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15 **UNITED STATES DISTRICT COURT**  
16 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

17 ANDREW MASON DVASH-  
18 BANKS and E.J.D.-B.,

19 Plaintiffs,

20 v.

21 THE UNITED STATES  
22 DEPARTMENT OF STATE, and  
THE HONORABLE MICHAEL R.  
23 POMPEO, Secretary of State,

24 Defendants.

) Case No. 2:18-cv-00523-JFW-JCx  
) **JOINT STATEMENT**  
) **REGARDING LOCAL RULE 7-3**  
) **CONFERENCE**

\_\_\_\_\_  
) Judge: Hon. John F. Walter

1 Pursuant to Paragraph 5(b) of this Court’s Standing Order, Plaintiffs  
2 and Defendants (jointly “the Parties”) respectfully submit this joint statement  
3 concerning their Local Rule 7-3 conference in connection with the Parties’  
4 respective anticipated motions for partial summary judgment.

5 The Parties engaged in a lengthy meet and confer telephone  
6 conference on Friday, December 21, 2018, on various subjects, including the  
7 anticipated summary judgment motions. The telephone conference lasted for  
8 approximately one hour. During that telephone discussion, counsel for the parties  
9 described the claims on which they expect to seek summary judgment and the  
10 general bases for their respective motions. The participants were Theodore  
11 Edelman, Jessica Klein, Aaron Morris, Lisa Zeidner Marcus and Vinita B.  
12 Andrapalliyal. The Parties resumed their meet and confer session by means of a  
13 telephone call on January 2, 2019. That conference lasted approximately 70  
14 minutes and the participants were Theodore Edelman, Jessica Klein, Alexa  
15 Lawson-Remer, Alicia Roll, Rebekah Raybuck, Aaron Morris, Lisa Zeidner  
16 Marcus and Vinita B. Andrapalliyal. Lead trial counsel for Plaintiffs and  
17 Defendants participated in both meet and confer sessions.

18 During both sessions, the Parties conferred in good faith to discuss the  
19 motions and reviewed the claims on which they expect to move for summary  
20 judgment and also explored possible means for narrowing the issues for the  
21 Court’s adjudication. Counsel for Plaintiffs stated that they intend to move for  
22 summary judgment on Plaintiffs’ request for an order pursuant to 8 U.S.C. § 1503  
23 (“Section 1503”) declaring Plaintiff E.J. to be a United States citizen from birth  
24 (Count IV) and on Plaintiffs’ substantive due process claim under the Fifth  
25 Amendment of the United States Constitution (Count I). Defendants’ counsel  
26 indicated that they intend to move for summary judgment on Plaintiffs’ substantive  
27 due process claims, their claims under the Equal Protection component of the Fifth  
28 Amendment’s Due Process clause, and their claims under the Administrative

1 Procedure Act (Counts I, II and III). In an effort to streamline the issues for the  
2 Court's adjudication, the Parties agreed to seek Court approval pursuant to Federal  
3 Rule of Civil Procedure 15 to amend the Complaint to remove Plaintiffs' equal  
4 protection claim (Count II). The only effect of the proposed amendment would be  
5 to eliminate that claim from the Action in the interest of reducing the claims for the  
6 Court's consideration. The Parties did not agree upon any other measures to  
7 narrow the claims or issues for the Court's consideration.

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10 Dated: January 3, 2019

Respectfully submitted,

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12 Attorneys for Plaintiffs

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