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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

REGENTS OF 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.

CASE NO. 17-CV-05211-WHA

**PLAINTIFFS' UNOPPOSED
ADMINISTRATIVE MOTION TO AMEND
PAGE LIMITS IN CONNECTION WITH
MOTION FOR PROVISIONAL RELIEF**

Judge: Honorable William Alsup

1 STATE OF CALIFORNIA, STATE OF MAINE,
2 STATE OF MARYLAND, and STATE OF
3 MINNESOTA,

4 Plaintiffs,

5 v.

6 U.S. DEPARTMENT OF HOMELAND
7 SECURITY, ELAINE DUKE, *in her official
8 capacity as Acting Secretary of the Department of
9 Homeland Security*, and the UNITED STATES OF
10 AMERICA,

11 Defendants.

CASE NO. 17-CV-05235-WHA

12 CITY OF SAN JOSE, *a municipal corporation*,

13 Plaintiff,

14 v.

15 DONALD J. TRUMP, *President of the United
16 States, in his official capacity*, ELAINE C. DUKE,
17 *in her official capacity*, and the UNITED STATES
18 OF AMERICA,

19 Defendants.

CASE NO. 17-CV-05329-WHA

20 DULCE GARCIA, MIRIAM GONZALEZ
21 AVILA, SAUL JIMENEZ SUAREZ, VIRIDIANA
22 CHABOLLA MENDOZA, NORMA RAMIREZ,
23 and JIRAYUT LATTHIVONGSKORN,

24 Plaintiffs,

25 v.

26 UNITED STATES OF AMERICA, DONALD J.
27 TRUMP, *in his official capacity as President of the
28 United States*, U.S. DEPARTMENT OF
HOMELAND SECURITY, and ELAINE DUKE,
*in her official capacity as Acting Secretary of
Homeland Security*,

Defendants.

CASE NO. 17-CV-05380-WHA

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COUNTY OF SANTA CLARA and SERVICE
EMPLOYEES INTERNATIONAL UNION
LOCAL 521,

Plaintiffs,

v.

DONALD J. TRUMP, *in his official capacity as
President of the United States*; JEFFERSON
BEAUREGARD SESSIONS, *in his official
capacity as Attorney General of the United States*;
ELAINE DUKE, *in her official capacity as Acting
Secretary of Homeland Security*; and U.S.
DEPARTMENT OF HOMELAND SECURITY,

Defendants.

CASE NO. 17-CV-05813-WHA

1 Pursuant to Civil Local Rule 7-11, Plaintiffs move to amend the page limits in connection with
2 their motion for provisional relief due November 1, 2017. Specifically, Plaintiffs seek to file a single
3 motion for provisional relief, addressing their Administrative Procedure Act (APA) claims only, not to
4 exceed 40 pages. Defendants consent to this request, and the parties agree that defendants will be
5 permitted an equal number of pages to oppose.

6 * * *

7 The Court instructed the 15 Plaintiffs in these five related cases to file two joint briefs, one on
8 their statutory claims and the other on their constitutional claims, each limited to 25 pages in length, for
9 a total combined page limit of 50 pages. *See* Case Management Order for All DACA Actions in this
10 District, ECF No. 49, ¶ 5 (Sept. 22, 2017). The Court indicated that it would be accommodating in
11 considering requests for additional pages if necessary. *See* Tr. of Proceedings (Sept. 21, 2017) at 52:16-
12 54:18 (ECF No. 52).

13 On October 24, the Court of Appeals stayed discovery in this case, precluding Plaintiffs from
14 completing the depositions that were scheduled to occur prior to November 1 and precluding Plaintiffs
15 from obtaining the discovery responses and documents they otherwise would have received on October
16 24.

17 Having evaluated the Court of Appeals' order, Plaintiffs will be moving for provisional relief on
18 November 1, but intend to rely only on their Administrative Procedure Act (APA) theories, leaving their
19 constitutional theories (as well as other statutory and equitable theories), which require further
20 discovery, for summary judgment or trial. Accordingly, Plaintiffs will be filing a single brief, rather
21 than two, on November 1.

22 As Plaintiffs prepare their papers for November 1, it has become clear that additional pages,
23 beyond the 25 allocated to the APA brief, are necessary to summarize the detailed factual record that
24 Plaintiffs are compiling in support of their motion. The factual record that Plaintiffs are preparing is
25 intended to provide the Court with a detailed picture of Deferred Action for Childhood Arrivals
26 ("DACA"), including how it is situated within the history of deferred action programs, and to illustrate
27 the profound effects its rescission will have on the 15 Plaintiffs in these five related actions, as well on
28 the 800,000 DACA recipients, their families, schools, communities, public entities, and American

1 society at large. This showing is central both to demonstrating the arbitrary and capricious nature of the
2 rescission of DACA, as well as establishing irreparable injury and the balance of harms for purposes of
3 provisional relief. Because Plaintiffs will be moving on their APA theories only, some of the
4 background that would have been included in their brief on constitutional issues will now appear in the
5 APA brief. Accordingly, Plaintiffs respectfully request that they be permitted to file a single brief, not
6 to exceed 40 pages, in support of their motion. Plaintiffs will do everything possible to brief the motion
7 compactly, and will use fewer pages if possible.

8 Defendants have stated that they do not oppose this request so long as they are provided with 40
9 pages in which to oppose Plaintiffs' motion.¹

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25 ¹ Pursuant to the Court's Case Management Order, Defendants are permitted to "file a joint brief in
26 support of their own motion of up to **50 PAGES**," though the Court expressed a preference "that the
27 briefing be divided between two memoranda, one devoted to statutory claims and one devoted to
28 constitutional claims, both adding to fifty or fewer pages." ECF No. 49, ¶ 5. This motion does not
affect Defendants forthcoming November 1 filing. Moreover, Defendants have indicated that they
intend to file one, consolidated memorandum in support of their motion that is 50 pages or less, which
they believe will allow them to efficiently present their arguments to the Court.

1 Dated: October 27, 2017

Respectfully submitted,

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ATTESTATION

I, Jeffrey M. Davidson, hereby attest, pursuant to Civil L.R. 5-1, that I have received authorization to electronically sign and file this document from each of the persons identified in the signature block.

Dated: October 27, 2017

/s/ Jeffrey M. Davidson

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Janet Napolitano, in her official
capacity as President of the University of
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19 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
20 **SAN FRANCISCO DIVISION**

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

23 Plaintiffs,

24 v.

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

28 Defendants.

CASE NO. 17-CV-05211-WHA

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' UNOPPOSED
ADMINISTRATIVE MOTION TO AMEND
PAGE LIMITS IN CONNECTION WITH
MOTION FOR PROVISIONAL RELIEF**

Judge: Honorable William Alsup

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STATE OF CALIFORNIA, STATE OF MAINE, STATE OF MARYLAND, and STATE OF MINNESOTA,

Plaintiffs,

v.

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

Defendants.

CASE NO. 17-CV-05235-WHA

CITY OF SAN JOSE, *a municipal corporation*,

Plaintiff,

v.

DONALD J. TRUMP, *President of the United States, in his official capacity*, ELAINE C. DUKE, *in her official capacity*, and the UNITED STATES OF AMERICA,

Defendants.

CASE NO. 17-CV-05329-WHA

DULCE GARCIA, MIRIAM GONZALEZ AVILA, SAUL JIMENEZ SUAREZ, VIRIDIANA CHABOLLA MENDOZA, NORMA RAMIREZ, and JIRAYUT LATTHIVONGSKORN,

Plaintiffs,

v.

UNITED STATES OF AMERICA, DONALD J. TRUMP, *in his official capacity as President of the United States*, U.S. DEPARTMENT OF HOMELAND SECURITY, and ELAINE DUKE, *in her official capacity as Acting Secretary of Homeland Security*,

Defendants.

CASE NO. 17-CV-05380-WHA

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COUNTY OF SANTA CLARA and
SERVICE EMPLOYEES
INTERNATIONAL UNION LOCAL 521,

Plaintiffs,

v.

DONALD J. TRUMP, *in his official capacity
as President of the United States*; JEFFERSON
BEAUREGARD SESSIONS, *in his official
capacity as Attorney General of the United
States*; ELAINE DUKE, *in her official
capacity as Acting Secretary of Homeland
Security*; and U.S. DEPARTMENT OF
HOMELAND SECURITY,

Defendants.

CASE NO. 17-CV-05813-WHA

1 Having considered Plaintiffs' Unopposed Administrative Motion To Amend Page Limits In
2 Connection With Motion For Provisional Relief, brought pursuant to Civil L.R. 7-11 ("Plaintiffs'
3 Motion"),

4 IT IS HEREBY ORDERED THAT:

- 5 1) Plaintiffs' Motion is hereby granted;
- 6 2) The page limit for Plaintiffs' joint briefing in support of their motion for provisional relief,
7 which will focus on their APA theories only, will be 40 pages, exclusive of a table of
8 contents, table of authorities, signature blocks, exhibits, and declarations.
- 9 3) The page limit for Defendants' briefing in opposition to the motion for provisional relief will
10 be 40 pages, exclusive of a table of contents, table of authorities, signature blocks, exhibits,
11 and declarations.

12 **SO ORDERED**, this __ day of _____, 2017.

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14 _____
15 WILLIAM ALSUP
16 UNITED STATES DISTRICT JUDGE
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