

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STATES OF NEW YORK, COLORADO,
CONNECTICUT, DELAWARE, ILLINOIS,
IOWA, MARYLAND, MINNESOTA, NEW
JERSEY, NEW MEXICO, NORTH
CAROLINA, OREGON, RHODE ISLAND,
VERMONT, and WASHINGTON;
COMMONWEALTHS OF
MASSACHUSETTS, PENNSYLVANIA, and
VIRGINIA; DISTRICT OF COLUMBIA;
CITIES OF CENTRAL FALLS, CHICAGO,
COLUMBUS, NEW YORK,
PHILADELPHIA, PHOENIX, PITTSBURGH,
PROVIDENCE, and SEATTLE; CITY and
COUNTY of SAN FRANCISCO; COUNTIES
OF CAMERON, EL PASO, HIDALGO, and
MONTEREY; and the UNITED STATES
CONFERENCE OF MAYORS,

Plaintiffs,

NEW YORK IMMIGRATION COALITION,
CASA DE MARYLAND, AMERICAN-ARAB
ANTI-DISCRIMINATION COMMITTEE,
ADC RESEARCH INSTITUTE, and MAKE
THE ROAD NEW YORK,

Consolidated Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
COMMERCE; and WILBUR L. ROSS,
JR., in his official capacity as Secretary
of Commerce, and

BUREAU OF THE CENSUS, an agency
within the United States Department of
Commerce; and RON S. JARMIN, in his
capacity as performing the non-
exclusive functions and duties of the
Director of the U.S. Census Bureau,

Defendants.

Civil Action No. 1:18-cv-2921-JMF

Hon. Jesse M. Furman

[PROPOSED] JOINT PRETRIAL ORDER

The parties having conferred among themselves and with the Court pursuant to Federal Rule of Civil Procedure 16, the following statements, directions and agreements are adopted as the Pretrial Order herein:

I. Trial Counsel

The names and contact information for all counsel who will appear at trial are listed on the docket for this case, or will have entered notices prior to the final pre-trial conference.

II. Subject Matter Jurisdiction

Plaintiffs assert that this Court has subject matter jurisdiction over this action under 28 U.S.C. § 1331 because it involves issues arising under the Constitution and laws of the United States. Jurisdiction is also proper under the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. § 702.

Defendants maintain their position that Plaintiffs lack standing to maintain their claims.

III. Claims and Defenses

The *State of New York* Plaintiffs' Second and Third Claims for Relief remain to be tried. (Docket No. 214.) The Second Claim for Relief seeks to "hold unlawful and set aside" Defendants' decision to add a citizenship demand to the 2020 Census questionnaire, on the ground that it is "not in accordance with law," "contrary to constitutional right," "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right," or is "without observance of procedure required by law," in violation of the Administrative Procedure Act. 5 U.S.C. § 706(2)(A)-(D). The Third Claim for Relief seeks to "hold unlawful and set aside" Defendants' decision because it is "arbitrary, capricious, [or] an abuse of discretion" in violation of the Administrative Procedure Act. 5 U.S.C. § 706(2)(A).

The *NYIC* Plaintiffs' First and Third Claims for Relief remain to be tried. (18-CV-5025, Docket No. 1.) The First Claim for Relief alleges that in deciding to add a citizenship question to the Decennial Census, Defendants acted with discriminatory intent and denied Plaintiffs equal protection in violation of the Due Process Clause of the Fifth Amendment. The Third Claim for Relief (like the *State of New York* Plaintiffs' Second and Third Claims for Relief) asserts that Defendants' decision to add a citizenship question was arbitrary, unconstitutional, and contrary to statute in violation of the Administrative Procedure Act, 5 U.S.C. § 706.

This Court dismissed the *State of New York* Plaintiffs' First Claim for Relief and the *NYIC* Plaintiffs' Second Claim for Relief, which alleged that Defendants' decision to add a citizenship demand to the 2020 Census questionnaire violated the Enumeration Clause of the Constitution. (Docket No. 215.)

Defendants' position is that Plaintiffs lack standing to pursue any of their claims. Should the Court reach the merits, Defendants position is that the Secretary's March 26, 2018 decision to reinstate a citizenship question on the 2020 census questionnaire is reasonable and fully comports with the Administrative Procedure Act. In addition, Defendants maintain that Plaintiffs will be unable to demonstrate that the Secretary's stated rationale is pretextual, nor can they show that it was based on discriminatory motives.

IV. Number of Trial Days

This case has been set for a two week bench trial to begin on November 5, 2018. The Court will not be in session on November 8 or 12, 2018. The parties believe that the trial can be completed in the allotted time.

V. Trial by Magistrate

At least one party has not consented to trial by magistrate.

VI. Stipulations

The parties have met and conferred and will submit the first set of stipulations by October 30. The parties will continue to confer and may submit additional stipulations before trial.

VII. Trial Witnesses

A list of Plaintiffs' trial witnesses is attached as Exhibit A. Defendants' only trial witnesses is Dr. John Abowd.

VIII. Deposition Designations

Pursuant to the Court's order at Docket No. 407, deposition designations will be provided by noon on November 2, 2018.

IX. Trial Exhibits

A list of Plaintiffs' trial exhibits is attached as Exhibit B. A list of Defendants' trial exhibits is attached as Exhibit C. These exhibit lists are also being provided to the Court via email, per instructions. Per the Court's instructions at the October 23 Status Conference, the Parties will submit updated lists with objections to opposing parties' lists by noon on October 29.

X. Requested Relief

The Plaintiffs respectfully request that the Court:

1. Declare that Defendants' addition of a citizenship demand to the questionnaire for the 2020 Decennial Census is unauthorized by and contrary to the Constitution and laws of the United States;

2. Declare that the Defendants' decision to add a citizenship question to the 2020 Decennial Census is not in accordance with law, is beyond statutory authority, and is arbitrary and capricious, in violation of the Administrative Procedure Act, 5 U.S.C. § 706;

3. Preliminarily and permanently enjoin Defendants and all those acting on their behalf from adding a citizenship question to the 2020 Decennial Census questionnaire.

4. Award Plaintiffs their reasonable fees, costs, and expenses, including attorneys' fees, pursuant to 28 U.S.C. § 2412; and

5. Award such additional relief as the court deems proper.

Defendants respectfully request that the Court enter judgment in their favor.

SO ORDERED.

JESSE M. FURMAN
United States District Judge

Dated: _____
New York, New York

State of New York, et al., v. Dep't of Commerce, et al., No. 1:18-cv-02921-JMF**Plaintiffs' Witness List**

Witness	Form of Testimony	Interpreter Needed	Summary of Testimony
Dr. John Abowd	Live	No	Will testify regarding the content of his expert report, his knowledge of and involvement in the decision to add the citizenship question, the impact of the citizenship question, and various sources of citizenship data, as Chief Scientist of the Census Bureau and as a representative of the Census Bureau.
Daniel Altschuler	Affidavit ¹	No	Will testify regarding the impact of the addition of citizenship question on Plaintiff Make the Road New York and its members.
Dr. Matthew Barreto	Live	No	Will testify regarding the content of his expert reports.
Todd Breitbart	Affidavit	No	Will testify regarding the impact of the citizenship question on redistricting in New York State. Will testify as to block level populations in New York State.
Susan Brower	Affidavit	No	Will testify regarding the impact of the citizenship question on residents in Minnesota and on block level populations in Minnesota.
Steven Choi	Affidavit	No	Will testify regarding the impact of the addition of citizenship question on Plaintiff New York Immigration Coalition and its members.
Earl Comstock	Deposition	No	Will testify regarding his knowledge of and involvement in the Commerce Department's decision to add the citizenship question.
Sarah Cullinane	Affidavit	No	Will testify regarding the impact of the citizenship question on residents of New Jersey.
George Escobar	Affidavit	No	Will testify regarding the impact of the addition of citizenship question on Plaintiff CASA de Maryland and its members.
Marchelle Franklin	Affidavit	No	Will testify regarding the impact of the citizenship question on funding in Phoenix, Arizona.

¹ Plaintiffs use the term "Affidavit" to refer to all documents submitted pursuant to 28 U.S.C. § 1746, including declarations.

State of New York, et al., v. Dep't of Commerce, et al., No. 1:18-cv-02921-JMF**Plaintiffs' Witness List**

Emily Freedman	Affidavit	No	Will testify regarding the impact of the citizenship question on funding in Providence, Rhode Island.
Jesús García	Affidavit	No	Will testify regarding the impact of the citizenship question on city spending, funding, redistricting and residents of Chicago.
John Gore	Deposition	No	Will testify regarding the Department of Justice's involvement in the decision to add the citizenship question.
Dr. Hermann Habermann	Affidavit	No	Will testify regarding the content of his expert report.
Dr. Lisa Handley	Live	No	Will testify regarding the content of her expert report.
Katherine Harvell Haney	Affidavit	No	Will testify regarding the impact of the citizenship question on funding in Massachusetts.
Jason Harmon	Affidavit	No	Will testify regarding the impact of the citizenship question on funding in New York State.
Dr. Sunshine Hillygus	Live	No	Will testify regarding the content of her expert reports.
Ron Jarmin	Deposition	No	Will testify regarding his knowledge of and involvement in the decision to add the citizenship question and the impact of the citizenship question.
Karen Dunn Kelley	Deposition	No	Will testify regarding her knowledge of and involvement in decision to add the citizenship question.
Samer Khalaf	Affidavit	No	Will testify regarding the impact of the addition of citizenship question on Plaintiffs ADC Research Institute and Plaintiff American-Arab Anti-Discrimination Committee and its members.
David Langdon	Deposition	No	Will testify regarding his knowledge of and involvement in the Commerce Department's decision to add the citizenship question.
Gregory Lucyk	Affidavit	No	Will testify regarding the impact of the citizenship question on redistricting in Virginia.

*State of New York, et al., v. Dep't of Commerce, et al., No. 1:18-cv-02921-JMF***Plaintiffs' Witness List**

A. Mark Neuman	Deposition	No	Will testify regarding his knowledge of and involvement in the decision to add the citizenship question.
Dr. William O'Hare	Affidavit	No	Will testify regarding the content of his expert report.
Sahra Park-Su	Deposition	No	Will testify regarding her knowledge of and involvement in the Commerce Department's decision to add the citizenship question.
Christine Pierce	Affidavit	No	Will testify as to her communications with the Commerce Department concerning the citizenship question and differences between Nielsen surveys and the Decennial Census.
Elizabeth Plum	Affidavit	No	Will testify regarding the impact of the addition of citizenship question on Plaintiff New York Immigration Coalition and its members.
Dr. Andrew Reamer	Affidavit	No	Will testify regarding the content of his expert report.
Evelyn Rodriguez	Affidavit	No	Will testify regarding the impact of the citizenship question on city spending, and residents of Chicago.
Secretary Wilbur Ross	Deposition (if stay is lifted)	No	Will testify regarding his decision to add the citizenship question.
Dr. Joseph Salvo	Live	No	Will testify regarding the content of his rebuttal expert report and on the impact of the citizenship question on New York City.
Monica Sarmiento	Affidavit	No	Will testify regarding the impact of the citizenship question on residents of Virginia.
Wendy Teramoto	Deposition	No	Will testify regarding her knowledge of and involvement in the Commerce Department's decision to add the citizenship question.
John Thompson	Affidavit	No	Will testify regarding the content of his expert report.
Jacqueline Tiema-Massie	Affidavit	No	Will testify regarding the impact of the citizenship question on funding in the City of Chicago.
Dr. Jennifer Van Hook	Affidavit	No	Will testify regarding the content of her expert report and supplemental report.

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Plaintiffs' Witness List

Arturo Vargas	Affidavit	No	Will testify as to the role of Census advisory committees and his communications with the Commerce Department about the citizenship question.
Dr. Christopher Warshaw	Affidavit	No	Will testify regarding the content of his expert report.

PLAINTIFFS' EXHIBIT LIST*State of New York, et al., v. U.S. Department of Commerce, et al., No. 18-cv-2921*

Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-001	Initial Administrative Record [AR 000001-001320]		
PX-002	Supplemental Memorandum by Secretary of Commerce Wilbur Ross Regarding the Administrative Record in Census Litigation (6/21/2018) [AR 1321]		
PX-003	1st Supplemental AR Production [AR 1322]		
PX-004	2nd Supplemental AR Production [AR 003736-012464]		
PX-005	Disclosure Review Board (DRB) Release produced 8.28.18		
PX-006	DRB Release produced 9.4.18		
PX-007	4th Supplemental AR Production [AR 012464-012543]		
PX-008	Privilege Overturns produced 9.17.18 [AR 012476, 012755-012756]		
PX-009	DRB Release produced 9.19.18 - 2017 ACS Data [AR 012757-012762]		
PX-010	Additional Stakeholder Briefs produced 9.26.18 [AR 012763-012767]		
PX-011	Documents Produced in Response to 5th MTC [AR012768-012803]		
PX-012	Documents Produced in Response to ECF No. 349 [AR 012804-012826]		
PX-013	10th Supplemental AR Production [AR 012827-013022]		
PX-014	Document Produced in Response to ECF No. 361 [AR 013023-013024]		
PX-015	DRB Release - Focus Group Materials produced 10.3.18 [AR 013025-013099]		
PX-016	Additional Supplemental AR Documents Produced by Defendants		
PX-017	Letter from A. Gary to J. Thompson re: Legal Authority for American Community Survey Questions (10/4/2016) [AR 000311]		
PX-018	Email from I. Hernandez to W. Ross and B. Lenihan, cc: E.Herbt, W. Teramoto re: Census Updates (8/8/2018) [AR 000317]		
PX-019	Email from K. Kobach to W. Teramoto re: Memo on Census Question re: Follow up on our phone call (7/24/2017) [AR 000763]		
PX-020	Letter from W. Ross to K. Harris (1/31/2018) [AR 000782]		
PX-021	Summary of Discussion between W. Ross and		

PLAINTIFFS' EXHIBIT LIST*State of New York, et al., v. U.S. Department of Commerce, et al., No. 18-cv-2921*

Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
	N. Pelosi re: 3/23/18 meeting [AR 001274]		
PX-022	Memo from J. Abowd to W. Ross re: Technical Review of the Department of Justice to Add Citizenship Question to the 2020 Census (January 19, 2018) [AR 001277]		
PX-023	Questions on the Jan 19 Draft Census Memo on the DOJ Citizenship Question Reinstatement Request [AR 001286]		
PX-024	Summary Analysis of the Key Differences Between Alternative C and Alternative D [AR 001304]		
PX-025	Memo from J. Abowd to W. Ross re: Preliminary analysis of Alternative D (Combined Alternatives B and C) [AR 001308]		
PX-026	Defendant Ross Decisional Memo (Mar. 26, 2018) [AR 001313]		
PX-027	Email from A. Willard to R. Jarmin (12/15/2017) [AR 001332]		
PX-028	Email from Victoria Velkoff to Aeon Willard re: Tuesday Availability (7/25/2017) [AR 1393]		
PX-029	Email from A. Willard to V. Velkoff (7/25/2017) [AR 001404]		
PX-030	Email from D. Langdon to E. Herbst re: Census Bureau briefing for OS politicals (2/2/2017) [AR 001410]		
PX-031	Email from E. Comstock to C. Neuhaus et al., re: Census (8/29/2017) [AR 001411]		
PX-032	Letter from A. Gary to R. Jarmin re: Request to Reinstate Citizenship Question on 2020 Census Questionnaire (12/12/2017) [AR 001525]		
PX-033	Email from J. Uthmeier to E. Lamas and R. Jarmin re: DOJ letter (2/15/2017) [AR 001634]		
PX-034	Questions on the Jan 19 Draft Census Memo on the DOJ Citizenship Question Reinstatement Request [AR 001954]		
PX-035	Email from K. Dunn Kelley to J. Uthmeier re: Prep for Wed Census meeting with Sec (9/5/2017) [AR 001996]		
PX-036	Email from K. Dunn Kelley to J. Uthmeier re: Prep for Wed Census meeting with Sec (9/5/2017) [AR 001998]		
PX-037	Email from J. Uthmeier to E. Comstock re: Census Matter Follow-up (9/7/2017) [AR 002034]		

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Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-038	Email from James Uthmeier to Mark Neuman [confirmed by Privilege Log] re: Questions re Census (9/8/2017) [AR 002051_0001]		
PX-039	Email from M. Walsh to W. Teramoto and J. Rockas (3/16/2018) [AR 002160]		
PX-040	Email from W. Teramoto to J. Rockas re: NEED APPROVAL - Gilliam Quotes (3/16/2018) [AR 002167]		
PX-041	Email from C. Jones to E. Comstock re: Seeking comment - citizenship question (2/28/2018) [AR 002199]		
PX-042	Email from B. Reist to E. Comstock re: Citizenship Questions --Complete Set (2/2/2018) [AR 002292]		
PX-043	Questions on the Jan 19 Draft Census Memo on the DOJ Citizenship Question Reinstatement Request [AR 002294]		
PX-044	Email from J. Uthmeier to E. Comstock re: Census Matter Follow-Up (9/7/2017) [AR 002395]		
PX-045	Email from W. Ross to E. Comstock (9/1/2017) [AR 002424]		
PX-046	Email from C. Neuhaus to S. Park-Su et al, re: Census (8/29/2017) [AR 002426]		
PX-047	Email from S. Park-Su to E. Comstock, cc: C. Neuhaus, M. Leach, I. Hernandez, C. Dorsey, M. Bedan, re: Census (8/29/2017) [AR 002429]		
PX-048	Email from E. Comstock to W. Teramoto re: Calls with DOJ (9/16/2017) [AR 002458]		
PX-049	Email from E. Comstock to P. Davidson, J. Uthmeier, cc: W. Teramoto, re: Census Matter Follow Up (9/7/2017) [AR 002459]		
PX-050	Email from E. Comstock to W. Teramoto re: Memo on Census Question (8/16/2017) [AR 002461]		
PX-051	Email from E. Comstock to [REDACTED] re: Call today to discuss DoC Issues (5/4/2017) [AR 002462]		
PX-052	Email from P. Davidson to W. Ross, re: Letter from DOJ (10/8/2017) [AR 002482]		
PX-053	Email from P. Davidson to B. Murnane re: John Gore from DOJ called - his number is [redacted] (11/27/2017) [AR 002496]		

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Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-054	Email between E. Comstock, W. Ross, and W. Teramoto re: ITA Request for [Redacted] (9/1/2017) [AR 002519]		
PX-055	Email from E. Comstock to W. Ross re: Your Question on the Census (3/10/2017) [AR 002521]		
PX-056	Email from W. Ross to W. Teramoto re: Census (1/29/2018) [AR 002525]		
PX-057	Email from W. Ross to P. Davidson re: Census (9/19/2017) [AR 002528]		
PX-058	Email from B. Alexander to H. Geary (4/5/2017) [AR 002561]		
PX-059	Email between J. Gore and M. Leach, re: Call (9/13/2017) [AR 002628]		
PX-060	Email from Macie Leach to John Gore re: Call (9/13/2017) [AR 002634]		
PX-061	Emails between W. Teramoto, D. Cutrona, J. Gore re: Call (9/18/2017) [AR 002636]		
PX-062	Email from W. Teramoto to D. Cutrona re: Call (9/18/2017) [AR 002637]		
PX-063	Email from W. Teramoto to J. Gore and D. Cutrona re: Call (9/16/2017) [AR 002639]		
PX-064	Email from J. Rockas to K. Manning re: Citizenship Question (3/19/2018) [AR 002643]		
PX-065	Email from J. Rockas to W. Teramoto (3/16/2018) [AR 002646]		
PX-066	Email from D. Cutrona to W. Teramoto re: Call (9/18/2017) [AR 002651]		
PX-067	Email from D. Cutrona to W. Teramoto re: Call (9/17/2017) [AR 002653]		
PX-068	Email between W. Teramoto and M. Leach, re: John Gore-DOJ (9/15/2017) [AR 002659]		
PX-069	2016 Internet Breakoff Rates [AR 002737]		
PX-070	Email from R. Jarmin to K. Kelley re: Question (2/14/2018) [AR 003274]		
PX-071	Email from R. Jarmin to K. Kelley re: Request to Reinstate Citizenship Question on 2020 Census Questionnaire (12/22/2017) [AR 003289]		
PX-072	Email from S. Buckner to R. Jarmin re: Urgent query from Science (1/2/2018) [AR 003323]		
PX-073	Email from E. Lamas to A. Willard re: Please call Karen (12/15/2017) [AR 003347]		
PX-074	Email from J. Abowd to R. Jarmin re: DOJ Letter (12/15/2017) [AR 003354]		

PLAINTIFFS' EXHIBIT LIST***State of New York, et al., v. U.S. Department of Commerce, et al., No. 18-cv-2921***

Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-075	Email from R. Jarmin to K. Kelley re: DOJ (2/6/2018) [AR 003460]		
PX-076	Email from E. Lamas to K. Kelley re: Two questions from Molly McCarthy on Citizenship as a topic (10/11/2017) [AR 003470]		
PX-077	Email from S. Park-Su to M. Wash and B. Lenihan re: FW: MOU Update (3/6/2018) [AR 003588]		
PX-078	Email from E. Comstock to K. Kelley and M. Walsh re: Potential House CJS Minority Questions for Tomorrow's Hearing (3/20/2018) [AR 003597]		
PX-079	Email from D. Langdon to E. Comstock re: 2020 Census Topics (3/10/2017) [AR 003685]		
PX-080	Email from D. Langdon to E. Comstock and E. Herbst re: 2020 topics briefing (3/15/2017) [AR 003686]		
PX-081	Email from B. Alexander to E. Comstock (4/20/2017) [AR 003694]		
PX-082	Email from E. Comstock to W. Ross re: Census Testimony for Wed. May 3 House CIS Hearing (5/1/2017) [AR 003695]		
PX-083	Email from W. Ross to W. Teramoto re: Census (5/2/2017) [AR 003699]		
PX-084	Email from E. Comstock to E. Branstad re: DOJ contact (5/4/2017) [AR 003701]		
PX-085	Email from D. Langdon to L. Blumerman re: Requested Information - Legal Review All Residents..... (5/24/2017) [AR 003702]		
PX-086	Calendar Invite from J. Uthmeier to E. Comstock for meet with James re: Census Citizenship (6/27/2017) [AR 003705]		
PX-087	Email from A.M. Neuman to E. Comstock re: Census Question (4/14/2017) [AR 003709]		
PX-088	Email between E. Comstock and W. Ross re: Census (5/2/2017) [AR 003710]		
PX-089	Draft Response Template re: Citizenship Question [AR 003870]		
PX-090	Memo from W. Ross to K.D. Kelley re: Reinstatement of a Citizenship Question on the 2020 Decennial Census Questionnaire (3/26/2018) [AR 003893]		
PX-091	Email from K. Kelley to R. Jarmin re: re: Need DOC Guidance--Race/Ethnicity Questions and Citizenship (1/24/2018) [AR 003978]		

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Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-092	Email from K. Quinley to K. Kelley re: Agenda for January 11 Steering Committee (1/10/2018) [AR 003981]		
PX-093	Agenda for Steering Committee meeting [AR 003982]		
PX-094	Email from W. Teramoto to E. Comstock re: Memo on Census Question (8/16/2017) [AR 003983]		
PX-095	Email from W. Ross to E. Comstock re: Census Matter (8/10/2017) [AR 003984]		
PX-096	Email from Earl Comstock to Wilbur Ross, copying Wendy Teramoto, re: ITA Request for [redacted] (9/1/2017) [AR 004002]		
PX-097	Email from E. Comstock to W. Ross (8/8/2017) [AR 004004]		
PX-098	Submission of the 2020 Census and American Community Survey Questions to Congress PowerPoint Presentation [AR 004802]		
PX-099	Hearing Prep: Tribal Qs&As for February 14, 2018 [AR 004863]		
PX-100	Memo from J. Abowd to R. Jarmin re: Summary of Quality/ Cost of Alternatives for Meeting Department of Justice Request for Citizenship Data (1/3/2018) [AR 005473]		
PX-101	Email from R. Jarmin to A. Gary re: Request to Reinstate Citizenship Question on 2020 Census Questionnaire (1/3/2018) [AR 005489]		
PX-102	Alternative Sources of Citizenship Data for the 2020 Census (12/22/2017) [AR 005500]		
PX-103	Memo from S. Ewert to K. Humes re: Citizenship and survey response rates (2/7/2017) [AR 005596]		
PX-104	Email from K. Prewitt to J. Abowd re census citizenship (2/25/2018) [AR 006156]		
PX-105	Email from M. Hansen to S. Jost re: Census 2020 (2/6/2018) [AR 006236]		
PX-106	Email from J. David Brown to J. Eltinge, et al. re: Methodological text and selected references (1/3/2018) [AR 006575]		
PX-107	Email from M. Heggeness to J. Abowd re: Internal Meeting Re: DOJ Letter Response (1/2/2018) [AR 006623]		
PX-108	Email from P. Beatty to J. Abowd re: Trump Justice Department Pushed for Citizenship Question on Census (1/2/2018) [AR 006629]		

PLAINTIFFS' EXHIBIT LIST*State of New York, et al., v. U.S. Department of Commerce, et al., No. 18-cv-2921*

Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-109	Email from R. Jarmin to A. Fontenot, J. M Abowd re: Request to Reinstate Citizenship Question on 2020 Census Questionnaire (12/22/2017) [AR 006659]		
PX-110	Letter from Arthur Gary to Defendant Jarmin, Re: Request to Reinstate Citizenship Question on 2020 Census Questionnaire (Dec. 12, 2017) [AR 007729]		
PX-111	Email from J. Abowd to J. Whitehorne re: Citizenship on the ACS (12/18/2017) [AR 008239]		
PX-112	2020 Census: Adding Content to the Questionnaire [AR 008291]		
PX-113	Email from R. Jarmin to C. Jones re: Question (2/14/18) [AR 008325]		
PX-114	Email from R. Jarmin to A. Fontenot re: Citizenship question (1/18/2018) [AR 008345]		
PX-115	Email from J. Thompson to R. Jarmin re: Letter to Secretary Ross (1/29/18) [AR 008554]		
PX-116	Letter from V. Barabba et al to W. Ross (1/26/2018) [AR 008555]		
PX-117	Email from E. Lamas to S. Buckner re: DOC Clearance Update (1/24/2018) [AR 008558]		
PX-118	Email from S. Buckner to R. Jarmin (1/4/2018) [AR 008630]		
PX-119	Email from J. Abowd to S. Garfinkel re: 2018-03-08 Challenges and Experiences Adapting Differentially Private Mechanisms to the 2020 Census (3/5/2018) [AR 008911]		
PX-120	Garfinkel Presentation- "Challenges and Experiences Adapting Differentially Private Mechanisms to the 2020 Census" [AR 008912]		
PX-121	Email from J. Abowd to B. Reist et al. re: FINAL VERSION ATTACHED (1/4/2018) [AR 009008]		
PX-122	Email from J. Abowd to J. Brown et al. re: DOJ Letter Follow-up (12/19/2017) [AR 009068]		
PX-123	Email from C. Jones to S. Park-Su re: Draft Response to Question (2/24/2018) [AR 009190]		
PX-124	Email from K. Hancher to R. Jarmin re: DOJ Meeting (2/15/2018) [AR 009193]		
PX-125	Email from J. Abowd to K. Evans re: Is this the memo you referred to on the call? (3/5/2018) [AR 009345]		

PLAINTIFFS' EXHIBIT LIST*State of New York, et al., v. U.S. Department of Commerce, et al., No. 18-cv-2921*

Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-126	Email from R. Jarmin to M. Berning re: SSA (2/13/2018) [AR 009444]		
PX-127	Email from J. Treat to R. Jarmin re: Notes from the meeting with the Secretary (2/13/2018) [AR 009450]		
PX-128	Email from [Redacted] to R. Jarmin re: Items (1/2/2018) [AR 009679]		
PX-129	2016 Breakoff data [AR 009692]		
PX-130	Email from R. Jarmin to K. Kelley re: Need DOC Guidance--Race/Ethnicity Questions and Citizenship (1/24/2018) [AR 009739]		
PX-131	Email to K. Kelley re: Items to cover w/ Izzy (9/5/2017) [AR 009799]		
PX-132	Memo from J. Abowd to W. Ross re: Preliminary analysis of Alternative D (Combined Alternatives B and C) (3/1/2018) [AR 009812]		
PX-133	Memo from E. Comstock to W. Ross re: Census Discussions with DoJ (9/8/2017) [AR 009834]		
PX-134	2020 Census: Adding Content to the Questionnaire [AR 009865]		
PX-135	2017 Break-off analysis [AR 010382]		
PX-136	Memorandum from Center for Survey Measurement to ADRM re: Respondent Confidentiality Concerns (9/20/2017) [AR 010386]		
PX-137	American Community Survey (ACS) Response Rate by Mode [AR 010408]		
PX-138	Draft Memo - 2018.Executive Summary [AR 010499]		
PX-139	Draft Memo - 2018.Executive Summary [AR 010509]		
PX-140	Questions on the Jan 19 Draft Census Memo on the DOJ Citizenship Question Reinstatement Request [AR 010895]		
PX-141	Memo from S. Ewert to K. Humes re: Citizenship and survey response rates (2/7/2017) [AR 010913]		
PX-142	Spreadsheet re: Question Assignments [AR 010950]		
PX-143	Email from W. Ross to P. Davidson, re: Census Questions (11/28/2017) [AR 011193]		
PX-144	Email from B. Page to R. Jarmin re: Census Question Request (12/20/2017) [AR 011194]		

PLAINTIFFS' EXHIBIT LIST*State of New York, et al., v. U.S. Department of Commerce, et al., No. 18-cv-2921*

Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-145	Email from J. Uthmeier to M. Neuman [confirmed by Privilege Log] re: Questions re Census (9/13/2017) [AR 011329]		
PX-146	Email from W. Ross to W. Teramoto and E. Comstock re: Memo on Census Question (8/11/2017) [AR 011362]		
PX-147	Memo from M. Berning et al., to J. Abowd re: Alternative Sources of Citizenship Data for the 2020 Census (12/22/2017) [AR 011634]		
PX-148	Email from K. Dunn Kelley to A. Willard re: Notes from drive (10/9/2017) [AR 012464]		
PX-149	Email chain between Ross and Dunn Kelley (1/16/2018) [AR 012479]		
PX-150	Email chain between Langdon and census employees (5/24/2017) [AR 012541]		
PX-151	2017 Breakoff Rates by Race Group [AR 012757]		
PX-152	2020 CBAMS Focus Groups Audience Summary Report [AR 013025]		
PX-153	9/19/2017 Comstock email to Teramoto, attaching 9/8/17 memo from Comstock to Ross (unredacted) [AR 016106]		
PX-154	August 6, 2018, Letter Re: Proposed Information Collection; Comment Request; 2010 Census 83 Fed. Reg. 26,643 (June 8, 2018), Docket No. USBC-2018-0005 [PLO24752].		
PX-155	2012-2016 ACS CAPI Response Rate by Tract Percentage of Housing Units with at least One Noncitizen [0010678DRB]		
PX-156	Email from J. Gore to A. Gary (10/31/17) [CLC 1-6]		
PX-157	Email from Pickett to Gore (11/3/17) [CLC 58]		
PX-158	Memo from Center for Survey Measurement to ADRM [COM_DIS00002446]		
PX-159	Mikelyn Meyers and Patricia Goerman U.S. Census Bureau; Presented at the 73rd annual conference of the American Association for Public Opinion Research (AAPOR) Denver, Colorado. May 16-19, 2018 [COM_DIS00002454]		
PX-160	Mikelyn Meyers, U.S. Census Bureau, Respondent Confidentiality Concerns and Possible Effects on Response Rates and Data Quality for the 2020 Census (Nov. 2, 2017) [COM_DIS00002481]		

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Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-161	2020 Census Barriers, Attitudes and Motivators Study (CBAMS) Brief Update [COM_DIS00008554]		
PX-162	Brown, J. David et al., Understanding the Quality of Alternative Citizenship Data Sources for the 2020 Census [COM_DIS00009833]		
PX-163	2020 Census Barriers, Attitudes and Motivators Study (CBAMS) High-Level Findings [COM_DIS00010669]		
PX-164	Proposed Content Test - Victoria Velkoff [COM_DIS00010789]		
PX-165	Proposed Content Test - Victoria Velkoff [COM_DIS00010875]		
PX-166	Intentionally Left Blank		
PX-167	Letter from Goodlatte to Ross (2/27/2018) [COM_DIS00014115]		
PX-168	Letter from Mateer to Jarmin (2/23/2018) [COM_DIS00014116]		
PX-169	Letter from Lawson to Ross (2/23/2018) [COM_DIS00014119]		
PX-170	Letter from Warner to Ross (2/23/2018) [COM_DIS00014120]		
PX-171	Letter from Marshall to Ross (2/23/2018) [COM_DIS00014121]		
PX-172	Letter from Hunger to Ross (3/13/2018) [COM_DIS00014123]		
PX-173	Letter from Cotton to Ross (2/27/2018) [COM_DIS00014126]		
PX-174	Press Release re: Cotton, Cruz, and Inhofe Applaud Addition of Citizenship Question to Census (3/27/2018) [COM_DIS00014128]		
PX-175	Letter from Kirsanow to Jarmin (3/15/2018) [COM_DIS00014129]		
PX-176	Letter from Kobach to Ross (2/12/2018) [COM_DIS00014132]		
PX-177	Letter from King to Ross (2/16/2018) [COM_DIS00014135]		
PX-178	Report re "letters received" [COM_DIS00014138]		
PX-179	Email chain between W. Ross, B. Lenihan, J. Uthmeier, J. Rockas re: SHORT FUSE: Fw: Census/immigration status story (Deadline: Today 2:45pm) (12/29/2017) [COM_DIS00014335]		

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Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-180	Email chain between W. Ross, B. Lenihan, J. Uthmeier, J. Rockas re: SHORT FUSE: Fw: Census/immigration status story (Deadline: Today 2:45pm) (12/29/2017) [COM_DIS00014338]		
PX-181	Email chain between J. Uthmeier, S. Park-Su, E. Comstock, P. Davidson, W. Teramoto, re: Census Matter Follow-Up (9/11/2017) [COM_DIS00014666]		
PX-182	Intentionally Left Blank		
PX-183	Email between W. Ross and W. Teramoto re: Census (5/2/2017) [COM_DIS00016118]		
PX-184	Intentionally Left Blank		
PX-185	Email chain between E. Herbst, M. Neuman, E. Comstock re: 17-053169 (3/14/2017) [COM_DIS00016561]		
PX-186	Email between E. Comstock and M. Neuman, re: Census Question (4/14/2017) [COM_DIS00018614]		
PX-187	Intentionally Left Blank		
PX-188	Email between E. Comstock and M. Neuman re: One of the Supreme Court cases that informs planning for 2020 Census (4/11/2017) [COM_DIS00018615]		
PX-189	Emails between W. Teramoto and B. Lenihan email re: where are KDK murder boards (6/19/2017) [COM_DIS00020349]		
PX-190	Email between Teramoto, Kelley and Neuman re: IMPORT: From Oversight Hearing (10/13/2017) [COM_DIS00020557]		
PX-191	Emails between A. Willard, S. Park-Su, K. Dunn Kelley re: Mark Neuman mtg req. (8/29/2017) [COM_DIS00020561]		
PX-192	Schedule for Secretary Ross's Conference Room, 2018, Redacted [COM_DIS00021107]		
PX-193	Schedule for Secretary Ross, 2017, Redacted [COM_DIS00021159]		
PX-194	Schedule for Secretary Ross, 2018, Redacted [COM_DIS00021255]		
PX-195	Schedule for Secretary Ross's Conference Room, 2017, Redacted [COM_DIS00021330]		
PX-196	Email from A. Gary to J. Gore (1/29/2018) [DOJ 2712]		
PX-197	Email from R. Jarmin to A. Gary (1/9/2018) [DOJ 2713]		

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Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-198	Email from A. Gary to R. Jarmin (1/2/2018) [DOJ 2714]		
PX-199	Email from A. Gary to R. Jarmin (12/22/2017) [DOJ 2715]		
PX-200	Email from R. Jarmin to A. Gary (12/22/2017) [DOJ 2716]		
PX-201	Email from J. Gore to R. Tucker (12/8/2017) [DOJ 2722]		
PX-202	Email from J. Gore to A. Gary (11/3/2017) [DOJ 2738]		
PX-203	Email from G. Friel to J. Gore and B. Aguinaga (9/25/2017) [DOJ 3710]		
PX-204	Email from B. Aguinaga to B. Pickett (11/3/2017) [DOJ 3740]		
PX-205	Email thread between R. Tucker, R. Troester, J. Gore (11/30/2017) [DOJ 14798]		
PX-206	Email from J. Gore to A. Gary (12/8/2017) [DOJ 14821]		
PX-207	Email from J. Gore to A. Gary (11/30/2017) [DOJ 14834]		
PX-208	Email thread between J. Gore, R. Tucker, R. Troester (11/30/2017) [DOJ 14840]		
PX-209	Email from A. Gary to J. Gore (9/11/2017) [DOJ 14996]		
PX-210	Gore Calendar Entry for "Call with John Gore- Justice" (9/13/2017) [DOJ 15201]		
PX-211	Email from J. Gore to C. Herren (11/1/2017) [DOJ 28339]		
PX-212	Email from C. Herren to J. Gore (4/25/2018) [DOJ 28354]		
PX-213	Email from C. Herren to J. Gore (11/3/2017) [DOJ 28385]		
PX-214	Email from C. Herren to J. Gore (1/3/2018) [DOJ 28401]		
PX-215	Email from C. Wells to J. Gore (4/24/2018) [DOJ 29771]		
PX-216	Email from J. Gore to C. Wells (5/2/2018) [DOJ 29775]		
PX-217	Email from B. Shumate to J. Gore (3/25/2018) [DOJ 30395]		
PX-218	Email from C. Legore-Traore to J. Gore (9/22/2017) [DOJ 30651]		
PX-219	Email from A. Gary to J. Gore, et al. (1/30/2018) [DOJ 35720]		

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Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-220	Letter from CSAC attached to Gary email (12/9/2018) [DOJ 35722]		
PX-221	Illinois Complete Count Commission Act [PL001268]		
PX-222	Map of Hard to Count Communitites in Illinois [PL001271]		
PX-223	NAC Fall Meeting November 2016 Recommendations and Responses [PL007310]		
PX-224	Map of Hard to Count Communities in New York [PL010276]		
PX-225	NAC Fall Meeting 2017 Agenda [PL013049]		
PX-226	NAC Spring 2018 Meeting Agenda [PL013051]		
PX-227	NAC Charter [PL013053]		
PX-228	NAC Membership List [PL013057]		
PX-229	NAC Standard Operating Procedures February 2018 [PL013060]		
PX-230	Respondent Confidentiality Concerns on Possible Effects on Response Rates and Data Quality for the 2020 Census Arturo Vargas Discussant [PL015274]		
PX-231	City of Chicago - 2018 Budget Ordinance [PL016169]		
PX-232	City of Chicago - 2018 Draft Action Plan [PL016177]		
PX-233	Illinois Dep't of Commerce & Economic Opportunirty - Grant Award letter [PL016787]		
PX-234	Illinois - Inter-governmental agreement b/w Dep't of Human Services and City of Chicago (FY2019) [PL016790]		
PX-235	Illinois - Inter-governmental agreement b/w Dep't of Human Services and City of Chicago (FY2019) [PL016792]		
PX-236	Illinois - Inter-governmental agreement b/w Dep't of Human Services and City of Chicago (FY2019) [PL016794]		
PX-237	Illinois - Dep't of Health and Human Services Administration for Children and Families Notice of Award for City of Chicago (2015-2019) [PL016796]		
PX-238	Chicago's Census 2020 Complete Count Committees Memo [PL017219]		
PX-239	Executed Grant Agreement - Chicago DFSS for Senior Services Agency on Aging for FY 2019 [PL017271]		

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Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-240	Attachment C: Intrastate Funding Formula and 2018 Estimated Resource Plan [PL024433]		
PX-241	Vocational Rehabilitataion Funding Formula [PL024437]		
PX-242	Comment letter from NY et al v Commerce et al Coalition of Plaintiffs (8/6/2018) [PL024752]		
PX-243	Board of Commissioners of Cook County Resolution 18-6420 [PL024766]		
PX-244	Board of Commissioners of Cook County Resolution 18-6056 Legislation Details [PL024768]		
PX-245	Board of Commissioners of Cook County Resolution 18-6056 Proposed Amendment [PL024771]		
PX-246	Chicago City Council Emergency Fund Resolution -- signed and filed version [PL024773]		
PX-247	Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA) [PL024775]		
PX-248	Guidance - State Educational Agency Procedures for Adjusting Basic Concentration, Targeted, and Education Finance Incentive Grant Allocations Determined by the U.S. Department of Education [PL024819]		
PX-249	Cook County Census Complete Count Committee Booklet [PL024855]		
PX-250	Letter from Mayor Rahm Emmanuel to Secretary Wilbur Ross (2/6/2018) [PL024988]		
PX-251	ADC 2017 Convention book [PLT003023]		
PX-252	2017 ADC brochure [PLT003113]		
PX-253	ADC 2018 Convention book [PLT004786]		
PX-254	Email exchange between J. Gore and C. McCormick (5/12/2017) [EPIC-17-06-30-DOJ-FOIA-20180309]		
PX-255	American Community Survey Questionnaire 2017		
PX-256	Census 2000 Long Form Questionnaire		
PX-257	Census 1950 Census of Population and Housing Questionnaire		
PX-258	Federal Register Notice Proposed Information Collection Comment Request on 2020 Census		

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Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-259	Map of Fort Myers, Florida		
PX-260	U.S. Census Bureau Statistical Quality Standards		
PX-261	Census 2000 Brief Overview of Race and Hispanic Origin		
PX-262	2005 National Census Test: Analysis of the Race and Ethnicity Questions		
PX-263	2010 Census Coverage Measurement Estimation Report: Components of Census Coverage for the Household Population in the United States		
PX-264	2020 Census Planning Survey ("Census Barriers, Attitudes and Motivators Study")		
PX-265	2020 Census Integrated Communications Plan		
PX-266	Office of Management and Budget Standards and Guidelines for Statistical Surveys		
PX-267	DSSD 2010 Census Coverage Measurement Memorandum Series #2010-G-01		
PX-268	Proposed Content Test on Citizenship Question		
PX-269	Memorandum for the President from Andrew Bremberg re: Executive Order on Protecting American Jobs and Workers by Strengthening the Integrity of Foreign Worker Visa Programs (1/23/2017)		
PX-270	Memo from A. Bremberg to the President re: Executive Order on Protecting American Jobs and Workers by Strengthening the Integrity of Foreign Worker Visa Programs		
PX-271	Memo from L. Blumerman to the Record re: Planned Development and Submission of Subjects Planned for the 2020 Census Program and Questions Planned for the 2020 Census Program		
PX-272	Gore Congressional Testimony - Bloomberg Transcript Excerpt from Time 1:14:43 to 1:15:34		
PX-273	Gore Congressional Testimony - Bloomberg Video Excerpt from Time 1:14:43 to 1:15:35		
PX-274	U.S. Department of Commerce Census Bureau National Advisory Committee on Racial, Ethnic, and Other Populations Charter		
PX-275	U.S. Department of Commerce Census Bureau of the Census Scientific Advisory Committee Charter		

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Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-276	Prepared Statement of Ron Jarmin, PhD. And Earl Comstock Before the Committee on Oversight and Government Reform U.S. House of Representatives- "Progress Report on the 2020 Census"		
PX-277	Questions Planned for the 2020 Census and the American Community Survey : A Process Overview- Presentation by J. Ortman		
PX-278	Prepared Statement of J. Thompson before the Appropriations Committee's Subcommittee on Commerce, Justice, Science and Related Agencies		
PX-279	Statement of Karen Dunn Kelley Before the Senate Commerce, Science and Transportation Committee		
PX-280	NYIC v USDOC - Defendants' Objections and Responses to Plaintiffs' Requests for Expedited Production of Documents and First Set of Interrogatories to Defendants USDOC and Wilbur Ross		
PX-281	J. Uthmeier Declaration		
PX-282	Transcript--Committee on Oversight and Government Reform Progress Report on the 2020 Census		
PX-283	NY-Defendants' Disclosures Pursuant to Rule 26(A)(2)(C)		
PX-284	Intentionally Left Blank		
PX-285	Email from R. Jarmin to K. Kelley re: DOJ (12/19/2017) [AR 001357]		
PX-286	Email from R. Jarmin to K. Kelley (2/13/2018) [AR 004853]		
PX-287	Expert Report of Matthew A. Barreto, Ph.D.		
PX-288	Expert Rebuttal Report of Matthew A. Barreto, Ph.D.		
PX-289	Expert Rebuttal Report of Joseph J. Salvo		
PX-290	O'Hare, William- The Likely Impact of the Addition of a Citizenship Question in the 2020 Census on Census Self-Response, Net Undercount, and Omissions Rates		
PX-291	Hogan, Howard et al., - Quality and the 2010 Census		
PX-292	Memo from P. Cantwell to D. Whitford re: 2010 Census Coverage Measurement Estimation Report: Summary of Estimates of Coverage for Persons in the United States		

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Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-293	Document prepared by John Abowd and David Brown		
PX-294	Memo from P. Cantwell to D. Whitford re: 2010 Census Coverage Measurement Estimation Report: Components of Census Coverage for the household Population in the United States		
PX-295	Coverage of the Hispanic Population of the United States in the 1970 Census - A Methodological Analysis		
PX-296	Defendants' Reply Memorandum and Opposition to Plaintiffs' Motion for Summary Judgment- Federation for American Immigration Reform (FAIR) vs. Philip M. Klutznick, et al.		
PX-297	Defendants' Objections and Responses to Plaintiffs' Requests for Admission to Defendant United States Census Bureau (10/23/2018)		
PX-298	Defendants' Objections and Responses to Plaintiffs' Requests for Admission to Defendant United States Department of Commerce (10/23/2018)		
PX-299	Defendants' Objections and Responses to Plaintiffs' Third Set of Interrogatories		
PX-300	Commerce Response to NYIC Plaintiffs' First Set of RFPs and Rogs (8/13/2018)		
PX-301	Commerce Supplemental Response to NYIC Plaintiffs First Set of Rogs (9/5/2018)		
PX-302	Commerce Second Supp Response to ROG 1 FINAL (10/11/2018)		
PX-303	Commerce Response to NYIC Plaintiffs Second Set of Rogs (9/28/2018)		
PX-304	NYIC v. Dep't of Commerce, et al., Complaint		
PX-305	Defendants' Answer to NYIC Complaint		
PX-306	Census Equity Act: Hearings Before the Subcomm. on Census & Population of the H. Comm. On Post Office & Civ. Serv., 101st Cong. 43–45, 59 (1989) (statement of C. Louis Kincannon, Deputy Director, Census Bureau)		
PX-307	Exclude Undocumented Residents from Census Counts Used for Apportionment: Hearing Before the Subcomm. on Census & Population of the H. Comm. on Post Office & Civil Serv., 100th Cong. 50–51 (1988) (testimony of John Keane, Director, Census Bureau)		

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Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-308	Aff. of Daniel B. Levine, Deputy Dir. of the Census Bureau at ¶ 5, Ex. A to Defs.' Mot. To Dismiss the Action or, in the Alt., for Summ. J., <i>Fed'n for Am. Immigr. Reform v. Klutznick</i> , No. 79-3269 (D.D.C. Jan. 9, 1983)		
PX-309	Brief of Former Directors of the U.S. Census Bureau as Amici Curiae Supporting Appellees, <i>Evenwel v. Abbott</i> , 136 S. Ct. 1120 (2016)		
PX-310	Abowd Report (Subject to Motion)		
PX-311	J. Thompson Report		
PX-312	J. Thompson Report Errata		
PX-313	S. Hillygus Report		
PX-314	C. Warshaw Report		
PX-315	Email from Langdon to Comstock (5/24/2017) [AR 001246]		
PX-316	H. Habermann Report		
PX-317	J. Van Hook Report		
PX-318	J. Van Hook Supplemental Report		
PX-319	S. Hillygus Rebuttal Report		
PX-320	O'Hare Rebuttal Report		
PX-321	Expert report of Dr. Christopher Warshaw		
PX-322	Errata sheet for Dr. Warshaw's Expert Report		
PX-323	Christopher Warshaw CV		
PX-324	C. Warshaw table with 2% undercount population numbers		
PX-325	Elis, Roy, Neil Malhotra, and Marc Meredith. 2009. "Apportionment cycles as natural experiments." <i>Political Analysis</i> 17 (4): 358{376.		
PX-326	Ansolabehere, Stephen, Alan Gerber, and Jim Snyder. 2002. "Equal votes, equal money: Court-ordered redistricting and public expenditures in the American states." <i>American Political Science Review</i> 96 (4): 767{777.		
PX-327	Expert Report of Andrew Reamer (inc. CV)		
PX-328	Reamer Expert Report Errata		
PX-329	Chart: Federal Assistance Programs with Allocation Formulas Affected by Decennial Census Undercount		
PX-330	Schematic of census-derived datasets		
PX-331	Expert Report of Lisa Handley (inc. CV)		
PX-332	Department of Justice's Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act, February 9, 2011, 76 FR 7469		

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Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-333	News Release, "Census Bureau Releases Estimates of Undercount and Overcount in the 2010 Census" (May 22, 2012)		
PX-334	Errata sheet to O'Hare report		
PX-335	O'Hare CV		
PX-336	O'Hare, W.P. (2018) presentation on undercount of young children at Census Bureau/Children's Leadership Council meeting June 8, 2018		
PX-337	Assessing Net Coverage Error for Young Children in the 2010 U.S. Decennial Census		
PX-338	U.S. Census Bureau (2012b). 2010 Census Coverage Measurement Estimation Report: Components of Census Coverage for the Household Population in the United States, DSSD 2010 Census Coverage Measurement Memorandum Series #2010-G-04. U.S. Census Bureau, Washington, DC.		
PX-339	U.S. Census Bureau (January 2017) Investigating the 2010 Undercount of Young Children –Analysis of Census Coverage Measurement Results.		
PX-340	W.P. O'Hare, "Citizenship Question Nonresponse: A Demographic Profile of People Who Do Not Answer the American Community Survey Citizenship Question," Georgetown Law: Ctr. On Opver & Inequality (Sept. 2018)		
PX-341	U.S. Census Bureau (2012) 2010 Census Mail Response/Return Rates Assessment Report. 2010 Census Planning Memorandum Series, exhibit to O' Hare declaration		
PX-342	U.S. Census Bureau (2003) Census 2000 Mail Return Rates, Census 2000 Evaluation A.7.b, Herbert Stackhouse and Sarah Brady, January 30, 2003, Tables 10, 12 and 16.		
PX-343	Word, D.L., (1997) "Who Responds ? Who Doesn't?: Analyzing Variation in Mail Response Rates During the 1990 Census," Population Division Working Paper No. 19, Table 2.0		

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Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-344	Net undercount as a percent of the total population (Source: U.S. Census Bureau (2012) 2010 Census Coverage Measurement Estimation Report: Summary of Estimates of Coverage for Persons in the United States., DSSD 2010 Census Coverage Measurement Memorandum Series #2010-G-01 Table 7)		
PX-345	U.S. Census Bureau (2014). 2014 Planning Database, U.S. Census Bureau		
PX-346	U.S. Census Bureau, "Final Task Force Report: Task Force on the Undercount of Young Children" Memorandum for Frank A. Vitrano, U.S. Census Bureau (2/2/2014)		
PX-347	Fernandez, L, Shattuck, R., and Noon, J., U.S. Census Bureau (2018), "Using Administrative Records and the American Community Survey to Study the Characteristics of Undercount Young Children in the 2010 Census," Center for Administration Records Research and Application Working Paper #2018-05		
PX-348	U.S. Census Bureau, State Mail Return Rates 2010 Census		
PX-349	U.S. Census Bureau : DSSD A.C.E. REVISION II MEMORANDUM SERIES #PP-54		
PX-350	U.S. Census Bureau (2003) A.C.E. Revision II-Adjusted Data for States, Counties, and Places, DSSD A.C.E. REVISION II MEMORANDUM SERIES #PP-60, Table 1.		
PX-351	Hogan and Robinson, "What the Census Bureau's Coverage Evaluation Programs tell Us About Differential Undercounts" (1993)		
PX-352	U.S. Census Bureau, "1990 Mail Response rates by 1990 Geography Boundaries," 1990 Census Page (/main/www.cen1990.html)		
PX-353	Habermann C.V.		
PX-354	Office of Management & Budget, Statistical Policy Directive No. 1: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units		
PX-355	Principles and Practices for a Federal Statistical Agency, Sixth Edition (2017)		
PX-356	5 C.F.R. Part 1320		

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PX-357	Subjects Planned for the 2020 Census and American Community Survey (3/28/2017)		
PX-358	Charter of the Interagency Council on Statistical Policy, Subcommittee on the American Community Survey (Aug. 10, 2012, rev. Nov. 15, 2017)		
PX-359	OMB Standards & Guidelines for Statistical Surveys (Sept. 2016)		
PX-360	Statistical Policy Directive No. 2 Addendum: Standards & Guidelines for Cognitive Interviews		
PX-361	United Nations, Principles and Recommendations for Population and Housing Censuses		
PX-362	Office of Management & Budget, Instructions for Requesting OMB Review Under the PRA, OMB FORM 83-I INST, 10/95		
PX-363	S. Hillygus CV		
PX-364	Census Bureau Standard: Pretesting Questionnaires and Related Materials for Surveys and Censuses, Pretest Standards, https://www.census.gov/srd/pretest-standards.pdf		
PX-365	Research Report Series, Public Attitudes Toward Use of Administrative Records (Survey Methodology # 2012-04)		
PX-366	The Leadership Conf. Fund, States Ranked by Number of Hispanics Living in Hard-to-Count (HTC) Census Tracts, http://civilrightsdocs.info/pdf/census/2020/Table1a-States-Number-Hispanics-HTC.pdf		
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PX-368	NALEO Educ. Inst., et al., "The Invisible Ones: How Latino Children Are Left Out of Our Nation's Census Count" (4/26/2016)		
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PX-372	U.S. Census Bureau 2017, "2020 Census Operation Plan: A New Design for the 21st Census. V.3." (September)		
PX-373	U.S. Census Bureau, Data Stewardship Executive Policy Committee, DS-16 Checklist for a Survey's Handling of Sensitive Topics and Very Sensitive Topics in Dependent Interviewing		
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PX-377	EB Jensen, R. Bhaskar and M. Scopilliti (2015), "Demographic analysis 2010: Estimates of coverage of the foreign-born population in the American Community Survey," Population Division, US Census Bureau, Working Paper (103)		
PX-378	U.S. Census Bureau, "Investigating the 2010 Undercount of Young Children – Analysis of Census Coverage Measurement Results" (Jan. 2017)		
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PX-380	U.S. Census Bureau (Nov. 10, 1988), Issue Paper On The 1990 Census Race Question, p. 3.)		
PX-381	U.S. Census Bureau 2017, "Investigating the 2010 Undercount of Young Children – A Comparison of Demographic, Housing, and Household Characteristics of Children by Age"		

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PX-409	Sonya Rastogi and Amy O'Hara, "2010 Census Match Study." Center for Administrative Records Research and Applications, U.S. Census Bureau (2012), p 21.		
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PX-411	2010 Census Summary File 1, 2010 Census of Population and Housing, U.S. Census Bureau		
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PX-420	H. Alpert, "Public Opinion Research as Science" Public Opinion Quarterly 20(3) (1956)		
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PX-426	Bradburn, Norman M., Seymour Sudman, Ed Blair, and Carol Stocking, "Question Threat and Response Bias." Public Opinion Quarterly 42(2): 221-234 (1978)		

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PX-448	Meyers, Mikelyn, "Respondent Confidentiality Concerns and Possible Effects on Response Rates and Data Quality for the 2020 Census." (2017)		
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PX-450	Cruz Nichols, Vanessa, Alana MW LeBrón, and Francisco I. Pedraza, "Spillover Effects: Immigrant Policing and Government Skepticism in Matters of Health for Latinos," Public Administration Review 78(3): 432–443 (2018).		
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PX-457	Rao, Krishna, "Discussion of 2018 End-to-End Census Test: Nonresponse Follow-up," Census Scientific Advisory Committee (Fall 2017 Meeting)		
PX-458	Sanchez, Gabriel R., and Barbara Gomez-Aguinaga, "Latino Rejection of the Trump Campaign." Aztlan: A Journal of Chicano Studies 42(2) (2017)		
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PX-465	Velasco, Alfredo, "Ethnographic Evaluation of the Behavioral Causes of Undercount In The Community of Sherman Heights, San Diego, California." <i>Ethnographic Evaluation of the 1990 Decennial Census Report #22</i> . Prepared under Joint Statistical Agreement 89-42 with the Chicano Federation of San Diego County. Bureau of the Census (1992)		
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PX-471	Gomez, Luis, "The Foundations's role in the 2020 Census," Yakima Valley Community Foundation (2018)		
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PX-478	Cantwell, Patrick, DSSD 2010 Decennial Census Memorandum Series #J-12. (June 7, 2011)		
PX-479	Press Release, Dep't of Commerce, Statement from U.S. Secretary of Commerce Wilbur Ross on the Release of President Trump's Immigration Priorities (Oct. 9, 2017)		
PX-480	Testimony of Wilbur Ross, Secretary of Commerce, before the House Committee on Ways and Means, 115-FC09 (Mar. 22, 2018)		

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PX-481	Congress Letter to Sec Ross (6/28/2018)		
PX-482	Dan Alexander, "Lies, China And Putin," Forbes (Jun. 18, 2018)		
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PX-488	Tony Lee, Trump Email Supporting Census Citizenship Question Triggers Activists, Breitbart (March 21, 2018)		
PX-489	U.S. Census Bureau, Questions Planned for the 2020 Census and American Community Survey (Mar. 2018)		
PX-490	U.S. Census Bureau, Subjects Planned for the 2020 Census and American Community Survey (Mar. 2017) (revised)		
PX-491	Video, Excerpt of Secretary Ross Hearing Testimony, House Appropriations Committee, CJS Subcommittee, Hearing on F.Y. 2019 Department of Commerce Budget (Mar. 20, 2018) (Rep. Serrano)		
PX-492	Video, Excerpt of Secretary Ross Hearing Testimony, House Ways & Means Committee, Hearing on Recent Trade Actions, Including Section 232 Determinations on Steel & Aluminum (Mar. 22, 2018) (Rep. Chu)		
PX-493	Video, Excerpt of Secretary Ross Hearing Testimony, House Ways & Means Committee, Hearing on Recent Trade Actions, Including Section 232 Determinations on Steel & Aluminum (Mar. 22, 2018) (Rep. Meng)		
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PX-501	Jim Colvin, "Trump's Mar-a-Lago stay a welcome break from DC challenges," Chicago Tribune (Nov. 27, 2017)		
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PX-504	Census Bureau website page entitled: "American Community Survey When to Use 1-Year, 3-Year, or 5-Year Estimates"		
PX-505	Email from L. Lofthus to A. Gary (12/18/2017)		
PX-506	Email from A. Gary to J. Gore (12/29/2017)		
PX-507	Written testimony for J. Gore before the House Oversight Committee (5/18/2018)		
PX-508	Email from A. Gary to M. Posner (11/3/2017)		
PX-509	Transcript of J. Gore's testimony before the House Oversight Committee dated 5/21/18, 2018 WLNR 15617193		

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PX-510	Rick Hasen, "Incoming DOJ Deputy Assistant AG for Civil Rights Worked Defending Redistricting Plans," Election Law Blog (Jan. 19, 2017)		
PX-511	Defendants' Supplemental Responses to Plaintiffs' First Set of Interrogatories		
PX-512	Henry C. Jackson & Patrick Reis, Trump's transition team: Binders with few women, Politico (Nov. 11, 2016)		
PX-513	Fort Meyers Map		
PX-514	Brinegar and Popick, "A Comparative Analysis of Small Area Population Estimation Methods," Cartography and Geographic Information Science, Vol. 37, No. 4, 2010, pp. 273-284		
PX-515	Table of DOJ Voting Rights Act Section 2 Redistricting Cases, https://www.justice.gov/crt/voting-section-litigation		
PX-516	<i>Benavidez v. Irving Independent School District</i> , 690 F. Supp. 2d 451 (N.D. Tex. 2010)		
PX-517	Michael Wines, "Critics Say Questions About Citizenship Could Wreck Chances for an Accurate Census," N.Y. Times (Jan. 2, 2018)		
PX-518	4th DOJ Privilege Log		
PX-519	Jill Colvin, "Trump's Mar-a-Lago stay a welcome break from DC challenges," AP (Nov. 27, 2017) http://www.chicagotribune.com/news/nationworld/politics/ct-maralago-winter-white-house-20171127-story.html		
PX-520	U.S. Census Bureau (2014), The U.S. Census Bureau Mail Return Rate Challenge: Crowdsourcing to Develop a Hard-to-Count Score, Center for Statistical Research & Methodology Research Report Series (Statistics #2014-8)		
PX-521	Center for Urban Research at the Graduate Center of the City University of New York (CUNY) (2017), Mapping Hard to Count (HTC) Communities for a Fair and Accurate 2020 Census		

PLAINTIFFS' EXHIBIT LIST*State of New York, et al., v. U.S. Department of Commerce, et al., No. 18-cv-2921*

Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-522	U.S. Census Bureau, P.L. 94-171 COUNTY BLOCK MAP (2010 CENSUS): Westchester County, NY.		
PX-523	Email between Wilbur Ross and Earl Comstock, Re: Census Matter (Aug. 10, 2017) [AR 012476]		
PX-524	Email from Wendy Teramoto to Earl Comstock re: Calls with DOJ (9/16/2017) [AR 012755]		
PX-525	Email from J. Gore to A. Gary, (12/18/2017) [DOJ 00015135]		
PX-526	Email from Aguinaga to Gore (6/13/2018) [DOJ 00020042]		
PX-527	Draft Letter from Boyd to Maloney [DOJ 00020043]		
PX-528	Email from Aguinaga to Gore (6/12/2018) [DOJ 00020045]		
PX-529	Memorandum Opinion for the General Counsel, Dept of Commerce, "Census Confidentiality and the PATRIOT Act" (1/2/2010)		
PX-530	Executive Order Establishing Presidential Advisory Commission on Election Integrity		
PX-531	Press Release Announcing Kris Kobach as Vice Chair of Presidential Advisory Commission on Election Integrity		
PX-532	Email Correspondence between Department of Commerce and Nielsen Data Scientist Christine Pierce		
PX-533	2014 The US Census Bureau Mail Return Rate Challenge		
PX-534	Center for Urban Research at the Graduate Center of the City University of New York (CUNY) (2017), Mapping Hard to Count (HTC) Communities for a Fair and Accurate 2020 Census		
PX-535	PowerPoint re: P.L. 94-171 County Block Map (2010 Census): portion of Westchester County, NY		
PX-536	Van Hook CV		
PX-537	Memo from E. Comstock to W. Ross re: Census Discussions with DoJ (9/8/2017) [AR 012756]		
PX-538	Errata to Expert Report of S. Hillygus		
PX-539	Committee on National Statistics, Letter Report on the 2020 Census (8/7/2018)		

PLAINTIFFS' EXHIBIT LIST*State of New York, et al., v. U.S. Department of Commerce, et al., No. 18-cv-2921*

Exhibit #	Description	Date Identified (Leave Blank)	Date Entered (Leave Blank)
PX-540	Email from B. Aguinaga to Gore, P. Escalona re: AG Prep for CJS Approps Hearings (4/6/2018) [DOJ_00032071]		
PX-541	Census Citizenship Question Memo, DOJ Civil Rights Division [DOJ_00032074]		

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Exhibit Number	Description	Date Identified	Date Admitted
DX-1	Bates, Nancy (2017), The Morris Hansen Lecture, Hard-to-Survey Populations and the U.S. Census: Making Use of Social Marketing Campaigns, <i>Journal of Official Statistics</i> , Vol. 33, No. 4, 2017		
DX-2	Brown, J. David, Misty L. Heggeness, Suzanne M. Dorinski, Lawrence Warren, and Moises Yi (2018), "Understanding the Quality of Alternative Citizenship Data Sources for the 2020 Census," U.S. Census Bureau, Center for Economic Studies, Working Paper, Aug. 6, 2018		
DX-3	2010 Geographic Terms and Concepts, Block, U.S. Census Bureau		
DX-4	2020 Census Program Internal Memorandum Series: 2017.28.i, Release of the 2018 End-to-End Census Test Plan, U.S. Census Bureau, November 1, 2017		
DX-5	2020 Census Lifecycle Cost Estimate Internal Document, Tables, U.S. Census Bureau, September 29, 2017		
DX-6	2020 Type of Enumeration Areas (TEAs), Final TEA Delineations for Approval, U.S. Census Bureau, August 14, 2018		
DX-7	2020 Census, NRFU Workload Estimates by ACO, U.S. Census Bureau, May 24, 2017		
DX-8	Email from B. Taylor to J. Treat, August 10, 2018		
DX-9	Email from B. Taylor to M. Chapin, E. Kobilarcik, and R. Harbold, September 11, 2018		
DX-10	Proposed Information Collection; Comment Request; 2020 Census, 83 Fed. Reg. 26643 (June 8, 2018)		
DX-11	Siegel, Jacob S. and Jeffery S. Passell (1979) Coverage of the Hispanic Population of the United States in the 1970 Census: A Methodological Analysis, Current Population Reports: Special Studies P-23, No. 82, U.S. Census Bureau		
DX-12	U.S. Census Bureau (1988), Issue Paper on the 1990 Census Race Question, Nov. 10, 1988		
DX-13	U.S. Census Bureau (1992), DSD 2000 Census memorandum Series #E-18, <i>Final Results of the Mail Response Evaluation for the Simplified Questionnaire Test (SQT)</i> , Aug. 3, 1992		
DX-14	U.S. Census Bureau (1993), 1990 Census of Population and Housing, Evaluation Research Reports, <i>Content Reinterview Survey: Accuracy of Data for Selected Population and Housing Characteristics as Measured by Reinterview</i> , Sept. 1993, Report 1990 CPH-E-1		

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Exhibit Number	Description	Date Identified	Date Admitted
DX-15	U.S. Census Bureau (2011), 2010 Census Count Imputation Results, DSSD 2010 Decennial Census Memorandum Series #J-12, June 7, 2011		
DX-16	U.S. Census Bureau (2011), 2010 Census Planning Memoranda Series, No. 155, 2010 Census Recruiting and Hiring Assessment Report, Nov. 2, 2011		
DX-17	U.S. Census Bureau (2013), U.S. Census Bureau Statistical Quality Standards, July 2013		
DX-18	U.S. Census Bureau (2013), 2010 Census Planning Memorandum Series, No. 182, <i>2010 Census Nonresponse Followup Quality Profile</i> , March 21, 2013		
DX-19	U.S. Census Bureau (2014), Research Report Series, No. 2013-05, <i>A Visual Proof, a Test, and an Extension of a Simple Tool for Comparing Competing Estimates</i> , Feb. 24, 2014		
DX-20	U.S. Census Bureau (2017), <i>2020 Census Operation Plan</i> , Version 3.0, Sept. 2017		
DX-21	U.S. Census Bureau (2017), <i>2020 Census Operation Plan for: 15. Group Quarters Operation (QC)</i> , Version 1.0, Sept. 29, 2017		
DX-22	U.S. Census Bureau (2017), 2020 Census Program Memorandum Series: 2017.21, <i>Area Census Offices for the 2020 Census</i> , Nov. 6, 2017		
DX-23	U.S. Census Bureau (2017), 2020 Census Life-Cycle Cost Estimate Executive Summary, Version 1.0, Dec. 21, 2017		
DX-24	U.S. Census Bureau (2018), 2020 Census Detailed Operational Plan for: 32. Field Infrastructure Operation (FLDI) and 33. Decennial Logistics Management Operation (DLM), Jan. 24, 2018		
DX-25	U.S. Census Bureau (2018), 2020 Census Operational Plan Executive Summary, Version 2.0, Feb. 2018		
DX-26	U.S. Census Bureau (2018), 2020 Census Detailed Operational Plan for: 17. Census Questionnaire Assistance Operation (CQA), Version 2.0, Feb. 2018		
DX-27	U.S. Census Bureau (2018), 2020 Census Detailed Operational Plan for: 18. Nonresponse Followup (NRFU), Version 1.0, April 16, 2018		
DX-28	U.S. Census Bureau (2018), 2020 Census Detailed Operational Plan for: 35. Update Leave Operation (UL), Version 1.0, June 25, 2018		

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Exhibit Number	Description	Date Identified	Date Admitted
DX-29	U.S. Census Bureau (2018), 2020 Census Detailed Operational Plan for: 12. Internet Self-Response (ISR) Operation, Version 1.0, Aug. 22, 2018		
DX-30	Curriculum Vitae, Dr. John Abowd, Chief Scientist and Associate Director for Research and Methodology, Sept. 2018		