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Sovereign immunity prohibits suits in federal court against a state or an “arm of the state” by a state’s own citizens, citizens of another State, or citizens of foreign countries. Sovereign immunity protects the state unless Congress validly abrogates the state’s sovereign immunity or if the state waives its own immunity.

A widely recognized exception to sovereign immunity is an *Ex Parte Young* lawsuit, in which a party can sue a responsible executive officer for prospective relief from an ongoing violation of the federal Constitution by state officials, laws, and policies. This exception allows federal courts to hear anticipatory pre-enforcement constitutional challenges to federal laws. But, the problem arises that plaintiffs do not always understand who they are able to sue under *Young* and what defendants are still immune from suit under the Eleventh Amendment.

The 2016 case of *Smith v. Superior Court of Riverside County* provides a good example of which parties are and are not subject to suit in an *Ex Parte Young* action.

In *Smith*, plaintiff sued a number of defendants in an attempt to prevent the enforcement of California’s Vexatious Litigant Statute (“VLS”), which would require plaintiff to post a \$25,000 security bond in order to file any additional documents in his pending family law case. The Central District of California sifted through the long list of defendants named and accurately determined which defendants could be sued and which could not be sued in light of *Young* and the Eleventh Amendment.

The defendants named included (1) the California Judicial Council, as the relevant policy-making body; (2) Steven Jahr, the retired Administrative Director of the Judicial Council; and (3) Cantil-Sakauye and Hoshino, the Chief Justice of the California Supreme Court and the new Administrative Director of the Judicial Council.

First, the District Court properly dismissed plaintiff's claims against the Judicial Council on sovereign immunity grounds because the Council is "clearly a state agency" and therefore not a "person" within the meaning of Section 1983 nor is it an "individual officer" under the *Young* exception.

Second, the District Court also dismissed plaintiff's claims against defendant Steven Jahr. As the executive officer who was responsible for enforcing the VLS, Jahr would normally have been the correct defendant to name in this action to enjoin the enforcement of the VLS. But in this particular case, Jahr had retired and was no longer in a position to enforce the law against plaintiff. Therefore, the Court acted properly when it dismissed the claims against Jahr.

Lastly, the District Court held that Cantil-Sakauye and Hoshino were both properly named as defendants who were not protected under the doctrine of sovereign immunity. The plaintiff properly sued Cantil-Sakauye and Hoshino in their administrative capacities, where they were both directly connected to the enforcement of the relevant law, and the plaintiff properly sought only prospective injunctive and declaratory relief against them. Therefore, these two individual officers were properly named defendants in this *Ex Parte Young* lawsuit, which falls under the exception to sovereign immunity.