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8 Attorneys for Defendants

9 **UNITED STATES DISTRICT COURT**
 10 **SOUTHERN DISTRICT OF CALIFORNIA**

12 PRO PUBLICA, INC.,

13 Plaintiff,

14 v.

15 COMMANDER DEREK D. BUTLER,
 JAGC, USN; VICE ADMIRAL DARSE E.
 16 CRANDALL JR., JAGC, USN; CARLOS
 DEL TORO; CAROLINE D. KRASS; and
 17 LLOYD J. AUSTIN, III,

18 Defendants.

Case No.: 22-cv-1455-BTM-KSC

**JOINT MOTION TO STAY
 BRIEFING ON PLAINTIFF’S
 MOTION FOR A TEMPORARY
 RESTRAINING ORDER AND
 PRELIMINARY INJUNCTION**

JUDGE: Hon. Barry Ted Moskowitz

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1 The parties to this action jointly request that the Court vacate the current briefing
2 schedule on Plaintiff's Motion for a Temporary Restraining Order and Preliminary
3 Injunction and stay the briefing on that motion. Good cause supports this request.

4 On September 27, 2022, Plaintiff filed the complaint in this action and a motion for
5 a temporary restraining order and preliminary injunction. (ECF No. 1, 2.) Plaintiff seeks
6 an order requiring Defendants to release records from the Navy's court martial of Seaman
7 Recruit Ryan Mays and seeks declaratory and injunctive relief regarding the Navy's policies
8 and practices pertaining to public access to court martial records. On September 29, 2022,
9 counsel appeared at a status conference before the Court, following which the Court ordered
10 Defendants to file their opposition to the pending motion no later than October 6, 2022, and
11 Plaintiff to file its reply no later than October 11, 2022. (ECF No. 9.)

12 On October 4, 2022, Defendants' counsel informed Plaintiff's counsel that
13 Defendants are reviewing and preparing for release the court filings, exhibits, and any court
14 orders that have been entered in the court martial of Seaman Mays, and determining what,
15 if any, information or records will be redacted or withheld to protect legitimate privacy or
16 governmental interests. Defendants anticipate making rolling productions and completing
17 the release within fourteen days, subject to receiving a signed Privacy Act waiver from
18 Seaman Recruit Mays.

19 Plaintiff does not believe a Privacy Act waiver is required for this release of records.
20 Nevertheless, Plaintiff's counsel has contacted Mays' counsel regarding the requested
21 waiver, which Mays previously indicated his willingness to sign. Plaintiff's counsel has not
22 yet received a response from Mays' counsel. In light of the current status, and to prevent
23 expenditure of court resources on issues that may be resolved through the parties' ongoing
24 discussions, the parties jointly request a temporary stay of the briefing schedule on
25 Plaintiff's motion for a TRO and PI. The parties will file a joint status report no later than
26 October 27, 2022.

27 A proposed order granting this joint motion will be submitted in accordance with the
28 local rules.

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DATED: October 6, 2022

Respectfully submitted,

RANDY S. GROSSMAN
United States Attorney

s/ Katherine L. Parker
KATHERINE L. PARKER
Assistant United States Attorney
Chief, Civil Division
Attorneys for Defendants

PRO PUBLICA, INC.

s/ Sarah Matthews
SARAH MATTHEWS

Attorney for Plaintiff

CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures of the United States District Court for the Southern District of California, I certify that the content of this document is acceptable to Sarah Matthews and that I have obtained authorization from her to affix her electronic signature to this document.

By: s/Katherine L. Parker
KATHERINE L. PARKER