

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

No. 4: 16-cv-00300-FL

SIERRA CLUB,)
)
Plaintiff,)
)
v.)
)
NORTH CAROLINA DEPARTMENT OF)
TRANSPORTATION; JAMES H.)
TROGDON III, SECRETARY, NCDOT;)
FEDERAL HIGHWAY)
ADMINISTRATION; JOHN F. SULLIVAN,)
DIVISION ADMINISTRATOR, FHWA;)
U.S. FISH AND WILDLIFE SERVICE; and)
PETE BENJAMIN, FIELD SUPERVISOR,)
USFWS,)
)
Defendants.)
_____)

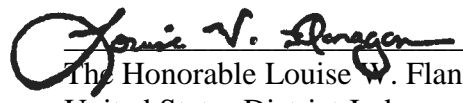
**ORDER GRANTING
MOTION FOR VOLUNTARY
DISMISSAL WITH PREJUDICE**
F. R. Civ. Pro. 41(a)(2)

On April 30, 2018, Plaintiff the Sierra Club, Defendants the North Carolina Department of Transportation (“NCDOT”), NCDOT Secretary James H. Trogdon III (collectively, “State Defendants”), the Federal Highway Administration (“FHWA”), FHWA Division Administrator John F. Sullivan, the United States Fish and Wildlife Service (“USFWS”), and USFWS Field Supervisor Pete Benjamin (collectively, “Federal Defendants”) informed the court that an out of court settlement agreement had been reached in the above-captioned matter between Plaintiff and Defendant NCDOT. Dkt. 45.

On May 1, 2018, Plaintiff the Sierra Club filed a Motion for Voluntary Dismissal, requesting that the Court (1) dismiss the merits of its claims with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and (2) retain jurisdiction to consider Plaintiff’s motion for attorneys’ fees. State and Federal Defendants did not oppose the motion.

Upon consideration of Plaintiff's motion, and noting that neither State nor Federal Defendants were in opposition, the Court hereby **GRANTS** the motion and **ORDERS** the above-captioned case dismissed with prejudice. Additionally, the Court will retain jurisdiction in the above-captioned case to consider Plaintiff's motion for attorneys' fees.

SO ORDERED. This 25th day of May, 2018.


The Honorable Louise W. Flanagan
United States District Judge