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12 IN THE UNITED STATES DISTRICT COURT  
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 14 WESTERN DIVISION

15 **DAVID TANGIPA, et al.,**  
 16 Plaintiffs,  
 17 v.  
 18 **GAVIN NEWSOM, in his official**  
 19 **capacity as the Governor of California,**  
 20 **et al.,**  
 21 Defendants.

2:25-cv-10616-JLS-WLH-KKL  
 2:25-cv-11480-JLS-WLH-KKL  
 Three-Judge Court

**STATE DEFENDANTS’  
 RESPONSE TO ORDER TO  
 SHOW CAUSE [Tangipa ECF No.  
 230; Noyes ECF No. 52]**

22 **MITCH NOYES, et al.,**  
 23 Plaintiffs,  
 24 v.  
 25 **GAVIN NEWSOM, in his official**  
 26 **capacity as the Governor of California,**  
 27 **et al.,**  
 28 Defendants.

**INTRODUCTION**

1  
2 State Defendants California Governor Gavin Newsom and California Secretary  
3 of State Shirley N. Weber submit this response to the Court’s Order to Show Cause.  
4 *See Tangipa, et al. v. Newsom, et al.*, No. 2:25-cv-10616-JLS-WLH-KKL (C.D.  
5 Cal.), ECF No. 230; *Noyes, et al. v. Newsom, et al.*, No. 2:25-cv-11480-JLS-WLH-  
6 KKL (C.D. Cal.), ECF No. 52. State Defendants agree that consolidation of  
7 *Tangipa* and *Noyes* is appropriate because both cases involve common questions of  
8 law and fact, rulings in *Tangipa* are relevant to the *Noyes* litigation, and  
9 consolidation would avoid the risk of conflicting rulings. To promote judicial  
10 efficiency and avoid inconvenience and prejudice, State Defendants propose that  
11 the Court exercise its discretion to consolidate the cases in the following manner:  
12 (1) lift the stay in *Noyes* for the limited purpose of litigating State Defendants’ and  
13 any Defendant-Intervenors’ forthcoming motion(s) to dismiss; (2) set a deadline for  
14 State Defendants and any Defendant-Intervenors to respond to the *Noyes* complaint;  
15 (3) set the same hearing date for motions to dismiss in both cases; (4) otherwise  
16 allow the stay in *Noyes* to remain in place as set forth in the Court’s order issuing  
17 the stay (*Noyes* ECF No. 44); and (5) either extend the stay in *Noyes* or hold *Noyes*  
18 Plaintiffs’ preliminary injunction motion in abeyance pending the resolution of  
19 motions to dismiss in both cases, should the current stay expire.<sup>1</sup>

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23 <sup>1</sup> This Court stayed the entire *Noyes* matter until either (1) the time for appeal  
24 of the Court’s order on the *Tangipa* motions for preliminary injunction has expired,  
25 or (2) the Supreme Court decides any appeal of this Court’s preliminary injunction  
26 order in *Tangipa*. *Noyes* ECF No. 44. *Tangipa* Plaintiffs filed a Notice of Appeal  
27 on January 15, 2026, but have not yet filed a jurisdictional statement in the  
28 Supreme Court. *See* Supreme Court R. 18(3) (jurisdictional statement due 60 days  
after notice of appeal). As the Supreme Court has not yet resolved the  
*Tangipa* Plaintiffs’ preliminary injunction appeal (having thus far ruled only on  
their separate application for a writ of injunction pending that appeal), the *Noyes*  
stay remains in place as of the date of this filing.

1 **DISCUSSION**

2 The Court has “broad discretion . . . to consolidate cases pending in the same  
3 district.” *Invs. Rsch. Co. v. U.S. Dist. Court for Cent. Dist. of Cal.*, 877 F.2d 777,  
4 777 (9th Cir. 1989). In exercising this discretion, the Court “weighs the saving of  
5 time and effort consolidation would produce against any inconvenience, delay, or  
6 expense that it would cause.” *Huene v. United States*, 743 F.2d 703, 704 (9th Cir.  
7 1984). Most courts hold that consolidation does not merge separate lawsuits into a  
8 single action—in other words, the consolidated actions retain their separate  
9 character. *See* 9A Fed. Prac. & Proc. Civ. § 2382 (3d ed. 2025).<sup>2</sup> For the reasons  
10 discussed below, State Defendants support consolidation as detailed in the  
11 introduction.

12 The *Tangipa* and *Noyes* matters involve “common question[s] of law or  
13 fact[:]” both cases challenge the congressional redistricting map adopted by  
14 California voters through Proposition 50 on grounds that the map was allegedly  
15 drawn with racial intent. Fed. R. Civ. P. 42.; *see Tangipa* ECF No. 1 (“*Tangipa*  
16 Compl.”); *Tangipa* ECF No. 42 (“USDOJ Compl.”); *Noyes* ECF No. 1 (“*Noyes*  
17 Compl.”). Across the three complaints, the *Tangipa* Plaintiffs and Plaintiff-  
18 Intervenor and the *Noyes* Plaintiffs (together, “Challengers”) raise the same  
19 fundamental question of whether the Proposition 50 map was inappropriately based  
20 on race. *See id.* While the *Tangipa* Plaintiff Parties raise an additional Fourteenth  
21 Amendment racial gerrymandering claim, both cases allege that the Proposition 50  
22 map is invalid under the Fifteenth Amendment and Section 2 of the Voting Rights  
23 Act (“VRA”). *See Tangipa* Compl. ¶¶ 113-119 (Fifteenth Amendment); USDOJ  
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25 <sup>2</sup> Moreover, consolidation is not all-or-nothing—the Court may order  
26 consolidation of particular common issues or proceedings. *See* 9A Fed. Prac. &  
27 Proc. Civ. § 2382. Further, the Court can consolidate matters for pretrial purposes.  
28 *See Kingi v. SAG-AFTRA*, No. 2:24-cv-01996 *et al.*, 2024 WL 3005890, at \*3 (C.D.  
Cal. 2024).

1 Compl. ¶¶ 69-71 (VRA); Noyes Compl. ¶¶ (53-61) (both). Though State  
2 Defendants strenuously disagree with Challengers' characterization of the facts and  
3 the relevant legal standards, these legal claims and the facts that underlie them are  
4 clearly related.

5 State Defendants propose that it would be most efficient and beneficial for the  
6 Court and all parties to first resolve, in a consolidated manner, whether  
7 Challengers' claims are adequately pleaded. State Defendants and *Tangipa*  
8 Defendant-Intervenor DCCC have filed motions to dismiss the *Tangipa* Plaintiffs'  
9 and USDOJ's Complaints on that basis, and *Tangipa* Defendant-Intervenor LULAC  
10 has joined those motions. *Tangipa* ECF Nos. 225-228. State Defendants  
11 additionally intend to file a Motion to Dismiss the *Noyes* complaint.<sup>3</sup> Proceeding  
12 with the motions to dismiss first will promote efficient litigation by narrowing or  
13 resolving the issues, defining the scope of any subsequent discovery, and possibly  
14 avoiding the litigation of a duplicative preliminary injunction motion in *Noyes*  
15 seeking the same relief as in *Tangipa*. Even if the Court partially grants the  
16 Defendant parties' motions, such a ruling could substantially narrow the scope of  
17 Challengers' claims and, consequently, facilitate the resolution of the primary  
18 issues in this case in an efficient manner.

19 Further, allowing the *Noyes* stay to remain in place with the limited exception  
20 of permitting the briefing and adjudication of motions to dismiss in both matters  
21 and, if needed, either extending the stay or holding the motion for preliminary  
22 injunction in abeyance should the current stay expire, would be consistent with the  
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24 <sup>3</sup> State Defendants believe that separate briefing is appropriate for motions to  
25 dismiss in each matter. Although there is some overlap in questions of law and fact,  
26 the two cases are in different procedural postures, with the *Tangipa* motion already  
27 briefed and on file. Further, the motions will necessarily address the unique  
28 allegations in each operative complaint. If the Court instead orders a combined  
Motion to Dismiss addressing the *Tangipa* and *Noyes* complaints together, State  
Defendants respectfully request that the word limit be increased from 7,000 to  
14,000.

1 Supreme Court’s cautionary principles in redistricting cases. “[C]ourts must  
2 exercise extraordinary caution in adjudicating claims that a State has drawn district  
3 lines on the basis of race” as “federal-court review of districting legislation  
4 represents a serious intrusion on the most vital of local functions.” *Alexander v.*  
5 *S.C. State Conference of the NAACP*, 602 U.S. 1, 7 (2024) (citation omitted).  
6 Accordingly, determining which, if any claims are viable before allowing  
7 proceedings on the *Noyes* motion for preliminary injunction to move forward is  
8 particularly appropriate here, where the current election cycle is well underway.

9 Finally, proceeding in this manner will not create “inconvenience, delay, or  
10 expense,” *Huene*, 743 F.2d at 704, for any party. Rather, it would permit the *Noyes*  
11 Plaintiffs to litigate their preliminary injunction motion more efficiently by  
12 focusing on any claims this Court deems viable and cohering to any order the  
13 Supreme Court issues on the *Tangipa* Plaintiffs’ appeal of this Court’s ruling on  
14 their preliminary injunction motion. Because that ruling addressed a request for  
15 relief substantially similar to the relief requested in the *Noyes* Plaintiffs’ motion and  
16 implicates two legal theories also raised by the *Noyes* Plaintiffs, any Supreme Court  
17 ruling on that order would likely affect the arguments that can be raised with  
18 respect to the *Noyes* Plaintiffs’ preliminary injunction motion. As noted, this will  
19 promote efficiency by avoiding litigation of issues that the Supreme Court or this  
20 Court may deem not viable and obviating the need for repeated unnecessary  
21 briefing or evidentiary hearings.

## 22 CONCLUSION

23 State Defendants support consolidation of these two related actions in future  
24 proceedings, and submit that such consolidation should be structured in the  
25 following manner: (1) lift the stay in *Noyes* for the limited purpose of allowing  
26 briefing on and deciding motion(s) to dismiss in both *Tangipa* and *Noyes*; (2) set a  
27 deadline to respond to the *Noyes* complaint; (3) set the same hearing date for  
28 motions to dismiss in both cases; (4) otherwise allow the stay in *Noyes* to remain in

1 place as described in the Court’s order issuing the stay (*Noyes* ECF No. 44); and (5)  
2 either extend the stay in *Noyes* or hold *Noyes* Plaintiffs’ preliminary injunction  
3 motion in abeyance pending the resolution of motions to dismiss in both cases,  
4 should the current stay expire.

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Dated: February 27, 2026

Respectfully submitted,  
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*/s/ Ryan Eason*  
\_\_\_\_\_  
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