

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

FEB 28 2023

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

KRISTIN K. MAYES, Attorney General; et  
al.,

Plaintiffs-Appellees,

v.

JOSEPH R. BIDEN, in his official capacity  
as President of the United States; et al.,

Defendants-Appellants,

FIFTY-SIXTH ARIZONA LEGISLATURE;  
et al.,

Intervenors-Pending.

No. 22-15518

D.C. No. 2:21-cv-01568-MTL  
District of Arizona,  
Phoenix

ORDER

Before: CLIFTON, BENNETT, and DESAI, Circuit Judges.

On February 22, 2023, the Fifty-Sixth Arizona Legislature, Speaker of the Arizona House of Representatives Benjamin Toma, Arizona Senate President Warren Petersen, and Arizona Chamber of Commerce & Industry filed a Motion to Intervene. Dkt. No. 53. We grant permissive intervention to the Arizona Chamber of Commerce & Industry (the “Chamber”) and to the Fifty-Sixth Arizona Legislature (the “Legislature”).<sup>1</sup> We deny intervention to the Speaker of the Arizona House of

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<sup>1</sup> Judge Desai would have denied intervention to the Fifty-Sixth Arizona Legislature.

Representatives Benjamin Toma and the Arizona Senate President Warren Petersen to the extent they moved independently as “presiding officers” of the Legislature. Dkt. No. 53, at 1.

“Intervention on appeal is governed by Rule 24 of the Federal Rules of Civil Procedure.” *Bates v. Jones*, 127 F.3d 870, 873 (9th Cir. 1997). “Permissive intervention to litigate a claim on the merits under Rule 24(b) requires (1) an independent ground for jurisdiction; (2) a timely motion; and (3) a common question of law and fact between the movant’s claim or defense and the main action.” *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 473 (9th Cir. 1992).

We grant the Chamber’s motion to intervene based on no opposition from the parties. *See* Dkt. No. 59, 60. We grant the Legislature’s motion to intervene in our discretion because we find they have satisfied the three requirements of Fed. R. Civ. P. 24(b).

We do not disturb the twenty (20) minutes of oral argument time allotted to Plaintiffs-Appellees. The Chamber and the Legislature shall each get five (5) minutes of oral argument, following the Plaintiffs-Appellees’ argument. The Defendants-Appellants’ oral argument time will be extended to thirty (30) minutes.

**SO ORDERED.**