

The Honorable James L. Robart

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

STATE OF WASHINGTON, et al.,

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.

No. 2:17-cv-00141 (JLR)

**DEFENDANTS' MOTION FOR AN
EXTENSION OF TIME TO RESPOND
TO PLAINTIFFS' SECOND
AMENDED COMPLAINT**

Noted For Consideration:
April 7, 2017

Defendants hereby move the Court for an extension of time to respond to Plaintiffs' Second Amended Complaint (ECF No. 152), which is currently due on April 3, 2017.

Defendants request that this deadline be extended until ten (10) days after the Court resolves Defendants' pending Motion to Stay District Court Proceedings Pending Resolution of Appeal in *Hawaii v. Trump* (ECF No. 175).

Defendants request an extension of time so that the Court may rule on their pending motion to stay district court proceedings before Defendants are required to respond to the complaint. Defendants have moved to stay proceedings here because the Ninth Circuit's

1 decision in *Hawaii* is likely to provide substantial guidance to the Court and the parties in
2 resolving forthcoming issues in this case, including Defendants' response to the complaint
3 (which will likely be a motion to dismiss under Federal Rule of Civil Procedure 12(b)(1) and
4 12(b)(6)). Pursuant to Local Rule 7(d)(3), however, Defendants' motion for a stay will not be
5 fully briefed until April 14, 2017—after the current deadline for Defendants to respond to the
6 complaint. Therefore, granting the instant motion for an extension of time will conserve
7 resources by allowing the parties to obtain a ruling on the stay motion before Defendants draft
8 their motion to dismiss, which may become unnecessary at this time if the stay motion is
9 granted.
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12 Defendants also request an extension of time because their counsel have been spending
13 significant time briefing preliminary motions in other cases challenging Executive Order No.
14 13,780, and thus, even apart from Defendants' pending stay motion, counsel would need
15 additional time to draft a response to the complaint in this case. *See, e.g., Hawaii v. Trump*,
16 No. CV 17-00050 DKW-KSC (D. Haw.) (opposition to plaintiffs' motion to convert temporary
17 restraining order to preliminary injunction filed on March 24, 2017); *Pars Equality Ctr. v.*
18 *Trump*, No. 1:17-cv-00255-TSC (D.D.C.) (opposition to plaintiffs' motion for preliminary
19 injunction filed on March 28, 2017); *Al-Mowafak v. Trump*, No. 3:17-cv-00557-WHO (N.D.
20 Cal.) (opposition to plaintiffs' motion for preliminary injunction due on March 30, 2017);
21 *International Refugee Assistance Project v. Trump*, No. 8:17-cv-00361-TDC (D. Md.)
22 (supplemental brief on jurisdictional issue due on March 31, 2017). In addition, counsel have
23 spent considerable time this week working on the joint status report and discovery plan that is
24 due in this case on April 5, 2017.
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27 No prior extension of this deadline has been requested.
28

1 The undersigned conferred with counsel for Plaintiffs regarding this motion. Plaintiffs
2 offered to stipulate to a fourteen-day extension of (1) the April 3 deadline for Defendants to file
3 a responsive pleading, and (2) the April 5 deadline for the parties' joint status report and
4 discovery plan. Plaintiffs indicated that they oppose a longer extension of these deadlines.
5 (Defendants have not sought—and do not seek through this motion—to extend the April 5
6 deadline for the parties' joint status report and discovery plan.)
7

8 The fourteen-day extension of time offered by Plaintiffs—although appreciated—will
9 not allow Defendants to obtain a ruling on their stay motion before they are required to draft a
10 response to the complaint, because the stay motion will not be fully briefed until April 14,
11 2017.
12

13 For these reasons, Defendants respectfully request that the Court grant their motion for
14 an extension of time to respond to the Second Amended Complaint, until ten (10) days after the
15 Court resolves Defendants' pending Motion to Stay District Court Proceedings Pending
16 Resolution of Appeal in *Hawaii v. Trump* (ECF No. 175). In the alternative, Defendants
17 request that the Court extend the deadline by which Defendants must respond to the Second
18 Amended Complaint by fourteen (14) days—until April 17, 2017—as agreed to by Plaintiffs.
19

20 DATED: March 30, 2017

Respectfully submitted,

21 CHAD A. READLER
22 Acting Assistant Attorney General

23 JENNIFER D. RICKETTS
24 Director, Federal Programs Branch

25 JOHN R. TYLER
26 Assistant Director, Federal Programs Branch

27 /s/ Michelle R. Bennett

MICHELLE R. BENNETT

DANIEL SCHWEI

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2017, I electronically filed the foregoing Motion for an Extension of Time to Respond to Plaintiffs' Second Amended Complaint using the Court's CM/ECF system, causing a notice of filing to be served upon all counsel of record.

/s/ Michelle R. Bennett
MICHELLE R. BENNETT

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