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Attorneys for the Federal Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

OCEAN MAMMAL INSTITUTE,))
et al.,))

Plaintiffs,))

v.))

ROBERT M. GATES, et al.,))

Defendants.))

No. 07-cv-00254-DAE-LEK

STIPULATION OF DISMISSAL WITH
PREJUDICE PURSUANT TO FED. R.
CIV. P. 41(a)(1)(A)(ii) AND TO
DISSOLUTION OF THE COURT'S
PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the parties hereby jointly stipulate to the dismissal of the above-captioned case with prejudice on the grounds that the case is moot. The parties further stipulate that the preliminary injunction entered by the Court on February 29, 2008 (Docket No. 100) and modified on March 19, 2008 (Docket No. 108) and May 9, 2008 (Docket No. 132) be dissolved on the ground that the claims for relief upon which the preliminary injunction was based have been rendered moot. Accordingly, the parties request that the Court enter the attached order dismissing the case as moot and dissolving the preliminary injunction against the Navy's Undersea Warfare ("USWEX") training exercises that are subject to this lawsuit.

Respectfully submitted this 13th day of January, 2009.

By: /s/ Luther L. Hajek
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this 13th day of January, 2009, a true and correct copy of the foregoing Stipulation of Dismissal With Prejudice Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and To Dissolution of the Court's Preliminary Injunction was served upon the following counsel as described below:

Via the Court's electronic filing system:

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