

The Honorable James L. Robart

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**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.

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

JOINT STATUS REPORT

I. INTRODUCTION

Pursuant to a stipulation of the parties, the Court ordered the parties to file a joint status report by July 6, 2017 on the continued appropriateness of the stay in this case. Stipulation and Order to Extend Deadline for Submitting Joint Status Report, ECF No. 191 at 3. The parties submit the following report in which they agree that it is appropriate for a stay to remain in

1 place until the conclusion of Supreme Court proceedings in *Trump v. Hawai‘i* and *Trump v.*
2 *International Refugee Assistance Project*.

3 II. RELEVANT PROCEDURAL HISTORY

4 The State of Washington filed this suit on January 30, 2017, challenging Executive
5 Order 13769. Complaint ¶ 1, ECF No. 1. On March 9, the Court granted the State of Oregon’s
6 Motion to Intervene. ECF No. 112. On March 13, the States of California, Maryland,
7 New York, and the Commonwealth of Massachusetts joined the case and the Plaintiff States
8 amended their complaint to add challenges to Executive Order 13780. Second Amended
9 Complaint ¶¶ 3-4, ECF No. 152.

10 On March 15, the U.S. District Court for the District of Hawai‘i issued a temporary
11 restraining order (TRO) enjoining enforcement nationwide of Sections 2 and 6 of Executive
12 Order 13780. *Hawai‘i v. Trump*, No. 1:17-cv-00050-DKW-KSC (D. Haw. Mar. 15, 2017),
13 ECF No. 219. In light of the *Hawai‘i* ruling, this Court stayed a pending motion for TRO filed
14 by the Plaintiff States. *See* Order Staying Plaintiffs’ Mtn. for TRO, ECF No. 164. Two weeks
15 after issuing the TRO, the *Hawai‘i* court converted it into a preliminary injunction. *See*
16 *Hawai‘i*, No. 1:17-cv-00050 (D. Haw. Mar. 29, 2017), ECF No. 270.

17 The Defendants appealed the *Hawai‘i* preliminary injunction and sought to stay
18 proceedings in this case pending resolution of the *Hawai‘i* appeal. Def.’s Mtn. to Stay District
19 Ct. Proceedings Pending Resolution of Appeal in *Hawaii v. Trump* at 3, ECF No. 175. On May
20 17, this Court granted Defendants’ motion, stayed proceedings “pending the Ninth Circuit’s
21 resolution of the appeal in *Hawaii v. Trump*,” and ordered the parties “to file a joint status
22 report within ten days of the Ninth Circuit’s ruling so that the court may evaluate the continued
23 appropriateness of any stay at that time.” ECF No. 189 at 12.

24 The Ninth Circuit issued its opinion on June 12. *Hawai‘i v. Trump*, No. 17-15589, 2017
25 WL 2529640 (9th Cir. June 12, 2017) (per curiam). The Ninth Circuit affirmed the injunction
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1 in part and vacated it in part. *Id.* at *26-29 (affirming injunction, except as to provisions of the
2 Executive Order involving agency review procedures and as applied to the President).

3 The Defendants petitioned the Supreme Court for a writ of certiorari, applied for a stay
4 pending appeal, and requested that the *Hawai‘i* case be consolidated with *Trump v.*
5 *International Refugee Assistance Project*, 857 F.3d 554 (4th Cir. 2017) (en banc). To permit
6 the parties to be informed by the Supreme Court’s decisions on the certiorari petitions and stay
7 applications, the parties here agreed to an extension of time to submit their joint status report.

8 On June 26, the Supreme Court granted certiorari, granted the stay application in part,
9 and consolidated *Trump v. Hawai‘i* and *Trump v. International Refugee Assistance Project*.
10 Nos. 16-1436 (16A1190), 16-1540 (16A1191), 2017 WL 2722580 (U.S. June 26, 2017). The
11 cases will be heard during the first session October Term 2017. *Id.* at *5.

12 **III. STATUS REPORT**

13 The parties agree that it is appropriate for a stay to remain in place until the conclusion
14 of Supreme Court proceedings in *Hawai‘i* and *International Refugee Assistance Project*. The
15 parties further agree that, should circumstances change such that lifting the stay is warranted,
16 any party may move to lift the stay.

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18 DATED this 6th day of July, 2017.

19 Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2017, I electronically filed the foregoing Joint Status Report using the Court's CM/ECF system, causing a notice of filing to be served upon all counsel of record.

Dated: July 6, 2017
/s/Colleen Melody

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