

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 others¹ [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

¹ 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