

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>LEAGUE OF UNITED LATIN AMERICAN CITIZENS OF IOWA,</p> <p>Plaintiff,</p> <p>v.</p> <p>IOWA SECRETARY OF STATE PAUL PATE, in his official capacity, and IOWA ATTORNEY GENERAL THOMAS MILLER, in his official capacity,</p> <p>Defendants,</p> <p>REPUBLICAN NATIONAL COMMITTEE, NATIONAL REPUBLICAN SENATORIAL COMMITTEE, NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE, and REPUBLICAN PARTY OF IOWA,</p> <p>Intervenor-Defendants.</p>	<p>Case No. CVCV061476</p> <p>Motion to Stay Order to Compel</p>
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COME NOW Senators Jim Carlin, Chris Cournoyer, Adrian Dickey, Jason Schultz, Roby Smith, and Dan Zumbach; former Senator Zach Whiting; and Representatives Brooke Boden, Bobby Kaufmann, Carter Nordman, and Jeff Shipley (collectively, “the Legislators”) and move to stay the Court’s Order to Compel issued February 28, 2022. In support, the Legislators state:

1. On Monday, this Court granted LULAC’s motion to compel and ordered the Legislators to provide all subpoenaed documents, except for internal work product of Legislators.

2. The Legislators will suffer practical and institutional harms if they comply with LULAC’s subpoenas and this Court’s order. *See* Resistance to Mtn.

to Compel at 6–7. Thus, they will soon be filing a petition for writ of certiorari with the Iowa Supreme Court to protect against these harms.

3. The Court’s order to compel did not set any deadline for complying with it. But out of an abundance of caution, the Legislators request a stay of the order to compel pending the Supreme Court’s consideration of their petition for writ of certiorari.

4. Even absent a stay, it is unlikely that the Legislators could comply with the Court’s order in the next two weeks before the currently scheduled trial, so staying the order is unlikely to have any material effect on the parties.

5. Whether to grant a stay of proceedings pending appeal is a decision “resting largely in the sound discretion” of the Court. *State ex rel. Adams v. Murray*, 257 N.W. 553, 555 (Iowa 1934); *cf. Pesce v. City of Des Moines*, No. 17-0312, 2018 WL 3654842 (Iowa Ct. App. Aug. 1, 2018) (holding that courts have broad discretion to continue proceedings pending appeal). A stay should not be denied “merely because [the court] is abidingly satisfied with the correctness of [its] ruling.” *Murray*, 257 N.W. at 555. And the Court “should, of course, consider that certainty in the disposition of litigation is to be desired as much as celerity.” *Id.* Yet a party cannot obtain delay merely by filing a frivolous motion and seeking appeal. *See id.*

6. The Legislators’ claim of legislative privilege is not frivolous. It presents serious constitutional concerns. And it’s appropriate to ensure that the Supreme Court has the chance to grant appellate review before any irreparable harms protected by the legislative privilege and the constitutional separation of powers occur.

7. Defendants and Intervenor-Defendants do not object to this motion. Counsel for Plaintiff have indicated that it does object.

WHEREFORE, the Legislators request that this Court stay its order to compel pending consideration of their petition for writ of certiorari so that the Iowa Supreme Court may decide whether to permit appellate review before the legislative privilege is breached.

Respectfully submitted,

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REPRESENTATIVES BROOKE
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PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties of record by delivery in the following manner on March 2, 2022:

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| <input type="checkbox"/> U.S. Mail | <input type="checkbox"/> FAX |
| <input type="checkbox"/> Hand Delivery | <input type="checkbox"/> Overnight Courier |
| <input type="checkbox"/> Federal Express | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> EDMS | |

Signature: /s/ Samuel P. Langholz

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