

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE CITY OF NEW BEDFORD, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:10-CV-10789-RWZ
)	
GARY LOCKE, et al.,)	
)	
Defendants.)	
)	
LOVGREN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	
GARY LOCKE, et al.,)	
)	
Defendants.)	
)	

**MOTION OF GEORGES BANK COD FIXED GEAR SECTOR
FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE**

The Georges Bank Cod Fixed Gear Sector (“Fixed Gear Sector”) respectfully moves this Court for leave to participate as *amicus curiae* in this case and to submit the attached Fixed Gear Sector’s Amicus Curiae’s Memorandum In Support Of Defendants on Cross-Motions for Summary Judgment. The grounds for this motion are more fully set forth in the separate accompanying memorandum of points and authorities.

Pursuant to Local Rule 7.1(a)(2), counsel for the Fixed Gear Sector has conferred with counsel for the parties concerning this motion. Counsel for Plaintiffs New Bedford, et. al., stated

they could “not agree” to the motion because it is their view that the federal government has exceeded an agreed upon page limit. Counsel for Plaintiff James Lovgren, et. al., advised that they object to the motion but declined to provide any reason for their position. Counsel for Defendants Gary Locke, et. al., take no position on the motion and Intervenor-Defendant Conservation Law Foundation advised that they have no objection to the motion.

This motion and accompanying memorandum are submitted contemporaneously with the Fixed Gear Sector’s Amicus Curiae’s Memorandum In Support Of Defendants on Cross-Motions for Summary Judgment.

REQUEST FOR ORAL ARGUMENT

If this court grants *amici* permission to participate, pursuant to Local Rule 7.1(d), *amicus curiae* Georges Bank Cod Fixed Gear Sector, respectfully requests an opportunity to be heard at oral arguments scheduled for March 15, 2011. Docket No. 52 (Nov. 17, 2010) (Order granting Motion for Extension of Time and resetting Hearing for March 15, 2011 before Judge Rya W. Zobel). The Fixed Gear Sector may be able to assist the court on complicated matters related to Amendment 16, including specifically matters related to sectors and the allocations to sectors implemented under Amendments 13 and 16. Counsel for *amicus curiae* request that they be allowed 15 minutes to present oral argument.

Respectfully submitted,

/s/Roger Fleming
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Counsel for Georges Bank Cod Fixed Gear
Sector

Dated: February 4, 2011

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

I, Roger Fleming, hereby certify that counsel for the prospective *amici*, Georges Bank Cod Fixed Gear Sector, conferred with counsel for all other parties concerning this motion. Counsel for Plaintiffs New Bedford, et. al., stated they could “not agree” to the motion because it is their view that the federal government has exceeded an agreed upon page limit. Counsel for Plaintiff James Lovgren, et. al., advised that they object to the motion but declined to provide any reason for their position. Counsel for Defendants Gary Locke, et. al., take no position on the motion and Intervenor-Defendant Conservation Law Foundation advised that they have no objection to the motion.

/s/Roger Fleming
Roger Fleming (BBO No. 643469)
rfleming@earthjustice.org

Date: February 4, 2011

CERTIFICATE OF SERVICE

I, Roger Fleming, hereby certify that true copies of the foregoing motion, together with a memorandum in support thereof and Georges Bank Cod Fixed Gear Sector *amici curiae* memorandum, were today served via the Court’s CM/ECF system on all counsel of record.

/s/Roger Fleming

Date: February 4, 2011