



March 28, 2025

Andrew Tauber
Counsel
Direct: +1 202 508 6111
Fax: +1 202 220 7421
andrew.tauber@bclplaw.com

BRYAN CAVE LEIGHTON PAISNER LLP
1155 F Street NW
Washington DC 20004 1357
T: +1 202 508 6000
F: +1 202 508 6200
bclplaw.com

Hon. Brian M. Cogan, U.S.D.J.
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Notice of Supplemental Authority
Haitian Evangelical Clergy Ass'n v. Trump, No. 25-cv-1464

Dear Judge Cogan:

We represent Plaintiffs in the above-captioned case.

On Monday, March 24, Plaintiffs filed a motion for partial summary judgment in which they argue that Secretary Noem's premature termination of Haiti's TPS designation is *ultra vires* because, under 8 U.S.C. § 1254a(b)(3)(B), the termination of a TPS designation "shall not be effective earlier than 60 days after the date the notice is published or, if later, the expiration of the most recent previous extension under [the TPS statute]." *See* Dkt. 17 at 3–4, 8–11.

The same day as Plaintiffs filed their motion, a hearing was held in *National TPS Alliance v. Noem*, No. 3:25-cv-01766 (N.D. Cal.) ("*NTPS*"), which challenges Secretary Noem's premature termination of Venezuela's TPS designation. During the course of that hearing, the government conceded that under § 1254a(b)(3) "there is no ability to terminate prior to" a designation's previously scheduled expiration date. Hrg. Tr. 53:9–54:5, *Nat'l TPS Alliance v. Noem*, No. 3:25-cv-01766 (N.D. Cal. March 24, 2025) (Ex. 1); *see also id.* ("you can't terminate midstream").

Plaintiffs could not cite the government's concession in their motion for partial summary judgment because, as reflected on the *NTPS* docket, the hearing transcript was not available until March 26, two days after Plaintiffs filed their motion.

Respectfully submitted,

/s/ Andrew Tauber

Andrew E. Tauber