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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

DAVID TANGIPA, *et al.*,  
*Plaintiffs*,  
  
and  
  
UNITED STATES OF AMERICA,  
*Plaintiff-Intervenor*,  
  
v.  
  
GAVIN NEWSOM, in his official  
capacity as the Governor of California,  
*et al.*,  
  
*Defendants*,

Case No. 2:25-cv-10616-JLS-KES  
Three-Judge Court

**PLAINTIFFS’ AND PLAINTIFF-  
INTERVENOR’S RESPONSE TO  
DEFENDANTS’ AND DEFENDANT-  
INTERVENORS’ EX PARTE  
APPLICATION REQUESTING  
CLARIFICATION REGARDING  
EVIDENTIARY HEARING PROCEDURE  
Hon. Josephine L. Staton  
Hon. Wesley L. Hsu  
Hon. Kenneth K. Lee  
Hearing Date: December 15, 2025  
Time: 9 a.m.  
Courtroom: One  
Case 2:25-cv-10616-JLS-WLH-KKL**

Honorable Josephine L. Staton  
United States District Judge

Plaintiffs and Plaintiff-Intervenor (collectively “Plaintiffs”) respectfully submit this response to Defendants’ and Defendant-Intervenors’ Ex Parte Application Requesting Clarification Regarding Evidentiary Hearing Procedure, Dkt. 134 (“Application”).

The Application correctly states that Plaintiffs object to post-hearing briefing. Plaintiffs object because time is of the essence. Defendants have emphasized that “county elections officials and the Secretary of State must finalize implementation of the new congressional districts no later than December 18.” Dkt. 113-2 at 7. Plaintiffs agree that a swift ruling from the Court is necessary to promote certainty and avoid disruption of the electoral process. That is why Plaintiffs were prepared to begin presenting their case on December 3, in accordance with the parties’ joint stipulation, Dkt. 33, and the Court’s November 19 scheduling order, Dkt. 62.

1 Although Defendants have expressed concerns about “delays in ongoing and  
2 upcoming election processes” resulting from this litigation, Dkt. 113-2 at 6, they  
3 nevertheless have sought to prolong this litigation. A “mere six days after they stipulated  
4 to” “the preliminary injunction and hearing schedule,” they “filed an eleventh-hour ex  
5 parte application” to postpone the hearing, even though there was not “anything [that] has  
6 occurred in those six days that justifies [their] sudden change of heart.” Dkt. 81 at 1. And  
7 the instant Application (at 3) now invites time-consuming post-hearing briefing.  
8 Defendants and Defendant-Intervenors believe that the Court somehow can begin a  
9 multiday hearing on Monday, December 15, sacrifice a day or two to post-hearing briefing,  
10 and issue a reasoned order and opinion by no later than Thursday, December 18. That is  
11 unrealistic.

12 Plaintiffs accordingly propose opening and closing statements in lieu of protracted  
13 briefing. Opening statements will efficiently frame the issues for the Court and highlight  
14 disputed questions of law and fact, and closing statements similarly will frame the issues  
15 and summarize the evidence presented during the hearing. Post-hearing briefing, in  
16 contrast, will expend judicial and litigant resources and waste the already limited time  
17 before the signature-collection period begins on December 19. Such briefing is  
18 unnecessary because there already has been “extensive briefing” in this case. Application  
19 at 4. Plaintiffs explained this to Defendants and Defendant-Intervenors before they filed  
20 the Applications. *See* Declaration of Joshua R. Zuckerman, Ex. 1.

21 Plaintiffs do not oppose the Application’s additional requests for clarity. Plaintiffs  
22 respectfully request that “any limit on the length of the evidentiary hearing” (Application  
23 at 3) ensure that Plaintiffs and Defendants/Defendant-Intervenors are given equal time to  
24 present their cases and that the Court will have time to issue an order and opinion before  
25 December 19. Further, Plaintiffs anticipate presenting the entirety of their case on  
26 Monday, December 15, and respectfully request that to avoid unnecessary delays, the  
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1 Court clarify that Defendant and Defendant-Intervenors must be prepared to begin their  
2 case immediately after Plaintiffs rest.

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1 DATED: December 10, 2025

Respectfully submitted:

2 By:/s/ Mark P. Meuser

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**ATTESTATION PURSUANT TO LOCAL RULE 5-4.3.4**

This certifies, pursuant to Local Rule 5-4.3.4, that all signatories to this document concur in its content and have authorized this filing.

/s/ Mark P. Meuser

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