

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CITY OF COLUMBUS, et al.,

Plaintiffs,

v.

No. 18-cv-2364

DONALD J. TRUMP, in his official capacity
as President of the United States of
America, et al.,

Defendants.

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs respectfully submit this notice to inform the Court of a recent decision issued in this district. In *Baltimore v. Trump*, the Court denied the government's motion to dismiss a lawsuit brought by the City of Baltimore, one of the Plaintiffs here, challenging a change to the rules governing when a non-citizen may be denied a visa based on their acceptance of public benefits. 2019 WL 4598011 (D. Md. Sept. 20, 2019) (Hollander, J.) (attached as Exhibit A).

The Court first held that Baltimore had standing. The Court noted that the Supreme Court's decision in *Department of Commerce v. New York*, 139 S. Ct. 2551 (2019), recently reaffirmed that a plaintiff may establish standing based on the actions of third parties where the plaintiff shows that those third parties "will react in 'predictable ways'" to the government's actions. *Id.* at *17. The Court found that Baltimore adequately alleged that the challenged policy harmed the City by "discourag[ing] immigrants from using public benefit programs," including by alleging that "the withdrawal of immigrants from state and federal publicly subsidized health

insurance programs, such as Medicaid, could result in a shift to Baltimore’s public clinics for the provision of care to immigrants.” *Id.* at *16-*17; *cf.* Amended Compl. [ECF 44] ¶¶ 182-264.¹

The Court also rejected the government’s arguments that the President had to be dismissed from the case. Specifically, the Court held that Baltimore’s injuries were “fairly traceable” to the President because the City had plausibly alleged that “he played a role” in the challenged policy. *Baltimore*, 2019 WL 4598011, at *19-20. The Court also held that the separation of powers did not bar injunctive relief against the President, emphasizing that the President is not “above the law,” and that it would be premature to dismiss the President “at this stage in the litigation.” *Id.* at *41-42.

¹ In another recent decision, the Court held that Baltimore adequately alleged injury to the City from the government’s amendments to the regulations governing the Title X program by alleging “public health impacts, such as increases in teen pregnancy rates and sexually transmitted diseases.” *Baltimore v. Azar*, 2019 WL 4415539, at *6 (D. Md. Sept. 12, 2019) (Bennett, J.) (attached as Exhibit B).

Dated: September 27, 2019

City of Columbus

Zach Klein (OH Bar No. 0078222)
City Attorney

Lara N. Baker-Morrish (OH Bar No. 0063721)
City Solicitor General

Charles P. Campisano (OH Bar No. 0095201)
Jennifer L. Shea (OH Bar No. 0085239)
Assistant City Attorneys

Columbus City Attorney's Office
77 N. Front St., 4th Floor
Columbus, OH 43215
(614) 645-7385
zmklein@columbus.gov
lnbaker-morrish@columbus.gov
cpcampisano@columbus.gov
jlshea@columbus.gov

Mayor and City Council of Baltimore

Andre M. Davis #00362
City Solicitor

Suzanne Sangree #26130
Senior Public Safety Counsel & Director of
Affirmative Litigation

City of Baltimore Department of Law
City Hall, Room 109
100 N. Holliday St.
Baltimore, MD 21202
(443) 388-2190
amd2107@gmail.com
suzanne.sangree2@gmail.com

City of Cincinnati

Paula Boggs Muething (OH Bar No. 0080018)
City Solicitor

Emily Woerner (OH Bar No. 089349)
Senior Assistant City Solicitor

Office of the City Solicitor, Cincinnati

Respectfully submitted,

Javier M. Guzman (D.C. Bar No. 462679) (*pro hac vice*)
Legal Director

/s/ John Lewis
John Lewis (D.C. Bar No. 1033826) (*pro hac vice*)
Counsel

Democracy Forward Foundation
1333 H St. NW
Washington, DC 20005
(202) 448-9090
jguzman@democracyforward.org
jlewis@democracyforward.org

Sara Kropf (Bar No. 26818)

Kropf Moseley PLLC
1100 H Street NW
Suite 1220
Washington, DC 20005
202-627-6900
sara@kmlawfirm.com

Counsel for Plaintiffs

City Hall, Room 214
801 Plum St.
Cincinnati, OH 45202

City of Chicago

Mark A. Flessner (IL Bar No. 6194599)
Acting Corporation Counsel

Stephen J. Kane (IL Bar No. 6272490)
Acting Deputy Corporation Counsel
Affirmative Litigation Division

City of Chicago Department of Law
121 N. LaSalle St., Room 600
Chicago, IL 60602
mark.flessner@cityofchicago.org

City of Philadelphia

Marcel S. Pratt
Solicitor of the City of Philadelphia

Diana P. Cortes (PA Bar No. 204274)
Chair, Litigation Group

Eleanor N. Ewing (PA Bar No. 28226)
Chief Deputy Solicitor, Affirmative & Special
Litigation Unit
Benjamin H. Field (PA Bar No. 204569)
Divisional Deputy City Solicitor, Affirmative
& Special Litigation Unit

City of Philadelphia Law Department
1515 Arch Street, 17th Floor
Philadelphia, PA 19102
diana.cortes@phila.gov
eleanor.ewing@phila.gov
benjamin.field@phila.gov
(215) 683-5000