

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

XIAOMI CORPORATION, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF DEFENSE, *et al.*,

Defendants.

Civil Docket No. 21-cv-00280 (RC)

JOINT STATUS REPORT

Pursuant to the Court's April 28, 2021 Minute Order, the Parties submit the following joint status report regarding further proceedings in this litigation.

Since the Parties' previous joint status report, the Parties have agreed upon a path forward that would resolve this litigation without the need for contested briefing. In particular, in light of this Court's preliminary injunction order and opinion, ECF Nos. 20, 21, and Defendants' decision not to appeal that order, Defendants have agreed that a final order vacating the January 14, 2021 designation of Xiaomi Corporation as a CCMC pursuant to section 1237 of the FY 1999 NDAA, as amended, would be appropriate. An order vacating agency action is the ordinary result when a court has determined that such action violates the APA. *See* 5 U.S.C. § 706(2). Plaintiffs support such an order. The parties will negotiate over the specific terms of the order, and anticipate providing this Court a joint proposed order on or before Thursday, May 20, 2021.

Dated: May 11, 2021

/s/ John E. Hall

John E. Hall (D.C. Bar No. 415364)
Beth S. Brinkmann (D.C. Bar No. 477771)
Alexander A. Berengaut (D.C. Bar No. 989222)
Megan A. Crowley (D.C. Bar No. 1049027)
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
Telephone: +1 (202) 662-6000
Facsimile: + 1 (202) 778-6000
Email: jhall@cov.com
bbrinkmann@cov.com
aberengaut@cov.com
mcrowley@cov.com

S. Conrad Scott (D.C. Bar No. 1685829; *pro
hac vice*)
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, NY
Telephone: +1 (212) 841-1000
Facsimile: +1 (212) 841-1010
Email: cscott@cov.com

Counsel for Plaintiffs

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

ALEXANDER K. HAAS
Branch Director

ANTHONY J. COPPOLINO
Deputy Branch Director

BRIGHAM BOWEN
Assistant Branch Director

/s/ Joseph E. Borson

JOSEPH E. BORSON (Va. Bar No. 85519)
STEPHEN M. ELLIOT
JAMES R. POWERS
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
Phone: (202) 514-1944
Email: joseph.borson@usdoj.gov

Counsel for Defendants