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January 04, 2022

Union Intervention in Case Properly Denied Where Inclusion Would Unduly Complicate Litigation

Courts may deny permissive intervention if there are already multiple parties in the case and the intervenor's interests will be adequately represented by other parties. [South Coast Air Quality Management District v. City of Los Angeles](#), No. B310783 (2d Dist., Nov. 4, 2021). The South Coast Air Quality Management District filed a



intervention in the case. The court denied the union's motion to intervene in the case. The court's decision was based on the fact that the union's interests were adequately represented by other parties in the case. The court also noted that the union's intervention would unduly complicate the litigation.

Trial

courts have discretion to permit nonparties to intervene in a lawsuit if the following four factors are met: (1) the nonparty followed proper procedures; (2) the nonparty has a direct and immediate interest in the action; (3) intervention will not enlarge the issues; and (4) the reasons for intervention outweigh any opposition by the existing parties. The court of appeal agreed with the trial court's decision to deny permissive intervention to the union because of the large number of parties involved in the case and the fact that the Air District's interest in litigating the case without the union outweighed the union's reasons for intervening. The union argued that it had a direct and immediate interest in avoiding the loss of union jobs that could result from rescission of the relevant permits and approvals. However, the court reasoned that other parties, such as the city, had a strong interest in defending the approval of the project and the continued operation of the terminal. There was no claim that the city or other parties might seek to carve out union jobs as unimportant while fighting to maintain operations at the terminal. It was therefore reasonable for the trial court to conclude that union participation would be largely cumulative and would unduly complicate the case. The court noted that a union declaration underscored the risk of undue complexity by citing the 3,000+ union jobs that depended on operations at the Terminal and the 80,000 indirect jobs in the Los Angeles region related to terminal operations. The trial court "reasonably could conclude

that permitting Union intervention in the lawsuit would spur representatives of the other tens of thousands of jobs connected to the Terminal to enter the fray . . . and [the] result would be unmanageable."

Authors

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