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12  
 13 **IN THE UNITED STATES DISTRICT COURT**  
 14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 U.S. WECHAT USERS ALLIANCE, *et al.*,  
 16  
 Plaintiffs,

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

17 v.

**DECLARATION OF SERENA  
 M. ORLOFF IN SUPPORT  
 OF DEFENDANTS' MOTION  
 TO SHORTEN TIME**

18 DONALD J. TRUMP, President of the United  
 19 States, and WILBUR ROSS, Secretary of  
 20 Commerce,

21 Defendants.

22 I, Serena M. Orloff, declare as follows:

23 1. I am a Trial Attorney in the United States Department of Justice, Civil Division, Federal  
 24 Programs Branch. I am one of the counsel of record for Donald J. Trump, President of the United  
 25 States, and Wilbur Ross, United States Secretary of Commerce, Defendants in the above-captioned case.  
 26  
 27



**Orloff, Serena M (CIV)**

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**From:** Michael W. Bien <[REDACTED]>  
**Sent:** Thursday, September 24, 2020 6:26 PM  
**To:** Orloff, Serena M (CIV)  
**Cc:** Van Swearingen; Clay Zhu; Drezner, Michael L. (CIV); Robinson, Stuart J. (CIV); Angus Ni; Thomas Burke; David Gossett ([REDACTED]); Powell, Amy (CIV)  
**Subject:** Re: U.S. WeChat Users Alliance v. Trump. [IWOV-DMS.FID71398]

Please just attach my email.

Sent from my iPhone

On Sep 24, 2020, at 4:11 PM, Orloff, Serena M (CIV) [REDACTED] > wrote:

Michael,

I am certain I never said anything about keeping “all options open” for the government. I will convey your position in my declaration, but it will not be in the words below because I disagree with its accuracy.

Serena

---

**From:** Michael W. Bien [REDACTED]  
**Sent:** Thursday, September 24, 2020 6:07 PM  
**To:** Orloff, Serena M (CIV) <[REDACTED]>  
**Cc:** Van Swearingen [REDACTED]; Clay Zhu <[REDACTED]>; Drezner, Michael L. (CIV) [REDACTED]; Robinson, Stuart J. (CIV) <[REDACTED]>; Angus Ni [REDACTED]; Thomas Burke <[REDACTED]>; David Gossett [REDACTED]; Powell, Amy (CIV) [REDACTED]  
**Subject:** RE: U.S. WeChat Users Alliance v. Trump. [IWOV-DMS.FID71398]

Serena

Please include in your declaration this email concerning plaintiffs’ position on defendants’ request for an expedited briefing on the Motion for Stay:

Plaintiffs are extremely short-staffed and three of our team are on vacation and two others have an expedited briefing tomorrow in another case: Coleman v Newsom, ED California. We are willing to expedite the briefing so long as we are given 7 days to file our opposition. Monday is Yom Kippur. We are willing to file our opposition on Thursday, October 1. We especially need 7 days in light of the holiday and Defendants’ statement that they would filing additional evidence in support of the motion. You did not bargain at all on the briefing schedule. You stated that Defendants want the Court to decide the motion by October 1. I told you that we could not stipulate to when the Court would decide a motion—only on a request for expedited briefing.

You stated that Defendants had not yet even reached a decision to file an appeal and did not provide any reason for the emergency briefing other than the need to keep "all options open" for defendants.

Thanks.

Michael Bien

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**From:** Orloff, Serena M (CIV) <[REDACTED]>  
**Sent:** Thursday, September 24, 2020 2:29 PM  
**To:** Michael W. Bien <[REDACTED]>  
**Cc:** Van Swearingen <[REDACTED]> Clay Zhu <[REDACTED]@rbgg.com>; Drezner, Michael L. (CIV) <[REDACTED]>; Robinson, Stuart J. (CIV) <[REDACTED]> Angus Ni <[REDACTED]>; Thomas Burke <[REDACTED]>; David Gossett <[REDACTED]> Powell, Amy (CIV) <[REDACTED]>  
**Subject:** Re: U.S. WeChat Users Alliance v. Trump. No. 20-5910 [IWOV-DMS.FID71398]

Thanks! I will try you now.

Serena

Sent from my iPhone

On Sep 24, 2020, at 5:12 PM, Michael W. Bien <[REDACTED]> wrote:

Serena

I called you at 1:58 pm and went to voice mail. You can call me on my cell: [REDACTED].

Michael

---

**From:** Orloff, Serena M (CIV) <[REDACTED]>  
**Sent:** Thursday, September 24, 2020 10:24 AM  
**To:** Michael W. Bien <[REDACTED]>  
**Cc:** Van Swearingen <[REDACTED]>; Clay Zhu <[REDACTED]>;  
Drezner, Michael L. (CIV) <[REDACTED]>; Robinson, Stuart J. (CIV)  
<[REDACTED]>; Angus Ni <[REDACTED]>; Thomas Burke  
<[REDACTED]>; David Gossett <[REDACTED]>  
<[REDACTED]>; Powell, Amy (CIV) <[REDACTED]>  
**Subject:** Re: U.S. WeChat Users Alliance v. Trump. No. 20-5910 [IWOV-DMS.FID71398]

Thank you.

Serena

Sent from my iPhone

On Sep 24, 2020, at 1:18 PM, Michael W. Bien <[REDACTED]> wrote:

I will call you

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**From:** Orloff, Serena M (CIV) <[REDACTED]>  
**Sent:** Thursday, September 24, 2020 11:13:14 AM  
**To:** Michael W. Bien <[REDACTED]>; Van Swearingen <[REDACTED]>;  
<[REDACTED]>; Clay Zhu <[REDACTED]>  
**Cc:** Drezner, Michael L. (CIV) <[REDACTED]>; Robinson, Stuart J. (CIV) <[REDACTED]>; 'Angus Ni' <[REDACTED]>;  
<[REDACTED]> [com](#)>; Thomas Burke <[REDACTED]>;  
'David Gossett' <[REDACTED]>;  
Powell, Amy (CIV) <[REDACTED]> <[REDACTED]>  
**Subject:** RE: U.S. WeChat Users Alliance v. Trump. No. 20-5910 [IWOV-DMS.FID71398]

Michael,

When your team responds, would you do so by telephone? I want to make sure we comply with the local rules. I can be reached at [REDACTED]

Thank you,  
Serena

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**From:** Michael W. Bien <[REDACTED]>  
**Sent:** Thursday, September 24, 2020 12:29 PM  
**To:** Orloff, Serena M (CIV) <[REDACTED]>; Van Swearingen <[REDACTED]>; Clay Zhu <[REDACTED]>  
**Cc:** Drezner, Michael L. (CIV) <[REDACTED]>; Robinson, Stuart J. (CIV) <[REDACTED]>; 'Angus Ni' <[REDACTED]>; Thomas Burke <[REDACTED]>; 'David Gossett' <[REDACTED]>; Powell, Amy (CIV) <[REDACTED]>  
**Subject:** Re: U.S. WeChat Users Alliance v. Trump. No. 20-5910 [IWOV-DMS.FID71398]

Serena

I am in a Court Hearing. We will respond by 2 pm Pacific.

Michael Bien

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**From:** Orloff, Serena M (CIV) <[REDACTED]>  
**Sent:** Thursday, September 24, 2020 9:42:53 AM  
**To:** Van Swearingen <[REDACTED]>; Clay Zhu <[REDACTED]>; Michael W. Bien <[REDACTED]>  
**Cc:** Drezner, Michael L. (CIV) <[REDACTED]>; Robinson, Stuart J. (CIV) <[REDACTED]>; 'Angus Ni' <[REDACTED]>; Thomas Burke <[REDACTED]>; 'David Gossett' <[REDACTED]>; Powell, Amy (CIV) <[REDACTED]>  
**Subject:** RE: U.S. WeChat Users Alliance v. Trump. No. 20-5910 [IWOV-DMS.FID71398]

Colleagues,

The government intends to file a motion to stay Judge Beeler's preliminary injunction pending any appeal. We also plan to file a motion to shorten time, requesting a ruling from Judge Beeler within seven days. Would you let us know Plaintiffs' position on both motions?

Thank you,  
Serena