

**AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA**

JOHN THOMAS H. DO (SBN 285075)

jdo@aclunc.org

EMI YOUNG (SBN 311238)

eyoung@aclunc.org

GRAYCE ZELPHIN (SBN 279112)

gzelpin@aclunc.org

39 Drumm Street

San Francisco, CA 94111

Telephone: (415) 293-6333

Facsimile: (415) 255-8437

ASIAN LAW CAUCUS

CARL TAKEI (SBN 256229)

carlt@asialawcaucus.org

MEGAN VEES (SBN 325184)

meganv@asianlawcaucus.org

55 Columbus Avenue

San Francisco, CA 94111

Telephone: (415) 896-1701

Facsimile: (415) 896-1702

Counsel for Plaintiffs Chang, et al.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**GER CHONG ZE CHANG, MAI NOU VANG,
RUSSELL MATHIS, YING SUSANNA VA, and
all others similarly situated,**

Plaintiffs,

v.

**COUNTY OF SISKIYOU and JEREMIAH
LARUE, in his official capacity as Sheriff,**

Defendants.

COVINGTON & BURLING LLP

STANLEY YOUNG (SBN 121180)

syoung@cov.com

3000 El Camino Real

5 Palo Alto Square, 10th Floor

Palo Alto, CA 94306-2112

Telephone: (650) 632-4700

Facsimile: (650) 632-4800

MICHAEL PLIMACK (SBN 133869)

mplimack@cov.com

ALISON WALL (SBN 319562)

awall@cov.com

ELLEN CHOI (SBN 326291)

echoi@cov.com

COVINGTON & BURLING LLP

Salesforce Tower

415 Mission St., Suite 5400

San Francisco, CA 94105-2533

Telephone: (415) 591-6000

Facsimile: (415) 591-6091

CASE NO.: 2:22-cv-01378-KJM-AC

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR PRELIMINARY
INJUNCTION**

Hearing Date: September 13, 2024

Time: 10:00 AM

Judge: Kimberly J. Mueller (KJM)

Courtroom: 3

TO THE COURT, DEFENDANTS, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that at 10:00 a.m. on September 13, 2024, or as soon thereafter as the matter may be heard in Courtroom 3 of the Honorable Kimberly J. Muller, United States District Court Judge, Eastern District of California, located at 501 I Street, Sacramento, California 95814, Plaintiffs Ger Chong Ze Chang, Mai Nou Vang, Russell Mathis, and Ying Susanna Va (“Plaintiffs”) will move, and hereby do move the Court for a preliminary injunction prohibiting Defendants County of Siskiyou and Jeremiah LaRue (“Defendants”) from enforcing Title 10, Chapter 6 of the Siskiyou County Code to prevent the transfer of water off parcel or otherwise preventing access to water for lawful domestic, health, and safety needs, such as taking action in furtherance of former County Code sections 3.5-13.102 and 3-4.1501.

This motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities in support hereof, Request for Judicial Notice and accompanying exhibits, the Declarations of Steve Griset, Gregory A. House, Vang Khang, Marjorie King, Bao Lee, Koua Lee, Meng Lee, Russell Mathis, Vue Moua, Andrew Reynolds, Va Xiong Thao, Dylan Verner-Crist, Neng Vue, Ntsaiab Kz Xiong, Fitz Ya, Bill Yang, and Yiping Yang and accompanying exhibits, the pleadings and records on file with this Court, including the Supplemental Complaint, any evidence or argument that may be presented to the Court on this Motion, and such other matters as the Court deems appropriate.

Pursuant to the Court’s Standing Order, Plaintiffs’ counsel reached out to Defendants’ counsel requesting a time to meet and confer on Plaintiffs’ intent to file this motion on both August 2 and August 5, 2024. Mr. Donald refused to meet and confer until the week of August 19 due to scheduling conflicts. Given the urgent nature of the preliminary relief Plaintiffs are seeking, Plaintiffs’ counsel requested a timely meet and confer with any of the other attorneys who have appeared on behalf of Defendants and provided a brief written summary of the intended motions, but Defendants’ counsel did not respond. Plaintiffs therefore believe that meet and confer efforts have been exhausted. There are no pending settlement discussions in this matter.

1 DATED: August 8, 2024

Respectfully submitted,

2
3 **AMERICAN CIVIL LIBERTIES UNION**
4 **FOUNDATION OF NORTHERN**
5 **CALIFORNIA**

6 By: /s/ John Thomas H. Do (approved 8/8/2024)

7 JOHN THOMAS H. DO
8 EMI YOUNG
9 GRAYCE ZELPHIN

10 **ASIAN LAW CAUCUS**

11 By: /s/ Megan Vees (approved 8/8/2024)

12 MEGAN VEES
13 CARL TAKEI

14 **COVINGTON & BURLING LLP**

15 By: /s/ Alison Wall

16 ALISON WALL
17 STANLEY YOUNG
18 ELLEN CHOI
19 MIKE PLIMACK

20 *Counsel for Chang, et al. Plaintiffs*
21
22
23
24
25
26
27
28