

May 13, 2020

Hon. George B. Daniels
United States District Court
Southern District of New York
500 Pearl St., Room 1310
New York, NY 10007

Re: *Make the Road New York, et al. v. Cuccinelli, et al.*, No. 19 Civ. 7993 (GBD)
 (“*Cuccinelli*”)
State of New York, et al. v. U.S. Dep’t of Homeland Security, et al., No. 19 Civ.
 7777 (GBD) (“*DHS*”)

Dear Judge Daniels:

Plaintiffs in these consolidated cases submit this letter regarding the format of the hearing scheduled for May 18, 2020. On May 12, 2020, during a call with chambers attended by counsel for all parties, the Court advised counsel that each side—plaintiffs and defendants, including in the related case of *Make the Road New York, et al. v. Pompeo, et al.*, No. 19 Civ. 11633 (GBD) (“*Pompeo*”)—would be given one hour to present on all pending motions.

In light of the differing burdens applicable to the various motions, plaintiffs respectfully request the Court’s approval to structure the parties’ presentations so that each side presents first on the motions as to which it is the movant, with the total argument time for each side across all the presentations for that side not to exceed one hour. In particular, we propose that the parties present argument as follows:

1. Plaintiffs present on the motion for preliminary injunction pending in *Cuccinelli* and *DHS*, as to which they are the movants, followed by defendants’ opposing presentation.
2. Defendants present on the motions to dismiss in *Cuccinelli*, *DHS*, and *Pompeo*, on which they are the movants, followed by plaintiffs’ opposing presentations.

Plaintiffs in *Pompeo* join in this request and will file a parallel letter on the docket in that case. Plaintiffs have conferred with defendants on this proposal, and defendants have indicated that they do not consent to this order of presentation.

Respectfully submitted,

/s/ Jonathan H. Hurwitz
Jonathan H. Hurwitz

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Enclosures

cc: All Counsel of Record via ECF