

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

|                                       |   |                           |
|---------------------------------------|---|---------------------------|
| DAVID A. HERR and PAMELA F. HERR,     | ) |                           |
| Plaintiffs,                           | ) |                           |
|                                       | ) | No. 2:14-cv-105           |
| -v-                                   | ) |                           |
|                                       | ) | Honorable Paul L. Maloney |
| UNITED STATES FOREST SERVICE, et al., | ) |                           |
| Defendants,                           | ) |                           |
|                                       | ) |                           |
| and                                   | ) |                           |
|                                       | ) |                           |
| SWC, LLC, d/b/a Sylvania Wilderness   | ) |                           |
| Cabins, et al.                        | ) |                           |
| Defendant-Intervenors.                | ) |                           |
| _____                                 | ) |                           |

**JUDGMENT**

On July 26, 2017, The Sixth Circuit Court of Appeals issued an opinion resolving the disputed issues. The mandate issued on January 12, 2018. The United States Supreme Court denied a petition for writ of certiorari on October 2, 2018. As there are no pending claims, as required by Rule 58 of the Federal Rules of Civil Procedure,

**JUDGMENT ENTERS.**

Consistent with the Sixth Circuit's July 26, 2017, Opinion:

1. The challenged motorboat restrictions are unlawful as applied to the Herrs;
2. Defendants are enjoined from applying the challenged motorboat restrictions against the Herrs, their lessees and licensees, and their successors; and
3. The parties have stipulated that Defendants will pay Plaintiffs \$4,130.20 for costs and expenses.

**THIS ACTION IS TERMINATED**

**IT IS SO ORDERED.**

Date: November 28, 2018

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge