

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1232 (CKK)

STATE OF NEW YORK, *et al.*,

Plaintiffs

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1233 (CKK)

ORDER

Roy A. Day 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 ___ day of September, 2001, hereby

ORDERED that Roy A. Day’s motion to intervene is DENIED.

SO ORDERED.

COLLEEN KOLLAR-KOTELLY
United States District Judge