

S.D.N.Y.-N.Y.C.
18-cv-2921
18-cv-5025
Furman, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 9th day of October, two thousand eighteen.

Present:

Pierre N. Leval,
Rosemary S. Pooler,
Richard C. Wesley,
Circuit Judges.

In Re: United States Department of Commerce, Wilbur L. Ross,
in his official capacity as Secretary of Commerce, United States
Census Bureau, an agency within the United States Department
of Commerce, Ron S. Jarmin, in his capacity as the Director of
the U.S. Census Bureau,

18-2652
18-2659
18-2856
18-2857

Petitioners.

Petitioners have renewed their request for a stay of discovery in Nos. 18-2652 and 18-2659, including the deposition of Acting Assistant Attorney General Gore, in light of the October 5, 2018 order of the United States Supreme Court denying their application for a stay. That order denied Petitioners' application "without prejudice, provided that the Court of Appeals will afford sufficient time for either party to seek relief in this Court before the depositions in question are taken." *In re Department of Commerce*, Sup. Ct. No. 18A350 (Oct. 5, 2018) (order of Ginsburg, J.). In light of the Supreme Court's order, the deposition of Acting Assistant Attorney General Gore is hereby temporarily stayed for thirty-six hours from the filing of this order.

Petitioners also seek a stay of documentary discovery and of the deposition of Commerce Secretary Wilbur Ross. The request for a stay of documentary discovery—relief which was not sought in Petitioners' initial mandamus petition—is denied. We make no adjudication on the request for a stay of Secretary Ross's deposition, which is before another panel of this Court.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court