

THE HONORABLE JAMES L. ROBERT

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON, and
STATE OF MINNESOTA,

Plaintiffs,

v.

DONALD 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 the Department of
Homeland Security; REX W.
TILLERSON, in his official capacity
as Secretary of State; and the
UNITED STATES OF AMERICA,

Defendants.

Civil Action No. 2:17-cv-00141-JLR

**[PROPOSED] ORDER GRANTING
EMERGENCY MOTION TO ENFORCE
PRELIMINARY INJUNCTION**

Motion Noted: March 14, 2017

STATE OF OREGON,

Intervenor-Plaintiff,

v.

DONALD TRUMP, et al.,

Intervenor-Defendants.

1 On February 3, 2017, the Court granted Plaintiffs’ Motion for a Temporary Restraining
2 Order, enjoin portions of Executive Order 13769, dated January 27, 2017, entitled “Protecting
3 the Nation from Foreign Terrorist Entry into the United States” (“First Executive Order”). ECF
4 No. 52. The Temporary Restraining Order enjoined and restrained Defendants and their
5 respective officers, agents, servants, employees, attorneys, and persons acting in concert or
6 participation with them, from enforcing Sections 3(c) and 5(a) of the First Executive Order,
7 among other provisions. *Id.* at Paragraphs IV(1)(a) and (b).

8 On February 4, 2017, Defendants appealed to the United States Court of Appeals for
9 the Ninth Circuit and sought an emergency stay of the Temporary Restraining Order pending
10 appeal. ECF No. 53; 9th Circuit ECF No. 14. In denying Defendants’ emergency motion for a
11 stay, the Ninth Circuit construed the Temporary Restraining Order as a preliminary injunction.
12 9th Circuit ECF No. 68, at 7-8; ECF No. 78, at 4.

13 On March 6, 2017, the President signed Executive Order 13780, also entitled
14 “Protecting the Nation from Foreign Terrorist Entry into the United States” (“Second
15 Executive Order”). The Second Executive Order is scheduled to take effect on March 16, 2017.
16 The Second Executive Order contains two provisions – Sections 2(c) and Section 6(a) – that
17 reinstate policies contained in Sections 3(c) and 5(a) of the First Executive Order, which are
18 preliminarily enjoined by this Court’s February 3, 2017 Order.

19 Plaintiff State of Washington now moves, on an emergency basis, to enforce the
20 preliminary injunction, ECF No. 52. Having considered the motion, Defendants’ response, if
21 any, and the argument of the parties, if any, the Court GRANTS Washington’s Emergency
22 Motion to Enforce Preliminary Injunction.

23 Accordingly, it is hereby ORDERED that:

- 24 1. Section 2(c) of the Second Executive Order is ENJOINED on a nationwide basis as
25 violating the preliminary injunction entered by this Court on February 3, 2017 (ECF
26 No. 52).

1 2. Section 6(a) of the Second Executive Order is ENJOINED on a nationwide basis as
2 violating the preliminary injunction entered by this Court on February 3, 2017 (ECF
3 No. 52).

4 3. Defendants and all their respective officers, agents, servants, employees, attorneys,
5 and persons acting in concert or participation with them are hereby ENJOINED
6 from:

7 (a) Implementing or enforcing Section 2(c) of the Second Executive Order on
8 March 16, 2017, or thereafter, absent a prior order of this Court; and

9 (b) Implementing or enforcing Section 6(a) of the Second Executive Order on
10 March 16, 2017, or thereafter, absent a prior order of this Court.

11 IT IS SO ORDERED.

12 DATED this _____ day of March, 2017.

13 _____
14 UNITED STATES DISTRICT JUDGE

15 Presented by:

16 _____
17 BOB FERGUSON, WSBA #26004

18 Attorney General

19 NOAH G. PURCELL, WSBA #43492

20 Solicitor General

21 COLLEEN M. MELODY, WSBA #42275

22 Civil Rights Unit Chief

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