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11
12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

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

17 Plaintiffs,

18 v.

19 JOSEPH R. BIDEN, JR., in his official
 capacity as President of the United States,
 and GINA RAIMONDO, in her official
 20 capacity as Secretary of Commerce,

21 Defendants.

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

**JOINT STATUS REPORT;
PROPOSED ORDER**

Judge: Hon. Laurel Beeler

Trial Date: None Set

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23 1. The parties respectfully submit this joint status report pursuant to the Court’s
24 February 12, 2021 stipulated Order staying proceedings in this case, ECF No. 151.

25 2. The Department of Commerce is in the process of completing a
26 comprehensive review of the Secretary’s prohibitions regarding the WeChat mobile
27 application at issue in this case. Although the Department has made significant progress in
28 its review of the prohibitions and the underlying record, some additional steps remain to be

1 completed. In particular, new and incoming leadership at the Department of Commerce
2 and other interested agencies need additional time to consider potential options, including
3 whether the prohibitions should be revised or withdrawn. Revision or withdrawal of the
4 prohibitions would likely affect the issues presented, and may eliminate the need for this
5 Court’s review entirely. The agency thus requires additional time to review the
6 prohibitions and the underlying administrative record in light of the multiple legal issues
7 presented, to consult with all interested federal agencies and offices, and to determine the
8 appropriate course going forward

9 3. Previously, the Government filed a motion to hold in abeyance the pending
10 appeal before the Ninth Circuit of the preliminary injunction previously entered by this
11 Court. *See U.S. WeChat Users Alliance v. Biden, et al.*, No. 20-16908, Dkt. No. 78 (9th
12 Cir. Feb. 11, 2021). That motion was unopposed by Plaintiffs, and the Ninth Circuit
13 granted it. Based on the facts set forth above, the Government intends to request that the
14 appeal continues to be held in abeyance.

15 4. The parties agree that it likewise makes sense to continue to stay further
16 proceedings before this Court based on the above developments. Accordingly, the parties
17 jointly propose that this matter continue to be stayed and that the Court vacate the April
18 22, 2021 case management conference. The parties instead propose to file a further joint
19 status report due in 60 days, *i.e.*, on June 11, 2021. A proposed order is attached.

20 DATED: April 12, 2021

Respectfully submitted,

ROSEN BIEN GALVAN & GRUNFELD LLP

By: /s/ Michael W. Bien

Michael W. Bien

Attorneys for Plaintiffs

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Respectfully submitted,

MICHAEL D. GRANSTON
Deputy Assistant Attorney General

ALEXANDER K. HAAS
Branch Director

DANIEL SCHWEI
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Attorneys for Defendants

Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that I have on file approvals for any signatures indicated by a “conformed” signature (/s/) within this e-filed document.

DATED: April 12, 2021

By: /s/ Serena M. Orloff
Serena M. Orloff

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[PROPOSED] ORDER

In light of the above Joint Status Report, and good cause appearing therefor,

IT IS HEREBY ORDERED that further proceedings in this matter continue to be STAYED and the case management conference previously scheduled for April 22, 2021 is hereby VACATED.

IT IS FURTHER ORDERED that the parties shall file a joint status report in 60 days, *i.e.*, on June 11, 2021, regarding this matter and any additional developments.

IT IS SO ORDERED.

DATED: _____, 2021

Honorable Laurel Beeler
United States Magistrate Judge