

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 04, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON;
COMMONWEALTH OF VIRGINIA;
STATE OF COLORADO; STATE
OF DELAWARE; STATE OF
ILLINOIS; COMMONWEALTH OF
MASSACHUSETTS; DANA
NESSEL, Attorney General on behalf
of the people of Michigan; STATE OF
MINNESOTA; STATE OF
NEVADA; STATE OF NEW
JERSEY; STATE OF NEW
MEXICO; STATE OF RHODE
ISLAND; STATE OF MARYLAND;
STATE OF HAWAI'I,

Plaintiffs,

v.

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

Defendants.

NO: 4:19-CV-5210-RMP

SCHEDULING ORDER

1 BEFORE THE COURT is the parties' Joint Proposed Timeline for DHS to
2 Provide Discovery Related to the States' Equal Protection Claim and File a
3 Response Pleading, and for Dispositive Motions, ECF No. 211.¹ The Court notes
4 that DHS anticipates moving to stay discovery pending a forthcoming Motion to
5 Dismiss. ECF No. 211 at 2. Nevertheless, to facilitate prompt resolution of this
6 case, the Court adopts the parties' jointly proposed deadlines and sets the following
7 schedule.

8 Accordingly, **IT IS HEREBY ORDERED:**

9 **1.** DHS shall file any responsive pleading by **May 22, 2020**.

10 **2. *Motion Practice***

11 (a) All parties shall adhere to LCivR 7.

12 (b) Motions to Expedite, if any, shall be filed separately and noted for
13 hearing at least seven (7) days from the date of filing, pursuant to LCivR
14 7(i)(2)(C). If the matter needs to be heard on a more immediate basis, the
15 party filing the motion shall advise chambers of such.

17 ¹ The Plaintiffs in this lawsuit are the State of Washington, Commonwealth of
18 Virginia, State of Colorado, State of Delaware, State of Hawai'i, State of Illinois,
19 State of Maryland, Commonwealth of Massachusetts, Attorney General Dana
20 Nessel on behalf of the People of Michigan, State of Minnesota, State of Nevada,
21 State of New Jersey, State of New Mexico, and State of Rhode Island (collectively,
the "States"). Defendants are the United States Department of Homeland Security
("DHS"), Acting Secretary of DHS Kevin K. McAleenan, United States
Citizenship and Immigration Services ("USCIS"), and Acting Director of USCIS
Kenneth T. Cuccinelli II (collectively, "DHS").

1 (c) All motions will be heard without oral argument unless oral
2 argument is requested and approved by the Court. If oral argument is
3 desired, the parties must contact the courtroom deputy to acquire a hearing
4 date, *see* LCivR 7(i)(3)(B), and must advise the courtroom deputy why oral
5 argument would be appropriate.

6 (d) All motion hearings in which oral argument has been approved
7 shall be set for in-person appearance; however, the parties may request to
8 appear telephonically or by video conference. **Speaker phones are not**
9 **compatible with the Court's sound system and may not be used for**
10 **telephonic hearings.**

11 (e) Notwithstanding the foregoing procedure, the Court may decide
12 that oral argument is not warranted and proceed to determine any motion
13 without oral argument. *See* LCivR 7(i)(3)(B)(iii).

14 **3. Discovery**

15 (a) All discovery shall be completed by **October 1, 2021**.

16 (b) The parties shall file no discovery except as necessary to support
17 motions.

18 (c) The parties are expected to resolve discovery issues according to
19 the Federal Rules of Civil Procedure and the Rules of Professional Conduct.
20 However, if there is a genuine issue that cannot be resolved by the parties
21 without Court intervention, the parties may call the courtroom deputy and
request a telephonic discovery conference with the Court. Once a status

1 conference has been set, the parties shall email a succinct, one-to-two
2 paragraph summary of the issue to the courtroom deputy and to each other.

3 **4.** Any dispositive motions shall be filed by **November 1, 2021**.

4 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
5 Order and provide copies to counsel.

6 **DATED** May 4, 2020.

7
8 *s/ Rosanna Malouf Peterson*
9 ROSANNA MALOUF PETERSON
10 United States District Judge
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