

Appellate Courts Case Information

Supreme Court

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Docket (Register of Actions)

LEGISLATURE OF THE STATE OF CALIFORNIA v. WEBER

Division SF

Case Number S262530

Date	Description	Notes
06/04/2020	Petition for writ of mandate/prohibition with request for stay filed	Petitioner: Legislature of the State of California Attorney: Robin B. Johansen Declarations of Edson Perez and Karin MacDonald in support of petition for writ of mandate attached.
06/04/2020	Motion for judicial notice filed	Petitioner: Legislature of the State of California Attorney: Robin B. Johansen
06/05/2020	Preliminary opposition to writ petition requested	Dear Counsel: The court has directed that I request a preliminary opposition to the petition for writ of mandate filed in the above referenced matter. The petition was served on your office on June 3, 2020. The preliminary opposition must be served upon petitioner and filed in this court on or before 4:00 p.m. on Thursday, June 11, 2020. The preliminary opposition should address all issues raised in the petition for writ of mandate as well as the request for judicial notice. Petitioner must file and serve a reply to the preliminary opposition on or before 12:00 p.m. on Monday, June 15, 2020. The court directs petitioner serve the petition for writ of mandate and this letter on the 2011 California Redistricting Commission. If the Commission wishes to submit a response to the petition for writ of mandate, it must be served upon the parties and filed in this court on or before 4:00 p.m. on Thursday, June 11, 2020. The court does not contemplate granting any requests for extension of time.
06/05/2020	Received:	Proof of service Legislature of the State of California, Petitioner Robin B. Johansen, Retained counsel
06/10/2020	Preliminary opposition to writ petition filed	Other: 2010 California Citizens Redistricting Commission Attorney: Marian McClure Johnston
06/11/2020	Received:	Notice of Errata on cover page regarding Supreme Court case number. 2010 California Citizens Redistricting Commission, Information only Marian McClure Johnston, Retained counsel

06/11/2020	Preliminary opposition to writ petition filed	Respondent: Shirley N. Weber Attorney: P. Patty Li
06/11/2020	Exhibit(s) lodged	Additional Documents: Declarations and Exhibits A-D Alex Padilla, Respondent P. Patty Li, AG staff
06/15/2020	Reply to preliminary opposition filed	Petitioner: Legislature of the State of California Attorney: Robin B. Johansen
06/22/2020	Order filed	The emergency petition for writ of mandate and request for immediate relief filed on June 3, 2020 has been read and considered. The parties are notified this court may issue a peremptory writ in the first instance extending the time limits for the Citizens Redistricting Commission to release draft maps for public comment and certify final redistricting maps for the State's Assembly, Senate, Board of Equalization and congressional districts. (See Cal. Const., art. XXI, § 2, subd. (g); Gov. Code, § 8253, subd. (a)(7); Palma v. U.S. Industrial Fasteners, Inc. (1984) 36 Cal.3d 171; Lewis v. Superior Court (1999) 19 Cal.4th 1232.) Respondent and the Citizens Redistricting Commission must serve and file any oppositions on or before June 29, 2020.
06/25/2020	Filed:	Notification that the 2010 California Citizens Redistricting Commission (2010 Commission) has no opposition to the Petition filed by the Legislature of the State of California and no opposition to this Court issuing a peremptory writ in the first instance extending the time limits for the 2020 California Citizens Redistricting Commission (2020Commission) to release draft maps, allow public comment, and certify final redistricting maps for the State's Assembly, Senate, Board of Equalization, and congressional districts. 2010 California Citizens Redistricting Commission, Other Marian McClure Johnston, Retained counsel
06/26/2020	Filed:	Response to Charles T. Munger Letter in Support of Petition for Writ of Mandate Legislature of the State of California, Petitioner Robin B. Johansen, Retained counsel
06/29/2020	Filed:	Respondent Secretary of State's Notice of Non-Opposition to Peremptory Writ Alex Padilla, Respondent P. Patty Li, AG staff
06/29/2020	Filed:	Reply to Response filed by petitioner on June 26, 2020. By Marguerite Mary Leoni, attorney for Charles T. Munger, Jr.
07/13/2020	Notice of forthcoming opinion posted	To be filed Friday, July 17, 2020 at 10 a.m.

07/17/2020	Opinion filed: Let a peremptory writ of mandate issue	<p>We grant the Legislature's petition and issue a peremptory writ of mandate as follows:</p> <p>(i) The Commission is directed to release the first preliminary statewide maps for the congressional, State Senatorial, Assembly, and State Board of Equalization districts for public display and comment no later than November 1, 2021, notwithstanding Government Code section 8253, subdivision (a)(7).</p> <p>(ii) The Commission is directed to approve and certify the final statewide maps to the Secretary of State by no later than December 15, 2021. If the maps are approved and certified by this date, the Secretary of State shall consider the maps approved and certified consistent with the requirements of article XXI, section 2, subdivision (g) of the California Constitution.</p> <p>If the federal government transmits the census data to the state later than July 31, 2021, the number of days of additional delay shall be considered to be the "additional federal delay." In the event additional federal delay occurs, the Commission is directed to release the first preliminary statewide maps by no later than the date following November 1, 2021, that extends the November 1 deadline by the additional federal delay, and to approve and certify the final maps by no later than the date following December 15, 2021, that extends the December 15 deadline by the additional federal delay.</p> <p>In the event the federal government transmits the census data to the state before July 31, 2021, the Commission should make every effort to expedite its process and release the preliminary and final maps in advance of the deadlines set forth above.</p> <p>This decision shall be final upon the filing of this opinion. (Cal. Rules of Court, rule 8.490(b)(2)(A); Ng v. Superior Court (1992) 4 Cal.4th 29, 34, fn. 1.)</p> <p>Majority Opinion by Kruger, J. -- joined by Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Groban, JJ.</p>
07/17/2020	Letter sent to counsel: opinion now final	
08/20/2021	Motion filed	by Fredric Woocher, counsel for California Citizens Redistricting Commission entitled, "Emergency Motion of California Citizens Redistricting Commission to Clarify and/or Modify Writ of Mandate"

08/23/2021	Opposition requested	<p>August 23, 2021</p> <p>Re: S262530 - Legislature of the State of California v. Padilla</p> <p>Dear Counsel:</p> <p>The court has directed that I request a response to the motion to clarify and/or modify the petition for writ of mandate filed in the above-referenced matter. The motion was served on your offices on August 20, 2021. The Legislature and the Secretary of State must serve and file a response to the motion in this court on or before 3:00 p.m. on Tuesday, September 7, 2021. Any reply must be served and filed on or before 12:00 p.m. on Monday, September 13, 2021.</p> <p>Any submission from any amicus curiae regarding the motion should be served and filed as soon as possible, and in any event, no later than 12:00 p.m. on September 13, 2021.</p> <p>The court does not contemplate granting any request for extension of time.</p> <p>Very truly yours,</p> <p>JORGE E. NAVARRETE Clerk and Executive Officer of the Supreme Court</p>
09/07/2021	Filed:	<p>Amici Curiae Letter in Support of Emergency Motion of California Citizens Redistricting Commission to Clarify and/or Modify Writ of Mandate</p> <hr/> <p>California Common Cause, Amicus Curiae R. Adam Lauridsen, Retained counsel</p> <p>League of Women Voters of California, Amicus Curiae R. Adam Lauridsen, Retained counsel</p> <p>** ET AL. **</p>
09/07/2021	Opposition filed	<p>Petitioner: Legislature of the State of California Attorney: Robin B. Johansen</p>
09/07/2021	Opposition filed	<p>Respondent: Shirley N. Weber Attorney: P. Patty Li</p>
09/07/2021	Exhibit(s) lodged	<p>Declaration of Jana M. Lean in Support of Respondent Secretary of State's Opposition to Emergency Motion to Clarify and/or Modify Writ of Mandate</p> <p>-----</p> <p>Shirley N. Weber, Respondent P. Patty Li, AG staff</p>
09/09/2021	Filed:	<p>Amici Curiae Letter in Oppose to the Emergency Motion of California Citizens Redistricting Commission to Clarify and/or Modify Writ of Mandate</p> <hr/> <p>Donna Johnston, Amicus Curiae Deborah Lynne Micheli, Retained counsel</p>

09/13/2021	Filed:	<p>Amici Curiae Letter in Oppose to the Emergency Motion of California Citizens Redistricting Commission to Clarify and/or Modify Writ of Mandate</p> <hr/> <p>Joe Paul Gonzalez, Amicus Curiae Joseph Wells Ellinwood, County counsel</p>
09/13/2021	Filed:	<p>Amici Curiae Letter in Oppose to the Emergency Motion of California Citizens Redistricting Commission to Clarify and/or Modify Writ of Mandate</p> <hr/> <p>John Tuteur, Amicus Curiae Silva Darbinian, County counsel</p>
09/13/2021	Filed:	<p>Amici Curiae Letter in Oppose to the Emergency Motion of California Citizens Redistricting Commission to Clarify and/or Modify Writ of Mandate</p> <hr/> <p>Dean C. Logan, Amicus Curiae Gina Eachus, County counsel</p>
09/13/2021	Reply to preliminary opposition filed	<p>Other: 2010 California Citizens Redistricting Commission Attorney: Michael J. Strumwasser</p>
09/14/2021	Order filed	<p>LEGISLATURE OF THE STATE OF CALIFORNIA, Petitioner, v. ALEX PADILLA, as Secretary of State, etc., Respondent.</p> <hr/> <p>The above entitled matter is retitled as follows:</p> <hr/> <p>LEGISLATURE OF THE STATE OF CALIFORNIA, Petitioner, v. SHIRLEY N. WEBER, as Secretary of State, etc., Respondent.</p>
09/16/2021	Received:	<p>Notice of errata reflecting correction of respondent's opposition to emergency motion to clarify and/or modify writ of mandate.</p> <p>Shirley N. Weber, Respondent P. Patty Li, AG staff</p>

09/22/2021	Order: (dispositive)	<p>The Citizens Redistricting Commission has filed an emergency motion to clarify and/or modify the peremptory writ of mandate that we issued in this matter on July 17, 2020. In that writ, we directed the Commission to release first preliminary statewide maps for the congressional, State Senatorial, Assembly, and State Board of Equalization districts for public display and comment no later than November 1, 2021, and approve and certify final statewide maps to the Secretary of State by no later than December 15, 2021. (See <i>Legislature of the State of California v. Padilla</i> (2020) 9 Cal.5th 867, 881-882 (Padilla).) We also held, "[i]f the federal government transmits the census data to the state later than July 31, 2021, the number of days of additional delay shall be considered to be the 'additional federal delay.' In the event additional federal delay occurs, the Commission is directed to release the first preliminary statewide maps by no later than the date following November 1, 2021, that extends the November 1 deadline by the additional federal delay, and to approve and certify the final maps by no later than the date following December 15, 2021, that extends the December 15 deadline by the additional federal delay." (Id. at p. 882.)</p> <p>The Commission requests that we extend the foregoing deadlines to release preliminary statewide maps and approve and certify final statewide maps to November 19, 2021 and January 14, 2022, respectively, because the federal government released census data in legacy format on August 12, 2021, the state was not able to process the data into a usable format until August 18, 2021, and an additional 11-day extension to approve and certify final maps will ensure full public participation by avoiding holding public meetings during the holiday season. The Commission also requests that we permit it to hold meetings in the fifteen days before approving and certifying final maps for the purpose of receiving public input testimony on three days' notice, notwithstanding Government Code section 8253, subdivision (a)(1).</p> <p>We consider it appropriate to resolve this matter via motion. Our decision in <i>Padilla</i> anticipated that even after issuance of a peremptory writ of mandate, interested parties could return to this court for further relief as circumstances might warrant, and we expressly authorized them to do so. (<i>Padilla</i>, supra, 9 Cal.5th at p. 881.) We have jurisdiction under the state Constitution "to consider and grant appropriate relief when necessary to the orderly functioning of our electoral system." (Id. at p. 874; see Cal. Const., art. VI, § 10; <i>Vandermost v. Bowen</i> (2012) 53 Cal.4th 421, 451-453, 460.) Accordingly, and good cause appearing, the Commission's motion is granted in part. The peremptory writ of mandate is clarified and modified as follows:</p> <p>(i) The Commission is directed to release the first preliminary statewide maps for the congressional, State Senatorial, Assembly, and State Board of Equalization districts for public display and comment no later than November 13, 2021 (because this date falls on a Saturday, it is extended to November 15, 2021 by operation of law pursuant to Elec. Code, § 8251, subd. (b)(2)), notwithstanding Government Code section 8253, subdivision (a)(7).</p> <p>(ii) The Commission is directed to approve and certify the final statewide maps to the Secretary of State by no later than December 27, 2021. If the maps are approved and certified by this date, the Secretary of State shall consider the maps approved and certified consistent with the requirements of article XXI, section 2, subdivision (g) of the California Constitution.</p> <p>(iii) The Commission shall provide three days' public notice for each meeting held in the</p>
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fifteen days before final statewide maps are approved and certified, notwithstanding Government Code section 8253, subdivision (a)(1).

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