

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 24-2679 JGB (DTBx)** Date April 30, 2025

Title *Melvia Harris et al. v. City of Los Angeles*

Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE**

MAYNOR GALVEZ

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

Proceedings: Order (1) GRANTING Strategic Actions for a Just Economy’s (SAJE) Motion to Intervene (Dkt. No. 26); and (2) DENYING Requests to Appear Remotely (Dkt. Nos. 37, 40, 41); and (3) VACATING May 5, 2025 hearing (IN CHAMBERS)

Before the Court is a motion to intervene by Proposed Intervenor-Defendant Strategic Actions for a Just Economy (“SAJE”). (“Motion,” Dkt. No. 26.) The Court finds the Motion appropriate for resolution without a hearing. See Fed. R. Civ. P. 78; L.R. 7-15. After considering the papers filed in support of and in opposition to the Motion, the Court **GRANTS** the Motion to Intervene. The Court **VACATES** the May 5, 2025 hearing. The Court **DENIES** the parties’ requests to appear remotely as moot.

I. BACKGROUND

On December 19, 2024, Plaintiffs Melvia Harris and Roberta Knighten (“Plaintiffs”) filed a complaint against Defendant the City of Los Angeles (“City” or “Defendant”). (“Compl.,” Dkt. No. 1.) Plaintiffs allege that Los Angeles’s Rent Stabilization Ordinance (“RSO”) violates the Takings Clause of the Fifth Amendment and runs afoul of the First Amendment. (Compl. ¶¶ 2, 77-150.)

On February 12, 2025, the City filed a motion to dismiss the Plaintiffs’ complaint. (“MTD,” Dkt. No. 19.) Pursuant to a stipulation on the briefing schedule, Plaintiffs opposed the motion on March 14, 2025. (“Stip.,” Dkt. No. 21; “MTD Opp’n,” Dkt. No. 23.) On April 14,

2025, the City replied. (“MTD Reply,” Dkt. No. 39.) Plaintiffs and the City stipulated the hearing for the motion would be held on May 19, 2025. (Stip.)

While Plaintiffs and the City were briefing the City’s motion to dismiss, SAJE learned of the litigation, retained counsel, and notified Plaintiffs and the City on February 24, 2025 that it was planning to intervene. (“Soloff Decl.,” Dkt. No. 26-3 ¶ 2; “Richmond Decl.,” Dkt. No. 34-1 ¶ 3.) The City indicated it did not oppose SAJE’s motion; Plaintiffs, however, oppose the motion. (Soloff Decl. ¶¶ 2, 3.) Following the parties’ conferences, SAJE filed its motion on March 17, 2025. (Motion; “Strathmann Decl.,” Dkt. No. 26-1.) Plaintiffs opposed on March 24, 2025. (“Opp’n,” Dkt. No. 34.) SAJE replied on March 31, 2025. (“Reply,” Dkt. No. 36.)

II. FACTUAL ALLEGATIONS

Plaintiffs each own various rental properties in Los Angeles that are subject to the RSO. (Compl. ¶¶ 25–26.) The RSO prevents landlords of properties built before 1979 from evicting tenants who pay Fair Market Rent (calculated by statute), caps rent increases for existing tenants, mandates landlords pay a relocation fee when evicting certain tenants, and requires landlords to post on their property a notice to tenants of their rights under the RSO. (Compl. ¶¶ 91, 111, 133–34, 147.) Plaintiffs allege the first three requirements are unlawful physical or regulatory takings of their property, the fourth requirement is unlawful compelled speech, and that the RSO’s differential treatment of pre-1979 and post-1979 properties violates the Equal Protection Clause. (Id.)

SAJE is a nonprofit organization based in South Los Angeles that serves low-income tenants through direct services, outreach and education, and policy advocacy. (Strathmann Decl. ¶¶ 2–5.) SAJE has an “informal membership” of 800 tenants in the City or County of Los Angeles, has two “tenant-members” on its board, and served around 20,000 tenants in 2024. (Id. ¶¶ 5–6.)

III. LEGAL STANDARD

Federal Rule of Civil Procedure 24 provides that a non-party may intervene in a given action either by right or with permission of the Court. Fed. R. Civ. P. 24(a)-(b).

A. Intervention of Right

Federal Rule of Civil Procedure 24(a) provides:

- (a) Intervention of Right. On timely motion, the court must permit anyone to intervene who:
- (1) is given an unconditional right to intervene by a federal statute; or
 - (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter

impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

Fed. R. Civ. P. 24(a)(1)-(2). Absent a statutory right to intervene under Rule 24(a)(1), the proposed intervenor must therefore demonstrate the following to intervene as of right under Rule 24(a)(2):

- (1) [T]he [applicant's] motion must be timely;
- (2) the applicant must have a "significantly protectable" interest relating to the property or transaction which is the subject of the action;
- (3) the applicant must be so situated that the disposition of the action may as a practical matter impair or impede its ability to protect that interest; and
- (4) the applicant's interest must be inadequately represented by the parties to the action.

Freedom from Religion Found., Inc. v. Geithner, 644 F.3d 836, 841 (9th Cir. 2011) (citation omitted). While the proposed intervenor has the burden of establishing these elements, courts interpret the elements broadly in favor of intervention. See Prete v. Bradbury, 438 F.3d 949, 954 (9th Cir. 2006).

B. Permissive Intervention

Under Rule 24(b), the Court may, on timely motion, permit anyone to intervene who "is given a conditional right to intervene by a federal statute," or "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)(A)-(B). The Ninth Circuit has stated that permissive intervention "requires (1) an independent ground for jurisdiction; (2) a timely motion; and (3) a common question of law and fact between the movant's claim or defense and the main action." Geithner, 644 F.3d at 843. Although the burden is on the prospective intervenor to demonstrate that the conditions for intervention are satisfied, see Petrol Stops Nw. v. Continental Oil, Co., 647 F.2d 1005, 1010 n.5 (9th Cir. 1981), even if these "threshold requirements" are satisfied, the court retains discretion to deny permissive intervention. Donnelly v. Glickman, 159 F.3d 405, 412 (9th Cir. 1998); see also Orange v. Air Cal., 799 F.2d 535, 539 (9th Cir. 1986) ("Permissive intervention is committed to the broad discretion of the district court.")

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In addition to the threshold requirements, courts also consider a number of additional factors in deciding whether to permit intervention, such as:

the nature and extent of the intervenors' interest, their standing to raise relevant legal issues, the legal position they seek to advance, and its probable relation to the merits of the case[,] whether changes have occurred in the litigation so that intervention that was once denied should be reexamined, whether the intervenors' interests are adequately represented by other parties, whether intervention will prolong or unduly delay the litigation, and whether parties seeking intervention will significantly contribute to full development of the underlying factual issues in the suit and to the just and equitable adjudication of the legal questions presented.

Perry v. Schwarzenegger, 630 F.3d 898, 905 (9th Cir. 2011) (quoting Spangler v. Pasadena Bd. of Educ., 552 F.2d 1326, 1329 (9th Cir. 1977)).

IV. DISCUSSION

A. Timeliness

The Court must consider the following three factors in determining the timeliness of a motion to intervene: “(1) the stage of the proceeding at which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the reason for and length of the delay.” League of United Latin Am. Citizens v. Wilson, 131 F.3d 1297, 1302 (9th Cir. 1997) (quoting County of Orange v. Air California, 799 F.2d 535, 537 (9th Cir. 1986)). “Timeliness is a flexible concept” entrusted to the “considerable discretion” of this Court. Dilks v. Aloha Airlines, 642 F.2d 1155, 1156 (9th Cir. 1981)

The Court finds SAJE's motion timely. In Plaintiff's view, SAJE arrived too late because it plans to file a motion to dismiss and only filed its intervention motion after Plaintiffs had filed its opposition to the City's motion to dismiss. However, SAJE filed its motion before the Court “took any substantive action” in the case, and just over two months after the case was filed. Lockhart v. Travelers Com. Ins. Co., No. 121CV00268, 2022 WL 541789, at *5 (E.D. Cal. Feb. 23, 2022). Plaintiffs suggest they are prejudiced by SAJE's ability to preview the arguments in its opposition but the Court can find no support that mere awareness of another parties arguments is sufficient prejudice to justify denying intervention. That Plaintiffs will have to respond to a separate motion to dismiss is not sufficiently prejudicial to deny the motion “otherwise *every* intervention motion would be denied out of hand because it carried with it, almost be (sic) definition, the prospect of prolonging the litigation.” League of United Latin Am. Citizens v. Wilson, 131 F.3d 1297, 1304 (9th Cir. 1997). Indeed, courts routinely permit intervention even after deciding pretrial motions. California Trout, Inc. v. United States Bureau of Reclamation, 115 F. Supp. 3d 1102 (C.D. Cal. 2015) (simultaneously resolving defendant's motion to dismiss and intervenor's motion to intervene). The Court finds a two-month delay is reasonably

explained by SAJE's seemingly diligent efforts to locate counsel and author its motion for intervention. SAJE has satisfied the timeliness factor.¹

B. Protectable Interest and Disposition of the Action

Rule 24 requires a proposed intervenor show that the disposition of a case may harm their ability to protect their interest. Fed. R. Civ. P. 24(a). “[A] proposed intervenor ‘has a significant protectable interest in an action if (1) it asserts an interest that is protected under some law, and (2) there is a relationship between its legally protected interest and the plaintiff’s claims.’” Sweet v. Cardona, 121 F.4th 32, 48 (9th Cir. 2024) (citation omitted). The Court must also determine if “the disposition of the action may, as a practical matter, impair or impede [SAJE’s] ability to protect its interest.” Geithner, 644 F.3d at 841 (citation omitted).

SAJE roots its interest in the litigation through its 800 informal tenant members and work on behalf of other tenants. If Plaintiffs succeed, and the Court finds the LARSO unlawful, it is relatively undisputed that at least some tenants will lose protections against eviction and higher rents. Plaintiffs point out that some members live in Los Angeles County, not the City, but there is no requirement an organization’s entire constituency need be affected to permit intervention.

Plaintiff mostly takes issue with the organizational structure of SAJE, arguing that its membership structure is too informal to support intervention. Plaintiffs attempt to draw a line where organizations made up of dues-paying members, like unions, can intervene, but otherwise, organizations cannot. (Opp’n at 10 (citing Allied Concrete & Supply Co. v. Baker, 904 F.3d 1053, 1066-68 (9th Cir. 2018).) The Court is unaware of such a line in this Circuit’s precedents. Instead, for associational standing purposes, in assessing whether the constituents of a group are sufficiently connected to count as members, this Court looks to “indicia of membership” such as members’ power to “elect[]” leadership, “serv[e]” in the organization, and “finance[e]” activities. Am. Unites for Kids v. Rousseau, 985 F.3d 1075, 1096 (9th Cir. 2021) (citing Hunt v. Wash. State Apple Advert. Comm’n, 432 U.S. 333, 344 (1977)). Here, SAJE explains that “SAJE’s informal members serve on committees that provide direction and make recommendations” and it “designates at least one tenant-member to serve on its Board of Directors.” (Strathman Decl. ¶ 6.) SAJE’s tenant members, even if informal, “serv[e]” in the organization. Rousseau, 985 F.3d at 1096. Because not all indicia are required, the Court finds that SAJE satisfies the requirements to assert the rights of its tenant members. GHP Management Corp. v. City of Los Angeles, 339 F.R.D. 621, 623-24 (C.D. Cal. 2021) (“GHP”); Apartment Ass’n of Greater Los Angeles Cnty., Inc. v. City of Los Angeles, 2020 WL 4501792 (C.D. Cal. Aug. 8, 2020) (“AAGLA”). The Court also agrees that SAJE’s prior advocacy in support of some challenged elements of the RSO counsels in favor of federal intervention.

¹ The Court does recognize Plaintiffs’ counsel’s concern about the briefing schedule of SAJE’s motion to dismiss. The Court encourages SAJE to work with Plaintiffs (and the City if necessary) to stipulate to a fair briefing schedule on its planned motion, and also suggests the parties stipulate that both SAJE’s and the City’s motions be heard on the same date.

Having found a protectible interest, the Court too finds that the interest would be impeded by the litigation. Plaintiffs do not dispute this factor.

C. Parties' Failure to Protect Interest

Finally, SAJE does not agree that the City will adequately represent its interest in this lawsuit. The Court agrees SAJE has made a sufficient showing for intervention.

In considering whether the City adequately represents SAJE's interests, the Court must consider "(1) whether the interest of a present party is such that it will undoubtedly make all of a proposed intervenor's arguments; (2) whether the present party is capable and willing to make such arguments; and (3) whether a proposed intervenor would offer any necessary elements to the proceeding that other parties would neglect." Arakaki v. Cayetano, 324 F.3d 1078, 1086 (9th Cir. 2003). Where, as here, "the government is acting on behalf of a constituency that it represents," there is "an assumption of adequacy" that can only be overcome by "a very compelling showing to the contrary." Id. (citation omitted). At the same time, the burden of showing inadequate representation is "minimal." Id.

The Court agrees that the interests of SAJE and the City are sufficiently distinct, and the difference supports intervention. While the Court agrees the City has an interest in defending its own ordinance, it is also true that the City's interest is not the same as SAJE's. The City represents a variety of interests—tenants, landlords, and others—and the RSO itself constitutes a balance of those interests. AAGLA, 2020 WL 4501792, at *3 ("[A]lthough it is possible that the City shares the immediate objective of defending the Ordinances, the City's ultimate interest is in balancing a variety of competing concerns, some of which, including those of Plaintiff, may directly conflict with Proposed Intervenors' interests."). Likewise, the City has an independent interest in avoiding financial liability that is distinct from that of SAJE and its members. (Strathman Decl. ¶ 20.) SAJE's existence "is premised on the notion that governmental policies have failed to secure economic or social justice" for its members, and its history of advocating for stronger protections than the RSO demonstrate the distinct nature of its interests. GHP, 339 F.R.D. at 624. (Strathman Decl. ¶¶ 9–11.) As such it is not evident the City will "undoubtedly" make the same arguments as SAJE and whether the City "is capable and willing to make such arguments." Arakaki, 324 F.3d at 1086. The fourth factor is satisfied.

Having found all four factors satisfied, the Court grants SAJE's motion to intervene as of right.

Because the Court finds SAJE meets the requirements to intervene as of right, the Court would also find that, in the alternative, SAJE meets the similar requirements for permissive intervention under Fed. R. Civ. P. 24(b). AAGLA, 2020 WL 4501792, at *3.

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V. CONCLUSION

For the above reasons, the Court **ORDERS** as follows:

1. SAJE's Motion (Dkt. No. 26) is **GRANTED**.
2. The Court **VACATES** the May 5, 2025 hearing.
3. The Court **DENIES** Plaintiffs and SAJE's requests (Dkt. Nos. 37, 40, 41) to appear remotely as moot.

IT IS SO ORDERED.