

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION

JUDICIAL WATCH, INC.,

Plaintiff,

v.

COMMONWEALTH OF
PENNSYLVANIA, et. al,

Defendants.

CIVIL ACTION NO.
1:20-cv-00708-CCC

**MOTION OF NON-PARTIES COMMON CAUSE PENNSYLVANIA AND
LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA TO INTERVENE AS
DEFENDANTS AND FOR LEAVE TO FILE ANSWER ON THE SAME
SCHEDULE AS DEFENDANTS**

Pursuant to Rule 24 of the Federal Rules of Civil Procedure, Common Cause Pennsylvania and League of Women Voters of Pennsylvania (“LWV-PA” and, together with Common Cause, the “proposed Defendant-Intervenors”) respectfully move to intervene in this case and become Defendants. The proposed Defendant-Intervenors seek intervention as of right under Rule 24(a)(2) or, alternatively, permissive intervention under Rule 24(b)(1)(b). This motion is based upon the Memorandum filed herewith as Exhibit 1.

Common Cause is a nonpartisan democracy-focused organization with approximately 44,000 members in Pennsylvania who are at risk of being removed from the voter rolls if Plaintiff is successful in this litigation. In Pennsylvania, Common Cause works in the areas of voter registration, election protection, voter education, advocacy, outreach, get out the vote, and grassroots mobilization around voting rights. LWV-PA is a nonpartisan nonprofit organization that encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. LWV-PA has approximately 2,273 members who are at risk of being removed from the voter rolls if Plaintiff is successful in this litigation.

The proposed Defendant-Intervenors are entitled to intervene as of right under Rule 24(a) because they have (1) filed a timely motion; and (2) have a interest in the present litigation, that (3) stands to be impaired or affected by the

resolution of this case, and (4) are not adequately represented by the existing parties. *Liberty Mut. Ins. Co. v. Treesdale, Inc.*, 419 F.3d 216, 220 (3d Cir. 2005). They may also be allowed to intervene permissibly because they have “claims or defense[s] that share[] with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b).

The proposed Defendant-Intervenors further move for leave to file a responsive pleading on the same date that the current Defendants file a pleading in response to the Complaint. This Court has discretion to grant this motion without the inclusion of a pleading where no prejudice will result to the other parties. *See, e.g., Amalgamated Transit Union, Local 1729 v. First Grp. Am. Inc.*, No. 2:15-CV-806, 2016 WL 520989, at *1 (W.D. Pa. Feb. 10, 2016) (granting motion to intervene that did not include a pleading where no party would be prejudiced); U.S. *ex rel. Frank M. Sheesley Co. v. St. Paul Fire & Marine Ins. Co.*, 239 F.R.D. 404, 411 (W.D. Pa. 2006) (same). This motion is being filed at the very initial stages of the litigation and granting this motion will not delay or prejudice the adjudication of any party’s rights, as Defendants have filed no responsive pleading and this motion and the attached Memorandum provides sufficient notice of the basis for intervention and defenses the proposed Defendant-Intervenors will assert. For these reasons, the proposed Defendant-Intervenors request leave to file an answer on the same schedule as Defendants.

WHEREFORE, the proposed Defendant-Intervenors respectfully request that this Court grant its motion to intervene as of right, or in the alternative, grant a permissive injunction, and grant leave to file a pleading on the date upon which Defendants must file a pleading in response to the Complaint.

Dated: May 11, 2020

Respectfully submitted,

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**Pro hac vice* application to be filed

/s/ Witold J. Walczak

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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing motion to intervene was filed electronically and served on plaintiffs' counsel of record via the ECF system of the U.S. District Court for the Middle District of Pennsylvania; and via e-mail on the following counsel for defendants Nicole Boland (Assistant Attorney General, Commonwealth of Pennsylvania), Kristen Mayock (Deputy Solicitor, Chester County), Joseph Khan (Solicitor, Bucks County) and William Martin (Solicitor, Delaware County).

Dated: May 11, 2020

/s/ Witold J. Walczak

CERTIFICATE OF CONCURRENCE

In accordance with Local Rule 7.1, Defendant-Intervenors' counsel's effort to seek concurrence in the motion to intervene yielded the following results:

Commonwealth of Pennsylvania	No position (Nicole Boland)
Chester County defendants	No objection (Kristen Mayock)
Bucks County	No objection (Joseph Khan)
Delaware County	No objection (William Martin)
Judicial Watch	Oppose

Dated: May 11, 2020

/s/ Witold J. Walczak
Witold J. Walczak (PA 62976)