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10
 11 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF WASHINGTON
 12 **AT SPOKANE**

13 STATE OF WASHINGTON, *et al.*,

14 Plaintiffs,

15 v.

16 UNITED STATES DEPARTMENT OF
 17 HOMELAND SECURITY, *et al.*,

18 Defendants

No. 4:19-cv-5210-RMP

NOTICE OF SUPPLEMENTAL
 AUTHORITY

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 NOTICE OF SUPPL. AUTHORITY

1 Defendants respectfully submit this notice to inform the Court of two recent
2 decisions by the U.S. District Court for the Northern District of California that are
3 relevant to Defendants’ motion to dismiss in this case. Both decisions involve challenges
4 to the same Department of Homeland Security rule (the “Rule”) that is at issue here.

5 In *California v. DHS*, No. 19-4975, ECF No. 180 (N.D. Cal. Aug. 3, 2020),
6 attached hereto as Exhibit A, the court granted in part and deferred in part Defendants’
7 motion to dismiss. First, the court dismissed the plaintiffs’ claims that the Rule is
8 contrary to the Rehabilitation Act and the Personal Responsibility and Work Opportunity
9 Reconciliation Act. Ex. A at 20-26. Those rulings support Defendants’ arguments that
10 similar claims alleged by Plaintiffs here should be dismissed. *See* Mot. to Dismiss Am.
11 Compl., ECF No. 223, at 15-17. The court also dismissed with leave to amend the
12 plaintiffs’ claims alleging violation of the equal protection component of the Fifth
13 Amendment. Ex. A at 26-42. Although Defendants respectfully disagree with the
14 *California* court’s determination that the applicable standard of review for that claim is
15 supplied by *Village of Arlington Heights v. Metropolitan Housing Development Corp.*,
16 429 U.S. 252 (1977), even under that standard, the court found that the plaintiffs had not
17 adequately alleged a plausible equal protection violation. That ruling supports
18 Defendants’ arguments seeking dismissal of Plaintiffs’ materially identical equal
19 protection claim here. *See* ECF No. 223 at 25-28.

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22 Similarly, in *La Clinica de la Raza v. Trump*, No. 19-4980, ECF No. 177 (N.D.

1 Cal. Aug. 7, 2020), attached hereto as Exhibit B, the court granted in part and deferred in
2 part Defendants' motion to dismiss. In particular, the court dismissed with leave to
3 amend the plaintiffs' equal protection claims. *See* Ex. B at 28-37.

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5 Dated: August 14, 2020

Respectfully submitted,

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on August 14, 2020, I electronically filed the foregoing with
3 the Clerk of the Court using the CM/ECF system, which will send notification of such
4 filing to all users receiving ECF notices for this case.

5 /s/ Joshua Kolsky

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