

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
–Greenbelt Division–

KILMAR ARMANDO ABREGO GARCIA,
ET AL.,

Plaintiffs,

v.

KRISTI NOEM, ET AL.,

Defendants.

Case No.: 8:25-CV-00951-PX

FILED UNDER SEAL

**PLAINTIFFS’ PARTIAL OPPOSITION TO DEFENDANTS’
MOTION TO STAY DISCOVERY**

Plaintiffs respectfully submit this partial opposition to Defendants’ Motion to Stay Discovery. ECF 101. Plaintiffs move to submit this filing under seal on the basis that the Government has represented that sealing is necessary, but defer to the Court on whether the parties’ submissions should indeed, remain under seal.

Following entry of this Court’s order yesterday (ECF 100), counsel for the Government reached out for the first time to request a one-week stay of discovery. Plaintiffs’ counsel immediately asked to meet and confer, convened two, late-evening video meetings and had multiple email exchanges last night to understand and discuss the Government’s request. While the Government referenced the *ex parte* status update it filed at 5:00 p.m. yesterday (ECF 99), it was unwilling to provide any information regarding that submission or the nature of any purported “diplomatic efforts.” Plaintiffs’ position is straightforward. If there is a genuine effort to obtain the release and return of Mr. Abrego Garcia, we have that goal in common and are eager to cooperate with the Government to achieve it. But without knowing more, it is impossible for Plaintiffs to evaluate whether the Government’s efforts are genuine and we encouraged the

Government to share whatever it could. Absent evidence of good faith efforts, Plaintiffs must move forward under the current schedule as every day Mr. Abrego Garcia remains wrongfully incarcerated in a foreign prison is another day he suffers irreparable harm.

Nevertheless, Plaintiffs agreed to postpone the two depositions scheduled for today until Friday in an effort to accommodate what it understood was the Government's most pressing concern, [REDACTED]

[REDACTED] As we explained to the Government in our meet-and-confer, we do not understand why the production of documents or interrogatory responses—none of which has occurred in the public eye—has any bearing on efforts to facilitate Mr. Abrego Garcia's release and return. Accordingly, those should proceed in compliance with the Court's order. Plaintiffs also inquired as to whether there is any particular significance to the one week delay the Government requests, as opposed to a shorter time period, and the Government offered none. All things considered, Plaintiffs' proposal to delay today's depositions until Friday takes the Government's counsel at their word and offers a tailored solution designed to maintain the current Court schedule while giving the Government [REDACTED] If developments genuinely warrant further delay, Plaintiffs will respond in real time and as constructively as possible.

Given the *ex parte* nature of the status update, Plaintiffs are at a significant informational disadvantage. We therefore request that the *ex parte* status update [REDACTED] [REDACTED] be made available to Plaintiffs' counsel on an attorneys' eyes only basis, so that we can ably represent our clients at this critical time. We have the utmost faith and confidence in the Court to assess the Government's representations and will abide by whatever

schedule the Court deems appropriate in order to maximize the chances of a successful return of Mr. Abrego Garcia, so that he may have his day in court.

Dated: April 23, 2025

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