

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WATERKEEPER ALLIANCE, INC., et al.,
Plaintiffs,
v.
E. SCOTT PRUITT, et al.,
Defendants.

Case No. [18-cv-03521-RS](#)

**ORDER DENYING MOTION FOR
SUMMARY JUDGMENT WITHOUT
PREJUDICE**

Plaintiffs filed this action to challenge a 2015 regulation that revised certain regulatory provisions relating to the definition of “waters of the United States” under the Clean Water Act. (“the 2015 Rule”). Briefing on plaintiffs’ motion for summary judgment with respect to the 2015 rule was previously stayed in view of the adoption of the so-called “Repeal Rule” and then the “2020 Rule.” Plaintiffs have stated an intent to file a supplemental complaint challenging the 2020 Rule and/or the Repeal Rule but have not yet done so. In light of these circumstances, plaintiffs’ summary judgment motion with respect to the 2015 Rule is denied without prejudice to its renewal if and when the 2015 Rule were to become operative again.

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IT IS SO ORDERED.

Dated: September 25, 2020



RICHARD SEEBORG
United States District Judge