

The Honorable Marsha J. Pechman

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

RYAN KARNOSKI, et al.,
Plaintiffs, and
STATE OF WASHINGTON,
Plaintiff-Intervenor,
v.
DONALD J. TRUMP, in his official capacity
as President of the United States, et al.,
Defendants.

Case No. 2:17-cv-01297-MJP
**JOINT STIPULATION AND
[PROPOSED] ORDER EXTENDING
DISCOVERY AND DISPOSITIVE
MOTION DEADLINES**
NOTE ON MOTION CALENDAR:
September 27, 2018

1 Plaintiffs Ryan Karnoski, Cathrine Schmid, D.L., formerly known as K.G., by his next
2 friend and mother, Laura Garza, Lindsey Muller, Terece Lewis, Phillip Stephens, Megan
3 Winters, Jane Doe, Conner Callahan, Human Rights Campaign, Gender Justice League, and
4 American Military Partner Association (collectively, “Plaintiffs”); Plaintiff-Intervenor State of
5 Washington; and Defendants Donald J. Trump, the United States of America, James N. Mattis,
6 and the United States Department of Defense, stipulate and move the Court as follows:

7 1. On May 9, 2018, this Court entered a case scheduling order, which remains in effect
8 and currently governs the case. (Dkt. 242.)

9 2. On May 10, 2018, Plaintiffs moved to compel information and documents withheld
10 by Defendants solely on grounds of the deliberative process privilege. (Dkt. 245.) Defendants
11 subsequently sought a protective order to shield discovery against President Donald J. Trump on
12 executive privilege grounds. (Dkt. 268.)

13 3. On July 27, 2018, this Court granted Plaintiffs’ motion to compel and denied
14 Defendants’ motion for protective order, and required the President to expressly assert the
15 presidential communications privilege and produce a revised privilege log and required
16 Defendants to produce documents withheld solely on deliberative process grounds. (Dkt. 299.)

17 4. On July 31, 2018, Defendants moved this Court to stay its July 27, 2018 order. (Dkt.
18 300.) Defendants petitioned the Ninth Circuit for a writ of mandamus and an emergency stay the
19 following day.

20 5. On August 20, 2018, this Court denied Defendants’ stay request, but extended the
21 deadline for compliance until the Ninth Circuit ruled on Defendants’ mandamus petition, and
22 directed Defendants to prepare “legally sufficient privilege logs for documents withheld under
23 the presidential communications and deliberative process privileges and prepare to turn over
24 materials withheld solely under the deliberative process privilege,” so that Defendants could
25 certify to the Court that they had taken these steps by October 10, 2018. (Dkt. 311.) On
26 September 17, 2018, the Ninth Circuit granted Defendants’ emergency motion for a stay
27 pending consideration of the mandamus petition.
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1 6. In light of the above, Plaintiffs assert that they cannot proceed with depositions and
2 other discovery necessary to meet several existing deadlines in the case schedule.

3 7. Therefore, the parties believe that the October 10, 2018 deadline for filing and noting
4 discovery motions, the November 9, 2018 deadline for completing discovery, and the December
5 10, 2018 deadline for filing dispositive motions should be vacated, and should be re-set after the
6 Ninth Circuit decides the mandamus petition. The parties do not currently seek to extend any of
7 the existing trial or pre-trial dates.

8 8. Accordingly, the parties move the Court to vacate the October 10, 2018, November
9 9, 2018, and December 10, 2018 deadlines in the case schedule, and allow the parties to submit a
10 joint proposal for revisions to the case schedule within 21 days after the Ninth Circuit rules on
11 the mandamus petition.

12
13 **SO STIPULATED.**

14 Respectfully submitted September 27, 2018.

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ORDER

This matter having come before the Court on the above stipulated motion of the parties, the Court finds good cause to vacate certain deadlines in the case schedule. (Dkt. 242.) Accordingly,

IT IS HEREBY ORDERED THAT:

1. The October 10, 2018 deadline for filing and noting discovery motions, the November 9, 2018 deadline for completing discovery, and the December 10, 2018 deadline for filing dispositive motions are hereby vacated.

2. The parties are ordered to submit proposed revisions to the case schedule within 21 days after the Ninth Circuit rules on the mandamus petition.

3. All other deadlines in the current case schedule (Dkt. 242) shall remain the same.

IT IS SO ORDERED.

Dated this _____ day of _____, 2018.

Marsha J. Pechman
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the United States of America and the laws of the State of Washington that all participants in the case are registered CM/ECF users and that service of the foregoing documents will be accomplished by the CM/ECF system on September 27, 2018.

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