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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SAN DIEGO NAVY BROADWAY COMPLEX
COALITION,

 Plaintiff,

 vs.

U.S. DEPARTMENT OF DEFENSE; ROBERT M.
GATES, in his official capacity as Secretary of the
U.S. Department of Defense; U.S. DEPARTMENT
OF THE NAVY; RAYMOND E. MABUS, JR, in his
official capacity as Secretary of the U.S. Department
of the Navy; NAVAL FACILITIES ENGINEERING
COMMAND; W. GREG SHEAR, JR., in his official
capacity as Commander of the Naval Facilities
Engineering Command; NAVAL FACILITIES
ENGINEERING COMMAND SOUTHWEST; S. KEITH
HAMILTON, in his official capacity as Commander
of the Naval Facilities Engineering Command Southwest;
and, MANCHESTER PACIFIC GATEWAY LLC,

 Defendants.

CASE NO. 07 CV 0038 JM (WMc)


**ORDER GRANTING JOINT
MOTION FOR DISMISSAL
[DOCKET NO. 64]**

THIS MATTER having come before the Court on the parties' Stipulation and Joint
Motion for Dismissal dated August 13, 2009, and the Court being fully advised in the premises,

IT IS ORDERED AND ADJUDGED that the above-captioned action is dismissed
without prejudice as moot, except with respect to any challenge to the adequacy of the Federal

1 Defendants' compliance with notice and/or public participation requirements, which are
2 dismissed with prejudice.

3 DATED: August 13, 2009

4 
5 Hon. Jeffrey T. Miller
6 United States District Judge