

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

NAVY SEALs 1-3, et al.,

Plaintiffs,

v.

LLOYD J. AUSTIN, III in his official capacity as
United States Secretary of Defense, et al.,

Defendants.

Case No. 4:21-cv-01236-O

**DEFENDANTS' EMERGENCY MOTION TO SCHEDULE DEPOSITION
FOR JUNE 24, 2022 OR OTHER DATES THEREAFTER**

Defendants respectfully request that this Court enter a protective order cancelling the noticed deposition of the Vice Chief of Naval Operations, Admiral William Lescher, and scheduling it to take place on June 24, 2022, or a mutually agreeable date thereafter, for the reasons stated in the accompanying memorandum and appendix.

Dated: May 3, 2022

Respectfully submitted,

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Principal Deputy Assistant Attorney General

ALEXANDER K. HAAS
Director, Federal Programs Branch

ANTHONY J. COPPOLINO
Deputy Director

/s/ Amy E. Powell
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CERTIFICATE OF CONFERENCE

Counsel for Defendants conferred with Plaintiffs' counsel regarding this motion through email on May 2, 2022, which followed additional conferrals about the deposition in question by email and phone. Plaintiffs' counsel indicated that they oppose the relief requested in Defendants' motion.

/s/ Amy E. Powell

Amy Elizabeth Powell
Counsel for Defendants

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[PROPOSED] ORDER

Upon consideration of DEFENDANTS' EMERGENCY MOTION TO SCHEDULE DEPOSITION FOR JUNE 24, 2022 OR OTHER DATES THEREAFTER, it is HERBY ORDERED that the Motion is GRANTED. The Notice of Deposition set for May 4, 2022 is QUASHED, and the parties are directed to meet and confer about a deposition of the VCNO to take place in Washington, DC on June 24, 2022, or at a mutually agreeable date thereafter.

SO ORDERED on _____.

Hon. Reed O'Connor
UNITED STATES DISTRICT JUDGE