

Exhibit C

**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)

DEFENDANTS' RULE 26(a)(1) DISCLOSURES

Defendants, by and through undersigned counsel, respectfully serve these initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure. These disclosures are based on information presently known and reasonably available to Defendants and which Defendants believe they may use to support their defenses in this action. Defendants reserve their right to amend or supplement these initial disclosures. Defendants make these disclosures without admitting any liability and without waiving any right to object on any permissible grounds to any discovery request or proceeding involving or relating to the subject matter of these disclosures.

Subject to and without waiving any of the foregoing, Defendants state as follows:

I. Rule 26(a)(1)(A)(i): Individuals Likely to Have Discoverable Information

At this time, Defendants have not identified any individuals likely to have discoverable information that Defendants may use to support their defenses in this action. As Defendants have previously argued, this action challenging a DHS rulemaking is a challenge to administrative agency action that should be governed by the Administrative Procedure Act (“APA”), including the record-review rule that courts apply when conducting APA review. At this time, Defendants expect to rely on the administrative record to support their defenses. Should Defendants identify individuals likely to have discoverable information that Defendants may use to support their defenses, Defendants will supplement this disclosure pursuant to Rule 26(e).

II. Rule 26(a)(1)(A)(ii): Description of Documents

Defendants refer Plaintiffs to the administrative record for the rulemaking challenged in this lawsuit.

III. Rule 26(a)(1)(A)(iii): Computation of Damages

Not applicable.

IV. Rule 26(a)(1)(A)(iv): Insurance

Not applicable.

Dated: November 6, 2020

AUDREY STRAUSS
Acting United States Attorney

Respectfully submitted,

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/s/ Joshua M. Kolsky

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