

**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 APRIL 9, 2020 MINUTE ORDER**

The parties submitted a Joint Status Report to the Court on April 7, 2020, noting that they had not yet been able to schedule or conduct any fact depositions due to the COVID-19 pandemic, and asking to update the Court again in thirty days. Dkt. 241. In the resulting April 9, 2020 Minute Order, this Court directed the parties to “file another 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.” *See* Apr. 9, 2020 at 11:02 AM Min. Order.

Defendants served supplemental document productions on April 10, 2020 (146 documents), and April 17, 2020 (240 documents). In April, the parties agreed to dates in June for the depositions of Dr. Terry Adirim, Stephanie Miller, Anthony Kurta, Lernes Hebert, Thomas Dee, and Martha Soper.<sup>1</sup> The parties also expect to set a date for the deposition of William Bushman in either June or early July. Plaintiffs have further requested dates for the deposition of

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<sup>1</sup> The *Karnoski* Plaintiffs have notified Defendants that they would like to reschedule the depositions of Mr. Kurta (now a former DoD employee) and Mr. Hebert currently set for early June. Accordingly, their depositions in this case may also have to be rescheduled to prevent Mr. Kurta and Mr. Hebert from having to sit for two depositions.

Colonel Mary Krueger, who Plaintiffs previously deposed. Defendants have agreed to let Plaintiffs reopen that deposition. However, Defendants have notified Plaintiffs that Colonel Krueger is the Hospital Commander of the Tripler Army Medical Center, which is tasked with leading the military medical response to COVID-19 in Hawaii. Due to her responsibilities, Defendants are unable to provide dates for her deposition at this time. Further, Plaintiffs have notified Defendants that they plan to depose Secretary of Veterans Affairs Robert Wilkie, former Secretary of Defense James Mattis, and the former Vice Chairman of the Joint Chiefs of Staff General Paul Selva. Defendants have indicated their intent to move to quash any deposition of these current and former high-ranking government officials. Counsel for Defendants are also subject to travel restrictions that are likely to prohibit depositions from taking place outside of Washington, D.C. in June. Accordingly, and given logistical issues related to COVID-19, the parties may need to reschedule some of these depositions to July. The parties are coordinating with counsel for the plaintiffs in the three related litigations—*Karnoski v. Trump*, No. 17-cv-01297-MJP (W.D. Wash.), *Stockman v. Esper*, No. 17-cv-01799-JGB-KK (C.D. Cal.), and *Stone v. Trump*, No. 17-cv-02459-GLR (D. Md.)—to discuss these depositions, with the goal that each witness need only be deposed once.

The parties met and conferred telephonically on May 4, 2020. Because counsel are still working remotely and subject to travel restrictions due to the ongoing COVID-19 crisis, the parties are not in a position to set a deadline for the completion of fact depositions at this time. Because many of the DoD employees that Plaintiffs wish to depose are located in the Washington, D.C. area, the parties are optimistic that several of the planned fact depositions will occur in June, and respectfully request an order to file a Joint Status Report on June 24, 2020, updating the Court on the status of discovery and setting a schedule for the completion of fact depositions and fact discovery.

May 7, 2020

Respectfully Submitted,

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