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**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

GAVIN NEWSOM, in his official capacity as
 Governor of the State of California, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
 President of the United States of America, et al.,

Defendants.

Case No. 3:25-cv-04870-CRB

**DEFENDANTS' MOTION TO STAY
 PROCEEDINGS**

Defendants hereby move the Court for an order to stay all proceedings in this matter pending resolution of all appellate proceedings concerning 10 U.S.C. § 12406. This motion is based on the accompanying Combined Memorandum in Support of Motion to Stay Proceedings and Response to Plaintiffs' Request for Expedited Summary Judgment Briefing Schedule and the entire record before the Court. A proposed order is also attached.

1 Defendants' counsel contacted Plaintiffs' counsel to seek their position. Plaintiffs' counsel
2 responded: "Plaintiffs oppose any motion by Defendants to stay all district court proceedings
3 pending resolution of all appellate proceedings on the Section 12406 issue. For the reasons stated
4 in Plaintiffs' motion for preliminary injunction, brief regarding jurisdiction, and response to the
5 Court's stay order, the Court retains jurisdiction over any aspects of this case not involved in the
6 appeal, including to rule on the merits of Plaintiffs' claims. Given the briefing already submitted
7 on this issue, and for efficiency, Plaintiffs submit this position statement for inclusion in
8 Defendants' filing, in lieu of a separate response or opposition, but will of course file further
9 briefing on the topic if the Court orders it."

1 Dated: September 25, 2025

Respectfully submitted,

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