

The Honorable Marsha J. Pechman

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

RYAN KARNOSKI, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

No. 2:17-cv-1297-MJP

**DEFENDANTS’ NOTICE
REGARDING THE COURT’S MAY
12, 2020 ORDER (DKT. 509)**

On May 12, 2020, the Court ordered Defendants to produce certain communications with third parties they had previously withheld subject to the deliberative process privilege. Dkt. 509 at 2. Additionally, the Court asked that Defendants “provide additional information about the document entitled ‘Gender Dysphoria Medical Utilization Comparison Methodology with Summary of Results’ (Priv/Withhold 110-119; Duplicates at 175-84, 357-67, 507-16) as to why this document should be considered privileged under the deliberative process privilege in a sealed pleading by May 20, 2020.” *Id.*

Defendants continue to maintain that it is not appropriate for the Court to lift the deliberative process privilege with respect to this document. Nonetheless, Defendants cannot, under the terms of the Court’s reasoning, identify a principled distinction between this document and the documents the Court has already ordered produced, even though the Government disagrees with that order. To that end, Defendants will produce these documents to Plaintiffs on the same terms as the other third-party communications the Court has ordered produced, in lieu

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of making a filing under seal.

Dated: May 20, 2020

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

ANTHONY J. COPPOLINO
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/s/ Matthew Skurnik
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