

Plaintiff and myself on video. I arranged to have the deposition officer record the deposition by video and Defendants requested a reporter transcript. I am informed and believe that the transcript has not yet been finalized. I recently reviewed the video and transcribed the following exchange at the 1 hour 08 minute mark: “Q: Would setting a breaking point of 1700 lbs or less effect the entanglement or harm caused to sea turtles by vertical buoy ropes? A: No.”

4. Attached as Exhibit 1 is a true and correct copy of the Deposition by Written Questions of Dr. Michael Moore, Senior Scientist of the Biology Department and the Director of the Marine Mammal Center at the Woods Hole Oceanographic Institution.

5. Attached as Exhibit 2 is a true and correct copy of a Declaration provided by Sarah Sharp, DVM, Animal Rescue Veterinarian for the International Fund for Animal Welfare, Inc., dated August 10, 2020. This Declaration was submitted in support of Plaintiff’s Opposition to Motion for Stay (see ECF No. 221-1).

6. Attached as Exhibit 3 is a true and correct copy of “Gross and Histopathologic Diagnoses from North Atlantic Right Whale *Eubalaena Glacialis* Mortalities Between 2003 and 2018,” by Sharp, et al., Diseases of Aquatic Organisms Vol. 135:1 (June 2019).

7. Attached as Exhibit 4 is a true and correct copy of “Commonwealth Defendants’ Response to Plaintiffs’ Request for Admissions” dated March 19, 2020.

8. Attached as Exhibit 5 is a true and correct copy of a document provided by Defendants in response to Plaintiffs’ Interrogatories, with the filename of “Record 1.0 – Sea Turtle Entanglements 2005-2018.”

9. Attached as Exhibit 6 is a true and correct copy of a document provided by Defendants in response to Plaintiffs’ Interrogatories, with the filename of “Record 1.1 - Sea Turtle Entanglements 2005-2018.”


10. Attached as Exhibit 7 is a true and correct copy of an affidavit provided by Robert D. Kenney, Ph.D, Emeritus Research Professor, University of Rhode Island, in support of this litigation, dated July 22, 2020.

11. Attached as Exhibit 8 is a true and correct copy of a document titled “Endangered Species Act Status Review of the Leatherback Turtle (*Dermochelys coriacea*) 2020, accessed on September 15, 2020, from the following website address of the National Oceanic and Atmospheric Administration:

<https://repository.library.noaa.gov/view/noaa/25629>.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 16th day of September, 2020, in San Francisco, California.

By: 
Adam Keats

Certificate of Service

I hereby certify that I filed and served this document through the ECF system and that electronic copies will be delivered to all registered participants in this matter.

s/ Adam Keats