

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Cortina Integrated Waste Mgt. Inc. v. U.S. Dept. of the Interior

Cortina Integrated Waste · No. 2:24-cv-3014 WBS AC · Decided February 27, 2025

SUMMARY

The United States District Court for the Eastern District of California grants the Kletsel Dehe Wintun Nation of the Cortina Rancheria’s unopposed motion to intervene as of right under Federal Rule of Civil Procedure 24(a)(2). The court finds that the Tribe has a timely and legally protectable interest in the lease at issue and that existing parties may not adequately represent that interest, and orders the Tribe to file its proposed answer within 14 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	William B. Shubb
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 27, 2025
DOCKET	2:24-cv-3014 WBS AC
DISPOSITION	other
PROCEDURAL POSTURE	The Kletsel Dehe Wintun Nation of the Cortina Rancheria moved to intervene as of right in the plaintiff's action challenging the federal government's termination of a lease. The motion was unopposed.
STANDARD OF REVIEW	The court applied the requirements for intervention as of right under Federal Rule of Civil Procedure 24(a)(2), requiring a timely motion, an interest relating to the property or transaction, potential impairment of that interest, and inadequate representation by existing parties.
PRECEDENTIAL VALUE	Unknown

TOPICS

- intervention
- civil procedure
- administrative procedure act
- indian affairs
- contracts

PRACTICE AREAS

- civil procedure
- administrative law
- indian affairs
- contracts

QUESTIONS PRESENTED

1. Whether the Tribe satisfied the requirements for intervention as of right under Federal Rule of Civil Procedure 24(a)(2).
2. Whether the Tribe's motion to intervene was timely.
3. Whether the Tribe had a sufficient interest in the lease, whether disposition of the action could impair that interest, and whether existing parties adequately represented it.

HOLDINGS

1. The Tribe's motion to intervene was timely because it was filed before the court had heard any dispositive motions.
2. The Tribe had the type of interest contemplated by Rule 24(a)(2) because evidence showed that it was the plaintiff's counterparty in the lease at issue.
3. If the Tribe did not intervene, disposition of the action could impair its interest in the lease.
4. The existing parties did not adequately represent the Tribe's interest because the federal government did not share the Tribe's reasons for defending the lease.
5. The requirements for intervention under Federal Rule of Civil Procedure 24(a)(2) were satisfied, and the Tribe's motion to intervene was granted.

KEY QUOTATIONS

“Under Federal Rule of Civil Procedure 24(a)(2), the court must grant a timely motion to intervene as a matter of right where the movant “claims an interest relating to the property or 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.”” (at 1)

FACTUAL BACKGROUND

Cortina Integrated Waste Management, Inc. alleged that federal government defendants unlawfully terminated its lease. The Kletsel Dehe Wintun Nation of the Cortina Rancheria was the counterparty to the lease and asserted that its interests could be impaired by the disposition of the action and might not be adequately protected by the federal defendants.

PROCEDURAL HISTORY

Cortina Integrated Waste Management, Inc. filed an action for declaratory and equitable relief against federal government defendants, alleging that they unlawfully terminated its lease. The Tribe moved to intervene before the court heard any dispositive motions, and the court granted intervention under Federal Rule of Civil Procedure 24(a)(2), directing the Tribe to file its proposed answer within 14 days.

DISPOSITION

other

REMAND INSTRUCTIONS

The Tribe was ordered to file its proposed answer on the court's docket within 14 days.

CASES CITED

- Wilderness Soc'y v. U.S. Forest Serv., 630 F.3d 1173, 1177-78 (9th Cir. 2011) (en banc)
- Hoopa Valley Tribe v. U.S. Bureau of Reclamation, 648 F. Supp. 3d 1196, 1200-01 (E.D. Cal. 2022)
- Backcountry Against Dumps v. U.S. Bureau of Indian Affairs, No. 20-CV-2343 JLS (DEB), 2021 WL 2433942, at *3-4 (S.D. Cal. June 14, 2021)
- No Casino In Plymouth v. Nat'l Indian Gaming Comm'n, No. 2:18-cv-1398 TLN CKD, 2022 WL 1489498, at *10-11 (E.D. Cal. May 11, 2022)
- No Casino In Plymouth v. Nat'l Indian Gaming Comm'n, No. 22-15756, 2023 WL 4646113, at *1-2 (9th Cir. July 20, 2023)
- No Casino In Plymouth v. Nat'l Indian Gaming Comm'n, 144 S. Ct. 1347 (2024)

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