

WILMERHALE

December 21, 2017

Paul R.Q. Wolfson

**Via CM/ECF**+1 202 663 6390 (t)  
+1 202 663 6363 (f)  
paul.wolfson@wilmerhale.com

Mr. Mark Langer  
Clerk of the Court  
United States Court of Appeals for the District of Columbia Circuit  
E. Barrett Prettyman United States Courthouse  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001

Re: *Jane Doe 1 et al. v. Donald J. Trump et al.*, No. 17-5267

Dear Mr. Langer:

Pursuant to Federal Rule of Appellate Procedure 28(j), Plaintiffs-Appellees write to notify this Court of a recent order regarding the government's motion for a stay in its related appeal before the Fourth Circuit.

On December 21, 2017, the Fourth Circuit issued an order denying the government's emergency motion for administrative stay and partial stay pending appeal. *See Order, Stone v. Trump*, No. 17-2398 (4th Cir. Dec. 21, 2017), ECF No. 31. Before the Fourth Circuit the government sought the same relief that it is seeking in its pending emergency motion for administrative stay and partial stay pending appeal before this Court.

A copy of the Fourth Circuit's order is attached for this Court's convenience.

Respectfully submitted,

/s/ Paul R.Q. Wolfson  
Paul R.Q. Wolfson  
*Counsel for Plaintiffs-Appellees*

cc: All counsel by ECF  
Attachments

FILED: December 21, 2017

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

No. 17-2398  
(1:17-cv-02459-MJG)

---

BROCK STONE, Petty Officer First Class; KATE COLE, Staff Sergeant; JOHN DOE, Senior Airman; SEVEN ERO GEORGE, Airman First Class; TEAGAN GILBERT, Petty Officer First Class; TOMMIE PARKER, Technical Sergeant; AMERICAN CIVIL LIBERTIES UNION OF MARYLAND, INCORPORATED

Plaintiffs - Appellees

v.

DONALD J. TRUMP, in his official capacity as President of the United States; JAMES N. MATTIS, in his official capacity as Secretary of Defense, U.S. Department of Defense; RYAN D. MCCARTHY, in his official capacity as Acting Secretary of the U.S. Department of the Army; RICHARD SPENCER, in his official capacity as Secretary of the U.S. Department of the Navy; HEATHER WILSON, in her official capacity as Secretary of the U.S. Department of the Air Force

Defendants - Appellants

-----  
RETIRED MILITARY OFFICERS AND FORMER NATIONAL SECURITY OFFICIALS

Amicus Supporting Appellees

---

ORDER

---

Upon consideration of appellants' emergency motion for administrative stay and partial stay pending appeal, appellees' response to the motion, appellants' reply, the parties' supplemental authorities, and the amicus brief in support of appellees, the court denies the motion for administrative stay and partial stay pending appeal.

Entered at the direction of the panel: Judge Motz, Judge Diaz, and Judge Harris.

For the Court

/s/ Patricia S. Connor, Clerk