

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, CITY OF NEW YORK,
STATE OF CONNECTICUT, and STATE OF
VERMONT,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HOMELAND
SECURITY; KEVIN K. McALEENAN, *in his official
capacity as Acting Secretary of the United States
Department of Homeland Security*; UNITED STATES
CITIZENSHIP AND IMMIGRATION SERVICES;
KENNETH T. CUCCINELLI II, *in his official capacity
as Acting Director of United States Citizenship and
Immigration Services*; and UNITED STATES OF
AMERICA,

Defendants.

**CIVIL ACTION NO.
19 Civ. 07777 (GBD)**

MAKE THE ROAD NEW YORK, AFRICAN
SERVICES COMMITTEE, ASIAN AMERICAN
FEDERATION, CATHOLIC CHARITIES
COMMUNITY SERVICES, and CATHOLIC LEGAL
IMMIGRATION NETWORK, INC.,

Plaintiffs,

v.

KEN CUCCINELLI, *in his official capacity as Acting
Director of United States Citizenship and Immigration
Services*; UNITED STATES CITIZENSHIP &
IMMIGRATION SERVICES; KEVIN K.
McALEENAN, *in his official capacity as Acting
Secretary of Homeland Security*; and UNITED STATES
DEPARTMENT OF HOMELAND SECURITY,

Defendants.

**CIVIL ACTION NO.
19 Civ. 07993 (GBD)**

PLAINTIFFS' NOTICE OF MOTION
(Fed. R. Civ. P. 65, 5 U.S.C. § 705, and Fed. R. Civ. P. 62.1)

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 65, Plaintiffs hereby move the Court for a preliminary injunction to enjoin Defendants from implementing, applying, or taking any action under the Final Rule entitled *Inadmissibility on Public Charge Grounds*, 84 Fed. Reg. 41,292 (Aug. 14, 2019), during the national emergency declared on March 13, 2020.

Alternatively, pursuant to 5 U.S.C. § 705, Plaintiffs move for a stay postponing the effective date of the Final Rule during the national emergency.

Plaintiffs also request that the Court issue an indicative ruling under Rule 62.1 of the Federal Rules of Civil Procedure, indicating that the court would issue the preliminary injunction and factual findings supporting that injunction if the Second Circuit were to remand the case for that purpose.

If the Court rules that a factual hearing must be held or that additional briefing is warranted before the motion may be decided, Plaintiffs respectfully move the Court to issue a temporary restraining order until such hearing or briefing is completed.

In support of this motion, Plaintiffs rely on the accompanying Memorandum of Law, the Declaration of Elena Goldstein, the exhibits attached to that Declaration, the pleadings and papers on file in this action, and any argument and evidence that is presented on the hearing of this motion.

DATED: April 28, 2020

Respectfully submitted,

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*Application for admission pro hac vice
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