

September 27, 2018

The Honorable Jesse M. Furman  
United States District Court for the Southern District of New York  
40 Centre Street, Room 2202  
New York, NY 10007

RE: *Plaintiffs' Status Report in State of New York, et al. v. U.S. Dep't of Commerce, et al.*, 18-CV-2921 (JMF).

Dear Judge Furman,

Pursuant to Paragraph 1(A) of this Court's Individual Rules and Practices, Plaintiffs write to advise the Court that Plaintiffs have noticed the deposition of Secretary Ross for October 3, 2018, at the U.S. Department of Commerce. *See* Docket No. 345.

Plaintiffs requested dates convenient for the Secretary by email on September 21 and September 25, and again during a telephonic meet-and-confer on September 26. Because Defendants did not provide any dates in response to those requests, Plaintiffs advised that we would notice the deposition for October 3 and would try to accommodate the Secretary if counsel was later prepared to offer a different date before the close of discovery on October 12.

Respectfully submitted,

BARBARA D. UNDERWOOD  
Attorney General of the State of New York

By: /s/ Matthew Colangelo  
Matthew Colangelo  
*Executive Deputy Attorney General*  
Office of the New York State Attorney General  
28 Liberty Street  
New York, NY 10005  
Phone: (212) 416-6057  
matthew.colangelo@ag.ny.gov

Attorney for the *State of New York* Plaintiffs

ARNOLD & PORTER KAYE SCHOLER LLP  
AMERICAN CIVIL LIBERTIES UNION

By: /s/ John A. Freedman

Dale Ho  
American Civil Liberties Union Foundation

Andrew Bauer  
Arnold & Porter Kaye Scholer LLP

125 Broad St.  
New York, NY 10004  
(212) 549-2693  
dho@aclu.org

Sarah Brannon\*  
American Civil Liberties Union Foundation  
915 15th Street, NW  
Washington, DC 20005-2313  
202-675-2337  
sbrannon@aclu.org  
*\* Not admitted in the District of Columbia;  
practice limited pursuant to D.C. App. R.  
49(c)(3).*

Perry M. Grossman  
New York Civil Liberties Union Foundation  
125 Broad St.  
New York, NY 10004  
(212) 607-3300 601  
pgrossman@nyclu.org

250 West 55th Street  
New York, NY 10019-9710  
(212) 836-7669  
Andrew.Bauer@arnoldporter.com

John A. Freedman  
Arnold & Porter Kaye Scholer LLP  
601 Massachusetts Avenue, N.W.  
Washington, DC 20001-3743  
(202) 942-5000  
John.Freedman@arnoldporter.com

Attorneys for the NYIC Plaintiffs