

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

South Carolina Green Party, Eugene Platt,
and Robert Dunham,

Plaintiffs,

vs.

South Carolina State Election Commission,
John H. Hudgens, Cynthia M. Bensch,
Tracey C. Green, Pamella B. Pinson, and
Thomas Waring, in their official capacities
only as Chairman and members respectively
of the South Carolina Election Commission,

Defendants.

Civil Action No: 3:08-cv-02790-JFA

MOTION TO INTERVENE AS A DEFENDANT UNDER RULE 24(a)(2)

The Charleston County Democratic Party (“Intervenor”) moves to intervene as defendant pursuant to Rule 24(a)(2), Fed. R. Civ. Proc. The Motion should be granted because:

1. It is timely filed;
2. The Intervenor has significant interests, as detailed in the attached Memorandum in Opposition to Plaintiffs’ Motion for a Preliminary Injunction, in the subject matter and outcome of this case;
3. If the Intervenor is not allowed to intervene, disposing of the action may impair or impede the movant’s ability to protect its substantial rights and interests; and
4. Intervention will not unduly delay the adjudication of this case or prejudice the rights of the existing parties.

This Motion is based upon the pleadings and papers on file herein, as well as the Brief and attachments submitted simultaneously herewith.

WHEREFORE, the Intervenor respectfully requests this Court:

- A. Allow the Intervenor to intervene pursuant to Rule 24(a)(2);
- B. Grant leave for the Intervenor to file the attached Answer of Intervenor and the attached Memorandum of Intervenor in Opposition to Plaintiffs' Motion for Preliminary Injunction in the present action and appear in any way necessary in this action to assert and protect their rights and interests;
- C. Deny Plaintiffs' motion for a mandatory affirmative injunction overturning the lawful action of the State Election Commission; and
- D. Provide such other and further relief to the Intervenor as the Court may deem just and equitable.

The undersigned counsel hereby certifies that, prior to filing this Motion, he called counsel for Plaintiffs but has not reached them and thus they have not consented to it, and with counsel for Defendants, who has consented to the intervention.

Respectfully submitted,

/s/ Matthew T. Richardson

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Date: August 22, 2008
Columbia, South Carolina