

1 | LORI SWANSON
 Attorney General
 2 | ALAN I. GILBERT, (MN Atty. #0034678)
 Solicitor General
 3 | JACOB CAMPION, (MN Atty. # 0391274)
 Assistant Attorney General
 4 | Office of the Minnesota Attorney General
 445 Minnesota Street, Suite 1100
 5 | St. Paul, MN 55101
 651-757-1459
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8 | **UNITED STATES DISTRICT COURT**
WESTERN DISTRICT OF WASHINGTON
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10 | STATE OF WASHINGTON and
 STATE OF MINNESOTA,

11 | Plaintiffs,

12 | v.

CIVIL ACTION NO. 2:17-cv-00141-JLR

13 | DONALD TRUMP, in his official
 capacity as President of the United
 14 | States; U.S. DEPARTMENT OF
 HOMELAND SECURITY; JOHN F.
 15 | KELLY, in his official capacity as
 Secretary of the Department of
 16 | Homeland Security; REX W.
 TILLERSON, in his official capacity
 17 | as Secretary of State; and the UNITED
 STATES OF AMERICA,

18 | Defendants.
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STATE OF MINNESOTA'S
 RESPONSE TO DEFENDANTS'
 NOTICE OF FILING OF
 EXECUTIVE ORDER

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 21 | On March 6, 2017, Defendants filed a "Notice of Filing of Executive Order." ECF No.
 22 | 108. Defendants attached an Executive Order dated March 6, 2017 entitled "Protecting the
 23 | Nation from Foreign Terrorist Entry into the United States" ("Second Executive Order"). ECF
 24 | No. 108-1. Defendants stated that they are "preparing to enforce the provisions" of this
 25 | Second Executive Order beginning on March 16, 2017, because they had unilaterally
 26

1 determined that “[t]his Court’s injunctive order does not limit the Government’s ability to
2 immediately begin enforcing” the Second Executive Order. ECF No. 108 at 1, 14.

3 In response, Plaintiff State of Minnesota writes separately to point out that, under
4 applicable caselaw, Defendants cannot unilaterally modify a preliminary injunction. A
5 preliminary injunction remains in effect until it is modified or dissolved by the Court. *See*
6 *Sharp v. Weston*, 233 F.3d 1166, 1170 (9th Cir. 2000) (party seeking relief from injunction
7 “bears the burden of establishing that a significant change in facts or law warrants revision or
8 dissolution of the injunction”). The appropriate procedure therefore is for Defendants to file a
9 motion to modify the preliminary injunction if they seek to change it.
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12 DATED this 9th day of March, 2017.

13 Respectfully submitted,

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15 LORI SWANSON
16 Attorney General
17 State of Minnesota

18 /s/ **Jacob Campion**
19 ALAN I. GILBERT (admitted pro hac vice)
20 Solicitor General
21 Atty. Reg. No. 0034678
22 JACOB CAMPION (admitted pro hac vice)
23 Assistant Attorney General
24 Atty. Reg. No. 0391274
25 445 Minnesota Street, Suite 1100
26 St. Paul, Minnesota 55101-2128
(651) 757-1450
al.gilbert@ag.state.mn.us
jacob.campion@ag.state.mn.us

CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2017, I electronically filed the foregoing State of Minnesota's Response to Defendants' Notice of Filing of Executive Order using the Court's CM/ECF system, causing a notice of filing to be served upon all counsel of record.

Dated: March 9, 2016

/s/ **Jacob Campion**
JACOB CAMPION