

HONORABLE RICHARD A. JONES

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, et al.,

Plaintiffs,

v.

DONALD TRUMP, President of the
United States, et al.,

Defendants.

CASE NO. C17-94 RAJ

ORDER

This matter comes before the Court on Defendants’ emergency motion for stay pending appellate review. Dkt. # 156. Plaintiffs oppose the motion. Dkt. # 157.

Defendants filed this motion to dispute a portion of the Court’s April 11, 2018 Order. Dkt. # 148. On April 12, 2018, subsequent to entering that Order, the Court held a telephonic hearing involving counsel for both parties. Dkt. # 149. Defendants did not mention that the Court’s Order, entered the previous day, created an emergency situation. Neither did Defendants object—indeed, they agreed—when the Court set a specific briefing schedule. Defendants did not indicate that any other matter required immediate attention. As of April 11 and 12, 2018, Defendants were aware that they were obligated to produce the class list by April 25, 2018. Dkt. # 148 at 10.

1 Defendants waited nine days after the Court's Order to file their emergency
2 motion. They filed the motion at 4:19 p.m. P.D.T. on Friday, April 20, 2018, and
3 requested a ruling by 5:00 p.m. P.D.T. on Monday, April 23, 2018. Dkt. # 156. Such
4 tactics—filing an emergency motion more than one week after the event creating the
5 apparent emergency and directing the Court to make a determination within one business
6 day—are unprecedented in this District. Defendants offer no authority for the
7 proposition that the Government may set any such deadlines for federal courts to make
8 their determinations.

9 Defendants' emergency claim renews the Court's concern about Defendants'
10 litigation strategy. The Court would expect at a minimum, proper notice, an opportunity
11 to respond, and certainly a reasonable opportunity to rule. This Court is more than
12 willing to respond to emergency matters, but the record does not support this issue
13 constituting an emergency. In the interest of avoiding further delay, and having now
14 received Plaintiffs' response, the Court will make a determination as to the motion's
15 merits on Tuesday, April 24, 2018.

16 Dated this 23rd day of April, 2018.

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20 The Honorable Richard A. Jones
21 United States District Judge
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