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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jun 26, 2018**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CARL ANDERSON, an individual;  
MARSHALL ANDERSON, an  
individual; ELMER C. ANDERSON,  
INC., a Washington Corporation; JEFF  
WIERSMA, an individual; and J2  
CATTLE CO., a Washington  
Corporation,  
Plaintiffs,  
v.  
UNITED STATES OF AMERICA;  
UNITED STATES DEPARTMENT  
OF DEFENSE; and UNITED  
STATES ARMY,  
Defendants.

No. 1:18-cv-03011-SAB

**ORDER GRANTING STIPULATED  
MOTION RE FILING OF FIRST  
AMENDED COMPLAINT**

Before the Court is the parties' Stipulated Motion Re: Filing of First Amended Complaint, ECF No. 19. The parties stipulate and request the Court grant Plaintiffs leave to file a First Amended Complaint. Pursuant to Fed. R. Civ. P. 15(a)(2), the Court finds good cause to grant the stipulated motion.  
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**ORDER GRANTING STIPULATED MOTION RE FILING OF FIRST  
AMENDED COMPLAINT ^ 1**

1 Accordingly, **IT IS ORDERED:**

2 1. The parties' Stipulated Motion Re: Filing of First Amended Complaint,  
3 ECF No. 19, is **GRANTED**. Plaintiffs are granted leave to file their First Amended  
4 Complaint, ECF No. 19, Appendix A.

5 2. Defendants shall have 21 days after the filing of Plaintiffs' First Amended  
6 Complaint to file any response thereto.

7 3. Defendants' Motion for Rule 12 Dismissal of Plaintiffs' Claims Against  
8 Defendants United States Department of Defense and United States Army, ECF  
9 No. 13, is **DENIED as moot**.<sup>1</sup>

10 4. Defendants' Rule 12(b)(1) Motion for Dismissal of Plaintiffs' Inverse  
11 Condemnation & Strict Liability Claims for Lack of Jurisdiction, ECF No. 16, is  
12 **DENIED as moot**.<sup>2</sup>

13 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter  
14 this Order and to provide copies to counsel, and docket Plaintiffs' First Amended  
15 Complaint, located at ECF No 19, Appendix A.

16 **DATED** this 26th day of June 2018.



21 

22 Stanley A. Bastian

23 United States District Judge

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26 <sup>1</sup> Plaintiffs' First Amended Complaint removes the United State Department of  
27 Defense and the United States Army as named-defendants in this action.

28 <sup>2</sup> Plaintiffs' First Amended Complaint no longer presents an inverse condemnation  
or strict liability claim.