

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 NORTHWEST ENVIRONMENTAL
10 ADVOCATES,

11 Plaintiff,

12 v.

13 UNITED STATES DEPARTMENT OF
14 COMMERCE, *et al.*,

15 Defendants.

CASE NO. C16-1866-JCC

ORDER GRANTING
WASHINGTON'S MOTION TO
INTERVENE

16 This matter comes before the Court on Washington's unopposed motion to intervene
17 (Dkt. No. 66). Having thoroughly considered the parties' briefing and the relevant record, the
18 Court hereby GRANTS the motion for the reasons explained herein.

19 Absent an unconditional right to intervene by statute, a party seeking to intervene as a
20 matter of right must: (1) timely move to intervene; (2) have a significantly protectable interest
21 relating to the property or transaction that is the subject of the action; (3) be situated such that the
22 disposition of the action may impair or impede the party's ability to protect that interest; and (4)
23 not be adequately represented by existing parties. *Arakaki v. Cayetano*, 324 F.3d 1078, 1083 (9th
24 Cir. 2003); *see* Fed. R. Civ. P. 24(a)(2). The rule is to be construed liberally in favor of potential
25 intervenors. *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 818 (9th Cir. 2001).

26 Washington's motion is timely. (*See* Dkt. No. 55) (scheduling order). Further,

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1 Washington's interests are deeply intertwined with the underlying issues in this case and may not
2 be adequately represented by existing parties. *See Arakaki*, 324 F.3d at 1086. Therefore, the
3 Court finds Washington may intervene as a matter of right. The Court need not consider whether
4 permissive intervention is allowed in this instance. *See Fed. R. Civ. P. 26(b)*.

5 Accordingly, Washington's motion to intervene (Dkt. No. 66) is GRANTED. The Court
6 DIRECTS Intervenor to file its proposed answer within ten (10) days.

7 DATED this 29th day of January 2018.

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11 John C. Coughenour
12 UNITED STATES DISTRICT JUDGE
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