

1 HARMEET K. DHILLON

2 Assistant Attorney General

3 Civil Rights Division

4 MAUREEN RIORDAN

5 Senior Counsel, Voting Section

6 Civil Rights Division

7 BRITTANY E. BENNETT

8 Trial Attorney, Voting Section

9 Civil Rights Division

10 U.S. Department of Justice

11 4 Constitution Square, Room 8.141

12 150 M Street NE

13 Washington, D.C. 20002

14 Telephone: (202) 704-5430

15 Email: Brittany.Bennett@usdoj.gov

16 BILAL A. ESSAYLI

17 First Assistant United States Attorney

18 JULIE A. HAMILL (CA No. 272742)

19 Assistant United States Attorney

20 United States Attorney's Office

21 300 North Los Angeles Street, Suite 7516

22 Los Angeles, California 90012

23 Telephone: (213) 894-2464

24 E-Mail: julie.hamill@usdoj.gov

25 Attorneys for Plaintiff, UNITED STATES OF AMERICA

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION

11 UNITED STATES OF AMERICA

12
13 Plaintiff,

14
15 v.

16
17 SHIRLEY WEBER, in her official
18 capacity as Secretary of State of the
19 State of California, and the State of
20 California,

21 Defendants.
22
23

CASE NO: 2:25-cv-09149-DOC-ADS

HON. DAVID O. CARTER

EX PARTE APPLICATION FOR
CONTINUANCE

Date: Monday, Dec. 8, 2025

Time: 8:30AM

Courtroom: 10A

Judge: Hon. David O. Carter

Trial Date: None set.

Action filed: Sept. 25, 2025

24 **EX PARTE APPLICATION FOR CONTINUANCE**

25 TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

26 Pursuant to Local Rules 7-19 and 7-19.1, Plaintiff United States of America
27 respectfully applies *ex parte* for an order continuing the deadline to file its
28 response to Defendants' Motion to Dismiss filed on November 7, 2025. [Doc. 37.](#)

1 Currently, Plaintiff's response is due on Monday, November 17, 2025. Plaintiff
2 requests a brief extension of 14 days, until December 1, 2025.

3 Plaintiff shows that good cause exists for a continuance as follows:

4 1. Counsel for Plaintiff has been working diligently but was significantly
5 impacted by the recent federal government shutdown, which resulted in reduced
6 staffing and limited access to personnel and resources necessary to prepare the
7 response. Decl. of Brittany E. Bennett ¶ 7.

8 2. Specifically, during the shutdown, all attorneys and staff in the
9 Section were furloughed and all work was limited except as permitted by law until
10 the lapse in appropriations was resolved. *Id.* ¶¶ 2-4.

11 3. On November 7, 2025, during the shutdown, Defendants filed a
12 Motion to Dismiss ([ECF No. 37](#)) that set oral arguments for December 8, 2025,
13 providing a deadline of November 17, 2025, for Plaintiff to respond. *Id.* ¶¶ 5-6.

14 4. On November 13, 2025, the first day that the Federal Government had
15 reopened, Plaintiff's counsel contacted opposing counsel and requested a
16 stipulation for an extension after explaining the circumstances of the shutdown and
17 its impact on counsel, but Defendants' counsel declined. *Id.* ¶ 8.

18 5. Plaintiff's counsel informed Defendants' counsel that she would file
19 this *ex parte* application. *Id.* ¶ 9.

20 6. Under normal noticed-motion procedures, the deadline for Plaintiff's
21 response to Defendants' Motion to Dismiss would expire before the motion for
22 continuance could be heard, making *ex parte* relief necessary.

23 7. Without relief, Plaintiff will suffer prejudice, as Plaintiff's counsel has
24 insufficient time to file a response by the deadline despite diligence under the
25 extraordinary circumstances of the lengthy Government shutdown.

26 For all the reasons set forth above, Plaintiff prays that this Court grant the
27 requested extension to provide Plaintiff up to and including December 1, 2025, to
28 file its response to the Motion to Dismiss ([ECF No. 37](#)), to issue an order

1 continuing the hearing set for December 8, 2025, and for such other relief as the
2 Court deems just and proper.

3
4 DATED: November 14, 2025

Respectfully submitted,

5 HARMEET K. DHILLON
6 Assistant Attorney General
7 Civil Rights Division
8

9 /s/ Brittany E. Bennett
10 MAUREEN RIORDAN
11 Senior Counsel, Voting Section
12 BRITTANY E. BENNETT
13 Trial Attorney, Voting Section
14 Civil Rights Division
15 U.S. Department of Justice
16 4 Constitution Square
17 150 M Street NE, Room 8.141
18 Washington, D.C. 20002
19 Telephone: (202) 704-5430
20 Email: brittany.bennett@usdoj.gov
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2025, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Brittany E. Bennett

Brittany E. Bennett

Trial Attorney, Voting Section

Civil Rights Division

U.S. Department of Justice

4 Constitution Square

150 M Street NE, Room 8.141

Washington, D.C. 20002

Telephone: (202) 704-5430

Email: brittany.bennett@usdoj.gov

1 HARMEET K. DHILLON
2 Assistant Attorney General
3 Civil Rights Division
4 MAUREEN RIORDAN
5 Senior Counsel, Voting Section
6 Civil Rights Division
7 BRITTANY E. BENNETT
8 Trial Attorney, Voting Section
9 Civil Rights Division
10 U.S. Department of Justice
11 4 Constitution Square, Room 8.141
12 150 M Street NE
13 Washington, D.C. 20002
14 Telephone: (202) 704-5430
15 Email: Brittany.Bennett@usdoj.gov

16 BILAL A. ESSAYLI
17 First Assistant United States Attorney
18 JULIE A. HAMILL (CA No. 272742)
19 Assistant United States Attorney
20 United States Attorney's Office
21 300 North Los Angeles Street, Suite 7516
22 Los Angeles, California 90012
23 Telephone: (213) 894-2464
24 E-Mail: julie.hamill@usdoj.gov

25 Attorneys for Plaintiff, UNITED STATES OF AMERICA
26
27
28

1
2
3
4
5
6
7
8
9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 SOUTHERN DIVISION

12 UNITED STATES OF AMERICA

13
14 Plaintiff,

15
16 v.

17
18 SHIRLEY WEBER, in her official
19 capacity as Secretary of State of the
20 State of California, and the State of
21 California,

22 Defendants.

CASE NO: 2:25-cv-09149-DOC-ADS

HON. DAVID O. CARTER

EX PARTE APPLICATION FOR
CONTINUANCE

Date: Monday, Dec. 8, 2025

Time: 8:30AM

Courtroom: 10A

Judge: Hon. David O. Carter

Trial Date: None set.

Action filed: Sept. 25, 2025

23
24
25 **DECLARATION OF BRITTANY E. BENNETT**

26 I, Brittany E. Bennett, declare:

27 1. I am counsel for Plaintiff.

28 2. On October 1, 2025, the Federal Government shut down due to a lapse in

1 appropriations.

2 3. The Government did not reopen until November 13, 2025, after President
3 Donald J. Trump signed into law the bill providing appropriations for all
4 federal agencies, including the Department of Justice.

5 4. As a result of the shutdown, all attorneys and staff in my office were
6 furloughed and all work was limited except as permitted by law until the lapse
7 in appropriations was resolved.

8 5. On November 7, 2025, during the shutdown, Defendants filed a Motion to
9 Dismiss ([ECF No. 37](#)) that set oral arguments for December 8, 2025.

10 6. The current deadline for Plaintiff's response to the Motion to Dismiss is
11 November 17, 2025.

12 7. Despite diligent efforts, additional time is required to prepare an adequate
13 response.

14 8. On November 13, 2025, I contacted Defendants' counsel, Malcolm Brudigam,
15 by email, requested a stipulation for an extension, and explained the above
16 circumstances. Opposing counsel declined to stipulate.

17 9. I informed opposing counsel that Defendant would file this *ex parte*
18 application.

19 10. Normal motion practice would not be heard before the response deadline
20 expires, resulting in prejudice to Plaintiff.

21 I declare under penalty of perjury that the foregoing is true and correct.

22
23 DATED: November 14, 2025

24
25 /s/ Brittany E. Bennett

26 Senior Counsel, Voting Section
27 BRITTANY E. BENNETT
28 Trial Attorney, Voting Section

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

Civil Rights Division
U.S. Department of Justice
4 Constitution Square
150 M Street NE, Room 8.141
Washington, D.C. 20002
Telephone: (202) 704-5430
Email: brittany.bennett@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2025, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Brittany E. Bennett

Brittany E. Bennett

Trial Attorney, Voting Section

Civil Rights Division

U.S. Department of Justice

4 Constitution Square

150 M Street NE, Room 8.141

Washington, D.C. 20002

Telephone: (202) 704-5430

Email: brittany.bennett@usdoj.gov

1 HARMEET K. DHILLON
2 Assistant Attorney General
3 Civil Rights Division
4 MAUREEN RIORDAN
5 Senior Counsel, Voting Section
6 Civil Rights Division
7 BRITTANY E. BENNETT
8 Trial Attorney, Voting Section
9 Civil Rights Division
10 U.S. Department of Justice
11 4 Constitution Square, Room 8.141
12 150 M Street NE
13 Washington, D.C. 20002
14 Telephone: (202) 704-5430
15 Email: Brittany.Bennett@usdoj.gov

16 BILAL A. ESSAYLI
17 First Assistant United States Attorney
18 JULIE A. HAMILL (CA No. 272742)
19 Assistant United States Attorney
20 United States Attorney's Office
21 300 North Los Angeles Street, Suite 7516
22 Los Angeles, California 90012
23 Telephone: (213) 894-2464
24 E-Mail: julie.hamill@usdoj.gov

25 Attorneys for Plaintiff, UNITED STATES OF AMERICA
26
27
28

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION

11 UNITED STATES OF AMERICA

12
13 Plaintiff,

14
15 v.

16
17 SHIRLEY WEBER, in her official
18 capacity as Secretary of State of the
19 State of California, and the State of
20 California,

21 Defendants.
22
23
24

CASE NO: 2:25-cv-09149-DOC-ADS

HON. DAVID O. CARTER

MEMORANDUM IN SUPPORT OF
EX PARTE APPLICATION FOR
CONTINUANCE

Date: Monday, Dec. 8, 2025

Time: 8:30AM

Courtroom: 10A

Judge: Hon. David O. Carter

Trial Date: None set.

Action filed: Sept. 25, 2025

25 **PLAINTIFF'S MEMORANDUM IN SUPPORT OF EX PARTE**
26 **APPLICATION FOR CONTINUANCE**
27
28

I. BACKGROUND

The United States filed this action on September 25, 2025. At the end of the day on September 30, 2025, just three business days after the case was brought, appropriations to the Department of Justice lapsed. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342. The shutdown lasted for 43 days, with the first regular business day for Department attorneys resuming on November 13, 2025.

Defendants filed a motion to dismiss on November 7, 2025, during the shutdown, with a hearing set for December 8, 2025, giving the Plaintiff roughly ten days from the date of filing to respond while key counsel was prohibited by law from working on the case. That left Plaintiff’s counsel with only *two* business days from the date of the federal government reopening to prepare a response.

II. INTRODUCTION

Pursuant to Local Rules 7-19 and 7-19.1, Plaintiff respectfully applies *ex parte* for an order continuing the hearing set for December 8, 2025, for Defendants’ Motion to Dismiss with a deadline to file a response to Defendants’ Motion to Dismiss (Doc. 37), currently due November 17, 2025. Good cause exists for the requested 14-day extension because Plaintiff has exercised diligence, faces circumstances outside its control due to the recent federal government shutdown, and will otherwise suffer prejudice absent relief.

Ex parte relief is warranted because the normal noticed-motion timeline would not allow the Court to hear the request before the existing deadline expires, and opposing counsel declined to stipulate despite reasonable efforts to obtain a

1 stipulation.

2 III. LEGAL STANDARD

3 A. *Ex Parte* Relief Under Local Rules 7-19 and 7-19.1

4 Local Rule 7-19 permits an *ex parte* application upon a showing that the
5 moving party has notified the opposing party or provided a satisfactory explanation
6 for why such notice should not be required. Local Rule 7-19.1 requires that the
7 application set forth: (a) the contact information of opposing counsel, (b) the notice
8 provided, and (c) whether opposing counsel opposes the application.

9 Federal courts routinely hold that *ex parte* relief is appropriate where a
10 deadline will expire before the matter can be heard on a noticed motion. *See Mission*
11 *Power Eng'g Co. v. Cont'l Cas. Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995). *Ex*
12 *parte* applications may be granted when “the moving party is without fault in
13 creating the crisis” and “will be damaged or prejudiced if the request is denied.” *Id.*

14 B. Extensions of Time for Good Cause

15 Federal Rule of Civil Procedure 6(b)(1) permits courts to extend deadlines for
16 “good cause” when a party cannot meet the deadline despite diligence. Courts have
17 broad discretion to grant such extensions, especially where circumstances outside
18 the moving party’s control prevent timely compliance. *See Ahanchian v. Xenon*
19 *Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010) (reversing denial of extension
20 and emphasizing that requests for a reasonable extension supported by diligence
21 should normally be granted).

22 The Ninth Circuit has held that “Procedure is a means to an end, not an end in
23 itself, the handmaid rather than the mistress of justice. While district courts enjoy a
24 wide latitude of discretion in case management, that discretion is circumscribed by
25 the courts’ overriding obligation to construe and administer the procedural rules so
26 as to secure the just, speedy, and inexpensive determination of every action and
27 proceeding.” *Id.* Further, Rule 6(b)(1), like all the Federal Rules of Civil Procedure,
28 is to be liberally construed to effectuate the general purpose of seeing that cases are

1 tried on the merits. Similarly, Rule 1 provides that the Federal Rules should be
2 construed and administered to secure the just, speedy, and inexpensive determination
3 of every action and proceeding. Consequently, requests for extensions of time made
4 before the applicable deadline has passed should normally be granted in the absence
5 of bad faith or prejudice to the adverse party. *Id.*

6 The court in *Ahanchian* also held that “good cause” is a non-rigorous standard
7 that has been construed broadly across procedural and statutory contexts. *Id.*; *see*
8 *also Venegas-Hernandez v. Sonolux Records*, [370 F.3d 183, 187](#) (1st Cir. 2004);
9 *Thomas v. Brennan*, [961 F.2d 612, 619](#) (7th Cir. 1992); *Lolatchy v. Arthur Murray,*
10 *Inc.*, [816 F.2d 951, 954](#) (4th Cir. 1987).

11 IV. ARGUMENT

12 A. Good Cause Exists for a Continuance Due to Circumstances Outside 13 Plaintiff’s Control

14 Plaintiff has been diligently preparing its response to Defendants’ Motion to
15 Dismiss but was significantly impacted by the recent federal government shutdown.
16 The shutdown reduced staffing and prevented access to essential personnel and
17 resources necessary to prepare the response. Courts routinely find good cause where
18 unexpected operational disruptions impede a party’s ability to prepare filings despite
19 diligence. *See, e.g., Ahanchian*, [624 F.3d at 1259](#). The requested extension is short—
20 only 14 days—and tailored to ensure the response is complete, accurate, and helpful
21 to the Court. Such a modest extension favors resolution on the merits and does not
22 prejudice Defendants.

23 Plaintiff has shown that the government shutdown has affected staffing and
24 significantly curtailed its ability to draft a meaningful response within the imposed
25 deadline of November 17, 2025. *See Decl. of Brittany E. Bennett*. While the present
26 action was not stayed during the shutdown, key counsel was not permitted to work
27 on the present action in general. Given this extremely limited staffing caused by the
28 lapse in appropriations to the Department of Justice, it has made it infeasible to meet

1 the already shortened deadline to respond to a lengthy motion to dismiss.

2 The movant in *Ahanchian* faced an exceptionally constrained deadline
3 resulting from the peculiar dictates of the local rules for the Central District of
4 California. Compounding the problem, this deadline followed immediately upon
5 Labor Day weekend—during which even the federal courts are closed. By taking
6 advantage of the unusual local rules, defendants cut Ahanchian’s time to respond to
7 two dispositive motions to five business days and three days over the holiday
8 weekend. Both Ahanchian and his attorney in that case were out of town over Labor
9 Day weekend, and, moreover, as he informed the district court, Ahanchian’s lead
10 counsel was out-of-state in fulfillment of a previously-scheduled commitment from
11 the day defendants chose to file their motions through the day the responses were
12 due. For these reasons the court held that “Ahanchian clearly demonstrated the ‘good
13 cause’ required by Rule 6, and because there was no reason to believe that Ahanchian
14 was acting in bad faith or was misrepresenting his reasons for asking for the
15 extension...” *Ahanchian* at 1260.

16 **B. *Ex Parte* Relief Is Necessary Because the Response Deadline Will**
17 **Expire Before a Noticed Motion Could Be Heard**

18 To justify *ex parte* relief, the evidence must show that the moving party’s
19 cause will be irreparably prejudiced if the underlying motion is heard according to
20 regular noticed motion procedures. *Mission Power Eng'g Co. v. Cont'l Cas. Co.*, 883
21 F. Supp. 488, 489 (C.D. Cal. 1995). Under Local Rule 6-1 and the standard briefing
22 schedule, a noticed motion for continuance cannot be heard before the existing
23 deadline for Plaintiff’s response to Defendants’ Motion to Dismiss expires. Courts
24 recognize such timing constraints as legitimate grounds for *ex parte* relief. *Mission*
25 *Power*, 883 F. Supp. at 492 (*ex parte* relief appropriate where a deadline will pass
26 before the motion can be heard).

1 Thus, absent *ex parte* relief, Plaintiff would be forced to file without adequate
2 time to prepare due to reasons outside its control, meeting the irreparable prejudice
3 requirement.

4 **C. Plaintiff Satisfies the Notice Requirements of Local Rules 7-19 and 7-**
5 **19.1**

6 Plaintiff's counsel contacted opposing counsel and requested a stipulation for
7 a short extension, but opposing counsel declined. *See* Decl. of Brittany E. Bennett.
8 In those communications, Plaintiff's counsel provided Defendants' counsel with *ex*
9 *parte* notice as required by Local Rule 7-19.1. These efforts satisfy the rule's
10 requirements and further demonstrate Plaintiff's good-faith conduct.

11 **D. No Prejudice to Defendants; Significant Prejudice to Defendant**
12 **Without Relief**

13 Granting the extension imposes no meaningful prejudice on Defendants. The
14 December 8, 2025, hearing can be continued minimally, and Defendants suffer no
15 substantive harm from a short extension.

16 By contrast, Plaintiff will suffer prejudice if forced to respond under the
17 current deadline, as the government shutdown left Plaintiff without access to
18 essential resources. Courts consistently favor extensions that promote full and fair
19 briefing. *Ahanchian*, [624 F.3d at 1260](#).

20 **V. CONCLUSION**

21 For the foregoing reasons, Plaintiff respectfully requests that the Court grant
22 its *ex parte* application, extend the deadline for Plaintiff to file its response to
23 Defendants' Motion to Dismiss by 14 days, and reset oral arguments on the motion,
24
25
26
27
28

1 along with such other relief as the Court deems just and proper.

2
3 DATED: November 14, 2025

Respectfully submitted,

4 HARMEET K. DHILLON
5 Assistant Attorney General
6 Civil Rights Division

7
8 /s/ *Brittany E. Bennett*

9 MAUREEN RIORDAN
10 Senior Counsel, Voting Section
11 BRITTANY E. BENNETT
12 Trial Attorney, Voting Section
13 Civil Rights Division
14 U.S. Department of Justice
15 4 Constitution Square
16 150 M Street NE, Room 8.141
17 Washington, D.C. 20002
18 Telephone: (202) 704-5430
19 Email: brittany.bennett@usdoj.gov
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2025, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Brittany E. Bennett

Brittany E. Bennett

Trial Attorney, Voting Section

Civil Rights Division

U.S. Department of Justice

4 Constitution Square

150 M Street NE, Room 8.141

Washington, D.C. 20002

Telephone: (202) 704-5430

Email: brittany.bennett@usdoj.gov

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION

11 UNITED STATES OF AMERICA

12
13 Plaintiff,

14
15 v.

16
17 SHIRLEY WEBER, in her official
18 capacity as Secretary of State of the
19 State of California, and the State of
20 California,

21 Defendants.

CASE NO: 2:25-cv-09149-DOC-ADS

HON. DAVID O. CARTER

EX PARTE APPLICATION FOR
CONTINUANCE

Date: Monday, Dec. 8, 2025

Time: 8:30AM

Courtroom: 10A

Judge: Hon. David O. Carter

Trial Date: None set.

Action filed: Sept. 25, 2025

22
23 **[PROPOSED] ORDER**

24 The Court, having considered Plaintiff's Ex Parte Application for Continuance
25 of the hearing set for December 8, 2025, the supporting papers, and all matters
26 presented, and good cause appearing, hereby ORDERS as follows:

- 27 1. Plaintiff's Ex Parte Application is GRANTED.
28 2. The hearing previously set for December 8, 2025, is continued to December

1 22, 2025, and the deadline for Plaintiff to file its response to Defendant's
2 Motion to Dismiss previously due on November 17, 2025—is accordingly
3 continued to December 1, 2025.

4 3. All related deadlines are adjusted accordingly.
5

6 IT IS SO ORDERED this ____ day of November 2025.
7
8

9 _____
10 Honorable David O. Carter
11 District Court Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28