

PRESS RELEASE – FOR IMMEDIATE RELEASE

Contact: Stuart G. Gross, Esq.
Gross Law
(415) 671-4628, ext. 101
sgross@gross-law.com

OYSTER DEPENDENT BUSINESSES GAIN COMMITMENT FROM NATIONAL PARK SERVICE, NO CLOSURE OF DRAKES ESTERO OYSTER HARVESTING, WITHOUT 30 DAYS NOTICE, PRELIMINARY INJUNCTION TO BE HEARD EARLY SEPTEMBER

SAN FRANCISCO, July 25, 2014 –West Marin businesses and others that directly depend on the continued operation of the Drakes Bay Oyster Company (“DBOC”) reached an agreement with the National Park Service (“NPS”) that the NPS would not force DBOC to cease harvesting oysters from Drakes Estero, without providing a 30 day notice. The agreement further provides that the NPS will provide the same notice before removing any onshore property being used by DBOC to harvest oysters or forcing the DBOC to remove oysters and other DBOC property in the estero. A stipulation embodying the commitment was filed in federal court last night in the case titled *Tomales Bay Oyster Company, et al. v. U.S. Dep’t of the Interior, et al.*, No. 14-3246.

On July 17, 2014, the Tomales Bay Oyster Company and others that directly depend on the continued operation of the DBOC filed an emergency action in federal court to stop the farm’s closure by the federal government on July 31st.

Based on this commitment, Tomales Bay Oyster Company and its co-plaintiffs have agreed to have their request for interim relief be heard as a preliminary injunction, on September 9, 2014, or as soon thereafter as the Court sets it for hearing.

Stuart G. Gross of Gross Law, lead attorney for the plaintiffs stated, “This agreement ensures that oyster harvesting will continue while the court hears the plaintiffs’ request for interim relief.” He continued, “Ultimately, what plaintiffs seek, through this suit, is that the court require the NPS and Department of the Interior reanalyze their decision to close down the farm in compliances with their legal obligations, and that the farm be allowed to continue operating while that is occurring. This agreement is the first step in ensuring that happens.”

Drakes Bay Oyster Company provides between one third and half of all oysters grown in California and as much as 70% of the oysters grown in Marin County. The nearest other growers to the San Francisco Bay area are hundreds of miles away. The suit alleges that the Department of the Interior and the National Park Service ignored their responsibilities under the National Aquaculture Act and the Coastal Management Act and disregarded the public trust rights of the people of California and California’s enforceable policies against conversion of coastal areas from agricultural use.

Also joining the Tomales Bay Oyster Company, as plaintiffs, are Loretta Murphy, a manager at DBOC, Margaret Grade co-owner of Sir and Star, Osteria Stellina, Saltwater Oyster Depot, Café Reyes, Alliance for Local Sustainable Agriculture (ALSA), Dr. Jeffrey Creque, founding member of ALSA, the Hayes Street Grill, and its co-owner and local food advocate, Patricia Unterman. Also named as a defendant is an office of NOAA.

With Stuart G. Gross of Gross Law, also representing plaintiffs is former California state assemblyman Bill Bagley of Nossaman, LLP.

Gross Law is located at Pier 9 on The Embarcadero in San Francisco, California. Gross Law represents clients in natural resource, environmental, commercial, and business practices litigation throughout the United States.

The lawsuit is titled, *Tomales Bay Oyster Company, et al. v. U.S. Dep't of the Interior, et al.*, No. 14-3246, and is pending in the District Court of the Northern District of California.