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16 Attorneys for Plaintiffs

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18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

20 U.S. WECHAT USERS ALLIANCE,
 CHIHUO INC., BRENT COULTER,
 21 FANGYI DUAN, JINNENG BAO,
 ELAINE PENG, and XIAO ZHANG,

22 Plaintiffs,

23 v.

24 DONALD J. TRUMP, in his official
 capacity as President of the United States,
 25 and WILBUR ROSS, in his official
 capacity as Secretary of Commerce,

26 Defendants.

Case No. 3:20-cv-05910-LB

**STIPULATED REQUEST FOR
 ORDER CHANGING TIME TO HEAR
 PLAINTIFFS’ MOTION FOR
 PRELIMINARY INJUNCTION AND
 TO ALLOW MEMORANDUM OF
 POINTS AND AUTHORITIES IN
 EXCESS OF 25 PAGES; [PROPOSED]
 ORDER**

Judge: Hon. Laurel Beeler

Trial Date: None Set

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1 TO THE COURT AND TO ALL PARTIES OF RECORD:

2 WHEREAS on August 6, 2020, President Donald Trump issued Executive Order
3 13943 titled “Addressing the Threat Posed by WeChat, and Taking Additional Steps to
4 Address the National Emergency with Respect to the Information and Communications
5 Technology and Services Supply Chain” (“Executive Order”). 85 FR 48641 (Aug. 6,
6 2020);

7 WHEREAS Plaintiffs filed their Complaint for Declaratory and Injunctive Relief on
8 August 21, 2020 alleging, among other causes of action, violations of their rights under the
9 First and Fifth Amendments to the Constitution and seeking, among other relief, an
10 injunction preliminarily and permanently enjoining Defendants from enforcing the
11 Executive Order to prohibit the use of WeChat in the United States by individual users,
12 businesses and groups, and preliminarily and permanently staying the implementation date
13 of any of the penalty provisions of Executive Order until a reasonable time after the
14 Secretary of Commerce promulgates definitions of “transactions” under the Executive
15 Order;

16 WHEREAS Plaintiffs will file a Motion for Preliminary Injunction (the “Motion”)
17 on Friday, August 28, 2020;

18 WHEREAS on August 26, 2020, the parties confirmed the Court’s availability for a
19 hearing on Plaintiffs’ Motion to be heard on an expedited basis, and the Court has set the
20 Preliminary Injunction Hearing for Thursday, September 17, 2020 at 9:30 a.m.;

21 WHEREAS counsel for Plaintiffs and Defendants (the “Parties”) have met and
22 conferred and stipulate to an expedited briefing schedule for the Motion to allow the Court
23 an opportunity to rule on the Motion prior to September 20, 2020;

24 WHEREAS, in light of the number and complexity of the issues implicated by
25 Plaintiffs’ claims, the broader historical context surrounding the issuance of the Executive
26 Order, as well as other relevant issues, the Parties respectfully ask to be afforded 40 pages
27 to present their arguments in support and in opposition to the Motion and 20 pages to
28 present argument in reply.

1 Pursuant to Northern District Local Rule 6-2, Plaintiffs U.S. WECHAT USERS
2 ALLIANCE, CHIHUO INC., BRENT COULTER, FANGYI DUAN, JINNENG BAO,
3 ELAINE PENG, and XIAO ZHANG and Defendants DONALD J. TRUMP, in his official
4 capacity as President of the United States, and WILBUR ROSS, in his official capacity as
5 Secretary of Commerce, by and through their Counsel of Record, (the “parties”)

6 HEREBY STIPULATE AS FOLLOW:

- 7 1. Plaintiffs’ Motion for Preliminary Injunction shall be filed on August 28,
8 2020.
- 9 2. Defendants’ Opposition shall be filed by September 8, 2020.
- 10 3. Plaintiffs’ Reply shall be filed by September 11, 2020.

11 THE PARTIES FURTHER STIPULATE:

- 12 4. Plaintiffs may file a memorandum of points and authorities in support of
13 their Motion for Preliminary Injunction in excess of 25 pages but not to exceed 40 pages;
14 likewise, Defendants may file a memorandum of points and authorities in Opposition in
15 excess of 25 pages, not to exceed 40 pages, and Plaintiffs’ may file their Reply not to
16 exceed 20 pages.

17 IT IS SO STIPULATED.

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19 DATED: August 27, 2020

Respectfully submitted,

ROSEN BIEN GALVAN & GRUNFELD LLP

By: /s/ Michael W. Bien

Michael W. Bien

Attorneys for Plaintiffs

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1 DATED: August 27, 2020

Respectfully submitted,
ETHAN P. DAVIS
Acting Assistant Attorney General
DIANE KELLEHER
Assistant Branch Director

By: */s/ Serena M. Orloff*

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Attorneys for Defendants

FILER'S ATTESTATION

As required by Local Rule 5-1, I, Michael W. Bien, attest that I obtained concurrence in the filing of this document from Serena M. Orloff, and that I have maintained records to support this concurrence.

25 DATED: August 27, 2020

/s/ Michael W. Bien
Michael W. Bien

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[PROPOSED] ORDER

Pursuant to the above Stipulation, and good cause appearing therefor,
IT IS HEREBY ORDERED that Plaintiffs’ Motion for Preliminary Injunction (“Motion”) shall be heard on September 17, 2020 at 9:30 a.m. Defendants’ opposition papers shall be filed and served no later than September 8, 2020. Any reply shall be filed and served no later than September 11, 2020.

IT IS FURTHER ORDERED Plaintiffs are granted leave to submit a brief in support of the Motion exceeding 25 pages, and will be allowed to submit a brief up to 40 pages. Defendants are granted leave to submit a brief in opposition exceeding 25 pages, and will be allowed to submit a brief up to 40 pages. Plaintiffs are granted leave to submit a brief in reply exceeding 15 pages, and will be allowed to submit a brief up to 20 pages.

IT IS SO ORDERED.

DATED: _____, 2020

Honorable Laurel Beeler
United States Magistrate Judge