

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN DOES, et al.,

Plaintiffs,

v.

DONALD TRUMP, et al.,

Defendants.

CASE NO. C17-0178JLR

**PLAINTIFFS' JOINT NOTICE IN
RESPONSE TO DEFENDANTS'
EMERGENCY MOTION FOR STAY OF
PRELIMINARY INJUNCTION PENDING
APPEAL**

(RELATING TO BOTH CASES)

JEWISH FAMILY SERVICE, et al.,

Plaintiffs,

v.

DONALD TRUMP, et al.,

Defendants.

CASE NO. C17-1707JLR

1 Defendants’ “Emergency Motion for a Stay of Preliminary Injunction Pending Appeal,”
 2 which was filed at 4:33 p.m. on Friday afternoon of a holiday weekend, is both procedurally
 3 improper and transparent gamesmanship that should not be countenanced by this Court. First,
 4 Defendants’ characterization of the motion as an “emergency motion” is questionable, as they
 5 waited almost a full week since this Court’s December 23, 2017 Order Issuing a Preliminary
 6 Injunction to file it.¹ Second, Defendants’ motion is neither a motion for a stay pending appeal
 7 (there is no pending appeal), nor is it analogous to a motion for a temporary restraining order, as
 8 Defendants claim. *See* Dkt. 95 at n.1. A motion for a temporary restraining order is governed by
 9 Fed. R. Civ. P. 65, which provides that the *parties and their agents* can be bound by such an
 10 order. *See* Fed. R. Civ. P. 65(d)(2). Defendants’ motion, though, seeks to enjoin *the Court* from
 11 enforcing its December 23, 2017 Order. *See* Dkt. 95 at 1 (“Defendants hereby move the Court to
 12 stay its preliminary injunction barring enforcement of two provisions of the October 23, 2017,
 13 Memorandum to the President.”). Defendants’ motion is best characterized as a second Motion
 14 for Reconsideration, although Defendants fail to point to any changed circumstances or any other
 15 factors that would justify a second motion for reconsideration.² Accordingly, unless the Court
 16 directs otherwise, Plaintiffs propose to respond to Defendants’ motion on January 5, 2018.
 17 Plaintiffs respectfully request that *Doe* Plaintiffs and the *JFS* Plaintiffs be permitted to submit
 18 separate briefing in response to the motion.
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25 ¹ The claim that Defendants’ motion is an “emergency” is further belied by the fact that Defendants
 26 admit that they are permitting Joseph Doe’s family members to move forward with travel to the United States
 despite being subject to both the SAO and FTJ ban. *See* Dkt. 95 at 9.

² While Defendants’ first Motion for Reconsideration questioned only the scope of the injunction
 issued by the Court, this second motion questions the basis for that injunctive relief.

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DATED: December 30, 2017

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