

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DSCC, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, *et al.*,

Defendants.

Case No. 1:26-cv-01114-CJN

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, *et al.*,

Plaintiffs,

v.

EXECUTIVE OFFICE OF THE PRESIDENT,
et al.,

Defendants.

Case No. 1:26-cv-01132-CJN

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, *et al.*,

Defendants.

Case No. 1:26-cv-01151-CJN

DEFENDANTS' RESPONSE TO MOTION TO INTERVENE

With respect to Intervener States' Motion to Intervene, *see* Dkt. No. 77, Defendants respectfully submit that the request for intervention as of right under Fed. R. Civ. P. 24(a) should be denied, for the reasons that follow. Defendants take no position on the request for permissive intervention under Fed. R. Civ. P. 24(b). Defendants would consent to the filing of a timely amicus brief.

“Although an intervenor’s burden of showing inadequacy of representation is minimal, a presumption of adequate representation exists if both the intervenor and existing party have the same ultimate objective.” *HRH Servs. LLC v. Travelers Indem. Co.*, No. 23-cv-2300 (JDB), 2024 WL 4699925, at *9 (D.D.C. Nov. 6, 2024) (quoting *Cobell v. Jewell*, No. 96-cv-1285 (TFH), 2016 WL 10704595, at *2 (D.D.C. Mar. 30, 2016)). “The movant then bears the burden to ‘rebut this presumption by demonstrating special circumstances that make the representation inadequate, such as adversity of interest, collusion, or nonfeasance.’” *Id.* To the extent that Intervenor States have an interest in this matter, it will be adequately represented by the United States, which intends to vigorously defend this suit. “[A]t this stage in the litigation,’ there ‘is no indication in the record’ of a ‘risk’ that the government ‘will not vigorously defend’” the Executive Order. *Nat’l Urb. League v. Trump*, No. 25-cv-471 (TJK), Dkt. No. 39 at *8 (D.D.C. Mar. 12, 2025) (quoting *Seminole Nation of Okla. v. Norton*, 206 F.R.D. 1, 10 (D.D.C. 2001)).

Dated: April 24, 2026

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General

ERIC J. HAMILTON
Deputy Assistant Attorney General

JOSEPH E. BORSON
Assistant Branch Director

/s/ Esam K. Al-Shareffi

STEPHEN M. PEZZI

D.C. Bar No. 995500

Senior Trial Counsel

ESAM K. AL-SHAREFFI

D.C. Bar No. 90010174

Trial Attorney

U.S. Department of Justice

Civil Division, Federal Programs Branch

1100 L Street, NW

Washington, DC 20530

Telephone: (202) 598-7367

E-mail: esam.k.al-shareffi@usdoj.gov

Counsel for Defendants

RETRIEVED FROM DEMONSTRATION COPY