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Attorneys for Business-Intervenors-Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

PASQUA YAQUI TRIBE, *ET AL.*,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *ET AL.*,

Defendants,

and

ARIZONA ROCK PRODUCTS ASSOCIATION,
ET AL.,

Business-Intervenors-
Defendants,

and

CHANTELL SACKETT AND MICHAEL
SACKETT,

Intervenors-Defendants.

No. 4:20-cv-00266-TUC-RM

**BUSINESS-INTERVENORS-
DEFENDANTS' UNOPPOSED
MOTION TO WITHDRAW
MOTION FOR STAY PENDING
APPEAL**

(Assigned to the Honorable Rosemary
Márquez)

Pursuant to Federal Rule of Appellate Procedure 42(b), Business-Intervenors-
Defendants ("Business-Intervenors") moved the Ninth Circuit Court of Appeals to
voluntarily dismiss their appeal earlier today. In light of the pending dismissal of the
appeal, Business-Intervenors' Motion for Stay Pending Appeal (Dkt. 104) is now moot

1 and Business-Intervenors respectfully move the Court to withdraw that Motion.
2 Appellees do not oppose this motion.

3 RESPECTFULLY SUBMITTED this 4th day of January, 2022.

4 GALLAGHER & KENNEDY, P.A.

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6 By: /s/ Bradley J. Glass

7 D. Lee Decker

8 Bradley J. Glass

9 Stuart S. Kimball

10 2575 East Camelback Road

11 Phoenix, Arizona 85016-9225

12 Attorneys for Business-Intervenors-Defendants

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on January 4, 2022, I electronically transmitted the foregoing
15 Unopposed Motion to Withdraw Motion for Stay Pending Appeal with the Clerk's Office
16 using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all
17 CM/ECF registrants.

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19 /s/ Bradley J. Glass

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**PROPOSED ORDER GRANTING
UNOPPOSED MOTION TO
WITHDRAW MOTION FOR STAY
PENDING APPEAL**

(Assigned to the Honorable Rosemary
Márquez)

In light of the Business-Intervenors-Defendants' voluntary dismissal filed in the Ninth Circuit Court of Appeals, the Court finds that Business-Intervenors-Defendants' Motion for Stay Pending Appeal (Dkt. 104) is moot and grants the Unopposed Motion to Withdraw Motion for Stay Pending Appeal.

The Honorable Rosemary Márquez