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14 **UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

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16 REGENTS OF UNIVERSITY OF
CALIFORNIA and JANET NAPOLITANO, in
17 her official capacity as President of the
University of California,

18
19 Plaintiffs,

20 v.

21 UNITED STATES DEPARTMENT OF
HOMELAND SECURITY and ELAINE
22 DUKE, in her official capacity as Acting
Secretary of the Department of Homeland
23 Security,

24 Defendants.

No. 3:17-cv-05211-WHA
No. 3:17-cv-05235-WHA
No. 3:17-cv-05329-WHA
No. 3:17-cv-05380-WHA
No. 3:17-cv-05813-WHA

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28 **DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION TO STAY (ECF
NO. 190) AND TENTATIVE ORDER OF
THE COURT (ECF NO. 193)**

Judge: Honorable William Alsup

1 **DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO STAY**
2 **AND TENTATIVE ORDER OF THE COURT**

3 While Defendants appreciate the suggested relief provided in the Court's tentative order,
4 the proposed relief does not fully address all of Defendants' substantial concerns. Absent
5 additional relief either from this Court or the Supreme Court, Defendants will be required to
6 continue to compile the administrative record during the pendency of the stay. For the reasons
7 set forth in Defendants' prior filings, Defendants believe that the Court's prior Orders regarding
8 discovery and the scope of the Administrative Record are improper. *See, e.g.*, Order re Motion
9 to Complete the Administrative Record, ECF No. 79; Motion to Stay Pending Petition for Writ
10 of Mandamus, ECF No. 81.

11 Although Defendants are engaging in discussions with Plaintiffs to potentially address
12 some of these concerns, absent additional relief Defendants reserve their right to promptly seek
13 review of the Ninth Circuit's denial of their Petition for a Writ of Mandamus with the Supreme
14 Court.

1 Dated: November 20, 2017

Respectfully submitted,

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