

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

METROPOLITAN OMAHA)
PROPERTY OWNERS)
ASSOCIATION, INC.,)
))
Plaintiff,)
))
V.)
))
CITY OF OMAHA, MICHAEL O)
JOHNSON, GREG PETERSEN,)
KEVIN DENKER, JANE DOES, and)
JOHN DOES,)
))
Defendants.)

8:13CV230

ORDER

This case arises out of purported constitutional violations stemming from the City of Omaha's housing code. On May 16, 2014, John J. Malone, Sr. ("Malone") moved to intervene in this action ([filing 23](#)). Malone seeks intervention by right under [Fed. R. Civ. P. 24\(a\)\(2\)](#), and permissive intervention under [Fed. R. Civ. P. 24\(b\)\(1\)\(B\)](#). Malone did not submit a separate brief in support of his motion. However, from the body of the motion itself, it appears Malone is arguing that he has an interest in this litigation by virtue of his status as a property owner who has been subject to citations from the Omaha housing authority. Malone also states in the motion that he should be permitted to intervene to protect his property interests during the pendency of this proceeding.

The Court will deny Malone's motion to intervene at this time. The future of this case is uncertain. This case was mediated and, as a result, the parties have been engaged in a series of ongoing settlement negotiations. On April 14, 2014, upon being advised that mediation had prompted serious settlement efforts, the undersigned stayed the case until October 1, 2014, to allow the parties time to continue negotiations. Malone has not articulated any reason why intervention is necessary at this point, nor has he explained how he would be prejudiced by not being allowed to intervene at this time.

Accordingly,

IT IS ORDERED that John Malone, Sr.'s Motion to Intervene ([filing 23](#)) is denied without prejudice to reassertion following the conclusion of the stay entered in this case.

DATED June 18, 2014.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**