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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NATIONAL URBAN LEAGUE; LEAGUE OF WOMEN VOTERS; BLACK ALLIANCE FOR JUST IMMIGRATION; HARRIS COUNTY, TEXAS; KING COUNTY, WASHINGTON; CITY OF LOS ANGELES, CALIFORNIA; CITY OF SALINAS, CALIFORNIA; CITY OF SAN JOSE, CALIFORNIA; RODNEY ELLIS; and ADRIAN GARCIA,

Plaintiffs,

v.

WILBUR L. ROSS, JR., in his official capacity as Secretary of Commerce; U.S. DEPARTMENT OF COMMERCE; STEVEN DILLINGHAM, in his official capacity as Director of the U.S. Census Bureau; and U.S. CENSUS BUREAU,

Defendants.

CASE NO. 5:20-cv-05799-LHK

DECLARATION OF SADIK HUSENY IN SUPPORT OF PLAINTIFFS' MOTION FOR STAY AND PRELIMINARY INJUNCTION

Date: September 17, 2020
Time: 1:30 p.m.
Place: Courtroom 8, 4th Floor, San Jose
Judge: Hon. Lucy H. Koh

I, Sadik Huseny, declare as follows:

1. I am an active member of the State Bar of California, a member in good standing of the Bar of this Court, a partner at Latham & Watkins LLP, and counsel for Plaintiffs in the above-titled action. I make this declaration in support of Plaintiffs' Motion for Preliminary Injunction. I have personal, first-hand knowledge of the matters set forth below and, if called as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of a statement, available at https://2020census.gov/en/news-events/press-releases/delivering-complete-accurate-count.html, from Census Bureau Director Steven Dillingham, dated August 3, 2020.

3. Attached hereto as Exhibit 2 is a true and correct copy of a printout of the web address https://2020census.gov/en/news-events/operational-adjustments-covid-19.html, printed on August 21, 2020.

4. Attached hereto as Exhibit 3 is a true and correct copy of a statement, available at https://2020census.gov/en/news-events/press-releases/statement-covid-19-2020.html?linkId=100000011751624, from Department of Commerce Secretary Wilbur Ross and Census Bureau Director Steven Dillingham, dated April 13, 2020.

5. Attached hereto as Exhibit 4 is a true and correct copy from the Internet Archive's Wayback Machine purporting to be an August 1, 2020 archive of the 2020 Census Operational Adjustments Due to COVID-19, originally available at https://2020census.gov/content/dam/2020census/materials/news/2020-census%20operational-adjustments-long%20version.pdf. Exhibit 4 is available at https://web.archive.org/web/20200801041926/https://2020census.gov/content/dam/2020census/materials/news/2020-census%20operational-adjustments-long%20version.pdf.

6. Attached hereto as Exhibit 5 is a true and correct copy of the 2020 Census Operational Plan, Version 4.0 provided by the U.S. Census Bureau, dated December 2018, available at https://www2.census.gov/programs-surveys/decennial/2020/program-management/planning-docs/2020-oper-plan4.pdf.

7. Attached hereto as Exhibit 6 is a true and correct copy of Uses of Census Bureau Data in Federal Funds Distribution provided by the U.S. Census Bureau, dated September 2017, available at https://2020census.gov/content/dam/2020census/materials/partners/2020-01/Uses-of-Census-Bureau-Data-in-Federal-Funds-Distribution.pdf.

8. Attached hereto as Exhibit 7 is a true and correct copy of GAO-20-551R regarding the 2020 Census, available at https://www.gao.gov/assets/710/707456.pdf, from the U.S. Government Accountability Office, dated June 2020.

9. Attached hereto as Exhibit 8 is a true and correct copy of a printout from the Internet Archive's Wayback Machine purporting to be a July 30, 2020 archive of the web address https://2020census.gov/en/news-events/operational-adjustments-covid-19.html. Exhibit 8 is available at https://web.archive.org/web/20200730172057/https://2020census.gov/en/news-events/operational-adjustments-covid-19.html.

10. Attached hereto as Exhibit 9 is a true and correct copy of a printout from the Internet Archive's Wayback Machine, purporting to be a July 31, 2020 archive of the web address https://2020census.gov/en/news-events/operational-adjustments-covid-19.html. Exhibit 9 is available at https://web.archive.org/web/20200731172823/https://2020census.gov/en/news-events/operational-adjustments-covid-19.html.

11. Attached hereto as Exhibit 10 is a true and correct copy of a letter, available at https://www.amstat.org/asa/files/pdfs/POL-CensusSenateAugust.pdf, from the American Statistical Association to members of the U.S. Senate, dated August 5, 2020.

12. Attached hereto as Exhibit 11 is a true and correct copy of a letter, available at https://www.shaheen.senate.gov/imo/media/doc/08-10-20_DOC%20OIG_Census%20Letter.pdf, from Senator Shaheen to Inspector General Peggy E. Gustafson, dated August 10, 2020.

13. Attached hereto as Exhibit 12 is a true and correct copy of the Review of 2020 Operational Plan Schedule provide by the US Census Bureau, dated August 17, 2020, downloaded from https://www.census.gov/content/dam/Census/newsroom/press-kits/2020/2020-operational-plan-schedule-review.pdf.

14. Attached hereto as Exhibit 13 is a true and correct copy of a letter, available at https://www.oig.doc.gov/OIGPublications/OIG-20-041-M.pdf, from Principal Assistant Inspector General Mark H. Zabarsky to Director Dillingham, dated August 18, 2020.

15. Attached hereto as Exhibit 14 is true and correct copy of a chart prepared by counsel for Plaintiffs in the above-captioned matter, from Exhibits 2, 4, and 7, summarizing the dates for Self-Response, Non-Response Follow Up, and Data Processing for Apportionment Figures activities by the U.S. Census Bureau. The Data Processing for Apportionment Figures activities in this chart run from the end of the Non-Response Follow Up period until the day planned for providing apportionment counts to the President.

16. Attached hereto as Exhibit 15 is a true and correct copy of the 2020 Census Detailed Operational Plan for: 18. Nonresponse Followup Operation (NRFU), Version 2.0 provided by the U.S. Census Bureau, dated July 15, 2019, available at https://www2.census.gov/programs-surveys/decennial/2020/program-management/planning-docs/NRFU-detailed-operational-plan_v20.pdf.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 25, 2020

LATHAM & WATKINS LLP

By: /s/ Sadik Huseny
Sadik Huseny

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