

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 16-cv-61474-BLOOM/Valle**

ANDREA BELLITTO and  
AMERICAN CIVIL RIGHTS UNION,

Plaintiffs,

v.

BRENDA SNIPES, in her official capacity  
as the Supervisor of Elections of  
Broward County, Florida,

Defendant.

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**ORDER ON MOTION FOR RECONSIDERATION**

**THIS CAUSE** is before the Court upon Plaintiffs' Motion for Reconsideration, ECF No. [38]. Plaintiffs request reconsideration of the Court's September 21, 2016 Order granting United's Motion to Intervene. *See* ECF No. [29]. Plaintiffs file the Motion pursuant to Federal Rule of Civil Procedure 60(a), which provides for the correction of mistakes from oversight or omission in a judgment, order, or other part of the record on motion.

On September 23, 2016, the Court entered an Order recognizing its inadvertent error and permitting Plaintiffs to file a response to the Motion to Intervene. *See* ECF No. [41]. On September 29, 2016, Plaintiffs filed their response brief, ECF No. [47]. For the reasons stated below, Plaintiffs' Motion for Reconsideration is denied.

As stated in the Court's prior Order,

[a] party seeking to intervene as of right under Rule 24(a)(2) must show that: (1) his application to intervene is timely; (2) he has an interest relating to the property or transaction which is the subject of the action; (3) he is so situated that disposition of the action, as a practical matter, may impede or impair his ability to protect that interest; and (4) his interest is represented inadequately by the existing parties to the suit.

*Chiles v. Thornburgh*, 865 F.2d 1197, 1213 (11th Cir. 1989). The Court previously found that all required conditions have been met for United to intervene in this action as of right pursuant to Fed. R. Civ. P. 24(a).

Plaintiffs first assert that intervention would be improper because United's purported interest is identical to Plaintiffs' interests—*i.e.* ensuring that the National Voting Rights Act ("NVRA") is followed correctly with regard to voter list maintenance. Plaintiff's argument, while perhaps technically true, fails to recognize the differences between Plaintiffs' and United's interests and arguments in reaching that ultimate goal of compliance with the NVRA. Indeed, United argues in its Motion that a court-ordered "voter list maintenance" sought by Plaintiffs in Count I "could itself violate the NVRA." Mot. at 11-12.

Plaintiffs further suggest that litigation is properly separated into separate liability and remedial phases and United's purported interest would not arise until this later remedial phase. The Court declines to make such distinction for purposes of the motion to intervene. Plaintiffs propose that United could indeed participate later in the litigation, but as *amicus curiae*, "in order to provide its opinion on the correct legal analysis on the issues." Resp. at 9. Plaintiffs suggest this route in part because "[p]articipation by the proposed intervenors will unduly burden the existing parties, such as with the coordination of conferences and the undertaking of discovery." *Id.* Inconvenience of the parties in coordinating conferences and participating in discovery, however, does not demonstrate create meaningful prejudice, particularly at this early stage of the proceedings.

At minimum, United may intervene via permissive intervention under Rule 24(b)(2), which provides that a party "must show that: (1) his application to intervene is timely; and (2) his claim or defense and the main action have a question of law or fact in common." *Chiles*, 865

F.2d at 1213. Here it is clear that United's "claim or defense" has a question of law or fact in common with the main action. Further, this Court previously found the attempted intervention timely because United moved to intervene approximately one month after Plaintiffs filed their Amended Complaint and only one business day after the Second Motion to Dismiss became ripe. Plaintiff asserts no argument as to why United's motion was not timely filed. The Court also previously found that the existing parties would not be significantly prejudiced by intervention as this case has not progressed beyond the initial pleading stage. The Court is unconvinced by Plaintiff's broad argument that permitting intervention would threaten to unduly delay litigation or that it would significantly "inconvenience" the parties while coordinating conferences and participating in discovery. Therefore, permissive intervention, at minimum, is appropriate here.

Accordingly, it is **ORDERED AND ADJUDGED** that Plaintiffs' Motion for Reconsideration, ECF No. [38], is **DENIED**. The parties are reminded, as per ECF No. [41], that Plaintiffs shall file a response to United's Motion to Dismiss, ECF No. [40] on or before **October 14, 2016** and United shall file its reply on or before **October 21, 2016**.

**DONE AND ORDERED** in Miami, Florida, this 3rd day of October, 2016.



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**BETH BLOOM**  
**UNITED STATES DISTRICT JUDGE**

Copies to:  
Counsel of Record