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

**GAVIN NEWSOM, IN HIS OFFICIAL
CAPACITY AS GOVERNOR OF THE STATE OF
CALIFORNIA; STATE OF CALIFORNIA,**

Plaintiffs,

v.

**DONALD TRUMP, IN HIS OFFICIAL
CAPACITY AS PRESIDENT OF THE UNITED
STATES; PETE HEGSETH, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF THE
DEPARTMENT OF DEFENSE; U.S.
DEPARTMENT OF DEFENSE,**

Defendants.

NO. 3:25-cv-04870-CRB

**NOTICE OF OPPOSITION TO MOTION
TO STAY**

1 On September 25, 2025, Defendants moved to stay all proceedings in this matter pending
2 resolution of all appellate proceedings concerning 10 U.S.C. § 12406. ECF No. 197. Prior to
3 filing their motion, Defendants requested Plaintiffs' position on their motion, and Plaintiffs
4 provided their position statement, which Defendants included in their Notice of Motion. *Id.* Out
5 of an abundance of caution, to ensure the Court is aware that Plaintiffs oppose the motion but do
6 not currently intend to submit additional briefing beyond that already filed with the Court on
7 these issues, Plaintiffs file this notice setting forth their position statement again in this separate
8 filing. Plaintiffs respectfully submit that the Court may now rule on all issues currently pending
9 before it—including Plaintiffs' request for an expedited summary judgment schedule or indicative
10 ruling and Defendants' motion to stay.

11 **Plaintiffs' Position:** Plaintiffs oppose any motion by Defendants to stay all district court
12 proceedings pending resolution of all appellate proceedings on the Section 12406 issues. For the
13 reasons stated in Plaintiffs' motion for preliminary injunction, brief regarding jurisdiction, and
14 response to the Court's stay order, the Court retains jurisdiction over any aspects of this case not
15 involved in the appeal, including to rule on the merits of Plaintiffs' claims. Given the briefing
16 already submitted on this issue, and for efficiency, Plaintiffs submit this position statement for
17 inclusion in Defendants' filing [and re-submit it via this notice], in lieu of a separate response or
18 opposition, but will of course file further briefing on the topic if the Court orders it.

1 Dated: October 2, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

Case Name: Newsom v. Trump No. 3:25-cv-04870-CRB

I hereby certify that on October 2, 2025, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

NOTICE OF OPPOSITION TO MOTION TO STAY

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on October 2, 2025, at San Francisco, California.

M. Paredes
Declarant

/s/ M. Paredes
Signature

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