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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

YOCHA DEHE WINTUN NATION; VIEJAS BAND OF KUMEYAAY INDIANS; and SYCUAN BAND OF THE KUMEYAAY NATION, Plaintiffs, vs. GAVIN NEWSOM,* GOVERNOR OF CALIFORNIA; STATE OF CALIFORNIA, Defendants. CALIFORNIA GAMING ASSOCIATION, Proposed Intervenor-Defendant.	Case No. 2:19-cv-00025-JAM-AC Hon. John A. Mendez **MEMORANDUM IN SUPPORT OF CALIFORNIA GAMING ASSOCIATION'S MOTION TO INTERVENE** Judge: Hon. John A. Mendez Date: April 16, 2019 Time: 1:30 p.m. Crtrm.: 6 [Filed Concurrently with Motion to Intervene, Declaration of Kyle R. Kirkland, and [Proposed] Order]

* Substituted for Edmund G. Brown pursuant to Federal Rule of Civil Procedure 25(d).

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I. INTRODUCTION

The California Gaming Association is the trade association for California cardrooms; the "definitive voice of the state's cardroom industry," with a membership representing approximately 85 percent of the active cardroom tables in California. California Gaming Association, *About CGA*, https://californiagamingassociation.org/about-cga/ ("CGA Background"); Kirkland Decl. ¶ 2. This action by three Indian tribes attacks the cardroom industry head on, seeking to force the State of California to legislate or regulate many cardroom games out of existence. Specifically, the Complaint asks this Court to order California to find that the challenged games violate state law, and then to order California to take action against cardrooms to enforce that finding. As the representative of the cardrooms alleged to be violating the law, the California Gaming Association seeks to intervene to ensure that its members' interests are fairly represented here—just as other industry trade associations have done in multiple cases where litigation against an industry regulator has threatened the industry's interests and existence. The Association seeks intervention at the earliest possible stage in this case; its interests are directly affected by these proceedings; and no other party can or will adequately represent cardrooms' interests here. The Association should be permitted to intervene as a defendant as of right under Federal Rule of Civil Procedure 24(a)(2), or alternatively to intervene by permission under Rule of Civil Procedure 24(b)(1)(B).

II. BACKGROUND

A. Legal Background

The Indian Gaming Regulatory Act ("IGRA"), Pub. L. No. 100-497, 102 Stat. 2467 (1988), 25 U.S.C. §§ 2701–2721, authorizes States and Indian tribes to negotiate compacts under which tribes may conduct gaming activities on Indian lands, including familiar casino-style games in which patrons play against the house. The three plaintiff tribes here—the Yocha Dehe Wintun Nation, the Viejas Band of Kumeyaay Indians, and the Sycuan Band of the Kumeyaay Nation (collectively, the "Tribes")—each negotiated a compact with California under which the tribe may offer a variety of games. Compl. ¶ 24. Each compact contemplates that, after following certain procedures, the Tribe and California may in proper circumstances bring disputes to federal court.

California law has long regulated or restricted gaming activities in various ways, and it outright prohibits some forms of gaming—such as the banking games typical of Nevada-style casinos, in which "the 'house' or 'bank' is a participant in the game, taking on all comers, paying all winners, and collecting from all losers." *Sullivan v. Fox*, 189 Cal. App. 3d 673, 678 (1987). A provision of the California Constitution nevertheless allows Tribes to operate certain banking games that no other persons in California are permitted to operate. *See* Cal. Const. art. IV, § 19(f); Cal. Penal Code § 330. California's cardrooms, by contrast, do not operate on Indian lands, do not offer banking games, and are subject to "strict and comprehensive" regulatory supervision. *See* Cal. Bus. & Prof. Code § 19801(h). Two agencies provide this oversight: the California Gambling Control Commission ("Commission") and the Bureau of Gambling Control ("Bureau"). Their supervision ranges from general oversight to the Bureau's highly specific review and approval of the rules for any gaming activity offered in a California cardroom. Cal. Code Regs. tit. 11, §§ 2070(b), 2071(a)(2), (b)(2).

The fast-growing tribal gaming industry receives the majority of California's gaming revenue. Compl. ¶ 26 (alleging that tribal gaming generated some $7.8 billion in economic output in 2014 alone). Even so, the tribal gaming industry has not been content; for years, it has pressured the Bureau to further restrict the already-limited range of games cardrooms can offer. Kirkland Decl. ¶¶ 5–7. The Bureau's latest effort in response to tribal demands is preparing a rulemaking—already underway when this suit was filed—that, among other objectives, seeks to further clarify the circumstances in which a particular cardroom game is or is not a prohibited "banking game." *Id.* ¶ 8; *see id.*, Ex. 5 (Bureau's January 15, 2019 request for comment). The Complaint asks this Court to address the same questions affecting the cardroom industry that the Bureau—at the urging of the tribal gaming industry—is already examining.

B. The California Gaming Association

California's approximately 72 cardrooms support some 23,000 jobs, and many of the communities that host cardrooms help fund their local government services with the roughly $300 million in annual tax revenue that cardrooms generate. CGA Background, *supra*. Since its creation in 2001, the California Gaming Association has been the trade association for California's

cardroom industry. *Id.*; Kirkland Decl. ¶ 2. No similar group exists in California. Kirkland Decl. ¶ 2. The Association is "dedicated to protecting the industry's interests through monitoring the legislative and regulatory processes, advocating for policies that support the industry, and educating policymakers about the positive impact cardrooms have on California communities." California Gaming Association, *Advocacy*, https://californiagamingassociation.org/advocacy/. In short, the California Gaming Association is the industry's collective voice.

That voice is needed here. The Complaint openly seeks to end the play of many cardrooms' most popular card games. *See, e.g.*, Compl. ¶¶ 61, 65–66, 96, 128, 132. The Complaint targets "player-dealer" games, in which patrons have the opportunity to wager on the dealer's hand and play against one another (something not offered in casinos where everyone must play against the house). *See* Compl. ¶¶ 32, 43, 48–49, 51, 64. Player-dealer games of the sort challenged here represent over half of gaming activity for many California cardrooms. Kirkland Decl. ¶ 3. Club One Casino ("Club One"), a Fresno cardroom owned in part by the California Gaming Association's President, is typical: Player-dealer games account for about 60 percent of gaming activity at Club One, with blackjack-style player-dealer games alone accounting for about a quarter of revenue. *Id.* In short, this suit threatens cardrooms' existence because it seeks to ban games that have historically been large share of their business.

III. PROCEDURAL HISTORY

On January 3, 2019, the Tribes sued the Governor and State of California (together, "California") for breach of compact and breach of the implied covenant of good faith and fair dealing. On January 25, 2019, the Court extended the time for California to respond to the Complaint until March 18, 2019. On March 4, 2019, the Court approved the current parties' stipulation to extend the deadline for the Federal Rule of Civil Procedure 26(f) conference to June 24, 2019. On March 4, March 8, and March 10, 2019, counsel for the Association conferred by telephone with counsel for California pursuant to the Court's standing order. Counsel for California was not authorized to express any position on behalf of the Defendants regarding the proposed motion to intervene. On March 6, 2019, counsel for the Association conferred by telephone with counsel for each of the Tribes. The Tribes indicated they intend to oppose this

motion. California has indicated that it will move to dismiss the Complaint, and that it intends to file that motion on March 18, 2019, noticed for hearing on June 4, 2019. This motion to intervene is noticed for April 16, 2019. No other action of substance has occurred in this case.

IV. ARGUMENT

A. The California Gaming Association May Intervene as of Right

Intervening as of right under Federal Rule of Civil Procedure 24(a)(2) requires:

> (1) the applicant must timely move to intervene; (2) the applicant must have a significantly protectable interest relating to the property or transaction that is the subject of the action; (3) the applicant must be situated such that the disposition of the action may impair or impede the party's ability to protect that interest; and (4) the applicant's interest must not be adequately represented by existing parties.

Arakaki v. Cayetano, 324 F.3d 1078, 1083 (9th Cir. 2003). These requirements are "broadly interpreted in favor of intervention." *Smith v. Los Angeles Unified Sch. Dist.*, 830 F.3d 843, 864 (9th Cir. 2016) (citation omitted). The California Gaming Association satisfies each requirement.

Timeliness. Courts evaluate three main factors to determine timeliness: "(1) the stage of the proceeding at which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the reason for and length of the delay." *Id.* (citation omitted). The "prejudice" factor concerns whether existing parties are prejudiced by any delay in moving to intervene, not whether "including another party in the case might make resolution more difficult." *Id.* (quotation marks and alteration omitted). All three factors support a finding that the California Gaming Association's motion is timely. Intervention is sought at the earliest stage of this case; no decisions have been made on the merits. There is thus no prejudice to the existing parties caused by any delay on the Association's part, because there has been no delay at all—this motion arrives at the same time as California's motion to dismiss. The Ninth Circuit has held that motions to intervene filed under similar circumstances are timely. *See, e.g.*, *Citizens for Balanced Use v. Montana Wilderness Ass'n*, 647 F.3d 893, 897 (9th Cir. 2011) ("*CBU*") (intervention sought "less than three months after the complaint" and "less than two weeks" after defendant's answer).

A Protectable Interest. An intervenor must possess a "significant protectable interest" in the action. *California ex rel. Lockyer v. United States*, 450 F.3d 436, 441 (9th Cir. 2006). A protectable interest exists if "(1) [the intervenor] asserts an interest that is protected under some

law, and (2) there is a 'relationship' between its legally protected interest and the plaintiff's claims." *Id.* The intervenor's interest need not be protected by the statute under which the litigation is brought. *Id.*

The California Gaming Association satisfies these requirements because its cardroom membership has an interest in continuing to offer the very games that the Tribes' suit seeks to declare illegal. *See, e.g.*, Compl. ¶¶ 61, 65–66, 96, 128, 132. Where "at least some of the members of an applicant trade association have a sufficiently protectable interest, the association likewise has such interest." *Ellis v. Bradbury*, No. 13-1266, 2013 WL 4777201, at *1 (N.D. Cal. Sept. 6, 2013); *see Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 821–22 (9th Cir. 2001) (where "several members" of building trade associations had protectable interests in a transaction challenged by the plaintiff, the associations likewise had a protectable interest). This is why courts often hold that "associations representing licensed business owners have a right to intervene in lawsuits challenging the regulatory scheme that governs the profession." *Wal–Mart Stores, Inc. v. Texas Alcoholic Beverage Comm'n*, 834 F.3d 562, 567 (5th Cir. 2016) (collecting cases).

That interest is legally protected in numerous ways, both substantively and procedurally. The California Gaming Association and its cardroom members disagree with the Tribes' view of California law and the lawfulness of the games that cardrooms offer. The Bureau reviewed and approved the rules for every game at issue, and cardrooms' operations are subject to constant regulatory oversight. Kirkland Decl. ¶ 4. The Bureau is, moreover, engaged in rulemaking under California's administrative procedures to elaborate the substantive law governing those games. *See* Cal. Govt. Code §§ 11340 *et seq.* (California Administrative Procedure Act); *Tidewater Marine W., Inc. v. Bradshaw*, 927 P.2d 296, 304 (Cal. 1996) (discussing rules of general application). Procedurally, California law establishes a process that requires that cardrooms be treated fairly when the Bureau believes "that a [gaming] license, permit, … or approval should be … revoked." Cal. Bus. & Prof. Code § 19930(b). Cardrooms have a basic due process interest in their existing licenses to conduct their business activity. *See, e.g., Barry v. Barchi*, 443 U.S. 55, 64–65 (1979) (due process interest in business license); *Bauer v. City of San Diego*, 75 Cal. App. 4th 1281, 1294–95 (1999) (same). The Tribes cannot dispute these interests—they and other

tribes have spent years pressuring the Bureau to alter its substantive legal interpretations and invoke administrative procedures to ban the challenged games. Kirkland Decl. ¶ 5. Even with the regulatory process now underway, they continue to attack the same interests through litigation.

This case thus falls in the long line of cases in which courts have held that a prospective intervenor has a protectable interest when it seeks to defend a government action that benefits it, including cases in which industry associations and labor unions intervene on their members' behalf. *See, e.g.*, *Ctr. for Biological Diversity*, 268 F.3d at 821–22; *Beverage Comm'n*, 834 F.3d at 567. Indeed, under this principle, *tribes* have intervened to defend government actions necessary for *tribal* gaming. *See, e.g.*, *Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians v. Patchak*, 567 U.S. 209, 213–14 (2012); *Gila River Indian Cmty. v. United States*, 729 F.3d 1139 (9th Cir. 2013); *Picayune Rancheria of Chukchansi Indians v. United States Dept. of the Interior*, No. 16-cv-950, ECF No. 15 (E.D. Cal. Oct. 24, 2015). A similar result is appropriate here.

Impair or Impede. A prospective intervenor as of right must also show that the action "may as a practical matter impair or impede [its] ability to protect its interest." Fed. R. Civ. P. 24(a)(2). "If an absentee would be substantially affected in a practical sense by the determination made in an action, he should, as a general rule, be entitled to intervene …." Fed. R. Civ. P. 24 advisory comm. note to 1966 amendment. That standard is met here because the central objective of this suit is to ban many of the games cardrooms currently offer. If the Tribes prevail, the Association's membership "will suffer a practical impairment of its interests as a result of the pending litigation." *Lockyer*, 450 F.3d at 441. Intervention is thus routine where, as here, the plaintiff seeks to urge or deter government action that would have a substantial effect on the prospective intervenor. *See, e.g.*, *CBU*, 647 F.3d at 898; *Sierra Club v. Ruckelshaus*, 602 F. Supp. 892, 896 (N.D. Cal. 1984).

Adequacy. Finally, a prospective intervenor must show "that the existing parties may not adequately represent [its] interest." *CBU*, 647 F.3d at 898. Several factors inform this decision:

> (1) whether the interest of a present party is such that it will undoubtedly make all of a proposed intervenor's arguments; (2) whether the present party is capable and willing to make such arguments; and (3) whether a proposed intervenor would offer any necessary elements to the proceeding that other parties would neglect.

Id. (citation omitted).

"The most important factor in assessing the adequacy of representation is how the interest compares with the interests of existing parties." *Id.* (quotation marks and citation omitted). This burden for a showing of inadequacy is usually "minimal," and is satisfied where representation of an intervenor's interest "may be" inadequate. *Id.* (citation omitted). A "presumption of adequacy of representation arises," however—and the putative intervenor must make a "compelling showing" to the contrary—if the putative intervenor and an existing party "share the same ultimate objective" or if "the government [as an existing party] is acting on behalf of a constituency that it represents." *Id.* (citation omitted).

Trade associations often intervene on their members' behalf in cases where government regulators' action is challenged precisely because "[t]he interests of government and the private sector may diverge." *Ctr. for Biological Diversity*, 268 F.3d at 824. Here, the State and the Governor—as a law enforcement matter—may take a different view from the Association as to what kinds of games are lawful. *See* Compl. ¶ 118 (alleging that Bureau believes certain approved games are unlawful). The State and the Governor—as regulators—may be unconcerned that granting the Tribes' requested relief would bypass cardrooms' due process rights and protections under administrative law. And the State and the Governor—as political actors—may be unwilling to advance arguments that are less congenial to tribal interests. *See, e.g.*, *Brumfield v. Dodd*, 749 F.3d 339, 346 (5th Cir. 2014) (distinguishing intervenors' interests from those of defendant State based in part on the State's desire to maintain "its relationship with the federal government").

Moreover, because California's position on approved games may change, this Court cannot even assume that California will mount a vigorous defense of cardroom game approvals as they exist today. *Cf. Perry v. Proposition 8 Official Proponents*, 587 F.3d 947, 954 (9th Cir. 2009) (finding putative intervenors would not bring any necessary elements because existing defendant already planned to "mount a full and vigorous defense" of the challenged proposition). The Bureau is undertaking a rulemaking effort in which it has expressly sought comment on "banking games" and other issues affecting player-dealer games of the sort challenged by the Complaint here. Kirkland Decl., Ex. 5 (January 15, 2019 request for comment from the Bureau). No

assurance exists that the Bureau will address those questions in the way that the cardroom industry would advocate in that rulemaking. By extension, no assurance exists here that California will adequately represent the cardroom industry's interests in this litigation.

The fact that California is a governmental entity does not change this analysis. The California Gaming Association is an industry association, not a "constituency," *CBU*, 647 F.3d at 898, that the State represents. Nor do the Association and California "share the same ultimate objective." In certain cases presenting a single and clear battle line—for example, a constitutional challenge to a statute that state officials are duty-bound to defend—intervening voices may be unnecessary. But this suit is only one facet of a complex and long-running regulatory battle between the cardroom industry and the tribal gaming industry. *Compare Arakaki*, 324 F.3d 1078 (denying intervention in suit alleging state law unconstitutional) *with CBU*, 647 F.3d 893 (granting intervention in long-standing dispute concerning agency-imposed land use restrictions). The conceivable outcomes here are quite varied, and this case has a correspondingly great potential for a divergence of interest between the Association and California.

CBU is especially instructive. There, the Ninth Circuit deemed the "compelling showing" requirement inapplicable to environmental groups' motion to intervene in order to defend challenged land use restrictions, reasoning that the groups did not have the same "ultimate objectives" as the existing defendant Forest Service. 647 F.3d at 899. Although both the government agency and the proposed intervenors generally sought to uphold the restrictions, they brought "fundamentally differing points of view" because the intervenors sought "the broadest possible restrictions" while the Forest Service believed "narrower restrictions would suffice to comply with its statutory mandate." *Id.* Similarly here, the California Gaming Association's cardroom members may well desire a reading of state law that differs from the interpretation that California's officials wish to advance.

In all events, even if the "compelling showing" standard applied, it would be satisfied here. At bottom, this case challenges state regulators' policies and enforcement decisions concerning the Association's members. It therefore falls squarely within the established principle that industry groups may intervene to defend a regulatory action, even if the regulator itself has its own reasons

to defend the action. In such cases, the government represents "the interests of the public at large" while industry groups' interests are by definition "more narrow and parochial." *Californians for Safe & Competitive Dump Truck Transp. v. Mendonca*, 152 F.3d 1184, 1190 (9th Cir. 1998). This Court cannot assume that California will adequately represent the interests of the Association's members merely because "both entities occupy the same posture in the litigation." *CBU*, 647 F.3d at 899 (citation omitted); *accord WildEarth Guardians v. Nat'l Park Serv.*, 604 F.3d 1192, 1200 (10th Cir. 2010) ("[I]t is 'on its face impossible' for a government agency to carry the task of protecting the public's interests and the private interests of a prospective intervenor."); *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 736–37 (D.C. Cir. 2003) (similar); *see also Conservation Law Found. of New England, Inc. v. Mosbacher*, 966 F.2d 39, 44–45 (1st Cir. 1992).

B. Alternatively, the California Gaming Association Should Be Permitted to Intervene Under Rule 24(b)(1)(B)

For all of the reasons above, the California Gaming Association can intervene as of right. At the very least, the Association should be permitted to intervene as a defendant under Federal Rule of Civil Procedure 24(b)(1)(B). The requirements for permissive intervention are: "(1) an independent ground for jurisdiction; (2) a timely motion; and (3) a common question of law and fact between the movant's claim or defense and the main action." *Freedom from Religion Found., Inc. v. Geithner*, 644 F.3d 836, 843 (9th Cir. 2011) (citation omitted).

Jurisdiction. "Where the proposed intervenor in a federal-question case brings no new claims, the jurisdictional [requirement] drops away." *Id.* at 844. Because the California Gaming Association proposes to intervene as a defendant, it brings no new claims. The Complaint asserts federal question jurisdiction. Compl. ¶ 7.[1] The jurisdictional requirement is satisfied.

When counsel conferred on this motion, the Tribes suggested that the nature of this suit—an action between two sovereigns—foreclosed intervention by a private group such as the

[1] The Ninth Circuit has held that federal courts have jurisdiction over tribal suits brought to enforce compacts negotiated under IGRA. *Cabazon Band of Mission Indians v. Wilson*, 124 F.3d 1050, 1056 (9th Cir. 1997). The California Gaming Association's view is that the jurisdictional question in *Cabazon* was incorrectly decided, for the reasons expressed in Judge Wiggins' dissent in that case. *See* 124 F.3d at 1062–65. The Association recognizes, however, that *Cabazon* is binding precedent. It therefore controls the jurisdictional analysis for permissive intervention.

California Gaming Association. The law is otherwise. The Supreme Court has allowed private actors to intervene in actions between sovereign States, including intervention by regulated entities seeking to protect their treatment under existing law. *South Carolina v. North Carolina*, 558 U.S. 256, 271–73 (2010). And private actors have been allowed to intervene to defend a tribe's suit against another sovereign. *See Battle Mountain Band v. United States Bureau of Land Mgmt.*, No. 16-cv-268, ECF No. 55 (D. Nev. June 1, 2016); *cf. Cabazon Band*, 124 F.3d at 1060–62 (not mentioning sovereign-versus-sovereign posture as a consideration in evaluating appeal of private party denied intervention for other reasons). No reason exists for a different result in this suit.

Timeliness. Rule 24(b)(3) timeliness is determined based on "precisely the same three factors—the stage of the proceedings, the prejudice to existing parties, and the length of and reason for the delay—… considered in determining timeliness under Rule 24(a)(2)." *League of United Latin Am. Citizens v. Wilson*, 131 F.3d 1297, 1308 (9th Cir. 1997). The sole distinction is that timeliness is evaluated "more strictly" in the permissive intervention context. *Id.* Even so, the timeliness requirement is satisfied because the California Gaming Association seeks to intervene at the earliest feasible point.

Common Question. A permissive intervenor must have "a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B). Courts have found this requirement met where intervenors assert defenses of a government action, and those defenses "squarely respond to the challenges made by plaintiffs in the main action." *Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1111 (9th Cir. 2002), *abrogated on other grounds by Wilderness Soc'y v. United States Forest Serv.*, 630 F.3d 1173 (9th Cir. 2011); *Conservation Nw. v. Rey*, No. 08-1067, 2008 WL 11344657, at *2 (W.D. Wash. Oct. 16, 2008) (applying same logic to permit purchaser of timber concession to intervene as defendant in suit challenging concession's validity). The California Gaming Association meets this standard because it will advance defenses that are responsive to the challenges the Tribes raise against the games offered by the Association's cardroom members.

V. PROCEDURE AFTER INTERVENTION

The California Gaming Association respectfully suggests that, if this motion to intervene is granted, this Court should establish a schedule for appropriate motions. Upon intervening, the Association would move to dismiss the Complaint or stay the case pending the extensive regulatory activity already underway. California has also indicated that it will notice a motion to dismiss for hearing on June 4, 2019. The Association believes that it would streamline the proceedings to hear California's and the Association's motions in tandem. A proposed memorandum in support of the Association's motion to dismiss or stay is attached hereto.

Also attached hereto is a proposed motion to enlarge the page limits for the parties to brief the complex and sensitive issues raised in that motion to dismiss or stay. If the Court is inclined to grant the motion to enlarge page limits, then in granting the Association's motion to intervene, the Court should further order the parties to confer forthwith as required by Part III of the Court's standing order, and to propose a stipulated briefing schedule for the Association's motion to dismiss or stay that would allow it to be heard in tandem with the States' similar motion. If, however, the Court is *not* inclined to grant the motion to enlarge page limits, then in granting the Association's motion to intervene, the Court should allow the Association a somewhat longer period within which to revise its motion to dismiss, confer with counsel, and file its motion within the page limit the Court has presumptively established for such a motion. In all events, the Association respectfully reserves its right to revise the memorandum before filing—for example, to address issues raised during the parties' pre-filing conference regarding the motion.

In the California Gaming Association's view, the proposed motion to dismiss or stay satisfies the requirement of Federal Rule of Civil Procedure 24(c) that a motion to intervene be accompanied by "a pleading that sets out the claim or defense for which intervention is sought." The Association is aware that some courts have taken a different view of Rule 24(c) and it recognizes that a conference among the parties might cause the Association to answer rather than to move to dismiss or stay. Accordingly, a proposed answer is also attached hereto. Because the Association anticipates that it will move to dismiss or stay, and because proceedings on the motion to dismiss or stay could affect the content and timing of the Association's answer, this Court

should not at this time order the Association to answer. The Association reserves its right to modify the proposed answer.

Finally, to avoid delaying these proceedings, if the Association is permitted to intervene it will comply with the current Rule 26(f) meet and confer deadline of June 24, 2019. *See* Dkt. 10.

VI. CONCLUSION

For the reasons stated above, the California Gaming Association should be allowed to intervene as a defendant.

DATED: March 18, 2019

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