



For Immediate Release

January 27, 2014

Media Contact: Tina Walker

Office: 415.227.9700

Cell: 650.248.1037

Email: tina@singersf.com

Drakes Bay Oyster Will Remain Open Pending Supreme Court Petition

Ninth Circuit Grants Motion Based on Significant Possibility of Oyster Farm Win in High Court

INVERNESS, CALIF. — The Ninth Circuit has granted Drakes Bay Oyster’s motion to allow the historic oyster farm to remain open while its legal team petitions for the case to be heard in the U.S. Supreme Court. The small, family-owned farm has been in a heated legal battle with federal regulators for its survival.

In granting the stay, the court had to find that there is a “reasonable probability” that the Supreme Court will take this case and a “significant possibility” that the oyster farm will win.

“We are grateful for the opportunity to continue to serve our community while the high court considers our case,” said Kevin Lunny, owner of Drakes Bay Oyster Farm.

Observers of the closely watched case have expected the Supreme Court might want to hear the case in order to resolve three circuit splits—that is, issues on which two or more circuits in the U.S. court of appeals system have given different interpretations of federal law. The splits in this case are on important issues: jurisdiction over agency actions, applicability of the National Environmental Policy Act (NEPA), and prejudicial error under the Administrative Procedure Act (APA). The Ninth Circuit majority’s decision also presents a conflict with several decisions of the U.S. Supreme Court itself. In addition, Drakes Bay Oyster will suffer irreparable harm if the mandate is not stayed.

About Drakes Bay Oyster Company

The historic oyster farm in Drakes Estero, located in Point Reyes, Marin County, has been part of the community for nearly 100 years. The Lunnys, a fourth-generation Point Reyes ranching family, purchased the oyster farm in 2004. Modern environmentalists and proponents of sustainable agriculture praise Drakes Bay Oyster as a superb example of how people can produce high-quality food in harmony with the environment. The farm produces approximately one third of all oysters grown in California, and employs 30 members of the community. The Lunnys also contribute the oyster shells that make possible the restoration of native oysters in San Francisco Bay and the oyster shells used to create habitat for the endangered Snowy Plover and Least Tern. As the last oyster cannery in California, Drakes Bay is the only local (and thus the only safe and affordable) source of these shells. The Lunny family is proud of its contributions to a sustainable food model that conserves and maintains the productivity of the local landscapes and the health of its inhabitants. For more information, please visit www.drakesbayoyster.com.