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(See Next Page For Additional Counsel)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI‘I**

STATE OF HAWAI‘I and ISMAIL ELSHIKH,
Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; U.S.
DEPARTMENT OF HOMELAND
SECURITY; JOHN F. KELLY, in his official
capacity as Secretary of Homeland Security;
U.S. DEPARTMENT OF STATE; REX
TILLERSON, in his official capacity as
Secretary of State; and the UNITED STATES
OF AMERICA,

Defendants.

Civil Action No. 1:17-cv-00050-
DKW-KSC

**EMERGENCY MOTION TO
CLARIFY SCOPE OF
PRELIMINARY
INJUNCTION**

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**EMERGENCY MOTION TO CLARIFY SCOPE OF PRELIMINARY
INJUNCTION**

Pursuant to Local Rules 6.2 and 7.6 for the United States District Court for the District of Hawaii and Rule 7 of the Federal Rules of Civil Procedure, Plaintiffs State of Hawaii (the “State”) and Dr. Ismail Elshikh, by and through their counsel, respectfully request that the Court immediately partially lift the April 3, 2017 Order staying these proceedings (Dkt. No. 279) for the limited purpose of issuing an Order clarifying the scope of the Court’s June 19, 2017 amended preliminary injunction (Dkt. No. 291).

The Government has indicated publicly that it will begin enforcing the non-enjoined portions of Executive Order 13780 in a manner that conflicts with this Court’s preliminary injunction, as well as the Supreme Court’s June 26, 2017 ruling that the Executive Order (specifically, Sections 2(c), 6(a), and 6(b)) may not be enforced against foreign nationals and refugees “who have a credible claim of a bona fide relationship with a person or entity in the United States.” *Trump v. Int’l Refugee Assistance Project*, Nos. 16-1436 and 16-1540, slip. op. at 11, 13 (June 26, 2017) (per curiam). Plaintiffs request that the Court clarify: (1) that the injunction bars the Government from enforcing the Executive Order against fiancés, grandparents, grandchildren, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and cousins of persons in the United States; (2) that refugees with a bona fide relationship with a person or entity in the United States are covered by

the injunction; and (3) that the Government may not apply a presumption that aliens lack a “bona fide relationship with a person or entity in the United States.” *Id.* at 12.

The Government has indicated that it will begin enforcing the non-enjoined portions of the Executive Order starting today, June 29, 2017, at 8:00 p.m. EDT (2:00 p.m. HST). Counsel for Plaintiffs repeatedly attempted to confer with counsel for Defendants between June 27, 2017 and June 29, 2017 and received no response until 4:43 p.m. EDT (10:43 a.m. HST), at which time counsel for Defendants conveyed by email the Government’s position that it is “in full compliance with the preliminary injunction, as amended by the Supreme Court.” In light of the exigent circumstances, Plaintiffs request that the Court consider their motion on an emergency basis and shorten the time for consideration and any responsive briefing pursuant to Local Rule 6.2. A supporting memorandum of law is attached hereto.

DATED: Washington, D.C., June 29, 2017.

Respectfully submitted,

/s/ Neal K. Katyal

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