

IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF TENNESSEE
 NASHVILLE DIVISION

| | | |
|-------------------------------|---|------------------------|
| NATURAL RESOURCES DEFENSE |) | |
| COUNCIL, INC., et al., |) | |
| |) | |
| v. |) | No. 3:08-0229 |
| |) | JUDGE TODD J. CAMPBELL |
| COUNTY OF DICKSON, TENNESSEE, |) | |
| et al., |) | |

ORDER

Pending before the Court are the Corporate Defendants’ Joint Motion For Summary Judgment Pursuant To Fed. R. Civ. P. 56(c) And Local Rule 56.01 (Docket No. 361); the County Of Dickson And City Of Dickson’s Motion For Summary Judgment (Docket No. 365); and the Plaintiffs’ Joint Motion For Partial Summary Judgment (Docket No. 371). For the reasons set forth in the accompanying Memorandum, the Corporate Defendants’ Joint Motion For Summary Judgment (Docket No. 361) is DENIED; the Governmental Defendants’ Motion For Summary Judgment (Docket No. 365) is DENIED; and the Plaintiffs’ Joint Motion For Partial Summary Judgment is GRANTED in part, and DENIED in part. Plaintiffs’ request for summary judgment on the issue of jurisdiction is granted.

Also pending before the Court are the Corporate Defendants’ Motion For Permission To File Supplemental Memorandum In Support Of Joint Motion For Summary Judgment (Docket No. 449); Plaintiffs’ Motion For Oral Argument On Cross-Motions For Summary Judgment (Docket No. 442) and Plaintiffs’ Joint Motion To Strike Declaration Of Paul Sloan (Docket No. 425). The Corporate Defendants’ Motion For Permission To File Supplemental Memorandum (Docket No. 449) is GRANTED. Plaintiffs’ Motion For Oral Argument (Docket No. 442) is

DENIED, as the Court finds oral argument unnecessary. Plaintiffs' Motion To Strike (Docket No. 425) is DENIED, as moot, as the Court finds it unnecessary to consider the testimony of Mr. Sloan to resolve the pending motions. For purposes of resolving the pending motions, the position of the State of Tennessee is adequately set forth in the testimony of Charles L. Head to which no objection has been raised. The Court expresses no opinion on the admissibility of the testimony of Mr. Sloan or Mr. Head at the trial of this case.

It is so ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE