

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

Center for Biological Diversity, et al.,

Plaintiffs,

v.

U.S. Department of the Interior, et al.,

Defendants.

Civil Action No. 1:22-cv-1716 (TSC)

**PETROLEUM ASSOCIATION OF WYOMING’S MOTION TO INTERVENE AS A
DEFENDANT AND STATEMENT OF LAW IN SUPPORT**

The Petroleum Association of Wyoming (“PAW”) respectfully requests this Court grant its motion to intervene as a defendant. PAW may intervene as of right pursuant to Federal Rule of Civil Procedure 24(a). PAW’s participation is necessary to protect against impairment of PAW’s and its members’ important economic and legal interests in this action. In addition, PAW represents interests not adequately represented by the existing parties to this action, and this motion is timely. In the alternative, PAW seeks permissive intervention pursuant to Rule 24(b) because PAW will raise common legal issues and defenses with the main action.

Pursuant to Local Civil Rule 7(m), counsel for PAW conferred with counsel for the parties for which counsel has entered an appearance. Plaintiffs take no position on the motion and reserve the right to file a response.

I. BACKGROUND

A. Plaintiffs’ Legal Challenge

Center for Biological Diversity and WildEarth Guardians (together, “Plaintiffs”) challenge the federal government’s handling of thousands of applications for permits to drill

(“APDs”) for oil and gas on federal lands in Wyoming and New Mexico. *See* Compl. ¶ 1. On June 15, 2022, Plaintiffs sued the U.S. Department of the Interior, Secretary of the Interior Debra Haaland, the U.S. Bureau of Land Management (“BLM”), and BLM Director Tracy Stone-Manning (together, “Defendants”) alleging that issuance of at least 3,535 APDs violated the National Environmental Policy Act (“NEPA”), the Endangered Species Act (“ESA”), the Federal Land Policy and Management Act (“FLPMA”), and their implementing regulations. *See, e.g., id.* More specifically, Plaintiffs allege Defendants failed to adequately consider the greenhouse gas emissions associated with development under the APDs, the cumulative climate impact of these emissions, including alleged impacts on endangered species. *Id.* ¶¶ 4, 6. Plaintiffs further allege Defendants violated FLPMA by failing to fully consider impacts to public lands and transgressed NEPA by failing to appropriately consider environmental justice. *Id.* ¶¶ 8, 10.

To remedy these alleged violations, Plaintiffs ask the Court to declare the challenged APD approvals unlawful under NEPA, the ESA, and FLPMA; “vacate and set aside Federal Defendants’ oil and gas drilling permit authorizations challenged herein;” and “[e]njoin Federal Defendants from approving or otherwise taking action to approve any applications for permits to drill on federal public lands” until Defendants fully comply with NEPA, ESA, and FLPMA. *Id.*, Requested Relief ¶¶ A–E.

B. PAW’s Interest In The Litigation

Founded in 1920, PAW is Wyoming’s oldest and largest petroleum industry trade association. Decl. of Pete Obermueller In Support Of PAW’s Motion To Intervene As A Defendant ¶ 2 (attached as Exhibit 1) (hereinafter “Decl.”). As a tax-exempt, membership organization, PAW represents and advocates on behalf of companies engaged in exploration and production of oil and gas in Wyoming. Decl. ¶ 2. PAW members produce 90% of Wyoming’s oil

and gas, generating approximately \$5 billion in economic activity annually and employing more than 15,000 people in Wyoming. Decl. ¶ 3. PAW is dedicated to the safe and sustainable development of Wyoming's oil and gas resources and educating the public on the need for a healthy, viable domestic petroleum industry. Decl. ¶ 4.

PAW member companies participate in the federal leasing and permitting process, which includes applying for and obtaining APDs to access federal oil and gas resources in Wyoming. Decl. ¶ 5. The member companies have invested significant financial and corporate resources to obtain the right to access critical federal oil and gas resources in Wyoming. Decl. ¶ 6. This lawsuit challenges the legal and regulatory process through which PAW members have lawfully obtained access through the challenged APDs. Decl. ¶ 6. Of the challenged APDs, approximately 800 authorize access to federal oil and gas resources in Wyoming, and 785 of the APDs are held by 18 PAW members. Decl. ¶ 5.

Should Plaintiffs prevail, the APDs could be vacated and set aside, potentially permanently, depriving PAW members' ability to access the federal oil and gas resources authorized by the APDs. Decl. ¶ 6. And the federal government could potentially be enjoined from issuing future APDs for some period of time. *See* Compl., Requested Relief ¶¶ A–E. PAW members rely on the established regulatory process and their legally-protected interests in validly-issued APDs when making significant financial investments in infrastructure, equipment, and personnel. Decl. ¶ 6. Because of the enormous economic investment PAW members have made to gain access to develop resources on federal lands in Wyoming through the APDs at issue in this lawsuit, PAW members have a substantial economic interest in the subject and outcome of the litigation. Decl. ¶¶ 6–7. Although PAW members' interests may align with those of the federal Defendants—who will presumably defend their actions in issuing the APDs—the

federal Defendants have not invested in infrastructure, equipment, and personnel, and thus do not have a similar business interest as PAW members. Thus, PAW members have an additional and significant interest in obtaining business certainty and protecting their investments that cannot be adequately represented by federal Defendants.

II. ARGUMENT

A. PAW Is Entitled To Intervene As Of Right Under Rule 24(a)(2)

Rule 24(a)(2) provides for intervention as of right when (1) the motion is timely, (2) the applicant claims a legally protectable interest related to the property or transaction that is the subject of the action, (3) the interest may be impaired or impeded as a result of the action, and (4) existing parties do not adequately represent the applicant's interest. Fed. R. Civ. P. 24(a); *see Fund For Animals, Inc. v. Norton*, 322 F.3d 728, 731 (D.C. Cir. 2003).

In addition, some courts within this District require a putative defendant-intervenor to demonstrate Article III standing to intervene as of right. *Compare Env't Integrity Project v. Wheeler*, No. 20-CV-1734, 2021 WL 6844257, at *2 (D.D.C. Jan. 27, 2021) (putative defendant-intervenor not required to demonstrate Article III standing), *with Red Lake Band of Chippewa Indians v. U.S. Army Corps of Eng'rs*, 338 F.R.D. 1, 4 (D.D.C. 2021) (putative defendant-intervenor required to demonstrate Article III standing). While the standing inquiry into injury in fact, causation, and redressability may “fold into the underlying inquiry under Rule 24(a),” *Waterkeeper All., Inc. v. Wheeler*, 330 F.R.D. 1, 6 (D.D.C. 2018), out of an abundance of caution, PAW will address standing in addition to intervention as of right.

PAW satisfies both inquiries. First, PAW has Article III standing to intervene as a defendant because it has an interest in the litigation that would be protected by a favorable outcome for Defendants. *See Red Lake Band*, 338 F.R.D. at 4. Second, PAW filed a timely

motion detailing its members' significant economic and legal interests that would be adversely impacted by the relief Plaintiffs seek and the inability of existing parties to adequately represent those interests. *See Fund For Animals*, 322 F.3d 734–37.

1. PAW Has Article III Standing

An organizational intervenor may establish Article III standing on behalf of its members (“associational standing”) by showing that (a) at least one member would have standing to sue in its own right, (b) the interests it seeks to protect are germane to the organization’s purpose, and (c) neither the claim nor requested relief requires participation of the individual members. *Am. Rivers v. FERC*, 895 F.3d 32, 40–41 (D.C. Cir. 2018); *see Hunt v. Wash. State Apple Advert. Comm’n*, 432 U.S. 333, 343 (1977).

a. *PAW members have standing.*

First, PAW must show that at least one of its members has standing; that is, a member would suffer an injury in fact, traceable to the challenged action, that would be prevented if the agency action were upheld. *See Am. Rivers*, 895 F.3d at 41 (*quoting WildEarth Guardians v. Jewell*, 738 F.3d 298 (D.C. Cir. 2013)); *Defs. of Wildlife v. Perciasepe*, 714 F.3d 1317, 1323 (D.C. Cir. 2013); *WildEarth Guardians v. Salazar*, 272 F.R.D. 4, 13 (D.D.C. 2010) (stating the standing requirements for intervening as a defendant). To establish injury in fact, a PAW member must suffer an “invasion of a legally protected interest” that is “concrete and particularized,” and “actual or imminent.” *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992).

PAW members’ interest in this litigation is tied directly to their validly-issued APDs, which are contractual agreements with the federal government entitling the holder to drill wells for oil and gas exploration and extraction on federal lands. Decl. ¶ 5 (explaining that 18 PAW

members hold 785 of the challenged APDs); *see WildEarth Guardians v. Salazar*, 272 F.R.D. at 16 (finding that a trade organization had standing where its members would benefit from a lease sale of certain federal lands and would “suffer a concrete injury-in-fact” if the agency’s decision was set aside). PAW members invest considerable financial resources to participate in the federal leasing and permitting process, acquire equipment and infrastructure, and drill and produce wells in reliance on the APDs. Decl. ¶ 6. Plaintiffs seek to vacate and set aside the challenged APDs and restrict issuance of further APDs, a remedy that would disrupt a legally protected interest. Compl. ¶ 11.

PAW members benefit from the APDs, and their interests would be impaired if Plaintiffs prevail. *See WildEarth Guardians v. Jewell*, Case No. 16-cv-1724, 2016 WL 11720188, at *1–2 (D.D.C. Nov. 23, 2016) (finding that PAW, Western Energy Alliance (“WEA”), and the American Petroleum Institute (“API”) had legally protected interests that could be impaired by a challenge to the federal government’s approval of oil and gas leases on public lands in Colorado, Utah, and Wyoming); *see also WildEarth Guardians v. Nat’l Park Serv.*, 604 F.3d 1192, 1199 (10th Cir. 2010) (“the interest of a prospective defendant-intervenor may be impaired where a decision in the plaintiff’s favor would return the issue to the administrative decision-making process”). If Plaintiffs were to obtain their requested relief, the sudden revocation of APDs would immediately destabilize the existing regulatory scheme and undermine PAW members’ ability to drill and recoup significant investments. *See Friends of Earth v. Haaland*, Case No. 21-cv-2317, 2021 WL 5865386, at *2 (D.D.C. Dec. 11, 2021) (finding API’s proposed intervention “appropriate . . . because its members benefit financially from [the challenged] oil and gas leases”). The threat is imminent as the APD’s validity hinges on the outcome of the litigation, and traceable to the relief Plaintiffs’ seek. *See WildEarth Guardians v. Jewell*, 2016 WL

11720188, at *2. Conversely, a decision against Plaintiffs would prevent harm to PAW members' interests. *See Friends of Earth*, 2021 WL 5865386, at *2. Because individual PAW members hold numerous challenged APDs, the invalidation of which would impose a sudden, concrete injury in fact to those members, the Court should find that PAW has standing to intervene. *See WildEarth Guardians v. Salazar*, 272 F.R.D. at 16 (finding that a trade organization had standing where members would suffer an injury in fact of the agency decision were set aside).

- b. *PAW will serve its core purpose by opposing Plaintiffs' relief and defending the validity of the APDs.*

PAW satisfies the second element of associational standing: the interests PAW seeks to protect in this lawsuit are germane to PAW's purpose. *See Am. Rivers*, 895 F.3d at 40.

"Germaneness is satisfied by a 'mere pertinence' between litigation subject and an organization's purpose." *AARP v. EEOC*, 226 F. Supp. 3d 7, 19 (D.D.C. 2016) (quoting *Competitive Enter. Inst. v. Nat'l Highway Traffic Safety Admin.*, 901 F.2d 107, 111 (D.C. Cir. 1990)). This threshold is "quite low" and precludes only a "narrow class of cases . . . filed by organizations on issues on which they . . . lack expertise or resources." *Wash. Legal Found. v. Leavitt*, 477 F. Supp. 2d 202, 212 (D.D.C. 2007); *Humane Soc. v. Hodel*, 840 F.2d 45, 57 (D.C. Cir. 1988).

PAW's purpose is to better the oil and gas industry in Wyoming by promoting development of Wyoming's natural resources and advocating on behalf of its member companies. Decl. ¶ 4. These members rely on the federal oil and gas program, including validly-issued APDs, to explore for and produce federal oil and gas resources in Wyoming. Decl. ¶¶ 5–6. Plaintiffs' desired remedy conflicts with this core purpose, and if granted would adversely impact PAW members. PAW surpasses the low threshold of "mere pertinence" because its central purpose is substantially threatened by this litigation. *See AARP*, 226 F. Supp. 3d at 19;

Wash. All. of Tech. Workers v. U.S. Dep't of Homeland Sec., 395 F. Supp. 3d 1, 17 (D.D.C. 2019) (finding associational standing where the organization's mission "include[d] advocating for a policy agenda that helps their member companies" and the organization's goal in the litigation was to defend a federal program on which its members relied).

c. *PAW members are not necessary parties to the litigation.*

Finally, PAW meets the final element of associational standing because the claims and relief at issue do not require participation of individual PAW members. *See Hunt*, 432 U.S. at 343. PAW members' interests are united in protecting the APDs and no individual members testimony is required to understand the importance of the APDs to PAW. *Ctr. for Auto Safety v. Nat'l Highway Traffic Safety Admin.*, 793 F.2d 1322, 1329 (D.C. Cir. 1986) ("Courts have required individual participation in circumstances where there are conflicts of interest within the organization or when a specific factual setting is needed to illuminate the issues."). PAW may assert all available defenses to the Plaintiffs' claims—namely that Defendants' actions in issuing the APDs comport with all applicable legal requirements—without any individual member participation. *See Ctr. for Food Safety v. Salazar*, 898 F. Supp. 2d 130, 140 (D.D.C. 2012) (individual participation not required where individual relief not sought). The Court should thus find that PAW has Article III standing sufficient to intervene as a matter of right.

2. PAW Meets The Rule 24(a) Criteria To Intervene As A Matter of Right

PAW satisfies the four criteria to intervene as of right: (a) the case was only recently filed and allowing PAW to join will cause no prejudice or delay to any party; (b) PAW and its members have made significant investments based on the issuance of the APDs and thus have a protectable interest in this litigation challenging the validity of the APDs; (c) a decision in Plaintiffs' favor would practically and seriously impair PAW's and its members' interests; and

(d) Defendants and Plaintiffs cannot adequately represent the industry-specific interests of PAW and its members. *See* Fed. R. Civ. P. 24(a).

a. *PAW timely moved to intervene.*

PAW filed this motion a few weeks after filing of the complaint, before Defendants filed an answer or entered an appearance, and before any non-ministerial actions of the parties in this litigation. *See Fund For Animals, Inc. v. Norton*, 322 F.3d 728, 735 (D.C. Cir. 2003) (motion to intervene timely when filed less than two months after the complaint and before defendants filed an answer). Timeliness is “judged in consideration of all the circumstances” including time since the suit was filed, the purpose of intervention, the need to intervene to preserve the applicant’s rights, and the probability of prejudice to existing parties. *Amador Cnty., Cal. v. U.S. Dep’t of the Interior*, 772 F.3d 901, 903 (D.C. Cir. 2014). PAW will meet the schedule established for the other parties, unless otherwise ordered by the Court. As such, intervention at this early date will not cause any delay or prejudice to other parties’ pursuit of their claims or defenses, but is necessary to preserve PAW’s rights. *Waterkeeper All.*, 330 F.R.D. at 6 (intervention timely where motion to intervene was filed “shortly after defendants were served and before this Court had occasion to make any merits decisions”).

b. *PAW has a significant, protectable interest in the challenged APDs on behalf of its members.*

As the preeminent oil and gas industry association in Wyoming representing all aspects of the oil and gas industry, PAW has an interest in maintaining regulatory certainty and protecting the challenged APDs on behalf of its members. Courts routinely grant industry association intervention motions seeking participation in environmental group challenges to federal government actions with respect to oil and gas. *See, e.g., WildEarth Guardians v. Jewell*,

2016 WL 11720188, at *1–2 (PAW, WEA, and API); *Friends of Earth*, 2021 WL 5865386, at *2 (API); *WildEarth Guardians v. Salazar*, 272 F.R.D. at 16 (National Mining Association).

Similar to the defendant-intervenors in those cases, PAW members have expended substantial financial resources to obtain APDs from the federal government for the opportunity to explore for and develop valuable oil and gas resources. *See* Decl. ¶ 6; *Friends of Earth v. Haaland*, 2021 WL 5865386, at *2. As noted, multiple PAW members hold an APD directly challenged by Plaintiffs, and there may be others should Plaintiffs seek to add to the list of challenged APDs. Decl. ¶ 5; *see* Compl. ¶ 98 n. 6 (reserving the right to add APD approvals); *see WildEarth Guardians v. Salazar*, 272 F.R.D. at 16 (finding a national mining association had an interest in litigation where its “membership include[d] the universe of entities that would benefit” from a challenged federal action and the “breadth of Plaintiffs’ challenge” could have “practical implications” for similar, future federal actions). PAW’s mission is to better the Wyoming oil and gas industry by promoting oil and gas investment in Wyoming, protecting its members’ financial interests, and enabling members to access Wyoming’s oil and gas resources, including federal resources. Decl. ¶ 4. Given the substantial investment by PAW members to obtain APDs and their interests in the APDs remaining valid, the Court should find that PAW has a significant protectable interest in the litigation. *See WildEarth Guardians v. Jewell*, 2016 WL 11720188, at *1–2; *see also WildEarth Guardians v. Nat’l Park Serv.*, 604 F.3d at 1199.

c. *PAW’s interest is threatened by Plaintiffs’ requested relief.*

A ruling in favor of Plaintiffs would impair or impede PAW’s interests in defending its members’ legal rights to drill and financial investments incurred based on those rights. Decl. ¶¶ 6–7; *see Friends of Earth v. Haaland*, 2021 WL 5865386, at *2. Plaintiffs claim Defendants violated their obligations under NEPA, ESA, and FLPMA, and, as a result, the challenged APDs

should be vacated and set aside. Compl. ¶¶ 1, 11. The relief requested, if granted even in part, would directly and adversely impact PAW members' contractual interests in the leases and their financial investments to obtain APDs and produce federal oil and gas resources pursuant to those contracts.

Moreover, while the complaint names the federal government as Defendants, the ultimate object of the legal challenge is to restrict drilling by PAW members and others on federal lands. *See Sierra Club v. EPA*, 292 F.3d 895, 899–900 (D.C. Cir. 2002) (party has standing when its activities are the ultimate object of the legal challenge); *Hardin v. Jackson*, 600 F. Supp. 2d 13, 15 (D.D.C. 2009) (*quoting Sierra Club*, 292 F.3d at 900, and granting a manufacturer's motion to intervene in a lawsuit that sought to invalidate the federal registration of the manufacturer's products); *Red Lake Band*, 338 F.R.D. at 6 (permittee allowed to intervene in a challenge by tribes and environmental groups to the Army Corps' issuance of the permittee's permit because the "requested relief, if granted, would as a practical matter impede [permittee's] ability to proceed with its . . . project, requiring [permittee] to halt construction and incur additional costs associated with delay"). Indeed, the complaint strongly suggests Plaintiffs seek to permanently end the oil and gas activities of PAW members and others by invalidating already-issued APDs, and preventing further APD issuance. *See, e.g.*, Compl. ¶ 21 ("Guardians and its members work to replace fossil fuels with clean, renewable energy."); *id.* ¶ 25 ("Oil and gas development has a negative impact on the relatively undeveloped landscapes . . . Oil and gas development inevitably has a negative impact on [member's] recreational and aesthetic pursuits."); *see also* WildEarth Guardians, *Keep It In the Ground* (last visited July 13, 2022), <https://wildearthguardians.org/climate-energy/keep-it-in-the-ground/> ("We're fighting not just to reduce fossil fuel consumption, but also to stop fossil fuel production in its tracks.").

Private party intervention in defense of challenged federal conduct is thus particularly warranted where, as here, the private interests could be directly and significantly impacted. *See Fund for Animals*, 322 F.3d at 733 (granting a foreign government agency’s motion to intervene to defend a challenge to federal regulations potentially limiting sport hunting by U.S. citizens where the foreign country’s sheep were “the subject of the disputed regulations”); *Red Lake Band*, 338 F.R.D. at 6 (“the Court considers the ‘practical consequences’ of denying intervention, which may include economic consequences”). For these reasons, PAW has a right to intervene in the litigation to protect its members’ legally protected interests from the relief Plaintiffs seek.

d. *Other parties cannot adequately represent PAW’s interests.*

A proposed intervenor need only show that representation by an existing party “may be” inadequate, and the burden to make that showing is “minimal” and “not onerous.” *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538–39 & n.10 (1972); *Fund for Animals*, 322 F.3d at 735 (citing *Trbovich*, 404 U.S. at 538 n. 10). Although private and government interests can coincide, private interests often diverge from those of a government entity rendering representation by the government entity inadequate. *Dimond v. Dist. of Columbia*, 792 F.2d 179, 192–93 (D.C. Cir. 1986) (recognizing that a governmental entity must represent the public interest of citizens while a private company may seek to protect only a narrow, financial interest not shared by the citizens); *Nat. Res. Def. Council v. Costle*, 561 F.2d 904, 912 (D.C. Cir. 1977) (acknowledging that industry group’s interest was “more narrow and focused than EPA’s, being concerned primarily with the regulation that affects their industries”). “Adequacy of representation must be assessed in relation to the specific purpose that intervention will serve.” *U.S. v. Am. Tel. & Tel. Co.*, 642 F.2d 1285, 1293 (D.C. Cir. 1980); *see also Friends of Earth*,

2021 WL 5865386, at *3 (recognizing that it is “well-established in this Circuit” that governmental entities do not adequately represent interests of intervenors where an intervenors interests are more narrow).

Although Defendants’ and PAW’s interests may coincide in defending the process and issuance of the APDs, PAW seeks to defend interests not shared by Defendants—namely its members’ investments and its core mission as an organization. Because PAW members’ interests in protecting investments “cannot be subsumed within the shared interest of the citizens [of the United States], “no presumption exists that the [Defendants] will adequately represent [their] interests.” *Dimond*, 792 F.2d at 193. Moreover, Plaintiffs’ legal position and proposed relief run counter to PAW’s interests. *See Friends of Earth*, 2021 WL 5866386, at *3.

In short, no existing party to the litigation shares PAW’s interests in protecting its members’ investments in developing federal oil and gas resources in Wyoming. Accordingly, PAW asks the Court to find that it satisfies the Rule 24(a) requirements and allow PAW to intervene as a matter of right.

B. PAW Should Be Granted Permissive Intervention Under Rule 24(b)

If the Court denies intervention as of right, PAW requests the Court allow permissive intervention under Rule 24(b). That rule provides in pertinent part:

On timely motion, the court may permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact. . . . In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties’ rights.

Fed. R. Civ. P. 24(b)(1) & (3). “It remains . . . an open question in this circuit whether Article III standing is required for permissive intervention.” *Perciasepe*, 714 F.3d at 1327.

PAW and the Defendants' defenses to the complaint will involve common questions of law such as the requirements of NEPA, ESA, and FLPMA and their implementing regulations with respect to issuing APDs. So too will PAW's and Defendants' defenses involve common questions of fact, including how defendants have fulfilled their obligations under those statutes and implementing regulations. In addition, as discussed above, PAW has a substantial interest in the outcome of this litigation. PAW submitted the instant motion to intervene in a timely manner, so permissive intervention would not delay or prejudice the rights of any of the original parties. Finally, to the extent that Article III standing is required, PAW has standing to intervene as a defendant in this action, as discussed above in Part II.A.1. Thus, if the Court finds that PAW cannot intervene as of right, it should allow permissive intervention.

II. CONCLUSION

For the foregoing reasons, PAW meets the requirements for intervention as of right and permissive intervention under Rule 24. PAW respectfully requests the Court grant this motion to intervene as a defendant without limitation.

As required by Rule 24(c), the Complaint is attached as Exhibit 2. A proposed Order is attached as Exhibit 3. LCvR 7(c).

Dated: July 20, 2022

Respectfully submitted,

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: s/ Eric Waeckerlin

Eric Waeckerlin, D.C. Bar No. 977228
Affie Ellis, *pro hac vice* application pending

410 17th Street, Suite 2200

Denver, CO 80202

Telephone: 303.223.1100

Fax: 303.223.1111

Email: ewaeckerlin@bhfs.com

aellis@bhfs.com

*Attorneys for Proposed Intervenor-Defendant
Petroleum Association of Wyoming*