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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA

MEXICAN GULF FISHING COMPANY, <i>et al.</i> ,	:
Plaintiffs,	: : :
V.	:
U.S. DEPARTMENT OF COMMER <i>et al.</i> ,	CE, : : Civil Action No. 2:20-cv-2312
	: Judge Suzie Morgan
	: Magistrate Judge Janis Van Meerveld
Defendants.	· · · · · · · · · · · · · · · · · · ·

MOTION OF PLAINTIFFS FOR AN ADMINISTRATIVE STAY OF REGULATION AND TO SHORTEN TIME TO RESPOND

COME NOW, the Plaintiffs, Captain Billy Wells and Mexican Gulf Shipping Company ("Mexican Gulf"), Captain Allen Walburn and A&B Charters, Inc. ("A&B"), Captain Kraig Dafcik, Captain Joseph Dobin and Captain Joey D. Charters ("Joey D. Charters"), Captain Frank Ventimiglia and Ventimiglia Charters, and Captain Jim Rinckey and Fishing Charters of Naples ("Fishing Charters"), move this Court pursuant to Rule 65 of the Federal Rules of Civil Procedure, its inherent power to control its docket, and the All Writs Act, 28 U.S.C. § 1651, for a stay of the GPS-tracking requirement for federally permitted charter boats in the Gulf of Mexico now scheduled for March 1, 2022, as described in *Electronic Reporting for Federally Permitted Charter Vessels and Headboats in Gulf of Mexico Fisheries*, 86 Fed. Reg. 60,374 (November 2, 2021), until this Court can rule on the outstanding cross-motions for summary judgment.

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The stay is necessary to prevent irreparable injury to Class Plaintiffs and to give the Court time to properly consider the voluminous submissions before it. *Cf. id.* (noting that a delay of effective date would, among other things, "allow ... additional time for the litigation progress). Because there is no pressing need for GPS tracking of the class, and the class has a strong interest in avoiding unwarranted intrusions on their constitutional rights, there is no interest outweighing the grant of a stay until such time as this Court rules on the underlying merits.

Class Plaintiffs also request shortening time for the Defendants to respond to this motion to February 9, 2022, so that, if granted, the stay will be entered in time to protect the Class. In aid of that objective, Class Plaintiffs kept the accompanying brief under ten pages.

Counsel for Defendants were contacted in advance of this filing and oppose this motion.

Dated: February 2, 2021

Respectfully submitted,

GORDON, ARATA, MONTGOMERY, BARNETT, McCOLLAM, DUPLANTIS & EAGAN, LLC

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NEW CIVIL LIBERTIES ALLIANCE

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I do hereby certify that on February 2, 2021, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all attorneys of record.

<u>/s/ John J. Vecchione</u> John J. Vecchione