

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

MAHLON KIRWA, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 1:17-cv-01793-RMM
	)	The Honorable Ellen Segal Huvelle
UNITED STATES DEPARTMENT OF	)	
DEFENSE and PATRICK SHANAHAN, in	)	
his official capacity as Acting Secretary of	)	
Defense,	)	
	)	
Defendants.	)	

**JOINT STATUS REPORT**

Pursuant to the Court’s Minute Order of May 23, 2019, the parties submit this joint status report.

The Court ordered the parties to “set[] forth a plan for bringing this case to a close.” To that end, the parties have met and conferred in an attempt to develop a joint approach. These conversations have been cordial and productive, but the parties have not yet reached agreement on a plan.

The parties have identified three principal means to bring this case to a close:

First, once all potential class members have been apprised of their rights to request and obtain a certified N-426 and Defendants have provided the certification to those class members who request one, the case may become substantially moot. The parties have discussed working together to expedite this process by jointly identifying all potential class members and ensuring each is aware of his or her rights, as identification of these potential class members will enable the parties to account for those who have not yet sought and received a certified N-426 (and why). Those discussions are ongoing.

Second, this litigation may be resolved through settlement. The parties are open to further discussions of this possibility, but, from Defendants' perspective, this process would require a potentially lengthy review process within the government. Even so, the parties do not view potential resolution through settlement as necessarily exclusive of the "mooting" option discussed above.

Third, the case may proceed to final judgment (and potentially entry of a permanent injunction) upon a motion of one or both parties.

The parties are optimistic that continued discussions regarding efforts to substantially moot the class and otherwise resolve the case will lead to a cooperative agreement that would minimize additional litigation in this matter. In addition, undersigned counsel for Defendants is leaving the Department of Justice on June 21, 2019, and replacement counsel has not yet been assigned to the case or engaged in discussions with Plaintiffs' counsel regarding these issues. Accordingly, the parties respectfully propose that they continue to meet and confer and submit a further Joint Status Report not later than July 30, 2019.

In the meantime, Defendants will continue to file reports concerning N-426 requests and grants pursuant to the Court's existing order. *See, e.g.*, ECF No. 55.

The parties are prepared to discuss this further with the Court at the hearing on June 17, 2019.

Dated: June 10, 2019

Respectfully submitted,

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