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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RITA ACOSTA, et al.,  
Plaintiffs,  
v.  
CITY OF SALINAS,  
Defendant.

Case No. 15-CV-05415-LHK

**ORDER GRANTING MOTION FOR  
LEAVE TO FILE SUPPLEMENTARY  
MATERIAL AND DIRECTING  
DEFENDANT TO FILE RESPONSE AS  
TO WHETHER MOTION FOR  
PRELIMINARY INJUNCTION IS  
MOOT**

Re: Dkt. No. 31

On February 11, 2016, Defendant filed an *ex parte* motion for leave to file supplementary material. ECF No. 31. In this motion, Defendant requested leave to file several exhibits, which included a copy of Salinas City Ordinance No. 2567 and Salinas City Resolution No. 20908. According to Defendant, Salinas City Ordinance No. 2567 and Salinas City Resolution No. 20908, which were both adopted and approved on February 9, 2016, rendered moot Plaintiffs' motion for a preliminary injunction in the instant case. *Id.*

Because Defendant's motion did not comply with Civil Local Rule 7-10, which governs the filing of *ex parte* motions, the Court construed Defendant's motion as a motion for administrative relief under Civil Local Rule 7-11. Pursuant to Civil Local Rule 7-11, the Court

1 ordered Plaintiffs to file a response to Defendant’s motion by February 16, 2016. ECF No. 33.

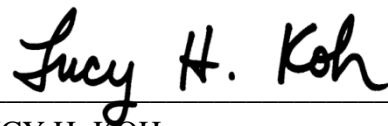
2 On February 11, 2016, Plaintiffs filed a response to Defendant’s motion stating that  
3 “Plaintiffs have no objection to [Defendant’s] filing the legislative enactments it seeks to file.”  
4 ECF No. 32 at 2. Plaintiffs also stated that Plaintiffs would “file a document with the Court  
5 indicating their position regarding how to move forward in light of [Defendant’s] recent legislative  
6 enactments” by February 16, 2016. *Id.*

7 On February 16, 2016, Plaintiffs’ counsel informed the Clerk of the Court that counsel was  
8 having difficulties filing documents electronically. Accordingly, on February 17, 2016, Plaintiffs’  
9 counsel sent a copy of Plaintiffs’ response via email to the undersigned Judge’s courtroom deputy  
10 and to Defendant.<sup>1</sup> Plaintiffs’ February 17, 2016 response contends that Salinas City Ordinance  
11 No. 2567 and Salinas City Resolution No. 20908 do not render moot Plaintiffs’ motion for a  
12 preliminary injunction.

13 In light of Plaintiffs’ February 11 and February 17, 2016 responses, the Court hereby  
14 GRANTS Defendant’s motion for leave to file supplementary material. In addition, the Court  
15 ORDERS Defendant to respond to Plaintiffs’ argument that the recent legislative enactments do  
16 not render moot Plaintiffs’ motion for a preliminary injunction. Defendant must respond by  
17 February 22, 2016, and Defendant’s response is not to exceed five pages in length.

18  
19 **IT IS SO ORDERED.**

20  
21 Dated: February 17, 2016



22  
23 LUCY H. KOH  
United States District Judge

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25 \_\_\_\_\_  
26 <sup>1</sup> Plaintiffs’ February 17, 2016 response also included a declaration stating that Plaintiffs’ co-  
27 counsel from Munger, Tolles & Olson LLP and Public Counsel Law Center had withdrawn from  
the case. However, no motion to withdraw has been filed. If co-counsel intends to withdraw from  
the instant case, co-counsel must file a motion to withdraw.