

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ALISHEA KINGDOM, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Civil Docket No. 1:25-cv-691

**CONSENT MOTION FOR LEAVE TO FILE SUR-REPLY IN OPPOSITION
TO PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION, TO STAY
AGENCY ACTION, AND FOR PROVISIONAL CLASS CERTIFICATION**

Defendants respectfully move to file a sur-reply to respond to Plaintiffs' Reply in support of their preliminary-injunction motion, particularly the six supplemental declarations filed for the first time with the Reply, if the Courts grants Plaintiffs' pending motion for leave to file those declarations, ECF No. 47. Defendants have conferred with counsel for Plaintiffs about the requested relief, and Plaintiffs' counsel indicate that Plaintiffs consent to the motion.

Local Civil Rule 65.1(c) requires that a movant for a preliminary injunction submit "*all* the affidavits on which the movant intends to rely" with their application so that Defendants have an opportunity to respond to those affidavits. *Nat'l ATM Council, Inc. v. Visa Inc.*, No. 11-1803 (RJL), 2017 WL 2257328 at *5 (D.D.C. May 22, 2017) (refusing to consider supplemental declarations filed for the first time with reply). The rule also permits the filing of supplemental affidavits with "permission of the Court." Local Civ. R. 65.1(c). Plaintiffs have moved for leave to file the declarations. *See* ECF No. 47. If the Court grants Plaintiffs' motion, Defendants would not have had an opportunity to respond to the supplemental declarations. Accordingly, Defendants respectfully request that if the Court grants Plaintiffs' motion for leave to file the declarations, Defendants be permitted to file a sur-reply to respond to Plaintiffs' supplemental declarations. *See*

Vote Forward v. DeJoy, No. CV 20-2405 (EGS), 2021 WL 1978805 (D.D.C. May 18, 2021) (“Because the Court granted Defendants an opportunity to respond to the declarations [filed for the first time with the movant’s reply], the Court finds that Defendants are not prejudiced by the admission of the supplemental filings.”). A copy of the sur-reply is attached as Exhibit A.

Dated: April 9, 2025

Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General

JEAN LIN
Special Litigation Counsel

/s/ Alexander J. Yun
ALEXANDER J. YUN
ELIZABETH B. LAYENDECKER
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L. Street, NW
Washington D.C. 20005
(202) 674-0255
Alex.Yun@usdoj.gov