

1 LATHAM & WATKINS LLP  
Marvin S. Putnam (SBN 212839)  
2 [marvin.putnam@lw.com](mailto:marvin.putnam@lw.com)  
Amy C. Quartarolo (SBN 222144)  
3 [amy.quartarolo@lw.com](mailto:amy.quartarolo@lw.com)  
Adam S. Sieff (SBN 302030)  
4 [adam.sieff@lw.com](mailto:adam.sieff@lw.com)  
Harrison J. White (SBN 307790)  
5 [harrison.white@lw.com](mailto:harrison.white@lw.com)  
355 South Grand Avenue, Suite 100  
6 Los Angeles, California 90071-1560  
Telephone: +1.213.485.1234  
7 Facsimile: +1.213.891.8763

8 National Center for Lesbian Rights  
Shannon P. Minter (SBN 168907)  
9 [sminter@nclrights.org](mailto:sminter@nclrights.org)  
Amy Whelan (SBN 2155675)  
10 [awhelan@nclrights.org](mailto:awhelan@nclrights.org)  
870 Market Street, Suite 360  
11 San Francisco, CA 94102  
Telephone: +1.415.392.6257  
12 Facsimile: +1.415.392.8442

13 GLBTQ Legal Advocates & Defenders  
Jennifer Levi (*admitted pro hac vice*)  
[jlevi@glad.org](mailto:jlevi@glad.org)  
14 Mary L. Bonauto (*admitted pro hac vice*)  
[mbonauto@glad.org](mailto:mbonauto@glad.org)  
15 30 Winter Street, Suite 800  
Boston, MA 02108  
16 Telephone: +1.617.426.1350  
Facsimile: +1.617.426.3594

17 *Attorneys for Plaintiffs Aiden Stockman, Nicolas  
18 Talbott, TamasyN Reeves, Jaquice Tate, John  
Does 1-2, Jane Doe, and Equality California*

19  
20 **UNITED STATES DISTRICT COURT**  
21 **CENTRAL DISTRICT OF CALIFORNIA**

22 AIDEN STOCKMAN; NICOLAS  
TALBOTT; TAMASYN REEVES;  
23 JAQUICE TATE; JOHN DOES 1-2;  
JANE DOE; and EQUALITY  
24 CALIFORNIA,

25 Plaintiffs,

26 v.

27 DONALD J. TRUMP, et al.

28 Defendants.

CASE NO. 5:17-CV-01799-JGB-KK

**PLAINTIFFS' EX PARTE  
APPLICATION TO STRIKE  
DEFENDANTS' MOTION TO  
DISSOLVE THE PRELIMINARY  
INJUNCTION; MEMORANDUM  
OF POINTS AND AUTHORITIES  
IN SUPPORT THEREOF**

1 Pursuant to Local Rule 7-19, Federal Rule of Civil Procedure 6(c)(1)(A),  
2 and this Court’s standing orders, Plaintiffs hereby apply to this Court *Ex Parte* (the  
3 “Ex Parte Application”) for an order striking Defendants’ Motion to Dissolve the  
4 Preliminary Injunction (the “Motion”) [Docket No. 82], on the grounds that  
5 Defendants failed to meet and confer with Plaintiffs prior to filing their Motion as  
6 required by Local Rule 7-3.

7 Plaintiffs’ Ex Parte Application is brought on the grounds that Defendants  
8 filed the Motion in violation of Local Rule 7-3, which requires that “counsel  
9 contemplating the filing of any motion shall first contact opposing counsel to  
10 discuss thoroughly . . . the substance of the contemplated motion and any potential  
11 resolution” and that “the conference shall take place at least seven (7) days prior to  
12 the filing of the motion.” L.R 7-3 (emphasis added). Local Rule 7-3 also requires  
13 the movant to make an affirmative statement in its notice of motion “to the  
14 following effect: ‘This motion is made following the conference of counsel  
15 pursuant to L.R. 7-3 which took place on (date).’” *Id.*

16 Here, it is undisputed that Defendants did not meet and confer prior to filing  
17 the Motion. *See* Declaration of Amy C. Quartarolo In Support of Ex Parte  
18 Application to Strike Defendants’ Motion to Dissolve the Preliminary Injunction  
19 (the “Quartarolo Decl.”) at ¶¶ 3-4. As a result, Plaintiffs are prejudiced in their  
20 ability to respond to the Motion. Based on the hearing date Defendants noticed,  
21 Plaintiffs’ opposition to the Motion is due on April 2 – only ten days after  
22 Plaintiffs’ first learned that Defendants intended to seek the relief requested in the  
23 Motion. In their Motion, Defendants offer no explanation why they have failed to  
24 comply with Local Rule 7-3 and no justification why they should be excused from  
25 doing so.

26 As set forth in the accompanying Memorandum of Points and Authorities,  
27 Plaintiffs’ Ex Parte Application should be granted because the appropriate remedy  
28 for Defendants’ violations of the Local Rules is to strike the non-compliant Motion

1 and all papers associated with Defendants' Motion. *See e.g., Elwood v. Drescher*,  
2 456 F.3d 943, 949 (9th Cir. 2006) (affirming district court's striking the motion for  
3 failure to comply with Local Rule 7-3).

4 Pursuant to Local Rule 7-19.1, notice of this Ex Parte Application was given  
5 to Defendants' counsel of record:

6 Ryan B. Parker

7 Andrew Carmichael

8 UNITED STATES DEPT. OF JUSTICE

9 Civil Division, Federal Programs Branch

10 Telephone: (202) 514-4336

11 Email: ryan.parker@usdoj.gov

12 andrew.e.carmichael@usdoj.gov

13 Specifically, on March 26, 2018, counsel for Plaintiffs called and then sent  
14 counsel for Defendants an email advising them of Plaintiffs' intention to file the  
15 instant Ex Parte Application and inquiring as to whether they would oppose such  
16 an application. (*See* Quartarolo Decl., Ex. A.) On March 27, 2018, counsel for  
17 Plaintiffs spoke by telephone with counsel for Defendants. (*See id.* at ¶ 3.)  
18 Defendants' counsel advised that they did not believe that they were required to  
19 comply with Local Rule 7-3 and that, in any event, any meet and confer efforts  
20 would be futile. (*See id.*) Plaintiffs' counsel requested that Defendants withdraw  
21 the Motion, engage in the necessary Local Rule 7-3 conference, and then re-file the  
22 Motion if necessary. (*See id.*) Following the telephone call, Defendants' counsel  
23 sent an email confirming that Defendants refuse to withdraw the Motion. (*See id.*,  
24 Ex. B.) Defendants were thus put on notice of the contents of Plaintiffs' Ex Parte  
25 Application pursuant to Local Rule 7-19.1.  
26  
27  
28

1 Dated: March 27, 2018

Respectfully submitted,

LATHAM & WATKINS LLP

3  
4 By: /s/ Amy C. Quartarolo  
Amy C. Quartarolo

5 *Attorneys for Plaintiffs Aiden Stockman,*  
6 *Nicolas Talbott, Tamasyne Reeves, Jaquice*  
7 *Tate, John Does 1-2, Jane Doe, and*  
*Equality California*

8 CALIFORNIA DEPT. OF JUSTICE

9  
10 By: /s/ Enrique A. Monagas  
Enrique Monagas

11 *Attorneys for Plaintiff-Intervenor*  
12 *State of California*

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**MEMORANDUM OF POINTS AND AUTHORITIES**

Plaintiffs hereby submit this Memorandum of Points and Authorities in support of their *Ex Parte* Application (the “Ex Parte Application”) to Strike Defendants’ Motion to Dissolve the Preliminary Injunction [Docket No. 82] (the “Motion”) for failure to comply with Local Rule 7-3.

**I. INTRODUCTION**

Plaintiffs—transgender individuals who currently serve in the military or have taken concrete steps to accede into the military, similarly situated members of Equality California, and the State of California—bring this action to prevent the irreparable harms caused by Defendants’ policies banning military service by transgender people. On December 21, 2017, this Court recognized the irreparable harms that Plaintiffs have and will continue to suffer if the ban is not enjoined, and issued a preliminary injunction [Docket No. 79].

In response, Defendants have attempted to moot the injunction by purporting to “revoke” the ban as articulated by the August 25, 2017 directive issued by Defendant President Trump and replace it with a substantively similar ban – effectively barring military service by transgender people – signed by Defendant Secretary Mattis implementing the policy expressed in the earlier ban. On the very day that Defendants’ issued their implementation policy, March 23, 2018, Defendants filed the Motion, seeking to dissolve the preliminary injunction.<sup>1</sup> (*See* Declaration of Amy C. Quartarolo In Support of Ex Parte Application to Strike Defendants’ Motion to Dissolve the Preliminary Injunction (the “Quartarolo Decl.”) ¶ 4.) However, Defendants made no effort to disclose the implementation policy to Plaintiffs prior to filing the Motion, made no effort to meet and confer regarding the

---

<sup>1</sup> In fact, while Plaintiffs have been repeatedly attempting to contact Defendants to finalize their Joint 26(f) Report and proposed protective order in an effort to move the case along, Defendants have refused to respond or engage in any way for nearly two weeks. (*See* Quartarolo Decl., ¶ 5, Ex. C.)

1 relief sought in the Motion, and altogether failed to comply with Local Rule 7-3.  
2 (*See id.*) For this reason alone, the Motion should be stricken.

## 3 **II. DEFENDANTS VIOLATED LOCAL RULE 7-3**

4 Local Rule 7-3 requires that a “counsel contemplating the filing of any  
5 motion shall first contact opposing counsel to discuss thoroughly . . . the substance  
6 of the contemplated motion and any potential resolution” and that “the conference  
7 shall take place at least seven (7) days prior to the filing of the motion.” L.R. 7-3  
8 (emphasis added). Local Rule 7-3 also requires the movant to make an affirmative  
9 statement in its notice of motion “to the following effect: ‘This motion is made  
10 following the conference of counsel pursuant to L.R. 7-3 which took place on  
11 (date).’” *Id.*

12 The Central District of California “requires strict compliance with Local  
13 Rule 7-3.” *Fuji Photo Film Co. v. Achiever Indus.*, 2007 U.S. Dist. LEXIS  
14 101986, \*4 (C.D. Cal. Feb. 2, 2007) (Walter, J.); *Alcatel-Lucent USA, Inc. v.*  
15 *Dugdale Communications, Inc.*, 2009 U.S. Dist. LEXIS 100499, \*11 (C.D. Cal.  
16 Oct. 13, 2009) (Gutierrez, J.) (discussing Local Rule 7-3 and opining that “nothing  
17 short of strict compliance with the local rules will be expected in this [c]ourt.”).

18 Defendants’ Motion does not fall within one of the narrow exceptions to the  
19 meet and confer requirement under Local Rule 7-3. Contrary to their post hac  
20 excuse offered only after notice of this Ex Parte Application was provided, the  
21 Motion is not exempted from Local Rule 7-3 simply because it “relates to” a  
22 preliminary injunction. That exception applies only to “applications for temporary  
23 restraining orders or preliminary injunctions” (C.D. Cal. L.R. 7-3) – not to all  
24 motions “related to” preliminary injunctions. Moreover, Defendants are not  
25 excused from failing to comply with the Local Rules because they inquired *after*  
26 *filing the Motion and in response to notice of this Ex Parte Application* whether  
27 Plaintiffs oppose the Motion. They cannot justify their flouting of the Local Rules  
28 by contending *after the filing of the Motion* that Plaintiffs would be likely to

1 oppose anyway. The requirements of Local Rule 7-3 are “in place for a reason”  
 2 and are intended to ensure that the parties have an opportunity – prior to the filing  
 3 of a motion – to have a thorough discussion regarding the relief sought and the  
 4 basis therefore, to discuss any resolution of disputes, and to negotiate a briefing  
 5 schedule and hearing date. *Alcatel-Lucent*, 2009 U.S. Dist. LEXIS 100499, \*11;  
 6 *see also U.S.A. v. Kan-Di-Ki LLC*, 2013 U.S. Dist. LEXIS 198258, \*2-6 (C.D. Cal.  
 7 Mar. 21, 2013) (confirming that compliance with Local Rule 7-3 is “mandatory”  
 8 and enables the parties to “better focus[] their arguments”).

9 **III. BECAUSE DEFENDANTS VIOLATED LOCAL RULE 7-3, THE**  
 10 **MOTION SHOULD BE STRICKEN**

11 The remedy for Defendants’ failure to comply with the Local Rules is to  
 12 strike the non-compliant Motion and all associated filings. *See e.g., Elwood v.*  
 13 *Drescher*, 456 F.3d 943, 949 (9th Cir. 2006) (affirming district court’s striking the  
 14 motion for failure to comply with Local Rule 7-3); *see also Vogel v. Eastern*  
 15 *Galaxy Plaza, LLC*, 2016 U.S. Dist. LEXIS 31964, \*5-9 (C.D. Cal. Mar. 8, 2016)  
 16 (Bernal, J.) (striking motion for failure to comply with Local Rule 7-3); *Abtahi v.*  
 17 *Chase Home Fin. LLC*, 2011 U.S. Dist. LEXIS 68428 (C.D. Cal. June 27, 2011)  
 18 (Tucker, J.); *Chih-Cheng Tsao v. County of Los Angeles*, 2011 U.S. Dist. LEXIS  
 19 43837, \*7 n.6 (C.D. Cal. Mar. 30, 2011) (Woerhle, M.J.) (denying motion without  
 20 prejudice and removing it from calendar for failure to comply with Local Rule 7-  
 21 3); *Nassirpour v. F.D.I.C.*, 2008 U.S. Dist. LEXIS 105940, \*9 (C.D. Cal. Dec. 29,  
 22 2008) (King, J.) (“Because the [movant] failed to comply with Local Rule 7-3  
 23 when bringing this [motion] this [motion] hereby TAKEN OFF CALENDAR and  
 24 DENIED without prejudice to its refile after a proper meet and confer in  
 25 accordance with the rule.”) (emphasis in original).

26 Here, it is undisputed that Defendants violated Local Rule 7-3 and failed to  
 27 initiate a meet and confer with Plaintiffs at least seven days prior to filing their  
 28 Motion. (*See* Quartarolo Decl., ¶ 4.) Moreover, notably absent from Defendants’

1 Notice and Motion is any statement affirming that a conference of counsel took  
2 place. Defendants’ Motion makes no attempt to explain or excuse their failure to  
3 so comply with the Local Rules, and have since declined to withdraw the Motion  
4 and comply with the meet and confer requirements. (*See* Quartarolo Decl., Ex. B.)

5 Defendants’ violation of Local Rule 7-3 is inexcusable. Accordingly, the  
6 Motion should be stricken and Defendants ordered to re-file it only after ensuring  
7 compliance with Local Rule 7-3.

8 **IV. CONCLUSION**

9 The Court should grant Plaintiffs’ Ex Parte Application, and strike the  
10 Motion on account of Defendants’ failure to comply with Local Rule 7-3.

11 Dated: March 27, 2018

Respectfully submitted,

LATHAM & WATKINS LLP

14 By: /s/ Amy C. Quartarolo  
Amy C. Quartarolo

15 *Attorneys for Plaintiffs Aiden Stockman,*  
16 *Nicolas Talbott, Tamasyne Reeves, Jaquice*  
17 *Tate, John Does 1-2, Jane Doe, and*  
*Equality California*

18 CALIFORNIA DEPT. OF JUSTICE

20 By: /s/ Enrique A. Monagas  
Enrique Monagas

22 *Attorneys for Plaintiff-Intervenor*  
*State of California*

28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTESTATION**

Pursuant to Local Rule 5-4.3.4(a)(2)(ii), I, Amy C. Quartarolo, attest that all other signatories listed, and on whose behalf this filing is submitted, concur in this filing's content and have authorized such filing.

By: /s/ Amy C. Quartarolo  
Amy C. Quartarolo

1 LATHAM & WATKINS LLP  
Marvin S. Putnam (SBN 212839)  
2 [marvin.putnam@lw.com](mailto:marvin.putnam@lw.com)  
Amy C. Quartarolo (SBN 222144)  
3 [amy.quartarolo@lw.com](mailto:amy.quartarolo@lw.com)  
Adam S. Sieff (SBN 302030)  
4 [adam.sieff@lw.com](mailto:adam.sieff@lw.com)  
Harrison J. White (SBN 307790)  
5 [harrison.white@lw.com](mailto:harrison.white@lw.com)  
355 South Grand Avenue, Suite 100  
6 Los Angeles, California 90071-1560  
Telephone: +1.213.485.1234  
7 Facsimile: +1.213.891.8763

8 National Center for Lesbian Rights  
Shannon P. Minter (SBN 168907)  
9 [sminter@nclrights.org](mailto:sminter@nclrights.org)  
Amy Whelan (SBN 2155675)  
10 [awhelan@nclrights.org](mailto:awhelan@nclrights.org)  
870 Market Street, Suite 360  
11 San Francisco, CA 94102  
Telephone: +1.415.392.6257  
12 Facsimile: +1.415.392.8442

13 GLBTQ Legal Advocates & Defenders  
Jennifer Levi (*admitted pro hac vice*)  
[jlevi@glad.org](mailto:jlevi@glad.org)  
14 Mary L. Bonauto (*admitted pro hac vice*)  
[mbonauto@glad.org](mailto:mbonauto@glad.org)  
15 30 Winter Street, Suite 800  
Boston, MA 02108  
16 Telephone: +1.617.426.1350  
Facsimile: +1.617.426.3594

17 *Attorneys for Plaintiffs Aiden Stockman, Nicolas*  
18 *Talbott, TamasyN Reeves, Jaquice Tate, John*  
19 *Does 1-2, Jane Doe, and Equality California*

20 **UNITED STATES DISTRICT COURT**  
21 **CENTRAL DISTRICT OF CALIFORNIA**

22 AIDEN STOCKMAN; NICOLAS  
TALBOTT; TAMASYN REEVES;  
23 JAQUICE TATE; JOHN DOES 1-2;  
JANE DOE; and EQUALITY  
24 CALIFORNIA,

25 Plaintiffs,

26 v.

27 DONALD J. TRUMP, et al.

28 Defendants.

CASE NO. 5:17-CV-01799-JGB-KK

**DECLARATION OF AMY C.  
QUARTAROLO IN SUPPORT OF  
PLAINTIFFS' EX PARTE  
APPLICATION TO STRIKE  
DEFENDANTS' MOTION TO  
DISSOLVE THE PRELIMINARY  
INJUNCTION**

1 I, Amy C. Quartarolo, declare as follows:

2 1. I am an attorney at Latham & Watkins LLP licensed to practice law in  
3 the State of California. I am counsel of record for Plaintiffs in the above-captioned  
4 litigation. I submit this declaration in support of Plaintiffs' *Ex Parte* Application  
5 to Strike Defendants' Motion to Dissolve the Preliminary Injunction. I have  
6 personal knowledge of the facts set forth in this declaration and if called as a  
7 witness, could and would testify competently thereto.

8 2. On March 26, 2018, I called and then sent counsel for Defendants,  
9 Ryan Parker, an email advising them of Plaintiffs' intention to move *ex parte* to  
10 strike Defendants' Motion to Dissolve the Preliminary Injunction [Docket No. 82]  
11 (the "Motion"). Upon receiving an out-of-office message for Mr. Parker, I reached  
12 out to his colleague, Andrew Carmichael. Attached hereto as **Exhibit A** is a true  
13 and correct copy of my March 26, 2018 emails to Messers. Parker and Carmichael.

14 3. On March 27, 2018, Mr. Parker expressed in an email that he did not  
15 believe that Defendants were required to comply with Local Rule 7-3 because it  
16 "related to" the preliminary injunction. Following a further email exchange, I  
17 spoke by phone with Mr. Carmichael. Mr. Carmichael argued that Defendants  
18 were exempted from complying with Local Rule 7-3, and that, in any event, any  
19 meet and confer would be futile because we were not likely to agree to dissolve the  
20 preliminary injunction. I advised that the narrow exemptions set forth in Local  
21 Rule 7-3 did not apply to the Motion, and I asked if Defendants would agree to  
22 withdraw the Motion so that all counsel could engage in a meaningful Local Rule  
23 7-3 conference. Following our call, Mr. Carmichael sent me an email confirming  
24 that Defendants would not agree to withdraw the Motion, and further confirming  
25 Defendants position that (i) they were not required to comply with Local Rule 7-3,  
26 and (ii) any failure to meet and confer was justified because it would be futile.  
27 Attached hereto as **Exhibit B** is a true and correct copy of emails exchanged  
28 between Messers. Parker and Carmichael and me on March 27, 2018.

1 4. Defendants' filed the Motion on the very day that they issued their  
 2 implementation policy, March 23, 2018. Defendants made no effort to disclose the  
 3 implementation policy to Plaintiffs prior to filing the Motion, and made no effort to  
 4 meet and confer regarding the relief sought in the Motion prior to filing.

5 5. While Plaintiffs have been repeatedly attempting to contact  
 6 Defendants to finalize their Joint 26(f) Report and proposed protective order in an  
 7 effort to move the case along, Defendants have refused to respond or engage in any  
 8 way for nearly two weeks. Attached hereto as **Exhibit C** is a true and correct copy  
 9 of emails exchanged between Mr. Parker and me on March 13, 16 and 23, 2018  
 10 (attachments omitted).

11 I declare under penalty of perjury under the laws of the United States of  
 12 America that the foregoing is true and correct. Executed March 27, 2018 in Los  
 13 Angeles, CA.

14  
 15 /s/ Amy C. Quartarolo \_\_\_\_\_

16 Amy C. Quartarolo  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

# EXHIBIT A

**Behrooz, Shirin (LA)**

---

**From:** Quartarolo, Amy (LA)  
**Sent:** Monday, March 26, 2018 8:17 PM  
**To:** Parker, Ryan (CIV)  
**Cc:** Enrique.Monagas@doj.ca.gov  
**Subject:** Stockman v. Trump - Ex Parte Notice

Ryan –

Following up on my voicemail, we were disappointed to receive your Motion to Dissolve the Preliminary Injunction on Friday night, particularly when we had not received any response from you in our attempts to finalize the Joint 26(f) Report and protective order.

As I stated in my voicemail, Plaintiffs intend to file tomorrow (March 27) an *ex parte* application to strike your Motion for failure to comply with Local Rule 7-3. Please confirm whether you intend to oppose.

Thank you,

**Amy C. Quartarolo**

**LATHAM & WATKINS LLP**  
355 South Grand Avenue, Suite 100  
Los Angeles, CA 90071-1560  
Direct Dial: +1.213.891.8966  
Fax: +1.213.891.8763  
Email: [amy.quartarolo@lw.com](mailto:amy.quartarolo@lw.com)  
<http://www.lw.com>

**Behrooz, Shirin (LA)**

---

**From:** Quartarolo, Amy (LA)  
**Sent:** Monday, March 26, 2018 8:20 PM  
**To:** andrew.e.carmichael@usdoj.gov  
**Cc:** Parker, Ryan (CIV); Enrique.Monagas@doj.ca.gov  
**Subject:** FW: Stockman v. Trump - Ex Parte Notice  
**Attachments:** Stockman v. Trump - Ex Parte Notice

See attached.

---

**From:** Parker, Ryan (CIV) [mailto:Ryan.Parker@usdoj.gov]  
**Sent:** Monday, March 26, 2018 8:18 PM  
**To:** Quartarolo, Amy (LA) <Amy.Quartarolo@lw.com>  
**Subject:** Automatic reply: Stockman v. Trump - Ex Parte Notice

I'm traveling for a hearing and have limited access to my email. I will respond to urgent emails as soon as possible and other emails when I return to the office on March 28, 2018. For emergencies, please contact my colleague Andrew Carmichael at [andrew.e.carmichael@usdoj.gov](mailto:andrew.e.carmichael@usdoj.gov).

Best,

Ryan Parker  
Senior Trial Counsel  
Department of Justice

**Behrooz, Shirin (LA)**

---

**From:** Quartarolo, Amy (LA)  
**Sent:** Monday, March 26, 2018 8:17 PM  
**To:** Parker, Ryan (CIV)  
**Cc:** Enrique.Monagas@doj.ca.gov  
**Subject:** Stockman v. Trump - Ex Parte Notice

Ryan –

Following up on my voicemail, we were disappointed to receive your Motion to Dissolve the Preliminary Injunction on Friday night, particularly when we had not received any response from you in our attempts to finalize the Joint 26(f) Report and protective order.

As I stated in my voicemail, Plaintiffs intend to file tomorrow (March 27) an ex parte application to strike your Motion for failure to comply with Local Rule 7-3. Please confirm whether you intend to oppose.

Thank you,

Amy C. Quartarolo

LATHAM & WATKINS LLP  
355 South Grand Avenue, Suite 100  
Los Angeles, CA 90071-1560  
Direct Dial: +1.213.891.8966  
Fax: +1.213.891.8763  
Email: <mailto:amy.quartarolo@lw.com> amy.quartarolo@lw.com  
<<http://www.lw.com/>> <http://www.lw.com>



# EXHIBIT B

**Behrooz, Shirin (LA)**

---

**From:** Carmichael, Andrew E. (CIV) <Andrew.E.Carmichael@usdoj.gov>  
**Sent:** Tuesday, March 27, 2018 11:40 AM  
**To:** Quartarolo, Amy (LA); Parker, Ryan (CIV)  
**Cc:** Enrique.Monagas@doj.ca.gov  
**Subject:** RE: Stockman v. Trump - Ex Parte Notice

Amy,

It was nice speaking with you earlier. In response to your request for Defendants to withdraw their motion to dissolve the preliminary injunction, the Government declines to do so.

We do not believe that Local Rule 7-3 required us to meet and confer on our motion because it was related to a preliminary injunction. In any event, I asked you during our phone conversation to provide Plaintiffs' position on our motion to dissolve and you declined to provide it. Given your response, we believe a meet and confer on our motion would be futile and the Court may address the merits of our motion to dissolve the preliminary injunction even if the Local Rules require a meet and confer on this type of motion. *See Pickett v. Nev. Bd. of Parole Com'rs*, 2012 WL 1376969, at \*3 (D.Nev. Apr. 19, 2012) (noting that although required by local rule, "courts have held that 'special circumstances' or a responding parties' complete failure to respond can obviate a requesting parties' need to meet and confer" and citing cases); *see also Feldman v. Pokertek, Inc.*, 2011 WL 4543990, at \*2 (D.Nev. Nov. 30, 2010) (addressing merits of motion to compel despite plaintiff's failure to meet and confer and noting defendant's utter failure to produce requested documents); *cf. Yue v. Storage Tech. Corp.*, 2008 WL 4185835, at \*7 (N.D.Cal. Sept. 5, 2008) (declining to strike motion for attorney fees despite failure to meet and confer as required by local rules after finding that ordering the parties to meet and confer would be futile); *Thomas v. Baca*, 231 F.R.D. 397, 404 (C.D.Cal.2005) (explaining that failure to meet and confer, as required by local rule, was not a sufficient reason to deny class certification motion because informal resolution of motion was not possible).

As discussed on the phone call, we are happy to work out a briefing schedule on our motion to dissolve the preliminary injunction that gives you more time to respond if you need it.

Best regards,

Drew

Drew Carmichael  
Trial Attorney  
Federal Programs Branch, Civil Division  
U.S. Department of Justice  
20 Massachusetts Avenue, NW, Rm. 7218  
Washington, D.C. 20530  
(202) 514-3346

---

**From:** Amy.Quartarolo@lw.com [mailto:Amy.Quartarolo@lw.com]  
**Sent:** Tuesday, March 27, 2018 11:31 AM  
**To:** Carmichael, Andrew E. (CIV) <ancarmic@CIV.USDOJ.GOV>; Parker, Ryan (CIV) <ryparker@CIV.USDOJ.GOV>  
**Cc:** Enrique.Monagas@doj.ca.gov  
**Subject:** RE: Stockman v. Trump - Ex Parte Notice

Drew – I assume your times are ET? I will call you at 12:45pm ET. Please let me know at what number to reach you.

---

**From:** Carmichael, Andrew E. (CIV) [<mailto:Andrew.E.Carmichael@usdoj.gov>]  
**Sent:** Tuesday, March 27, 2018 7:27 AM  
**To:** Quartarolo, Amy (LA) <[Amy.Quartarolo@lw.com](mailto:Amy.Quartarolo@lw.com)>; Parker, Ryan (CIV) <[Ryan.Parker@usdoj.gov](mailto:Ryan.Parker@usdoj.gov)>  
**Cc:** [Enrique.Monagas@doj.ca.gov](mailto:Enrique.Monagas@doj.ca.gov)  
**Subject:** RE: Stockman v. Trump - Ex Parte Notice

Amy,

I have some availability today to discuss. I am available from now until 11:30 and then I have a short window from 12:45 to 1:45 and then after 3 (all EST).

Best regards,

Drew

---

**From:** [Amy.Quartarolo@lw.com](mailto:Amy.Quartarolo@lw.com) [<mailto:Amy.Quartarolo@lw.com>]  
**Sent:** Tuesday, March 27, 2018 9:02 AM  
**To:** Parker, Ryan (CIV) <[ryparker@CIV.USDOJ.GOV](mailto:ryparker@CIV.USDOJ.GOV)>; Carmichael, Andrew E. (CIV) <[ancarmic@CIV.USDOJ.GOV](mailto:ancarmic@CIV.USDOJ.GOV)>  
**Cc:** [Enrique.Monagas@doj.ca.gov](mailto:Enrique.Monagas@doj.ca.gov)  
**Subject:** RE: Stockman v. Trump - Ex Parte Notice

We do not read the rule to extend to the Motion you filed as the Local Rule exempts only motions seeking preliminary injunctions, not motions “related to” preliminary injunctions. And we cannot wait to discuss until tomorrow. The hearing date you selected would require us to file our opposition next Monday, and if we are unable to resolve the issue we would be prejudiced by the delay in having this issue of your failure to comply with the Local Rules resolved by the Court. If you or someone from your office is available today to discuss by phone, we will make ourselves available - otherwise we will need to seek relief from the Court.

---

**From:** Parker, Ryan (CIV) <[Ryan.Parker@usdoj.gov](mailto:Ryan.Parker@usdoj.gov)>  
**Date:** Tuesday, Mar 27, 2018, 5:49 AM  
**To:** Quartarolo, Amy (LA) <[Amy.Quartarolo@lw.com](mailto:Amy.Quartarolo@lw.com)>, Carmichael, Andrew E. (CIV) <[Andrew.E.Carmichael@usdoj.gov](mailto:Andrew.E.Carmichael@usdoj.gov)>  
**Cc:** [Enrique.Monagas@doj.ca.gov](mailto:Enrique.Monagas@doj.ca.gov) <[Enrique.Monagas@doj.ca.gov](mailto:Enrique.Monagas@doj.ca.gov)>  
**Subject:** Re: Stockman v. Trump - Ex Parte Notice

Amy,

I received your email. We read Local Rule 7-3 to specifically exempt motions related to preliminary injunctions from the Rule's meet and confer requirement. That being said, I'm happy to have a call with you to try to resolve this issue without the need to involve the Court. I have a hearing this morning in Seattle and am traveling back to DC directly afterwards.

Is there a time tomorrow that works well for you? I have a call with the Court in another matter at 10:30 ET but am otherwise available.

Best,

Ryan Parker

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: [Amy.Quartarolo@lw.com](mailto:Amy.Quartarolo@lw.com)

Date: 3/26/18 8:20 PM (GMT-08:00)

To: "Carmichael, Andrew E. (CIV)" <[ancarmic@CIV.USDOJ.GOV](mailto:ancarmic@CIV.USDOJ.GOV)>

Cc: "Parker, Ryan (CIV)" <[ryparker@CIV.USDOJ.GOV](mailto:ryparker@CIV.USDOJ.GOV)>, [Enrique.Monagas@doj.ca.gov](mailto:Enrique.Monagas@doj.ca.gov)

Subject: FW: Stockman v. Trump - Ex Parte Notice

See attached.

---

**From:** Parker, Ryan (CIV) [<mailto:Ryan.Parker@usdoj.gov>]

**Sent:** Monday, March 26, 2018 8:18 PM

**To:** Quartarolo, Amy (LA) <[Amy.Quartarolo@lw.com](mailto:Amy.Quartarolo@lw.com)>

**Subject:** Automatic reply: Stockman v. Trump - Ex Parte Notice

I'm traveling for a hearing and have limited access to my email. I will respond to urgent emails as soon as possible and other emails when I return to the office on March 28, 2018. For emergencies, please contact my colleague Andrew Carmichael at [andrew.e.carmichael@usdoj.gov](mailto:andrew.e.carmichael@usdoj.gov).

Best,

Ryan Parker  
Senior Trial Counsel  
Department of Justice

---

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, disclosure, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies including any attachments.

Latham & Watkins LLP or any of its affiliates may monitor electronic communications sent or received by our networks in order to protect our business and verify compliance with our policies and relevant legal requirements.

Latham & Watkins LLP

---

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, disclosure, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies including any attachments.

Latham & Watkins LLP or any of its affiliates may monitor electronic communications sent or received by our networks in order to protect our business and verify compliance with our policies and relevant legal requirements.

Latham & Watkins LLP

---

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, disclosure, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies including any attachments.

Latham & Watkins LLP or any of its affiliates may monitor electronic communications sent or received by our networks in order to protect our business and verify compliance with our policies and relevant legal requirements.

Latham & Watkins LLP

---

# EXHIBIT C

**Behrooz, Shirin (LA)**

---

**From:** Quartarolo, Amy (LA)  
**Sent:** Friday, March 23, 2018 9:01 AM  
**To:** Parker, Ryan (CIV); Enlow, Courtney D. (CIV)  
**Cc:** Enrique.Monagas@doj.ca.gov; Sieff, Adam (LA); White, Harrison (LA)  
**Subject:** FW: Stockman v. Trump: Draft Documents  
**Attachments:** Stockman v. Trump - Redline of 26(f) report.docx; 2018.3.12 Stockman 26(f) Exhibit A - Revised.pdf; Stockman v. Trump - Proposed Protective Order.docx; Stockman v. Trump - Joint Stipulation - FRE 502(d) Order.docx; Stockman v. Trump - Joint Stipulation - Protective Order.docx

Ryan – What is the hold up on this? We cannot go a week or more without any response from you. Please confirm and let's get these on file no later than Monday morning. If you are not prepared to file, we request a call on Monday to discuss any remaining issues.

Amy

---

**From:** Quartarolo, Amy (LA)  
**Sent:** Friday, March 16, 2018 4:17 PM  
**To:** Parker, Ryan (CIV) <Ryan.Parker@usdoj.gov>; Enlow, Courtney D. (CIV) <Courtney.D.Enlow@usdoj.gov>  
**Cc:** Enrique.Monagas@doj.ca.gov; Sieff, Adam (LA) <Adam.Sieff@lw.com>; White, Harrison (LA) <Harrison.White@lw.com>  
**Subject:** FW: Stockman v. Trump: Draft Documents

Ryan –

We wanted to follow up on this. Please let us know your thoughts, including whether we jointly can agree on the proposed schedule, so that the documents can be finalized and submitted.

We also attach our minor comments to the two stipulations and protective order. On the protective order, the magistrate (to whom the stipulations should be directed) requires an explicit statement of good cause, so we went ahead and added that to the draft.

Again, we would like to get these on file asap.

Thanks,  
Amy

---

**From:** Quartarolo, Amy (LA)  
**Sent:** Tuesday, March 13, 2018 3:02 PM  
**To:** 'Parker, Ryan (CIV)' <[Ryan.Parker@usdoj.gov](mailto:Ryan.Parker@usdoj.gov)>; [Enrique.Monagas@doj.ca.gov](mailto:Enrique.Monagas@doj.ca.gov)  
**Cc:** Enlow, Courtney D. (CIV) <[Courtney.D.Enlow@usdoj.gov](mailto:Courtney.D.Enlow@usdoj.gov)>; Sieff, Adam (LA) <[Adam.Sieff@lw.com](mailto:Adam.Sieff@lw.com)>; White, Harrison (LA) <[Harrison.White@lw.com](mailto:Harrison.White@lw.com)>  
**Subject:** RE: Stockman v. Trump: Draft Documents

Ryan –

Attached are our further edits to the joint report and exhibit/schedule. Let us know if you have any further changes. We also will send over our few comments to the protective order and stipulations.

Thanks,  
Amy

**From:** Parker, Ryan (CIV) [<mailto:Ryan.Parker@usdoj.gov>]  
**Sent:** Monday, March 12, 2018 12:04 PM  
**To:** Quartarolo, Amy (LA) <[Amy.Quartarolo@lw.com](mailto:Amy.Quartarolo@lw.com)>; [Enrique.Monagas@doj.ca.gov](mailto:Enrique.Monagas@doj.ca.gov)  
**Cc:** Enlow, Courtney D. (CIV) <[Courtney.D.Enlow@usdoj.gov](mailto:Courtney.D.Enlow@usdoj.gov)>  
**Subject:** Stockman v. Trump: Draft Documents

Amy and Enrique,

I've attached a draft of our Rule 26(f) report with our proposed changes in redline and our proposed schedule of pretrial and trial dates (Exhibit A). I have also attached draft stipulations and proposed orders for both the protective order and FRE 502(d) order that we've agreed on. We are still reviewing all of these documents in our office, but I don't expect major changes. Please let me know if you have any questions or concerns.

Best,

**Ryan B. Parker**  
Senior Trial Counsel  
United States Department of Justice  
Civil Division, Federal Programs Branch  
Tel: 202-514-4336 | [ryan.parker@usdoj.gov](mailto:ryan.parker@usdoj.gov)



1 LATHAM & WATKINS LLP  
Marvin S. Putnam (SBN 212839)  
2 [marvin.putnam@lw.com](mailto:marvin.putnam@lw.com)  
Amy C. Quartarolo (SBN 222144)  
3 [amy.quartarolo@lw.com](mailto:amy.quartarolo@lw.com)  
Adam S. Sieff (SBN 302030)  
4 [adam.sieff@lw.com](mailto:adam.sieff@lw.com)  
Harrison J. White (SBN 307790)  
5 [harrison.white@lw.com](mailto:harrison.white@lw.com)  
355 South Grand Avenue, Suite 100  
6 Los Angeles, California 90071-1560  
Telephone: +1.213.485.1234  
7 Facsimile: +1.213.891.8763

8 National Center for Lesbian Rights  
Shannon P. Minter (SBN 168907)  
9 [sminter@nclrights.org](mailto:sminter@nclrights.org)  
Amy Whelan (SBN 2155675)  
10 [awhelan@nclrights.org](mailto:awhelan@nclrights.org)  
870 Market Street, Suite 360  
11 San Francisco, CA 94102  
Telephone: +1.415.392.6257  
12 Facsimile: +1.415.392.8442

13 GLBTQ Legal Advocates & Defenders  
Jennifer Levi (*admitted pro hac vice*)  
[jlevi@glad.org](mailto:jlevi@glad.org)  
14 Mary L. Bonauto (*admitted pro hac vice*)  
[mbonauto@glad.org](mailto:mbonauto@glad.org)  
15 30 Winter Street, Suite 800  
Boston, MA 02108  
16 Telephone: +1.617.426.1350  
Facsimile: +1.617.426.3594

17 *Attorneys for Plaintiffs Aiden Stockman, Nicolas  
18 Talbott, TamasyN Reeves, Jaquice Tate, John  
19 Does 1-2, Jane Doe, and Equality California*

20 **UNITED STATES DISTRICT COURT**  
21 **CENTRAL DISTRICT OF CALIFORNIA**

22 AIDEN STOCKMAN; NICOLAS  
TALBOTT; TAMASYN REEVES;  
23 JAQUICE TATE; JOHN DOES 1-2;  
24 JANE DOE; and EQUALITY  
CALIFORNIA,

25 Plaintiffs,

26 v.

27 DONALD J. TRUMP, et al.

28 Defendants.

CASE NO. 5:17-CV-01799-JGB-KK

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' EX PARTE  
APPLICATION TO STRIKE  
DEFENDANTS' MOTION TO  
DISSOLVE THE PRELIMINARY  
INJUNCTION**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**[PROPOSED] ORDER**

The Court, having reviewed and considered Plaintiffs’ *Ex Parte* Application to Strike Defendants’ Motion to Dissolve the Preliminary Injunction, hereby **GRANTS** the Application, **ORDERS** that Defendants’ Motion to Dissolve the Preliminary Injunction [Docket No. 82] (the “Motion”) be stricken, and further **ORDERS** that Defendants shall comply with Local Rule 7-3 prior to re-filing the Motion.

**IT IS SO ORDERED.**

Dated:

\_\_\_\_\_  
Hon. Jesus G. Bernal  
United States District Judge