

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  
**[PROPOSED] ORDER GRANTING  
UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO RESPOND  
TO DEFENDANTS' MOTION TO STAY**

NOTE ON MOTION CALENDAR:  
September 15, 2020

1 This matter comes before the Court on the Unopposed Motion for Extension of Time to  
2 Respond to Defendants' Motion to Stay. The Court having considered the Motion, Defendants'  
3 position, and all pleadings and papers on file herein, IT IS HEREBY ORDERED:

4 The Motion is granted. Individual Plaintiffs and Plaintiff-Intervenor State of Washington  
5 shall file their responsive briefing to Defendants' Motion to Stay Discovery Pending Disposition  
6 of Mandamus Petitions (Dkt. No. 601) on or before September 24, 2020. Defendants' shall file  
7 their reply brief (if any) on or before October 1, 2020.

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9 IT IS SO ORDERED

10  
11 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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14 The Honorable Marsha J. Pechman  
15 United States District Court Judge  
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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

**UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO RESPOND  
TO DEFENDANTS' MOTION TO STAY**

NOTE ON MOTION CALENDAR:  
September 15, 2020

**INTRODUCTION**

1  
2 Plaintiffs Ryan Karnoski, Staff Sergeant Cathrine Schmid, D.L., Chief Warrant Officer  
3 Lindsey Muller, Petty Officer First Class Terece Lewis, Petty Officer Second Class Phillip  
4 Stephens, Petty Officer Second Class Megan Winters, Jane Doe, Human Rights Campaign,  
5 Gender Justice League, and American Military Partners Association n/k/a Modern Military  
6 Association of America (collectively “Individual Plaintiffs”) and Plaintiff-Intervenor State of  
7 Washington (together with Individual Plaintiffs, “Plaintiffs”) respectfully move the Court for an  
8 Order extending their time to respond to Defendants’ pending Motion to Stay Discovery Pending  
9 Disposition of Mandamus Petitions (Dkt. No. 601, the “Motion”).

10 Defendants do not oppose the motion.

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

11  
12 Defendants filed their motion on September 10 and noted it for hearing on September 18,  
13 i.e., as a second Friday motion. (Dkt. No. 601.) The Motion seeks to stay all discovery pending  
14 completion of appellate review of the pending and forthcoming mandamus petitions or,  
15 alternatively, to prevent Plaintiffs from deposing Secretary of Veterans Affairs Robert Wilkie,  
16 former Secretary of Defense James Mattis, former Vice Chairman of the Joint Chiefs of Staff  
17 General Paul Selva, and former Vice Chief of Naval Operations Admiral William Moran (the  
18 “Witnesses”) until the mandamus petitions are resolved.

19 Currently, Plaintiffs’ opposition to the Motion is due on or before Wednesday, September  
20 16, 2020. *See* LCR 7(d)(2). But Plaintiffs disagree that Defendants’ Motion fits the criteria for a  
21 second Friday motion. And, in any case, Plaintiffs would seek an extension of time to file their  
22 opposition in order to fully brief the issues raised by the Motion.

23 The parties met and conferred and Plaintiffs confirmed to Defendants that (1) Plaintiffs  
24 would be willing to stipulate to a stay of the depositions of the Witnesses pending further order  
25 of the district court, (2) Plaintiffs do not plan to reissue the subpoenas for those Witnesses in the  
26 foreseeable future, and (3) Plaintiffs will give Defendants a minimum of 30-days notice before  
27 attempting to depose any of the Witnesses. Defendants rejected the stipulation.  
28

1 Defendants instead invited Plaintiffs to file this unopposed motion seeking relief from the  
2 briefing deadline and setting an agreed briefing schedule for the Motion.

3 Accordingly, Plaintiffs respectfully request that the Court issue an order permitting  
4 Plaintiffs to file their opposition on or before **September 24, 2020** and Defendants to file their  
5 reply brief (if any) on or before **October 1, 2020**. This will permit the parties to thoroughly brief  
6 the Court on the important issues raised in the Motion.

7 **DEFENDANTS' NON-OPPOSITION**

8 Defendants, by and through their counsel of record, confirmed their non-opposition to the  
9 extension of time and briefing schedule proposed herein.

10 **CONCLUSION**

11 For the foregoing reasons, Plaintiffs respectfully request that the Court issue the proposed  
12 order attached hereto, permitting Plaintiffs to file their opposition to the Motion on or before  
13 September 24, 2020 and Defendants to file their reply on or before October 1, 2020.

1 Dated: September 15, 2020

2 Respectfully submitted,

3  
4 **NEWMAN DU WORS LLP**

**OFFICE OF THE WASHINGTON  
STATE ATTORNEY GENERAL**

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27 Vanessa Barsanti (admitted pro hac vice)

*Counsel for Plaintiffs*

**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 September 15, 2020.

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