

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

STATE OF OREGON, et al.,

Plaintiffs-Appellees,

v.

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

Defendants-Appellants.

No. 25-7194

**CIRCUIT RULE 27-3 CERTIFICATE**

The undersigned counsel certifies that the following is the information required  
by Circuit Rule 27-3:

**(1) Attorneys' contact information**

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**(2) Existence and nature of the emergency**

The district court has entered an extraordinary order countermanding the President's decision to call forth the National Guard to protect federal officers in Portland from violent attacks and to protect federal property from further damage. The accompanying motion requires resolution on an emergency timeframe because the district court impermissibly second-guessed the Commander in Chief's military judgments—something district courts lack the authority and competence to do.

The accompanying motion could not have been filed earlier. The district court entered its partial final judgment accompanied by a 106-page opinion on the evening of November 7, 2025. The federal government noticed an appeal on November 14, 2025, and filed this motion on November 16, 2025.

**(3) Notice to opposing parties**

Prior to filing this motion, Defendants contacted counsel for Plaintiffs and informed them of Defendants' intent to seek a stay pending appeal. Plaintiffs Oregon and Portland state that they oppose a stay pending appeal and an administrative stay. California states that it opposes a stay pending appeal, and that it takes no position on the administrative stay based on California's understanding that the California National Guard is not affected by the administrative stay request. Upon filing this motion, defendants will provide a service copy to plaintiffs' counsel via email.

**(4) Relief sought in district court**

Before trial, Defendants asked the district court to stay any injunction pending appeal, but the district court only stayed the order to the extent that it enjoins the federalization of members of any State's National Guard and, as to the Oregon National Guard, that stay is only in effect until November 21.

*/s/ Andrew M. Bernie*  
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ANDREW M. BERNIE

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