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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

SERVICE EMPLOYEES INTERNATIONAL UNION, AFL-CIO, et al., Plaintiffs, v. UNITED STATES DEPARTMENT OF JUSTICE, et al., Defendants.	Case No. 3:26-cv-12800-TLT **STATEMENT OF DEFENDANTS' INTENT PER COURT'S NOVEMBE 2, 2026 ORDER** The Honorable Trina L. Thompson United States District Judge

Defendants maintain that this Court lacks jurisdiction over those matters addressed by the October 30, 2026 injunctive order, as jurisdiction over those issues has been transferred to the Ninth Circuit by virtue of Defendants' appeal. *See SEIU v. DOJ*, --- F.4th ----, No. 26-7303, 2026 WL 3319132, at *1 n. ‡ (9th Cir. Nov. 3, 2026) (*en banc* court reinstating panel order) (citing *Davis v. United States*, 667 F.2d 822, 824 (9th Cir. 1982) ("The filing of a notice of appeal generally divests the district court of jurisdiction over the matters appealed."). Without waiving their position regarding the Court's jurisdiction, Defendants intend to offer new evidence and arguments in a supplemental brief to be filed on or before the Court's deadline of 5:00 p.m. on Monday, November 9.

Dated: November 4, 2026

Respectfully submitted,

CRAIG H. MISSAKIAN
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/s/ Kenneth J. Kao
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