UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA CHARLESTON DIVISION

City of Beautort, et al,	
Plaintiffs,	No.: 2:18-cv-03326-RMG (Consolidated with 2:18-cv-3327-RMG)
v. NATIONAL MARINE FISHERIES SERVICE, CHRIS OLIVER, in his official capacity as the Assistant Administrator for Fisheries, and WILBER ROSS, in his official capacity as the Secretary of Commerce,	MOTION OF STATE OF SOUTH CAROLINA, EX REL ALAN WILSON, ATTORNEY GENERAL FOR PRELIMINARY INJUCTION AS TO FEDERAL DEFENDANTS
Defendants.)
and State of South Carolina, ex rel Alan Wilson,)))
Attorney General,))
Intervenor)))
South Carolina Coastal Conservation League, et al,	
Plaintiffs,	
v.	
Wilbur Ross, in his official capacity as the Secretary of Commerce; et al.,	
Defendants.	

Pursuant to Rule 65(a), FRCP, the State of South Carolina ex rel Alan Wilson, Attorney General (State), moves for a preliminary injunction in these consolidated cases as to the National Marine Fisheries Service, Chris Oliver, in his official capacity as the Assistant Administrator for

Fisheries, and Wilber Ross, in his official capacity as the Secretary of Commerce (Federal Defendants). This preliminary injunction is necessary to prevent offshore seismic airgun testing / blasting based upon incidental harassment authorizations (IHAs) issued by the National Marine Fisheries Service (NMFS) which, as discussed in the Memorandum filed herewith, would be contrary to applicable law and would have a disastrous impact on marine life and therefore, the economy of South Carolina and the recreational and commercial interests of its citizens. The State asks that the effectiveness of the IHAs be stayed and any seismic testing in the Atlantic Ocean be enjoined pursuant to this motion until such time as this Court decides the Plaintiffs' claims on the merits.

In support of this Motion the State relies upon the attached Memorandum in Support of this Motion and the exhibits attached hereto.

Respectfully submitted,

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/s/ J. Emory Smith, Jr. J. EMORY SMITH, JR. Deputy Solicitor General Federal ID No. 3908 Email: esmith@scag.gov

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March 1, 2019

Counsel for the State ex rel Wilson

Local Civ. Rule 7.02 statement:

Based upon the representations of the Coastal Conservation League and City of Beaufort Plaintiffs in their Motions for Preliminary Injunction, and the current reported limit of March 1 before which BOEM will not make a permit decision (Cruickshank Declaration, Dkt. #72-1, ¶ 8), undersigned counsel does not believe that the Federal Defendants will consent to this motion.

/s/ J. Emory Smith, Jr. J. EMORY SMITH, JR. Deputy Solicitor General

March 1, 2019