

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Chief Judge Philip A. Brimmer**

Civil Action No. 20-cv-02992-PAB-KMT

JUDICIAL WATCH, INC.,  
ELIZABETH MILLER,  
LORRI HOVEY, and  
MARK SUTFIN

Plaintiffs,

v.

JENA GRISWOLD, Colorado Secretary of State, in her official capacities,

Defendant.

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**ORDER**

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This matter is before the Court on the Unopposed Motion to Appear as *Amici Curiae* by Voter Registration Organizations Voto Latino and Vote.org [Docket No. 73].

Voto Latino and Vote.org (collectively, “proposed *amicus*”) filed a joint motion to intervene, Docket No. 17, which Magistrate Judge Kathleen M. Tafoya recommended the Court deny. Docket No. 48. The Court accepted the recommendation, overruled proposed *amicus*’s objections, denied the motion to intervene, and ordered that the proposed *amicus* may instead move to appear as *amicus curiae*. Docket No. 72.

Courts have broad discretion in determining whether to allow participation by *amicus curiae*. *WildEarth Guardians v. Lane*, 2012 WL 10028647, at \*1 (D.N.M. June 20, 2012) (collecting cases). In determining whether to allow participation, courts “consider whether the *amicus* briefs provide ‘unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.’” *Id.* at \*2

(quoting *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063 (7th Cir. 1997)); see also *Ass'n of Am. Sch. Paper Suppliers v. United States*, 683 F. Supp. 2d 1326, 1327 (Ct. Int'l Trade 2010) (citations omitted) (discussing other factors).

The Court previously noted that proposed *amici* have unique information and perspectives that will be helpful to the Court. Docket No. 72 at 13–14 (citing *Kobach v. U.S. Election Assistance Comm'n.*, 2013 WL 6511874, at \*4 (D. Kan. Dec. 12, 2013); *Pub. Interest Legal Found. v. Winfrey*, 463 F. Supp. 3d 795, 801 (E.D. Mich. 2020) (“a fulsome consideration of both competing interests, vigorously advocated by appropriately interested parties concerned with each side of the balancing test, unquestionably will be helpful to the Court when it is called upon to strike the required balance and decide whether the defendants’ program of list maintenance is ‘reasonable’ within the meaning of the statute”). The Court will therefore grant propose *amici*’s motion to appear as *amici*.

Wherefore, it is

**ORDERED** that the Unopposed Motion to Appear as *Amici Curiae* by Voter Registration Organizations Voto Latino and Vote.org [Docket No. 73] is **GRANTED**. It is further

**ORDERED** that Voto Latino and Vote.org may file their *amicus* brief, previously-filed as a proposed motion to dismiss, Docket No. 17-3, as an *amicus* brief.

DATED November 18, 2021.

BY THE COURT:



PHILIP A. BRIMMER  
Chief United States District Judge