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6 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR CARSON CITY**

8 ZENaida DAGUSEN, an individual;
9 REPUBLICAN NATIONAL COMMITTEE;
10 NEVADA REPUBLICAN PARTY; and
11 DONALD J. TRUMP FOR PRESIDENT 2024,
12 INC.

11 Plaintiffs,

12 vs.

13 FRANCISCO AGUILAR, in his official
14 capacity as Nevada Secretary of State;
15 DEMOCRATIC NATIONAL COMMITTEE;
16 and NEVADA STATE DEMOCRATIC
17 PARTY

17 Defendants.

CASE NO.: 24-OC-001531B

DEPT. NO.: 1

18 **ORDER GRANTING MOTION TO INTERVENE AS DEFENDANT**
19 **BY NAACP TRI-STATE CONFERENCE OF IDAHO-NEVADA-UTAH**

20 This matter came before the Court pursuant to NAACP Tri-State Conference of Idaho-
21 Nevada-Utah's ("Tri-State NAACP") Motion to Intervene as Defendant (the "Motion"). Having
22 considered the parties' filings and the arguments of counsel, the Court rules as follows:

23 **BACKGROUND**

24 On September 11, 2024, Plaintiffs filed a Complaint relating to Nevada's voter roll
25 maintenance and citizenship verification practices by the Nevada Secretary of State. In their
26 prayer for relief, Plaintiffs request, among other relief, a "permanent injunction requiring the
27 Secretary of State to implement and conduct systematic and routine list maintenance that
28 appropriately verifies that registered voters are U.S. citizens." In this regard, Plaintiffs seek to

1 compel the Secretary of State to utilize information of the United States Department of
2 Homeland Security, Nevada Department of Motor Vehicles and other government agencies to
3 assess the citizenship status of individuals registered as voters in Nevada. Correspondingly, if
4 Plaintiffs prevail, the Secretary of State would be compelled to purge an individual from
5 Nevada's statewide voter registration whenever this information indicates the individual is not a
6 citizen of the United States.

7 On October 31, 2024, Tri-State NAACP filed a Motion to Intervene as Defendant in this
8 matter and, pursuant to NRCP 24(c), affixed a proposed answer to its Motion. On November 14,
9 2024, Plaintiffs submitted an Opposition to the Motion which was filed on November 18, 2024.
10 Tri-State NAACP filed its Reply in support of the Motion on November 21, 2024.

11 LEGAL STANDARD

12 NRCP 24(a)(2) permits intervention as a matter of right when a proposed intervenor
13 (1) "has a sufficient interest in the [litigation's] subject matter," (2) "could suffer an impairment
14 of its ability to protect that interest if it does not intervene," (3) does not have "its interest
15 adequately represented by existing parties," and (4) makes a timely application to intervene. *See*
16 *Am. Home Assurance Co. v. Eighth Jud. Dist. Ct. ex. rel. Cnty. of Clark*, 122 Nev. 1229, 1238,
18 147 P.3d 1120, 1126 (2006).

19 Such requirements are construed "broadly in favor of proposed intervenors . . . because
20 a liberal policy in favor of intervention serves both efficient resolution of issues and broadened
21 access to the courts." *Wilderness Soc'y v. U.S. Forest Serv.*, 630 F.3d 1173, 1179 (9th Cir. 2011))
22 (*quoting United States v. City of L.A.*, 288 F.3d 391, 397-98 (9th Cir. 2002)).¹ Courts regularly
23 grant motions to intervene under Rule 24(a) when organizations seek to defend against a
24 challenge that threatens the right to vote. *See, e.g., Paher v. Cegavske*, No. 20-CV-00243, 2020
25 WL 2042365, at *2-3 (D. Nev. Apr. 28, 2020) (granting motion to intervene brought by groups
26 seeking to protect the right to vote in case involving challenge to Nevada's vote-by-mail plan);

27 ¹ Nevada courts have stated that "[f]ederal cases interpreting [Rule 24] 'are strong persuasive authority.'" *Exec.*
28 *Mgmt., Ltd. v. Ticor Title Ins. Co.*, 118 Nev. 46, 53, 38 P.3d 872, 876 (2002) (*quoting Las Vegas Novelty, Inc. v.*
Fernandez, 106 Nev. 113, 119, 787 P.2d 772, 776 (1990); *see also Lawler v. Ginochio*, 94 Nev. 623, 626, 584
P.2d 667, 668 (1978) (acknowledging that Nevada and Federal versions of Rule 24 are "equivalent").

1 *Issa v. Newsom*, No. 20-cv-01055, 2020 WL 3074351, at *2–4 (E.D. Cal. June 10, 2020) (same
2 in California).

3 Additionally, under NRCP 24(b), which addresses permissive intervention, courts are
4 granted broad discretion to permit intervention where an applicant’s defense and the main action
5 have a question of law or fact in common and intervention will not unduly delay or prejudice the
6 adjudication of the rights of the original parties. *See Hairr v. First Jud. Dist. Ct.*, 132 Nev. 180,
7 186, 368 P.3d 1198,1202–03 (2016); *see also* NRCP 24(b)(1)(B) (allowing a party to
8 permissively intervene if it “has a . . . defense that shares with the main action a common question
9 of law or fact”); *id.* 24(b)(3) (a court “must consider whether the intervention will unduly delay
10 or prejudice the adjudication of the original parties’ rights”).

11 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

12 **I. Tri-State NAACP Is Entitled to Intervene as a Matter of Right.**

13 Tri-State NAACP has protectable interests that may be impaired depending on the
14 disposition of Plaintiffs’ claims. A “‘significantly protectable interest’ . . . [is] one that is
15 protected under the law and bears a relationship to the plaintiff’s claims.” *Am. Home Assurance*
16 *Co.*, 122 Nev. at 1239, 147 P.3d at 1127 (quoting *S. Cal. Edison Co. v. Lynch*, 307 F.3d 794, 803
18 (9th Cir. 2002)). “Once an applicant has established a significantly protectable interest in an
19 action, courts regularly find that disposition of the case may, as a practical matter, impair an
20 applicant’s ability to protect that interest.” *Venetian Casino Resort, LLC v. Enwave Las Vegas,*
21 *LLC*, No. 19-cv-1197, 2020 WL 1539691, at *3 (D. Nev. Jan. 7, 2020) (citing *California ex. rel.*
22 *Lockyer v. United States*, 450 F.3d 436, 442 (9th Cir. 2006)). Indeed, “[n]o specific legal or
23 equitable interest need be established” for courts to grant intervention. *Greene v. United States*,
24 996 F.2d 973, 976 (9th Cir. 1993); *see also Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d
25 810, 822 (9th Cir. 2001) (inquiry turns on whether “an absentee would be substantially affected
26 in a practical sense” (citation omitted)).

27 Tri-State NAACP has at least two significant, protectable interests at stake in this lawsuit.
28 First, it has an interest in protecting the voting rights of its members who are lawfully entitled to
register and vote under Nevada law. Insofar as the object of Plaintiffs’ claims is to purge from

1 Nevada's statewide voter registration list certain voters who are alleged to be illegally registered,
2 Tri-State NAACP has a legitimate and significant interest in participating in this litigation for
3 the purpose of protecting its members from inadvertent or improper removal from that list.

4 Second, Tri-State NAACP claims that its limited resources are directed toward its "core
5 mission" which is "voter registration, voter education, and get-out-the-vote and ballot-cure
6 activities." If excluded from intervention in this matter, Tri-State NAACP claims its limited
7 resources could be diverted from its core mission and, instead, will have to be directed to re-
8 registering lawful voters who were improperly removed from Nevada's statewide voter
9 registration list as a result of this litigation.

10 Both these interests "are routinely found to constitute significant protectable interests"
11 that favor intervention as of right. *Issa*, 2020 WL 3074351, at *3; *see Paher*, 2020 WL 2042365,
12 at *2, 4 (political groups and voters had protectable interest in promoting the franchise, the
13 election of party candidates, and voting by mail); *Jud. Watch, Inc. v. Ill. State Bd. of Elections*,
14 No. 24-cv-1867, 2024 WL 3454706, at *4 (N.D. Ill. July 18, 2024) (union had protectable
15 interest in protecting the rights of members and use of its own resources to protect them from
16 removal from the rolls); *Bellitto v. Snipes*, No. 16-cv-61474, 2016 WL 5118568, at *2 (S.D. Fla.
18 Sept. 21, 2016) (granting union's motion to intervene in NVRA case because it "asserts that its
19 interest and the interests of its members would be threatened by the court-ordered 'voter list
20 maintenance' sought by Plaintiffs"). Based on this, the Court finds each of these interests are
21 sufficiently important to warrant intervention of right under NRCP 24(a). The Court further
22 finds that the claims and proceedings in this litigation could impair the ability of Tri-State
23 NAACP to protect each of those interests.

24 Additionally, Tri-State NAACP's interests do not appear to be adequately represented by
25 the presently named Defendants. A prospective intervenor seeking intervention as a matter of
26 right under Rule 24(a) bears the burden of showing that there is inadequate representation of that
27 interest by existing parties. *W. Watersheds Project v. Haaland*, 22 F.4th 828, 840 (9th Cir. 2022).
28 But that burden "is 'minimal' and satisfied if [the proposed intervenors] can demonstrate that
representation of their interests 'may be' inadequate." *Id.* at 840 (citation omitted); *see also*

1 *Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 181 (2022) (this prong of the Rule’s test
2 “presents proposed intervenors with only a minimal challenge . . .”).

3 The Secretary of State, DNC, and Nevada State Democratic Party each have interests that
4 diverge from those of Tri-State NAACP, even though they are on the side of the lawsuit Tri-State
5 NAACP seeks to join. As discussed above, Tri-State NAACP has interests in preserving its
6 resources to allow it to fulfill its core mission, and in protecting the right to vote of its members
7 regardless of their partisan affiliations and free from unlawful interference.

8 By contrast, the Secretary of State’s primary interest is in the fair and efficient
9 administration of the electoral process in accordance with state and federal law. *See Pub. Int.*
10 *Legal Found., Inc. v. Winfrey*, 463 F. Supp. 3d 795, 799 (E.D. Mich. 2020) (holding that the
11 “interests of election officials in voting roll maintenance are sufficiently distinct . . . to warrant
12 intervention by those who could be impacted by the results of the maintenance process”);
13 *Bellitto*, 2016 WL 5118568, at *2 (same); *Republican Nat’l Comm. v. Aguilar*, No. 24-CV-
14 00518, 2024 WL 3409860, at *3 (D. Nev. July 12, 2024) (in voting roll-maintenance action,
15 holding that proposed intervenors with the mission “to ensure that voters are retained on or
16 restored to the rolls” “provide the counterbalance to plaintiffs’ singular purpose that defendants’
17 [including the Nevada Secretary of State’s] mission does not allow”). The DNC and Nevada
18 State Democratic Party have a partisan interest in protecting the rights of *Democratic* voters and
19 candidates.
20

21 Given this divergence of interests, it is not clear whether the presently named Defendants
22 would “undoubtedly make all of a prospective intervenor’s arguments,” let alone whether they
23 are “capable and willing to make such arguments.” *Citizens for Balanced Use v. Mont.*
24 *Wilderness Ass’n*, 647 F.3d 893, 898 (9th Cir. 2011). In such circumstances, courts have
25 consistently allowed voting rights organizations to intervene as of right. As such, Tri-State
26 NAACP should be granted intervention of right in regard to this action.

27 Finally, Tri-State NAACP’s motion is timely. Plaintiffs filed their complaint on
28 September 11, 2024, the Democratic National Committee and Nevada State Democratic Party
moved to dismiss the complaint on October 3, 2024, and Plaintiffs opposed the motion to dismiss

1 on October 25, 2024. The deadline for the Secretary of State's response to the complaint was
2 extended to December 2, 2024 and no other substantive proceedings have taken place.
3 Specifically, there have been no hearings or previous court rulings on contested issues in this
4 matter. Moreover, Tri-State NAACP has agreed to abide by any schedule set by the Court.
5 Tri-State NAACP's intervention, therefore, will not delay the action and there is no prejudice to
6 the existing parties. *See In re Guardianship of A.M.*, No. 59116, 2013 WL 3278878, at *3 (Nev.
7 May 24, 2013) (timeliness determination weighs prejudice to existing parties resulting from
8 delay against prejudice resulting from the application being denied); *Lawler*, 94 Nev. at 626, 584
9 P.2d at 669 (“[t]he most important question to be resolved in the determination of the timeliness
10 of an application for intervention is not the length of the delay by the intervenor but the extent
11 of prejudice to the rights of existing parties resulting from the delay”); *see also Kalbers v. U.S.*
12 *Dep't of Justice*, 22 F.4th 816, 825 (9th Cir. 2021) (interval of “just a few weeks” “weigh[ed] in
13 favor of timeliness”); *Issa*, 2020 WL 3074351, at *2, 4 (motion was timely where “no substantive
14 proceeding[] ha[d] occurred”); *Nev. v. United States*, No. 18-cv-569, 2019 WL 718825, at *3 (D.
15 Nev. Jan. 14, 2019) (granting motion to intervene filed several weeks after action commenced);
16 *W. Expl. LLC v. Dep't of Interior*, No. 15-cv-00491, 2016 WL 355122, at *2-3 (D. Nev. Jan. 28,
18 2016) (granting motion to intervene filed nearly two months after action commenced).

19 Tri-State NAACP has protectable interests at stake that will not be adequately
20 represented by any other party to this action. It has moved to intervene in a timely manner,
21 without threat of delaying the action or otherwise prejudicing any other party. Tri-State NAACP,
22 therefore, is entitled to intervention as a matter of right.

23 II. Tri-State NAACP is Entitled to Permissive Intervention.

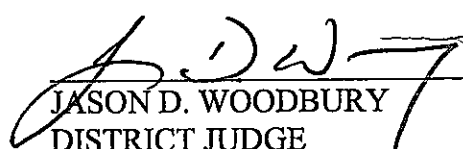
24 Tri-State NAACP's defenses—that Plaintiffs' requested relief is unconstitutional,
25 invalid, and violates the rights of voters—present clear questions of law and fact in common
26 with the pending action. And because Tri-State NAACP and its members and constituents could
27 be harmed depending on the disposition of the litigation, it will aid the Court in developing a full
28 record of the relevant considerations. Moreover, intervention will not result in any undue delay
or prejudice.

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Therefore, Tri-State NAACP also is entitled to permissive intervention under NRCP 24(b).

Accordingly, for the reasons set forth above, **IT IS HEREBY ORDERED** that the NAACP Tri-State Conference of Idaho-Nevada-Utah's Motion to Intervene as Defendant is **GRANTED.**

Dated this 17th day of December, 2024.


JASON D. WOODBURY
DISTRICT JUDGE

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District Court, and that on December 17, 2024, I deposited for mailing, postage paid, at Carson City, Nevada, a true and correct copy of the foregoing Order addressed as follows:

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