

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

---

THE FUND FOR ANIMALS, et al., )  
 )  
Plaintiffs, )  
 )  
v. ) Civ. No. 01-813 (GK)  
 )  
GALE NORTON, et al., )  
 )  
Defendants. )  

---

**PLAINTIFFS' MOTION FOR RECONSIDERATION,  
SUPPORTING MEMORANDUM AND REQUEST FOR A HEARING**

Pursuant to Federal Rule of Civil Procedure 59(e), plaintiffs respectfully request that the Court reconsider one portion of its July 31, 2003 Memorandum Opinion ("Opinion") and grant of summary judgment in this case. In its Opinion, the Court concluded that plaintiffs had not demonstrated that any of the relief they seek is "likely" to redress their injuries, because, even absent import permits into the United States for sport-hunted argali trophies, Mongolia, Tajikistan and Kyrgyzstan would remain free to allow sport-hunting to continue. See Opinion at 13-17. Accordingly, the Court granted defendant-intervenors' motion for summary judgment on standing grounds.

However, as explained below, the Intervenor affidavits upon which the Court relied, as well as the Administrative Record, detail the enormous financial incentives of these three countries to ensure continued hunting by United States citizens, who pay much more money for hunting permits than other hunters. See, e.g., Safari Club Memorandum, Affidavit of Robert Kern ("Kern Aff."), ¶ 5 ("United States citizens have proven themselves willing to pay the highest prices for argali permits").

Accordingly, totally apart from whether hunting continues unabated, Intervenors' own affidavits support

the proposition that the relief plaintiffs seek in this case -- particularly a ruling that imports must temporarily cease at least until these countries can comply with the Argali Special Rule, which requires that they develop sound argali conservation programs -- is likely to redress some of plaintiffs' injuries by strongly encouraging these countries to finally create such programs in order to continue to attract United States hunters, which would plainly improve the status of the imperiled argali in these countries. Thus, since the injuries plaintiffs seek to redress in this suit specifically encompass the failure of these countries to implement such programs, plaintiffs satisfy the redressability prong of the standing inquiry irrespective of whether citizens of other countries -- who, the record shows, pay far less for argali hunting permits -- might replace United States hunters. See, e.g., Plaintiffs' Exhibit 6 (Declaration of Mongolian Scientist Sukh Amgalanbaatar) ("Sukh Decl.") ("without sufficient biological and ecological data to understand the impacts of hunting, without a scientifically sound management plan [and] proper management of the argali hunting program, the continuation of argali hunting . . . is detrimental to my professional and personal interests in the conservation, protection, and management of argali in Mongolia").

Since this is a clear and distinct basis for plaintiffs' standing that was not addressed in the Court's ruling, plaintiffs respectfully request that the Court reconsider its ruling and allow the lawsuit to proceed on this basis. Plaintiffs also request that they be permitted to be heard on this matter.

### **Relevant Background**

In this suit, plaintiffs are challenging the Fish and Wildlife Service's ("FWS") practice of granting permits for hunters to import the "trophy" body parts -- usually the heads -- of imperiled argali sheep from Mongolia, Tajikistan and Kyrgyzstan into the United States. Plaintiffs contend that this practice

violates the FWS's own "Special Rule" for argali, which provides that such permits will not be issued until these countries certify that they are implementing sound argali conservation programs -- including monitoring population sizes, securing habitat, and ensuring that the funds paid for hunting permits are used for argali conservation, see 50 C.F.R. § 17.40(j) -- and that it is also inconsistent with the Endangered Species Act ("ESA"), 16 U.S.C. § 1531, et seq., which generally prohibits the use of such sport-hunting as a "conservation" tool for protected species such as the argali. Id. at §§ 1533(d); 1532(3). Plaintiffs are also challenging the FWS's mid-litigation decision to withdraw a long-standing proposal to list the argali as an "endangered" species in these three countries, where it is presently listed as "threatened."

In their Summary Judgment briefs, the Intervenor argued that the plaintiffs lack standing to pursue their claims, because the relief plaintiffs seek would not redress their injuries. Although United States hunters presently receive the vast majority of the issued permits to kill these animals each year, Intervenor argued that, even if such killing were to halt because argali trophies could no longer be brought into the United States, citizens from other countries would nevertheless take their place, and therefore the same number of argali would be killed. See Kern Aff., ¶ 12.

At the same time, however, the Intervenor themselves stressed that the three countries have an enormous financial stake in having United States hunters participate in argali sport-hunting, because U.S. citizens have "proven themselves willing to pay the highest price for argali permits . . . ." Id., ¶ 5. Thus, for example, Affiant Robert Kern stressed that "[t]he largest single impetus in driving the price for these permits higher is competition by U.S. hunters for the limited number of permits available [putting] the price for permits [ ] at an all-time high." Id., ¶ 14 (emphasis added); see also id., ¶ 15 ("Permit

prices are likely to increase, as long as U.S. hunters are allowed to import argali into the United States"); accord Safari Club Memorandum, Affidavit of Gretchen Stark ("Stark Aff."), ¶ 4 ("Hunters from the United States are willing to pay the highest prices for argali hunts [and] [t]heir participation causes the market price for argali hunting to remain high"); FNAWS Summary Judgment Memorandum, Affidavit of Dennis Campbell at 3 ("[I]f plaintiffs prevail . . . conservation dollars would be practically non-existent").

In their Reply brief, plaintiffs responded to Intervenor's arguments -- which were not raised by the federal defendants -- by arguing that, at present, almost all of the available argali hunting permits in these countries are being purchased by U.S. citizens, and that therefore, because plaintiffs only need to demonstrate that they will obtain some redress, that alone was sufficient to meet their burden. See Plaintiffs' Reply Brief at 37. However, plaintiffs also argued that a ban on imports would redress their injuries because, with such a prohibition, "these countries will finally have the incentives which were the entire predicate for the [Argali Special] Rule" -- i.e., the incentive to develop sound argali conservation programs. Id. at 41.

On July 31, 2003, the Court granted Intervenor's Motions for Summary Judgment, and denied plaintiffs' Motion, on the grounds that "[p]laintiffs have not established [ ] that the[ir] injuries will be redressed by success in this litigation." Opinion at 13. The Court concluded that, even if the United States no longer allows imports, or even if the argali is listed as endangered under the ESA, Mongolia, Tajikistan and Kyrgyzstan would nevertheless allow sport-hunting to continue. Id. at 14-15. The Court also relied on Intervenor's affidavits that assert that, if hunting by United States citizens declines, citizens of other countries will purchase those hunting permits, albeit at much lower prices than are paid

by United States citizens. Id. at 15-16. However, the Court did not address whether, because Mongolia, Tajikistan and Kyrgyzstan would much prefer continuing to obtain hunting dollars from United States hunters, the relief plaintiffs seek would likely cause these three countries to finally develop the conservation programs that were the basis for the Argali Special Rule in order to do so.

### **Argument**

It is well-established that the Court may grant a request for reconsideration based on "the need to correct a clear error or prevent manifest injustice." Firestone v. Firestone, 76 F.3d 1205, 1208 (D.C. Cir. 1996) (other citations omitted). Here, plaintiffs respectfully submit that reconsideration is appropriate because the Court's opinion did not address a critical aspect of plaintiffs' standing in this case, which is actually supported by Intervenor's affidavits. In particular, while the Court discussed whether other hunters would replace United States hunters in the event of Court-ordered relief that leads to a decline in United States imports of argali trophies, the Court did not address the record evidence demonstrating that it is likely that such relief would have an enormous impact on the efforts of Mongolia, Tajikistan and Kyrgyzstan to protect and conserve the argali. Cf. Goldwater v. Carter, 481 F. Supp. 949 (D.D.C. 1979) (granting a Rule 59(e) Motion seeking reconsideration of a dismissal for lack of standing).

Indeed, in their own affidavits, the Intervenor's repeatedly stress how important it is to each of these three countries that United States hunters continue to be permitted to import argali trophies, because it is their participation that drives up the price of the hunting permits. Thus, according to the Intervenor's, "the largest single impetus in driving the price for these permits higher is competition by U.S. hunters for the limited number of permits available." Kern Aff., ¶ 14 (emphasis added). As a

result, the Intervenor's affiants have stressed, "the price for permits is at an all-time high." *Id.* (emphasis added); *id.* at ¶ 5 (U.S. hunters are "willing to pay the highest prices for argali"). Their affiants have similarly stressed that, were plaintiffs to obtain Court-ordered relief which impacts argali imports into the United States -- the relief plaintiffs seek in this case -- "the price of hunts will inevitably drop." Stark Aff., ¶ 6 (emphasis added). Even further, Intervenor's affidavits have stressed how critical these additional funds are to these countries, in terms of "employ[ing] a greater number of local residents as guides, cooks, guards, etc . . ." Kern Aff., ¶ 7; Stark Aff., ¶ 7 (same).

Thus, Mongolia, Tajikistan and Kyrgyzstan have an enormous financial incentive to ensure that this important source of income does not dry up. Accordingly, if the Court were to rule that United States hunters could not import argali trophies, at least until these countries come into compliance with the Special Rule -- as plaintiffs have requested -- on this record it is "likely, as opposed to merely speculative," American Soc. For The Prevention of Cruelty To Animals v. Ringling Bros. and Barnum & Bailey Circus, 317 F.3d 334, 338 (D.C. Cir. 2003), quoting Bennett v. Spear, 520 U.S. 154, 167 (1997), that the countries will take the necessary steps to do so. In other words, to avoid the dire economic consequences detailed in Intervenor's affidavits, these countries would likely take the steps necessary to (a) insure that "[a]rgali populations . . . are sufficiently large to sustain sport-hunting"; (b) develop "the capacity to obtain sound data on these populations"; (c) "recognize [argali] as a valuable resource" and develop "the legal and practical capacity to manage them as such"; (d) make "the habitat of these populations [ ] secure"; (e) "ensure that the involved trophies have in fact been legally taken from the specified populations"; and (f) insure that "funds derived from the involved sport hunting are applied primarily to argali conservation" -- all of the specific requirements of the Argali Special Rule.

50 C.F.R. § 17.40(j)(2). Thus, as Dr. Richard Reading, an argali expert at the Denver Zoo, explained in his submission to the FWS, "[b]y issuing imports permits for argali from Mongolia" without requiring the development of sound conservation plans, "the United States is removing pressure from the Mongolian government to actively manage its hunting resources, particularly argali . . ." AR Vol. 3, at 915, 920 (emphasis added).<sup>1</sup>

Certainly, these steps -- which, once taken, would enable the countries to come into compliance with the Argali Special Rule -- would provide some redress to plaintiffs' injuries here, which is all that is necessary for plaintiffs' standing. See, e.g., Larson v. Valente, 456 U.S. 228, 243, n.15 (1982) ("plaintiff satisfies the redressability requirement when he shows that a favorable decision will relieve a discrete injury [and] need not show [it] will relieve his *every* injury") (emphasis in original). Thus, as the individual plaintiffs -- scientists who regularly study and observe argali in the wild -- explain in their sworn declarations, they are harmed by the lack of "a scientifically sound management plan" for argali, and the lack of "proper management of the argali hunting program," because the absence of such programs is "contributing to the decline of argali sheep," "is not consistent with responsible or sound conservation management principles and is detrimental to [their] professional and personal interests in

---

<sup>1</sup> As for the last factor in the Special Rule -- proper use of the hunting fees -- as plaintiffs have stressed in their briefs, the Administrative Record demonstrates that, at present, the substantial funds derived from selling hunting permits to U.S. citizens are not being used to assist the argali. See, e.g., Nov. 2002 AR at 222 ("at present, none of the revenue generated through trophy hunting is channeled to local people and/or used for the management of the hunted species"); Pl. Exh. 12 (Nov. 2002 AR at 255) (FWS 2002 finding that "there is a very limited portion of these funds actually being utilized for direct conservation work on argali"). Thus, plaintiffs' uncontested declarations explain that "virtually none of the substantial funds generated by the hunting program are used to promote or benefit argali conservation, management, or research." Amga Decl., ¶ 8; Namshir Decl., ¶ 7.

conservation, protection and management of argali . . . ." Sukh Decl., ¶ 8; see also Declaration of Zundui Namshir ("Namshir Decl."), ¶ 8. In short, were these countries to take the steps required by the Argali Special Rule, which the FWS itself has recently reiterated still has not been done, see 67 Fed. Reg. 35,942, 35,944 (2002) ("We do not believe, based on information currently available to us, that any of the three countries has fully satisfied the criteria of the special rule") (emphasis added), the status of the species would improve, thereby redressing these plaintiffs' injuries in precisely the same manner that has provided standing for other individuals to challenge agency decisions impacting animals. See, e.g. Animal Legal Defense Fund v. Glickman, 154 F.3d 426, 437 (D.C. Cir. 1998) (en banc) ("a number of cases [ ] have recognized standing based on an aesthetic interest in the observation of animals").<sup>2</sup>

---

<sup>2</sup> The redressability of plaintiffs' injuries is most evident with respect to the claim that the FWS may not issue import permits at least until these countries comply with the Argali Special Rule, for such a ruling will strongly motivate these countries to take the steps required by the Rule. However, even with regard to plaintiffs' more far-reaching claim -- i.e., that, under the ESA, the Service may never use sport-hunting as a "conservation" tool for a threatened species -- a ruling in plaintiffs' favor will also encourage these countries to take the steps necessary to allow for the delisting of the argali under the ESA, at which point imports would once again be permitted. Similarly, were the Court to remand the Service's mid-litigation withdrawal of its proposal to list the argali as endangered in these three countries, which plaintiffs have argued is appropriate in part due to the lack of adequate regulatory mechanisms protecting the argali, that would also encourage the countries to improve argali conservation in order to avoid an endangered listing, including the provision of precisely the regulatory mechanisms necessary to protect the species. In any event, plaintiffs need not demonstrate precisely how the FWS will respond to a remand in order to obtain standing. See, e.g., Glickman, 154 F.3d at 444 ("those adversely affected by a discretionary agency decision generally have standing to complain that the agency based its decision upon an improper legal ground [for] [i]f a reviewing court agrees that the agency misinterpreted the law, it will set aside the agency's action and remand the case -- even though the agency . . . might later, in the exercise of its lawful discretion, reach the same result for a different reason"), quoting Federal Elec. Comm'n v. Akins, 524 U.S. 11, 25 (1998) (emphasis added).

As for the likelihood that these countries would actually take concrete steps in response to a ruling from the Court, even aside from the enormous financial incentive documented in the Administrative Record and Intervenors' own affidavits, the fact that Mongolia itself is sufficiently concerned about the outcome in this case to become a party to this lawsuit demonstrates that Mongolia is far from "oblivious to whether [argali] can be imported into the United States . . . ." Animal Welfare Inst. v. Kreps, 561 F.2d 1002, 1010 (D.C. Cir. 1977). Indeed, the D.C. Circuit found that Mongolia has standing to participate as a party in this action precisely because, in the event plaintiffs prevail, Mongolia is likely to suffer a significant "loss of tourist dollars . . . ." Fund for Animals v. Norton, 322 F.3d 728, 733 (D.C. Cir. 2003). In short, Mongolia's participation in the suit, as well as elementary assumptions that parties act out of their own economic self-interest, see, e.g., In re Merrill Lynch & Co., Inc., \_ F.Supp.2d \_, 2003 WL 21518833 (S.D.N.Y. July 2, 2003) ("courts assume that defendants act in their 'informed self-interest'") demonstrates that to prevent this loss of resources, it is "likely, as opposed to merely speculative," that these countries will take steps to improve the conservation of argali in the event the Court rules in plaintiffs' favor. Bennett, 520 U.S. at 167; see also Nov. 2002 AR at 90 (May 2001 Letter from Mongolia to the FWS explaining that the country wants to "assure that your agency receives an appropriate information to make the findings necessary for the issuance of permits for importation of Argali into the US") (emphasis added); accord Nov. 2002 AR at 249 (recent submission from Kyrgyzstan seeking to insure continued United States imports).

Since plaintiffs need not "*prove* that granting the requested relief is *certain* to alleviate their injury," Intl Ladies' Garment Union v. Donovan, 722 F.2d 795, 811 (D.C. Cir. 1983) (other citations omitted) (emphasis in original), but, rather, only that such a result is not "merely speculative," Bennett,

520 U.S. at 167, the record in this case, and the very Intervenor affidavits on which the Court has relied, demonstrate that they have met their burden on this standing theory. See National Parks and Cons. Ass'n v. Stanton, 54 F. Supp. 2d 7, 15 (D.D.C. 1999) (finding redressability because "[a]t the very least, NPS will do more than zero in administering the River").<sup>3</sup>

Moreover, in this respect, this case is on all fours with the D.C. Circuit's ruling in Kreps, where the Court found plaintiffs had standing to challenge the import of sealskins from South Africa. 561 F.2d 1002. As here, the Appellees argued that, even if the plaintiffs prevailed, "South Africa would go right on killing seals . . . in an inhumane manner, even if the resultant sealskins could not be imported into the United States." Id. at 1009.

The Court rejected this argument for two separate reasons, both of which apply here. First, the Court found as a matter of fact that South Africa had an interest in complying with the Marine Mammal Protection Act, and therefore would be likely to respond to the Court's ruling in a manner that would redress plaintiffs' injuries. Id. Here, similarly the host countries' economic self-interests at stake are even more concrete, and those interests, combined with Mongolia's active participation in the suit, demonstrate the likelihood that they will take steps to comply with the Special Rule in the event plaintiffs prevail.

---

<sup>3</sup> As an even further indication of these countries' responsiveness to concerns which must be addressed to insure the continued purchase of permits by United States hunters who can import their trophies, after the FWS explained in 2000 that it was "increasingly of the opinion that population data may be inadequate" in Mongolia because of the "lack of recent, comprehensive data on the status of argali populations," see Aug. 2000 Biological Opinion at 7 (AR Vol. 1, at 32), Mongolia conducted its first country-wide population survey in 2001. See Nov. 2002 AR at 767. Again, therefore, were the FWS prohibited from permitting imports until all the Special Rule criteria are satisfied, these countries would likely take all the other steps required by the Special Rule as well.

Second, even apart from this factual matter, the Court in Kreps ruled that, because the MMPA "addresses not only the killing of marine mammals by Americans but also the importation of them," in enacting the MMPA Congress "established as a matter of law the requisite causal relationship between American importing practices and South African sealing practices." 561 F.2d at 1010 (emphasis added). Thus, the Court explained that the statute itself "reflects a congressional decision that denial of import privileges is an effective method of protecting marine mammals in other parts of the world." Id. (emphasis added). "In the face of this congressional determination," the Court concluded, "it is impossible to conclude, as appellees urge us to, that the causal relationship is 'purely speculative.'" Id. (emphasis added); see also Donovan, 722 F.2d at 812 (Because "Congress passed the Act partly to provide redress to employers from unfair competition, the suggestion that effective enforcement of the Act will not have this effect directly contravenes the congressional judgment underlying the Act").<sup>4</sup>

Similarly here, plaintiffs claims arise from a statute -- the ESA -- that also addresses imports, and has specific provisions aimed at the protection of species throughout the world, including the listing provisions, which empower the FWS to list species such as the argali even though they do not exist in the United States. See 16 U.S.C. §§ 1533; 1531(a)(4) (discussing international commitments to protect species); § 1537(b) (requiring the Secretary to "encourage [] foreign countries to provide for the conservation of [listed] fish or wildlife and plants"). Thus, as in Kreps, in enacting the ESA, Congress "established as a matter of law the requisite causal relationship between American importing

---

<sup>4</sup> While the Court in Kreps framed the discussion in terms of the "causation" prong of the standing inquiry, the issue is essentially the same as the redressability issue in this case: whether the Court's ruling is likely to cause the countries to take steps to comply with the Argali Special Rule, which in turn would redress plaintiffs' injuries.

practices" and the conservation programs of Mongolia, Tajikistan and Kyrgyzstan, for the ESA's limitation on imports "reflects a congressional decision that the denial of import privileges is an effective method to protect [species] in other parts of the world." Kreps, 561 F.2d at 1010 (emphasis added).

Indeed, the FWS's own decision listing the argali reflects precisely this approach. Thus, the FWS explained that, by regulating imports through the Argali Special Rule, it would be able to provide "economic incentives that contribute to the conservation of certain wildlife populations [both] by generating funding for essential conservation measures [and] by focusing governmental attention to the need to protect species of economic value." 57 Fed. Reg. 28,014, 28,015 (1992) (emphasis added); see also 67 Fed. Reg. at 35,943 (same finding in Withdrawal notice). In short, especially given the FWS's own conclusion that it can use the regulation of imports as an effective financial incentive to improve the status of the argali, the relief plaintiffs seek -- in particular a ruling that the FWS must adhere to its Argali Special Rule by prohibiting imports until such time as Mongolia, Tajikistan and Kyrgyzstan develop and certify sound conservation programs -- certainly is at least "likely" to redress the injuries plaintiffs suffer from the lack of such programs at present.

In sharp contrast, in US Ecology v. Department of Interior, 231 F.3d 20 (D.C. Cir. 2000) -- one of the standing precedents addressed in the Court's Opinion, see Opinion at 14-15 -- the third party governmental entity at issue not only lacked any financial incentive to take an action that could redress the plaintiffs' injuries, but it had also made it clear that it would not take such action. In that case, both US Ecology, a private contractor, and a California agency, had sued the Department of Interior for failing to transfer property on which California initially intended to permit US Ecology to build a radioactive waste dump. US Ecology, 231 F.3d at 21. However, after the district court ruled

for the federal government, California -- which had undergone a change in Administration -- declined to appeal, and disavowed any interest in continuing efforts to obtain the land or build the dump, regardless of how the Court ruled. Id. at 23-24 (discussing "the lack of funds in the State budget for Ward Valley activities," California's "formation of [an] advisory group seeking workable alternatives (to the Ward Valley facility)", and "the apparent lack of authority of DHS [the California agency that applied for the land] to acquire land"). In light of California's actions, the D.C. Circuit ruled that US Ecology lacked standing to appeal, for, even if it prevailed, California had made it clear that it was not going to take the land from the federal government or let US Ecology build the dump -- the events that would redress US Ecology's injuries. Id. at 24-25.

Here, in sharp contrast, the record shows that it is "likely, as opposed to merely speculative," id. at 24, that, in response to a ruling from the Court that the extremely valuable United States imports of argali trophies will not be permitted to resume until Mongolia, Tajikistan and Kyrgyzstan develop the argali conservation plans required by the Special Rule, those countries will take steps to develop those plans, given both their strong financial interests, as well as their demonstrated commitment to insuring that these valuable imports continue.

Accordingly, even assuming arguendo that, despite a ruling from this Court that the FWS may not issue argali import permits until Mongolia, Tajikistan and Kyrgyzstan satisfy the certification requirements of the argali Special Rule, these countries will continue to allow the same number of hunters to kill argali, plaintiffs nonetheless have demonstrated adequate redressability by virtue of the admitted additional financial motivation these countries have to take the steps that are necessary to meet the terms of the Special Rule -- precisely because of their own stated interests in ensuring that the bulk

of their hunting permits go to the much more lucrative United States market. As such, even under the analysis in the Court's July 31, 2003 Opinion, plaintiffs' injuries are redressable.<sup>5</sup>

---

<sup>5</sup> Plaintiffs note that the Record also shows that it is also "likely, as opposed to merely speculative," id., that a prohibition on United States imports would in fact reduce the number of argali that are hunted. For example, the FWS has explained that, in Kyrgyzstan, "[t]he annual take since 1994 has consistently been less than the established quota," Pl. Exh. 13 (Nov. 2002 AR at 337) (emphasis added), and thus that take would presumably be reduced even further if United States hunters were not participating. See also Nov. 2002 AR at 57 ("In 2000 the established take limit for Marco Polo sheep was 80 head. In fact 70 head were taken, among them 54 trophies taken and exported by sport hunters from the United States").

Moreover, the Service's 2002 Biological Opinions all reached "no jeopardy" conclusions based on the premise that, although allowing the import, and hence the hunting, of the countries' entire argali hunting quotas might jeopardize the continued existence of the argali, the species would not be jeopardized by authorizing fewer imports. See Pl. Exhs. 9-11 (each from the Nov. 2002 AR). Yet, the FWS's decision to authorize those fewer imports could only have been rational if the Service concluded that, contrary to the Court's finding, the entire quota would not be hunted by citizens of other countries, in which case the species would be jeopardized. Accordingly, plaintiffs believe the Record also demonstrates that argali hunting itself will in fact decline if United States imports are halted. However, the Court need not revisit its ruling on that issue, if the alternative basis for standing set forth above is deemed adequate to support plaintiffs' standing here.

**Conclusion**

For the foregoing reasons, plaintiffs respectfully request that the Court hold a hearing on plaintiffs' Motion, and reconsider its July 31, 2003 Opinion in this case concerning the plaintiffs' standing.

Respectfully Submitted,

---

Howard M. Crystal (D.C. Bar No. 446189)  
Katherine A. Meyer (D.C. Bar No. 244301)  
Meyer and Glitzenstein  
1601 Connecticut Ave., N.W., Suite 700  
Washington, D.C. 20009  
(202) 588-5206

August 9, 2003

Attorneys for Plaintiffs