

2. The attorney who will appear on behalf of the United States at the scheduled hearing is Mr. Chad A. Readler, Acting Assistant Attorney General of the Civil Division, U.S. Department of Justice. Mr. Readler is unable to appear on April 13, however, because he is scheduled to travel to San Francisco that day for a hearing in a separate, unrelated matter, which is scheduled for the morning of Friday, April 14, 2017.

3. Given the national importance of the issues in this case, Defendants respectfully request that the hearing in this matter be continued until the following week, to permit Mr. Readler to appear and present argument to the Court. Subject to the Court's availability, Defendants respectfully request that the hearing in this matter be rescheduled for Wednesday, April 19; Thursday, April 20; or Friday, April 21.

4. Pursuant to Local Civil Rule 7(m), Defendants conferred with counsel for Plaintiffs, who requested that their position be stated as follows: "Subject to the Court's availability, Plaintiffs would be willing to support moving the argument to an earlier date to accommodate Mr. Readler's schedule, such as April 11 or 12, or (if his travel schedule permits it) to the morning of April 13. Our clients do not consent to further postponement of the argument. April 13 is already outside and beyond the time limit to conduct a hearing on a motion for preliminary injunction under the D.D.C. Local Rules. *See* Local Rule 65.1(d) ("a hearing on an application for preliminary injunction shall be set . . . no later than 21 days after its filing."). In light of this, we don't think further delay is warranted or makes sense."

5. Defendants respectfully submit that moving the hearing to an earlier date would unnecessarily shorten the amount of time for the parties to prepare, and for this Court to consider, the important issues raised by Plaintiffs' motion for a preliminary injunction. Moreover, it would

significantly interfere with Mr. Readler's anticipated preparation for both this hearing and the hearing in the separate matter scheduled for April 14.

6. Plaintiffs have not identified any concrete benefit from having an earlier hearing date, and indeed Plaintiffs will not suffer any prejudice as a result of the short continuance requested by Defendants. All of the substantive provisions of the Executive Order challenged in this case are currently enjoined nationwide. *See Hawai'i v. Trump*, No. CV 17-00050 DKW-KSC, 2017 WL 1167383, at *9 (D. Haw. Mar. 29, 2017) (preliminarily enjoining Sections 2 and 6 of the Executive Order nationwide), *appeal docketed*, No. 17-15589 (9th Cir. Mar. 30, 2017); *Int'l Refugee Assistance Project v. Trump*, No. 17-cv-0361-TDC, 2017 WL 1018235, at *18 (D. Md. Mar. 16, 2017) (preliminarily enjoining Section 2(c) of the Executive Order nationwide), *appeal docketed*, No. 17-1351 (4th Cir. Mar. 17, 2017). The only provision challenged by Plaintiffs that is not currently enjoined is Section 3, but that section has no operation apart from the suspension of entry in Section 2(c), which is enjoined.

7. Given the schedule of Acting Assistant Attorney General Readler, the importance of the issues in this case, and the lack of any prejudice to Plaintiffs, Defendants respectfully request that the hearing in this matter be continued until April 19, April 20, or April 21.

Dated: March 31, 2017

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

CHANNING D. PHILLIPS
United States Attorney

JOHN R. TYLER
Assistant Branch Director

/s/ Daniel Schwei

DANIEL SCHWEI (N.Y. Bar)
MICHELLE R. BENNETT (Co. Bar No. 37050)
ARJUN GARG (D.C. Bar No. 975335)
BRAD P. ROSENBERG (D.C. Bar No. 467513)
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave. NW
Washington, DC 20530
Tel.: (202) 305-8693
Fax: (202) 616-8470
Email: daniel.s.schwei@usdoj.gov

Mailing Address:

Post Office Box 883
Washington, D.C. 20044

Courier Address:

20 Massachusetts Avenue N.W.
Washington, D.C. 20001

Counsel for Defendants

