

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PENNSYLVANIA STATE CONFERENCE	)	
OF THE NAACP, <i>et al.</i> ,	)	
	)	Civil Action No.: 1:22-cv-00339
Plaintiffs,	)	
	)	
v.	)	Judge Susan P. Baxter
	)	
LEIGH M. CHAPMAN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**INTERVENOR-DEFENDANTS’ NOTICE OF FILING  
PROPOSED MOTION TO DISMISS FIRST AMENDED COMPLAINT**

David Ball, James D. Bee, Debra Biro, Jesse D. Daniel, Gwendolyn Mae Deluca, Ross M. Farber, Lynn Marie Kalcevic, Vallerie Siciliano-Biancaniello, and S. Michael Streib (together, “Individual Voters”) and the Republican National Committee, National Republican Congressional Committee, and Republican Party of Pennsylvania (together, “Republican Committees”) moved to intervene as defendants on November 7, 2022. *See* ECF No. 27. Plaintiffs filed a First Amended Complaint on November 30, 2022. *See* ECF No. 121. Accordingly, Intervenor-Defendants now respectfully file a proposed motion to dismiss the First Amended Complaint, *see* Ex. 1, a memorandum in support of that motion, *see* Ex. 2, and, in the alternative, a proposed answer to the First Amended Complaint, *see* Ex. 3.<sup>1</sup>

Plaintiffs “take no position on intervention by the Republican Committees” but oppose intervention by the Individual Voters. ECF No. 88 at 1–2. Plaintiffs’ original complaint did not

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<sup>1</sup> Intervenor-Defendants prefer to file their motion to dismiss rather than an answer to Plaintiffs’ First Amended Complaint, but Rule 24 does not specify whether a motion to dismiss satisfies the requirement to provide “a pleading that sets out the claim or defense for which intervention is sought.” Fed. R. Civ. P. 24(c). Therefore, in an abundance of caution, Intervenor-Defendants alternatively attach a proposed answer.

join any individual voters as plaintiffs, *see* ECF No. 1, but their First Amended Complaint now joins eight individual voters as plaintiffs, *see* ECF No. 121 ¶¶ 29–36. Plaintiffs’ joinder of these individuals in the First Amended Complaint only underscores that the Court should grant intervention to the Individual Voters. *See Democratic Nat’l Comm. v. Bostelmann*, No. 20-cv-249-WMC, 2020 WL 1505640, at \*5 (W.D. Wis. March 28, 2020) (noting that “direct counterparts” are “uniquely qualified to represent the ‘mirror-image’ interests of the plaintiffs”).

Dated: December 14, 2022

Respectfully submitted,

/s/ Kathleen A. Gallagher

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