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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

DAVID TANGIPA, *et al.*,

Plaintiffs,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

**GAVIN NEWSOM, in his official
capacity as the Governor of California,
et al.,**

Defendants,

**DEMOCRATIC CONGRESSIONAL
CAMPAIGN COMMITTEE, *et al.*,**

Defendant-Intervenors.

2:25-cv-10616-JLS-WLH-KKL
Three-Judge Court

**DCCC'S RESPONSE IN
OPPOSITION TO PLAINTIFFS'
AND THE UNITED STATES'S
MOTIONS FOR A
PRELIMINARY INJUNCTION**

Hearing Date: December 15, 2025
Time: 9:00 a.m.
Courtroom: One

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INTRODUCTION

Next year, millions of Americans will vote to elect members of the House of Representatives, which Republicans currently control by a narrow margin. Fearful of how Americans will cast their ballots, President Trump has demanded that Republican-led states gerrymander their congressional maps to entrench Republican control of Congress. In his words, he wants it to be “impossible to lose an election.”¹ In response, Texas, North Carolina, and Missouri have undertaken unprecedented mid-decade efforts to redraw their congressional maps.

Californians refused to turn the other cheek to this assault on our democracy. After calling on the President to cease these efforts, Governor Newsom announced that California would respond with its own partisan redistricting efforts. On August 21, 2025, the Legislature adopted a series of bills—collectively known as Proposition 50—to authorize a mid-decade redraw of the State’s congressional map. But unlike in Texas, North Carolina, or Missouri, the Legislature asked *voters* to make the final call. By a nearly 2-to-1 margin, and with over seven million votes in support, Californians enacted Proposition 50 into law.

The purpose of Proposition 50 is not a secret. Its enacting legislation states that it was passed “in response to redistricting in Texas in 2025” and Texas’s effort “to redraw congressional maps to unfairly advantage Republicans” to ensure that the “2026 United States midterm elections for Congress [are] conducted on a level playing field without an extreme and unfair advantage for Republicans.” As California House Speaker Robert Rivas frankly put it when introducing Proposition 50, “California Democrats will not allow Trump’s Republican Party to rig the system and take permanent control of the U.S. House of Representatives.”

Indeed, Plaintiffs and Plaintiff-Intervenor have already conceded the partisan motivation behind the Proposition 50 map. The California GOP (“CAGOP”)—the lead

¹ Ex.1.

1 organizational Plaintiff—filmed an ad against Proposition 50 stating: “They aren’t hiding
2 it. Prop 50 eliminates five congressional seats,” while an onscreen image confirmed this
3 meant “flip[ping] 5 seats from R to D.”² The party sponsored a litany of similar
4 advertisements and messages, all geared towards persuading California voters to reject
5 Proposition 50 as a *partisan* gerrymander. The United States also recognized Proposition
6 50 as a *partisan* gerrymander. Shortly after it intervened, U.S. Attorney General Pam
7 Bondi posted on X that Proposition 50 is a “brazen ... redistricting power grab” by
8 Governor Newsom who “rigg[ed] his state *for political gain*.”³ As Attorney General
9 Bondi admits, the undisputed motivation for Proposition 50 was achieving a “political”
10 balance against Republican-led efforts and, as Plaintiff CAGOP concedes, there was no
11 “hiding” this obvious partisan purpose.

12 Notwithstanding their own past statements, CAGOP and other Republican
13 Plaintiffs, joined by DOJ (together, “Movants”), now claim that Proposition 50 was not
14 actually about partisan politics, but rather about race. More remarkably, Movants present
15 this haphazard and heavily fact-dependent theory as a basis for this Court to preliminarily
16 enjoin the *entire* Proposition 50 map just weeks after it was adopted by millions of voters.

17 Movants fail to satisfy any requirement for this extraordinary relief. On the merits,
18 their claims suffer legal and factual shortcomings that foreclose success. Most glaringly,
19 Movants attack California’s new map “an undifferentiated whole,” *Ala. Legis. Black*
20 *Caucus v. Alabama*, 575 U.S. 254, 264 (2015), ignoring that racial gerrymandering
21 claims must present evidence “district-by-district,” *id.* at 262-63. Further still, the bulk
22 of their so-called “direct evidence” of racial gerrymandering comes from an individual—
23 independent mapmaker Paul Mitchell—who the complaint *admits* was not directed by
24 the Legislature. *See* CAGOP Compl. ¶¶50-51. As a matter of law, Movants cannot impute
25 his alleged motivations to the Legislature. *See Abbott v. Perez*, 585 U.S. 579, 603 (2018).

26
27
28 ² Ex.2.

³ Ex.3.

These legal flaws alone are fatal, but Movants’ evidence comes up short too. For one, they cherry-pick fragments of commentary to support their theory. But read in context, those statements *refute* Movants’ claims and confirm the obvious—Proposition 50 was enacted to help Democrats counter-balance Republican efforts. Their circumstantial evidence fares no better, myopically focusing on just a single congressional district—not the full map they seek to displace—and relying on the flawed testimony of a widely-discredited expert. Lastly, the relief Movants seek—wholesale restoration of California’s prior congressional map—ignores core redistricting principles and raises serious redressability issues. The gist of their claims is that Proposition 50 unlawfully *retained* majority-minority districts that existed in the prior map—so how does reversion to that same prior map redress their injuries? Movants never say.

The equities also weigh strongly against Movants. After millions of Californians voted for Proposition 50, the public interest is best served by respecting the *public's* wishes. And the rushed relief Movants seek threatens to disrupt California's valid election administration interests and the clear expectations of California voters.

At bottom, Movants seek to overturn the will of California’s voters by taking isolated soundbites out of context and misconstruing the applicable (and demanding) legal standard. Their meager efforts fall far short of their “especially stringent” evidentiary burden given the Legislature’s expressly stated partisan purposes. *Alexander v. S.C. State Conf. of the NAACP*, 602 U.S. 1, 11 (2024). The Court should deny the motions.

BACKGROUND

I. President Trump launches an unprecedented campaign to pressure states into redrawing their congressional maps.

In July, President Trump initiated an unprecedented campaign to pressure Republican-led states into redrawing their congressional maps to eliminate Democratic-held seats ahead of the 2026 elections. His efforts began in Texas, where he proclaimed

1 the Republican Party was “entitled to five more seats.”⁴ After DOJ joined in the pressure
2 campaign, Texas’s Governor announced that redrawing Texas’s congressional districts
3 would be added to the agenda for a special session of the Legislature.⁵ Governor Abbott
4 ultimately signed into law a new map that purposefully eliminated racially-diverse seats
5 held by Democrats.⁶

6
7 Other Republican-led states soon also redrew their maps to appease President
8 Trump’s desire to entrench Republican control of Congress. To date, North Carolina and
9 Missouri have redrawn their maps to eliminate Democratic-held congressional seats,
10 while Florida, Louisiana, Kansas, and Nebraska contemplate similar measures.⁷ These
11 efforts could prove decisive in determining the outcome of the 2026 elections, in which
12 DCCC’s candidates will seek to overcome the Republican Party’s razor-thin majority in
13 the House.⁸

14
15 **II. California’s leaders develop Proposition 50 in response to**
16 **gerrymandering efforts in other states.**

17 In 2010, California voters adopted Proposition 20, which established an
18 independent Citizens Redistricting Commission (CRC), and made CRC responsible for
19 drawing California’s congressional maps every ten years.⁹ In 2021, after the 2020
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21
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23 ⁴ Ex.4.

24 ⁵ Ex.5.

25 ⁶ See Ex.6.

26 ⁷ Ex.7.

27 ⁸ Ex.8.

28 ⁹ Voters FIRST Act for Congress, Ca. Const. art. XXI, §2 (ratified by voters as Prop 20
on Nov. 2, 2010).

1 Census, CRC adopted maps that were in place for the 2022 and 2024 congressional
2 elections (“2021 map”).¹⁰

3 On August 8, 2025, Governor Newsom announced a plan to respond to President
4 Trump’s power grab: He would lead California Democrats in an effort to “pick up five
5 seats with the consent of the people.”¹¹ Days later, he sent President Trump a letter
6 criticizing the President’s drive to “rig the upcoming midterm elections” with “mid-
7 decade hyper-partisan gerrymander[s],” labeling the effort an “affront to American
8 democracy.”¹² He stated that if Republicans continued to unfairly tilt the electoral playing
9 field against Democrats, California would be compelled to counter-balance such efforts.
10 Rather than accept California’s invitation to mutually stand down, President Trump and
11 Republican governors proceeded apace. In response, California’s elected leaders adopted
12 legislation that would allow voters to adopt a new congressional map. Specifically, the
13 Legislature approved a constitutional amendment—Constitutional Amendment 8—that
14 would temporarily reassign authority to the Legislature for drawing congressional maps,
15 while restoring CRC’s authority after the next census.¹³ It also approved two bills—
16 Senate Bill 280 and Assembly Bill 604—to call a special election to establish a proposed
17 new map.¹⁴ This package of legislation would be put before voters as Proposition 50,
18 also known as the Election Rigging Response Act.
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24 ¹⁰ Ex.9.

25 ¹¹ Ex.34 at 31:05-31:19.

26 ¹² Ex.10.

27 ¹³ Assemb. Const. Amend. 8, 2025-26 Leg., Reg. Sess. (Cal. 2025).

28 ¹⁴ Assemb. B. 604, 2025-26 Leg., Reg. Sess. (Cal. 2025); S.B. 280, 2025-26 Leg., Reg.
Sess. (Cal. 2025).

1 The Legislature accepted submissions of proposed maps to be incorporated into
2 Proposition 50. In the summer of 2025, DCCC learned that a consultant, Paul Mitchell,
3 with the company Redistricting Partners, had drawn a proposed new map.¹⁵ DCCC
4 subsequently reviewed the draft plan, which improved Democratic performance in
5 several districts, paid for a copy of a revised map that further improved Democratic
6 performance, and then submitted it to the Legislature.¹⁶ DCCC's map was incorporated
7 in part into Proposition 50 (the "Prop 50 map").¹⁷

9 **III. The Prop 50 map increases Democratic partisan advantage.**

10 The purpose of Proposition 50 is written in plain language in the constitutional
11 amendment approved by a supermajority of the Legislature. The amendment states that
12 "[t]he 2026 United States midterm elections for Congress must be conducted on a level
13 playing field without an extreme and unfair advantage for Republicans," and announces
14 that "[i]t is the intent of the people that California's temporary maps *be designed to*
15 *neutralize the partisan gerrymandering being threatened by Republican-led states*
16 *without eroding fair representation for all communities.*"¹⁸ In other words, Proposition
17 50 was expressly enacted to counteract Republican gerrymandering by increasing the
18 number of Democrats elected to Congress from California.

20 The Prop 50 map indisputably achieves that goal. Plaintiffs concede that the map
21 "would change five districts currently won by Republicans to districts that would be won
22 by Democrats." CAGOP Mot.12. Indeed, they expressly campaigned against Proposition
23

25
26 ¹⁵ Ex.33 ¶7.

27 ¹⁶ *Id.* ¶¶7-15.

28 ¹⁷ *See id.* ¶14.

¹⁸ Cal. Assemb. Const. Amend. 8 (emphasis added).

1 50 on that basis.¹⁹ The Public Policy Institute of California—which Plaintiffs cite
2 throughout their Complaint—released quantitative analysis further showing how the map
3 “would add up to 5 Democratic representatives.”²⁰ DCCC’s expert analysis establishes
4 the same. Ex.32 ¶5.

5
6 **IV. California voters overwhelmingly endorsed Proposition 50 after a
campaign highlighting its partisan purpose.**

7 Unlike Republican-led efforts—which excluded voters—California lawmakers
8 placed their redistricting proposal up for public ballot. A fierce campaign followed, with
9 vigorous arguments for and against the proposition. These campaigns—on both sides—
10 described Proposition 50 as an expressly partisan measure. The California Democratic
11 Party, in urging voters to endorse Proposition 50, put it bluntly:

13 Proposition 50 proposes new lines for many of California’s 52
14 congressional districts, which would negate the five
15 Republican seats drawn by Texas. *Under the proposed lines,*
16 *Democrats could gain up to 5 seats in the U.S. House of*
17 *Representatives. With a majority in the House, Democrats can*
*fight back against Trump and Republicans’ MAGA agenda.*²¹

18 California’s official Voter Reference Guide also framed the measure in partisan
19 terms. In a section discussing arguments for and against Proposition 50, the “Pro” side
20 described the measure as “counter [to] Donald Trump’s scheme to rig next year’s
21 congressional election,” while the “Con” side stated that Proposition 50 “eliminates voter
22 protections that ban maps designed to favor political parties.”²²

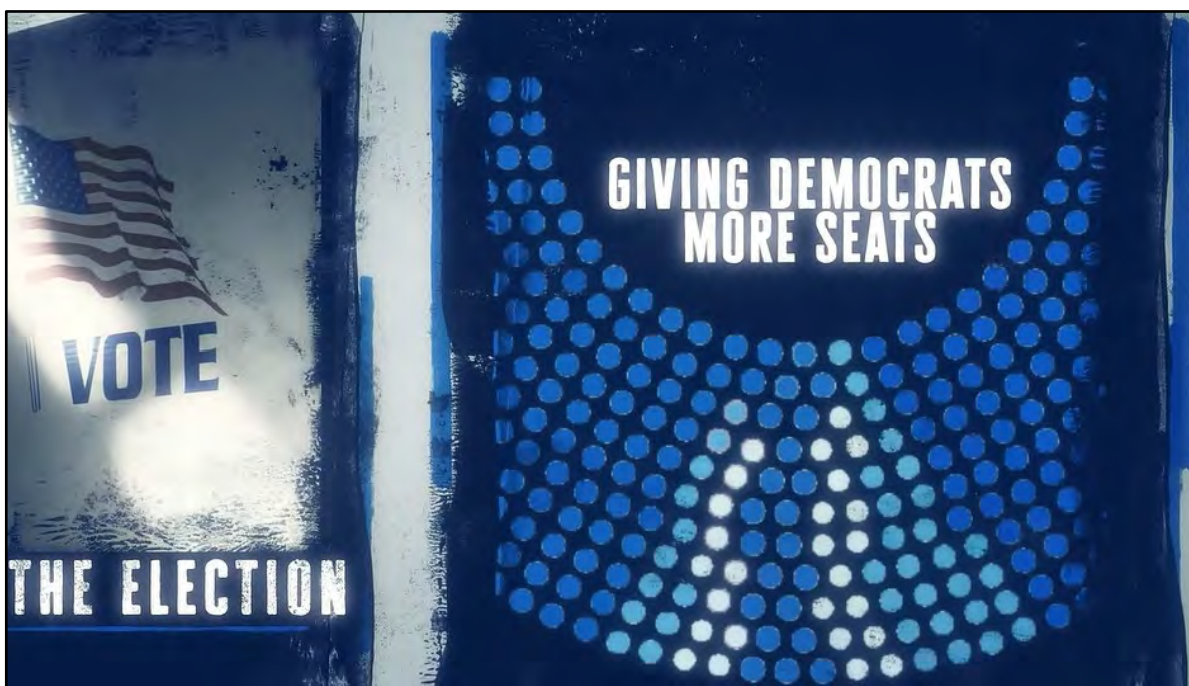
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26 ¹⁹ Exs. 11, 12, 13.

27 ²⁰ Ex.14.

28 ²¹ Ex.15.

²² Ex.16.

1 CAGOP likewise campaigned with a slew of ads framing Proposition 50 in
2 squarely partisan terms. For example, one criticized Governor Newsom for trying to
3 “paint California blue” and warned that Proposition 50 would “hand Democrats more
4 seats in Congress” and “flip Congress.”²³



²³ Ex.17.

1 Other CAGOP ads warned that Proposition 50 would “flip five GOP-held House
2 seats”²⁴ and “eliminate [the GOP’s] margins” in the House.²⁵ Another acknowledged the
3 openly partisan purpose of Proposition 50, stating: “They aren’t hiding it. Prop 50
4 eliminates five [GOP] congressional seats.”²⁶ Indeed, CAGOP ultimately released a
5 torrent of advertisements, emails, and social media posts to this effect.²⁷ In contrast,
6 DCCC is aware of no CAGOP advertising alleging that Proposition 50 favored one racial
7 group over another.²⁸

9 Many of the individual Plaintiffs likewise spoke out against Proposition 50 as a
10 *partisan* gerrymander.²⁹ Assemblyman Tangipa was particularly strident during the
11 legislative debate and campaign in attacking Proposition 50 as a partisan effort.³⁰ He
12 even conceded Proposition 50 constituted “partisan gerrymandering” on *November 13*—
13 eight days *after* he filed this suit—and then candidly stated the matter was about “partisan
14 gain” six days after that.³¹

22 ²⁴ Ex.18.

23 ²⁵ Ex.19.

24 ²⁶ Ex.2.

25 ²⁷ Ex. 11.

26 ²⁸ Ex.33 ¶15.

27 ²⁹ The full volume of these statements are too voluminous for this brief; DCCC has
28 collected a small sample of the pertinent statements. Ex. 13.

³⁰ Ex.12.

³¹ *Id.* at 1-2.



Other named Plaintiffs characterized Proposition 50 as “Democrat election rigging,” a “power grab,” and an effort to “get rid of Republican representation.”³²

No On 50—an opposition committee formed by former House Speaker Kevin McCarthy—characterized Proposition 50 as “allowing Democrats to push a partisan gerrymandering plan to take more seats in Congress.”³³ Hold Politicians Accountable, another organization sponsoring the official “No on Prop. 50” campaign, was even more explicit, describing the new map as “one of the most extreme partisan gerrymanders in modern American history.”³⁴

³² Ex.13 at 4, 6, 8.

³³ Ex.20.

³⁴ Ex.21.

1 California voters endorsed this “extreme partisan gerrymander” at the polls. On
2 November 4, 2025, they voted overwhelmingly in favor of Proposition 50, with
3 approximately 64 percent of voters backing the measure and 36 percent opposed. In total,
4 over seven million voters cast ballots in support of Proposition 50.³⁵

5
6 CAGOP—joined by individual Republicans—filed this suit the next day. But after
7 campaigning against Proposition 50 as a partisan gerrymander, CAGOP’s lawsuit
8 suddenly reframed its attack in racial—rather than partisan—terms.³⁶ A week later, DOJ
9 moved to join this case, essentially duplicating CAGOP’s allegations. At the same time,
10 Attorney General Bondi publicized the filing of the complaint on X, stating that DOJ was
11 suing Governor Newsom “over his brazen Proposition 50 redistricting power grab” and
12 criticizing the Governor for “rigging his state for political gain.”³⁷ These motions for a
13 preliminary injunction followed.³⁸
14

15 LEGAL STANDARD

16 “A preliminary injunction is an extraordinary and drastic remedy, one that should
17 not be granted unless the movant, *by a clear showing*, carries the burden of persuasion.”
18 *Fraihat v. U.S. Immigr. & Customs Enf’t*, 16 F.4th 613, 635 (9th Cir. 2021) (internal
19 quotation marks and citation omitted). Absent such a clear showing, the court “is not
20

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22
23 ³⁵ Ex.22.

24 ³⁶ This case is the latest in a series of failed attempts to enjoin Proposition 50, including
25 two lawsuits brought by Plaintiffs’ counsel in the California Supreme Court. *See Sanchez*
26 *v. Weber*, No. S292592 (Cal.); *Strickland v. Weber*, No. S292490 (Cal.); *see also Hilton*
27 *v. Weber*, No. 25-1988 (C.D. Cal.); *Jackson v. Weber*, No. 25-0236 (N.D. Tex.); *Jackson*
28 *v. Weber*, No. 25-0197 (N.D. Tex.).

³⁷ Ex.3.

³⁸ DCCC cites Plaintiffs’ motion as “CAGOP Mot.” and Plaintiff-Intervenor’s motion as
“US Mot.”

1 bound to decide doubtful and difficult questions of law or disputed questions of fact” in
2 a preliminary posture. *Int’l Molders’ & Allied Workers’ Loc. Union No. 164 v. Nelson*,
3 799 F.2d 547, 551 (9th Cir. 1986) (citation omitted); *see also Otoe-Missouria Tribe of*
4 *Indians v. N.Y. State Dep’t of Fin. Servs.*, 769 F.3d 105, 114 (2d Cir. 2014) (affirming
5 denial of preliminary relief where “the fact-dependent nature” of the claims meant
6 “plaintiffs ... failed to prove a likelihood of success on the merits at this early stage of
7 the litigation”); *Mayview Corp. v. Rodstein*, 480 F.2d 714, 719 (9th Cir. 1973) (holding
8 movant failed to establish he was “clearly entitled to” preliminary relief in view of
9 “disputed facts”).

11 Movants must show: (1) a likelihood of success on the merits; (2) that irreparable
12 harm is likely, not just possible, absent injunctive relief; (3) that the balance of equities
13 tips in their favor; and (4) that an injunction is in the public interest. *All. for the Wild*
14 *Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011).³⁹ A plaintiff can meet its burden
15 by showing “serious questions going to the merits,” but only when “the balance of
16 hardships tips sharply in the plaintiff’s favor.” *hiQ Labs, Inc. v. LinkedIn Corp.*, 31 F.4th
17 1180, 1188 (9th Cir. 2022) (citation omitted). A “serious question” does not exist when
18 a plaintiff’s claim is “merely plausible” or simply “because there are legal questions not
19 directly answered by past precedent.” *All. for the Wild Rockies v. Petrick*, 68 F.4th 475,
20 497 (9th Cir. 2023) (citation omitted).

23 ARGUMENT

24 **I. Movants cannot show a likelihood of success.**

25 Movants’ claims fail at the outset as a matter of law. First, Movants neglect the
26 well-established legal standard for racial gerrymandering, presenting their challenge as a
27 _____

28 ³⁹ When “the government is a party, these last two factors merge.” *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014) (citation omitted).

1 broadside attack on the entire Prop 50 map rather than alleging the district-specific facts
2 their claims require. Second, Movants seek to impute the alleged racial motivations of a
3 private citizen to California’s legislators—and its entire electorate—a sleight of hand the
4 Supreme Court has foreclosed.

5 Even if Movants had a legally viable claim, their cherry-picked and paltry evidence
6 dooms any probability of success. The full context *rebutts* Movants’ claims, confirming
7 that the Prop 50 map was enacted for predominantly partisan, not racial, purposes. Their
8 expert evidence as to a single district, offered by a witness whom courts have repeatedly
9 discredited, narrowly highlights isolated areas to the exclusion of the district as a whole.
10 And Movants simply ignore—never mind refute—the stated partisan motivations of the
11 Legislature, as well as *Movants’ own past statements* conceding those motivations. This
12 comes nowhere close to satisfying Movants’ evidentiary burden. The recent decision of
13 a Texas court holding that state’s map to be a racial gerrymander confirms the point—it
14 featured voluminous, district-by-district evidence, including direct evidence of racial
15 motivation from the Governor, legislators, and U.S. Department of Justice. The
16 evidentiary mountain in that case contrasts starkly with the molehill offered here.

17 Lastly, Movants have a redressability problem. The gist of their claims is that the
18 Prop 50 map effects racial gerrymandering by retaining Latino-majority districts that
19 existed in the 2021 map. But the relief Movants request—swapping back in the 2021
20 map—will do nothing to redress that harm under their own theory of the case.

21 **A. Movants ignore the standard for racial gerrymandering claims.**

22 To establish racial gerrymandering, Movants must prove “the legislature
23 subordinated traditional race-neutral districting principles, including but not limited to
24 compactness, contiguity, and respect for political subdivisions or communities defined
25 by actual shared interests, to racial considerations.” *Miller v. Johnson*, 515 U.S. 900, 916
26 (1995). They must make this showing as to *each* “individual district” they challenge,
27 rather than “with respect to the State as an undifferentiated whole.” *Alabama*, 575 U.S.
28 at 262-64 (emphasis omitted). And ultimately they must show that it was the state actors

1 responsible for enacting specific challenged districts who had “discriminatory intent,”
2 *Abbott*, 585 U.S. at 609; *see also Alexander*, 602 U.S. at 8 (focusing on the intent of a
3 “relevant state actor[]”). The Supreme Court has left “no doubt” that “what matters[] ...
4 is the intent of the [*enacting*] Legislature,” not a prior legislature or a third party. *Abbott*,
5 585 U.S. at 605. Absent evidence that the state actors who enacted a plan “‘subordinated’
6 other factors—compactness, respect for political subdivisions, partisan advantage ... to
7 ‘racial considerations,’” Movants cannot meet their burden. *Cooper v. Harris*, 581 U.S.
8 285, 291 (2017) (quoting *Miller*, 515 U.S. at 916). Movants wholly disregard these
9 prerequisites for a racial gerrymandering claim.

10 **1. In lieu of district-by-district analysis, Movants attack the**
11 **Prop 50 map as an undifferentiated whole.**

12 Movants imprecisely—and impermissibly—challenge the entire Prop 50 map. At
13 nearly every turn their arguments target “the new congressional district map for
14 California approved by Proposition 50,” CAGOP Mot.7, without ever plotting that
15 criticism onto specific district lines, *e.g.*, *id.* at 9 (“Proposition 50’s congressional district
16 map”); *id.* at 10 (“Proposition 50’s map”); *id.* at 11 (claiming race was “predominant
17 purpose for drawing the Proposition 50’s map”); *id.* at 14 (same); U.S. Mot.7
18 (“Proposition 50 constitutes a racial gerrymander”); *id.* at 9 (similar).

19 The Supreme Court, however, is adamant that “the basic unit of analysis for racial
20 gerrymandering claims in general, and for the racial predominance inquiry in particular,
21 is the district.” *Bethune-Hill v. Va. State Bd. of Elections*, 580 U.S. 178, 191 (2017).
22 “Racial gerrymandering claims” therefore must “proceed ‘district-by-district.’” *Id.*
23 (quoting *Alabama*, 575 U.S. at 262). Movants simply “cannot sue to invalidate the whole
24 State’s [congressional] districting map.” *Gill v. Whitford*, 585 U.S. 48, 66-67 (2018).

25 But that is precisely what Movants seek. CAGOP Mot.28 (demanding injunction
26 as to “Proposition 50’s congressional districts map”); ECF No. 16-9 (similar); ECF No.
27 29-2 (asking to enjoin Defendants “from implementing Proposition 50’s congressional-
28

1 district map”). Movants’ attempt to paint the entire Prop 50 map with a broad brushstroke
2 thus fails to even allege—let alone satisfy—the requisite legal standard.

3 Nor can Plaintiffs’ cursory listing of sixteen districts salvage their claim. While
4 Plaintiffs purport to challenge “sixteen Congressional districts where the Hispanic
5 population makes up more than 50% of the voters in the Congressional district,” CAGOP
6 Mot.11, neither the complaint nor the preliminary injunction motion alleges a single fact
7 about *fifteen of these sixteen districts*. Plaintiffs’ motion references these districts only
8 once, and only in a parenthetical. CAGOP Mot.11. Plaintiffs must establish “that the
9 legislature ‘subordinated’ other factors—compactness, respect for political subdivisions,
10 partisan advantage ... to ‘racial considerations’” in *each* of these districts. *Cooper*, 581
11 U.S. at 291 (citation omitted). Yet Plaintiffs say *nothing* about most of these districts,
12 never mind address whether they comply with traditional redistricting principles, serve
13 communities of interest, or promote the Legislature’s stated goal of adding Democratic-
14 leaning seats.

15 That shortcoming is critical because “in assessing the sufficiency of a challenge to
16 a districting plan,” the Court “must be sensitive to the complex interplay of forces that
17 enter a legislature’s redistricting calculus” and “exercise extraordinary caution” when
18 adjudicating racial gerrymandering cases. *Miller*, 515 U.S. at 915-16. Yet Movants do
19 not provide the Court even basic inputs for that delicate “calculus” as to virtually every
20 district they challenge, including things the court “must consider” like “the lines of the
21 district at issue; any explanation for a particular portion of the lines”; or “the districtwide
22 context.” *Bethune-Hill*, 580 U.S. at 192. While Movants grasp at evidence about the
23 purpose of Proposition 50 writ large, a “state-wide analysis cannot show that” any
24 particular district “was drawn based on race.” *Alexander*, 602 U.S. at 33 (discounting
25 evidence criticizing the statewide “map as a whole rather than [a district] in particular”).

26 **2. The so-called direct evidence relied upon by Movants cannot**
27 **be imputed to the Legislature as a matter of law.**

28 The bulk of Movants’ “direct evidence” consists of snippets of offhand
commentary from a private consultant, most of which post-dates legislative adoption of

1 Proposition 50. Even if Movants could satisfy their district-specific burden with such
2 evidence of general intent—but *see Alabama*, 575 U.S. at 262-64—they misstate the law
3 by labelling Mitchell’s statements “direct evidence.” CAGOP Mot.9.

4 Direct evidence speaks to “legislative purpose,” *Miller*, 515 U.S. at 916, and thus
5 “comes in the form of a relevant *state actor’s* express acknowledgment that race played
6 a role in the drawing of district lines,” *Alexander*, 602 U.S. at 8 (emphasis added); *see*
7 *also Easley v. Cromartie*, 532 U.S. 234, 253-54 (2001) (“*Cromartie II*”) (treating
8 statements of legislators and their staff as direct evidence); *Cooper*, 581 U.S. at 300
9 (similar). But by Movants’ own admission, the “consultant” on whom they rely is *not* a
10 state actor and did *not* work at the direction of the Legislature: “The map codified by the
11 Legislative Package was not drawn by legislators or paid for by the state of California. It
12 was drafted by Paul Mitchell of Redistricting Partners.” CAGOP Compl. ¶50.⁴⁰

13 Even so, Movants wager nearly all their chips on being able to impute Mitchell’s
14 statements to the Legislature. CAGOP Mot.1, 10-12; US Mot.8-9. That is a losing bet.
15 To satisfy the racial predominance standard, Movants must show that “race was the
16 criterion that, *in the State’s view*, could not be compromised in the drawing of district
17 lines.” *Alexander*, 602 U.S. at 7 (citation modified); *see also id.* (holding “plaintiff must
18 prove that *the State* ‘subordinated’ race-neutral districting criteria such as compactness,
19 contiguity, and core preservation to ‘racial considerations’” (emphasis added)). And in
20 assessing legislative intent, courts must apply a “presumption of legislative good faith,”
21 which requires “courts to draw the inference that cuts in the legislature’s favor when
22 confronted with evidence that could plausibly support multiple conclusions.” *Id.* at 10.

23 Movants’ claims depend on imputing a presumption of *bad* faith to supermajorities
24 of the Legislature based on the stray, largely post-hoc statements of a third-party non-
25 state actor. Movants do not even try to bridge this gap. Despite their heavy reliance on
26

27 ⁴⁰ The United States contradicts Plaintiffs, alleging that “Paul Mitchell *was retained* to
28 draft new congressional maps for California” in the summer of 2025. US Compl. ¶41.
But Plaintiff-Intervenor cites no evidence to support this statement. *See* US Mot.3.

1 Mitchell’s idle commentary, they do not show that (i) Mitchell acted at the Legislature’s
2 direction; (ii) the Legislature was aware of or cared about his commentary in voting to
3 adopt Proposition 50; (iii) the Legislature (or individual legislators) shared or adopted
4 Mitchell’s motivations, in full or as to any particular district; or (iv) Mitchell ever
5 testified to the Legislature. Thus, even assuming Mitchell’s statements provide evidence
6 of racial motivation—and when read in context they simply do not, *infra* Argument
7 §I.B.1—they cannot provide direct evidence of the *Legislature’s* intent as a matter of
8 law. *See Abbott*, 585 U.S. at 608.⁴¹

9 Any connection between Mitchell and the intent of the Prop 50 map is further
10 attenuated because the map was not enacted solely by the Legislature—it was given final
11 approval *by voters*. Movants do not allege that the electorate was motivated by racial
12 considerations—a wise omission given the overwhelming evidence that Proposition 50
13 was presented to voters in partisan—not racial—terms, including by Plaintiffs
14 themselves. *Supra* Background §IV; *cf. Hall v. Holder*, 117 F.3d 1222, 1230 (11th Cir.
15 1997) (holding ballot measure was not racially discriminatory, in part because there was
16 no evidence voters “perceive[d] the referendum to be a black versus white issue”).

17 *LULAC* confirms this analysis. There, Texas attempted to *refute* allegations of
18 racial gerrymandering by introducing testimony from its outside mapmaker, Adam
19 Kincaid, who had been hired by the RNC. *LULAC v. Abbott*, 2025 WL 3215715, at *39
20 (W.D. Tex. Nov. 18, 2025). But, like Mitchell, “Mr. Kincaid wasn’t a member of the
21 Legislature.” *Id.* While he testified that his motivations were partisan, the Court found it
22 could not “automatically impute Mr. Kincaid’s alleged lack of racial intent to the
23 Legislature,” *id.* at *43, particularly given the direct evidence of racial intent from
24 lawmakers. Instead, the Court was required to “inquire why the legislature introduced
25 and passed the map the mapmaker drew.” *Id.* at *44. The “why” in Texas was racial, *id.*

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27
28 ⁴¹ In any event, the map was *not* Mitchell’s work alone—before DCCC obtained and
submitted it, Redistricting Partners made revisions requested by Democrats aimed at
further improving Democratic performance. Ex.33 ¶9.

1 at *43, but this case presents the inverse—direct evidence of legislative intent shows
2 overwhelmingly *partisan* motivations, regardless of what Mitchell believed. *Supra*
3 Background §IV. “If the reason why the Legislature introduced and enacted the map is
4 because it just happened to achieve [other] objectives”—like adding Democratic seats
5 here—“then [the mapmaker’s] ... motivation is irrelevant.” *Id.* at *45.

6 **B. Even if Movants presented a legally valid theory of racial**
7 **predominance, they fail to substantiate it with evidence.**

8 Even if the Court looks past the glaring legal gaps in Movants’ claims, Movants
9 fail to substantiate their allegations with sufficient evidence to warrant a preliminary
10 injunction. At this early stage, the Court has no obligation to resolve thorny factual
11 questions or draw inferences in Movants’ favor. To the contrary: the Court “is not bound
12 to decide ... disputed questions of fact” in resolving a preliminary injunction motion,
13 *Int’l Molders’*, 799 F.2d at 551 (citation omitted). And given the presumption of
14 legislative good faith, “the plaintiff’s evidentiary burden in these cases is especially
15 stringent.” *Alexander*, 602 U.S. at 11. Movants fall far short of their “stringent”
16 evidentiary burden.

17 **1. Movants’ purported direct evidence is cherry-picked and**
18 **misrepresented.**

19 Even if the statements Movants rely upon spoke to legislative intent, *supra*
20 Argument §I.A.2, those cherry-picked statements from Mitchell and California
21 lawmakers fall woefully short of the applicable legal standard. After all, it is not enough
22 to show “that the legislature considered race, along with other partisan and geographic
23 considerations.” *Cromartie II*, 532 U.S. at 253. Mere awareness of race is not enough:
24 “Race must not simply have been a motivation for the drawing of a majority-minority
25 district, but the *predominant factor* motivating the legislature’s districting decision,” *id.*
26 at 241 (cleaned up) (emphasis added). Courts must adjudicate such claims with added
27 “[c]aution” where “the State has articulated a legitimate political explanation for its
28 districting decision, and the voting population is one in which race and political
affiliation are highly correlated.” *Id.* at 242.

1 Start with Mitchell. Movants have identified three statements, each of which
2 shows that Mitchell drafted the Prop 50 map based primarily on partisan, not racial,
3 considerations. *First*, Plaintiffs cite Mitchell’s appearance on the *Capitol Weekly*
4 *Podcast*, where Mitchell said that he rejected calls to “throw away the VRA” to achieve
5 a “52/0” map and retained pre-existing majority-minority districts. CAGOP Mot.11-12.
6 In context, this statement clearly refers to Mitchell’s efforts to “push back on Texas”—
7 *i.e.*, offset the Republican seat gains resulting from Texas’s mid-decade redistricting—
8 by “creat[ing] a five district pick-up map” favoring Democratic Party candidates while
9 “reduc[ing] how much we have to depart from the [CRC’s] work.” Meuser Decl. Ex.1 at
10 10:17-22; 11:14-15. In other words, rather than maximizing Democratic gains at the
11 expense of the pre-existing map, Mitchell in his own words drew districts “in a way that
12 [was] effective at creating ... partisan gain without just decimating everything.” *Id.* at
13 13:7-9.

14 *Second*, Movants cite a presentation Mitchell delivered—weeks after the
15 Legislature had already adopted Proposition 50—discussing Latino-majority districts in
16 Proposition 50. CAGOP Mot.10-11; U.S. Mot.3-4. Once again, the context for Mitchell’s
17 remarks belies Movants’ argument. The “core ... idea of this project,” Mitchell said, was
18 to create a “counterbalance to what Texas was doing.” U.S. Compl. Ex.2 (ECF No. 28-
19 2) at 22:1-3. “[W]e made small, modest changes in order to create a push back to what
20 Texas was doing,” he continued, “an opportunity for Democrats to pick up five seats, and
21 to counterbalance the five Republican seats in Texas.” *Id.* at 26:2-8. Mitchell once again
22 acknowledged that he adhered as much as possible to the CRC’s map and did “the
23 minimum we had to do *in order to achieve the political goal.*” *Id.* at 27:6-8 (emphasis
24 added). After all, Democrats, including DCCC, were drawn to the map in the first place
25 precisely because the map could achieve that goal. Ex.33 ¶8.

26 Mitchell’s remarks also undercut Movants’ allegation that the Prop 50 map creates
27 a “new” Latino-majority district in Los Angeles for the benefit of Latinos. As Mitchell
28 explained, “[w]e essentially reversed the Redistricting Commission’s decision to

1 eliminate a Latino district from LA [*to*] *eliminat[e] the Ken Calvert district in Riverside.*”
2 *Id.* at 25:7-18 (emphasis added). His goal, in other words, was to depose a sitting
3 Republican congressman by restoring a previously existing district likely to support
4 Democrats—an obviously partisan rationale.⁴² Movants cite the first portion of this
5 excerpt but then conspicuously omit the emphasized text, *see* CAGOP Mot.10; US
6 Mot.8, presumably aware that this partisan framing undercuts their preferred
7 characterization of Mitchell’s statement.

8 *Third*, Plaintiffs cite a post from Mitchell on X quoting a report that concluded that
9 the “proposed Proposition 50 map will further increase Latino voting power over the
10 current commission map.” CAGOP Mot.12 (citing Meuser Decl. Ex.3). Plaintiffs do not
11 even attempt to show that this post, which quotes the post-hoc analyses of two professors
12 describing the Prop 50 map, is even a statement *by* Mitchell—let alone a statement of his
13 intent in drawing the map months earlier. In any event, the full report confirms that the
14 Prop 50 map has a minimal impact on Latino voters. It explains that “[t]he new map
15 maintains the same number of Latino-majority districts as the current map,” and observes
16 that “a number of Latino-majority districts in the proposed Proposition 50 map change
17 very little relative to the current map.”⁴³ The report also notes that “Latino voters often
18 prefer Democrats in California,” which suggests that any benefit to Latino voters from
19 the Prop 50 map is incidental to its intended goal of helping Democrats.⁴⁴

20 The rest of Movants’ “evidence” is similarly paper-thin. They point to a handful
21 of comments by legislators that include boilerplate puffery about the Prop 50 map’s
22 preservation of minority voting rights. *See* CAGOP Mot.6, 10-12; US Mot.5. But not one
23 of these press releases offers direct evidence that the Legislature chose to enact individual
24 districts to comply with the VRA. To the contrary, Plaintiffs themselves concede that
25 “[t]here is no publication by the State of California, Gavin Newsom, Shirley Weber, the

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27 ⁴² *See* Ex.27.

28 ⁴³ Ex.23 at 8.

⁴⁴ Ex.23 at 5.

1 Legislature, or Paul Mitchell” identifying specific “Voting Rights” districts in the Prop
2 50 map. CAGOP Compl. ¶70. What these statements show is that several individual
3 legislators—among the dozens who supported Proposition 50—praised the new map for
4 “retain[ing] the voting rights protections enacted by the independent commission.”
5 CAGOP Compl. ¶64. But choosing to retain existing districts is itself a valid and well-
6 recognized redistricting criterion that offers no inference of racial motivation. *See*
7 *Karcher v. Daggett*, 462 U.S. 725, 740 (1983); *cf. Abbott v. Perez*, 585 U.S. 579, 605
8 (2018) (rejecting notion that the enacting legislature had any “duty to expiate its
9 predecessor’s bad intent”).

10 At most, these cherry-picked statements reflect that a subset of legislators may
11 have “considered race, along with other partisan and geographic considerations,” in
12 voting for the Prop 50 map. *Cromartie II*, 532 U.S. at 253. That is not enough to satisfy
13 Movants’ burden; they must show that “race played a *predominant* role,” *id.*, and that the
14 legislature “subordinated traditional race-neutral redistricting principles ... to racial
15 considerations.” *Miller*, 515 U.S. at 916. In context, each statement upon which Movants
16 rely confirms that the legislators were motivated primarily by partisanship—not race. *See*
17 Meuser Decl. Ex.9 at 1 (the purpose of Proposition 50 is to “fight back against
18 [Republicans’] unprecedented power grab”), Ex.8 at 1-2 (Proposition 50 is designed to
19 “fight[] back against reckless attacks by Trump and Republicans” to “stop Texas and
20 Trump from rigging the election”), Ex.6 at 1 (Proposition 50 is intended to counter
21 “Republican redistricting efforts in Texas”), Ex.7 at 1 (Proposition 50 is an effort to “fight
22 back against Trump’s attacks” by countering “other states[’]” gerrymandering; legislator
23 stating that Republicans “want to retain control in Congress at any cost” and that
24 Proposition 50 “is our defense against Trump’s unprecedented power grab”).

25 The United States also cites portions of the legislative debate on Proposition 50
26 for the proposition that “[w]hen California legislators considered Proposition 50, race
27 also played a predominant role in their discussions.” US Mot.9. But most of these
28 statements do not even concern Proposition 50—they discuss gerrymandering efforts in

1 *other* states and accuse those efforts of diluting minority voting power. *See id.* at 4
2 (“California legislators expressed additional concerns that other states’ proposed new
3 maps threatened the ability of racial minorities to elect candidates of their choice” and
4 “described other states’ redistricting efforts as efforts that were meant to suppress
5 minority voters.”). The United States never explains how these statements—accusing
6 *other redistricting plans* in *other states* of harming minority voters *in those states*—
7 reflect the intent of Proposition 50, much less how they show that race *predominated*
8 over politics. As for the handful of quotes in the United States’s brief that actually relate
9 to Proposition 50, they make clear that the speaker was concerned with the fortunes of
10 Democrats rather than Latino voters. *See* U.S. Compl. Ex.C at 37:17-40:25 (describing
11 Proposition 50 as a “shield against racist maps,” but also a measure to stop “Texas” from
12 “carv[ing] up districts *to keep their wannabe dictator in power*,” and calling on
13 “Democrats” to “fight to survive”); *id.* at 51:11-54:10 (saying Proposition 50 is “about
14 10 African American members of congress that could be wiped away in Congress if we
15 don’t stand up,” but also about “saving democracy,” “women’s rights” and “LGBTQ
16 rights,” “stand[ing] in the way of [Donald Trump] and his power,” and “the Constitution
17 of the United States of America”).

18 At bottom, Plaintiffs’ only “direct evidence” of racial predominance is a series of
19 out-of-context statements that happen to mention Latinos or the VRA.⁴⁵ Plaintiffs cite no
20 case where stray allusions to race alone sufficed to show racial gerrymandering,
21 particularly where overriding and indisputable partisan motivations in fact
22 predominated—and where the challenged map was presented to, and endorsed by, the
23 affected electorate. *See Cromartie II*, 532 U.S. at 236.

24
25
26 ⁴⁵ Plaintiffs note in passing that the Legislature passed Proposition 50 on a compressed
27 timeline. CAGOP Mot.5, 28. Any suggestion this gives rise to an inference of racial
28 motive is meritless. “[T]he brevity of the legislative process can[not] give rise to an
inference of bad faith—and certainly not an inference that is strong enough to overcome
the presumption of legislative good faith.” *Abbott*, 585 U.S. at 610-11.

1 **2. Movants ignore direct evidence showing that Proposition 50**
2 **was motivated by partisan considerations.**

3 While Movants’ “direct evidence” fails in isolation, it is even less persuasive in
4 view of the evidence that Movants conspicuously ignore. The express motive behind
5 Proposition 50 is included in the text passed by the Legislature and endorsed by
6 California voters: to “neutralize the partisan gerrymandering being threatened by
7 Republican-led states.”⁴⁶ *Cf. In re Volkswagen “Clean Diesel” Litig.*, 959 F.3d 1201,
8 1211 (9th Cir. 2020) (“clear statement” or “plain wording” in statute is the “best evidence
9 of” the legislature’s intent (citation omitted)). And the campaigns for and against
10 Proposition 50 framed the measure in explicitly partisan terms. *Supra* Background §§III-
11 IV. In contrast, Movants have failed to “put forward evidence from the initiative
12 campaign ... that tended to show a discriminatory [] intent.” *N. Am. Meat Inst. v. Becerra*,
13 420 F. Supp. 3d 1014 (C.D. Cal. 2019) (concluding absence of such evidence weighed
14 against finding of discriminatory intent in challenged initiative), *aff’d*, 825 F. App’x 518
15 (9th Cir. 2020); *see also City of Los Angeles v. Cnty. of Kern*, 462 F. Supp. 2d 1105, 1114
16 (C.D. Cal. 2006) (similar).

17 In fact, Movants’ own public statements—accusing Governor Newsom of trying
18 to “paint California blue,” “hand[ing] Democrats more seats in Congress,” and “rigging
19 his state for political gain,” *supra* Background §§III-IV—wholly undermine their claims
20 here, both as a legal and a factual matter. These statements are *directly at odds* with the
21 positions Movants now advance before this Court. Indeed, Assemblyman Tangipa
22 *continues* to proclaim Proposition 50 is motivated by partisanship, despite having now
23 filed this lawsuit proclaiming the opposite.⁴⁷ This about-face smacks of unclean hands,
24 which alone may warrant denying Plaintiffs the equitable relief they request. *See supra*
25 Argument §III. At minimum, these statements by Movants and their agents are damning
26 admissions from a party opponent that call into question the credibility of their

27
28 ⁴⁶ Assemb. Const. Amend. 8, 2025-26 Leg., Reg. Sess. (Cal. 2025).

⁴⁷ Ex.12 at 1-2.

1 allegations. *Cf. United States v. Bout*, 144 F. Supp. 3d 477, 490 (S.D.N.Y. 2015)
2 (declaration was not persuasive in part because declarant’s “own prior public statements
3 directly contradict those contained in” the declaration).

4 **3. Movants’ circumstantial evidence consists of flawed expert**
5 **analysis from a discredited witness.**

6 As explained, Movants have presented no “direct evidence” that racial
7 considerations were the predominant motive for Proposition 50 or its individual districts.
8 This alone is likely fatal to their case, at least at the preliminary injunction stage, where
9 Movants must present a “clear showing” that they are entitled to relief. *Frailhat*, 16 F.4th
10 at 635 (emphasis omitted). As the Court observed in *Alexander*, it has “never invalidated
11 an electoral map in a case in which the plaintiff failed to adduce any direct evidence.”
12 602 U.S. at 8.

13 However, the Court has, “at least in theory, kept the door open” for a racial
14 gerrymandering claim based solely on “circumstantial evidence.” *Id.* To make out such
15 a claim, a plaintiff must show that “a district’s shape is ‘so bizarre on its face that it
16 discloses a racial design’ absent any alternative explanation.” *Id.* (quoting *Miller*, 515
17 U.S. at 914). In the context of an overtly partisan redistricting measure—like Proposition
18 50—proving racial predominance using circumstantial evidence is “especially difficult”
19 and raises “special challenges.” *Id.* at 9 (quotation omitted). This is because “[w]hen
20 partisanship and race correlate”—as they do in California, according to Movants’ own
21 sources⁴⁸—the plaintiff must “disentangle race from politics by proving that the former
22 drove a district’s lines.” *Id.* (citation modified). “Th[i]s means, among other things, ruling
23 out the competing explanation that political considerations dominated the legislature’s
24 redistricting efforts.” *Id.* at 9-10. Accordingly, “[i]f either politics or race could explain
25 a district’s contours, the plaintiff has not cleared its bar.” *Id.* at 1.

26
27 ⁴⁸ See CAGOP Compl. ¶60 n.1 (citing Ex.23 at 8 (“Latino voters often prefer Democrats
28 in California[.]”)); U.S. Compl. ¶23 (“[R]esults in California are largely driven by party-
bloc voting, not race-bloc voting.”).

1 Movants do not even attempt to clear this burden as to fifteen of the sixteen
2 districts they challenge. Rather, Plaintiffs’ expert examines only a single district—
3 District 13 (CD-13). CAGOP Mot.13-14; US Mot.9-11. Relying exclusively on an expert
4 report by Dr. Sean Trende, Movants contend that “the boundary between districts 5, 9
5 and 13 of Proposition 50’s map appears to have been crafted specifically to enhance the
6 Hispanic Voting Age Population and Hispanic Citizen Voting Age Population in district
7 13.” CAGOP Mot.13; *see* US Mot.10-11.

8 At the outset, this argument is fundamentally implausible for an obvious reason—
9 the Prop 50 map’s treatment of CD-13 creates a two-seat gain for Democrats. In the 2021
10 map, Districts 5, 9, and 13 were all projected to be Republican-leaning.⁴⁹ The Prop 50
11 map reconfigures these districts, making Districts 9 and 13 Democrat-leaning by shifting
12 Democratic Party voters away from District 5.⁵⁰ As DCCC’s expert, Dr. Maxwell Palmer
13 shows, the changes to Districts 9 and 13 indisputably made them more Democratic. Ex.32
14 ¶10. Far from ruling out “the competing explanation that political considerations
15 dominated the legislature’s redistricting efforts,” these facts confirm the partisan
16 explanation. *Alexander*, 602 U.S. at 9-10.

17 Dr. Trende’s analysis fails to salvage Movants’ implausible argument. His primary
18 assertion is that CD-13 in the Prop 50 map contains several “appendage[s] [that] bypass[]
19 white Democrats, making the district less compact, to gain Hispanic areas that are less
20 heavily compact.” Trende Decl. Ex.2 (“Trende Rep.”) at 19. Dr. Trende contends that
21 CD-13 “leaves a lot of Democrats on the table,” which “makes little sense” from a
22 partisan gerrymandering perspective. *Id.* at 16, 19. Dr. Trende then presents three
23 alternative designs CD-13 that would include more Democratic Party-affiliated voters.
24 *Id.* at 22-27. Based on this skeletal analysis, he concludes that “[r]ace predominated in
25 [CD-13’s] lines,” “nor can [CD-13’s] be explained by politics.” *Id.* at 27.

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28 ⁴⁹ *E.g.*, Ex.28. Compare Ex. 25 (the 2021 CRC map) *with* Ex. 26 (the Prop 50 map); *see also* Ex. 24.

⁵⁰ *Id.*

1 The flaw in Dr. Trende’s analysis is that he assumes Proposition 50 aimed to
2 maximize the Democratic Party vote share *in CD-13 alone*. That, of course, is nonsense.
3 No partisan redistricting effort would put blinkered focus on a single district—rather,
4 Proposition 50’s goal was to increase the number of Democratic-held seats across
5 California’s 52-seat delegation. *Supra* Background §II. Any Democratic Party voters
6 located in CD-13 are, by definition, voters *not* located in neighboring districts. After all,
7 there is a “tradeoff [] inherent in every redistricting: some voters are shifted out of one
8 district and into another.” *Jackson v. Tarrant County*, 2025 WL 3019284, at *4 (5th Cir.
9 Oct. 29, 2025).

10 Dr. Trende’s myopic focus on a single district is inconsistent with his own past
11 testimony. In *LULAC*, for instance, Dr. Trende critiqued other experts for purportedly
12 failing to account for neighboring districts: “It’s unlikely that the only goal was to
13 increase the Republican vote share in District 9,” he wrote, because “[w]hen residents
14 are moved out of one district, other residents must necessarily be moved into that district
15 from somewhere.” Ex.29 at 27. Packing *too* many Republican voters into a district would
16 be “an inefficient distribution of Republican votes” from “a gerrymandering point of
17 view.” *Id.* Thus, Dr. Trende argued that “it [was] inappropriate to focus solely on District
18 9.” *Id.* He reiterated the same point at a June 2025 bench trial, where he called
19 redistricting “a jigsaw puzzle” and said, “you [can] see the political gerrymander” only
20 by considering how “one district affects another one.” *See* Ex.30 at 94:6-10. Yet in this
21 case, Dr. Trende spends his whole report performing the same type of analysis he
22 castigated in *LULAC*.

23 Dr. Trende’s analysis here is narrower still. Not only does he focus on a single
24 district, he focuses on select portions of that district—to the exclusion of the district as a
25 whole. This is not only at odds with the legal standard, *see Bethune-Hill*, 580 U.S. at 193
26 (holding that predominance inquiry focuses on “the design of the district as a whole” and
27 “must take account of the districtwide context”), it is also grossly misleading. *See* Ex.31
28 at 8. For instance, Dr. Trende ignores that Proposition 50 actually *decreased* the Latino

1 voting-age population in the district overall compared to the 2021 map—that is, the
2 number of voting-age Latino individuals moved out of the district outnumbered those
3 who moved in. *Id.* As DCCC’s expert Dr. Jonathan Rodden explains, the redesign of CD-
4 13 reflects a clear goal of removing rural census blocks with higher Republican vote
5 shares and replacing them with more Democratic-leaning urban blocks. *Id.* at 21. Further,
6 many of the differences Dr. Trende ascribes to race are more readily attributable to party
7 affiliation. *Id.* at 21-22. Dr. Rodden’s report also shows why Dr. Trende’s
8 “Demonstration Maps” redrawing CD-13 on a purportedly purely partisan basis are
9 unpersuasive. *Id.* at 25-34. In each Demonstration Map, the changes Dr. Trende made to
10 CD-13 are extremely minor, altering the HVAP no more than 5.4 points, leaving the bulk
11 of the district intact; several of the Demonstration Maps also *retain* one or more of the
12 features of the Prop 50 map that Dr. Trende described as racially motivated, split
13 communities that the Prop 50 map retained, or actually reduce Democratic vote share.
14 *Id.*

15 Given these shortcomings, it is unsurprising that numerous courts have questioned
16 the reliability of, or assigned limited value to, Dr. Trende’s analysis. *See Singleton v.*
17 *Allen*, 782 F. Supp. 3d 1092, 1262 (N.D. Ala. 2025) (assigning “less weight to the
18 testimony of Dr. Trende,” in part because his “testimony was internally inconsistent”);
19 *Nairne v. Ardoin*, 715 F. Supp. 3d 808, 849-50 (M.D. La. 2024) (rejecting Dr. Trende’s
20 testimony as “fundamentally flawed and completely useless”), *aff’d*, 151 F.4th 666, 691
21 (5th Cir. 2025) (“Dr. Trende’s approach ignores communities of interest, traditional
22 boundaries, and the legislature’s mandate of equal population among districts.”); *DNC v.*
23 *Reagan*, 329 F. Supp. 3d 824, 837 (D. Ariz. 2018) (“afford[ing] Trende’s opinions little
24 weight”), *rev’d on other grounds*, 948 F.3d 989 (9th Cir. 2020); *Ohio State Conf. of*
25 *NAACP v. Husted*, 768 F.3d 524, 536-37 (6th Cir. 2014) (affirming district court decision
26 to credit another expert’s testimony over Dr. Trende’s), *vacated on other grounds*, 2014
27 WL 10384647 (6th Cir. Oct. 1, 2014). This Court should do the same.
28

1 **4. The U.S. fails to substantiate its underdeveloped VRA claim.**

2 The U.S. alone asserts a claim under §2 of the VRA but does nothing to develop
3 it, purporting to address it “jointly” with its constitutional claim. US Mot.7-8 & n.3. To
4 prove this claim, the U.S. must show that “racial discrimination [was] ... a ‘substantial’
5 or ‘motivating’ factor behind enactment of” the challenged law, *Hunter v. Underwood*,
6 471 U.S. 222, 228 (1985) (citation omitted), and the Court must consider “the
7 legislature’s *actual* non-racial motivations.” *N.C. State Conf. of NAACP v. McCrory*, 831
8 F.3d 204, 221 (4th Cir. 2016). To the extent the U.S. has advanced a §2 claim—despite
9 allotting only a handful of sentences to §2 in its brief—that claim fails for the same
10 reasons as its Fourteenth Amendment claim: (1) none of the evidence the U.S. presents
11 bespeaks racially discriminatory intent; and (2) the legislature’s “actual non-racial”
12 motivations were blatantly partisan. *Supra* Argument §§I.A-B.

13 **C. LULAC underscores the weakness of Movants’ case.**

14 A court in Texas recently enjoined Texas’s gerrymandered map, concluding—
15 correctly—that Texas intentionally dismantled several majority-minority districts based
16 on racial considerations. *See generally LULAC*, 2025 WL 3215715. *LULAC* confirms
17 that Movants’ legal theories are nebulous and their evidence scant in comparison to
18 successful racial gerrymandering challenges.

19 Per the court’s opinion, Texas’s prior congressional map contained four “coalition
20 districts,” or districts in which different racial minority groups together constituted a
21 majority. *LULAC*, 2025 WL 3215715, at *5-6. In early 2025, President Trump began
22 pressuring Texas lawmakers to redraw congressional districts to favor Republican
23 candidates. *Id.* at *1. Initially, the Texas Republican party “didn’t have much appetite to
24 redistrict on purely partisan grounds.” *Id.* at *6. The administration then changed tack,
25 directing DOJ to urge Governor Abbott to change the racial composition of the four
26 coalition districts based on a legally incorrect theory that minority coalition districts are
27 *per se* unconstitutional under a recently-issued Fifth Circuit decision. *Id.* at *7-9. Only
28 then did Governor Abbott add redistricting to the special session agenda of the Texas

1 legislature “in light of constitutional concerns raised by” the administration. *Id.* at *12
2 (emphasis omitted).

3 Texas lawmakers, including Governor Abbott, then repeatedly characterized the
4 redistricting effort as motivated by the “racial goal of eliminating coalition districts,” *id.*
5 at *2, while disclaiming partisan goals. Below is a small sampling of these
6 characterizations:

- 7 • Governor Abbott denied that the purpose of the redistricting was “to give Trump
8 and Republicans in the House of Representatives five additional seats,” and
9 insisted “the reason why we are doing this is because of that court decision” and
because “we wanted to remove those coalition districts.” *Id.* at *13.
- 10 • Governor Abbott stated in an interview: “[W]e want to make sure that we have
11 maps that don’t impose coalition districts.” *Id.* at *14 n.115 (citation omitted).
- 12 • The Texas House Speaker described the map’s purpose as “to address concerns
13 raised by the Department of Justice.” *Id.* at *25 (emphasis omitted).
- 14 • A Texas Representative denied that the redistricting was “gerrymandering ... for
15 political gain,” and instead insisted that it was “required” to eliminate minority
coalition districts. *Id.* at *26.

16 The *LULAC* plaintiffs also amassed significant circumstantial evidence of racial
17 discrimination. Unlike Movants, they challenged the drawing of specific districts—the
18 former coalition districts which were altered beyond recognition—rather than mounting
19 a broadside attack against the whole map. And they presented compelling evidence that
20 those districts were redrawn with the primary purpose of changing their racial makeup.
21 *See id.* at *15-17 (noting the boundaries of one district were “radically reconfigure[ed]
22 ... to remove various Latino communities”). The plaintiffs further pointed to “a
23 legislative record replete with racial statistics,” *id.* at *31, and the increase in the number
24 of single-race majority districts statewide, *id.*

25 Movants’ evidence pales in comparison to *LULAC*, which also highlights the legal
26 errors that plague Movants here. *LULAC* relied upon district-specific evidence, *id.* at *15-
27 17; highlighted direct evidence of the intent of those responsible for enacting the map,
28 *id.* at *13-14, *25-26; and—as explained below—offered a remedy that actually

1 redresses the alleged racial gerrymandering harm, *id.* at *68. There is a vast difference
2 between the direct and detailed evidence of race discrimination in *LULAC* and the half-
3 baked effort by Movants here.

4 **D. Plaintiffs fail to explain how their injuries are redressable and**
5 **request improper relief.**

6 Even setting aside Movants’ flawed claims, their requested relief poses
7 redressability obstacles. Redressability is an essential element of “the irreducible
8 constitutional minimum [for] standing,” *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560
9 (1992), and “serves to ensure that there is a sufficient relationship between the judicial
10 relief requested and the injury suffered,” *Diamond Alternative Energy, LLC v. EPA*, 606
11 U.S.100, 112 (2025) (citation modified). “It is bedrock law that ‘requested relief’ must
12 ‘redress the alleged injury.’” *Babb v. Wilkie*, 589 U.S. 399, 413 (2020) (quoting *Steel Co.*
13 *v. Citizens for Better Env’t*, 523 U.S. 83, 103 (1998)).

14 Here, there is a conspicuous mismatch between Movants’ claimed injuries and
15 their requested relief. Each of the individual Plaintiffs alleges they are harmed because
16 the “challenged plan assigns him [or her] to a district drawn with race as the predominant
17 factor, causing stigmatic and representational injury.” CAGOP Compl. ¶6; *see also id.*
18 ¶¶7-24 (same). CAGOP claims injury on behalf of itself and “republican voters” who
19 must allegedly now “vote in elections where the districts are an unconstitutional racial
20 gerrymander.” *Id.* ¶27; *see also* US Mot.14 (similar).

21 Movants’ requested remedy would not alleviate that supposed harm. They ask this
22 Court to enjoin California from “implementing Proposition 50’s congressional districts
23 map” and to restore “the Citizen Redistricting Commission’s 2021 congressional districts
24 map.” ECF No. 16-9; *see also* ECF No. 29-2 (similar). But Movants’ own merits
25 argument hinges on the theory that the Prop 50 map unlawfully retains racially
26 gerrymandered “VRA districts” from the 2021 map. CAGOP Mot.17-19; US Mot.12-13.
27 Indeed, the number of “VRA” Latino-majority districts in the Proposition 50 map is the
28 *exact* same as the number of such districts in the 2021 CRC map. *Compare* Ex. 25 with
Ex. 26; *see also* CAGOP Compl. ¶60 & n.1; Ex. 24.

1 Taken at their own words, Movants are asking this Court to substitute one map
2 infected by racial gerrymandering with another map equally infected by racial
3 gerrymandering, down to the number of improper Latino-majority districts. That
4 puzzling request reveals a yawning chasm between Movants’ “requested relief” and their
5 “alleged injury.” *Steel Co.*, 523 U.S. at 103. Nowhere do they explain how any California
6 voter—or individual Plaintiffs⁵¹—will have their alleged injury redressed by restoration
7 of the 2021 map, never mind how trading one map for another that shares identical
8 alleged flaws is proper equitable relief. Because “none of the relief sought by [Movants]
9 would likely remedy [their] alleged injury in fact, [the Court] must conclude that
10 [Movants] lack[] standing.” *Id.* at 109.

11 This redressability problem further highlights a core legal flaw with Movants’
12 facial attack on the entire Prop 50 map: A redistricting “plaintiff’s remedy must be
13 ‘limited to the inadequacy that produced [his] injury in fact.’” *Gill*, 585 U.S. at 66
14 (alteration in original) (citation omitted). That means “the remedy that is proper and
15 sufficient lies in the revision of the boundaries of the [plaintiff’s] own district.” *Id.*;
16 *Alabama*, 575 U.S. at 264 (explaining relief can only be granted as “to the individual
17 districts subject to the appellants’ racial gerrymandering challenges”). Yet Movants fail
18 to even *discuss* the boundaries of any district, save for their flawed allegations against
19 CD-13.⁵² They have not coherently drawn a line between their purported injuries, specific
20
21

22 ⁵¹ The individual Plaintiffs also allegedly inhabit only 13 of California’s 52 districts.
23 CAGOP Compl. ¶¶6-24. Their allegations of harm are also confused. *Compare id.* ¶7
24 (alleging Plaintiff Ching lives in District 31), *with* ¶31 (alleging Ching intended to run
25 for Congress in District 38 but now lives in District 41). Plaintiffs provide no evidence
26 to support or evaluate the basis of these limited standing allegations, never mind evidence
that maps them in a way that permits appropriate remedies.

27 ⁵² Revising CD-13 therefore forms the outermost bound of relief available to Movants—
28 discarding the Prop 50 map wholesale would be inappropriate. Further still, in view of
California’s election calendar, *see* ECF No. 71 at 6, the Legislature should be afforded
the first opportunity to craft any remedy. *Wise v. Lipscomb*, 437 U.S. 535, 540 (1978).

1 offending districts, and a “remedy ... tailored to redress [their] particular injury.” *Gill*,
2 585 U.S. at 48.

3 **II. No irreparable harm will occur in the absence of preliminary relief.**

4 Movants also fail to demonstrate a “likelihood of irreparable harm” absent an
5 injunction, which alone requires denying their motions. *Winter v. Nat. Res. Def. Council,*
6 *Inc.*, 555 U.S. 7, 20 (2008). The requirement to show “*likely*” irreparable harm applies
7 “even under the [Ninth Circuit’s] sliding scale standard.” *Cascadia Wildlands v. Scott*
8 *Timber*, 715 F. App’x 621, 624-25 (9th Cir. 2017). Movants fall far short of satisfying it.

9 To start, “[b]ecause [Movants] have not shown any likelihood of success on the
10 merits” of their racial gerrymandering claims, “they cannot make the necessary showing
11 of [likely] irreparable harm” based on allegedly unconstitutional racial classifications or
12 discriminatory treatment. *Am. Hotel & Lodging Ass’n v. City of Los Angeles*, 119 F.
13 Supp. 3d 1177, 1202 (C.D. Cal. 2015), *aff’d*, 834 F.3d 958 (9th Cir. 2016); *cf.* US Mot.13
14 (arguing alleged irreparable harm “follows inexorably” from likelihood of success on the
15 merits (citation omitted)).

16 Movants also suggest California voters will suffer “infringement of the
17 fundamental right to vote” or First Amendment interests absent relief. CAGOP Mot.24;
18 US Mot.14. This argument misunderstands the harms at issue and lacks record support.
19 The “harm that underlie[s]” a racial gerrymandering claim is being “personally subjected
20 to a racial classification.” *Alabama*, 575 U.S. at 263 (citation modified); *Alexander*, 602
21 U.S. at 38 (“The racial classification itself is the relevant harm.”). Plaintiffs’ Complaint
22 alleges only “stigmatic” and “representational” harm. CAGOP Compl. ¶¶6-24; *see also*
23 *id.* ¶¶94-126. As the Supreme Court has explained, these harms are fundamentally
24 distinct from injuries to the right to vote, including “vote dilution.” *United States v. Hays*,
25 515 U.S. 737, 745-47 (1995). Movants cannot reflexively assume right-to-vote harms
26 merely because this is a redistricting case. *Id.*

27 Even if Movants could establish some prospect of harm, they have failed to show
28 *irreparable* harm. The Supreme Court has stressed emergency relief cannot be granted

1 to parties who fail to act with “reasonable diligence.” *Benisek v. Lamone*, 585 U.S. 155,
2 159 (2018). On Movants’ own logic, their asserted harm arose from districts that predate
3 Proposition 50. *Supra* Argument §I.C. Movants cannot justify their request for
4 “extraordinary relief” on an unprecedentedly rushed timeline to undo districts that have
5 largely been in place for four years and two election cycles. *Benisek*, 585 U.S. at 159.

6 Nor can Movants’ effort to create uncertainty through their own challenge serve
7 as a replacement for true irreparable harm. *Hanson v. District of Columbia*, 120 F.4th
8 223, 244 (D.C. Cir. 2024) (irreparable harm requirement ensures relief is equitable
9 “*despite ... uncertainty on an undeveloped record*”). Indeed, any uncertainty and
10 confusion would be avoided by simply *denying* relief and affirming the map
11 overwhelmingly approved by voters will go into effect as intended. *Cf.* Merz Decl. ¶¶6-
12 9. If anything, risks of confusion or chaos resulting from a “court injunction” in the
13 “particular circumstances and timing of the impending primary elections in [California]”
14 weigh against granting relief. *Moore v. Harper*, 142 S. Ct. 1089 (2022) (Kavanaugh, J.,
15 concurring in denial of stay) (collecting cases).

16 **III. The equities weigh strongly in favor of upholding a map passed by**
17 **legislative supermajority and a near-supermajority of California voters.**

18 The relief Movants seek would contravene the will of the California electorate.
19 Nearly two-thirds of voters—seven million Californians—supported Proposition 50.
20 Thus, “granting a preliminary injunction ... would be counterproductive to the public
21 interest” because “it was the public—namely, the California voters—who passed” the
22 challenged proposition. *Chamness v. Bowen*, No. 11-cv-1479, 2011 WL 13128410, at
23 *12 (C.D. Cal. Mar. 30, 2011); *Bowyer v. Ducey*, 506 F. Supp. 3d 699, 724 (D. Ariz.
24 2020) (denying preliminary injunction motion to overturn election results, in part because
25 “the requested relief would cause enormous harm to Arizonans, supplanting the will of
26 nearly 3.4 million voters”). “Enjoining [Prop 50] would therefore undermine the will of
27 the electorate” and thus harm the public interest. *Chamness*, 2011 WL 13128410, at *12.

28 Against this backdrop, Movants cannot meet their “heavy burden [of] showing that
the balance of equities tip in their favor or that granting [preliminary relief] is in the

1 public interest,” *Doe v. Tapang*, 2019 WL 13201170, at *3 (N.D. Cal. Apr. 22, 2019).
2 Movants argue the Prop 50 map burdens the rights of California voters by subjecting
3 them to race-based districting, and that this burden undermines public confidence in the
4 ballot box. CAGOP Mot.26-28; US Mot.15-17. But as explained, Movants’ showing on
5 the merits is weak—and certainly offers no evidence that Prop 50 *voters* ever understood
6 the new map in racial terms, let alone lacked “confidence” in it on that basis. Having
7 shown no significant risk of “constitutional injury on the merits as a matter of law, there
8 is no threat of irreparable injury or hardship to tip the balance in [their] favor.” *Coal. for*
9 *Econ. Equal. v. Wilson*, 122 F.3d 692, 710-11 (9th Cir. 1997).

10 Indeed, Plaintiffs’ own campaign against the map centered on its *partisan*—not its
11 racial—effects. The doctrine of unclean hands precludes equitable relief in these
12 circumstances. *See EEOC v. Recruit U.S.A., Inc.*, 939 F.2d 746, 752 (9th Cir. 1991)
13 (noting “clean hands” doctrine “insists that one who seeks equity must come to the court
14 without blemish”); *Silvas v. G.E. Money Bank*, 449 F. App’x 641, 644-45 (9th Cir. 2011)
15 (noting that “the doctrine of unclean hands bars relief to a plaintiff who has violated good
16 faith or other equitable principles in the transaction at issue,” and affirming denial of
17 preliminary injunction due to plaintiff’s unclean hands). The “clean hands” doctrine “is
18 a self-imposed ordinance that closes the doors of a court of equity to one tainted with
19 inequiteness or bad faith relative to the matter in which he seeks relief.” *Precision*
20 *Instrument Mfg. Co. v. Auto. Maint. Mach. Co.*, 324 U.S. 806, 814 (1945). Here, Plaintiffs
21 assailed Proposition 50 for months as a partisan gerrymander, framing the public debate
22 around the measure’s partisan consequences, only to turn a dime the moment Proposition
23 50 became law to raise racial gerrymandering claims that are wholly incompatible with
24 their past statements. *Supra* Background §IV. The reason for this *volte face* is clear—
25 their real grievance with Proposition 50 cannot sustain a federal claim. *Rucho v. Common*
26 *Cause*, 588 U.S. 684, 721 (2019). Plaintiffs now seek immediate, extraordinary, and
27 immensely consequential equitable relief without *any* account for their past statements
28 and campaign conduct. The Court need not indulge this obvious ploy.

1 An injunction would also impose a “hardship on [California], which has a
2 compelling interest in the enforcement of its duly enacted laws.” *Feldman v. Ariz. Sec’y*
3 *of State’s Off.*, 843 F.3d 366, 394 (9th Cir. 2016). California’s interest is especially
4 compelling here, where the law at issue was endorsed by voters. And it is also especially
5 compelling in the election context, where a preliminary injunction would “work[] a
6 needlessly chaotic and disruptive effect upon the electoral process ... merely to preserve
7 the relative positions of the parties until a trial on the merits can be held.” *Benisek*, 585
8 U.S. at 161 (citation modified).

9 In sum, an injunction would thwart the will of the California electorate, based on
10 a legally flawed, factually baseless claim of constitutional injury. Thus, Movants once
11 more fail to make the necessary “clear showing” that they are entitled to relief under
12 these factors. *Fraihat*, 16 F.4th at 635.

13 **CONCLUSION**

14 The Court should deny Movants’ preliminary injunction motions.

15
16 Dated: December 3, 2025

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Proposed Intervenor-Defendant DCCC, certifies that this brief contains 9,987 words, which complies with the word limit of Local Rule 11-6.1.

Dated: December 3, 2025

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