

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UC REGENTS, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, et al.,

Defendants.

Case No. 17-cv-05211-WHA (SK)
Case No. 17-cv-05235-WHA (SK)
Case No. 17-cv-05329-WHA (SK)
Case No. 17-cv-05380-WHA (SK)
Case No. 17-cv-05813-WHA (SK)

**ORDER RE DEPOSITION OF ACTING
SECRETARY OF HOMELAND
SECURITY DUKE**

Regarding Docket No. 88

The Parties have submitted a joint letter brief regarding Defendants’ objection to the deposition of Defendant Acting Secretary of Homeland Security (DHS) Elaine C. Duke. The Court is aware of the pending deadline of November 1, 2017 to file various important motions, the pending *mandamus* petition with the Ninth Circuit, and the trial date of February 5, 2018, all resulting from the looming deadline of March 5, 2018 for the rescission of DACA.

The Court ORDERS that Defendant Acting Secretary of Homeland Security (DHS) Elaine C. Duke appear for deposition before November 15, 2017. The deposition of Acting Secretary Duke may take place via videoconference or, if not available, by telephone, and shall not exceed four hours (not including breaks).

This Court will issue a memorandum decision following this short order, issued under time constraints. However, chief among the reasons for this Order is the fact that the testimony of lower-level deponents is that Acting Secretary Duke was the sole decision maker with regard to the rescission of DACA. (Dkts. 90-1 and 90-2.) The extraordinary circumstances required for a deposition of Acting Secretary Duke exist.

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IT IS SO ORDERED.

Dated: October 24, 2017



SALLIE KIM
United States Magistrate Judge