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(See Next Page For Additional Counsel)

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF HAWAII

STATE OF HAWAII, ISMAIL ELSHIKH,  
 JOHN DOES 1 & 2, and MUSLIM  
 ASSOCIATION OF HAWAII, INC.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as  
 President of the United States; U.S.  
 DEPARTMENT OF HOMELAND SECURITY;  
 ELAINE DUKE, in her official capacity as  
 Acting 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.

**PLAINTIFFS' MOTION**  
**FOR LEAVE TO FILE A**  
**RESPONSE TO NOTICE OF**  
**IN CAMERA, EX PARTE**  
**LODGING OF REPORT**  
**CONTAINING**  
**CLASSIFIED**  
**INFORMATION;**  
**[PROPOSED] RESPONSE**  
**TO NOTICE OF IN**  
**CAMERA, EX PARTE**  
**LODGING OF REPORT**  
**CONTAINING**  
**CLASSIFIED**  
**INFORMATION;**  
**[PROPOSED] ORDER;**  
**CERTIFICATE OF**  
**SERVICE**

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

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**PLAINTIFFS' MOTION FOR LEAVE TO FILE A RESPONSE TO  
NOTICE OF *IN CAMERA*, *EX PARTE* LODGING OF REPORT  
CONTAINING CLASSIFIED INFORMATION**

Pursuant to Local Rule 7.4 for the United States District Court for the District of Hawaii, the State of Hawaii, Ismail Elshikh, John Does 1 and 2, and the Muslim Association of Hawaii, Inc. (collectively, "Plaintiffs"), by and through their counsel, respectfully request that the Court grant Plaintiffs leave to file a Response to the Government's Notice of *In Camera*, *Ex Parte* Lodging of Report Containing Classified Information and Objection to Review or Consideration of Report, in the form attached hereto.

On October 10, 2017, this Court directed the Government to file "a copy of the September 15, 2017 report submitted by the Secretary of Homeland Security, which is referenced in Section 1(h) of Proclamation No. 9645." Dkt. No. 371. On October 14, the Government filed a Notice indicating that it would submit a copy of the report *ex parte* and *in camera*. Dkt. No. 376. In the Notice, the Government objected to the Court's consideration or review of the report and made clear that it would not serve the report on Plaintiffs' counsel.

Plaintiffs seek leave to respond to the Government's arguments. Plaintiffs believe that the requested report is not necessary in order for the Court to resolve the case and that it would be appropriate for the Court to exclude the report from the record. However, in the event that the Court considers the report in deciding

the case, Plaintiffs believe that they would be prejudiced unless Plaintiffs' counsel is afforded an opportunity to view any material information contained in the report.

Therefore, Plaintiffs respectfully request leave to file the attached Response to the Government's Notice of *In Camera, Ex Parte* Lodging of Report Containing Classified Information and Objection to Review or Consideration of Report.

DATED: Washington, DC, October 16, 2017.

Respectfully submitted,

/s/ Neal K. Katyal

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