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15
16 UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 CITY OF SAN JOSE, CALIFORNIA; KING
19 COUNTY, WASHINGTON; ARLINGTON
COUNTY, VIRGINIA; BLACK ALLIANCE FOR
20 JUST IMMIGRATION, a California nonprofit
corporation; Sam Liccardo; Zerihoun Yilma; and
21 Lovette Kargbo-Thompson,

Plaintiffs,

22 vs.

23 DONALD J. TRUMP, in his official capacity as
President of the United States; WILBUR L.
24 ROSS, JR., in his official capacity as
Secretary of Commerce; U.S. DEPARTMENT OF
25 COMMERCE, U.S. CENSUS BUREAU, STEVEN
DILLINGHAM, in his official capacity as Director of
26 the U.S. Census Bureau, and CHERYL L.
JOHNSON, in her official capacity as Clerk of the
27 U.S. House of Representatives,

28 Defendants.

CASE NO. 5:20-cv-05167-LHK
**PLAINTIFFS' STATEMENT IN
SUPPORT OF ADMINISTRATIVE
MOTION TO RELATE CASE
NOS. 5:20-CV-05167 AND
3:20-CV-05169 [Dkt. No. 12]**

1 Pursuant to Civil L.R. 3-12(e), Plaintiffs City of San Jose, King County, Arlington
2 County, Black Alliance for Just Immigration (“BAJI”), Sam Liccardo, Zerihoun Yilma, and
3 Lovette Kargbo-Thompson (collectively, “Plaintiffs”) hereby submit this statement in support of
4 the administrative motion of the State of California, City of Los Angeles, City of Long Beach,
5 City of Oakland, and Los Angeles Unified School District (collectively, “California”) to relate
6 *State of California, et al. v. Donald J. Trump, et al.*, Case No. 3:20-cv-05169, filed on July 28,
7 2020, to *City of San Jose, et al. v. Donald J. Trump, et al.*, Case No. 5:20-cv-05167, filed on July
8 27, 2020, both of which are pending in this district.

9 As set forth in California’s motion (Dkt. No. 12), both lawsuits challenge President
10 Donald J. Trump’s July 21, 2020 Memorandum Excluding Illegal Aliens From the
11 Apportionment Base Following the 2020 Census (“Apportionment Exclusion Order”), which
12 declares the President’s intent to exclude undocumented immigrants from the census count for
13 the purpose of apportioning congressional representatives. Both lawsuits also challenge the
14 implementation of the Apportionment Exclusion Order. Both lawsuits were brought by
15 California plaintiffs against Defendants President Donald J. Trump, Secretary of Commerce
16 Wilbur Ross, the U.S. Department of Commerce, the U.S. Census Bureau, and U.S. Census
17 Bureau Director Steven Dillingham. Both lawsuits claim that Defendants’ actions will cause
18 California and its localities and residents to lose political representation and federal funding, and
19 the 2020 Census data to be degraded. And both lawsuits bring claims that Defendants’ actions
20 violate the Constitution and the Census Act.

21 Plaintiffs agree that these actions “concern substantially the same parties, [] transaction or
22 event,” and “[i]t appears likely that there will be an unduly burdensome duplication of labor or
23 conflicting results if the cases are conducted before different Judges.” Civ. L.R. 3-12(a).

24 Plaintiffs respectfully request that this Court grant the motion to relate California’s case to this
25 case.

26 Dated: July 31, 2020

LATHAM & WATKINS LLP

By: /s/ Sadik Huseny
Sadik Huseny

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