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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES,

Plaintiff,

v.

UN SIK KIM, et al.,

Defendants.

No. 2:14-cv-02207-KJM-CKD

ORDER

Before the court is an unopposed motion by Wilmington Trust National Association, as trustee for MFRA Trust 2015-1 (Wilmington), requesting leave to intervene in the above-captioned case under Federal Rule of Civil Procedure 24(a)(2). ECF Nos. 36, 39. Wilmington also makes an unopposed request to file an answer to the complaint in this case. ECF Nos. 36, 39.

Federal Rule of Civil Procedure 24(a) provides:

On timely motion, the court must permit anyone to intervene who . . . claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

Fed. R. Civ. P. 24(a)(2). In determining whether intervention as of right is appropriate, the court

1 applies a four-part test:

2 (1) the application for intervention must be timely; (2) the applicant
3 must have a ‘significantly protectable’ interest relating to the
4 property or transaction that is the subject of the action; (3) the
5 applicant must be so situated that the disposition of the action may,
as a practical matter, impair or impede the applicant’s ability to
protect that interest; and (4) the applicant’s interest must not be
adequately represented by the existing parties in the lawsuit.

6 *Southwest Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 817 (9th Cir. 2001) (citation
7 omitted). “In determining whether intervention is appropriate, courts are guided primarily by
8 practical and equitable considerations, and the requirements for intervention are broadly
9 interpreted in favor of intervention.” *United States v. Aerojet Gen. Corp.*, 606 F.3d 1142, 1148
10 (9th Cir. 2010) (quoting *United States v. Alisal Water Corp.*, 370 F.3d 915, 919 (9th Cir. 2004)).

11 Here, the court finds Wilmington has satisfied the four requirements under Rule
12 24(a)(2), for the reasons set forth in its brief: (1) the motion is timely; (2) as the current owner of
13 the Deed of Trust for the property at issue in this dispute, Wilmington has a “significantly
14 protectable” interest in the United States’ suit against defendants to foreclose on the same
15 property; (3) similarly, disposition of the action may, as a practical matter, impair or impede
16 Wilmington’s ability to protect this interest; and (4) Wilmington’s interest is not adequately
17 represented by the existing parties in the action, *see Southwest Ctr.*, 268 F.3d at 822 (setting forth
18 three-prong test for inadequacy of representation).

19 Accordingly, the court GRANTS Wilmington’s unopposed motion to intervene
20 under Rule 24(a)(2). Wilmington’s answer to plaintiff’s complaint shall be filed within seven (7)
21 days of this order.

22 This order resolves ECF No. 36.

23 IT IS SO ORDERED.

24 DATED: September 12, 2016

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26 
27 UNITED STATES DISTRICT JUDGE
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