

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN DOE, et al.,

Plaintiffs,

v.

KAMALA HARRIS, et al.,

Defendants.

NO. C12-5713 TEH

ORDER GRANTING MOTION
TO INTERVENE

This case presents a challenge to the constitutionality of the reporting requirements for registered sex offenders that were enacted as part of Proposition 35, the Californians Against Sexual Exploitation Act (“CASE Act”). Daphne Phung and Chris Kelly (“Proponents”), private citizens and proponents of Proposition 35, argue that they are entitled to intervene, or if they are not so entitled, that the Court should permit them to intervene. Proponents’ motion came before the Court on December 17, 2012. For the reasons stated below, the Court concludes that Proponents have not established that they have a right to intervene in this action Under Federal Rule of Civil Procedure 24(a), but the Court will permit intervention under Rule 24(b)(1)(B).

DISCUSSION

I. Intervention as of Right

Under Federal Rule of Civil Procedure Rule 24(a), an applicant has a right to intervene in a pending action if four conditions are present: “(1) the intervention application is timely; (2) the applicant has a significant protectable interest relating to the property or transaction that is the subject of the action; (3) the disposition of the action may, as a practical matter, impair or impede the applicant’s ability to protect its interest; and (4) the existing parties may not adequately represent the applicant’s interest.” *Citizens for Balanced*