

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM C. TOTH JR., *et al.*,

*Plaintiffs,*

V.

LEIGH M. CHAPMAN, *et al.*,

*Defendants.*

No. 1:22-cv-00208-JPW

Honorable Jennifer P. Wilson

## MOTION TO INTERVENE AS DEFENDANTS

Carol Ann Carter, Monica Parrilla, Rebecca Poyourow, William Tung, Roseanne Milazzo, Burt Siegel, Susan Cassanelli, Lee Cassanelli, Lynn Wachman, Michael Guttman, Maya Fonkeu, Brady Hill, Mary Ellen Balchunis, Tom Dewall, and Stephanie McNulty (the “Carter Petitioners”) hereby move to intervene as defendants in the above-captioned lawsuit to protect their interests and the relief they will obtain in the state court litigation that this federal suit seeks to enjoin.

For the reasons discussed in the memorandum in support, filed concurrently herewith, the Carter Petitioners are entitled to intervene in this case as a matter of right under Federal Rule of Civil Procedure 24(a)(2). In the alternative, the Carter Petitioners request permissive intervention pursuant to Rule 24(b). In accordance with Rule 24(c), the Carter Petitioners' Proposed Answer and Affirmative Defenses is attached as Exhibit 1, and the Carter Petitioners' Motion to Dismiss is

attached as Exhibit 2.<sup>1</sup>

Counsel for the Carter Petitioners have consulted with Plaintiffs' and Defendants' counsel regarding this Motion. Counsel for Plaintiffs have indicated that they oppose the Motion. Counsel for Defendants indicated that they take no position as to this Motion.

WHEREFORE, the Carter Petitioners request that the Court grant them leave to intervene in the above-captioned matter and to file their proposed Answer.

Dated: February 22, 2022.

Respectfully submitted,

/s/ Elizabeth V. Wingfield

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<sup>1</sup> In order to comply with the requirements of Fed. R. Civ. P. 24(c), the Carter Petitioners have chosen to include with their Motion to Intervene a Proposed Answer and Affirmative Defenses, as well as a Motion to Dismiss that briefly states the basis of their dismissal motion. *See Deutsche Bank Nat'l Tr. Co. v. Bendex Properties, LLC.*, No. 3:16-CV-0432, 2016 WL 6648175, at \*2 (M.D. Pa. Nov. 10, 2016). The Carter Petitioners will subsequently file a brief in support of the Motion to Dismiss pursuant to Local Rule 7.5.

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*\*Motions for Pro Hac Vice  
Forthcoming*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this date, February 22, 2022, I caused the foregoing document to be filed and served on all counsel of record by operation of the CM/ECF system for the United States District Court for the Middle District of Pennsylvania.

DATED: February 22, 2022

/s/ Elizabeth V. Wingfield