

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

PARS EQUALITY CENTER,
IRANIAN AMERICAN BAR ASSOCIATION,
PUBLIC AFFAIRS ALLIANCE OF IRANIAN
AMERICANS, INC., *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP *et al.*,

Defendants.

Civil Action No. 1:17-cv-255

Hon. Tanya S. Chutkan

PLAINTIFFS' REPLY IN SUPPORT OF A CASE MANAGEMENT SCHEDULE

The Government's opposition (ECF No. 137) warrants a brief response.

1. The Government urges the Court to "stay this case pending resolution" of appellate proceedings in other cases. Opp. 2-3. The Government's submission, however, nowhere discusses the legal standard for granting a stay. Those standards are not met here. The D.C. Circuit in *Dellinger v. Mitchell* stated that an applicant "for a stay must make out a clear case of hardship or inequity in being required to go forward, if there is even a fair possibility that the stay for which he prays will work damage to someone else." 442 F.2d 782, 785 (D.C. Cir. 1971) (citing *Landis v. North America Co.*, 299 U.S. 248 (1936)). The Government does not meet those requirements. Nor can the Government show that a stay is appropriate in light of the D.C. Circuit endorsement that "only in a rare circumstance will a litigant in one cause be compelled to stand aside while a litigant in another settles the rule of law that will define the rights of both." *Id.* Plaintiffs here are advancing entirely different legal theories than the statutory claim at issue

in the Ninth Circuit decision. Further, the Ninth Circuit case does not address the October 23 Memorandum. Resolution of the Ninth Circuit case will not affect this suit.

2. The Government's contention that entry of further injunctive relief "would be directly at odds with the Supreme Court's stay orders," Opp. 2, is refuted by the Ninth Circuit and the Western District of Washington decisions. *See* ECF No. 135 Ex. 1 & 2. Indeed, since the Government made that argument, the Western District of Washington has entered a second order expressly rejecting the Government's position. *See* Exhibit 1.

3. The Government argues that the Court need do nothing regarding refugees because the Refugee Ban will "imminently become moot" since the "SAO review period is scheduled to last no more than 90 days." Opp. 3. But the Government has repeatedly demonstrated over the course of this litigation that it is prepared to extend these review periods far beyond their initial limits.

4. The Government also argues that the Court should limit any scheduling order to a briefing schedule on a motion to dismiss and requests at least 21 days to submit a motion. Defendants have already submitted three full-length briefs raising Rule 12(b)(1) and 12(b)(6)-style arguments. ECF Nos. 26, 50, & 113. This case has been pending for almost a year, during which time Plaintiffs have all continued to experience ongoing irreparable harm. The time for the Government to answer for its conduct should not be further delayed.

Dated: January 10, 2018

Respectfully submitted,

Cyrus Mehri (D.C. Bar # 420970)
U.W. Clemon (D.D.C. Bar # AL0013)
Joanna K. Wasik (D.C. Bar # 1027916)
MEHRI & SKALET, PLLC
1250 Connecticut Ave., NW, Suite 300
Washington, DC 20036
(202) 822-5100
(202) 822-4997 (fax)
cmehri@findjustice.com

Kristen Clarke (D.C. Bar # 973885)
Jon Greenbaum (D.C. Bar # 489887)
LAWYERS' COMMITTEE FOR
CIVIL RIGHTS UNDER LAW
1401 New York Ave., NW, Suite 400
Washington, DC 20005
(202) 662-8600
(202) 783-0857 (fax)
jgreenbaum@lawyerscommittee.org

Hassan Zavareei (D.C. Bar # 456161)
TYCKO & ZAVAREEI LLP
1828 L Street, NW, Suite 1000
Washington, DC 20036
(202) 973-0900
(202) 973-0950 (fax)
hzavareei@tzlegal.com

Adrienne D. Boyd (*pro hac vice*)
ARNOLD & PORTER
KAYE SCHOLER LLP
370 Seventeenth Street, Suite 4400
Denver, CO 80202
(303) 863-1000
(303) 832-0428 (fax)
adrienne.boyd@apks.com

/s/ John A. Freedman
John A. Freedman (D.C. Bar # 453075)
David P. Gersch (D.C. Bar # 367469)
R. Stanton Jones (D.C. Bar # 987088)
Nancy L. Perkins (D.C. Bar # 421574)
Ronald A. Schechter (D.C. Bar # 245019)
Robert N. Weiner (D.C. Bar # 298133)
Samuel M. Witten (D.C. Bar # 378008)
Sally L. Pei (D.C. Bar # 1030194)
Sonia Tabriz (D.C. Bar # 1025020)
Stephen K. Wirth (D.C. Bar # 1034038)
ARNOLD & PORTER
KAYE SCHOLER LLP
601 Massachusetts Ave., NW
Washington, DC 20001
(202) 942-5000
(202) 942-5999 (fax)
john.freedman@apks.com

Christopher M. Odell (*pro hac vice*)
ARNOLD & PORTER
KAYE SCHOLER LLP
700 Louisiana Street, Suite 1600
Houston, TX 77002
(713) 576-2400
(713) 576-2499 (fax)
christopher.odell@apks.com

Susan S. Hu (*pro hac vice*)
ARNOLD & PORTER
KAYE SCHOLER LLP
250 West 55th Street
New York, NY 10019
(212) 836-8000
(303) 836-8689 (fax)
susan.hu@apks.com

Counsel for Plaintiffs