

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00521-WJM-MJW

CIVILITY EXPERTS WORLDWIDE,

Plaintiff,

v.

MOLLY MANNERS, LLC,
APRIL ROLLINS,
LOYCE RIGGANS,
ALISON SMITH,
FELICIA KNOWLES,
SHANNON COMBS, and
MONIKA VIRTA-GUPTA,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that:

- The parties' Stipulated Motion and Order (Docket No. 151) is GRANTED for the reasons set forth below;
- April Rollins and Tanya Maclin are each permitted to intervene under Fed. R. Civ. P. 24(b);
- Docket No. 151-1 (Complaint in Intervention of April Rollins) is ACCEPTED FOR FILING; and
- Docket No. 151-2 ((Complaint in Intervention of Tanya Maclin) is ACCEPTED FOR FILING.

Federal Rule of Civil Procedure 24(b)(1)(B) provides that, on timely motion, the court may permit intervention to anyone who "has a claim or defense that shares with the main action a common question of law or fact." Fed.R.Civ.P. 24(b)(1)(B). The decision whether or not to grant a motion for permissive intervention is within the district court's sound discretion. *See, e.g., City of Stilwell v. Ozarks Rural Elec. Co-op. Corp.*, 79 F.3d 1038, 1043 (10th Cir. 1996). In exercising this discretion, "the court must consider whether the intervention will unduly delay or prejudice the adjudication of the

original parties' rights." Fed.R.Civ.P. 24(b)(3). Further,

In deciding whether permissive intervention is warranted once the threshold requirement of a common question of law or fact is satisfied, courts may consider such factors as: "(1) whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights; (2) whether the would-be intervenor's input adds value to the existing litigation; (3) whether the petitioner's interests are adequately represented by the existing parties; and (4) the availability of an adequate remedy in another action."

Lower Arkansas Valley Water Conservancy Dist. v. United States, 252 F.R.D. 687, 690-91 (D. Colo. 2008) (quoting *United States v. N. Colo. Water Conservancy Dist.*, 251 F.R.D. 590, 598 (D.Colo.2008)).

Here, based on the parties' stipulation and my own review of the case, I find that the factors easily weigh in favor of allowing permissive intervention. Common questions of law and fact abound; there is no indication that any prejudice or delay would occur; and the intervenors add value to the case. Indeed, both intervenors were previously named as defendants in this suit; plaintiff's claims against them have been settled, and they seek now only to assert what would have been entirely permissible cross-claims had they remained in the case in the first place. Permissive intervention makes eminent good sense here.

Date: October 26, 2015
