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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

AYMAN LATIF, et al.,  <p style="text-align: center;"><i>Plaintiffs,</i></p> v.  LORETTA E. LYNCH, et al.,  <p style="text-align: center;"><i>Defendants.</i></p>	Case 3:10-cv-00750-BR  <p style="text-align: center;"><b>JOINT STATUS REPORT</b></p>
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The parties submit this joint status report in accordance with the Court's orders dated October 6 and 19, 2016. *See* ECF Nos. 337, 339.

As noted in Plaintiffs' consent motion for an extension of time to file this joint status report, the parties have been conferring regarding whether additional factual information is necessary to proceed with briefing on the Court's jurisdiction to adjudicate Plaintiffs' remaining claims. *See* ECF No. 338. Plaintiffs maintain that further factual information about the process through which the government makes determinations regarding DHS TRIP petitions submitted by U.S. persons who are on the No Fly List, and about Defendants' determinations regarding whether the Plaintiffs in this case should remain on the No Fly List, is necessary. Plaintiffs plan to meet and confer with Defendants in an effort to seek the additional information in the form of factual stipulations, and if necessary may seek limited discovery. Defendants' position is that additional information is not necessary to determine that Plaintiffs' substantive claims challenge orders issued in whole or in part by the Transportation Security Administration, over which there is exclusive jurisdiction in the courts of appeals. 49 U.S.C. § 46110. Defendants would oppose any discovery as unnecessary to resolve that jurisdictional question.

However, in an effort to resolve or reduce any issues in dispute, and in order to move forward in the case, the parties propose to confer until November 9, 2016 regarding potential stipulations of fact that may bear upon the issue of jurisdiction. If the parties are able to agree on

such stipulations, they propose to file them with the Court on or before November 15, 2016 and further propose that by November 18, 2016, Plaintiffs will file a brief of no more than 25 pages that responds to the jurisdictional arguments set forth in Defendants' supplemental brief of January 8, 2016 (*see* ECF No. 319). Defendants' reply brief of no more than 20 pages would be due by December 9, 2016.

If the parties are unable to agree on stipulations of fact, they respectfully propose that they submit an additional joint status report by November 15, 2016 setting forth a schedule for further proceedings regarding jurisdiction.

Dated: October 25, 2016

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing joint status report was delivered to all counsel of record via the Court's ECF notification system.

*s/Hugh Handeyside* \_\_\_\_\_

Hugh Handeyside