

1 MARGARET L. CARTER (S.B. #220637)
mcarter@omm.com
2 DANIEL R. SUVOR (S.B. #265674)
dsuvor@omm.com
3 DANIEL J. TULLY (S.B. #309240)
dtully@omm.com
4 O'MELVENY & MYERS LLP
400 S. Hope Street, 18th Floor
5 Los Angeles, CA 90071
Telephone: 213.430.6000
6 Facsimile: 213.430.6407
Attorneys for Amicus Curiae
7 *County of Los Angeles*

BARBARA J. PARKER (S.B. #069722)
City Attorney
MARIA BEÉ (S.B. #167716)
ERIN BERNSTEIN (S.B. #231539)
eberstein@oaklandcityattorney.org
MALIA MCPHERSON (S.B. #313918)
One Frank H. Ogawa Plaza, 6th Floor
Oakland, California
Telephone: 510.238.3601
Facsimile: 510.238.6500
Attorneys for Amicus Curiae
City of Oakland

8 JAMES R. WILLIAMS (S.B. #271253)
County Counsel
9 GRETA S. HANSEN (S.B. #251471)
KAVITA NARAYAN (S.B. #264191)
10 LAURA S. TRICE (S.B. #284837)
JAVIER SERRANO (S.B. #252266)
javier.serrano@cco.sccgov.org
12 70 West Hedding Street, E. Wing, 9th Floor
San José, CA 95110
13 Telephone: 408.299.5900
Facsimile: 408.292.7240
14 *Attorneys for Amicus Curiae*
15 *County of Santa Clara*

16
17 **UNITED STATES DISTRICT COURT**
18 **EASTERN DISTRICT OF CALIFORNIA**

19
20 THE UNITED STATES OF AMERICA,

21 Plaintiff,

22 v.

23 THE STATE OF CALIFORNIA; EDMUND
GERALD BROWN JR., Governor of
24 California, in his official capacity; and
XAVIER BECERRA, Attorney General of
25 California, in his official capacity,

26 Defendants.
27
28

Case No. 2:18-cv-00490-JAM-KJN

**MOTION FOR LEAVE TO FILE BRIEF
OF AMICI CURIAE 25 CALIFORNIA
COUNTIES, CITIES, AND LOCAL
OFFICIALS IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION (ECF
NO. 74)**

Judge: Honorable John A. Mendez

MOTION FOR LEAVE TO FILE BRIEF
OF AMICI COUNTIES & CITIES
2:18-CV-00490-JAM-KJN

Pursuant to Local Rule 230 and this Court's March 27, 2018 Minute Order regarding amicus briefs (Dkt. No. 37), Amici California Localities hereby request leave to file the Brief of Amici Curiae 25 California Counties, Cities, and Local Officials in Support of Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction (Dkt. No. 74), filed concurrently with this Motion. Undersigned counsel have conferred with counsel for Plaintiff and Defendants, and the parties consent to the filing of the brief.

INTEREST AND IDENTITY OF AMICUS CURIAE

Amici represent 25 counties, cities, and local officials throughout California:

- County of Alameda, California
- City of Albany, California
- City of Arvin, California
- City of Berkeley, California
- City of Culver City, California
- City of Davis, California
- City of East Palo Alto, California
- County of Los Angeles, California
- County of Marin, California
- County of Monterey, California
- City of Morgan Hill, California
- City of Mountain View, California
- City of Oakland, California
- City of Palm Springs, California
- City of Richmond, California
- City of Sacramento, California
- City of San Diego, California
- City of San José, California
- City of Santa Ana, California

- 1 • County of Santa Clara, California
- 2 • County of Santa Cruz, California
- 3 • City of Santa Monica, California
- 4 • County of Sonoma, California
- 5 • Mayor Michael Tubbs, City of Stockton, California
- 6 • City of West Hollywood, California

7 Amici share a common mission of promoting the health, safety, and well-being of their
8 communities and encouraging community cooperation with law enforcement. In support of this
9 mission, amici have adopted laws and policies reflecting their local judgment of how best to serve
10 their communities. These policies include efforts to allocate jurisdictions' local law enforcement
11 resources to community safety and crime prevention, rather than enforcement of federal civil
12 immigration law, and to otherwise support community safety by engaging with immigrant
13 communities. The United States Supreme Court has long recognized the importance and validity
14 of local control over matters of public health and safety. Yet Plaintiff in this suit challenges the
15 State of California's exercise of its historic police powers by seeking to invalidate three
16 California laws, including SB 54, which aim to promote public safety and health. Plaintiff's suit
17 improperly attempts to disrupt the careful balance of state and federal powers prescribed by the
18 Constitution.

19 Amici have an interest in promoting public safety by enacting policies, similar to the laws
20 challenged in this suit, that encourage all members of their communities, regardless of
21 immigration status, to cooperate with local law enforcement. Amici also have a sovereign
22 interest in preserving local control over states' and localities' right to determine the extent to
23 which they should participate in federal immigration enforcement.

24 For the foregoing reasons, Amici respectfully request the Court's permission to file the
25 brief filed concurrently with this Motion.

1 Dated: May 18, 2018

Respectfully submitted,

2 By: /s/ Margaret L. Carter
Margaret L. Carter

3 MARGARET L. CARTER (S.B. #220637)
4 mcarter@omm.com
DANIEL R. SUVOR (S.B. #265674)
5 dsuvor@omm.com
DANIEL J. TULLY (S.B. #309240)
6 dtully@omm.com
O'MELVENY & MYERS LLP
7 400 S. Hope Street, 18th Floor
Los Angeles, CA 90071
8 Telephone: 213.430.6000
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City Attorney
12 MARIA BEE (S.B. #167716)
ERIN BERNSTEIN (S.B. #231539)
13 ebernstein@oaklandcityattorney.org
MALIA MCPHERSON (S.B. #313918)
14 One Frank H. Ogawa Plaza, 6th Floor
Oakland, California
15 Telephone: (510) 238-3601
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JAVIER SERRANO (S.B. #252266)
21 javier.serrano@cco.sccgov.org
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22 San José, CA 95110
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