UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE HUMANE SOCIETY OF THE UNITED STATES, *et al.* **Plaintiffs,** **v.** **CARLOS M. GUTIERREZ, *et al.*** **Defendants.**	**Civil Action No. 08-cv-1593 (ESH)**

ORDER

Upon consideration of plaintiffs' [7] motion for a preliminary injunction, the defendants' opposition thereto, the record herein, and for the reasons stated in open court, it is this

ORDERED that the motion is **GRANTED** on the grounds that plaintiffs have shown a substantial likelihood of success on the merits, under the Administrative Procedures Act, 5 U.S.C. § 706(2), that defendants acted arbitrarily, capriciously, and in violation of the National Environmental Protection Act, 42 U.S.C. § 4332(C); that they suffer irreparable injury if protections are not instituted to reduce the likelihood of death or serious injury to the endangered species; and that the balance of equities favors plaintiffs. It is further

ORDERED that those portions of defendants' Final Rule, 72 Fed. Reg. 57104 (Oct. 5, 2007) that eliminated the Dynamic Area Management measures are preliminary enjoined for the area North of the preexisting Seasonal Area Management boundaries, as defined in 67 Fed. Reg. 1142 (Jan. 9, 2002) and amended in 67 Fed. Reg. 65722 (Oct. 28, 2002), pending this Court's resolution on the merits of the case, or until the broad-based sinking groundline requirements for

trap/pot and lobster trap/pot fisheries established by the Final Rule go into effect, whichever occurs earlier. It is further

ORDERED that the Court **GRANTS** defendants' motion for a stay pending appeal until October 5, 2008, pursuant to Fed. R. Civ. Pro. 62(c).

/s/
ELLEN SEGAL HUVELLE
United States District Judge

Date: September 26, 2008