

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

THE CITY OF NEW BEDFORD, et al.,

Plaintiffs,

V.

GARY LOCKE, et al.,

Defendants.

1:10-cv-10789-RWZ

Federal Defendants' Cross-Motion for Summary Judgment

LOVGREN, et al.,

Plaintiffs,

V.

GARY LOCKE, et al.,

Defendants.

FEDERAL DEFENDANTS' CROSS MOTION FOR SUMMARY JUDGMENT

The Federal Defendants, pursuant to Federal Rule of Civil Procedure 56 and for the reasons set forth in the accompanying Consolidated Memorandum in Support of Cross-Motion for Summary Judgment and in Opposition to Motions for Summary Judgment, hereby move for summary judgment in their favor on all claims raised in the Plaintiffs' Complaints as well as, should the Court grant intervention, in the proposed Complaint of Plaintiff-Applicant Food and Water Watch, Inc.

Federal Defendants respectfully hereby move for a judgment as a matter of law holding that they complied with all applicable laws, including but not limited to, the Magnuson-Stevens Fishery Conservation and Management Act, the National Environmental Policy Act, the Regulatory Flexibility Act, and the United States Constitution, in approving and implementing the regulations adopting Amendment 16 to the Northeast Multispecies Groundfish Fishery Management Plan and that Plaintiffs and Plaintiff-Applicant are not entitled to any relief whatsoever on any of their claims.

Respectfully submitted this 28th day of January, 2011,

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United States Department of Justice
Environment & Natural Resources Division
SETH M. BARSKY, Section Chief

/s/ James A. Maysonett

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served today via the Court's CM/ECF system on all counsel of record.

/s/ James A. Maysonett
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