I	Case 3:25-cv-03372	Document 1	Filed 04/16/25	Page 1 of 23
1	Rob Bonta			
2	Attorney General of California THOMAS S. PATTERSON	l		
3	Senior Assistant Attorney Gen LARA HADDAD	eral		
4	Supervising Deputy Attorney (SHIWON CHOE (SB 320041)	General		
5	Carolyn F. Downs (SB 3534 Zelda Vassar (SB 313789)	55)		
6	Deputy Attorneys General 455 Golden Gate Avenue, Su	uite 11000		
7	San Francisco, CA 94102-70 Telephone: (415) 510-4400)04		
8	Fax: (415) 703-5480 E-mail: Zelda.Vassar@doj.c	a.gov		
9	Attorneys for Plaintiffs State o Gavin Newsom, in his official	f Čalifornia and	ernor	
10	of California			
11	IN TH	HE UNITED STA	ATES DISTRICT	COURT
12	FOR THI	E NORTHERN I	DISTRICT OF CA	ALIFORNIA
13				
14				
15	STATE OF CALIFORNIA a NEWSOM, in his official cap		Case No. 25-c	V
16	Governor of California,			T FOR DECLARATORY
17		Plaintiffs	, AND INJUN	CTIVE RELIEF
18	v.			
19	DONALD J. TRUMP, in his		y	
20	as President of the United St NOEM, in her official capaci	ity as Secretary		
21	of Homeland Security; DEPA HOMELAND SECURITY; 1	PETE R.		
22	FLORES, in his official capa Commissioner for U.S. Custo	oms and Border		
23	Protection; and U.S. CUSTO BORDER PROTECTION,	OMS AND		
24		Defendants		
25				
26				
27				
28				

1 **INTRODUCTION** 2 1. President Donald J. Trump has launched an unprecedented tariff regime by relying on 3 the International Economic Emergency Powers Act (IEEPA) and a purported national emergency 4 arising from persistent trade deficits. 5 2. In just the last two weeks, President Trump has imposed a universal 10% tariff on 6 virtually all imported goods and sweeping "reciprocal" tariffs on dozens of countries, before 7 pausing the reciprocal tariffs for 90 days, and then increasing retaliatory tariffs on China to 145% 8 in response to its countermeasures. 9 3. President Trump also invoked IEEPA and a purported national emergency arising 10 from the trafficking of drugs and persons to impose, then pause, then re-impose, and then 11 partially exempt, tariffs of up to 25% on Canada and Mexico, all in just over a month in February 12 and March 2025. 13 4. Tariffs, however, are not among the numerous actions that IEEPA authorizes the 14 President to take under a declared emergency; indeed, the word "tariff" does not appear in the 15 relevant statute at all. See 50 U.S.C. § 1702. And no President has previously relied on IEEPA to 16 impose tariffs in the half a century since its enactment. 17 5. The United States Constitution vests the authority to impose tariffs in Congress, see 18 U.S. Const. art. I, § 8, and Congress has enacted numerous statutes delegating tariff authority to 19 the President that expressly authorize imposition of tariffs, generally following required process 20 and notice. 21 Rather than comply with the process and notice requirements set forth in those 6. 22 statutes, President Trump issued over a dozen executive orders invoking IEEPA, under the view 23 that IEEPA grants him unilateral authority to impose unprecedented tariffs. 24 7. President Trump's new tariff regime has already had devastating impacts on the 25 economy, creating chaos in the stock and bond markets, wiping out hundreds of billions of dollars 26 in market capitalization in hours, chilling investment in the face of such consequential 27 Presidential action with no notice or process, and threatening to push the country into recession. 28 These harms will only continue to grow, as President Trump's tariffs are projected to shrink the 1

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economy by \$100 billion annually.¹

2 8. As the fifth largest economy in the world, the State of California, along with its 3 residents and small businesses, is directly harmed by the tariffs. All will face higher costs due to 4 the 10% universal tariffs now in effect on virtually all imported goods and the substantial 5 additional tariffs imposed on Chinese, Mexican, and Canadian goods, with even higher costs 6 threatened by the still-looming reciprocal tariffs. And certain industries and businesses, including 7 agriculture and entertainment, now face retaliatory tariffs imposed by China and threatened by 8 other countries.

9 9. Under our constitutional system, the President may not rule by fiat. Instead, "[t]he 10 President's power, if any, to issue [an] order must stem either from an act of Congress or from the 11 Constitution itself." Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 585 (1952).

12 10. And where the economic and political significance is as staggering, and the power 13 asserted is so novel and transformative as it is with the unprecedented tariffs that President Trump 14 has imposed here, the President must have "clear congressional authorization" to justify his 15 executive actions. Biden v. Nebraska, 600 U.S. 477, 506 (2023).

16 IEEPA provides no such clear congressional authorization for President Trump's 11. 17 tariffs, nor the vast expansion of Presidential power to tax all goods entering the United States on 18 a whim.

19 12. Through this action, the State of California and California Governor Gavin Newsom 20 seek declaratory and injunctive relief to block the tariffs imposed by President Trump pursuant to 21 IEEPA because they are not authorized by that statute.

22

JURISDICTION, VENUE, AND INTRADISTRICT ASSIGNMENT

23

This Court has jurisdiction under 28 U.S.C. § 1331 (action arising under the 13.

- 24 Constitution or laws of the United States). An actual controversy exists between the parties
- 25 within the meaning of 28 U.S.C. § 2201(a), and the Court may grant declaratory relief, injunctive
- 26

¹ Where We Stand: The Fiscal, Economic, and Distributional Effects of All U.S. Tariffs Enacted 27 in 2025 Through April 2, THE BUDGET LAB AT YALE UNIV. (Apr. 2, 2025), https://budgetlab. yale.edu/research/where-we-stand-fiscal-economic-and-distributional-effects-all-us-tariffs-28 enacted-2025-through-april.

relief, and other relief against Defendants pursuant to 28 U.S.C. §§ 2201–02 and the Court's
 equitable powers.

3 14. Venue is proper in this District under 28 U.S.C. § 1391(e) because this is a judicial
4 district in which the State of California resides.

5 15. Under Civil Local Rules 3-2(c) and 3-5(b), Plaintiffs allege that there is no basis for
6 assignment of this action to any particular location or division of this Court.

PARTIES

8 16. Plaintiff State of California, by and through Attorney General Rob Bonta, brings this 9 action as a sovereign state in the United States of America. The Attorney General is the chief law 10 officer of the State and has the authority to file civil actions in order to protect public rights and 11 interests. Cal. Const. art. V, § 13; Cal. Gov't Code § 12511. This challenge is brought under the 12 Attorney General's independent constitutional, statutory, and common-law authority to bring suit 13 and obtain relief on behalf of the State.

14 17. Plaintiff Gavin Newsom is the Governor of California. Governor Newsom brings this15 challenge in his official capacity.

16 18. Defendant Donald J. Trump is the President of the United States. He is sued in his17 official capacity.

18 19. Defendant Kristi Noem is the Secretary of Homeland Security. She is sued in her19 official capacity.

20 20. Defendant Department of Homeland Security (DHS) is an independent federal
21 agency.

22 21. Defendant Pete R. Flores is the Acting Commissioner for U.S. Customs and Border
23 Protection (CBP). He is sued in his official capacity.

22. Defendant U.S. Customs and Border Protection is an independent federal agency.

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25 23. Defendants Noem, DHS, Flores, and CBP are collectively referred to as Agency
26 Defendants.

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1	FACTUAL BACKGROUND
2	I. No President Has Ever Imposed Tariffs Under IEEPA in Its Near-Half-Century
3	History—Until President Trump Cited IEEPA to Unilaterally Issue Over a Dozen Executive Orders to Impose or Modify Tariffs in the Last Two-and-a-Half Months
4	24. No President other than President Trump has ever imposed tariffs under IEEPA in the
5	nearly half century since its enactment in 1977.
6	25. President Trump has become the first and only such President, issuing over a dozen
7	executive orders imposing or modifying tariffs pursuant to IEEPA since February 1, 2025 to
8	date. ²
9	26. A tariff is a tax placed on goods imported into a country. It is assessed on the good at
10	the port of entry, so the cost is borne by the distributor who is receiving the goods in the United
11	States, not on the country of origin. The tariffs' effects are thus immediate.
12	27. DHS and CBP are the agencies collecting and enforcing President Trump's tariffs.
13	28. These executive orders fall into two broad categories: (1) country-specific tariffs on
14	Mexico, Canada, and China; and (2) universal tariffs and reciprocal tariffs.
15	A. President Trump's Country-Specific Tariffs
16	29. On February 1, 2025, the President issued three executive orders imposing tariffs on
17	imports from California's three largest trading partners: Mexico, Canada, and China.
18	30. As described in detail below, Mexico and Canada are currently subject to tariffs of
19	25% (with certain exceptions), and China is subject to tariffs of 145% in total.
20	1. Tariffs on Mexico
21	31. On February 1, 2025, President Trump issued an executive order imposing 25%
22	tariffs on all products imported from Mexico, to go into effect just three days later, on February 4,
23	2025. ³
24	32. In the executive order imposing these tariffs, President Trump cited to IEEPA
25	
26 27	² Although President Trump threatened to impose tariffs under IEEPA in his first term, he suspended the implementation of those tariffs.
27 28	³ Exec. Order 14,194 (Feb. 1, 2025), <u>https://www.whitehouse.gov/presidential-actions/2025/02/</u> imposing-duties-to-address-the-situation-at-our-southern-border/.
	4

1	(50 U.S.C. § 1701 et seq.), the National Emergencies Act (50 U.S.C. § 1601 et seq.) (NEA),		
2	section 604 of the Trade Act of 1974, as amended (19 U.S.C. § 2483), and section 301 of title 3,		
3	United States Code, but he specifically invoked authority for the order under section		
4	1702(a)(1)(B) of IEEPA. ⁴		
5	33. In the order, President Trump also cited a Proclamation issued on January 20, 2025,		
6	in which he declared a national emergency at the U.SMexico border "with respect to the grave		
7	threat to the United States posed by the influx of illegal aliens and illicit drugs into the United		
8	States." The order "expand[ed]" the scope of that emergency to include "the failure of Mexico to		
9	arrest, seize, detain, or otherwise intercept [drug trafficking organizations], other drug and human		
10	traffickers, criminals at large, and illicit drugs."		
11	34. Just two days later, on February 3, 2025, President Trump issued another executive		
12	order announcing a pause on the 25% tariff on Mexican goods for one month. ⁵		
13	35. The tariffs went into effect on March 4, 2025.		
14	36. Two days later, on March 6, 2025, President Trump issued another executive order		
15	exempting goods covered by the U.SMexico-Canada Agreement (USMCA) from the tariffs,		
16	effective March 7, 2025. ⁶ USMCA-covered goods account for approximately half of imports		
17	from Mexico; the other half remain subject to the 25% tariffs, which are currently in effect.		
18			
19			
20	⁴ The NEA, section 604 of the Trade Act, and section 301 of title 3, do not give presidents any substantive authority to take any actions. The NEA provides a framework for declaring a notional		
21	substantive authority to take any actions. The NEA provides a framework for declaring a national emergency but does not itself provide for the President to exercise any authority to take action		
22	pursuant to that declaration. See 50 U.S.C. § 1631 ("When the President declares a national emergency, no powers or authorities made available by statute for use in the event of an emergency shall be exercised unless and until the President specifies the provisions of law under		
23	which he proposes that he, or other officers will act."). Section 604 is a ministerial statute that		
24	provides that the President periodically update the Harmonized Tariff Schedule of the United States, a schedule that sets out the tariff rates for all merchandise imported into the United States.		
25	19 U.S.C. § 2483. Section 301 is a general statute that simply provides that the President may delegate functions to subordinate officials. 3 U.S.C. § 301.		
26 27	⁵ Exec. Order 14,198 (Feb. 3, 2025), <u>https://www.whitehouse.gov/presidential-actions/2025/02/progress-on-the-situation-at-our-southern-border/</u> .		
27	⁶ Exec. Order 14,232 (Mar. 6, 2025), <u>https://www.whitehouse.gov/presidential-actions/2025/03/</u> amendment-to-duties-to-address-the-flow-of-illicit-drugs-across-our-southern-border/.		

2. **Tariffs on Canada**

2 37. On February 1, 2025, President Trump issued an executive order imposing 25% 3 tariffs on all imports from Canada, with the exception of energy resources, on which he imposed 4 a 10% tariff.⁷ The tariffs were slated to go into effect just three days later, on February 4, 2025. 5 In the executive order imposing these tariffs, President Trump cited to IEEPA, the 38. 6 NEA, section 604 of the Trade Act of 1974, as amended, and 3 U.S.C. § 301, but he specifically 7 invoked authority for the order under section 1702(a)(1)(B) of IEEPA. 8 39. Despite this order pertaining to Canada, President Trump cited the same Proclamation 9 declaring a national emergency at the U.S.-Mexico border. He "expand[ed]" this emergency to 10 Canada, "to cover the threat to the safety and security of Americans, including the public health 11 crisis of deaths due to the use of fentanyl and other illicit drugs, and the failure of Canada to do 12 more to arrest, seize, detain, or otherwise intercept [drug trafficking organizations], other drug 13 and human traffickers, criminals at large, and drugs." 14 40. The same day the President issued his executive order, Canada announced it planned 15 to impose 25% retaliatory tariffs on \$155 billion worth of various goods imported from the 16 United States. In doing so, Canada noted that "[1]ess than 1 per cent of the fentanyl and illegal 17 crossings into the United States come from Canada." 18 Two days later, on February 3, 2025, President Trump issued another executive order 41. 19 announcing a pause on the tariffs on Canada for one month. 20 42. The tariffs went into effect on March 4, 2025. 21 Canada announced it was moving forward with 25% retaliatory tariffs on \$30 billion 43. 22 of U.S. goods, which are currently in place. Some of the goods affected by Canada's retaliatory 23 tariffs, such as wine, have a particularized impact on California, which produces approximately 24 80% of American wine. 25 Two days later, President Trump exempted goods covered by the U.S.-Mexico-44. 26 27 ⁷ Exec. Order 14,193 (Feb. 1, 2025), <u>https://www.whitehouse.gov/presidential-actions/2025/02/</u>

imposing-duties-to-address-the-flow-of-illicit-drugs-across-our-national-border/.

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²⁸

Canada Agreement from the tariffs, effective March 7, 2025.⁸ USMCA-covered goods account
 for approximately 38% of goods from Canada; the majority of goods imported from Canada
 (62%) remain subject to the 25% tariffs.

4

3. Tariffs on China

5 45. On February 1, 2025, President Trump issued an executive order imposing a 10%
6 tariff on China.⁹ This was imposed on top of pre-existing tariffs on certain Chinese goods (not
7 imposed under IEEPA), for an effective tariff rate of 20%.

8 46. In the executive order imposing these tariffs, President Trump cited to IEEPA, the
9 NEA, section 604 of the Trade Act of 1974, as amended, and 3 U.S.C. § 301, but he specifically
10 invoked authority for the order under section 1702(a)(1)(B) of IEEPA.

47. Like the Mexico and Canada executive orders, President Trump's order on China
cited the same Proclamation declaring a national emergency at the U.S.-Mexico border. He
similarly now applied it to China: the order "expand[ed]" the scope of that emergency to include
"the failure of the [People's Republic of China] government to arrest, seize, detain, or otherwise
intercept chemical precursor suppliers, money launderers, other [transnational criminal

- 16 organizations], criminals at large, and drugs."
- 17 48. On February 4, 2024, the additional 10% tariffs on China went into effect as

18 scheduled, just three days after their initial announcement. The same day, China announced

19 retaliatory tariffs of 10–15% on a list of eighty U.S. products, effective February 10, 2025.

49. Unlike the Canada and Mexico tariffs, President Trump did not pause the tariffs on
China. Unsurprisingly, a tit-for-tat trade war with China ensued, with President Trump raising
tariffs, and China responding in kind.¹⁰

23

28 supply-chain-in-the-peoples-republic-of-china/. China responded the next day with new 10–15%

 ⁸ Exec. Order 14,231 (Mar. 6, 2025), <u>https://www.whitehouse.gov/presidential-actions/2025/03/</u>
 amendment-to-duties-to-address-the-flow-of-illicit-drugs-across-our-northern-border-0c3c/.

 ⁹ Exec. Order 14,195 (Feb. 1, 2025), <u>https://www.whitehouse.gov/presidential-actions/2025/02/</u>
 ¹⁰ <u>imposing-duties-to-address-the-synthetic-opioid-supply-chain-in-the-peoples-republic-of-china/</u>.

 ¹⁰ The United States raised new tariffs on China to 20%, on top of the pre-existing tariffs,
 effective immediately. Exec. Order 14,228 (Mar. 3, 2025), <u>https://www.whitehouse.gov/</u>presidential-actions/2025/03/further-amendment-to-duties-addressing-the-synthetic-opioid-

1	50. As of April 16, 2025, Chinese goods are subject to a staggering 145% effective tariff
2	rate in the United States, and U.S. goods are subject to 125% retaliatory tariffs in China. China
3	has also suspended all exports of rare-earth materials and magnets, which are crucial for the car,
4	semiconductor, and aerospace industries, and is pausing its purchases of aircraft from Boeing,
5	America's largest exporter.
6	B. President Trump's Universal and "Reciprocal" Tariffs
7	51. President Trump did not stop at imposing the aforementioned country-specific tariffs
8	on the United States' largest trading partners.
9	52. On April 2, 2025—a day he dubbed "Liberation Day"—President Trump broadened
10	the scope of his IEEPA tariffs to the entire globe by announcing the most sweeping tariff increase
11	since the Great Depression, again relying on a purported emergency in order to do so. ¹¹
12	53. As discussed <i>infra</i> , these tariffs include a 10% universal tariff on all U.S. trading
13	partners and "reciprocal" tariffs of up to 50% on almost ninety specific countries.
14	54. In the executive orders imposing and modifying these tariffs, ¹² President Trump
15	
16	tariffs on various U.S. agricultural products. The United States then imposed reciprocal tariffs on
17	multiple countries, discussed <i>infra</i> in Section I.B.2, adding new tariffs on China of 34%. Exec. Order 14,257 (Apr. 2, 2025), <u>https://www.whitehouse.gov/presidential-actions/2025/04/</u>
18	regulating-imports-with-a-reciprocal-tariff-to-rectify-trade-practices-that-contribute-to-large-and- persistent-annual-united-states-goods-trade-deficits/; see also id. annex I, <u>https://www.</u>
19	whitehouse.gov/wp-content/uploads/2025/04/Annex-I.pdf. President Trump also issued an executive order eliminating the duty-free <i>de minimis</i> treatment of certain Chinese goods. Exec.
20	Order 14,256 (Apr. 2, 2025), <u>https://www.whitehouse.gov/presidential-actions/2025/04/further-amendment-to-duties-addressing-the-synthetic-opioid-supply-chain-in-the-peoples-republic-of-abing angulated to low value interaction. Ching again and with a 24% additional tariff on all U.S.</u>
21	<u>china-as-applied-to-low-value-imports</u> /. China responded with a 34% additional tariff on all U.S. goods. In turn, the United States raised additional new tariffs on China to 84%. Exec. Order
22	14,257 (Apr. 8, 2025), <u>https://www.whitehouse.gov/presidential-actions/2025/04/amendment-to-recipricol-tariffs-and-updated-duties-as-applied-to-low-value-imports-from-the-peoples-republic-</u>
23	<u>of-china/</u> . China again responded in kind, raising its tariffs on the United States to 84%. The same day, the United States raised new tariffs on China to 125%. Exec. Order 14,266 (Apr. 9, 2025) http://www.ife.china.com/article.com/a
24	2025), <u>https://www.whitehouse.gov/presidential-actions/2025/04/modifying-reciprocal-tariff-</u> <u>rates-to-reflect-trading-partner-retaliation-and-alignment/</u> . The next day, China responded by
25	matching the U.S. tariff rate of 125%.
26	¹¹ Exec. Order 14,257 (Apr. 2, 2025), <u>https://www.whitehouse.gov/presidential-actions/2025/04/</u> regulating-imports-with-a-reciprocal-tariff-to-rectify-trade-practices-that-contribute-to-large-and-
27	persistent-annual-united-states-goods-trade-deficits/.
28	¹² Exec. Order 14,266 (Apr. 9, 2025), <u>https://www.whitehouse.gov/presidential-actions/2025/04/</u> modifying-reciprocal-tariff-rates-to-reflect-trading-partner-retaliation-and-alignment/.
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1	claimed authority pursuant to IEEPA, the NEA, section 604 of the Trade Act of 1974, as
2	amended, and 3 U.S.C. § 301. The White House repeatedly made clear that the tariffs were being
3	imposed "[u]sing [the President's] IEEPA authority," and referred to the executive order as
4	"[t]oday's IEEPA Order[.]" ¹³
5	55. In the order imposing these tariffs, President Trump declared a national emergency,
6	which he characterized as "underlying conditions, including a lack of reciprocity in our bilateral
7	trade relationships, disparate tariff rates and non-tariff barriers, and U.S. trading partners'
8	economic policies that suppress domestic wages and consumption, as indicated by large and
9	persistent annual U.S. goods trade deficits" and a decline in U.S. manufacturing capacity dating
10	back to 1997.
11	1. Universal Tariffs
12	56. On April 2, 2025, President Trump issued an executive order imposing a 10%
13	universal tariff, which is a flat-rate import tax that applies to goods from all U.S. trading
14	partners. ¹⁴
15	57. This tariff took effect on April 5, 2025, and is currently in effect.
10	
16	2. "Reciprocal" Tariffs
16	2. "Reciprocal" Tariffs
16 17	 2. "Reciprocal" Tariffs 58. Also on April 2, 2025, President Trump announced individualized "reciprocal"¹⁵
16 17 18	 2. "Reciprocal" Tariffs 58. Also on April 2, 2025, President Trump announced individualized "reciprocal"¹⁵ ¹³ Fact Sheet: President Donald J. Trump Declares National Emergency to Increase our Competitive Edge, Protect our Sovereignty, and Strengthen our National and Economic Security,
16 17 18 19	 2. "Reciprocal" Tariffs 58. Also on April 2, 2025, President Trump announced individualized "reciprocal"¹⁵ ¹³ Fact Sheet: President Donald J. Trump Declares National Emergency to Increase our Competitive Edge, Protect our Sovereignty, and Strengthen our National and Economic Security, THE WHITE HOUSE (Apr. 2, 2025), <u>https://www.whitehouse.gov/fact-sheets/2025/04/fact-sheet-president-donald-j-trump-declares-national-emergency-to-increase-our-competitive-edge-protect-</u>
16 17 18 19 20	 2. "Reciprocal" Tariffs 58. Also on April 2, 2025, President Trump announced individualized "reciprocal"¹⁵ ¹³ Fact Sheet: President Donald J. Trump Declares National Emergency to Increase our Competitive Edge, Protect our Sovereignty, and Strengthen our National and Economic Security, THE WHITE HOUSE (Apr. 2, 2025), https://www.whitehouse.gov/fact-sheets/2025/04/fact-sheet-
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 16 17 18 19 20 21 22 	 2. "Reciprocal" Tariffs 58. Also on April 2, 2025, President Trump announced individualized "reciprocal"¹⁵ ¹³ Fact Sheet: President Donald J. Trump Declares National Emergency to Increase our Competitive Edge, Protect our Sovereignty, and Strengthen our National and Economic Security, THE WHITE HOUSE (Apr. 2, 2025), <u>https://www.whitehouse.gov/fact-sheets/2025/04/fact-sheet-president-donald-j-trump-declares-national-emergency-to-increase-our-competitive-edge-protect-our-sovereignty-and-strengthen-our-national-and-economic-security/ [hereinafter Fact Sheet (Apr. 2, 2025)].</u>
 16 17 18 19 20 21 22 23 	 2. "Reciprocal" Tariffs 58. Also on April 2, 2025, President Trump announced individualized "reciprocal"¹⁵ ¹³ Fact Sheet: President Donald J. Trump Declares National Emergency to Increase our Competitive Edge, Protect our Sovereignty, and Strengthen our National and Economic Security, THE WHITE HOUSE (Apr. 2, 2025), https://www.whitehouse.gov/fact-sheets/2025/04/fact-sheet-president-donald-j-trump-declares-national-emergency-to-increase-our-competitive-edge-protect-our-sovereignty-and-strengthen-our-national-and-economic-security/ [hereinafter Fact Sheet (Apr. 2, 2025)]. ¹⁴ These tariffs do not apply to tariffs already announced on a specific product or industry. They also do not affect current tariffs on Canada and Mexico; as such, tariffs on USMCA-compliant goods remain paused, and non-USMCA-compliant goods remain subject to a 25% tariff. ¹⁵ "Reciprocal" is a misnomer, as the calculation used to formulate the tariff rates is not actually
 16 17 18 19 20 21 22 23 24 	 2. "Reciprocal" Tariffs 58. Also on April 2, 2025, President Trump announced individualized "reciprocal"¹⁵ ¹³ Fact Sheet: President Donald J. Trump Declares National Emergency to Increase our Competitive Edge, Protect our Sovereignty, and Strengthen our National and Economic Security, THE WHITE HOUSE (Apr. 2, 2025), https://www.whitehouse.gov/fact-sheets/2025/04/fact-sheet-president-donald-j-trump-declares-national-emergency-to-increase-our-competitive-edge-protect-our-sovereignty-and-strengthen-our-national-and-economic-security/ [hereinafter Fact Sheet (Apr. 2, 2025)]. ¹⁴ These tariffs do not apply to tariffs already announced on a specific product or industry. They also do not affect current tariffs on Canada and Mexico; as such, tariffs on USMCA-compliant goods remain paused, and non-USMCA-compliant goods remain subject to a 25% tariff. ¹⁵ "Reciprocal" is a misnomer, as the calculation used to formulate the tariff rates is not actually reciprocal. See, e.g., David Goldman, This is the dubious way Trump calculated his 'reciprocal' tariffs, CNN (Apr. 3, 2025), https://www.enn.com/2025/04/03/economy/reciprocal-tariff-math/
 16 17 18 19 20 21 22 23 24 25 	 2. "Reciprocal" Tariffs 58. Also on April 2, 2025, President Trump announced individualized "reciprocal"¹⁵ ¹³ Fact Sheet: President Donald J. Trump Declares National Emergency to Increase our Competitive Edge, Protect our Sovereignty, and Strengthen our National and Economic Security, THE WHITE HOUSE (Apr. 2, 2025), https://www.whitehouse.gov/fact-sheets/2025/04/fact-sheet-president-donald-j-trump-declares-national-emergency-to-increase-our-competitive-edge-protect-our-sovereignty-and-strengthen-our-national-and-economic-security/ [hereinafter Fact Sheet (Apr. 2, 2025)]. ¹⁴ These tariffs do not apply to tariffs already announced on a specific product or industry. They also do not affect current tariffs on Canada and Mexico; as such, tariffs on USMCA-compliant goods remain paused, and non-USMCA-compliant goods remain subject to a 25% tariff. ¹⁵ "Reciprocal" is a misnomer, as the calculation used to formulate the tariff rates is not actually reciprocal. See, e.g., David Goldman, This is the dubious way Trump calculated his 'reciprocal'

1	higher tariffs of up to 50% on nearly ninety specific countries. ¹⁶
2	59. These tariffs apply to some of the United States' largest trading partners, such as the
3	European Union, which accounted for \$605.76 billion of U.S. imports last year and is subject to a
4	20% tariff, and Vietnam, which accounted for \$135.56 billion of U.S. imports and is subject to a
5	whopping 46% tariff.
6	60. China, the United States' third largest trading partner after Mexico and Canada, is
7	subject to a 34% reciprocal tariff, which stacks on top of other tariffs.
8	61. Even regions or countries with little or no trading footprint are affected: for example,
9	a 10% reciprocal tariff was placed on remote Australian islands where many penguins but no
10	people live.
11	62. The reciprocal tariffs took effect on April 9, 2025, at 12:01 a.m., but that same day,
12	President Trump announced they would be paused for 90 days, until July 9, 2025. ¹⁷
13	63. While on pause, the countries that were subject to reciprocal tariff are instead subject
14	to the 10% universal tariff, which is currently in effect.
15	64. The pause does not apply to China.
16	C. The Immediate Impact of President Trump's Tariffs
17	65. The impacts of President Trump's tariffs in recent weeks have been felt by countries,
18	businesses, and individuals around the globe.
19	66. Particularly, the economic impact of President Trump's April 2, 2025, announcement
20	of universal and reciprocal tariffs was historic and unprecedented. In the two days following his
21	announcement, the U.S. stock market lost a record \$6.6 trillion, the largest two-day loss in its
22	
23	¹⁶ Exec. Order 14,257 (Apr. 2, 2025), <u>https://www.whitehouse.gov/presidential-actions/2025/04/</u> regulating-imports-with-a-reciprocal-tariff-to-rectify-trade-practices-that-contribute-to-large-and-
24	<u>persistent-annual-united-states-goods-trade-deficits/</u> . These new tariffs also do not affect prior orders for Mexico and Canada There are other exceptions, including: "(1) articles subject to 50
25	USC 1702(b); (2) steel/aluminum articles and autos/auto parts already subject to Section 232 tariffs; (3) copper, pharmaceuticals, semiconductors, and lumber articles; (4) all articles that may
26	become subject to future Section 232 tariffs; (5) bullion; and (6) energy and other certain minerals that are not available in the United States." <i>Fact Sheet</i> (Apr. 2, 2025), <i>supra</i> note 13.
27	 ¹⁷ Exec. Order 14,266 (Apr. 9, 2025), <u>https://www.whitehouse.gov/presidential-actions/2025/04/</u>
28	modifying-reciprocal-tariff-rates-to-reflect-trading-partner-retaliation-and-alignment/.

1	history. While it recovered some of that loss, the stock market has continued to fluctuate wildly.
2	67. Notably, the market for U.S. Government bonds—the bedrock of the financial
3	system—has suffered a sharp sell-off since the week of President's Trump announcement.
4	68. And President's Trump's tariffs imposed as of April 2, 2025, are projected to shrink
5	the U.S. economy by \$100 billion annually, increase inflation by 1.3%, and cost the average
6	American family \$2,100. ¹⁸
7	69. California, as a leader in global trade, bears an inordinate share of these costs. And
8	those costs directly impact California's Governor, whose ability to respond to the State's
9	emergencies and enact his policy goals and the prerogatives of the State's Legislature are
10	frustrated by the economic impact of President Trump's tariffs. See infra Section III, Harm to
11	California and the Governor of California.
12	70. Furthermore, several countries have either retaliated, or have announced plans for
13	future retaliation, in light of President Trump's tariffs. This is not limited to China, which, as
14	described above, has imposed retaliatory tariffs on the United States of 125% and has stopped
15	exporting certain critical goods. The European Union indicated that it was "preparing further
16	countermeasures to protect [its] interests and [its] businesses if negotiations fail." Other
17	countries, like Brazil, have passed laws that give their governments legal authority to impose
18	retaliatory tariffs.
19	II. President Trump Lacked Legal Authority to Issue the IEEPA Tariff Orders
20 21	A. Under the Doctrine of Separation of Powers, the President May Not Rule by Fiat
	71. In our constitutional system, the President may not rule by fiat.
22 23	72. Instead, under our democratic system of checks and balances, "[t]he President's
23 24	power, if any, to issue [an] order must stem either from an act of Congress or from the
24 25	Constitution itself." Youngstown, 343 U.S. at 585.
23 26	73. The Constitution does not vest in the President any authority to impose tariffs.
27 28	¹⁸ These numbers would be even higher today, as tariffs on China have skyrocketed from 20% to 145% since April 2.

1	74.	Rather, the Constitution expressly vests the authority to impose tariffs solely in
2	Congress,	not the President. U.S. Const. art. I, § 8 ("The Congress shall have Power To lay and
3	collect Tax	xes, Duties, Imposts and Excises").
4	75.	Congress's power in this area is exhaustive. Brushaber v. Union Pac. R.R. Co., 240
5	U.S. 1, 12	(1916) ("the authority conferred upon Congress by § 8 of article 1 'to lay and collect
6	taxes, duti	es, imposts and excises' is exhaustive and embraces every conceivable power of
7	taxation").	
8	76.	Because the Constitution does not vest in the President any authority to impose
9	tariffs, any	authority for the President to do so must come, if at all, from an act of Congress.
10	B.	Congress Enacted the International Emergency Economic Powers Act as Part
11		of a Series of Reforms to <i>Limit</i> Presidential Authority and to Prevent Presidential Abuse of Power
12	77.	President Trump cites IEEPA as the basis for his authority to issue the IEEPA Tariff
13	Orders.	
14	78.	But IEEPA does not authorize President Trump to issue the tariffs he has imposed.
15	79.	Rather, IEEPA was enacted by Congress as part of a series of reforms to <i>limit</i>
16	presidentia	al authority and to prevent presidential abuse of power.
17	80.	And IEEPA does not so much as mention tariffs, much less authorize President
18	Trump to u	unilaterally impose unprecedented tariffs at his whim.
19	81.	In the mid-1970s, following U.S. military involvement in Vietnam, revelations of
20	domestic s	pying, assassinations of foreign political leaders, the Watergate break-in, and other
21	related abu	uses of power, Congress increasingly focused on checking the Executive Branch.
22	82.	The Senate formed a bipartisan special committee chaired by Democratic Senator
23	Frank Chu	rch and Republican Senator Charles Mathias to reevaluate delegations of emergency
24	authority t	o the President.
25	83.	Among the more controversial statutes highlighted by the committee was the Trading
26	with the Enemy Act.	
27	84.	This Act was originally enacted in 1917 to prevent trade with Germany and the
28	Central Po	wers during World War I.

- 85. Over time, however, successive Presidents had invoked the Trading with the Enemy
 Act to declare that national emergencies existed and assume expansive authority over economic
 transactions outside the context of a declared war.
- 86. The 1970s bipartisan special committee reevaluating delegations of emergency
 authority to the President issued a report surveying the President's emergency powers in which it
 asserted that the United States had technically "been in a state of national emergency since March
 9, 1933" and that there were four distinct declarations of national emergency then in effect.
- 8 87. The report also noted that the United States had "on the books at least 470 significant
 9 emergency statutes without time limitations delegating to the Executive extensive discretionary
 10 powers, ordinarily exercised by the Legislature, which affect the lives of American citizens in a
 11 host of all-encompassing ways."
- 12 88. In the course of the committee's investigations, Senator Mathias, a committee co13 chair, noted, "A majority of the people of the United States have lived all of their lives under
 14 emergency government."
- 15 89. Senator Church, the other co-chair, said the central question before the committee
 16 was "whether it [was] possible for a democratic government such as ours to exist under its present
 17 Constitution and system of three separate branches equal in power under a continued state of
 18 emergency."
- 90. During the House markup of a bill revising the Trading with the Enemy Act,
 Representative Jonathan Bingham, Chairperson of the House International Relations Committee's
 Subcommittee on Economic Policy, described the Act as conferring "on the President what could
 have been dictatorial powers that he could have used without any restraint by Congress."
- 23

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- 91. The House report on the reform legislation called the Trading with the Enemy Act "essentially an unlimited grant of authority for the President to exercise, at his discretion, broad powers in both the domestic and international economic arena, without congressional review."
- 26 92. The report noted how Presidents had been claiming the ability to exercise powers
 27 under the Trading with the Enemy Act "so long as there is an unterminated declaration of national
 28 emergency on the books, whether or not the situation with respect to which the emergency was

1	declared bears any relationship to the situation with respect to which the President is using the		
2	authorities."		
3	93. Congress's reforms to this overly expansive use by Presidents of emergency powers		
4	came in two acts.		
5	94. First, Congress enacted the National Emergencies Act in 1976.		
6	95. The NEA provided for the termination of all existing declarations of national		
7	emergencies in 1978 and placed new restrictions on the President as to the manner of declaring		
8	and the duration of new states of emergency.		
9	96. Second, Congress amended the Trading with the Enemy Act in 1977.		
10	97. Among other things, Congress amended the Trading with the Enemy Act so that it		
11	was, as originally intended, only applicable "during a time of war."		
12	98. To address emergencies outside of wartime, Congress enacted the International		
13	Emergency Economic Powers Act to provide certain more limited economic powers for the		
14	President to use in genuine times of national emergency.		
15	99. The Report of the House Committee on International Relations summarized the		
16	nature of an "emergency" in its new approach to international emergency economic powers:		
17	[G]iven the breadth of the authorities, and their availability at the President's discretion upon a declaration of a national emergency,		
18	their exercise should be subject to various substantive restrictions. The main one stems from a recognition that emergencies are by their		
19	nature rare and brief, and are not to be equated with normal ongoing problems. A national emergency should be declared and emergency		
20	authorities employed only with respect to a specific set of circumstances which constitute a real emergency, and for no other		
21	purpose. The emergency should be terminated in a timely manner		
22	when the factual state of emergency is over and not continued in effect for use in other circumstances. A state of national emergency should not be a normal state of affairs.		
23	100. The Report further summarized how the amendments to the Trading with the Enemy		
24			
25	Act and the new IEEPA statute were specifically intended to <i>limit</i> the ability of Presidents to		
26	exercise emergency powers unilaterally without proper oversight:		
27	[G]iven the history of expansive use of emergency powers, the exercise of the emergency economic authorities should also be subject to strict procedural limitations, including consultation with		
28	subject to strict procedural limitations, including consultation with Congress, periodic reporting requirements, and provision for		

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termination of states of emergency by Congress and for veto by Congress of regulations promulgated under the international emergency economic powers statute. This should be accomplished at a minimum by conforming the use of the authorities to the procedural requirements of the National Emergencies Act.

C. The International Emergency Economic Powers Act Does Not Authorize President Trump to Impose Tariffs

101. IEEPA does not provide clear congressional authorization for the President to impose tariffs.

102. Section 1702(a)(1)(B)—the section of IEEPA that President Trump cites—provides 8 that the President may "investigate, block during the pendency of an investigation, regulate, direct 9 and compel, nullify, void, prevent or prohibit, any acquisition, holding, withholding, use, transfer, 10 withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, 11 power, or privilege with respect to, or transactions involving, any property in which any foreign 12 country or a national thereof has any interest by any person, or with respect to any property, 13 subject to the jurisdiction of the United States[.]" 50 U.S.C. § 1702(a)(1)(B). IEEPA further 14 provides that the President may exercise these authorities "only... to deal with an unusual and 15 extraordinary threat with respect to which a national emergency has been declared for purposes of 16 this chapter" and "not . . . for any other purpose." 50 U.S.C. § 1701(b). 17 103. This fulsome list of authorities does not include the power to impose tariffs, import 18 duties, or taxes. 19 104. In the nearly 50-year history of IEEPA, no President has ever used IEEPA to impose 20 tariffs, prior to the unprecedented actions of President Trump in 2025. 21 105. IEEPA further provides that "[t]he President, in every possible instance, shall consult 22 with the Congress before exercising any of the authorities granted by this chapter and shall 23 consult regularly with the Congress so long as such authorities are exercised." 50 U.S.C. 24 § 1703(a). 25 106. Upon information and belief, President Trump did not consult with Congress before 26 issuing his IEEPA Tariff Orders. 27 107. In contrast to IEEPA, which does not mention tariffs or import duties, other Acts of 28 15

Congress do expressly mention import duties and authorize imposition of import duties. *See, e.g.*,
 19 U.S.C. § 2411.

3 108. Those Acts impose specific procedural requirements before the Executive Branch
4 may impose a tariff, however.

109. Rather than comply with the statutory requirements that Congress established with
respect to imposing tariffs, President Trump invoked IEEPA under the view that IEEPA granted
him unfettered authority to impose unprecedented and staggering tariffs simply by decree.

8 110. The "economic and political significance" of the highly novel tariffs that President
9 Trump has imposed is "staggering by any measure." *Cf. Biden*, 600 U.S. at 502. And the
10 proposed tariffs of such a scale represent an "unheralded" and "transformative expansion" of
11 Presidential authority. *See West Virginia v. EPA*, 597 U.S. 697, 724 (2022).

111. As the Supreme Court has held, "[a] decision of such magnitude and consequence on
a matter of earnest and profound debate across the country must rest with Congress itself, or an
agency acting pursuant to a clear delegation from that representative body." *Biden*, 600 U.S. at
504 (quotation marks and brackets omitted).

16 112. In such circumstances, the Executive Branch must have "clear congressional
17 authorization" for the power it claims. *Id.* at 506.

18 113. IEEPA does not provide "clear" congressional authorization for President Trump to
19 rule by fiat or to unilaterally impose the tariffs at issue in the IEEPA Tariff Orders.

20 21

III. President Trump's Unprecedented Tariffs Inflict Harm on California and the Governor of California

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114. California, as the fifth largest economy in the world and the country's most populous State, stands to suffer unique harm from President Trump's reckless and unprecedented actions on tariffs.

115. California's economy is larger than every country on earth except the United States,
China, Germany, and Japan. With over 39 million residents, California is the second largest
economy in the world on a per capita basis. It produced a gross state product (GSP) of over \$4
trillion in 2024, accounting for 13.7% of the entire U.S. gross domestic product (GDP).

1 116. California is the largest importer and second-largest exporter among U.S. states. In
 2 2024, California's total merchandise trade reached \$675 billion, accounting for close to 16% of
 3 GSP.

4 117. Much of this trade flows through California's eleven public ports, two of which are
5 the largest and busiest container ports in North America. California's ports process one-third of
6 all exports and 40% of all containerized imports for the *entire world*, generating an estimated \$9
7 billion in state and local tax revenue annually.

8 118. Mexico, Canada, and China, three countries specifically targeted by Trump's current
9 tariff regime, are California's three largest trading partners. Over 40% of California imports
10 come from these countries, totaling \$203 billion of the more than \$491 billion in goods imported
11 by California in 2024. Additionally, these three countries are California's top three export
12 destinations, buying close to \$67 billion in California exports, which was over one-third of the
13 State's \$183 billion in exported goods in 2024.

- 14 119. Because of California's outsize economic footprint, it is subject to outsize effects15 from President Trump's recent whipsaw actions on tariffs.
- 16 120. Considering one aspect, the State of California spends a huge amount of money as a
 17 member of the global market. These goods will or have already become more expensive as a
 18 direct result of President Trump's IEEPA Tariff Orders, resulting in drastic impacts on the State's
 19 budget and the Governor's ability to deliver on his policy goals.

121. As a direct participant in the market, California enters into thousands of contracts
every year that will be directly affected by President Trump's tariffs: the costs of those contracts
will go up, and those costs will be passed onto the State. The State's ability to plan for the future
and enter into contracts with vendors has accordingly been hamstrung by the uncertainty and
rapid-fire "emergency" nature of President Trump's tariffs.

122. Multiple vendors that do business with California have claimed entitlement to pass on
tariff-related price increases to the State, and more are expected to do so in the coming weeks and
months.

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123. These types of claims will only continue to multiply as President Trump's IEEPA

Tariff Orders continue to wreak havoc.

1

124. Retaliatory tariffs imposed by other countries in response to President Trump's tariffs
are also certain to impact California in unique and particularized ways. California is the
country's second largest exporter, and ranks first in agricultural exports, which totaled over \$23.6
billion in 2022.

6 125. For example, California grows 76% of the world's almonds and exports most of
7 them, contributing \$9.2 billion to the State's GSP and supporting 110,000 jobs. If countries that
8 import California's almonds impose high retaliatory tariffs, almond producers will be responsible
9 for the difference in price, and will have to choose to pay these costs themselves or pass them
10 onto customers, thereby depressing demand for the product. Either way, the State will miss out
11 on tax revenue it currently collects, which will have a negative impact on its policy goals.

12 126. California's ports also stand to face drastic and industry-altering consequences from 13 the President's actions on tariffs. The twelve ports in California, eleven of which are publicly 14 owned, process approximately 40% of all containerized imports and 30% of all exports for the 15 entire United States. The ports generate an estimated \$9 billion in state and local tax revenue 16 annually. Additionally, port activities employ more than half a million people in California and 17 are linked to nearly three million jobs nationwide. One in nine Southern California residents are 18 employed through the ports.

19 127. These ports are supported by various state agencies, and several were created through
20 state statutes. The State also directly supports the ports financially; for example, the State
21 appropriated \$27 million to support five ports in 2022. The goal of President Trump's tariffs is to
22 impact trade; if left in place, they will undoubtedly cause decreased activity at the ports, resulting
23 in untold consequences for the hundreds of thousands of Californians who work there. It will also
24 directly affect the State's tax revenue, which relies on money from the ports to fund various
25 programs.

26 128. Furthermore, California is home to over 1.7 million businesses, which generate 90%
27 of the State's GSP. Over 90% of those are small businesses, including 60,000 small-business
28 exporters.

1	129. Corporate taxes are California's third-largest source of revenue—for 2024–2025, the
2	State expects almost 15% of its \$228.2 billion budget to be funded by corporate taxes. As
3	President's Trump's tariffs are projected to shrink the U.S. economy by \$100 billion annually,
4	millions of California's businesses will see their profits decline, translating to diminished revenue
5	to fund the State's budget.
6	130. Additionally, projections also show the average American family will face increased
7	costs of \$2,100 on average, translating to a population with significantly decreased income and
8	purchasing power. These losses would in turn decrease personal-income-tax revenue, the State's
9	largest source of revenue, and sales and use taxes, the State's second largest source of revenue,
10	drastically impacting the State's budget.
11	131. The projected financial impacts from President Trump's tariffs are also likely to raise
12	the cost of State economic-assistance programs, such as unemployment and similar benefits.
13	132. Finally, the tariffs also impede the Governor's policy goals and his ability to
14	effectuate the Legislature's priorities.
15	133. All told, President Trump's tariffs will transform the State of California's economic
16	situation, put at risk its position as the fifth largest economy in the world, and directly impact
17	Governor Newsom's ability to deliver on his policy goals for all Californians.
18	CLAIMS FOR RELIEF
19	COUNT I
20	<i>Ultra Vires</i> - Conduct in Excess of Statutory Authority (Against All Defendants)
21	134. Plaintiffs incorporate each and every one of the preceding allegations as if alleged
22	herein.
23	135. President Trump has claimed a wholly unconstrained authority to unilaterally impose
24	unprecedented tariffs on every single trading partner of the United States.
25	136. The President does not have the authority to act unilaterally.
26	137. Rather, "[t]he President's power, if any, to issue [an] order must stem either from an
27	act of Congress or from the Constitution itself." Youngstown, 343 U.S. at 585.
28	138. President Trump cites IEEPA as the statutory authority for his tariffs. 19

1	139. IEEPA does not authorize President Trump to issue the IEEPA Tariff Orders.
2	140. Accordingly, President Trump's conduct in issuing the IEEPA Tariff Orders has been
3	ultra vires.
4	141. Agency Defendants' conduct in implementing the tariffs that President Trump has
5	imposed has been ultra vires.
6	142. Defendants' ultra vires conduct has caused and will continue to cause ongoing,
7	irreparable harm to California, its Governor, and its residents.
8	143. Pursuant to 28 U.S.C. § 2201, Plaintiffs are entitled to a declaration that the IEEPA
9	Tariff Orders are unlawful, void, and of no effect.
10	144. Pursuant to 28 U.S.C. §§ 2201-02, Plaintiffs are entitled to injunctive relief,
11	enjoining all Defendants (other than the President) and their officers, employees, agents, servants,
12	attorneys, and others acting in concert with them or subject to their control or direction, from
13	implementing or enforcing the IEEPA Tariff Orders.
14	COUNT II
	Sanaratian at Paware – Leurning Lagislativa Authority
15	Separation of Powers – Usurping Legislative Authority (Against All Defendants)
15 16	(Against All Defendants) 145. Plaintiffs incorporate the preceding allegations as if alleged herein.
	(Against All Defendants)
16	(Against All Defendants) 145. Plaintiffs incorporate the preceding allegations as if alleged herein.
16 17	(Against All Defendants) 145. Plaintiffs incorporate the preceding allegations as if alleged herein. 146. The separation-of-powers doctrine is "foundational" and "evident from the
16 17 18 19	(Against All Defendants) 145. Plaintiffs incorporate the preceding allegations as if alleged herein. 146. The separation-of-powers doctrine is "foundational" and "evident from the Constitution's vesting of certain powers in certain bodies." <i>Seila Law LLC v. CFPB</i> , 591 U.S.
16 17 18 19 20	(Against All Defendants) 145. Plaintiffs incorporate the preceding allegations as if alleged herein. 146. The separation-of-powers doctrine is "foundational" and "evident from the Constitution's vesting of certain powers in certain bodies." <i>Seila Law LLC v. CFPB</i> , 591 U.S. 197, 227 (2020).
 16 17 18 19 20 21 	 (Against All Defendants) 145. Plaintiffs incorporate the preceding allegations as if alleged herein. 146. The separation-of-powers doctrine is "foundational" and "evident from the Constitution's vesting of certain powers in certain bodies." <i>Seila Law LLC v. CFPB</i>, 591 U.S. 197, 227 (2020). 147. The Constitution provides that "Congress shall have the Power To lay and collect
 16 17 18 19 20 21 22 	 (Against All Defendants) 145. Plaintiffs incorporate the preceding allegations as if alleged herein. 146. The separation-of-powers doctrine is "foundational" and "evident from the Constitution's vesting of certain powers in certain bodies." <i>Seila Law LLC v. CFPB</i>, 591 U.S. 197, 227 (2020). 147. The Constitution provides that "Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises " U.S. Const. art. I, § 8.
 16 17 18 19 20 21 22 23 	 (Against All Defendants) 145. Plaintiffs incorporate the preceding allegations as if alleged herein. 146. The separation-of-powers doctrine is "foundational" and "evident from the Constitution's vesting of certain powers in certain bodies." <i>Seila Law LLC v. CFPB</i>, 591 U.S. 197, 227 (2020). 147. The Constitution provides that "Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises" U.S. Const. art. I, § 8. 148. Congress's power in this area is exhaustive. <i>Brushaber</i>, 240 U.S. at 12 ("the
 16 17 18 19 20 21 22 23 24 	 (Against All Defendants) 145. Plaintiffs incorporate the preceding allegations as if alleged herein. 146. The separation-of-powers doctrine is "foundational" and "evident from the Constitution's vesting of certain powers in certain bodies." <i>Seila Law LLC v. CFPB</i>, 591 U.S. 197, 227 (2020). 147. The Constitution provides that "Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises " U.S. Const. art. I, § 8. 148. Congress's power in this area is exhaustive. <i>Brushaber</i>, 240 U.S. at 12 ("the authority conferred upon Congress by § 8 of article 1 'to lay and collect taxes, duties, imposts and
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16 17 18	(Against All Defendants)145. Plaintiffs incorporate the preceding allegations as if alleged herein.146. The separation-of-powers doctrine is "foundational" and "evident from theConstitution's vesting of certain powers in certain bodies." Seila Law LLC v. CFPB, 591 U.S.197, 227 (2020).147. The Constitution provides that "Congress shall have the Power To lay and collectTaxes, Duties, Imposts and Excises" U.S. Const. art. I, § 8.148. Congress's power in this area is exhaustive. Brushaber, 240 U.S. at 12 ("theauthority conferred upon Congress by § 8 of article 1 'to lay and collect taxes, duties, imposts andexcises' is exhaustive and embraces every conceivable power of taxation").149. "The President's power, if any, to issue [an] order must stem either from an act of

1	violates the separation-of-powers doctrine.
2	151. Accordingly, President Trump's conduct in issuing the IEEPA Tariff Orders violates
3	the separation-of-powers doctrine.
4	152. Agency Defendants' conduct in implementing the tariffs that President Trump has
5	imposed violates the separation-of-powers doctrine.
6	153. Defendants' unconstitutional conduct has caused and will continue to cause ongoing,
7	irreparable harm to California, its Governor, and its residents.
8	154. Pursuant to 28 U.S.C. § 2201, Plaintiffs are entitled to a declaration that the IEEPA
9	Tariff Orders are unlawful, void, and of no effect.
10	155. Pursuant to 28 U.S.C. §§ 2201–02, Plaintiffs are entitled to injunctive relief,
11	enjoining all Defendants (other than the President) and their officers, employees, agents, servants,
12	attorneys, and others acting in concert with them or subject to their control or direction, from
13	implementing or enforcing the IEEPA Tariff Orders.
14	PRAYER FOR RELIEF
15	WHEREFORE, Plaintiffs State of California, by and through Attorney General Rob Bonta,
16	and Gavin Newsom, in his official capacity as Governor of California, respectfully request that
17	this Court:
18	1. Declare that President Trump's IEEPA Tariff Orders are unlawful and void, because
19	they were issued <i>ultra vires</i> in excess of statutory authority and/or because they are
20	unconstitutional and violate separation of powers, pursuant to the Declaratory Judgment Act,
21	28 U.S.C. §§ 2201–02;
22	2. Enjoin Agency Defendants (and all of their officers, employees, agents, servants,
23	attorneys, and others acting in concert with them or subject to their control or direction) from
24	taking any action to implement or enforce President Trump's IEEPA Tariff Orders;
25	3. Award Plaintiffs costs, expenses, and reasonable attorney's fees, pursuant to the
26	Equal Access to Justice Act, 28 U.S.C. § 2412; and
27	4. Grant such other relief as the Court deems just and proper.
28	
	21

	Case 3:25-cv-03372	Document 1	Filed 04/16/25 Page 23 of 23
1	Dated: April 16, 2025		Respectfully submitted,
2			ROB BONTA
3			Attorney General of California THOMAS S. PATTERSON Sonior Assistant Attorney General
4			Senior Assistant Attorney General LARA HADDAD Supervising Deputy Attorney General
5			/s/ Zelda Vassar
6			Zelda Vassar Shiwon Choe
7			CAROLYN F. DOWNS Deputy Attorneys General
8 9			Attorneys for Plaintiffs State of California and Gavin Newsom, in his official capacity as Governor of California
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Case 3:25-cv-03372 Document Filed 04/16/25 Page 1 of 2 JS-CAND 44 (Rev. 12/2024)

This civil cover sheet does not replace or supplement the filing and service of pleadings or other papers. The information on this form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket. Instructions are on the reverse of this form.

I. PLAINTIFF(S)	DEFENDANT(S)		
State of California, Gavin Newsom	Donald J. Trump, Kristi Noem, Dep't of Homeland Sec., Pete R. Flores, U.S. Customs and Border Protection		
County of Residence of First Listed Plaintiff: Leave blank in cases where United States is plaintiff. San Francisco	County of Residence of First Listed Defendant: Use ONLY in cases where United States is plaintiff.		
Attorney or Pro Se Litigant Information (Firm Name, Address, and Telephone Number) Zelda Vassar, Shiwon Choe, Carolyn Downs, Cal. Dep't of Justice 455 Golden Gate Ave., Ste. 11000, San Francisco, CA 94102, (415) 510-4400	Defendant's Attorney's Name and Contact Information (if known)		
II. BASIS OF JURISDICTION (Place an "X" in One Box Only) U.S. Government Plaintiff Federal Question (U.S. Government Not a Party) I.S. Government Defendant Diversity	III. CAUSE OF ACTION Cite the U.S. Statute under which you are filing: (Use jurisdictional statutes only for diversity) 28 U.S.C. §§ 2201-02 Brief description of case: Tariff executive orders are ultra vires and unconstitutional		

Student Loans (Excludes Veterans)355 Motor Vehicle370 Other Fraud370 Other Fraud370 Other Fraud370 Other Fraud370 Other Fraud371 Truth in Leave Act880 Defend Trade Secrets Act of 2016Corrupt Organizations153 Recovery of Overpayment of Veteran's Benefits360 Other Personal Injury 362 Personal Injury-Medical Malpractice380 Other Personal Property Damage380 Other Personal Property Damage790 Other Labor Litigation 791 Employee Retirement Income Security Act880 Defend Trade Secrets Act of 2016480 Consumer Credit160 Stockholders' Suits362 Personal Injury-Medical Malpractice385 Property Damage Product Liability100 Other Contract861 HIA (1395ff)490 Cable/Sat TV190 Other ContractCIVIL RIGHTSPRISONER PETITIONS 440 Other Civil Rights463 Alien Detainee Sentence863 DIWC/DIWW (405(g))864 SSID Title XVI890 Other Statutory Actions 865 RSI (405(g))891 Agricultural Acts196 Franchise441 Voting463 Alien Detainee Source510 Motions to Vacate Sentence870 Taxes (U.S. Plaintiff or Defend ant)895 Freedom of Information Actions220 ForeclosureAccommodations530 General535 Death Penalty871 Malpractice871 Title Penty Bendities- Corrup Date899 Administrative Procedure Act/Review or Appeal220 Foreclosure445 Amer. w/Disabilities- Employment535 Death Penalty871 Title Party Sis Death Penalty870 Taxes (U.S. Plaintiff or Defendant)899 Administrative Procedure Act/Review or Appeal240 Tors to Land446 Amer. w/Disabilit	IV. NATURE OF S	UIT (Place an "X" in One Box	Only)			
120 Marine 110 KOVART RECKT 110 KOVART 110 KOV	CONTRACT	TO	RTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
196 Franchise 440 Other Civil Rights HABEAS CORPUS 465 Other Immigration 196 Franchise 441 Voting 463 Alien Detainee Actions REAL PROPERTY 442 Employment 510 Motions to Vacate Sentence 210 Land Condemnation 443 Housing/ Sentence Sentence 220 Foreclosure Accommodations 530 General 230 Rent Lease & Ejectment 445 Amer. w/Disabilities- 535 Death Penalty 240 Torts to Land Employment OTHER	CONTRACT 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract	TO PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury -Medical Malpractice CIVIL RIGHTS	RTS PERSONAL INJURY 365 Personal Injury – Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability 369 Asbestos Personal Injury Product Liability 369 Asbestos Personal Injury Product Liability 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	625 Drug Related Seizure of Property 21 USC § 881 690 Other LABOR 710 Fair Labor Standards Act 720 Labor/Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act IMMIGRATION 462 Naturalization	422 Appeal 28 USC § 158 423 Withdrawal 28 USC § 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 835 Patent—Abbreviated New Drug Application 840 Trademark 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g))	 375 False Claims Act 376 Qui Tam (31 USC § 3729(a)) 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced & Corrupt Organizations 480 Consumer Credit 485 Telephone Consumer Protection Act 490 Cable/Sat TV 850 Securities/Commodities/
All Education	195 Contract Product Liability 196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities- Employment 446 Amer. w/Disabilities-Other 448 Education	HABEAS CORPUS 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty 0THER 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee- Conditions of	Application 465 Other Immigration Actions FEDERAL TAX SUIT 870 Taxes (U.S. Plaintiff Defendant) 871 IRS-Third Party	864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS—Third Party	 Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State

	ORIGIN (Place an X in One Box Only)	Multidistrict Litigation–Transfer
×	Original Proceeding 📃 Removed from State Court 📃 Remanded from Appellate Court 📃 Reinstated or Reopened 📃 Transferred from Another District	Multidistrict Litigation-Direct File

VI. FOR DIVERSITY CASES ONLY: CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)	VII. REQUESTED IN COMPLAINT Check if the complaint contains a jury demand.				
laintiff Defendant Citizen of California Citizen of Another State Citizen or Subject of a Foreign Country Incorporated or Principal Place of Business In California Incorporated and Principal Place of Business In Another State Foreign Nation 	 Check if the complaint contains a jury demand. Amount: Check if the complaint seeks class action status under Fed. R. Civ. P. 23. Check if the complaint seeks a nationwide injunction or Administrative Procedure Act vacatur 				
VIII. RELATED CASE(S) OR MDL CASE Provide case name(s), number(s), and presiding judge(s). IX. DIVISIONAL ASSIGNMENT pursuant to Civil Local Rule 3-2 (Place an "X" in One Box Only) X SAN FRANCISCO/OAKLAND SAN JOSE					

COMPLETING THE CIVIL COVER SHEET

Complete the form as follows:

I. Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.

Attorney/Pro Se Litigant Information. Enter the firm name, address, telephone number, and email for attorney of record or pro se litigant. If there are several individuals, list them on an attachment.

- **II.** Jurisdiction. Under Federal Rule of Civil Procedure 8(a), pleadings must establish the basis of jurisdiction. If multiple bases for jurisdiction apply, prioritize them in the order listed:
 - (1) United States plaintiff. Jurisdiction based on 28 U.S.C. §§ 1345 and 1348 for suits filed by the United States, its agencies or officers.
 - (2) United States defendant. Applies when the United States, its agencies, or officers are defendants.
 - (3) *Federal question.* Select this option when jurisdiction is based on 28 U.S.C. § 1331 for cases involving the U.S. Constitution, its amendments, federal laws, or treaties (but use choices 1 or 2 if the United States is a party).
 - (4) *Diversity of citizenship*. Select this option when jurisdiction is based on 28 U.S.C. § 1332 for cases between citizens of different states and complete Section VI to specify the parties' citizenship. Note: Federal question jurisdiction takes precedence over diversity jurisdiction.
- III. Cause of Action. Enter the statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless jurisdiction is based on diversity. Example: U.S. Civil Statute: 47 U.S.C. § 553. Brief Description: Unauthorized reception of cable service.
- IV. Nature of Suit. Check one of the boxes. If the case fits more than one nature of suit, select the most definitive or predominant.
- V. Origin. Check one of the boxes:
 - (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) *Removed from State Court*. Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C. § 1441. When the petition for removal is granted, check this box.
 - (3) *Remanded from Appellate Court*. Check this box for cases remanded to the district court for further action, using the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) *Transferred from Another District*. Check this box for cases transferred under Title 28 U.S.C. § 1404(a). Do not use this for within-district transfers or multidistrict litigation (MDL) transfers.
 - (6) *Multidistrict Litigation Transfer*. Check this box when a multidistrict (MDL) case is transferred into the district under authority of Title 28 U.S.C. § 1407.
 - (7) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.

VI. Residence (citizenship) of Principal Parties. Mark for each principal party only if jurisdiction is based on diversity of citizenship.

VII. Requested in Complaint.

- (1) Jury demand. Check this box if plaintiff's complaint demanded a jury trial.
- (2) Monetary demand. For cases demanding monetary relief, check this box and enter the actual dollar amount being demanded.
- (3) Class action. Check this box if plaintiff is filing a class action under Federal Rule of Civil Procedure 23.
- (4) *Nationwide injunction.* Check this box if plaintiff is seeking a nationwide injunction or nationwide vacatur pursuant to the Administrative Procedures Act.
- VIII. Related Cases. If there are related pending case(s), provide the case name(s) and number(s) and the name(s) of the presiding judge(s). If a short-form MDL complaint is being filed, furnish the MDL case name and number.
- IX. Divisional Assignment. Identify the divisional venue according to Civil Local Rule 3-2: "the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated." Note that case assignment is made without regard for division in the following case types: Property Rights (Patent, Trademark and Copyright), Prisoner Petitions, Securities Class Actions, Anti-Trust, Bankruptcy, Social Security, and Tax.