

further permits a non-party to intervene when the non-party “is given an unconditional right to intervene by a federal statute.” Fed. R. Civ. P. 24(a)(1). The United States has an unconditional statutory right to intervene “[i]n any action . . . wherein the constitutionality of any Act of Congress affecting the public interest is drawn in question[.]” 28 U.S.C. § 2403(a). In such an action, “the court . . . shall permit the United States to intervene . . . for argument on the question of constitutionality.” *Id.* Here, Plaintiffs have “drawn in question” the constitutionality of 47 U.S.C. § 230(c), and the United States has an unconditional right to intervene to defend the statute.

Additionally, the United States respectfully moves for an order setting the deadline for the United States to file its memorandum in defense of 47 U.S.C. § 230(c). The Court set the deadline for Defendants to respond to Plaintiffs’ motion for preliminary injunction as follows:

Should the Court deny Defendants’ Motion to Transfer, then Defendants shall respond to both the Amended Complaint and Motion for Preliminary Injunction on or before 30 days after the Court’s ruling. . . . Should the Court grant Defendants’ Motion to Transfer, and this case is transferred, the same scheduling changes . . . shall apply unless the Northern District of California decides otherwise.

ECF No. 85.

On November 19, 2021, the Court granted Defendants’ motion to transfer. ECF No. 108. Thus, Defendants’ response to Plaintiffs’ motion for preliminary injunction is due December 20, 2021, unless the Northern District of California decides otherwise. The United States respectfully requests the Court set the same deadline for the United States’ memorandum in defense of 47 U.S.C. § 230(c) as is applicable to Defendants’ response to Plaintiffs’ motion for preliminary injunction.

Pursuant to Local Rule 7.1(a)(3), the undersigned certifies that he has conferred with counsel for the parties about the relief sought herein. Counsel for Plaintiffs and counsel for Defendants stated that their clients consent to the relief sought herein.

Date: November 21, 2021

Respectfully submitted,

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on November 21, 2021.

/s/ Joshua Kolsky
Joshua Kolsky