

1 CHAD A. READLER  
 Acting Assistant Attorney General  
 2 ALEX G. TSE  
 Acting United States Attorney  
 3 BRETT A. SHUMATE  
 Deputy Assistant Attorney General  
 4 JENNIFER D. RICKETTS  
 Branch Director  
 5 JOHN R. TYLER  
 Assistant Branch Director  
 6 BRAD P. ROSENBERG (DC Bar #467513)  
 Senior Trial Counsel  
 7 STEPHEN M. PEZZI (DC Bar #995500)  
 KATE BAILEY (MD Bar #1601270001)  
 8 Trial Attorneys  
 9 United States Department of Justice  
 Civil Division, Federal Programs Branch  
 10 20 Massachusetts Avenue, NW  
 Washington, DC 20530  
 11 Telephone: (202) 514-3374  
 12 Facsimile: (202) 616-8460  
 13 E-mail: brad.rosenberg@usdoj.gov  
 14

15 *Attorneys for Defendants*

16 **UNITED STATES DISTRICT COURT FOR THE**  
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 REGENTS OF UNIVERSITY OF  
 19 CALIFORNIA and JANET NAPOLITANO,  
 in her official capacity as President of the  
 20 University of California,

21 Plaintiffs,

22 v.

23 UNITED STATES DEPARTMENT OF  
 24 HOMELAND SECURITY and KIRSTJEN  
 M. NIELSEN, in her official capacity as the  
 25 Secretary of Homeland Security,

26 Defendants.

No. 3:17-cv-05211-WHA

**NOTICE OF APPEAL**

Judge: Honorable William Alsup

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

5 Plaintiffs,

6 v.

7 U.S. DEPARTMENT OF HOMELAND  
8 SECURITY, KIRSTJEN M. NIELSEN, in her  
9 official capacity as Secretary of Homeland  
10 Security, and the UNITED STATES OF  
11 AMERICA,

12 Defendants.

No. 3:17-cv-05235-WHA

13 CITY OF SAN JOSE, a municipal  
14 corporation,

15 Plaintiff,

16 v.

17 DONALD J. TRUMP, President of the United  
18 States, in his official capacity, KIRSTJEN M.  
19 NIELSEN, in her official capacity as  
20 Secretary of Homeland Security, and the  
21 UNITED STATES OF AMERICA,

22 Defendants.

No. 3:17-cv-05329-WHA

23 DULCE GARCIA, MIRIAM GONZALEZ  
24 AVILA, SAUL JIMENEZ SUAREZ,  
25 VIRIDIANA CHABOLLA MENDOZA,  
26 NORMA RAMIREZ, and JIRAYUT  
27 LATTHIVONGSKORN,

28 Plaintiffs,

v.

UNITED STATES OF AMERICA,  
DONALD J. TRUMP, in his official capacity

No. 3:17-cv-05380-WHA

1 as President of the United States, U.S.  
2 DEPARTMENT OF HOMELAND  
3 SECURITY, and KIRSTJEN M. NIELSEN,  
4 in her official capacity as Secretary of  
5 Homeland Security,

6  
7  
8  
9 Defendants.

10  
11 COUNTY OF SANTA CLARA and  
12 SERVICE EMPLOYEES INTERNATIONAL  
13 UNION LOCAL 521,

14 Plaintiffs,

15 v.

No. 3:17-cv-05813-WHA

16 DONALD J. TRUMP, President of the United  
17 States, in his official capacity; JEFFERSON  
18 BEAUREGARD SESSIONS, Attorney  
19 General of the United States, in his official  
20 capacity; KIRSTJEN M. NIELSEN, Secretary  
21 of Homeland Security, in her official capacity;  
22 and the U.S. DEPARTMENT OF  
23 HOMELAND SECURITY,

24  
25  
26  
27  
28 Defendants.

**NOTICE OF APPEAL**

PLEASE TAKE NOTICE that all Defendants in the above-captioned matters hereby appeal to the United States Court of Appeals for the Ninth Circuit from this Court’s January 9, 2018 Order Denying FRCP 12(b)(1) Dismissal and Granting Provisional Relief<sup>1</sup> and this Court’s January 12, 2018 Order Granting in Part Defendants’ Motion to Dismiss Under FRCP 12(b)(6).<sup>2</sup> Those Orders are docketed in each of these five cases as follows:

- *Regents of the University of California, et al. v. United States Department of Homeland Security, et al.*, No. 3:17-cv-05211-WHA, ECF Nos. 234, 239.
- *State of California, et al. v. U.S. Department of Homeland Security, et al.*, No. 3:17-cv-05235-WHA, ECF Nos. 83, 88.
- *City of San Jose v. Donald J. Trump, et al.*, No. 3:17-cv-05329-WHA, ECF Nos. 66, 71.
- *Dulce Garcia, et al. v. United States of America, et al.*, No. 3:17-cv-05380-WHA, ECF Nos. 60, 65.
- *County of Santa Clara, et al. v. Donald J. Trump, et al.*, No. 3:17-cv-05813-WHA, ECF Nos. 48, 53.

This appeal includes all prior orders and decisions that merge into the Court’s January 9, 2018 and January 12, 2018 Orders.

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<sup>1</sup> While the January 9, 2018 Order is immediately appealable to the extent it grants provisional relief, all Defendants are also appealing the Order to the extent it denies Defendants’ motion to dismiss. That aspect of the appeal is being taken pursuant to 28 U.S.C. § 1292(b).

<sup>2</sup> The January 12, 2018 Order is being appealed pursuant to 28 U.S.C. § 1292(b).

1 Dated: January 16, 2018

Respectfully submitted,

2 CHAD A. READLER  
Acting Assistant Attorney General

3 ALEX G. TSE  
4 Acting United States Attorney

5 BRETT A. SHUMATE  
6 Deputy Assistant Attorney General

7 JENNIFER D. RICKETTS  
Branch Director

8 JOHN R. TYLER  
9 Assistant Branch Director

10 */s/ Brad P. Rosenberg*  
BRAD P. ROSENBERG (DC Bar #467513)  
Senior Trial Counsel

11  
12 STEPHEN M. PEZZI (DC Bar #995500)  
KATE BAILEY (MD Bar #1601270001)  
Trial Attorneys  
13 United States Department of Justice  
14 Civil Division, Federal Programs Branch  
20 Massachusetts Avenue N.W.  
Washington, DC 20530  
15 Phone: (202) 514-3374  
16 Fax: (202) 616-8460  
Email: brad.rosenberg@usdoj.gov

17 *Attorneys for Defendants*