

JEFFREY B. WALL

*Acting Solicitor General*

CHAD A. READLER

*Acting Assistant Attorney General*

ELLIOT ENOKI (No. 1528)

*Acting United States Attorney*

EDRIC M. CHING (No. 6697)

*Assistant United States Attorney*

JOHN R. TYLER

*Assistant Branch Director*

BRAD P. ROSENBERG (DC Bar No. 467513)

MICHELLE R. BENNETT (CO Bar No. 37050)

DANIEL SCHWEI (NY Bar)

*Trial Attorneys*

United States Department of Justice

Civil Division, Federal Programs Branch

20 Massachusetts Avenue, N.W.

Washington, D.C. 20530

Tel: (202) 514-3374; Fax: (202) 616-8460

E-mail: brad.rosenberg@usdoj.gov

*Attorneys for Defendants*

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

STATE OF HAWAII and  
ISMAIL ELSHIKH,

*Plaintiffs,*

v.

DONALD J. TRUMP, in his official  
capacity as President of the United States;  
U.S. DEPARTMENT OF HOMELAND  
SECURITY; JOHN F. KELLY, in his official  
capacity as Secretary of Homeland Security;  
U.S. DEPARTMENT OF STATE; REX  
TILLERSON, in his official capacity as  
Secretary of State; and the UNITED  
STATES OF AMERICA,

*Defendants.*

No. 1:17-cv-00050-DKW-  
KSC

**MOTION FOR  
CLARIFICATION OF  
TRO; MEMORANDUM  
OF LAW**

Judge: Hon. Derrick K.  
Watson

Hearing: None Requested

Related Documents:  
Dkt. No. 219

**DEFENDANTS' MOTION FOR CLARIFICATION OF  
TEMPORARY RESTRAINING ORDER**

Defendants hereby file this Motion for Clarification of this Court's March 15, 2017 Temporary Restraining Order. ECF No. 219. The Court's Temporary Restraining Order says that it enjoins Sections 2 and 6 of Executive Order No. 13,780, even though many of the provisions of those sections were not addressed in the briefs that Plaintiffs filed in support of their motion. It is therefore unclear whether the Court intended for its Temporary Restraining Order to extend to all of those provisions.

The parties have met and conferred regarding the motion. Plaintiffs have indicated that they do not believe that Defendants' Motion for Clarification is correct and that it will unduly delay resolution of this case and have stated that they will file an opposition brief within 24 hours. Defendants intend to file an expedited reply, with the goal of having this motion being fully briefed by Monday, March 20. Defendants believe that they need greater clarity regarding the Court's Temporary Restraining Order before they can respond to the portion of the Court's opinion ordering the parties to submit a stipulated briefing and hearing schedule for the Court to determine whether to extend the Temporary Restraining Order.

A supporting memorandum of law is attached hereto.

Dated: March 17, 2017

Respectfully submitted,

JEFFREY B. WALL  
*Acting Solicitor General*

CHAD A. READLER  
*Acting Assistant Attorney General*

ELLIOT ENOKI (No. 1528)  
*Acting United States Attorney*  
EDRIC M. CHING (No. 6697)  
*Assistant United States Attorney*

JOHN R. TYLER  
*Assistant Director, Federal Programs Branch*

/s/ Brad P. Rosenberg  
BRAD P. ROSENBERG (DC Bar. No. 467513)  
MICHELLE R. BENNETT (CO Bar. No. 37050)  
DANIEL SCHWEI (NY Bar)  
*Trial Attorneys*  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, N.W.  
Washington, D.C. 20530  
Tel: (202) 514-3374  
Fax: (202) 616-8460  
E-mail: brad.rosenberg@usdoj.gov

*Attorneys for Defendants*