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FILED IN THE  
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EASTERN DISTRICT OF WASHINGTON

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STATE OF WASHINGTON;  
COMMONWEALTH OF VIRGINIA;  
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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,

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SCHEDULING ORDER

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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,

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Defendants.

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.<sup>1</sup> 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 <sup>1</sup>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 *s/ Rosanna Malouf Peterson*  
8 ROSANNA MALOUF PETERSON  
9 United States District Judge