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18	UNITED STATES D	ISTRICT COURT
19	NORTHERN DISTRIC	
	OAKLAND 1	DIVISION
20	SAN FRANCISCO AIDS FOUNDATION,	Case No. 4:25-cv-1824-JST
21	et al.;	
22	Plaintiffs,	SECOND STIPULATED REQUEST FOR LEAVE TO SUPPLEMENT
		RECORD IN SUPPORT OF PLAINTIFFS' MOTION FOR A
23	V.	PRELIMINARY INJUNCTION;
24	DONALD J. TRUMP, in his official capacity as President of the United States, <i>et al.</i> ;	[PROPOSED] ORDER
25	Trestación or time crimica states, et um,	
	Defendants.	
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SECOND STIPULATED REQUEST FOR LEAVE TO SUPPLEMENT RECORD; [PROPOSED] ORDER; Case No. 4:25-cv-1824-JST

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

- 1. The Parties previously discussed but failed to reach an agreement for an interim voluntary stay of any grant and contract termination actions by the government directed at or implicating the Plaintiffs until the hearing on the pending Motion for Preliminary Injunction, currently scheduled for 2:00 p.m. PDT, Thursday, May 22, 2005.
- 2. In late March and early April 2025, some Plaintiffs began receiving or learning of grant termination notices issued by the government after the Motion for Preliminary Injunction was filed.
- 3. Prior to the government's deadline to file its opposition to the motion, Defendants' counsel agreed that Plaintiffs could file supplemental declarations on April 7 concerning these notices, and Plaintiffs did so with leave of Court.
  - 4. As of April 18, the motion was fully briefed and awaiting hearing.
- On April 25, Plaintiffs' Counsel advised Counsel for Defendants that the 5. government has continued to take actions that Plaintiffs believe relate to implementation of the Executive Orders at issue in this case—and are doing so at an ever-increasing rate—and that Plaintiffs expect that the government's conduct will continue throughout the weeks leading up to the hearing.
- 6. Considering these evolving events, Plaintiffs' Counsel notified Defendants' Counsel that they intend to prepare supplemental declarations to update the record for the Court prior to the hearing and would like to reach an agreement to do so in a fair and orderly manner.
- THEREFORE, the Parties have agreed to the following stipulated relief, subject to leave of Court:

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

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 Respectfully submitted, DATED: April 30, 2025. 12 /s/ Kenneth D. Upton, Jr. KENNETH D. UPTON, JR\* 13 kupton@lambdalegal.org CÁMILLA B. TAYLOR\* 14 ctaylor@lambdalegal.org LAMBĎA LEGAĽ DEFĚNSE AND 15 EDUCATION FUND, INC. 3656 North Halsted Street 16 Chicago, Illinois 60613-5974 Telephone: (312) 663-4413 17 18 JENNIFER C. PIZER (SBN 152327) jpizer@lambdalegal.org 19 PELECANOS\* pelecanos@lambdalegal.org 20 LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. 21 800 South Figueroa Street, Suite 1260 Los Angeles, California 90017-2521 22 Telephone: (213) 382-7600 23 JOSE ABRIGO\* jabrigo@lambdalegal.org 24 OMAR GONZALEZ-PAGAN\* ogonzalez-pagan@lambdalegal.org 25 LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. 26 120 Wall Street, 19th Floor New York, New York 10005-3919 27 Telephone: (212) 809-8585 28

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17			Attorneys for Federa		
18					
19		<b>ATTES</b>	<b>TATION</b>		
20	In compliance with Civil I	L.R. 5-1(i)(3). I	attest that I have obta	nined concurrence in the filing	
21	of this document from each of the other signatories.				
22	Dated: April 30, 2025.	By:	<u>/s/ Kenneth D. Upto</u>	n, Jr.	
23			KENNETH D. UPT Counsel for Plaintif	ON, JR fs.	
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	SECOND STIPULATED REQUEST FOR LEAVE TO SUPPLEMENT RECORD; [PROPOSED] ORDER; Case No. 4:25-cv-1824-JST				

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10	Telephone: (212) 809-8585	*Appearance Pro Hac Vice		
11	Counsel for Plaintiffs			
12	UNITED STATES I	DISTRICT COURT		
13	NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION			
14	SAN FRANCISCO AIDS FOUNDATION, et	Case No. 4:25-cv-1824-JTS		
15	al.;  Plaintiffs,	DECLARATION OF KENNETH D.		
16	T tatmiys,	UPTON, JR. IN SUPPORT OF		
17	V.	SECOND STIPULATED REQUEST TO SUPPLEMENT RECORD		
18	DONALD J. TRUMP, in his official capacity as President of the United States, et al.			
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21	I, KENNETH D. UPTON, JR., declare as follows.			
22	1. I am Senior Counsel with Lambda Legal Defense and Education Fund, Inc., I am			
23	counsel of record for the plaintiffs, and I am authorized to make this declaration in support of the			
24	Parties' Stipulated Request for Leave to Supplement the Record. The following statements are			
25	within the scope of my personal knowledge and if called upon to do so, I could and would testify			
26	competently to the same.			
27				
28	DECLARATION OF KENNETH D. UPTO STIPULATED REQUEST FOR LEAVE TO Case No. 4:25-cv-1824-JTS			

- 1. On April 25, 2025, I reached out to Counsel for Defendants to advise them I had learned that the government continues to take actions that we believe relate to implementation of the Executive Orders at issue in the case and is doing so at an ever-increasing rate. These are actions that have taken place since Plaintiffs filed Supplemental Declarations on April 7, 2025, in support of their pending Motion for Preliminary Injunction. Plaintiffs also expect that the government's conduct will continue throughout the weeks leading up to the hearing.
- 2. I explained that, considering these evolving events, Plaintiffs intend to prepare supplemental declarations to update the record for the Court prior to the hearing set for May 22, 2025, and would like to do so in a fair and orderly manner by filing a set of second supplemental declarations concerning notice and termination events affecting our clients received or learned of after the last supplemental declarations were filed.
- 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.
- 4. Based on this agreement, the parties submit the attached stipulated order for the Court's approval.

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

Executed this 30th day of April 2025, at Chicago, Illinois.

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

## [PROPOSED] ORDER

1	[PROPOSED] ORDER		
2	PURSUANT TO STIPULATION, IT IS SO ORDERED.		
3	Plaintiffs are granted leave to supplement the record in support of their Motion for Preliminary		
4	Injunction (ECF No. 47) with additional declarations, to be filed on or before 5:00 p.m. PDT on		
5	Friday, May 16, 2025, describing events that have occurred after the Supplemental Declarations were		
6	filed on April 7, 2025 (ECF Nos. 56 – 58).		
7	DATED:		
8			
9	THE HONORABLE JON S. TIGAR		
10	United States District Judge		
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STIPULATED REQUEST FOR SECOND LEAVE TO SUPPLEMENT RECORD; [PROPOSED] ORDER, Case No. 4:25-cv-1824-JST

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