

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

THE AMERICAN CIVIL LIBERTIES  
UNION OF NEVADA, et al.,

Plaintiffs,

v.

CATHERINE CORTEZ MASTO, et al.,

Defendants.

2:08-CV-822 JCM (PAL)

Date: N/A

Time: N/A

**ORDER**

Presently before this court is a motion to intervene and/or leave to file an amicus curiae brief (Doc. #67), which was filed on August 20, 2008. This case originated with plaintiffs' motion for a temporary restraining order and preliminary injunction to enjoin the enforcement of A.B. 579 and S.B. 471, two laws that were set to go into effect on July 1, 2008. (Doc. #7). This court denied the motion for a temporary restraining order but granted the motion for a preliminary injunction on June 30, 2008. (Doc. #27). A hearing on the motion for a permanent injunction is set for September 10, 2008.

Movants filed the current motion seeking to intervene under Fed. R. Civ. P. 24, claiming that their interests are not adequately represented by counsel for the current plaintiffs. They admit, however, that they are "arguing the same issue that is being addressed and briefed by the Plaintiffs [sic] in this case . . . ." All of the potential interveners have previously been classified as sex offenders under Nevada law. After the implementation of A.B. 579 and S.B. 471, they will all be

1 subject to re-classification.

2 Fed. R. Civ. P. 24 allows parties to intervene as a matter of right or as permitted by the court.  
3 Unless a statute grants a movant an unconditional right to intervene, intervention is a matter of right  
4 only when the movant “claims an interest relating to the property or transaction that is the subject  
5 of the action, and is so situated that disposing of the action may as a practical matter impair or  
6 impede the movant’s ability to protect its interest, *unless* existing parties adequately represent that  
7 interest.” Fed. R. Civ. P. 24(a)(2) (emphasis added).

8 A review of the pleadings in this case reveals that the interveners’ interests are adequately  
9 represented. Movants’ motion and attached brief serve only to support the claims made by the  
10 plaintiffs in this case. They raise no new legal issues, nor do they present any evidence to support  
11 a finding that the current attorneys for the plaintiffs are not adequately representing the interest of  
12 previously convicted sex offenders who might be affected by the implementation of A.B. 579 and  
13 S.B. 471. Therefore, movants’ request to intervene as a matter of right is denied.

14 Movants’ claim for permissive intervention is likewise denied. A court may permit a movant  
15 to intervene when a statute grants a conditional right to intervene or when the movant “has a claim  
16 or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P.  
17 24(b)(2). Movants have cited no statute which would grant them the conditional right to intervene  
18 in this case. Rather, they hope to intervene because their claims share a common question of fact  
19 or law with the main action.

20 Trial courts have broad discretion to deny permissive intervention under Fed. R. Civ. P.  
21 24(b). When entertaining a request to intervene, courts consider whether intervention will unduly  
22 delay or prejudice the adjudication of the rights of the original parties. *Venegas v. Skaggs*, 867 F.2d  
23 527, 529-30 (9th Cir. 1989). Here, intervention of 16 new plaintiffs has the potential to substantially  
24 delay the current proceedings and to prejudice the adjudication of the rights of the current parties.  
25 This court has already dismissed several participants from this lawsuit in an effort to distill the case  
26 to its most essential claims. The current plaintiffs seek injunctive relief because they believe their  
27 claims require swift action from the court in order to avoid irreversible harm. Allowing movants to  
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1 intervene at this time has the potential to delay this court's decision; therefore, this request must be  
2 denied.

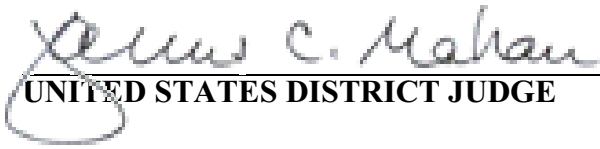
3 Movants have also requested leave to file an amicus curiae brief in this case. This request  
4 is denied. Not only does the brief submitted extend well beyond the page limit allowed for such a  
5 document, it serves only to bolster the argument of the current plaintiffs. Movants admit that they  
6 have "tried only to supplement or add new arguments or insights to Plaintiffs' argument in the  
7 existing case . . . ." (Doc. #67 at 8). "The term 'amicus curiae' means friend of the court, not friend  
8 of a party." *Ryan v. Commodity Futures Trading Com'n*, 125 F.3d 1062, 1063 (7th Cir. 1997).  
9 Amicus briefs that "duplicate the arguments made in the litigants' briefs, in effect merely extending  
10 the length of the litigant's brief, . . . should not be allowed. They are an abuse." *Ryan*, 125 F.3d  
11 at 1063.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that movants' motion to  
14 intervene (Doc. #67) be, and the same hereby is, DENIED.

15 IT IS FURTHER ORDERED that movants' request to file an amicus curiae brief be, and the  
16 same hereby is, DENIED.

17 DATED this 5<sup>th</sup> day of September, 2008.

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20 UNITED STATES DISTRICT JUDGE  
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