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*Motion for admission *pro hac vice* forthcoming

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Planned Parenthood Arizona, Inc., et al., Plaintiffs, v. Mark Brnovich, Attorney General of Arizona, in his official capacity, et al., Defendants.	Case No. 4:19-cv-00207-JGZ **Choices Pregnancy Centers of Greater Phoenix's Motion to Intervene as Defendant and Memorandum in Support**

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Introduction

A woman's decision to abort has "profound and lasting meaning" and states may seek "to ensure that this choice is thoughtful and informed." *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 872-73 (1992) (plurality). To this end, Arizona ensures that women receive certain relevant information at least 24 hours prior to an abortion. This allows women to investigate their options and determine for themselves, in light of the information they were supplied and discovered, whether to abort or give birth.

Facts that abortion providers must convey at least 24 hours prior to an abortion include the following:

- "[P]rivate agencies and services are available to assist the woman during her pregnancy and after the birth of her child if she chooses not to have an abortion." Ariz. Rev. Stat. § 36-2153(A)(2)(c).
- Arizona "maintains a website that . . . lists the agencies that offer alternatives to abortion." § 36-2153(A)(2)(f).
- "[A] printed copy of the materials on the website" listing agencies that offer alternatives to abortion are available "free of charge." § 36-2153(A)(2)(g).

Proposed Intervenor-Defendant Choices Pregnancy Centers of Greater Phoenix, Inc. (Choices) is one of those entities that will assist women during and after pregnancy. Decl. of Marc Burmich in Supp. of Mot. to Intervene ¶¶ 3, 6, 13-15, 25. And its contact information is on the website women learn of prior to their scheduled abortion. *Id.* ¶ 26.

Plaintiffs directly implicate Choices' interests by challenging the provisions informing women of the implications of abortion and various alternatives and providing time to contemplate their options and visit Choices prior to an abortion. If Plaintiffs are successful, women will no longer learn of Choices and its services through the State's important mechanism of ensuring informed consent. This will inhibit Choices' ability to reach, educate, and support women facing difficult pregnancies.

If successful, Plaintiffs' case will also require Choices to devote additional resources to its programs assisting women suffering with post-abortion regret. That is because Plaintiffs seek to eliminate the safeguards ensuring that no woman aborts without first receiving relevant information and time to consider her options. Undermining informed decision-making leads to decisions people regret.

As a result, Choices has unique interests to defend and information to supply in this litigation. A court in this district previously granted Choices intervention as of right when some of the same plaintiffs here challenged Arizona's 24-hour waiting period promoting informed consent. *See Tucson Women's Ctr. v. Ariz. Med. Bd.*, No. CV-09-1909-PHX-DGC, 2009 WL 4438933 (D. Ariz. Nov. 24, 2009).[1] This Court should grant Choices intervention now just as it did then.

Statement of Facts

Choices is a non-profit organization with a central mission of helping those facing various challenging circumstances surrounding pregnancy. Burmich Decl. ¶ 6, 24. It provides pregnant women with support, information, and services so they can understand that abortion is not their only option. *Id.* ¶ 6. To this end, Choices has medical staff and trained volunteers available to speak with women and offer support, such as prenatal and post-birth services—from parenting classes to mentoring to free diapers. *Id.* ¶¶ 5-6, 13, 15. The vast majority of Choices' services are free. *Id.* ¶ 3.

Choices ensures that a woman considering abortion can view her unborn child via ultrasound, observe her child's heartbeat, and learn about her child's stage of development and physical characteristics. *Id.* ¶ 7. Many women considering abortion have never learned the details of fetal growth and are shocked to discover just how developed their unborn child is. *Id.* ¶ 8. Once equipped with this knowledge and the

[1] When Choices was granted intervention in *Tucson Women's Center*, it operated under the name Crisis Pregnancy Centers of Greater Phoenix, Inc. Burmich Decl. ¶ 2.

time to contemplate its implications, they often decide to give birth to the child they had planned to abort. *Id.* ¶ 9. Choices has witnessed this reality countless times. *Id.*

This knowledge equips Choices to address the importance of the challenged provisions. *See, e.g.*, Ariz. Rev. Stat. § 36-2156(A)(1) (provision of ultrasound imaging and details regarding the unborn child's development); § 36-2153(A) (provision of development details).

Choices also has extensive knowledge regarding certain factors that often motivate women to seek an abortion. Burmich Decl. ¶¶ 8-10, 12-14, 19-20. One prevalent factor is hopelessness. *Id.* ¶ 12. Many women—including some who understand fetal development or even consider abortion morally wrong—believe that they have no choice but to abort. *Id.* They may feel they lack the social support to be successful mothers. *Id.* They may even fear that they will not be able to afford to provide their child with basic necessities. *Id.*

Choices informs women in these circumstances of the services it offers. *Id.* ¶¶ 13-14. Those services include baby clothes and supplies, gift cards, and referrals to other public and private entities that offer resources. *Id.* ¶¶ 13, 15. After learning of these resources, many women choose to give birth who, prior to visiting Choices, felt that abortion was a necessity. *Id.* ¶ 14. So at Choices, women who once believed they only had one viable "choice" discover that they have *choices*. *Id.* ¶¶ 12-14, 22.

Choices also provides services to women suffering from post-abortion regret. *Id.* ¶ 16. This includes women who aborted before Arizona enacted the informed-consent laws Plaintiffs now challenge. *Id.* ¶ 18. Indeed, Choices has found that many women suffering from post-abortion regret did not feel their decision to abort was fully informed. *Id.* ¶ 17. They may have been unaware of what the procedure involved, the details of the development of the child they were carrying, or the resources available to them if they decided to give birth. *Id.* Many of these women express that they never would have aborted had they known what the challenged laws and Choices convey and had time to digest that information. *Id.* But because they were uninformed, they made

an irreversible decision that now plagues them—oftentimes with devastating effects. *Id.* ¶ 16-17.

The 24-hour period that Arizona sets aside for women to gather information and consider their options provides a critical window for Choices to accomplish its purpose and serve the women of this state. *Id.* ¶ 25-29. Without that time and the limited information Arizona requires abortion providers to convey, Choices will not be able to help as many women make an informed decision prior to an abortion. *Id.* ¶ 27. And it will need to direct resources to helping additional women who will suffer from post-abortion regret after making rushed, uninformed decisions. *Id.* ¶ 28.

Argument

Ten years ago, Choices sought—and was granted—intervention in a case like this one. It involved some of the same plaintiffs and same provisions here. *See Tucson Women's Ctr.*, 2009 WL 4438933. As was true then, Choices' interests are directly implicated by this attack on Arizona law and Choices satisfies the requirements for intervention as of right. It now asks this Court to grant it mandatory intervention, or alternatively, permissive intervention.

In evaluating this motion, this Court should "take all well-pleaded, nonconclusory allegations in the motion to intervene . . . and declaration[] supporting the motion as true absent sham, frivolity or other objections." *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 820 (9th Cir. 2001).

I. Choices is entitled to intervene as of right.

This Court must permit Choices to intervene under Federal Rule of Civil Procedure 24(a)(2) if Choices can demonstrate these four elements: (1) its request is timely; (2) it has a significant protectable interest relating to a challenged law; (3) the case outcome may, as a practical matter, impair or impede its ability to protect its interests; and (4) the existing parties may not adequately represent its interests. *See In re Estate of Ferdinand E. Marcos Human Rights Litig.*, 536 F.3d 980, 984 (9th Cir.

2008). These requirements are "broadly interpreted in favor of intervention." *Id.* at 985. Choices satisfies them all.

A. Choices' motion to intervene is timely.

Courts evaluate three factors when assessing timeliness: "(1) the stage of the proceeding at which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the reason for and length of the delay." *Smith v. L.A. Unified Sch. Dist.*, 830 F.3d 843, 854 (9th Cir. 2016) (citation omitted). The "crucial date" for determining timeliness is when Choices "should have been aware that [its] interests would not be adequately protected by the existing parties." *Id.* (citation omitted). Here, Choices' president was unaware of the lawsuit until July, and its full board of directors did not learn the lawsuit's details until its August 14 board meeting. Burmich Decl. ¶ 24. Given the recency of Choices' awareness of its need to intervene, all relevant factors demonstrate that Choices' motion is timely. That remains true even if overlooking the relevant date and looking to when Plaintiffs filed suit.

First, the case proceedings are at a very preliminary stage. Discovery is barely underway. The parties have merely served disclosures under the Mandatory Initial Discovery Project implemented by General Order 17-08. *See* ECF No. 26 at 1. And the parties have sought and received an extension to wait until after a protective order is entered before producing the required electronically stored information specified in General Order 17-08. ECF No. 28. The parties submitted their proposed protective order just three days ago. ECF No. 31.

Little has occurred beyond the preliminary disclosures and a scheduling conference. No substantive motions have been filed nor substantive hearings held. In fact, dispositive motions are not due until next September. ECF No. 26 at 2. Under these circumstances, a determination of timeliness is appropriate. *See, e.g.*, *Safari Club Int'l v. Jewell*, No. CV-16-00094-TUC-JGZ, 2016 WL 7786478, at *1 (D. Ariz. May 13, 2016) (Zipps, J.) (finding motion to intervene timely when filed after issuance of a scheduling order and within three months of scheduled merits briefing); *Sawyer v. Bill*

Me Later, Inc., No. CV-10-04461 SJO (JCGx), 2011 WL 13217238, at *3-6 (C.D. Cal. Aug. 8, 2011) (finding timely a motion to intervene filed one year after the case started where the court had already ruled on a motion to dismiss and choice-of-law arguments and document discovery had recently begun, and noting that other "district courts in the Ninth Circuit have regularly found motions to intervene timely in cases where the stage of the proceedings had advanced further than the instant case").

Second, given the litigation's preliminary stage, the parties will not suffer prejudice from Choices' intervention. *Cf. Smith*, 830 F.3d at 857 (holding that "the only 'prejudice' that is relevant under this factor is that which flows from [the] prospective intervenor's" delay (citation omitted)). In fact, the parties requested—and the Court set—a deadline of November 1, 2019, for motions to join additional parties. ECF No. 21 at 4; ECF No. 26 at 1. The timing of Choices' motion cannot be considered prejudicial to the parties when they themselves allowed for the possibility of additional parties at an even later stage of litigation.

Finally, the time that elapsed prior to Choices filing this motion is reasonable under the circumstances. Choices' president did not learn of the April 11, 2019, lawsuit until July 2019. Burmich Decl. ¶ 24. Choices then evaluated the lawsuit and its potential impact, assessed the merits of participating in the litigation, addressed the matter with its board of directors, and retained counsel that was willing to provide *pro bono* services (Choices is a non-profit that relies on donations). *Id.* Understandably, all of this took time. And courts have granted intervention when six months or longer periods have lapsed prior to intervention. *See, e.g.*, *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*, 266 F.R.D. 369, 373 (D. Ariz. 2010) (finding that motion to intervene as of right was timely when filed "approximately nine months after the case was filed and six months after the Amended Complaint"); *Georgia v. U.S. Army Corps of Eng'rs*, 302 F.3d 1242, 1259-60 (11th Cir. 2002) (finding motion to intervene as of right was timely even though intervenor knew of case for six months before moving to intervene, at which time "discovery was largely complete"); *Mille Lacs Band of*

Chippewa Indians v. State of Minn., 989 F.2d 994, 999 (8th Cir. 1993) (finding motion to intervene timely even though filed "some eighteen months after suit had been commenced and nine months after the deadline for filing motions to add parties").

For all these reasons, Choices' motion to intervene is timely.

B. Choices has a significant, protectable interest.

There is no "clear-cut or bright-line rule" for determining whether a proposed intervenor has shown a sufficient interest for intervention. *In re Estate of Ferdinand E. Marcos*, 536 F.3d at 984 (citation omitted). Rather, the determination involves "a practical, threshold inquiry. No specific legal or equitable interest need be established." *Greene v. United States*, 996 F.2d 973, 976 (9th Cir. 1993) (citation omitted). Courts should utilize the "interest" requirement "primarily [as] a practical guide to disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficiency and due process." *In re Estate of Ferdinand E. Marcos*, 536 F.3d at 985 (citation omitted).

A proposed intervenor has a "'significant protectable interest' in an action if (1) it asserts an interest that is protected under some law, and (2) there is a 'relationship' between its legally protected interest and the plaintiff's claims." *Cal. ex rel. Lockyer v. United States*, 450 F.3d 436, 441 (9th Cir. 2006) (citation omitted).

Notably, intervention is proper even when the law an intervenor seeks to defend "does not give the proposed intervenors any enforceable rights" or "protect any of their existing legal rights." *Id.* Here, Choices "has a sufficient interest for intervention purposes [because] it will suffer a practical impairment of its interests as a result of the pending litigation" if Planned Parenthood prevails. *Id.*

Choices has multiple interests at stake. For instance, it seeks to ensure that those considering abortion are aware of their options and the resources Choices provides. The challenged provisions further those goals. If Plaintiffs prevail, many women will no longer learn—with at least 24 hours to act on that knowledge—that "private agencies and services" like Choices "are available to assist." Ariz. Rev. Stat. § 36-2153(A)(2)(c).

Nor will they learn of Arizona's list of "agencies that offer alternatives to abortions"—on which Choices is specifically included. § 36-2153(A)(2)(f)-(g); Burmich Decl. ¶¶ 26-27. That will substantially impair Choices' ability to convey its desired message and reduce abortions.

Moreover, if Plaintiffs succeed, more women will abort without all the information necessary to make a fully informed decision. Burmich Decl. ¶¶ 17, 28. This will cause more women to later "come[] to regret [their] choice to abort" and "struggle with grief more anguished and sorrow more profound when [they] learn[], only after the event, what [they] once did not know" about the implications of their decision and the options that had been available to them. *Gonzales v. Carhart*, 550 U.S. 124, 159-60 (2007); Burmich Decl. ¶¶ 16-17, 21, 28. With more women struggling from post-abortion regret, Choices will need to direct limited resources to help those women. Burmich Decl. ¶ 28. That will create financial burdens and undermine its ability to expand its outreach to pregnant women considering abortion. *Id.*; *Cf. Ctr. for Biological Diversity v. Zinke*, No. CV-18-00047-TUC-JGZ, 2018 WL 3497081, at *3 (D. Ariz. July 20, 2018) (Zipps, J.) (finding impairment of protected interests where, *inter alia*, the proposed intervenor "would have to expend more time and resources in developing a new plan which would take resources away from other statewide wildlife programs").

This Court has already held that Choices "has a legally protected right to provide the services and information it espouses." *Tucson Women's Ctr.*, 2009 WL 4438933, at *3. And in referring to a law Plaintiffs now challenge, the court explained that the law "would have the practical effect of furthering the purpose and work of [Choices], and invalidation of the statute likewise would have a practical effect on the organization." *Id.* Thus, the court held that Choices had demonstrated "a sufficiently protected interest." *Id.* The same conclusion is appropriate here.

C. Choices' ability to protect its interest may be impaired.

When a protectable interest exists, a court should have "little difficulty concluding that the disposition of th[e] case may, as a practical matter, affect" the

intervenor. *Citizens for Balanced Use v. Mont. Wilderness Ass'n*, 647 F.3d 893, 898 (9th Cir. 2011) (citation omitted). This Court previously noted that "a holding that the 24-hour notice provision is invalid would have practical implications for [Choices], implications that could not otherwise be avoided by [Choices]." *Tucson Women's Ctr.*, 2009 WL 4438933, at *5. It therefore held that Choices satisfied this element of intervention. *Id.* The risk of irreversible impairment of Choices' interests is even greater now that the law has been in effect for ten years and Choices has benefited from—and relied upon—it.

D. No existing party adequately represents Choices.

Courts consider three factors when determining whether existing parties adequately represent the interests of the proposed intervenor: "(1) whether the interest of a present party is such that it will *undoubtedly* make all of a proposed intervenor's arguments; (2) whether the present party is capable and willing to make such arguments; and (3) whether a proposed intervenor would offer any necessary elements to the proceeding that other parties would neglect." *Arakaki v. Cayetano*, 324 F.3d 1078, 1086 (9th Cir. 2003) (emphasis added).

Choices must only show "that representation of [its] interest '*may be*' inadequate" to satisfy this element for intervention. *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972) (citation omitted) (emphasis added). "[T]he burden of making that showing should be treated as minimal." *Id.*

Choices satisfies this 'minimal' showing. First, it is not clear that the State "will make all of the arguments [Choices] would make," *United States v. Oregon*, 839 F.2d 635, 638 (9th Cir. 1988). For one thing, the State is asserting its own interests—e.g., general welfare, health, and safety of its citizens. It does not represent the interests of pregnancy resource centers like Choices that will face financial, associational, and operational burdens if the 24-hour waiting period is struck down. In addition, the State is not asserting the specific interests of Choices' clients and potential clients.

Although both Choices and the State may "generally seek the same outcome in this litigation," their interests "are not entirely alike." *Zinke*, 2018 WL 3497081, at *4. Indeed, the State's "representation of the public interest" is not "identical to the individual parochial interest" of Choices. *Citizens for Balanced Use*, 647 F.3d at 899 (citations omitted). And even though they currently seek the "same result," because they have "distinct reasons for doing so," it is doubtful the State will raise all of Choices' arguments. *Wildearth Guardians v. Jewel*, No. 2:14-cv-00833-JWS, 2014 WL 7411857, at *3 (D. Ariz. Dec. 31, 2014) (finding that the applicant "sufficiently demonstrated inadequate representation"). Moreover, "even if [Arizona] and [Choices] have the same goal in this litigation, there is no guarantee that [Arizona] will not change or adjust its policy or position during the course of litigation." *Zinke*, 2018 WL 3497081, at *4 (citation omitted) (internal quotation marks omitted).

Second, and relatedly, the State is not "capable and willing to make" all of Choices' arguments because it lacks standing to do so. *Arakaki*, 324 F.3d at 1086. The State does not share Choices' "more narrow, parochial interests" and thus cannot raise them. *Nw. Envtl. Advocates v. U.S. Dep't of Commerce*, 769 F. App'x 511, 512 (9th Cir. 2019) (citation omitted) (holding that district court erred in denying intervention as of right). Rather, the State's general interest in ensuring informed consent by regulating the medical profession is distinct from Choices' specific interests in providing educational, emotional, and material support to women. It also differs from Choices' particular stake in its ability to pursue its mission, operations, and associational relationships. No other party can raise these potential injuries to Choices and its clients. Unlike the State, Choices can—as this Court previously held—"advance arguments that are illuminative of the private sector health care professional perspective" from a pro-life viewpoint. *Tucson Women's Ctr.*, 2009 WL 4438933, at *5 (finding that Choices is entitled to intervene).

Separately, the State may not be "capable and willing" to make all of Choices' arguments because the State is faced with defending 40 different laws in this single

lawsuit. *See* ECF No. 1 at 5 & nn.1-3. And in an effort to preserve its broader regulatory scheme against Plaintiffs' cumulative effects claims, the State may even "accept a limiting interpretation" on the provisions impacting Choices that Choices deems "unacceptable." *Tucson Women's Ctr.*, 2009 WL 4438933, at *5. In contrast, Choices is focused primarily on defending the 24-hour provisions, and will be able to offer the Court more attentive and fulsome arguments on their validity.

Finally, Choices would offer "necessary elements to the proceeding that other parties would neglect" by providing this Court critical evidence and arguments unavailable to the State. *Arakaki*, 324 F.3d at 1086. For instance, Choices can provide evidence of the significant impact the challenged provisions can have. Burmich Decl. ¶¶ 19-21. The challenged provisions ensure, for example, that abortion providers inform each woman of the medical risks of abortion, the availability of social and support services, her unborn child's development, and the opportunity to view her child via ultrasound imaging. *See* Ariz. Rev. Stat. § 36-2153(A)(1)(c), (e), (f); § 36-2153(A)(2)(a)–(c); § 36-2156(A)(1). Choices' clients have confirmed the significance of this type of information—and an opportunity to digest it—in ensuring that a woman's decision about abortion is fully informed. Burmich Decl. ¶¶ 9-10, 14, 17.

This information is critical to allow the Court to fully assess the benefits of the challenged provisions. Yet the State does not have access to this information in the way that Choices does. Choices will offer evidence showing that its clients often change their minds about abortion after learning relevant information—like that provided by the challenged provisions—and reflecting on it. *Id.* ¶¶ 9-10, 14, 17, 19-20. This information goes to the heart of whether the challenged provisions help ensure informed consent to abortion—a key benefit of the law that Plaintiffs dispute.

In addition, Choices can offer evidence that some women deeply regret their abortions because they were not given the time and information needed to fully consider their options and the consequences before it was too late. *Id.* ¶¶ 17, 19, 21.

Choices has formed close relationships with many such women. *Id.* ¶ 21. And it can provide detailed evidence of the harms some women suffer when not given sufficient information and time to contemplate the implications of abortion prior to procuring one. *Id.* ¶¶ 16-17, 19, 21. Choices' position of trust with post-abortion clients makes it uniquely situated to address the benefits of the challenged provisions—and the harms that will result without them—in a way that Arizona cannot. *Id.*

Thus, as this Court properly recognized in determining that Choices was not adequately represented by the State in 2009, Choices may "provide evidence concerning the impact of the Act that [the State] *could not provide*." *Tucson Women's Ctr.*, 2009 WL 4438933, at *5 (emphasis added).

The Supreme Court has confirmed that intervention of right is warranted where, as here, a proposed intervenor has raised "sufficient doubt about the adequacy of representation." *Trbovich*, 404 U.S. at 538. In *Trbovich*, the official prosecuting the law was "performing his duties, broadly conceived, as well as can be expected," but the Supreme Court recognized that the individual whose interests were at stake may have valid concerns about deficiencies in the official's representation, and may not take "precisely the same approach to the conduct of the litigation." *Id.* at 539.

In sum, Choices satisfies the four elements for intervention as of right in this case just as it did in a substantially similar case ten years ago. *Tucson Women's Ctr.*, 2009 WL 4438933, at *5. This is especially true because courts, in evaluating the elements, are "guided primarily by practical and equitable considerations." *Arakaki*, 324 F.3d at 1083. And those considerations weigh in favor of intervention.

II. Choices should be granted permissive intervention.

Choices also satisfies the requirements for permissive intervention. Federal Rule of Civil Procedure 24(b)(1) provides that "[o]n timely motion, the court may permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact." This Rule "does not specify any particular interest that will suffice for permissive intervention." *Protect Lake Pleasant, LLC v. Johnson*,

No. CIV 07-454-PHX-RCB, 2007 WL 1108916, at *5 (D. Ariz. Apr. 13, 2007) (citation omitted). It also "plainly dispenses with any requirement that the intervenor shall have a direct personal or pecuniary interest in the subject of the litigation." *Id.* The Court must also consider "whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3).

As already shown, Choices' motion is timely and will cause no undue delay or prejudice to the original parties. *See supra* § I.A. Choices does not anticipate raising any new claims or counterclaims that could surprise the parties or slow the case. And it has concurrently submitted a proposed answer and will work to ensure that the case can proceed apace.

In addition, Choices' defenses "share[] with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1). Indeed, Choices intends to simply defend the constitutionality of laws against Plaintiffs' arguments. *See Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1110 (9th Cir. 2002) (commonality standard satisfied when intervenors "asserted defenses . . . directly responsive to the claims of injunction asserted by plaintiffs"), *abrogated on other grounds by Wilderness Soc'y v. U.S. Forest Serv.*, 630 F.3d 1173 (9th Cir. 2011). And in doing so, it can provide relevant evidence regarding the benefits of the challenged provisions and the harm that results when women abort without receiving the information and time for reflection the laws provide. *See supra* § I.D.

Accordingly, Choices requests that this Court grant it permissive intervention.

Conclusion

This case directly implicates Choices' interests and ability to carry out its mission. Choices has unique interests and the ability to provide highly relevant information that the State cannot. Intervention is proper here just as it was when this Court granted Choices intervention in a materially similar case ten years ago. Therefore, Choices respectfully requests that this Court grant it intervention as of right or, alternatively, permissive intervention.

Respectfully submitted this 21st day of October, 2019.

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CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2019, I electronically filed the foregoing paper with the Clerk of Court using the ECF system which will send notification of such filing to all counsel of record.

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