

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

AUG 11 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

PEOPLE NOT POLITICIANS OREGON;  
COMMON CAUSE; LEAGUE OF  
WOMEN VOTERS OF OREGON; NAACP  
OF EUGENE/SPRINGFIELD;  
INDEPENDENT PARTY OF OREGON; C.  
NORMAN TURRILL,

Plaintiffs-Appellees,

v.

BEVERLY CLARNO, Oregon Secretary of  
State,

Defendant-Appellant.

No. 20-35630

D.C. No. 6:20-cv-01053-MC  
District of Oregon,  
Eugene

ORDER

Before: RAWLINSON, MURGUIA, and R. NELSON, Circuit Judges.

At oral argument, the parties shall be prepared to discuss the effect that the Supreme Court's grant of Appellants' stay application has on this case. *See* Order Granting Appl. for Stay, No. 20A21 (U.S.). In particular, the parties should be prepared to address whether the Supreme Court Order renders Appellees' First Amendment claims moot, *see Little v. Reclaim Idaho*, 591 U.S. \_\_\_\_, slip op. at 2 (2020) (Sotomayor, J., dissenting from grant of stay), on September 3, the date on which the Oregon Secretary of State must file with each county clerk all information regarding state measures to be voted on in the November 2020 election, *see* Or. Rev. Stat. § 254.085. The parties should also be prepared to

address whether the “capable of repetition, yet evading review” exception to the mootness doctrine applies, *see Davis v. Federal Election Commission*, 544 U.S. 724 (2008), considering that Appellees, under Oregon law, can start petitioning today to place their initiative on the November 2022 ballot. Finally, parties should be prepared to address whether the Supreme Court’s stay renders this case prudentially moot as of the date of that order, August 11, 2020. *Cf. Deutsche Bank Nat’l Tr. Co. v. FDCI*, 744 F.3d 1124 (9th Cir. 2014).

The panel also requests that either party inform the Court if it considers oral argument unnecessary.