

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

MAKE THE ROAD NEW YORK, *et al.*,

Plaintiffs,

v.

KENNETH CUCCINELLI, *et al.*,

Defendants.

No. 19-07993 (GBD)

STATE OF NEW YORK, *et al.*

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, *et al.*

Defendants.

No. 19-cv-07777 (GBD)

MOTION FOR STAY OF INJUNCTION PENDING APPEAL

Defendants respectfully move the Court to stay pending appeal the Court's order granting a nationwide preliminary injunction in this matter. For the reasons discussed in Defendants' Memorandum of Law in Support of Defendants' Motion for Stay of Injunction Pending Appeal, this Court should stay its preliminary injunction pending the resolution of the federal government's appeal. At a minimum, it should stay its injunction insofar as it sweeps more broadly than necessary to redress Plaintiffs' alleged injuries. Defendants conferred with Plaintiffs, who oppose this motion.

Dated: August 3, 2020

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

ETHAN P. DAVIS
Acting Assistant Attorney General

ALEXANDER K. HAAS
Director, Federal Programs Branch

/s/ Joshua M. Kolsky _____

ERIC J. SOSKIN
Senior Trial Counsel
KERI L. BERMAN
KUNTAL V. CHOLERA
JOSHUA M. KOLSKY, DC Bar No. 993430
U.S. Dept. of Justice, Civil Division,
Federal Programs Branch
1100 L Street, N.W., Rm. 12002
Washington, DC 20001
Phone: (202) 305-7664
Fax: (202) 616-8470
Email: joshua.kolsky@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2020, I electronically filed a copy of the foregoing. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Joshua M. Kolsky
JOSHUA M. KOLSKY