

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

VIRGINIA DEPARTMENT OF)	
TRANSPORTATION, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Civil Action No. 1:12-cv-00775-LO-TRJ
v.)	
)	
UNITED STATES ENVIRONMENTAL)	
PROTECTION AGENCY, <i>et al.</i> ,)	
)	
Defendants.)	

MOTION TO INTERVENE AS PLAINTIFFS

NAIOP Northern Virginia, the Commercial Real Estate Development Association (“NAOIP”); the National Association of Home Builders (“NAHB”); and the Northern Virginia Association of Realtors® (“NVAR”) (collectively, “Movants”), by counsel and pursuant to Rule 24 of the Federal Rules of Civil Procedure, respectfully request that this Court allow Movants to intervene as plaintiffs in this matter and to file an Interveners’ Complaint. The grounds for this Motion are set forth in the accompanying Memorandum, which is expressly incorporated herein, and Movants’ proposed Interveners’ Complaint is attached to the Memorandum as Exhibit A.

Dated: October 19, 2012

Respectfully submitted,

**NAIOP Northern Virginia, the Commercial Real
Estate Development Association;
National Association of Home Builders; and
Northern Virginia Realtors Association**

/s/

John D. Wilburn (VSB # 41141)
Stephen P. Mulligan (VSB # 78858)
MCGUIREWOODS LLP
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22101-3892
Tel: (703) 712-5000
Fax: (703) 712-5050
jwilburn@mcguirewoods.com
smulligan@mcguirewoods.com

*Counsel for NAIOP Northern Virginia, the
Commercial Real Estate Development Association;
National Association of Home Builders; and
Northern Virginia Realtors Association*

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of October, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will then send a notification of such filing (NEF) to the following:

Earle Duncan Getchel, Jr.
Charles E. James, Jr.
Office of the Attorney General
900 E. Main Street
Richmond, VA 23219
O: 804-786-2436
F: 804-371-0200
dgetchell@oag.state.va.us

Counsel for Plaintiff VDOT

Christopher Donald Pomeroy
AquaLaw PLC
6 South 5th Street
Richmond, VA 23219
chris@aqualaw.com

*Counsel for Plaintiff
Board of Supervisors*

Dennis C. Barghaan, Jr.
Assistant U.S. Attorney
2100 Jamieson Avenue
Alexandria, VA 22314
O: 703-299-3891
F: 703-299-3983
dennis.barghaan@usdoj.gov

*Counsel for Defendants, US EPA,
L. Jackson, USEPA Region III, S. Garvin*

Kenneth C. Amaditz, Trial Attorney
U. S. Department of Justice
Environment and Natural Resources Div.
Environmental Defense Section
P. O. Box 7611
O: 202-514-3698
F: 202-514-8865
kenneth.amaditz@usdoj.gov

/s/

Stephen P. Mulligan (VSB # 78858)
MCGUIREWOODS LLP
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22101-3892
Tel: (703) 712-5000
Fax: (703) 712-5050
smulligan@mcguirewoods.com

*Counsel for NAIOP Northern Virginia, the
Commercial Real Estate Development Association;
National Association of Home Builders; and
Northern Virginia Realtors Association*

