

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

FILED

JUL 10 2017

Clerk, U.S. District Court
District Of Montana
Great Falls

CITIZENS FOR CLEAN ENERGY,
ECOHEYENNE, MONTANA
ENVIRONMENTAL INFORMATION
CENTER, CENTER FOR
BIOLOGICAL DIVERSITY,
DEFENDERS OF WILDLIFE,
SIERRA CLUB, and WILDEARTH
GUARDIANS,

Plaintiffs,

and

THE NORTHERN CHEYENNE
TRIBE,

Plaintiff,

vs.

U.S. DEPARTMENT OF THE
INTERIOR; U.S. SECRETARY OF
THE INTERIOR; and U.S. BUREAU
OF LAND MANAGEMENT,

Defendants.

CV-17-30-GF-BMM

**ORDER REGARDING NATIONAL
MINING ASSOCIATION'S MOTION TO
INTERVENE**

Applicant for intervention, National Mining Association, has moved for leave of Court to intervene as of right pursuant to Federal Rule of Civil Procedure 24(a)(2). (Doc. 37.) Federal Defendants do not oppose National Mining

Association's intervention in this matter. *Id.* at 2. The State of Wyoming also does not oppose. *Id.*

Under Fed. R. Civ. P. 24(a)(2), to intervene as of right, an applicant must show that “(1) it has a significant protectable interest relating to the property or transaction that is the subject of the action; (2) the disposition of the action may, as a practical matter, impair or impede the applicant's ability to protect its interest; (3) the application is timely; and (4) the existing parties may not adequately represent the applicant's interest.” *In re Estate of Ferdinand E. Marcos Human Rights Litig.*, 536 F.3d 980, 984 (9th Cir. 2008) (internal quotations and citation omitted).

National Mining Association represents the only national organization representing mining interests. (Doc. 38 at 6.) National Mining Association also occupies a different position than that of the United States and the State of Wyoming on the basis that the organization represents the business interests of its coal company members. *Id.* at 8-9. The Applicant meets the standard for intervention as of right.

IT IS ORDERED that the unopposed motion (Doc. 37) for intervention as of right of Applicant National Mining Association is hereby GRANTED.

IT IS FURTHER ORDERED that Defendant-Intervenor National Mining Association must file its responsive pleading or motion within seven days after the

deadline by which Federal Defendants must file their responsive pleading or motion.

The Court will impose briefing word limits on all parties, including intervenors, at the preliminary pretrial conference, which will be scheduled after responsive pleadings or motions are filed in this case.

DATED this 10th day of July, 2017.

A handwritten signature in cursive script that reads "Brian Morris". The signature is written in black ink and is positioned above a horizontal line.

Brian Morris
United States District Court Judge