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16 UNITED STATES DISTRICT COURT
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

18 NATIONAL URBAN LEAGUE; LEAGUE OF
19 WOMEN VOTERS; BLACK ALLIANCE FOR
20 JUST IMMIGRATION; HARRIS COUNTY,
21 TEXAS; KING COUNTY, WASHINGTON;
22 CITY OF LOS ANGELES, CALIFORNIA;
23 CITY OF SALINAS, CALIFORNIA; CITY OF
24 SAN JOSE, CALIFORNIA; RODNEY ELLIS;
and ADRIAN GARCIA,

Plaintiffs,

v.

25 WILBUR L. ROSS, JR., in his official capacity
as Secretary of Commerce; U.S. DEPARTMENT
26 OF COMMERCE; STEVEN DILLINGHAM, in
his official capacity as Director of the U.S.
27 Census Bureau; and U.S. CENSUS BUREAU,

Defendants.

CASE NO. 5:20-cv-05799-LHK

**DECLARATION OF SADIK HUSENY
IN SUPPORT OF PLAINTIFFS'
MOTION FOR STAY AND
PRELIMINARY INJUNCTION**

Date: September 17, 2020
Time: 1:30 p.m.
Place: Courtroom 8, 4th Floor, San Jose
Judge: Hon. Lucy H. Koh

1 I, Sadik Huseny, declare as follows:

2 1. I am an active member of the State Bar of California, a member in good standing
3 of the Bar of this Court, a partner at Latham & Watkins LLP, and counsel for Plaintiffs in the
4 above-titled action. I make this declaration in support of Plaintiffs' Motion for Preliminary
5 Injunction. I have personal, first-hand knowledge of the matters set forth below and, if called as
6 a witness, I could and would testify competently thereto.

7 2. Attached hereto as Exhibit 1 is a true and correct copy of a statement, available at
8 <https://2020census.gov/en/news-events/press-releases/delivering-complete-accurate-count.html>,
9 from Census Bureau Director Steven Dillingham, dated August 3, 2020.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of a printout of the web
11 address <https://2020census.gov/en/news-events/operational-adjustments-covid-19.html>, printed
12 on August 21, 2020.

13 4. Attached hereto as Exhibit 3 is a true and correct copy of a statement, available at
14 [https://2020census.gov/en/news-events/press-releases/statement-covid-19-
15 2020.html?linkId=100000011751624](https://2020census.gov/en/news-events/press-releases/statement-covid-19-2020.html?linkId=100000011751624), from Department of Commerce Secretary Wilbur Ross
16 and Census Bureau Director Steven Dillingham, dated April 13, 2020.

17 5. Attached hereto as Exhibit 4 is a true and correct copy from the Internet Archive's
18 Wayback Machine purporting to be an August 1, 2020 archive of the 2020 Census Operational
19 Adjustments Due to COVID-19, originally available at
20 [https://2020census.gov/content/dam/2020census/materials/news/2020-census%20operational-
21 adjustments-long%20version.pdf](https://2020census.gov/content/dam/2020census/materials/news/2020-census%20operational-adjustments-long%20version.pdf). Exhibit 4 is available at
22 [https://web.archive.org/web/20200801041926/https://2020census.gov/content/dam/2020census/
23 materials/news/2020-census%20operational-adjustments-long%20version.pdf](https://web.archive.org/web/20200801041926/https://2020census.gov/content/dam/2020census/materials/news/2020-census%20operational-adjustments-long%20version.pdf).

24 6. Attached hereto as Exhibit 5 is a true and correct copy of the 2020 Census
25 Operational Plan, Version 4.0 provided by the U.S. Census Bureau, dated December 2018,
26 available at [https://www2.census.gov/programs-surveys/decennial/2020/program-
27 management/planning-docs/2020-oper-plan4.pdf](https://www2.census.gov/programs-surveys/decennial/2020/program-management/planning-docs/2020-oper-plan4.pdf).

28

1 7. Attached hereto as Exhibit 6 is a true and correct copy of Uses of Census Bureau
2 Data in Federal Funds Distribution provided by the U.S. Census Bureau, dated September 2017,
3 available at [https://2020census.gov/content/dam/2020census/materials/partners/2020-01/Uses-of-](https://2020census.gov/content/dam/2020census/materials/partners/2020-01/Uses-of-Census-Bureau-Data-in-Federal-Funds-Distribution.pdf)
4 [Census-Bureau-Data-in-Federal-Funds-Distribution.pdf](https://2020census.gov/content/dam/2020census/materials/partners/2020-01/Uses-of-Census-Bureau-Data-in-Federal-Funds-Distribution.pdf).

5 8. Attached hereto as Exhibit 7 is a true and correct copy of GAO-20-551R
6 regarding the 2020 Census, available at <https://www.gao.gov/assets/710/707456.pdf>, from the
7 U.S. Government Accountability Office, dated June 2020.

8 9. Attached hereto as Exhibit 8 is a true and correct copy of a printout from the
9 Internet Archive's Wayback Machine purporting to be a July 30, 2020 archive of the web
10 address <https://2020census.gov/en/news-events/operational-adjustments-covid-19.html>. Exhibit
11 8 is available at [https://web.archive.org/web/20200730172057/https://2020census.gov/en/news-](https://web.archive.org/web/20200730172057/https://2020census.gov/en/news-events/operational-adjustments-covid-19.html)
12 [events/operational-adjustments-covid-19.html](https://web.archive.org/web/20200730172057/https://2020census.gov/en/news-events/operational-adjustments-covid-19.html).

13 10. Attached hereto as Exhibit 9 is a true and correct copy of a printout from the
14 Internet Archive's Wayback Machine, purporting to be a July 31, 2020 archive of the web
15 address <https://2020census.gov/en/news-events/operational-adjustments-covid-19.html>. Exhibit
16 9 is available at [https://web.archive.org/web/20200731172823/https://2020census.gov/en/news-](https://web.archive.org/web/20200731172823/https://2020census.gov/en/news-events/operational-adjustments-covid-19.html)
17 [events/operational-adjustments-covid-19.html](https://web.archive.org/web/20200731172823/https://2020census.gov/en/news-events/operational-adjustments-covid-19.html).

18 11. Attached hereto as Exhibit 10 is a true and correct copy of a letter, available at
19 <https://www.amstat.org/asa/files/pdfs/POL-CensusSenateAugust.pdf>, from the American
20 Statistical Association to members of the U.S. Senate, dated August 5, 2020.

21 12. Attached hereto as Exhibit 11 is a true and correct copy of a letter, available at
22 https://www.shaheen.senate.gov/imo/media/doc/08-10-20_DOC%20OIG_Census%20Letter.pdf,
23 from Senator Shaheen to Inspector General Peggy E. Gustafson, dated August 10, 2020.

24 13. Attached hereto as Exhibit 12 is a true and correct copy of the Review of 2020
25 Operational Plan Schedule provide by the US Census Bureau, dated August 17, 2020,
26 downloaded from [https://www.census.gov/content/dam/Census/newsroom/press-kits/2020/2020-](https://www.census.gov/content/dam/Census/newsroom/press-kits/2020/2020-operational-plan-schedule-review.pdf)
27 [operational-plan-schedule-review.pdf](https://www.census.gov/content/dam/Census/newsroom/press-kits/2020/2020-operational-plan-schedule-review.pdf).

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1 14. Attached hereto as Exhibit 13 is a true and correct copy of a letter, available at
2 <https://www.oig.doc.gov/OIGPublications/OIG-20-041-M.pdf>, from Principal Assistant
3 Inspector General Mark H. Zabarsky to Director Dillingham, dated August 18, 2020.

4 15. Attached hereto as Exhibit 14 is true and correct copy of a chart prepared by
5 counsel for Plaintiffs in the above-captioned matter, from Exhibits 2, 4, and 7, summarizing the
6 dates for Self-Response, Non-Response Follow Up, and Data Processing for Apportionment
7 Figures activities by the U.S. Census Bureau. The Data Processing for Apportionment Figures
8 activities in this chart run from the end of the Non-Response Follow Up period until the day
9 planned for providing apportionment counts to the President.

10 16. Attached hereto as Exhibit 15 is a true and correct copy of the 2020 Census
11 Detailed Operational Plan for: 18. Nonresponse Followup Operation (NRFU), Version 2.0
12 provided by the U.S. Census Bureau, dated July 15, 2019, available at
13 [https://www2.census.gov/programs-surveys/decennial/2020/program-management/planning-](https://www2.census.gov/programs-surveys/decennial/2020/program-management/planning-docs/NRFU-detailed-operational-plan_v20.pdf)
14 [docs/NRFU-detailed-operational-plan_v20.pdf](https://www2.census.gov/programs-surveys/decennial/2020/program-management/planning-docs/NRFU-detailed-operational-plan_v20.pdf).

15
16 I declare under penalty of perjury that the foregoing is true and correct.

17
18 Executed on: August 25, 2020

LATHAM & WATKINS LLP

19 By: /s/ Sadik Huseny
20 Sadik Huseny

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