

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

WAKE COUNTY

NO. 24CV026820-910

NORTH CAROLINA REPUBLICAN
PARTY and REPUBLICAN NATIONAL
COMMITTEE,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS; ALAN HIRSCH, in his
official capacity as Chair of the North
Carolina State Board of Elections; JEFF
CARMON III, in his official capacity as
Secretary of the North Carolina State
Board of Elections; STACY EGGERS IV,
in his official capacity as Member of the
North Carolina State Board of Elections;
KEVIN N. LEWIS, in his official capacity
as Member of the North Carolina State
Board of Elections; SIOBHAN O'DUFFY
MILLEN, in her official capacity as
Member of the North Carolina State
Board of Elections; and KAREN
BRINSON BELL, in her official capacity
as Executive Director of the North
Carolina State Board of Elections,

Defendants.

**PLAINTIFFS' RESPONSE IN OPPOSITION TO PROPOSED
INTERVENORS NORTH CAROLINA ASIAN AMERICANS TOGETHER AND
EL PUEBLO'S MOTION TO INTERVENE**

Despite Proposed Intervenor North Carolina Asian American Together ("NCAAT") and El Pueblo's (collectively "Proposed Intervenor") false and bombastic claim that Plaintiffs North Carolina Republican Party ("NCGOP") and the

Republican National Committee (“RNC”) (collectively “Plaintiffs”) are trying to “compel a rushed, systematic purge of the voter rolls,” Proposed Intervenor has provided no material support for their intervention in this matter. Regardless of their opinion of Plaintiffs’ lawsuit, Proposed Intervenor may only intervene if they meet the standards of N.C. Gen. Stat. § 1A-1, Rule 24. Proposed Intervenor cannot meet this threshold showing; therefore, this Court should deny their motion.

Introduction

Proposed Intervenor states that they “seek to intervene as defendants to protect the fundamental voting rights of their constituents and community members in North Carolina, as well as their organizational interests.” Proposed Intervenor’s Memorandum in Support of Their Motion to Intervene (“Intervenor’s Memo”), p. 2). They claim that if Plaintiffs are successful, it will threaten Proposed Intervenor’s work in “assisting newly naturalized North Carolinians in registering to vote and successfully exercising their political rights.” *Id.*, pp. 2-3. However, Proposed Intervenor’s concerns do not go to the core of this lawsuit, which makes no attempt to prevent naturalized citizens from voting. Instead, Plaintiffs seek only to ensure that the North Carolina State Board of Elections (“NCSBE”) complies with the General Assembly’s clear instruction under the recently enacted Section 44 of North Carolina Session Law 2023-140 (“Section 44”).

Section 44 only concerns those persons who have self-identified as non-U.S. citizens in response to a jury summons. Furthermore, Section 44 alone adequately protects the interest that Proposed Intervenor claims through its procedure requiring

investigation by the NCSBE, notice by county boards of elections to those who self-identified as noncitizens, and an opportunity for such persons to object and be heard as to whether they actually *are* citizens and therefore should not be removed from the voter rolls.

In addition, adding more parties to this matter will only serve to unnecessarily complicate the litigation, cause undue delays when time is of the essence, and cause both the parties and this Court to waste time and resources with additional filings. The NCSBE and individually named defendants are more than equipped to defend this lawsuit, and Proposed Intervenors have no special basis to contest the enforcement of Section 44. Therefore, this Court should deny their Motion.

Legal Standard

Under N.C. Gen. Stat. § 1A-1, Rule 24(a), “anyone ***shall*** be permitted to intervene in an action:”

- (1) When a statute confers an unconditional right to intervene; or
- (2) When the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

Id. Accordingly, a party seeking to intervene must demonstrate “(1) an interest relating to the property or transaction, (2) practical impairment of the protection of that interest, and (3) inadequate representation of the interest by existing parties.” *Bailey & Assocs., Inc. v. Wilmington Bd. of Adjust.*, 202 N.C.App. 177, 185

(2010). Proposed Intervenorors have not advanced a statutory basis for intervention.¹ Therefore, they may only intervene if they meet the elements of Rule 24(a)(2). Though the Fourth Circuit has noted that “liberal intervention is desirable to dispose of as much of a controversy” as possible, it has also held that “[l]iberality does not, however, entail resolving every possible doubt in favor of intervention.” *See N. Carolina State Conf. of NAACP v. Cooper*, 332 F.R.D. 161, 165 (M.D.N.C. 2019) (quoting *Feller v. Brock*, 802 F.2d 722, 729 (4th Cir. 1986)).

Under N.C. Gen. Stat. § 1A-1, Rule 24(b), “anyone *may* be permitted to intervene in an action” when “a statute confers a conditional right to intervene” or when “an applicant’s claim or defense and the main action have a question of law or fact in common” and such intervention will not cause “undue delay or prejudice.” *Id.* Allowing intervention by permission is a discretionary decision that rests solely within the discretion of the court. *Alford v. Davis*, 131 N.C. App. 214, 219 (1998). Here, as before, Proposed Intervenorors have not asserted a statutory basis for their intervention, and therefore may only intervene by permission if their claims or defenses involve a common question of law or fact that will not cause undue delay or prejudice to Plaintiffs.

¹ Proposed Intervenorors argue, only in a footnote (*see* Intervenorors’ Memo, p. 13, n. 5) that because this action was brought under the Declaratory Judgment Act, they have a statutory right to intervene because they have “an interest which would be affected by the declaration.” Proposed Intervenorors have made no attempt to explain how this interest differs from the type described in Rule 24(a)(2) or how their general interest in the outcome of this litigation would satisfy the requisite standard. Any argument under this premise fails for the same reason as described in Section 1a below.

Argument

Plaintiffs do not contest the timeliness of Proposed Intervenor's Motion. Rather, Proposed Intervenor does not have the requisite interest to intervene as a right; and likewise, they cannot establish a sufficient reason that this Court should allow permissive intervention.

1. Proposed Intervenor's Are Not Entitled to Intervene As a Matter of Right Under N.C. Gen. Stat. § 1A-1, Rule 24(a).

This Court must determine whether Proposed Intervenor has an interest that relates to Plaintiffs' Complaint, that such interest will be impaired by this action, and that its interest is not adequately represented by existing parties. *See* N.C. Gen. Stat. § 1A-1, Rule 24(a)(2).

a. Proposed Intervenor's interest in this action is not sufficient to support intervention as a right.

In order to intervene, Proposed Intervenor must have a "direct and immediate interest relating to the property or the transaction." *Virmani v. Presbyterian Health Servs. Corp.*, 350 N.C. 449, 459 (1999). Proposed Intervenor has alleged that a "rushed purge of purported non-citizens from the voter rolls" constitutes a direct and immediate interest because it "directly threatens to remove Proposed Intervenor's constituents from the rolls." Intervenor's Memo, p. 9. Many of these constituents appear to be "newly naturalized citizens," but the remainder appear to be longer term U.S. citizens who Proposed Intervenor worry may inadvertently place themselves at risk of removal due to language barriers (resulting in mistaken self-identification as a noncitizen) or the potential that multiple individuals with the same name may live

at the same address (presumably resulting in another mistaken self-identification). *Id.*, pp. 10-11. Essentially, Proposed Intervenor claim their interest is in the maintenance of the voting rights of their constituents.

Proposed Intervenor's interest in their constituents' voting rights is not "direct and immediate"; nor will they "gain or lose" based on the outcome of this litigation. Rather, their interest is general in nature and thus not appropriate as a basis of intervention. See *Holly Ridge Assocs., LLC v. N. Carolina Dep't of Env't & Nat. Res.*, 361 N.C. 531, 532 (2007). In *Holly Ridge*, the Supreme Court of North Carolina considered the decision of an administrative law judge to allow the North Carolina Shellfish Growers Association and the North Carolina Coastal Federation (collectively "Intervenor") to intervene in a case in which the petitioner, Holly Ridge, had sought a contested hearing to challenge a civil penalty assessed by the North Carolina Department of Environment and Natural Resources ("DENR") due to failures in erosion and sediment control. See 361 N.C. at 533-534. The Supreme Court noted that Intervenor claimed a direct interest because "the ditching and draining of that property could result in excessive turbidity and sediment being transported to shellfish water, which would jeopardize those waters and cause them to be closed to the taking of shellfish for human consumption."² *Id.* at 538. The Court concluded that such interests were not sufficient to support intervention because "[w]hile intervenors have a general interest in the underlying issue of the contested case, whether Holly Ridge is exempt from the SPCA, they do not have a direct interest

² Although the intervention was for a case before an administrative law judge, the Supreme Court began its analysis under Rule 24.

in the civil penalty imposed by DENR, which is the ‘property or transaction’ at issue here.” *Id.*

Here, the property or transaction at issue is the question of whether the NCSBE must enforce the terms of Section 44 prior to the November 2024 general election. While Proposed Intervenorors may have a general interest in this question, they cannot demonstrate the direct and immediate interest required. For example, even if this Court required the NCSBE to follow the list maintenance process described in Section 44, Proposed Intervenorors’ constituents (both newly naturalized or longer term citizens) are not threatened by a law which only seeks to remove **noncitizens** from the voter rolls.³ Regardless of whether one of their constituents may accidentally self-identify as a noncitizen, Section 44 protects the interests of any actual U.S. citizens through the NCSBE’s investigation and the opportunity for an individual to object and be afforded a hearing in which to demonstrate their citizenship. Proposed Intervenorors’ interest in protecting their members’ voting rights is thus unaffected when the process described in Section 44 itself will protect the voting rights of people who are U.S. citizens.

North Carolina courts have upheld denials of motion to intervene in similar cases because of a failure to demonstrate a direct and immediate interest in a lawsuit regarding voting, voter registration, and elections.⁴ *See Democracy N.C. v. Hirsch*,

³ Notably, Proposed Intervenorors have not identified a single constituent who they believe may be subject to this list maintenance process or who may have self-identified as a noncitizen by mistake.

⁴ Proposed Intervenorors’ voter list maintenance cases (Intervenorors’ Memo, p. 9) are easily distinguishable. *Judicial Watch* was a case involving an allegation that the Illinois State Board of Elections had violated the National Voter Registration Act (“NVRA”). *Jud. Watch, Inc. v. Ill. State Bd. Of Elections*, No. 24 C 1867, 2024 WL 3454706, * 1 (N.D. Ill. July 18, 2024). Applicant-intervenorors in

345 F.R.D. 147, 149 (M.D.N.C. 2023)⁵; *Democracy N.C. v. N.C. State Bd. of Elections*, No. 1:20CV457, 2020 WL 6591397, at *1 (M.D.N.C. June 24, 2020), *on reconsideration in part*, No. 1:20CV457, 2020 WL 6589359 (M.D.N.C. June 30, 2020) (noting that while it understood applicant intervenors’—Republican National Committee, National Republican Senatorial Committee, and others—interest in the “rule applying to this election,” such interest was insufficient to grant intervention). Moreover, the mere fact that Proposed Intervenors *may* choose to take additional actions or expend resources to educate their members if Plaintiffs’ Complaint is granted is not sufficient to demonstrate an interest in this matter. *See Hirsch*, 345 F.R.D. at 150 (upholding denial of motion to intervene when movants claimed “significant resource expenditures on conduct that the challenged statute regulates, and that the litigation could impact the electoral ‘competitive environment’”).

Here, Proposed Intervenors’ proposed purpose or interest in this litigation is not entirely clear outside of desiring to “protect the fundamental voting rights of their

Judicial Watch challenged a law that would undoubtedly affect some of their constituent members due to the broad language in the NVRA. *Id.* Here, though, Proposed Intervenors purport to represent newly naturalized or longer-term U.S. citizens. *See* Intervenors’ Memo, p. 7 (“A primary focus of NCAAT’s civic engagement work is geared toward newly naturalized citizens...El Pueblo has already registered about 450 voters, including many newly naturalized citizens during this election process.”) These U.S. citizens will not be affected by the present outcome as Section 44’s list maintenance requirements apply only to noncitizens. Thus, Proposed Intervenors’ interest differs greatly in magnitude from that of *Judicial Watch*’s applicant-intervenors. Likewise, in *Bellitto v. Snipes*, No. 16-cv-61474, 2016 WL 5118568, *1 (S.D. Fla. Sept. 21, 2016), applicant-intervenors alleged that it represented approximately 33,000 members, some of whom had been included on lists of eligible voters to be purged by Florida election officials. *Id.* Here, though, Proposed Intervenors have only speculated that some of their constituents *may* be identified in the NCSBE’s enforcement of Section 44. Not only are these speculations insufficient, but they also fail to contend with the fact that any U.S. citizen-constituent of Proposed Intervenors would not be in danger of removal from voter rolls.

⁵ The North Carolina Rules of Civil Procedure are, for the most part, verbatim recitations of the federal rules. *See Sutton v. Duke*, 277 N.C. 94 (1970). Decisions under the federal rules are thus pertinent for guidance and enlightenment in developing the philosophy of the North Carolina rules. *Id.*

constituents.” Intervenor’s Memo, p. 2. They have not alleged that their members have self-identified as noncitizens in response to jury summonses. Like the parties in *Hirsch*, they rest their intervention argument on the time and expense they expend to register and educate voters in their communities. *See id.*, pp. 6-7. However, just like in *Hirsch*, this Court should find such an interest to be lacking. Plaintiffs’ Complaint seeks only to have the provisions of Section 44 followed by the NCSBE. Proposed Intervenor’s have not stated that they intend to challenge the enforceability of Section 44; rather, they seem only interested in challenging Plaintiffs’ request that the NCSBE take action. *See* Proposed Intervenor’s Proposed Answer (“Proposed Answer”) (listing affirmative defenses and not including any challenge to Section 44). Just as in *Democracy N.C.* (2020 WL 6591397), it is understandable that Proposed Intervenor’s may be interested in the outcome of this case as it may relate to the education and information they provide to their constituents, but such an interest does not rise to the level of a direct and immediate interest to justify intervention as a right under Rule 24(a)(2).

b. Proposed Intervenor’s interest will not be impaired by the result of this action.

Even if the protection of the voting rights of their constituents constitutes a direct and immediate interest as it relates to this lawsuit, such an interest will not be impaired by the result of this action. Simply put, Proposed Intervenor’s misstate the nature and application of Section 44, and substantially overstate the concerns about their constituents’ removal from the voter rolls. Plaintiffs are not requesting, and Section 44 does not mandate, a rushed removal of registered voters. Instead, as

Proposed Intervenor themselves recognize in their memorandum, Section 44 only applies to self-identified noncitizens and creates a clear process in which the rights of U.S. citizens are protected throughout. This process requires clerks of superior court report instances where an individual ***self-identifies*** as a noncitizen. *See* Section 44(d), N.C. Gen. Stat. § 9-6.2 (emphasis added). Because Proposed Intervenor have not alleged that their members self-identified as noncitizens in response to jury summonses, this litigation should not impact their members. Next, Section 44(e) requires the NCSBE to review the voter registration and citizenship status of each person identified in the information submitted by the clerks of superior court. *See* N.C. Gen. Stat. § 163-82.14(c1). Presumably, if Proposed Intervenor's constituents are actually U.S. citizens, the inquiry could end here.

Following the NCSBE's investigation, it must then distribute a report to each county board of election in which a self-identified noncitizen is located, after which the county must send written notice to the individual advising him or her of their potential removal from the voter rolls. *See id.* The individual then has an opportunity to object, at which point a hearing will be held to allow the individual to demonstrate whether he or she is actually a U.S. citizen and should not be removed from the voter rolls. *See id.* This process is far from Proposed Intervenor's alleged "rushed purge." Instead, this process provides adequate opportunity for U.S. citizens, which are the constituents Proposed Intervenor purport to represent, to avoid removal in the event of a mistaken self-identification. There is no threat from this lawsuit to the voting rights of U.S. citizens.

Proposed Intervenor devoted no real discussion in their memorandum to how this lawsuit would impair their ability to protect the voting rights of their constituents. Again, if these constituents are U.S. citizens, they are in no danger of losing their voting rights; Section 44's procedural protections work to ensure such voting rights are secure. Rather, Proposed Intervenor seems to argue only that the "threatened impairment of Proposed Intervenor's organizational resources alone supplies a more than sufficient basis to grant intervention." Intervenor's Memo, pp. 12-13. First, because there is no direct and immediate interest here, there can be no impairment of the ability to protect it. *See N.C. State Conf. of NAACP v. Cooper*, 332 F.R.D. 161, 168 (M.D.N.C. 2019). Second, even if there is a direct and immediate interest, the expenditure of resources is not enough to constitute an impairment of the ability to protect such interest. The voting rights of Proposed Intervenor's constituents is protected by North Carolina law, particularly statutes like Section 44.

According to Proposed Intervenor, they regularly expend resources on voter education (including print and digital materials, infographics, and hosting hotlines in election years). *See* Intervenor's Memo, pp. 6-7. They have made no showing as to why providing information about Section 44 and its enforcement is any more onerous or difficult than the other types of information they provide. Furthermore, Proposed Intervenor has not—and they cannot—demonstrated to this Court how the outcome of this case would affect their ability to continue providing such information and support to their constituents by adding information related to Section 44.

In short, Proposed Intervenor's ability to protect the voting rights of their constituents is not impaired by the outcome of this case. Plaintiffs' Complaint seeks only to enforce Section 44, a set of statutes which Proposed Intervenor has not challenged. A declaration made by this Court will not impair Proposed Intervenor's ability to continue to educate and provide support to their constituents. Accordingly, this Court should deny Proposed Intervenor's request.

c. Proposed Intervenor's interest is adequately represented by existing parties.

Although the Court need not address representation because Proposed Intervenor has no direct and immediate interest in this lawsuit, the voting rights of Proposed Intervenor's constituents are nonetheless adequately represented by Defendants. It is noteworthy that Proposed Intervenor has not intervened to challenge Section 44 itself. This decision demonstrates, at a minimum, tacit approval of the enforceability and constitutionality of Section 44. Moreover, it is Section 44 itself which protects the very interest Proposed Intervenor proclaims (the protection of the voting rights of their constituents) through its procedural safeguards.

However, it is the NCSBE's responsibility for an administration of the election laws sufficiently protects Proposed Intervenor's interest in this litigation. *See* N.C. Gen. Stat. § 163-22. The NCSBE's position is also directly aligned with Proposed Intervenor. The entire reason this lawsuit was filed was because the NCSBE decided to delay implementation of Section 44's list maintenance due to its concerns about timing in the lead up to the 2024 general election. This is the same concern expressed by Proposed Intervenor in their fear of a "rushed purge" or removal of

voters in what they consider a violation of 52 U.S.C. § 20507(c)(2)(A).⁶ Because the NCSBE's reasons for not implementing Section 44 prior to the 2024 general election aligns with Proposed Intervenor's concerns, it is clear that the NCSBE can adequately represent Proposed Intervenor's interest, to the extent this Court even finds one exists.

Proposed Intervenor's cited case law support is easily distinguishable. *See* Intervenor's Memo, pp. 13. *Berger v. N.C. State Conference of the NAACP*, 597 U.S. 179 (2022) involved a challenge to the constitutionality of a North Carolina election law. Plaintiffs there sued the NCSBE and the Governor. *See id.* The Supreme Court's discussion there regarding presumptions of adequacy and whether the NCSBE could adequately represent the legislative leaders who sought to intervene is irrelevant because of one key distinction—the *Berger* defendants were in the position of having to defend a law itself. This is simply not the case here. Plaintiffs have not challenged the constitutionality of Section 44; no party has. *See* Proposed Answer (listing affirmative defenses and not including any challenge to Section 44). Instead, Plaintiffs challenge the timing of the NCSBE's enforcement of Section 44 (or rather its lack thereof). The NCSBE's position that it need not apply the list maintenance provisions of Section 44 prior to the 2024 general election is thus identical to Proposed Intervenor's position.⁷ Further, both the NCSBE and Proposed Intervenor seek the

⁶ As pointed out on page 2 of Proposed Intervenor's Memo, this statute states that "A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters."

⁷ Notably, under its argument regarding Rule 24(b), Proposed Intervenor recognizes that their interests overlap with the NCSBE as both are concerning the "proper interpretation of North

identical relief from enforcement of Section 44, and thus the NCSBE can adequately represent this position. *See cf Trbovich v. Mine Workers*, 404 U.S. 528 (1972) (noting that the union member and Secretary had “related” positions that were not “identical,” differentiated based on relief sought); *see Berger* 597 U.S. at 196 (noting that there is a presumption of adequate representation where a movant’s interest are identical to those of an existing party).

2. Proposed Intervenorers Are Not Entitled to Intervene Under N.C. Gen. Stat. § 1A-1, Rule 24(b).

Under Rule 24(b), permissive intervention should only be granted if the motion is (1) timely; (2) when an “applicant’s claim or defense and the main action have a question of law or fact in common;” and (3) whether such intervention will “unduly delay or prejudice the adjudication of the rights of the original parties.” Plaintiffs do not contest here whether Proposed Intervenorers’ Motion is timely. However, Proposed Intervenorers have not established either of the other two elements to support this Court allowing their intervention.

First, the importance of this lawsuit and its timely resolution given the proximity to the November 2024 general election cannot be understated. *See Cooper*, 332 F.R.D. at 172 (noting “[t]he nature of the claims at issue and the imminence of the election require a swift resolution on the merits to bring certainty and confidence to the voting process.”). In *Cooper*, the Court considered the request by two North Carolina legislators related to a challenge to the North Carolina voter identification

Carolina’s election laws that form the bases of Plaintiffs’ claims, and whether Plaintiffs’ requested relief would violate federal law.” Intervenorers’ Memo, p. 16.

requirements. *See Id.* This action was brought against the individual members of the NCSBE who were represented by the State Attorney General. *Id.* at 162. After denying the motion to intervene under Rule 24(a), the Court then considered whether a permissive intervention under Rule 24(b) would be appropriate. The primary reasons proffered by the *Cooper* applicant-Intervenors were:

- (1) State Defendants ‘cannot be trusted to defend [the constitutionality of] S.B. 824 in the same, rigorous manner as Proposed Intervenors’; and
- (2) State Defendants represented by the Attorney General ‘have neither the same level of interest in this case nor the same ability and incentive to litigate it that Proposed Intervenors do.’

Id. at 172. The Court rejected this argument, finding that the intervention would “likely detract from, rather than enhance, the timely resolution, clarity, and focus on, solely the weighty and substantive issues to be addressed in this case.” *Id.* The same is true here. Plaintiffs’ Complaint requests a simple, yet vital declaration as to whether the NCSBE must apply the list maintenance provisions of Section 44 prior to the 2024 general election. Proposed Intervenors’ involvement would only detract from this simple question of statutory interpretation which is before this Court.

Although Proposed Intervenors allege that their defenses rely on the same defenses as Defendants, there is no evidence to support this claim. Defendants have not answered the Complaint yet. It is thus unclear what defenses they will proffer. However, if as Proposed Intervenors allege, both parties will assert a defense that Plaintiffs’ requested relief would violate the National Voter Registration Act (“NVRA”) (specifically, 52 U.S.C. § 20507(c)(2)(A)), this does not necessarily require their intervention. As the *Cooper* Court stated, “Plaintiffs will likely suffer prejudice

in having to address dueling defendants, purporting to all represent the interest of the State, along with their multiple litigation strategies.” 332 F.R.D. at 172. Indeed, if both Defendants and Proposed Intervenors will assert that enforcement of Section 44 would violate NVRA, then there is no reason that Defendants cannot adequately make this argument without the intervention of the NCAAT and El Pueblo. *See id.* at 172 (denying permissive intervention when there is no reason to believe the State government defendants would not fully assert their defenses).

Finally, Proposed Intervenors argue certain “prudential reasons” to allow their intervention, including their allegation that because they “represent the voters who stand to be most harmed by the relief Plaintiffs seek, they will aid the Court in developing a full record of the relevant consideration—including the impact of this litigation and any last-minute relief requiring investigation and purges on voters.” Intervenors’ Memo, p. 16. While “unique insight[s]” may provide certain limited value, these are more properly limited to *amicus* briefs. *See Cooper*, 332 F.R.D. at 172 (holding that proposed intervenors with “special expertise” should provide such expertise through the filing of *amicus* briefs). Proposed Intervenors could certainly provide this Court with its “on-the-ground experience” via this mechanism rather than through intervention.

Conclusion

Proposed Intervenors have failed to demonstrate any direct and immediate interest which will be impaired by the outcome of case. Furthermore, their participation in case would likely cause delays when a speedy resolution is of utmost

importance. Therefore, Plaintiffs request this Court deny Proposed Intervenor's Motion.

This the 27th day of September, 2024.

**BAKER DONELSON BEARMAN,
CALDWELL & BERKOWITZ, PC**

By: /s/ John E. Branch III

John E. Branch III

North Carolina State Bar # 32598

Thomas G. Hooper

North Carolina State Bar # 25571

2235 Gateway Access Point, Suite 220

Raleigh, NC 27607

Ph: (984) 844-7900

jbranch@bakerdonelson.com

thooper@bakerdonelson.com

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

By: /s/ Philip J. Strach

Phillip J. Strach

North Carolina State Bar no. 29456

Jordan A. Koonts

North Carolina State Bar no. 59363

301 Hillsborough Street, Suite 1400

Raleigh, North Carolina 27603

Ph: (919) 329-3800

phil.strach@nelsonmullins.com

jordan.koonts@nelsonmullins.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, the undersigned attorney of the law offices of Baker, Donelson, Bearman, Caldwell, & Berkowitz, PC, hereby certify that I have served all counsel of record in this action with a copy of the foregoing document via e-File & Serve and US mail, at the following address(es):

Mary Carla Babb
Special Deputy Attorney General
Terrence Steed
Special Deputy Attorney General
114 W. Edenton Street
Raleigh, NC 27603
mcbabb@ncdoj.gov
tsteed@ncdoj.gov

with a courtesy copy to the proposed interveners via email and US mail, at the following address(es):

Narendra K. Ghosh
Patterson Harkavay, LLP
100 Europa Dr., Suite 420
Chapel Hill, NC 27513
nghosh@pathlaw.com

Submitted this the 27th day of September 2024.

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC**

/s/ John E. Branch, III
John E. Branch, III
N.C. State Bar No. 32598
Baker, Donelson, Bearman, Caldwell &
Berkowitz, PC
2235 Gateway Access Point, Suite 220
Raleigh, NC 27607
Email: jbranch@bakerdonelson.com
Phone: (984) 844-7907

*Attorneys for Plaintiffs North Carolina
Republican Party and the Republican
National Committee*

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