

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CATERPILLAR, INC.,

Defendant.

Civil Action No. 98-2544 (HHK)

UNITED STATES OF AMERICA,

Plaintiff,

v.

CUMMINS ENGINE COMPANY,

Defendant.

Civil Action No. 98-2546 (HHK)

UNITED STATES OF AMERICA,

Plaintiff,

v.

DETROIT DIESEL CORPORATION,

Defendant.

Civil Action No. 98-2548 (HHK)

**CONDITIONAL MOTION OF THE STATE AND TERRITORIAL AIR POLLUTION
PROGRAM ADMINISTRATORS AND THE ASSOCIATION OF LOCAL AIR
POLLUTION CONTROL OFFICIALS TO INTERVENE AS PLAINTIFFS**

Pursuant to Federal Rule of Civil Procedure 24 and the local rules of this Court, the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO) jointly move to conditionally intervene in the above-captioned proceedings to persuade this Court that the consent decrees should not be reopened by the Truck Manufacturers Association (TMA). However, if, and only if, this Court grants TMA's Motion to Intervene, then it should also grant STAPPA and ALAPCO intervention as of right under Federal Rule of Civil Procedure 24(a), or, alternatively, permissive intervention under Federal Rule of Civil Procedure 24(b).

The accompanying Memorandum of Points and Authorities and attached exhibits, support this motion. A proposed Order granting this Motion and a pleading setting forth the claims of STAPPA and ALAPCO are attached. In accordance with Local Rule 7.1, STAPPA and ALAPCO sought the consent of counsel for Plaintiff and Defendants to this Motion, and have been advised that the United States reserves judgment about, Caterpillar, Inc. opposes, Cummins Engine Company takes no position on, and Detroit Diesel Corporation withholds judgment about the Motion.

DATED: May 16, 2001.

Respectfully submitted,

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