

**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

Michael H. Simon, District Judge.

On November 15, 2019, the Court issued its Opinion and Order resolving Plaintiffs’ motion to compel the administrative record before the preliminary injunction hearing (“PI AR Opinion”). ECF 83. The Court ordered Defendants to produce a partial administrative record, with enough information so that the Court could consider the then-pending motion for preliminary injunction. ECF 83. The Court ordered the filing of the portion of the administrative record that it found to be “most important at this stage of the litigation,” recognizing the limited time before the scheduled hearing. ECF 83 at 11. The Court further ordered the parties to “confer on a date for the lodging of the *full* administrative record.” *Id.* (emphasis added).

After resolving the motion for preliminary injunction, on November 27, 2019, the Court ordered the parties to confer regarding, among other things, issues relating to the lodging of the

administrative record. ECF 97. On December 25, 2019, the parties filed their joint proposed case management schedule. ECF 116. This schedule stated that, among other things, Defendants would “lodge the *full* Certified Administrative Record, in accordance with the Court’s order of November 15, 2019, ECF No. 83, by January 10, 2020.” *Id.* at 2 (emphasis added). Plaintiffs were to file any motion to compel or supplement the record within 14 days thereafter. *Id.*

Plaintiffs filed a Motion to Compel Completion of Administrative Record and Privilege Log. ECF 119. Plaintiffs note that the certified administrative record contains only eight additional pages from the partial record produced before the preliminary injunction. Defendants’ response to Plaintiffs’ motion primarily argues that Defendants need only include in the certified administrative record the documents specifically identified by the Court in its PI AR Opinion that were the subject of the partial administrative order requested by the Court before the preliminary injunction.

Defendants misunderstand the Court’s PI AR Opinion. The Court permitted a partial administrative record at that time because of the significant time constraints Defendants were facing. The hearing on the preliminary injunction motion was scheduled for November 22, 2019. The Court ordered production of a *partial* administrative record by November 20, 2019, five days after issuance of the Court’s PI AR Opinion. The Court’s expressly stated in the PI AR Opinion, however, that after the preliminary injunction hearing, the parties shall confer on a date for lodging the *full* administrative record. The Court’s expectation was then, and remains now, that the full administrative record will be lodged, not the partial administrative record that was permitted before the preliminary injunction hearing in recognition of the time constraints presented by the preliminary injunction schedule.

In light of Defendants' misunderstanding relating to the scope of the administrative record, Defendants have until February 28, 2020, to supplement the administrative record and privilege log and to file a supplemental response to Plaintiffs' motion to compel. If Defendants believe they need additional time to supplement the administrative record or draft a supplemental response to Plaintiffs' motion, they may contact the Courtroom Deputy with their request after conferring with Plaintiffs. Plaintiffs may file a reply two weeks after the filing of Defendants' supplemental response.

IT IS SO ORDERED.

DATED this 11th day of February, 2020.

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