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Hogan Lovells US LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004

Neal Kumar Katyal  
T +1 202 637 5600  
F +1 202 637 5910  
www.hoganlovells.com

February 28, 2018

Honorable Scott S. Harris  
Office of the Clerk  
Supreme Court of the United States  
Washington, DC 20543

Re: *Donald J. Trump, et al. v. State of Hawaii, et al.*, No. 17-965, and *International Refugee Assistance Project, et al. v. Donald J. Trump, et al.*, No. 17-1194

Dear Mr. Harris,

I represent the respondents in *Trump v. Hawaii*, No. 17-965. The *Hawaii* respondents have long welcomed the participation of the petitioners in *International Refugee Assistance Project v. Trump*, No. 17-1194, but have substantial concerns about the proposal in their Motion to Expedite. If certiorari is granted at this late date, we would oppose a briefing order that permitted the Government to file a separate full merits brief in the *IRAP* case (along with possibly supporting amici) without giving us an opportunity to respond. Such an order would substantially prejudice the *Hawaii* respondents: It would give the Government considerably more space in which to argue the virtually identical legal issues presented by the two appeals, when the Government has already sought and received an enlargement of words for its *Hawaii* briefs. It would also deprive respondents of the opportunity to reply to arguments made by the Government and its amici in briefs tendered shortly before oral argument. Should the Court grant certiorari at this juncture and afford the Government additional words or an additional brief in which to respond to the *IRAP* brief, we respectfully request that the Court afford the *Hawaii* respondents an opportunity to file a supplemental brief responding to the Government's filing. The *Hawaii* respondents would agree to filing such a brief by April 18, provided that the Government and any amici supporting the Government file their briefs in *IRAP* by April 11. Should the Court grant the petition in *IRAP*, it may also wish to enlarge the time for oral argument or hold the arguments in tandem.

Sincerely,

Neal Kumar Katyal  
*Counsel for Respondents*