

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

ROSE ACRE FARMS, INC., )  
)  
Plaintiff, )

v. )  
)

**JUDGMENT**  
No. 5:14-CV-147-D

NORTH CAROLINA DEPARTMENT OF )  
ENVIRONMENT & NATURAL )  
RESOURCES, JOHN E. SKVARLA, )  
*Secretary, North Carolina Department of* )  
*Environment and Natural Resources,* )  
TOM REEDER, *Director, Division of* )  
*Water Resources, North Carolina* )  
*Department of* )  
*Environment and Natural Resources,* )  
PAMLICO-TAR RIVER FOUNDATION, )  
FRIENDS OF POCOSIN LAKES )  
NATIONAL WILDLIFE REFUGE, and )  
WATERKEEPER ALLIANCE, INC., )  
)  
Defendants. )

**Decision by Court.**

This action came before the Honorable James C. Dever III, Chief United States District Judge, for ruling as follows:

**IT IS ORDERED, ADJUDGED, AND DECREED** that the court GRANTS defendants' motion to dismiss [D.E. 53] pursuant to Rule 12(b)(1) for lack of subject-matter jurisdiction. Alternatively, the court DISMISSES the action pursuant to its discretion under the Declaratory Judgment Act. The court DISMISSES Rose Acre's motion for summary judgment [D.E. 65]. The clerk shall close the case.

**This Judgment Filed and Entered on July 30, 2015, and Copies To:**

Joseph A. Miller	(via CM/ECF electronic notification)
R. Sarah Compton	(via CM/ECF electronic notification)
Anita LeVeaux-Quigless	(via CM/ECF electronic notification)
Carolyn Ann McLain	(via CM/ECF electronic notification)
Eve C. Gartner	(via CM/ECF electronic notification)
Hannah Chang	(via CM/ECF electronic notification)
Jerome R. Eatman, Jr.	(via CM/ECF electronic notification)
Frederick H. Turner	(via CM/ECF electronic notification)
James T. Banks	(via CM/ECF electronic notification)
Donald J. Harris	(via CM/ECF electronic notification)
Henry W. Jones, Jr.	(via CM/ECF electronic notification)
Lori Peoples Jones	(via CM/ECF electronic notification)

DATE

July 30, 2015

**JULIE RICHARDS JOHNSTON, CLERK**

By: /s/ Courtney O'Brien  
Deputy Clerk