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11 Attorneys for Defendant CHUCK HAGEL

Attorneys for Plaintiffs

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 14  
 15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17 SAN FRANCISCO DIVISION

19 MARY JENNINGS HEGAR, JENNIFER HUNT,  
 ALEXANDRA ZOE BEDELL, COLLEEN  
 20 FARRELL, and SERVICE WOMEN’S ACTION  
 NETWORK,

21 Plaintiffs,

22 v.

23 CHUCK HAGEL, Secretary of Defense,

24 Defendant.

CASE NO. C 12-06005 EMC

**STIPULATION AND [~~PROPOSED~~]  
 ORDER TO CONTINUE INITIAL  
 CASE MANAGEMENT  
 CONFERENCE SET FOR  
 OCTOBER 8, 2013 AND ADR  
 DEADLINES**

1 Plaintiffs Mary Jennings Hegar, Jennifer Hunt, Alexandra Zoe Bedell, Colleen  
2 Farrell, and Service Women’s Action Network and Defendant Chuck Hagel, Secretary of  
3 Defense (“Secretary”)<sup>1</sup> (collectively, “the parties”), by and through their respective counsel,  
4 hereby stipulate as follows:

5 1. On November 27, 2012, Plaintiffs filed their Complaint for Declaratory and  
6 Injunctive Relief challenging as unconstitutional the 1994 direct ground combat definition  
7 and assignment rule, and the Court issued an Order Setting Initial Case Management  
8 Conference and ADR Deadlines;

9 2. On January 24, 2013, the Secretary rescinded the 1994 direct ground combat  
10 definition and assignment rule and directed the Military Services to submit plans to him by  
11 May 15, 2013 for implementation of this policy change;

12 3. In light of the above, on January 29, 2013, the parties filed a stipulation with  
13 the Court agreeing to meet and confer within three weeks of the May 15, 2013 deadline for  
14 the Military Services’ submission of their implementation plans, and to allow the Secretary  
15 thirty (30) days after that meet and confer to respond to the Complaint;

16 4. On February 7, 2013, the parties filed a stipulation and proposed order with  
17 the Court to continue the initial case management conference and ADR deadlines, and on  
18 February 8, 2013, the Court entered an order resetting the initial case management  
19 conference for July 18, 2013;

20 5. Consistent with the parties’ agreement to meet and confer within three weeks  
21 of the May 15, 2013 deadline for the Military Services’ submission of their implementation  
22 plans, the parties held a telephone conference on May 30, 2013. During the conference,  
23 undersigned counsel for Defendant conveyed that the Military Services had submitted their  
24 implementation plans to the Secretary and that the Department of Defense (“DoD”) was  
25 treating the plans as pre-decisional and deliberative. Undersigned counsel for Defendant  
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27 <sup>1</sup> Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Chuck Hagel,  
28 Secretary of Defense, is automatically substituted for Leon Panetta, former Secretary of  
Defense, who is named in the Complaint.

1 further conveyed that, consistent with the National Defense Authorization Act of 2013,  
2 section 526, H.R. 4310, (“DoD”) planned to report to Congress in July 2013 on the  
3 feasibility of developing gender-neutral occupational standards for military occupational  
4 specialties currently closed to women. Counsel for Defendant further stated that DoD  
5 anticipated that the report would provide some information about the Services’  
6 implementation plans.

7 6. In light of the information provided by counsel for Defendant, the parties  
8 filed a stipulation with the Court agreeing to hold a further meet and confer by no later than  
9 August 20, 2013 and to allow the Secretary thirty (30) days after that meet and confer to  
10 respond to the Complaint.

11 7. On June 7, 2013, the parties filed a stipulation and proposed order with the  
12 Court to continue the initial case management conference and ADR deadlines, and on June  
13 11, 2013, the Court entered an order resetting the initial case management conference for  
14 October 3, 2013.

15 8. DoD made the implementation plans public on June 18, 2013, completed the  
16 above-referenced report to Congress in July 2013 and submitted it to Congress on August 2,  
17 2013.

18 9. Consistent with the parties’ agreement to meet and confer no later than  
19 August 20, 2013, the parties held a telephone conference on that date. In the following  
20 weeks, the parties held several more telephone conferences in which, among other things,  
21 the parties discussed the implementation plans DoD had made publicly available, and  
22 Plaintiffs’ counsel sought information regarding the date by which Defendant will announce  
23 whether certain positions, specialties, units, and schools of interest to Plaintiffs will  
24 continue to be closed to women. Plaintiffs’ counsel also informed Defendant that the  
25 Plaintiffs intend to file an Amended Complaint.

26 10. As required by the June 11, 2013 order, the parties held their Rule 26(f)  
27 conference and discussed ADR options on August 30, 2013. In light of Plaintiffs’ intention  
28 to file an Amended Complaint, the parties agreed that it would most efficient for the Court

1 and for the parties to agree on a schedule for filing the Amended Complaint, responding to  
2 the Amended Complaint by Answer or motion, briefing on any motion to be filed, and to  
3 request a continuance of the initial case management conference and ADR deadlines.

4 11. On September 9, 2013, the Court provided notice to the parties that the initial  
5 case management conference set for October 3, 2013 would be reset for October 8, 2013.

6 12. In light of the foregoing, the parties request that the Court continue the  
7 scheduling dates established by the June 11, 2013 order, as modified by the September 9,  
8 2013 notice, so that those dates occur after Plaintiffs have filed their Amended Complaint  
9 and the parties have met and conferred regarding issues raised by that amendment.

10 Specifically, the parties request that the Court adopt the following schedule:

- |    |            |   |
|----|------------|---|
| 11 | 11/5/2013  | Last day to file Amended Complaint  |
| 12 | 11/15/2013 | Last day to meet and confer regarding Amended Complaint                   |
| 13 | 12/19/2013 | Last day to respond to the Amended Complaint                              |
| 14 | 1/31/2014  | If response to Amended Complaint is a motion, last day to file            |
| 15 |            | opposition  |
| 16 | 2/14/2014  | If response to Amended Complaint is a motion, last day to file reply      |
| 17 | 2/20/2014  | Last day to: meet and confer re initial disclosures, early settlement,    |
| 18 |            | ADR process selection, and discovery plan; file ADR Certification         |
| 19 |            | signed by parties and counsel; file either Stipulation to ADR Process     |
| 20 |            | or Notice of Need for ADR Phone Conference                                |
| 21 | 3/13/2014  | Last day to file Rule 26(f) Report, complete initial disclosures or state |
| 22 |            | objection in Rule 26(f) Report, and file Case Management Statement        |
| 23 |            | per the Court's Standing Order re Contents of Joint Case                  |
| 24 |            | Management Statement  |
| 25 | 3/20/2014  | Initial Case Management Conference  |

1 ACCORDINGLY, the parties respectfully request that the Court adopt their  
2 proposed schedule for filing and responding to an Amended Complaint and revise the initial  
3 case management conference and ADR deadlines set forth in the June 11, 2013 order, as  
4 modified by the September 9, 2013 notice, as set forth above.

5 IT IS SO STIPULATED.

6 DATED: September \_\_, 2013

7  
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9 STEVEN M. PERRY, ESQ.  
10 ROSEMARIE T. RING, ESQ.

11 AMERICAN CIVIL LIBERTIES UNION  
12 FOUNDATION OF NORTHERN  
13 CALIFORNIA, INC.  
14 ELIZABETH GILL, ESQ.

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16 FOUNDATION, WOMEN'S RIGHTS  
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ROSEMARIE T. RING  
Attorneys for Plaintiffs  
(Electronic signature authorized  
verbally to counsel)

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PURSUANT TO THE PARTIES' STIPULATION, IT IS HEREBY ORDERED

THAT:

The initial case management conference and related deadlines are revised as follows:

- 11/5/2013 Last day to file Amended Complaint
- 11/15/2013 Last day to meet and confer regarding Amended Complaint
- 12/19/2013 Last day to respond to the Amended Complaint
- 1/31/2014 If response to Amended Complaint is a motion, last day to file opposition
- 2/14/2014 If response to Amended Complaint is a motion, last day to file reply
- 2/20/2014 Last day to: meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; file ADR Certification signed by parties and counsel; file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference
- 3/13/2014 Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report, and file Case Management Statement per the Court's Standing Order re Contents of Joint Case Management Statement
- 3/20/2014 Initial Case Management Conference

DATED: 9/18, 2013

