

The Honorable James L. Robart

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

STATE OF WASHINGTON; STATE OF CALIFORNIA; STATE OF MARYLAND; COMMONWEALTH OF MASSACHUSETTS; STATE OF NEW YORK; and STATE OF OREGON,

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)

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINE
FOR SUBMITTING JOINT STATUS
REPORT**

Noted For Consideration:
June 22, 2017

Pursuant to the Court's May 17, 2017 Order Granting Motion for Stay, Dkt. # 189, Plaintiffs and Defendants, through their respective undersigned counsel, hereby stipulate and agree as follows:

1. Plaintiffs challenge Executive Order 13,769 and 13,780, each titled "Protecting the Nation from Foreign Terrorist Entry into the United States." *See* 82 Fed. Reg. 8,977 (Feb. 1, 2017); 82 Fed. Reg. 13,209 (Mar. 6, 2017). On May 17, 2017, the Court entered an Order

1 staying proceedings in this case pending the Ninth Circuit’s resolution of the appeal in *Hawaii*
2 *v. Trump*, No. 17-15589 (9th Cir.). *See* Order Granting Motion for Stay, Dkt. # 189. The Court
3 further ordered the parties to file a joint status report within ten days of the Ninth Circuit’s ruling
4 in *Hawaii* so that the Court could evaluate the continued appropriateness of a stay at that time.
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6 2. On June 12, 2017, the Ninth Circuit issued its decision in *Hawaii*, affirming in
7 part and vacating in part the district court’s entry of a preliminary injunction against enforcement
8 of Sections 2 and 6 of the Executive Order. *See Hawaii v. Trump*, No. 17-15589, 2017 WL
9 2529640 (9th Cir. June 12, 2017). The Ninth Circuit overturned certain portions of the injunction
10 involving internal-review procedures, and vacated the injunction to the extent it ran against the
11 President, but it upheld the remainder based on statutory grounds. Accordingly, the parties’ joint
12 status report is currently due on June 22, 2017.
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14 3. On May 25, 2017, the Fourth Circuit issued a decision in *International Refugee*
15 *Assistance Project v. Trump*, 857 F.3d 554 (4th Cir. 2017) (en banc), affirming a preliminary
16 injunction against enforcement of Section 2(c) of the Executive Order on Establishment Clause
17 grounds.
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19 4. Defendants have sought Supreme Court review of the courts of appeals decisions
20 in both *Hawaii* and *IRAP*. In particular, Defendants have asked the Supreme Court to grant
21 certiorari in both cases so that they may be considered together and to stay the preliminary
22 injunctions in both cases pending disposition of the petitions for writ of certiorari and any further
23 proceedings in the Supreme Court. *See Hawaii*, No. 16A-1191 (filed June 1, 2017); *IRAP*, No.
24 16-1436 (filed June 1, 2017); *IRAP*, No. 16A-1190 (filed June 1, 2017). Defendants also
25 requested expedited briefing on and consideration of their petitions for writ of certiorari so that
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1 the petitions could be considered before the Supreme Court adjourns for the summer and, if the
2 Supreme Court grants review, merits briefing could be completed by the beginning of next Term.
3 Pursuant to the schedules set by the Supreme Court, the certiorari petitions and stay applications
4 were fully briefed on June 21, 2017.

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6 5. To permit the parties to be informed by any decision(s) by the Supreme Court on
7 the certiorari petitions and stay applications in *Hawaii* and *IRAP* before filing a joint status report
8 on the continued appropriateness of the stay in this case, the parties stipulate and agree to an
9 extension of time for submission of their joint status report. The parties shall file a joint status
10 report on the continued appropriateness of the stay by July 6, 2017.

11 Accordingly, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs
12 and Defendants, subject to the Court's approval, that:

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14 A. The parties shall file a joint status report on the continued appropriateness of the
15 stay in this case by July 6, 2017.

16 Dated this 22nd day of June, 2017.

17 Presented by:

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated _____

JAMES L. ROBART
United States District Judge

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CERTIFICATE OF SERVICE

I hereby certify that, on June 22, 2017, a copy of the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

DATED this 22nd day of June, 2017.

/s/ Michelle R. Bennett
MICHELLE R. BENNETT

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