

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FRONT RANGE EQUINE RESCUE, THE
HUMANE SOCIETY OF THE UNITED
STATES, MARIN HUMANE SOCIETY,
HORSES FOR LIFE FOUNDATION,
RETURN TO FREEDOM, RAMONA
CORDOVA, KRYSTLE SMITH, CASSIE
GROSS, DEBORAH TRAHAN, and
BARBARA SINK,

Plaintiffs,

v.

TOM VILSACK, Secretary, U.S. Department
of Agriculture; ELIZABETH A. HAGEN,
Under Secretary for Food Safety, U.S.
Department of Agriculture; and ALFRED A.
ALMANZA, Administrator, Food Safety and
Inspection Service, U.S. Department of
Agriculture,

Defendants,

VALLEY MEAT COMPANY, LLC,

Defendant/Intervenor.

Case No. 1:13-cv-00639-MCA-RHS

THE STATE OF NEW MEXICO'S MOTION TO INTERVENE

Pursuant to Federal Rule of Civil Procedure 24(a) and (b), the State of New Mexico ("New Mexico"), moves this Court for permission to intervene as a plaintiff in the above-captioned matter. New Mexico should be granted leave to intervene as of right because it (1) has timely filed this motion to intervene, (2) has multiple interests in the outcome of this litigation, (3) its interests may be impaired absent intervention, and (4) its interests are not adequately

represented by the existing parties. Alternatively, the Court should grant New Mexico leave to permissively intervene because its claims share common questions of fact and law as those stated in this action. New Mexico submits a memorandum of law in support of its motion, along with a proposed complaint in intervention.

Pursuant to Local Rule 7.1, the undersigned counsel has conferred or attempted to confer with counsel for the parties regarding this motion. On July 18, 2013, counsel for Plaintiffs, Bruce A. Wagman, informed me that Plaintiffs support New Mexico's motion to intervene. On July 19, 2013, counsel for Defendants, Andrew A. Smith, informed me that Defendants take no position on New Mexico's motion to intervene. On July 19, 2013, I telephoned counsel for Defendant/Intervenor, A. Blair Dunn, spoke with an assistant, and left a message, but did not receive a return call.

WHEREFORE, for the foregoing reasons, New Mexico respectfully requests that this Court grant New Mexico's motion to intervene as a plaintiff in this action.

Dated: July 19, 2013

GARY K. KING
NEW MEXICO ATTORNEY GENERAL

By: Ari Biernoff
Ari Biernoff
Assistant Attorney General
408 Galisteo Street
Santa Fe, NM 87501
Telephone: (505) 827-6086
Facsimile: (505) 827-6036
abiernoff@nmag.gov

Attorney for Proposed Intervenor State of New Mexico

CERTIFICATE OF SERVICE

I certify that I filed the foregoing documents on July 19, 2013 using the ECF System, which will send notification to all parties of record.

Ari Biernoff
Ari Biernoff