

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STATE OF SOUTH CAROLINA,

Plaintiff,

v.

UNITED STATES OF AMERICA and
ERIC H. HOLDER, JR.,
in his official capacity as Attorney General,

Defendants,

and

JAMES DUBOSE, JUNIOR GLOVER,
FAMILY UNIT, INC., BRENDA C.
WILLIAMS, M.D., and AMANDA WOLF,

Defendant-
Intervenors,

and

LEAGUE OF WOMEN VOTERS OF
SOUTH CAROLINA and CRAIG
DEBOSE,

Proposed Defendant-
Intervenors.

Case No. 1:12-cv-203 (CKK, BMK, JDB)

**AMENDMENT TO THE MOTION TO INTERVENE AS DEFENDANT
TO ADD CRAIG DEBOSE AS A DEFENDANT-INTERVENOR**

The League of Women Voters of South Carolina (the “League”) and Craig Debose (together, “Applicants”) respectfully amend the League’s pending Motion to Intervene as Defendant (Dkt. No. 19) to add Mr. Debose as a Defendant-Intervenor in this action pursuant to Fed. R. Civ. P. 24. Like the League, Mr. Debose is entitled to intervention as of right under Fed.

R. Civ. P. 24(a), or in the alternative, should be permitted to intervene under Fed. R. Civ. P. 24(b), for substantially the same reasons articulated in Applicants' Memorandum of Law in Support of Intervention (Dkt. No. 19-3, "Memorandum") as to the League.¹

Mr. Debose is a bi-racial 63-year-old South Carolina resident who does not possess any of the forms of photo ID required by Act R54. Mr. Debose has made repeated attempts over the span of several years to obtain a South Carolina photo ID, but has been unable to do so. Mr. Debose knows his Social Security Number and is in possession of military discharge papers that document his Social Security Number, but he has lost his Social Security card. In his multiple attempts to obtain a photo ID, Mr. Debose has repeatedly been informed by the State of South Carolina that without his Social Security card, he cannot be issued a South Carolina photo ID. On the several occasions when Mr. Debose has attempted to obtain a Social Security card, he has been informed by the United States government that it cannot be issued without a state photo ID. Thus, despite making numerous attempts, Mr. Debose is unable to obtain a photo ID that would be acceptable under Act R54. Thus, Mr. Debose has a direct and substantial interest in the subject matter of this action. *See, e.g., Nw. Austin Mun. Util Dist. No. One v. Holder*, 573 F. Supp. 2d 221, 230 (D.D.C. 2008) (noting that the court had previously granted multiple motions to intervene presented by minority voters). The same authority and reasoning articulated in the Memorandum (pp. 7-16) as to grounds for mandatory intervention and permissive intervention also support adding Mr. Debose as a Defendant-Intervenor. Mr.

¹ Pursuant to Local Civil Rule 7(m), the undersigned states that Applicants have conferred with Plaintiff's attorneys and have been informed that Plaintiff takes no position with respect to Applicants' Motion to Intervene. Counsel for the Applicants also conferred with the attorneys of Defendant-Intervenors James Dubose, Junior Glover, Family Unit, Inc., Brenda C. Williams, M.D., and Amanda Wolf, who advised they do not oppose intervention, and with Defendants' attorneys, who advised that they take no position with respect to permissive intervention.

Debose hereby joins in the Proposed Answer filed with the League's pending Motion to Intervene (Dkt. No. 19-2).

For the above reasons and those set forth in Applicants' Memorandum of Law in Support of Intervention, the Court should permit Applicants to intervene in this action as defending parties.

Dated: April 3, 2012

Respectfully submitted,

/s/ Mark A. Posner

Jon M. Greenbaum (D.C. Bar No. 489887)

Mark A. Posner (D.C. Bar No. 457833)

Robert A. Kengle

LAWYERS' COMMITTEE FOR

CIVIL RIGHTS UNDER LAW

1401 New York Ave. NW

Ste. 400

Washington, D.C. 20005

Tel: (202) 662-8389

Fax: (202) 628-2858

mposner@lawyerscommittee.org

Michael A. Cooper (*pro hac vice pending*)

Garrard R. Beeney (*pro hac vice pending*)

Theodore A.B. McCombs (*pro hac vice pending*)

Sambo Dul (*pro hac vice pending*)

Sean A. Camoni (*pro hac vice pending*)

SULLIVAN & CROMWELL LLP

125 Broad Street

New York, New York 10004-2498

Tel: (212) 558-4000

Fax: (212) 291-9007

beeneyg@sullcrom.com

Wendy R. Weiser (*pro hac vice pending*)

Keesha M. Gaskins (*pro hac vice pending*)

Mimi Marziani (*pro hac vice pending*)

Elisabeth Genn (*pro hac vice pending*)

THE BRENNAN CENTER FOR JUSTICE

AT NYU SCHOOL OF LAW
161 Avenue of the Americas, Floor 12
New York, NY 10013-1205
Tel: (646) 292-8310
Fax: (212) 463-7308
keesha.gaskins@nyu.edu

Armand Derfner (*Bar renewal pending*)
DERFNER, ALTMAN & WILBORN
575 King Street, Suite B
P.O. Box 600
Charleston, SC 29402
Tel: (843) 723-9804
Fax: (843) 723-7446
aderfner@dawlegal.com

CERTIFICATE OF SERVICE

I, Mark A. Posner, certify that on April 3, 2012, I filed and served the foregoing Amendment to the Motion to Intervene and a proposed order by emailing PDF copies of the same to the Clerk's Office (dcd_cmecf@dcd.uscourts.gov).

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STATE OF SOUTH CAROLINA,

Plaintiff,

v.

UNITED STATES OF AMERICA and
ERIC H. HOLDER, JR.,
in his official capacity as Attorney General,

Defendants,

and

JAMES DUBOSE, JUNIOR GLOVER,
FAMILY UNIT, INC., BRENDA C.
WILLIAMS, M.D., and AMANDA WOLF,

Defendant-
Intervenors,

and

LEAGUE OF WOMEN VOTERS OF
SOUTH CAROLINA and CRAIG
DEBOSE,

Proposed Defendant-
Intervenors.

Case No. 1:12-cv-203 (CKK, BMK, JDB)

[PROPOSED] **ORDER**

This matter is before the Court on motion by the League of Women Voters of South Carolina and Craig Debose (the “Applicants”) for leave to intervene as a defendants.

Having reviewed the motion, as well as the memorandum of points and authorities in support of

the motion, and the positions of the parties, the Court finds that the Applicants meet the requirements for intervention under Rule 24 of the Federal Rules of Civil Procedure.

Accordingly, it is ORDERED that the motion to intervene is GRANTED, and Applicants are given leave to participate as a party to this action as a Defendant-Intervenors.

The Clerk of the Court is directed to docket the Answer of Defendant-Intervenors (a copy of which was attached to the motion to intervene) and to forward a copy of this Order to all Counsel of record in this action.

Date

United States Judge

Copies to:

Paul Clement
H. Christopher Bartolomucci
BANCROFT PLLC
1919 M Street, NW
Suite 470
Washington, DC 20036
Tel: (202) 234-0090
Fax: (202) 234-2806
pclement@bancroftpllc.com

Attorney for Plaintiff State of South Carolina

Catherine Meza
U.S. DEPARTMENT OF JUSTICE
Civil Rights Division
950 Pennsylvania Avenue, NW
Room 7151-NWB
Washington, DC 20530
Tel: (202) 305-0132
catherine.meza@usdoj.gov

Attorney for Defendants United States of American and Eric H. Holder, Jr.

Arthur B. Spitzer
AMERICAN CIVIL LIBERTIES UNION
OF THE NATION'S CAPITAL
4301 Connecticut Avenue, NW
Suite 434
Washington, DC 20008
Tel: (202) 457-0800 x113
Fax: (202) 457-0805
artspitzer@gmail.com

Attorney for Defendant-Intervenors Family Unit, Inc., Amanda Wolf, Brenda C. Williams, James Dubose and Junior Glover

Joshua Civin
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
1444 I Street, NW, 10th Floor
Washington, DC 20005
(202) 682-1300
jcivin@naacpldf.org

Counsel for Proposed Defendant-Intervenors South Carolina

*State Conference of the NAACP, Kenya
Bailey, Charmaine Beal, Kiaka Davis, Evin
Percival, and Sequioa Waller*