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25 19 Attorneys for Plaintiff, UNITED STATES OF AMERICA  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

V.

SHIRLEY WEBER, in her official capacity as Secretary of State of the State of California, and the State of California,

## 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.

## **EX PARTE APPLICATION FOR CONTINUANCE**

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

Pursuant to Local Rules 7-19 and 7-19.1, Plaintiff United States of America respectfully applies *ex parte* for an order continuing the deadline to file its 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

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

9

10 /s/ *Brittany E. Bennett*

11

12 MAUREEN RIORDAN  
13 Senior Counsel, Voting Section  
14 BRITTANY E. BENNETT  
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**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

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

12 UNITED STATES OF AMERICA

13

14 Plaintiff,

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

15

16 v.

HON. DAVID O. CARTER

17

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

EX PARTE APPLICATION FOR  
CONTINUANCE

21

22 Defendants.

Date: Monday, Dec. 8, 2025

Time: 8:30AM

Courtroom: 10A

Judge: Hon. David O. Carter

Trial Date: None set.

Action filed: Sept. 25, 2025

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24

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**DECLARATION OF BRITTANY E. BENNETT**

25 I, Brittany E. Bennett, declare:

26

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

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**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  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

SHIRLEY WEBER, in her official capacity as Secretary of State of the State of California, and the State of California,

Defendants.

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

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**PLAINTIFF'S MEMORANDUM IN SUPPORT OF EX PARTE  
APPLICATION FOR CONTINUANCE**

## 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 also* *Venegas-Hernandez v. Sonolux Records*, 370 F.3d 183, 187 (1st Cir. 2004);  
8 *Thomas v. Brennan*, 961 F.2d 612, 619 (7th Cir. 1992); *Lolatchy v. Arthur Murray, 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

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.

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

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

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

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

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

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

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

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

## V. CONCLUSION

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

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

2  
3 DATED: November 14, 2025

Respectfully submitted,

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

7  
8 /s/ Brittany E. Bennett

9 MAUREEN RIORDAN  
10 Senior Counsel, Voting Section  
11 BRITTANY E. BENNETT  
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**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

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

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

V.

HON. DAVID O. CARTER

SHIRLEY WEBER, in her official capacity as Secretary of State of the State of California, and the State of California,

EX PARTE APPLICATION FOR  
CONTINUANCE

Date: Monday, Dec. 8, 2025

Time: 8:30AM

Courtroom: 10A

Judge: Hon. David C

Trial Date: None set.

## [PROPOSED] ORDER

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

1. Plaintiff's Ex Parte Application is GRANTED.
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.  
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9 Honorable David O. Carter  
10 District Court Judge  
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