



U.S. Department of Justice
Civil Division
Office of Immigration Litigation
District Court Section

March 11, 2020

Ms. Patricia S. Connor
U.S. Court of Appeals for the Fourth Circuit
Lewis F. Powell, Jr. U.S. Courthouse Annex
1100 East Main Street, Suite 501
Richmond, Virginia 23219-3517

Re: *Oral Argument Scheduled for March 18, 2020, in Outdoor Amusement Business Association, Inc., et al. v. U.S. Department of Homeland Security, et al., No. 18-2370*

Dear Ms. Connor:

I am writing on behalf of Defendants-Appellees in the above-captioned appeal. In response to your letter regarding COVID-19, neither of Defendants-Appellees' counsel who plan to attend the oral argument scheduled for March 18, 2020, are presently experiencing the symptoms described in your letter.

As to possible exposure to the coronavirus: my co-counsel and I will be flying to Richmond from Chicago and Boston/Cambridge, respectively. (We are currently working from Chicago and Boston/Cambridge, but our official Department of Justice workstation is located in Washington, DC.) In the interest of full disclosure to allow the Court to make the most informed decision with regard to the oral argument, and for the safety of the court and others, I note that both Boston and Chicago have dozens of confirmed cases of COVID-19, and universities in Cambridge (including the one my co-habitant attends) have cancelled live classes in response to the rapid spread of coronavirus. The State of Massachusetts, where I reside and am temporarily working, has now declared a state of emergency due to the large increase of confirmed and presumptive cases, which doubled in a single day this week. In an abundance of caution, I would also like to note that my temporary workstation is located in very close proximity to the Biogen office in Cambridge, where it has been reported that 70 of the 92 coronavirus cases in Massachusetts are linked to a largely-attended meeting held by the biotech firm. In the past 14 days, I have also traveled by air to other cities within the United States, including to Washington, DC (where there are confirmed cases), and various cities in Colorado (where a state of emergency has also been declared).

Additionally, we recently discovered that Department of Justice attorneys in our office have tested positive for coronavirus upon return from their travel to and appearance in courts located in areas that have been heavy-hit with the virus. This has obviously raised concerns about official travel by air for court appearances. As of the time of writing, we are waiting on further guidance about what this means for Department of Justice employees. With that said, neither my co-counsel nor I am aware of any direct exposure to the coronavirus at the time of writing. We continue to receive new information with each passing day and, as a result, my representations are subject to change. In the meantime, please let us know if we can provide any additional information.

Sincerely,

Kathryne Gray

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