The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN SOTO PALMER, *et al.*,

Plaintiffs,

v.

STEVEN HOBBS, in his official capacity as Secretary of State of Washington, and the STATE OF WASHINGTON,

Defendants,

and

JOSE TREVINO, ISMAEL G. CAMPOS, and State Representative ALEX YBARRA,

Intervenor-Defendants.

No. 3:22-cv-5035-RSL

INTERVENOR-DEFENDANTS' EMERGENCY MOTION TO STAY PROCEEDINGS

NOTE ON MOTION CALENDAR: November 17, 2023[1]

I. RELIEF REQUESTED

Pursuant to the Court's inherent power "to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for the litigants," *Landis v N. Am. Co*, 299 U.S. 248, 254 (1936), Fed. R. Civ. P. 26, 33 and 34, Intervenor-Defendants Jose A. Trevino, Ismael G. Campos, and Alex Ybarra respectfully move the Court to stay all proceedings pending resolution of *Garcia v. Hobbs*, O.T. 2023, No 23-467 and the related *Trevino v. Soto Palmer*, O.T. 2023, No 23-484, both of which are currently pending in the Supreme Court of the

[1] The Local Rules are silent as to the proper date to note a motion for emergency stay. *See* LCR 7(d). Consequently, Intervenor Defendants have noted it for a date that gives the other parties time to respond, and the Court time to rule, but also respects the emergency nature of this Motion.

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United States.[2] The State and Plaintiffs oppose this motion, but the Secretary of State takes no position.

II. INTRODUCTION

On August 10, 2023, this Court found that the boundaries of Washington Legislative District 15 "violate[d] Section 2's prohibition on discriminatory results." (*Soto Palmer* Dkt. # 218 at 3.) Judgment was entered on August 11, 2023, (*Soto Palmer* Dkt. # 219), and Intervenor-Defendants filed their Notice of Appeal on September 8, 2023, (*Soto Palmer* Dkt. # 222).

The same day that Intervenor-Defendants appealed this Court's *Soto Palmer* decision, the *Garcia* Court issued its decision in the related case of *Garcia v. Hobbs*, No. 3:22-cv-05152, 2023 U. S. Dist. LEXIS 159427 (W.D. Wash. Sept. 8, 2023). (*See Garcia* Dkt. # 81.) Based on this Court's decision in *Soto Palmer*, the *Garcia* panel majority opined that Mr. Garcia's Equal Protection claim was moot. (*Id.* at 1–2.) Judge VanDyke dissented, explaining that, not only would he have reached the merits, but he would have found that the Washington Redistricting Commission's racial gerrymandering in LD-15 violated the Equal Protection Clause. (*Garcia* Dkt. # 81-1.)

The nature of the related decisions in *Palmer* and *Garcia* resulted in separate appellate tracks. *See Garcia v. Hobbs*, O.T. 2023, No 23-467 (filing a jurisdiction statement in the United States Supreme Court in *Garcia*); (*Soto Palmer* Dkt. # 222) (filing a notice of appeal to the United States Court of Appeals for the Ninth Circuit in *Soto Palmer*).

Presently, this Court is proceeding with a remedial phase in *Soto Palmer*. (*See Soto Palmer* Dkt. # 230.) Currently, the *Soto Palmer* Parties are required to "meet and confer with the goal of reaching a consensus on a legislative district map that will provide equal electoral opportunities for both white and Latino voters in the Yakima Valley regions, keeping in mind the social, economic, and historical conditions discussed in the Memorandum of Decision." (*Id.*)

[2] The Supreme Court granted a partial extension for a response in *Garcia*. While the State asked for a 60-day extension, the Court ordered that Responses are to be filed December 27, 2023.

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If, by December 1, 2023, the Parties have not reached an agreement, they must file alternative remedial proposals and jointly identify three candidates to potentially serve as a special master. (*Id.* at 2–3.) Under this scenario, the Parties must then have their memoranda and exhibits submitted in response to the remedial proposals by December 22, 2023, and any reply submitted by January 5, 2024. (*Id.* at 3.)

Meanwhile, Intervenor-Defendants filed a petition for writ of certiorari before judgement with the Supreme Court of the United States, *Trevino v. Soto Palmer*, O.T. 2023, No 23-484, and the *Garcia* Plaintiff filed his jurisdictional statement with the Supreme Court appealing the related *Garcia* case, *Garcia v. Hobbs*, O.T. 2023, No 23-467. Mr. Garcia argues that his case is not moot and should be decided on the merits. (*See id.*) *Soto Palmer* Intervenor-Defendants argue that the Supreme Court should grant review of their case and hold it in abeyance pending the outcome in *Garcia*, which necessarily affects what (if any) remedy is available here. *Trevino v. Soto Palmer*, O.T. 2023, No 23-484.

Consequently, to further the important interests of judicial comity and efficiency, Intervenor-Defendants now seek a stay pending the result of the *Soto Palmer* and *Garcia* appeals that are presently pending before the Court of Appeals for the Ninth Circuit and the Supreme Court of the United States.

III. ARGUMENT

The power and discretion to stay a case "is incidental to the power inherent in every court to control the disposition of the cases on its docket with economy of time and effort for itself, for counsel, and for the litigants." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). "How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance." *Id.* at 254–55. "When deciding whether to grant a stay pending appeal, a court considers four factors: (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested

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in the proceeding; and (4) where the public interest lies." *Duncan v. Bonta*, 83 F.4th 803 (9th Cir. 2023) (published slip op. at 4–5) (en banc) (quoting *Nken v. Holder*, 556 U.S. 418, 425–26 (2009)). Of the four factors, likelihood of success on the merits and irreparable injury to the applicant are "most critical." *Nken*, 556 U.S. at 434.

Most pertinently here, courts have the inherent power to stay proceedings while awaiting the outcome of another matter that may have a substantial or dispositive effect. *Am. Life Ins. Co. v. Stewart*, 300 U.S. 203, 215 (1937). A court is within its discretion to grant a stay when an independent case pending before another court presents substantially similar issues that "bear upon" the instant case. *See Leyva v. Certified Grocers of California, Ltd.*, 593 F.2d 857, 863-64 (9th Cir. 1997); *see also Robledo v. Randstad US, L.P.*, 2017 U.S. Dist. LEXIS 181353, at *10 (N.D. Cal. Nov. 1, 2017). Furthermore, "it is within the district court's discretion to grant or deny [lengthy or indefinite] stays, after weighing the proper factors." *Blue Cross & Blue Shield of Ala. v. Unity Outpatient Surgery Ctr., Inc.*, 490 F.3d 718, 723–24 (9th Cir. 2007).

"District courts often stay proceedings where resolution of an appeal in another matter is likely to provide guidance to the court in deciding issues before it." *Washington v. Trump*, No. C17-0141JLR, 2017 U.S. Dist. LEXIS 75426, at *8 (W.D. Wash. May 17, 2017). And "[w]here a stay is considered pending the resolution of another action, the court need not find that the two cases involve identical issues; a finding that the issues are substantially similar is sufficient to support a stay." *Id.*; *see also Leyva*, 593 F.2d at 863–64 (indicating that a stay pending resolution of independent proceedings that bear on the case "does not require that the issues in such proceedings are necessarily controlling of the action before the court").

When considering whether to stay a matter pending resolution of a separate related action, the Ninth Circuit has instructed that district courts consider the following factors and competing interests: (1) "the possible damage which may result from the granting of a stay"; (2) "the hardship or inequity which a party may suffer in being required to go forward"; and (3) "the orderly course of justice measured in terms of the simplifying or complicating of issues, proof,

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and questions of law which could be expected to result from a stay." *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005) (quoting *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)).

Here, because these factors—both for a stay pending appeal (1) of the instant case to the Ninth Circuit (in addition to the pending petition for a writ of certiorari before judgment) and (2) of the related *Garcia* case to the Supreme Court—weigh decisively in favor of a stay, the Court should grant Intervenor-Defendants' Emergency Motion to Stay.

A. Intervenor Defendants Will Likely Succeed on the Merits of their Appeal in the Court of Appeals for the Ninth Circuit.

Intervenor-Defendants are likely to succeed on the merits of their appeal for multiple reasons, not least of which is this Court's misapplication of both the preconditions and totality of the circumstances analysis set forth in *Thornburg v. Gingles*, 478 U. S. 30 (1986). For example, "[t]he first Gingles condition refers to the compactness of the minority population, not to the compactness of the contested district.'" *LULAC v. Perry*, 548 U. S. 399, 433 (2006) (quoting *Bush v. Vera*, 517 U. S. 952, 997 (1996)). Yet the Court erred by considering only the compactness of the outer boundaries in Plaintiffs' demonstrative maps, and not the compactness of Hispanic voters within those boundaries. (*See Soto Palmer* Dkt. # 218 at 10.) Aside from Dr. Owens (Intervenor-Defendants' expert), not a single expert in this case considered the compactness of the minority community. But the Court found this precondition satisfied.

The Court also erred in its racially polarized voting analysis, which seeks to determine whether a "minority group has expressed clear political preferences that are distinct from those of the majority." *Gomez* v. *Watsonville*, 863 F. 2d 1407, 1415 (9th Cir. 1988). For example, this Court's *Gingles II* analysis lasted all of one paragraph and was no "intensely local appraisal," flatly ignoring the "present reality" in the Yakima Valley—namely, the landslide election of a Hispanic Republican over a White Democrat. *See Milligan*, 143 S. Ct. at 1503 (quoting *Gingles*, 478 U. S., at 45–46). Put differently, the Court's eschewal of the election results in the only

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contested election held under the challenged enacted map is incorrect as a matter of law. *Id.* Indeed, to Undersigned Counsel's knowledge, this Court is the only court to ever find that a majority-minority citizen voting age population district, which resulted in the landslide election of a minority candidate, somehow dilutes the voting power of that minority group. Such a result is not likely to survive the appellate process.

Moreover, this Court's totality of the circumstance analysis failed to apply the correct legal standards in at least three ways: (1) the Court found that certain "usual burdens of voting" evidenced an abridgment of the right to vote, *contra Brnovich v. DNC*, 141 S. Ct. 2321, 2338 (2021) (internal citation omitted); (2) the Court's appraisal was neither "intense[]" nor "local," nor did it take into account "past and present realities," *Milligan*, 143 S. Ct. at 1503, such as the recent election of Nikki Torres; and (3) the Court continuously failed to identify the required causal nexus between the challenged map and the purported discriminatory result, brushing aside the evidence that partisanship, not race, drives voting patterns in the Yakima Valley, *see LULAC v. Clements*, 999 F. 2d 831, 853–54 (5th Cir. 1993) ("Courts must undertake the additional inquiry into the reasons for, or causes of, these electoral losses in order to determine whether they were the product of 'partisan politics' *or* 'racial vote dilution,' 'political defeat' *or* 'built-in bias.'") (internal citation omitted); *see also Baird v. Indianapolis*, 976 F. 2d 357, 361 (7th Cir. 1992) ("[The VRA] does not guarantee that nominees of the Democratic Party will be elected, even if [minority] voters are likely to favor that party's candidates.").

These are the most likely-to-be-reversed errors in the *Soto Palmer* decision. For any one of these errors, the entire VRA decision could be reversed and the injunction vacated. Thus, Intervenor-Defendants are likely to succeed on appeal, a "most critical" factor weighing heavily in favor of granting the stay. *See Nken*, 556 U.S. at 434.

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B. Courts Frequently Stay Proceedings Pending Resolution of Separate Appellate Cases That May Substantially Affect the Instant Case.

Courts frequently stay proceedings pending the outcome of a separate case before the Supreme Court of the United States when its decision may substantially affect, or otherwise prove dispositive of, the instant matter. As the Ninth Circuit has held, "[a] trial court may, with propriety, find it is efficient for its own docket and the fairest course for the parties to enter a stay of an action before it, pending resolution of independent proceedings which bear upon the case." *Leyva*, 593 F.2d at 863–64.

Accordingly, district courts within the Ninth Circuit, including this Court, have stayed cases pending resolution of similar issues before the U.S. Supreme Court. *See, e.g.*, *Waith v. Amazon.com Inc.*, 2020 U.S. Dist. LEXIS 223374 at *6, *20 (W.D. Wash. Nov. 30, 2020) (staying case pursuant to the Court's "inherent power to manage [its] own docket[]" where a petition for certiorari had been filed by the same defendant in separate litigation, even though "the probability of certiorari and reversal [was] not inordinately high"); *Deutsche Bank Nat'l Trust v. SFR Invs. Pool 1, LLC*, 2017 U.S. Dist. LEXIS 56295, at *4–5 (D. Nev. Apr. 11, 2017) ("[A] stay pending the disposition of the certiorari proceedings will simplify the proceedings and promote the efficient use of the parties' and court's resources. Resolving the claims or issues in this case before the Supreme Court decides whether to grant or deny the petitions could impose a hardship on both parties. A stay will prevent unnecessary or premature briefing on [the cases before the Supreme Court]'s impact on this case."); *Canady v. Bridgecrest Acceptance Corp.*, 2020 U.S. Dist. LEXIS 161629, at *5–6 (D. Ariz. Sept. 3, 2020) ("[T]here is no longer a question of 'if' the Supreme Court will review the [dispositive lower court] decision [] – it has granted certiorari and briefing is now underway" and would end in "a decision before the end of the upcoming term, which is less than a year away.").

Other circuits have likewise determined that "await[ing] a federal appellate decision that is likely to have a substantial or controlling effect on the claims and issues in" a case is "at least

a good . . . if not an excellent" reason to stay that case. *See, e.g., Miccosukee Tribe of Indians of Florida v. S. Florida Water Mgmt. Dist.*, 559 F.3d 1191, 1198 (11th Cir. 2009).[3]

As this Court well knows, the issues in the related *Garcia* case and this case are inextricably intertwined with one and other. Indeed, the majority's decision in *Garcia* assumes as much. (*See Garcia* Dkt. # 81) (premising its mootness conclusion based on this Court's ruling in *Palmer*). Consequently, the issues and legal standards now pending before the Supreme Court in the related *Garcia* case are directly relevant to this case and will determine what (if any) remedy remains here. And the Supreme Court must render a decision on *Garcia* because of the appellate posture, increasing the likelihood that that case will directly affect this one, and soon.

Accordingly, this Court should exercise its inherent power and discretion to stay these proceedings pending the outcome in the related *Garcia* case and the *Soto Palmer* appeal.

C. The Supreme Court's Ruling in the Related *Garcia v. Hobbs* Will Affect What, If Any, Remedy Remains in This Case.

As argued in the *Garcia* and *Trevino* filings now pending before the Supreme Court, *Garcia* should have been decided on the merits before *Soto Palmer*. Juris. Statement in *Garcia v. Hobbs*, O.T. 2023, No 23-467; *see also Trevino v. Soto Palmer*, O.T. 2023, No 23-484. Appellant Garcia requested that the Supreme Court reverse or vacate the *Garcia* majority's errant jurisdictional dismissal and remand that case to the three-judge panel for consideration of the

[3] *See also, e.g., Nairne*, 2022 U.S. Dist. LEXIS 155706, at *7 (staying case pending Supreme Court's decision in *Merrill* "in the interest of avoiding hardship and prejudice to the parties and in the interest of judicial economy"); *Johnson v. Ardoin*, No. 3:18-cv-625 (M.D. La. Oct. 17, 2019) (ECF No. 133) (granting stay pending en banc consideration of a Voting Rights Act issue); *United States v. Macon*, No. 1:14-CR-71, 2016 WL 7117468, at *5 (M.D. Pa. Dec. 7, 2016) (staying case pending Supreme Court resolution of similar issues); *Tel. Sci. Corp. v. Asset Recovery Sols., LLC*, No. 15 C 5182, 2016 U.S. Dist. LEXIS 581, at *8 (N.D. Ill. Jan. 5, 2016) (similar); *McGregory v. 21st Century Ins. & Fin. Servs., Inc.*, No. 1:15-cv-98, 2016 WL 11643678 at *4 (N.D. Miss. Feb. 2, 2016) (similar); *Bozeman v. United States*, No. 3:16-cv-1817-N-BN, 2016 U.S. Dist. LEXIS 140672 (N.D. Tx. July 11, 2016) (similar); *Fernandez v. United States*, No. 4:16-CV-409-Y, 2016 U.S. Dist. LEXIS 140192, at *2 (N.D. Tex. July 15, 2016) (similar); *Alford v. Moulder*, No. 3:16-CV-350-CWR-LRA, 2016 U.S. Dist. LEXIS 143292, at *7 (S.D. Miss. Oct. 17, 2016) (similar); *Kamal v. J. Crew Grp., Inc*., Civil Action No. 15-0190 (WJM), 2015 U.S. Dist. LEXIS 172578, at *4 (D.N.J. Dec. 9, 2015) (staying action pending the Supreme Court's decision in a separate but related action, and citing decision of nine federal district courts staying similar cases); *Couick v. Actavis, Inc.*, No. 3:09-CV-210-RJC-DSC, 2011 WL 248008, at 1 (W.D.N.C. Jan. 25, 2011) (similar); *Homa v. Am. Express Co.*, No. CIV.A. 06-2985 JAP, 2010 WL 4116481, at *9 (D.N.J. Oct. 18, 2010) (similar); *Michael v. Ghee*, 325 F.Supp.2d 829, 831-33 (N.D. Ohio 2004) (similar).

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merits. Petitioners in *Trevino* (the *Soto Palmer* Intervenor-Defendants) requested that the Court grant Intervenor-Defendants' petition for writ of certiorari before judgment and hold the *Soto Palmer* case in abeyance pending the results of *Garcia*. *Trevino v. Soto Palmer*, O.T. 2023, No 23-484; *see also Merrill*, 142 S. Ct. at 879.

Should the Supreme Court follow this course of action and remand *Garcia*, two likely scenarios result. First, if the *Garcia* district court reaches the correct decision, Mr. Garcia will be victorious, and the *Garcia* district court can order the State to redraw its legislative map without race as the predominant consideration for LD-15. If the State appeals, the Supreme Court could hear both *Soto Palmer* and *Garcia* together. If the State does not appeal, and the panel's order becomes final and conclusive, the Supreme Court could then vacate the *Soto Palmer* decision and remand to this Court to dismiss this proceeding as moot because the map enacted by the Redistricting Commission would be void, thereby eliminating the map that *Soto Palmer* Plaintiffs challenged. (*See Garcia* Dkt. # 81 1 at 11–12.)

Alternatively, if the *Garcia* district court follows through on what its majority telegraphed and finds that Washington's Enacted Plan was not a racial gerrymander, the result would likely be an immediate appeal of the three-judge district court's merits decision to the Supreme Court. At that point, the Supreme Court could—as in the alternative scenario above—consider both cases simultaneously, and issue a ruling that resolves the clash between equal protection and Section 2 claims.

In either eventuality, it makes little sense for proceedings in *Soto Palmer* to continue. Surely, the proceedings above will have a bearing on the outcome of this remedial process. Most poignantly, if the Supreme Court agrees that the *Soto Palmer* decision should be vacated and the case mooted, the current remedial process—in which the parties are now engaged—would be rendered a nullity. This alone warrants waiting to see how the Supreme Court addresses the issues now pending before it.

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D. The Interests of Judicial Economy Favor Granting a Stay.

As this Court has noted, the "orderly course of justice" factor is synonymous with the interests of "judicial economy." *Naini v. King Cty. Pub. Hosp. Dist. No. 2.*, No. C19-0886-JCC, 2020 U.S. Dist. LEXIS 15015, at *7 (W.D. Wash. Jan. 29, 2020). This factor is satisfied in cases that "will be easier to decide at some later date." *Sarkar v. Garland*, 39 F.4th 611, 619 (9th Cir. 2022). "[E]ven if a stay is not necessary to avoid hardship, a stay can be appropriate if it serves the interests of judicial economy." *Naini*, 2020 U.S. Dist. LEXIS 15015, at *7.

As explained above, the likely result of the *Garcia* and *Soto Palmer* appeals (including the *Trevino* Petition) is that the current *Soto Palmer* remedial phase will be an exercise in futility. Judicial economy disfavors proceeding with an intensive remedial process—likely involving a special master and competing expert analyses—when that entire process will be rendered unnecessary by the Supreme Court's decision in *Garcia*.

Regardless of where this Court stands on the merits of this case, or on any of the pending appellate proceedings, the judicially prudent and efficient way to handle the present situation is to pause the remedial proceedings in *Soto Palmer* while the Ninth Circuit and Supreme Court sort through and decide the myriad of related legal questions that touch both the *Soto Palmer* and *Garcia* cases. The likelihood that an appellate court will take *some* action that will directly affect the *Soto Palmer* remedial process is high. To have the presently pending remedial process in *Soto Palmer* lead to a new map and potentially new elected representatives, only to have those changes quickly reversed in either the appellate proceedings of this case or the related *Garcia* matter, would lead to voter confusion and increased costs and burdens on the State. This confusion is easily avoided. The Court should stay the *Soto Palmer* remedial proceedings while the appellate process is in progress.

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E. The Likely Hardship to the All Parties from Having to Litigate a Fact-Intensive Remedial Process Favors Granting a Stay.

Section 2 claims are fact- and resource-intensive inquiries. *Milligan*, 143 S. Ct. at 1503 ("Before courts can find a violation of § 2, therefore, they must conduct 'an intensely local appraisal' of the electoral mechanism at issue, as well as a 'searching practical evaluation of the 'past and present reality.'") (citation omitted). It would be a hardship on all parties to participate in a fact- and resource-intensive remedial process that may likely be unnecessary. What's more, imposing a map that requires more racial sorting, where none is required by Section 2, is a per se harm to Intervenors and the people of the State of Washington. *See Cooper v. Harris*, 581 U.S. 285, 292–93 (2017).

Furthermore, a denial of stay would put the Defendants—and the voters of the greater Yakima Valley region—at a grave risk that this Court may impose a remedial map that is then vacated by the Supreme Court or the Court of Appeals. Going through the exercise of a remedial process, only to later learn that it was all for naught, would be both result in an extreme waste of party and judicial resources. Such a waste of time and resources would necessarily be harmful to all parties, Plaintiffs included.

F. A Stay is Unlikely to Harm Plaintiffs.

By contrast, Plaintiffs are unlikely to suffer harm or prejudice from a stay because they are likely to be in the same position either way. Until *Garcia* is resolved, Plaintiffs in this action will have no basis for assurance that—even if they are 100% satisfied with the result of the remedial process—this Court's or the *Garcia* Court's rulings will withstand appeal. Any remedial plan enacted based on an errant decision in this matter or *Garcia* would be doomed post-appeal. That means Plaintiffs have little prospect of being differently situated without a stay as with one—except that, without one, they will have exhausted an enormous amount of resources, including in legal fees. Either way, the path to any enduring victory for them will inevitably be *through* whatever decisions are reached in the pending appeals.

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It also must be emphasized that "[t]he harms that flow from racial sorting include being personally subjected to a racial classification as well as being represented by a legislator who believes his primary obligation is to represent only members of a particular racial group." *Bethune-Hill v. Va. State Bd. Of Elections*, 580 U.S. 178, 187 (2017) (internal quotation omitted). That harm works against all Washingtonians, including Plaintiffs.

Therefore, the balance of the equities also weighs in favor of staying this case.

IV. CONCLUSION

Because the standard for stay pending decisions in the appeals (1) of this case to the Ninth Circuit, and (2) of *Garcia* to the Supreme Court, favors granting the stay, the Court should stay this case pending the resolution of the those appeals.

Given the emergency nature of this stay, the expedited remedial timeline, and the appeals pending before the Supreme Court of the United States, Intervenor-Defendants request responses to this motion by November 13, 2023, and a ruling from this Court by November 17, 2023. After November 17, Intervenor-Defendants will construe this emergency motion as denied.

Dated: November 8, 2023

Respectfully submitted,

s/Andrew R. Stokesbary
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CERTIFICATE OF SERVICE

I certify that all counsel of record were served a copy of the foregoing this 8th day of November 2023, via the Court's CM/ECF system.

s/Andrew R. Stokesbary
ANDREW R. STOKESBARY

Counsel for Intervenor-Defendants

CERTIFICATE OF COMPLIANCE

I certify that this Motion contains 3,741 words, in compliance with the Local Civil Rules.

s/Andrew R. Stokesbary
ANDREW R. STOKESBARY

Counsel for Intervenor-Defendants

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JOSE TREVINO, ISMAEL CAMPOS, and ALEX YBARRA,

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Case No.: 3:22-cv-05035-RSL

Judge: Robert S. Lasnik

[PROPOSED] ORDER GRANTING EMERGENCY MOTION TO STAY PROCEEDINGS

THIS MATTER, having come before the Court upon Intervenor-Defendants' Emergency Motion to Stay Proceedings, having read and considered all briefs and other matters presented to the Court, the Court finds that a stay of the proceedings is warranted pursuant to the Court's inherent power "to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for the litigants." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). Therefore, IT IS HEREBY ORDERED that:

Intervenor-Defendants' Emergency Motion to Stay Proceedings is GRANTED and this matter is stayed pending the resolution of the pending appeals in this matter and in the related *Garcia v. Hobbs* matter.

IT IS SO ORDERED.

DATED this ____ day of _____, 2023.

/s/_____
The Honorable Robert S. Lasnik
U.S. District Judge