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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DAVID TANGIPA; et al.,

Plaintiffs,

vs.

GAVIN NEWSOM, in his official
capacity as the Governor of California; *et al.*;

Defendants.

CASE NO. 2:25-cv-10616 JLS (KESx)

**PLAINTIFFS OPPOSITION TO
DEFENDANT-INTERVENOR EX
PARTE MOTION TO
INTERVENE (ECF # 49)**

Hon. Josephine L. Staton
Hon. Kenneth K. Lee
Hon. Wesley L. Hsu

Action Filed: November 5, 2025
Hearing: Dec. 3, 2025

INTRODUCTION

Clarissa Cervantes, Antonio Madrigal, Jose Antonio Moreno Jr., Dr. Ines Ruiz- Huston, Dr. Gary Segura, and Isabel Solis (“Cervantes Intervenors”) bid to intervene rests on the premise that only they, individual voters who supported Proposition 50, can “adequately” represent their interests as persons who favor the new congressional map. That is wrong as a matter of law and fact. The Governor and Secretary of State are already represented by experienced counsel, and the DCCC, whose electoral fortunes are directly tied to preserving this plan, is in the case as well. Among the existing Defendants, the arguments made by these individuals will undoubtedly be covered, and the proposed intervenors themselves admit they do not plan to bring any new claims. Mot. to Intervene at 20, ECF No. 49.

In these circumstances, the Ninth Circuit presumes adequacy where the proposed intervenor shares the same ultimate objective as the existing parties, upholding Proposition 50 and the enacted map, as Cervantes Intervenors indisputably do here. Speculation about the government's arguments or the desire to add voter-specific “personal experience” does not overcome that presumption, nor does a wish to fine-tune the briefing strategy. Intervention as of right therefore fails. A generalized policy or ideological interest in how the law is carried out, or a partisan preference for remaining in newly drawn, more favorable districts, does not constitute a “significantly protectable” interest and therefore cannot, by itself, justify intervention as of right. Permissive intervention is no better: it would only complicate and slow a matter that demands efficient resolution, and any marginal perspective Cervantes Intervenors claim to add can be provided as amicus.

For these reasons, Plaintiffs respectfully oppose the Cervantes Intervenors’ motion to intervene. The Court should therefore deny the motion. If, however, the Court deems proposed Intervenors' involvement necessary, it should encourage said participation through amici.

ARGUMENT

I. Intervenorors are Not Entitled to Intervene as of Right.

To intervene as of right under Federal Rule of Civil Procedure 24(a), the movant must show: (1) its application is timely; (2) it has a cognizable interest relating to the subject of the action; (3) it is so situated that disposition of the action may impede or impair its ability to protect that interest; and (4) its interest is inadequately represented by the existing parties. Fed. R. Civ. P. 24(a)(2); *NAACP v. New York*, 413 U.S. 345, 365 & n.15 (1973); *Wilderness Society v. U.S. Forest Service*, 630 F.3d 1173, 1177 (9th Cir. 2011). Here, the Intervenorors fail to satisfy the second through fourth elements.

A. Intervenorors' Filing Was Timely

Plaintiffs do not dispute the timeliness of Intervenorors' application to intervene. However, proposed Intervenorors do not satisfy the three remaining factors.

B. Cervantes Intervenorors' Claimed Interests Are Purely Political and Derivative, Not a "Significant Protectable Interest."

Rule 24(a)(2) requires intervenors to demonstrate a "significant protectable interest"—an interest "protected under some law" that is actually related to Plaintiffs' claims. *See Cal. ex rel. Lockyer v. United States*, 450 F.3d 436, 441 (9th Cir. 2006) (quoting *Donnelly v. Glickman*, 159 F.3d 405, 409 (9th Cir. 1998)); *Wilderness Soc'y v. U.S. Forest Serv.*, 630 F.3d 1173, 1177 (9th Cir. 2011) (en banc) (reciting Rule 24(a)(2) factors). As *Patch* explains, an "undifferentiated, generalized interest in the outcome" of litigation is "too porous a foundation on which to premise intervention as of right" and cannot justify party status. *Pub. Serv. Co. of N.H. v. Patch*, 136 F.3d 197, 205 (1st Cir. 1998).

Cervantes Intervenorors identify three interests: (1) an interest "in their vote being lawfully counted and enforced" because they voted for Proposition 50 and its "promised" partisan redistricting, (2) an interest in remaining in the new districts Prop 50 gave them—

1 districts where they can support their preferred Democratic candidates, and (3) a generalized
2 interest in ensuring the Fourteenth and Fifteenth Amendments are “properly applied.” None
3 of these is a *distinct* legal entitlement.

4 First, Plaintiffs do not seek to cancel anyone’s vote or disenfranchise anyone. At
5 most, they seek a return to the 2021 congressional plan, a map Cervantes Intervenors never
6 challenged and were content to live under before Prop 50. Their harm is not that their votes
7 won’t be “counted,” but that the particular partisan outcome they hoped to secure with Prop
8 50 might not be preserved. That is a political hope, not a legal right.

9 Second, there is no cognizable individual legal right to remain in a specific district
10 configuration or to be placed in a district that is more favorable to one’s preferred party.
11 Cervantes Intervenors say they “planned on supporting a Democrat candidate for the new
12 CDs.” That is simply a description of the partisan tilt they prefer. The Cervantes Intervenors
13 have identified no authority establishing that voters are entitled to a particular partisan
14 composition of their districts, because there isn’t any, and they do not gain a legal entitlement
15 to future electoral outcomes because a particular map “promised” them more favorable lines.

16 Third, their invocation of a generalized interest in ensuring the Fourteenth and
17 Fifteenth Amendments are “properly applied” adds nothing. That is exactly what the State
18 and the DCCC are already litigating: whether Proposition 50’s map comports with the
19 Constitution. Dressing that up as an “interest” unique to these particular voters does not
20 establish a protectable legal right.

21 Cervantes Intervenors reliance on *Chula Vista Citizens for Jobs and Fair Competition*
22 *v. Norris*, 782 F.3d 520 (9th Cir. 2015), for its description of voters playing a “quasi-
23 legislative role in the initiative process” likewise fails. At most, that observation analogizes
24 the electorate collectively to a legislature when it enacts initiatives. It does not give each

1 individual voter a personal, litigation-worthy entitlement to defend any initiative in court.
2 Just as an individual legislator has no automatic right to intervene merely because she voted
3 for a statute, individual voters have no automatic right to intervene merely because they
4 voted. *See Hollingsworth v. Perry*, 570 U.S. 693, 706–07 (2013) (initiative proponents lacked
5 Article III standing to defend the initiative where their “only interest” was “to vindicate the
6 constitutional validity of a generally applicable California law,” a “generalized grievance”
7 shared with “the public at large” and therefore not a cognizable, personal stake).

8 The point is clearest in their own words: “As another example, Candidate for
9 California State Assembly, Ms. Cervantes has a particular interest in seeing the
10 democratically mandated will of the California electorate honored.” That is campaign
11 rhetoric, not a legal interest. It confirms that Cervantes Intervenors do not seek to vindicate
12 any distinct, legally protectable right.

13 The worst thing that can happen to the Cervantes Intervenors is that California uses
14 the 2021 congressional district map created by the Citizens Redistricting Commission that
15 was supposed to be in place through the 2030 elections. Their theory that their votes will
16 somehow be “diluted” if the Court restores the pre-Prop 50 map, simply underscores how
17 untethered their claimed interests are from any cognizable legal entitlement.

18 Because proposed intervenors have not identified a distinct, legally protected interest
19 tethered to Plaintiffs’ claims and cannot show practical impairment of such an interest, they
20 fail the second element, and intervention as of right must be denied

21 **C. Disposition of This Case Will Not, as a Practical Matter, Impair Proposed**
22 **Intervenors’ Ability to Protect Any Cognizable Interests.**

23 Rule 24(a)(2)’s third element asks whether a proposed intervenor “is so situated that
24 the disposition of the action may as a practical matter impair or impede” its ability to protect
its interest. Fed. R. Civ. P. 24(a)(2); *Donnelly v. Glickman*, 159 F.3d 405, 409 (9th Cir.

1 1998). The question is not whether it would be more convenient or symbolically satisfying
2 for the would-be intervenor to participate in this particular lawsuit. *See California ex rel.*
3 *Lockyer v. United States*, 450 F.3d 436, 442 (9th Cir. 2006) (explaining that “even if” a
4 lawsuit affects a proposed intervenor’s interests, those interests “might not be impaired if
5 they have ‘other means’ to protect them”) (quoting *United States v. Alisal Water Corp.*, 370
6 F.3d 915, 921 (9th Cir. 2004). The Ninth Circuit applies this same “practical impairment”
7 standard when evaluating intervention as of right. *United States v. City of Los Angeles*, 288
8 F.3d 391, 398 (9th Cir. 2002).

9 Cervantes Intervenors’ impairment argument does not exist. They simply assert that if
10 Plaintiffs prevail, “the will of the electorate could be undone,” they might no longer reside in
11 the new Prop 50 districts, and their ability “to ensure the Fourteenth and Fifteenth
12 Amendments are properly applied may be impaired.” That is the entire showing.

13 Even if Cervantes Intervenors’ policy preferences are affected by the outcome, as
14 every voter’s preferences are in every election-law case, that does not mean their ability to
15 protect those preferences is impaired. They will still be able to vote, to campaign, to lobby,
16 and to participate in future redistricting cycles.

17 Their suggestion that the “electoral will” could be “undone” if this Court determines
18 that Proposition 50’s map violates the Constitution is, frankly, an argument against judicial
19 review. Anytime a law is set aside as unconstitutional, the “will” of whatever majority
20 enacted it is “undone.” That truism does not confer a unique right on every member of that
21 majority to intervene as a party. If it did, every single voter who supported Proposition 50,
22 and every voter who opposed it, would have an equal claim to party status here.

23 Similarly, their complaint that they may be moved back into districts they previously
24 resided in, or into districts less favorable to their preferred party, is not an impairment of any

1 legal interest. It is nothing more than disappointment that the partisan advantage they hoped
2 to lock in with Prop 50 might not last. That may be a genuine political frustration, but Rule
3 24 does not guarantee voters permanent residency in a “promised” safe seat.

4 In short, Cervantes Intervenors have not identified a concrete legal interest, and they
5 have certainly not shown that such an interest will be lost or even meaningfully impaired if
6 they participate in this case the same way every other voter does: as members of the public,
7 or at most, as amici curiae.

8 Because Intervenors have no uniquely protectable interest that will be practically
9 impaired by the judgment, the third requirement for intervention as of right is not met.

10 **C. Cervantes Intervenors’ interests are adequately represented.**

11 As to the fourth and final element, “[t]his Court considers three factors in determining
12 the adequacy of representation: (1) whether the interest of a present party is such that it will
13 undoubtedly make all of a proposed intervenor’s arguments; (2) whether the present party is
14 capable and willing to make such arguments; and (3) whether a proposed intervenor would
15 offer any necessary elements to the proceeding that other parties would neglect.” *Arakaki v.*
16 *Cayetano*, 324 F.3d 1078, 1086 (9th Cir. 2003) (citing *California v. Tahoe Reg’l Planning*
17 *Agency*, 792 F.2d 775, 778 (9th Cir.1986).

18 **i. The Government Defendants and the DCCC Adequately Represent**
19 **Cervantes Intervenors’ Objectives, Triggering a Strong**
20 **Presumption of Adequate Representation.**

21 Cervantes Intervenors’ adequacy argument begins by lifting a sentence from a D.C.
22 Circuit case: “Often...governmental entities do not adequately represent the interests of
23 aspiring intervenors.” *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 736 (D.C. Cir. 2003).
24 They then quote a Third Circuit natural-resources case about agencies having a broader view

1 of the “public welfare” than the “parochial” interests of would-be intervenors. *Kleissler v.*
2 *United States Forest Serv.*, 157 F.3d 964, 972 (3d Cir. 1998).

3 Those out-of-circuit snippets cannot override binding Ninth Circuit law. When a
4 government entity is defending the validity of its own law and the proposed intervenor shares
5 the same “ultimate objective,” representation is presumed adequate, and the proposed
6 intervenor must make a “very compelling showing” to overcome that presumption. See
7 *League of United Latin Am. Citizens v. Wilson*, 131 F.3d 1297, 1305 (9th Cir. 1997); *Perry v.*
8 *Proposition 8 Official Proponents*, 587 F.3d 947, 949 (9th Cir. 2009).

9 Cervantes Intervenors make no such showing. Where the government and an aligned
10 party are already making the same arguments, adequacy is satisfied. See *United States ex rel.*
11 *Richards v. De Leon Guerrero*, 4 F.3d 749, 756 (9th Cir. 1993) (affirming denial of
12 intervention where the government “made the same arguments” as intervenors).

13 Cervantes Intervenors share precisely the same ultimate objective as the State and the
14 DCCC, upholding Proposition 50’s congressional map. Their only claim of divergence is that
15 “it is not clear that the current defendant parties, the DCCC and California government
16 officials, will or are willing to make all of Cervantes Intervenors’ individual arguments,”
17 because those defendants “represent either government or partisan entities, while Cervantes
18 Intervenors are individuals personally affected by any change in map.” That is not evidence
19 of inadequate representation; it is pure speculation.

20 If anything, the suggestion that the DCCC, a national party committee whose sole
21 mission is electing Democrats to the House, might somehow leave “arguments on the table”
22 in a case that directly threatens its preferred map is difficult to take seriously. The DCCC is
23 represented by sophisticated counsel with deep experience in election and redistricting
24 litigation. It has every reason to press the very arguments proposed Intervenors say they care

1 about. If the DCCC is not adequately representing the interests of Democratic voters, it is
2 hard to imagine who would be. And the State officials, who are defending their own law, are
3 represented by experienced counsel and have every institutional incentive to prevail.

4 Then, almost controverting themselves, the Cervantes Intervenors claim they will not
5 make any additional claims. Mot. to Intervene at 20, ECF No. 49 (“Cervantes Intervenors do
6 not seek to add any new claims.”).

7 The Ninth Circuit has denied intervention where the existing party already advances
8 the same arguments the proposed intervenor wishes to make. In *United States ex rel.*
9 *Richards v. De Leon Guerrero*, for example, the court affirmed denial of permissive
10 intervention because the government party “made the same arguments” as the proposed
11 taxpayer intervenors and adequately represented their privacy interests. 4 F.3d 749, 756 (9th
12 Cir. 1993). The logic is even stronger here, where both the State and a major political
13 committee are committed to defending the map.

14 Cervantes Intervenors fail to identify any “necessary element” they can champion that
15 the existing defendants will neglect. They do not claim to have drawn the plan, to have
16 supplied the pre-enactment Voting Rights Act analysis, or to possess some specialized legal
17 expertise that the State, the United States, and the DCCC lack. At most, they propose “direct
18 arguments based on personal experience and the peculiarities of their district and
19 communities of interest,” which is precisely the sort of optional color the Ninth Circuit has
20 said can be provided through amicus briefs. *See Perry*, 587 F.3d at 950.

21 Their reliance on *Berger v. North Carolina State Conf. of the NAACP* is both
22 improperly cited and misplaced. *Berger* stands for the proposition that when state law
23 designates specific officials to defend state law, those officials must be allowed to participate
24 even if the attorney general is already in the case. *Berger v. N. Carolina State Conf. of the*

1 *NAACP*, 597 U.S. 179, 193 (2022). The Supreme Court did not say that every private voter
2 who supported an initiative is entitled to intervene when the State is already “vigorously”
3 defending it. Here, Cervantes Intervenors are not state officials at all; they are private citizens
4 and a candidate who simply prefer the partisan outcome generated by Prop 50.

5 In short, this is not a case where the State is refusing to defend its own enactment, has
6 confessed error, or has taken positions directly adverse to the proposed intervenors. It is a
7 case where every existing defendant and every would-be intervenor shares the same bottom-
8 line goal. Under Ninth Circuit law, that triggers a strong presumption of adequacy that
9 Cervantes Intervenors have not come close to rebutting.

10 Proposed intervenors identify no legal theory, evidentiary position, or remedial stance
11 that the DCCC is unwilling or unable to assert. At bottom, proposed Intervenors appear only
12 to desire to include information and “expertise” more appropriate for amici. *See Perry*, 587
13 F.3d at 950, 955 (affirming denial of intervention and noting amicus as the proper vehicle for
14 additional perspective).

15 Because all three *Arakaki* considerations favor finding adequacy, and because the
16 State’s defense of its own enactment adds a strong presumption proposed Intervenors do not
17 come close to rebutting, intervention as of right must be denied.

18 **II. At Most, Any Participation Should Be Limited to *Amicus***

19 Permissive intervention is no more appropriate than intervention as of right. Although
20 Cervantes Intervenors’ defenses share common questions of law and fact with the existing
21 parties, Rule 24(b) is discretionary and expressly directs courts to consider “whether the
22 intervention will unduly delay or prejudice the adjudication of the original parties’ rights.”
23 Here, they concede they assert no new claims and no distinct legal theory; they simply wish
24 to re-argue the same constitutional questions the State and the DCCC are already pressing,

1 from the vantage point of partisan supporters of Proposition 50. Adding yet another full set of
2 parties and counsel to make duplicative arguments would only complicate case management,
3 lengthen briefing, and risk delay, without adding any unique legal perspective. To the extent
4 they believe their political background, “personal experiences,” or counsel’s redistricting
5 expertise would “aid the Court,” those are classic *amicus* contributions, not a basis for full
6 party status under Rule 24(b). If the Court nonetheless concludes that their presence could
7 add some limited value, the proper vehicle is *amicus* participation.

8 The Ninth Circuit has expressly approved the *amicus* route for aligned campaign
9 entities. In *Perry*, the court upheld the denial of intervention to the official Proposition 8
10 campaign and noted that the campaign could “seek leave to file *amicus* briefs on specific
11 legal issues that [it] believe[d] require elaboration or explication that the parties fail to
12 provide.” 587 F.3d at 950. That model fits here: if Intervenor believes their political support
13 and knowledge of a specific Latino or community-impact issue is underdeveloped, it can
14 address it as *amicus* without becoming a full party.

15 CONCLUSION

16 Proposed Intervenor shares the same ultimate objective as the State and the DCCC:
17 defending Proposition 50’s congressional map, including the majority-Latino districts,
18 against Plaintiffs’ challenge. Under *Arakaki* and *LULAC v. Wilson*, the State’s defense of its
19 own law is presumed adequate in these circumstances, and Cervantes Intervenor has not
20 come close to making the “very compelling showing” required to rebut that presumption. Its
21 concerns are speculative, its interests are generalized and derivative, and its proposed
22 contribution would not add anything to existing defendants and their experienced counsel.

23 The motion to intervene as of right should be denied. If the Court permits any
24 involvement at all, it should be limited to *amicus* participation.

1 Date: November 18, 2025

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