

The Honorable Marsha J. Pechman

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

RYAN KARNOSKI, et al.,

Plaintiffs, and

STATE OF WASHINGTON,

Plaintiff-Intervenor,

v.

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

Defendants.

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

**JOINT STATUS REPORT OF
JUNE 10, 2021**

1 On January 25, 2021, President Biden issued an executive order (“Executive Order 14004”)
2 “revok[ing]” “the Presidential Memorandum of March 23, 2018,” challenged in this case. E.O.
3 No. 14004 §§ 1, 2 (Jan. 25, 2021), ECF No. 667-1. Executive Order 14004 provides that “[t]he
4 Secretary of Defense, and Secretary of Homeland Security with respect to the Coast Guard, shall,
5 after consultation with the Joint Chiefs of Staff about how best to implement this policy and
6 consistent with applicable law, take all necessary steps to ensure that all directives, orders,
7 regulations, and policies of their respective departments are consistent with this order” including
8 by “establishing a process by which transgender service members may transition gender while
9 serving, along with any further steps that the Secretary of Defense and Secretary of Homeland
10 Security deem appropriate to advance the policy described in section 1 of this order.” *Id.* § 3(a).
11 And Executive Order 14004 further provides that “[t]he Secretary of Defense and the Secretary of
12 Homeland Security shall report to [the President] within 60 days of the date of this order on their
13 progress in implementing the directives in this order and the policy described in section 1 of this
14 order.” *Id.* § 3(d).

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17 On February 1, 2021, the parties requested that the case be stayed until April 9, 2021, 14
18 days after the 60-day period referenced in Executive Order 14004. ECF No. 668. The Court
19 granted that request on February 16, 2021 and further ordered the parties to file a Joint Status
20 Report on April 9, 2021. ECF No. 674. The Court subsequently extended the stay to June 11,
21 2021. ECF No. 679.

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

27 Although the policy challenged in this litigation has been rescinded and DoD’s new
28 directives are currently in effect, the parties desire additional time to negotiate the dismissal of this

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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.

1 June 10, 2021

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