IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SEAN CURRAN, DELAWARE ADAPT, FREEDOM CENTER FOR INDEPENDENT LIVING, UNITED SPINAL ASSOCIATION, NATIONAL COUNCIL ON INDEPENDENT LIVING, NOT DEAD YET, and INSTITUTE FOR PATIENTS' RIGHTS, Plaintiffs, v. THE HONORABLE MATTHEW MEYER, in his official capacity as Governor of the State of Delaware, DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, THE HONORABLE CHRISTEN LINKE YOUNG, in her official capacity as Secretary of Delaware Department of Health and Social Services, DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE, JOSEPH PARISE, D.O., in his official capacity as President of Delaware Board of Medical Licensure and Discipline, DELAWARE BOARD OF NURSING and JAQUELINE MAINWARING, CRNA, APRN, in her official capacity as the President of the Delaware Board of Nursing, Defendants.	C.A. No. 1:25-cv-01475-GBW

OPENING BRIEF IN SUPPORT OF MOTION TO INTERVENE OF SUSAN BOYCE, VICKIE GEORGE, AND COMPASSION & CHOICES ACTION NETWORK

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Proposed Intervenors—two individuals, Susan Boyce and Vickie George, and an advocacy organization, Compassion & Choices Action Network ("CCAN")—seek leave to intervene as Defendants by right or, alternatively, permissively. Proposed Intervenors respectfully request that the Court allow the filing of their opposition to Plaintiffs' motion for a temporary restraining order, which Proposed Intervenors have submitted along with this motion to intervene. Proposed Intervenors also respectfully request that they be granted leave to respond to the Complaint pursuant to Rule 24(c) by the same deadline as the current Defendants ("State Defendants") or three business days after intervention is granted, whichever is later. State Defendants do not oppose the requested relief. Plaintiffs oppose.

NATURE AND STAGE OF PROCEEDINGS

Plaintiffs filed suit on December 8, 2025, challenging the Ron Silverio/Heather Block End of Life Options Act, 16 *Del. C.* § 2501C, *et seq.* (the "Act"), which is scheduled to go into effect on January 1, 2026. *See* D.I. 1. Plaintiffs moved for a temporary restraining order ("TRO Motion") the same day, seeking to bar the implementation and enforcement of the Act. *See* D.I. 3. State Defendants' opposition to Plaintiffs' TRO Motion was filed yesterday, December 18, 2025. *See* D.I. 37. Proposed Intervenors have attached their proposed opposition to Plaintiffs' TRO motion as Exhibit A.

SUMMARY OF ARGUMENT

The Act, named after two patient advocates who passed away before the law was enacted, gives Delawareans who are approaching death the right to control how and when they die, in alignment with their personal values and beliefs. The Act does not mandate participation by any patient or medical provider. Rather, it gives a terminally ill patient the right to request a medical aid-in-dying ("MAID") prescription from their medical provider, who may approve the patient's request only after complying with numerous safeguards to ensure the request is voluntarily made

and well informed. Plaintiffs seek to take this right away from terminally ill Delawareans only days before the Act is scheduled to go into effect.

Proposed Intervenors have a direct interest in the lawsuit and should be granted intervention as of right under Rule 24(a). *First*, the request for intervention is timely given it was filed only 11 days after the case was filed. *Second*, Proposed Intervenors stand to be adversely affected if the Act is enjoined. The individual Proposed Intervenors seek to ensure they can exercise autonomy over their end-of-life circumstances and can enjoy the peace of mind knowing that they will be able to utilize MAID if they so choose. CCAN has an interest in the Act going into effect as an organization that fights for these rights; CCAN has expended substantial resources, including staff and volunteer time as well as financial support, to help get the Act passed. *Third*, because State Defendants are differently positioned and lack a personal stake in the Act's enactment, they may not adequately represent Proposed Intervenors' interests in defending the statute. For all of these reasons, Proposed Intervenors respectfully request that the Court grant their motion for intervention as of right.

Alternatively, Proposed Intervenors request that the Court grant permissive intervention pursuant to Rule 24(b). Proposed Intervenors' motion is timely. Given the early stage of proceedings, there will be no delay or prejudice from granting intervention. Finally, common questions of law and fact exist because the rights of the parties all arise from the question of whether the Act is constitutional or violative of federal statutes. The Court thus may allow Proposed Intervenors to intervene permissively, and it should do so given the uniquely relevant perspectives and subject-matter expertise the Proposed Intervenors bring to the case.

STATEMENT OF FACTS

The Act is the achievement of a long advocacy campaign by and on behalf of Delawareans with terminal illnesses, as well as their family members and loved ones, and the organizations who

support them. Armijo Decl. ¶¶ 4-7. Many of those who were terminally ill and advocated for its passage, including the bill's namesakes, were never given the option to choose the manner and timing of their death as the Act will provide, as they have passed away before the legislation's enactment. Boyce Decl. ¶ 6.

The Act is critically important to Delawareans like Proposed Intervenors Susan Boyce and Vickie George. Susan Boyce is a 62-year-old Delaware resident who has a rare genetic disorder called Alpha-1 Antitrypsin Deficiency ("A1AD"). Boyce Decl. ¶ 2. As a result of A1AD, Ms. Boyce loses lung function with every cold or other type of lung infection. *Id.* ¶ 3. Her A1AD is incurable and is expected to ultimately cause her death. *Id.* Ms. Boyce identifies as a person with a disability, but she is not currently eligible under the Act because having a disability is not what renders one eligible; rather, having a "terminal illness" is required, and Ms. Boyce does not yet have a prognosis of less than six months left to live, as the statutory definition of the term requires. *Id.* ¶¶ 2, 8. Nonetheless, passage of the Act has already greatly benefited Ms. Boyce, as she has "experienced an incredible peace of mind … know[ing] that [she] will be able to access this healthcare option and have the medication available to [her], even if [she] ultimately decide[s] not to use it." *Id.* ¶ 9. By giving her "control over the manner and timing of [her] inevitable death," the Act has given Ms. Boyce "freedom to fully live [her] life without fear of death and the dying process." *Id.* Beyond that invaluable sense of comfort and relief from fear of the dying process, the Act has also "give[n] [Ms. Boyce] courage to participate in new treatment options, because [she] know[s] the manner and timing of [her] death is within [her] control if those treatments fail or worsen [her] condition." *Id.* ¶ 10. If the Act does not go into effect on January 1, 2026, the "thoughtful and emotional end-of-life planning" that Ms. Boyce engaged in with her family and medical providers "will be compromised," and she again will be forced to focus on "the

uncertainties of [her] death" rather than the "joy of living whatever time [she has] left to the fullest." *Id.* ¶ 12.

The Act has similar personal significance for Ms. George. Ms. George is a 70-year-old Delaware resident who has primary-progressive multiple sclerosis ("MS"). George Decl. ¶ 2. MS causes the body to attack the protective sheath covering nerve fibers, which interrupts the communication between brain and body. *Id.* ¶ 3. It is incurable. *Id.* Due to the progression of her MS, Ms. George is now a quadriplegic and requires the help of a care team 24 hours a day, seven days a week. *Id.* ¶ 4. Notwithstanding her diagnosis and the progression of her MS, Ms. George has remained active and co-founded an organization that supports people with disabilities called "Yes U Can USA." *Id.* ¶¶ 7-8. Ms. George's organization has assisted hundreds of children and adults with disabilities through adapted sports, fitness, and recreation, and seeks to assist people with disabilities so that they can continue to be active community members and live full lives. *Id.* ¶ 8. While Ms. George is not currently eligible under the Act because she does not have a prognosis of less than six months to live, Ms. George wants MAID to be one of the options available to her at the end of her life should she be faced with medical circumstances that qualify her for MAID. *Id.* ¶¶ 4, 6, 12, 14. Moreover, Ms. George is upset at the characterization in Plaintiffs' Complaint of disabled people like herself as unable to make their own autonomous, voluntary, fully informed medical decisions—including about end-of-life care—and wants to ensure the Court hears a different perspective from someone in the disabled community. *Id.* ¶ 13.

Aside from the individuals who stand to benefit from it, the Act is also important to advocacy organizations like CCAN. CCAN advocates and lobbies for laws that protect and expand end-of-life options like, and including, the Act. Armijo Decl. ¶ 3, 7. In particular, CCAN spent several years expending resources, including staff and volunteer time as well as financial support,

to help Delawareans get the Act enacted into law. *Id.* at ¶¶ 4-5. As a result of CCAN's efforts, the list of organizations supporting the Act steadily grew, so as to ultimately comprise a broad range of partners such as the Delaware Nurses Association, the League of Women Voters, the Unitarian Universalist Advocacy Network, and the Stonewall Political Action Committee. *Id.* at ¶ 5. CCAN also funded polling work that revealed a broad base of voter support for access to MAID—with 72% of Delaware voters in favor. *Id.* CCAN also met with Delaware lawmakers to educate them about MAID and introduce them to community members for whom access to MAID is (or was) of deep personal significance. *Id.* ¶ 6. Plaintiffs' attempt to enjoin the Act from taking effect threatens to deprive CCAN—and the constituencies for whom it advocates— of the fruits of these extensive efforts. *Id.* ¶ 7.

The Act was signed into law by Governor Meyer on May 20, 2025. H.B. 140 153rd Gen. Assemb. (Del. 2025); D.I. 1 ¶ 71. It is set to go into effect on January 1, 2026. D.I. 1 ¶ 71. On December 8, 2025, after waiting almost seven months since the Act was signed, and until only three weeks before the Act's effective date, with end-of-year holidays to occur within those three weeks, Plaintiffs filed this suit and simultaneously moved for a temporary restraining order seeking to bar the statute from being implemented. If Plaintiffs were to succeed, it would mean that individuals like Ms. Boyce and Ms. George would be deprived of the benefits of the Act, including the peace of mind they presently enjoy from knowing they will be able to utilize MAID if their conditions ever take a turn for the worst, and CCAN would suffer the loss of the legislative accomplishment that it worked to achieve.

ARGUMENT

I. PROPOSED INTERVENORS ARE ENTITLED TO INTERVENE AS A MATTER OF RIGHT

Under Federal Rule of Civil Procedure 24(a)(2), "[o]n timely motion, the court must permit anyone to intervene who ... claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." Fed. R. Civ. P. 24(a)(2). "A party that has filed a timely motion has a right to intervene under Rule 24(a) if it can show three things: (1) a sufficient interest in the litigation; (2) 'a threat that the interest will be impaired or affected, as a practical matter, by the disposition of the action'; and (3) that its interest is not adequately represented by the existing parties to the litigation." *Commonwealth of Pennsylvania v. President United States of Am.*, 888 F.3d 52, 57 (3d Cir. 2018) (quoting *Kleissler v. U.S. Forest Serv.*, 157 F.3d 964, 969 (3d Cir. 1998)).

The Third Circuit has "stated a 'policy preference which, as a matter of judicial economy, favors intervention over subsequent collateral attacks.'" *Id.* at 59 (quoting *Kleissler*, 157 F.3d at 970). In light of that preference, courts in this district have made clear that "Rule 24 is construed liberally in favor of intervention." *FTE Networks, Inc. v. Szkaradek*, 2022 WL 16961205, at *1 (D. Del. Nov. 16, 2022) (citation omitted).

Proposed Intervenors meet all of the requirements for intervention as of right.[1]

A. Proposed Intervenors' Motion Is Timely

Proposed Intervenors' request for intervention is plainly timely. This motion comes eleven days after Plaintiffs filed their Complaint and TRO Motion . D.I. 1, 3. It is difficult to imagine

[1] Because Proposed Intervenors seek to intervene as defendants, rather than plaintiffs, and seek the same relief as State Defendants, they need not establish Article III standing. *See, e.g.*, *Commw. of Pennsylvania*, 888 F.3d at 57 n.2.

how the Proposed Intervenors could have acted more promptly. *See Unstoppable Domains Inc. v. Gateway Registry, Inc.*, 2023 WL 4156709, at *3 (D. Del. June 23, 2023) (finding motion to intervene timely where motion was filed "just over a month" after the complaint and "[n]o currently named defendant ha[d] filed a responsive pleading", "[n]o discovery ha[d] begun", and "no merits arguments ha[d] been made outside of the complaint and [plaintiff's] motion for a TRO"); *see also Bone v. XTO Energy, Inc.*, 2023 WL 5431139, at *3 (D. Del. Aug. 23, 2023) ("Motions to intervene filed ... within several months of [movants] ascertaining their interest generally are considered timely, especially when little to no discovery has been conducted."); *Luster v. PuraCap Lab'ys, LLC*, 2021 WL 9598625, at *1 (D. Del. Feb. 17, 2021) (finding motion timely where elapsed period was over a month); *Dep't of Nat. Res. & Env't Control v. Mountaire Farms of Del., Inc.*, 375 F. Supp. 3d 522, 528 (D. Del. 2019) ("[G]iven that the motion was filed just twenty-five days after [plaintiff] filed its Complaint, and given that this case is still at the pleadings stage, the Court finds that Intervenors did not delay and their motion is timely.") (citation omitted).

Given the very short amount of time that has elapsed since Plaintiffs filed suit, Plaintiffs have no basis to claim prejudice from the proposed intervention. *See Mountain Top Condo. Ass'n v. Dave Stabbert Master Builder,* 72 F.3d 361, 370 (3d Cir. 1995) ("[T]he stage of the proceeding is inherently tied to the question of the prejudice ... to the parties already involved."); *CogniPower LLC v. Fantasia Trading, LLC*, 2021 WL 327389, at *1 (D. Del. Feb. 1, 2021). By contrast, denying Proposed Intervenors' motion would work significant prejudice to their interests, as discussed in greater detail below. *Cf. Benjamin v. Dep't of Pub. Welfare of Pa.*, 701 F.3d 938, 949-50 (3d Cir. 2012) ("There is a general reluctance to dispose of a motion to intervene as of right

on untimeliness grounds because the would-be intervenor actually may be seriously harmed if not allowed to intervene.").

B. Proposed Intervenors Have Significant Protectable Interests in This Action

Proposed Intervenors have significant and protectable interests that warrant intervention. To satisfy this element, an intervenor must show that "its interest is 'specific to [it], is capable of definition, and will be directly affected in a substantially concrete fashion by the relief sought.'" *Cmmw. of Pennsylvania,* 888 F.3d at 58 (citation omitted); *see Mountain Top Condo. Ass'n, Inc.*, 72 F.3d at 366 (explaining applicant must demonstrate "a tangible threat to a legally cognizable interest") (citation omitted). That standard is easily satisfied here.

For Ms. Boyce and Ms. George, they have an interest in being able to obtain MAID as an end-of-life healthcare option—which is directly threatened by Plaintiffs' attempt to deny Delawareans that ability. Boyce Decl. ¶¶ 6-12; George Decl. ¶¶ 9-14. Courts routinely find that intervention is proper where such a conflict exists between a party's requested relief and a potential intervenor's interest. *See Cmmw. of Pennsylvania*, 888 F.3d at 59 ("Because our focus is on the 'practical consequences' of the litigation, we 'may consider any significant legal effect on the applicant's interest,' including … a proposed remedy's impact on the applicant for intervention") (citation omitted); *Brody By & Through Sugzdinis v. Spang*, 957 F.2d 1108, 1123 (3d Cir. 1992) ("[T]his factor may be satisfied if, for example, … the applicants' rights may be affected by a proposed remedy.").

Indeed, Ms. Boyce and Ms. George have a greater interest in this case than the individual Plaintiff who filed the Complaint. Ms. Boyce and Ms. George both *want* to have MAID available as an option at the end of their lives. By contrast, the individual Plaintiff has no interest in ever utilizing MAID—which is purely voluntary under the Act. Nothing will be taken away from the Plaintiff if the Act is implemented, whereas a right that is very important to Ms. Boyce and Ms.

George will be taken away from them if the Act is enjoined. The effects of that deprivation would be immediate, not merely prospective. As Ms. Boyce has explained, the anticipated availability of MAID has already given her "an incredible peace of mind," and the "freedom to fully live [her] life without fear of death and the dying process." Boyce Decl. ¶ 9. Delaying the implementation of the Act would mean that she "will again become more focused on the uncertainties of [her] death than the joy of living whatever time [she has] left to the fullest." *Id.* ¶ 12. Delay would also mean that "the thoughtful and emotional end-of-life planning" that she has done with her family and medical team would be upended. *Id.* These interests are far more significant and protectable than any articulated by the individual Plaintiff.

As for CCAN, it has the right to intervene because it expended financial and human resources to support passage of the law that Plaintiffs challenge. Armijo Decl. ¶ 5. Courts have recognized that a public interest group is entitled as a matter of right to intervene in an action challenging the legality of a measure it has worked to enact. *See Am. Farm Bureau Fed'n. v. EPA*, 278 F.R.D. 98, 106 (M.D. Pa. 2011) (finding organization was entitled to intervene in challenge to environmental restrictions that it helped develop through involvement in "several stakeholder meetings with EPA" and participation on "technical committee that oversaw the [regulation's] development"). If the Act were to be enjoined, CCAN would lose the fulfillment of that effort. CCAN would also be adversely affected insofar as the constituencies CCAN advocated *for* in supporting the Act would lose the benefits of the law. *See id.* at 106-7 (collecting cases holding that organizations have an interest in the success of efforts for the benefit of their "individual members" and that "go to the core mission" of the organization).

As with the individual Proposed Intervenors compared to the individual Plaintiff, CCAN in fact has more at stake in this lawsuit than the organizational Plaintiffs in the Complaint. Because

the Act does not genuinely threaten to take any rights away from disabled persons, its implementation does not genuinely threaten the constituencies or missions of the organizational Plaintiffs. By contrast, enjoining the Act would take away the very statutory right that CCAN labored to establish, directly harming those CCAN fought for and delivering a significant setback to the organization's core mission. Again, these interests are at least as significant and protectable as any articulated by the organizational Plaintiffs.

C. Proposed Intervenors' Interests Will Be Impaired If Intervention Is Denied

Once a protectable interest is established, "it naturally follows that such an interest would be affected" by the litigation in which a proposed intervenor seeks to intervene. *Brody*, 957 F.2d at 1123. Here, Proposed Intervenors' interests will "be affected or impaired[] as a practical matter by the disposition of the action." *Cmmw. of Pennsylvania*, 888 F.3d at 59 (quoting *Brody*, 957 F.2d at 1122). Ms. Boyce and Ms. George have attested to their interests in a peaceful passing at the time of their choosing, and CCAN has attested to their efforts to ensure this option is made available to terminally ill Delawareans. If terminally ill patients in Delaware are stripped of access to MAID, Ms. Boyce and Ms. George may be forced to endure suffering in their final weeks and days, contrary to their wishes, and CCAN will see its efforts to advocate for the Act go to naught.

D. State Defendants May Not Adequately Represent Proposed Intervenors' Interests

The required showing on the final element—lack of adequate representation by the existing parties—is "generally treated as minimal and requires the applicant to show that representation of his interest *may be* inadequate.'" *Cmmw. of Pennsylvania*, 888 F.3d at 60 (internal quotation marks omitted) (citation omitted) (emphasis added). Although "a government entity charged by law with representing a national policy is presumed adequate for the task," "when an agency's views are necessarily colored by its view of the public welfare rather than the more parochial views of a

proposed intervenor whose interest is personal to it, the burden [for intervention] is comparatively light." *Kleissler*, 157 F.3d at 972. In such circumstances, the "possibility that the interests of the applicant and the parties may diverge 'need not be great.'" *Am. Farm Bureau Fed'n*, 278 F.R.D. at 110 (quoting *Utah Ass'n of Ctys. v. Clinton*, 255 F.3d 1246, 1255 (10th Cir. 2001)); *Land v. Del. River Basin Comm'n*, 2016 WL 4771079, at *4 (M.D. Pa. Sept. 12, 2016) (concluding that environmental group should be permitted to intervene because its interests were "not entirely co-extensive" with state agency defendant and it was possible that interests "may conflict").

Here, Proposed Intervenors have distinct interests that State Defendants may not be able or motivated to pursue as capably and zealously as Proposed Intervenors themselves. The individual Proposed Intervenors, unlike State Defendants, actually face the prospect of being deprived of autonomy over their own end-of-life care if Plaintiffs succeed on their challenge. They have a deeply personal perspective on the importance of the Act that they can draw from in defending against Plaintiffs' effort to invalidate it. And Proposed Intervenor CCAN has a depth of knowledge regarding MAID—including over 30 years of experience and data as to how MAID legislation has been implemented across the country and what its effects have been—that cannot be matched by State Defendants, who are relative newcomers to this area and are familiar only with Delaware's recent legislative effort. The Act is only one item on the much broader agenda of State Defendants, and thus State Defendants may fail to make all of the arguments that Proposed Intervenors would seek to make in defending the statute, or fail to present them as effectively as Proposed Intervenors. *See Commw. of Pennsylvania*, 888 F.3d at 61-62 (recognizing that governmental defendants must represent "numerous and varied" interests that may not align with interests of intervenors); *Bintz v. U.S. Dep't of the Interior*, 2025 WL 2097314, at *3 (D. Del. July 25, 2025) (granting intervention and observing that movant's "more specific" interests were not the same as the

government's); *Chester Water Auth. v. Susquehanna River Basin Comm'n*, 2014 WL 3908186, at *5 (M.D. Pa. Aug. 11, 2014) (recognizing that government interests may diverge from "specific, parochial interests" of movant).

State Defendants, positioned differently than the individual Proposed Intervenors, may not appreciate the urgency underlying the pending enactment. As Ms. Boyce knows all too well, often a terminally ill person is fine until they are not, and "not everyone knows how fast the end will come." Boyce Decl. ¶ 6. Ms. Boyce's personal experience underscores the personal interest she has in maintaining the Act's viability and bringing this challenge to a swift resolution. Her dear friend Judy Govatos was a terminally ill Delawarean who championed of end-of-life healthcare options in Delaware. *Id.* Ms. Govatos appeared at the bill signing on her birthday, but died just months later before the Act could become effective; she was unable to avail herself of its anticipated benefits. *Id.* For Ms. Boyce, Ms. Govatos's experience highlights the fragile nature of a terminal illness and the importance of resolving this lawsuit as expeditiously as possible. *Id.* By contrast, State Defendants, while motivated to defend the Act, may not see the harm in setting a lengthy briefing schedule, or in continuing dispositive hearing dates, particularly given their many competing obligations. Allowing Proposed Intervenors to intervene will enable them to ensure that the case is handled with the sense of exigency that, from their standpoint, it demands.

II. IN THE ALTERNATIVE, THE COURT SHOULD PERMIT PROPOSED INTERVENORS TO INTERVENE UNDER RULE 24(b)

Under Federal Rule of Civil Procedure 24(b), intervention is permissible where the motion is timely, intervention will not unduly delay or prejudice adjudication, and the movant "has a claim or defense that shares with the main action a common question of law or fact." *See Pansy v. Borough of Stroudsburg,* 23 F.3d 772, 778 (3d Cir. 1994); *Consumer Fin. Prot. Bureau v. Nat'l. Collegiate Master Student Tr.*, 2018 WL 5095666, at *6 (D. Del. Oct. 19, 2018) (granting

permissive intervention in the alternative). Those factors all weigh in favor of intervention here and provide an alternative ground for intervention to the extent the Court finds any reason to hesitate to grant intervention as of right.

First, as discussed, *supra* at I.A., Proposed Intervenors' request is timely given it was made mere days after the Complaint was filed, and while this proceeding is still in its infancy. *See King v. Governor of N.J.,* 767 F.3d 216, 246 (3d Cir. 2014) (affirming grant of permissive intervention and stating request "was timely, as it was filed a mere 14 days after the complaint") (partially overruled on unrelated grounds). Likewise, given the early stage of the proceedings, intervention will not result in undue delay or prejudice of any party's rights. *See id.* Finally, Proposed Intervenors' defenses share common questions of law and fact with the issues presented in this proceeding.

Accordingly, the Court may allow Proposed Intervenors to intervene in the case on a discretionary basis. Given the unique interests, perspectives, and expertise that the Proposed Intervenors bring to bear here, *supra* at I., the Proposed Intervenors respectfully submit that the Court should do so, in the interests of ensuring that the issues are robustly litigated.

III. THE PROPOSED INTERVENORS RESPECTFULLY REQUEST THAT THE COURT ACCEPT THE FILING OF THEIR OPPOSITION TO PLAINTIFFS' TRO MOTION AND PERMIT THE PROPOSED INTERVENORS TO RESPOND TO THE COMPLAINT ON THE SAME DEADLINE AS STATE DEFENDANTS

To avoid any delay and to provide the Court with as full a picture of their positions regarding this very expedited matter that raises issues of great importance to the Proposed Intervenors, with this Motion the Proposed Intervenors have submitted their proposed brief in opposition to Plaintiffs' pending TRO Motion. *See* Dugan Decl., Ex. A. Proposed Intervenors respectfully request that the Court accept the filing of their brief in opposition to Plaintiffs' TRO Motion.

Proposed Intervenors further respectfully request that they be granted leave to respond to the Complaint on the same deadline as State Defendants or three business days after intervention is granted, whichever is later. *See* Fed. R. Civ. P. 24(c); *Bintz*, 2025 WL 2097314, at *3 (granting intervention and permitting Intervenor to submit response to Complaint on the same schedule as Defendants, and noting that Intervenor's "request for leniency from Rule 24(c) in this action will not cause any delay in this litigation, including because Defendants have not yet filed their own response to the Complaint").

CONCLUSION

For the foregoing reasons, Proposed Intervenors respectfully request that the Court grant their request for intervention as of right under Rule 24(a), or, alternatively, that they be granted permissive intervention under Rule 24(b). Proposed Intervenors also respectfully request that the Court accept the filing of Proposed Intervenors' opposition to Plaintiffs' TRO Motion, submitted simultaneously with this Motion, and that they be granted leave to respond to the Complaint on the same date as State Defendants or three business days after intervention is granted, whichever is later.

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