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(See Next Page For Additional Counsel)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI‘I**

STATE OF HAWAI‘I and ISMAIL ELSHIKH,  
Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States; U.S.  
DEPARTMENT OF HOMELAND  
SECURITY; JOHN F. KELLY, in his official  
capacity as Secretary of Homeland Security;  
U.S. DEPARTMENT OF STATE; REX  
TILLERSON, in his official capacity as  
Secretary of State; and the UNITED STATES  
OF AMERICA,

Defendants.

Civil Action No. 1:17-cv-00050-  
DKW-KSC

**DECLARATION OF NEAL K.  
KATYAL IN SUPPORT OF  
PLAINTIFFS’ EMERGENCY  
MOTION TO CLARIFY  
SCOPE OF PRELIMINARY  
INJUNCTION; EXHIBITS A,  
B, C, D, & E IN SUPPORT OF  
PLAINTIFFS’ EMERGENCY  
MOTION TO CLARIFY  
SCOPE OF PRELIMINARY  
INJUNCTION;  
CERTIFICATE OF  
SERVICE**

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**DECLARATION OF NEAL K. KATYAL IN SUPPORT OF PLAINTIFFS’  
EMERGENCY MOTION TO CLARIFY SCOPE OF PRELIMINARY  
INJUNCTION**

I, NEAL K. KATYAL, hereby state and declare as follows:

1. I am counsel for Plaintiffs, the State of Hawai‘i and Ismail Elshikh. I have personal knowledge of and am competent to testify to the truth of the matters stated herein. This Declaration is submitted in support of Plaintiffs’ Emergency Motion to Clarify Scope of Preliminary Injunction, filed concurrently herewith.

2. Attached as Exhibit A is a true and correct copy of a Department of State cable, received by Plaintiffs from third parties on June 29, 2017, which purports to provide guidance to consular offices regarding enforcement of Section 2(c) of Executive Order 13780.

3. Attached as Exhibit B is a true and correct copy of an untitled guidance document prepared by the Department of State and received by counsel for Plaintiffs from counsel for Defendants on June 29, 2017. Counsel for Defendants represented that this guidance soon will be publicly available online.

4. Attached as Exhibit C is a true and correct copy of Department of State guidance entitled “Executive Order on Visas” (June 29, 2017), *available at*: <https://travel.state.gov/content/travel/en/news/important-announcement.html>.

5. Attached as Exhibit D is a true and correct copy of a transcript of a Department of State Special Briefing, “Background Briefing on the

Implementation of Executive Order 13780 Protecting the Nation from Foreign Terrorist Entry into the United States” (June 29, 2017), *available at*:

<https://www.state.gov/r/pa/prs/ps/2017/06/272281.htm>.

6. Attached as Exhibit E is a true and correct copy of a blank Reception and Placement Assurance Form prepared by the Refugee Processing Center of Arlington, Virginia, to be completed by a U.S.-based resettlement agency.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Washington, D.C., June 29, 2017.

/s/ Neal K. Katyal  
Neal K. Katyal