

AUG 26 2025

Salt Lake County

By: \_\_\_\_\_ Deputy Clerk

**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.

**RULING AND ORDER DENYING  
LEGISLATIVE DEFENDANTS'  
MOTION TO DISMISS THE FIRST  
AMENDED COMPLAINT OR,  
ALTERNATIVELY, TO STAY FURTHER  
PROCEEDINGS**

Case No. 220901712

Judge Dianna M. Gibson

The Legislative Defendants move to dismiss Counts VI, VII and VIII of Plaintiffs' Complaint or, in the alternative, to stay litigation of Counts VI, VII and VIII.

In reviewing a motion to dismiss under Rule 12(b)(6) of the Utah Rules of Civil Procedure, this court must accept all the facts alleged in Plaintiffs' First Amended Complaint as true and view them and all reasonable inferences in the light most favorable to Plaintiffs. *Oakwood Vill. LLC v. Albertsons, Inc.*, 2004 UT 101, ¶ 9, 104 P.3d 1226. Legal conclusions or opinions couched as facts are not "facts," and therefore are not accepted as true. *Koerber v. Mismash*, 2013 UT App 266, ¶ 3, 315 P.3d 1053.

The Legislative Defendants' Motion is premised primarily on this Court's disposition of the parties' competing motions for summary judgment on Count V. This Court issued the ruling yesterday, on August 26, 2025, granting Plaintiffs' Motion for Summary Judgment on Count V and denying the Legislative Defendants' Cross Motion. (*Ruling*, Dkt. 470.) At this stage, and given the current posture of this case, the Legislative Defendants have not presented a legal basis to dismiss the pending Counts VI – VIII.

With regard to Count VI, the Ruling rejected the argument that Proposition 4 impairs the Legislature's constitutional prerogative to set its own internal procedural rules and rejected the argument that these procedural limitations intrude on the Legislature's authority under the federal Elections Clause. As the Court recognized, the federal Elections Clause does not give sole and exclusive authority to the Legislature to redistrict. Redistricting is an act of legislation, and legislative power is equally shared by the Legislature and the people of Utah. While this Court agreed that the Legislature's role in redistricting cannot be supplanted, it can be supplemented by redistricting legislation passed by the people in Proposition 4. In addition, in the Ruling, the Court enjoined continued use of the current 2021 Congressional Plan in any future elections and ordered the *Legislature* to ensure that a new congressional plan would be designed in compliance with Proposition 4's standards and requirements and enacted in time for the 2026 election cycle.

With regard to Count VII, this Court previously rejected the argument that redistricting presents nonjusticiable political questions in its Ruling and Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, issued November 22, 2022 (Dkt. 140.) The Court's previous ruling stands and remains unchanged. In addition, in yesterday's Ruling, the Court analyzed and then rejected the argument that article IX of the Utah Constitution grants the Legislature sole and exclusive authority over redistricting, to the exclusion of the people.



With Regard to Count VIII, the Ruling enjoined the continued use of the current 2021 Congressional Plan. Under the circumstances, and if the *Legislature* does not enact a congressional plan in compliance with Proposition 4, then the only other congressional plan that could be considered is the 2011 congressional plan. While addressing Count VIII now is premature, the Court concludes that there is no legal basis, at this time, to dismiss it.

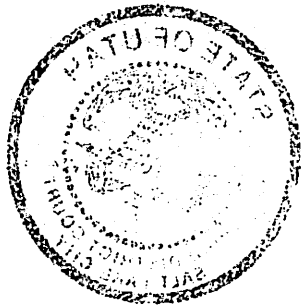
The Legislative Defendants also request, generally, a stay pending resolution of the cross motions for summary judgment (which has now been resolved) and any subsequent appeal of the Ruling and also pending resolution of Counts I – IV, which the Utah Supreme Court deferred

ruling on, until after Count V was resolved by this Court. The requested stay is denied. The parties should proceed in an attempt to resolve all outstanding issues as expeditiously as possible for the people of Utah. If the parties jointly agree to stay discovery or any further proceedings related to Counts VI, VII and VIII, then they are free to do so. Under the circumstances, the Court does not find good cause to grant a stay related to Counts VI, VII and VIII at this time.

For the reasons stated above, the Legislative Defendants' Motion to Dismiss Counts VI, VII and VIII is DENIED. The request to stay proceedings related to these counts is also DENIED.

DATED August 26, 2025.

  
DIANNA M. GIBBON  
DISTRICT COURT JUDGE  




### **CERTIFICATE OF NOTIFICATION**

I certify that a copy of the attached document was sent to the following people for case 220901712 by the method and on the date specified.

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08/26/2025

/s/ KACI BOBO

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature