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Attorneys for Intervenors Alaskans for Mary and DSCC

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF ALASKA; CAROL BEECHER, in her official capacity as Director of the Division of Elections of the State of Alaska; the ELECTION BOARDS of the STATE OF ALASKA; and the BALLOT COUNTING REVIEW BOARDS of the STATE OF ALASKA,

Defendants.

Case No. 3:26-cv-00376-SLG

INTERVENOR-DEFENDANTS ALASKANS FOR MARY AND DSCC'S JOINDER IN DEFENDANTS' OPPOSITION TO MOTION TO EXPEDITE

Intervenor-Defendants Alaskans for Mary and DSCC hereby join in Defendants' and LWVAK Intervenors' oppositions, ECF Nos. 72, 73, to the Department of Justice's motion to expedite consideration of its motion for a preliminary injunction and expedited discovery, ECF No. 70. The Department of Justice ("DOJ") seeks a ruling on its combined motion by Monday, but DOJ's frivolous Amended Complaint will be the subject of fully briefed motions to dismiss by mid-day tomorrow. Dismissal with prejudice will necessarily moot the preliminary relief and expedited discovery that DOJ seeks. After all, likelihood of success is "a threshold inquiry" for obtaining a preliminary injunction, so a plaintiff who fails to show likely success cannot obtain preliminary relief. *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (en banc). And "plaintiffs must satisfy the pleading requirements of Rule 8 *before* the discovery stage, not after it." *Mujica v. AirScan Inc.*, 771 F.3d 580, 593 (9th Cir. 2014) (citing *Ashcroft v. Iqbal*, 556 U.S. 662, 678–79 (2009); *see also Jarvis v. Regan*, 833 F.2d 149, 155 (9th Cir. 1987) (affirming stay of discovery pending resolution of motion to dismiss where "the district court accepted the facts alleged by the appellants as true but found them deficient as a matter of law").

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Alaskans for Mary and DSCC also agree with Defendants that DOJ's vague demand that Alaska segregate ballots in a way that would somehow allow voters to be identified based on the candidates they voted for—a request found nowhere in its Amended Complaint—is irreconcilable with Alaska's voting procedures and a direct affront to Alaskans' constitutional right to a secret ballot. And the expedited discovery DOJ seeks is wholly irrelevant to DOJ's claims in this case. No matter how Daniel J. Sullivan came to

run or what his reasons were for running, the statement of purpose of the NVRA does not empower DOJ to interfere with the certification of Alaska's U.S. Senate election in accordance with Alaska law. Nothing in the voluminous discovery DOJ demands could transform DOJ's frivolous claims into viable causes of action.

CONCLUSION

The Court should deny the motion to expedite.

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Dated: October 30, 2026.

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CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2026, I filed a true and correct copy of the foregoing document with the Clerk of the Court for the United States District Court of Alaska by using the CM/ECF system. Participants in this Case No. 3:26-cv-00376-SLG who are registered CM/ECF users will be served by the CM/ECF system.

/s/ *Kevin M. Boots*
Kevin M. Boots

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