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14 **IN THE UNITED STATES DISTRICT COURT**
FOR THE DISTRICT OF ARIZONA

15
16 United States of America,
17 Plaintiff,

18 v.

19 State of Arizona; and Katie Hobbs, in her
official capacity as Arizona Secretary of the State,
20 Defendants.
21

No. CV-22-01124-PHX-SRB

UNOPPOSED MOTION TO
CONSOLIDATE

1 Pursuant to Federal Rule of Civil Procedure 42(a) and Arizona Local Rule 42.1(b),
2 the United States respectfully moves to consolidate this action with *Mi Familia Vota v.*
3 *Hobbs*, No. CV-22-00509-PHX-SRB (D. Ariz.), which is currently pending before this
4 Court. The United States has conferred with counsel for Defendants and all Plaintiffs in
5 the consolidated cases of *Mi Familia Vota*, and no party opposes this motion.

6 A district court has broad discretion under Rule 42(a) to consolidate cases pending
7 in the same district. *Invs. Rsch. Co. v. U.S. Dist. Ct. for Cen. Dist. of Cal.*, 877 F.2d 777,
8 777 (9th Cir. 1989). Consolidation is permissible when “actions before the court involve
9 a common question of law or fact.” Fed. R. Civ. P. 42(a); *Hall v. Hall*, 138 S. Ct. 1118,
10 1124 (2018). In this case, the United States has alleged that House Bill 2492 violates
11 Section 6 of the National Voter Registration Act of 1993 (NVRA), 52 U.S.C. § 20510,
12 and Section 101 of the Civil Rights Act of 1964 (Section 101), 52 U.S.C. § 10101. In
13 amended pleadings filed on July 18, 2022, Plaintiffs in the consolidated cases of *Mi*
14 *Familia Vota* have similarly alleged that House Bill 2492 violates Section 6 of the NVRA
15 and Section 101. See *Mi Familia Vota Second Am. Compl.*, *Mi Familia Vota v. Hobbs*,
16 No. CV-22-00509-PHX-SRB (D. Ariz. Jul. 18, 2022), ECF No. 65 at ¶¶ 93-99, ¶¶ 100-
17 06; *LUCHA Am. Compl.*, *Mi Familia Vota v. Hobbs*, No. CV-22-00509-PHX-SRB (D.
18 Ariz. Jul. 18, 2022), ECF No. 66-1 at ¶¶ 342-50, 351-62. Based on the presence of
19 common triable facts and common causes of action, and because consolidation will
20 promote efficiency and convenience without imposing undue prejudice, consolidation is
21 appropriate here. See Fed. R. Civ. P. 42(b); *Mudd v. Flagstaff Unified Sch. Dist.*, No.
22 CV-09-8153-PCT-MHM, 2010 WL 1874547, at *1 (D. Ariz. May 6, 2010) (concluding

1 that consolidation was appropriate for pretrial purposes where it was “the most efficient
2 course of action given the factual overlap of each lawsuit”).

3 For the reasons set out above, the United States respectfully requests that this
4 Court consolidate this matter with *Mi Familia Vota v. Hobbs*, CV-22-00509-PHX-SRB
5 (D. Ariz.). Pursuant to Local Rule Civ. 7.1(b)(2), a proposed order is attached.

6 Date: July 27, 2022

7 Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2022, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system, which will send notification of this filing to counsel of record.

/s/ Emily R. Brailey
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