

BENBROOK LAW GROUP, PC
BRADLEY A. BENBROOK (SBN 177786)
STEPHEN M. DUVERNAY (SBN 250957)
1301 Dove Street, 5th Floor
Newport Beach, CA 92660
Telephone: (916) 447-4900
brad@benbrooklawgroup.com

PUBLIC INTEREST LEGAL FOUNDATION
J. CHRISTIAN ADAMS*
KAYLAN PHILLIPS*
JOSEPH M. NIXON*
JEWEL M. LIGHTFOOT*
CAROLYN C. VALDES*
107 S. West Street
Alexandria, VA 22314
Telephone: (703) 745-5870

**Pro hac vice*

Attorneys for Plaintiffs

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

MITCH NOYES, HOLDEN LOMELI,
and ANTHONY MCBROOM,

Plaintiffs,

vs.

GAVIN NEWSOM, in his official capacity
as Governor of California; and SHIRLEY
WEBER in her official capacity as
California Secretary of State,

Defendants.

Case No.: 2:25-cv-11480-JLS-WLH-
KKL

**MEMORANDUM OF POINTS AND
AUTHORITIES IN RESPONSE AND
OPPOSITION TO DCCC'S MOTION
TO INTERVENE**

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1 Plaintiffs respond to the motion to intervene filed by the Democratic
2 Congressional Campaign Committee (“DCCC”) and respectfully request denial of its
3 motion. Plaintiffs do not request a hearing on DCCC’s motion.

4 INTRODUCTION

5 DCCC seeks to disrupt this litigation purely for partisan and ideological
6 reasons. DCCC merely *prefers* one outcome over another, and its ideological
7 opposition to Plaintiffs’ case does not merit intervention.

8 The motion to intervene should be denied for several reasons. First, DCCC has
9 no “significantly protectable interest” in the subject matter of this case that will be
10 impaired by the litigation. DCCC claims it has an interest in promoting Democrats’
11 electoral prospects and defending the legality of the map it helped propose. These
12 interests are merely political and ideological and are insufficient to support
13 intervention as of right.

14 Next, DCCC fails to demonstrate that Defendants will not adequately protect
15 its interests. Defendants are legally bound to defend the constitutionality of
16 California’s laws, *Palomar Pomerado Health Sys. v. Belshe*, 180 F.3d 1104, 1107
17 (9th Cir. 1999) (affirming the principle that neither a state nor its subdivisions may
18 challenge state statutes in federal courts on federal constitutional grounds), and
19 Defendants share the same ultimate goal as DCCC—upholding the validity of the
20 Prop 50 Map. There is every indication that Defendants will vigorously defend this
21 case and protect the DCCC’s interests.

22 DCCC also fails to satisfy the requirements for permissive intervention as there
23 is evidence that any value DCCC will add to this case is far outweighed by the
24 additional burdens and prejudice to the parties already involved.

25 ARGUMENT

26 The Ninth Circuit requires an applicant for intervention as of right under Fed.
27 R. Civ. P. 24(a)(2) to demonstrate that:

28 (1) it has a significant protectable interest relating to the property or
transaction that is the subject of the action; (2) the disposition of the

1 action may, as a practical matter, impair or impede the applicant's ability
2 to protect its interest; (3) the application is timely; and (4) the existing
parties may not adequately represent the applicant's interest.

3 *Chamness v. Bowen*, 722 F.3d 1110, 1121 (9th Cir. 2013). "The party seeking to
4 intervene bears the burden of showing that *all* the requirements for intervention have
5 been met." *United States v. Alisal Water Corp.*, 370 F.3d 915, 919 (9th Cir. 2004)
6 (emphasis in original). Plaintiffs do not challenge whether the motion to intervene
7 was timely. However, because DCCC fails to meet the other three requirements, its
8 motion should be denied.

9 **I. This Court Should Deny Intervention as of Right.**

10
11 **A. DCCC Has No "Significantly Protectable Interest" that will be
Impaired by this Litigation.**

12 A proposed intervenor has a "significant protectable interest" if "the interest is
13 protected by law and there is a relationship between that interest and the claim or
14 claims at issue." *Cooper v. Newsom*, 13 F.4th 857, 865 (9th Cir. 2021). "A significant
15 protectable interest will be found if a legally protected interest will suffer a practical
16 impairment in the pending litigation." *Id.* (internal citations omitted). DCCC claims
17 its protectable interests are (1) promoting Democrats' electoral prospects and (2)
18 defending the legality of the map it helped propose—neither of which is a
19 significantly protectable interest.

20
21 **1. DCCC's Alleged Interest in Promoting Democrats' Electoral
Prospects Is Not a Significant Protectable Interest.**

22 First, DCCC's interest in promoting Democrats' electoral prospects by itself is
23 not a significant protectable interest. DCCC argues its interest in electoral success is a
24 significant protectable interest, but in the cases cited by DCCC for this proposition,
25 the potential intervenors alleged more than just a general interest in electoral success.
26 *See Issa v. Newsom*, 2020 U.S. Dist. LEXIS 102013, at *7-8 (E.D. Cal. June 10,
27 2020) ("The Proposed Intervenors cite three protectable interests as the basis for their
28 intervention: (1) asserting the rights of their members to vote safely without risking

1 their health; (2) advancing their overall electoral prospects; and (3) diverting their
2 limited resources to educate their members on the election procedures.”); *Paher v.*
3 *Cegavske*, 2020 U.S. Dist. LEXIS 74095, at *6 (D. Nev. Apr. 28, 2020) (“Proposed
4 Intervenors argue that Plaintiffs’ success on their claims would disrupt the
5 organizational intervenors’ efforts to promote the franchise and ensure the election of
6 Democratic Party candidates, and individual intervenor John Solomon’s plan to vote
7 by mail.”). These cases suggest DCCC’s amorphous and vague interest in electoral
8 success is insufficient on its own to be a significant protectable interest.

9 Other district courts have similarly allowed intervention upon a showing of
10 more than a general, non-specific interest in electoral success. *See Bost v. Ill. State*
11 *Bd. of Elections*, 2022 U.S. Dist. LEXIS 185464, at *8 (N.D. Ill. Oct. 11, 2022)
12 (finding Democratic Party of Illinois’ “interest in its resource allocation is a sufficient
13 interest that may be impaired by this action”).

14 Circuit Courts have also recognized more than a general political or ideological
15 interest establishes a significant protectable interest. For example, the Fifth Circuit
16 found that the Republican Committees attempting to intervene demonstrated a
17 significant protectable interest because they “expend significant resources in the
18 recruiting and training of volunteers and poll watchers who participate in the election
19 process” and the legislation at issue “unquestionably regulates the conduct of the
20 Committees’ volunteers and poll watchers.” *La Union del Pueblo Entero v. Abbott*,
21 29 F.4th 299, 306 (5th Cir. 2022). The Fifth Circuit explained the Republican
22 Committees’ interest “goes beyond a purely ‘ideological’ reason for intervention and
23 amounts to a ‘direct’ and ‘substantial’ interest in the proceedings.” *Id.*

24 Similarly, the Sixth Circuit reasoned that an organization with only an
25 ideological interest in litigation that did not regulate the potential intervenor’s
26 conduct in any way did not have a substantial legal interest in the outcome of the
27 case. *Northland Family Planning Clinic, Inc. v. Cox*, 487 F.3d 323, 345-46 (6th Cir.
28 2007).

1 DCCC's interest in promoting Democrats' electoral prospects is also not a
2 protectable interest because there is no relationship between the interest and the
3 litigation as DCCC's interest will not suffer a practical impairment. *Donnelly v.*
4 *Glickman*, 159 F.3d 405, 410 (9th Cir. 1998) ("An applicant generally satisfies the
5 'relationship' requirement only if the resolution of the plaintiff's claims actually will
6 affect the applicant."). DCCC has not made a showing or presented any evidence to
7 demonstrate that it will be "substantially affected in a practical sense by the
8 determination made in an action." *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d
9 810, 822 (9th Cir. 2001). Regardless of whether the Prop 50 Map is found
10 unconstitutional, DCCC can promote Democrats' electoral prospects in the upcoming
11 election.

12 What's more, election results are difficult to predict and to the extent DCCC
13 believes the Prop 50 Map increases its chances of electoral success, that interest is
14 speculative, at best. *Emeryville v. Robinson*, 621 F.3d 1251, 1259 (9th Cir. 2010)
15 ("Although the intervenor cannot rely on an interest that is wholly remote and
16 speculative, the intervention may be based on an interest that is contingent upon the
17 outcome of the litigation," (citing *United States v. Union Elec. Co.*, 64 F.3d 1152,
18 1162 (8th Cir. 1995))). The speculative impact on DCCC's electoral prospects is
19 insufficient to show "the injunctive relief sought by the plaintiffs will have direct,
20 immediate, and harmful effects upon a third party's legally protectable interests."
21 *Berg*, 268 F.3d at 818.

22 Because "[c]ourts are guided primarily by practical and equitable
23 considerations," *Arakaki v. Cayetano*, 324 F.3d 1078, 1083 (9th Cir. 2003), this Court
24 should be hesitant to accept DCCC's argument that a general political interest in the
25 outcome of the litigation is sufficient for mandatory intervention. DCCC's position
26 would open the gate to any number of potential intervenors with a political or
27 ideological interest in the outcome of litigation efforts. If the Court were to accept
28 DCCC's position, any organization with political goals would have a significant

1 protectable interest in any case that touches political ideology. It would not be
2 practical or equitable to open the door to these many potential intervenors. *See*
3 *Donald J. Trump for President, Inc. v. Bullock*, 2020 U.S. Dist. LEXIS 167715, at *6
4 (D. Mont. Sep. 14, 2020) (denying mandatory intervention in part because proposed
5 intervenor’s interests were “ensuring its voter education efforts are not undermined
6 and that its members can exercise their franchise” and explaining, “[i]f this Court
7 were to permit the LWVMT to intervene on this basis alone, it would be hard pressed
8 to deny future motions seeking intervention from any number of the hundreds of
9 organizations who engage in such efforts from a partisan or nonpartisan standpoint.
10 As a matter of practicality and equity, the Court cannot permit this action to be
11 overwhelmed by any number of groups seeking to protect similar interests.”).

12 Without limitation on the significant protectable interest required for
13 intervention, “Rule 24 would be abused as a mechanism for the over-politicization of
14 the judicial process.” *Northland Family Planning Clinic, Inc.*, 487 F.3d at 346. To
15 prevent that sort of abuse, DCCC’s attempt to intervene should be denied.

16
17 **2. DCCC’s Alleged Interest in Defending the Legality of the
Prop 50 Map Is Not a Protectable Interest.**

18 DCCC also fails to assert a protectable interest by saying it merely “supported
19 the efforts of Proposition 50, including by purchasing and submitting *a version* of
20 Mitchell’s map to the California Legislature.” Mot. at 8 (emphasis added) DCCC has
21 not clarified its role, if any, in proposing the Prop 50 Map. While Ninth Circuit
22 precedent suggests that sponsors of ballot initiatives have a significant protectable
23 interest, *see Yniguez v. Arizona*, 939 F.2d 727, 735 (9th Cir. 1991), *vacated as moot*,
24 *Arizonans for Official English v. Arizona*, 520 U.S. 43 (1997), DCCC has not put
25 forth any evidence or asserted that it sponsored the ballot initiative or was a public
26 proponent for the Prop 50 Map.

27 In support of its motion, the DCCC attaches an affidavit of Mr. Van Nuys that
28 it filed in support of its motion to intervene in *Tangipa v. Newsom*, No. 2:25-cv-

1 10616-JLS-WLH-KKL (C.D. Ca. Nov. 5, 2025). The DCCC does not attach any
2 affidavit specific to the litigation in which it seeks to intervene here.

3 Before the Court in *Tangipa*, Mr. Van Nuys asserted that DCCC purchased a
4 “revised version of the Draft Map” from Redistricting Partners and submitted the map
5 it received to the California legislature. ECF No. 47-1, at ¶¶12-13. Mr. Van Nuys also
6 said in *Tangipa* that “[t]he map that ultimately was adopted by the state Legislature
7 and put forward to California voters *appears likely* to achieve *similar partisan*
8 *outcomes* to the map DCCC submitted on August 15, 2025.” *Id.* at ¶14 (emphasis
9 added). The *Tangipa* affidavit is void of any facts tying the map that DCCC
10 submitted to the legislature to the Prop 50 Map, aside from “appear[ing] likely to
11 achieve similar partisan outcomes.” DCCC’s involvement in *a* map may be
12 established, but DCCC’s involvement with the map *at issue in this litigation* is not.

13 There is also no evidence of DCCC’s involvement in the passage of Prop 50.
14 DCCC has not claimed that it sponsored the legislation or was a proponent for Prop
15 50 prior to the statewide vote on the referendum. Mr. Van Nuys’s *Tangipa* affidavit
16 does not put forth any facts demonstrating DCCC’s efforts in campaigning for Prop
17 50. Instead, Mr. Van Nuys’ *Tangipa* affidavit stated that during the campaign for
18 Prop 50, “DCCC was actively tracking ads and campaign materials on both sides.”
19 ECF No. 47-1, at ¶15. Mr. Van Nuys’ *Tangipa* affidavit asserted that Democrats
20 “fought a fierce political campaign over Proposition 50,” but he did not say DCCC
21 had any role in this “fierce political campaign.” *Id.*

22 The lack of evidence and allegations of direct involvement stands in stark
23 contrast to the cases DCCC cites where proponents of a ballot initiative actively
24 worked on the passage of the initiative at issue. *See Prete v. Bradbury*, 438 F.3d 949,
25 955 (9th Cir. 2006) (one proposed intervener “was chief petitioner for the measure”
26 and the other proposed intervenor “was a main supporter of the measure”). Here,
27 DCCC presents no factual evidence specific to this case, is ambiguous about its role
28

1 and involvement related to Prop 50 and does not come close to meeting its burden to
2 demonstrate it has a significant protectable interest in this litigation.

3
4 **B. DCCC Has Not Overcome the Presumption of Adequate Representation.**

5 Even if DCCC has a significant protectable interest, Defendants share the same
6 objective and protect DCCC's interest far beyond the inadequacy standard for
7 intervention. Defendants are zealously, competently, and fully protecting DCCC's
8 interests and DCCC has not overcome the presumption of adequate representation.

9 To determine whether the existing parties adequately represent an applicant's
10 interest, courts consider:

11 (1) whether the interest of a present party is such that it will
12 undoubtedly make all the intervenor's arguments; (2) whether the
13 present party is capable and willing to make such arguments; and (3)
whether the would-be intervenor would offer any necessary elements to
the proceedings that other parties would neglect.

14 *United States v. Los Angeles*, 288 F.3d 391, 398 (9th Cir. 2002).

15 "Although the burden of establishing inadequacy of representation may be
16 minimal, the requirement is not without teeth." *Prete*, 438 F.3d at 956. The "most
17 important factor in assessing the adequacy of representation is how the interest
18 compares with the interests of existing parties. If an applicant for intervention and an
19 existing party share the same ultimate objective, a presumption of adequacy of
20 representation arises." *Citizens for Balanced Use v. Mont. Wilderness Ass'n*, 647 F.3d
21 893, 898 (9th Cir. 2011). "[T]he intervenor can rebut that presumption only with a
22 'compelling showing' to the contrary." *Perry v. Proposition 8 Off. Proponents*, 587
23 F.3d 947, 951 (9th Cir. 2009). DCCC and Defendants share the same interests and
24 ultimate objective and DCCC has failed to make a compelling showing that
25 Defendants will not adequately protect DCCC's interests.

26 **1. Defendants and DCCC Share the Same Ultimate Objective.**

27 Defendants share the same ultimate objective as DCCC—upholding the
28 validity of the Prop 50 Map. They both oppose the relief Plaintiffs seek and they are

1 defending the Prop 50 Map on the ground that it was constitutionally drawn. DCCC’s
2 interest in promoting Democratic candidates aligns with Defendants’ interest in
3 defending the constitutionality of the Prop 50 Map. Thus, a presumption arises that
4 Defendants adequately represent DCCC’s interests. DCCC has failed to present a
5 compelling showing of inadequate representation and therefore fails to overcome the
6 presumption of adequate representation by Defendants.

7 DCCC attempts to sidestep its unity of interest with Defendants by pointing to
8 DCCC’s “unique partisan, competitive, and reputational interests.” ECF No. 47 at 9.
9 However, these are insufficient for several reasons.

10 First, at best, DCCC’s stated interests are better characterized as its *motives* in
11 pursuing this litigation, rather than a significant protectable interest. And a difference
12 in motivation to litigate is insufficient to show inadequacy of litigation. *See Earth*
13 *Island Inst. v. Evans*, 136 F. App’x 34, 36 (9th Cir. 2005) (citing *Or. Env’t Council v.*
14 *Or. Dep’t of Env’t Quality*, 775 F. Supp. 353, 359 (D. Or. 1991)).

15 DCCC’s asserted interests are also not meaningfully distinct from Defendants’
16 in light of the facts here, starting most importantly with Defendants’ litigating
17 position. Redistricting cases differ from other election-related cases because they
18 naturally invoke partisan politics. California will plainly respond to the racial
19 gerrymandering claim here by claiming that its justification for redistricting, and for
20 the Prop 50 Map specifically, was to add five more Democrat Congressional seats—
21 the precise *partisan* interest that DCCC claims is “unique” to it. *Cf.* Brief for
22 Respondents Newsom and Weber at 6, *Tangipa v. Newsom*, No. 25A843 (U.S. 2026).
23 This is surely not a situation where the State is defending a politically *neutral*
24 election-related statute. *Cf. Issa*, 2020 U.S. Dist. LEXIS 102013, at *3 (involving a
25 statewide requirement that all counties implement all-mail ballot elections). Rather,
26 the Prop 50 Map was openly put forward to gain partisan advantage for one group—
27 specifically the partisan advantage that DCCC supports and the group that DCCC
28

1 ideologically represents. As such, DCCC’s “unique partisan” interests are not at all
2 unique, as they are shared directly and in conformity with Defendants’ interests.

3 What’s more, the State Defendants are members of the Democratic Party¹ and
4 the political makeup of California reflects an allegiance to the Democratic Party. Of
5 the 52 United States Congressmen California has, 43 of them are Democrats.² Of the
6 60 members in the California State Assembly, 40 of them are Democrats.³ Of the 40
7 seats in the California State Senate, Democrats hold 30 of them.⁴ The synonymy of
8 Defendants and DCCC makes the shared ultimate goal clear at a granular and
9 practical level—not a “high level of abstraction” as DCCC asserts.

10 Because Defendants are effectively and “uniquely” *aligned* with the
11 Democratic Party and the interests of Defendants and DCCC are identical, DCCC
12 must make a “compelling showing” that Defendants will not adequately defend its
13 interests. DCCC has not made such a showing.

14 **2. Defendants Will Adequately Defend DCCC’s Interests.**

15 Beyond the general standard that “the State and its subdivisions must make all
16 arguments to defend the constitutionality of its laws,” *Arakaki*, 324 F.3d at 1087, this
17 case represents a rare instance where there is evidence available to the Court to
18 demonstrate Defendants will vigorously defend the constitutionality of the Prop 50
19 Map, namely, Defendants’ actions in another challenge to Prop 50. *Tangipa v.*
20 *Newsom*, No. 2:25-cv-10616-JLS-WLH-KKL (C.D. Cal. Nov. 5, 2025). While
21 *Tangipa* and this case present distinct claims, because they both concern the
22 Constitutionality of the Prop 50 Map, this Court has seen the vigorous and zealous
23 advocacy the State Defendants exhibited to defend the Prop 50 Map, advocacy that
24 _____

25 ¹ *Shirley Weber*, BALLOTPEDIA, https://ballotpedia.org/Shirley_Weber; *Gavin*
26 *Newsom*, BRITANNICA, <https://www.britannica.com/biography/Gavin-Newsom>.

27 ² *List of United States Representatives from California*, BALLOTPEDIA (Jan. 2026),
https://ballotpedia.org/List_of_United_States_Representatives_from_California.

28 ³ *Members*, CALIFORNIA STATE ASSEMBLY (2026),
<https://www.assembly.ca.gov/assemblymembers>.

⁴ *Senators*, CALIFORNIA STATE SENATE (2026),
<https://www.senate.ca.gov/senators#top>.

1 has continued all the way to the Supreme Court of the United States. Brief for
2 Respondents Newsom and Weber, *Tangipa v. Newsom*, No. 25A839 (U.S. 2026).

3 This showing of more-than-adequate representation and advocacy (and the
4 identical interests between Defendants and DCCC) stands in stark contrast to cases
5 where this Circuit found a proposed intervenor's interests were not adequately
6 defended. In *Yniguez v. Arizona*, the Ninth Circuit found the proposed intervenors
7 were not adequately represented because the governor defendant decided not to
8 appeal the district court's order on the merits and "no representation constitutes
9 inadequate representation." 939 F.2d at 737. In *Sagebrush Rebellion*, the court found
10 the proposed intervenor's interests were not adequately protected by the defendant
11 because prior to defendant's cabinet appointment, the party-defendant to the case had
12 been the director of the public interest group representing the plaintiffs in the
13 litigation. *Sagebrush Rebellion, Inc. v. Watt*, 713 F.2d 525, 528 (9th Cir. 1983).

14 The Supreme Court has similarly found that prior public opposition to the
15 legislation in controversy and conflicting interests can be evidence of inadequate
16 representation. In *Berger v. N.C. State Conference of the NAACP*, 597 U.S. 179
17 (2022), the Supreme Court found the proposed intervenors' (speaker of the State
18 House of Representatives and president pro tempore of the State Senate) interests
19 were not adequately protected by defendants (the Governor and Board of Elections)
20 in part because important state interests would not be adequately represented in light
21 of the Governor's opposition to the bill at issue, the Board's allegiance to the
22 Governor, and the attorney general's opposition to earlier voter identification efforts.
23 597 U.S. at 198 ("Throughout, Board members have been appointed and potentially
24 removable by a Governor who vetoed S. B. 824 and who filed his own briefs in this
25 litigation calling the law 'unconstitutional' and arguing that it 'should never go into
26 effect.' And at all times, the Board has been represented by an attorney general who,
27 though no doubt a vigorous advocate for his clients' interests, is also an elected
28 official who may feel allegiance to the voting public or share the Board's

1 administrative concerns.”). No such evidence of conflicting interests or inadequate
2 representation exists in this case.

3 DCCC has not pointed to any necessary elements Defendants neglected or any
4 arguments DCCC would make that Defendants did not or would not. *Los Angeles*,
5 288 F.3d at 398. Nor has DCCC pointed to any “substantive disagreement” between
6 Defendants and DCCC. Instead, DCCC cites the work it did in the *Tangipa* case as
7 evidence that it approaches the litigation distinct from the Defendants and that
8 Defendants do not adequately represent DCCC’s interests. However, the examples
9 DCCC puts forth (moving to compel depositions, “taking the lead” on depositions,
10 and presenting its own experts in addition to Defendants’ experts, ECF No. 47 at 11
11 n.3), do nothing more than demonstrate a difference in litigation strategy which is
12 insufficient to demonstrate inadequate representation. *League of United Latin Am.*
13 *Citizens v. Wilson*, 131 F.3d 1297, 1306 (9th Cir. 1997) (“When a proposed
14 intervenor has not alleged any substantive disagreement between it and the existing
15 parties to the suit, and instead has rested its claim for intervention entirely upon a
16 disagreement over litigation strategy or legal tactics, courts have been hesitant to
17 accord the applicant full-party status.”).

18 The Ninth Circuit reaffirmed the requirement that a potential intervenor
19 produce more than just examples of difference in litigation strategy and said, “As we
20 have held, ‘mere[] differences in [litigation] strategy ... are not enough to justify
21 intervention as a matter of right.’” *Perry*, 587 F.3d at 954 (citing *United States v. Los*
22 *Angeles*, 288 F.3d 391, 402-03 (9th Cir. 2002)); *see also Nw. Forest Res. Council v.*
23 *Glickman*, 82 F.3d 825, 838 (9th Cir. 1996) (holding “minor differences in opinion”
24 between the parties and proposed intervenor “fail[] to demonstrate inadequacy of
25 representation”).

26 *Tangipa* demonstrates how Defendants mounted a full-fledged defense and
27 articulated similar, if not the same, arguments as DCCC in their responses to *Tangipa*
28 plaintiffs’ motions for preliminary injunction. *See Tangipa*, ECF Nos. 112 (DCCC

1 Response in Opposition to Motion for Preliminary Injunction) & 113 (State
2 Defendants' Response in Opposition to Motion for Preliminary Injunction).

3 There can be no doubt that Defendants will adequately defend DCCC's
4 interests in this case. DCCC therefore fails to overcome the presumption of adequate
5 representation and its motion to intervene must be denied.

6 **II. This Court Should Deny the Request for Permissive Intervention.**

7 Under Fed. R. Civ. P. 24(b), a court may permit a party to intervene if: "(1)
8 independent grounds for jurisdiction; (2) the motion is timely filed; and (3) the
9 applicant's claim or defense, and the main action, have a question of law or a question
10 of fact in common." *Northwest Forest Res. Council*, 82 F.3d at 839. Under Rule
11 24(b), the Court must also consider "whether the intervention will unduly delay or
12 prejudice the adjudication of the original parties' rights." *Perry*, 587 F.3d at 955.
13 DCCC fails to meet the requirements for permissive intervention and will cause
14 undue delay and prejudice to the original parties.

15
16 **A. DCCC Will Duplicate Efforts, Add to the Parties' Burdens, and
Cause Undue Delay and Expense if Permitted to Intervene.**

17 DCCC will hinder the litigation efforts and cause the parties and the Court
18 undue burden in this case as they have already caused confusion and demonstrated a
19 lack of care to treat this case as the distinct case it is. Exhibit A to DCCC's motion to
20 intervene is merely the declaration it filed in *Tangipa*. Instead of providing a
21 declaration specific to the claims raised in Plaintiffs' complaint, the DCCC recycled
22 an affidavit from a distinct case with wholly different claims and paragraph numbers.
23 This lack of care and attention to detail have already caused additional burdens on
24 Plaintiffs in this case and will cause burden to this Court.

25 A few examples illustrate the point. In Mr. Van Nuys' *Tangipa* affidavit, he
26 affirmed that he "reviewed the Complaint filed in this case" and swore, "I understand
27 that Plaintiffs have alleged that DCCC 'paid Redistricting Partners to draw the map'
28 set out in Proposition 50." ECF No. 47-1 at ¶18. Nowhere in Plaintiffs' complaint do

1 they allege DCCC “paid Redistricting Partners to draw the map.” The paragraphs Mr.
2 Van Nuys cites for the proposition that Plaintiffs alleged DCCC paid Redistricting
3 Partners to draw the map discuss the key to an illustrative map and allege that
4 Defendants violated the Fifteenth Amendment and Section 2(a) of the Voting Rights
5 Act by maintaining two Black influence districts. ECF No. 47-1 at ¶18; ECF No. 1 at
6 ¶¶51-52. Repurposing the affidavit does not work when the complaints in the two
7 cases are substantially different—not just different paragraph numbers, but different
8 allegations altogether.

9 The DCCC and its many attorneys’ attempt to “repurpose” an affidavit from a
10 different case that does not apply to this case calls into question the value DCCC will
11 add to this case. Based on the inapplicable affidavit, DCCC has shown that it may
12 cause more confusion and work for the other attorneys and the Court. Such added
13 burden and hindrance is undue and weighs heavily against granting DCCC
14 permissive intervention.

15 DCCC has further demonstrated no unique interest, perspective, or knowledge.
16 DCCC confirms this in its Proposed Answer, where it explains that it “lack[s]
17 sufficient information” as to dozens of paragraphs in Plaintiffs’ complaint. *See*
18 *generally* ECF No. 47-2.

19 Allowing DCCC to intervene would cause undue delay that would hinder the
20 Court’s ability to decide this election-related case in an election year. Given the
21 subject matter of the litigation and the timing of the case in general, any delay has the
22 potential to impede the Court’s ability to determine these important Constitutional
23 issues at a speed that informs and guides the upcoming election. Permitting
24 intervention and allowing another party with its own slew of attorneys (over doubling
25 the number of attorneys on the opposing side) would delay this Court’s efforts to
26 resolve this case on the merits.

1 **B. DCCC Will Not Put Forth Any New Issues or Arguments to Justify**
2 **Permissive Intervention.**

3 Similar to the situation in *Conservation Cong. v. United States Forest Serv.*,
4 here, “there is no indication that [DCCC] would, through its intervention, raise any
5 new issues or put forth any arguments that the government will not vigorously
6 assert.” 2005 U.S. Dist. LEXIS 56166, at *3 (E.D. Cal. May 19, 2005). DCCC fails to
7 identify any difference in the defense it will mount compared to the defense
8 Defendant will mount and has not pointed to any evidence demonstrating that
9 Defendant will not adequately and vigorously put forth all of the necessary
10 arguments. DCCC’s intervention will only serve to duplicate Defendants’ efforts
11 rather than bring anything new or valuable to the litigation.

12 **III. DCCC May Participate as *Amicus Curiae*.**

13 Plaintiffs do not oppose the DCCC filing *amicus curiae* briefs to offer their
14 concerns without causing delay, complication, and prejudice to the parties that will
15 inevitably arise from the addition of a politically motivated intervenor. *See*
16 *Conservation Cong.*, 2005 U.S. Dist. LEXIS 56166, at *3 (denying intervention but
17 allowing *amicus curiae* briefs); *Bullock*, 2020 U.S. Dist. LEXIS 167715, at *2
18 (same); *Doe v. Schwarzenegger*, 2007 U.S. Dist. LEXIS 8501, at *13 (E.D. Cal. Jan.
19 17, 2007) (same). Whatever DCCC wants to say about Prop 50’s validity, DCCC can
20 just as effectively say it in an *amicus curiae* brief.

21 **IV. If the Court Finds DCCC May Intervene, the Court Should Limit the**
22 **Scope of its Intervention.**

23 Should the Court find that the DCCC may intervene either by right or
24 permissively, Plaintiffs respectfully request the intervention be limited in scope.
25 Namely, DCCC may participate in motions practice and must comply with discovery
26 requests as a party-opponent, but for the sake of judicial economy and the added
27 burden to the parties, DCCC may not be permitted to conduct discovery themselves,
28 must share time with Defendants at any hearing or oral argument, and any briefing by
DCCC should be limited in word count and in scope. *See Dep’t of Fair Emp. & Hous.*

1 *v. Lucent Techs., Inc.*, 642 F.3d 728, 741 (9th Cir. 2011) (citing *Columbus-Am.*
2 *Discovery Grp. v. Atl. Mut. Ins. Co.*, 974 F.2d 450, 469 (4th Cir. 1992) (providing
3 that “[w]hen granting an application for permissive intervention, a federal district
4 court is able to impose almost any condition”)).

5 **CONCLUSION**

6 For the foregoing reasons, the Court should deny DCCC’s motion to intervene.
7

8 February 6, 2026

BENBROOK LAW GROUP, PC
/s/ Bradley Benbrook

9 Bradley A. Benbrook
10 Stephen M. Duvernay

11 PUBLIC INTEREST LEGAL
12 FOUNDATION

13 J. Christian Adams
14 Kaylan Phillips
15 Joseph M. Nixon
16 Jewel M. Lightfoot
17 Carolyn C. Valdes

Attorneys for the Plaintiffs

18 **CERTIFICATE OF COMPLIANCE**

19 The undersigned, counsel of record for Plaintiffs, certifies that this brief
20 contains 4,684 words, which complies with the word limit of Local Rule 11-6.1.

21 Dated: February 6, 2026

22 s/ Bradley A. Benbrook
23 Bradley A. Benbrook
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25
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