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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, and JACK MARKMAN,

Plaintiffs,

v.

UTAH STATE LEGISLATURE, et al.,

Defendants.

PLAINTIFFS' *EMERGENCY* MOTION FOR TEMPORARY RESTRAINING ORDER AND EXPEDITED HEARING

Case No. 220901712

Honorable Dianna Gibson

EXPEDITED CONSIDERATION REQUESTED

Pursuant to Rule 65A(b) of the Utah Rules of Civil Procedure, Plaintiffs respectfully move the Court for a temporary restraining order against operation of the Notice to Convene District Court Panel (Dkt. 855) ("Notice") filed by Legislative Defendants on February 22, 2026. Plaintiffs request that the Court enter such an order for the maximum period of 14 days. *See* Utah R. Civ. P. 65A(b)(2). If granted, Plaintiffs will request extension of that order until such time as Plaintiffs' pending motion for preliminary injunction on Counts 23-27 challenging the constitutionality of H.B. 392 and S.J.R. 5 is decided. Plaintiffs request that the Court hold an expedited hearing.

As Plaintiffs explain in their motion for preliminary injunction (Dkt. 850), H.B. 392 and S.J.R. 5 are unconstitutional and void *ab initio*, and the remaining injunction factors favor Plaintiffs. Accordingly, Legislative Defendants' Notice is also void *ab initio*. Plaintiffs' motion for preliminary injunction sets out why they satisfy each of the Rule 65A(e) factors.

In filing their Notice, Legislative Defendants ignored Plaintiffs' request for an orderly resolution of Plaintiffs' constitutional challenge to H.B. 392 and S.J.R. 5 prior to seeking to invoke a three-judge panel. Instead, they filed their Notice *one day* after Plaintiffs filed their preliminary injunction motion. This is particularly egregious because the Judicial Council will not finalize its H.B. 392 rules and procedures until March 7. Apparently, Legislative Defendants think that they can deprive Plaintiffs of any district court forum by hurriedly filing their Notice. This raises a new and independent violation of Article I, Section 11—the Open Courts Clause—by purporting to deprive Plaintiffs of any district court forum at all, either the constitutional variety (a single-judge court) or H.B. 392's unconstitutional variety (a three-judge panel). Moreover, this threatens severe and irreparable harm to Plaintiffs. For example, during the senate leadership press availability today, Senate President Adams suggested that further legislative action regarding redistricting

could occur in coming days.[1] Yet Legislative Defendants have sought to freeze Plaintiffs out of a district court forum. That is contrary to Plaintiffs' right to seek a temporary restraining order or preliminary injunctive relief should they do so in an unlawful manner. *See* Utah Code § 20A-19-301(2) (authorizing temporary restraining order under Proposition 4).

Moreover, Legislative Defendants' attempt to move this case and bar this Court from taking any further action would mean that the new three-judge panel, absurdly, would immediately be called upon to rule on whether its *own existence* is constitutional. That question cannot be decided by the problematic panel itself.

A temporary restraining order is necessary to (1) have an orderly adjudication of Plaintiffs' motion, (2) provide Plaintiffs with a constitutional forum (*i.e.*, a single-judge district court) to adjudicate their motion, and (3) provide *any* district court forum to adjudicate Plaintiffs' motion (or any other matter that may arise in the next two weeks).

Plaintiffs respectfully request that the Court grant a temporary restraining order against operation of the Notice. If, however, the Court determines S.J.R. 5's changes to Rule 42—which purport to prevent a district judge from taking further action on a case upon the filing of a Notice—preclude it from deciding Plaintiffs' motions for a temporary restraining order or preliminary injunction, Plaintiffs respectfully request that the Court expeditiously issue a signed Minute Entry or signed written Order stating that it is denying the request because Utah R. Civ. P. 42(e)(3) (*as amended*, 2026) provides that "[u]pon the filing of a notice to convene a district court panel, the

[1] *See* Lindsay Aerts, ABC 4, X.com, "Senate leaders react to redistricting rulings, wo weeks left of legislative session" at 4:46 (Feb. 23, 2026), https://x.com/LindsayOnAir/status/2026011715356557539 (Q: "As far as where everything stands, is there any appetite to push back deadlines again . . . to leave some more time for 2026 map?" A. "There probably is . . . ."); *id.* at 5:10 (Q: "Are you resigned, I guess, to answer the question that was asked previously, are you resigned to this map being the map for at least this next election cycle?" A: "Not yet, but we're getting close.").

district court judge assigned to the action at the time the notice is filed may not … take any further action."

A proposed Temporary Restraining Order is submitted herewith.

Dated: February 23, 2026

Respectfully submitted,

/s/ David C. Reymann

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