

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

EMERALD LENGEL,
on behalf of herself and all those
similarly situated,
Plaintiffs,
v.
HOMEADVISOR, INC.,
Defendant.

CIVIL ACTION
No. 15-2198-KHV

MEMORANDUM AND ORDER

On August 10, 2017, intervenor Frederick Banks filed a Notice (Motion) To Intervene As Of Right (Fed R. Civ. P. 24) And Claim (Doc. #74). Intervenor asserts that he has a legally protectable interest in this action and requests that he receive settlement funds.

Under Rule 24(a), Fed. R. Civ. P., the Court must allow a party to intervene if (1) his application is timely; (2) he claims an interest relating to the property or transaction which is the subject of the action; (3) his interest may as a practical matter be impaired or impeded and (4) his interest is not adequately represented by existing parties. See Elliot Indus. Ltd. P'ship v. BP Am. Prod. Co., 407 F.3d 1091, 1103 (10th Cir. 2005).1

Intervenor fails to allege a sufficient factual basis to establish a legal interest in this action. In this class action suit, plaintiffs allege that HomeAdvisor, Inc. violated the Fair Credit Reporting Act because it failed to give job applicants proper notice before it obtained consumer reports that

1 Intervenor seeks "intervention as of right." Doc. #74. Thus, the Court does not need to consider whether it would grant permissive intervention under Rule 24(b), Fed. R. Civ. P. Nevertheless, the Court denies permissive intervention because intervenor has not established that he has an interest in this action.

contained personal information. The putative intervenor's notice does not claim that he worked for or applied for a job with HomeAdvisor between January 13, 2013 and June 10, 2015 – the class period. The Court rejects his unsupported, conclusory claim that “he has a legally protectable interest in this action.” Doc. #74. Further, the notice does not attempt to establish that any interest will be impaired or impeded by this action or that the existing parties do not adequately represent his interest. Thus, the Court strikes the notice to intervene.

IT IS THEREFORE ORDERED that intervenor's Notice (Motion) To Intervene As Of Right (Fed R. Civ. P. 24) And Claim (Doc. #74) filed August 10, 2017 be and hereby is **STRICKEN**.

Dated this 25th day of September, 2017 at Kansas City, Kansas.

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge