

1 XAVIER BECERRA
Attorney General of California
2 ROBERT W. BYRNE
SALLY MAGNANI
3 MICHAEL L. NEWMAN
Senior Assistant Attorneys General
4 MICHAEL P. CAYABAN
CHRISTINE CHUANG
5 EDWARD H. OCHOA
Supervising Deputy Attorneys General
6 HEATHER C. LESLIE
JANELLE M. SMITH
7 JAMES F. ZAHRADKA II
LEE I. SHERMAN (SBN 272271)
8 Deputy Attorneys General
300 S. Spring St., Suite 1702
9 Los Angeles, CA 90013
Telephone: (213) 269-6404
10 Fax: (213) 897-7605
E-mail: Lee.Sherman@doj.ca.gov
11 *Attorneys for Plaintiff State of California*

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

**DECLARATION OF LEE I. SHERMAN
IN SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO
EXCEED APPLICABLE PAGE LIMITS
FOR PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

DONALD J. TRUMP, in his official capacity
as President of the United States of America;
UNITED STATES OF AMERICA; U.S.
DEPARTMENT OF DEFENSE; PATRICK
M. SHANAHAN, in his official capacity as
Acting Secretary of Defense; **MARK T.**
ESPER, in his official capacity as Secretary of
the Army; **RICHARD V. SPENCER**, in his
official capacity as Secretary of the Navy;
HEATHER WILSON, in her official capacity
as Secretary of the Air Force; **U.S.**
DEPARTMENT OF THE TREASURY;
STEVEN T. MNUCHIN, in his official
capacity as Secretary of the Treasury; **U.S.**
DEPARTMENT OF THE INTERIOR;
DAVID BERNHARDT, in his official capacity
as Acting Secretary of the Interior; **U.S.**
DEPARTMENT OF HOMELAND
SECURITY; KIRSTJEN M. NIELSEN, in
her official capacity as Secretary of Homeland
Security;

Defendants.

1 I, Lee I. Sherman, declare as follows:

2 1. I have personal knowledge of the facts set forth in this declaration. If called as a
3 witness, I could and would testify competently to the matters set forth below.

4 2. I am a Deputy Attorney General with the California Department of Justice, and am
5 counsel of record for Plaintiff the State of California in this matter.

6 3. On April 4, 2019, I filed an Administrative Motion to Exceed Applicable Page
7 Limits for Plaintiffs' Motion for Preliminary Injunction. Attached to that Administrative Motion
8 is a Motion for Preliminary Injunction (PI Motion) filed by Plaintiff States seeking to prevent
9 Defendants from diverting federal funds and resources toward the construction of a border wall
10 for the pendency of this litigation.

11 4. In the PI Motion, Plaintiff States are asserting a likelihood of success on numerous
12 statutory and constitutional claims to contest Defendants' unlawful redirection of funds and
13 resources appropriated for other purposes towards construction of a border wall, and to challenge
14 Defendants' plan to proceed with border wall construction without complying with the National
15 Environmental Policy Act. Plaintiff States request additional pages so they can provide necessary
16 details regarding Defendants' actions and sufficient analysis of the underlying statutes and
17 constitutional principles relevant to Plaintiff States' claims.

18 5. Plaintiff States also request additional pages for their PI Motion to outline the
19 evidence of irreparable harm that supports the PI Motion. There are twenty states moving for
20 relief and while Plaintiff States have endeavored to be concise in their briefing, additional pages
21 are required given the variety of claims raised and number of Plaintiff States involved in the PI
22 Motion.

23 6. Plaintiff States were not able to meet and confer with Defendants concerning this
24 request for additional pages because counsel for Defendants have not yet appeared in this
25 litigation or submitted notices of appearance. Therefore, Plaintiff States were not able to obtain a
26 stipulation from Defendants concerning the relief sought in this Motion.

27 7. If this Administrative Motion is granted, Plaintiff States would not oppose a
28 request from Defendants (collectively) seeking leave to file excess pages in response to Plaintiffs'

1 PI Motion, where Defendants' response would also be limited to 35 pages total.

2 I declare under penalty of perjury under the laws of the United States that the foregoing is
3 true and correct.

4 Executed on April 4, 2019, at Los Angeles, California.

5
6 

7 Lee I. Sherman
8 Deputy Attorney General
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28