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Attorneys for Plaintiffs John Fitisemanu, Pale Tuli, Rosavita Tuli, and Southern Utah Pacific Islander Coalition

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

JOHN FITISEMANU; PALE TULI;
ROSAVITA TULI; and
SOUTHERN UTAH PACIFIC
ISLANDER COALITION;

Plaintiffs,

v.

UNITED STATES OF AMERICA;
U.S. DEPARTMENT OF STATE;
MICHAEL POMPEO, in his official
capacity as Secretary of the U.S.
Department of State; and
CARL C. RISCH, in his official
capacity as Assistant Secretary of
State for Consular Affairs;

Defendants.

Case No. 1:18-cv-00036-CW

**PLAINTIFFS' RESPONSE TO
INTERVENORS'
MOTION TO DISMISS /
CROSS-MOTION FOR SUMMARY
JUDGMENT**

HEARING REQUESTED

Judge Clark Waddoups

RESPONSE

On September 13, 2018, this Court granted Intervenor's motion for permissive intervention and permitted Plaintiffs John Fitisemanu, Pale Tuli, Rosavita Tuli, and Southern Utah Pacific Islander Coalition ("Plaintiffs") to respond to Intervenor's Motion to Dismiss or, in the Alternative, Cross-Motion for Summary Judgment ("Motion") (Dkt. 89) within 30 days. Dkt. 92.

Plaintiffs oppose Intervenor's Motion for the reasons stated in their previous filings. *See* Pls.' Mot. for Summ. J. & Mem. in Supp., Dkt. 30; Pls.' Opp'n to Mot. to Intervene, Dkt. 68; Pls.' Combined Reply in Supp. of Mot. for Summ. J. & Opp'n to Defs.' Mot. to Dismiss or, in the Alternative, Cross-Mot. for Summ. J., Dkt. 75; *cf.* Br. of Samoan Fed'n of Am., Inc. as *Amicus Curiae* in Supp. of Pls., Dkt. 55. Plaintiffs believe that any further briefing would be duplicative and undesirable, given the continuing denial of their right to citizenship and especially the upcoming general election.

Accordingly, Plaintiffs respectfully request that the Court schedule oral argument on all pending dispositive motions at its earliest convenience.

Dated: September 14, 2018

Respectfully submitted.

s/ Matthew D. McGill

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the District of Utah by using the Court's CM/ECF system on September 14, 2018.

I certify that all participants in the case are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.

Dated: September 14, 2018

s/ Mathew D. McGill
Matthew D. McGill