

1 CHAD A. READLER
Acting Assistant Attorney General
2 MCGREGOR SCOTT
United States Attorney
3 AUGUST FLENTJE
Special Counsel
4 WILLIAM C. PEACHEY
Director
5 EREZ REUVENI
Assistant Director, Office of Immigration Litigation
6 U.S. Department of Justice, Civil Division
7 P.O. Box 868, Ben Franklin Station
8 Washington, DC 20044
Tel. (202) 307-4293
9 Erez.R.Reuveni@usdoj.gov
10 DAVID SHELEDY
Civil Chief, Assistant United States Attorney
11 LAUREN C. BINGHAM
12 JOSEPH A. DARROW
13 JOSHUA S. PRESS
Trial Attorneys
Attorneys for the United States

14
15 **UNITED STATES DISTRICT COURT**
16 **EASTERN DISTRICT OF CALIFORNIA**

17
18 THE UNITED STATES OF AMERICA,
19 Plaintiff,
20 v.

21 THE STATE OF CALIFORNIA;
EDMUND GERALD BROWN JR.,
Governor of California, in his Official
22 Capacity; and XAVIER BECERRA,
Attorney General of California, in his
23 Official Capacity,

24 Defendants.

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

**PLAINTIFF'S NOTICE CONCERNING
POSSIBLY RELATED CASE**

25
26 Pursuant to Local Rule 123, Plaintiff, the United States, informs the Court of a case,
27 *Brosnan v. Becerra, et al.*, No. 2:18-cv-00322-MCE-AC (E.D. Cal.), also filed in this district, that
28

1 recently came to Plaintiff's attention and may be related to this matter pursuant to Local Rule
2 123(a)(3) or (4).

3 The United States' complaint and motion for preliminary injunction raise a constitutional
4 preemption challenge to portions of three provisions of California law, Assembly Bill 103 ("AB
5 103"), Assembly Bill 450 ("AB 450"), and Senate Bill 54 ("SB 54"). See Complaint, ECF 1; Mem.
6 in Support of Mot. for Preliminary Injunction, ECF 2-1, at 1-2. More specifically, the United States
7 alleges that eight specific provisions in these three state laws, Sections 7285.1, 7285.2,
8 7284.6(a)(1)(C) & (D), 7284.6(a)(4), and 12532 of the California Government Code and Sections
9 90.2 and 1019.2 of the California Labor Code, violate the Supremacy Clause of the U.S.
10 Constitution, art. VI, cl. 2, because each provision "stands as an obstacle to the accomplishment
11 and execution of the full purposes and objectives of Congress," *Valle del Sol Inc. v. Whiting*, 732
12 F.3d 1006, 1023 (9th Cir. 2013) (quoting *Arizona v. United States*, 567 U.S. 387, 399 (2012)),
13 because they "regulate the United States directly" or "discriminate against the Federal
14 Government or those with whom it deals." *Boeing Co. v. Movassaghi*, 768 F.3d 832, 839 (9th Cir.
15 2014) (quoting *North Dakota v. United States*, 495 U.S. 423, 435 (1990) (plurality op.) (brackets
16 omitted)). See ECF 1 ¶¶ 1-65; ECF 2-1 at 1-4.

17 The complaint in *Brosnan* challenges one of those three statutes, AB 450, seeking a
18 declaration that AB 450 is invalid as applied to him and his business under the Supremacy Clause.
19 *Brosnan*, 18-cv-322, Complaint, ECF 1 at 11. More specifically, plaintiff in *Brosnan* alleges that
20 he cannot comply with both AB 450, which penalizes consensual cooperation with federal
21 immigration officers, and federal law, which he states criminalizes failure to convey knowledge
22 of ongoing criminality, like unlawful employment of aliens, to the federal government. See *id.* ¶¶
23 19-48, 49-61. Plaintiff alleges that this conflict of laws is preempted under the Supremacy Clause.
24
25
26
27
28

1 *See id.* ¶¶ 49-61.

2 Because both the United States and plaintiff in *Brosnan* challenge AB 450 under the
3 Supremacy Clause, the United States believes it is obligated by local rule to call this matter to the
4 Court’s attention *See* E.D. Cal. L. R. 123(b) (“Counsel who has reason to believe that an action on
5 file or about to be filed may be related to another action on file (whether or not dismissed or
6 otherwise terminated) shall promptly file in each action and serve on all parties in each action a
7 Notice of Related Cases.”).

9 Accordingly, the United States, pursuant to its obligation under the Local Rule 123, hereby
10 informs the Court of the pending litigation in *Brosnan v. Becerra, et al.*, No. 2:18-cv-00322-MCE-
11 AC (E.D. Cal.) challenging AB 450 on constitutional grounds.

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 DATED: March 8, 2018

CHAD A. READLER
Acting Assistant Attorney General

2 MCGREGOR SCOTT
3 United States Attorney

4 AUGUST FLENTJE
5 Special Counsel

6 WILLIAM C. PEACHEY
7 Director

8 /s/ Erez Reuveni
9 EREZ REUVENI
Assistant Director
10 U.S. Department of Justice, Civil Division
Office of Immigration Litigation
11 P.O. Box 868, Ben Franklin Station
Washington, DC 20044
12 Telephone: (202) 307-4293
13 Fax: (202) 616-8202
14 E-mail: Erez.R.Reuveni@usdoj.gov

15 DAVID SHELEDY
Civil Chief, Assistant United States
16 Attorney

17 LAUREN C. BINGHAM
18 JOSEPH A. DARROW
19 JOSHUA S. PRESS
Trial Attorneys

20 *Attorneys for Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2018, I electronically transmitted the attached document to the Clerk’s Office using the U.S. District Court for the Eastern District of California’s Electronic Document Filing System (ECF) and will include this motion with the summons and Complaint to be served on Defendants in this case.

/s/ Erez Reuveni
EREZ REUVENI
Assistant Director

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28