LATHAM & WATKINS LLP
Belinda S Lee (Bar No. 199635)
Ariel E. Rogers (Bar No. 316910)
505 Montgomery Street, Suite 2000
San Francisco, CA 94111-6538
Tel: +1.415.391.0600
Fax: +1.415.395.8095
Email: *Belinda.Lee@lw.com*
Ariel.Rogers@lw.com

Oliver Rocos (Bar No. 319059)
Thomas Golding (Bar No. 308070)
10250 Constellation Blvd., Suite 1100
Los Angeles, CA 90067
Tel: +1.424.653.5500
Fax: +1.424.653.5501
Email: *Oliver.Rocos@lw.com*
Thomas.Golding@lw.com

INTERNATIONAL REFUGEE ASSISTANCE PROJECT
Mariko Hirose (*pro hac vice*)
Kathryn C. Meyer (*pro hac vice*)
40 Rector Street, 9th Fl.
New York, NY 10006
Tel: +1.646.459.3044
Fax: +1.212.533.4598
Email: *mhirose@refugeerights.org*
kmeyer@refugeerights.org

Attorneys for Plaintiffs Does 1 through 5

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

JANE DOE 1, et al.

Plaintiffs,

v.

KIRSTJEN NIELSEN, et al.

Defendants.

CASE NO. 5:18-cv-02349 BLF

PLAINTIFFS' REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT

Hearing:
Date: June 22, 2018
Time: 9:00 a.m.
Place: Courtroom 3 (5th Floor)

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

CASES

STATUTES

RULES

REGULATIONS

I. INTRODUCTION

In opposing the Motion for Partial Summary Judgment, Defendants do not dispute that when they deny refugee status to persecuted Iranian religious minorities protected by the Lautenberg Amendment they have the mandatory duty to inform applicants of the reason for the denial "to the maximum extent feasible." Nevertheless, named plaintiffs and proposed class members (together, "Plaintiffs") who fled their homes in Iran to complete the processing of their refugee applications under the Lautenberg Amendment in Vienna received only the same stock response: their applications were all denied "as a matter of discretion." Defendants further do not dispute that this stock response gravely harms the refugee applicants' ability to pursue a meaningful request for review process and thus deprives them and their U.S.-based close family members of a fair opportunity to be reunited in the safety of the United States.

Instead, in opposing Plaintiffs' motion Defendants primarily argue that this Court has no authority to order relief here because courts lack authority to review discretionary decisions to admit or deny refugees and other foreign nationals. But this argument severely misconstrues Plaintiffs' claims. Plaintiffs are not challenging Defendants' decision to admit or deny the refugee applicants, but seeking to enforce a mandatory duty under the Lautenberg Amendment and applicable regulations, which requires that the government "shall state, to the maximum extent feasible, the reason for the denial." Pub. L. 101-167, Title V, § 599 D (c) (1989), codified as amended in 8 U.S.C. § 1157 (note). This claim is reviewable under Ninth Circuit precedent, and Defendants have not argued otherwise.

Defendants' arguments against the merits of Plaintiffs' motion also fall short. Defendants' declaration that they *do* provide reasons for denials to the maximum extent feasible is nothing more than an inadmissible and conclusory assertion of law that is not tied to the denials Plaintiffs received and that fails to square with agency policies and practice. Similarly, Defendants' contention that 8 C.F.R. § 103.2(b)(16) (2016) and the Adjudicator's Field Manual do not apply to refugee processing is no more than a self-serving legal assertion that fails to square with the plain language of the regulation and policy. Finally, Defendants' argument against the Due Process claim misunderstands Ninth Circuit precedent that confirms that in this

circuit there is an established liberty interest in the relationship between parents and their children.

Having invited the refugee applicants—including women, children, the elderly, and people with severe disabilities—to leave their homes in Iran and travel to Vienna, Defendants betrayed Plaintiffs' trust and stranded them in a desperate situation by unexpectedly denying their applications without providing any reason why. Plaintiffs are not asking that Defendants admit them to the United States, they are merely asking that the Defendants be required to follow the process Congress mandated and so they can have a fair opportunity to pursue their hope for family reunification in the United States. At the very least, they are entitled to that.

II. ARGUMENT

As Defendants acknowledge in their Response to Plaintiffs' Motion for Partial Summary Judgment ("MSJ Response") (ECF 71), there are no disputed issues of material fact on the claims on which Plaintiffs filed the Motion for Partial Summary Judgment ("MSJ") (ECF 25): Plaintiffs are refugee applicants under the Lautenberg Amendment and their close family members who submitted and sponsored the applications as U.S. ties, and Defendants issued Notices of Ineligibility ("Notices") to the applicants stating that they were being denied refugee resettlement "as a matter of discretion," with no other explanation or clarification as to why. Partial Summary Judgment is thus proper even at this early stage of the proceedings. *See* F.R.C.P. 56(b) (permitting summary judgment "at any time until 30 days after the close of all discovery"); L.R. 56 (containing no limitations on timing of summary judgment); General Order 61 (permitting summary judgment at any time permitted by the federal and local rules). Because the claims are judicially reviewable and none of Defendants' defenses on the merits hold water, as explained in more detail below, Plaintiffs respectfully request that this Court grant partial summary judgment and order relief that allows them to review any re-issued denials in time to prepare meaningful requests for review.

A. The Claims Are Judicially Reviewable

Defendants' leading argument in opposing partial summary judgment is that Plaintiffs' claims are not judicially reviewable, MSJ Response at 6-12, but this rests wholly on a

misunderstanding of Plaintiffs' claims and the requested relief. Specifically, the cases Defendants cite in their non-reviewability argument stand only for the limited position that judicial review is limited where Congress delegates decisional authority to the Executive branch, such as consular decisions to issue or deny visas. *See, e.g.*, *Fiallo v. Bell*, 430 U.S. 787, 792-93 (1977) (limiting, but not precluding, judicial review of constitutionality of immigration legislation); *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 543 (1950) (precluding review of "the determination . . . to exclude a given alien" where Congress delegated discretion to the Executive); *Hassan v. Chertoff*, 593 F.3d 785, 788-89 (9th Cir. 2010) (holding that the discretionary decision to deny adjustment of status is not reviewable, but reviewing a due process claim that the government failed to follow its own regulations); *Li Hing of Hong Kong Inc. v. Levin*, 800 F.2d 970 (9th Cir. 1986) (explaining that a consular official's decision to issue or withhold a visa is not subject to judicial review); *Saavedra Bruno v. Albright*, 197 F.3d 1153, 1157, 1159 (D.C. Cir. 1999) (same). These concerns are not implicated here because Plaintiffs are not challenging a decision that was delegated to the Executive branch, but rather are seeking enforcement of a Congressionally mandated obligation that Defendants must follow. *See* MSJ at 24 (requesting that Defendants re-issue notices that comply with statutory and regulatory requirements, not admit the refugee applicants).[1]

Similarly, Defendants' non-reviewability argument based on the bar on judicial review of discretionary decisions under 8 U.S.C. § 1252(a)(2)(B)(ii) is inapposite, because Plaintiffs are not challenging a substantive decision within Defendants' discretion. *Compare* MSJ at 12-19 (arguing that the Defendants have a legal, mandatory duty to provide a reason for the denial "to

---

[1] Although one out-of-circuit case Defendants cite–*Haitian Refugee Center, Inc. v. Baker*, 953 F.2d 1498 (11th Cir. 1992)–more broadly posited that APA review may not be available for violations of certain provisions of Refugee Act, *id.* at 1505-12, the decision conflicts with Ninth Circuit precedent, *see infra*, and is inapplicable to Plaintiffs' challenge under the Lautenberg Amendment and applicable regulations. In any event, the *Haitian Refugee Center* court appeared to recognize that non-reviewability under APA does not affect its powers to review the Refugee Act and associated claims under its equitable powers. *See* 953 F.2d at 1509-11; *see also Armstrong v. Exceptional Child Center, Inc.*, 135 S. Ct. 1378, 1384-85 (2015) (noting general availability of injunctive relief to violations of federal law by federal officials). Notably, the Supreme Court did not address the unavailability of review under the APA when reviewing the merits of a similar challenge a year later over the government's non-reviewability objection. *See Sale v. Haitian Crts. Council, Inc.*, 509 U.S. 155 (1993); MSJ Response at 8-9.

the maximum extent feasible") *with Kucana v. Holder*, 558 U.S. 233, 248 (2010) (explaining that under § 1252(a)(2)(B)(ii), a decision in the discretion of the agency, like the substantive decision to grant or deny refugee status, is unreviewable). The § 1252(a)(2)(B)(ii) bar, which must be read narrowly consistent with the strong presumption of judicial review, *id.* at 237, does not preclude challenges like this one because Defendants do not enjoy discretion to violate the law by ignoring mandatory obligations. *See Singh v. Holder*, 638 F.3d 1196, 1202 (9th Cir. 2011) (holding that "§ 1252(a)(2)(B)(ii) restricts jurisdiction only with respect to the executive's exercise of discretion" and not over "questions of law, . . . including application of law to undisputed facts" (internal quotation marks and citations omitted)); *Kwai Fun Wong v. U.S.*, 373 F.3d 952, 963 (9th Cir. 2004) (explaining that "decisions made on a purely legal basis may be reviewed [despite § 1252(a)(2)(B)], as they do not turn on discretionary judgment" and review of constitutional claims also is available because "decisions that violate the Constitution cannot be 'discretionary'"). The Lautenberg Amendment imposes such an obligation on Defendants, as it expressly states that Defendants "shall state, to the maximum extent feasible, the reason for the denial," and the applicable regulations, policies, and practices provide guidance as to how Defendants fulfill that duty. *See* MSJ at 12-17; *Spencer Enterprises, Inc. v. United States*, 345 F.3d 683, 692 (9th Cir. 2003) (finding jurisdiction to review the denial of an immigrant investor visa where statute used the word "shall" and noting that even if it did not, regulations and agency practice could guide the agency's discretion).

Contrary to Defendants' contention that "Plaintiffs have identified no statute that authorizes judicial review," MSJ Response at 7, Plaintiffs explained that the APA and the Mandamus Act provide appropriate causes of action for both the refugee applicants and the U.S. ties who submitted the applications. Defendants have not disputed Plaintiffs' constitutional and statutory standing to raise those claims. *See* MSJ at 11-12 (explaining that both U.S. and foreign Plaintiffs have standing because actual case or controversy exists as a result of injury); *id.* at 19, 23 (explaining that both U.S. and foreign Plaintiffs fall within the zone of interest of the Lautenberg Amendment).

Moreover, courts in the Ninth Circuit have heard analogous challenges under the APA,

the Mandamus Act, and the Declaratory Judgment Act where, as here, the challenge was to "the authority of the consul to take or fail to take an action as opposed to a decision within the consul's discretion." *Rivas v. Napolitano*, 714 F.3d 1108, 1110-12 (9th Cir. 2013) (holding that consular non-reviewability does not bar using the APA, the Mandamus Act, and the Declaratory Judgment Act to enforce the non-discretionary duty of acting on a request for reconsideration of the visa application once the duty is triggered). Plaintiffs cited a number of such cases in the opening papers. *See* MSJ at 21, 23; *Singh v. Clinton*, 618 F.3d 1085, 1088, 1093 (9th Cir. 2010) (remanding to set aside visa termination that failed to follow statutory requirements and noting that the government correctly abandoned its non-reviewability argument); *Patel v. Reno*, 134 F.3d 929, 931-32 (9th Cir. 1997) (finding jurisdiction in a challenge to authority to suspend visa applications, which is not a challenge to "a decision within the discretion of the consul"); *Ibrahim v. Dep't of Homeland Sec.*, 62 F. Supp. 3d 909, 932-34 (N.D. Cal. 2014) (rejecting consular non-reviewability and ordering that plaintiff be granted an opportunity to apply for a waiver of ineligibility for a visa given consul's failure to advise of the opportunity); *Atiffi v. Kerry*, CIV. S-12-3001 LKK/DAN, 2013 WL 5954818, at *7 (E.D. Cal. Nov. 6, 2013) (holding that Plaintiff states a reviewable claim under the APA and *Din* for consul's failure to provide an explanation for the visa denial);[2] *Amidi v. Chertoff*, No. 07 Civ. 710, 2008 WL 2662599, *3-4 (S.D. Cal. Mar. 17, 2008) (finding reviewable consulate's decision to terminate or cancel the visa application because it does not challenge "the discretionary decision of whether to approve or deny the application"). While Defendants fault the Plaintiffs for not identifying "precedent holding that the type of refugee denials at issue here are judicially reviewable," MSJ Response at 12, Defendants have not even attempted to distinguish these analogous cases where courts certainly were able to review an agency's non-compliance with a mandatory duty.

Defendants' final argument is that "[b]ecause USCIS did provide Plaintiffs with notices, relief under the § 702(1) and the Mandamus Act is inappropriate." MSJ Response at 12. But the

[2] In the opening brief, Plaintiffs mistakenly stated that *Atiffi* ordered the agency to state the ground for visa denial, MSJ at 23, but in the case the court only found jurisdiction and did not order relief because of factual disputes.

action that Defendants are required to take here, of course, is not to simply issue a notice denying an application, but to provide the reason for that denial. This Court has the power to compel Defendants to comply with this mandatory obligation and should order the requested relief.

B. The Notices Violate the Lautenberg Amendment

Defendants' substantive response to Plaintiffs' claim under the Lautenberg Amendment boils down to the self-serving and conclusory assertion that "USCIS provides, to the maximum extent feasible, the reasons for each denial, taking into account the inability to disclose classified information or to protect the safety of the sources of derogatory information that led to the adverse exercise of discretion." Declaration of Joanna Ruppel ("Ruppel Decl.") ¶ 5 (ECF 72-1). This assertion is inadmissible, devoid of any specific facts relating to Plaintiffs' denials, and insufficient to overcome Plaintiffs' arguments that the Notices failed to state a reason for the denial to the maximum extent feasible.

As an initial matter, the assertion is inadmissible to support the legal conclusion that Plaintiffs' denials stated reasons "to the maximum extent feasible," as the assertion is an impermissible legal conclusion lacking any factual support—including even whether the assertion applies specifically to Plaintiffs' denials. *See* F.R.C.P. 56(c)(4) (requiring affidavits submitted in opposition to summary judgment to set out facts that would be admissible); *see, e.g.*, *Kalani v. Starbucks Corp.*, 81 F. Supp. 3d 876, 882-83 (N.D. Cal. 2015) (holding that unsupported paragraphs in an expert declaration asserting that defendants are in compliance with the law are inadmissible). In addition, given that Ms. Ruppel's testimony is not offered as expert testimony, it is also an inadmissible opinion of a witness that is not "rationally based on the witness's perception" or "helpful to clearly understanding the witness's testimony or to determining a fact in issue." F.R.E. 701; *see United States v. Preston*, 873 F.3d 829, 836-37 (9th Cir. 2017) (finding lay opinion of a therapist to be improper).

Moreover, the law is clear that Defendants cannot avoid summary judgment with a conclusory declaration devoid of any specific facts. *See Lujan v. Nat'l Wildlife Federation*, 497 U.S. 871, 888 (1990) (stating that the "object" of Rule 56 is "not to replace conclusory allegations of the complaint or answer with conclusory allegations of an affidavit"); *Nigro v.*

Sears, Roebuck & Co., 784 F.3d 495, 497 (9th Cir. 2015) ("The district court can disregard a self-serving declaration that states only conclusions and not facts that would be admissible evidence); *F.T.C. v. Publishing Clearing House, Inc.*, 104 F.3d 1168, 1171 (9th Cir. 1997) (holding that a "conclusory, self-serving affidavit, lacking detailed facts and any supporting evidence," is insufficient to defeat summary judgment). Neither the Ruppel Declaration nor anything else in the record indicates it would be infeasible to provide Does 3-5—mothers with children, some of them with significant disabilities—or any of the other Plaintiffs with substantive reasons for the denial. In fact, Defendants concede that there ***were individualized reasons*** for the denials, as they assert each denial was "based on the facts of that individual case." Ruppel Decl. ¶ 4. Defendants have provided no evidence that, notwithstanding those individualized decisions, Plaintiffs received reasons for their denials "to the maximum extent feasible," or that Defendants were prevented from giving Plaintiffs more information because of "inability to disclose classified information," "to protect the safety of the sources of derogatory information," or for any other reason.

Contrary to Defendants' assertions that Plaintiffs' argument that more information could and should have been provided was "unsupported," Opp. Br. at 13, Plaintiffs supported their argument with reference to Defendants' own regulations, policies, and practices with respect to other applicants for refugee and other admissions. *See* MSJ at 12-15. Even if Defendants were correct that 8 C.F.R. § 103.2 (b)(16) and the USCIS Adjudicator's Field Manual ("AFM") do not apply to refugee processing (which, as explained below, they are not), those policies and practices provide a measuring stick for what is maximally feasible here. Defendants do not address Plaintiffs' arguments that those provisions provide guidance as to what is feasible when denying refugee applications—for example, that it is feasible to provide applicants with derogatory information underlying a discretionary determination so long as the information is unclassified. *See, e.g.*, 8 C.F.R. § 103.2 (b)(16)(i), (iii), (iv) (requiring disclosure of derogatory information unless the information is appropriately classified); AFM 10.7(b)(3) (stating that a decision should contain a description of the evidence in the case in question), attached as Amended Exhibit S to the Lee Declaration (ECF 29-2). Plaintiffs should be given explanations

consistent with these regulations and policies.

C. The Notices Also Violate Applicable Regulations

In defending against Plaintiffs' *Accardi* claim, Defendants contend that 8 C.F.R. 103.2 (b)(16) and AFM 10.7(b)(3) are not specific to refugee applications and thus are not binding here. This argument misses the mark because by their plain text these provisions apply generally to all immigration applications, *including* refugee applications.

With respect to 8 C.F.R. 103.2(b)(16), its applicability to refugee applications is evident from the fact that the regulatory section is titled "Submission and Adjudication of Benefit Requests," and refugee processing begins with an "application," 8 C.F.R. § 207.1, which the statute defines to include a "benefit request," 8 C.F.R. § 1.2. *See* MSJ at 14 n.9. Defendants' argument that 8 C.F.R. § 103 does not reference the Refugee Act as a governing authority, MSJ Response at 14, ignores the fact that the section explicitly references statutory authority granting the head of each agency the power to promulgate departmental regulations. *See* 5 U.S.C. § 301. In issuing 8 C.F.R. § 103, the Department of Homeland Security promulgated regulations that apply broadly to the adjudication of benefit requests within its authority, including refugee applications. Defendants do not respond to Plaintiffs' argument, and do not even attempt to distinguish *Ghafoori v. Napolitano*, 713 F. Supp. 2d 871 (N.D. Cal. 2010), in which a court in this district applied 8 C.F.R. § 103.2(b)(16) to the processing of a Refugee/Asylee Relative Petition, which is also a benefit request under the Refugee Act. *See id.* at 873, 880-81.

With respect to AFM 10.7(b)(3), which cites to 8 C.F.R. § 103.2, Defendants concede that the provision applies generally to the adjudication of immigration benefits but contend that it is agency practice to ignore the provision in the context of refugee applications. *See* MSJ Response at 14-15 (stating that unspecified agency "guidance" is to follow such guidance over the AFM where they conflict). This contention only strengthens Plaintiffs' *Accardi* argument, as the *Accardi* doctrine exists to ensure that government agencies are not simply disregarding their own regulations and policies when "the rights of individuals are affected." *Morton v. Ruiz*, 415 U.S. 199, 235 (1974) (holding that in such cases, "it is incumbent upon agencies to follow their own procedures").

Under 8 C.F.R. § 103.2(b)(16), an applicant "shall be permitted to inspect the record of proceeding which constitutes the basis for the decision," following specified procedures including the disclosure of derogatory information unless it is appropriately classified. *See id.* § 103.2 (16)(i), (iii), (iv). This obligation is further implemented by AFM 10.7(b)(3), which states that a decision should contain a "description of the evidence in the case in question" and that "[i]f the applicant . . . cannot reasonably be presumed to be already aware of the evidence, [they] must be given an opportunity to rebut the evidence before a decision is made." The Notices of Ineligibility fell short of these standards, and Defendants' acts were thus in breach of their own regulations. Accordingly, this Court should order Defendants to provide reasons for the denial in accordance with their own regulations.

D. The Notices Violate Due Process

Finally, as to Plaintiffs Does 1 and 2's Due Process claims, Defendants correctly recognize the reviewability of such claims in the marital context but assert that "no case supports extending due-process rights to the entry of more distant family members, such as the parent of an adult child or an adult child himself.[3] This is false.

As a threshold matter, in *Lemire v. California Department of Corrections and Rehabilitation*, and similar cases, the Ninth Circuit affirmatively held that there *is* a liberty interest implicated by the parental-child relationship. *See* 726 F.3d 1062, 1075 (9th Cir. 2013) (noting that both parents and children have a "liberty interest in the companionship and society" of each other); *see also, e.g.*, *Wilkinson v. Torres*, 610 F.3d 546, 554 (9th Cir. 2010) (finding that parents have a liberty interest in the companionship and society of their children); *Curnow By*

---

[3] Defendants also argue that "[n]o court has allowed a U.S.-citizen relative who did not file a petition on her relative's behalf the same limited judicial review." MSJ Response at 9 n.3. To the extent this argument is intended to apply to Plaintiffs Does 1 and 2 it is wrong, as they *did* file refugee applications on behalf of their family members and served as their U.S.-based sponsors. *See* Doe 1 Decl. (ECF No. 6) ¶¶ 2, 5; Doe 2 Decl. (ECF No. 7) ¶¶ 3, 6. Moreover, to the extent this is an argument regarding standing, the Ninth Circuit found standing for an individual plaintiff in *Hawai'i v. Trump* who had been harmed by the ban on entry of his mother-in-law, whose wife had filed the petition, not him. *See Hawai'i v. Trump*, 859 F.3d 741, 762 (9th Cir. 2017), *vacated as moot*, No. 16-1540, 2017 WL 4782860 (Oct. 24, 2017); *see also Orhorhaghe v. INS*, 38 F.3d 488, 493 n.4 (9th Cir. 1994) (appellate opinions that have been vacated for mootness remain "persuasive authority").

and Through Curnow v. Ridgecrest Police, 952 F.2d 321, 325 (9th Cir. 1991) (recognizing a constitutionally protected liberty interest in the parent-child relationship). The out-of-circuit cases Defendants cite to the contrary, MSJ Response at 10-11, are not relevant given this binding precedent. The in-circuit district court cases Defendants cite also are irrelevant, as they either did not discuss *Lemire* and its line of cases or were factually distinct. *See Santos v. Lynch*, No. 15-cv-00979, 2016 WL 3549366, at *3-4 (E.D. Cal. June 29, 2016) (neglecting to discuss *Lemire* or similar cases in declining to extend a liberty interest to a parent-child relationship); *L.H. v. Kerry*, No. 14-06-212, slip op. 3-4 (C.D. Cal. Jan. 26, 2017) (rejecting liberty interest with respect to "a short-term, nonimmigrant visit" by a parent).

Furthermore, whether the government has violated that liberty interest in the parental-child relationship depends on the nature of the claim at issue. In *Lemire* and similar contexts, a substantive due process violation arises only where official conduct shocks the conscience. *See* 726 F.3d at 1075. However, under *Din* a procedural due process violation arises where, as here, the liberty interest is infringed upon by the denial of an immigration benefit that fails to set forth "a facially legitimate and bona fide reason" for the denial. *Kerry v. Din*, 135 S. Ct. 2128, 2140 (2016) (Kennedy, J., concurring in judgment); *see also Cardenas v. United States*, 826 F.3d 1164, 1172 (9th Cir. 2016). As Defendants do not assert that the denials "as a matter of discretion," without additional explanation or clarification, meet the "facially legitimate and bona fide reason" standard, those denials violated Plaintiffs Does 1 and 2's liberty interests. At the very least, Plaintiffs were entitled to this measure of explanation for their denials, and this Court must order Defendants to provide it.

III. CONCLUSION

For all the reasons stated above and in , the Court should grant Plaintiffs' Motion for Partial Summary Judgment, declare the Notices of Ineligibility unlawful, set the Notices of Ineligibility aside, and order Defendants to re-issue decisions and for any re-issued Notices to comply with the requirements of the Lautenberg Amendment and applicable regulations.

Dated: June 11, 2018

Respectfully submitted,

INTERNATIONAL REFUGEE ASSISTANCE PROJECT

By /s/ Mariko Hirose
Mariko Hirose (*pro hac vice*)
Kathryn C. Meyer (*pro hac vice*)

LATHAM & WATKINS LLP
Belinda S Lee
Oliver Rocos
Thomas Golding
Ariel E. Rogers

Attorneys for Plaintiffs Does 1 through 5