

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

STATE OF NORTH DAKOTA, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil No. 3:15-cv-00059-DLH-ARS
)	
U.S. ENVIRONMENTAL PROTECTION)	
AGENCY, <i>et al.</i> ,)	
)	
Defendants.)	

PLAINTIFF STATES’ MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Civil Local Rule 7.1(A), the States of North Dakota, Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, South Dakota, and Wyoming, and the New Mexico Environment Department and New Mexico State Engineer (collectively “Plaintiff States”), through undersigned counsel, hereby file their Motion for Summary Judgment (“Motion”).

In support of their Motion, the Plaintiff States submit their Memorandum in Support of the Motion for Summary Judgment (“Memorandum in Support”). Plaintiff States’ additionally respectfully request oral argument on the important issues presented in their Motion and Memorandum in Support.

For the reasons set forth in this Motion and in the accompanying Memorandum in Support, the Plaintiff States respectfully move the Court to:

- (1) Schedule oral argument on the Motion and any responses and cross motions subsequently filed as soon as they may practicably be heard; and
- (2) Grant their Motion and issue an Order:

- A. Declaring the final regulation entitled “Clean Water Rule: Definition of Waters of the United States” jointly promulgated by Defendants U.S. Environmental Protection Agency and U.S. Army Corps of Engineers (collectively the “Agencies”) (the “WOTUS Rule”) unlawful;
- B. Permanently enjoining and setting aside the WOTUS Rule in its entirety;
- C. Awarding the Plaintiff States costs and attorneys’ fees;
- D. Granting the Plaintiff States all additional relief as may be necessary and appropriate or as the Court deems just and proper.

Dated this 1st day of June 2018.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 1st, 2018, a true and correct copy of the **PLAINTIFF STATES' MOTION FOR SUMMARY JUDGMENT** and the attached **PLAINTIFF STATES' MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** were served via the Court's CM/ECF system.

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