

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

STATE OF ALABAMA; and )  
MORRIS J. BROOKS, JR., Representative for )  
Alabama’s 5th Congressional District, )

Plaintiffs, )

v. )

Civil Action No.  
2:18-cv-00772-RDP

UNITED STATES DEPARTMENT OF )  
COMMERCE; and WILBUR L. ROSS, in his )  
official capacity as Secretary of Commerce; )  
BUREAU OF THE CENSUS, an agency within the )  
United States Department of Commerce; and )  
STEVEN DILLINGHAM, in his capacity as )  
performing the non-exclusive functions and duties )  
of the Director of the U.S. Census Bureau, )

Defendants, )

and )

COUNTY OF SANTA CLARA, CALIFORNIA; )  
KING COUNTY, WASHINGTON; and CITY OF )  
SAN JOSÉ, CALIFORNIA, )

DIANA MARTINEZ; RAISA SEQUEIRA; )  
SAULO CORONA; IRVING MEDINA; JOEY )  
CARDENAS; FLORINDA P. CHAVEZ; and )  
CHICANOS POR LA CAUSA, )

Intervenor-Defendants. )

**ARLINGTON COUNTY AND ATLANTA’S REPLY MEMORANDUM  
IN SUPPORT OF MOTION TO INTERVENE**

As Applicants Arlington County and Atlanta’s motion to intervene (Doc. 98) explained, their intervention will not delay or complicate these proceedings in any way given that Applicants are represented by the same counsel as the Local Government Defendant-Intervenors, intend to adopt and join their pleadings and briefs, and will be bound by all scheduling and procedural orders that apply to them. Plaintiffs’ consolidated opposition (Doc. 103) to Applicants’ motion and the New York et al. Proposed Intervenors’ motion (Doc. 96) focuses principally on the latter and has little to say about Applicants.

Plaintiffs first assert that Applicants’ motion is untimely because Applicants could have moved to intervene earlier. Doc. 103, at 5-7, 9. But, as Applicants explained, they did not wish to waste the Court’s and the parties’ time while Defendants’ motion to dismiss remained pending. Doc. 98, at 3 n.1. Regardless, as this Court has noted, the timeliness inquiry focuses, in part, on whether intervention will “delay the adjudication of the litigants’ rights or the judicial process.” Doc. 53, at 4. It will not, given that Applicants will file on the same schedule as the Local Government Defendant-Intervenors and the Court has “yet to take significant action.” *Id.* (quoting *Georgia v. U.S. Army Corps of Engineers*, 302 F.3d 1242, 1259-60 (11th Cir. 2002)).

Because Applicants’ motion will not delay these proceedings in any way, Plaintiffs offer no cogent reason why permissive intervention should not be granted. Permitting Applicants to intervene will provide the Court with the views of a wider cross-section of jurisdictions that may be affected by the decision in this case—encompassing distinct geographic regions, population distributions, and federal funding levels. Applicants’ intervention will therefore “add materially to the instant litigation.” *Am. Fed’n of State, Cty. & Mun. Employees (AFSCME) Council 79 v. Scott*, 278 F.R.D. 664, 671 (S.D. Fla. 2011); *cf.* Doc. 103, at 9. And, while the Court need not

consider intervention as of right, allowing Applicants to participate will also ensure that the interests of Applicants' residents are fully acknowledged and represented.

For these reasons, Applicants' motion should be granted.

Dated: August 23, 2019

Respectfully submitted,

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