



**U.S. Department of Justice**  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave., NW  
Washington, DC 20530

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September 25, 2017

**Via ECF and by Fax**

The Hon. Naomi Reice Buchwald  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: *Knight First Amendment Institute at Columbia University, et al. v. Trump, et al.*,<sup>1</sup>  
No. 17-cv-5205 (NRB)**

Dear Judge Buchwald,

The parties in the above-referenced matter write to update the Court on the status of their negotiations following the August 15, 2017, telephone conference with the Court and to propose a schedule for further proceedings in the case. At that conference, the Court noted that it might be possible for the parties to reach agreement on a set of stipulated facts that would govern any forthcoming dispositive motions. Consistent with that suggestion, the parties have reached agreement on the attached set of stipulated facts that would permit both sides to move for summary judgment without the need for discovery or briefing on preliminary motions, including plaintiff's proposed motion for preliminary relief. The parties have agreed to stipulate to the attached facts for the duration of this litigation only; the facts are not intended to bind the parties in future cases.

In light of the stipulated facts and the agreement of the parties to proceed to summary judgment, the parties jointly propose the following schedule for further proceedings:

Defendants' Motion for Summary Judgment	October 13, 2017
Plaintiffs' Opposition and Cross-Motion	November 3, 2017
Defendants' Reply and Opposition	November 13, 2017
Plaintiffs' Reply	November 22, 2017

Should the Court accept this proposal, the parties request leave to file memoranda of law and reply memoranda within the following page limits:

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<sup>1</sup> Sarah Huckabee Sanders, White House Press Secretary, and Hope Hicks, White House Communications Director, are substituted for Sean Spicer as defendants in this case pursuant to Federal Rule of Civil Procedure 25(d).

Defendants' Motion for Summary Judgment	25 pages
Plaintiffs' Opposition and Cross-Motion	35 pages
Defendants' Reply and Opposition	25 pages
Plaintiffs' Reply	15 pages

In light of the parties' proposal to proceed directly to summary judgment on the basis of the attached stipulated facts, the parties request that the Court stay both the requirement that Defendants file an answer to the Complaint, which otherwise would be due September 29, 2017, and the parties' obligations under Rules 16 and 26, until 30 days after the resolution of any forthcoming dispositive motions.

For these reasons, the parties respectfully request that the Court schedule a pre-motion conference to discuss the parties' proposal. Should the Court accept the parties' proposed schedule and page limits, the parties have no further issues to address at a pre-motion conference.

Respectfully submitted,

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