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7 **IN THE UNITED STATES DISTRICT COURT**

8 **FOR THE DISTRICT OF ARIZONA**

9 Mi Familia Vota, et al.,

10 Plaintiffs,

11 v.

12 Adrian Fontes, in his official capacity
as Secretary of the State of Arizona, et
13 al.,

14 Defendants.

Case No. 2:22-cv-00509-SRB (Lead)

**NON-UNITED STATES
PLAINTIFFS' RESPONSE TO
SPEAKER OF THE HOUSE BEN
TOMA AND SENATE PRESIDENT
WARREN PETERSEN'S MOTION
TO INTERVENE AS DEFENDANTS**

15
16 AND CONSOLIDATED CASES.

No. CV-22-00519-PHX-SRB
No. CV-22-01003-PHX-SRB
No. CV-22-01124-PHX-SRB
No. CV-22-01369-PHX-SRB
No. CV-22-01381-PHX-SRB
No. CV-22-01602-PHX-SRB
No. CV-22-01901-PHX-SRB

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1 Consolidated Plaintiffs, not including the United States (collectively, “non-U.S.
2 Plaintiffs”), by and through counsel, file this response to the Motion to Intervene as
3 Defendants, ECF No. 346 (“Motion”), by Representative Ben Toma, Speaker of the
4 Arizona House of Representatives, and Senator Warren Petersen, President of the Arizona
5 Senate (“Movants”). Non-U.S. Plaintiffs do not oppose allowing Movants to intervene
6 permissively under Rule 24(b), provided Movants comply—as agreed in their Motion—
7 with all existing deadlines set forth in this Court’s March 24, 2023 Case Management
8 Order, ECF No. 388, and do not otherwise cause delay or prejudice the existing parties.

9 While non-U.S. Plaintiffs do not oppose permissive intervention, they note for the
10 record that Movants have not met their burden to intervene as of right for at least two
11 reasons: (1) Movants’ interests are indistinguishable from the State’s interests and the State
12 is already a party to this case; and (2) because they have no interests independent from the
13 State, Movants’ interests are adequately represented by the existing parties.¹

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17 ¹ Non-U.S. Plaintiffs also note that Movants waited more than a year after the first
18 of the consolidated cases was originally filed before seeking intervention, by which time
19 this Court had already resolved the State’s motion to dismiss and all existing Defendants
20 had filed their answers. This is important because timeliness is an essential element of
21 intervention under Rule 24. *See United States v. Carpenter*, 298 F.3d 1122, 1125 (9th Cir.
2002); *County of Orange v. Air Cal.*, 799 F.2d 535, 537 (9th Cir. 1986). Moreover,
although Movants claim that they will abide by the Court’s prescribed deadlines, they make
no claim that they will respond in a timely manner to discovery requests, or that they will
abide by discovery agreements already entered into by the parties. Intervention should be
conditioned on such agreement and timely responses.

1 **CONCLUSION**

2 Non-US Plaintiffs do not oppose allowing movants to permissively intervene under
3 Rule 24(b), consistent with the arguments and conditions herein.
4

5 Date: April 18, 2023

Respectfully submitted,

6
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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of April, 2023, I caused the foregoing document to be electronically transmitted to all counsel of record via the Court’s CM/ECF electronic filing system.

/s/ Monse Vejar

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