

845 F.3d 505, 516 n.7 (1st Cir. 2017) (stating that opposition to pending motions “clearly setting forth [party’s] position on the issue for which it sought intervention” was sufficient to comply with Rule 24(c)). In the alternative, if the Court allows this Motion to Intervene, then Commonwealth requests permission to file its answer to Plaintiff American Waterway Operators’ (AWO) Complaint within five business days of the date the Court allows this Motion.

Finally, the Commonwealth notes its commitment to confer with counsel for both Plaintiff AWO and Defendant United States Coast Guard to make any reasonable adjustments necessary to accommodate the Commonwealth filing an opposition to AWO’s motion for summary judgment that best preserves the current schedule and the August 28, 2019 hearing date for the summary judgment motions if and when the Court allows this Motion.

LOCAL RULE 7.1(a)(2) CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), undersigned Counsel conferred with counsel for Plaintiff AWO and Defendant Coast Guard on May 29, 2019 and May 31, 2019. Counsel for AWO represented that AWO reserves its position on the Commonwealth’s Motion to Intervene pending its receipt and review of the Motion and that AWO does not oppose the Commonwealth’s request that the Court waive the requirement for it to file an answer as long as the Commonwealth indicates that it would be bound by the Defendant Coast Guard’s Answer. Counsel for the Defendant Coast Guard represented that the Coast Guard reserves its right to take a position on the Commonwealth’s Motion to Intervene and its request to waive the requirement to file an answer or other pleading until after it has an opportunity to review the Motion.

* * *

Wherefore, the Commonwealth respectfully requests that the Court grant its Motion for Leave to Intervene in this matter.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS

By its attorneys,

MAURA HEALEY
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Dated: May 31, 2019

CERTIFICATE OF SERVICE

I, Seth Schofield, certify that the foregoing motion, which was filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 31, 2019.

/s/ Seth Schofield
Seth Schofield