

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

DR. SAMIRA ASGARI,

Plaintiff,

Case No. 17-cv-10182-ADB

v.

DONALD TRUMP, President of the United States;
JOHN KELLY, Secretary of the Department of
Homeland Security; KEVIN K. MCALEENAN,
Acting Commissioner of the Customs and Border
Patrol Division of DHS; and WILLIAM
MOHALLEY, Boston Field Director of the CBP,

Date: March 31, 2017

Defendants.

**JOINT MOTION FOR ENTRY OF A STAY AND FOR TEMPORARY
SUSPENSION OF THE DEFENDANTS' DEADLINE TO ANSWER, MOVE,
OR OTHERWISE RESPOND TO THE COMPLAINT**

The Parties jointly request that the Court enter an order (1) staying this action for a period of approximately sixty (60) days, until June 5, 2017; and (2) suspending until June 5, 2017 the Defendants' deadline to answer, move, or otherwise respond to the Complaint. In support thereof, the Parties would show the Court as follows:

- 1) Plaintiff Dr. Samira Asgari's Complaint was filed in this matter on February 1, 2017.
- 2) Pursuant to Federal Rule of Civil Procedure 12(a)(2), the Defendants must answer, move, or otherwise respond to the Complaint on or before April 3, 2017.
- 3) Dr. Asgari's Complaint sought relief following the issuance by the President of the United States on January 27, 2017 of an Executive Order purporting to bar entry into the United States by nationals of seven countries, including Iran.¹

¹ See Exec. Order No. 13769, 82 Fed. Reg. 8977 (Jan. 27, 2017), <https://www.federalregister.gov/documents/2017/02/01/2017-02281/protecting-the-nation-from-foreign-terrorist-entry-into-the-united-states>.

- 4) On February 3, 2017, Dr. Asgari arrived in the United States and was permitted to clear customs.
- 5) On March 6, 2017, the President issued a revised Executive Order on immigration (the "Revised Executive Order").²
- 6) The Parties to this action continue to carefully monitor the evolving situation surrounding the Revised Executive Order and related litigation that has ensued.³ In light of the foregoing and in order to promote a fair and efficient resolution, and reserving all of their respective rights, the Parties jointly move the Court for entry of an order substantially in the form attached hereto (1) staying this action for a period of approximately sixty (60) days, until June 5, 2017; and (2) suspending until June 5, 2017 the Defendants' deadline to answer, move, or otherwise respond to the Complaint.

Respectfully submitted this 31st day of March, 2017.

/s/ Ari Nazarov

Ari Nazarov

U.S. DEPARTMENT OF JUSTICE

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/s/ Noah J. Kaufman

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² See Exec. Order 13780, 82 Fed. Reg. 13209 (Mar. 6, 2017), <https://www.federalregister.gov/documents/2017/03/09/2017-04837/protecting-the-nation-from-foreign-terrorist-entry-into-the-united-states>.

³ See, e.g., *State of Hawaii v. Trump*, No. 17-00050 DKW-KSC, 2017 WL 1011673 (D. Haw. Mar. 15, 2017); *Sarsour v. Trump*, No. 17cv00120 (AJT/IDD), 2017 WL 1113305 (E.D. Va. Mar. 24, 2017).

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was filed electronically with the Clerk of the Court to be served by the Court's electronic filing system on this 31st day of March, 2017.

/s/ Noah J. Kaufman

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Patrol Division of DHS; and WILLIAM
MOHALLEY, Boston Field Director of the CBP,

Date: _____, 2017

Defendants.

**[PROPOSED] ORDER STAYING THE CASE AND SUSPENDING THE
DEFENDANTS' DEADLINE TO ANSWER, MOVE, OR
OTHERWISE RESPOND TO THE COMPLAINT**

Having reviewed the Parties' Joint Motion for Entry of a Stay and for Temporary Suspension of the Defendants' Deadline to Answer, Move, or Otherwise Respond to the Complaint (Docket No. ____), the Court GRANTS the motion. The Clerk of the Court is directed to enter a stay in this matter until June 5, 2017, and is directed to denote on the docket that the Defendants' deadline to answer, move, or otherwise respond to the Complaint is extended to June 5, 2017. So Ordered.

The Honorable Allison D. Burroughs
United States District Judge