

CIVIL NO. _____

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

CYNTHIA CERLETTI and HOWARD A. MYERS,

Petitioners,

v.

SUPERIOR COURT OF LOS ANGELES COUNTY,

Respondent,

GAVIN NEWSOM, In His Official Capacity as Governor of the
State of California; and **KIM JOHNSON**, In Her Official
Capacity as Director of the Department of Social Services,
Real Parties In Interest.

PETITION FOR WRIT OF MANDATE

The Honorable Samantha P. Jessner

Case No. 20STCV16321

IMMEDIATE RELIEF OR STAY REQUESTED

Respondent's May 5, 2020 Order Re: May 18, 2020
\$79.8 Million Illegal Expenditure of Public Funds

ROBERT PATRICK STICHT

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Cynthia Cerletti and

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May 14, 2020

COURT OF APPEAL Second APPELLATE DISTRICT, DIVISION		COURT OF APPEAL CASE NUMBER:
ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: 138586 NAME: Robert Patrick Sticht FIRM NAME: Judicial Watch, Inc. STREET ADDRESS: 425 Third Street, Suite 800 CITY: Washington STATE: DC ZIP CODE: 20024 TELEPHONE NO.: 202-646-5172 FAX NO.: E-MAIL ADDRESS: rsticht@judicialwatch.org ATTORNEY FOR (name): Petitioners Cynthia Cerletti and Howard A. Myers		SUPERIOR COURT CASE NUMBER: 20STCV16321
APPELLANT/ Cynthia Cerletti and Howard A. Myers PETITIONER: RESPONDENT/ Superior Court of Los Angeles County, Respondent REAL PARTY IN INTEREST: Gavin Newsom and Kim Johnson, Real Parties in Interest		
CERTIFICATE OF INTERESTED ENTITIES OR PERSONS (Check one): <input checked="" type="checkbox"/> INITIAL CERTIFICATE <input type="checkbox"/> SUPPLEMENTAL CERTIFICATE		
Notice: Please read rules 8.208 and 8.488 before completing this form. You may use this form for the initial certificate in an appeal when you file your brief or a prebriefing motion, application, or opposition to such a motion or application in the Court of Appeal, and when you file a petition for an extraordinary writ. You may also use this form as a supplemental certificate when you learn of changed or additional information that must be disclosed.		

1. This form is being submitted on behalf of the following party (name): Petitioners Cynthia Cerletti and Howard A. Myers
2. a. ☒ There are no interested entities or persons that must be listed in this certificate under rule 8.208.
- b. ☐ Interested entities or persons required to be listed under rule 8.208 are as follows:

Full name of interested entity or person	Nature of interest (Explain):
--	-------------------------------

- (1)
- (2)
- (3)
- (4)
- (5)

☐ Continued on attachment 2.

The undersigned certifies that the above-listed persons or entities (corporations, partnerships, firms, or any other association, but not including government entities or their agencies) have either (1) an ownership interest of 10 percent or more in the party if it is an entity; or (2) a financial or other interest in the outcome of the proceeding that the justices should consider in determining whether to disqualify themselves, as defined in rule 8.208(e)(2).

Date: May 14, 2020

Robert Patrick Sticht
(TYPE OR PRINT NAME)


 (SIGNATURE OF APPELLANT OR ATTORNEY)

**PETITION FOR WRIT OF MANDATE OR
OTHER EXTRAORDINARY RELIEF**

Immediate Relief or Stay Requested By **May 18, 2020**

Trial Court and Department Involved:
Superior Court of California, County of Los Angeles
Civil Division, Central District, Department 1
Honorable Samantha P. Jessner
Telephone: (213) 633-0601

TO THE HONORABLE PRESIDING JUSTICE ELWOOD LUI
AND ASSOCIATE JUSTICES OF THE SECOND APPELLATE
DISTRICT OF THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA:

Petitioners allege:

1. Petitioner Cynthia Cerletti¹ is a resident taxpayer of the State of California who is assessed for and is liable to pay, or, within one year before the commencement of this action, has paid income or other taxes that fund the State of California.

2. Petitioner Howard A. Myers is a resident taxpayer of the State of California who is assessed for and is liable to pay, or, within one year before the commencement of this action, has paid income or other taxes that fund the State of California.

3. Respondent is the Superior Court of Los Angeles County.

4. Real party in interest Gavin Newsom, in his official capacity as Governor of the State of California, has an interest

¹ The original complaint in this action was filed in the trial court by Robin Crest and Howard A. Myers. An amended complaint is being filed contemporaneously with this petition by Cynthia Cerletti and Howard A. Myers.

that is directly affected by this proceeding in that he is a defendant in the underlying complaint for declaratory and injunctive relief filed in the Los Angeles County Superior Court, Case No. 20STCV16321.

5. Real party in interest Kim Johnson, in her official capacity as Director of the California Department of Social Services, has an interest that is directly affected by this proceeding in that she is a defendant in the underlying complaint for declaratory and injunctive relief filed in the Los Angeles County Superior Court, Case No. 20STCV16321.

6. Petitioners urgently seek a writ of mandate commanding Respondent to issue a temporary restraining order restraining and enjoining Real Parties in Interest from making an **imminent, May 18, 2020** illegal expenditure of \$79.8 million of taxpayers' funds pending the final determination of a taxpayer action brought by Petitioners in the lower court.

7. Petitioners further request a stay of Respondent's order made on May 5, 2020 denying Petitioners' application for a temporary restraining order and an order to show cause based on this urgency.

8. Under the undisputed facts of this case and the legal authorities discussed in the accompanying memorandum, the imminent expenditure violates 8 U.S.C. § 1621(d); therefore, it became Respondent's clear legal duty to enjoin the expenditure, and Respondent abused its discretion when it refused to do so. *See State Farm Mutual Automobile Insurance Co. v. Superior Court of San Francisco*, 47 Cal. 2d 428, 432 (1956) ("Mandate lies

to control judicial discretion when that discretion has been abused.”); *Pacific Indemnity Co. v. Superior Court of San Francisco*, 246 Cal. App. 2d 63 (1966) (preliminary injunction); *Church of Christ in Hollywood v. Superior Court*, 99 Cal. App. 4th 1244 (2002) (temporary restraining order and order to show cause).

9. The writ of mandate also is appropriate to restrain Real Parties In Interest, public officials, from the unlawful performance of a duty. *See e.g., Horwath v. City of East Palo Alto*, 212 Cal. App. 3d 766, 773 n.8 (1989) (“An official's affirmative obligation to perform encompasses a corollary obligation not to perform the duty in violation of the law.”); *Hotel Employees & Restaurant Employees International Union v. Davis*, 21 Cal. 4th 585, 590 (1999) (“a writ of mandate is available . . . against the implementation of an invalid statute.”).

10. Petitioners are persons beneficially interested in the issuance of the writ because they are taxpayers and citizens concerned that the law be executed, that Respondent perform its duty, and that Real Parties in Interest be restrained from the unlawful performance of their public duties, and the illegal expenditure at issue is one of great public interest. *See Code Civ. Proc.* § 526a; *Green v. Obledo*, 29 Cal. 3d 126, 144 (1981); *Save the Plastic Bag Coalition v. City of Manhattan Beach*, 52 Cal. 4th 155, 165-166 (2011); *Friends of Oceano Dunes, Inc. v. San Luis Obispo County Air Pollution Control Dist.*, 235 Cal. App. 4th 957, 963 (2015) (the interpretation and scope of a statute typically is a matter of general public interest).

11. Petitioners have no plain, speedy, and adequate remedy, in the ordinary course of law, other than the relief sought in this petition, because Real Parties In Interest are planning to make the \$79.8 million illegal expenditure at issue on **May 18, 2020**, before any final determination of the Petitioners' underlying action in the lower court, and that expenditure is one of widespread public interest. *See* Code Civ. Proc. § 1086 ("The writ must be issued in all cases where there is not a plain, speedy, and adequate remedy, in the ordinary course of law."); *San Bernardino Associated Governments v. Superior Court*, 135 Cal. App. 4th 1106, 1113 (2006) ("Discretionary writ review . . . is appropriate where the issue is a matter of public importance and requires immediate resolution.").

WHEREFORE, Petitioners pray:

1. That the Court issue a peremptory writ in the first instance commanding Respondent to set aside its order made on May 5, 2020 denying Petitioners' application for a temporary restraining order and an order to show cause and to enter a new order granting the requested relief;
2. That the Court immediately stay Respondent's order made on May 5, 2020 to preserve the status quo pending further action on this petition; and

3. For costs of this proceeding and such other and further relief as the Court deems just and proper.

Dated: May 14, 2020

JUDICIAL WATCH, INC.

By:



ROBERT PATRICK STICHT

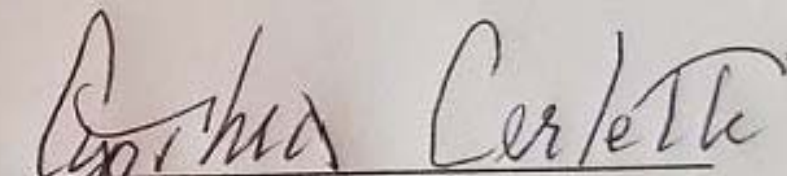
*Attorneys for Petitioners,
Cynthia Cerletti and
Howard A. Myers*

VERIFICATION

I, Cynthia Cerletti, am the petitioner in this proceeding. I have read the foregoing petition and know its contents. The facts stated therein are true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 13, 2020

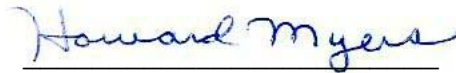

Cynthia Cerletti

VERIFICATION

I, Howard A. Myers, am the petitioner in this proceeding. I have read the foregoing petition and know its contents. The facts stated therein are true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 13, 2020



Howard A. Myers

CIVIL NO. _____

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

CYNTHIA CERLETTI and HOWARD A. MYERS,

Petitioners,

v.

SUPERIOR COURT OF LOS ANGELES COUNTY,

Respondent,

GAVIN NEWSOM, In His Official Capacity as Governor of the
State of California; and **KIM JOHNSON**, In Her Official
Capacity as Director of the Department of Social Services,
Real Parties In Interest.

**PETITIONERS' MEMORANDUM OF
POINTS AND AUTHORITIES IN SUPPORT OF
PETITION FOR WRIT OF MANDATE**

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May 14, 2020

TABLE OF CONTENTS

I.	INTRODUCTION	16
II.	FACTUAL AND PROCEDURAL BACKGROUND	16
III.	ARGUMENT	18
A.	A Temporary Restraining Order Is Warranted To Preserve The Status Quo And Protect The Public Interest.....	18
B.	Petitioners Are Likely To Succeed On The Merits...	21
1.	8 U.S.C. § 1621 Prohibits Cash Benefits To Unlawfully Present Aliens Absent An Affirmative Enactment By The California State Legislature.....	21
2.	The Legislature Did Not Authorize Direct Cash Benefits To Unlawfully Present Aliens When It Established or Appropriated Funds For The Rapid Response Program (SB 80).....	25
3.	The Legislature Did Not Expressly Authorize Direct Cash Benefits To Unlawfully Present Aliens When It Amended The Budget Act of 2019.....	27
4.	Because The Legislature Has Not Expressly Authorized The Direct Cash Benefits, The Expenditure of Funds To Administer The Program Also Is Unlawful.	29
C.	The Interim Harm To The Public Outweighs The Negligible Effect Of A Temporary Restraining Order On Real Parties In Interest	30
IV.	CONCLUSION.....	31

TABLE OF AUTHORITIES

Cases

<i>Abrams v. St. John's Hospital & Health Center</i> , 25 Cal. App. 4th 628 (1994)	30
<i>American International Group, Inc. v.</i> <i>Superior Court</i> , 234 Cal. App. 3d 749 (1991)	18
<i>Ames v. Hermosa Beach</i> , 16 Cal. App. 3d 146 (1971)	29
<i>Blair v. Pitchess</i> , 5 Cal. 3d 258 (1971)	19,29
<i>Church of Christ in Hollywood v. Superior Court</i> , 99 Cal. App. 4th 1244 (2002)	5,17,20
<i>Director, Office of Workers' Comp. Programs v.</i> <i>Rasmussen</i> , 440 U.S. 29, 46-47 (1979)	24
<i>Friends of Oceano Dunes, Inc. v. San Luis Obispo</i> <i>County Air Pollution Control Dist.</i> , 235 Cal. App. 4th 957 (2015)	5
<i>Green v. Obledo</i> , 29 Cal. 3d 126 (1981)	5
<i>Grothe v. Cortlandt Corp.</i> , 11 Cal. App. 4th 1313 (1992)	19
<i>Harbor Chevrolet Corp. v.</i> <i>Machinist's Local Union 1484</i> , 173 Cal. App. 2d 380 (1959)	19
<i>Horwath v. City of East Palo Alto</i> , 212 Cal. App. 3d 766 (1989)	5

<i>Hotel Employees & Restaurant Employees International Union v. Davis,</i> 21 Cal. 4th 585 (1999).....	5
<i>In re Ethan C.,</i> 54 Cal.4th 610 (2012).....	28
<i>In re Miller,</i> 31 Cal. 2d 191 (1947)	23
<i>Iselin v. United States,</i> 270 U.S. 245 (1926).....	22
<i>IT Corp. v. County of Imperial,</i> 35 Cal. 3d 63 (1983)	17,20,30
<i>Martinez v. Regents of the University of California,</i> 50 Cal. 4th 1277 (2010).....	22
<i>Pacific Indemnity Co. v. Superior Court of San Francisco,</i> 246 Cal. App. 2d 63 (1966)	5
<i>People v. Arriaga,</i> 58 Cal. 4th 950 (2014).....	28
<i>Posters ‘N’ Things v. United States,</i> 511 U.S. 513, 520 (1994).....	28
<i>Sale v. Haitian Centers Council, Inc.,</i> 509 U.S. 155 (1993).....	22
<i>San Bernardino Associated Governments v. Superior Court,</i> 135 Cal. App. 4th 1106 (2006).....	6
<i>Save the Plastic Bag Coalition v. City of Manhattan Beach,</i> 52 Cal. 4th 155 (2011).....	5

<i>State Farm Mutual Automobile Insurance Co. v. Superior Court of San Francisco,</i> 47 Cal. 2d 428 (1956)	4
<i>United Railroads of San Francisco v. Super. Ct.,</i> 172 Cal. 80 (1916)	20
<i>Voorhies v. Greene,</i> 139 Cal. App. 3d 989 (1983)	20

Statutes

8 U.S.C.	
§ 1621.....	<i>Passim</i>
§ 1621(a)	21
§ 1621(c).....	21
§ 1621(d)	15,21

Codes

Code Civ. Proc.	
§ 526.....	19
§ 526a.....	5,18,29
§ 526a(a)	5,18,30
§ 527.....	19
§ 527(c)(1)	19
§ 1858.....	23

Welf. & Inst. Code

§ 13400.....	25
§ 13401(3)	26
§ 13403.....	25

Other Authorities

2019 Cal. Stat., ch. 23, § 2, Item 5180-151-0001, par. 24(a) (AB 74)	25
2019 Cal. Stat., ch. 27 § 96 (SB 80).....	25

2020 Cal. Stat., ch. 2, § 2 (SB 89).....	27
H.R. Rep. No. 104-725, 104th Cong., 2d Sess., p. 383 (1996), <i>reprinted in</i> 1996 U.S.C.C.A.N 2649.....	23,24

I. INTRODUCTION

On May 18, 2020, Real Parties In Interest plan to distribute \$75 million of taxpayers' funds in direct cash benefits to unlawfully present aliens in violation of 8 U.S.C. § 1621.² Real Parties In Interest also plan to spend an additional estimated \$4.8 million of taxpayers' funds overseeing and administering the distribution of those cash benefits. Petitioners are here seeking to halt this gross abuse of power before it's too late. A temporary restraining order to preserve the status quo is warranted because Petitioners can demonstrate that they are likely to succeed on the merits and that the interim harm to the public outweighs the negligible effect of a restraining order on Real Parties In Interest.

II. FACTUAL AND PROCEDURAL BACKGROUND

On April 15, 2020, Governor Newsom announced a new initiative to provide direct assistance to unlawfully present aliens. The initiative, known as the "Disaster Relief Fund" or the "Disaster Relief Assistance for Immigrants Project," provides \$75 million to unlawfully present aliens who otherwise are ineligible for state or federal insurance or other benefits "due to their immigration status." (See Exhibit B).

Governor Newsom anticipates 150,000 unlawfully present aliens "will receive a one-time cash benefit of \$500 per adult with a cap of \$1,000 per household[.]" The cash "will be dispersed through a community-based model of regional nonprofits with

² The statute uses the phrase "an alien who is not lawfully present in the United States." 8 U.S.C. § 1621(d). Petitioners use the term "unlawfully present aliens" because it commonly appears in federal law.

expertise and experience” serving unlawfully present aliens. Governor Newsom charged his Director of the California Department of Social Services (CDSS) to administer the cash benefits. CDSS will select immigrant-serving community-based nonprofit organizations to conduct targeted outreach, provide application assistance, and delivery of the cash benefits directly to qualified individuals.

On or about April 17, 2020, CDSS issued the “Disaster Relief Assistance for Immigrants Fact Sheet.” The fact sheet reiterates that only unlawfully present aliens are eligible for direct assistance under the initiative. It further states, “The total amount allocated for the Disaster Relief for Immigrants Project is \$79.8 million . . . Seventy-five million dollars will support direct assistance and an estimated \$4.8 million will support program administration through qualified nonprofit organizations.” (See Exhibit C). While all \$79.8 million are from the General Fund, the appropriations come from two different enactments – \$16.5 million from the Rapid Response Program, created and funded in June 2019 as part of the Budget Act of 2019, and \$63.3 million from a March 2020 amendment to the Budget Act of 2019.

The March 2020 amendment referenced Governor Newsom’s March 4, 2020 proclamation of a state of emergency. However, neither the proclamation nor the budget amendment makes an express or even an implied reference to authorizing direct cash benefits to unlawfully present aliens. Similarly, neither the Rapid Response Program nor the appropriation of monies for that program makes any reference, express or implied,

to authorizing direct cash benefits to unlawfully present aliens. Indeed, the California State Legislature has not enacted any state law which affirmatively provides that unlawfully present aliens are eligible for the cash public benefits of \$75 million.

On April 29, 2020, plaintiffs below, Robin Crest and Howard A. Myers, filed a complaint against Real Parties In Interest for declaratory and injunctive relief. The complaint contains one cause of action and alleges that the expenditure at issue violates 8 U.S.C. § 1621. On May 4, 2020, they filed an *ex parte* application seeking a temporary restraining order restraining and enjoining Real Parties in Interest from making the illegal expenditure and an order to show cause why a preliminary injunction should not be entered. The *ex parte* was heard on May 5, 2020. The judge denied the requested relief. (See Exhibits A, G).

III. ARGUMENT

A. A Temporary Restraining Order Is Warranted To Preserve The Status Quo And Protect The Public Interest.

Petitioners seek a writ of mandate from the order of Respondent Superior Court of Los Angeles County denying their *ex parte* application for a temporary restraining order and order to show cause regarding preliminary injunction. Ordinarily, the a trial court's refusal to issue a temporary restraining order would be reviewed on an abuse of discretion standard. *See Church of Christ in Hollywood v. Superior Court*, 99 Cal. App. 4th 1244, 1251 (2002), *citing IT Corp. v. County of Imperial*, 35 Cal. 3d 63 (1983). However, "where the issue is tendered, as it is

here, on undisputed facts and is purely legal in nature, it calls for the court's independent appellate review[.]” *American International Group, Inc. v. Superior Court*, 234 Cal. App. 3d 749, 755 (1991).

Petitioners bring this action under Code of Civil Procedure Section 526a seeking injunctive and declaratory relief. Section 526a authorizes actions against public officials to enjoin illegal expenditures by a resident taxpayer who is assessed for and is liable to pay, or, within one year before the commencement of the action, has paid income and/or other taxes that fund the State of California. *See* Code Civ. Proc. § 526a(a); *Blair v. Pitchess*, 5 Cal. 3d 258, 267 (1971). The mere expending of a paid, public official's time performing unlawful or unauthorized acts is an illegal expenditure of taxpayer funds that may be enjoined under section 526a. *See Blair*, 5 Cal. 3d at 268. The primary purpose of this statute, originally enacted in 1909, is to ‘enable a large body of the citizenry to challenge governmental action’” *Id.* at 267-268.

A temporary restraining order may be obtained on an ex parte basis where “[i]t appears from facts shown by affidavit or by the verified complaint that great or irreparable injury will result to the applicant before the matter can be heard on notice.” Code Civ. Proc. § 527(c)(1).

The general purpose of a temporary restraining order and preliminary injunction is to preserve the status quo. *See Harbor Chevrolet Corp. v. Machinist's Local Union*, 1484, 173 Cal. App. 2d 380, 384 (1959); *Grothe v. Cortlandt Corp.*, 11 Cal. App. 4th

1313, 1316 (1992). The “status quo” for purposes of a temporary restraining order or preliminary injunction means the “last actual peaceable, uncontested status which preceded the pending controversy.” *United Railroads of San Francisco v. Superior Court*, 172 Cal. 80, 87 (1916); *Voorhies v. Greene*, 139 Cal. App. 3d 989, 995 (1983).

“[T]rial courts should evaluate two interrelated factors when deciding whether or not to issue [a restraining order]. The first is the likelihood that the plaintiff will prevail on the merits at trial. The second is the interim harm that the plaintiff is likely to sustain if the [restraining order] were denied as compared to the harm that the defendant is likely to suffer if the [order] were issued.” *Church of Christ in Hollywood*, 99 Cal. App. 4th at 1251, *quoting IT Corp.*, 35 Cal. 3d at 63; *see* Code Civ. Proc. §§ 526, 527.

Based on the face of the Complaint, the facts identified above, and the arguments presented below, it is likely Petitioners will prevail on the merits. The California State Legislature has not enacted a law affirmatively providing that unlawfully present aliens are eligible for the cash benefits flowing from the “Disaster Relief Assistance for Immigrants Project.” Nonetheless, Real Parties In Interest intend to begin distributing those benefits to qualified individuals on May 18, 2020. Thus, Petitioners also can demonstrate interim harm if the status quo is not preserved and Real Parties In Interest are allowed to make the illegal expenditures of \$79.8 million of taxpayers’ funds. Indeed, those expenditures are undoubtedly already happening as public

officials at the California Department of Social Services at the very least have begun spending their time on carrying out the Governor's illegal initiative.

B. Petitioners Are Likely To Succeed On The Merits.

1. 8 U.S.C. § 1621 Prohibits Cash Benefits To Unlawfully Present Aliens Absent An Affirmative Enactment By The California State Legislature.

Under federal law, unlawfully present aliens generally are ineligible for State or local public benefits. 8 U.S.C. § 1621(a). With certain exceptions not relevant here, the term "State or local public benefit" means:

- (A) any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government or by appropriated funds of a State or local government; and
- (B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government.

8 U.S.C. § 1621(c). "A State may provide that an alien who is not lawfully present in the United States is eligible for any State or local public benefit ... *only* through the enactment of a State law ... which affirmatively provides for such eligibility." 8 U.S.C. § 1621(d) (emphasis added). It is indisputable that the direct cash benefits to be provided to unlawfully present aliens under the "Disaster Relief Assistance for Immigrants Project," fall

within the definition of a “State or local public benefit.” Thus, the relevant provision presently is Section 1621(d), the exception to the general rule.

Section 1621(d) is unambiguous and sets forth two requirements. First, the provision says “State law,” not executive order or proclamation. Nothing short of a law enacted by the legislature and signed by the governor suffices. Second, the law must expressly authorize provision of the benefits to unlawfully present aliens. In *Martinez v. Regents of the University of California*, 50 Cal. 4th 1277 (2010), the California Supreme Court held that section 1621(d) is not satisfied unless a legislative enactment “expressly state[s] that it applies to undocumented aliens, rather than conferring a benefit generally without specifying that its beneficiaries may include undocumented aliens.” *Id.* at 1296.

A review of the “Personal Responsibility and Work Opportunity Reconciliation Act of 1996,” which enacted Section 1621, shows that Congress used the phrases “State agency” and “State or political subdivision of a State” multiple times, but not in the language that became Section 1621. This distinction further demonstrates that Congress intended Section 1621 to require enactments of state legislatures – statutes – not executive orders or proclamations. Section 1621 may not be read to include such items when interpreting its language “only through the enactment of a State law.” See *Sale v. Haitian Centers Council, Inc.*, 509 U.S. 155, 168 n.16 (1993) (“To supply omissions transcends the judicial function.”), *quoting Iselin v.*

United States, 270 U.S. 245, 250 (1926) (Brandeis, J.)); *see also In re Miller*, 31 Cal. 2d 191, 199 (1947) (“Words may not be inserted in a statute under the guise of interpretation”), *citing* Code Civ. Proc. § 1858.

In enacting Section 1621, Congress plainly decided to allow the states a small measure of authority in an area – immigration and naturalization – that otherwise is reserved almost exclusively to the federal government. Specifically, Congress decided to allow states to extend eligibility for state and local public benefits to unlawfully present aliens, but only if the highest and most visible, politically accountable levels of state government do so affirmatively. Section 1621 is a “stand up and be counted” law designed to ensure political accountability in the event states wish to enter an area otherwise reserved to the federal government. *See* H.R. Rep. No. 104-725, 104th Cong., 2d Sess., p. 383 (1996), *reprinted in* 1996 U.S.C.C.A.N 2649 (“Only the affirmative enactment of a law by a State legislature and signed by the Governor after the date of enactment of this Act ... will meet the requirements of [Section 1621].”). Essentially, Congress said states may give state or local benefits to unlawfully present aliens, but only if they do it out in the public with the state legislature affirmatively saying, yes, we’re going to do this, so the elected representatives can be held accountable for that decision. It’s a political accountability law.

The report accompanying Section 1621 also confirms that Congress intended this section as a political accountability law by requiring affirmative action by the people’s elected

representatives – their state legislators and governors. The Conference Agreement accompanying the bill describes the effect of Section 1621 as follows:

No current State law, State constitutional provision, State executive order or decision of any State or Federal court shall provide a sufficient basis for a State to be relieved of the requirement to deny benefits to illegal aliens.... Only the affirmative enactment of a law by a State legislature and signed by the Governor after the date of enactment of this Act, that references this provision, will meet the requirements of this section.

H.R. Rep. No. 104-725, 2d Sess., p. 383 (1996), *reprinted in* 1996 U.S.C.C.A.N 2649. The omission of any reference to executive orders or proclamations was deliberate. *Cf. Director, Office of Workers' Comp. Programs v. Rasmussen*, 440 U.S. 29, 46-47 (1979) (the “legislative history of the 1972 Amendments convinces us that the omission was intentional. Congress has put down its pen, and we can neither rewrite Congress’ words nor call it back ‘to cancel half a Line.’ Our task is to interpret what Congress has said[.]”).

As demonstrated below, the California Legislature has not enacted a State law authorizing payment of direct cash benefits to unlawfully present aliens under the “Disaster Relief Assistance for Immigrants Project.” Accordingly, Section 1621(d) has not been satisfied.

2. The Legislature Did Not Authorize Direct Cash Benefits To Unlawfully Present Aliens When It Established or Appropriated Funds For The Rapid Response Program (SB 80).

Some \$16.5 million of the taxpayers' funds that Governor Newsom intends to spend are from the Rapid Response Program, which was established and funded as part of the 2019 Budget process. *See* 2019 Cal. Stat., ch. 23, § 2, Item 5180-151-0001, par. 24(a) (AB 74); 2019 Cal. Stat., ch. 27 § 96 (SB 80); Welf. & Inst. Code § 13400, *et seq.*³ Real Parties In Interest will argue that SB 80, which established the program, satisfies Section 1621(d) because it expressly states that its terms applies to unlawfully present aliens, which SB 80 refers to as “undocumented persons.” *See* Welf. & Inst. Code § 13403.⁴ But a review of SB 80 makes clear that it does not authorize any kind of cash benefits at all. Rather, it authorizes the State to award grants or contracts to non-profit organizations that provide seven types of “in-kind” benefits to unlawfully present aliens, none of which are direct cash benefits. The authorized benefits are:

- A. Medical screening/treatment;
- B. Temporary shelter;
- C. Food;

³ The balance of the “Rapid Response Reserve Fund” (Section 23.20 of the Budget Act of 2018) (AB 72) was also reappropriated in the Budget Act of 2019 to Item 5180-151-0001 for similar purposes.

⁴ Section 13403 states, “The Legislature finds and declares that this chapter is a state law that provides assistance and services for undocumented persons within the meaning of Section 1621(d) of Title 8 of the United States Code.”

- D. Clothing;
- E. Transportation;
- F. Communication; and
- G. Outreach and case management expenses to support delivery of the benefits the legislation authorizes.

Id. at § 13401(3). Because SB 80 does not authorize direct cash benefits to anyone, it plainly does not affirmatively authorize cash benefits to unlawfully present aliens.

The enactment appropriating funds to the Rapid Response Program further confirms that the Legislature did not expressly authorize direct cash benefits to unlawfully present aliens or anyone else. The appropriation, found in the Budget Act of 2019 (AB 74), provides that the funds are to be used “to reimburse participating entities, including, but not limited to non-profits, made beyond the scope of technical support during immigration emergent situations” and “shall be available for any costs incurred by entities providing critical assistance to immigrants during emergent situations during the 2018-19 and 2019-20 fiscal years.” 2019 Cal Stat., ch. 23, § 2, Item 5180-151-0001, par. 24(a). It is a reimbursement program, not a direct benefit program. *Id.* (funds “shall be available for the Rapid Response Program pursuant to Section 13401 of the Welfare and Institutions Code to provide contracts or grants to entities, including, but not limited to non-profit organizations, that provide critical assistance to immigrants during emergent situations when federal funding is not available to support such assistance.”) While the Legislature may have appropriated funds to reimburse non-profits that provide food, shelter, clothing,

medical care, and other specified types of in-kind benefits to unlawfully present aliens, it did not appropriate funds – expressly or otherwise – to provide direct cash benefits to unlawfully present aliens. As a result, Governor Newsom’s plan to distribute direct cash benefits to unlawfully present aliens using at least \$16.5 million of taxpayers’ funds in the Rapid Response Program violates Section 1621 and is therefore an illegal expenditure to be enjoined.

3. The Legislature Did Not Expressly Authorize Direct Cash Benefits To Unlawfully Present Aliens When It Amended The Budget Act of 2019.

The bulk of the funds Governor Newsom intends to use – at least \$63.3 million – are from a March 17, 2020 amendment to the Budget Act of 2019. *See* 2020 Cal. Stat., ch. 2, § 2 (SB 89). The relevant provision, which added a new section – section 36 – to the Budget Act of 2019, reads, in its entirety:

Notwithstanding any other law, \$500,000,000 is hereby appropriated from the General Fund to any item for any purpose related to the March 4, 2020 proclamation of a state of emergency upon order of the Director of Finance. Funds appropriated in this section may not be expended prior to 72 hours after the Director of Finance notifies the Joint Legislative Budget Committee in writing of the purposes of the planned expenditure. The chairperson of the Joint Legislative Budget Committee or the chairperson’s designee may shorten the 72-hour period by written notification. The amount of the appropriation in this section may be increased in increments of \$50,000,000 no sooner than 72 hours after the Director of Finance notifies the Joint Legislative Budget Committee of the need for the increase. The chairperson of the Joint Legislative Budget

Committee or the chairperson’s designee may shorten the 72-hour period by written notification. The total appropriation under this section shall not exceed \$1,000,000,000.

Id. Section 36 contains no express reference to the provision of any kind of benefits, cash or in-kind, to unlawfully present aliens. It does not say its terms apply to unlawfully present aliens or even hint that the Legislature had unlawfully present aliens in mind when it appropriated the emergency aid described in Section 36. Governor Newsom’s March 4, 2020 proclamation, which Section 36 specifically references, also makes no express or even an implied reference to authorizing direct cash benefits to unlawfully present aliens.

“It is a settled principle of statutory interpretation that if a statute contains a provision regarding one subject, that provision’s omission in the same *or another statute regarding a related subject* is evidence of a different legislative intent.” *People v. Arriaga*, 58 Cal. 4th 950, 960 (2014) (citing authorities) (italics added); *accord*, *In re Ethan C.*, 54 Cal. 4th 610, 638 (2012); *Posters ‘N’ Things v. United States*, 511 U.S. 513, 520 (1994) (“This omission is significant in light of the fact that the parallel list contained in the Drug Enforcement Administration’s Model Drug Paraphernalia Act, on which § 857 was based, includes [these factors].”).

Section 36 of SB 89 stands in stark contrast to SB 80, which at least referenced unlawfully present aliens in the context of authorizing specific, in-kind benefits other than the direct cash benefits challenged here. As SB 80 plainly demonstrates, the Legislature knows how to satisfy section 1621(d) when it wants

to do so.⁵ The absence of any similar express language in Section 36 demonstrates that the Legislature, when enacting SB 89, neither intended to create a direct cash benefit program that included unlawfully present aliens nor appropriated money for such an initiative. Accordingly, Governor Newsom’s plan to distribute direct cash benefits to unlawfully present aliens using \$63.3 million of taxpayers’ funds in the emergency appropriation from Section 36 violates 8 U.S.C. § 1621 and is therefore an illegal expenditure to be enjoined.

**4. Because The Legislature Has Not
Expressly Authorized The Direct Cash
Benefits, The Expenditure of Funds To
Administer The Program Also Is Unlawful.**

Governor Newsom intends to use an estimated additional \$4.8 million of taxpayers’ funds to administer his illegal direct cash benefit initiative. The source of these funds is the same as outlined above for the \$75 million in direct cash benefits to be distributed to unlawfully present aliens. Because the direct cash benefit is illegal under Section 1621, any expenditure of funds to administer the illegal program is unlawful as well. *See Blair*, 5 Cal. 3d at 268-269; *see also Ames v. Hermosa Beach*, 16 Cal. App. 3d 146, 150-151 (1971) (“In other cases, courts have held that where government funds were employed . . . to enforce laws which are themselves unconstitutional and therefore void . . . this use constitutes an ‘illegal expenditure’ in the context of Code of Civil Procedure, section 526a and may be remedied under that section by an injunction sought in a taxpayer’s suit.”).

⁵ See *supra* note 4 and accompanying text.

**C. The Interim Harm To The Public Outweighs
The Negligible Effect Of A Temporary
Restraining Order On Real Parties In Interest.**

The interim harm factor “involves consideration of such things as the inadequacy of other remedies, the degree of irreparable harm, and the necessity of preserving the status quo.” *Abrams v. St. John's Hospital & Health Center*, 25 Cal. App. 4th 628, 636 (1994). Here, all three considerations support a restraining order. First, public harm is presumed here because an injunction is precisely what the statute authorizing the underlying taxpayer action allows. *See* Code Civ. Proc. § 526a; *IT Corp.*, 35 Cal. 3d at 71 (“where a legislative body has specifically provided injunctive relief for a violation of a statute or ordinance, a showing . . . that it is likely to prevail on the merits should give rise to a presumption of public harm.”).

Second, the alternative remedy is inadequate protection because the illegal expenditure is imminent and, therefore, will occur before a final determination in the taxpayer action. The illegal expenditure at issue also is of great public interest.

Third, the degree of irreparable harm is substantial because, on May 18, 2020, Real Parties In Interest will spend \$79.8 million of taxpayers’ funds on an illegal activity that deepens California’s growing deficit.

Fourth, for that very reason, preserving the status quo is absolutely necessary to protect the public, 40 million Californians who have an interest in having the laws faithfully executed, and in preventing the unlawful performance of duty by public officials.

If a temporary restraining order is granted, the effect on Real Parties In Interest would be negligible. Their obligation to follow the law is not suspended during an emergency. And a temporary restraint would not impair any public interest in providing direct cash benefits to the 150,000 undocumented persons targeted by the illegal expenditure. They have not been made legally eligible for those benefits. Real Parties In Interest admit the State is already providing high-level, critical assistance and resources to such persons. If members of the legislature wish to do even more they know how to fix this.

IV. CONCLUSION


Governor Newsom's "Disaster Relief Assistance for Immigrants Project" on its face clearly violates 8 U.S.C. § 1621. Unless it is restrained, 40 million Californians will be left unprotected from a \$79.8 million illegal expenditure of taxpayers' funds on May 18, 2020. This Court should issue a peremptory writ in the first instance commanding Respondent Superior Court (1) to set aside its order made on May 5, 2020 denying Petitioners' application for a temporary restraining order and an order to show cause, and (2) to enter a new order granting the requested relief. The Court also should immediately stay

Respondent's May 5, 2020 order to preserve the status quo
pending further action on this petition.

Dated: May 14, 2020

Respectfully submitted,

JUDICIAL WATCH, INC.

By:  .
ROBERT PATRICK STICHT
Attorneys for Petitioners,
Cynthia Cerletti and
Howard A. Myers

CERTIFICATE OF COMPLIANCE

I certify that the foregoing PETITION FOR WRIT OF
MANDATE uses a 13-point Century Schoolbook font and contains
5,886 words.

Dated: May 14, 2020

Respectfully submitted,

JUDICIAL WATCH, INC.

By:



ROBERT PATRICK STICHT
Attorneys for Petitioners,
Cynthia Cerletti and
Howard A. Myers

TABLE OF CONTENTS
SUPPORTING DOCUMENTS

<u>Exhibit</u>	<u>Title</u>
A	Minute Order, May 5, 2020
B	News Release, April 15, 2020
C	CDSS Fact Sheet, April 17, 2020
D	Emergency Proclamation, March 4, 2020
E	Letter from Keely Bosler to Holly Mitchell, April 15, 2020
F	Letter from Holly Mitchell to Keely Bosler, April 18, 2020
G	Declaration Re Transcript

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 1

20STCV16321

ROBIN CREST, et al. vs GAVIN NEWSOM, et al.

May 5, 2020

8:30 AM

Judge: Honorable Samantha Jessner

Judicial Assistant: N DiGiambattista

Courtroom Assistant: None

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Robert Sticht (x)

For Defendant(s): Gavin Newsom Anna T. Ferrari (x) (Telephonic)

NATURE OF PROCEEDINGS: EX PARTE APPLICATION OF PLAINTIFFS, ROBIN CREST AND HOWARD MEYERS, FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

Matter comes on for hearing in Department One and is argued.

.
The ex parte application for a temporary restraining order and setting of an order to show cause re preliminary injunction is denied for the reasons set forth in the opposition papers. The court finds that plaintiffs have not met their burden to support the requested relief.

.
Notice is waived.

EXHIBIT B

Governor Newsom Announces New Initiatives to Support California Workers Impacted by COVID-19

Published: Apr 15, 2020

Governor announces new initiative to expand call center hours at the Employment Development Department to better assist Californians with unemployment insurance applications

EDD will also implement a one-stop shop for those applying for Pandemic Unemployment Assistance, including the self-employed and independent contractors

Governor announces \$75 million in statewide Disaster Relief Assistance funding to provide financial support for immigrant workers affected by COVID-19

Philanthropic partners commit to raising an additional \$50 million to support undocumented Californians

SACRAMENTO – Governor Gavin Newsom today announced new initiatives to support the millions of California workers who have lost jobs or wages as a result of the COVID-19 pandemic.

At the Governor's direction, the Employment Development Department (EDD) will launch a new call center on Monday that will operate 7 days a week from 8:00 a.m. to 8:00 p.m. The Unemployment Insurance Branch will be upstaffed with 1,340 employees, including 740 EDD employees and 600 employees from across state government. The Governor also directs EDD to expedite access to the Work Share program to avert layoffs.

The EDD will also stand up a one-stop shop for individuals applying for unemployment insurance and the new federal Pandemic Unemployment Assistance (PUA) program starting April 28. The PUA will provide federally funded benefits distinct from UI program for certain individuals out of work or partially unemployed due to COVID-19. This includes the self-employed, individuals who may be employees but who lack sufficient work history and independent contractors. Federal guidelines include gig workers and California's gig workers will continue to be protected by our strong laws against misclassification in the administration of PUA. PUA benefits will be issued within 24-48 hours – not the traditional 21 days for regular UI claims.

"Many Californians are one paycheck away from losing their homes or from being able to put food on their tables, and COVID-19 has only made these challenges worse," said Governor Newsom. "California is focused on getting relief dollars and unemployment assistance in the hands of those who need it as quickly as possible."

The Governor also announced an unprecedented \$125 million in disaster relief assistance for working Californians. This first in the nation, statewide public-private partnership will provide financial support to undocumented immigrants impacted by COVID-19. California will provide \$75 million in disaster relief assistance and philanthropic partners have committed to raising an additional \$50 million.

"California is the most diverse state in the nation. Our diversity makes us stronger and more resilient. Every Californian, including our undocumented neighbors and friends, should know that California is here to support them during this crisis. We are all in this together," said Governor Newsom.

California's \$75 million Disaster Relief Fund will support undocumented Californians impacted by COVID-19 who are ineligible for unemployment insurance benefits and disaster relief, including the CARES Act, due to their immigration status. Approximately 150,000 undocumented adult Californians will receive a one-time cash benefit of \$500 per adult with a cap of \$1,000 per household to deal with the specific needs arising from the COVID-19 pandemic. Individuals can apply for support beginning next month.

The state's Disaster Relief Fund will be dispersed through a community-based model of regional nonprofits with expertise and experience serving undocumented communities.

In addition to the \$75 million in state funding, Grantmakers Concerned with Immigrants and Refugees (GCIR), a network of foundations focused on immigration issues, has committed to raising \$50 million to support direct financial assistance to families of undocumented immigrants through the California Immigrant Resilience Fund, with initial lead investments of \$5.5 million from Emerson Collective, Blue Shield of California Foundation, The California Endowment, The James Irvine Foundation, Chan Zuckerberg Initiative and an anonymous donor, among others. Those interested in supporting this fund can donate at www.immigrantfundCA.org.

"During this moment of national crisis, undocumented immigrants are risking their own health on behalf of the rest of us, saving lives as health care workers; caring for our loved ones; and growing much of the food we depend on," said Laurene Powell Jobs, Founder and President of Emerson Collective. "With the federal government and so many states failing to provide undocumented immigrants the economic and health supports all Americans deserve, I hope that corporations, foundations and individuals across the country will join us in providing the emergency relief these members of our community need to weather this challenging time."

California has developed an [immigrant resource guide](#) to provide information about COVID-19 related assistance, including public benefits, that

are available to immigrant Californians.

Last week, Governor Newsom announced that California is seeking to take appropriate steps to ensure care and treatment for COVID-19 for its residents, regardless of immigration status. Given the current public health emergency, COVID-19 testing, evaluation and treatment services are being deemed as emergency services under Medi-Cal, regardless of the location where it is received. Deeming COVID-19 testing and related treatment services as an emergency will entitle all Medi-Cal beneficiaries, regardless of their scope of coverage under Medi-Cal or their documentation status, to receive all medically necessary inpatient or outpatient services related to a COVID-19 diagnosis.

A copy of the Governor's executive order can be found [here](#) and text can be found [here](#).

Learn more about the state's ongoing COVID-19 response efforts [here](#). Visit covid19.ca.gov or covid19.ca.gov/es for critical steps Californians can take to stay healthy, and resources available to those impacted by the outbreak.

###

EXHIBIT C

Disaster Relief Assistance for Immigrants

The California Department of Social Services (CDSS) is administering the Disaster Relief Assistance for Immigrants Project ("Project"). The project provides one-time disaster relief assistance to undocumented adult immigrants impacted by COVID-19, who are ineligible for most other forms of pandemic assistance, including direct assistance under the CARES Act and unemployment insurance.¹ CDSS-funded nonprofit organizations will distribute \$75 million² in disaster relief assistance to an estimated 150,000 undocumented adult immigrants. Nonprofit organizations will begin providing these disaster assistance services in May.

Direct Assistance: Eligible undocumented adult immigrants may receive one-time COVID-19 disaster relief assistance at a value of \$500. A limit of two undocumented adults per household can receive this assistance (maximum assistance of \$1,000 per household).

Eligibility Criteria: Nonprofit organizations will assess individuals for assistance eligibility based on further guidance from the Department. At a minimum, an eligible individual must provide information that (1) they are an undocumented adult (person over the age of 18); (2) not eligible for federal COVID-19 related assistance, including CARES Act tax stimulus payments or pandemic unemployment benefits; and, (3) has experienced a hardship as a result of COVID-19.

Assistance Delivery: CDSS will select immigrant-serving community-based nonprofit organizations to conduct targeted outreach, application assistance, and delivery of the disaster relief assistance to eligible individuals. The list of the selected nonprofit organizations will be available in May. The identified organizations have existing agreements with CDSS to provide immigration services and have the expertise and experience to assist immigrants with other wrap around supports including direct delivery or referrals to legal, social, health and mental health services.

These nonprofit organizations will prioritize reaching low-income undocumented adults across the numerous ethnic and language immigrant groups in California.

Nonprofit staff will assist applicants in filling out an online form located on a centralized web portal developed by a nonprofit organization with CDSS funding. The selected organizations will deliver the assistance directly to qualified individuals. Based on their organizational capacity, nonprofit staff may use a variety of methods to provide outreach, application assistance, document verification, and assistance delivery. Staff may communicate with applicants telephonically, online (e.g. video conferencing), or in-person with proper physical distancing to ensure the health and safety of staff and applicants.

¹ Undocumented adults without social security numbers are ineligible for the federal CARES Act stimulus payments of up to \$1,200 per adult and \$500 for children under 16. Without work authorization, they are also ineligible for the \$600 federal augmentation to the weekly payments under the federal Pandemic Unemployment Assistance program. (See: [Understanding the Impact of Key Provisions of COVID-19 Relief Bills on Immigrant Communities](#), National Immigration Law Center, April 2020.)

² The total amount allocated for the Disaster Relief for Immigrants Project is \$79.8 million, including a new allocation of \$63.3 of Emergency Response for COVID-19 Response and \$16.5 million of Rapid Response Funds. The Rapid Response Fund was established in 2019 to award grants or contracts to entities that provide critical assistance to immigrants during times of need. Seventy-five million dollars will support direct assistance and an estimated \$4.8 million will support program administration through qualified nonprofit organizations.

Privacy Protections: The information provided to the nonprofit organizations, including the operator of the web portal, will only be used to confirm eligibility. The organizations will not provide any personal information (e.g. name, address, etc.) to any government agency as part of this project. The organizations will provide general demographic information (e.g. age, gender, preferred language, etc.) to the CDSS.

Philanthropic Partnership: The Project is designed as part of a public-private collaboration with Grantmakers Concerned with Immigrants and Refugees (GCIR). GCIR's **California Immigrant Resilience Fund** will work alongside the state investment to support regions of California with less nonprofit infrastructure and capacity that may require more administrative flexibility.

Regional Funding Distribution: Below is the proposed regional distribution of the direct assistance funding based on regional estimates of the undocumented population of California and a minimum allocation of \$5 million per region:³

Region	Counties	% of State Undocumented Population	Funding by Region	# of individuals served (@\$500/pp)
Northern California	Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sonoma Tehama, Trinity	3%	\$5,000,000	10,000
Central Valley	Fresno, Kern, Kings, Madera, Mariposa, Merced, Mono, Sacramento, San Joaquin, Stanislaus, Sutter, Tulare, Tuolumne, Yolo, Yuba	13%	\$10,000,000	20,000
Central Coast	Monterey, San Benito, San Luis Obispo, Santa Barbara, Santa Cruz, Ventura	8%	\$5,000,000	10,000
Bay Area	Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Solano	20%	\$15,000,000	30,000
Inland Empire	Inyo, Riverside, San Bernardino	9%	\$7,500,000	15,000
San Diego	Imperial, San Diego	7%	\$5,000,000	10,000
Orange	Orange	9%	\$7,500,000	15,000
Los Angeles	Los Angeles	31%	\$20,000,000	40,000

³ The statewide percentages of the undocumented population in each region are based on the Public Policy Institute's (PPIC) estimates of the undocumented population by county in California. See: [Just the Facts: Undocumented Immigrants in California](#), PPIC, March 2017.

EXHIBIT D

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.
4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.
5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.
8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.
12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The

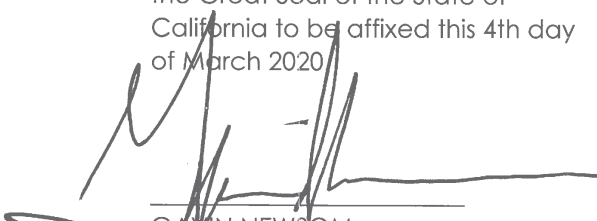
notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.

14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 4th day
of March 2020



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXHIBIT E

April 15, 2020

Honorable Holly Mitchell, Chair
Joint Legislative Budget Committee
Senate Budget and Fiscal Review
Committee

Honorable Phil Ting, Chair
Assembly Budget Committee

Honorable Anthony Portantino, Chair
Senate Appropriations Committee

Honorable Lorena Gonzalez, Chair
Assembly Appropriations Committee

Section 36.00—Department of Social Services, Increase of Emergency Funding for COVID-19 Response

Pursuant to the provisions of Section 36.00, Chapter 2, Statutes of 2020 (SB 89), the following report is respectfully submitted.

Augmentations to the following Budget Act items are needed to provide support to state government and nonprofits to protect the health and safety of Californians and reduce the spread of the COVID-19 outbreak. This letter is notification of a \$50 million increased increment and a second \$26.3 million increased increment to Section 36.00 funds. These funds are to be allocated to the Department of Social Services for these purposes:

- \$63,300,000 to Item 5180-151-0001 to award grants or contracts to community-based nonprofit organizations to provide a one-time disaster cash benefit to assist undocumented immigrants negatively impacted by COVID-19 to deal with the specific needs arising from the COVID-19 pandemic. Services will include but not be limited to outreach, benefit eligibility determination, and benefit distribution.
- \$10,000,000 to Item 5180-141-0001 to implement and administer the federal Pandemic Electronic Benefit Transfer (P-EBT) benefits, which will provide \$1.2 billion in federal food benefits to families with children eligible for free or reduced-price school meals that have been impacted by school facility closures due to COVID-19.
- \$3,005,000 to Item 5180-101-0001 for the following:
 - \$1,846,000 for the Department of Social Services to temporarily extend non-minor dependent foster care payments for youth who would have

otherwise had their payments terminated due to aging out of extended foster care. These resources will help maintain living arrangements and provide food security to avoid homelessness.

- o \$1,159,000 for the Department of Social Services to temporarily provide care and supervision rate flexibility for a foster youth or foster caregiver impacted by COVID 19, such as when there is a need for quarantine or isolation, or to avoid the use of shelter care or other facility settings as a result of COVID-19 placement disruptions.

We concur with the necessity of these changes to the enacted budget and will be approving these augmentations not sooner than 72 hours from the above date.

If you have any questions or need additional information regarding this matter, please contact Yang Lee, Principal Program Budget Analyst, at yang.lee@dof.ca.gov or 916-445-6423.

KEELY MARTIN BOSLER

Director

By:



VIVEK VISWANATHAN

Chief Deputy Director

cc: on following page

cc:Honorable Jim Cooper, Chair, Assembly Budget Subcommittee No. 4
Honorable Kevin McCarty, Chair, Assembly Budget Subcommittee No. 2
Honorable Dr. Joaquin Arambula, Chair, Assembly Budget Subcommittee No. 1
Honorable Anna M. Caballero, Chair, Senate Budget and Fiscal Review
Subcommittee No. 4
Honorable Richard Pan, Chair, Senate Budget and Fiscal Review Subcommittee
No. 3
Honorable Richard Roth, Chair, Senate Budget and Fiscal Review Subcommittee
No. 1
Honorable Jim Nielsen, Vice Chair, Senate Budget and Fiscal Review Committee
Honorable Jay Obernolte, Vice Chair, Assembly Budget Committee
Gabriel Petek, Legislative Analyst (3)
Joe Stephenshaw, Staff Director, Senate Budget and Fiscal Review Committee
Kirk Feely, Budget Fiscal Director, Senate Republican Fiscal Office
Christopher W. Woods, Senate President pro Tempore's Office (2)
Christian Griffith, Chief Consultant, Assembly Budget Committee
Cyndi Hillery, Budget Director, Assembly Republican Caucus, Office of Policy and
Budget
Jayme Chick, Deputy Chief of Staff, Policy, Assembly Republican Leader's Office
Joe Shinstock, Chief Consultant, Assembly Republican Leader's Office
Jason Sisney, Assembly Speaker's Office (2)
Mark McKenzie, Staff Director, Senate Appropriations Committee
Jay Dickenson, Chief Consultant, Assembly Appropriations Committee
Paula Villescaz, Assistant Secretary, Health and Human Services Agency
Kim Johnson, Director, Department of Social Services
Jennifer Troia, Chief Deputy, Department of Social Services
Marcela Ruiz, Director of Equity, Department of Social Services
Salena Chow, Bureau Chief, Department of Social Services

EXHIBIT F

CHAIR
HOLLY J. MITCHELL

SENATE

PATRICIA C. BATES
WILLIAM W. MONNING
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RICHARD PAN
ANTHONY J. PORTANTINO
NANCY SKINNER
VACANT

Joint Legislative Budget Committee

CALIFORNIA LEGISLATURE

LEGISLATIVE ANALYST
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MELISSA A. MELENDEZ
JAY OBERNOLTE
LUZ RIVAS
SHIRLEY N. WEBER

April 18, 2020

Ms. Keely Martin Bosler, Director
Department of Finance
Room 1145, State Capitol
Sacramento, California 95814

Dear Ms. Bosler:

In a letter dated April 15, 2020, you notified the Joint Legislative Budget Committee (JLBC), pursuant to Section 36.00, Chapter 2, Statutes of 2020, of your intention to augment the *2019 Budget Act* to provide support to social service programs serving vulnerable populations during the COVID-19 crisis.

Specifically, Item 5180-151-0001 is augmented by \$63,300,000 for the Department of Social Services (DSS) to provide a one-time disaster cash benefit to assist undocumented immigrants who are experiencing financial hardship as a result of the COVID-19 pandemic.

Second, Item 5180-141-0001 is augmented by a total of \$10,000,000 for DSS to implement and administer the federal Pandemic Electronic Benefit Transfer (P-EBT) benefits, which will provide up to \$1.2 billion in federal food benefits to families with children eligible for free or reduced-price school meals that have been impacted by school facility closures due to COVID-19.

Lastly, Item 5180-101-0001 is augmented by a total of \$3,005,000 for DSS to support foster youth programs, including \$1,846,000 to temporarily extend payments to foster youth who would have otherwise aged out of extended foster care (EFC), and \$1,159,000 to help provide temporary locations to accommodate physical distancing or quarantine for foster youth who have been or could be exposed to COVID-19.

1020 N STREET, SUITE 553
SACRAMENTO, CALIFORNIA 95814
(916) 651-1891

The COVID-19 outbreak is a public health crisis that has caused a significant downturn in California's economy, increasing the demand on our social safety net system. Given the critical need to help vulnerable communities, I concur with the spending request.

I am very appreciative of the Administration's efforts to help address the needs of families that do not qualify for federal assistance programs, including displaced undocumented working families. The economic fallout from the COVID-19 epidemic is hitting the undocumented community particularly hard and a one-time disaster cash benefit will help lessen the impact on these families. I want to ensure that California is doing as much as it can and respectfully request that the Administration provide the JLBC with information about the implementation of this program including how the department selected the community-based organizations (CBOs) to administer the cash grants, how the money was distributed, the number of people who applied and how many individuals received the cash awards. I know that undocumented residents are under significant financial distress at this time and request that the department work with the CBOs to provide the Legislature with information, statistical and anecdotal, regarding the need for additional assistance. I applaud the Administration for considering creative ways to provide assistance to communities throughout the state and request that DSS provide the JLBC with the plan it has developed to work with philanthropic organizations to expand the reach of these cash grants.

Additionally, I am extremely supportive of the federal Pandemic Electronic Benefit Transfer (P-EBT) benefits and request that the Administration inform the JLBC when the state plan has been approved and when the implementation of the federal benefit begins.

Finally, your actions to date recognize the challenges facing our foster youth. I remain concerned about the impact that the COVID-19 crisis is having on former foster youth, including those who recently aged out of EFC. I urge DSS to work with the counties to develop a plan to identify and check on this population to ensure they are getting the services they need, especially as it pertains to housing and health care.

Sincerely,

A handwritten signature in black ink that reads "H. Mitchell". The signature is written in a cursive, slightly stylized font.

Holly J. Mitchell
Chair

cc: Members of the Joint Legislative Budget Committee

EXHIBIT G

DECLARATION RE: TRANSCRIPT

I, Robert Patrick Sticht, declare:

1. I am an attorney duly admitted to practice law before the courts of the State of California and the attorney of record for the petitioners in this action. I am making this declaration pursuant to Rule 8.486(b)(3) of the California Rules of Court and in support of a petition for a writ of mandate before the court of appeals. I have personal knowledge of the facts contained in this declaration, and if called as a witness could, and would, competently testify to those facts.

2. A reporter's transcript of the oral proceedings that resulted in the ruling under review is unavailable because the proceedings were not reported. A summary of the proceedings follows.

3. Petitioners' complaint against Real Parties In Interest for declaratory and injunctive relief was filed on April 29, 2020. On May 4, 2020, Petitioners filed an *ex parte* application for temporary restraining order and order to show cause regarding preliminary injunction in this matter. The *ex parte* was heard on May 5, 2020 at 8:30 a.m. in Department 1 of the Civil Division of the Superior Court of Los Angeles County. I appeared in person. Opposing counsel, Anna Ferrari, Deputy Attorney General, appeared by telephone.

4. It took the court's staff approximately 35 minutes to organize the morning's session because, as one clerk said, it was an "extremely heavy calendar."

5. The Honorable Samantha P. Jessner took the bench

at approximately 9:05 a.m. She identified herself as the head of the civil division and stated that she was covering for many departments due to limited court operations at the present time. Judge Jessner continued two matters to 1:30 p.m., and said it was a “very, very heavy day” with several matters at 8:30 a.m. and one matter at 10:30 a.m.

6. The clerk then called this case. I stated my appearance for the plaintiffs. The judge confirmed that Ms. Ferrari was on the telephone.

7. Judge Jessner began the proceeding by identifying and summarizing her understanding first of the moving papers filed by the plaintiffs and next the opposition papers filed by the defendants and, in particular, plaintiffs’ memorandum and defendants’ opposition memorandum. I believed the judge fairly summarized plaintiffs’ memorandum. I noted no objection by Ms. Ferrari to the judge’s summary of defendants’ opposition memorandum.

8. Judge Jessner then heard my oral argument and then Ms. Ferrari’s oral argument. My argument emphasized preserving the status quo because the expenditure at issue on its face clearly violates 8 U.S.C. § 1621(a) and clearly does not fall within the section 1621(d) exception, and, under those circumstances, issuing a temporary restraining order pending a full preliminary injunction hearing does little harm to the public officials involved, who chose to ignore the express terms of section 1621(d), whereas the injury to the public would be substantial and irreparable if a temporary restraining order was denied

because \$79.8 million of taxpayers' funds would be completely dissipated by public officials who are acting unlawfully.

9. I then addressed the arguments made by the defendants in their opposition memorandum and highlighted by the judge in her summary of that memorandum as follows:

a. Regarding holding this matter in abeyance pending a final determination in *Benitez v. Newsom et al.* (S261804), a citizen petition for writ of mandate filed with the California Supreme Court on April 22, 2020, plaintiffs opposed that argument because, although *Benitez* challenged the same illegal expenditure at issue in this action, the legal theories were materially different in that *Benitez* challenged the expenditure on the theory it violates the California Constitution, Article XVI, § 3, and plaintiffs in this action sued directly under 8 U.S.C. § 1621. Furthermore, it was impossible to predict when the Court would act on the petition in *Benitez*.¹

b. Regarding the defendants' argument that the taxpayer standing statute, Cal. Code Civ. Proc. § 526a, does not extend to prejudgment injunctive relief, in the case cited by the defendants, *White v. Davis*, 30 Cal. 4th 528 (2003), the California Supreme Court, after reviewing *Cohen v. Board of Supervisors of City & County of San Francisco*, 178 Cal. App. 3d 447 (1986), also cited by defendants, expressly stated it need not reach the question "whether interim harm to a taxpayer's interest is ever in itself sufficient to justify a preliminary injunction," and indeed

¹ This argument is now moot as the Court summarily denied the petition on May 6, 2020.

acknowledged “there may be some circumstances in which granting a preliminary injunction might be warranted in a taxpayer action” and gave one example. *Id.* at 557.²

c. Regarding the defendants’ argument that the two legislative enactments at issue – SB 80 and SB 89 – affirmatively provide eligibility for unlawfully present aliens to receive the direct cash benefits at issue, plaintiffs’ memorandum anticipated and directly addressed that argument in some detail. Regarding interpreting 8 U.S.C. § 1621, the following additional rules of statutory construction were argued to the judge, and supplemental briefing was offered to flesh them out:

i. Defendants’ interpretation of section 1621(d), altering the requirement for an explicit authorization of benefits by the legislature, if accepted, would read the words “affirmatively provide” out of the statute;

ii. Defendants’ interpretation of section 1621(d), lessening the requirement that eligibility for benefits be established by state legislative action, also would read the words “only through the enactment of a State law” out of the statute;

iii. If Congress wanted to authorize states to make unlawfully present aliens eligible for public benefits by issuing administrative rules, regulations, or policies, it obviously could have said so in the statute. The word “only” indicates

² Of course, as the Supreme Court emphasized, the *Cohen* line of appellate cases involved purely taxpayer actions, and the plaintiffs relied solely upon their interests as taxpayers in claiming irreparable harm from improper expenditures of public funds. Petitioners in this matter rely upon their interests both as taxpayers and citizens.

Congress' intent to exclude other governmental actions, and the words "enactment of a State law" indicates Congress meant legislative action;

iv. Defendants' interpretation of section 1621(d), disregarding the requirement that eligibility for benefits be established by state legislative action only, also would impermissibly add words that are not present in the statute, and Cal. Code Civ. Proc. § 1858 was cited. Section 1621 does not say "State law or administrative rule, regulation or policy." It says "State law;"

v. Sections 1624 and 1625 further demonstrate that the omission of any qualifiers to "State law" in section 1621 was intentional on Congress' part. Sections 1621, 1624, and 1625 are in the same subsection of Title 8, Chapter 14. Section 1625 provides that "a State *or political subdivision of a State*" is authorized to require an applicant for public benefits to provide proof of eligibility. Similarly, section 1624 grants "a State *or political subdivision of a State*" authority to prohibit or restrict eligibility of aliens for cash public assistance furnished under the law of the State or political subdivision of the State.

10. Ms. Ferrari argued next. She presented the following arguments:

- a. The status quo is 2019 and SB 80;
- b. A higher standard should apply to plaintiffs' application based on *Cohen* and Code Civ. Proc. § 526a, which provides injunctive relief;
- c. Regarding statutory construction,

i. the Rapid Response Program established by SB 80 and, in particular, Welf. and Inst. Code § 13401, is not limited to the in-kind benefits specified in section 13401(3), nor does it prohibit cash benefits;

ii. in section 13403, the legislature declares the program is a state law that provides assistance to undocumented persons within the meaning of 8 U.S.C. § 1621(d). That declaration would not have been necessary if the program was limited to in-kind benefits because 8 U.S.C. § 1621(b) authorizes in-kind benefits;

iii. SB 89 simply added funds to an existing program established by SB 80.

d. Regarding defendants' abeyance argument, *Benitez* and this case are not materially different.

11. Following oral argument, Judge Jessner posed three questions to Ms. Ferrari:

a. Question: Any insight on the timing at the California Supreme Court in *Benitez*?

Answer: No;

b. Question: Is there a date when the program becomes operational?

Answer: No benefits flow before May 18, 2020;

c. Question: Are defendants holding off waiting for the Supreme Court's decision in *Benitez*?

I do not recall the answer given.

12. Judge Jessner also posed a question to me. She asked if plaintiffs' position would change if a preliminary

injunction hearing could not be set before July due to the court's closure under its emergency policy. This question was apparently prompted by my suggesting a hearing in 15 days. My answer was no.

13. The judge then asked both counsel if they submitted the matter based on their legal papers and oral argument. Both counsel said yes.

14. Judge Jessner then announced her ruling. She said she was denying the requested relief for the reasons provided in the defendants' opposition memorandum. The judge wanted to "emphasize" two points as follows:

a. There must be a significant showing of irreparable harm, as opposed to a general assertion not supported by evidence. Plaintiffs' argument does not rise to the case law involving a public entity; and

b. Defendants' argument about how SB 80 and SB 89 came into existence and how the court should read the Welfare and Institutions Code and section 1621 were persuasive to the court.

The judge then concluded, saying, there's a likelihood of success on the merits, but when she weighs the harm in this pandemic – and here she quoted Ms. Ferrari's words "extraordinary circumstances" – there's more harm to the aliens / undocumented persons than already existing. The same harm is not shown by the taxpayers.

15. A true and correct copy of the lower court's minute order dated May 5, 2020 is included in the exhibits to this

petition.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 14, 2020, at Los Angeles, California.

A handwritten signature in blue ink, reading "Robert Patrick Sticht", followed by a period. The signature is written in a cursive style.

ROBERT PATRICK STICHT


PROOF OF ELECTRONIC SERVICE (Court of Appeal)	
Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read <i>Information Sheet for Proof of Service (Court of Appeal)</i> (form APP-009-INFO) before completing this form.	
Case Name: Cerletti et al v Newsom et al Court of Appeal Case Number: Superior Court Case Number: 20STCV16321	

1. At the time of service I was at least 18 years of age.
2. a. My ☐ residence ☒ business address is (*specify*):
425 Third Street SW, Suite 800, Washington DC 20024
- b. My electronic service address is (*specify*): rsticht@judicialwatch.org
3. I electronically served the following documents (*exact titles*):
Petition for Writ of Mandate
4. I electronically served the documents listed in 3. as follows:
 - a. Name of person served: Anna Ferrari
On behalf of (*name or names of parties represented, if person served is an attorney*):
Gavin Newsom, in his official capacity as Governor of the State of California and Kim Johnson, in her official capacity as Director of the Department of Social Services
 - b. Electronic service address of person served: anna.ferrari.doj.ca.gov
 - c. On (*date*): May 14, 2020
- ☐ The documents listed in 3. were served electronically on the persons and in the manner described in an attachment (*write "APP-009E, Item 4" at the top of the page*).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 14, 2020

Robert Patrick Sticht
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)


(SIGNATURE OF PERSON COMPLETING THIS FORM)

PROOF OF SERVICE (Court of Appeal) <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Personal Service	
Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read <i>Information Sheet for Proof of Service (Court of Appeal)</i> (form APP-009-INFO) before completing this form. Do not use this form for proof of electronic service. See form APP-009E.	
Case Name: Cerletti et al v Newsom et al Court of Appeal Case Number: Superior Court Case Number: 20STCV16321	

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My ☐ residence ☒ business address is (*specify*):
425 Third Street SW, Suite 800, Washington DC 20024
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):
Petition for Writ of Mandate
 - a. ☒ **Mail.** I mailed a copy of the document identified above as follows:
 - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
 - (a) ☒ **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
 - (b) ☐ **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
 - (2) Date mailed: May 14, 2020
 - (3) The envelope was or envelopes were addressed as follows:
 - (a) Person served:
 - (i) Name: Honorable Samantha Jessner, for Respondent Superior Court of Los Angeles County
 - (ii) Address:
Los Angeles County Superior Court
Department 1
111 N Hill Street, Los Angeles CA 90012
 - (b) Person served:
 - (i) Name:
 - (ii) Address:
 - (c) Person served:
 - (i) Name:
 - (ii) Address:

☐ Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).

- (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state): Los Angeles CA

Case Name: Cerletti et al v Newsom et al	Court of Appeal Case Number:
	Superior Court Case Number: 20STCV16321

3. b. ☐ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(2) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

☐ Names and addresses of additional persons served and delivery dates and times are listed on the attached page (*write "APP-009, Item 3b" at the top of the page*).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 14, 2020

Robert Patrick Sticht

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)


(SIGNATURE OF PERSON COMPLETING THIS FORM)