

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LUCAS CALIXTO, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
THE ARMY, *et al.*,

Defendants.

Civil Action No. 18-1551 (PLF)

JOINT STATUS REPORT

In accordance with the Court’s Order entered on June 11, 2021 (ECF No. 199), Defendants respectfully submit this report.

1. On June 3, 2021, this Court granted Plaintiffs’ Motion for Leave to File a Third Amended Complaint and ordered Plaintiffs to file their Third Amended Complaint (“TAC”) on or before June 11, 2021. *See* Dkts. 195, 196.

2. Also on June 3, 2021, Army counsel informed Plaintiffs’ counsel by email that “[r]ecently, the [United States Department of Defense] published new guidance on the vetting of MAVNIs prior to shipping to BCT/AIT that may impact the current litigation in Calixto v. Army.”

3. The Army counsel’s email attached two documents, which counsel described as “the new guidance and Reference a) ‘Directive-type Memorandum 19-008’ of the guidance.”

4. In their June 3, 2021 email, Army’s counsel said that the New Policy “will replace the current MSSR/MSSD procedures” and that “[t]he Army is still assessing how to implement this policy.”

5. On June 8 and June 9, 2021 Plaintiffs’ counsel and Army counsel conferred by

phone regarding the New Policy and the potential impact that the New Policy may have on this litigation and the content of the TAC. During those calls, Plaintiffs' counsel raised questions about the New Policy, and Army counsel agreed to consult with the Army and DoD, and attempt to provide answers to those questions. Army's counsel estimated that the Army should be in a position to provide any answers that it is willing to provide regarding the New Policy within the next 30 days.

6. On June 10, 2021 the parties filed a Joint Motion for Extension of Time to File Plaintiffs' Third Amended Complaint. Dkt. 198.

7. The motion was granted on June 11, 2021 extending Plaintiffs' deadline to August 10, 2021. Dkt. 199. The Court also ordered the parties to file a joint status report on or before July 9, 2021 regarding their discussions on the New Policy. *Id.*

8. Army counsel consulted with the Army and DoD but, as of this filing, has been unable to provide answers to Plaintiffs' questions. Further coordination is required with the agencies involved and Army's counsel estimates that the Army should be in a position to provide any answers that it is willing to provide regarding the New Policy within the next 14 days.

9. In light of the aforementioned, the parties will file another status report in 14 days (July 23, 2021) to update the Court.

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Dated: July 9, 2021

Respectfully submitted,

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