

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 Attorneys for Plaintiff, UNITED STATES OF AMERICA

17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
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

Opposition to Defendants' 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

Action Filed: September 25, 2025

26 **Opposition to Defendants' Ex Parte Application for Motion to Strike Plaintiff's**
27 **Motion for Order to Produce Records (Doc. 88)**

28

1 **INTRODUCTION**

2 On November 24, 2025, pursuant to Local Rule 7-3, the United States
3 participated in a pre-filing conference with all parties. At the conference the United
4 States expressed its intention to file its Motion to Compel Production of Documents
5 (“Motion to Compel”) ([Doc. 87](#)). While Defendants objected to its filing, the Court
6 has also expressed concern to the parties about excessive delay in this litigation. The
7 Court most recently expressed this concern at the hearing held on November 19,
8 2025. On December 1, 2025, and seven days after its pre-filing conference, the
9 United States filed its Motion to Compel and asserts that it is dispositive of the
10 United States’ Civil Rights Act claim. (Decl. of Eric Neff ¶ 18).

11 While Defendants claim that Plaintiff’s Motion to Compel Production of
12 Documents deprives this Court of a sensible record on which to base its decision,
13 Defendants simultaneously aver that the Court has enough of a record to rule on *their*
14 dispositive Motion to Dismiss. In essence, the Defendants argue that the Court may
15 rule on their dispositive motion but not the United States’. Further, the United States’
16 Motion to Compel simply requests the identical information and records that have
17 been demanded by the United States since July 10, 2025, and are in the possession
18 of Defendants.

19 The Defendants have had ample time to formulate their defenses, were put on
20 notice of the United States’ intent to file its Motion to Compel, and the Court has
21 discretion to control its calendar. It is also highly unlikely, if not definite, that
22 Defendants would assert any new defense that they have not already argued on the
23 record if more time was granted by resetting the hearing. For these reasons the Court
24 should *deny* Defendants’ Ex Parte Application for Motion to Strike Plaintiff’s
25 Motion for Order to Produce Records and hear oral argument on all pending motions
26 as scheduled.

27
28

ARGUMENT

District courts have broad discretion in interpreting and applying their Local Rules. *Miranda v. S. Pac. Transp. Co.*, 710 F.2d 516, 521 (9th Cir. 1983). *Kelly v. Chino Inv.*, Nos. 90-56318, 91-55568, 1992 U.S. App. LEXIS 14969, at *2 (9th Cir. June 19, 1992). The 9th Circuit has held that “[...] Local Rules are promulgated by District Courts primarily to promote the efficiency of the Court, and that the Court has a large measure of discretion in interpreting and applying them.” *Lance, Inc. v. Dewco Servs., Inc.*, 422 F.2d 778, 784 (9th Cir. 1970) (holding that by prematurely approving the creditor's proposed findings, conclusions of law, and judgment, the objections the debtor would have made to them were before the court on the appeal on the merits). Beyond having discretion in applying Local Rules, it is also “[...] well established that ‘[d]istrict courts have inherent power to control their dockets’” *Atchison, Topeka & Santa Fe Ry. v. Hercules, Inc.*, 146 F.3d 1071, 1074 (9th Cir. 1998) (alteration in original) (quoting *Hernandez v. City of El Monte*, 138 F.3d 393, 398 (9th Cir. 1998)); *Ready Transp., Inc. v. AAR Mfg.*, 627 F.3d 402, 404 (9th Cir. 2010).

17 While the United States has complied with the pre-filing conference
18 requirement of Local Rule 7-3, the Court may use its broad discretion to hear oral
19 argument on the United States' Motion to Compel to promote judicial economy and
20 avoid unnecessary delay. As stated above, Defendants have had ample time to assert
21 all defenses which would be responsive to the Motion to Compel considering it only
22 requests the identical information requested for the last five months. Further, any
23 arguments against granting the Motion to Compel have been fully briefed in
24 Defendants' pleadings and briefs currently on the record, in addition to the briefs
25 filed by Intervenors. In other words, Defendants cannot reasonably argue that the
26 Court does not have an adequate record to enter an order on the United States'
27 Motion to Compel before it while also arguing that it has enough to enter an order
28 on *their* dispositive motion.

1 While Defendants also assert that the hearing presently set for the Motion to
2 Compel violates due process,¹ this argument is meritless. Defendants have had
3 ample time to be heard in written form and will have the same opportunity to be
4 heard orally at the hearing. Defendants have known since at least November 24,
5 2025, at the pre-filing conference that the Motion to Compel would be filed. Further,
6 no new position has been asserted by the United States beyond what has been
7 initially pled when this action was filed on *September 25, 2025*.

8

9

CONCLUSION

10 For these reasons the Court should deny Defendants' Ex Parte Application
11 to Strike Plaintiff's Motion to Compel Production of Documents and proceed with
12 the hearing set for December 4, 2025.

13

14

15

/s/ *Brittany E. Bennett*

16

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

21

22

23

24

25

26

27 ¹ Defendants also claim that the United States has somehow leveraged its own delay, this
28 argument fails to recognize the very limited resources the Department of Justice had during
the lapse in appropriations which caused a government shutdown and unintended delays.
The backlog upon reopening is also a factor. For these reasons, Defendants' argument fails.

1

2 **CERTIFICATE OF SERVICE**

3

4 I hereby certify that on December 3, 2025, a true and correct copy of the
5 foregoing document was served via the Court's ECF system to all counsel of record.

6

7 */s/ Brittany E. Bennett*

8 Brittany E. Bennett
9 Trial Attorney, Voting Section
10 Civil Rights Division
11 U.S. Department of Justice
12 4 Constitution Square
13 150 M Street NE, Room 8.141
Washington, D.C. 20002
Telephone: (202) 704-5430
Email: brittany.bennett@usdoj.gov

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28