

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

OPINION

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

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 ----oo0oo---- 11

12 CORTINA INTEGRATED WASTE No. 2:24-cv-3014 WBS AC

MANAGEMENT, INC.,

13 Plaintiff,

14 ORDER RE: MOTION TO INTERVENE

v. BY KLETSEL DEHE WINTUN NATION

15 OF THE CORTINA RANCHERIA

UNITED STATES DEPARTMENT OF THE

16 INTERIOR; UNITED STATES BUREAU

OF INDIAN AFFAIRS; BRYAN

17 NEWLAND, in his official capacity as Assistant Secretary 18 in the U.S. Department of the
Interior-Indian Affairs; BRYAN 19 MERCIER, in his official capacity as Director of the 20
Bureau of Indian Affairs in the U.S. Department of the Interior; 21 AMY DUTSCHKE, in her
official capacity as Regional Director 22 for the Bureau of Indian Affairs Pacific Region; and
INTERIOR

23 BOARD OF INDIAN APPEALS,

24 Defendants. 25

26 ----oo0oo---- 27 Plaintiff Cortina Integrated Waste Management, Inc. 28 filed the instant action
for declaratory and equitable relief 1 alleging that the federal government defendants unlawfully 2
terminated its lease. (Docket No. 1.) The Kletsel Dehe Wintun 3 Nation of the Cortina Rancheria
("Tribe") moves to intervene. 4 (Docket No. 12.) Plaintiff and defendants do not oppose the 5
Tribe's intervention.¹ (See Docket Nos. 14-15.) 6 Under Federal Rule of Civil Procedure 24(a)(2),
the 7 court must grant a timely motion to intervene as a matter of 8 right where the movant
"claims an interest relating to the 9 property or transaction that is the subject of the action and is
10 so situated that disposing of the action may as a practical 11 matter impair or impede the

movant's ability to protect its 12 interest, unless existing parties adequately represent that 13 interest." See also *Wilderness Soc'y v. U.S. Forest Serv.*, 630 14 F.3d 1173, 1177-78 (9th Cir. 2011) (en banc) (same). 15 The Tribe's motion is timely since the court has not 16 heard any dispositive motions in the case. See *Hoopa Valley 17 Tribe v. U.S. Bureau of Reclamation*, 648 F. Supp. 3d 1196, 1200- 18 01 (E.D. Cal. 2022) (concluding a tribe's motion to intervene was 19 timely because it was filed "well before any substantive matters 20 had been heard or decided"). 21 Moreover, the Tribe provides evidence showing that it 22 is plaintiff's counterparty in the lease at issue (see 23 Docket No. 12-1 at 101-05), which establishes the type of 24 interest contemplated by Rule 24(a)(2). See *Backcountry Against 25 Dumps v. U.S. Bureau of Indian Affairs*, No. 20-CV-2343 JLS (DEB), 26 1 Because the motion is unopposed and the court does not 27 see that it would be assisted by oral argument, the hearing on March 17, 2025 is vacated and the court takes the motion under 28 submission on the moving papers. See L.R. 230(g). eee eee OI ED EE 1 2021 WL 2433942, at *3-4 (S.D. Cal. June 14, 2021). If the Tribe 2 did not intervene, its interest in the lease may be impaired by 3 | the disposition of the instant matter. See id. 4 Finally, the Tribe asserts without contradiction its 5 concern that the current parties will not adequately protect its 6 interest in the lease because the federal government does not 7 share the Tribe's reasons for defending the lease in question. 8 | See *No Casino In Plymouth v. Nat'l Indian Gaming Comm'n*,

9 No. 2:18-cv-1398 TLN CKD, 2022 WL 1489498, at *10-11 (E.D. Cal.

10 May 11, 2022), aff'd on other grounds, No. 22-15756, 2023 WL

11 4646113, at *1-2 (9th Cir. July 20, 2023), cert. denied, 144 □□□

12 Ct. 1347 (2024). Accordingly, the requirements for intervention

13 under Rule 24(a) (2) are met. 14 IT IS THEREFORE ORDERED that the Tribe's motion to 15 intervene (Docket No. 12) be, and the same hereby is, GRANTED. 16 The Tribe shall file its proposed answer (Docket No. 12-2) on the 17 court's docket within 14 days. 18 | Dated: February 27, 2025 bette 2d. □□

19 WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE

20 21 22 23 24 25 26 27 28