Daniel C. Barr (# 010149)
Sarah R. Gonski (# 032567)
PERKINS COIE LLP
2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012-2788
Telephone: (602) 351-8000
Facsimile: (602) 648-7000
DBarr@perkinscoie.com
SGonski@perkinscoie.com

Attorneys for Plaintiffs

Roopali H. Desai (# 024295)
Andrew S. Gordon (# 003660)
D. Andrew Gaona (# 028414)
COPPERSMITH BROCKELMAN PLC
2800 North Central Avenue, Suite 1200
Phoenix, Arizona 85004
Telephone: (602) 381-5478
RDesai@cblawyers.com
AGordon@cblawyers.com
AGaona@cblawyers.com

Attorneys for Intervenor-Plaintiff Bernie 2016, Inc.

**Admitted pro hac vice*

[Additional Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Leslie Feldman, et al.,

Plaintiffs,

and

Bernie 2016, Inc.,

Intervenor-Plaintiff,

v.

Arizona Secretary of State's Office, et al.,

Defendants,

and

Arizona Republican Party,

Intervenor-Defendants.

No. CV-16-01065-PHX-DLR

PLAINTIFFS' OPPOSITION TO MOTION TO INTERVENE OF DEBBIE LESKO, TONY RIVERO, BILL GATES, AND SUZANNE KLAPP

Plaintiffs in the above-captioned matter jointly submit this opposition to the motion to intervene of Senator Debbie Lesko, Representative Tony Rivero, Councilman and Precinct Committeeman Bill Gates, and Councilwoman and Precinct Committeewoman Suzanne Klapp (collectively, "Proposed Intervenors").

Proposed Intervenors are not entitled to intervention as of right under Rule 24(a)(2) because they have failed to show (1) that either the original Defendants or Intervenor-Defendant the Arizona Republican Party will not adequately represent their interests in this suit, and (2) that they have a legally protectable interest sufficient to support intervention. Moreover, given the pressing need for resolution of this case, and particularly the need for swift resolution of Plaintiffs' motion for preliminary injunction in advance of the August and November 2016 elections, as well as the delay, increased litigation costs, and unnecessary complications that would inevitably result from the insertion of more parties into this case, the Court should exercise its discretion under Rule 24(b)(1) to deny permissive intervention.

STATEMENT OF FACTS

Plaintiffs filed their Amended Complaint in this action on April 19, 2016, in which they allege that three of Arizona's voting laws, practices, and procedures—namely, the lack of oversight for Maricopa County's allocation of polling locations; Arizona's practice of not counting provisional ballots cast in a precinct or voting area other than the one to which the voter was assigned when a jurisdiction opts to run their election under a precinct-based model rather than a vote-center model; and the state's criminalization of the collection of signed and sealed absentee ballots (H.B. 2023)—burden, abridge, and deny, or will burden, abridge, and deny, the right to vote of thousands of Arizona voters including, in particular and disproportionately, Arizona's Hispanic, Native American, and African American voters. Plaintiffs bring these claims under Section 2 of the Voting Rights Act and the First and Fourteenth Amendments of the U.S. Constitution. The Court has set a briefing and hearing schedule to address Plaintiffs' forthcoming motions for

preliminary injunction, which Plaintiffs bring to ensure that all Arizona voters are able to vote unburdened in the upcoming primary and general elections.

On April 29, 2016, Bernie 2016, Inc. (the "Sanders Campaign") filed a motion to intervene as a Plaintiff in this case. Pl. Intervenor's Mot. to Intervene, ECF. Nos. 27-28. On May 9, 2016, the Arizona Republican Party ("Republican Party") filed a motion to intervene as a Defendant, specifically seeking to intervene to represent the interests of its candidates, members, constituents, and voters "who regularly support and vote for candidates affiliated with the Republican Party," and to offer the Court a partisan Republican perspective with respect to the claims at issue in this suit. Def. Intervenor's Mot. to Intervene 3, ECF. No. 39 ("Republican Party Intervenor's Mot."). These motions were unopposed, and the Court allowed the Sanders Campaign and the Republican Party to intervene on May 10, 2016. Minute Entry, ECF. No. 44.

On May 16, 2016, the Proposed Intervenors filed their motion to intervene. Proposed Intervenors' Mot. to Intervene, ECF. No. 56 ("Proposed Intervenors' Mot."). Proposed Intervenors are represented by the same lawyers who represent the Republican Party in this case. *See id*. at 1 (caption listing same counsel for Defendant-Intervenor Republican Party and the Proposed Intervenors). And, throughout their motion to intervene—which at no point acknowledges that the Republican Party is already a party to the litigation—Proposed Intervenors assert virtually identical interests in the litigation as asserted by the Republican Party in its previously-granted motion to intervene. *Compare* Proposed Intervenors' Mot. at 3:23-27 (interest in ensuring that Democratic Party does not advocate solely for polling locations that benefit Democratic candidates), *with* Republican Party Intervenor's Mot. at 3:18-21 (same); *compare* Proposed Intervenors' Mot. at 4:3-7, 7:4-11 (interest in ensuring that one political party does not "abuse" elections process), *with* Republican Party Intervenor's Mot. at 3:12-18, 6:1-8 (same); *compare* Proposed Intervenors' Mot. at 4:8-11, 7:12-17 (interest in presenting counter-arguments and perspectives to Democratic Party's challenge to H.B. 2023), *with* Republican Party Intervenor's Mot. at 3:22-27, 6:9-14 (same).

Plaintiffs oppose this motion for the reasons stated herein.

ARGUMENT

A. PROPOSED INTERVENORS HAVE NOT ESTABLISHED THAT THEY MAY INTERVENE AS OF RIGHT UNDER RULE 24(a)(2)

The Proposed Intervenors are not entitled to intervention as of right. This manner of intervention is available if, by timely motion, a movant can show (1) an interest relating to the property or transaction that is the subject of the action; (2) the movant is so situated that disposing of the action, as a practical matter, may impair its ability to protect its interest; and (3) its interest is not adequately represented by existing parties to the litigation. Fed. R. Civ. P. 24(a)(2); *Arakaki v. Cayetano*, 324 F.3d 1078, 1083 (9th Cir. 2003), *as amended* (May 13, 2003). "Each of these four requirements must be satisfied to support a right to intervene." *Id.* (citing *League of United Latin Am. Citizens v. Wilson*, 131 F.3d 1297, 1302 (9th Cir. 1997)). "The party seeking to intervene bears the burden of showing that *all* the requirements for intervention have been met." *United States v. Alisal Water Corp.*, 370 F.3d 915, 919 (9th Cir. 2004) (citation omitted). Here, Proposed Intervenors have failed to meet their burden of demonstrating at least two of the three requirements for intervention as of right: (1) they have failed to show that their purported interests are not adequately represented by the original Defendants or Defendant-Intervenor; and (2) they have failed to show that they have the type of interest in this litigation that is necessary to intervene as of right.

1. Any purported interest Proposed Intervenors have in this case is adequately represented by the original Defendants or the Republican Party

Any purported interest Proposed Intervenors have in this litigation is adequately represented by the original Defendants or the Republican Party, which has already been granted permission to intervene as a Defendant in this case. In general, the burden of demonstrating inadequate representation for a proposed intervenor is minimal. *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972). However, as the Ninth Circuit has explained, a much stronger showing of inadequacy is required in cases where a

prospective intervenor and the existing parties to the case have the same goal. Existing parties may be the original parties to the case as well as parties that intervened at a later date. *Arakaki*, 324 F.3d at 1086-87. In such cases, "a presumption of adequacy of representation arises." *Id.* (citing *League of United Latin Am. Citizens*, 131 F.3d at 1305). To rebut that presumption of adequacy, the prospective intervenor must make "a compelling showing" to demonstrate inadequate representation. *Id.* Proposed Intervenors plainly cannot do so here. In fact, they do not so much as acknowledge that the Republican Party has already intervened in the action. Moreover, their main goals and stated interests in this litigation are to obtain precisely the same results that both the original Defendants and the Republican Party seek.

First, with respect to the original Defendants and the Republican Party, like both, the Proposed Intervenors seek a judicial determination that the challenged laws, practices, and procedures are constitutional and, accordingly, should be upheld. The Proposed Intervenors have not provided any reason why the Court should find that the existing Defendants will be unable to inadequately provide representation in pursuit of that shared goal. *See* Proposed Intervenors' Mot. at 8-9 (discussing only the "primacy" of Proposed Intervenors interest, not a statement as to the ability, aptitude, or willingness of the state to seek the same relief as the Proposed Intervenors).

Moreover, with respect to the original Defendants, because they are state and local government officials, the law further presumes that they are capable of adequately protecting any interest shared with a potential intervenor. In particular, the Ninth Circuit has explained that in cases where the government is a defendant in a suit and "is acting on behalf of a constituency that it represents[,] . . . [i]n the absence of a very compelling showing to the contrary, it will be presumed that a state adequately represents its citizens when the applicant shares the same interest." *Arakaki*, 324 F.3d at 1086 (quotation marks and citations omitted). This presumption has been applied to secretaries of state, *see, e.g.*, *PEST Comm. v. Miller*, 648 F. Supp. 2d 1202, 1212-14 (D. Nev. 2009), *aff'd*, 626 F.3d 1097 (9th Cir. 2010), attorneys general, *see, e.g.*, *Daggett v. Comm'n on Governmental*

Ethics & Election Practices, 172 F.3d 104, 112 (1st Cir. 1999), and local officials, *see, e.g.*, *Standard Heating & Air Conditioning Co. v. City of Minneapolis*, 137 F.3d 567, 573 (8th Cir. 1998), all of whom were named as original Defendants in this suit. Thus, there is simply no reason to assume that the original Defendants cannot and will not defend the central interest of the Proposed Intervenors—the constitutionality of the laws, practices, and procedures in question in this case.[1]

Tellingly, the Proposed Intervenors have not argued that the original Defendants cannot or will not do that, rather they have stated only that the original Defendants "might not give" their specific interests as Republican candidates "the kind of primacy that the Proposed Intervenors would." Proposed Intervenors' Mot. at 9 (internal quotation marks omitted). But, an unsubstantiated fear that the original Defendants "might not give" their partisan interests "primacy" is not a sufficiently compelling reason to overcome the strong presumption that the original Defendants—virtually all of whom are listed as Republican elected officials on the Republican Party of Maricopa County's website[2]—will adequately represent the Proposed Intervenors' interests. *See, e.g.*, *PEST Comm.*, 648 F. Supp. 2d at 1212-14 (finding adequacy of representation even where the secretary of state represents all citizens' interests since there was no indication that the proposed intervenors' more narrow interests were different). But in any event, the argument entirely ignores the presence of the Republican Party, who is a party to this case and per its own filings gives

[1] For example, all of the Proposed Intervenors purport to have an interest in participating in this litigation because they "have a fiduciary duty to represent the interests of their constituents." Proposed Intervenors'Mot. at 3. They provide no explanation as to why the original Defendants, who, per the Proposed Intervenors' own motion also represent all of these constituents, *see* Proposed Intervenors' Mot. at 9, cannot adequately represent these constituents interests in this litigation and argue with respect to these shared fiduciary goals.

[2] *See* Republican Party of Maricopa County, http://maricopacountygop.com/, Elected Officials Tab (listing as Republicans Defendants Secretary of State Michele Reagan, Attorney General Mark Brnovich, Maricopa County Supervisors Denny Barney, Steve Chucri, Andy Kunasek, Clint Hickman, and Maricopa County Recorder Helen Purcell).

"primacy" to the interests of the "Republican Party, its committees, or candidates." Republican Party Intervenor's Mot. at 8.

The fact that the presence of the Republican Party in this lawsuit will more than adequately represent the interests of the Proposed Intervenors is underscored by the Proposed Intervenors own filing in this case, which largely tracks the Republican Party's motion to intervene word for word. For example, the Proposed Intervenors seek to intervene because they "have a significant interest in ensuring that the Democratic Party does not specifically advocate for the allocation of polling locations in Maricopa County to benefit solely Democratic Party candidates and not all candidates for elected office within Maricopa County." [3] Proposed Intervenors' Mot. at 3:23-27. Putting aside Plaintiffs' disagreement with this characterization of Plaintiffs' interests and goals in this litigation, this is verbatim one of the stated interests of the Republican Party in its own motion to intervene. *See* Republican Party Intervenor's Mot. at 3:18-21. Similarly, the Proposed Intervenors purport to have an "interest in ensuring that a single political party, *i.e.*, the Democratic Party, does not abuse judicial proceedings for the sole purpose of manipulating local election officials and creating legal authorities that would impact the constituents' right to vote, and impact Republican candidates' right to a fair election carried out with integrity." Proposed Intervenors' Mot. at 4:3-7; *id.* at 7:4-11. Again, while Plaintiffs strongly disagree with this characterization of their interest and purpose, this exact "interest" was asserted by the Republican Party in its motion to intervene. *See* Intervenor's Mot. at 3:12-18; *id.* at 6:1-8. Indeed, a careful reading of the Proposed Intervenors' motion to intervene reveals that there is almost no stated interest in their motion that is not also stated in the Republican Party's motion. *Compare* Proposed Intervenors' Mot. at 4:8-11, 7:12-17 (interest in presenting counter-arguments and

[3] There is no indication in the Proposed Intervenor's brief as to why the Maricopa County Defendants who are charged with ensuring a safe and secure voting process for all voters in Maricopa County could not and would not also advocate in this case that the polling location allocation in their elections benefit "all candidates for elected office within Maricopa County." Proposed Intervenors' Mot. at 3:26-27.

perspectives to Democratic Party's challenge to H.B. 2023), *with* Republican Party Intervenor's Mot. at 3:22-27, 6:9-14 (same).

Thus, because the interests and goals that the Proposed Intervenors assert as the basis for their motion to intervene are *identical* to the interests and goals already represented in this litigation by Defendant-Intervenor the Republican Party, there is *no* reason (much less, a compelling one) to find that the present parties to the litigation will not adequately represent the Proposed Intervenors in this suit. *See Arakaki*, 324 F.3d at 1087-88 (finding proposed intervenors could not intervene where their interests were already represented by the named parties as well as a group of similarly situated intervenors). *See also One Wis. Inst., Inc. v. Nichol*, 310 F.R.D. 394, 397 (W.D. Wis. 2015) ("In cases like this one, where a group of plaintiffs challenge state legislation, the court should evaluate requests to intervene with special care, lest the case be swamped by extraneous parties who would do little more than reprise the political debate that produced the legislation in the first place."). For this reason alone, the Proposed Intervenors have failed to show that they have a right to intervene in this action, and the Court should deny their motion.

2. Proposed Intervenors have not established that they have any significantly protectable interest in this case

As discussed above, the Court may and should deny the Proposed Intervenors' motion because their interests are more than adequately represented by the Republican Party and the original Defendants in this lawsuit. But there are additional reasons to deny their motion, including that many of the "interests" proffered by the Proposed Intervenors are either not legally protectable, or are too remote and indirect to support intervention as of right.

a. Proposed Intervenors as Registered Voters

To have a protectable interest in intervention that interest must be direct and specific. *Cal. ex rel. Lockyer v. United States*, 450 F.3d 436, 441 (9th Cir. 2006). It cannot be generalized or undifferentiated, but must be particular to the proposed intervenor. *Id.*

See also Nichol, 310 F.R.D. at 397 ("To intervene as of right, a party must demonstrate 'a direct, significant, and legally protectable interest in the question at issue in the lawsuit . . . . That interest must be unique to the proposed intervenor.") (citation omitted). This aspect of the analysis of a motion to intervene is somewhat similar to the Article III standing inquiry, specifically the rule that bars parties from maintaining a lawsuit based on a generalized grievance. Thus, while a voter may maintain a claim based on her diminished opportunity to vote, a voter merely advocating for her version of the law to be enforced lacks standing. *Moy v. Cowen*, 958 F.2d 168, 170-71 (7th Cir. 1992).

None of the Proposed Intervenors have identified any direct or particularized harm that they have experienced or will experience as Arizona voters in connection with the claims in this suit. Instead, they simply claim that they are entitled to intervene based on their generalized interest as "Republican voters." Proposed Intervenors' Mot. at 3; *see also id*. at 6. The contention of the Proposed Intervenors that they "have an interest equal to those of the individually-named Plaintiffs who are registered voters affiliated with the Democratic Party," *id*. at 6, glosses over a critical and decisive distinction: each of the individual voter Plaintiffs has alleged that they have suffered or will suffer personal, individual injury to their fundamental right to vote as a result of the policies, practices or procedures at issue in this lawsuit. *See, e.g.*, Am. Compl. ¶ 15, ECF. No. 12 (discussing burdens suffered by Plaintiff Feldman after her five hour wait to vote in the 2016 PPE); *id.* ¶ 17 (describing Plaintiff Hymes' disenfranchisement in the PPE); *id.* ¶ 20 (discussing Plaintiff Ovalle's disenfranchisement in the PPE).

In contrast, Proposed Intervenors fail to offer any explanation as to why, as "Republican voters," any of them will suffer a particularized harm. Such allegations are insufficient to support a motion to intervene. *See Athens Lumber Co. v. Federal Election Comm'n*, 690 F.2d 1364, 1366 (11th Cir. 1982) (affirming denial of intervention where intervenor did not assert a particularized interest); *Am. Ass'n of People With Disabilities v. Herrera*, 257 F.R.D. 236, 253 (D.N.M. 2008) (noting general concerns by voters are not unique and are insufficient to warrant a specific right to intervene). Moreover, even if it

were permissible for a party to intervene on such a bare allegation, the presence of Defendant-Intervenor the Republican Party is plainly adequate to protect the interests of "Republican voters" in defending against Plaintiffs' allegations that the original Defendants' actions violate both their fundamental right to vote and Section 2 of the Voting Rights Act, whatever precisely those interests might be.

b. Proposed Intervenors as Precinct Committeepersons and Candidates for Office

To have a protectable interest in a suit, the interest "the intervenor's claim must bear a 'sufficiently close relationship' to the dispute between the original litigants." *Travelers Indem. Co. v. Dingwell*, 884 F.2d 629, 638 (1st Cir. 1989); *see also Hickman v. Laurins*, 955 F.2d 47 (9th Cir. 1992). Further, it must be direct and non-contingent. *Dilks v. Aloha Airlines*, 642 F.2d 1155, 1157 (9th Cir. 1981). Proposed Intervenors' purported interests as "precinct committeepersons" are inadequate because they fail to meet each of these.

Specifically, Debbie Lesko, Bill Gates, and Suzanne Klapp have all asserted that they have a protectable interest in this suit because—they speculate—it may result in a decision by the Court to utilize voting centers as opposed to precinct polling locations and, as precinct committeepersons, they can only be elected at precinct polling locations. *See* Proposed Intervenors' Mot. at 4, 7. As an initial matter, Proposed Intervenors fail to cite any authority for their contention that "precinct committeepersons currently can only be elected at precinct polling locations," *id.* at 4, nor do they explain why they have a legally protectable right to a particular manner of administering elections that state law itself makes optional for each jurisdiction, which may choose, in each election that it holds, whether to run that election under a precinct-based or vote center model. A.R.S. § 16-411(4) (board of supervisors may authorize the use of voting centers in place of precinct based polling places). Moreover, a precinct committeeperson is actually a political position designed to assist a political party with voter registration, assist voters of his or her party on Election Day, and carry out any other duties provided for in the

respective state party's bylaws. *See* A.R.S. § 16-822. Accordingly, to the extent that these candidates have any protectable interest in this suit—which Plaintiffs dispute—there is simply no reason that the Republican Party cannot adequately represent the interests of candidates for its own party position.

c. Proposed Intervenors as Legislators in Opposition to HB 2023

Senator Debbie Lesko and Representative Tony Rivero also claim to have an interest in this lawsuit because they each voted affirmatively in support of H.B. 2023 and, therefore, have an interest in upholding it as a law. Proposed Intervenors' Mot. at 4. Under this logic, any legislator who supported a bill would be permitted to intervene as of right in defense of that bill. Courts have consistently rejected this position. *See Tarsney v. O'Keefe*, 225 F.3d 929, 939 (8th Cir. 2000) ("[W]hen a court declares an act of the state legislature to be unconstitutional, individuals legislators who voted for the enactment have no standing to intervene."); *Nichol*, 310 F.R.D. at 397 ("[A] legislator's personal support [of the challenged legislation] does not give him or her an interest sufficient to support intervention."); *Am. Ass'n of People With Disabilities*, 257 F.R.D. at 253 (state legislators and voters lacked legally protectable interest that would entitle them to intervene in a voting rights case). Thus, it is clear that Senator Lesko's and Representative Rivero's votes on H.B. 2023 are not sufficient to establish a legally protectable interest or, as a consequence, to establish a right to intervene.

B. THE COURT SHOULD DENY PERMISSIVE INTERVENTION

The Court should also deny Proposed Intervenors' request for permissive intervention under Fed. R. Civ. P. 24(b)(1)(B). Several courts have held that, "[w]hen intervention of right is denied for the proposed intervenor's failure to overcome the presumption of adequate representation by the government, the case for permissive intervention disappears." *Nichol*, 310 F.R.D. at 399 (quoting *Menominee Indian Tribe of Wis. v. Thompson*, 164 F.R.D. 672, 678 (W.D. Wis. 1996)); *see also Perry v. Proposition 8 Official Proponents*, 587 F.3d 947, 955 (9th Cir. 2009) (holding district court properly

exercised discretion in denying permissive intervention where movants were adequately represented by existing parties).

Furthermore, whether to grant permissive intervention is discretionary, but in exercising that discretion, the Court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights. Fed. R. Civ. P. 24(b)(3); *see, e.g.*, *Perry*, 587 F.3d at 956 (upholding the district court's denial of permissive intervention because it would unduly delay the proceedings). In this case, the involvement of Proposed Intervenors would almost certainly result in delay, increased litigation costs, and unnecessarily complicate discovery, the preliminary injunction hearing, and trial. Already, as a result of the Republican Party's intervention, the briefing schedules have become more complex, the number of pages that the parties and the Court will have to contend with in briefing have multiplied, setting dates for hearings has become more complicated, and negotiating stipulations have taken more time. Although the Proposed Intervenors are likely to argue that disruption will be minimized because they are represented by the same counsel that represents the Defendant-Intervenor the Republican Party, even with joint representation those attorneys will have more clients with whom they will have to consult in order to make litigation decisions, which is almost certain to complicate these proceedings in any number of ways. It also introduces several more defendants for discovery purposes.

The concerns about delayed and complicated litigation are particularly salient here because timely resolution of this case and preliminary injunction is of critical importance in light of the proximity of the August 2016 primary and the November 2016 general elections. *See Nichol*, 310 F.R.D. at 399 (denying motion to intervene in voting rights case and rejecting arguments that permissive intervention was warranted where intervenors would minimize disruption explaining "'minimize' does not mean 'eliminate,' and the nature of this case requires a higher-than-usual commitment to a swift resolution . . . . even minor delays to the court's resolution . . . could jeopardize the parties' ability to obtain" meaningful relief). Thus, in a case such as this where it is clear that the existing

parties to a case will already represent all pertinent interests and set forth all relevant arguments and time is of the essence, permissive intervention is not appropriate and should not be granted.

IV. CONCLUSION

For the reasons set forth above, this Court should deny Proposed Intervenors' motion to intervene.

Dated: June 2, 2016

/s/ *Sarah R. Gonski*
Daniel C. Barr (# 010149)
Sarah R. Gonski (# 032567)
PERKINS COIE LLP
2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012-2788

Marc E. Elias (WDC# 442007)*
Bruce V. Spiva (WDC# 443754)*
Elisabeth C. Frost (WDC# 1007632)*
Amanda R. Callais (WDC# 1021944)*
Perkins Coie LLP
700 Thirteenth Street N.W., Suite 600
Washington, D.C. 20005-3960

Attorneys for Plaintiffs

s/ *Roopali H. Desai*
Roopali H. Desai (# 024295)
Andrew S. Gordon (# 003660)
D. Andrew Gaona (# 028414)
COPPERSMITH BROCKELMAN PLC
2800 N. Central Avenue, Suite 1200
Phoenix, Arizona 85004
Telephone: (602) 381-5478
RDesai@cblawyers.com
AGordon@cblawyers.com
AGaona@cblawyers.com

Malcolm Seymour*
GARVEY SCHUBERT BAKER
100 Wall Street, 20th Floor
New York, New York 10005-3708
Telephone: (212) 965-4533
MSeymour@gsblaw.com

Attorneys for Intervenor-Plaintiff Bernie 2016, Inc.

*Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and a Notice of Electronic Filing was transmitted to counsel of record.

/s/ Daniel R. Graziano