Multiple Documents

Part	Description
1	Main Document
2	Proposed Order

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	Case 2:22-cv-00509-SRB Document 10	1 Filed 09/06/22 Page 1 of 6
1 2 3 4 5 6 7	Tyler Green* Cameron T. Norris* James P. McGlone* CONSOVOY MCCARTHY PLLC 1600 Wilson Blvd., Ste. 700 Arlington, VA 22209 (703) 243-9423 tyler@consovoymccarthy.com cam@consovoymccarthy.com jim@consovoymccarthy.com	
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15		TES DISTRICT COURT RICT OF ARIZONA
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16 17	Mi Familia Vota, et al.,	
	Mi Familia Vota, et al.,	Case No: 2:22-cv-00509-SRB (Lead) Case No: 2:22-cv-00519-SRB (Consol.)
17		Case No: 2:22-cv-00509-SRB (Lead) Case No: 2:22-cv-00519-SRB (Consol.) Case No: 2:22-cv-01003-SRB (Consol.)
17 18	Mi Familia Vota, et al., Plaintiffs,	Case No: 2:22-cv-00509-SRB (Lead) Case No: 2:22-cv-00519-SRB (Consol.)
17 18 19	Mi Familia Vota, et al., Plaintiffs, v.	Case No: 2:22-cv-00509-SRB (Lead) Case No: 2:22-cv-00519-SRB (Consol.) Case No: 2:22-cv-01003-SRB (Consol.) Case No: 2:22-cv-01124-SRB (Consol.)
17 18 19 20	Mi Familia Vota, et al., Plaintiffs, v. Katie Hobbs, et al.,	Case No: 2:22-cv-00509-SRB (Lead) Case No: 2:22-cv-00519-SRB (Consol.) Case No: 2:22-cv-01003-SRB (Consol.) Case No: 2:22-cv-01124-SRB (Consol.) Case No: 2:22-cv-01369-SRB (Consol.) MOTION TO INTERVENE AS
 17 18 19 20 21 22 23 	Mi Familia Vota, et al., Plaintiffs, v. Katie Hobbs, et al., Defendants. Living United for Change in Arizona, et al.,	Case No: 2:22-cv-00509-SRB (Lead) Case No: 2:22-cv-00519-SRB (Consol.) Case No: 2:22-cv-01003-SRB (Consol.) Case No: 2:22-cv-01124-SRB (Consol.) Case No: 2:22-cv-01369-SRB (Consol.)
 17 18 19 20 21 22 23 24 	Mi Familia Vota, et al., Plaintiffs, v. Katie Hobbs, et al., Defendants. Living United for Change in Arizona, et	Case No: 2:22-cv-00509-SRB (Lead) Case No: 2:22-cv-00519-SRB (Consol.) Case No: 2:22-cv-01003-SRB (Consol.) Case No: 2:22-cv-01124-SRB (Consol.) Case No: 2:22-cv-01369-SRB (Consol.) MOTION TO INTERVENE AS DEFENDANT BY THE REPUBLICAN
 17 18 19 20 21 22 23 24 25 	Mi Familia Vota, et al., Plaintiffs, v. Katie Hobbs, et al., Defendants. Living United for Change in Arizona, et al., Plaintiffs, v.	Case No: 2:22-cv-00509-SRB (Lead) Case No: 2:22-cv-00519-SRB (Consol.) Case No: 2:22-cv-01003-SRB (Consol.) Case No: 2:22-cv-01124-SRB (Consol.) Case No: 2:22-cv-01369-SRB (Consol.) MOTION TO INTERVENE AS DEFENDANT BY THE REPUBLICAN
 17 18 19 20 21 22 23 24 25 26 	Mi Familia Vota, et al., Plaintiffs, v. Katie Hobbs, et al., Defendants. Living United for Change in Arizona, et al., Plaintiffs,	Case No: 2:22-cv-00509-SRB (Lead) Case No: 2:22-cv-00519-SRB (Consol.) Case No: 2:22-cv-01003-SRB (Consol.) Case No: 2:22-cv-01124-SRB (Consol.) Case No: 2:22-cv-01369-SRB (Consol.) MOTION TO INTERVENE AS DEFENDANT BY THE REPUBLICAN
 17 18 19 20 21 22 23 24 25 26 27 	Mi Familia Vota, et al., Plaintiffs, v. Katie Hobbs, et al., Defendants. Living United for Change in Arizona, et al., Plaintiffs, v. Katie Hobbs,	Case No: 2:22-cv-00509-SRB (Lead) Case No: 2:22-cv-00519-SRB (Consol.) Case No: 2:22-cv-01003-SRB (Consol.) Case No: 2:22-cv-01124-SRB (Consol.) Case No: 2:22-cv-01369-SRB (Consol.) MOTION TO INTERVENE AS DEFENDANT BY THE REPUBLICAN
 17 18 19 20 21 22 23 24 25 26 	Mi Familia Vota, et al., Plaintiffs, v. Katie Hobbs, et al., Defendants. Living United for Change in Arizona, et al., Plaintiffs, v. Katie Hobbs,	Case No: 2:22-cv-00509-SRB (Lead) Case No: 2:22-cv-00519-SRB (Consol.) Case No: 2:22-cv-01003-SRB (Consol.) Case No: 2:22-cv-01124-SRB (Consol.) Case No: 2:22-cv-01369-SRB (Consol.) MOTION TO INTERVENE AS DEFENDANT BY THE REPUBLICAN

1	Poder Latinx,		
2	Plaintiffs,		
3	V.		
4	Katie Hobbs,		
5	Defendant.		
	United States of America,		
6	Plaintiff,		
7	v.		
8	State of Arizona, et al.,		
9	Defendants.		
10	Democratic National Committee,		
10	Plaintiff,		
11	v.		
12			
	Katie Hobbs, et al.,		
13	Defendants.		
14			

15 The RNC files this motion to clarify its status in the five consolidated cases. The 16 RNC is an intervenor defendant in DNC v. Hobbs, No. 22-cv-1369. After this Court granted 17 the RNC's motion to intervene, see DNC Doc. 18 in No. 22-cv-1369, the plaintiffs in DNC 18 moved to consolidate their case with four already-consolidated cases, noting that further 19 "consolidation will promote efficiency and convenience" because "[t]he cases challenge 20 the same law, are filed against the same parties, and adjudication of the claims in each will 21 require overlapping discovery and briefing," see MFV Doc. 90 at 2. This Court agreed and 22 consolidated the DNC case with the other four consolidated cases. MFV Doc. 91. All told, 23 the RNC became a party to the DNC case, and then the DNC case was consolidated with 24 Mi Familia Vota v. Hobbs; LUCHA v. Hobbs; Poder Latinx v. Hobbs; and United States v. 25 Hobbs.

Since then, the RNC has learned that some plaintiffs do not consider the RNC a
party to the consolidated cases. Apparently, in their view, the RNC cannot file motions or
responses, take discovery, or appeal in any case other than the *DNC* case. That situation

not only seems like a logistical nightmare, but also defeats the very reasons why the *DNC* plaintiffs sought consolidation. It also complicates the RNC's plans to simply join the
 State's forthcoming "consolidated Motion to Dismiss." *MFV* Doc. 100 at 3. Clarification
 from this Court is needed.

5 To clarify their status, the RNC now moves to intervene in the four cases that are 6 consolidated with this one: *Mi Familia Vota*, No. 2:22-cv-00509; *LUCHA*, No. 2:22-cv-7 00519; Poder Latinx, No. 2:22-cv-01003; and United States, No. 2:22-cv-01124. The RNC 8 has found itself in this situation before. In a 2020 election case in Wisconsin, a district 9 court granted the RNC's motion to intervene in one case, and then consolidated that case 10 with two others. The RNC then moved to intervene in the two consolidated cases "in an 11 effort to clarify their status in these two cases." Lewis v. Knudson, Doc. 63, No. 3:20-cv-12 00284 (W.D. Wis., Mar. 31, 2020). The district court granted that motion. Id. As the court 13 explained elsewhere in those consolidated cases:

- [T]his case is one of four closely overlapping lawsuits If anything, *denying* intervention would at this point unnecessarily complicate an already complicated set of cases by requiring the RNC[] to act as *amici* in this case and as defendants in the other, three related cases. The Seventh Circuit has observed that 'Rule 24(b) is just about economy in litigation.' Here, ... intervention would serve the interests of judicial administration
- *Swenson v. Bostelmann*, Doc. 38 at 5, No. 20-cv-00459 (W.D. Wis. June 23, 2020). That
 analysis fits this case to a T.

The RNC satisfies the criteria for intervention, for reasons given in its memorandum in *DNC* and its memoranda and reply in *Mi Familia Vota* and *LUCHA*. *See DNC* Doc. 10; *MFV* Docs. 24 & 49; *LUCHA*, Docs. 23. While this Court previously denied the latter motions, that denial was deliberately "without prejudice." *MFV* Doc. 57 at 6. This Court acknowledged that things could change, especially if "the Democratic Party" decided to sue and "try to participate in the instant lawsuit." Doc. 57 at 5 n.2.

Things indeed have changed. The Democratic Party did sue, and this Court granted the RNC's motion to intervene in that case. Three more cases were filed, and five of the six cases were consolidated, including the case where the RNC is already a party. The

1 RNC's intervention will no longer "inject 'partisan politics into an otherwise nonpartisan 2 legal dispute," Doc. 57 at 5; both it and the Democratic Party are now in this case. And 3 the RNC's intervention will no longer "unnecessarily delay this time-sensitive 4 proceeding," Doc. 57 at 5; it is *already* a party, and the number of total parties has since 5 ballooned. As in Wisconsin, "*denying* intervention would at this point unnecessarily complicate an already complicated set of cases by requiring the RNC[] to act as *amici* in 6 7 this case and as defendants in the other ... related cases." Swenson, Doc. 38 at 5, No. 20-8 cv-00459 (W.D. Wis.). That bizarre situation serves no purpose underlying the intervention 9 rules.

For all these reasons, this Court should clarify the RNC's status by allowing it to intervene in the other consolidated cases. The Attorney General does not oppose this motion. The Secretary of State takes no position. The recorders for Yavapai County, Maricopa County, Graham County, Cochise County, Apache County, Yuma County, Santa Cruz County, and Pinal County take no position. The *MFV*, *LUCHA*, and *Poder Latinx* plaintiffs oppose. The RNC has not heard from the remaining parties.

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1	Respectfully submitted on Ju	ne 2, 2022.		
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	Case 2:22-cv-00509-SRB Document 101	-1 Filed 09/06/22	Page 1 of 3		
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14 15 16	IN THE UNITED STA				
10	Mi Familia Vota, et al.,]			
17			00509-SRB (Lead)		
19	Plaintiffs, v.	Case No: 2:22-cv-	00519-SRB (Consol.) 01003-SRB (Consol.) 01124-SRB (Consol.)		
20	Case No: 2:22-cv-01124-SRB (Consol.) Katie Hobbs, et al.,				
21	Defendants.				
22	Living United for Change in Arizona, et	[PROPOSED] O	RDER GRANTING		
23	al.,	MOTION TO IN			
24	Plaintiffs,				
25	V.				
26	Katie Hobbs,				
27	Defendant.				
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	Case 2:22-cv-00509-SRB Document 101-1 Filed 09/06/22 Page 2 of 3				
1	Poder Latinx,				
2	Plaintiffs,				
3	V.				
4	Katie Hobbs,				
5	Defendant.				
6	United States of America, Plaintiff,				
7	v.				
8	State of Arizona, et al.,				
9	Defendants.				
10					
11	The Court previously granted the Republican National Committee's motion to				
12	intervene in Case No. 2:22-cv-01369. After granting that motion, the Court consolidated				
13	the '1369 case with Cases Nos. 2:22-cv-00509, 2:22-cv-00519, 2:22-cv-01003, and 2:22-				
14	cv-01124. Now, the RNC has moved to intervene as a defendant in the '509, '519, '1003,				
15 16	and '1124 cases, in an effort to clarify their status in these four cases. That motion is				
17	GRANTED.				
18					
19					
20	United States District Judge				
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