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

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 19 **GAVIN NEWSOM, IN HIS OFFICIAL**
CAPACITY AS GOVERNOR OF THE STATE OF
 20 **CALIFORNIA; STATE OF CALIFORNIA,**
 21 Plaintiffs,
 22 v.
 23 **DONALD TRUMP, IN HIS OFFICIAL**
CAPACITY AS PRESIDENT OF THE UNITED
 24 **STATES; PETE HEGSETH, IN HIS OFFICIAL**
 25 **CAPACITY AS SECRETARY OF THE**
DEPARTMENT OF DEFENSE; U.S.
 26 **DEPARTMENT OF DEFENSE,**
 27 Defendants.
 28

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

**STIPULATED MOTION TO STAY
 DEADLINES FOR: (1) PLAINTIFFS’
 OPPOSITION TO DEFENDANTS’
 MOTION TO DISMISS; AND
 (2) DEFENDANTS’ REPLY IN SUPPORT
 OF DEFENDANTS’ MOTION TO
 DISMISS**

1 Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rules 6-1(b), 6-2, and 7-12, the
2 parties hereby file this stipulated motion for a Court Order to stay the deadlines for Plaintiffs’
3 Opposition to Defendants’ Motion to Dismiss and Defendants’ Reply in Support of Defendants’
4 Motion to Dismiss. In support of this stipulation, the parties submit the following:

5 **I. PROCEDURAL BACKGROUND**

6 1. On June 9, 2025, Plaintiffs filed their Complaint in this matter challenging
7 Defendants’ federalization and deployment of the California National Guard in Los Angeles.
8 ECF No. 1.

9 2. On June 12, 2025, the Court issued a Temporary Restraining Order based on
10 Plaintiffs’ 10 U.S.C. § 12406 claims. ECF No. 64. That day, Defendants filed a notice of appeal
11 of the Temporary Restraining Order. ECF No. 65. The Ninth Circuit issued a stay of that
12 Temporary Restraining Order pending appeal, *Newsom v. Trump*, 141 F.4th 1032 (9th Cir. 2025),
13 and the appeal of the Temporary Restraining Order remains pending before the Ninth Circuit.

14 3. On September 2, 2025, the Court entered a Partial Final Judgment in Plaintiffs’ favor
15 on Plaintiffs’ Posse Comitatus Act Claims. ECF Nos. 176, 182, 186. On September 3, 2025,
16 Defendants filed a notice of appeal of the Court’s Partial Final Judgment, ECF No. 187, and the
17 appeal of that Partial Final Judgment remains pending before the Ninth Circuit.

18 4. On December 10, 2025, the Court granted Plaintiffs’ Renewed Motion for a
19 Preliminary Injunction on 10 U.S.C. § 12406 grounds, with respect to Defendants’ orders in
20 August and October 2025 extending the federalization of the California National Guard in Los
21 Angeles. ECF No. 225. On December 11, 2025, Defendants filed a notice of appeal of the
22 Preliminary Injunction. ECF No. 228. The appeal of the Preliminary Injunction remains pending
23 before the Ninth Circuit.

24 5. Currently, appeals of three separate orders in this matter remain pending before the
25 Ninth Circuit—in addition to related, consolidated Ninth Circuit appeals in *Oregon v. Trump*, No.
26 25-6268 and No. 25-7194, concerning the federalization and deployment of National Guardsmen
27 in Portland, Oregon.

1 **II. DEFENDANTS’ MOTION TO DISMISS**

2 6. On December 5, 2025, Defendants filed their Motion to Dismiss Plaintiffs’
3 Complaint. ECF No. 221.

4 7. On December 16, 2025, the parties filed a stipulated motion to extend deadlines for
5 the Motion to Dismiss briefing, which this Court granted. ECF Nos. 230-31. Currently,
6 Plaintiffs’ Opposition to the Motion to Dismiss is due on January 20, 2026, and Defendants’
7 Reply is due on February 3, 2026.

8 **III. THE PARTIES’ STIPULATED MOTION TO STAY**

9 8. In light of the Supreme Court’s decision on December 23 in *Trump v. Illinois*, 607
10 U.S. ___ (2025), and the change in posture of the pending appeals before the Ninth Circuit, both
11 parties seek a stay of the Motion to Dismiss briefing pending further guidance from the appeals
12 before the Ninth Circuit in *Newsom v. Trump*, Nos. 25-3727 and 25-7781, and *Oregon v. Trump*,
13 Nos. 25-6268 and 25-7194.

14 9. Courts may stay proceedings “incidental to the power inherent in every court to
15 control the disposition of the causes on its docket with economy of time and effort for itself, for
16 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936).

17 10. This stay of deadlines will not unduly delay the Court’s ability to proceed in this
18 matter. The parties submit that staying briefing on Defendants’ Motion to Dismiss—until the
19 Ninth Circuit resolves the various appeals in *Newsom v. Trump*, Nos. 25-3727 and 25-7781, and
20 *Oregon v. Trump*, Nos. 25-6268 and 25-7194, or subject to further order of this Court—would
21 serve the interests of efficiency and judicial economy by avoiding potentially unnecessary
22 litigation. *See Sarkar v. Garland*, 39 F.4th 611, 618 (9th Cir. 2022) (“[H]alting the proceedings
23 serves . . . efficient resolution . . . to allow action by a different panel or a different forum that will
24 impact the nature of the case pending before us or the basis for our decision.”); 16 Charles Alan
25 Wright & Arthur R. Miller, *Federal Practice & Procedure* § 3921.2 (3d ed. 2025) (“[I]t would be
26 advisable for the district court to . . . defer action when it seems reasonably probable that
27 appellate decision of the same question is imminent” or “may change the context of the matters
28 presented”).

1 For the reasons above, the parties submit this stipulated request for a Court Order:
2 (1) staying the deadline for Plaintiffs’ Opposition to Defendants’ Motion to Dismiss and
3 Defendants’ Reply Brief in Support of Defendants’ Motion to Dismiss, until further order of the
4 Court or until the Ninth Circuit resolves Defendants’ appeals in *Newsom v. Trump*, Nos. 25-3727
5 and 25-7781, and *Oregon v. Trump*, Nos. 25-6268 and 25-7194; and (2) directing the parties—
6 upon an order by this Court or any orders resolving Defendants’ appeals in *Newsom v. Trump*,
7 Nos. 25-3727 and 25-7781, and *Oregon v. Trump*, Nos. 25-6268 and 25-7194—to confer and file,
8 within 14 days, a status report containing the parties’ joint or separate proposals for further
9 proceedings on Defendants’ Motion to Dismiss.

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1 Dated: January 12, 2026

Respectfully submitted,

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