

2-22-1971

Docket Entry 39 - Filed Motion by Washington Reef Net Owners Association to Intervene as Defendants in the Complaint in Intervention of the Lummi Indian Tribe

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FILED IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

FEB 22 1971

CHARLES A. SCHAAF, CLERK
By  Deputy

8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON

10 UNITED STATES OF AMERICA,)
11 Plaintiff,)
12 LUMMI INDIAN TRIBE,) CIVIL ACTION NO. 9213
13 Intervener,)
14 vs.) MOTION BY WASHINGTON REEF
15 STATE OF WASHINGTON; DEPARTMENT) NET OWNERS ASSOCIATION TO
16 OF FISHERIES and its director,) INTERVENE AS DEFENDANTS IN
17 THOR C. TOLLEFSON; DEPARTMENT) THE COMPLAINT IN INTERVENTION
18 OF GAME and its director,) OF THE LUMMI INDIAN TRIBE
19 CARL N. CROUSE,)
20 Defendants.)

21 The above named WASHINGTON REEF NET OWNERS ASSOCIATION, an
22 unincorporated association, does herewith move this Court for
23 leave to intervene as a defendant in the Complaint in Intervention
24 heretofore filed herein by the Lummi Indian Tribe in order to
25 assert the defenses thereto set forth in its proposed answer hereto
26 attached.

27 This application is based upon the fact that members of
28 said Association are the operators of reef nets in the waters
29 referred to in said complaint in intervention and they have,
30 therefore, a great interest in the property and transaction which
31 is the subject of this action, as expanded by said complaint in
32 intervention and said members are so situated that the disposition

Motion by Wash. Reef Net Owners Assoc.
to Intervene as Defendants

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1 of the action, as developed by said Complaint in Intervention,
2 will, as a practical matter, not only impair, but as a practical
3 matter may destroy, said owners' ability to protect their
4 extensive property interests in such operations. Such interests
5 can only be adequately represented by this Association, upon
6 behalf of its members, becoming a party herein, the other
7 defendants proposing to intervene being not likely, nor bound, to
8 pursue the affirmative relief sought by this association or to
9 be aware of the nature, manner and background of their fishing
10 operations.

11 This motion is based upon the provisions of Rule 24(a), of
12 the Rules of Civil Procedure for Federal Court, as amended in 1966.

13 ASMUNDSON, RHEA & ATWOOD

14
15 By David E. Rhea
16 DAVID E. RHEA
17 Of Attorneys for Washington Reef
18 Net Owners Association
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February 18, 1971

Clerk, United States District Court
U. S. Court House
Tacoma, Washington 98400

Dear Sir:

In re: U. S. v. State of Washington, et al
Civil Action No. 9213

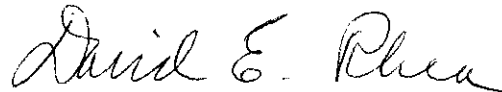
Forwarded herewith, for filing in the above cause, are the Motion for Intervention to answer the proposed complaint in intervention of the Lummi Indian Tribe by the Washington Reef Net Owners Association, an unincorporated association, together with the required accompanying Proposed Answer and Notice of Hearing--the latter setting the date of March 4, 1971, at the hour of 10:00 A.M.

Also enclosed is an Affidavit of Mailing showing notification of all interested counsel.

Thank you for your attention to this matter.

Sincerely yours,

ASMUNDSON, RHEA & ATWOOD



David E. Rhea

DER/ss

Enclosures

cc: Mr. Stan Pitkin
Mr. Slade Gorton
Mr. Joseph L. Coniff
Mr. William M. Gingery
Ziontz, Pirtle & Fulle

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FEB 22 1970

Office of Clerk
U. S. District Court
Tacoma, Washington