

1 Thomas A. Saenz (Cal. Bar No. 159430)
2 Ernest I. Herrera (Cal. Bar No. 335032)
3 Eduardo Casas (Cal. Bar No. 346859)
4 MEXICAN AMERICAN LEGAL DEFENSE
5 AND EDUCATIONAL FUND
6 634 South Spring Street, 11th Floor
7 Los Angeles, CA 90014
8 Telephone: (213) 629-2512
9 Facsimile: (213) 629-0266
10 Email: tsaenz@maldef.org
11 eherrera@maldef.org
12 ecasas@maldef.org

13 *Attorneys for [Proposed] Defendant-Intervenor*

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16 **SOUTHERN DIVISION**

17 CITY OF HUNTINGTON
18 BEACH, a California Charter
19 City, HUNTINGTON BEACH
20 CITY COUNCIL, HUNTINGTON
21 BEACH POLICE DEPARTMENT,
22 and the HUNTINGTON BEACH
23 POLICE CHIEF, in his official
24 capacity as Chief of Police,

25 Plaintiffs,

26 v.

27 The STATE OF CALIFORNIA,
28 GAVIN NEWSOM, in his official
capacity as Governor of the State
of California; ROBERT BONTA in
his official capacity as Attorney
General of the State of California;
and DOES 1-50, inclusive,

Defendants.

Case No: 8:25-cv-00026-SSS-PD

**[PROPOSED] DEFENDANT-
INTERVENOR'S NOTICE OF
MOTION AND OPPOSED MOTION
TO INTERVENE**

Hon. Sunshine S. Sykes

Action Filed: January 7, 2025

Trial Date: None Set

NOTICE OF OPPOSED MOTION

Proposed Defendant-Intervenor, National Day Laborer Organizing Network, respectfully requests that the Court grant it leave to intervene as a defendant in this action as of right under Federal Rule of Civil Procedure 24(a)(2) or, in the alternative, grant it permissive intervention under Federal Rule of Civil Procedure 24(b)(1)(B).

This motion is made following the conference of counsel pursuant to L.R. 7-3. On February 21, 2025, Movant's counsel conferred telephonically with counsel for Defendants. The conference was attended by Ernest Herrera and Eduardo Casas on behalf of Movant, and by Gabrielle Boutin on behalf of Defendants. On February 26, 2025, Movant's Counsel conferred virtually with counsel for Plaintiffs. The conference was attended by Ernest Herrera and Eduardo Casas on behalf of Movant, and by James Rogers on behalf of Plaintiffs. Both conferences lasted about thirty minutes and related to the same issue of whether Movant's interests are adequately represented by Defendants. This issue remains unresolved, and Movant moves for permission to intervene. Plaintiffs City of Huntington Beach, et al., and Defendants State of California, et al., oppose this motion. *See Casas Decl.* ¶¶ 4—5.

In support of this Opposed Motion, Proposed Defendant-Intervenor relies on and incorporates herein its Memorandum of Law in Support and its accompanying declarations as well as Movant's Proposed Answer and Counter-Claims to the Complaint, attached as Exhibit 1 to this Motion.

Dated: April 17, 2025

Respectfully submitted,

/s/ Eduardo Casas

Thomas A. Saenz (Cal. Bar No. 159430)
Ernest I. Herrera (Cal. Bar No. 335032)
Eduardo Casas (Cal. Bar No. 346859)
MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND

TABLE OF CONTENTS

INTRODUCTION	1
STATEMENT OF THE NATURE AND STAGE OF THE PROCEEDING.....	3
DESCRIPTION OF MOVANT	4
ARGUMENT	5
I. MOVANT IS ENTITLED TO INTERVENE AS A MATTER OF RIGHT.	5
A Movant’s Motion to Intervene Is Timely.	6
B Movant Seek to Vindicate Protectable Interests.	8
C Movant’s Interests Will Be Impaired If Intervention Is Denied.	10
D The Existing Defendants May Not Adequately Represent Movant’s Interests.....	12
i.The Constituency Assumption Does Not Apply Because NDLO’s Interests Are More Narrow Than Those of the Public at Large.....	14
ii.Movant Can Overcome the Ultimate Objective Presumption.....	15
II. MOVANT IS ENTITLED TO PERMISSIVE INTERVENTION.	17
CONCLUSION.....	19

TABLE OF AUTHORITIES

Cases

Page(s)

<i>Akina v. Hawaii</i> ,	
835 F.3d 1003 (9th Cir. 2016)	10
<i>Allied Concrete & Supply Co. v. Baker</i> ,	
904 F.3d 1053, 1068 (9th Cir. 2018)	12, 13
<i>Arakaki v. Cayetano</i> ,	
324 F.3d 1078 (9th Cir. 2003)	10, 14
<i>Barke v. Banks</i> ,	
2020 WL 2315857 (C.D. Cal. May 7, 2020)	15
<i>Cal. Dump Truck Owners Ass’n v. Nichols</i> ,	
275 F.R.D. 303 (E.D. Cal. 2011)	16
<i>California ex rel. Lockyer v. United States</i> ,	
450 F.3d 436 (9th Cir. 2006)	2, 8, 9
<i>Californians for Safe & Competitive Dump Truck Transp. v. Mendonca</i> ,	
152 F.3d 1184 (9th Cir.1998)	14
<i>Citizens for Balanced Use v. Montana Wilderness Ass’n</i> ,	
647 F.3d 893 (9th Cir. 2011)	6, 8, 10
<i>Donnelly v. Glickman</i> ,	
159 F.3d 405 (9th Cir. 1998)	8, 18
<i>Forest Conservation Council v. U.S. Forest Serv.</i> ,	
66 F.3d 1489 (9th Cir. 1995)	15
<i>Fresno Cnty. v. Andrus</i> ,	
622 F.2d 436 (9th Cir. 1980)	9, 10
<i>GHP Mgmt. Corp. v. City of Los Angeles</i> ,	
339 F.R.D. 621, 624 (C.D. Cal. 2021)	15, 16
<i>Johnson v. S.F. Unified Sch. Dist.</i> ,	
500 F.2d 349 (9th Cir. 1974)	9
<i>Melendres v. Arpaio</i> ,	
989 F. Supp. 2d 822 (D. Ariz. 2013)	11
<i>People of State of Cal. v. Tahoe Reg’l Planning Agency</i> ,	
792 F.2d 775, 778 (9th Cir. 1986)	12
<i>Smith v. L.A. Unified Sch. Dist.</i> ,	
830 F.3d 843 (9th Cir. 2016)	6, 7, 10
<i>Nw. Forest Res. Council v. Glickman</i> ,	
82 F.3d 825 (9th Cir. 1996)	8

1	<i>Smith v. Marsh,</i>	
2	194 F.3d 1045 (9th Cir. 1999)	6
3	<i>Sw. Ctr. for Biological Diversity v. Berg,</i>	
4	268 F.3d 810 (9th Cir. 2001)	5, 6, 16
5	<i>United States v. Alisal Water Corp.</i>	
6	370 F.3d 915 (9th Cir. 2011)	6
7	<i>United States v. California,</i>	
8	288 F.3d 391 (9th Cir. 2002)	4
9	<i>United States v. City of Los Angeles,</i>	
10	288 F.3d 391 (9th Cir. 2002)	6
11	<i>United States v. Oregon,</i>	
12	745 F.2d 550 (9th Cir. 1984)	7
13	<i>United States v. Sprint Commc'ns, Inc.,</i>	
14	539 U.S. 461 (2003).....	5, 8
15	<i>Wilderness Soc. v. U.S. Forest Serv,</i>	
16	630 F.3d 1173 (9th Cir. 2011)	6, 8, 9

Statutes

17	Ariz. Rev. Stat. Ann. § 13-4295.01, <i>et seq.</i>	11
18	Cal. Gov. Code §§ 7282.5, <i>et seq.</i>	1, 3
19	Pasadena Municipal Code, <i>et seq.</i>	11

Rules

20	Fed. R. Civ. P. 24.....	2, 5, 6, 10, 11, 17, 18
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Other Authorities

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22	§ 1904 (3d ed. 2007).....	10, 18

MEMORANDUM IN SUPPORT OF OPPOSED MOTION TO INTERVENE

INTRODUCTION

The National Day Laborer Organizing Network (“NDLON” or “Movant”) respectfully moves to intervene as defendant to protect its interests in this case challenging the California Values Act of 2017 (“CVA”), Cal. Gov’t Code §§ 7282.5, et seq.

Movant NDLON is a non-profit organization founded in 2001. Its mission is to improve the lives of immigrant day laborers in the United States through nationwide advocacy and organizing efforts in coordination with 49 member organizations in 19 states. *See* Newman Decl. ¶ 4.

Plaintiffs City of Huntington Beach, et al. (collectively, “Plaintiffs”) seek to overturn the CVA to collaborate with federal agencies in the enforcement of federal immigration law beyond what is already allowed under the statute. While Plaintiffs characterize this law as protecting criminals, it actually protects innocent members of immigrant communities from ideologically driven and overzealous enforcement of a wholly federal legislative scheme by state and local law enforcement. Overturning the CVA will detrimentally affect NDLON’s work and frustrate its mission as its members and the populations that it works with may be subjected to aggressive immigration enforcement that the state of California has already decided is unnecessary and against the interests of its residents. This would cause some interactions between local law enforcement with day laborers and immigrants to end with deportation. Additionally, without the protections afforded by the CVA, immigrant populations will be significantly less likely to seek the assistance of law enforcement, report crimes, and assist in criminal investigations that actually implicate the public’s safety or be deported before they have had an opportunity to

1 apply for status adjustment.¹ The mere act of being undocumented without more is
2 not a federal crime and people frequently adjust their immigration status through
3 lawful means; a person who is ineligible to adjust status today may become eligible
4 a year later. In sum, what Plaintiffs seek would harm far more than just criminals
5 because the statute already allows law enforcement to share the immigration status
6 of certain convicted criminals with federal authorities. Accordingly, Movant seeks
7 intervention as of right under Fed. R. Civ. P. 24(a) or, alternatively, by permission
8 under Fed. R. Civ. P. 24(b).

9 Movant also has direct interests in the outcome of this case that are distinct
10 from the general and institutional interests of the State Defendants. Movant has an
11 interest in upholding the CVA because it will affect its members and the populations
12 that it works with far more severely than the population at large. While the CVA does
13 not contain a private right of action, none is necessary for a proposed intervenor to
14 have an enforceable right. *See California ex rel. Lockyer v. United States*, 450 F.3d
15 436, 441 (9th Cir. 2006). The political climate additionally weighs in favor of
16 intervention as the administration of President Donald J. Trump has both criticized
17 the policies at issue while threatening to withhold crucial federal aid following the
18 wildfires that devastated Los Angeles unless the funds are linked to certain policy
19 changes.² The 2026 California gubernatorial and attorney general elections further
20 obfuscate whether State Defendants' vigorous defense of the CVA will continue

22 ¹Rafaela Rodrigues et al., *Promoting Access to Justice for Immigrant and Limited English Crime*
23 *Victims in an Age of Increased Immigration Enforcement: Initial Report from a 2017 National*
24 *Survey*, National Immigrant Women's Advocacy Project, May 3, 2018,
[https://niwaplibrary.wcl.american.edu/wp-content/uploads/Immigrant-Access-to-Justice-National-](https://niwaplibrary.wcl.american.edu/wp-content/uploads/Immigrant-Access-to-Justice-National-Report.pdf)
[Report.pdf](https://niwaplibrary.wcl.american.edu/wp-content/uploads/Immigrant-Access-to-Justice-National-Report.pdf).

25 ²Kathryn Watson, *Trump threatens to withhold wildfire aid ahead of Los Angeles visit*, Jan. 24,
26 2025, CBS News, [https://www.cbsnews.com/news/trump-wildfire-aid-los-angeles-gavin-](https://www.cbsnews.com/news/trump-wildfire-aid-los-angeles-gavin-newsom/)
[newsom/](https://www.cbsnews.com/news/trump-wildfire-aid-los-angeles-gavin-newsom/); Sophia Tareen, *Trump administration sues Chicago in latest crackdown on 'sanctuary'*
27 *cities*, Associated Press, Feb. 6, 2025, [https://apnews.com/article/trump-immigration-chicago-](https://apnews.com/article/trump-immigration-chicago-arrests-sanctuary-immigrants-enforcement-df278eba554406c6703bb362d9b09844)
[arrests-sanctuary-immigrants-enforcement-df278eba554406c6703bb362d9b09844](https://apnews.com/article/trump-immigration-chicago-arrests-sanctuary-immigrants-enforcement-df278eba554406c6703bb362d9b09844).

1 through resolution of this case. If the future California Governor and Attorney
2 General shift in their position on the CVA, Movant, its members, and the populations
3 that Movant serves will be severely and detrimentally affected. Intervention would
4 ensure stability in the representation of Movant's interests through resolution.
5 Moreover, Movant's presentation of evidence and argument will assist the Court in
6 rendering a decision on a complete factual and legal record.

7 In sum, Movant is particularly suited to represent its own interests in upholding
8 the CVA, the overturning of which would subject Movant's members and the
9 immigrant populations that it serves to harms distinct from those that the State and
10 population at large would suffer. Plaintiffs Huntington Beach, et al., and Defendants
11 State of California, et al., oppose Movant's motion after the parties conferred
12 regarding this motion. *See Casas Decl.* ¶¶ 4–5.

13 **STATEMENT OF THE NATURE AND STAGE OF THE PROCEEDING**

14 Plaintiffs City of Huntington Beach, et al. filed this lawsuit to overturn the
15 California Values Act of 2017. Dkt. No. 1. The CVA bars state and local police from
16 investigating, interrogating, or arresting people for purely immigration enforcement
17 purposes and limits police cooperation with federal immigration officials. *See Cal.*
18 *Gov't Code* § 7284.6. However, the CVA does allow local law enforcement agencies
19 to notify immigration authorities about an inmate's upcoming release if that person
20 has been convicted of a serious crime or felony like murder, rape, kidnapping,
21 robbery and arson. *See Cal. Gov't Code* § 7282.5. Additionally, nothing in the CVA
22 precludes California law enforcement agencies from asserting their own jurisdiction
23 over criminal law enforcement matters. *See Cal. Gov't Code* § 7284.6(a)(1)(F). The
24 CVA further does not restrict what the federal government can do in California to
25 enforce federal immigration law. *See Cal. Gov't Code* § 7284.6.

26 The CVA was passed by the California Legislature, “[t]o protect the safety and
27 well-being of all Californians by ensuring that state and local resources are not used

1 to fuel mass deportations, separate families, and ultimately hurt California's
2 economy.”³ The Legislature recognized that, “[a] relationship of trust between
3 California's immigrant residents and our state and local agencies, including police,
4 schools, and hospitals, is essential to carrying out basic state and local functions. That
5 trust is threatened when state and local agencies are involved in immigration
6 enforcement.” *Id.* California has previously permitted greater entanglement between
7 local and federal law enforcement agencies for the enforcement of immigration,
8 which led to an estimated cost of \$65 million dollars per year for California
9 taxpayers. *See id.* The CVA therefore reflects California's judgment that the costs of
10 allowing local law enforcement to enforce strictly federal immigration law beyond
11 the statute's parameters far exceed any benefits. The Ninth Circuit has already
12 determined that this was a proper exercise of the State's general policing powers
13 under the Tenth Amendment to the United States Constitution where the federal
14 government is not otherwise able to commandeer states for the enforcement of federal
15 legislative schemes. *See United States v. California*, 921 F.3d 865, 873 (9th Cir.
16 2019).

17 Plaintiffs filed their complaint on January 7, 2025. State Defendants sought an
18 extension for their responsive pleading, which is currently due on May 1, 2025. The
19 Proposed-Defendant Intervenor filed their motion seeking leave to intervene on April
20 17, 2025.

21 DESCRIPTION OF MOVANT

22 Movant NDLOM is a 501(c)(3) non-profit organization, founded in 2001,
23 dedicated to improving the lives of immigrant day laborers in the United States
24 through nationwide advocacy and organizing efforts. Newman Decl. ¶ 4. NDLOM
25 consists of a nationwide coalition of day laborers and the agencies that work with day

26 _____
27 ³https://www.iceoutofca.org/uploads/2/5/4/6/25464410/factsheet_california_values_act_sb_54-4.13.17__1_.pdf
28

1 laborers. *See id.* The aims of the coalition include advocating for laws that improve
2 the lives of day laborers, migrants, and low-wage workers. Nationally, NDLON has
3 36 member organizations and is affiliated with 35 worker centers. *See id.* NDLON
4 has 17 member organizations in California, some of which are themselves member
5 organizations. *See id.* at ¶ 5.

6 NDLON has about 3,600 day-laborer members throughout California. The
7 Pasadena Community Job Center is an NDLON organizational member with
8 individual members who are themselves also NDLON members. El Centro Cultural
9 De Mexico is another organizational NDLON member that operates in Orange
10 County. *See id.*

11 In coordination with its organizational and individual members, NDLON
12 provides safe and organized spaces where day laborers (jornaleros in Spanish) may
13 seek work, learn about their rights, and connect with resources. Workers can receive
14 help with labor and immigration issues, such as understanding their rights if
15 confronted by ICE or addressing instances of wage theft. Other member
16 organizations foster leadership, encouraging workers to lead efforts for better
17 conditions and community empowerment. Workers also receive guidance on how to
18 respond to workplace discrimination or injury. In times of natural disasters like
19 wildfires or floods, day laborer centers often organize brigades for cleanup and
20 recovery. *See id.* at ¶ 6.

21 ARGUMENT

22 I. MOVANT IS ENTITLED TO INTERVENE AS A MATTER OF 23 RIGHT.

24 A party may intervene as of right under Federal Rule of Civil Procedure
25 24(a)(2) when: (1) the application to intervene is timely; (2) the applicant has “a
26 ‘significantly protectable’ interest relating to the property or transaction that is the
27 subject of the action”; (3) the applicant is so situated that the disposition of the action

1 might impair or impede the applicant’s ability to protect that interest; and (4) the
2 applicant’s interest is not adequately represented by the existing parties to the lawsuit.
3 *See United States v. Sprint Commc’ns, Inc.*, 855 F.3d 985, 990–91 (9th Cir. 2017);
4 *Berg*, 268 F.3d 810, 817 (9th Cir. 2001).

5 “In evaluating whether Rule 24(a)(2)’s requirements are met, [courts in the
6 Ninth Circuit] normally follow practical and equitable considerations and construe
7 the Rule broadly in favor of proposed intervenors.” *Wilderness Soc. v. U.S. Forest*
8 *Serv.*, 630 F.3d 1173, 1179 (9th Cir. 2011) (internal quotation marks omitted) (citing
9 *United States v. City of Los Angeles*, 288 F.3d 391, 397–98 (9th Cir. 2002) and *Berg*,
10 268 F.3d at 818)); *see also Citizens for Balanced Use v. Montana Wilderness Ass’n*,
11 647 F.3d 893, 900 (9th Cir. 2011) (“We stress that intervention of right does not
12 require an absolute certainty that a party’s interests will be impaired or that existing
13 parties will not adequately represent its interests.”). This liberal policy in favor of
14 intervention ““serves both efficient resolution of issues and broadened access to the
15 courts.”” *Wilderness Soc.*, 630 F.3d at 1179 (quoting *City of Los Angeles*, 288 F.3d
16 at 397–98). Moreover, courts accept as true all well-pleaded, non-conclusory
17 allegations in a motion to intervene, a proposed answer in intervention, and
18 declarations supporting the motion. *See Berg*, 268 F.3d at 820.

19 For the following reasons, Movant satisfies the test for intervention as a matter
20 of right under Fed. R. Civ. P. 24(a)(2).

21 **A. Movant’s Motion to Intervene Is Timely.**

22 Courts in the Ninth Circuit determine the timeliness of a motion to intervene
23 by looking to the totality of the circumstances, “with a focus on three primary factors:
24 ‘(1) the stage of the proceeding at which an applicant seeks to intervene; (2) the
25 prejudice to other parties; and (3) the reason for and length of the delay.’” *Smith v.*
26 *L.A. Unified Sch. Dist.*, 830 F.3d 843, 854 (9th Cir. 2016) (quoting *United States v.*
27 *Alisal Water Corp.*, 370 F.3d 915, 921 (9th Cir. 2011)). “In analyzing these factors,

1 however, courts should bear in mind that “[t]he crucial date for assessing the
2 timeliness of a motion to intervene is when proposed intervenors should have been
3 aware that their interests would not be adequately protected by the existing parties.”
4 *Smith*, 830 F.3d at 854 (quoting *Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir.
5 1999)).

6 In light of the totality of the circumstances and the factors identified by the
7 Ninth Circuit, Movant’s Motion to Intervene is timely. First, Movant seeks to
8 intervene at the earliest possible stage of the proceeding. Plaintiffs filed their
9 Complaint on January 7, 2025. Movant has filed this Motion, Declarations in support
10 of the Motion, a Proposed Order on the Motion, and a Proposed Answer on April 17,
11 2025. Counsel for Movant conferred with Defendants’ counsel on February 21, 2025
12 and notified them about Movant’s intention to file this motion to intervene. Casas
13 Decl. ¶ 4. Counsel for Movant also conferred with Plaintiffs’ counsel on February
14 27, 2025 and notified them of the same. Casas Decl. ¶ 5. Moreover, Plaintiffs seek a
15 Preliminary Injunction, and Movant seeks to intervene in time to contribute to the
16 Court’s consideration of that request. Thus, the Court itself has not had an
17 opportunity to assess the claims and interests at issue in this litigation, and Movant
18 seeks to intervene in time for the Court to rule on Plaintiffs’ motion. Accordingly,
19 this factor supports a finding that this Motion is timely.

20 Second, Movant’s intervention will not cause prejudice to the existing parties
21 in the case. The Ninth Circuit has held that “the only ‘prejudice’ that is relevant under
22 this factor is that which flows from a prospective intervenor’s failure to intervene
23 after [it] knew, or reasonably should have known, that [its] interests were not being
24 adequately represented—and not from the fact that including another party in the case
25 might make resolution more ‘difficult[.]’” *Smith*, 830 F.3d at 857 (quoting *United*
26 *States v. Oregon*, 745 F.2d 550, 552–53 (9th Cir. 1984)). Here, Movant has filed this
27 Motion to Intervene soon after learning that their interests would be affected by this

1 action and not be adequately represented by the existing parties, and the action is in
2 the earliest stage. Because Movant has not delayed its intervention, neither Plaintiffs
3 nor Defendants will be prejudiced by the timing of Movant's intervention. Therefore,
4 this factor also supports a conclusion that this Motion is timely.

5 Third, because there has been no delay between Plaintiffs filing their
6 Complaint and Movant moving to intervene, it is not necessary to assess any reason
7 for delay. As discussed above, Movant has not delayed but has filed this Motion to
8 Intervene within three months of Plaintiffs filing their Complaint. Time that has
9 elapsed since the initiation of this litigation has been spent in consultation between
10 Movant and their counsel in preparation of this Motion and supporting documents.
11 Movant has also had to adjust in response to Plaintiffs' amended complaints. This
12 factor also supports a finding that this Motion is timely.

13 In sum, Movant has filed this Motion to Intervene during the earliest stage of
14 the case, Movant's intervention will not prejudice the existing parties, and there has
15 been no delay in Movant attempt to intervene. Therefore, Movant's Motion is timely.

16 **B. Movant Seeks to Vindicate Protectable Interests.**

17 A party seeking to intervene has a "significant protectable interest" in an action
18 when: (1) the applicant's asserted interest "is protected under some law"; and (2)
19 "there is a relationship between [the applicant's] legally protected interest and the
20 plaintiff's claims." *Sprint Commc'ns, Inc.*, 855 F.3d at 991 (alteration in original)
21 (quoting *Donnelly v. Glickman*, 159 F.3d 405, 409 (9th Cir. 1998)) (internal citation
22 and quotation marks omitted); *see also Wilderness Soc.*, 630 F.3d at 1179 (same).
23 But "[w]hether [a prospective intervenor] demonstrates sufficient interest in an action
24 is a 'practical, threshold inquiry,' and '[n]o specific legal or equitable interest need
25 be established.'" *Citizens for Balanced Use*, 647 F.3d at 897 (quoting *Nw. Forest
26 Res. Council v. Glickman*, 82 F.3d 825, 837 (9th Cir. 1996)) (internal quotation marks
27 omitted). The law under which a proposed intervenor claims an interest need not

1 “give [the] proposed intervenor any enforceable rights [or] seek to protect any of their
2 existing legal rights.” *California ex rel. Lockyer*, 450 F.3d at 441. The “interest” test
3 “‘is primarily a practical guide to disposing of lawsuits by involving as many
4 apparently concerned persons as is compatible with efficiency and due process.’”
5 *Wilderness Soc.*, 630 F.3d at 1179 (quoting *Fresno Cnty. v. Andrus*, 622 F.2d 436,
6 438 (9th Cir. 1980)). Accordingly, the Ninth Circuit has identified as protectable, for
7 example, such interests as “conserving and enjoying the wilderness character” of a
8 region, *Citizens for Balanced Use*, 647 F.3d at 897–98, and parents’ “concern . . . for
9 their children’s welfare” and “a sound educational system” operated in accordance
10 with law, *Johnson v. S.F. Unified Sch. Dist.*, 500 F.2d 349, 352–53 (9th Cir. 1974).
11 Furthermore, “a prospective intervenor ‘has a sufficient interest for intervention
12 purposes if it will suffer a practical impairment of its interests as a result of the
13 pending litigation.’” *Wilderness Soc.*, 630 F.3d at 1179 (quoting *California ex rel.*
14 *Lockyer*, 450 F.3d at 441).

15 Movant has numerous significant protectable interests in this litigation.
16 Overturning the CVA will detrimentally affect NDLOM’s work and frustrate its
17 mission as its members and the populations that it works with may be subjected to
18 aggressive local enforcement of federal immigration law. This would cause some
19 interactions between local law enforcement and day laborers or immigrant
20 communities to end with deportation or possibly physical and emotional injury
21 resulting from aggressive detention and/or family separation within mixed-status
22 households. Additionally, without the protections afforded by the CVA, immigrant
23 populations in California will be significantly less likely to seek the assistance of law
24 enforcement, report crimes, and assist in criminal investigations that actually
25 implicate the public’s safety or be deported before they’ve had an opportunity to
26 apply for status adjustment. Although the CVA does not create a private right of
27 action, Movant’s members and stakeholders benefit from this law because it places

1 significant limits on local law enforcement agencies’ ability to subject them to
2 punishment for a legislative scheme entirely within the purview of the federal
3 government.

4 For example, in *Fresno Cnty. v. Andrus* farmers sought to intervene in
5 litigation concerning a federal statute passed to protect small farmers on lands
6 receiving federally subsidized water where the statute did not otherwise confer any
7 rights on the farmers. 622 F.2d 436 (9th Cir.1980). In allowing the small farmers to
8 intervene, the court noted that the Ninth Circuit “rejected the notion that Rule
9 24(a)(2) requires a specific legal or equitable interest,” and that the small farmers
10 were “precisely those Congress intended to protect” with the statute. *Id.* at 438.
11 Similarly, although the CVA does not confer any rights to individuals, NDLO, its
12 members, and the immigrant communities that it serves are precisely those California
13 intended to protect with the CVA.

14 In sum, Movant has significant protectable interests in this litigation, and those
15 interests are directly related to Plaintiffs’ claims. Therefore, the Court should grant
16 Movant’s intervention as of right so that they may protect these interests.

17 **C. Movant’s Interests Will Be Impaired If Intervention Is Denied.**

18 Intervention is proper where prospective intervenors “are so situated that the
19 disposition of the action without [them] may as a practical matter impair or impede
20 their ability to safeguard their protectable interest.” *Smith*, 830 F.3d at 862. “The
21 question of whether protectable interests will be impaired by litigation ‘must be put
22 in practical terms rather than in legal terms.’” *Akina v. Hawaii*, 835 F.3d 1003, 1011–
23 12 (9th Cir. 2016) (quoting 7C Wright & Miller, *Federal Practice and Procedure*
24 § 1908.2 (3d ed. 2007)). Additionally, intervention as of right “does not require an
25 absolute certainty” as to impairment of a prospective intervenor’s interest. *Citizens*
26 *for Balanced Use*, 647 F.3d at 900. The advisory committee notes to Rule 24(a) are
27 also instructive: “[i]f an absentee would be substantially affected in a practical sense

1 by the determination made in an action, he should, as a general rule, be entitled to
2 intervene.” Fed. R. Civ. P. 24 Advisory Comm. Note to 1966 Amend.

3 Municipalities hostile to immigrant communities will be emboldened to, in
4 effect, relinquish local law enforcement to federal agencies for the enforcement of
5 federal immigration law where California has decided against this entanglement.
6 Such hostile and aggressive laws have already been passed in states like Texas and
7 Arizona. For example, Arizona Proposition 314 has deputized state law enforcement
8 personnel to enforce federal immigration law despite prior attempts resulting in the
9 racial profiling of Latinos. *See* Ariz. Rev. Stat. Ann. § 13-4295.01, *et seq.*; *see also*
10 *Melendres v. Arpaio*, 989 F. Supp. 2d 822 (D. Ariz. 2013) (holding that MCSO
11 intentionally discriminated against Latinos by permitting deputies to use race as
12 factor in forming reasonable suspicion that persons violated state laws relating to
13 immigration status in order to stop or detain suspected aliens). These laws not only
14 detrimentally affect immigrants but also citizens and legal permanent residents who
15 may become victims of racial profiling because it is difficult, if not impossible, to
16 independently develop probable cause that someone has violated the federal statutes
17 cited by Plaintiffs unless they actually see someone cross the border while evading
18 inspection. Not all undocumented persons in the United States have violated the
19 federal statutes cited by Plaintiffs, but all immigrants will have their interests
20 impaired by municipalities that choose to aggressively enforce federal immigration
21 law, which they will be able to do if Plaintiffs receive the relief sought. Even if this
22 Court were to limit its holding to charter cities, some of NDLO’s members like the
23 Pasadena Community Job Center and the individual NDLO members that operate
24 it would still be adversely affected because they also operate within a charter city.
25 Newman Decl. ¶ 5; *see also* Pasadena Municipal Code.

26 Plaintiffs’ success in this matter will result in the invalidation of the right of
27 Movant’s members and the populations that they work with to be free from

1 aggressive local enforcement of federal immigration law. Absent intervention,
2 Movant will lack the opportunity to protect its substantial personal interests and will
3 be relegated to the sidelines in a case in which their interests will be determined by
4 other parties and the outcome of which will bear more heavily on Movant, its
5 members, and the populations that it serves than it will other California constituents,
6 voters, electoral candidates, and elected officials.

7 In sum, Movant's protectable interests will be impaired by this litigation
8 proceeding without it, in the event that Plaintiffs' claims are victorious. Therefore,
9 the Court should grant intervention so that Movant may prevent such impairment.

10 **D. The Existing Defendants May Not Adequately Represent Movant's**
11 **Interests.**

12 State Defendants may not adequately represent NDLO's interests because
13 Movant's interest in promoting the welfare of immigrant populations is far more
14 narrow than the State's interest in defending its authority to determine whether local
15 municipalities may participate in federal legislative schemes. In determining the
16 adequacy of representation, courts in the Ninth Circuit consider three factors:
17 "whether the interest of a present party is such that it will undoubtedly make all the
18 intervenor's arguments; whether the present party is capable and willing to make
19 such arguments; and whether the intervenor would offer any necessary elements to
20 the proceedings that other parties would neglect." *People of State of Cal. v. Tahoe*
21 *Reg'l Planning Agency*, 792 F.2d 775, 778 (9th Cir. 1986).

22 The Ninth Circuit has consistently held this to be a low standard. In *Allied*
23 *Concrete & Supply Co. v. Baker*, a labor union moved to intervene to uphold a state-
24 wide wage statute that it argued would detrimentally affect its members. 904 F.3d
25 1053, 1068 (9th Cir. 2018). The *Allied Concrete* court held that because the union
26 had an interest in the right to a prevailing wage, the district court invalidating the law
27 would clearly impair that interest. *See id.* The court further held that the state's

1 representation of its interests could be inadequate because of the union's narrower
2 interests compared to those of the public at large. *See id* at 1068.

3 The facts here are very similar to those in *Allied Concrete* in that Movant's
4 interest in the preservation of the CVA might well go unrepresented in Defendants'
5 efforts to dispose of the case against them. The State Defendants have institutional
6 interests in balancing the cost to taxpayers of defending the CVA against the
7 institutional harms associated with losing or settling the case. State Defendants may
8 also face strong pressure from groups and constituents that have strong ideological
9 objections to the CVA. Even assuming State Defendants' best intentions, they might
10 hesitate to advance relevant arguments for the CVA because it would expose them to
11 severe public scrutiny and criticism. This is particularly true for the State Defendants
12 here considering the public's negative reaction to the handling of the recent wildfires,
13 which has been exacerbated by the Trump administration's demand that any federal
14 aid be linked to policy changes.⁴ This political dynamic occurs as reconstruction of
15 areas destroyed by the fire has ballooned to cost over \$250 billion, while the Trump
16 administration continues its hostile treatment of jurisdictions that have passed similar
17 laws to the CVA by threatening to withhold federal funds.⁵

18 Furthermore, there is a significant risk that State Defendants may not
19 adequately represent Movant's interests in this matter through its resolution given the
20 uncertainty of next year's statewide elections. State Defendants will thus not
21 "undoubtedly make" all of Movant's arguments, nor are Defendants necessarily
22 "capable and willing to make" Movant's arguments considering the political
23 backdrop to this litigation. Additionally, although the State Defendants may be

24 ⁴ Nathan Layne, *L.A. Mayor, California governor criticized over fires as political clash ensues*, ,
25 Reuters, Jan. 9, 2025, <https://www.reuters.com/world/us/la-mayor-california-governor-criticized-over-fires-political-clash-ensues-2025-01-10/>.

26 ⁵ Emily Badger, *Trump Raises New Threat to Sanctuary Cities: Blocking Transportation Dollars*,
27 New York Times, Jan. 31, 2025, <https://www.nytimes.com/2025/01/31/upshot/sanctuary-cities-trump-transportation-funds.html>.

1 charged with enforcing laws duly enacted by the California Legislature, the State
2 Defendants do not and cannot share Movant's interests in preserving the CVA
3 because the State Defendants are not individuals potentially subject to deportation.
4 State Defendants will not be personally affected by aggressive collaboration between
5 local law enforcement agencies and federal agencies for the enforcement of federal
6 immigration law in a manner that would be permissible if the statute is overturned.
7 Movant will offer argument and evidence to the proceedings that State Defendants
8 might neglect because Movant represents individuals that would be personally and
9 severely affected by the resolution of this matter in Plaintiffs' favor. Because this is
10 a low standard and Movant's interests may significantly diverge from the State
11 Defendant's broader institutional interests, intervention is proper.

12 **i. The Constituency Assumption Does Not Apply Because NDLO's**
13 **Interests Are More Narrow Than Those of the Public at Large.**

14 A presumption of adequate representation arises in two circumstances: (1)
15 when the proposed intervenor shares the same "ultimate objective" as one of the
16 parties, and (2) when the proposed intervenor is one of the parties' constituents. *See*
17 *Arakaki*, 324 F.3d at 1086. However, the burden on proposed intervenors in showing
18 inadequate representation is minimal, and is satisfied where a proposed intervenor
19 demonstrates that representation of their interests "may be" inadequate. *See id.*

20 When a constituent's interests are "potentially more narrow and parochial than
21 the interests of the public at large," the constituency presumption does not apply. *See*
22 *California for Safe & Competitive Dump Truck Transp. v. Mendonca*, 152 F.3d 1184,
23 1190 (9th Cir. 1998). Courts, including the Ninth Circuit, "have permitted
24 intervention on the government's side in recognition that the intervenors' interests are
25 narrower than that of the government and therefore may not be adequately
26 represented." *GHP Mgmt. Corp. v. City of Los Angeles*, 339 F.R.D. 621, 624 (C.D.
27 Cal. 2021). Inadequate representation is additionally most likely to be found when

1 the applicant asserts a personal interest that does not belong to the general public.”
2 *Forest Conservation Council v. U.S. Forest Serv.*, 66 F.3d 1489, 1499 (9th Cir. 1995)
3 (quoting 3B Moore et al., *Moore’s Federal Practice* ¶ 24.07[4] (2d ed. 1995))
4 (Abrogated on other grounds). This reasoning has since been applied in a number of
5 cases where intervenors’ interests diverged from those of existing defendants and
6 justified a finding of inadequate representation. *See Barke v. Banks*, No. 8:20-cv-
7 00358-JLS-ADS, 2020 WL 2315857, at *3 (C.D. Cal. May 7, 2020) (discussing
8 cases).

9 The constituency presumption does not apply here because the public at large
10 will not be affected by the overturning of the CVA in the same way as Movant. The
11 vast majority of California’s population are citizens, while only about 4.6% of the
12 state’s 39 million residents are undocumented.⁶ Additionally, polling suggests that
13 the electorate is significantly divided over immigration policy even in states like
14 California.⁷ Because State Defendants have institutional interests in balancing the
15 cost to taxpayers of defending the CVA against the institutional harms associated
16 with losing or settling the case, pressure from groups and constituents that have
17 strong ideological objections to the CVA could lead State Defendants to make
18 concessions that materially affect Movant’s interests. The constituency presumption
19 therefore does not apply.

20 **ii. Movant Can Overcome the Ultimate Objective Presumption**

21 Movant does not share the same ultimate objective as state Defendants because
22 Movant has previously advocated for greater protections under the CVA while under
23

24 ⁶ Jeffrey S. Passel and Jens Manuel Krogstad, *What we know about unauthorized immigrants living*
25 *in the U.S.*, Pew Research Center, July 22, 2024, <https://www.pewresearch.org/short-reads/2024/07/22/what-we-know-about-unauthorized-immigrants-living-in-the-us/>.

26 ⁷ Alexander E. Petri, Poll: Immigration debate deeply divides California Democrats, Los Angeles
27 Times, Jan. 17, 2024, <https://www.latimes.com/politics/story/2024-01-17/poll-what-california-voters-think-about-the-border-and-asylum-changes>.

1 threat of veto by Governor Newsom. Newman Decl. ¶ 7. Courts grant intervention
2 where a prospective intervenor and the existing parties “do not have sufficiently
3 congruent interests.” *See, e.g., Sw. Ctr. for Biological Diversity*, 268 F.3d at 823; *Cal.*
4 *Dump Truck Owners Ass’n v. Nichols*, 275 F.R.D. 303, 307–08 (E.D. Cal. 2011)
5 (granting intervention to a nonprofit to defend a California environmental regulation
6 where the state agency charged with enforcing the regulation was an existing party,
7 in part because the nonprofit, unlike the agency, was “not required to balance any
8 economic impact against its own considerations pertaining to health and
9 environmental protections”). In this district, a court may also consider a nonprofit’s
10 reason for existing as well as its history advocating for the law at issue. *See GHP*
11 *Mgmt. Corp.*, 339 F.R.D. at 624.

12 In *GHP Mgmt. Corp.*, a coalition of nonprofits dedicated to advancing
13 economic and social justice for renters and historically marginalized communities
14 sought to intervene alongside the City of Los Angeles in defense of a law protecting
15 renters from eviction following the COVID-19 pandemic. The proposed intervenors
16 there alleged that their members and other tenants would be forcibly displaced
17 without the protections of the law at issue. *See id* at 622. The court granted movant’s
18 motion to intervene despite having the same ultimate goal in upholding the ordinance
19 as Los Angeles because, “...the Proposed Intervenors’ very existence is premised on
20 the notion that governmental policies have failed to secure economic or social justice,
21 including housing stability, for proposed intervenors’ members.” *Id* at 624.
22 Additionally, the court held that movants met their burden because they had
23 advocated for greater protections in the ordinance than were ultimately included
24 because the city refused to adopt them. *See id*.

25 The facts here are very similar to those in *GHP Mgmt. Corp.* Like the
26 nonprofits in *GHP Mgmt. Corp.*, Movant is a coalition of nonprofits dedicated to
27 improving the lives of immigrant day laborers in the United States through

1 nationwide advocacy and organizing efforts. Newman Decl. ¶ 4. The aims of the
2 coalition include advocating for laws that improve the lives of day laborers, migrants,
3 and low-wage workers. *See id.* Additionally, NDLOM was involved in every aspect
4 of the development of and advocacy for the CVA. Newman Decl. ¶ 7. NDLOM
5 drafted the initial language that the bill was based on, argued against amendments to
6 attenuate the CVA, and ultimately accepted lesser protections based on the
7 Governor's threat of veto. *See id.* In sum, the very existence of NDLOM is evidence
8 that governmental policy has failed to fully address the needs of Movant and its
9 members while Movant's history in the development of the CVA suggests that
10 Movant and State Defendants do not share the same ultimate objective despite having
11 a similar interest in defending the statute. Movant has met its burden here.

12 In sum, while the State Defendants and Movant may share the ultimate goal of
13 defending the CVA, institutional considerations weigh in favor of granting
14 intervention because Movant's members will bear the brunt of any overzealous
15 enforcement of federal immigration by local law enforcement. Additionally, neither
16 presumption recognized by the Ninth Circuit precludes Movant's intervention. The
17 Court should therefore grant intervention so that Movant may protect its own
18 interests under state law. For these reasons, Movant seeks to participate in this case
19 as defendant-intervenor and respectfully requests that the Court grant them
20 intervention as a matter of right.

21 **II. MOVANT IS ENTITLED TO PERMISSIVE INTERVENTION.**

22 Should the Court determine that Movant is not entitled to intervene as a matter
23 of right, Movant urges the Court to exercise its broad discretion and allow
24 intervention under Federal Rule of Civil Procedure 24(b). Courts in the Ninth Circuit
25 may grant intervention under Rule 24(b) when: (1) a prospective intervenor's claim
26 or defense "shares a common question of law or fact with the main action"; (2) the
27 prospective intervenor's motion "is timely"; and (3) "the court has an independent

1 basis for jurisdiction over the [prospective intervenor's] claims.” *Donnelly v.*
2 *Glickman*, 159 F.3d 405, 412 (9th Cir. 1998). In exercising their discretion, courts
3 also consider “whether the intervention will unduly delay or prejudice the
4 adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b)(3). As with
5 intervention as of right under Rule 24(a), permissive intervention under Rule 24(b)
6 is to be granted liberally. *See* 7CWright & Miller, *Federal Practice and Procedure* §
7 1904 (3d ed. 2007). Movant meets the standard for permissive intervention, and the
8 Court should grant Movant’s Motion so that they may protect their substantial
9 interests in this litigation. First, Movant’s defenses will share many questions of law
10 and fact with the action as a whole. Movant seeks to maintain the same law that
11 Plaintiffs seek to enjoin and to defend its permissibility, which Plaintiffs attack. In
12 doing so, Movant will draw on the same law and facts as the existing parties in
13 presenting its defenses to the Court, though they will introduce evidence in
14 accordance with their unique position as an organization with members personally
15 affected by aggressive local federal enforcement of immigration law where the State
16 would not suffer such harm. Second, Movant’s Motion is timely. As discussed above,
17 Movant seeks to intervene during the earliest possible stage of this litigation. *See*
18 *supra* § I.A. Third, the Court has an independent basis for jurisdiction. Movant has
19 members that reside in the judicial district in which the Court sits, and thus the Court
20 has personal jurisdiction over them; and to the extent that the Court has subject-
21 matter jurisdiction over Plaintiffs’ claims, it will likewise have subject-matter
22 jurisdiction over Movant’s defenses, which share many common questions of law
23 and fact with the action as a whole. Lastly, intervention by Movant will not create
24 delay or prejudice the existing parties. As discussed above, Movant has not tarried
25 before seeking intervention in this case, which was only just recently filed, and thus
26 there will be no harm to the existing parties by Movant intervening now. *See supra*
27 § I.A. Adding Movant as defendant-intervenor at this stage of the lawsuit will not

1 needlessly increase cost, delay disposition of the litigation, or prejudice the existing
2 parties.

3 In light of the foregoing reasons, Movant respectfully asks the Court at a
4 minimum to exercise its broad discretion and grant permissive intervention.

5 **CONCLUSION**

6 For the foregoing reasons, Movant respectfully requests that this Court grant
7 its motion to intervene, and enter its proposed Answer, which is attached as Exhibit
8 A to this motion.

9
10 Dated: April 17, 2025

Respectfully submitted,

11
12 /s/ Eduardo Casas

13 Thomas A. Saenz (Cal. Bar No. 159430)

14 Ernest I. Herrera (Cal. Bar No. 335032)

15 Eduardo Casas (Cal. Bar No. 346859)

16 MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND

17 634 South Spring Street, 11th Floor

18 Los Angeles, CA 90014

19 Telephone: (213) 629-2512

20 Facsimile: (213) 629-0266

Email: tsaenz@maldef.org

eherrera@maldef.org

ecasas@maldef.org

21 *Attorneys for [Proposed] Defendant-Intervenor*
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23
24
25
26
27
28

1 Thomas A. Saenz (Cal. Bar No. 159430)
2 Ernest I. Herrera (Cal. Bar No. 335032)
3 Eduardo Casas (Cal. Bar No. 346859)
4 MEXICAN AMERICAN LEGAL DEFENSE
5 AND EDUCATIONAL FUND
6 634 South Spring Street, 11th Floor
7 Los Angeles, CA 90014
8 Telephone: (213) 629-2512
9 Facsimile: (213) 629-0266
10 Email: tsaenz@maldef.org
11 eherrera@maldef.org
12 ecasas@maldef.org

13 *Attorneys for [Proposed] Defendant-Intervenor*

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16 **SOUTHERN DIVISION**

17 CITY OF HUNTINGTON
18 BEACH, a California Charter
19 City, HUNTINGTON BEACH
20 CITY COUNCIL, HUNTINGTON
21 BEACH POLICE DEPARTMENT,
22 and the HUNTINGTON BEACH
23 POLICE CHIEF, in his official
24 capacity as Chief of Police,

25 Plaintiffs,

26 v.

27 The STATE OF CALIFORNIA,
28 GAVIN NEWSOM, in his official
capacity as Governor of the State
of California; ROBERT BONTA in
his official capacity as Attorney
General of the State of California;
and DOES 1-50, inclusive,

Defendants,

Case No: 8:25-cv-00026-SSS-PD

Hon. Sunshine S. Sykes

**[PROPOSED] DEFENDANT-
INTERVENOR NATIONAL DAY
LABORER ORGANIZING
NETWORK'S ANSWER TO
PLAINTIFFS' COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF AND
COUNTER-CLAIMS**

Action Filed: January 7, 2025

Trial Date: None Set

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v.

THE NATIONAL DAY LABORER
ORGANIZING NETWORK,

Defendant-Intervenor.

1 Defendant-Intervenor National Day Laborer Organizing Network (“NDLON”
2 or “Defendant-Intervenor”) respectfully answers and pleads counter-claims in
3 response to the Complaint for Declaratory and Injunctive Relief of Plaintiffs City of
4 Huntington Beach, et al. [Dkt. 1].

5 The opening unnumbered paragraphs of Plaintiffs’ Complaint contain legal
6 conclusions and argument to which no response is required. To the extent a response
7 is required to the opening unnumbered paragraphs, Defendant-Intervenor NDLON
8 denies. Defendant-NDLON answers the numbered allegations and paragraphs of
9 Plaintiffs’ Complaint as follows:

10 **PARTIES**

11 1. Defendant-Intervenor admits Paragraph 1 of the Complaint to the extent
12 that the City of Huntington Beach is a Charter City. The remainder of the paragraph’s
13 allegations state legal conclusions and argument that constitute characterizations of
14 Plaintiffs’ action and claims for relief, to which no response is required. To the extent
15 that a response is necessary, Defendant-Intervenor denies that Plaintiff City of
16 Huntington Beach may exercise power over local law enforcement without limitation
17 under Article XI, Section 5 of the California Constitution.

18 2. Defendant-Intervenor admits Paragraph 2 of the Complaint.

19 3. Defendant-Intervenor admits Paragraph 3 of the Complaint.

20 4. Defendant-Intervenor admits Paragraph 4 of the Complaint.

21 5. Defendant-Intervenor admits Paragraph 5 of the Complaint.

22 6. Defendant-Intervenor admits Paragraph 6 of the Complaint.

23 7. Defendant-Intervenor admits Paragraph 7 of the Complaint.

POTENTIAL PARTIES

8. Defendant-Intervenor avers that it is without sufficient information or knowledge to form a belief as to the averments in Paragraph 8 of the Complaint pertaining to DOES 1 through 50.

9. Defendant-Intervenor avers that it is without sufficient information or knowledge to form a belief as to the averments in Paragraph 9 of the Complaint pertaining to individuals and/or entities unknown to Plaintiffs.

JURISDICTION AND VENUE

10. Defendant-Intervenor denies that this Court has jurisdiction to hear and to decide Plaintiff's claim because the Court lacks subject matter jurisdiction over Plaintiffs' claims. In particular, Plaintiffs lack standing required to assert a claim in federal court.

11. Defendant-Intervenor admits Paragraph 11 of the Complaint.

12. Defendant-Intervenor admits Paragraph 12 of the Complaint

ALLEGATIONS

A. Charter City Authority

13. Defendant-Intervenor admits Paragraph 13 of the Complaint.

14. The allegations in Paragraph 14 of the Complaint state legal conclusions, to which no response is required. Defendant-Intervenor admits the allegations in paragraph 14 to the extent that it restates the definition of a "political subdivision" within the meaning of the California Elections Code in § 14051(a).

15. The allegations in Paragraph 15 of the Complaint state legal conclusions and no response is required to the extent that it alleges that charter cities may never be considered a political subdivision of the state. *See City of Redondo Beach v. Padilla*, 46 Cal. App. 5th 902, 915, 260 Cal. Rptr. 3d 263, 272 (2020) (discussing whether it was the intent of the legislature to include charter

1 cities as political subdivisions within the meaning of a statute). Defendant-
2 Intervenor admits that charter cities have authority over matters ultimately deemed
3 “municipal affairs” by the appropriate authority.

4 16. The allegations in Paragraph 16 of the Complaint state legal conclusions
5 and argument that constitute characterizations of Plaintiffs’ action and claims for
6 relief, to which no response is required. To the extent that a response is necessary,
7 Defendant-Intervenor denies each and every averment in Paragraph 16. Defendant-
8 Intervenor admits that *Haytasingh v. City of San Diego*, 66 Cal.App.5th 429, 459
9 (2021) and *Otis v. City of Los Angeles*, 52 Cal.App.2d 605, 611-12 (1942) are
10 decisions of the California Courts of Appeal and avers that the decisions speak for
11 themselves.

12 17. The allegations in Paragraph 17 of the Complaint state legal conclusions
13 and argument that constitute characterizations of Plaintiffs’ action and claims for
14 relief, to which no response is required. To the extent that a response is necessary,
15 Defendant-Intervenor denies each and every averment in Paragraph 17. Defendant-
16 Intervenor admits that *City of Redondo Beach v. Padilla*, 46 Cal.App.5th. 902, 910
17 (2020) is a decision of the California Appellate Court and avers that the decision
18 speaks for itself.

19 18. The allegations in Paragraph 18 of the Complaint state legal conclusions
20 and argument that constitute characterizations of Plaintiffs’ action and claims for
21 relief, to which no response is required. To the extent that a response is necessary,
22 Defendant-Intervenor denies each and every averment in Paragraph 18. Defendant-
23 Intervenor admits that *Johnson v. Bradley*, 4 Cal.4th 389, 395 (1992) is a decision of
24 the California Appellate Court and avers that the decision speaks for itself.

25 19. Defendant-Intervenor admits Paragraph 19 of the Complaint.
26

20. The allegations in Paragraph 20 of the Complaint state legal conclusions and argument that constitute characterizations of Plaintiffs' action and claims for relief, to which no response is required. To the extent that a response is necessary, Defendant-Intervenor admits that *California Fed. Savings & Loan Assn. v. City of Los Angeles* 35 Cal.3d 1, 12 (1991) is a decision of the California Supreme Court and avers that the decision speaks for itself.

21. The allegations in Paragraph 21 of the Complaint state legal conclusions and argument that constitute characterizations of Plaintiffs' action and claims for relief, to which no response is required. To the extent that a response is necessary, Defendant-Intervenor admits that Cal. Const. art. XI, §5(b)(1) is a clause in the California Constitution and avers that the clause speaks for itself.

22. The allegations in Paragraph 22 of the Complaint state legal conclusions and argument that constitute characterizations of Plaintiffs' action and claims for relief, to which no response is required. To the extent that a response is necessary, Defendant-Intervenor denies each and every averment in Paragraph 22.

23. The allegations in Paragraph 23 of the Complaint state legal conclusions and argument that constitute characterizations of Plaintiffs' action and claims for relief, to which no response is required. To the extent that a response is necessary, Defendant-Intervenor admits that Cal. Const. art. XI, §5(b) is a clause in the California Constitution and avers that the clause speaks for itself, but denies that the City of Huntington Beach has supreme authority over its city police force.

24. The allegations in Paragraph 24 of the Complaint state legal conclusions and argument that constitute characterizations of Plaintiffs' action and claims for relief, to which no response is required. To the extent that a response is necessary, Defendant-Intervenor denies that the Huntington Beach Police Department enjoys absolute independence over municipal affairs.

25. The allegations in Paragraph 25 of the Complaint state legal conclusions and argument that constitute characterizations of Plaintiff's action and claims for relief, to which no response is required. To the extent that a response is necessary, Defendant-Intervenor denies that the Home Rule doctrine grants the police departments of charter cities unfettered independence, even for municipal affairs related to local law enforcement.

26. The allegations in Paragraph 26 of the Complaint state legal conclusions and argument that constitute characterizations of Plaintiffs' action and claims for relief, to which no response is required. To the extent that a response is necessary, Defendant-Intervenor denies that the City of Huntington Beach is obligated, or even able to, investigate crimes before they occur; It is logically impossible to investigate something that has not happened yet. Defendant-Intervenor further denies that law enforcement agencies have absolute power to address crime as this directly conflicts with well-established constitutional constraints on law enforcement practices. Defendant-Intervenor also denies that the City of Huntington Beach is obligated to enforce federal law.

27. Defendant-Intervenor admits that Cal. Const. art. XX, §3 is a clause in the California Constitution that requires certain individuals to take an oath of office and aver that the clause speaks for itself.

28. Defendant-Intervenor admits that Cal. Const. art. XX, §3 is a clause in the California Constitution that requires certain individuals to take an oath of office and avers that the clause speaks for itself

29. The allegations in Paragraph 29 of the Complaint state legal conclusions and argument that constitute characterizations of Plaintiffs' action and claims for relief, to which no response is required. To the extent that a response is necessary, Defendant-Intervenor denies that the California Values Act forces the

1 City's officials to violate federal law or the oath of office required by Cal. Const.
2 art. XX, §3.

3 **B. The Sanctuary Law**

4 30. Defendant-Intervenor admits that California enacted the California
5 Values Act in 2017 and that it had previously been referred to as Senate Bill 54.

6 31. The allegations in Paragraph 31 of the Complaint state legal
7 conclusions and argument that constitute characterizations of Plaintiffs' action and
8 claims for relief, to which no response is required. To the extent that a response is
9 necessary, Defendant-Intervenor denies that the California Values Act is
10 unconstitutional either under the U.S. or California Constitutions.

11 32. The allegations in Paragraph 32 of the Complaint state legal
12 conclusions and argument that constitute characterizations of Plaintiffs' action and
13 claims for relief, to which no response is required. To the extent that a response is
14 necessary, Defendant-Intervenor denies that the Huntington City Police Department
15 has complete autonomy, even in matters related to local law enforcement.
16 Defendant-Intervenor further denies that the California Values Act compels
17 Plaintiffs to violate any law.

18 33. The allegations in Paragraph 33 of the Complaint state legal
19 conclusions and argument that constitute characterizations of Plaintiffs' action and
20 claims for relief, to which no response is required. To the extent that a response is
21 necessary, Defendant-Intervenor denies that Huntington City has a "right to fully
22 control its own Police Department and fully and effectively engage in law
23 enforcement."

24 34. The allegations in Paragraph 34 of the Complaint related to 8 U.S.
25 Code § 1324 state legal conclusions and argument that constitute characterizations
26 of Plaintiffs' action and claims for relief, to which no response is required. To the

1 extent that a response is necessary, Defendant-Intervenor denies that the California
2 Values Act forces local jurisdictions to violate 8 U.S. Code § 1324 but admits that
3 it limits local jurisdictions' ability to participate in joint task forces for the sole
4 purpose of enforcing federal immigration law.

5 35. Defendant-Intervenor admits that the California Values Act places
6 limits on local law enforcement agencies' interactions with federal agencies for the
7 sole purpose of enforcing federal immigration law but denies that the relevant CVA
8 sections absolutely "restrict cooperation" with the Federal Government.

9 36. The allegations in Paragraph 36 of the Complaint state legal
10 conclusions and argument that constitute characterizations of Plaintiffs' action and
11 claims for relief, to which no response is required. To the extent that a response is
12 necessary, Defendant-Intervenor denies that the California Values Act allows
13 smugglers to traffic people for financial gain and avers that the statute speaks for
14 itself.

15 37. The allegations in Paragraph 37 of the Complaint state legal
16 conclusions and argument that constitute characterizations of Plaintiffs' action and
17 claims for relief, to which no response is required. To the extent that a response is
18 necessary, Defendant-Intervenor denies that the California Values Act places
19 immigrants at greater risk of being trafficked.

20 38. Defendant-Intervenor avers that Cal. Gov. Code § 7284.6(a)(1)(A)
21 speaks for itself. To the extent that a response is necessary, Defendant-Intervenor
22 admits that the provision prohibits local law enforcement from enquiring about an
23 individual's immigration status for federal immigration purposes. *See Cal. Gov.*
24 *Code § 7284.6(a)(1).*

1 44. Defendant-Intervenor admits that Governor Newsome convened a
2 special session to address how the state would protect the civil rights of all
3 immigrant families.¹

4 45. Defendant-Intervenor admits that some news outlets have reported as
5 described in paragraph 45.

6 46. The allegations in Paragraph 46 of the Complaint state legal
7 conclusions and argument that constitute characterizations of Plaintiffs' action and
8 claims for relief, to which no response is required. To the extent that a response is
9 necessary, Defendant-Intervenor admits that Politico reported as described in
10 paragraph 46 but denies that the Commandeering Doctrine applies to States in
11 relation to local governments.

12 47. The allegations in Paragraph 47 of the Complaint state legal
13 conclusions and argument that constitute characterizations of Plaintiffs' action and
14 claims for relief, to which no response is required. To the extent that a response is
15 necessary, Defendant-Intervenor admits that Defendant Rob Bonta issued guidance
16 on December 17, 2024, to help all California immigrants better understand their
17 rights and protections under the law.²

18 48. The allegations in Paragraph 48 of the Complaint state legal
19 conclusions and argument that constitute characterizations of Plaintiffs' action and
20 claims for relief, to which no response is required. To the extent that a response is
21 necessary, Defendant-Intervenor admits that the press release informs people of
22 their rights but denies that that informing people of their rights violates or conflicts
23 with either state or federal law.

25 ¹ <https://www.gov.ca.gov/2024/11/07/special-session-ca-values/>

26 ² [https://oag.ca.gov/news/press-releases/attorney-general-bonta-reminds-california-immigrants-](https://oag.ca.gov/news/press-releases/attorney-general-bonta-reminds-california-immigrants-their-rights-and)
27 [their-rights-and](https://oag.ca.gov/news/press-releases/attorney-general-bonta-reminds-california-immigrants-their-rights-and)

C. Federal Authorities

49. Defendant-Intervenor admits the allegations in paragraph 49 and avers that the clause speaks for itself.

50. The allegations in Paragraph 50 of the Complaint state legal conclusions and argument that constitute characterizations of Plaintiffs' action and claims for relief, to which no response is required.

51. The allegations in Paragraph 51 of the Complaint state legal conclusions and argument that constitute characterizations of Plaintiffs' action and claims for relief, to which no response is required. To the extent that a response is necessary, Defendant-Intervenor admits that *Arizona v. United States*, 567 U.S. 387 (2012) is a decision of the United States Supreme Court and avers that the decision speaks for itself.

52. The allegations in Paragraph 52 of the Complaint state legal conclusions and argument that constitute characterizations of Plaintiffs' action and claims for relief, to which no response is required. To the extent that a response is necessary, Defendant-Intervenor admits that *Harisiades v. Shaughnessy*, 342 U.S. 580 (1952) is a decision of the United States Supreme Court and avers that the decision speaks for itself.

53. The allegations in Paragraph 53 of the Complaint state legal conclusions and argument that constitute characterizations of Plaintiffs' action and claims for relief, to which no response is required. To the extent that a response is necessary, Defendant-Intervenor admits that the cases cited by Plaintiffs are decisions of the United States Supreme Court and avers that the decisions speak for itself.

54. Defendant-Intervenor admits Paragraph 5 of the Complaint.

1 decision of the United States Court of Appeals for the Second Circuit whose
2 reasoning has already been rejected by the Ninth Circuit and avers that the decision
3 speaks for itself. *See United States v. California*, 921 F.3d 865 (9th Cir. 2019).

4 77. The allegations in Paragraph 77 of the Complaint state legal
5 conclusions and argument that constitute characterizations of Plaintiffs' action and
6 claims for relief, to which no response is required. To the extent that a response is
7 necessary, Defendant-Intervenor admits that *De Canas. v. Bica* is a decision of the
8 United States Supreme Court and avers that the decision speaks for itself.

9 78. The allegations in Paragraph 78 of the Complaint state legal
10 conclusions and argument that constitute characterizations of Plaintiffs' action and
11 claims for relief, to which no response is required. To the extent that a response is
12 necessary, Defendant-Intervenor admits that *Arizona Dream Act Coal. v. Brewer*
13 and *United States v. Texas* are decisions of the United States Court of Appeals for
14 the Ninth Circuit and the United States Supreme Court, respectively, and avers that
15 the decisions speak for themselves.

16 79. The allegations in Paragraph 79 of the Complaint state legal
17 conclusions and argument that constitute characterizations of Plaintiffs' action and
18 claims for relief, to which no response is required. To the extent that a response is
19 necessary, Defendant-Intervenor admits that *Arizona. v. United States* is a decision
20 of the United States Supreme Court and avers that the decision speaks for itself.

21 80. The allegations in Paragraph 80 of the Complaint state legal
22 conclusions and argument that constitute characterizations of Plaintiffs' action and
23 claims for relief, to which no response is required. To the extent that a response is
24 necessary, Defendant-Intervenor admits that *Valle Del Sol Inc. v. Whiting*, 732 F.3d
25 1006 (9th Cir. 2019), is a decision of the United States Court of Appeals for the
26 Ninth Circuit and avers that the decision speaks for itself.

1 claims for relief, to which no response is required. To the extent that a response is
2 necessary, Defendant-Intervenor admits that Dan Lungren's November 1992
3 opinion speaks for itself

4 86. The allegations in Paragraph 86 of the Complaint state legal
5 conclusions and argument that constitute characterizations of Plaintiffs' action and
6 claims for relief, to which no response is required. To the extent that a response is
7 necessary, Defendant-Intervenor admits that Dan Lungren's November 1992
8 opinion speaks for itself.

9 87. The allegations in Paragraph 87 of the Complaint state legal
10 conclusions and argument that constitute characterizations of Plaintiffs' action and
11 claims for relief, to which no response is required. To the extent that a response is
12 necessary, Defendant-Intervenor admits that Dan Lungren's November 1992
13 opinion speaks for itself.

14 88. The allegations in Paragraph 88 of the Complaint state legal
15 conclusions and argument that constitute characterizations of Plaintiffs' action and
16 claims for relief, to which no response is required. To the extent that a response is
17 necessary, Defendant-Intervenor admits that Dan Lungren's November 1992
18 opinion speaks for itself.

19 89. The allegations in Paragraph 89 of the Complaint state legal
20 conclusions and argument that constitute characterizations of Plaintiffs' action and
21 claims for relief, to which no response is required. To the extent that a response is
22 necessary, Defendant-Intervenor admits that Dan Lungren's November 1992
23 opinion speaks for itself

24 90. The allegations in Paragraph 90 of the Complaint state legal
25 conclusions and argument that constitute characterizations of Plaintiffs' action and
26

1 claims for relief, to which no response is required. To the extent that a response is
2 necessary, Defendant denies every averment in Paragraph 90.

3 **E. Obstruction Caused by the Sanctuary State Law**

4 91. The allegations in Paragraph 91 of the Complaint state legal
5 conclusions and argument that constitute characterizations of Plaintiffs' action and
6 claims for relief, to which no response is required. To the extent that a response is
7 necessary, Defendant denies every averment in Paragraph 91.

8 92. The allegations in Paragraph 92 of the Complaint state legal
9 conclusions and argument that constitute characterizations of Plaintiffs' action and
10 claims for relief, to which no response is required. To the extent that a response is
11 necessary, Defendant-Intervenor admits that the cases cited by Plaintiffs are court
12 decisions and avers that they speak for themselves

13 93. The allegations in Paragraph 93 of the Complaint state legal
14 conclusions and argument that constitute characterizations of Plaintiffs' action and
15 claims for relief, to which no response is required. To the extent that a response is
16 necessary, Defendant-Intervenor admits that *Georgia Latina Alliance for Human*
17 *Rights v. Governor of GA* is a decision of the United States Court of Appeals for the
18 Eleventh Circuit and avers that the decision speaks for itself.

19 94. The allegations in Paragraph 94 of the Complaint state legal
20 conclusions and argument that constitute characterizations of Plaintiffs' action and
21 claims for relief, to which no response is required. To the extent that a response is
22 necessary, Defendant-Intervenor denies each and every averment in Paragraph 94.

23 95. The allegations in Paragraph 95 of the Complaint state legal
24 conclusions and argument that constitute characterizations of Plaintiffs' action and
25 claims for relief, to which no response is required. To the extent that a response is
26 necessary, Defendant-Intervenor admits that *Gade v. National Solid Wastes*

1 *Management Association* is a decision of the United States Supreme Court and
2 avers that the decision speaks for itself.

3 96. The allegations in Paragraph 96 of the Complaint state legal
4 conclusions and argument that constitute characterizations of Plaintiffs' action and
5 claims for relief, to which no response is required. To the extent that a response is
6 necessary, Defendant-Intervenor denies each and every averment in Paragraph 96.

7 97. The allegations in Paragraph 97 of the Complaint state legal
8 conclusions and argument that constitute characterizations of Plaintiffs' action and
9 claims for relief, to which no response is required. To the extent that a response is
10 necessary, Defendant-Intervenor denies each and every averment in Paragraph 97.

11 98. The allegations in Paragraph 98 of the Complaint state legal
12 conclusions and argument that constitute characterizations of Plaintiffs' action and
13 claims for relief, to which no response is required. To the extent that a response is
14 necessary, Defendant-Intervenor denies each and every averment in Paragraph 98.

15 99. The allegations in Paragraph 99 of the Complaint state legal
16 conclusions and argument that constitute characterizations of Plaintiffs' action and
17 claims for relief, to which no response is required. To the extent that a response is
18 necessary, Defendant-Intervenor denies each and every averment in Paragraph 99.

19 100. Defendant-Intervenor admits Paragraph 100 of the Complaint.

20 101. Defendant-Intervenor avers that it is without sufficient information or
21 knowledge to form a belief as to the averments in Paragraph 101 of the Complaint
22 regarding statements made by Sheriff Barnes. To the extent that a response is
23 necessary, Defendant-Intervenor avers that Plaintiffs' Exhibit A speaks for itself.

24 102. Defendant-Intervenor avers that it is without sufficient information or
25 knowledge to form a belief as to the averments in Paragraph 102 of the complaint.
26 To the extent that a response is necessary, Defendant-Intervenor avers that

1 Plaintiffs' Exhibit A speaks for itself. and avers that Plaintiffs' Exhibit B speaks for
2 itself.

3 103. Defendant-Intervenor avers that it is without sufficient information or
4 knowledge to form a belief as to the averments in Paragraph 103 of the complaint.
5 To the extent that a response is necessary, Defendant-Intervenor avers that
6 Plaintiffs' Exhibit C speaks for itself.

7 104. Defendant-Intervenor avers that it is without sufficient information or
8 knowledge to form a belief as to the averments in Paragraph 104 of the complaint.
9 To the extent that a response is necessary, Defendant-Intervenor avers that
10 Plaintiffs' Exhibit D speaks for itself.

11 105. Defendant-Intervenor avers that it is without sufficient information or
12 knowledge to form a belief as to the averments in Paragraph 105 of the complaint.
13 To the extent that a response is necessary, Defendant-Intervenor avers that
14 Plaintiffs' Exhibit D speaks for itself.

15 106. Defendant-Intervenor avers that it is without sufficient information or
16 knowledge to form a belief as to the averments in Paragraph 106 of the complaint.
17 To the extent that a response is necessary, Defendant-Intervenor avers that
18 Plaintiffs' Exhibit E speaks for itself.

19 107. Defendant-Intervenor avers that it is without sufficient information or
20 knowledge to form a belief as to the averments in Paragraph 107 of the complaint.
21 To the extent that a response is necessary, Defendant-Intervenor avers that
22 Plaintiffs' Exhibit E speaks for itself.

23 108. Defendant-Intervenor avers that it is without sufficient information or
24 knowledge to form a belief as to the averments in Paragraph 108 of the complaint.
25 To the extent that a response is necessary, Defendant-Intervenor avers that
26 Plaintiffs' Exhibit F speaks for itself.

1 employees for the sole purpose of enforcing federal immigration law and avers that
2 Cal. Gov. Code § 7284.6 (a)(1)(A) speaks for itself.

3 **FIRST CAUSE OF ACTION**

4 **Alleged Violation of the Supremacy Clause of Article VI, Clause 2 of the**
5 **United States Constitution**

6 114. Answering Paragraph 114 of the Complaint, Defendant-Intervenor
7 repeats and incorporates herein by reference each and all of the denials, admissions,
8 and averments set forth in their answers to Paragraphs 1 through 113 of the
9 Complaint as though fully set forth herein.

10 115. The allegations in Paragraph 115 of the Complaint state legal
11 conclusions and argument that constitute characterizations of Plaintiffs' action and
12 claims for relief, to which no response is required.

13 116. The allegations in Paragraph 116 of the Complaint state legal
14 conclusions and argument that constitute characterizations of Plaintiffs' action and
15 claims for relief, to which no response is required. To the extent that a response is
16 necessary, Defendant-Intervenor denies each and every averment in Paragraph 116
17 as the Ninth Circuit has already addressed whether SB 54 violates the Supremacy
18 Clause, affirming the lower court's decision that frustration does not constitute
19 obstacle preemption where a federal law otherwise mandating state and local law
20 enforcement assistance would subvert the anti-commandeering doctrine of the
21 Tenth Amendment principles. *See United States v. California*, 921 F.3d 865, 888
22 (9th Cir. 2019).

23 117. The allegations in Paragraph 117 of the Complaint state legal
24 conclusions and argument that constitute characterizations of Plaintiffs' action and
25 claims for relief, to which no response is required. To the extent that a response is
26 necessary, Defendant-Intervenor admits that *Geo Group, Inc. v. Newsom* is a

1 decision of the United States Court of Appeals for the Ninth Circuit and avers that
2 the decision speaks for itself.

3 118. The allegations in Paragraph 118 of the Complaint state legal
4 conclusions and argument that constitute characterizations of Plaintiffs' action and
5 claims for relief, to which no response is required. To the extent that a response is
6 necessary, Defendant-Intervenor denies each and every averment in Paragraph 118
7 as the Ninth Circuit has already addressed whether SB 54 violates the Supremacy
8 Clause, affirming the lower court's decision that frustration does not constitute
9 obstacle preemption where a federal law otherwise mandating state and local law
10 enforcement assistance would subvert the anti-commandeering doctrine of the
11 Tenth Amendment principles. *See United States v. California*, (9th Cir. 2019).

12 119. The allegations in Paragraph 119 of the Complaint state legal
13 conclusions and argument that constitute characterizations of Plaintiffs' action and
14 claims for relief, to which no response is required. To the extent that a response is
15 necessary, Defendant-Intervenor denies each and every averment in Paragraph 119.

16 120. The allegations in Paragraph 120 of the Complaint state legal
17 conclusions and argument that constitute characterizations of Plaintiffs' action and
18 claims for relief, to which no response is required. To the extent that a response is
19 necessary, Defendant-Intervenor denies each and every averment in Paragraph 120.
20 Plaintiffs' allegations mischaracterize the law as the CVA expressly limits conduct
21 for the sole purpose of enforcing federal immigration law. *See Cal. Gov. Code §§*
22 *7282.5, et seq.*

23 121. The allegations in Paragraph 121 of the Complaint state legal
24 conclusions and argument that constitute characterizations of Plaintiff's action and
25 claims for relief, to which no response is required. To the extent that a response is
26 necessary, Defendant-Intervenor denies each and every averment in Paragraph 121

1 and emphasize that law enforcement agencies are allowed to participate in joint task
2 forces whose primary purpose is not enforcement of immigration law. *See Cal.*
3 *Gov't Code § 7284.6* (West). The CVA additionally does not preclude the exchange
4 of information under §§ 1373 and 1644 of Title 8 of the United States Code.

5 122. The allegations in Paragraph 122 of the Complaint state legal
6 conclusions and argument that constitute characterizations of Plaintiff's action and
7 claims for relief, to which no response is required. To the extent that a response is
8 necessary, Defendant-Intervenor denies each and every averment in Paragraph 122
9 and emphasize that law enforcement agencies are allowed to participate in joint task
10 forces whose primary purpose is not enforcement of immigration law. *See Cal.*
11 *Gov't Code § 7284.6* (West).

12 123. Defendant-intervenor admits that the CVA places limitations on the
13 cooperation between local law enforcement agencies and the federal government
14 for the purpose of enforcing federal immigration law and avers that the statute
15 speaks for itself.

16 124. The allegations in Paragraph 124 of the Complaint state legal
17 conclusions and argument that constitute characterizations of Plaintiffs' action and
18 claims for relief, to which no response is required. To the extent that a response is
19 necessary, Defendant-Intervenor denies each and every averment in Paragraph 124.

20 125. The allegations in Paragraph 125 of the Complaint state legal
21 conclusions and argument that constitute characterizations of Plaintiffs' action and
22 claims for relief, to which no response is required. To the extent that a response is
23 necessary, Defendant-Intervenor denies each and every averment in Paragraph 125
24 as it is logically impossible to prevent crimes before they happen and there are
25
26

1 many other statutes addressing human trafficking under which the CVA does not
2 restrict cooperation.³

3 126. The allegations in Paragraph 126 of the Complaint state legal
4 conclusions and argument that constitute characterizations of Plaintiffs' action and
5 claims for relief, to which no response is required. To the extent that a response is
6 necessary, Defendant-Intervenor denies each and every averment in Paragraph 126.

7 127. Defendant-Intervenor denies that Plaintiffs have suffered any harm.

8 **SECOND CAUSE OF ACTION**

9 **Alleged Violation of the Naturalization Clause of Article I, Section 8,** 10 **Clause 2 of the United States Constitution**

11 128. Answering Paragraph 128 of the Complaint, Defendant-Intervenor
12 repeats and incorporates herein by reference each and all of the denials, admissions,
13 and averments set forth in their answers to Paragraphs 1 through 127 of the
14 Complaint as though fully set forth herein.

15 129. The allegations in Paragraph 129 of the Complaint state legal
16 conclusions and argument that constitute characterizations of Plaintiffs' action and
17 claims for relief, to which no response is required.

18 130. Defendant-Intervenor admits that the Naturalization Clause is a
19 provision within Article I, Section 8, of U.S. Constitution and avers that it speaks
20 for itself.

21 131. The allegations in Paragraph 131 of the Complaint state legal
22 conclusions and argument that constitute characterizations of Plaintiffs' action and
23 claims for relief, to which no response is required. To the extent that a response is
24 necessary, that the Naturalization Clause is a provision within Article I, Section 8,
25 of U.S. Constitution and avers that it speaks for itself.

26 ³ <https://www.dhs.gov/human-trafficking-laws-regulations>

THIRD CAUSE OF ACTION

Alleged Violation U.S. Federal Immigration Laws (Title 8, U.S.C. § 1324)

147. Answering Paragraph 147 of the Complaint, Defendant-Intervenor repeats and incorporates herein by reference each and all of the denials, admissions, and averments set forth in their answers to Paragraphs 1 through 146 of the Complaint as though fully set forth herein.

148. The allegations in Paragraph 148 of the Complaint state legal conclusions and argument that constitute characterizations of Plaintiffs' action and claims for relief, to which no response is required.

149. Defendant-Intervenor admits that Title 8, U.S.C. § 1324 is a federal statute and avers that it speaks for itself.

150. Defendant-Intervenor admits that Title 8, U.S.C. § 1324 is a federal statute and avers that it speaks for itself.

151. Defendant-Intervenor admits that Title 8, U.S.C. § 1324 is a federal statute and avers that it speaks for itself.

152. Defendant-Intervenor admits that Title 8, U.S.C. § 1324 is a federal statute and avers that it speaks for itself.

153. The allegations in Paragraph 153 of the Complaint state legal conclusions and argument that constitute characterizations of Plaintiffs' action and claims for relief, to which no response is required. To the extent that a response is necessary, Defendant-Intervenor denies each and every averment in Paragraph 153.

154. The allegations in Paragraph 154 of the Complaint state legal conclusions and argument that constitute characterizations of Plaintiffs' action and claims for relief, to which no response is required. To the extent that a response is necessary, Defendant-Intervenor denies each and every averment in Paragraph 154.

1 necessary, Defendant-Intervenor denies each and every averment in Paragraph 159
2 as it is logically impossible to prevent crimes before they happen and there are
3 many other statutes addressing human trafficking under which the CVA does not
4 restrict cooperation.

5 160. The allegations in Paragraph 160 of the Complaint state legal
6 conclusions and argument that constitute characterizations of Plaintiffs' action and
7 claims for relief, to which no response is required. To the extent that a response is
8 necessary, Defendant-Intervenor denies each and every averment in Paragraph 160.

9 161. Defendant-Intervenor denies that Plaintiffs have suffered any harm.

10 **FOURTH CAUSE OF ACTION**

11 **Alleged Violation U.S. Federal Immigration Laws (Title 8, U.S.C. § 1373)**

12 162. Answering Paragraph 162 of the Complaint, Defendant-Intervenor
13 repeats and incorporates herein by reference each and all of the denials, admissions,
14 and averments set forth in their answers to Paragraphs 1 through 161 of the
15 Complaint as though fully set forth herein.

16 163. The allegations in Paragraph 163 of the Complaint state legal
17 conclusions and argument that constitute characterizations of Plaintiffs' action and
18 claims for relief, to which no response is required.

19 164. Defendant-Intervenor admits that Title 8, U.S.C. § 1373 is a federal
20 statute and avers that it speaks for itself.

21 165. The allegations in Paragraph 165 of the Complaint state legal
22 conclusions and argument that constitute characterizations of Plaintiffs' action and
23 claims for relief, to which no response is required. To the extent that a response is
24 necessary, Defendant-Intervenor denies each and every averment in Paragraph 165.

25 166. The allegations in Paragraph 166 of the Complaint state legal
26 conclusions and argument that constitute characterizations of Plaintiff's action and

1 claims for relief, to which no response is required. To the extent that a response is
2 necessary, Defendant-Intervenor denies each and every averment in Paragraph 166.

3 167. The allegations in Paragraph 167 of the Complaint state legal
4 conclusions and argument that constitute characterizations of Plaintiffs' action and
5 claims for relief, to which no response is required. To the extent that a response is
6 necessary, Defendant-Intervenor denies each and every averment in Paragraph 167.

7 168. The allegations in Paragraph 168 of the Complaint state legal
8 conclusions and argument that constitute characterizations of Plaintiffs' action and
9 claims for relief, to which no response is required. To the extent that a response is
10 necessary, Defendant-Intervenor denies each and every averment in Paragraph 168.

11 169. Defendant-Intervenor denies that Plaintiffs have suffered any harm.

12 **FIFTH CAUSE OF ACTION**

13 **Alleged Violation U.S. Federal Immigration Laws (Title 18, U.S.C. §§ 4, 371,**
14 **AND 372)**

15 170. Answering Paragraph 170 of the Complaint, Defendant-Intervenor
16 repeats and incorporates herein by reference each and all of the denials, admissions,
17 and averments set forth in their answers to Paragraphs 1 through 169 of the
18 Complaint as though fully set forth herein.

19 171. The allegations in Paragraph 171 of the Complaint state legal
20 conclusions and argument that constitute characterizations of Plaintiffs' action and
21 claims for relief, to which no response is required.

22 172. Defendant-Intervenor admits that Title 18, U.S.C. § 4 is a federal
23 statute and avers that it speaks for itself.

24 173. Defendant-Intervenor admits that Title 8, U.S.C. § 371 is a federal
25 statute and avers that it speaks for itself.

1 174. Defendant-Intervenor admits that Title 8, U.S.C. § 372 is a federal
2 statute and avers that it speaks for itself.

3 175. The allegations in Paragraph 175 of the Complaint state legal
4 conclusions and argument that constitute characterizations of Plaintiffs' action and
5 claims for relief, to which no response is required. To the extent that a response is
6 necessary, Defendant-Intervenor denies each and every averment in Paragraph 175.

7 176. The allegations in Paragraph 176 of the Complaint state legal
8 conclusions and argument that constitute characterizations of Plaintiffs' action and
9 claims for relief, to which no response is required. To the extent that a response is
10 necessary, Defendant-Intervenor denies each and every averment in Paragraph 176.

11 177. Defendant-intervenor admits that the CVA places limitations on the
12 cooperation between local law enforcement agencies and the federal government
13 for the purpose of enforcing federal immigration law and avers that the statute
14 speaks for itself.

15 178. The allegations in Paragraph 178 of the Complaint state legal
16 conclusions and argument that constitute characterizations of Plaintiff's action and
17 claims for relief, to which no response is required. To the extent that a response is
18 necessary, Defendant-Intervenor denies each and every averment in Paragraph 178
19 and emphasizes that law enforcement agencies are allowed to participate in joint
20 task forces whose primary purpose is not enforcement of immigration law. *See Cal.*
21 *Gov't Code § 7284.6* (West). The CVA additionally does not preclude the exchange
22 of information under §§ 1373 and 1644 of Title 8 of the United States Code.

23 179. Defendant-intervenor admits that the CVA places limitations on the
24 cooperation between local law enforcement agencies and the federal government
25 for the purpose of enforcing federal immigration law and avers that the statute
26 speaks for itself.

1 claims for relief, to which no response is required. To the extent that a response is
2 necessary, Defendant-Intervenor denies each and every averment in Paragraph 193.

3 194. Defendant-Intervenor denies that Plaintiffs have suffered any harm.

4 **SEVENTH CAUSE OF ACTION**

5 **Alleged Violation of Article XX, § 3 of the California Constitution**

6 195. Answering Paragraph 195 of the Complaint, Defendant-Intervenor
7 repeats and incorporates herein by reference each and all of the denials, admissions,
8 and averments set forth in their answers to Paragraphs 1 through 194 of the
9 Complaint as though fully set forth herein.

10 196. The allegations in Paragraph 196 of the Complaint state legal
11 conclusions and argument that constitute characterizations of Plaintiffs' action and
12 claims for relief, to which no response is required.

13 197. Defendant-Intervenor admits that Article XX, § 3 is a provision of the
14 California Constitution and avers that it speaks for itself.

15 198. Defendant-Intervenor admits that Article XX, § 3 is a provision of the
16 California Constitution and avers that it speaks for itself.

17 199. The allegations in Paragraph 199 of the Complaint state legal
18 conclusions and argument that constitute characterizations of Plaintiffs' action and
19 claims for relief, to which no response is required. To the extent that a response is
20 necessary, Defendant-Intervenor denies each and every averment in Paragraph 199.

21 200. The allegations in Paragraph 200 of the Complaint state legal
22 conclusions and argument that constitute characterizations of Plaintiffs' action and
23 claims for relief, to which no response is required. To the extent that a response is
24 necessary, Defendant-Intervenor denies each and every averment in Paragraph 200.

25 201. The allegations in Paragraph 201 of the Complaint state legal
26 conclusions and argument that constitute characterizations of Plaintiffs' action and

1 claims for relief, to which no response is required. To the extent that a response is
2 necessary, Defendant-Intervenor denies each and every averment in Paragraph 201.

3 202. The allegations in Paragraph 202 of the Complaint state legal
4 conclusions and argument that constitute characterizations of Plaintiffs' action and
5 claims for relief, to which no response is required. To the extent that a response is
6 necessary, Defendant-Intervenor denies each and every averment in Paragraph 202.

7 203. The allegations in Paragraph 203 of the Complaint state legal
8 conclusions and argument that constitute characterizations of Plaintiffs' action and
9 claims for relief, to which no response is required. To the extent that a response is
10 necessary, Defendant-Intervenor denies each and every averment in Paragraph 203.

11 204. The allegations in Paragraph 204 of the Complaint state legal
12 conclusions and argument that constitute characterizations of Plaintiffs' action and
13 claims for relief, to which no response is required. To the extent that a response is
14 necessary, Defendant-Intervenor denies each and every averment in Paragraph 204.

15 Defendant-Intervenor denies that Plaintiffs have suffered any harm

16 205. The allegations in Paragraph 205 of the Complaint state legal
17 conclusions and argument that constitute characterizations of Plaintiffs' action and
18 claims for relief, to which no response is required. To the extent that a response is
19 necessary, Defendant-Intervenor denies each and every averment in Paragraph 205.

20 206. Defendant-Intervenor denies that Plaintiffs have suffered any harm.

21 **COSTS AND ATTORNEYS' FEES**

22 207. Defendant-Intervenor denies that Plaintiffs are entitled to an award of
23 costs, including reasonable attorney's fees, incurred in the litigation of this case

24 **PRAYER FOR RELIEF**

25 The remainder of the Complaint—including the WHEREFORE clause,
26 Paragraphs 1 through 5—contains Plaintiff's requests for relief, to which no response

1 is required. To the extent that any response to those parts of the Complaint is deemed
2 to be required, Defendant-Intervenor denies all of the allegations set forth therein and
3 denies that Plaintiffs are entitled to any of the relief requested or to any other forms
4 of relief whatsoever.

5 **AFFIRMATIVE DEFENSES**

6 As and for their affirmative defenses to the cause of action purported to be set
7 forth by Plaintiffs in the Complaint, Defendant-Intervenor alleges as follows, subject
8 to Defendant-Intervenor's rights to amend and assert such other affirmative defenses
9 as may become available during discovery in this action:

10 Because the Complaint is couched in conclusory terms, Defendant-Intervenor
11 cannot fully anticipate all affirmative defenses that may be applicable to the claims
12 asserted therein. Accordingly, Defendant-Intervenor reserves the right to assert
13 additional affirmative defenses to the complaint, whether under law, equity, or
14 otherwise, if and to the extent that such affirmative defenses are discovered and
15 apply.

16
17 **WHEREFORE**, Defendant-Intervenor respectfully requests as follows:

- 18 1. That Plaintiffs' Complaint and the cause of action therein be dismissed
19 with prejudice;
- 20 2. That Plaintiffs take nothing by way of the Complaint;
- 21 3. That Defendant-Intervenor be awarded costs of the suit and attorneys'
22 fees herein;

23 That the Court order such other and further relief for Defendant-Intervenor as the
24 Court may deem appropriate.

**NDLON’S COUNTERCLAIMS FOR DECLARATORY JUDGMENT AND
RELIEF
AND INJUNCTIVE RELIEF**

1. The City of Huntington Beach, the Huntington Beach City Council, the Huntington Beach Police Department, and the Huntington Beach Police Chief (hereinafter, “City Plaintiffs”) act in direct violation of the California Values Act of 2017 (“CVA”), Cal. Gov. Code §§ 7282.5, et seq.

2. The CVA is a valid enactment of law by the State of California and bars state and local police from investigating, interrogating, or arresting people for purely immigration enforcement purposes, and limits police cooperation with federal immigration officials.

3. City Plaintiffs do not await a decision by this Court in this lawsuit that might enable them to enforce immigration law as they see fit. Rather, the City of Huntington Beach and other Plaintiffs flout California law in order to target undocumented residents of the State of California.

4. Huntington Beach’s Resolution 2025-01 violates the CVA and is unconstitutional under the Fourth and Fourteenth Amendments to the U.S. Constitution. City Plaintiffs’ actions include, but are not limited to, ordering Huntington Beach law enforcement and city personnel to cooperate with immigration enforcement officials and to honor ICE detainers to detain individuals beyond the time of their scheduled release based on local or state offenses.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 over Defendant Intervenor’s causes of action under the United States Constitution and federal statutes. This Court also has subject matter jurisdiction under and may grant Defendant-Intervenor’s request for declaratory and injunctive relief under 28 U.S.C.

1 §§ 2201 and 2202. This Court has supplemental jurisdiction over Defendant-
2 Intervenor and Counterclaimant NDLO's state-law claims under 28 U.S.C. § 1367.

3 6. Venue is proper in this district. 28 U.S.C. §1391 (e)(1).

4 **PARTIES**

5 7. Defendant-Intervenor and Counterclaimant National Day Laborer Organizing
6 Network ("NDLO") is a non-profit organization founded in 2001. Its mission is to
7 improve the lives of immigrant day laborers in the United States through nationwide
8 advocacy and organizing efforts in coordination with 49 member organizations in 19
9 states, including California.

10 8. Many of Defendant-Intervenor and Counterclaimant NDLO's individual
11 members and its organizational members' individual members are undocumented
12 and immigrant workers in California. NDLO has individual members in Orange
13 County and Pasadena, California.

14 9. Plaintiff City of Huntington Beach is a municipal corporation in California.

15 10. Plaintiff Huntington Beach City Council is the elected body of seven members
16 serving as Huntington Beach's City Council.

17 11. Plaintiff Huntington Beach Police Department is the local municipal law
18 enforcement department of the City of Huntington Beach.

19 **FACTUAL ALLEGATIONS**

20 12. On October 5, 2017, California Governor Jerry Brown signed into law a bill
21 passed by the California Legislature called Senate Bill 54, also known as the
22 California Values Act.

23 13. The CVA was passed by the California Legislature, "[t]o protect the safety
24 and well-being of all Californians by ensuring that state and local resources are not
25 used to fuel mass deportations, separate families, and ultimately hurt California's
26

1 economy.”⁴ The Legislature recognized that, “A relationship of trust between
2 California’s immigrant residents and our state and local agencies, including police,
3 schools, and hospitals, is essential to carrying out basic state and local functions. That
4 trust is threatened when state and local agencies are involved in immigration
5 enforcement.”⁵

6 14. Under the CVA, California law enforcement agencies “shall not[...]use
7 agency or department moneys or personnel to investigate, interrogate, detain, detect,
8 or arrest persons for immigration enforcement purposes.” Cal. Gov’t Code §
9 7284.6(a)(1).

10 15. Also under the CVA, law enforcement agencies may not, among other actions,
11 inquire into an individual’s immigration status, detain an individual on the basis of
12 an immigration “hold” request, provide information regarding a person’s release date
13 to immigration authorities or respond to requests for such information, make or
14 intentionally participate in arrests based on civil immigration warrants, perform the
15 functions of an immigration officer, or place peace officers under the supervision of
16 immigration authorities. Cal. Gov’t Code § 7284.6(a)(1)(A)-(G).

17 16. Law enforcement agencies are also prohibited from placing peace officers
18 under the supervision of federal agencies and employing peace officers deputized as
19 special federal officers or special federal duties for purposes of immigration
20 enforcement. Cal. Gov’t Code § 7284.6(a)(2).

21 17. Federal courts have already held that federal immigration law does not
22 preempt the CVA and that California has the right, under the anticommandeering rule
23
24

25 ⁴https://www.iceoutofca.org/uploads/2/5/4/6/25464410/factsheet_california_values_act_sb_54-4.13.17__1_.pdf

26 ⁵ *Id.*

1 of the Tenth Amendment to the U.S. Constitution, to refrain from assisting with
2 federal immigration law enforcement efforts.

3 18. On January 21, 2025 the Huntington Beach City Council (“the Council”)
4 voted unanimously to ignore the California Values Act. The Council passed
5 Resolution 2025-01, which declared the City of Huntington Beach a “Non-Sanctuary
6 City.”

7 19. Resolution 2025-01 directs Huntington Beach police officers to “follow” all
8 federal law, including Title 9 U.S. Code Sections 1324 and 1373 as well as Title 18
9 U.S Code Sections 371 and 372 specifically. The resolution further declares that the
10 city and all of its departments will “...deploy every means and resource necessary...”
11 to achieve this end, including honoring ICE detainees.

12 20. Section 4 of Resolution 2025-01 declares that the City of Huntington Beach
13 and all of its departments will cooperate with the Trump Administration, Tom
14 Homan, and any federal agency to increase local law enforcement efforts to “combat
15 all crimes,” including Title 9 U.S. Code Sections 1324 and 1373 as well as Title 18
16 U.S Code Sections 371 and 372.

17 21. Section 5 of Resolution 2025-01 orders the city attorney to take any legal
18 action necessary to carry out the resolution, including defending any action brought
19 by the state of California against the provisions of the resolution.

20 22. Mayor Pat Burns said in support of Resolution 2025-01 at the Huntington
21 Beach City Council meeting on January 21, 2025, that declaring the city a “non-
22 sanctuary city” and cooperating with federal immigration authorities would make
23 Huntington Beach safer and said, “Huntington Beach first,” echoing the slogan of
24 President Donald J. Trump—“America First.”

25 23. Then-serving Huntington Beach City Attorney Michael Gates also spoke
26 during the January 21 meeting, noting that the United States Court of Appeals for the

1 Ninth Circuit upheld the CVA in 2019, specifically citing that the CVA was valid
2 under the Tenth Amendment prohibiting commandeering. He then said that the CVA
3 “impeded” the abilities of local law enforcement to comply with federal immigration
4 law, which he said went beyond the Tenth Amendment and interfered with local law
5 enforcement compliance with federal law, including federal criminal provisions.

6 24.NDLON has members who work or reside in Huntington Beach. Resolution
7 2025-01 violates their rights under the Fourth Amendment, as well as the Due Process
8 and Equal Protection Clauses to the Fourteenth Amendment to the U.S. Constitution.

9 25.Defendant-Intervenor NDLON and its members will continue to be injured if
10 City of Huntington Beach Plaintiffs are permitted to violate the California Values
11 Act. Huntington Beach’s unlawful attempts to enforce federal immigration law will
12 frustrate Defendant-Intervenor NDLON’s mission of assisting undocumented and
13 immigrant workers with labor advocacy, wage theft, and other worker issues in the
14 City by causing NDLON’s constituents and members to be detained, deported, or
15 fearful of participation in NDLON activities. NDLON’s members themselves will
16 be harmed by Huntington Beach’s attempts to enforce immigration law and the city’s
17 unlawful cooperation with federal immigration authorities.

18 26.NDLON’s activities assisting workers and allowing immigrants to contribute
19 openly to their communities will be frustrated because local law enforcement
20 cooperation with federal immigration law enforcement will have a chilling effect on
21 the participation of its members and member organizations’ members in California.

22 CAUSES OF ACTION

23 COUNT I

24 (Declaratory Judgment – Valid Enactment of State Law Under the U.S. 25 Constitution) 26

1 27. Defendant-Intervenor and Counterclaimant NDLOM incorporates by
2 reference the allegations in all preceding paragraphs.

3 28. Article VI, Clause 2 of the U.S. Constitution states that federal law “shall be
4 the supreme Law of the Land; and the Judges in every State shall be bound thereby,
5 any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

6 29. Under the Supremacy Clause, Congress has the power to preempt state law.
7 State laws are preempted when they conflict with federal law, which includes cases
8 where compliance with both federal and state regulations is a physical impossibility
9 and where the state law stands as an obstacle to the accomplishment and execution
10 of the full purposes and objectives of Congress.

11 30. Under the Tenth Amendment and other provisions of the Constitution, “the
12 Federal Government may not compel the States to implement, by legislation or
13 executive action, federal regulatory programs.” *See United States v. California*, 921
14 F.3d 865, 888 (9th Cir. 2019) (internal citations omitted).

15 31. Because California retains the right of refusal to participate in federal
16 programs and enforcement efforts, the CVA’s reflection of California’s choice to
17 refrain from participation in such efforts is not preempted by federal law, and a city
18 may not usurp California’s authority to make this determination under the Tenth
19 Amendment.

20 32. Federal immigration law does not require California to cooperate with the
21 federal government in enforcement of immigration law. Therefore, the CVA is not
22 preempted by federal immigration law.

23 33. The federal government cannot press California and its state and local peace
24 officers into its service for the enforcement of immigration law under the Tenth
25 Amendment. California has the right under the anticommandeering rule to refrain
26 from assisting with federal immigration law enforcement efforts.

1 34. The Fourth and Fourteenth Amendments to the U.S. Constitution prohibit
2 state and local governments from conducting unreasonable searches and seizures.
3 Resolution 2025-01 effectively orders its law enforcement personnel to violate the
4 Fourth Amendment rights of NDLO members who work or reside in Huntington
5 Beach.

6 35. Furthermore, many of NDLO's members are Latino. As Latino persons,
7 Plaintiffs are members of a protected class. Resolution 2025-01 effectively orders its
8 law enforcement personnel to violate the rights of NDLO members who work or
9 reside in Huntington Beach under the Equal Protection Clause of the Fourteenth
10 Amendment to the U.S. Constitution.

11 36. The Fourteenth Amendment's Due Process Clause prohibits states from
12 depriving individuals of life, liberty, or property without due process of
13 law. Resolution 2025-01 effectively orders its law enforcement personnel to violate
14 the rights of NDLO members who work or reside in Huntington Beach under the
15 Due Process Clause of the Fourteenth Amendment to the U.S. Constitution.

16 37. The California Values Act of 2017, Cal. Gov. Code §§ 7282.5, et seq, is a valid
17 exercise of state power under the United States Constitution.

18 **COUNT II**

19 **(Declaratory Judgment – Violation of the California Values Act)**

20 38. Defendant-Intervenor and Counterclaimant NDLO incorporates by
21 reference the allegations in all preceding paragraphs.

22 39. Under the California Values Act of 2017, Cal. Gov. Code §§ 7282.5, et seq.,
23 California law enforcement agencies "shall not[...]use agency or department moneys
24 or personnel to investigate, interrogate, detain, detect, or arrest persons for
25 immigration enforcement purposes." Cal. Gov't Code § 7284.6(a)(1).

1 40. Also under the CVA, law enforcement agencies may not, among other actions,
2 inquire into an individual's immigration status, detain an individual on the basis of
3 an immigration hold request, provide information regarding a person's release date
4 to immigration authorities or respond to requests for such information, make or
5 intentionally participate in arrests based on civil immigration warrants, perform the
6 functions of an immigration officer, or place peace officers under the supervision of
7 immigration authorities. Cal. Gov't Code § 7284.6(a)(1)(A)-(G).

8 41. The City Council of Huntington Beach's passage of Resolution demonstrates
9 that City Plaintiffs intend to violate the CVA. The Resolution instructs City of
10 Huntington Beach personnel and law enforcement to follow" all federal law,
11 including Title 9 U.S. Code Sections 1324 and 1373 as well as Title 18 U.S Code
12 Sections 371 and 372 specifically. The Resolution further declares that the city and
13 all of its departments will "...deploy every means and resource necessary..." to
14 achieve this end, including honoring ICE detainers. Huntington Beach cannot detain
15 an individual on the basis of a hold request, such as an ICE detainer, without violating
16 the CVA .

17 42. The Resolution declares the city a "non-sanctuary city," indicating that the
18 City intends to act in direct contravention of the CVA because the City of Huntington
19 Beach in this lawsuit characterizes the law as "the Sanctuary State Law." *See*
20 *Plaintiffs' Complaint (Dkt. 1) at ¶ 30.*

21 43. Plaintiffs City of Huntington Beach, et al., intend to and will violate the
22 California Values Act.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Defendant-Intervenor and Counterclaimant NDLOM respectfully
25 requests that this Court:

- 1 (a) Declare that the California Values Act of 2017, Cal. Gov. Code §§ 7282.5, et
2 seq., is valid under the U.S. Constitution, federal law, the California
3 Constitution, and state law;
- 4 (b) Declare that the California Values Act of 2017, Cal. Gov. Code §§ 7282.5, et
5 seq., is a valid exercise of California's authority under the Tenth Amendment
6 to the U.S. Constitution;
- 7 (c) Declare that the City of Huntington Beach is in violation of the California
8 Values Act of 2017, Cal. Gov. Code §§ 7282.5, et seq;
- 9 (d) Permanent and preliminary injunctive relief preventing City of Huntington
10 Beach and City Plaintiffs from violating the California Values Act of 2017;
- 11 (e) Award Defendant-Intervenor and Counterclaimant NDLOM reasonable costs,
12 expenses, and attorneys' fees under 42 U.S.C. § 1988, 42 U.S.C. § 1983, or
13 any other applicable law;
- 14 (f) Award such additional relief as the interests of justice may require.

15
16 Dated: April 17, 2025

Respectfully submitted,

17
18 /s/ Eduardo Casas

Thomas A. Saenz (Cal. Bar No. 159430)

19 Ernest I. Herrera (Cal. Bar No. 335032)

20 Eduardo Casas (Cal. Bar No. 346859)

21 MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND

22 *Attorneys for [Proposed] Defendant-Intervenor*
23
24
25
26

1 Thomas A. Saenz (Cal. Bar No. 159430)
Ernest I. Herrera (Cal. Bar. No. 335032)
2 Eduardo Casas (Cal. Bar. No. 346859)
MEXICAN AMERICAN LEGAL DEFENSE
3 AND EDUCATIONAL FUND
634 South Spring Street, 11th Floor
4 Los Angeles, CA 90014
Telephone: (213) 629-2512
5 Facsimile: (213) 629-0266
Email: tsaenz@maldef.org
6 eherrera@maldef.org
ecasas@maldef.org
7

8 *Attorneys for [proposed] Defendant-Intervenor*

9
10 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
11 SOUTHERN DIVISION

12 CITY OF HUNTINGTON
13 BEACH, a California Charter
City, HUNTINGTON BEACH
14 CITY COUNCIL,
HUNTINGTON
15 BEACH POLICE
DEPARTMENT,
16 and the HUNTINGTON BEACH
POLICE CHIEF, in his official
17 capacity as Chief of Police,

18 Plaintiffs,

19 v.

20 The STATE OF CALIFORNIA,
21 GAVIN NEWSOM, in his official
capacity as Governor of the State
of California; ROBERT BONTA in
22 his official capacity as Attorney
General of the State of California;
23 and DOES 1-50, inclusive,

24 Defendants.
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Case No: 8:25-cv-00026-SSS-PD

**DECLARATION OF EDUARDO
CASAS IN SUPPORT OF PROPOSED
DEFENDANT-INTERVENOR'S
OPPOSED MOTION TO INTERVENE**

Hon. Sunshine S. Sykes

Declaration of Eduardo Casas

I, Eduardo Casas, declare under penalty of perjury as follows:

1. I am over 18 years of age and make this declaration of my own personal knowledge.

2. I am a Staff Attorney at the Mexican American Legal Defense and Educational Fund ("MALDEF"), a non-profit public-interest law firm, in the Western Regional Office based in Los Angeles, California.

3. I am one of the attorneys for Proposed Defendant-Intervenors in the above-captioned matter alongside Ernest Herrera and Thomas Saenz.

4. On February 21, 2025 Ernest and I had a telephonic conference with Gabrielle Boutin, Deputy Attorney General at the California Department of Justice representing the State Defendants in the above-captioned matter, and informed her of our intention to file a motion to intervene as defendants. We were informed that the Attorney General's Office would oppose the motion to intervene.

5. On February 26, 2025 Ernest and I had a virtual conference with James Rogers, counsel for Plaintiffs in the above-captioned matter. We were informed that Plaintiffs would also oppose the motion to intervene.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct of my own personal knowledge except those matters stated on information and belief and, as to those matters, I believe them to be true. If called as a witness, I could competently testify thereto.

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Executed on April 17, 2025 at Los Angeles, California.

Respectfully submitted,

**MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATIONAL
FUND**

/s/ Eduardo Casas

Eduardo Casas
Thomas A. Saenz
Ernest I. Herrera

*Attorneys for [Proposed] Defendant-
Intervenor*

1 Thomas A. Saenz (Cal. Bar No. 159430)
Ernest I. Herrera (Cal. Bar. No. 335032)
2 Eduardo Casas (Cal. Bar. No. 346859)
MEXICAN AMERICAN LEGAL DEFENSE
3 AND EDUCATIONAL FUND
634 South Spring Street, 11th Floor
4 Los Angeles, CA 90014
Telephone: (213) 629-2512
5 Facsimile: (213) 629-0266
Email: tsaenz@maldef.org
6 eherrera@maldef.org
ecasas@maldef.org
7

8 *Attorneys for [proposed] Defendant-Intervenor*

9
10 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
11 SOUTHERN DIVISION

12 CITY OF HUNTINGTON
13 BEACH, a California Charter
City, HUNTINGTON BEACH
14 CITY COUNCIL,
HUNTINGTON
15 BEACH POLICE
DEPARTMENT,
16 and the HUNTINGTON BEACH
POLICE CHIEF, in his official
17 capacity as Chief of Police,

18 Plaintiffs,

19 v.

20 The STATE OF CALIFORNIA,
21 GAVIN NEWSOM, in his official
capacity as Governor of the State
22 of California; ROBERT BONTA in
his official capacity as Attorney
23 General of the State of California;
and DOES 1-50, inclusive,

24 Defendants.
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Case No: 8:25-cv-00026-SSS-PD

**DECLARATION OF CHRIS
NEWMAN IN SUPPORT OF
PROPOSED
DEFENDANT-INTERVENOR'S
OPPOSED MOTION TO INTERVENE**

Hon. Sunshine S. Sykes

Declaration of Chris Newman

I, Chris Newman, declare under penalty of perjury as follows:

1. I am over 18 years of age and make this declaration of my own personal knowledge.

2. I am the Legal Director & General Counsel for the National Day Laborer Organizing Network (NDLON) based in Los Angeles. I have worked with day laborers since 2002, helping develop and coordinate NDLON's work to defend and advance day laborers' civil, workplace, and human rights.

3. NDLON is an incorporated non-profit organization with 501(c)(3) tax-exempt status, and of limited assets.

4. NDLON is a nationwide coalition of day laborers and the agencies that work with day laborers. The aims of the coalition include advocating for laws that improve the lives of day laborers, migrants, and low-wage workers. I personally have worked with and have had personal conversations with hundreds of day laborers. Nationally, NDLON has 36 member organizations and is affiliated with 35 worker centers.

5. NDLON has 17 member organizations in California, some of which are themselves member organizations. NDLON has about 3,600 day-laborer members throughout California. El Centro Cultural De Mexico is an NDLON member that operates in Orange County. The Pasadena Community Job Center is an

1 organizational member run by individual NDLOM members that operates within the
2 charter city of Pasadena.

3 6. NDLOM member organizations play a vital role in supporting workers
4 and the broader immigrant community. Many are community-based organizations
5 that provide a safe and organized space where day laborers (jornaleros) can seek
6 work, learn about their rights, and connect with resources. Workers can get help with
7 labor and immigration issues, like understanding their rights if confronted by ICE or
8 if facing instances of wage theft. Other organizations foster leadership, encouraging
9 workers to lead efforts for better conditions and community empowerment. Workers
10 also receive guidance on how to respond to workplace discrimination or injury. In
11 times of natural disasters like wildfires or floods, day laborer centers often organize
12 brigades for cleanup and recovery, which places them in contact with first
13 responders.

14 7. As part of its mission, NDLOM advocated for the passage and
15 expansion of the California Values Act. NDLOM was involved in every aspect of
16 the development of and advocacy for the CVA. NDLOM drafted the initial language
17 that the bill was based on, argued against amendments to attenuate its provisions,
18 and ultimately accepted lesser protections based on Governor Brown's threat of veto.
19 Governor Newsom similarly threatened to veto efforts to expand the CVA. NDLOM
20 further participated in the CVA's defense by submitting an amicus brief in its
21 support after the Trump administration challenged it in federal court in 2017.

1 8. NDLON and its members have significantly benefited from the
2 California Values Act as members are able to interact with police and sheriffs
3 without fear of deportation thereby allowing it to focus on other critical areas of
4 work. NDLON has also been able to co-lead the ICE out of CA coalition.

5 9. NDLON has commissioned various studies that have found that
6 immigrant populations are less likely to seek the assistance of state law enforcement
7 or cooperate with criminal investigations without the protection of statutes like the
8 California Values Act.

9 I declare under penalty of perjury under the laws of the United States
10 of America that the foregoing is true and correct of my own personal knowledge
11 except those matters stated on information and belief and, as to those matters, I
12 believe them to be true. If called as a witness, I could competently testify thereto.

13
14 Executed on April 17, 2025 at Los Angeles, California.

15
16 Respectfully submitted,

**NATIONAL DAY LABORER
ORGANIZING NETWORK**

/s/ Chris Newman

Chris Newman

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CITY OF HUNTINGTON
BEACH, a California Charter
City, HUNTINGTON BEACH
CITY COUNCIL, HUNTINGTON
BEACH POLICE DEPARTMENT,
and the HUNTINGTON BEACH
POLICE CHIEF, in his official
capacity as Chief of Police,

Plaintiffs,

v.

The STATE OF CALIFORNIA,
GAVIN NEWSOM, in his official
capacity as Governor of the State
of California; ROBERT BONTA in
his official capacity as Attorney
General of the State of California;
and DOES 1-50, inclusive,

Defendants.

and

THE NATIONAL DAY LABORERS
ORGANIZING NETWORK,

Proposed Defendant-Intervenors.

Case No: 8:25-cv-00026-SSS-PD

**[PROPOSED] ORDER GRANTING
DEFENDANT-INTERVENOR
NDLON'S OPPOSED MOTION TO
INTERVENE**

1 On April 17, 2025, Proposed Defendant-Intervenor NDLO filed its opposed
2 motion to intervene. (Docket Entry No. 22). The Court, having considered the papers
3 submitted in connection with said motion, and such other relevant information and
4 evidence as was presented to this Court, and good cause appearing,

5 IT IS HEREBY ORDERED that:

6 (1) Movants' Motion for Leave to Intervene is GRANTED;

7 (2) Movants be entered as Defendant-Intervenors and their counsel served with all
8 relevant papers in the above-captioned action; and

9 (3) The Clerk of Court shall docket Movants' Answer to Plaintiffs' Complaint,
10 attached as Exhibit 1 to Movants' Motion for Leave to Intervene.

11
12 IT IS SO ORDERED on this _____ day of _____, 2025.

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15 _____
16 Hon. Sunshine S. Sykes

17 United States District Court Judge
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