

No. 22-30105

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

MEXICAN GULF FISHING COMPANY, CAPTAIN BILLY WELLS, A&B CHARTERS INC., CAPTAIN ALLEN WALBURN, CAPTAIN KRAIG DAFCIK, VENTIMIGLIA LLC, CAPTAIN FRANK VENTIMIGLIA, FISHING CHARTERS OF NAPLES, CAPTAIN JIM RICKEY,

Appellants,

v.

UNITED STATES DEPARTMENT OF COMMERCE; GINA RAIMONDO, IN HER OFFICIAL CAPACITY AS SECRETARY OF COMMERCE; NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NOAA, A SCIENTIFIC AGENCY WITHIN THE DEPARTMENT OF COMMERCE; RICHARD W. SPINRAD, IN HIS OFFICIAL CAPACITY AS ADMINISTRATOR OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION; NATIONAL MARINE FISHERIES SERVICE, A LINE OFFICE WITHIN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, ALSO KNOWN AS NOAA FISHERIES; NICOLE R. LEBOUF, IN HER OFFICIAL CAPACITY AS ASSISTANT ADMINISTRATOR FOR NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,

Appellees.

**ON APPEAL FROM THE U.S. DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA**

Civil Action No. 2:20-cv-2312

Honorable Suzie Morgan, presiding

MOTION TO WITHDRAW MOTION FOR FEES AND COSTS

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GROUND FOR RELIEF SOUGHT

Currently pending before the Court is the motion by Appellants for Equal Access to Justice Act fees and costs. The Court has generously stayed the response to that motion on several occasions. Such forbearance, having allowed the parties to agree to a settlement regarding the motion and to execute that settlement, they request withdrawal of the motion with each side to bear its own costs. Appellees do not oppose this motion.

CONCLUSION

For the foregoing reasons, the Appellants respectfully request the Court to withdraw the pending motion.

Dated: November 29, 2023

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the requirements of Federal Rule of Appellate Procedure 27(d) because it has been prepared in 14-point Garamond, a proportionally spaced font.

I further certify that this motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2) because it contains 93 words according to the count of Microsoft Word.

I further certify that this motion complies with the duty to confer with opposing counsel as before filing as it is a joint dismissal agreed to by both parties.

I further certify that the facts supporting consideration of this motion are true and complete.

/s/ John J. Vecchione
John J. Vecchione
Counsel of Record for Appellants

CERTIFICATE OF SERVICE

I hereby certify that, on November 29, 2023, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/EFC system. I further certify that the participants in the case are CM/ECF users and that service will be accomplished by using the appellate CM/ECF system.

/s/ John J. Vecchione

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Counsel of Record for Appellants