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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 COUNTY OF SANTA CLARA,

16 Plaintiff,

17 vs.

18 DONALD J. TRUMP, et al.,

19 Defendants.
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Case No. 3:17-cv-00574-WHO

**PUBLIC SCHOOLS, SCHOOL DISTRICTS
AND ASSOCIATIONS OF EDUCATORS'
MOTION FOR LEAVE TO FILE AMICUS
CURIAE BRIEF**

1 **INTRODUCTION**

2 Public schools, school districts, educational associations, and individual educators (the
3 “Educational Amici”) respectfully move for leave to file an amicus curiae brief in support of the
4 County of Santa Clara’s Motion for Preliminary Injunction. Pursuant to the Court’s February 24,
5 2017 Order Regarding Amicus Briefing, Educational Amici file this administrative motion for leave
6 to file their *amicus* brief. A copy of the proposed brief is attached as Exhibit A to this motion.
7 Plaintiff has consented to the filing of this motion and the accompanying *amicus* brief. Defendant
8 has informed Educational Amici that it takes no position on the current filing.

9 **IDENTITY AND INTEREST OF AMICUS CURIAE**

10 The Educational Amici are located throughout the State of California and are at the heart of
11 local education communities. They operate schools and school districts, teach and nurture our
12 children, interact with student families, and foster the sense of community and inclusiveness
13 essential for successful educational outcomes.

14 The Education Amici include 13 public charter schools, Academia Avance Charter, Alta
15 Public Schools, Aspire Public Schools, Birmingham Community Charter High School, Camino
16 Nuevo Charter Academy, Fenton Charter Public Schools, GALS LA (Girls Athletic Leadership
17 School - Los Angeles), Green Dot Public Schools, KIPP Bay Area Schools, OnePurpose School,
18 Semillas Community Schools, STEM Preparatory Schools and Sunrise Middle School; 18 school
19 districts, Alum Rock Union Elementary School District, Campbell Union High School District,
20 Campbell Union School District, East Side Union High School District, Evergreen School District,
21 Gilroy Unified School District, Los Angeles Unified School District, Mount Pleasant Elementary
22 School District, Oakland Unified School District, San Diego Unified School District, San Francisco
23 Unified School District, San Jose Unified School District, Santa Clara County Office of Education,
24 Santa Clara Unified School District, Sequoia Union High School District, Sunnyvale School
25 District, Sweetwater Union High School District and Wiseburn Unified School District; 3
26 community college districts, Palomar College, San Diego Community College District and
27 Southwestern College ; 7 educational associations, ACSA (Association of California School
28 Administrators), CALSA (California Association of Latino Superintendents and Administrators),

1 CCSA (California Charter Schools Association), CCSESA (California County Superintendents
2 Educational Services Association), CFT (California Federation of Teachers), CLSBA (California
3 Latino School Boards Association) and CTA (California Teachers Association); and two
4 superintendents in their official capacities, Mary Jane Burke (Marin County Superintendent of
5 Schools) and Benjamin H. Picard, Ed.D. (Superintendent of Schools, Sunnyvale School District).

6 Given their position in the educational system, the Educational Amici are particularly aware
7 of the impact of the President Donald J. Trump's Executive Order entitled "Enhancing Public
8 Safety in the Interior of the United States" (the "Executive Order") on our students, their families,
9 and the broader educational system. Educational Amici, who provide children with their
10 constitutionally guaranteed right to an education, *Plyler v. Doe*, 457 U.S. 202, 219-30 (1982), are
11 bearing witness to the on-going and irreparable harm the Executive Order is causing.

12 **REASONS WHY THE MOTION SHOULD BE GRANTED**

13 District courts have "broad discretion" to appoint amicus curiae. *Hoptowitz v. Ray*, 682 F. 2d
14 1237, 1260 (9th Cir. 1982). "District courts frequently welcome amicus briefs from non-parties
15 concerning legal issues that have potential ramifications beyond the parties directly involved or if
16 the amicus has 'unique information or perspective that can help the court beyond the help that the
17 lawyers for the parties are able to provide.'" *NGV Gaming, Ltd. V. Upstream Point Molate, LLC*,
18 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (quoting *Cobell v. Norton*, 246 F. Supp. 2d 59, 62
19 (D.D.C.2003)). If permitted to file, the Educational Amici will fulfill "the classic role of amicus
20 curiae by assisting in a case of general public interest[] [and] supplementing the efforts of
21 counsel[.]" *Miller-Wohl Co. v. Comm'r of Labor & Indus. State of Mont.*, 694 F.2d 203, 204 (9th
22 Cir. 1982).

23 The Court should exercise its discretion to permit the Educational Amici to file the attached
24 *amicus* brief. Counsel for the Educational Amici is familiar with the scope of the arguments
25 presented by the parties and will not unduly repeat those arguments. Educational Amici will draw
26 upon their knowledge of the educational system and their experience in school communities to
27 demonstrate the on-going and irreparable harm the Executive Order is causing and will continue to
28 cause unless enjoined by the Court.

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CONCLUSION

For these reasons, the Educational Amici respectfully request that the Court grant it leave to file the *amicus* brief attached as Exhibit A.

Dated: March 22, 2017

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Darren S. Teshima

DARREN S. TESHIMA

Attorneys for *Amici Curiae*
Public Schools, Public School Districts,
and Associations of Educators

CERTIFICATE OF SERVICE

I, Darren S. Teshima, hereby certify that on the 22nd day of March, 2017, I caused the foregoing document to be electronically transmitted to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to any ECF registrants for this case.

/s/ Darren S. Teshima
DARREN S. TESHIMA

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