

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD J. TRUMP FOR
PRESIDENT, INC.; *et al.*,

Plaintiffs,

v.

KATHY BOOCKVAR; *et al.*,

Defendants.

Civil Action

No.: 2:20-CV-966

Judge J. Nicholas Ranjan

**MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF MOTION TO INTERVENE
BY PROPOSED INTERVENORS NAACP PENNSYLVANIA STATE CONFERENCE,
COMMON CAUSE PENNSYLVANIA, LEAGUE OF WOMEN VOTERS OF
PENNSYLVANIA, PATRICIA M. DEMARCO, DANIELLE GRAHAM ROBINSON,
AND KATHLEEN WISE**

Proposed intervenors NAACP Pennsylvania State Conference, Common Cause Pennsylvania, League of Women Voters of Pennsylvania, and Pennsylvania voters Patricia M. DeMarco, Danielle Graham Robinson, and Kathleen Wise (collectively, “Intervenors”) hereby seek leave to submit a 6-page reply brief in support of their Motion to Intervene. Intervenors’ proposed reply brief is attached. In support of their request, Intervenors state as follows.

1. On July 15, Intervenors filed their Motion to Intervene. Dkt. 103. As stated in their supporting Memorandum (Dkt. 104), Intervenors are entitled to intervene as of right under Fed. R. Civ. P. 24(a) because (a) their motion is timely; (b) they have substantial interests in the underlying litigation, foremost among those interests being the right and ability to vote, both generally and in light of the global COVID-19 pandemic; (c) disposition of this case may impair their interests, including by diminishing access to voting; and (d) their interests diverge from those of the named Defendants, including (for example) because county election boards do not necessarily share Intervenors’ interest in expanding and facilitating ballot access for all eligible

voters. Dkt. 104 § III. In addition, and for many of the same reasons, Intervenors explained that permissive intervention is also justified under Fed. R. Civ. P. 24(b). Dkt. 140 § IV.

2. On July 23, Plaintiffs opposed Intervenors’ Motion to Intervene. Dkt. 177. In their proposed reply brief, Intervenors explain why their motion to intervene should be granted over Plaintiffs’ opposition. For example, Intervenors explain (a) that any alleged procedural defect in their motion has been cured by the filing of their provisional Motion to Dismiss (Dkt. 204)¹; (b) that Plaintiffs’ complaints regarding standing lack merit; (c) that Plaintiffs disregard the legitimate interests of both the organizational and individual Intervenors set forth in their motion to intervene and supporting declarations; and (d) that contrary to Plaintiffs’ arguments, Intervenors do not seek to “expand the scope of the claims asserted in this lawsuit” in relation to the COVID-19 pandemic (a topic Plaintiffs otherwise ignore) (Dkt. 177 at 18-19), but instead seek to ensure that critical individual interests in ballot access—which are already under threat from the pandemic itself—are represented given Plaintiffs’ attempts to diminish those interests.

3. On July 27, Plaintiffs filed an Amended Complaint. Dkt. 232. In their proposed reply brief, Intervenors explain that Plaintiffs’ amendments support—or, at the very least, do not undermine—Intervenors’ arguments under Rule 24. For example, Plaintiffs’ Amended Complaint *expanded* their requested prohibitions on verifying and counting absentee and mail-in ballots. Dkt. 232 ¶¶ 5, 116-121 192, 201, 211. The adverse impact of Plaintiffs’ requested relief on Intervenors’ individual and organizational interests justifies intervention. *See Deutsche Bank Nat’l Tr. Co. v. Bendex Props., LLC.*, No. 3:16-CV-0432, 2016 WL 6648175, at *3 (M.D. Pa.

¹ The Court denied Intervenors’ Motion to Dismiss (and those of other parties and proposed intervenors) as moot in light of Plaintiffs’ Amended Complaint. Dkt. 240. Consistent with the Court’s subsequent order (Dkt. 241), Intervenors refiled their provisional Motion to Dismiss on July 31, 2020.

Nov. 10, 2016) (permitting intervention where intervenor’s “interest would be affected by th[e] litigation”).

For these reasons, Intervenors respectfully request leave to file a 6-page reply in support of their Motion to Intervene. Intervenors conferred via email with Plaintiffs on July 30, 2020 regarding this motion. At the time of filing, Plaintiffs had not yet stated their position.

Dated: July 31, 2020

Respectfully submitted,

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† Admitted *pro hac vice*.

* *Pro hac vice* forthcoming.

‡ Admission Pending

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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing Motion for Leave to File Reply was filed electronically and served on all counsel of record via the ECF system of the U.S. District Court for the Western District of Pennsylvania.

Dated: July 31, 2020

/s/ Lori A. Martin
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