

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS LOBSTERMEN'S  
ASSOCIATION, INC.  
8 Otis Place  
Scituate, MA 02066

Plaintiff,

v.

GINA RAIMONDO, *in her official capacity  
as Secretary,*  
U.S. Department of Commerce  
1401 Constitution Avenue, NW  
Washington, DC 20230,

JANET COIT, *in her official capacity as  
Assistant Administrator,*  
NOAA Fisheries  
1315 East-West Highway  
Silver Spring, MD 20910,

NATIONAL MARINE FISHERIES  
SERVICE,  
1315 East-West Highway  
Silver Spring, MD 20910

Defendants.

Case No. 1:24-cv-10332

**MOTION FOR TEMPORARY  
RESTRAINING ORDER,  
PRELIMINARY INJUNCTION, AND  
STAY PURSUANT TO 5 U.S.C. § 705**

Plaintiff Massachusetts Lobstermen's Association, Inc., by and through its undersigned counsel, pursuant to Rule 65 of the Federal Rules of Civil Procedure, hereby submits its Motion for Temporary Restraining Order, Preliminary Injunction, and Stay Pursuant to 5 U.S.C. § 705 against Defendants Gina Raimondo, Janet Coit, and National Marine Fisheries. In support of its Motion, Plaintiff submits its Memorandum in Support of Motion for Temporary Restraining Order, Preliminary Injunction, and Stay Pursuant to 5 U.S.C. § 705 [Docket No. 2.1], the Declaration of

Beth Casoni [Docket No. 1.1], the Declaration of Arthur Sawyer [Docket No. 2.2], the Declaration of Eric Meschino [Docket No. 2.3], and corresponding exhibits.

WHEREFORE, Plaintiff, Massachusetts Lobstermen's Association, Inc., respectfully requests that this Court issue an Order that:

1. Plaintiff Massachusetts Lobstermen's Association, Inc.'s Motion for a Temporary Restraining Order, Preliminary Injunction, and Administrative Stay be, and the same is,

**GRANTED.**

2. Defendants Gina Raimondo, Janet Coit, and National Marine Fisheries Services, be, and are, **ENJOINED AND RESTRAINED** as follows:

a. Defendants' "Final Rule to Close the Wedge Area within the Massachusetts Restricted Area" be stayed until the resolution of Plaintiff's motion for preliminary injunction and stay; and,

b. Defendants shall not promulgate another "Final Rule to Close the Wedge Area within the Massachusetts Restricted Area" unless and until this Court has ruled that Defendants are empowered to do so under the Marine Mammal Protection Act, the Consolidated Appropriations Act of 2023, and any other applicable law.

3. Defendants show cause, if any there be, why a Preliminary Injunction and Stay pursuant to 5 U.S.C. § 705 of like purport and effect as this Temporary Restraining Order should not be issued for the pendency of this action.

4. The Clerk of Court mail a copy of this Order, Injunction, and Administrative Stay to Defendants.

Plaintiff Massachusetts Lobstermen's  
Association, Inc.

By its attorneys,

ECKLAND & BLANDO LLP

Dated: February 9, 2024

/s/SAMUEL P. BLATCHLEY

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*\*Pro hac vice* application pending

**CERTIFICATE OF SERVICE**

I hereby certify that on February 9, 2024, I electronically filed the within document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ SAMUEL P. BLATCHLEY  
Samuel Blatchley, Esq. (BBO # 670232)