

1 IN THE UNITED STATES DISTRICT COURTS
 2 FOR THE EASTERN DISTRICT OF CALIFORNIA
 3 AND THE NORTHERN DISTRICT OF CALIFORNIA
 4 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES
 5 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE
 6

7 RALPH COLEMAN, et al.,
 8 Plaintiffs,

9 v.

10 GAVIN NEWSOM, et al.,
 11 Defendants.

12 MARCIANO PLATA, et al.,
 13 Plaintiff,

14 v.

15 GAVIN NEWSOM, et al.,
 16 Defendants.

Case No. 2:90-cv-0520 KJM DB P

THREE-JUDGE COURT

Case No. 01-cv-01351-JST

THREE-JUDGE COURT

**ORDER DENYING MOTION TO
 INTERVENE BY VALLEY FEVER
 PRISONERS**

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 18 Now before the Court is the motion to intervene brought by certain prisoners¹ with Valley
 19 Fever. ECF No. 3229/6542.² The Court invited Plaintiffs and Defendants to submit responses to
 20 the motion by 12:00 noon on April 1, 2020. ECF No. 3247/6556 at 1–2. No response was
 21 received. The Court denies the motion for the reasons set forth below.

22 Federal Rule of Civil Procedure 24 provides for both intervention as of right and
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 25 ¹ The precise identity of the intervenors is unknown. No class or sub-class has been certified, and
 26 the attorney who filed the motion states that he “does not purport to speak for every inmate
 afflicted with valley fever.” ECF No. 3229/6542 at 5. Because the Court will deny the motion for
 independent reasons, it does not address this issue further.

27 ² All filings in this Three-Judge Court are included in the individual docket sheets of both Plata v.
 28 Newsom, No. 01-cv-01351-JST (N.D. Cal.), and Coleman v. Newsom, No. 2:90-cv-0520 KJM DB
 P (E.D. Cal.). The Court cites to the docket number of Plata first, then Coleman.

1 permissive intervention.³ Fed. R. Civ. P. 24(a)–(b). Intervention as of right is denied because the
 2 proposed intervenors have not shown that their interests will not be “adequately represented by
 3 existing parties.” Fed. R. Civ. P. 24(a)(2); Arakaki v. Cayetano, 324 F.3d 1078, 1083 (9th Cir.
 4 2003) (listing “four requirements [that] must be satisfied to support a right to intervene,” including
 5 that “the applicant’s interest must not be adequately represented by existing parties”). All the
 6 proposed intervenors are members of at least the plaintiff class in Plata because they receive
 7 medical care within the state prison system, and they present no reason why Plata class counsel
 8 will not adequately represent their interests in connection with the current motion.

9 The Court also exercises its “broad discretion” to deny permissive intervention. *Perry v.*
 10 *Schwarzenegger*, 630 F.3d 898, 905 (9th Cir. 2011). In particular, the Court concludes that
 11 proposed intervenors’ interests will be adequately represented by Plaintiffs’ counsel, and the
 12 involvement of additional counsel will not “significantly contribute to full development of the
 13 underlying factual issues in the suit and to the just and equitable adjudication of the legal
 14 questions presented.” *Spangler v. Pasadena Bd. of Educ.*, 552 F.2d 1326, 1329 (9th Cir. 1977).

15 **IT IS SO ORDERED.**⁴

16 Dated: April 1, 2020

On behalf of the Court:

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18 _____
 19 JON S. TIGAR
 20 UNITED STATES DISTRICT JUDGE
 21 NORTHERN DISTRICT OF CALIFORNIA

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27 _____
 28 ³ The proposed intervenors fail to discuss Rule 24 or any of the relevant standards for intervention.

⁴ Judge Tigar issues this order on behalf of the Court pursuant to 28 U.S.C. § 2284(b)(3).