

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION

NO. 2:17-CV-4-FL

SAVE OUR SOUND OBX, INC.; )  
THOMAS ASCHMONEIT; RICHARD )  
AYELLA; DAVID HADLEY; MARK )  
HAINES; JER MEHTA; and GLENN )  
STEVENS, )

Plaintiffs, )

v. )

ORDER

NORTH CAROLINA DEPARTMENT OF )  
TRANSPORTATION; JAMES H. )  
TROGDON, III in his official capacity as )  
Secretary of the North Carolina )  
Department of Transportation; FEDERAL )  
HIGHWAY ADMINISTRATION; and )  
JOHN F. SULLIVAN, III, in his official )  
capacity as Division Administrator for the )  
Federal Highway Administration, )

Defendants, )

and )

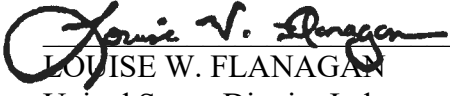
DEFENDERS OF WILDLIFE; and )  
NATIONAL WILDLIFE REFUGE )  
ASSOCIATION, )

Intervenor-Defendants. )

This matter is before this court upon partial motions to dismiss, (DE 30, 45), filed by defendants North Carolina Department of Transportation and James H. Trogdon, III and intervenor-defendants Defenders of Wildlife and National Wildlife Refuge Association. The issues presented are ripe for ruling. Upon thorough consideration of the parties' arguments and for the reasons set

forth in memorandum opinion soon to follow, the motions are DENIED.

SO ORDERED, this the 30th day of August, 2017.

  
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LOUISE W. FLANAGAN  
United States District Judge