

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

M.A., et al.,

Plaintiffs,

v.

ALEJANDRO MAYORKAS, Secretary Homeland
Security, in his official capacity, et al.,

Defendants.

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) No. 1:23-cv-01843-TSC
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STIPULATION AND [PROPOSED] ORDER REGARDING CASE SCHEDULING

The parties have met and conferred to agree upon a schedule for proceedings in this case.

1. The parties agree that, except as provided in paragraphs 2 and 3, this case will proceed directly to summary judgment.
2. The parties agree that certain claims will be held in abeyance pending resolution of the rest of the case. Specifically, to the extent that Counts Five and Six challenge the use of U.S. Customs and Border Protection (CBP) facilities to conduct credible fear interviews, the parties agree to hold these portions of those counts in abeyance. The parties will proceed to summary judgment on Counts Five and Six insofar as they challenge what Plaintiffs allege to be a “Rapid Credible Fear Interviews” policy, relating to the length of the consultation period for credible fear interviews. The parties also agree to hold in abeyance Counts Eleven and Twelve, which relate to what Plaintiffs allege to be a “Non-Asylum Officer Policy,” specifically, the use of USCIS employees who are not asylum officers to conduct credible fear interviews.
3. If, after judgment has been entered regarding the claims not held in abeyance and the resolution of any appeals, the parties proceed to litigate the claims held in abeyance, the parties agree that Defendants may move to dismiss those claims; that Defendants need not produce an

administrative record for those claims unless such motion is denied and until the parties further confer on how those claims should proceed; and that the parties will not proceed directly to summary judgment on those claims absent future agreement.

4. Defendants' deadline to file a responsive pleading, including an answer, is stayed.
5. The parties stipulate to the following schedule and deadlines for proceedings in this case:
 - a. September 8, 2023: Defendants produce Administrative Records for claims not held in abeyance.
 - b. September 15, 2023: Plaintiffs lodge any objections to the administrative record in writing to Defendants.
 - c. September 19, 2023: Parties meet and confer to attempt to resolve any dispute.
 - d. September 21, 2023: If any disputes exist and remain unresolved, the parties shall file a joint status report concerning how to proceed, including what disputes remain, what briefing may be necessary to resolve those disputes, a schedule for that briefing, and the parties' positions on whether the dispute necessitates resolving the record disputes before merits briefing occurs.
 - e. September 29, 2023: Plaintiffs' motion for summary judgment, up to 45 pages.
 - f. October 6, 2023: Amicus briefs supporting Plaintiffs.
 - g. October 27, 2023: Defendants' cross motion for summary judgment and opposition, up to 65 pages.
 - h. November 3, 2023: Amicus briefs supporting Defendants.
 - i. November 17, 2023: Plaintiffs' opposition and reply, up to 45 pages.
 - j. December 1, 2023: Defendants' reply, up to 25 pages.

Dated: August 16, 2023

Respectfully submitted,

/s/ Cody Wofsy

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Attorney for Defendants

SO ORDERED.

TANYA S. CHUTKAN

U.S. DISTRICT COURT JUDGE