

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

NICHOLAS HARRISON and
OUTSERVE-SLDN, INC.

Plaintiffs,

v.

JAMES N. MATTIS, in his official capacity as
Secretary of Defense; MARK ESPER, in his
official capacity as the Secretary of the Army;
and the UNITED STATES DEPARTMENT OF
DEFENSE,

Defendants.

NO. 1:18-CV-00641-LMB-IDD

NOTICE OF RELATED PROCEEDING

Pursuant to Virginia Rule of Professional Conduct 3.3 and E.D. Va. Loc. Civ. R. 83.1, the undersigned has filed a related case filed in this Division of this Court today. *See United States v. Schaffer Equip. Co.*, 11 F.3d 450, 457-59 (4th Cir. 1993). The related case is captioned *Richard Roe, Victor Voe, and OutServe-SLDN, Inc. v. James N. Mattis, in his official capacity as Secretary of Defense; and Heather A. Wilson, in her official capacity as Secretary of the Air Force; and the United States Department of Defense*. That case presents claims raising the same and similar constitutional challenges as those presented in this action. It involves challenges to the same regulations that are at issue in this action. Finally, it also includes claims under the Administrative Procedure Act.¹

¹ There is a third case involving the military's HIV policies pending in the District of Maryland: *Deese v. Mattis*, 1:18-cv-02669-RDB (D. Md.), which was filed August 28, 2018 by an Air Force cadet and Navy midshipman who were denied their commissions, based solely on HIV status, after finishing studies at military academies. The parties there are currently discussing a stay of the matter pending additional administrative proceedings.

Dated: December 19, 2018

Respectfully submitted,

/s/ Andrew R. Sommer
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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of December 2018, I caused the foregoing to be filed electronically using the Court's CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

Dated: December 19, 2018

Respectfully submitted,

/s/ Andrew R. Sommer
Andrew R. Sommer