IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

FLORIDA RISING TOGETHER, FAITH IN FLORIDA, UNIDOSUS, EQUAL GROUND EDUCATION FUND, HISPANIC FEDERATION, and PODER LATINX, Plaintiffs, v. LAUREL M. LEE, in her official capacity as the Secretary of State of Florida, and PENNY OGG, in her official capacity as Supervisor of Elections for Highlands County, Florida, SHIRLEY GREEN KNIGHT, in her official capacity as the Supervisor of Elections for Gadsden County, Florida, MARY JANE ARRINGTON, in her official capacity as Supervisor of Elections for Osceola County, Florida, and CRAIG LATIMER, in his official capacity as the Supervisor of Elections for Hillsborough County, Florida, on behalf of themselves and all those similarly situated, Defendants.	Case No. 4:21-cv-201-AW-MJF

PLAINTIFFS' OPPOSITION TO MOTION TO INTERVENE

Plaintiffs respectfully oppose the motion to intervene (ECF No. 26) submitted by the Republican National Committee ("RNC") and National Republican Senatorial Committee ("NRSC") (together, the "Proposed Intervenors").

Plaintiffs incorporate by reference the oppositions to motions to intervene filed in two closely related cases currently pending in this District: *League of Women Voters of Florida, Inc., et al. v. Lee*, et al., No. 4:21-cv-00186-MW-MAF (N.D. Fla.) (ECF No. 65) and *Florida State Conference of Branches and Youth Units of the NAACP, et al. v. Lee*, No. 4:21-cv-00187-MW-MAF (N.D. Fla.) (ECF No. 37). These oppositions are attached as Exhibits 1 and 2 to this opposition. As explained by the plaintiffs in those related cases, the Proposed Intervenors do not satisfy the standards set forth in Federal Rule of Civil Procedure 24 for either intervention as of right or permissive intervention.

In particular, the Proposed Intervenors fail to show why defense of S.B. 90 by the governmental Defendants is inadequate. Adequacy of representation is presumed where, as here, Defendants and Proposed Intervenors have the same objective, *i.e.*, defending a challenged statute. *Stone v. First Union Corp.*, 371 F.3d 1305, 1308–09 (11th Cir. 2004). Indeed, the Secretary of State is legally obligated to defend the challenged provisions. *See* Fla. Const. art. II, § 5(b); Fla. Stat. § 97.012(1). Proposed Intervenors have not identified any likely, let alone actual, divergence of interests between themselves and the Defendants. Thus, there is no need for intervention, which would complicate and delay the proceedings. *See Chiles v. Thornburgh*, 865 F.2d 1197, 1213–1215 (11th Cir. 1989) (affirming denial

of Rule 24(a) and 24(b) intervention motions because movant's interest was adequately represented).

Plaintiffs recognize that Chief Judge Walker has permitted intervention in the *League of Women Voters* and *NAACP* cases. Plaintiffs further recognize that if the pending unopposed motions by Defendant Lee to consolidate this matter with the *League of Women Voters* case (ECF No. 39) and Plaintiffs' unopposed motion to transfer for consolidation with those related cases (ECF No. 43) are granted, the Proposed Intervenors will be parties to the consolidated proceeding. As parties to any consolidated proceeding, the Proposed Intervenors' asserted interests will be sufficiently protected.

CONCLUSION

Plaintiffs respectfully request that this Court deny the motion to intervene.

Dated: June 22, 2021

Respectfully submitted,

s/ *John A. Freedman*

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LOCAL RULE 7.1(F) CERTIFICATION

Pursuant to Local Rule 7.1(F), this memorandum contains 378 words, excluding the case style, signature block, and certificate of service.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served on all counsel of record through the Court's CM/ECF system on the 22nd of June, 2021.

s/ *John A. Freedman*
Attorney for Plaintiffs