

JOSEPH H. HUNT

Assistant Attorney General

WILLIAM C. PEACHEY

Director

EREZ REUVENI

Assistant Director

Office of Immigration Litigation

U.S. Department of Justice, Civil Division

P.O. Box 868, Ben Franklin Station

Washington, DC 20044

Tel: (202) 307-4293

Email: Erez.R.Reuveni@usdoj.gov

KATHRYNE GRAY

ARCHITH RAMKUMAR

Trial Attorneys

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

_____	)	
Make the Road New York, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 1:19-cv-02369-KBJ
	)	
Kevin McAleenan, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

JOINT STATEMENT ON SCHEDULING

The parties, having met and conferred, submit the below proposed schedule for briefing Plaintiffs' motion for preliminary injunction.

Defendants' Statement

Given that the government intends to begin enforcement of the designation by September 1, 2019, and given the Court's pre-existing obligations and schedule, Defendants propose the following schedule:

- August 19, by 12 noon: Plaintiffs file a supplemental brief addressing justiciability, limited to 15 pages.
- August 21 by midnight: Defendants file an omnibus opposition to the motion for preliminary injunction and supplemental brief, limited to 60 pages.
- August 23 by midnight: Plaintiffs file a reply brief, limited to 25 pages.
- August 26: the Court conducts a hearing

Should the court be disinclined to require Plaintiffs to file a supplemental brief addressing justiciability before Defendants must file their opposition brief, Defendants seek leave to file a sur-reply to permit it to address any arguments concerning subject matter jurisdiction, Article III standing, or justiciability that Plaintiffs may raise for the first time in their reply brief. If the Court does not adopt the government's first proposed schedule, Defendants propose the following schedule:

- August 19: Defendants file their opposition to the motion for preliminary injunction.
- August 21: Plaintiffs file their reply.
- August 23: Defendants file a sur-reply limited to addressing any arguments pertaining to justiciability raised for the first time by Plaintiffs in their reply.
- August 26: the Court conducts a hearing.

Although the parties appear to be in agreement on Defendants' first proposal, should the Court elect to adopt Plaintiffs' alternative proposal with a hearing date of September 6, Defendants believe Plaintiffs reply brief should be limited to 25 pages.

Plaintiffs' Statement

The government's Option 1 above is satisfactory for Plaintiffs, other than Plaintiffs request a 35-page reply brief.

If, however, the Court is inclined to hold the hearing on September 6, as it suggested on the phone, then plaintiffs would propose the following schedule:

August 21: Plaintiffs' supplement brief on jurisdiction, limited to 15 pages

August 28: Government omnibus opposition, limited to 60 pages

Sept 3: Plaintiffs' reply, limited to 35 pages

Sept 6: Hearing

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

WILLIAM C. PEACHEY
Director

By: /s/ Erez Reuveni
EREZ REUVENI
Assistant Director
Office of Immigration Litigation
U.S. Department of Justice, Civil Division
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
Tel: (202) 307-4293
Email: Erez.R.Reuveni@usdoj.gov

KATHRYNE GRAY
ARCHITH RAMKUMAR
Trial Attorneys

Dated: August 14, 2019

Attorneys for Defendants

Respectfully submitted,

Trina Realmuto*****

Kristin Macleod-Ball*****

American Immigration Council
1318 Beacon Street, Suite 18
Brookline, MA 02446
(857) 305-3600

Karolina J. Walters (D.C. Bar No. 1049113)
American Immigration Council
1331 G Street, NW, Suite 200
Washington, D.C. 20005
(202) 507-7520

Jonathan K. Youngwood*
Susannah S. Geltman*
Joshua Polster*
Simpson Thacher & Bartlett LLP
425 Lexington Avenue
New York, NY 10017
(212) 455-2000

Adrienne V. Baxley (D.C. Bar No. 1044750)
Simpson Thacher & Bartlett LLP
900 G Street, N.W.
Washington, D.C. 20001
(202) 636-5822

**Pro hac vice application forthcoming*

***Pro hac vice application pending*

****Filing pursuant to LCvR 83.2(c)*

*****Application for admission forthcoming*

******Admitted pro hac vice*

/s/ Celso Perez

Celso Perez (D.C. Bar No. 1034959)

Anand Balakrishnan*****

Omar C. Jadwat*

Lee Gelernt*****

American Civil Liberties Union
Foundation, Immigrants' Rights Project
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2600

Jennifer Chang Newell***

Stephen B. Kang*****

Julie Veroff***

American Civil Liberties Union
Foundation, Immigrants' Rights Project
39 Drumm Street
San Francisco, CA 94111
(415) 343-0774

Arthur B. Spitzer (D.C. Bar No. 235960)

Scott Michelman (D.C. Bar No. 1006945)

American Civil Liberties Union
Foundation of the District of Columbia
915 15th Street, NW, 2nd floor
Washington, D.C. 20005
(202) 457-0800

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2019, I electronically filed the foregoing document with the Clerk of the Court for the United States Court District Court for the District of Columbia by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

By: /s/ Erez Reuveni
EREZ REUVENI
Assistant Director
United States Department of Justice
Civil Division