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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

STATE OF WASHINGTON; and STATE OF OREGON,

Plaintiffs,

v.

DONALD J TRUMP, et al.,

Defendants.

CASE NO. 2:25-cv-00602-JHC

ORDER

Before the Court are the parties' motions at Dkt. ## 37 & 64. Based on its review of the briefing relating to the motions, the Court DIRECTS the parties to provide supplemental briefs to address the following questions:

Plaintiffs shall address:

1. Under which cause (or causes) of action do Plaintiffs seek relief for each individual claim regarding Executive Order 14248 (EO)? To the extent Plaintiffs assert any non-*ultra vires* causes of action, please explain the cause(s) of action and provide a legal basis for the claim(s).

1           2.       Whether Plaintiffs have standing to challenge EO section 2(d) if, as Defendants  
2 contend, the provision applies only to federal agencies under the National Voter Registration  
3 Act. *See* Dkt. # 64 at 25.

4           3.       Whether Plaintiffs challenge EO section 3(d) in its entirety or only section 3(d)(i).  
5 If Plaintiffs challenge section 3(d)(ii), please explain briefly how the challenge is justiciable.

6           4.       Whether a favorable ruling on Plaintiffs' challenge to EO section 4(b) would  
7 moot Plaintiffs' section 4(d) claim and, if not, why Plaintiffs' 4(d) challenge should still survive  
8 Defendants' motion to dismiss.

9           5.       Whether Plaintiffs request an injunction regarding EO section 7(a) in its entirety  
10 or only as to specific applications. *See, e.g., California v. Trump*, No. 25-CV-10810-DJC, 2025  
11 WL 1667949, at \*14 (D. Mass. June 13, 2025) (enjoining the Attorney General from taking civil  
12 and criminal enforcement actions but declining to enjoin "all applications" of section 7(a)). To  
13 the extent Plaintiffs request a total injunction, please explain briefly why any and all applications  
14 of section 7(a) are unlawful and should be enjoined.

15           6.       Whether Plaintiffs still agree to dismissal of their challenges to EO sections  
16 2(b)(iii), 2(e)(ii), and 5(b), considering Defendants' clarifications in their reply. *See* Dkt. # 113  
17 at 116. To the extent Plaintiffs no longer agree to dismissal, please explain why the claims  
18 should not be dismissed.

19           7.       Whether this Court can, consistent with the Supreme Court's decision in *Trump v.*  
20 *CASA, Inc.*, 606 U.S. 831 (2025), issue Plaintiffs' requested relief, specifically with respect to  
21 EO sections 2(a) and 4(b).

22           8.       Whether Plaintiffs oppose dismissal of Claim 6 (Violation of the Article II,  
23 Section 3 of the U.S. Constitution), *see* Dkt. # 1 at 41, and if so, whether this Court can,  
24 consistent with the political question and other justiciability doctrines, review this claim.

1 9. Whether Plaintiffs oppose dismissal of Claim 3 (Constitutional Right to Vote), *see*  
2 Dkt. # 1 at 37, and if so, on what basis do Plaintiffs assert standing.

3 Defendants shall address:

4 1. Whether this Court must accept Defendants' interpretation of EO section 2(d),  
5 particularly when this position was not advanced in similar litigation. *See California*, 2025 WL  
6 1667949.

7 2. Whether Defendants agree with Plaintiffs' interpretation of EO section 4(b)(ii),  
8 i.e., that section 4(b)(ii) requires the EAC "to decertify all presently certified voting systems  
9 unless they are formally recertified under the President's preferred standards," *see* Dkt. # 103 at  
10 8, resulting in mandatory decertification of all federally certified voting systems at some point in  
11 time. If Defendants disagree, please explain your alternative interpretation of the decertification  
12 directive contained in section 4(b)(ii).

13 3. Whether Defendants oppose this Court granting Plaintiffs' requested relief should  
14 the Court reject Defendants' substantive arguments and grant summary judgment on all or some  
15 of Plaintiffs' claims.

16 The parties' briefs shall be filed no later than Friday, October 3, 2025. Each side may file  
17 response briefs, which shall be filed no later than Friday, October 10, 2025. Each brief shall not  
18 exceed 4,200 words.

19 The Court DIRECTS the Clerk to renote the motions at Dkt. ## 37 & 64 for October 10,  
20 2025.

21 Dated this 19th day of September, 2025.

22 

23 John H. Chun  
24 United States District Judge