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13 **UNITED STATES DISTRICT COURT**
 14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 15 **OAKLAND DIVISION**

16 STATE OF CALIFORNIA, <i>et al.</i> ,
17 Plaintiffs,
18 v.
19 DONALD J. TRUMP, <i>et al.</i> ,
20 Defendants.
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23 SIERRA CLUB, <i>et al.</i> ,
24 Plaintiffs,
25 v.
26 DONALD J. TRUMP, <i>et al.</i> ,
27 Defendants.
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No. 4:19-cv-00872-HSG
 No. 4:19-cv-00892-HSG

**JOINT STATEMENT IN
 RESPONSE TO THE COURT'S
 FEBRUARY 7, 2020 ORDER**

1 The parties hereby submit the following joint statement in response to the Court's
2 February 7, 2020 Order to Show Cause why judgment should not be entered and the above-
3 captioned cases closed.

4 The parties agree that all of the claims asserted by Plaintiffs challenging Defendants'
5 funding and construction of border barriers in fiscal year 2019 have been fully and finally
6 resolved by the Court. However, in light of Defendants' notification on February 13, 2020, that
7 the Department of Defense intends to fund and construct additional border barrier projects in
8 fiscal year 2020 as soon as March 15, 2020, relying on identical statutory authorities as those
9 examined by this Court, the parties anticipate litigating these new projects shortly. The parties
10 agree that it would be more efficient for this litigation to be addressed in the context of the current
11 civil actions given the extensive history of these cases and the parties' expectation that litigation
12 over the fiscal year 2020 projects will likely involve many of the same issues as the prior
13 litigation.

14 To avoid any potential procedural complications with the pending appeals by continuing
15 to litigate these matters in the above-captioned cases, the parties agree that Plaintiffs will bring
16 the new challenges to Defendants' actions as to fiscal year 2020 by amending the currently
17 operative complaints to include new claims addressing the 2020 actions.

18 For these reasons, the parties respectfully request that these cases remain open to litigate
19 Plaintiffs' anticipated challenges to Defendants' funding and construction of border barrier
20 projects in fiscal year 2020.

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23 DATE: February 14, 2020

Respectfully submitted,

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