

April 30, 2020

VIA ECF

The Honorable Paul W. Grimm
United States District Court for the District of Maryland
6500 Cherrywood Lane
Greenbelt, MD 20770

Re: *CASA de Maryland, Inc. et al. v. Trump, et al.*
No. PWG 19-cv-2715

Dear Judge Grimm:

We write to request that the Court modify the briefing schedule for Defendants' intended Motion to Dismiss to order Defendants to file their Motion by May 20, 2020.¹

At a telephonic status conference held on March 13, 2020, the Court instructed the parties to confer and to file a joint status report proposing a briefing schedule for Defendants' Motion to Dismiss. ECF No. 105. On March 18, 2020, the Court approved the proposed briefing schedule submitted by the parties, *see* ECF No. 104, and ordered that Defendants file their Motion on or before April 8, 2020. ECF No. 106.

On March 20, 2020, the Court issued Standing Order 2020-05, which postponed by 42 days all then-pending filing deadlines scheduled between March 16, 2020, and April 24, 2020, in light of the exigent circumstances surrounding the COVID-19 pandemic. The standing order therefore postponed Defendants' deadline for filing their Motion to Dismiss to May 20, 2020. After the issuance of this Order, Plaintiffs contacted Defendants to inquire whether they would agree to adhere to the previously agreed-upon briefing schedule or to a more modest extension. Defendants stated that they intended to abide by Standing Order 2020-05. On April 10, 2020, the Court issued Standing Order 2020-07, which postponed filing deadlines by an additional 42 days. Under this Order, Defendants' Motion is currently due on July 1, 2020.

Plaintiffs request that the Court order Defendants to file their Motion to Dismiss on or before May 20, 2020. DHS's Public Charge Rule continues to create uncertainty and hardship for immigrants and their communities, and the COVID-19 crisis has only heightened the necessity for this case to move forward with alacrity. By discouraging noncitizens and their families from seeking medical care and from accepting supplemental public benefits that could help them weather the pandemic's economic fallout, the Rule has complicated the efforts of states, localities, healthcare providers, and nonprofits to respond to the public health threats and economic hardship that the pandemic has wrought.²

¹ Plaintiffs in *City of Gaithersburg v. U.S. Department of Homeland Security*, No. 8:19-cv-2851-PWG (D. Md. 2019), have authorized the *CASA* Plaintiffs to represent that they join in this request.

² *See* Mot. Temporarily Lift or Modify Stay, *Wolf v. Cook County*, No. 19A905 (S. Ct. Apr. 17, 2020), available at <https://www.supremecourt.gov/DocketPDF/19/19A905/141893/2020041712>

Resolution of the Government's Motion to Dismiss will permit this case to progress toward a final disposition of all of Plaintiffs' claims. Plaintiffs are mindful of the hardship that the COVID-19 crisis has placed on workplaces and on families; however, the parties were cognizant of those impacts when they agreed upon a briefing schedule for Defendants' Motion to Dismiss. Moreover, briefing on dispositive motions is moving forward in other cases challenging DHS's Public Charge Rule, so the additional burden on Defendants of briefing the Motion to Dismiss in this case is minimal.³

Accordingly, Plaintiffs request that the Court exercise its discretion under Standing Order 2020-07 to order Defendants to file their Motion to Dismiss on or before May 20, 2020.

Sincerely,

/s/ Jonathan L. Backer

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5308170_2020.04.17%20Motion%20to%20Temporarily%20Lift%20or%20Modify%20Stay%20-%20No.%2019A905.pdf; Mot. Government Pls. Temporarily Lift or Modify Stay, *Dep't of Homeland Sec. v. New York*, No. 19A785 (S. Ct. Apr. 13, 2020), available at https://www.supremecourt.gov/DocketPDF/19/19A785/141515/20200413153014307_19A785%20Motion%20to%20Temporarily%20Lift%20or%20Modify%20Stay.pdf. USCIS has issued an alert addressing how USCIS will evaluate public-benefit usage during the COVID-19 crisis in public-charge determinations. *Public Charge*, U.S. Customs & Immigration Servs., <https://www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge> (last visited Apr. 29, 2020). As set forth in the previously cited motions, this alert has done little to allay concerns about receipt of public benefits during the crisis.

³ See Order, *New York v. U.S. Dep't of Homeland Sec.*, Nos. 1:19-cv-07777-GBD, 1:19-cv-07993-GBD (S.D.N.Y. Mar. 16, 2020) (setting hearing on ripe motions to dismiss for May 5, 2020), ECF No. 165; Order Granting Pls.' Mot. Compel, *Washington v. U.S. Dep't of Homeland Sec.*, No. 4:19-CV-5210-RMP (E.D. Wash. Apr. 17, 2020) (ordering parties to file a proposed timeline for discovery on Plaintiffs' Equal Protection claim and for dispositive motions by May 1, 2020), ECF No. 210; Minute Entry, *Cook County v. Wolf*, No. 1:19-cv-06334 (N.D. Ill. Apr. 17, 2020) (setting hearing on ripe motion to dismiss for May 4, 2020), ECF No. 145; Defs.' Mot. Dismiss, *California v. U.S. Dep't of Homeland Sec.*, No. 3:19-cv-04975-PJH (N.D. Cal. Apr. 22, 2020), ECF No. 160; Defs.' Mot. Dismiss, *La Clinica de la Raza v. Trump*, No. 4:19-cv-04980-PJH (N.D. Cal. Apr. 22, 2020), ECF No. 158.

/s/ Dana P. Moore

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Cc: All counsel of record (via ECF).