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8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 **CITIZENS FOR FAIR  
 13 REPRESENTATION; CITY OF FORT  
 14 JONES; THE CALIFORNIA  
 15 LIBERTARIAN PARTY; THE  
 16 CALIFORNIA AMERICAN  
 17 INDEPENDENT PARTY; THE MARIN  
 18 COUNTY GREEN PARTY; MARK  
 19 BAIRD; JOHN D'AGOSTINI; LARRY  
 20 WAHL; SHASTA NATION INDIAN  
 21 TRIBE; ROY HALL JR; WIN  
 22 CARPENTER; KYLE CARPENTER;  
 23 PATTY SMITH; KATHERINE  
 24 RADINOVICH; DAVID GARCIA; LESLIE  
 25 LIM; KEVIN MCGARY; TERRY  
 26 RAPOZA; HOWARD THOMAS;  
 27 MICHAEL THOMAS; STEVEN BAIRD;  
 28 MANUEL MARTIN; OTHERS  
 SIMILARLY SITUATED; AND DOES 1-  
 30,**

Plaintiffs,

v.

25 **SECRETARY OF STATE ALEX  
 26 PADILLA,**

Defendant.

2:17-cv-00973

**DEFENDANT'S OPPOSITION TO EX  
 PARTE APPLICATION TO FILE  
 BRIEFING**

Date: N/A  
 Time: N/A  
 Courtroom: 3  
 Judge: The Honorable Kimberly  
 J. Mueller  
 Trial Date: NA  
 Action Filed:  
 5/9/17

1 Defendant Secretary of State opposes Plaintiffs' ex parte application to submit briefing on  
2 two recent United States Supreme Court opinions. Dkt. 53. Plaintiffs offer no explanation why  
3 the briefing is necessary. If the recent opinions are relevant to a pending issue, that point could  
4 be made via a citation of supplemental authority. *See* Dkt. 53, Exh. C (email exchange between  
5 counsel making this point). But even then, the citation should explain the relevance of the new  
6 authority. *Cf.* F.R.App.Pro. 28(j).

7 Dated: June 26, 2018

Respectfully submitted,

8 XAVIER BECERRA  
9 Attorney General of California  
10 MARK R. BECKINGTON  
11 Supervising Deputy Attorney General

12 */s/ George Waters*  
13 GEORGE WATERS  
14 Deputy Attorney General  
15 *Attorneys for Defendant Alex Padilla*

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**CERTIFICATE OF SERVICE**

Case Name: **Citizens for Fair** No. **2:17-cv-00973**  
**Representation, et al. v.**  
**Secretary of State Alex Padilla** \_\_\_\_\_

I hereby certify that on June 26, 2018, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANT’S OPPOSITION TO EX PARTE APPLICATION TO FILE BRIEFING**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 26, 2018, at Sacramento, California.

Tracie L. Campbell

\_\_\_\_\_  
Declarant

*/s/ Tracie Campbell*

\_\_\_\_\_  
Signature