

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

1285 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10019-6064

TELEPHONE (212) 373-3000

LLOYD K. GARRISON (1946-1991)
RANDOLPH E. PAUL (1946-1956)
SIMON H. RIFKIND (1950-1995)
LOUIS S. WEISS (1927-1950)
JOHN F. WHARTON (1927-1977)UNIT 5201, FORTUNE FINANCIAL CENTER
5 DONGSANHUIAN ZHONGLU
CHAOYANG DISTRICT, BEIJING 100020, CHINA
TELEPHONE (86-10) 5828-6300HONG KONG CLUB BUILDING, 12TH FLOOR
3A CHATER ROAD, CENTRAL
HONG KONG
TELEPHONE (852) 2846-0300ALDER CASTLE
10 NOBLE STREET
LONDON EC2V 7JU, UNITED KINGDOM
TELEPHONE (44 20) 7367 1600FUKOKU SEIMEI BUILDING
2-2 UCHISAIWAICHO 2-CHOME
CHIYODA-KU, TOKYO 100-0011, JAPAN
TELEPHONE (81-3) 3597-8101TORONTO-DOMINION CENTRE
77 KING STREET WEST, SUITE 3100
TORONTO, ONTARIO M5K 1J3
TELEPHONE (416) 504-05202001 K STREET, NW
WASHINGTON, DC 20006-1047
TELEPHONE (202) 223-7300500 DELAWARE AVENUE, SUITE 200
POST OFFICE BOX 32
WILMINGTON, DE 19899-0032
TELEPHONE (302) 655-4410

MATTHEW W. ABBOTT
EDWARD T. ACKERMAN
JACOB A. ADLERSTEIN
JUSTIN ANDERSON
CARAN J. ANDRA
ROBERT A. ATKINS
DAVID J. BALL
SCOTT A. BARSHAY
PAUL M. BASTA
JOHN F. BAUGHMAN
JOHN F. BAUGHMAN
LYNN B. BAYARD
CRAIG A. BENSON
MITCHELL L. BERG
MARK S. BERGMAN
DAVID M. BERNICK
JOSEPH J. BIANI
BRIAN BIRKBOIM
CHRISTOPHER BOEHNING
ANGELO BONVINO
ROBERT BRITTON
DAVID C. BROWN
SUSANNA M. BUERGEL
JESSICA A. CAREY
DANIEL CARRASCO
GEOFFREY R. CHEPIGA
ELLEN N. CHING
WILLIAM A. CLAREMAN
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YAHONNES CLEARY
JAY COHEN
JAMES A. CORNISH
CHRISTOPHER J. CUMMINGS
THOMAS V. DE LA BASTIDE III
ARIEL J. DECKELBAUM
ALICE BELISLE EATON
ANDREW W. EHRLICH
GREGORY A. EHRING
ROBERT A. FIELDSON
ANDREW C. FINCH
BRAD J. FINKELSTEIN
BRIAN P. FINNEGAN
ROBERTO FINZI
PETER E. FISCHI
CHRIS FISCHMAN
MARTIN FLUMENBAUM
ANDREW J. FOLEY
ANDREW J. FORMAN*
HARRIS B. FREIDUS
CHRISTOPHER D. FREY
ANDREW S. FRIDMAN
ANDREW W. FRIMES
KENNETH A. GALLO
MICHAEL E. GERTZMAN
ADAM M. GIVERTZ
NICHOLAS GOGLIOMELLA
NEIL GOLDMAN
MATTHEW B. GOLDSTEIN
JOHN G. GONZALEZ
CATHERINE L. GOODALL
ERIC GOODISON
CHARLES H. GOODE, JR.
ANDREW G. GORDON
BRIAN S. GRIEVE
MICHAEL GROFMAN
NICHOLAS GROOMBRIDGE
BRUCE A. GUTENPLAN
ALAN S. HALPERIN
CLAUDIA HAMMERMAN
BRIAN S. HERMAN
MICHELE HIRSHMAN
DIDIER HIRSHMAN
AHMAD HUSSEIN
LORETTA A. IPPOLITO
JAREN JANGHORBANI
BRIAN M. JANSON
JEH C. JOHNSON
MEREDITH J. KANE
JONATHAN S. KANTER
BRAD S. KARP

PATRICK N. KARSNITZ
JOHN C. KENNEDY
BRIAN KIM
KAREN KIMPEL
ALAN W. KORNBERG
DANIEL J. KRAMER
DAVID K. LAKHDHIR
JOHN E. LANGE
GREGORY F. LAUFER
BRIAN C. LAVIN
XIAOYI G. LEGLU
LORETTA E. LYNCH
JEFFREY D. MARELL
MARCO V. MASOTTI
DAVID W. MAYO
ELIZABETH R. MCCOLM
JEAN M. MCLOUGHIN
ALAN M. MCLELLAN
MARK F. MENDELSON
CLAUDETTE MEREDITH-GOUJON
WILLIAM B. MICHAEL
JUDIE NG SHORTELL*
CATHERINE NYARADY
JANE B. O'BRIEN
ALEXANDRA OH
BRAD R. OKUN
KELLEY D. PARKER
LINDSAY B. PARKS
VALERIE E. RADWANER
JEFFREY J. RECHER
CARL L. REISNER
LOREN R. REINER
JEANNIE S. RHEE*
WALTER G. RICCIARDI
WALTER RIEMAN
RICHARD A. ROSEN
ANDREW N. ROSENBERG
JUSTIN ROSENBURG
JACQUELINE P. RUBIN
CHARLES P. "RICK" RULE*
RAFAEL M. RUSSO
ELIZABETH M. SACKSTEIN
JEFFREY D. SAFERSTEIN
JEFFREY B. SAMUELS
TERESA A. SCHENK
KENNETH D. SCHNEIDER
ROBERT B. SCHUMER
JOHN M. SCOTT
BRIAN SCRIVANI
KANNON J. SHANMUGAM*
DAVID F. SINGLER
AUDRA J. SOLWAY
SCOTT M. SONTAG
SARAH STASNY
TARUN M. STEWART
ERIC ALAN STONE
AIDAN SYNNOTT
RICHARD C. TARLOWE
MONICA K. THIRMOND
DANIEL J. TOAL
CONRAD VAN LOGGERENBERG
LIZA M. VELAZQUEZ
MICHAEL VOGEL
RAMY J. WAHBEH
LAWRENCE G. WIE
THOMAS V. WILLETT, JR.
LINDSEY J. WIERSMA
STEVEN J. WILLIAMS
LAWRENCE J. WITDORCHIC
MARK B. WLAZLO
JULIA TARVER MASON WOOD
JENNIFER H. WU
BETTY WU*
JORDAN E. YARETT
KAYE N. YOSHINO
TONG YU
TRACEY A. ZACCONE
TAURIE M. ZEITZER
T. ROBERT ZUCHOWSKI, JR.

*NOT ADMITTED TO THE NEW YORK BAR

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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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.