

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

DOMINGO ARREGUIN GOMEZ, *et al.*,
Plaintiffs,
v.
DONALD J. TRUMP, President of the United
States of America, *et al.*,
Defendants.

MOHAMMED ABDULAZIZ ABDULBAGI
MOHAMMED, *et al.*,
Plaintiffs,
v.
MICHAEL R. POMPEO, Secretary,
U.S. Department of State, *et al.*,
Defendants.

CLAUDINE NGUM FONJONG, *et al.*,
Plaintiffs,
v.
DONALD J. TRUMP, President of the United
States of America, *et al.*,
Defendants.

Civil Action No. 20-1419 (APM)

Civil Action No. 20-1856 (APM)

Civil Action No. 20-2128 (APM)

AFSIN AKER, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 20-1926 (APM)
)	
DONALD J. TRUMP, President of the United States of America, <i>et al.</i> ,)	
)	
Defendants.)	

JOINT BRIEFING PROPOSAL

The parties respectfully submit this joint proposal for a briefing schedule for the Court’s resolution of the merits in all the above cases. In this Court’s Order granting in part and denying in part Plaintiffs’ motions for a preliminary injunction in these consolidated cases, ECF No. 123 (the “PI Order”), this Court directed the Parties to “meet and confer and, by September 25, 2020, file a Joint Status Report proposing a briefing schedule for the court’s resolution of the merits.” *See* ECF No. 123 at 85. On September 25, 2020, this Court granted the Parties’ Joint Motion for Enlargement of Time, directing the Parties to submit a joint proposed briefing schedule by October 7, 2020. ECF No. 141. The Parties could not come to a complete agreement regarding a briefing schedule, so their respective positions are as follows:

Defendants

The Defendants intend to submit a Motion for a Stay of Proceedings in all the four above cases during the pendency of the *Gomez* Plaintiffs’ appeal. Alternatively, Defendants will request an extension of 45 days past the current deadlines to file responsive pleadings in all of the above cases, to December 1 (*Gomez*), December 5 (*Mohammed* and *Fonjong*), and December 12 (*Aker*). Defendants and *Gomez* Plaintiffs have come to an agreement wherein *Gomez* Plaintiffs do not

object to Defendants' request for a stay, nor the alternative request of an extension of 45 days to file responsive pleadings, in exchange for Defendants agreeing to Plaintiff's proposed expedited appeal schedule. *Gomez* Plaintiffs agree to this proposal, provided that all four of the above cases should proceed together in the district court, rather than only the *Gomez* case being stayed and the others proceeding on their own schedules.

Aker Plaintiffs do not oppose Defendants' and *Gomez* Plaintiffs' alternative proposal of a 45-day extension to file alternative pleadings in all of these cases. *Mohammed* and *Fonjong* Plaintiffs do not oppose this proposal.

Mohammed and Fonjong Plaintiffs

Mohammed and *Fonjong* Plaintiffs oppose the Defendants' Motion for a Stay in Proceedings during the pendency of the *Gomez* Appeal. Defendants and Gomez have not proffered any information to the *Mohammed* and *Fonjong* Plaintiffs that the *Gomez* Appeal will be dispositive or resolve pending substantive issues before the Court in *Mohammed* and *Fonjong* . Specifically, the *Gomez* Appeal does not resolve the issue of post September 30, 2020 adjudication for DV-2020 winners should the Court of Appeals side with either party. Rather, the purpose of the stay is based on a *quid pro quo* in the *Gomez* Appeal. *Mohammed* and *Fongjong* propose filing Amended Complaints by October 16, 2020. Thereafter, *Mohammed* and *Fongjong* propose the filing of Cross Motions for Summary Judgement by November 20, 2020, Cross Responses for December 14, 2020, and Cross Replies due January 8, 2021.

Gomez Plaintiffs

The *Gomez* Plaintiffs do not object either to a stay or to Defendants' alternative request for extensions of time in which to file responsive pleadings, provided that any stay or extension

applies equally to all four of these consolidated cases. The *Gomez* Plaintiffs oppose any stay or extension of time that applies only to *Gomez* and not equally to the other consolidated cases. The *Gomez* Plaintiffs respectfully request that any briefing schedule adopted in the other consolidated cases also apply equally in *Gomez*. However, the *Gomez* Plaintiffs respectfully submit that the proposal to file motions for summary judgment by November 20, 2020 is premature in view of the facts that Defendants have not yet answered the complaints in these actions, and that no discovery has yet been taken.

Aker Plaintiffs

Aker Plaintiffs concur with the submission schedule given by Defendants *supra*, but oppose Defendants' forthcoming Motion to Stay proceedings in all of these cases.

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