

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

MICHAEL MADISON, et al.,
Plaintiffs,
and
United States of America,
Plaintiff-Intervenor,
v.
SULLIVAN COUNTY BOARD OF EDUCATION, et al.,
Defendants.

C.A. No. 2:00-CV-094

**UNITED STATES' MOTION TO INTERVENE
AS PLAINTIFF-INTERVENOR**

For the reasons set forth below and in the accompanying Memorandum, the United States hereby moves to intervene in the above-captioned case as a party-plaintiff, pursuant to Rule 24 of the Federal Rules of Civil Procedure, and to 42 U.S.C. § 2000h-2; and to file the attached Complaint-in-Intervention.

In support of this motion, the United States submits:

1. Plaintiffs moved to file an amended complaint in the above-captioned case, and on September 14, 2000, the Court granted the motion. In the amended complaint, plaintiffs assert claims under, inter alia, the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq. (Title VI). Specifically, plaintiffs allege that the Sullivan County Board of Education did not respond appropriately to the harassment on the basis of race to which they were subjected and of which the District had notice. Plaintiffs further allege, inter alia, that the District's knowing inaction violated their right to equal protection and constituted discrimination on the basis of race under Title VI and other federal laws.
2. Rule 24(a) of the Federal Rules of Civil Procedure provides for intervention as of right when a statute of the United States confers an unconditional right to intervene or when the applicant claims an interest in the subject matter of the action which may be affected. Rule 24(b) provides for permissive intervention when an applicant's claim and the main action have common questions of law or fact.
3. The United States meets the requirements of Rule 24(a) because, inter alia, there is a statute conferring an unconditional right to intervene, and, in addition, the United States has a strong interest in the proper and effective interpretation and application of Title VI, which may be affected by this litigation. The requirements for permissive intervention are also met.
4. Under 42 U.S.C. § 2000h-2, the United States may intervene upon a timely application in any action in any court of the United States in which relief is sought from a denial, on account of race, of equal protection of the laws under the Fourteenth Amendment to the Constitution of the

United States, if the Attorney General certifies that the case is of general public importance. In such cases, the United States is "entitled to the same relief as if it had instituted the action." 42 U.S.C. § 2000h-2.

5. Both Plaintiffs and the United States claim violations of Title VI and the Fourteenth Amendment, and these claims are based on substantially the same facts.

6. The Attorney General has certified that this case is of general public importance, and the certificate is attached to the Complaint-in-Intervention.

7. The United States' proposed intervention is timely. The United States learned of this lawsuit soon after the filing of the initial complaint. The United States then promptly investigated the allegations raised and notified the parties. On October 18, 2000, the United States notified the parties that we would seek to intervene in this action, but that we would refrain from filing this motion for ten days to permit the parties to engage in settlement discussions. Because Defendants have declined to do so, we now file this Motion to Intervene.

8. The Court has set a scheduling conference for December 6, 2000. If the Court grants intervention, the United States, prior to December 6, will meet with the other parties to develop a proposed discovery plan and arrange for initial disclosures under Fed. R. Civ. P. 26, as required under local court rules.

Wherefore, the United States respectfully requests that the Court grant the Motion to Intervene and direct the Clerk of the Court to file the attached Complaint-in-Intervention. A proposed Order is attached hereto.

Respectfully submitted,

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Civil Rights Division

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ORDER

Upon good cause shown, the United States' Motion to Intervene is hereby GRANTED. The Clerk of the Court is directed to file the United States' Complaint-in-Intervention.

Thomas Gray Hull
United States District Judge