

**U.S. District Court  
California Northern District (Oakland)  
CIVIL DOCKET FOR CASE #: 4:18-cv-02068-JST**

City and County of San Francisco v. Whitaker et al  
Assigned to: Judge Jon S. Tigar  
Cause: 05:551 Administrative Procedure Act

Date Filed: 04/05/2018  
Date Terminated: 02/20/2019  
Jury Demand: None  
Nature of Suit: 899 Other Statutes:  
Administrative Procedures Act/Review or  
Appeal of Agency Decision  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**City and County of San Francisco**

represented by **Sara Jennifer Eisenberg**  
San Francisco City Attorney's Office  
Chief of Strategic Advocacy  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
(415) 554-4633  
Fax: (415) 554-4715  
Email: [sara.eisenberg@sfcityatty.org](mailto:sara.eisenberg@sfcityatty.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Kenneth Michael Walczak**  
City and County of San Francisco  
Deputy City Attorney  
1390 Market Street, Fifth Floor  
San Francisco, CA 94102  
415-554-4206  
Email: [kenneth.walczak@sfgov.org](mailto:kenneth.walczak@sfgov.org)  
**ATTORNEY TO BE NOTICED**

**Mollie M Lee**  
American Civil Liberties Union of  
Northern California  
39 Drumm Street  
San Francisco, CA 94111  
4156212493  
Email: [mlee@aclunc.org](mailto:mlee@aclunc.org)  
**TERMINATED: 08/27/2018**

**Ronald P. Flynn**  
San Francisco City Attorney's Office  
Chief Deputy City Attorney  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-5408  
(415) 554-4708  
Fax: (415) 255-0733  
Email: [ronald.flynn@sfcityatty.org](mailto:ronald.flynn@sfcityatty.org)  
**ATTORNEY TO BE NOTICED**

**Yvonne Rosil Mere**  
Ofc City Attorney  
1390 Market St, 7FL  
San Francisco, CA 94102  
415-554-3874  
Email: [yvonne.mere@sfcityatty.org](mailto:yvonne.mere@sfcityatty.org)  
**ATTORNEY TO BE NOTICED**

**Dennis J. Herrera**

City Attorney for the City and County of  
San Francisco  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 234  
San Francisco, CA 94102  
(415) 554-4748  
Fax: (415) 554-4715  
Email: [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****Jefferson B. Sessions, III**

*Attorney General of the United States*  
*TERMINATED: 12/06/2018*

represented by **Cesar A. Lopez-Morales**  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street Avenue, NW, Room 12302.  
Washington, DC 20005  
202-305-8550  
Email: [cesar.a.lopez-morales@usdoj.gov](mailto:cesar.a.lopez-morales@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****United States Department of Justice**

represented by **Cesar A. Lopez-Morales**  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street Avenue, NW, Room 12302  
Washington, DC 20005  
202-305-8550  
Email: [cesar.a.lopez-morales@usdoj.gov](mailto:cesar.a.lopez-morales@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****Mathew Whitaker**

represented by **Cesar A. Lopez-Morales**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/05/2018	<u>1</u>	COMPLAINT <i>for Declaratory and Injunctive Relief</i> against All Defendants ( Filing fee \$ 400, receipt number 0971-12248551.). Filed by City and County of San Francisco. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Civil Cover Sheet)(Herrera, Dennis) (Filed on 4/5/2018) (Entered: 04/05/2018)
04/05/2018	<u>2</u>	Proposed Summons. (Herrera, Dennis) (Filed on 4/5/2018) (Entered: 04/05/2018)
04/05/2018	3	Case assigned to Magistrate Judge Donna M. Ryu.  Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at <a href="http://cand.uscourts.gov/ecf/caseopening">http://cand.uscourts.gov/ecf/caseopening</a> .  Standing orders can be downloaded from the court's web page at <a href="http://www.cand.uscourts.gov/judges">www.cand.uscourts.gov/judges</a> . Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of

		Electronic Filing (NEF) within two business days. Consent/Declination due by 4/19/2018. (srnS, COURT STAFF) (Filed on 4/5/2018) (Entered: 04/05/2018)
04/05/2018	<u>4</u>	NOTICE of Appearance by Ronald P. Flynn <i>Notice of Appearance of Counsel</i> (Flynn, Ronald) (Filed on 4/5/2018) (Entered: 04/05/2018)
04/05/2018	<u>5</u>	NOTICE of Appearance by Yvonne Rosil Mere <i>Notice of Appearance of Counsel</i> (Mere, Yvonne) (Filed on 4/5/2018) (Entered: 04/05/2018)
04/05/2018	<u>6</u>	NOTICE of Appearance by Sara Jennifer Eisenberg <i>Notice of Appearance of Counsel</i> (Eisenberg, Sara) (Filed on 4/5/2018) (Entered: 04/05/2018)
04/05/2018	<u>7</u>	NOTICE of Appearance by Mollie M Lee <i>Notice of Appearance of Counsel</i> (Lee, Mollie) (Filed on 4/5/2018) (Entered: 04/05/2018)
04/06/2018	<u>8</u>	Summons Issued as to Jefferson B. Sessions, III, United States Department of Justice, and U.S. Attorney General. (jjbS, COURT STAFF) (Filed on 4/6/2018) Modified on 4/9/2018 (cjlS, COURT STAFF). (Entered: 04/06/2018)
04/06/2018	<u>9</u>	<b>Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 7/11/2018. Initial Case Management Conference set for 7/18/2018 01:30 PM in Oakland, Courtroom 4, 3rd Floor. (jjbS, COURT STAFF) (Filed on 4/6/2018) (Entered: 04/06/2018)</b>
04/19/2018	<u>10</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by City and County of San Francisco.. (Eisenberg, Sara) (Filed on 4/19/2018) (Entered: 04/19/2018)
04/20/2018	<u>11</u>	<i>Proof of Service</i> by City and County of San Francisco (Eisenberg, Sara) (Filed on 4/20/2018) Modified on 4/23/2018 (jjbS, COURT STAFF). (Entered: 04/20/2018)
05/24/2018	<u>12</u>	Updated Proof of Service by City and County of San Francisco (Eisenberg, Sara) (Filed on 5/24/2018) Modified on 5/25/2018 (jjbS, COURT STAFF). (Entered: 05/24/2018)
06/12/2018	<u>13</u>	NOTICE of Appearance by Cesar A. Lopez–Morales <i>on behalf of Defendants</i> (Lopez–Morales, Cesar) (Filed on 6/12/2018) (Entered: 06/12/2018)
06/12/2018	<u>14</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Jefferson B. Sessions, III, United States Department of Justice.. (Lopez–Morales, Cesar) (Filed on 6/12/2018) (Entered: 06/12/2018)
06/13/2018		<u>Electronic filing error.</u> Re: <u>13</u> Notice of Appearance filed by United States Department of Justice, Jefferson B. Sessions, III. <b>REMINDER TO COUNSEL:</b> Counsel is instructed that all future filings shall bear the initials <b>DMR</b> immediately after the case number. (jjbS, COURT STAFF) (Filed on 6/13/2018) (Entered: 06/13/2018)
06/13/2018	<u>15</u>	CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of a Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned.  ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE–NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED.  <i>This is a text only docket entry; there is no document associated with this notice.</i> (ig, COURT STAFF) (Filed on 6/13/2018) (Entered: 06/13/2018)
06/14/2018	<u>16</u>	<b>ORDER REASSIGNING CASE.</b> Case reassigned to Judge Jon S. Tigar for all further proceedings. Judge Donna M. Ryu no longer assigned to the case. This case is assigned to a judge who participates in the Cameras in the Courtroom Pilot Project. See General Order 65 and <a href="http://cand.uscourts.gov/cameras">http://cand.uscourts.gov/cameras</a> . Signed by Executive Committee on 6/14/2018. (Attachments: # <u>1</u> Notice of Eligibility for Video Recording)(jmlS, COURT STAFF) (Filed on 6/14/2018) (Entered: 06/14/2018)

		<b>06/14/2018)</b>
06/15/2018	<u>17</u>	CLERK'S NOTICE SETTING CASE MANAGEMENT CONFERENCE. Case Management Statement due by 7/16/2018. Initial Case Management Conference set for 7/25/2018 at 2:00 PM in San Francisco, Courtroom 9, 19th Floor. (Attachments: # <u>1</u> Standing Order, # <u>2</u> Standing Order for All Judges of the Northern District) (wsn, COURT STAFF) (Filed on 6/15/2018) (Entered: 06/15/2018)
06/18/2018	<u>18</u>	NOTICE OF MOTION AND MOTION to Dismiss for Lack of Jurisdiction filed by Jefferson B. Sessions, III, United States Department of Justice. Motion Hearing set for 7/26/2018 02:00 PM in San Francisco, Courtroom 09, 19th Floor before Judge Jon S. Tigar. Responses due by 7/2/2018. Replies due by 7/9/2018. (Attachments: # <u>1</u> Exhibit A- AG Memo, # <u>2</u> Exhibit B- Rescission Press Release, # <u>3</u> Exhibit C- Zendejas Letter, # <u>4</u> Exhibit D- Baudry Letter, # <u>5</u> Exhibit E- Prior Joint Statement)(Lopez-Morales, Cesar) (Filed on 6/18/2018) (Entered: 06/18/2018)
06/19/2018	<u>19</u>	CLERK'S NOTICE Continuing Motion Hearing as to <u>18</u> MOTION to Dismiss for Lack of Jurisdiction. Due to a change in the Court's availability, the Motion Hearing set for 7/26/2018 is continued to 8/16/2018 at 2:00 PM in San Francisco, Courtroom 9, 19th Floor before Judge Jon S. Tigar. The briefing schedule is unchanged. ( <i>This is a text-only entry generated by the court. There is no document associated with this entry.</i> ) (wsn, COURT STAFF) (Filed on 6/19/2018) (Entered: 06/19/2018)
06/27/2018	<u>20</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Lopez-Morales, Cesar) (Filed on 6/27/2018) (Entered: 06/27/2018)
06/27/2018	<u>21</u>	STIPULATION WITH PROPOSED ORDER filed by City and County of San Francisco. (Eisenberg, Sara) (Filed on 6/27/2018) (Entered: 06/27/2018)
06/27/2018	<u>22</u>	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (Eisenberg, Sara) (Filed on 6/27/2018) (Entered: 06/27/2018)
06/27/2018	<u>23</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Eisenberg, Sara) (Filed on 6/27/2018) (Entered: 06/27/2018)
06/27/2018	<u>24</u>	ADR Clerk's Notice Setting ADR Phone Conference on July 19, 2018 at 10:00 AM Pacific time. Please note that you must be logged into an ECF account of counsel of record in order to view this document. (cmf, COURT STAFF) (Filed on 6/27/2018) (Entered: 06/27/2018)
06/28/2018	<u>25</u>	<b>STIPULATION AND ORDER re <u>21</u> STIPULATION AND [PROPOSED] ORDER filed by City and County of San Francisco. Signed by Judge Jon S. Tigar on June 28, 2018. (wsn, COURT STAFF) (Filed on 6/28/2018) (Entered: 06/28/2018)</b>
07/09/2018	<u>26</u>	<i>Stipulation and [Proposed] Order</i> filed by City and County of San Francisco. (Eisenberg, Sara) (Filed on 7/9/2018) (Entered: 07/09/2018)
07/10/2018	<u>27</u>	<b>STIPULATION AND ORDER re <u>26</u> <i>Stipulation and [Proposed] Order</i> filed by City and County of San Francisco. Signed by Judge Jon S. Tigar on July 10, 2018. (wsn, COURT STAFF) (Filed on 7/10/2018) (Entered: 07/10/2018)</b>
07/13/2018	<u>28</u>	CLERK'S NOTICE CONTINUING CASE MANAGEMENT CONFERENCE. The Initial Case Management Conference previously set for 7/25/2018 is continued to 12/19/2018 at 2:00 PM in San Francisco, Courtroom 9, 19th Floor. A Joint Case Management Statement is due 12/10/2018 by 5:00 PM. ( <i>This is a text-only entry generated by the court. There is no document associated with this entry.</i> ) (wsn, COURT STAFF) (Filed on 7/13/2018) (Entered: 07/13/2018)
07/20/2018	<u>29</u>	ADR Remark: ADR Phone Conference held on 7/19/2018 by Howard Herman. A further ADR Phone Conference is scheduled for 9/18/2018, at 10:00 AM Pacific time. The call-in information remains the same. (af, COURT STAFF) (Filed on 7/20/2018) ( <i>This is a text-only entry generated by the court. There is no document associated with this entry.</i> ) (Entered: 07/20/2018)
07/30/2018	<u>30</u>	<i>First Amended Complaint for Declaratory and Injunctive Relief</i> against Jefferson B. Sessions, III, United States Department of Justice. Filed by City and County of San Francisco. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, #

		<u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J)(Herrera, Dennis) (Filed on 7/30/2018) (Entered: 07/30/2018)
08/01/2018	31	CLERK'S NOTICE TERMINATING MOTION AS MOOT re <u>18</u> MOTION to Dismiss for Lack of Jurisdiction. The Plaintiff has filed an <u>30</u> AMENDED COMPLAINT. The pending motion to dismiss is terminated as moot. ( <i>This is a text-only entry generated by the court. There is no document associated with this entry.</i> ) (wsn, COURT STAFF) (Filed on 8/1/2018) (Entered: 08/01/2018)
08/27/2018	<u>32</u>	NOTICE filed by City and County of San Francisco of <i>Notice of Disassociation of Counsel</i> (Eisenberg, Sara) (Filed on 8/27/2018) (Entered: 08/27/2018)
09/19/2018	33	ADR Remark: ADR Phone Conference held on 9/18/2018 by Howard Herman. (cmf, COURT STAFF) (Filed on 9/19/2018) ( <i>This is a text-only entry generated by the court. There is no document associated with this entry.</i> ) (Entered: 09/19/2018)
09/20/2018	<u>34</u>	STIPULATION AND [PROPOSED] ORDER filed by Jefferson B. Sessions, III, United States Department of Justice. (Lopez-Morales, Cesar) (Filed on 9/20/2018) (Entered: 09/20/2018)
09/24/2018	<u>35</u>	<b>STIPULATION AND ORDER re <u>34</u> STIPULATION AND [PROPOSED] ORDER filed by United States Department of Justice, Jefferson B. Sessions, III. Responses due by 10/25/2018. Replies due by 11/13/2018. Motion Hearing set for 12/6/2018 at 2:00 PM in San Francisco, Courtroom 9, 19th Floor before Judge Jon S. Tigar. Signed by Judge Jon S. Tigar on September 24, 2018. (wsn, COURT STAFF) (Filed on 9/24/2018) (Entered: 09/24/2018)</b>
09/27/2018	<u>36</u>	MOTION to Dismiss for Lack of Jurisdiction filed by Jefferson B. Sessions, III, United States Department of Justice. Motion Hearing set for 12/6/2018 02:00 PM in San Francisco, Courtroom 09, 19th Floor before Judge Jon S. Tigar. Responses due by 10/25/2018. Replies due by 11/13/2018. (Attachments: # <u>1</u> Exhibit A- AG Memo, # <u>2</u> Exhibit B- July Press Release, # <u>3</u> Exhibit C- December Press Release, # <u>4</u> Exhibit D- Baudry Letter, # <u>5</u> Exhibit E- Refugee Employment Flyer, # <u>6</u> Exhibit F- New Joint Guidance on I-9 Audits, # <u>7</u> Exhibit G- New Employers' Flyer, # <u>8</u> Exhibit H- New Refugees' Flyer, # <u>9</u> Exhibit I- Prior Joint Statement, # <u>10</u> Exhibit J- New Joint Statement)(Lopez-Morales, Cesar) (Filed on 9/27/2018) (Entered: 09/27/2018)
10/02/2018	<u>37</u>	NOTICE of Change of Address by Cesar A. Lopez-Morales (Lopez-Morales, Cesar) (Filed on 10/2/2018) (Entered: 10/02/2018)
10/25/2018	<u>38</u>	OPPOSITION/RESPONSE to (re <u>36</u> MOTION to Dismiss for Lack of Jurisdiction) – <i>Opposition to Defendants' Motion to Dismiss</i> filed by City and County of San Francisco. (Walczak, Kenneth) (Filed on 10/25/2018) (Entered: 10/25/2018)
11/13/2018	<u>39</u>	REPLY (re <u>36</u> MOTION to Dismiss for Lack of Jurisdiction ) filed by Jefferson B. Sessions, III, United States Department of Justice. (Lopez-Morales, Cesar) (Filed on 11/13/2018) (Entered: 11/13/2018)
12/06/2018	<u>40</u>	<b>Minute Entry for proceedings held before Judge Jon S. Tigar: Motion Hearing held on 12/6/2018 re <u>36</u> MOTION to Dismiss for Lack of Jurisdiction filed by United States Department of Justice, Jefferson B. Sessions, III. Case Management Statement due by 2/20/2019. Initial Case Management Conference set for 2/27/2019 at 2:00 PM in San Francisco, Courtroom 9, 19th Floor. Total Time in Court: 52 minutes. Court Reporter: Jo Ann Bryce. (wsn, COURT STAFF) (Date Filed: 12/6/2018) (Entered: 12/06/2018)</b>
12/06/2018	<u>41</u>	TRANSCRIPT ORDER for proceedings held on 12/06/2018 before Judge Jon S. Tigar by City and County of San Francisco, for Court Reporter Jo Ann Bryce. (Walczak, Kenneth) (Filed on 12/6/2018) (Entered: 12/06/2018)
12/10/2018	<u>42</u>	<b>ORDER GRANTING MOTION TO DISMISS by Judge Jon S. Tigar; granting <u>36</u> Motion to Dismiss for Lack of Jurisdiction. Amended Pleadings due by 1/9/2019. (wsn, COURT STAFF) (Filed on 12/10/2018) (Entered: 12/10/2018)</b>
01/04/2019	<u>43</u>	Transcript of Proceedings held on 12/6/18, before Judge Jon S. Tigar. Court Reporter Jo Ann Bryce, telephone number 510-910-5888, joann_bryce@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the



		Court Reporter until the deadline for the Release of Transcript Restriction after 90 days. After that date, it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re <u>41</u> Transcript Order ) Release of Transcript Restriction set for 4/4/2019. (Related documents(s) <u>41</u> ) (jabS, COURTSTAFF) (Filed on 1/4/2019) (Entered: 01/04/2019)
02/20/2019	<u>44</u>	<b>ORDER DISMISSING CASE WITH PREJUDICE. Signed by Judge Jon S. Tigar on February 20, 2019. (wsn, COURT STAFF) (Filed on 2/20/2019) (Entered: 02/20/2019)</b>
02/20/2019	<u>45</u>	CLERK'S JUDGMENT. (wsn, COURT STAFF) (Filed on 2/20/2019) (Entered: 02/20/2019)