



Plaintiff's position with respect to mootness is that in light of these remaining disputes, the single claim asserted in the Complaint, that "Defendants have violated the Constitution by denying Plaintiff medically necessary treatment for her diagnosed gender dysphoria," Complaint for Declaratory and Injunctive Relief, ECF No. 1, ¶ 3, is not moot, and even with respect to the issues identified by Defendants, the dispute is not moot because Defendants have made no effort to "satisfy [their] heavy burden of demonstrating 'that "there is no reasonable expectation" that the alleged violation will recur.'" *Dep't of Justice v. FLRA*, 737 F.3d 779, 783 (D.C. Cir. 2013) (quoting *County of Los Angeles v. Davis*, 440 U.S. 625, 631 (1979), in turn quoting *United States v. W.T. Grant Co.*, 345 U.S. 629, 633 (1953)).

Defendants disagree with Plaintiff's articulation and application of the mootness framework. In any event, Defendants' position is that, even if Plaintiff's claim as a whole is not moot, Manning's requests for cross-sex hormone therapy and permission to follow female grooming standards, with the sole exception of hair length, are now moot because these requested treatments have been provided. Defendants also take the position that Manning's treatment plan as a whole including the qualifications of her treating clinician are adequate.

As to the issue of hair length, the USDB has stated that it will re-evaluate whether Manning may be permitted to grow longer hair consistent with the USDB's safety and security concerns within seven months of the commencement of cross-sex hormone therapy. Cross-sex hormone therapy commenced on February 11, 2015, and the USDB's decision on hair length will be completed by September 11, 2015.

Plaintiff's position is that in order to avoid litigation at a time when a final decision as to treatment is still pending, and considering that treatment is dynamic in nature and must be assessed as a whole, *see, e.g., Snipes v. DeTella*, 95 F.3d 586, 591 (7th Cir. 1996), proceedings in

this case should be stayed for seven months. In Plaintiff's view, that position is consistent with the position that Defendants have taken in this litigation from its inception until now.

Defendants' position is that, because Plaintiff is willing to agree to a seven-month postponement in the case, there presently is no basis for injunctive relief. Accordingly, in Defendants' view, the proper course would be for Plaintiff to voluntarily dismiss this lawsuit without prejudice.

Plaintiff opposes a dismissal without prejudice because in addition to unnecessarily delaying resolution of the issues presented, she believes the Defendants might well take the position that Plaintiff would have to again exhaust her administrative remedies before filing a new lawsuit. *See, e.g., Washington v. Reed*, No. 07-4231, 2008 WL 2230704 (W.D. Mo., May 29, 2008); *Laubach v. Scibana*, No. 05-1294, 2008 WL 281545 (W.D. Okla., Jan. 31, 2008), *aff'd*, 2008 WL 5169352 (10th Cir. Dec 10, 2008); *Coltar v. Jacinto*, No. 04-5767, 2007 WL 184808 (E.D. Cal., Jan. 19, 2007).

Because Plaintiff is unwilling to voluntarily dismiss this lawsuit, Defendants are agreeable to a seven-month stay. The parties therefore jointly and respectfully request that all proceedings in this case be stayed for seven months.\* The parties also respectfully propose that they submit a joint status report approximately seven months from now—by no later than September 24, 2015—addressing how the litigation should proceed in light of the status at that time. The parties respectfully submit that scheduling a status conference for some time shortly thereafter may also be useful for updating the Court on the intervening developments, and resolving any potential disputes about how the litigation should proceed at that time.

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\* Alternatively, in the event that the Court is not inclined to grant a seven-month stay, Defendants are prepared to file their merits opposition and motion to dismiss by the previously agreed-upon deadline—March 30, 2015. *See Court's Order of Jan. 13, 2015 (ECF No. 36).*

Based on the information set forth in this Joint Status Report, the parties respectfully submit that good cause exists to stay proceedings in this case for seven months. This is the fourth consent request to extend the deadlines in this case. One of these requests, which was made by Defendants, was opposed in part by Plaintiff. The parties appreciate the Court's continued patience in this matter.

Dated: March 4, 2015

/s/ Chase Strangio

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

CHELSEA ELIZABETH MANNING,	)	
	)	
Plaintiff,	)	
v.	)	Civil Action No. 1:14-cv-1609 (CKK)
	)	
CHUCK HAGEL, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**[PROPOSED] ORDER GRANTING JOINT MOTION  
FOR STAY OF PROCEEDINGS**

Upon consideration of the parties’ Joint Motion to Stay Proceedings for Seven Months, and for good cause set forth therein, it is hereby:

ORDERED that the Joint Motion to Stay Proceedings for Seven Months is GRANTED; and it is

FURTHER ORDERED that all proceedings and deadlines in this case shall be STAYED until further Order from this Court; and it is

FURTHER ORDERED that the parties shall submit a joint status report no later than September 24, 2015, updating the Court on any intervening factual developments, and addressing how the litigation should proceed in light of the status at that time; and it is

FURTHER ORDERED that a status conference in this matter shall be scheduled for

\_\_\_\_\_.

SO ORDERED.

DATE:

\_\_\_\_\_  
Colleen Kollar-Kotelly  
United States District Judge