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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COUNTY OF SANTA CLARA,
Plaintiff,
v.
DONALD J. TRUMP, et al.,
Defendants.

Case No. [17-cv-00574-WHO](#)

ORDER DENYING MOTION TO INTERVENE

Re: Dkt. No. 43

INTRODUCTION

The Young Women’s Christian Association of Silicon Valley (“YWCA”) has moved to intervene in this case as a permissive intervenor. Motion to Intervene (“Mot.”) (Dkt. No. 43). YWCA’s participation as a party is not necessary to fully develop the factual and legal issues in this case, so I decline to grant the motion to intervene.

LEGAL STANDARD

Under Ninth Circuit precedent, a party must satisfy three threshold elements for a court to grant permissive intervention under Rule 24(b): (1) the moving party must have an independent ground for jurisdiction; (2) it must bring a timely motion; and (3) it must demonstrate that it “has a claim or defense that shares with the main action a common question of law or fact.” *Blum v. Merrill Lynch Pierce Fenner & Smith, Inc.*, 712 F.3d 1349, 1353 (9th Cir. 2013) (citing Fed. R. Civ. P. 24(b)(1)). If these elements are met, the court may grant permissive intervention at its discretion. *Id.*

DISCUSSION

YWCA is a non-profit organization, located in San Jose, California, that provides critical services to vulnerable women in Silicon Valley, including victims of domestic violence, sexual assault, and human trafficking. YWCA Complaint ¶ 18 (Dkt. No. 43-2). YWCA has an annual

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1 budget of approximately \$7.07 million, 37.5 percent of which it receives through federal funds.
2 *Id.* ¶ 30. It receives these federal funds through the County of Santa Clara, the City of San Jose,
3 and the State of California. *Id.* ¶¶ 30-40. It asserts that, as a result of Executive Order 13768, it
4 faces a potential loss of funds should any of those three jurisdictions be deemed a “sanctuary
5 jurisdiction” and ineligible for federal funds. *Id.*

6 YWCA asserts that it meets the three threshold requirements for permissive intervention
7 and asks this court to exercise its discretion and allow it to intervene in this case. Because I am
8 exercising my discretion to decline to allow YWCA to intervene in this case, I do not address
9 whether it meets the threshold requirements for permissive intervention.

10 YWCA identifies three reasons why it is differently situated from the County of Santa
11 Clara and would therefore contribute to this case as an intervenor: (1) it is exposed to a loss of
12 funds from three separate streams of federal funding such that, even if Santa Clara’s claims were
13 resolved, the threat to YWCA would remain; (2) YWCA is effectively collateral damage as the
14 potential that it might lose funds is unrelated to any policy or practice that YWCA might enact;
15 and (3) unlike a governmental jurisdiction, it has no ability to enter into discussions with the
16 federal government in order to modify or avoid an impending “sanctuary” designation. *Mot.* at
17 10.

18 I am not persuaded that these issues weigh in favor of granting YWCA’s motion to
19 intervene. Similar to YWCA, the County of Santa Clara not only receives federal funding directly
20 from the federal government but also receives pass-through funds through the State of California.
21 Therefore, just like YWCA, Santa Clara potentially faces a loss of funds even if it is not deemed a
22 sanctuary jurisdiction. Further, just like YWCA, Santa Clara faces the potential of being
23 “collateral damage” in a dispute between the federal government and California. And, like
24 YWCA, Santa Clara is unable to enter into discussions with the federal government in order to
25 modify or avoid California receiving a “sanctuary” designation. To the extent YWCA seeks to
26 represent the interests of an entity that receives pass-through funds from a governmental body,
27 Santa Clara seems well-situated to represent those interests.

28 Because it does not appear that YWCA’s participation as a party would offer substantial

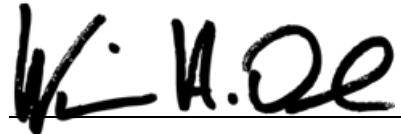
1 assistance in developing the factual or legal issues in this case, YWCA’s motion to intervene as a
2 permissive intervenor is DENIED. In assessing the issues raised in the previously pending motion
3 for a preliminary injunction, I considered the arguments and interests YWCA raised in its briefing
4 along with those raised by the many amici. YWCA is welcome to participate as an amicus in this
5 case if further amicus briefing is appropriate.

6 **CONCLUSION**

7 For the reasons outlined above YWCA’s motion to intervene is DENIED.

8 **IT IS SO ORDERED.**

9 Dated: May 22, 2017

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12 William H. Orrick
13 United States District Judge
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Northern District of California