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17 *Attorneys for Plaintiffs*

18 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
19 **IN AND FOR THE COUNTY OF MOHAVE**

20 ARIZONA REPUBLICAN PARTY; et al.;

21 Plaintiffs,

22 v.

23 KATIE HOBBS; et al.;

24 Defendants.

25 Case No. S8015CV202200594

26 **PLAINTIFFS' RESPONSE TO**
27 **ADP'S MOTION TO INTERVENE**

28 Plaintiffs disagree with many of the claims made in Proposed Intervenors' Motion to Intervene both on substantive and relevance grounds. Should their motion to intervene be granted, Plaintiffs will of course dispute those contentions if they are raised at the Show Cause Hearing on June 3, 2022. Plaintiffs do not, however, dispute that, just as the AZGOP has standing to bring this action, the Arizona Democratic Party ("ADP") might have standing to participate in this action as an intervenor. Therefore, Plaintiffs take no position on ADP's Motion to Intervene.

To avoid an unnecessary expansion of this action and unnecessary delay, however, Plaintiffs request that if the ADP is permitted to intervene that they not be permitted to

1 participate in this action substantively but rather in a limited capacity and be permitted
2 substantive participation only should Defendant Hobbs fail to fully defend the challenged
3 laws and procedures. *See Oakland Bulk & Oversized Terminal, LLC v. City of Oakland*,
4 960 F.3d 603, 619 (9th Cir. 2020) (“Under Federal Rule of Civil Procedure 24(b), the
5 district court’s authority ‘to grant or deny an application for permissive intervention
6 includes discretion to limit intervention to particular issues.’”); *Wildearth Guardians v.*
7 *Salazar*, 272 F.R.D. 4 (D.D.C. 2010) (noting that even if intervention as matter of right is
8 appropriate, inquiry not necessarily at end; courts may impose appropriate conditions or
9 restrictions upon intervenor’s participation in action. interpreting); *Heritage Vill. II*
10 *Homeowners Ass’n v. Norman*, 246 Ariz. 567, 572 (App. 2019) (“Federal Rule of Civil
11 Procedure 24 is substantively indistinguishable from Arizona Rule 24, and [courts] may
12 look for guidance to federal courts’ interpretations of their rules.”). *See also Planned*
13 *Parenthood Ariz., Inc. v. Am. Ass’n of Pro-Life Obstetricians & Gynecologists*, 227 Ariz.
14 262, 279–280 (App. 2011) (allowing intervention to protect parties’ specific “liberty of
15 conscience rights” but denying intervention to a different party that failed to identify
16 “aspects of its own interests as a supporter of the challenged legislation that will be
17 inadequately represented by the state”); *Zenith Elecs. Corp. v. Ballinger*, 220 Ariz. 257
18 (App. 2009) (allowing permissive intervention by public interest organization for the
19 *limited purpose* of access to certain discovery).

20 Plaintiffs also request that if the ADP is permitted to intervene that there be no delay
21 in the Show Cause Hearing.

22 Plaintiffs dispute that the DSCC, DCCC, and DNC can claim interests sufficient to
23 support intervention since they are out-of-state entities. However, from a practical
24 perspective it makes little difference to Plaintiffs whether they are admitted as additional
25 intervenors since all proposed intervenors are represented by the same counsel.

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RESPECTFULLY SUBMITTED this 31st day of May 2022

By: /s/Alexander Kolodin

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I CERTIFY that a copy of the forgoing will be served on the other party/parties to this matter in accordance with the applicable rule of procedure.

By: /s/Yuka Bacchus

Yuka Bacchus
Davillier Law Group, LLC