UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

COOK COUNTY, ILLINOIS, an Illinois governmental entity; and **ILLINOIS COALITION FOR IMMIGRANT AND REFUGEE RIGHTS, INC.**,

Plaintiffs,

vs.

CHAD F. WOLF, in his official capacity as Acting Secretary of U.S. Department of Homeland Security; **U.S. DEPARTMENT OF HOMELAND SECURITY,** a federal agency; **KENNETH T. CUCCINELLI II,** in his official capacity as Acting Director of U.S. Citizenship and Immigration Services; and **U.S. CITIZENSHIP AND IMMIGRATION SERVICES,** a federal agency,

Defendants.

Case No. 19-cv-6334

Judge Gary Feinerman

JOINT STATUS REPORT

Pursuant to this Court's order dated August 12, 2020, Dkt. 194, the parties, by and through their respective counsel, hereby submit this joint status report to identify disputed issues regarding document production, privilege logs, and depositions.

I. Procedural Background

Consistent with the Court's orders, Defendants (i) made their first production to Plaintiffs on August 28, 2020, (ii) produced their first privilege log on September 18, 2020, (iii) made their second production on September 25, 2020, and (iv) produced their second privilege log on October 2, 2020.

It has recently come to Defendants' attention that there are additional documents that were inadvertently excluded from the initial review population. Defendants currently do not know how many of these documents will ultimately be responsive to Plaintiffs' document requests. Defendants are performing additional searches to determine whether there are additional responsive non-privileged documents that should be produced. Consistent with Defendants' duty to supplement its discovery responses, Defendants will inform Plaintiffs as soon as practicable of how long Defendants' anticipate this supplemental review to take.

The parties will abide by the terms of a protective order that the Court entered on September 30, 2020. Dkt. 212. The parties discussed the issues raised below in a meet-and-confer held on September 25, 2020; Defendants maintain that not all issues raised in the below report were sufficiently discussed.

II. Disputes Concerning Document Production and Privilege Logs.

A. Whether Defendants Can Assert Deliberative Process Privilege.

Plaintiffs' Position:

Defendants' productions largely fall into three categories: (1) blank sheets of paper; (2) emails with almost all substance redacted; and (3) compiled news clippings. A single, common deficiency persists throughout these three categories: Defendants have improperly asserted the deliberative process privilege ("DPP").

The DPP allows an agency to withhold documents "which reflect the agency's group thinking in the process of working out its policy and determining what its law shall be." *Nat'l Immigrant Justice Ctr. v. United States DOJ*, 953 F.3d 503, 508 (7th

Cir. 2020) (citing *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 153 (1975)). But where, as here, the government's decision-making process itself is "central" to Plaintiffs' case, it is well-established that the DPP is "vitiated entirely." *United States v. Lake Cty. Bd. of Comm'rs*, 233 F.R.D. 523, 526 (N.D. Ind. 2005); *see also In re Subpoena Duces Tecum Served on the Office of the Comptroller of the Currency*, 145 F.3d 1422, 1424 (D.C. Cir. 1998) ("For instance, it seems rather obvious to us that the [deliberative process] privilege has no place in a Title VII action or in a constitutional claim for discrimination."). In other words, the DPP "evaporates" when "a plaintiff's cause of action turns on the government's intent." *In re Subpoena*, 145 F.3d at 1424.

Here, Defendants' decision-making process remains central to both the equal protection and APA pretext claim. In denying Defendants' motion to dismiss the equal protection claim, this Court found that ICIRR "expressly and plausibly alleges that DHS issued the Rule knowing and intending that it would have a disproportionate negative impact on nonwhite immigrants." Dkt. 150 at 12. And as the Court noted in denying Defendants' subsequent motion for interlocutory appeal, Dkt. 184 at 3, Plaintiffs' APA pretext claim similarly alleges that although "the Final Rule purports to identify individuals who will be public charges, its adoption of factors that bear no reasonable relationship to that inquiry demonstrates Defendants' intent to reduce immigration by immigrants of color." Compl. ¶166. As such, both claims challenge Defendants' decision-making process in promulgating the Final Rule, and thus the DPP cannot apply. *See, e.g.*, *Glenwood Halsted LLC v. Vill. of Glenwood*, No. 11 C 6772, 2013 WL 140794, at *3 (N.D. Ill. Jan. 11, 2013) (holding that privilege

did not apply to defendant's email because that defendant's "intent and misconduct" were directly at issue); *Anderson v. Cornejo*, No. 97 C 7556, 2001 WL 826878, at *4 (N.D. Ill. July 20, 2001) (holding that document that was part of predecisional deliberations concerning changes to a U.S. Customs Service policy was subject to disclosure because it would shed light on the "subjective intent" of the agency commissioner); *Lake Cty. Bd. of Comm'rs*, 233 F.R.D. at 525–28 (finding that privilege did not apply in Fair Housing Act case alleging that agencies unlawfully discharged employees and denied zoning permission based on race). For this reason, Plaintiffs maintain that Defendants must produce all documents withheld on the basis of the DPP. *See In re Subpoena*, 145 F.3d at 1424 ("If the plaintiff's cause of action is directed at the government's intent . . . it makes no sense to permit the government to use the [DPP] as a shield.").

Defendants' Position:

Plaintiffs claim, incorrectly, that DPP categorically does not apply when documents covered by that privilege are especially relevant to Plaintiffs' claims. "The deliberative process privilege protects communications that are part of the decision-making process of a governmental agency." *United States v. Farley*, 11 F.3d 1385, 1389 (7th Cir. 1993). "Since frank discussion of legal and policy matters is essential to the decisionmaking process of a governmental agency, communications made prior to and as a part of an agency determination are protected from disclosure." *Id.*

Contrary to Plaintiffs' assertion, DPP applies even when a plaintiff's claim hinges on the intent of a government actor. To start, it appears that the Seventh

Circuit has not specifically resolved this question. *See Illinois League of Advocates for the Developmentally, Disabled v. Quinn*, No. 13 C 1300, 2013 WL 4734007, at *3 (N.D. Ill. Sept. 3, 2013) (Although "several district and magistrate judges in the Seventh Circuit have concluded that [the deliberative process] privilege has no effect where the intent behind the government's decision-making process is directly at question . . . The Seventh Circuit has not yet evaluated this approach" and "[i]n the absence of clear precedent" the court is "reluctant to preclude reliance on the privilege."). The Seventh Circuit, however, has specifically noted that "relevance alone is an insufficient reason for breaching the deliberative process privilege," *id.* at 1389–90, suggesting that the asserted relevance of deliberative materials to Plaintiffs' equal protection claim may not, in itself, preclude Defendants' reliance upon DPP. In any event, for at least three other reasons, the Court should conclude that DPP applies even when Plaintiffs assert a claim that turns on intent.

First, Plaintiffs' position, if accepted, would effectively nullify DPP. The DPP is most likely to be invoked in cases where the agency's deliberations and thought processes are at issue. Plaintiffs' purported DPP "exception"—that DPP is inapplicable whenever a plaintiff asserts a claim involving an agency's thought processes—would therefore swallow the rule, since it would preclude an agency from invoking the privilege precisely when the agency is called upon to produce deliberative materials. As noted in another case in this District involving a claim that also turned on a state actor's intent:

> "Plaintiffs argue that their Complaint alleges that the City and IPRA have intentionally protected, covered-up, and

> failed to hold [the officer] accountable . . . For this reason, they contend, the City's intent (which can only be revealed through its deliberations) is critically important to Plaintiffs' *Monell* claim. However, if this rationale were accepted by the Court, the privilege would be overcome in any case in which the government's intent is called into question, rendering the deliberative process privilege a nullity in any case with a *Monell* claim."

Turner v. City of Chicago, No. 15 CV 06741, 2017 WL 552876, at *3 (N.D. Ill. Feb. 10, 2017) (M.J. Cox); *see also In re United States*, 678 Fed. Appx. 981, 990 (Fed. Cir. 2017) ("The privilege would be meaningless if all a litigant had to do was raise a question of intent to warrant disclosure."). The same reasoning applies with respect to an equal protection claim.

Second, Plaintiffs' position would undermine the policy behind DPP. "The deliberative process privilege rests on the obvious realization that officials will not communicate candidly among themselves if each remark is a potential item of discovery and front page news, and its object is to enhance the quality of agency decisions by protecting open and frank discussion among those who make them within the Government." *Enviro Tech Int'l, Inc. v. U.S. E.P.A.*, 371 F.3d 370, 374 (7th Cir. 2004). N. *L. R. B. v. Sears, Roebuck & Co.*, 421 U.S. 132, 150–51 (1975) ("[H]uman experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances . . . to the detriment of the decisionmaking process.'"). Plaintiffs' purported DPP "exception" would generally discourage "open and frank discussion" among agency officials, even if the relevant agency action is ultimately never subject to a legal claim turning on "intent." When agency officials are deliberating about a prospective policy, they cannot know *ex ante*

which claims a hypothetical plaintiff will bring in a future litigation. The mere prospect that a plaintiff could bring a claim implicating an agency's intent—which would thus obviate DPP, under Plaintiffs' rule—would thus chill open discussion among agency officials "to the detriment of the decisionmaking process."

Third, even if the deliberative process privilege could be overcome as to *specific* documents, Plaintiffs' request that the Court issue a blanket order precluding Defendants from invoking it as to *any* documents is plainly overbroad. Last year, the Ninth Circuit granted mandamus relief to the government where a district court "conducted a single deliberative process privilege analysis covering all withheld documents[.]" *Karnoski v. Trump*, 926 F.3d 1180, 1206 (9th Cir. 2019). Just as application of "the deliberative process privilege is . . . dependent upon the individual document and the role it plays in the administrative process," *Coastal States Gas Corp. v. Department of Energy*, 617 F.2d 854, 867 (D.C. Cir. 1980), so too is the analysis undertaken in determining whether the privilege is overcome. It would be error to conduct the balancing *en masse*, rather than by assessing specific documents or categories of documents. *See, e.g., In re Delphi Corp.*, 276 F.R.D. 81, 84–85 (S.D.N.Y. 2011) (rejecting plaintiff's argument that the deliberative process privilege "is not applicable where the litigation 'involves a question concerning the intent of the governmental decisionmakers or the decisionmaking process itself'"); *Vietnam Veterans of Am. v. C.I.A.*, 2011 WL 4635139, at *10 (N.D. Cal. Oct. 5, 2011) (declining to adopt a categorical rule that the deliberative process privilege is inapplicable when plaintiffs challenge intent, and explaining that the issue of "intent is properly

considered as a factor in the substantial need analysis"); *State of New York v. Dep't of Commerce*, No. 18-cv-02921 (S.D.N.Y. Aug. 14, 2018), Dkt. 241, at 2 ("conclud[ing] that a 'balancing approach that considers the competing interests of the party seeking disclosure and of the government—specifically, its need to engage in policy deliberations without the omnipresent threat of disclosure—is more appropriate than a per se rule' providing that the deliberative-process privilege does not apply to any claim challenging governmental decisionmaking"); *Stone v. Trump*, 402 F. Supp. 3d 153, 156, 158-59 (D. Md. Sept. 3, 2019) (granting in part a motion to reconsider an earlier ruling that the "deliberative process privilege does not apply to the documents Plaintiffs requested because the government's intent is at the heart of the issue in this case").

Accordingly, DPP applies even when a plaintiff's claim specifically turns on agency intent. To the extent the Court is inclined to find that DPP is inapplicable here, the Court should allow the parties to properly brief this issue before finding that this privilege is categorically unavailable to Defendants.[1]

B. Deficiencies in Deliberative Process Privilege Descriptions.

Plaintiffs' Position:

Defendants' partial privilege logs do not contain sufficient information from which to evaluate the legitimacy of Defendants' DPP claims—which, as discussed

[1] Plaintiffs' counsel provided their draft of this joint status report to Defendants' counsel the day before the deadline. Although the Court ordered the parties to "identify[]" disputed issues, Plaintiff has included substantive briefing and has transformed this joint status report into a motion, leaving Defendants just hours to draft their opposition.

above, are otherwise improper due to the nature of Plaintiffs' claims. 24 of the 76 documents in Plaintiffs' first production, for example, are withheld in their entirety and replaced by slip sheets labeled "Document Withheld As Privileged." Similarly, 51 of the 95 documents produced in Defendants' second production are blank slip sheets marked "withheld as privileged." DHS failed to disclose the non-privileged portions of these documents, and instead described the withheld information as "predecisional" and "deliberative" without sufficient description to determine whether these conclusory assertions are justified. *See, e.g.*, DHS_ NDILL_0000004 ("Pre-decisional, deliberative draft of the public charge rule . . . reflecting internal review and comment"); DHS_NDILL_0000843 (same); DHS_NDILL_0000670 ("Pre-decisional, deliberative, draft talking points regarding the public charge rule for senior agency official"); DHS_NDILL_0000701 (same); DHS_NDIL_0000702 (same). Other entries provide only vague descriptions of the subject matter of the withheld documents. *See, e.g.*, DHS_NDILL_0000672 ("Briefing memo . . . regarding upcoming media interview, containing deliberative communications regarding the interview"); DHS_NDILL_0000024 ("The memorandum contains deliberative discussions and recommendations regarding the rule"); DHS_NDILL_0000893 ("Includes attachment of pre-decisional, deliberative briefing material regarding draft of public charge rule").

Additionally, Defendants provide generic names of authors and recipients of communications. *See, e.g.*, DHS_NDILL_0000670 ("draft talking points regarding the public charge rule for senior agency official"); DHS_NDILL_0000701 (same);

DHS_NDILL_0000702 (same). Absent any information concerning the roles of these senior agency officials, Plaintiffs cannot determine the applicability of DPP to the documents in question.

In light of these deficiencies, and even if the DPP otherwise applied (it does not), the privilege logs do not satisfy Defendants' obligation to provide, "typically by affidavit, precise and certain reasons for preserving the confidentiality of the documents in question" and "specifically identify and describe the documents." *Rodriguez v. City of Chicago*, 329 F.R.D. 182, 186 (N.D. Ill. 2019) (citing *K.L., L.F. & R.B. v. Edgar*, 964 F. Supp. 1206, 1209 (N.D. Ill. 1997)); *see also Evans v. City of Chicago*, 231 F.R.D. 302, 318 (N.D. Ill. 2005) (same). Accordingly, Plaintiffs maintain that Defendants must: (1) disclose the non-privileged portions of the withheld slip sheets; (2) supplement the partial privilege logs with the information necessary to determine whether documents identified on the privilege logs were properly withheld—in their entirety—pursuant to DPP; and (3) supplement the partial privilege logs with the names and/or roles of senior agency officials, where applicable. Moreover, Plaintiffs reserve the right to identify documents that may not be "predecisional" for purposes of DPP; given how few documents have been produced regarding Defendants' decision-making process, Plaintiffs cannot yet make this determination.[2]

[2] To the extent Defendants suggest that the Court should not order relief at this time because the parties have not sufficiently met and conferred on the specificities of these deficiencies, Plaintiffs note that they are not requesting a formal ruling at this time, but instead are raising the issues as directed by the Court, Dkt. 194.

Defendants' Position:

Plaintiffs argue that Defendants' privilege logs provide insufficient information. At the outset, the parties have not properly met-and-conferred on these issues, and the Court should not order any relief until they have done so. Plaintiffs did not identify all of the specific issues noted herein at the parties' September 25, 2020 teleconference, or at any other point prior to including them in this Joint Status Report, other than to comment generally that the productions contained, in Plaintiffs' view, "lots of redactions." Plaintiffs have therefore failed to adequately meet-and-confer.

In all events, Plaintiffs fail to explain, with specificity, why additional information is necessary to evaluate Defendants' privilege determinations. For example, Plaintiffs flag document DHS_ NDILL_0000004, which Defendants withheld as DPP on the ground that it is a "[p]re-decisional, deliberative draft of the public charge rule containing edits and comments and reflecting internal review and comment." This description is sufficient to confirm that the document "is actually . . . related to the process by which [the public charge rule was] formulated," and is thus subject to DPP. *Enviro Tech Int'l, Inc.*, 371 F.3d at 375. Indeed, the Seventh Circuit has explicitly noted that "[g]enerally, draft documents are considered predecisional and are exempted from disclosure if they are deliberative in nature." *King v. I. R. S.*, 684 F.2d 517, 519 (7th Cir. 1982); *see also Sourgoutsis v. United States Capitol Police*, 323 F.R.D. 100, 111 (D.D.C. 2017) ("The drafts are a quintessential example of deliberative material."); *Blank Rome LLP v. Dep't of the Air Force*, Civ. A. No. 15-

1200, 2016 U.S. Dist. LEXIS 128209, at *14 (D.D.C. Sept. 20, 2016) ("Draft documents, by their very nature, are typically predecisional and deliberative,").

Plaintiffs also flag DHS_NDILL_0000024, which Defendants withheld pursuant to DPP and attorney-client privilege since it is a "[p]re-decisional, draft memorandum from the DHS General Counsel to the Acting Secretary of Homeland Security regarding the public charge rule" and "contains deliberative discussions and recommendations regarding the rule and legal analysis and advice made in anticipation of litigation." Here, similarly, it is unclear what further information Plaintiffs (or the Court) would need to vet this privilege claim.

Plaintiffs argue that certain privilege entries do not identify certain authors or recipients by name, but rather use general descriptors such as "senior agency official." But again, it is unclear why additional information would help assess whether DPP applies. Plaintiffs certainly do not suggest that deliberative communications involving a "senior agency official" are not entitled to DPP protection. Plaintiffs also argue that Defendants must produce the non-privilege portions of certain documents withheld in full. But Defendants withheld certain documents in full based on Defendants' determination that these documents, as a whole, are privileged. Finally, Plaintiffs contend that Defendants must provide affidavits for their DPP claims. It is well established that the Government is not required to submit a declaration asserting governmental privileges until after a motion to compel is filed raising a specific challenge to the Government's privilege objections. *See In re Sealed Case*, 121 F.3d 729, 741 (D.C. Cir. 1997); *Huntleigh USA Corp. v. United States*, 71 Fed. Cl.

726, 727 (2006); *Maria Del Socorro Quintero Perez, CY v. United States*, 2016 WL 362508, at *3 (S.D. Cal. Jan. 29, 2016); *A.I.A. Holdings, S.A. v. Lehman Bros.*, 2002 WL 31385824, at *3 (S.D.N.Y. Oct. 21, 2002). Particularly in light of the expedited nature of the discovery process, Defendants should not be required to produce these affidavits to invoke DPP to begin with.

Accordingly, there is no deficiency in Defendants' privilege log entries. Again, however, Defendants should have an opportunity to fully brief this issue prior to any ruling lifting any privilege.

C. Additional Deficiencies.

Plaintiffs' Position:

In multiple instances, Defendants invoke "personal privacy" to justify redacting such information rather than: (1) simply redacting personally identifiable information such as a social security number or personal home address; and (2) providing other identifiable information—marked as confidential, but not redacted, consistent with the parties' protective order—such as an individual's name and work e-mail address. *See, e.g.*, DHS_NDILL_0000007; DHS NDILL_0000009. The parties have resolved this dispute; Plaintiffs understand that Defendants will revisit the production to un-redact information removed based upon personal privacy concerns and otherwise mark them as confidential.

Defendants' Position:

Plaintiffs also argue that defendants redacted certain information on "personal privacy" grounds. Defendants have already agreed to copies of the production that

remove the redactions placed over names based on personal privacy concerns, with the necessary confidentiality markings provided by the Protective Order.

II. Disputes Concerning Depositions.

Plaintiffs' Position:

Plaintiffs maintain that a discussion of depositions remains premature until the deficiencies described above are resolved. But Plaintiffs also maintain that such deficiencies must be resolved promptly, in accordance with this Court's order granting expedited discovery. Plaintiffs also understand that Defendants request a stay on discovery. Plaintiffs do not agree to this request, as it remains premature and Defendants may file a motion to stay discovery if they so choose.

Defendants' Position:

The Court should stay all further discovery over the equal protection claim pending its resolution of Plaintiffs' pending motion for summary judgment. "If there is one doctrine more deeply rooted than any other in the process of constitutional adjudication, it is that we ought not to pass on questions of constitutionality . . . unless such adjudication is unavoidable." *Spector Motor Serv. v. McLaughlin*, 323 U.S. 101, 105 (1944). Thus, courts "will not decide a constitutional question if there is some other ground upon which to dispose of the case," especially if it the other ground "afford[s] [a plaintiff] all the relief it seeks." *Nw. Austin Mun. Util. Dist. No. One v. Holder*, 557 U.S. 193, 205 (2009); *Califano v. Yamasaki*, 442 U.S. 682, 692 (1979) ("A court presented with both statutory and constitutional grounds to support the relief requested usually should pass on the statutory claim before considering the

constitutional question.").

Here, Plaintiffs' pending summary judgment motion may eliminate the need for further proceedings on the equal protection claim. In their response, Defendants did not dispute that the Seventh Circuit's preliminary injunction decision may resolve Plaintiffs' summary judgment motion. And importantly, Plaintiffs ask the court to "vacate" the Rule in its entirety based on Plaintiffs' APA claims. *See* MSJ, at 28-29. If the Court agrees with Plaintiffs, and vacates the Rule, Plaintiffs will receive "all the relief [they] seek[]." Thus, the Court may "avoid[] the constitutional question altogether" if it "[strikes] down the" Rule "on statutory grounds." *Grutter v. Bollinger*, 539 U.S. 306, 322 (2003). Accordingly, the Court should exercise its discretion, and stay further proceedings on the equal protection claim, which may prove unnecessary depending upon how the Court resolve Plaintiffs' pending summary judgment motion. *See Landis v. North American Co.*, 299 U.S. 248, 254 (1936) ("[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants."). Defendants are prepared to file a motion seeking a stay of discovery on these grounds.

Dated: October 7, 2020

KIMBERLY M. FOXX
Cook County Illinois State's Attorney

COOK COUNTY, ILLINOIS

By */s/ Jessica M. Scheller*
Jessica M. Scheller
Chief; Advice, Business & Complex Litigation Division
Lauren E. Miller
Special Assistant State's Attorney
Civil Actions Bureau
500 W. Richard J. Daley Center
Chicago, IL 60602
Phone : (312) 603-6934
Phone: (312) 603-4320
jessica.scheller@cookcountyil.gov
lauren.miller@cookcountyil.gov

/s/ Steven A. Levy
David E. Morrison
Steven A. Levy
A. Colin Wexler
Takayuki Ono
Juan C. Arguello
Goldberg Kohn Ltd.
Special Assistant State's Attorneys
55 E. Monroe St., Suite 3300
Chicago, IL 60603
Phone: (312) 201-4000
Fax: (312) 332-2196
david.morrison@goldbergkohn.com
steven.levy@goldbergkohn.com
colin.wexler@goldbergkohn.com
takayuki.ono@goldbergkohn.com
juan.arguello@goldbergkohn.com

Counsel for Cook County, Illinois

ILLINOIS COALITION FOR IMMIGRANT AND REFUGEE RIGHTS, INC.

By *David A. Gordon*
David A. Gordon
Tacy F. Flint
Marlow Svatek
Sidley Austin LLP
One South Dearborn Street
Chicago, IL 60603

(312) 853-7000 (Telephone)
(312) 853-7036 (Facsimile)
dgordon@sidley.com
tflint@sidley.com
msvatek@sidley.com

Yvette Ostolaza (*pro hac vice*)
Texas Bar No. 00784703
Robert S. Velevis (*pro hac vice*)
Texas Bar No. 24047032
SIDLEY AUSTIN LLP
2021 McKinney Ave, Suite 2000
Dallas, Texas 75201
(214) 981-3300 (Telephone)
(214) 981-3400 (Facsimile)
Yvette.ostolaza@sidley.com
rvelevis@sidley.com

/s/Caroline Chapman
Caroline Chapman
Meghan P. Carter
LEGAL COUNCIL FOR HEALTH JUSTICE
17 N. State, Suite 900
Chicago, IL 60602
Phone: (312) 605-1958
Fax: (312) 427-8419
cchapman@legalcouncil.org
mcarter@legalcouncil.org

/s/ Militza Pagan
Andrea Kovach
Militza M. Pagan
SHRIVER CENTER ON POVERTY LAW
67 E. Madison, Suite 2000
Chicago, IL 60603
Phone: (312) 368-2679
Fax: (312) 263-3846
katewalz@povertylaw.org
militzapagan@povertylaw.org

/s/ *Katherine E. Walz*
Katherine E. Walz
NATIONAL HOUSING LAW PROJECT
1663 Mission St., Suite 460
San Francisco, CA 94103

Phone: (415) 546-7000 ext. 3129
Fax: (415) 546-7007
kwalz@nhlp.org

Counsel for Illinois Coalition For Immigrant and Refugee Rights, Inc.

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General

ALEXANDER K. HAAS
Director, Federal Programs Branch

/s/ Kuntal Cholera
ERIC J. SOSKIN
KERI L. BERMAN
KUNTAL V. CHOLERA
JOSHUA M. KOLSKY, DC Bar No. 993430
Trial Attorneys
U.S. Dept. of Justice, Civil Division,
Federal Programs Branch
1100 L Street, N.W., Rm. 12002
Washington, DC 20001
Phone: (202) 305-8645
Fax: (202) 616-8470
Email: kuntal.cholera@usdoj.gov

Counsel for Defendants