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11
12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 CITY AND COUNTY OF SAN FRANCISCO,

Case No. 3:17-cv-00485-WHO

16 Plaintiff,

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

17 vs.

18 DONALD J. TRUMP, President of the United
19 States, UNITED STATES OF AMERICA, JOHN
20 F. KELLY, Secretary of United States
Department of Homeland Security, JEFFERSON
21 B. SESSIONS III, Attorney General of the United
States, DOES 1-100,

22 Defendants.

23
24
25 Under Northern District of California Civil Local Rules 3-12 and 7-11, Party City and County
26 of San Francisco and Non-Party County of Santa Clara (collectively “Counties”) respectfully request
27 that the Court consider whether the action *City and County of San Francisco v. Trump*, No. 25-cv-1350
28 (N.D. Cal.) (“Action”), should be related to this case and already-related cases:

- 1 • *City and County of San Francisco v. Trump*, No. 3:17-cv-00485-WHO (N.D. Cal.);
- 2 • *County of Santa Clara v. Trump*, No. 3:17-cv-00574-WHO (N.D. Cal.);
- 3 • *City of Richmond Police Department v. Trump*, No. 3:17-cv-01535-WHO (N.D. Cal.);
- 4 • *City and County of San Francisco v. Sessions*, No. 3:17-cv-04642-WHO (N.D. Cal.);
- 5 • *State of California v. Sessions*, No. 3:17-cv-04701-WHO (N.D. Cal.);
- 6 • *City and County of San Francisco v. Sessions*, No. 3:18-cv-05146-WHO (N.D. Cal.);
- 7 • *State of California v. Sessions*, No. 3:18-cv-05169-WHO (N.D. Cal.); and
- 8 • *State of California v. Barr*, No. 3:19-cv-06189-WHO (N.D. Cal.).

9 This Court’s Local Rules provide that “[a]n action is related to another when: (1) [t]he actions
 10 concern substantially the same parties, property, transaction, or event; and (2) [i]t appears likely that
 11 there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases
 12 are conducted before different judges.” N.D. Cal. Civ. L.R. 3-12(a). Whenever a party knows or
 13 learns that an action filed in this District is related to an action “which is or *was* pending in this
 14 District,” the party “must” file in the lowest-numbered case an administrative motion to consider
 15 whether cases should be related. N.D. Cal. Civ. L.R. 3-12(b) (emphasis added).

16 Relation is proper here because the Counties’ Action concerns “substantially the same parties,
 17 property, transaction[s], or event[s]” as the eight already-related cases. *See* N.D. Cal. Civ. L.R. 3-
 18 12(a). Like those cases, the Action challenges—on many of the same grounds and with many of the
 19 same parties—the federal government’s attempts to condition, through Executive Branch action,
 20 localities’ receipt of federal funds on their cooperation with federal civil immigration enforcement
 21 priorities. The following table details the substantial similarities between the Action and those cases:¹

Already-Related Case	Substantial Similarities to the Counties’ Action
<p>23 <i>City and County of San</i> 24 <i>Francisco v. Trump</i>, No. 25 3:17-cv-00485-WHO 26 (N.D. Cal.)</p>	<ul style="list-style-type: none"> • Same plaintiff: City and County of San Francisco • Same defendants: Donald Trump, the United States, the Attorney General, and the Secretary of the Department of Homeland Security • Substantially the same event: executive action threatening to withhold federal funding from “sanctuary” jurisdictions, including President Trump’s Executive Order 13768

27 ¹ For ease of reference, the complaint in the Action and the complaints in the already-related
 28 cases are attached as exhibits to the Declaration of Karun A. Tilak in Support of Administrative Motion to Consider Whether Cases Should Be Related.

Already-Related Case	Substantial Similarities to the Counties’ Action
	<ul style="list-style-type: none"> • Same claims: constitutional violations—separation of powers, the Spending Clause, and the Tenth Amendment
<p><i>County of Santa Clara v. Trump</i>, No. 3:17-cv-00574-WHO (N.D. Cal.)</p>	<ul style="list-style-type: none"> • Same plaintiff: County of Santa Clara • Same defendants: Donald Trump, the Attorney General, and the Secretary of the Department of Homeland Security • Substantially the same event: executive action threatening to withhold federal funding from “sanctuary” jurisdictions, including President Trump’s Executive Order 13768 • Same claims: constitutional violations—separation of powers and the Fifth Amendment
<p><i>City of Richmond Police Department v. Trump</i>, No. 3:17-cv-01535-WHO (N.D. Cal.)</p>	<ul style="list-style-type: none"> • Same defendants: Donald Trump, the United States, the Attorney General, and the Secretary of the Department of Homeland Security • Substantially the same event: executive action threatening to withhold federal funding from “sanctuary” jurisdictions, including President Trump’s Executive Order 13768 • Same claims: constitutional violations—separation of powers, the Spending Clause, the Fifth Amendment, and the Tenth Amendment
<p><i>City and County of San Francisco v. Sessions</i>, No. 3:17-cv-04642-WHO (N.D. Cal.)</p>	<ul style="list-style-type: none"> • Same plaintiff: City and County of San Francisco • Same defendants: the Attorney General and the Department of Justice • Substantially the same event: executive action threatening to withhold federal funding from “sanctuary” jurisdictions, including unlawful conditions on grant funding from the Department of Justice relating to compliance with 8 U.S.C. section 1373 • Same claims: constitutional violations—separation of powers and the Spending Clause—and violations of the Administrative Procedure Act
<p><i>State of California v. Sessions</i>, No. 3:17-cv-04701-WHO (N.D. Cal.)</p>	<ul style="list-style-type: none"> • Same defendants: the Attorney General and the Department of Justice • Substantially the same event: executive action threatening to withhold federal funding from “sanctuary” jurisdictions, including unlawful conditions on grant funding from the Department of Justice relating to compliance with 8 U.S.C. section 1373 • Same claims: constitutional violations—separation of powers and the Spending Clause—and violations of the Administrative Procedure Act
<p><i>City and County of San Francisco v. Sessions</i>, No. 3:18-cv-05146-WHO (N.D. Cal.)</p>	<ul style="list-style-type: none"> • Same plaintiff: City and County of San Francisco • Same defendants: the Attorney General and the Department of Justice • Substantially the same event: executive action threatening to withhold federal funding from “sanctuary” jurisdictions, including unlawful conditions on grant funding from the Department of Justice relating to compliance with 8 U.S.C. section 1373 • Same claims: constitutional violations—separation of powers and the Spending Clause

Already-Related Case	Substantial Similarities to the Counties’ Action
<p><i>State of California v. Sessions</i>, No. 3:18-cv-05169-WHO (N.D. Cal.)</p>	<ul style="list-style-type: none"> • Same defendants: the Attorney General and the Department of Justice • Substantially the same event: executive action threatening to withhold federal funding from “sanctuary” jurisdictions, including unlawful conditions on grant funding from the Department of Justice relating to compliance with 8 U.S.C. section 1373 • Same claims: constitutional violations—separation of powers, the Spending Clause, and the Tenth Amendment—and violations of the Administrative Procedure Act
<p><i>State of California v. Barr</i>, No. 3:19-cv-06189-WHO (N.D. Cal.)</p>	<ul style="list-style-type: none"> • Same defendants: the Attorney General and the Department of Justice • Substantially the same event: executive action threatening to withhold federal funding from “sanctuary” jurisdictions, including unlawful conditions on grant funding from the Department of Justice relating to compliance with 8 U.S.C. section 1373 • Same claims: constitutional violations—separation of powers and the Spending Clause—and violations of the Administrative Procedure Act

The table above reflects that the Counties’ action and the already-related cases concern “substantially the same parties, property, transaction[s], or event[s].” *See* N.D. Cal. Civ. L.R. 3-12(a). Relation is therefore proper here.

Relation is also proper because “[i]t appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” *See* N.D. Cal. Civ. L.R. 3-12(a). In eight cases that together spanned four years, this Court reviewed and opined on much of the same factual background, legal and constitutional issues, and claims that now arise again in the Counties’ Action. There is no benefit to requiring that another court take on from scratch an exercise this Court has repeatedly conducted and develop the expertise this Court already has amassed.

The Counties are prepared to maximize efficiency by coordinating with counsel, following any orders issued by this Court in the already-related cases, and following any other orders that may be entered before the Court acts on this motion. As explained in the accompanying Declaration of Karun A. Tilak, the Counties have not obtained a stipulation because they are filing this motion concurrent with their filing of the complaint.

1 For the foregoing reasons, the Counties respectfully request that this Court order their Action
2 related to the eight actions identified above.

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4 Dated: February 7, 2025

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