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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

AIDEN STOCKMAN, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

No. 5:17-cv-1799-JGB-KK

**DEFENDANTS' OPPOSITION TO
STATE OF CALIFORNIA'S
MOTION TO SHORTEN TIME**

1 On November 9, 2017, the State of California (the “State” or “California”) filed a
2 Motion to Intervene in this case (ECF No. 52), and a Motion to Shorten Time for the
3 briefing thereof (ECF No. 53). As set forth below, Plaintiffs’ Motion for expedited
4 briefing should be denied because the State of California has offered no explanation for its
5 delay in moving to intervene in this case, which was filed over two months ago, and
6 Defendants would be unduly prejudiced by expedited briefing at this time.
7

8 On September 5, 2017, Plaintiffs filed their Complaint for Declaratory and
9 Injunctive Relief, which seeks to challenge the military’s policy regarding service by
10 transgender individuals (ECF No. 1). On October 2, 2017, Plaintiffs filed a Motion for
11 Preliminary Injunction (ECF No. 15). Defendants filed a Motion to Dismiss and
12 Opposition to the Motion for Preliminary Injunction on November 6, 2017. Those
13 motions are calendared for a hearing on November 20, 2017.
14

15 California has offered no explanation as to why it waited over two months from the
16 date this case was filed, and more than a month after Plaintiffs’ Preliminary Injunction
17 motion was noticed and calendared, to file its Motion to Intervene. California’s Motion to
18 Intervene does not include a single fact that arose during the interim period. Indeed, all of
19 the factual circumstances relied upon by California in support of its purported basis to
20 intervene consist of historical statistics, ECF No. 52 at 3-5, and speculative events it claims
21 “may” occur in the future, *id.* at 10. Nonetheless, California waited until the eleventh hour
22 to file its motion, and now seeks to force Defendants into a truncated briefing schedule.
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25 The only reason California cites for seeking expedited briefing is a conclusory claim
26 that it “would be prejudiced if it were unable to advance its interests at the oral argument in
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1 support of Plaintiffs’ Motion for Preliminary Injunction, calendared for November 20,
2 2017.” ECF No. 53 at 2. But the State provides no explanation as to why it needs to
3 participate in that hearing, much less how it would be prejudiced otherwise. Plaintiffs, who
4 are represented by Latham & Watkins LLP, certainly are capable of adequately presenting
5 arguments in support of their Complaint and their Motion for a Preliminary Injunction at
6 the upcoming hearing. Nor does California have any right or reason to participate in that
7 hearing.
8

9 By contrast, Defendants would be unduly prejudiced by having to brief California’s
10 Motion to Intervene on an expedited basis. Counsel for Defendants currently are
11 preparing for the hearing in this case, which addresses complex factual and legal issues, and
12 they also have impending deadlines in other related challenges over the next two weeks.
13 Defendants need the normal amount of time to consider California’s motion and address it
14 accordingly. There is no basis to deprive Defendants of the opportunity to fully consider
15 and address California’s motion, particularly in light of the fact that the State took two
16 months to file it.
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19 Accordingly, California’s Motion to Shorten Time for briefing its Motion to
20 Intervene should be denied.
21

22 Dated: November 9, 2017

Respectfully submitted,

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24 Acting Assistant Attorney General
25 Civil Division

26 BRETT A. SHUMATE
27 Deputy Assistant Attorney General

28 JOHN R. GRIFFITHS
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