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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 STATE OF WASHINGTON, et al.,

11 Plaintiffs,

12 v.

13 DONALD J. TRUMP, et al.,

14 Defendants.

CASE NO. C17-0141JLR

ORDER GRANTING IN PART  
AND DENYING IN PART  
DEFENDANTS' MOTION FOR  
AN EXTENSION OF TIME TO  
FILE A RESPONSE TO THE  
SECOND AMENDED  
COMPLAINT

15 **I. INTRODUCTION**

16 Before the court is Defendants' motion for an extension of time (MFE (Dkt.  
17 # 176)) to file a response to Plaintiffs' second amended complaint (SAC (Dkt. # 152)).  
18 Defendants request this extension until ten (10) days after the court resolves Defendants'  
19 motion to stay these proceedings entirely pending resolution of the appeal in *Hawaii v.*  
20 *Trump*, No. 17-15589 (9th Cir.), or alternatively, until April 17, 2017, which is a date to  
21 which Plaintiffs have agreed. (See MFE at 1, 3; see also MTS (Dkt. # 175).) The court  
22 has considered the motion, Plaintiffs' response (Resp. (Dkt. # 178)), Defendants' reply

1 (Reply (Dkt. # 179)), the relevant portions of the record, and the applicable law. Being  
2 fully advised,<sup>1</sup> the court GRANTS in part and DENIES in part the motion as described  
3 below.

## 4 II. BACKGROUND & ANALYSIS

5 In addition to the present motion for an extension of time to respond to the second  
6 amended complaint, Defendants seek a stay of the entire proceedings pending the Ninth  
7 Circuit's resolution in *Hawaii v. Trump*. (See MTS.) However, that motion is not noted  
8 for the court's consideration until April 14, 2017. (*Id.* at 1.) Thus, on March 30, 2017,  
9 Defendants also filed the present motion for an extension of the deadline to respond to  
10 the second amended complaint, which was due on April 3, 2017. (MFE at 1.)

11 Defendants assert that the Ninth Circuit's ruling in *Hawaii v. Trump* is likely to provide  
12 substantial guidance to the court and parties in resolving the issues in this case. (*Id.* at  
13 1-2.) Defendants also represent that their response to the second amended complaint  
14 "will likely be a motion to dismiss under Federal Rules of Civil Procedure 12(b)(1) and  
15 12(b)(6)" rather than an answer. (*Id.* at 2.) Finally, Defendants seek the extension of  
16 time because their counsel has spent "significant time briefing preliminary motions in  
17 other cases challenging Executive Order No. 13,780." (*Id.*)

18 The United States Department of Justice ("the DOJ") refers to itself as "the  
19 world's largest law office, employing more than 10,000 attorneys nationwide." United

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21 <sup>1</sup> Defendants requested a Local Civil Rule 7(i) telephone conference with the court. *See*  
22 Local Rules W.D. Wash. LCR 7(i). The court concludes that oral argument would not aid in its  
resolution of this motion. *See id.* LCR 7(b)(4). Accordingly, the court denies Defendants'  
request and issues this written order instead.

1 States Department of Justice, Office of Attorney Recruitment,  
2 <https://www.justice.gov/oarm> (last visited Apr. 12, 2017). Given the resources this court  
3 has devoted lately to cases challenging Executive Order No. 13,780, the court is  
4 confident that the DOJ could enlist one of its more than 10,000 attorneys to draft a  
5 response to Plaintiffs' second amended complaint.

6 Nevertheless, the court agrees that there is a strong possibility that the Ninth  
7 Circuit's decision in *Hawaii v. Trump* will inform the parties' positions and the court's  
8 decisions in this case. Defendants represent that their response to the second amended  
9 complaint is likely to be a motion to dismiss, and Defendants' motion to stay this entire  
10 proceeding will be ready for the court's consideration on April 14, 2017. Accordingly,  
11 the court grants Defendants an extension of time to respond to the second amended  
12 complaint until seven (7) days after the court's disposition of Defendants' motion to  
13 stay.<sup>2</sup> Plaintiffs have already agreed that Defendants may have an extension until April  
14 17, 2017, and granting Defendants an extension until one week after the court's  
15 disposition of their motion to stay will cause only minimal additional delay.

### 16 **III. CONCLUSION**

17 Based on the foregoing analysis, the court GRANTS in part and DENIES in part  
18 Defendants' motion for an extension of time to respond to Plaintiffs' second amended  
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20 <sup>2</sup> Defendants ask for an extension until 10 days after the court's disposition of  
21 Defendants' motion to stay the proceedings. (MFE at 1.) However, Defendants are presumably  
22 already working on their response and can utilize work product from one or more of the other  
cases challenging Executive Order No. 13,780. Thus, the court concludes that seven (7) days  
following its order on Defendants' motion to stay is sufficient.

1 complaint (Dkt. # 176). Defendants response to the second amended complaint is now  
2 due seven (7) days after the court's disposition of Defendants' pending motion to stay the  
3 entire case.

4 Dated this 13th day of April, 2017.

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7 JAMES L. ROBART  
8 United States District Judge  
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