

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA and JANET NAPOLITANO, *in her official capacity as President of the University of California,*

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HOMELAND SECURITY and ELAINE DUKE, *in her official capacity as Acting Secretary of the Department of Homeland Security,*

Defendants.

No. C 17-05211 WHA
No. C 17-05235 WHA
No. C 17-05329 WHA
No. C 17-05380 WHA

**CASE MANAGEMENT
ORDER FOR ALL DACA
ACTIONS IN THIS DISTRICT**

After a case management conference at which counsel in all four cases spoke and with the benefit of some agreements, the Court now sets the following case management schedule for all DACA cases in this district:

1. The four above-numbered civil actions in this district all challenge the rescission of the DACA program by the United States Department of Homeland Security. All of these related cases will be coordinated (and possibly later consolidated for trial) as follows.
2. The four sets of plaintiffs are referred to collectively herein as “all plaintiffs,” and various defendants in the four cases are referred to collectively herein as “all defendants.”

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3. All parties shall serve their initial disclosures under FRCP 26, and all defendants shall file and serve the administrative record by **NOON ON OCTOBER 6, 2017**. After a party makes its FRCP 26 disclosure, it may take discovery. All plaintiffs shall be permitted to serve up to a combined total of **TWENTY INTERROGATORIES** and **TWENTY DOCUMENT REQUESTS**, all narrowly directed, plus a reasonable number of depositions. All defendants may serve an equal number of interrogatories and document requests plus a reasonable number of depositions. The time to respond to all discovery requests is cut in half. All discovery disputes are hereby **REFERRED** to **MAGISTRATE JUDGE SALLIE KIM** to be heard and determined on an expedited schedule.
4. A tutorial on DACA, the history of “deferred action,” the history of APA rulemaking for deferred action programs and for analogous contexts, and immigration procedure generally is set for **OCTOBER 3, 2017, AT 8:00 A.M.** One or more counsel for each side shall present. Please avoid argument and adhere to updating the judge on the historical and administrative context.
5. Motions for summary judgment, provisional relief, or to dismiss are due by **NOON ON NOVEMBER 1, 2017**. All plaintiffs shall file one joint brief on their statutory claims, and another on their constitutional claims, each brief limited to **25 PAGES**. A plaintiff may, if truly essential, add a very short supplemental brief on any point unique to that plaintiff. All defendants may file a joint brief in support of their own motion of up to **50 PAGES** but the Court would prefer that the briefing be divided between two memoranda, one devoted to statutory claims and one devoted to constitutional claims, both adding to fifty or fewer pages. Any amicus brief must be filed on the same date as the

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brief it supports, each limited to **15 PAGES**. Amici may not submit evidentiary material, so their briefs should include everything within their 15 pages.

6. Summary judgment and provisional relief motions must be supported by proper declarations under oath. Simply attaching exhibits to briefs will not do. Foundation must be laid under oath. Motions to dismiss, however, need only be directed to the complaints, but if extraneous matter is referenced, then it too must be supported by declaration.

7. Oppositions are due by **NOON ON NOVEMBER 22, 2017**. The oppositions shall be organized to mirror the organization of the openings. No brief shall exceed the length of the relevant opening brief. All plaintiffs shall file a single joint opposition, and all defendants shall file a single joint opposition, each party being permitted to file a short individual supplement to the extent truly needed for issues unique to that party.

8. There will be no page limit on declarations and exhibits, but please be reasonable. All exhibits for a side should be included in that side's joint and tabbed appendix of exhibits (the tabs should protrude for ease of reference). The "individual" exhibits should be included in the joint appendix as well. The exhibits should be numbered. The appendix, however, should not include any item already in the administrative record. Please highlight in yellow any cited passage. Declarations laying foundation for admissibility may simply refer to the exhibits by tab number.

9. Reply briefs are due by **NOON ON DECEMBER 8, 2017**. The replies shall be organized to mirror the organization of the openings (and the oppositions). The briefs shall not exceed half of the pages used in the opposition briefs to which they respond (not to exceed **30 PAGES** in

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any event). There shall be no reply declarations except for very good cause, the Court being of the view that it is unfair for a movant to deprive the other side of its chance to respond to evidentiary material. If a brief quotes from any deposition or other exhibit, then the brief should quote the entire passage, not just the helpful part. Please do the same for quotations from case law.

10. A hearing on all motions is set for **DECEMBER 20, 2017, AT 8:00 A.M.**

11. If necessary, a **BENCH TRIAL** will be held on **FEBRUARY 5, 2018, AT 7:30 A.M.**, with a **FINAL PRETRIAL CONFERENCE** to be held on **JANUARY 24, 2018, AT 2:00 P.M.**

For now, all filings should be made in any civil action to which they pertain *and*, for the sake of coordination, in the low-numbered action (No. C 17-05211 WHA). Counsel shall confer and recommend any better way of organizing the filing system for these cases, including, for example, the possibility of filing everything in the low-numbered action and thereby deeming it to be filed in all actions. Counsel may also stipulate to tweaks in the wording of this order (but not to its substance or timeline). Any such fully-stipulated modifications must be submitted by **SEPTEMBER 29, AT NOON**, failing which this order shall control.

IT IS SO ORDERED.

Dated: September 22, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE