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10 *Attorneys for Defendants Shirley Weber, in her*  
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11 *State, and the State of California*

12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
14

15  
16 **UNITED STATES OF AMERICA,**

17 Plaintiff,

18 v.

19 **SHIRLEY WEBER, in her official**  
20 **capacity as Secretary of State of the**  
21 **State of California, and the STATE**  
22 **OF CALIFORNIA,**

Defendants.

2:25-cv-09149-DOC-ADS

**Memorandum of Points and  
Authorities in Support of Ex Parte  
Application for Motion to Strike  
Plaintiff's Motion for Order to  
Produce Records**

Date: December 4, 2025  
Time: 7:30 A.M.  
Courtroom: TBD  
Judge: Hon. David O. Carter  
Action Filed: September 25, 2025

23 **INTRODUCTION**

24 Fewer than 72 hours before the hearing on Defendants' Motions to Dismiss,  
25 Plaintiff the United States of America ("DOJ") filed a procedurally novel,  
26 sprawling motion for an immediate order granting the relief requested in its  
27 Complaint. Rather than set a hearing date consistent with the Court's Local Rules,  
28 DOJ simply noticed its pending motion for hearing this Thursday morning. This

1 improper hearing date leaves Defendants California Secretary of State Shirley  
2 Weber and the State of California no chance to respond to what is functionally a  
3 dispositive motion. DOJ's motion is procedurally improper, and the Court should  
4 grant this ex parte application to either strike DOJ's pending motion as  
5 noncompliant with this Court's Local Rules, or reset the hearing date on the  
6 pending motion to comply with this Court's Local Rules.

## 7 ARGUMENT

### 8 A. The Court Should Strike DOJ's Motion, or in the Alternative, 9 the Motion's Hearing Date

10 DOJ's pending motion has three fatal procedural defects: it violates this  
11 Court's Local Rules, it runs roughshod over the tenets of due process, and it  
12 deprives this Court of a sensible record on which to base its decision. Accordingly,  
13 the Court should either strike DOJ's motion entirely, or strike and reset the hearing  
14 date on the motion.

15 DOJ's failure to comply with the Local Rules, standing alone, is a sufficient  
16 basis to strike either the hearing date or the motion in its entirety. Parties must  
17 adhere to the Local Rules of this District, and a District Court "has considerable  
18 latitude in managing the parties' motion practice and enforcing local rules." *Bus.*  
19 *Sols., LLC v. Ganatra*, No. 18-cv-1426-DOC-KESx, [2019 WL 6332246](#), at \*1  
20 (C.D. Cal. Oct. 23, 2019) (quoting *Christian v. Mattel, Inc.*, [286 F.3d 1118, 1129](#)  
21 (9th Cir. 2002)). In this District, "every motion shall be presented by written notice  
22 of motion . . . filed not later than twenty-eight (28) days before the date set for  
23 hearing." [C.D. Cal. R. 6-1](#). And this Court has been crystal clear: "Counsel must  
24 comply with the timing requirements of the Local Rules so that chambers can  
25 properly prepare for motion matters." [ECF No. 23](#), Initial Scheduling Order, at 3  
26 (listing Local Rule 6-1 as one of the binding requirements). Filings that do not  
27 comply with these timing requirements should be stricken. *Latham v. Cambria Co.*  
28

1 *LLC*, No. 16-cv-0561-DOC-PLAx, [2017 WL 125013](#), at \*14 (C.D. Cal. Jan. 12,  
2 2017).

3 DOJ's choice to set a hearing date less than 72 hours from its filing was no  
4 minor error. *Cf. W. Coast Corvettes, Inc. v. MV Mktg., Inc.*, No. SA CV 12-0269-  
5 DOC, [2012 WL 1401433](#), at \*6 (C.D. Cal. Apr. 23, 2012) (rejecting procedural  
6 objection where party "served its Motion only 27 days in advance of the hearing,  
7 not the 28 days required by Local Rule 6–1," and providing the opposing party  
8 additional time to respond). In contrast, this last-minute filing has robbed the State  
9 Defendants of "sufficient time to prepare an Opposition." *Woodrum v. Automatic*  
10 *Data Processing Inc.*, No. 17-cv-2264-DOC-ASx, [2018 WL 2150945](#), at \*5 (C.D.  
11 Cal. May 9, 2018).<sup>1</sup>

12 DOJ's only effort to justify brushing aside the Local Rules warns of  
13 "excessive delay." [ECF No. 87-2](#) at ¶ 16. The DOJ's desire to move quickly  
14 cannot justify its disregard of Local Rules, and its sudden urgency is inconsistent  
15 with its delays since initiating this case. DOJ allowed a month to pass between  
16 filing this suit and serving California. *Compare* [ECF No. 1](#) *with* [ECF No. 28](#). DOJ  
17 received the State Defendants' Motion to Dismiss on November 7, but waited an  
18 additional three weeks to file the instant motion that it seeks to have resolved at the  
19 same time. *Compare* [ECF No. 37](#) *with* [ECF No. 87](#). DOJ cannot leverage its own  
20 delays to withhold California's right to prepare an adequate response to what is  
21 functionally a dispositive motion on DOJ's claim brought under the Civil Rights  
22 Act of 1960 ("CRA"). [ECF No. 87](#) (seeking immediate relief on the CRA claim).

23  
24  
25 <sup>1</sup>In *Woodrum*, the movant failed to satisfy Local Rule 7-3's meet-and-confer  
26 requirement. While DOJ met and conferred with the State seven days before filing  
27 this motion, [Declaration of Malcolm Brudigam](#) ("Brudigam Decl.") ¶ 3, Ex. 1, the  
28 meeting did not provide the State with a "thorough[]" understanding of "the  
substance of the contemplated motion." [C.D. Cal. L.R. 7-3](#). DOJ promised at that  
meeting to send the State an advanced copy of its papers, but it never did so, and it  
provided only scant detail on the substance of the motion that it planned to file. *Id.*  
¶¶ 3–4 & Ex. 1.

DOJ's motion also violates basic precepts of due process. *See Mathews v. Eldridge*, [424 U.S. 319, 333](#) (1976) ("The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" (citation omitted)). Given the novel and important issues raised by DOJ's motion, California notified DOJ during the meet and confer that it will seek an opportunity to conduct discovery relevant to its opposition, including cross examining any declarants supporting DOJ's motion.<sup>2</sup> Brudigam Decl. ¶¶ 3–4 & Ex. 1; [C.D. Cal. R. 7-6](#) ("[T]he Court may, in its discretion, require or allow oral examination of any declarant or any other witness."). By seeking an immediate hearing and an order granting immediate relief that is dispositive of this entire case, DOJ asks this Court to dispense with any semblance of due process.<sup>3</sup>

Finally, DOJ's timeline would deprive the Court of the opportunity to review thorough briefing and an adequate factual record on this motion. But "[o]bserving the standard structure and timetable for motions aids both the Court and the litigants." *Craftwood II, Inc. v. Tomy Int'l, Inc.*, No. SA CV 12-1710-DOC-ANX, [2013 WL 12140944](#), at \*1 (C.D. Cal. Sept. 19, 2013). Here, "allowing the parties to file an Opposition and Reply . . . undoubtedly will assist the Court in reaching a fair ruling and advances the general preference that actions are decided on the merits." *Chi. Title Co. v. Mireles*, No. 22-cv-1995-MWF-AFMx, [2023 WL 4155406](#), at \*3 (C.D. Cal. Feb. 27, 2023).

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<sup>2</sup> Courts may allow discovery in actions to enforce a federal agency's investigative subpoenas and demands where "the defendant has presented meaningful evidence that the agency is attempting to abuse its investigative authority." *Reich v. Montana Sulphur & Chem. Co.*, [32 F.3d 440, 449](#) (9th Cir. 1994) (citation omitted). California is confident it will be able to make this showing with adequate time to prepare its response. At the very least, the Court should allow it the opportunity to do so.

<sup>3</sup> At a prior hearing in this case, the Court noted that DOJ should have the right to respond to Intervenor-Defendants' Motions to Dismiss. Brudigam [--]. Just as DOJ benefitted from that due-process protection, the State should now receive the same benefit. *See Nippon Sigmax Co., Ltd v. Kranos Corp.*, No. 8:21-cv-00375-DOC-ADSx, [2021 WL 2634823](#), at \*2, 5 (C.D. Cal. June 25, 2021) (recognizing "what's good for the goose is good for the gander" in granting reciprocal motion).

**B. This Ex Parte Application is Proper**

California presents this application ex parte because DOJ's actions in setting the hearing on its motion for a time less than 72 hours after filing do not leave time for California to seek relief on an ordinary schedule.

Earlier today, California notified counsel for DOJ and all other parties in the case of its plans to file this ex parte application. Pursuant to C.D. Cal. R. 7-19, California provides the name, phone number, and email address for counsel for the United States:

Eric Vincent Neff, 202-532-3628, [Eric.Neff@usdoj.gov](mailto:Eric.Neff@usdoj.gov)

Julie Ann Hamill, 213-894-2464, [julie.hamill@usdoj.gov](mailto:julie.hamill@usdoj.gov)

Maureen S. Riordan, 202-702-6110, [maureen.riordan2@usdoj.gov](mailto:maureen.riordan2@usdoj.gov)

Brittany E Bennett, 202-704-5430, [brittany.bennett@usdoj.gov](mailto:brittany.bennett@usdoj.gov)

In response to State Defendants' notice, DOJ has indicated it opposes this application, and the Intervenor Defendants have indicated that they consent to this application. Brudigam Decl. ¶ 6.

**CONCLUSION**

The Court should grant this ex parte application and either strike DOJ's motion, or strike and reset DOJ's proposed hearing date.

1 Dated: December 2, 2025

Respectfully submitted,

2 ROB BONTA  
3 Attorney General of California  
4 R. MATTHEW WISE  
5 SETH E. GOLDSTEIN  
6 Supervising Deputy Attorneys General

7 /s/ Malcolm A. Brudigam

8 MALCOLM A. BRUDIGAM  
9 ROBERT WILLIAM SETRAKIAN  
10 ANNE P. BELLOWES  
11 LISA C. EHRLICH  
12 MICHAEL S. COHEN  
13 KEVIN L. QUADE  
14 WILLIAM BELLAMY  
15 Deputy Attorneys General  
16 *Attorneys for Defendants Shirley*  
17 *Weber, in her official capacity as the*  
18 *California Secretary of State, and*  
19 *State of California*

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**CERTIFICATE OF COMPLIANCE**

The undersigned, counsel of record for Defendants Secretary of State Shirley Weber and the State of California, certifies that this brief contains 1,677 words and 7 pages, which:

\_\_\_ complies with the word limit of L.R. 11-6.1.

\_X\_ complies with the limits set by the Procedures page on the Court's website.

Dated: December 2, 2025

Respectfully submitted,

ROB BONTA  
Attorney General of California  
R. MATTHEW WISE  
SETH E. GOLDSTEIN  
Supervising Deputy Attorneys General

/s/ Malcolm A. Brudigam

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*Attorneys for Defendants Shirley  
Weber, in her official capacity as the  
California Secretary of State, and  
State of California*



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*official capacity as the California Secretary of*  
11 *State, and the State of California*

12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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17 **UNITED STATES OF AMERICA,**

18 Plaintiff,

19 v.

20 **SHIRLEY WEBER, in her official**  
21 **capacity as Secretary of State of the**  
**State of California, and the STATE**  
22 **OF CALIFORNIA,**

23 Defendants.  
24  
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26  
27  
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Case No. 2:25-cv-09149-DOC-ADS

**DECLARATION OF MALCOLM  
A. BRUDIGAM IN SUPPORT OF  
DEFENDANTS' EX PARTE  
APPLICATION FOR MOTION TO  
STRIKE PLAINTIFF'S MOTION  
FOR ORDER TO PRODUCE  
RECORDS**

Date: Thursday, Dec. 4, 2025  
Time: 7:30 a.m.  
Courtroom: TBD [Los Angeles]  
Judge: Hon. David O. Carter  
Trial Date: None set.  
Action Filed: Sept. 25, 2025



**DECLARATION OF MALCOLM A. BRUDIGAM IN SUPPORT OF  
DEFENDANTS' EX PARTE APPLICATION FOR MOTION TO STRIKE  
PLAINTIFF'S MOTION FOR ORDER TO PRODUCE RECORDS**

Malcolm A. Brudigam hereby declares as follows:

1. I am over 18 years of age, of sound mind, and otherwise competent to make this Declaration. The evidence set out in this Declaration is based on my personal knowledge.

2. I am a Deputy Attorney General employed at the California Department of Justice, Office of the Attorney General and am counsel of record in this case for Defendants Secretary of State Shirley Weber and State of California (together, "California"). I submit this Declaration in support California's Ex Parte Application for Motion to Strike Plaintiff's Motion for Order to Produce Records.

3. Attached hereto as **Exhibit 1** is a true and correct copy of an email thread beginning on November 21, 2025 and ending on November 24, 2025. The email thread includes an initial notice from counsel for the U.S. Department of Justice ("US DOJ") that they would be filing an Order to Show Cause in this case, a response from me raising objections, and subsequent emails setting a meet and confer between the parties on November 24, 2025.

4. In US DOJ counsel's email received at 12:31 p.m. on November 21, 2025, counsel represented that "[w]e are also willing to provide a draft of what we intend to file in advance of the filing so counsel can review and take any necessary actions your clients' deem appropriate." In my 6:04 p.m. response that day, I wrote that California "appreciates the opportunity to review a copy of the filing whenever it's ready." Subsequently, at the November 24, 2025 meet and confer, I reiterated California's interest in reviewing a draft in advance of filing, and US DOJ counsel confirmed that he would share a copy of the draft motion in advance of filing. US DOJ never shared a draft of the filing. At the meet and confer, I also notified US DOJ's counsel that our position was that the Federal Rules of Civil Procedure and

1 the Local Rules governed their filing, and that evidentiary support in the form of  
2 declarations for their motion should be subject to potential cross-examination.

3 5. It is my recollection that at the November 19, 2025 hearing in this case,  
4 in the context of setting the hearing on the motions to dismiss, the Court noted that  
5 US DOJ should receive the right to respond to Intervenor-Defendants' Motions to  
6 Dismiss considering due process guarantees.

7 6. Attached hereto as **Exhibit 2** is a true and correct copy of an email that I  
8 sent to all parties' counsel in this case on December 2, 2025 to notify them that  
9 California intended to file the present ex parte application and the grounds for the  
10 application, pursuant to Local Rule 7-19. Counsel for intervenors both consented to  
11 the application. Counsel for US DOJ stated that they oppose the application.

12 I declare under penalty of perjury that the foregoing is true and correct.  
13 Executed on December 2, 2025 in Sacramento, California.

14  
15 /s/ Malcolm A. Brudigam

16 Malcolm A. Brudigam  
17  
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21  
22  
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24  
25  
26  
27  
28

# EXHIBIT 1

**From:** [Angelica Salceda](#)  
**To:** [Lali Madduri](#); [Malcolm Brudigam](#); [Neff, Eric \(CRT\)](#); [William Bellamy](#); [Anne Bellows](#); [Tyler Bishop](#); [Michael Cohen](#); [Chris Dodge](#); [Lisa Ehrlich](#); [Julia Gomez](#); [Walker McKusick](#); [Kevin Quade](#); [omar@qureshi.law](#); [hrosenspire@kaufmanlegalgroup.com](#); [William Setrakian](#); [Jacob Shelly](#); [Grayce Zelphin](#)  
**Cc:** [Bennett, Brittany \(CRT\)](#); [Hamill, Julie \(USACAC\)](#); [Riordan, Maureen \(CRT\)](#)  
**Subject:** RE: Notice of Intent to File Order to Show Cause  
**Date:** Monday, November 24, 2025 10:15:39 AM  
**Attachments:** [image001.png](#)

**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Good morning,

I'll be available on behalf of League of Women Voters of California intervenors to meet and confer at that time. Like, NAACP/SIREN, we also share the State's concerns.

Best,

Angélica Salceda (she/her/ella)  
Program Director  
ACLU Foundation of Northern California  
(559) 374-2914  
[asalceda@aclunc.org](mailto:asalceda@aclunc.org)

---

**From:** Lali Madduri <lmadduri@elias.law>  
**Sent:** Monday, November 24, 2025 5:58 AM  
**To:** Malcolm Brudigam <Malcolm.Brudigam@doj.ca.gov>; Neff, Eric (CRT) <Eric.Neff@usdoj.gov>; William Bellamy <William.Bellamy@doj.ca.gov>; Anne Bellows <Anne.Bellows@doj.ca.gov>; Tyler Bishop <tbishop@elias.law>; Michael Cohen <Michael.Cohen@doj.ca.gov>; Chris Dodge <cdodge@elias.law>; Lisa Ehrlich <Lisa.Ehrlich@doj.ca.gov>; Julia Gomez <jgomez@aclusocal.org>; Walker McKusick <wmckusick@elias.law>; Kevin Quade <Kevin.Quade@doj.ca.gov>; omar@qureshi.law; hrosenspire@kaufmanlegalgroup.com; Angelica Salceda <asalceda@aclunc.org>; William Setrakian <William.Setrakian@doj.ca.gov>; Jacob Shelly <jshelly@elias.law>; Grayce Zelphin <gzelphin@aclunc.org>  
**Cc:** Bennett, Brittany (CRT) <Brittany.Bennett@usdoj.gov>; Hamill, Julie (USACAC) <Julie.Hamill@usdoj.gov>; Riordan, Maureen (CRT) <Maureen.Riordan2@usdoj.gov>  
**Subject:** RE: Notice of Intent to File Order to Show Cause

A representative from the NAACP/SIREN intervenors can be available to meet and confer at that time as well. We share the State's concerns.

**Lali Madduri**  
Partner

**Elias Law Group LLP**

202-968-4593

CONFIDENTIAL: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

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**From:** Malcolm Brudigam <[Malcolm.Brudigam@doj.ca.gov](mailto:Malcolm.Brudigam@doj.ca.gov)>

**Sent:** Friday, November 21, 2025 6:50 PM

**To:** Neff, Eric (CRT) <[Eric.Neff@usdoj.gov](mailto:Eric.Neff@usdoj.gov)>; William Bellamy <[William.Bellamy@doj.ca.gov](mailto:William.Bellamy@doj.ca.gov)>; Anne Bellows <[Anne.Bellows@doj.ca.gov](mailto:Anne.Bellows@doj.ca.gov)>; Tyler Bishop <[tbishop@elias.law](mailto:tbishop@elias.law)>; Michael Cohen <[Michael.Cohen@doj.ca.gov](mailto:Michael.Cohen@doj.ca.gov)>; Chris Dodge <[cdodge@elias.law](mailto:cdodge@elias.law)>; Lisa Ehrlich <[Lisa.Ehrlich@doj.ca.gov](mailto:Lisa.Ehrlich@doj.ca.gov)>; [jgomez@aclusocal.org](mailto:jgomez@aclusocal.org); Lali Madduri <[lmadduri@elias.law](mailto:lmadduri@elias.law)>; Walker McKusick <[wmckusick@elias.law](mailto:wmckusick@elias.law)>; Kevin Quade <[Kevin.Quade@doj.ca.gov](mailto:Kevin.Quade@doj.ca.gov)>; [omar@qureshi.law](mailto:omar@qureshi.law); [hrosenspire@kaufmanlegalgroup.com](mailto:hrosenspire@kaufmanlegalgroup.com); [asalceda@aclunc.org](mailto:asalceda@aclunc.org); William Setrakian <[William.Setrakian@doj.ca.gov](mailto:William.Setrakian@doj.ca.gov)>; Jacob Shelly <[jshelly@elias.law](mailto:jshelly@elias.law)>; [gzelphin@aclunc.org](mailto:gzelphin@aclunc.org)

**Cc:** Bennett, Brittany (CRT) <[Brittany.Bennett@usdoj.gov](mailto:Brittany.Bennett@usdoj.gov)>; Hamill, Julie (USACAC) <[Julie.Hamill@usdoj.gov](mailto:Julie.Hamill@usdoj.gov)>; Riordan, Maureen (CRT) <[Maureen.Riordan2@usdoj.gov](mailto:Maureen.Riordan2@usdoj.gov)>

**Subject:** Re: Notice of Intent to File Order to Show Cause

Thanks, Eric. We'll send you an invite.

---

**From:** Neff, Eric (CRT) <[Eric.Neff@usdoj.gov](mailto:Eric.Neff@usdoj.gov)>

**Sent:** Friday, November 21, 2025 3:39 PM

**To:** Malcolm Brudigam <[Malcolm.Brudigam@doj.ca.gov](mailto:Malcolm.Brudigam@doj.ca.gov)>; William Bellamy <[William.Bellamy@doj.ca.gov](mailto:William.Bellamy@doj.ca.gov)>; Anne Bellows <[Anne.Bellows@doj.ca.gov](mailto:Anne.Bellows@doj.ca.gov)>; [tbishop@elias.law](mailto:tbishop@elias.law) <[tbishop@elias.law](mailto:tbishop@elias.law)>; Michael Cohen <[Michael.Cohen@doj.ca.gov](mailto:Michael.Cohen@doj.ca.gov)>; [cdodge@elias.law](mailto:cdodge@elias.law) <[cdodge@elias.law](mailto:cdodge@elias.law)>; Lisa Ehrlich <[Lisa.Ehrlich@doj.ca.gov](mailto:Lisa.Ehrlich@doj.ca.gov)>; [jgomez@aclusocal.org](mailto:jgomez@aclusocal.org) <[jgomez@aclusocal.org](mailto:jgomez@aclusocal.org)>; [lmadduri@elias.law](mailto:lmadduri@elias.law) <[lmadduri@elias.law](mailto:lmadduri@elias.law)>; [wmckusick@elias.law](mailto:wmckusick@elias.law) <[wmckusick@elias.law](mailto:wmckusick@elias.law)>; Kevin Quade <[Kevin.Quade@doj.ca.gov](mailto:Kevin.Quade@doj.ca.gov)>; [omar@qureshi.law](mailto:omar@qureshi.law) <[omar@qureshi.law](mailto:omar@qureshi.law)>; [hrosenspire@kaufmanlegalgroup.com](mailto:hrosenspire@kaufmanlegalgroup.com) <[hrosenspire@kaufmanlegalgroup.com](mailto:hrosenspire@kaufmanlegalgroup.com)>; [asalceda@aclunc.org](mailto:asalceda@aclunc.org) <[asalceda@aclunc.org](mailto:asalceda@aclunc.org)>; William Setrakian <[William.Setrakian@doj.ca.gov](mailto:William.Setrakian@doj.ca.gov)>; [jshelly@elias.law](mailto:jshelly@elias.law) <[jshelly@elias.law](mailto:jshelly@elias.law)>; [gzelphin@aclunc.org](mailto:gzelphin@aclunc.org) <[gzelphin@aclunc.org](mailto:gzelphin@aclunc.org)>

**Cc:** Bennett, Brittany (CRT) <[Brittany.Bennett@usdoj.gov](mailto:Brittany.Bennett@usdoj.gov)>; Hamill, Julie (USACAC) <[Julie.Hamill@usdoj.gov](mailto:Julie.Hamill@usdoj.gov)>; Riordan, Maureen (CRT) <[Maureen.Riordan2@usdoj.gov](mailto:Maureen.Riordan2@usdoj.gov)>

**Subject:** Re: Notice of Intent to File Order to Show Cause

|  |
|--|
| <b>EXTERNAL EMAIL:</b> This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious. |
|--|

Thank you for your reply. That time works for us. Is a representative from each of the other parties able to appear at that time?

Get [Outlook for iOS](#)

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**From:** Malcolm Brudigam <[Malcolm.Brudigam@doj.ca.gov](mailto:Malcolm.Brudigam@doj.ca.gov)>

**Sent:** Friday, November 21, 2025 6:04:25 PM

**To:** Neff, Eric (CRT) <[Eric.Neff@usdoj.gov](mailto:Eric.Neff@usdoj.gov)>; William Bellamy <[William.Bellamy@doj.ca.gov](mailto:William.Bellamy@doj.ca.gov)>; Anne Bellows <[Anne.Bellows@doj.ca.gov](mailto:Anne.Bellows@doj.ca.gov)>; [tbishop@elias.law](mailto:tbishop@elias.law) <[tbishop@elias.law](mailto:tbishop@elias.law)>; Michael Cohen <[Michael.Cohen@doj.ca.gov](mailto:Michael.Cohen@doj.ca.gov)>; [cdodge@elias.law](mailto:cdodge@elias.law) <[cdodge@elias.law](mailto:cdodge@elias.law)>; Lisa Ehrlich <[Lisa.Ehrlich@doj.ca.gov](mailto:Lisa.Ehrlich@doj.ca.gov)>; [jgomez@aclusocal.org](mailto:jgomez@aclusocal.org) <[jgomez@aclusocal.org](mailto:jgomez@aclusocal.org)>; [lmadduri@elias.law](mailto:lmadduri@elias.law) <[lmadduri@elias.law](mailto:lmadduri@elias.law)>; [wmckusick@elias.law](mailto:wmckusick@elias.law) <[wmckusick@elias.law](mailto:wmckusick@elias.law)>; Kevin Quade <[Kevin.Quade@doj.ca.gov](mailto:Kevin.Quade@doj.ca.gov)>; [omar@qureshi.law](mailto:omar@qureshi.law) <[omar@qureshi.law](mailto:omar@qureshi.law)>; [hrosenspire@kaufmanlegallgroup.com](mailto:hrosenspire@kaufmanlegallgroup.com) <[hrosenspire@kaufmanlegallgroup.com](mailto:hrosenspire@kaufmanlegallgroup.com)>; [asalceda@aclunc.org](mailto:asalceda@aclunc.org) <[asalceda@aclunc.org](mailto:asalceda@aclunc.org)>; William Setrakian <[William.Setrakian@doj.ca.gov](mailto:William.Setrakian@doj.ca.gov)>; [jshelly@elias.law](mailto:jshelly@elias.law) <[jshelly@elias.law](mailto:jshelly@elias.law)>; [gzelphin@aclunc.org](mailto:gzelphin@aclunc.org) <[gzelphin@aclunc.org](mailto:gzelphin@aclunc.org)>

**Cc:** Bennett, Brittany (CRT) <[Brittany.Bennett@usdoj.gov](mailto:Brittany.Bennett@usdoj.gov)>; Hamill, Julie (USACAC) <[Julie.Hamill@usdoj.gov](mailto:Julie.Hamill@usdoj.gov)>; Riordan, Maureen (CRT) <[Maureen.Riordan2@usdoj.gov](mailto:Maureen.Riordan2@usdoj.gov)>

**Subject:** [EXTERNAL] Re: Notice of Intent to File Order to Show Cause

Hi Eric:

Thank you for your email. California is available to meet and confer on Monday regarding your Motion for an Order to Show Cause, and appreciates the opportunity to review a copy of the filing whenever it's ready. Our team is free between 12:30-1:30 p.m. PT / 3:30-4:30 p.m. ET on Monday. We also agree the Local Rules govern this filing, and thus object to DOJ filing its Motion for an OSC in advance of the LR 7-3 requirement, which requires filing at least seven days after the actual meet and confer, not the request to meet and confer.

We'd also note that Judge Carter stated at Wednesday's hearing that he would be issuing an order on the Motions to Dismiss by the end of the following weekend, so we do not believe there is any reason your Motion for OSC would (or should) be heard that same day. All parties and the Court would benefit from the outcome of the Motions to Dismiss before addressing DOJ's forthcoming Motion for OSC, particularly because the issues raised by defendants are threshold questions that are upstream from an OSC. And of course, the Local Rules require noticing a hearing at least 28 days from the filing date of the Motion for OSC, and December 4 would not meet that requirement.

Finally, we do not understand how an OSC would be an appropriate next step under the Federal Rules of Civil Procedure, even if the Court determines that DOJ has plausibly alleged cognizable causes of action. California expects that if its MTD is not granted, it will plan to oppose DOJ's Motion for an OSC and seek discovery, though we look forward to discussing further at the meet and confer.

Please let us know if the time we identified on Monday works for you, and we can send a calendar invite. Otherwise, please propose an alternative that works for you.

Best,  
Malcolm

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**From:** Neff, Eric (CRT) <[Eric.Neff@usdoj.gov](mailto:Eric.Neff@usdoj.gov)>

**Sent:** Friday, November 21, 2025 12:31 PM

**To:** William Bellamy <[William.Bellamy@doj.ca.gov](mailto:William.Bellamy@doj.ca.gov)>; Anne Bellows

<[Anne.Bellows@doj.ca.gov](mailto:Anne.Bellows@doj.ca.gov)>; [tbishop@elias.law](mailto:tbishop@elias.law) <[tbishop@elias.law](mailto:tbishop@elias.law)>; Malcolm Brudigam <[Malcolm.Brudigam@doj.ca.gov](mailto:Malcolm.Brudigam@doj.ca.gov)>; Michael Cohen <[Michael.Cohen@doj.ca.gov](mailto:Michael.Cohen@doj.ca.gov)>; [cdodge@elias.law](mailto:cdodge@elias.law) <[cdodge@elias.law](mailto:cdodge@elias.law)>; Lisa Ehrlich <[Lisa.Ehrlich@doj.ca.gov](mailto:Lisa.Ehrlich@doj.ca.gov)>; [jgomez@aclusocal.org](mailto:jgomez@aclusocal.org) <[jgomez@aclusocal.org](mailto:jgomez@aclusocal.org)>; [lmadduri@elias.law](mailto:lmadduri@elias.law) <[lmadduri@elias.law](mailto:lmadduri@elias.law)>; [wmckusick@elias.law](mailto:wmckusick@elias.law) <[wmckusick@elias.law](mailto:wmckusick@elias.law)>; Kevin Quade <[Kevin.Quade@doj.ca.gov](mailto:Kevin.Quade@doj.ca.gov)>; [omar@qureshi.law](mailto:omar@qureshi.law) <[omar@qureshi.law](mailto:omar@qureshi.law)>; [hrosenspire@kaufmanlegalgroup.com](mailto:hrosenspire@kaufmanlegalgroup.com) <[hrosenspire@kaufmanlegalgroup.com](mailto:hrosenspire@kaufmanlegalgroup.com)>; [asalceda@aclunc.org](mailto:asalceda@aclunc.org) <[asalceda@aclunc.org](mailto:asalceda@aclunc.org)>; William Setrakian <[William.Setrakian@doj.ca.gov](mailto:William.Setrakian@doj.ca.gov)>; [jshelly@elias.law](mailto:jshelly@elias.law) <[jshelly@elias.law](mailto:jshelly@elias.law)>; [gzelphin@aclunc.org](mailto:gzelphin@aclunc.org) <[gzelphin@aclunc.org](mailto:gzelphin@aclunc.org)>

**Cc:** Bennett, Brittany (CRT) <[Brittany.Bennett@usdoj.gov](mailto:Brittany.Bennett@usdoj.gov)>; Hamill, Julie (USACAC) <[Julie.Hamill@usdoj.gov](mailto:Julie.Hamill@usdoj.gov)>; Riordan, Maureen (CRT) <[Maureen.Riordan2@usdoj.gov](mailto:Maureen.Riordan2@usdoj.gov)>

**Subject:** Notice of Intent to File Order to Show Cause

**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Counsel,

This email is to provide notice of the United States' intent to file an Order to Show Cause in this case. If the Motion to Dismiss is denied on December 4, the United States intends to ask immediately for its issuance. The United States' position is that all dispositive issues will be resolved at that point and that all that remains is the issuance of an appropriate order to effect the production of records in question.

While the OSC itself cannot be filed immediately, due to meet and confer Local Rules (see Rule 7.3-7.8), we in the meantime are amenable to any discussions on Monday any parties wish to have as far as this request of the court. We are also willing to provide a draft of what we intend to file in advance of the filing so counsel can review and take any necessary actions your clients' deem appropriate. We expect a final or near-final draft version to be ready early next week.

Also, we ask if any parties have any objection to the United States filing the OSC in advance of November 28, 2025, so that the court as well will have additional time to review the filing. This would not be deemed in any way a waiver of any and all notice and calendar



requirements on behalf of your clients. It would merely be a courtesy for the court.

Best,

Eric

**Eric Neff**

Trial Attorney

Civil Rights Division

Department of Justice

150 M St. NE, Ste. 8-139

Washington, DC 20002

[Eric.Neff@usdoj.gov](mailto:Eric.Neff@usdoj.gov)

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# EXHIBIT 2

**From:** [Malcolm Brudigam](#)  
**To:** [Riordan, Maureen \(CRT\)](#); [Bennett, Brittany \(CRT\)](#); [Hamill, Julie \(USACAC\)](#); [Eric \(CRT\)](#)"  
**Cc:** [asalceda@aclunc.org](mailto:asalceda@aclunc.org); [Lali Madduri](#); [Tyler Bishop](#); [Chris Dodge](#); [Julia Gomez](#); [Walker McKusick](#); [Jacob Shelly](#); [Grayce Zelphin](#); [William Setrakian](#); [Anne Bellows](#); [Lisa Ehrlich](#); [Michael Cohen](#); [William Bellamy](#); [Lisa Ehrlich](#); [Kevin Quade](#)  
**Subject:** [United States v. Weber, et al.] -- Notice of Ex Parte Application  
**Date:** Tuesday, December 2, 2025 1:37:18 PM  
**Attachments:** [Outlook-hnpegd5a.png](#)

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Hi all:

Pursuant to Local Rule 7-19, this email is to advise counsel for all parties that the State Defendants intend to file an ex parte application today regarding Plaintiff's Motion for an Order to Produce Records, filed last night. We will be asking the Court to strike Plaintiff's filing, or alternatively strike and reset the December 4 hearing date for the filing, on the grounds that the filing violates the Court's Local Rules, denies Defendants due process, and likewise deprives the Court of the parties' considered briefing.

Please inform us immediately if you oppose the application. We will otherwise file this afternoon indicating that we have not heard from the party you represent.

Best,  
Malcolm



**Malcolm A. Brudigam**  
**Deputy Attorney General**  
**Office of the Attorney General**  
1300 I Street, Ste. 125  
Sacramento, CA 95814  
Tel: (916) 210-7873  
Email: [Malcolm.Brudigam@doj.ca.gov](mailto:Malcolm.Brudigam@doj.ca.gov)

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.

2:25-cv-09149-DOC-ADS

**HON. DAVID O. CARTER**

**EX PARTE APPLICATION FOR  
MOTION TO STRIKE  
PLAINTIFF'S MOTION FOR  
ORDER TO PRODUCE RECORDS  
[DKT. NO. 87]**

Date: December 4, 2025

Time: 7:30 A.M.

Courtroom: TBD

Judge: Hon. David O. Carter

Action Filed: Sept. 25, 2025

**[PROPOSED] ORDER**

The Court, having considered Defendants' Ex Parte Application for Motion to Strike Plaintiff's Motion for Order to Produce Records (ECF No. 87), the supporting papers, and all matters presented, and good cause appearing, hereby **ORDERS** as follows:

[Plaintiff's Motion for Order to Produce Records is stricken for failure to comply with Local Rule 6-1.]

[The hearing on Plaintiff's Motion for Order to Produce Records, previously set for December 4, 2025, is continued to \_\_\_\_\_.]

IT IS SO ORDERED this \_\_\_\_ day of December 2025.

\_\_\_\_\_  
Honorable David O. Carter  
District Court Judge