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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' MOTION FOR
LEAVE TO FILE OVERLONG
OPPOSITION TO FIRST
ATTEMPTED INTERVENORS'
MOTION TO DISMISS**

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

Circuit Judge Timothy M. Tymkovich
District Judge Robert J. Shelby
District Judge Holly L. Teeter

Magistrate Judge Jared C. Bennett

Pursuant to DUCivR 7-1(a)(7), Plaintiffs respectfully request leave to file an overlength Opposition to First Attempted Intervenor’s (League of Women Voters of Utah, *et al.*) Provisional Motion to Dismiss. The Opposition is approximately 10,280 words in length.

Plaintiffs respectfully submit that good cause exists for the additional 10,280 words of the Opposition. As a practical matter, given the timing, Plaintiffs seek on a preliminary injunction all the relief to which they would be entitled if they litigated this case to finality and prevailed. Attempted Intervenor’s also alleged that Plaintiffs case is “premised on fringe theories of contrary to binding precedent from the United States Supreme Court.” Mot. for Leave to File Overlength Opp’n to Pls.’ Mot. Prelim. Inj. at 2 (Doc. 55). Likewise, Attempted Intervenor’s accuse Plaintiffs of putting forth “factual assertions irrelevant to their attempts to establish standing, and other contentions that merit a full and complete response.” *Id.* Rebutting these false claims requires a thorough response. Further, Plaintiffs must respond to arguments raised by the National Redistricting Foundation in its separate amicus brief (Doc. 64). And Attempted Intervenor’s were granted an additional 11 pages, or 2,251 words, above the limit, which is fewer words than Plaintiffs ask for. Dkt. Order (Feb. 13, 2026).

Given the stakes at issue, the compressed timing for this Court’s decision, and the need to get the law right, Plaintiffs respectfully request that leave be granted. A proposed Order is filed concurrently herewith.

February 14, 2026

Respectfully submitted,

/s/ Gene C. Schaerr

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on February 14, 2026, the foregoing motion was filed with the Clerk of the Court by this CM/ECF filing system, which will cause all counsel of record to be served electronically.

Dated: February 14, 2026

/s/ Gene C. Schaerr
Gene C. Schaerr (*pro hac vice*)
D.C. Bar No. 416368

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**[PROPOSED] ORDER
GRANTING PLAINTIFFS' MOTION
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Magistrate Judge Jared C. Bennett

Before the Court is Plaintiffs' Motion for Leave to File Overlong Opposition to First Attempted Intervenor's Motion to Dismiss, consisting of approximately 10,280 words.

The Court having considered the Motion and for good cause appearing, hereby GRANTS the motion. Plaintiffs are granted leave to file the overlong opposition.

DATED this 14th day of February, 2026.

BY THE COURT:

Hon. Robert J. Shelby
United States District Judge

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