

ERIC LEE (SBN 327002)
ROBERT PATRICK STICHT (SBN 138586)
T. RUSSELL NOBILE*
JUDICIAL WATCH, INC.
425 Third Street SW, Suite 800
Washington, D.C. 20024
Tel.: (202) 646-5172
Facs.: (202) 646-5199
EMAIL: ELEE@JUDICIALWATCH.ORG
EMAIL: RSTICHT@JUDICIALWATCH.ORG
EMAIL: RNOBILE@JUDICIALWATCH.ORG

* *Admitted pro hac vice*

Attorneys for Plaintiff Darrell Issa

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

DARRELL ISSA,

Plaintiff,

v.

**SHIRLEY N. WEBER, in her official
capacity as Secretary of
State of California,**

Defendant,

**LEAGUE OF WOMEN VOTERS OF
CALIFORNIA, CALIFORNIA
ALLIANCE FOR RETIRED
AMERICANS, VET VOICE, AND
CURTIS MORRISON,**

Intervenor-Defendants.

25-cv-598-AGS-JLB

**MOTION (1) BY ALL PARTIES
TO TEMPORARILY STAY
BRIEFING SCHEDULE; AND (2)
BY PLAINTIFF FOR A STAY OF
ALL PROCEEDINGS**

Dept. 5C
Judge: Hon. Andrew G. Schopler

1 On May 30, 2025, pursuant to this Court's minute entry (ECF 35), the Parties
2 submitted a joint proposed briefing schedule for anticipated motions to dismiss and
3 motion for a preliminary injunction. The Court entered the Parties' proposed
4 schedule on June 2, 2025. (ECF 38). At the time the Parties agreed to that schedule,
5 they anticipated that they would brief the jurisdictional issues raised by the Court
6 from the bench in the May 16, 2025 hearing in this matter in their motion papers, the
7 first round of which are due in two days, on Wednesday, June 11, 2025.

8 However, also on June 2, 2025, the U.S. Supreme Court granted certiorari in
9 *Bost v. Ill. State Bd. of Elections*, No. 24-568, to address the sole question presented
10 of whether federal political candidates have standing to challenge a state law allowing
11 post-Election Day receipt of ballots.¹

12 Given this development, the Parties and Intervenor conferred via
13 videoconference on June 6, 2025, to discuss a stay of all proceedings in this action
14 pending the Supreme Court's resolution of *Bost*. At that conference, all Parties agreed
15 in light of the impending June 11 deadline to the first instant motion to stay the
16 current briefing schedule pending the outcome of the motion for a stay of all
17 proceedings. This first motion is uncontested.

18 At the same conference, Plaintiff proposed a stay of all proceedings pending the
19 Supreme Court's resolution of *Bost*. Counsel for Defendant Weber and Intervenor-
20 Defendants Morrison, Vet Voice Foundation, and California Alliance of Retired
21 Americans indicated that they intend to argue that the Court lacks subject matter
22 jurisdiction in this action, including because Plaintiff lacks Article III standing, and
23 stated that they do not oppose Plaintiff's motion for a stay of all proceedings pending
24 the outcome in *Bost*. Counsel for Intervenor-Defendant League of Women Voters of
25 California indicated that they intend to argue that the Court has subject matter
26 jurisdiction for purposes of granting a Rule 12 motion to dismiss, and stated that they

27 ¹ Counsel for Congressman Issa, who represents Congressman Bost in
28 *Bost*, anticipates the Court hearing arguments in October or November 2025.

1 would oppose Plaintiff's motion for a stay of all proceedings. Accordingly, this
2 second motion is contested.

3 Plaintiff Issa respectfully submits that a stay pending resolution of the
4 jurisdictional questions presented in *Bost* will serve the interests of judicial efficiency
5 and is appropriate "to secure the just, speedy, and inexpensive determination" of this
6 action. Fed. R. Civ. P. 1. Given the similarity of the issues in this case and in *Bost*,
7 the outcome of the jurisdictional issues in *Bost* may inform the jurisdictional issues
8 presented in this case. No one could have been certain of the grant of certiorari, and
9 the herein relief was requested at the first opportunity.

10 Intervenor-Defendant League of Women Voters of California has advised it
11 opposes the motion for a stay of all proceedings and will respond separately to briefly
12 set forth its position within three days of the filing of this Motion.

13 Accordingly,

14 (1) all Parties respectfully request that the Court enter an order temporarily
15 staying the briefing schedule set forth in its June 2, 2025 minute entry (ECF
16 38), pending resolution of the instant motion for a stay of all proceedings,
17 with a new briefing schedule to issue once this Court rules on the motion for
18 a stay of all proceedings; and

19 (2) Plaintiff Issa respectfully requests a stay of all proceedings pending the
20 Supreme Court's resolution of *Bost v. Ill. State Bd. of Elections*, No. 24-568.
21 Defendant Weber and Intervenor-Defendants Morrison, Vet Voice
22 Foundation, and California Alliance for Retired Americans consent to such
23 a stay.

1 Dated: June 9, 2025

Respectfully submitted,

2
3 /s/ Russ Nobile

4 T. RUSSELL NOBILE

ERIC LEE (SBN 327002)

ROBERT PATRICK STICHT

JUDICIAL WATCH, INC.

425 THIRD STREET SW, SUITE 800

WASHINGTON, D.C. 20024

6 TEL.: (202) 646-5172

7 FACS.: (202) 646-5199

EMAIL: ELEE@JUDICIALWATCH.ORG

8 EMAIL: RSTICHT@JUDICIALWATCH.ORG

9 *Attorneys for Plaintiff Darrell Issa*

10
11 ROB BONTA

Attorney General of California

12 ANYA M. BINSACCA

Supervising Deputy Attorney General

13 /s/ Jennifer E. Rosenberg

14 JENNIFER E. ROSENBERG

Deputy Attorney General

15 *Attorneys for Defendant California*

16 *Secretary of State Shirley N. Weber*

17
18 /s/ Curtis Lee Morrison

19 CURTIS LEE MORRISON (SBN
321106)

20 HAMDY MASRI (CSBN 354242)

21 GARRETT CARTER MAY (DCBN
90018027)*

22 *Attorneys For Defendant*

23 *Curtis Morrison*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ Lalitha D. Madduri
LALITHA D. MADDURI (CA 301236)
JACOB D. SHELLY*
TINA MENG MORRISON*
WILLIAM K. HANCOCK*
ELIAS LAW GROUP LLP
250 MASSACHUSETTS AVE. NW
SUITE 400
WASHINGTON, DC 20001
T: (202) 968-4652

MAX SCHOENING (CA 324643)
QUERESHI LAW PC
700 FLOWER STREET, SUITE 1000
LOS ANGELES, CA 90017
T: (213) 600-6096

**Admitted pro hac vice*

*Attorneys for Intervenor-Defendants
Vet Voice Foundation and California
Alliance of Retired Americans*

/s/ Ari J. Savitzky
ARI SAVITZKY (NY 5060181)*
asavitzky@aclu.org
THERESA J. LEE (NY 5022769)*
tlee@aclu.org
SOPHIA LIN LAKIN (NY 5182076)*
slakin@aclu.org
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2500

JULIA A. GOMEZ (SBN 316270)
jagomez@aclu-sdic.org
ACLU FOUNDATION OF SAN
DIEGO & IMPERIAL COUNTIES
P.O. Box 87131
San Diego, CA 92138-7131
(619) 398-4199

SHILPI AGARWAL (SBN 270749)
sagarwal@aclunc.org
ANGELICA SALCEDA (SBN 296152)
asalceda@aclunc.org
ACLU FOUNDATION OF
NORTHERN CALIFORNIA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

39 Drumm Street
San Francisco, CA 94111
(415) 621-2493

PETER ELIASBERG (SBN 189110)
peliasberg@aclusocal.org
ACLU FOUNDATION OF
SOUTHERN CALIFORNIA
1313 West 8th Street
Los Angeles, CA 90017
(213) 977-5232

*Attorneys for Intervenor-Defendant
League of Women Voters of California*

** Admitted Pro Hac Vice*