

June 29, 2018

VIA ECF

The Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Re: ***The New York Immigration Coalition, et al. v. United States Department of Commerce, et al., 18-CV-5025-JMF (S.D.N.Y.) [rel. 18-CV-2921]***

Dear Judge Furman,

Pursuant to the Court's June 27, 2018 Order (ECF No. 33), the New York Immigration Coalition Plaintiffs ("Plaintiffs") submit this letter to describe our intentions regarding briefing on the Defendant's Motion to Dismiss.

Consistent with this Court's instructions, in our July 9 brief, Plaintiffs will not duplicate arguments that plaintiffs made in 18-CV-2921, but will focus on issues where there is a material distinction between the two cases. Accordingly, we anticipate our brief will likely focus on Plaintiffs' standing and our claim that Defendants' actions were taken with discriminatory intent in violation of the Fifth Amendment to the U.S. Constitution -- a claim that is not made in 18-CV-2921. Upon review of Defendants' Motion to Dismiss, Plaintiffs may conclude that it is necessary to address additional issues as well. With respect to the arguments made in 18-CV-2921, Plaintiffs do not intend to file a supplemental brief but direct the Court to paragraphs 152-163 and 211 of the Complaint which identify statutes, regulations, administrative guidance, and agency plans that limit discretion, which Defendants violated in adding the citizenship question. These paragraphs provide additional support in opposition to Defendants' arguments in 18-CV-2921 regarding "judicially manageable standards" and "committed to agency discretion."

Plaintiffs would additionally like to notify the court that we expect a high level of public interest in the hearing scheduled on July 3, 2018. For this reason, it may be useful for the Court to designate an overflow room for members of the public who wish to attend this hearing.

Respectfully submitted,

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