

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office
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MEDIATION QUESTIONNAIRE

The purpose of this questionnaire is to help the court’s mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	18-56539
District Court/Agency Case Number(s):	17-cv-1799
District Court/Agency Location:	Central District of California
Case Name:	Stockman v. Trump
If District Court, docket entry number(s) of order(s) appealed from:	No. 124
Name of party/parties submitting this form:	All Defendants-Appellants

Please briefly describe the dispute that gave rise to this lawsuit.

The district court denied the government's motion to dissolve a preliminary injunction entered in December 2017, which enjoined an August 2017 presidential memorandum addressing military service by transgender individuals. In 2018, Secretary of Defense James Mattis proposed a new policy following extensive study by a panel of experts, and the President revoked his earlier memorandum to permit the military to implement the new policy. The government, out of an abundance of caution, sought to dissolve the preliminary injunction so that it could implement the new policy. The district court denied the motion, stating the new 2018 policy is "essentially the same as the first policy."

Briefly describe the result below and the main issues on appeal.

The district court denied the government's motion to dissolve the preliminary injunction, thus enjoining the 2018 policy on a nationwide basis and ordering the military to maintain a course of action that the Department of Defense has concluded would undermine military effectiveness and lethality. The issue on appeal is whether the district court erred in issuing a preliminary injunction barring the military from implementing the Mattis policy nationwide.

Describe any proceedings remaining below or any related proceedings in other tribunals.

There is a scheduling order in place for district court proceedings. See Dkt. No. 117.

A related case is pending before this Court in Karnoski v. Trump, No. 18-35347, and before the D.C. Circuit in Doe v. Trump, No. 18-5257. There is also a third case pending in Stone v. Trump, No. 17-cv-2459 (D. Md. filed Aug.

28, 2017).

Provide any other thoughts you would like to bring to the attention of the mediator.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses
 is attached (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and
 service list may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **File this document electronically** in Appellate ECF by choosing Forms/Notices/Disclosure > File a Mediation Questionnaire.

Stockman v. Trump Service List

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9th Circuit Case Number(s) 18-56539

NOTE: To secure your input, you should print the filled-in form to PDF (File > Print > PDF Printer/Creator).

CERTIFICATE OF SERVICE

When All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system

on (date) .

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

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I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

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