

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

NANCY GIMENA HUIISHA-HUIISHA, on
behalf of herself and others similarly
situated, *et al.*,

Plaintiffs,

v.

ALEJANDRO MAYORKAS, Secretary of
Homeland Security, *et al.*,

Defendants.

Civ. A. No. 21-100 (EGS)

**UNOPPOSED RENEWED MOTION FOR JOINDER
BY THE STATES OF UTAH, MISSOURI, AND TENNESSEE**

On November 25, 2022, the States of Utah, Missouri, and Tennessee filed a joinder (Dkt. 173) of the Motion to Intervene by the States of Arizona et al. (Dkt. 168). On November 29, 2022, the Court denied the motion for failure to comply with the duty to confer, LCvR 7(m), and failure to attach a proposed order, LCvR 7(c). The States of Utah, Missouri, and Tennessee respectfully renew that motion to join.

Plaintiffs, defendants, and proposed intervenors do not oppose this Motion.

In support of this Motion, the States of Utah, Missouri, Tennessee submit the accompanying Memorandum of Law and [Proposed] Order.

MEMORANDUM

Pursuant to Federal Rule of Civil Procedure 20, the States of Utah, Missouri, and Tennessee respectfully request that this Court join Utah, Missouri, and Tennessee to the Motion to Intervene in this matter filed by the States of Arizona, Louisiana, Alabama, Alaska, Kansas, Kentucky, Mississippi, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Virginia, and West Virginia, and Wyoming (hereinafter “Intervenor States”). *See* Dkt. 168.

Rule 20 sets forth guidelines for permissive joinder, providing that parties may join an action if (1) their claims “aris[e] out of the same transaction, occurrence, or series of transactions or occurrences” and (2) “any question of law or fact common to all plaintiffs will arise in the action.” Fed. R. Civ. P. 20. Permissive Joinder is “ordinarily allowed ... so long as both prongs of the test under Rule 20 are met.” *Council on Am.-Islamic Rels. Action Network, Inc. v. Gaubatz*, 793 F. Supp. 2d 311, 323 (D.D.C. 2011). “Attempts to join a party who satisfies the test for permissive joinder should generally not be denied in the absence of undue prejudice, expense, or delay.” *Id.*

The States of Utah, Missouri, and Tennessee meet both requirements for Rule 20 permissive joinder. Their claims and interests in this matter are identical to those of the Intervenor States. The Intervenor States seek to intervene to offer a defense of Title 42 policy so that its validity can be resolved on the merits. Dkt. 168 at 12. As laid out in the Motion to Intervene, the Intervenor States obtained injunctive relief against rescission of and exceptions to Title 42. *See* Dkt. 168 at 4–6. Utah, Missouri, and Tennessee are co-plaintiffs with many of the Intervenor States in *Louisiana v. Centers for Disease Control & Prevention*, 2022 WL 1604901 (W.D. La. 2022). Utah, Missouri, and Tennessee’s interests in this litigation are thus identical to those identified in the Intervenor States’ Motion to Intervene. *See* Dkt. 168 at 10–16. Their claims arise out of the exact

same transaction, occurrence, or series of transactions or occurrences as the Motion to Intervene filed on November 21, 2022, and involve identical questions of law and fact. Joinder will also not cause any undue prejudice, expense, or delay because Utah, Missouri, and Tennessee will simply join the briefing of the Intervenor States as set forth by this Court's November 22, 2022, order.

For these reasons, the Court should grant Utah, Missouri, and Tennessee's motion for joinder.

Respectfully submitted,

DATED: November 29, 2022

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**pro hac vice application forthcoming*

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ORDER

The Matter came before the Court on _____, 2022 on the unopposed renewed motion of the States of Utah, Missouri, and Tennessee for joinder to the Motion to Intervene (Dkt. 158) under Federal Rule of Procedure 20. The Court being fully advised in the premises, IT IS HEREBY ORDERED that the States of Utah, Missouri, and Tennessee's Motion for Joinder is GRANTED.

IT IS SO ORDERED.

ENTERED:

By the Court:

Date: _____

Hon. Emmet G. Sullivan
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of November, 2022, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for Filing, which will send notice of such filing to all registered CM/ECF users.

/s/ Melissa A. Holyoak
MELISSA A. HOLYOAK