

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF ARIZONA,)	
)	
Plaintiff,)	
)	
v.)	
)	No. 1:11-cv-01559-JDB
ERIC H. HOLDER, JR., Attorney General of)	
the United States of America,)	
)	
Defendant.)	
)	
and)	
)	
LUIS AVILA, CALVIN GOODE, MELVIN)	
HANNAH, ERIC MANTE, KATHRYN)	
NAKAGAWA, NAPOLEON PISAÑO, and)	
DIONNE THOMAS,)	
)	
<u>Applicants for Intervention.</u>)	

MOTION FOR LEAVE TO INTERVENE AS DEFENDANTS

Luis Avila, Calvine Goode, Melvin Hannah, Eric Mante, Kathryn Nakagawa, Napoleon PISAÑO, and Dionne Thomas hereby move the Court for leave to intervene as defendants in this action as of right pursuant to Rules 24(a)(1) and (2), F.R. Civ. P, or alternatively to intervene permissibly pursuant to Rules 24(b)(1)(A) and (B), F.R. Civ. P. The individual applicants are residents and registered voters of the State of Arizona and members of racial or language minorities.

The grounds for the motion to intervene as of right are that a statute of the United States, 42 U.S.C. § 1973b(a)(4), confers an unconditional right upon any aggrieved party to intervene at any stage in an action seeking to bailout from Section 5 coverage. The State of Arizona is seeking a declaration that Section 5 is unconstitutional or, in the alternative, is seeking to bail out

from Section 5 coverage. In addition, applicants claim an interest in the property or transaction which is the subject of this action and are so situated that the disposition of the action may as a practical matter impair or impede their ability to protect that interest. Applicants further allege that their interest is not adequately represented by existing parties.

In the alternative, applicants move the Court for permissive intervention pursuant to Rules 24(b)(1)(A) and (B), F.R. Civ. P., on the grounds that the claims and defenses of applicants and the main action have common questions of law or fact.

This motion is accompanied by applicants' memorandum in support of intervention and initial responsive pleading setting forth the claims and defenses for which intervention is sought.

WHEREFORE, applicants request that their Motion for Leave to Intervene as Defendants be granted.

Respectfully submitted,

/s/ Arthur B. Spitzer

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