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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COUNTY OF SANTA CLARA,

Plaintiff,

v.

DONALD J. TRUMP, President of the United
States of America, JOHN F. KELLY, in his
official capacity as Secretary of the United States
Department of Homeland Security, JEFFERSON
B. SESSIONS, in his official capacity as
Attorney General of the United States, JOHN
MICHAEL "MICK" MULVANEY, in his
official capacity as Director of the Office of
Management and Budget, and DOES 1-50,

Defendants.

CASE NO.: 17-cv-00574

**NOTICE OF MOTION AND MOTION
FOR PERMISSIVE INTERVENTION OF
YOUNG WOMEN'S CHRISTIAN
ASSOCIATION OF SILICON VALLEY;
MEMORANDUM OF POINTS AND
AUTHORITIES**

Date: April 5, 2017
Time: 2:00 p.m.
Dept.: Courtroom 2
Before: Hon. William H. Orrick

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NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that on April 5, 2017, at 2:00 p.m., or as soon thereafter as counsel may be heard, in Courtroom 2 of the United States Courthouse located at 455 Golden Gate Avenue, San Francisco, California 94102, Plaintiff-Intervenor Young Women’s Christian Association of Silicon Valley (“Plaintiff-Intervenor” or the “YWCA Silicon Valley”) will, and hereby does, move pursuant to Federal Rule of Civil Procedure 24(b) for an order permitting it to intervene as a plaintiff in this action and to join in Plaintiff Santa Clara County’s (“Plaintiff” or “Santa Clara”) Motion for Preliminary Injunction (ECF No. 26). Plaintiff-Intervenor so moves on the ground that it is entitled to permissive intervention pursuant to Federal Rule of Civil Procedure 24(b)(1)(B). This motion is supported by the accompanying Memorandum of Points and Authorities, all concurrently filed pleadings and papers (the Complaint in Intervention, the Joinder of Plaintiff-Intervenor YWCA Silicon Valley in County of Santa Clara’s Motion for a Preliminary Injunction, and the Declaration of Anne Marie Pate in Support of YWCA Silicon Valley’s Joinder), any oral argument this Court may allow, and any other matter of which this Court takes notice.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Executive Order 13768, “Enhancing Public Safety in the Interior of the United States” (the “Executive Order”), issued by Defendant President Donald J. Trump on January 25, 2017, constitutes a broad and profoundly unconstitutional assertion of presidential power. With the Executive Order, the President claims for himself and his executive officers the plenary power to strip all federal funding from any state, county, or city they deem a “sanctuary jurisdiction.” But control over spending belongs to Congress, not the executive, and even Congress cannot condition receipt of federal funding on state or local enforcement of a federal regulatory scheme as contemplated by the Executive Order.

This lawsuit (the “Main Action”), brought by Santa Clara County, seeks a declaration that key provisions of the Executive Order are unconstitutional and an injunction against enforcement of those

provisions.¹ In particular, the complaint in the Main Action alleges several reasons why Santa Clara credibly believes that it will be deemed a “sanctuary jurisdiction” by the federal government and will be adversely affected by the threatened withholding of billions of dollars per year in federal funding.

Plaintiff-Intervenor YWCA Silicon Valley shares many of these concerns. As a nonprofit corporation, YWCA Silicon Valley depends on federal funding to deliver critically important services to many of the most vulnerable women in Santa Clara County. Through a 24-hour support line, affordable child care centers, and emergency shelter, among other programs and facilities, YWCA Silicon Valley is deeply engaged in improving the well-being of the local community. Victims of domestic violence, sexual assault, and human trafficking depend on the services provided by YWCA Silicon Valley to escape life-threatening conditions and to achieve independence and safety.

Like Santa Clara, therefore, YWCA Silicon Valley is directly and immediately damaged by the Executive Order. Because YWCA Silicon Valley receives federal funds through Santa Clara County, municipalities within Santa Clara County, and/or the State of California, (1) it is threatened with the denial of previously promised federal funds; (2) it is threatened with the loss of future federal funds; and (3) its ability to plan and budget for the urgent needs of its clients has been thrown into disarray.

In addition to these common interests, YWCA Silicon Valley also claims distinct injuries from Santa Clara, specifically: (4) its clients will be deprived of services and resources that depend on federal funding endangered by the Executive Order; (5) unlike Santa Clara, which may possess the ability to work with the federal government to eliminate or modify any order cutting off federal funding, YWCA Silicon Valley is completely at the mercy of outside actors to receive its federal funding; and (6) depending on the federal government’s interpretation of “sanctuary jurisdiction,” YWCA Silicon Valley could stand to lose additional streams of federal money beyond those received through Santa Clara, namely the grants it receives through the State of California and municipalities such as the city of San Jose.

¹ The Main Action has been related to *City and County of San Francisco v. Trump*, Case No. 5:17-cv-00574, in which the City and County of San Francisco (“San Francisco”) asserts similar but not identical claims. For purposes of this motion, Plaintiff-Intervenor seeks to intervene only in the Santa Clara action.

For these reasons, YWCA Silicon Valley’s intervention will add important dimensions to the Main Action, without unduly complicating or multiplying the issues presented by Santa Clara. Accordingly, YWCA Silicon Valley’s Complaint in Intervention “shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(B). YWCA Silicon Valley should therefore be permitted to intervene in this action and to join in Santa Clara’s preliminary injunction motion.

II. STATEMENT OF FACTS

Plaintiff-Intervenor YWCA Silicon Valley is a nonprofit corporation located in San Jose, California. ¶ 18.² Its mission is to eliminate racism and empower women, and it accomplishes this mission through a variety of programs that assist women, including women who have been victims of sexual assault, domestic violence, and human trafficking. *Id.* For the fiscal year ending June 30, 2017, it has an annual budgeted income of approximately \$ 7.07 million, of which at least \$2.656 million, or 37.5%, consists of federal funds. ¶ 30. These funds are received through multiple distinct channels. Some are received directly from the federal government, but the majority are received as flow-through funding through grants that are originally received by either the State of California, the County of Santa Clara, the City of San Jose, or other cities within Santa Clara County, and then re-granted by these jurisdictions, or administered by them. *Id.* In many instances, these funds are received in the form of reimbursements for funds that YWCA Silicon Valley has spent in compliance with the terms of a grant. ¶ 31.

YWCA Silicon Valley is immediately and severely threatened by the potential disruption of federal funding that is the subject of Santa Clara’s Complaint, namely, the threat that if the County of Santa Clara or other jurisdictions are determined by the Executive Branch to be “sanctuary jurisdictions” and are barred from receiving federal funding, then YWCA Silicon Valley stands to be deprived of a significant portion of its operating budget. ¶ 31. Under the threat of such loss, YWCA Silicon Valley cannot fulfill its mission because it cannot create plans for future service delivery and cannot hire or retain the personnel necessary to deliver such services. ¶ 32. Because of this threat,

² Unless otherwise noted, all “¶” citations refer to Plaintiff-Intervenor’s Complaint in Intervention, filed concurrently herewith.

1 YWCA Silicon Valley plans to institute a hiring freeze for potentially affected programming in the
2 upcoming fiscal year. *Id.*

3 At the same time, YWCA Silicon Valley's claims implicate practical concerns that Santa Clara
4 alone cannot fully present to the Court. *First*, unlike Santa Clara, YWCA Silicon Valley has to be
5 concerned about federal funds that flow from multiple separate jurisdictions: California, Santa Clara,
6 and municipalities such as the city of San Jose. If any one of these flows is cut off because a
7 jurisdiction is designated a "sanctuary jurisdiction," the effect on YWCA Silicon Valley will be severe.
8 ¶¶ 30-40. *Second*, unlike Santa Clara, the funding threat to YWCA Silicon Valley has nothing
9 whatsoever to do with YWCA Silicon Valley's own policies. In effect, YWCA Silicon Valley is
10 threatened, effectively as "collateral damage," with a cutoff of funding resulting from one
11 governmental jurisdiction coercing and threatening another. ¶ 38. *Third*, YWCA Silicon Valley has no
12 ability to control or affect the circumstances or determinations that will result in a cutoff of federal
13 funding. It cannot effectively interact with the Executive Branch officials whose stated disagreement is
14 with policies promulgated by state or local governments.

15 Defendants in the Complaint in Intervention are the same parties named in Santa Clara's
16 Complaint: namely, President Donald J. Trump and officers in the Executive Branch of the federal
17 government responsible for implementing the provisions of the Executive Order. *Compare* ¶¶ 19-22
18 with Santa Clara Complaint ¶¶ 20-24.

19 The legal claims asserted by YWCA Silicon Valley are encompassed by the same causes of
20 action asserted by Santa Clara in the Main Action. Count I of the Complaint in Intervention asserts a
21 claim for breach of the separation-of-powers provisions of Articles I and II of the Constitution.
22 *Compare* Santa Clara Complaint, Count 1. Count II asserts a claim for violation of the spending power
23 vested in Congress under Article I of the Constitution. *Compare* Santa Clara Complaint, Count 4.
24 Count III asserts a claim for violation of the Due Process Clause of the Fifth Amendment. *Compare*
25 Santa Clara Complaint, Count 3.

III. LEGAL STANDARD

Under Federal Rule of Civil Procedure 24(b)(1)(B), the Court may permit intervention by any party who “has a claim or defense that shares with the Main Action a common question of law or fact.” Courts in the Ninth Circuit require three threshold elements in order to grant a motion for permissive intervention: (1) an independent ground for jurisdiction; (2) a timely motion; and (3) a common question of law and fact between the movant’s claim or defense and the Main Action. *See, e.g., Blum v. Merrill Lynch Pierce Fenner & Smith, Inc.*, 712 F.3d 1349, 1353 (9th Cir. 2013) (citing *Beckman Indus. v. Int’l Ins. Co.*, 966 F.2d 470, 473 (9th Cir. 1992)).³

Once these threshold requirements are satisfied, the Court may grant permissive intervention in its discretion. *Id.* “In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b)(3); *accord Blum*, 712 F.3d at 1354. *See also, e.g., ACLU of N. Cal. v. Burwell*, No. 16-cv-03539-LB, 2017 U.S. Dist. LEXIS 17389, at *7-8 (N.D. Cal. Feb. 7, 2017) (granting permissive intervention because the intervening party’s “participation [would have] contribute[d] to the development of the factual and legal landscape” of the case and would not have prejudiced the existing parties’ rights); *Ctr. for Biological Diversity v. United States DOI*, No. 15-cv-00658-JCS, 2015 U.S. Dist. LEXIS 82201, at *13-14 (N.D. Cal. June 24, 2015) (granting permissive intervention after finding that none of the existing parties’ rights would have been prejudiced, as evidenced by neither party objecting to the motion to intervene); *In re Grupo Unidos Por El Canal S.A.*, No. 14-mc-80277-JST (DMR), 2015 U.S. Dist. LEXIS 52358, at *15-17 (N.D. Cal. Apr. 21, 2015) (existing parties would not be prejudiced by permissive intervention because the intervenor would not bring any new claims into the dispute and additional motion practice is “alone insufficient to show undue delay”).

³ In addition, a motion to intervene “must state the grounds for intervention,” and must “be accompanied by a pleading that sets out the claim or defense for which intervention is sought.” Fed. R. Civ. P. 24(c). The court is required to accept as true the non-conclusory allegations made in support of the intervention motion. *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 819-20 (9th Cir. 2001).

IV. THE COURT SHOULD PERMIT YWCA SILICON VALLEY TO INTERVENE IN THIS LITIGATION, PURSUANT TO FED. R. CIV. P. 24(b)(1)(B).

YWCA Silicon Valley seeks to intervene in the infancy of this litigation because its financial stability and continued operation are threatened by enforcement of the Executive Order. YWCA Silicon Valley stands to lose a significant portion of its operating budget, which will deprive its clients—some of the most vulnerable members of the local population—of public services critical to curtailing domestic violence, human trafficking, sexual assault, and homelessness. YWCA Silicon Valley asserts legal claims already presented in the Main Action, and seeks the same relief—namely, a declaration that the Executive Order is unconstitutional and an injunction against its enforcement. For these reasons, intervention presents no jurisdictional concerns and poses no risk of delaying the Main Action or prejudicing the original parties to the case. In addition, YWCA Silicon Valley brings its own unique perspective to this case as a private entity and nongovernmental end-recipient of public funds that is deeply enmeshed in the local community. For all these reasons, the Court should exercise its discretion to permit YWCA Silicon Valley to intervene and participate as a plaintiff in this case.

A. YWCA Silicon Valley Satisfies All of the Requirements for Permissive Intervention.

1. YWCA Silicon Valley has an Independent Ground for Jurisdiction.

With respect to the “independent ground for jurisdiction” requirement, there are no jurisdictional concerns where, as here, an intervenor in a federal question case brings no new claims. *Freedom from Religion Found., Inc. v. Geithner*, 644 F.3d 836, 844 (9th Cir. 2011); accord *Burwell*, 2017 U.S. Dist. LEXIS 17389, at *7-8. In its Complaint in Intervention, YWCA Silicon Valley raises a subset of the federal causes of action asserted by Santa Clara in the Main Action—namely, claims under the separation-of-powers and spending powers provisions of the Constitution and a claim that the Executive Order violates procedural due process rights under the Fifth Amendment. YWCA Silicon Valley does not assert any additional or non-federal claims. Accordingly, the Court may properly exercise jurisdiction over the claims asserted in the Complaint in Intervention.

1 **2. The Motion to Intervene is Timely.**

2 The Ninth Circuit has identified three factors relevant to determining whether a motion is
3 timely: “(1) the stage of the proceeding at which an applicant seeks to intervene; (2) the prejudice to
4 other parties; and (3) the reason for and length of any delay.” *Peruta v. Cty. of San Diego*, 824 F.3d
5 919, 940 (9th Cir. 2016) (en banc) (citation omitted). Moving to intervene “at an early stage of the
6 proceedings,” and when “intervention would not cause disruption or delay in the proceedings,” “are
7 traditional features of a timely motion.” *Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647 F.3d
8 893, 897 (9th Cir. 2011) (citing *Nw. Forest Res. Council v. Glickman*, 82 F.3d 825, 836 (9th Cir.
9 1996)); *see also Nikon Corp. v. ASM Lithography B.V.*, 222 F.R.D. 647, 649 (N.D. Cal. 2004) (motion
10 timely when filed in “a period well before the court has addressed any of the parties’ many anticipated
11 dispositive motions” and where “the real substance of this litigation has not been engaged”).

12 Just weeks into the Main Action, this motion is timely. The Executive Order was issued on
13 January 25, 2017 (¶ 5), Santa Clara filed the complaint in the Main Action on February 3, 2017 (ECF
14 No. 1), and Santa Clara filed its Motion for Preliminary Injunction on February 23, 2017 (ECF No. 26).
15 Santa Clara’s Motion for Preliminary Injunction is currently set for hearing on April 5, 2017 (*id.*); this
16 motion and Plaintiff-Intervenor’s Joinder in Motion for Preliminary Injunction are being filed and
17 served so as to give all parties the 35 days’ notice required by Civ. L.R. 7-2(a). Accordingly,
18 intervention would not delay any proceedings or the determination of any issues of law or fact in the
19 case and it will not prejudice any party. *See, e.g., Burwell*, 2017 U.S. Dist. LEXIS 17389, at *7 (“The
20 motion is timely because it was filed [six months after the original plaintiff filed its complaint,] less
21 than a month after the court’s order on the government’s motion to dismiss and before the government
22 answered the complaint.”); *Pest Comm. v. Miller*, 648 F. Supp. 2d 1202, 1212 (D. Nev. 2009) (“[T]he
23 Motion to Intervene is timely because it was filed during an early stage of the proceedings and because
24 the Proposed Intervenor concurrently filed their Opposition and Countermotion to avoid any delay or
25 prejudice to the other parties.”), *aff’d*, 626 F.3d 1097 (9th Cir. 2010).

1 **3. YWCA Silicon Valley’s Claims Share Common Questions of Law and Fact**
 2 **with the Main Action.**

3 “In order to qualify for permissive intervention, a potential intervenor need only show that it
 4 has a claim or defense that shares with the main action a common question of law or fact.” *Grupo*
 5 *Unidos por el Canal*, 2015 U.S. Dist. LEXIS 52358, at *15 (internal quotation marks omitted) (citing
 6 *United States v. City of Los Angeles*, 288 F.3d 391, 404 (9th Cir. 2002)) (granting permissive
 7 intervention where intervenor’s claims seeking to quash subpoena “indisputably” shared common
 8 questions of law and fact with the underlying subpoena application).

9 The questions of law and fact in the complaint filed by Santa Clara in the Main Action and the
 10 Complaint in Intervention largely overlap. As explained above, YWCA Silicon Valley asserts a subset
 11 of Santa Clara’s claims: both complaints attack the Executive Order on the grounds that (1) it
 12 impermissibly appropriates to the Executive Branch powers that the Constitution reserves solely to
 13 Congress; and (2) it deprives the complaining parties of procedural due process. The Complaint in
 14 Intervention does not advance a single claim that is not addressed in the complaint in the Main Action.

15 The factual issues raised by the two complaints, while not identical, also substantially overlap.
 16 The Executive Order threatens YWCA Silicon Valley, like Santa Clara, with an unwarranted
 17 deprivation of federal funds constituting a substantial portion of their operating budget. *Compare* Santa
 18 Clara Complaint ¶¶ 25-45, *with* Complaint in Intervention, ¶¶ 30. Likewise, both complaints allege that
 19 this threat makes it impossible to budget, to hire, and to deliver needed services that have already been
 20 approved under federal grants. *Compare* Santa Clara Complaint ¶¶ 46-49, *with* Complaint in
 21 Intervention ¶¶ 31-32, 40. The claims asserted by Santa Clara and YWCA Silicon Valley share the
 22 same source: the Executive Order. In addition, because YWCA Silicon Valley receives some of its
 23 federal funding through the state and localities that have policies limiting participation in immigration
 24 enforcement, Santa Clara and YWCA Silicon Valley likewise share the same mechanism of injury—
 25 the likely designation of Santa Clara or other government entities that provide funding to YWCA as
 26 “sanctuary jurisdictions,” and the resulting denial of federal funds. Finally, both Santa Clara and
 27 YWCA Silicon Valley seek the same relief: a declaration on the unconstitutionality of the Executive
 28

Order and an injunction against its implementation and enforcement. The existence of such extensive common factual and legal issues between the two complaints is more than sufficient to satisfy this requirement. *See, e.g., Nikon*, 222 F.R.D. at 651 (common questions of law and fact exist where applicant “seeks precisely the same relief that [defendant] does”).

B. The Court Should Exercise its Discretion to Grant Permissive Intervention.

Where these threshold factors are satisfied, the Court has discretion to grant permissive intervention unless intervention would unduly delay or prejudice the adjudication of the original parties’ rights. Fed. R. Civ. P. 24(b)(3). Intervention by YWCA Silicon Valley does not present any risk of delaying the proceedings or prejudicing either party. Moreover, intervention by YWCA Silicon Valley will contribute distinct perspectives to Santa Clara’s claims, which in turn will assist the Court in its final resolution of this case. All three of these factors favor permissive intervention by YWCA Silicon Valley.

First, there is no reasonable possibility of prejudicial delay in this case. Because the motion to intervene and YWCA Silicon Valley’s Joinder in Santa Clara’s Motion for Preliminary Injunction are set for hearing on the same day as Santa Clara’s Motion for Preliminary Injunction, this motion does not result in any delay and there are no previously decided issues to “re-litigate.” *See, e.g., Grupo Unidos por el Canal*, 2015 U.S. Dist. LEXIS 52358, at *15-16 (no prejudice where intervenor would not have brought any new claims into the dispute); *Citizens for Balanced Use*, 647 F.3d at 897 (no prejudice from grant of intervention sought “less than three months after the complaint was filed and less than two weeks after the [defendant] filed its answer to the complaint”).

Second, intervention is particularly appropriate where the original party may be “unable or unwilling to pursue vigorously all available arguments in support of the [intervenors]’ interest.” *Citizens for Balanced Use*, 647 F.3d at 898-900 (reversing denial of intervention where, despite sharing an ultimate objective, the original defendant might not adequately represent the applicant’s interests). This factor is satisfied where, as here, YWCA Silicon Valley and Santa Clara “do not have coextensive interests and serve different, if overlapping, constituencies.” *PG&E v. Lynch*, 216 F. Supp. 2d 1016, 1025 (N.D. Cal. 2002); *see also Californians for Safe & Competitive Dump Truck Transp. v.*

1 *Mendonca*, 152 F.3d 1184, 1190 (9th Cir. 1998) (affirming intervention by a labor union seeking to
2 defend application of wage law where original defendant may not have adequately represented the
3 union’s interests); *Berg*, 268 F.3d at 823 (“Just as the City could not successfully negotiate the Plans
4 without some private sector participation from Applicants, so too the City in this case cannot be
5 expected successfully to safeguard Applicants’ legally protectable interests.”).

6 While the Complaint in Intervention shares with the Main Action several of the same legal
7 causes of action and many of the same factual underpinnings (in addition to seeking the same relief), as
8 explained above, YWCA Silicon Valley is differently situated from the County of Santa Clara in
9 several material ways. First, it is exposed to damage from threats to three separate streams of federal
10 funding, namely “flow through” grants of federal dollars by the State of California and the City of San
11 Jose in addition to funds provided by Santa Clara. Even if Santa Clara’s claims were somehow
12 resolved, the threat to YWCA Silicon Valley would remain. Second, YWCA Silicon Valley is
13 effectively “collateral damage,” harmed by one government’s attempt to threaten and coerce another
14 government, completely unrelated to any policy or pronouncement that YWCA Silicon Valley has
15 made. Third, unlike Santa Clara and the other governmental jurisdictions, YWCA Silicon Valley has
16 no ability to take action or enter into discussions with the federal government in order to modify or
17 avoid an impending “sanctuary” designation. Under these circumstances, YWCA Silicon Valley’s
18 participation in the Main Action is vital. Intervention should be permitted to enable YWCA Silicon
19 Valley to protect its distinct interests in challenging the Executive Order.

20 *Third*, intervention is appropriate where the proposed intervenor “would likely offer important
21 elements to the proceedings that the existing parties would likely neglect.” *Berg*, 268 F.3d at 822; *see*
22 *also Burwell*, 2017 U.S. Dist. LEXIS 17389, at *7-8 (granting motion of United States Conference of
23 Catholic Bishop’s motion to intervene in Establishment Clause challenge where intervention “will
24 contribute to the development of the factual and legal landscape”). Given its close ties to some of the
25 most vulnerable members of Silicon Valley community, YWCA Silicon Valley stands in a position to
26 offer important perspectives for the Court’s consideration. This is particularly so with respect to the
27 pending motion for preliminary injunctive relief. YWCA Silicon Valley and its clients face different
28

1 risks of irreparable harm and hardship than those Santa Clara has established if the Executive Order is
 2 enforced. YWCA Silicon Valley also offers additional compelling equitable considerations directly
 3 relevant to the public's interest in issuance of injunctive relief.

4 Ultimately, under the Executive Order, YWCA Silicon Valley is threatened with the loss of
 5 federal funding for critical services, including assistance for victims of rape and domestic violence, for
 6 no other reason than that the President disagrees with unrelated policy pronouncements of other
 7 governmental jurisdictions. YWCA Silicon Valley has an independent right to assert that the Executive
 8 Order is unconstitutional, and its distinctive voice will assist the Court and the parties in framing the
 9 issues at stake in this litigation.

10 **V. CONCLUSION**

11 Because it meets all of the requirements of Federal Rule of Civil Procedure 24(b)(1)(B), and
 12 because its participation will materially assist the resolution of issues in this case, Plaintiff-Intervenor
 13 YWCA Silicon Valley respectfully requests that the Court grant its motion for permissive intervention.

14 Respectfully submitted,

15 DATED: March 1, 2017

16 AMERICAN CIVIL LIBERTIES UNION
 17 FOUNDATION OF NORTHERN
 18 CALIFORNIA, INC.

19 By: s/ William S. Freeman

20 WILLIAM S. FREEMAN

21 Attorneys for Plaintiff-Intervenor
 22 Young Women's Christian Association
 23 Of Silicon Valley

24 DATED: March 1, 2017

25 WILSON SONSINI GOODRICH & ROSATI,
 26 PROFESSIONAL CORPORATION

27 By: s/ Catherine Moreno

28 CATHERINE MORENO

Attorneys for Plaintiff-Intervenor
 Young Women's Christian Association
 Of Silicon Valley

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COUNTY OF SANTA CLARA,

Plaintiff,

v.

DONALD J. TRUMP, President of the United States of America, JOHN F. KELLY, in his official capacity as Secretary of the United States Department of Homeland Security, JEFFERSON B. SESSIONS, in his official capacity as Attorney General of the United States, JOHN MICHAEL "MICK" MULVANEY, in his official capacity as Director of the Office of Management and Budget, and DOES 1-50,

Defendants.

CASE NO.: 17-cv-00574

**[PROPOSED] ORDER GRANTING
MOTION FOR PERMISSIVE
INTERVENTION OF
YOUNG WOMEN'S CHRISTIAN
ASSOCIATION OF SILICON VALLEY**

Date: April 5, 2017
Time: 2:00 p.m.
Dept.: Courtroom 2
Before: Hon. William H. Orrick

[PROPOSED] ORDER

IT IS HEREBY ORDERED that the Motion of the Young Women's Christian Association of Silicon Valley (YWCA Silicon Valley) to intervene as a plaintiff in this action and to join in Plaintiff Santa Clara County's Motion for Preliminary Injunction (ECF No. 26) is GRANTED. After consideration of the briefs and arguments of counsel and all other matters presented, the Court concludes that Movant has met the standards for permissive intervention under Federal Rule of Civil Procedure Rule 24(b)(1)(B).

IT IS SO ORDERED.

DATED _____, 2017

Hon. William H. Orrick
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
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DONALD J. TRUMP, President of the United
States of America, JOHN F. KELLY, in his
official capacity as Secretary of the United States
Department of Homeland Security, JEFFERSON
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Attorney General of the United States, JOHN
MICHAEL "MICK" MULVANEY, in his
official capacity as Director of the Office of
Management and Budget, and DOES 1-50,

Defendants.

CASE NO.: 17-cv-00574

**COMPLAINT IN INTERVENTION OF
PLAINTIFF YOUNG WOMEN'S
CHRISTIAN ASSOCIATION
OF SILICON VALLEY**

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1 Pursuant to Federal Rule of Civil Procedure 24(b), Plaintiff-Intervenor Young Women's
2 Christian Association of Silicon Valley ("YWCA Silicon Valley"), for its Complaint in Intervention,
3 alleges as follows:

4 1. YWCA Silicon Valley is a nonprofit organization committed to providing a broad array
5 of critically needed services to women in Santa Clara County, including many of the poorest and most
6 vulnerable women in the County. Among its services, YWCA Silicon Valley offers vital support for
7 victims of domestic violence, sexual assault and human trafficking, and provides advocates for victims
8 of sexual assault as they interact with the criminal justice system.

9 2. The provision of these services by YWCA Silicon Valley has received broad bipartisan
10 support for many years. Yet YWCA Silicon Valley is now faced with severe threats to its
11 fundamental core services, and its ability to continue to carry out its mission, as the result of an
12 unconstitutional Executive Order promulgated by the President of the United States. YWCA Silicon
13 Valley brings this action to preserve its ability to continue to serve the women of Santa Clara County.

14 3. As set forth in its Complaint in this action ("Complaint"), Plaintiff Santa Clara County
15 ("Santa Clara") has adopted carefully tailored policies and practices regarding interactions with U.S.
16 Immigration and Customs Enforcement ("ICE") and the separation between County services and the
17 enforcement of federal civil immigration law. Those policies draw clear lines between local criminal
18 law enforcement, as well as other County services, and the enforcement of federal civil immigration
19 law. These policies are designed to promote greater trust between immigrant communities and local
20 authorities, greater willingness of vulnerable members of immigrant communities to report crimes to
21 the police and seek out other city and county services, and a resulting improvement in the safety and
22 well-being of the community.

23 4. But Santa Clara, like other jurisdictions that have adopted similar policies, is now under
24 assault. The President, in violation of the most fundamental structural protections of the Constitution,
25 is attempting to frighten and coerce Santa Clara and other jurisdictions into unwanted participation in
26 federal immigration enforcement.

1 5. On January 25, 2017, President Trump issued Executive Order 13768, entitled
2 “Enhancing Public Safety in the Interior of the United States” (the “Executive Order”). In Section 9 of
3 the Executive Order, President Trump claimed for the Executive Branch unfettered power to declare
4 certain cities, counties, and states to be “sanctuary jurisdictions” and to cut off all federal funding for
5 those jurisdictions.

6 6. The Executive Order represents an unconstitutional assertion of unilateral presidential
7 power. In our constitutional democracy, the President does not have the unilateral power to deny
8 federal funds to those jurisdictions who do not accede to his preferred methods of immigration
9 enforcement. Yet the President has claimed for himself and his subordinates alone the power to deny
10 state, county and municipal governments throughout the country—not to mention the inhabitants of
11 those jurisdictions—the benefit of billions of dollars in federal dollars previously appropriated by
12 Congress, for the improper and unconstitutional purpose of coercing those jurisdictions into becoming
13 enforcement agents of the President’s preferred immigration policies. This threat to terminate all
14 federal funding exerts intolerable pressure on those jurisdictions to bow to the wishes of the Executive
15 Branch and become involuntary partners in federal immigration enforcement.

16 7. The damage caused by the Executive Order is not limited to the governmental
17 jurisdictions that are threatened with a cutoff of federal funds. Like many other nonprofit social
18 service agencies, YWCA Silicon Valley receives a substantial portion of its operating budget in the
19 form of federal funds, much of which come in the form of “flow through” funds originally granted to
20 states, counties, and cities, and then re-granted or administered by those jurisdictions. Other federal
21 funds come to YWCA Silicon Valley under direct contracts with federal agencies as a result of grants
22 awarded by the agency based on recommendations from one of these jurisdictions. A cutoff of federal
23 funds to any of these jurisdictions would devastate YWCA Silicon Valley’s ability to provide services
24 to its clients.

25 8. Plaintiff-Intervenor YWCA Silicon Valley here asserts claims that share common
26 questions of law and fact with the claims set forth in the Complaint filed by Santa Clara in the main
27 action herein. Like Santa Clara, Plaintiff-Intervenor submits that an injunction declaring that this
28

1 attempted exercise of power is unconstitutional is the appropriate means of addressing this
2 unwarranted action. Plaintiff-Intervenor fully supports Santa Clara's claims, and joins in Santa Clara's
3 request for preliminary and permanent injunctive relief.

4 9. Plaintiff-Intervenor, however, also has interests that are distinct from those presented by
5 Santa Clara. It is to protect these interests, and because it believes that presentation of these interests
6 will assist the Court and the parties without creating undue burdens in the management of this
7 litigation, that Plaintiff-Intervenor seeks permissive intervention in this case.

8 **JURISDICTION AND VENUE**

9 10. This Court has federal question jurisdiction under 28 U.S.C. § 1331 because this action
10 arises under the Constitution and laws of the United States. Sovereign immunity against the claims
11 pleaded in this action has been waived pursuant to 5 U.S.C. § 702.

12 11. Venue is proper in this District under 28 U.S.C. § 1391(e) because Defendants are
13 officers and employees of the United States or any agency thereof acting in their official capacities,
14 Plaintiff-Intervenor has its principal place of business in this District, and a substantial part of the
15 events or omissions giving rise to this action are occurring in this District.

16 12. The Court is authorized to award the requested declaratory and injunctive relief pursuant
17 to 28 U.S.C. §§ 2201-2202 and Federal Rule of Civil Procedure 65.

18 13. Plaintiff-Intervenor satisfies the requirements for permissive intervention set forth in
19 Federal Rule of Civil Procedure 24(b)(1)(B) because it has claims that share common questions of law
20 or fact with the main action.

21 14. This Complaint in Intervention will not enlarge the jurisdiction of this Court, since
22 Plaintiff-Intervenor is bringing no new claims in addition to the federal question claims that are
23 already presented in the main action.

24 15. This Complaint in Intervention was timely filed. Plaintiff-Intervenor has proceeded
25 diligently in asserting its interests by means of this Complaint in Intervention. The case is in a
26 preliminary stage; no discovery has taken place and no substantive determinations have yet been made
27 in the main action.

16. Permitting Plaintiff-Intervenor to intervene in this action will not unduly prejudice or burden any existing party. Plaintiff-Intervenor does not seek to delay consideration of the motion for preliminary injunction filed by Santa Clara on February 24, 2017, and currently set for hearing on April 5, 2017. Plaintiff-Intervenor seeks to participate in proceedings on that motion by joinder to present its distinct facts, without presentation of repetitive or significantly distinct legal arguments.

INTRADISTRICT ASSIGNMENT

17. Pursuant to Civil L.R. 3-2(c), this case would normally be appropriately assigned to the San Jose Division of this Court, because the action arises in Santa Clara County. However, by reason of this Court's Related Case Order Court dated February 10, 2017 in Case No. 3:17-cv-00485, *City and County of San Francisco v. Donald J. Trump, et al.* (the "San Francisco Case"), this case has been related to the San Francisco Case, which is currently pending in the San Francisco Division of this Court.

THE PARTIES

18. Plaintiff-Intervenor YWCA Silicon Valley is a nonprofit corporation organized under the California Non-profit Public Benefit Corporation Law, having its principal place of business in San Jose, California. Founded in 1905, it seeks to eliminate racism and empower women through a variety of programs, including assistance for women who have been victims of sexual assault, domestic violence, and human trafficking. Its services include rapid rehousing, training and counseling. In the current fiscal year (ending June 30, 2017), it expects to provide services to at least 18,000 women, children, and teens throughout Santa Clara County. As set forth more fully below, federal funding, much of which is received as flow-through funding through the State of California, Santa Clara County, and/or various cities within Santa Clara County, is critical to its ability to provide these services.

19. Defendant Donald J. Trump is the President of the United States. He is sued in his official capacity.

20. Defendant John F. Kelly is the Secretary of the U.S. Department of Homeland Security. He is sued in his official capacity.

21. Defendant Jefferson Sessions is the Attorney General of the United States. He is sued in his official capacity.

22. Defendant John Michael “Mick” Mulvaney is the Director of the Office of Management and Budget. He is sued in his official capacity.

23. The true names and capacities of Defendants identified as Does 1-50 are unknown to Plaintiff-Intervenor. Plaintiff-Intervenor will amend this Complaint in Intervention to insert the true names and capacities of those fictitiously named defendants when they are ascertained.

FACTUAL ALLEGATIONS

The Executive Order and Certain of its Constitutional Defects

24. As set forth in more detail in the Complaint filed by Santa Clara in the main action, the Executive Order contains numerous provisions that violate the Constitution or are otherwise unlawful for a variety of reasons. This Complaint in Intervention focuses solely on the manner in which certain of those provisions threaten direct harm to Plaintiff-Intervenor YWCA Silicon Valley.

25. Section 9 of the Executive Order purports to empower subordinate executive officers to declare any city, county, or state a “sanctuary jurisdiction,” and to “ensure” that such jurisdictions are “not eligible to receive Federal grants.” That section states that “[t]he Secretary [of Homeland Security] has the authority to designate, in his discretion and to the extent consistent with law, a jurisdiction as a sanctuary jurisdiction.” Whereas one sentence in Section 9 states that “jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive federal grants,” another sentence provides, “The Attorney General shall take appropriate enforcement action against any entity that violates 8 U.S.C. 1373....”¹

26. The Executive Order does not establish or contemplate any notice to a party affected by a denial or termination of funding pursuant to its provisions, and does not establish or contemplate that such a party will be given any opportunity to be heard, much less a meaningful opportunity.

¹ 8 U.S.C. § 1373 is a statute that provides, *inter alia*, that state or local government entities or officials, as well as any “person or agency,” may not “prohibit, or in any way restrict” the sending to, or receiving from, the federal government “information regarding the citizenship or immigration status, lawful or unlawful, of any individual.”

27. Section 9 of the Executive Order is also constitutionally infirm because in it the President purports to exercise and delegate spending powers that are reserved exclusively to Congress under Article I, § 8 of the Constitution. Article II of the Constitution, which describes the powers of the President, does not vest the President with spending power. Although Section 9 vaguely purports to limit the exercise of this power by directing the Attorney General and the Secretary of Homeland Security to exercise it “to the extent consistent with law,” this supposed limitation is meaningless, since the President’s defunding of sanctuary cities is not “consistent with law.”

28. Moreover, the Executive Order would be unconstitutional even if enacted by Congress. Congress could not, by legislation, withhold *all* federal funding to a state or local government in an attempt to coerce or commandeer such a government to enact, pursue, or obey federal policies. The Executive Order unlawfully attempts to coerce or commandeer state and local jurisdictions to become *de facto* agents for the enforcement of the President’s view of federal immigration policy by threatening the withholding or withdrawal of *all* federal funds from any jurisdiction that, in the sole opinion of the President or his subordinates, does not sufficiently comply with federal immigration authorities. The Executive Order likewise violates other limitations on the spending power, including requirements of clear notice and germaneness, which would render this action invalid even if enacted by Congress.

Impact of the Executive Order on YWCA Silicon Valley

29. In pursuit of its mission to eliminate racism and empower women, YWCA Silicon Valley administers a broad array of programs and services that directly impact the lives of its clients, primarily women, including the most vulnerable and impoverished women in Santa Clara County. The work of YWCA Silicon Valley supports many community members, both men and women, in ways that are independent of the immigration enforcement issues that are the focus of the Executive Order. Its many programs include:

- A 24-hour support line, counseling, emergency shelter, and legal services provided to victims of sexual assault, domestic violence, and human trafficking, including serving as the designated rape crisis center for approximately 90% of the residents of Santa Clara County;

- 1 ■ Providing advocates to victims of sexual assault during law enforcement interviews, medical
- 2 exams, and trial proceedings, pursuant to rights granted under California Penal Code
- 3 § 679.04;
- 4 ■ The Early Intervention Prostitution Program, which works with the Santa Clara County
- 5 District Attorney's office to offer a diversion program for first-time offenders of soliciting a
- 6 sex act;
- 7 ■ The YWCA Healing Center Counseling Services, which strives to improve the emotional,
- 8 mental, and behavioral wellness of the community through short and long term counseling
- 9 and support services to clients of all ages including individuals, couples, families and groups;
- 10 ■ TechGYRLS®, an after-school empowerment program that provides girls ages 8-18 with
- 11 opportunities to increase their skills and confidence in the use of technology and engineering;
- 12 and
- 13 ■ Child care centers and after-school programming at schools and affordable housing sites,
- 14 that provide free or affordable quality child care to children ranging in age from 6 weeks to
- 15 12 years.

16 30. For the 2016-2017 fiscal year, which ends on June 30, 2017, YWCA Silicon Valley has

17 a budgeted income of approximately \$7.07 million, not including in-kind contributions. Of this

18 amount, at least \$2.656 million, or 37.5%, consists of federal funds. These funds are received by

19 YWCA Silicon Valley through a variety of distinct channels. While some of these funds constitute

20 direct grants to the organization, most of the funds are received in the form of "flow through" grants

21 that are originally received by either the State of California, the County of Santa Clara, the City of San

22 Jose, or other cities within Santa Clara County, and then re-granted to YWCA Silicon Valley by these

23 jurisdictions, or administered by them.

24 31. The Executive Order threatens the financial stability of YWCA Silicon Valley, and its

25 ability to continue to deliver critical services to its clients, in ways that are similar to the injuries

26 alleged by Santa Clara at ¶¶ 46-49 and ¶¶ 107-117 of its Complaint. Like Santa Clara, YWCA Silicon

27 Valley must create an annual budget and hire staff, pay expenses, and disburse funds pursuant to that

28

1 budget. In many instances, YWCA Silicon Valley receives federal funds in the form of
2 reimbursements for funds that it has already spent in reliance on commitments to pay those
3 reimbursements. The Executive Order creates a clear danger that substantial federal funds already
4 committed to YWCA Silicon Valley would be cut off by reason of an Executive Branch designation of
5 Santa Clara or other jurisdictions as a “sanctuary jurisdiction.”

6 32. That threat also makes it impossible for YWCA Silicon Valley to plan rationally for the
7 provision of services on which so many of its clients, primarily vulnerable women throughout Santa
8 Clara County, rely. YWCA Silicon Valley is currently in the process of preparing its budget for the
9 2017-2018 fiscal year. Without assurance that federal funding will not be terminated for improper
10 reasons, YWCA Silicon Valley cannot create plans for its future service delivery, and cannot hire or
11 retain the personnel necessary to deliver such services. Because of the looming threat of losing federal
12 funds due to the Executive Order, YWCA Silicon Valley plans to institute a hiring freeze for
13 potentially affected programming in the upcoming fiscal year.

14 33. The threat to YWCA Silicon Valley is not limited to the possibility that Santa Clara
15 might be designated a “sanctuary jurisdiction.” YWCA Silicon Valley also receives substantial
16 portions of its budget in federal funds that are “flow through” grants from the State of California.

17 34. President Trump has already directly threatened to “defund” California because he
18 disagrees with the state on immigration policy. In response to a direct question about California,
19 President Trump, in a Fox News television interview aired just prior to the Super Bowl on February 5,
20 2017, said, “Well, I think it’s ridiculous, sanctuary cities, as you know. I’m very much opposed to
21 sanctuary cities. They breed crime, there’s a lot of problems. If we have to, we’ll defund. We give
22 tremendous amounts of money to California. California in many ways is out of control.”

23 35. In light of this and similar statements by the President and the promulgation of the
24 Executive Order, YWCA Silicon Valley has reason to fear that the Executive Branch of the federal
25 government will unilaterally declare California to be a “sanctuary jurisdiction,” declare a halt to all
26 federal funding to California, and thereby stop the flow of federal funds through California to YWCA
27 Silicon Valley.

36. YWCA Silicon Valley also receives substantial federal funds from the City of San Jose. Media reports indicate that “San Jose has long called itself a ‘sanctuary city’ for immigrant residents – and city leaders reaffirmed that stance weeks after Trump won the election.” YWCA Silicon Valley reasonably fears that San Jose could be designated as a “sanctuary city,” which would cut off federal funds to San Jose, and therefore result in the elimination of those funds that flow through San Jose to YWCA Silicon Valley.

37. Thus YWCA Silicon Valley must contend with the possible cutoff of not one but multiple sources of federal funding, each dependent on different sets of circumstances in the different jurisdictions, and different determinations made by the Executive Branch of the federal government.

38. In addition, the nature of YWCA Silicon Valley’s injury is different from Santa Clara’s because YWCA Silicon Valley is faced with deprivation of federal funds not because of anything it has allegedly done or failed to do, but because of the Executive Branch’s attempt to punish or coerce governmental jurisdictions. As a result, human service agencies such as YWCA Silicon Valley are nothing more than “collateral damage” in the President’s quest to unconstitutionally reorder the relationships between federal, state, and local governments. Unlike those other governmental jurisdictions, however, the YWCA is without any prospect of an ability to take steps that would induce the federal government to restore its funding in the event it is cut off.

39. Finally, if the federal government were to agree not to deny federal funds to Santa Clara under Section 9 of the Executive Order, or to restore funds that had previously been denied, a defunding risk would still exist with respect to California and/or municipal jurisdictions. YWCA Silicon Valley would therefore continue to suffer injury in fact due to the actual or threatened cutoff of funding through those other jurisdictions.

40. If it is deprived of up to 37.5% of its operating funds by reason of a funding cutoff by the federal government to Santa Clara, San Jose and/or the State of California, YWCA Silicon Valley and its clients are likely to be damaged in the following ways, among others:

- As many as 1,000 sexual assault victims per year will lose access to the advocates who accompany them to law enforcement interviews, medical examinations and court

appearances;

■ The County of Santa Clara will lose a vital crisis hotline for victims of sexual assault, domestic violence, and human trafficking;

■ Victims of sexual assault, domestic violence and human trafficking will lose access to the only domestic violence shelter facility in northern Santa Clara County specifically designated to serve their needs, as well as access to rapid rehousing opportunities and a Family Violence Center advocate embedded within the San Jose Police Department to provide emergency services;

■ Women, children, and teens will lose the benefit of community education programming; and

■ Vulnerable women, individuals and families will not have access to critical counseling services.

41. YWCA Silicon Valley has therefore suffered an injury in fact by reason of the loss of funds promised under federal law.

42. YWCA Silicon Valley has also suffered further injury by reason of the threatened retroactive confiscation of previously approved funds.

43. These injuries are fairly traceable to the Executive Order, in that, but for the Executive Order, YWCA Silicon Valley would be able to receive federal funds previously promised, and to make budgeting and programming decisions without the threat that federal funding will disappear.

44. This Court can redress YWCA Silicon Valley's injuries by declaring Section 9 of the Executive Order unconstitutional and enjoining its implementation and enforcement.

45. The issues in this case are ripe for judicial decision. The Executive Order is final and further factual development is unnecessary to resolve the legal issues presented by this challenge.

46. Postponing judicial review would impose a significant hardship on YWCA Silicon Valley. Requiring YWCA Silicon Valley to proceed without a judicial determination of whether the Executive Order is valid would impose a palpable and considerable hardship by forcing YWCA Silicon Valley to decide now whether to continue to provide vital services without knowing whether it will continue to receive promised funding.

CLAIMS FOR RELIEF

COUNT 1

Violation of the Separation of Powers, U.S. Constitution, Articles I and II

47. YWCA Silicon Valley incorporates and re-alleges each and every allegation contained above as though fully set forth herein.

48. Article I, § 8 of the Constitution vests the federal government's spending power exclusively in Congress. Article II of the Constitution, which describes the powers of the President, does not vest the President with spending power. The President lacks authority to issue the Executive Order.

49. Accordingly, Defendant Trump's attempt, through Section 9 of the Executive Order, to withdraw, suspend, or prohibit the future payment of funds authorized or appropriated by Congress is unconstitutional.

COUNT II

Violation of the Spending Power, U.S. Constitution, Article I

50. YWCA Silicon Valley incorporates and re-alleges each and every allegation contained above as though fully set forth herein.

51. Defendant Trump's attempted usurpation of the Congressional spending power is made even more outrageous by the fact that President Trump is attempting to exercise spending power that even Congress does not have, thereby seeking to fundamentally reorder the relationships between the state and federal governments under the Constitution.

52. It is well settled that even the Congress could not, by legislation, exercise the spending power in the manner that Defendant Trump purports to exercise such power through the Executive Order, that is, to use the spending or withholding of federal funds in an attempt to coerce or commandeer state and local governments to enact, pursue, or obey policies that the federal government may favor. The Executive Order likewise violates other limitations on the spending power, including requirements of clear notice and germaneness, which would render this action invalid even if enacted by Congress. For this additional reason, Section 9 of the Executive Order is unconstitutional.

COUNT III
Violation of Procedural Due Process, U.S. Constitution, Amendment 5

53. YWCA Silicon Valley incorporates and re-alleges each and every allegation contained above as though fully set forth herein.

54. Under the Fifth Amendment to the Constitution, the federal government may not deprive any person of money or property without due process of law.

55. YWCA Silicon Valley is damaged by this violation because it is threatened with the loss of substantial funding due to decisions made without due process of law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff-Intervenor YWCA Silicon Valley respectfully requests that this Court enter judgment in its favor against all Defendants, and grant the following relief:

1. A declaration that Section 9 of the Executive Order is unconstitutional and invalid on its face;

2. A declaration that Section 9 of the Executive Order is unconstitutional and invalid as applied to Plaintiff-Intervenor;

3. A preliminary and permanent injunction enjoining Defendants from enforcing Section 9 of the Executive Order or taking any other action in furtherance of any withholding or conditioning of federal funds based on the Executive Order;

4. An award to Plaintiff-Intervenor of reasonable costs and attorney's fees; and

5. Such other and further relief that this Court may deem just and proper.

1 DATED: March 1 , 2017

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, INC.

2
3
4 By: s/ William S. Freeman

5 WILLIAM S. FREEMAN

6 Attorneys for Plaintiff-Intervenor
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9 DATED: March 1, 2017

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COUNTY OF SANTA CLARA,

Plaintiff,

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Defendants.

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**JOINDER OF PLAINTIFF-INTERVENOR
YOUNG WOMEN'S CHRISTIAN
ASSOCIATION OF SILICON VALLEY IN
COUNTY OF SANTA CLARA'S MOTION
FOR A PRELIMINARY INJUNCTION**

Date: April 5, 2017
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Pursuant to Federal Rule of Civil Procedure 65, Plaintiff-Intervenor Young Women’s Christian Association of Silicon Valley (“Plaintiff-Intervenor” or “YWCA Silicon Valley”) hereby joins Plaintiff County of Santa Clara’s (“Plaintiff” or “Santa Clara”) (collectively, “Plaintiffs”) motion for a preliminary injunction preventing the enforcement of Section 9 of Executive Order 13768, entitled “Enhancing Public Safety in the Interior of the United States” (the “Executive Order”). By this joinder and through the accompanying Declaration of Ann Marie Pate (“Pate Declaration” or “Pate Decl.”), YWCA Silicon Valley presents facts and argument pertaining to its critical interests in the granting of the requested injunction.

This joinder is based upon the accompanying Memorandum of Points and Authorities, the pleadings and papers contemporaneously filed in support of YWCA Silicon Valley’s Motion for Permissive Intervention, the pleadings and papers filed in support of Santa Clara’s Motion for Preliminary Injunction, the Pate Declaration, any oral argument this Court may allow, and any other matter of which this Court takes notice.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

YWCA Silicon Valley joins in Santa Clara’s motion for preliminary injunction to prevent the enforcement of Section 9 of Executive Order 13768, “Enhancing Public Safety in the Interior of the United States” (the “Executive Order”), issued by Defendant President Donald J. Trump on January 25, 2017. The Executive Order purports to authorize the President and his executive agents with unprecedented, unlimited, and unconstitutional power to deprive “sanctuary jurisdictions” of all federal funding. For the reasons detailed in Santa Clara’s motion, Santa Clara and YWCA Silicon Valley are likely to succeed on the merits of their claims that the Executive Order violates separation of power principles, exceeds the limitations of the spending power, and violates the Fifth Amendment.

In addition, YWCA Silicon Valley and the vulnerable population it serves will suffer immediate and irreparable harm absent an injunction against the enforcement of this unlawful presidential overreach. The Executive Order threatens YWCA Silicon Valley’s financial stability and its ability to continue to deliver critical services to its clients. Not only that, the Executive Order creates a clear

danger that substantial federal funds already committed to YWCA Silicon Valley will be cut off by reason of an executive branch designation of Santa Clara County or other jurisdictions as a “sanctuary jurisdiction.” This looming threat makes it impossible for YWCA Silicon Valley to plan rationally for the provision of services relied on by thousands of vulnerable people throughout Santa Clara County. Given the nature and severity of this likely injury—constitutional violations coupled with the deprivation of social services essential to the health and safety of its clients—the balance of hardships and the public interest favor a preliminary injunction.

II. BACKGROUND

A. YWCA Silicon Valley Provides Critically Important Programs and Social Services.

Plaintiff-Intervenor YWCA Silicon Valley is a nonprofit corporation located in San Jose, California. Founded in 1905, it seeks to eliminate racism and empower women through a variety of programs, including assistance for women who have been victims of sexual assault, domestic violence and human trafficking. Pate Decl. ¶ 3; Complaint in Intervention ¶ 18. YWCA Silicon Valley provides critical services, education, and other resources to approximately 18,000 people in Santa Clara County. Pate Decl. ¶¶ 3-4. For example, YWCA Silicon Valley facilitates a 24-hour hotline serving victims of sexual assault, domestic violence, and human trafficking (*id.* ¶ 13); and it operates rapid rehousing services, a shelter facility, and counseling services that are specifically designated to serve the needs of such individuals (*id.*). If these services have to be eliminated or curtailed, the victims they serve will face greater exposure to ongoing violence and greater risk of homelessness. *Id.*

B. YWCA Silicon Valley Depends on Federal Funds Threatened by the Executive Order.

Federal funds represent approximately 37.5% percent, or \$2.656 million, of YWCA Silicon Valley’s annual budget. *Id.* ¶ 6. Those funds are received via multiple channels, including directly from the federal government, and flowing through the State of California, the County of Santa Clara, the City of San Jose, and other municipalities and townships in Santa Clara County. *Id.* Among other programs, YWCA Silicon Valley’s federal grants enable it to provide support line advocates for victims of domestic violence, advocates as part of a sexual assault response team, and counseling and

1 support for sexual assault and domestic violence victims. *Id.* ¶ 7. Typically, these funds are received
 2 in the form of reimbursements for funds that YWCA Silicon Valley has spent in compliance with the
 3 terms of a grant. *Id.* ¶ 7. In addition, YWCA supports rapid rehousing for its clients using federal funds
 4 that are received directly from federal agencies at the recommendation of Santa Clara County. *Id.* ¶ 8.

5 **C. The Executive Order Prevents YWCA Silicon Valley from Making Budgeting and**
 6 **Programming Decisions.**

7 The threatened loss of federal funding triggered by the Executive Order has already thrown
 8 YWCA Silicon Valley's operations into turmoil. *See id.* ¶¶ 10-13. Among other complications, it
 9 cannot plan for the programs and services that it intended to provide in the future and it cannot hire
 10 personnel or incur obligations with third parties. *Id.* ¶¶ 11-12. The uncertainty resulting from the
 11 promulgation of the Executive Order has already seriously impacted the planning of YWCA Silicon
 12 Valley's FY 2018 budget, which must be completed by the end of April 2017 and presented to the
 13 organization's Board of Directors on May 22, 2017. *Id.* ¶ 11. Without the ability to count on the
 14 receipt of vital federal funds, YWCA Silicon Valley is planning to institute a hiring freeze on
 15 potentially affected programs. *Id.*

16 **ARGUMENT**

17 As set forth in Santa Clara's Motion for Preliminary Injunction (*see* ECF No. 26), Plaintiffs
 18 satisfy all four factors required for entry of such preliminary relief: (1) they are "likely to succeed on
 19 the merits," (2) they are "likely to suffer irreparable harm in the absence of preliminary relief," (3) "the
 20 balance of equities tips in [their] favor," and (4) "the injunction is in the public interest." *Winter v.*
 21 *Natural Res. Def. Council*, 555 U.S. 7, 20 (2008).

22 With respect to the first factor, YWCA Silicon Valley fully adopts and incorporates by
 23 reference the arguments set forth in Santa Clara's motion about the likelihood that Plaintiffs will
 24 prevail on the merits of their claims. In particular, YWCA Silicon Valley agrees that the Executive
 25 Order flagrantly disregards multiple, bedrock constitutional principles: it "shatters the constitutional
 26 boundary between executive and legislative authority" and it "fails to provide the procedural due
 27 process guaranteed by the Fifth Amendment." ECF No. 26 at 2, 12-21.

YWCA Silicon Valley also joins Santa Clara’s arguments regarding the remaining *Winter* factors. *See id.* at 21-25. In addition to these arguments, YWCA Silicon Valley faces unique hardships as a direct provider of essential public services and as a non-governmental entity that receives federal funding through multiple channels separate from Santa Clara County. In light of its separate interests, YWCA Silicon Valley faces a distinct risk of irreparable harm if the Executive Order is enforced. YWCA Silicon Valley also contributes a unique perspective to how the balance of hardships and the public interest favor injunctive relief. These important considerations support the entry of an injunction in this case.

A. YWCA Silicon Valley Will Suffer Imminent, Irreparable Harm Absent An Injunction.

“[T]he deprivation of constitutional rights ‘unquestionably constitutes irreparable injury.’” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Eldrod v. Burns*, 427 U.S. 347, 373 (1976)); accord *Washington v. Trump*, No. 17-35105, 2017 U.S. App. LEXIS 2369, at *33 (9th Cir. Feb. 9, 2017); see also *Gordon v. Holder*, 721 F.3d 638, 653 (D.C. Cir. 2013) (“[S]uits for declaratory and injunctive relief against the threatened invasion of a constitutional right do not ordinarily require proof of any injury other than the threatened constitutional deprivation itself.”).

In addition, the deprivation of services necessary to protecting individual health, safety, and independence support a showing of likely irreparable harm, particularly where the losses will affect vulnerable people. *See, e.g., Bowen v. City of N.Y.*, 476 U.S. 467, 483-84 (1986) (discussing irreparable injury from loss of benefits and resulting trauma); *Beno v. Shalala*, 30 F.3d 1057, 1063 n.10 (9th Cir. 1994) (“Numerous cases have held that reductions in [Aid to Families with Dependent Children (AFDC)] benefits, even reductions of a relatively small magnitude, impose irreparable harm on recipient families.” (collecting authorities)); *Beltran v. Meyers*, 677 F.2d 1317, 1322 (9th Cir. 1982) (affirming finding of irreparable injury where enforcement of law “may deny [plaintiffs] needed medical care”); *Hernandez v. Cnty. of Monterey*, 110 F. Supp. 3d 929, 956-57 (N.D. Cal. 2015) (irreparable harm likely to result from exclusion from medications, exercise, religious services, Narcotics and Alcoholics Anonymous meetings, and communication services); *Tamara v. El Camino*

1 *Hosp.*, 964 F. Supp. 2d 1077, 1087 (N.D. Cal. 2013) (deprivation of a service animal amounts to
 2 irreparable harm where it will deprive plaintiff “of her independence,” and “result in less future
 3 independence”); *V.L. v. Wagner*, 669 F. Supp. 2d 1106, 1109 (N.D. Cal. 2009) (“the human suffering
 4 that will be caused by the change in the law justifies the Court’s preliminary injunction against the
 5 implementation of this change”); *Gresham v. Windrush Partners, Ltd.*, 730 F.2d 1417, 1424 (11th Cir.
 6 1984) (irreparable injury likely to result from the “loss of safe, sanitary, decent and integrated housing”
 7 and the “loss of being unable to escape the never-ending and seemingly unbreakable cycle of poverty”
 8 (citation omitted)).

9 Here, in addition to the harms outlined by Santa Clara, enforcement of the Executive Order
 10 threatens YWCA Silicon Valley and its clients not only with the multiple constitutional violations
 11 alleged in Santa Clara’s complaint and the Complaint in Intervention, but also with devastating tangible
 12 injuries. If enforced, the Executive Order is certain to cause irreparable harm to YWCA Silicon Valley
 13 and its clients. In the likely event that any one or all of YWCA Silicon Valley’s home jurisdictions—
 14 including the state of California, the County of Santa Clara, the City of San Jose and other cities within
 15 Santa Clara County—are determined by the Executive Branch to be “sanctuary jurisdictions” and are
 16 barred from receiving federal funding, then YWCA Silicon Valley stands to lose up to 37.5% of its
 17 operating budget. Pate Decl. ¶ 13. The threat of such loss, over which YWCA Silicon Valley has no
 18 control, renders YWCA Silicon Valley incapable of fulfilling its mission as it cannot hire personnel,
 19 expend funds, or budget for future operations. *Id.* ¶ 11-14.

20 Among numerous other services and resources, the loss of this funding will prevent YWCA
 21 Silicon Valley from providing a 24-hour hotline for victims of sexual assault, domestic violence, and
 22 human trafficking; advocates to victims of sexual assault during law enforcement interviews, medical
 23 exams, and trial proceedings; and a shelter facility in Santa Clara County specifically designated to
 24 serve the needs of victims of sexual assault, domestic violence, and human trafficking, as well as rapid
 25 rehousing services dedicated to such victims. *Id.* ¶ 13. Particularly when coupled with numerous
 26 constitutional violations, the risk of these harms amply supports a finding of irreparable injury. *See*,
 27 *e.g.*, *Melendres*, 695 F.3d at 1002; *Beno*, 30 F.3d at 1063 n.10; *see also Washington v. Trump*, No.

C17-0141JLR, 2017 U.S. Dist. LEXIS 16012, at *7 (W.D. Wash. Feb. 3, 2017) (finding “immediate and irreparable injury” and “harms [that] are significant and ongoing” where Executive Order likely will be found to violate the Constitution and will interfere with individuals’ “employment, education, business, family relations, and freedom to travel”).

B. The Balance of Harms Tilts Sharply in the Moving Parties’ Favor, and the Preliminary Injunction is in the Public’s Interest.

“When the government is a party, [the equities and public interest] factors merge.” *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009)). And whatever the Government’s cited interest, “enforcement of an unconstitutional law is always contrary to the public interest.” *Gordon*, 721 F.3d at 653; *see also Melendres*, 695 F.3d at 1002 (the balance of hardships and public interest both favor “prevent[ing] the violation of a party’s constitutional rights”). The Government “is in no way harmed by issuance of a preliminary injunction which prevents the state from enforcing restrictions likely to be found unconstitutional. If anything, the system is improved by such an injunction.” *Giovani Carandola, Ltd. v. Bason*, 303 F.3d 507, 521 (4th Cir. 2002) (citation omitted); *see also Planned Parenthood Ass’n of Cincinnati, Inc. v. Cincinnati*, 822 F.2d 1390, 1400 (6th Cir. 1987). This reasoning is especially compelling where, as here, the most vulnerable members of society may be “wrongfully deprived of essential benefits for any period of time.” *Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983).

Depriving YWCA Silicon Valley of federal funding would seriously hinder, or altogether eliminate, its ability to provide critical services to thousands of vulnerable individuals. For example, YWCA Silicon Valley depends heavily on federal funds to operate emergency housing, shelter, advocacy, and counseling services to victims of domestic violence, sexual assault, and human trafficking. *See* Pate Decl. ¶¶ 7, 13. Ceasing provision of such vital and needed services would put vulnerable people at further risk tilting the balance of equities and the public interest in favor of a preliminary injunction. *Wagner*, 669 F. Supp. 2d at 1122 (the public interest weighs heavily in favor of granting preliminary relief and stating that “[i]t would be tragic, not only from the standpoint of the individuals involved but also from the standpoint of society, were poor, elderly, disabled people to be

wrongfully deprived of essential benefits for any period of time.” (quoting *Lopez*, 713 F.2d at 1437));
 see also *Beltran*, 677 F.2d at 1322 (“Where the meaning of the Medicaid legislation or its
 implementing regulations is unclear, the resulting uncertainty is a consequence of a failure of the
 governmental process to operate efficiently. The financial consequences of this inefficiency under the
 circumstances of this case ought not to be visited upon individuals such as the plaintiffs-appellees.”)

III. CONCLUSION

YWCA Silicon Valley, its clients, and the public will suffer profound and irreparable harm if
 the Executive Order is not enjoined. YWCA Silicon Valley therefore joins in Santa Clara County’s
 motion for preliminary injunctive relief.

Respectfully submitted,

DATED: March 1, 2017

AMERICAN CIVIL LIBERTIES UNION
 FOUNDATION OF NORTHERN
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DATED: March 1, 2017

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COUNTY OF SANTA CLARA,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United
States of America, JOHN F. KELLY, in his
official capacity as Secretary of the United States
Department of Homeland Security, JEFFERSON
B. SESSIONS, in his official capacity as
Attorney General of the United States, JOHN
MICHAEL "MICK" MULVANEY, in his
official capacity as Director of the Office of
Management and Budget, and DOES 1-50,

Defendants.

CASE NO.: 17-cv-00574

**DECLARATION OF ANN MARIE PATE
IN SUPPORT OF PLAINTIFF-
INTERVENOR YOUNG WOMEN'S
CHRISTIAN ASSOCIATION OF SILICON
VALLEY'S JOINDER IN SANTA
CLARA'S MOTION FOR A
PRELIMINARY INJUNCTION**

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1 I, Ann Marie Pate, hereby declare as follows:

2 1. I make this declaration from my personal knowledge and, if called to testify to these
3 facts, could and would do so competently.

4 2. I am currently employed as the Chief Operating Officer and Chief Financial Officer of
5 Young Women's Christian Association of Silicon Valley ("YWCA Silicon Valley"). I have been so
6 employed since January 7, 2014. I have a Bachelor of Science degree in Business Administration
7 from Washington University in St. Louis; Master of Business Administration degree from Pepperdine
8 University; and a Juris Doctor degree from Concord Law School. I have served in non-profit finance
9 and operations management for more than thirteen years.

10 3. YWCA Silicon Valley is a nonprofit corporation headquartered in San Jose, California.
11 Its mission is to eliminate racism, empower women, and promote peace, justice, freedom and dignity
12 for all. It pursues this mission by administering a broad variety of programs, many of which are
13 specifically designed to address the needs of the most vulnerable women in our county—victims of
14 sexual assault, domestic violence, and human trafficking.

15 4. YWCA Silicon Valley administers its programs through its paid staff of approximately
16 77 full-time and part-time employees, and approximately 34 stipended interns and trainees. YWCA
17 Silicon Valley offers programming on a continuum: education, crisis support and counseling. YWCA
18 Silicon Valley serves up to 18,000 domestic violence, sexual assault and human trafficking clients and
19 community members annually through three client service offices and multiple county-based service
20 locations, including schools, housing projects and a domestic violence emergency shelter. YWCA
21 Silicon Valley also services up to 550 students through its education and empowerment programs
22 including TechGyrls® and childcare centers and after-school locations, and by providing educational
23 opportunities to underserved populations.

24 5. For the fiscal year July 1, 2016 through June 30, 2017 ("FY 2017"), YWCA Silicon
25 Valley has budgeted revenue of approximately \$7.07 million, excluding in-kind contributions. This
26 amount is comprised of funds from a variety of sources, including government grants, foundation and
27 corporate grants, individual donations and program service fees.

6. In FY 2017, at least \$2.656 million of budgeted revenue, or about 37.5%, consists of federal funds. These funds include approximately \$890,107.00 in funds that are federal grants direct to YWCA Silicon Valley; approximately \$1,426,184.00 that are “flow-through” from federal funds to the State of California; approximately \$243,287.00 that are “flow-through” from federal funds to the City of San Jose; approximately \$61,797.00 that are “flow-through” from federal funds to other municipalities and townships in Santa Clara County; and approximately \$35,041.00 that are “flow-through” from federal funds to other educational organizations. YWCA Silicon Valley also receives \$265,561.00 in funds from County of Santa Clara and I believe a portion of those funds are “flow-through” from federal funds.

7. YWCA Silicon Valley’s government grants are executed through contracts with the governmental agency. Once YWCA Silicon Valley expends funds in accordance with the term and conditions of the service contract, YWCA Silicon Valley invoices the government agency for reimbursement. Examples of government funded efforts include: advocates on the support line for victims of domestic violence; advocates on the sexual assault response team; and counseling and support for sexual assault and domestic violence victims.

8. YWCA Silicon Valley also receives two federal grants which are decided through a county-wide prioritization to support rapid re-housing. The County of Santa Clara recommends to a federal agency that YWCA Silicon Valley receive the federal grants and the federal agency then directly contracts with YWCA Silicon Valley. These county-recommended federal funds have been awarded to YWCA Silicon Valley for the past two years.

9. I am aware that President Trump issued an executive order entitled, “Enhancing Public Safety in the Interior of the United States” (the “Executive Order”), and that Section 9 of the Executive Order contains language that appears to threaten that any jurisdiction that the executive branch designates as a “sanctuary jurisdiction” will “not [be] eligible to receive Federal grants....” I am also aware that the State of California, the County of Santa Clara, and the City of San Jose have all either announced, or enacted, or are considering, laws, policies, regulations or statements expressing support for broad protection of undocumented persons. Even the threat that any of these jurisdictions could be so designated causes real and immediate harm to YWCA Silicon Valley. This immediate

1 harm will manifest itself by reducing YWCA Silicon Valley's ability to deliver on its mission to the
2 victims and community members in our county.

3 10. In order to effectively administer its programs, YWCA Silicon Valley must be able to
4 count on contracted funding sources and receiving payments from those sources.

5 11. YWCA Silicon Valley is currently in the process of planning its budget for FY 2018,
6 which will run from July 1, 2017 through June 30, 2018. In order to plan for the services it intends to
7 provide during that fiscal year, YWCA Silicon Valley must be able to make decisions about planning,
8 staffing and resource allocations. By the end of April 2017, YWCA Silicon Valley must make budget
9 recommendations. YWCA Silicon Valley will have to complete a proposed draft budget by the end of
10 April 2017, in time to finalize and present to its Board of Directors on May 22, 2017 for adoption.
11 Because of the looming threat of losing federal funds under the Executive Order, YWCA Silicon
12 Valley plans to institute a hiring freeze on potentially affected programming in FY 2018.

13 12. The uncertainty created by the threat of federal funding being cut off to California, Santa
14 Clara, San Jose, or other municipalities is damaging to YWCA Silicon Valley because it prevents us
15 from planning appropriately and efficiently, and therefore reduces the scope of the services YWCA
16 Silicon Valley can provide. YWCA Silicon Valley cannot maintain or hire personnel or incur
17 obligations without knowing what funds it will receive necessary to fulfill those obligations.

18 13. In addition, if federal funding is cut off to California, Santa Clara, San Jose or other
19 municipalities, the effect on YWCA Silicon Valley and its clients will be catastrophic. Faced with the
20 loss of as much as 37.5% of its operating funds, YWCA Silicon Valley will have to severely curtail or
21 eliminate critical services because it could not generate funds sufficient to cover such an enormous
22 hole in its budget. We would likely have to eliminate or curtail programs including but not limited to:

- 23 • A 24-hour hotline in Santa Clara County serving victims of sexual assault, domestic violence
24 and human trafficking;
- 25 • The provision of advocates to victims of sexual assault during law enforcement interviews,
26 medical exams, and trial proceedings;
- 27 • A shelter facility in Santa Clara County specifically designated to serve the needs of victims
28 of domestic violence;

- Rapid rehousing services dedicated to victims of sexual assault, domestic violence and human trafficking;
- A funded Family Violence Center advocate embedded within the San Jose Police Department to provided emergency services for domestic violence victims;
- Federally funded court advocates through the San Jose Police Department to provide legal advocacy to victims of domestic violence;
- Community Education and Outreach programming to raise awareness of gender-based violence issues and services available; and
- Counseling services, including crisis counseling, support groups and therapy for those victims of sexual assault, domestic violence and human trafficking.

14. YWCA Silicon Valley has no control over whether any of the jurisdictions through which it receives federal funds will be designated a “sanctuary jurisdiction.” In order for us to be able to plan appropriately and responsibly so that we can continue to provide critically needed services, YWCA Silicon Valley respectfully requests the Court enter an order restraining members of the executive branch from exercising any authority to either designate a governmental jurisdiction as a “sanctuary jurisdiction” or denying federal funds to any jurisdiction on the basis of such a designation.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on February 28, 2017 in Santa Clara County, California.


Ann Marie Pate

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COUNTY OF SANTA CLARA,

Plaintiff,

v.

DONALD J. TRUMP, President of the United
States of America, JOHN F. KELLY, in his
official capacity as Secretary of the United States
Department of Homeland Security, JEFFERSON
B. SESSIONS, in his official capacity as
Attorney General of the United States, JOHN
MICHAEL "MICK" MULVANEY, in his
official capacity as Director of the Office of
Management and Budget, and DOES 1-50,

Defendants.

CASE NO.: 17-cv-00574

CERTIFICATE OF SERVICE

Date: April 5, 2017
Time: 2:00 p.m.
Dept.: Courtroom 2
Before: Hon. William H. Orrick

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23 *Pro Hac Vice Forthcoming
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CERTIFICATE OF SERVICE

I, Yolanda Gutierrez-Almazan, declare:

I am employed in Washington, District of Columbia. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 1700 K Street, NW, Fifth Floor, Washington, DC 20006-3814.

On this date, I served:

1. **NOTICE OF MOTION AND MOTION FOR PERMISSIVE INTERVENTION OF YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF SILICON VALLEY; MEMORANDUM OF POINTS AND AUTHORITIES**
2. **[PROPOSED] ORDER GRANTING MOTION FOR PERMISSIVE INTERVENTION OF YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF SILICON VALLEY**
3. **COMPLAINT IN INTERVENTION OF PLAINTIFF YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF SILICON VALLEY**
4. **JOINDER OF PLAINTIFF-INTERVENOR YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF SILICON VALLEY IN COUNTY OF SANTA CLARA'S MOTION FOR A PRELIMINARY INJUNCTION**
5. **DECLARATION OF ANN MARIE PATE IN SUPPORT OF PLAINTIFF-INTERVENOR YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF SILICON VALLEY'S JOINDER IN SANTA CLARA'S MOTION FOR A PRELIMINARY INJUNCTION**



By consigning the document(s) to a messenger for guaranteed hand delivery on this date to the following person(s):

W. Scott Simpson
U.S. Department of Justice
Post Office Box 883
20 Massachusetts Avenue, NW
Room 7210
Washington, DC 20044
Telephone: (202) 514-3495
Email: scott.simpson@usdoj.gov

Counsel for All Defendants

- ☒ By CM/ECF with the Clerk's office to all parties on record:
- ☒ By forwarding the document(s) by electronic transmission on this date to the Internet email address listed below:

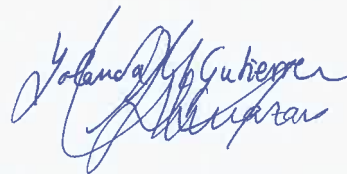
Plaintiff: County of Santa Clara

Counsel for Plaintiff:

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I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of documents for delivery according to instructions indicated above. In the ordinary course of business, documents would be handled accordingly.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed at Washington, D.C. on March 1, 2017.



Yolanda Gutierrez-Almazan