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15 UNITED STATES DISTRICT COURT  
16  
17 NORTHERN DISTRICT OF CALIFORNIA

18 KESHAV BHATTARAI; SAJJAN PANDEY;  
SUMNIMA THAPA; DONALDO POSADAS  
19 CACERES; SORAYDA RODRIGUEZ  
MOTIÑO; DENIS MOLINA CHAVEZ; S.S.,  
20 individually and on behalf of others similarly  
21 situated; and G.D.P., individually and on  
behalf of others similarly situated,

22 *Plaintiffs,*

23 v.

24 KIRSTJEN NIELSEN, in her official capacity  
as Secretary of Homeland Security; ELAINE  
25 C.DUKE, in her official capacity as Deputy  
Secretary of Homeland Security; UNITED  
26 STATES DEPARTMENT OF HOMELAND  
SECURITY; and UNITED STATES OF  
27 AMERICA

28 *Defendants.*

Case No. 3:19-cv-00731-EMC

**JOINT STIPULATION TO CONSOLIDATE  
CASES, AMEND COMPLAINT, AND SET  
BRIEFING SCHEDULE; [~~PROPOSED~~]  
ORDER**

The Honorable Edward M. Chen

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23 *\* Institution listed for identification purposes only*  
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1 Following the July 23, 2023 Status Conference, the Parties jointly stipulate to the following:

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3 **Consolidation:** Subject to the Court’s approval, the Parties stipulate to consolidate this  
4 action with the related case *Ramos v. Mayorkas*, Case No. 3:18-cv-01554, for all purposes, including  
5 trial. *See* Dkt. 14 (Related Case Order). The court has discretion to consolidate actions that “involve  
6 a common question of law or fact.” Fed. R. Civ. Pro. 42(a). In Plaintiffs’ view, this action and  
7 *Ramos* both concern the Administration’s periodic review process for Temporary Protected Status  
8 determinations and assert claims for violations of the Administrative Procedure Act (“APA”) and the  
9 Fifth Amendment’s guarantees of equal protection and due process. Plaintiffs in *Bhattarai* are TPS  
10 holders from Honduras and Nepal and their U.S. citizen children. Plaintiffs in *Ramos* are TPS  
11 holders from El Salvador, Haiti, Nicaragua, and Sudan and their U.S. citizen children. Both cases  
12 name the same Defendants. Defendants agree that consolidation of these cases will allow the parties  
13 and the Court to more efficiently resolve them both. Because of the common factual and legal  
14 questions involved in these matters, the Parties agree consolidating the cases will further judicial  
15 convenience and efficiency, including with respect to discovery and motion practice.

16 **Amendment:** Plaintiffs filed this litigation on February 10, 2019. Dkt. 1. Pursuant to the  
17 Parties’ stipulation, this action was stayed on March 13, 2019 pending a resolution of Defendants’  
18 appeal in *Ramos*. Dkt. 23. Defendants have not filed their Answer. Plaintiffs now wish to amend  
19 their complaint to update relevant facts, address potential ambiguities in the pleadings identified by  
20 the now-vacated Ninth Circuit Opinion, and make other amendments pursuant to Fed. R. Civ. Pro.  
21 15(a)(1)(B).

22 Should the Court grant the Parties’ stipulation to consolidate this action with *Ramos*,  
23 Plaintiffs intend to file one amended, consolidated complaint in the consolidated case. Should the  
24 Court deny the stipulated request to consolidate the matters, Plaintiffs will file amended complaints  
25 in each matter separately. Plaintiffs will file their amended complaint(s) by August 24, or 14 days  
26 after the Court rules on the Parties’ stipulation to consolidate, whichever is later.

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**CIVIL LOCAL RULE 5-1(h)(3) ATTESTATION**

Pursuant to Local Rule 5-1(h)(3), regarding signatures, Alycia A. Degen hereby  
attests that concurrence in the filing of this document has been obtained from counsel for  
Defendants.


/s/ Alycia A. Degen

**PROPOSED ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

- *Ramos v. Mayorkas*, Case No. 3:18-cv-01554, and *Bhattarai v. Nielsen*, Case No. 19-cv-731, are consolidated. All future filings shall be made on the *Ramos* docket.
- Plaintiffs shall file an Amended Consolidated Complaint by August 24, or 14 days after the date of this Order, whichever is later.
- Defendants shall file any Motion to Dismiss by September 14, or 21 days after the filing of the Amended Consolidated Complaint, whichever is later. Plaintiffs' Response is due 21 days after Defendants' Motion. Defendants' Reply is due 14 days after Plaintiffs' Response.

Dated: 8/2/2023

  
\_\_\_\_\_  
The Honorable Edward M. Chen  
United States District Judge