UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

NANCY CAROLA JACOBSON, et al.,

***Plaintiffs*,**

v. **CASE NO. 4:18-CV-262-MW/CAS**

KENNETH W. DETZNER, in his official capacity as the Florida Secretary of State,

Defendant.
_____/

ORDER GRANTING REPUBLICAN PARTY ORGANIZATIONS' MOTION TO INTERVENE

This Court has considered, without hearing, the National Republican Senatorial Committee's and Republican Governors Association's ("Proposed Intervenors") motion to intervene. ECF No. 23. The motion is **GRANTED**.

A court must allow a party to intervene when the proposed intervenor "claims an interest relating to the property or transaction that is the subject of the actions, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." Fed. R. Civ. P. 24 (a)(2). The Eleventh Circuit has further required that intervention be granted as a matter of right when the proposed intervenor's motion is timely and the

proposed intervenor's "interest is inadequately represented by the existing parties." *Huff v. Comm'r of IRS*, 743 F.3d 790, 795 (11th Cir. 2014) (quoting *Fox v. Tyson Foods, Inc.*, 519 F.3d 1298, 1302–03 (11th Cir. 2008)).

Here, reasonable minds may differ over whether Florida's Secretary of State represent Proposed Intervenors' interests adequately.

A district court, however, "may permit anyone to intervene who has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B). District courts have broad discretion to grant or deny permissive joinders. *Chiles v. Thornburgh*, 865 F.2d 1197, 1213 (11th Cir. 1989) (citing *Sellers v. United States*, 709 F.2d 1469, 1471 (11th Cir. 1983)).

This Court exercises its discretion in granting Proposed Intervenors' motion. In doing so, this 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). Under the collateral-order doctrine, a denial of a party's motion to intervene is immediately appealable. *See Stringfellow v. Concerned Neighbors in Action*, 480 U.S. 370, 377 (1987) ("[W]hen an order prevents a putative intervenor from becoming a party in *any* respect, the order is subject to immediate review.") (emphasis in original). The Supreme Court's language could not be clearer. Read another way, denying Proposed Intervenors' motion opens the door to delaying the adjudication of this case's merits for months—if not longer.

This Court notes the time-sensitivity in this election-related dispute. Accordingly, this Court will not tolerate delay; there will be, for example, one briefing schedule for all the parties. If this means Proposed Intervenors must play catch-up on an expedited basis, so be it.

SO ORDERED on July 1, 2018.

s/Mark E. Walker
United States District Judge