

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

SCOTT WYNN, an individual,

Plaintiff,

v.

TOM VILSACK, in his official capacity as
Secretary of Agriculture, et al.,

Defendants,

No. 3:21-cv-00514-MMH-JRK

**THE NATIONAL BLACK FARMERS ASSOCIATION AND
THE ASSOCIATION OF AMERICAN INDIAN FARMERS' OPPOSED
CONDITIONAL MOTION FOR LEAVE TO INTERVENE AS
DEFENDANTS**

The National Black Farmers Association (NBFA) and the Association of American Indian Farmers (AAIF) hereby file this Conditional Motion for Leave to Intervene as Defendants in this action (the "Conditional Motion"). Because, at present, NBFA and AAIF share the same ultimate objective as the Government in defending the law challenged in this action, the organizations expressly request that the Court defer consideration of this Motion until future developments in this lawsuit indicate that the organizations' interests diverge from the Government's. This approach balances NBFA and AAIF's interests in timely filing their

application to intervene, while also accounting for how merits arguments have yet to be developed due to the litigation's early stage.¹

Pursuant to Fed. R. Civ. P. 24, this Conditional Motion is accompanied by (1) a Memorandum of Law in Support; and (2) NBFA and AAIF's Answer to Plaintiff's Complaint.

Local Rule 3.01(g) Certification

Counsel for NBFA and AAIF conferred with counsel for Plaintiff and Defendants over email on June 4, 2021 regarding this motion. Plaintiff's counsel opposed this motion by email on June 4, 2021. Defendant's counsel stated by email on June 4, 2021 that Defendant did not take a position on this motion.

¹ See *Solid Waste Agency of N. Cook Cty. v. U.S. Army Corps of Engs.*, 101 F.3d 503, 509 (7th Cir. 1996) (“The proper way to handle such an eventuality [where the government's representation of interest may turn inadequate at some future point] [is] to file at the outset of the case a standby or conditional application for leave to intervene and ask the district court to defer consideration of the question of adequacy . . .”).

Dated: June 15, 2021

Respectfully submitted,

VARNELL & WARWICK, P.A.

/s/ Janet R. Varnell

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