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

18  
19 **UNITED STATES DISTRICT COURT**  
20 **CENTRAL DISTRICT OF CALIFORNIA**

21 AIDEN STOCKMAN; NICOLAS  
TALBOTT; TAMASYN REEVES;  
22 JAQUICE TATE; JOHN DOES 1-2;  
JANE DOE; and EQUALITY  
23 CALIFORNIA,

24 Plaintiffs,

25 v.

26 MARK T. ESPER, et al.

27 Defendants.  
28

CASE NO. 5:17-CV-01799-JGB-KK

**STIPULATION FOR ENTRY OF  
ORDER SUSPENDING CASE  
SCHEDULE AND PARTIALLY  
STAYING CASE**

1	STATE OF CALIFORNIA,
2	
3	Plaintiff-Intervenor,
4	v.
5	MARK T. ESPER, et al.
6	Defendants.
7	

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9 Plaintiffs Aiden Stockman, Nicolas Talbott, Tamasyn Reeves, Jaquice Tate,

10 John Does 1-2, Jane Doe, Equality California (collectively, “Individual Plaintiffs”)

11 and Plaintiff-Intervenor the State of California (collectively with Individual

12 Plaintiffs, “Plaintiffs”), and Defendants Mark T. Esper, Mark A. Milley, Thomas

13 Modly, Ryan D. McCarthy, Shon J. Manasco, and Kevin K. McAleenan

14 (collectively, “Defendants,” and, along with Plaintiffs, the “Parties”) by and through

15 their respective counsel, hereby stipulate as follows:

16 WHEREAS, Plaintiffs filed the above-captioned action on September 5, 2017

17 (ECF No. 1);

18 WHEREAS, on April 25, 2018, this Court entered a Protective Order and

19 Cross-Use Agreement providing that discovery produced in each of *Doe v. Esper*,

20 No. 17-cv-1597 (D.D.C.); *Stone v. Trump*, No. 17-cv-02459 (D. Md.); *Karnoski v.*

21 *Trump*, No. 17-cv-01297 (W.D. Wash.); and *Stockman v. Esper*, No. 17-CV-01799

22 (C.D. Cal.) (collectively, the “Related Actions”) would be deemed produced in all

23 four cases in an effort to efficiently litigate all four of the cases (ECF No. 96) (the

24 “Cross-Use Agreement”);

25 WHEREAS, on July 30, 2018, the Court entered the Civil Trial Scheduling

26 Order (ECF No. 116), establishing a case schedule;

27 WHEREAS, on February 15, 2019, this Court entered the Order on Joint

28 Stipulation to Modify Case Schedule (ECF No. 144);

1 ///

2 WHEREAS, on May 23, 2019, the Court entered an order vacating the  
3 amended scheduling order and suspending the remaining deadlines set forth therein  
4 (ECF No. 157);

5 WHEREAS, on June 14, 2019, the Ninth Circuit issued its decision on the  
6 Mandamus Petition in *In re Trump*, No. 18-72159 (9th Cir.) *consolidated with*  
7 *Karnoski v. Trump*, No. 18-35347 (9th Cir.);

8 WHEREAS, on July 15, 2019, the Court entered an order approving the  
9 Parties' proposed amended schedule (ECF No. 162) (the "Amended Scheduling  
10 Order");

11 WHEREAS, on October 29, 2019, the Court entered an order approving the  
12 Parties' proposed amendment to the Amended Schedule that modified the deadline  
13 to initiate discovery other than depositions from October 30, 2019 to January 15,  
14 2020;

15 WHEREAS, in successive orders on December 18, 2019, February 3, 2020,  
16 and February 7, 2020, the District Court for the Western District of Washington  
17 ordered Defendants to produce certain documents withheld under the deliberative  
18 process privilege in one of the Related Actions, *Karnoski v. Trump*, No. 17-cv-01297  
19 (W.D. Wash.) (the "Karnoski Orders");

20 WHEREAS, Defendants have not yet produced the documents that are the  
21 subject of the *Karnoski Orders*, and on February 11, 2020, Defendants filed a petition  
22 for a writ of mandamus in the U.S. Court of Appeals for the Ninth Circuit  
23 challenging the *Karnoski Orders*, as well as an emergency motion for stay pending  
24 consideration of the petition;

25 WHEREAS, on February 12, 2020, the U.S. Court of Appeals for the Ninth  
26 Circuit issued an administrative stay of the *Karnoski Orders*, and, on February 13,  
27 2020, issued an order directing the *Karnoski* plaintiffs to file an answer to  
28 Defendants' mandamus petition, *In re Trump*, No. 20-70365 (9th Cir.), Dkts. 3–4;

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WHEREAS, in accordance with the terms of the Cross-Use Agreement, any discovery produced in the Related Actions is deemed produced in this case;

WHEREAS, the Parties have engaged in ongoing meet and confer efforts regarding discovery served in the instant action as well as scheduling issues more generally;

WHEREAS, on January 15, 2020, the Parties agreed to a 45-day extension of time to serve additional written discovery under the Amended Scheduling Order;

WHEREAS, the Parties have further agreed that it is appropriate to suspend the remaining case deadlines under the Amended Scheduling Order and to agree to a partial stay in this action pending the resolution of discovery issues in the related *Karnoski* action (the “Partial Stay Period”);

WHEREAS, during the Partial Stay Period, the Parties agree that no further written discovery shall be served by either Plaintiffs or Defendants;

WHEREAS, during the Partial Stay Period, the parties agree that they will not raise new discovery issues, nor file new discovery motions, regarding any party’s responses to requests for production, interrogatories, or admissions<sup>1</sup>;

WHEREAS, during the Partial Stay Period, the Parties remain able to notice and take depositions and may continue to participate in all depositions noticed in any of the Related Actions;

WHEREAS, Defendants shall continue to make all documents and other discovery produced in any of the Related Actions available to Plaintiffs in compliance with the Cross-Use Agreement;

WHEREAS, the Parties expressly reserve their rights to raise any discovery

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<sup>1</sup> While Defendants are not obligated to respond to Plaintiffs’ letter of February 6, 2020 raising certain discovery issues related to Defendants’ privilege logs during the Partial Stay Period, Defendants will provide a response to the letter and make themselves available to meet and confer concerning the issues raised in the letter within seven (7) days of expiration of the Partial Stay Period.

1 issues with the Court related to written discovery served in this case following the  
2 Partial Stay Period;

3 WHEREAS, the Parties agree to follow any ruling issued by the Ninth Circuit  
4 in connection with the *Karnoski* Orders and issues decided in connection therewith;

5 WHEREAS, the Partial Stay Period may be terminated by any Party on 30-  
6 days' written notice of intent to lift the modified stay; and

7 WHEREAS, once such notice is provided, the Parties shall work together to  
8 negotiate a further revised schedule, including time for service of additional written  
9 discovery, to be presented to the Court on or before the deadline for expiration of  
10 the Partial Stay Period.

11 THEREFORE, THE PARTIES STIPULATE AND JOINTLY PROPOSE that  
12 the Amended Scheduling Order be vacated and that a partial stay be implemented  
13 consistent with the terms of this Stipulation.

14 Dated: February 28, 2020

By: /s/ Amy C. Quartarolo  
Amy C. Quartarolo

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21 Dated: February 28, 2020

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Dated: February 28, 2020

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**ATTESTATION STATEMENT**

Pursuant to Local Rule 5-4.3.4(a)(2)(i), I attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing’s content and have authorized the filing.

Dated: February 28, 2020

By: /s/ Amy C. Quartarolo  
Amy C. Quartarolo

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

AIDEN STOCKMAN; NICOLAS  
TALBOTT; TAMASYN REEVES;  
JAQUICE TATE; JOHN DOES 1-2;  
JANE DOE; and EQUALITY  
CALIFORNIA,

Plaintiffs,

v.

MARK T. ESPER, et al.

Defendants.

STATE OF CALIFORNIA,  
Plaintiff-Intervenor,

v.

MARK T. ESPER, et al.

Defendants.

CASE NO. 5:17-CV-01799-JGB-KK

**[PROPOSED] ORDER  
GRANTING STIPULATION FOR  
ENTRY OF ORDER  
SUSPENDING CASE SCHEDULE  
AND PARTIALLY STAYING  
CASE**

1 The Court, having reviewed and considered the Stipulation for Entry of Order  
2 Suspending Case Schedule and Partially Staying Case (the “Stipulation”), and for  
3 good cause shown, the Stipulation is **APPROVED**. IT IS HEREBY ORDERED  
4 THAT:

5 1. The case deadlines under the Amended Scheduling Order are  
6 suspended and the case is partially stayed pending resolution of discovery issues in  
7 *Karnoski v. Trump*, No. 17-cv-01297 (W.D. Wash.), including Defendants’ petition  
8 for a writ of mandamus filed with the U.S. Court of Appeals for the Ninth Circuit on  
9 February 11, 2020 (the “Partial Stay Period”);

10 2. During the Partial Stay Period, the Parties will not serve further written  
11 discovery;

12 3. During the Partial Stay Period, the Parties will not raise new discovery  
13 issues, nor file new discovery motions, regarding any party’s responses to requests  
14 for production, interrogatories, or admissions;

15 4. During the Partial Stay Period, the Parties are able to notice and take  
16 depositions and may continue to participate in all depositions noticed in any of *Doe*  
17 *v. Esper*, No. 17-cv-1597 (D.D.C.); *Stone v. Trump*, No. 17-cv-02459 (D. Md.);  
18 *Karnoski v. Trump*, No. 17-cv-01297 (W.D. Wash.); *Stockman v. Esper*, No. 17-CV-  
19 01799 (C.D. Cal.) (collectively, the “Related Actions”);

20 5. Defendants shall continue to make all documents and other discovery  
21 produced in any of the Related Actions available to Plaintiffs in compliance with the  
22 Cross-Use Agreement (ECF No. 96);

23 6. The Partial Stay Period may be terminated by any Party on 30-days’  
24 written notice of intent to lift the modified stay;

25 7. Once notice is provided, the Parties shall work together to negotiate a  
26 further revised schedule, including time for service of additional written discovery,  
27 to be presented to the Court on or before the deadline for expiration of the Partial  
28 Stay Period.

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IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2020

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Hon. Jesus G. Bernal  
United States District Judge