

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

No. 22-05238

(Consolidated with 22-5244, 22-5245 and 22-5246)

MAINE LOBSTERMEN'S ASSOCIATION,
Plaintiff-Appellant,

STATE OF MAINE DEPARTMENT OF MARINE RESOURCES,
Intervenor-Plaintiff-Appellant,

vs.

NATIONAL MARINE FISHERIES SERVICE, et al.,
Defendants-Appellees.

Appeal from the United States District Court
For the District of Columbia
No. 1:21-cv-02509-JEB

UNOPPOSED MOTION TO EXPEDITE APPEAL

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Pursuant to Federal Rule of Appellate Procedure 27 and D.C. Cir. Rule 27 of this Court, Intervenor-Plaintiff State of Maine Department of Marine Resources (Maine DMR) respectfully moves for expedited briefing and oral argument in the above-captioned cases. Maine DMR proposes the following schedule for expedited briefing in this case:

November 9:	Appellants' Opening Briefs
December 20:	Respondents' Briefs
January 10:	Appellants' Reply Briefs

Further, Maine DMR respectfully requests that oral argument be scheduled as soon as practicable upon completion of briefing. All parties have indicated that they do not oppose the above briefing schedule. In support of this motion, Maine DMR states as follows:

1. The appeal arises under the Endangered Species Act, 16 U.S.C. §§ 1531-1544, and Administrative Procedure Act, 5 U.S.C. §§ 551-706, against the National Marine Fisheries Service (NMFS).

2. On September 27, 2021, the Maine Lobstermen's Association filed an action challenging the Biological Opinion issued by NMFS for 10 fisheries along the Eastern Seaboard of the United States, including the American lobster fishery (the 2021 Biological Opinion). On December 16, 2021, Maine DMR filed a motion to intervene in the matter as plaintiff. On December 17, 2021, the district court granted Maine DMR's motion to intervene. The parties filed cross motions for summary judgment. On September 8, 2022, the district court issued a final order denying plaintiffs' motions for summary judgment and granting defendants' motions for summary judgment. Twelve days later, on September 20, 2022, Maine

DMR filed a notice of appeal. This Court has jurisdiction pursuant to 28 U.S.C. § 1291.

3. Parallel with this litigation, the Center for Biological Diversity and others (Center for Biological Diversity) filed an action challenging the same 2021 Biological Opinion in an amended complaint dated September 10, 2021. *Ctr. for Biological Diversity et al. v. Nat'l Marine Fisheries Serv. et al.*, No. 18-cv-112 (D.D.C.). On September 24, 2021, Maine DMR filed a motion to intervene in the matter as defendant. On September 27, 2021, the district court granted Maine DMR's motion to intervene. The parties filed cross motions for summary judgment. On July 8, 2022, the district court issued a final order granting plaintiffs' motion for summary judgment and denying defendants' motions for summary judgment.

Subsequently, the district court held a status hearing on July 22, 2022, after which it set a schedule for remedy briefing. Center for Biological Diversity filed a remedy brief on August 12, 2022, and Federal defendants filed a remedy brief on September 19, 2022. Intervenor defendants filed remedy briefs on October 7, 2022. The district court is poised to issue a remedy and impose a schedule for NMFS before year's end to take further action that will limit or shut down the lobster fishery.

4. By statute, courts "shall expedite the consideration of . . . any action" for "good cause." 28 U.S.C. § 1657(a). A motion to expedite is appropriate where "relief is needed in less time than would ordinarily be required." D.C. Cir. Rule 27(f). This Court's guidelines provide that good cause exists where the movant "demonstrate[s] that the delay will cause irreparable injury and the decision under review is subject to substantial challenge" or the movant shows that the public has an "unusual interest in prompt disposition" of the case. D.C. Cir. *Handbook of*

Practice and Internal Procedures 33 (2021). There is good cause to expedite this appeal.

5. **First, delay will cause irreparable injury to Maine and its residents.** It is no exaggeration to say that, as a consequence of the district court's holdings in this case and *Center for Biological Diversity et al. v. National Marine Fisheries Service et al.*, No. 18-cv-112 (D.D.C.), the very survival of the Maine lobster fishery hangs in the balance. The district court acknowledged as much when it opted not to "immediately shutter the lobster fishery" but sought further briefing on remedy. Mem. Op., ECF No. 219, at 42, No. 18-cv-118 (D.D.C.).

All indications are that – even if the district court does not act first to shutter the fishery – NMFS is moving full steam ahead to develop and impose a new set of restrictions on the lobster fishery intended to reduce the purported risk posed by the fishery to the right whale, which will lead to the same outcome. On September 9, 2022, NMFS published a notice of its intent to prepare an environmental impact statement to analyze the impacts to the environment of alternative amendments to the Atlantic Large Whale Take Reduction Plan. 87 Fed. Reg. 55,405 (Sept. 9, 2022). Contemporaneously, NMFS indicated its intent to impose a suite of measures intended to achieve a 90 percent reduction in risk to the right whale. Declaration of Patrick Keliher (2022) ("Keliher Decl.") ¶ 5. NMFS has already asked participants in the Atlantic Large Whale Take Reduction Team, including Maine DMR, to provide input regarding risk reduction measures to include in its proposed rule. *Id.* NMFS intends to ask the Take Reduction Team to vote on measures to include at a meeting to be held November 14-18, 2022. *Id.* This rushed time frame precludes Maine DMR's ability to effectively engage harvesters in identifying packages of management measures prior to the Take Reduction Team's vote. *Id.* It also increases the likelihood of further restrictions on the

lobster fishery that will result in draconian economic dislocation, likely without corresponding conservation benefits for the right whale.

6. All Maine lobster license holders are owner-operators and thus small-business owners. Keliher Decl. ¶ 9. They have a substantial share of their resources invested in the boats and equipment that support their livelihood harvesting lobsters. *Id.* Under the 2021 rule, they were required to alter existing gear and invest in new gear. *Id.* ¶ 13. A year later, NMFS is poised to impose new, potentially different, and significantly more stringent requirements. These may require further investments in ropeless technology as well as large reductions in traps. *Id.* And they will result in closure of large swaths of the lobster fishery. The high rate of risk reduction NMFS is requiring combined with the uncertainty regarding how NMFS intends to achieve that reduction makes it functionally impossible for harvesters to plan for their future, or even know whether that future will include a lobster fishery. Delay in the outcome of this appeal compounds this uncertainty because of its focus on the lawfulness of the agency's actions. This is the essence of irreparable injury.

7. **Second, the district court's decision is subject to substantial challenge.** In its memorandum opinion, the district court takes NMFS at its word that the agency's analyses "were 'based upon the best available commercial and scientific data.'" Mem. Op., ECF No. 76, at 12, No. 21-cv-2509 (D.D.C.). The district court went on to state that in circumstances where the data were "ambiguous or incomplete" the agency adopted a "conservative policy toward resolving . . . scientific uncertainty." *Id.* at 13.

In truth, even where there were commercial or scientific data available, NMFS adopted – in its own words – a "worst-case scenario approach" making assumption after assumption that the right whale is on a downward trajectory and will not benefit from conservation efforts and, at the same time, that the lobster

fishery is harming the right whale. BiOp_1008 (stating that “[i]n cases where data was not available to support a choice between differing assumptions, a worst case assumption is chosen”); BiOp_2004 (stating that “[w]hen dealing with data uncertainties (e.g., a range of potential calving rates, or unquantified benefits from conservation measures), we utilized metrics representing the worst case scenario.”); BiOp_2016-17 (stating that right whale population projections “were generated utilizing worst case assumptions for several key variables”). In presentations to stakeholders, the agency repeatedly stated that its approach was to use “precautionary measures everywhere.” BiOp_840 (PowerPoint presentation by NMFS describing its approach to the consultation as “precautionary measures everywhere”); BiOp_888 (same).

The pervasive adoption of a worst-case scenario approach – assuming harmful effects of the lobster fishery on the right whale at every turn, even in the absence of supporting scientific information – is contrary to the Endangered Species Act’s express requirement to use the best scientific and commercial data available. As the Supreme Court explained in *Bennett v. Spear*, 520 U.S. 154, 176-77 (1997), the so-called “best available science” requirement imposes twin obligations on the agency to conserve listed species and to avoid needless economic dislocation by over-zealous agency officials.

8. Just one example of the unlawful conduct of NMFS was the agency’s decision to disregard available data regarding the allocation of unknown right whale mortality and serious injury between the U.S. and Canada and instead arbitrarily chose to split it 50:50. A substantial share of the observed data – 26 of 118 observations for the period 2010-2019, or approximately one quarter – differentiate entanglements by country of origin. BiOp_484-485. The data that differentiate entanglements by country of origin are divided 31 percent to the U.S. and 69 percent to Canada. *Id.* It is standard practice in conservation biology and

fisheries science to draw inference from observed data, just as it is in all forms of scientific inquiry. But NMFS declined to do so, and the district court rubber stamped the agency's decision to disregard the observed data.

A peer review panel evaluated the NMFS decision to allocate unknown right whale mortality and serious injury 50:50 between the U.S. and Canada. That peer review panel took issue with the agency's approach. BiOp_74464 ("The current approach for apportioning human-caused mortality by country may not be the most appropriate approach. There has been a clear recent shift in the spatial distribution of [right whales] which has been coupled with a shift in the source of known serious injuries or mortalities to more Canadian records. Therefore, a different method from the 50:50 split of unknowns to US and Canadian fisheries should be examined."). However, NMFS whitewashed the panel report in the 2021 Biological Opinion, stating that the reviewers deemed the agency approach "reasonable." BiOp_1893 (stating the 50:50 allocation was "peer reviewed by the Center for Independent Experts, and while the reviewers did not come to consensus on accuracy, they considered the approach reasonable"). Unfortunately, the whitewashing was successful since the district court relied on NMFS's description of the peer review conclusions. Mem. Op., ECF No. 76, at 15, No. 21-cv-2509 (D.D.C.). In fact, the district court appears to have relied on the peer review to justify its decision, *Id.* at 16 (opining that NMFS "considered the data and offered a rational and peer-reviewed explanation for its approach"), though there are no indicia that the court considered the content of the summary peer review report.

9. NMFS "must examine the relevant data and articulate a satisfactory explanation for its action" *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). The agency failed to do so in the 2021 Biological Opinion. The cascading consequences of this failure now threaten the entire lobster fishery and the coastal communities that depend upon it.

10. **Third, the State of Maine and the public have an unusual interest in the prompt disposition of this case.** Maine is a fishing state. It is part of our cultural heritage and identity. And the Maine lobster fishery is an essential part of that culture and of Maine's economy. Roughly 4,800 Mainers hold lobster licenses, with an additional 1,100 young people holding student licenses. Keliher Decl. ¶ 9. The importance of the lobster fishery to Maine's economy cannot be overstated. American lobster is the most valuable single species landed in the United States. *Id.* ¶ 10. In 2018, 121.3 million pounds of lobster, 82% of the total lobster landings in the country, were landed in Maine. *Id.*

Many individuals who do not have a lobster license are dependent upon the fishery, including dealers, processors, sternmen, bait dealers, trap builders, and boat mechanics. *Id.* ¶ 11. Many more participate in the associated logistics and tourism businesses. *Id.* A recent study concluded that the lobster supply chain has an economic impact to Maine of \$1 billion annually, in addition to the value of the harvesting sector. *Id.* Maine's coastal communities are particularly dependent on the lobster fishery, due to low alternate wage jobs and limited career opportunities. *Id.* Counties in mid-coast and Downeast Maine, where the lobster fishery is the major driver of the commercial fishing economy, are the most vulnerable to adverse social impacts from right whale regulations. *Id.* These counties are highly dependent on fishing, and the high poverty and unemployment rates in these counties suggest that they have limited capacity to absorb additional economic stress. *Id.*

11. Delay in the disposition of this case while the district court plows ahead with remedy briefing in *Center for Biological Diversity et al. v. National Marine Fisheries Service et al.*, No. 18-cv-112 (D.D.C.) and NMFS pursues further crippling high risk reduction rates would be disastrous.

The disposition of this case could very well decide the fate of Maine's lobster fishery. Maine and its residents have a compelling interest in its prompt resolution.

12. Counsel for Maine DMR contacted counsel for the other parties to this matter and sought their position on this motion. All other parties indicated they do not oppose the briefing schedule proposed herein. Appellants Maine Lobstermen's Association, Massachusetts Lobstermen's Association, and District 4 Lodge of International Assoc. of Machinists and Aerospace Workers et al. indicated they support this motion; Appellees National Marine Fisheries Service et al. and Center for Biological Diversity et al. indicated they take no position on the motion.

In sum, Maine DMR respectfully requests that this Court expedite the appeal for good cause shown in this motion.

Respectfully submitted,

Dated: October 11, 2022

By: /s/ Paul S. Weiland

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**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME
LIMITATION, TYPEFACE, AND TYPE STYLE REQUIREMENTS**

This response complies with the length limit in Fed. R. Civ. P. 27(d)(2)(A), because the response contains 2,267 words.

This response complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6). The response has been prepared using 14 point Times New Roman font.

Dated: October 11, 2022

/s/ Paul S. Weiland

Paul S. Weiland (D.D.C. No. 56111)

CERTIFICATE OF SERVICE

In accordance with F.R.A.P. 25(d), and the Court's Administrative Order Regarding Electronic Case Filing, I hereby certify that on October 11, 2022, I electronically filed the foregoing by using the Court's CM/ECF system and that service will be accomplished by the appellate CM/ECF system on all participants registered in this case as CM/ECF users.

/s/ Paul S. Weiland _____

Paul S. Weiland

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NATIONAL MARINE FISHERIES SERVICE, et al.,
Defendants-Appellees.

Appeal from the United States District Court
For the District of Columbia
No. 1:21-cv-02509-JEB

**DECLARATION OF PATRICK KELIHER IN SUPPORT OF
STATE OF MAINE DEPARTMENT OF MARINE
RESOURCES' MOTION TO EXPEDITE APPEAL**

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MARINE RESOURCES

I, Patrick Keliher, declare and state as follows:

1. I have been employed by the Maine Department of Marine Resources (Maine DMR/Department), a Cabinet-level state agency, for 19 years. For the past eleven years I have served as Commissioner of the agency under two Governors as a Senate-confirmed member of the Cabinet; prior to that I served as Acting Deputy Commissioner for six months. As the State agency entrusted with management of marine resources within state waters, Maine DMR's purposes include conserving and developing marine and estuarine resources, conducting and sponsoring scientific research, and promoting and developing Maine coastal fisheries. Me. Stat. tit. 12, § 6021 (2019); Me. Stat. tit. 12 §§ 6051-52.

2. I also am the State's official representative in federal and interstate fisheries management bodies, including the Atlantic States Marine Fisheries Commission, the New England Fishery Management Council, and the Atlantic Large Whale Take Reduction Team ("ALWTRT").

3. The ALWTRT is one of several take reduction teams established under the Marine Mammal Protection Act to develop plans to mitigate the risk to marine mammals posed by fishing gear. The Team was established in 1996, and it is composed of fishermen, scientists, conservationists, and state and federal officials from Maine to Florida.

4. In May 2021, the National Marine Fisheries Service (NMFS) developed a North Atlantic Right Whale Conservation Framework to implement measures to reduce entanglements of right whales. Phase One of the Conservation Framework was intended to meet a target of a 60 percent reduction in right whale mortality and serious injury (M/SI). Development of the Phase One management measures spanned 52 months and resulted in a final rule implemented in May 2022. During Phase One development, Maine DMR held over 60 meetings with

harvesters to inform the State's proposal for risk reduction. A majority of those meetings occurred prior to the publication of the NMFS proposed rule, leaving an opportunity for additional work to refine measures more appropriate to regional needs during the proposed rule comment period. Ultimately, Maine DMR submitted a slate of Lobster Zone-specific measures as part of its comments on the proposed rule, and many of these measures were adopted in the Final Rule.

5. The ALWTRT has been in the process of developing risk reduction measures for gillnet and other trap/pot fisheries as part of Phase Two of the NMFS Conservation Framework. In November 2021, NMFS established a Phase 2 target of a 90 percent reduction in right whale M/SI in the place of the 60 percent reduction outlined in the Conservation Framework. Maine DMR has serious concerns with the scientific basis used to determine this revised risk reduction. On September 9, 2022, the National Marine Fisheries Service published a 30-day scoping period to include the Northeast lobster and Jonah Crab trap/pot fishery in this rulemaking process, combining Phase Two and Three into a single accelerated rulemaking. A vote on recommended measures for this rulemaking phase is expected at the ALWTRT's meeting on November 14-18, 2022. This short period of time for measure development will preclude Maine DMR's ability to effectively engage lobster harvesters in identifying packages of management measures that minimize operational issues and economic harm prior to the ALWTRT's vote.

6. In order to effectively develop measures with harvesters, Maine DMR requires access to the Decision Support Tool (DST), the model being used to assess risk reduction. The National Marine Fisheries Service initially declined multiple requests to make the model available to ALWTRT members during Phase Two, despite having provided access in Phase One.

7. After significant political pressure, the National Marine Fisheries Service recently made the DST available to Maine DMR on September 28, 2022.

Maine DMR immediately initiated an outreach process to begin working with harvesters to see if it was possible to even develop measures that could meet a 90% risk reduction. Based on our experience working with harvesters on Phase 1, it is clear that we will need months rather than weeks to develop a broadly accepted proposal. At this point, the only possible window of time for Maine to develop and seek support for an equivalent risk reduction will be during the public comment period on the proposed rule. This differs substantially from Phase One in that if Maine has measures to propose during that comment period, it will be the first time they have been evaluated.

8. The types of measures likely to be implemented in this Phase also differ substantially from what was included in the Final Rule, as far as their impact to Maine harvesters. In Phase One, measures largely consisted of gear modifications such as using weak rope and increasing the number of traps per trawl, although NMFS added a seasonal closure for one large area of the federal fishery during the proposed rule, without consultation with the ALWTRT. In this next phase it is expected that widespread spatial and temporal closures, combined with significant effort reductions in the form of endline caps or trap reductions will be necessary to meet a 90 percent risk reduction target. These type of measures will have substantially broader socioeconomic impacts on localized fishing activity, which is why adequate scoping and extensive outreach during measure development is especially critical in this phase.

9. The Maine lobster fishery is woven into the fabric of the State's economy and culture. The fishery supports approximately 4,800 lobster license holders and 1,100 student license holders. Under Maine law, every Maine lobster harvester is a self-employed business owner. The Maine lobster fishery is predominantly a small-boat, day-trip fishery. They typically have a substantial share of their resources invested in the boat and equipment that support their

livelihood harvesting lobsters.

10. American lobster is the most valuable single species landed in the United States. In 2018, 121.3 million pounds of lobster, 82 percent of the total lobster landings in the United States, were landed in Maine.

11. Many individuals who do not have a lobster license are integral to and dependent on fishery operations, including dealers, processors, sternmen, bait dealers, gear suppliers, and boat mechanics. Many more participate in the logistics and tourism businesses associated with the lobster industry. A recent study concluded that the lobster supply chain has an economic impact to Maine of \$1 billion annually. Maine's coastal communities are particularly dependent on the lobster fishery, due to low alternate wage jobs and limited career opportunities. Counties in mid-coast and Downeast Maine, where the lobster fishery is the major driver of the commercial fishing economy, are the most vulnerable to adverse social impacts from right whale regulations. These counties are highly dependent on fishing, and the high poverty and unemployment rates in these counties suggest that they have limited capacity to absorb additional economic stress.

12. The lobster fishery is known to be highly territorial. Harvesters and communities have traditional fishing grounds with substantially different oceanographic conditions; these informal but widely understood and defended boundaries are deeply embedded in the culture of the fishery. A closure of federal waters would result in a significant shift in fishing effort to state waters, as offshore harvesters who have not traditionally operated closer to shore would be forced to bring their gear into state waters.

13. The resulting increase in trap density would cause considerable gear conflict. Longer trawls typically used by offshore harvesters are not well-suited to use inshore due to their length and the size of the vessel being operated; harvesters inshore typically fish fewer traps per endline and safety issues can arise if one

harvester's gear is set over another's. Furthermore, increased trap density would likely reduce catch rates per trap, leading to economic losses at the individual level, as well as across the fishery. Reductions in trap limits or endline caps may ease gear conflict caused by reducing gear density, but they also have adverse impacts, for example, reducing safety of harvesters who cannot handle longer trawls and resulting economic losses for shoreside suppliers who provide materials for gear. Furthermore, federal permit holders who had already lengthened their trawls to comply with the 2021 Final Rule's trawling up requirements in advance of the May 1, 2022 implementation date would have to reconfigure their gear again to be consistent with inshore fishing of shorter trawls, causing a further loss of fishing time and associated revenue.

14. NMFS has identified on-demand gear retrieval as a mechanism to allow continued fishing in the Gulf of Maine, but admits that the technology is not ready for commercial-scale implementation in the fishery and more time is needed to make such a transition. As a recent feasibility assessment commissioned by the Massachusetts Division of Marine Fisheries noted, "a gear switching program in the New England lobster fishery transitioning in whole or in part from persistent buoy lines to on-demand gear systems would likely be the most significant in the history of US fishery management by any measure and would require coordination across numerous state, regional, and federal agencies." The report goes on to note that "...widespread deployment of on-demand fishing gear in New England fixed gear fisheries would have wide-ranging technical, legal, regulatory, social, and economic consequences."

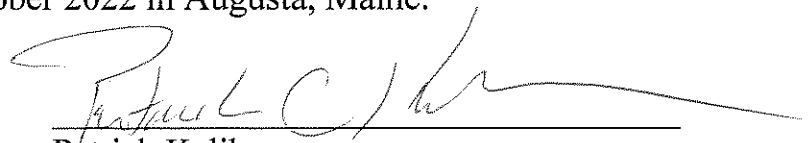
15. Suppliers are unable to provide sufficient equipment to meet the demand, and there are a number of issues that have not yet been resolved about the use of this technology in a real world application. For example, currently both fixed and mobile gear harvesters rely on buoys at the surface to identify the

presence of other fixed gear on the ocean floor. Without this visual cue, all vessels will need to have access to information about what gear is already deployed on the seafloor so that they can avoid setting, towing, or dragging over it. Law enforcement will also need to have access to this information in order to be able to check gear for compliance with lobster conservation measures that protect the health of the lobster resource. The tools that provide the ability to locate all sub-surface gear are not ready for commercialization. NMFS acknowledges that more time is needed to transition to widespread use of on-demand gear retrieval and has not even proposed it for inclusion in this phase of rulemaking as a result. The transition to on-demand gear retrieval technology is also anticipated to be extremely expensive. The estimated cost of on-demand technology for one Maine harvester to convert 800 traps ranges from \$200,000-400,000. For the Maine lobster fishery alone, the cost of this transition could easily exceed \$1,000,000,000.

16. In summary, broad use of on-demand gear retrieval for whale protection is several years away, at a minimum. On-demand ropeless gear could be an important tool for managers particularly when harvesters are operating in areas frequented by right whales, but significant time is needed to bridge the gap between the current rule and the draconian measures being discussed by NMFS. The tools available right now will have sweeping economic impact on individual harvesters, their families, and Maine's coastal communities, particularly those that rely most heavily on the lobster fishery and its supply chain to support their local economies.

I declare under penalty perjury under the laws of the United States that the foregoing is true and correct.

Executed this 11 day of October 2022 in Augusta, Maine.


Patrick Keliher

CERTIFICATE OF SERVICE

In accordance with F.R.A.P. 25(d), and the Court's Administrative Order Regarding Electronic Case Filing, I hereby certify that on October 11, 2022, I electronically filed the foregoing by using the Court's CM/ECF system and that service will be accomplished by the appellate CM/ECF system on all participants registered in this case as CM/ECF users.

/s/ Paul S. Weiland _____

Paul S. Weiland

Amy R. Taylor

From: ecfnoticing@cadc.uscourts.gov
Sent: Tuesday, October 11, 2022 10:40 AM
To: Amy R. Taylor
Subject: [External] 22-5238 Maine Lobstermen's Association v. National Marine Fisheries Service, et al "Motion Filed (Unopposed)" (1:21-cv-02509-JEB)

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United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

The following transaction was entered on 10/11/2022 at 1:40:10 PM Eastern Daylight Time and filed on 10/11/2022

Case Name: Maine Lobstermen's Association v. National Marine Fisheries Service, et al
Case Number: [22-5238](#)
Document(s): [Document\(s\)](#)

Docket Text:

UNOPPOSED MOTION [1968333] to expedite case filed by State of Maine Department of Marine Resources in 22-5238, 22-5244, 22-5245, 22-5246 [Service Date: 10/11/2022] Length Certification: This response complies with the length limit in Fed. R. Civ. P. 27(d)(2)(A), because the response contains 2,267 words. This response complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. [22-5238, 22-5244, 22-5245, 22-5246] (Weiland, Paul)

Notice will be electronically mailed to:

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