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

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Equal Employment Opportunity
Commission,

No. CV-08-926-PHX-DGC

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Plaintiff,

ORDER

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vs.

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Automated Control Technologies, Inc.,
an Arizona limited liability company,

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Defendant.

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The Equal Employment Opportunity Commission (“EEOC”) commenced this action by filing a complaint against Automated Control Technologies (“ACT) on behalf of Paul Frank. The EEOC alleges that ACT terminated Frank’s employment because he complained about racial harassment by a co-worker. The complaint asserts a claim for retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq. Dkt. #1.

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Frank has filed a motion to intervene as a plaintiff pursuant to Rule 24 of the Federal Rules of Civil Procedure. Dkt. #6. No response has been filed.

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Rule 24 requires the Court, on timely motion, to “permit anyone to intervene who[] is given an unconditional right to intervene by a federal statute[.]” Fed. R. Civ. P. 24(a)(1). Section 706(f) of Title VII grants aggrieved persons an unconditional right of intervention: “The person or persons aggrieved *shall* have the right to intervene in a civil action brought by the [EEOC.]” 42 U.S.C. § 2000e-5(f)(1) (emphasis added); *see Gen. Tele. Co. of the N.W., Inc. v. EEOC*, 446 U.S. 318, 326 (1980).

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1 Frank is an “aggrieved person” for purposes of Title VII, and his motion to intervene
2 was timely filed. *See EEOC v. ABM Indus. Inc.*, 249 F.R.D. 588, 590 (E.D. Cal. 2008). The
3 Court therefore must grant the motion. *See Fed. R. Civ. P. 24(a)(1); 42 U.S.C. § 2000e-*
4 *5(f)(1).*

5 **IT IS ORDERED:**

- 6 1. Paul Frank’s motion to intervene as plaintiff (Dkt. #6) is **granted**.
- 7 2. The proposed complaint-in-intervention (Dkt. #6, Ex. A) shall be filed by
8 **September 12, 2008**.
- 9 3. Mr. Frank’s counsel is required to participate in the Case Management
10 Conference set for **September 26, 2008**. *See* Dkt. #7.

11 DATED this 9th day of September, 2008.

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15 David G. Campbell
16 United States District Judge
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