

**MARK BRNOVICH**  
**ATTORNEY GENERAL**

Joseph A. Kanefield (No. 15838)  
*Chief Deputy & Chief of Staff*  
Brunn ("Beau") W. Roysden III (No. 28698)  
*Division Chief*  
Drew C. Ensign (No. 25463)  
*Deputy Solicitor General*  
Robert J. Makar (No. 33579)  
*Assistant Attorney General*  
2005 N. Central Avenue  
Phoenix, Arizona 85004  
Telephone: (602) 542-5200  
Drew.Ensign@azag.gov

*Attorneys for Defendant*  
*Mark Brnovich, Arizona Attorney General*

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

Arizona Asian American Native Hawaiian  
And Pacific Islander For Equity Coalition,  
Plaintiff,

vs.

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

Defendants.

Case No: 2:22-cv-01381-SRB

**STATE'S MOTION TO  
CONSOLIDATE**

**MOTION TO CONSOLIDATE**

Defendants Mark Brnovich (the “State”) hereby move pursuant to Fed. R. Civ. P. 42(a) and LRCiv 42.1(b) to consolidate *Arizona Asian American Native Hawaiian And Pacific Islander For Equity Coalition v. Hobbs*, 2:22-cv-01381-PHX-SRB (“AAANHPI”) with consolidated matter *Mi Familia Vota v. Hobbs*, 2:22-cv-00509-PHX-SRB (the “Consolidated Matter”), which has already been consolidated with four other suits: *Living United for Change in Arizona v. Hobbs*, 2:22-cv-00519-PHX-SRB; *Poder Latinx v. Hobbs*, 2:22-cv-01003-PHX-SRB; *United States v. Arizona*, 2:22-cv-01124-PHX-SRB; and *DNC v. Hobbs*, 2:22-cv-01369-PHX-SRB. Counsel for the State have conferred with counsel for Plaintiff in AAANHPI, who deferred providing a position until its motion for a preliminary injunction was resolved and subsequently declined to take a position pre-filing. The Secretary of State does not oppose this motion.

The Consolidated Matter and AAANHPI involve overlapping challenges to the same recently enacted Arizona election laws, HB 2492 and HB 2243, under the First, Fourteenth, and Fifteenth Amendments, the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. § 20510, and the Civil Rights Act of 1964, 52 U.S.C. § 10101. This Court has already recognized this overlap by granting AAANHPI’s motion to transfer its action on August 24 and marking it as a related case.

The Consolidated Matter and AAANHPI therefore plainly involve “common question[s] of law [and] fact.” *See* Fed. R. Civ. P. 42(a). Consolidation will promote efficiency and conserve the resources of this Court and the parties, as well as protecting the parties from the potential prejudice that could result from separate resolutions.

Indeed, given that this Court has already consolidated *all five* other actions asserting NVRA challenges to HB 2492 (as well as two that also challenge HB 2243), it would be deeply anomalous to leave a sixth such action unconsolidated. Such an approach would pointlessly combine the drawbacks of both consolidation and non-consolidation while foregoing many of the corresponding benefits. Put simply, it would be the worst of all worlds. Moreover, the

appropriateness of consolidation is recognized by the fact that nearly all Plaintiffs (save AAANHPI) have affirmatively sought consolidation here and no Defendant has opposed it.<sup>1</sup>

### CONCLUSION

For the foregoing reasons, the State's motion to consolidate should be granted.

RESPECTFULLY SUBMITTED this 10th day of September, 2022.

**MARK BRNOVICH**  
**ATTORNEY GENERAL**

By: s/ Drew C. Ensign

Joseph A. Kanefield (No. 15838)

*Chief Deputy & Chief of Staff*

Brunn ("Beau") W. Roysden III (No. 28698)

*Solicitor General*

Drew C. Ensign (No. 25463)

*Deputy Solicitor General*

Robert J. Makar (No. 33579)

*Assistant Attorney General*

2005 N. Central Avenue

Phoenix, Arizona 85004

Telephone: (602) 542-5200

Drew.Ensign@azag.gov

*Attorneys for Defendant Mark Brnovich, Arizona*

*Attorney General*

---

<sup>1</sup> An equivalent motion is being filed in both the consolidated action and the AAANHPI action.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of September, 2022, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for Filing, which will send notice of such filing to all registered CM/ECF users.

s/ Drew C. Ensign

*Attorneys for Defendant Mark Brnovich, Arizona*

*Attorney General*

RETRIEVED FROM DEMOCRACYDOCKET.COM