

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

RICHARD ROE, ET AL.,

PLAINTIFFS,

v.

LLOYD J. AUSTIN, ET AL.,

DEFENDANTS.

CIVIL ACTION NO. 1:18-cv-01565

NICHOLAS HARRISON, ET AL.,

PLAINTIFFS,

V.

LLOYD J. AUSTIN, ET AL.,

DEFENDANTS.

CIVIL ACTION NO. 1:18-CV-00641

NOTICE OF CURRENT STATUS

Plaintiffs write to update the Court on two developments since summary judgment was argued on September 14, 2020.

First, Plaintiffs have engaged with Defendants in an attempt to resolve some or all of the claims currently before the Court. On November 10, 2021, counsel for the parties conferred through videoconference, but were unable to resolve any claims. The parties do not anticipate further settlement discussions, and it appears that resolution will require a decision by the Court. Plaintiffs' counsel is prepared to discuss a potential trial, should one be required, during the first half of 2022 at the Court's convenience.

Second, as Plaintiffs informed the Court on September 9, 2020, *Deese et al. v. Austin, et al.*, 1:18-cv-2669-RDB, is a related case in the District of Maryland. On the same day that summary judgment was heard in *Harrison and Roe*, the court in *Deese* stayed that case pending

this Court's summary judgment decision. Order to Stay Further Proceedings, ECF 59, 1:18-cv-2669-RDB (D. Md. Sept. 24, 2020). While the parties have since proposed to lift the stay to engage in some limited discovery in that case, the *Deese* Court has kept the stay in place at least until January 3, 2022, pending the summary judgment decision of this Court. ECF 82.

If the Court believes a status conference would be helpful based on these developments, Plaintiffs' counsel is available. Plaintiffs also conferred with Defendants, and Defendants' counsel is available in January, except for January 21, 2022.

Dated: December 23, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on the 23rd day of December, 2021, I caused this document to be filed electronically through the Court's CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

Dated: December 23, 2021

Respectfully submitted,

/s/ John W.H. Harding
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