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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

CITY OF SAN JOSE, CALIFORNIA, et al.,

Plaintiffs,

v.

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

Defendants.

STATE OF CALIFORNIA, et al.,

Plaintiffs,

v.

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

Defendants.

Case No. 5:20-cv-05167-LHK-RRC-EMC
Case No. 5:20-cv-05169-LHK-RRC-EMC

**DECLARATION OF SHANNON D. LANKENAU IN SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT AND IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION FOR PARTIAL SUMMARY JUDGMENT**

Date: October 8, 2020
Time: 1:30 p.m.
Place: Courtroom 8, 4th Floor
Judge: Honorable Richard R. Clifton
Honorable Lucy H. Koh
Honorable Edward M. Chen

I, Shannon D. Lankenau, declare as follows:

1. I am an active member of the State Bar of California, a member in good standing of the Bar of this Court, an associate at Latham & Watkins LLP, and counsel for Plaintiffs in the above-titled action. I make this declaration in support of Plaintiffs' Reply in Support of Motion for Partial Summary Judgment and in Opposition to Defendants' Motion to Dismiss, or in the Alternative, Motion for Partial Summary Judgment. I have personal, first-hand knowledge of the matters set forth below and, if called as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of Defendants' Memorandum of Law in Support of Their Motion for Stay of Judgment Pending Appeal, *State of New York, et al. v. Donald J. Trump, et al.*, Case No. 20-cv-5770 (ECF No. 172), dated September 16, 2020 in the Southern District of New York.

3. Attached hereto as Exhibit B is a true and correct copy of the Order to Produce the Administrative Record, *National Urban League et al. v. Wilbur L. Ross, et al.*, Case No. 20-cv-05799 (ECF No. 96), dated September 10, 2020 in the Southern District of New York.

4. Attached hereto as Exhibit C is a true and correct copy of the Hearing Transcript, *State of New York, et al. v. Donald J. Trump, et al.*, Case No. 20-cv-5770, dated September 3, 2020 in the Southern District of New York.

5. Attached hereto as Exhibit D is a true and correct copy of excerpts of Congressional Globe, 39th Congress, First Session, dated January 22, 1866.

6. Attached hereto as Exhibit E is a true and correct copy of the Declaration of Jennifer Mendelsohn, *State of New York, et al. v. Donald J. Trump, et al.*, Case No. 20-cv-5770 (ECF No. 149-2), dated August 25, 2020 in the Southern District of New York.

7. Attached hereto as Exhibit F is a true and correct copy of excerpts of volume 71 – part 2 of the Congressional Record (pages 2065, 2078-83, 1958, and 1592), dated May 13 to June 3, 1929.

8. Attached hereto as Exhibit G is a true and correct copy of House Joint Resolution 351, 71st Congress, dated February 13, 14, and 18, 1929.

9. Attached hereto as Exhibit H is a true and correct copy of Senate Report No. 2, 71st Congress, First Session, dated April 23, 1929.

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

Executed on: September 21, 2020

LATHAM & WATKINS LLP

By: /s/ Shannon D. Lankenau
Shannon D. Lankenau

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