

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

VILLAGE OF HOBART, WI,

Plaintiff,

v.

Case No. 23-C-1511

UNITED STATES DEPARTMENT
OF THE INTERIOR, et al.,

Defendants,

and

ONEIDA NATION,

Intervenor Defendant.

ORDER GRANTING THE ONEIDA NATION'S MOTION TO INTERVENE

Plaintiff the Village of Hobart, Wisconsin, brought this action against Defendants United States Department of the Interior; Deb Haaland, in her official capacity as the United States Secretary of the Interior; the Bureau of Indian Affairs; Tammie Poitra, in her official capacity as the Midwest Regional Director of the Bureau of Indian Affairs; the Acting Midwest Regional Director of the Bureau of Indian Affairs; and the Interior Board of Indian Appeals on November 10, 2023. The Village seeks judicial review under the Administrative Procedures Act (APA), 5 U.S.C. § 701 *et seq.* of an agency decision issued by the Interior Board of Indian Appeals to accept land located within the Village into trust by the United States for the Oneida Nation. This matter comes before the court on the Oneida Nation's motion to intervene under Federal Rule of Civil Procedure 24. The Nation seeks to intervene as a matter of right under Rule 24(a) and permissively

under Rule 24(b). The court concludes that intervention is appropriate under Rule 24(b); therefore, it is not necessary to decide whether the Nation meets the requirements of Rule 24(a).

A district court may grant a motion for permissive intervention under Rule 24(b) if the motion is timely and the proposed intervenor “has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(B). The court must also consider “whether the intervention will unduly delay or prejudice the adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b)(3). The decision whether to allow intervention is committed to the discretion of the court. *Sokaogon Chippewa Cmty. v. Babbitt*, 214 F.3d 941, 949 (7th Cir. 2000).

In this case, the Nation intends to raise defenses that present issues of law and fact in common with this action. Indeed, the Nation’s property interests in the Parcels are in common with Defendants’ and raise legal issues in common with the main action. In addition, the Nation’s motion was timely and will not unfairly prejudice the original parties or delay proceedings. The Nation filed its motion to intervene the same day Defendants filed their answer and has agreed to abide by the schedule set by the court at the March 18, 2024 scheduling conference. There should be no undue delay or unfair prejudice as a result of the Oneida Nation’s participation in this case. Accordingly, the Oneida Nation’s motion to intervene (Dkt. No. 11) is **GRANTED**. The Clerk is directed to detach and e-file the Nation’s answer to the complaint (Dkt. No. 11-1).

SO ORDERED at Green Bay, Wisconsin this 22nd day of March, 2024.

s/ William C. Griesbach
William C. Griesbach
United States District Judge