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El Paso Border Wall Funding Halted in Major Victory for O'Melveny Clients

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NEW YORK—October 11, 2019—O'Melveny litigators and their co-counsel prevailed for their clients in federal court today as US District Court Judge David Briones ruled that the Trump Administration's declaration of a national emergency along the Southern border is unlawful.

O'Melveny, alongside Protect Democracy, former Acting Attorney General Stuart Gerson, Harvard Law Professor Laurence Tribe, the Niskanen Center, and the law firm of Willkie Farr & Gallagher LLP, represented plaintiffs El Paso County, Texas and the Border Network for Human Rights in a challenge to the Trump Administration's construction of a wall along the Southern border, along with the declaration of a "national emergency" at the border. O'Melveny Appellate partner Anton Metlitsky and associate Ephraim McDowell served as co-counsel for plaintiffs, and McDowell argued the merits of the case for plaintiffs.

In his ruling, Judge Briones enjoined appropriations for the border wall and invited the plaintiffs to propose terms for an injunction that would prevent the government from using funds to build border barriers that Congress did not authorize.

In declaring that wall construction and the "emergency" declaration were unlawful, the court held that the defendants' actions violated the 2019 Consolidated Appropriations Act, which the court found to prohibit the defendants' planned use of funds on a border wall.

Based on his accomplishments as an appellate advocate, the *National Law Journal* recognized Metlitsky as a Litigation "Trailblazer" in 2018. McDowell is a former clerk for Supreme Court Justice Elena Kagan and DC Circuit appeals court Chief Judge Merrick Garland. O'Melveny's appellate attorneys work with clients at every step of the litigation, from dispositive motions in trial court to merits briefing and argument in the US Supreme Court, to develop and present cutting-edge legal arguments



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