

JOHN C. CRUDEN,  
 Assistant Attorney General  
 SETH M. BARSKY, Chief  
 KRISTEN L. GUSTAFSON, Assistant Chief  
 ALISON C. FINNEGAN, Trial Attorney  
 DANIEL J. POLLAK, Trial Attorney  
 Cal. Bar. No. 264285  
 U.S. Department of Justice  
 Environment and Natural Resources Division  
 Wildlife and Marine Resources Section  
 Ben Franklin Station, P.O. Box 7611  
 Washington, D.C. 20044-7611  
 (202) 305-0201 (tel)  
 (202) 305-0275 (fax)

JS-6

Attorneys for Federal Defendants

**UNITED STATES DISTRICT COURT FOR THE  
 CENTRAL DISTRICT OF CALIFORNIA**

CALIFORNIA SEA URCHIN )  
 COMMISSION, et al., )

Plaintiffs )

v. )

MICHAEL BEAN, et al., )

Defendants, )

And )

CENTER FOR BIOLOGICAL )  
 DIVERSITY, *et al.*, )

Intervenor-Defendants. )  
 \_\_\_\_\_ )

CASE NO. 2:14-cv-08499-JFW-CW

**JUDGMENT RE: SUMMARY  
 JUDGMENT MOTIONS OF  
 PLAINTIFFS, FEDERAL  
 DEFENDANTS, AND INTERVENOR-  
 DEFENDANTS**

WHEREAS, Plaintiffs the California Sea Urchin Commission, California Abalone Association, and Commercial Fishermen of Santa Barbara (collectively, “Plaintiffs”), submitted on April 24, 2014, a petition for rule-making under the Administrative Procedure Act (“APA”), 5 U.S.C. § 553(e) to the U.S. Fish and Wildlife Service and the U.S. Department of the Interior;

WHEREAS, on July 28, 2014, the U.S. Fish and Wildlife Service and the Department of the Interior denied Plaintiffs’ rule making petition;

WHEREAS, Plaintiffs filed this action on November 3, 2014, claiming that the denial of Plaintiffs’ petition was arbitrary, capricious, not in accordance with law, and in excess of statutory jurisdiction and authority pursuant to the APA, 5 U.S.C. § 706(2)(A), (C);

WHEREAS, Plaintiffs moved for an order granting summary judgment on their claim;

WHEREAS, Defendants Michael Bean, in his official capacity as Acting Assistant Secretary for Fish & Wildlife & Parks, United States Department of the Interior; Daniel M. Ashe, in his official capacity as Director of the United States Fish & Wildlife Service; and the United States Fish & Wildlife Service; moved this Court for an order granting summary judgment on Plaintiffs’ claim;

WHEREAS, Intervenors Center for Biological Diversity, Environmental Defense Center, Defenders of Wildlife, Friends of the Sea Otter, Humane Society of the United States, Los Angeles Waterkeeper, and The Otter Project (collectively, “Intervenor-

Defendants’), also moved this Court for an order granting summary judgment on Plaintiffs’ claim;

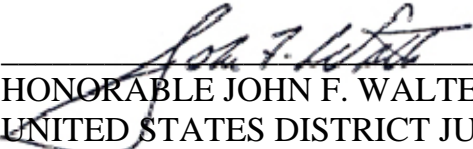
WHEREAS the Court has considered the parties’ memoranda of points and authorities, the administrative record of the challenged decision, the statements of uncontroverted facts and conclusions of law, the supporting declarations and evidence submitted therewith, as well as having considered all of the other pleadings, records, and documents filed in this action;

WHEREAS the Court, on September 18, 2015, issued an Order, Docket No. 73, denying Plaintiffs’ motion for summary judgment, and granting the motions for summary judgment of Federal Defendants and Intervenor-Defendants (“Summary Judgment Order”);

WHEREAS, the Court’s Summary Judgment Order concluded that Federal Defendants’ denial of the petition was not in violation of the APA, and also concluded that Plaintiffs lacked Article III standing for their claims, and detailed the reasons for these conclusions;

Accordingly, the Court now enters its Final Judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure. Plaintiffs’ suit is dismissed with prejudice. Each party shall bear their own fees and costs.

DATED: September 23, 2015

  
HONORABLE JOHN F. WALTER  
UNITED STATES DISTRICT JUDGE