

1 CHAD A. READLER
 Acting Assistant Attorney General
 2 BRIAN STRETCH
 United States Attorney
 3 JOHN R. TYLER
 Assistant Director
 4 W. SCOTT SIMPSON (Va. Bar #27487)
 Senior Trial Counsel
 5 Department of Justice, Room 7210
 6 Civil Division, Federal Programs Branch
 7 Post Office Box 883
 Washington, D.C. 20044
 8 Telephone: (202) 514-3495
 Facsimile: (202) 616-8470
 9 E-mail: scott.simpson@usdoj.gov
 10 COUNSEL FOR DEFENDANTS
 (See signature page for parties represented.)

11
 12 IN THE UNITED STATES DISTRICT COURT
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 CITY AND COUNTY OF SAN
 16 FRANCISCO,

No. 3:17-cv-00485-WHO

17 Plaintiff,

**DEFENDANTS' STATEMENT OF
 SUPPORT REGARDING
 ADMINISTRATIVE MOTION TO
 CONSIDER WHETHER CASES
 SHOULD BE RELATED**

18 v.

19 DONALD J. TRUMP, *et al.*,

20 Defendants.

21
 22
 23 INTRODUCTION

24 The County of Santa Clara ("Santa Clara"), a non-party herein, has filed an administrative
 25 motion (Doc. 11) to consider whether this action should be related to *County of Santa Clara v.*
 26 *Trump, et al.*, Case No. 5:17-cv-00574-LHK (N.D. Cal.), for purposes of Civil Local Rule 3-12.
 27 The defendants file this statement of support in relation to Santa Clara's motion pursuant to Civil
 28 Local Rule 3-12(e).

1 DISCUSSION

2 Under the Court's Local Rules, a civil action is related to another when "(1) The actions
3 concern substantially the same parties, property, transaction or event; and (2) It appears likely that
4 there will be an unduly burdensome duplication of labor and expense or conflicting results if the
5 cases are conducted before different Judges." Civ. L.R. 3-12(a). Although there are some
6 differences between this action and the Santa Clara action, these criteria are met here.

7 This action and the Santa Clara action challenge the constitutionality of Executive Order
8 No. 13,768, *Enhancing Public Safety in the Interior of the United States*. 82 Fed. Reg. 8,799
9 (Jan. 25, 2017). Both actions include claims under the Tenth Amendment, although each action
10 also includes other claims. The plaintiff in each case is a municipality of the State of California,
11 and both actions include the President, the Secretary of Homeland Security, and the Attorney
12 General as defendants, although this action adds the United States as a defendant and the Santa
13 Clara action adds the Director of the Office of Management and Budget. Both actions ask the
14 Court to enjoin one or more provisions of the Executive Order.

15 Adjudicating this action and the Santa Clara action before different judges would likely
16 cause an unduly burdensome duplication of labor, and may lead to conflicting results. Both
17 actions will require briefing on the content and background of Executive Order No. 13,768 and
18 the merits of the plaintiffs' Tenth Amendment claims. Adjudicating the various claims will
19 require interpreting the Executive Order as well as applying the law on Tenth Amendment
20 challenges.

21 CONCLUSION

22 Accordingly, the defendants support Santa Clara's administrative motion to consider
23 whether this action should be related to *County of Santa Clara v. Trump, et al.*, Case No. 5:17-cv-
24 00574-LHK (N.D. Cal.), for purposes of Civil Local Rule 3-12.

25 Dated: February 10, 2017

26 Respectfully submitted,

27 CHAD A. READLER
28 Acting Assistant Attorney General

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BRIAN STRETCH
United States Attorney

JOHN R. TYLER
Assistant Director

/s/ W. Scott Simpson

W. SCOTT SIMPSON (Va. Bar #27487)
Senior Trial Counsel

Attorneys, Department of Justice
Civil Division, Room 7210
Federal Programs Branch
Post Office Box 883
Washington, D.C. 20044
Telephone: (202) 514-3495
Facsimile: (202) 616-8470
E-mail: scott.simpson@usdoj.gov

COUNSEL FOR DEFENDANTS
DONALD J. TRUMP, President of the
United States; UNITED STATES OF
AMERICA; JOHN F. KELLY, Secretary of
Homeland Security; DANA J. BOENTE,
Acting Attorney General of the United States