<table>
<tr><td>DISTRICT COURT, DENVER COUNTY, COLORADO
1437 BANNOCK STREET
DENVER, COLORADO 80202

Plaintiff:

BOARD OF COUNTY COMMISSIONERS OF WELD COUNTY, COLORADO

v.

Defendants:

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Courtroom: 259</td></tr>
<tr><td colspan="2">ENVIRONMENTAL DEFENSE FUND AND HEALTHY AIR AND WATER COLORADO'S MOTION TO INTERVENE AS DEFENDANTS</td></tr>
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Pursuant to C.R.C.P. 24(a)–(b), Environmental Defense Fund ("EDF") and Healthy Air and Water Colorado ("HAWC," and collectively with EDF, the "Proposed Intervenors") hereby move to intervene as defendants in the Board of County Commissioners of Weld County, Colorado's ("Weld County") challenge to revisions to Colorado Air Quality Control Commission ("Commission") Regulation Number 7 ("Regulation 7"), regarding emission controls for pollution from the oil and gas industry in the state of Colorado.

In compliance with C.R.C.P. 121(c) § 1-15(8), the Proposed Intervenors have conferred with the present parties to this lawsuit. The State Defendants do not oppose this motion. Weld County opposes this motion.

BACKGROUND

The Proposed Intervenors have a significant interest in promoting clean air and reducing pollution in Colorado, and therefore in defending the adopted revisions to Regulation 7. EDF is a national nonprofit organization that links science, economics, and law to create innovative, equitable, and cost-effective solutions to urgent environmental problems. EDF has long pursued initiatives at the state and national levels designed to reduce emissions of health-harming and climate-altering air pollutants from all major sources, including the oil and gas sector. EDF has over 379,000 members nationwide and over 11,200 members in Colorado.

HAWC is a nonprofit organization that engages health care professionals to advocate for state and local policies to reduce air pollution, including climate pollution, and to protect public health. HAWC's advocacy network includes nearly 4,800 health care professionals and other supporters. HAWC is a project of Healthier Colorado, which is Colorado's leading health

advocacy organization, with over 168,000 members, including members from all 64 Colorado counties.

This lawsuit concerns the Commission's December 2019 adoption of revisions to Regulation 7, which establishes requirements for the control of emissions from the oil and gas sector in Colorado. *See generally* 5 Colo. Code Regs. § 1001-9. In order to provide the Commission with its expertise in the scientific, environmental, and public health implications of the proposed revisions, and to protect its interests in reducing air and climate pollution, EDF requested and was granted formal party status in the rulemaking proceeding. Ex. 1, EDF Request for Party Status (Oct. 17, 2019); Ex. 2, Party Status List (Oct. 31, 2019). EDF filed prehearing statements and an expert report and offered witness testimony at the hearing before the Commission. *See, e.g.*, Ex. 3, Prehearing Statement of Environmental Defense Fund at 4 (Nov. 5, 2019) ("EDF PHS"); Ex. 4, Rebuttal Prehearing Statement of Environmental Defense Fund at 9–20 (Nov. 25, 2019) ("EDF Rebuttal"). HAWC was not a formal party to the rulemaking but closely followed the proceedings because of its interests in protecting air quality and public health. Ex. 5, Williams Decl. ¶¶ 9–10 (May 20, 2020).

Ultimately, the Commission voted unanimously to adopt revisions to Regulation 7 to reduce pollution from the state's oil and gas facilities. In adopting these revisions, the Commission expressly concluded that the revisions are technologically feasible and cost-effective. 43 Colo. Reg. 2 at 441–42 (Jan. 25, 2020). Weld County subsequently filed this lawsuit challenging certain of the adopted revisions. Compl., ¶¶ 54–60 (Mar. 13, 2020).

During the rulemaking proceeding, EDF advocated for strengthening Regulation 7, including the revisions Weld County is challenging in this lawsuit. *See id.* ¶¶ 55, 60; *see also*

Ex. 3, EDF PHS at 11–16, 20–23 (supporting revisions that would increase the required frequency of leak detection and repair and improve the regulation of storage tanks). EDF and HAWC believe the revisions must remain in place to protect Coloradans' public health and the environment. Accordingly, the Proposed Intervenors move to intervene as defendants in support of the revisions to Regulation 7, either as a matter of right or pursuant to the Court's discretion.

ARGUMENT

I. The Proposed Intervenors are entitled to intervene as of right.

The rules governing intervention "should be liberally interpreted to allow, whenever possible and compatible with efficiency and due process, issues related to the same transaction to be resolved in the same lawsuit and at the trial court level." *Cherokee Metro. Dist. v. Meridian Serv. Metro. Dist.*, 266 P.3d 401, 404 (Colo. 2011) (quoting *Feigin v. Alexa Grp., Ltd.*, 19 P.3d 23, 26 (Colo. 2001)). A court must permit a party to intervene if (1) the party's motion is timely; (2) the party has an interest in the subject matter of the action; (3) the party's interest may be impaired by the disposition of the action; and (4) none of the existing parties to the lawsuit adequately represent the party's interest. *Id.* (citing C.R.C.P. 24(a)(2)). The Proposed Intervenors satisfy each of these criteria and, therefore, are entitled to intervene as of right.

A. The Proposed Intervenors' motion is timely.

C.R.C.P. 24 does not provide an express time limit for intervention, so "the timeliness of the attempted intervention is to be gathered from all the circumstances in the case." *Diamond Lumber, Inc. v. H.C.M.C., Ltd.*, 746 P.2d 76, 78 (Colo. App. 1987). Here, Weld County filed its complaint on March 13, 2020. The State Defendants have moved to dismiss the complaint

pursuant to C.R.C.P. 12 and for a more definite statement, and thus have not yet filed an answer. Because this case is still at a very early stage, the Proposed Intervenors' motion is timely.

B. The Proposed Intervenors have a strong interest in this matter.

The Proposed Intervenors have a strong interest in defending the environmental and public health benefits of the revisions to Regulation 7. "The existence of an interest under Colorado's Rule 24(a)(3) should be determined in a liberal manner" and "should not be viewed formalistically." *Feigin*, 19 P.3d at 29 (citing *O'Hara Grp. Denver, Ltd. v. Marcor Hous. Sys., Inc.*, 595 P.2d 679, 687 (Colo. 1979)). Protection of the environment and public health qualify as legally protected interests for the purposes of intervention. *See, e.g.*, *Rocky Mountain Animal Def. v. Colo. Div. of Wildlife*, 100 P.3d 508, 513 (Colo. App. 2004) (holding that "[a]esthetic and ecological interests are generally sufficient" to be a legally protected interest); *Friends of the Black Forest Reg'l Park, Inc. v. Bd. of Cty. Comm'rs*, 80 P.3d 871, 877 (Colo. App. 2003) (same); *Utah Ass'n of Counties v. Clinton*, 255 F.3d 1246, 1252 (10th Cir. 2001) ("[O]rganizations whose purpose is the protection and conservation of wildlife and its habitat have a protectable interest in litigation that threatens those goals.").[1]

As evidenced by its participation in the rulemaking that is the subject of this litigation, as well as its organizational mission, EDF has a strong interest in this matter. EDF sought and was granted formal party status in the Regulation 7 rulemaking based on its experience working to improve and protect air quality in Colorado. Ex. 1, EDF Request for Party Status; Ex. 2, Party

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[1] C.R.C.P. 24(a) is substantively identical to Fed. R. Civ. P. 24(a). Colorado courts therefore may look to federal case law when interpreting and applying the intervention standards. *See People v. Dore*, 997 P.2d 1214, 1219 (Colo. App. 1999) (citing *Forbes v. Goldenhersh*, 899 P.2d 246 (Colo. App. 1994)).

Status List. EDF was a key party to the Commission's 2014 rulemaking that resulted in the adoption of Regulation 7 and was an active participant in the stakeholder process leading up to the 2019 rulemaking and the Air Pollution Control Division's ("Division") Statewide Hydrocarbon Emission Reduction ("SHER") team process. Ex. 1, EDF Request for Party Status. EDF's interests that supported its participation in the Regulation 7 rulemaking also support its intervention in this lawsuit. Ex. 6, Stith Decl. ¶¶ 7–10 (May 20, 2020); c*f. Colo. Water Quality Control Comm'n v. Town of Frederick*, 641 P.2d 958, 962 (Colo. 1982) (explaining that party status in an agency proceeding assists judicial review by "giv[ing] the agency and the other participants notice of the identity and concern of interested parties").

HAWC also has a demonstrated interest in promoting the policies advanced by the regulations that are the subject of this lawsuit, with a particular and unique focus on protection of public health. Ex. 5, Williams Decl. ¶¶ 5–8, 12. HAWC approaches the problems of climate change and air pollution from a health care and public health perspective, organizing professionals in these fields to advocate for policies that will improve air quality and public health. *Id.* ¶¶ 5–8; Ex. 7, Bannon Decl. ¶¶ 1, 4–5 (May 18, 2020). While HAWC was not a formal party to the Regulation 7 rulemaking, C.R.C.P. 24(a) allows "anyone" meeting the requisite criteria to intervene in an action. *See* C.R.C.P. 24(a); *cf.* § 24-4-106(4), C.R.S. (permitting "*any person* adversely affected or aggrieved by any agency action [to] commence an action for judicial review" (emphasis added)). HAWC's interest in safeguarding the reductions in climate pollution and other harmful air pollution secured by Regulation 7 is more than sufficient to support its intervention under C.R.C.P. 24(a). *See Utah Ass'n of Counties*, 255 F.3d at 1252.

C. The Proposed Intervenors' interests may be impaired by this lawsuit.

A party seeking intervention need only show that "disposition of the underlying action *may* as a practical matter impair its ability to protect its interest." *Cherokee Metro. Dist.*, 266 P.3d at 406 (citing C.R.C.P. 24(a)) (emphasis added). Because the rule refers to impairment "as a practical matter," the court may consider any significant effect that the outcome of the lawsuit may have on the applicant's interests. C.R.C.P. 24(a). This element typically is satisfied provided there is not "a *clear* alternative venue in which the proposed intervenor may pursue relief" or defend its interests. *Mauro v. State Farm Mut. Auto. Ins. Co.*, 410 P.3d 495, 499 (Colo. App. 2013); *see also Utah Ass'n of Counties*, 255 F.3d at 1253 (explaining that the movant must show only that impairment of its interest is possible and the court's analysis "is not limited to consequences of a strictly legal nature" (citation omitted)).

Here, Weld County seeks an order invalidating certain revisions to Regulation 7. *See* Compl., ¶¶ 55, 60; *id.* at Prayer for Relief. If successful, Weld County's challenge would result in the nullification of regulatory provisions that EDF advocated for before the Commission as well as a substantial increase in climate and other harmful air pollution, threatening Colorado's natural resources and environment and Coloradans' health and way of life. *See* Ex. 3, EDF PHS at 7–10; *see also* Ex. 5, Williams Decl. ¶¶ 9, 11–12; Ex. 6, Stith Decl. ¶¶ 5–6, 12. Evidence submitted by EDF during the rulemaking process showed that the likely emission-reduction benefits of the challenged revisions—and thus the costs to the environment and public health of invaliding those provisions—are in fact greater than the Division estimated. Ex. 3, EDF PHS at 2–5, 12–16. Securing those emission reductions is exactly what motivated EDF to participate in the Regulation 7 rulemaking, because of its interest in protecting and improving Colorado's air

quality. An increase in air pollution emissions would also be directly contrary to the interests of HAWC, which was formed for the direct purpose of promoting and achieving air pollution reductions that will protect public health in Colorado. Because Weld County's requested relief in this lawsuit would undermine the very climate and public health benefits that motivated EDF to participate in the rulemaking process and that are central to HAWC's mission and activities, Weld County's lawsuit threatens to impair the Proposed Intervenors' interests. *See* Ex. 5, Williams Decl. ¶¶ 9, 11–12; Ex. 6, Stith Decl. ¶¶ 5–6, 12; Ex. 7, Bannon Decl. ¶¶ 6–7. This lawsuit is the only venue available for the Proposed Intervenors to defend those interests.

D. The Proposed Intervenors' interests are not adequately represented.

No present party to this lawsuit adequately represents the Proposed Intervenors' interests. The U.S. Supreme Court has held that a prospective intervenor bears only a "minimal" burden to show that representation of its interests "may be" inadequate. *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972). Once a prospective intervenor has demonstrated an interest that may be impaired, it "*should* be allowed to participate if it appears that all of its interests *may* not be adequately represented by those already parties to that lawsuit." *O'Hara Grp. Denver*, 595 P.2d at 688 (emphasis added).

Colorado courts divide the adequacy of representation inquiry into three categories:

> [1] If the interest of the absentee is not represented at all, or if all existing parties are adverse to the absentee, then there is no adequate representation. [2] . . . [I]f the absentee's interest is identical to that of one of the present parties . . . then a compelling showing should be required to demonstrate why this representation is not adequate. [3] . . . [I]f the absentee's interest is similar to, but not identical with, that of one of the parties . . . intervention ordinarily should be allowed unless it is clear that the party will provide adequate representation . . . .

Cherokee Metro. Dist, 266 P.3d at 407 (emphasis and citation omitted). The Proposed Intervenors fall into the third category, and therefore intervention is appropriate. However, even if the Proposed Intervenors fell into the second category, intervention would be warranted because the State Defendants will not adequately represent the Proposed Intervenors' interests.

1. The Proposed Intervenors' and the State Defendants' interests are not identical, and the Proposed Intervenors are entitled to intervene.

The Proposed Intervenors fall into the third category of the *Cherokee Metropolitan District* inquiry: although the Proposed Intervenors' interests are similar to the State Defendants' interests, those interests are not identical. The Proposed Intervenors' interest in this litigation is focused exclusively on defending the environmental and public health benefits of the revisions to Regulation 7. *See supra* pp. 4–7. The State Defendants, by contrast, have a much broader spectrum of interests in this litigation that extends beyond protecting the environment and public health. For example, given their multiple interests, the State Defendants are more likely to compromise environmental protection in favor of administrative convenience, either in their briefing or in settlement discussions. This factor is especially relevant in the current economic climate. Therefore, the Proposed Intervenors' unique interests in the environment and public health are not identical with the State Defendants' broader interests. *See* Order re: Joint Motion to Intervene, *Colo. Mining Ass'n v. Urbina*, No. 11CV2044, slip op. at 3 (Denver Dist. Ct. Nov. 18, 2011) (finding that intervenors' and State's interests were not identical even though State's "broad interests, including upholding the decision to promulgate the [challenged action], likely overlap with the [intervenors'] interests").

Because the Proposed Intervenors and the State Defendants do not have identical interests, "intervention ordinarily should be allowed unless it is clear that the [State Defendants]

will provide adequate representation." *Cherokee Metro. Dist*, 266 P.3d at 407. Colorado courts often find that state agencies will not adequately represent the interests of environmental and other groups in granting intervention in cases challenging agency action. *See, e.g.*, Order Granting, in Part, Unopposed Motion to Intervene as Defendants and to Extend Time to Answer Complaint, *Freedom to Drive, Inc. v. Colo. Air Quality Control Comm'n*, No. 2019CV34156 (Denver Dist. Ct. Jan. 16, 2020) (granting environmental coalition's motion to intervene in case challenging Commission rule); Order: Unopposed Motion to Intervene as Defendants and to Extend Time to Answer Complaint, *Colo. Auto. Dealers Ass'n v. Colo. Dep't of Pub. Health & Env't*, No. 2019CV30343 (Denver Dist. Ct. Apr. 3, 2019) (same); Order re: Joint Motion to Intervene, *Colo. Mining Ass'n*, No. 11CV2044 (same); Order Granting Motion to Intervene, *Martinez v. Colo. Oil & Gas Conservation Comm'n*, No. 2014CV32637 (Denver Dist. Ct. Dec. 24, 2014) (granting industry trade groups' motion to intervene in case challenging Colorado Oil & Gas Conservation Commission action); *see also City of Thornton v. Bd. of Cty. Comm'rs*, No. 2019CV30339, 2019 WL 3228258, at *10 (Larimer Cty. Dist. Ct. July 16, 2019) (finding that organization's environmental interests would not be adequately represented by government).

Similarly, other courts that have explicitly considered the question have often held that "governmental entities do not adequately represent the interests of aspiring intervenors." *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 736–37 (D.C. Cir. 2003). "[T]he government's prospective task of protecting 'not only the interest of the public but also the private interest of the petitioners in intervention' is 'on its face impossible' and creates the kind of conflict that 'satisfies the minimal burden of showing inadequacy of representation.'" *Utahns for Better Transp. v. U.S. Dep't of Transp.*, 295 F.3d 1111, 1117 (10th Cir. 2002) (quoting *Utah Ass'n of*

Counties, 255 F.3d at 1255). Accordingly, "[a] public interest group is entitled as a matter of right to intervene in an action challenging the legality of a measure it has supported." *Idaho Farm Bureau Fed'n v. Babbitt*, 58 F.3d 1392, 1397 (9th Cir. 1995).

Here, because the State Defendants' interests in this litigation are broader than the Proposed Intervenors' interests, the State Defendants may make litigation decisions that do not prioritize the environmental and public health concerns that are paramount to the Proposed Intervenors' interests. *See N.M. Off-Highway Vehicle All. v. U.S. Forest Serv.*, 540 Fed. App'x 877, 881 (10th Cir. 2013) (noting that "there is no guarantee that the [agency] will make all of the environmental groups' arguments in litigation" and "no guarantee that the [agency's] policy will not shift during litigation").

For example, the State Defendants are not likely to adequately represent the Proposed Intervenors' interests in defending against Weld County's claims that the Division's economic impact analysis was "flawed and inadequate." *See* Compl. ¶¶ 85–91. During the rulemaking process, EDF presented evidence to show that the Division's analysis was not only reasonable, but was in fact conservative, and tended to overstate the costs and understate the benefits of the revisions to Regulation 7. *See* Ex. 3, EDF PHS at 11–16, 20–22, 23; Ex. 4, EDF Rebuttal at 9–20. EDF introduced research from its in-house scientists demonstrating the ways in which state and federal emission inventories significantly underestimate air pollution emissions from oil and gas production, leading to a corresponding underestimation of the benefits of emission controls. *See* Ex. 3, EDF PHS at 2–5, 25; Ex. 4, EDF Rebuttal at 21. Because the Proposed Intervenors believe the revisions to Regulation 7 are even more cost-effective and have greater benefits than the Division's analysis suggests, the Proposed Intervenors are likely to put forth a more vigorous

defense of the challenged revisions and the Division's analysis, and will not be adequately represented by the State Defendants. *See City of Thornton*, 2019 WL 3228258, at *10 (finding inadequate representation where intervenor "presented legal and technical reasons" for denying application, which defendant did not "specifically document" in its decision); Order re: Joint Motion to Intervene, *Colo. Mining Ass'n*, No. 11CV2044, slip op. at 3 (finding environmental coalition would not be adequately represented by State in part due to divergent positions on "the economics relating to pollution control equipment"); *see also Utahns for Better Transp.*, 295 F.3d at 1117 (explaining that representation is inadequate if intervenor "has expertise the government may not have"). Additionally, because EDF produced evidence in the rulemaking that differed from the Division's analysis, the State Defendants may not adequately represent the Proposed Intervenors' positions on the contents and scope of the administrative record.

As another example, the parties may decide to enter settlement discussions, in which case the State Defendants' broad governmental mandate will not be sufficient to ensure that the environmental and public health objectives of the Proposed Intervenors are prioritized. *See Cherokee Metro. Dist.*, 266 P.3d at 407 (recognizing that proposed intervenors' interests would not be represented if existing parties reached a settlement).

For these reasons, the Proposed Intervenors' interests are not identical to the State Defendants' interests and will not be adequately represented by the State Defendants. Intervention is therefore appropriate. *See Cherokee Metro. Dist.*, 266 P.3d at 407.

2. Even if the Court considers the Proposed Intervenors' and the State Defendants' interests identical, intervention is appropriate.

If the Court concludes that the Proposed Intervenors' and the State Defendants' interests are identical, the Proposed Intervenors are nevertheless entitled to intervene because, as

described above, the State Defendants will not adequately represent the Proposed Intervenors' interests. *See id*. To establish inadequacy of representation, the Proposed Intervenors must provide "concrete example[s] of how [they] might be inadequately represented." *In re Application for Underground Water Rights*, 304 P.3d 1167, 1173 (Colo. 2013).

As described above, the Proposed Intervenors will not be adequately represented by the State Defendants because the Proposed Intervenors are exclusively focused on environmental protection and public health, while the State Defendants represent a broader spectrum of interests and must balance those concerns in litigation. *See supra* p. 8–11. Specifically, as discussed in detail above, the State Defendants may not represent the Proposed Intervenors' interests: in response to claims that implicate their differing assessments of the costs and benefits of the revisions to Regulation 7; in determining the contents and scope of the administrative record; and if the parties choose to enter settlement discussions. *See supra* p. 8–11. These "concrete example[s]," while illustrative rather than exhaustive, make a "compelling showing" that the State Defendants' representation of the Proposed Intervenors' interests may be inadequate. *See In re Application for Underground Water Rights*, 304 P.3d at 1173. Accordingly, even under the second category of the *Cherokee Metropolitan District* inquiry, the Proposed Intervenors are entitled to intervene.

3. The Proposed Intervenors will not be adequately represented by any other prospective intervenor.

The Proposed Intervenors understand that other parties to the Regulation 7 rulemaking may also move to intervene in support of the revisions challenged by Weld County. While the rules require consideration of whether the prospective intervenor's interests are adequately represented only by "*existing* parties," C.R.C.P. 24(a) (emphasis added), the Proposed

Intervenors wish to dispel any concern that their interests will be identical to and duplicative of those of other potential intervenors. The Proposed Intervenors occupy a unique position offering scientific and public health expertise; this position was not occupied by any other party to the rulemaking proceeding. *See, e.g.*, Ex. 3, EDF PHS at 2–5 (describing EDF's coordination of dozens of scientific studies on methane emissions from the oil and gas sector). Nevertheless, the Proposed Intervenors will work closely with any other potential intervenor-defendants to combine briefing on issues where possible and ensure there is no duplication of arguments.

* * * * *

For the foregoing reasons, the Proposed Intervenors have significant interests in the environmental and public health impacts of the revisions to Regulation 7 that could be impaired by the outcome of this lawsuit and that the State Defendants, and any other potential intervenor-defendants, do not adequately represent. This Court therefore should grant the Proposed Intervenors' motion to intervene as of right.

II. In the alternative, the Court should permit the Proposed Intervenors to intervene.

The Proposed Intervenors alternatively request permission to intervene. Permissive intervention is available at the trial court's discretion "when an applicant's claim or defense and the main action have a question of law or fact in common" and the applicant's intervention will not "unduly delay or prejudice the adjudication of the rights of the original parties." C.R.C.P. 24(b). Like the rule governing intervention as of right, the rule governing permissive intervention "should be liberally interpreted to allow, whenever possible and compatible with efficiency and due process, issues related to the same transaction to be resolved in the same lawsuit and at the trial court level." *Moreland v. Alpert*, 124 P.3d 896, 904 (Colo. App. 2005).

The Proposed Intervenors qualify for permissive intervention because they seek to join the State Defendants in defending the revisions to Regulation 7 against the same claims asserted by Weld County. Therefore, the Proposed Intervenors will not inject extraneous matters into the case. This Court will review Weld County's claims based on the administrative record compiled during the rulemaking proceeding, in which EDF participated and submitted evidence and testimony. EDF's familiarity with that record and its expertise in the scientific underpinnings and ramifications of the challenged revisions will substantially assist the Court in adjudicating this matter. *See* Order re: Joint Motion to Intervene, *Colo. Mining Ass'n*, No. 11CV2044, slip op. at 2, 3 (finding intervention would promote judicial economy where case was at early stage and members of intervenor coalition were participants in underlying administrative proceeding).

The Proposed Intervenors' participation also will not unduly delay this case or prejudice any existing party. The Proposed Intervenors sought intervention at a very early stage of the litigation, prior to the filing of an answer by the State Defendants, and the Proposed Intervenors' arguments will concern the same core factual and legal issues addressed by the other parties. Although, as described above, the Proposed Intervenors' substantive position on some of those issues may differ from the positions of other parties, permitting the Proposed Intervenors to advocate their unique position on the merits would not prejudice Weld County or the State Defendants. To the contrary, the Proposed Intervenors would be prejudiced if they were unable to defend the important interests that qualified EDF to participate as a party to the rulemaking and that motivate HAWC's engagement on these issues. *Cf.* C.R.S.§ 24-4-106(4) (requiring person challenging rulemaking to "notify each person on the agency's docket of the fact that a suit has been commenced" so that parties to the rulemaking may consider intervening).

Accordingly, the Proposed Intervenors respectfully request permission to intervene so that they can defend their unique interests and provide additional perspective and expertise that will assist the Court in adjudicating the claims at issue.

CONCLUSION

For all the foregoing reasons, the Proposed Intervenors respectfully request that the Court grant their motion to intervene. In lieu of the responsive pleading contemplated by C.R.C.P. 24(c), the Proposed Intervenors are filing a separate motion to extend the time to file the responsive pleading simultaneously with the filing of this motion. The Proposed Intervenors are filing these motions separately pursuant to the Court's Pre-Trial Order.

Respectfully submitted,

May 28, 2020

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INDEX OF EXHIBITS

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Exhibit 6	Stith Declaration (May 20, 2020)
Exhibit 7	Bannon Declaration (May 18, 2020)

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2020, I electronically filed the foregoing motion, together with its exhibits and a proposed order, with the Clerk of the Court via Colorado Courts E-Filing.

The participants in the case are registered Colorado Courts E-Filing users and service will be accomplished by the Colorado Courts E-Filing system.

May 28, 2020

/s/ William Trull
WILLIAM TRULL