

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BROCK STONE, et al.,
Plaintiffs,

vs.

DONALD J. TRUMP, et al.,
Defendants.

Case No. 1:17-cv-02459-GLR

**PLAINTIFFS' RESPONSE TO
DEFENDANTS' NOTICE OF DECISION (ECF 217)**

Contrary to Defendants' assertion in their recent notice of decision (ECF 217), the Ninth Circuit's grant of a discovery stay in the *Karnoski* case does not support their request for a stay of the discovery order issued in this case last month. *See In re Donald J. Trump*, No. 18-72159, ECF 36 (9th Cir. Sept. 17, 2018). As Plaintiffs have explained in their Opposition to Defendants' Motion to Stay (*see* ECF 211), but Defendants disregard, the discovery order at issue in the Ninth Circuit is materially different from the order Magistrate Judge Copperthite issued on August 14, 2018 in this case (ECF 204, 205). In *Karnoski* the district court ordered Defendants to produce a privilege log identifying documents and information withheld under the presidential communications privilege. --- F. Supp. 3d ---, 2018 WL 3608401, at *6 (W.D. Wash. July 27, 2018). Plaintiffs in this case are not currently challenging Defendants' assertion of the presidential communications privilege, so there is no ripe dispute concerning documents for which Defendants have asserted that privilege. ECF 211 at 6–7; *see also* ECF 216 at 7–8; ECF 185, 187 (stipulation). Thus, the Ninth Circuit's order is inapposite and does not provide a reason to grant Defendants' Motion to Stay in this case.

Dated: September 23, 2018

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CERTIFICATE OF SERVICE

I hereby certify that, on September 23, 2018, a copy of the foregoing was served on Defendants via CM/ECF.

/s/ Peter J. Komorowski

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