

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 08-cv-01385-EWN-BNB

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

vs.

OLDCASTLE SW GROUP, INC. d/b/a UNITED COMPANIES OF MESA COUNTY, a
Colorado corporation

Defendant.

**MOTION OF TAMMY LANE, MICHAEL GALASSO AND CALVIN REED TO
INTERVENE AS OF RIGHT AS PARTIES PLAINTIFF**

Tammy Lane, Michael Galasso and Calvin Reed (collectively, "Intervenor Plaintiffs"), by their undersigned counsel, move pursuant to Fed.R.Civ.P. 24(a) to intervene in this matter as plaintiffs, and state as grounds thereof:

1. **Certificate of Compliance with D.C.Colo.L.R. 7.1.** The undersigned counsel certifies that they conferred regarding the relief requested herein with counsel for the existing parties. Michael Santo, Esq. indicated that Defendant will determine its position after reviewing the Complaint in Intervention filed herewith. The Equal Employment Opportunity Commission (the "EEOC") will not oppose this motion.

2. Intervenor Plaintiffs make this Motion to Intervene pursuant to Fed.R.Civ.P. 24(a), which provides that "[o]n a timely motion, the court must permit anyone to intervene who: (1) is given an unconditional right to intervene by a federal statute." Intervenor Plaintiffs are granted an

unconditional right to intervene in this action by Title VII of the Civil Rights Act of 1964 (“Title VII”).

3. Each of the Intervenor Plaintiffs was previously employed by Defendant.

4. Each of the Intervenor Plaintiffs was terminated by Defendant, and thereafter timely filed a Charge of Discrimination with the EEOC alleging that they were discriminated against and/or retaliated against in violation of Title VII and other federal statutes.

5. After conducting an investigation, the EEOC determined that Defendant had retaliated against each of the Intervenor Plaintiffs in violation of Title VII, that Defendant had discriminated against Intervenor Plaintiff Tammy Lane with respect to the terms and conditions of her employment because of her sex in violation of Title VII, and that Defendant had discriminated against Intervenor Plaintiff Michael Galasso because of his disability in violation of the Americans With Disabilities Act.

6. The EEOC initiated this action against Defendant under the enforcement authority granted it by Title VII to remedy what it had concluded were the illegal discriminatory and retaliatory acts of Defendant against Intervenor Plaintiffs.

7. As the aggrieved parties, Intervenor Plaintiffs have a statutory right to intervene in this action pursuant to 42 U.S.C. § 2000e-5(f)(1) (“[t]he person or persons aggrieved shall have the right to intervene in a civil action brought by the Commission”).

8. Pursuant to Rule 24, a copy of Intervenor Plaintiffs proposed Complaint in Intervention is being filed herewith.

9. This motion is timely made. No Scheduling Order has entered, no scheduling conference been held, nor any discovery conducted.

WHEREFORE, Tammy Lane, Michael Galasso and Calvin Reed respectfully request entry of an Order granting them leave to intervene in this matter as parties plaintiff and accepting their Complaint in Intervention as filed as of the date of the Court's Order.

Respectfully submitted this 14th day of October 2008.

LOHF SHAIMAN JACOBS HYMAN & FEIGER PC

By: s/ Lynn Feiger
Lynn Feiger
950 S. Cherry St., Suite 900
Denver, CO 80246
(303) 753-9000 (phone)
(303) 753-9997 (fax)
lfeiger@lohshaiman.com

JESTER & GIBSON, LLP

By: s/ Brian T. Moore
Brian T. Moore
1875 Lawrence Street, Ste. 740
Denver, CO 80202
(303) 339-4779 (direct phone)
(303) 377-7075 (fax)
bmoore@jgllp.com

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of October 2008, I electronically filed the foregoing **MOTION OF TAMMY LANE, MICHAEL GALASSO, AND CALVIN REED TO INTERVENE AS OF RIGHT AS PARTY PLAINTIFFS** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following email address:

Nancy Weeks
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Nancy.Weeks@eoc.gov

And that service was made by e-mail and U.S. Mail to:

Michael C. Santo
BECHTEL & SANTO LLP
205 N. 4th Street, Suite 300
Grand Junction, CO 81501-2567
santo@bechtelsanto.com

s/ Lynn Feiger