

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES – GENERAL

Case No. **8:26-cv-01263-MCS-PVC**

Date July 16, 2026

Title ***Wagner v. Weber***

Present: The Honorable Mark C. Scarsi, United States District Judge

Stephen Montes Kerr

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

Proceedings: (IN CHAMBERS) ORDER RE: MOTION TO INTERVENE (ECF No. 11)

Plaintiffs Don Wagner and the American Independent Party of California bring this action for declaratory and injunctive relief against Defendant Shirley N. Weber, in her official capacity as California Secretary of State, alleging a violation of the National Voter Registration Act, 52 U.S.C. § 20507(a)(4). (Compl., ECF No. 1.) The United States of America moves to intervene in the action. (Mot., ECF No. 11.) The Court deems the motion appropriate for decision without further briefing or oral argument and vacates the hearing set for August 10, 2026. Fed. R. Civ. P. 78(b); C.D. Cal. R. 7-15.

The Court denies the motion for failure to comply with the local rules governing motion practice. C.D. Cal. Rs. 7-3, 7-4; *see Christian v. Mattel, Inc.*, 286 F.3d 1118, 1129 (9th Cir. 2002) (“The district court has considerable latitude in managing the parties’ motion practice and enforcing local rules that place parameters on briefing.”). In particular, the motion fails to comply with the prefiling conference requirement. “[C]ounsel contemplating the filing of any motion must first contact opposing counsel to discuss thoroughly, preferably in person, the substance of the contemplated motion and any potential resolution” at least seven days before filing a motion. C.D. Cal. R. 7-3. The rule requires a prefiling conference to “take place in

person, by telephone, or via video conference,” and requires a declaration of counsel stating “the date(s) the conference took place and the position of each party with respect to each disputed issue that will be the subject of the motion.” *Id.* “The purpose of Local Rule 7-3 is to help parties reach a resolution which eliminates the necessity for a hearing,” which “further[s] judicial economy and the administration of justice.” *James R. Glidewell Dental Ceramics, Inc. v. Phila. Indem. Ins. Co.*, No. 8:16-cv-01155-JLS-E, 2016 U.S. Dist. LEXIS 189416, at *1 (C.D. Cal. Sept. 12, 2016) (internal quotation marks omitted); *accord Caldera v. J.M. Smucker Co.*, No. CV 12-4936-GHK (VBKx), 2013 U.S. Dist. LEXIS 183977, at *2 (C.D. Cal. June 3, 2013) (noting that the rule “enables the parties to brief the remaining disputes in a thoughtful, concise, and useful manner” (internal quotation marks omitted)). Here, the United States asserts without a substantiating declaration that a conference with Plaintiffs’ counsel occurred fewer than seven days before it filed the motion. (Mot. at iii, 1.)

Setting aside the motion’s procedural deficiencies, the Court declines to consider the matters presented in the motion at this time for prudential reasons. Defendant has yet to appear, and the United States did not confer with Defendant’s counsel before filing the motion. Motion practice might be avoided if Defendant stipulates to the intervention, or the issues presented in the briefing might be modified or refined if Defendant contests the intervention. Since Defendant likely will join the litigation soon, the Court will defer the intervention question until she does.

The motion is denied without prejudice to renewal after a thorough, live Local Rule 7-3 conference with counsel for all named parties.

IT IS SO ORDERED.