

1 Jeffrey M. Davidson (SBN 248620)  
2 Alan Bersin (SBN 63874)  
3 COVINGTON & BURLING LLP  
4 One Front Street, 35th Floor  
5 San Francisco, CA 94111-5356  
6 Telephone: (415) 591-6000  
7 Facsimile: (415) 591-6091  
8 Email: jdavids@cov.com,  
9 abersin@cov.com

10 *Attorneys for Plaintiffs The Regents of the University*  
11 *of California and Janet Napolitano, in her official*  
12 *capacity as President of the University of California*

13 GIBSON, DUNN & CRUTCHER LLP  
14 Theodore J. Boutros, Jr. (SBN 132099)  
15 Ethan D. Dettmer (SBN 196046)  
16 Jesse S. Gabriel (SBN 263137)  
17 333 South Grand Avenue  
18 Los Angeles, CA 90071-3197  
19 Telephone: (213) 229-7000  
20 Facsimile: (213) 229-7520  
21 Email: tboutros@gibsondunn.com,  
22 edettmer@gibsondunn.com,  
23 jgabriel@gibsondunn.com

24 *Attorneys for Plaintiffs Dulce Garcia, Miriam*  
25 *Gonzalez Avila, Saul Jimenez Suarez, Viridiana*  
26 *Chabolla Mendoza, Norma Ramirez, and Jirayut*  
27 *Latthivongskorn*

28 [Additional Counsel Listed on Signature Page]

Xavier Becerra  
Attorney General of California  
Michael L. Newman  
Supervising Deputy Attorney General  
James F. Zahradka II (SBN 196822)  
1515 Clay Street, 20th Floor  
P.O. Box 70550  
Oakland, CA 94612-0550  
Telephone: (510) 879-1247  
E-mail: James.Zahradka@doj.ca.gov  
*Attorneys for Plaintiff State of California*

Joseph W. Cotchett (SBN 36324)  
Nancy L. Fineman (SBN 124870)  
COTCHETT, PITRE & McCARTHY, LLP  
San Francisco Airport Office Center  
840 Malcolm Road, Suite 200  
Burlingame, CA 94010  
Telephone: (650) 697-6000  
Facsimile: (650) 697-0577  
Email: nfineman@cpmlegal.com  
*Attorneys for Plaintiff City of San Jose*

Jonathan Weissglass (SBN 185008)  
Stacey M. Leyton (SBN 203827)  
Eric P. Brown (SBN 284245)  
ALTSHULER BERZON LLP  
177 Post Street, Suite 300  
San Francisco, CA 94108  
Telephone: (415) 421-7151  
Facsimile: (415) 362-8064  
Email: jweissglass@altber.com  
*Attorneys for Plaintiffs County of Santa Clara and*  
*Service Employees International Union Local 521*

**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

**NOTICE OF MOTION, MOTION TO  
MAINTAIN THE ANONYMITY OF DOE 1, AND  
MEMORANDUM OF POINTS AND  
AUTHORITIES**

Hearing: December 20, 2017 at 8:00 a.m.  
Courtroom: 8, 19th Floor  
Judge: Hon. William Alsup

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

3 Plaintiffs,

4 v.

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

9 Defendants.

CASE NO. 17-CV-05235-WHA

10 CITY OF SAN JOSE, a municipal corporation,

11 Plaintiff,

12 v.

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

16 Defendants.

CASE NO. 17-CV-05329-WHA

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

20 Plaintiffs,

21 v.

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

25 Defendants.

CASE NO. 17-CV-05380-WHA

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  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1                    **NOTICE OF MOTION AND MOTION TO MAINTAIN THE ANONYMITY OF DOE 1**

2                    PLEASE TAKE NOTICE that on Wednesday, December 20, 2017, at 8:00 a.m.,<sup>1</sup> in the  
3 courtroom of the Hon. William Alsup, U.S. District Court for the Northern District of California, San  
4 Francisco Courthouse, 450 Golden Gate Avenue, Courtroom 8, 19th Floor, San Francisco, California,  
5 94102, Plaintiffs will move under Local Rule 7-11 to maintain the anonymity of Doe 1.

6                    This motion is based on this Notice of Motion and Motion to Maintain the Anonymity of Doe  
7 1, the following Memorandum of Points and Authorities, and such further evidence and argument as  
8 the Court may permit.

9  
10 DATED: November 1, 2017

COVINGTON & BURLING LLP

11  
12  
13 By: /s/ Jeffrey M. Davidson  
14 Jeffrey M. Davidson

15  
16 *Attorneys for Plaintiffs The Regents*  
17 *of the University of California and*  
18 *Janet Napolitano*

19  
20  
21  
22  
23  
24  
25  
26  
27 \_\_\_\_\_  
28 <sup>1</sup> Although civil motions are generally heard by Judge Alsup on Thursdays, Plaintiffs have noticed this motion for December 20 pursuant to the Case Management Order. Doc. 49.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **INTRODUCTION AND STATEMENT OF ISSUES**

3 This is no ordinary case. This lawsuit directly impacts the basic rights and future of a vulnerable  
4 population of young DACA recipients. Out of this group of DACA recipients, one student declarant is  
5 willing to share her voice with this Court, notwithstanding her fear that by doing so, she may suffer the  
6 consequences of retaliatory immigration decisions and harassment by third parties. Her fears are well-  
7 founded. *See* Christine Hauser, *A Young Immigrant Spoke Out About Her Deportation Fears. Then She*  
8 *Was Detained.*, NEW YORK TIMES (Mar. 2, 2017), [https://www.nytimes.com/2017/03/02/us/immigrant-](https://www.nytimes.com/2017/03/02/us/immigrant-daca-detained.html)  
9 [daca-detained.html](https://www.nytimes.com/2017/03/02/us/immigrant-daca-detained.html) (describing detention of DACA recipient who spoke out against Trump  
10 Administration and was subsequently detained). As a result, Doe 1 asks the Court for leave to proceed  
11 anonymously. Any prejudice to Defendants is far outweighed by Doe 1's need for anonymity, and the  
12 public will be benefited by giving voice to this DACA recipient and ensuring that individuals continue  
13 to bring judicial challenges to government action that may violate their constitutional rights and their  
14 rights under the Administrative Procedure Act. For these reasons, the Court should permit Doe 1 to  
15 proceed anonymously.

16 **BACKGROUND**

17 Doe 1 is not a party to this action but submitted a declaration in support of Plaintiffs' Motion for  
18 Provisional Relief. Doe 1 is a DACA recipient and undergraduate senior in the University of California  
19 system. (Doe 1 Decl. ¶ 1.) Doe 1 was born in Mexico, where her father struggled to earn a livable  
20 income and her family often went hungry. (*Id.* ¶ 2.) Doe 1 came to the United States with her family at  
21 the age of six. (*Id.*) Doe 1 applied for DACA as soon as she was able to raise the necessary money for  
22 the application. (*Id.* ¶ 10.) Doe 1 is a first-generation college student. (*Id.* ¶ 12.) Doe 1 has since held  
23 a number of employment positions both within and outside the University of California to help fund her  
24 college education. (*Id.* ¶¶ 14-15.) After graduating from college, Doe 1 aspires to attend law school and  
25 ultimately become an immigration lawyer. (*Id.* ¶ 16.) Doe 1's DACA status is set to expire in 2019,  
26 during her second year of law school, and her family is one of mixed immigration status. (*Id.* ¶¶ 10, 20.)  
27 Doe 1 fears adverse immigration actions and harassment against herself and her family should her  
28 identity become known. (*Id.* ¶ 25.)

**ARGUMENT**

1  
2 The Ninth Circuit allows “parties to use pseudonyms in the ‘unusual case’ when nondisclosure of  
3 the party’s identity ‘is necessary . . . to protect a person from harassment, injury, ridicule or personal  
4 embarrassment.’” *Doe I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068-69 (9th Cir. 2000).  
5 The Ninth Circuit has identified three circumstances where it may be appropriate for a party to proceed  
6 anonymously: (1) when identification creates a risk of retaliatory physical or mental harm; (2) when  
7 anonymity is necessary to preserve privacy in a matter of a sensitive and highly personal nature; and (3)  
8 when the anonymous party is compelled to admit his or her intention to engage in illegal conduct,  
9 thereby risking criminal prosecution. *Id.* at 1068. A party may proceed anonymously when his or her  
10 “need for anonymity outweighs prejudice to the opposing party and the public’s interest in knowing the  
11 party’s identity.” *Id.* at 1067.

12 This is precisely the type of “unusual case” in which a pseudonym is appropriate. Doe 1 should  
13 be permitted to proceed by pseudonym for two independent reasons. First, disclosure of Doe 1’s  
14 identity creates a significant risk of retaliatory harm. Second, anonymity is necessary to preserve Doe  
15 1’s privacy in highly personal information. In both cases, Doe 1’s fear is well-founded, and her need for  
16 anonymity outweighs any prejudice to the opposing party and actually furthers the public interest.

17 **I. Doe 1 Should be Permitted to Proceed Anonymously Because Disclosure of Her**  
18 **Identity Creates a Risk of Retaliatory Physical Harm.**

19 Doe 1, a member of a vulnerable class of DACA recipients, should be permitted to proceed  
20 anonymously because disclosure of her identity would create a risk of retaliatory physical harm to her  
21 and her family members. When a party fears retaliation, the court balances: (1) severity of the  
22 threatened harm, (2) reasonableness of the anonymous parties’ fears, (3) the anonymous party’s  
23 vulnerability to retaliation, (4) prejudice to the opposing party, and (5) whether the public’s interest in  
24 the case requires that litigants reveal their identities. *Doe v. Kamehameha Schools/Bernice Pauahi*  
25 *Bishop Estate*, 596 F.3d 1036, 1042 (9th Cir. 2010). These factors weigh in favor of preserving Doe 1’s  
26 anonymity.

27 Doe 1 has a well-grounded fear of adverse immigration consequences if she publicly identifies  
28 with this litigation. That fear is reasonable, particularly in light of media reports of the government’s

1 retaliation against a DACA recipient who spoke out against the Trump administration earlier this year.  
2 *See* Esther Yu Hsi Lee, *ICE Agents Detail an Undocumented Immigrant Moments After She Spoke Out*  
3 *Against Them*, THINK PROGRESS (Mar. 2, 2017), [https://thinkprogress.org/ice-agents-detained-an-](https://thinkprogress.org/ice-agents-detained-an-undocumented-immigrant-moments-after-she-spoke-out-against-them-41e50a54978a/)  
4 [undocumented-immigrant-moments-after-she-spoke-out-against-them-41e50a54978a/](https://thinkprogress.org/ice-agents-detained-an-undocumented-immigrant-moments-after-she-spoke-out-against-them-41e50a54978a/) (noting that a 22-  
5 year old DACA recipient was pulled over by U.S. Immigration and Customs Enforcement agents shortly  
6 after speaking out against the Trump Administration at a press conference). By associating with this  
7 lawsuit, Doe 1 is putting her name in the spotlight, and there is a significant risk that she and her family  
8 may suffer adverse immigration consequences as a result.

9 Moreover, given the media attention to this case, Doe 1 has a well-grounded fear of physical  
10 harm and harassment from third parties if she is publicly identified with this litigation. *See Advanced*  
11 *Textile Corp.*, 214 F.3d at 1070 (holding that economic injuries inflicted by third parties, such as  
12 termination or blacklisting, may be sufficient to justify anonymous proceedings, where such injuries  
13 carry “extraordinary” consequences); *see also* Holmes-Sullivan Decl. ¶ 12 (noting harassment of  
14 immigrant students on University of California campuses).

15 Finally, Doe 1 is in an extremely vulnerable position. She is a young student, and the decision to  
16 deport her may be made at any time. Furthermore, her vulnerability to retaliation is enhanced because  
17 she represents a large population of DACA recipients. Thus, while her vulnerability may lessen as  
18 additional DACA recipients speak out, providing her with safety in numbers, at this point Doe 1 is  
19 bravely speaking out on behalf of her peers in one of the first lawsuits filed, further underscoring the  
20 need for anonymity. *See id.* at 1072 (noting that the vulnerable position of 23 Does bringing suit on  
21 behalf of a workforce of 25,000 is “enhanced” and one factor that justifies anonymity).

22 **II. Doe 1 Should be Permitted to Proceed Anonymously Because Anonymity is**  
23 **Necessary to Protect Highly Personal Information**

24 Doe 1 should also be permitted to proceed anonymously for the independent reason that  
25 anonymity is necessary to “preserve privacy in a matter of sensitive and highly personal nature.”  
26 *Advanced Textile*, 214 F.3d at 1068. Immigration status of oneself and one’s family constitutes this sort  
27 of “sensitive and highly personal” information. *See, e.g., Int’l Refugee Assistance Project v. Trump*,  
28 2017 WL 818255, at \*2 (D. Md. Mar. 1, 2017) (explaining that a plaintiffs’ immigration status “ha[s]

1 been deemed to be sufficiently sensitive and personal in nature to support plaintiffs' use of pseudonyms  
2 under appropriate circumstances" and collecting cases); *see also Advanced Textile Corp.*, 214 F.3d at  
3 1169 (crediting plaintiffs' "highly vulnerable [immigration] status" as one of several factors weighing in  
4 favor of allowing plaintiffs to proceed anonymously). Accordingly, for this reason, too, Doe 1 should be  
5 permitted to proceed anonymously.

6 **III. Any Prejudice to Defendants is Outweighed by Doe 1's Need for Anonymity.**

7 Even assuming that the factual allegations in the declarations were prejudicial to the  
8 government's arguments at this stage of the proceeding, any prejudice is far outweighed by Doe 1's  
9 need to proceed anonymously. Although private plaintiffs may be prejudiced by having to proceed  
10 publicly against a private defendant, the government incurs no such prejudice because it possesses a  
11 considerably "less significant interest in protecting its reputation from damaging allegations than the  
12 ordinary individual defendant."<sup>2</sup> *EW v. New York Blood Ctr.*, 213 F.R.D. 108, 111 (E.D.N.Y. 2003);  
13 *see also S. Methodist Univ. Ass'n of Women Law Students v. Wynne & Jaffe*, 599 F.2d 707, 713 (5th Cir.  
14 1979).

15 **IV. The Public's Interest is Furthered by Permitting Doe 1 to Proceed Anonymously.**

16 Although the public ordinarily has an interest in knowing the names of parties and participants in  
17 lawsuits, that interest is outweighed where, as here, the public has an overriding interest in ensuring that  
18 individuals bring judicial challenges to government action that may violate their constitutional rights and  
19 their rights under the Administrative Procedure Act. *See, e.g., Advanced Textile Corp.*, 214 F.3d at 1073  
20 ("[P]ermitting plaintiffs to use pseudonyms will serve the public's interest in this lawsuit by enabling it  
21 to go forward."); *cf. Rivera v. NIBCO, Inc.*, 364 F.3d 1057, 1065 (9th Cir. 2004) ("The chilling effect  
22 [that discovery of immigration status of workers] could have on the bringing of civil rights actions  
23 unacceptably burdens the public interest.").

24 Moreover, allowing Doe 1 to proceed pseudonymously will not obstruct public scrutiny of the  
25 important issues in this case because the nature of the legal challenge has almost nothing to do with her  
26

---

27 <sup>2</sup> Plaintiffs further note that they are open to discussing an appropriate protective order that addresses  
28 any concerns that Defendants have while protecting Doe 1's need for anonymity.

1 particular identity. *See Kamehameha Schools*, 596 F.3d at 1043 (stating, in the context of a challenge to  
2 a private school’s allegedly race-based admissions policy, that “it is difficult to see how disguising  
3 plaintiffs’ identities will obstruct public scrutiny of the important issues” because the plaintiff children  
4 brought “claims of widespread discrimination”).

5 **CONCLUSION**

6 For the foregoing reasons, Doe 1 should be permitted to proceed anonymously.

7 Dated: November 1, 2017

8 COVINGTON & BURLING LLP

9 /s/ Jeffrey M. Davidson  
10 Jeffrey M. Davidson (SBN 248620)  
11 Alan Bersin (SBN 63874)  
12 One Front Street, 35th Floor  
13 San Francisco, CA 94111-5356  
14 Telephone: (415) 591-6000  
15 Facsimile: (415) 591-6091  
16 Email: j davidson@cov.com

17 Lanny A. Breuer (*pro hac vice*)  
18 Mark H. Lynch (*pro hac vice*)  
19 Alexander A. Berengaut (*pro hac vice*)  
20 Megan A. Crowley (*pro hac vice*)  
21 Ashley Anguas Nyquist (*pro hac vice*)  
22 Jonathan Y. Mincer (Bar No. 298795)  
23 Ivano M. Ventresca (*pro hac vice*)  
24 COVINGTON & BURLING LLP  
25 One CityCenter  
26 850 Tenth Street, NW  
27 Washington, DC 20001-4956  
28 Telephone: (202) 662-6000  
Facsimile: (202) 662-6291  
E-mail: lbreuer@cov.com, mlynch@cov.com,  
aberengaut@cov.com, mcrowley@cov.com,  
anyquist@cov.com, jmincer@cov.com,  
iventresca@cov.com

Mónica Ramírez Almadani (SBN 234893)  
COVINGTON & BURLING LLP  
1999 Avenue of the Stars  
Los Angeles, CA 90067-4643  
Telephone: (424) 332-4800  
Facsimile: (424) 332-4749  
Email: mralmadani@cov.com

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
MICHAEL L. NEWMAN  
Supervising Deputy Attorney General

/s/ James F. Zahradka II  
JAMES F. ZAHRADKA II  
Deputy Attorney General

CHRISTINE CHUANG  
REBEKAH A. FRETZ  
RONALD H. LEE  
KATHLEEN VERMAZEN  
RADEZ SHUBHRA SHIVPURI  
1515 Clay Street, 20th Floor  
P.O. Box 70550  
Oakland, CA 94612-0550  
Telephone: (510) 879-1247

*Attorneys for Plaintiff State of California*

JANET T. MILLS  
Attorney General of Maine  
SUSAN P. HERMAN (*pro hac vice*)  
Deputy Attorney General  
6 State House Station  
Augusta, Maine 04333  
Telephone: (207) 626-8814  
Email: susan.herman@maine.gov

*Attorneys for Plaintiff State of Maine*

BRIAN E. FROSH  
Attorney General of Maryland  
STEVEN M. SULLIVAN (*pro hac vice*)  
Solicitor General  
200 Saint Paul Place, 20th Floor  
Baltimore, Maryland 21202

1 Erika Douglas (SBN 314531)  
2 COVINGTON & BURLING LLP  
3 333 Twin Dolphin Drive, Suite 700  
4 Redwood Shores, CA 94061-1418  
5 Telephone: (650) 632-4700  
6 Facsimile: (650) 632-4800  
7 Email: edouglas@cov.com

Telephone: (410) 576-6325  
Email: ssullivan@oag.state.md.us

*Attorneys for Plaintiff State of Maryland*

8 Charles F. Robinson (SBN 113197)  
9 Margaret Wu (Bar No. 184167)  
10 Julia M. C. Friedlander (SBN 165767)  
11 Sonya Sanchez (SBN 247541)  
12 Norman Hamill (SBN 154272)  
13 Harpreet Chahal (SBN 233268)  
14 Michael Troncoso (SBN 221180)  
15 University of California  
16 Office of the General Counsel  
17 1111 Franklin Street, 8th Floor  
18 Oakland, CA 94607-5200  
19 Telephone: (510) 987-9800  
20 Facsimile: (510) 987-9757  
21 Email: charles.robinson@ucop.edu

LORI SWANSON  
Attorney General State of Minnesota  
JULIANNA F. PASSE (*pro hac vice*)  
Assistant Attorney General  
445 Minnesota Street, Suite 1100  
St. Paul, Minnesota 55101-2128  
Telephone: (651) 757-1136  
Email: julianna.passe@ag.state.mn.us

*Attorneys for Plaintiff State of Minnesota*

22 *Attorneys for Plaintiffs THE REGENTS OF THE*  
23 *UNIVERSITY OF CALIFORNIA and JANET*  
24 *NAPOLITANO, in her official capacity as President*  
25 *of the University of California*

26 GIBSON, DUNN & CRUTCHER LLP

COTCHETT, PITRE & McCARTHY, LLP  
OFFICE OF THE CITY ATTORNEY

27 /s/ Theodore J. Boutrous, Jr.

/s/ Nancy L. Fineman

28 THEODORE J. BOUTROUS, JR., SBN 132099  
tboutrous@gibsondunn.com  
KATHERINE M. MARQUART, SBN 248043  
kmarquart@gibsondunn.com  
JESSE S. GABRIEL, SBN 263137  
jgabriel@gibsondunn.com  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Telephone: (213) 229-7000  
Facsimile: (213) 229-7520

NANCY L. FINEMAN  
BRIAN DANITZ (SBN 247403)  
bdanitz@cpmlegal.com  
TAMARAH P. PREVOST (SBN 313422)  
tprevost@cpmlegal.com  
San Francisco Airport Office Center  
840 Malcolm Road, Suite 200  
Burlingame, CA 94010  
Telephone: (650) 697-6000  
Facsimile: (650) 697-0577

ETHAN D. DETTMER, SBN 196046  
edettmer@gibsondunn.com  
555 Mission Street  
San Francisco, CA 94105  
Telephone: (415) 393-8200  
Facsimile: (415) 393-8306

RICHARD DOYLE (SBN 88625)  
NORA FRIMANN (SBN 93249)  
OFFICE OF THE CITY ATTORNEY  
200 East Santa Clara Street, 16th Floor  
San José, California 95113  
Telephone: (408) 535-1900  
Facsimile: (408) 998-3131  
Email Address: cao.main@sanJoseca.gov

1 PUBLIC COUNSEL

2 MARK D. ROSENBAUM, SBN 59940

3 mrosenbaum@publiccounsel.org

4 JUDY LONDON, SBN 149431

5 jlondon@publiccounsel.org

6 610 South Ardmore Avenue

7 Los Angeles, CA 90005

8 Telephone: (213) 385-2977

9 Facsimile: (213) 385-9089

*Attorneys for Plaintiff City of San Jose*

10 BARRERA LEGAL GROUP, PLLC

11 LUIS CORTES ROMERO, SBN 310852

12 lcortes@barreralegal.com

13 19309 68th Avenue South, Suite R102

14 Kent, WA 98032

15 Telephone: (253) 872-4730

16 Facsimile: (253) 237-1591

17 LAURENCE H. TRIBE, SBN 39441

18 larry@tribelaw.com Harvard Law School

19 *\*Affiliation for identification purposes only*

20 1575 Massachusetts Avenue

21 Cambridge, MA 02138

22 Telephone: (617) 495-1767

23 ERWIN CHEMERINSKY, *pro hac vice*  
24 forthcoming

25 echemerinsky@law.berkeley.edu

26 University of California, Berkeley School of Law

27 *\*Affiliation for identification purposes only*

28 215 Boalt Hall

Berkeley, CA 94720-7200

Telephone: (510) 642-6483

LEAH M. LITMAN, *pro hac vice*

forthcoming llitman@law.uci.edu

University of California, Irvine School of Law

*\*Affiliation for identification purposes only*

401 East Peltason Drive Irvine, CA 92697

Telephone: (949) 824-7722

*Attorneys for Plaintiffs DULCE GARCIA,*

*MIRIAM GONZALEZ AVILA, SAUL*

*JIMENEZ SUAREZ, VIRIDIANA CHABOLLA*

*MENDOZA, NORMA RAMIREZ, and JIRAYUT*

*LATTHIVONGSKORN*

1 /s/ James R. Williams

2 JAMES R. WILLIAMS, County Counsel  
3 GRETA S. HANSEN  
4 LAURA S. TRICE  
5 laura.trice@cco.sccgov.org  
6 MARCELO QUIÑONES  
7 marcelo.quinones@cco.sccgov.org  
8 OFFICE OF THE COUNTY COUNSEL  
9 COUNTY OF SANTA CLARA  
10 70 West Hedding Street  
11 East Wing, Ninth Floor  
12 San Jose, CA 95110-1770  
13 Telephone: (408) 299-5900  
14 Facsimile: (408) 292-7240

15 *Attorneys for Plaintiff COUNTY OF SANTA CLARA*

/s/ Eric P. Brown

JONATHAN WEISSGLASS  
jweissglass@altber.com  
STACEY M. LEYTON  
sleyton@altber.com  
ERIC P. BROWN  
ebrown@altber.com  
ALTSHULER BERZON LLP  
177 Post St., Suite 300  
San Francisco, CA 94108  
Telephone: (415) 421-7151

*Attorneys for Plaintiffs COUNTY OF SANTA  
CLARA AND SERVICE EMPLOYEES  
INTERNATIONAL UNION LOCAL 521*

**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: November 1, 2017

/s/ Jeffrey M. Davidson

Jeffrey M. Davidson

*Counsel for Plaintiffs The Regents of the University of California and Janet Napolitano, in her official capacity as President of the University of California*

1 Jeffrey M. Davidson (SBN 248620)  
2 Alan Bersin (SBN 63874)  
3 COVINGTON & BURLING LLP  
4 One Front Street, 35th Floor  
5 San Francisco, CA 94111-5356  
6 Telephone: (415) 591-6000  
7 Facsimile: (415) 591-6091  
8 Email: jdavids@cov.com,  
9 abersin@cov.com

10 *Attorneys for Plaintiffs The Regents of the University*  
11 *of California and Janet Napolitano, in her official*  
12 *capacity as President of the University of California*

13 GIBSON, DUNN & CRUTCHER LLP  
14 Theodore J. Boutrous, Jr. (SBN 132099)  
15 Ethan D. Dettmer (SBN 196046)  
16 Jesse S. Gabriel (SBN 263137)  
17 333 South Grand Avenue  
18 Los Angeles, CA 90071-3197  
19 Telephone: (213) 229-7000  
20 Facsimile: (213) 229-7520  
21 Email: tboutrous@gibsondunn.com,  
22 edettmer@gibsondunn.com,  
23 jgabriel@gibsondunn.com

24 *Attorneys for Plaintiffs Dulce Garcia, Miriam*  
25 *Gonzalez Avila, Saul Jimenez Suarez, Viridiana*  
26 *Chabolla Mendoza, Norma Ramirez, and Jirayut*  
27 *Latthivongskorn*

Xavier Becerra  
Attorney General of California  
Michael L. Newman  
Supervising Deputy Attorney General  
James F. Zahradka II (SBN 196822)  
1515 Clay Street, 20th Floor  
P.O. Box 70550  
Oakland, CA 94612-0550  
Telephone: (510) 879-1247  
E-mail: James.Zahradka@doj.ca.gov

*Attorneys for Plaintiff State of California*

Joseph W. Cotchett (SBN 36324)  
Nancy L. Fineman (SBN 124870)  
COTCHETT, PITRE & McCARTHY, LLP  
San Francisco Airport Office Center  
840 Malcolm Road, Suite 200  
Burlingame, CA 94010  
Telephone: (650) 697-6000  
Facsimile: (650) 697-0577  
Email: nfineman@cpmlegal.com

*Attorneys for Plaintiff City of San Jose*

Jonathan Weissglass (SBN 185008)  
Stacey M. Leyton (SBN 203827)  
Eric P. Brown (SBN 284245)  
ALTSHULER BERZON LLP  
177 Post Street, Suite 300  
San Francisco, CA 94108  
Telephone: (415) 421-7151  
Facsimile: (415) 362-8064  
Email: jweissglass@altber.com  
*Attorneys for Plaintiffs County of Santa Clara and*  
*Service Employees International Union Local 521*

**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,

CASE NO. 17-CV-05211-WHA

**DECLARATION OF JEFFREY M. DAVIDSON  
IN SUPPORT OF PLAINTIFFS' MOTION TO  
MAINTAIN THE ANONYMITY OF DOE 1**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Defendants.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 the Department of Homeland Security;  
and U.S. DEPARTMENT OF HOMELAND  
SECURITY,

Defendants.

CASE NO. 17-CV-05813-WHA

1 I, JEFFREY M. DAVIDSON, hereby declare as follows:

2 1. I am a partner at Covington & Burling LLP (“Covington”), counsel of record to Plaintiffs  
3 The Regents of the University of California and Janet Napolitano in the above-captioned matter. I have  
4 personal knowledge of the facts set forth in this Declaration, and if called upon as a witness, I could and  
5 would testify truthfully to them.

6 2. For the reasons stated in Plaintiffs’ Motion to Maintain the Anonymity of Doe 1, Doe 1  
7 should be permitted to proceed pseudonymously.

8 3. My colleague, Alexander Berengaut, emailed Brad Rosenberg, Defendants’ attorney, on  
9 Tuesday, October 31, 2017, to seek a stipulation regarding this motion. The parties were unable to agree  
10 to a stipulation. While Mr. Rosenberg does not oppose Plaintiffs’ request to file under seal the identity  
11 of Doe 1, Mr. Rosenberg opposes Plaintiffs’ request that the identity of Doe 1 be withheld from  
12 Defendants.

13 I declare under penalty of perjury that to the best of my knowledge, information and belief, the  
14 foregoing statements are true and correct.

15 Executed on this 1st day of November 2017 in San Francisco, California.

16 DATED: November 1, 2017

COVINGTON & BURLING LLP

17  
18 By: /s/ Jeffrey M. Davidson  
19 Jeffrey M. Davidson  
20 COVINGTON & BURLING LLP  
21 One Front Street, 35th Floor  
22 San Francisco, CA 94111-5356  
23 Telephone: (415) 591-6000  
24 Facsimile: (415) 591-6091  
25 Email: j davidson@cov.com

*Attorneys for Plaintiffs The Regents of the  
University of California and Janet Napolitano,  
in her official capacity as President of the  
University of California*

**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

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION TO MAINTAIN  
THE ANONYMITY OF DOE 1**

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

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 the Department  
of Homeland Security; and U.S.  
DEPARTMENT OF HOMELAND  
SECURITY,

Defendants.

CASE NO. 17-CV-05813-WHA

Plaintiffs have filed a motion under Local Rule 7-11 to maintain the anonymity of Declarant Doe

1. This Court, having considered the briefs and other documents in support of the motion and being fully advised in this matter finds as follows:

IT IS HEREBY ORDERED that Plaintiffs' Motion to Maintain the Anonymity of Doe 1 is **GRANTED.**

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable William H. Alsup  
United States District Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28