

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

STATE OF WEST VIRGINIA, *et al.*,

Plaintiffs,

CASS COUNTY FARM BUREAU, *et al.*,

Intervenor-Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY, *et al.*,

Defendants,

CHICKALOON VILLAGE TRADITIONAL
COUNCIL, *et al.*,

Intervenor-Defendants.

Case No. 3:23-cv-00032-DLH-ARS

Hon. Daniel L. Hovland

DEFENDANT-INTERVENORS' CROSS-MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56 and North Dakota Civil Local Rule 7.1, Defendant-Intervenors Chickaloon Village Traditional Council, Rappahannock Tribe, Tohono O'odham Nation, and White Earth Band of Ojibwe (the "Tribes") respectfully move the Court for summary judgment in Defendants' favor, dismissing and/or denying the claims of Plaintiff States and Industry Intervenor-Plaintiffs (collectively "Plaintiffs") in their entirety. For the reasons set forth in the accompanying Memorandum in support of this motion and in response to Plaintiffs' Motions for Summary Judgment (ECF No. 207), the Court should grant summary judgment in favor of Defendant-Intervenors and deny the Plaintiffs' motions as unfounded in law and unsupported by the administrative record.

Respectfully submitted this 26th day of April, 2024.

/s/ Janette K. Brimmer

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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2024, I electronically filed the foregoing *Defendant-Intervenors' Cross-Motion for Summary Judgment* with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

/s/ Janette K. Brimmer

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