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12
 13 IN THE UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 15 OAKLAND DIVISION
 16

17 **STATE OF CALIFORNIA; STATE OF**
 18 **COLORADO; STATE OF**
 19 **CONNECTICUT; STATE OF**
 20 **DELAWARE; STATE OF HAWAII;**
 21 **STATE OF ILLINOIS; STATE OF**
 22 **MAINE; STATE OF MARYLAND;**
 23 **COMMONWEALTH OF**
 24 **MASSACHUSETTS; ATTORNEY**
 25 **GENERAL DANA NESSEL ON BEHALF**
 26 **OF THE PEOPLE OF MICHIGAN;**
 27 **STATE OF MINNESOTA; STATE OF**
 28 **NEVADA; STATE OF NEW JERSEY;**
STATE OF NEW MEXICO; STATE OF
NEW YORK; STATE OF OREGON;
STATE OF RHODE ISLAND; STATE OF
VERMONT; COMMONWEALTH OF
VIRGINIA; and STATE OF WISCONSIN

Plaintiffs,

v.

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

**ADMINISTRATIVE MOTION TO
 EXCEED APPLICABLE PAGE LIMITS
 FOR PLAINTIFFS' MOTION FOR
 PRELIMINARY INJUNCTION**

Judge: Honorable Haywood S. Gilliam,
 Jr.
 Trial Date: None Set
 Action Filed: February 18, 2019

1 **DONALD J. TRUMP**, in his official capacity
2 as President of the United States of America;
3 **UNITED STATES OF AMERICA; U.S.**
4 **DEPARTMENT OF DEFENSE; PATRICK**
5 **M. SHANAHAN**, in his official capacity as
6 Acting Secretary of Defense; **MARK T.**
7 **ESPER**, in his official capacity as Secretary of
8 the Army; **RICHARD V. SPENCER**, in his
9 official capacity as Secretary of the Navy;
10 **HEATHER WILSON**, in her official capacity
11 as Secretary of the Air Force; **U.S.**
12 **DEPARTMENT OF THE TREASURY;**
13 **STEVEN T. MNUCHIN**, in his official
14 capacity as Secretary of the Treasury; **U.S.**
15 **DEPARTMENT OF THE INTERIOR;**
16 **DAVID BERNHARDT**, in his official capacity
17 as Acting Secretary of the Interior; **U.S.**
18 **DEPARTMENT OF HOMELAND**
19 **SECURITY; KIRSTJEN M. NIELSEN**, in
20 her official capacity as Secretary of Homeland
21 Security;

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Defendants.

1 **NOTICE OF MOTION AND MOTION FOR ADMINISTRATIVE RELIEF**

2 PLEASE TAKE NOTICE that Plaintiff States hereby move under N.D. Cal. Civil Local
3 Rule 7-11 for an order authorizing Plaintiff States to file an oversize brief in excess of the page
4 limit in support of a Motion for Preliminary Injunction (PI Motion) that is attached to this
5 Administrative Motion. To address the numerous legal issues involved in the PI Motion and
6 include sufficient evidence of harm for the numerous Plaintiff States that are seeking relief,
7 Plaintiff States request an additional 10 pages—or 35 pages total—for their PI Motion. The
8 applicable rule (N.D. Cal. Civil Local Rule 7-2) would limit the PI Motion to 25 pages.

9 **DISCUSSION**

10 Good cause exists to grant this Administrative Motion. In the PI Motion, Plaintiff States
11 are seeking to prevent Defendants from diverting federal funds and resources toward construction
12 of a border wall for the pendency of this litigation. Plaintiff States are asserting a likelihood of
13 success on numerous statutory and constitutional claims to contest Defendants’ unlawful
14 redirection of funds and resources appropriated for other purposes towards border wall
15 construction, and to challenge Defendants’ plan to proceed with border wall construction without
16 complying with the National Environmental Policy Act.

17 Plaintiff States request additional pages so they can provide necessary details regarding
18 Defendants’ actions and sufficient analysis of the underlying statutes and constitutional principles
19 relevant to Plaintiff States’ claims. Declaration of Lee I. Sherman ¶ 4. Plaintiff States also
20 request additional pages for their PI Motion to outline the evidence of irreparable harm that
21 supports that Motion. There are twenty states moving for relief and while Plaintiff States are
22 endeavoring to be concise in their briefing, additional pages are required given the variety of
23 claims raised and number of Plaintiff States involved in the PI Motion. *Id.* ¶ 5.

24 Plaintiff States were not able to meet and confer with Defendants concerning this request
25 for additional pages because counsel for Defendants have not yet appeared in this litigation or
26 submitted notices of appearance. *Id.* ¶ 6. Therefore, Plaintiff States were not able to obtain a
27 stipulation from Defendants concerning the relief sought in this Motion. *Id.* If this
28 Administrative Motion is granted, Plaintiff States would not oppose a request from Defendants

1 (collectively) seeking leave to file excess pages in response to Plaintiffs' PI Motion, where
2 Defendants' response also would be limited to 35 pages total. *Id.* ¶ 7.

3 For the reasons set forth above, Plaintiff States respectfully requests that the Court GRANT
4 their Administrative Motion for leave to exceed the applicable limits for its PI Motion, and deem
5 FILED the Plaintiff States' PI Motion that is attached to this Administrative Motion.

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8 Dated: April 4, 2019

Respectfully submitted,

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/s/ Lee I. Sherman

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