

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

03 DEC 11 AM 9:18

U.S. DISTRICT COURT  
N.D. OF ALABAMA

UNITED STATES OF AMERICA,

v.

RICHARD M. SCRUSHY,

Defendant.

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CR-03-BE-0530-S

**ENTERED**

DEC 11 2003

**ORDER DENYING HEALTHSOUTH CORPORATION'S MOTION  
FOR LEAVE TO INTERVENE**

This matter comes before the court on HealthSouth's Corporation's Motion for Leave to Intervene in Ancillary Proceedings" (Doc. 57).

HealthSouth cites no authority for its petition to intervene at this point in the proceedings, and the court finds no authority to support the petition. To the contrary, 21 U.S.C. § 853(k) specifically precludes the intervention sought by HealthSouth. The only legally-cognizable means for a third party to assert a right to a defendant's property that is subject to forfeiture lies under 21 U.S.C. § 853(n). Under that provision, a third party may assert its claim to forfeited property after the entry of an order of forfeiture. Because no order of forfeiture can be entered until after a determination concerning the charges and the forfeitability of the property, the Motion to Intervene must be denied as premature.

The court assures HealthSouth that it is well aware of the interests of HealthSouth and numerous other entities in the assets of Mr. Scrushy. At the appropriate time, if that time arises, HealthSouth and others will be afforded an opportunity under 21 U.S.C. § 853(n) to present their claims against any forfeited property.

For these reasons, the Motion to Intervene is hereby DENIED.

DONE and ORDERED this 10<sup>th</sup> day of December, 2003.

  
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KARON OWEN BOWDRE  
UNITED STATES DISTRICT JUDGE