

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JOSEPH VAN LOON; TYLER ALMEIDA;
ALEXANDER FISHER; PRESTON VAN LOON;
KEVIN VITALE; and NATE WELCH,

Plaintiffs,

- against -

DEPARTMENT OF THE TREASURY; OFFICE OF
FOREIGN ASSETS CONTROL; JANET YELLEN,
in her official capacity as Secretary of the Treasury; and
ANDREA M. GACKI, in her official capacity as Director
of the Office of Foreign Assets Control,

Defendants.

Civil Action No. 1:23-cv-312-RP

JOINT MOTION FOR ENTRY OF SCHEDULING ORDER

The Parties hereby jointly file this motion for entry of an order adopting the schedule proposed below for further proceedings in this case. In support thereof, the Parties respectfully state as follows:

1. On January 13, 2023, Defendants produced the administrative record to Plaintiffs.
2. Upon review, Plaintiffs have no objections to the administrative record.
3. On February 10, 2023, the Parties filed a Joint Motion for Entry of Scheduling Order. Dkt. 27.
4. On February 16, 2023, Magistrate Judge Manske issued a report and recommendation, Dkt. 28, recommending that Defendants' motion to transfer this case from the Waco Division to the Austin Division, Dkt. 15, be granted.

5. On March 20, 2023, Judge Albright issued an order adopting Magistrate Judge Manske's report and recommendation, and ordered that this case be transferred from the Waco Division to the Austin Division. Dkt. 35.

6. On March 23, 2023, this case was assigned to Judge Pitman in the Austin Division.

7. After conferring, the Parties renew their Joint Motion for Entry of Scheduling Order for further proceedings in this case, and jointly propose the following schedule:

EVENT	DATE
Plaintiffs file a motion for summary judgment	April 5, 2023
Defendants file a cross motion for summary judgment and a response to Plaintiffs' motion for summary judgment	May 3, 2023
Plaintiffs file a response to Defendants' cross motion for summary judgment and a reply to Defendants' response to Plaintiffs' motion for summary judgment	May 24, 2023
Defendants file a reply to Plaintiffs' response to Defendants' cross motion for summary judgment	June 14, 2023
Plaintiffs file a joint appendix of administrative record materials cited by the Parties in their briefing, and Defendants lodge any classified appendix for the Court's <i>ex parte</i> and <i>in camera</i> review pursuant to 50 U.S.C. § 1705(c)	June 21, 2023

The Parties reserve the right to seek modification of the proposed schedule.

8. The Parties further jointly propose that briefing for further proceedings follow the following page limits: 40 pages for Plaintiffs' motion for summary judgment; 40 pages for Defendants' cross motion for summary judgment and a response to Plaintiffs' motion for summary judgment; 20 pages for Plaintiffs' response and reply; and 20 pages for Defendants' reply, exclusive of the caption, the signature block, any certificate, and any accompanying documents. The Parties respectfully inform the Court that these expanded page lengths will be necessary to ensure that the Parties have sufficient opportunity to discuss and explain the technical nature of this case and the statutory and constitutional issues raised. The Parties reserve the right to seek modification of these proposed page limits.

9. A proposed order approved by the Parties is being submitted with this Motion for the Court's consideration.

Dated: March 24, 2023

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

ALEXANDER K. HAAS
Director

DIANE KELLEHER
Assistant Director

STEPHEN M. ELLIOTT
Senior Counsel
/s/ Christopher R. Healy
CHRISTOPHER R. HEALY
CHRISTINE L. COOGLE
Trial Attorneys
Federal Programs Branch, Civil Division
United States Department of Justice
1100 L Street, N.W.
Washington, DC 20005
(202) 880-0282 (telephone)
(202) 616-8470 (fax)
christopher.healy@usdoj.gov

Counsel for Defendants

Respectfully submitted,

PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP

/s/ Kannon K. Shanmugam
Kannon K. Shanmugam*
Brian M. Lipshutz*
Matteo Godi*
Jennifer K. Corcoran*
2001 K Street, N.W.
Washington, DC 20006
(202) 223-7300 (telephone)
kshanmugam@paulweiss.com
*Admitted pro hac vice

PARKER, BUNT & AINSWORTH, P.C.

Charles Lewis Ainsworth
Texas Bar No. 00783521
100 E. Ferguson Suite 418
Tyler, TX 75702
(903) 531-3535 (telephone)
charley@pbatyler.com

Counsel for Plaintiffs