

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

STATE OF ALABAMA, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
COMMERCE; et al.,

Defendants,

and

DIANA MARTINEZ, et. al.; COUNTY OF
SANTA CLARA, CALIFORNIA, et al.;
and STATE OF NEW YORK, et al.,

Defendant-Intervenors,

and

JOEY CARDENAS, et. al.,

Cross-Claimants,

v.

BUREAU OF CENSUS, et al.,

Cross-Defendants.

Civil Action No. 2:18-cv-00772-RDP

JOINT STATUS REPORT

In response to the Court's recent orders (docs. 190, 192) requiring the parties to submit a joint status report following the Supreme Court's decision in *Trump v. New York*, 141 S. Ct. 530 (2020), the parties have conferred and now submit this report. As indicated in the Joint Motion to Extend the Stay of Proceedings filed yesterday by Plaintiffs and the State and Local Government Intervenor-Defendants, in light of the Supreme Court's decision, all parties agree that the stay of proceedings in this case should be extended. (Doc. 193 at 1). The Supreme Court's decisions in *New York*; *Trump v. San Jose*, No. 20–561, 2020 WL 7688078 (S. Ct. Dec. 28, 2020); and *Trump v. Useche*, No. 20–662, 2020 WL 7688079 (S. Ct. Dec. 28, 2020), collectively allow for the possibility that the Presidential Memorandum may be implemented in the context of the 2020 apportionment. The possible implementation of the Memorandum, and the broader results of the apportionment count, could affect or simplify questions regarding Plaintiffs' standing, and what discovery, if any, certain parties may wish to conduct before proceeding to dispositive motions.

In the joint motion, Plaintiffs and the State and Local Government Intervenor-Defendants proposed filing a joint status report with the Court by February 10, 2021, regarding future proceedings in this case. They further proposed that the parties will meet and confer and promptly submit a joint status report before that date if the apportionment count is released or other developments materially affect the legal landscape. Defendants agreed with the proposal that the parties submit a joint status report by February 10, 2021.

The Martinez Defendant-Intervenors believe that any stay should be automatically lifted when the President transmits to Congress his "statement showing the whole number of persons in each State ... and the number of Representatives to which each State would be entitled," under 2 U.S.C. § 2a(a).

Thus, the parties all agree that a stay of proceedings should be extended.

January 6, 2021

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DATED: January 6, 2021

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