

**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**

On January 25, 2021, President Biden issued an executive order (“Executive Order 14004”) “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. Executive Order 14004 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 Executive Order 14004 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 Executive Order 14004 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).

In their February 2, 2021 Joint Status Report (ECF No. 252), the parties requested that the case be stayed until April 9, 2021, 14 days after the 60-day period referenced in Executive Order 14004. In the resulting February 2, 2021 Minute Order, this Court ordered the case stayed until April 9, 2021 and further ordered the parties to file a Joint Status Report on April 9, 2021, “setting forth their respective positions regarding what additional proceedings will be necessary in this case.” *See* Min. Order (Feb. 2, 2021 at 3:00 P.M.). The Court subsequently extended the stay to June 11, 2021. *See* Min. Order (Apr. 12, 2021 at 10:53 A.M.)

On March 31, 2021, Defendants provided Plaintiffs with copies of Department of Defense Instruction (“DoDI”) 6130.03 (Medical Accession Standards) and DoDI 1300.28 (In Service Transition), which implemented Executive Order 14004 for the Department of Defense. Both Department of Defense directives took effect on April 30, 2021.

Although the policy challenged in this litigation has been rescinded and DoD’s new directives are currently in effect, the parties desire additional time to negotiate the dismissal of this action, including any allocation of costs and fees. Accordingly, the parties request that the stay of proceedings in this litigation be extended until July 29, 2021. The parties further request that they be Ordered to file a Joint Status Report by July 29, 2021, informing the Court if a further stay is

necessary to complete negotiations and if not setting forth their respective positions regarding what proceedings, if any, will be necessary thereafter in this case.

June 10, 2021

Respectfully Submitted,

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