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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 April 12, 2021 stipulated Order continue the stay of proceedings in this case, ECF No. 155.

25 2. As discussed in the parties’ prior submissions, *see* ECF Nos. 150, 154, the
 26 Department of Commerce undertook a comprehensive review of the Secretary’s
 27 prohibitions regarding the WeChat mobile application at issue in this case. Additionally,
 28 the Biden Administration reviewed the Executive Order underlying the Secretary’s

1 prohibitions. *See* Exec. Order No. 13943, *Addressing the Threat Posed by WeChat, and*
2 *Taking Additional Steps to Address the National Emergency with Respect to the*
3 *Information and Communications Technology and Services Supply Chain* (Aug. 6, 2020).

4 3. Based on those reviews, earlier this week the President issued a new
5 Executive Order. *See* Exec. Order No. 14034, *Protecting United States Persons’ Sensitive*
6 *Data from Foreign Adversaries* (June 9, 2021), available at
7 [https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/09/executive-](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/09/executive-order-on-protecting-americans-sensitive-data-from-foreign-adversaries/)
8 [order-on-protecting-americans-sensitive-data-from-foreign-adversaries/](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/09/executive-order-on-protecting-americans-sensitive-data-from-foreign-adversaries/). Among other
9 things, this new Executive Order established processes for evaluating, and taking
10 appropriate action, with respect to certain risks posed by connected software applications.
11 *See id.* § 2(b)-(d). Without prejudice to any potential future actions, the new Executive
12 Order revoked the prior Executive Order pertaining to WeChat. *See id.* § 1 (revoking
13 Exec. Order. No. 13943). The new Executive Order further directed that all Executive
14 Branch agencies “shall promptly take steps to rescind any orders, rules, regulations,
15 guidelines, or policies . . . implementing or enforcing” that prior Executive Order. *Id.*
16 § 2(a).

17 4. The Department of Commerce has acknowledged issuance of the new
18 Executive Order and is in the process of taking steps toward its implementation. *See* Dep’t
19 of Commerce, ICT Supply Chain, *available at* [https://www.commerce.gov/issues/ict-](https://www.commerce.gov/issues/ict-supply-chain)
20 [supply-chain](https://www.commerce.gov/issues/ict-supply-chain) (last accessed June 9, 2021) (discussing the new Executive Order and stating
21 that “the Secretary of Commerce is preparing prompt and appropriate action to rescind the
22 prohibitions implemented under” the now-revoked Executive Order pertaining to WeChat).
23 In Defendants’ view, these actions affect whether a live controversy remains in this case.

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

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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: June 11, 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 June 17, 2021 is hereby VACATED.

IT IS FURTHER ORDERED, that the parties shall file a joint status report in 30 days, *i.e.*, on July 12, 2021, regarding this matter and any additional developments.

IT IS SO ORDERED.

DATED: _____, 2021

Honorable Laurel Beeler
United States Magistrate Judge