

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JANE DOE 2, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No. 17-cv-1597 (CKK)
v.)	
)	
MARK T. ESPER, in his official capacity as Secretary of Defense, <i>et al.</i> ,)	
)	
Defendants.)	
)	

**PARTIES’ JOINT STATUS REPORT IN RESPONSE
TO MARCH 4, 2020 MINUTE ORDER**

The parties submitted a Joint Status Report to the Court on March 2, 2020, noting that discovery is ongoing and that Defendants are still completing their document production and developing a metadata overlay. Dkt. 240. In the resulting March 4, 2020 Minute Order, this Court directed the parties to “file a further Joint Status Report on April 7, 2020, updating the Court on the status of document discovery and proposing a schedule for the completion of fact depositions and other discovery.” *See* March 4, 2020 at 12:15 PM Min. Order.

Defendants served supplemental document productions on March 13, 2020 (4,033 documents), March 14, 2020 (7,310 documents), March 16, 2020 (3 documents), March 23, 2020 (5 documents), March 24, 2020 (302 documents), March 27, 2020 (964 documents), March 30, 2020 (34 documents), April 1, 2020 (18 documents), and April 3, 2020 (6 documents).¹ On March 19, 2020, Defendants served a metadata overlay containing supplemental information for certain custodian and file path metadata fields.

¹ Defendants note that the vast majority of documents in these supplemental productions were produced in response to recent discovery orders in the related litigation *Karnoski v. Trump*, 17-cv-1297 (W. D. Wash.).

Throughout February and March 2020, the parties negotiated a fact deposition schedule. Plaintiffs first requested dates to take the depositions of Stephanie Miller and Thomas Dee, and to re-open the fact depositions of Colonel Mary Krueger and Martha Soper. Plaintiffs further indicated their intention to depose Dr. Terry Adirim, William Bushman, Lernes Herbert, Anthony Kurta, former Secretary James Mattis, General Paul Selva, and Secretary Robert Wilkie. On March 9, 2020, Defendants proposed a date in March for the deposition of Mr. Dee, dates in April for the depositions of Ms. Miller, Dr. Adirim, Ms. Soper, Colonel Krueger, and dates in May for the deposition of Mr. Kurta. However, given the rapidly evolving circumstances surrounding the coronavirus pandemic, Defendants requested, and Plaintiffs agreed, to postpone Mr. Dee's deposition.

The parties met and conferred telephonically on March 27, 2020. Because counsel are still working remotely and subject to travel restrictions due to the ongoing and unprecedented coronavirus crisis, the parties are not in a position to set a schedule for the completion of fact depositions at this time. The parties remain hopeful that it may be possible to schedule fact depositions in May, and respectfully request an order to file a Joint Status Report on May 7, 2020, updating the Court on the status of discovery and setting a schedule for the completion of fact depositions and fact discovery.

April 7, 2020

Respectfully Submitted,

Jennifer Levi (*pro hac vice*)
Mary L. Bonauto (*pro hac vice*)
GLBTQ LEGAL ADVOCATES & DEFENDERS
18 Tremont Street, Suite 950
Boston, Massachusetts 02108
Tel: 617-426-1350
Fax: 617-426-3594

Shannon P. Minter (*pro hac vice*)

/s/ Meg Slachetka
Thomas E. Redburn, Jr. (*admission pending*)
Jennifer Fiorica Delgado
Meg Slachetka
LOWENSTEIN SANDLER LLP
1251 Avenue of the Americas
New York, New York 10020
Tel: 212-262-6700
Fax: 212-262-7402

Amy Whelan (*pro hac vice*)
Chris Stoll (*pro hac vice*)
NATIONAL CENTER FOR LESBIAN RIGHTS
870 Market Street, Suite 370
San Francisco, California 94102
Tel: 415-392-6257
Fax: 415-392-8442

Adam G. Unikowsky (DC Bar No. 989053)
JENNER & BLOCK LLP
1099 New York Ave., NW, Suite 900
Washington, DC 20001
Tel: 202-639-6041
Fax: 202-639-6066

Matthew E. Miller (*pro hac vice*)
FOLEY HOAG LLP
155 Seaport Blvd.
Boston, Massachusetts 02210
Tel: 617-832-1000
Fax: 617-832-7000

Attorneys for Plaintiffs

JOSEPH H. HUNT
Assistant Attorney General
Civil Division

ALEXANDER K. HAAS
Branch Director

ANTHONY J. COPPOLINO
Deputy Director

/s/ Andrew E. Carmichael
ANDREW E. CARMICHAEL
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
Telephone: (202) 514-3346
Email: andrew.e.carmichael@usdoj.gov

Attorneys for Defendants