

Not for Publication

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AMERICAN IMMIGRATION LAWYERS
ASSOCIATION, NEW JERSEY
CHAPTER, *et al.*,

Plaintiffs,

v.

EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW, *et al.*,

Defendants.

Civil Action No. 20-9748

ORDER

VAZQUEZ, DISTRICT JUDGE

This matter was opened with the Court on the filing of Plaintiffs' Complaint for Injunctive and Declaratory Relief. D.E. 1. As to Plaintiffs' request for a preliminary injunction, the Court reviewed all submissions, including D.E. 6, 13, 15. The Court then held a telephone conference with counsel on September 3, 2020. For the reasons stated on the record, and for good cause shown,

IT IS on this 3rd day of September 2020,

ORDERED that Defendants' shall provide the following information to the Court by September 18, 2020:

1. As to the following declaration in ¶ 17 by David Cheng, Assistant Chief Immigration Judge, D.E. 13-1 ("Declaration"), indicate the specific information that was considered as well as the reasoning/analysis employed *before* the policies, practices, and guidance were implemented:

It is my understanding that those policies, practices, and guidance were informed by multiple sources, including the Department of Justice ("DOJ"), the Office of Management and Budget ("OMB"), the Office of Personnel Management ("OPM"), the Centers for

Disease Control and Prevention (“CDC”), the General Services Administration (“GSA”), and the operations of other court systems.

2. As to ¶¶ 50, 62 of the Declaration, and the conclusion that commercial videoconferencing software is not a “viable alternative,” indicate the review process that was undertaken to support the conclusion that such software is not a viable alternative. Indicate specifically why such software is not viable, such as, legal, technological, and/or economic issues.
3. As to ¶¶ 50, 62 of the Declaration as to web cameras, indicate whether such cameras are a viable alternative and, if not, the specific reason or reasons why.
4. As to ¶¶ 32, 33 of the Declaration (concerning face coverings, persons with symptoms or a diagnosis of COVID-19, social distancing, and proper hygiene), indicate whether such requirements/suggestions are being enforced and, if so, how.
5. As to ¶ 60 of the Declaration, which indicates “EOIR does not, however, conduct temperature checks or health screenings; rather that responsibility lies with the party having business before the court[,]” indicate whether temperature checks and/or health screenings are performed (by any agency or person) before persons enter the Newark Immigration Court area (i.e. the Twelfth Floor, Room 1200 of 970 Broad Street, Newark).
6. Provide the Newark Immigration Court’s protocol for responding to a potential exposure to COVID-19.
7. Provide information concerning the number of cases being heard in-person by the Newark Immigration Court on any given day at any given time. To the extent these numbers fluctuate, please indicate. The focus of this inquiry is to learn how many persons are attending the Newark Immigration Court at the same time or during the same time period.
8. Provide all additional information as to any precautionary measures instituted by the Newark Immigration Court in response to the pandemic. This information must include the following:
 - a. Social distancing measures while in line to enter the building and in using the elevators;
 - b. Cleaning schedule of the Newark Immigration Court, including whether cleaning is performed in between cases/hearings as to areas that are occupied by attorneys, litigants, and witnesses; and
 - c. Any other safety features instituted by the Newark Immigration Court, such as containment partitions; and it is further

ORDERED that Plaintiffs' shall file any response or opposition by September 25, 2020.

s/John Michael Vazquez
John Michael Vazquez, U.S.D.J.