

# Massachusetts Lobstermen's Association Right Whale Litigation Updates

The Massachusetts Lobstermen's Association (MLA) Legal Defense Fund needs your support now more than ever. This dedicated fund is for the purpose of defending the Massachusetts commercial lobster fishermen from legal and fisheries management actions that could seriously impact our commercial lobstermen's ability to conduct their businesses and earn a living.

The MLA is actively engaged in two separate law suits that could have negative impacts on the commercial lobster industry and is working with multiple lawyers in Washington D.C. and here in the Commonwealth to fight for you and your industry. The years of litigation costs have depleted the MLAs' Legal Defense Fund to a critical low point and your help is needed today.

**UPDATED NOVEMBER 16, 2021**

**Case No. 1:18-cv-00112-JEB – Center for Biological Diversity v. Ross et al. (Boasberg, J.) (Federal District Court for the District of Columbia):** On September 17, 2021, the Environmental Plaintiffs filed their amended complaint with the Court. On No-

vember 9, 2021, The Massachusetts Lobstermen's Association filed its answer to the Plaintiffs' amended complaint. As with the MLA's original answer to the Plaintiff's original complaint, the MLA denied many of the Plaintiffs' claims. The Massachusetts Lobstermen's Association will continue to act as an intervenor in this important case, representing the interests of the Massachusetts lobster fishing community.

**Case No. 1:21-cv-02509 – Maine Lobstermen's Association v. the National Marine Fisheries Service et al. (Boasberg, J.) (Federal District Court for the District of Columbia):** On September 27, 2021, the Maine Lobstermen's Association filed a complaint in the Federal District Court for the District of Columbia, challenging the 2021 Biological Opinion and Final Rule under the Administrative Procedures Act (the "APA"). In its complaint, the Maine Lobstermen's Association argues that the 2021 Biological Opinion is not based on the best available science, and is therefore legally insufficient, arbitrary, and capricious.



The Maine Lobstermen's Association's complaint contains the four counts listed in the table at the bottom of the page:

**(Commonwealth) Civil Action No. 19-cv-10639-IT - RICHARD MAX STRAHAN, Plaintiff v. SECRETARY, MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY ENVIRONMENTAL AFFAIRS, et al.,**

There is still no ruling from the judge at this time.

The Massachusetts Lobstermen's Association is carefully reviewing the Maine Lobstermen's Association's complaint, and anticipates intervening in this lawsuit to represent and protect the unique interests of the Massachusetts fishing community.

As we all know, any legal action costs lots of money and the Massachusetts Lobstermen's Association Legal Defense Fund needs your generous support today to continue our fight. These are real threats to the historic and iconic commercial lobster industry and we are doing everything to keep the Massachusetts commercial lobstermen fishing.

**WHERE TO MAKE DONATIONS**

Any contribution you can afford to make to the Legal Defense Fund is greatly appreciated.

**Donate by mail:**  
MLA LDF,  
8 Otis Place  
Scituate, MA 02066

**Donate online:**  
[www.lobstermen.com](http://www.lobstermen.com)  
– In the Members section select Dues/Donate.

Count No.	Brief Description
<b>Count I</b>	The 2021 Biological Opinion Arbitrarily, Capriciously and Unlawfully overestimates the impact and risk from the American Lobster Fishery
<b>Count II</b>	The 2021 Biological Opinion Conservation Framework Arbitrarily, Capriciously, and Unlawfully Imposes and Requires Reductions from the Lobster Fishery
<b>Count III</b>	NMFS Arbitrarily, Capriciously and Unlawfully denied MLA ESA Section 7 Applicant Status
<b>Count IV</b>	NMFS Arbitrarily, Capriciously, and Unlawfully Relied on the 2021 Biological Opinion when it Issues the TRP Rule.

# **DONATE TODAY!** to the Massachusetts Lobstermen's Association **LEGAL DEFENSE FUND**

**LEGAL DEFENSE FUND NOV. 2021**

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**THANK YOU FOR YOUR CONTINUED SUPPORT!**



*Donate to the MLA Legal Defense Fund to*  
**“Band the Bite” TODAY!**

Help us fill the lobster crate and help relieve the **“PINCH”** of defending commercial lobstermen!

**Let's fill the lobster crate TODAY!**

Every \$25 dollars donated puts another lobster in the lobster crate!!

**There are several ways to make a donation**

MLA website: [www.lobstermen.com](http://www.lobstermen.com) Legal Defense Fund Donation

Paypal: Legal Defense Fund Donation

Mail or drop off a check:

MLA, 8 Otis Place, Scituate, MA 02066

Call the MLA : 781-545-6984 xt2

Use your camera on your phone to Scan the QR Code

***THANK YOU for YOUR CONTINUED SUPPORT!***

