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 19 *The California State Senate*

20 **IN THE UNITED STATES DISTRICT COURT**
 21 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
 22 **SACRAMENTO DIVISION**

23 THE UNITED STATES OF AMERICA,

24 Plaintiff,

25 v.

26 THE STATE OF CALIFORNIA;
 27 EDMUND GERALD BROWN JR.,
 28 Governor of California, in his Official
 Capacity; and XAVIER BECERRA,
 Attorney General of California, in his
 Official Capacity,

Defendants.

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

**CONSENT MOTION FOR LEAVE TO
 FILE BRIEF OF *AMICUS CURIAE* THE
 CALIFORNIA STATE SENATE IN
 SUPPORT OF DEFENDANTS'
 OPPOSITION TO PLAINTIFF'S MOTION
 FOR A PRELIMINARY INJUNCTION**

DATE: June 20, 2018
 TIME: 10:00 a.m.
 COURT: 6
 JUDGE: Hon. John A. Mendez

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that as soon as the matter may be heard, before the Honorable John
3 A. Mendez, in Courtroom 6, 14th floor, of the U.S. District Court for the Eastern District of California,
4 501 I Street, Sacramento, CA 95814, proposed *amicus curiae* The California State Senate, by and
5 through undersigned counsel, will and hereby does respectfully move for leave to file the accompanying
6 *amicus curiae* brief in support of the Defendants' opposition to Plaintiff's motion for a preliminary
7 injunction, pursuant to Fed. R. App. P. 29(a) and this Court's Minute Order of March 27, 2018. All
8 parties have consented to this motion. A proposed order is attached.

9 **INTEREST AND IDENTITY OF AMICUS CURIAE**

10 The California State Senate (the "Senate"), as the upper house of the California Legislature, has
11 a particular interest in this litigation as the legislative body that originated the California Values Act, and
12 as part of the California Legislature that passed it. In crafting the California Values Act, the Senate
13 balanced concerns at the core of the State's police power and central to Californians: health and safety,
14 prevention of violent crime, and direction of state and local law enforcement. The California Values Act
15 ensures that residents are able to cooperate with state and local law enforcement without concern of
16 immigration consequences, including as witnesses, victims willing to come forward, and participants in
17 community criminal justice efforts. The Senate's legislation also preserves state taxpayers' money for
18 use in state and local law enforcement, rather than diverting it to federal civil immigration investigations
19 and related enforcement.

20 Through this lawsuit, the Department of Justice seeks to commandeer California by enjoining
21 provisions of the Act as purportedly preempted. The proposed *amicus* brief explains how the California
22 Values Act is a constitutional exercise of core sovereign authority and was the product of a careful
23 legislative process. The federal government's preemption arguments, by contrast, misread the relevant
24 statutes and misapply the relevant precedents.

25 **DISCLOSURE STATEMENT**

26 Proposed *amicus* is the California State Senate. *Amicus* is not owned by any publicly held
27 company. No counsel for a party authored this brief in whole or in part and no person or entity, other
28

1 than *amicus curiae*, its members, or its counsel, has contributed money that was intended to fund
2 preparing or submitting the brief.

3 **ARGUMENT**

4 The California State Senate has a unique perspective on the goals of the California Values Act
5 and the process, including legal and constitutional analysis, through which it was drafted. First, the
6 proposed amicus brief explains the evidence which led the California State Legislature to conclude that
7 the California Values Act advances public safety and ensures that state resources are allocated to state
8 priorities, thus explaining that the Act regulates within the sphere of state sovereignty protected by the
9 Tenth Amendment. Second, the brief explains how the Legislature explicitly designed the California
10 Values Act to be consistent with federal laws, including those which DOJ claims preempt the Act. The
11 brief also describes ways in which the Act provides for cooperation between State and federal law
12 enforcement, further demonstrating that the California Values Act does not obstruct federal law. Third,
13 the brief demonstrates that DOJ's preemption arguments lack merit.

14 The Senate's experience drafting, amending, and passing the California Values Act will aid this
15 Court in determining the constitutionality of the California Values Act.

16 **CONCLUSION**

17 For the foregoing reasons, this motion for leave to file an *amicus curiae* brief should be granted.
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Dated: May 18, 2018

COVINGTON & BURLING LLP

By: /s/ Mónica Ramírez Almadani

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on May 18, 2018, I electronically transmitted the foregoing
3 document to the Clerk's Office using the U.S. District Court for the Eastern District of
4 California's Electronic Document Filing System (ECF), which will serve a copy of this
5 document upon all counsel of record.

6 By: /s/ Mónica Ramírez Almadani

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