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**DEPARTMENT OF JUSTICE**

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September 11, 2020

VIA CM/ECF

Molly C. Dwyer  
Clerk of the Court  
U.S. Court of Appeals for the Ninth Circuit  
95 Seventh Street  
San Francisco, CA 94103

RE: *City and Cty. of San Francisco v. U.S. Citizenship and Immigration Servs.*, No. 19-17213  
*State of California v. U.S. Dep't of Homeland Sec.*, No. 19-17214  
*State of Washington v. U.S. Dep't of Homeland Sec.*, No. 19-35914

Dear Ms. Dwyer:

The above-captioned cases are scheduled for a joint hearing on Tuesday, September 15, 2020, with each side allotted 45 minutes of argument time. For the Court's convenience, we write to provide details about the plaintiffs-appellees' intent to divide argument time in these cases, consistent with the Court's Hearing Guidelines.<sup>1</sup>

The plaintiffs-appellees plan to divide their time among three attorneys as follows:

- Ms. Edwards (Santa Clara County) will devote 14 minutes to plaintiffs' argument that the public charge rule is contrary to the Immigration and Nationality Act;
- Ms. Rich (State of California) will devote 14 minutes to plaintiffs' argument that the Rule is arbitrary and capricious;
- Ms. Heintz (State of Washington) will devote 12 minutes to address standing and equitable issues concerning the propriety and scope of the injunctions.

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<sup>1</sup> Counsel are aware that each arguing attorney should submit a separate acknowledgment of hearing notice, and that the notices should indicate how time will be allotted. Each arguing attorney has done so. The purpose of this submission is to provide additional details about counsel's division of argument in advance of the hearing, for the Court's convenience.

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In addition, counsel for the House of Representatives has been granted five minutes of argument time.

Counsel understand that the Court may prefer to place more or less emphasis on various arguments and each attorney will be prepared to answer any questions this Court may have. Nevertheless, given the number of issues and attorneys in this multi-claim, multi-party argument, counsel respectfully submit that the proposed division of issues may facilitate a more orderly presentation for this Court's review.

Sincerely,

/s/

ANNA RICH  
Deputy Attorney General  
California Department of Justice

TERA M. HEINTZ  
Deputy Solicitor General  
Washington Attorney General's Office

H. LUKE EDWARDS  
Deputy County Counsel  
County of Santa Clara

Attorneys for Plaintiffs-Appellees

cc: Counsel of Record (via CM/ECF)