

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

INTERNATIONAL REFUGEE
ASSISTANCE PROJECT, et al.,

Plaintiffs-Cross-Appellants,

v.

DONALD TRUMP, et al.,

Defendants-Appellants.

IRANIAN ALLIANCES
ACROSS BORDERS, et al.,

Plaintiffs-Appellees,

v.

DONALD TRUMP, et al.,

Defendants-Appellants.

EBLAL ZAKZOK, et al.,

Plaintiffs-Appellees,

v.

DONALD TRUMP, et al.,

Defendants-Appellants.

Nos. 17-2231 (L), 17-2232, 17-2233

***IRAP PLAINTIFFS-CROSS-
APPELLANTS' RESPONSE TO
MOTION TO EXPEDITE
MERITS BRIEFING SCHEDULE***

The plaintiffs' proposed schedule differs by a single week from the government's. Specifically, the plaintiffs respectfully request that they be afforded three weeks to respond to the government's opening brief, while the government has proposed that plaintiffs have only two. The plaintiffs' proposed schedule—including plaintiffs' proposed due date for their initial brief—is already highly expedited. *Cf.* F.R.A.P. 28.1(f). And in the previous appeal in this case, this Court provided plaintiffs the same amount of time to file their principal brief that they are currently requesting. Shortening that time could unnecessarily compromise plaintiffs' ability to fully respond to the government's brief, particularly in light of the requirement that plaintiffs in three separate cases, each represented by separate groups of counsel, coordinate their response, *see* L.R. 28(a), (d).

The government has not identified any concrete harm that will result if the briefing on this appeal takes a total of seven weeks rather than six, and none exists. Nor has the government demonstrated that providing the additional week would prevent the Supreme Court from hearing a subsequent appeal this Term—or explained why the plaintiffs' time to respond should be shortened in order to accommodate the government's

preference regarding the scheduling of a subsequent appeal, even if that were the case.¹

In any event, even under plaintiffs' proposed schedule, the appeal will be fully briefed before the end of the Court's scheduled December sitting. And if an earlier cross-appeal reply deadline would facilitate the Court's consideration of the appeal, the plaintiffs could file their cross-appeal reply brief on Monday, December 4.

For these reasons, plaintiffs respectfully request that the Court set the plaintiffs' proposed schedule, which will expedite the appeal while allowing plaintiffs a full and fair opportunity to respond:

Appellants' brief: November 1, 2017

Response/Cross-Appellants' brief: November 22, 2017

Reply/Cross-Appellees' brief: November 29, 2017

Cross-Appellants' reply brief: December 6, 2107

¹ That is especially true given that earlier in this litigation, the government was content to allow the Supreme Court's merits review to occur in a subsequent Term, *see* App. Stay, No. 16A1190 at 40 (U.S. filed June 1, 2017).

Dated: October 25, 2017

Karen C. Tumlin
Nicholas Espíritu
Melissa S. Keaney
Esther Sung
National Immigration Law Center
3435 Wilshire Boulevard, Suite
1600
Los Angeles, CA 90010
Tel: (213) 639-3900
Fax: (213) 639-3911
tumlin@nilc.org
espiritu@nilc.org
keaney@nilc.org
sung@nilc.org
(IRAP, et al. Plaintiffs)

Justin B. Cox
National Immigration Law Center
PO Box 170208
Atlanta, GA 30317
Tel: (678) 279-5441
Fax: (213) 639-3911
cox@nilc.org
(IRAP, et al. Plaintiffs)

Kathryn Claire Meyer
Mariko Hirose
International Refugee Assistance
Project
40 Rector Street, 9th Floor
New York, New York 10006
Tel: (646) 459-3044
Fax: (212) 533-4598

Respectfully submitted,

/s/ Omar C. Jadwat

Omar C. Jadwat
Lee Gelernt
Hina Shamsi
Hugh Handeyside
Sarah L. Mehta
David Hausman
American Civil Liberties Union
Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Tel: (212) 549-2600
Fax: (212) 549-2654
ojadwat@aclu.org
lgelernt@aclu.org
hshamsi@aclu.org
hhandeyside@aclu.org
smehta@aclu.org
dhausman@aclu.org
(IRAP, et al. Plaintiffs)

Cecillia D. Wang
Cody H. Wofsy
Spencer E. Amdur
American Civil Liberties Union
Foundation
39 Drumm Street
San Francisco, CA 94111
Tel: (415) 343-0770
Fax: (415) 395-0950
cwang@aclu.org
cwofsy@aclu.org
samdur@aclu.org
(IRAP, et al. Plaintiffs)

kmeyer@refugeerights.org
mhirose@refugeerights.org
(IRAP, et al. Plaintiffs)

David Rocah
Deborah A. Jeon
Sonia Kumar
Nicholas Taichi Steiner
American Civil Liberties Union
Foundation of Maryland
3600 Clipper Mill Road, Suite 350
Baltimore, MD 21211
Tel: (410) 889-8555
Fax: (410) 366-7838
jeon@aclu-md.org
rocah@aclu-md.org
kumar@aclu-md.org
steiner@aclu-md.org
(IRAP, et al. Plaintiffs)

Johnathan Smith
Sirine Shebaya
MUSLIM ADVOCATES
P.O. Box 66408
Washington, D.C. 20035
Tel: (202) 897-2622
Fax: (415) 765-1774
johnathan@muslimadvocates.org
sirine@muslimadvocates.org
(I.A.A.B., et al. Plaintiffs)

Richard B. Katskee
Eric Rothschild
Andrew L. Nellis
AMERICANS UNITED FOR
SEPARATION OF CHURCH
AND STATE
1310 L St. NW, Ste. 200
Washington, D.C. 2005

David Cole
Daniel Mach
Heather L. Weaver
American Civil Liberties Union
Foundation
915 15th Street NW
Washington, DC 20005
Tel: (202) 675-2330
Fax: (202) 457-0805
dcole@aclu.org
dmach@aclu.org
hweaver@aclu.org
(IRAP, et al. Plaintiffs)

Mark H. Lynch
Mark W. Mosier
Herbert L. Fenster
Jose E. Arvelo
John W. sorrenti
Karun Tilak
COVINGTON & BURLING
LLP
One City Center
850 10th Street, NW
Washington, D.C. 20001
Tel: (202) 662-6000
Fax: (202) 662-6302
mlynch@cov.com
mmosier@cov.com
hfenster@cov.com
jarvelo@cov.com
jsorrenti@cov.com
ktilak@cov.com
(I.A.A.B., et al. Plaintiffs)

Rebecca G. Van Tassell
COVINGTON & BURLING
LLP
1999 Avenue of the Stars

Tel: (202) 466-3234
Fax: (202) 466-3353
katskee@au.org
rothschild@au.org
nellis@au.org
(I.A.A.B., et al. Plaintiffs)

Charles E. Davidow
Robert A. Atkins
Liza Velazquez
Andrew J. Ehrlich
Steven C. Herzog
PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Tel.: (212) 373-3000
Fax: (212) 757-3990
ratkins@paulweiss.com
lvelazquez@paulweiss.com
aehrlich@paulweiss.com
sherzog@paulweiss.com
(Zakzok, et al. Plaintiffs)

Faiza Patel
Michael Price
Brennan Center for Justice
at NYU School of Law
120 Broadway, Suite 1750
New York, NY 10271
Tel.: (646) 292-8335
Fax: (212) 463-7308
faiza.patel@nyu.com
michael.price@nyu.com
(Zakzok, et al. Plaintiffs)

Los Angeles, California 90067
Tel: (424) 332-4800
Fax: (424) 332-4749
RVanTassell@cov.com
(I.A.A.B., et al. Plaintiffs)

Lena F. Masri
Gadeir Abbas
Council on American-Islamic
Relations (CAIR)
453 New Jersey Avenue SE
Washington, D.C. 20003
Tel.: (202) 488-8787
Fax: (202) 488-0833
lfmasri@cair.com
gabbas@cair.com
(Zakzok, et al. Plaintiffs)

Jethro Eisenstein
Profeta & Eisenstein
45 Broadway, Suite 2200
New York, New York 10006
Tel.: (212) 577-6500
Fax: (212) 577-6702
jethro19@gmail.com
(Zakzok, et al. Plaintiffs)

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of October, 2017, I caused a PDF version of the foregoing document to be electronically transmitted to the Clerk of the Court, using the CM/ECF System for filing and for transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

Dated: October 25, 2017

Respectfully submitted,

/s/ Omar Jadwat
Omar C. Jadwat

CERTIFICATE OF COMPLIANCE

Pursuant to FRAP 32(g)(1), I hereby certify that the foregoing corrected motion complies with the type-volume limitation in FRAP 27(d)(2)(A). According to Microsoft Word, the motion contains 349 words and has been prepared in a proportionally spaced typeface using Times New Roman in 14 point size.

Dated: October 25, 2017

Respectfully submitted,

/s/ Omar Jadwat
Omar C. Jadwat