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**Attorneys for Movant for Intervention**

**IN THE DISTRICT COURT**  
**FOR THE NORTHERN MARIANA ISLANDS**

**DAVID J. RADICH and LI-RONG RADICH, ) No. 1:14-CV-00020**

**Plaintiffs, )**

**vs. )**

**MOTION TO**  
**INTERVENE**  
**FOR PURPOSES**  
**OF APPEAL**

**ROBERT GUERRERO,<sup>1</sup> )**  
**in his official capacity as Commissioner )**  
**of the CNMI Department of Public Safety, and )**  
**LARISSA LARSON, )**  
**in her official capacity as Secretary )**  
**of the CNMI Department of Finance, )**

**Defendants. )**

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**TANAPAG MIDDLE SCHOOL PARENT )**  
**TEACHER STUDENT ASSOCIATION, )**

**Movant for Intervention. )**

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The Tanapag Middle School Parent Teacher Student Association (hereinafter PTSA) hereby moves the Court, pursuant to Rules 24(a) and 24(b) of the Federal Rules of Civil

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<sup>1</sup> Newly-installed DPS Commissioner Robert Guerrero, in office since January 22, 2016, is named in place of his predecessor, James C. Deleon Guerrero, pursuant to Fed. R. Civ. P. 25(d) (“[W]hen a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending[, t]he officer’s successor is automatically substituted as a party.”).

1 Procedure, for leave to intervene as a Defendant in the above-captioned matter, for the purpose a  
2 taking an appeal from the Court's March 28, 2016, Decision and Order Granting Plaintiffs'  
3 Cross-Motion for Summary Judgment and Denying Defendants' Cross-Motion for Summary  
4 Judgment (ECF No. 60).

5 The PTSA is a non-profit corporation organized for the purpose of, *inter alia*,  
6 "promot[ing the] welfare of children and youth in home, school and community." See PTSA's  
7 Non-Profit Charter of Incorporation, attached. The recognition of an individual constitutional  
8 right to import and possess handguns in the CNMI impedes the PTSA's ability to protect that  
9 interest, by introducing a new threat to the welfare of children and youth in their homes, schools  
10 and communities, in the form of a weapon, easily carried and concealed, capable of being used  
11 against, by, or in the presence of themselves or their friends, fellow students, or family members,  
12 to inflict death, serious bodily injury, and associated psychological trauma, whether by deliberate  
13 acts of assault or by suicide, attempted suicide, or accident. Guarding against this new threat  
14 will require new and proactive methods of protection, the development and implementation of  
15 which will be unfamiliar, burdensome and oppressive, and which will necessarily create an  
16 atmosphere of increased fear, suspicion and insecurity, yet which will inevitably be less effective  
17 than the pre-existing outright ban on importation and possession of such weapons. Since the  
18 Government Defendants have indicated that they do not intend to pursue an appeal from this  
19 Court's order recognizing such a right, existing parties no longer adequately represent the  
20 PTSA's interest. The PTSA is therefore entitled to intervene as of right under Rule 24(a).

21 Furthermore, the PTSA has a defense that shares a common question of law with the  
22 main action – to wit, the manner and extent to which the right to bear arms, as now recognized  
23 under the United States Constitution, extends to the CNMI – and should therefore be granted  
24

1 permissive intervention under Rule 24(b), even if the Court finds it may not do so as of right,  
2 particularly in light of the widespread public interest in the issue. This motion is timely filed  
3 pursuant to United Airlines, Inc. v. McDonald, 432 U.S. 385, 396 (1977) (holding that a motion  
4 to intervene for purposes of appeal is timely when filed “within the time period in which the  
5 named [parties] could have taken an appeal.”). The PTSA’s proposed answer in intervention is  
6 submitted herewith. A memorandum of points and authorities in further support of this motion  
7 will be submitted shortly.

8 Respectfully submitted this 26th day of April, 2016.

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10 O’CONNOR BERMAN DOTTS & BANES  
11 Attorneys for Movants

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13 By: \_\_\_\_\_/s/\_\_\_\_\_  
Joseph E. Horey

14 *1000-09-160424-PL-M to intervene (short)*  
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