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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 WYNN COGGINS, in her official
 20 capacity as Acting Secretary of Commerce,

21 Defendants.

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

**STIPULATED REQUEST TO
CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE**

Judge: Hon. Laurel Beeler

Trial Date: None Set

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” (“WeChat Executive Order”), 85 Fed. Reg. 48641
6 (Aug. 6, 2020), and on September 18, 2020, the Secretary identified six categories of
7 prohibitions pursuant to the WeChat Executive Order;

8 WHEREAS, Plaintiffs filed this case on August 21, 2020, seeking declaratory and
9 injunctive relief against the President and the Secretary of Commerce in relation to the
10 Executive Order, and subsequently twice amended their complaint;

11 WHEREAS, on September 19, 2020, the Court granted Plaintiffs’ motion to
12 preliminarily enjoin the Secretary’s six identified prohibitions, and subsequently declined
13 to stay its injunction pending Defendants’ appeal to the Court of Appeals for the Ninth
14 Circuit;

15 WHEREAS, on February 12, 2021, the Court stayed this case to permit the Biden
16 Administration to review the Secretary’s prohibitions regarding the WeChat mobile
17 application at issue in this case;

18 WHEREAS, based on those reviews, on June 11, 2021, the Biden Administration
19 issued Executive Order No. 14034, Protecting United States Persons’ Sensitive Data from
20 Foreign Adversaries, 86 Fed. Reg. 31,423, 31,424-25 (June 11, 2021) (“EO 14034”),
21 which, among other things, revoked the prior administration’s WeChat Executive Order,
22 *see id.* § 1, and further directed that all Executive Branch agencies “promptly take steps to
23 rescind any orders, rules, regulations, guidelines, or policies . . . implementing or
24 enforcing” the WeChat Executive Order, and abolish “any personnel positions,
25 committees, task forces, or other entities established pursuant to” the WeChat Executive
26 Order. *Id.* § 2(a);

27 WHEREAS, pursuant to EO 14034, on June 23, 2021, the Secretary of Commerce
28 rescinded the prohibitions at issue in this case, *see* Rescission of Identification of

1 Prohibited Transactions With Respect to TikTok and WeChat, 86 Fed. Reg. 32,757 (June
2 23, 2021);

3 WHEREAS, on June 14, 2021, the Court scheduled an initial case management
4 conference for July 22, 2021, and further instructed the parties to submit an initial case
5 management report by July 15, 2021;

6 WHEREAS, the parties are conferring about next steps in the litigation;

7 WHEREAS, undersigned counsel for the Government is scheduled to be on
8 vacation on July 22, 2021, when the initial case management conference is set;

9 Accordingly, pursuant to Northern District Local Rule 6-2, the parties, by and
10 through their Counsel of Record,

11 HEREBY STIPULATE TO REQUEST THE FOLLOWING:

12 1. That the initial case management conference scheduled for July 22, 2021 be
13 continued to August 5, 2021, or a date thereafter at the convenience of the Court;

14 2. That the deadline to submit the initial case management statement be
15 extended to one week before the case management conference.

16 IT IS SO STIPULATED.

17 DATED: July 15, 2021

Respectfully submitted,

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ROSEN BIEN GALVAN & GRUNFELD LLP

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By: */s/ Michael W. Bien*

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Michael W. Bien

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Attorneys for Plaintiffs

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1 DATED: July 15, 2021

Respectfully submitted,

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BRIAN M. BOYNTON
Acting Assistant Attorney General

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ALEXANDER K. HAAS
Branch Director

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DANIEL SCHWEI
Special Counsel

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By: */s/ Serena M. Orloff*

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Attorneys for Defendants

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

21 DATED: July 15, 2021

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By: */s/ Serena M. Orloff*

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Serena M. Orloff

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~~[PROPOSED]~~ ORDER

Pursuant to the above Stipulation, and good cause appearing therefor,

IT IS HEREBY ORDERED that the initial case management conference scheduled for July 22, 2021 is continued to August 5, 2021, or a date thereafter at the convenience of the Court;

IT IS FURTHER ORDERED that the deadline to submit the initial case management statement is extended to one week before the case management conference.

IT IS SO ORDERED.

DATED: July 16, 2021



Honorable Laurel Beeler
United States Magistrate Judge