

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

TIKTOK INC., et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, et al.,

Defendants.

Case No. 20-cv-02658 (CJN)

PARTIES' JOINT STATUS REPORT

Pursuant to the Court's September 27, 2020 Order (ECF No. 29), the parties have met and conferred regarding a schedule for further proceedings in this action, and hereby submit this joint status report.

Plaintiffs' preference would be for the parties to file cross-motions for summary judgment in time to be resolved prior to November 12. Defendants, however, do not believe that proceeding to summary judgment is appropriate at this time for two reasons. First, although Defendants have worked (and are continuing to work) expeditiously to compile the Administrative Record ("AR") in this matter, the AR is not presently ready to be certified and produced, primarily because the AR contains classified information. Defendants are working through the various issues posed by this classified information, but do not expect those issues to be resolved in time to produce a complete, certified AR to Plaintiffs and then have the parties brief cross-motions for summary judgment in time for a decision by November 12. Second, there are also potential disputes between the parties as to the appropriate scope of the factual record in this case—*i.e.*, whether Plaintiffs should be permitted to rely on extra-record material

such as factual declarations or purported expert witness declarations. Defendants believe it would be premature to proceed to final judgment without resolving the appropriate scope of the record, and providing the parties a full opportunity to address such matters and respond to any extra-record material that the Court deems relevant. Accordingly, Defendants believe that, rather than proceeding with cross-motions for summary judgment, the proper next steps in this matter are for Plaintiffs to file another motion for a preliminary injunction as to the remaining prohibitions scheduled to take effect November 12, and for the parties to brief that motion in time for the Court to issue a decision prior to November 12.

Based on the foregoing representations by Defendants, Plaintiffs do not oppose entry of a briefing schedule allowing them to file another motion for a preliminary injunction as to the remaining prohibitions. The parties have conferred and respectfully propose the following schedule:

- On or before **October 5, 2020**, the government shall, pursuant to Local Rule 7(n), file with the Court a certified list of the contents of the AR, and the government shall serve Plaintiffs with a copy of each item in the AR that is available at that time to be produced, noting in a cover filing and/or on the certified list of contents any such documents that have not been produced to Plaintiffs;
- On or before **October 14, 2020**, Plaintiffs shall file a motion for a preliminary injunction as to the remaining prohibitions scheduled to take effect November 12;
- On or before **October 23, 2020**, Defendants shall file an opposition to Plaintiffs' motion for a preliminary injunction;
- On or before **October 30, 2020**, Plaintiffs shall file a reply on their motion;
- Oral argument to be held at the Court's convenience during the week of **November 2, 2020**.

Each party reserves all rights with respect to submitting (and opposing submission) of factual materials in this matter, including with respect to any portions of the AR that are not available on October 5 but later become available for submission to Plaintiffs and/or the Court.

DATED: September 30, 2020

Respectfully submitted,

/s/ John E. Hall

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