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19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

21 WELLS FARGO BANK, NATIONAL
 ASSOCIATION, as Trustee, *et al.*,
 22
 23 Plaintiffs,
 24 v.
 25 CITY OF RICHMOND, CALIFORNIA, a
 municipality, and MORTGAGE
 26 RESOLUTION PARTNERS LLC,
 27 Defendants.

Case No. CV-13-3663-CRB

**DEFENDANTS' OPPOSITION TO
 MOTIONS FOR LEAVE TO PARTICIPATE
 AS AMICI CURIAE IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 PRELIMINARY INJUNCTION**

Date: September 13, 2013
 Time: 10:00 a.m.
 Judge: Honorable Charles R. Breyer
 Courtroom 6, 17th Floor

1 Defendants oppose the belated requests by multiple groups of financial industry
2 organizations in which Plaintiffs are members to file briefs *amici curiae* in support of the
3 preliminary injunction motion. The general practice of undersigned counsel is not to object to such
4 requests, but the situation here is different because (1) briefing on the preliminary injunction
5 motion has concluded and it would be prejudicial for Defendants to have to respond to three late
6 briefs in a short time, and (2) there is no need for more briefs representing Plaintiffs' perspective.

7 First, briefing on Plaintiffs' preliminary injunction was completed with the filing of
8 Plaintiffs' Reply on August 29, 2013. Doc. 45. It does not make sense to start a new round of
9 briefing at this point. Had *amici* made their request in a timely manner, the issue would be very
10 different. Plaintiffs filed their motion for a preliminary injunction *three weeks* before the proposed
11 *amici* sought leave to participate. There is no explanation for the delay. This is not a case like
12 *Perry v. Schwarzenegger*, on which the proposed *amici* rely, where, at the time the Court granted
13 the filing of *amicus* briefs, the parties had already had time to respond to them and did not object to
14 their filing. Case No. 09-cv-2292 (N.D. Cal.), Doc. 630. Here, the parties are on a tight
15 preliminary injunction timetable and having to respond to three *amicus* briefs in very little time
16 would be burdensome and unfair. Defendants already have a reply memorandum due on their
17 motion to dismiss the entire case for lack of subject matter jurisdiction, which presents the
18 threshold issue before the Court.

19 Second, two separate requests to file *amicus* briefs are already before the Court and a third
20 is on its way. Doc. 44 at 1; Doc. 50 at 2. The various groups all represent the financial industry,
21 but nevertheless seek to file three separate *amicus* briefs on top of the over-long opening and reply
22 briefs filed by Plaintiffs, who are also part of the financial industry. There is no need for
23 duplicative briefing that represents the same hysterical perspective of the financial industry – that
24 the City of Richmond's attempt to solve the devastation wrought by the housing crisis (and
25 exacerbated by some in the financial industry) would end the world as we know it. Plaintiffs have
26 already presented this view, which is incorrect, and there is no need for further explication.

27 Accordingly, the Court should deny the motions for leave to participate as *amici curiae*.

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Dated: August 30, 2013

Respectfully submitted,

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