

No. 25-6173

In the United States Court of Appeals
FOR THE NINTH CIRCUIT

CALIFORNIA POLICY CENTER, INC.,

Plaintiff-Appellant,

v.

LILIA GARCIA-BROWER, *in her official capacity as*
Labor Commissioner,

Defendant-Appellee.

On Appeal from the United States District Court
for the Central District of California
No. 8:25-cv-00271-MWC-SK
Honorable Michelle Williams Court

Appellant's Excerpts of Record

Jeffrey M. Schwab
Liberty Justice Center
7500 Rialto Blvd., Suite 1-250
Austin, Texas 78735
512-481-4400
jschwab@ljc.org

Attorneys for Plaintiff-Appellant

Index

Order Denying Plaintiff's Motion for Reconsideration (Dkt. 52)...	ER-003
Order Dismissing Case (Dkt. 42).....	ER-007
Order Granting with Leave to Amend Defendant's Motion to Dismiss and Vacating Plaintiff's Motion for Preliminary Injunction (Dkt. 40).....	ER-008
Defendant's Response to Plaintiff's Motion for Reconsideration (Dkt. 44).....	ER-020
Notice of Motion for Reconsideration & Plaintiff's Memorandum of Points and Authorities in Support of its Motion for Reconsideration (Dkt. 43).....	ER-023
In Chambers Order, July 15, 2025 (Dkt. 41).....	ER-034
Defendant's Notice of Motion and Motion to Dismiss; Memorandum of Points and Authorities (Dkt. 34)	ER-035
Joint Stipulation Extending Time to Respond to Complaint by More Than 30 Days (Dkt. 32).....	ER-062
Order Re: Joint Stipulation Extending Time to Respond to Complaint by More Than 30 Days (Dkt. 29).....	ER-069
Joint Stipulation Extending Time to Respond to Complaint by More Than 30 Days (Dkt. 28).....	ER-071
In Chambers Order to Show Cause re Dismissal for Lack of Prosecution as to Lilia Garcia-Brower, May 6, 2025 (Dkt. 27) ..	ER-078
Minute Order re: Motion for Preliminary Injunction Proceedings, April 18, 2025 (Dkt. 23)	ER-079
Complaint for Declaratory and Injunctive Relief (Dkt. 1).....	ER-080
Notice of Appeal (Dkt. 53).....	ER-091
Central District of California Docket Sheet, December 19, 2025..	ER-113

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271-MWC-SK

Date: September 9, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower

Present: The Honorable: Michelle Williams Court, United States District Judge

T. Jackson
Deputy Clerk

Not Reported
Court Reporter / Recorder

Attorneys Present for Plaintiffs:
N/A

Attorneys Present for Defendants:
N/A

Proceedings: (In Chambers) Order DENYING Plaintiff's Motion for Reconsideration (Dkt. # 43).

I. Introduction and Background

Before the Court is a motion for reconsideration (“Motion”) filed by Plaintiff California Policy Center, Inc. (“Plaintiff”). Dkt. # 43 (“*Mot.*”). Defendant does not take a position on the Motion. Dkt. # 44. The Court finds the matter appropriate for decision without oral argument. *See* Fed. R. Civ. P. 78; L.R. 7-15.

On June 24, 2025, the Court granted Defendant Lilia Garcia-Brower’s (“Defendant”) Rule 12(b)(6) motion to dismiss for failure to state a claim. Dkt. # 40. It also granted Plaintiff leave to amend the complaint but did not set a deadline for amendment. *See id.* On July 15, 2025, the Court issued an order stating, “Plaintiff must file any amended complaint no later than July 29, 2025. Failure to file an amended complaint by that date will result in dismissal of this action with prejudice.” Dkt. # 41. Plaintiff did not file an amended complaint. *See* Dkt. # 42. On July 31, 2025, the Court issued an order dismissing the case with prejudice “for lack of prosecution and failure to follow the Court’s Orders.” *Id.* The dismissal order noted, “As of [this] date, there has been no response filed to the Order (Dkt. 41), and no amended complaint has been filed.” *Id.*

In this Motion, Plaintiff states for the first time that it did not file an amended complaint because it believed, in light of the Court’s June 24, 2025 order, that there was no viable way to amend its complaint. *Mot.* 1:18–2:2; 3:6–17 (“Based on this Court’s definition of ‘political organization’ and its characterization of [Plaintiff] as exempt from

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271-MWC-SK

Date: September 9, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower

SB 399 in its June 24, 2025 order, no factual scenario exists in which [Plaintiff] could truthfully amend its complaint.”). Plaintiff asks the Court to modify the dismissal order so that it dismisses the case and enters final judgment against Plaintiff based on the June 24, 2025 order granting Defendant’s Rule 12(b)(6) motion to dismiss (Dkt. # 40), and not based on “lack of prosecution and failure to follow the Court’s Orders.” *See generally Mot.* Plaintiff would then appeal the final judgment. *Mot.* 4:9–10.

II. Legal Standard

The Court’s order dismissing the case for failure to prosecute is a final judgment on the merits unless otherwise stated. Fed. R. Civ. P. 41(b); *see Olympic Sports Prods., Inc. v. Universal Athletic Sales Co.*, 760 F.2d 910, 912 (9th Cir. 1985) (Federal Rule of Civil Procedure (“Rule”) 41(b) governs dismissal for lack of prosecution).

Under Rule 60(b), the Court may relieve a party from a “final judgment, order, or proceeding” only “upon a showing of (1) mistake, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) a void judgment; (5) a satisfied or discharged judgment; or (6) extraordinary circumstances which would justify relief.” *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); Fed. R. Civ. P. 60(b).

Under Local Rule 7-18, a party may move for reconsideration based on “(a) a material difference in fact or law from that presented to the Court that, in the exercise of reasonable diligence, could not have been known to the party moving for reconsideration at the time the Order was entered, or (b) the emergence of new material facts or a change of law occurring after the Order was entered, or (c) a manifest showing of a failure to consider material facts presented to the Court before the Order was entered.” “Whether to grant a motion for reconsideration under Local Rule 7-18 is a matter within the court’s discretion.” *Daghlian v. DeVry Univ., Inc.*, 582 F. Supp. 2d 1231, 1251 (C.D. Cal. 2007).

III. Discussion

As a preliminary matter, Plaintiff cites no authority suggesting that it cannot appeal the order granting the motion to dismiss simply because the case was dismissed for failure to prosecute. *See generally Mot.*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271-MWC-SK

Date: September 9, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower

Moreover, each of Plaintiff’s arguments that modification is warranted fails. First, Plaintiff argues the Court failed to consider the material fact that Plaintiff wanted to stand on its complaint without amendment and await dismissal and judgment based on the Court’s June 24, 2025 order. *Mot.* 3:10–17. However, Plaintiff failed to timely present this “fact” to the Court, either in its papers opposing the underlying motion to dismiss or in any response to the Court’s July 15, 2025 order, Dkt. # 41. The Court finds the requirements of Local Rule 7-18 are not met and declines to reconsider its prior order on this basis.

Similarly, attempting to satisfy the standard of Rule 60(b), Plaintiff argues the dismissal was the result of the Court’s mistake and inadvertence, because Plaintiff never failed to follow a Court order or diligently prosecute its claims. *Id.* 3–4. However, courts may deem failure to file an amended complaint in response to an order granting leave to amend as a failure to prosecute one’s case, and they routinely take the same actions as this Court to manage their dockets. *See, e.g., Harris v. Mangum*, 863 F.3d 1133, 1142 (9th Cir. 2017) (“when a district court dismisses an action because the plaintiff has not filed an amended complaint after being given leave to do so and has not notified the court of his intention not to file an amended complaint, we may deem the dismissal to be for failure to comply with a court order based on [Rule] 41(b)”); *Rosas v. Kings Cnty. Jail*, No. 1:22-cv-0274 JLT CDB (PC), 2023 WL 8527193, at *1 (E.D. Cal. Dec. 8, 2023) (“By failing to file an amended complaint, Plaintiff also failed to prosecute this action”); *Haley v. Hasler*, No. CV 08-1424-ODW (RC), 2008 WL 4195945, at *2 (C.D. Cal. June 3, 2008) (“The Court has the inherent power to achieve the orderly and expeditious disposition of cases by dismissal sua sponte of actions for failure to prosecute. . . . Failure to timely file an amended complaint demonstrates the plaintiff’s failure to diligently prosecute this action.”). Plaintiff failed to respond to the Court’s July 15, 2025 order stating the case would be dismissed with prejudice if an amended complaint was not filed. Plaintiff’s failure to respond thus constitutes a failure to prosecute and failure to follow a Court order, and there is nothing in the dismissal order to correct.

Plaintiff establishes no basis for the Court to exercise its discretion and vacate its prior order. Accordingly, the Motion is **DENIED**.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271-MWC-SK

Date: September 9, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower

Initials of Preparer

 :
TJ

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SA CV25-00271-MWC-SK	Date	July 31, 2025
Title	California Policy Center, Inc. v. Lilia Garcia-Brower, et al.		
Present: The Honorable	MICHELLE WILLIAMS COURT, U.S. District Judge		
T. Jackson	Not Reported		
Deputy Clerk	Court Reporter		
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
N/A	N/A		

Proceedings: (IN CHAMBERS) ORDER DISMISSING CASE JS-6

An Order (Dkt. 41) was issued by the Court on **July 15, 2025** ordering Plaintiff to file an amended complaint no later than **July 29, 2025**. As of date, there has been no response filed to the Order (Dkt. 41), and no amended complaint has been filed. Therefore, the Court dismisses the matter for lack of prosecution and failure to follow the Court's Orders.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx) Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower *et al.*

Present: The Honorable: Michelle Williams Court, United States District Judge

T. Jackson
Deputy Clerk

Not Reported
Court Reporter / Recorder

Attorneys Present for Plaintiffs:
N/A

Attorneys Present for Defendants:
N/A

Proceedings: (In Chambers) Order GRANTING WITH LEAVE TO AMEND Defendant’s motion to dismiss (Dkt. 34) and VACATING Plaintiff’s motion for preliminary injunction (Dkt. 11)

Before the Court is a motion to dismiss filed by Lilia Garcia-Brower (“Defendant”), in her official capacity as the Labor Commissioner in the Division of Labor Standards Enforcement of the California Department of Industrial Relations. Dkt. # 34 (“*Mot*”). Plaintiff California Policy Center, Inc. opposed, Dkt. # 36 (“*Opp.*”), and Defendant replied, Dkt. # 39 (“*Reply*”). The Court finds the matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78; L.R. 7-15. Having considered the papers, the Court **GRANTS WITH LEAVE TO AMEND** Defendant’s motion to dismiss and further **VACATES** Plaintiff’s motion for preliminary injunction.

I. Background

A. The California Worker Freedom from Employer Intimidation Act

The California Legislature enacted Senate Bill 399, which became effective January 1, 2025 and codified as Cal. Lab. Code § 1137, also known as the “California Worker Freedom from Employer Intimidation Act” (the “Act”). Cal. Lab. Code § 1137. Under the Act, an employer “shall not subject, or threaten to subject, an employee to discharge, discrimination, retaliation, or any other adverse action because the employee declines to attend an employer-sponsored meeting or affirmatively declines to participate in, receive, or listen to any communications with the employer or its agents or representatives, the purpose of which is to communicate the employer’s opinion about

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

religious or political matters.” *Id.* § 1137(c). The Act defines “political matters” as “matters relating to elections for political office, political parties, legislation, regulation, and the decision to join or support any political party or political or labor organization.” *Id.* § 1137(b)(3). The Act defines “religious matters” as “matters relating to religious affiliation and practice or the decision to join or support any religious organization or association.” *Id.* § 1137(b)(4).

The Act’s prohibition is subject to a handful of exceptions. The Act does not prohibit any of the following:

- (1) An employer from communicating to its employees any information that the employer is required by law to communicate, but only to the extent of that legal requirement;
- (2) An employer from communicating to its employees any information that is necessary for those employees to perform their job duties;
- (3) An institution of higher education, or any agent, representative, or designee of that institution, from meeting with or participating in any communications with its employees that are part of coursework, any symposia, or an academic program at that institution; [or]
- (4) An employer that is a public entity from communicating to its employees any information related to a policy of the public entity or any law or regulation that the public entity is responsible for administering.

Id. § 1137(g). The Act exempts the following: (1) religious entities exempt under Title VII requiring “employees who perform work connected with the activities undertaken by” the religious entity to attend a meeting involving the religious employer’s “speech on religious matters;” (2) “[a] political organization or party requiring its employees to attend an employer-sponsored meeting or to participate in any communications . . . the purpose of which is to communicate the employer’s political tenants or purposes;” (3) “[a]n educational institution requiring a student or instructor to attend lectures on political or religious matters that are part of the regular coursework at the institution;” (4) “[a] nonprofit, tax-exempt training program requiring a student or instructor to attend classroom instruction, complete fieldwork, or perform community service hours on political or religious matters as it relates to the mission of the training program or sponsor;” (5) “[a]n employer requiring employees to undergo training to comply with the employer’s legal obligations, including obligations under civil rights laws and

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx) Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

occupational safety and health laws;” and (6) “[a] public employer holding a new employee orientation” required under state law. *Id.* § 1137(h)(1)–(4), (h)(6).

The California Labor Commissioner is authorized to enforce the Act, “including by investigating an alleged violation, and ordering appropriate temporary relief to mitigate a violation or maintain the status quo pending the completion of a full investigation or hearing.” *Id.* § 1137(e). Additionally, “any employee who has suffered a violation” may bring a civil action for damages related to any adverse action taken in violation of the Act. *Id.* § 1137(f)(1).

B. The Instant Action

i. Factual Background

Plaintiff is a 501(c)(3) nonprofit organization incorporated in California, with its office in Tustin, California. Dkt. # 1 (“*Compl.*”), ¶ 10. Plaintiff is a “research organization that publishes policy research and trains local elected officials on a variety of political topics, including education reform, workplace freedom, government transparency, and constitutional governance.” *Id.* ¶ 30. Until the Act took effect, Plaintiff held mandatory staff meetings every week, except holidays, for all staff, with no exceptions made for job title or position. *Id.* ¶ 31. Plaintiff also has regularly scheduled meetings and holds strategy meetings scheduled as needed that are mandatory for certain staff. *Id.* ¶ 32. Additionally, Plaintiff held all-staff retreats that required all staff to attend. *Id.* ¶ 33. At those meetings and retreats, Plaintiff discussed, among other things:

[T]opics such as government financing at the state and local level, legislation that has been proposed or enacted at the state and local level, activities of labor unions in California to restrict worker rights, the rights of public sector workers to opt out of paying union dues, political choices involving infrastructure for water and power, compensation and pensions paid to public employees, legislation relating to free speech, policy failures by California political leadership, and policy solutions that would lead to individual liberty and prosperity in California.

Id. ¶ 34. Plaintiff asserts that it is important for its functioning to communicate about political matters—including discussions of legislation and regulations—with its

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

employees and ensure that their employees listen to such communications, which is done efficiently by holding mandatory meetings. *Id.* ¶ 36. Plaintiff’s position is that its speech neither qualifies for an exception nor exemption, but that it remains important to its functioning to discuss “its work with all its employees . . . [to] improve staff morale and team cohesion and enable staffers not working on a specific policy-related matter to express their ideas or new perspective on that matter.” *Id.* ¶¶ 37–38. Out of fear of enforcement of the Act against it, Plaintiff no longer holds its mandatory meetings and retreats. *Id.* ¶ 39.

ii. Procedural Background

On February 11, 2025, Plaintiff initiated this action against Defendant, asserting that Defendant has violated Plaintiff’s First Amendment right. *See id.* On February 21, 2025, Plaintiff filed its motion for a preliminary injunction to prevent Defendant from enforcing the Act’s restriction on employer speech. Dkt. # 11. Defendant opposed the motion for a preliminary injunction. Dkt. # 18. Additionally, an amicus brief was filed in opposition to the motion for a preliminary injunction by the California Federation of Labor Unions, California Coalition for Worker Power, California Rural Legal Assistance Foundation, California Employment Lawyers Association, Warehouse Workers Resource Center, and Equal Rights Advocates. Dkt. # 20. The Court held a hearing on Plaintiff’s motion for preliminary injunction on April 18, 2025, and requested supplemental briefing with a hearing set for July 11, 2025. Dkt. # 23. On June 5, 2025, Defendant filed the instant motion to dismiss. *See Mot.* On June 18, 2025, the Court continued the hearing on the motion for a preliminary injunction to August 8, 2025. Dkt. # 38.

II. Discussion

Defendant moves to dismiss Plaintiff’s complaint on three grounds: (1) Plaintiff lacks standing; (2) Plaintiff’s challenge is not ripe; and (3) Plaintiff fails to state a claim. *See Mot.* For the reasons set forth below, the Court finds that Plaintiff lacks standing and that its challenge lacks ripeness, and thus refrains from discussing whether Plaintiff adequately states a claim.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

A. Legal Standard

i. *Standing*

Federal courts are courts of limited jurisdiction and possess only the power authorized by federal statute and Article III of the United States Constitution. *See Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986). Thus, federal courts cannot consider claims for which they lack subject matter jurisdiction. *See Fed. R. Civ. P. 12(h)(3)*.

The plaintiff bears the burden of establishing that subject matter jurisdiction exists. *See United States v. Orr Water Ditch Co.*, 600 F.3d 1152, 1157 (9th Cir. 2010). Federal Rule of Civil Procedure (“Rule”) 12(b)(1) permits a party to assert the defense of “lack of subject-matter jurisdiction” at any time. *See Grupo Dataflux v. Atlas Global Grp.*, 541 U.S. 567, 571 (2004) (“Challenges to subject-matter jurisdiction can of course be raised at any time prior to final judgment.”); *see also Fed. R. Civ. P. 12(h)(1)* (providing that certain Rule 12(b) defenses can be waived but excluding lack of subject matter jurisdiction). Notably, a Rule 12(b)(1) jurisdictional attack may be facial or factual. *See White v. Lee*, 227 F.3d 1214, 1242 (9th Cir. 2000). In a facial attack, the challenger asserts that the complaint’s allegations are insufficient on their face to invoke federal jurisdiction. *See Safe Air for Everyone v. Meyer*, 373 F.3d 1035, 1039 (9th Cir. 2004). In a factual attack, the challenger disputes the truth of the allegations that, by themselves, would otherwise invoke federal jurisdiction. *See id.*

A plaintiff must “have ‘standing’ to challenge the action sought to be adjudicated in the lawsuit.” *Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc.*, 454 U.S. 464, 471 (1982) (citation omitted). The “irreducible constitutional minimum” of Article III standing has three elements: (1) the plaintiff must have suffered an “injury in fact,” meaning a concrete and particularized injury that is actual or imminent; (2) the injury must be causally related to the defendant’s challenged actions; and (3) it must be “likely” that the injury will be “redressed by a favorable decision.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992) (internal quotation marks and citations omitted); *Townley v. Miller*, 722 F.3d 1128, 1133 (9th Cir. 2013).

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

ii. Ripeness

“The ripeness doctrine is ‘drawn both from Article III limitations on judicial power and from prudential reasons for refusing to exercise jurisdiction.’” *Nat’l Park Hosp. Ass’n v. Dep’t of Interior*, 538 U.S. 803, 808 (2003) (citation omitted).

“‘[T]hrough avoidance of premature adjudication,’ the ripeness doctrine prevents courts from becoming entangled in ‘abstract disagreements.’” *Wolfson v. Brammer*, 616 F.3d 1045, 1057 (9th Cir. 2010) (alteration in original) (citation omitted).

The ripeness doctrine has both constitutional and prudential components. *Thomas v. Anchorage Equal Rts. Comm’n*, 220 F.3d 1134, 1138 (9th Cir. 2000) (en banc). The constitutional component overlaps with the analysis of “injury in fact” for Article III standing and considers whether “the issues presented are ‘definite and concrete, not hypothetical or abstract.’” *Wolfson*, 616 F.3d at 1058 (quoting *Thomas*, 220 F.3d at 1138–39); *see also Bishop Paiute Tribe v. Inyo County*, 863 F.3d 1144, 1153 (9th Cir. 2017). The prudential ripeness inquiry is “guided by two overarching considerations: the fitness of the issues for judicial decision and the hardship to the parties of withholding court consideration.” *Bishop Paiute Tribe*, 863 F.3d at 1154 (internal quotation marks omitted) (quoting *Thomas*, 220 F.3d at 1141).

Where a plaintiff seeks to challenge a statute prior to enforcement, “there must be ‘a genuine threat of imminent prosecution.’” *Clark v. City of Seattle*, 899 F.3d 802, 813 (9th Cir. 2018) (quoting *Bishop Paiute Tribe*, 863 F.3d at 1154). To determine whether a plaintiff has established such a threat, a court considers: “[1] whether the plaintiffs have articulated a concrete plan to violate the law in question, [2] whether the prosecuting authorities have communicated a specific warning or threat to initiate proceedings, and [3] the history of past prosecution or enforcement under the challenged statute.” *Id.* (quoting *Bishop Paiute Tribe*, 863 F.3d at 1154).

B. Analysis

Defendant argues that Plaintiff does not have standing—and that its challenge is otherwise not ripe—because it has not established an injury-in-fact as (1) Plaintiff has not alleged an intent to engage in conduct proscribed by the Act, and (2) there is no credible threat of prosecution. *Mot.* 6:11–13. Defendant points to the Act’s political-organization exemption and the “necessary” job-related communication exception. *Id.* 7:1–10:2.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

Plaintiff counters that (1) it is not an exempted political organization under the Act, and (2) its past and desired future communications is not necessary for each employee to perform their job duties. *Opp.* 2:14–9:12. Plaintiff further contends that it indeed faces a credible threat of enforcement of the Act against it. *Id.* 9:13–11:9. As discussed below, the Court finds that Plaintiff lacks standing because of the political-organization exemption and any challenge related to topics that are not pertinent to Plaintiff’s tenets or purposes are not ripe for review.

The Act exempts a “political organization” that “requir[es] its employees to attend an employer-sponsored meeting or to participate in any communications with the employer . . . the purpose of which is to communicate the employer’s political tenets or purposes.” Cal. Labor Code § 1137(h)(2). Neither the Act nor the Labor Code includes a specific definition of “political organization.” In the absence of a specific statutory definition, the Court may “turn to dictionaries to look for a word’s usual, ordinary meaning,” *Reynosa v. Superior Ct.*, 101 Cal. App. 5th 967, 986 (2024) (internal quotation marks and citation omitted), “while construing them in light of the statute as a whole and the statute’s purpose,” *People v. Blackburn*, 61 Cal. 4th 1113, 1123 (2015) (citation omitted). *See also Animal Legal Def. Fund v. LT Napa Partners LLC*, 234 Cal. App. 4th 1270, 1285 (2015) (“If terms used in a statute ‘are not specifically defined, a court may also consider evidence of legislative history in ascertaining the statute’s meaning.’” (citation omitted)).

The Court turns to the definitions of “political” and “organization” as the two terms are not defined in conjunction. *See Reynosa*, 101 Cal. App. 5th at 986; *see also Wasatch Prop. Mgmt. v. Degrate*, 35 Cal. 4th 1111, 1121–22 (2005) (“When attempting to ascertain the ordinary, usual meaning of a word, courts appropriately refer to the dictionary definition of that word.”). “Political” is defined as “[o]f, relating to, or involving politics; pertaining to the conduct of government,” and “organization” is defined as “[a] group that has formed for a particular purpose.” *Black’s Law Dictionary* (12th ed. 2024). As defined by Black’s Law Dictionary, “political” encompasses all matters related to politics, which includes the matters that Plaintiff is involved with as a “research organization that publishes policy research and trains local elected officials on a variety of political topics, including education reform, workplace freedom, government transparency, and constitutional governance.” *Compl.* ¶ 30. The Court finds that its application of the meaning is consistent with the Act. *See, e.g.,* Cal. Lab. Code § 1137(b)(3) (defining “political matters” as “matters *relating* to elections for political

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

office, political parties, legislation, regulation, and the decision to join or support any political party or political or labor organization” (emphasis added)). As alleged, before the Act went into effect, Plaintiff held mandatory meetings and retreats for all staff, regardless of position, to discuss, among other things:

[T]opics such as government financing at the state and local level, legislation that has been proposed or enacted at the state and local level, activities of labor unions in California to restrict worker rights, the rights of public sector workers to opt out of paying union dues, political choices involving infrastructure for water and power, compensation and pensions paid to public employees, legislation relating to free speech, policy failures by California political leadership, and policy solutions that would lead to individual liberty and prosperity in California.

Compl. ¶ 34. These topics are squarely “political” and relate to Plaintiff’s “political tenets and purposes.” *See id.* ¶ 8 (“This restriction on CPC’s ability to speak to its employees about the very subject matter of the organization’s mission violates CPC’s right to free speech under the First Amendment.”); *id.* ¶ 35 (“The topics discussed during these meetings often include ‘political matters’ as defined by the Act because they relate to ‘legislation, regulation, and the decision to join or support’ a public-sector labor union.”).

Instead of turning to the dictionary to set forth the ordinary meaning of the term, Plaintiff urges the Court to turn to other sources of California law to understand the ordinary meaning “political organization” within the Act. *Opp.* 2:14–6:6. As noted by Plaintiff, in understanding the intended meaning of a statutory phrase, the Court “may consider use of the same or similar language in other statutes [] because similar words or phrases in statutes in *pari materia* ordinarily will be given the same interpretation.” *Wendz v. State Dep’t of Educ.*, 93 Cal. App. 5th 607, 633 (2023) (internal quotation marks and citation omitted). “Two statutes are considered to be in *pari materia* when they relate to the same person or thing, to the same class of persons or things, or have the same purpose or object.” *Lexin v. Superior Court*, 47 Cal. 4th 1050, 1091 (2010) (citation omitted) (cleaned up).

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx) Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

Plaintiff forwards that the Court should consider three areas of California law to understand the meaning of “political organization.” First, Plaintiff points to the definition of “political organization” under the California Revenue and Tax Code:

[P]arty, committee, association, fund, (including the trust of an individual candidate) or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.

Cal Rev & Tax Code § 23701r(e)(1). An “exempt function” is for the “function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office.” *Id.* § 23701r(e)(2). Second, Plaintiff looks to the California Education Code, which states that a “student political organization” may hold meetings on a community college campus so long as it is “affiliated with the official youth division of any political party that is on the ballot of the State of California.” Cal. Ed. Code § 76067. Third, Plaintiff highlights that the California Code of Judicial Ethics defines “political organization” as “a political party, political action committee, or other group, the principal purpose of which is to further the election or appointment of candidates to nonjudicial office.” CALIFORNIA CODE OF JUDICIAL ETHICS, https://courts.ca.gov/system/files/rules-court/ca_code_judicial_ethics.pdf (last accessed June 21, 2025). According to Plaintiff, considering these definitions, “political organization” refers to entities with a partisan purpose. *Opp.* 3:21–23, 4:19–5:10.

Plaintiff misses the mark. Those areas of California law do not relate to the Act—context matters. *See, e.g., Neville v. County of Sonoma*, 206 Cal. App. 4th 61, 76 (2012) (holding that Labor Code section 2924 had no bearing on the interpretation of Food and Agricultural Code section 2181 and Business and Professions Code section 12214, because it was not “related to” and did not have “the same purpose or objective” of those statutes); *Wendz*, 93 Cal. App. 5th 607, 626 (noting that it is incumbent to interpret a phrase as it is used within its statutory context). The Act was animated on the belief that “[n]o worker should be subject to forced indoctrination by their employer on politics, religion, or for exercising their protected rights.” Dkt. # 34-1, Ex. 1 at RJN_p.9¹. The

¹ Defendant’s unopposed request for judicial notice is **GRANTED**. The Court may take judicial notice of court filings and other matters of public record not subject to reasonable

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

bill “promotes workers’ rights, especially those of marginalized communities, by protecting their right to advocate for themselves and opt out of conversations about politics or religion that have nothing to do with their ability to properly execute their job duties.” *Id.*, Ex. 3 at RJN_p.35. The Act is vastly different from the areas of California law that Plaintiff highlights. While courts may turn to other statutes for guidance to understand the meaning of an undefined term, statutory definitions between differing statutes are not always interchangeable. *See In re J.G.*, 3 Cal. App. 5th 521, 525 (2016) (“Differing statutes require that care be taken to identify the statute at issue, use the correct statutory term, and apply the definition specific to that statute to avoid confusion as to the nature of the court’s finding and its effect.”).²

Accordingly, in applying the usual, ordinary meaning of “political organization” as understood by this Court to the Act as a whole, Plaintiff lacks standing. Plaintiff’s complaint fails on its face. Plaintiff’s conduct is not proscribed by the Act (nor is it even arguably proscribed) and thus the injury-in-fact requirement is not met.³ *See Susan B.*

dispute. *Reyn’s Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006); *see Chaker v. Crogan*, 428 F.3d 1215, 1223 n.8 (9th Cir. 2005) (taking judicial notice of a statute’s legislative history).

² Plaintiff contends that it is prohibited from being a political organization as a 501(c)(3) organization. *Opp.* 5:9–10. For the reasons discussed in Section II (B), whether Plaintiff is a “political organization” under the Internal Revenue Code or the California Revenue and Tax Code is not relevant to the Act.

³ Plaintiff highlights that Defendant does not unequivocally state that Plaintiff is a political organization. *Opp.* 6:7–26; *see Mot.* 8:13–20 (stating that Plaintiff “may constitute a ‘political organization,’ and the meetings it alleges it wishes to require employees to attend may fall within the political-organization exemption” and that it is “premature to determine whether the exemption applies to any mandatory meetings plaintiff may hold”); *see also Reply* 1:26–2:7 (contending that the exemption is case-specific because “it only applies when the purpose of a meeting is to communicate the employer’s political tenets or purposes” and therefore it is “not possible to determine whether the exemption applies categorically to plaintiff”). Although Defendant does not affirmatively argue that Plaintiff is a political organization under the Act, Defendant nonetheless raised the issue of standing to this Court, which has a duty to examine

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

Anthony List v. Driehaus, 573 U.S. 149, 159 (2014) (explaining that a plaintiff satisfies the injury-in-fact requirement in a pre-enforcement action where they allege “an intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed by a statute, and there exists a credible threat of prosecution thereunder” (internal quotation marks and citation omitted)). To the extent “other things” are discussed at mandatory meetings and retreats, those issues are speculative at this juncture; therefore, Plaintiff does not establish standing, nor does it present any threat of prosecution. *See Kumar v. Koester*, 131 F.4th 746, 752 (9th Cir. 2025) (to establish injury in fact in a pre-enforcement challenge, a plaintiff must allege “(1) an intention to engage in a course of conduct arguably affected with a constitutional interest, but (2) proscribed by a statute, and [(3)] there exists a credible threat of prosecution thereunder” (citation omitted) (cleaned up)); *Clark v. City of Seattle*, 899 F.3d 802, 813 (9th Cir. 2018) (“[G]eneralized threats of prosecution do not confer constitutional ripeness.” (internal citation omitted)); *see also Alaska Right to Life Pol. Action Comm. v. Feldman*, 504 F.3d 840, 851 (9th Cir. 2007) (clarifying that “[t]he self-censorship door to standing does not open for every plaintiff. The potential plaintiff must have an ‘actual or well-founded fear that the law will be enforced against him or her.’” (internal citations omitted) (emphasis in original)).

Accordingly, the Court **GRANTS** Defendant’s motion to dismiss.

III. Leave to Amend

Whether to grant leave to amend rests in the sound discretion of the trial court. *See Bonin v. Calderon*, 59 F.3d 815, 845 (9th Cir. 1995). Courts consider whether leave to amend would cause undue delay or prejudice to the opposing party, and whether granting leave to amend would be futile. *See Sisseton-Wahpeton Sioux Tribe v. United States*, 90 F.3d 351, 355 (9th Cir. 1996). Generally, dismissal without leave to amend is improper “unless it is clear that the complaint could not be saved by any amendment.” *Jackson v. Carey*, 353 F.3d 750, 758 (9th Cir. 2003). The Court finds no undue delay or prejudice at this juncture, and it is not obvious that Plaintiff’s claims will necessarily be futile as Plaintiff could allege additional facts to establish standing. *See Sugawara v.*

jurisdictional issues. *See Berhardt v. Cnty. of L.A.*, 279 F.3d 862, 868 (9th Cir. 2001) (“Federal courts are required *sua sponte* to examine jurisdictional issues such as standing.”).

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx) Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower *et al.*

Ford Motor Co., No. 18-CV-06159-LHK, 2019 WL 3945105, at *7 (N.D. Cal. Aug. 21, 2019). Accordingly, the Court provides Plaintiff leave to amend.

IV. Conclusion

For the foregoing reasons, the Court **GRANTS WITH LEAVE TO AMEND** Defendant’s motion to dismiss. Because Plaintiff does not have standing to bring a motion for preliminary injunction, the Court lacks jurisdiction to hear it and therefore **VACATES** Plaintiff’s motion for preliminary injunction. *See Trotter v. ExxonMobil Corp.*, No. CV-17-2279 PSG (JCX), 2017 WL 10543648, at *7 (C.D. Cal. Sept. 29, 2017).

IT IS SO ORDERED.

Initials of Preparer

:

TJ

1 ROB BONTA
Attorney General of California
2 ANYA M. BINSACCA
Supervising Deputy Attorney General
3 KRISTIN A. LISKA
Deputy Attorney General
4 State Bar No. 315994
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3916
6 Fax: (415) 703-5480
E-mail: Kristin.Liska@doj.ca.gov
7 *Attorneys for Defendant*

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11

12
13 **CALIFORNIA POLICY CENTER,
INC.,**

14 Plaintiff,

15 v.

16
17 **LILIA GARCIA-BROWER, in her
official capacity as the Labor
18 Commissioner in the Division of
Labor Standards Enforcement of the
19 California Department of Industrial
Relations,**

20 Defendant.
21
22
23
24
25
26
27
28

Case No. 8:25-cv-00271-MWC-SK

**RESPONSE TO PLAINTIFF'S
MOTION FOR
RECONSIDERATION**

Date: September 12, 2025
Time: 1:30 p.m.
Courtroom: 6A
Judge: The Honorable Michelle
Williams Court
Trial Date: Not scheduled
Action Filed: 2/11/2025

1 On August 1, 2025, plaintiff filed a motion for reconsideration, requesting that
2 this Court “reconsider its July 31 Order and instead dismiss this case and enter a
3 final judgment pursuant to its order granting the motion to dismiss under Rule
4 12(b)(6).” Pl.’s Mem. Supp. Mot. Reconsideration at 2. Defendant takes no
5 position on plaintiff’s motion.

6
7
8
9 Dated: August 22, 2025

Respectfully submitted,

10 ROB BONTA
11 Attorney General of California
12 ANYA M. BINSACCA
13 Supervising Deputy Attorney General

14 /s/ Kristin A. Liska
15 KRISTIN A. LISKA
16 Deputy Attorney General
17 *Attorneys for Defendant*
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Case Name: ***California Policy Center, Inc. v. Lilia Garcia-Brower***

Case No.: **8:25-cv-00271-MWC-SK**

I hereby certify that on August 22, 2025, I electronically filed the following document with the Clerk of the Court by using the CM/ECF system:

RESPONSE TO PLAINTIFF'S MOTION FOR RECONSIDERATION

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished electronically by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct.

This declaration was executed on August 22, 2025, at San Francisco, California.

Vanessa Jordan

Declarant

Vanessa Jordan
Signature

Julie A. Hamill (272742)
julie@justiceca.com
California Justice Center
904 Silver Spur Road, #287
Rolling Hills Estates, CA 90274
424-265-0529

Jeffrey M. Schwab (pro hac vice)
jschwab@ljc.org
Liberty Justice Center
7500 Rialto Blvd
Suite 1-250
Austin, TX 78735
512-481-4400

Attorneys for Plaintiff
CALIFORNIA POLICY CENTER, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

CALIFORNIA POLICY CENTER, INC.

Plaintiff,

v.

LILIA GARCIA-BROWER, *in her official
capacity as the Labor Commissioner in
the Division of Labor Standards
Enforcement of the California
Department of Industrial Relations,*

Defendant.

Case No. 8:25-cv-00271

**NOTICE OF MOTION FOR
RECONSIDERATION**

**ACTION SEEKING STATEWIDE
OR NATIONWIDE RELIEF**

[Filed concurrently with Memorandum
of Points and Authorities]

Date: September 12, 2025
Time: 1:30 p.m.
Courtroom: 6A

1 TO THE COURT, THE CLERK, AND DEFENDANT AND HER COUNSEL
2 OF RECORD:

3 PLEASE TAKE NOTICE that on Friday, September 12, 2025, at 1:30 p.m. or
4 as soon thereafter as the matter may be heard in Courtroom 6A, before the
5 Honorable Michelle Williams Court, at the First Street Courthouse on the 6th Floor,
6 350 W. 1st Street, Los Angeles, California, 90012.

7 Pursuant to Fed. R. Civ. P. 60(b) and L.R. 7-18, Plaintiff respectfully moves for
8 reconsideration of this Court's July 31, 2025 order dismissing the case "for lack of
9 prosecution and failure to follow the Court's Orders" ("Order"). (Dkt. No. 42). As
10 set forth in the attached memorandum of law, Plaintiff asks that this Court modify
11 its Order by dismissing the case and entering final judgment against Plaintiff based
12 on this Court's June 24, 2025 order granting Defendants' Rule 12(b)(6) motion to
13 dismiss.

14 This Motion is also based on the concurrently filed supporting Memorandum of
15 Points and Authorities, along with all pleadings, documents, and files in this
16 matter, and all matters of which this Court may take judicial notice, and upon such
17 other and further oral or other documentary evidence as may be presented to the
18 Court at or prior to the hearing of this matter.

19
20 Dated: August 1, 2025

21 Respectfully submitted,

22 **CALIFORNIA POLICY CENTER, INC.**

23 By: /s/ Jeffrey Schwab

Attorneys for Plaintiff

Julie A. Hamill (272742)
California Justice Center
904 Silver Spur Road, #287
Rolling Hills Estates, CA 90274
424-265-0529
julie@justiceca.com

Jeffrey M. Schwab (pro hac vice)
Liberty Justice Center
7500 Rialto Blvd
Suite 1-250
Austin, TX 78735
512-481-4400
jschwab@ljc.org

1 Julie A. Hamill (272742)
2 julie@justiceca.com
3 California Justice Center
4 904 Silver Spur Road, #287
5 Rolling Hills Estates, CA 90274
6 424-265-0529

7 Jeffrey M. Schwab (pro hac vice)
8 jschwab@ljc.org
9 Liberty Justice Center
10 7500 Rialto Blvd
11 Suite 1-250
12 Austin, TX 78735
13 512-481-4400

14 Attorneys for Plaintiff
15 CALIFORNIA POLICY CENTER, INC.

16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

CALIFORNIA POLICY CENTER, INC.

Plaintiff,

v.

LILIA GARCIA-BROWER, *in her official
capacity as the Labor Commissioner in
the Division of Labor Standards
Enforcement of the California
Department of Industrial Relations,*
Defendant.

Case No. 25-cv-00271

Honorable Michelle Williams Court

**PLAINTIFF'S MEMORANDUM
OF POINTS AND AUTHORITIES
IN SUPPORT OF ITS MOTION
FOR RECONSIDERATION**

**ACTION SEEKING STATEWIDE
OR NATIONWIDE RELIEF**

Date: September 12, 2025
Time: 1:30 p.m.
Courtroom: 6A

INTRODUCTION

Plaintiff California Policy Center, Inc. (“CPC”) filed this action on February 11, 2025, challenging SB 399 as a content-based restriction on speech, against Defendant Lilia Garcia-Brower, in her official capacity as the Labor Commissioner in the Division of Labor Standards Enforcement of the California Department of Industrial Relations. Dkt. No. 1. CPC filed a motion for preliminary injunction on February 21, 2025. Dkt. No. 11. That motion was fully briefed by both parties (Dkt. Nos. 18, 21), and heard by this Court on April 18, 2025. (Dkt. No. 23).

Defendant filed a motion to dismiss pursuant to Rule 12(b)(6) on June 5, 2025, (Dkt. No. 34), which was fully briefed (Dkt. Nos. 36, 39). On June 24, 2025, this Court granted Defendant’s motion to dismiss, finding that CPC lacked standing because it is exempt from SB 399 as a “political organization,” and vacating CPC’s motion for preliminary injunction. Dkt. No. 40. That order granted CPC leave to amend its complaint. On July 15, 2025, this Court ordered that “Plaintiff must file any amended complaint no later than July 28, 2025. Failure to file an amended complaint by that date will result in dismissal of this action with prejudice.” Dkt. No. 41.

SB 399 exempts “political organizations” that require employees to attend employer-sponsored meetings when the employer communicates its “political tenets or purposes.” Because this Court’s June 24, 2025, order held that CPC is a “political organization” exempt from SB 399’s prohibition on political speech at employer-sponsored meetings, the only way SB 399 could apply to CPC is if it held mandatory meetings during to communicate religious beliefs. CPC has no

1 intent to engage in religious speech during mandatory meetings and therefore could
2 not amend its complaint.

3 Accordingly, CPC did not amend its complaint, preferring to await the Court's
4 dismissal and entry of final judgment based on its order granting Defendant's
5 motion to dismiss. But on July 31, 2025, this Court ordered this case dismissed
6 "for lack of prosecution and failure to follow the Court's Orders." Dkt. No. 42.

7 CPC respectfully requests that this Court reconsider its July 31 Order and
8 instead dismiss this case and enter a final judgment pursuant to its order granting
9 the motion to dismiss under Rule 12(b)(6). *See Applied Underwriters, Inc. v.*
10 *Lichtenegger*, 913 F.3d 884, 890–92 (9th Cir. 2019) (district court abused its
11 discretion by entering a Rule 41(b) dismissal after granting leave but not ordering
12 plaintiff to amend and failing to warn that it would dismiss under 41(b) if plaintiff
13 failed to amend).

14 STANDARD OF REVIEW

15 Under Rule 60(b), a "court may relieve a party . . . from a final judgment,
16 order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise,
17 or excusable neglect; . . . or (6) any other reason justifying relief from the
18 operation of the judgment." Fed. R. Civ. P. 60(b). "[T]he words 'mistake' and
19 'inadvertence' . . . may include mistake and inadvertence by the judge." *Kingvision*
20 *Pay-PerView v. Lake Alice Bar*, 168 F.3d 347, 350 (9th Cir. 1999).

21 Under Local Rule 7-18, a party may move for reconsideration based on "(a)
22 a material difference in fact or law from that presented to the Court that, in the
23 exercise of reasonable diligence, could not have been known to the party moving
24

1 for reconsideration at the time the Order was entered, or (b) the emergence of new
2 material facts or a change of law occurring after the Order was entered, or (c) a
3 manifest showing of a failure to consider material facts presented to the Court
4 before the Order was entered.”

5 **FACTS AND ARGUMENT**

6 **I. Material facts Were not considered before the Order was entered**

7 **a. Amendment would be futile given this Court’s holding that CPC** 8 **is a “Political Organization” exempt from the Act it seeks to** 9 **enjoin.**

10 Based on this Court’s definition of “political organization” and its
11 characterization of CPC as exempt from SB 399 in its June 24, 2025 order, no
12 factual scenario exists in which CPC could truthfully amend its complaint. CPC
13 has not, and does not, wish to engage in mandatory meetings during which it
14 communicates its religious beliefs. Accordingly, although the Court *sua sponte*
15 granted CPC leave to amend, CPC elected to stand on its complaint without
16 amendment and await dismissal and judgment based on the Court’s June 24, 2025,
17 Rule 12(b)(6) order.

18 **b. This Court granted leave to amend, but did not order CPC to** 19 **amend the Complaint**

20 The Court did not order or require CPC to amend its complaint. Rather, “the
21 Court provide[d] Plaintiff leave to amend,” Dkt. No. 40, and indicated that
22 “Plaintiff must file any amended complaint no later than July 29, 2025.” Dkt. No.
23 41.

c. CPC had no warning this Court would dismiss the case for “lack of prosecution and failure to follow the Court’s Orders” for refraining from amending its Complaint

Finally, this Court did not provide notice to CPC that it intended sanction CPC by entering a Rule 41(b) dismissal against CPC if it failed to amend its complaint. Rather this Court only stated that “[f]ailure to file an amended complaint by [July 29] will result in dismissal of this action with prejudice.” Dkt. 41. At no time did the Court reference Rule 41.

Accordingly, CPC expected dismissal based on the Court’s 12(b)(6) order, from which it would then appeal. Accordingly, there has been no failure to prosecute nor failure to abide a court order.

Failure to consider the above material facts prior to issuing a Rule 41(b) sanction dismissal against CPC is grounds for this Court to reconsider its July 31, 2025 Order.

CONCLUSION

CPC respectfully requests that the Court reconsider its July 31 Order and dismiss the case pursuant to its June 24, 2025 order granting Defendant’s motion to dismiss under Rule 12(b)(6) and enter final judgment, which would allow CPC to appeal the Court’s June 24, 2025 order.

Dated: August 1, 2025

Respectfully submitted,

CALIFORNIA POLICY CENTER, INC.

By: /s/ Jeffrey Schwab

Attorneys for Plaintiff

Julie A. Hamill (272742)
California Justice Center
904 Silver Spur Road, #287
Rolling Hills Estates, CA 90274
424-265-0529
julie@justiceca.com

Jeffrey M. Schwab (pro hac vice)
Liberty Justice Center
7500 Rialto Blvd
Suite 1-250
Austin, TX 78735
512-481-4400
jschwab@ljc.org

1 Julie A. Hamill (272742)
julie@justiceca.com
2 California Justice Center
904 Silver Spur Road, #287
3 Rolling Hills Estates, CA 90274
4 424-265-0529

5 Jeffrey M. Schwab (pro hac vice)
jschwab@ljc.org
6 Liberty Justice Center
7500 Rialto Blvd
7 Suite 1-250
8 Austin, TX 78735
512-481-4400

9 Attorneys for Plaintiff
10 CALIFORNIA POLICY CENTER, INC.

11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 CALIFORNIA POLICY CENTER, INC.

Case No. 8:25-cv-00271

15 Plaintiff,

16 v.

**[PROPOSED] ORDER ON
PLAINTIFF'S MOTION FOR
RECONSIDERATION**

17 LILIA GARCIA-BROWER, *in her official*
18 *capacity as the Labor Commissioner in*
the Division of Labor Standards
19 *Enforcement of the California*
Department of Industrial Relations,

20 Defendant.

1 This matter coming before the Court upon Plaintiff California Policy Center's
2 Motion for Reconsideration, filed August 1, 2025, the Court grants Plaintiff's
3 motion for reconsideration.

4 It is accordingly ORDERED, ADJUDGED, and DECREED that:

5 The July 31, 2025, order, (Dkt. No. 42), dismissing this case for lack of
6 prosecution and failure to follow the Court's Orders is rescinded, and this case is
7 dismissed pursuant to the Court's July 24, 2025 order granting Defendant's motion
8 to dismiss pursuant to Rule 12(b)(6).

9 This is a final order disposing of this case.

10
11 Dated: _____, 2025

12
13 By: /s/ Michelle Williams Court

14 Judge Michelle Williams Court
15
16
17
18
19
20
21
22
23
24

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered on 7/15/2025 at 3:16 PM PDT and filed on 7/15/2025

Case Name: California Policy Center, Inc. v. Lilia Garcia-Brower et al

Case Number: [8:25-cv-00271-MWC-SK](#)

Filer:

Document Number: 41(No document attached)

Docket Text:

(IN CHAMBERS) ORDER by Judge Michelle Williams Court: In light of the Court's order (Dkt. [40]), Plaintiff must file any amended complaint no later than July 29, 2025. Failure to file an amended complaint by that date will result in dismissal of this action with prejudice. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (tj) TEXT ONLY ENTRY

8:25-cv-00271-MWC-SK Notice has been electronically mailed to:

Derin Bennet McLeod dmcleod@altshulerberzon.com, jcommodore@altber.com

Jeffrey M Schwab jschwab@ljc.org, 8486679420@filings.docketbird.com

Julie Ann Hamill julie@justiceca.com

Kristin A. Liska kristin.liska@doj.ca.gov, Vanessa.Jordan@doj.ca.gov

Scott A Kronland skronland@altber.com, jperley@altber.com

8:25-cv-00271-MWC-SK Notice has been delivered by First Class U. S. Mail or by other means **BY THE FILER** to :

1 ROB BONTA
Attorney General of California
2 ANYA M. BINSACCA
Supervising Deputy Attorney General
3 KRISTIN A. LISKA
Deputy Attorney General
4 State Bar No. 315994
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3916
6 Fax: (415) 703-5480
E-mail: Kristin.Liska@doj.ca.gov
7 *Attorneys for Defendant*

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11

12
13 **CALIFORNIA POLICY CENTER,
INC.,**

14 Plaintiff,

15 v.
16

17 **LILIA GARCIA-BROWER, in her
official capacity as the Labor
18 Commissioner in the Division of
Labor Standards Enforcement of the
19 California Department of Industrial
Relations,**

20 Defendant.
21

Case No. 8:25-cv-00271-MWC-SK

**NOTICE OF MOTION AND
MOTION TO DISMISS;
MEMORANDUM OF POINTS
AND AUTHORITIES**

Date: July 3, 2025
Time: 1:30 p.m.
Courtroom: 6A
Judge: The Honorable Michelle
Williams Court
Trial Date: Not scheduled
Action Filed: 2/11/2025

1 **PLEASE TAKE NOTICE** that on July 3, 2025, at 1:30 p.m., or as soon
2 thereafter as the matter may be heard before the Honorable Michelle Williams
3 Court, at the United States District Court, Central District of California, First Street
4 Courthouse, 350 West 1st Street, Los Angeles, California 90012, in Courtroom 6A,
5 Defendant Lilia Garcia-Brower, in her official capacity, will and hereby does move
6 to dismiss this action under Federal Rule of Civil Procedure 12(b)(6) on the
7 grounds that Plaintiff California Policy Center lacks standing, that Plaintiff's
8 challenge is not ripe for adjudication, and that Plaintiff has not stated a valid First
9 Amendment claim.

10 This motion is based on this Notice of Motion and Motion to Dismiss; the
11 accompanying Memorandum of Points and Authorities; the Request for Judicial
12 Notice and exhibits thereto; all papers and pleadings on file in this action; and such
13 other matters as the Court may deem appropriate.

14
15
16 Dated: June 5, 2025

Respectfully submitted,

17 ROB BONTA
18 Attorney General of California
19 ANYA M. BINSACCA
20 Supervising Deputy Attorney General

21 /s/ Kristin A. Liska
22 KRISTIN A. LISKA
23 Deputy Attorney General
24 Attorneys for Defendant
25
26
27
28

TABLE OF CONTENTS

	Page
Introduction.....	1
Background.....	1
A. SB 399.....	1
B. Procedural History	4
Legal Standard	5
Argument	5
I. Plaintiff Lacks Standing.....	5
II. Plaintiff’s Challenge Is Not Ripe	10
III. Plaintiff Has Not Stated a Valid First Amendment Claim	12
A. SB 399 Regulates Conduct, Not Speech	12
B. SB 399 Is Subject to, and Withstands, Rational Basis Review	16
Conclusion	18

TABLE OF AUTHORITIES

	Page
CASES	
<i>Alaska Right to Life Political Action Committee v. Feldman</i> 504 F.3d 840 (9th Cir. 2007)	10
<i>Am. Steel Foundries v. Tri-City Central Trades Council</i> 257 U.S. 184 (1921)	16
<i>Arcara v. Cloud Books, Inc.</i> 478 U.S. 697 (1986)	12
<i>Ashcroft v. Iqbal</i> 556 U.S. 662 (2009)	5
<i>Colwell v. Dep’t of Health & Human Services</i> 558 F.3d 1112 (9th Cir. 2009)	11
<i>Gay Law Students Ass’n v. Pacific Tel. & Tel. Co.</i> 24 Cal. 3d 458 (1979)	7
<i>Hill v. Colorado</i> 530 U.S. 703 (2000)	15, 16, 17
<i>HomeAway.com, Inc. v. City of Santa Monica</i> 918 F.3d 676 (9th Cir. 2019)	13
<i>Kumar v. Koester</i> 131 F.4th 746 (9th Cir. 2025)	6
<i>Leite v. Crane Co.</i> 749 F.3d 1117 (9th Cir. 2024)	5
<i>Lockheed Aircraft Corp. v. Superior Court of Los Angeles County</i> 28 Cal. 2d 481 (1946)	7
<i>Mallard v. Boring</i> 182 Cal. App. 2d 390 (1960)	7
<i>Olmstead v. United States</i> 277 U.S. 438 (1928)	15

TABLE OF AUTHORITIES
(continued)

	Page
<i>Peace Ranch, LLC v. Bonta</i>	
93 F.4th 482 (9th Cir 2024)	6
<i>People v. Blackburn</i>	
61 Cal. 4th 1113 (2015)	7
<i>Rowan v. U.S. Post Office Dep’t</i>	
397 U.S. 728 (1970)	15
<i>Rumsfeld v. F. for Acad. & Institutional Rights</i>	
547 U.S. 47 (2006)	13, 14
<i>Seattle Pacific University v. Ferguson</i>	
104 F.4th 50 (9th Cir. 2024)	6
<i>Spokeo, Inc. v. Robins</i>	
578 U.S. 330 (2016)	5, 6
<i>Susan B. Anthony List v. Driehaus</i>	
573 U.S. 149 (2014)	6
<i>Thomas v. Anchorage Equal Rts. Comm’n</i>	
220 F.3d 1134 (9th Cir. 2000)	10, 11, 12
<i>TikTok Inc. v. Garland</i>	
145 S. Ct. 57 (2025)	13
<i>Tingley v. Ferguson</i>	
47 F.4th 1055 (9th Cir. 2022)	6, 16
<i>Twitter, Inc. v. Paxton</i>	
56 F.4th 1170 (9th Cir. 2022)	11
<i>United States v. Ritchie</i>	
342 F.3d 903 (9th Cir. 2003)	5
<i>Wisconsin v. Mitchell</i>	
508 U.S. 476 (1993)	14

TABLE OF AUTHORITIES

(continued)

Page

STATUTES

United States Code, Title 5

§ 2302(b)(8) 14

United States Code, Title 18

§ 1514A(a) 14

United States Code, Title 42

§ 2000e-2(a)(1) 14

California Labor Code

§ 1101 7, 8

§ 1102 7

§ 1137(b)(3) 3

§ 1137(b)(4) 3

§ 1137(c) 2, 13, 17

§ 1137(e) 4

§ 1137(f)(1) 4

§ 1137(g)(1) 3

§ 1137(g)(2) 3, 9

§ 1137(g)(3) 3

§ 1137(g)(4) 3

§ 1137(h)(1) 4

§ 1137(h)(2) 4, 7

§ 1137(h)(3) 4

§ 1137(h)(4) 4

§ 1137(h)(5) 3

§ 1137(h)(6) 4

§ 1137(i) 4

2024 Cal. Stat., ch. 670 (Senate Bill 399) *passim*

CONSTITUTIONAL PROVISIONS

United States Constitution

Article III 5

First Amendment *passim*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF AUTHORITIES
(continued)

Page

COURT RULES

Federal Rules of Civil Procedure	
Rule 12(b)(6)	5

OTHER AUTHORITIES

“Political,” Collins Dictionary, https://www.collinsdictionary.com/us/dictionary/english/political	7
“Political,” Merriam-Webster Dictionary, https://www.merriam- webster.com/dictionary/political	7

INTRODUCTION

Senate Bill 399 (SB 399) prohibits employers from disciplining employees that refuse to attend a meeting or receive communications meant to convey an employer’s opinion on political or religious matters unrelated to their job duties. Plaintiff California Policy Center is a nonprofit organization that engages in policy research, communication, and advocacy. It wishes to require its employees attend meetings where plaintiff discusses its policy work. Concerned that it may not be able to discipline employees for refusing to attend such meetings under SB 399, plaintiff has brought suit challenging the law as a violation of its First Amendment rights.

Its complaint fails as a matter of law. First, plaintiff lacks standing for this pre-enforcement challenge. It has not pled an imminent risk of SB 399 being enforced against it given that the meetings that plaintiff wishes to host implicate two exemptions in SB 399: the job-duties exemption and the political-organization exemption. Second, plaintiff’s challenge is not ripe for adjudication. Finally, plaintiff has not stated a valid First Amendment claim. As a law governing the grounds for employee discipline, SB 399 is a regulation of conduct and not speech. At bottom, plaintiff wishes to be able to force its employees to listen to its ideas. The First Amendment does not provide plaintiff the right to force anyone to listen to what it wishes to say. This Court should thus dismiss this action in full.

BACKGROUND

A. SB 399

The California Legislature enacted SB 399 in response to concerns about captive audience meetings—meetings that employers require employees to attend that are unrelated to the employees’ job duties. As the author of the bill explained, “[i]n most workplaces, workers are ‘at will’ and can be fired at any time for almost any reason.” Request for Judicial Notice (“RJN”), Ex. 1, RJN_p.8. The “tremendous power” employers hold over their employees raises concerns about

1 employers “pressur[ing] workers to do what they say.” *Id.*; see also RJN, Ex. 4,
2 RJN_p.45 (“Due to their control over elements of the workplace such as an
3 employee’s pay and benefits, employers enjoy outsized influence on their
4 employees’ daily lives.”); RJN, Ex. 5, RJN_p.59 (“The unequal power dynamic
5 between an employer and its employees creates a setting ripe for intimidation.
6 Some workers may feel compelled to adopt an employer’s view on a political
7 matter because ‘people need their jobs.’” (citation omitted)). One example of
8 employers exercising this influence over employees, the legislative history notes, is
9 captive audience meetings that “are mandatory,” where “workers are not permitted
10 to leave or speak out.” RJN, Ex. 1, RJN_p.9. “[S]ome employers” use such
11 meetings to “attempt to coerce workers into voting for the employer’s preferred
12 candidate or adhering to their religious or ideological beliefs.” *Id.*

13 SB 399 was animated by the belief that “[n]o worker should be subject to
14 forced indoctrination by their employer on politics, religion, or for exercising their
15 protected rights.” RJN, Ex. 1, RJN_p.9. The bill “promotes workers’ rights,
16 especially those of marginalized communities, by protecting their right to advocate
17 for themselves and opt out of conversations about politics or religion that have
18 nothing to do with their ability to properly execute their job duties.” RJN, Ex. 3,
19 RJN_p.35. Ensuring employees have “the choice” about whether or not “to listen
20 to the political or religious views of their employers” helps “ensur[e] that the most
21 marginalized workers are not taken advantage of by their employers.” *Id.*

22 Under SB 399, an employer “shall not subject, or threaten to subject, an
23 employee to discharge, discrimination, retaliation, or any other adverse action
24 because the employee declines to attend an employer-sponsored meeting or
25 affirmatively declines to participate in, receive, or listen to any communications
26 with the employer or its agents or representatives, the purpose of which is to
27 communicate the employer’s opinion about religious or political matters.” Cal.
28 Labor Code § 1137(c). The statute defines “political matters” as “matters relating

1 to elections for political office, political parties, legislation, regulation, and the
2 decision to join or support any political party or political or labor organization.” *Id.*
3 § 1137(b)(3). It defines “religious matters” as “matters relating to religious
4 affiliation and practice or the decision to join or support any religious organization
5 or association.” *Id.* § 1137(b)(4).

6 This prohibition is subject to a handful of exceptions. First, SB 399 does not
7 impede an employer from conveying information related to an employee’s job
8 duties. For instance, SB 399 does not prohibit an employer: (1) “communicating to
9 its employees any information that the employer is required by law to
10 communicate, but only to the extent of that legal requirement” or (2)
11 “communicating to its employees any information that is necessary for those
12 employees to perform their job duties.” Cal. Labor Code § 1137(g)(1), (2). Nor
13 does SB 399 prohibit “[a]n employer from requiring employees to undergo training
14 to comply with the employer’s legal obligations, including obligations under civil
15 rights laws and occupational safety and health laws.” *Id.* § 1137(h)(5). It also does
16 not prohibit “[a]n institution of higher education . . . from meeting with or
17 participating in any communications with its employees that are part of coursework,
18 any symposia, or an academic program at that institution.” *Id.* § 1137(g)(3). And it
19 does not prohibit “[a]n employer that is a public entity from communicating to its
20 employees any information related to a policy of the public entity or any law or
21 regulation that the public entity is responsible for administering.” *Id.* § 1137(g)(4).

22 Second, SB 399 includes exemptions for situations that do not implicate the
23 Legislature’s concerns over coercion present in the typical captive audience
24 scenario. The law provides an exemption for: (1) religious entities exempt under
25 Title VII requiring “employees who perform work connected with the activities
26 undertaken by” the religious entity to attend a meeting involving the religious
27 employer’s “speech on religious matters,” (2) “[a] political organization or party
28 requiring its employees to attend an employer-sponsored meeting or to participate

1 in any communications . . . the purpose of which is to communicate the employer’s
2 political tenants or purposes,” (3) “[a]n educational institution requiring a student or
3 instructor to attend lectures on political or religious matters that are part of the
4 regular coursework at the institution,” (4) “[a] nonprofit, tax-exempt training
5 program requiring a student or instructor to attend classroom instruction, complete
6 fieldwork, or perform community service hours on political or religious matters as
7 it relates to the mission of the training program or sponsor,” and (5) “[a] public
8 employer holding a new employee orientation” required under state law. Cal.
9 Labor Code § 1137(h)(1)-(4), (h)(6).

10 The California Labor Commissioner is authorized to enforce SB 399,
11 “including investigating an alleged violation, and ordering appropriate temporary
12 relief to mitigate a violation or maintain the status quo pending the completion of a
13 full investigation or hearing.” Cal. Labor Code § 1137(e). Additionally, “any
14 employee who has suffered a violation” may bring a civil action for damages
15 related to any adverse action taken in violation of SB 399. *Id.* § 1137(f)(1).
16 Finally, SB 399 contains a severability clause. *Id.* § 1137(i).

17 **B. Procedural History**

18 Plaintiff California Policy Center is a nonprofit organization “with a mission
19 to secure a more prosperous future for all Californians.” Compl. ¶ 5. To achieve
20 this mission, it “engages in research and communication related to public policy,
21 primarily focused on the areas of education reform, workplace freedom,
22 government transparency, and governance.” *Id.*; *see also id.* ¶ 30. Prior to the
23 enactment of SB 399, plaintiff “regularly conducted staff meetings at which the
24 organization’s views on issues of legislation, regulation, and the decision to join a
25 labor union, among other things, were discussed.” *Id.* ¶ 6; *see also id.* ¶¶ 31-34.
26 Plaintiff believes that these meetings are “important for [its] functioning,” “improve
27 staff morale and team cohesion and enable staffers not working on a specific
28

1 policy-related matter to express their ideas or new perspective on that matter.” *Id.*
2 ¶¶ 36-37.

3 Following the passage of SB 399, plaintiff filed suit against Labor
4 Commissioner Lilia García-Brower, in her official capacity. Compl. ¶ 11. Plaintiff
5 contends that SB 399 is a violation of the First Amendment because it “regulates
6 speech based on its content.” *Id.* ¶ 44. It seeks a declaration of the law’s invalidity
7 and a permanent injunction against its enforcement. *Id.*, Prayer for Relief. Plaintiff
8 also filed a motion for a preliminary injunction, which remains pending.

9 LEGAL STANDARD

10 Under Federal Rule of Civil Procedure 12(b)(6), a complaint should be
11 dismissed if it fails to state a claim upon which relief can be granted. “To survive a
12 motion to dismiss, a complaint must contain sufficient factual matter, accepted as
13 true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556
14 U.S. 662, 678 (2009) (citation omitted). A “threadbare recital[] of the elements of a
15 cause of action, supported by mere conclusory statements, do[es] not suffice.” *Id.*
16 In ruling on a motion to dismiss, the court may consider documents referenced in a
17 complaint as well as matters subject to judicial notice. *United States v. Ritchie*, 342
18 F.3d 903, 908 (9th Cir. 2003). Where a defendant raises a facial challenge to
19 standing—contending that the allegations in the complaint, if taken to be true, do
20 not establish standing—a court resolves the motion as it would under Rule 12(b)(6):
21 “[a]ccepting the plaintiff’s allegations as true and drawing all reasonable inferences
22 in the plaintiff’s favor.” *Leite v. Crane Co.*, 749 F.3d 1117, 1121 (9th Cir. 2024).

23 ARGUMENT

24 I. PLAINTIFF LACKS STANDING

25 For federal jurisdiction to exist, a plaintiff must have standing as required by
26 Article III. The “‘irreducible constitutional minimum’ of standing consists of three
27 elements.” *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016) (citation omitted).
28 “The plaintiff must have (1) suffered an injury in fact, (2) that is fairly traceable to

1 the challenged conduct of the defendant, and (3) that is likely to be redressed by a
2 favorable judicial decision.” *Id.* The Ninth Circuit applies a three-part test drawn
3 from *Susan B. Anthony List v. Driehaus*, 573 U.S. 149 (2014), to determine if a
4 plaintiff has established pre-enforcement standing. *See, e.g., Seattle Pacific*
5 *University v. Ferguson*, 104 F.4th 50, 59 (9th Cir. 2024). “A plaintiff has a
6 sufficient injury for a pre-enforcement challenge where they allege” that they have
7 (1) “an intention to engage in a course of conduct arguably affected with a
8 constitutional interest” that is (2) “proscribed by a statute” and (3) “there exists a
9 credible threat of prosecution thereunder.” *Kumar v. Koester*, 131 F.4th 746, 752
10 (9th Cir. 2025) (quoting *Driehaus*, 573 U.S. at 158-59).¹

11 Applying that test here, plaintiffs have not established an injury sufficient for
12 standing: they have not sufficiently alleged an intent to engage in conduct
13 proscribed by SB 399, nor that there is a credible threat of prosecution. According
14 to its complaint, plaintiff California Policy Center is a nonprofit that “engages in
15 research and communication related to public policy, primarily focused on the areas
16 of education reform, workplace freedom, government transparency, and
17 governance.” Compl. ¶ 5; *see also id.* ¶ 29 (“creating legislative and regulatory
18 proposals is one of [plaintiff’s] principal purposes”); *id.* ¶ 30 (plaintiff “publishes
19 policy research and trains local elected officials”). Plaintiff “regularly conducted
20 mandatory staff meetings at which the organization’s views on issues of legislation,
21 regulation, and the decision to join a labor union, among other things were
22 discussed.” *Id.* ¶ 6; *see also id.* ¶ 34. It wishes to continue hosting such meetings
23 because they are “important for the functioning” of plaintiff’s organization. *Id.*
24 ¶ 36; *see also id.* ¶¶ 7, 37, 39.

25
26 ¹ The Ninth Circuit previously applied a slightly different three-part test to
27 determine pre-enforcement standing. *See, e.g., Tingley v. Ferguson*, 47 F.4th 1055,
28 1067 (9th Cir. 2022). In *Peace Ranch, LLC v. Bonta*, 93 F.4th 482, 486-87 (9th Cir.
2024), the Ninth Circuit adopted the three-part test drawn from *Driehaus*. *See, e.g.,*
Seattle Pacific University, 104 F.4th 50, 59 & n.3 (9th Cir. 2024).

1 Based on plaintiff's allegations, plaintiff's desired meetings implicate two
2 different exemptions in SB 399, undermining any intent to engage in conduct
3 proscribed by the law or likelihood of enforcement against plaintiff. First, the
4 meetings plaintiff seeks to host implicate the political-organization exemption. SB
5 399 exempts a "political organization" that "requir[es] its employees to attend an
6 employer-sponsored meeting or to participate in any communications with the
7 employer . . . the purpose of which is to communicate the employer's political
8 tenets or purposes." Cal. Labor Code § 1137(h)(2). Neither SB 399 nor the Labor
9 Code includes a specific definition of "political organization." In the absence of a
10 specific statutory definition, California courts give the words in a statute "their
11 usual and ordinary meaning, while construing them in light of the statute as a whole
12 and the statute's purpose." *People v. Blackburn*, 61 Cal. 4th 1113, 1123 (2015)
13 (citation omitted).

14 The ordinary meaning of "political organization" is not confined to only those
15 organizations that are engaged in partisan electoral politics.² See, e.g., *Gay Law*
16 *Students Ass'n v. Pacific Tel. & Tel. Co.*, 24 Cal. 3d 458, 487 (1979) ("political
17 activity" in Labor Code sections 1101 and 1102 "cannot be narrowly confined to
18 partisan activity"); *Lockheed Aircraft Corp. v. Superior Court of Los Angeles*
19 *County*, 28 Cal. 2d 481, 485 (1946) ("political activities or affiliations" in Labor
20 Code section 1101 covers activities "related to or connected with the orderly
21 conduct of government and the peaceful organization, regulation, and
22 administration of the government"); *Mallard v. Boring*, 182 Cal. App. 2d 390, 395

23
24 ² See, e.g., "Political," Merriam-Webster Dictionary, [https://www.merriam-](https://www.merriam-webster.com/dictionary/political)
25 [webster.com/dictionary/political](https://www.merriam-webster.com/dictionary/political) (defining "political" as "of or relating to
26 government, a government, or the conduct of government; of, relating to, or
27 concerned with the making as distinguished from the administration of
28 governmental policy" and "of, relating to, involving, or involved in politics and
especially party politics") (last accessed June 5, 2025); "Political," Collins
Dictionary, <https://www.collinsdictionary.com/us/dictionary/english/political>
(defining "political" as "relating to the way power is achieved and used in a country
or society" and "interested or involved in politics and holds strong beliefs about it")
(last accessed June 5, 2025).

1 (1960) (“political activity” in Labor Code section 1101 “connotes the espousal of a
2 candidate or a cause, and some degree of action to promote the acceptance thereof
3 by other persons”). And the definition of “political matters” in SB 399 is not
4 limited to partisan politics, further indicating that “political organization” is not so
5 limited either.

6 The legislative history further supports that “political organization” is not
7 narrowly defined as only partisan activity. It explains that the political organization
8 exemption “may also function to address situations in which, for example, a city
9 expresses their intent to support or oppose proposed legislation, assuming local
10 government and agencies are considered ‘political organizations or parties.’” RJN,
11 Ex. 4, RJN_p.47. This analysis indicates that the Legislature understood a
12 “political organization” was not limited to a partisan political entity.

13 Given that plaintiff is involved in policy formulation and advocacy work, it
14 may constitute a “political organization,” and the meetings it alleges it wishes to
15 require employees to attend may fall within the political-organization exemption.
16 But the political-organization exemption is fact-specific in that it only applies when
17 an employee is required to attend a meeting where the employer communicates
18 about its “political tenets or purposes.” While it is thus premature to determine
19 whether the exemption applies to any mandatory meetings plaintiff may hold, many
20 of the mandatory meetings that plaintiff wishes to host implicate this exemption.
21 Plaintiff wishes to “speak to its employees about the very subject matter of the
22 organization’s mission.” Compl. ¶ 8. At the meetings plaintiff wants to hold, it
23 intends to discuss political topics that relate to the matters it engages in policy and
24 advocacy work on. *Compare id.* ¶¶ 5, 30 (listing areas plaintiff is engaged in) *with*
25 *id.* ¶ 34 (listing topics plaintiff has discussed at meetings). Given that plaintiff
26 wishes to discuss its political tenets or purposes at many of the meetings it wants to
27 require employees attend, those meetings implicate the political-organization
28 exemption.

1 Second, the meetings plaintiff wishes to require employees attend implicate
2 the law's exemption for job-related communications. SB 399 also does not apply
3 when the employer is "communicating to its employees any information that is
4 necessary for those employees to perform their job duties." Cal. Labor Code
5 § 1137(g)(2). As the legislative history states, SB 339 was not meant "to limit an
6 employee from completing their job duties as assigned or as reasonably expected to
7 arise, including in the context of positions that include a political element." RJN,
8 Ex. 4, RJN_p.46. And it specifically addressed a hypothetical akin to the situation
9 presented here: "an employee of a city council, for example, who may need to staff
10 a city council meeting that includes topics of discussion that may touch on politics
11 or religion but that are outside the immediate purview of their specific job duties is
12 not the type of incident contemplated by this legislation." *Id.* The legislative
13 analysis states that such a situation is "arguably exempted" from SB 399 under the
14 job-duties exemption because it involves information necessary for an employee to
15 perform their duties. *Id.*

16 Just like the city council meeting in the legislative history, the meetings
17 plaintiff wishes to host implicate the job-duties exemption, even if an employee
18 may not work on a specific policy matter being discussed. Indeed, plaintiff's
19 complaint suggests as much when it says that "it is important for the functioning of
20 CPC to communicate about political matters" with employees and that meetings on
21 topics related to plaintiff's policy work "improve team morale and team cohesion
22 and enable staffers not working on a specific policy-related matter to express their
23 ideas or new perspective on that matter." Compl. ¶¶ 36-37. Of course, the precise
24 applicability of the job-duties exemption can only be determined based on the
25 specifics of a meeting at issue and the attending employees. But plaintiff's
26 allegations indicate that many of the meetings they seek to host implicate that
27 exemption. If those meetings do fall within the scope of that exemption, any action
28

1 plaintiff takes against employees who refuse to attend such meetings would not be
2 proscribed by SB 399.

3 In short, plaintiff has not alleged an intent to engage in conduct barred by SB
4 399, as the meetings it desires to require employees attend may fall within two
5 exemptions in SB 399. Nor has plaintiff established any threat of enforcement. For
6 one, it is speculative that an employee would refuse to participate in such meetings,
7 leading plaintiff to take adverse action against the employee. Rather, given the
8 expressly policy-focused nature of plaintiff's work, it seems more likely that
9 employees would be willing to attend meetings to discuss plaintiff's policies and
10 advocacy work. Furthermore, plaintiff has not alleged any basis to conclude it
11 faces a realistic threat of enforcement, such as identifying a notice that enforcement
12 activity has been taken against it under SB 399. Indeed, plaintiff has not alleged
13 any enforcement activity of SB 399 against any employer. While plaintiff may
14 contend that it is self-censoring, that is insufficient to provide standing. The Ninth
15 Circuit has been clear that the "self-censorship door to standing does not open for
16 every plaintiff. The potential plaintiff must have an actual or well-founded fear that
17 the law will be enforced *against him or her.*" *Alaska Right to Life Political Action*
18 *Committee v. Feldman*, 504 F.3d 840, 851 (9th Cir. 2007) (emphasis in original)
19 (citation omitted). Plaintiff has not made this showing here. It thus has not
20 established standing for its pre-enforcement challenge.

21 **II. PLAINTIFF'S CHALLENGE IS NOT RIPE**

22 In addition to lacking standing, plaintiff has raised a challenge that is not yet
23 ripe. "The Supreme Court instructs that ripeness is 'peculiarly a question of
24 timing,' designed to 'prevent the courts, through avoidance of premature
25 adjudication, from entangling themselves in abstract disagreements.'" *Thomas v.*
26 *Anchorage Equal Rts. Comm'n*, 220 F.3d 1134, 1138 (9th Cir. 2000) (en banc).
27 Ripeness has a constitutional component and a prudential component. *Id.* The
28 constitutional component of ripeness "is synonymous with the injury-in-fact prong

1 of the standing inquiry.” *Twitter, Inc. v. Paxton*, 56 F.4th 1170, 1173 (9th Cir.
2 2022) (citation omitted). As discussed above, plaintiffs have not established an
3 actual injury, rendering this case constitutionally unripe.

4 This case should also be dismissed pursuant to prudential ripeness. The Ninth
5 Circuit has explained that “[t]he question of prudential ripeness ‘is best seen in a
6 twofold aspect, requiring [a court] to evaluate both the fitness of the issues for
7 judicial decision and the hardship to the parties of withholding court
8 consideration.’” *Colwell v. Dep’t of Health & Human Services*, 558 F.3d 1112,
9 1124 (9th Cir. 2009) (citation omitted). Both factors here indicate this case is not
10 prudentially ripe.

11 With respect to the first factor, the claim is not fit for judicial determination
12 because any enforcement of SB 399 against plaintiff is speculative and depends on
13 unknown facts. Whether the political-organization or job-duties exemptions apply
14 will depend on the details of the meetings that plaintiff would require employees to
15 attend and the job duties of any employee who refuses to participate and faces
16 discipline therefor. Further factual development is needed before this Court could
17 fairly adjudicate plaintiff’s challenge to SB 399. In other words, “[a] concrete
18 factual situation is necessary to delineate the boundaries of what conduct the
19 government may or may not regulate” when it comes to plaintiff’s desired course of
20 action. *Thomas*, 220 F.3d at 1141 (citation omitted).

21 Nor is plaintiff likely to suffer hardship from declining to adjudicate its claims
22 at this time. Plaintiff has not alleged that it has taken any adverse action against
23 employees who refuse to participate in plaintiff’s required meetings, that any
24 employee has alleged plaintiff violated the statute, or that it currently faces any
25 enforcement action. In the event that any investigation or enforcement action is
26 brought, plaintiff will be able to raise the applicability of any exemptions of SB 399
27 at that time. It will also be able to advance its First Amendment arguments in any
28 enforcement action, including in any court review following the administrative

1 process. And the “absence of any real or imminent threat of enforcement . . .
2 seriously undermines any claim of hardship.” *Thomas*, 220 F.3d at 1142. On the
3 other hand, “being forced to defend [SB 399] in a vacuum and in the absence of any
4 particular victim[]” will cause defendant to “suffer hardship.” *Id.* Given the
5 political nature of plaintiff’s work, the chance that an exemption may well apply,
6 and the speculative nature of the contention that employees who choose to work for
7 plaintiff would refuse to attend meetings about its mission, as well as the minimal
8 hardship to plaintiff in waiting for further factual development, this case is not
9 prudentially ripe. It should therefore be dismissed.

10 **III. PLAINTIFF HAS NOT STATED A VALID FIRST AMENDMENT CLAIM**

11 **A. SB 399 Regulates Conduct, Not Speech**

12 Should the Court determine that plaintiff has standing and its claims are ripe
13 for adjudication, plaintiff has still failed to state a viable claim. Plaintiff contends
14 that SB 399 violates the First Amendment as an unconstitutional infringement on its
15 speech. It is wrong. SB 399 is a regulation of conduct, not speech, and therefore
16 does not trigger First Amendment heightened scrutiny.

17 The First Amendment provides that the government “shall make no law . . .
18 abridging the freedom of speech.” U.S. Const., amend. I. But this limitation on
19 government authority is not triggered simply because a law has *some* impact on
20 speech. *E.g., Arcara v. Cloud Books, Inc.*, 478 U.S. 697, 705-706 (1986). Courts
21 “have not traditionally subjected every” law “to ‘least restrictive means’ scrutiny
22 simply because each particular [law] will have some effect on the First Amendment
23 activities of those subject to sanction.” *Id.* at 706. After all, “every civil and
24 criminal remedy imposes some conceivable burden on First Amendment protected
25 activities.” *Id.* “Congress, for example, can prohibit employers from
26 discriminating in hiring on the basis of race,” and “[t]he fact that this will require an
27 employer to take down a sign reading ‘White Applicants Only’ hardly means that
28

1 the law should be analyzed as one regulating the employer’s speech rather than
2 conduct.” *Rumsfeld v. F. for Acad. & Institutional Rights*, 547 U.S. 47, 62 (2006).

3 Instead, as the Ninth Circuit has emphasized, “the First Amendment does not
4 prevent restrictions directed at commerce or conduct from imposing incidental
5 burdens on speech.” *HomeAway.com, Inc. v. City of Santa Monica*, 918 F.3d 676,
6 685 (9th Cir. 2019) (citation omitted). Thus, “[a]t the threshold, [a court]
7 consider[s] whether the challenged provisions are subject to First Amendment
8 scrutiny.” *TikTok Inc. v. Garland*, 145 S. Ct. 57, 65 (2025). Put another way, a
9 court must determine “whether conduct with a significant expressive element drew
10 the legal remedy” or the law “has the inevitable effect of singling out those
11 engaged in expressive activity.” *HomeAway.com*, 918 F.3d at 685 (citation
12 omitted). If the law does neither, it is a regulation of conduct that does not
13 implicate the First Amendment’s heightened scrutiny. *Id.*

14 SB 399 is a classic regulation of conduct. Under SB 399, an employer “shall
15 not subject, or threaten to subject, an employee to discharge, discrimination,
16 retaliation, or any other adverse action because the employee declines to attend an
17 employer-sponsored meeting or affirmatively declines to participate in, receive, or
18 listen to any communications with the employer . . . the purpose of which is to
19 communicate the employer’s opinions about religious or political matters.” Cal.
20 Labor Code § 1137(c). The action that triggers an employer’s exposure to
21 sanctions under SB 399 is “subject[ing] or threaten[ing] to subject an employee to
22 discharge, discrimination, retaliation, or any other adverse action.” *Id.* SB 399
23 “neither limits what [employers] may say nor requires them to say anything.”
24 *Rumsfeld*, 547 U.S. at 60. Employers “remain free under the statute to express
25 whatever views” they wish on any topic they wish. *Id.* In no way does SB 399
26 subject an employer to any liability for any speech; nor does plaintiff identify any
27 speech it previously could say but now is prohibited from saying under the law.
28

1 Instead, SB 399 only “affects what [employers] must [not] *do*”—sanction an
2 employee—“not what they may or may not *say*.” *Id.* (emphasis in original).

3 After all, imposing or threatening to impose adverse employment actions on
4 an employee is conduct, not speech. Were it otherwise, the many state and federal
5 laws that limit an employer’s ability to impose adverse employment actions on an
6 employee, such as anti-discrimination laws or protections for whistleblowers,
7 would similarly regulate expressive activity. *See, e.g.*, 5 U.S.C.
8 § 2302(b)(8) (public employer may not “take or fail to take, or threaten to take or
9 fail to take, a personnel action” due to employee’s whistleblowing activities); 18
10 U.S.C. § 1514A(a) (companies may not “discharge, demote, suspend, threaten,
11 harass, or in any other manner discriminate against an employee in the terms and
12 conditions of employment” due to whistleblowing activities); 42 U.S.C. § 2000e-
13 2(a)(1) (unlawful for an employer “to fail or refuse to hire or to discharge an
14 individual, or otherwise to discriminate against any individual with respect to his
15 compensation, terms, conditions, or privileges of employment, because of such
16 individual’s race, color, religion, sex, or national origin”). Plaintiff cites no
17 authority for the proposition that laws limiting an employer’s ability to discipline an
18 employee implicate any expressive conduct or speech. If anything, case law
19 indicates the opposite: such statutes are not a violation of the First Amendment.
20 *See Wisconsin v. Mitchell*, 508 U.S. 476, 487 (1993) (Supreme Court has “rejected
21 the argument that Title VII infringed employers’ First Amendment rights.”).

22 Thus, plaintiff’s claim collapses together two discrete employer actions into
23 one: an employer *speaking at a meeting* and an employer *sanctioning employees* for
24 not attending that meeting. These are *two distinct acts*. Any attempt to collapse
25 them together elides important differences between the two. Critical among those
26 differences is the fact that SB 399 does not prohibit employers from holding
27 meetings or expressing their opinion about political or religious matters at those
28 meetings. The legislative history is clear on that fact. *See* RJN, Ex. 2, RJN_p.20;

1 *id.* Ex. 4, RJN_p.47. Under SB 399, plaintiff is perfectly free to hold as many
2 meetings as it wishes, to invite employees to attend those meetings, and to say what
3 it wants at those meetings. To be clear: plaintiff faces no sanctions whatsoever on
4 any word it utters and points to no speech it is now silenced from saying.

5 Instead, what SB 399 restricts is an employer’s ability to force its employees
6 to listen to its speech when they do not want to. But the First Amendment does not
7 include the right to force a listener to hear one’s speech. As the Supreme Court has
8 stated, “no one has a right to press even ‘good’ ideas on an unwilling recipient.”
9 *Rowan v. U.S. Post Office Dep’t*, 397 U.S. 728, 738 (1970). “While the freedom to
10 communicate is substantial, ‘the right of every person to be let alone must be placed
11 in the scales with the right of others to communicate.’” *Hill v. Colorado*, 530 U.S.
12 703, 718 (2000) (quoting *Rowan*, 397 U.S. at 736). Indeed, rather than recognizing
13 a right to force others to listen to one’s own speech, the Supreme Court has
14 “repeatedly recognized the interests of unwilling listeners” *not* to listen. *Id.* at 718;
15 *see also id.* at 716 (“The unwilling listener’s interest in avoiding unwanted
16 communication has been repeatedly identified in our cases.”). This freedom from
17 unwanted communications is “an aspect of the broader ‘right to be let alone’ that
18 one of our wisest Justices characterizes as ‘the most comprehensive of rights and
19 the right most valued by civilized men.’” *Id.* at 716-717 (quoting *Olmstead v.*
20 *United States*, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting)).

21 And this freedom from communication is especially important “in situations
22 where ‘the degree of captivity makes it impractical for the unwilling viewer or
23 auditor to avoid exposure’” to the speech. *Hill*, 530 U.S. at 718 (citation omitted).
24 SB 399 addresses such a situation. As the legislative history explains, employers
25 and their employees do not stand on equal footing. *See supra* at 1-2. By virtue of
26 controlling their employees’ economic livelihood—particularly in an at-will
27 employment situation—an employer exercises “outsized influence on their
28 employees’ daily lives.” RJN, Ex. 4, RJN_p.45. An employer can leverage this

1 influence to force an employee to listen to the employer’s opinion on highly
2 personal issues such as one’s political beliefs or one’s faith. Of course, as the
3 Supreme Court has observed, “[w]e are a social people . . . and an offer by one to
4 communicate and discuss information with a view to influence the other’s action
5 [is] not regarded as aggression or a violation of that other’s rights.” *Hill*, 530 U.S.
6 at 717 (quoting *Am. Steel Foundries v. Tri-City Central Trades Council*, 257 U.S.
7 184, 204 (1921)). But if “the offer is declined, as it may rightfully be, then
8 persistence, importunity, following and dogging become unjustifiable annoyance
9 and obstruction which is likely soon to savor of intimidation. From all of this the
10 person sought to be influenced has a right to be free.” *Id.* (quoting *Am. Steel*
11 *Foundries*, 257 U.S. at 304). So, too, the employee who faces the choice to either
12 listen to an unwanted opinion from their employer or suffer potentially dire
13 economic consequences, like the loss of their livelihood. The First Amendment
14 does not require that an employee “‘undertake Herculean efforts to escape’” their
15 employer’s political or religious opinions. *Id.* at 716 (citation omitted).

16 At the end of the day, SB 399 is a regulation of conduct, not speech. It does
17 not silence any employer’s speech, but only restricts an employer’s conduct in
18 taking or threatening to take adverse action against an employee who does not wish
19 to listen to the employer’s speech. That is conduct, and plaintiffs cite no case law
20 holding otherwise.

21 **B. SB 399 Is Subject to, and Withstands, Rational Basis Review**

22 Because SB 399 is a regulation of conduct, not speech, it is subject only to
23 rational basis review. *See, e.g., Tingley v. Ferguson*, 47 F.4th 1055, 1073 (9th Cir.
24 2022). Under rational basis review, SB 399 must be “‘rationally related to a
25 legitimate state interest.’” *Id.* at 1078 (citation omitted). SB 399 meets this
26 standard.

27 First, SB 399 furthers the State’s interest in protecting employees from
28 coercion and preserving their autonomy and ability to freely choose what they

1 believe on core matters such as politics and religion. SB 399 ensures that
2 employees are not forced against their will to listen to speech they would prefer to
3 avoid—and that is not related to their job duties—because of their economic
4 dependency on their employers. The State has a legitimate interest in protecting
5 employees from coercion and ensuring they can avoid listening to speech they do
6 not wish to hear. As explained in more detail above, *see supra* at 14-15, the
7 Supreme Court has repeatedly recognized that the “unwilling listener’s interest in
8 avoiding communication” is “an ‘interest’ that States can choose to protect in
9 certain situations.” *Hill*, 530 U.S. at 717 & n.24. Those situations include
10 “situations where ‘the degree of captivity makes it impractical for the unwilling
11 viewer or auditor to avoid exposure.’” *Id.* at 718 (citation omitted). SB 399
12 addresses such a situation: where an employee faces the risk of losing their job or
13 facing other adverse employment actions if they choose not to listen to their
14 employer’s political or religious speech unrelated to their job duties. It thus
15 furthers a legitimate and important government interest.

16 Second, SB 399 furthers this interest in a rational way. After all, SB 399
17 “only appl[ies] to communications that interfere with” a listener’s interest in
18 avoiding unwanted communications, “rather than those that involve willing
19 listeners.” *Hill*, 530 U.S. at 718. SB 399 does not prohibit or ban *any* meeting or
20 speech there—it bans “subject[ing] or threaten[ing] to subject an employee to
21 discharge, discrimination, retaliation, or any other adverse action” because the
22 employee refused to listen to the employer’s opinion on political and religious
23 matters unnecessary for their job duties and unrelated to the tenets of the
24 organization in which they are employed. Cal. Labor Code § 1137(c). The
25 legislative history is clear that an employer does not face liability under SB 399
26 “until and unless the employer takes an adverse action against [an] employee for
27 exercising their right to decline.” RJN, Ex. 2, RJN_p.20. Plaintiff is free to hold
28 whatever meetings it wishes and to share its opinion on whatever topic it wishes

1 with employees who want to listen. All it cannot do is sanction an unwilling
2 listener. Thus, SB 399 targets the precise conduct that gives rise to the concerns
3 animating it: the law prohibits employers from leveraging their power over
4 employees to force an unwilling employee to listen to political or religious opinions
5 unrelated to an employee's work. Since SB 399 is a regulation of conduct that
6 meets the standard for rational basis review, plaintiffs have not stated a viable First
7 Amendment claim.

8 **CONCLUSION**

9 For the foregoing reasons, Defendant requests this Court to dismiss plaintiff's
10 case with prejudice.

11
12
13 Dated: June 5, 2025

Respectfully submitted,

14 ROB BONTA
15 Attorney General of California
16 ANYA M. BINSACCA
Supervising Deputy Attorney General

17
18 /s/ Kristin A. Liska
19 KRISTIN A. LISKA
20 Deputy Attorney General
21 *Attorneys for Defendant*
22
23
24
25
26
27
28

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Defendant, certifies that this brief contains 5,839 words, which complies with the word limit of L.R. 11-6.1.

 X complies with the word limit of L.R. 11-6.1.

___ complies with the word limit set by court order dated [date].

Dated: June 5, 2025

Respectfully submitted,

ROB BONTA
Attorney General of California
ANYA M. BINSACCA
Supervising Deputy Attorney General

/s/ Kristin A. Liska
KRISTIN A. LISKA
Deputy Attorney General
Attorneys for Defendant

CERTIFICATE OF SERVICE

Case Name: ***California Policy Center, Inc. v. Lilia Garcia-Brower***

Case No.: **8:25-cv-00271-MWC-SK**

I hereby certify that on June 5, 2025, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

- 1. NOTICE OF MOTION AND MOTION TO DISMISS;
MEMORANDUM OF POINTS AND AUTHORITIES**
- 2. REQUEST FOR JUDICIAL NOTICE (with Exhibits 1-5)**
- 3. [PROPOSED] ORDER GRANTING DEFENDANT'S MOTION TO
DISMISS**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished electronically by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct.

This declaration was executed on June 5, 2025, at San Francisco, California.

Vanessa Jordan
Declarant

Vanessa Jordan
Signature

1 ROB BONTA
Attorney General of California
2 ANYA M. BINSACCA
Supervising Deputy Attorney General
3 KRISTIN A. LISK A
Deputy Attorney General
4 State Bar No. 315994
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3916
6 Fax: (415) 703-5480
E-mail: Kristin.Liska@doj.ca.gov
7 *Attorneys for Defendant*

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11

12
13 **CALIFORNIA POLICY CENTER,
INC.,**

14 Plaintiff,

15
16 v.

17 **LILIA GARCIA-BROWER, in her
official capacity as the Labor
18 Commissioner in the Division of
Labor Standards Enforcement of the
19 California Department of Industrial
Relations,**

20 Defendant.
21
22
23
24
25
26
27
28

Case No. 8:25-cv-00271-MWC-SK

**JOINT STIPULATION
EXTENDING TIME TO RESPOND
TO COMPLAINT BY MORE
THAN 30 DAYS**

Judge: The Honorable Michelle
Williams Court

Trial Date: Not scheduled
Action Filed: 2/11/2025

1 This stipulation is entered into between Plaintiff California Policy Center, Inc.
2 and Commissioner Lilia García-Brower, by and through their respective counsel.

3 WHEREAS,

- 4 1. Plaintiff filed this action on February 11, 2025.
- 5 2. Plaintiff sent a waiver of process to counsel for the Commissioner.
6 Defendant's counsel executed and returned the wavier on March 14, 2025.
7 Plaintiff filed the executed and returned waiver on March 25, 2025.
- 8 3. Defendant's response to the complaint was due April 22, 2025.
- 9 4. On February 21, 2025, plaintiff filed a motion for a preliminary injunction.
10 Defendant filed her opposition to the motion on March 28, 2025. Plaintiff
11 filed its reply on April 4, 2025.
- 12 5. Plaintiff's motion for a preliminary injunction was heard on April 18,
13 2025. On April 23, 2025, the Court continued the hearing on the motion to
14 July 11, 2025, and ordered further briefing.
- 15 6. At the time defendant's counsel agreed to waive service, the parties, in
16 light of the pending motion for a preliminary injunction, agreed to file a
17 joint stipulation to extend the time for defendant to respond to the
18 complaint until 30 days after the Court rules on the pending motion for a
19 preliminary injunction. However, due to an oversight by counsel, and the
20 fact that both parties were focused on the pending motion for preliminary
21 injunction, that stipulation was never filed.
- 22 7. The parties filed a joint stipulation extending the time to respond until 30
23 days after the Court rules on the pending motion for a preliminary
24 injunction on May 7, 2025. The Court denied the joint stipulation on May
25 9, 2025.
- 26 8. The parties, therefore, file this joint stipulation proposing a schedule for
27 briefing a motion to dismiss. The parties propose that defendant file her
28 motion to dismiss on June 13, 2025, that plaintiff file its opposition on June

1 27, 2025, and that defendant file her reply on July 3, 2025. The parties
2 further propose that the motion be heard on July 11, 2025 at the scheduled
3 hearing on plaintiff's motion for a preliminary injunction.

4 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
5 between the undersigned counsel, that defendant shall file her motion to dismiss on
6 June 13, 2025, that plaintiff shall file its opposition on June 27, 2025, and that
7 defendant shall file her reply on July 3, 2025.

8
9
10 Dated: May 16, 2025

Respectfully submitted,

11 ROB BONTA
12 Attorney General of California
13 ANYA M. BINSACCA
Supervising Deputy Attorney General

14 By: /s/ Kristin A. Liska
15 KRISTIN A. LISK
16 Deputy Attorney General
Attorneys for Defendants

17
18 By: /s/ Jeffrey Schwab

19 Jeffrey M. Schwab
20 Liberty Justice Center
21 7500 Rialto Blvd
22 Suite 1-250
23 Austin, TX 78735
24 512-481-4400
jschwab@ljc.org
Attorneys for Plaintiff

ATTESTATION OF SIGNATURES (L. R. 5-4.3.4(a)(2))

I, Kristin A. Liska, the attorney whose ECF credentials are being used in connection with this filing, hereby attest in accordance with Local Rule 5-4.3.4(a)(2), that all signatories listed, and on whose behalf this filing is submitted, concur in the filing's content and have authorized this filing.

Dated: May 16, 2025

/s/ Kristin A. Liska

KRISTIN A. LISKA
Deputy Attorney General

CERTIFICATE OF SERVICE

Case Name: ***California Policy Center, Inc. v. Lilia Garcia-Brower***

Case No.: **8:25-cv-00271-MWC-SK**

I hereby certify that on May 16, 2025, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

JOINT STIPULATION EXTENDING TIME TO RESPOND TO COMPLAINT BY MORE THAN 30 DAYS

**[PROPOSED] ORDER GRANTING JOINT STIPULATION
EXTENDING TIME TO RESPOND TO COMPLAINT BY MORE
THAN 30 DAYS**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished electronically by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct.

This declaration was executed on May 16, 2025, at San Francisco, California.

Vanessa Jordan
Declarant

Vanessa Jordan
Signature

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

**CALIFORNIA POLICY CENTER,
INC.,**

Plaintiff,

v.

**LILIA GARCIA-BROWER, in her
official capacity as the Labor
Commissioner in the Division of
Labor Standards Enforcement of the
California Department of Industrial
Relations,**

Defendant.

Case No. 8:25-cv-00271-MWC-SK

**[PROPOSED] ORDER GRANTING
JOINT STIPULATION
EXTENDING TIME TO RESPOND
TO COMPLAINT BY MORE
THAN 30 DAYS**

Judge: The Honorable Michelle
Williams Court

Trial Date: Not scheduled

Action Filed: 2/11/2025

1 The Court having reviewed the Parties' Joint Stipulation Extending Time to
2 Respond to Complaint by More than 30 Days ("Stipulation"), and good cause
3 appearing, hereby **GRANTS** the Stipulation and ORDERS as follows:

4 The Court sets the following schedule for briefing and hearing a motion
5 to dismiss:

- 6 1. Defendant's motion to dismiss Plaintiff's complaint shall be due by
7 June 13, 2025;
- 8 2. Plaintiff's opposition to Defendant's motion shall be due by June 27,
9 2025;
- 10 3. Defendant's reply shall be due by July 3, 2025; and,
- 11 4. Defendant's motion to dismiss shall be heard on July 11, 2025, at the
12 scheduled hearing on Plaintiff's motion for a preliminary injunction.

13
14 **IT IS SO ORDERED.**

15
16 Dated: _____

Honorable Michelle Williams Court
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

**CALIFORNIA POLICY CENTER,
INC.,**

Plaintiff,

v.

**LILIA GARCIA-BROWER, in her
official capacity as the Labor
Commissioner in the Division of
Labor Standards Enforcement of the
California Department of Industrial
Relations,**

Defendant.

Case No. 8:25-cv-00271-MWC-SK

**ORDER RE: JOINT
STIPULATION EXTENDING
TIME TO RESPOND TO
COMPLAINT BY MORE THAN 30
DAYS (DKT. 28)**

1 The Court has reviewed the Parties' Joint Stipulation Extending Time to
2 Respond to Complaint by More than 30 Days ("Stipulation"). Dkt. 28. For lack of
3 good cause shown, the Court **DENIES** the Stipulation.

4
5 **IT IS SO ORDERED.**



6
7 Dated: May 9, 2025

8 Honorable Michelle Williams Court
9 United States District Judge

1 ROB BONTA
Attorney General of California
2 ANYA M. BINSACCA
Supervising Deputy Attorney General
3 KRISTIN A. LISKA
Deputy Attorney General
4 State Bar No. 315994
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3916
6 Fax: (415) 703-5480
E-mail: Kristin.Liska@doj.ca.gov
7 *Attorneys for Defendant*

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11

12
13 **CALIFORNIA POLICY CENTER,
INC.,**

14 Plaintiff,

15
16 **v.**

17 **LILIA GARCIA-BROWER, in her
official capacity as the Labor
18 Commissioner in the Division of
Labor Standards Enforcement of the
19 California Department of Industrial
Relations,**

20 Defendant.
21
22
23
24
25
26
27
28

Case No. 8:25-cv-00271-MWC-SK

**JOINT STIPULATION
EXTENDING TIME TO RESPOND
TO COMPLAINT BY MORE
THAN 30 DAYS**

Judge: The Honorable Michelle
Williams Court

Trial Date: Not scheduled

Action Filed: 2/11/2025

1 This stipulation is entered into between Plaintiff California Policy Center, Inc.
2 and Commissioner Lilia García-Brower, by and through their respective counsel.

3 WHEREAS,

- 4 1. Plaintiff filed this action on February 11, 2025.
- 5 2. Plaintiff sent a waiver of process to counsel for the Commissioner.
6 Defendant's counsel executed and returned the wavier on March 14, 2025.
7 Plaintiff filed the executed and returned waiver on March 25, 2025.
- 8 3. Defendant's response to the complaint was due April 22, 2025.
- 9 4. On February 21, 2025, plaintiff filed a motion for a preliminary injunction.
10 Defendant filed her opposition to the motion on March 28, 2025. Plaintiff
11 filed its reply on April 4, 2025.
- 12 5. Plaintiff's motion for a preliminary injunction was heard on April 18,
13 2025. On April 23, 2025, the Court continued the hearing on the motion to
14 July 11, 2025, and ordered further briefing.
- 15 6. At the time defendant's counsel agreed to waive service, the parties, in
16 light of the pending motion for a preliminary injunction, agreed to file a
17 joint stipulation to extend the time for defendant to respond to the
18 complaint until 30 days after the Court rules on the pending motion for a
19 preliminary injunction. However, due to an oversight by counsel, and the
20 fact that both parties were focused on the pending motion for preliminary
21 injunction, that stipulation was never filed.
- 22 7. The parties were made aware of this oversight when the Court issued its
23 order to show cause re dismissal for lack of prosecution on May 6, 2025.
- 24 8. The parties, therefore, file this joint stipulation to extend the time for
25 defendant to respond to the complaint until 30 days after the Court rules
26 on the pending motion for a preliminary injunction.
- 27 9. This extension of time will permit the Court and the parties to focus on the
28 pending motion for a preliminary injunction, preserve the Court's and the

1 parties' resources, and aid the efficient resolution of this matter.

2 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
3 between the undersigned counsel, that Defendant's response to the complaint shall
4 be due 30 days after the Court rules on the pending motion for a preliminary
5 injunction.

6

7

8 Dated: May 7, 2025

Respectfully submitted,

9

10

ROB BONTA
Attorney General of California
ANYA M. BINSACCA
Supervising Deputy Attorney General

11

12

By: /s/ Kristin A. Liska

13

KRISTIN A. LISKA
Deputy Attorney General
Attorneys for Defendants

14

15

16

By: /s/ Jeffrey M. Schwab

17

18

Jeffrey M. Schwab
Liberty Justice Center
7500 Rialto Blvd
Suite 1-250
Austin, TX 78735
512-481-4400
jschwab@ljc.org
Attorneys for Plaintiff

19

20

21

22

23

24

25

26

27

28

ATTESTATION OF SIGNATURES (L. R. 5-4.3.4(a)(2))

I, Kristin A. Liska, the attorney whose ECF credentials are being used in connection with this filing, hereby attest in accordance with Local Rule 5-4.3.4(a)(2), that all signatories listed, and on whose behalf this filing is submitted, concur in the filing's content and have authorized this filing.

Dated: May 7, 2025

/s/ Kristin A. Liska

KRISTIN A. LISKA
Deputy Attorney General

CERTIFICATE OF SERVICE

Case Name: ***California Policy Center, Inc. v. Lilia Garcia-Brower***

Case No.: **8:25-cv-00271-MWC-SK**

I hereby certify that on May 7, 2025, I electronically filed the following document with the Clerk of the Court by using the CM/ECF system:

JOINT STIPULATION EXTENDING TIME TO RESPOND TO COMPLAINT BY MORE THAN 30 DAYS

[PROPOSED] ORDER GRANTING JOINT STIPULATION EXTENDING TIME TO RESPOND TO COMPLAINT BY MORE THAN 30 DAYS

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished electronically by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct.

This declaration was executed on May 7, 2025, at San Francisco, California.

Vanessa Jordan
Declarant

Vanessa Jordan
Signature

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

**CALIFORNIA POLICY CENTER,
INC.,**

Plaintiff,

v.

**LILIA GARCIA-BROWER, in her
official capacity as the Labor
Commissioner in the Division of
Labor Standards Enforcement of the
California Department of Industrial
Relations,**

Defendant.

Case No. 8:25-cv-00271-MWC-SK

**[PROPOSED] ORDER GRANTING
JOINT STIPULATION
EXTENDING TIME TO RESPOND
TO COMPLAINT BY MORE
THAN 30 DAYS**

Judge: The Honorable Michelle
Williams Court

Trial Date: Not scheduled

Action Filed: 2/11/2025

1 The Court, having reviewed the Parties' Joint Stipulation Extending Time to
2 Respond to Complaint by More than 30 Days, and good cause appearing, hereby
3 GRANTS the joint stipulation. It is hereby ORDERED that Defendant's response
4 to Plaintiff's complaint shall be due 30 days after this Court issues its decision on
5 Plaintiff's pending motion for a preliminary injunction.

6
7 **IT IS SO ORDERED.**

8
9 Dated: _____

Honorable Michelle Williams Court
United States District Judge

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SA 25CV-00271-MWC-SK	Date	May 6, 2025
Title	California Policy Center, Inc. v. Lilia Garcia-Brower, et al.		
Present: The Honorable	MICHELLE WILLIAMS COURT, U.S. District Judge		
T. Jackson	Not Reported		
Deputy Clerk	Court Reporter		
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
None	None		

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL
FOR LACK OF PROSECUTION AS TO LILIA GARCIA-BROWER**

The Court, on its own motion, orders Plaintiff to show cause in writing no later than **May 13, 2025**, why this action should not be dismissed for lack of prosecution regarding overdue responses **as to Lilia Garcia-Brower**. Pursuant to Rule 55 of the Federal Rules of Civil Procedure, Plaintiff shall file an application requesting the entry of default. Plaintiff is advised that the Court will consider the filing of an amended application, which complies with the federal rules, on or before the date upon which the response is due, as a satisfactory response to the Order to Show Cause. The Order to Show Cause will stand submitted upon the filing of an appropriate response. No oral argument will be heard unless otherwise ordered by the Court. Failure to respond will result in the dismissal of this matter.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SA CV25-00271-MWC-SK	Date	April 18, 2025
Title	California Policy Center, Inc. v. Lilia Garcia-Brower, et al.		
Present: The Honorable	MICHELLE WILLIAMS COURT, U.S. District Judge		
T. Jackson		Laura Elias	
Deputy Clerk		Court Reporter	
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
Jeffrey Schwab		Kristin Liska	
Julie Hamill			

Proceedings: MOTION FOR PRELIMINARY INJUNCTION (DKT. [11])

The motion hearing is held. The Court hears oral argument from the parties. The Court orders supplemental briefing as follows:

June 13, 2025: Discovery deadline concerning standing and ripeness

June 20, 2025: Deadline for Plaintiff to file supplemental brief
(not to exceed 25pages)

June 27, 2025: Deadline for Defendant to file supplemental brief
(not to exceed 25 pages)

July 3, 2025: Deadline for Plaintiff to file reply brief (not to exceed 12 pages)

July 11, 2025: Final hearing on motion for preliminary injunction

01 : 10

Initials of Deputy TJ
Clerk

Julie A. Hamill (272742)
julie@justiceca.com
California Justice Center, APC
904 Silver Spur Road, #287
Rolling Hills Estates, CA 90274
424-265-0529

Jeffrey M. Schwab (pro hac vice to be filed)
jschwab@ljc.org
Liberty Justice Center
7500 Rialto Blvd.
Suite 1-250
Austin, TX 78735
512-481-4400

Attorneys for Plaintiff
CALIFORNIA POLICY CENTER, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

CALIFORNIA POLICY CENTER, INC.

Plaintiff,

v.

LILIA GARCIA-BROWER, *in her official
capacity as the Labor Commissioner in
the Division of Labor Standards
Enforcement of the California
Department of Industrial Relations,*

Defendant.

Case No.

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

**ACTION SEEKING STATEWIDE
OR NATIONWIDE RELIEF**

1. This case is about content-based restrictions on speech imposed by the State of California against employers, in violation of the First and Fourteenth Amendments of the U.S. Constitution and 42 U.S.C. § 1983.

1 2. The First Amendment protects the free-speech rights of both employees
2 and employers—including an employer’s right to speak to employees about
3 matters of importance to the employer.

4 3. Nonetheless, the State of California has enacted a law, misleadingly titled
5 the “California Worker Freedom from Employer Intimidation Act” (“the Act”),
6 that forbids employers from speaking to their employees about “religious or
7 political matters” if listening or attending a meeting in which such matters are
8 communicated is a condition of their employment—even when such matters are
9 relevant to the employer’s business.

10 4. The Act defines “political matters” broadly to include speech “relating to
11 elections for political office, political parties, legislation, regulation, and the
12 decision to join or support any political party or political or labor organization.”

13 5. Plaintiff California Policy Center, Inc. (“CPC”) is a 501(c)(3) nonprofit
14 organization with a mission to secure a more prosperous future for all Californians.
15 To do this, CPC engages in research and communication related to public policy,
16 primarily focused on the areas of education reform, workplace freedom,
17 government transparency, and governance.

18 6. Before the Act went into effect, CPC regularly conducted mandatory
19 staff meetings at which the organization’s views on issues of legislation,
20 regulation, and the decision to join a labor union, among other things, were
21 discussed.

22 7. But for the Act, CPC would continue its practice of holding such
23 mandatory meetings that include political matters.
24

8. This restriction on CPC's ability to speak to its employees about the very subject matter of the organization's mission violates CPC's right to free speech under the First Amendment.

9. CPC therefore seeks declaratory relief and preliminary and permanent injunctive relief against the Labor Commissioner in the Division of Labor Standards Enforcement of the California Department of Industrial Relations—the government official charged with enforcing the Act—to protect its right to freedom of speech.

PARTIES

10. Plaintiff California Policy Center, Inc. is a 501(c)(3) nonprofit organization incorporated in California, with its office in Tustin, California.

11. Defendant Lilia Garcia-Brower is the Labor Commissioner in the Division of Labor Standards Enforcement of the California Department of Industrial Relations and is sued in her official capacity. The Labor Commissioner is tasked with enforcing the California Worker Freedom from Employer Intimidation Act, including investigating an alleged violation, ordering appropriate temporary relief, and issuing citations for violations.

JURISDICTION AND VENUE

12. This case raises claims under the First and Fourteenth Amendments of the U.S. Constitution and 42 U.S.C. § 1983. The Court has subject-matter jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343.

13. Venue is proper because a substantial portion of the events giving rise to the claims occurred in the Central District of California. 28 U.S.C. § 1391(b)(2).

FACTUAL BACKGROUND

California's Ban on Employer Political and Religious Speech

14. California Senate Bill 399 ("SB 399"), referred to herein as "the Act," adds Chapter 9 to Part 3 of Division 2 of the California Labor Code, commencing with California Labor Code section 1137, was signed into law by Governor Gavin Newsom on September 27, 2024, and became effective January 1, 2025.

15. The Act prohibits employers from "subject[ing], or threaten[ing] to subject, an employee to discharge, discrimination, retaliation, or any other adverse action" for refusing to attend meetings or receive communications from the employer where the purpose is to "communicate the employer's opinion about religious or political matters." Cal. Lab. Code § 1137(c).

16. The Act defines "political matters" as "matters relating to elections for political office, political parties, legislation, regulation, and the decision to join or support any political party or political or labor organization." Cal. Lab. Code § 1137(b)(3).

17. The Act defines "religious matters" as "matters relating to religious affiliation and practice and the decision to join or support any religious organization or association." Cal. Lab. Code § 1137(b)(4).

18. The Act provides several exceptions.

19. The Act allows employers to communicate to employees "information that is necessary for those employees to perform their job duties." Cal. Lab. Code § 1137(g)(2).

1 20. Religious corporations, entities, associations, educational institutions, or
2 societies exempt from the requirements of Title VII of the Civil Rights Act of 1964
3 or employment discrimination protections of state law are exempt from the Act's
4 ban on mandatory meetings or communications with respect to speech on religious
5 matters to employees who perform work connected with the activities undertaken
6 by that organization. Cal. Lab. Code § 1137(h)(1).

7 21. The Act also exempts political organizations or parties from the ban on
8 mandatory meetings or communications about political matters where the purpose
9 is to communicate the employer's political tenets or purposes. Cal. Lab. Code
10 § 1137(h)(2).

11 22. The Act exempts an employer from "communicating to its employees
12 any information that the employer is required by law to communicate, but only to
13 the extent of that legal requirement," Cal. Lab. Code § 1137(g)(1), and from
14 "requiring employees to undergo training to comply with the employer's legal
15 obligations, including obligations under civil rights laws and occupational safety
16 and health laws," Cal. Lab. Code § 1137(h)(5).

17 23. The Act allows a "nonprofit, tax-exempt training program requiring a
18 student or instructor to attend classroom instruction, complete fieldwork, or
19 perform community service hours on political or religious matters as it relates to
20 the mission of the training program or sponsor," Cal. Lab. Code § 1137(h)(4), an
21 "educational institution requiring a student or instructor to attend lectures on
22 political or religious matters that are part of the regular coursework at the
23 institution," Cal. Lab. Code § 1137(h)(3), and communications by "an institution
24

1 of higher education” to “its employees that are part of coursework, any symposia,
2 or an academic program at that institution,” Cal. Lab. Code § 1137(g)(3).

3 24. The Act also allows a public employer to communicate to its employees
4 “any information related to a policy of the public entity or any law or regulation
5 that the public entity is responsible for administering,” Cal. Lab. Code
6 § 1137(g)(4), and to hold a new employee orientation, Cal. Lab. Code
7 § 1137(h)(6).

8 25. The Act provides for enforcement by aggrieved employees, or their
9 exclusive representatives, and by the Labor Commissioner. Cal. Lab. Code
10 § 1137(e), (f).

11 26. Section 1137(f) of the Act allows “any employee who has suffered a
12 violation” of the Act to bring a “civil action in a court of competent jurisdiction for
13 damages caused by that adverse action, including punitive damages.” And “an
14 employee or their exclusive representative may petition the superior court in any
15 county wherein the violation in question is alleged to have occurred, or wherein the
16 person resides or transacts business, for appropriate temporary or preliminary
17 injunctive relief.”

18 27. Even if an aggrieved employee does not bring an action, the Act further
19 empowers the Labor Commissioner to enforce the Act, “including investigating an
20 alleged violation, and ordering appropriate temporary relief to mitigate a violation
21 or maintain the status quo pending the completion of a full investigation or
22 hearing . . . , including issuing a citation against an employer who violates this
23 section and filing a civil action.” Cal. Lab. Code § 1137(e).

1 28. The Act provides that “[i]n addition to any other remedy, an employer
2 who violates this section shall be subject to a civil penalty of five hundred dollars
3 (\$500) per employee for each violation.” Cal. Lab. Code § 1137(d).

4 **Injury to Plaintiff California Policy Center**

5 29. The Act bans CPC from communicating with its employees during
6 mandatory meetings about legislation, regulations, and decisions to join a labor
7 union—even though creating legislative and regulatory proposals is one of CPC’s
8 principal purposes.

9 30. CPC is a research organization that publishes policy research and trains
10 local elected officials on a variety of political topics, including education reform,
11 workplace freedom, government transparency, and constitutional governance.

12 31. Until the Act went into effect, CPC held mandatory staff meetings every
13 week, except holidays, for all staff, with no exceptions made for job title or
14 position.

15 32. CPC also has regularly-scheduled team meetings and holds strategy
16 meetings scheduled as needed that are mandatory for certain staff.

17 33. Before the Act went into effect, CPC held all-staff retreats, and all staff,
18 regardless of position, were required to attend.

19 34. At the mandatory meetings and mandatory retreats, CPC has discussed,
20 among other things, topics such as government financing at the state and local
21 level, legislation that has been proposed or enacted at the state and local level,
22 activities of labor unions in California to restrict worker rights, the rights of public
23 sector workers to opt out of paying union dues, political choices involving
24

1 infrastructure for water and power, compensation and pensions paid to public
2 employees, legislation relating to free speech, policy failures by California political
3 leadership, and policy solutions that would lead to individual liberty and prosperity
4 in California.

5 35. The topics discussed during these meetings often include “political
6 matters” as defined by the Act because they relate to “legislation, regulation, and
7 the decision to join or support” a public-sector labor union. Cal. Lab. Code
8 § 1137(b)(3).

9 36. It is important for the functioning of CPC to communicate about political
10 matters—including discussions of legislation and regulations—with its employees
11 and ensure that their employees listen to such communications. Often the most
12 efficient way of doing so is by holding mandatory meetings.

13 37. CPC believes it is important to discuss its work with all its employees,
14 regardless of whether a specific employee is working on a specific topic. Such
15 discussions improve staff morale and team cohesion and enable staffers not
16 working on a specific policy-related matter to express their ideas or new
17 perspective on that matter.

18 38. CPC’s speech does not qualify for one of the several exemptions set forth
19 in the Act. *See* Cal. Lab. Code § 1137(g), (h).

20 39. CPC would continue holding mandatory meetings and retreats during
21 which “political matters” as defined by the Act, including legislation and
22 regulations, are discussed but for the prohibitions set forth in the Act because it
23 fears enforcement of the Act against it. The Act chills CPC’s political speech by
24

1 imposing the threat of legal penalties on CPC for speech which it has engaged in
2 regularly and wishes to continue to engage in the future.

3 **COUNT I**

4 **The ban on employer speech to employees about “political matters” in**
5 **SB 399 violates the First Amendment’s guarantee of freedom of speech.**

6 40. The allegations contained in all preceding paragraphs are incorporated
7 herein by reference.

8 41. “[A]bove all else, the First Amendment means that government has no
9 power to restrict expression because of its message, its ideas, its subject matter or
10 its content.” *Police Department of Chicago v. Mosley*, 408 U.S. 92, 95-96 (1972).

11 42. A law is content based if the law “‘on its face’ draws distinctions based
12 on the message a speaker conveys.” *Reed v. Town of Gilbert*, 576 U.S. 155, 163
13 (2015) (quoting *Sorrell v. IMS Health Inc.*, 564 U.S. 552, 563–64 (2011)).

14 43. “Content-based regulations are presumptively invalid” and thus subject to
15 strict scrutiny analysis. *R.A.V. v. City of St. Paul*, 505 U.S. 377, 382 (1992); *United*
16 *States v. Alvarez*, 567 U.S. 709, 717 (2012) (plurality opinion). Content-based
17 restrictions on political and religious speech warrant such scrutiny because they
18 “are especially likely to be improper attempts to value some forms of speech over
19 others, [and] are particularly susceptible to being used by the government to distort
20 public debate.” *City of Ladue v. Gilleo*, 512 U.S. 43, 60 (1994) (O’Connor, J.,
21 concurring).

22 44. The Act is a content-based regulation because it regulates speech based
23 on its content: an employer is prohibited from communicating political speech or
24

1 religious speech to its employees at mandatory meetings or by requiring the
2 employees to listen to such speech.

3 45. To know whether an employer violates the Act, the government must
4 discern the content of the employer's speech.

5 46. Defendant has no compelling governmental interest in prohibiting
6 employers from communicating political or religious matters to employees.

7 47. The Act is not narrowly tailored to serve any purported compelling
8 government interest.

9 48. The Act therefore violates the CPC's First Amendment rights, and CPC
10 is entitled to injunctive relief because it is irreparably harmed and has no adequate
11 remedy at law.

12 PRAYER FOR RELIEF

13 WHEREFORE, Plaintiff respectfully requests that this Court grant the following
14 relief:

15 A. Enter a judgment declaring that the prohibition on employer speech to
16 employees about "political matters" at mandatory meetings contained in Cal. Lab.
17 Code § 1137 violates the First Amendment to the United States Constitution, both
18 on its face and as applied to Plaintiff California Policy Center.

19 B. Preliminarily and permanently enjoin Defendant from enforcing Cal.
20 Lab. Code § 1137;

21 C. Award Plaintiff its reasonable costs, expenses, and attorneys' fees
22 pursuant to 42 U.S.C. § 1988 and any applicable law; and

23 D. Award Plaintiff any additional relief the Court deems just and proper.
24

1
2 Dated: February 11, 2025

3
4 Respectfully submitted,

5 **CALIFORNIA POLICY CENTER, INC.**

6 By: /s/ Julie Hamill

7 Attorneys for Plaintiff

8 Julie A. Hamill
9 California Justice Center, APC
904 Silver Spur Road, #287
10 Rolling Hills Estates, CA 90274
424-265-0529
11 julie@justiceca.com

12 Jeffrey M. Schwab*
13 Liberty Justice Center
7500 Rialto Blvd
14 Suite 1-250
Austin, TX 78735
15 512-481-4400
jschwab@ljc.org

16
17 * motion for pro hac vice admission pending
18
19
20
21
22
23
24

Emily Rae (308010)
emily@calpolicycenter.org
California Justice Center
18002 Irvine Blvd., Suite 108
Tustin, CA 92780
949-237-2573

Jeffrey M. Schwab (pro hac vice)
jschwab@ljc.org
Liberty Justice Center
7500 Rialto Blvd
Suite 1-250
Austin, TX 78735
512-481-4400

Attorneys for Plaintiff
CALIFORNIA POLICY CENTER, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

CALIFORNIA POLICY CENTER, INC.

Plaintiff,

v.

LILIA GARCIA-BROWER, *in her official
capacity as the Labor Commissioner in
the Division of Labor Standards
Enforcement of the California
Department of Industrial Relations,*
Defendant.

Case No. 25-cv-00271

Honorable Michelle Williams Court

NOTICE OF APPEAL

1 Plaintiff California Policy Center, Inc. (“CPC”) respectfully appeals to the
2 United States Court of Appeals for the Ninth Circuit from the Order granting
3 Defendant’s Motion to Dismiss dated (Dkt. 40) entered June 24, 2025, (attached as
4 Exhibit A), the Order dismissing the case (Dkt. 42) entered July 31, 2025,
5 (attached as Exhibit B), and the Order denying Plaintiff’s motion for
6 Reconsideration (Dkt. 52) entered September 9, 2025, (attached as Exhibit C).

7
8 Dated September 29, 2025

9 Respectfully submitted,

10 **CALIFORNIA POLICY CENTER, INC.**

11 By: /s/ Jeffrey Schwab

12 Attorneys for Plaintiff

13 Emily Rae (308010)
14 emily@calpolicycenter.org
15 California Justice Center
16 18002 Irvine Blvd., Suite 108
Tustin, CA 92780
949-237-2573

17 Jeffrey M. Schwab (pro hac vice)
18 Liberty Justice Center
19 7500 Rialto Blvd
Suite 1-250
20 Austin, TX 78735
512-481-4400
jschwab@ljc.org

California Policy Center, Inc. v. Lilia Gacia Brower

Exhibit A

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx) Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

Present: The Honorable: Michelle Williams Court, United States District Judge

T. Jackson
Deputy Clerk

Not Reported
Court Reporter / Recorder

Attorneys Present for Plaintiffs:
N/A

Attorneys Present for Defendants:
N/A

Proceedings: (In Chambers) Order GRANTING WITH LEAVE TO AMEND Defendant’s motion to dismiss (Dkt. 34) and VACATING Plaintiff’s motion for preliminary injunction (Dkt. 11)

Before the Court is a motion to dismiss filed by Lilia Garcia-Brower (“Defendant”), in her official capacity as the Labor Commissioner in the Division of Labor Standards Enforcement of the California Department of Industrial Relations. Dkt. # 34 (“*Mot*”). Plaintiff California Policy Center, Inc. opposed, Dkt. # 36 (“*Opp.*”), and Defendant replied, Dkt. # 39 (“*Reply*”). The Court finds the matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78; L.R. 7-15. Having considered the papers, the Court **GRANTS WITH LEAVE TO AMEND** Defendant’s motion to dismiss and further **VACATES** Plaintiff’s motion for preliminary injunction.

I. Background

A. The California Worker Freedom from Employer Intimidation Act

The California Legislature enacted Senate Bill 399, which became effective January 1, 2025 and codified as Cal. Lab. Code § 1137, also known as the “California Worker Freedom from Employer Intimidation Act” (the “Act”). Cal. Lab. Code § 1137. Under the Act, an employer “shall not subject, or threaten to subject, an employee to discharge, discrimination, retaliation, or any other adverse action because the employee declines to attend an employer-sponsored meeting or affirmatively declines to participate in, receive, or listen to any communications with the employer or its agents or representatives, the purpose of which is to communicate the employer’s opinion about

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

religious or political matters.” *Id.* § 1137(c). The Act defines “political matters” as “matters relating to elections for political office, political parties, legislation, regulation, and the decision to join or support any political party or political or labor organization.” *Id.* § 1137(b)(3). The Act defines “religious matters” as “matters relating to religious affiliation and practice or the decision to join or support any religious organization or association.” *Id.* § 1137(b)(4).

The Act’s prohibition is subject to a handful of exceptions. The Act does not prohibit any of the following:

- (1) An employer from communicating to its employees any information that the employer is required by law to communicate, but only to the extent of that legal requirement;
- (2) An employer from communicating to its employees any information that is necessary for those employees to perform their job duties;
- (3) An institution of higher education, or any agent, representative, or designee of that institution, from meeting with or participating in any communications with its employees that are part of coursework, any symposia, or an academic program at that institution; [or]
- (4) An employer that is a public entity from communicating to its employees any information related to a policy of the public entity or any law or regulation that the public entity is responsible for administering.

Id. § 1137(g). The Act exempts the following: (1) religious entities exempt under Title VII requiring “employees who perform work connected with the activities undertaken by” the religious entity to attend a meeting involving the religious employer’s “speech on religious matters;” (2) “[a] political organization or party requiring its employees to attend an employer-sponsored meeting or to participate in any communications . . . the purpose of which is to communicate the employer’s political tenants or purposes;” (3) “[a]n educational institution requiring a student or instructor to attend lectures on political or religious matters that are part of the regular coursework at the institution;” (4) “[a] nonprofit, tax-exempt training program requiring a student or instructor to attend classroom instruction, complete fieldwork, or perform community service hours on political or religious matters as it relates to the mission of the training program or sponsor;” (5) “[a]n employer requiring employees to undergo training to comply with the employer’s legal obligations, including obligations under civil rights laws and

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx) Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

occupational safety and health laws;” and (6) “[a] public employer holding a new employee orientation” required under state law. *Id.* § 1137(h)(1)–(4), (h)(6).

The California Labor Commissioner is authorized to enforce the Act, “including by investigating an alleged violation, and ordering appropriate temporary relief to mitigate a violation or maintain the status quo pending the completion of a full investigation or hearing.” *Id.* § 1137(e). Additionally, “any employee who has suffered a violation” may bring a civil action for damages related to any adverse action taken in violation of the Act. *Id.* § 1137(f)(1).

B. The Instant Action

i. *Factual Background*

Plaintiff is a 501(c)(3) nonprofit organization incorporated in California, with its office in Tustin, California. Dkt. # 1 (“*Compl.*”), ¶ 10. Plaintiff is a “research organization that publishes policy research and trains local elected officials on a variety of political topics, including education reform, workplace freedom, government transparency, and constitutional governance.” *Id.* ¶ 30. Until the Act took effect, Plaintiff held mandatory staff meetings every week, except holidays, for all staff, with no exceptions made for job title or position. *Id.* ¶ 31. Plaintiff also has regularly scheduled meetings and holds strategy meetings scheduled as needed that are mandatory for certain staff. *Id.* ¶ 32. Additionally, Plaintiff held all-staff retreats that required all staff to attend. *Id.* ¶ 33. At those meetings and retreats, Plaintiff discussed, among other things:

[T]opics such as government financing at the state and local level, legislation that has been proposed or enacted at the state and local level, activities of labor unions in California to restrict worker rights, the rights of public sector workers to opt out of paying union dues, political choices involving infrastructure for water and power, compensation and pensions paid to public employees, legislation relating to free speech, policy failures by California political leadership, and policy solutions that would lead to individual liberty and prosperity in California.

Id. ¶ 34. Plaintiff asserts that it is important for its functioning to communicate about political matters—including discussions of legislation and regulations—with its

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

employees and ensure that their employees listen to such communications, which is done efficiently by holding mandatory meetings. *Id.* ¶ 36. Plaintiff’s position is that its speech neither qualifies for an exception nor exemption, but that it remains important to its functioning to discuss “its work with all its employees . . . [to] improve staff morale and team cohesion and enable staffers not working on a specific policy-related matter to express their ideas or new perspective on that matter.” *Id.* ¶¶ 37–38. Out of fear of enforcement of the Act against it, Plaintiff no longer holds its mandatory meetings and retreats. *Id.* ¶ 39.

ii. Procedural Background

On February 11, 2025, Plaintiff initiated this action against Defendant, asserting that Defendant has violated Plaintiff’s First Amendment right. *See id.* On February 21, 2025, Plaintiff filed its motion for a preliminary injunction to prevent Defendant from enforcing the Act’s restriction on employer speech. Dkt. # 11. Defendant opposed the motion for a preliminary injunction. Dkt. # 18. Additionally, an amicus brief was filed in opposition to the motion for a preliminary injunction by the California Federation of Labor Unions, California Coalition for Worker Power, California Rural Legal Assistance Foundation, California Employment Lawyers Association, Warehouse Workers Resource Center, and Equal Rights Advocates. Dkt. # 20. The Court held a hearing on Plaintiff’s motion for preliminary injunction on April 18, 2025, and requested supplemental briefing with a hearing set for July 11, 2025. Dkt. # 23. On June 5, 2025, Defendant filed the instant motion to dismiss. *See Mot.* On June 18, 2025, the Court continued the hearing on the motion for a preliminary injunction to August 8, 2025. Dkt. # 38.

II. Discussion

Defendant moves to dismiss Plaintiff’s complaint on three grounds: (1) Plaintiff lacks standing; (2) Plaintiff’s challenge is not ripe; and (3) Plaintiff fails to state a claim. *See Mot.* For the reasons set forth below, the Court finds that Plaintiff lacks standing and that its challenge lacks ripeness, and thus refrains from discussing whether Plaintiff adequately states a claim.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

A. Legal Standard

i. *Standing*

Federal courts are courts of limited jurisdiction and possess only the power authorized by federal statute and Article III of the United States Constitution. *See Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986). Thus, federal courts cannot consider claims for which they lack subject matter jurisdiction. *See Fed. R. Civ. P. 12(h)(3)*.

The plaintiff bears the burden of establishing that subject matter jurisdiction exists. *See United States v. Orr Water Ditch Co.*, 600 F.3d 1152, 1157 (9th Cir. 2010). Federal Rule of Civil Procedure (“Rule”) 12(b)(1) permits a party to assert the defense of “lack of subject-matter jurisdiction” at any time. *See Grupo Dataflux v. Atlas Global Grp.*, 541 U.S. 567, 571 (2004) (“Challenges to subject-matter jurisdiction can of course be raised at any time prior to final judgment.”); *see also Fed. R. Civ. P. 12(h)(1)* (providing that certain Rule 12(b) defenses can be waived but excluding lack of subject matter jurisdiction). Notably, a Rule 12(b)(1) jurisdictional attack may be facial or factual. *See White v. Lee*, 227 F.3d 1214, 1242 (9th Cir. 2000). In a facial attack, the challenger asserts that the complaint’s allegations are insufficient on their face to invoke federal jurisdiction. *See Safe Air for Everyone v. Meyer*, 373 F.3d 1035, 1039 (9th Cir. 2004). In a factual attack, the challenger disputes the truth of the allegations that, by themselves, would otherwise invoke federal jurisdiction. *See id.*

A plaintiff must “have ‘standing’ to challenge the action sought to be adjudicated in the lawsuit.” *Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc.*, 454 U.S. 464, 471 (1982) (citation omitted). The “irreducible constitutional minimum” of Article III standing has three elements: (1) the plaintiff must have suffered an “injury in fact,” meaning a concrete and particularized injury that is actual or imminent; (2) the injury must be causally related to the defendant’s challenged actions; and (3) it must be “likely” that the injury will be “redressed by a favorable decision.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992) (internal quotation marks and citations omitted); *Townley v. Miller*, 722 F.3d 1128, 1133 (9th Cir. 2013).

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

ii. Ripeness

“The ripeness doctrine is ‘drawn both from Article III limitations on judicial power and from prudential reasons for refusing to exercise jurisdiction.’” *Nat’l Park Hosp. Ass’n v. Dep’t of Interior*, 538 U.S. 803, 808 (2003) (citation omitted).

“‘[T]hrough avoidance of premature adjudication,’ the ripeness doctrine prevents courts from becoming entangled in ‘abstract disagreements.’” *Wolfson v. Brammer*, 616 F.3d 1045, 1057 (9th Cir. 2010) (alteration in original) (citation omitted).

The ripeness doctrine has both constitutional and prudential components. *Thomas v. Anchorage Equal Rts. Comm’n*, 220 F.3d 1134, 1138 (9th Cir. 2000) (en banc). The constitutional component overlaps with the analysis of “injury in fact” for Article III standing and considers whether “the issues presented are ‘definite and concrete, not hypothetical or abstract.’” *Wolfson*, 616 F.3d at 1058 (quoting *Thomas*, 220 F.3d at 1138–39); *see also Bishop Paiute Tribe v. Inyo County*, 863 F.3d 1144, 1153 (9th Cir. 2017). The prudential ripeness inquiry is “guided by two overarching considerations: the fitness of the issues for judicial decision and the hardship to the parties of withholding court consideration.” *Bishop Paiute Tribe*, 863 F.3d at 1154 (internal quotation marks omitted) (quoting *Thomas*, 220 F.3d at 1141).

Where a plaintiff seeks to challenge a statute prior to enforcement, “there must be ‘a genuine threat of imminent prosecution.’” *Clark v. City of Seattle*, 899 F.3d 802, 813 (9th Cir. 2018) (quoting *Bishop Paiute Tribe*, 863 F.3d at 1154). To determine whether a plaintiff has established such a threat, a court considers: “[1] whether the plaintiffs have articulated a concrete plan to violate the law in question, [2] whether the prosecuting authorities have communicated a specific warning or threat to initiate proceedings, and [3] the history of past prosecution or enforcement under the challenged statute.” *Id.* (quoting *Bishop Paiute Tribe*, 863 F.3d at 1154).

B. Analysis

Defendant argues that Plaintiff does not have standing—and that its challenge is otherwise not ripe—because it has not established an injury-in-fact as (1) Plaintiff has not alleged an intent to engage in conduct proscribed by the Act, and (2) there is no credible threat of prosecution. *Mot.* 6:11–13. Defendant points to the Act’s political-organization exemption and the “necessary” job-related communication exception. *Id.* 7:1–10:2.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

Plaintiff counters that (1) it is not an exempted political organization under the Act, and (2) its past and desired future communications is not necessary for each employee to perform their job duties. *Opp.* 2:14–9:12. Plaintiff further contends that it indeed faces a credible threat of enforcement of the Act against it. *Id.* 9:13–11:9. As discussed below, the Court finds that Plaintiff lacks standing because of the political-organization exemption and any challenge related to topics that are not pertinent to Plaintiff’s tenets or purposes are not ripe for review.

The Act exempts a “political organization” that “requir[es] its employees to attend an employer-sponsored meeting or to participate in any communications with the employer . . . the purpose of which is to communicate the employer’s political tenets or purposes.” Cal. Labor Code § 1137(h)(2). Neither the Act nor the Labor Code includes a specific definition of “political organization.” In the absence of a specific statutory definition, the Court may “turn to dictionaries to look for a word’s usual, ordinary meaning,” *Reynosa v. Superior Ct.*, 101 Cal. App. 5th 967, 986 (2024) (internal quotation marks and citation omitted), “while construing them in light of the statute as a whole and the statute’s purpose,” *People v. Blackburn*, 61 Cal. 4th 1113, 1123 (2015) (citation omitted). *See also Animal Legal Def. Fund v. LT Napa Partners LLC*, 234 Cal. App. 4th 1270, 1285 (2015) (“If terms used in a statute ‘are not specifically defined, a court may also consider evidence of legislative history in ascertaining the statute’s meaning.’” (citation omitted)).

The Court turns to the definitions of “political” and “organization” as the two terms are not defined in conjunction. *See Reynosa*, 101 Cal. App. 5th at 986; *see also Wasatch Prop. Mgmt. v. Degrate*, 35 Cal. 4th 1111, 1121–22 (2005) (“When attempting to ascertain the ordinary, usual meaning of a word, courts appropriately refer to the dictionary definition of that word.”). “Political” is defined as “[o]f, relating to, or involving politics; pertaining to the conduct of government,” and “organization” is defined as “[a] group that has formed for a particular purpose.” *Black’s Law Dictionary* (12th ed. 2024). As defined by Black’s Law Dictionary, “political” encompasses all matters related to politics, which includes the matters that Plaintiff is involved with as a “research organization that publishes policy research and trains local elected officials on a variety of political topics, including education reform, workplace freedom, government transparency, and constitutional governance.” *Compl.* ¶ 30. The Court finds that its application of the meaning is consistent with the Act. *See, e.g.*, Cal. Lab. Code § 1137(b)(3) (defining “political matters” as “matters *relating* to elections for political

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

office, political parties, legislation, regulation, and the decision to join or support any political party or political or labor organization” (emphasis added)). As alleged, before the Act went into effect, Plaintiff held mandatory meetings and retreats for all staff, regardless of position, to discuss, among other things:

[T]opics such as government financing at the state and local level, legislation that has been proposed or enacted at the state and local level, activities of labor unions in California to restrict worker rights, the rights of public sector workers to opt out of paying union dues, political choices involving infrastructure for water and power, compensation and pensions paid to public employees, legislation relating to free speech, policy failures by California political leadership, and policy solutions that would lead to individual liberty and prosperity in California.

Compl. ¶ 34. These topics are squarely “political” and relate to Plaintiff’s “political tenets and purposes.” *See id.* ¶ 8 (“This restriction on CPC’s ability to speak to its employees about the very subject matter of the organization’s mission violates CPC’s right to free speech under the First Amendment.”); *id.* ¶ 35 (“The topics discussed during these meetings often include ‘political matters’ as defined by the Act because they relate to ‘legislation, regulation, and the decision to join or support’ a public-sector labor union.”).

Instead of turning to the dictionary to set forth the ordinary meaning of the term, Plaintiff urges the Court to turn to other sources of California law to understand the ordinary meaning “political organization” within the Act. *Opp.* 2:14–6:6. As noted by Plaintiff, in understanding the intended meaning of a statutory phrase, the Court “may consider use of the same or similar language in other statutes [] because similar words or phrases in statutes in *pari materia* ordinarily will be given the same interpretation.” *Wendz v. State Dep’t of Educ.*, 93 Cal. App. 5th 607, 633 (2023) (internal quotation marks and citation omitted). “Two statutes are considered to be in *pari materia* when they relate to the same person or thing, to the same class of persons or things, or have the same purpose or object.” *Lexin v. Superior Court*, 47 Cal. 4th 1050, 1091 (2010) (citation omitted) (cleaned up).

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

Plaintiff forwards that the Court should consider three areas of California law to understand the meaning of “political organization.” First, Plaintiff points to the definition of “political organization” under the California Revenue and Tax Code:

[P]arty, committee, association, fund, (including the trust of an individual candidate) or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.

Cal Rev & Tax Code § 23701r(e)(1). An “exempt function” is for the “function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office.” *Id.* § 23701r(e)(2). Second, Plaintiff looks to the California Education Code, which states that a “student political organization” may hold meetings on a community college campus so long as it is “affiliated with the official youth division of any political party that is on the ballot of the State of California.” Cal. Ed. Code § 76067. Third, Plaintiff highlights that the California Code of Judicial Ethics defines “political organization” as “a political party, political action committee, or other group, the principal purpose of which is to further the election or appointment of candidates to nonjudicial office.” CALIFORNIA CODE OF JUDICIAL ETHICS, https://courts.ca.gov/system/files/rules-court/ca_code_judicial_ethics.pdf (last accessed June 21, 2025). According to Plaintiff, considering these definitions, “political organization” refers to entities with a partisan purpose. *Opp.* 3:21–23, 4:19–5:10.

Plaintiff misses the mark. Those areas of California law do not relate to the Act—context matters. *See, e.g., Neville v. County of Sonoma*, 206 Cal. App. 4th 61, 76 (2012) (holding that Labor Code section 2924 had no bearing on the interpretation of Food and Agricultural Code section 2181 and Business and Professions Code section 12214, because it was not “related to” and did not have “the same purpose or objective” of those statutes); *Wendz*, 93 Cal. App. 5th 607, 626 (noting that it is incumbent to interpret a phrase as it is used within its statutory context). The Act was animated on the belief that “[n]o worker should be subject to forced indoctrination by their employer on politics, religion, or for exercising their protected rights.” Dkt. # 34-1, Ex. 1 at RJN_p.9¹. The

¹ Defendant’s unopposed request for judicial notice is **GRANTED**. The Court may take judicial notice of court filings and other matters of public record not subject to reasonable

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

bill “promotes workers’ rights, especially those of marginalized communities, by protecting their right to advocate for themselves and opt out of conversations about politics or religion that have nothing to do with their ability to properly execute their job duties.” *Id.*, Ex. 3 at RJN_p.35. The Act is vastly different from the areas of California law that Plaintiff highlights. While courts may turn to other statutes for guidance to understand the meaning of an undefined term, statutory definitions between differing statutes are not always interchangeable. *See In re J.G.*, 3 Cal. App. 5th 521, 525 (2016) (“Differing statutes require that care be taken to identify the statute at issue, use the correct statutory term, and apply the definition specific to that statute to avoid confusion as to the nature of the court’s finding and its effect.”).²

Accordingly, in applying the usual, ordinary meaning of “political organization” as understood by this Court to the Act as a whole, Plaintiff lacks standing. Plaintiff’s complaint fails on its face. Plaintiff’s conduct is not proscribed by the Act (nor is it even arguably proscribed) and thus the injury-in-fact requirement is not met.³ *See Susan B.*

dispute. *Reyn’s Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006); *see Chaker v. Crogan*, 428 F.3d 1215, 1223 n.8 (9th Cir. 2005) (taking judicial notice of a statute’s legislative history).

² Plaintiff contends that it is prohibited from being a political organization as a 501(c)(3) organization. *Opp.* 5:9–10. For the reasons discussed in Section II (B), whether Plaintiff is a “political organization” under the Internal Revenue Code or the California Revenue and Tax Code is not relevant to the Act.

³ Plaintiff highlights that Defendant does not unequivocally state that Plaintiff is a political organization. *Opp.* 6:7–26; *see Mot.* 8:13–20 (stating that Plaintiff “may constitute a ‘political organization,’ and the meetings it alleges it wishes to require employees to attend may fall within the political-organization exemption” and that it is “premature to determine whether the exemption applies to any mandatory meetings plaintiff may hold”); *see also Reply* 1:26–2:7 (contending that the exemption is case-specific because “it only applies when the purpose of a meeting is to communicate the employer’s political tenets or purposes” and therefore it is “not possible to determine whether the exemption applies categorically to plaintiff”). Although Defendant does not affirmatively argue that Plaintiff is a political organization under the Act, Defendant nonetheless raised the issue of standing to this Court, which has a duty to examine

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx)

Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower et al.

Anthony List v. Driehaus, 573 U.S. 149, 159 (2014) (explaining that a plaintiff satisfies the injury-in-fact requirement in a pre-enforcement action where they allege “an intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed by a statute, and there exists a credible threat of prosecution thereunder” (internal quotation marks and citation omitted)). To the extent “other things” are discussed at mandatory meetings and retreats, those issues are speculative at this juncture; therefore, Plaintiff does not establish standing, nor does it present any threat of prosecution. *See Kumar v. Koester*, 131 F.4th 746, 752 (9th Cir. 2025) (to establish injury in fact in a pre-enforcement challenge, a plaintiff must allege “(1) an intention to engage in a course of conduct arguably affected with a constitutional interest, but (2) proscribed by a statute, and [(3)] there exists a credible threat of prosecution thereunder” (citation omitted) (cleaned up)); *Clark v. City of Seattle*, 899 F.3d 802, 813 (9th Cir. 2018) (“[G]eneralized threats of prosecution do not confer constitutional ripeness.” (internal citation omitted)); *see also Alaska Right to Life Pol. Action Comm. v. Feldman*, 504 F.3d 840, 851 (9th Cir. 2007) (clarifying that “[t]he self-censorship door to standing does not open for every plaintiff. The potential plaintiff must have an ‘actual or well-founded fear that the law will be enforced against him or her.’” (internal citations omitted) (emphasis in original)).

Accordingly, the Court **GRANTS** Defendant’s motion to dismiss.

III. Leave to Amend

Whether to grant leave to amend rests in the sound discretion of the trial court. *See Bonin v. Calderon*, 59 F.3d 815, 845 (9th Cir. 1995). Courts consider whether leave to amend would cause undue delay or prejudice to the opposing party, and whether granting leave to amend would be futile. *See Sisseton-Wahpeton Sioux Tribe v. United States*, 90 F.3d 351, 355 (9th Cir. 1996). Generally, dismissal without leave to amend is improper “unless it is clear that the complaint could not be saved by any amendment.” *Jackson v. Carey*, 353 F.3d 750, 758 (9th Cir. 2003). The Court finds no undue delay or prejudice at this juncture, and it is not obvious that Plaintiff’s claims will necessarily be futile as Plaintiff could allege additional facts to establish standing. *See Sugawara v.*

jurisdictional issues. *See Berhardt v. Cnty. of L.A.*, 279 F.3d 862, 868 (9th Cir. 2001) (“Federal courts are required *sua sponte* to examine jurisdictional issues such as standing.”).

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271 MWC (SKx) Date: June 24, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower *et al.*

Ford Motor Co., No. 18-CV-06159-LHK, 2019 WL 3945105, at *7 (N.D. Cal. Aug. 21, 2019). Accordingly, the Court provides Plaintiff leave to amend.

IV. Conclusion

For the foregoing reasons, the Court **GRANTS WITH LEAVE TO AMEND** Defendant’s motion to dismiss. Because Plaintiff does not have standing to bring a motion for preliminary injunction, the Court lacks jurisdiction to hear it and therefore **VACATES** Plaintiff’s motion for preliminary injunction. *See Trotter v. ExxonMobil Corp.*, No. CV-17-2279 PSG (JCX), 2017 WL 10543648, at *7 (C.D. Cal. Sept. 29, 2017).

IT IS SO ORDERED.

Initials of Preparer

:

TJ

California Policy Center, Inc. v. Lilia Gacia Brower

Exhibit B

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SA CV25-00271-MWC-SK	Date	July 31, 2025
Title	California Policy Center, Inc. v. Lilia Garcia-Brower, et al.		
Present: The Honorable	MICHELLE WILLIAMS COURT, U.S. District Judge		
T. Jackson	Not Reported		
Deputy Clerk	Court Reporter		
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
N/A	N/A		

Proceedings: (IN CHAMBERS) ORDER DISMISSING CASE JS-6

An Order (Dkt. 41) was issued by the Court on **July 15, 2025** ordering Plaintiff to file an amended complaint no later than **July 29, 2025**. As of date, there has been no response filed to the Order (Dkt. 41), and no amended complaint has been filed. Therefore, the Court dismisses the matter for lack of prosecution and failure to follow the Court's Orders.

California Policy Center, Inc. v. Lilia Gacia Brower

Exhibit C

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271-MWC-SK

Date: September 9, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower

Present: The Honorable: Michelle Williams Court, United States District Judge

T. Jackson
Deputy Clerk

Not Reported
Court Reporter / Recorder

Attorneys Present for Plaintiffs:
N/A

Attorneys Present for Defendants:
N/A

Proceedings: (In Chambers) Order DENYING Plaintiff's Motion for Reconsideration (Dkt. # 43).

I. Introduction and Background

Before the Court is a motion for reconsideration (“Motion”) filed by Plaintiff California Policy Center, Inc. (“Plaintiff”). Dkt. # 43 (“*Mot.*”). Defendant does not take a position on the Motion. Dkt. # 44. The Court finds the matter appropriate for decision without oral argument. *See* Fed. R. Civ. P. 78; L.R. 7-15.

On June 24, 2025, the Court granted Defendant Lilia Garcia-Brower’s (“Defendant”) Rule 12(b)(6) motion to dismiss for failure to state a claim. Dkt. # 40. It also granted Plaintiff leave to amend the complaint but did not set a deadline for amendment. *See id.* On July 15, 2025, the Court issued an order stating, “Plaintiff must file any amended complaint no later than July 29, 2025. Failure to file an amended complaint by that date will result in dismissal of this action with prejudice.” Dkt. # 41. Plaintiff did not file an amended complaint. *See* Dkt. # 42. On July 31, 2025, the Court issued an order dismissing the case with prejudice “for lack of prosecution and failure to follow the Court’s Orders.” *Id.* The dismissal order noted, “As of [this] date, there has been no response filed to the Order (Dkt. 41), and no amended complaint has been filed.” *Id.*

In this Motion, Plaintiff states for the first time that it did not file an amended complaint because it believed, in light of the Court’s June 24, 2025 order, that there was no viable way to amend its complaint. *Mot.* 1:18–2:2; 3:6–17 (“Based on this Court’s definition of ‘political organization’ and its characterization of [Plaintiff] as exempt from

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271-MWC-SK

Date: September 9, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower

SB 399 in its June 24, 2025 order, no factual scenario exists in which [Plaintiff] could truthfully amend its complaint.”). Plaintiff asks the Court to modify the dismissal order so that it dismisses the case and enters final judgment against Plaintiff based on the June 24, 2025 order granting Defendant’s Rule 12(b)(6) motion to dismiss (Dkt. # 40), and not based on “lack of prosecution and failure to follow the Court’s Orders.” *See generally Mot.* Plaintiff would then appeal the final judgment. *Mot.* 4:9–10.

II. Legal Standard

The Court’s order dismissing the case for failure to prosecute is a final judgment on the merits unless otherwise stated. Fed. R. Civ. P. 41(b); *see Olympic Sports Prods., Inc. v. Universal Athletic Sales Co.*, 760 F.2d 910, 912 (9th Cir. 1985) (Federal Rule of Civil Procedure (“Rule”) 41(b) governs dismissal for lack of prosecution).

Under Rule 60(b), the Court may relieve a party from a “final judgment, order, or proceeding” only “upon a showing of (1) mistake, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) a void judgment; (5) a satisfied or discharged judgment; or (6) extraordinary circumstances which would justify relief.” *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); Fed. R. Civ. P. 60(b).

Under Local Rule 7-18, a party may move for reconsideration based on “(a) a material difference in fact or law from that presented to the Court that, in the exercise of reasonable diligence, could not have been known to the party moving for reconsideration at the time the Order was entered, or (b) the emergence of new material facts or a change of law occurring after the Order was entered, or (c) a manifest showing of a failure to consider material facts presented to the Court before the Order was entered.” “Whether to grant a motion for reconsideration under Local Rule 7-18 is a matter within the court’s discretion.” *Daghlian v. DeVry Univ., Inc.*, 582 F. Supp. 2d 1231, 1251 (C.D. Cal. 2007).

III. Discussion

As a preliminary matter, Plaintiff cites no authority suggesting that it cannot appeal the order granting the motion to dismiss simply because the case was dismissed for failure to prosecute. *See generally Mot.*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271-MWC-SK

Date: September 9, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower

Moreover, each of Plaintiff’s arguments that modification is warranted fails. First, Plaintiff argues the Court failed to consider the material fact that Plaintiff wanted to stand on its complaint without amendment and await dismissal and judgment based on the Court’s June 24, 2025 order. *Mot.* 3:10–17. However, Plaintiff failed to timely present this “fact” to the Court, either in its papers opposing the underlying motion to dismiss or in any response to the Court’s July 15, 2025 order, Dkt. # 41. The Court finds the requirements of Local Rule 7-18 are not met and declines to reconsider its prior order on this basis.

Similarly, attempting to satisfy the standard of Rule 60(b), Plaintiff argues the dismissal was the result of the Court’s mistake and inadvertence, because Plaintiff never failed to follow a Court order or diligently prosecute its claims. *Id.* 3–4. However, courts may deem failure to file an amended complaint in response to an order granting leave to amend as a failure to prosecute one’s case, and they routinely take the same actions as this Court to manage their dockets. *See, e.g., Harris v. Mangum*, 863 F.3d 1133, 1142 (9th Cir. 2017) (“when a district court dismisses an action because the plaintiff has not filed an amended complaint after being given leave to do so and has not notified the court of his intention not to file an amended complaint, we may deem the dismissal to be for failure to comply with a court order based on [Rule] 41(b)”); *Rosas v. Kings Cnty. Jail*, No. 1:22-cv-0274 JLT CDB (PC), 2023 WL 8527193, at *1 (E.D. Cal. Dec. 8, 2023) (“By failing to file an amended complaint, Plaintiff also failed to prosecute this action”); *Haley v. Hasler*, No. CV 08-1424-ODW (RC), 2008 WL 4195945, at *2 (C.D. Cal. June 3, 2008) (“The Court has the inherent power to achieve the orderly and expeditious disposition of cases by dismissal sua sponte of actions for failure to prosecute. . . . Failure to timely file an amended complaint demonstrates the plaintiff’s failure to diligently prosecute this action.”). Plaintiff failed to respond to the Court’s July 15, 2025 order stating the case would be dismissed with prejudice if an amended complaint was not filed. Plaintiff’s failure to respond thus constitutes a failure to prosecute and failure to follow a Court order, and there is nothing in the dismissal order to correct.

Plaintiff establishes no basis for the Court to exercise its discretion and vacate its prior order. Accordingly, the Motion is **DENIED**.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:25-cv-00271-MWC-SK Date: September 9, 2025

Title California Policy Center, Inc. v. Lilia Garcia-Brower

Initials of Preparer

:

TJ

California Policy Center, Inc. v. Lilia Garcia-Brower et al

Central District of California

950: Constitutional - State Statute

8:2025-cv-00271

#	Date ↓↑	Description
57	10/14/2025	DESIGNATION of Record on Appeal by Plaintiff California Policy Center, Inc. re 53
56	10/07/2025	NOTICE of Change of Attorney Business or Contact Information: for attorney Emily Kate Rae counsel for Plaintiff California Policy Center, Inc. Changing firm name and address to California Justice Center 18002 Irvine Blvd., Ste. 108 Tustin, CA 92780. Changing email to emily@calpolicycenter.org. Filed by Plaintiff California Policy Center, Inc.
55	09/29/2025	NOTIFICATION from Ninth Circuit Court of Appeals of case number assigned and briefing schedule. Appeal Docket No. 25-6173 assigned to Notice of Appeal to 9th Circuit Court of Appeals, 53 as to Plaintiff California Policy Center, Inc.
54	09/29/2025	REPRESENTATION STATEMENT re Notice of Appeal to 9th Circuit Court of Appeals, 53.
53	09/29/2025	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Plaintiff California Policy Center, Inc. Appeal of Order on Motion for Reconsideration, 52, Order on Motion to Dismiss Case, Order on Motion for Preliminary Injunction, 40, Minutes of In Chambers Order/Directive - no proceeding held, Terminated Case, 42. (Appeal Fee - \$605 Fee Paid, Receipt No. ACACDC-40590775.)
52	09/09/2025	(In Chambers) Order DENYING Plaintiff's Motion for Reconsideration (Dkt # 43) by Judge Michelle Williams Court: Before the Court is a motion for reconsideration ("Motion") filed by Plaintiff California Policy Center, Inc. ("Plaintiff"). Dkt. # 43 ("Mot."). Defendant does not take a position on the Motion. Dkt. # 44. The Court finds the matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78; L.R. 7-15. Plaintiff establishes no basis for the Court to exercise its discretion and vacate its prior order. Accordingly, the Motion is DENIED. See document for further information.
51	09/08/2025	ORDER RE: DEFENDANT'S REQUEST TO APPEAR REMOTELY (DKT. 49) by Judge Michelle Williams Court Granting 49 REQUEST: The Court has reviewed Defendant's Request to Appear Remotely ("Request"). The Court hereby ORDERS that Defendant's Request is GRANTED. Accordingly, Defendant's counsel is granted leave to appear remotely on September 12, 2025, at 1:30 p.m., for the hearing on Plaintiff's Motion for Reconsideration (ECF No. 43). (see document for further details)
50	09/08/2025	ORDER GRANTING PLAINTIFF'S APPLICATION TO APPEAR REMOTELY (DKT. 48) by Judge Michelle Williams Court Granting 48 APPLICATION: It is accordingly ORDERED, ADJUDGED, and DECREED that: Plaintiff's counsel is granted leave to appear remotely for the hearing on Plaintiff's Motion for Reconsideration scheduled for September 12, 2025 at 1:30 pm. (see document for further details)
49	09/05/2025	REQUEST to Appear Remotely filed by Defendant Lilia Garcia-Brower.

2 Attachments ▼

48	09/05/2025	APPLICATION to Appear Remotely at Hearing on Motion for Reconsideration filed by Plaintiff California Policy Center, Inc. Application set for hearing on 9/12/2025 at 01:30 PM before Judge Michelle Williams Court.	1 Attachment ▼
47	08/29/2025	ORDER by Judge Michelle Williams Court: granting 46 REQUEST to Withdraw as Attorney. Attorney Julie Ann Hamill terminated.	
46	08/29/2025	REQUEST of Julie Hamill to Withdraw as Attorney filed by Attorney for Plaintiff California Policy Center, Inc. Request set for hearing on 10/10/2025 at 01:30 PM before Judge Michelle Williams Court.	1 Attachment ▼
45	08/29/2025	Notice of Appearance or Withdrawal of Counsel: for attorney Emily Kate Rae counsel for Plaintiff California Policy Center, Inc. Adding Emily Rae as counsel of record for California Policy Center, Inc. for the reason indicated in the G-123 Notice. Filed by Plaintiff California Policy Center, Inc. (Attorney Emily Kate Rae added to party California Policy Center, Inc.(pty:pla))	
44	08/22/2025	REPLY to Plaintiff's NOTICE OF MOTION AND MOTION for Reconsideration re Minutes of In Chambers Order/Directive - no proceeding held, Terminated Case, 42 43 filed by Defendant Lilia Garcia-Brower.	
43	08/01/2025	NOTICE OF MOTION AND MOTION for Reconsideration re Minutes of In Chambers Order/Directive - no proceeding held, Terminated Case, 42 filed by Plaintiff California Policy Center, Inc. Motion set for hearing on 9/12/2025 at 01:30 PM before Judge Michelle Williams Court.	2 Attachments ▼
42	07/31/2025	(IN CHAMBERS) ORDER DISMISSING CASE by Judge Michelle Williams Court. An Order (Dkt. 41) was issued by the Court on July 15, 2025 ordering Plaintiff to file an amended complaint no later than July 29, 2025. As of date, there has been no response filed to the Order (Dkt. 41), and no amended complaint has been filed. Therefore, the Court dismisses the matter for lack of prosecution and failure to follow the Court's Orders. (Made JS-6. Case Terminated.)	
41	07/15/2025	(IN CHAMBERS) ORDER by Judge Michelle Williams Court: In light of the Court's order (Dkt. 40), Plaintiff must file any amended complaint no later than July 29, 2025. Failure to file an amended complaint by that date will result in dismissal of this action with prejudice. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (tj) TEXT ONLY ENTRY	
40	06/24/2025	(IN CHAMBERS) ORDER GRANTING WITH LEAVE TO AMEND Defendant's Motion to Dismiss (Dkt. 34) and VACATING Plaintiff's Motion for Preliminary Injunction (Dkt. 11) by Judge Michelle Williams Court. For the foregoing reasons, the Court GRANTS WITH LEAVE TO AMEND Defendant's motion to dismiss. Because Plaintiff does not have standing to bring a motion for preliminary injunction, the Court lacks jurisdiction to hear it and therefore VACATES Plaintiffs motion for preliminary injunction. IT IS SO ORDERED. (SEE DOCUMENT FOR FURTHER DETAILS)	
39	06/20/2025	REPLY in Support of NOTICE OF MOTION AND MOTION to Dismiss Case ; Memorandum of Points and Authorities 34 filed by Defendant Lilia Garcia-Brower.	

38	06/18/2025	(IN CHAMBERS) ORDER CONTINUING HEARING ON MOTION FOR PRELIMINARY INJUNCTION (DKT. 11) by Judge Michelle Williams Court: On the Court's own motion, the motion hearing is CONTINUED from July 11, 2025 to August 8, 2025, at 1:30 p.m. The deadline for Plaintiff to file supplemental brief is July 11, 2025. The hearing will proceed in-person at the First Street Courthouse, Courtroom 6A. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (tj) TEXT ONLY ENTRY
37	06/16/2025	(IN CHAMBERS) ORDER CONTINUING HEARING ON DEFENDANT'S MOTION TO DISMISS (DKT. 34) by Judge Michelle Williams Court: On the Court's own motion, the motion hearing is CONTINUED from July 3, 2025 to July 11, 2025, at 1:30 p.m. The hearing will proceed in-person at the First Street Courthouse, Courtroom 6A. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (tj) TEXT ONLY ENTRY
36	06/13/2025	OPPOSITION to NOTICE OF MOTION AND MOTION to Dismiss Case ; Memorandum of Points and Authorities 34 filed by Plaintiff California Policy Center, Inc.
1 Attachment ▼		
35	06/06/2025	ORDER SETTING SCHEDULING CONFERENCE by Judge Michelle Williams Court. Rule 26 Meeting Report due by 8/1/2025. Scheduling Conference set for 8/15/2025 at 01:30 PM before Judge Michelle Williams Court.
34	06/05/2025	NOTICE OF MOTION AND MOTION to Dismiss Case ; Memorandum of Points and Authorities filed by Defendant Lilia Garcia-Brower. Motion set for hearing on 7/3/2025 at 01:30 PM before Judge Michelle Williams Court.
2 Attachments ▼		
33	05/19/2025	ORDER REGARDING JOINT STIPULATION TO EXTEND TIME TO RESPOND TO COMPLAINT BY MORE THAN 30 DAYS (DKT. 32) by Judge Michelle Williams Court. Defendant's motion to dismiss Plaintiff's complaint shall be due by June 5, 2025; Plaintiff's opposition to Defendants motion shall be due by June 13, 2025; Defendant's reply shall be due by June 20, 2025; and, Defendant's motion to dismiss shall be heard on July 3, 2025, at 1:30 p.m. IT IS SO ORDERED. (See document for further details)
32	05/16/2025	Joint STIPULATION for Extension of Time to File Answer re Complaint (Attorney Civil Case Opening) 1 filed by Defendant Lilia Garcia-Brower.
1 Attachment ▼		
31	05/15/2025	(IN CHAMBERS) ORDER CONTINUING ORDER TO SHOW CAUSE (DKT. 27) by Judge Michelle Williams Court: In light of filing of Plaintiffs' Response to the Order to Show Cause on May 13, 2025 (Dkt. 30) the Court CONTINUES the Order to Show Cause for Lack of Prosecution to May 19, 2025.THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (tj) TEXT ONLY ENTRY
30	05/13/2025	RESPONSE filed by Plaintiff California Policy Center, Inc.to Minutes of In Chambers Order/Directive - no proceeding held, Set/Reset Deadlines, 27 Order to Show Cause
29	05/09/2025	ORDER RE: JOINT STIPULATION EXTENDING TIME TO RESPOND TO COMPLAINT BY MORE THAN 30 DAYS (DKT. 28) by Judge Michelle Williams Court. The Court has reviewed the Parties' Joint Stipulation Extending Time to Respond to Complaint by More than 30 Days. Dkt. 28. For lack of good cause shown, the Court DENIES the Stipulation. IT IS SO ORDERED.
28	05/07/2025	Joint STIPULATION for Extension of Time to File Answer re Complaint (Attorney Civil Case Opening) 1 filed by Defendant Lilia Garcia-Brower.

1 Attachment ▼

- 27** 05/06/2025 (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR LACK OF PROSECUTION AS TO LILIA GARCIA-BROWER by Judge Michelle Williams Court. The Court, on its own motion, orders Plaintiff to show cause in writing no later than May 13, 2025, why this action should not be dismissed for lack of prosecution regarding overdue responses as to Lilia Garcia-Brower. Pursuant to Rule 55 of the Federal Rules of Civil Procedure, Plaintiff shall file an application requesting the entry of default. Plaintiff is advised that the Court will consider the filing of an amended application, which complies with the federal rules, on or before the date upon which the response is due, as a satisfactory response to the Order to Show Cause. The Order to Show Cause will stand submitted upon the filing of an appropriate response. No oral argument will be heard unless otherwise ordered by the Court. Failure to respond will result in the dismissal of this matter. (yl) Modified on 5/6/2025
- 26** 05/06/2025 (IN CHAMBERS) ORDER VACATING OSC HEARING (DKT. 22) by Judge Michelle Williams Court: In light of the responses filed on May 2, 2025 (Dkt. 24 25), the hearing set for May 9, 2025 is VACATED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (tj) TEXT ONLY ENTRY
- 25** 05/02/2025 RESPONSE filed by Plaintiff California Policy Center, Inc.to Text Only Scheduling Notice, 22 Order to Show Cause
- 24** 05/02/2025 RESPONSE filed by Defendant Lilia Garcia-Browerto Text Only Scheduling Notice, 22 Response to Order to Show Cause
- 23** 04/18/2025 MOTION FOR PRELIMINARY INJUNCTION (DKT. 11) held before Judge Michelle Williams Court. The motion hearing is held. The Court hears oral argument from the parties. The Court orders supplemental briefing as follows: The deadline for Plaintiff to file supplemental brief is June 20, 2025. The Final hearing on motion for preliminary injunction is July 11, 2025. (SEE DOCUMENT FOR FURTHER DETAILS) Court Reporter: Laura Elias.
- 22** 04/21/2025 (IN CHAMBERS) ORDER by Judge Michelle Williams Court: In light of the hearing on April 18, 2025, the Court sets an OSC for May 9, 2025 re: (1) whether there are any pending cases challenging the constitutionality of Cal. Lab. Code § 1137, and (2) whether this Court should transfer or stay this case pursuant to the first-to-file rule (if applicable). The Court ORDERS the parties to provide their positions in writing by May 2, 2025. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (tj) TEXT ONLY ENTRY
- 21** 04/04/2025 REPLY In support NOTICE OF MOTION AND MOTION for Preliminary Injunction re to prevent Defendant from enforcing California Worker Freedom from Employer Intimidation Act's restriction on employer speech 11 filed by Plaintiff California Policy Center, Inc.
- 20** 04/03/2025 Amicus Curiae Brief filed filed by Movants California Coalition for Worker Power, California Employment Lawyers Association, California Federation of Labor Unions, California Rural Legal Assistance Foundation, Equal Rights Advocates, Warehouse Workers Resource Center. RE: Order on Motion to File Amicus Brief, 19.
- 19** 04/02/2025 ORDER GRANTING LEAVE TO FILE BRIEF OF AMICI CURIAE IN OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION 15 by Judge Michelle Williams Court. For the reasons stated in the unopposed Motion for Leave to File Brief of Amici Curiae and for good cause shown, the unopposed Motion is GRANTED. IT IS SO ORDERED.

2 Attachments ▼

18	03/28/2025	OPPOSITION to NOTICE OF MOTION AND MOTION for Preliminary Injunction re to prevent Defendant from enforcing California Worker Freedom from Employer Intimidation Act's restriction on employer speech 11 filed by Defendant Lilia Garcia-Brower.	1 Attachment ▼
17	03/28/2025	Notice of Appearance or Withdrawal of Counsel: for attorney Kristin A. Liska counsel for Defendant Lilia Garcia-Brower. Adding Kristin A. Liska as counsel of record for Lilia Garcia-Brower for the reason indicated in the G-123 Notice. Filed by Defendant Lilia Garca-Brower. (Attorney Kristin A. Liska added to party Lilia Garcia-Brower(pty:dft))	
16	03/28/2025	Notice of Appearance or Withdrawal of Counsel: for attorney Scott A Kronland counsel for Movants California Coalition for Worker Power, California Employment Lawyers Association, California Federation of Labor Unions, California Rural Legal Assistance Foundation, Equal Rights Advocates, Warehouse Workers Resource Center. Adding Scott A. Kronland as counsel of record for Proposed amici curiae for the reason indicated in the G-123 Notice. Filed by proposed amici curiae California Federation of Labor Unions, California Coalition for Worker Power, California Rural Legal Assistance Foundation, California Employment Lawyers Association, Warehouse Workers Resource Center, and Equal Rights Advocates. (Attorney Scott A Kronland added to party California Coalition for Worker Power(pty:bkmov), Attorney Scott A Kronland added to party California Employment Lawyers Association(pty:bkmov), Attorney Scott A Kronland added to party California Federation of Labor Unions(pty:bkmov), Attorney Scott A Kronland added to party California Rural Legal Assistance Foundation(pty:bkmov), Attorney Scott A Kronland added to party Equal Rights Advocates(pty:bkmov), Attorney Scott A Kronland added to party Warehouse Workers Resource Center(pty:bkmov))	
15	03/28/2025	NOTICE OF MOTION AND MOTION to File Amicus Brief in Opposition to Motion for Preliminary Injunction filed by proposed amici curiae California Federation of Labor Unions, California Coalition for Worker Power, California Rural Legal Assistance Foundation, California Employment Lawyers Association, Warehouse Workers Resource Center, Equal Rights Advocates. Motion set for hearing on 4/18/2025 at 01:30 PM before Judge Michelle Williams Court.	2 Attachments ▼
14	03/25/2025	WAIVER OF SERVICE Returned Executed filed by Plaintiff California Policy Center, Inc. upon Lilia Garcia-Brower waiver sent by Plaintiff on 2/21/2025, answer due 4/22/2025. Waiver of Service signed by Kristin Liska.	
13	03/14/2025	ORDER by Judge Michelle Williams Court: granting 12 Non-Resident Attorney Jeffrey M. Schwab APPLICATION to Appear Pro Hac Vice on behalf of Plaintiff California Policy Center, Inc., designating Julie A. Hamill as local counsel. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY (sbou)	
12	03/11/2025	APPLICATION of Non-Resident Attorney Jeffrey M. Schwab to Appear Pro Hac Vice on behalf of Plaintiff California Policy Center, Inc. (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-39274903) filed by Plaintiff California Policy Center, Inc.	1 Attachment ▼
11	02/21/2025	NOTICE OF MOTION AND MOTION for Preliminary Injunction re to prevent Defendant from enforcing California Worker Freedom from Employer Intimidation Act's restriction on employer speech filed by Plaintiff California Policy Center, Inc. Motion set for hearing on 4/18/2025 at 01:30 PM before Judge Michelle Williams Court.	3 Attachments ▼

10	02/20/2025	STANDING ORDER REGARDING NEWLY ASSIGNED CASES by Judge Michelle Williams Court.
9	02/19/2025	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney Jeffrey M. Schwab. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (jtil)
8	02/19/2025	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening) 1 as to Defendant Lilia Garcia-Brower. (jtil)
7	02/19/2025	Notice to Counsel Re Consent to Proceed Before a United States Magistrate Judge. (jtil)
6	02/19/2025	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (jtil)
5	02/19/2025	NOTICE OF ASSIGNMENT to District Judge Michelle Williams Court and Magistrate Judge Steve Kim. (jtil)
4	02/18/2025	NOTICE of Interested Parties filed by Plaintiff California Policy Center, Inc., identifying California Policy Center, Inc.
3	02/11/2025	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening) 1, Civil Cover Sheet (CV-71) 2 filed by Plaintiff California Policy Center, Inc.
2	02/11/2025	CIVIL COVER SHEET filed by Plaintiff California Policy Center, Inc.
1	02/11/2025	COMPLAINT Receipt No: ACACDC-39088980 - Fee: \$405, filed by Plaintiff California Policy Center, Inc. (Attorney Julie A Hamill added to party California Policy Center, Inc.(pty:pla))