

1 KYRA KAZANTZIS (154612) (kyrak@lawfoundation.org)  
DIANA CASTILLO (237281) (dianac@lawfoundation.org)  
2 NADIA AZIZ (252966) (nadia.aziz@lawfoundation.org)  
LAW FOUNDATION OF SILICON VALLEY  
3 152 N. 3rd Street, #3  
San Jose, CA 95112  
4 Telephone: (408) 280-2401  
Facsimile: (408) 293-0106

5 MAUREEN P. ALGER (208522) (malger@cooley.com)  
6 MONIQUE R. SHERMAN (227494) (msherman@cooley.com)  
JESSIE A. R. SIMPSON LAGOY (305257) (jsimpsonlagoy@cooley.com)  
7 AZADEH R. MORRISON (311046) (amorrison@cooley.com)  
COOLEY LLP  
8 3175 Hanover Street  
Palo Alto, CA 94304-1130  
9 Telephone: (650) 843-5000  
Facsimile: (650) 849-7400

10 Attorneys for *Amici Curiae*

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 COUNTY OF SANTA CLARA,

15 Plaintiff,

16 v.

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

24 Defendants.

Case No. 17-cv-00574-WHO

**MOTION OF SILICON VALLEY COUNCIL  
OF NONPROFITS, NONPROFIT  
ASSOCIATIONS, AND NONPROFIT  
ORGANIZATIONS FOR LEAVE TO FILE  
BRIEF AS *AMICI CURIAE* IN SUPPORT OF  
PLAINTIFF’S MOTION FOR PRELIMINARY  
INJUNCTION**

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

Date Filed: February 2, 2017

Trial Date: Not Yet Set

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT pursuant to the Court's Order on February 24, 2017 (Dkt.  
3 40), the nonprofit associations and nonprofit organizations listed below (collectively "*amici*"),  
4 respectfully move the Court for leave to file the accompanying brief of *amici curiae*. The brief  
5 supports Plaintiff's Motion for Preliminary Injunction. The proposed brief is appended as Exhibit 1  
6 to this motion.

7 **I. LEGAL STANDARD**

8 District courts have discretion to permit third parties to participate in an action as *amici curiae*,  
9 and such discretion is generally exercised liberally, as "[t]here are no strict prerequisites that must be  
10 established prior to qualifying for amicus status." *Woodfin Suite Hotels, LLC v. City of Emeryville*, No.  
11 C 06-1254 SBA, 2007 WL 81911, at \*3 (N.D. Cal. Jan. 9, 2007) (quoting *In re Roxford Foods Litig.*, 790  
12 F. Supp. 987, 997 (E.D. Cal. 1991)). A third party must merely "make a showing that [its] participation  
13 is useful or otherwise desirable to the court." *Id.* The Court set out specific guidelines for parties  
14 seeking leave to file an *amicus* brief in this case, which include setting forth a description of the  
15 movants' interests, and the reasons why an *amicus* brief is desirable and relevant to the disposition of the  
16 issues. (Dkt. 40.) The nonprofit organizations filing this motion offer a unique and important  
17 perspective on the issues before the Court, and for the reasons stated below, request leave to file a brief  
18 as *amici curiae*.

19 **II. IDENTITY OF PROPOSED AMICI AND STATEMENT OF INTEREST**

20 Proposed *amici* are community-based nonprofit organizations and associations of nonprofit  
21 organizations in the health and human services sector. *Amici* organizations and members of the  
22 associations provide a range of services including homelessness intervention, nutrition support,  
23 emergency assistance, senior services, medical care, mental health care, support for survivors of  
24 domestic violence, and support for at-risk youth. *Amici* and their members rely on federal funds  
25 passed through to them by local governments, local government funding, and private funding, all of  
26 which is placed in jeopardy by the Executive Order at issue in this case. Proposed *amici* submit this  
27 motion and accompanying brief to emphasize the severe and harmful impact of the Executive Order  
28 on their organizations, their programs, and the communities they serve.

1 Proposed *amici* include the following associations of nonprofit organizations:

2 API Council of San Francisco

3 California Association of Nonprofits

4 Coalition of Agencies Serving the Elderly

5 HIV/AIDS Provider Network

6 Homeless Emergency Service Providers Association

7 San Francisco Human Services Network

8 San Francisco Latino Parity and Equity Coalition

9 San Francisco Mental Health Contractors Association

10 Silicon Valley Council of Nonprofits;

11 and the following nonprofit organizations:

12 Abode Services

13 Asian Americans for Community Involvement

14 Caminar

15 Catholic Charities of Santa Clara County

16 Community Solutions

17 Destination: Home

18 Fresh Lifelines for Youth

19 HealthRIGHT 360

20 The Health Trust

21 LifeMoves

22 Second Harvest Food Bank of Santa Clara and San Mateo Counties

23 Silicon Valley Independent Living Center

24 West Valley Community Services

25 Yu-Ai Kai Japanese American Community Senior Service.

26 Descriptions of proposed *amici* are attached hereto as Appendix A.

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1 **III. AMICI’S BRIEF IS DESIRABLE AND RELEVANT TO THE DISPOSITION OF THE ISSUES BEFORE**  
2 **THE COURT.**

3 On January 25, 2017, the President of the United States signed an Executive Order that  
4 empowers the federal government to withhold federal funds from jurisdictions deemed “sanctuary”  
5 jurisdictions. Exec. Order 13,768, 82 Fed. Reg. 8799 (Jan. 25, 2017) (the “Executive Order”). The  
6 Executive Order has created a cloud of financial uncertainty so overwhelming that it has impaired  
7 local governments’ and *amici*’s ability to budget. Plaintiff Santa Clara County filed a motion for a  
8 nationwide preliminary injunction on February 23, 2017, seeking to prohibit Defendants from (1)  
9 enforcing Section 9 of the Executive Order; (2) taking any action in furtherance of any withholding  
10 or conditioning of federal funds pursuant to the Executive Order; and (3) taking any action pursuant  
11 to the Executive Order to declare any jurisdiction ineligible for federal funds or deprive any  
12 jurisdiction of funds already appropriated or allocated by Congress. (Dkt. 26 at i.) *Amici* share an  
13 interest with the Plaintiff in ensuring continued and consistent availability of public funds to provide  
14 essential health and human services.

15 The brief of *amici* is desirable because it will assist the Court by providing important  
16 information about the harmful impact of the Executive Order on nonprofit organizations and their  
17 clients. The Executive Order threatens both nonprofits and the communities they serve. Nonprofits  
18 rely on federal funds passed through to them by the County and other municipal governments. That  
19 funding is now in jeopardy, and nonprofits now face the untenable situation of having to cut vital  
20 services just when the demand for those services will be on the rise. This is not harmful only to the  
21 nonprofit organizations themselves, but also to those in the community who depend on the services  
22 the nonprofits provide, and who are at risk of losing life-sustaining and life-saving services. The  
23 brief of *amici* addresses the current harms that nonprofit organizations are experiencing and the  
24 immediate steps they are having to take to cope with the uncertainty and chaos surrounding the  
25 availability of funds due to the Executive Order.

26 *Amici* also provide unique and critical insight into the effects of the Executive Order on the  
27 community, including the fear of accessing services it has already caused among many in the  
28 immigrant community. The brief of *amici* provides the Court with specific examples of the

1 Executive Order's effect on underserved members of the community, such as the immigrant, elderly,  
 2 and homeless populations. *Amici* are the sole source of protection and hope for many of their  
 3 constituents, and are deeply concerned about their ability to provide life-saving and essential  
 4 services to the most vulnerable members of the community in light of the Executive Order. The  
 5 effects of the Executive Order on the community are relevant to the disposition of the Motion for  
 6 Preliminary Injunction, and *amici*, as nonprofit organizations and associations of organizations that  
 7 have direct contact every day with the most vulnerable members of our society, are well-positioned  
 8 to provide a unique perspective to this Court.

#### 9 IV. CONCLUSION

10 *Amici* have a concrete interest in the outcome of this case. Their brief presents the important  
 11 perspective of nonprofit organizations and associations of nonprofits that work with underserved  
 12 members of the community directly affected by the Executive Order. This perspective is both  
 13 desirable and relevant to the disposition of the issues before the Court. For these reasons, *amici*  
 14 respectfully request that the Court grant their Motion for Leave to File a Brief as *Amici Curiae* in  
 15 Support of Plaintiff County of Santa Clara's Motion for Preliminary Injunction.

16 Dated: March 22, 2017

COOLEY LLP &  
 LAW FOUNDATION OF SILICON VALLEY

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 /s/ Maureen P. Alger

20 MAUREEN P. ALGER  
 21 KYRA KAZANTZIS  
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