

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION AT SANTA ANA
HONORABLE DAVID O. CARTER, JUDGE PRESIDING

CERTIFIED TRANSCRIPT

UNITED STATES OF AMERICA,)	
)	
PLAINTIFF,)	
)	
vs.)	CASE NO. 2:25-cv-09149-DOC
)	
ROBERT PAGE, in his capacity as)	
Registrar of Voters for Orange)	
County,)	
)	
DEFENDANT.)	
_____)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

SANTA ANA, CALIFORNIA

THURSDAY, OCTOBER 23, 2025

10:00 A.M.

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1 **SANTA ANA, CALIFORNIA; THURSDAY, OCTOBER 23, 2025;**

2 **10:00 A.M.**

3 **-oOo-**

4 THE COURT: United States of America versus
5 Page -- so I'm not holding you folks up -- 25-01370.

6 Then, Counsel, your appearances, please.

7 MR. GATES: Michael Gates with the Department of
8 Justice, on behalf of the United States, Your Honor.

9 THE COURT: Good. Are you still out here in the
10:00:56 10 local area?

11 MR. GATES: I am, Your Honor.

12 THE COURT: Okay.

13 MR. GATES: It's a pleasure to be here.

14 THE COURT: Oh, it's a pleasure to have you.

10:01:01 15 You folks still here in the local area, also?

16 All right. Go ahead and make your appearances.

17 MS. SHOAI: Senior Deputy County Counsel Suzanne
18 Shoai for defendant Robert Page, Orange County Registrar
19 Voters.

10:01:12 20 MR. RICHARDS: And Daniel Richards, Deputy County
21 Counsel for defendant Robert Page.

22 THE COURT: I want to make certain of something.
23 This is a motion to stay the litigation involving what I'm
24 going to call the Orange County matter, but you filed
10:01:26 25 statewide. That case was related to our case.

10:01:29 1 And I want to make certain, Karlen, you check the
2 record and if that case was actually transferred from
3 Judge Fitzgerald to this Court. Give us just one moment,
4 just to clear up our record.

10:01:42 5 Did that case actually get transferred? Do you
6 know?

7 MR. GATES: May I be of assistance, Your Honor?

8 THE COURT: Please.

9 MR. GATES: We received notice from the system
10:01:52 10 that it was transferred about a week ago.

11 THE COURT: That's what we're going to check,
12 though, the magic system. Let's just check it and make sure
13 it's here. We both discussed it. We both, as colleagues,
14 agree that it is related. I want to make sure the transfer
10:02:10 15 has taken place for a moment.

16 THE CLERK: Is the case *USA versus Shirley Weber*?

17 MR. GATES: Yes, Your Honor.

18 THE COURT: Yes, it has been?

19 Tell me again why we would want to stay this case?
10:02:28 20 I think I agree with you, by the way, okay? I think you're
21 both agreeing to stay the matter, correct?

22 MS. SHOAI: Your Honor, yes. We're not objecting
23 to staying the matter. The only thing -- the only caveat
24 that we had in our response is that the stay should be
10:02:40 25 mutual and should apply to discovery. That's the only issue

10:02:45 1 we're having.

2 THE COURT: Here's the problem: A stay is a stay.
3 It's not a stay with the following. And that's why you're
4 here. I've got to sort this out. In other words, I'm
10:02:56 5 amenable to a stay, but that means that discovery would
6 probably be stayed as well. And I don't want that to be a
7 surprise in granting this. So my question to both of you,
8 if that's harmful to the Government, then don't agree to it.
9 If discovery is what you're after on this track -- well,
10:03:19 10 you're the lawyer. I'm just --

11 The second thing is I really want to compliment
12 you because in filing statewide that is a much more
13 precedential issue than it is countywide. So you have my
14 compliments to both respective offices. I think that's the
10:03:39 15 case that we want to proceed forward on. Again, a
16 definitive answer from the Court to get to the Ninth Circuit
17 on whoever prevails to maybe get to the Supreme Court, and
18 we want to do that quickly.

19 MR. GATES: Your Honor, may I?

10:03:54 20 THE COURT: Yeah, please.

21 MR. GATES: I may be able to shed a little light
22 and some insight. And we agree with you, Your Honor, the
23 request for stay was brought by the Department of Justice
24 because in every case during a shutdown -- in every civil
10:04:07 25 case during a shutdown, a stay request is filed without

10:04:12 1 exception in every civil case. Criminal cases are handled
2 differently. But in civil cases, a stay is requested. Some
3 courts -- most courts grant that stay, putting everything on
4 hold; other courts do not. They'll deny the stay or they
10:04:27 5 will have a limited stay.

6 Your Honor indicated, I believe it was two weeks
7 ago, that this Court may be inclined to deny the stay so
8 that we could keep the case going and make progress, because
9 it's high-priority elections. And while the United States,
10:04:45 10 as a default position files a request for stay in every
11 case, the United States would also understand if the Court
12 wanted to deny the stay so that we could keep this case
13 moving.

14 THE COURT: But here I have, initially, an
10:05:00 15 agreement. In other words, when it came to me, it looked
16 like both parties were agreeing. And I got concerned,
17 because if I granted that and then granted discovery, you
18 might feel hoodwinked in the sense, *Gee, I thought that the*
19 *stay might be subject to going further.* I think that you
10:05:19 20 really don't have a stipulation. Because what I'm hearing
21 in the past is you really wanted discovery to go forward.
22 And if that's the case and if this case was to ever be
23 tried, I think that I would agree with you and not grant the
24 stay so that we proceeded forward. But here I was faced
10:05:38 25 with a stipulation, so that's why you're here.

10:05:41 1 So here's my bottom line. If you want a stay for
2 all purposes, you shouldn't be going through discovery. But
3 if you want discovery, then you probably really don't want
4 this stay. You want the case to proceed with some kind of
10:05:57 5 discovery, and you really don't have a stipulation here. So
6 that's why you're here with a shaggy dog story on my part,
7 just so I'm being fair so nobody is being caught.

8 The second thing, though, is that the other case
9 may proceed quicker than this case which raises your
10:06:14 10 question, *Judge, why not stay the matter, if the other case*
11 *is proceeding?*

12 The reason for that is this is case is going to
13 follow almost immediately that other case, and I'm not sure
14 that resolving the other case is necessarily definitive of
10:06:29 15 your case. I can't read the tea leaves. You'll tell me,
16 *Judge, it is. No harm, no foul. Whatever you rule on the*
17 *California-wide case is going to apply to Orange County.*

18 Ah, I get paid a lot to think of evil and neither
19 one of you are evil. That is what, potentially, could
10:06:44 20 happen, though, in the nuances where they're not exactly
21 identical, where there's a different fact situation,
22 et cetera. I don't know what that California case looks
23 like. And so that's my hesitancy.

24 Here's my bottom line. Tentatively, subject to
10:07:00 25 your wisdom in just a moment persuading me differently, I'm

10:07:03 1 prepared to grant a stipulated stay and stay discovery. I
2 think it's wasteful, by the way, because eventually this
3 case could get tried, but it may not get tried. The
4 California case might resolve it, but I don't know. So I'm
10:07:19 5 real worried about the time.

6 Or number two, we're not agreeing to the stay, and
7 there's wrong with backing out, because you're not backing
8 out. We don't agree to the stay. Then discovery is going
9 to go forward on this case, because one of these cases is
10:07:35 10 going to float to the top very quickly, and I don't know how
11 much pushback I'm going to get or what the California case
12 looks like because counsel isn't here. I could run into a
13 year's worth of problems. I just want to get this resolved
14 before the next election.

10:07:49 15 MR. GATES: And so, Your Honor, as I indicated,
16 it's the -- I guess, the response in every case where
17 there's a shutdown that a request for a stay is filed, but
18 we would completely understand if the Court --

19 THE COURT: I'm going to put you on the spot now.

10:08:07 20 MR. GATES: -- wanted to --

21 THE COURT: The shutdown, that's a bunch of people
22 back in Washington D.C. getting paid a lot of money that are
23 getting paid, frankly, so I'm not too concerned about the
24 position. We're first responders. We're supposed to be
10:08:22 25 here.

10:08:22 1 MR. GATES: And I'm here, Your Honor, too, without
2 pay in my best suit, so you understand I'm happy to do
3 whatever this Court is inclined to do and whatever it takes
4 to keep --

10:08:30 5 *(Overtalking: Unable to report.)*

6 THE COURT: No, I'm going to put you on the spot.
7 Do you want a stay or not?

8 No, you go think about that for a while. Now,
9 I've got five minutes. Go get a cup of coffee. Just be
10:08:41 10 careful. I'm giving you that rope. I know the -- I get it.

11 MR. GATES: The direction of the Department of
12 Justice is to request a stay.

13 THE COURT: Okay.

14 MR. GATES: That's how -- that has to be my
10:08:52 15 position. If the Court denied it, I would be here every day
16 of the week as you --

17 THE COURT: Just make sure, because if they're
18 requesting a stay, you can call -- well, never mind. You
19 can call back. Tell them if I grant this stay, I'm going to
10:09:10 20 stay discovery. And as long as we have that conversation --
21 you know, you've checked in. Take 20 minutes or so, okay?

22 Just be sure. Just really think this over, because if you
23 want to go forward with discovery, happy to do it. And my
24 fear is that this case can move very quickly in my court,
10:09:28 25 but I don't know what happens with Bonta comes in. I don't

10:09:32 1 know what happens when you're sitting across from California
2 and whether they're as anxious to have a resolution. I
3 think that they are, on behalf of the voters, but they
4 haven't come here. So I also could inconvenience you and
10:09:46 5 wait until Bonta comes in now, and I can bring you back
6 together.

7 Do you see what I mean? And I'm happy to do that
8 as well.

9 MR. GATES: And, Your Honor, if I may, this may
10:09:53 10 help your thought process as well. So the California case
11 was filed. It is very similar. There are some differences.
12 We, likewise, filed a request for stay, because the shutdown
13 occurred after we filed the California case. So the stay
14 request was also transferred. So everything is with you
10:10:10 15 now.

16 THE COURT: I don't have the party here.

17 MR. GATES: You don't. You don't. But as a
18 matter of housekeeping, just as a matter of housekeeping, it
19 would be preferrable to maybe set a hearing and call them in
10:10:22 20 and get a lot of this resolved because that, Your Honor, may
21 help you in how to handle the Orange County case as well. I
22 do think trying to get that case going much faster, and I
23 can be here tomorrow if you wanted. I know it's short
24 notice for California, maybe next week.

10:10:38 25 THE COURT: Next week.

10:10:39 1 MR. GATES: But if we could bring it all together
2 because then you could address the stay as well, and I don't
3 think there's been any papers filed, other than some large
4 organization intervenors trying to get into the California
10:10:51 5 case, which -- we can fight that battle. I don't think they
6 belong, but I also don't want to engage in *ex parte* here
7 right now. But I do think, Your Honor, I am requesting
8 that -- since you brought up the California case and how it
9 works together with the Orange County case, if you can,
10:11:06 10 Your Honor, let's -- if we can get that case going, as
11 quickly as possible, because I think right now nothing has
12 been done on it other than the transfer and then other than
13 the filings of the intervenors.

14 THE COURT: I want to hear from you.

10:11:19 15 MS. SHOAI: Thank you, Your Honor.

16 The only thing I wanted to add is that my
17 understanding is that California has not been served in that
18 action. And we are a little bit concerned about that,
19 because as we agree with the Court and we agree with
10:11:30 20 opposing counsel that these cases are related and that they
21 really do require -- they really address the same legal
22 issue. The big issue in this case is whether state law is
23 preempted by federal law. I think that the Court would
24 probably like to hear from the state in the first instance
10:11:50 25 on that issue.

10:11:50 1 So my concern is that -- and I don't know if it's
2 because of the federal furloughs, but the state has not been
3 served and then a motion to stay that action has taken
4 place. And so we're concerned that if this does not get
10:12:05 5 stayed, then what happens is that this moves ahead and the
6 Court is not hearing from the State on an issue that's
7 actually very probative. Very important.

8 THE COURT: So what would be fair? In other
9 words, should I get the State in the same time that we're
10:12:17 10 here on what I'm going to call the County case?

11 MS. SHOAI: I think that's one route the Court can
12 take.

13 THE COURT: Well, tell me.

14 MS. SHOAI: Well, the Court should grant the
10:12:27 15 motion for a stay.

16 THE COURT: I don't think -- I've tried to
17 telegraph to both of you this Government shutdown is causing
18 tremendous harm and it's causing harm to voters now. So I'm
19 respectful, but I don't respect this request for a stay.

10:12:53 20 This has to be resolved. And you have to have time to get
21 to the Ninth Circuit. And you may have to have time to get
22 to the Supreme Court. And this is because of a shutdown in
23 Washington D.C with -- never mind. I won't go there.

24 MS. SHOAI: If the Court would like to hear from
10:13:12 25 the State on it, we would be amenable to a further hearing.

10:13:15 1 THE COURT: You know I'm going to cast aside this
2 shutdown in Washington as a good reason for a stay. I can't
3 be more clearer than that. They can resolve this very
4 quickly, if they want to. And we're dealing with voters'
10:13:35 5 rights, privacy, fraud, and we're going to shut down an
6 essential portion of the Government and leave our citizens
7 dangling with no answer with local elections coming up?

8 Let me help you. I'm going to reject the stay.
9 It's just how we put this in place. And if, in fact, we can
10:14:04 10 get the California case moving and they're as enthusiastic
11 as both of you, I think that's the better case to resolve it
12 statewide. But if there's a reluctance and a request for a
13 stay on their part, they need to be heard. And I need to
14 have an open mind and maybe retract what I've said today,
10:14:26 15 but they're not even in court to make their position known.

16 MR. GATES: That's fair, Your Honor.

17 One other important point that I think is -- it
18 would be material to Your Honor's thought processes, if
19 we're trying to expedite this, the County did just file a
10:14:41 20 motion for protective order on the discovery. So it appears
21 as though rather than being able to take a deposition or two
22 and get some written discovery, we're going to be spending
23 our time with limited resources during this denied stay on
24 discovery battles which is --

10:14:58 25 THE COURT: It's wasted time. Just think for both

10:15:02 1 of you how do we get to the merits as quickly as possible
2 and then you can almost forecast what my ruling would be.
3 It's as simple as that. And if in fact we can get there
4 quicker with a California case, fine. Maybe we'll stay, but
10:15:18 5 we'll stay then for all purposes: Discovery. But if I
6 think the County case -- but if, in fact, I have California
7 come in here and they're requesting some kind of a stay or
8 they're slow moving, then I'm going to be concerned. And
9 they're just not here. It's not fair to them.

10:15:38 10 So why don't we look at our calendars. You give
11 me the best guesstimate of how soon we can get California in
12 here, so I'm not bringing you back and forth. But I think
13 I'm going to delay this hearing until they're present.

14 The other portion is, quite frankly, not to grant
10:15:54 15 the stay and discovery takes place on this case and you
16 proceed forward, and I just try to make sure the California
17 case goes first. I mean, I've got all sorts of options, but
18 I don't want to make those final determinations until we get
19 California sitting at that table, plus we've got

10:16:10 20 intervenors. I've already got something from the ACLU on
21 this matter. I think they're flowing through with different
22 organizations. I don't know if I've granted that or not
23 granted that. I'm not sure. We need California, and then I
24 think we get a statewide answer. And it's better for
10:16:28 25 appellate purposes for both of you in the Ninth Circuit and

10:16:31 1 the Supreme Court. You're taking a state.

2 We've got this tentative transitional motion that
3 we're deciding in the County case. The other case, the
4 California case seems to be much more dispositive.

10:16:45 5 MR. GATES: And we -- without getting into any
6 litigation strategy, we do have a plan to bring substantive
7 dispositive issues to Your Honor in that case very, very
8 quickly, unlike this case.

9 THE COURT: And I think California will want that
10:17:00 10 also, quite frankly.

11 MR. GATES: Well, we'll see.

12 THE COURT: We'll see.

13 *(Laughter.)*

14 MR. GATES: I would disagree with you, Your Honor.
10:17:04 15 I think they would be as happy as ever to slow walk it, so
16 we'll see what happens.

17 THE COURT: I'm not going to speculate.

18 Well, you tell me when I should bring you back,
19 okay?, as quickly as possible but not wasted time on your
10:17:22 20 part. So take a guess in terms of courtesy to California
21 how quickly they could respond.

22 MR. GATES: Your Honor, I'm just going to throw
23 out, maybe, Thursday, November 6.

24 THE COURT: Sounds great.

10:17:38 25 MS. SHOAI: That's my --

10:17:38 1 MR. GATES: I mean, that's what I'm hoping for. I
2 don't know.

3 THE COURT: Listen. Is there a possibility that
4 you could make a couple calls today? Or do we have that
10:17:47 5 kind of relationship with Bonta and California?

6 MR. GATES: They will not take a call from me,
7 Your Honor -- no, I'm just kidding.

8 *(Laughter.)*

9 THE COURT: Well, I think he will pretty soon,
10:17:59 10 because you're both going to be in the Court. You're going
11 to be talking very quickly. So I'm just wondering if that
12 would be helpful at all or if it's just wasted time if I,
13 you know, gave you 20 or 30 minutes to make that call.
14 Because, otherwise, I could bring you back November 6th and
10:18:15 15 California is not sitting here.

16 MR. GATES: Your Honor, what I would suggest so
17 that we could keep things moving -- because the great
18 unknown is what it's going to take to get them served and
19 get them hearing -- is go ahead and schedule for the 6th.
10:18:28 20 We're happy to appear, even if nothing has happened. It's
21 right up the street from me. I think it's right across the
22 walkway for you guys. It's very convenient. We're happy to
23 see you, and we'll just talk about it then.

24 THE COURT: I would rather be aggressive and get
10:18:38 25 the case moving as quickly as possible. And if we're

10:18:41 1 inconvenienced and they haven't answered or responded, we'll
2 set another date. Now, the burden is on them to act
3 quickly, also, and we'll see how quickly they want to get
4 this to litigation.

10:18:51 5 So November 6th, what time is good for you folks?

6 MS. SHOAI: 9:00 o'clock would work for me.

7 THE COURT: 9:00 o'clock?

8 MR. GATES: That's good.

9 THE COURT: 9:00 o'clock. So we'll order you back
10:19:02 10 at 9:00 o'clock and hopefully they will have answered and
11 made an appearance by that time.

12 MR. GATES: Okay. Since we have the County here,
13 discovery responses are due next week, I think the written
14 ones --

10:19:13 15 THE COURT: Why don't we start waiving those. I'm
16 just worried about the schedule you're on. Because,
17 eventually, if I do stay your case, we're going through a
18 lot of work.

19 MR. GATES: So if you're suggesting we continue
10:19:24 20 those dates, wait until California is in the case, then
21 we're amenable to that, if that's Your Honor's request.

22 THE COURT: What's your thought? If you want to
23 respond, that's fine.

24 MS. SHOAI: Continue the discovery responses. I
10:19:35 25 think that would be appreciated. I think that will be a

10:19:37 1 good thing.

2 THE COURT: So by agreement, we will delay those
3 discovery responses until November -- give me a date.

4 MR. GATES: I will bend over backwards to work
10:19:50 5 with them on a date that's good for them.

6 THE COURT: Fair enough.

7 MR. GATES: Because there's written and then
8 there's depositions, so there's some stuff to talk about,
9 and we'll work it out.

10:19:57 10 THE COURT: Is that acceptable to the County?
11 Does that work for you?

12 MS. SHOAI: Yes, Your Honor.

13 THE COURT: I think it saves a lot of work.

14 MS. SHOAI: We can meet and confer and discuss
10:20:05 15 appropriate dates.

16 THE COURT: Just get back to me with those dates.

17 MR. GATES: By the 6th, or do you want me to come
18 back today?

19 THE COURT: No, no, no, no, not today. Give me a
10:20:14 20 tickler date on those responses. In other words, I need a
21 date so that it doesn't languish out on a docket someplace,
22 and I need a date convenient for each of you.

23 MR. GATES: So, Your Honor, I'll just take a stab
24 at it. Counsel.

10:20:30 25 So we can push the discovery -- all discovery out

10:20:36 1 30 days. That includes written and deposition.
2 just subject to finding -- pinning down and confirming the
3 date that the PMK is actually available. I don't know if
4 they're actually available exactly 30 days from the original
10:20:54 5 date. But 30 days from the original due date on the written
6 and then sort of 30 days on the PMK.

7 THE COURT: First of all, you two work together
8 with that. Get back to me by tomorrow at 12 noon with what
9 you agree to so that I'm not taking your time.

10:21:05 10 MR. GATES: And we'll just submit notice to the
11 Court?

12 THE COURT: Yes.

13 MR. GATES: Okay. Thank you, Your Honor.

14 THE COURT: Now, let's do this.

10:21:09 15 MS. SHOAI: Thank you, Your Honor.

16 THE COURT: I think it would be helpful if I
17 indicated to you on the record that I'm tentatively
18 declining your stay at the present time.

19 MS. SHOAI: His request for a stay but, yes.

10:21:21 20 THE COURT: And that would be helpful to Main
21 Justice if you have these discussions that the Court is
22 inclined to deny the stay. And that way you have some --
23 not a final order, because we're waiting for California but
24 that gives you something to take back to Main Justice to the
10:21:41 25 Attorney General in somewhat of a concrete conversation,

10:21:44 1 okay.

2 And, remember, I still have the flexibility of
3 doing the following: Still denying your stay but allowing
4 discovery to go forward on the County case, anticipating
10:21:57 5 that maybe the California case doesn't resolve all the
6 issues, because I don't know what's out there. So I'm not
7 going to get trapped into a final decision today about a
8 stay as staying discovery. I may decide to accelerate the
9 California case, which I would like to do, but still allow
10:22:16 10 discovery in this case to trail and, therefore, your stay
11 may be denied, okay?

12 All right. Let's get you out of here with my
13 profound appreciation. You guys go have a good day.

14 MR. GATES: Thank you, Your Honor.

10:22:27 15 MS. SHOAI: Thank you, Your Honor.

16 THE CLERK: Judge, is there a deadline for them to
17 submit that notice?

18 THE COURT: Yeah. By tomorrow at 12:00 noon.

19 Okay. Thank you.

10:22:34 20 MR. GATES: Thank you, Your Honor.

21 MS. SHOAI: Thank you, Your Honor.

22
23 *(At 10:22 a.m., proceedings were adjourned.)*

24 -oOo-

CERTIFICATE

I hereby certify that pursuant to Section 753,
Title 28, United States Code, the foregoing is a true and
correct transcript of the stenographically reported
proceedings held in the above-entitled matter and that the
transcript page format is in conformance with the
regulations of the Judicial Conference of the United States.

Date: November 25, 2025

/s/DEBORAH D. PARKER
DEBORAH D. PARKER, OFFICIAL REPORTER

Deborah D. Parker, U.S. Court Reporter

MR. GATES: [35]	2/16 950 [1] 2/4	10/3 10/11 11/18 11/20 area [2] 3/10 3/15	CENTRAL [1] 1/2 certain [2] 3/22 4/1	18/16 DAVID [1] 1/4
MR. RICHARDS: [1]	9:00 [2] 17/7 17/9	as [33]	CERTIFICATE [1]	day [2] 9/15 20/13
3/20	9:00 o'clock [2] 17/6	aside [1] 13/1	20/25	days [4] 19/1 19/4 19/5
MS. SHOAL: [15] 3/17	17/10	assistance [1] 4/7	CERTIFIED [1] 1/5	19/6
4/22 11/15 12/11 12/14	A	Attorney [1] 19/25	certify [1] 21/2	DC [1] 2/4
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