

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PERKINS COIE LLP,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE, *et al.*,

Defendants.

Case No. 1:25-cv-00716 (BAH)

Judge Beryl A. Howell

**CONSENT MOTION TO ADOPT STREAMLINED PROCEDURES
FOR AMENDED COMPLAINT AND PENDING MOTIONS**

Plaintiff Perkins Coie LLP, by undersigned counsel, respectfully moves the Court for an Order adopting the streamlined procedures below to allow for the parties' already-filed motions to be directed to the Amended Complaint without the need for new briefing or oral argument. These procedures are necessary because the filing of the Amended Complaint technically moots the pending motions—plaintiff's Motion for Summary Judgment and Declaratory and Permanent Injunctive Relief, ECF 39; and defendants' Motion to Dismiss and for Expedited Judgment, ECF 43. Undersigned counsel has conferred with counsel for defendants, Mr. Lawson, who consents to the procedures requested below:

1. By 5:00 p.m. on Wednesday, April 30, 2025, plaintiff shall file a new motion for summary judgment and declaratory and permanent injunctive relief, and defendants shall file a new motion to dismiss the Amended Complaint (the "New Motions"). Plaintiff also shall file an amended proposed order to reflect the fact that the Amended Complaint will name as defendants the agencies and officers that had been identified in the appendix to its most recent proposed order, ECF 167-1.

2. The parties shall not submit new briefing in support of, opposition to, or in reply to the New Motions. Instead, the parties' prior briefing (including accompanying declarations and exhibits) directed to plaintiff's Motion for Summary Judgment and Declaratory and Permanent Injunctive Relief, ECF 39, and defendants' Motion to Dismiss and for Expedited Judgment, ECF 43, (the "Existing Briefs") shall apply to the New Motions without the need for renewed briefing or oral argument. The parties' arguments (including accompanying declarations and exhibits) set forth in their respective Existing Briefs and at the April 23, 2025 oral argument shall apply to the New Motions as if they had been directed to the New Motions in the first instance, and all parties to the Amended Complaint shall be bound by the Court's ruling on the New Motions. This includes the arguments in Defendants' Opposition to Plaintiff's Motion for Leave to Amend (ECF 171), which shall be deemed to apply to the Amended Complaint, and which the parties agree are not waived by the government's agreement to this streamlined procedure.

3. To facilitate this procedure, plaintiff is numbering the new paragraphs in the Amended Complaint so that citations to the initial Complaint in the Existing Briefs will continue to refer to the corresponding paragraph(s) of the Amended Complaint. For example, the new paragraphs in the Amended Complaint that identify the new defendants will be numbered as paragraph 35.01, 35.02, *et seq.*

4. Pursuant to Federal Rule of Civil Procedure 15(c)(2), this amendment will relate back to the date of the initial Complaint. *See* Fed. R. Civ. P. 15(c)(2) ("When ... a United States officer or agency is added as a defendant by amendment, the notice requirements of Rule 15(c)(1)(C)(i) and (ii) are satisfied if, during the stated period, process was delivered or mailed to ... the Attorney General of the United States[.]"). In lieu of physically serving each new defendant, plaintiff will serve counsel for defendants, Mr. Lawson, who will accept service by

email for each new defendant subject to each agency's approval of substitute service. Counsel for defendants shall promptly, and within no more than ten (10) days, notify plaintiff if any agency or officer requests individual service.

5. In the interests of judicial economy, plaintiff requests that the Court excuse plaintiff from having to list each new defendant's address in the caption of the Amended Complaint, as would ordinarily be required under Local Civil Rule 5.1(c), and instead permit plaintiff to file a separate notice containing the new defendants' addresses by Wednesday, April 30, 2025.

6. Undersigned counsel has conferred with counsel for defendants, Mr. Lawson, who consents to the foregoing procedures.

WHEREFORE, for the aforementioned reasons, plaintiff requests that the Court enter an Order adopting the streamlined procedures requested herein. A proposed order is attached hereto.

Dated: April 28, 2025

Respectfully submitted,

WILLIAMS & CONNOLLY LLP

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Counsel for Plaintiff Perkins Coie LLP

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[PROPOSED] ORDER

Upon consideration of plaintiff's Consent Motion to Adopt Streamlined Procedure for Amended Complaint and Pending Motions, ECF No. ____, it is hereby--

ORDERED that plaintiff's Consent Motion to Adopt Streamlined Procedure for Amended Complaint and Pending Motions, ECF No. ____, is **GRANTED**; it is further

ORDERED that by 5:00 p.m. on Wednesday, April 30, 2025, plaintiff shall file a new motion for summary judgment and declaratory and permanent injunctive relief, and defendants shall file a new motion to dismiss the Amended Complaint (the "New Motions"). Plaintiff shall also file a new proposed order amending ECF No. 167-1 to reflect the addition of the new defendants in the Amended Complaint. It is further

ORDERED that the parties shall not submit new briefing in support of, opposition to, or in reply to the New Motions. Instead, the parties' prior briefing (including accompanying declarations and exhibits) directed to plaintiff's Motion for Summary Judgment and Declaratory and Permanent Injunctive Relief, ECF No. 39, and defendants' Motion to Dismiss and for Expedited Judgment, ECF No. 43, (the "Existing Briefs") shall apply to the New Motions without the need for renewed briefing or oral argument. The parties' arguments (including accompanying

declarations and exhibits) set forth in their respective Existing Briefs and at the April 23, 2025 oral argument shall apply to the New Motions as if they had been directed to the New Motions in the first instance, and all parties to the Amended Complaint shall be bound by the Court's ruling on the New Motions. This includes the arguments in Defendants' Opposition to Plaintiff's Motion for Leave to Amend (ECF No. 171), which shall be deemed to apply to the Amended Complaint, and which are not waived by the government's agreement to this streamlined procedure. It is further

ORDERED that in lieu of physically serving each new defendant, plaintiff will serve counsel for defendants, Mr. Lawson, who will accept service by email for each new defendant subject to each agency's approval of substitute service. Counsel for defendants shall promptly, and within no more than ten (10) days of service, notify plaintiff if any agency or officer requests individual service. It is further

ORDERED that in the interests of judicial economy, Plaintiff is not required to include the address information required by Local Civil Rule 5.1(c) in the Amended Complaint and shall instead file a separate notice containing such information by Wednesday, April 30, 2025.

SO ORDERED.

Dated: _____

BERYL A. HOWELL
United States District Judge