

Case No. 18-56539
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

AIDEN STOCKMAN, *et al.*,
Plaintiffs-Appellees,

STATE OF CALIFORNIA,
Intervenor-Plaintiff-Appellee,

v.

DONALD J. TRUMP, in his official capacity as President of the U.S., *et al.*,
Defendants-Appellants.

**PARTIES' JOINT STIPULATION REGARDING DISPOSITION OF
APPEAL AND REQUEST FOR REMAND**

Marvin S. Putnam (SBN 212839)
Amy C. Quartarolo (SBN 302030)
Harrison J. White (SBN 307790)
LATHAM & WATKINS LLP
355 South Grand Avenue, Suite 100
Los Angeles, California 90071-1560
Telephone: +1.213.485.1234
Facsimile: +1.213.891.8763

Shannon P. Minter (SBN 168907)
Amy Whelan (SBN 2155675)
National Center for Lesbian Rights
870 Market Street, Suite 360
San Francisco, California 94102
Telephone: +1.415.392.6257
Facsimile: +1.415.392.8442

Jennifer Levi (*admitted pro hac vice*)
GLBTQ Legal Advocates & Defenders
30 Winter Street, Suite 800
Boston, MA 02108
Telephone: +1.617.426.1350
Facsimile: +1.617.426.3594

*Attorneys for Plaintiffs Aiden Stockman, Nicolas Talbott, Tamasyn Reeves, Jaquice
Tate, John Does 1-2, Jane Doe, and Equality California*

Plaintiffs Aiden Stockman, Nicolas Talbott, Tamasyn Reeves, Jaquice Tate, John Does 1-2, Jane Doe, Equality California, and Plaintiff-Intervenor the State of California (collectively, “Plaintiffs”) and Defendants Patrick M. Shanahan, Joseph F. Dunford, Jr., Richard V. Spencer, Mark T. Esper, Heather A. Wilson, and Kevin K. McAleenan (collectively, “Defendants,” and, along with Plaintiffs, the “Parties”) by and through their respective counsel, hereby stipulate as follows:

WHEREAS, on April 30, 2019, defendants-appellants in Case No. 18-35347, *Karnoski, et al. v. Trump, et al.* (“Karnoski”), filed an appeal in this court from the Western District of Washington’s Order of April 13, 2018, Case No. 2:17-cv-1297, *Karnoski, et al. v. Trump, et al.* (Dkt. No. 233) granting in part and denying in part plaintiffs’ and Washington’s motion for summary judgment, granting in part and denying in part defendants’ motion for partial summary judgment, and striking defendants’ motion to dissolve the preliminary injunction.

WHEREAS, on November 16, 2018, defendants-appellants in Case No. 18-56539, *Stockman et al. v. Trump, et al.*, filed an appeal in this court from the Central District of California’s Order of September 18, 2018, 17-cv-01799, *Stockman et al. v. Trump, et al.* (Dkt. No. 124) denying defendants’ motion to dissolve the preliminary injunction.

WHEREAS, on December 19, 2018, this court held the proceedings in this case, Case. No. 18-56539, *Stockman, et al. v. Trump, et al.*, in abeyance pending issuance of this court's mandate in *Karnoski*. (Dkt. No. 28.)

WHEREAS, this Court issued its opinion in *Karnoski, et al. v. Trump, et al.*, Case No. 18-35347, on June 14, 2019 (Dkt. No. 153) and the mandate issued on August 7, 2019 (Dkt. No. 156) (the "*Karnoski* Opinion").

WHEREAS, the *Karnoski* Opinion vacated the Western District of Washington's Order on defendants' motion to dissolve the preliminary injunction, stayed the preliminary injunction pending the Western District of Washington's reconsideration of defendants' motion to dissolve and pending any appeal therefrom, and permitted plaintiffs an opportunity to advise the Western District of Washington whether they continued to wish to pursue a preliminary injunction on remand.

WHEREAS, the Parties have met and conferred and agree that the same disposition as in the *Karnoski* Opinion would appropriately resolve the issues on appeal in Case No. 18-56539, *Stockman, et al. v. Trump, et al.*

THEREFORE, THE PARTIES STIPULATE, AGREE, AND JOINTLY REQUEST THAT this Court vacate the September 18, 2018 Order denying defendants' motion to dissolve the preliminary injunction, stay the preliminary injunction pending the district court's reconsideration of defendants' motion to dissolve the preliminary injunction and pending any appeal therefrom, and permit

plaintiffs an opportunity to advise the district court whether they continue to wish to pursue a preliminary injunction on remand, and that this Court remand this matter to the District Court for further proceedings consistent with the disposition stated in the *Karnoski* Opinion.

Dated: August 16, 2019

By: /s/ Amy C. Quartarolo
Amy C. Quartarolo
LATHAM & WATKINS LLP

Marvin S. Putnam (SBN 212839)
Amy C. Quartarolo (SBN 222144)
Harrison J. White (SBN 307790)
355 South Grand Avenue, Suite 100
Los Angeles, California 90071-1560
Telephone: +1.213.485.1234
Facsimile: +1.213.891.8763

*Attorneys for Plaintiffs
Aiden Stockman et al.*

Dated: August 16, 2019

By: /s/ Amie L. Medley
Amie L. Medley
STATE OF CALIFORNIA

Amie L. Medley (SBN 266586)
Office of the Attorney General
300 S. Spring Street, Suite 1700
Los Angeles, CA 90013
Telephone: +1.213.269.6000
Facsimile: + 1.916.731.2124

*Attorney for Intervenor-Plaintiff
State of California*

Dated: August 16, 2019

By: /s/ Brinton Lucas
Brinton Lucas

Civil Division
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530
Telephone: 202-353-9018
Attorney for Defendants
Donald J. Trump et al.

CIRCUIT RULE 25-5(E) ATTESTATION

I certify that all other parties on whose behalf this filing is submitted concur in the filing's content.

Dated: August 16, 2019

Respectfully submitted,

By: /s/ Amy C. Quartarolo

Amy C. Quartarolo

LATHAM & WATKINS LLP

*Attorney for Plaintiffs
Aiden Stockman et al.*