

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

RICHARD ROE, ET AL.,

Plaintiffs,

v.

PATRICK M. SHANAHAN, ET AL.,

Defendants.

CIVIL ACTION NO. 1:18-cv-01565

**PLAINTIFF OUTSERVE-SLDN'S MOTION TO AMEND
PRELIMINARY INJUNCTION**

Plaintiff OutServe-SLDN, Inc. hereby moves the Court to amend the preliminary injunction entered on this date. Specifically, the Order enjoining Defendants is limited by its terms to “active-duty member[s] of the Air Force.” Dkt. 73. However, as established by Plaintiffs, Senior Airman Q.S. is also being discharged on Tuesday, February 19, 2019¹ on the basis of his HIV status and his inability to deploy because of that status. *See* Decl. of Peter Perkowski in Support of Motion for Preliminary Injunction ¶¶ 28-30 (Dkt. 40). Senior Airman Q.S. is, however, not an active-duty Airman, but instead is a member of the Air National Guard. *Id.* To prevent the improper discharge of this Airman and those who may be similarly situated with him, Plaintiffs respectfully request that the Court issue an order amending the preliminary injunction to remove the words “active-duty” from the second paragraph of the order.

¹ The declaration of Peter Perkowski states that Senior Airman Q.S. is being separated on Monday, February 18, 2019. However, Monday, February 18, 2019 is a federal holiday. Accordingly, Senior Airman Q.S. will be separated on Tuesday, February 19, 2019.

Dated: February 15, 2019

Respectfully submitted,

/s/ Scott Schoettes

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CERTIFICATE OF SERVICE

I certify that, on the 15th day of February, 2019, I caused this document to be filed electronically through the Court's CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

Dated: February 15, 2019

Respectfully submitted,

/s/ Andrew R. Sommer
Andrew R. Sommer