

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, 18-15072, 18-15128, 18-15133, 18-15134		
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 Univ. of Cal., et al.	v.	Department of Homeland Security, et al.
If District Court, docket entry number(s) of order(s) appealed from:	239		
Name of party/parties submitting this form:	All petitioners		

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

Plaintiffs challenged the Department of Homeland Security (DHS) Acting Secretary's decision to rescind the Deferred Action for Childhood Arrivals (DACA) program.

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

The district court entered a preliminary injunction and granted in part and denied in part Defendants' motions to dismiss. The issue specific to this appeal is whether DHS should have followed the Administrative Procedure Act's notice-and-comment rulemaking procedures before rescinding DACA. This court has consolidated this appeal with certain other plaintiffs' interlocutory appeal, defendants' interlocutory appeal, and defendants' appeal of the preliminary injunction order.

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

Proceedings in the district court remain regarding the scope of the administrative record. Similar challenges to the rescission of DACA are pending in the Eastern District of New York (18-122 & 18-123), the District of Columbia (17-2325 & 17-1907), and the District of Maryland (17-1907 & 17-2942).

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

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

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

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## **CERTIFICATE OF SERVICE**

I hereby certify that on February 1, 2018, I electronically filed the foregoing with the Clerk of the Court 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/ Jeffrey M. Davidson  
JEFFREY M. DAVIDSON