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27 *Committee and Arizona Democratic Party*

28
**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Mi Familia Vota, et al.,

Plaintiffs,

v.

Katie Hobbs, in her official capacity as Arizona
Secretary of State, et al.,

Defendants.

Case No. 22-00509-PHX-SRB

**DEMOCRATIC NATIONAL
COMMITTEE'S AND ARIZONA
DEMOCRATIC PARTY'S
RESPONSE TO NOTICE OF
SUPPLEMENTAL AUTHORITY**

1 Living United for Change in Arizona, et al.,

2 Plaintiffs,

3 v.

4 Katie Hobbs,

5 Defendant,

6 and

7 State of Arizona, et al.,

8 Intervenor-Defendants.

9 _____
10 Poder Latinx,

11 Plaintiff,

12 v.

13 Katie Hobbs, et al.,

14 Defendants

15 _____
16 United States of America,

17 Plaintiff,

18 v.

19 State of Arizona, et al.,

20 Defendants.

21 _____
22 Democratic National Committee, et al.,

23 Plaintiffs,

24 v.

25 Katie Hobbs, in her official capacity as Arizona
26 Secretary of State, et al.,

27 Defendants,

28 and

1 Republican National Committee,
2 Intervenor-Defendant.

3 _____
4 Arizona Asian American Native Hawaiian And
5 Pacific Islander For Equity Coalition, et al.,
6 Plaintiffs,

7 v.

8 Katie Hobbs, in her official capacity as Arizona
9 Secretary of State, et al.,
10 Defendants.

11 _____
12 Promise Arizona, et al.,
13 Plaintiffs,

14 v.

15 Katie Hobbs, in her official capacity as Arizona
16 Secretary of State, et al.,
17 Defendants.

18 _____
19 Tohono O’odham Nation
20 and Gila River Indian Community,
21 Plaintiffs,

22 v.

23 Mark Brnovich, in his official capacity as
24 Attorney General of Arizona, et al.,
25 Defendants.

1 Three months after filing its 30-page motion to dismiss (Dkt. No. 127), a month after
2 filing its 30-page reply (Dkt. No. 180), and over a week after being heard for 45 minutes of
3 oral argument, the state has submitted a notice of apparently newfound authority—an *11-*
4 *year-old* case from this district—to support an argument it first raised at oral argument (i.e.,
5 after briefing on its motion to dismiss concluded). But that newly discovered decision
6 regarding the state’s belatedly raised argument—*We Are America/Somos America, Coalition*
7 *of Arizona v. Maricopa County Board of Supervisors*, 809 F.Supp.2d 1084 (D. Ariz. 2011)—
8 does not warrant granting the state’s request to dismiss any plaintiff or claim from this
9 litigation.

10 The state argues (Notice at 2) that *We Are America* establishes that this Court is not
11 “strictly prohibit[ted],” 809 F.Supp.2d at 1091, from examining each plaintiff’s standing on
12 every claim that plaintiff raises, even if the Court has concluded that at least one other
13 plaintiff has standing on the particular claim. The state does not dispute, however, that the
14 Court is not *required* to do so—rightly so, given the pellucid Supreme Court cases that the
15 DNC and ADP have cited holding that, as long as any plaintiff has standing on a particular
16 claim, other plaintiffs’ standing is irrelevant. *See* Dkt. 151 at 1. And critically, the state
17 provides no reason why the Court *should* spend its resources analyzing each plaintiff’s
18 standing on every claim raised by that plaintiff when it is clear that another plaintiff has
19 standing on that same claim and thus the claim will not be dismissed on standing grounds.

20 In *We Are America*, moreover, the district court—citing Supreme Court and Ninth
21 Circuit precedent—emphasized “the relatively lenient standards governing [a] motion to
22 dismiss,” including (1) that well-pleaded factual allegations must be accepted as true and
23 viewed in the light most favorable to the non-moving party, and (2) that “general factual
24 allegations of injury” suffice. 809 F.Supp.2d at 1098.

25 Applying these lenient standards here, each plaintiff—as explained in plaintiffs’
26 oppositions and at oral argument—has standing on every claim it has asserted. In fact,
27 although having any one form of standing suffices, most plaintiffs here have *both*
28 representational and organizational standing on their claims. *See, e.g.*, Dkt. 151 at 1-4. For

1 example, each has organizational standing because each has plausibly alleged that the
2 challenged laws conflict with its mission and are forcing each plaintiff to divert
3 organizational resources. The state's notice says nothing at all on this dispositive point, a
4 point that renders the argument it does make irrelevant.

5 Respectfully submitted this 27th day of December, 2022.

6 PAPETTI SAMUELS WEISS MCKIRGAN LLP

7 /s/ Bruce Samuels

8 Bruce Samuels

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CERTIFICATE OF SERVICE

On the 27th day of December, 2022, I caused the foregoing to be filed and served electronically via the Court’s CM/ECF system upon counsel of record.

/s/ Bruce Samuels
Bruce Samuels

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