

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.

JOSEPH R. BIDEN JR., in his official  
capacity as President of the United States, et  
al.,

*Defendants*.

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

**JOINT STIPULATION AND  
[PROPOSED] ORDER FOR A STAY**

NOTE ON MOTION CALENDAR:  
FEBRUARY 1, 2021

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 Joseph R. Biden Jr., Lloyd J. Austin III, and the United States Department of  
7 Defense (collectively “Defendants,” and together with Plaintiffs and Plaintiff-Intervenor,  
8 “Parties”) hereby stipulate as follows:

9 WHEREAS, on January 25, 2021, President Biden issued an executive order (the “January  
10 25, 2021 Executive Order”) “revok[ing]” “the Presidential Memorandum of March 23, 2018”  
11 and confirming “the Presidential Memorandum of August 25, 2017 (Military Service by  
12 Transgender Individuals) remains revoked.” E.O. No. 14004 §§ 1, 2 (Jan. 25, 2021), ECF No.  
13 667-1. Plaintiffs challenge both of those Memoranda in this case.

14 WHEREAS the January 25, 2021 Executive Order provides that “[t]he Secretary of  
15 Defense, and Secretary of Homeland Security with respect to the Coast Guard, shall, after  
16 consultation with the Joint Chiefs of Staff about how best to implement this policy . . . take all  
17 necessary steps to ensure that all directives, orders, regulations, and policies of their respective  
18 departments are consistent with this order” including “establishing a process by which  
19 transgender service members may transition gender while serving, along with any further steps  
20 that the Secretary of Defense and Secretary of Homeland Security deem appropriate to advance  
21 the policy described in section 1 of this order.” *Id.* § 3(a).

22 WHEREAS the January 25, 2021 Executive Order provides that the Secretary of Defense  
23 and Secretary of Homeland Security “shall (i) immediately prohibit involuntary separations,  
24 discharges, and denials of reenlistment or continuation of service on the basis of gender identity  
25 or under circumstances relating to their gender identity.” *Id.* §§ 3(b)(i), 3(c)(i) .

26 WHEREAS the January 25, 2021 Executive Order provides that “[t]he Secretary of  
27 Defense and the Secretary of Homeland Security shall report to [the President] within 60 days of  
28 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).

1           Accordingly, to allow Defendants time to implement the January 25, 2021 Executive Order  
2 and for the Parties to determine thereafter what, if any, proceedings will be necessary in this case  
3 after the 60-day period set forth in the January 25, 2021 Executive Order has passed, the Parties  
4 hereby stipulate and jointly propose that (a) the case be stayed until April 9, 2021, 14 days after  
5 the 60-day period referenced in the January 25, 2021 Executive Order; (b) the current scheduling  
6 order and all deadlines therein be vacated; (c) the parties' joint proposed case schedule, Dkt. 665,  
7 be denied as moot; and (d) the parties be Ordered to file a Joint Status Report by April 9, 2021  
8 setting forth their respective positions regarding what proceedings, if any, will be necessary  
9 thereafter in this case.

10  
11 SO STIPULATED.

12 February 1, 2021

Respectfully submitted,

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**[PROPOSED] ORDER**

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

- 1. This case is stayed until April 9, 2021;
- 2. The current scheduling order in this case, ECF No. 554, and all deadlines therein are vacated;
- 3. The parties’ proposed joint case schedule, ECF No. 655, is denied as moot; and
- 4. 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.

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Marsha J. Pechman  
United States District Judge

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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 February 1, 2021.

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