

IN THE SUPREME COURT OF THE STATE OF OREGON

STATE EX REL MARY LEE NELSON,  
MICHAEL NELSON, JUDY HUFF,  
SAMUEL JOHNSON, and CHAD  
SULLIVAN, electors of Oregon,

Plaintiffs-Relators,

v.

LAVONNE GRIFFIN-VALADE,  
Secretary of State of Oregon,

Defendant.

SC S070658 \_\_\_\_\_

MOTION – INTERVENE

MANDAMUS PROCEEDING

**MOTION – INTERVENE**

**DONALD J. TRUMP and DONALD J. TRUMP FOR PRESIDENT 2024  
INC.**

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December 13, 2023

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Of Attorneys for Movant Donald J.  
Trump and Donald J. Trump for  
President 2024, Inc.

December 13, 2023

**MOTION TO INTERVENE**

Movants Donald J. Trump personally and Donald J. Trump for President 2024, Inc. (collectively “Trump Campaign”), are interested parties, and respectfully move to intervene in this matter pursuant to ORS 34.130(4)(a). The Trump Campaign is an interested party acting on behalf of the candidate whose candidacy is challenged by Plaintiffs-Relators. Donald J. Trump is the immediate past President of the United States of America and a candidate for nomination of the Republican Party for President of the United States. Movants therefore move this Court pursuant to ORS 34.130(4)(a) to grant this Motion to Intervene in this matter in opposition to Plaintiffs-Relators’ Petition.

ORS 34.130(4) provides that “[e]xcept as provided in paragraph (b) of this subsection, at any time in the course of a mandamus action until the return date of the alternative writ, any adverse party may intervene in the mandamus proceeding as matter of right.” ORS 34.130(4)(a). As of the date of this filing, no alternative writ has been returned and the Trump Campaign may, therefore, intervene as a matter of right. Additionally, Donald J. Trump himself and the Trump Campaign plainly meet the definition of an “adverse party” because the Trump Campaign is the campaign for the candidate whose inclusion in the upcoming presidential primary ballot and general election ballot has been challenged by Plaintiffs-Relators. ORS 34.105(1). As such, the Trump Campaign is a beneficially interested

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party whose interests are adverse to Plaintiffs-Relators. *Id.* Likewise President Trump is an adverse party to those who seek to prevent him from being included in the upcoming presidential primary ballot and thereafter the upcoming general election.

Intervenors asks this court to give Intervenors, as the actual candidate and the campaign for the candidate that is being sought to be excluded, be given intervenor status and a chance to respond to the Petition.

Movants' counsel has conferred with Petitioner-Relator's counsel Dan Meek as well as Defendant's counsel Benjamin Gutman and both consent to the Movant's Intervention.

Respectfully Submitted,

DATED: December 13, 2023

**Tyler Smith & Associates, P.C.**

/s/ Tyler D. Smith

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*Of Attorneys for Movant Donald J. Trump and  
Donald J. Trump for President 2024, Inc.*

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**CERTIFICATE OF FILING & SERVICE**

I certify that on December 13, 2023, I filed the original *Motion to Intervene* with the State Court Administrator, Records Section, at 1163 State Street, Salem, Oregon 97301 using the court's e-filing system.

I certify that on December 13, 2023, I served a true and correct copy of the *Motion to Intervene* on the following attorneys and parties using the court's e-filing system:

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Attorneys for Defendant

DATED: December 13, 2023

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/s/ Tyler D. Smith

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