

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NATIONAL URBAN LEAGUE, et al.,  
Plaintiffs,  
v.  
WILBUR L. ROSS, et al.,  
Defendants.

Case No. 20-CV-05799-LHK

**ORDER RE: BRIEFING AND  
DEADLINE FOR PRODUCTION**

By Monday, September 14, 2020, at 10:00 a.m. Pacific Time/1:00 p.m. Eastern Time, the parties shall each file a brief of no more than 4 pages that addresses the following two issues:

First, if Defendants assert privilege over any part of the administrative record, may the Court review those privileged documents *in camera*? If so, what is the standard for ordering *in camera* review and what are the parameters of the Court’s review?

Second, Federal Rule of Civil Procedure 65(b)(2) provides that an ex parte temporary restraining order (“TRO”) may last for 14 days, or up to 28 days if the Court finds good cause for an extension. The TRO motion in the instant case did not proceed ex parte. Indeed, Defendants responded to the TRO motion at the TRO hearing and in Defendants’ opposition to the TRO motion and opposition to Plaintiffs’ motion for a stay and preliminary injunction (“PI motion”).

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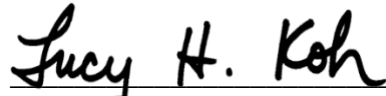
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In addition, the Court’s Order to Produce the Administrative Record, ECF No. 96, found in Plaintiffs’ favor on all of the threshold issues raised by Defendants. Are Defendants now willing to stipulate to a brief extension of the TRO, so that the Court can consider in the Court’s ruling on the PI motion the parties’ arguments at the September 17, 2020 hearing and Defendants’ September 16, 2020 production of the administrative record? Assuming Defendants continue to refuse to so stipulate, how long and on what basis can the Court extend the TRO until the Court issues a ruling on Plaintiffs’ PI motion? Needless to say, the Court will issue a ruling promptly.

Because of the extremely compressed schedule, Defendants’ September 16, 2020 administrative record production must be completed by 3 p.m. Eastern Time/noon Pacific time on September 16, 2020.

**IT IS SO ORDERED.**

Dated: September 12, 2020



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LUCY H. KOH  
United States District Judge