

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RICHARD MAXIMUS STRAHAN,

Plaintiff,

v.

SECRETARY, MASSACHUSETTS
OFFICE OF ENERGY AND
ENVIRONMENTAL AFFAIRS
("MEOEEA"), et al.

Defendants.

CIVIL ACTION 1:19-cv-10639-IT

MASSACHUSETTS DEFENDANTS'
MOTION TO STAY FURTHER PROCEEDINGS

Defendants Secretary of the Massachusetts Office of Energy and Environmental Affairs and Director of the Massachusetts Division of Marine Fisheries hereby move for a stay of further proceedings in this case until the process required by the Court's April 30, 2020, Order is completed. The order

required the Massachusetts Defendants to “promptly seek” an Incidental Take Permit under the Endangered Species Act, 16 U.S.C. § 1539. The Massachusetts Defendants are in the process of seeking that permit. As more fully explained in their accompanying memorandum and the accompanying Declaration of Robert P. Glenn, the Massachusetts Defendants respectfully request that this motion be granted. A stay will promote judicial economy and orderly proceedings, allow the Massachusetts Defendants to devote their scarce resources conservation planning in accordance with the Act, and no party will be prejudiced.

Respectfully submitted,

OFFICE OF ENERGY AND
ENVIRONMENTAL AFFAIRS SECRETARY
KATHLEEN A. THEOHARIDES, AND
DIVISION OF MARINE FISHERIES
DIRECTOR DANIEL J. MCKIERNAN,

By their Attorneys,

MAURA HEALEY
ATTORNEY GENERAL

/s/ Maryanne Reynolds

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Dated: 7/29/20

Local Rule 7.1 Certification

I hereby certify that I have consulted with counsel for the Plaintiff in an attempt to resolve or narrow the issues raised in this motion.

/s/ Maryanne Reynolds

Maryanne Reynolds, BBO # 627127

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants.

/s/ Maryanne Reynolds

Maryanne Reynolds, BBO # 627127

Dated: July 29, 2020