

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,

Plaintiffs,

v.

WILBUR L. ROSS, sued in his official  
capacity as U.S. Secretary of Commerce, *et al.*,

Defendants.

No. 8:19-cv-02710-PX

**PLAINTIFFS' NOTICE OF INTENT  
TO SEEK LEAVE TO AMEND COMPLAINT**

Plaintiffs hereby provide notice of their intent to seek leave of Court to amend their complaint based on the recent executive action entitled “Memorandum on Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census.” (*See* Dkt. 92).

In this memorandum, dated July 21, 2020 and filed with the Court by Defendants today, President Trump orders the Secretary of Commerce to “take all appropriate action . . . to provide information permitting the President, to the extent practicable, to exercise the President's discretion to carry out the policy [of excluding individuals who are not in a lawful immigration status from the population used to apportion seats in the U.S. House of Representatives].” *Id.* at 4.

The 2020 Census is underway, and Defendants no longer may add a question regarding immigration status to the Census questionnaire. Thus, Defendants will use alternative data sources to estimate the population of individuals they believe “are not in a lawful immigration status.” In addition, the purpose of the memorandum’s directive to Secretary Ross—to enable the President

to exclude undocumented immigrants from congressional apportionment—bears a close relationship to Defendants’ current plans to produce a dataset that states will use to conduct citizen voting age population apportionment, with the same attendant issues of lack of accuracy and discrimination against Latinos, non-U.S. citizens and those who live near non-U.S. citizens. Plaintiffs allege that this exclusion from apportionment intends to discriminate, and will result in discrimination against these groups.

Accordingly, Plaintiffs give notice that they intend to seek leave of Court to amend their complaint to include new allegations and claims.

Dated: July 21, 2020

Respectfully submitted,

By /s/ Terry Ao Minnis

**ASIAN AMERICANS ADVANCING JUSTICE |  
AAJC**

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\* Pro hac vice *applications forthcoming*  
<sup>o</sup> *Not admitted in DC.*

**CERTIFICATE OF SERVICE**

I certify that on this 21st day of July, 2020, I caused a copy of Plaintiffs' Notice of Intent to Seek Leave to Amend Complaint to be sent to all parties receiving CM/ECF notices in this case.

/s/ Terry Ao Minnis  
Terry Ao Minnis