

1 JEFFREY BOSSERT CLARK
2 Acting Assistant Attorney General
3 AUGUST FLENTJE
4 Special Counsel to the Acting
5 Assistant Attorney General
6 ALEXANDER K. HAAS
7 Branch Director
8 DIANE KELLEHER
9 Assistant Branch Director
10 SERENA M. ORLOFF
11 MICHAEL DREZNER
12 STUART J. ROBINSON
13 Trial Attorneys
14 United States Department of Justice
15 Civil Division, Federal Programs Branch
16 Ben Franklin Station, P.O. Box No. 883
17 Washington, DC 20044
18 Phone: (202) 305-0167
19 Fax: (202) 616-8470
20 E-mail: serena.m.orloff@usdoj.gov
21 *Counsel for Defendants*

22
23 **IN THE UNITED STATES DISTRICT COURT**
24 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

25 U.S. WECHAT USERS ALLIANCE, *et al.*,

26 Plaintiffs,

27 v.

28 DONALD J. TRUMP, President of the United
29 States, and WILBUR ROSS, Secretary of
30 Commerce,

31 Defendants.

Case No. 3:20-cv-05910-LB

**NOTICE REGARDING
IMPLEMENTATION OF
EXECUTIVE ORDER 13943**

Date: Sept. 17, 2020

Time: 9:30 a.m.

Place: San Francisco, CA

Judge: Hon. Laurel Beeler

32 Defendants hereby provide notice to the Court of certain assurances regarding the
33 implementation of Executive Order 13943 that were sent to Plaintiffs via counsel, which Defendants
34 believe to be relevant to Plaintiffs' pending motion for a preliminary injunction, ECF No. 17.
35 Specifically, on September 16, 2020, at approximately 10:50 a.m. Pacific Standard Time, counsel for
36 Defendants made the following assurances:
37
38

1 At present, activity involving the WeChat app is not prohibited. While the Department of
2 Commerce continues to review a range of transactions, including those that could directly
3 or indirectly impact use of the WeChat app, we can provide assurances that the Secretary
4 does not intend to take actions that would target persons or groups whose only connection
5 with WeChat is their use or downloading of the app to convey personal or business
6 information between users, or otherwise define the relevant transactions in such a way
7 that would impose criminal or civil liability on such users. In other words, while use of
8 the app for such communications could be directly or indirectly impaired through
9 measures targeted at other transactions, use and downloading of the app for this limited
10 purpose will not be a defined transaction, and such users will not be targeted or subject to
11 penalties.

12 Defendants' letter memorializing these assurances, which also relates to earlier correspondence
13 on September 16, 2020, and also on September 10, 2020, is attached as Exhibit 1.

14 Dated: September 16, 2020

15 Respectfully submitted,

16 JEFFREY BOSSERT CLARK
17 Acting Assistant Attorney General

18 AUGUST FLENTJE
19 Special Counsel to the Acting
20 Assistant Attorney General

21 ALEXANDER K. HAAS
22 Branch Director

23 DIANE KELLEHER
24 Assistant Branch Director

25 */s/ Serena Orloff*

26 SERENA M. ORLOFF

27 MICHAEL DREZNER

28 STUART J. ROBINSON

Trial Attorneys

United States Department of Justice

Civil Division, Federal Programs Branch

Ben Franklin Station, P.O. Box No. 883

Washington, DC 20044

Phone: (202) 305-0167

Fax: (202) 616-8470

E-mail: serena.m.orloff@usdoj.gov

Counsel for Defendants