IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SCOTTS VALLEY BAND OF POMO INDIANS, Plaintiff, v. DOUGLAS BURGUM, in his official capacity as Secretary of the Interior, et al., Defendants.	Case No. 1:25-cv-00958-TNM

FEDERAL DEFENDANTS' RESPONSE TO GTL PROPERTIES, LLLP'S MOTION TO INTERVENE (ECF NO. 20)

I. INTRODUCTION

Plaintiff Scotts Valley Band of Pomo Indians ("Scotts Valley") challenges the United States Department of the Interior's (the "Department") temporary rescission of a January 10, 2025 Gaming Eligibility Determination to allow the Department to reconsider the matter. *See* 1st Am. Compl. for Decl. & Inj. Relief, ¶ 27, ECF No. 12. GTL Properties, LLLP ("GTL"), a private entity that provided funding to Scotts Valley, has moved to intervene as a plaintiff in this case. ECF No. 20-1 ("GTL's Mem."). Federal Defendants oppose GTL's request to intervene. GTL is not entitled to intervention as of right because it lacks standing to participate in this litigation. Even if GTL had standing, it fails to make the requisite Rule 24(a) showing because Scotts Valley represents GTL's nearly identical interest in this case. Federal Defendants also oppose GTL's request for permissive intervention because its intervention would complicate and

lengthen this litigation. Should the Court allow GTL to intervene in the case, Federal Defendants request that the Court structure its participation in a way to minimize delay and prejudice.

II. BACKGROUND

This case concerns Scotts Valley's efforts to have the Department take land near Vallejo, California, into trust for gaming purposes. Congress enacted the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701 et seq. ("IGRA"), "to provide a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments." 25 U.S.C. § 2702(1). IGRA generally prohibits gaming on lands taken into trust for tribes after 1988 (the year of IGRA's enactment). The Act, however, provides exceptions under which gaming may be conducted on trust lands acquired after that date. *Id.* § 2719. The exception relevant here provides that gaming is permitted on lands restored to a once-terminated tribe that was restored to Federal recognition. *Id.* § 2719(b)(1)(B)(iii). In 2008, the Secretary of the Interior ("Secretary") promulgated regulations to define and place reasonable limits on IGRA's so-called restored lands exception. *See generally* 25 C.F.R. §§ 292.7–292.12.

Scotts Valley was restored to Federal recognition in 1991. In 2016, Scotts Valley asked the Department to take a parcel in Vallejo, California (the "Vallejo Parcel" or the "Parcel") into trust as restored lands for gaming purposes. The Department denied that request in February 2019 upon determining that Scotts Valley failed to demonstrate the necessary "significant historical connection" to the Parcel to qualify it as restored lands under the IGRA regulations ("Indian Lands Opinion" or "ILO"). Scotts Valley challenged that decision in this Court.

On September 30, 2022, the Court ruled for the Department's motion for summary judgment on almost all grounds but granted Scotts Valley's motion for summary judgment on "the question of whether the ILO was arbitrary and capricious when considered in accordance with the Indian canon of statutory construction." *Scotts Valley Band of Pomo Indians v. U.S.*

Dep't of the Interior, 633 F. Supp. 3d 132, 171 (D.D.C. 2022). The Court held that the Department had failed to apply the Indian canon of construction to the evidence that Scotts Valley submitted in support of their ILO request and accordingly had not resolved all alleged ambiguities in Scotts Valley's favor. *See id*. at 167–68. The Court therefore concluded that the ILO was arbitrary and capricious within the meaning of the Administrative Procedure Act ("APA"). *Id.* at 171. The Court remanded the case to the Department. *Id.*

On remand, the Department issued a final determination based on the existing administrative record. *See* See Jan. 10, 2025, Decision, found at: https://www.bia.gov/asia/oig/gaming-compacts/2025-01-10/scotts-valley-band-pomo-indians-decision ("Jan. 10 Gaming Eligibility Determination"). On January 10, 2025, the Department issued a favorable decision on Scotts Valley's application to take the Vallejo Parcel into trust (the "Trust Determination"), as well as finding that the Vallejo Parcel qualified as "restored lands" under IGRA (the "Gaming Eligibility Determination"). *Id.* The Department took the land into trust status for the benefit of Scotts Valley under 25 C.F.R. Part 151 that same day. *See* Land Acquisitions; Scotts Valley Band of Pomo Indians, Vallejo Site, Solano County, California, 90 Fed. Reg. 3906, 3906 (Jan. 15, 2025).

On March 24, 2025, the Yocha Dehe Wintun Nation and the Kletsel Dehe Wintun Nation of the Cortina Rancheria filed a case in this Court challenging the January 2025 decision, as did the United Auburn Indian Community. *See* Case Nos. 1:25-cv-867; 1:25-cv-873.

On March 27, 2025, the Department issued a letter to Scotts Valley that temporarily rescinded the Gaming Eligibility Determination for reconsideration. See Letter from Scott J. Davis, Senior Advisor, Secretary of the Interior, to Hon. Shawn Davis, Chairman, Scotts Valley Band of Pomo Indians (Mar. 27, 2025) (Ex. A). The letter states that "[t]he Secretary is

concerned that the Department did not consider additional evidence submitted after the 2022 Remand." *Id.* The Department invited Scotts Valley "and other interested parties to submit evidence and/or legal analysis regarding whether the Vallejo Parcel qualifies as restored lands under 25 U.S.C. § 2719(b)(1)(B)(iii) and 25 C.F.R. Part 292" by May 30, 2025. *Id.* This letter states that the land remains in trust, but that no party should rely on the Gaming Eligibility Determination until the Department's reconsideration is completed. *Id.*

On April 1, 2025, Scotts Valley filed their Complaint in this case, with an Amended Complaint filed on April 4, 2025. *See* ECF Nos. 1, 12. Scotts Valley challenges the Department's rescission, alleging that it was arbitrarily and capricious, *ultra vires*, and violated procedural due process. Scotts Valley has also moved for emergency injunctive relief to prevent the Department from proceeding with its reconsideration and asking that the rescission be deemed to have no legal force or effect while the case is litigated. ECF No. 3. On April 11, GTL moved to intervene as a plaintiff, arguing that it is entitled to intervention as of right or, in the alternative, permissive intervention. *See* ECF No. 16. GTL is a private company that formerly owned a 32-acre portion of the Vallejo Parcel and loaned funds to Scotts Valley to acquire adjoining land comprising the Vallejo Parcel. GTL's Mem. 1. GTL seeks intervention alleging that it has a "direct pecuniary interest in obtaining the relief requested" by Scotts Valley and that disposition of this action without its participation could impair its ability to obtain that relief. ECF No. 20 at 1. GTL seeks to file its own complaint in this matter. *See* ECF No. 20-3. GTL also filed its own preliminary injunction motion. *See* ECF No. 21.

III. ARGUMENT

The Court should deny GTL's motion to intervene. First, GTL fails to establish that it is entitled to intervene as of right because it lacks Article III standing. And, even if it had standing,

it fails to make the requisite Rule 24(a)(2) showing. Alternatively, GTL is not entitled to permissive intervention because its intervention would complicate and lengthen this litigation.

A. GTL is not entitled to intervene as a matter of right.

Intervention as a matter of right requires that the movant have an interest relating to the "transaction that is the subject of the action" and is "so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." Fed. R. Civ. P. 24(a)(2). The movant must establish four prerequisites: "(1) the application to intervene must be timely; (2) the applicant must demonstrate a legally protected interest in the action; (3) the action must threaten to impair that interest; and (4) no party to the action can be an adequate representative of the applicant's interests." *Karsner v. Lothian*, 532 F.3d 876, 885 (D.C. Cir. 2008) (citing *SEC v. Prudential Sec. Inc.*, 136 F.3d 153, 156 (D.C. Cir. 1998)). Failure to satisfy any of these elements is grounds for denial of intervention as of right. *See Prudential*, 136 F.3d at 156.

In addition, "because a Rule 24 intervenor seeks to participate on an equal footing with the original parties to the suit," the movant also must establish standing to participate in the action. *See Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 732 (D.C. Cir. 2003) (quoting *City of Cleveland v. NRC*, 17 F.3d 1515, 1517 (D.C. Cir. 1994)); *see also Deutsche Bank Nat'l Tr. Co. v. FDIC*, 717 F.3d 189, 193 (D.C. Cir. 2013) (holding standing requirement for intervention as a matter of right does not distinguish between plaintiff-intervenors and defendant-interventors).

1. GTL lacks Article III standing.

The Court should deny GTL intervention as a matter of right because it lacks standing. Under the well-established standard for Article III standing, "a plaintiff must demonstrate (i) that she has suffered or likely will suffer an injury in fact, (ii) that the injury likely was caused

or will be caused by the defendant, and (iii) that the injury likely would be redressed by the requested judicial relief." *Food & Drug Admin. v. All. For Hippocratic Med.*, 602 U.S. 367, 380 (2024) (citing *Summers v. Earth Island Inst.*, 555 U.S. 488, 493 (2009); *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560-61 (1992)).

Here, GTL lacks standing because there is no causal connection between Federal Defendants' action and GTL's purported injury. Nor can this Court redress GTL's alleged injury.

GTL has not adequately established causation. To establish causation, a party must show that the injury complained of is "fairly traceable to the challenged conduct of the defendant, and . . . is likely to be redressed by a favorable judicial decision." *Spokeo, Inc. v. Robins*, 570 U.S. 330, 338 (2016); *Lujan*, 504 U.S. at 560 (quoting *Simon v. E. Ky. Welfare Rts. Org.*, 426 U.S. 26, 41-42 (1976)); *see also Crossroads Grassroots Pol'y Strategies v. Fed. Election Comm'n*, 788 F.3d 312, 316 (D.C. Cir. 2015) (explaining causation and redressability "rationally follow"). As an initial matter, GTL does not even attempt to establish standing in its motion to intervene stating only that its "weighty interest" is "more than enough to satisfy the threshold for Article III standing." GTL's Mem. 5-6.

There is an insufficient causal link between GTL's allegations and the Department's temporary rescission letter. *See Ctr. for Biological Diversity v. DOI*, 563 F.3d 466, 478 (D.C. Cir. 2009) ("The more attenuated or indirect the chain of causation between the government's conduct and the plaintiff's injury, the less likely the plaintiff will be able to establish a causal link sufficient for standing."); *Yocha Dehe v. U.S. Dep't of the Interior*, 3 F.4th 427, 429 (D.C. Cir. 2021). At most, GTL asserts that the March 27 temporary rescission letter harms it by depriving it "of the ability to receive payment [from Scotts Valley] for the value of the land and for the loan

GTL made." GTL's Mem. 5. It further alleges that even if the Gaming Eligibility Determination is reaffirmed, its harm would persist because of the "delay" caused in receiving the funds owed to it under its agreement with Scotts Valley. *Id.* GTL alleges that it is harmed because payment to GTL "is contingent on gaming occurring on the land, for which the Gaming [Eligibility] Determination was a necessary predicate." GTL's Mem. 5.

GTL's alleged harms are not fairly traceable to Federal Defendants. Even if the Gaming Eligibility Determination were in place, there are several consequential legal and operational steps that must occur before Scotts Valley can engage in certain gaming activities on the Vallejo Parcel. GTL took on significant risk by entering a contract with Scotts Valley before (1) the Gaming Eligibility Decision was issued and in light that litigation would almost certainly follow; and (2) before Scotts Valley reached a gaming compact with the State of California. *See* GTL's Mem. 1 ("GTL and the Tribe agreed as to the terms of a purchase and sale agreement . . . on November 2, 2024 in anticipation of a potential determination by the Department . . . .").

First, given the significant opposition to Scotts Valley's land into trust application by other Tribes, local governments, and Members of Congress, GTL was on notice that once a gaming eligibility decision was issued, it would almost certainly be challenged in federal court. *See, e.g.*, Jan. 10 Gaming Eligibility Decision at 3, n.32; Scotts Valley Band of Pomo Indians Casino and Tribal Housing Fee-to-Trust Project Final Environmental Assessment, Appendix O: Response to Comments (Dec. 2024), available at https://www.scottsvalleycasinoea.com/wp-content/uploads/2025/01/Appendix-O-Response-to-Comments.pdf. Indeed, there are three cases challenging the Gaming Eligibility Determination pending before this Court.[1] And GTL should

[1] Another suit challenging the January 10 Gaming Eligibility Decision was filed on April 10, 2025. *See Lytton Rancheria of California v. U.S. Dep't of the Interior, et al.*, Case No. 25-v-1088 (D.D.C.).

have been aware that one result of such litigation may have been (and may still be) an order declaring the Gaming Eligibility Determination unlawful and remanding the matter to the Department.

Second, before Scotts Valley can legally participate in class III gaming activities on the Vallejo Parcel, it must negotiate and enter a Tribal-State gaming compact with the State of California. *See* 25 U.S.C. § 2710(d)(1)(C) ("Class III gaming activities shall be lawful on Indian lands only if such activities are . . . conducted in conformance with a Tribal-State compact[.]").[2] Class III Tribal-State gaming compacts are not guaranteed as IGRA only requires states to "negotiate with the Indian tribe in good faith to enter into a compact." *Id.* § 2710(d)(3)(A). Compact negotiations can be lengthy and complex, and do not always result in a negotiated agreement; to the contrary, these negotiations are regularly disputed. *See, e.g.*, *Chicken Ranch Rancheria of Me-Wuk Indians v. Cal.*, 42 F.4th 1024, 1029 (9th Cir. 2022) (holding "that by negotiating for topics well outside § 2710(d)(3)(C)'s permitted list, California did not bargain in good faith."); *Rancheria v. Newsom*, 719 F. Supp. 3d 1068, 1076 (E.D. Cal. 2024) (finding that the State of California's negotiation of "off-list topics" violated its duty to negotiate in good faith). Negotiated compacts are also subject to Secretarial approval. 25 U.S.C. § 2710(d)(3)(B).

Scotts Valley's ability to engage in certain gaming activities is not based only on the Department's Gaming Eligibility Determination. Operationally, there are a number of remaining steps that Scotts Valley must accomplish before opening the doors of a profitable casino, including securing financing and developing the necessary infrastructure and facilities to support

[2] IGRA defines class III gaming as "all forms of gaming that are not class I gaming or class II gaming" (25 U.S.C. § 2703), which includes but is not limited to: (i) card games such as baccarat, chemin de fer, blackjack, and pai gow; (ii) casino games such as roulette, craps, and keno; (iii) slot machines and electronic games of chance; (iv) sports betting and parimutuel wagering on horse racing, dog racing or jai alai; and (iv) lotteries. *See* 25 C.F.R. § 502.4.

and house the planned gaming operations—a complex process that can take years to complete.[3] Beyond the legal hurdles, GTL also assumed the risk of all the operational hurdles that stand between a tribe with new trust lands and a successful casino operation. The Department's temporary rescission letter is not depriving GTL of payment nor is it delaying any payment.[4] These intervening matters therefore prevent the alleged economic risk asserted by GTL from being "fairly traceable" to the Department's rescission letter. *Lujan*, 504 U.S. at 560. Its alleged injury thus fails to meet the causation requirement of the standing test.

GTL's claims are not redressable. GTL's claims also are not redressable because even if the Court granted the relief proposed by GTL and enjoined the Department's temporary rescission letter, *see* ECF No. 20-3 at 11, GTL's alleged injuries would not be remedied. Redressability focuses on the appropriateness of the relief requested, and GTL must show that "it is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision." *Sierra Club v. Jewell*, 764 F.3d 1, 5 (D.C. Cir. 2014) (quoting *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs., Inc*., 528 U.S. 167, 180–81 (2000)); *see also Lujan*, 504 U.S. at 561.

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[3] For example, the Department approved the Mechoopda Indian Tribe of Chico Rancheria's application for land into trust for gaming in May 2008. Litigation challenging the acquisition lasted a decade, finally concluding in April 2018. The Tribe signed a gaming compact with the State of California in January 2019. Two years later, the Tribe signed a management agreement with Palace Hospitality. A "temporary" casino housed in a 42,000 square foot tent opened in February 2024. Thus, it took nearly 16 years for the Tribe to even begin gaming. The Tribe recently made the difficult decision to shutter that casino in January 2025, less than one year after opening. *See* https://www.500nations.com/casinos/caMechoopdaCasino.asp.

[4] For the same reasons, GTL's injuries are, at best, speculative. *Barker v. Conroy*, 282 F. Supp. 3d 346, 356 (D.D.C. 2017) ("Allegations of speculative or possible future injury do not satisfy the requirements of Article III." (citing *Clapper v. Amnesty Int'l USA*, 568 U.S. 398 (2013)). Of note, GTL does not attach the purported agreement to its intervention motion nor provide any details of the terms of said agreement.

GTL seeks an order declaring the Department's temporary rescission letter unlawful as arbitrary and capricious and vacating the letter. *See* ECF No. 20-3 at 7-11. But even if the rescission letter is vacated, GTL's alleged economic injuries would not be redressed. As discussed, there are many intervening legal and operational steps that must occur before Scotts Valley may engage in certain gaming activities on the Vallejo Parcel, including the negotiation of a tribal-state gaming compact. In addition, there are three pending related cases challenging the January 10 Gaming Eligibility Determination. If the Court finds that the January 10 Decision was arbitrary and capricious under the APA, Scotts Valley would not be eligible to conduct gaming activities on the Vallejo Parcel unless a valid decision is reached. As discussed above, Scotts Valley must also negotiate and enter into a Tribal-State gaming compact with the State of California to lawfully engage in class III gaming activities on the Vallejo Parcel. Thus, even if the Court were to grant GTL's requested relief and vacate the temporary rescission letter, there is no guarantee that Scotts Valley would be able to conduct class III gaming activities and repay the loan.

In sum, the relief requested by GTL, that the Court enjoin the Department's temporary rescission letter, would not alter the fact that Scotts Valley will be unable to game on the Vallejo Parcel until other matters are resolved. The Court also cannot remedy GTL's ability to receive payment or redress GTL's alleged harms. GTL thus lacks Article III standing and, consequently, is ineligible to intervene as of right. *In re Endangered Species Act Section 4 Deadline Litig.—MDL No. 2165*, 704 F.3d 972, 979 (D.C. Cir. 2013).

2. Even if GTL has standing, it fails to satisfy the requirements to intervene as a matter of right.

Even if GTL could establish Article III standing, it fails to make the necessary showing for intervention as of right under Rule 24(a). First, GTL has not established a legally protected

interest in the action. A "legally protectable interest" is of such a direct and immediate character that the putative intervenor will either gain or lose by the direct legal operation and effect of the judgment. *United States v. Am. Tel. and Tel. Co.*, 642 F.2d 1285, 1291-92 (D.C. Cir. 1980). GTL asserts that it has a "weighty" legally protected economic interest because it "now faces the prospect [of] never being paid for that land, or for the loan that GTL made to the Tribe to acquire the other portions of the Vallejo Parcel." GTL's Mem. 6. But as explained above, GTL's alleged economic interests have no direct correlation to the Department's temporary rescission letter, nor could its request for relief be remedied by the legal issues presently before the Court. And, importantly, absent this litigation there are many intervening factors impacting Scotts Valley's ability to fully participate in all gaming under IGRA on the Vallejo Parcel. Whatever contractual rights that may exist between GTL and Scotts Valley, the Department is a nonparty with no rights or obligations under the contract and no duty to facilitate the contract. Any remedy GTL may have under its agreement with Scotts Valley would be against Scotts Valley, not the Department. For those reasons, even assuming GTL has an existing economic interest, those interests have no direct connection to Scotts Valley's challenge to the Department's temporary rescission letter. Further, even assuming Scotts Valley can game on the Vallejo Parcel, there is no certainty that the Tribe will ever make enough money from gaming to pay GTL back. As a result, GTL lacks a legally protectable interest in this case and is not entitled to intervene as of right.

The Court should also deny intervention as a matter of right because Scotts Valley adequately represents GTL's interests. In fact, Scotts Valley and GTL have nearly identical interests and objectives in this case: vacating the temporary rescission letter. GTL's interest is adequately represented, even if it may choose a different litigation strategy than Scotts Valley.

See Jones v. Prince George's Cty., Maryland, 348 F.3d 1014, 1020 (D.C. Cir. 2003) ("[M]ere difference of opinion concerning the tactics with which litigation should be handled does not make inadequate the representation of those whose interests are identical with that of an existing party or who are formally represented in the lawsuit." (internal quotation marks omitted)). The "[a]dequacy of representation must be assessed in relation to the specific purpose that intervention will serve." *United States v. Am. Tel. & Tel. Co.*, 642 F.2d 1285, 1293 (D.C. Cir. 1980). A putative plaintiff-intervenor must prove that its interest is different from the plaintiff and that that interest will not be represented by the plaintiff. *See, e.g.*, *Env't Def. Fund, Inc. v. Higginson*, 631 F.2d 738, 740 (D.C. Cir. 1979). GTL cannot make such a showing.

Nor does it overcome this deficiency simply because it "may" express a different view on IGRA or other applicable legal requirements. *See* GTL's Mem. 8. GTL is not entitled to intervention as of right because it fails to show that its interest in having the rescission letter vacated is not the same as Scotts Valley.

B. GTL should also not be granted permissive intervention.

In the alternative to intervention of right, GTL also seeks permissive intervention under Federal Rule of Civil Procedure 24(b). "'[P]ermissive intervention is an inherently discretionary enterprise' and the court enjoys considerable latitude under Rule 24(b)." *Sierra Club v. Van Antwerp*, 523 F. Supp. 2d 5, 10 (D.D.C. 2008) (quoting *E.E.O.C. v. Nat'l Child. Ctr., Inc.*, 146 F.3d 1042, 1046–48 (D.C. Cir. 1998)). Courts have the discretion to "deny a motion for permissive intervention even if the movant established an independent jurisdictional basis, submitted a timely motion, and advanced a claim or defense that shares a common question with the main action." *E.E.O.C. v. Nat'l Child's Ctr., Inc.*, 146 F.3d 1042, 1048 (D.C. Cir. 1998). In exercising its discretion, the Court must not only consider whether the intervention will unduly

delay or prejudice the adjudication of the original parties' rights, but also "may consider whether parties seeking intervention will significantly contribute to . . . the just and equitable adjudication of the legal questions presented." *In re Endangered Species Act Section 4 Deadline Litig.*, 277 F.R.D. 1, 8 (D.D.C. 2011), *aff'd sub nom. In re Endangered Species Act Section 4 Deadline Litig.-MDL No. 2165*, 704 F.3d 972 (D.C. Cir. 2013) (cleaned up).

The Court should deny permissive intervention because GTL's intervention in this case could potentially complicate and lengthen this litigation. For instance, GTL raises different claims in its complaint, and, thus, threaten to confuse and delay the proceedings. It also filed its own motion for preliminary injunction.[5] GTL further states in its intervention motion that it may have differing views on IGRA, and other legal requirements raised here. *See* GTL's Mem. 7-8. GTL's participation threatens the possibility that this case become bigger, longer, and more complicated. *See Cooper v. Newsom*, 13 F.4th 857, 868 (9th Cir. 2021), *cert. denied sub nom. San Bernardino Cnty. Dist. Att'y v. Cooper*, 143 S. Ct. 287 (2022).

A court should also exercise its discretion to deny permissive intervention if it will "unduly delay or prejudice" the original parties or in the absence of a federal statute providing a conditional right to intervene. Fed. R. Civ. P. 24(b)(1)(B); *Env't Def. Fund, Inc. v. Costle*, 79 F.R.D. 235, 244 (D.D.C. 1978), *aff'd*, (D.C. Cir. July 31, 1978). Contrary to GTL's argument (*see* GTL's Mem. 4, 9), adding more parties will no doubt increase the volume of pleadings and could cause extraneous motions practice, both of which would increase the cost incurred by

[5] We note that Federal Defendants agreed upon the schedule for briefing Scotts Valley's pending preliminary injunction with the understanding that it was responding only to Scotts Valley's brief. Federal Defendants have requested an extension of time to respond to Scotts Valley's preliminary injunction motion (*see* ECF No. 28), but should GTL be allowed to intervene and file its own brief, a greater extension might be necessary.

existing parties and burden resources. For these reasons, the Court should deny GTL's request for permissive intervention.

C. If intervention is granted, the Court should impose conditions on intervention.

If GTL is allowed to intervene, the Court should impose conditions on its intervention. Reasonable conditions may be imposed on an intervenor. *See Wildearth Guardians v. Salazar*, 272 F.R.D. 4, 13, 20 (D.D.C. 2010) ("Even where intervention is a matter of right, district courts may impose appropriate conditions or restrictions upon the intervenor's participation in the action."). Here, GTL should be restricted from pursuing claims against Federal Defendants not raised by Scotts Valley and should be required to coordinate its filings with Scotts Valley to avoid increasing the amount of briefing and issues before the Court.

IV. CONCLUSION

GTL is not entitled to intervention as of right. The Court should deny GTL's intervention as of right because it lacks Article III standing to participate in this litigation. Even if GTL has standing (it does not), it fails to make the necessary showing for intervention as of right under Rule 24(a). Scotts Valley can represent GTL's nearly identical interest in this case. Alternatively, GTL is not entitled to permissive intervention because its intervention in this case would potentially complicate and lengthen the litigation process.

Respectfully submitted this 17 day of April, 2025.

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