

THE HONORABLE JOHN C. COUGHENOUR

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON CATTLEMEN’S
ASSOCIATION,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.*,

Defendants.

CASE NO. C19-0569-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on the parties’ stipulated motion to further stay the proceedings (Dkt. No. 119). In this action, Plaintiff Washington Cattlemen’s Association brings claims against the Environmental Protection Agency and the Army Corps of Engineers challenging three successive rules defining “waters of the United States” in the Clean Water Act. (*See generally* Dkt. No. 72.) Plaintiff’s claims concerning two earlier rules have been stayed pending the Court’s ruling on the merits of Plaintiff’s claims concerning the 2020 Rule, (Dkt. No. 86), Plaintiff’s motion for a preliminary injunction concerning the 2020 Rule, (Dkt. No. 77), and Defendants’ motion to consolidate (Dkt. No. 87) this action with *Puget Soundkeeper Alliance v. United States Environmental Protection Agency*, C20-0950-JCC (W.D. Wash. 2020).

1 On February 2, 2021, the Parties filed a stipulated motion to stay the proceeding for 90
2 days to accommodate the Agencies' review of the 2020 Rule. (Dkt. No. 94.) The Court granted
3 the motion, staying the case until May 1, 2021. (Dkt. No. 95.) The Parties filed five additional
4 motions to stay the proceeding, which were all granted by this Court. (Dkt. Nos. 99, 101, 107,
5 111, 113).

6 On January 18, 2023, the final rule titled "Revised Definition of 'Waters of the United
7 States,'" was published in the Federal Register. *See* 88 Fed. Reg. 3004 (Jan. 18, 2023). On
8 January 18, 2023, the final rule was challenged in two separate lawsuits filed in the Southern
9 District of Texas. *See Texas v. EPA*, No. 3:23-cv-00017 (S.D. Tex. Jan. 18, 2023); *Am. Farm*
10 *Bureau Fed'n v. EPA*, No. 3:23-cv-00020 (S.D. Tex. Jan. 18, 2023).

11 In light of the publication of, and the pending legal challenges to, the new regulation
12 defining "waters of the United States," the parties now ask the Court to stay the proceedings until
13 July 31, 2023. (Dkt. No. 119 at 4.)

14 Having thoroughly considered the motion and the relevant record, and finding good
15 cause, the Court GRANTS the motion (Dkt. No. 119) and ORDERS:

- 16 1. This matter, including but not limited to all pending motions, is STAYED until July
17 31, 2023.
- 18 2. The parties must file a joint status report on or before July 31, 2023, to update the
19 Court on the status of the case.

20 DATED this 23rd day of January 2023.

21 Ravi Subramanian
22 Clerk of Court

23 s/ Serge Bodnarchuk
24 Deputy Clerk