

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

AMERICAN SOCIOLOGICAL ASSOCIATION;
AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS; AMERICAN-ARAB
ANTIDISCRIMINATION COMMITTEE;
BOSTON COALITION FOR PALESTINIAN
RIGHTS; and ADAM HABIB,

Plaintiffs,

v.

MICHAEL CHERTOFF, in his official capacity
as Secretary of the Department of Homeland
Security; CONDOLEEZZA RICE, in her official
capacity as Secretary of State,

Defendants.

Case No. 07-11796 (GAO)

**DEFENDANTS' MOTION TO HOLD IN ABEYANCE
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

On January 14, 2008, Defendants moved to dismiss this matter pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. Plaintiffs opposed Defendants' motion on February 14, 2008, and simultaneously moved for summary judgment. Defendants respectfully request that the Court grant Defendants' motion to dismiss. However, in the event the Court denies Defendants' motion to dismiss, Defendants respectfully request that the Court hold in abeyance Plaintiffs' motion for summary judgment.

As expressed in Defendants' Reply to Plaintiffs' Opposition to Defendants' Motion to Dismiss; and Defendants' Memorandum in Support for Holding in Abeyance Plaintiffs' Motion for Summary Judgment ("Defendants' Reply"), there are material facts in dispute regarding Plaintiffs' standing in this matter, and, if given the opportunity to conduct discovery, Defendants

will be able to build a compelling factual record and argument that will establish that Plaintiffs lack standing in this matter. Accordingly, for the reasons expressed in Defendants' Reply, as well as Defendants' Response to Plaintiffs' Statement of Undisputed Facts, and the Declaration of Victor M. Lawrence, all filed contemporaneously herewith, in the event the Court denies Defendants' motion to dismiss, the Court should grant Defendants' motion to hold Plaintiffs' motion for summary judgment in abeyance so that Defendants may pursue reasonable discovery on the issue of Plaintiffs' standing.

March 20, 2008

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **DEFENDANTS' MOTION TO HOLD IN ABEYANCE PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** was served via the Court's ECF Filing System on this 20th day of March 2008 to the following counsel:

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U.S. DEPARTMENT OF JUSTICE