

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

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NICHOLAS GEORGE,)	
)	
Plaintiff,)	
)	
v.)	No. 2:10-cv-00586-EL
)	
REIHL, Given Name Unknown,)	Senior Judge Edmund V. Ludwig
Philadelphia Police Sergeant,)	
in his individual capacity;)	
)	
RICHARDS, Given Name Unknown)	
Philadelphia Police Sergeant,)	
in his individual capacity;)	
)	
THREE UNKNOWN NAMED OFFICERS)	
OR AGENTS OF THE TRANSPORTATION)	
SECURITY ADMINISTRATION,)	
in their individual capacities;)	
)	
TWO UNKNOWN NAMED AGENTS OF)	
THE FEDERAL BUREAU OF INVESTIGATION,)	
in their individual capacities;)	
)	
)	
Defendants.)	
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**UNITED STATES' MOTION TO INTERVENE
AS AN INTERESTED PARTY**

Pursuant to 28 U.S.C. § 517, the United States moves to intervene in this matter for the limited purpose of submitting a statement of interest in response to Plaintiff's motion for expedited discovery. A proposed order is attached. As support for this motion, the United States submits the following:

On February 10, 2010, Plaintiff Nicholas George filed a Complaint for Damages against five federal agents or employees in their individual capacities. The defendants are two

“unknown named agents” of the Federal Bureau of Investigation (“FBI”) and three “unknown named officers or agents of the Transportation Security Administration (“TSA”). All of the defendants are sued in their individual capacities. In addition, three named Philadelphia police officers are sued. On May 14, 2010, Plaintiff filed a Motion for Leave to Conduct Limited Expedited Doe Discovery. Plaintiff moved, pursuant to Fed. R. Civ. P. 26 and 45, for an order allowing Plaintiff to serve a Rule 45 subpoena on the FBI and the TSA, both non-parties, for the production of documents identifying the true names and identities of the Doe defendants. Plaintiff would require that the FBI and TSA respond to the subpoena within fifteen (15) business days of the date of service.

28 U.S.C. § 517 expressly authorizes the Attorney General to send any officer of the Department of Justice “to attend to the interests of the United States” in any action pending in a state or federal court. Plaintiff’s motion seeks permission to conduct discovery against the United States. However, the United States is not a party to this matter. For this reason, pursuant to 28 U.S.C. § 517, the United States submits this motion to intervene in order to respond to Plaintiff’s motion for expedited discovery. **The United States intends to file a response to plaintiff’s motion within 14 days, as permitted by local rule 7.1(c).** This motion is submitted solely on behalf of the United States, not on behalf of any individual capacity defendant, and does not waive their right to separately object to any discovery sought by Plaintiff, now or in the future. Nor does this motion and response waive the United States’ right to seek to quash or otherwise oppose a subpoena or other discovery request that might eventually be served on the United States by Plaintiff in this action.

CONCLUSION

For the foregoing reasons, this Court should grant the United States' motion to intervene in this matter.

Dated: May 21, 2010

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Respectfully submitted,

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s/ Kelly Heidrich
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ATTORNEYS FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2010, a copy of the foregoing **UNITED STATES' MOTION TO INTERVENE AS AN INTERESTED PARTY** was served by first-class mail, postage prepaid, upon the following:

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Dated: May 20, 2010

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