

Memorandum on a variety of grounds, including that it purports to exclude undocumented immigrants from the basis for congressional apportionment in violation of the U.S. Constitution and the Census Act.

2. Plaintiffs require expedited discovery for two reasons: (a) so that a decision on the merits of their case can be reached as soon as possible and before the conclusion of the census at the end of October 2020, to avoid an undercount of the communities Plaintiffs serve which cannot later be remedied; and (b) to counter the Defendants' argument—made in every motion to dismiss filed in every case challenging the July 21 Memorandum, and which Plaintiffs anticipate will be raised here—that Plaintiffs lack standing to raise their apportionment injury and that their asserted claims are not ripe for judicial determination.

3. The discovery that Plaintiffs are seeking—a set of ten document requests, and a Rule 30(b)(6) deposition of Defendant United States Bureau of the Census (the “Census Bureau”) on four topics—is narrowly tailored and not unreasonably burdensome. (Copies of the proposed document requests and Rule 30(b)(6) deposition notice are attached to this Motion at Exhibits 1 and 2.)

4. In light of the exigency of the claims asserted in this action—exigency created by Defendants' own decision to issue the July 21 Memorandum months after the census had begun and to attempt to cut the enumeration period short—and the absence of any undue burden on Defendants, Plaintiffs' motion for targeted, expedited discovery should be granted.

In further support of this Motion, Plaintiffs refer the Court to their Memorandum in Support of Plaintiffs' Motion for Limited Expedited Discovery and the Affidavit of Lauren Alexa Sampson, both of which Plaintiffs have filed with this Motion.

WHEREFORE, Plaintiffs respectfully request that the Court (i) grant this Motion, (ii) allow Plaintiffs immediately to serve on Defendants a set of document requests and a notice of deposition pursuant to Rule 30(b)(6), in the form attached to this Motion at Exhibits 1 and 2, (iii) require the Defendants to serve their responses to Plaintiffs document requests, and to produce the documents responsive to those requests, on or before October 14, 2020, (iv) require that the Census Bureau appear, through its designee(s) pursuant to Rule 30(b)(6), for a deposition on the topics set forth in the notice of deposition attached to this Motion at Exhibit 2, on October 16, 2020, and (iv) grant Plaintiffs such other and further relief as the Court deems just.

Respectfully submitted,

HAITIAN-AMERICANS UNITED, INC.,
BRAZILIAN WORKER CENTER,
CHELSEA COLLABORATIVE, INC., and
CENTRO PRESENTE

By their attorneys,

/s/ Patrick M. Curran, Jr.
Neil V. McKittrick (BBO #551386)
Patrick M. Curran, Jr. (BBO #659322)
Anna B. Rao (BBO #703843)
Ogletree, Deakins, Nash, Smoak
& Stewart, P.C.
One Boston Place, Suite 3220
Boston, MA 02110
Tel: (617) 994-5700
Fax: (617) 994-5701
neil.mckittrick@ogletreedeakins.com
patrick.curran@ogletreedeakins.com
anna.rao@ogletreedeakins.com

Oren Sellstrom (BBO #569045)
Lauren Sampson (BBO #704319)
Lawyers for Civil Rights
61 Batterymarch Street, 5th Floor
Boston, MA 02110
(617) 988-0609
lsampson@lawyersforcivilrights.org

Dated: September 30, 2020

Certification Pursuant to Local Rule 7.1(a)(2)

I hereby certify that on September 29, 2020, at 1:00 p.m., counsel of record for Plaintiffs and Defendants conferred by telephone in a reasonable and good faith effort to resolve or narrow the issues raised by this Motion to the greatest extent possible. On September 30, 2020, counsel for Defendants advised Plaintiffs' counsel by e-mail that Defendants oppose the relief requested in this Motion.

/s/ Patrick M. Curran, Jr.
Patrick M. Curran, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2020, the within document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent by mail to those indicated as non-registered participants on September 30, 2020.

/s/Patrick M. Curran, Jr.
Patrick M. Curran, Jr.

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