

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

NORTHWEST ENVIRONMENTAL	)	
ADVOCATES,	)	
	)	No. 2:14-cv-0196-RSM
Plaintiff,	)	
	)	JOINT AND UNOPPOSED MOTION AND
v.	)	PROPOSED ORDER FOR THE DISMISSAL
	)	OF REMAINING PORTIONS OF
UNITED STATES ENVIRONMENTAL	)	PLAINTIFF’S THIRD AND FOURTH
PROTECTION AGENCY,	)	CLAIMS IN ITS AMENDED COMPLAINT,
	)	AND FOR TERMINATION OF THE CASE
Defendant,	)	
and	)	NOTE ON MOTION CALENDAR:
	)	October 6, 2022
NORTHWEST PULP & PAPER ASS’N,	)	
et al.,	)	
	)	
Defendant-Intervenors.	)	

Plaintiff Northwest Environmental Advocates and Defendant U.S. Environmental Protection Agency (“EPA”) hereby move the Court to dismiss with prejudice the portions of Plaintiff’s Third and Fourth claims for relief that the Court, per its Order dated October 17, 2018 (ECF No. 95), stayed pending EPA’s reconsideration of those portions of claims. EPA has completed its reconsideration process and issued its decisions on reconsideration, thereby rendering moot or otherwise resolving the referenced portions of claims. Therefore, those

1 referenced portions of Plaintiff’s Third and Fourth claims for relief should be dismissed with  
2 prejudice. The undersigned counsel for EPA has been authorized by the respective counsel for  
3 each of the intervenors in this case—Defendant-Intervenors State of Washington Department of  
4 Ecology, Washington Cattlemen’s Association, Northwest Pulp and Paper Association,  
5 Washington Forest Protection Association, and American Forest Resource Council—to state that  
6 each such party does not oppose the relief requested by this motion, and thus this joint motion is  
7 unopposed.

8 Accordingly, Plaintiff and EPA jointly request that the Court dismiss with prejudice the  
9 portions of Claim Three of Plaintiff’s First Amended Complaint (ECF No. 54) that correspond to  
10 Paragraphs 97(b), (c), (d) and (e) of that Complaint; the portions of Claim Four that correspond  
11 to Paragraph 104(a) of that Complaint related to WAC 173-201A-200(1)(c)(i) and WAC 173-  
12 201A-210(1)(c)(i); and the portions of Claim Four that correspond to Paragraphs 104(b), (c), (d)  
13 and (e) of that Complaint. Because the other claims in this case have been previously  
14 resolved, *see* Dkt. Nos. 51, 96, with the dismissal of the claims requested above, this case can be  
15 terminated.

16  
17  
18 IT IS SO ORDERED, this 12<sup>th</sup> day of October, 2022.

19  
20  
21 

22 RICARDO S. MARTINEZ  
23 CHIEF UNITED STATES DISTRICT JUDGE  
24  
25  
26