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**Appearance Pro Hac Vice*

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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION**

SAN FRANCISCO AIDS FOUNDATION,
et al.;

Plaintiffs,

v.

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

Defendants.

Case No. 4:25-cv-1824-JST

**SECOND STIPULATED REQUEST
 FOR LEAVE TO SUPPLEMENT
 RECORD IN SUPPORT OF
 PLAINTIFFS' MOTION FOR A
 PRELIMINARY INJUNCTION;
 [PROPOSED] ORDER**

1 Pursuant to Civil Local Rules 6-2 and 7-12, the Plaintiffs, with consent of the Defendants,
2 seek leave for Plaintiffs to supplement further the record in support of their pending Motion for
3 Preliminary Injunction (ECF No. 47) with supplemental declarations concerning alleged actions that
4 have occurred after the prior supplemental declarations that were filed on April 7, 2025 (ECF Nos.
5 56-58). Defendants do not oppose. Plaintiffs further state:

6 1. The Parties previously discussed but failed to reach an agreement for an interim
7 voluntary stay of any grant and contract termination actions by the government directed at or
8 implicating the Plaintiffs until the hearing on the pending Motion for Preliminary Injunction,
9 currently scheduled for 2:00 p.m. PDT, Thursday, May 22, 2005.

10 2. In late March and early April 2025, some Plaintiffs began receiving or learning of
11 grant termination notices issued by the government after the Motion for Preliminary Injunction was
12 filed.

13 3. Prior to the government's deadline to file its opposition to the motion, Defendants'
14 counsel agreed that Plaintiffs could file supplemental declarations on April 7 concerning these
15 notices, and Plaintiffs did so with leave of Court.

16 4. As of April 18, the motion was fully briefed and awaiting hearing.

17 5. On April 25, Plaintiffs' Counsel advised Counsel for Defendants that the
18 government has continued to take actions that Plaintiffs believe relate to implementation of the
19 Executive Orders at issue in this case—and are doing so at an ever-increasing rate—and that
20 Plaintiffs expect that the government's conduct will continue throughout the weeks leading up to
21 the hearing.

22 6. Considering these evolving events, Plaintiffs' Counsel notified Defendants' Counsel
23 that they intend to prepare supplemental declarations to update the record for the Court prior to the
24 hearing and would like to reach an agreement to do so in a fair and orderly manner.

25 THEREFORE, the Parties have agreed to the following stipulated relief, subject to leave of
26 Court:

27 Counsel for Plaintiffs may update the record by filing a second set of supplemental
28

1 declarations concerning notice and termination events affecting the Plaintiffs that have occurred
2 after the filing of the first supplemental declarations on April 7, 2025.

3 The second set of supplemental declarations shall be filed on the docket simultaneously
4 no later than 5:00 p.m. PDT on Friday, May 16, 2025.

5 Plaintiffs will not file any additional argument concerning the declarations.

6
7 THE PARTIES SO STIPULATE AND RESPECTFULLY REQUEST that the Court grant
8 Plaintiffs leave to file, on or before Friday, May 16, 2025, a second set of supplemental declarations
9 concerning notice and termination events affecting the Plaintiffs that have occurred after the filing
10 of the first supplemental declarations on April 7, 2025.

11 DATED: April 30, 2025.

Respectfully submitted,

12 /s/ Kenneth D. Upton, Jr.
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Attorneys for Federal Defendants

ATTESTATION

In compliance with Civil L.R. 5-1(i)(3), I attest that I have obtained concurrence in the filing of this document from each of the other signatories.

Dated: April 30, 2025.

By: /s/ Kenneth D. Upton, Jr.

KENNETH D. UPTON, JR
Counsel for Plaintiffs.

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NORTHERN DISTRICT OF CALIFORNIA
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SAN FRANCISCO AIDS FOUNDATION, et
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Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
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Defendants.

Case No. 4:25-cv-1824-JTS

**DECLARATION OF KENNETH D.
UPTON, JR. IN SUPPORT OF
SECOND STIPULATED REQUEST TO
SUPPLEMENT RECORD**

I, KENNETH D. UPTON, JR., declare as follows.

1. I am Senior Counsel with Lambda Legal Defense and Education Fund, Inc., I am counsel of record for the plaintiffs, and I am authorized to make this declaration in support of the Parties' Stipulated Request for Leave to Supplement the Record. The following statements are within the scope of my personal knowledge and if called upon to do so, I could and would testify competently to the same.

DECLARATION OF KENNETH D. UPTON, JR. IN SUPPORT OF SECOND
STIPULATED REQUEST FOR LEAVE TO SUPPLEMENT RECORD
Case No. 4:25-cv-1824-JTS

3. That same day, Pardis Gheibi, Counsel for Defendants, responded. She agreed to stipulate that Plaintiffs may file a second set of supplemental declarations as long as they are filed by the end of the day on May 16. This would allow Defendants' Counsel time to review the materials, coordinate with their clients, and (potentially) move to file a responsive filing on the docket in time for Plaintiffs' Counsel and the Court to review before the hearing. She further indicated they may not file anything at all but wanted to budget enough time for one.

I declare under penalty of perjury according to the laws of the United States that the foregoing is true and correct.

/s/ Kenneth D. Upton, Jr.
Kenneth D. Upton, Jr.
Counsel for Plaintiffs

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Plaintiffs are granted leave to supplement the record in support of their Motion for Preliminary Injunction (ECF No. 47) with additional declarations, to be filed on or before 5:00 p.m. PDT on Friday, May 16, 2025, describing events that have occurred after the Supplemental Declarations were filed on April 7, 2025 (ECF Nos. 56 – 58).

DATED: _____

THE HONORABLE JON S. TIGAR
United States District Judge