

1 LATHAM & WATKINS LLP
Steven M. Bauer (Bar No. 135067)
2 steven.bauer@lw.com
Sadik Huseny (Bar No. 224659)
3 sadik.huseny@lw.com
Amit Makker (Bar No. 280747)
4 amit.makker@lw.com
Shannon D. Lankenau (Bar No. 294263)
5 shannon.lankenau@lw.com
6 505 Montgomery Street, Suite 2000
San Francisco, CA 94111
Telephone: 415.391.0600
7 Facsimile: 415.395.8095

8 LATHAM & WATKINS LLP
Richard P. Bress (*pro hac vice*)
9 rick.bress@lw.com
Melissa Arbus Sherry (*pro hac vice*)
10 melissa.sherry@lw.com
Anne W. Robinson (*pro hac vice*)
11 anne.robinson@lw.com
Tyce R. Walters (*pro hac vice*)
12 tyce.walters@lw.com
Genevieve P. Hoffman (*pro hac vice*)
13 genevieve.hoffman@lw.com
Gemma Donofrio (*pro hac vice*)
14 gemma.donofrio@lw.com
15 555 Eleventh Street NW, Suite 1000
Washington, D.C. 20004
Telephone: 202.637.2200
16 Facsimile: 202.637.2201

LAWYERS' COMMITTEE FOR
CIVIL RIGHTS UNDER LAW
Kristen Clarke (*pro hac vice* forthcoming)
kclarke@lawyerscommittee.org
Jon M. Greenbaum (Bar No. 166733)
jgreenbaum@lawyerscommittee.org
Ezra D. Rosenberg (admitted *pro hac vice*)
erosenberg@lawyerscommittee.org
Dorian L. Spence (*pro hac vice* forthcoming)
dspence@lawyerscommittee.org
Ajay P. Saini (admitted *pro hac vice*)
asaini@lawyerscommittee.org
Maryum Jordan (Bar No. 325447)
mjordan@lawyerscommittee.org
Pooja Chaudhuri (Bar No. 314847)
pchaudhuri@lawyerscommittee.org
1500 K Street NW, Suite 900
Washington, D.C. 20005
Telephone: 202.662.8600
Facsimile: 202.783.0857

*Additional counsel and representation
information listed in signature block*

17 UNITED STATES DISTRICT COURT
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA
19 SAN JOSE DIVISION

20 NATIONAL URBAN LEAGUE, et al.,

21 Plaintiffs,

22 v.

23 WILBUR L. ROSS, JR., et al.,

24 Defendants.
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CASE NO. 5:20-cv-05799-LHK

**PLAINTIFFS' RESPONSE TO
ALLEGATION OF NONCOMPLIANCE
WITH PRELIMINARY INJUNCTION
(DKT. 215)**

1 Plaintiffs submit this Response pursuant to the Court’s Order Re: Response to Allegation of
2 Noncompliance with Preliminary Injunction (Dkt. 215).

3 Plaintiffs believe that the email and evidence submitted by the Census field enumerator to
4 the Court (Dkt. 214) raise substantial concerns about Defendants’ compliance with the Court’s
5 Order Granting Plaintiffs’ Motion for Stay and Preliminary Injunction (“PI Order”) (Dkt. 208).
6 These issues are similar to those discussed in the filings involving Defendants’ compliance with
7 the Court’s TRO (Dkt. Nos. 99, 108). The specific concern raised about the Bureau’s September
8 30, 2020 deadline remaining unchanged—and Census workers being told as much—is also
9 consistent with unsolicited and unverified messages Plaintiffs have received over the last few days.

10 In light of the email to the Court, Plaintiffs ask that the Court require Defendants to
11 unequivocally confirm via declaration from the appropriate Census Bureau official that Defendants
12 have been, are, and will be complying in full with the Court’s PI Order, until any such time as it
13 may no longer be in effect.

14 Consistent with the information Defendants themselves voluntarily submitted to this Court
15 on September 8, 2020, (Dkt. No. 86, Defendants’ Notice Regarding Compliance with Temporary
16 Restraining Order), Plaintiffs would also welcome Defendants providing via that declaration
17 information regarding the notifications Defendants have made and will be making to ensure those
18 in charge of field operations are aware of the Court’s order (1) staying and enjoining Defendants
19 from enforcing the September 30 data collection deadline, and which (2) reimposes the Bureau’s
20 own prior October 31 deadline for self-response and NRFU. Defendants should also confirm that
21 they are continuing to appropriately employ and use Census personnel (such as Census Field
22 Supervisors, enumerators, and partnership specialists) critical to the data collection process ending
23 October 31.

24 Plaintiffs are mindful that Defendants, in their recent filings with the Ninth Circuit, have
25 already characterized this Court’s PI Order as “judicial micromanagement of the Bureau’s
26 operations” and “an extraordinary intrusion into the operation of a complex and technical agency
27 program developed and implemented over years, involving enormous resources and personnel.”
28 Defs.’ Emergency Motion Under Circuit Rule 27-3 For a Stay Pending Appeal And For an

1 Immediate Administrative Stay Pending Disposition of the Stay Motion, [Cite] at 16. The Court’s
2 order did nothing of the sort; it simply stayed and enjoined Defendants from implementing the
3 truncated Replan *timelines* and reverted back to the Bureau’s own COVID-19 Plan *timelines*. The
4 request here is similarly limited in scope. Inquiring into compliance with this Court’s PI order,
5 and seeking basic information along the lines of what Defendants have already voluntarily already
6 submitted to this Court, is not “micromanagement.”

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1 Dated: September 28, 2020

LATHAM & WATKINS LLP

2 By: /s/ Sadik Huseny
3 Sadik Huseny

4 Steven M. Bauer (Bar No. 135067)
5 steven.bauer@lw.com
6 Sadik Huseny (Bar No. 224659)
7 sadik.huseny@lw.com
8 Amit Makker (Bar No. 280747)
9 amit.makker@lw.com
10 Shannon D. Lankenau (Bar. No. 294263)
11 shannon.lankenau@lw.com
12 **LATHAM & WATKINS LLP**
13 505 Montgomery Street, Suite 2000
14 San Francisco, CA 94111
15 Telephone: 415.391.0600
16 Facsimile: 415.395.8095

17 Richard P. Bress (admitted *pro hac vice*)
18 rick.bress@lw.com
19 Melissa Arbus Sherry (admitted *pro hac vice*)
20 melissa.sherry@lw.com
21 Anne W. Robinson (admitted *pro hac vice*)
22 anne.robinson@lw.com
23 Tyce R. Walters (admitted *pro hac vice*)
24 tyce.walters@lw.com
25 Genevieve P. Hoffman (admitted *pro hac vice*)
26 genevieve.hoffman@lw.com
27 Gemma Donofrio (admitted *pro hac vice*)
28 gemma.donofrio@lw.com
LATHAM & WATKINS LLP
555 Eleventh Street NW, Suite 1000
Washington, D.C. 20004
Telephone: 202.637.2200
Facsimile: 202.637.2201

*Attorneys for Plaintiffs National Urban League;
League of Women Voters; Black Alliance for
Just Immigration; Harris County, Texas; King
County, Washington; City of San Jose,
California; Rodney Ellis; Adrian Garcia; and
the NAACP*

23 Dated: September 28, 2020

24 By: /s/ Jon M. Greenbaum
25 Kristen Clarke (*pro hac vice* forthcoming)
26 kclarke@lawyerscommittee.org
27 Jon M. Greenbaum (Bar No. 166733)
28 jgreenbaum@lawyerscommittee.org
Ezra D. Rosenberg (admitted *pro hac vice*)
erosenberg@lawyerscommittee.org
Dorian L. Spence (*pro hac vice* forthcoming)
dspence@lawyerscommittee.org
Maryum Jordan (*pro hac vice* forthcoming)

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28

mjordan@lawyerscommittee.org
Ajay Saini (admitted *pro hac vice*)
asaini@lawyerscommittee.org
Pooja Chaudhuri (Bar No. 314847)
pchaudhuri@lawyerscommittee.org
**LAWYERS' COMMITTEE FOR CIVIL
RIGHTS UNDER LAW**
1500 K Street NW, Suite 900
Washington, DC 20005
Telephone: 202.662.8600
Facsimile: 202.783.0857

*Attorneys for Plaintiffs National Urban League;
City of San Jose, California; Harris County,
Texas; League of Women Voters; King County,
Washington; Black Alliance for Just
Immigration; Rodney Ellis; Adrian Garcia; the
NAACP; and Navajo Nation*

Wendy R. Weiser (admitted *pro hac vice*)
weiserw@brennan.law.nyu.edu
Thomas P. Wolf (admitted *pro hac vice*)
wolf@brennan.law.nyu.edu
Kelly M. Percival (admitted *pro hac vice*)
percivalk@brennan.law.nyu.edu
BRENNAN CENTER FOR JUSTICE
120 Broadway, Suite 1750
New York, NY 10271
Telephone: 646.292.8310
Facsimile: 212.463.7308

*Attorneys for Plaintiffs National Urban League;
City of San Jose, California; Harris County,
Texas; League of Women Voters; King County,
Washington; Black Alliance for Just
Immigration; Rodney Ellis; Adrian Garcia; the
NAACP; and Navajo Nation*

Mark Rosenbaum (Bar No. 59940)
mrosenbaum@publiccounsel.org
PUBLIC COUNSEL
610 South Ardmore Avenue
Los Angeles, California 90005
Telephone: 213.385.2977
Facsimile: 213.385.9089

Attorneys for Plaintiff City of San Jose

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19
20
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23
24
25
26
27
28

Doreen McPaul, Attorney General
dmcpaul@nndoj.org
Jason Searle (*pro hac vice* forthcoming)
jasearle@nndoj.org
NAVAJO NATION DEPARTMENT OF JUSTICE
P.O. Box 2010
Window Rock, AZ 86515
Telephone: (928) 871-6345

Attorneys for Navajo Nation

Dated: September 28, 2020

By: /s/ Danielle Goldstein
Michael N. Feuer (Bar No. 111529)
mike.feuer@lacity.org
Kathleen Kenealy (Bar No. 212289)
kathleen.kenealy@lacity.org
Danielle Goldstein (Bar No. 257486)
danielle.goldstein@lacity.org
Michael Dundas (Bar No. 226930)
mike.dundas@lacity.org
CITY ATTORNEY FOR THE CITY OF LOS ANGELES
200 N. Main Street, 8th Floor
Los Angeles, CA 90012
Telephone: 213.473.3231
Facsimile: 213.978.8312

Attorneys for Plaintiff City of Los Angeles

Dated: September 28, 2020

By: /s/ Michael Mutalipassi
Christopher A. Callihan (Bar No. 203010)
legalwebmail@ci.salinas.ca.us
Michael Mutalipassi (Bar No. 274858)
michaelmu@ci.salinas.ca.us
CITY OF SALINAS
200 Lincoln Avenue
Salinas, CA 93901
Telephone: 831.758.7256
Facsimile: 831.758.7257

Attorneys for Plaintiff City of Salinas

1
2
3
4
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28

Dated: September 28, 2020

By: /s/ Rafey S. Balabanian
Rafey S. Balabanian (Bar No. 315962)
rbalabanian@edelson.com
Lily E. Hough (Bar No. 315277)
lough@edelson.com
EDELSON P.C.
123 Townsend Street, Suite 100
San Francisco, CA 94107
Telephone: 415.212.9300
Facsimile: 415.373.9435

Rebecca Hirsch (*pro hac vice* pending)
rebecca.hirsch2@cityofchicago.org
**CORPORATION COUNSEL FOR THE
CITY OF CHICAGO**
Mark A. Flessner
Stephen J. Kane
121 N. LaSalle Street, Room 600
Chicago, IL 60602
Telephone: (312) 744-8143
Facsimile: (312) 744-5185

Attorneys for Plaintiff City of Chicago

Dated: September 28, 2020

By: /s/ Donald R. Pongrace
Donald R. Pongrace (admitted *pro hac vice*)
dpong race@akingump.com
**AKIN GUMP STRAUSS HAUER & FELD
LLP**
2001 K St., N.W.
Washington, D.C. 20006
Telephone: (202) 887-4000
Facsimile: 202-887-4288

Dario J. Frommer (Bar No. 161248)
dfrommer@akingump.com
**AKIN GUMP STRAUSS HAUER & FELD
LLP**
1999 Avenue of the Stars, Suite 600
Los Angeles, CA 90067-6022
Phone: 213.254.1270
Fax: 310.229.1001

*Attorneys for Plaintiff Gila River Indian
Community*

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2
3
4
5
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14
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17
18
19
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27
28

Dated: September 28, 2020

By: /s/ David I. Holtzman
David I. Holtzman (Bar No. 299287)
David.Holtzman@hkllaw.com
HOLLAND & KNIGHT LLP
Daniel P. Kappes
Jacqueline N. Harvey
50 California Street, 28th Floor
San Francisco, CA 94111
Telephone: (415) 743-6970
Fax: (415) 743-6910

Attorneys for Plaintiff County of Los Angeles

ATTESTATION

I, Sadik Huseny, am the ECF user whose user ID and password authorized the filing of this document. Under Civil L.R. 5-1(i)(3), I attest that all signatories to this document have concurred in this filing.

Dated: September 28, 2020

LATHAM & WATKINS LLP

By: /s/ Sadik Huseny
Sadik Huseny