

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

N.B., ROBIN BAUMGARDT and MARK
BAUMGARDT,

Plaintiffs,

v.

WAUSAU SCHOOL DISTRICT BOARD OF
EDUCATION, PAUL BRUSKY, MITCHELL
KING, STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, THE BOLLER GROUP,
INC.,

Defendants.

ORDER

06-C-487-C

Plaintiff N.B., a high school student, and her parents Robin and Mark Baumgardt, allege that defendant Mitchell King, N.B.'s former basketball coach, sexually assaulted N.B. multiple times while acting under color of law. Community Insurance Group has filed an unopposed motion to intervene, which will be granted.

Community Insurance Group provides liability insurance to defendant Wausau School District Board of Education, which was defendant King's former employer. When King asked the school district to provide a defense for him, that request was forwarded to

Community Insurance. Community Insurance now seeks to intervene in order to obtain a declaration that it has no duty to defend or indemnify defendant King.

Community Insurance does not identify whether it is seeking to intervene under Fed. R. Civ. P. 24(a) (intervention of right), or Fed. R. Civ. P. 24(b) (permissive intervention), but I am persuaded that Community Insurance has a right to intervene. Hagen v. Van's Lumber & Custom Builders Inc., No. 06-C-122, 2006 WL 3404772 (E.D. Wis. 2006) (granting motion of insurance company to intervene under Rule 24(a) in order to obtain declaration on duty to defend party); International Paper Co. v. City of Tomah, No. 00-C-539-C, 2000 WL 34230089, *3 (W.D. Wis. 2000) (same). Accordingly, the motion of Community Insurance Group to intervene is GRANTED.

Entered this 15th day of December, 2006.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge