

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

ROSE ACRE FARMS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
NORTH CAROLINA DEPARTMENT OF	)	
ENVIRONMENT AND NATURAL	)	
RESOURCES,	)	
	)	
JOHN E. SKVARLA, SECRETARY ,	)	
THE NORTH CAROLINA DEPARTMENT	)	NO. 5:14-CV-00147-D
OF ENVIRONMENT AND NATURAL	)	
RESOURCES, and	)	
	)	
TOM REEDER, DIRECTOR,	)	
DIVISION OF WATER RESOURCES,	)	
NORTH CAROLINA DEPARTMENT OF	)	
ENVIRONMENT AND NATURAL	)	
RESOURCES,	)	
	)	
Defendants.	)	
	)	

**MOTION TO INTERVENE**

Pursuant to Rule 24 of the Federal Rules of Civil Procedure, the Pamlico-Tar River Foundation, Friends of Pocosin Lakes National Wildlife Refuge, and Waterkeeper Alliance, Inc. hereby move for leave to intervene as Defendant-Intervenors in the above-captioned matter.

This motion is supported by an accompanying Memorandum of Law and the Declarations of Heather Jacobs Deck, Attila Nemeecz, and Marc Yaggi, and the exhibits attached thereto.

Counsel for Defendants North Carolina Department of Environment and Natural Resources (“DENR”), DENR Secretary John E. Skvarla, and DENR Division of Water Resources Director Tom Reeder has indicated that Defendants do not take a position on this

motion to intervene. Counsel for Plaintiff Rose Acre Farms has indicated that Plaintiff does not take a position on this motion at this time.

For the reasons set forth fully in the accompanying Memorandum of Law, Proposed Defendant-Intervenors meet the criteria for intervention of right delineated in Rule 24(a) of the Federal Rules of Civil Procedure. This Court therefore “must permit” Proposed Defendant-Intervenors’ intervention in this proceeding. Fed. R. Civ. P. 24(a). In addition, as is also set forth in the accompanying Memorandum of Law, Proposed Defendant-Intervenors meet the criteria for permissive intervention pursuant to Rule 24(b) of the Federal Rules of Civil Procedure. Accordingly, Proposed Defendant-Intervenors respectfully request that this Court grant their motion to intervene.

Respectfully submitted this 14th day of May, 2014,

/s/ Jerome R. Eatman, Jr.  
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