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Counsel for Legislative Defendants

**IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH**

LEAGUE OF WOMEN VOTERS OF UTAH,
MORMON WOMEN FOR ETHICAL GOVERNMENT, STEFANIE CONDIE, MALCOLM REID, VICTORIA REID, WENDY MARTIN, ELEANOR SUNDWALL, JACK MARKMAN, and DALE COX,

Plaintiffs,

v.

UTAH STATE LEGISLATURE; UTAH LEGISLATIVE REDISTRICTING COMMITTEE; SENATOR SCOTT SANDALL, in his official capacity; REPRESENTATIVE BRAD WILSON, in his official capacity; SENATOR J. STUART ADAMS, in his official capacity; and LIEUTENANT GOVERNOR DEIDRE HENDERSON, in her official capacity,

Defendants.

**LEGISLATIVE DEFENDANTS'
MOTION FOR EXTENSION OF
TIME TO RESPOND TO PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT AND FIRST AMENDED
COMPLAINT**

(Expedited consideration requested)

Case No.: 220901712

Honorable Dianna Gibson

**LEGISLATIVE DEFENDANTS' MOTION FOR EXTENSION OF TIME TO
RESPOND TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT
AND FIRST AMENDED COMPLAINT**

Legislative Defendants respectfully move the Court to extend their deadline to respond to Plaintiffs' summary-judgment motion and first amended complaint up to, and including, Friday, October 18, 2024. Because the default response deadlines are fast approaching, Legislative Defendants respectfully ask the Court to resolve this motion **by Thursday, September 5, 2024**. Under Rule 7(l)(1)(B), this Court "may act on" this motion for an extension of time "without waiting for a response." Alternatively, if the Court wants full briefing on this motion, Legislative Defendants respectfully ask the Court to expedite consideration and order Plaintiffs to file a response before close of business on Wednesday, September 4, 2024.

In support of this motion, Legislative Defendants state as follows:

1. On July 11, 2024, the Utah Supreme Court remanded Count V of Plaintiffs' complaint while retaining jurisdiction over the other counts. The remittitur issued on August 2, 2024.
2. On August 28, 2024, Plaintiffs filed a motion for summary judgment on County V. Without an extension, Defendants' response would be due on September 11, 2024. *See* Utah R. Civ. P. 7(d) (opposition to a motion due "within 14 days after the motion is filed").
3. Defendants received no advance notice of Plaintiffs' intention to move for summary judgment.
4. On August 30, 2024, Plaintiffs filed the first amended complaint. Without an extension, Defendants' response would be due on September 13, 2024. *See* Utah R. Civ. P. 15(a)(3) ("within 14 days after service of the amended pleading").
5. The week before, on August 26, 2024, Plaintiffs asked for Defendants' consent to amend the complaint but again did not disclose that they also intended to move for summary judgment days later.

6. Plaintiffs describe their summary-judgment motion as one that would dispose of the remanded issues. Plaintiffs' motion notes that, while they have moved to file an amended complaint, those newly alleged "violations necessarily remain encompassed within Count V." Pls.' Mot. for Summ. J. at 27 n.8.

7. Upon receiving Plaintiffs' motion for summary judgment and consenting to Plaintiffs' motion for leave to file an amended complaint, Legislative Defendants asked Plaintiffs for a reasonable extension of time to respond to the summary-judgment motion and new claims simultaneously on October 18, 2024.

8. Counsel for Legislative Defendants have other court deadlines that preexisted Plaintiffs' summary-judgment motion. Those deadlines include briefing deadlines, oral argument in federal court of appeals, and a preliminary-injunction hearing in federal district court.

9. Counsel for Legislative Defendants seek a reasonable deadline (October 18) to adequately respond to Plaintiffs' potentially case-dispositive motion for summary judgment, and to coordinate that response with any cross-motion for summary judgment or a motion on (or other response to) Plaintiffs' new claims.

10. Plaintiffs refused to consent to an extension of time through October 18, 2024. Plaintiffs also refused Legislative Defendants' alternative proposal of an extension of time through October 4, 2024, which Legislative Defendants offered as a final attempt to avoid burdening the Court and the parties with motions practice. Plaintiffs stated that "[i]f this were an ordinary case, [they] would happily agree to a lengthier extension for [Legislative Defendants'] response deadlines" but that they could agree only to an extension through September 27, 2024, in this case.

11. Precisely because this is not an "ordinary case," and because Plaintiffs provided Defendants no notice of their summary-judgment motion, Legislative Defendants seek a reasonable extension of time to respond to Plaintiffs' summary-judgment motion and Plaintiffs' new claims in the

first amended complaint. Responding to Plaintiffs' motion will require significant research about the historically rooted understanding of different constitutional provisions and compilation of a summary-judgment record with evidence regarding the 2018 and 2020 redistricting laws. As the Supreme Court acknowledged, these remanded proceedings involve novel legal claims and a novel legal framework that has not before been analyzed or applied by the parties or this Court. *See League of Women Voters of Utah v. Utah State Legislature*, 2024 UT 21, ¶76. Properly presenting the Legislative Defendants' position on these novel, important, and—in Plaintiffs' view—potentially case-dispositive issues requires more time than the 16 extra days Plaintiffs offered.

12. The importance and novelty of these issues makes the Civil Rules' default briefing schedule an inappropriate benchmark for the briefing schedule here. The reasonable extension Legislative Defendants seek (through October 18) will give Legislative Defendants about as much time to consider, research, and respond to Plaintiffs' motion (51 days) as Plaintiffs took to consider, research, and respond to the Utah Supreme Court's decision before filing their unannounced motion (48 days). That's also why the timing of the remittitur provides no useful benchmark; unlike Plaintiffs' summary-judgment motion, the remittitur disclosed no new arguments or information for Plaintiffs' first review and response.

CONCLUSION

The Court should grant Legislative Defendants' motion and extend their deadlines to respond to Plaintiffs' summary-judgment motion and first amended complaint to and including October 18, 2024.

Dated: September 3, 2024

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I filed this brief on the Court's electronic filing system, which will email everyone requiring notice.

Dated: September 3, 2024

/s/ Tyler R. Green