

**IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT**

**ANN SAUNDERS; SABREEN SHARRIEF;  
and DOROTHY TRIPLETT**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 23-cv-00421**

**HONORABLE MICHAEL K. RANDOLPH, in his official  
capacity as Chief Justice of the Mississippi Supreme Court;  
ZACK WALLACE, in his official capacity as Circuit Clerk of the  
Circuit Court of Hinds County, Mississippi; and GREG SNOWDEN,  
in his official capacity as Director of the Administrative Office  
of Courts**

**DEFENDANTS**

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**STATE OF MISSISSIPPI EX REL. ATTORNEY GENERAL LYNN FITCH'S  
MOTION FOR LEAVE TO INTERVENE TO ARGUE CONSTITUTIONALITY  
OF 2023 H.B. 1020 AND MISS. CODE ANN. § 9-1-105(2)**

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COMES NOW the State of Mississippi *ex rel.* Attorney General Lynn Fitch (“the State”), by and through counsel, and files this its motion for leave to intervene as a defendant-intervenor to argue the constitutionality of 2023 H.B. 1020 and MISS. CODE ANN. § 9-1-105(2), and in support thereof would show unto the Court the following:

1. The Court should grant the State leave to intervene as a defendant-intervenor to argue the constitutionality of 2023 H.B. 1020 and MISS. CODE ANN. § 9-1-105(2) because the State’s intervention for this purpose is authorized and mandated by law.

2. On or about April 25, 2023, Plaintiffs Ann Saunders, Sabreen Sharrief, and Dorothy Triplett (“Plaintiffs”) caused to be served upon the Office of the Attorney General a copy of a *Complaint for Declaratory and Injunctive Relief*, filed as Dkt. #2 in the above-styled and numbered cause.

3. In their complaint, Plaintiffs allege that “H.B. 1020 and § 9-1-105(2) fly in the face of Article VI, § 153 and Article VI, § 172 of the Mississippi Constitution and must be declared unconstitutional.” Complaint at 3, ¶ 8 (Dkt. #2). *See also id.* at 17-18, Counts I-III.

4. Plaintiffs specifically seek a declaratory judgment that the following state laws are unconstitutional: (1) Sections 1 and 4 of 2023 H.B. 1020; and (2) MISS. CODE ANN. § 9-1-105(2). *Id.* at 18-19, ¶¶ A-C. They also seek preliminary and permanent injunctive relief to enjoin the enforcement, operation, or execution of these laws and to invalidate certain actions previously taken pursuant to § 9-1-105(2). *See id.* at 19, ¶¶ D-I.

5. State statutory law mandates that the Attorney General “shall intervene and argue the constitutionality of any statute when notified of a challenge thereto, pursuant to the Mississippi Rules of Civil Procedure.” MISS. CODE ANN. § 7-5-1.

6. MRCP 24(a) provides the following, in pertinent part:

**Intervention of Right.** Upon timely application, anyone shall be permitted to intervene in an action:

(1) when a statute confers an unconditional right to intervene[.]

MISS. R. CIV. P. 24(a) (boldface in original).

7. MRCP 24(d) provides the following:

**Intervention by the State.** In any action (1) to restrain or enjoin the enforcement, operation, or execution of any statute of the State of Mississippi by restraining or enjoining the action of any officer of the State or any political subdivision thereof, or the action of any agency, board, or commission acting under state law, in which a claim is asserted that the statute under which the action sought to be restrained or enjoined is to be taken is unconstitutional, or (2) for declaratory relief brought pursuant to Rule 57 in which a declaration or adjudication of the unconstitutionality of any statute of the State of Mississippi is among the relief requested, the party asserting the unconstitutionality of the statute shall notify the Attorney General of the State of Mississippi within such time as to afford him an opportunity to intervene and argue the question of constitutionality.

Miss. R. Civ. P. 24(d) (boldface in original).

8. Pursuant to MISS. CODE ANN. § 7-5-1 and MRCP 24(a),(d), *supra*, the State files the instant motion for leave to intervene to argue the constitutionality of 2023 H.B. 1020 and MISS. CODE ANN. § 9-1-105(2).

**WHEREFORE, PREMISES CONSIDERED**, the State of Mississippi *ex rel.* Attorney General Lynn Fitch respectfully requests that the Court make and enter its Order (1) granting the State's motion for leave to intervene; (2) authorizing the State to intervene as a defendant-intervenor to argue the constitutionality of 2023 H.B. 1020 and MISS. CODE ANN. § 9-1-105(2); and (3) providing that the State shall not be required to file a pleading pursuant to MRCP 24(c) to effectuate its intervention.

THIS the 26th day of April, 2023.

Respectfully submitted,

STATE OF MISSISSIPPI *EX REL.* ATTORNEY  
GENERAL LYNN FITCH, DEFENDANT-  
INTERVENOR

By: LYNN FITCH, ATTORNEY GENERAL  
FOR THE STATE OF MISSISSIPPI

By: s/Rex M. Shannon III  
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ATTORNEYS FOR STATE OF MISSISSIPPI

*EX REL.* ATTORNEY GENERAL LYNN FITCH,  
DEFENDANT-INTERVENOR

**CERTIFICATE OF SERVICE**

I, Rex M. Shannon III, Special Assistant Attorney General and one of the attorneys for Defendant-Intervenor State of Mississippi *ex rel.* Attorney General Lynn Fitch, do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing via the Court's MEC filing system, which sent notification of such filing to all counsel of record.

THIS the 26th day of April, 2023.

s/Rex M. Shannon III  
REX M. SHANNON III

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