UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No.	**EDCV 17-1799 (JGB) (KKx)**	Date	November 16, 2017
Title	***Aiden Stockman et al. v. Donald J. Trump et al.***		

Present: The Honorable	JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE

MAYNOR GALVEZ	Not Reported
Deputy Clerk	Court Reporter

Attorney(s) Present for Plaintiff(s):	Attorney(s) Present for Defendant(s):
None Present	None Present

Proceedings: **Order (1) GRANTING State of California's Motion to Intervene as Party Plaintiff (Dkt. No. 52); (2) ORDERING Supplemental Briefing; and (3) CONTINUING the Hearing on Pending Matters to December 11, 2017 at 9:00 a.m.**

I. CALIFORNIA'S MOTION TO INTERVENE

On November 8, 2017, the State of California ("California") filed a Motion to Intervene as Party Plaintiff. ("Motion," Dkt. No. 52.) California argues that the Court should allow it to intervene by right, or alternatively, by permission. Defendants filed an opposition on November 14, 2017. (Dkt. No. 62.) The Court finds this matter suitable for resolution without a hearing. See Fed. R. Civ. P. 78; L.R. 7-15.

To intervene permissively under Federal Rule of Civil Procedure 24(b)(1), a party "must prove that it meets three threshold requirements: (1) it shares a common question of law or fact with the main action; (2) its motion is timely; and (3) the court has an independent basis for jurisdiction over the applicant's claims." Donnelly v. Glickman, 159 F.3d 405, 412 (9th Cir. 1998.) The district court has broad discretion to grant or deny the motion, but "must consider whether intervention will unduly delay the main action or will fairly prejudice the existing parties." Id. Here, California has met all three requirements. If the hearing were still being held on November 20, 2017, California may have had difficulty demonstrating that Defendants are not prejudiced by California's intervention. However, the unrelated continuance dissipates any potential prejudice. Having considered the papers filed in support and in opposition to

California's Motion, the Court GRANTS California's request to intervene as a party plaintiff in this matter.

II. SUPPLEMENTAL BRIEFING

The Court is scheduled to hear arguments concerning Plaintiffs' Motion for Preliminary Injunction (Dkt. No. 15) and Defendants' Motion to Dismiss (Dkt. No. 36) on November 20, 2017. The Court CONTINUES that hearing to December 11, 2017, at 9:00 a.m.

In Defendant President Donald J. Trump's Memorandum of August 25, 2017, he directed the Secretary of Defense and the Secretary of Homeland Security to "halt all use of DoD or DHS resources to fund sex-reassignment surgical procedures for military personnel, except to the extent necessary to protect the health of an individual who has already begun a course of treatment to reassign his or her sex." ("Sex Reassignment Surgery Directive," Dkt. No. 28, Exh. G.) This same language is used in Defendant Secretary Mattis' Interim Guidance issued on September 14, 2017.[1]

The Court ORDERS the parties to file concurrent supplemental briefs, not to exceed ten pages, regarding whether Plaintiffs John Doe 1 and John Doe 2 have separately demonstrated injury-in-fact pertaining to the Sex Reassignment Surgery Directive. In their briefs, the parties should address the meaning of the terms "necessary to protect the health" and "begun a course of treatment to reassign his or her sex" and discuss whether and how these terms apply to John Doe 1 and John Doe 2. These supplemental briefs are to be filed no later than December 1, 2017.

IT IS SO ORDERED.

[1] Neither party has included a copy of the Interim Guidance as an exhibit, but one may be found at https://defense.gov/Portals/1/Documents/PDFs/Military-Service-By-Transgender-Individuals-Interim-Guidance.pdf (last visited November 16, 2017).