

1 ROBIN F. THURSTON (*pro hac vice*)
Democracy Forward Foundation
2 P.O. Box 34553
Washington, D.C. 20043
3 (202) 448-9090, rthurston@democracyforward.org

4 Matthew Callahan (CA Bar No. 307782)
Muslim Advocates
5 P.O. Box 71080
Oakland, CA 94612
6 (415) 692-1484, matthew@muslimadvocates.org

7 Johnathan Smith (*pro hac vice*)
Sirine Shebaya (*pro hac vice*)
8 Muslim Advocates
P.O. Box 66408
9 Washington, DC 20035
(202) 879-2622
10 johnathan@muslimadvocates.org, sirine@muslimadvocates.org

11 Counsel for Plaintiff

12 ALEX G. TSE (CABN 152348)
United States Attorney
13 SARA WINSLOW (DCBN 457643)
Chief, Civil Division
14 MICHELLE LO (NYBN 4325163)
Assistant United States Attorney
15 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
16 Telephone: (415) 436-7180
Facsimile: (415) 436-6748
17 Michelle.Lo@usdoj.gov

18 Counsel for Defendants

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 MUSLIM ADVOCATES,) CASE NO. 18-cv-02137-JSC
23 Plaintiff,)
24 v.) **STIPULATION TO STAY CASE PENDING**
25 U.S. DEPARTMENT OF JUSTICE; U.S.) **PLAINTIFF’S ADMINISTRATIVE APPEALS**
26 DEPARTMENT OF HOMELAND)
SECURITY,)
27 Defendants.)

28 STIPULATION TO STAY CASE PENDING PLAINTIFF’S ADMINISTRATIVE APPEALS
CASE 18-CV-2137-JSC

1 Pursuant to Civil Local Rule 7-12, the parties, Plaintiff, Muslim Advocates, and Defendants,
2 U.S. Department of Justice (“DOJ”) and U.S. Department of Homeland Security (“DHS”), by and
3 through their respective counsel, stipulate to stay this matter while Plaintiff pursues administrative
4 appeals with Defendants. The parties state as follows:

5 1. On April 9, 2018, Plaintiff filed this action under the Administrative Procedure Act, 5
6 U.S.C. § 701 *et seq.*, alleging a violation of the Information Quality Act (“IQA”), 44 U.S.C. § 3516 note,
7 in connection with Defendants’ publication of a report, the Executive Order 13780: Protecting the
8 Nation From Foreign Terrorist Entry Into the United States Initial Section 11 Report.

9 2. In June 2018, DOJ and DHS issued interim responses to Plaintiff indicating that they
10 required additional time to review Plaintiff’s IQA request. On July 31, 2018, DOJ issued a final
11 response to Plaintiff’s IQA request; and on August 1, 2018, DHS issued a final response to Plaintiff’s
12 IQA request. Defendants filed a motion to dismiss the case on August 2, 2018. ECF No. 21.

13 3. Both DOJ’s and DHS’s IQA guidelines permit petitioners to submit an administrative
14 appeal of IQA responses. Although Plaintiff does not believe that such appeals are required before
15 proceeding with this matter, it intends to submit administrative appeals to both agencies.

16 4. Plaintiff intends to submit its administrative appeals by September 14, 2018, the earlier of
17 the two agency deadlines for doing so. DOJ IQA guidelines provide that the agency will respond to
18 such requests for reconsideration within 45 calendar days of receipt. DHS IQA guidelines provide that
19 the agency should respond to appeals within 60 calendar days of receipt, or November 13, 2018, if the
20 agency receives the appeal on September 14, 2018.

21 5. The parties agree that, in the interest of judicial economy, this matter should be stayed
22 until Plaintiff submits its administrative appeals and Defendants have an opportunity to respond to those
23 appeals. They propose filing a status report and proposal for next steps in this matter with the Court by
24 November 28, 2018, shortly after they anticipate completing the administrative appeal process.
25 Accordingly, they respectfully request that the Court enter the attached Order vacating current deadlines,
26 including the briefing schedule, the hearing date, and the case management conference set forth in the
27 Court’s Order of July 10, 2018 (ECF No. 20), and staying this matter until November 28, 2018.

1 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and Defendants that the
2 matter be stayed until November 28, 2018, by which date the parties will file a joint status report with
3 the Court including a proposal for next steps in this matter.

4 **SO STIPULATED.**

5 Respectfully submitted,

6 Dated: August 22, 2018 __

7 /s/ Robin F. Thurston
8 Robin F. Thurston
9 Democracy Forward Foundation
10 P.O. Box 34553
11 Washington, D.C. 20043
12 (202) 448-9090

Counsel for Plaintiff

13 Dated: August 22, 2018

14 ALEX G. TSE
15 United States Attorney

16 /s/ Michelle Lo
17 Michelle Lo
18 Assistant United States Attorney

Counsel for Defendants

19 **ECF ATTESTATION**

20 In accordance with Civil Local Rule 5(i)(3), I, Robin F. Thurston, attest that I have obtained concurrence
21 in the filing of this document from the other signatory listed here.

22 ~~PROPOSED~~ ORDER

23 PURSUANT TO STIPULATION, IT IS SO ORDERED. This matter is stayed until November 28,
24 2018, by which date the parties shall file a joint status report including a proposal for future proceedings
25 in the litigation. All current deadlines including the briefing schedule, the hearing date, and the case
26 management conference set forth in the Court's Order of July 10, 2018 (ECF No. 20), are vacated.

27 DATED: August 23, 2018

28 
Hon. Jacqueline Scott Corley
United States Magistrate Judge