IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

NU-WEST MINING, INC. and	)	
NU-WEST INDUSTRIES, INC.,	)	No. 09-431-E-BLW
	)	
Plaintiffs/Counterclaim	)	
Defendants	)	**ORDER**
	)	
v.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant/Counterclaimant.	)	
_____	)	

The United States has filed a motion seeking leave of this Court to file an Amended Response to Plaintiffs' Motion for Partial Summary Judgment on the United States' Claimed Attorneys' Fees and Legal Costs ("The United States' Amended Response"). The United States' proposed Amended Response to Plaintiffs' Motion for Partial Summary Judgment on Attorneys' Fees and Legal Costs, and the United States Amended Statement of Undisputed Material Facts in Response to Plaintiffs' Motion for Partial Summary Judgment on Attorneys' Fees and Costs were filed by the United States as attachments to its Motion for Leave. Plaintiffs do not oppose the United States' Motion for Leave.

The image of a document filed on CM/ECF cannot be removed. However, the document can be declared a nullity and sealed, and an amended document can be filed. The Court will take that course.

Finding good cause therefore,

NOW THEREFORE IT IS HEREBY ORDERED, that the United States' Motion for Leave (docket no. 98) is GRANTED.
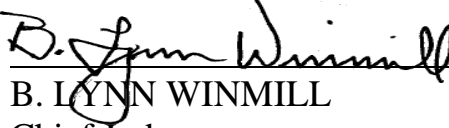
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IT IS FURTHER ORDERED, that the Response of the United States to Plaintiffs'

Motion for Partial Summary Judgment on the United States' Claimed Attorneys' Fees and Legal

Costs (docket no. 96) and Statement of Material Facts (docket no. 97) are declared a NULLITY,

and the Clerk is directed to SEAL both documents.

IT IS FURTHER ORDERED, that the Clerk shall file the (1) Amended Response and

(2) Amended Statement of Undisputed Material Facts, attached as Exhibits 1 and 2 to the Motion

(docket no. 98).

IT IS FURTHER ORDERED, that plaintiffs shall file their reply brief to the United

State's Amended Response Brief (being ordered filed in this Order) on or before May 5, 2011.

DATED: **April 20, 2011**

B. LYNN WINMILL
Chief Judge
United States District Court