

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
No. 2:07-cv- 00045 BO

DEFENDERS OF WILDLIFE and
THE NATIONAL AUDUBON SOCIETY

Plaintiffs,

v.

NATIONAL PARK SERVICE, et al.

Defendants,

DARE COUNTY, NORTH CAROLINA
P.O. Box 1000
Manteo, NC 27954

and

HYDE COUNTY, NORTH CAROLINA
P.O. Box 178
Swan Quarter, NC 27885

and

THE CAPE HATTERAS ACCESS
PRESERVATION ALLIANCE
P.O. Box 1355
Buxton, NC 27920

Intervenor-Defendants.

MOTION OF DARE COUNTY, NORTH
CAROLINA, HYDE COUNTY, NORTH
CAROLINA, AND THE CAPE
HATTERAS ACCESS PRESERVATION
ALLIANCE TO INTERVENE AND
REQUEST FOR EXPEDITED RULING
ON SAID MOTION

Dare County, North Carolina, Hyde County, North Carolina, and the Cape Hatteras Access
Preservation Alliance ("CHAPA"), hereby move this Court for leave to intervene as defendants in
the above-captioned action, pursuant to Rule 24 of the Federal Rules of Civil Procedure. Proposed
Intervenors request an expedited ruling on their motion. Based upon a conversation with the United
States Attorneys office, Proposed Intervenors have reason to believe that Plaintiffs and Defendants
have begun exploring settlement options; that such discussions will proceeding ahead in the near

future; and that Proposed Intervenors will not be privy to those discussions unless they are made parties in this case. It is absolutely essential that they be allowed to participate in those discussions to protect their interests. Therefore, given this urgency, Proposed Intervenors request an expedited ruling on their motion.

Proposed Intervenors should be granted intervention as of right because this motion is timely made, they have a direct interest in the subject matter of this litigation that may be impaired by the disposition of this action and their interests are not adequately represented by the existing government agency defendants. Alternatively, they should be granted permissive intervention because Proposed Intervenors' defenses to Plaintiffs' claims involve common questions of law and fact to those presented in this suit, and intervention will not unduly delay or prejudice the adjudication of the existing parties' rights.

Counsel for Proposed Intervenors has sought consent for this motion from counsel to all parties currently in the case. Counsel for the Defendants state that they take no position on this motion. Counsel for Proposed Intervenors was unable to reach Counsel for Plaintiffs, and can therefore make no representation as to Plaintiffs' position.

This Motion is supported by a Memorandum of Points and Authorities, supporting declarations, attached as Exhibits 1 and 2 to the Memorandum, an order granting Proposed Intervenors intervention as of right in a similar case, attached as Exhibit 3 to the Memorandum, and a proposed Order. An Answer to Plaintiffs' Complaint has also been filed along with this Motion.

DATED: November 28, 2007

HOLLAND AND KNIGHT

By: _____ /s/

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