

1
2 IN THE UNITED STATES DISTRICT COURT
3

4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5

6 CENTER FOR BIOLOGICAL DIVERSITY,
7

No. CV-08-2999 MMC

8 Plaintiff,
9

JUDGMENT IN A CIVIL CASE

10 v.
11

12 MICHAEL CHERTOFF, et al.,
13

14 Defendants.
15

16 /

17 **(J) Jury Verdict.** This action came before the Court for a trial by jury. The issues
18 have been tried and the jury has rendered its verdict.
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20 **(X) Decision by Court.** This action came to trial or hearing before the Court. The
21 issues have been tried or heard and a decision has been rendered.
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23 **IT IS SO ORDERED AND ADJUDGED**

24 1. To the extent plaintiff alleges violations of the ESA arising from the Coast
25 Guard's asserted implementation of or actions under the TSS off San Francisco or the
26 TSS in the approaches to Los Angeles-Long Beach, such claims are DISMISSED without
27 prejudice for lack of jurisdiction.
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29 2. To the extent plaintiff alleges violations of the ESA arising from the Coast
30 Guard's asserted implementation of or actions under the TSS in the Santa Barbara
31 Channel, or from other asserted shipping traffic management actions in the Santa
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1 Barbara Channel, defendants' motion for summary judgment is hereby GRANTED,
2 and plaintiff's motion for summary judgment is hereby DENIED.
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Dated: April 1, 2009

Richard W. Wiking, Clerk



By: Tracy Lucero
Deputy Clerk

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