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16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 AMERICAN FEDERATION OF LABOR AND)
 CONGRESS OF INDUSTRIAL ORGANIZATIONS;)
 19 SAN FRANCISCO LABOR COUNCIL; SAN)
 FRANCISCO BUILDING AND CONSTRUCTION)
 20 TRADES COUNCIL; and CENTRAL LABOR)
 COUNCIL OF ALAMEDA COUNTY,)

21 Plaintiffs,)

22 v.)

23 MICHAEL CHERTOFF, Secretary of Homeland Security;)
 24 DEPARTMENT OF HOMELAND SECURITY;)
 JULIE MYERS, Assistant Secretary of Homeland)
 25 Security; U.S. IMMIGRATION AND CUSTOMS)
 ENFORCEMENT; MICHAEL ASTRUE, Commissioner)
 26 of Social Security; and SOCIAL SECURITY)
 ADMINISTRATION,)

27 Defendants.)
28

Case No. C07-4472 CRB

**DECLARATION OF SCOTT
 KRONLAND IN SUPPORT OF
 PLAINTIFFS' MOTION TO
 EXCEED PAGE LIMITATIONS
 FOR MEMORANDUM IN
 SUPPORT OF MOTION FOR A
 PRELIMINARY INJUNCTION**

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and Central Labor Council of Alameda County

1 Scott A. Kronland declares as follows:

2 1. I am a member of the bar of this Court and counsel for Plaintiffs in this action.

3 2. Pursuant to the briefing schedule set by the Court in the Temporary Restraining
4 Order issued on August 31, 2007, Plaintiffs are filing a motion for a preliminary injunction. The
5 memorandum of points and authorities in support of Plaintiffs' motion for a preliminary injunction
6 exceeds the 25-page limit contained in Local Rule 7-2(b) and the 15-page limit contained in the
7 Court's Standing Order. The memorandum is approximately 35 pages, excluding the index, tables
8 and summary of argument.

9 3. Plaintiffs believe that a memorandum of this length is necessary to provide this Court
10 with the full background to the case and to adequately address all of the legal issues that will be
11 before this Court at the preliminary injunction hearing on October 1, 2007.

12 4. This action challenges a Department of Homeland Security ("DHS") Final Rule as
13 contrary to the governing statute and arbitrary and capricious, and the plan to implement that
14 regulation as in excess of the statutory authority of DHS and the Social Security Administration
15 ("SSA"). Plaintiffs request a preliminary injunction to prevent the Final Rule from becoming
16 effective and to enjoin the DHS/SSA plan to implement the Final Rule. The challenged DHS rule
17 would affect hundreds of thousands of employers and millions of employees throughout the country.
18 The reasons why the Defendants' actions are unlawful turn on a discussion of both the immigration
19 laws and the tax laws, why Congress did not intend the SSA's Earnings Suspense File to be used for
20 immigration-enforcement purposes, why the new DHS regulation is premised on an interpretation of
21 the word "knowing" that is not what Congress meant by the term in the immigration laws, and the
22 agency's arbitrary and capricious decision-making. Explaining why a preliminary injunction is
23 necessary also requires a discussion of the Social Security program and the issuance of so-called
24 "no-match" letters and why the balance of equities strongly favors maintaining the status quo.

25 5. Plaintiffs attempted to obtain a stipulation from Defendants to allow the filing of the
26 oversize memorandum of points and authorities but were unable to do so. On September 11, 2007, I
27 spoke with Daniel Bensing, attorney for government defendants about such a stipulation. Mr.
28 Bensing stated that he was not authorized to agree that Plaintiffs could have more than 25 pages for

