

# **Exhibit B**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MAKE THE ROAD NEW YORK, et al.,

Plaintiffs,

v.

KEN CUCCINELLI, et al.,

Defendants.

**CIVIL ACTION NO. 19  
Civ. 07993 (GBD) (OTW)**

**RULE 26(a)(1) INITIAL DISCLOSURES**

Plaintiffs Make the Road New York (“MRNY”), African Services Committee (“ASC”), Asian American Federation (“AAF”), Catholic Charities Community Services (Archdiocese of New York) (“CCCS-NY”), and Catholic Legal Immigration Network, Inc. (“CLINIC”) (collectively, “Organizational Plaintiffs”) make the following Initial Disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure. These Initial Disclosures are based upon the information currently in the possession of Plaintiffs and their counsel. The Organizational Plaintiffs reserve the right to supplement or amend these Initial Disclosures to reflect additional information that may come into their possession through discovery, further investigation, trial preparation, or otherwise, or for any other purpose permitted by the Federal Rules of Civil Procedure. These Initial Disclosures are subject to, and made without waiving the Organizational Plaintiffs’ right to assert, any and all objections as to competency, relevancy, materiality, privilege (including the attorney-client privilege), work product, use or admissibility as evidence, for any purpose, of any of these Initial Disclosures, or of the subject matter thereof,

in these or any other proceedings. No incidental or implied admissions are intended by these Initial Disclosures.

Organizational Plaintiffs' identification of individuals pursuant to Rule 26(a)(1)(A)(i) is not intended to preclude Organizational Plaintiffs from obtaining discovery of individuals not presently identified. The Organizational Plaintiffs incorporate all individuals identified by all other parties in their Initial Disclosures and reserve the right to depose, and to rely upon the testimony of, all such individuals in support of its claims

**I. The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment:**

<b>Name</b>	<b>Contact Information</b>	<b>Subject Matter</b>
Theo Oshiro	MRNY New York  <i>Contact through Plaintiffs' counsel</i>	The damage caused to MRNY by Defendants' promulgation of Inadmissibility of Public Charge Grounds, 84 Fed. Reg. 41,292 (Aug. 14, 2019) (the "Rule"); the impact of the Rule on MRNY, its clients, and the immigrant communities that MRNY serves; costs and resources expended by MRNY as a result of the Rule; MRNY's participation in the public notice-and-comment process of the Rule.
Kim Nichols	ASC New York  <i>Contact through Plaintiffs' counsel</i>	The damage caused to ASC by Defendants' promulgation of the Rule; the impact of the Rule on ASC, its clients, and the immigrant communities that ASC serves; costs and resources expended by ASC as a result of the Rule.
Jo-Ann Yoo	AAF New York, Queens, NY  <i>Contact through Plaintiffs' counsel</i>	The damage caused to AAF by Defendants' promulgation of the Rule; the impact of the Rule on AAF, its clients, and the immigrant communities that AAF serves; costs and resources expended by AAF as a result of the Rule; AAF's participation in the public notice-and-comment process of the Rule.
Mario Russell	CCCS-NY New York	The damage caused to CCCS-NY by Defendant's promulgation of the Rule; the impact of the Rule on CCCS-NY, its clients, and the immigrant communities that CCCS-NY

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	<i>Contact through Plaintiffs' counsel</i>	serves; costs and resources expended by CCCS-NY as a result of the Rule; CCCS-NY's participation in the public notice-and-comment process of the Rule.
Charles Wheeler	CLINIC New York  <i>Contact through Plaintiffs' counsel</i>	The damage caused to CLINIC by Defendants' promulgation of the Rule; the impact of the Rule on CLINIC, its clients, and the immigrant communities that CLINIC serves; costs and resources expended by CLINIC as a result of the Rule; CLINIC's participation in the public notice-and-comment process of the Rule.
Haeyoung Yoon	National Domestic Workers Alliance ("NDWA") New York, NY  <i>Contact through Plaintiffs' counsel</i>	The anticipated and actual effects of the Rule, specifically the negative impact on immigrant care workers and the care industry nationwide; NDWA's participation in the public notice-and-comment process of the Rule.
Individuals listed in the Initial Disclosures pursuant to Fed R. Civ. P. 26(a)(1) of Plaintiffs in <i>State of New York, et al. v. Cuccinelli</i> , No. 19-cv-7777 (GBD) (OTW)	<i>See Initial Disclosures pursuant to Fed R. Civ. P. 26(a)(1) of Plaintiffs in State of New York, et al. v. Cuccinelli</i> , No. 19-cv-7777 (GBD) (OTW)	<i>See Initial Disclosures pursuant to Fed R. Civ. P. 26(a)(1) of Plaintiffs in State of New York, et al. v. Cuccinelli</i> , No. 19-cv-7777 (GBD) (OTW).
Ken Cuccinelli	United States Citizenship Immigration Services ("USCIS") Washington, DC	The intent or purpose of the Rule; intended or anticipated effects of the Rule on nonwhite immigrants or immigrants from non-European origin countries; the intended or anticipated effects of the Rule on family-based immigration; the relationship between the Rule and other immigration policies; the perception of nonwhite immigrants or immigrants who receive public benefits and their impact on the United States on the part of USCIS, the Department of Homeland Security ("DHS"), and/or the Trump Administration; the intent and actions contemplated or taken to expedite the issuance of the Rule; the development and drafting of the

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		Rule, including any deviation from standard procedures and changes in personnel responsible for the Rule; and the consideration of any public comments.
Kevin McAleenan	Formerly USCIS Washington, DC	The intent or purpose of the Rule; intended or anticipated effects of the Rule on nonwhite immigrants or immigrants from non-European origin countries; the intended or anticipated effects of the Rule on family-based immigration; the relationship between the Rule and other immigration policies; the perception of nonwhite immigrants or immigrants who receive public benefits and their impact on the United States on the part of USCIS, DHS, and/or the Trump Administration; the intent and actions contemplated or taken to expedite the issuance of the Rule; the development and drafting of the Rule, including any deviation from standard procedures and changes in personnel responsible for the Rule; and the consideration of any public comments.
Chad F. Wolf	DHS Washington, DC	The intent or purpose of the Rule; intended or anticipated effects of the Rule on nonwhite immigrants or immigrants from non-European origin countries; the intended or anticipated effects of the Rule on family-based immigration; the relationship between the Rule and other immigration policies; the perception of nonwhite immigrants or immigrants who receive public benefits and their impact on the United States on the part of USCIS, DHS, and/or the Trump Administration; the intent and actions contemplated or taken to expedite the issuance of the Rule; the development and drafting of the Rule, including any deviation from standard procedures and changes in personnel responsible for the Rule; and the consideration of any public comments.
Stephen Miller	The White House Washington, DC	The intent or purpose of the Rule; intended or anticipated effects of the Rule on nonwhite immigrants or immigrants from non-European origin countries; the intended or anticipated effects of the Rule on family-based immigration; the relationship between the Rule and other immigration policies; the perception of nonwhite



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		immigrants or immigrants who receive public benefits and their impact on the United States on the part of USCIS, DHS, and/or the Trump Administration; the intent and actions contemplated or taken to expedite the issuance of the Rule; the development and drafting of the Rule, including any deviation from standard procedures and changes in personnel responsible for the Rule; expressed hostility and animus toward nonwhite immigrants; communications concerning perceived delay in promulgation of the Rule; and ties with Federation for American Immigration Reform ("FAIR").
Jefferson B. Sessions	Formerly Department of Justice Washington, DC	The intent or purpose of the Rule; intended or anticipated effects of the Rule; the role in the preparation, drafting, and promulgation of the Rule in his capacity as a senator and subsequently Attorney General; the intended or anticipated effects of the Rule on family-based immigration; the relationship between the Rule and other immigration policies; the perception of nonwhite immigrants or immigrants who receive public benefits and their impact on the United States on the part of USCIS, DHS, and/or the Trump Administration; expressed hostility and animus toward nonwhite immigrants; and ties with FAIR.
Kellyanne Conway	Formerly The White House Washington, DC	The intent or purpose of the Rule; intended or anticipated effects of the Rule; the role in the preparation, drafting, and promulgation of the Rule; the intended or anticipated effects of the Rule on family-based immigration; the relationship between the Rule and other immigration policies; the perception of nonwhite immigrants or immigrants who receive public benefits and their impact on the United States on the part of USCIS, DHS, and/or the Trump Administration; expressed hostility and animus toward nonwhite immigrants; and ties with FAIR.
Julia Hahn	Formerly The White House Washington, DC	The intent or purpose of the Rule; intended or anticipated effects of the Rule; the role in the preparation, drafting, and promulgation of the Rule; the intended or anticipated effects of the Rule on family-based immigration; the

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		relationship between the Rule and other immigration policies; the perception of nonwhite immigrants or immigrants who receive public benefits and their impact on the United States on the part of USCIS, DHS, and/or the Trump Administration; expressed hostility and animus toward nonwhite immigrants; and communications regarding Peter Brimelow or <i>Alien Nation</i> .
Kris Kobach	Formerly The White House Washington, DC	The intent or purpose of the Rule; intended or anticipated effects of the Rule; the role in the preparation, drafting, and promulgation of the Rule; the intended or anticipated effects of the Rule on family-based immigration; the relationship between the Rule and other immigration policies; the perception of nonwhite immigrants or immigrants who receive public benefits and their impact on the United States on the part of USCIS, DHS, and/or the Trump Administration; expressed hostility and animus toward nonwhite immigrants; and ties with FAIR.
John Feere	United States Immigration and Customs Enforcement Washington, DC	The intent or purpose of the Rule; intended or anticipated effects of the Rule; the role in the preparation, drafting, and promulgation of the Rule; the intended or anticipated effects of the Rule on family-based immigration; the relationship between the Rule and other immigration policies; the perception of nonwhite immigrants or immigrants who receive public benefits and their impact on the United States on the part of USCIS, DHS, and/or the Trump Administration; expressed hostility and animus toward nonwhite immigrants; and ties with FAIR.
Kirstjen Nielsen	Formerly DHS Washington, DC	The intent or purpose of the Rule; intended or anticipated effects of the Rule on nonwhite immigrants or immigrants from non-European origin countries; the intended or anticipated effects of the Rule on family-based immigration; the relationship between the Rule and other immigration policies; the agency and the perception of nonwhite immigrants or immigrants who receive public benefits and their impact on the United States on the part of

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		USCIS, DHS, and/or the Trump Administration; the intent and actions contemplated or taken to expedite the issuance of the Rule; the development and drafting of the Rule, including any deviation from standard procedures and changes in personnel responsible for the Rule; and the consideration of any public comments.
Julie Kirchner	Formerly DHS Washington, DC	The intent or purpose of the Rule; intended or anticipated effects of the Rule on nonwhite immigrants or immigrants from non-European origin countries; the intended or anticipated effects of the Rule on family-based immigration; the relationship between the Rule and other immigration policies; the agency and the perception of nonwhite immigrants or immigrants who receive public benefits and their impact on the United States on the part of USCIS, DHS, and/or the Trump Administration; the intent and actions contemplated or taken to expedite the issuance of the Rule; the development and drafting of the Rule, including any deviation from standard procedures and changes in personnel responsible for the Rule; the consideration of any public comments; and ties with FAIR.
John Kelly	Formerly DHS Washington, DC	The intent or purpose of the Rule; intended or anticipated effects of the Rule on nonwhite immigrants or immigrants from non-European origin countries; the intended or anticipated effects of the Rule on family-based immigration; the relationship between the Rule and other immigration policies; the perception of nonwhite immigrants or immigrants who receive public benefits and their impact on the United States on the part of USCIS, DHS, and/or the Trump Administration; the intent and actions contemplated or taken to expedite the issuance of the Rule; the development and drafting of the Rule, including any deviation from standard procedures and changes in personnel responsible for the Rule; expressed hostility and animus toward nonwhite immigrants; communications concerning perceived delay in promulgation of the Rule; and ties with FAIR.



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John Zadrozny	Formerly USCIS Washington, DC	The intent or purpose of the Rule; intended or anticipated effects of the Rule on nonwhite immigrants or immigrants from non-European origin countries; the intended or anticipated effects of the Rule on family-based immigration; the relationship between the Rule and other immigration policies; the perception of nonwhite immigrants or immigrants who receive public benefits and their impact on the United States on the part of USCIS, DHS, and/or the Trump Administration; the intent and actions contemplated or taken to expedite the issuance of the Rule; the development and drafting of the Rule, including any deviation from standard procedures and changes in personnel responsible for the Rule; expressed hostility and animus toward nonwhite immigrants; and employment at FAIR.
Lee Francis Cissna	Formerly USCIS Washington, DC	The intent or purpose of the Rule; intended or anticipated effects of the Rule on nonwhite immigrants or immigrants from non-European origin countries; intent or anticipated effects of the Rule on family-based immigration; the relationship between the Rule and other immigration policies; the perception of nonwhite immigrants or immigrants who receive public benefits and their impact on the United States on the part of USCIS, DHS, and/or the Trump Administration; the intent and actions contemplated or taken to expedite the issuance of the Rule; the development and drafting of the Rule, including any deviation from standard procedures and changes in personnel responsible for the Rule; and expressed hostility and animus toward nonwhite immigrants.
Ian M. Smith	Formerly USCIS Washington, DC	The role played in the preparation and drafting of the Rule; circumstances surrounding his departure from USCIS; intent or purpose of the Rule; intended or anticipated effects of the Rule; and the perception of or animus toward nonwhite immigrants or immigrants from non-European origin countries.
Kathy Nuebel Kovarik	Formerly USCIS Washington, DC	The intent or purpose of the Rule; intended or anticipated effects of the Rule on nonwhite immigrants or immigrants from non-European

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		origin countries; the intended or anticipated effects of the Rule on family-based immigration; the relationship between the Rule and other immigration policies; the perception of nonwhite immigrants or immigrants who receive public benefits and their impact on the United States on the part of USCIS, DHS, and/or the Trump Administration; the intent and actions contemplated or taken to expedite the issuance of the Rule; the development and drafting of the Rule, including any deviation from standard procedures and changes in personnel responsible for the Rule; and expressed hostility and animus toward nonwhite immigrants.
Employees of DHS, including USCIS; the Office of Management and Budget; U.S. Department of Agriculture; and the U.S. Department of Health and Human Services	Contact information is within the custody and control of Defendants	These witnesses have knowledge of Defendants' decision making process in promulgated the Public Charge Rule, policies and procedure governing the rulemaking process, the intent or purpose behind the Public Charge Rule, and the history of the interpretation of the term "public charge." These witnesses also have knowledge of the impact of the Public Charge Rule on Governmental Plaintiffs and their residents.
Dan Stein	FAIR Washington, DC	The relationship between anti-immigration advocacy groups and the administration; communications with the administration, immigration agencies, and other anti-immigration groups regarding the Rule; the role played in the preparation, drafting, and promulgation of the Rule; FAIR's mission and activities.
Steven A. Camarota	Center for Immigration Studies ("CIS") Washington, DC	The relationship between anti-immigration advocacy groups and the administration; communications with the administration, immigration agencies, and other anti-immigration groups regarding the Rule; the role played in the preparation, drafting, and promulgation of the Rule; CIS's mission and activities; CIS publications relating to the Rule.

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Jessica M. Vaughan	CIS Washington, DC	The relationship between anti-immigration advocacy groups and the administration; communications with the administration, immigration agencies, and other anti-immigration groups regarding the Rule; the role played in the preparation, drafting, and promulgation of the Rule; CIS's mission and activities; and CIS publications relating to the Rule.
Dale L. Wilcox	Immigration Reform Law Institute ("IRLI") Washington, DC	The relationship between anti-immigration advocacy groups and the administration; communications with the administration, immigration agencies, and other anti-immigration groups regarding the Rule; the role played in the preparation, drafting, and promulgation of the Rule; and IRLI's mission and activities.

In addition to persons listed in the chart above, the Organizational Plaintiffs may rely on expert and third-party testimony to support their claims and defenses and to rebut any claims or defenses that Defendants or Defendants' experts may assert. The Organizational Plaintiffs reserve the right to rely on testimony from any persons identified in Defendants' initial disclosures pursuant to Rule 26(a)(1) regarding the claims and defenses of the parties in this suit.

**II. A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment:**

Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(ii), and subject to the reservation of all rights and privileges described above, the Organizational Plaintiffs provide the following list of documents that are in their possession, custody, or control that they may use to support their claims and defenses, unless such documents would be used solely for impeachment:

- A. Documents concerning or relating to Organizational Plaintiffs' missions;
- B. Comments submitted by the Organizational Plaintiffs in the public notice-and-comment process for the Rule; and

- C. Documents concerning or relating to the harm suffered by Organizational Plaintiffs as a result of the Rule, including but not limited to costs and resources expended and diverted to address the impact of the Rule.

All such documents are located in hard-copy files or on computer servers in (or accessible from) Organizational Plaintiffs' offices. Counsel for Organizational Plaintiffs will coordinate with Defendants' counsel regarding the production of these materials.

- III. **A computation of each category of damages claimed by the disclosing party – who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered:**

Organizational Plaintiffs do not seek monetary damages at this time.

- IV. **Any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment:**

Organizational Plaintiffs are not aware of any applicable insurance agreement.

Dated: New York, New York  
November 6, 2020

By: /s/ Jonathan H. Hurwitz

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