

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01680-MSK-KLM

WILDEARTH GUARDIANS,

Plaintiff,

v.

LISA P. JACKSON, in her official capacity as Administrator, United States Environmental Protection Agency,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Colorado Department of Public Health and Environment's Motion to Intervene and Memorandum in Support Thereof** [Docket No. 16; Filed October 26, 2010] (the "Motion"). The State of Colorado, Department of Public Health and Environment, Air Pollution Division (the "Division") seeks to intervene as a Defendant in this action as a matter of right under Fed. R. Civ. P. 24(a)(2) or, in the alternative, to intervene as a Defendant in this action permissively pursuant to Fed. R. Civ. P. 24(b)(2). The Division represents that neither Plaintiff nor Defendant takes a position regarding the Motion.

The Court finds that the Division has met the requirements of Fed. R. Civ. P. 24(b)(2) for permissive intervention in this action. Given that intervention is permitted and neither Plaintiff nor Defendant has taken a position on the Division's request to intervene, the Court does not consider whether the Division is entitled to intervene as a matter of right.

IT IS HEREBY **ORDERED** that the Motion is **GRANTED**. The caption in this case shall be amended to reflect the addition of Defendant-Intervenor State of Colorado, Department of Public Health and Environment, Air Pollution Control Division.

IT IS FURTHER **ORDERED** that the Clerk of the Court is instructed to accept Defendant-Intervenor's Answer to Plaintiff's Amended Complaint [Docket No. 16-10] for filing as of the date of this Minute Order.

Dated: November 4, 2010