

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

HUAWEI TECHNOLOGIES USA, INC., and )  
HUAWEI TECHNOLOGIES CO., LTD., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA, *et al.*, )  
 )  
Defendants. )  
\_\_\_\_\_ )

Civil No. 4:19-cv-00159

**JOINT MOTION FOR ENTRY OF SCHEDULING ORDER**

The Parties hereby file this Joint Motion for Entry of a Scheduling Order and in support thereof state as follows:

1. Plaintiffs' Complaint, ECF No. 1, was served on the U.S. Attorney for the Eastern District of Texas on March 27, 2019, ECF No. 23. According to the Federal Rules, Defendants' response to the Complaint is therefore due May 28, 2019. *See Fed. R. Civ. P. 12(a)(2).*
2. This case raises a challenge to the constitutionality of pertinent provisions of Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232. The Parties agree that the issues raised in Plaintiffs' Complaint are purely legal and appropriately decided by the Court on cross-dispositive motions.
3. Accordingly, the Parties jointly propose the following schedule to govern their submissions in this case, as well as the following page limits for each submission:

<b>Event</b>	<b>Date</b>	<b>Page Limit<sup>1</sup></b>
Plaintiffs' Motion for Summary Judgment	May 28, 2019	35
Defendants' Combined Opposition and Motion to Dismiss, or in the Alternative for Summary Judgment	July 3, 2019	50
Plaintiffs' Combined Reply and Opposition to Defendants' Motion to Dismiss, or in the Alternative for Summary Judgment	August 14, 2019	30
Defendants' Reply in Support of Motion to Dismiss, or in the Alternative for Summary Judgment	September 10, 2019	15

4. The Parties submit that the foregoing sequence of briefs—including the consolidation of briefing on the Parties' respective motions—and the proposed page limits, will allow the Parties to most efficiently and effectively present the various legal issues for the Court's review, while conserving the Court's and the Parties' resources and time. The Parties believe that the proposed briefing will be sufficient to address the claims at issue and therefore agree to dispense with any sur-replies contemplated by the local rules.

5. To accommodate the foregoing schedule, the Parties also jointly request that Defendants' deadline to respond to the Complaint be extended 36 days, to July 3, 2019.

6. In light of the foregoing, the Parties further agree that discovery is unnecessary prior to this Court's resolution of the Parties' respective dispositive motions, if any discovery is ever necessary at all. The Parties therefore propose that the conference of the Parties contemplated by Fed. R. Civ. P. 26(f) not occur until 21 days after the Court's ruling on the Parties' respective dispositive motions. In so proposing, the Parties intend and agree that all other discovery obligations in this case, including the disclosures contemplated by Fed. R. Civ. P. 26(a)(1) and (a)(2), are tolled accordingly.

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<sup>1</sup> The page limits for the motion(s) for summary judgment include the Statement of Issues and Statement of Undisputed Material Facts, and the page limits for opposition(s) to such motion(s) include the responses to the Statement of Issues and Statement of Undisputed Material Facts. The page limits do not include exhibits or attachments.

7. Finally, as an integral part of the Parties' agreement to abstain from filing sur-reply briefs, the Parties jointly request that the Court hold oral argument on the Parties' respective dispositive motions. The Parties propose that the Court hold oral argument in mid- to late-September or on another date thereafter at the Court's convenience.

**PRAYER**

The Parties respectfully request that the Court enter the attached proposed Scheduling Order.

Dated: April 15, 2019

Respectfully submitted,

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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify, on this 15th day of April 2019, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronically filing the same through the Court's electronic filing system.

/s/ *Emily Newton*  
EMILY SUE NEWTON