

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BROCK STONE, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., *et al.*,

Defendants.

Civil Action No. 17-cv-2459 (GLR)

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. 317.

In their February 2, 2021 joint motion (ECF No. 320), 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 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.” Order, ECF No. 321. The Court subsequently extended the stay to June 11, 2021. ECF No. 325.

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.

Dated: June 10, 2021

David M. Zionts*
Carolyn F. Corwin*
Mark H. Lynch (Bar No. 12560)
Joshua Roselman*
Marianne F. Kies (Bar No. 18606)
Peter J. Komorowski (Bar No. 20034)
Jeffrey Huberman*
Rishi R. Gupta*
COVINGTON & BURLING LLP
One CityCenter
850 Tenth St. NW
Washington, DC 20001
Telephone: (202) 662-6000
Fax: (202) 778-5987
dzionts@cov.com
ccorwin@cov.com
mlynch@cov.com
jroselman@cov.com
mkies@cov.com
pkomorowski@cov.com
jhuberman@cov.com
rrgupta@cov.com

Mitchell A. Kamin*
COVINGTON & BURLING LLP
1999 Avenue of the Stars, Suite 3500
Los Angeles, California 90067
Telephone: (424) 332-4800
Facsimile: (424) 332-4749
mkamin@cov.com

* *Admitted pro hac vice*

Respectfully submitted,

/s/ Jeffrey Huberman

Deborah A. Jeon (Bar No. 06905)
David Rocah (Bar No. 27315)
AMERICAN CIVIL LIBERTIES UNION FOUND
OF MARYLAND
3600 Clipper Mill Road, #350
Baltimore, MD 21211
Telephone: (410) 889-8555
Fax: (410) 366-7838
jeon@aclu-md.org
rocah@aclu-md.org

Joshua A. Block*
Chase B. Strangio*
James Esseks*
Leslie Cooper*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
Telephone: 212-549-2627
Fax: 212-549-2650
jblock@aclu.org
cstrangio@aclu.org
jesseks@aclu.org
lcooper@aclu.org

Attorneys for Plaintiffs

BRIAN M. BOYNTON
Acting Assistant Attorney General
Civil Division

ALEXANDER K. HAAS
Branch Director

ANTHONY J. COPPOLINO
Deputy Director

/s/ Courtney D. Enlow
COURTNEY D. ENLOW
Trial Attorney
ANDREW E. CARMICHAEL
Senior Trial Counsel
United States Department of Justice
Civil Division, Federal Programs Branch
Telephone: (202) 616-8467
Email: courtney.d.enlow@usdoj.gov

Counsel for Defendants