

PEAK ASPHALT, LLC; and IDAHO ASPHALT)	
SUPPLY, INC.,)	
)	
Plaintiffs,)	Case No. CV 08-127-EJL-LMB
)	
v.)	
)	MEMORANDUM
NATIONAL FIRE INSURANCE CO. of)	AND ORDER
HARTFORD; and John Doe, person or entities,)	
)	
Defendants.)	
_____)	

Currently pending before the Court is a “Motion For Reconsideration & Clarification, Motion to Intervene as Plaintiffs Under Fed.R.Civ.P. Rule 24(A)2, 24(B), Motion For Brief of Amicus Curiae, Friend of the Court” (Docket No. 18). For the reasons set forth herein, the motion is denied.

Specifically, the motion, filed by one movant *pro se* and on behalf of several named movants, states as follows: movants have information supporting the Plaintiffs’ claims; movants have “a [sic] interest in this case with newly discovered evidence”; movants move for a “motion for reconsideration to allow newly discovered evidence,”; and, “Defendant engaged in Fraudulent manipulated practices that also effected movants [sic] constitutional rights.” (Docket No. 18.)

Rule 24 of the Federal Rules of Civil Procedure provides, in relevant part:

- (a) Intervention of Right. On timely motion, the court must permit anyone to intervene who:
 - (1) is given an unconditional right to intervene by a federal statute; or
 - (2) 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.
- (b) Permissive Intervention.

- (1) In General. On timely motion, the court may permit anyone to intervene who:
- (A) is given a conditional right to intervene by a federal statute; or
 - (B) has a claim or defense that shares with the main action a common question of law or fact.

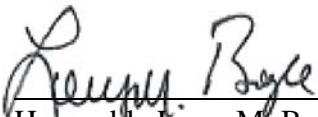
Fed.R.Civ.P. 24(a),(b). The Rule further requires the movant to “state the grounds for intervention” and attach “a pleading that sets out the claim or defense for which intervention is sought.” Fed.R.Civ.P. 24(c).

The motion does not set forth a basis for intervention under Fed.R.Civ. P. 24. This action is a contract dispute between the parties regarding insurance coverage. Movants have failed to set forth the grounds for intervention, and to attach the pleading, as required by the Rule. Moreover, movants allegations regarding information or evidence supporting the Plaintiff’s claim is not a valid basis for intervention.

Accordingly, IT IS HEREBY ORDERED that the Motion For Reconsideration & Clarification, Motion to Intervene as Plaintiffs Under Fed.R.Civ.P. Rule 24(A)2, 24(B), Motion For Brief of Amicus Curiae, Friend of the Court” (Docket No. 18) is DENIED.



DATED: **December 31, 2008.**


Honorable Larry M. Boyle
U. S. Magistrate Judge