

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

SECURITIES AND EXCHANGE	§	
COMMISSION,	§	
Plaintiff,	§	
	§	
V.	§	
	§	
ROBERT A. HELMS, ET AL.,	§	A-13-CV-01036 ML
Defendants,	§	
	§	
and	§	
	§	
WILLIAM L. BARLOW and GLOBAL	§	
CAPITAL VENTURES, LLC,	§	
Relief Defendants, solely for	§	
the purpose of equitable relief.	§	

**ORDER REGARDING INTERVENTION**

Before the Court are Clovis Capital Ventures, LLC (“Clovis”) two Motions to Intervene in this cause of action. (Clerk’s Dkt. Nos. 99, 127). The undersigned held a hearing on the motions to intervene and other motions on October 22, 2014.

Clovis seeks to intervene pursuant to Federal Rules of Civil Procedure 24(a) and 24(b). Rule 24(a) mandates that the Court permit, on timely motion, anyone to intervene who:

- (1) is given an unconditional right to intervene by a federal statute; or
- (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.

Clovis claims it has a security interest in oil and gas producing properties in Crockett and Schleicher Counties (“Ozona Interest”). Thomas L. Taylor, the Court-Appointed Receiver in this matter, has marshaled the Ozona Interest and seeks the Court’s approval to sell the Ozona Interest. (See Clerk’s Dkt. Nos. 95, 110). At the hearing on this matter, no party disputed Clovis’ contention

that the existing parties do not adequately represent Clovis' interest. After careful consideration the motions, oral arguments, and all evidence submitted, the Court finds Clovis may intervene as of right.

Alternatively, Rule 24(b) gives the Court discretion to allow movant to intervene if it "has a claim or defense that shares with the main action a common question of law or fact." The Court finds Clovis has a claim that shares a common question regarding ownership of the Ozona Interest with the main action. Accordingly, in the absence of a right to intervene, the Court would exercise discretion to allow Clovis to permissively intervene.

Noting the potential limitations posed by Section 21(g) of the Securities Exchange Act,<sup>1</sup> the Court allows Clovis to intervene for the limited purpose of addressing issues relating to Clovis' purported security interest.

For the reasons set forth in Clovis' Motion, it is hereby **ORDERED** that Clovis' Motion to Intervene (Clerk's Dkt. No. 99) is **GRANTED**. Clovis' subsequent Motion to Intervene is hereby **DENIED** as moot. (Clerk's Dkt. No. 127). Clovis is made an intervenor with all the rights of a party to participate fully in all matters relating to the limited purpose noted above.

**SIGNED** on October 23, 2014.

  
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MARK LANE  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> "Notwithstanding the provisions of section 1407 (a) of title 28, or any other provision of law, no action for equitable relief instituted by the Commission pursuant to the securities laws shall be consolidated or coordinated with other actions not brought by the Commission, even though such other actions may involve common questions of fact, unless such consolidation is consented to by the Commission."