

FILED

FOR PUBLICATION

DEC 17 2012

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

**INSTITUTE OF CETACEAN
RESEARCH, a Japanese research
foundation; KYODO SENPAKU
KAISHA, LTD., a Japanese
corporation; TOMOYUKI OGAWA, an
individual; TOSHIYUKI MIURA, an
individual,**

Plaintiffs - Appellants,

v.

**SEA SHEPHERD CONSERVATION
SOCIETY, an Oregon nonprofit
corporation; PAUL WATSON, an
individual,**

Defendants - Appellees.

No. 12-35266

D.C. No. 2:11-cv-02043-RAJ

ORDER

Appeal from the United States District Court
for the Western District of Washington
Richard A. Jones, District Judge, Presiding

Argued and Submitted October 9, 2012
Seattle, Washington

Before: **KOZINSKI**, Chief Judge, **TASHIMA** and **M. SMITH**, Circuit
Judges.

Defendants Sea Shepherd Conservation Society and Paul Watson, and any party acting in concert with them (collectively “defendants”), are enjoined from physically attacking any vessel engaged by Plaintiffs the Institute of Cetacean Research, Kyodo Senpaku Kaisha, Ltd., Tomoyuki Ogawa or Toshiyuki Miura in the Southern Ocean or any person on any such vessel (collectively “plaintiffs”), or from navigating in a manner that is likely to endanger the safe navigation of any such vessel. In no event shall defendants approach plaintiffs any closer than 500 yards when defendants are navigating on the open sea. This injunction pending appeal is issued pursuant to Fed. R. App. P. 8 and Fed. R. Civ. P. 62(g), and shall remain in place until we issue an opinion on the merits of this appeal.