

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, on behalf
of themselves and others similarly situated,

Plaintiffs,

v.

DONALD TRUMP, President of the
United States, *et al.*,

Defendants.

No. 2:17-cv-00094-RAJ

**JOINT STATUS REPORT AND
DISCOVERY PLAN**

Plaintiffs Abdiqafar Wagafe *et al.*, and Defendants Donald Trump *et al.*¹, by and through their counsel of record, hereby submit this Joint Status Report and Discovery Plan pursuant to Federal Rule of Civil Procedure 26(f), Local Civil Rule 26(f), and the Court's Order dated June 22, 2017, Dkt. 70.

1. Statement of the Nature and Complexity of the Case:

The Parties' Position: Factually, this case is of modest complexity. Legally, it is of moderate ranging to substantial complexity. Furthermore, this is a case of substantial public importance.

¹ All Defendants are named in their official capacities only.
JOINT STATUS REPORT AND DISCOVERY
PLAN (No. 2:17-cv-00094-RAJ) – 1

1 Plaintiffs' Statement:

2 The Court has certified this case as a nationwide class action. Plaintiffs seek declaratory
 3 and injunctive relief to stop Defendants from administering the Controlled Application Review
 4 and Resolution Program ("CARRP") and other "extreme vetting" policies, which program has
 5 caused delays to or effectively denied immigration applications. Plaintiffs assert that CARRP
 6 violates the Establishment Clause of the First Amendment; the Due Process Clause of the Fifth
 7 Amendment; Article I, Section 8, Clause 4 of the Constitution; the Administrative Procedure
 8 Act, including 5 U.S.C. §§ 553, 706(2)(A)-(D); and the Immigration and Nationality Act and its
 9 implementing regulations, including 8 U.S.C. § 1182(f), 8 U.S.C. § 1427, 8 C.F.R. § 316.2, 8
 10 C.F.R. § 335.3, 8 U.S.C. § 1255, 8 U.S.C. § 1159, 8 C.F.R. § 245.1, and 8 C.F.R. § 209.1.

11 Defendants' Statement:

12 **CARRP**

13 Consistent with the Executive's broad authority to investigate and adjudicate applications
 14 for immigration benefits, U.S. Citizenship and Immigration Services ("USCIS") implemented
 15 CARRP in 2008. CARRP is a *process* to meet USCIS's statutory mandate to investigate
 16 applicants and determine eligibility for benefits, *see, e.g.*, Pub. L. No. 105-119, Title I, 111 Stat.
 17 2448 (Nov. 26, 1997); 8 U.S.C. § 1446(a), (b), 8 U.S.C. § 1255, by which applications that raise
 18 national security concerns are consistently and uniformly adjudicated across USCIS. An
 19 application that raises a national security concern is one that is determined to have an articulable
 20 link to prior, current, or planned involvement in, or association with, an activity, individual, or
 21 organization described in 8 U.S.C. §§ 1182(a)(3)(A), (B), or (F), or 1227(a)(4)(A) or (B) - which
 22 set out national security and related grounds of inadmissibility and removal, respectively. This
 23 process does not create any new substantive criteria, or render any applicant statutorily
 24 ineligible, for any benefit. *See* 8 U.S.C. §§ 1255(a), 1427, 1429. Instead, CARRP provides a
 25 *process* to resolve issues that surface during the adjudications of applications with national
 26 security concerns. To resolve the issues, USCIS often must communicate with law enforcement

or intelligence agencies to determine whether information is relevant to an applicant and, if so, whether the information has an impact on eligibility for the benefit sought. If an applicant is ineligible for the benefit sought, the application is denied, and, once vetting is completed, if the applicant is eligible for the benefit sought, then the application is approved. CARRP is neutral with respect to religion and national origin, and Plaintiffs cannot demonstrate that it infringes any of the constitutional or statutory provisions on which they rely. Additionally, because Congress has granted the Executive authority to investigate, make eligibility determinations, and adjudicate applications, Plaintiffs cannot demonstrate that CARRP violates the Administrative Procedure Act. Lastly, Plaintiffs cannot demonstrate that CARRP violates Article I, Section 8, Clause 4 of the Constitution.

Exec. Order 13769, 82 Fed. Reg. 8977 (Feb. 1, 2017) (“First Executive Order”);
Exec. Order 13780, 82 Fed. Reg. 13209 (Mar. 9, 2017) (“Second Executive Order.”)

Consistent with the Executive’s broad constitutional authority over foreign affairs and national security, Executive Order 13780 directs the Secretary of State, the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence to develop “a program, as part of the process for adjudications, to identify individuals who seek to enter the United States on a fraudulent basis, who support terrorism, violent extremism, acts of violence toward any group or class of people within the United States, or who present a risk of causing harm subsequent to their entry.” Second Executive Order § 5.² The Second Executive Order also directs “the development of a uniform baseline for screening and vetting standards and procedures . . .” *Id.* The President lawfully exercised his broad authority in the Second Executive Order. The Second Executive Order is neutral with respect to religion and national origin, and Plaintiffs cannot demonstrate that it infringes any of the constitutional or statutory

² Defendants address here only those sections of the Executive Orders on which Plaintiffs have sought class certification.

provisions on which they rely. Plaintiffs' challenge to the First Executive Order is moot, as that order has been revoked by Section 13 of the Second Executive Order.

2. Deadline for Joining Additional Parties:

The Parties' Position: The Parties propose a deadline of October 20, 2017, to add any additional parties, though neither party currently anticipates joining any additional parties.

3. Assignment to a Magistrate Judge:

The Parties' Position: No.

4. Discovery Plan:

(A) Initial Disclosures:

The Parties exchanged Initial Disclosure Statements on July 14, 2017.

(B) Subjects, Timing, and Potential Phasing of Discovery:

The Parties' Position: The Parties request the Court set a discovery deadline of May 18, 2018.

Plaintiffs' Position: Plaintiffs anticipate conducting discovery, potentially to include Rule 30(b)(6) depositions, on at least the following topics: Plaintiffs' applications for naturalization and adjustment of status; the relationship between CARRP and other past, current, or future "extreme vetting" policies; the creation of CARRP and other "extreme vetting" policies; Defendants' policies and practices of subjecting naturalization and adjustment-of-status applications to CARRP and other "extreme vetting" policies; the number of and demographic information pertaining to individuals whose immigration benefit applications have been subject to CARRP and other "extreme vetting" policies; Defendants' policies and practices of labeling Plaintiffs and other members of the Naturalization and Adjustment Classes as "national security concerns"; and the number of and demographic information pertaining to immigration applicants who have been labeled "national security concerns."

Plaintiffs disagree with Defendants' below assertion that discovery is not needed or appropriate. Plaintiffs also do not believe formal phasing of discovery is appropriate or would

1 result in any identifiable efficiencies. Plaintiffs agree with Defendants that initial production of
2 documents may result in follow-up discovery, which accounts for some of the reason that
3 Plaintiffs believe the requested period to complete discovery is reasonable.

4 Defendants' Position: Defendants do not think discovery is required to resolve Plaintiffs'
5 allegations, which fail as a matter of law. Should discovery proceed, Defendants believe that
6 discovery should be limited to the current CARRP policy, excluding discovery concerning
7 individual applicants, because, as the Court recognized, "Plaintiffs' claim is that CARRP is an
8 unlawful program." Dkt. 69 at 25. Plaintiffs claim that CARRP generally violates certain
9 constitutional and statutory provisions. Plaintiffs have not sought a specific immigration benefit
10 as relief for any individual class members. Thus, any discovery related to an individual class
11 member's application that may have been subjected to CARRP would not be relevant to
12 Plaintiffs' claims, would be unduly burdensome, and would be disproportionate to the needs of
13 the case. Because Plaintiffs' claims are that the CARRP policy, in its current form, is unlawful,
14 discovery should be limited to USCIS's current CARRP policy, rather than its application to any
15 individual. Further, discovery into future policies that did not exist at the time this litigation was
16 filed are not appropriate, because, as the Court has recognized, "any claims about enjoining a
17 potential future extreme vetting program may be premature . . . [and] the Court cannot enjoin a
18 program that is currently nonexistent." Dkt. 69 at 14-15.

19 Defendants believe that discovery is not appropriate in this case as to Plaintiffs' claims
20 regarding the First and Second Executive Orders, which fail as a matter of law. Discovery is not
21 appropriate to address the subjective motivation underlying the Executive Orders. The Supreme
22 Court has made clear in the immigration context that courts may not "look behind the exercise of
23 [Executive] discretion" taken "on the basis of a facially legitimate and bona fide reason."
24 *Kleindienst v. Mandel*, 408 U.S. 753, 770 (1972); *see Fiallo v. Bell*, 430 U.S. 787, 796 (1977).
25 As those cases recognize, discovery and trial would thrust courts into the untenable position of
26 probing the Executive's judgments on foreign affairs and national security. Any such discovery

1 would invite impermissible intrusion on Executive Branch deliberations, which are
2 constitutionally “privilege[d]” against such inquiry, *United States v. Nixon*, 418 U.S. 683, 708
3 (1974), as well as inviting litigant-driven discovery that disrupts the President’s ongoing
4 execution of the laws. *See Cheney v. U.S. District Court for the District of Columbia*, 542 U.S.
5 367, 386 (2004) (noting the potential for sanctions and the obligation of candor toward the
6 tribunal “have proved insufficient to discourage the filing of meritless claims against the
7 Executive Branch”). Searching for governmental purpose outside official pronouncements and
8 the operative terms of governmental action is fraught with practical “pitfalls” and “hazards” that
9 courts should avoid. *Palmer v. Thompson*, 403 U.S. 217, 224 (1971). In the event the Court is
10 inclined to permit such discovery, the Court should stay any such discovery until the resolution
11 of *Trump v. Hawaii*, No. 16-1540 (S. Ct.), which is certain to provide substantial guidance to this
12 Court and the Parties in resolving (or eliminating) disputes as to the proper scope of discovery in
13 this context. *See Landis v. North American Co.*, 299 U.S. 248, 253 (1936) (holding that a stay
14 may be warranted where the resolution of other litigation will likely “narrow the issues in the
15 pending cases and assist in the determination of the questions of law involved”). However,
16 should discovery related to the First or Second Executive Orders commence, Defendants reserve
17 the right to propound discovery on these topics if it becomes necessary in light of Plaintiffs’
18 discovery requests and/or the Court’s rulings.

19 Defendants oppose the deposition of any high-ranking government officials including
20 both White House personnel and high-ranking officials of other departments, agencies, and
21 services within the Executive Branch. It is well-established that, absent extraordinary
22 circumstances, high ranking government officials should not be subjected to depositions. *See,*
23 *e.g., United States v. Morgan*, 313 U.S. 409, 422 (1941); *Kyle Eng’g Co. v. Kleppe*, 600 F.2d
24 226, 231 (9th Cir. 1979) (“Heads of government agencies are not normally subject to
25 deposition.”); *In re FDIC*, 58 F.3d 1055, 1060 (5th Cir. 1995) (granting writ of mandamus to
26 prevent deposition of high-level government official); *In re United States*, 985 F.2d 510, 513

1 (11th Cir. 1993) (same); *Simplex Time Recorder Co. v. Sec'y of Labor*, 766 F.2d 575, 586 (D.C.
 2 Cir. 1985). In addition, Defendants note that Plaintiffs cannot satisfy the “exacting standards of
 3 ‘(1) relevancy; (2) admissibility; [and] (3) specificity’” that are required before obtaining
 4 discovery from “senior members of the Executive Branch.” *Cheney*, 542 U.S. at 385-86.

5 If the Court decides to establish discovery deadlines at this time, Defendants’ believe
 6 their discovery can be completed in ten (10) months, but reserve the right to seek modification of
 7 that timeline, should the need arise, as discovery progresses.

8 Defendants propose phasing discovery of production of documents and things concerning
 9 CARRP as follows, as far as such information is relevant: first, discovery of written documents
 10 concerning CARRP propounded by an official (policy documents, guidance memoranda, training
 11 materials, and the like); second, statistical information maintained in or compiled from electronic
 12 databases; third, all other documents and things. Defendants believe that phasing production in
 13 this way will assist in determining search parameters and thus minimizing expense. For
 14 example, policy memoranda may contain certain key words or identify particular officials, which
 15 could then be used to sharpen subsequent requests. Moreover, orchestrating all discovery
 16 simultaneously within a relatively short period would be unduly burdensome and
 17 disproportionate to the needs of the case.

18 **(C) Electronically Stored Information (“ESI”):**

19 The Parties anticipate that they will produce some ESI. Plaintiffs have drafted an ESI
 20 stipulation and provided it to Defendants for review, and the parties anticipate trying to complete
 21 negotiation of this stipulation soon, but no later than when Defendants will be due to respond to
 22 Plaintiffs’ initial discovery requests, which Plaintiffs anticipate propounding within a week of
 23 this Report.

24 **(D) Privilege Issues:**

25 If either party discovers that it inadvertently produced privileged information, the
 26 disclosing party shall notify the receiving party of the inadvertent disclosure, and the receiving

1 party will return the documents. This matter is will be addressed in further detail in a proposed
 2 Stipulated Protective Order that the Parties intend to file. Additionally, the Parties agree that a
 3 Federal Rule of Evidence 502(d) order should be entered in this case and are currently in the
 4 process of negotiating the terms of such an agreement.

5 Plaintiffs' Position: In their Answer and in Defendants' Position statement below,
 6 Defendants have asserted privilege to information pertaining to whether particular persons have
 7 had their applications subjected to CARRP. Plaintiffs believe that any concerns about
 8 confidentiality of that information can be dealt with through the proposed Stipulated Protective
 9 Order currently being negotiated. Plaintiffs anticipate that at least some of Defendants' privilege
 10 assertions will require resolution by the Court, after these issues are further developed in the
 11 context of Plaintiffs' discovery requests of Defendants.

12 Defendants' Position: Defendants believe much of the information Plaintiffs seek is
 13 protected by various privileges, potentially including, but not limited to, the Presidential
 14 communications privilege, the deliberative process privilege, the law enforcement privilege, the
 15 attorney client privilege, and the work product doctrine. Defendants note that the presence of a
 16 protective order will not affect Defendants' rights under these privileges and doctrines. *See* Fed.
 17 R. Civ. P. 26(b)(1) (" . . . Parties may obtain discovery regarding any *nonprivileged* matter. . .")
 18 (emphasis added); *In re Grand Jury Subpoena*, 836 F.2d 1468, 1476 (4th Cir. 1988) ("a
 19 protective order does not alter an individual's right to assert his fifth amendment privilege");
 20 *Bowerman v. Field Asset Servs., Inc.*, No. 13-cv-00057-WHO, 2013 WL 6057043, *3 (N.D. Cal.
 21 2013) ("The mere presence of a protective order does not affect this [taxpayer privilege]
 22 analysis."). The Parties have not yet identified any other privilege issues, but reserve the right to
 23 assert privilege as needed, as well as to object to any discovery as necessary.

24 **(E) Proposed Limitations on Discovery:**

25 Plaintiffs' Position: The Court should apply the limitations on discovery imposed by the
 26 Federal Rules of Civil Procedure and the Local Rules, and no other limitations.

Defendants' Position: The Court should apply the limitations on discovery imposed by the Federal Rules of Civil Procedure and the Local Rules, and that further limitation may be warranted as discovery progresses.

(F) The Need for Discovery-Related Orders:

The Parties' Position: The Parties request a Rule 16(b) Scheduling Order. The Parties' proposed deadlines are presented below.

Discovery	Parties' Proposed Deadline
Join additional parties	October 20, 2017
Amend the pleadings	120 days before trial
Complete fact discovery	May 18, 2018 ³
Dispositive motions	90 days before trial
Motions in limine	21 days before trial
Pretrial conference	2 weeks prior to trial

5. The Parties' Views, Proposals, and Agreements on Items Set Forth in Local Civil Rule 26(f)(1):

(A) Prompt Case Resolution:

The Parties' Position: The Parties do not foresee a possibility for promptly settling or otherwise resolving this case, although the Parties remain willing to discuss such possibilities should the occasion arise.

(B) Alternative Dispute Resolution:

The Parties' Position: Neither Party intends to utilize Alternative Dispute Resolution.

(C) Related Cases:

The Parties' Position: The Parties are not aware of any cases related to this case for purposes of Local Civil Rule 3.2(g).

Outside of this District, the Parties have identified that the following pending cases include challenges to CARRP:

³ As noted above, at present Defendants believe fact discovery can be completed by May 18, 2018. However, Defendants reserve the right to move for an extension of time to complete fact discovery if the Supreme Court's decision in *Hawaii* materially alters the scope of discovery in this case.

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1 *Ahmetspahic v. United States Dep't of Homeland Security, et al.*, No. 1:17-cv-1759 (E.D.
2 Mo.)

3 *Al Hatab v. United States Dep't of Homeland Security, et al.*, No. 5:16-cv-988 (W.D.
4 Tex.)

5 *Arapı, et. al v. United States Dep't of Homeland Security, et al.*, No. 4:16-cv-692 (E.D.
6 Mo.)

7 *Husic v. United States Dep't of Homeland Security, et al.*, No. 4:17-cv-1572 (E.D. Mo.)

8 *Jafarzadeh v. Johnson, et al.*, No. 1:16-cv-1385 (D.D.C.)

9 *Olabode v. United States Dep't of Homeland Security*, No. 1:17-cv-1322 (D.D.C)

10 *Sabia v. United States Dep't of Homeland Security, et al.*, No. 1:17-cv-1062 (D.D.C.)

11 Outside of this District, Defendants have identified that the following case includes
12 challenges that extend to Section 5 of Executive Order 13780: *Universal Muslim Ass'n of Am. v.*
13 *Trump*, No. 1:17-cv-00537 (D.D.C.).

14 **(D) Discovery Management:**

15 The Parties' Position: The Parties are willing to work together to manage discovery in a
16 way that will promote the expeditious and inexpensive resolution of the case. Neither Party
17 agrees to forgo or limit depositions, exchange documents informally, or use an abbreviated
18 pretrial order. The Parties reserve the right to request discovery and/or case management
19 conferences with the Court.

20 **(E) Anticipated Discovery Sought:**

21 Plaintiffs' Position: Plaintiffs anticipate conducting discovery, potentially to include
22 30(b)(6) depositions, on at least the following topics: Plaintiffs' applications for naturalization
23 and adjustment of status; the relationship between CARRP and other past, current, or future
24 "extreme vetting" policies; the creation of CARRP and other "extreme vetting" policies;
25 Defendants' policies and practices of subjecting naturalization and adjustment-of-status
26 applications to CARRP and other "extreme vetting" policies; the number of and demographic

1 information pertaining to individuals whose immigration benefit applications have been subject
 2 to CARRP and other “extreme vetting” policies; Defendants’ policies and practices of labeling
 3 Plaintiffs and other members of the Naturalization and Adjustment Classes as “national security
 4 concerns”; and the number of and demographic information pertaining to immigration applicants
 5 who have been labeled “national security concerns.”

6 Defendants’ Position: As explained above, this case involves facial challenges to the
 7 Executive Orders for which no discovery is appropriate, and a facial challenge to CARRP. *See*
 8 Dkt. 69 at 25 (“Plaintiffs’ claim is that CARRP is an unlawful program.”). As such, discovery
 9 should be limited to information that is proportional to the needs of a facial challenge to CARRP
 10 only. *See* Fed. R. Civ. P. 26(b)(1), advisory committee notes to 2015 amendments (noting the
 11 rulemakers’ intent to “[r]estor[e] proportionality as an express component of the scope of
 12 discovery” and observing that the phrase “‘reasonably calculated to lead to admissible evidence’
 13 is . . . deleted. The phrase has been used by some, incorrectly, to define the scope of
 14 discovery.”).

15 **(F) Phasing Motions:**

16 The Parties’ Position: The Parties do not anticipate phasing dispositive motions.

17 **(G) Preservation of Discoverable Information:**

18 The Parties’ Position: The Parties are aware of their duty to take reasonable and
 19 proportional steps to preserve potentially relevant information relating to the claims and defenses
 20 in this case. *See* Fed. R. Civ. P. 26(b)(1). The Parties may require future discussions to address
 21 the scope of preservation and/or seek a preservation order from the Court as needed, although the
 22 Parties are not aware of any preservation of discoverable information issues at this time.

23 **(H) Privilege Issues:**

24 If either party discovers that it inadvertently produced privileged information, the
 25 disclosing party shall notify the receiving party of the inadvertent disclosure, and the receiving
 26 party will return the documents. This matter is will be addressed in further detail in the

1 Stipulated Protective Order that the Parties intend to file. Additionally, the Parties agree that a
 2 Federal Rule of Evidence 502(d) order should be entered in this case and are currently in the
 3 process of negotiating the terms of the agreement.

4 Plaintiffs' Position: In their Answer and herein, Defendants have asserted privilege to
 5 information pertaining to whether particular persons have had their applications subjected to
 6 CARRP. Plaintiffs believe that any concerns about confidentiality of that information can be
 7 dealt with through the proposed Stipulated Protective Order the parties are negotiating. Plaintiffs
 8 anticipate that at least some of Defendants' privilege assertions will require resolution by the
 9 Court, after these issues are further developed in the context of Plaintiffs' discovery requests of
 10 Defendants.

11 Defendants Position: Defendants believe much of the information Plaintiffs seek is
 12 protected by various privileges, potentially including, but not limited to, the Presidential
 13 communications privilege, the deliberative process privilege, the law enforcement privilege, the
 14 attorney client privilege, and the work product doctrine. Defendants note that the presence of a
 15 protective order will not affect Defendants' rights under these privileges and doctrines. *See* Fed.
 16 R. Civ. P. 26(b)(1) (" . . . Parties may obtain discovery regarding any *nonprivileged* matter. . .")
 17 (emphasis added); *In re Grand Jury Subpoena*, 836 F.2d at 1476; *Bowerman*, No. 13-cv-00057-
 18 WHO, 2013 WL 6057043 at *3.

19 The Parties have not yet identified any other privilege issues, but reserve the right to
 20 assert privilege as needed, as well as to object to any discovery as necessary.

21 **(I) Electronically Stored Information ("ESI"):**

22 Plaintiffs' Position: Plaintiffs anticipate that they will produce some ESI, including
 23 documents prepared and obtained by the American Civil Liberties Union in response to Freedom
 24 of Information Act requests. The relevant documents are also available at
 25 <https://www.aclusocal.org/en/CARRP>.
 26

Defendants' Position: Defendants reiterate that they do not believe discovery is appropriate for all claims in this matter. *See supra* ¶ 4(B). In the event that discovery proceeds, Defendants anticipate that they will produce some ESI.

(J) Alternatives to Model Protocol:

The Parties' Position: In lieu of using the Model ESI Agreement, Plaintiffs have drafted an ESI stipulation and provided it to Defendants for review. The stipulation will address the nature, location, and scope of ESI to be preserved; production formats; and methodologies for identifying and producing relevant and discoverable ESI. Defendants agree to work with Plaintiffs to modify the proposed protocol given the needs of the case.

6. Date of Completion of Discovery:

The Parties' Position: May 18, 2018.

Defendants' Position: As noted above, at present Defendants believe fact discovery can be completed by May 18, 2018. However, Defendants reserve the right to move for an extension of time to complete fact discovery if the Supreme Court's decision in *Hawaii* materially alters the scope of discovery in this case.

7. Bifurcation of Trial or Other Issues:

The Parties' Position: The Parties submit that the case is not amenable to bifurcation.

8. Individualized Trial Program:

The Parties' Position: Neither party intends to utilize the Individualized Trial Program.

9. Other Suggestions for Shortening or Simplifying the Case:

The Parties' Position: The Parties do not have any suggestions for shortening or simplifying the case at this time, but they will work cooperatively to identify such opportunities, including the possibility of stipulating to any undisputed facts.

10. Date Case Will Be Ready for Trial: September 18, 2018.

11. Trial by Jury or Non-Jury: Non-jury

12. Number of Trial Days Required: Five (5) days

13. Names, Addresses, and Telephone Numbers of All Trial Counsel:

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18 14. Dates on Which Trial Counsel May Have Complications: The Parties' trial counsel
19 are not currently aware of any conflicts during September 2018 or later.

20 15. Service: Plaintiffs, through their counsel, have effectuated service on all Defendants.

21 16. Request for a Scheduling Conference Prior to Entry of a Scheduling Order:

22 The Parties' Position: The Parties respectfully request a scheduling conference.
23
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25
26

1 DATED: July 28, 2017

2 By:

3 COUNSEL FOR PLAINTIFFS:

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JOINT STATUS REPORT AND DISCOVERY
PLAN (No. 2:17-cv-00094-RAJ) – 18

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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury and the laws of the State of Washington that on July 28, 2017, I caused service of the foregoing, JOINT STATUS REPORT AND DISCOVERY PLAN, via email to all counsel of record herein.

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I certify under penalty of perjury that the foregoing is true and correct.

DATED this 28th day of July, 2017, at Seattle, Washington.

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