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Attorneys for: Intervenors Gregg Mele, in his personal capacity as a candidate for U.S. Congress; Hector Castillo in his personal capacity as a candidate for U.S. Congress; Albert Harshaw in his personal capacity as a candidate for U.S. Senate; Shirley Maia-Cusick in her personal capacity as a candidate for U.S. Congress.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ANDY KIM, in his personal
capacity as a candidate for
U.S. Senate, et al,

Plaintiff(s),

vs.

CHRISTINE GIORDANO HANLON,
In her official capacity as
Monmouth County Clerk, et al,

Defendant(s).

Case No.: 3:24-cv-01098-ZNQ-TJB

**NOTICE OF MOTION
TO INTERVENE PURSUANT TO
FED. R. CIV.P.24**

**EMERGENCY APPLICATION FOR ENTRY OF AN
ORDER GRANTING INTERVENOR STATUS**

TO: Clerk, United States District Court District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Honorable Zahid N. Quraishi, U.S.D.J.
United States District Court District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street, Court Room 4W
Trenton, New Jersey 08608

ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that the above mentioned Intervenors, Gregg Mele, in his personal capacity as a candidate for U.S. Congress; Hector Castillo in his personal capacity as a candidate for U.S. Congress; Albert Harshaw in his personal capacity as a candidate for U.S. Senate; Shirley Maia-Cusick in her personal capacity as a candidate for U.S. Congress (collectively, "Republican Candidate Intervenors") by and through their counsel, The Law Office of Robert D. Kovic, L.L.C., shall move for an order permitting them to intervene on an emergency basis and to request an expedited briefing schedule to the extent that any party seeks to object to the intervention as of right or permissive intervention of the proposed Republican Candidate Intervenors. As grounds therefor, proposed Republican Intervenors state as follows:

1. This matter was brought before the court by Plaintiffs who are Democratic Party candidates for federal office, running in the June 4, 2024 primary election on behalf of the Democratic Party. By way of Verified Complaint and Motion for Preliminary Injunction, Plaintiffs alleged various violations of their constitutional rights as a result of the application of New

Jersey's bracketing and ballot design statutes (a.k.a. "the party line system") for the upcoming June 2024 Democratic Primary election.

2. On or about March 29, 2024, the Court rightfully and correctly granted Plaintiffs' Preliminary Injunction thereby prohibiting the application of New Jersey's ballot design and bracketing statutes from being used in the June 4, 2024 Primary Election. As a result, the Democratic party cannot award certain "preferred" candidates for office with the party line, which gives such candidates a substantial advantage at election time.

3. On or about March 29, 2024, counsel for a proposed intervenor submitted a letter to the Court seeking clarification as to the applicability of the March 29, 2024 Order.

4. Apparently, by way of letter dated March 30, 2024, the Court wrote via correspondence that the Order does not apply to the Republican Primary for this June 2024 but was limited to the June 4, 2024 Democratic Primary only.

5. At this time, several Republican candidates, party officials and members desire to intervene in order to challenge the limits of the Order. Several have expressed interest in participating herein.

6. Such limitations as applied by the Order unfairly apply constraints against Republican Candidates, at all levels of

government including local, state and federal and the electorate in general, from enjoying the same constitutional rights, protections and privileges as the Democratic Candidates and Democratic Party voters.

7. The issues at hand, and the constitutional questions at stake here, have been fleshed out for the most part and so the principles in question are fairly clear and should not require extensive briefing.

8. As such, allowing the above named Intervenors to participate and be heard in the Court's addressing of this matter, and that on an expedited basis, to examine the effect of the limitations imposed by the March 29 Order need to be addressed as a matter of justice, fairness and equal applicability of our constitutional principles to all parties so as to not create a separate class of candidates and voters who share special privileges not enjoyed by the other.

9. The Republican Candidates, party officials, party members and voters are entitled to equal protection under the laws and constitution and, as such, these Intervenors should be heard in order to preserve such constitutional principles by expanding the relief granted in the March 29, 2024 Order.

Respectfully submitted,

**The Law Office of
ROBERT D. KOVIC, L.L.C.**

By: *Robert D. Kovic*
Robert D. Kovic, Esq.

Dated: April 1, 2023

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