

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION, et al.,

Plaintiffs,

v.

Case No. 06-2412-JWL-DJW

THORMAN & WRIGHT CORP.,  
et al.,,

Defendants.

**MEMORANDUM AND ORDER**

Pending before the Court is a Motion to Intervene (doc. 2) as a Plaintiff filed by Brooke Sonntag (“Sonntag”). No party has filed a pleading in response to this Motion. For the reasons set forth below, the Motion to Intervene will be granted.

This is a Title VII employment discrimination action filed by the Equal Employment Opportunity Commission (“EEOC”). The case arises from an EEOC charge of discrimination filed by Sonntag alleging that Defendants discriminated and retaliated against Sonntag, and ultimately fired her, because she opposed Defendants’ alleged unlawful employment practices against minorities and because of her pregnancy. Sonntag now seeks leave to intervene as a plaintiff in this action.

Federal Rule of Civil Procedure 24(a) provides that “[u]pon timely application anyone shall be permitted to intervene in an action . . . when a statute of the United States confers an unconditional right to intervene.” Sonntag’s motion is timely, and she has an unconditional right to intervene pursuant to section 706(f)(1) of Title VII, 42 U.S.C. § 2000e-5(f)(1). Section 706(f)(1) expressly provides that “[t]he person or persons aggrieved shall have the right to intervene in a civil action brought by the Commission . . . .” The “person aggrieved” is the party who filed the EEOC charge

upon which the EEOC's lawsuit is based.<sup>1</sup> Because Sonntag was the charging party in the EEOC charge from which this lawsuit arose, she has an absolute and unconditional right to intervene in this action.

Accordingly, it is hereby ordered that the Motion to Intervene is granted and Plaintiff intervenor shall electronically file and serve her Complaint in Intervention no later than December 22, 2006.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 14<sup>th</sup> day of December, 2006.

s/ David J. Waxse  
David J. Waxse  
United States Magistrate Judge

cc: All counsel and *pro se* parties

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<sup>1</sup>See *EEOC v. Gmri, Inc.*, 221 F.R.D. 562, 563-64 (D. Kan. 2004).