

2. In response to the Court's order, the Government reported that "a total of 27,241 diversity-visa numbers for fiscal year 2017 have been returned unused." ECF No. 52 at 1. The Court has required the government to "hold those visa numbers to process Plaintiffs' visa applications in the event the Supreme Court finds the Executive Order to be unlawful." ECF No. 50. Because over 27,000 visa numbers were returned unused, a sufficient quantity of visas exist to issue an immigrant visa to each member of the proposed class.

3. In its status update, Defendants also indicated that the "total number of diversity visas that were actually issued for fiscal year 2017 was 49,976." *Id.* However, the State Department recently released data suggesting that Defendants' report to this Court was inaccurate. The State Department's website reports that only 49,067 diversity visas were issued in 2017¹—more than 900 fewer than Defendants reported to this Court. Plaintiffs continue to believe that, to the extent any numerical cap exists on the number of visas available in this litigation, it is no less than the 27,241 unused visa numbers identified by Defendants. However, if the Court were to disagree and conclude that no more than 50,000 visas could be issued for 2017, this new information indicates that at least 933 visas are available for use by the proposed class.

B. Motion to Schedule Oral Argument

4. Defendants filed a motion to dismiss in this matter on October 20, 2017. ECF No. 53. On November 3, Plaintiffs filed an opposition to the motion to dismiss, ECF No. 54, and Defendants filed their reply on November 13. ECF No. 56. As a result, the motion to dismiss is

¹ *Report of the Visa Office 2017*, Table III, Immigrant Visas Issued (by Foreign State of Chargeability or Place of Birth): Fiscal Year 2017, at 6, *available at* <https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2017AnnualReport/FY17AnnualReport-TableIII.pdf>

fully briefed and is ready for oral argument. In addition, Plaintiffs filed a motion for class certification on August 3, 2017, ECF No. 3, to which Defendants never responded.

5. Plaintiffs seek oral argument on the pending motions as soon as the Court's schedule permits. As the Court is aware, the stakes in this litigation could not be higher for Plaintiffs and members of the proposed class. The government's continuing illegal denial of their visas poses significant ongoing harm to Plaintiffs. Furthermore, if the Court denies the motion to dismiss, Plaintiffs believe that they will be able to file a motion for summary judgment quickly and resolve the litigation expeditiously. As a result, a rapid resolution of the motion to dismiss is in the best interests of the Court and the parties.

6. Counsel for Plaintiffs are available to present argument on the pending motions any day except for December 5-7 and December 11, 2017.

December 4, 2017

Respectfully submitted,

Samer E. Khalaf (pro hac vice)
Abed A. Ayoub
Yolanda Rondon
AMERICAN-ARAB ANTI-DISCRIMINATION
COMMITTEE
1705 DeSales Street, N.W., Suite 500
Washington, D.C. 20036
Tel: 202-244-2990
Skhalaf@adc.org

/s/ Matthew E. Price
Matthew E. Price (DC Bar # 996158)
Max J. Minzner (pro hac vice)
JENNER & BLOCK LLP
1099 New York Ave. NW Suite 900
Washington, DC 20001
Tel. 202-639-6000
Fax: 202-639-6066
Email: mprice@jenner.com
mminzner@jenner.com

Karen C. Tumlin
Esther Sung
NATIONAL IMMIGRATION LAW CENTER
3435 Wilshire Blvd, Suite 1600
Los Angeles, CA 90010
(213) 639-3900
tumlin@nilc.org
sung@nilc.org

Omar C. Jadwat
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
Tel: (212) 549-2600
Fax: (212) 549-2654
ojadwat@aclu.org

Justin B. Cox
NATIONAL IMMIGRATION LAW CENTER

Cody H. Wofsy
Spencer E. Amdur

PO Box 170208
Atlanta, GA 30317
(678) 279-5441
cox@nilc.org

Arthur B. Spitzer (D.C. Bar # 235960)
Scott Michelman (D.C. Bar # 1006945)
AMERICAN CIVIL LIBERTIES UNION
OF THE DISTRICT OF COLUMBIA
4301 Connecticut Avenue, NW, Suite 434
Washington, DC 20008
202-457-0800
aspitzer@acludc.org

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
39 Drumm Street
San Francisco, CA 94111
Tel: (415) 343-0770
Fax: (415) 395-0950
cwofsy@aclu.org
samdur@aclu.org

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that, on December 4, 2017, I served the foregoing Plaintiffs' Motion to Schedule Oral Argument and Status Update on all counsel of record by filing it via this Court's CM/ECF system.

/s/ Matthew E. Price

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

P.K., *et al.*,)
on behalf of themselves and all)
others similarly situated,) No. No. 1:17-cv-01533-TSC
)
Plaintiffs/Petitioners,)
)
v.)
)
REX W. TILLERSON, *et al.*,)
)
Defendants/Respondents.)
)
_____)

[PROPOSED] ORDER

Upon consideration of the foregoing Plaintiffs' Motion to Schedule Oral Argument, it is hereby ORDERED that the motion is GRANTED.

Entered: December ____, 2017

United States District Judge