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May 16, 2025

Honorable Scott S. Harris, Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: *Noem v. National TPS Alliance*,
No. 24A1059

On May 8, 2025, our firm filed an *amicus* brief on behalf of America's Future, Citizens United, and Conservative Legal Defense and Education Fund in support of the government's application for stay in the above-referenced case. The purpose of this letter is to advise the Court of information which Respondents/Plaintiffs' counsel has provided us since filing our *amicus* brief, of which we were unaware when filing our brief.

Our *amicus* brief took issue with Plaintiffs' counsel identifying *Ramos v. Nielsen*, No. 3:18-cv-1554, as a "related case" on the district court Civil Cover Sheet for *National TPS Alliance v. Noem*. See *Amicus Brief of America's Future, et al.* at 6-7. Our *amicus* brief quoted in full the definition of "related case" as set out in Local Rule 3-12(a) of the Northern District of California which requires, *inter alia*, "[t]he actions concern substantially the same parties, property, transaction, or event," arguing that *Ramos* did not meet that definition, which we continue to assert. However, we additionally contended that *Ramos* should not be considered a related case because it was closed. Plaintiffs' counsel pointed out to us that the next subsection of that rule, subsection (b), which relates to treatment of an "Administrative Motion to Consider Whether Cases Should be Related," calls for the identification of closed cases in such motions. If that subsection is read to modify the definition of "related cases" in subsection (a), and if it governs how the Civil Cover Sheet is to be completed, then a closed case could be a related case which "must" be identified, negating that argument. Additionally, Plaintiffs filed a motion under subsection (b) which, as that rule requires, was docketed only in the first case, *Ramos*, and not on the district court docket of *National TPS Alliance v. Noem*, and thus we were unaware of its filing. In opposition, the government also argued *Ramos* was not a related case. See *Ramos v. Noem*, No. 3:18-cv-1554, Defendants' Opposition to Motion to Consider Whether Cases Should Be Related (Doc. #253) (Feb. 25, 2025). Plaintiffs' counsel today has provided a copy of a transcript of a hearing on February 24, 2025, which is not yet available through Pacer. District Judge Chen denied Plaintiffs' motion as moot (in *Ramos*). Plaintiffs' counsel has advised us that Judge Chen stated (Transcript at 4, ll. 16-19) that the *National TPS Alliance* case "was assigned to me on a random basis. It was not related."

We certainly had no desire to misrepresent the local rules or the proceedings below and thus provide this information which was received after filing our *amicus* brief to ensure that the Court has more complete information to evaluate these matters.

I would appreciate it if you could distribute copies of this letter to the Members of the Court. Thank you for your consideration in this matter.

Sincerely yours,

/s/ Jeremiah L. Morgan

Jeremiah L. Morgan
Counsel for *Amici* America's Future, *et al.*

cc: service via electronic filing