

1 JOSEPH W. COTCHETT (SBN 36324)  
 jcotchett@cpmlegal.com  
 2 NANCY L. FINEMAN (SBN 124870)  
 nfineman@cpmlegal.com  
 3 ALEXANDRA P. SUMMER (SBN 266485)  
 asummer@cpmlegal.com  
 4 BRIAN DANITZ (SBN 247403)  
 bdanitz@cpmlegal.com  
 5 **COTCHETT, PITRE & McCARTHY, LLP**  
 San Francisco Airport Office Center  
 6 840 Malcolm Road, Suite 200  
 Burlingame, CA 94010  
 7 Telephone: (650) 697-6000  
 Facsimile: (650) 697-0577

8 BRUCE REED GOODMILLER (SBN 121491)  
 Bruce\_goodmiller@ci.richmond.ca.us  
 9 RACHEL H. SOMMOVILLA, (SBN 231529)  
 rachel\_sommovilla@ci.richmond.ca.us  
 10 **CITY OF RICHMOND**  
 450 Civic Center Plaza  
 11 P.O. Box 4046  
 12 Richmond, CA 94804  
 Telephone: (510) 620-6509  
 13 Facsimile: (510) 620-6518

14 *Attorneys for Plaintiff City of Richmond*

15 **UNITED STATES DISTRICT COURT**  
 16 **NORTHERN DISTRICT OF CALIFORNIA**

17 **CITY OF RICHMOND, a municipal**  
 18 **corporation,**

19 Plaintiff,

20 vs.

21 **DONALD J. TRUMP, President of the**  
**United States,**  
 22 **JOHN F. KELLY, Secretary of the United**  
**States Department of Homeland Security,**  
 23 **JEFFERSON B. SESSIONS, Attorney**  
**General of the United States, and the**  
 24 **UNITED STATES OF AMERICA,**

25 Defendants.

Case No. 3:17-cv-01535-WHO

26 **CITY OF RICHMOND’S RESPONSE**  
 27 **TO ORDER RE FILING OF**  
 28 **AMENDED COMPLAINT**

Complaint Filed: March 21, 2017  
 Trial Date: April 23, 2018

1 On March 21, 2017, the City of Richmond (“Richmond”) filed a lawsuit against President  
2 Donald Trump, Attorney General Jeff Sessions, then Secretary of Homeland Security John Kelly,  
3 and the United States of America, challenging the unconstitutional Executive Order No. 13768  
4 issued by President Trump on January 25, 2017 entitled “Enhancing Public Safety in the Interior  
5 of the United States.” (Dkt. 1). Richmond brought this action because, under its reasonable  
6 interpretation of the Executive Order, Richmond feared the loss of all its federal funds, as  
7 threatened by the Executive Order because Richmond has a history of supporting its immigrant  
8 community, Richmond has enacted an ordinance and regulation supporting that policy, and it  
9 believes that immigrants’ trust in law enforcement is critical to the safety of the community.

10 On April 25, 2017, this Court issued a nationwide preliminary injunction enjoining  
11 enforcement of Section 9(a) of Executive Order 13768. (Dkt. No. 25), which order Defendants  
12 have now appealed.

13 Defendants challenged Richmond’s complaint arguing, *inter alia*, that Richmond lacked  
14 standing and its claims were not ripe. Defendants’ Motion to Dismiss Memorandum at pp. 11:5-  
15 12:25; Defendants Reply: Motions to Dismiss at pp. 6:23-8:25. (Dkt. Nos. 26, 34). Defendants  
16 argued that the Executive Order was of limited scope, Defendants had not taken any enforcement  
17 action against Richmond, and there was no indication that any action was imminent. Reply at  
18 7:8-17, 8:17-19. Richmond opposed the motion. (Dkt. No. 29).

19 On August 21, 2017, this Court granted Defendants’ motion to dismiss and provided  
20 Richmond leave to amend finding, *inter alia*, that Richmond has not “demonstrated a well-  
21 founded fear of enforcement against it,” “[i]ts policies have not resulted in any actual conflict  
22 between it and ICE regarding immigration enforcement,” and “ICE has never asked Richmond for  
23 assistance enforcing immigration laws and has never issued a detainer request to Richmond  
24 police.” Order Granting Motion to Dismiss at pp. 1:20-21, 5:23-24, 6:22-24. (Dkt. No. 42).

25 Based upon Defendants’ statements and this Court’s rulings, Richmond will not be filing  
26 an amended complaint. Richmond will accept the Court’s invitation to continue as an *amicus*  
27 *curiae* in this important case and if Defendants’ position against Richmond changes, Richmond  
28

