

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CSX TRANSPORTATION, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-0611 (RWR)
)	
NATIONAL MEDIATION BOARD,)	
)	
Defendant.)	

ORDER

The Brotherhood of Maintenance of Way Employees ("BMWE") filed a motion for leave to intervene in this action pursuant to Federal Rule of Civil Procedure 24. In support of the motion, BMWE states that it has an interest in the outcome of the case and the decision will affect BMWE's rights and interests. However, BMWE also states that it takes no position on the merits of the issues in the case. Rather, BMWE appears to have filed the motion to intervene solely to request that the court, in issuing its final order, make some provision to ensure that whatever Public Law Boards remain proceed promptly.

BMWE has failed to identify whether it seeks to intervene as of right or permissively. It has also failed to address the factors a court is to consider when determining a motion to intervene. Lastly, BMWE has failed to reply to plaintiff's opposition to its motion to intervene, which raised some of the

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deficiencies in BMW's filing. Accordingly, it is hereby

ORDERED that BMW's motion to intervene be, and hereby is,
DENIED without prejudice.

SIGNED this 18th day of October, 2004.

RICHARD W. ROBERTS
United States District Judge