

KRISTEN CLARKE
Assistant Attorney General
Civil Rights Division

GARY M. RESTAINO
United States Attorney
District of Arizona

REBECCA B. BOND
Acting Deputy Assistant Attorney General
Civil Rights Division

T. CHRISTIAN HERREN, JR. (AL Bar No. ASB6671R63T)
RICHARD A. DELLHEIM (NY Bar No. 2564177)
EMILY R. BRAILEY (DC Bar No. 1684650)
L. BRADY BENDER (DC Bar No. 1615749)
Attorneys, Voting Section
Civil Rights Division
U.S. Department of Justice
4CON – Room 8.1815
950 Pennsylvania Avenue, NW
Washington, DC 20530

Tel.: (202) 353-5724 / Fax: (202) 307-3961
Email: Chris.Herren@usdoj.gov
Richard.Dellheim@usdoj.gov
Emily.Brailey@usdoj.gov
Laura.Bender@usdoj.gov
Attorneys for the United States

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

United States of America,

Plaintiff,

v.

State of Arizona; and Katie Hobbs, in her
official capacity as Arizona Secretary of the State,

Defendants.

No. CV-22-01124-PHX-SRB

UNOPPOSED MOTION TO
CONSOLIDATE

Pursuant to Federal Rule of Civil Procedure 42(a) and Arizona Local Rule 42.1(b), the United States respectfully moves to consolidate this action with *Mi Familia Vota v. Hobbs*, No. CV-22-00509-PHX-SRB (D. Ariz.), which is currently pending before this Court. The United States has conferred with counsel for Defendants and all Plaintiffs in the consolidated cases of *Mi Familia Vota*, and no party opposes this motion.

A district court has broad discretion under Rule 42(a) to consolidate cases pending in the same district. *Invs. Rsch. Co. v. U.S. Dist. Ct. for Cen. Dist. of Cal.*, 877 F.2d 777, 777 (9th Cir. 1989). Consolidation is permissible when “actions before the court involve a common question of law or fact.” Fed. R. Civ. P. 42(a); *Hall v. Hall*, 138 S. Ct. 1118, 1124 (2018). In this case, the United States has alleged that House Bill 2492 violates Section 6 of the National Voter Registration Act of 1993 (NVRA), 52 U.S.C. § 20510, and Section 101 of the Civil Rights Act of 1964 (Section 101), 52 U.S.C. § 10101. In amended pleadings filed on July 18, 2022, Plaintiffs in the consolidated cases of *Mi Familia Vota* have similarly alleged that House Bill 2492 violates Section 6 of the NVRA and Section 101. See *Mi Familia Vota Second Am. Compl.*, *Mi Familia Vota v. Hobbs*, No. CV-22-00509-PHX-SRB (D. Ariz. Jul. 18, 2022), ECF No. 65 at ¶¶ 93-99, ¶¶ 100-06; *LUCHA Am. Compl.*, *Mi Familia Vota v. Hobbs*, No. CV-22-00509-PHX-SRB (D. Ariz. Jul. 18, 2022), ECF No. 66-1 at ¶¶ 342-50, 351-62. Based on the presence of common triable facts and common causes of action, and because consolidation will promote efficiency and convenience without imposing undue prejudice, consolidation is appropriate here. See Fed. R. Civ. P. 42(b); *Mudd v. Flagstaff Unified Sch. Dist.*, No. CV-09-8153-PCT-MHM, 2010 WL 1874547, at *1 (D. Ariz. May 6, 2010) (concluding

1 that consolidation was appropriate for pretrial purposes where it was “the most efficient
2 course of action given the factual overlap of each lawsuit”).

3 For the reasons set out above, the United States respectfully requests that this
4 Court consolidate this matter with *Mi Familia Vota v. Hobbs*, CV-22-00509-PHX-SRB
5 (D. Ariz.). Pursuant to Local Rule Civ. 7.1(b)(2), a proposed order is attached.

6 Date: July 27, 2022

7 Respectfully submitted,

8 GARY M. RESTAINO
United States Attorney
9 District of Arizona

KRISTEN CLARKE
Assistant Attorney General
Civil Rights Division

10 REBECCA B. BOND
Acting Deputy Assistant Attorney General
11 Civil Rights Division

12 /s/ Emily R. Brailey
T. CHRISTIAN HERREN, JR.
13 RICHARD A. DELLHEIM
EMILY R. BRAILEY
14 L. BRADY BENDER
Attorneys, Voting Section
15 Civil Rights Division
U.S. Department of Justice
16 4CON – Room 8.1815
950 Pennsylvania Avenue, NW
17 Washington, DC 20530

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2022, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system, which will send notification of this filing to counsel of record.

/s/ Emily R. Brailey
Emily R. Brailey
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530
(202) 353-5724
Emily.Brailey@usdoj.gov