

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

KUSUMA NIO, *et al.*,

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,**

Defendants.

Civil Action No. 17-0998 (ESH)

ORDER

For the reasons stated in the Court's Memorandum Opinion issued this date, it is hereby **ORDERED** that Plaintiffs' Motion for Partial Summary Judgment, ECF No. 177, is **GRANTED IN PART** as to plaintiffs' claim that the MSSD Requirement is arbitrary and capricious in violation of 5 U.S.C. § 706(2)(A), and Defendants' Cross Motion for Summary Judgment, ECF No. 219, is **DENIED**; it is further

ORDERED that the MSSD Requirement is **VACATED**; it is further

ORDERED that a status conference is set for June 17, 2019, at 1:30 p.m. The parties shall meet and confer and file a joint status report by close of business on June 11, 2019. The status report shall address what steps will be necessary to effectuate the Court's Memorandum Opinion; what claims, if any, remain to be considered; and what future proceedings will be necessary to resolve these claims. If the parties cannot reach agreement, each side shall briefly set forth in five pages or less its position and any legal authority in support thereof.



Ellen S. Huvelle

ELLEN SEGAL HUVELLE
United States District Judge

Date: May 22, 2019