

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>

**MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court’s mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	18-15068, 18-15069, 18-15070, 18-15071, 18-15702		
District Court/Agency Case Number(s):	17-5211, 17-5235, 17-5329, 17-5380, 17-5813		
District Court/Agency Location:	N.D. Cal.		
Case Name:	Regents of CA, et al.	v.	DHS, et al.
If District Court, docket entry number(s) of order(s) appealed from:	Dkt No. 234		
Name of party/parties submitting this form:	US DHS, US, Kirstjen Nielsen, Donald J. Trump		

Please briefly describe the dispute that gave rise to this lawsuit.

Plaintiffs challenge the Acting Secretary's decision to rescind the policy known as DACA.

Briefly describe the result below and the main issues on appeal.

The district court entered a nationwide preliminary injunction. The main issues on appeal are (1) whether the Acting Secretary's decision is reviewable; (2) whether the Acting Secretary's decision was arbitrary and capricious; and (3) whether the entry of a nationwide injunction was permissible.

Describe any proceedings remaining below or any related proceedings in other tribunals.

This Court denied a petition for writ of mandamus filed by the government in October concerning expansion of the administrative record and discovery matters. The Supreme Court vacated and remanded this Court's decision. In the proceedings below, the district court has requested briefing on administrative record and discovery matters. Similar litigation is currently pending in the Eastern District of New York, and the government has also filed petitions for certification of interlocutory orders (18-122 & 18-123)

Provide any other thoughts you would like to bring to the attention of the mediator.

The district court certified several questions of law in its Jan. 9 and Jan. 12, and the government currently has a petition seeking certification of those orders pending (18-80004).

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at [ca09\\_mediation@ca9.uscourts.gov](mailto:ca09_mediation@ca9.uscourts.gov). Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

### CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses  
 is attached (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and  
 service list may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

**Note:** Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **File this document electronically** in Appellate ECF by choosing Forms/Notices/Disclosure > File a Mediation Questionnaire.

## REPRESENTATION STATEMENT

**Defendants-Appellants:** United States Department of Homeland Security, United States, Donald J. Trump, Kirstjen Nielsen

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**Plaintiffs-Appellees:** Regents of the University of California; State of California; Janet Napolitano; State of Maine; State of Minnesota; State of Maryland; City of San Jose; Dulce Garcia; Miriam Gonzalez Avila; Saul Jiminez Suarez; Viridiana Chabolla Mendoza; Jirayut Latthivongskorn; Norma Ramirez; County of Santa Clara; Service Employees International Union Local 521;

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## CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

The participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

s/ Abby C. Wright

Abby C. Wright

Counsel for Appellants