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VIA ECF

The Honorable Jon S. Tigar
United States District Court
Northern District of California
Oakland Courthouse, Courtroom 6 – 2nd Floor
1301 Clay Street, Oakland, CA 94612

Re: *East Bay Sanctuary Covenant et al v. Barr et al.*: Case No. 4:19-cv-04073-JST

Dear Judge Tigar:

We represent Proposed Plaintiff-Intervenors (“Intervenors”) and write concerning Intervenors’ Reply in further support of their Motion to Intervene, which, pursuant to Local Rule 7.3(c), is currently due on November 6, 2020. We write to confirm that the Court still authorizes Intervenors to file their Reply in further support of their Motion to Intervene.

As this Court knows, Intervenors filed a combined Motion to Intervene and Motion for a TRO and Preliminary Injunction on October 16, 2020. Pursuant to Local Rule 7.3(a) and (c), Defendants’ opposition to the Motion to Intervene was due on October 30, 2020 and Intervenors’ Reply in further support of their Motion to Intervene is due on November 6, 2020.

This Court’s Temporary Restraining Order dated October 17, 2020 set a briefing schedule for Intervenors’ Motion for a Preliminary Injunction, making Defendants’ brief in opposition to the Motion for a Preliminary Injunction due on October 23, 2020 and Intervenors’ Reply in further support of their Motion for a Preliminary Injunction due on October 26, 2020. (ECF 98). Defendants chose to file a combined opposition to the Motion for a Preliminary Injunction and the Motion to Intervene on October 23, 2020. (ECF 110). On October 26, 2020, Intervenors filed their Reply in Further Support of their Motion for a Preliminary Injunction. (ECF 112). Intervenors’ Reply in further support of their Motion to Intervene is currently due on November 6, 2020.

At oral argument on October 28, 2020 on Intervenors’ Motion for a Preliminary Injunction, counsel for Intervenors had requested the opportunity to supplement briefing on the issue of this Court’s jurisdiction to issue a preliminary injunction and the Court did not request the additional briefing. Accordingly, in an abundance of caution, we would like to confirm that the Court still authorizes Intervenors to file their Reply in further support of their Motion to Intervene. The Reply would be limited to addressing the elements of intervention as of right and permissive intervention, which would address jurisdiction only in the context of whether Intervenors must establish independent jurisdiction to intervene and, if so, that the Court has jurisdiction over Intervenors’

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claim. Intervenor offer to file their Reply in further support of their Motion to Intervene no later than November 4, 2020, two days early.

We conferred with counsel for Defendants concerning Intervenor's request for clarification on this issue and their position is as follows: "The government opposes the request for clarification, which seeks to file a third brief after intervenors already filed their reply brief, and will explain its reasons for that opposition in a separate filing it will file promptly today after intervenors file their motion."

Respectfully submitted,

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