

1 Tyler Green*
2 Cameron T. Norris*
3 Daniel Shapiro*
4 CONSOVOY MCCARTHY PLLC
5 1600 Wilson Blvd., Ste. 700
6 Arlington, VA 22209
7 (703) 243-9423
8 tyler@consovoymccarthy.com
9 cam@consovoymccarthy.com
10 daniel@consovoymccarthy.com
11 *pro hac vice

12 Kory Langhofer, Ariz. Bar No. 024722
13 Thomas Basile, Ariz. Bar. No. 031150
14 STATECRAFT PLLC
15 649 North Fourth Avenue, First Floor
16 Phoenix, Arizona 85003
17 (602) 382-4078
18 kory@statecraftlaw.com
19 tom@statecraftlaw.com

20 *Attorneys for Intervenor-Defendants*

21 **UNITED STATES DISTRICT COURT**
22 **DISTRICT OF ARIZONA**

23 Mi Familia Vota, et al.,
24 Plaintiffs,

25 v.

26 Katie Hobbs, et al.,
27 Defendants.

Case No: 2:21-cv-1423-DWL

**INTERVENOR-DEFENDANTS’
JOINDER OF CORRECTED
ATTORNEY GENERAL’S
CONSOLIDATED MOTION TO
DISMISS PLAINTIFFS’ AND
INTERVENOR-PLAINTIFFS’
COMPLAINTS UNDER RULES 12(B)(1)
AND 12(B)(6)**

1 Per this Court’s order (Doc. 53), the Republican National Committee and National
2 Republican Senatorial Committee will not file separate motions to dismiss; they instead
3 join parts I.B, III, and IV of the State’s corrected motion (Doc. 76). Intervenor-Defendants
4 join the State’s motion in lieu of filing an answer to Intervenor-Plaintiffs’ complaint. And
5 though Intervenor-Defendants have already answered Plaintiffs’ complaint, they should
6 be allowed to join the State’s motion to dismiss. *See* 5C Fed. Prac. & Proc. Civ. §1361 &
7 n.7 (3d ed.) (collecting cases where “federal courts have allowed” post-answer motions to
8 dismiss). Plaintiffs could not be prejudiced because they must respond to the State’s mo-
9 tion to dismiss anyway, Intervenor-Defendants raised these same defenses in their answer,
10 and the Rules allow the Court to simply treat Intervenor-Defendants as having raised these
11 defenses under Rules 12(c), 12(i), or 56, rather than Rule 12(b). *See Resol. Tr. Corp. v.*
12 *Holland & Knight*, 832 F. Supp. 1528, 1529 n.2 (S.D. Fla. 1993); *Doty v. United States*,
13 2016 WL 3398579, at *2 (D.N.J. June 15); *Green v. Henry Cty. Comm’n*, 2020 WL
14 974388, at *3 & n.4 (M.D. Ala. Feb. 28).

15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Respectfully submitted this 26th day of November, 2021.

2
3 By: /s/ Tyler Green

4 Tyler Green*
5 Cameron T. Norris*
6 Daniel Shapiro*
7 CONSOVOY MCCARTHY PLLC
8 1600 Wilson Blvd., Ste. 700
9 Arlington, VA 22209
10 (703) 243-9423
11 tyler@consovoymccarthy.com
12 cam@consovoymccarthy.com
13 daniel@consovoymccarthy.com
14 *pro hac vice

15 Kory Langhofer, Ariz. Bar No. 024722
16 Thomas Basile, Ariz. Bar No. 031150
17 STATECRAFT PLLC
18 649 North Fourth Avenue, First Floor
19 Phoenix, Arizona 85003
20 (602) 382-4078
21 kory@statecraftlaw.com
22 tom@statecraftlaw.com

23 Attorneys for Intervenor-Defendants

24 **CERTIFICATE OF SERVICE**

25 I e-filed this document on November 26, 2021, which emailed everyone requiring
26 notice.

27 /s/ Tyler Green

28 Attorney for Intervenor-Defendants