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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
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14
15

16 **MITCH NOYES, et al.,**

17 Plaintiffs,

18 v.

19 **GAVIN NEWSOM, in his official**
20 **capacity as Governor of California,**
et al.;

21 Defendants.
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2:25-cv-11480-JLS-PVC

**DEFENDANTS' EX PARTE
APPLICATION FOR A STAY
PENDING THE RESOLUTION OF
THE MOTIONS FOR
PRELIMINARY INJUNCTION IN
TANGIPA V. NEWSOM, OR, IN
THE ALTERNATIVE, A STATUS
CONFERENCE BEFORE
JANUARY 14, 2026**

**DEFENDANTS' EX PARTE APPLICATION FOR A STAY OF THE CASE
PENDING THE RESOLUTION OF THE MOTIONS FOR PRELIMINARY
INJUNCTION IN *TANGIPA V. NEWSOM***

Defendants Gavin Newsom, in his official capacity as Governor of California, and Shirley Weber, in her official capacity as Secretary of State of California (collectively, Defendants) respectfully apply ex parte under Local Rule 7-19 for an order staying the case until the final resolution of the pending motions for preliminary injunction in *Tangipa v. Newsom*, No. 2:25-cv-10616-JLS-WLH-KKL—either until the district court in *Tangipa* issues its order on the pending motions for preliminary injunction and the time to appeal has expired, or until the United States Supreme Court issues its order after the motions for preliminary injunction pending in *Tangipa* have been appealed. Good cause exists to hear this application ex parte because Plaintiffs have filed a motion for preliminary injunction on minimum notice, and insufficient time exists to brief and hear a noticed stay motion before Defendants' current deadline to oppose Plaintiffs' preliminary injunction motion (January 14, 2026), or the current hearing date for Plaintiffs' motion (February 4, 2026).

In the alternative, if the Court does not order a stay, Defendants request that the Court schedule a status conference as soon as possible, and before January 14, 2026—Defendants' current opposition deadline—to discuss setting a new hearing date and briefing schedule for Plaintiffs' motion for preliminary injunction, filed January 7, 2026 (dkt. 37).

On January 8 and 9, 2026, counsel for Defendants conferred with Plaintiffs' counsel, who have indicated that Plaintiffs oppose the instant ex parte application and will file an opposition.

Per the Judge's Procedures for ex parte applications, any opposition to this application "must be filed no later than 24 hours after service."

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1 This ex parte application is based upon this application, the memorandum of
2 points and authorities herein, the declaration re notice, the pleadings and papers on
3 file and any filings that may be subject to judicial notice.

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6 Dated: January 9, 2026

Respectfully submitted,

7 ROB BONTA
8 Attorney General of California
9 MARK R. BECKINGTON
10 Supervising Deputy Attorney General

11 /s/ Kiana S. Herold
12 KIANA S. HEROLD
13 Deputy Attorney General
14 *Attorneys for Defendants California*
15 *Governor Gavin Newsom and*
16 *Secretary of State Shirley Weber*

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 On December 2, 2025, Plaintiffs filed their Complaint for Declaratory,
3 Injunctive, or Other Relief (Complaint) (dkt. 1), and a notice of related case (dkt.
4 6), stating that the instant action is related to another action within this district,
5 namely *Tangipa v. Newsom*, No. 2:25-cv-10616-JLS-WLH-KKL, filed November
6 5, 2025. In the notice of related action, Plaintiffs state, and Defendants agree, that
7 the Court's "core task in both cases is identical." *See* dkt. 6. As Plaintiffs state, both
8 cases challenge the constitutionality and legality of California's Congressional
9 redistricting map adopted through Proposition 50 under the Fifteenth Amendment
10 to the United States Constitution and the Voting Rights Act. *See id.*; *see also*
11 Complaint at ¶¶ 53-61; *Tangipa* dkt. 1 at ¶¶ 112-126.¹ Plaintiffs seek a declaration
12 that Proposition 50's map violates the Fifteenth Amendment and the Voting Rights
13 Act and an order enjoining enforcement of the map, along with attorneys' fees and
14 costs. *See* Complaint at pp. 16-17. The *Tangipa* plaintiffs seek identical relief,
15 except additionally requesting an order declaring that Proposition 50's map violates
16 the Fourteenth Amendment. *See Tangipa* dkt. 1 at p. 24.²

17 On January 8, 2026, this Court entered an order finding this case is related to
18 *Tangipa* and transferred it to that Court's docket. Dkt. 39. In the Order re Transfer,
19 this Court found that the present case and *Tangipa* "[a]rise from the same or closely
20 related transactions, happenings or events; or [c]all for determination of the same or
21 substantially related or similar questions of law and fact; or [f]or other reasons
22 would entail substantial duplication of labor if heard by different judges." *Id.*

23
24 ¹ The Court may take judicial notice of the documents in the *Tangipa* file
cited herein. *See Trigueros v. Adams*, 658 F.3d 983, 987 (9th Cir. 2011).

25 ² The *Tangipa* plaintiffs and intervenor-plaintiff United States of America
26 also bring claims pursuant to the Fourteenth Amendment. *See Tangipa* Complaint
27 at pgs. 19-24; *Tangipa* dkt. 42 at pgs. 15-17. Defendants address the proper
28 standard for evaluating the *Tangipa* plaintiffs' and intervenor-plaintiff's claims in
the opposition to the motion for preliminary injunction in that case. *See Tangipa*
dkt. 113. Accordingly, Defendants will not discuss this at length here, beyond
noting the differing framing of the claims does not substantively change the legal
analysis between the cases.

1 In *Tangipa*, a three-judge court was convened pursuant to 28 U.S.C.
2 § 2284(a), and an evidentiary hearing was conducted from December 15 to
3 December 17, 2025, on two motions for preliminary injunction, one filed by
4 plaintiffs and another by plaintiff-intervenor the United States of America. *See*
5 *Tangipa* dks. 15, 29, 36. The three-judge court has taken the *Tangipa* motions for
6 preliminary injunction under submission. *See Tangipa* dks. 179-180, 183. Plaintiffs
7 have requested a three-judge court in the instant action, and that request is pending.
8 *See* dks. 30, 35.

9 Because the same legal issues are at the crux of *Tangipa* and the instant case,
10 the instant case should be stayed until the final resolution of the motions for
11 preliminary injunction in *Tangipa* in order to conserve judicial resources, and avoid
12 any potential confusion or inconsistent rulings in this action. The requested stay is
13 narrow—either until the district court in *Tangipa* issues its order on the pending
14 motions for preliminary injunction and the time to appeal has expired, or until the
15 United States Supreme Court issues its order after the motions for preliminary
16 injunction pending in *Tangipa* have been appealed.

17 The Court has the inherent power to manage its docket, including the
18 discretion to stay a case. The Court’s “power to stay proceedings is incidental to the
19 power inherent in every court to control the disposition of the causes on its docket
20 with economy of time and effort for itself, for counsel, and for litigants.” *Landis v.*
21 *N. Am. Co.*, 299 U.S. 248, 254 (1936). Where, as here, a related pending case bears
22 on the case at hand, courts may order a stay in the interest of judicial efficiency and
23 fairness to the parties. *See Leyva v. Certified Grocers of Cal. Ltd.*, 593 F.2d 857,
24 863 (9th Cir. 1979) (“A trial court may, with propriety, find it is efficient for its
25 own docket and the fairest course for the parties to enter a stay of an action before
26 it, pending resolution of independent proceedings which bear upon the case.”). In
27 evaluating whether a stay is appropriate, courts weigh the competing interests,
28 including the hardship to a party in being required to go forward, any potential

1 damage from granting a stay, and “the orderly course of justice measured in terms
2 of the simplifying or complicating of issues, proof, and questions of law which
3 could be expected to result from a stay.” *Lockyer v. Mirant Corp.*, 398 F.3d 1098,
4 1110 (9th Cir. 2005). Here, all factors weigh in favor of granting a stay.

5 First, the questions of law in the instant case will be decisively resolved by
6 the resolution of *Tangipa*. Pursuant to 28 U.S.C. § 1253, the forthcoming order on
7 the two pending motions for preliminary injunction in *Tangipa* are immediately
8 appealable to the United States Supreme Court. Awaiting “a federal appellate
9 decision that is likely to have a substantial or controlling effect on the claims and
10 issues in the stayed case” is “at least a good [reason], if not an excellent one” for
11 granting a stay. *Miccosukee Tribe of Indians v. S. Fla. Water Mgmt. Dist.*, 559 F.3d
12 1191, 1198 (11th Cir. 2009). Further, because the ruling on the *Tangipa* motions is
13 immediately appealable to the Supreme Court, the proposed stay of the instant case
14 is cabined to a limited, discrete period. In other words, “it appears likely the other
15 proceedings will be concluded within a reasonable time in relation to the urgency of
16 the claims presented to the court.” *Leyva*, 593 F.2d at 864.

17 Second, a stay will serve the interests of judicial efficiency, foreclose the
18 possibility of inconsistent judgments between the *Tangipa* three-judge court and
19 any judgments in the instant case, and promote the expeditious resolution of the
20 action to the benefit of all parties. Plaintiffs will suffer no damage—and indeed will
21 benefit—from a stay, because this action will resolve more rapidly and efficiently if
22 *Tangipa* moves forward to final resolution. This is because the *Tangipa* parties
23 have already briefed oppositions to and replies supporting the preliminary
24 injunction motions; developed corresponding expert evidence concerning complex,
25 fact-intensive, and novel legal issues; and presented that evidence to the Court,
26 which will in turn decide whether the same relief requested here is warranted. *See*
27 *Tangipa* dks. 111-116, 140-143. Plaintiffs will further benefit from waiting for a
28 ruling regarding that requested relief because doing so will avoid the possibility of

1 inconsistent rulings in the instant case. And because Plaintiffs seek the same relief
2 as the plaintiffs in *Tangipa*, the resolution of *Tangipa* will likely moot Plaintiffs'
3 claims for declaratory and injunctive relief, leaving only their claims for attorneys'
4 fees and costs, which could then be resolved forthwith. Moreover, to the extent
5 Plaintiffs suffer any injury at all (which they do not), such injury would be a result
6 of their delay: Plaintiffs waited nearly a month after the voters approved
7 Proposition 50 to file their suit and a month after that filing to bring this
8 preliminary injunction motion.

9 While Defendants strongly contend that a stay is appropriate under the
10 circumstances, if the Court does not order a stay, Defendants respectfully request
11 that a status conference be set as soon as possible, before Defendants' opposition is
12 due, to discuss setting a new hearing date and briefing schedule for Plaintiffs'
13 motion for preliminary injunction. Plaintiffs filed the motion on January 7, 2026,
14 with a hearing scheduled for February 4, 2026. The current briefing schedule
15 requires Defendants to file their memorandum in opposition by January 14, 2026—
16 an untenably abbreviated timeline to respond to Plaintiffs' complex and fact-
17 intensive claims and arguments, and retain an expert to evaluate Plaintiffs' expert
18 evidence and prepare a report on Defendants' behalf.³

19 On January 8, 2026, counsel for Defendants notified Plaintiffs' counsel via
20 email that Defendants would be filing the instant ex parte application, and asked if
21 counsel would stipulate to a stay of the proceedings. Beckington Decl. at ¶ 3. On
22 January 9, 2026, Plaintiffs' counsel indicated they opposed the instant ex parte

23 ³ The current schedule is considerably more rushed than the schedule entered
24 in other redistricting cases. In *Tangipa*, the court ultimately extended an initially
25 shorter briefing schedule on plaintiffs' motion for preliminary injunction to allow
26 defendants to file their memorandum in opposition 26 days after plaintiffs filed
27 their motion, and 20 days after plaintiff-intervenors filed their motion. *See Tangipa*
28 *dks. 15, 16, 17, 29, 33, 81, 111-116*. In the litigation concerning Texas's 2025
congressional map, the State defendants were allotted over four weeks to respond to
the first-filed preliminary injunction motion, with approximately six weeks between
the filing of the preliminary injunction motion and the hearing. *See League of*
United Latin American Citizens et al. v. Abbott et al., Case No. 21-0259 (W.D.
Tex.), *dkt. 1133, 1146, 1161*.

1 motion and would not stipulate to a stay. *Id.* at ¶ 4. Counsel for Plaintiffs with
2 whom counsel for Defendants corresponded regarding this request are:

3
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5 Stephen Michael Duvernay
6 Benbrook Law Group, PC
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12 On January 9, 2026, counsel for Defendants conferred via conference call with
13 Plaintiffs' counsel concerning this ex parte application. *See* Beckington Decl. at
14 ¶¶ 6-7. Plaintiffs' counsel indicated they opposed the request for a stay but would
15 not oppose a status conference. Counsels' reasons for opposing the stay and
16 Defendants' response are set forth in the accompanying declaration of Mark R.
17 Beckington. *See* Beckington Decl. at ¶¶ 6-8. The fact remains that it is in the
18 interests of the Court and all parties to stay this action until after the preliminary
19 injunction motion in *Tangipa* is fully resolved.

20 CONCLUSION

21 For the foregoing reasons, Defendants respectfully request that the Court issue
22 an order granting their request for a stay of the case until the resolution of the
23 motions for preliminary injunction in *Tangipa v. Newsom*, No. 2:25-cv-10616-JLS-
24 WLH-KKL—either until the district court in *Tangipa* issues its order on the
25 pending motions for preliminary injunction and the time to appeal has expired, or
26 until the United States Supreme Court issues its order after the motions for
27 preliminary injunction pending in *Tangipa* have been appealed. In the alternative,
28 and in the absence of a stay, Defendants respectfully request that the Court set a

1 status conference before Defendants' current deadline to respond to Plaintiffs'
2 preliminary injunction motion in the instant case (January 14, 2026) to address the
3 hearing date and briefing schedule on Plaintiffs' motion for preliminary injunction.
4

5 Dated: January 8, 2026

Respectfully submitted,

6 ROB BONTA
7 Attorney General of California
8 MARK R. BECKINGTON
Supervising Deputy Attorney General

9
10 /s/ Kiana S. Herold
KIANA S. HEROLD
11 Deputy Attorney General
12 *Attorneys for Defendants California*
13 *Governor Gavin Newsom and*
14 *Secretary of State Shirley Weber*
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CERTIFICATE OF SERVICE

Case Name: **Noyes, Mitch v. Gavin Newsom,
et al.**

Case No. **2:25-cv-11480-JLS-PVC**

I hereby certify that on January 9, 2026, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANTS' EX PARTE APPLICATION FOR A STAY PENDING THE
RESOLUTION OF THE MOTIONS FOR PRELIMINARY INJUNCTION IN *TANGIPA
V. NEWSOM*, OR, IN THE ALTERNATIVE, A STATUS CONFERENCE BEFORE
JANUARY 14, 2026**

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 January 9, 2026, at Los Angeles, California.

Anthony Conklin
Declarant

Anthony Conklin
Signature

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