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

STATE OF CALIFORNIA; STATE OF NEW MEXICO; STATE OF NEW YORK; and STATE OF WASHINGTON, Plaintiffs, vs. RYAN ZINKE, in his official capacity as Secretary of the Interior; UNITED STATES BUREAU OF LAND MANAGEMENT; and UNITED STATES DEPARTMENT OF THE INTERIOR, Defendants.	**CV-17-42-GF-BMM** **ORDER REGARDING THE STATE OF WYOMING'S MOTION TO INTERVENE**

Applicant for intervention, the State of Wyoming, has moved for leave of

Court to intervene as of right pursuant to Federal Rule of Civil Procedure 24(a)(2).

(Doc. 34.) 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*

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Rights Litig., 536 F.3d 980, 984 (9th Cir. 2008) (internal quotations and citation omitted).

The State of Wyoming contains a number of coal leases that would be affected by the coal moratorium and potential injunction at issue in this case. (Doc. 26 at 3.) The State of Wyoming also occupies a different position than that of the United States on the basis that the State of Wyoming has unique interests as a high volume coal producing state. *Id.* at 10-12. The Applicant meets the standard for intervention as of right.

IT IS ORDERED that the motion (Doc. 34) for intervention as of right of Applicant State of Wyoming is hereby GRANTED.

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 25th day of July, 2017.

Brian Morris
United States District Court Judge