

1 DENNIS J. HERRERA, State Bar #139669  
 City Attorney  
 2 JESSE C. SMITH, State Bar #122517  
 Chief Assistant City Attorney  
 3 RONALD P. FLYNN, State Bar #184186  
 Chief Deputy City Attorney  
 4 YVONNE R. MERÉ, State Bar #173594  
 Chief of Complex and Affirmative Litigation  
 5 CHRISTINE VAN AKEN, State Bar #241755  
 TARA M. STEELEY, State Bar #231775  
 6 MOLLIE M. LEE, State Bar #251404  
 SARA J. EISENBERG, State Bar #269303  
 7 MATTHEW S. LEE, State Bar #295247  
 NEHA GUPTA, State Bar #308864  
 8 Deputy City Attorneys  
 City Hall, Room 234  
 9 1 Dr. Carlton B. Goodlett Place  
 San Francisco, California 94102-4602  
 10 Telephone: (415) 554-4748  
 Facsimile: (415) 554-4715  
 11 E-Mail: brittany.feitelberg@sfgov.org

12 Attorneys for Plaintiff  
 CITY AND COUNTY OF SAN FRANCISCO

13  
 14  
 15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

17 CITY AND COUNTY OF SAN  
 FRANCISCO,

18 Plaintiff,

19 vs.

20 DONALD J. TRUMP, President of the United  
 21 States, UNITED STATES OF AMERICA,  
 JOHN F. KELLY, Secretary of United States  
 22 Department of Homeland Security,  
 23 JEFFERSON B. SESSIONS, Attorney General  
 of the United States, DOES 1-100,

24 Defendants.

Case No. 3:17-cv-00485-WHO

**STATEMENT OF SUPPORT REGARDING  
 CITY OF RICHMOND'S ADMINISTRATIVE  
 MOTION TO CONSIDER WHETHER CASES  
 SHOULD BE RELATED**

Date Filed: January 31, 2017  
 Trial Date: Not set

1 **1. INTRODUCTION**

2 The City of Richmond (“Richmond”) filed an Administrative Motion (the “Administrative  
3 Motion”) to consider whether *City of Richmond v. Trump, et al.* Case No. 3:17-cv-01535-SK (the  
4 “Richmond Action”) may be related to *City and County of S.F. v. Trump et al.*, Case No. 3:17-cv-  
5 00485-WHO (the “San Francisco Action”) and *County of Santa Clara v. Trump et al.*, Case No. 3:17-  
6 cv-00574-WHO (the “Santa Clara Action”) under Civil Local Rule 3-12. See Dkt. 43. Pursuant to  
7 Civil Local Rule 3-12(d), San Francisco files this Statement in Support of Richmond’s Administrative  
8 Motion.

9 **2. DISCUSSION**

10 “An action is related to another when: (1) The actions concern substantially the same parties,  
11 property, transaction or event; and (2) it appears likely that there will be an unduly burdensome  
12 duplication of labor and expense or conflicting results if the cases are conducted before different  
13 Judges.” N.D. Cal. Civ. L.R. 3-12(a).

14 Like the San Francisco Action and the Santa Clara Action, the Richmond Action challenges the  
15 constitutionality of President Donald J. Trump’s January 25, 2017 executive order directing specified  
16 actions against state, local, and municipal governments deemed to be so-called “sanctuary  
17 jurisdictions,” Exec. Order 13,768, 82 Fed. Reg. 8799 (Jan. 25, 2017) (the “Executive Order”). While  
18 each Action has certain independent claims, there is substantial overlap in the claims, arguments, and  
19 relief sought in the three Actions. Each Action claims that Section 9 the Executive Order violates the  
20 Tenth Amendment, Separation of Powers, and the Spending Clause, and each Action seeks declaratory  
21 and injunctive relief preventing enforcement of Section 9 the Executive Order.

22 There is also substantial overlap in the named defendants. San Francisco, Santa Clara, and  
23 Richmond each sue President Donald J. Trump, Department of Homeland Security Secretary  
24 John F. Kelly, and Attorney General Jefferson B. Sessions. San Francisco and Richmond also name as  
25 a defendant the United States, while Santa Clara also names Acting Director of the Office of  
26 Management and Budget Mark Sandy.

27 //

28 //

1 Given the overlap in parties, factual and legal issues involved, and the relief sought in the three  
2 Actions, it is possible that conducting the Actions in two courts simultaneously may lead to  
3 unnecessary duplication of effort and the potential for conflicting results.

4 **3. CONCLUSION**

5 For the foregoing reasons, San Francisco joins Richmond in respectfully requesting that the  
6 Court consider whether the Richmond Action is related to the San Francisco Action and the  
7 Santa Clara Action under Local Rule 3-12.

8 Dated: March 24, 2017

9 DENNIS J. HERRERA  
10 City Attorney  
11 RONALD FLYNN  
12 JESSE C. SMITH  
13 YVONNE R. MERÉ  
14 CHRISTINE VAN AKEN  
15 TARA STEELEY  
16 MOLLIE M. LEE  
17 SARA J. EISENBERG  
18 MATTHEW S. LEE  
19 NEHA GUPTA

Deputy City Attorneys

20 By: /s/ Mollie M. Lee  
21 MOLLIE M. LEE  
22 Deputy City Attorney

23 Attorneys for Plaintiff  
24 CITY AND COUNTY OF SAN FRANCISCO  
25  
26  
27  
28