

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

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AMERICAN ATHEISTS, INC., a) Case No. 2:05CV00994 DS
Texas non-profit corporation;
R. ANDREWS, S. CLARK and)
M. RIVERS,)

Plaintiffs,)

vs.)

O R D E R R E :

COLONEL SCOTT T. DUNCAN,)
Superintendent, Utah Highway
Patrol; JOHN NJORD, Executive)
Director, Utah Department of
Transportation; D'ARCY)
PIGNANELLI, Executive Director,
Department of Administrative)
Services; and F. KEITH STEPAN,
Director Division of Facilities)
Construction and Management
Department of Administrative)
Services,)

I N T E R V E N T I O N

Defendants)

UTAH HIGHWAY PATROL)
ASSOCIATION, Applicants for
Intervention.)

* * * * *

This matter is before the court on the motion to intervene and request for hearing filed by the Utah Highway Patrol Association ("UHPA"). The court has considered the briefs and finds oral argument will not assist the court in making its determination of the pending motion.

Pursuant to the briefing scheduled offered by the court in connection with UHPA's motion to intervene, plaintiffs and UHPA have filed additional briefs which have been considered by the court in reaching its decision on the pending motion. Despite being given an opportunity to effectively oppose UHPA's motion, plaintiff's opposition is merely a restatement of their factual allegations. Plaintiffs failed to cite any legal authority, failed to present any arguments regarding mandatory joinder under Fed. R. Civ. P. 19(a), and failed to present any analysis of the legal standards for mandatory or permissive intervention under Fed. R. Civ. P. 24(a) and 24(b).

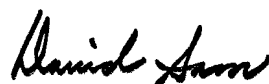
On the other hand, UHPA presented compelling argument and authority supporting their request to intervene or in the alternative, be joined as a necessary party. Accordingly, the court finds UHPA has demonstrated substantial legal interests that justify intervention in this action. UHPA is made an intervening party in this action as of right and as a permissive intervener,

and UHPA shall hereafter be entitled to notice through counsel of record regarding all further proceedings which shall take place.

SO ORDERED.

DATED this 2nd day of March, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Sam", written in a cursive style.

DAVID SAM
SENIOR JUDGE
U.S. DISTRICT COURT