

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JANE DOE 2, *et al.*,

Plaintiffs,

v.

LLOYD J. AUSTIN, III, in his official capacity
as Secretary of Defense, *et al.*,

Defendants.

Civil Action No. 17-cv-1597 (CKK)

JOINT STATUS REPORT AND REQUEST FOR STAY

On January 25, 2021, President Biden issued an executive order (the “January 25, 2021 Executive Order”) “revok[ing]” “the Presidential Memorandum of March 23, 2018,” challenged in this case. E.O. No. 14004 §§ 1, 2 (Jan. 25, 2021), ECF No. 251-1. The January 25, 2021 Executive Order provides that “[t]he Secretary of Defense, and Secretary of Homeland Security with respect to the Coast Guard, shall, after consultation with the Joint Chiefs of Staff about how best to implement this policy and consistent with applicable law, take all necessary steps to ensure that all directives, orders, regulations, and policies of their respective departments are consistent with this order” including by “establishing a process by which transgender service members may transition gender while serving, along with any further steps that the Secretary of Defense and Secretary of Homeland Security deem appropriate to advance the policy described in section 1 of this order.” *Id.* § 3(a). And the January 25, 2021 Executive Order further provides that “[t]he Secretary of Defense and the Secretary of Homeland Security shall report to [the President] within 60 days of the date of this order

on their progress in implementing the directives in this order and the policy described in section 1 of this order.” *Id.* § 3(d).

On January 25, 2021, Defendants filed a Notice of Executive Order, attaching the January 25, 2021 Executive Order as Exhibit 1. ECF No. 251. In the resulting January 26, 2021 Minute Order, this Court ordered the parties to “indicate in their Joint Status Report due February 4, 2021 the effect of the Executive Order on the proceedings of this case, including whether a stay is appropriate.” *See* Min. Order (Jan. 26, 2021 at 9:25 A.M.) (internal citation omitted).

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

February 2, 2021

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[PROPOSED] ORDER

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

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

IT IS SO ORDERED.

Dated this _____ day of February, 2021.

Colleen Kollar-Kotelly
United States District Judge