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DIVISION OF APPEALS & OPINIONS

December 24, 2019

Catherine O'Hagan Wolfe, Esq.
Clerk of Court
U.S. Court of Appeals for the Second Circuit
40 Foley Square
New York, NY 10007

Re: *New York v. Department of Homeland Security*, No. 19-3591

Dear Ms. Wolfe:

Respondents file this letter under FRAP 28(j) to notify this Court of a pertinent decision in a related matter. The Final Rule at issue here has been challenged not only here, but in several other actions, including in the U.S. District Court for the Northern District of Illinois. The district court there issued a preliminary injunction against enforcement of the Final Rule in the State of Illinois. *Cook County v. McAleenan*, 2019 WL 5110267 (N.D. Ill. Oct. 14, 2019).

The federal defendants have appealed from that preliminary injunction and, as they have done in this Court, sought a stay of the district court's injunction pending appeal. Yesterday, December 23, the Seventh Circuit denied the federal government's motion for a stay pending appeal (see attached order) and ordered expedited briefing.

Respectfully submitted,

/s/ Steven C. Wu

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cc (via CM/ECF):

All counsel of record

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
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ORDER

December 23, 2019

Before

DIANE P. WOOD, *Chief Judge*
ILANA DIAMOND ROVNER, *Circuit Judge*
AMY C. BARRETT, *Circuit Judge*

No. 19-3169	COOK COUNTY, et al., Plaintiffs - Appellees v. CHAD F. WOLF, et al., Defendants - Appellants
Originating Case Information:	
District Court No: 1:19-cv-06334 Northern District of Illinois, Eastern Division District Judge Gary Feinerman	

The following are before the court:

1. **APPELLANTS' MOTION FOR A STAY PENDING APPEAL**, filed on November 15, 2019, by counsel for the appellants.
2. **PLAINTIFFS-APPELLEES' OPPOSITION TO DEFENDANTS-APPELLANTS' MOTION FOR STAY PENDING APPEAL**, filed on December 3, 2019, by counsel for the appellees.
3. **APPELLANTS' REPLY IN SUPPORT OF MOTION FOR A STAY PENDING APPEAL**, filed on December 10, 2019, by counsel for the appellants.

IT IS ORDERED that the motion is **DENIED**. An expedited briefing schedule will follow.

Judge Barrett dissents and would grant the motion.