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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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MDY Industries, LLC,)

No. CV-06-2555-PHX-DGC

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Plaintiff/Counterdefendant,)

ORDER

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vs.)

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Blizzard Entertainment, Inc.; and)
Vivendi Games, Inc.,)

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Defendants/Counterclaimants)

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Blizzard Entertainment, Inc.; and Vivendi)
Games, Inc.,)

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Third-Party Plaintiffs,)

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vs.)

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Michael Donnelly,)

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Third-Party Defendant.)

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This copyright action involves a multiplayer online role-playing game known as
World of Warcraft (“WoW”). WoW players control characters within a virtual universe,
exploring the landscape, fighting monsters, performing quests, building skills, and interacting
with other players and computer-generated characters. As players succeed, they acquire in-
game assets, experience, and power. Players can advance from level 1 to level 70.

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Jonathan Riches, purportedly doing business under various aliases, has filed a pro se
motion seeking leave to intervene in this action as a plaintiff. Dkt. #98. Mr. Riches asserts
that WoW has “caused his mind to live in a virtual universe” and lose “touch with reality.”

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1 *Id.* He claims that this caused him to “commit fraud to buy Defendants’ video games” and
2 to “choose [WoW] over working a legit job.” *Id.*

3 Mr. Riches has not shown that he is entitled to intervene as a matter of right pursuant
4 to Rule 24(a) of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 24(a)(1)-(2).

5 A court may grant permissive intervention under Rule 24(b) if the movant provides
6 an independent basis for jurisdiction, the motion is timely, and the applicant’s claims or
7 defenses have a question of law or fact in common with the main action. *See* Fed. R. Civ.
8 P. 24(b)(1)(A); *Venegas v. Skaggs*, 867 F.2d 527, 529 (9th Cir. 1989). Mr. Riches’ motion
9 satisfies none of these requirements. *See* Dkt. #98.

10 Moreover, even if the requirements were satisfied, permissive intervention is a matter
11 within the sound discretion of the district court. *See Venegas*, 867 F.2d at 530; *Kootenai*
12 *Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1110-11 (9th Cir. 2002). “In exercising its
13 discretion, the court must consider whether the intervention will unduly delay or prejudice
14 the adjudication of the rights of the original parties.” Fed. R. Civ. P. 24(b)(3); *see Kootenai*
15 *Tribe*, 313 F.3d at 1111 n.10. The Court concludes that permitting Mr. Riches to intervene
16 at this late stage of the litigation will unduly delay the proceedings and will prejudice the
17 parties.¹

18 **IT IS ORDERED** that Jonathan Riches’ motion for leave to intervene (Dkt. #98) is
19 **denied.**

20 DATED this 21st day of November, 2008.

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David G. Campbell
United States District Judge

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27 ¹It is worth noting that this is not Mr. Riches first attempt to intervene in an action
28 before the Court. *See Best Western International, Inc. v. Doe*, CV-06-1537-PHX-DGC; *see also Tsirekidze v. Syntax-Brilliant Corp.*, CV-07-2204-PHX-FJM.