

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA)
ex rel. E. SCOTT PRUITT,)
in his official capacity as Attorney)
General of Oklahoma,)

Plaintiff,)

v.)

UNITED STATES)
ENVIRONMENTAL PROTECTION)
AGENCY,)

UNITED STATES ARMY CORPS)
OF ENGINEERS,)

GINA MCCARTHY, in her official)
capacity as Administrator of the)
U.S. Environmental Protection)
Agency,)

and)

JO-ELLEN DARCY, in her official)
capacity as Assistant Secretary of the)
Army for Civil Works,)

Defendants.)

Case No. 15-CV-381-CVE-FHM
(Related: No. 15-CV-386-CVE-PJC)

Oral Argument Requested

PLAINTIFF’S MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65(a), Plaintiff State of Oklahoma respectfully requests this Court enter an order enjoining Defendants from implementing or enforcing the *Clean Water Rule: Definition of “Waters of the United States”* 80 Fed. Reg. 37,054 (“Final Rule”).

As shown in the accompanying Brief in Support, the Final Rule unlawfully broadens federal jurisdiction over traditionally intrastate, non-navigable waters and thus violates the Administrative Procedure Act, contradicts the clear mandates of the Clean Water Act, exceeds the Agency’s authority under the Commerce Clause, and usurps the State’s authority under the Tenth

Amendment. For these reasons, the State of Oklahoma respectfully requests that the Court enter the requested preliminary injunction.

Dated: July 24, 2015

Respectfully submitted,

E. SCOTT PRUITT
Attorney General
State of Oklahoma Attorney General

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Attorneys for Plaintiffs

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on the 24th day of July 2015, I electronically transmitted the foregoing to the Clerk of Court using the ECF System for filing and transmittal of Plaintiff's Motion for Preliminary Injunction to the following ECF registrants:

Danny C. Williams, Sr.
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s/P. Clayton Eubanks
P. CLAYTON EUBANKS

CERTIFICATE OF MAILING

This is to certify that on the 24th day of July 2015, a true, correct, and exact copy of the above and foregoing instrument, Plaintiff's Motion for Preliminary Injunction, was mailed first class mail, postage prepaid, and via certified mail, return receipt requested, to:

Gina McCarthy, Administrator
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Jo-Ellen Darcy, Assistant Secretary
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