

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

ROBIN KRAVITZ, *et al.*

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF COMMERCE, *et al.*,

Defendants-Appellants.

Nos. 19-1382 (L),
19-1425, 19-1387

LA UNIÓN DEL PUEBLO ENTERO, *et al.*

Plaintiffs-Appellees,

v.

WILBUR L. ROSS, *et al.*

Defendants-Appellants.

**CORRECTED NOTICE OF DISTRICT COURT'S INDICATIVE RULING
AND MOTION FOR REMAND¹**

As required under Federal Rule of Appellate Procedure 12.1(a), Plaintiffs-Appellees provide notice of an indicative ruling by the district court. Plaintiffs-Appellees further move the Court pursuant to Rule 12.1(b) to retain jurisdiction over the pending appeals, but remand all pending appeals to the district court for

¹ Plaintiffs-Appellees are filing this corrected version of the notice and motion to clarify that both the *Kravitz* and *LUPE* Plaintiffs-Appellees request that the Court remand all pending related appeals to the district court, including Nos. 19-1382, 19-1425 and 19-1387.

the limited purpose of allowing the court to consider Plaintiffs-Appellees' Rule 60(b)(2) motion.

Procedural Background and Relief Requested

On June 3, 2019, the *Kravitz* and *LUPE* Plaintiffs filed a motion for relief from the judgment in the district court on Plaintiffs-Appellees' equal protection claim and on the *LUPE* Plaintiffs-Appellees' Section 1985(3) claim. Plaintiffs-Appellees also filed a Rule 62.1 motion requesting an indicative ruling on the underlying motion. The motions, Defendants-Appellants' opposition, and Plaintiffs-Appellees' reply are attached as Exhibits B, C and D, respectively. The motion for relief from judgment is based on newly discovered evidence that goes to whether Defendants-Appellants had a discriminatory motive when adding the citizenship question to the 2020 Census. Plaintiffs-Appellees first became aware of this evidence in late May 2019.

On June 19, 2019, the district court issued an order granting Plaintiffs-Appellees' request for an indicative ruling, concluding that Plaintiffs-Appellees' Rule 60(b)(2) motion raises a substantial issue. That order is attached as Exhibit A. Based on the district court's indicative ruling, Plaintiffs-Appellees respectfully move this Court to remand for the limited purpose of allowing the district court to consider Plaintiffs-Appellees' motion. Pursuant to Federal Rule of Appellate

Procedure 12.1(b), Plaintiffs-Appellees will promptly notify the Court when the district court decides the underlying motion.

Conclusion

The Court should grant Plaintiffs-Appellees' motion to remand the appeals to the district court for the limited purpose of allowing the district court to consider Plaintiffs-Appellees' Rule 60(b) motion.

Dated: June 20, 2019

By /s/ Denise Hulett

/s/ Daniel Grant

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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2019, the foregoing Corrected Notice of District Court's Indicative Ruling and Motion for Remand was served on all parties or their counsel of record through the CM/ECF system if they are registered users.

Date: June 20, 2019

/s/ Andrea Senteno

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