

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

ROCKY MOUNTAIN FARMERS UNION, *et al.*,

Plaintiffs,

vs.

RICHARD W. COREY, in his official capacity
as Executive Director of the CALIFORNIA
AIR RESOURCES BOARD, *et al.*,

Defendants.

Lead Case No. 1:09-CV-02234-LJO-BAM

Consolidated with Case No. 1:10-CV-00163-LJO-BAM

**ORDER ON AFPM PLAINTIFFS’
RULE 41(A) MOTION TO DISMISS
REMAINING CLAIM**

**Hon. Lawrence J. O’Neill
U.S. District Judge**

AMERICAN FUELS AND
PETROCHEMICAL MANUFACTURERS
ASSOCIATION f/k/a NATIONAL
PETROCHEMICAL & REFINERS
ASSOCIATION, *et al.*,

Plaintiffs,

vs.

RICHARD W. COREY, in his official capacity
as Executive Director of the CALIFORNIA
AIR RESOURCES BOARD, *et al.*,

Defendants.

1 Upon consideration of the Unopposed Rule 41(a) Motion to Dismiss Remaining Claims,
2 presented by Plaintiffs in consolidated case No. 1:10-CV-00163-LJO-BAM (the “AFPM
3 Plaintiffs”), as well as this Court’s June 16, 2017 Memorandum Decision, and the other
4 proceedings in this case, it is hereby ORDERED:

5 1. Plaintiffs’ motion to dismiss the claim that remains pending in this Court, which was
6 not dismissed in this Court’s June 16, 2017 Memorandum Decision is granted.

7 2. The clerk will enter a final judgment.

8 3. The dismissal of the claim that remained pending is without prejudice to Plaintiffs’
9 appellate rights in the U.S. Court of Appeals for the Ninth Circuit and the Supreme Court, as to
10 all other claims adjudicated in this proceeding.

11 4. Each party shall bear its own costs.

12 IT IS SO ORDERED.

13
14 Dated: August 14, 2017

/s/ Lawrence J. O’Neill
UNITED STATES CHIEF DISTRICT JUDGE