

The 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 J. TRUMP, et al.,

Defendants.

No. 2:17-cv-1297-MJP

**JOINT STIPULATION TO
CONSOLIDATE CASES NO. 2:17-CV-
1297-MJP AND NO. 2:20-MC-69-MJP
FOR ALL PURPOSES**

1 Plaintiffs Ryan Karnoski, Staff Sergeant Cathrine Schmid, D.L., Chief Warrant Officer
2 Lindsey Muller, Petty Officer First Class Terece Lewis, Petty Officer Second Class Phillip
3 Stephens, Petty Officer Second Class Megan Winters, Jane Doe, Human Rights Campaign,
4 Gender Justice League, and American Military Partners Association n/k/a Modern Military
5 Association of America (collectively “Plaintiffs”), Plaintiff-Intervenor State of Washington,
6 and Defendants Donald J. Trump, Mark Esper, and the United States Department of Defense
7 (collectively “Defendants,” and together with Plaintiffs and Plaintiff-Intervenor, “Parties”)
8 hereby stipulate as follows:

9 WHEREAS, Plaintiffs served Federal Rule of Civil Procedure (“FRCP”) 45 subpoenas
10 for the depositions of former Secretary of Defense James N. Mattis, former Vice Chairman of
11 the Joint Chiefs of Staff General Paul J. Selva, current Secretary of Veterans Affairs Robert
12 Wilkie Jr., and former Vice Chief of Naval Operations Admiral William F. Moran;

13 WHEREAS, Defendants moved to quash all four subpoenas in the place of compliance,
14 *see Karnoski, et al. v. Trump, et al.*, No. 2:20-mc-00010-RAJ-RJK (E.D. Va.) (Mattis);
15 *Karnoski, et al. v. Trump, et al.*, No. 1:20-mc-0015-LO-TCP (E.D. Va.) (Selva); *Karnoski, et*
16 *al. v. Trump, et al.*, No. 1:20-mc-00016-LO-IDD (E.D. Va.) (Wilkie); *Karnoski, et al. v.*
17 *Trump, et al.*, No. 1:20-mc-00013-UA-JEP (M.D.N.C.) (Moran);

18 WHEREAS, initially, the courts in the Mattis, Selva and Wilkie matters transferred
19 those subpoena disputes to this district, *see Karnoski, et al. v. Trump, et al.*, No. 2:20-mc-
20 00061-MJP (W.D. Wa.) (Mattis); *Karnoski, et al. v. Trump, et al.*, No. 2:20-mc-00055-MJP
21 (W.D. Wa.) (Selva); *Karnoski, et al. v. Trump, et al.*, No. 2:20-mc-00056-MJP (W.D. Wa.)
22 (Wilkie);

23 WHEREAS, on July 29, 2020, based on the Parties’ joint stipulation, the Court entered
24 an order that, among other things, consolidated the Mattis, Selva, and Wilkie matters with the
25 underlying case, No. 2:17-cv-1297-MJP, for all purposes, *see* Dkt. 555;

26 WHEREAS, on August 10, 2020, at Plaintiffs’ Request and over Defendants’ objection,
27 the court in the Moran matter transferred the Moran subpoena dispute to this district, *see*
28

1 *Karnoski, et al. v. Trump, et al.*, No. 2:20-mc-69-MJP (W.D. Wa.);

2 WHEREAS, the Parties, in accordance with Local Civil Rule (“LCR”) 42(b), met and
3 agreed that, like the Mattis, Selva, and Wilkie matters, the Moran subpoena dispute should be
4 consolidated with the underlying case, and further agreed that this would not require additional
5 changes to the case schedule, *see* Dkt. 550;

6 NOW THEREFORE, the Parties, through their respective counsel of record, do hereby
7 stipulate and agree as follows:

8 No. 2:20-mc-69-MJP, concerning the motion to quash the deposition of former Vice
9 Chief of Naval Operations Admiral William F. Moran, should be consolidated with the
10 underlying case, No. 2:17-cv-1297-MJP, for all purposes pursuant to FRCP 42 and LCR 42.¹
11

12 SO STIPULATED.

13
14 Respectfully submitted, August 12, 2020

15 **NEWMAN DU WORS LLP**

**UNITED STATES
DEPARTMENT OF JUSTICE**

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18 *s/Rachel Horvitz*
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27 ¹ Despite agreeing to consolidation, Defendants respectfully maintain their
28 disagreement with the transfer of the Moran matter to this district, and maintain that each
motion to quash requires a distinct apex analysis.

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[PROPOSED] ORDER

This matter comes before the Court on the Parties’ Joint Stipulation to Consolidate Cases No. 2:17-cv-1297-MJP and No. 2:20-mc-69-MJP. After considering the Parties’ Joint Stipulation, the Court hereby ORDERS the following:

No. 2:20-mc-69-MJP, concerning the motion to quash the deposition of former Vice Chief of Naval Operations Admiral William F. Moran, shall be consolidated with the underlying case, No. 2:17-cv-1297-MJP, for all purposes pursuant to FRCP 42 and LCR 42.

All future filings shall be filed in 2:17-cv-1297-MJP.

IT IS SO ORDERED.

DATED this _____ day of _____, 2020.

Marsha J. Pechman
United States District Judge

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Presented By:

NEWMAN DU WORS LLP

**UNITED STATES
DEPARTMENT OF JUSTICE**

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