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March 10, 2021

MEMO ENDORSED

By ECF

Hon. Ona T. Wang
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl St., Courtroom 20D
New York, NY 10007

RE: *Make the Road New York, et al. v. Ken Cuccinelli, et al.*, 19-cv-7993 (“MRNY”);
State of New York, et al. v. U.S. Dep’t of Homeland Security, et al., 19-cv-7777
 (“*State of New York*”)

Dear Judge Wang:

We represent the Organizational Plaintiffs in these consolidated cases. I am writing on behalf of all parties to request that the Court adjourn the status conference scheduled for tomorrow, March 11, 2021, at 10:00 am.

As defendants have advised the Court, see *MRNY* Dkt. 305; *State of New York* Dkt. 283, yesterday, March 9, 2021, the Department of Homeland Security (“DHS”) issued a statement announcing that it would no longer defend in court the public charge

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Hon. Ona T. Wang

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rule at issue in this case, 84 Fed. Reg. 41,292 (Aug. 14, 2019). Consistent with that position, on the same day, upon a joint stipulation from the parties, the Supreme Court dismissed defendants' appeal from the Second Circuit's decision affirming this Court's preliminary injunction. *See* Order, *Dep't of Homeland Sec. v. New York*, No. 20-449 (U.S. Mar. 9, 2021). The Supreme Court simultaneously dismissed pending petitions for certiorari from parallel decisions of the Seventh and Ninth Circuits, also upon joint stipulations from the parties to those cases. As described in defendants' submission, defendants also withdrew their appeal of a final judgment issued by the Northern District of Illinois vacating the Rule nationwide. *See* *MRNY* Dkt. 305; *State of New York* Dkt. 283. As a result, and as confirmed by another DHS statement, the public charge rule is no longer in effect. *Id.*

In light of these recent developments, the parties have commenced discussions regarding the status of these cases and next steps. The parties believe that a status conference would be of most use to the Court if it occurs after additional discussions between the parties.

Accordingly, we respectfully request that the Court adjourn the status conference scheduled for tomorrow, and that the parties be directed to submit a joint status report no later than March 25, 2021.

We appreciate the Court's attention to this matter.

Respectfully,

/s/ Jonathan Hurwitz

Jonathan Hurwitz

Application **GRANTED**. The status conference is adjourned, *sine die*. The parties shall file a joint status letter by **March 25, 2021**.

SO ORDERED.



Ona T. Wang 3/10/21
U.S.M.J.