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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Scot Mussi; Gina Swoboda, in her capacity as Chair of the Republican Party of Arizona; and Steven Gaynor, Plaintiffs, v. Adrian Fontes, in his official capacity as Arizona Secretary of State, Defendants.	No. CV-24-01310-PHX-DWL **PLAINTIFFS' RESPONSE IN OPPOSITION TO ARIZONA ALLIANCE FOR RETIRED AMERICANS' AND VOTO LATINO'S MOTION TO INTERVENE**

Plaintiffs Scot Mussi; Gina Swoboda, in her capacity as Chair of the Republican Party of Arizona; and Steven Gaynor ("Plaintiffs") file this Response in Opposition to Arizona Alliance for Retired Americans' and Voto Latino's ("Proposed Intervenors") Motion to Intervene as Defendants ("Motion to Intervene" or "Motion"), (ECF No. 15). Proposed Intervenors have failed to satisfy the requirements under Federal Rule of Civil Procedure 24 for intervention as of right and permissively. Thus, this Court should deny intervention.

INTRODUCTION

Proposed Intervenors' Motion to Intervene as of right under Rule 24(a)—or for permissive intervention under Rule 24(b)—fails as a matter of law. Specifically, Proposed Intervenors' request for intervention under Rule 24(a) does not identify a "significantly protectable" interest. Although they claim interests in protecting "their members and constituents" and their "own organizational interests," (ECF No. 15 at 1–2), Proposed Intervenors fall short of demonstrating the "significantly protectable" interest required to intervene as of right. Notably, the National Voter Registration Act ("NVRA") requires the removal of dead voters as well as those who have moved out of state, and any argument from the Proposed Intervenors that their constituency will be effected is (1) pure speculation; or (2) if not speculation, tantamount to an admission that a significant number of their members are ineligible to vote under Arizona and federal law—*i.e.*, that they are dead or have moved out of state. Neither circumstance demonstrates a significantly protectable interest here.

Furthermore, Defendant Secretary of State Adrian Fontes ("Secretary") and Proposed Intervenors share the same objective: opposing the Plaintiffs' requested relief. Proposed Intervenors cannot overcome the presumption that the Secretary, who has been sued in his official capacity as Arizona's Secretary of State, will adequately represent their interests. Indeed, Proposed Intervenors cannot offer *any* rationale to support the "very compelling showing" necessary to overcome this presumption. *See Arakaki v. Cayetano,* 324 F.3d 1078, 1086 (9th Cir. 2003) ("In the absence of a 'very compelling showing to the contrary,' it will be presumed that a state adequately represents its citizens when the applicant shares the same interest.") (citation omitted).

Proposed Intervenors' alternative request for permissive intervention is deficient as well because they cannot demonstrate why the Court should exercise its discretion to allow permissive intervention when their additional presence would simply delay this proceeding, increase litigation costs, complicate this Court's docket, and prejudice the rights of the original parties. Thus, this Court should deny their Motion in its entirety.

ARGUMENT

I. THE COURT SHOULD DENY INTERVENTION AS OF RIGHT BECAUSE PROPOSED INTERVENORS LACK A "SIGNIFICANTLY PROTECTABLE" INTEREST THAT IS NOT ALREADY ADEQUATELY REPRESENTED BY THE SECRETARY.

To intervene as of right under Rule 24, Proposed Intervenors must satisfy a four-part test: (1) "the application must be timely"; (2) "the applicant must have a 'significantly protectable interest' relating to the property or transaction that is the subject of the action"; (3) "the applicant must be situated such that disposition of the action may impair or impede the party's ability to protect that interest"; and (4) "the applicant's interest must not be adequately represented by existing parties." *Arakaki*, 324 F.3d at 1086. A party seeking intervention "bears the burden of proving these requirements are met." *Citizens for Balanced Use v. Mont. Wilderness Ass'n*, 647 F.3d 893, 897 (9th Cir. 2011). Failure to fulfill "any one of the requirements is fatal to the application." *Perry v. Prop. 8 Official Proponents*, 587 F.3d 947, 950 (9th Cir. 2009). Here, Proposed Intervenors fail to satisfy prongs two, three, and four; and thereby fail to carry their burden in demonstrating a right to intervene.

A. Proposed Intervenors' Members Have No Significantly Protectable Interest In The Secretary's Fulfillment Of His Duties Under Section 8 Of The NVRA.

Proposed Intervenors cannot intervene as of right because they cannot demonstrate that their asserted associational and organizational interests are directly legally affected by the outcome of this litigation. This action involves whether the Secretary is violating his obligation to conduct "reasonable" voter roll maintenance under Section 8 of the NVRA. *See* (ECF No. 1 at ¶¶ 101–07) (citing 52 U.S.C. §20507(a)(4)). Specifically, this lawsuit seeks a declaration that the Secretary is violating Section 8, as well as an injunction compelling him to "develop and implement additional reasonable and effective registration list-maintenance programs." (*Id.* at 19.) Here, Proposed Intervenors are not entitled to intervention under Rule 24(a) when they have failed to demonstrate how an inquiry into the Secretary's Section 8 duties affects any of their purported interests.

1. Proposed Intervenors' Organizational Interests Do Not Have A Direct Legal Effect Upon Their Rights.

Proposed Intervenors contend that a judgment in the Plaintiffs' favor would "require Proposed Intervenors to divert time and resources away from other essential election-year activities." (ECF No. 15 at 10.) Proposed Intervenors' purported interests are insufficient, however, because this type of "pure economic expectancy is not a legally protected interest for purposes of intervention." *Ranchers Cattlemen Action Legal Fund United Stockgrowers of Am. v. U.S. Dep't of Agric.*, 143 Fed. Appx. 751, 753 (9th Cir. 2005) (citation omitted); *accord Mt. Hawley Ins. Co. v. Sandy Lake Props, Inc.*, 425 F.3d 1308, 1311 (11th Cir. 2005) (mandatory intervention requires "something more than an economic interest"). Furthermore, even if Proposed Intervenors could evade this principle, their vague reference to resource diversion is entirely speculative and conclusory, which fails to justify intervention as of right. *See Sw. Ctr. For Biological Diversity v. Berg*, 268 F.3d 810, 819 (9th Cir. 2001) (accepting only "non-conclusory allegations"); *Dilks v. Aloha Airlines*, 642 F.2d 1155, 1157 (9th Cir. 1981) (denying mandatory intervention where the claimed interest was speculative).

In sum, Proposed Intervenors' pure economic expectancy interests are an insufficient basis to support intervention and, even if that were not so, Proposed Intervenors have failed to provide evidence that those interests are (or will be) harmed.

2. Proposed Intervenors' Associational Interests Do Not Have A Direct Legal Effect Upon Their Purported Rights.

Proposed Intervenors also request intervention as of right on behalf of their members "to protect the significant—indeed, fundamental—voting rights of their members and constituents." (ECF No. 15 at 1–2.) However, mandatory intervention is only permitted for parties with direct, significant interests in an action. *Cal. Ex rel. Lockyer v. United States*, 450 F.3d 436, 441–42 (9th Cir. 2006). This interest cannot be "generalized" or "undifferentiated"; rather, it must be particular to Proposed Intervenors. *Id.* at 441*; see also United States v. Arizona,* No. CV 10-1413-PHX-SRB, 2010 WL 11470582, at *10

(D. Ariz. Oct. 28, 2010) (finding that movant did not have direct and specific interest in the litigation in part because his "expressed interest [was] general" and "shared by many other citizens of the state of Arizona").

Here, Proposed Intervenors' asserted interests are generalized, undifferentiated, and not particular to themselves. Based on Proposed Intervenors' rationale, *any* organization in Arizona could intervene in *any* election-related court proceeding by merely asserting that it wants to protect its members' voting rights. This standard is clearly untenable and impermissible. Indeed, Proposed Intervenors' interests are a perfect example of the type of generalized harms that the court rejected in *Miracle v. Hobbs*. *See* 333 F.R.D. 151, 155 (D. Ariz. 2019) (holding that the court was "unmoved by the highly generalized argument that Proposed Intervenors have an interest in upholding the constitutionality of the [challenged] law.").

Furthermore, Proposed Intervenors fail to connect their purported interests with the claims and statutes involved in this case. To satisfy the Rule 24(a) requirement, Proposed Intervenors must demonstrate that their "interest [is] related to the underlying subject matter of the litigation." *United States v. Alisal Water Corp.*, 370 F.3d 915, 920 (9th Cir. 2004). However, Proposed Intervenors' stream of broken, presumptive logic fails to link the Secretary's Section 8 obligations and their purported interests of diverted resources and expenditures.

Proposed Intervenors simply state—in a conclusory fashion—that the Secretary's Section 8 duties will result in a "voter purge" of their members. But Proposed Intervenors fail to identify any text in Section 8 that authorizes or leads to a "voter purge" of their members. Rather, Proposed Intervenors pile assumption upon assumption to simply ascribe malintent and assume misapplication of the law; they then baselessly conclude that this misapplication will "purge" its members from the voter rolls. These assumptions are conclusory and improper.

In fact, even Proposed Intervenors acknowledge that the Plaintiffs seek to compel the Secretary to "develop and implement additional reasonable and effective registration

list-maintenance programs." (ECF No. 15 at 5.) This is not a "voter purge"—it is the Secretary fulfilling his constitutional and statutory duties. If Proposed Intervenors are permitted to intervene based on this presumptive logic and false flags, then *any* party can intervene in *any* election-related court proceeding in Arizona by (1) simply asserting that a government official will misapply the law, and (2) creating hypothetical harms that could result from the misapplication of the law. This logic is fatally flawed and would inundate the court system with improper interventions.

What's more, the Proposed Intervenors fail to explain how removing from voter rolls individuals who have moved out of state or died would affect their members, who are presumably located in Arizona and alive.

With this litany of insufficiencies, intervention by Proposed Intervenors would be improper and would drag this case into a prolonged, partisan battle. To keep this suit focused on the core issues—fundamental voting rights—this Court should follow the well-established precedent denying intervention by partisan groups and actors. *See, e.g.*, *Yazzie v. Hobbs*, No. CV-20-08222-PCT-GMS, 2020 WL 8181703, at *4 (D. Ariz. Sept. 16, 2020); *Democracy N. Carolina v. N. Carolina State Bd. of Elections*, No. 1:20-cv-457, 2020 WL 6591397, at *2 (M.D.N.C. June 24, 2020); *Feehan v. Wisconsin Elections Comm'n*, No. 20-cv-1771, 2020 WL 7182950, at *7 (E.D. Wis. Dec. 6, 2020); *League of Women Voters of Michigan v. Johnson*, No. 2:17-CV-14148, 2018 WL 10483889, at *1 (E.D. Mich. Apr.4, 2018); *One Wisconsin Inst., Inc. v. Nichol*, 310 F.R.D. 394, 399 (W.D. Wis. 2015); *Chestnut v. Merrill*, No. 2:18-CV-907-KOB, 2018 WL 9439672, at *1-2 (N.D. Ala. Oct. 16, 2018); *Am. Ass'n of People With Disabilities v. Herrera*, 257 F.R.D. 236, 240 (D.N.M. 2008); *United States v. State of Alabama*, No. 2:06-CV-392-WKW, 2006 WL 2290726, at *9 (M.D. Ala. Aug. 8, 2006).

B. Resolution Of This Case Will Not Impair Proposed Intervenors' Ability To Protect Their Interests Or The Interests Of Their Members.

Proposed Intervenors' failure to demonstrate a significantly protectable interest axiomatically means they cannot demonstrate that "the disposition of the action may, as a

practical matter [,] impair or impede [their] ability to protect [that] interest." *Am. Ass'n of People With Disabilities v. Herrera*, 257 F.R.D. 236, 252 (D.N.M. 2008) (stating that "[w]here no protectable interest is present, there can be no impairment of the ability to protect it."). And regardless of their demonstration of a significantly protectable interest, intervention as of right is still improper here because Proposed Intervenors have failed to establish that a "resolution of the plaintiff[s'] claims actually will affect the applicant." *S. Cal. Edison Co. v. Lynch*, 307 F.3d 794, 803 (9th Cir. 2002).

1. A Ruling In The Plaintiffs' Favor Does Not Impair Or Affect Proposed Intervenors' Purported Associational Interests.

Proposed Intervenors have failed to demonstrate how their purported associational interests— "to protect . . . voting rights of their members and constituents"— may be impaired by the outcome of this suit. (ECF No. 15 at 1–2.) In fact, the purpose of this suit is to ensure the Secretary "develop[s] and implement[s] additional reasonable and effective registration list-maintenance programs." (ECF No. 1 at 19.) This suit seeks to protect the right to vote by keeping only eligible voters on the voting rolls. Thus, Plaintiffs and Proposed Intervenors share the same goal: to keep eligible voters on the voting rolls. A ruling in the Plaintiffs' favor will ensure the realization of this common goal. Moreover, Proposed Intervenors' organizational interests involving resource expenditures is not a significantly protectable interest affected by the outcome of this litigation.

2. A Ruling For The Plaintiffs Will Not Affect Proposed Intervenors.

Proposed Intervenors fail to properly demonstrate how a ruling in Plaintiffs' favor affects Proposed Intervenors' purported interests—*i.e.*, their spending and issue-advocacy. The diversion of resources and litigation expenses are insufficient to meet this requirement. The Ninth Circuit has stated that an organization "cannot manufacture the injury by incurring litigation costs or simply choosing to spend money fixing a problem that otherwise would not affect the organization at all. It must instead show that it would have suffered some other injury if it had not diverted resources to counteracting the problem."

La Asociacion de Trabajadores de Lake Forest v. City of Lake Forest, 624 F.3d 1083, 1088 (9th Cir. 2010) (internal citation omitted). In the absence of affected interests, Proposed Intervenors have manufactured conclusory statements that still fail to identify any genuine adverse effects on their interests resulting from a ruling in the Plaintiffs' favor. *See Berg*, 268 F.3d 810 at 819–20 (courts may take allegations of a proposed intervenor's interests as true, but the allegations must be "well-pleaded, nonconclusory allegations").

Moreover, pure issue-advocacy and diversion of resources "interests" are insufficient to confer standing—a bar even lower than the impaired interest requirement of Rule 24(a). *See Sierra Club v. Morton*, 405 U.S. 727, 739 (1972) (recognizing that if an advocacy group had standing to challenge government policy with no injury other than injury to its advocacy, then it would eviscerate standing doctrine's actual injury requirement); *see also Arizona School Boards Association Inc v. State of Arizona*, 252 Ariz. 219, 224 (2022) ("[O]ther federal courts that have held that an organization cannot establish standing if the only injury arises from the effect of [a challenged action] on the organizations' lobbying activities, or when the service impaired is pure issue-advocacy.") (cleaned up). Thus, if Proposed Intervenors cannot satisfy the requirements for standing, then they certainly cannot satisfy the higher bar for demonstrating an impaired interest under Rule 24(a).

C. Proposed Intervenors' Purported Interests Are Adequately Represented By The Secretary.

Proposed Intervenors' Motion to Intervene also falls flat on the final requirement of Rule 24(a). Pursuant to Rule 24(a), Proposed Intervenors must demonstrate that their interests are not adequately represented by existing parties. "The most important factor in determining the adequacy of representation is how the interest compares with the interests of existing parties." *Arakaki,* 324 F.3d at 1086 (citation omitted). Indeed, "[w]hen an applicant for intervention and an existing party have the same ultimate objective, a presumption of adequacy of representation arises. If the applicant's interest is identical to

that of one of the present parties, a compelling showing should be required to demonstrate inadequate representation." *Id.* (internal citations omitted).

The Secretary more than adequately represents Proposed Intervenor's interests here. Indeed, an Arizona court has recently ruled as much in another election-related case. *See* Minute Entry Denying Intervention, *Arizona Free Enterprise Club v. Fontes*, CV 2024-002760 (Maricopa Cnty. Super. Ct. June 7, 2024) (attached as "Exhibit A"). In *Arizona Free Enterprise Club*, the same Proposed Intervenors—represented by substantially the same counsel—attempted to intervene where the Secretary was a defendant. There, the court denied intervention, in part, for the following reasons:

> Even if AZ Alliance and DNC/ADP have met their burden in showing that the outcome of the case may impact its interests, proposed intervenors have not proven that the other parties will inadequately represent the entities' interests. The Court finds that both the Secretary of State and the Office of the Attorney General are more than capable of representing the interests claimed by these proposed intervenors. Factually, both Defendants have articulated positions that coincide with those of proposed intervenors, demonstrating that the existing parties share the same interests as AZ Alliance and DNC/ADP.

Id. at 5 (denying intervention under the same intervention framework as that used in federal court).

Yet, in a futile attempt to create daylight between their interests and the Secretary's interests, Proposed Intervenors rely on an out-of-circuit case for the proposition that "[c]ourts have 'often concluded that governmental entities do not adequately represent the interests of aspiring intervenors.'" (ECF No. 15 at 14) (citing *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 736 (D.C. Cir. 2003)). But not only is *Fund for Animals* out of this circuit, but it involved parties out of this country.

Fund for Animals is inapposite here because it involved conflicting interests between a defendant U.S. government agency and an intervening Mongolian government agency. *See* 322 F.3d at 736 (determining that "[t]he [Natural Resources Department of the Ministry of Nature and Environment of Mongolia ("NRD")]'s interests plainly are not adequately represented by the [U.S. Department of the Interior's Fish and Wildlife

Service]" because "the [U.S. Department of the Interior's Fish and Wildlife Service]'s obligation is to represent the interests of the American people . . . while the NRD's concern is for Mongolia's people and natural resources.") Proposed Intervenors' attempt to compare the differences between themselves and the Secretary to the differences between a U.S. agency and a Mongolian agency is unpersuasive.

Proposed Intervenors' reliance on Arizona caselaw fares no better. *See* (ECF No. 15 at 14) (citing *Planned Parenthood Arizona, Inc. v. Am. Ass'n of Pro-Life Obstetricians & Gynecologist*, 227 Ariz. 262, 279 ¶ 58 (App. 2011)). Proposed Intervenors cite this case for the proposition that the Secretary cannot give Proposed Intervenors' interests sufficient "primacy" because the Secretary "must represent the interests of all people in Arizona." (*Id.*) However, Proposed Intervenors' reliance on this case is misplaced. In *Planned Parenthood Arizona*, the plaintiff challenged various abortion laws, including a law allowing healthcare providers to refuse participation in abortion procedures. The court determined that healthcare providers should have been allowed to intervene "on issues regarding the right of refusal" because the State's defense of the refusal statute failed to adequately represent the healthcare providers' rights on this narrow issue. *Id.* The State's defense maintained a conflicting interest in protecting the rights of patients "who might be adversely affected by these [healthcare providers'] exercise of the rights" of refusal. *Id.*

Unlike in *Planned Parenthood Arizona*, there is no conflicting interest between the Secretary and Proposed Intervenors in this case. The Secretary and Proposed Intervenors have the same objective: to deny the Plaintiffs' requested relief. The Secretary and Proposed Intervenors share the same ultimate objective, even if the latter entities only seek that objective for a small subset of voters. In fact, Proposed Intervenors are more similar to the parties that were denied intervention in *Planned Parenthood Arizona,* who sought to merely support the statute and had a generalized interest in "upholding [its] constitutionality." *Id.* at 280 ¶ 60 (denying intervention by these proposed intervenors because the State adequately represented their interests).

Finally, Proposed Intervenors have failed to identify any novel argument that would

not otherwise be raised by (or that is capable of being raised by) the Secretary. *See Arizonans for Fair Elections v. Hobbs*, 335 F.R.D. 269, 275 (D. Ariz. 2020) (citation omitted) ("[M]ere disagreement over the best way to approach litigation is insufficient to meet the 'compelling showing' necessary to demonstrate inadequate representation when interests have aligned.").

Without any gap in interests, Proposed Intervenors and the Secretary share the same ultimate objectives and interests. Thus, the Secretary is an adequate representative of Proposed Intervenors' interests, and the presumption of adequacy should prevail.

II. THE COURT SHOULD DENY PERMISSIVE INTERVENTION BY PROPOSED INTERVENORS.

The Court has broad discretion to deny permissive intervention requests. *Donnelly v. Glickman*, 159 F.3d 405, 412 (9th Cir. 1998); *United States v. $129,374 in U.S. Currency*, 769 F.2d 583, 586 (9th Cir. 1985) ("[P]ermissive intervention is committed to the broad discretion of the district court."). In considering a request for permissive intervention, courts "may consider various factors, such as the 'nature and extent of the intervenors' interest, their standing to raise relevant legal issues, the legal position they seek to advance, and its probable relation to the merits of the case." *Spangler v. Pasadena City Bd. of Educ.*, 552 F.2d 1326, 1329 (9th Cir. 1977).

Additionally, "even if these requirements are met, the district court still has discretion to deny intervention." *FTC v. Apex Cap. Grp., LLC*, 2022 U.S. Dist. LEXIS 66086, *16-17 (citing *Perry v. Proposition 8 Official Proponents*, 587 F.3d 947, 955 (9th Cir. 2009)). "In exercising its discretion, the district court must consider whether the intervention will 'unduly delay or prejudice adjudication of the original parties' rights.'" *FTC*, 2022 U.S. Dist. LEXIS 66086, at *16-17 ((citing *Perry*, 587 F.3d at 956) (holding the district court did not abuse its discretion in denying permissive intervention where intervention would unduly delay proceedings)). Generally, intervention is denied when it would unduly delay or prejudice the original parties and where the movant's interests are "adequately represented by the existing parties." *Pest Comm. v. Miller*, 648 F. Supp. 2d

1202, 1214 (D. Nev. 2009) (citing *Venegas v. Skaggs*, 867 F.2d 527, 530-31 (9th Cir. 1989)).

The present case presents the typical circumstances warranting denial of permissive intervention. Here, Proposed Intervenors' intervention would unduly delay and prejudice the original parties—all while their interests would be "adequately represented" by the Secretary. Proposed Intervenors assert the conclusory and baseless claim that "there is no party dedicated solely to the protection of the rights of the voters who are at risk of being purged." (ECF No. 15 at 16-17.) This is patently false, as the Secretary is statutorily obligated to keep eligible voters on the voter rolls. Furthermore, given the time-sensitive nature of this litigation—just weeks before the primary election and four months away from the general election—adding Proposed Intervenors as parties would undoubtedly and unnecessarily delay this litigation. *See also* (Id. at 1) (Proposed Intervenors acknowledging that this suit has been filed "just before major elections are set to take place").

Even if Proposed Intervenors could satisfy the requirements for permissive intervention, this Court should exercise its discretion and deny the Motion in light of the inevitable delays and prejudice that would result from intervention. In sum, Proposed Intervenors' Motion to Intervene fails to establish the requirements for permissive intervention and should be denied.

III. ALTERNATIVELY, THIS COURT SHOULD STRICTLY LIMIT SUBMISSIONS BY INTERVENING PARTIES.

If it does not deny intervention by Proposed Intervenors, then this Court should follow this Court's precedent in previous election-related disputes and strictly limit submissions by intervening parties. Strict limitations on all submissions will prevent unnecessary delays, duplications, and prejudices to existing parties. It will also promote judicial economy. *See Mi Familia Vota v. Hobbs*, No. 2:21-cv-01423-DWL, 2021 WL 5217875, at *8-9 (D. Ariz. Oct. 14, 2021) (citing *Arizona Democratic Party v. Hobbs*, 2020 WL 6559160, at *1 (D. Ariz. 2020)).

It is well-established that "the Court, in the interest of judicial economy and

efficiency, may exercise its broad discretion by ordering intervenor defendants to join in the same brief." *Doe v. Horne*, 2023 U.S. Dist. LEXIS 117009, *5 (citing *Stringfellow v. Concerned Neighbors in Action*, 480 U.S. 370, 383, 107 S. Ct. 1177, 94 L. Ed. 2d 389 (1987) (Brennan, J., concurring) (finding restrictions on participation may be placed on an intervenor, intervening as of right)); *Res. Renewal Inst. v. Nat'l Park Serv.*, 2016 U.S. Dist. LEXIS 199269, 2016 WL 11673178, at *2 (N.D. Cal. Sept. 2, 2016) (finding where intervention of right is warranted, district court retains broad discretion to set scope of intervention); *U.S. v. Blue Lake Power, LLC*, 215 F. Supp. 3d 838, 844 (N.D. Cal. 2016); *Ctr. for Biological Diversity v. Jewell*, 2015 U.S. Dist. LEXIS 188465, 2015 WL 13707289, at *2 (D. Ariz. May 7, 2015) (placing restrictions on intervention of right to facilitate efficient proceedings)); *see also Ellis v. Bradbury*, 2013 U.S. Dist. LEXIS 127580, 2013 WL 4777201 (N.D. Cal. Sept. 6, 2013) (requiring different pesticide companies to file joint briefs in EPA pesticide challenge); *Cal. Sea Urchin Comm'n v. Jacobson*, 2013 WL 12114517, at *6 (C.D. Cal. Oct. 2, 2013) (same)).

CONCLUSION

For the foregoing reasons, this Court should deny Proposed Intervenors' Motion to Intervene pursuant to Rule 24(a) and Rule 24(b) or, alternatively, strictly limit their submissions, to promote judicial economy.

Respectfully submitted this 24th day of June, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of June 2024, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for Filing, which will send notice of such filing to all registered CM/ECF users.

s/ Andrew Gould
Andrew Gould

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