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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DUNN & BLACK, P.S., )  
)  
Plaintiff, )  
-vs- )  
)  
THE UNITED STATES OF AMERICA; and )  
ENVIRONMENTAL RECLAMATION, INC., an )  
Idaho corporation; and JOHN DOE )  
CORPORATIONS 1-10, )  
)  
Defendants. )  
----- )  
FIDELITY AND DEPOSIT COMPANY OF )  
MARYLAND, a Maryland corporation, )  
and AMERICAN GUARANTY & LIABILITY )  
INSURANCE COMPANY, a New York )  
corporation, )  
)  
Intervenors. )  
)

NO. CV-04-0229-LRS  
  
ORDER OF DISMISSAL FOR LACK  
OF SUBJECT MATTER  
JURISDICTION AND CLOSING  
FILE

On February 25, 2005, this Court entered an order denying Plaintiff Dunn and Black P.S.'s Motion for Summary Judgment; denying Intervenors' Motion for Declaratory Judgment; and finding as moot Intervenors' Alternative Motion for Stay. (Ct. Rec. 78). On March 23, 2005, Plaintiff Dunn and Black filed a Notice of Appeal to the Ninth Circuit Court of Appeals, appealing the Order of February 25, 2005. On September 10, 2007, the Court received a Mandate from the Ninth Circuit Court of Appeals with instructions to dismiss the case for lack of subject matter jurisdiction. (Ct. Rec. 116).

1 Accordingly, the Clerk of the Court is hereby **DIRECTED** to dismiss  
2 this case for lack of subject matter jurisdiction and close this file.

3 **IT IS SO ORDERED.**

4 The District Court Executive is **DIRECTED** to file this Order, and  
5 provide copies to counsel.

6 **DATED** this 11th day of September, 2007.

7  
8 *s/Lonny R. Suko*

9 \_\_\_\_\_  
LONNY R. SUKO  
UNITED STATES DISTRICT JUDGE