

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

KUSUMA NIO, *et al.*,

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,**

Defendants.

Civil Action No. 17-0998 (ESH)

ORDER

It is hereby

ORDERED that plaintiffs shall file an interlineated or track-changes copy of their proposed third amended complaint, indicating changes from the second amended complaint, on or before **March 30, 2018 at 12:00 PM**; it is further

ORDERED that defendants shall file an unredacted copy of the current administrative record with plaintiffs, consistent with the protective order signed by the Court, ECF No. 123, on or before **March 30, 2018 at 12:00 PM**. On that same date, defendants shall file a fully unredacted copy of the administrative record with the Court that indicates what portions are still being withheld on the ground of privilege and indicating the specific privilege on which defendants rely for redacting material from plaintiffs' copy; it is further

ORDERED that plaintiffs shall meet and confer with defendants regarding additions or objections to the administrative record on or before **April 6, 2018 at 12:00PM**; it is further

ORDERED that, to the extent any disputes remain, plaintiffs shall file a motion to supplement and/or object to the administrative record on or before **April 11, 2018 at 12:00 PM**;

it is further

ORDERED that defendants shall file a statement of facts supporting their motion to dismiss, or in the alternative motion for summary judgment, consistent with D.C. Local Civil Rule 7(h)(2) on or before **April 3, 2018 at 12:00 PM**; it is further

ORDERED that the Court will hold a hearing on plaintiffs' motion for leave to file an amended complaint and plaintiffs' motion for a preliminary injunction at **2:00 PM, Wednesday April 11, 2018**; it is further

ORDERED that defendants shall file their opposition to plaintiffs' motion for a preliminary injunction on or before **April 3, 2018 at 12:00 PM, not to exceed 45 pages including exhibits**, and plaintiffs shall file their reply on or before **April 6, 2018 at 12:00 PM, not to exceed 25 pages including exhibits**; it is further

ORDERED that briefing on defendants' motion to dismiss, or in the alternative for summary judgment, is **SUSPENDED** until the final administrative record is determined; and it is further

ORDERED that defendants shall file a report, on or before **April 3, 2018 at 12:00 PM**, with the Court updating their responses to the inquiries outlined in the Court's previous January 17, 2018 Order, ECF No. 91, and answering two additional inquiries:

- (1) Identify the date DOD completed a military service suitability determination ("MSSD") for each class member, and
- (2) identify the date DOD notified USCIS of that class member's completed MSSD.

SO ORDERED.

/s/ Ellen Segal Huvelle
ELLEN SEGAL HUVELLE

United States District Judge

Date: March 26, 2018