

1 **ROB BONTA**  
 Attorney General of California  
 2 MICHAEL L. NEWMAN, SBN 222993  
 THOMAS S. PATTERSON, SBN 202890  
 3 Senior Assistant Attorneys General  
 ANYA M. BINSACCA, SBN 189613  
 4 MARISSA MALOUFF, SBN 316046  
 JAMES E. STANLEY, SBN 316288  
 5 Supervising Deputy Attorneys General  
 JESSE BASBAUM, SBN 273333  
 6 BRENDAN HAMME, SBN 285293  
 IRAM HASAN, SBN 320802  
 7 BARBARA HORNE-PETERSDORF, SBN 327738  
 JANE REILLEY, SBN 314766  
 8 MEGHAN H. STRONG, SBN 324503  
 DELBERT TRAN, SBN 323993  
 9 Deputy Attorneys General  
 455 Golden Gate Ave.  
 10 San Francisco, CA 94102  
 Telephone: (415) 229-0110  
 11 E-mail: Delbert.Tran@doj.ca.gov  
*Attorneys for Plaintiffs*

BRETT A. SHUMATE  
 Assistant Attorney General  
 ERIC J. HAMILTON (CA Bar No. 296283)  
 Deputy Assistant Attorney General  
 ALEXANDER K. HAAS (CA Bar No. 220932)  
 Branch Director  
 JEAN LIN (NY Bar No. 4074530)  
 Special Litigation Counsel  
 TIBERIUS DAVIS (DC Bar No. 90020605)  
 JOHN BAILEY (Ohio Bar No. 104260)  
 Counsel to Assistant Attorney General  
 Michael G. Gerardi (DC Bar No. 1017949)  
 Senior Trial Counsel  
 CHRISTOPHER D. EDELMAN (DC Bar No. 1033486)  
 Senior Counsel  
 JODY LOWENSTEIN (MT BAR No. 55816869)  
 KATHLEEN C. JACOBS (TX BAR No. 24091154)  
 KIAN K. AZIMPOOR (DC BAR No. 90024613)  
 J. STEPHEN TAGERT (VA BAR No. 99641)  
 Trial Attorneys  
 U.S. Department of Justice  
 Civil Division, Federal Programs Branch  
 1100 L Street, NW  
 Washington, DC 20005  
 Telephone: (202) 305-5486  
 Email: stephen.tagert@usdoj.gov  
*Attorneys for Defendants*

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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,**  
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 Plaintiffs,  
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 v.  
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**DONALD TRUMP, IN HIS OFFICIAL**  
 24 **CAPACITY AS PRESIDENT OF THE UNITED**  
**STATES; PETE HEGSETH, IN HIS OFFICIAL**  
 25 **CAPACITY AS SECRETARY OF THE**  
**DEPARTMENT OF DEFENSE; U.S.**  
 26 **DEPARTMENT OF DEFENSE,**  
 27  
 Defendants.  
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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.

**II. DEFENDANTS’ MOTION TO DISMISS**

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

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

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

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

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

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

2 **ROB BONTA**  
Attorney General of California  
3 MICHAEL L. NEWMAN  
THOMAS S. PATTERSON  
4 Senior Assistant Attorneys General  
ANYA M. BINSACCA  
5 MARISSA MALOUFF  
JAMES E. STANLEY  
6 Supervising Deputy Attorneys General  
JESSE BASBAUM  
7 BRENDAN HAMME  
IRAM HASAN  
8 BARBARA HORNE-PETERSDORF  
JANE REILLEY  
9 MEGHAN STRONG  
Deputy Attorneys General

10 /s/ Delbert Tran

11 DELBERT TRAN  
12 Deputy Attorney General  
455 Golden Gate Avenue  
13 San Francisco, CA 94102  
Telephone: (415) 229-0110  
14 E-mail: Delbert.Tran@doj.ca.gov

15 *Attorneys for Plaintiffs*

16 BRETT A. SHUMATE  
17 Assistant Attorney General  
Civil Division

18 ERIC J. HAMILTON  
19 Deputy Assistant Attorney General  
Federal Programs Branch

20 ALEXANDER K. HAAS  
21 Director, Federal Programs Branch

22 JEAN LIN  
23 Special Litigation Counsel

24 Tiberius Davis  
John Bailey  
25 Counsel to Assistant Attorney General

26 Michael G. Gerardi  
Senior Trial Counsel

27 CHRISTOPHER D. EDELMAN  
28 Senior Counsel

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JODY LOWENSTEIN  
KATHLEEN C. JACOBS  
KIAN K. AZIMPOOR

/s/ J. Stephen Tagert

J. STEPHEN TAGERT  
Trial Attorneys  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, DC 20005  
Telephone: (202) 305-5486  
Email: [stephen.tagert@usdoj.gov](mailto:stephen.tagert@usdoj.gov)  
*Attorneys for Defendants*