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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Equal Employment Opportunity
Commission,

Plaintiff,

v.

Monterey Gourmet Foods, Inc.,

Defendant.

NO. C 10-00152 JW

**REVISED ORDER GRANTING MOTION
TO INTERVENE**

Presently before the Court is Intervenor Plaintiffs’ Motion for Leave to Intervene.¹ The Court finds it appropriate to take the matter under submission without oral argument. See Civ. L.R. 7-1(b). Plaintiff and Defendant have both filed Statements of Non-Opposition. (See Docket Item Nos. 10, 21.) Intervenor Plaintiffs seek to intervene in this action to bring federal and state law claims against Defendant.

Under Federal Rule of Civil Procedure 24, “[o]n timely motion, the court must permit anyone to intervene who . . . (1) is given an unconditional right to intervene by a federal statute.” When the EEOC brings a civil action against an employer under Title VII, federal law provides that “the charging party [*i.e.*, the aggrieved employee] may intervene as a matter of right.” E.E.O.C. v. Federal Exp. Corp., 558 F.3d 842, 849 (9th Cir. 2009). In determining timeliness under Rule 24, a court should consider “(1) the stage of the proceeding; (2) prejudice to other parties; and (3) the

¹ (hereafter, “Motion,” Docket Item No. 9.) Intervenor Plaintiffs are Maria Dolores Perez, Manuel Soto, Juanita Velasquez, and Maria Isabel Lucio.

1 reason for and the length of the delay.” Alaniz v. Tillie Lewis Foods, 572 F.2d 657, 659 (9th Cir.
2 1978).

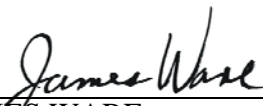
3 In this case, Intervenor Plaintiffs are the charging parties in the EEOC’s Complaint. (See
4 Complaint ¶ 8.) As the charging parties, they have a right to intervene under Title VII if their
5 Motion is timely. Intervenor Plaintiffs filed their Motion on March 10, 2010, approximately two
6 months after the Complaint was filed. No discovery schedule has been set in this case, and it
7 appears that Defendant would not suffer prejudice if the Court granted the Motion. In light of the
8 early stage of the proceedings and the lack of prejudice to Defendant, the Court finds that Intervenor
9 Plaintiffs may intervene in this case.

10 Accordingly, the Court GRANTS Intervenor Plaintiffs’ Motion. On or before **June 7, 2010**,
11 Intervenor Plaintiffs shall file their Complaint in Intervention.

12 In light of this Order, the Court CONTINUES the Case Management Conference currently
13 set for June 7, 2010 to **June 28, 2010 at 10 a.m.** provide all parties sufficient time to meet and
14 confer. On or before **June 18, 2010**, the parties shall file a Joint Case Management Statement. The
15 Statement shall include, among other things, a good faith discovery schedule with a proposed date
16 for the close of all discovery.

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Dated: May 27, 2010



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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9
10 **Dated: May 27, 2010**

Richard W. Wieking, Clerk

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By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy