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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

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

Hon. John A. Mendez

**MEMORANDUM IN SUPPORT OF  
MOTION TO INTERVENE OF THE  
CALIFORNIA PARTNERSHIP TO  
END DOMESTIC VIOLENCE AND  
THE COALITION FOR HUMANE  
IMMIGRANT RIGHTS**

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*\*pro hac vice application forthcoming*

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## INTRODUCTION

Pursuant to Federal Rule of Civil Procedure 24, proposed Intervenor-Defendants the California Partnership to End Domestic Violence (“Partnership”) and the Coalition for Humane Immigrant Rights (“CHIRLA”) (collectively “Intervenor-Defendants”) respectfully seek to intervene in this matter to defend the challenged portions of the California Values Act.

The federal government seeks to enjoin several California statutes, including parts of the Values Act that limit the State’s participation in immigration enforcement. While Intervenor-Defendants do not believe that any of the United States’ claims has merit, they seek to intervene to defend the Values Act in particular because of the Act’s critical importance for domestic violence survivors and other victims and witnesses of crime throughout the State, many of whom are immigrants or from mixed-status families.

The Partnership is a statewide organization representing hundreds of domestic violence shelters and service providers, which in turn serve thousands of immigrant survivors and witnesses across California. CHIRLA is a membership organization that organizes and serves thousands of immigrant members across the State, including many who have been or will be victims or witnesses of crimes. For Intervenor-Defendants’ members and their clients, the stakes of this litigation could hardly be higher: The government’s challenge seriously threatens their ability to access justice and safety without fear that they or their loved ones will instead be caught up in the federal deportation system.

Because the Values Act is so critical for their members, the Partnership and CHIRLA played key roles supporting its passage, and thus have significant interests in its survival. Moreover, if the Act were enjoined, Intervenor-Defendants would face serious impediments to their work, including the need to divert scarce resources to address the resulting erosion of members’ and clients’ trust in law enforcement and local government. Thus, because they have

1 a concrete stake in the case that may not be adequately represented by the existing parties, and  
2 because their perspective on behalf of the directly affected communities will substantially  
3 contribute to the Court’s consideration of this case, the Partnership and CHIRLA respectfully  
4 request that they be permitted to intervene.  
5

## 6 **BACKGROUND**

### 7 **I. The Proposed Intervenor-Defendants.**

8 The Partnership is a statewide nonprofit organization that leads a diverse coalition of  
9 organizations and individuals working toward a safe, healthy, and violence-free California. The  
10 Partnership is California’s federally-designated State Domestic Violence Coalition, which makes  
11 it the “information clearinghouse, primary point of contact, and resource center on domestic  
12 violence for the State.” 42 U.S.C. § 10402(11); *see* Decl. of Kathy Moore ¶ 3. The Partnership’s  
13 members include survivors, advocates, mental health counselors, domestic violence shelters,  
14 family resource centers, legal service providers, and local government entities. Its members rely  
15 on relationships of trust with domestic violence survivors and witnesses, and many serve heavily  
16 immigrant clientele. *Id.* ¶ 6. As detailed below, an injunction of the Values Act would severely  
17 harm the Partnership and its members.  
18

19  
20 CHIRLA is a nonprofit organization whose mission is to advance the human and civil  
21 rights of immigrants and refugees, and to empower immigrants and their allies to build a more  
22 just and humane society. It has thousands of members across California, including immigrants,  
23 mixed-status families, and allies. Decl. of Angelica Salas ¶ 2-6. Numerous members have been,  
24 or will be, victims of crimes, including gender crimes like sexual assault and domestic violence.  
25 *Id.* ¶ 9, 11. CHIRLA’s members’ ability to access police protection other critical public services  
26 would be severely harmed by an injunction.  
27  
28

## II. The Values Act's Importance to Intervenor-Defendants.

The California Values Act was signed into law on October 5, 2017. The Act limits California's participation in the federal deportation system in a variety of ways. As relevant here, it created Sections 7284.6(a)(1)(C)-(D) and 7284.6(a)(4) of the California Government Code, which limit the circumstances in which California police can (1) transfer physical custody of noncitizens to the Department of Homeland Security ("DHS"), and (2) provide DHS with the release date or address of a person held in local custody.

The Partnership and CHIRLA have long recognized that drawing a clear dividing line between local police and the federal deportation scheme is critical to engendering trust between crime victims, witnesses, domestic violence survivors, and law enforcement. For years, Intervenor-Defendants have been aware that some crime victims and witnesses could not rely on local police and court systems because of fear that they or their loved ones will be swept up in the deportation system. Moore Decl. ¶ 9-20; Salas Decl. ¶ 9-11. That pattern is particularly severe in the context of domestic violence and sexual assault, because survivors, perpetrators, and witnesses are often members of the same family. As a result, attaching immigration consequences to police interactions can leave survivors with the impossible choice of continuing to endure abuse or risking permanent family separation. Moore Decl. ¶ 9. And because domestic violence victims are sometimes mistakenly arrested along with perpetrators, victims must often choose between seeking protection or risking their own deportation.<sup>1</sup> Salas Decl. ¶ 9.

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<sup>1</sup> Examples of these dynamics in California are legion. *See, e.g., Domestic Violence Victims Urge SF to Opt Out of Undocumented Immigrant Custody Program*, CBS News, Oct. 13, 2015 (domestic violence survivor turned over to DHS after reporting abuse), <https://cbsloc.al/2jr6MyX>; Ellen Tumposky, *Los Angeles Woman Who Called 911 to Report Abuse Gets Reprieve from Deportation*, ABC News, May 13, 2011 (domestic violence survivor turned over to DHS after calling 911), <https://abcn.ws/2IaTFQI>; Stephen Magagnini, *Mexican Couple's Deportation Leaves Behind Two Small Children*, Sac. Bee, Nov. 2, 2010 (survivor deported after her sister calls police to report her partner's abuse), <https://bit.ly/2rhXv0w>.

1       The Values Act, like similar policies in hundreds of jurisdictions nationwide, offers a  
2 third way for victims and witnesses. With its assurance that state and local officials will not act  
3 as immigration agents, victims and witnesses are able to cooperate with police, prosecutors,  
4 government social workers, and other officials to obtain the justice and services they need.  
5 Because this policy is so important for their work, the Partnership and CHIRLA were proud to be  
6 major advocates for the Values Act. Both undertook a variety of organizing, public awareness,  
7 and advocacy efforts in support of the Act. Moore Decl. ¶ 22-24; Salas Decl. ¶ 8.

9       Indeed, the Values Act was specifically meant to protect CHIRLA’s members and those  
10 served by the Partnership and its members. Its text and legislative history show that one of its  
11 primary purposes is to increase trust with victims and witnesses in general, and survivors of  
12 gender violence in particular. *See* Cal. Gov’t Code § 7284.2(b)-(c) (purpose to foster a  
13 “relationship of trust between California’s immigrant community and state and local agencies”);  
14 *infra* Part I.B.2 (describing statements by the bill’s author about gender violence).

16       The United States filed this suit on March 6, 2018, asserting that these critical Values Act  
17 provisions are preempted. The same day, it filed a motion to preliminarily enjoin them.

## 19                                   **ARGUMENT**

20       Intervenor-Defendants are entitled to intervene as of right. Their motion is timely, and,  
21 as major proponents of the Values Act working on behalf of the Act’s intended beneficiaries,  
22 they have vital interests in this litigation that may not be fully represented by the existing parties.  
23 In the alternative, permissive intervention is warranted because Intervenor-Defendants’ directly-  
24 affected members will bring useful factual expertise to bear without burdening any party.

### 26           **I.       Intervenor-Defendants Are Entitled to Intervene as of Right.**

27       Pursuant to Federal Rule of Civil Procedure 24(a)(2), “the court must permit anyone to  
28 intervene” who, on a “[1] timely motion, . . . [2] claims an interest relating to the property or

1 transaction that is the subject of the action, and [3] is so situated that disposing of the action may  
2 as a practical matter impair or impede the movant's ability to protect its interest, [4] unless  
3 existing parties adequately represent that interest." *Id.*

4 Rule 24(a) is construed "broadly in favor of proposed intervenors." *United States v. City*  
5 *of Los Angeles*, 288 F.3d 391, 397 (9th Cir. 2002) (quoting *United States ex rel. McGough v.*  
6 *Covington Techs. Co.*, 967 F.2d 1391, 1394 (9th Cir. 1992)). "In determining whether  
7 intervention is appropriate, courts are guided primarily by practical and equitable  
8 considerations." *United States v. Alisal Water Corp.*, 370 F.3d 915, 919 (9th Cir. 2004). "A  
9 liberal policy in favor of intervention serves both efficient resolution of issues and broadened  
10 access to the courts." *City of Los Angeles*, 288 F.3d at 397-98 (internal citations omitted).

11 As the Ninth Circuit has explained, courts should "allow[] parties with a *practical* interest  
12 in the outcome of a particular case to intervene," in order to "allow an additional interested party  
13 to express its views before the court." *Id.* (quotation marks omitted). This interest test "is  
14 primarily a practical guide to disposing of lawsuits by involving as many apparently concerned  
15 persons as is compatible with efficiency and due process." *County of Fresno v. Andrus*, 622 F.2d  
16 436, 438 (9th Cir. 1980) (internal quotation marks and citation omitted). The Partnership and  
17 CHIRLA have clear practical interests in this case and readily satisfy all four requirements for  
18 intervention as of right.

19  
20  
21  
22 **A. This Motion Is Timely.**

23 There is no question this motion is timely. Intervenor-Defendants are seeking to  
24 intervene shortly after the commencement of the case. *See United States v. Aerojet Gen. Co.*,  
25 606 F.3d 1142, 1149 (9th Cir. 2010) (motion to intervene was timely four months after  
26 applicants learned of proposed consent decree); *Idaho Farm Bureau Fed'n v. Babbitt*, 58 F.3d  
27 1392, 1397 (9th Cir. 1995) (motion was timely four months after the complaint because it was  
28



1 “filed at a very early stage, before any hearings or rulings on substantive matters”); *Blake v.*  
2 *Pallan*, 554 F.2d 947, 952 (9th Cir. 1977) (motion “clearly” timely when filed eleven months  
3 after initial complaint).

4 Intervention will not delay any proceedings in this case. Intervenor-Defendants are  
5 lodging their proposed opposition to the motion for preliminary injunction and proposed motion  
6 to dismiss together with this motion to intervene.<sup>2</sup> Because the date of this filing is the same day  
7 that California’s opposition to the preliminary injunction motion and response to the complaint  
8 are due, no modification to the existing schedule is required in order to give the United States a  
9 full opportunity to address Intervenor-Defendants’ arguments in reply. And Intervenor-  
10 Defendants do not intend to promulgate any discovery requests in defending the motion for  
11 preliminary injunction. Thus, the timing of their intervention request will not prejudice any  
12 party. *See Citizens for Balanced Use v. Montana Wilderness Ass’n*, 647 F.3d 893, 897 (9th Cir.  
13 2011) (motion to intervene was timely because it was made “at an early stage of the proceedings,  
14 the parties would not have suffered prejudice from the grant of intervention at that early stage,  
15 and intervention would not cause disruption or delay in the proceedings”).  
16  
17  
18

19 **B. Intervenor-Defendants Have Protectable Legal Interests in this Case.**

20 “No specific legal or equitable interest need be established” to intervene as of right.  
21 *Greene v. United States*, 996 F.2d 973, 976 (9th Cir. 1993). In other words, the Ninth Circuit has  
22 established a common-sense approach, asking if proposed intervenors have a “practical interest”  
23 in the litigation. *City of Los Angeles*, 288 F.3d at 398 (quotation marks omitted).  
24  
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27 <sup>2</sup> The proposed opposition and motion to dismiss set forth the defenses of the Values Act which  
28 the Partnership and CHIRLA seek to assert in intervention. *Cf. Fed. R. Civ. P. 24(c);*  
*Westchester Fire Ins. Co. v. Mendez*, 585 F.3d 1183, 1188 (9th Cir. 2009).

1                   **1. The Partnership and CHIRLA are entitled to intervene to defend the**  
2                   **Values Act as organizations that advocated its passage.**

3                   In keeping with their work on behalf of immigrants and domestic violence survivors in  
4 California, the Partnership and CHIRLA were major proponents of the Values Act. Both  
5 devoted significant resources in support of the bill, including through advocacy with lawmakers,  
6 mobilizing their members, and raising public awareness about the harms to members and clients  
7 that the Values Act would alleviate. Moore Decl. ¶ 22-24; Salas Decl. ¶ 8, 12. This advocacy  
8 alone gives the Partnership and CHIRLA a sufficient interest to intervene in this litigation. *See*  
9 *Nw. Forest Resource Council v. Glickman*, 82 F.3d 825, 837 (9th Cir. 1996) (explaining that the  
10 Ninth Circuit has “allowed public interest groups to intervene” where they “were directly  
11 involved in the enactment of the law”).  
12

13                   Indeed, the Ninth Circuit has frequently held that “a public interest group is entitled as a  
14 matter of right to intervene in an action challenging the legality of a measure it has supported.”  
15 *Idaho Farm Bureau Federation v. Babbitt*, 58 F.3d 1392, 1397 (9th Cir. 1995) (granting  
16 intervention to environmental group to defend agency’s action that the group had advocated); *see*  
17 *also, e.g., Sagebrush Rebellion, Inc. v. Watt*, 713 F.2d 525, 526-27 (9th Cir. 1983) (granting  
18 intervention to wildlife organization to defend Department of Interior’s creation of a wildlife  
19 habitat area, where the group had participated in the administrative process); *Yniguez v. State of*  
20 *Ariz.*, 939 F.2d 727, 735 (9th Cir. 1991) (finding a “virtual *per se* rule that the sponsors of a  
21 ballot initiative have a sufficient interest in the subject matter of the litigation to  
22 intervene”); *Idaho v. Freeman*, 625 F.2d 886 (9th Cir.1980) (granting intervention to women’s  
23 rights organization to help a federal agency defend a policy that the organization had supported).  
24 In all of these cases, the court had no “difficulty determining that the organization seeking to  
25 intervene had an interest in the subject of the suit.” *Sagebrush Rebellion*, 713 F.2d at 527.  
26  
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1 As in those cases, Intervenor-Defendants were “active in the process” of getting the  
2 Values Act enacted. *Babbitt*, 58 F.3d at 1398. Accordingly, “there can be no serious dispute”  
3 that they have a protectable interest in this litigation. *Sagebrush Rebellion*, 713 F.2d at 528.

4  
5 **2. Intervenor-Defendants have a protectable interest because their members  
are among the class of beneficiaries the Values Act is meant to protect.**

6 Even apart from their advocacy in support of the Act, Intervenor-Defendants have a  
7 protectable interest in this case because their members are among the class of beneficiaries the  
8 Values Act was enacted to protect. That interest is sufficient to warrant intervention as of right.  
9 *See Fresno Cty.*, 622 F.2d at 438 (granting intervention to organization of small farmers because  
10 its members were among “those Congress intended to protect” by enacting the challenged  
11 measure); *cf. United Food & Comm. Workers Union Local 751 v. Brown Grp., Inc.*, 517 U.S.  
12 544, 551-53 (1996) (describing associational standing on behalf of an organization’s members).

13  
14 As explained above, CHIRLA’s members include thousands of immigrants and their  
15 families across the State, including many who have been or will be victims of crime in general  
16 and gender violence in particular. Salas Decl. ¶ 3, 9, 11. And the Partnership’s members include  
17 survivors, counselors, domestic violence shelters, legal service providers, and local government  
18 entities. Moore Decl. ¶ 2, 6. Every day, those members rely on the trust and cooperation that the  
19 Values Act is designed to foster. *Id.*; Cal. Gov’t Code § 7284.2(b)-(c) (describing this  
20 “relationship of trust”). Indeed, on the Senate floor, the Act’s author cited a 25 percent decrease  
21 in sexual assault reports among the Los Angeles Latino population as evidence of the “harmful  
22 effects of entangling local law enforcement agencies with immigration enforcement.”  
23 Comments of Bill Authors Sen. De León, et al., Senate Floor Analysis, at 6, Sept. 15, 2017.<sup>3</sup>  
24 Because of that entanglement, he explained, “[c]rimes go unreported for fear of deportation.” *Id.*

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28 <sup>3</sup> [https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=201720180SB54](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180SB54).

1 The Values Act was therefore designed to “keep [local law enforcement] focused on community  
2 policing, rather than rounding up hardworking, honest immigrants who in many instances assist  
3 police in solving crimes.” *Id.* at 7.

4 Thus, because they represent the Act’s “intended beneficiaries,” Intervenor-Defendants  
5 have a protectable interest in this case. *California ex rel. Lockyer v. United States*, 450 F.3d 436,  
6 441 (9th Cir. 2006) (granting health care providers intervention to defend a federal statute  
7 alongside federal defendants); *see Texas v. United States*, 805 F.3d 653, 660 (5th Cir. 2015)  
8 (granting intervention to “the intended beneficiaries” of an agency’s policy, even though the  
9 agency was also defending its policy).

10  
11 **C. Intervenor-Defendants’ Interests May Be Impaired as a Result of the**  
12 **Litigation.**

13 Intervenor-Defendants also easily satisfy the requirement that the disposition of the  
14 action “*may* as a practical matter impair or impede [their] ability to protect [their] interest.” Fed.  
15 R. Civ. P. 24(a)(2) (emphasis added). This requirement is construed liberally. “If any absentee  
16 would be substantially affected in a practical sense by the determination made in an action, [the  
17 absentee] should, as a general rule, be entitled to intervene.” *Sw. Ctr. for Biological Diversity v.*  
18 *Berg*, 268 F.3d 810, 822 (9th Cir. 2001) (quoting Fed. R. Civ. P. 24(a)(2), Advisory Comm.  
19 Note) (quotation marks omitted).

20  
21 CHIRLA’s members and the clients of the Partnership’s members would face devastating  
22 consequences if the United States prevails in this litigation: An injunction would seriously  
23 impair their access to critical—and at times life-saving—public services. As explained above,  
24 domestic violence survivors and other crime victims need to be able to trust police and other  
25 government entities in order to report abuse, cooperate in prosecutions, and avail themselves of  
26 local services for survivors. An injunction of the Values Act would dramatically undermine that  
27  
28

1 trust, leaving victims and witnesses in the position of either staying silent or risking that they,  
2 their family, or their friends could be deported. Salas Decl. ¶ 11; Moore Decl. ¶ 9.

3 The Partnership's member organizations would also be impacted in tangible ways. Some  
4 would lose significant numbers of clients. Moore Decl. ¶ 13-14, 16-20. Many would need to  
5 divert resources to outreach, in order to serve immigrants and their communities who would be  
6 driven into the shadows by an injunction of the Values Act. *Id.* ¶ 28. The damage would be  
7 particularly severe for members based in locations with large immigrant communities. For  
8 example, in southern California, increased fear of police entanglement with immigration  
9 enforcement prior to the Values Act reduced one member organization's immigrant clients to  
10 zero. *Id.* ¶ 16. An injunction would thus have a dramatic effect on the Partnership's members.

11  
12  
13 Additionally, Intervenor-Defendants' own interests would be concretely harmed by a  
14 ruling in the United States' favor. Were the Values Act enjoined, the Partnership would be  
15 forced to develop new outreach efforts to immigrant communities, create new immigrant-focused  
16 training programs, implement a new communications strategy, mobilize a state-wide policy  
17 campaign, and raise money to hire new staff—all to address the fallout from an injunction.  
18 Moore Decl. ¶ 29-30. Likewise, CHIRLA would need to redirect its resources to education,  
19 legal and other services, and new forms of advocacy to address members' fear of police and  
20 inability to safely access certain public services. Salas Decl. ¶ 13-15.

21  
22 Were the United States to prevail, Intervenor-Defendants and their members would be  
23 unable to vindicate these interests in subsequent litigation. They could not ask another court to  
24 reinstate the Values Act; they can only advance their arguments against the United States' claims  
25 in *this* case. For all these reasons, the Intervenor-Defendants satisfy the impairment prong.  
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1                   **D. California May Not Adequately Represent Intervenor-Defendants’ Interests.**

2           Intervenor-Defendants’ burden to establish inadequate representation is “minimal,” and is  
3 satisfied whenever representation of their interests “may be” inadequate. *Trbovich v. United*  
4 *Mine Workers*, 404 U.S. 528, 538 n.10 (1972). Moreover, representation cannot be presumed  
5 adequate unless Intervenor-Defendants’ interests and the interests of the State “align precisely.”  
6 *Brumfield v. Dodd*, 749 F.3d 339, 345 (5th Cir. 2014) (although both State and intervenors  
7 vigorously supported a school voucher program, the State had more extensive interests that “may  
8 not align precisely” with intervenors’); *see also Berg*, 268 F.3d at 823 (city government did not  
9 have “sufficiently congruent interests” with construction contractors). California’s interests do  
10 not “precisely” align with Intervenor-Defendants’ in this case. *Brumfield*, 749 F.3d at 345.  
11

12           First, the State of California is charged with protecting a broader public interest than the  
13 Intervenor-Defendants. The Partnership’s interests in this litigation are very specific: (1)  
14 keeping immigrant survivors of domestic violence safe from their abusers, and (2) protecting its  
15 members and itself from losing clients and diverting resources. CHIRLA similarly seeks to  
16 protect its members, who come overwhelmingly from immigrant and mixed-status communities,  
17 including victims and witnesses of crime. California, by contrast, represents a wide range of  
18 constituencies—including state police, sheriff’s offices, police departments, probation  
19 departments, and all California residents. In similar circumstances, the Ninth Circuit has held  
20 that the government, which must take a “broader view,” may not adequately represent the  
21 “narrow, parochial” interests of intervenors. *Forest Conservation Council v. U.S. Forest Service*,  
22 66 F.3d 1489, 1499 (9th Cir. 1995) (collecting cases). The Supreme Court, too, has found  
23 inadequate representation where a government agency had “the duty to serve two distinct  
24 interests, which are related, but not identical,” and the intervenor only shared one of those  
25 interests. *Trbovich*, 404 U.S. at 538-39; *see also Chiles v. Thornburgh*, 865 F.2d 1197, 1214-15  
26  
27  
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1 (11th Cir. 1989) (finding inadequate representation based on the *possibility* that a governmental  
2 party “may decide not to emphasize” the intervenor’s interests, “but focus instead” on those of  
3 other constituencies); 3B Moore’s Federal Practice, ¶ 24.07[4] at 24-78 (2d ed. 1995)  
4 (“Inadequate representation is most likely to be found when the applicant asserts a personal  
5 interest that does not belong to the general public.”).

6  
7 Second, California has a broader interest in maintaining its relationship with the federal  
8 government and with its own localities, including some that oppose the Values Act. *See* Orange  
9 Cty. Compl., ECF No. 59-2. Courts have held that this unique feature of litigation between  
10 States and the federal government is enough to show that the representation of an intervenor’s  
11 interests may be inadequate. *See, e.g., Texas*, 805 F.3d at 663 (granting intervention because  
12 federal defendant had to “maintain[] its working relationship with the States,” many of whom  
13 were plaintiffs) (quotation marks omitted); *Brumfield*, 749 F.3d at 345-46 (divergent interests  
14 where state defendant had to maintain “its relationship with the federal government”). Third, the  
15 State “seeks to defend all portions of the litigation,” whereas the Partnership and CHIRLA only  
16 seek to intervene to defend the Values Act. *Wal-Mart Stores, Inc. v. Texas Alcoholic Beverage*  
17 *Comm’n*, 834 F.3d 562, 569 (5th Cir. 2016) (finding inadequate representation on this basis).

18  
19  
20 The Partnership and CHIRLA should be permitted to intervene in order to ensure that  
21 these divergences in interests do not lead any of their arguments to go unrepresented.

22 \* \* \*

23 Thus, in sum, the Partnership and CHIRLA satisfy all the requirements for intervention  
24 as of right. They were instrumental in supporting the Values Act, they represent a different and  
25 narrower set of interests than the State, including the intended beneficiaries of the Act, and those  
26 interests will be seriously harmed if the Values Act is enjoined. Intervention should be granted.  
27  
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1           **II.       Alternatively, the Court Should Grant Permissive Intervention.**

2           In the alternative, the Partnership and CHIRLA respectfully request that they be  
3 permitted to intervene pursuant to Federal Rule of Civil Procedure 24(b)(1)(B). A court may  
4 grant permissive intervention if “the applicant for intervention shows (1) independent grounds  
5 for jurisdiction; (2) the motion is timely; and (3) the applicant’s claim or defense, and the main  
6 action, have a question of law or a question of fact in common.” *City of Los Angeles*, 288 F.3d at  
7 403 (quotation marks omitted).

8  
9           Those requirements are easily met here. Jurisdiction is clear under the federal-question  
10 statute, *see* 8 U.S.C. § 1331, and Intervenor-Defendants are not advancing any additional claims.  
11 Intervention is timely, as discussed above. And Intervenor-Defendants’ defense of the Values  
12 Act shares numerous questions of law and fact in common with the government’s claims.

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14           There are, moreover, good reasons for the Court to grant intervention in its discretion  
15 under Rule 24(b). *See United States v. \$129,374 in U.S. Currency*, 769 F.2d 583, 586 (9th Cir.  
16 1985) (“[P]ermissive intervention is committed to the broad discretion of the district court.”). In  
17 granting permissive intervention, courts consider a number of factors, such as “the nature and  
18 extent of the intervenors’ interest” and “whether parties seeking intervention will significantly  
19 contribute to full development of the underlying factual issues in the suit and to the just and  
20 equitable adjudication of the legal questions presented.” *Spangler v. Pasadena City Bd. of*  
21 *Educ.*, 552 F.2d 1326, 1329 (9th Cir. 1977).

22  
23           Here, the Partnership, CHIRLA, their members, and their members’ clients are among  
24 those who have the strongest interests in this litigation, because their interests are directly tied to  
25 the purpose of the challenged law. The Values Act was enacted specifically to ensure that  
26 immigrant witnesses and victims of crime—especially gender violence survivors—can  
27 confidently access police and other local services without fear that they or their loved ones will  
28



1 be deported as a result. *See supra* Parts I.B.2, I.C. The law’s champions and intended  
2 beneficiaries should be given a say in whether their hard-won legal protections remain in force.

3 In addition, the Partnership and CHIRLA would bring unique factual knowledge to the  
4 litigation. They have the experience and expertise to provide the Court with concrete and  
5 detailed information about the Values Act’s effect on immigrants, survivors, and witnesses,  
6 along with the costs that local entities and public service providers bear when constituents are  
7 afraid to seek available services. *See* Moore Decl. ¶ 9-20, 28; Salas Decl. ¶ 7, 9-11. Intervenor-  
8 Defendants’ perspective on behalf of the directly affected communities will allow this Court to  
9 more fully consider the issues in this case. *See, e.g., NRDC v. Costle*, 561 F.2d 904, 912-13  
10 (D.C. Cir. 1977) (finding chemical companies’ intervention would be a helpful supplement to the  
11 EPA’s defense, because they offered knowledge of the policy’s “impact . . . upon their  
12 operations”).

13 Intervenor-Defendants’ factual expertise will bear on multiple legal issues in this case.  
14 For instance, based on their immigrant membership and organizational members’ experience  
15 serving immigrant communities, Intervenor-Defendants are well placed to illustrate the harms  
16 that an injunction of the Values Act would inflict. *See Winter v. NRDC*, 555 U.S. 7, 20 (2008)  
17 (holding that a court considering a motion for preliminary injunction must weigh “the balance of  
18 equities” and “the public interest”). They are also well placed to explain concretely how DHS’s  
19 enlistment of state resources puts state officials and local service providers “in the position of  
20 taking the blame” for deportations and “diminish[es] the accountability of state [and] federal  
21 officials.” *Printz v. United States*, 521 U.S. 898, 930 (1997). *See, e.g.,* Salas Decl. ¶ 8, 12;  
22 Moore Decl. ¶ 23-24.

23 The burdens of granting intervention, if any, are greatly outweighed by Intervenor-  
24 Defendants’ important interests in this litigation, the additional arguments they will offer, and the  
25

benefit their unique perspective will bring to resolving the issues before this Court. As explained above, they are seeking to intervene at an early date, they are submitting a proposed opposition to the preliminary injunction motion and a proposed motion to dismiss on the existing schedule, and they do not intend to seek discovery in opposing the preliminary injunction motion. Thus, the Partnership and CHIRLA will significantly contribute to the resolution of this case without burdening the existing parties or the Court. Nor is the mere fact of adding an additional party a reason to deny intervention. As the Ninth Circuit has made clear, “the idea of ‘streamlining’ the litigation . . . should not be accomplished at the risk of marginalizing those—such as the [the Partnership and CHIRLA]—who have some of the strongest interests in the outcome.” *City of Los Angeles*, 288 F.3d at 404. At a minimum, therefore, the Court should grant permissive intervention.

### CONCLUSION

For the foregoing reasons, the Partnership and CHIRLA respectfully request that the Court grant intervention as of right, or, in the alternative, permissive intervention.

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Respectfully submitted,

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