124 F.3d 1309
Unpublished Disposition
NOTICE: THIS IS AN UNPUBLISHED OPINION.
(The Court's decision is referenced in a "Table of Decisions Without Reported Opinions" appearing in the Federal Reporter. Use FI CTADC Rule 28 and FI CTADC Rule 36 for rules regarding the publication and citation of unpublished opinions.)
United States Court of Appeals, District of Columbia Circuit.

Larry D. STEWART, individually and on behalf of the class of all others similarly situated, et al., Appellees
v.
Robert E. RUBIN, Secretary, Dept. of Treasury, et al., Appellees
Vincent C. NOBLE, et al., Appellants

No. 96-5377. | May 22, 1997.

Before WALD, WILLIAMS, and TATEL, Circuit Judges

Opinion

ORDER

***1** Upon consideration of the motions for summary affirmance, the response thereto, and the replies, it is

ORDERED that the motions for summary affirmance be granted. The merits of the parties' positions are so clear as to warrant summary action. *See Taxpayers Watchdog Inc. v. Stanley,* 819 F.2d 294, 297 (D.C.Cir.1987) (per curiam); *Walker v. Washington,* 627 F.2d 541, 545 (D.C.Cir.) (per curiam), *cert. denied,* 449 U.S. 994 (1980). The district court did not abuse its discretion in finding that the motion to intervene by non-African American BATF special agents and a group representing BATF special agents was untimely. *See NAACP v. New York,* 413 U.S. 345, 365-66 (1973). The would-be intervenors were aware of the African-American agents' suit and its potential repercussions within the BATF for a substantial period of time before they moved to intervene. *See Moten v. Bricklayers, Masons and Plasterers Int'l Union,* 543 F.2d 224, 228 (D.C.Cir.1976). Ample evidence of this awareness was supplied in the form of newspaper articles, a newsletter distributed to BATF agents, and internal BATF documents. Further, intervention would cause substantial prejudice to the African-American BATF agents and Treasury Department officials by jeopardizing a settlement agreement reached after lengthy and difficult negotiations. *See id.* Finally, denial of the motion to intervene would not result in prejudice to the would-be intervenors because they would not be harmed by a race neutral promotion system. *Id.* The court's disposition of this appeal would not preclude challenges to employment decisions taken pursuant to the settlement agreement. *See Martin v. Wilks,* 490 U.S. 755 (1989). At the present time, however, the putative intervenors fail to demonstrate any concrete injury they would experience by the denial of their motion and thus the allegations of harm they do advance are speculative.

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing. *See* D.C.Cir. Rule 41.

Parallel Citations

1997 WL 369455 (C.A.D.C.), 326 U.S.App.D.C. 337