STUART F. DELERY
Assistant Attorney General
MELINDA HAAG
United States Attorney
ALEX TSE
Chief, Civil Division
ANTHONY J. COPPOLINO
Deputy Branch Director
CAROLINE LEWIS WOLVERTON
District of Columbia Bar No. 496433
Senior Counsel
Civil Division, Federal Programs Branch
U.S. Department of Justice
P.O. Box 883
Washington, D.C. 20044
Telephone: (202) 514-0265
Facsimile: (202) 616-8470
E-mail: caroline.lewis-wolverton@usdoj.gov

Attorneys for Defendant CHUCK HAGEL

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MARY JENNINGS HEGAR, JENNIFER HUNT, ALEXANDRA ZOE BEDELL, COLLEEN FARRELL, and SERVICE WOMEN'S ACTION NETWORK,

Plaintiffs,

v.

CHUCK HAGEL, Secretary of Defense,

Defendant.

Case No. C 12-06005 EMC

NOTICE OF MOTION AND DEFENDANT'S MOTION FOR PROTECTIVE ORDER AND MEMORANDUM OF SUPPORTING POINTS AND AUTHORITIES

Date: February 27, 2014
Time: 1:30 p.m.
Courtroom 5, 17th floor

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Federal Rules

Other Authority

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that on February 27, 2014, at 1:30 p.m. in Courtroom 5, 17th floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco, California, before the Honorable Edward M. Chen, United States District Judge, or as soon thereafter as counsel may be heard by the Court, Defendant Chuck Hagel, Secretary of Defense ("the Secretary"), by and through his attorneys and pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, will move this Court for a protective order staying discovery pending the Court's ruling on Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction, (Dec. 19, 2013, ECF No. 19). This motion is based on this Notice, the accompanying Memorandum of Points and Authorities, Declaration of Juliet M. Beyler, Director, Officer and Enlisted Personnel Management, Department of Defense ("DoD") and attachments thereto, the Court's files and records in this matter and/or other matters of which the Court takes judicial notice, and any oral argument that may be presented to the Court.

RELIEF REQUESTED

The Secretary seeks a protective order staying discovery until the Court rules on his Motion to Dismiss for Lack of Subject Matter Jurisdiction, (Dec. 19, 2013, ECF No. 19).

MEMORANDUM OF SUPPORTING POINTS AND AUTHORITIES

INTRODUCTION

The Court has broad discretion to stay discovery where a dispositive motion may resolve all claims against a defendant and render discovery unnecessary. In this case, such a stay is warranted because there is a serious question of whether the Court has jurisdiction over Plaintiffs' claims and Plaintiffs have served requests for highly intrusive discovery into ongoing deliberations concerning military personnel policy.

The Secretary has moved to dismiss this action pursuant to Federal Rule of Civil Procedure 12(b)(1) on the ground that it is not ripe and the Court therefore lacks subject matter jurisdiction. As set forth in the motion's supporting memorandum, in January 2013, the Secretary and the Chairman of the Joint Chiefs of Staff ("Chairman") rescinded the Direct

Ground Combat Definition and Assignment Rule ("DGCDAR") that Plaintiffs originally brought this action to challenge. The Secretary and Chairman directed that all units and positions closed to women be opened and specified that any request for a continued closure must be narrowly tailored, based on rigorous analysis, and personally approved by both the Chairman and the Secretary. DoD and the Military Services (Army, Navy, Air Force and Marine Corps) and the U.S. Special Operations Command ("SOCOM") (referred to collectively hereinafter as the "Services") are now in the process of implementing the rescission of the DGCDAR. This lawsuit is not ripe because Plaintiffs seek to challenge the constitutionality of DoD's post-rescission policy and practice concerning direct ground combat assignments before DoD and the Military Services have finished implementing the DGCDAR rescission and thereby finalized the new direct ground combat assignment policy and practice.

A stay of discovery pending the Court's ruling on Defendant's Rule 12(b)(1) motion is necessary to protect the collaborative environment in which implementation of the DGCDAR rescission is proceeding and to avoid chilling the deliberative process. It would protect DoD and the Services from the substantial burden associated with responding to Plaintiffs' broad discovery requests while they are in the midst of implementing the rescission of the DGCDAR. And a stay of discovery would avoid potentially significant litigation over discovery disputes, including protective order motions as to particular demands for information, as the Government acts to protect the integrity of DoD's ongoing deliberations. Also, if discovery were to proceed before a ruling on Defendant's motion to dismiss and the Court ultimately grants that motion, then the significant time and resources expended on discovery as well the likely damage to the implementation process will have been wholly unnecessary. Lastly, the requested stay would cause no prejudice to Plaintiffs because Defendant's motion to dismiss raises no factual issues that necessitate discovery. Indeed, the discovery Plaintiffs would seek has no bearing on the core facts that demonstrate why this case is not ripe, including that (i) the implementation process is ongoing and (ii) litigation before that process is complete would very likely interfere with the

implementation. No other facts are needed for the Court to decide that adjudication of Plaintiffs' claims is neither ripe nor appropriate at this stage.

For these reasons, expanded upon herein, the Court should enter a Rule 26(c) protective order staying discovery until the Court has ruled on Defendant's Rule 12(b)(1) motion to dismiss.

BACKGROUND

Plaintiffs filed this action on November 27, 2012, claiming that the DGCDAR violated the Fifth Amendment's equal protection requirement. Compl., ECF No. 1. The rule, issued in 1994 and subsequently modified, restricted women from certain direct ground combat assignments. *See* DoD, Report to Congress on Women in the Services Review (July 2013) (hereinafter "July 2013 Report"), App. A (DGCDAR) (Attach. 1 to Decl. of Juliet M. Beyler, filed Dec. 19, 2013, ECF No. 20[1]). On January 24, 2013, based on the proposal of the Joint Chiefs of Staff to "fully integrate women" into direct ground combat assignments, the Secretary and Chairman rescinded the DGCDAR "effective immediately." *Id.*, App. C (Mem. of Jan. 24, 2013 from Secretary and Chairman for Secretaries of the Military Departments, Acting Under Secretary of Defense for Personnel and Readiness, Chiefs of the Military Services). The Secretary and Chairman directed that "[c]urrently closed units and positions will be opened by each relevant Service, consistent with [] guiding principles set forth in the attached memorandum [from the Chairman] and after the development and implementation of validated, gender-neutral occupational standards and the required notifications to Congress."[2] *Id.* The January 2013 directive specified that "[i]ntegration

[1] Ms. Beyler's declaration also supports Defendant's motion to dismiss. *See* Def.'s Mot. to Dismiss (Dec. 19, 2013, ECF No. 19).

[2] Pursuant to 10 U.S.C. § 652(a),

> If the Secretary of Defense proposes to make any change . . . to the ground combat exclusion policy [with respect to units or positions closed or open to female Service members] . . . the Secretary shall, before any such change is implemented, submit to Congress a report providing notice of the proposed change. Such a change may then be implemented only after the end of a period of 30 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) following the date on which the report is received.

of women into newly opened positions and units will occur as expeditiously as possible, considering good order and judicious use of fiscal resources, but must be completed no later than January 1, 2016," and instructed the Military Services to submit plans for implementation of the directive to the Secretary by May 15, 2013. *Id.* The directive provides that the Services may request an exception to the directive so as to keep an occupational specialty or unit closed to women. *Id.* Any such recommendation, however, must be personally approved first by the Chairman and then by the Secretary. *Id.* The authority to approve an exception may not be delegated. *Id.* Any exception to the requirement that all units and position be opened to women must be "narrowly tailored and based on a rigorous analysis of factual data regarding the knowledge, skills and abilities needed for the position." *Id.* Implementation of the DGCDAR rescission is ongoing, and no decisions about whether any closures will continue post-implementation have been made. *See* Beyler Decl. ¶¶ 6–12.

In accordance with the October 31, 2013 Stipulation and Order to Continue Initial Case Management Conference and ADR Deadlines (Oct. 31, 2013, ECF No. 17), Plaintiffs filed an Amended Complaint claiming that, despite the rescission of the DGCDAR and the ongoing implementation of the rescission, DoD maintains a policy and practice of discriminating against women in direct ground combat assignments in violation of Fifth Amendment equal protection principles. ECF No. 18. The Amended Complaint seeks a declaratory judgment that the alleged policy and practice are illegal and unconstitutional as well as injunctive relief enjoining the Secretary from enforcing them. *Id.*

On December 3, 2013, Plaintiffs served a set of 26 document requests on Defendant. *See* Beyler Decl., Attach. 2. The requests are broad in scope and seek information about decisions concerning implementation of the DGCDAR rescission that have not yet been made. *See id.* & Beyler Decl. ¶¶ 17, 21. Requiring Defendant to respond to those requests would interfere with the ongoing implementation process, chill the ongoing and important deliberative process, and require the military to divert substantial resources from implementation work. *Id.* ¶¶ 17–21.

These concerns, in turn, can be expected to lead to litigation over particular discovery requests as the Government acts to protect ongoing DoD deliberations.

All of these concerns should be avoidable at this stage. On December 19, 2013, Defendant moved to dismiss for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1). ECF No. 19. As set forth in the motion's supporting memorandum, Plaintiffs' claims are not ripe for judicial determination because DoD and the Services, subject to active congressional oversight, are in the process of implementing the rescission of the DGCDAR and post-rescission policy is not yet finalized. *See id.* at 14–19. That the case involves a constitutional issue of first impression and military personnel policy, in which the Executive and Congress are entitled to substantial deference, further buttress the conclusion that Plaintiffs' claims are not ripe. *See id.* at 19–22. The Court should not venture to rule on important constitutional issues until ongoing policymaking is complete, and appropriate deference to the military should necessarily include permitting the deliberative process to be completed without interference. *See id*. The Court therefore should conclude that Plaintiffs' claims are outside its subject matter jurisdiction and should be dismissed.

As reflected in the parties' most recent stipulation and proposed order concerning scheduling, Plaintiffs maintain that they need to conduct discovery in order to respond to Defendant's Rule 12(b)(1) motion, and they have offered to narrow some of their document requests and to serve interrogatories in lieu of others "to focus on issues relevant to opposing Defendant's motion to dismiss." Stipulation and [Proposed] Order Setting Briefing Schedule and Hearing Dates and Continuing Initial Case Status Conference ¶¶ 17–18 (Jan. 21, 2014, ECF No. 22). Defendant's undersigned counsel understands, after conferring with counsel for Plaintiffs, that Plaintiffs maintain that they need discovery concerning the factors the Services are examining in their review of closed positions and consideration of whether to seek authorization to continue any closures because information about the factors bears on the ripeness of Plaintiffs' claims. Defendant disagrees that such discovery is appropriate at this

stage, and maintains that his argument that this case is not ripe does not present any factual issues that call for discovery. *See id.* ¶ 19 & *infra* at 11.

ARGUMENT

Discovery from Defendant before the Court decides his Rule 12(b)(1) motion to dismiss would interfere with DoD's and the Services' implementation of the January 2013 rescission of the DGCDAR, impose substantial burdens on them, and likely lead to litigation over particular discovery demands. In contrast, a stay of discovery pending a ruling on Defendant's dispositive motion would not prejudice Plaintiffs; the Government's motion presents no basis for jurisdictional discovery. These considerations together with the strong grounds for the Court to dismiss the case on ripeness grounds, *see* Def.'s Mot. to Dismiss (Dec. 19, 2013, ECF No. 19), tip the balance of interests decidedly in favor of granting a protective order staying discovery pending the Court's ruling on Defendant's Rule 12(b)(1) motion.

1. Legal Standard

The Court has wide discretion to control the nature and timing of discovery, and "should not hesitate to exercise appropriate control over the discovery process." *Herbert v. Lando*, 441 U.S. 153, 177 (1979). Courts may issue a protective order under Federal Rule of Civil Procedure 26(c) upon a showing of good cause in order to "protect a party from annoyance, embarrassment, oppression or undue burden or expense, including . . . forbidding the disclosure or discovery." Fed. R. Civ. P. 26(c).

Courts may properly exercise their discretion to stay discovery where a pending dispositive motion may make discovery unnecessary. *See, e.g., Wenger v. Monroe*, 282 F.3d 1068, 1077 (9th Cir. 2002). Where a party has moved to dismiss on jurisdictional grounds, a stay may be particularly salutary. 8A Wright, Miller & Marcus, *Federal Practice and Procedure* § 2040, at 198 (3d ed. 2010); *Orchid Biosciences, Inc. v. St. Louis Univ.*, 198 F.R.D. 670, 675 (S.D. Cal. 2001). The "first and fundamental" question for any court is whether it has jurisdiction. *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94 (1998). "The requirement that jurisdiction be established as a threshold matter springs from the nature and limits of the

judicial power of the United States and is inflexible and without exceptions." *Id*. at 94-95 (quoting *Mansfield, C. & L.M.R. Co. v. Swan*, 111 U.S. 379, 382 (1884)). "'Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause.'" *Id*. at 94 (quoting *Ex parte McCardle*, 7 Wall. 506, 514 (1868)); *see also Vt. Agency of Natural Res. v. U.S. ex rel. Stevens*, 529 U.S. 765, 778-79 (2000) ("Questions of jurisdiction, of course, should be given priority—since if there is no jurisdiction there is no authority to sit in judgment of anything else.").

2. The Requested Stay of Discovery Would Protect the Ongoing Implementation Process.

The document requests Plaintiffs have served concern, *inter alia*, the military's efforts to date to implement the January 2013 rescission of the DGCDAR. *See* Beyler Decl., Attach 2. Because DoD and the Services are in the process of implementing the rescission, the document requests present a substantial risk of interfering with, impeding, or weakening the implementation. Beyler Decl. ¶¶ 17–21. Many of the document requests seek information about decisions that have not yet been made, and much of that information is undoubtedly deliberative. *Id*. ¶ 17.

DoD's declaration explains that litigation, and the attendant discovery, while implementation is ongoing could "chill the deliberative process":

> [M]any of the critical decisions regarding implementation have yet to be made. Full and frank discourse among senior military and civilian leaders, seasoned by years of combat and peacetime experience and informed by scientific evidence, is essential to implementing policies that maximize the qualifications of our service members and our national defense. In my experience, the pendency of litigation can color and chill advisors and decisionmakers. Given the significant interests at stake here—including protecting the long-term health of service members; preserving unit readiness, cohesion, and morale; ensuring current and future combat effectiveness; and, maintaining the trust and confidence of our service members and the public—impairing the

> decision making process could have the gravest of consequences to national security.

Id. ¶ 18. Discovery concerning individual Services' implementation efforts also threatens the collaborative environment under which the Services, the Joint Staff and the Office of the Secretary have been operating:

> If individual plans are prematurely placed under the litigation microscope and Service personnel are brought into court to explain why one Service seems to be proceeding in a different way or at a different pace than another Service with respect to seemingly similar positions, there is an almost certain risk that the largely collegial atmosphere among the Services that currently exists will disappear, to the detriment of the DoD and all Service members.

Id. ¶ 19. Further, discovery could conflict with DoD's obligations to Congress pursuant to legislative enactments and formal and informal agreements:

> For example, DoD could be required to disclose in discovery documents and information about changes to occupational standards or decisions to open closed positions before [required reports] can be submitted to Congress or even before the appropriate congressional oversight committees can be pre-briefed per [] agreement [between DoD and Congress]. This would infringe upon and undercut the congressional interests, purposes, and prerogatives that are implicit in the pre-brief agreement and the statutory wait-times provisions.

Id. ¶ 20.

If the parties engage in discovery before the Court decides Defendant's Rule 12(b)(1) motion and the Court ultimately grants the motion, then the interference with implementation that DoD's declaration describes will have been completely unnecessary. A protective order staying discovery pending a ruling on the Rule 12(b)(1) motion accordingly would protect the implementation process from unnecessary hindrance. In the absence of the requested protective order, the Government will of course act to protect DoD's deliberative process—including by objecting to discovery that risks interference with that process and by seeking individual protective orders to protect properly privileged information from disclosure—and to prevent undue burdens from being imposed on DoD that would result from its simultaneously working to implement new policy and responding to discovery about the implementation. *See Ashcroft v.*

Iqbal, 556 U.S. 662, 685 (2008) (recognizing, in the qualified immunity context: "If a Government official is to devote time to his or her duties, and to the formulation of sound and responsible policies, it is counterproductive to require the substantial diversion that is attendant to participating in litigation and making informed decisions as to how it should proceed."). Indeed, this is not a circumstance where the Government would be seeking to protect information related to past deliberations concerning now final agency action. Rather, because Plaintiffs seek discovery into ongoing deliberations concerning military personnel matters, the core concerns that animate the need to protect the deliberative process will be at their zenith in this case. Not only will much of the responsive information be properly privileged, but the very process of having to protect it will itself cause immediate interference with deliberations presently underway.

3. The Requested Stay of Discovery Would Promote Efficiency and Economy.

Addressing the document requests Plaintiffs have served and any additional discovery of similar scope would require a "deleterious diversion of resources" from the military's implementation work:

> - For example, many of the 26 distinct production requests in the Plaintiffs' First Set of Document Requests would require DoD to conduct searches across the entire Department, including the Combatant Commands and the military Services, for all documents, in all formats, that "refer or relate to" various aspects of a developing, complex, and sensitive DoD policy. Of course, DoD is the largest agency in the federal government, employing over 2.5 million active duty and reserve military personnel and 700,000 civilian employees who are located at more than 5,000 different installations and facilities worldwide. The scope of the demanded searches is thus enormous and would impose onerous logistical burdens on DoD and its components.
>
> - Several of the production demands, like Document Requests 1-4 and 26, would require DoD to search for documents from at least the past twelve years to capture the experience gained and lessons learned in the post-9/11 environment, and perhaps even back to 1994 when the now-rescinded DGCDAR was promulgated. Of course, during much of the period when this information was generated, DoD's primary responsibility was prosecuting wars, not organizing records for later use in litigation. DoD, the Office of the Chairman of the Joint Chiefs of Staff, the Combatant Commands, USSOCOM, and the Services continue to be actively engaged in

> ongoing planning and execution of military operations, including combat operations. Inevitably, searches for information responsive to the Plaintiffs' broad requests would require DoD to divert significant resources from core military activities in service of civil litigation.

Beyler Decl. ¶ 21. In addition, a substantial portion of the responsive information would likely be privileged given the ongoing nature of implementation.

Even if Plaintiffs attempted to narrow the document requests they have served to eliminate their overbreadth, as well as the vagueness and lack of relevance in some of the requests, the requests would still cover the ongoing implementation work and therefore implicate the deliberative process privilege and possibly other privileges. *See Dep't of the Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 8–9 (2001) ("deliberative process covers documents reflecting advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated [] and rests on the obvious realization that officials will not communicate candidly among themselves if each remark is a potential item of discovery and front page news, and its object is to enhance the quality of agency decisions by protecting open and frank discussion among those who make them within the Government") (internal quotation marks and citations omitted); *accord, e.g., Lahr v. Nat'l Transp. Safety Bd.*, 569 F.3d 964, 979 (9th Cir. 2009) ("the 'deliberative process' privilege . . . shields certain intra-agency communications from disclosure to allow agencies freely to explore possibilities, engage in internal debates, or play devil's advocate without fear of public scrutiny") (internal quotation marks omitted). The process of preparing for an assertion of privilege would not only "[require DoD to dedicate significant operational, legal, and policymaker personnel and resources to the task[,]" *see* Beyler Decl. ¶ 17, but of course also would lead to litigation in this Court.

Again, if the Court grants Defendant's motion to dismiss after the military has expended substantial time and resources responding to Plaintiffs' discovery requests, then those expenditures (as well as the Court's time and resources in connection with any discovery

disputes) will have been wasted. The requested limited stay of discovery thus would promote efficiency and economy.

4. The Requested Stay of Discovery Would Not Prejudice Plaintiffs.

Staying discovery until the Court determines whether it has subject matter jurisdiction would cause no harm to Plaintiffs. Defendant has complied with his information preservation obligations, and in the event that the Court ultimately denies Defendant's Rule 12(b)(1) motion—which Defendant respectfully submits it should not—and discovery becomes appropriate, such discovery can ensue without risk of spoliation having occurred while the motion was pending.

To be sure, discovery before a Rule 12(b) motion may be appropriate where necessary to address factual issues raised in the motion. *See Jarvis v. Regan*, 833 F.2d 149, 155 (9th Cir. 1987); *Orchid Biosciences, Inc.*, 198 F.R.D. at 675. However, this case does not present such an instance. The Declaration of Ms. Beyler on which Defendant's Rule 12(b)(1) motion relies does not raise any factual issues that prompt discovery. The facts in the declaration supporting Defendant's argument that the case is not ripe are that implementation of the DGCDAR is ongoing and that litigation—discovery, in particular—about the implementation process while it is ongoing would very likely interfere with it. *See* Def.'s Mot. to Dismiss at 14–20 (ECF No. 19). Other considerations that demonstrate the case is not ripe are that the case presents a constitutional issue of first impression, that DoD and Congress are entitled to substantial deference in areas of military expertise, and that the importance of allowing the military to complete the implementation before it is the subject of litigation outweigh the alleged harm from the continued closure of certain units and positions during implementation. *See id.* at 20–23. Discovery is not necessary for Plaintiffs to respond to any of these points.

Defendant's undersigned counsel understands that even if Plaintiffs were to narrow their discovery requests they would continue to maintain that, in order to respond to the Rule 12(b)(1) motion, they require discovery concerning factors that the Services are considering during implementation, particularly unit cohesion and similar factors concerning male-female

interaction. But such discovery is simply not necessary for Plaintiffs to respond to Defendant's jurisdictional argument that this case is not ripe. Discovery concerning the factors that the Services are considering during the implementation process would not inform Plaintiffs or the Court with respect to whether Plaintiffs' claims are ripe. Information about those factors beyond what is already available through the Services' publicly released implementation plans, July 2013 Report, Appx. E–H, would not bear on the points that (i) implementation is ongoing and no final decisions concerning whether any closures will continue have been made, (ii) litigation before implementation is complete would very likely interfere with the implementation process, (iii) the case presents a constitutional issue of first impression and the Court should not rule on this issue until policymaking is complete, and (iv) the Executive and Congress are entitled to substantial deference with respect to military personnel policy and such deference should extend to permitting the deliberative process to run its course. Moreover, even if such information did bear on ripeness, it almost certainly would be covered by the deliberative process privilege because it concerns the Services' pre-decisional considerations, *see* Beyler Decl. ¶¶ 17–20, and therefore protected from discovery. *See, e.g.*, *Klamath Water Users Protective Ass'n*, 532 U.S. at 8–9.

In these circumstances, the Court should not permit Plaintiffs to use litigation as a tool for immediately intruding on ongoing deliberations.

5. The Balance of Interests Weighs Heavily in Favor of the Requested Stay.

The interests in protecting the military's implementation of the DGCDAR rescission from unnecessary and undue interference in ongoing, significant policy deliberations and in promoting judicial efficiency and economy strongly favor a stay of discovery until the Court decides whether it has jurisdiction over this action. Plaintiffs would not be prejudiced by the requested stay because Defendant's Rule 12(b)(1) motion does not provide a basis for jurisdictional discovery. Accordingly, the balance of interests tips decidedly in favor of a protective order staying discovery until the Court decides Defendant's pending motion to dismiss.

CONCLUSION

For the foregoing reasons, the Court should enter a protective order staying all discovery in this action until it decides Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction.

Dated: January 21, 2014

Respectfully submitted,

STUART F. DELERY
Assistant Attorney General
MELINDA HAAG
United States Attorney
ALEX TSE
Chief, Civil Division
ANTHONY J. COPPOLINO
Deputy Branch Director

/s/ Caroline Lewis Wolverton
_____
CAROLINE LEWIS WOLVERTON
District of Columbia Bar No. 496433
Senior Counsel
Civil Division, Federal Programs Branch
U.S. Department of Justice
P.O. Box 883
Washington, D.C. 20044
Telephone: (202) 514-0265
Facsimile: (202) 616-8470
E-mail: caroline.lewis-wolverton@usdoj.gov

Attorneys for Defendant CHUCK HAGEL