

FILED IN THE
UNITED STATES DISTRICT COURT
Western District of Washington

MAR 22 1976

By EDGAR SCOFIELD, Clerk
Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THE STATE OF WASHINGTON; SLADE GORTON,
Attorney General of the State of
Washington; DANIEL J. EVANS, Governor
of the State of Washington; and DARREL
PEEPLES, individually,

Plaintiffs,

vs.

SEA WORLD, INC., a California
Corporation; DONALD GOLDSBERRY,
individually and as agent or employee of
Sea World, Inc.; LANNY CORNELL, individually
and as officer, agent or employee of Sea
World, Inc.; ELLIOT RICHARDSON, Secretary
of the United States Department of Commerce;
ROBERT M. WHITE, Administrator, National
Oceanic and Atmospheric Administration;
ROBERT W. SCHONING, Director, National Marine
Fisheries Service,

Defendants.

No. C 76-57T

MOTION FOR ORDER
OF DISMISSAL

The defendants, Sea World, Inc., Donald Goldsberry, and Lanny
Cornell, move this court for an order of dismissal based upon the
following:

1. This court has no jurisdiction over this controversy
in the first instance, in that there exists no statutory authoriza-
tion for this court to determine this case.

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1 2. Plaintiffs have failed to pursue or exhaust administrative
2 remedies provided by 16 U.S.C. § 1377.

3 3. There exists no case or controversy between the parties,
4 and plaintiffs have no standings to commence or maintain this
5 litigation.


6 4. This court has no jurisdiction over the person of the
7 defendants.

8 5. Defendants have not properly been served with process.

9 6. All necessary parties are not before the court.

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11 Each of the defendants request this matter be treated as
12 a motion for judgment on the pleadings.

13 Dated this 22 day of March, 1976.

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16 John O. Burgess of
17 Short, Cressman & Cable
18 Attorneys for Private
19 Defendants
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