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

UNITED STATES OF AMERICA,  
  
 Plaintiff,

vs.

THE STATE OF CALIFORNIA,  
 EDMUND GERALD BROWN JR.,  
 Governor of California, in his official  
 capacity; and XAVIER BECERRA,  
 Attorney General of the State of  
 California, in his official capacity,  
  
 Defendants.

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

**UNOPPOSED MOTION OF  
 IMMIGRATION, LABOR AND  
 EMPLOYMENT LAW SCHOLARS FOR  
 LEAVE TO FILE AN AMICI CURIAE  
 BRIEF IN SUPPORT OF DEFENDANTS'  
 OPPOSITION TO PLAINTIFF'S  
 MOTION FOR PRELIMINARY  
 INJUNCTION RE: AB 450;  
 MEMORANDUM OF POINTS AND  
 AUTHORITIES IN SUPPORT  
 THEREOF**

Date: None  
 Time: None  
 Judge: Hon. John A. Mendez

Complaint Filed: March 6, 2018

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** Professors Annie Lai, Kathleen Kim, Emily  
3 Robinson and the other legal scholars listed in the attached Appendix A hereby move the  
4 Court for leave to file a brief amici curiae in the above-captioned case in support of  
5 defendant’s opposition to Plaintiff’s motion for a preliminary injunction. Counsel for  
6 proposed amici has conferred with counsel for the parties to the case and the parties have  
7 consented to the filing. This motion is therefore unopposed. A copy of the proposed brief  
8 is appended as Exhibit A to this motion.<sup>1</sup>

9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 **I. STANDARD FOR MOTION FOR LEAVE TO FILE AMICI CURIAE**  
11 **BRIEF**

12 District courts have broad discretion to permit third parties to participate in an  
13 action as amici curiae, and generally courts have “exercised great liberality” in allowing  
14 amicus briefs. *Woodfin Suite Hotels, LLC v. City of Emeryville*, 2007 U.S. Dist. LEXIS  
15 4467, \*7-8 (N.D. Cal. Jan. 9, 2007). District courts frequently accept amicus briefs from  
16 non-parties when the legal issues in a case “have potential ramifications beyond the  
17 parties directly involved” or if the amici have “unique information or perspective that can  
18 help the court.” *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d  
19 1061, 1067 (N.D. Cal. 2005) (internal quotation marks omitted). There are no strict  
20 prerequisites that must be established to qualify for amicus status; an applicant must  
21 merely make a showing that its “participation is useful to or otherwise desirable to the  
22 court.” *Infineon Techs. N. Am. Corp. v. Mosaid Techs., Inc.*, 2006 U.S. Dist. LEXIS  
23 81506, at \*10 (N.D. Cal. Oct. 23, 2006). This Court has specifically indicated a  
24 willingness to consider amicus briefs that meet certain requirements in this litigation. *See*  
25 *Minute Order Regarding Amicus Briefs*, ECF No. 52.

26  
27 <sup>1</sup> No proposed amicus is a corporation or publicly held company. Further, no  
28 party’s counsel authored the brief in whole or in part and no party or party’s counsel  
contributed money that was intended to fund preparation or submission of the brief.

1 **II. AMICI CURIAE’S EXPERTISE WILL ASSIST IN THE COURT’S**  
2 **CONSIDERATION OF THE MOTION**

3 As explained in the proposed brief, the amici, all of whom are independent of the  
4 parties to this action, are law professors and scholars who have a professional interest in  
5 the issues presented on this case. *See* App. A. Amici have researched, studied, and taught  
6 in the areas of immigration law, labor and/or employment law, and have specific expertise  
7 in the issues of state and federal authority regulating the treatment of immigrant workers,  
8 the purpose and objectives of the Immigration Reform and Control Act of 1986 and the  
9 parameters of legitimate exercise of state powers addressed in the brief.

10 Amici include professors who have taught and published extensively in the area of  
11 immigration law. For example, Professor Kathleen Kim is a Professor at Loyola Law  
12 School, Los Angeles. She has written extensively in major law reviews on the intersection  
13 of immigration and employment law, immigrant workers’ rights at both state and federal  
14 levels and worker exploitation and human trafficking, including the leading case book on  
15 Human Trafficking Law and Policy. She recently served as a member of the Los Angeles  
16 Police Commission. Another [amicus](#), Professor, Annie Lai, Assistant Clinical Professor  
17 of Law at the University of California, Irvine, is an expert on immigration federalism  
18 issues and has written extensively on these topics.

19 Amici also have expertise in labor and employment law. For example, Professor  
20 Catherine Fisk is the Barbara Nachtrieb Armstrong Professor of Law at Berkley Law  
21 School. She is a leading voice on unions and labor who has authored a casebook on labor  
22 law in the contemporary workplace. She has collaborated with another [amicus](#), Professor  
23 Michael Wishnie, William O. Douglas Clinical Professor of Law and Counselor to the  
24 Dean at Yale Law School. He is considered a leading expert on immigration and  
25 employment law with an emphasis on domestic enforcement and federalism. [Amicus](#)  
26 William B. Gould IV is Charles A. Beardsly Professor of Law at Stanford Law School. He  
27 is regarded as a foremost labor law authority and served as the Chairman of the California  
28 Agricultural Labor Relations Board as well as the Chairman of the National Labor

1 Relations Board. He is a critically acclaimed author of ten books and over sixty law  
2 review articles.

3 Further, amici Jennifer Gordon, Professor of Law at Fordham University School of  
4 Law, and James Pope, Professor of Law and Sidney Reitman Scholar at Rutgers Law  
5 School, are two of the most respected legal scholars on labor and/or immigration law.  
6 Professor Pope's articles about workers' rights, constitutional law, and labor history have  
7 appeared in a wide variety of publications including the *Columbia Law Review*, *Michigan*  
8 *Law Review*, and *Yale Law Journal*.

9 On the basis of their expertise, scholarship, and experience in the fields of  
10 immigration, labor, and employment law, amici meet the broad discretionary standard for  
11 filing an *amicus curiae* brief. See *Woodfin Suite Hotels*, 2007 U.S. Dist. LEXIS 4467, at  
12 \*7-8. Amici have special expertise in federal preemption, constitutional law, immigration  
13 law, and the intersection of immigration law and labor and employment law that will be  
14 useful to the Court. See *Infineon*, 2006 U.S. Dist. LEXIS 81506, at \*10. Moreover, the  
15 potential ramifications of this case go far beyond the parties, as the outcome may  
16 determine the parameters of state authority to enact regulation affecting and promoting the  
17 rights of workers, not only for plaintiff, but also for many other jurisdictions around the  
18 country. For the foregoing reasons, the motion for leave to file an *amicus curiae* brief  
19 should be granted.

20  
21 Dated: May 18, 2018

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 18th day of May, 2018, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail as indicated on the Notice of Electronic Filing.

Dated: May 18, 2018  
Los Angeles, CA

/s/ Bradley S. Phillips