UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. 98-1232 (CKK)

MICROSOFT CORPORATION,

Defendant.

STATE OF NEW YORK, et al.,

Plaintiffs

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1233 (CKK)

ORDER

Lonnie G. Schmidt has filed a motion for leave to intervene, pursuant to Rule 24 of the Federal Rules of Civil Procedure. A party has a right to intervene when the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant s ability to protect that interest, unless the applicant s interest is adequately represented by existing parties. Fed. R. Civ. P. 24(a)(2). Proposed intervenor does not meet any of these

criteria.

A party may be permitted to intervene when an applicant s claim or defense and the main

action have a question of law or fact in common. Fed. R. Civ. P. 24(b)(2). Courts considering

permissive intervention are instructed to consider whether the intervention will unduly delay or

prejudice the adjudication of the rights of the original parties. *Id.* In this instance, the Court

finds that the burden of an additional party will likely cause such undue delay and prejudice.

Base on the foregoing, it is this 8th day of October, 2001, hereby

ORDERED that Lonnie G. Schmidt s motion to intervene is DENIED.

SO ORDERED.

COLLEEN KOLLAR-KOTELLY United States District Judge