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JAMES M. BURNHAM
Deputy Assistant Attorney General
JOHN R. GRIFFITHS
Director, Federal Programs Branch
ANTHONY J. COPPOLINO
Deputy Director, Federal Programs Branch
ANDREW I. WARDEN (IN #23840-49)
Senior Trial Counsel
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, D.C. 20530
Tel.: (202) 616-5084
Fax: (202) 616-8470

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

SIERRA CLUB, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

No. 4:19-cv-00872-HSG
No. 4:19-cv-00892-HSG

**STIPULATED REQUEST FOR
SUPPLEMENTAL BRIEFING
SCHEDULE FOR EL CENTRO
AND TUCSON BORDER
BARRIER PROJECTS**

1 Pursuant to Local Rule 6-2 and 7-12, Plaintiffs and Defendants in the above-captioned
2 cases stipulate and agree as follows:

3 1. On May 9, 2019, the Acting Secretary of Defense authorized the funding of four
4 border barrier projects requested by the Department of Homeland Security using 10 U.S.C.
5 § 284. One project is located in California (El Centro Project 1), and three projects are located
6 in Arizona (Tucson Sector Projects 1, 2, and 3). At the time of this decision, the Parties had
7 fully briefed Plaintiffs' pending motions for preliminary injunction, thus the Parties did not have
8 an opportunity to submit argument and evidence concerning these four specific projects.
9 Plaintiffs' position is that construction and funding for these four projects should be enjoined.
10 Defendants oppose Plaintiffs' requested injunction.

11 2. At the preliminary injunction hearing conducted on May 17, 2019, Defendants'
12 counsel stated that no construction would occur for at least 45 days, allowing time for the
13 Parties to provide supplemental briefing and for the Court to issue an order regarding these new
14 projects before construction begins. The Court ordered the Parties to present a stipulation
15 setting forth a schedule for this briefing.

16 3. In accordance with the Court's Order, the Parties have conferred and agreed on
17 the following schedule to submit streamlined supplemental briefs regarding a new motion to
18 enjoin the El Centro and Tucson projects, if necessary after the Court reaches a decision on the
19 Plaintiffs' pending motions for preliminary injunction.

20 4. If further motion practice is necessary regarding the El Centro and Tucson
21 projects, the Parties propose the following briefing schedule:

- 22 • May 29: Plaintiffs' motions, supplemental briefs, and supporting evidence;
- 23 • June 10: Defendants' supplemental briefs and supporting evidence.
- 24 • June 13: Plaintiffs' reply briefs, if any.

25 5. Approving this stipulation would not impact any other deadlines in this case.

26 6. Pursuant to Local Rule 6-2(a), undersigned counsel for Defendants has submitted
27 a declaration in support of this stipulation.

28 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the

1 Parties, subject to the Court's approval, that:

2 (1) Plaintiffs may file on or before May 29, 2019, their motions, supplemental briefs and
3 supporting evidence in support of their request to enjoin the El Centro and Tucson projects.
4 Defendants may file on or before June 10, 2019, their supplemental briefs and supporting
5 evidence in opposition. Plaintiffs may file their reply briefs on or before June 13, 2019.

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8 A proposed order is attached.

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11 DATE: May 22, 2019

Respectfully submitted,

12 JAMES M. BURNHAM
13 Deputy Assistant Attorney General

14 JOHN R. GRIFFITHS
15 Director, Federal Programs Branch

16 ANTHONY J. COPPOLINO
17 Deputy Director, Federal Programs Branch

18 /s/ Andrew I. Warden
19 ANDREW I. WARDEN (IN #23840-49)
20 Senior Trial Counsel
21 U.S. Department of Justice
22 Civil Division, Federal Programs Branch
23 1100 L Street, NW
24 Washington, D.C. 20530
25 Tel.: (202) 616-5084
26 Fax: (202) 616-8470

Attorneys for Defendants

27 /s/ Dror Ladin
28 Dror Ladin
Noor Zafar
Jonathan Hafetz
Hina Shamsi
Omar C. Jadwat
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor

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New York, NY 10004
Tel.: (212) 549-2660
Fax: (212) 549-2564
dladin@aclu.org
nzafar@aclu.org
jhafetz@aclu.org
hshamsi@aclu.org
ojadwat@aclu.org

Attorneys for Plaintiffs in 4:19-cv-892-HSG

XAVIER BECERRA
Attorney General of California
ROBERT W. BYRNE
SALLY MAGNANI
MICHAEL L. NEWMAN
Senior Assistant Attorneys General
MICHAEL P. CAYABAN
CHRISTINE CHUANG
EDWARD H. OCHOA
Supervising Deputy Attorneys General
HEATHER C. LESLIE
JANELLE M. SMITH
JAMES F. ZAHRADKA II

/s/ Lee I. Sherman

LEE I. SHERMAN
Deputy Attorneys General
300 S. Spring St., Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6404
Fax: (213) 897-7605
E-mail: Lee.Sherman@doj.ca.gov

Attorneys for Plaintiff State of California
4:19-cv-872-HSG

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DECLARATION

I declare, under penalty of perjury, that the factual assertions contained in this stipulation are true and correct to the best of my knowledge.

/s/ Andrew I. Warden
ANDREW I. WARDEN (IN Bar No. 23840-49)