

The Honorable Marsha J. Pechman

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

RYAN KARNOSKI, et al.,
Plaintiffs, and
STATE OF WASHINGTON,
Plaintiff-Intervenor,
v.
DONALD J. TRUMP, in his official capacity
as President of the United States, et al.,
Defendants.

Case No. 2:17-cv-01297-MJP
**PLAINTIFFS’ UNOPPOSED MOTION
TO EXTEND DISCOVERY MOTIONS
DEADLINE**
NOTE ON MOTION CALENDAR:
May 29, 2020

1 **INTRODUCTION**

2 Pursuant to Local Civil Rule 7(d)(1), Plaintiffs Ryan Karnoski, Staff Sergeant Cathrine
3 Schmid, D.L., Chief Warrant Officer Lindsey Muller, Petty Officer First Class Terece Lewis,
4 Petty Officer Second Class Phillip Stephens, Petty Officer Second Class Megan Winters, Jane
5 Doe, Human Rights Campaign, Gender Justice League, and American Military Partners
6 Association n/k/a Modern Military Association of America (collectively “Plaintiffs”) and
7 Plaintiff-Intervenor State of Washington hereby respectfully move the Court for an Order
8 extending the current discovery motions deadline and directing the parties to address the matter
9 in the joint status report they submit to the Court ahead of the June 23, 2020 status conference.

10 Defendants Donald J. Trump, Mark Esper, and the United States Department of Defense
11 do not oppose the motion.

12 **PLAINTIFFS’ AND PLAINTIFF-INTERVENOR’S POSITION**

13 The Court recently extended the discovery cutoff in this matter. (*See* Dkt. No. 513.) But
14 the discovery-motions deadline remains May 29, 2020, which was set based on the former
15 discovery cutoff and prior to its extension. (*See id.*; Dkt. No. 508.)

16 Under Fed. R. Civ. P. 16(b)(4) and LCR 16(b)(6), the Court may extend deadlines for good
17 cause shown. The Court previously found good cause to extend the discovery-motions deadline,
18 observing that “there have been significant delays with Defendants’ productions” and that
19 “Plaintiffs have been diligent and proactive in bringing discovery disputes before the Court”
20 (Dkt. No. 508 at 2:22-3:2.) The same is true today. As the Court noted when it lifted the
21 discovery cutoff date, Defendants have outstanding discovery production deadlines that will not
22 be met before the current deadline. (Dkt. No. 513 at 1:20-24.)

23 Since discovery is ongoing—and given the contentious nature of discovery in this case to
24 date¹—Plaintiffs and Plaintiff Intervenor believe additional disputes may arise between the
25 parties that require the Court’s assistance to resolve. (*See* May 29, 2020, Declaration of Jason B.
26 Sykes (“Sykes Decl.”) ¶ 2.) Accordingly, Plaintiffs and Plaintiff-Intervenor respectfully request
27 that the Court extend the discovery motions deadline.

28 ¹ *See, e.g.* Dkt. Nos. 364, 405, 438, 445, 449, 480, 482, 488, 497, 503.

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DEFENDANTS’ NON-OPPOSITION

Undersigned counsel emailed Defendants’ counsel seeking their position on extending the discovery motions deadline. (*See* Sykes Decl. ¶ 3, Ex. A.) Defendants do not oppose the motion. (*Id.*) Defendants’ full position is stated verbatim below:

Defendants do not believe that further extensions of the discovery motions deadline are warranted, for the reasons set forth in Defendants’ response to Plaintiffs’ previous motion to extend that same deadline. *See* ECF 490. However, Defendants recognize that the Court has previously rejected their reasoning on this point. *See* Order, Dkt. 508. Accordingly, Defendants take no position on Plaintiffs’ instant request to move the discovery motions deadline. (*Id.*)

CONCLUSION

For the foregoing reasons, Plaintiffs and Plaintiff-Intervenor respectfully request that the current discovery motions deadline be extended such that the Parties may address it in the joint status report they submit to the Court ahead of the June 23, 2020 status conference.

1 Respectfully submitted May 29, 2020.

2
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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the United States of America and the laws of the State of Washington that all participants in the case are registered CM/ECF users and that service of the foregoing documents will be accomplished by the CM/ECF system on May 29, 2020.

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The Honorable Marsha J. Pechman

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Case No. 2:17-cv-01297-MJP

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' UNOPPOSED MOTION
TO EXTEND DISCOVERY MOTIONS
DEADLINE**

NOTE ON MOTION CALENDAR:
May 29, 2020

This matter comes before the Court on Plaintiffs' Unopposed Motion to Extend Discovery Motions Deadline. The Court having considered the Motion, Defendants' position, and all pleadings and papers on file herein, IT IS HEREBY ORDERED:

The current discovery motions deadline is extended and the Parties will provide the Court with a proposed alternate deadline to be included in the updated case schedule due to the Court prior to the next status conference schedule for June 23, 2020.

1 IT IS SO ORDERED

2 Dated this _____ day of _____, 2020.

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The Honorable Marsha J. Pechman
United States District Court Judge

5
6 Presented by:

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ORDER GRANTING PLS.' UNOPPOSED
MOTION TO EXTEND DISCOVERY MOTIONS
DEADLINE - 2

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