

James C. Phillips (17302)
Tyler B. Lindley (18635)
SCHAERR | JAFFE LLP
299 S. Main Street, Suite 1300
Salt Lake City, Utah 84111
Telephone: (202) 787-1060
Facsimile: (202) 776-0136
jphillips@schaerr-jaffe.com
tlindley@schaerr-jaffe.com

Gene C. Schaerr*
Justin A. Miller *
SCHAERR | JAFFE LLP
1717 K Street NW, Suite 900
Washington, DC 20006
Telephone: (202) 787-1060
gschaerr@schaerr-jaffe.com
jmiller@schaerr-jaffe.com

**Pro hac vice pending*

Counsel for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

COMMISSIONER AMELIA POWERS
GARDNER, a registered Utah voter and
elected official, et al.,

Plaintiffs,

v.

LIEUTENANT GOVERNOR DEIDRE
HENDERSON, in her official capacity,

Defendant.

**PLAINTIFFS' UNOPPOSED
MOTION TO EXPEDITE
BRIEFING AND HEARING
FOR THEIR MOTION FOR
PRELIMINARY INJUNCTION**

Case No. 2:26-cv-00084-RJS

District Judge Robert J. Shelby

**THREE-JUDGE PANEL
REQUESTED**

Plaintiffs Amelia Powers Gardner, Greg Miles, Clint Painter, Victor Iverson, Lori Maughan, Tammy Pearson, Adam Snow, Jimmie Hughes, Tracy Glover, Chad Jensen, Mike Smith, Celeste Maloy and Burgess Owens move this Court for expedited briefing and a hearing on their motion for a preliminary injunction declaring Map 1 unconstitutional and enjoining its use in the 2026 congressional elections. Defendant Lieutenant Governor Deidre Henderson does not oppose this motion, but she has indicated that she must have a final decision by February 23 to effectively manage primary filings for U.S. House of Representatives candidates, for which the filing period opens on March 9, 2026 and closes on March 13, 2026. Off. Lt. Governor, *2026 Election Cycle*, Vote.Utah.gov, <https://vote.utah.gov/current-election-information/> (last visited Feb. 6, 2026). Expedition is necessary so that this Court can rule and provide relief by February 13, while allowing a modest period for any Supreme Court review.

1. This proceeding has its genesis in a November 10, 2025, order by Utah state district judge Dianna Gibson purporting to enjoin Defendant from using a congressional redistricting map enacted by the Utah Legislature, without finding that map unconstitutional or otherwise in violation of federal or state law. *See Ruling & Order, League of Women Voters of Utah v. Utah State Legislature*, No. 2209001712 (Utah Dist. Ct., Salt Lake Cnty., Nov. 10, 2025), <https://tinyurl.com/47sykkze>. In her ruling, Judge Gibson then purported to select and impose “Plaintiff’s Map 1”—a congressional redistricting plan that had never been introduced, debated, or voted

upon by the Utah Legislature. Soon thereafter, Defendant Lieutenant Governor Deidre Henderson indicated that she intended to “begin the process of implementing Plaintiff’s Map 1 unless otherwise ordered” by an appropriate court. Deidre Henderson (@DeidreHenderson), X (Nov. 11, 2025 at 1:52 AM), <https://tinyurl.com/wk3fs6bj>.

2. Map 1 has been imposed on the Plaintiffs here, on other Utah voters, and on the Defendant in violation of the federal Constitution. Under the Elections Clause, “[t]he Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof[.]” U.S. Const. art. I, § 4, cl. 1. Map 1, however, was drawn by voter advocacy organizations and selected by a state court judge, not the “Legislature.” And it has been subsequently amended by that judge on her own. Therefore, implementation of that map was and is unconstitutional under the Elections Clause. Accordingly, this action seeks to require the Lieutenant Governor to comply with the U.S. Constitution and to use a map chosen by the Legislature, not Map 1.

3. Selection of a constitutionally created map, moreover, is a matter of immediate concern. Defendant states she needs a final decision, including by the U.S. Supreme Court, by February 23, 2026. After that, the candidate filing deadline for the primary is March 13, 2026 at 5:00 p.m. FEC, *2026 Congressional Primary Dates and Candidate Filing Deadlines for Ballot Access 2* (Jan. 9, 2026), <https://tinyurl.com/3nne93zd>. And the primary elections for Utah’s congressional

representatives will be held on June 23, 2026, with the general election on November 3, 2026. *Id.* at 1–2. So at least a preliminary decision on the issue presented in this suit is needed quickly.

4. Three-judge courts are well suited to such urgent election matters. Because of their gravity and need for quick resolution, federal election challenges “in Congress’ judgment justify a three-judge court, expedited review, and direct appeal to th[e] [Supreme] Court.” *Fed. Election Comm’n v. Nat’l Conservative Pol. Action Comm.*, 470 U.S. 480, 487 (1985). Thus, “[t]he purpose of the three-judge scheme was in major part to expedite important litigation.” *Swift & Co. v. Wickham*, 382 U.S. 111, 124 (1965). Cases involving redistricting, moreover, are “uniquely important” and should receive expedited review, including “expedited Supreme Court correction, if necessary.” *Louisiana v. Callais*, 145 S.Ct. 2608, 2610 n.2 (2025) (Thomas, J., dissenting from decision to hear reargument) (quoting Michael E. Solimine, *The Three-Judge District Court in Voting Rights Litigation*, 30 U. Mich. J.L. Reform 79, 84 (1996)).

5. Such expedition is especially important here. According to the Lieutenant Governor, an order granting or denying preliminary relief is needed before February 23, 2026, a few days in advance of the March 9–13, 2026, primary filing period. And such a decision is needed with enough time for an expedited emergency appeal to the U.S. Supreme Court by whichever party does not prevail on this motion.

6. Consistent with the need for such expedition, Plaintiffs are filing their Motion for Preliminary Injunction shortly with this request—mere days after filing their complaint. And Plaintiffs ask that the Court adopt the following schedule for further proceedings:

- a. Defendant’s response to the motion for preliminary injunction shall be filed on or before **February 10, 2026**.
- b. Plaintiffs’ reply in support of the motion shall be filed the next day, *i.e.*, on **February 11, 2026**.
- c. Because the motion for preliminary injunction presents purely legal issues, no discovery shall be undertaken for this motion.
- d. A hearing on the motion, if the Court desires it, will be held on **February 12, 2026**. The parties anticipate that no live testimony will be necessary at any such hearing.
- e. The Court will endeavor to issue a decision on the preliminary injunction motion by **February 13, 2026** to allow for any appellate review prior to the Lieutenant Governor’s deadline of February 23.

CONCLUSION

Plaintiffs respectfully request that the Court grant this motion to expedite, and issue an order adopting the schedule outlined above.

February 6, 2026

Respectfully submitted,

/s/James C. Phillips

JAMES C. PHILLIPS
Utah Bar No. 17302
TYLER B. LINDLEY
Utah Bar No. 18635
SCHAERR | JAFFE LLP
299 S. Main Street, Suite 1300
Salt Lake City, UT 84111
jphillips@schaerr-jaffe.com
tlindley@schaerr-jaffe.com

GENE C. SCHAERR*
D.C. Bar No. 416368
JUSTIN A. MILLER*
D.C. Bar No. 90022870
SCHAERR | JAFFE LLP
1717 K Street NW, Suite 900
Washington, DC 20006
gschaerr@schaerr-jaffe.com
jmiller@schaerr-jaffe.com

**Pro hac vice application pending*

Attorneys for Plaintiffs

CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the requirements of DUCivR 7-1(a)(4)(D) and 10-1 because this motion was prepared in 12-point Century Schoolbook, a proportionally spaced typeface, using Microsoft Word, and because this motion contains 908 words.

Dated: February 6, 2026

/s/ James C. Phillips
James C. Phillips (17302)

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on February 6, 2026, the foregoing motion was served by electronic mail on counsel for Defendant as follows:

David Wolf
dnwolf@agutah.gov
Annika Hoidal
ahoidal@agutah.gov
Office of the Utah Attorney General
350 North State Street Suite 230
Salt Lake City, UT 84114

Dated: February 6, 2026

/s/ James C. Phillips
James C. Phillips (17302)

Counsel for Plaintiffs