

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,

and

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AIR POLLUTION CONTROL DIVISION,

Defendant-Intervenor,

and

KERR-MCGEE GATHERING LLC,

Defendant-Intervenor.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Kerr-McGee Gathering LLC's Motion to Intervene** [Docket No. 20; Filed November 12, 2010] (the "Motion"). Kerr-McGee Gathering LLC ("Kerr-McGee") 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). Kerr-McGee represents that neither Plaintiff nor Defendant takes a position regarding the Motion, and that Defendant-Intervenor has no opposition to the Motion.

The Court finds that Kerr-McGee 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 Kerr-McGee's request to intervene, the Court does not consider whether Kerr-McGee 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 Kerr-McGee Gathering LLC.

IT IS FURTHER **ORDERED** that the Clerk of the Court is instructed to accept Defendant-Intervenor Kerr-McGee's Answer to Plaintiff's First Amended Complaint [Docket No. 20-3] for filing as of the date of this Minute Order.

Dated: November 15, 2010