

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RYAN KARNOSKI, et al.,

Plaintiffs,

v.

DONALD J TRUMP, et al.,

Defendants.

CASE NO. C17-1297 MJP

ORDER RE: WARNER REVIEW
OF DOCUMENTS SUBMITTED
FOR *IN CAMERA* REVIEW

THIS matter comes before the Court upon the Parties’ submissions (Dkt. Nos. 646-51, 656) filed in response to the Court’s November 25, 2020 Order regarding Documents Submitted for *In Camera* Review (Dkt. No. 641). Having reviewed the submissions and the relevant documents, the Court ORDERS Defendants to produce all documents that bear a “Y” under the “Produce” row of the attached spreadsheet not later than **February 15, 2021**.

Discussion

On November 25, 2020 the Court determined that certain documents submitted by Defendants for *in camera* review were subject to the deliberative process privilege (“DPP”),

1 because they were deliberative and predecisional. (See Dkt. No. 641.) Some of these documents
2 required further analysis under the doctrine set forth in FTC v. Warner Commc'ns Inc., 742 F.2d
3 1156, 1161 (9th Cir. 1984). In Warner, the court held that an otherwise protected DPP document
4 could be ordered produced after considering four factors: (1) the relevance of the evidence; (2)
5 the availability of other evidence; (3) the government's role in the litigation; and (4) the extent to
6 which disclosure would hinder frank and independent discussion regarding contemplated policies
7 and decisions. Because the Ninth Circuit previously found that the second and third Warner
8 factors—the availability of other evidence and the government's role in the litigation—favor
9 Plaintiffs here Karnoski v. Trump, 926 F.3d 1180, 1206 (9th Cir. 2019), the Court's November
10 25 Order asked for further briefing on the damage to the military or the deliberative process, past
11 or future, if the specific documents were produced.

12 Having now carefully reviewed each document at issue for a second time, the Court
13 ORDERS that all documents on the attached spreadsheet that bear a “Y” under the “Produce”
14 row be produced to plaintiffs not later than **February 15, 2021**. Those documents that bear a
15 “N” need not be produced.

16 In making the determination, the Court exercised its discretion and granted some
17 deference to the DPP claims. For example, documents with handwritten notes easily identifiable
18 were not ordered to be produced. The Court also declined to order production where the
19 documents were not particularly material to the dispute at issue. On the other hand, if the
20 documents were particularly material or could be particularly material to Plaintiffs' theory of the
21 case, and if production would not have a seriously negative impact on the deliberative process –
22 either at the time or for future deliberative processes, the Court ordered production.

Conclusion

Having conducted a careful second review of the documents and weighed the competing interests under the Warner factors, the Court ORDERS Defendants to produce all documents that bear a “Y” under the “Produce” row of the attached spreadsheet not later than **February 15, 2021**.

The clerk is ordered to provide copies of this order to all counsel.

Dated February 5, 2021


Marsha J. Pechman
United States Senior District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
AF_00038439	PrivWithhold d000009303	PrivWithhold 00009304	1/26/2018	Draft memo subject: "Transgender Service Policy". This document is a draft of a DoD policy memorandum for signature by then-Under Secretary of the Defense for Personnel and Readiness Robert L. Wilkie. It contains markups by Air Force personnel. This document is pre-decisional because it is a draft generated prior to the issuance of the final DoD policy memorandum. This document is deliberative because it reflects the deliberations of Air Force personnel as to the contents of the memorandum rather than a final position of DoD or the Air Force. (See Declaration of Lt Col Stingl, September 2, 2020, ¶ 6).	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
Army_10 001348.0 001	PrivWithhol d000009323	PrivWithhold 00009324	1/29/2018 0:00	Info paper to Under Secretary of the Army on Transgender Service. This document is an information paper drafted by an Army subject matter expert that provided an update to the Under Secretary of the Army on the Army's recommendations regarding the development of DoD's policy pertaining to the accession of transgender persons and persons diagnosed with or having a history of gender dysphoria. This document is deliberative because it contains Army recommendations and views on DoD's policy, and reflects discussions between the Army regarding those recommendations. This document is pre-decisional because it was generated prior to the finalization of DoD's policy. (See Declaration of COL Emanuel, September 4, 2020, ¶ 6).	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product	Notes
Army_10 011024.0 002	PrivWithhol d000009329	PrivWithhold 000009330	2/2/2018 0:00	Information paper entitled "Subject: Proposed Changes to Army Policy for the Management of Transgender (TG) ROTC Cadets". This document is deliberative because it contains the Army's views and analysis on the then-current Army policy on the management of transgender ROTC cadets as well as recommendations to address specific aspects of that policy. This document is pre-decisional because it precedes any changes to this policy. (See Declaration of COL Emanuel, September 4, 2020, ¶ 7).	N	
Army_10 030439	PrivWithhol d000009341	PrivWithhold 000009341	2/17/2018 0:00	Emails between the Army and DoD seeking and providing inputs and edits to DoD's Report and the DoD Transgender Service Policy. These documents reflect inputs and suggestions from Colonel Krueger to Senior DOD officials Will Bushman and Ryan Newman. They are pre-decisional because they reflect inputs, thoughts and opinions concerning the final Report prior to the issuance of the DoD Transgender Service Policy. They are deliberative because they reflect inputs, thoughts and opinions on the policy concerning military service by transgender individuals. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
Army_10030440	PrivWithhold d000009342	PrivWithhold 000009343	2/17/2018 0:00	Emails between the Army and DoD seeking and providing inputs and edits to DoD's Report and the DoD Transgender Service Policy. These documents reflect inputs and suggestions from Colonel Krueger to Senior DOD officials Will Bushman and Ryan Newman. They are pre-decisional because they reflect inputs, thoughts and opinions concerning the final Report prior to the issuance of the DoD Transgender Service Policy. They are deliberative because they reflect inputs, thoughts and opinions on the policy concerning military service by transgender individuals. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced	Notes
Army_10030442	PrivWithhold d000009344	PrivWithhold 00009348	2/17/2018 0:00	Email chain with subject line: "Interim Review: DRAFT REPORT 15 FEB 1700 readiness edits.docx". This email chain reflects deliberations between DoD and Army personnel in drafting DoD's Report and Recommendations on Military Service by Transgender Persons ("DoD's Report"). This email chain reflects the review, comments, edits, and suggestions of COL Mary Krueger and senior DoD officials William Bushman and Ryan Newman on a working draft of DoD's Report. This email chain is pre-decisional because it was generated prior to the finalization of DoD's Report. This email chain is deliberative because it reflects the Army's and DoD's inputs, thoughts, and opinions on both the draft DoD Report and the policy concerning military service by transgender persons and persons diagnosed with or having a history of gender dysphoria. (See Declaration of COL Emanuel, September 4, 2020, ¶ 11).	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Productive Y/N	Notes
Army_10030447	PrivWithhold d000009349	PrivWithhold 00009353	2/17/2018 0:00	Email chain with subject line: "Interim Review: DRAFT REPORT 15 FEB 1700 readiness edits.docx". This email chain reflects deliberations between DoD and Army personnel in drafting DoD's Report and Recommendations on Military Service by Transgender Persons ("DoD's Report"). This email chain reflects the review, comments, edits, and suggestions of COL Mary Krueger and senior DoD officials William Bushman and Ryan Newman on a working draft of DoD's Report. This email chain is pre-decisional because it was generated prior to the finalization of DoD's Report. This email chain is deliberative because it reflects the Army's and DoD's inputs, thoughts, and opinions on both the draft DoD Report and the policy concerning military service by transgender persons and persons diagnosed with or having a history of gender dysphoria. (See Declaration of COL Emanuel, September 4, 2020, ¶ 11).	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
Army_10 030923	PrivWithhol d000009393	PrivWithhold 00009393	2/17/2018 0:00	emails between the Army and DoD seeking and providing inputs and edits to DoD's Report and the DoD Transgender Service Policy. These documents reflect inputs and suggestions from Colonel Krueger to Senior DOD officials Will Bushman and Ryan Newman. They are pre-decisional because they reflect inputs, thoughts and opinions concerning the final Report prior to the issuance of the DoD Transgender Service Policy. They are deliberative because they reflect inputs, thoughts and opinions on the policy concerning military service by transgender individuals.	Y	
Army_10 035295	PrivWithhol d000009394	PrivWithhold 00009395	2/1/2018 0:00	Information paper entitled "Subject: Proposed Changes to Army Policy for the Management of Transgender (TG) ROTC Cadets". This document is deliberative because it contains the Army's views and analysis on the then-current Army policy on the management of transgender ROTC cadets as well as recommendations to address specific aspects of that policy. This document is pre-decisional because it precedes any changes to this policy. (See Declaration of COL Emanuel, September 4, 2020, ¶ 7).	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
Army_10 038659	PrivWithhol d00009398	PrivWithhold 00009399	2/2/2018 0:00	Information paper entitled "Subject: Proposed Changes to Army Policy for the Management of Transgender (TG) ROTC Cadets". This document is deliberative because it contains the Army's views and analysis on the then-current Army policy on the management of transgender ROTC cadets as well as recommendations to address specific aspects of that policy. This document is pre-decisional because it precedes any changes to this policy. (See Declaration of COL Emanuel, September 4, 2020, ¶ 7).	Y	
Army_10 039832	PrivWithhol d00009428	PrivWithhold 00009429	2/1/2018 0:00	Information paper entitled "Subject: Proposed Changes to Army Policy for the Management of Transgender (TG) ROTC Cadets". This document is deliberative because it contains the Army's views and analysis on the then-current Army policy on the management of transgender ROTC cadets as well as recommendations to address specific aspects of that policy. This document is pre-decisional because it precedes any changes to this policy. (See Declaration of COL Emanuel, September 4, 2020, ¶ 7).	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DHS00000141	PrivWithhold d00009447	PrivWithhold 00009448	2/16/2018 0:00	Email discussing and attaching predecisional and deliberative draft of the Department of Defense's Report and Recommendations on Military Service by Transgender Persons marked as Attorney Work Product. This document is predecisional, as it pre-dates the Secretary of Defense's ultimate decision on the DoD Policy. It is also deliberative. It shows the mental impressions and thoughts of senior executive branch officials regarding the proposed new policy. Describes DoD's Transgender Report and recommended policy changes, and opinions of executive branch officials regarding the proposed recommendations. (See Declaration of RDML McPherson, September 3, 2020, ¶ 9).	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Productive Y/N	Notes
DHS00002532	PrivWithhold d000009517	PrivWithhold 000009518	2/16/2018 0:00	Email discussing and attaching predecisional and deliberative draft of the Department of Defense's Report and Recommendations on Military Service by Transgender Persons marked as Attorney Work Product. This document is predecisional, as it pre-dates the Secretary of Defense's ultimate decision on the DoD Policy. It is also deliberative. It shows the mental impressions and thoughts of senior executive branch officials regarding the proposed new policy. Describes DoD's Transgender Report and recommended policy changes, and opinions of executive branch officials regarding the proposed recommendations. (See Declaration of RDML McPherson, September 3, 2020, ¶ 9).	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00000311	PrivWithhold d000009567	PrivWithhold 00009568	1/18/2018 0:00	Copy of a signed action memorandum which reflect Secretary Wilkie's recommendations to the Secretary of Defense regarding the future development of a military policy on universal accession and retention standards. The document reflects the early stages of DoD deliberations on what ultimately culminated in the Department's July 30, 2018 instruction on non-deployable service members (Department of Defense Instruction ("DoDI") 1332.45). Further, to the extent portions of those deliberations related to transgender military service, they occurred before the DoD Transgender Service Policy was finalized by DoD. This document is also deliberative. It reflects the views, recommendations and analyses of DoD officials about issues regarding the development of DoDI 1332.45 and other potential DoD policies. See Declaration of Platte B. Moring, III, September 4, 2020, ¶9.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00000314	PrivWithhold d000009569	PrivWithhold 00009570	1/18/2018 0:00	Identical copies of the signed action memorandum which reflect Secretary Wilkie's recommendations to the Secretary of Defense regarding the future development of a military policy on universal accession and retention standards. The document reflects the early stages of DoD deliberations on what ultimately culminated in the Department's July 30, 2018 instruction on non-deployable service members (Department of Defense Instruction ("DoDI") 1332.45). Further, to the extent portions of those deliberations related to transgender military service, they occurred before the DoD Transgender Service Policy was finalized by DoD. This document is also deliberative. It reflects the views, recommendations and analyses of DoD officials about issues regarding the development of DoDI 1332.45 and other potential DoD policies. See Declaration of Platte B. Moring, III, September 4, 2020, ¶9.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00000363	PrivWithhold d000009590	PrivWithhold 00009590	1/17/2018 0:00	Working drafts of DoD's Report, which was finalized and submitted to the President by then-Secretary of Defense James Mattis on February 22, 2020. This document is pre-decisional. As working drafts of DoD's Report and draft sections of that Report, it was still subject to internal DoD editing, review, and comment before that Report was finalized and sent to the President. Indeed, the working drafts of the Report were created, edited, and revised multiple times by senior officials within DoD, the Military Services, and DHS before the DoD Transgender Service Policy was finalized by DoD. This working draft is also deliberative. It reflects the recommendations, views, and analyses from senior DoD, Military Service, and DHS officials, and reveal the consultative process undertaken by the Government in finalizing the DoD Transgender Service Policy. See Declaration of Platte B. Moring, III, September 4, 2020, ¶10.		

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00000364	PrivWithhold d000009591	PrivWithhold 00009598	1/17/2018 0:00	Working drafts of DoD's Report, which was finalized and submitted to the President by then-Secretary of Defense James Mattis on February 22, 2020. This document is pre-decisional. As working drafts of DoD's Report and draft sections of that Report, it was still subject to internal DoD editing, review, and comment before that Report was finalized and sent to the President. Indeed, the working drafts of the Report were created, edited, and revised multiple times by senior officials within DoD, the Military Services, and DHS before the DoD Transgender Service Policy was finalized by DoD. This working draft is also deliberative. It reflects the recommendations, views, and analyses from senior DoD, Military Service, and DHS officials, and reveal the consultative process undertaken by the Government in finalizing the DoD Transgender Service Policy. See Declaration of Platte B. Moring, III, September 4, 2020, ¶10.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00007451	PrivWithhold d00009656	PrivWithhold 00009658	1/23/2018 0:00	Additional versions of that draft information paper containing comments from senior DoD officials in the Office of the Undersecretary of Defense for Personnel and Readiness (“OUSD (P&R)”). The document is pre-decisional. It was created before DoD’s Report was finalized and before Secretary Mattis adopted the Panel of Expert’s recommendations in full and presented them to the President on or about February 22, 2018. This document is also deliberative. It reflects the views and analyses of DoD officials regarding the RAND Report’s content and conclusions and how to address issues raised by the RAND Report in future DoD policy and in formulating DoD’s Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶8.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00007452	PrivWithhold d000009659	PrivWithhold 000009664	1/23/2018 0:00	Draft information paper analyzing, critiquing, and providing recommendations regarding the RAND Report that was prepared for the Secretary of Defense to be used in deliberations concerning DoD's Transgender Service Policy. The document is pre-decisional. It was created before DoD's Report was finalized and before Secretary Mattis adopted the Panel of Expert's recommendations in full and presented them to the President on or about February 22, 2018. This document is also deliberative. It reflects the views and analyses of DoD officials regarding the RAND Report's content and conclusions and how to address issues raised by the RAND Report in future DoD policy and in formulating DoD's Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶8.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00007804	PrivWithhold d00009695	PrivWithhold 00009695	1/22/2018 0:00	Emails among OUSD (P&R) officials containing deliberations from a meeting with SD regarding the transgender military service policy including questions presented and opinions offered by the SD. This document is pre-decisional. It preceded the meetings at issue and also preceded Secretary Mattis's ultimate decision on the DoD Transgender Service Policy. And, it is deliberative. It reflects the candid advice, opinions and recommendations of senior DoD officials and capture the process undertaken by DoD as it developed and refined relevant policy. See Declaration of Platte B. Moring, III, September 4, 2020, ¶20.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00007828	PrivWithhold d000009696	PrivWithhold 000009699	1/16/2018 0:00	Email discussions among senior DoD officials and contain internal deliberations in which the senior officials seek and provide comments and recommendations on an outline of the Report and in which they discuss the editing process. This email communication is pre-decisional. It was sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD's Transgender Service Policy was finalized by DoD. It is also deliberative. It reflects the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product	Notes
DoD00007829	PrivWithhold d000009700	PrivWithhold 00009703	1/16/2018 0:00	Email discussions among senior DoD officials and contain internal deliberations in which the senior officials seek and provide comments and recommendations on an outline of the Report and in which they discuss the editing process. This email communication is pre-decisional. It was sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD's Transgender Service Policy was finalized by DoD. It is also deliberative. It reflects the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00010488	PrivWithhold d000009711	PrivWithhold 00009711	2/16/2018 0:00	Draft action memorandum containing policy guidance from Under Secretary Wilkie to the military Services on the proposed policy regarding military service of transgender individuals and individuals with gender dysphoria. This document is pre-decisional and deliberative. They preceded the final policy guidance adopted and disseminated by the Under Secretary, as well as the Secretary of Defense's ultimate decision on the DoD Transgender Service Policy and the final version of the action memo at itself. The drafts also reflect the advice, opinions and recommendations of senior DoD officials in the form of the comments and edits they provided on the draft guidance. See Declaration of Platte B. Moring, III, September 4, 2020, ¶16.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00010501	PrivWithhold d000009712	PrivWithhold 00009712	1/19/2018 0:00	Email containing deliberations among OUSD (P&R) personnel regarding a separate forthcoming meeting with the Secretary of Defense on transgender military service policy on January 19, 2018. This document is pre-decisional. It preceded the meetings at issue and also preceded Secretary Mattis's ultimate decision on the DoD Transgender Service Policy. And, it is deliberative. It reflects the candid advice, opinions and recommendations of senior DoD officials and capture the process undertaken by DoD as it developed and refined relevant policy. See Declaration of Platte B. Moring, III, September 4, 2020, ¶20.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00083667	PrivWithhold d000009728	PrivWithhold 00009728	1/15/2018 0:00	A briefing card for a January 17, 2018 meeting, which was created in advance of the meeting and reflects advice and recommendations to be presented to Secretary Mattis at the meeting. This document is pre-decisional. It preceded the meetings at issue and also preceded Secretary Mattis's ultimate decision on the DoD Transgender Service Policy. And, it is deliberative. It reflects the candid advice, opinions and recommendations of senior DoD officials and capture the process undertaken by DoD as it developed and refined relevant policy. See Declaration of Platte B. Moring, III, September 4, 2020, ¶20.	N	
DoD00086339	PrivWithhold d00009878	PrivWithhold 00009878	2/21/2018 0:00	A draft of the March 2018 Presidential Memorandum that was sent to DoD's Office of the General Counsel and Mr. Kurtz. This document is pre-decisional and deliberative. It preceded the finalization of the March 2018 Presidential Memorandum, as well as the Secretary of Defense's ultimate decision on the DoD Transgender Service Policy. See Declaration of Platte B. Moring, III, September 4, 2020, ¶26.	Y	Relevant to plaintiffs' theory of case; transmittal letter draft. Disclosure will not impair deliberative processes.

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00086344	PrivWithhold d000009927	PrivWithhold 000009927	2/21/2018 0:00	Drafts of the March 2018 Presidential Memorandum This document is pre-decisional and deliberative. It preceded the finalization of the March 2018 Presidential Memorandum, as well as the Secretary of Defense's ultimate decision on the DoD Transgender Service Policy. See Declaration of Platte B. Moring, III, September 4, 2020, ¶26.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00086397	PrivWithhold d000010036	PrivWithhold 00010038	2/20/2018 0:00	Email chain among Mr. Bushman, Dr. Adirim, and Anthony Kurta, a senior official in OUSD (P&R) (and chair of the Panel of Experts), seeking and receiving review and edits of several citations in a draft of DoD’s Report. These conversations also include email chains of Dr. Adirim (or other HA officials) seeking additional information from subject matter experts. These email communications are pre-decisional. They were sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD’s Transgender Service Policy was finalized by DoD. They are also deliberative. They reflect the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00086835	PrivWithhold d00010041	PrivWithhold 00010047	2/17/2018 0:00	Emails containing comments and recommendations regarding the draft Report from Army Colonel Mary Krueger, a subject matter expert. This email communication is pre-decisional. It was sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD's Transgender Service Policy was finalized by DoD. It is also deliberative. It reflects the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00086891	PrivWithhold d00010048	PrivWithhold 00010050	2/16/2018 0:00	Emails containing comments and recommendations regarding the draft Report from Army Colonel Mary Krueger, a subject matter expert. This email communication is pre-decisional. It was sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD's Transgender Service Policy was finalized by DoD. It is also deliberative. It reflects the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00086895	PrivWithhold d00010051	PrivWithhold 00010058	2/16/2018 0:00	Email chain between William Bushman, a senior DoD official in the Office of the Secretary of Defense, and Dr. Adirim seeking and receiving review and edits on draft language and citations for inclusion in the draft of DoD’s Report. These email communications are pre-decisional. They were sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD’s Transgender Service Policy was finalized by DoD. They are also deliberative. They reflect the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00087717	PrivWithhol d000010315	PrivWithhold 00010316	1/31/2018 0:00	Email chains with deliberations about the content of Under Secretary Wilkie's draft RAND information memorandum. The document is pre-decisional. It was created before DoD's Report was finalized and before Secretary Mattis adopted the Panel of Expert's recommendations in full and presented them to the President on or about February 22, 2018. This document is also deliberative. It reflects the views and analyses of DoD officials regarding the RAND Report's content and conclusions and how to address issues raised by the RAND Report in future DoD policy and in formulating DoD's Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶8.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00087723	PrivWithhold d00010317	PrivWithhold 00010318	1/31/2018 0:00	Email chains with deliberations about the content of Under Secretary Wilkie's draft RAND information memorandum. The document is pre-decisional. It was created before DoD's Report was finalized and before Secretary Mattis adopted the Panel of Expert's recommendations in full and presented them to the President on or about February 22, 2018. This document is also deliberative. It reflects the views and analyses of DoD officials regarding the RAND Report's content and conclusions and how to address issues raised by the RAND Report in future DoD policy and in formulating DoD's Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶8.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00087724	PrivWithhold d00010319	PrivWithhold 00010323	1/31/2018 0:00	Additional versions of that draft information paper containing comments from senior DoD officials in the Office of the Undersecretary of Defense for Personnel and Readiness (“OUSD (P&R)”). The document is pre-decisional. It was created before DoD’s Report was finalized and before Secretary Mattis adopted the Panel of Expert’s recommendations in full and presented them to the President on or about February 22, 2018. This document is also deliberative. It reflects the views and analyses of DoD officials regarding the RAND Report’s content and conclusions and how to address issues raised by the RAND Report in future DoD policy and in formulating DoD’s Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶8.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00088299	PrivWithhol d00010372	PrivWithhold 00010372	1/17/2018 0:00	Email between Mr. Bushman and Mr. Wilkie containing deliberations concerning the January 17, 2018 meeting and the topics the Secretary of Defense will likely want to discuss at the meeting. This document is pre-decisional. It preceded the meetings at issue and also preceded Secretary Mattis's ultimate decision on the DoD Transgender Service Policy. And, it is deliberative. It reflects the candid advice, opinions and recommendations of senior DoD officials and capture the process undertaken by DoD as it developed and refined relevant policy. See Declaration of Platte B. Moring, III, September 4, 2020, ¶20.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00118874	PrivWithhold d00010407	PrivWithhold 00010408	2/9/2018 0:00	Email chain among Mr. Bushman, Dr. Adirim, and Anthony Kurta, a senior official in OUSD (P&R) (and chair of the Panel of Experts), seeking and receiving review and edits of several citations in a draft of DoD’s Report. These conversations also include email chains of Dr. Adirim (or other HA officials) seeking additional information from subject matter experts. These email communications are pre-decisional. They were sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD’s Transgender Service Policy was finalized by DoD. They are also deliberative. They reflect the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00120582	PrivWithhold d00010445	PrivWithhold 00010446	2/9/2018 0:00	Email chain among Mr. Bushman, Dr. Adirim, and Anthony Kurta, a senior official in OUSD (P&R) (and chair of the Panel of Experts), seeking and receiving review and edits of several citations in a draft of DoD’s Report. These conversations also include email chains of Dr. Adirim (or other HA officials) seeking additional information from subject matter experts. These email communications are pre-decisional. They were sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD’s Transgender Service Policy was finalized by DoD. They are also deliberative. They reflect the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00122597	PrivWithhold d00010449	PrivWithhold 00010450	2/10/2018 0:00	Working drafts of DoD's Report, which was finalized and submitted to the President by then-Secretary of Defense James Mattis on February 22, 2020. This document is pre-decisional. As working drafts of DoD's Report and draft sections of that Report, it was still subject to internal DoD editing, review, and comment before that Report was finalized and sent to the President. Indeed, the working drafts of the Report were created, edited, and revised multiple times by senior officials within DoD, the Military Services, and DHS before the DoD Transgender Service Policy was finalized by DoD. This working draft is also deliberative. It reflects the recommendations, views, and analyses from senior DoD, Military Service, and DHS officials, and reveal the consultative process undertaken by the Government in finalizing the DoD Transgender Service Policy. See Declaration of Platte B. Moring, III, September 4, 2020, ¶10.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00122597	PrivWithhold d00010449	PrivWithhold 00010450	2/10/2018 0:00	Copies of a memorandum prepared by Dr. Adirim analyzing sources to be used in DoD's Report and recommending that certain sources be relied on over others. This document is pre-decisional. It was created before DoD's report was finalized and before the DoD Transgender Service Policy itself was finalized by DoD. The memorandum is also deliberative. It reflects the views and analyses of a senior DoD official about the sources relied on in the DoD Report, and reveals the officials' thoughts and opinions regarding proposed sources for the Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶13.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product	Notes
DoD00122665	PrivWithhold d00010453	PrivWithhold 00010453	2/1/2018 0:00	Email chain among Mr. Bushman, Dr. Adirim, and Anthony Kurta, a senior official in OUSD (P&R) (and chair of the Panel of Experts), seeking and receiving review and edits of several citations in a draft of DoD’s Report. These conversations also include email chains of Dr. Adirim (or other HA officials) seeking additional information from subject matter experts. These email communications are pre-decisional. They were sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD’s Transgender Service Policy was finalized by DoD. They are also deliberative. They reflect the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD0012709	PrivWithhold d00010458	PrivWithhold 00010459	1/29/2018 0:00	Email chain among Mr. Bushman, Dr. Adirim, and Anthony Kurta, a senior official in OUSD (P&R) (and chair of the Panel of Experts), seeking and receiving review and edits of several citations in a draft of DoD’s Report. These conversations also include email chains of Dr. Adirim (or other HA officials) seeking additional information from subject matter experts. These email communications are pre-decisional. They were sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD’s Transgender Service Policy was finalized by DoD. They are also deliberative. They reflect the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD0012713	PrivWithhold d00010460	PrivWithhold 00010461	1/29/2018 0:00	Email chain among Mr. Bushman, Dr. Adirim, and Anthony Kurta, a senior official in OUSD (P&R) (and chair of the Panel of Experts), seeking and receiving review and edits of several citations in a draft of DoD’s Report. These conversations also include email chains of Dr. Adirim (or other HA officials) seeking additional information from subject matter experts. These email communications are pre-decisional. They were sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD’s Transgender Service Policy was finalized by DoD. They are also deliberative. They reflect the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD0012714	PrivWithhold d00010462	PrivWithhold 00010462	1/29/2018 0:00	Email chain among Mr. Bushman, Dr. Adirim, and Anthony Kurta, a senior official in OUSD (P&R) (and chair of the Panel of Experts), seeking and receiving review and edits of several citations in a draft of DoD’s Report. These conversations also include email chains of Dr. Adirim (or other HA officials) seeking additional information from subject matter experts. These email communications are pre-decisional. They were sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD’s Transgender Service Policy was finalized by DoD. They are also deliberative. They reflect the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product Y/N	Notes
DoD0012716	PrivWithhold d00010463	PrivWithhold 00010467	1/27/2018 0:00	Identical versions of a separate memorandum prepared by Dr. Terry Adirim, a senior doctor and subject matter expert in the Office of the Assistant Secretary of Defense for Health Affairs, that contains comments on a draft of the above-noted information paper for the Secretary of Defense. The document is pre-decisional. It was created before DoD's Report was finalized and before Secretary Mattis adopted the Panel of Expert's recommendations in full and presented them to the President on or about February 22, 2018. This document is also deliberative. It reflects the views and analyses of DoD officials regarding the RAND Report's content and conclusions and how to address issues raised by the RAND Report in future DoD policy and in formulating DoD's Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶8.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00127095	PrivWithhold d00010506	PrivWithhold 00010507	2/10/2018 0:00	Working drafts of DoD’s Report, which was finalized and submitted to the President by then-Secretary of Defense James Mattis on February 22, 2020. This document is pre-decisional. As working drafts of DoD’s Report and draft sections of that Report, it was still subject to internal DoD editing, review, and comment before that Report was finalized and sent to the President. Indeed, the working drafts of the Report were created, edited, and revised multiple times by senior officials within DoD, the Military Services, and DHS before the DoD Transgender Service Policy was finalized by DoD. This working draft is also deliberative. It reflects the recommendations, views, and analyses from senior DoD, Military Service, and DHS officials, and reveal the consultative process undertaken by the Government in finalizing the DoD Transgender Service Policy. See Declaration of Platte B. Moring, III, September 4, 2020, ¶10.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00127103	PrivWithhold d00010508	PrivWithhold 00010509	2/10/2018 0:00	Working drafts of DoD's Report, which was finalized and submitted to the President by then-Secretary of Defense James Mattis on February 22, 2020. This document is pre-decisional. As working drafts of DoD's Report and draft sections of that Report, it was still subject to internal DoD editing, review, and comment before that Report was finalized and sent to the President. Indeed, the working drafts of the Report were created, edited, and revised multiple times by senior officials within DoD, the Military Services, and DHS before the DoD Transgender Service Policy was finalized by DoD. This working draft is also deliberative. It reflects the recommendations, views, and analyses from senior DoD, Military Service, and DHS officials, and reveal the consultative process undertaken by the Government in finalizing the DoD Transgender Service Policy. See Declaration of Platte B. Moring, III, September 4, 2020, ¶10.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00127103	PrivWithhol d00010508	PrivWithhold 00010509	1/26/2018 0:00	Copies of a memorandum prepared by Dr. Adirim analyzing sources to be used in DoD's Report and recommending that certain sources be relied on over others. This document is pre-decisional. It was created before DoD's report was finalized and before the DoD Transgender Service Policy itself was finalized by DoD. The memorandum is also deliberative. It reflects the views and analyses of a senior DoD official about the sources relied on in the DoD Report, and reveals the officials' thoughts and opinions regarding proposed sources for the Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶13.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00127119	PrivWithhold d00010510	PrivWithhold 00010511	2/9/2018 0:00	Email chain among Mr. Bushman, Dr. Adirim, and Anthony Kurta, a senior official in OUSD (P&R) (and chair of the Panel of Experts), seeking and receiving review and edits of several citations in a draft of DoD’s Report. These conversations also include email chains of Dr. Adirim (or other HA officials) seeking additional information from subject matter experts. These email communications are pre-decisional. They were sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD’s Transgender Service Policy was finalized by DoD. They are also deliberative. They reflect the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00127142	PrivWithhold d00010512	PrivWithhold 00010513	2/1/2018 0:00	Email chain among Mr. Bushman, Dr. Adirim, and Anthony Kurta, a senior official in OUSD (P&R) (and chair of the Panel of Experts), seeking and receiving review and edits of several citations in a draft of DoD’s Report. These conversations also include email chains of Dr. Adirim (or other HA officials) seeking additional information from subject matter experts. These email communications are pre-decisional. They were sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD’s Transgender Service Policy was finalized by DoD. They are also deliberative. They reflect the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00127163	PrivWithhold d00010514	PrivWithhold 00010515	1/29/2018 0:00	Email chain among Mr. Bushman, Dr. Adirim, and Anthony Kurta, a senior official in OUSD (P&R) (and chair of the Panel of Experts), seeking and receiving review and edits of several citations in a draft of DoD's Report. These conversations also include email chains of Dr. Adirim (or other HA officials) seeking additional information from subject matter experts. These email communications are pre-decisional. They were sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD's Transgender Service Policy was finalized by DoD. They are also deliberative. They reflect the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Productive Y/N	Notes
DoD00127164	PrivWithhold d00010516	PrivWithhold 00010517	1/29/2018 0:00	Email chain among Mr. Bushman, Dr. Adirim, and Anthony Kurta, a senior official in OUSD (P&R) (and chair of the Panel of Experts), seeking and receiving review and edits of several citations in a draft of DoD’s Report. These conversations also include email chains of Dr. Adirim (or other HA officials) seeking additional information from subject matter experts. These email communications are pre-decisional. They were sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD’s Transgender Service Policy was finalized by DoD. They are also deliberative. They reflect the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00127165	PrivWithhold d00010518	PrivWithhold 00010519	1/29/2018 0:00	Email chain among Mr. Bushman, Dr. Adirim, and Anthony Kurta, a senior official in OUSD (P&R) (and chair of the Panel of Experts), seeking and receiving review and edits of several citations in a draft of DoD’s Report. These conversations also include email chains of Dr. Adirim (or other HA officials) seeking additional information from subject matter experts. These email communications are pre-decisional. They were sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD’s Transgender Service Policy was finalized by DoD. They are also deliberative. They reflect the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product Y/N	Notes
DOD00127172	PrivWithhold d00010520	PrivWithhold 00010520	1/27/2018 0:00	Email from Dr. Adirim to Mr. Lernes Hebert, a senior DoD official serving in OUSD (P&R), which transmitted her memorandum. The body of the email contains a characterization of the draft information paper and expresses the opinions of two senior DoD officials concerning the content of the draft information paper. The document is pre-decisional. It was created before DoD's Report was finalized and before Secretary Mattis adopted the Panel of Expert's recommendations in full and presented them to the President on or about February 22, 2018. This document is also deliberative. It reflects the views and analyses of DoD officials regarding the RAND Report's content and conclusions and how to address issues raised by the RAND Report in future DoD policy and in formulating DoD's Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶8.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00133477	PrivWithhold d00010737	PrivWithhold 00010741	1/29/2018 0:00	Another version of the information paper written by Mr. Hebert that provides commentary and analysis of the RAND study for use in formulating DoD's Report. The document is pre-decisional. It was created before DoD's Report was finalized and before Secretary Mattis adopted the Panel of Expert's recommendations in full and presented them to the President on or about February 22, 2018. This document is also deliberative. It reflects the views and analyses of DoD officials regarding the RAND Report's content and conclusions and how to address issues raised by the RAND Report in future DoD policy and in formulating DoD's Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶8.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00133478	PrivWithhold d00010742	PrivWithhold 00010746	1/25/2018 0:00	Identical copies of a separate draft information paper written by Mr. Hebert that provides commentary and analysis of the RAND study for use in formulating DoD's Report. The document is pre-decisional. It was created before DoD's Report was finalized and before Secretary Mattis adopted the Panel of Expert's recommendations in full and presented them to the President on or about February 22, 2018. This document is also deliberative. It reflects the views and analyses of DoD officials regarding the RAND Report's content and conclusions and how to address issues raised by the RAND Report in future DoD policy and in formulating DoD's Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶8.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product	Notes
DoD00137623	PrivWithhold d00010810	PrivWithhold 00010811	1/30/2018 0:00	Draft outlines of potential “ways forward” on military service by transgender individuals and individuals with gender dysphoria, prepared by senior DoD officials in OUSD (P&R), for use in briefing the Secretary of Defense on these issues. This document is pre-decisional. They preceded any decision on the “way forward” and the Secretary of Defense’s ultimate decision on the DoD Transgender Service Policy. They are also deliberative. They reflect senior DoD officials’ opinions and recommendations concerning how DoD’ policy process should proceed, and include proposed policy options for the Secretary of Defense’s consideration. See Declaration of Platte B. Moring, III, September 4, 2020, ¶15.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00137650	PrivWithhold d00010945	PrivWithhold 00010946	1/29/2018 0:00	Email chain among Mr. Bushman, Dr. Adirim, and Anthony Kurta, a senior official in OUSD (P&R) (and chair of the Panel of Experts), seeking and receiving review and edits of several citations in a draft of DoD’s Report. These conversations also include email chains of Dr. Adirim (or other HA officials) seeking additional information from subject matter experts. These email communications are pre-decisional. They were sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD’s Transgender Service Policy was finalized by DoD. They are also deliberative. They reflect the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product	Notes
DoD00137668	PrivWithhold d00010947	PrivWithhold 00010951	1/25/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Productive Y/N	Notes
DoD00137669	PrivWithhold d00010952	PrivWithhold 00010955	1/25/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00137997	PrivWithhold d00011028	PrivWithhold 00011032	1/31/2018 0:00	Additional versions of that draft information paper containing comments from senior DoD officials in the Office of the Undersecretary of Defense for Personnel and Readiness (“OUSD (P&R)”). The document is pre-decisional. It was created before DoD’s Report was finalized and before Secretary Mattis adopted the Panel of Expert’s recommendations in full and presented them to the President on or about February 22, 2018. This document is also deliberative. It reflects the views and analyses of DoD officials regarding the RAND Report’s content and conclusions and how to address issues raised by the RAND Report in future DoD policy and in formulating DoD’s Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶8.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00137999	PrivWithhold d00011034	PrivWithhold 00011038	1/30/2018 0:00	Additional versions of that draft information paper containing comments from senior DoD officials in the Office of the Undersecretary of Defense for Personnel and Readiness (“OUSD (P&R)”). The document is pre-decisional. It was created before DoD’s Report was finalized and before Secretary Mattis adopted the Panel of Expert’s recommendations in full and presented them to the President on or about February 22, 2018. This document is also deliberative. It reflects the views and analyses of DoD officials regarding the RAND Report’s content and conclusions and how to address issues raised by the RAND Report in future DoD policy and in formulating DoD’s Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶8.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product	Notes
DoD00138040	PrivWithhold d00011039	PrivWithhold 00011040	1/25/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00138045	PrivWithhold d00011041	PrivWithhold 00011045	1/25/2018 0:00	Identical copies of a separate draft information paper written by Mr. Hebert that provides commentary and analysis of the RAND study for use in formulating DoD's Report. The document is pre-decisional. It was created before DoD's Report was finalized and before Secretary Mattis adopted the Panel of Expert's recommendations in full and presented them to the President on or about February 22, 2018. This document is also deliberative. It reflects the views and analyses of DoD officials regarding the RAND Report's content and conclusions and how to address issues raised by the RAND Report in future DoD policy and in formulating DoD's Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶8.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00138056	PrivWithhold d00011046	PrivWithhold 00011047	1/18/2018 0:00	Identical copies of the signed action memorandum which reflect Secretary Wilkie's recommendations to the Secretary of Defense regarding the future development of a military policy on universal accession and retention standards. The document reflects the early stages of DoD deliberations on what ultimately culminated in the Department's July 30, 2018 instruction on non-deployable service members (Department of Defense Instruction ("DoDI") 1332.45). Further, to the extent portions of those deliberations related to transgender military service, they occurred before the DoD Transgender Service Policy was finalized by DoD. This document is also deliberative. It reflects the views, recommendations and analyses of DoD officials about issues regarding the development of DoDI 1332.45 and other potential DoD policies. See Declaration of Platte B. Moring, III, September 4, 2020, ¶9.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00139728	PrivWithhol d00011063	PrivWithhold 00011064	1/26/2018 0:00	Copies of a memorandum prepared by Dr. Adirim analyzing sources to be used in DoD's Report and recommending that certain sources be relied on over others. This document is pre-decisional. It was created before DoD's report was finalized and before the DoD Transgender Service Policy itself was finalized by DoD. The memorandum is also deliberative. It reflects the views and analyses of a senior DoD official about the sources relied on in the DoD Report, and reveals the officials' thoughts and opinions regarding proposed sources for the Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶13.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product	Notes
DoD00140066	PrivWithhold d000011077	PrivWithhold 000111078	2/8/2018 0:00	Email chain among Mr. Bushman, Dr. Adirim, and Anthony Kurta, a senior official in OUSD (P&R) (and chair of the Panel of Experts), seeking and receiving review and edits of several citations in a draft of DoD’s Report. These conversations also include email chains of Dr. Adirim (or other HA officials) seeking additional information from subject matter experts. These email communications are pre-decisional. They were sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD’s Transgender Service Policy was finalized by DoD. They are also deliberative. They reflect the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00140098	PrivWithhold d00011079	PrivWithhold 00011080	2/1/2018 0:00	Emails containing or discussing the Secretary of Defense's comments and additions on the draft Report. This email communication is pre-decisional. It was sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD's Transgender Service Policy was finalized by DoD. It is also deliberative. It reflects the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00140117	PrivWithhold d000011084	PrivWithhold 00011085	1/29/2018 0:00	Email chain among Mr. Bushman, Dr. Adirim, and Anthony Kurta, a senior official in OUSD (P&R) (and chair of the Panel of Experts), seeking and receiving review and edits of several citations in a draft of DoD’s Report. These conversations also include email chains of Dr. Adirim (or other HA officials) seeking additional information from subject matter experts. These email communications are pre-decisional. They were sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD’s Transgender Service Policy was finalized by DoD. They are also deliberative. They reflect the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product Y/N	Notes
DoD00140449	PrivWithhold d00011086	PrivWithhold 00011090	1/27/2018 0:00	Identical versions of a separate memorandum prepared by Dr. Terry Adirim, a senior doctor and subject matter expert in the Office of the Assistant Secretary of Defense for Health Affairs, that contains comments on a draft of the above-noted information paper for the Secretary of Defense. The document is pre-decisional. It was created before DoD's Report was finalized and before Secretary Mattis adopted the Panel of Expert's recommendations in full and presented them to the President on or about February 22, 2018. This document is also deliberative. It reflects the views and analyses of DoD officials regarding the RAND Report's content and conclusions and how to address issues raised by the RAND Report in future DoD policy and in formulating DoD's Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶8.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Productive Y/N	Notes
DoD00141426	PrivWithhold d00011106	PrivWithhold 00011107	1/30/2018 0:00	Draft outlines of potential “ways forward” on military service by transgender individuals and individuals with gender dysphoria, prepared by senior DoD officials in OUSD (P&R), for use in briefing the Secretary of Defense on these issues. This document is pre-decisional. They preceded any decision on the “way forward” and the Secretary of Defense’s ultimate decision on the DoD Transgender Service Policy. They are also deliberative. They reflect senior DoD officials’ opinions and recommendations concerning how DoD’ policy process should proceed, and include proposed policy options for the Secretary of Defense’s consideration. See Declaration of Platte B. Moring, III, September 4, 2020, ¶15.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00141428	PrivWithhold d00011108	PrivWithhold 00011109	1/30/2018 0:00	Draft outlines of potential “ways forward” on military service by transgender individuals and individuals with gender dysphoria, prepared by senior DoD officials in OUSD (P&R), for use in briefing the Secretary of Defense on these issues. This document is pre-decisional. They preceded any decision on the “way forward” and the Secretary of Defense’s ultimate decision on the DoD Transgender Service Policy. They are also deliberative. They reflect senior DoD officials’ opinions and recommendations concerning how DoD’ policy process should proceed, and include proposed policy options for the Secretary of Defense’s consideration. See Declaration of Platte B. Moring, III, September 4, 2020, ¶15.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product	Notes
DoD00141460	PrivWithhold d00011112	PrivWithhold 00011117	1/29/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Productive Y/N	Notes
DoD00141475	PrivWithhold d00011125	PrivWithhold 000111130	1/26/2018 0:00	deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product	Notes
DoD00141477	PrivWithhold d00011131	PrivWithhold 00011134	1/26/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00141481	PrivWithhold d00011135	PrivWithhold 00011138	1/25/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00141490	PrivWithhol d000011139	PrivWithhold 00011143	1/25/2018 0:00	Identical copies of a separate draft information paper written by Mr. Hebert that provides commentary and analysis of the RAND study for use in formulating DoD's Report. The document is pre-decisional. It was created before DoD's Report was finalized and before Secretary Mattis adopted the Panel of Expert's recommendations in full and presented them to the President on or about February 22, 2018. This document is also deliberative. It reflects the views and analyses of DoD officials regarding the RAND Report's content and conclusions and how to address issues raised by the RAND Report in future DoD policy and in formulating DoD's Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶8.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Productive Y/N	Notes
DoD00141495	PrivWithhold d00011147	PrivWithhold 00011148	1/24/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product	Notes
DoD00141507	PrivWithhold d00011151	PrivWithhold 00011152	1/24/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product	Notes
DoD00141508	PrivWithhold d00011153	PrivWithhold 00011153	1/24/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD0014 1600	PrivWithhol d00011154	PrivWithhold 00011155	1/23/2018 0:00	Draft action memorandum containing policy guidance from Under Secretary Wilkie to the military Services on the proposed policy regarding military service of transgender individuals and individuals with gender dysphoria. This document is pre-decisional and deliberative. They preceded the final policy guidance adopted and disseminated by the Under Secretary, as well as the Secretary of Defense's ultimate decision on the DoD Transgender Service Policy and the final version of the action memo at itself. The drafts also reflect the advice, opinions and recommendations of senior DoD officials in the form of the comments and edits they provided on the draft guidance. See Declaration of Platte B. Moring, III, September 4, 2020, ¶16.	N	
DoD0014 1629	PrivWithhol d00011156	PrivWithhold 00011157	2/12/2018 0:00	Drafts of the March 2018 Presidential Memorandum This document is pre-decisional and deliberative. It preceded the finalization of the March 2018 Presidential Memorandum, as well as the Secretary of Defense's ultimate decision on the DoD Transgender Service Policy. See Declaration of Platte B. Moring, III, September 4, 2020, ¶26.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00141675	PrivWithhold d00011161	PrivWithhold 00011165	1/30/2018 0:00	Additional versions of that draft information paper containing comments from senior DoD officials in the Office of the Undersecretary of Defense for Personnel and Readiness (“OUSD (P&R)”). The document is pre-decisional. It was created before DoD’s Report was finalized and before Secretary Mattis adopted the Panel of Expert’s recommendations in full and presented them to the President on or about February 22, 2018. This document is also deliberative. It reflects the views and analyses of DoD officials regarding the RAND Report’s content and conclusions and how to address issues raised by the RAND Report in future DoD policy and in formulating DoD’s Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶8.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00141691	PrivWithhold d00011166	PrivWithhold 00011167	2/13/2018 0:00	Draft outlines of potential “ways forward” on military service by transgender individuals and individuals with gender dysphoria, prepared by senior DoD officials in OUSD (P&R), for use in briefing the Secretary of Defense on these issues. This document is pre-decisional. They preceded any decision on the “way forward” and the Secretary of Defense’s ultimate decision on the DoD Transgender Service Policy. They are also deliberative. They reflect senior DoD officials’ opinions and recommendations concerning how DoD’ policy process should proceed, and include proposed policy options for the Secretary of Defense’s consideration. See Declaration of Platte B. Moring, III, September 4, 2020, ¶15.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Productive Y/N	Notes
DoD00141693	PrivWithhold d00011168	PrivWithhold 00011169	1/24/2018 0:00	Draft outlines of potential “ways forward” on military service by transgender individuals and individuals with gender dysphoria, prepared by senior DoD officials in OUSD (P&R), for use in briefing the Secretary of Defense on these issues. This document is pre-decisional. They preceded any decision on the “way forward” and the Secretary of Defense’s ultimate decision on the DoD Transgender Service Policy. They are also deliberative. They reflect senior DoD officials’ opinions and recommendations concerning how DoD’ policy process should proceed, and include proposed policy options for the Secretary of Defense’s consideration. See Declaration of Platte B. Moring, III, September 4, 2020, ¶15.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product	Notes
DoD0014 1724	PrivWithhol d00011170	PrivWithhold 00011175	1/29/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product	Notes
DoD00141738	PrivWithhold d00011180	PrivWithhold 00011185	1/26/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Productive Y/N	Notes
DoD00141740	PrivWithhold d00011186	PrivWithhold 00011191	1/26/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product	Notes
DoD00141741	PrivWithhold d00011192	PrivWithhold 00011195	1/25/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00141743	PrivWithhold d00011196	PrivWithhold 00011200	1/25/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product	Notes
DoD0014 1747	PrivWithhol d00011201	PrivWithhold 00011204	1/25/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00141762	PrivWithhold d00011205	PrivWithhold 00011206	1/12/2018 0:00	Draft action memorandum containing policy guidance from Under Secretary Wilkie to the military Services on the proposed policy regarding military service of transgender individuals and individuals with gender dysphoria. This document is pre-decisional and deliberative. They preceded the final policy guidance adopted and disseminated by the Under Secretary, as well as the Secretary of Defense's ultimate decision on the DoD Transgender Service Policy and the final version of the action memo at itself. The drafts also reflect the advice, opinions and recommendations of senior DoD officials in the form of the comments and edits they provided on the draft guidance. See Declaration of Platte B. Moring, III, September 4, 2020, ¶16.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Productive Y/N	Notes
DoD00141777	PrivWithhold d00011207	PrivWithhold 00011208	1/24/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00142646	PrivWithhold d00011265	PrivWithhold 00011268	1/25/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00142675	PrivWithhold d00011269	PrivWithhold 00011269	1/25/2018 0:00	Draft action memorandum containing policy guidance from Under Secretary Wilkie to the military Services on the proposed policy regarding military service of transgender individuals and individuals with gender dysphoria. This document is pre-decisional and deliberative. They preceded the final policy guidance adopted and disseminated by the Under Secretary, as well as the Secretary of Defense's ultimate decision on the DoD Transgender Service Policy and the final version of the action memo at itself. The drafts also reflect the advice, opinions and recommendations of senior DoD officials in the form of the comments and edits they provided on the draft guidance. See Declaration of Platte B. Moring, III, September 4, 2020, ¶16.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00142953	PrivWithhold d00011277	PrivWithhold 00011281	1/25/2018 0:00	Deliberative conversation between DoD officials from several offices and DoD officials from the Office of People Analytics discussing the pros and cons of conducting an internal DoD survey that would assist the development of policy for accessions of transgender individuals as well as the various options for conducting such a survey. This document is pre-decisional because it occurred before any such survey was conducted and before Secretary Mattis made his February 22, 2018 recommendation to the President. It is also deliberative because it shows the internal discussions of senior DoD officials as they worked through the possible use and development of an internal tool to inform policy development. See Declaration of Platte B. Moring, III, September 4, 2020, ¶32.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00014 2957	PrivWithhold d000011282	PrivWithhold 00011282	1/25/2018 0:00	Emails among OUSD (P&R) officials containing deliberations from a meeting with SD regarding the transgender military service policy including questions presented and opinions offered by the SD. This document is pre-decisional. It preceded the meetings at issue and also preceded Secretary Mattis's ultimate decision on the DoD Transgender Service Policy. And, it is deliberative. It reflects the candid advice, opinions and recommendations of senior DoD officials and capture the process undertaken by DoD as it developed and refined relevant policy.	N	
DoD00014 2994	PrivWithhold d000011283	PrivWithhold 00011284	1/22/2018 0:00	Emails among OUSD (P&R) officials containing deliberations from a meeting with SD regarding the transgender military service policy including questions presented and opinions offered by the SD. This document is pre-decisional. It preceded the meetings at issue and also preceded Secretary Mattis's ultimate decision on the DoD Transgender Service Policy. And, it is deliberative. It reflects the candid advice, opinions and recommendations of senior DoD officials and capture the process undertaken by DoD as it developed and refined relevant policy. See Declaration of Platte B. Moring, III, September 4, 2020, ¶20.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
Army_10 025678	PrivWithhol d00012331	PrivWithhold 00012333	1/31/2018 0:00	Copies of meeting notes from a January 23, 2018 meeting between Senior DoD and military medical professionals. These meeting notes contain deliberative discussions between Senior DOD and Service officials in the military medical community. This document is pre-decisional because it contains deliberations pertaining to DoD's Transgender Service Policy before the final issuance of that policy. And it is deliberative because it reflect inputs, thoughts and opinions on the policy concerning military service by transgender individuals. A portion of this document has been redacted of information subject to attorney-client privilege. See Declaration of Platte B. Moring, III, September 4, 2020, ¶34.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
Army_10 026120	PrivWithhol d00012336	PrivWithhold 00012338	1/31/2018 0:00	Copies of meeting notes from a January 23, 2018 meeting between Senior DoD and military medical professionals. These meeting notes contain deliberative discussions between Senior DOD and Service officials in the military medical community. This document is pre-decisional because it contains deliberations pertaining to DoD’s Transgender Service Policy before the final issuance of that policy. And it is deliberative because it reflect inputs, thoughts and opinions on the policy concerning military service by transgender individuals. A portion of this document has been redacted of information subject to attorney-client privilege. See Declaration of Platte B. Moring, III, September 4, 2020, ¶34.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
Army_10 030503	PrivWithhol d00012339	PrivWithhold 00012341	1/31/2018 0:00	Copies of meeting notes from a January 23, 2018 meeting between Senior DoD and military medical professionals. These meeting notes contain deliberative discussions between Senior DOD and Service officials in the military medical community. This document is pre-decisional because it contains deliberations pertaining to DoD's Transgender Service Policy before the final issuance of that policy. And it is deliberative because it reflect inputs, thoughts and opinions on the policy concerning military service by transgender individuals. A portion of this document has been redacted of information subject to attorney-client privilege. See Declaration of Platte B. Moring, III, September 4, 2020, ¶34.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
Army_10031145	PrivWithhold d00012342	PrivWithhold 00012344	1/31/2018 0:00	Copies of meeting notes from a January 23, 2018 meeting between Senior DoD and military medical professionals. These meeting notes contain deliberative discussions between Senior DOD and Service officials in the military medical community. This document is pre-decisional because it contains deliberations pertaining to DoD’s Transgender Service Policy before the final issuance of that policy. And it is deliberative because it reflect inputs, thoughts and opinions on the policy concerning military service by transgender individuals. A portion of this document has been redacted of information subject to attorney-client privilege. See Declaration of Platte B. Moring, III, September 4, 2020, ¶34.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00131384	PrivWithhold d00012354	PrivWithhold 00012354	1/22/2018 0:00	Edits to a proposed action memorandum from Under Secretary Wilkie to the Secretary of Defense regarding requests by the Secretary of Defense for additional information pertaining to military service by transgender individual and individual with gender dysphoria. This document is pre-decisional. It preceded the finalized version of the action memo, as well as the Secretary of Defense's ultimate decision on the DoD Transgender Service Policy. It is also deliberative. It reveals the particular issues on which the Secretary of Defense requested additional information in the course of his deliberations. The document thus reveal the Secretary of Defense's mental impressions and thought process as he worked to decide and consider relevant issues in the formulation of policy. The document also reflect legal advice of the Department of Defense Office of General Counsel and the Department of Justice, and have been separately redacted of information subject to the attorney-client and work product privileges. See Declaration of Platte B. Moring, III, September 4, 2020, ¶17.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00137509	PrivWithhold d00012355	PrivWithhold 00012362	2/12/2018 0:00	Email discussions among senior DoD officials and contain internal deliberations in which the senior officials seek and provide comments and recommendations on an outline of the Report and in which they discuss the editing process. This email communication is pre-decisional. It was sent before DoD finalized its Report and delivered that Report to the President on February 22, 2018, and before DoD's Transgender Service Policy was finalized by DoD. It is also deliberative. It reflects the views, recommendations, and analyses of DoD, Military Service and DHS officials regarding the process of drafting the report and the substance of drafts of the Report itself, along with additional inputs, thoughts and opinions regarding that Report. See Declaration of Platte B. Moring, III, September 4, 2020, ¶11.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00139877	PrivWithhold d00012371	PrivWithhold 00012373	1/31/2018 0:00	Copies of meeting notes from a January 23, 2018 meeting between Senior DoD and military medical professionals. These meeting notes contain deliberative discussions between Senior DOD and Service officials in the military medical community. This document is pre-decisional because it contains deliberations pertaining to DoD’s Transgender Service Policy before the final issuance of that policy. And it is deliberative because it reflect inputs, thoughts and opinions on the policy concerning military service by transgender individuals. A portion of this document has been redacted of information subject to attorney-client privilege. See Declaration of Platte B. Moring, III, September 4, 2020, ¶34.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00141480	PrivWithhold d00012374	PrivWithhold 00012374	1/25/2018 0:00	Edits to a proposed action memorandum from Under Secretary Wilkie to the Secretary of Defense regarding requests by the Secretary of Defense for additional information pertaining to military service by transgender individual and individual with gender dysphoria. This document is pre-decisional. It preceded the finalized version of the action memo, as well as the Secretary of Defense's ultimate decision on the DoD Transgender Service Policy. It is also deliberative. It reveals the particular issues on which the Secretary of Defense requested additional information in the course of his deliberations. The document thus reveal the Secretary of Defense's mental impressions and thought process as he worked to decide and consider relevant issues in the formulation of policy. The document also reflect legal advice of the Department of Defense Office of General Counsel and the Department of Justice, and have been separately redacted of information subject to the attorney-client and work product privileges. See Declaration of Platte B. Moring, III, September 4, 2020, ¶17.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00142951	PrivWithhold d00012383	PrivWithhold 00012383	1/25/2018 0:00	Edits to a proposed action memorandum from Under Secretary Wilkie to the Secretary of Defense regarding requests by the Secretary of Defense for additional information pertaining to military service by transgender individual and individual with gender dysphoria. This document is pre-decisional. It preceded the finalized version of the action memo, as well as the Secretary of Defense's ultimate decision on the DoD Transgender Service Policy. It is also deliberative. It reveals the particular issues on which the Secretary of Defense requested additional information in the course of his deliberations. The document thus reveal the Secretary of Defense's mental impressions and thought process as he worked to decide and consider relevant issues in the formulation of policy. The document also reflect legal advice of the Department of Defense Office of General Counsel and the Department of Justice, and have been separately redacted of information subject to the attorney-client and work product privileges. See Declaration of Platte B. Moring, III, September 4, 2020, ¶17.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
Army_10 024452	PrivWithhol d00012387	PrivWithhold 00012388	1/26/2018 0:00	Draft memo subject "Transgender Service Policy". This document is a draft of a DoD policy memorandum for signature by then-Under Secretary of the Defense for Personnel and Readiness Robert L. Wilkie. It contains markups by Air Force personnel. This document is pre-decisional because it is a draft generated prior to the issuance of the final DoD policy memorandum. This document is deliberative because it reflects the deliberations of Air Force personnel as to the contents of the memorandum rather than a final position of DoD or the Air Force. (See Declaration of Lt Col Stingl, September 2, 2020, ¶ 6).	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
Army_10 024592	PrivWithhol d00012389	PrivWithhold 00012390	1/26/2018 0:00	Draft memo subject "Transgender Service Policy". This document is a draft of a DoD policy memorandum for signature by then-Under Secretary of the Defense for Personnel and Readiness Robert L. Wilkie. It contains markups by Air Force personnel. This document is pre-decisional because it is a draft generated prior to the issuance of the final DoD policy memorandum. This document is deliberative because it reflects the deliberations of Air Force personnel as to the contents of the memorandum rather than a final position of DoD or the Air Force. (See Declaration of Lt Col Stingl, September 2, 2020, ¶ 6).	N	
Army_10 002510	PrivWithhol d00013167	PrivWithhold 00013184	6/25/2017	PowerPoint slides describing the Army's questions and concerns relating to whether to delay the accession of transgender individuals into military service. Slides are marked "PRE-DECISIONAL" and pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 12. Contains redactions of personally identifiable information to protect the identities of non-party service members diagnosed with gender dysphoria.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
Army_10 019791.0 001	PrivWithhol d00013198	PrivWithhold 00013215	6/25/2017	PowerPoint slides describing the Army's questions and concerns relating to whether to delay the accession of transgender individuals into military service. Slides are marked "PRE-DECISIONAL" and pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 12. Contains redactions of personally identifiable information to protect the identities of non-party service members diagnosed with gender dysphoria.	Y	
Army_10 019795.0 001	PrivWithhol d00013216	PrivWithhold 00013233	6/25/2017	PowerPoint slides describing the Army's questions and concerns relating to whether to delay the accession of transgender individuals into military service. Slides are marked "PRE-DECISIONAL" and pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 12. Contains redactions of personally identifiable information to protect the identities of non-party service members diagnosed with gender dysphoria.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product Y/N	Notes
Army_10 019799.0 001	PrivWithhol d00013234	PrivWithhold 00013251	6/25/2017	PowerPoint slides describing the Army's questions and concerns relating to whether to delay the accession of transgender individuals into military service. Slides are marked "PRE-DECISIONAL" and pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 12. Contains redactions of personally identifiable information to protect the identities of non-party service members diagnosed with gender dysphoria.	Y	
DoD000 02814	PrivWithhol d00013257	PrivWithhold 00013305	6/28/2017	Drafts of a memorandum on military service by transgender individuals written by Mr. Robert Work, the Deputy Secretary of Defense, for Secretary of Defense Mattis. Provides a recommendation to Secretary Mattis on the way forward concerning accessions by transgender individuals. These documents are labeled "DELIBERATIVE" and "PRE-DECISIONAL." The memorandum is dated June 28, 2017, which is two days before Secretary Mattis made his decision to delay accessions by transgender individuals. See Declaration of Robert Easton ¶ 7. Contains redactions for attorney-client privilege.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00002820	PrivWithhold d00013306	PrivWithhold 00013354	6/28/2017	Drafts of a memorandum on military service by transgender individuals written by Mr. Robert Work, the Deputy Secretary of Defense, for Secretary of Defense Mattis. Provides a recommendation to Secretary Mattis on the way forward concerning accessions by transgender individuals. These documents are labeled “DELIBERATIVE” and “PRE-DECISIONAL.” The memorandum is dated June 28, 2017, which is two days before Secretary Mattis made his decision to delay accessions by transgender individuals. See Declaration of Robert Easton ¶ 7. Contains redactions for attorney-client privilege.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced	Notes
DoD00004747	PrivWithhold d00013385	PrivWithhold 00013433	6/28/2017	Drafts of a memorandum on military service by transgender individuals written by Mr. Robert Work, the Deputy Secretary of Defense, for Secretary of Defense Mattis. Provides a recommendation to Secretary Mattis on the way forward concerning accessions by transgender individuals. These documents are labeled “DELIBERATIVE” and “PRE-DECISIONAL.” The memorandum is dated June 28, 2017, which is two days before Secretary Mattis made his decision to delay accessions by transgender individuals. See Declaration of Robert Easton ¶ 7. Contains redactions for attorney-client privilege.	N	
DoD00004938	PrivWithhold d00013459	PrivWithhold 00013461	6/20/2017	Email conversation involving the Vice Chairman of the Joint Chiefs of Staff containing mental impressions, opinions, and deliberations of senior DoD officials in reaction to the Military Services' request to delay accessions of transgender applicants. Emails pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 13. Contains redactions of information subject to the attorney-client privilege.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Product Y/N	Notes
DoD00004939	PrivWithhol d00013462	PrivWithhold 00013464	6/20/2017	Email conversation involving the Vice Chairman of the Joint Chiefs of Staff containing mental impressions, opinions, and deliberations of senior DoD officials in reaction to the Military Services' request to delay accessions of transgender applicants. Emails pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 13. Contains redactions of information subject to the attorney-client privilege.	Y	
DoD00004940	PrivWithhol d00013465	PrivWithhold 00013467	6/20/2017	Email conversation involving the Vice Chairman of the Joint Chiefs of Staff containing mental impressions, opinions, and deliberations of senior DoD officials in reaction to the Military Services' request to delay accessions of transgender applicants. Emails pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 13. Contains redactions of information subject to the attorney-client privilege.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00004941	PrivWithhold d00013468	PrivWithhold 00013470	6/20/2017	Email conversation involving the Vice Chairman of the Joint Chiefs of Staff containing mental impressions, opinions, and deliberations of senior DoD officials in reaction to the Military Services' request to delay accessions of transgender applicants. Emails pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 13. Contains redactions of information subject to the attorney-client privilege.	Y	
DoD00010019	PrivWithhold d00013524	PrivWithhold 00013536	7/7/2017	DoD slides describing various potential accessions scenarios and issues and containing Anthony Kurta's handwritten notes, reflecting his mental impressions and reactions to such scenarios and issues. See Declaration of Robert Easton ¶ 12.	N	
DoD00018188	PrivWithhold d00013550	PrivWithhold 00013552	6/20/2017	Email conversation involving the Vice Chairman of the Joint Chiefs of Staff containing mental impressions, opinions, and deliberations of senior DoD officials in reaction to the Military Services' request to delay accessions of transgender applicants. Emails pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 13. Contains redactions of information subject to the attorney-client privilege.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Productive Y/N	Notes
DoD00018197	PrivWithhold d00013553	PrivWithhold 00013565	6/28/2017	Scanned copy of a draft of a memorandum on military service by transgender individuals written by Mr. Robert Work, the Deputy Secretary of Defense, for Secretary of Defense Mattis. Provides a recommendation to Secretary Mattis on the way forward concerning accessions by transgender individuals. This scanned copy contains Secretary Mattis's handwritten notes showing Secretary Mattis's thought processes, questions, and areas of concern. Labeled "DELIBERATIVE" and "PRE-DECISIONAL." The memorandum is dated June 28, 2017, which is two days before Secretary Mattis made his decision to delay accessions by transgender individuals. See Declaration of Robert Easton ¶ 7.	N	
DoD00018201	PrivWithhold d00013566	PrivWithhold 00013568	6/20/2017	Email conversation involving the Vice Chairman of the Joint Chiefs of Staff containing mental impressions, opinions, and deliberations of senior DoD officials in reaction to the Military Services' request to delay accessions of transgender applicants. Emails pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 13. Contains redactions of information subject to the attorney-client privilege.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00018225	PrivWithhol d00013580	PrivWithhold 00013582	6/20/2017	Email conversation involving the Vice Chairman of the Joint Chiefs of Staff containing mental impressions, opinions, and deliberations of senior DoD officials in reaction to the Military Services' request to delay accessions of transgender applicants. Emails pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 13. Contains redactions of information subject to the attorney-client privilege.	Y	
DoD00094654	PrivWithhol d00013622	PrivWithhold 00013670	6/28/2017	Drafts of a memorandum on military service by transgender individuals written by Mr. Robert Work, the Deputy Secretary of Defense, for Secretary of Defense Mattis. Provides a recommendation to Secretary Mattis on the way forward concerning accessions by transgender individuals. These documents are labeled "DELIBERATIVE" and "PRE-DECISIONAL." The memorandum is dated June 28, 2017, which is two days before Secretary Mattis made his decision to delay accessions by transgender individuals. See Declaration of Robert Easton ¶ 7. Contains redactions for attorney-client privilege.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD000 95869	PrivWithhol d00013671	PrivWithhold 00013679	6/28/2017	Draft of a memorandum on military service by transgender individuals written by Mr. Robert Work, the Deputy Secretary of Defense, for Secretary of Defense Mattis. Provides a recommendation to Secretary Mattis on the way forward concerning accessions by transgender individuals. These documents are labeled “DELIBERATIVE” and “PRE-DECISIONAL.” The memorandum is dated June 28, 2017, which is two days before Secretary Mattis made his decision to delay accessions by transgender individuals. See Declaration of Robert Easton ¶ 7.	Y	
DoD000 96902	PrivWithhol d00013680	PrivWithhold 00013688	6/28/2017	Drafts of a memorandum on military service by transgender individuals written by Mr. Robert Work, the Deputy Secretary of Defense, for Secretary of Defense Mattis. Provides a recommendation to Secretary Mattis on the way forward concerning accessions by transgender individuals. These documents are labeled “DELIBERATIVE” and “PRE-DECISIONAL.” The memorandum is dated June 28, 2017, which is two days before Secretary Mattis made his decision to delay accessions by transgender individuals. See Declaration of Robert Easton ¶ 7.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00096903	PrivWithhold d00013689	PrivWithhold 00013689	6/28/2017	Draft of cover note on military service by transgender individuals written by Mr. Robert Work, the Deputy Secretary of Defense, for Secretary of Defense Mattis. Provides a recommendation to Secretary Mattis on the way forward concerning accessions by transgender individuals. These documents are labeled “DELIBERATIVE” and “PRE-DECISIONAL.” The memorandum is dated June 28, 2017, which is two days before Secretary Mattis made his decision to delay accessions by transgender individuals. See Declaration of Robert Easton ¶ 7.	N	
DoD00096908	PrivWithhold d00013690	PrivWithhold 00013699	6/28/2017	Draft of a memorandum on military service by transgender individuals written by Mr. Robert Work, the Deputy Secretary of Defense, for Secretary of Defense Mattis. Provides a recommendation to Secretary Mattis on the way forward concerning accessions by transgender individuals. These documents are labeled “DELIBERATIVE” and “PRE-DECISIONAL.” The memorandum is dated June 28, 2017, which is two days before Secretary Mattis made his decision to delay accessions by transgender individuals. See Declaration of Robert Easton ¶ 7.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00096913	PrivWithhol d00013700	PrivWithhold 00013708	6/28/2017	Draft of a memorandum on military service by transgender individuals written by Mr. Robert Work, the Deputy Secretary of Defense, for Secretary of Defense Mattis. Provides a recommendation to Secretary Mattis on the way forward concerning accessions by transgender individuals. These documents are labeled “DELIBERATIVE” and “PRE-DECISIONAL.” The memorandum is dated June 28, 2017, which is two days before Secretary Mattis made his decision to delay accessions by transgender individuals. See Declaration of Robert Easton ¶ 7.	Y	
DoD00097036	PrivWithhol d00013770	PrivWithhold 00013776	6/28/2017	Draft of a memorandum on military service by transgender individuals written by Mr. Robert Work, the Deputy Secretary of Defense, for Secretary of Defense Mattis. Provides a recommendation to Secretary Mattis on the way forward concerning accessions by transgender individuals. These documents are labeled “DELIBERATIVE” and “PRE-DECISIONAL.” The memorandum is dated June 28, 2017, which is two days before Secretary Mattis made his decision to delay accessions by transgender individuals. See Declaration of Robert Easton ¶ 7.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00097057	PrivWithhold d00013787	PrivWithhold 00013793	6/28/2017	Draft of a memorandum on military service by transgender individuals written by Mr. Robert Work, the Deputy Secretary of Defense, for Secretary of Defense Mattis. Provides a recommendation to Secretary Mattis on the way forward concerning accessions by transgender individuals. These documents are labeled “DELIBERATIVE” and “PRE-DECISIONAL.” The memorandum is dated June 28, 2017, which is two days before Secretary Mattis made his decision to delay accessions by transgender individuals. See Declaration of Robert Easton ¶ 7.	Y	
DoD00097076	PrivWithhold d00013795	PrivWithhold 00013801	6/28/2017	Draft of a memorandum on military service by transgender individuals written by Mr. Robert Work, the Deputy Secretary of Defense, for Secretary of Defense Mattis. Provides a recommendation to Secretary Mattis on the way forward concerning accessions by transgender individuals. These documents are labeled “DELIBERATIVE” and “PRE-DECISIONAL.” The memorandum is dated June 28, 2017, which is two days before Secretary Mattis made his decision to delay accessions by transgender individuals. See Declaration of Robert Easton ¶ 7.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Productive Y/N	Notes
DoD000 97079	PrivWithhol d00013802	PrivWithhold 00013808	6/28/2017	Draft of a memorandum on military service by transgender individuals written by Mr. Robert Work, the Deputy Secretary of Defense, for Secretary of Defense Mattis. Provides a recommendation to Secretary Mattis on the way forward concerning accessions by transgender individuals. These documents are labeled “DELIBERATIVE” and “PRE-DECISIONAL.” The memorandum is dated June 28, 2017, which is two days before Secretary Mattis made his decision to delay accessions by transgender individuals. See Declaration of Robert Easton ¶ 7.	Y	
DoD000 97250	PrivWithhol d00013809	PrivWithhold 00013811	6/20/2017	Email conversation involving the Vice Chairman of the Joint Chiefs of Staff containing mental impressions, opinions, and deliberations of senior DoD officials in reaction to the Military Services' request to delay accessions of transgender applicants. Emails pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 13. Contains redactions of information subject to the attorney-client privilege.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD000 97252	PrivWithhol d00013812	PrivWithhold 00013814	6/20/2017	Email conversation involving the Vice Chairman of the Joint Chiefs of Staff containing mental impressions, opinions, and deliberations of senior DoD officials in reaction to the Military Services' request to delay accessions of transgender applicants. Emails pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 13. Contains redactions of information subject to the attorney-client privilege.	Y	
DoD000 97258	PrivWithhol d00013815	PrivWithhold 00013817	6/20/2017	Email conversation involving the Vice Chairman of the Joint Chiefs of Staff containing mental impressions, opinions, and deliberations of senior DoD officials in reaction to the Military Services' request to delay accessions of transgender applicants. Emails pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 13. Contains redactions of information subject to the attorney-client privilege.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00097260	PrivWithhol d00013818	PrivWithhold 00013820	6/20/2017	Email conversation involving the Vice Chairman of the Joint Chiefs of Staff containing mental impressions, opinions, and deliberations of senior DoD officials in reaction to the Military Services' request to delay accessions of transgender applicants. Emails pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 13. Contains redactions of information subject to the attorney-client privilege.	Y	
DoD00097262	PrivWithhol d00013821	PrivWithhold 00013823	6/20/2017	Email conversation involving the Vice Chairman of the Joint Chiefs of Staff containing mental impressions, opinions, and deliberations of senior DoD officials in reaction to the Military Services' request to delay accessions of transgender applicants. Emails pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 13. Contains redactions of information subject to the attorney-client privilege.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD000 97264	PrivWithhol d00013824	PrivWithhold 00013825	6/20/2017	Email conversation involving the Vice Chairman of the Joint Chiefs of Staff containing mental impressions, opinions, and deliberations of senior DoD officials in reaction to the Military Services' request to delay accessions of transgender applicants. Emails pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 13. Contains redactions of information subject to the attorney-client privilege.	Y	
DoD000 97266	PrivWithhol d00013826	PrivWithhold 00013828	6/20/2017	Email conversation involving the Vice Chairman of the Joint Chiefs of Staff containing mental impressions, opinions, and deliberations of senior DoD officials in reaction to the Military Services' request to delay accessions of transgender applicants. Emails pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 13. Contains redactions of information subject to the attorney-client privilege.	Y	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced	Notes
DoD000 97291	PrivWithhol d00013829	PrivWithhold 00013831	6/17/2017	Email conversation involving the Vice Chairman of the Joint Chiefs of Staff containing mental impressions, opinions, and deliberations of senior DoD officials in reaction to the Military Services' request to delay accessions of transgender applicants. Emails pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 13. Contains redactions of information subject to the attorney-client privilege.	N	
DoD000 97293	PrivWithhol d00013832	PrivWithhold 00013834	6/17/2017	Email conversation involving the Vice Chairman of the Joint Chiefs of Staff containing mental impressions, opinions, and deliberations of senior DoD officials in reaction to the Military Services' request to delay accessions of transgender applicants. Emails pre-date Secretary Mattis's decision on June 30, 2017, to delay accessions of transgender applicants. See Declaration of Robert Easton ¶ 13. Contains redactions of information subject to the attorney-client privilege.	N	
DoD001 28781	PrivWithhol d00013846	PrivWithhold 00013858	7/7/2017	DoD slides describing various potential accessions scenarios and issues and containing Anthony Kurta's handwritten notes, reflecting his mental impressions and reactions to such scenarios and issues. See Declaration of Robert Easton ¶ 12.	N	

Karnoski v. Trump Warner Analysis

DOCID	Priv Withhold Begin Bates	Priv Withhold End Bates	Date	Document Description and Privilege Basis	Produced Y/N	Notes
DoD00130634	PrivWithhold d00013884	PrivWithhold 00013932	6/28/2017	Draft of a memorandum on military service by transgender individuals written by Mr. Robert Work, the Deputy Secretary of Defense, for Secretary of Defense Mattis. Provides a recommendation to Secretary Mattis on the way forward concerning accessions by transgender individuals. These documents are labeled “DELIBERATIVE” and “PRE-DECISIONAL.” The memorandum is dated June 28, 2017, which is two days before Secretary Mattis made his decision to delay accessions by transgender individuals. See Declaration of Robert Easton ¶ 7. Contains redactions for attorney-client privilege.	Y	