

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

Pars Equality Center,)
Iranian American Bar Association,)
National Iranian American Council,)
Public Affairs Alliance of Iranian Americans,)
Inc. *et al*,)

Plaintiffs,)

v.)

Civil Action No. 1:17-cv-00255-TSC

Donald J. Trump, President of the United States,)
et al.)

Defendants.)

Plaintiffs’ Request to Offer Live Testimony at the Preliminary Injunction Hearing

Pursuant to Local Civil Rule 65.1(d), Plaintiffs request leave to present live testimony by the witnesses listed herein at the hearing on Plaintiffs’ Motion for Preliminary Injunction (ECF Doc. # 35). Plaintiffs are prepared to present live testimony from up to four witnesses, representing each of the four organizational Plaintiffs—Pars Equality Center, Iranian American Bar Association, National Iranian American Council, and Public Affairs Alliance of Iranian Americans. Plaintiffs submit that being able to hear from and question these witnesses on key factual issues can assist the Court in deciding Plaintiffs’ Motion for Preliminary Injunction.¹

Under Local Civil Rule 65.1(d), the Court considers whether “the need for live testimony is outweighed by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” In this case, hearing live testimony would be a prudent use of judicial resources. Given the scope and national importance of Plaintiffs’ claims, it would be in the best

¹ Plaintiffs informed the Government of this request prior to filing and the Government stated its position is as follows: “Defendants oppose Plaintiffs’ request, and intend to file a written response no later than 4pm EST on Friday, April 7, 2017.”

interest of the Court as well as the parties to develop a robust record through live testimony. Further, live testimony would allow the Court to hear from and ask questions of individuals who can provide an update on facts that may have changed since the time of Plaintiffs' March 15th filing—especially important in this case, given the rapid progression of related events and litigation nationwide. Live testimony would also be beneficial should these issues go up on appeal to the extent it allows the Court to evaluate the credibility and demeanor of Plaintiffs' witnesses.

Plaintiffs are prepared to call up to four witnesses, one each from the organizational Plaintiffs: (1) Ms. Sarvenaz Fahimi, Senior Legal Director at Pars Equality Center; (2) Mr. Babak Yousefzadeh, President of the Iranian American Bar Association; (3) Mr. Jamal Abdi, Policy Director at the National Iranian American Council; and (4) Ms. Leila Austin, Executive Director of the Public Affairs Alliance of Iranian Americans.² Each witness would provide information about his or her organization, including the ongoing harm to the organization's mission and resources as well as the individuals in the community that it serves, caused by the January 27, 2017 and March 6, 2017 Executive Orders.

Such testimony is relevant given that the Government has challenged the organizations' standing and irreparable harm in its opposition brief and in Plaintiffs' view has substantially mischaracterized the record on this point. Live testimony on these issues would also assist with understanding the need for the affirmative injunctive relief sought by Plaintiffs. The issues raised in this case, especially the extreme harm caused by the January 27 and March 6 Executive Orders to the Iranian American community, would be best understood through live testimony. Plaintiffs estimate that each witness will testify for 20 minutes on direct examination.

² Ms. Fahimi and Mr. Yousefzadeh will be traveling from California to testify.

However, several of these witnesses are not available on the new hearing date of April 21, in part because of scheduling adjustments they already made to be available on April 13 that cannot easily be modified again. Plaintiffs therefore request that the Court hear the witnesses' testimony on either April 17 or 18 when all four witnesses are available.³ Plaintiffs' motion would be heard on April 21 as scheduled. This would accommodate the Government's scheduling concerns regarding the hearing, while permitting Plaintiffs to present their witnesses and ensure Plaintiffs' motion is heard in a timely manner without further delay.

³ Plaintiffs could also make at least three of witnesses available to testify on April 19.

Dated: April 6, 2017

Respectfully submitted,

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**Pro hac vice motion forthcoming*

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