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The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THE INSTITUTE OF CETACEAN  
RESEARCH, a Japanese research foundation;  
KYODO SENPAKU KAISHA, LTD., a  
Japanese corporation; and TOMOYUKI  
OGAWA, an individual,

Plaintiffs,

v.

SEA SHEPHERD CONSERVATION  
SOCIETY, an Oregon nonprofit corporation,  
and PAUL WATSON, an individual,

Defendants.

SEA SHEPHERD CONSERVATION  
SOCIETY, an Oregon nonprofit corporation;  
and PAUL WATSON, an individual,

Counterclaim Plaintiffs,

v.

THE INSTITUTE OF CETACEAN  
RESEARCH, a Japanese foundation;  
KYODO SENPAKU KAISHA, LTD., a  
Japanese corporation; TOMOYUKI OGAWA,  
an individual; and HIROYUKI KOMIYA,  
an individual,

Counterclaim Defendants.

No. C11-2043JLR

ORDER REGARDING DEFENDANTS'  
BREACH OF RELEASE AND  
SETTLEMENT AGREEMENT

~~PROPOSED~~



ORDER REGARDING DEFENDANTS' BREACH OF RELEASE  
AND SETTLEMENT AGREEMENT - 1  
(C11-2043JLR)

EXHIBIT 1 - Page 1 of 3  
(C11-2043JLR)

1 This matter comes before the Court on the parties' Stipulated Motion for Entry of  
2 Order Regarding Defendants' Breach of Release and Settlement Agreement.

3 Upon consideration of the Motion and based on the records and files herein, and  
4 the Court having found that Plaintiffs/Counterclaim Defendants The Institute of Cetacean  
5 Research, Kyodo Senpaku Kaisha, Ltd., and Tomoyuki Ogawa ("Plaintiffs") and  
6 Defendants/Counterclaim Plaintiffs Sea Shepherd Conservation Society and Paul Watson  
7 ("Defendants") have stipulated and agreed as follows:

8 In August 2016, Plaintiffs and Defendants entered into a Release and Settlement  
9 Agreement ("Agreement"). By the Agreement, Defendants agreed to keep terms of the  
10 Agreement confidential.

11 On August 23, 2016, the Court entered an Order Granting Stipulated Motion for  
12 Permanent Injunction ("Order"). Dkt. 346. In the Order, the Court expressly retained  
13 jurisdiction to enforce compliance with the Agreement.

14 On or about February 10, 2017, defendant Paul Watson, Executive Director and  
15 member of the board of directors of Sea Shepherd Conservation Society, made a public  
16 statement about the Agreement in the midst of a lengthy radio interview that constitutes a breach  
17 of the confidentiality provisions of the Agreement. Defendants maintain that the breach was  
18 unintentional, but agree that the statement is a breach of the Agreement and further agree that the  
19 Agreement is and shall remain confidential in accordance with its terms.

20 In exchange for this stipulation, Plaintiffs agree that they shall not pursue any  
21 other action, remedies, or damages related to the February 10, 2017 breach of the Agreement.

22 Based on the stipulation of the parties and the Court being fully informed, the  
23 Court ORDERS, ADJUDGES, DECREES AND DECLARES as follows:

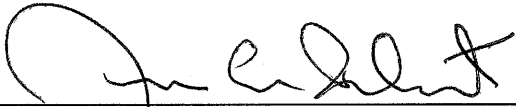
24 Defendants have breached the Agreement as stipulated; and

25 ////

26 ////

1 Defendants, and each of them, shall adhere to the terms of the Agreement and  
2 shall not further violate its terms or shall be subject to such remedies as the Court may determine  
3 are appropriate.

4 Dated this 24<sup>th</sup> day of March, 2017.

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7 \_\_\_\_\_  
8 Honorable James L. Robart  
9 UNITED STATES DISTRICT JUDGE

10 Presented by:

11 By: s/ John F. Neupert  
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19 *Of Attorneys for Plaintiffs and for Counterclaim Defendants*  
20 *The Institute of Cetacean Research, Kyodo Senpaku*  
21 *Kaisha, Ltd., and Tomoyuki Ogawa*

22 4840-6572-3972.5  
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ORDER REGARDING DEFENDANTS' BREACH OF RELEASE  
AND SETTLEMENT AGREEMENT - 3  
(C11-2043JLR)

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