

1 M. ANDREW WOODMANSEE (CA SBN 201780)  
 MAWoodmansee@mofocom  
 2 STEPHANIE L. FONG (CA SBN 240836)  
 SFong@mofocom  
 3 KIMBERLY R. GOSLING (CA SBN 247803)  
 KGosling@mofocom  
 4 JESSICA A. ROBERTS (CA SBN 265570)  
 JRoberts@mofocom  
 5 MORRISON & FOERSTER LLP  
 12531 High Bluff Drive  
 6 San Diego, California 92130-2040  
 Telephone: 858.720.5100  
 7 Facsimile: 858.720.5125

8 JOHN M. GOODMAN (DC SBN 383147)  
 jgoodman@sldn.org  
 9 SERVICEMEMBERS LEGAL DEFENSE NETWORK  
 P.O. Box 65301  
 10 Washington, DC 20035-5301  
 Telephone: 202.328.3244  
 11 Facsimile: 202.797.1635

12 Attorneys for Plaintiff  
 MICHAEL D. ALMY

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 MICHAEL ALMY, JASON KNIGHT, and  
 16 ANTHONY LOVERDE,

Case No. cv 10-5627 (RS)

**JOINT STATUS REPORT**

17 Plaintiffs,

18 v.

19 UNITED STATES DEPARTMENT OF  
 20 DEFENSE; ROBERT M. GATES, Secretary  
 of Defense; DEPARTMENT OF THE AIR  
 21 FORCE; MICHAEL B. DONLEY, Secretary,  
 Department of the Air Force; DEPARTMENT  
 22 OF THE NAVY; and RAY MABUS,  
 Secretary, Department of the Navy,

23 Defendants.

1           On October 11, 2012, the parties filed a Stipulation to Stay Proceedings. (ECF No. 93.)  
2           On October 15, 2012, the Court granted the stipulation and ordered: “All proceedings in this case  
3           . . . shall be stayed pending the completion of the parties’ attempts to achieve a resolution outside  
4           this matter. The parties shall file a joint status report updating the Court on their settlement  
5           attempts on November 15, 2012, and every 30 days thereafter[.]” (ECF No. 94 at 2.) Pursuant to  
6           that order, the parties submit this Joint Status Report updating the Court on their settlement  
7           attempts.

8           **Status Update**

9           As stated in the parties’ joint status reports on November 15, 2012, and December 17,  
10          2012, the Government Defendants made a proposal to Plaintiff Michael Almy that would resolve  
11          this matter without further litigation. Mr. Almy considered the proposal and responded with a  
12          counter-proposal. Since then, the parties have continued these discussions and have exchanged  
13          further counter-proposals. The parties are currently in the process of finalizing a resolution of  
14          this matter.

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

**DECLARATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3).**

I, KIMBERLY R. GOSLING, hereby declare pursuant to Civil Local Rule 5-1(i)(3), that I have obtained the concurrence in the filing of this document from each of the other signatories listed below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on January 14, 2013, in the City of San Diego, State of California.

/s/ Kimberly R. Gosling  
KIMBERLY R. GOSLING  
12531 High Bluff Drive  
San Diego, CA 92130  
Phone: (858) 720-5100  
Fax: (858) 720-5125  
Email: kgosling@mofo.com

Attorneys for Plaintiff

/s/ Paul G. Freeborne  
PAUL G. FREEBORNE  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, NW, Room 6108  
Washington, DC 20001  
Phone: (202) 353-0543  
Fax: (202) 616-8460  
Email: paul.freeborne@usdoj.gov

Attorneys for Federal Defendants

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

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 14th day of January, 2013, with a copy of this document via the Court's CM/ECF system.

/s/ Kimberly R. Gosling  
Kimberly R. Gosling