IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JASON FRAZIER and EARL FERGUSON,

Plaintiffs,

v.

FULTON COUNTY DEPARTMENT OF REGISTRATION AND ELECTIONS, SHERRI ALLEN, AARON JOHNSON, MICHAEL HEEKIN, and TERESA K. CRAWFORD, individually, and in their official capacities as Members of the Fulton County Department of Registration and Elections, KATHRYN GLENN, individually, and in her official capacity as Registration Manager of the Fulton County Department of Registration and Elections, BRAD RAFFENSPERGER, in his official and individual capacities,

Defendants.

Civil Action No. 24-cv-03819-SCJ

NEW GEORGIA PROJECT ACTION FUND'S BRIEF IN SUPPORT OF MOTION TO INTERVENE AS DEFENDANT

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Proposed Intervenor New Georgia Project Action Fund moves to intervene as a defendant in this matter. Intervention is appropriate under Federal Rules of Civil Procedure 24(a)(2) and, alternatively, 24(b) for the following reasons:

INTRODUCTION

The National Voter Registration Act ("NVRA") was enacted to advance several goals. Congress sought to increase the number of eligible citizens who register to vote and enhance voter participation in elections for federal office, for instance, while also maintaining accurate and current voter rolls. As a result, the law strikes a delicate balance between its voter engagement and list maintenance goals. It prescribes certain list maintenance activities, but also imposes procedural guardrails to prevent undue harassment or outright disenfranchisement of eligible, registered voters, particularly in the final three months before an election.

In this lawsuit, Plaintiffs seek to weaponize the NVRA to purge Fulton County voters from the rolls on the eve of an election. Their complaint declares that thousands of ineligible voters remain on Fulton County's voter rolls but offers no factual support for this conclusion. They fault Fulton County's Department of Registration and Elections for refusing to consider their voter challenges during the NVRA's 90-day quiet period, but never reveal the grounds for their challenges, or the evidence they presented. Armed with these threadbare allegations, Plaintiffs demand extraordinary (and unlawful) relief, including writs of mandamus requiring

Defendants to re-examine the qualifications of *every* registered voter in Fulton County, and to implement various disruptive list maintenance procedures, none of which is required by federal law. In fact, Plaintiffs' requested injunctive relief is almost exclusively grounded in purported violations of state law.

New Georgia Project Action Fund ("NGPAF") seeks to protect the fundamental voting rights of its members and constituents—who are among those most at risk from Plaintiffs' voter challenges and requested purges—as well as NGPAF's own organizational interests, which would be impeded if Plaintiffs succeed in forcing baseless challenges and removals of voters from the rolls in the days ahead. NGPAF is entitled to intervene as a matter of right under Federal Rule of Civil Procedure 24(a) because this lawsuit threatens to impair its interests as a practical matter. NGPAF's core mission is to secure its members' and constituents' ability to exercise their right to vote, and it invests significant resources in Georgia conducting programs to advance this mission. If Plaintiffs' relief is granted, NGPAF would have to divert its scarce resources during this critical election cycle to protect its members and constituents from being purged from the rolls and barred from voting.

The existing government defendants do not adequately represent NGPAF's interests. They represent the interests of the government—and the competing obligations that come with responding to constituents with different views on how

the relevant laws should be enforced—and are cabined by their statutory obligations to carry out list-maintenance protocols. In fact, the Secretary and Fulton County Defendants are *defendants* against NGPAF's sister organization in a lawsuit challenging a recently enacted law (SB 189) precisely because that law made it easier for voter challenges to burden and even disenfranchise Georgians who are among NGPAF's members and constituents. *See New Georgia Project et al. v. Raffensperger et al.*, CAF No. 1:24-cv-03412-SDG (N.D. Ga.).

Because NGPAF satisfies each requirement for intervention as a matter of right under Federal Rule of Civil Procedure 24(a), the motion to intervene should be granted. Alternatively, the motion should be granted on a permissive basis under Rule 24(b).

BACKGROUND

I. Fulton County's Obligations Under the NVRA

The NVRA requires states to provide simplified, voter-friendly systems for registering to vote. It establishes procedures designed to "increase the number of eligible citizens who register to vote" and also seeks to make it "possible for Federal, State, and local governments to implement [the NVRA] in a manner that enhances the participation of eligible citizens as voters." 52 U.S.C. § 20501(b)(1)–(2). And Congress enacted these measures in part because it found that "discriminatory and unfair registration laws and procedures can have a direct and damaging effect on

voter participation . . . and disproportionately harm voter participation by various groups, including racial minorities." *Id.* § 20501(a)(3).

To further Congress's pro-voter objectives, the NVRA imposes strict restrictions on whether, when, and how a state may remove a voter from its registration rolls. *See* 52 U.S.C. § 20507(a)(3)–(4), (b)–(d). Immediate removal is permitted only in rare circumstances, such as when a voter requests to be deregistered or is convicted of a disenfranchising felony. *See id.* § 20507(a)(3)(A)–(B). Otherwise, a state may not remove voters from the rolls without first complying with prescribed procedural safeguards that Congress imposed to minimize risks of erroneous deregistration. *See id.* § 20507(a)(3)(C), (c), (d). For instance, a registrant may be removed from the rolls because of a change in residence, in most cases, only after failing to respond to a notice *and* failing to appear to vote for two general elections after that notice. *Id.* § 20507(d)(1). The NVRA also prohibits systematic voters purges within 90 days of any federal election. *Id.* § 20507(c)(2)(A) (the "90-day quiet period").

Considering these protections, courts have recognized that the NVRA "does not require states to immediately remove every voter who may have become ineligible." *Pub. Int. Legal Found. v. Benson*, No. 1:21-CV-929, 2024 WL 1128565, at *11 (W.D. Mich. Mar. 1, 2024) ("*PILF*"). Rather, Congress prioritized accuracy over speed, and emphasized caution when removing voters to minimize the risk that

qualified registrants will be disenfranchised. *See, e.g.*, *Bellitto v. Snipes*, 935 F.3d 1192, 1198–99 (11th Cir. 2019) (discussing the "balance" that Congress "crafted" in enacting the NVRA's list maintenance provisions).

Plaintiffs' lawsuit ignores the NVRA's safeguards against disenfranchisement and instead seeks to misuse the statute to micromanage states' affirmative list-maintenance obligation. The NVRA requires that each state make "a *reasonable* effort to remove the names of ineligible voters from the official lists of eligible voters by reason of [] the death of the registrant; or [] a change in the residence of the registrant." 52 U.S.C. § 20507(a)(4)(A), (B) (emphasis added). In other words, "Congress did not establish a specific program for states to follow for removing ineligible voters," *PILF*, 2024 WL 1128565 at *10, nor did it demand perfection; it required only "reasonable" list maintenance efforts—and only in response to a registrants' death or change of residence.

II. Plaintiffs' Lawsuit

Plaintiffs are two activists who have challenged the qualifications of thousands of voters in Georgia. Largely relying on an artificially cropped statement made by the Chair of the Fulton County Board that the county "never conducts an independent search for . . . dead people, felons, [or] people who live out of state," Plaintiffs allege that Fulton County "does not maintain, nor does it even attempt to

maintain, accurate voter rolls." Compl. at 1.[1] More specifically, Plaintiffs allege that Fulton County is not conducting a "reasonable" list maintenance program under the NVRA, 52 U.S.C. § 20507(a)(4), and that the County is also violating state laws governing voter challenges and list maintenance, *see* Compl. ¶¶ 50-120. Plaintiffs further claim that the NVRA's 90-day quiet period restricts only state actors, and that Fulton County's application of the quiet period to voter eligibility challenges conflicts with state law requiring boards to hear and resolve such challenges within ten days. *Id.* at ¶¶ 121–35. Thus, Plaintiffs argue that specific voter challenges submitted on August 4, 2024, should have been heard and resolved. *Id.* ¶¶ 136–52.

In contrast to their bare allegations, Plaintiffs' prayer for relief is breathtaking in scope as it advances 17 separate requests that would inject this Court into just about all of the County's list maintenance decisions. *See* Compl. at 32–35 (Prayer for Relief). Most significantly, Plaintiffs seek an order compelling Fulton County to examine, "prior to the November 5, 2024 General Election," "the qualifications of each elector of the county" and hold a hearing on any voter qualification challenges "within ten business days," *id.* at 33. Recognizing that we are well within the

[1] While the Complaint makes no mention of it, the public record shows that the Chair's full statement went on to immediately state that the county receives information about potential ineligible voters "daily" and that it is "systemically following" the appropriate list-maintenance requirements under state and federal law. Board of Commissioners Meeting, Fulton County Gov. TV at 2:27:46–2:29:08 (November 15, 2023), https://www.youtube.com/watch?v=piU7ZP1T0t8.

NVRA's 90-day quiet period barring systematic removals, Plaintiffs seek a corresponding order declaring that the 90-day quiet period does not impose a "prohibition against the removal of ineligible voters based on any challenger or non-state actor's use of any program in creating or otherwise formulating a lawful voter roll challenge." *Id.* at 34. Plaintiffs also ask this Court to reinstate the prior challenges they believe were wrongly denied, and to "remove any ineligible voter previously challenged and rejected based upon an erroneous misapplication of the non-existent 90-day prohibition window." *Id.*

Plaintiffs seek relief against Secretary Raffensperger as well. Specifically, Plaintiffs ask the Court to declare that the Secretary violated his "fiduciary duties as a public elected official by misleading and directing county officials" to violate the law, and compel him to issue a statewide directive "that the NVRA does not bar the removal of voters in the 90-day period preceding an election based on a challenger's use of any program." *Id.*

III. Proposed Intervenor New Georgia Project Action Fund

NGPAF is a nonpartisan, nonprofit 501(c)(4) membership organization in Fulton County dedicated to registering eligible Georgians to vote. Currently, NGPAF has more than 2,000 members throughout the state, including in Fulton County. NGPAF's mission is to increase the civic participation of racial minorities and other historically marginalized communities by registering eligible citizens from

these groups to vote, and ensuring that they are able to cast votes that will be counted. Thus, in addition to its members, NGPAF also serves a broader constituency of marginalized voters in Fulton County and Georgia during the voting process to ensure that they can become full-fledged, civically engaged citizens and have their voices heard.

In furtherance of its mission, NGPAF engages in significant voter registration, education, and assistance activities in Fulton County, which is the most populous county in the state and home to nearly half a million voters of color. NGPAF has expended, and continues to invest, considerable time and mission-critical resources ensuring that its members and constituents in Fulton County are registered to vote. NGPAF has also hosted trainings and prepared resources for its members and partner organizations regarding registration drives and other voter support activities for this election cycle. NGPAF further serves as a critical source of assistance for its members and constituents in Fulton County, including by monitoring and responding to attempted voter challenges and purges, and helping voters to re-register and cast their ballots.

Given that Plaintiffs seek relief that would effectively require a review of all of Fulton County's voter rolls and would allow indiscriminate challenges based on systematic purge programs to go forward on the eve of the November election, *supra* Background § I.B, NGPAF has reason to fear that its members and constituents will

be improperly identified for removal and disenfranchised as a result of this action. In fact, NGPAF's members and constituents—a majority of whom are Black, young, and come from low-income backgrounds—are disproportionately likely to lack a permanent residential mailing address in Fulton County, which places them at an elevated risk of wrongful challenges and removal from the rolls.

If NGPAF's constituents are identified for removal from the registration rolls because of the challenges and purges demanded by Plaintiffs, NGPAF's mission of maximum voter registration among its membership and constituency will be frustrated. To combat that risk, NGPAF will be forced to expend significant time and resources educating these constituents as to how they can preserve their rightful inclusion in the voter rolls and supporting voters forced to defend their qualifications in challenge hearings. NGPAF would also need to expend resources developing and distributing educational materials to its members and constituents regarding the risks associated with Plaintiffs' eleventh-hour eligibility challenges.

ARGUMENT

I. NGPAF is entitled to intervene as a matter of right under Rule 24(a)(2).

Under Rule 24(a)(2), this Court "must allow" intervention as of right if four requirements are met: (1) the motion is timely; (2) movants have a legally protected interest in this action; (3) this action may impair or impede that interest; and (4) no existing party adequately represents Movants' interests. *Chiles v. Thornburgh*, 865

F.2d 1197, 1213 (11th Cir. 1989). "[A]ny doubt concerning the propriety of allowing intervention should be resolved in favor of the proposed intervenors." *New Georgia Project v. Raffensperger*, No. 1:21-CV-01229-JPB, 2021 WL 2450647, at *2 (N.D. Ga. June 4, 2021) (quoting *Fed. Sav. & Loan Ins. Corp. v. Falls Chase Special Taxing Dist.*, 983 F.2d 211, 216 (11th Cir. 1993)). NGPAF easily satisfies these requirements.[2]

A. The motion to intervene is timely.

NGPAF's motion is timely. Plaintiffs filed their Complaint on August 28, 2024. *See* Compl., ECF No. 1. This motion follows less than two weeks later, before any significant action has occurred in the case. NGPAF is also prepared to comply with the briefing schedules the Court sets and participate in any proceedings without delay, including the hearing set for Thursday, September 12. *See* Order, ECF No. 6. As a result, there is no possible risk of prejudice to the other parties. *See, e.g.*, *Chiles*, 865 F.2d at 1213. Therefore, NGPAF's motion is timely. *Id.* ("The requirement of timeliness must have accommodating flexibility toward both the court and the

[2] Rule 24(c) requires a motion to intervene to "be accompanied by a pleading that sets out the claim or defense for which intervention is sought." Fed. R. Civ. P. 24(c). Should NGPAF be granted intervention, NGPAF requests the Court's permission to file a Motion to Dismiss, attached as Exhibit 2. Should the Court decline to grant NGPAF's request to file its Motion to Dismiss, a Proposed Answer is attached as Exhibit 1.

litigants if it is to be successfully employed to regulate intervention in the interest of justice.").

On the other hand, as detailed below, NGPAF would suffer substantial prejudice if its request to intervene is denied because it would be effectively unable to protect its members' or its own significant interests in the tight timeline before the impending election. *Id*. (recognizing that courts may also weigh "the extent of prejudice to the [proposed intervenors] if their motion is denied" in analyzing timeliness).

B. The disposition of this case may impair NGPAF's ability to protect its interests.

Proposed Intervenors have significant protectable interests that stand to be impaired by Plaintiffs' suit, satisfying the intertwined second and third elements of Rule 24(a)(2).

To satisfy these elements, a movant must show that it "is so situated that disposing of [this] action may as a practical matter impair or impede [its] ability to protect [an] interest." Fed. R. Civ. P. 24(a)(2). The movant "do[es] not need to establish that [its] interests *will* be impaired . . . only that the disposition of the action 'may' impair or impede [its] ability to protect [its] interests." *Brumfield v. Dodd*, 749 F.3d 339, 344 (5th Cir. 2014) (emphasis in original). This inquiry is "flexible" and depends on the circumstances surrounding the action. *Chiles*, 865 F.2d at 1214. The "impairment of interests" language of Rule 24(a) is "obviously designed to

liberalize the right to intervene in federal actions." *Nuesse v. Camp*, 385 F.2d 694, 701 (D.C. Cir. 1967); *accord Chiles*, 865 F.2d at 1214.

Here, NGPAF has at least two significant, protectable interests that this action threatens to impair. *First*, NGPAF has an interest in ensuring that its members and constituents—many of whom are among those most likely to be affected by the kind of voter roll purges and challenges that Plaintiffs seek—remain registered to vote and are able to successfully participate in the upcoming election. *Second*, an order compelling the relief sought would require NGPAF to divert significant time and resources away from other mission-critical election-year priorities, toward efforts to mitigate the impact of the purges and challenges Plaintiffs seek—harming its mission in the process.

1. Plaintiffs' lawsuit risks unlawful disenfranchisement of NGPAF's members and constituents.

NGPAF has an interest in ensuring that its members and constituents can access the franchise free from unnecessary obstacles—and in preventing purging of the voters it represents. Numerous courts have agreed that this is a sufficient basis to demonstrate a protectible interest for the purpose of intervening in an NVRA case seeking to remove voters from the rolls. *See Bellitto v. Snipes*, No. 16-cv-61474, 2016 WL 5118568, at *2–3 (S.D. Fla. Sept. 21, 2016) (granting membership organization intervention as a matter of right in NVRA case); *Jud. Watch, Inc. v. Illinois State Bd. of Elections*, No. 24 C 1867, 2024 WL 3454706, *3 (N.D. Ill. July

18, 2024) (granting intervention based in part on "an associational interest in protecting their members from unlawful removal from the voter rolls should Plaintiffs succeed in obtaining their requested relief"); *see also, e.g.*, *PILF v. Winfrey*, 463 F. Supp. 3d 795, 799–800, 802 (E.D. Mich. 2020) (granting organization permissive intervention in NVRA case); Order, *Daunt v. Benson*, 1:20-cv-522 (W.D. Mich. Sept. 28, 2020), ECF No. 30 (same); Order, *Voter Integrity Proj. NC, Inc. v. Wake Cnty. Bd. of Elections*, No. 5:16-cv-683 (E.D.N.C. Dec. 1, 2016), ECF No. 26 (granting voters permissive intervention in NVRA case). In *Bellitto*, for example, the district court permitted an organization with members in Florida to intervene because "the interests of its members would be threatened by [any] court-ordered 'voter list maintenance' sought by Plaintiffs," a "potential harm" the court found "*particularly great in light of the upcoming . . . General Election*." 2016 WL 5118568, at *2 (emphasis added). That is precisely the case here.

Moreover, an organizational plaintiff is injured when "at least one member" of the organization "faces a realistic danger of suffering an injury." *Gwinnett Cnty. NAACP v. Gwinnett Cnty. Bd. of Registration & Elections*, 446 F. Supp. 3d 1111, 1119-20 (N.D. Ga. 2020). Courts have accordingly and consistently held that threats to an organization's members' voting rights meets the more stringent injury requirement of Article III, and thus would easily satisfy Rule 24(a)'s more permissive test. *See, e.g.*, *Democratic Party of Georgia, Inc. v. Crittenden*, 347 F.

Supp. 3d 1324, 1337 (N.D. Ga. 2018); *Fla. Democratic Party v. Scott*, 215 F. Supp. 3d 1250, 1254 (N.D. Fla. 2016); *Fla. Democratic Party v. Hood*, 342 F. Supp. 2d 1073, 1079 (N.D. Fla. 2004); *Mi Familia Vota v. Fontes*, No. CV-22-00509, 2024 WL 862406, at *29–32 (D. Ariz. Feb. 29, 2024); *cf. Yniguez v. State of Arizona*, 939 F.2d 727, 735 (9th Cir. 1991) (recognizing that proposed intervenors' showing that they could satisfy the higher "injury" standard under Article III therefore "compels the conclusion that they have an adequate interest" for purposes of Rule 24). And here, as already explained, NGPAF's members and constituents face an acute risk from the kinds of systematic court-ordered voter roll purges that Plaintiffs seek. *Supra* Argument § I.B.

2. Plaintiffs' lawsuit threatens NGPAF's limited organizational resources.

Plaintiffs' requested relief would compel new voter roll maintenance activities and voter purges on the eve of the general election, at a time when NGPAF is working furiously to help eligible voters register by that deadline. Such actions would force NGPAF to divert significant resources to assist voters who are in danger of being purged—some of whom are highly likely to be NGPAF's members and constituents given the sheer number of voters NGPAF has registered in Fulton County. And NGPAF would have to shift focus from registering new voters in the days ahead, to scrambling to help voters respond to challenges, procure any necessary documents to prove their voting eligibility, and race to re-register any

voters who are removed from the rolls. What is more, the impact of these challenges would not be limited to the challenged voters, but would further serve to intimidate and dissuade other Fulton County voters from registering in the last few weeks before voter registration for the November election closes, which again impairs NGPAF's mission.

Like its interest in protecting its members and constituents' right to vote, NGPAF's interest in protecting its own organizational mission and resources would suffice to meet even Article III's more demanding standard for standing. *See, e.g.*, *New Georgia Project v. Raffensperger*, 484 F. Supp. 3d 1265, 1286-87 (N.D. Ga. 2020); *Arcia v. Fla. Sec'y of State*, 772 F.3d 1335, 1341 (11th Cir. 2014); *Fair Fight Action, Inc. v. Raffensperger*, 413 F. Supp. 3d 1251, 1266 (N.D. Ga. 2019). This second interest therefore supplies a more than sufficient and independent basis for granting intervention under Rule 24. *E.g.*, *Issa v. Newsom*, No. 2:20-cv-01044-MCE-CKD, 2020 WL 3074351, at *3 (June 10, 2020 E.D. Cal.) (granting intervention and citing this protected interest).

C. NGPAF's interests are not adequately represented by the existing parties.

Proposed Intervenor will not be assured adequate representation in this matter if it is denied intervention. "The requirement of the Rule is satisfied if the applicant shows that representation of his interest 'may be' inadequate," and therefore "the burden of making that showing should be treated as minimal." *Trbovich v. United*

Mine Workers of Am., 404 U.S. 528, 538 n. 10 (1972) (citing 3B J. Moore, Federal Practice 24.09—1 (4) (1969)); *accord Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 196 (2022); *Chiles*, 865 F.2d at 1214. Accordingly, courts are "liberal in finding" this requirement to be met because "there is good reason in most cases to suppose that the applicant is the best judge of the representation of the applicant's own interests." 7C Charles Alan Wright & Arthur R. Miller, Federal Practice & Procedure § 1909 (3d ed. 2024). Indeed, the Supreme Court recently cautioned that courts should not conduct this inquiry at too "high [a] level of abstraction," and reaffirmed that, even where the parties' interests "seem[] closely aligned," the burden to demonstrate inadequate representation remains "minimal" unless those interests are "identical." *Berger*, 597 U.S. at 196. So even if the existing defendants oppose the relief Plaintiffs seek, it does not follow that they will adequately represent NGPAF's interests.

This is especially true when the defendants are government entities. Because government parties' "views are necessarily colored by [their] view of the public welfare rather than the more parochial views of a proposed intervenor whose interest is personal to it," courts have regularly found that "the burden [of establishing inadequacy of representation] is comparatively light." *Kleissler v. U.S. Forest Serv.*, 157 F.3d 964, 972 (3d Cir. 1998) (citing *Conservation L. Found. of New England, Inc. v. Mosbacher*, 966 F.2d 39, 44 (1st Cir. 1992) and *Mausolf v. Babbitt*, 85 F.3d

1295, 1303 (8th Cir. 1996)); *Issa*, 2020 WL 3074351, at *3; *Paher v. Cegavske*, No. 3:20-cv-00243-MMD-WGC, 2020 WL 2042365, at *3 (D. Nev. Apr. 28, 2020).

Here, neither Plaintiffs nor the existing defendants adequately represent NGPAF's interests. Plaintiffs' and NGPAF's interests are clearly not aligned, as NGPAF strongly opposes the relief Plaintiffs seek. And while the existing Fulton County defendants and Secretary Raffensperger are on the side of this lawsuit that NGPAF seeks to join, they do not adequately represent NGPAF's interests either. The divergence of interests between government officials and private parties is particularly sharp in actions like this one that seek to identify and remove voters from the rolls. *Bellitto*, 2016 WL 5118568, at *2 (granting intervention as a matter of right to organization in voter purge challenge); *see also Jud. Watch, Inc.*, 2024 WL 3454706, at *4 (similar); *Winfrey*, 463 F. Supp. 3d at 799–800 (granting permissive intervention on this ground). This is because government defendants have competing obligations "to protect the integrity of the electoral process and to ensure that accurate and current voter registration rolls are maintained," while groups like NGPAF have a more limited focus on protecting their own interests and those of their voters. *Winfrey*, 463 F. Supp. 3d at 800 (citing *Bellitto*, 935 F.3d at 1198).

That is obviously the case here: While NGPAF opposes practices that expand burdensome voter challenges and purges from the voter rolls, defendants are charged

with facilitating some of these acts. For example, the Fulton County Board may examine the qualifications of electors and remove individuals deemed to be unqualified in response to a properly filed challenge. *See* O.C.G.A. §§ 21-2-228 through 230. The existing government defendants are not institutionally designed to be zealous advocates for voter participation and cannot adequately represent the interests of NGPAF, whose mission is just that. Indeed, as noted above, NGPAF's sister organization is currently suing Defendants because of these practices. *Supra* pp. 3–4. NGPAF has therefore shown that its interests "may" not be adequately represented by the existing defendants. *Trbovich*, 404 U.S. at 538 n. 10; *cf. Meek v. Metro. Dade Cnty., Fla.*, 985 F.2d 1471, 1478 (11th Cir. 1993) ("Any doubt concerning the propriety of allowing intervention should be resolved in favor of the proposed intervenors because it allows the court to resolve all related disputes in a single action.").

II. The Court should alternatively grant NGPAF permissive intervention under Rule 24(b).

If the Court does not grant intervention as a matter of right, NGPAF requests that the Court exercise its discretion to allow it to intervene under Rule 24(b). The Court has discretion to grant a motion for permissive intervention when: (1) the proposed intervenor's claim or defense and the main action have a question of law or fact in common, and (2) the intervention will not unduly delay or prejudice the adjudication of the original parties' rights. *See* Fed. R. Civ. P. 24(b); *Chiles*, 865

F.2d at 1213; *Ga. Aquarium, Inc. v. Pritzker*, 309 F.R.D. 680, 690 (N.D. Ga. 2014). "[T]he claim or defense clause of Rule 24(b)(2) is generally given a liberal construction." *Ga. Aquarium*, 309 F.R.D. at 690.

NGPAF easily meets these requirements. First, NGPAF will inevitably raise common questions of law and fact because they seek to oppose the very challenges and purges that Plaintiffs seek to compel in this lawsuit. *Supra* Argument § I.B. Second, for the reasons already explained, the motion to intervene is timely, and given the early stage of this litigation, intervention will not delay or prejudice the adjudication of the rights of the original parties. *Supra* Argument § I.A. NGPAF is prepared to proceed in accordance with the schedule this Court determines, and its intervention will only serve to contribute to the complete development of the factual and legal issues before the Court.

CONCLUSION

For these reasons, NGPAF respectfully requests that the Court grant its motion to intervene as a matter of right, or in the alternative, to intervene permissively.

Dated: September 11, 2024

Respectfully submitted,

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**Pro Hac Vice Application Forthcoming*

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1D, the undersigned counsel hereby certifies that the foregoing document complies with the font and point selections approved by the Court in Local Rule 5.1C. This document was prepared on a computer using Times New Roman font (14 point).

This 11th day of September 2024.

/s/ Adam M. Sparks
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