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

15
16 COUNTY OF SANTA CLARA,

17 Plaintiff,

18 v.

19 DONALD J. TRUMP, President of the United
20 States of America, JOHN F. KELLY, in his
official capacity as Secretary of the United States
21 Department of Homeland Security, JEFFERSON
B. SESSIONS, in his official capacity as
22 Attorney General of the United States, JOHN
MICHAEL “MICK” MULVANEY, in his
23 official capacity as Director of the Office of
24 Management and Budget, and DOES 1-50,

25 Defendants.

CASE NO.: 17-cv-00574

**NOTICE OF MOTION AND MOTION
FOR PERMISSIVE INTERVENTION OF
YOUNG WOMEN’S CHRISTIAN
ASSOCIATION OF SILICON VALLEY;
MEMORANDUM OF POINTS AND
AUTHORITIES**

Date: April 5, 2017
Time: 2:00 p.m.
Dept.: Courtroom 2
Before: Hon. William H. Orrick

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NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that on April 5, 2017, at 2:00 p.m., or as soon thereafter as counsel may be heard, in Courtroom 2 of the United States Courthouse located at 455 Golden Gate Avenue, San Francisco, California 94102, Plaintiff-Intervenor Young Women’s Christian Association of Silicon Valley (“Plaintiff-Intervenor” or the “YWCA Silicon Valley”) will, and hereby does, move pursuant to Federal Rule of Civil Procedure 24(b) for an order permitting it to intervene as a plaintiff in this action and to join in Plaintiff Santa Clara County’s (“Plaintiff” or “Santa Clara”) Motion for Preliminary Injunction (ECF No. 26). Plaintiff-Intervenor so moves on the ground that it is entitled to permissive intervention pursuant to Federal Rule of Civil Procedure 24(b)(1)(B). This motion is supported by the accompanying Memorandum of Points and Authorities, all concurrently filed pleadings and papers (the Complaint in Intervention, the Joinder of Plaintiff-Intervenor YWCA Silicon Valley in County of Santa Clara’s Motion for a Preliminary Injunction, and the Declaration of Anne Marie Pate in Support of YWCA Silicon Valley’s Joinder), any oral argument this Court may allow, and any other matter of which this Court takes notice.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Executive Order 13768, “Enhancing Public Safety in the Interior of the United States” (the “Executive Order”), issued by Defendant President Donald J. Trump on January 25, 2017, constitutes a broad and profoundly unconstitutional assertion of presidential power. With the Executive Order, the President claims for himself and his executive officers the plenary power to strip all federal funding from any state, county, or city they deem a “sanctuary jurisdiction.” But control over spending belongs to Congress, not the executive, and even Congress cannot condition receipt of federal funding on state or local enforcement of a federal regulatory scheme as contemplated by the Executive Order.

This lawsuit (the “Main Action”), brought by Santa Clara County, seeks a declaration that key provisions of the Executive Order are unconstitutional and an injunction against enforcement of those

1 provisions.¹ In particular, the complaint in the Main Action alleges several reasons why Santa Clara
2 credibly believes that it will be deemed a “sanctuary jurisdiction” by the federal government and will
3 be adversely affected by the threatened withholding of billions of dollars per year in federal funding.

4 Plaintiff-Intervenor YWCA Silicon Valley shares many of these concerns. As a nonprofit
5 corporation, YWCA Silicon Valley depends on federal funding to deliver critically important services
6 to many of the most vulnerable women in Santa Clara County. Through a 24-hour support line,
7 affordable child care centers, and emergency shelter, among other programs and facilities, YWCA
8 Silicon Valley is deeply engaged in improving the well-being of the local community. Victims of
9 domestic violence, sexual assault, and human trafficking depend on the services provided by YWCA
10 Silicon Valley to escape life-threatening conditions and to achieve independence and safety.

11 Like Santa Clara, therefore, YWCA Silicon Valley is directly and immediately damaged by the
12 Executive Order. Because YWCA Silicon Valley receives federal funds through Santa Clara County,
13 municipalities within Santa Clara County, and/or the State of California, (1) it is threatened with the
14 denial of previously promised federal funds; (2) it is threatened with the loss of future federal funds;
15 and (3) its ability to plan and budget for the urgent needs of its clients has been thrown into disarray.

16 In addition to these common interests, YWCA Silicon Valley also claims distinct injuries from
17 Santa Clara, specifically: (4) its clients will be deprived of services and resources that depend on
18 federal funding endangered by the Executive Order; (5) unlike Santa Clara, which may possess the
19 ability to work with the federal government to eliminate or modify any order cutting off federal
20 funding, YWCA Silicon Valley is completely at the mercy of outside actors to receive its federal
21 funding; and (6) depending on the federal government’s interpretation of “sanctuary jurisdiction,”
22 YWCA Silicon Valley could stand to lose additional streams of federal money beyond those received
23 through Santa Clara, namely the grants it receives through the State of California and municipalities
24 such as the city of San Jose.

25 _____
26 ¹ The Main Action has been related to *City and County of San Francisco v. Trump*, Case No. 5:17-
27 cv-00574, in which the City and County of San Francisco (“San Francisco”) asserts similar but not
28 identical claims. For purposes of this motion, Plaintiff-Intervenor seeks to intervene only in the Santa
Clara action.

1 For these reasons, YWCA Silicon Valley’s intervention will add important dimensions to the
2 Main Action, without unduly complicating or multiplying the issues presented by Santa Clara.
3 Accordingly, YWCA Silicon Valley’s Complaint in Intervention “shares with the main action a
4 common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(B). YWCA Silicon Valley should therefore
5 be permitted to intervene in this action and to join in Santa Clara’s preliminary injunction motion.

6 II. STATEMENT OF FACTS

7 Plaintiff-Intervenor YWCA Silicon Valley is a nonprofit corporation located in San Jose,
8 California. ¶ 18.² Its mission is to eliminate racism and empower women, and it accomplishes this
9 mission through a variety of programs that assist women, including women who have been victims of
10 sexual assault, domestic violence, and human trafficking. *Id.* For the fiscal year ending June 30, 2017,
11 it has an annual budgeted income of approximately \$ 7.07 million, of which at least \$2.656 million, or
12 37.5%, consists of federal funds. ¶ 30. These funds are received through multiple distinct channels.
13 Some are received directly from the federal government, but the majority are received as flow-through
14 funding through grants that are originally received by either the State of California, the County of Santa
15 Clara, the City of San Jose, or other cities within Santa Clara County, and then re-granted by these
16 jurisdictions, or administered by them. *Id.* In many instances, these funds are received in the form of
17 reimbursements for funds that YWCA Silicon Valley has spent in compliance with the terms of a grant.
18 ¶ 31.

19 YWCA Silicon Valley is immediately and severely threatened by the potential disruption of
20 federal funding that is the subject of Santa Clara’s Complaint, namely, the threat that if the County of
21 Santa Clara or other jurisdictions are determined by the Executive Branch to be “sanctuary
22 jurisdictions” and are barred from receiving federal funding, then YWCA Silicon Valley stands to be
23 deprived of a significant portion of its operating budget. ¶ 31. Under the threat of such loss, YWCA
24 Silicon Valley cannot fulfill its mission because it cannot create plans for future service delivery and
25 cannot hire or retain the personnel necessary to deliver such services. ¶ 32. Because of this threat,

26 ² Unless otherwise noted, all “¶” citations refer to Plaintiff-Intervenor’s Complaint in Intervention,
27 filed concurrently herewith.

1 YWCA Silicon Valley plans to institute a hiring freeze for potentially affected programming in the
2 upcoming fiscal year. *Id.*

3 At the same time, YWCA Silicon Valley's claims implicate practical concerns that Santa Clara
4 alone cannot fully present to the Court. *First*, unlike Santa Clara, YWCA Silicon Valley has to be
5 concerned about federal funds that flow from multiple separate jurisdictions: California, Santa Clara,
6 and municipalities such as the city of San Jose. If any one of these flows is cut off because a
7 jurisdiction is designated a "sanctuary jurisdiction," the effect on YWCA Silicon Valley will be severe.
8 ¶¶ 30-40. *Second*, unlike Santa Clara, the funding threat to YWCA Silicon Valley has nothing
9 whatsoever to do with YWCA Silicon Valley's own policies. In effect, YWCA Silicon Valley is
10 threatened, effectively as "collateral damage," with a cutoff of funding resulting from one
11 governmental jurisdiction coercing and threatening another. ¶ 38. *Third*, YWCA Silicon Valley has no
12 ability to control or affect the circumstances or determinations that will result in a cutoff of federal
13 funding. It cannot effectively interact with the Executive Branch officials whose stated disagreement is
14 with policies promulgated by state or local governments.

15 Defendants in the Complaint in Intervention are the same parties named in Santa Clara's
16 Complaint: namely, President Donald J. Trump and officers in the Executive Branch of the federal
17 government responsible for implementing the provisions of the Executive Order. *Compare* ¶¶ 19-22
18 with Santa Clara Complaint ¶¶ 20-24.

19 The legal claims asserted by YWCA Silicon Valley are encompassed by the same causes of
20 action asserted by Santa Clara in the Main Action. Count I of the Complaint in Intervention asserts a
21 claim for breach of the separation-of-powers provisions of Articles I and II of the Constitution.
22 *Compare* Santa Clara Complaint, Count 1. Count II asserts a claim for violation of the spending power
23 vested in Congress under Article I of the Constitution. *Compare* Santa Clara Complaint, Count 4.
24 Count III asserts a claim for violation of the Due Process Clause of the Fifth Amendment. *Compare*
25 Santa Clara Complaint, Count 3.

III. LEGAL STANDARD

Under Federal Rule of Civil Procedure 24(b)(1)(B), the Court may permit intervention by any party who “has a claim or defense that shares with the Main Action a common question of law or fact.” Courts in the Ninth Circuit require three threshold elements in order to grant a motion for permissive intervention: (1) an independent ground for jurisdiction; (2) a timely motion; and (3) a common question of law and fact between the movant’s claim or defense and the Main Action. *See, e.g., Blum v. Merrill Lynch Pierce Fenner & Smith, Inc.*, 712 F.3d 1349, 1353 (9th Cir. 2013) (citing *Beckman Indus. v. Int’l Ins. Co.*, 966 F.2d 470, 473 (9th Cir. 1992)).³

Once these threshold requirements are satisfied, the Court may grant permissive intervention in its discretion. *Id.* “In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b)(3); *accord Blum*, 712 F.3d at 1354. *See also, e.g., ACLU of N. Cal. v. Burwell*, No. 16-cv-03539-LB, 2017 U.S. Dist. LEXIS 17389, at *7-8 (N.D. Cal. Feb. 7, 2017) (granting permissive intervention because the intervening party’s “participation [would have] contribute[d] to the development of the factual and legal landscape” of the case and would not have prejudiced the existing parties’ rights); *Ctr. for Biological Diversity v. United States DOI*, No. 15-cv-00658-JCS, 2015 U.S. Dist. LEXIS 82201, at *13-14 (N.D. Cal. June 24, 2015) (granting permissive intervention after finding that none of the existing parties’ rights would have been prejudiced, as evidenced by neither party objecting to the motion to intervene); *In re Grupo Unidos Por El Canal S.A.*, No. 14-mc-80277-JST (DMR), 2015 U.S. Dist. LEXIS 52358, at *15-17 (N.D. Cal. Apr. 21, 2015) (existing parties would not be prejudiced by permissive intervention because the intervenor would not bring any new claims into the dispute and additional motion practice is “alone insufficient to show undue delay”).

³ In addition, a motion to intervene “must state the grounds for intervention,” and must “be accompanied by a pleading that sets out the claim or defense for which intervention is sought.” Fed. R. Civ. P. 24(c). The court is required to accept as true the non-conclusory allegations made in support of the intervention motion. *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 819-20 (9th Cir. 2001).

1 **IV. THE COURT SHOULD PERMIT YWCA SILICON VALLEY TO INTERVENE IN**
 2 **THIS LITIGATION, PURSUANT TO FED. R. CIV. P. 24(b)(1)(B).**

3 YWCA Silicon Valley seeks to intervene in the infancy of this litigation because its financial
 4 stability and continued operation are threatened by enforcement of the Executive Order. YWCA
 5 Silicon Valley stands to lose a significant portion of its operating budget, which will deprive its
 6 clients—some of the most vulnerable members of the local population—of public services critical to
 7 curtailing domestic violence, human trafficking, sexual assault, and homelessness. YWCA Silicon
 8 Valley asserts legal claims already presented in the Main Action, and seeks the same relief—namely, a
 9 declaration that the Executive Order is unconstitutional and an injunction against its enforcement. For
 10 these reasons, intervention presents no jurisdictional concerns and poses no risk of delaying the Main
 11 Action or prejudicing the original parties to the case. In addition, YWCA Silicon Valley brings its own
 12 unique perspective to this case as a private entity and nongovernmental end-recipient of public funds
 13 that is deeply enmeshed in the local community. For all these reasons, the Court should exercise its
 14 discretion to permit YWCA Silicon Valley to intervene and participate as a plaintiff in this case.

15 **A. YWCA Silicon Valley Satisfies All of the Requirements for Permissive Intervention.**

16 **1. YWCA Silicon Valley has an Independent Ground for Jurisdiction.**

17 With respect to the “independent ground for jurisdiction” requirement, there are no
 18 jurisdictional concerns where, as here, an intervenor in a federal question case brings no new claims.
 19 *Freedom from Religion Found., Inc. v. Geithner*, 644 F.3d 836, 844 (9th Cir. 2011); *accord Burwell*,
 20 2017 U.S. Dist. LEXIS 17389, at *7-8. In its Complaint in Intervention, YWCA Silicon Valley raises
 21 a subset of the federal causes of action asserted by Santa Clara in the Main Action—namely, claims
 22 under the separation-of-powers and spending powers provisions of the Constitution and a claim that the
 23 Executive Order violates procedural due process rights under the Fifth Amendment. YWCA Silicon
 24 Valley does not assert any additional or non-federal claims. Accordingly, the Court may properly
 25 exercise jurisdiction over the claims asserted in the Complaint in Intervention.

1 **2. The Motion to Intervene is Timely.**

2 The Ninth Circuit has identified three factors relevant to determining whether a motion is
3 timely: “(1) the stage of the proceeding at which an applicant seeks to intervene; (2) the prejudice to
4 other parties; and (3) the reason for and length of any delay.” *Peruta v. Cty. of San Diego*, 824 F.3d
5 919, 940 (9th Cir. 2016) (en banc) (citation omitted). Moving to intervene “at an early stage of the
6 proceedings,” and when “intervention would not cause disruption or delay in the proceedings,” “are
7 traditional features of a timely motion.” *Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647 F.3d
8 893, 897 (9th Cir. 2011) (citing *Nw. Forest Res. Council v. Glickman*, 82 F.3d 825, 836 (9th Cir.
9 1996)); *see also Nikon Corp. v. ASM Lithography B.V.*, 222 F.R.D. 647, 649 (N.D. Cal. 2004) (motion
10 timely when filed in “a period well before the court has addressed any of the parties’ many anticipated
11 dispositive motions” and where “the real substance of this litigation has not been engaged”).

12 Just weeks into the Main Action, this motion is timely. The Executive Order was issued on
13 January 25, 2017 (¶ 5), Santa Clara filed the complaint in the Main Action on February 3, 2017 (ECF
14 No. 1), and Santa Clara filed its Motion for Preliminary Injunction on February 23, 2017 (ECF No. 26).
15 Santa Clara’s Motion for Preliminary Injunction is currently set for hearing on April 5, 2017 (*id.*); this
16 motion and Plaintiff-Intervenor’s Joinder in Motion for Preliminary Injunction are being filed and
17 served so as to give all parties the 35 days’ notice required by Civ. L.R. 7-2(a). Accordingly,
18 intervention would not delay any proceedings or the determination of any issues of law or fact in the
19 case and it will not prejudice any party. *See, e.g., Burwell*, 2017 U.S. Dist. LEXIS 17389, at *7 (“The
20 motion is timely because it was filed [six months after the original plaintiff filed its complaint,] less
21 than a month after the court’s order on the government’s motion to dismiss and before the government
22 answered the complaint.”); *Pest Comm. v. Miller*, 648 F. Supp. 2d 1202, 1212 (D. Nev. 2009) (“[T]he
23 Motion to Intervene is timely because it was filed during an early stage of the proceedings and because
24 the Proposed Intervenor concurrently filed their Opposition and Countermotion to avoid any delay or
25 prejudice to the other parties.”), *aff’d*, 626 F.3d 1097 (9th Cir. 2010).

1 **3. YWCA Silicon Valley’s Claims Share Common Questions of Law and Fact**
 2 **with the Main Action.**

3 “In order to qualify for permissive intervention, a potential intervenor need only show that it
 4 has a claim or defense that shares with the main action a common question of law or fact.” *Grupo*
 5 *Unidos por el Canal*, 2015 U.S. Dist. LEXIS 52358, at *15 (internal quotation marks omitted) (citing
 6 *United States v. City of Los Angeles*, 288 F.3d 391, 404 (9th Cir. 2002)) (granting permissive
 7 intervention where intervenor’s claims seeking to quash subpoena “indisputably” shared common
 8 questions of law and fact with the underlying subpoena application).

9 The questions of law and fact in the complaint filed by Santa Clara in the Main Action and the
 10 Complaint in Intervention largely overlap. As explained above, YWCA Silicon Valley asserts a subset
 11 of Santa Clara’s claims: both complaints attack the Executive Order on the grounds that (1) it
 12 impermissibly appropriates to the Executive Branch powers that the Constitution reserves solely to
 13 Congress; and (2) it deprives the complaining parties of procedural due process. The Complaint in
 14 Intervention does not advance a single claim that is not addressed in the complaint in the Main Action.

15 The factual issues raised by the two complaints, while not identical, also substantially overlap.
 16 The Executive Order threatens YWCA Silicon Valley, like Santa Clara, with an unwarranted
 17 deprivation of federal funds constituting a substantial portion of their operating budget. *Compare* Santa
 18 Clara Complaint ¶¶ 25-45, *with* Complaint in Intervention, ¶¶ 30. Likewise, both complaints allege that
 19 this threat makes it impossible to budget, to hire, and to deliver needed services that have already been
 20 approved under federal grants. *Compare* Santa Clara Complaint ¶¶ 46-49, *with* Complaint in
 21 Intervention ¶¶ 31-32, 40. The claims asserted by Santa Clara and YWCA Silicon Valley share the
 22 same source: the Executive Order. In addition, because YWCA Silicon Valley receives some of its
 23 federal funding through the state and localities that have policies limiting participation in immigration
 24 enforcement, Santa Clara and YWCA Silicon Valley likewise share the same mechanism of injury—
 25 the likely designation of Santa Clara or other government entities that provide funding to YWCA as
 26 “sanctuary jurisdictions,” and the resulting denial of federal funds. Finally, both Santa Clara and
 27 YWCA Silicon Valley seek the same relief: a declaration on the unconstitutionality of the Executive
 28

1 Order and an injunction against its implementation and enforcement. The existence of such extensive
2 common factual and legal issues between the two complaints is more than sufficient to satisfy this
3 requirement. *See, e.g., Nikon*, 222 F.R.D. at 651 (common questions of law and fact exist where
4 applicant “seeks precisely the same relief that [defendant] does”).

5 **B. The Court Should Exercise its Discretion to Grant Permissive Intervention.**

6 Where these threshold factors are satisfied, the Court has discretion to grant permissive
7 intervention unless intervention would unduly delay or prejudice the adjudication of the original
8 parties’ rights. Fed. R. Civ. P. 24(b)(3). Intervention by YWCA Silicon Valley does not present any
9 risk of delaying the proceedings or prejudicing either party. Moreover, intervention by YWCA Silicon
10 Valley will contribute distinct perspectives to Santa Clara’s claims, which in turn will assist the Court
11 in its final resolution of this case. All three of these factors favor permissive intervention by YWCA
12 Silicon Valley.

13 *First*, there is no reasonable possibility of prejudicial delay in this case. Because the motion to
14 intervene and YWCA Silicon Valley’s Joinder in Santa Clara’s Motion for Preliminary Injunction are
15 set for hearing on the same day as Santa Clara’s Motion for Preliminary Injunction, this motion does
16 not result in any delay and there are no previously decided issues to “re-litigate.” *See, e.g., Grupo*
17 *Unidos por el Canal*, 2015 U.S. Dist. LEXIS 52358, at *15-16 (no prejudice where intervenor would
18 not have brought any new claims into the dispute); *Citizens for Balanced Use*, 647 F.3d at 897 (no
19 prejudice from grant of intervention sought “less than three months after the complaint was filed and
20 less than two weeks after the [defendant] filed its answer to the complaint”).

21 *Second*, intervention is particularly appropriate where the original party may be “unable or
22 unwilling to pursue vigorously all available arguments in support of the [intervenor’s] interest.”
23 *Citizens for Balanced Use*, 647 F.3d at 898-900 (reversing denial of intervention where, despite sharing
24 an ultimate objective, the original defendant might not adequately represent the applicant’s interests).
25 This factor is satisfied where, as here, YWCA Silicon Valley and Santa Clara “do not have coextensive
26 interests and serve different, if overlapping, constituencies.” *PG&E v. Lynch*, 216 F. Supp. 2d 1016,
27 1025 (N.D. Cal. 2002); *see also Californians for Safe & Competitive Dump Truck Transp. v.*
28

1 *Mendonca*, 152 F.3d 1184, 1190 (9th Cir. 1998) (affirming intervention by a labor union seeking to
2 defend application of wage law where original defendant may not have adequately represented the
3 union’s interests); *Berg*, 268 F.3d at 823 (“Just as the City could not successfully negotiate the Plans
4 without some private sector participation from Applicants, so too the City in this case cannot be
5 expected successfully to safeguard Applicants’ legally protectable interests.”).

6 While the Complaint in Intervention shares with the Main Action several of the same legal
7 causes of action and many of the same factual underpinnings (in addition to seeking the same relief), as
8 explained above, YWCA Silicon Valley is differently situated from the County of Santa Clara in
9 several material ways. First, it is exposed to damage from threats to three separate streams of federal
10 funding, namely “flow through” grants of federal dollars by the State of California and the City of San
11 Jose in addition to funds provided by Santa Clara. Even if Santa Clara’s claims were somehow
12 resolved, the threat to YWCA Silicon Valley would remain. Second, YWCA Silicon Valley is
13 effectively “collateral damage,” harmed by one government’s attempt to threaten and coerce another
14 government, completely unrelated to any policy or pronouncement that YWCA Silicon Valley has
15 made. Third, unlike Santa Clara and the other governmental jurisdictions, YWCA Silicon Valley has
16 no ability to take action or enter into discussions with the federal government in order to modify or
17 avoid an impending “sanctuary” designation. Under these circumstances, YWCA Silicon Valley’s
18 participation in the Main Action is vital. Intervention should be permitted to enable YWCA Silicon
19 Valley to protect its distinct interests in challenging the Executive Order.

20 *Third*, intervention is appropriate where the proposed intervenor “would likely offer important
21 elements to the proceedings that the existing parties would likely neglect.” *Berg*, 268 F.3d at 822; *see*
22 *also Burwell*, 2017 U.S. Dist. LEXIS 17389, at *7-8 (granting motion of United States Conference of
23 Catholic Bishop’s motion to intervene in Establishment Clause challenge where intervention “will
24 contribute to the development of the factual and legal landscape”). Given its close ties to some of the
25 most vulnerable members of Silicon Valley community, YWCA Silicon Valley stands in a position to
26 offer important perspectives for the Court’s consideration. This is particularly so with respect to the
27 pending motion for preliminary injunctive relief. YWCA Silicon Valley and its clients face different
28

1 risks of irreparable harm and hardship than those Santa Clara has established if the Executive Order is
2 enforced. YWCA Silicon Valley also offers additional compelling equitable considerations directly
3 relevant to the public’s interest in issuance of injunctive relief.

4 Ulitimately, under the Executive Order, YWCA Silicon Valley is threatened with the loss of
5 federal funding for critical services, including assistance for victims of rape and domestic violence, for
6 no other reason than that the President disagrees with unrelated policy pronoucements of other
7 governmental jurisdictions. YWCA Silicon Valley has an independent right to assert that the Executive
8 Order is unconstitutional, and its distinctivce voice will assist the Court and the parties in framing the
9 issues at stake in this litigation.

10 **V. CONCLUSION**

11 Because it meets all of the requirements of Federal Rule of Civil Procedure 24(b)(1)(B), and
12 because its participation will materially assist the resolution of issues in this case, Plaintiff-Intervenor
13 YWCA Silicon Valley respectfully requests that the Court grant its motion for permissive intervention.

14 Respectfully submitted,

15 DATED: March 1 , 2017

16 AMERICAN CIVIL LIBERTIES UNION
17 FOUNDATION OF NORTHERN
18 CALIFORNIA, INC.

19 By: s/ William S. Freeman
20 WILLIAM S. FREEMAN

21 Attorneys for Plaintiff-Intervenor
22 Young Women’s Christian Association
23 Of Silicon Valley

24 DATED: March 1, 2017

25 WILSON SONSINI GOODRICH & ROSATI,
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