

Honorable Marsha J. Pechman

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

RYAN KARNOSKI et al.,

Plaintiffs,

v.

DONALD TRUMP et al.,

Defendants.

Case No: 2:17-cv-1297-MJP

DECLARATION OF CHALIA
STALLINGS-ALA'ILIMA IN
SUPPORT OF LCR 37 EXPEDITED
JOINT DISCOVERY MOTION TO
EXTEND DISCOVERY MOTIONS

STATE OF WASHINGTON,

Plaintiff-Intervenor,

v.

DONALD TRUMP et al.,

Defendants.

1 Pursuant to 28 U.S.C. § 1746(2), I, Chalia Stallings-Ala'ilima, state and declare as follows:

2 1. I am counsel of record for Plaintiff-Intervenor Washington State in this action, am over
3 18 years of age, and am competent to testify about the matters contained herein. I make this
4 declaration in support of the LCR 37 Expedited Joint Discovery Motion to Extend Discovery
5 Motions and hereby certify that prior to making this submission, the parties conferred to attempt to
6 resolve this discovery dispute in accordance with LCR 37(a).

7 2. Since February 13, 2020, when the parties proposed the current case schedule to the Court,
8 witness unavailability, ongoing discussions regarding scope of depositions, discovery disputes
9 that parties have resolved with and without Court action, currently pending discovery
10 productions, and strains on resources and availability due to the COVID-19 pandemic, have
11 significantly impaired the parties' ability to complete discovery as planned. The parties have
12 communicated several times a week on these issues relating to discovery since the April 2, 2020
13 Status Conference.

14 3. The parties have also consulted with their witnesses and the parties in related cases
15 *Doe 2 v. Esper*, No. 1:17-cv-01597-CKK (D.D.C. 2019), *Lt. Doe v. Esper*, No. 1:20-cv-10530-
16 FDS (D. Mass. 2020), *Stockman v. Trump*, No. 5:17-cv-01799-JGB-KK (C.D. Cal. 2017), and
17 *Stone v. Trump*, No. 1:17-cv-02459-GLR (D. Md. 2017). The earliest possible dates for
18 depositions of Dr. Brown, Lt. Col. Cron, Mr. Hebert, Secretary James, Mr. Kurta, Secretary
19 Mabus, Col. Meyering, and Col. Pflanz are not until June 2020. These dates are in anticipation
20 of using teleconferencing resources.

21 4. During the parties' meet and confer on Tuesday, April 21, 2020, Plaintiffs and Plaintiff-
22 Intervenor proposed a stipulated extension request for discovery motions and the discovery
23 deadlines. Defendants indicated agreement with extending discovery motions related to
24 depositions and those already pending and stated that they otherwise opposed any extension of
25 the discovery motions deadline. Defendants provided no legal basis for their positions. Plaintiffs
26

1 and Plaintiff-Intervenor served the LCR 37 motion in light of Defendants' position such that the
2 issue could be filed timely with the Court.

3 5. On Friday, April 24, 2020, Defendants notified Plaintiffs and Plaintiff-Intervenor that
4 they are requesting an extension of their discovery production regarding Plaintiffs' RFP No. 44
5 deadline beyond what the current case schedule permits. Plaintiffs and Plaintiff-Intervenor both
6 disagreed with Defendants' approach and neither provided their consent to Defendants' motion.

7 6. Defendants filed their motion without utilizing LCR 37(a)(2)(B) on Monday,
8 April 27, 2020. The next day, Defendants served Plaintiffs and Plaintiff-Intervenor with their
9 Response to this motion and a separate LCR 37 joint discovery motion that they plan to file after
10 the April 30, 2020 deadline. Attached hereto as **Exhibit A** is a true and correct copy of
11 Defendants' April 28, 2020 service email.

12 7. After the parties' meet and confer and service of the LCR 37 motion on April 21, 2020,
13 Defendants' communications, separate motion regarding RFP No. 44, and Response to the
14 LCR 37 motion indicate that either Defendants changed their position on extending the discovery
15 deadline or Plaintiffs and Plaintiff-Intervenor misunderstood Defendants' position during the
16 meet and confer. Given the broader issues related to scheduling that require the Court's
17 involvement, Plaintiffs and Plaintiff-Intervenor have limited the relief requested to the discovery
18 motions deadline, and provided timely notice to Defendants pursuant to LCR 37(a)(2)(D).

19
20 I declare under penalty of perjury that the foregoing is true and accurate.

21 DATED this 30th day of April 2020, in Seattle, WA.

22 *s/Chalia Stallings-Ala'ilima*
23 CHALIA STALLINGS-ALA'ILIMA

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed with the United States District Court using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated this 30th day of April 2020 in Seattle, Washington.

s/Anna Alfonso
Anna Alfonso
Legal Assistant

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STALLINGS-ALA'ILIMA DECLARATION
EXHIBIT A

Stallings-Ala'ilima, Chalia (ATG)

From: Skurnik, Matthew (CIV) <Matthew.Skurnik@usdoj.gov>
Sent: Tuesday, April 28, 2020 3:55 PM
To: Carmichael, Andrew E. (CIV); Stallings-Ala'ilima, Chalia (ATG); Heinz, Jordan M.; Barsanti, Vanessa
Cc: Siegfried, Daniel I.; Patton, Stephen R.; Melody, Colleen M (ATG); *tborelli@lambdalegal.org; *prenn@lambdalegal.org; *Rachel@newmanlaw.com; *jason@newmanlaw.com; Mathew, Josh; Powers, James R. (CIV); Enlow, Courtney D. (CIV); Gerardi, Michael J. (CIV); Zhou, Grace X. (CIV); Edelman, Christopher (CIV); Means, Miranda; Schroeder, Joseph C.
Subject: Karnoski - LCR 37 Motions
Attachments: Karnoski - LCR 37 Re Plaintiffs' 30(b)(6) Topics (SERVED 4.28.20).docx; LCR 37 Motion_DxDeadlines_DOJ 4.28.20.docx; 2020.04.16 LCR 37 Motion re Defendants_ Deliberative Process Privilege Claims_(67871401_3) - DOJ (served 4.28.20).docx

Counsel,

Please find attached Defendants' LCR 37 motion for protective order related to Plaintiffs' propose Rule 30(b)(6) deposition.

Please also find attached Defendants' response to the LCR 37 motion concerning *in camera* review of a sample of deliberative documents.

Please also find attached Defendants' response to the LCR 37 motion concerning case deadlines. This response does not reflect the change in relief sought by Plaintiffs, which we learned of just now in Chalia's email.

Finally, I've cc'd my colleague Christopher Edelman, who has joined our team. Please include him on future correspondence.

Best,
Matt

Matthew Skurnik
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Civil Division - Federal Programs Branch
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