IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CHRISTIAN FRIENDS OF ISRAELI COMMUNITIES, CHRISTIANS FOR ISRAEL USA, Plaintiffs, v. FRANCESCA PAOLA ALBANESE, Defendant.	No. 1:25-cv-02805-PAB-MDB

Plaintiffs' Objections to the Magistrate Judge's Recommendation to Grant United Nations Motion to Intervene

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Pursuant to 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b)(2), Plaintiffs Christian Friends of Israeli Communities and Christians for Israel USA ("Plaintiffs") respectfully object to the portion of the October 22, 2026, Recommendation of the Magistrate Judge ("Rec."), ECF 57, recommending that the Court grant the United Nations' ("UN") Motion to Intervene, ECF 40. Plaintiffs do not object to the Recommendation that the Court deny the UN's Motion to Vacate Clerk's Entry of Default, ECF 48.[1]

Introduction

The Recommendation that the UN be granted leave to intervene rests primarily on the mistaken conclusion that "Plaintiffs' defamation claim is premised on their assertion that Ms. Albanese's report exceeds the scope of her immunity" under the Convention on the Privileges and Immunities of the United Nations ("CPIUN"). Rec. at 4. Plaintiffs' principal position on immunity has never been that Defendant Francesca Albanese ("Defendant" or "Albanese") exceeded the *scope* of her immunity, but that she holds no immunity at all. ECF 1 ¶¶ 56–75; ECF 25 at 2, 6–11. The Recommendation's standing, interest, and impairment analyses all follow from that error. If the Court agrees with Plaintiffs that Albanese has not, at any time relevant to this action, been serving as a Special Rapporteur, then the Recommendation's basic premise disintegrates. The question becomes not whether the UN should be permitted to "enforce its own immunity rules and procedures," Rec. at 4, but whether the CPIUN is implicated at all. Under that analysis, the UN has no legally protected interest, suffers no Article III injury, and has nothing to add to these

[1]Plaintiffs agree with the Recommendation that the UN's motion to vacate is "both premature and futile," Rec. at 10, and that "if immunity does not attach, Albanese has been effectively served and the Clerk properly entered default against her, leaving the UN no basis on which to request that entry of default be vacated." *Id.* (emphasis omitted). Plaintiffs ask that the Court adopt that portion of the Recommendation.

proceedings. Intervention must then be denied. The Court need not resolve Albanese's status to reach that result. By its own account, the UN cannot be bound by any ruling of this Court, ECF 40 at 11; ECF 47 at 1, 15, and an entity that disclaims any binding effect has disclaimed any injury. The UN also has the alternative the Recommendation itself acknowledges, participation by letter or as amicus, and it has used that alternative elsewhere. Rec. at 8 n.4.

The Recommendation also errs in finding an injury to the UN's "fisc" without identifying any way in which a defamation judgment against an individual could reach the UN's treasury, Rec. at 7, and in excusing the UN's failure to file a Rule 24(c) pleading, Rec. at 5 n.2.

The Court should decline to adopt the Recommendation as to intervention and should deny the motion to intervene. In the alternative, any intervention should be expressly limited to briefing on the immunity issue, and Plaintiffs should be afforded a full opportunity to oppose the UN's proposed motion to dismiss, ECF 47, the briefing of which had been stayed pending the outcome of the intervenor motion, ECF 50.

Relevant Background

Plaintiffs, American Christian nonprofits, filed this action on September 8, 2025, asserting claims for defamation, trade libel, and intentional interference with prospective economic advantage arising from Albanese's June 2025 accusations that Plaintiffs committed international crimes. ECF 1 ¶¶ 31–55. The Complaint alleges that Albanese's mandate as Special Rapporteur expired as of May 1, 2025, that her purported reappointment was procedurally invalid, and that the US Government has determined she is not immune. *Id.* ¶¶ 56–75.

At the Court's request, ECF 16, Plaintiffs submitted supplemental briefing on immunity, ECF 25, arguing (a) that Albanese's mandate had expired and was not validly renewed, so that she

held no CPIUN immunity at any time relevant to the claims, *id.* at 6–8; (b) that the Executive Branch's treatment of her as subject to U.S. jurisdiction, reflected in her July 9, 2025, designation for sanctions under Executive Order 14203, 90 Fed. Reg. 9369 (Feb. 12, 2025), is conclusive and not reviewable by the courts, *id.* at 7–11; (c) in the alternative, that the challenged conduct falls outside any mandate, *id.* at 11–14; and (d) that immunity is an affirmative defense that must be raised by the defendant, *id.* at 14–15. The Court authorized substitute service, "presum[ing], without deciding, that immunity does not bar service." ECF 26 at 5.

Albanese was served on May 15, 2026. ECF 35. Her response was due on June 5, 2026. That same day, the UN moved to intervene "for the limited purpose of asserting immunity." ECF 40. Albanese did not respond, and the Clerk entered default on June 8, 2026 (i.e., the first day the Court was open after Albanese defaulted). ECF 44. The UN thereafter filed a proposed motion to dismiss, ECF 47, and moved to vacate the entry of default, ECF 48. The Court stayed briefing on the motion to dismiss pending resolution of the motion to intervene, ECF 50, and Plaintiffs have not responded to it. Plaintiffs opposed the motions to intervene and vacate. ECF 53; ECF 54.

On October 22, 2026, the Magistrate Judge recommended that the motion to intervene be granted "for the limited purpose of asserting immunity and challenging jurisdiction under the [CPIUN]," and that the motion to vacate be denied. Rec. at 11.

Standard of Review

The Court "must determine de novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3); *see* 28 U.S.C. § 636(b)(1)(C). An objection is proper if it is "sufficiently specific to focus the district court's attention on the factual and legal issues that are truly in dispute." *Griffith v. El Paso Cnty.*, 129 F.4th 790, 806 (10th Cir. 2025)

(internal quotation marks omitted), *petition for cert. filed sub nom. Roybal v. Griffith*, No. 25-442 (U.S. Oct. 7, 2025). The Court "may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." Fed. R. Civ. P. 72(b)(3). Because the Magistrate Judge proceeded by recommendation rather than by order, Rec. at 11, review is de novo. Courts in this District have at times reviewed rulings on intervention as non-dispositive orders under Rule 72(a), *see, e.g.*, *Jama v. City & Cnty. of Denver*, 304 F.R.D. 289 (D. Colo. 2014), but the result here is the same under either standard: the errors identified below are errors of law, and an order that is "contrary to law" must be set aside under Rule 72(a) no less than under Rule 72(b). Fed. R. Civ. P. 72(a). Plaintiffs' specific objections follow.

Objections

I. The Recommendation Erred in Its Approach to the Basis of the Immunity Question

The Recommendation begins by describing Albanese as someone "who serves as the UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967." Rec. at 1–2. It then states that "Plaintiffs' defamation claim is premised on their assertion that Ms. Albanese's report exceeds the scope of her immunity under the [CPIUN]." *Id.* at 4 (citing ECF 1 ¶¶ 2–3, 59–68). Both statements treat as settled two questions that Plaintiffs dispute and that lie at the core of Plaintiffs' claims. Plaintiffs object to both characterizations, which infect the remainder of the analysis.

Plaintiffs' position is that Albanese is *not* a Special Rapporteur and has not been one since her mandate expired as of May 1, 2025. ECF 1 ¶¶ 59–75. This proposition supports Plaintiffs' argument that Albanese has no immunity and had none when she made the defamatory statements

against Plaintiffs in June 2025. ECF 1 ¶¶ 59–60; ECF 25 at 3, 6–11. Plaintiffs do not concede the point, and the Court should not adopt the Recommendation's characterization of it.

The Recommendation then mischaracterizes Plaintiffs' argument regarding immunity. While Plaintiffs make an argument in the alternative that Albanese's defamatory statements are outside the "scope" of any CPIUN immunity, ECF 25 at 11–14, their primary argument is that Defendant is not and was not a Special Rapporteur and therefore enjoys no immunity whatsoever. *Id.* at 6–11; *see also id.* at 2 ("The predicate question, then, to whether anyone enjoys immunity as a UN Special Rapporteur is whether that person is, in fact, per the UN's own rules and regulations, a UN Special Rapporteur. Defendant is not."); ECF 1 ¶¶ 56–68. Plaintiffs have presented a number of arguments in support of their position, including that treating Albanese as not immune comports with the Government's own view. ECF 25 at 7–11; ECF 1 ¶¶ 69–75. But the Recommendation does not reach this question at all, analyzing immunity solely as a matter of scope.

The Recommendation's incorrect standing, interest, and impairment analyses all proceed from the twin assumptions that Albanese is a Special Rapporteur and that Plaintiffs' only argument regarding immunity is one of "scope." The Recommendation mischaracterizes the question before the Court as whether "[t]he UN has authority to enforce its own immunity rules and procedures," because "[a]n immunity-related ruling would impact that authority." Rec. at 4; *see id.* at 7. The Recommendation frames the dispute as one in which the UN should be permitted to "enforce" an immunity that belongs to it. *Id.* at 4–5. But the Recommendation never addresses the question of whether Albanese has no immunity at all and whether the CPIUN, and the UN's participation, is thus irrelevant. Plaintiffs do not ask the Court to decide immunity before deciding intervention. They ask the Court to hold the UN to its burden. The party seeking intervention must establish a

legally protected interest and, where it seeks relief that no existing party seeks, an Article III injury. Rec. at 3. The Recommendation relieved the UN of that burden by treating the contested predicate as settled.

The Recommendation also overlooks the position of the US Government, to which courts defer on immunity questions. *See* ECF 25 at 9–10 (discussing cases, including *Habyarimana v. Kagame*, 696 F.3d 1029, 1031–32 (10th Cir. 2012)). The Government treated Albanese as subject to its laws by sanctioning her and has continued to do so by defending that designation in a lawsuit filed by Albanese's family challenging the sanctions. *L.C. v. Trump*, No. 1:26-cv-00688-RJL, ECF 48 (D.D.C. May 13, 2026) (granting preliminary injunction), *stayed in part pending appeal sub nom. Cali v. Trump*, No. 26-5172, 2026 WL 1765953 (D.C. Cir. June 15, 2026) (granting stay pending appeal).

II. The Recommendation Erred in Finding the UN Has Article III Standing

The Recommendation correctly holds that, because Albanese has sought no relief, the UN must "seek[] a different type of relief than any existing party and must establish its own standing under Article III." Rec. at 3 (citing *Town of Chester v. Laroe Estates, Inc.*, 581 U.S. 433, 435 (2017), and *Kane Cnty. v. United States*, 928 F.3d 877, 886, 888 (10th Cir. 2019)). It errs, however, in finding that the UN established that standing.

The injury the Recommendation identifies is impairment of the UN's "authority" to enforce its immunity rules and of its "right" to immunity, Rec. at 4–5. That right exists only if Albanese was a Special Rapporteur during the relevant period, a disputed point the Recommendation never addresses. If Albanese held no position with the UN, as Plaintiffs argue, no right of the UN is

implicated at all. The Recommendation's standing analysis therefore rests on a threshold question it did not decide but simply assumed in the UN's favor.

The UN's own position forecloses any concrete injury. The UN maintains that it is immune from all legal process, that nothing it files constitutes a waiver, and that no ruling of this Court can bind it. ECF 40 at 11; ECF 47 at 1, 15. An entity that cannot be bound by the outcome of a case, and whose own immunity is not before the Court, has described the absence of any injury. ECF 53 at 3–4; *see also United States v. N. Colo. Water Conservancy Dist.*, 251 F.R.D. 590, 602 (D. Colo. 2008) (explaining that where intervenor "is not and will not be bound by the judgment of this Court," there is no basis for intervention (internal quotations and citation omitted)).

The Recommendation's reliance on *Kane* for the proposition that "[a]n injury may be imminent even though contingent upon an unfavorable outcome in litigation," Rec. at 5, does not solve this problem. The question is not whether the injury is contingent but whether an unfavorable outcome would injure the UN at all, and by the UN's own account it would not. ECF 53 at 2–4. All that remains, then, is the UN's interest in seeing its view of the CPIUN vindicated, and an interest in the correct application of the law is not a cognizable Article III injury. *See Diamond v. Charles*, 476 U.S. 54, 62, 66–67 (1986) (holding intervenor's "abstract concern" regarding the outcome "does not substitute for the concrete injury require[ment]" and does not confer standing).

Nor can the UN supply a protectable interest by insisting that it alone may decide who its experts are. In an American court, questions of whether a foreign official or international functionary holds a status carrying immunity are matters on which the courts defer to the Executive Branch, not the UN. ECF 25 at 8–11 (discussing cases). The UN's contrary position rests on a non-binding International Court of Justice advisory opinion, ECF 40 at 6–7 (citing *Difference Relating*

to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion, 1999 I.C.J. 62 (Apr. 29)), in a case where the forum state did not dispute that the defendant was a Special Rapporteur. An ICJ advisory opinion cannot displace the political branches' authority in this country. *See Medellín v. Texas*, 552 U.S. 491, 504–11 (2008) (holding ICJ judgments are not domestic law absent action by the political branches). But the Recommendation simply adopted the UN's premise that Albanese is a Special Rapporteur and that the UN's enforcement of her attendant immunity provides the institution with standing. Rec. at 4.

III. The Recommendation Erred in Finding the UN's Failure to File a Rule 24(c) Pleading Is a Mere Formality

The Recommendation agrees that Plaintiffs are "technically correct" that the UN's proposed motion to dismiss is not a "pleading" under Rule 24(c) but declines to weigh that deficiency against the UN, reasoning that the UN's motion sufficiently conveys its proposed defenses. Rec. at 5 n.2. But Plaintiffs' objection was not formalistic. Rule 24(c) requires a pleading because intervention makes the intervenor a party, and a party must take a position on the merits and accept the obligations that come with litigating them. *See Miami Cnty. Nat'l Bank of Paola, Kan. v. Bancroft*, 121 F.2d 921, 926 (10th Cir. 1941) (affirming denial of intervention where, among other defects, "[n]o pleading was filed with the application, as required by Rule 24(c)," and explaining that the rule exists to let the court determine whether the applicant may intervene). Plaintiffs recognize that the Tenth Circuit has, in an unpublished decision, declined to treat a missing pleading as disqualifying where the movant otherwise addressed the Rule 24 factors. *In re S.E.C.*, 253 F. App'x 752, 755 (10th Cir. 2007). The omission here is of a different kind. That

leniency presumes a movant who, with or without the paper, will litigate as a party and be bound as one, but the UN has told the Court it will do neither.

The UN's omission of a pleading is of a piece with its theory that it is immune from being treated as a party, a position it has repeatedly made clear in its filings, including stating that it "expressly reserves all rights, defenses, privileges and immunities" and disclaims "a waiver of any kind." ECF 40 at 11; ECF 47 at 15; *see* ECF 53 at 2–3. The UN seeks the benefits of party status, specifically the right to file dispositive motions and obtain rulings, while disclaiming its burdens, including the prospect of being bound by an adverse ruling. At a minimum, if intervention is permitted, it should be explicitly conditioned on the UN's acceptance that it will be bound, as a party, by the Court's resolution of the issues on which it intervenes. *See infra* Part VII.

IV. The Recommendation Erred in Rejecting the Significance of the Motion's Timing and in Finding Inadequate Representation

The Recommendation dismisses Plaintiffs' argument that the motion to intervene was "timed exactly" to disturb the default against Albanese on the ground that the motion "was filed *before* Plaintiffs moved for entry of default." Rec. at 7 n.3 (emphasis in original). That observation only supports Plaintiffs' argument.

Albanese was served on May 15, 2026, and her response was due on June 5, 2026. Fed. R. Civ. P. 12(a)(1)(A)(i); ECF 35. Instead, the UN filed its motion to intervene that day, entering the case to stand in Defendant's stead and forestall her default. This is not Plaintiffs' characterization; it is the UN's. ECF 53-1 (counsel for the UN stating that the UN intended to intervene "for the limited purpose of asserting immunity of the UN *and the defendant*" (emphasis added)). The UN's motion to vacate then asked the Court to set aside Albanese's default, a form of relief that belongs

only to the defaulting party, on the theory that the UN may assert Defendant's defenses for her. ECF 48 at 5–6. And the UN's proposed motion to dismiss asserts arguments not only on immunity grounds but under Rules 12(b)(2) and 12(b)(5), defenses that are, again, personal to Albanese and which the UN cannot raise on her behalf. ECF 47; *see Williams v. Life Sav. & Loan*, 802 F.2d 1200, 1202 (10th Cir. 1986) ("A personal defense may not be raised by another on behalf of a party."). That is an attempt at substitution, not intervention, confirmed by the timing of the motions practice that the Recommendation simply disregards.

The Recommendation likewise ignores Plaintiffs' argument that the UN took the "wait-and-see" approach to intervention that courts have roundly rejected, ECF 53 at 5–6; *see S. Utah Wilderness All. v. Kempthorne*, 525 F.3d 966, 971 (10th Cir. 2008); *Oklahoma ex rel. Edmondson v. Tyson Foods, Inc.*, 619 F.3d 1223, 1232–33 (10th Cir. 2010) (measuring timeliness from when the movant was on notice that its interests might not be protected by an existing party), and instead counts only the days, weeks, and months between procedural milestones. The UN was on notice that no existing party would protect its claimed interest from the day its own counsel advised Albanese not to accept service. ECF 13-1, Ex. C ¶ 31.

The same facts undermine the Recommendation's finding that Albanese's failure to appear "alone is enough" to establish inadequate representation. Rec. at 8. The record shows that UN counsel advised Albanese not to accept service, ECF 13-1, Ex. C ¶ 31, and the UN has taken the position that Albanese "has no obligation to respond to the Complaint," ECF 40 at 4. The UN cannot direct Albanese not to appear, and then cite her non-appearance as proof that she inadequately represents the UN's interests; a would-be intervenor may not manufacture the inadequacy on which it relies. ECF 53 at 13; *see also S. Utah Wilderness All.*, 525 F.3d at 971.

The Recommendation's reliance on *Sanguine, Ltd. v. U.S. Dep't of Interior*, 736 F.2d 1416, 1419 (10th Cir. 1984), which involved a representative party that failed to file responsive briefing to the detriment of independent intervenors, does not address a case in which the intervenor is itself responsible for the default. The closer analogy is *North Colorado Water*, where the court denied both intervention as of right and permissive intervention because the proposed intervenor had no interest at risk of impairment and would "not be bound by the judgment of this Court." 251 F.R.D. at 602 (internal quotations and citation omitted).

V. The Recommendation Erred in Finding That the UN's Interest Is "Directly Linked to Its Fisc"

In addressing the UN's interest and impairment, the Recommendation states that the UN's immunity "right is directly linked to its fisc, and an adverse ruling here could negatively impact its fisc in other cases." Rec. at 7. The Recommendation cites nothing for this proposition, and nothing in the record supports it. Plaintiffs have not sued the UN and seek no relief from it. They seek damages from Albanese personally, for her own statements, and any judgment would run against Albanese alone. The UN has not claimed, and the Recommendation does not find, that the UN would indemnify Albanese, that it is obligated to satisfy any judgment against her, or that any UN funds are otherwise exposed. Even if Albanese were (wrongly) treated as a Special Rapporteur, rapporteurs are not UN staff; they serve in their personal capacity and are not paid a salary by the UN. ECF 25 at 5 n.2 (citing Manual of Operations of the Special Procedures). The UN's institutional prerogatives, its immunity, and its money are untouched by this case.

The Recommendation's reference to the UN's fisc "in other cases" is equally unsupported. The question is whether the ruling of the Court in *this* case would bind the proposed intervenor,

not whether that ruling might impair the UN in some other case. *N. Colo. Water*, 251 F.R.D. at 598–602. A ruling here would *not* bind the UN in any other case, and the possibility that some other court, in some other case, might find this Court's reasoning persuasive is the kind of speculative, attenuated chain of possibilities that cannot establish an Article III injury or a "direct, substantial, and legally protectable" interest under Rule 24(a)(2). *In re Kaiser Steel Corp.*, 998 F.2d 783, 790–91 (10th Cir. 1993) (affirming denial of intervention as of right because "the mere existence of a third person's contingent interest in the outcome of pending litigation is insufficient to warrant intervention of right" (cleaned up)). The Tenth Circuit has recognized that the stare decisis effect of a judgment can be "sufficient impairment for intervention under Rule 24(a)(2)," *Coal. of Ariz./N.M. Cntys. for Stable Econ. Growth v. Dep't of Interior*, 100 F.3d 837, 844 (10th Cir. 1996), and its en banc court has cautioned that the Rule "is not a mechanical rule." *San Juan Cnty. v. United States*, 503 F.3d 1163, 1199 (10th Cir. 2007) (en banc). But a practical assessment is exactly what the UN's claimed interest cannot survive. Stare decisis can impair an interest only where the intervenor has one, and an entity that disclaims any binding effect of the very judgment it seeks to shape has told the Court it has nothing at stake. Even under the "minimal burden" the Recommendation applies, Rec. at 7, an interest must be more than hypothetical, and the Recommendation identifies no basis upon which the UN's fisc is placed at risk. Because the Recommendation's interest-and-impairment finding rests on its standing analysis and on this unsupported fiscal premise, it should not be adopted.

The remaining factors for finding intervention as of right also fail, for the reasons Plaintiffs have previously argued. ECF 53 at 6–10.

VI. The Recommendation Contradicts Itself in Finding No Alternative to Intervention

In recommending permissive intervention, the Recommendation concludes that "the Court does not see an alternative action through which the UN could protect the interest at issue here." Rec. at 9. That conclusion cannot be squared with the Recommendation's own earlier acknowledgment that "the UN frequently participates in litigation via letter." *Id.* at 8 n.4. The Recommendation addressed whether the availability of participation by letter "extinguish[es]" a right to intervene as of right under Rule 24(a)(2). *Id.* (citing *Utahns for Better Transp. v. U.S. Dep't of Transp.*, 295 F.3d 1111, 1115 (10th Cir. 2002)). But it ignored that question entirely when considering permissive intervention, whose test expressly asks about the availability of an adequate alternative remedy. *Id.* at 9. The alternative, specifically participation by letter or amicus, does exist, and the UN has used it. ECF 53 at 7–8, 15; *see Askir v. Boutros-Ghali*, 933 F. Supp. 368, 370 (S.D.N.Y. 1996). Plaintiffs have found no other case in which the UN has asserted its immunity by moving to intervene. Even where the UN itself was the named defendant, it did not appear; the Executive Branch asserted the UN's immunity by statement of interest under 28 U.S.C. § 517, and the courts dismissed on that basis. *Georges v. United Nations*, 834 F.3d 88, 91–92 (2d Cir. 2016) (noting that defendants "did not enter an appearance" in the district court or on appeal). The Recommendation's contrary conclusion is internally inconsistent, which led it to wrongly decide the fourth permissive intervention factor.

Nor is the alternative hypothetical. In the suit brought by Albanese's family to challenge the Government's sanctions designation, the UN did not intervene, did not seek to be heard as a party, and did not challenge the designation at all. In fact, it has done the opposite. After the designation, Albanese and her husband "sought assistance from the United Nations in challenging

defendants' actions," but "the United Nations chose not to challenge Albanese's designation through administrative or judicial process." *L.C.*, No. 1:26-cv-00688-RJL, ECF 48 at 7. If the UN's institutional interest in the immunity of its experts were impaired whenever a court in the United States might act inconsistently with it, that interest would have been at its zenith when the US Government itself designated Albanese for sanctions on account of her work. The UN did nothing. Its claimed injury here arising from a private suit to which it is a stranger cannot be greater.

The remaining permissive factors also weigh against intervention for the reasons set out above and in Plaintiffs' opposition: the UN's interest is not distinct from Albanese's, ECF 53 at 10–14; its participation adds nothing that a letter or amicus brief would not, *id.* at 14–15; and its entry as a party for the purpose of erasing Defendant's default would prejudice Plaintiffs, *id.* at 6–7, 14–15.

VII. Alternatively, Any Intervention Granted Must Be Narrowly Limited

If the Court adopts the Recommendation in whole or in part, Plaintiffs respectfully request that the Court's order make explicit that the UN's proposed motion to dismiss, ECF 47, was not briefed as briefing was stayed pending resolution of the motion to intervene, ECF 50, that Plaintiffs have not responded to it, and that nothing in the Recommendation decides or even opines on the substantive questions in the motion to dismiss. Plaintiffs request that, if intervention is granted, they be afforded twenty-one days from the date of the Court's order to respond to the motion to dismiss, *see* D.C. Colo. L. Civ. R. 7.1(d), and that the Court's order expressly so provide.

Plaintiffs further request that, if the Court grants intervention at all, it do so only for the limited purpose of asserting immunity. The UN should be barred from asserting defenses personal to Defendant, including insufficient service of process under Rule 12(b)(5) or lack of personal

jurisdiction under Rule 12(b)(2), which no one else may raise on her behalf. *Williams*, 802 F.2d at 1202; *see* ECF 47 (invoking Rules 12(b)(2) and 12(b)(5)); Rec. at 5 n.2. Intervention, including intervention of right, "may be subject to appropriate conditions or restrictions responsive among other things to the requirements of efficient conduct of the proceedings." Fed. R. Civ. P. 24 advisory committee's note to 1966 amendment. The Court should also condition any intervention on the UN's acceptance that it will be bound, as a party, by the Court's rulings on the issues on which it intervenes. *See supra* Part III.

Conclusion

For the foregoing reasons, Plaintiffs respectfully request that the Court decline to adopt the Recommendation to grant the UN's motion to intervene. Plaintiffs further request that the Court adopt the Recommendation denying the UN's motion to vacate. In the alternative, should the Court grant intervention in any part, Plaintiffs request that the Court limit the intervention to the immunity question only, and afford Plaintiffs twenty-one days from the date of its order to respond to the UN's proposed motion to dismiss, ECF 47.

Dated: November 5, 2026.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2026, I caused a true and correct copy of the foregoing to be filed with the Clerk of the Court using the CM/ECF system, which will serve all counsel of record, and to be served on Defendant by email and via the social media platform X in the manner authorized by the Court's May 14, 2026, Order, ECF 26.

/s/ *Rachel Sebbag*
Rachel Sebbag