

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
GEORGE JARROD HAZEL
UNITED STATES DISTRICT JUDGE

6500 CHERRYWOOD LANE
GREENBELT, MARYLAND 20770
(301) 344-0637
(301) 344-3910 FAX

July 5, 2019

RE: *Kravitz et al. v. United States Dep't of Commerce et al.*, 18-1041;
LUPE et al. v. Ross et al., 18-1570

LETTER ORDER

Dear Counsel:

The Court has received and appreciates the discovery plans submitted by both sides. It appears that while the parties agree to the parameters of the proposed schedule, Defendants take the view that discovery on the remaining equal protection and Section 1985 claims should be put on hold pending a “new” decision being reached by the Commerce Secretary. While there is some degree of logic to Defendants’ position, the Court disagrees based on the unique circumstances of this case.

Plaintiffs’ remaining claims are based on the premise that the genesis of the citizenship question was steeped in discriminatory motive. The discovery contemplated by the Court related to the recently discovered evidence in this case goes directly to that issue. Regardless of the justification Defendants may now find for a “new” decision, discovery related to the origins of the question will remain relevant. Given that time is of the essence, therefore, the prudent course is to proceed with discovery. As both sides acknowledge, the schedule may be adjusted as circumstances warrant.

Additionally, Defendants suggest in their filing that Plaintiffs’ Rule 60(b) Motion is now moot. If Defendants wish to further litigate that issue, while conducting discovery, an appropriate motion can be filed and the Court will formally respond upon full briefing. In the meantime, in accordance with the Order being issued today, discovery shall commence.

Although informal, this is an ORDER of the Court.

Sincerely,

/s/

George J. Hazel
United States District Judge