

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BROCK STONE, et al.,
Plaintiffs,

vs.

JOSEPH R. BIDEN, JR., et al.,
Defendants.

Case No. 1:17-cv-02459-GLR

JOINT MOTION FOR STAY

On January 25, 2021, President Biden issued an executive order (the “January 25, 2021 Executive Order”) “revok[ing]” “the Presidential Memorandum of March 23, 2018” and confirming “the Presidential Memorandum of August 25, 2017 (Military Service by Transgender Individuals) remains revoked.” E.O. No. 14004 §§ 1, 2 (Jan. 25, 2021), ECF No. 317-1. Plaintiffs challenge both the August 25, 2017 and the March 23, 2018 memoranda in this case. The January 25, 2021 Executive Order provides that “[t]he Secretary of Defense, and Secretary of Homeland Security with respect to the Coast Guard, shall, after consultation with the Joint Chiefs of Staff about how best to implement this policy . . . take all necessary steps to ensure that all directives, orders, regulations, and policies of their respective departments are consistent with this order,” including “establishing a process by which transgender service members may transition gender while serving, along with any further steps that the Secretary of Defense and Secretary of Homeland Security deem appropriate to advance the policy described in section 1 of this order.” *Id.* § 3(a). The January 25, 2021 Executive Order also provides that the Secretary of Defense, and Secretary of Homeland Security with respect to the Coast Guard, “shall (i) immediately prohibit involuntary separations, discharges, and denials of reenlistment or continuation of service on the

basis of gender identity or under circumstances relating to their gender identity.” *Id.* §§ 3(b)(i), 3(c)(i). Further, the January 25, 2021 Executive Order provides that “[t]he Secretary of Defense and the Secretary of Homeland Security shall report to [the President] within 60 days of the date of this order on their progress in implementing the directives in this order and the policy described in section 1 of this order.” *Id.* § 3(d).

Accordingly, to allow Defendants time to implement the January 25, 2021 Executive Order and for the parties to determine thereafter what, if any, proceedings will be necessary in this case after the 60-day period set forth in the January 25, 2021 Executive Order has passed, the parties respectfully request that the case be stayed until April 9, 2021, which is 14 days after the 60-day period referenced in the January 25, 2021 Executive Order, and the parties be ordered to file a Joint Status Report by April 9, 2021, setting forth their respective positions regarding what proceedings, if any, will be necessary thereafter in this case.

Dated: February 2, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of February, 2021, copies of the foregoing were served via CM/ECF on all counsel of record.

Dated: February 2, 2021

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[PROPOSED] ORDER

This matter comes before the Court on the Parties' Joint Motion for a Stay. After considering the Parties' Joint Motion, IT IS HEREBY ORDERED THAT:

1. This case is stayed until April 9, 2021; and
2. The parties shall file a Joint Status Report by April 9, 2021, setting forth their respective positions regarding what further proceedings, if any, will be necessary in this case.

IT IS SO ORDERED.

Dated this _____ day of February, 2021.

George L. Russell, III
United States District Judge