

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

KASPERSKY LAB, INC.)	
)	
and)	
)	
KASPERSKY LABS LIMITED)	
)	
Plaintiffs,)	Civ. Act. No. 17-cv-02697-CKK
)	
v.)	
)	
U.S. DEPARTMENT OF HOMELAND SECURITY)	
)	
and)	
)	
KIRSTJEN NIELSEN, in her official capacity as Secretary of Homeland Security)	
)	
Defendants.)	
)	

**[PROPOSED] ORDER GRANTING PLAINTIFFS’
MOTION FOR SUMMARY JUDGMENT**

Upon consideration of Plaintiffs’ Motion for Summary Judgment and the entire record herein, it is this ____ day of _____, 2018,

ORDERED that Plaintiffs’ Motion for Summary Judgment is hereby **GRANTED**;

ORDERED that Binding Operational Directive 17-01 issued by Defendant U.S. Department of Homeland Security (“DHS”) on September 13, 2017 (the “BOD”), and the “Final Decision” issued by DHS on December 6, 2017 maintaining the BOD (the “Final Decision”) are hereby vacated and rescinded;

ORDERED that the BOD and the Final Decision are hereby declared invalid;

ORDERED that DHS is hereby permanently enjoined from enforcing the BOD and the Final Decision; and

ORDERED that the case is hereby remanded to DHS for further proceedings, with instructions that DHS provide Plaintiffs requisite procedural due process compliant with the Fifth Amendment of the U.S. Constitution, and that DHS comply with the evidentiary requirements of the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*

SO ORDERED.

U.S. District Judge Colleen Kollar-Kotelly