

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

INSTITUTE FOR FISHERIES  
RESOURCES, et al.,

Plaintiffs,

v.

SYLVIA MATHEWS BURWELL, et al.,

Defendants.

Case No. 16-cv-01574-VC

**ORDER GRANTING MOTION TO  
INTERVENE**

Re: Dkt. No. 32

AquaBounty Technologies, Inc.'s unopposed motion to intervene as of right is granted. AquaBounty has a significantly protectable interest at stake in this litigation: the FDA's approval allows it to sell its genetically modified salmon to American customers, which it would otherwise not be able to do. *Cf. Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 821-22 (9th Cir. 2001). This also satisfies Article III's standing requirement. *See id.* at 822 n.3. AquaBounty has also borne the "minimal" burden of showing that the government's representation of its interests "may be inadequate," *Citizens for Balanced Use v. Montana Wilderness Ass'n*, 647 F.3d 893, 898 (9th Cir. 2011), because "private companies . . . have a more parochial and financial interest not shared by" public agencies, *United Farm Workers v. EPA*, No. 07-cv-3950, 2008 WL 3929140, at \*2 (N.D. Cal. Aug. 26, 2008). And AquaBounty's motion is timely. *See Citizens for Balanced Use v. Montana Wilderness Ass'n*, 647 F.3d 893, 897 (9th Cir. 2011).

AquaBounty's answer is deemed filed.

**IT IS SO ORDERED.**

Dated: July 27, 2016



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VINCE CHHABRIA  
United States District Judge