

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILMAN GONZALEZ ROSARIO,
et al.,

CASE NO. C15-0813JLR

MINUTE ORDER

V₅

Plaintiffs,

UNITED STATES CITIZENSHIP
AND IMMIGRATION SERVICES,
et al..

Defendants.

The following minute order is made by the direction of the court, the Honorable James L. Robart:

The court has scheduled oral argument on Plaintiffs' motion for class certification (Dkt. # 82) and Defendants' partial motion to dismiss (Dkt. # 88) for Thursday, July 13, 2017, at 10:00 a.m. At the hearing, the court anticipates asking several questions of

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1 counsel before allowing brief oral argument. The court DIRECTS the parties to be
2 prepared to address the following topics:

- 3 • 90-Day Plaintiffs' Administrative Procedure Act ("APA") Claims
 - 4 ○ Under what specific sections of the APA do 90-Day Plaintiffs assert a
 - 5 claim?
 - 6 ○ Which, if any, of those claims are moot?
 - 7 ○ To what extent do the non-moot APA claims require final agency
 - 8 action, and what is the final agency action here?
- 9 • 90-Day Plaintiffs' Mandamus Act Claim
 - 10 ○ Is 90-Day Plaintiffs' Mandamus Act claim moot?
 - 11 • In their response to Defendants' partial motion to dismiss, Plaintiffs ask the
 - 12 court, for the first time in this action, to "bar[] Defendants from denying
 - 13 benefits to 90-Day Subclass members based on periods of unauthorized
 - 14 employment, when Defendants' proper issuance of interim employment
 - 15 authorization would have permitted such employment." (Dkt. # 91 at 2:3-7.)
 - 16 ○ Under what statute(s)—including the specific subsection(s)—is that
 - 17 relief available?
 - 18 ○ What legal authority supports the availability of that relief under that
 - 19 statute(s)?
- 20 • In their response brief to the class certification motion, Defendants
- 21 differentiate between the "mandatory nature of the timeline" and the
- 22 "mandatory nature of the overall duty." (Dkt. # 86 at 11 n.2.)

1 ○ Explain this distinction and why the court's prior order (Dkt. # 55 at
2 22-26) is best read in this manner.

3 ● Appointing Class Counsel

4 ○ Assuming that the court certifies the class in full or in part, on what
5 basis should the court appoint as class counsel all 10 lawyers who are
6 counsel of record in this action?

7 This list is not exhaustive, and the parties should be prepared to address all aspects of the
8 pending motions.

9 Filed and entered this 10th day of July, 2017.

10 WILLIAM M. MCCOOL
11 Clerk of Court

12 s/ Ashleigh Drecktrah
13 Deputy Clerk