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*Attorneys for Plaintiff Darrell Issa*

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

**DARRELL ISSA,**

Plaintiff,

v.

**SHIRLEY N. WEBER, in her official  
capacity as Secretary of  
State of California,**

Defendant,

**LEAGUE OF WOMEN VOTERS OF  
CALIFORNIA, CALIFORNIA  
ALLIANCE FOR RETIRED  
AMERICANS, VET VOICE, AND  
CURTIS MORRISON,**

Intervenor-Defendants.

25-cv-598-AGS-JLB

**MOTION (1) BY ALL PARTIES  
TO TEMPORARILY STAY  
BRIEFING SCHEDULE; AND (2)  
BY PLAINTIFF FOR A STAY OF  
ALL PROCEEDINGS**

Dept. 5C  
Judge: Hon. Andrew G. Schopler

1 On May 30, 2025, pursuant to this Court's minute entry (ECF 35), the Parties  
2 submitted a joint proposed briefing schedule for anticipated motions to dismiss and  
3 motion for a preliminary injunction. The Court entered the Parties' proposed  
4 schedule on June 2, 2025. (ECF 38). At the time the Parties agreed to that schedule,  
5 they anticipated that they would brief the jurisdictional issues raised by the Court  
6 from the bench in the May 16, 2025 hearing in this matter in their motion papers, the  
7 first round of which are due in two days, on Wednesday, June 11, 2025.

8 However, also on June 2, 2025, the U.S. Supreme Court granted certiorari in  
9 *Bost v. Ill. State Bd. of Elections*, No. 24-568, to address the sole question presented  
10 of whether federal political candidates have standing to challenge a state law allowing  
11 post-Election Day receipt of ballots.<sup>1</sup>

12 Given this development, the Parties and Intervenor conferred via  
13 videoconference on June 6, 2025, to discuss a stay of all proceedings in this action  
14 pending the Supreme Court's resolution of *Bost*. At that conference, all Parties agreed  
15 in light of the impending June 11 deadline to the first instant motion to stay the  
16 current briefing schedule pending the outcome of the motion for a stay of all  
17 proceedings. This first motion is uncontested.

18 At the same conference, Plaintiff proposed a stay of all proceedings pending the  
19 Supreme Court's resolution of *Bost*. Counsel for Defendant Weber and Intervenor-  
20 Defendants Morrison, Vet Voice Foundation, and California Alliance of Retired  
21 Americans indicated that they intend to argue that the Court lacks subject matter  
22 jurisdiction in this action, including because Plaintiff lacks Article III standing, and  
23 stated that they do not oppose Plaintiff's motion for a stay of all proceedings pending  
24 the outcome in *Bost*. Counsel for Intervenor-Defendant League of Women Voters of  
25 California indicated that they intend to argue that the Court has subject matter  
26 jurisdiction for purposes of granting a Rule 12 motion to dismiss, and stated that they

27 <sup>1</sup> Counsel for Congressman Issa, who represents Congressman Bost in  
28 *Bost*, anticipates the Court hearing arguments in October or November 2025.

1 would oppose Plaintiff's motion for a stay of all proceedings. Accordingly, this  
2 second motion is contested.

3 Plaintiff Issa respectfully submits that a stay pending resolution of the  
4 jurisdictional questions presented in *Bost* will serve the interests of judicial efficiency  
5 and is appropriate "to secure the just, speedy, and inexpensive determination" of this  
6 action. Fed. R. Civ. P. 1. Given the similarity of the issues in this case and in *Bost*,  
7 the outcome of the jurisdictional issues in *Bost* may inform the jurisdictional issues  
8 presented in this case. No one could have been certain of the grant of certiorari, and  
9 the herein relief was requested at the first opportunity.

10 Intervenor-Defendant League of Women Voters of California has advised it  
11 opposes the motion for a stay of all proceedings and will respond separately to briefly  
12 set forth its position within three days of the filing of this Motion.

13 Accordingly,

14 (1) all Parties respectfully request that the Court enter an order temporarily  
15 staying the briefing schedule set forth in its June 2, 2025 minute entry (ECF  
16 38), pending resolution of the instant motion for a stay of all proceedings,  
17 with a new briefing schedule to issue once this Court rules on the motion for  
18 a stay of all proceedings; and

19 (2) Plaintiff Issa respectfully requests a stay of all proceedings pending the  
20 Supreme Court's resolution of *Bost v. Ill. State Bd. of Elections*, No. 24-568.  
21 Defendant Weber and Intervenor-Defendants Morrison, Vet Voice  
22 Foundation, and California Alliance for Retired Americans consent to such  
23 a stay.

1 Dated: June 9, 2025

Respectfully submitted,

2 /s/ Russ Nobile

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