

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____ )	
SCOTT VAN VALIN, <i>et al.</i> , )	
)	
Plaintiffs, )	
)	
v. )	Civil Action No. 09-961 (RMC)
)	
GARY LOCKE, Secretary, )	
Department of Commerce, <i>et al.</i> , )	
)	
Defendants. )	
_____ )	

**ORDER**

For the reasons stated in the Memorandum Opinion filed simultaneously with this Order, it is hereby

**ORDERED** that Plaintiffs’ motion for preliminary injunction [Dkt. # 2] is **DENIED**; and it is

**FURTHER ORDERED** that the motion to intervene filed by Linda Behnken and others<sup>1</sup> [Dkt. # 4] is **GRANTED IN PART AND DENIED IN PART** as follows: Intervention is **DENIED** with regard to the question of a preliminary injunction; intervention is **GRANTED** with regard to the merits of this case. The Answer accompanying the motion to intervene [Dkt. # 4] at Exhibit A shall be deemed filed and served on the date this Order is filed; and it is

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<sup>1</sup> The motion to intervene [Dkt. # 4] was filed by (1) commercial fishermen Linda Behnken, Annah Taft Perry, Ryan Nichols, Josh Moore, David Gibson, Sherri and Kurt Wohlhueter, and Christopher Knight; (2) halibut processors Seafood Producers Cooperative, Halibut Association of North America, and North Pacific Seafoods, Inc.; (3) subsistence fisherman Carolyn Heuer; (4) commercial and subsistence fishermen of the Hoonah Indian Association; and (5) the local communities City of Pelican and City of Port Alexander.

**FURTHER ORDERED** that the unopposed motion to intervene filed by the Metlakatla Indian Community [Dkt. # 10] is **GRANTED IN PART AND DENIED IN PART** as follows: Intervention is **DENIED** with regard to the question of a preliminary injunction; intervention is **GRANTED** with regard to the merits of this case. The Answer accompanying the motion to intervene [Dkt. # 10] at Exhibit B shall be deemed filed and served on the date this Order is filed.

**SO ORDERED.**

Date: June 25, 2009

\_\_\_\_\_/s/\_\_\_\_\_  
ROSEMARY M. COLLYER  
United States District Judge