vice by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE re Order on Motion for Leave to Appear Pro Hac Vice, (Attachments: # <u>1</u> Declaration of Alan E. Schoenfeld)(Lamb, Kevin) (Entered: 09/01/2017)
09/01/2017		MINUTE ORDER. The Court held a teleconference in this matter on September 1, 2017 to set a briefing schedule for Plaintiffs' <u>13</u> Application for a Preliminary Injunction. At the parties' request, the Court entered the following schedule: Defendants shall file an opposition to Plaintiffs' Application by no later than SEPTEMBER 22, 2017. Plaintiffs shall file a reply by no later than SEPTEMBER 29, 2017. The parties were also ordered to file a notice with the Court by no later than SEPTEMBER 6, 2017 indicating their positions as to whether the Court's consideration of Plaintiffs' preliminary injunction application should be consolidated with its final determination of the merits of the case. Signed by Judge Colleen Kollar-Kotelly on 9/1/2017. (lcckk3) (Entered: 09/01/2017)
09/01/2017	<u>20</u>	SUMMONS (5) Issued Electronically as to RAQUEL C. BONO, DEFENSE HEALTH AGENCY, RICHARD V. SPENCER, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA. (znmw) (Entered: 09/01/2017)
09/01/2017	<u>21</u>	SUMMONS (9) Reissued Electronically as to ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, HEATHER A. WILSON (znmw) (Entered: 09/01/2017)
09/01/2017	<u>22</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Christopher R. Looney, :Firm– Wilmer Cutler Pickering Hale and Dorr LLP, :Address– 60 State Street, Boston, MA 02109. Phone No. – 617–526–6313. Fax No. – 617–526–5000 Filing fee \$ 100, receipt number 0090–5100097. Fee Status:

		Fee Paid. by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Christopher R. Looney, # <u>2</u> Proposed Order)(Lamb, Kevin) (Entered: 09/01/2017)
09/01/2017	<u>23</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Nancy Lynn Schroeder, :Firm– Wilmer Cutler Pickering Hale and Dorr LLP, :Address– 350 S. Grand Avenue, Suite 2100, Los Angeles, CA 90071. Phone No. – (213) 443–5393. Fax No. – (213) 443–5400 Filing fee \$ 100, receipt number 0090–5100160. Fee Status: Fee Paid. by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Nancy Lynn Schroeder, # <u>2</u> Proposed Order)(Lamb, Kevin) (Entered: 09/01/2017)
09/01/2017	<u>24</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Adam M. Cambier, :Firm– Wilmer Cutler Pickering Hale and Dorr LLP, :Address– 60 State Street, Boston, MA 02109. Phone No. – 617–526–6262. Fax No. – 617–526–5000 Filing fee \$ 100, receipt number 0090–5100204. Fee Status: Fee Paid. by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Adam M. Cambier, # <u>2</u> Proposed Order)(Lamb, Kevin) (Entered: 09/01/2017)
09/01/2017	<u>25</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Christopher F. Stoll, :Firm– National Center for Lesbian Rights, :Address– 870 Market St., Ste. 370, San Francisco, California 94102. Phone No. – 415–392–6257. Filing fee \$ 100, receipt number 0090–5100239. Fee Status: Fee Paid. by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Christopher F. Stoll, # <u>2</u> Proposed Order)(Lamb, Kevin) (Entered: 09/01/2017)
09/01/2017		Minute Entry for proceedings held before Judge Amy Berman Jackson: Telephone Conference on the record held on 9/1/2017. Defendants' Response to <u>13</u> due by 9/22/2017. Plaintiffs' Reply due by 9/29/2017. Joint Status Report due by 9/6/2017. (Court Reporter Janice Dickman.) (dot) (Entered: 09/01/2017)
09/01/2017	<u>26</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Amy Whelan, :Firm– National Center for Lesbian Rights, :Address– 870 Market St., Ste. 370, San Francisco, California 94102. Phone No. – 415–392–6257. Filing fee \$ 100, receipt number 0090–5100283. Fee Status: Fee Paid. by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Amy Whelan, # <u>2</u> Proposed Order)(Lamb, Kevin) (Entered: 09/01/2017)
09/01/2017	<u>27</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Kathleen M. Brill, :Firm– Foley Hoag LLP, :Address– 155 Seaport Boulevard, Boston, MA 02210. Phone No. – 617–832–1229. Filing fee \$ 100, receipt number 0090–5100368. Fee Status: Fee Paid. by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Kathleen M. Brill, # <u>2</u> Proposed Order)(Lamb, Kevin) (Entered: 09/01/2017)

09/01/2017	<u>28</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Rachel C. Hutchinson, :Firm– Foley Hoag LLP, :Address– 155 Seaport Boulevard, Boston, MA 02210. Phone No. – 617–832–3063. Filing fee \$ 100, receipt number 0090–5100387. Fee Status: Fee Paid. by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Rachel C. Hutchinson, # <u>2</u> Proposed Order)(Lamb, Kevin) (Entered: 09/01/2017)
09/01/2017	<u>29</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Claire Laporte, :Firm– Foley Hoag LLP, :Address– 155 Seaport Boulevard, Boston, MA 02210. Phone No. – 617–832–1210. Filing fee \$ 100, receipt number 0090–5100401. Fee Status: Fee Paid. by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Claire Laporte, # <u>2</u> Proposed Order)(Lamb, Kevin) (Entered: 09/01/2017)
09/01/2017	<u>30</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Michael J. Licker, :Firm– Foley Hoag LLP, :Address– 155 Seaport Boulevard, Boston, MA 02210. Phone No. – 617–832–1197. Filing fee \$ 100, receipt number 0090–5100412. Fee Status: Fee Paid. by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Michael J. Licker, # <u>2</u> Proposed Order)(Lamb, Kevin) (Entered: 09/01/2017)
09/01/2017	<u>31</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Daniel L. McFadden, :Firm– Foley Hoag LLP, :Address– 155 Seaport Boulevard, Boston, MA 02210. Phone No. – 617–832–1293. Filing fee \$ 100, receipt number 0090–5100477. Fee Status: Fee Paid. by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Daniel L. McFadden, # <u>2</u> Proposed Order)(Lamb, Kevin) (Entered: 09/01/2017)
09/01/2017	<u>32</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Matthew E. Miller, :Firm– Foley Hoag LLP, :Address– 155 Seaport Boulevard, Boston, MA 02210. Phone No. – 617–832–3041. Filing fee \$ 100, receipt number 0090–5100489. Fee Status: Fee Paid. by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Matthew E. Miller, # <u>2</u> Proposed Order)(Lamb, Kevin) (Entered: 09/01/2017)
09/05/2017		MINUTE ORDER GRANTING <u>16</u> , <u>17</u> , <u>18</u> , <u>22</u> , <u>23</u> , <u>24</u> , <u>25</u> , <u>26</u> , <u>27</u> , <u>28</u> , <u>29</u> , <u>30</u> , <u>31</u> and <u>32</u> Motions for Leave to Appear Pro Hac Vice for Attorneys Jennifer Levi, Shannon P. Minter, Mary L. Bonauto, Christopher R. Looney, Nancy Lynn Schroeder, Adam M. Cambier, Christopher F. Stoll, Amy Whelan, Kathleen M. Brill, Rachel C. Hutchinson, Claire Laporte, Michael J. Licker, Daniel L. McFadden and Matthew E. Miller in order for them to appear as co–counsel for Plaintiffs. Counsel shall promptly register for this Court's CM/ECF system. Signed by Judge Colleen Kollar–Kotelly on 9/5/2017. (lcckk3) (Entered: 09/05/2017)
09/06/2017	<u>33</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Harriet Hoder, :Firm– Wilmer Cutler Pickering Hale & Dorr LLP, :Address– 60 State Street, Boston, MA 02109. Phone No. – 617–526–6203. Fax No. – 617–526–5000 Filing fee \$ 100, receipt number 0090–5104723. Fee Status: Fee Paid. by

		JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Harriet Hoder, # <u>2</u> Text of Proposed Order)(Lamb, Kevin) (Entered: 09/06/2017)
09/06/2017	<u>34</u>	NOTICE regarding Consolidation of Plaintiffs' Motion for a Preliminary Injunction and the Merits of Plaintiffs' Claims by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Attachments: # <u>1</u> Exhibit Presidential Memorandum regarding Military Service by Transgender Individuals)(Parker, Ryan) (Entered: 09/06/2017)
09/06/2017	<u>35</u>	RESPONSE TO ORDER OF THE COURT re Order,,, filed by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE. (Wolfson, Paul) (Entered: 09/06/2017)
09/08/2017		MINUTE ORDER GRANTING <u>33</u> Motion for Leave to Appear Pro Hac Vice for Attorney Harriet Hoder in order for her to appear as co-counsel for Plaintiffs. Counsel shall promptly register for this Court's CM/ECF system. There are now 16 attorneys who are appearing pro hac vice on behalf of Plaintiffs. The Court notes that attorneys for Plaintiffs only need to move to appear pro hac vice before the Court if they are actually going to participate in Court proceedings. LCvR 83.2(d). Signed by Judge Colleen Kollar-Kotelly on 9/8/2017. (lcckk3) (Entered: 09/08/2017)
09/10/2017	<u>36</u>	ORDER Regarding Plaintiffs' <u>13</u> Application for a Preliminary Injunction, <u>14</u> Request for Expedited Hearing and <u>15</u> Motion for Leave to File Documents under Seal. Signed by Judge Colleen Kollar-Kotelly on 9/10/2017. (lcckk3) (Entered: 09/10/2017)
09/12/2017	<u>37</u>	Joint MOTION for Protective Order by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Attachments: # <u>1</u> Text of Proposed Order)(Parker, Ryan) (Entered: 09/12/2017)
09/13/2017	<u>38</u>	ORDER granting <u>37</u> Motion for Protective Order. Signed by Judge Colleen Kollar-Kotelly on 9/13/17. (dot) (Entered: 09/18/2017)
09/20/2017	<u>39</u>	Unopposed MOTION for Extension of Time to Respond to Plaintiffs' Motion for a Preliminary Injunction, Unopposed MOTION for Briefing Schedule by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE,

		UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Attachments: # <u>1</u> Text of Proposed Order)(Parker, Ryan) (Entered: 09/20/2017)
09/20/2017		MINUTE ORDER. The Court is in receipt of Defendants' <u>39</u> Unopposed Motion for Extension of Time to Respond to Plaintiffs' Motion for Preliminary Injunction and for Entry of a Briefing Schedule. Defendants request an additional two weeks to file their opposition to Plaintiffs' Application for Preliminary Injunction and a motion to dismiss. They also request a briefing schedule on these motions that would not be complete until October 27, 2017. The Court will GRANT-IN-PART Defendants' motion. The parties shall adhere to the following schedule: Defendants shall file their opposition to Plaintiffs' Application for Preliminary Injunction and Motion to Dismiss by no later than OCTOBER 2, 2017. Plaintiffs shall file a reply in support of their Application and an opposition to Defendants' Motion to Dismiss by no later than OCTOBER 13, 2017. Defendants shall file a reply in support of their Motion to Dismiss by no later than OCTOBER 20, 2017. Signed by Judge Colleen Kollar-Kotelly on 9/20/2017. (lcckk3) (Entered: 09/20/2017)
09/21/2017	<u>40</u>	REDACTED DOCUMENT– Declaration of Christopher R. Looney in Support of Plaintiffs' Application for Preliminary Injunction to <u>13</u> MOTION for Preliminary Injunction <i>with 65.1(d) Expedited Request</i> , <u>36</u> Order by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Lamb, Kevin) (Entered: 09/21/2017)
09/29/2017	<u>41</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. RAQUEL C. BONO served on 9/5/2017; DEFENSE HEALTH AGENCY served on 9/5/2017; ELAINE C. DUKE served on 9/5/2017; JOSEPH F. DUNFORD, JR. served on 9/6/2017; JAMES N. MATTIS served on 9/6/2017; RYAN D. MCCARTHY served on 9/5/2017; RICHARD V. SPENCER served on 9/6/2017; DONALD J. TRUMP served on 9/11/2017; UNITED STATES COAST GUARD served on 9/5/2017; UNITED STATES DEPARTMENT OF THE AIR FORCE served on 9/5/2017; UNITED STATES DEPARTMENT OF THE ARMY served on 9/5/2017; UNITED STATES DEPARTMENT OF THE NAVY served on 9/5/2017; UNITED STATES OF AMERICA served on 9/6/2017; HEATHER A. WILSON served on 9/5/2017 (Attachments: # <u>1</u> Summons Executed as to AirForce, # <u>2</u> Summons Executed as to Army, # <u>3</u> Summons Executed as to Bono, # <u>4</u> Summons Executed as to Coast Guard, # <u>5</u> Summons Executed as to DHA, # <u>6</u> Summons Executed as to Duke, # <u>7</u> Summons Executed as to Dunford, # <u>8</u> Summons Executed as to Mattis, # <u>9</u> Summons Executed as to McCarthy, # <u>10</u> Summons Executed as to Navy, # <u>11</u> Summons Executed as to Spencer, # <u>12</u> Summons Executed as to USA, # <u>13</u> Summons Executed as to Wilson, # <u>14</u> Proof of Service as to U.S. Attorney General, # <u>15</u> Proof of Service as to U.S. Attorney's Office – District of D.C., # <u>16</u> Certificate of Service)(Schoenfeld, Alan) (Entered: 09/29/2017)
09/29/2017	<u>42</u>	MOTION for Extension of Time to <i>Respond to Plaintiffs' Motion for a Preliminary Injunction</i> by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J.

		TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Attachments: # <u>1</u> Exhibit Interim Guidance, # <u>2</u> Text of Proposed Order)(Parker, Ryan) (Entered: 09/29/2017)
09/29/2017		MINUTE ORDER. The Court is in receipt of Defendants' <u>42</u> Opposed Motion for Extension of Time to Respond to Plaintiffs' Motion for Preliminary Injunction. Defendants request an additional two days to file their opposition to Plaintiffs' Application for Preliminary Injunction because they need additional time to prepare declarations and for senior Executive Branch officials to review their forthcoming pleadings. Defendants represent that Plaintiffs oppose this extension, but no opposition has yet been filed. Because the record supporting Plaintiffs' motion is large and the requested extension is brief, the Court will GRANT Defendants' motion over Plaintiffs' objection. Defendants shall file their opposition to Plaintiffs' Application for Preliminary Injunction and Motion to Dismiss by no later than OCTOBER 4, 2017. This is the final extension that will be granted. Additionally, the Court notes that Defendants' motion is untimely. The Order Establishing Procedures in this case states that "[m]otions for extensions of time must be filed at least four (4) business days prior to the first affected deadline." ECF No. 5 at 3. The Court expects all future motions to be filed on time. If Plaintiffs require additional time, they may file their reply and opposition by OCTOBER 16, 2017. Signed by Judge Colleen Kollar-Kotelly on 9/29/2017. (lcckk3) (Entered: 09/29/2017)
09/29/2017		Set/Reset Deadlines: Defendants' Response to <u>13</u> due by 10/4/2017. Reply due by 10/16/2017. (dot) (Entered: 10/02/2017)
09/29/2017	<u>43</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/5/2017., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/11/2017. (Answer due for ALL FEDERAL DEFENDANTS by 11/10/2017.) (See Docket Entry <u>41</u> to view document). (znmw) (Entered: 10/02/2017)
10/04/2017	<u>44</u>	MOTION for Leave to File <i>Brief as Amici Curiae in Support of Plaintiffs on Behalf of Medical, Nursing, Mental Health, and Other Health Care Organizations</i> by AMERICAN ACADEMY OF FAMILY PHYSICIANS, AMERICAN ACADEMY OF NURSING, AMERICAN COLLEGE OF PHYSICIANS, AMERICAN MEDICAL WOMEN'S ASSOCIATION, AMERICAN NURSES ASSOCIATION, ASSOCIATION OF MEDICAL SCHOOL PEDIATRIC DEPARTMENT CHAIRS, ENDOCRINE SOCIETY, GLMA: HEALTH PROFESSIONALS ADVANCING LGBT EQUALITY, NATIONAL ASSOCIATION OF SOCIAL WORKERS, PEDIATRIC ENDOCRINE SOCIETY, WORLD PROFESSIONAL ASSOCIATION FOR TRANSGENDER HEALTH (Attachments: # <u>1</u> Brief of Amici Curiae Medical, Nursing, Mental Health, and Other Health Care Organizations in Support of Plaintiffs, # <u>2</u> Proposed Order)(Wilkins, Scott) (Entered: 10/04/2017)

10/04/2017	<u>45</u>	MOTION to Dismiss < by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Attachments: # <u>1</u> Exhibit Interim Guidance, # <u>2</u> Declaration of Robert B. Chadwick, # <u>3</u> Declaration of Robert O. Burns, # <u>4</u> Text of Proposed Order)(Parker, Ryan) . (Entered: 10/04/2017)
10/04/2017	<u>46</u>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Declaration as to Jane Doe 1, # <u>2</u> Declaration as to Jane Doe 2, # <u>3</u> Declaration as to Jane Doe 3, # <u>4</u> Declaration as to Jane Doe 4, # <u>5</u> Declaration as to Jane Doe 5, # <u>6</u> Declaration as to John Doe 1)(Parker, Ryan) (Entered: 10/04/2017)
10/04/2017	47	Memorandum in opposition to re <u>13</u> MOTION for Preliminary Injunction <i>with 65.1(d) Expedited Request</i> , filed by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON. (See Docket Entry <u>45</u> to view document). (znmw) (Entered: 10/05/2017)
10/05/2017		MINUTE ORDER. The Court has received Defendant's <u>46</u> Consent Motion for Leave to File Documents Under Seal. That motion seeks leave to file under seal certain declarations that "contain information identifying the Plaintiffs who are proceeding in this action under pseudonyms." The motion also indicates that Defendants have "requested that Plaintiffs' counsel propose redactions to the declarations that will allow them to be filed on the public record without placing the Plaintiffs' identities at risk of disclosure." Having considered the familiar <i>Hubbard</i> factors for sealing, and given that the Court has previously permitted Plaintiffs to proceed under pseudonyms to protect their anonymity, the <u>46</u> Motion shall be GRANTED. <i>See EEOC v. Nat'l Childrens Ctr. Inc.</i> , 98 F.3d 1406, 1409 (D.C. Cir. 1996) (listing factors). However, this ruling is CONTINGENT on the parties filing mutually agreeable redacted versions of the declarations at issue on the public docket by OCTOBER 20, 2017. Any content in these documents that would not expose the identities of the Plaintiffs shall be made publicly available. Signed by Judge Colleen Kollar-Kotelly on 10/5/2017. (lcckk1) (Entered: 10/05/2017)
10/05/2017	<u>48</u>	SEALED DOCUMENT (Declarations) re 47 Memorandum in Opposition, <u>45</u> MOTION to Dismiss <i>and Opposition to Plaintiffs' Motion for a Preliminary</i>

		<p><i>Injunction</i> filed by RYAN D. MCCARTHY, UNITED STATES COAST GUARD, RICHARD V. SPENCER, UNITED STATES DEPARTMENT OF THE ARMY, DONALD J. TRUMP, UNITED STATES OF AMERICA, RAQUEL C. BONO, UNITED STATES DEPARTMENT OF THE AIR FORCE, DEFENSE HEALTH AGENCY, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, UNITED STATES DEPARTMENT OF THE NAVY, HEATHER A. WILSON, ELAINE C. DUKE. (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Declaration as to Jane Doe 2, # <u>2</u> Declaration as to Jane Doe 3, # <u>3</u> Declaration as to Jane Doe 4, # <u>4</u> Declaration as to Jane Doe 5, # <u>5</u> Declaration as to John Doe 1)(znmw) (Entered: 10/06/2017)</p>
10/11/2017	<u>49</u>	<p>MOTION for Leave to File <i>Amicus Curiae Brief</i> by TREVOR PROJECT (Attachments: # <u>1</u> Exhibit Proposed Amicus Brief, # <u>2</u> Text of Proposed Order)(Hogan, Howard) (Entered: 10/11/2017)</p>
10/16/2017	<u>50</u>	<p>AMICUS BRIEF by MASSACHUSETTS (td) Modified on 10/16/2017 as to filer(s) (jf). (Entered: 10/16/2017)</p>
10/16/2017	<u>51</u>	<p>Unopposed MOTION for Leave to File <i>Declarations in Opposition to the Government's Motion to Dismiss and in Further Support of Plaintiffs' Application for Preliminary Injunction</i> by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Raymond Edwin Mabus, # <u>2</u> Declaration of Deborah Lee Jones, # <u>3</u> Declaration of Eric K. Fanning, # <u>4</u> Declaration of Mark J. Eitelberg, # <u>5</u> Declaration of George R. Brown)(Wolfson, Paul) (Entered: 10/16/2017)</p>
10/16/2017	<u>52</u>	<p>MOTION for Leave to File <i>Brief of Amici Curiae</i> by NATIONAL CENTER FOR TRANSGENDER EQUALITY, TENNESSEE TRANSGENDER POLITICAL COALITION, TGI NETWORK OF RHODE ISLAND, TRANSGENDER ALLIES GROUP, TRANSGENDER LEGAL DEFENSE & EDUCATION FUND, TRANSOHIO, TRANSGENDER RESOURCE CENTER OF NEW MEXICO, SOUTHERN ARIZONA GENDER ALLIANCE (Attachments: # <u>1</u> Proposed Brief of Amici Curiae, # <u>2</u> Text of Proposed Order)(Manning, Susan) (Entered: 10/16/2017)</p>
10/16/2017	<u>53</u>	<p>NOTICE of Appearance by Susan Baker Manning on behalf of NATIONAL CENTER FOR TRANSGENDER EQUALITY, SOUTHERN ARIZONA GENDER ALLIANCE, TENNESSEE TRANSGENDER POLITICAL COALITION, TGI NETWORK OF RHODE ISLAND, TRANSGENDER ALLIES GROUP, TRANSGENDER LEGAL DEFENSE & EDUCATION FUND, TRANSGENDER RESOURCE CENTER OF NEW MEXICO, TRANSOHIO (Manning, Susan) (Entered: 10/16/2017)</p>
10/16/2017	<u>54</u>	<p>NOTICE of Appearance by Stephanie Schuster on behalf of NATIONAL CENTER FOR TRANSGENDER EQUALITY, SOUTHERN ARIZONA GENDER ALLIANCE, TENNESSEE TRANSGENDER POLITICAL COALITION, TGI NETWORK OF RHODE ISLAND, TRANSGENDER ALLIES GROUP, TRANSGENDER LEGAL DEFENSE & EDUCATION FUND, TRANSGENDER RESOURCE CENTER OF NEW MEXICO, TRANSOHIO (Schuster, Stephanie) (Entered: 10/16/2017)</p>
10/16/2017	<u>55</u>	

		Memorandum in opposition to re <u>45</u> MOTION to Dismiss <i>and Opposition to Plaintiffs' Motion for a Preliminary Injunction</i> filed by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE. (Wolfson, Paul) (Entered: 10/16/2017)
10/20/2017	<u>56</u>	NOTICE of Filing <i>Redacted Declarations</i> by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Attachments: # <u>1</u> Declaration of Brian Judge pertaining to Jane Doe 1, # <u>2</u> Declaration pertaining to Jane Doe 2, # <u>3</u> Declaration pertaining to Jane Doe 3, # <u>4</u> Declaration pertaining to Jane Doe 4, # <u>5</u> Declaration of Daniel Sitterly pertaining to Jane Doe 5, # <u>6</u> Declaration pertaining to John Doe 1)(Parker, Ryan) (Entered: 10/20/2017)
10/20/2017	<u>57</u>	REPLY to opposition to motion re <u>45</u> MOTION to Dismiss filed by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON. (Parker, Ryan) (Entered: 10/20/2017)
10/23/2017	<u>58</u>	ERRATA <i>Correcting Defendants' Reply In Support of Their Motion to Dismiss</i> by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON <u>57</u> Reply to opposition to Motion, filed by RYAN D. MCCARTHY, UNITED STATES COAST GUARD, RICHARD V. SPENCER, UNITED STATES DEPARTMENT OF THE ARMY, DONALD J. TRUMP, UNITED STATES OF AMERICA, RAQUEL C. BONO, UNITED STATES DEPARTMENT OF THE AIR FORCE, DEFENSE HEALTH AGENCY, JOSEPH F. DUNFORD, JR., UNITED STATES DEPARTMENT OF THE NAVY, JAMES N. MATTIS, HEATHER A. WILSON, ELAINE C. DUKE. (Attachments: # <u>1</u> Defendants' Corrected Reply in Support of Their Motion to Dismiss)(Parker, Ryan) (Entered: 10/23/2017)
10/23/2017	<u>59</u>	NOTICE of Appearance by Christopher F. Stoll on behalf of All Plaintiffs (Stoll, Christopher) (Entered: 10/23/2017)
10/30/2017	<u>60</u>	ORDER GRANTING-IN-PART and DENYING-IN-PART Defendants' <u>45</u> Motion to Dismiss and Plaintiffs' <u>13</u> Motion for Preliminary Injunction. Signed by Judge Colleen Kollar-Kotelly on 10/30/2017. (lcckk3) (Entered: 10/30/2017)
10/30/2017	<u>61</u>	MEMORANDUM OPINION Regarding <u>60</u> ORDER GRANTING-IN-PART and DENYING-IN-PART Defendants' <u>45</u> Motion to Dismiss and Plaintiffs'

		<u>13</u> Motion for Preliminary Injunction. Signed by Judge Colleen Kollar-Kotelly on 10/30/2017. (lcckk3) (Entered: 10/30/2017)
11/10/2017	<u>62</u>	Joint STATUS REPORT <i>in Response to October 30, 2017 Order</i> by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE. (Wolfson, Paul) (Entered: 11/10/2017)
11/14/2017	<u>63</u>	ORDER Regarding the parties' <u>62</u> Joint Status Report. Signed by Judge Colleen Kollar-Kotelly on 11/14/2017. (lcckk3) (Entered: 11/14/2017)
11/14/2017	<u>64</u>	ORDER FOR INITIAL SCHEDULING CONFERENCE. Signed by Judge Colleen Kollar-Kotelly on 11/14/2017. (lcckk3) (Entered: 11/14/2017)
11/17/2017		MINUTE ORDER. The parties shall file their Joint Statement addressing all topics listed in Local Rule 16.3(c) by no later than NOVEMBER 21, 2017. Signed by Judge Colleen Kollar-Kotelly on 11/17/2017. (lcckk3) (Entered: 11/17/2017)
11/21/2017	<u>65</u>	MEET AND CONFER STATEMENT. (Wolfson, Paul) (Entered: 11/21/2017)
11/21/2017	<u>66</u>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>60</u> Order on Motion for Leave to File, Order on Motion to Dismiss,,, Order on Motion for Preliminary Injunction by JAMES N. MATTIS, RAQUEL C. BONO, ELAINE C. DUKE, DEFENSE HEALTH AGENCY, RYAN D. MCCARTHY, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES COAST GUARD, DONALD J. TRUMP, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, HEATHER A. WILSON, UNITED STATES OF AMERICA, JOSEPH F. DUNFORD, JR., RICHARD V. SPENCER. Fee Status: No Fee Paid. Parties have been notified. (Carmichael, Andrew) (Entered: 11/21/2017)
11/22/2017	<u>67</u>	MOTION to Clarify <i>Court's Order of October 30, 2017</i> by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Carmichael, Andrew) (Entered: 11/22/2017)
11/22/2017	<u>68</u>	Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The Court of Appeals docketing fee was not paid because the appeal was filed by the government re <u>66</u> Notice of Appeal to DC Circuit Court,,. (td) (Entered: 11/22/2017)
11/27/2017	<u>69</u>	Memorandum in opposition to re <u>67</u> MOTION to Clarify <i>Court's Order of October 30, 2017</i> filed by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE. (Wolfson, Paul) (Entered: 11/27/2017)
11/27/2017	<u>70</u>	ORDER Regarding Defendants' <u>67</u> Motion for Clarification of the Court's October 30, 2017 Order. Signed by Judge Colleen Kollar-Kotelly on 11/27/2017. (lcckk3) (Entered: 11/27/2017)

11/28/2017	<u>71</u>	SCHEDULING AND PROCEDURES ORDER. Signed by Judge Colleen Kollar-Kotelly on 11/28/2017. (lcckk3) (Entered: 11/28/2017)
11/28/2017		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Initial Scheduling Conference held on 11/28/2017. Amended Pleadings due by 12/15/2017. Discovery due by 3/30/2018. Joint Discovery Plan due by 12/15/2017. Initial Disclosure due by 12/15/2017. Proponent's Rule 26(a)(2)(B)&(C) Disclosures due by 2/5/2018; Opponent's Rule 26(a)(2)(B)&(C) Disclosures due by 3/5/2018; and Replies, if any due by 3/12/2018. Status Conference set for 4/6/2018 at 10:00 AM in Courtroom 28A before Judge Colleen Kollar-Kotelly. (Court Reporter Richard Ehrlich.) (dot) (Entered: 11/28/2017)
11/30/2017	<u>72</u>	<p>TRANSCRIPT OF SCHEDULING CONFERENCE before Judge Colleen Kollar-Kotelly held on November 28, 2017; Page Numbers: 1 – 31. Date of Issuance: November 30, 2017. Court Reporter/Transcriber Richard D. Ehrlich, Telephone number (202) 354-3269, Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 12/21/2017. Redacted Transcript Deadline set for 12/31/2017. Release of Transcript Restriction set for 2/28/2018.(Ehrlich, Richard) (Entered: 11/30/2017)</p>
12/01/2017		USCA Case Number 17-5267 for <u>66</u> Notice of Appeal to DC Circuit Court,, filed by RYAN D. MCCARTHY, UNITED STATES COAST GUARD, RICHARD V. SPENCER, UNITED STATES DEPARTMENT OF THE ARMY, DONALD J. TRUMP, UNITED STATES OF AMERICA, RAQUEL C. BONO, UNITED STATES DEPARTMENT OF THE AIR FORCE, DEFENSE HEALTH AGENCY, JOSEPH F. DUNFORD, JR., UNITED STATES DEPARTMENT OF THE NAVY, JAMES N. MATTIS, HEATHER A. WILSON, ELAINE C. DUKE. (zrdj) (Entered: 12/04/2017)
12/06/2017	<u>73</u>	MOTION to Stay <i>Portion of Preliminary Injunction Pending Appeal</i> by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Attachments: # <u>1</u> Declaration of Lernes J. Herbert, #

		<u>2</u> Text of Proposed Order)(Parker, Ryan) (Entered: 12/06/2017)
12/07/2017		MINUTE ORDER. The Court is in receipt of Defendants' <u>73</u> Motion for Partial Stay of Preliminary Injunction Pending Appeal. Plaintiff shall file a response by no later than DECEMBER 8, 2017 at NOON. Defendants have waived their right to file a reply. Signed by Judge Colleen Kollar-Kotelly on 12/7/2017. (lcckk3) (Entered: 12/07/2017)
12/07/2017		Set/Reset Deadlines: Plaintiff's Response to Motion for Partial Stay of Preliminary Injunction due by 12/8/2017. (kt) (Entered: 12/07/2017)
12/08/2017	<u>74</u>	Memorandum in opposition to re <u>73</u> MOTION to Stay <i>Portion of Preliminary Injunction Pending Appeal</i> filed by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Wolfson, Paul) (Entered: 12/08/2017)
12/11/2017	<u>75</u>	ORDER DENYING Defendants' <u>73</u> Motion for a Partial Stay of the Court's Preliminary Injunction Pending Appeal. Signed by Judge Colleen Kollar-Kotelly on 12/11/2017. (lcckk3) (Entered: 12/11/2017)
12/15/2017	<u>76</u>	Joint STATUS REPORT <i>Setting Forth Detailed Discovery Plan</i> by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON. (Parker, Ryan) (Entered: 12/15/2017)
12/22/2017	<u>77</u>	Joint STATUS REPORT <i>Supplementing Discovery Plan</i> by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON. (Parker, Ryan) (Entered: 12/22/2017)
12/29/2017	<u>78</u>	ANSWER to <u>9</u> Amended Complaint,, by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON.(Parker, Ryan) (Entered: 12/29/2017)
01/04/2018	<u>79</u>	MANDATE of USCA as to <u>66</u> Notice of Appeal to DC Circuit Court,, filed by RYAN D. MCCARTHY, UNITED STATES COAST GUARD, RICHARD V. SPENCER, UNITED STATES DEPARTMENT OF THE ARMY, DONALD J. TRUMP, UNITED STATES OF AMERICA, RAQUEL C. BONO, UNITED STATES DEPARTMENT OF THE AIR FORCE, DEFENSE HEALTH AGENCY, JOSEPH F. DUNFORD, JR., UNITED STATES DEPARTMENT OF THE NAVY, JAMES N. MATTIS, HEATHER A.

		WILSON, ELAINE C. DUKE ; USCA Case Number 17-5267. (Attachments: # <u>1</u> USCA Order)(ztd) (Entered: 01/05/2018)
01/08/2018		Set/Reset Hearings: Telephone Conference on the record set for 1/9/2018 at 1:30 PM in Chambers before Judge Colleen Kollar-Kotelly. (dot) (Entered: 01/09/2018)
01/09/2018	<u>80</u>	ORDER Regarding January 9, 2018 Teleconference. Signed by Judge Colleen Kollar-Kotelly on 1/9/2018. (Attachments: # <u>1</u> Exhibit A) (lcckk3) (Entered: 01/09/2018)
01/09/2018		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Telephone Conference held on 1/9/2018. (Court Reporter Sara Wick.) (dot) (Entered: 01/11/2018)
02/09/2018		MINUTE ORDER. The Court will hold a teleconference with the parties on the record on FEBRUARY 13, 2018 at 2:30 pm to discuss a discovery dispute. The parties shall jointly call chambers at a number provided by e-mail. Signed by Judge Colleen Kollar-Kotelly on 2/9/2018. (lcckk3) (Entered: 02/09/2018)
02/09/2018		Set/Reset Hearings: Telephone Conference on the record set for 2/13/2018 at 2:30 PM in Chambers before Judge Colleen Kollar-Kotelly. (dot) (Entered: 02/12/2018)
02/13/2018		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Telephone Conference on the record held on 2/13/2018. (Court Reporter Sara Wick.) (dot) (Entered: 02/13/2018)
02/13/2018		MINUTE ORDER. The Court held a teleconference with the parties today, February 13, 2018, to discuss a discovery dispute. The Court will hold another teleconference on Friday, FEBRUARY 16, 2018 at 2:30 PM to continue to discuss this dispute. In the meantime, the parties are to meet and confer. The parties shall be prepared during the next teleconference to discuss what information Defendants contend is covered by the presidential communications privilege that the Court can review in camera. The parties shall also meet and confer to resolve or narrow their dispute regarding the deliberative process privilege and, if the dispute cannot be fully resolved, Plaintiffs shall be prepared to identify the specific documents they would request the Court review in camera. Signed by Judge Colleen Kollar-Kotelly on 2/13/2018. (lcckk3) (Entered: 02/13/2018)
02/13/2018		Set/Reset Hearings: Telephone Conference on the record set for 2/16/2018 at 2:30 PM in Chambers before Judge Colleen Kollar-Kotelly. (dot) (Entered: 02/14/2018)
02/14/2018	<u>81</u>	Joint MOTION for Protective Order and Cross-Use Agreement and Fed.R.Evid. 502(D) Order by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Attachments: # <u>1</u> Text of Proposed Order Proposed Protective Order and Cross Use Agreement, # <u>2</u> Text of Proposed Order Proposed Fed. R. Evid. 502(d)

		Order)(Parker, Ryan) Modified text on 2/15/2018 (td). (Entered: 02/14/2018)
02/14/2018	<u>82</u>	STIPULATION of Voluntary Partial Dismissal <i>as to Plaintiff Jane Doe 1 and Defendants United States Coast Guard and Kirstjen Nielsen, in her official capacity as Secretary of Homeland Security</i> by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE. (Wolfson, Paul) Modified text on 2/15/2018 (td). (Entered: 02/14/2018)
02/14/2018	<u>84</u>	ORDER granting <u>81</u> Motion for Uniform Protective Order and Cross–Use Agreement. Signed by Judge Colleen Kollar–Kotelly on 2/14/18. (dot) (Entered: 02/16/2018)
02/14/2018	<u>85</u>	ORDER on the parties Joint Motion pursuant to Federal Rule of Evidence 502(d) and Local Civil Rule 16.3(c)(10). Signed by Judge Colleen Kollar–Kotelly on 2/14/18. (dot) (Entered: 02/16/2018)
02/15/2018	<u>83</u>	<p>TRANSCRIPT OF TELEPHONE CONFERENCE before Judge Colleen Kollar–Kotelly held on 02/13/2018; Page Numbers: 35; Date of Issuance: 02/15/2018. Court Reporter/Transcriber: Sara A. Wick, Telephone number 202–354–3284. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 3/8/2018. Redacted Transcript Deadline set for 3/18/2018. Release of Transcript Restriction set for 5/16/2018.(Wick, Sara) (Entered: 02/15/2018)</p>
02/16/2018	<u>86</u>	Letter from Plaintiffs and Defendants (Attachments: # <u>1</u> Letter, # <u>2</u> Exhibit Ex A 2017.12.15 Pltfs' 1st Set of INTs, # <u>3</u> Exhibit Ex B President Trump Interrogatory Objections – Served 2.6.18, # <u>4</u> Exhibit Ex C Secretary of Defense Mattis Interrogatory Responses – Served on 2.6, # <u>5</u> Exhibit Ex D 2018.01.25 Air Force's Objcs. and Resps. to Pltfs' 1st INTs, # <u>6</u> Exhibit Ex E Doe v. Trump – Updated Privilege Log – 2.7.18, # <u>7</u> Exhibit Ex F USDOE00061876 – with redactions, # <u>8</u> Exhibit Ex G USDOE00061945 – with redactions, # <u>9</u> Ex H President Trump RFA Objections – Served 2.6.18) "Let this be filed" signed 2/16/18 by Judge C. Kollar–Kotelly(td) (Main Document 86 replaced on 2/16/2018) (ztd). (Entered: 02/16/2018)
02/16/2018		MINUTE ORDER. The Court held a teleconference with the parties today, February 16, 2018, to discuss a discovery dispute. The dispute relates to Defendants' assertions of two privileges: the deliberative process privilege and

		<p>the presidential communications privilege. With respect to the deliberative process privilege, Plaintiffs have provided Defendants with a list of documents that they contend were inappropriately withheld in full or in part. Defendants are going to review those documents and consult with Plaintiffs next week to discuss whether they are willing to release some or all of those documents, or at least provide Plaintiffs with more information about the documents so that Plaintiffs can consider the appropriateness of Defendants' assertions of privilege. The parties will then meet and confer and attempt to resolve their disputes without further Court intervention. If unsuccessful, Plaintiffs can contact the Court again. With respect to the presidential communications privilege, Defendants refuse to provide any information to the Court for it to review in camera in order to adjudicate the legality of Defendants' assertion of privilege. Defendants are to file a motion for a protective order on this particular presidential communications privilege issue by no later than FEBRUARY 27, 2018. Plaintiffs shall file a response by no later than MARCH 12, 2018. Defendants shall file a reply by no later than MARCH 19, 2018. Signed by Judge Colleen Kollar-Kotelly on 2/16/2018. (lcckk3) (Entered: 02/16/2018)</p>
02/16/2018		<p>Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Telephone Conference on the record held on 2/16/2018. (Court Reporter Sara Wick.) (dot) (Entered: 02/20/2018)</p>
02/20/2018		<p>Set/Reset Deadlines: Defendant's motion for protective order due by 2/27/2018. Response due by 3/12/2018. Reply due by 3/19/2018. (tb) (Entered: 02/20/2018)</p>
02/21/2018	<u>87</u>	<p>TRANSCRIPT OF INITIAL SCHEDULING CONFERENCE before Judge Colleen Kollar-Kotelly held on November 28, 2017; Page Numbers: 1 – 31. Date of Issuance: December 15, 2017. Court Reporter/Transcriber Richard D. Ehrlich, Telephone number (202) 354-3269, Tape Number: NA. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 3/14/2018. Redacted Transcript Deadline set for 3/24/2018. Release of Transcript Restriction set for 5/22/2018. (Ehrlich, Richard) (Entered: 02/21/2018)</p>
02/22/2018	<u>88</u>	<p>TRANSCRIPT OF TELEPHONE CONFERENCE before Judge Colleen Kollar-Kotelly, held on 02/16/2018. Page Numbers: 11. Date of Issuance: 02/22/2018. Court Reporter/Transcriber Sara A. Wick. Transcripts may be</p>

		<p>ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days , the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 3/15/2018. Redacted Transcript Deadline set for 3/25/2018. Release of Transcript Restriction set for 5/23/2018.(Wick, Sara) (Entered: 02/22/2018)</p>
02/27/2018	<u>89</u>	<p>MOTION for Protective Order by RAQUEL C. BONO, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Text of Proposed Order)(Parker, Ryan) (Entered: 02/27/2018)</p>
03/02/2018	<u>90</u>	<p>MOTION for Judgment on the Pleadings <i>and Motion to Partially Dissolve the Preliminary Injunction</i> by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Attachments: # <u>1</u> Text of Proposed Order)(Parker, Ryan). Added MOTION for Order to Partially Dissolve the Preliminary Injunction on 3/5/2018 (znmw). (Entered: 03/02/2018)</p>
03/02/2018		<p>MINUTE ORDER. The Court is in receipt of Defendants' <u>90</u> Partial Motion for Judgment on the Pleadings and to Partially Dissolve the Preliminary Injunction. Plaintiffs shall file a response by no later than MARCH 16, 2018. Defendants shall file a reply by no later than MARCH 23, 2018. Signed by Judge Colleen Kollar–Kotelly on 3/2/2018. (lcckk3) (Entered: 03/02/2018)</p>
03/02/2018		<p>Set/Reset Deadlines: Plaintiffs' Response to <u>90</u> due by 3/16/2018. Defendants' Reply due by 3/23/2018. (dot) (Entered: 03/02/2018)</p>
03/12/2018	<u>91</u>	<p>RESPONSE re <u>89</u> MOTION for Protective Order filed by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE. (Attachments: # <u>1</u> Declaration Daniel McFadden, # <u>2</u> Exhibit A– E–Mail to Ryan Parker March 1, 2018, # <u>3</u></p>

		Exhibit B– E–Mail exchange July 27, 2017 regarding the transgender policy message, # <u>4</u> Exhibit C– Defendants' Objections and Responses to Plaintiffs' First Set of Interrogatories to General Dunford, # <u>5</u> Exhibit D– Defendants' Objections and Responses to Plaintiffs' First Set of Interrogatories to the Navy and Secretary Spencer, # <u>6</u> Exhibit E– Defendants' Objections and Responses to Plaintiffs' First Set of Interrogatories to the Army and Secretary Esper, # <u>7</u> Exhibit F– Air Force's Objections and Responses to Plaintiffs' First Set of Interrogatories, # <u>8</u> Exhibit G– Defendants' Objections and Responses to Plaintiffs' First Set of Interrogatories to the Defense Health Agency and Director Bono, # <u>9</u> Exhibit H– Privilege log produced by the Defendants on February 7, 2018, # <u>10</u> Exhibit I– Privilege log produced by the Defendants on February 6, 2018, # <u>11</u> Exhibit J– E–Mail exchange dated January 11–12, 2018 regarding "Proposed Discovery Response Schedule.")(Wolfson, Paul) (Entered: 03/12/2018)
03/16/2018	<u>92</u>	RESPONSE re <u>90</u> MOTION for Judgment on the Pleadings <i>and Motion to Partially Dissolve the Preliminary Injunction</i> MOTION for Order <i>to Partially Dissolve the Preliminary Injunction</i> filed by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE. (Wolfson, Paul) (Entered: 03/16/2018)
03/19/2018	<u>93</u>	REPLY to opposition to motion re <u>89</u> MOTION for Protective Order filed by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON. (Parker, Ryan) (Entered: 03/19/2018)
03/23/2018	<u>94</u>	REPLY to opposition to motion re <u>90</u> MOTION for Judgment on the Pleadings <i>and Motion to Partially Dissolve the Preliminary Injunction</i> MOTION for Order <i>to Partially Dissolve the Preliminary Injunction</i> filed by RAQUEL C. BONO, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON. (Parker, Ryan) (Entered: 03/23/2018)
03/23/2018	<u>95</u>	NOTICE by ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Attachments: # <u>1</u> Exhibit)(Parker, Ryan) (Entered: 03/23/2018)
03/23/2018	<u>96</u>	MOTION to Dissolve the Preliminary Injunction by RAQUEL C. BONO, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY,

		UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Declaration, # <u>6</u> Declaration)(Parker, Ryan) (Entered: 03/23/2018)
03/23/2018	<u>97</u>	MOTION for Protective Order by RAQUEL C. BONO, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RYAN D. MCCARTHY, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Attachments: # <u>1</u> Text of Proposed Order)(Parker, Ryan) (Entered: 03/23/2018)
03/26/2018		MINUTE ORDER. The Court will hold a teleconference with the parties on MARCH 27, 2018 at 9:30 a.m. The parties shall jointly call chambers at a number to be provided by e-mail. Signed by Judge Colleen Kollar-Kotelly on 3/26/2018. (lcckk3) (Entered: 03/26/2018)
03/26/2018		Set/Reset Hearings: Telephone Conference on the record set for 3/27/2018 at 9:30 AM in Chambers before Judge Colleen Kollar-Kotelly. (dot) (Entered: 03/26/2018)
03/26/2018		MINUTE ORDER. The teleconference previously set for March 27, 2018 is hereby rescheduled for MARCH 28, 2018 at 10:30 a.m. Signed by Judge Colleen Kollar-Kotelly on 3/26/2018. (lcckk3) (Entered: 03/26/2018)
03/26/2018		Set/Reset Hearings: Telephone Conference on the record set for 3/28/2018 at 10:30 AM in Chambers before Judge Colleen Kollar-Kotelly. (dot) (Entered: 03/27/2018)
03/27/2018	<u>98</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Lauren Godles Milgroom, :Firm- Foley Hoag LLP, :Address- 155 Seaport Boulevard, Boston, MA 02210. Phone No. - 617-832-3052. Fax No. - 617-832-7000 Filing fee \$ 100, receipt number 0090-5391796. Fee Status: Fee Paid. by JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Lauren Godles Milgroom, # <u>2</u> Text of Proposed Order)(Lamb, Kevin) (Entered: 03/27/2018)
03/27/2018	<u>99</u>	MOTION to Intervene to Seek Access to March 28, 2018 Telephone Conference by BUZZFEED, INC. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Zoe Tillman, # <u>3</u> Declaration of Matthew L. Schafer, # <u>4</u> Text of Proposed Order, # <u>5</u> Corporate Disclosure)(Schafer, Matthew) (Entered: 03/27/2018)
03/27/2018	<u>100</u>	NOTICE of Appearance by Matthew L. Schafer on behalf of BUZZFEED, INC. (Schafer, Matthew) (Entered: 03/27/2018)
03/28/2018		MINUTE ORDER. The Court is in receipt of putative intervenor Buzzfeed, Inc.'s ("Buzzfeed") <u>99</u> Motion to Intervene to Seek Access to March 28, 2018 Telephone Conference. This motion was filed on the evening before the telephone conference to which Buzzfeed seeks access. Other members of the press likewise have sought access to the teleconference by contacting courthouse personnel. Because the teleconference is scheduled for this morning, March 28, 2018, this Order addressing Buzzfeed's pending motion

		<p>and other press inquiries must of necessity be brief. In its motion, BuzzFeed indicates that it does not know what the substance of this morning's teleconference will be. The Court hereby notifies BuzzFeed and other interested news outlets that the purpose of the March 28, 2018, telephone conference is solely to set a schedule for future proceedings. BuzzFeed also cites a number of opinions many of them in the criminal context in its motion about the appropriateness of sealed or in camera proceedings. This is a civil case, and the teleconference will not be sealed. The discussion will be transcribed, and the record will be available shortly afterwards. As its practice has been, the Court also shall issue a written order summarizing the teleconference and setting forth agreed dates for the ensuing briefing. Federal Rule of Civil Procedure 77(b) allows the Court to hold this teleconference with the parties in chambers. That rule states that "[e]very trial on the merits must be conducted in open court and, so far as convenient, in a regular courtroom," but "[a]ny other act or proceeding may be done or conducted by a judge in chambers, without the attendance of the clerk or other court official, and anywhere inside or outside the district." Fed. R. Civ. P. 77(b). "Rule 77(b) simply articulates the traditional authority of a judge to speak privately with the parties to a suit, whether in bench conferences or in chambers." B.H. v. McDonald, 49 F.3d 294, 298 (7th Cir. 1995). The Court is under no obligation to allow any and all interested parties to join a teleconference held in its chambers, especially where the content of that conference does not address the merits of the case, will be memorialized in an Order, and will also be transcribed in a public transcript. Moreover, BuzzFeed frames its request as a motion to intervene under Rule 24, but does not specify whether it seeks intervention as of right (Rule 24(a)) or permissive intervention (Rule 24(b)). Language in its memorandum suggests that intervention is sought as of right, but BuzzFeed has not cited any federal statute that would give it "an unconditional right to intervene" (Rule 24(a)(1)), nor does it claim that the nature of this teleconference a scheduling conference would "dispos[e] of the action" and thus "may as a practical matter impair or impede the movant's ability to protect its interest" (Rule 24(a)(2)). Even if BuzzFeed instead seeks permissive intervention pursuant to Rule 24(b), it has not argued that any federal statute accords it "a conditional right to intervene" (Rule 24(b)(1)) or that it "has a claim or defense that shares with the main action a common question of law or fact" (Rule 24(b)(2)). The Court is not persuaded that intervention is appropriate. Accordingly, the Court shall DENY BuzzFeed's <u>99</u> Motion to Intervene to Seek Access to March 28, 2018 Telephone Conference, as well as any other requests by the press to participate in this teleconference. Signed by Judge Colleen Kollar-Kotelly on 3/28/2018. (lcckk3) Modified to add link on 3/29/2018 (znmw). (Entered: 03/28/2018)</p>
03/28/2018		<p>MINUTE ORDER GRANTING <u>98</u> Motion for Leave to Appear Pro Hac Vice for Attorney Lauren Godles Milgroom in order for her to appear as co-counsel for Plaintiffs. Counsel shall promptly register for this Court's CM/ECF system. Signed by Judge Colleen Kollar-Kotelly on 3/28/2018. (lcckk3) (Entered: 03/28/2018)</p>
03/28/2018	<u>101</u>	<p>ORDER Regarding March 28, 2018 Teleconference. Signed by Judge Colleen Kollar-Kotelly on 3/28/2018. (lcckk3) (Entered: 03/28/2018)</p>
03/28/2018		<p>Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Telephone Conference on the record held on 3/28/2018. (Court Reporter</p>

		Richard Ehrlich.) (dot) (Entered: 03/28/2018)
03/28/2018	<u>102</u>	<p>TRANSCRIPT OF TELEPHONIC CONFERENCE before Judge Colleen Kollar-Kotelly held on March 28, 2018; Page Numbers: 1 – 54. Date of Issuance: March 28, 2018. Court Reporter/Transcriber Richard D. Ehrlich, Telephone number (202) 354–3269, Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 4/18/2018. Redacted Transcript Deadline set for 4/28/2018. Release of Transcript Restriction set for 6/26/2018.(Ehrlich, Richard) (Entered: 03/28/2018)</p>
03/29/2018	<u>103</u>	NOTICE of Appearance by Theresa Roosevelt on behalf of JOHN DOE, 1, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, REGAN V. KIBBY, DYLAN KOHERE (Roosevelt, Theresa) (Entered: 03/29/2018)
04/04/2018	<u>104</u>	NOTICE of Change of Address by Mary L. Bonauto (Bonauto, Mary) (Entered: 04/04/2018)
04/04/2018	<u>105</u>	NOTICE of Change of Address by Jennifer Levi (Levi, Jennifer) (Entered: 04/04/2018)
04/06/2018	<u>106</u>	AMENDED COMPLAINT (<i>Second</i>) for Declaratory and Injunctive Relief against RAQUEL C. BONO, DEFENSE HEALTH AGENCY, JOSEPH F. DUNFORD, JR., JAMES N. MATTIS, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON, KIRSTJEN M. NIELSEN, MARK T. ESPER filed by JANE DOE 2, JANE DOE 3, DYLAN KOHERE, JANE DOE 4, JOHN DOE, 1, JANE DOE 5, REGAN V. KIBBY, JANE DOE 6, JANE DOE 7, JOHN DOE 2.(Wolfson, Paul) (Entered: 04/06/2018)
04/06/2018	<u>107</u>	SEALED DOCUMENT filed by JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE re <u>106</u> Amended Complaint., (This document is SEALED and only available to authorized persons.)(Wolfson, Paul) (Entered: 04/06/2018)

04/06/2018	<u>108</u>	Memorandum in opposition to re <u>97</u> MOTION for Protective Order filed by JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE. (Attachments: # <u>1</u> Declaration of Adam M. Cambier in Support of Plaintiffs' Opposition to Defendants' Motion for Protective Order, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F)(Wolfson, Paul) (Entered: 04/06/2018)
04/06/2018	<u>109</u>	MOTION to Compel <i>Compliance with Subpoenas for Production of Documents Directed to Nonparties Family Research Council and Heritage Foundation</i> by JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Declaration of Lauren Milgroom, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H)(Wolfson, Paul) (Attachment 9 replaced to make page 4 non-fillable on 4/9/2018) (td). (Entered: 04/06/2018)
04/09/2018		MINUTE ORDER. The Court is in receipt of Plaintiffs' <u>109</u> Motion to Compel Compliance with Subpoenas for Production of Documents Directed to Nonparties Family Research Council and Heritage Foundation. Nonparties Family Research Council and Heritage Foundation, and/or Defendants, shall file a response by no later than APRIL 23, 2018. Plaintiffs shall file a reply by no later than APRIL 30, 2018. Signed by Judge Colleen Kollar-Kotelly on 4/9/2018. (lcckk3) (Entered: 04/09/2018)
04/09/2018		Set/Reset Deadlines: Nonparties Family Research Council and Heritage Foundation, and/or Defendants, shall file a Response to <u>109</u> by 4/23/2018. Plaintiffs' Reply due by 4/30/2018. (dot) (Entered: 04/09/2018)
04/12/2018	<u>110</u>	REPLY to opposition to motion re <u>97</u> MOTION for Protective Order filed by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, JOSEPH F. DUNFORD, JR., MARK T. ESPER, JAMES N. MATTIS, KIRSTJEN M. NIELSEN, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON. (Parker, Ryan) (Entered: 04/12/2018)
04/16/2018	<u>111</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by JANE DOE 2,JOHN DOE 1, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Slip Op., Karnoski v. Trump, No. 2:17-cv-01297-MJP (Apr. 13, 2018))(Wolfson, Paul) (Entered: 04/16/2018)
04/16/2018	<u>112</u>	ORDER Regarding Deposition of the Vice Chairman of the Joint Chiefs of Staff, General Paul J. Selva. Signed by Judge Colleen Kollar-Kotelly on 4/16/2018. (Attachments: # <u>1</u> Exhibit A) (lcckk3) (Entered: 04/16/2018)
04/18/2018	<u>113</u>	ORDER Regarding Deadline for Document Production and Privilege Disputes. Signed by Judge Colleen Kollar-Kotelly on 4/18/2018. (Attachments: # <u>1</u> Exhibit A) (lcckk3) (Entered: 04/18/2018)
04/18/2018	<u>114</u>	ORDER DENYING Defendants' <u>97</u> Motion for a Protective Order. Signed by Judge Colleen Kollar-Kotelly on 4/18/2018. (lcckk3) (Entered: 04/18/2018)

04/20/2018	<u>115</u>	MOTION to Dismiss , <i>or in the alternative,</i> , MOTION for Summary Judgment by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., MARK T. ESPER, JAMES N. MATTIS, RYAN D. MCCARTHY, KIRSTJEN M. NIELSEN, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Attachments: # <u>1</u> Text of Proposed Order Proposed Order, # <u>2</u> Exhibit Department of Defense Release No.: NR-272-15, # <u>3</u> Exhibit Agnes Gereben Schaefer, On RANDs Research Findings Regarding Transgender Military Personnel Policy, # <u>4</u> Exhibit Memorandum from Secretary Mattis: Terms of Reference)(Parker, Ryan) (Entered: 04/20/2018)
04/20/2018	<u>116</u>	MOTION To Dissolve The Preliminary Injunction by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., MARK T. ESPER, JAMES N. MATTIS, RYAN D. MCCARTHY, KIRSTJEN M. NIELSEN, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Attachments: # <u>1</u> Text of Proposed Order Proposed Order, # <u>2</u> Exhibit 2015 Statement, # <u>3</u> Exhibit RAND Blog Post, # <u>4</u> Exhibit Terms of Reference)(Parker, Ryan) (Entered: 04/20/2018)
04/23/2018	<u>117</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>116</u> MOTION To Dissolve The Preliminary Injunction , <u>115</u> MOTION to Dismiss , <i>or in the alternative,</i> MOTION for Summary Judgment by JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Text of Proposed Order)(Wolfson, Paul) (Entered: 04/23/2018)
04/23/2018	<u>118</u>	ORDER Regarding Clawback Dispute. Signed by Judge Colleen Kollar-Kotelly on 4/23/2018. (Attachments: # <u>1</u> Exhibit A) (lcckk3) (Entered: 04/23/2018)
04/23/2018	<u>119</u>	Memorandum in opposition to re <u>109</u> MOTION to Compel <i>Compliance with Subpoenas for Production of Documents Directed to Nonparties Family Research Council and Heritage Foundation</i> filed by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., MARK T. ESPER, JAMES N. MATTIS, RYAN D. MCCARTHY, KIRSTJEN M. NIELSEN, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON. (Parker, Ryan) (Entered: 04/23/2018)
04/23/2018	<u>120</u>	NOTICE of Appearance by Heidi K. Abegg on behalf of Heritage Foundation (Abegg, Heidi) (Entered: 04/23/2018)
04/23/2018	<u>121</u>	

		Corporate Disclosure Statement by Heritage Foundation. (Abegg, Heidi) (Entered: 04/23/2018)
04/23/2018	<u>122</u>	Memorandum in opposition to re <u>109</u> MOTION to Compel <i>Compliance with Subpoenas for Production of Documents Directed to Nonparties Family Research Council and Heritage Foundation</i> filed by Heritage Foundation, FAMILY RESEARCH COUNCIL, INC.. (Attachments: # <u>1</u> Proposed Order)(Schaerr, Gene) (Entered: 04/23/2018)
04/23/2018	<u>123</u>	NOTICE of Appearance by Gene C. Schaerr on behalf of FAMILY RESEARCH COUNCIL, INC. (Schaerr, Gene) (Entered: 04/23/2018)
04/24/2018	<u>124</u>	RESPONSE TO ORDER OF THE COURT re <u>118</u> Order filed by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., MARK T. ESPER, JAMES N. MATTIS, RYAN D. MCCARTHY, KIRSTJEN M. NIELSEN, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON. (Attachments: # <u>1</u> Exhibit Notice of Recall, # <u>2</u> Exhibit Partially Redacted Presentation)(Parker, Ryan) (Entered: 04/24/2018)
04/24/2018	<u>125</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by FAMILY RESEARCH COUNCIL, INC. (Schaerr, Gene) (Entered: 04/24/2018)
04/24/2018		MINUTE ORDER. The Court is in receipt of Defendants' <u>116</u> Motion to Dissolve the Preliminary Injunction, which apparently supersedes Defendants' earlier <u>96</u> Motion to Dissolve the Preliminary Injunction. Defendants' earlier <u>96</u> Motion is accordingly DENIED as MOOT. Only Defendants' <u>116</u> Motion remains pending. Signed by Judge Colleen Kollar-Kotelly on 4/24/2018. (lcckk3) (Entered: 04/24/2018)
04/25/2018		MINUTE ORDER. The Court is in receipt of Plaintiffs' <u>117</u> Motion for Extension of Time. Plaintiffs request a seven day extension of time up to and including May 11, 2018, within which to file their Opposition to Defendants' Motion to Dissolve the Preliminary Injunction and Motion to Dismiss the Complaint or, in the Alternative, for Summary Judgment, because Plaintiffs represent that they need additional time to formulate their responses. This is the first request for an extension of this deadline and Defendants consent. Plaintiffs' motion is GRANTED. Plaintiffs' oppositions shall be filed no later than MAY 11, 2018. Granting Defendants an equivalent extension, Defendants' reply briefs shall be filed no later than MAY 24, 2018. Signed by Judge Colleen Kollar-Kotelly on 4/25/2018. (lcckk3) (Entered: 04/25/2018)
04/25/2018		Set/Reset Deadlines: Plaintiffs' Response due by 5/11/2018. Defendants' Reply due by 5/24/2018. (dot) (Entered: 04/26/2018)
04/30/2018	<u>126</u>	REPLY to opposition to motion re <u>109</u> MOTION to Compel <i>Compliance with Subpoenas for Production of Documents Directed to Nonparties Family Research Council and Heritage Foundation (Reply in Support of Motion to Compel)</i> filed by JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE. (Attachments: # <u>1</u> Declaration of Kevin M.

		Lamb in Support of Plaintiffs' Reply, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E)(Wolfson, Paul) (Entered: 04/30/2018)
04/30/2018	<u>127</u>	ERRATA by JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE <u>126</u> Reply to opposition to Motion,, filed by JANE DOE 6, JOHN DOE 2, DYLAN KOHERE, JANE DOE 3, JANE DOE 2, JANE DOE 4, JANE DOE 5, JOHN DOE, 1, JANE DOE 7, REGAN V. KIBBY. (Attachments: # <u>1</u> Corrected Declaration of Kevin M. Lamb in Support of Plaintiffs' Reply)(Lamb, Kevin) (Entered: 04/30/2018)
05/11/2018	<u>128</u>	AFFIDAVIT (<i>Declaration of Lauren Godles Milgroom in Support of the Statement of Undisputed Material Facts</i>) by JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T, # <u>21</u> Exhibit U, # <u>22</u> Exhibit V, # <u>23</u> Exhibit W, # <u>24</u> Exhibit X, # <u>25</u> Exhibit Y, # <u>26</u> Exhibit Z, # <u>27</u> Exhibit AA, # <u>28</u> Exhibit BB, # <u>29</u> Exhibit CC, # <u>30</u> Exhibit DD, # <u>31</u> Exhibit EE, # <u>32</u> Exhibit FF, # <u>33</u> Exhibit GG, # <u>34</u> Exhibit HH, # <u>35</u> Exhibit II, # <u>36</u> Exhibit JJ, # <u>37</u> Exhibit KK, # <u>38</u> Exhibit LL, # <u>39</u> Exhibit MM, # <u>40</u> Exhibit NN, # <u>41</u> Exhibit OO, # <u>42</u> Exhibit PP, # <u>43</u> Exhibit QQ, # <u>44</u> Exhibit RR, # <u>45</u> Exhibit SS)(Schoenfeld, Alan) (Entered: 05/11/2018)
05/11/2018	<u>129</u>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Declaration of Adam M. Cambier in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss and Motion to Dissolve the Preliminary Injunction and Plaintiffs' Opposition to Defendants' Motion for Summary Judgment and Cross-Motion for Summary Judgment, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Text of Proposed Order)(Schoenfeld, Alan) (Entered: 05/11/2018)
05/11/2018	<u>130</u>	Memorandum in opposition to re <u>116</u> MOTION To Dissolve The Preliminary Injunction , <u>115</u> MOTION to Dismiss , <i>or in the alternative</i> , MOTION for Summary Judgment filed by JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE. (Schoenfeld, Alan) (Entered: 05/11/2018)
05/11/2018	<u>131</u>	Cross MOTION for Summary Judgment by JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Schoenfeld, Alan) (Entered: 05/11/2018)
05/11/2018	<u>132</u>	Memorandum in opposition to re <u>115</u> MOTION to Dismiss , <i>or in the alternative</i> , MOTION for Summary Judgment filed by JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE

		DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE. (Attachments: # <u>1</u> Plaintiffs' Objections and Responses to Defendants' Statement of Facts)(Schoenfeld, Alan) (Entered: 05/11/2018)
05/14/2018	<u>133</u>	ERRATA by JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE <u>128</u> Affidavit,,, filed by JANE DOE 6, JOHN DOE 2, DYLAN KOHERE, JANE DOE 3, JANE DOE 2, JANE DOE 4, JANE DOE 5, JOHN DOE, 1, JANE DOE 7, REGAN V. KIBBY. (Attachments: # <u>1</u> (Corrected) Declaration of Joshua D. Safer in Support of Plaintiffs' Opposition to Defendants' Motion to Dissolve the Preliminary Injunction)(Schoenfeld, Alan) (Entered: 05/14/2018)
05/17/2018	<u>134</u>	Consent MOTION for Extension of Time to File Response/Reply by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., MARK T. ESPER, JAMES N. MATTIS, RYAN D. MCCARTHY, KIRSTJEN M. NIELSEN, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Carmichael, Andrew) (Entered: 05/17/2018)
05/17/2018	<u>135</u>	ORDER granting <u>134</u> Motion for Extension of Time. Defendants' reply in support of motions to dissolve the preliminary injunction, to dismiss the complaint, and/or in the alternative for summary judgment and opposition to Plaintiffs' cross-motion for summary judgment due by 6/6/2018. Plaintiffs' reply in support of cross-motion for summary judgment due by 6/22/2018. Signed by Judge Colleen Kollar-Kotelly on 5/17/18. (dot) (Entered: 05/21/2018)
05/21/2018	<u>136</u>	Consent MOTION for Leave to File <i>Amicus Curiae Brief</i> by Retired Military Officers and Former National Security Officials (Attachments: # <u>1</u> Exhibit Amicus Brief, # <u>2</u> Text of Proposed Order)(Spector, Phillip) (Entered: 05/21/2018)
05/24/2018	<u>137</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE (Attachments: # <u>1</u> Op. 73-74, Knight First Amend. Inst. at Columbia Univ. v. Trump, No. 17-cv-5205, # <u>2</u> Op., Grimm v. Gloucester County School Board, No. 15-cv-00054)(Wolfson, Paul) (Entered: 05/24/2018)
06/06/2018	<u>138</u>	Memorandum in opposition to re <u>131</u> Cross MOTION for Summary Judgment , filed by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., MARK T. ESPER, JAMES N. MATTIS, RYAN D. MCCARTHY, KIRSTJEN M. NIELSEN, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10)(Carmichael, Andrew) Modified linkage on

		6/11/2018 (ztd). (Entered: 06/06/2018)
06/06/2018	<u>139</u>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, JOSEPH F. DUNFORD, JR., MARK T. ESPER, JAMES N. MATTIS, KIRSTJEN M. NIELSEN, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit 11, # <u>3</u> Exhibit 12, # <u>4</u> Text of Proposed Order)(Carmichael, Andrew) (Entered: 06/06/2018)
06/06/2018	<u>140</u>	REPLY to opposition to motion re <u>116</u> MOTION To Dissolve The Preliminary Injunction filed by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., MARK T. ESPER, JAMES N. MATTIS, RYAN D. MCCARTHY, KIRSTJEN M. NIELSEN, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON. (Carmichael, Andrew) (Entered: 06/06/2018)
06/06/2018	144	REPLY to opposition to motion re <u>115</u> MOTION to Dismiss , <i>or in the alternative</i> , MOTION for Summary Judgment filed by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, ELAINE C. DUKE, JOSEPH F. DUNFORD, JR., MARK T. ESPER, JAMES N. MATTIS, RYAN D. MCCARTHY, KIRSTJEN M. NIELSEN, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON; (SEE DOCKET ENTRY NO. <u>138</u> TO VIEW.) (ztd) (Entered: 06/13/2018)
06/07/2018	<u>141</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to RAQUEL C. BONO, DEFENSE HEALTH AGENCY, JOSEPH F. DUNFORD, JR., MARK T. ESPER, JAMES N. MATTIS, KIRSTJEN M. NIELSEN, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON. Attorney Ryan Bradley Parker terminated. (Parker, Ryan) (Entered: 06/07/2018)
06/11/2018	<u>143</u>	ORDERED that the Motion is GRANTED. The documents attached to Defendant' motion are, hereby, placed under seal. the parties shall MEET AND CONFER regarding what redactions need to be made to these documents such that they can be filed on the public docket. Redacted versions shall be filed on the docket by no later than 6/25/2018. Signed by Judge Colleen Kollar-Kotelly on 6/11/18. (dot) (Entered: 06/12/2018)
06/11/2018	<u>146</u>	

		<p>SEALED DOCUMENT filed by JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE. re <u>130</u> Memorandum in Opposition, filed by JANE DOE 6, JOHN DOE 2, DYLAN KOHERE, JANE DOE 3, JANE DOE 2, JANE DOE 4, JANE DOE 5, JOHN DOE, 1, JANE DOE 7, REGAN V. KIBBY, <u>131</u> Cross MOTION for Summary Judgment filed by JANE DOE 6, JOHN DOE 2, DYLAN KOHERE, JANE DOE 3, JANE DOE 2, JANE DOE 4, JANE DOE 5, JOHN DOE, 1, JANE DOE 7, REGAN V. KIBBY, <u>116</u> MOTION To Dissolve The Preliminary Injunction filed by RYAN D. MCCARTHY, UNITED STATES COAST GUARD, KIRSTJEN M. NIELSEN, UNITED STATES OF AMERICA, UNITED STATES DEPARTMENT OF THE AIR FORCE, JAMES N. MATTIS, UNITED STATES DEPARTMENT OF THE NAVY, HEATHER A. WILSON, ELAINE C. DUKE, UNITED STATES DEPARTMENT OF THE ARMY, RICHARD V. SPENCER, MARK T. ESPER, DONALD J. TRUMP, RAQUEL C. BONO, DEFENSE HEALTH AGENCY, JOSEPH F. DUNFORD, JR., <u>115</u> MOTION to Dismiss , <i>or in the alternative</i>, MOTION for Summary Judgment filed by RYAN D. MCCARTHY, UNITED STATES COAST GUARD, KIRSTJEN M. NIELSEN, UNITED STATES OF AMERICA, UNITED STATES DEPARTMENT OF THE AIR FORCE, JAMES N. MATTIS, UNITED STATES DEPARTMENT OF THE NAVY, HEATHER A. WILSON, ELAINE C. DUKE, MARK T. ESPER, RICHARD V. SPENCER, UNITED STATES DEPARTMENT OF THE ARMY, DONALD J. TRUMP, RAQUEL C. BONO, DEFENSE HEALTH AGENCY, JOSEPH F. DUNFORD, JR.. (This document is SEALED and only available to authorized persons.)(ztd) (Entered: 06/20/2018)</p>
06/11/2018	<u>147</u>	<p>SEALED DOCUMENT filed by ASSOCIATION OF MEDICAL SCHOOL PEDIATRIC DEPARTMENT CHAIRS, RAQUEL C. BONO, DEFENSE HEALTH AGENCY, JOSEPH F. DUNFORD, JR., MARK T. ESPER, JAMES N. MATTIS, KIRSTJEN M. NIELSEN, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON. re <u>138</u> Memorandum in Opposition,, filed by RYAN D. MCCARTHY, UNITED STATES COAST GUARD, KIRSTJEN M. NIELSEN, UNITED STATES OF AMERICA, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE NAVY, JAMES N. MATTIS, HEATHER A. WILSON, ELAINE C. DUKE, UNITED STATES DEPARTMENT OF THE ARMY, RICHARD V. SPENCER, MARK T. ESPER, DONALD J. TRUMP, RAQUEL C. BONO, DEFENSE HEALTH AGENCY, JOSEPH F. DUNFORD, JR.. (This document is SEALED and only available to authorized persons.)(ztd) (Entered: 06/20/2018)</p>
06/19/2018	<u>145</u>	<p>ORDER Regarding the Deposition of Rear Admiral David Kriete. Signed by Judge Colleen Kollar-Kotelly on 6/19/2018. (Attachments: # <u>1</u> Exhibit A) (lcckk3) (Entered: 06/19/2018)</p>
06/22/2018	<u>148</u>	<p>ERRATA (<i>Notice of Errata</i>) by JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE <u>128</u> Affidavit,,, filed by JANE DOE 6, JOHN DOE 2, DYLAN KOHERE, JANE DOE 3, JANE DOE 2, JANE</p>

			DOE 4, JANE DOE 5, JOHN DOE, 1, JANE DOE 7, REGAN V. KIBBY. (Attachments: # <u>1</u> Exhibit B, # <u>2</u> Exhibit QQ)(Schoenfeld, Alan) (Entered: 06/22/2018)
06/22/2018	<u>149</u>		REPLY to opposition to motion re <u>131</u> Cross MOTION for Summary Judgment filed by JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE. (Schoenfeld, Alan) (Entered: 06/22/2018)
06/25/2018	<u>150</u>		NOTICE of Filing of Redacted Documents by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, JOSEPH F. DUNFORD, JR., MARK T. ESPER, JAMES N. MATTIS, KIRSTJEN M. NIELSEN, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON re <u>138</u> Memorandum in Opposition,, (Attachments: # <u>1</u> Statement of Facts Redacted, # <u>2</u> Exhibit 11 Redacted, # <u>3</u> Exhibit 12 Redacted)(Carmichael, Andrew) (Entered: 06/25/2018)
07/03/2018	<u>151</u>		NOTICE OF WITHDRAWAL OF APPEARANCE as to JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE. Attorney Lauren Godles Milgroom terminated. (Milgroom, Lauren) (Entered: 07/03/2018)
07/03/2018	<u>152</u>		NOTICE OF WITHDRAWAL OF APPEARANCE as to JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE. Attorney Claire Laporte terminated. (McFadden, Daniel) (Entered: 07/03/2018)
07/06/2018	<u>153</u>		NOTICE OF SUPPLEMENTAL AUTHORITY by RAQUEL C. BONO, DEFENSE HEALTH AGENCY, JOSEPH F. DUNFORD, JR., MARK T. ESPER, JAMES N. MATTIS, KIRSTJEN M. NIELSEN, RICHARD V. SPENCER, DONALD J. TRUMP, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, UNITED STATES OF AMERICA, HEATHER A. WILSON (Attachments: # <u>1</u> Trump v. Hawaii)(Carmichael, Andrew) (Entered: 07/06/2018)
08/06/2018	<u>154</u>		ORDER GRANTING Defendants' <u>90</u> Partial Motion for Judgment on the Pleadings and Motion to Partially Dissolve the Preliminary Injunction and DENYING Defendants' <u>89</u> Motion for a Protective Order. Signed by Judge Colleen Kollar-Kotelly on 8/6/2018. (lcckk3) (Entered: 08/06/2018)
08/06/2018	<u>155</u>		MEMORANDUM OPINION Regarding <u>154</u> ORDER GRANTING Defendants' <u>90</u> Partial Motion for Judgment on the Pleadings and Motion to Partially Dissolve the Preliminary Injunction and DENYING Defendants' <u>89</u> Motion for a Protective Order. Signed by Judge Colleen Kollar-Kotelly on 8/6/2018. (lcckk3) (Entered: 08/06/2018)
08/06/2018	<u>156</u>	62	ORDER DENYING Defendants' <u>115</u> Motion to Dismiss Plaintiffs' Second Amended Complaint, or, in the Alternative, Defendants' Motion for Summary

			Judgment, to the extent that Motion sought the dismissal of Plaintiffs' Second Amended Complaint for lack of jurisdiction or for failure to state a claim, and DENYING Defendants' <u>116</u> Motion to Dissolve the Preliminary Injunction. Signed by Judge Colleen Kollar-Kotelly on 8/6/2018. (lcckk3) (Entered: 08/06/2018)
08/06/2018	<u>157</u>	63	MEMORANDUM OPINION Regarding <u>156</u> ORDER DENYING Defendants' <u>115</u> Motion to Dismiss Plaintiffs' Second Amended Complaint, or, in the Alternative, Defendants' Motion for Summary Judgment, to the extent that Motion sought the dismissal of Plaintiffs' Second Amended Complaint for lack of jurisdiction or for failure to state a claim, and DENYING Defendants' <u>116</u> Motion to Dissolve the Preliminary Injunction. Signed by Judge Colleen Kollar-Kotelly on 8/6/2018. (lcckk3,) (Entered: 08/06/2018)
08/17/2018	<u>158</u>		NOTICE OF WITHDRAWAL OF APPEARANCE as to JOHN DOE, 1, JANE DOE 2, JOHN DOE 2, JANE DOE 3, JANE DOE 4, JANE DOE 5, JANE DOE 6, JANE DOE 7, REGAN V. KIBBY, DYLAN KOHERE. Attorney Daniel L. McFadden terminated. (McFadden, Daniel) (Entered: 08/17/2018)
08/24/2018	<u>159</u>		ORDER DENYING Defendants' <u>115</u> Motion to Dismiss Plaintiffs' Second Amended Complaint or, in the Alternative, Defendants' Motion for Summary Judgment, and DENYING Plaintiffs' <u>131</u> Cross-Motion for Summary Judgment. Signed by Judge Colleen Kollar-Kotelly on 8/24/2018. (lcckk3) (Entered: 08/24/2018)
08/24/2018	<u>160</u>		MEMORANDUM OPINION Regarding <u>159</u> ORDER DENYING Defendants' <u>115</u> Motion to Dismiss Plaintiffs' Second Amended Complaint or, in the Alternative, Defendants' Motion for Summary Judgment, and DENYING Plaintiffs' <u>131</u> Cross-Motion for Summary Judgment. Signed by Judge Colleen Kollar-Kotelly on 8/24/2018. (lcckk3) (Entered: 08/24/2018)
08/27/2018	<u>161</u>		ORDER GRANTING <u>136</u> Motion for Leave to File Amicus Brief. Signed by Judge Colleen Kollar-Kotelly on 8/27/2018. (lcckk3) (Entered: 08/27/2018)
08/27/2018			MINUTE ORDER. The parties shall meet and confer and file a Joint Status Report by no later than SEPTEMBER 10, 2018. The Joint Status Report shall propose a plan for moving forward toward a timely resolution of this case. In particular, the Joint Status Report shall include a proposed protocol for the efficient resolution of the parties' outstanding discovery disputes. Signed by Judge Colleen Kollar-Kotelly on 8/27/2018. (lcckk3) (Entered: 08/27/2018)
08/27/2018			Set/Reset Deadlines: Joint Status Report due by 10/10/2018. (dot) (Entered: 08/27/2018)
08/27/2018	<u>162</u>	61	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>156</u> Order on Motion to Dismiss,, Order on Motion for Miscellaneous Relief, by JAMES N. MATTIS, MARK T. ESPER, KIRSTJEN M. NIELSEN, RAQUEL C. BONO, ELAINE C. DUKE, DEFENSE HEALTH AGENCY, RYAN D. MCCARTHY, UNITED STATES DEPARTMENT OF THE AIR FORCE, UNITED STATES COAST GUARD, DONALD J. TRUMP, UNITED STATES DEPARTMENT OF THE ARMY, UNITED STATES DEPARTMENT OF THE NAVY, HEATHER A. WILSON, UNITED STATES OF AMERICA, JOSEPH F. DUNFORD, JR., RICHARD V. SPENCER. Fee Status: No Fee Paid. Parties have been notified. (Carmichael,

		Andrew) (Entered: 08/27/2018)
08/27/2018	<u>163</u>	AMICUS BRIEF by RETIRED MILITARY OFFICERS AND FORMER NATIONAL SECURITY OFFICIALS. (ztd) (Entered: 08/28/2018)

JANE DOE 1 *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP *et al.*,

Defendants.

Civil Action No. 17-cv-1597 (CKK)

DEFENDANTS' NOTICE OF APPEAL

Notice is hereby given that all Defendants appeal to the United States Court of Appeals for the District of Columbia Circuit from this Court's Order of August 6, 2018, ECF No. 156, denying Defendants' motion to dissolve the preliminary injunction.

Dated: August 27, 2017

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General
Civil Division

BRETT A. SHUMATE
Deputy Assistant Attorney General

JOHN R. GRIFFITHS
Branch Director

ANTHONY J. COPPOLINO
Deputy Director

/s/ Andrew E. Carmichael
ANDREW E. CARMICHAEL
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
Telephone: (202) 514-3346
Email: andrew.e.carmichael@usdoj.gov

Counsel for Defendants

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**JANE DOE 2, *et al.*,

Plaintiffs

v.

DONALD J. TRUMP, *et al.*,

Defendants

Civil Action No. 17-1597 (CKK)

ORDER

(August 6, 2018)

For the reasons set forth in the accompanying Memorandum Opinion, it is, this 6th day of August, 2018, hereby

ORDERED that Defendants' [115] Motion to Dismiss Plaintiffs' Second Amended Complaint, or, in the Alternative, Defendants' Motion for Summary Judgment is **DENIED** to the extent that Motion sought the dismissal of Plaintiffs' Second Amended Complaint for lack of jurisdiction or for failure to state a claim. It is further

ORDERED that Defendants' [116] Motion to Dissolve the Preliminary Injunction is **DENIED**.

SO ORDERED.

/s/

COLLEEN KOLLAR-KOTELLY
United States District Judge

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**JANE DOE 2, *et al.*,

Plaintiffs

v.

DONALD J. TRUMP, *et al.*,

Defendants

Civil Action No. 17-1597 (CKK)

MEMORANDUM OPINION

(August 6, 2018)

On July 26, 2017, President Donald J. Trump issued a statement via Twitter announcing that “the United States Government will not accept or allow transgender individuals to serve in any capacity in the U.S. Military.” A formal Presidential Memorandum followed on August 25, 2017. Before the 2017 Presidential Memorandum, the Department of Defense had announced that openly transgender individuals would be allowed to enlist in the military, effective January 1, 2018, and had prohibited the discharge of service members based solely on their gender identities. The 2017 Presidential Memorandum reversed these policies. It indefinitely extended the prohibition against transgender individuals entering the military (a process formally referred to as “accession”), and required the military to authorize the discharge of transgender service members. The President ordered Secretary of Defense James N. Mattis to submit a plan for implementing the policy directives of the 2017 Presidential Memorandum by February 2018. Plaintiffs filed suit and sought preliminary injunctive relief, which the Court granted.

Currently pending before the Court are Defendants’ [115] Motion to Dismiss Plaintiffs’ Second Amended Complaint, or, in the Alternative, Defendants’ Motion for Summary Judgment, and Defendants’ [116] Motion to Dissolve the Preliminary Injunction. Upon consideration of the

Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint, and DENIES

Defendants' Motion to Dissolve the Preliminary Injunction.² Both of these motions are based on the same fundamental premise: that Defendants have recently proposed a "new policy" that will now allow transgender individuals to serve in the military. Based on this premise, Defendants argue in these motions that Plaintiffs no longer have standing, that their claims are moot, and that there is no longer any need for this Court's preliminary injunction. For reasons discussed in more detail below, the Court is not persuaded by these arguments. This case shall proceed, and the Court's preliminary injunction shall continue to maintain the *status quo ante*.

¹ The Court's consideration has focused on the following documents:

- Defs.' Mem. in Supp. of Mot. to Dismiss Pls.' 2d Am. Compl., or, in the Alternative, Defs.' Mot. for Summ. J., ECF No. 115 ("Defs.' Mem.");
- Defs.' Mot. to Dissolve the Prelim. Inj., ECF No. 116;
- Pls.' Opp'n to Defs.' Mot. to Dismiss and to Dissolve the Prelim. Inj., ECF No. 130 ("Pls.' Opp'n");
- Defs.' Reply in Supp. of their Mot. to Dismiss Pls.' 2d Am. Compl., or, in the Alternative, for Summ. J., and Opp'n to Pls.' Cross-Mot. for Summ. J., ECF No. 138 ("Defs.' Reply"); and
- Defs.' Reply in Support of their Mot. to Dissolve the Prelim. Inj., ECF No. 140.

In an exercise of its discretion, the Court finds that holding oral argument in this action would not be of assistance in rendering a decision. *See* LCvR 7(f).

² Although the parties' briefing mixes arguments about dismissal for lack of jurisdiction and summary judgment, the Court has exercised its discretion to first consider their arguments in the context of Defendants' motion to dismiss for lack of jurisdiction. Because those arguments largely resolve the issues raised in Defendants' Motion to Dissolve the Preliminary Injunction, the Court also addresses that motion in this Memorandum Opinion. However, this Opinion does *not* address the summary judgment aspects of Defendants' [115] Motion, nor does it address Plaintiffs' [131] Cross-Motion for Summary Judgment. Those motions will be dealt with separately. In addition, this Opinion does not address Defendants' argument that Plaintiffs do not have standing to press their claims against the President. This argument is moot because the Court has issued a separate Memorandum Opinion and Order today which dismisses the President as a party from this case.

I. BACKGROUND

Plaintiffs are current and aspiring transgender service members. Many have years of experience in the military. Some have decades. They have been deployed on active duty in Iraq and Afghanistan. They have and continue to serve with distinction. All fear that the directives of the 2017 Presidential Memorandum will have devastating impacts on their careers and their families. Accordingly, they filed this lawsuit challenging those directives and moved this Court to enjoin the implementation of the 2017 Presidential Memorandum. They claimed that the President's directives violate the fundamental guarantees of due process afforded by the Fifth Amendment to the United States Constitution.

On October 30, 2017, the Court issued a preliminary injunction in this case. As particularly relevant here, the Court found that Plaintiffs had standing and were likely to succeed on their Fifth Amendment claim. The Court concluded that, as a form of government action that classifies people based on their gender identity, and disfavors a class of historically persecuted and politically powerless individuals, the President's directives were subject to heightened scrutiny. Plaintiffs claimed that the President's directives could not survive such scrutiny because they were not genuinely based on legitimate concerns regarding military effectiveness or budget constraints, but were instead driven by a desire to express disapproval of transgender people generally. The Court found that a number of factors—including the breadth of the exclusion ordered by the directives, the unusual circumstances surrounding the President's announcement of them, the fact that the reasons given for them did not appear to be supported by any facts, and the recent rejection of those reasons by the military itself—strongly suggested that Plaintiffs' Fifth Amendment claim was meritorious. Accordingly, the Court enjoined Defendants from enforcing the President's directives. The effect of the Court's preliminary

before the issuance of the 2017 Presidential Memorandum.

Defendants appealed, *see* Defs.’ Notice of Appeal, ECF No. 66, and moved this Court to stay the portion of its preliminary injunction that required Defendants to begin accepting transgender individuals into the military on January 1, 2018, *see* Defs.’ Mot. for Partial Stay of Prelim. Inj. Pending Appeal, ECF No. 73. On December 11, 2017, the Court denied Defendants’ motion to stay. *See* Dec. 11, 2017 Order, ECF No. 75.

Defendants then sought the same relief from the United States Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”). On December 22, 2017, the D.C. Circuit denied Defendants’ motion to stay this Court’s preliminary injunction. *See Doe 1 v. Trump*, No. 17-5267, 2017 WL 6553389 (D.C. Cir. Dec. 22, 2017). The D.C. Circuit concluded that Defendants had not demonstrated that they had a strong likelihood of success on appeal, that they would be irreparably harmed absent a stay, or that the stay would not harm the other parties to the proceeding. *Id.* It held that “given that the enjoined accession ban would directly impair and injure the ongoing educational and professional plans of transgender individuals and would deprive the military of skilled and talented troops, allowing it to take effect would be counter to the public interest.” *Id.* at *3. The D.C. Circuit also explained that “in the balancing of equities, it must be remembered that all Plaintiffs seek during this litigation is to serve their Nation with honor and dignity, volunteering to face extreme hardships, to endure lengthy deployments and separation from family and friends, and to willingly make the ultimate sacrifice of their lives if necessary to protect the Nation, the people of the United States, and the Constitution against all who would attack them.” *Id.* After the D.C. Circuit’s opinion was issued, Defendants

permitting openly transgender individuals to accede on January 1, 2018.

This case then moved forward into the discovery stage. Defendants strenuously resisted engaging in discovery. As noted above, the 2017 Presidential Memorandum had called for the Secretary of Defense to submit a plan to implement the President's policy directives by February 2018. Defendants repeatedly argued that discovery should be halted until that plan was submitted. Defendants even argued at one point that Plaintiffs were not entitled to discovery in this case at all. The Court repeatedly rejected Defendants' arguments and ordered Defendants to cooperate with discovery so that this case could move forward efficiently toward an ultimate resolution on the merits. Despite the Court's orders, discovery remains unfinished because Defendants have asserted that a substantial portion of the documents and information sought by Plaintiffs are privileged (pursuant to the deliberative process privilege and the presidential communications privilege), and the parties' disputes about these assertions of privilege remain outstanding.³

In February 2018, as ordered by the 2017 Presidential Memorandum, Secretary of Defense Mattis presented a memorandum to the President that proposed a policy to effectively prevent transgender military service. *See* Defs.' Mot. to Dissolve the Preliminary Injunction, Ex. 1, ECF No. 96-1 (hereinafter, the "Mattis Implementation Plan"). The Mattis Implementation Plan, unlike the President's 2017 tweet and memorandum, purports not to be a blanket ban on all "transgender individuals." However, the plan effectively implements such a ban by targeting proxies of transgender status, such as "gender dysphoria" and "gender transition," and by

³ The Court is aware that the court in *Karnoski v. Trump*, No. C17-1297-MJP (W.D. Wash.), has recently ordered Defendants to produce materials that they have withheld on the basis of privilege and that Defendants have sought appellate review of that order.

there are substantial risks associated with allowing the accession and retention of individuals with a history or diagnosis of gender dysphoria and require, or have already undertaken, a course of treatment to change their gender,” Mattis Implementation Plan at 2, the Mattis Implementation Plan proposes the following policies:

- Transgender persons with a history or diagnosis of gender dysphoria are disqualified from military service, except under the following limited circumstances: (1) if they have been stable for 36 consecutive months in their biological sex prior to accession; (2) Service members diagnosed with gender dysphoria after entering into service may be retained if they do not require a change of gender and remain deployable within applicable retention standards; and (3) currently serving Service members who have been diagnosed with gender dysphoria since the previous administration’s policy took effect and prior to the effective date of this new policy, may continue to serve in their preferred gender and receive medically necessary treatment for gender dysphoria.
- Transgender persons who require or have undergone gender transition are disqualified from military service.
- Transgender persons without a history or diagnosis of gender dysphoria, who are otherwise qualified for service, may serve, like all other Service members, in their biological sex.

Id. at 2-3.

To summarize: under the Mattis Implementation Plan, individuals who require or have undergone gender transition are absolutely disqualified from military service; individuals with a history or diagnosis of gender dysphoria are largely disqualified from military service; and, to the extent that there are any individuals who identify as “transgender” but do not fall under the first two categories, they may serve, but only “in their biological sex.” By definition, transgender persons do not identify or live in accord with their biological sex, which means that the result of the Mattis Implementation Plan is that transgender individuals are generally not

individuals who are allowed to serve as openly transgender under the Mattis Implementation Plan. Pursuant to a “grandfather provision,” those “currently serving Service members who have been diagnosed with gender dysphoria since the previous administration’s policy took effect and prior to the effective date of” the policy set forth in the Mattis Implementation Plan, may continue to serve in their preferred gender.

The reasoning underlying the Mattis Implementation Plan is spelled out in a second memorandum that was sent from the Department of Defense to the President in February 2018. *See* Defs.’ Mot. to Dissolve the Preliminary Injunction, Ex. 2, ECF No. 96-2 (hereinafter, the “Panel Report”). Like the Mattis Implementation Plan, the Panel Report carefully avoids categorical language banning all transgender individuals. Instead, the document speaks in terms of individuals with “gender dysphoria” and those who have undergone or will require “gender transition” (both of which, again, are proxies for transgender status). Generally speaking, the Panel Report concludes that individuals with gender dysphoria or who have undergone or will require gender transition undermine the military. According to the report, these service members are fundamentally incompatible with the military’s mental health standards, physical health standards, and sex-based standards. The report suggests that they are a detriment to military readiness and unit cohesion. It likens gender dysphoria to conditions such as “bipolar disorder, personality disorder, obsessive-compulsive disorder, suicidal behavior, and even body dysmorphic disorder.” Panel Report at 20. It concludes that individuals with gender dysphoria or who have undergone or will require gender transition are more likely to have other mental health conditions and substance abuse problems, and to commit suicide. *Id.* at 21. The Panel Report also states that these individuals impose “disproportionate costs” on the military. *Id.* at

“uncertainty” in the medical field about these individuals as a reason to urge that the military “proceed with caution.” *Id.* at 6. Although not necessary to the outcome of this particular Memorandum Opinion, it is worth noting that these conclusions were immediately denounced by the American Psychological Association and the American Medical Association. *See* Decl. of Lauren Godles Milgroom, ECF No. 128 (“Milgroom Decl.”), Exs. GG, HH.

On March 23, 2018, Defendants filed a Notice informing the Court that President Trump had issued a second memorandum on military service by transgender individuals. *See* Defs.’ Notice, ECF No. 95. In the 2018 Presidential Memorandum, the President stated that he “revokes” his 2017 Presidential Memorandum, “and any other directive [he] may have made with respect to military service by transgender individuals.” *Id.* at 1. The President ordered that “[t]he Secretary of Defense, and the Secretary of Homeland Security, with respect to the U.S. Coast Guard, may exercise their authority to implement any appropriate policies concerning military service by transgender individuals.” *Id.* To be clear, as has just been laid out, the “appropriate policies” that the Secretaries intended to implement had already been developed and proposed to the President at the time he issued this memorandum.

The events described above have sparked a great debate between the parties as to the future of this case, and prompted the filing of numerous motions. As relevant to this Memorandum Opinion, pending before the Court are Defendants’ Motion to Dismiss Plaintiffs’ Second Amended Complaint, or, in the Alternative, Defendants’ Motion for Summary Judgment, and Defendants’ Motion to Dissolve the Preliminary Injunction. Defendants argue that the Mattis Implementation Plan represents a “new policy” divorced and distinct from the President’s 2017 policy directives that were previously enjoined by this Court. They also contend that the

seek the dismissal of Plaintiffs' recently filed Second Amended Complaint for lack of jurisdiction because Plaintiffs lack standing and because their claims are now moot. For largely the same reasons, Defendants also argue that the Court's preliminary injunction should be dissolved. In sum, it is Defendants' view that they have preempted this lawsuit by drafting and issuing the Panel Report, the Mattis Implementation Plan, and the 2018 Presidential Memorandum. The Court disagrees.

Summary: This Memorandum Opinion sets forth the Court's reasoning for denying Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint and Defendants' Motion to Dissolve the Preliminary Injunction. The Court first concludes that Plaintiffs have standing because they would all be harmed if the Mattis Implementation Plan were allowed to take effect. The Court next concludes that the Mattis Implementation Plan has not mooted Plaintiffs' claims because that plan is not a "new policy" that is meaningfully distinct from the President's 2017 directives that were originally challenged in this case. Instead, at a fundamental level, the Mattis Implementation Plan is just that—a plan that *implements* the President's directive that transgender people be excluded from the military. For largely the same reasons, the rationale for the Court's preliminary injunction maintaining the *status quo ante* until the final resolution of this case remains intact. Nothing in this Memorandum Opinion represents a final adjudication of whether Defendants' actions were constitutional. The Court merely holds that whatever legal relevance the Mattis Implementation Plan might have, it has not fundamentally changed the circumstances of this lawsuit such that Plaintiffs' claims should be dismissed for lack of jurisdiction, or that the need for the Court's preliminary injunction has dissipated.

II. LEGAL STANDARD

When a motion to dismiss a complaint under Federal Rule of Civil Procedure 12(b)(1) is filed, a federal court is required to ensure that it has “the ‘statutory or constitutional power to adjudicate [the] case[.]’” *Morrow v. United States*, 723 F. Supp. 2d 71, 77 (D.D.C. 2010) (emphasis omitted) (quoting *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 89 (1998)). “Federal courts are courts of limited jurisdiction” and can adjudicate only those cases or controversies entrusted to them by the Constitution or an Act of Congress. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). In determining whether there is jurisdiction on a motion to dismiss, the Court may “consider the complaint supplemented by undisputed facts evidenced in the record, or the complaint supplemented by undisputed facts plus the court’s resolution of disputed facts.” *Coal. for Underground Expansion v. Mineta*, 333 F.3d 193, 198 (D.C. Cir. 2003) (citations omitted). “Although a court must accept as true all factual allegations contained in the complaint when reviewing a motion to dismiss pursuant to Rule 12(b)(1),” the factual allegations in the complaint “will bear closer scrutiny in resolving a 12(b)(1) motion than in resolving a 12(b)(6) motion for failure to state a claim.” *Wright v. Foreign Serv. Grievance Bd.*, 503 F. Supp. 2d 163, 170 (D.D.C. 2007) (citations omitted).

III. DISCUSSION

The Court begins this Memorandum Opinion with an assessment of its jurisdiction. Article III of the Constitution limits the jurisdiction of this Court to the adjudication of “Cases” and “Controversies.” U.S. Const., Art. III, § 2. “In an attempt to give meaning to Article III’s case-or-controversy requirement, the courts have developed a series of principles termed ‘justiciability doctrines,’ among which are standing [and] mootness.” *Nat’l Treasury Emps. Union v. United States*, 101 F.3d 1423, 1427 (D.C. Cir. 1996) (citing *Allen v. Wright*, 468 U.S.

Mattis Implementation Plan, and the Panel Report have rendered this case moot and have deprived all Plaintiffs of standing. They contend that the Court must therefore dismiss the case for lack of jurisdiction. Defendants are wrong. In addition, for largely the same reasons that the Court continues to have jurisdiction over Plaintiffs' claims, Defendants have not satisfied their burden of demonstrating that the Court's preliminary injunction should be dissolved.

1. Standing

Standing is an element of the Court's subject-matter jurisdiction, and requires, in essence, that a plaintiff have "a personal stake in the outcome of the controversy." *Warth v. Seldin*, 422 U.S. 490, 498 (1975). A plaintiff cannot be a mere bystander or interested third-party, or a self-appointed representative of the public interest; he or she must show that the defendant's conduct has affected them in a "personal and individual way." *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992). "The law of Article III standing, which is built on separation-of-powers principles, serves to prevent the judicial process from being used to usurp the powers of the political branches." *Susan B. Anthony List v. Driehaus*, 134 S. Ct. 2334, 2341 (2014). Consequently, the standing analysis is "especially rigorous when reaching the merits of the dispute would force [the court] to decide whether an action taken by one of the other two branches of the Federal Government was unconstitutional." *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 408 (2013). "[A] plaintiff must demonstrate standing for each claim he seeks to press" and for each form of relief sought, *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 352 (2006), but "the presence of one party with standing is sufficient to satisfy Article III's case-or-controversy requirement," *Rumsfeld v. Forum for Acad. & Institutional Rights, Inc.*, 547 U.S. 47, 53 (2006).

The familiar requirements of Article III standing are:

(1) that the plaintiff have suffered an “injury in fact”—an invasion of a judicially cognizable interest which is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical; (2) that there be a causal connection between the injury and the conduct complained of—the injury must be fairly traceable to the challenged action of the defendant, and not the result of the independent action of some third party not before the court; and (3) that it be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.

Bennett v. Spear, 520 U.S. 154, 167 (1997) (citing *Lujan*, 504 U.S. at 560–61); *see also Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1547 (2016). With respect to the “injury in fact” requirement, which is predominantly at issue in this case, “future injury may suffice if the threatened injury is ‘certainly impending,’ or there is a ‘substantial risk that the harm will occur.’” *Susan B. Anthony List*, 134 S. Ct. at 2341 (quoting *Clapper*, 568 U.S. at 409, 414 n.5).

The Court rejects Defendants’ argument that Plaintiffs no longer have standing because they are not harmed by the Mattis Implementation Plan. In its October 30, 2017 Memorandum Opinion, the Court explained in detail why the Plaintiffs in this case had standing. *See Doe I v. Trump*, 275 F. Supp. 3d 167, 192-203 (D.D.C. 2017). The Court will assume familiarity with that discussion and will not repeat it here (although it does expressly incorporate that discussion into this Memorandum Opinion as though stated in full). With the principles set forth in that earlier Opinion as a baseline, in this Opinion the Court focuses more narrowly on Defendants’ arguments about why the Mattis Implementation Plan has nullified Plaintiffs’ standing. As explained above, the effect of that plan would be that individuals who require or have undergone gender transition would be absolutely disqualified from military service, individuals with a history or diagnosis of gender dysphoria would be largely disqualified from military service, and, to the extent that there are any individuals who identify as “transgender” but do not fall under the first two categories, they would be allowed serve, but only “in their biological sex” (which

with their identity).

i. Current Service Members With Diagnoses of Gender Dysphoria Who Either Have Transitioned or Have Begun to Transition

Plaintiffs Regan Kibby, Jane Does 2 through 5, and John Doe 1 are current service members who have been diagnosed with gender dysphoria.⁴ The Mattis Implementation Plan generally bans individuals who have been diagnosed with gender dysphoria from military service on the grounds that they are mentally unstable and that their presence in the military disrupts unit cohesion, prevents good order and discipline, and is generally incompatible with military readiness and lethality. However, the Mattis Implementation Plan contains a limited exception from this ban for current service members who, like Plaintiffs Regan Kibby, Jane Does 2 through 5, and John Doe 1, were “diagnosed with gender dysphoria since the previous administration’s policy took effect and prior to the effective date of this new policy.” Mattis Implementation Plan at 2. This “grandfather provision” purports to be based on the military’s prior “commitment to these Service members” and “the substantial investment it has made in them.” Panel Report at 43. Defendants argue that the existence of this grandfather provision means that the Mattis Implementation Plan does not harm these Plaintiffs.

Defendants are wrong. The Mattis Implementation Plan clearly harms all current service members with gender dysphoria—even those who are allowed to remain in the military as a result of a narrow grandfather provision. It singles them out from all other service members and marks them as categorically unfit for military service. *See generally* Panel Report. It sends the message to their fellow service members and superiors that they cannot function in their

⁴ Plaintiff Regan Kibby is a midshipman at the U.S. Naval Academy. The parties agree that for the purposes of the Court’s standing analysis, he should be treated as a current service member.

incompatible with military readiness, unit cohesion, good order, and discipline. In sum, it is an express statement that these individuals' very presence makes the military weaker and less combat-ready.

By singling these Plaintiffs out and stigmatizing them as members of an inherently inferior class of service members, the Mattis Implementation Plan causes Plaintiffs grave non-economic injuries that are alone sufficient to confer standing. *See Heckler v. Mathews*, 465 U.S. 728, 739-40 (1984) (“[D]iscrimination itself, by perpetuating ‘archaic and stereotypic notions’ or by stigmatizing members of the disfavored group as ‘innately inferior’ and therefore as less worthy participants in the political community, can cause serious non-economic injuries to those persons who are personally denied equal treatment solely because of their membership in a disfavored group.”) (internal citation omitted).

Defendants disagree that this “stigmatic” injury alone is sufficient to confer standing. They claim that “an alleged injury arising from discrimination ‘accords a basis for standing only to those persons who are personally denied equal treatment by the challenged discriminatory conduct.’” Defs.’ Reply at 11 (quoting *Allen*, 468 U.S. at 755). But the principal case Defendants cite in support of this argument, *Allen v. Wright*, is readily distinguishable. The plaintiffs in *Allen* were the parents of African American public school children. *Allen*, 468 U.S. at 739. They challenged the Internal Revenue Service’s grant of tax-exempt status to racially segregated private schools. *Id.* at 744-45. The *Allen* Court rejected the plaintiffs’ claim of standing based on the “stigmatic injury, or denigration” that is “suffered by all members of a racial group when the Government discriminates on the basis of race.” *Id.* at 754. The Supreme Court held that “[t]here can be no doubt that this sort of noneconomic injury is one of the most

circumstances to support standing.” *Id.* at 755. However, it concluded that such stigmatic injury did not support standing for the particular plaintiffs in *Allen* because their children had never applied to any of the private schools at issue, and therefore they had not been “personally denied equal treatment.” *Id.* Instead, they had merely alleged an “abstract stigmatic injury” that would be equally applicable to “all members” of an entire racial group, nationwide. *Id.* at 756.

The situation here is fundamentally different. Plaintiffs are not merely concerned members of the public or bystanders presenting a generalized grievance. They are members of the precisely defined group that the Mattis Implementation Plan discriminates against by labelling as unsuited for military service. The Mattis Implementation Plan sends a blatantly stigmatizing message to all members of the military hierarchy that has a unique and damaging effect on a narrow and identifiable set of individuals, of which Plaintiffs are members. Moreover, unlike the alleged injury in *Allen*, the stigmatic injury alleged by Plaintiffs is caused by their receiving unequal treatment under the Mattis Implementation Plan. Under that plan, Plaintiffs would be allowed to remain in the military but, unlike any other service members, only pursuant to an exception to a policy that explicitly marks them as unfit for service. No other service members are so afflicted. These Plaintiffs are denied equal treatment because they will be the only service members who are allowed to serve only based on a technicality; as an exception to a policy that generally paints them as unfit. In their words, “[w]hile other service members will enjoy the security and status of serving as honored, respected, and equal members of the Armed Forces,” Plaintiffs “will serve only on conditional sufferance and therefore on objectively unequal terms.” Pls.’ Reply in Support of their Cross-Mot. for Summary Judgment,

sufficient to confer standing.

Regardless, even assuming that the “stigmatic” aspects of Plaintiffs’ injuries were not alone sufficient to confer standing, the Mattis Implementation Plan does more than just stigmatize Plaintiffs. It creates a substantial risk that Plaintiffs will suffer concrete harms to their careers in the near future. There is a substantial risk that the plan will harm Plaintiffs’ career development in the form of reduced opportunities for assignments, promotion, training, and deployment. These harms are an additional basis for Plaintiffs’ standing.

Defendants argue that these alleged harms are too “speculative,” but the Court disagrees. The Secretary of Defense has personally issued a policy, with a lengthy supporting memorandum, that, in effect, instructs the entire armed forces that Plaintiffs’ service is harmful to the military. There is nothing speculative about the proposition that, having been so instructed by the very top of the military hierarchy, Plaintiffs’ supervisors will place less trust in Plaintiffs and be less likely to give Plaintiffs quality assignments and opportunities. The very nature of such a pronouncement from the Secretary of Defense creates a non-speculative and substantial risk that Plaintiffs’ experience, career development, and growth in the military will be hampered. To pretend otherwise is fanciful. This fairly obvious conclusion is buttressed by evidence of the effects of prior negative proclamations about transgender service. For instance, Jane Doe 2 declares that she received an unfavorable work detail to keep her “separated from the rest of [her] unit because [she is] transgender and because of the President’s ban, as [she] never had any

⁵ *In re Navy Chaplaincy*, 534 F.3d 756 (D.C. Cir. 2008) is also distinguishable. Unlike in that case, Plaintiffs here do not merely take offense to a message that can be *interpreted* from government action. Plaintiffs assert that they are directly injured by an *explicit government message* about their suitability as service members.

[why] she would be treated this way.” Decl. of Jane Doe 2, ECF No. 40-2, at ¶ 15. The detail requires Jane Doe 2 to “driv[e] far away from my base all day every day” and despite the fact that she is “supposed to be in charge of four or five other soldiers, [she has] yet to meet them.” *Id.* The conclusion is also supported by the declarations of the former United States Secretaries of the Army and Navy, and a Professor Emeritus at the Naval Postgraduate School in Monterey, California. *See, e.g.*, Supp. Decl. of Raymond E. Mabus, Jr., ECF No. 51-1, at ¶ 7 (“transgender service members are losing opportunities for assignments that they are capable of doing”); Supp. Decl. of Eric K. Fanning, ECF No. 51-3, at ¶ 6 (transgender service members’ “advancement and promotion opportunities in the military” are being substantially limited); Decl. of Mark J. Eitelberg, ECF No. 51-4, at ¶ 11 (directives “instruct[ing] commanders and other service members that transgender individuals are detrimental to the military . . . erode[] the value that members serving with them place on their contributions or performance” which “harm[s] and restrict[s] artificially” their ability to serve).⁶

The grandfather provision of the Mattis Implementation Plan does not alleviate these harms. That provision does not state, nor does it appear to be based on, a conclusion that those who will be allowed to remain in the military like Regan Kibby, Jane Does 2 through 5, and John Doe 1 are somehow more fit to serve than those who will be banned. Instead, the provision is based—purportedly—on a conclusion that discharging these particular individuals would be

⁶ Defendants argue that the statements of these individuals are all irrelevant because they predate the Mattis Implementation Plan, Defs.’ Reply at 13-14, but that argument assumes what the Court rejects in the latter portions of this Opinion: that the Mattis Implementation Plan is a “new policy” separate and distinct from the President’s 2017 directives. The Mattis Implementation Plan merely implements the basic policy directives in the President’s 2017 tweet and memorandum. Evidence about the effects of the 2017 directives is therefore relevant to assessing the impact of the Mattis Implementation Plan.

because the military has already invested time and money into their training. Accordingly, the message of the policy—that, under general circumstances, these Plaintiffs should not be in the military—remains intact. That message is substantially likely to harm Plaintiffs' careers in very real ways. Accordingly, the Court finds that Plaintiffs Regan Kibby, Jane Does 2 through 5, and John Doe 1 have standing.

ii. Prospective Service Members Who Have Undergone Gender Transition

Jane Doe 7 and John Doe 2 are prospective service members who have already undergone, or are currently undergoing, gender transition, and are also actively taking steps toward enlistment. *See* Decl. of Jane Doe 7, at ¶ 1 (attesting that she “went through the process of gender transition seven years ago” and has “been trying to enlist in the Coast Guard”); Decl. of John Doe 2, at ¶¶ 8-13 (attesting that he has “completed transition” and been “actively working with [his] recruiter to enlist in the Army”). If the Mattis Implementation Plan takes effect, these individuals will be barred from military service because they have undergone gender transition. Being barred from service is clearly an “injury in fact” sufficient to give these Plaintiffs standing. *See Doe 1*, 275 F. Supp. 3d at 203 (explaining in Court's prior Opinion that Plaintiffs have standing due to the “substantial risk that they will be denied accession or discharged from the military due to their transgender status”).

Defendants argue that the Mattis Implementation Plan deprives these Plaintiffs of standing because (if they rush to enlist) they can still join the military while this Court's preliminary injunction is in effect and the Mattis Implementation Plan is not allowed to be implemented. *See* Defs.' Mem. at 12-13. Distilled to its essence, Defendants' argument is that because transgender service members who enlist before the Mattis Implementation Plan goes into effect will be allowed to remain in the military under the plan's grandfather provision, Plaintiffs can and

preliminary injunction is in effect and take advantage of the grandfather provision, their harm is self-inflicted. *Id.* Defendants argue that Plaintiffs cannot manufacture standing based on “self-inflicted” harm. *Id.*

This argument is based on a misunderstanding of the Court’s standing analysis. Plaintiffs challenge the constitutionality of the policies realized in the Mattis Implementation Plan, which Defendants are prepared to implement. Those policies, and that plan in particular, are not yet in effect, *but only because the Court granted Plaintiffs’ Motion for a Preliminary Injunction in this case*, not because Defendants have decided to allow Plaintiffs to enlist as transgender military personnel during this period. All indications suggest that the Defendants have every intention of enforcing the plan as soon as they are no longer enjoined from doing so and, in fact, Defendants have moved this Court and other courts to dissolve injunctions so that they can accomplish that goal. That the plan does not harm Plaintiffs so long as the preliminary injunction is in force, of course, does not mean that Plaintiffs lack standing. To assess whether Plaintiffs have standing, the Court must determine whether that plan would harm them if the Court *lifted* its injunction and allowed the plan to go into effect. There is no dispute that if the Court did so, Jane Doe 7 and John Doe 2 would be barred from military service by the Mattis Implementation Plan. Accordingly, they have standing.⁷

Moreover, even if these Plaintiffs did rush to enlist in the military while this Court’s injunction was in place and therefore fell into the Mattis Implementation Plan’s grandfather

⁷ Moreover, the very fact that these Plaintiffs are required to enlist in the military immediately, while the Court’s preliminary injunction remains in effect, or be forever banned, is a sufficient injury to confer standing. These Plaintiffs are harmed by such a “now-or-never” requirement because it subjects them to a barrier on their entry into the military that their competitors are not subject to.

afflict those Plaintiffs who are current service members who have been diagnosed with gender dysphoria.

Finally, Defendants argue that, even assuming that the Mattis Implementation Plan has taken effect, and thus Jane Doe 7 and John Doe 2 are barred from military service, there would still be no injury because these Plaintiffs “would not be personally denied equal treatment.” Defs.’ Reply at 15. This is so, Defendants argue, because Plaintiffs “have not shown that they would be treated differently than any other individual who seeks to join the military with a preexisting medical condition.” *Id.* This argument “concerns the merits rather than the justiciability of plaintiffs’ claims.” *Trump v. Hawaii*, 138 S. Ct. 2392, 2416 (2018). It has no relevance to the Court’s assessment of standing. When assessing standing, the Court assumes that the challenged policies in fact violate equal protection. *Schnitzler v. United States*, 761 F.3d 33, 40 (D.C. Cir. 2014) (“[T]he Supreme Court has made clear that when considering whether a plaintiff has Article III standing, a federal court must assume arguendo the merits of his or her legal claim.” (internal quotation marks omitted)).⁸

iii. Current Service Member Without a Diagnosis of Gender Dysphoria

Jane Doe 6 is a current service member who does not yet have a diagnosis of gender dysphoria. Jane Doe 6 had made a behavioral health appointment to obtain a transition plan and begin her gender transition, but—for obvious reasons—aborted that effort when President Trump tweeted that transgender individuals would not be permitted to serve. After that, Jane Doe 6 has

⁸ Defendants also argue that Plaintiffs who are prospective service members lack standing because, even though they are generally prohibited from acceding under the Mattis Implementation Plan, they may seek waivers from the policy. *See* Defs.’ Mem. at 12 n.4. The Court already explained in its October 30, 2017 Memorandum Opinion why the hypothetical potential for waivers does not divest Plaintiffs of standing. *See Doe 1*, 275 F. Supp. 3d at 201.

dysphoria because she is afraid that she will be discharged. Because she has not yet received a diagnosis of gender dysphoria, Jane Doe 6 would face discharge under the Mattis Implementation Plan if she sought such a diagnosis after the plan took effect.

As with Jane Doe 7 and John Doe 2, Defendants argue that the Mattis Implementation Plan has alleviated any harm Jane Doe 6 might have suffered under the President's 2017 directives. Defendants claim that if Jane Doe 6 seeks a diagnosis of gender dysphoria from a military doctor while this Court's preliminary injunction is still in place and the Mattis Implementation Plan has not yet gone into effect, she will be able to continue to serve under the plan's grandfather provision. Defs.' Reply at 14-15. Again, the Court rejects the logic of this argument. The Court asks whether the Mattis Implementation Plan, if allowed to go into effect, would harm Jane Doe 6. The answer is clear: it would. It would subject her to discharge if she sought a diagnosis of gender dysphoria and gender transition therapy.

Moreover, even if Jane Doe 6 were to obtain a diagnosis prior to the implementation of the plan and therefore fall within the grandfather provision, she would still be subject to the same stigmatic and career-damaging injuries that afflict those Plaintiffs who are current service members who have been diagnosed with gender dysphoria. Jane Doe 6 does not lack standing simply because she has the option of either remaining in the military and disavowing her identity as a transgender person, or coming out and serving as a member of an officially branded inferior class of service members. *See MedImmune, Inc. v. Genentech, Inc.*, 549 U.S. 118, 129 (2007) (holding that where a plaintiff "eliminated the imminent threat of harm by simply not doing what he claimed the right to do," the court still had "subject-matter jurisdiction because the threat-eliminating behavior was effectively coerced").

iv. Dylan Kohere

Finally, Plaintiff Dylan Kohere—who is transgender and has begun working with medical professionals on a treatment plan for transition—has standing. Kohere is barred from joining his university’s ROTC program and ultimately will not be allowed to accede into the military. As the D.C. Circuit has already acknowledged, Kohere is injured by a policy that prevents him from acceding if for no other reason than because “inability to accede in the future . . . disqualifies [him] from educational opportunities now.” *Doe 1*, 2017 WL 6553389, at *3.

Defendants argue that Kohere now lacks standing because “since DoD’s policy was announced in March 2018, Mr. Kohere has failed to respond to any of the cadre’s multiple requests to discuss his enrollment in ROTC and did not register for any ROTC classes in the upcoming fall semester,” nor did he apply for a scholarship. Defs.’ Reply at 17. In other words, Defendants appear to be implying that Kohere lacks standing because he is no longer interested in pursuing a military career. The Court is not convinced. Kohere has attested that his goal is “to spend [his] entire career in the military.” Decl. of Dylan Kohere, ECF No. 13-15, ¶ 2. The Mattis Implementation Plan would prevent him from doing so and deprive him of educational opportunities. This is enough to establish his standing.⁹

Finally, Defendants also argue that “[f]ar from being ‘categorically barred because he is transgender’ . . . under the new policy, Mr. Kohere would be allowed to serve in his biological sex.” Defs.’ Reply at 16. This argument misses the point. Mr. Kohere is *transgender*. That means that he *does not identify with his biological sex*. To serve in his biological sex would be to suppress his identity. To do so would be a harm in and of itself, sufficient to confer standing.

⁹ As with the Plaintiffs discussed above, the fact that Kohere could fall within the Mattis Implementation Plan’s grandfather provision does not change this analysis.

characteristic that leads to the discrimination in the first place does not mean that the plaintiff lacks standing.

* * *

In sum, each Plaintiff that remains in this case continues to have standing, despite the issuance of the 2018 Presidential Memorandum, the Mattis Implementation Plan, and the Panel Report. Defendants' motion to dismiss for lack of standing will be denied.

2. Mootness

Defendants also argue that Plaintiffs' claims should be dismissed as moot. Defendants' mootness argument reduces to the following points: Plaintiffs' lawsuit challenges President Trump's 2017 policy of banning transgender military service. The Mattis Implementation Plan does not completely ban transgender military service. It is instead a "new policy" that is distinct from the policy directives announced by President Trump in 2017. Because Defendants are no longer attempting to implement the challenged policy, Plaintiffs' suit is now moot.

The Supreme Court has commanded that a party asserting mootness through cessation of challenged conduct carries a "heavy burden." *Hardaway v. D.C. Hous. Auth.*, 843 F.3d 973, 980 (D.C. Cir. 2016) (citing *Friends of the Earth, Inc. v. Laidlaw Env'tl. Servs. (TOC), Inc.*, 528 U.S. 167, 189 (2000)). Defendants have not satisfied their burden here.

The Court begins by noting that even if it were to accept Defendants' argument that Plaintiffs' challenge to the President's 2017 directives is moot, Plaintiffs' lawsuit would not be dismissed in its entirety. Plaintiffs have recently amended their complaint to challenge the Mattis Implementation Plan, and that challenge is clearly still live. "[W]hen a plaintiff files a complaint in federal court and then voluntarily amends the complaint, courts look to the

457, 473-74 (2007). Plaintiffs’ Second Amended Complaint alleges that the Mattis Implementation Plan “expressly targets transgender individuals,” “prevents transgender individuals from serving consistent with their gender identity,” and violates the Fifth Amendment. Pls.’ 2d Am. Compl., ECF No. 106, at ¶¶ 86, 87, 92, 97. Accordingly, even if the Court were to accept Defendants’ arguments regarding claims focused on the President’s 2017 directives, Plaintiffs’ lawsuit would not be moot to the extent that it challenges the Mattis Implementation Plan.

Regardless, the Court *does not* accept Defendants’ argument that Plaintiffs’ challenge to the President’s 2017 directives is moot. This argument attempts to draw artificial and unwarranted boundaries between the various policy pronouncements in this case. As explained above, Defendants’ mootness argument is based upon the premise that the Mattis Implementation Plan is a new and different policy than the one announced by President Trump in 2017. But Defendants have not demonstrated that this is the case in any meaningful way. To the contrary, the Mattis Implementation Plan appears to be just that—an implementation plan. The plan *implements* the President’s 2017 directives that the military not allow transgender individuals to serve in the military.

The Court reaches this conclusion for three basic reasons. First, a plan to implement a policy prohibiting transgender military service is precisely what the President ordered be submitted to him by February 2018 in his 2017 Presidential Memorandum. Second, over the months following the issuance of the 2017 Presidential Memorandum, Department of Defense officials repeatedly stated that they were preparing such an implementation plan. And third, the

prohibits transgender military service.

First, the 2017 Presidential Memorandum directed the Department of Defense to submit, by February 2018, a plan to *implement* the President’s directives that transgender service be prohibited. It did not ask for the submission of a “new policy” on transgender service. In the 2017 Presidential Memorandum, the President directed the military to return to a policy under which: (i) transgender individuals are generally prohibited from accession and (ii) the military is authorized to discharge individuals who are transgender. The 2017 Presidential Memorandum ordered the Secretary of Defense to prepare an “implementation plan” that was circumscribed to suggestions about how to “implement a policy under which transgender accession is *prohibited*, and discharge of transgender service members is *authorized*.” *Doe 1*, 275 F. Supp. 3d at 195. It is clear from the 2017 Presidential Memorandum that the “implementation plan” requested by the President was required to “prohibit transgender accession and authorize the discharge of transgender service members.” *Id.* The plan was not intended to be a proposal for a “new policy” that *allowed* transgender service. *See Karnoski v. Trump*, No. C17-1297-MJP, 2018 WL 1784464, at *6 (W.D. Wash. Apr. 13, 2018) (“The 2017 Memorandum did not direct Secretary Mattis to determine *whether* or not the directives should be implemented, but instead ordered the directives to be implemented by specific dates and requested a plan for *how* to do so.”) (emphasis in original).

Second, the actions and statements of Secretary Mattis, and the Department of Defense generally, during the time between the issuance of the 2017 Presidential Memorandum and the Mattis Implementation Plan indicate that the plan being developed was not a “new one” to propose to President Trump, but instead simply one to *implement* President Trump’s 2017 policy

Defense had “received the [2017] Presidential Memorandum” and would “carry out the president’s policy direction.” Milgroom Decl., Ex. U. He further stated that he would establish a panel of experts not to consider “new policies,” but instead simply “to provide advice and recommendations on the *implementation of the president’s direction.*” *Id.* (emphasis added). After the “panel reports its recommendations and following . . . consultation with the secretary of Homeland Security,” Secretary Mattis stated that he would “provide [his] advice to the president concerning *implementation of his policy direction.*” *Id.* (emphasis added); *see also Doe I*, 2017 WL 6553389, at *2 (noting that “the Secretary’s August 29, 2017 statement makes clear that his actions are being undertaken to ‘carry out the president’s policy direction’”).

In a September 14, 2017 document entitled “Military Service by Transgender Individuals – Interim Guidance,” Secretary Mattis again stated that he would present the President with a “plan to *implement the policy and directives* in the [2017] Presidential Memorandum.” Milgroom Decl., Ex. W, at 1 (emphasis added). The Interim Guidance further stated that the Department of Defense would “*carry out the President’s policy and directives*” and would “*comply with the [2017] Presidential Memorandum.*” *Id.* (emphasis added). A separate document issued to direct the implementation process stated that Secretary Mattis had convened a panel to “develop[] an Implementation Plan on military service by transgender individuals, to *effect the policy and directives of the Presidential Memorandum.*” Milgroom Decl., Ex. X, at 1 (emphasis added). That document further acknowledges that the Department was required to “return to the longstanding policy and practice on military service by transgender individuals that was in place prior to June 2016,” that is, the general prohibition on transgender service. *Id.* at 2. It stated that the Department had been “direct[ed]” to prohibit accession by transgender

individuals and asked the panel of experts merely how the “guidelines” for such a policy should be updated “to reflect currently accepted medical terminology.” *Id.* Acting Under Secretary of Defense for Personnel and Readiness, Anthony M. Kurta, also issued a memorandum in September 2017 that stated that the Department had convened a panel of experts “to support the . . . development of an Implementation Plan on military service by transgender individuals.” Milgroom Decl., Ex. Y.¹⁰

Third, and most importantly, the Mattis Implementation Plan *in fact prohibits transgender military service*—just as President Trump’s 2017 directives ordered. It is true that the plan takes a slightly less direct approach to accomplishing this goal than the President’s 2017 tweet and memorandum. Instead of expressly banning all “transgender individuals” from military service, the Mattis Implementation Plan works by absolutely disqualifying individuals who require or have undergone gender transition, generally disqualifying individuals with a history or diagnosis of gender dysphoria, and, to the extent that there are any individuals who identify as “transgender” but do not fall under the first two categories, only allowing them to serve “in their biological sex” (which means that openly transgender persons are generally not allowed to serve in conformance with their identity).

But it is not at all surprising that an implementation plan, crafted over the course of months (clearly with assistance from lawyers and an eye to pending litigation) is a longer, more nuanced expression of the President’s policy direction than the brief, blanket assertions made by the President himself in 2017. To determine whether Plaintiffs’ claims are moot, the Court must

¹⁰ Defendants cite statements from Secretary Mattis about the “independence” of the process that led to the creation of the Mattis Implementation Plan, but the context suggests that such “independence” related to *how*, not *whether*, to implement the President’s policy directives.

Plan accomplishes the President’s policy that is challenged in this case.

The Court concludes that the Mattis Implementation Plan does just that: it prevents service by transgender individuals. The plan succeeds at doing so in part by prohibiting individuals with traits associated with being transgender: those with “gender dysphoria” and who have undergone or require “gender transition.” In addition, although the plan purports to allow some transgender individuals (those without a diagnosis of gender dysphoria or who have not undergone or require gender transition) to serve in the military under certain narrow circumstances, even this purported allowance is illusory. Under the Mattis Implementation Plan, those transgender persons who are not summarily banned are only allowed in the military if they serve *in their biological sex*. But by definition—at least the definition relevant to Plaintiffs’ claims in this lawsuit—transgender persons *do not identify or live in accord with their biological sex*. Accordingly, the Mattis Implementation Plan effectively translates into a ban on transgender persons in the military. Tolerating a person with a certain characteristic only on the condition that they renounce that characteristic is the same as not tolerating them at all.¹¹ As Plaintiffs correctly argue, “[j]ust as a policy allowing Muslims to serve in the military if they

¹¹ Defendants argue that forcing all transgender service members to live in accordance with their biological sex is not the same as a ban on transgender service members because not all transgender individuals choose to come out as such and “live and work in accordance with [their] identity.” Defs.’ Reply at 21. That this would be the case is not at all surprising, and certainly does not demonstrate that Defendants’ policy is not a ban on transgender service members. Decisions about whether and when to admit one’s transgender identity and initiate the process of gender transition are presumably affected by many factors, including career considerations, medical considerations, and fear of discrimination. Service members in particular might reasonably choose to delay due to upcoming deployments or other opportunities. That not all transgender service members have openly admitted to their status as such and sought to live in accordance with their gender identities by personal choice does not mean that an official policy forbidding them from doing so is not discriminatory.

transgender individuals to serve in their birth sex *is* a ban on transgender service.” Pls.’ Opp’n at 10 (emphasis in original); *see also Karnoski*, 2018 WL 1784464, at *6 (“Requiring transgender people to serve in their ‘biological sex’ does not constitute ‘open’ service in any meaningful way, and cannot reasonably be considered an ‘exception’ to the Ban. Rather, it would force transgender service members to suppress the very characteristic that defines them as transgender in the first place.”). Accordingly, despite superficial differences between it and the President’s 2017 directives, the Mattis Implementation Plan essentially effectuates the policy announced by President Trump in 2017: the banning of military service by transgender individuals. It accordingly does not moot Plaintiffs’ claims. *See Glob. Tel*Link v. Fed. Commc’ns Comm’n*, 866 F.3d 397, 413-14 (D.C. Cir. 2017) (“replacing the challenged law ‘with one that differs only in some insignificant respect’ and ‘disadvantages [petitioners] in the same fundamental way’ does not moot the underlying challenge”) (quoting *Ne. Fla. Chapter of Associated Gen. Contractors of Am. v. City of Jacksonville*, 508 U.S. 656, 662 (1993)).¹²

Finally, Defendants repeatedly argue that the 2017 Presidential Memorandum has been “revoked.” Even if the Court were to favor form over substance and accept this as an accurate description of what has genuinely occurred, it would not alone be enough to warrant a finding of mootness. As Defendants argue, “[w]hen a law is repealed and replaced, the relevant question is ‘whether the new [policy] is sufficiently similar to the repealed [one] that it is permissible to say

¹² Defendants argue that the Mattis Implementation Plan is similar to the currently operative policy on transgender service. *See, e.g.*, Defs.’ Reply at 1. The Court disagrees. Any similarities Defendants are able to find between the policies are red herrings. The policies are *fundamentally* different because one allows transgender individuals to serve in accordance with their gender identity, and the other does not (with the exception of a small group of individuals who will be allowed to remain in the armed forces under a grandfather provision).

sufficiently altered so as to present a substantially different controversy from the one . . . originally decided.’” Defs.’ Mot. at 4 (quoting *Ne. Fla. Chapter of Associated Gen. Contractors of Am.*, 508 U.S. at 662 n.3). Even assuming that the 2017 Presidential Memorandum has been “revoked,” and the Mattis Implementation Plan could be viewed as a “new policy,” at the very least, the new plan is sufficiently “similar” to the President’s 2017 directives that Plaintiffs’ claims are not moot. As already discussed, like the 2017 Presidential Memorandum, the Mattis Implementation Plan generally bars service by transgender individuals.¹³

* * *

In sum, whatever legal relevance the Mattis Implementation Plan and associated documents might have, they are not sufficiently divorced from, or different than, the President’s 2017 directives such that Plaintiffs’ claims are now moot.¹⁴

¹³ Defendants argue that the voluntary cessation doctrine does not apply to them. Defs.’ Mem. at 3. This argument does not survive scrutiny for two reasons. First, because the Court finds that the Mattis Implementation Plan is simply a plan that implements the Presidential directives that were already at issue in this case, the challenged conduct simply has not ceased, and the Court need not rely on the voluntary cessation doctrine. Second, the Court is not persuaded that the Defendants in this case—various Executive Branch departments and officials—are all immune from the doctrine. In a separate Memorandum Opinion and Order issued today, the Court has dismissed the President as a party from this case. Accordingly, at most, the Court would be applying the voluntarily cessation doctrine to lower Executive Branch officials. Defendants have not brought to the Court’s attention any cases that hold that the voluntary cessation doctrine does not apply to such defendants. *See* Defs.’ Mem. at 3 (citing only *Clarke v. United States*, 915 F.2d 699 (D.C. Cir. 1990), which relates to Congress, not Executive Branch departments or officials). As indicated by the facts of this very case, the Executive Branch is able to change military policies back and forth with relative ease and speed, giving rise to the concerns that animate the voluntary cessation doctrine.

¹⁴ To the extent Defendants revive their motion to dismiss for failure to state a claim in this case, that motion is DENIED. The Court already explained in detail why Plaintiffs’ claims were likely meritorious in its October 30, 2017 Memorandum Opinion, and thus not subject to dismissal on the pleadings. *See Doe I*, 275 F. Supp. 3d at 205, 207-215. For the same reasons that the Mattis

3. Motion to Dissolve the Preliminary Injunction

Finally, as the discussion above has likely already made clear, the Court will not dissolve its preliminary injunction. It is true that a preliminary injunction “may be dissolved where, for instance, changed circumstances eviscerate the justification therefor.” *S.E.C. v. Vision Commc’ns, Inc.*, No. CIV. A. 94-0615 CRR, 1995 WL 109037, at *2 (D.D.C. Mar. 6, 1995). However, the party seeking relief from an injunction bears the burden of establishing that changed circumstances warrant relief. *See Am. Council of the Blind v. Mnuchin*, 878 F.3d 360, 366 (D.C. Cir. 2017). The Court is not persuaded that the circumstances of this case have in fact genuinely changed in such a way that the Court’s preliminary injunction is no longer warranted.¹⁵

Like Defendants’ mootness argument, the basic premise of Defendants’ argument in support of dissolving the preliminary injunction is that the Mattis Implementation Plan is a “new policy” that does not implement the 2017 directives that were preliminarily enjoined by this Court. For the reasons already set forth above, Defendants have not persuaded the Court that this is the case. Instead, the Court finds that the Mattis Implementation Plan effectively implements the policy directives that were already at issue when the Court’s preliminary injunction was ordered. Accordingly, Plaintiffs’ challenge to those directives is not moot, and the need remains intact for the Court’s preliminary injunction maintaining the *status quo ante* until the final resolution of this case on the merits.

Implementation Plan does not moot Plaintiffs’ claims, it also does not mean that their allegations now fail to state a claim.

¹⁵ Defendants argue, yet again, that the Court’s injunction should be dissolved insofar as it applies to anyone other than the Plaintiffs in this case. The Court has already rejected this argument, *see* Dec. 11, 2017 Order, ECF No. 75, at 7, and rejects it now for the same reasons.

The only material development that has occurred since the Court's preliminary injunction was issued is that the Defendants have prepared a plan to implement the enjoined directives, and a report that purportedly provides support for that plan. These developments do not change the Court's conclusion on any of the preliminary injunction factors.

On the merits, the Mattis Implementation Plan still accomplishes an extremely broad prohibition on military service by transgender individuals that appears to be divorced from any transgender individual's actual ability to serve. In the absence of the challenged policy, transgender individuals are subject to all of the same standards and requirements for accession and retention as any other service member. The Mattis Implementation Plan establishes a special *additional* exclusionary rule that precludes individuals who would otherwise satisfy the demanding standards applicable to all service members simply because they have certain traits that are associated with being transgender. Moreover, because the plan fundamentally implements the policy directives set forth by the President in 2017, the unusual factors associated with the issuance of the 2017 directives are still relevant. For example, the Court is still concerned that, immediately prior to the announcement of the 2017 Presidential directives, the military had studied the issue and found no reason to exclude transgender service members. The Court is likewise still concerned that the President's 2017 directives constituted an abrupt reversal in policy, and a *revocation* of rights, announced without any of the formality, deliberative process, or factual support usually associated with such a significant action. Although it makes no final ruling on the merits in this Memorandum Opinion, the Court is not convinced at this stage that the processes implemented by Defendants *after* President Trump's 2017 Presidential Memorandum, and the memoranda that they have issued since that time, resolve the constitutional issues that persuaded the Court that a preliminary injunction was

rationales appear to have been constrained by, and not truly independent from, the President's initial policy decisions.

With regard to irreparable injury, Defendants argue again that the Mattis Implementation Plan protects Plaintiffs from any injury. The Court has already rejected those arguments. If the Court were to dissolve its injunction and allow the Mattis Implementation Plan to go into effect, Plaintiffs would suffer very real harms. Defendants also argue that Plaintiffs will not be irreparably injured if the Court dissolves its preliminary injunction because other courts have since issued injunctions that are still in place. The Court rejects this argument as well. The fact that other courts¹⁶ have similarly concluded that Defendants' policy is likely unconstitutional and warrants being preliminarily enjoined is no reason for this Court to lift its own injunction. This is especially so given that Defendants have moved to dissolve those preliminary injunctions, and have appealed the decision of the first court to deny such a motion. Finally, the Court's assessment of the balance of equities and public interest in its preliminary injunction Opinion still stands. It should not be forgotten that the United States military remains engaged in numerous armed conflicts throughout the world, and service members are still being injured and killed in those conflicts. The public interest and equities lie with allowing young men and women who are qualified and willing to serve our Nation to do so.

In short, because the Mattis Implementation Plan would effectively implement the very policies preliminarily enjoined by the Court, the development of that plan is not a reason to dissolve that injunction. To avoid any possible need for clarification, the Court states expressly:

¹⁶ See *Karnoski v. Trump*, No. 17-cv-1297-MJP (W.D. Wash.); *Stone v. Trump*, No. 17-cv-2459-GLR (D. Md.); *Stockman v. Trump*, 17-cv-1799-JGB (C.D. Cal).

