



**U.S. Department of Justice**  
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October 5, 2018

Catherine O'Hagan Wolfe  
Clerk of the Court  
U.S. Court of Appeals for the  
Second Circuit  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *In re Department of Commerce*, No. 18-2856  
*In re Department of Commerce*, No. 18-2857

Dear Ms. Wolfe:

The government writes to notify the Court of an order issued by Justice Ginsburg concerning the above-captioned matters. The government had requested that Justice Ginsburg issue a stay of the depositions of Commerce Secretary Ross and Acting Assistant Attorney General Gore and all further extra-record discovery, pending Supreme Court review. Justice Ginsburg denied the stay without prejudice, "*provided that the Court of Appeals will afford sufficient time for either party to seek relief in th[e Supreme] Court before the depositions in question are taken.*" See *In re Department of Commerce*, S.Ct. No. 18A350, Dkt. Entry 2 (Oct. 5, 2018) (emphasis added).

The depositions of Acting AAG Gore and Secretary Ross are currently scheduled to take place on October 10 and October 11, respectively. As ordered by Justice Ginsburg, this Court should issue a stay of those depositions and all further extra-record discovery pending Supreme Court review. Should this Court not choose to do so by Tuesday, October 9, 2018, we intend to refile our stay application with the Supreme Court, as Justice Ginsburg's order contemplates.

Sincerely,

/s/ Gerard Sinzduk

Gerard Sinzduk

Attorney for the United States

cc: Plaintiffs (via CM/ECF)

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<b>No. 18A350</b>			
Title:	<b>In Re Department of Commerce, et al., Applicants</b>		
Docketed:	October 3, 2018		
Lower Ct:	United States Court of Appeals for the Second Circuit		
Case Numbers:	(18-2856, 18-2857, 18-2652, 18-2659)		

DATE	PROCEEDINGS AND ORDERS
Oct 03 2018	Application (18A350) for a stay, submitted to Justice Ginsburg.  <b>Main Document      Proof of Service</b>
Oct 05 2018	Application (18A350) denied by Justice Ginsburg. The application is denied without prejudice, provided that the Court of Appeals will afford sufficient time for either party to seek relief in this Court before the depositions in question are taken.

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Party name: In Re Department of Commerce, et al.		