

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:17-cv-00004-FL

SAVE OUR SOUND OBX, INC.,
THOMAS ASCHMONEIT, RICHARD
AYELLA, DAVID HADLEY, MARK
HAINES, JER MEHTA, and GLENN
STEVENS,

Plaintiffs,

v.

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION; FEDERAL
HIGHWAY ADMINISTRATION; JOHN F.
SULLIVAN, III, DIVISION
ADMINISTRATOR, FEDERAL HIGHWAY
ADMINISTRATION; and JAMES
TROGDON, SECRETARY, NORTH
CAROLINA DEPARTMENT OF
TRANSPORTATION,

Defendants.

**ORDER ON UNOPPOSED MOTION
TO INTERVENE**
Fed. R. Civ. Pro. 24(a)(2) and 24(b)

On March 3, 2016, Defenders of Wildlife (“Defenders”) and the National Wildlife Refuge Association (the “Refuge Association”) (collectively the “Conservation Groups”) moved to intervene as defendants pursuant to Fed. R. Civ. Pro. 24(a)(2) and 24(b). The Conservation Groups’ Motion was unopposed. After considering the Conservation Groups’ Motion and their supporting memorandum and the arguments set forth therein, the Court finds that Conservation Groups are entitled to intervene in this action as of right pursuant to Federal Rule of Civil Procedure 24(a)(2) and, therefore, **IT IS HEREBY ORDERED** that:

1. The Conservation Groups' Unopposed Motion to Intervene is **GRANTED**. The Conservation Groups shall be Defendant-Intervenors in this action.

2. The Proposed Answer [D.E. 19, Attachment 7], Proposed Motion for Partial Dismissal [D.E. 19, Attachment 8], and Memorandum in Support of Motion for Partial Dismissal [D.E. 19, Attachment 9] provided with Conservation Groups' Unopposed Motion to Intervene now shall be filed separately on the docket by the movant.

Ordered this the 7th day of March, 2017.



The Honorable Louise W. Flanagan
United States District Judge

Respectfully submitted, this the 7th day of March.

SOUTHERN ENVIRONMENTAL LAW CENTER

By: /s/ Kimberley C. Hunter

Kimberley C. Hunter

N.C. State Bar No. 41333

Derb S. Carter

N.C. State Bar No. 10644

Nicholas S. Torrey

N.C. State Bar No. 43382

601 West Rosemary Street, Suite 220

Chapel Hill, N.C. 27516-2356

Telephone: (919) 967-1450

Facsimile: (919) 929-9421

khunter@selcnc.org

dcarter@selcnc.org

ntorrey@selcnc.org

*Attorneys for Defenders of Wildlife
and National Wildlife Refuge Association*

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of March, 2017, I have served the foregoing Proposed Order on Unopposed Motion to Intervene on the parties listed below by electronically filing it with the Clerk of Court on this date using the CM/ECF system, which will send notification of such filing to, and pursuant to Local Civil Rule 5.1(e) shall constitute service upon, the following:

Michael K. Murphy
GIBSON, DUNN & CRUTCHER, LLP
1050 Connecticut Ave., N.W.
Washington, D.C. 20036
Phone: (202) 955-8500
Fax: (202) 530-9657
MMurphy@gibsondunn.com
D.C. Bar No. 468907
Counsel for Plaintiffs

Zia C. Oatley
OATLEY LAW
1710 Lake Valley Trail
Chapel Hill, N.C. 27517
Phone: (202) 550-3332
Fax: (202) 530-9657
Ziacromer@gmail.com
N.C. Bar No. 44664
Local Civil Rule 83.1 Counsel for Plaintiffs

Colin Justice, Assistant Attorney General
NC DEPARTMENT OF JUSTICE
TRANSPORTATION SECTION
1505 Mail Service Center
Raleigh, N.C. 27699-1505
Phone: (919) 707-4480
Fax: (919) 733-9329
cjustice@ncdoj.gov
N.C. State Bar No. 42965
Counsel for State Defendants

John G. Batherson
N.C. DEPARTMENT OF JUSTICE
TRANSPORTATION SECTION
1505 Mail Service Center
Raleigh, N.C. 27699-1505
Phone: (919) 707-4480
Fax: (919) 715-3870
jrbatherson@ncdoj.gov
N.C. Bar No. 48985
Counsel for State Defendants

I further certify that on this 7th day of March, 2017, I have served the foregoing Proposed Order on Unopposed Motion to Intervene on the Federal Defendants by placing a copy in the United States mail, first-class postage prepaid, addressed as follows:

Emily Meeker
U.S. DEPARTMENT OF JUSTICE
Environment and Natural Resources Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001
Counsel for Federal Defendants

/s/ Kimberley C. Hunter
Kimberley C. Hunter
*Attorney for Defenders of Wildlife
and National Wildlife Refuge Association*