



U.S. Department of Justice
Civil Division
Office of Immigration Litigation
District Court Section

*P.O. Box 868, Ben Franklin Station
Washington, D.C. 20044*

Via ECF

May 1, 2017

The Hon. Carol Bagley Amon
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Darweesh, et al. v. Trump, et al.*, 17-CV-480 (CBA)

Dear Judge Amon,

The parties previously informed the Court that they are discussing settlement options (ECF No. 196). The Court thus stayed the case until May 1, 2017 (ECF No. 197). Since then, the parties have held further discussions but cannot reach an agreement at this time.

The parties disagree as to how to proceed with the case. Respondents intend to file a renewed motion to dismiss. Although Respondents filed a motion to dismiss almost three months ago (ECF No. 66), that motion is not fully briefed and significant developments bearing on the motion have transpired since it was filed. Respondents therefore request, pursuant to Local Rule 7.1(d), that the Court establish a briefing schedule for such a motion, specifically by requiring the motion to be filed within fourteen days, with opposition and reply briefs to be due in the ordinary course established by the Local Rules. Because this motion is potentially dispositive, Respondents ask the Court to refrain from otherwise establishing a scheduling order—including with regard to Petitioners' pending motion for class certification—until after the Court rules on the motion to dismiss.

Petitioners suggest that the Court should hold a status conference in lieu of setting a briefing schedule. Because the issue before the Court is simple—how and when the parties should brief a renewed motion to dismiss—Respondents believe that another status conference would not be an efficient use of the parties' or the Court's time and resources. Respondents therefore ask the Court to enter a briefing schedule for a renewed motion to dismiss and to decline to hold a conference. If the Court does order such a conference, Respondents ask for leave to appear telephonically.

Respectfully submitted,

/s/ Steven A. Platt
Steven A. Platt
U.S. Department of Justice, Civil Division
Office of Immigration Litigation
Counsel for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Eastern District of New York by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Steven A. Platt
STEVEN A. PLATT