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Attorneys for Plaintiffs

**Admitted Pro Hac Vice*

**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.

**NOTICE OF FILING OF PETITION
FOR PERMISSION TO APPEAL
FROM INTERLOCUTORY ORDER**

Case No. 220901712

Honorable Catherine Conklin
Honorable Derek Williams
Honorable Roger Griffin

Pursuant to Rule 5(b) of the Utah Rules of Appellate Procedure, please take notice that on this date, Plaintiffs have filed a Petition for Permission to Appeal from Interlocutory Order with the Utah Supreme Court, a copy of which is attached as Exhibit 1, and which has been assigned Appeal No. 20260365-SC.

DATED this 31st day of March 2026.

/s/ David C. Reymann

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EXHIBIT 1

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SUPREME COURT OF THE 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,

Petitioners,

v.

UTAH STATE LEGISLATURE; UTAH
 LEGISLATIVE REDISTRICTING
 COMMITTEE; SENATOR SCOTT
 SANDALL, in his official capacity;
 REPRESENTATIVE MIKE SCHULTZ, in
 his official capacity; SENATOR J. STUART
 ADAMS, in his official capacity;
 LIEUTENANT GOVERNOR DEIDRE
 HENDERSON, in her official capacity,

Respondents.

**PETITION FOR PERMISSION TO
 APPEAL FROM INTERLOCUTORY
 ORDER**

Subject to assignment to the
 Court of Appeals

No. _____-SC
 District Court No. 220901712

Plaintiffs respectfully file this Rule 5 petition for interlocutory appeal of the three-judge district court panel's March 17, 2026 order (Attachment 1) denying Plaintiffs' motion for a temporary restraining order. Plaintiffs will file a motion to consolidate this appeal with their pending appeal regarding H.B. 392, H.B. 366, S.J.R. 5, and S.J.R. 6 (No. 20260237-SC).

The three-judge panel reasoned that Plaintiffs' motion to restrain operation of Legislative Defendants' notice convening a three-judge panel was moot because it was filed one day after Legislative Defendants filed their notice (which they filed on a Sunday after Plaintiffs had already moved for a preliminary injunction). The court concluded that it could not "prevent an event that has already occurred." Attachment 1 at 2. For the reasons Plaintiffs have already explained in their briefing, *see* Rule 5 Reply at 2, that ruling is erroneous because courts are empowered to grant injunctive relief that maintains the status quo *ex ante*. *See, e.g., Planned Parenthood Ass'n of Utah v. State*, 2024 UT 28, ¶ 226, 554 P.3d 998 (holding that the "appropriate time to determine the status quo is 'the last uncontested status between the parties which preceded the controversy'" (quoting *Schrier v. Univ. of Colo.*, 427 F.3d 1253, 1260 (10th Cir. 2005))); *Schrier*, 427 F.3d at 1260 (request for injunctive relief to reinstate employee still a prohibitory injunction because the status quo is defined as last uncontested status between the parties).

Moreover, as Plaintiffs explained in their petition and reply, the three-judge district court panel is unconstitutionally composed and thus its order denying Plaintiffs' motion for a temporary restraining order should be vacated on that basis. *See, e.g., Nguyen v. United States*, 539 U.S. 69, 82 (2003) ("[T]his Court has never doubted its power to vacate the

judgment entered by an improperly constituted court of appeals, even when there was a quorum of judges competent to consider the appeal.”); *United States v. Am.-Foreign S.S. Corp.*, 363 U.S. 685, 691 (1960) (holding that because senior judge improperly participated in en banc decision under then-extant statute, “the judgment must be set aside”); *William Cramp & Sons Ship & Engine Bldg. Co. v. Int’l Curtis Marine Turbine Co.*, 228 U.S. 645, 648 (1913) (vacating decision, noting regrettable delay as a result, where appellate court was unlawfully composed); *id.* at 652 (“[T]he circuit court of appeals which passed upon the case was virtually no court at all, because not organized in conformity to law.”).

CONCLUSION

Plaintiffs’ petition should be granted.

DATED this 31st day of March, 2026.

RESPECTFULLY SUBMITTED,

/s/ Troy L. Booher

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Jack Markman*

CERTIFICATE OF COMPLIANCE

1. This petition is fewer than 20 pages, excluding any tables and attachments.
2. This petition has been prepared in a proportionally spaced typeface using Microsoft Word in 13-point Times New Roman font in compliance with the typeface requirements of Utah Rule of Appellate Procedure 27(a).
3. This brief contains no non-public information and complies with Utah Rule of Appellate Procedure 21(h).

/s/ Troy L. Booher

CERTIFICATE OF SERVICE

This is to certify that on the 31st day of March, 2026, I caused the foregoing to be served via email on:

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Attn: Utah Solicitor General

/s/ Troy L. Booher

Attachment 1

March 17, 2026 Order Denying Motion for Temporary Restraining Order as Moot

IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY

STATE OF UTAH

LEAGUE OF WOMEN VOTERS OF
UTAH, et al.,

Plaintiff(s),

vs.

UTAH STATE LEGISLATURE, et al.,

Defendant(s).

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**ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING
ORDER AS MOOT**

Civil No. 220901712

Judge Catherine Conklin
Judge Derek Williams
Judge Roger Griffin

This matter is before the panel on Plaintiffs’ motion for a temporary restraining order, filed February 23, 2026. The motion sought an order preventing transfer of this matter to a three-judge panel pursuant to Defendants’ Notice to Convene District Court Panel [the “Notice”], which had been filed the previous day. The previous judge assigned to this matter, the Honorable Dianna Gibson, concluded that the Notice deprived her of jurisdiction and thus the ability to rule on Plaintiffs’ motion.

The panel is placed in the curious position of being asked essentially to restrain itself from forming and rendering rulings. But because the Notice had been filed prior to Plaintiffs’ motion, the panel concludes that the issue is moot and no longer justiciable. The panel notes that the issue of mootness is typically addressed at the appellate level, which means that most of the case law is not directly on point. Nevertheless, the principle of mootness is clearly applicable here.

The court may raise “the issue of mootness sua sponte to further a core judicial policy of limiting the scope of its power to issues in controversy.” *In re Adoption of L.O.*, 2012 UT 23, ¶ 7, 282 P.3d 977, 979 (cleaned up, internal quotations omitted). “Mootness is a jurisdictional issue and courts will generally not resolve an issue that becomes moot.” *State v. Jones*, 2024 UT App 13, ¶ 2, 544 P.3d 1043, 10444 reh'g denied (Mar. 29, 2024) (referencing *Utah Transit Auth. v. Local 382 of Amalgamated Transit Union*, 2012 UT 75, ¶¶ 19–20, 27, 32, 289 P.3d 582). An issue is moot if “circumstances change so that the controversy is eliminated, thereby rendering the relief requested impossible or of no legal effect.” *In re Adoption of L.O.*, 2012 UT 23, ¶ 7, 282 P.3d 977, 979 (referencing *Richards v. Baum*, 914 P.2d 719, 720 (Utah 1996)); *see also Jones*, 2024 UT App 13 at ¶ 2.

Here, Plaintiffs seek to prevent an event that has already occurred. There is no order this panel could issue that could change that fact, and such an order may be of questionable efficacy given that the relief sought is to avoid formation of this very panel. Because the panel has been formed and its formation eliminates the controversy addressed by Plaintiffs’ motion, IT IS HEREBY ORDERED that the motion for a temporary restraining order is DENIED.

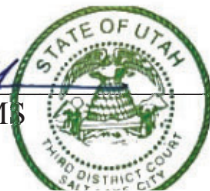
No further order needs to be prepared to effectuate the terms of this ruling.

DATED March 17, 2026.

Catherine S. Conklin
CATHERINE CONKLIN
Panel Judge



Derek Williams
DEREK WILLIAMS
Panel Judge



Roger Griffin
ROGER GRIFFIN
Panel 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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03/19/2026

/s/ MICHAEL STARKS (AOC)

Date: _____

Signature