

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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LARRY KLAYMAN, <i>et al.</i> ,		)	
	Plaintiffs,	)	
v.		)	Civil Action No.
		)	1:13-cv-00851-RJL
BARACK OBAMA, President of the		)	
United States, <i>et al.</i> ,		)	
	Defendants.	)	
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LARRY KLAYMAN, <i>et al.</i> ,		)	
	Plaintiffs,	)	
v.		)	Civil Action No.
		)	1:13-cv-00881-RJL
BARACK OBAMA, President of the		)	
United States, <i>et al.</i> ,		)	
	Defendants.	)	
<hr/>		)	
LARRY KLAYMAN, <i>et al.</i> ,		)	
	Plaintiffs,	)	
v.		)	Civil Action No.
		)	1:14-cv-0092-RJL
BARACK OBAMA, President of the		)	
United States, <i>et al.</i> ,		)	
	Defendants.	)	
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**GOVERNMENT DEFENDANTS' OPPOSITION TO MOTION  
TO INTERVENE FILED BY DAVID ANDREW CHRISTENSON**

The Government Defendants<sup>1</sup> hereby respond to David Andrew Christenson’s “Motion to Join and or Motion to Intervene and or Complaint” (13-851, ECF No. 95; 13-881, ECF. No. 69; 14-092, ECF No. 4 (“Christenson Mot.”)). Mr. Christenson filed this motion without making any showing as to why he is entitled to intervene under Federal Rule of Civil Procedure 24(a) or (b). The Government Defendants therefore do not believe that the motion merits serious consideration by this Court and oppose the relief sought.

Mr. Christenson’s motion consists of allegations of government misconduct involving a Coast Guard commander in Louisiana as well as the claim that Mr. Christenson has been unlawfully prosecuted and surveilled by the United States Department of Justice in order to “bypass the Federal Judiciary[,] steal his evidence, and to silence him thereby depriving him of his 1st Amendment Privilege.” Christenson Mot. at 1.

Rule 24(a) and (b) “both require that a motion to intervene be timely filed, and the Court considers ‘time elapsed since the inception of the suit, the purpose for which intervention is sought, the need for intervention as a means of preserving the applicant’s rights, and the probability of prejudice to those already parties in the case.’” *Kifafi v. Hilton Hotel Ret. Plan*,

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<sup>1</sup> With regard to *Klayman I* and *II* (Case Nos. 13-cv-851, 13-cv-881), the “Government Defendants” are defendants Barack Obama, President of the United States, Eric Holder, Attorney General of the United States, and General Keith B. Alexander, Director of the National Security Agency (NSA), insofar as they are sued in their official capacities, together with defendants NSA and the United States Department of Justice. The “Government Defendants” in *Klayman III* (Case No. 14-cv-092), in addition to the aforementioned defendants, include James Clapper, Director of National Intelligence (DNI), John O. Brennan, Director of the Central Intelligence Agency (CIA), and James Comey, Director of the Federal Bureau of Investigation (FBI), insofar as they are sued in their official capacities, and defendants CIA and FBI. In conjunction with this opposition, the undersigned is appearing on behalf of all the Government Defendants, but for the sole and limited purpose of opposing Mr. Christenson’s motion to intervene. This appearance is neither a waiver of service nor a concession that the Plaintiffs have properly effected personal service of process on any of the Government Defendants or individual capacity defendants named in *Klayman III*. These defendants therefore reserve their right to file a motion to dismiss under Rule 12, Rule 56, or any other applicable rule, and to raise any and all available defenses, if and when they are served and properly before the Court.

2004 WL 3619156, at \*6 (D.D.C. Sept. 27, 2004) (quoting *Smoke v. Norton*, 252 F.3d 468, 471 (D.C. Cir. 2001)).<sup>2</sup> Permissive intervention under Rule 24(b)(1)(A)—the more likely putative basis for the instant motion—may apply to movants who have “a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(A).

The aforementioned factors weigh heavily against permitting Mr. Christenson to intervene in this case. He waited nine months to file his motion, does not articulate a single reason why intervention is appropriate, and alleges harm unconnected to any activity being challenged in the instant cases. Relatedly, because his allegations do not share a “common question of law or fact” with the claims raised in these cases and, in any event, are not supported by any independent jurisdictional basis, he is not eligible for permissive intervention under Rule 24(b)(1)(A). *See EEOC v. Nat’l Children’s Ctr., Inc.*, 146 F.3d 1042, 1046 (D.C. Cir. 1998).

Finally, Mr. Christenson’s motion is not accompanied by a pleading setting forth the claims for which intervention is sought, as required by Rule 24(c). Rather, his attached “pleading” references but does not attach an “original complaint” in an unrelated civil rights case pending in the Eastern District of Louisiana, *see Christenson Mot.* at 2-3, appends prior amicus briefs purportedly filed in the United States Supreme Court in 2012, *see id.* at 5-28, and includes miscellaneous motions to intervene in what appears to be unrelated criminal matters before the Fifth Circuit, *id.* at 26-37, copies of a restraining order entered against Mr. Christenson, *see id.* at 41-44, an order setting bail conditions related to that restraining order, *id.* at 45-46, and summaries of books purportedly published by Mr. Christenson. *See id.* at 38-41.

For the above-stated reasons, Mr. Christenson’s motion to intervene should be denied.

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<sup>2</sup> Mr. Christenson has not identified any statute that provides him an unconditional or conditional right to intervene in this action, *see* Fed. R. Civ. P. 24(a)(1), (b)(1)(A), and counsel for the Government Defendants are aware of none.

Dated: March 24, 2014

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of March, 2014, I did cause true and correct copies of the foregoing instrument, Government Defendants' Opposition to Motion to Intervene Filed by David Andrew Christenson, to be electronically filed using the CM/ECF system for the United States District Court for the District of Columbia and served by U.S. mail on the following person:

DAVID ANDREW CHRISTENSON  
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*/s/ Bryan Dearing*  
BRYAN DEARINGER  
Trial Attorney  
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