



U.S. Department of Justice
Civil Division, Federal Programs Branch

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Everett McKinley Dirksen
United States Courthouse
219 South Dearborn Street
Chicago, IL 60604

Re: Plaintiff's Notice of Supplemental Authority (*Cook County, IL v. Wolf*, 19-cv-6334).

Plaintiff Illinois Coalition for Immigrant and Refugee Rights ("ICIRR") submits a discovery order from the Northern District of California, and claims that the court "granted motions to take discovery on almost identical equal protection claims in two related cases." ECF No. 140, at 1 & Ex. 1. The court, however, did not conclusively permit supplemental discovery on plaintiffs' equal protection claim. To the contrary, although the court provisionally allowed for this discovery, it immediately stayed its own ruling, concluding that it would not "permit[] discovery prior to assessing [the] viability of plaintiffs' claims and directly addressing the appropriate standard of review and the implications of that standard." *Id.*, Ex. A at 31. The court thus clarified that it could ultimately conclude "that discovery may *not* be appropriate" on this claim. *Id.* at 30 (emphasis added). Critically, the court cited to the District of Maryland's decision in the public charge case *Mayor and City Council of Baltimore v. Trump*,¹ which found that, under the highly deferential standard of review applicable to equal protection challenges to immigration rules, the plaintiff was "*not entitled* to discovery as to its equal protection claims" and must rely instead on the "administrative record." 2019 WL 6970631, at * 11 (Dec. 19, 2019) (emphasis in original).

Respectfully,

/s/ Kuntal Cholera
Kuntal V. Cholera

¹ See ECF No. 140, Ex. 1 at 27.