

**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 PROPOSED ORDER**

As reflected in their May 11, 2021 Joint Status Report, ECF No. 35, the parties submit the attached proposed order to resolve this litigation.

Dated: May 20, 2021

/s/ John E. Hall

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**[PROPOSED] ORDER**

On January 14, 2021, the Department of Defense (“DoD”) designated Xiaomi Corporation as a Communist Chinese Military Company (“CCMC”) pursuant to Section 1237 of the National Defense Authorization Act for Fiscal Year 1999, Pub. L. 105-261, 112 Stat. 2160 (Oct. 17, 1998) (as amended) (the “January CCMC Designation”). For the reasons stated in this Court’s preliminary injunction order and opinion, ECF Nos. 20, 21, this Court holds DoD’s January CCMC Designation was inconsistent with the Administrative Procedure Act (“APA”). *See* Mem. Op., at 9-16, ECF No. 21. An order vacating improper agency action is the ordinary result when a court has determined that agency action violates the APA. *See* 5 U.S.C. § 706(2). Accordingly, this Court VACATES the January CCMC Designation and REMANDS the matter to the agency. Plaintiffs’ remaining claims are dismissed without prejudice. *See* Am. Compl. ¶¶ 62-84, ECF No. 9. This is a Final Order.

DATE:

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UNITED STATES DISTRICT JUDGE