

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

LUCAS CALIXTO, *et al.*,

Plaintiffs,

vs.

DEPARTMENT OF THE ARMY, *et al.*,

Defendants.

Civil Action No. 18-1551 (ESH)

DEFENDANTS' STATUS REPORT

In accordance with the Court's Order entered on August 13, 2018 (ECF No. 23), Defendants respectfully submit this bi-weekly status report.

1. The Court ordered on August 13, 2018 that "defendants shall file status reports with the Court bi-weekly . . . with any updates regarding the Army's policy with respect to administrative separation procedures applicable to DEP and DTP members, as well as any intention to discharge any DEP or DTP member in accordance with this policy." *Id.*

2. There are no updates regarding the Army's policy with respect to administrative separation procedures applicable to DEP and DTP members.

3. With regard to the October 26, 2018 policy's MSSR notification procedures, on June 3, 2019, the Court ordered Defendants to file a response to Plaintiffs' May 30, 2019 notice describing, *inter alia*, details regarding what categories of soldiers the "Waiver Memo" was distributed to, how many soldiers were sent this Waiver Memo, which specific named plaintiffs were sent the Memo, the number of soldiers who responded to the Memo electing to waive, the number of soldiers who responded declining to waive, the time period during which the Memos

were sent, and whether the government has stopped this practice of sending Waiver Memos. Minute Order, June 3, 2019. Defendants are preparing a response to the Court's inquiries.

4. The Army intends to initiate separations of soldiers who receive an unfavorable MSSD after they have been provided notice and an opportunity to submit matters which may refute, correct, explain, extenuate, mitigate or update the unfavorable information. ECF 50-1 at 2.

5. As of the date of this report, no administrative separations have been initiated pursuant to the Army's October 26, 2018 policy memorandum.

Dated: June 10, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this 10th day of June 2019, I served the foregoing Defendants' Status Report upon counsel for Plaintiffs by filing said document using the Court's Electronic Case Filing System.

Dated: June 10, 2019

/s/ Roberto C. Martens, Jr.
ROBERTO C. MARTENS, JR.
Special Assistant United States Attorney