

HONORABLE GEORGE J. JORDAN
ADMINISTRATIVE LAW JUDGE

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

In re:)
) Docket No. 19-NMFS-0001
Proposed Waiver and Regulations Governing)
the Taking of Eastern North Pacific Gray) RIN: 0648-BI58 and
Whales by the Makah Indian Tribe) RIN: 0648-XG584
)

PARTIAL STIPULATION RE EXTENSION OF PREHEARING DATES

EXPEDITED CONSIDERATION REQUESTED

This Partial Stipulation is made by and between the following parties to this proceeding:
Animal Welfare Institute, Marine Mammal Commission, National Marine Fisheries Service
(NMFS), Peninsula Citizens for the Protection of Whales, Sea Shepherd Conservation Society,
and Sea Shepherd Legal (“Stipulating Parties”). Makah Indian Tribe indicated they do not
oppose this stipulated request. Given the need for an immediate filing, NMFS was unable to
reach Inanna McCarty. The Stipulating Parties, by and through their duly authorized undersigned
representatives, stipulate as follows:

In light of the Court’s Order Granting Request to Change Hearing Date, dated July 8,
2019, the Stipulating Parties agree to extend the following prehearing deadlines by four-weeks
(28 days) to the dates specified below:

- August 6, 2019. Final date to submit direct testimony to rebut testimony previously submitted.

- August 6, 2019. Final date for submission of direct testimony on issues of fact not included in the notice of hearing (84 FR 13639).
- August 9, 2019. Final date to file any motions to exclude issues listed in the Final Hearing Agenda (84 FR 30088).
- August 16, 2019. Final date to file any motions to exclude based on any rebuttal evidence the parties submit.
- August 28, 2019. Final date for submission of rebuttal testimony to rebut direct testimony on issues of fact not included in the notice of hearing.

Consistent with the Final Hearing Agenda, the other parties to this proceeding will have ten days to respond to any such motions, and additional replies will be authorized only on a showing of good cause.

Parties may explore changes to the above dates during the court's conference call to discuss setting the date for the hearing in this proceeding.

Because the current deadline for rebuttal testimony and direct testimony on new issues of fact is July 9, 2019, the Stipulating Parties request the court rule immediately on their request.

Respectfully submitted this 8th day of July, 2019.

SO STIPULATED this 8th day of July, 2019.

CHRIS MCNULTY
Section Chief
National Oceanic & Atmospheric Administration Office of
General Counsel, Northwest Section

By: /s/ Chris McNulty
Laurie K. Beale, Attorney-Advisor
Caitlin B. Imaki, Attorney-Advisor
7600 Sand Point Way NE
Seattle, WA 98115
laurie.beale@noaa.gov
(206) 526-6327
caitlin.imaki@noaa.gov
(206) 526-6159

Counsel for the National Marine Fisheries Service

SO STIPULATED this 8th day of July, 2019.

Animal Welfare Institute

By: /s/ Bill Eubanks
Bill Eubanks
Eubanks & Associates, LLC
2601 S. Lemay Avenue, Unit 7-240
Fort Collins, CO 80525
(970) 703-6060
bill@eubankslegal.com

Counsel for the Animal Welfare Institute

SO STIPULATED this 8th day of July, 2019.

Peninsula Citizens for the Protection of Whales

By: /s/ Margaret Owens

Margaret Owens
612 Schmitt Road
Port Angeles, WA 98363
(360) 928-3-48
pcpwhales@gmail.com

*Representative for the Peninsula Citizens for the
Protection of Whales*

SO STIPULATED this 8th day of July, 2019.

Sea Shepherd Legal/Sea Shepherd Conservation Society

By: /s/ Brett Sommermeyer

Brett Sommermeyer
2226 Eastlake Avenue East #108
Seattle, WA 98102
(206) 504-1600
brett@seashepherdlegal.org

*Counsel for Sea Shepherd Legal & Sea Shepherd
Conservation Society*

SO STIPULATED this 8th day of July, 2019.

Marine Mammal Commission

By: /s/ Mike Gosliner

Mike Gosliner
4349 East-West Highway, Room 700
Bethesda, MD 20814-4498
Tel. (301) 504-0087
Fax (301) 504-0099
Email: *mgosliner@mmc.gov*

HONORABLE GEORGE J. JORDAN
ADMINISTRATIVE LAW JUDGE

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

In re:)
) Docket No. 19-NMFS-0001
Proposed Waiver and Regulations Governing)
the Taking of Eastern North Pacific Gray) RIN: 0648-BI58 and
Whales by the Makah Indian Tribe) RIN: 0648-XG584
)

**[PROPOSED] ORDER GRANTING PARTIAL STIPULATION RE EXTENSION OF
PREHEARING DATES**

Based upon the above partial stipulation of the parties, it is hereby ordered that the following prehearing deadlines are extended by four-weeks (28 days) to the dates specified below:

- August 6, 2019. Final date to submit direct testimony to rebut testimony previously submitted.
- August 6, 2019. Final date for submission of direct testimony on issues of fact not included in the notice of hearing (84 FR 13639).
- August 9, 2019. Final date to file any motions to exclude issues listed in the Final Hearing Agenda (84 FR 30088).
- August 16, 2019. Final date to file any motions to exclude based on any rebuttal evidence the parties submit.

- August 28, 2019. Final date for submission of rebuttal testimony to rebut direct testimony on issues of fact not included in the notice of hearing.

Consistent with the Final Hearing Agenda, the other parties to this proceeding will have ten days to respond to any such motions, and additional replies will be authorized only on a showing of good cause.

Parties may explore changes to the above dates during the court's conference call to discuss setting the date for the hearing in this proceeding.

George J. Jordan
Administrative Law Judge

Done and dated this ___ day of July, 2019, at
Seattle, Washington.