

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
SOUTHERN DIVISION

CASA, INC. and MAKE THE ROAD NEW  
YORK

*Plaintiffs,*

v.

KRISTI NOEM, in her official capacity as  
Secretary of Homeland Security, and  
UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY

*Defendants.*

Case No. 8:25-cv-00525-GLR

**PLAINTIFFS' REPLY IN SUPPORT OF REQUEST FOR EXPEDITED HEARING**

On March 5, 2025, pursuant to Local Rule 105(6) and Federal Rule of Civil Procedure 57, Plaintiffs filed a Request that the Court order an expedited hearing on their Motion for Partial Summary Judgment (ECF No. 8) (“MPSJ”) in light of the upcoming April 7, 2025 date on which the Vacatur and Termination challenged in this case will become effective. *See* ECF No. 25. Defendants appear to have construed this Request as a “Motion for Expedited Hearing” and filed a brief in opposition. *See* ECF No. 27 (the “Stay Motion”). To the extent it is so construed, Plaintiffs offer this brief Reply:

1. Plaintiffs’ Request that the Court schedule an expedited hearing is now fully briefed and Plaintiffs respectfully ask the Court to act upon it. Absent delay or foot dragging by Defendants, there is ample time for the issues properly before the Court to receive a full and fair hearing before April 7, 2025:

- a. Plaintiffs have not asked the Court to expedite or in any way curtail the time provided under the Local Rules for Defendants to respond to the MPSJ. Under Rule 105(2), and Plaintiffs’ commitment to shorten their own time to reply, that motion will be fully briefed by March 24, 2025—more than two full weeks before TPS for Venezuelans who benefit from the 2023 Designation is set to end.
  - b. Defendants’ Motion to Stay this case (ECF No. 27) and Plaintiffs’ Cross-Motion to Stay Agency Action under 5 U.S.C. § 705 (being filed concurrently herewith) will also be fully addressed by Defendants, without any modification of the schedule, by March 24, 2025. While Plaintiffs reserve the right to file a reply in further support of their request for relief under 5 U.S.C. § 705, because that motion seeks relief that would only be relevant if summary judgment is not granted before April 7, 2025, Plaintiffs consent to the Court scheduling a hearing and addressing all pending motions at the Court’s convenience any time after March 24, 2025.
2. For their part, Defendants offer no reason that Plaintiffs’ request for an expedited hearing on the MPSJ should be rejected:
  - a. Defendants fail to address the upcoming April 7, 2025 date at all, nor do they address the substance of the obvious prejudice that would accrue to Plaintiffs if the challenged unlawful action is left to stand simply because this litigation is proceeding slowly. *See also* Plaintiff’s Opposition to Stay and Cross Motion for a Stay of Agency Action (the “Cross Motion”), ECF No. 29-1 at 19–23.
  - b. Defendants ignore the actual scope of the MPSJ, which is a purely facial challenge to action disclosed in the Federal Register: the MPSJ requires no “factual record,” “fulsome briefing,” or “certified administrative record,” Stay Motion at 4–5,

because there could be nothing in the facts or record that Defendants would create that could alter the statutory terms that render Defendants' actions facially unlawful. *See* MPSJ.

- c. Defendants indicate an intent to challenge the Court's subject matter jurisdiction and state that they "may" challenge Plaintiffs' standing, Stay Motion at 4–5, but offer no reason that they cannot make whatever arguments they want on those topics in response to the MPSJ. In other words, Defendants offer up supposed reasons they believe the motion should be denied, not reasons that it should not be heard expeditiously. *See* ECF No. 29-1 at 15–19.
- d. Defendants do not assert that they are unable to file a response to the MPSJ by March 17, 2025, nor could they in light of their having already briefed many of these same issues in parallel litigation in the Northern District of California—a fact that Defendants fail to disclose. *See* Defs.' Resp. in Opp'n to Pls.' Mot. to Postpone Effective Date of Agency Action, *Nat'l TPS All. v. Noem*, No. 3:25-cv-1766-EMC (N.D. Cal. Mar. 3, 2025), ECF No. 60.
- e. Defendants concede that Plaintiffs' MPSJ is procedurally proper. *See* Stay Motion at 6; *see also* MPSJ at 16–17; Local Rule 103(9) (exempting cases "in which ordinarily discovery is not conducted" from Fed. R. Civ. P. 16(b)). Nor is there any merit to their criticism of Plaintiffs for seeking an early hearing. *See* Fed. R. Civ. P. 57 ("The court may order a speedy hearing of a declaratory-judgment action."); *see also id.* Advisory Committee's Notes to 1937 Amendment (a declaratory judgment often arises "on undisputed or relatively undisputed facts . . . justifying docketing the case for early hearing as on a motion").

3. Concurrently, Plaintiffs are filing an Opposition to Defendants' Motion to Stay and a Cross-Motion for a Stay of Agency Action under 5 U.S.C. § 705. *See* ECF No. 29-1. The utter lack of merit to Defendants' contentions, the extreme prejudice to delay, and the further justifications for urgent judicial intervention are addressed in more detail in that submission.
4. Plaintiffs' accordingly request that the Court schedule a hearing at its earliest convenience after March 24, 2025.

Date: March 10, 2025

Respectfully submitted,

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