

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:18-cv-05025-JMF**

The New York Immigration Coalition et al v. United States  
Department of Commerce et al  
Assigned to: Judge Jesse M. Furman  
Lead case: [1:18-cv-02921-JMF](#)  
Member case: ([View Member Case](#))  
Related Case: [1:18-cv-02921-JMF](#)  
Case in other court: U.S.C.A. – 2nd Circ., 19–00212  
Cause: 28:2201dj Declaratory Judgment

Date Filed: 06/06/2018  
Date Terminated: 09/14/2018  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: U.S. Government Defendant

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Date Filed	#	Docket Text
06/06/2018	<u>1</u>	COMPLAINT against Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Filing Fee \$ 400.00, Receipt Number 0208-15161122) Document filed by American-Arab Anti-Discrimination Committee, CASA de Maryland, ADC Research Institute, The New York Immigration Coalition, Make the Road-New York.(Freedman, John) (Entered: 06/06/2018)
06/06/2018	<u>2</u>	<b>FILING ERROR – PDF ERROR – CIVIL COVER SHEET</b> filed. (Attachments: # <u>1</u> Appendix A)(Freedman, John) Modified on 6/7/2018 (jgo). Modified on 6/7/2018 (jgo). (Entered: 06/06/2018)

06/06/2018	<u>3</u>	STATEMENT OF RELATEDNESS re: that this action be filed as related to 18 Civ. 2921 (JMF). Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, The New York Immigration Coalition.(Freedman, John) (Entered: 06/06/2018)
06/06/2018	<u>4</u>	<b>FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS</b> as to United States Department of Commerce, Wilbur Ross, United States Bureau of the Census, Ron S. Jarmin, re: <u>1</u> Complaint,. Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, The New York Immigration Coalition. (Freedman, John) Modified on 6/7/2018 (jgo). (Entered: 06/06/2018)
06/06/2018	<u>5</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by The New York Immigration Coalition.(Freedman, John) (Entered: 06/06/2018)
06/06/2018	<u>6</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by CASA de Maryland.(Freedman, John) (Entered: 06/06/2018)
06/06/2018	<u>7</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American-Arab Anti-Discrimination Committee.(Freedman, John) (Entered: 06/06/2018)
06/06/2018	<u>8</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by ADC Research Institute.(Freedman, John) (Entered: 06/06/2018)
06/06/2018	<u>9</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Make the Road-New York.(Freedman, John) (Entered: 06/06/2018)
06/06/2018	<u>10</u>	NOTICE OF APPEARANCE by Davin Mckay Rosborough on behalf of ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, The New York Immigration Coalition. (Rosborough, Davin) (Entered: 06/06/2018)
06/06/2018	<u>11</u>	NOTICE OF APPEARANCE by Dale E. Ho on behalf of ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, The New York Immigration Coalition. (Ho, Dale) (Entered: 06/06/2018)
06/06/2018	<u>12</u>	NOTICE OF CHANGE OF ADDRESS by Dale E. Ho on behalf of ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, The New York Immigration Coalition. New Address: American Civil Liberties Union Foundation, Inc., 125 Broad Street, 18th Floor, New York, NY, USA 10004, (212) 549-2693. (Ho, Dale) (Entered: 06/06/2018)
06/06/2018	<u>13</u>	NOTICE OF CHANGE OF ADDRESS by Davin Mckay Rosborough on behalf of ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, The New York Immigration Coalition. New Address: American Civil Liberties Union Foundation, Inc., 915 15th Street NW., Washington, DC, United States 20005-2313, (202) 675-2334. (Rosborough, Davin) (Entered: 06/06/2018)
06/07/2018		<b>***NOTICE TO ATTORNEY REGARDING DEFICIENT CIVIL COVER SHEET. Notice to attorney John Arak Freedman to RE-FILE Document No. <u>2</u> Civil Cover Sheet. The filing is deficient for the following reason(s): party names must be on pdf case caption. If all parties do not fit, you may add leading party name followed by 'et al';. Re-file the document using the event type Civil Cover Sheet found under the event list Other Documents and attach the correct PDF. Use civil cover sheet issued by S.D.N.Y. dated June 2017. The S.D.N.Y. Civil Cover Sheet dated June 2017 is located at <a href="http://nysd.uscourts.gov/file/forms/civil-cover-sheet..">http://nysd.uscourts.gov/file/forms/civil-cover-sheet..</a> (jgo)</b> (Entered: 06/07/2018)
06/07/2018		<b>***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney John Arak Freedman. The party information for the following party/parties has been modified: New York Immigration Coalition; CASA de Maryland; American-Arab Anti-Discrimination Committee; ADC Research</b>

		<b>Institute; Make the Road–New York; United States Department of Commerce; Wilbur L. Ross; Bureau of the Census; Ron S. Jarmin. The information for the party/parties has been modified for the following reason/reasons: party name contained a typographical error; party role was entered incorrectly;. (jgo)</b> (Entered: 06/07/2018)
06/07/2018		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Unassigned. (jgo) (Entered: 06/07/2018)
06/07/2018		Case Designated ECF. (jgo) (Entered: 06/07/2018)
06/07/2018		CASE REFERRED TO Judge Jesse M. Furman as possibly related to 18–cv–2921. (jgo) (Entered: 06/07/2018)
06/07/2018	<u>14</u>	CIVIL COVER SHEET filed. (Attachments: # <u>1</u> Appendix)(Freedman, John) (Entered: 06/07/2018)
06/07/2018		<b>***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney John Arak Freedman to RE–FILE Document No. <u>4</u> Request for Issuance of Summons,. The filing is deficient for the following reason(s): pdf case caption does not list all of the parties; request for summons is issued only for parties to the case;. Re–file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (jgo)</b> (Entered: 06/07/2018)
06/07/2018	<u>15</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of Commerce, Wilbur Ross, United States Bureau of the Census, Ron S. Jarmin, re: <u>1</u> Complaint,. Document filed by ADC Research Institute, American–Arab Anti–Discrimination Committee, CASA de Maryland, Make the Road–New York, New York Immigration Coalition. (Freedman, John) (Entered: 06/07/2018)
06/08/2018		CASE ACCEPTED AS RELATED. Create association to 1:18–cv–02921–JMF. Notice of Assignment to follow. (bcu) (Entered: 06/08/2018)
06/08/2018		NOTICE OF CASE REASSIGNMENT to Judge Jesse M. Furman. Judge Unassigned is no longer assigned to the case. (bcu) (Entered: 06/08/2018)
06/08/2018		Magistrate Judge Stewart D. Aaron is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: <a href="http://nysd.uscourts.gov/forms.php">http://nysd.uscourts.gov/forms.php</a> . (bcu) (Entered: 06/08/2018)
06/08/2018	<u>16</u>	NOTICE OF APPEARANCE by Christopher T Dunn on behalf of ADC Research Institute, American–Arab Anti–Discrimination Committee, CASA de Maryland, Make the Road–New York, New York Immigration Coalition. (Dunn, Christopher) (Entered: 06/08/2018)
06/08/2018	<u>17</u>	ORDER: On June 6, 2018, five organizations filed suit against the United States Department of Commerce, the Bureau of the Census, and related individual defendants. (18–CV–5025, Docket No. 1). Plaintiffs submitted a Related Case Statement (18–CV–5025, Docket No. 7), indicating their view that the case is related to 18–CV–2921, and this Court accepted it as related. Counsel in both cases shall promptly confer and, no later than June 12, 2018, shall submit a joint letter (or, if that is impracticable, competing letters) expressing their views on (1) whether and to what extent the two cases should be consolidated (pursuant to Rule 42 of the Federal Rules of Civil Procedure) or otherwise coordinated; (2) whether Defendants anticipate filing any motions in 18–CV–5025 and, if so, a proposed schedule for such motions (mindful of the schedule in 18–CV–2921); and (3) whether (and, if so, when) the Court should hold a conference to discuss those issues or any others. The Court notes that Plaintiffs in the new case indicate that they "will not seek to alter the existing schedule in the State of New York case." (18–CV–5025, Docket No. 7). For that reason and others, unless and until the Court says otherwise, the deadlines for briefing and oral argument in 18–CV–2921 remain in effect. (Signed by Judge Jesse M. Furman on 6/8/2018) (mro) (Entered: 06/08/2018)

06/08/2018	<u>18</u>	ELECTRONIC SUMMONS ISSUED as to Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (dnh) (Entered: 06/08/2018)
06/08/2018	<u>19</u>	NOTICE OF APPEARANCE by Perry Grossman on behalf of ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition. (Grossman, Perry) (Entered: 06/08/2018)
06/12/2018	<u>20</u>	JOINT LETTER addressed to Judge Jesse M. Furman from John A. Freedman dated June 12, 2018 re: Consolidation and Schedule. Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition.(Freedman, John) (Entered: 06/12/2018)
06/13/2018	<u>21</u>	ORDER: It is hereby ORDERED that: The Court defers the question of whether the two cases should be formally consolidated pursuant to Federal Rule of Civil Procedure 42(a). For now, the Court finds that the cases should be consolidated or coordinated for purposes of case management with respect to scheduling and discovery (if the Court determines that Plaintiffs are entitled to discovery beyond of the administrative record). The briefing and oral argument schedule with respect to Defendants' Motion to Dismiss in 18-CV-2921 (Docket No. 154) remains in effect. Accordingly, Plaintiffs' opposition is due today and Defendants' reply is due by June 22, 2018. The Court will hear oral argument on that motion on July 3, 2018, at 10 a.m. (See 18-CV-2921, Docket No. 137). The New York Immigration Coalition ("NYIC") Plaintiffs shall submit a five-page single-spaced letter brief by June 26, 2018, concerning whether and to what extent the Court should permit discovery in these matters outside of the administrative record. The NYIC Plaintiffs are also granted leave to participate in the July 3, 2018 hearing to the extent that it concerns the question of discovery. The following briefing schedule shall apply to Defendants' anticipated motion to dismiss in 18-CV-5025: Defendants shall submit any such motion by June 29, 2018; Plaintiffs' opposition shall be filed by July 9, 2018; and Defendants' reply, if any, shall be filed by July 13, 2018. The Court will advise the parties after reviewing their written submissions if it intends to hold oral argument on that motion. (Motions due by 6/29/2018. Responses due by 7/9/2018. Replies due by 7/13/2018.) (Oral Argument set for 7/3/2018 at 10:00 AM before Judge Jesse M. Furman.) (Signed by Judge Jesse M. Furman on 6/13/2018) (ras) (Entered: 06/13/2018)
06/13/2018	22	ORDER: The Order entered earlier today mistakenly stated that oral argument on July 3, 2018, would begin at 10 a.m. Per the Court's Order of May 9, 2018, in 18-CV-2921 (JMF), the Court will hear oral argument beginning at 9:30 a.m. – NOT 10 a.m. SO ORDERED. (Signed by Judge Jesse M. Furman on 6/13/2018) (Text Only Order)(Furman, Jesse) (Entered: 06/13/2018)
06/13/2018	<u>23</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. Bureau of the Census served on 6/8/2018, answer due 6/29/2018; Ron S. Jarmin served on 6/8/2018, answer due 6/29/2018; Wilbur L. Ross served on 6/8/2018, answer due 6/29/2018; United States Department of Commerce served on 6/8/2018, answer due 6/29/2018. Service was accepted by Haojun Lee, Civil Clerk. Document filed by American-Arab Anti-Discrimination Committee; CASA de Maryland; ADC Research Institute; New York Immigration Coalition; Make the Road-New York. (Freedman, John) (Entered: 06/13/2018)
06/19/2018	<u>24</u>	AFFIDAVIT OF SERVICE. United States Department of Commerce served on 6/11/2018, answer due 7/2/2018. Service was accepted by Catherine Grant, Administrative Specialist. Document filed by American-Arab Anti-Discrimination Committee; CASA de Maryland; ADC Research Institute; New York Immigration Coalition; Make the Road-New York. (Freedman, John) (Entered: 06/19/2018)
06/19/2018	<u>25</u>	AFFIDAVIT OF SERVICE. Wilbur L. Ross served on 6/11/2018, answer due 7/2/2018. Service was accepted by Catherine Grant, Administrative Specialist. Document filed by American-Arab Anti-Discrimination Committee; CASA de Maryland; ADC Research Institute; New York Immigration Coalition; Make the Road-New York. (Freedman, John) (Entered: 06/19/2018)
06/20/2018	<u>26</u>	AFFIDAVIT OF SERVICE. Service was accepted by Catherine Gantt, Administrative Specialist. Document filed by American-Arab Anti-Discrimination Committee,

		CASA de Maryland, ADC Research Institute, New York Immigration Coalition, Make the Road–New York. (Freedman, John) (Entered: 06/20/2018)
06/20/2018	<u>27</u>	AFFIDAVIT OF SERVICE. Service was accepted by Catherine Gantt, Administrative Specialist. Document filed by American–Arab Anti–Discrimination Committee, CASA de Maryland, ADC Research Institute, New York Immigration Coalition, Make the Road–New York. (Freedman, John) (Entered: 06/20/2018)
06/21/2018	<u>28</u>	MOTION for David Kautsky Hausman to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–15232617. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by ADC Research Institute, American–Arab Anti–Discrimination Committee, CASA de Maryland, Make the Road–New York, New York Immigration Coalition. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Hausman, David) (Entered: 06/21/2018)
06/22/2018		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>28</u> MOTION for David Kautsky Hausman to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–15232617. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 06/22/2018)
06/22/2018	<u>29</u>	ORDER granting <u>28</u> Motion for David Kautsky Hausman to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 06/22/2018)
06/26/2018	<u>30</u>	LETTER addressed to Judge Jesse M. Furman from John A. Freedman dated June 26, 2018 re: Discovery Beyond the Administrative Record. Document filed by ADC Research Institute, American–Arab Anti–Discrimination Committee, CASA de Maryland, Make the Road–New York, New York Immigration Coalition. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Freedman, John) (Entered: 06/26/2018)
06/27/2018	<u>31</u>	MEMO ENDORSEMENT on re: (195 in 1:18–cv–02921–JMF) Letter filed by State Of New York. ENDORSEMENT: The Court's Order of May 4, 2018 (Docket No. 117) enabled "counsel who have noticed an appearance on ECF to listen to conferences in this litigation." That Order applies to the conference on July 3, 2018, and all future conferences – in both 18–CV–2921 and 18–CV–5025. The parties are directed to follow the procedures set forth in that Order. The Clerk of Court is directed to docket this letter in both of the above–captioned cases. SO ORDERED. (Signed by Judge Jesse M. Furman on 6/27/2018) (ne) (Entered: 06/27/2018)
06/27/2018	<u>32</u>	CONSENT LETTER MOTION for Leave to File Excess Pages addressed to Judge Jesse M. Furman from Defendants dated June 27, 2018. Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce.(Ehrlich, Stephen) (Entered: 06/27/2018)
06/27/2018	<u>33</u>	ORDER granting <u>32</u> Letter Motion for Leave to File Excess Pages. Defendants should NOT be re–briefing "the same complex issues of constitutional and statutory interpretation" that have already been briefed in 18–CV–2921, as the Court's rulings in that case will be applied to this case – unless there is a material distinction between the two cases. At most, Defendants should incorporate their arguments from 18–CV–2921 by reference – and limit their briefing in 18–CV–5025 to issues and arguments that are unique to 18–CV–5025. In light of that, the parties are granted up to 30 pages for their principal briefs, and Defendants are granted up to 15 pages for their reply. (If Plaintiffs in 18–CV–5025 have anything to add in opposition to arguments that Defendants made in 18–CV–2921, they should advise the Court by letter no later than June 29, 2018, and be prepared to file a supplemental brief in short order. Otherwise, the Court will presume that Plaintiffs in 18–CV–5025 are content to rely on the arguments already made by Plaintiffs in 18–CV–2921.) (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 06/27/2018)
06/28/2018		Magistrate Judge Robert W. Lehrburger is so redesignated. (ma) (Entered: 06/28/2018)
06/29/2018	<u>34</u>	MOTION for Dylan Scot Young to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–15266513. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by ADC Research Institute, American–Arab Anti–Discrimination Committee, CASA de Maryland, Make the Road–New York,



		New York Immigration Coalition. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> DC Bar Certificate of Good Standing, # <u>3</u> Declaration in Support of Motion)(Yong, Dylan) (Entered: 06/29/2018)
06/29/2018		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>34</u> MOTION for Dylan Scot Young to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15266513. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (jc)</b> (Entered: 06/29/2018)
06/29/2018	35	ORDER granting <u>34</u> Motion for Dylan Scot Young to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 06/29/2018)
06/29/2018	<u>36</u>	MOTION for Caroline Kelly to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15268358. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> DC Bar Certificate of Good Standing, # <u>3</u> Affidavit)(Kelly, Caroline) (Entered: 06/29/2018)
06/29/2018		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>36</u> MOTION for Caroline Kelly to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15268358. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (jc)</b> (Entered: 06/29/2018)
06/29/2018	<u>37</u>	LETTER addressed to Judge Jesse M. Furman from John A. Freedman dated June 29, 2018 re: Motion to Dismiss Briefing. Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition.(Freedman, John) (Entered: 06/29/2018)
06/29/2018	<u>38</u>	MOTION to Dismiss . Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce.(Ehrlich, Stephen) (Entered: 06/29/2018)
06/29/2018	<u>39</u>	MEMORANDUM OF LAW in Support re: <u>38</u> MOTION to Dismiss . . Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Ehrlich, Stephen) (Entered: 06/29/2018)
06/30/2018	40	ORDER granting <u>36</u> Motion for Caroline Kelly to Appear Pro Hac Vice. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 06/30/2018)
07/02/2018	<u>41</u>	MOTION for Chase R. Raines to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15272330. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> DC Bar Certificate of Good Standing, # <u>3</u> VA Bar Certificate of Good Standing, # <u>4</u> Declaration In Support of Motion)(Raines, Chase) (Entered: 07/02/2018)
07/02/2018	<u>42</u>	MOTION for Jay Z. Leff to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15272555. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> DC Bar Certificate of Good Standing, # <u>3</u> Affidavit)(Leff, Jay) (Entered: 07/02/2018)
07/02/2018		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>41</u> MOTION for Chase R. Raines to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15272330. Motion and supporting papers to be reviewed by Clerk's Office staff., <u>42</u> MOTION for Jay Z. Leff to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15272555. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed</b>

		<b>and there are no deficiencies. (wb)</b> (Entered: 07/02/2018)
07/02/2018	43	ORDER granting <u>41</u> Motion for Chase R. Raines to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 07/02/2018)
07/02/2018	44	ORDER granting <u>42</u> Motion for Jay Z. Leff to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 07/02/2018)
07/02/2018	<u>45</u>	MOTION for Sarah E. Brannon to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15274285. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit Maryland Certificate of Good Standing, # <u>3</u> Declaration in Support of Motion)(Brannon, Sarah) (Entered: 07/02/2018)
07/02/2018		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>45</u> MOTION for Sarah E. Brannon to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15274285. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 07/02/2018)
07/02/2018	46	ORDER granting <u>45</u> Motion for Sarah E. Brannon to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 07/02/2018)
07/02/2018	<u>47</u>	ORDER: Per the Court's Order of May 9, 2018 (18-CV-2921, Docket No. 137), the Court will hear oral argument on Defendants' motion to dismiss in 18-CV-2921 and on the letter motions concerning discovery in both cases tomorrow, July 3, 2018, at 9:30 a.m. in Courtroom 1105 of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York. In addition, a live feed of the proceedings will be transmitted to Courtroom 318 in the Thurgood Marshall Courthouse to accommodate additional spectators and those who may want to come and go without intruding on the proceedings. (Signed by Judge Jesse M. Furman on 7/2/2018) (ab) (Entered: 07/02/2018)
07/03/2018		Minute Entry for proceedings held before Judge Jesse M. Furman: Oral Argument held on 7/3/2018 re: (193 in 1:18-cv-02921-JMF) Letter, (154 in 1:18-cv-02921-JMF) MOTION to Dismiss , (194 in 1:18-cv-02921-JMF) Letter. Court reporter present. -- See transcript. (ab) (Entered: 07/03/2018)
07/05/2018	<u>48</u>	ORDER: For the reasons stated on the record at the conference held on July 3, 2018, Plaintiffs request for an order directing Defendants to complete the administrative record and authorizing extra-record discovery is GRANTED. As discussed, the following deadlines shall apply unless and until the Court says otherwise: Fact Discovery due by 10/12/2018. Expert Discovery due by 10/12/2018. Status Conference set for 9/14/2018 at 02:00 PM in Courtroom 1105, 40 Centre Street, New York, NY 10007 before Judge Jesse M. Furman. (Signed by Judge Jesse M. Furman on 7/5/2018) (ne) (Entered: 07/05/2018)
07/09/2018	<u>49</u>	MEMORANDUM OF LAW in Opposition re: <u>38</u> MOTION to Dismiss . . Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition. (Attachments: # <u>1</u> Ayoub Declaration, # <u>2</u> Escobar Declaration, # <u>3</u> Valdes Declaration, # <u>4</u> Plum Declaration)(Freedman, John) (Entered: 07/09/2018)
07/10/2018	<u>50</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Council on American-Islamic Relations, New York, Inc..(Pees, Robert) (Entered: 07/10/2018)
07/10/2018	<u>51</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Fred T. Korematsu Center for Law and Equality.(Pees, Robert) (Entered: 07/10/2018)
07/10/2018	<u>52</u>	MOTION to File Amicus Brief . Document filed by Council on American-Islamic Relations, New York, Inc., Fred T. Korematsu Center for Law and Equality, Norman

		Y. Mineta, The Sakamoto Sisters. (Attachments: # <u>1</u> Proposed Brief of Amici Curiae, # <u>2</u> Certificate of Service)(Pees, Robert) (Entered: 07/10/2018)
07/10/2018	<u>53</u>	MEMORANDUM OF LAW in Support re: <u>52</u> MOTION to File Amicus Brief . . Document filed by Council on American–Islamic Relations, New York, Inc., Fred T. Korematsu Center for Law and Equality, Norman Y. Mineta, The Sakamoto Sisters. (Pees, Robert) (Entered: 07/10/2018)
07/11/2018	<u>54</u>	NOTICE OF APPEARANCE by Albert Fox Cahn on behalf of Council on American–Islamic Relations, New York, Inc.. (Cahn, Albert) (Entered: 07/11/2018)
07/11/2018	<u>55</u>	NOTICE OF APPEARANCE by Alan Schoenfeld on behalf of The Leadership Conference on Civil and Human Rights. (Schoenfeld, Alan) (Entered: 07/11/2018)
07/11/2018	<u>56</u>	LETTER addressed to Judge Jesse M. Furman from Alan E. Schoenfeld dated July 11, 2018 re: Amicus Brief filed in State of New York v. United States Department of Commerce, No. 18 Civ. 2921. Document filed by The Leadership Conference on Civil and Human Rights.(Schoenfeld, Alan) (Entered: 07/11/2018)
07/11/2018	57	ORDER granting <u>52</u> Letter Motion to File Amicus Brief. Additionally, in connection with <u>56</u> , the Court will consider the amicus brief previously filed by the Leadership Conference on Civil and Human Rights et al. in connection with this case as well. There is no need to refile. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 07/11/2018)
07/13/2018	<u>58</u>	REPLY MEMORANDUM OF LAW in Support re: <u>38</u> MOTION to Dismiss . . Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Federighi, Carol) (Entered: 07/13/2018)
07/18/2018	<u>59</u>	MOTION for Robert Seungchul Chang to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–15337697. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Fred T. Korematsu Center for Law and Equality, Norman Y. Mineta, The Sakamoto Sisters. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit Cert of Good Standing, # <u>3</u> Text of Proposed Order)(Chang, Robert) (Entered: 07/18/2018)
07/18/2018		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>59</u> MOTION for Robert Seungchul Chang to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–15337697. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 07/18/2018)
07/18/2018	<u>60</u>	MOTION for Lorraine K. Bannai to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–15338175. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Fred T. Korematsu Center for Law and Equality, Norman Y. Mineta, The Sakamoto Sisters. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Bannai, Lorraine) (Entered: 07/18/2018)
07/18/2018		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>60</u> MOTION for Lorraine K. Bannai to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–15338175. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu)</b> (Entered: 07/18/2018)
07/19/2018	61	ORDER granting <u>59</u> Motion for Robert Seungchul Chang to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 07/19/2018)
07/19/2018	62	ORDER granting <u>60</u> Motion for Lorraine K. Bannai to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 07/19/2018)
07/19/2018	<u>63</u>	MOTION for Ceridwen B. Cherry to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–15344483. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by ADC Research Institute, American–Arab Anti–Discrimination Committee, CASA de Maryland, Make the Road–New York, New York Immigration Coalition. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u>

		Exhibit MA Bar Certificate of Good Standing, # <u>3</u> Exhibit DC Bar Certificate of Good Standing, # <u>4</u> Declaration in Support of Motion)(Cherry, Ceridwen) (Entered: 07/19/2018)
07/19/2018		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>63</u> MOTION for Ceridwen B. Cherry to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15344483. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (jc)</b> (Entered: 07/19/2018)
07/19/2018	64	ORDER granting <u>63</u> Motion for Ceridwen B. Cherry to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 07/19/2018)
07/23/2018	<u>65</u>	NOTICE OF APPEARANCE by Kate Bailey on behalf of Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Bailey, Kate) (Entered: 07/23/2018)
07/23/2018	66	ORDER granting Defendants' Letter Motion in 18-CV-2921 for Extension of Time to Provide Supplemental Material in response to July 3rd order (Unopposed). The deadline to complete production of documents in response to the Court's July 3rd Order is hereby extended to July 26, 2018. No further extensions will be granted. All other deadlines remain in effect. The Court notes that, contrary to Defendants' letter, there IS a pretrial conference scheduled: for September 14, 2018, at 2:00 p.m. (See 18-CV-2921 Docket No. 199, at 2). SO ORDERED. (Signed by Judge Jesse M. Furman on 7/23/2018) (Text Only Order) (Furman, Jesse) (Entered: 07/23/2018)
07/23/2018	<u>67</u>	NOTICE of Filing Supplemental Materials Pursuant to the Court's July 3, 2018 Order. Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Ehrlich, Stephen) (Entered: 07/23/2018)
07/24/2018	<u>68</u>	MOTION for Daniel F. Jacobson to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15360366. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Affidavit, # <u>3</u> NY Bar Certificate of Good Standing, # <u>4</u> DC Certificate of Good Standing)(Jacobson, Daniel) (Entered: 07/24/2018)
07/24/2018		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>68</u> MOTION for Daniel F. Jacobson to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15360366. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (ma)</b> (Entered: 07/24/2018)
07/24/2018	69	ORDER granting <u>68</u> Motion for Daniel F. Jacobson to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 07/24/2018)
07/26/2018	<u>70</u>	OPINION AND ORDER re: (38 in 1:18-cv-05025-JMF) MOTION to Dismiss . filed by Wilbur L. Ross, United States Department of Commerce, Bureau of the Census, Ron S. Jarmin, (154 in 1:18-cv-02921-JMF) MOTION to Dismiss . filed by Wilbur L. Ross, Jr., United States Department of Commerce, Bureau of the Census, Ron S. Jarmin. Defendants' motions to dismiss are GRANTED in part and DENIED in part. First, the Court rejects Defendants' attempts to insulate Secretary Ross's decision to reinstate a question about citizenship on the 2020 census from judicial review. Granted, courts must give proper deference to the Secretary, but that does not mean that they lack authority to entertain claims like those pressed here. To the contrary, courts have a critical role to play in reviewing the conduct of the political branches to ensure that the census is conducted in a manner consistent with the Constitution and applicable law. Second, the Court concludes that Plaintiffs' claims under the Enumeration Clause which turn on whether Secretary Ross had the power to add a question about citizenship to the census and not on whether he exercised that power for impermissible reasons must be dismissed. Third, assuming the truth of their allegations and drawing all reasonable inferences in their favor, the Court finds that NGO Plaintiffs plausibly allege that Secretary Ross's decision to reinstate the citizenship question was motivated at least in part by discriminatory animus and will

		<p>result in a discriminatory effect. Accordingly, their equal protection claim under the Due Process Clause (and Plaintiffs' APA claims, which Defendants did not substantively challenge) may proceed. None of that is to say that Plaintiffs will ultimately prevail in their challenge to Secretary Ross's decision to reinstate the citizenship question on the 2020 census. As noted, the Enumeration Clause and the Census Act grant him broad authority over the census, and Plaintiffs may not ultimately be able to prove that he exercised that authority in an unlawful manner. Put another way, the question at this stage of the proceedings is not whether the evidence supports Plaintiffs' claims, but rather whether Plaintiffs may proceed with discovery and, ultimately, to summary judgment or trial on their claims. The Court concludes that they may as to their claims under the APA and the Due Process Clause and, to that extent, Defendants' motions are denied. Per the Court's Order entered on July 5, 2018 (Docket No. 199), the deadline for the completion of fact and expert discovery in these cases is October 12, 2018, and the parties shall appear for a pretrial conference on September 14, 2018. The parties are reminded that, no later than the Thursday prior to the pretrial conference, they are to file on ECF a joint letter addressing certain issues. (See <i>id.</i> at 2–3). In that letter, the parties should also give their views with respect to whether the case should resolved by way of summary judgment or trial and whether the two cases should be consolidated for either of those purposes. The Clerk of Court is directed to terminate 18–CV–2921, Docket No. 154; and 18–CV–5025, Docket No. 38. SO ORDERED. (Signed by Judge Jesse M. Furman on 7/26/18) (yv) (Entered: 07/26/2018)</p>
07/26/2018	<u>71</u>	<p>NOTICE of Filing Supplemental Materials Pursuant to the Court's July 3, 2018 Order. Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Ehrlich, Stephen) (Entered: 07/26/2018)</p>
07/27/2018	<u>72</u>	<p>NOTICE of Filing Supplemental Materials Pursuant to the Court's July 3, 2018 Order (Amended). Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Ehrlich, Stephen) (Entered: 07/27/2018)</p>
08/02/2018	<u>73</u>	<p><b>FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU –</b> LETTER MOTION to Compel Defendants to Produce Documents Improperly Withheld addressed to Judge Jesse M. Furman from John A. Freedman dated August 2, 2018. Document filed by ADC Research Institute, American–Arab Anti–Discrimination Committee, CASA de Maryland, Council on American–Islamic Relations, New York, Inc., Make the Road–New York, New York Immigration Coalition. (Attachments: # <u>1</u> Exhibit 1 through 7)(Freedman, John) Modified on 8/14/2018 (ldi). (Entered: 08/02/2018)</p>
08/03/2018	<u>74</u>	<p>NOTICE of of Supplemental Production of Inadvertently Omitted Materials. Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Bailey, Kate) (Entered: 08/03/2018)</p>
08/04/2018	75	<p>ORDER with respect to <u>73</u> Letter Motion to Compel. Per the Court's Order of July 5, 2018, Defendants shall respond to Plaintiffs' letter motion within three business days – namely, by August 7, 2018. To expedite the Court's resolution of the parties' disputes, Defendants shall simultaneously submit – by e–mail – the eight disputed documents withheld based on the work product doctrine for in camera review by the Court. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 08/04/2018)</p>
08/04/2018	76	<p>ORDER: On August 3, 2018, Plaintiffs filed a letter in 18–CV–2921 (Docket No. 221) regarding proposed coordination procedures with this case and others challenging Defendants' decision to add a citizenship question to the 2020 decennial census. The parties' agreed–upon proposed coordination procedures are acceptable to the Court and hereby adopted. The Court reserves judgment to the extent that there are any disagreements (Items 3 and 4), as those disagreements are academic unless and until discovery is permitted by either Judge Hazel or Judge Seeborg. If or when discovery is authorized by one of those Judges, the Court will consult with the relevant Judge to determine how best to handle those matters. In light of the procedures for raising discovery disputes during depositions (Item 4), counsel in the Maryland and California cases shall promptly file notices of appearance in 18–CV–2921 (and to the extent necessary, motions to appear pro hac vice – for which the Court waives the usual fee). SO ORDERED. (Signed by Judge Jesse M. Furman on 8/4/2018) (Text Only Order)(Furman, Jesse) (Entered: 08/04/2018)</p>

08/07/2018	<u>77</u>	NOTICE OF APPEARANCE by Martin M Tomlinson on behalf of Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Tomlinson, Martin) (Entered: 08/07/2018)
08/07/2018	<u>78</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Jesse M. Furman from Martin M. Tomlinson dated 08/07/2018 re: <u>73</u> LETTER MOTION to Compel Defendants to Produce Documents Improperly Withheld addressed to Judge Jesse M. Furman from John A. Freedman dated August 2, 2018. . Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Attachments: # <u>1</u> Affidavit)(Tomlinson, Martin) (Entered: 08/07/2018)
08/09/2018	<u>79</u>	NOTICE of of Filing Corrected Declaration. Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Attachments: # <u>1</u> Affidavit Corrected Declaration)(Tomlinson, Martin) (Entered: 08/09/2018)
08/10/2018	<u>80</u>	NOTICE OF APPEARANCE by Andrew Claude Case on behalf of City Of San Jose, Black Alliance for Just Immigration. (Case, Andrew) (Entered: 08/10/2018)
08/10/2018	<u>81</u>	LETTER MOTION to Compel John M. Gore to Appear for Deposition Testimony addressed to Judge Jesse M. Furman from John A. Freedman dated August 10, 2018. Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Freedman, John) (Entered: 08/10/2018)
08/13/2018	<u>82</u>	FOURTH LETTER MOTION to Compel Discovery addressed to Judge Jesse M. Furman from John A. Freedman dated August 13, 2018. Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Freedman, John) (Entered: 08/13/2018)
08/14/2018	<u>83</u>	ORDER terminating <u>73</u> Letter Motion to Compel. In their letter motion filed yesterday, Plaintiffs contend that there is reason to believe that there are materials that should have been in the Administrative Record that have not been produced. Plaintiffs' allegations are troubling, but the Court will withhold judgment until Defendants have an opportunity to respond. Defendants shall do so by TOMORROW at 5 p.m. (Given the rulings above, there is no need for Defendants to respond to the portions of Plaintiffs' most recent letter motion concerning Title 13 and the privilege log.) Defendants are cautioned that the Court will not look kindly on late production of materials that should have been produced by the (once extended) July 26, 2018 deadline to supplement the Administrative Record. The Clerk of Court is directed to terminate 18-CV-2921, Docket No. 220, and 18-CV-5025, Docket No. 73. So Ordered.. (Signed by Judge Jesse M. Furman on 8/14/2018) (js) (Entered: 08/14/2018)
08/15/2018	<u>84</u>	MOTION for David P. Gersch to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15452313. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Affidavit, # <u>3</u> DC Cert of Good Standing)(Gersch, David) (Entered: 08/15/2018)
08/15/2018		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>84</u> MOTION for David P. Gersch to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15452313. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 08/15/2018)</b>
08/15/2018	85	ORDER granting <u>84</u> Motion for David P. Gersch to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 08/15/2018)
08/15/2018	<u>86</u>	ENDORSED LETTER addressed to Judge Jesse M. Furman from Chad A. Readler, Brett A. Shumate, John R. Griffiths, Carlotta P. Wells dated 8/7/2018 re: Defendants in the above two matters respectfully submit for the Courts in camera review three documents withheld from production as work product. ENDORSEMENT: Although Defendants' letter states "By ECF," they do not appear to have filed it on the docket.

		The Court sees no reason for the letter not to be docketed. The Clerk of Court, however, is directed to file and maintain the attached documents under seal. SO ORDERED. (Signed by Judge Jesse M. Furman on 8/14/2018) (ne) Transmission to Sealed Records Clerk for processing. (Entered: 08/15/2018)
08/15/2018	<u>87</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Jesse M. Furman from Kate Bailey dated 08/15/2018 re: <u>82</u> FOURTH LETTER MOTION to Compel Discovery addressed to Judge Jesse M. Furman from John A. Freedman dated August 13, 2018. . Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Bailey, Kate) (Entered: 08/15/2018)
08/15/2018	<u>88</u>	DECLARATION of James Uthmeier in Opposition re: <u>82</u> FOURTH LETTER MOTION to Compel Discovery addressed to Judge Jesse M. Furman from John A. Freedman dated August 13, 2018.. Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Attachments: # <u>1</u> Exhibit Public copy of document described in declaration, # <u>2</u> Exhibit Public copy of document described in declaration, # <u>3</u> Exhibit Public copy of document described in declaration, # <u>4</u> Exhibit Public copy of document described in declaration, # <u>5</u> Exhibit Public copy of document described in declaration)(Bailey, Kate) (Entered: 08/15/2018)
08/15/2018	<u>89</u>	DECLARATION of Michael Cannon in Opposition re: <u>82</u> FOURTH LETTER MOTION to Compel Discovery addressed to Judge Jesse M. Furman from John A. Freedman dated August 13, 2018.. Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Attachments: # <u>1</u> Exhibit List of Email Custodians and Search Terms, # <u>2</u> Exhibit List of Document Custodians and Search Terms)(Bailey, Kate) (Entered: 08/15/2018)
08/15/2018	<u>90</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Jesse M. Furman from Kate Bailey dated 08/15/2018 re: <u>81</u> LETTER MOTION to Compel John M. Gore to Appear for Deposition Testimony addressed to Judge Jesse M. Furman from John A. Freedman dated August 10, 2018. . Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Bailey, Kate) (Entered: 08/15/2018)
08/17/2018	<u>91</u>	ORDER granting <u>81</u> Letter Motion to Compel; denying <u>82</u> Letter Motion to Compel. For the foregoing reasons, Plaintiffs' letter motion of August 10th is GRANTED to the extent it seeks an order compelling Defendants to make AAG Gore available for a deposition, and their letter motion of August 13th is DENIED to the extent it seeks an order compelling Defendants to produce "materials erroneously withheld." The Clerk of Court is directed to terminate 18-CV-2921, Docket Nos. 236 and 237, and 18-CV-5025, Docket Nos. 81 and 82. SO ORDERED. (Signed by Judge Jesse M. Furman on 8/17/2018) (ne) (Entered: 08/17/2018)
08/17/2018	<u>92</u>	MOTION for John Libby to Appear Pro Hac Vice ( <i>fee waived per Dkt 224 in 18cv2921</i> ). <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Black Alliance for Just Immigration, City Of San Jose. (Attachments: # <u>1</u> Declaration, # <u>2</u> Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Libby, John) (Entered: 08/17/2018)
08/17/2018		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>92</u> MOTION for John Libby to Appear Pro Hac Vice (<i>fee waived per Dkt 224 in 18cv2921</i>). Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 08/17/2018)
08/17/2018	<u>93</u>	MOTION for Emil Petrossian to Appear Pro Hac Vice ( <i>fee waived per Dkt 224 in 18cv2921</i> ). <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Black Alliance for Just Immigration, City Of San Jose. (Attachments: # <u>1</u> Declaration, # <u>2</u> Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Petrossian, Emil) (Entered: 08/17/2018)
08/17/2018	<u>94</u>	MOTION for Rory E. Adams to Appear Pro Hac Vice ( <i>fee waived per Dkt 224 in 18cv2921</i> ). <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Black Alliance for Just Immigration, City Of San Jose. (Attachments: # <u>1</u> Declaration, # <u>2</u> Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Adams, Rory) (Entered: 08/17/2018)

08/17/2018		>>> <b>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>94</u> MOTION for Rory E. Adams to Appear Pro Hac Vice (fee waived per Dkt 224 in 18cv2921). Motion and supporting papers to be reviewed by Clerk's Office staff., <u>93</u> MOTION for Emil Petrossian to Appear Pro Hac Vice (fee waived per Dkt 224 in 18cv2921). Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 08/17/2018)</b>
08/17/2018	95	ORDER granting <u>92</u> Motion for John Libby to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 08/17/2018)
08/17/2018	96	ORDER granting <u>93</u> Motion for Emil Petrossian to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 08/17/2018)
08/17/2018	97	ORDER granting <u>94</u> Motion for Rory E. Adams to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 08/17/2018)
08/22/2018	<u>98</u>	MOTION for Leave to File Amended Complaint . Document filed by ADC Research Institute, American–Arab Anti–Discrimination Committee, CASA de Maryland, Make the Road–New York, New York Immigration Coalition.(Rosborough, Davin) (Entered: 08/22/2018)
08/22/2018	<u>99</u>	MEMORANDUM OF LAW in Support re: <u>98</u> MOTION for Leave to File Amended Complaint . . Document filed by ADC Research Institute, American–Arab Anti–Discrimination Committee, CASA de Maryland, Make the Road–New York, New York Immigration Coalition. (Attachments: # <u>1</u> Exhibit Proposed Amended Complaint)(Rosborough, Davin) (Entered: 08/22/2018)
08/22/2018	100	ORDER with respect to <u>98</u> Motion for Leave to File an Amended Complaint. Defendants shall file any opposition to Plaintiffs' motion by August 28, 2018, at 5 p.m., and Plaintiffs shall file any reply by August 31, 2018. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 08/22/2018)
08/24/2018	<u>101</u>	FIRST LETTER MOTION to Compel addressed to Judge Jesse M. Furman. Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce.(Ehrlich, Stephen) (Entered: 08/24/2018)
08/24/2018	<u>102</u>	NOTICE OF APPEARANCE by Edward Andrew Paltzik on behalf of Public Interest Legal Foundation, Inc.. (Paltzik, Edward) (Entered: 08/24/2018)
08/24/2018	<u>103</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Public Interest Legal Foundation, Inc..(Paltzik, Edward) (Entered: 08/24/2018)
08/24/2018	<u>104</u>	MOTION to File Amicus Brief . Document filed by Public Interest Legal Foundation, Inc.. (Attachments: # <u>1</u> Exhibit Proposed Amicus Brief, # <u>2</u> Text of Proposed Order Proposed Order Accepting Amicus Brief, # <u>3</u> Affidavit Certificate of Service)(Paltzik, Edward) (Entered: 08/24/2018)
08/24/2018	<u>105</u>	MEMORANDUM OF LAW in Support re: <u>104</u> MOTION to File Amicus Brief . . Document filed by Public Interest Legal Foundation, Inc.. (Paltzik, Edward) (Entered: 08/24/2018)
08/26/2018	106	ORDER denying without prejudice <u>104</u> Motion to File Amicus Brief. The Court is not, at present, considering the substance of merits of Plaintiffs' claims in these cases. Accordingly, the proposed amicus brief (unlike the amicus briefs filed in connection with Defendants' motions to dismiss) would not aid the Court at this time. Accordingly, the motion for leave to file an amicus brief is denied – but without prejudice to renewal if or when the brief would be relevant to a matter under consideration by the Court. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 08/26/2018)
08/28/2018	<u>107</u>	NOTICE OF APPEARANCE by Garrett Joseph Coyle on behalf of Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Coyle, Garrett) (Entered: 08/28/2018)



08/28/2018	<u>108</u>	MEMORANDUM OF LAW in Opposition re: <u>98</u> MOTION for Leave to File Amended Complaint . . Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Coyle, Garrett) (Entered: 08/28/2018)
08/28/2018	<u>109</u>	DECLARATION of Kate Bailey in Opposition re: <u>98</u> MOTION for Leave to File Amended Complaint .. Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Coyle, Garrett) (Entered: 08/28/2018)
08/29/2018	<u>110</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Jesse M. Furman from John A. Freedman dated August 29, 2018 re: <u>101</u> FIRST LETTER MOTION to Compel addressed to Judge Jesse M. Furman. . Document filed by ADC Research Institute, American–Arab Anti–Discrimination Committee, CASA de Maryland, Make the Road–New York, New York Immigration Coalition. (Attachments: # <u>1</u> Exhibit 1–4)(Freedman, John) (Entered: 08/29/2018)
08/29/2018	<u>111</u>	CONSENT LETTER MOTION for Extension of Time to File Answer re: <u>1</u> Complaint, addressed to Judge Jesse M. Furman from Carol Federighi dated August 29, 2018. Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce.(Federighi, Carol) (Entered: 08/29/2018)
08/29/2018	<u>112</u>	ORDER granting <u>111</u> Letter Motion for Extension of Time to Answer. The Court is skeptical that the Government's conceded "inadverten[ce]" qualifies as "good cause." Nevertheless, in light of Plaintiffs' consent and the presumption in favor of adjudication of disputes on the merits, the motion is granted. Defendants shall file their answer within fourteen days of the Court's ruling on Plaintiffs' pending motion for leave to amend the complaint. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 08/29/2018)
08/30/2018	<u>113</u>	LETTER MOTION for Discovery <i>re: Kris Kobach</i> addressed to Judge Jesse M. Furman from NYIC Plaintiffs dated 8/30/2018. Document filed by ADC Research Institute, American–Arab Anti–Discrimination Committee, CASA de Maryland, Make the Road–New York, New York Immigration Coalition. (Attachments: # <u>1</u> Exhibit A – Hearing Transcript Excerpts, # <u>2</u> Exhibit B – Administrative Record Documents, # <u>3</u> Exhibit C – Teramoto Deposition Excerpts)(Rosborough, Davin) (Entered: 08/30/2018)
08/31/2018	<u>114</u>	ORDER: The Court's view is that, for the time being, there is no need to adopt additional procedures to promote coordination among the parallel cases beyond those adopted in the Court's August 4th Order. That said, counsel is cautioned that, in an effort to discourage the parties from seeking multiple bites at any particular apple, the Court will not lightly entertain efforts to relitigate discovery rulings made by one of the other Judges on an overlapping issue – unless the moving party can identify a material difference between Second Circuit law and the law of the applicable Judge's Circuit or a material factual difference between these cases and the applicable Judge's cases. If, at any time, counsel believe that additional coordination procedures are warranted, counsel should confer with counsel in all the cases and submit a joint letter to the Court. SO ORDERED. (Signed by Judge Jesse M. Furman on 8/31/2018) (anc) (Entered: 08/31/2018)
08/31/2018	<u>115</u>	REPLY MEMORANDUM OF LAW in Support re: <u>98</u> MOTION for Leave to File Amended Complaint . . Document filed by ADC Research Institute, American–Arab Anti–Discrimination Committee, CASA de Maryland, Make the Road–New York, New York Immigration Coalition. (Attachments: # <u>1</u> Exhibit A – Deposition Excerpts, # <u>2</u> Exhibit B – Freedman email to Defs Counsel)(Rosborough, Davin) (Entered: 08/31/2018)
08/31/2018	<u>116</u>	LETTER MOTION to Stay <i>Discovery Pending Petition for Writ of Mandamus</i> addressed to Judge Jesse M. Furman from Carol Federighi dated August 31, 2018. Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce.(Federighi, Carol) (Entered: 08/31/2018)
08/31/2018	<u>117</u>	FIFTH LETTER MOTION to Compel Defendants to Produce Interrogatory Responses and Complete Administrative Record addressed to Judge Jesse M. Furman from John A. Freedman dated August 31, 2018. Document filed by ADC Research Institute, American–Arab Anti–Discrimination Committee, CASA de Maryland, Make the

		Road–New York, New York Immigration Coalition. (Attachments: # <u>1</u> Exhibit 1–5, # <u>2</u> Exhibit 6–8, # <u>3</u> Exhibit 9–10)(Freedman, John) (Entered: 08/31/2018)
09/04/2018	<u>118</u>	JOINT MOTION for Protective Order <i>under Fed. R. Evid 502(D) Governing Inadvertent Production</i> . Document filed by ADC Research Institute, American–Arab Anti–Discrimination Committee, CASA de Maryland, Make the Road–New York, New York Immigration Coalition. (Attachments: # <u>1</u> Text of Proposed Order)(Freedman, John) (Entered: 09/04/2018)
09/04/2018	119	ORDER granting in part and denying in part <u>101</u> Defendants' Letter Motion to Compel Plaintiffs to provide complete initial disclosures under Federal Rule of Civil Procedure 26(a)(1) — specifically, the full names, addresses, and telephone numbers of the members on whom Plaintiffs rely to establish standing, so that Defendants can depose them. Plaintiffs are ordered to promptly disclose the membership status and current addresses of the individuals they identified in connection with their papers opposing Defendants' motion to dismiss for lack of standing. To the extent that Defendants go further and seek an order compelling the depositions of those individuals or any other members of the Plaintiff organizations, their request is denied without prejudice. First, such a request is premature, as Defendants have not yet even served subpoenas on any of individual members. Second, Defendants do not explain with specificity what information they seek from the individual members or how deposing individual members — as opposed to the declarants from the Plaintiff organizations themselves — would advance their standing arguments. See, e.g., Nat. Res. Def. Council, Inc. v. Mineta, No. 04–CV–5380 (VM) (RLE), 2005 WL 1075355, at *4–5 (S.D.N.Y. May 3, 2005) (denying motion to depose individual members of the plaintiff organizations where the individual members "present[ed] detailed information concerning [their] alleged injury–in–fact" and thus "any potential benefits that could develop from taking the members' depositions are outweighed by the unreasonable burden that would be placed on plaintiffs"); Perdue v. Individual Members of Indiana State Bd. of Law Examiners, No. 1:09–CV–842 (TWP) (MJD), 2010 WL 5418882, at *2 (S.D. Ind. Dec. 23, 2010) (denying motion to depose, in anticipation of summary judgment, individual members of the plaintiff organization where the defendant "apparently seeks to do little more than verify the substance of the [individual members'] affidavits"). (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 09/04/2018)
09/04/2018	<u>120</u>	FED. R. EVID. 502(D) ORDER...regarding procedures to be followed that shall govern the handling of confidential material... The Clerk of Court is directed to terminate 18–cv–2921, Docket No. 295, and 18–cv–5025, Docket No. 118. (Signed by Judge Jesse M. Furman on 9/4/2018) (ne) (Entered: 09/04/2018)
09/04/2018	<u>121</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> MOTION for Nancy Gbana Abudu to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–15524989. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by ADC Research Institute, American–Arab Anti–Discrimination Committee, CASA de Maryland, Make the Road–New York, New York Immigration Coalition. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Good Standing, # <u>3</u> Affidavit)(Abudu, Nancy) Modified on 9/4/2018 (bcu). (Entered: 09/04/2018)
09/04/2018		<b>&gt;&gt;&gt;NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE–FILE Document No. <u>121</u> MOTION for Nancy Gbana Abudu to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–15524989. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of Florida;. Re–file the motion as a Corrected Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order.. (bcu)</b> (Entered: 09/04/2018)
09/04/2018	122	ORDER with respect to <u>116</u> Letter Motion to Stay Discovery Pending Petition for Writ of Mandamus. To the extent that Defendants seek "an administrative stay" (that is, a stay pending a decision on Defendants' motion for a stay), the request is DENIED. Plaintiffs in 18–CV–2921 and 18–CV–5025 shall file a single letter response to Defendants' motion by Thursday, September 6, 2018; Defendants shall notify the Court by Friday, September 7, 2018, at noon, if they wish to file a reply and, if so, shall file the reply by Monday, September 10, 2018. (HEREBY ORDERED by Judge

		Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 09/04/2018)
09/04/2018	<u>123</u>	SIXTH LETTER MOTION to Compel Department of Commerce to produce <i>discovery</i> addressed to Judge Jesse M. Furman from Daniel F. Jacobson dated 9/4/2018. Document filed by New York Immigration Coalition. (Attachments: # <u>1</u> Exhibit)(Jacobson, Daniel) (Entered: 09/04/2018)
09/05/2018	<u>124</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Jesse M. Furman from Martin M. Tomlinson dated 09/05/2018 re: <u>113</u> LETTER MOTION for Discovery re: <i>Kris Kobach</i> addressed to Judge Jesse M. Furman from NYIC Plaintiffs dated 8/30/2018. . Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Attachments: # <u>1</u> Exhibit Excerpt from July 3, 2018 Hearing)(Tomlinson, Martin) (Entered: 09/05/2018)
09/06/2018	<u>125</u>	STATUS REPORT. <i>by Plaintiffs Concerning Motion to Compel</i> Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition.(Freedman, John) (Entered: 09/06/2018)
09/06/2018	126	ORDER denying without prejudice <u>117</u> Letter Motion to Compel. In light of Plaintiffs' letter of earlier today indicating that Defendants are "prepared to provide certain of the relief sought" in the motion to compel interrogatory responses and to complete the administrative record (Docket No. <u>125</u> ), the motion to compel is denied without prejudice to renewal in the event that the parties discussions do not resolve the matter. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 09/06/2018)
09/06/2018	127	ORDER denying <u>113</u> Letter Motion for Discovery re: Kris Kobach. Substantially for the reasons set forth in Defendants' letter (18-CV-2921, Docket No. 300; 18-CV-5025, Docket No. <u>124</u> ), Plaintiffs' motion to conduct limited document discovery and a deposition of non-party Kris Kobach is DENIED. Among other things, given the timing and nature of the communications between Mr. Kobach and Secretary Ross; the fact that Mr. Kobach is one of many people outside the Commerce Department who communicated with Secretary Ross about the citizenship question (see, e.g., A.R. 1770 (detailing correspondence regarding the citizenship question with, among others, the Indiana and West Virginia Secretaries of State, the Louisiana Attorney General, and the Chairman of the House Judiciary Committee); the fact that the substance of Mr. Kobach's views is already reflected in the record (see, e.g., A.R. 763, 1141); and the discovery that Plaintiffs have gotten, or will get, directly from the Commerce and Justice Departments, the Court concludes that the discovery sought is neither "necessary" nor "appropriate." (Transcript of July 3, 2018 Hearing, at 86). (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 09/06/2018)
09/06/2018	<u>128</u>	LETTER RESPONSE to Motion addressed to Judge Jesse M. Furman from John A. Freedman dated September 6, 2018 re: <u>116</u> LETTER MOTION to Stay <i>Discovery Pending Petition for Writ of Mandamus</i> addressed to Judge Jesse M. Furman from Carol Federighi dated August 31, 2018. . Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6)(Freedman, John) (Entered: 09/06/2018)
09/06/2018	<u>129</u>	LETTER RESPONSE to Motion addressed to Judge Jesse M. Furman from John A. Freedman dated September 6, 2018 re: <u>116</u> LETTER MOTION to Stay <i>Discovery Pending Petition for Writ of Mandamus</i> addressed to Judge Jesse M. Furman from Carol Federighi dated August 31, 2018. ( <i>Corrected Version</i> ). Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7)(Freedman, John) (Entered: 09/06/2018)
09/06/2018	<u>130</u>	STATUS REPORT. ( <i>Joint Report of the Parties</i> ) Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition.(Freedman, John) (Entered: 09/06/2018)

09/07/2018	131	ORDER re: <u>116</u> LETTER MOTION to Stay Discovery Pending Petition for Writ of Mandamus filed by Wilbur L. Ross, United States Department of Commerce, Bureau of the Census, Ron S. Jarmin. Because the deposition of John Gore is apparently scheduled for September 12, 2018 (a fact that was conspicuously omitted from the stay application that Defendants filed on the eve of Labor Day weekend) (Docket No. <u>129</u> , at 3), and the Court is unavailable Monday and Tuesday on account of a Jewish holiday, Defendants shall file any reply to Plaintiffs' opposition by TODAY at noon – not by Monday, as the Court had indicated in its Order of September 4, 2018. SO ORDERED. (Signed by Judge Jesse M. Furman on 9/7/2018) (Text Only Order) (Furman, Jesse) (Entered: 09/07/2018)
09/07/2018	<u>132</u>	LETTER RESPONSE in Support of Motion addressed to Judge Jesse M. Furman from Carol Federighi dated 09/07/2018 re: <u>116</u> LETTER MOTION to Stay <i>Discovery Pending Petition for Writ of Mandamus</i> addressed to Judge Jesse M. Furman from Carol Federighi dated August 31, 2018. . Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Federighi, Carol) (Entered: 09/07/2018)
09/07/2018	<u>133</u>	MEMORANDUM OPINION AND ORDER re: <u>98</u> MOTION for Leave to File Amended Complaint . filed by New York Immigration Coalition, American–Arab Anti–Discrimination Committee, Make the Road–New York, ADC Research Institute, CASA de Maryland. Accordingly, Plaintiffs' motion to file an amended complaint is DENIED. Notably, that result may not have much practical impact on Plaintiffs' claims or how the Court ultimately resolves them. First, Plaintiffs seek the same relief in their original Complaint and the Proposed Amended Complaint namely, (1) a declaratory judgment that the reinstatement of the citizenship question is unconstitutional and a violation of the APA and (2) an injunction against the inclusion of the question (compare Orig. Compl. at 67, with Proposed Am. Compl. at 104)) relief that can be granted only by the existing Defendants. Second, DOJ's conduct is ultimately within the scope of the Court's review of Secretary Ross's final decision, as the APA provides that "[a] preliminary, procedural, or intermediate agency action...is subject to review on the review of the final agency action." 5 U.S.C. § 704; see also Serotte, Reich & Wilson, LLP, 2009 WL 3055294, at *6. And third, in part because of ADC's involvement in the case, the Court can presumably consider the impact of Defendants' conduct on Florida and grant relief that would extend to Florida even in the absence of the proposed new Plaintiffs. But whether that is the case or not, there is no basis to add the DOJ Defendants as new defendants and the Family Action Network Movement and the Florida Immigration Coalition as new plaintiffs. The Clerk of Court is directed to terminate Docket No. 98. (Signed by Judge Jesse M. Furman on 9/7/2018) (tro) (Entered: 09/07/2018)
09/07/2018	<u>134</u>	OPINION AND ORDER re: (292 in 1:18–cv–02921–JMF) LETTER MOTION to Stay <i>Discovery Pending Petition for Writ of Mandamus</i> addressed to Judge Jesse M. Furman from Carol Federighi dated August 31, 2018. filed by Wilbur L. Ross, Jr., United States Department of Commerce, Bureau of the Census, Ron S. Jarmin, (116 in 1:18–cv–05025–JMF) LETTER MOTION to Stay <i>Discovery Pending Petition for Writ of Mandamus</i> addressed to Judge Jesse M. Furman from Carol Federighi dated August 31, 2018. filed by Wilbur L. Ross, United States Department of Commerce, Bureau of the Census, Ron S. Jarmin. For the foregoing reasons, Defendants' motion for a stay of discovery is DENIED in its entirety. The Clerk of Court is directed to terminate 18–CV–2921, Docket No. 292 and 18–CV–5025, Docket No. 116. (Signed by Judge Jesse M. Furman on 9/7/2018) (tro) (Entered: 09/07/2018)
09/07/2018	<u>135</u>	CONSENT LETTER MOTION for Extension of Time to File Response/Reply as to <u>123</u> SIXTH LETTER MOTION to Compel Department of Commerce to produce <i>discovery</i> addressed to Judge Jesse M. Furman from Daniel F. Jacobson dated 9/4/2018. <i>until September 11, 2018</i> addressed to Judge Jesse M. Furman from Carol Federighi dated 09/07/2018. Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce.(Federighi, Carol) (Entered: 09/07/2018)
09/08/2018	136	ORDER granting <u>135</u> Letter Motion for Extension of Time to File Response/Reply as to <u>123</u> SIXTH LETTER MOTION to Compel. Defendants' deadline to respond is extended to September 11, 2018. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 09/08/2018)

09/10/2018	<u>137</u>	SEVENTH LETTER MOTION to Compel Defendants to respond and produce addressed to Judge Jesse M. Furman from Plaintiffs dated September 10, 2018. Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition. (Attachments: # <u>1</u> Exhibit A – Govt Resp. to NYC Pls.' Rogs to Commerce, # <u>2</u> Exhibit B – Govt Suppl. Resp. to NYC Pls.' 1st Set of Rogs to Commerce, # <u>3</u> Exhibit C – Sept. 7 Bailey email to Ho, # <u>4</u> Exhibit D – Comstock Dep. Excerpts, # <u>5</u> Exhibit E – Abowd 30b6 Dep. Excerpts, # <u>6</u> Exhibit F – NYC Census RFP 7.12, # <u>7</u> Exhibit G – Freedman 8.29.18 Email, # <u>8</u> Exhibit H – Freedman 9.4.18 Email, # <u>9</u> Exhibit I – Sept. 7 email correspondence, # <u>10</u> Exhibit – J NYC 1st set of RFP and Rogs 7.12)(Ho, Dale) (Entered: 09/10/2018)
09/10/2018	<u>138</u>	ORDER of USCA (Certified Copy) USCA Case Number 18-2652. As part of its petitions for writs of mandamus, the government seeks an administrative stay of a deposition of the Acting Assistant Attorney General for Civil Rights, currently noticed for September 12, 2018. IT IS HEREBY ORDERED that the deposition is stayed pending determination of the petitions. Answers to the petitions must be filed by September 17, 2018. The Clerk is directed to calendar the petitions with the next available panel following the filing of the answers. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 09/10/2018. (nd) (Entered: 09/10/2018)
09/10/2018	<u>139</u>	LETTER MOTION for Discovery <i>requesting leave to depose Secretary of Commerce Wilbur L. Ross, Jr.</i> addressed to Judge Jesse M. Furman from John A. Freedman dated September 10, 2018. Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9)(Freedman, John) (Entered: 09/10/2018)
09/12/2018	<u>140</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Jesse M. Furman from Carol Federighi dated 09/11/2018 re: <u>123</u> SIXTH LETTER MOTION to Compel Department of Commerce to produce <i>discovery</i> addressed to Judge Jesse M. Furman from Daniel F. Jacobson dated 9/4/2018. . Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Attachments: # <u>1</u> Exhibit 1: Document Dispositions, # <u>2</u> Exhibit 2: Comstock Declaration, # <u>3</u> Exhibit 3: Redacted Documents)(Federighi, Carol) (Entered: 09/12/2018)
09/13/2018	141	ORDER with respect to <u>123</u> Sixth Letter Motion to Compel Defendants to produce documents withheld on grounds of deliberative process privilege. By 5:00 p.m. on September 13, 2018, Defendants shall submit, by e-mail to the e-mail address set forth in the Court's Individual Rules and Practices for Civil Cases, the seventeen documents in dispute for in camera review by the Court. For documents that were produced in redacted form, Defendants shall highlight the portions of the documents that were redacted. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 09/13/2018)
09/13/2018	<u>142</u>	STATUS REPORT. <i>Plaintiffs' Status Report regarding discovery</i> Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Freedman, John) (Entered: 09/13/2018)
09/13/2018	<u>143</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Jesse M. Furman from Kate Bailey dated 09/13/2018 re: <u>137</u> SEVENTH LETTER MOTION to Compel Defendants to respond and produce addressed to Judge Jesse M. Furman from Plaintiffs dated September 10, 2018. . Document filed by United States Department of Commerce. (Attachments: # <u>1</u> Exhibit)(Bailey, Kate) (Entered: 09/13/2018)
09/13/2018	<u>144</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Jesse M. Furman from Carol Federighi dated 09/13/2018 re: <u>139</u> LETTER MOTION for Discovery <i>requesting leave to depose Secretary of Commerce Wilbur L. Ross, Jr.</i> addressed to Judge Jesse M. Furman from John A. Freedman dated September 10, 2018. . Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Attachments: # <u>1</u> Exhibit 1: In re United States (Vilsack) Order, # <u>2</u> Exhibit 2: Pls' RFAs to Commerce)(Federighi, Carol) (Entered: 09/13/2018)

09/14/2018	145	ORDER with respect to <u>139</u> Letter Motion for Discovery requesting leave to depose Secretary of Commerce Wilbur L. Ross, Jr. Plaintiffs are granted leave to file a reply letter brief, not to exceed three pages, by September 17, 2018. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 09/14/2018)
09/14/2018		CONSOLIDATED MEMBER CASE: Create association to 1:18-cv-02921-JMF. (ne) (Entered: 09/14/2018)
09/14/2018	<u>146</u>	ORDER: As stated on the record at the conference held on September 14, 2018, the parties agree that consolidation of these cases would be appropriate. In light of that, and because the actions involve common questions of law and fact, it is hereby ORDERED that, pursuant to Rule 42(a)(2) of the Federal Rules of Civil Procedure, the two cases are consolidated under the case number 18-CV-2921. The Clerk of Court is directed to consolidate 18-CV-2921 and 18-CV-5025 under case number 18-CV-2921, and to close 18-CV-5025. SO ORDERED. (Signed by Judge Jesse M. Furman on 9/14/2018) Filed In Associated Cases: 1:18-cv-02921-JMF, 1:18-cv-05025-JMF(ne) (Entered: 09/14/2018)
09/17/2018	<u>147</u>	LETTER MOTION for Discovery <i>Motion for Protective Order re: Non-Party Deposition Subpoenas</i> addressed to Judge Jesse M. Furman from Davin M. Rosborough dated 09/17/2018. Document filed by ADC Research Institute, American-Arab Anti-Discrimination Committee, CASA de Maryland, Make the Road-New York, New York Immigration Coalition. (Attachments: # <u>1</u> Exhibit A - Redacted Subpoenas to Non-Parties)Filed In Associated Cases: 1:18-cv-02921-JMF, 1:18-cv-05025-JMF(Rosborough, Davin) (Entered: 09/17/2018)
09/17/2018	148	ORDER terminating <u>147</u> Letter Motion for Discovery. Counsel is reminded that this case was closed per the Court's Order of September 14, 2018, consolidating the case with 18-CV-2921. Accordingly, all further filings should be made in 18-CV-2921 alone. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 09/17/2018)
09/19/2018	<u>149</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Jesse M. Furman from Garrett Coyle dated September 19, 2018 re: (147 in 1:18-cv-05025-JMF) LETTER MOTION for Discovery <i>Motion for Protective Order re: Non-Party Deposition Subpoenas</i> addressed to Judge Jesse M. Furman from Davin M. Rosborough dated 09/17/2018. . Document filed by Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, Jr., United States Department of Commerce, Bureau of the Census, Ron S. Jarmin, Wilbur L. Ross, United States Department of Commerce. (Attachments: # <u>1</u> Exhibit 1)Filed In Associated Cases: 1:18-cv-02921-JMF, 1:18-cv-05025-JMF(Coyle, Garrett) (Entered: 09/19/2018)
09/25/2018	<u>150</u>	ORDER of USCA (Certified Copy). USCA Case Number 18-2652 ; 18-2659. Petitioners seek a writ of mandamus directing the halt of discovery in two consolidated district court cases. Upon due consideration, it is hereby ORDERED that the mandamus petitions are DENIED, and the stay of the district courts order compelling the deposition of Acting Assistant Attorney General John Gore is LIFTED. Mandamus is "a drastic and extraordinary remedy reserved for really extraordinary causes." <i>Balintulo v. Daimler AG</i> , 727 F.3d 174, 186 (2d Cir. 2013) (quoting <i>Cheney v. U.S. Dist. Ct. for D.C.</i> , 542 U.S. 367, 380 (2004)). "We issue the writ only in 'exceptional circumstances amounting to a judicial usurpation of power or a clear abuse of discretion.'" In re Roman Catholic Diocese of Albany, N.Y., Inc., 745 F.3d 30, 35 (2d Cir. 2014) (quoting <i>Cheney</i> , 542 U.S. at 380). To obtain mandamus relief, a petitioner must show that (1) it has "no other adequate means to attain the relief [it] desires," (2) "the writ is appropriate under the circumstances," and (3) "the 'right to issuance of the writ is clear and indisputable.'" <i>Id.</i> (alteration in original) (quoting <i>Cheney</i> , 542 U.S. at 38081). "Because the writ of mandamus is such an extraordinary remedy, our analysis of whether the petitioning party has a 'clear and indisputable' right to the writ is necessarily more deferential to the district court than our review on direct appeal." <i>Linde v. Arab Bank, PLC</i> , 706 F.3d 92, 10809 (2d Cir. 2013). We assume without deciding that Petitioners do not have another "adequate means to attain the relief" they seek, and that the writ would be "appropriate under the circumstances" if Petitioners were entitled to it. See <i>Cheney</i> , 542 U.S. at 38081 (internal quotation marks omitted). However, mandamus is not warranted here because Petitioners have not persuaded us that their "right to issuance of the writ is clear and indisputable." <i>Id.</i> at 381 (internal quotation marks omitted). The district court's discovery orders do not amount to "a

		<p>judicial usurpation of power or a clear abuse of discretion." In re Roman Catholic Diocese of Albany, N.Y., Inc., 745 F.3d at 35 (quoting Cheney, 542 U.S. at 380). The district court applied controlling case law and made careful factual findings supporting its conclusion that the initial administrative record was incomplete and that limited extra-record discovery was warranted. See Nat'l Audubon Soc'y v. Hoffman, 132 F.3d 7, 14 (2d Cir. 1997) (stating that, "[d]espite the general 'record rule,'" extra-record discovery "may be appropriate when there has been a strong showing in support of a claim of bad faith or improper behavior on the part of agency decisionmakers or where the absence of formal administrative findings makes such investigation necessary in order to determine the reasons for the agency's choice"). We cannot say that the district court clearly abused its discretion in concluding that plaintiffs made a sufficient showing of "bad faith or improper behavior" to warrant limited extra-record discovery. See <i>id.</i> Nor did the district court clearly abuse its discretion in ordering the deposition of Acting Assistant Attorney General Gore given his apparent authorship of the December 2017 Department of Justice letter. See <i>Lederman v. New York City Dep't of Parks &amp; Recreation</i>, 731 F.3d 199, 203 (2d Cir. 2013) (holding that, "to depose a high-ranking government official, a party must demonstrate exceptional circumstances justifying the deposition for example, that the official has unique first-hand knowledge related to the litigated claims or that the necessary information cannot be obtained through other, less burdensome or intrusive means"). We find no clear abuse of discretion in the district court's determination that Acting Assistant Attorney General Gore's deposition is warranted because he "possesses relevant information that cannot be obtained from another source" related to plaintiffs' allegations that the Secretary used the December 2017 Department of Justice letter as a pretextual legal justification for adding the citizenship question. Addendum at 2; <i>New York v. U.S. Dep't of Commerce</i>, 18-CV-2921 (JMF), 18-CV-5025 (JMF), 2018 WL 4279467, at *4 (S.D.N.Y. Sept. 7, 2018). Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 09/25/2018. Filed In Associated Cases: 1:18-cv-02921-JMF, 1:18-cv-05025-JMF(nd) (Entered: 09/25/2018)</p>
09/26/2018	<u>151</u>	<p>NOTICE OF CHANGE OF ADDRESS by Garrett Joseph Coyle on behalf of All Defendants. New Address: U.S. Department of Justice, 1100 L Street NW, Washington, DC, United States of America 20005, (202) 616-8016. Filed In Associated Cases: 1:18-cv-02921-JMF, 1:18-cv-05025-JMF(Coyle, Garrett) (Entered: 09/26/2018)</p>
09/28/2018	<u>153</u>	<p>ORDER of USCA (Certified Copy) USCA Case Number 18-2857. As part of its petitions for writ of mandamus, the Government seeks an administrative stay of the depositions of Secretary of Commerce Wilbur Ross and John Gore, the Acting Assistant Attorney General of the Department of Justice's Civil Rights Division. IT IS HEREBY ORDERED that the deposition of Secretary Ross is stayed pending determination of the petitions. Answers to the petitions must be filed by October 4, 2018 at noon. The petitions, as they pertain to Secretary Ross, are REFERRED to the motions panel sitting on Tuesday, October 9, 2018. To the extent the Government seeks a stay of Acting Attorney General Gore's deposition, that request is REFERRED to the panel that determined the petitions in docket numbers 18-2652 and 18-2659. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 9/28/2018. (nd) (Entered: 10/01/2018)</p>
09/30/2018	<u>152</u>	<p>MEMORANDUM OPINION AND ORDER re: 359 LETTER MOTION to Stay <i>Discovery Pending Supreme Court Review</i> addressed to Judge Jesse M. Furman from Carol Federighi dated 09/28/2018 filed by United States Department of Commerce. Defendants' latest application for stay of discovery in these cases, including the depositions of Secretary Ross and Assistant Attorney General Gore, is DENIED. The application – which does not even bother to recite the requirements for a stay, let alone attempt to show that those requirements have been met – is hard to understand as anything more than a pro forma box-checking exercise for purposes of seeking relief in the Supreme Court. This Court has already rejected Defendants' requests for stays of discovery altogether, of the Assistant Attorney General Gore's deposition, and of Secretary Ross's deposition, (see Docket No. 308 ; Docket No. 345 , at 12), and it adheres to its views on the merits of those requests. To the extent that Defendants request a stay of all discovery, their application is particularly frivolous – if not outrageous – given their inexplicable (and still unexplained) two-month delay in seeking that relief, see <i>New York v. U.S. Dept of Commerce</i>, No. 18-CV-2921 (JMF), 2018 WL 4279467, at *2 (S.D.N.Y. Sept. 7, 2018), and their representation to the</p>

		<p>Second Circuit only last week that they were not actually seeking a stay of all discovery, (see Docket No. 360 , at 1–2). If anything, the notion that Defendants will suffer irreparable harm absent a stay of all discovery is even more far–fetched now than it was when first requested on August 31, 2018, as the parties are nearly three months into discovery and only days away from completing it. The Court will not permit (and doubts that either the Second Circuit or the Supreme Court would permit) Defendants to use their arguably timely challenges to the Orders authorizing depositions of Assistant Attorney General Gore and Secretary Ross to bootstrap an untimely – and almost moot – challenge to the July 3rd Order authorizing extra–record discovery, particularly when only nine business days remain before the close of such discovery and much apparently remains to be done. (See Docket No. [360–1]). Unless and until this Court's Orders are stayed by a higher court, Defendants shall comply with their discovery obligations completely <i>and</i> expeditiously; the Court will not look kindly on any delay, and – absent relief from a higher court – will not extend discovery beyond October 12th given the November 5th trial date. As for the deposition of Secretary Ross, which has been administratively stayed by the Court of Appeals (see Docket No. [360–3]), the Court takes Defendants at their word when they say that the deposition "can be conducted expeditiously should [the Second Circuit] deny the government's petition," (Pets. for Mandamus at 32, Nos. 18–2856 &amp; 18–2857 (2d Cir. Sept. 27, 2018)). In light of that representation, and the discovery deadline of October 12, 2018, Defendants should endeavor to ensure that Secretary Ross remains available for a deposition on October 11, 2018, so that the deposition may take place before discovery closes in the event that the administrative stay is lifted by that date and Defendants' efforts to obtain permanent relief fail. For the foregoing reasons, Defendants' latest application for stay of discovery in these cases, "including" the depositions of Secretary Ross and Assistant Attorney General Gore, is DENIED. The Clerk of Court is directed to terminate Docket No. 359 . (Signed by Judge Jesse M. Furman on 9/30/2018) Filed In Associated Cases: 1:18–cv–02921–JMF, 1:18–cv–05025–JMF(ab) Modified on 9/30/2018 (ab). (Entered: 09/30/2018)</p>
10/02/2018	<a href="#"><u>154</u></a>	<p>ORDER of USCA (Certified Copy) USCA Case Number 18–2652; 18–2659. Petitioners request a stay of discovery in Nos. 18–2652 and 18–2659, including the deposition of Acting Assistant Attorney General Gore, pending review by the Supreme Court. We have considered the relevant factors and conclude that a stay in those cases is not warranted. See U.S. S.E.C. v. Citigroup Glob. Mkts. Inc., 673 F.3d 158, 162 (2d Cir. 2012). Upon due consideration, it is hereby ORDERED that the request for a stay is DENIED. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 10/2/2018. Filed In Associated Cases: 1:18–cv–02921–JMF, 1:18–cv–05025–JMF(nd) (Entered: 10/02/2018)</p>
10/03/2018	<a href="#"><u>155</u></a>	<p>NOTICE OF APPEARANCE by Geoffrey James Derrick on behalf of Council on American–Islamic Relations, New York, Inc., Fred T. Korematsu Center for Law and Equality, Norman Y. Mineta, The Sakamoto Sisters. (Derrick, Geoffrey) (Entered: 10/03/2018)</p>
10/09/2018	<a href="#"><u>157</u></a>	<p>ORDER of USCA (Certified Copy) USCA Case Number 18–2856; 18–2857. Petitioners have filed petitions for a writ of mandamus to stay or preclude the deposition of Commerce Secretary Wilbur L. Ross in two consolidated district court cases. Upon due consideration, it is hereby ORDERED that the mandamus petitions are DENIED. The stay of the District Courts order compelling the deposition of Commerce Secretary Wilbur L. Ross will remain in place for 48 hours to allow the parties to seek relief from the Supreme Court and will thereafter be LIFTED. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 10/9/2018. Filed In Associated Cases: 1:18–cv–02921–JMF, 1:18–cv–05025–JMF(tp) (Entered: 10/10/2018)</p>
10/10/2018	<a href="#"><u>156</u></a>	<p>ORDER of USCA (Certified Copy) USCA Case Number 18–2652, 18–2659, 18–2856, 18–2857. Petitioners have renewed their request for a stay of discovery in Nos. 18–2652 and 18–2659, including the deposition of Acting Assistant Attorney General Gore, in light of the October 5, 2018 order of the United States Supreme Court denying their application for a stay. That order denied Petitioners' application "without prejudice, provided that the Court of Appeals will afford sufficient time for either party to seek relief in this Court before the depositions in question are taken." In re Department of Commerce, Sup. Ct. No. 18A350 (Oct. 5, 2018) (order of Ginsburg, J.). In light of the Supreme Court's order, the deposition of Acting Assistant Attorney</p>



		General Gore is hereby temporarily stayed for thirty–six hours from the filing of this order. Petitioners also seek a stay of documentary discovery and of the deposition of Commerce Secretary Wilbur Ross. The request for a stay of documentary discovery relief which was not sought in Petitioners' initial mandamus petition is denied. We make no adjudication on the request for a stay of Secretary Ross's deposition, which is before another panel of this Court. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 10/10/2018. (Attachments: # <u>1</u> Order of Supreme Court of the United States) Filed In Associated Cases: 1:18–cv–02921–JMF, 1:18–cv–05025–JMF(nd) (Entered: 10/10/2018)
10/19/2018	<u>158</u>	NOTICE OF APPEARANCE by Alice Hsu on behalf of Council on American–Islamic Relations, New York, Inc., Fred T. Korematsu Center for Law and Equality, Norman Y. Mineta, The Sakamoto Sisters. (Hsu, Alice) (Entered: 10/19/2018)
10/23/2018	<u>159</u>	OPINION from the United States Supreme Court (Certified by the U.S. Court of Appeals, Second Circuit) USCA Case Number 18–2856; 18–2857. The application for stay presented to JUSTICE GINSBURG and by her referred to the Court is granted in part and denied in part. The application is granted as to the order of the United States District Court for the Southern District of New York dated September 21, 2018, which is stayed through October 29, 2018 at 4 p.m. The application is denied as to the orders of the United States District Court for the Southern District of New York dated July 3, 2018 and August 17, 2018. If the applicants file a petition for a writ of certiorari or a petition for a writ of mandamus with respect to the stayed order by or before October 29, 2018 at 4 p.m., the stay will remain in effect until disposition of such petition by this Court. Should the petition be denied, this stay shall terminate automatically. In the event the petition is granted, the stay shall terminate upon the sending down of the judgment of this Court. The denial of the stay with respect to the remaining orders does not preclude the applicants from making arguments with respect to those orders. JUSTICE GORSUCH, with whom JUSTICE THOMAS joins, concurring in part and dissenting in part. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 10/23/2018. Filed In Associated Cases: 1:18–cv–02921–JMF, 1:18–cv–05025–JMF(nd) (Entered: 10/23/2018)
10/29/2018	<u>160</u>	MOTION to File Amicus Brief . Document filed by American Statistical Association, American Sociological Association, Population Association of America. (Attachments: # <u>1</u> Proposed Brief as Amici Curiae in Support of Plaintiffs' Position at Trial) Filed In Associated Cases: 1:18–cv–02921–JMF, 1:18–cv–05025–JMF(Feinberg, Ira) (Entered: 10/29/2018)
10/29/2018	161	ORDER terminating <u>160</u> Motion to File Amicus Brief. Counsel is reminded that this case was closed per the Court's Order of September 14, 2018, consolidating the case with 18–CV–2921. Accordingly, all further filings should be made in 18–CV–2921 alone. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 10/29/2018)
11/02/2018	<u>162</u>	FIRST LETTER addressed to Judge Jesse M. Furman from Dale E. Ho dated November 2, 2018 re: Courtroom Technology. Document filed by City Of New York, City and County of San Francisco, City of Central Falls, City of Chicago, City of Columbus, City of Philadelphia, City of Pittsburgh, City of Providence, City of Seattle, Commonwealth of Massachusetts, Commonwealth of Pennsylvania, Commonwealth of Virginia, County of Cameron, County of El Paso, County of Hidalgo, County of Monterey, District of Columbia, State Of Connecticut, State Of New York, State of Colorado, State of Delaware, State of Illinois, State of Iowa, State of Maryland, State of Minnesota, State of New Jersey, State of New Mexico, State of North Carolina, State of Oregon, State of Rhode Island, State of Vermont, State of Washington, United States Conference of Mayors, ADC Research Institute, American–Arab Anti–Discrimination Committee, CASA de Maryland, Make the Road–New York, New York Immigration Coalition. Filed In Associated Cases: 1:18–cv–02921–JMF, 1:18–cv–05025–JMF(Ho, Dale) (Entered: 11/02/2018)
11/02/2018	<u>163</u>	ORDER of USCA (Certified Copy) USCA Case Number 18–2659. The application for stay presented to Justice Ginsburg and by her referred to the Court is denied. Justice Thomas, Justice Alito, and Justice Gorsuch would grant the application. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 11/2/2018. (tp) (Entered: 11/05/2018)

11/02/2018	<u>164</u>	ORDER of USCA (Certified Copy) USCA Case Number 18–2857. The application for stay presented to Justice Ginsburg and by her referred to the Court is denied. Justice Thomas, Justice Alito, and Justice Gorsuch would grant the application. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 11/2/2018. (tp) (Entered: 11/05/2018)
01/08/2019	<u>165</u>	ORDER: It is therefore ORDERED that Steven Dillingham is substituted as a defendant in his official capacity as Director of the Census, in place of Ron S. Jarmin. The Clerk of Court is directed to modify the docket accordingly. SO ORDERED. Steven Dillingham and Steven Dillingham added. Ron S. Jarmin (in his capacity as performing the non–exclusive functions and duties of the Director of the U.S. Census Bureau) and Ron S. Jarmin (in his capacity as performing the non–exclusive functions and duties of the Director of the U.S. Census Bureau) terminated. (Signed by Judge Jesse M. Furman on 1/8/2019) Filed In Associated Cases: 1:18–cv–02921–JMF, 1:18–cv–05025–JMF(ne) (Entered: 01/08/2019)
01/15/2019	<u>166</u>	FINDINGS OF FACT AND CONCLUSIONS OF LAW: The Court concludes that Secretary of Commerce Wilbur L. Ross Jr.'s March 26, 2018 decision to add a question about citizenship status to the 2020 census, while not inconsistent with the Constitution, violated the statutory limits on his authority and the Administrative Procedure Act in several respects. Accordingly, and for the reasons stated in its Findings of Fact and Conclusions of Law, the Court vacates Secretary Ross's decision to add a citizenship question to the 2020 census, enjoins Defendants from implementing his decision or from otherwise adding a citizenship question to the 2020 census without curing the legal defects identified in the Court's Opinion, and remands the matter to the Secretary for further action not inconsistent with the Courts Opinion. Finally, the Court September 21, 2018 Order granting Plaintiffs motion to compel a deposition of Secretary Ross, see Docket No. 345 , is VACATED as moot. (Signed by Judge Jesse M. Furman on 1/15/2019) Filed In Associated Cases: 1:18–cv–02921–JMF, 1:18–cv–05025–JMF(tro) (Entered: 01/15/2019)
01/15/2019	<u>167</u>	FINAL JUDGMENT, ORDER OF VACATUR, AND PERMANENT INJUNCTION: Final judgment is entered for Defendants and against Plaintiffs on Plaintiffs' claims arising under the Constitution's Enumeration Clause, as amended by the Fourteenth Amendment (namely, the First Claim for Relief in the Second Amended Complaint in No. 18–CV–2921 and the second Cause of Action in the Complaint in No. 18–CV–5025). Final judgment is entered for Defendants and against Plaintiffs on Plaintiffs' claims arising under the Due Process Clause of the Fifth Amendment to the Constitution (namely, the first Cause of Action in the Complaint in No. 18–CV–5025). Final judgment is entered for Plaintiffs and against Defendants on Plaintiffs' claims arising under the Administrative Procedure Act (namely, the Second and Third Claims for Relief in the Second Amended Complaint in No. 18–CV–2921 and the third Cause of Action in the Complaint in No. 18–CV–5025). The March 26, 2018 decision of the Secretary of Commerce to add a question concerning citizenship status to the 2020 decennial census questionnaire is VACATED, and the matter is REMANDED to the Secretary for further action not inconsistent with this Court's Orders. Defendants, including the Secretary of Commerce in his official capacity, the Director of the Census in his official capacity, and any successors to those offices, together with their agents, servants, employees, attorneys, and other persons who are in active concert or participation with the foregoing, see Fed. R. Civ. P. 65(d)(2), are PERMANENTLY ENJOINED from implementing Secretary Ross's March 26, 2018 decision and from adding a citizenship question to the 2020 decennial census questionnaire based on substantially similar reasoning on a substantially similar record, and from doing so unless: 1) the Secretary of Commerce has exhausted his ability to acquire and use administrative records to the maximum extent possible and consistent with the kind, timeliness, quality and scope of the citizenship data required, instead of adding an inquiry to the 2020 census questionnaire; and as further set forth in this Judgment. (Signed by Judge Jesse M. Furman on 1/15/2019) Filed In Associated Cases: 1:18–cv–02921–JMF, 1:18–cv–05025–JMF(ne) Transmission to Docket Assistant Clerk for processing. (Entered: 01/15/2019)
01/17/2019	<u>168</u>	NOTICE OF APPEAL from (167 in 1:18–cv–05025–JMF, 575 in 1:18–cv–02921–JMF) Judgment,,,,,, (574 in 1:18–cv–02921–JMF, 166 in 1:18–cv–05025–JMF) Findings of Fact & Conclusions of Law,,,,. Document filed by Bureau of the Census, Steven Dillingham, Wilbur L. Ross, Jr., United States Department of Commerce, Bureau of the Census, Wilbur L. Ross, United States

		Department of Commerce. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. Filed In Associated Cases: 1:18-cv-02921-JMF, 1:18-cv-05025-JMF(Coyle, Garrett) (Entered: 01/17/2019)
01/17/2019		Appeal Fee Not Required for (576 in 1:18-cv-02921-JMF, 168 in 1:18-cv-05025-JMF) Notice of Appeal,, Appeal filed by U.S. Government. Filed In Associated Cases: 1:18-cv-02921-JMF, 1:18-cv-05025-JMF(nd) (Entered: 01/17/2019)
01/17/2019		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: (576 in 1:18-cv-02921-JMF, 168 in 1:18-cv-05025-JMF) Notice of Appeal,, Filed In Associated Cases: 1:18-cv-02921-JMF, 1:18-cv-05025-JMF(nd) (Entered: 01/17/2019)
01/17/2019		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for (576 in 1:18-cv-02921-JMF, 168 in 1:18-cv-05025-JMF) Notice of Appeal,, filed by Wilbur L. Ross, Wilbur L. Ross, Jr., United States Department of Commerce, Bureau of the Census, Steven Dillingham were transmitted to the U.S. Court of Appeals. Filed In Associated Cases: 1:18-cv-02921-JMF, 1:18-cv-05025-JMF(nd) (Entered: 01/17/2019)
02/07/2019	<u>169</u>	ERRATA ORDER: Seven typographical errors in the Court's Findings of Fact and Conclusions of Law, entered on January 15, 2019, Docket No. 574, are hereby corrected as follows: on page 43 (in Paragraph 30), "The March 1 Memo concluded that Alternative D was plainly inferior to Alternative D" should read, "The March 1 Memo concluded that Alternative D was plainly inferior to Alternative C"; on page 66 (in Paragraph 82), "find an agency that would have as reason to do so" should read "find an agency that would have a reason to do so"; on page 129 (in Paragraph 223), "the Census Bureau's evidence shows that people who in areas" should read "the Census Bureau's evidence shows that people who live in areas"; and as further set forth in this order. (Signed by Judge Jesse M. Furman on 2/7/2019) Filed In Associated Cases: 1:18-cv-02921-JMF, 1:18-cv-05025-JMF(ne) (Entered: 02/07/2019)
03/21/2019		USCA Case Number 19-212 from the U.S.C.A. - 2nd Circ. assigned to (576 in 1:18-cv-02921-JMF, 168 in 1:18-cv-05025-JMF) Notice of Appeal,, filed by Wilbur L. Ross, Wilbur L. Ross, Jr., United States Department of Commerce, Bureau of the Census, Steven Dillingham. Filed In Associated Cases: 1:18-cv-02921-JMF, 1:18-cv-05025-JMF(nd) (Entered: 03/21/2019)
03/22/2019	<u>170</u>	Appeal Remark as to (576 in 1:18-cv-02921-JMF, 168 in 1:18-cv-05025-JMF) Notice of Appeal, filed by Wilbur L. Ross, Wilbur L. Ross, Jr., United States Department of Commerce, Bureau of the Census, Steven Dillingham USCA Case Number 19-0212 (SCUS 18-966): <i>Supreme Court of The United States requests District Court record on appeal.</i> Filed In Associated Cases: 1:18-cv-02921-JMF, 1:18-cv-05025-JMF. (tp) (Entered: 03/22/2019)
03/22/2019		Appeal Record Sent to SCUS (Electronic File). Certified Indexed record on Appeal Electronic Files for (586 in 1:18-cv-02921-JMF, 170 in 1:18-cv-05025-JMF) Appeal Remark, SCUS Case Number 18-0966, were transmitted to the Supreme Court of the United States. Filed In Associated Cases: 1:18-cv-02921-JMF, 1:18-cv-05025-JMF. (tp) (Entered: 03/22/2019)