IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

The STATE OF TEXAS, et al.,

Plaintiffs,

vs.

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VS.

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JOSEPH R. BIDEN, JR.,

in his official capacity as

President of the United States, et al.,

Defendants,

and

S

TIMOTEO, UZIAS, ANTONIO,

MAGDALENA, MARTA, and ELIZABETH,

Defendant-Intervenors.

RESPONSE TO PLAINTIFFS' POST-HEARING OBJECTIONS TO DEFENDANT-INTERVENORS' DEMONSTRATIVE [ECF NO. 166]

Plaintiffs object to three slides in Defendant-Intervenors' demonstrative: Slides 32, 35, and 36. *See* ECF No. 166. Defendant-Intervenors agree that information in Slides 35 and 36 is not part of the record and therefore should be excluded from the Court's consideration.¹

With respect to Slide 32, Plaintiffs do not dispute that the slide reflects evidence in the record. *See id.* at 2-3. As such, Defendant-Intervenors respectfully submit that the Court should consider Slide 32 without reference to the new arguments Plaintiffs raise in their objection. In any event, no one appears to dispute that 425 people were "authorized parole," and the other individuals were "recommended for parole." Evarts Decl., Ex. F (Resps. to Interrog. Nos. 1(h) &

¹ Notwithstanding Plaintiffs' assertion that they had "mere hours" with the information contained therein, ECF No. 166 at 2, Defendant-Intervenors provided Plaintiffs with the underlying Texas agency documents by email on January 26.

(i)); see ECF No. 166 (citing same).² Plaintiffs, however, misconstrue the meanings of those terms, arguing that the 425 people had "actually completed their approved travel into the United States," while the remaining 818 people were "categorically approved to travel to the port of entry and request parole." ECF No. 166 at 2-3.

Plaintiffs are incorrect: the 425 people "authorized parole" were "issued travel documents to travel to the U.S. to seek parole from CBP," but it is unknown whether they have traveled and been granted parole. *See* Evarts Decl., Ex. F (Resps. to Interrog. Nos. 1(e) & 8) ("USCIS is unable to report" on CBP's data of paroles granted at ports of entry). Meanwhile, the people "recommended for parole" have been "forwarded for CAM parole consideration," *see id.* (Resp. to Interrog. No. 1(h) n.4), such that they *may* be authorized parole if and only if they "complete additional processing steps." *See* Garcia Decl. ¶¶ 11-15, ECF No. 125-1 (describing sponsorship requirement and medical exam); *see also* Evarts Decl., Ex. E at 7-8 (describing processing steps).

² Plaintiffs also reference, but do not cite, the data on ECF page 113. *See* Evarts Decl., Ex. F (Resp. to Interrog. No. 1(e)). More generally, the data underlying Plaintiffs' objection correspond to CAM beneficiaries with sponsoring parents throughout the United States—*i.e.*, not limited to Texas. *See id.* (Resps. to Interrog. Nos. 1(e) & (h)).

Dated: February 5, 2024

/s/ Debra J. McComas

Debra J. McComas

HAYNES & BOONE LLP

State Bar No. 00794261

2323 Victory Ave., Suite 700

Dallas, Texas 75219

Tel. (214) 651-5000

Fax (214) 651-5940

debbie.mccomas@haynesboone.com

/s/ Linda B. Evarts

Linda B. Evarts

NYS Bar #5236948 (*pro hac vice*)

Kathryn C. Meyer

NYS Bar #5504485 (pro hac vice)

Mariko Hirose

NYS Bar #4802674 (pro hac vice)

INTERNATIONAL REFUGEE

ASSISTANCE PROJECT

One Battery Park Plaza, 33rd Floor

New York, NY 10004 Tel. (516) 838-1655

Fax: (516) 324-2267 levarts@refugeerights.org kmeyer@refugeerights.org mhirose@refugeerights.org

Counsel for Defendant-Intervenors

Certificate of Service

The undersigned certifies that on February 5, 2024, I electronically filed the foregoing document with the Clerk of Court for the U.S. District Court, Northern District of Texas, using the CM/ECF system. I hereby certify that I have served the documentation on all counsel by a manner authorized by Federal Rule of Civil Procedure 5(b)(2) via the Court's CM/ECF filing system.

/s/ Linda B. Evarts
Linda B. Evarts