

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**JOHN DOE #1; et al.,**  
Plaintiffs,

v.

**DONALD TRUMP, et al.,**  
Defendants.

Case No. 3:19-cv-1743-SI

**ORDER ON MOTION TO EXTEND**

**Michael H. Simon, District Judge.**

On November 2, 2019, the Court granted Plaintiffs’ motion for Temporary Restraining Order (“TRO”) in this putative class action, enjoining Defendants for 28 days from taking any action to implement or enforce Presidential Proclamation No. 9945, titled “Presidential Proclamation on the Suspension of Entry of Immigrants Who Will Financially Burden the United States Healthcare System.” On November 8, 2019, Plaintiffs filed additional motions, seeking both a preliminary injunction and class certification. Pursuant to the schedule set by the Court, Defendants filed their response to Plaintiffs’ motion for preliminary injunction on November 15, 2019. The Court set a hearing on that motion for November 22, 2019, at 1:00 p.m. Under the District of Oregon’s local rules, Defendants’ response to Plaintiffs’ motion for class certification is due on November 22, 2019. On November 19, 2019, Defendants moved for an extension of 14

days to respond to Plaintiffs' motion for class certification, requesting until December 6, 2019 to file Defendants' response. Plaintiffs oppose Defendants' requested extension.

Absent the imminent expiration of the TRO, the Court would easily grant Defendants' request for additional time. The TRO, however, expires on November 30, 2019. Unless the parties agree to extend the TRO beyond that date, the Court is without legal authority to do so. The Court also notes that in Defendants' response to Plaintiffs' motion for preliminary injunction, Defendants oppose the scope of preliminary relief requested by Plaintiffs, arguing, among other things, that "the court has not certified a class." ECF 84 at 44. Thus, it may be relevant to the scope of Plaintiffs' preliminary relief, if the Court concludes that Plaintiffs are entitled to a preliminary injunction, for the Court also to determine, at least, provisionally, whether class certification is appropriate.

Defendants' Motion for Extension of Time to Respond to Plaintiffs' Motion for Class Certification (ECF 87) is DENIED with leave to renew if the parties can reach an agreement regarding a modest extension of the pending TRO. If such an extension is agreed upon, the parties should confer regarding an appropriate briefing schedule that allows both sides to have sufficient time to brief their respective positions on the pending motions for preliminary injunction and class certification and that also allows the Court sufficient time to consider the parties' arguments before the expiration of the TRO.

**IT IS SO ORDERED.**

DATED this 19th day of November, 2019.

/s/ Michael H. Simon  
Michael H. Simon  
United States District Judge