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 10 UNITED STATES DISTRICT COURT  
 11 EASTERN DISTRICT OF CALIFORNIA

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 13 THE UNITED STATES OF AMERICA,  
 14  
 Plaintiff,

15 v.

16 THE STATE OF CALIFORNIA; EDMUND  
 17 GERALD BROWN JR., Governor of  
 California, in his Official Capacity; and  
 18 XAVIER BECERRA, Attorney General of  
 California, in his official Capacity,  
 19  
 Defendants.

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

**UNOPPOSED MOTION FOR LEAVE  
 TO FILE BRIEF OF AMICI CURIAE  
 CALIFORNIA LABOR FEDERATION,  
 CALIFORNIA STATE COUNCIL OF  
 SERVICE EMPLOYEES, ET AL. IN  
 SUPPORT OF DEFENDANTS'  
 OPPOSITION TO PLAINTIFF'S  
 MOTION FOR PRELIMINARY  
 INJUNCTION**

Date: June 20, 2018  
 Time: 10:00 a.m.  
 Courtroom: 6  
 Judge: Hon. John A. Mendez  
 Action Filed: March 6, 2018

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1 **INTRODUCTION**

2 California Labor Federation, California State Council of Service Employees, et al.  
3 (“Amici”) respectfully move for leave to file an amici curiae brief in support of Defendants’  
4 opposition to the United States’ Motion for Preliminary Injunction. Pursuant to the Court’s  
5 March 27 and March 29, 2018 Minute Orders regarding Amicus Briefing, amici file this timely  
6 motion for leave to file their amicus brief. *See* Dkt. Entry 41 (setting May 18, 2018 as the due  
7 date for the filing of amicus briefs opposing Plaintiff’s preliminary injunction motion). A copy of  
8 the proposed brief is attached as Exhibit A to this motion. All parties have consented to the filing  
9 of this motion and the accompanying amicus brief. Plaintiff has informed Amici that if filed  
10 consistent with the Court’s scheduling orders, it consents to the current filing. Amici have made  
11 every effort to avoid any duplicative or cumulative arguments in their brief, and to comply with  
12 Federal Rules of Appellate Procedure 29(a). *See* Dkt. Entry 37.

13 **INTEREST OF AMICI CURIAE**

14 Proposed amici are the California Labor Federation, AFL-CIO, the California State  
15 Council of Service Employees, international labor unions, and non-profit legal services and  
16 advocacy organizations that promote the rights of California workers. Collectively, these  
17 workers’ rights amici provide a critical perspective regarding the harms to California workers that  
18 AB 450 seeks to ameliorate. Workers’ rights amici interact on a daily basis with employees  
19 throughout the State and have for years worked to address those harms through collective  
20 bargaining, litigation, and policy advocacy. Amici California Labor Federation and the California  
21 State Council of Service Employees, were sponsors of AB 450 during the legislative process, and  
22 are therefore intimately familiar with the intent behind its passage.

23 California Labor Federation, AFL-CIO (“Federation”) is a labor federation that consists of  
24 more than 1,200 unions, representing 2.1 million union members in manufacturing, retail,  
25 construction, hospitality, public sector, health care, entertainment and other industries. The  
26 Federation is dedicated to promoting and defending the interests of working people and their  
27 families for the betterment of California’s communities. From legislative campaigns to grassroots  
28 organizing, its affiliates are actively engaged in every aspect of California’s economy and

1 government. The Federation’s three main areas of work include: Legislative Action, Political  
2 Action, and Economic Action. The Federation’s achievements have included restoring daily  
3 overtime pay, raising the minimum wage and passing the nation’s first Paid Family Leave law.

4 California State Council of Service Employees (“SEIU California”) is a non-profit labor  
5 organization affiliated with the Service Employees International Union (“SEIU”) consisting of  
6 over 700,000 members in California. SEIU California’s mission is to improve the lives of  
7 working people and their families and lead the way to a more just and humane society. SEIU  
8 fights for jobs with decent wages, healthcare, pensions, better working conditions, and more  
9 opportunities. The SEIU California strives to build greater unity among all SEIU locals in  
10 California and to mobilize its membership to pursue an action-oriented, issue-driven agenda.  
11 SEIU California accomplishes its mission through: Member and Public Education, Member  
12 Mobilization, Voter Registration, “Get out the Vote” efforts, Legislative Advocacy in the Capitol  
13 and in Districts, and Activists’ Training. SEIU California works in the areas of healthcare, long-  
14 term care, public services (both state workers and local), and building services.

15 Asian Americans Advancing Justice - Los Angeles is the nation’s largest legal and civil  
16 rights organization for Asian Americans, Native Hawaiians, and Pacific Islanders (NHPI).

17 Legal Aid at Work (“LAAW”) is a nonprofit legal organization, based in San Francisco,  
18 California, whose mission is to protect and expand the employment and civil rights of  
19 underrepresented workers and community members.

20 The Maintenance Cooperation Trust Fund (“MCTF”) is a California statewide watchdog  
21 organization working to abolish illegal and unfair business practices in the janitorial industry.

22 United Food and Commercial Workers International Union (“UFCW”) is a labor  
23 organization which represents working men and women across the United States. UFCW’s 1.3  
24 million members work in a range of industries, with a majority working in retail food,  
25 meatpacking and poultry, food processing and manufacturing, and non-food retail.

26 UNITE HERE International Union represents workers throughout the U.S., including  
27 California, and Canada, who work in the hotel, gaming, and food service industries.

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1 **REASONS WHY THE MOTION SHOULD BE GRANTED**

2 District courts have “broad discretion” to appoint amicus curiae. *Hoptowit v. Ray*, 682 F.  
3 2d 1237, 1260 (9th Cir. 1982). “District courts frequently welcome amicus briefs from non-  
4 parties . . . if the amicus has unique information or perspective that can help the court beyond the  
5 help that the lawyers from the parties are able to provide.” *Nat’l Petrochemical & Refiners Ass’n*  
6 *v. Goldstene*, 2010 U.S. Dist. LEXIS 61394, at \*5 (E.D. Cal. June 3, 2010) (quoting *Sonoma*  
7 *Falls Developers, L.L.C. v. Nev. Gold & Casinos, Inc.*, 272 F. Supp. 2d 919, 925 (N.D. Cal.  
8 2003)).

9 The Court should exercise its discretion to permit Amici California Labor Federation,  
10 California State Council of Service Employees, et al. to file the attached brief. Amici are able to  
11 present the Court with a ground-level view of how AB 450 protects California employees  
12 regardless of immigration status through the stories of individuals directly impacted. Amici have  
13 a unique understanding of the harms that the law was intended to address. Moreover, amici have  
14 witnessed firsthand the ability of employers to concurrently comply with labor obligations and  
15 federal immigration law. This demonstrates concretely that AB 450 does not interfere with  
16 enforcement of federal immigration law.

17 **DISCLOSURE STATEMENT**

18 No proposed Amici is owned by any publicly held company.

19 **CONCLUSION**

20 For these reasons, Amici California Labor Federation, California State Council of Service  
21 Employees, et al. respectfully request that the Court grant this unopposed motion and accept for  
22 filing the attached amicus curiae brief in support of Defendants’ opposition to Plaintiff’s motion for  
23 a preliminary injunction.

24 Dated: May 18, 2018

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

*/S/ Monica T. Guizar*

26 By: \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

Case Name: The United States of America v. No. 2:18-cv-00490-JAM-KJN  
The State of California, et al.

I hereby certify that on May 18, 2018, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE CALIFORNIA LABOR FEDERATION, CALIFORNIA STATE COUNCIL OF SERVICE EMPLOYEES, ET AL. IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 18, 2018, at Los Angeles, California.

Melanie Garion  
Declarant

/S/ Melanie Garion  
Signature