

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

RYAN KARNOSKI, *et al.*,

*Plaintiffs*, and

State of Washington,

*Plaintiff-Intervener*,

v.

DONALD J. TRUMP, in his official  
capacity as President of the United States, *et  
al.*,

Defendants.

CASE NO. 2:17-CV-01297-MJP

WESTERN DISTRICT OF  
WASHINGTON

CASE NO.

**PLAINTIFFS' MOTION TO COMPEL  
DISCOVERY FROM DR. PAUL R.  
MCHUGH, M.D.**

Pursuant to Federal Rule of Civil Procedure 45, Plaintiffs, by and through their undersigned counsel, hereby move this honorable Court for an Order compelling Dr. Paul R. McHugh, M.D., to produce or otherwise make available documents and information requested in Plaintiffs' subpoena *duces tecum* (the "Subpoena") dated August 22, 2018. In support of this Motion, Plaintiffs incorporate the accompanying Memorandum of Law as if fully set forth herein. A Proposed Order accompanies this Motion.

Dated: October 3, 2018

Respectfully submitted:

/s/ Robert S. Ryland

Robert S. Ryland

Vanessa Barsanti (*pro hac vice* pending)

Jordan Heinz (*pro hac vice* pending)

KIRKLAND & ELLIS LLP

655 Fifteenth Street, N.W., Suite 1200

Washington, D.C. 20005

Tel: 202-879-5086

robert.ryland@kirkland.com

vanessa.barsanti@kirkland.com

jordan.heinz@kirkland.com

**CERTIFICATE OF SERVICE**

I hereby certify that, on October 3, 2018, a copy of the document above was served by email and U.S. Mail on the following counsel:

Dr. Paul R. McHugh, M.D.  
c/o Gerard Bradley  
Professor of Law, University of Notre Dame  
3156 Eck Hall of Law  
Notre Dame, IN 46556 USA  
Gerard.V.Bradley.16@nd.edu

Andrew E. Carmichael  
Trial Attorney  
United States Department of Justice  
Civil Division Federal Programs Branch  
Tel. 202.514.4336  
[Andrew.e.carmichael@usdoj.gov](mailto:Andrew.e.carmichael@usdoj.gov)

La Rond Baker  
Assistant Attorney General  
Wing Luke Civil Rights Unit  
Office of the Washington Attorney General  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
Tel. 206.516.2999  
Fax 206.464.6451  
[larondb@atg.wa.gov](mailto:larondb@atg.wa.gov)

*s/ Robert S. Ryland*  
\_\_\_\_\_  
Robert S. Ryland

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MCHUGH, M.D.**

**[PROPOSED] ORDER**

Upon consideration of Plaintiffs' Motion to Compel Discovery from Dr. Paul R. McHugh and Dr. McHugh's Opposition thereto, it is this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the United States District Court for the District of Maryland, ORDERED that:

1. Plaintiffs' Motion to Compel Discovery from Dr. Paul R. McHugh is hereby GRANTED;
2. Dr. McHugh shall produce all documents and information requested in the subpoena *duces tecum* dated August 22, 2018 (the "Subpoena").
3. To the extent Dr. McHugh withholds any documents or information requested by the Subpoena on the grounds of work product privilege, Dr. McHugh shall prepare and provide Plaintiffs with a privilege log containing the information required by

Guideline 10(d) of the Discovery Guidelines of the United States District Court for the District of Maryland.

4. The Clerk shall transmit copies of this Order to all counsel of record.

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United States District Judge

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Ryan Karnoski, et al (See Attached for Additional Parties)

(b) County of Residence of First Listed Plaintiff King County, Washington (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Robert S. Ryland, Kirkland & Ellis LLP, 655 Fifteenth Street, N.W. Washington, D.C. 20005-5793, PH: (202) 879-5000

DEFENDANTS

Donald J. Trump, et al (See Attached for Additional Parties)

County of Residence of First Listed Defendant Washington, D.C. (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Andrew E. Carmichael, US Dept of Justice, 20 Massachusetts Avenue, N.W., Washington, D.C. 20530

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location. Includes categories like Citizen of This State, Citizen of Another State, and Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal codes and descriptions.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Federal Rule of Civil Procedure 45

Brief description of cause: Please see attachment.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Please see attachment.

DOCKET NUMBER Please see attachment.

DATE 10/03/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Robert S. Ryland

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**CIVIL COVER SHEET - ATTACHMENT**

**I. (a) PLAINTIFFS**

Additional Plaintiffs continued from Page 1:

Staff Sergeant Catherine Schmid;  
D.L., formerly known as K.G., by his next friend and mother, Laura Garza;  
Chief Warrant Officer Lindsey Muller;  
Petty Officer First Class Terece Lewis;  
Petty Officer Second Class Phillip Stephens;  
Petty Officer Second Class Megan Winters;  
Jane Doe;  
Conner Callahan;  
Human Rights Campaign;  
Gender Justice League; and  
American Military Partner Association.

**I. (a) DEFENDANTS**

Additional Defendants continued from Page 1:

The United States of America;  
James N. Mattis, in his official capacity as Secretary of Defense; and  
The United States Department of Defense.

**I. (a) OTHER PARTIES - Third-Party Subpoena Duces Tecum Recipient**

Dr. Paul R. McHugh, M.D.

**VI. CAUSE OF ACTION**

Brief description of cause: Motion to compel third-party subpoena to Dr. Paul R. McHugh, M.D., in action challenging the constitutionality of the federal policy of discrimination against transgender military service.

## VIII. RELATED CASES

This third-party subpoena dispute arises in connection with a case proceeding before the Honorable Marsha J. Pechman under Docket Number 17-cv-1297 (W.D. Wash.).

There are several other cases challenging the federal policy of discrimination against transgender military service. Those are as follows:

*Stone v. Trump*, 17-cv-2459 (D. Md.) (The Honorable George Levi Russell)

*Stockman v. Trump*, 17-cv-1799 (C.D. Cal.) (The Honorable Jesus G. Bernal)

*Doe v. Trump*, 17-cv-1597 (D.D.C.) (The Honorable Colleen Kollar-Kotelly)