

[Create an Alert for This Case on RECAP](#)

ADRMOP,RELATE

**U.S. District Court
California Northern District (Oakland)
CIVIL DOCKET FOR CASE #: 4:20-cv-01494-HSG**

Sierra Club et al v. Trump et al
Assigned to: Judge Haywood S Gilliam, Jr
Relate Case Case: [4:19-cv-00892-HSG](#)
Cause: 28:1331 Fed. Question

Date Filed: 02/28/2020
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government
Defendant

Plaintiff

Sierra Club

represented by **Cecillia Derphine Wang**
American Civil Liberties Union
Foundation
Immigrants Rights Project
39 Drumm Street
San Francisco, CA 94111
415-343-0775
Fax: 415-395-0950
Email: cwang@aclu.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dror Ladin
American Civil Liberties Union
Foundation
125 Broad Street
18th Floor
New York, NY 10004
212-549-2500
Email: dladin@aclu.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

David A Donatti
ACLU of Texas
P.O. Box 8306
Houston, TX 77288

713-325-7011
Email: ddonatti@aclutx.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Gloria Diantha Smith
Sierra Club
85 Second Street
Suite 2
San Francisco, CA 94105
415-977-5532
Email: gloria.smith@sierraclub.org
ATTORNEY TO BE NOTICED

Mollie M Lee
Attorney General's Office
455 Golden Gate Avenue, Suite
11000
San Francisco, CA 94102-7004
415-510-4439
Email: mollie.lee@doj.ca.gov
TERMINATED: 06/05/2020

Noor Zafar
American Civil Liberties Union
Foundation
125 Broad Street
18th Floor
New York, NY 10004
212-549-2500
Email: nzafar@aclu.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Sanjay Narayan
Sierra Club
2101 Webster St
Suite 1300
Oakland, CA 94612
415-977-5769
Email:
sanjay.narayan@sierraclub.org
ATTORNEY TO BE NOTICED

Vasudha Talla
ACLU Foundation of Northern

California, Inc.
39 Drumm Street
San Francisco, CA 94111
(415) 621-2493
Fax: (415) 255-8437
Email: vtalla@aclunc.org
ATTORNEY TO BE NOTICED

Plaintiff

**Southern Border Communities
Coalition**

represented by **Cecilia Derphine Wang**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dror Ladin
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

David A Donatti
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Gloria Diantha Smith
(See above for address)
ATTORNEY TO BE NOTICED

Mollie M Lee
(See above for address)
TERMINATED: 06/05/2020

Noor Zafar
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Sanjay Narayan
(See above for address)
ATTORNEY TO BE NOTICED

Vasudha Talla
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Donald J. Trump

President of the United States, in his official capacity

represented by **Andrew Irwin Warden**
U.S. Department of Justice, Civil
Division
1100 L. Street, NW
Washington, DC 20530
202-616-5084
Fax: 202-616-8460
Email: andrew.warden@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Mark T. Esper

U.S. Secretary of Defense, in his official capacity

represented by **Andrew Irwin Warden**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Chad F. Wolf

Acting U.S. Secretary of Homeland Security, in his official capacity

represented by **Andrew Irwin Warden**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

U.S. House of Representatives

represented by **Douglas N. Letter**
U.S. House of Representatives
Office of General Counsel
219 Cannon House Office Building
Washington, DC 20515
202-225-9700
Email:
douglas.letter@mail.house.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/28/2020	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400, receipt number 0971-14228708.). Filed bySierra Club, Southern Border

		Communities Coalition. (Attachments: # 1 Civil Cover Sheet)(Wang, Cecillia) (Filed on 2/28/2020) (Entered: 02/28/2020)
02/28/2020	2	Proposed Summons. (Wang, Cecillia) (Filed on 2/28/2020) (Entered: 02/28/2020)
02/28/2020	3	Certificate of Interested Entities by Sierra Club, Southern Border Communities Coalition (Wang, Cecillia) (Filed on 2/28/2020) (Entered: 02/28/2020)
02/28/2020		Electronic Filing Error . Incorrect CCS (Rev. 06/17). The Civil Cover Sheet's latest Rev. is (Rev 07/19). Please E-file an amended CCS ONLY. Event is from > Other Filings > Other Documents > Civil Cover Sheet. Re: 1 The Complaint's Civil Cover Sheet filed by Sierra Club, Southern Border Communities Coalition (cfeS, COURT STAFF) (Filed on 2/28/2020) (Entered: 02/28/2020)
02/28/2020	4	Case assigned to Magistrate Judge Laurel Beeler. 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 http://cand.uscourts.gov/ecf/caseopening . Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . 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 3/13/2020. (cfeS, COURT STAFF) (Filed on 2/28/2020) (Entered: 02/28/2020)
02/28/2020	5	Civil Cover Sheet by Sierra Club, Southern Border Communities Coalition . (Wang, Cecillia) (Filed on 2/28/2020) (Entered: 02/28/2020)
02/28/2020	6	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 5/21/2020. Initial Case Management Conference set for 5/28/2020 11:00 AM. (mclS, COURT STAFF) (Filed on 2/28/2020) (Entered: 02/28/2020)

02/28/2020	7	Summons Issued as to Mark T. Esper, Donald J. Trump, Chad F. Wolf. (mclS, COURT STAFF) (Filed on 2/28/2020) (Entered: 02/28/2020)
03/02/2020	8	ORDER RELATING CASE TO Docket No. 19-cv-00892-HSG. Signed by Judge Haywood S. Gilliam, Jr. on 3/2/2020. (ndrS, COURT STAFF) (Filed on 3/2/2020) (Entered: 03/02/2020)
03/03/2020	9	ORDER REASSIGNING CASE. Case reassigned to Judge Haywood S Gilliam, Jr for all further proceedings. Magistrate Judge Laurel Beeler no longer assigned to case. Signed by the Clerk on 03/03/2020. (ajsS, COURT STAFF) (Filed on 3/3/2020) (Entered: 03/03/2020)
03/05/2020	10	CLERK'S NOTICE SETTING CASE MANAGEMENT CONFERENCE FOR REASSIGNED CIVIL CASE. Notice is hereby given that a Case Management Conference has been set for May 26, 2020, before Judge Haywood S. Gilliam, Jr., at 2:00 p.m., in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA. Case Management Statement due by May 19, 2020. Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . All future filings should reflect the case number as 4:20-cv-01494-HSG. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (ndrS, COURT STAFF) (Filed on 3/5/2020) (Entered: 03/05/2020)
03/05/2020	11	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-14249678.) filed by Sierra Club, Southern Border Communities Coalition. (Attachments: # 1 Certificate of Good Standing)(Ladin, Dror) (Filed on 3/5/2020) (Entered: 03/05/2020)
03/05/2020	12	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-14249769.) filed by Sierra Club, Southern Border Communities Coalition. (Attachments: # 1 Certificate of Good Standing)(Zafar, Noor) (Filed on 3/5/2020) (Entered: 03/05/2020)
03/05/2020	13	NOTICE of Appearance by Andrew Irwin Warden (Warden, Andrew) (Filed on 3/5/2020) (Entered: 03/05/2020)
03/05/2020	14	STIPULATION WITH PROPOSED ORDER <i>to Establish Briefing Schedule and Procedures to Litigate Fiscal Year 2020 Border Barrier Projects</i> filed by Mark T. Esper, Donald J. Trump, Chad F. Wolf, Southern Border Communities Coalition, and Sierra Club (Attachments: # 1 Proposed Order)(Warden, Andrew) (Filed on

		3/5/2020) Modified on 3/6/2020 (jjbS, COURT STAFF). Modified on 3/6/2020 (jjbS, COURT STAFF). (Entered: 03/05/2020)
03/06/2020	15	ORDER by Judge Haywood S. Gilliam, Jr. Granting (Docket Nos. 14 in case 4:20-cv-01494-HSG and 15 in case 4:20-cv-01563-HSG) Stipulation to Establish Briefing Schedule and Procedures to Litigate Fiscal Year 2020 Border Barrier Projects.(ndrS, COURT STAFF) (Filed on 3/6/2020) (Entered: 03/06/2020)
03/06/2020		Reset Deadlines, See Docket Nos. 15 in case 4:20-cv-01494-HSG and 21 in case 4:20-cv-01563-HSG: Motions due by 3/30/2020; Opposition and Cross Motions due by 4/17/2020; Replies and Responses due by 4/24/2020 and Replies due by 4/29/2020. (ndrS, COURT STAFF) (Filed on 3/6/2020) (Entered: 03/06/2020)
03/06/2020		Electronic filing error . REMINDER TO COUNSEL: Counsel is instructed that all future filings shall bear the initials HSG immediately after the case number. Re: 11 MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-14249678.) filed by Sierra Club, Southern Border Communities Coalition, 12 MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-14249769.) filed by Sierra Club, Southern Border Communities Coalition (jjbS, COURT STAFF) (Filed on 3/6/2020) (Entered: 03/06/2020)
03/06/2020	16	ORDER by Judge Haywood S. Gilliam, Jr. Granting 11 Motion for Pro Hac Vice as to Dror Ladin. (ndrS, COURT STAFF) (Filed on 3/6/2020) (Entered: 03/06/2020)
03/06/2020	17	ORDER by Judge Haywood S. Gilliam, Jr. Granting 12 Motion for Pro Hac Vice as to Zafar, Noor. (ndrS, COURT STAFF) (Filed on 3/6/2020) (Entered: 03/06/2020)
03/06/2020	18	***SEE DOCKET ENTRY 19 FOR CORRECTED DOCUMENT*** NOTICE of Filing of Administrative Record for Fiscal Year 2020 Border Barrier Projects Undertaken Pursuant to 10 U.S.C. § 284 by Mark T. Esper, Donald J. Trump, Chad F. Wolf. (Attachments: # 1 Exhibit Administrative Record for FY20 Section 284 Projects, # 2 Exhibit Certification of Administrative Record)(Warden, Andrew) (Filed on 3/6/2020) Modified on 3/9/2020 (cjlS, COURT STAFF). Modified on 3/10/2020 (cjlS, COURT STAFF). (Entered: 03/06/2020)
03/09/2020		Electronic filing error . Incorrect Case numbers on the Notice. [err201] This filing will not be processed by the clerks office.

		Please re-file in its entirety Re: 18 Notice of Filing of Administrative Record for Fiscal Year 2020 Border Barrier Projects Undertaken Pursuant to 10 U.S.C. § 284 filed by Chad F. Wolf, Mark T. Esper, Donald J. Trump. (cjlS, COURT STAFF) (Filed on 3/9/2020) (Entered: 03/09/2020)
03/09/2020	19	NOTICE of Filing of Administrative Record for Fiscal Year 2020 Border Barrier Projects Undertaken Pursuant to 10 U.S.C. § 284 (corrected case numbers) by Mark T. Esper, Donald J. Trump, Chad F. Wolf. (Attachments: # 1 Exhibit Administrative Record for FY20 Section 284 Projects, # 2 Exhibit Certification of Administrative Record)(Warden, Andrew) (Filed on 3/9/2020) Modified on 3/10/2020 (cjlS, COURT STAFF). (Entered: 03/09/2020)
03/19/2020	20	CERTIFICATE OF SERVICE by Sierra Club, Southern Border Communities Coalition (Ladin, Dror) (Filed on 3/19/2020) (Entered: 03/19/2020)
03/20/2020		Electronic filing error . REMINDER: No title Page. Certificate of Service e-filed separately and not as an attachment, require a title page. Please refer to Civil Local Rules 3-4 r e first page requirement. [err201] No further action is necessary Re: 20 Certificate of Service filed by Sierra Club, Southern Border Communities Coalition. (cjlS, COURT STAFF) (Filed on 3/20/2020) (Entered: 03/20/2020)
03/27/2020	21	STIPULATION WITH [PROPOSED] ORDER Requesting Order Changing Time filed by Sierra Club, Southern Border Communities Coalition, Mark T. Esper, Donald J. Trump, Chad F. Wolf. (Attachments: # 1 Declaration of Dror Ladin, # 2 Proposed Order)(Ladin, Dror) (Filed on 3/27/2020) Modified on 3/30/2020 (cjlS, COURT STAFF). (Entered: 03/27/2020)
03/30/2020	22	ORDER by Judge Haywood S. Gilliam, Jr. Granting 21 Stipulation Requesting Order Changing Time. Motions due by 4/13/2020; Responses/Cross Motions due by 5/1/2020; Replies/Responses due by 5/8/2020 and Replies due by 5/13/2020. (ndrS, COURT STAFF) (Filed on 3/30/2020) (Entered: 03/30/2020)
04/13/2020	23	MOTION for Partial Summary Judgment <i>Regarding Section 284 Projects</i> filed by Sierra Club, Southern Border Communities Coalition. Motion Hearing set for 5/28/2020 02:00 PM before Judge Haywood S Gilliam Jr.. Responses due by 5/1/2020. Replies due by 5/8/2020. (Attachments: # 1 Appendix of Declarations, # 2

		Request for Judicial Notice, # 3 Proposed Order)(Ladin, Dror) (Filed on 4/13/2020) (Entered: 04/13/2020)
04/16/2020	24	NOTICE of Appearance by Douglas N. Letter (Letter, Douglas) (Filed on 4/16/2020) (Entered: 04/16/2020)
04/16/2020	25	Consent MOTION for leave to File Amicus Curiae Brief filed by U.S. House of Representatives. Responses due by 4/30/2020. Replies due by 5/7/2020. (Attachments: # 1 Exhibit (Amicus Brief), # 2 Proposed Order)(Letter, Douglas) (Filed on 4/16/2020) Modified on 4/17/2020 (cjlS, COURT STAFF). (Entered: 04/16/2020)
04/17/2020	26	ORDER (as modified) by Judge Haywood S. Gilliam, Jr. Granting (docket nos. 25 in case 4:20-cv-01494-HSG and 60 in case 4:20-cv-01563-HSG) Consent MOTION to File Amicus Curiae Brief. Counsel is directed to file the Houses amicus brief on the docket in this matter.(ndrS, COURT STAFF) (Filed on 4/17/2020) (Entered: 04/17/2020)
04/21/2020	27	NOTICE of Errata re 23 MOTION for Partial Summary Judgment Regarding Section 284 Projects by Sierra Club, Southern Border Communities Coalition. (Attachments: # 1 [Corrected] Appendix of Declarations in Support Of Plaintiffs Motion For Partial Summary Judgment)(Ladin, Dror) (Filed on 4/21/2020) Modified on 4/22/2020 (cjlS, COURT STAFF). (Entered: 04/21/2020)
04/22/2020	28	CLERK'S NOTICE. Notice is hereby given that the hearing on the 23 motion for partial summary judgment, previously set for May 28th is vacated. See Docket No. 15 . (This is a text-only entry generated by the court. There is no document associated with this entry.) (ndrS, COURT STAFF) (Filed on 4/22/2020) (Entered: 04/22/2020)
04/27/2020	29	MOTION for leave to appear in Pro Hac Vice Re: David Donatti (Filing fee \$310, receipt number 0971-14412163) filed by Sierra Club, Southern Border Communities Coalition. (Attachments: # 1 Certificate/Proof of Service Certificate of Good Standing)(Donatti, David) (Filed on 4/27/2020) Modified on 4/28/2020 (cjlS, COURT STAFF). (Entered: 04/27/2020)

05/01/2020	30	MOTION for Partial Summary Judgment <i>Regarding Fiscal Year 2020 Border Barrier Projects Pursuant to 10 U.S.C. 284 and Opposition to Plaintiffs' Motion for Partial Summary Judgment (ECF No. 23)</i> filed by Mark T. Esper, Donald J. Trump, Chad F. Wolf. Responses due by 5/8/2020. Replies due by 5/13/2020. (Attachments: # 1 Declaration, # 2 Exhibit, # 3 Exhibit, # 4 Declaration, # 5 Proposed Order)(Warden, Andrew) (Filed on 5/1/2020) (Entered: 05/01/2020)
05/07/2020	31	ORDER by Judge Haywood S. Gilliam, Jr. Granting 29 Motion for Pro Hac Vice as to Donatti, David. (ndrS, COURT STAFF) (Filed on 5/7/2020) (Entered: 05/07/2020)
05/08/2020	32	REPLY (re 30 MOTION for Partial Summary Judgment Regarding Fiscal Year 2020 Border Barrier Projects Pursuant to 10 U.S.C. 284 and Opposition to 23 Plaintiffs' Motion for Partial Summary Judgment Regarding Section 284 Projects) filed by Sierra Club, Southern Border Communities Coalition. (Attachments: # 1 Appendix of Declarations in Support Of Plaintiffs Reply)(Ladin, Dror) (Filed on 5/8/2020) Modified on 5/11/2020 (cjlS, COURT STAFF). (Entered: 05/08/2020)
05/13/2020	33	REPLY (re 30 MOTION for Partial Summary Judgment) filed by Mark T. Esper, Donald J. Trump, Chad F. Wolf. (Attachments: # 1 Declaration Second Enriquez Decl.)(Warden, Andrew) (Filed on 5/13/2020) Modified on 5/14/2020 (jlmS, COURT STAFF). (Entered: 05/13/2020)
05/18/2020	34	CLERK'S NOTICE. Notice is hereby given that the case management conference, previously set for May 26th, will be held on that date as a telephonic case management conference before Judge Haywood S. Gilliam, Jr. at 2:00 p.m. All counsel shall use the following dial-in information to access the call:Dial-In: 888-808-6929/Passcode: 6064255. For call clarity, parties shall NOT use speaker phone or earpieces for these calls, and where at all possible, parties shall use landlines. The parties are further advised to ensure that the Court can hear and understand them clearly before speaking at length. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (ndrS, COURT STAFF) (Filed on 5/18/2020) (Entered: 05/18/2020)
05/19/2020	35	STIPULATION WITH [PROPOSED] ORDER To Vacate Case Management Conference Scheduled for May 26, 2020 filed by Mark T. Esper, Donald J. Trump, Chad F. Wolf, Sierra Club,

		Southern Border Communities Coalition. (Attachments: # 1 Proposed Order)(Warden, Andrew) (Filed on 5/19/2020) Modified on 5/20/2020 (cjlS, COURT STAFF). (Entered: 05/19/2020)
05/20/2020	36	ORDER by Judge Haywood S. Gilliam, Jr. Granting (Docket Nos. 35 in case 4:20-cv-01494-HSG and 68 in case 4:20-cv-01563-HSG) Stipulation To Vacate Case Management Conference Scheduled for May 26, 2020. (ndrS, COURT STAFF) (Filed on 5/20/2020) (Entered: 05/20/2020)
05/20/2020	37	NOTICE of Modification to Fiscal Year 2020 Border Barrier Projects Undertaken Pursuant to 10 U.S.C. § 284 by Mark T. Esper, Donald J. Trump, Chad F. Wolf. (Attachments: # 1 Declaration)(Warden, Andrew) (Filed on 5/20/2020) Modified on 5/21/2020 (cjlS, COURT STAFF). (Entered: 05/20/2020)
05/29/2020	38	NOTICE of Updated Information Regarding Obligation of Funds for Fiscal Year 2020 Border Barrier Projects Undertaken Pursuant to 10 U.S.C. § 284 by Mark T. Esper, Donald J. Trump, Chad F. Wolf. (Attachments: # 1 Declaration)(Warden, Andrew) (Filed on 5/29/2020) Modified on 6/1/2020 (cjlS, COURT STAFF). (Entered: 05/29/2020)
06/05/2020	39	***DISREGARD ENTRY, DOCUMENT FILED IN THE WRONG CASE*** NOTICE of Substitution of Counsel by Vasudha Talla (Talla, Vasudha) (Filed on 6/5/2020) Modified on 6/8/2020 (cjlS, COURT STAFF). (Entered: 06/05/2020)
06/05/2020	40	NOTICE of Substitution of Counsel by Vasudha Talla (Talla, Vasudha) (Filed on 6/5/2020) (Entered: 06/05/2020)
01/21/2021	41	ORDER by Hon. Haywood S. Gilliam, Jr. DIRECTING the parties to file a joint status report regarding what effect President Biden's January 20, 2021 Executive Order terminating the national emergency declared by Proclamation 9844 and pausing work on the construction projects on the southern border wall has on these cases and the pending motions for summary judgment. The parties shall file their joint status report by February 16, 2021. (This is a text-only entry generated by the court. There is no document associated with this entry.) (hsglc1S, COURT STAFF) (Filed on 1/21/2021) (Entered: 01/21/2021)

01/22/2021		Set Deadline: See Docket No. 41 Status Report due by 2/16/2021. (amgS, COURT STAFF) (Filed on 1/22/2021) (Entered: 01/22/2021)
02/16/2021	42	STATUS REPORT by Mark T. Esper, Donald J. Trump, Chad F. Wolf. (Attachments: # 1 Exhibit)(Warden, Andrew) (Filed on 2/16/2021) (Entered: 02/16/2021)
02/17/2021	43	ORDER by Hon. Haywood S. Gilliam, Jr. DIRECTING the parties to file a further joint status report regarding what effect President Biden's January 20, 2021 Executive Order terminating the national emergency declared by Proclamation 9844 and pausing work on the construction projects on the southern border wall has on these cases and the pending motions for summary judgment. The parties shall file their joint status report by April 15, 2021. (This is a text-only entry generated by the court. There is no document associated with this entry.) (hsglc1S, COURT STAFF) (Filed on 2/17/2021) (Entered: 02/17/2021)

PACER Service Center

Transaction Receipt

03/31/2021 07:02:16

PACER Login:	CRClearinghouse:2563377:0	Client Code:	
Description:	Docket Report	Search Criteria:	4:20-cv-01494-HSG
Billable Pages:	7	Cost:	0.70