

The Honorable James L. Robart

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JOHN DOE, et al.,

Plaintiffs,

No. 2:17-cv-00178-JLR

v.

JOINT STATUS REPORT

DONALD TRUMP, in his official capacity as
President of the United States, et al.,

Defendants.

I. INTRODUCTION

Pursuant to a stipulation of the parties, the Court ordered the parties to file a joint status report by July 14, 2017, on the continued appropriateness of the stay in this case. Stipulation and Order to Extend Deadline for Submitting Joint Status Report, ECF No. 35 at 3. The parties submit the following report in which they agree that it is appropriate for a stay to remain in place until the conclusion of Supreme Court proceedings in *Trump v. Hawai'i* and *Trump v. International Refugee Assistance Project*.

II. RELEVANT PROCEDURAL HISTORY

Plaintiffs filed this suit on February 7, 2017, challenging Executive Order 13769. Compl., ECF No. 1. On March 14, 2017, Plaintiffs amended their complaint to add challenges to

1 Executive Order 13780, First Amended Compl., ECF No. 10, and on May 8, 2017, Plaintiffs
2 again amended their complaint. Second Amended Compl., ECF No. 30. Plaintiffs also filed a
3 motion for class certification on April 11, 2017. Mot. for Class Cert., ECF No. 19.

4 On March 15, the U.S. District Court for the District of Hawai'i issued a temporary
5 restraining order (TRO) enjoining enforcement nationwide of Sections 2 and 6 of Executive
6 Order 13780. *Hawai'i v. Trump*, No. 1:17-cv-00050-DKW-KSC (D. Haw. Mar. 15, 2017), ECF
7 No. 219. Two weeks after issuing the TRO, the *Hawai'i* court converted it into a preliminary
8 injunction. *See Hawai'i*, No. 1:17-cv-00050 (D. Haw. Mar. 29, 2017), ECF No. 270.

9 On May 17, 2017, and May 22, 2017, respectively, the Court entered orders staying the
10 proceedings in *Washington v. Trump*, No. 17-141JLR (W.D. Wash.), ECF No. 189, and *Ali v.*
11 *Trump*, No. 17-135JLR (W.D. Wash.), ECF No. 95, pending resolution of the appeal in *Hawai'i*
12 *v. Trump*, No. 17-15589 (9th Cir.).

13 In light of the Court's orders staying proceedings in *Washington* and *Ali*, Plaintiffs and
14 Defendants stipulated to a similar stay in this case. Pursuant to the parties' stipulation, on May
15 30, 2017, the Court entered an Order staying all proceedings in this case pending the Ninth
16 Circuit's resolution of the appeal in *Hawai'i*. *See* Stipulation and Order to Stay Proceedings,
17 ECF No. 34. The Court further ordered the parties to file a joint status report within ten days of
18 the Ninth Circuit's ruling in *Hawai'i* so that the Court could evaluate the continued
19 appropriateness of a stay at that time.

20 The Ninth Circuit issued its opinion on June 12, 2017, affirming in part and vacating in
21 part the district court's entry of a preliminary injunction against enforcement of Sections 2 and 6
22 of the Executive Order. *Hawai'i v. Trump*, 859 F.3d 741 (9th Cir. 2017) (per curiam). The Ninth
23 Circuit overturned certain portions of the injunction involving internal-review procedures, but it
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1 upheld the remainder based on statutory grounds. Accordingly, the parties' joint status report
2 would have been due on June 22, 2017.

3 On May 25, 2017, the Fourth Circuit issued a decision in *International Refugee*
4 *Assistance Project v. Trump*, 857 F.3d 554 (4th Cir. 2017) (en banc), affirming a preliminary
5 injunction against enforcement of Section 2(c) of the Executive Order on Establishment Clause
6 grounds.

7
8 The Defendants petitioned the Supreme Court for a writ of certiorari, applied for a stay
9 pending appeal, and requested that the *Hawai'i* case be consolidated with *Trump v. International*
10 *Refugee Assistance Project*, 857 F.3d 554 (4th Cir. 2017) (en banc). To permit the parties to be
11 informed by the Supreme Court's decisions on the certiorari petitions and stay applications, the
12 parties here agreed to an extension of time to submit their joint status report, extending the
13 deadline until July 14, 2017.

14
15 On June 26, 2017, the Supreme Court granted certiorari, granted the stay application in
16 part, and consolidated *Trump v. Hawai'i* and *Trump v. International Refugee Assistance Project*.
17 Nos. 16-1436 (16A1190), 16-1540 (16A1191), 2017 WL 2722580 (U.S. June 26, 2017). The
18 cases will be heard during the first session October Term 2017. *Id.* at *5.

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20 **III. STATUS REPORT**

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

25 In addition, Plaintiffs wish to inform the Court that Plaintiff James Doe's family recently
26 arrived in the United States.

1 DATED: JULY 14, 2017

2 **Respectfully submitted by:**

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CERTIFICATE OF SERVICE

I hereby certify that on July 14, 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.

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